



DATE: 17 MAY 2023

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

12.00PM WEDNESDAY, 24 MAY 2023

QUORUM: Three Panel members.

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

AGENDA

WLPP-2305.A **Apologies**

WLPP-2305.DI **Declarations of Interest**

The Chair will call for any declarations of interest.

WLPP-2305.1 **PAGE 4** **21 Princess Street, ROSE BAY NSW 2029 Alterations and additions to dwelling including new swimming pool, spa and cabana at rear. (DA-85/2023)**

Report dated 10 May 2023 from the Development and Building Unit.

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

WLPP-2305.2 **PAGE 57** **122 Brighton Boulevard, NORTH BONDI NSW 2026 - Alterations and additions to convert residential flat building to dwelling house, including new basement level and substantial internal reconfiguration. (DA-18/2023)**

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

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

WLPP-2305.3 **PAGE 126** **12 Burge Street, VAUCLUSE NSW 2030 - Modification to alter internal layout, increase in GFA, additional VPA offer and various other modifications. (DA-325/2020/B)**

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

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

WLPP-2305.4

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28 Yanko Avenue, BRONTE NSW 2024 - Alterations and additions to dwelling including new front balcony and spa pool at rear. (DA-519/2022)

Report dated 10 May 2023 from the Development and Building Unit.

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

WLPP-2305.5

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62 St Thomas Street & 1 Fig Tree Lane BRONTE NSW 2024- Boundary adjustment to transfer rear section of 62 St Thomas Street to 1 Fig Tree Lane. (DA-55/2023)

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

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

WLPP-2305.6

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7 Gaerloch Avenue, TAMARAMA NSW 2026 - Demolition and construction of a new part two to three storey dwelling house with integrated double garage with turntable and spa pool at rear. (DA-493/2022)

Report dated 10 May 2023 from the Development and Building Unit.

Council Recommendation: That the application be granted Deferred Commencement Consent for the reasons contained in the report.



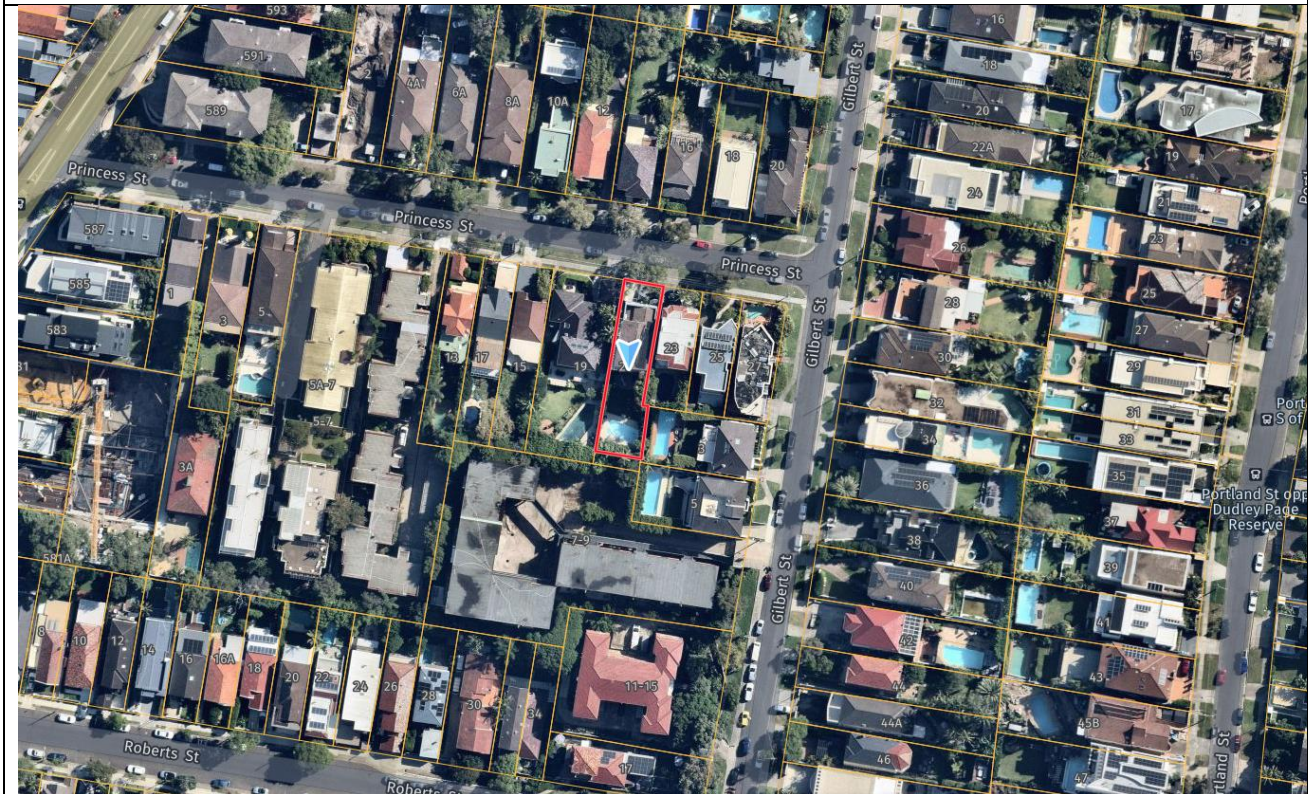
Low Density Residential Development



Report to the Waverley Local Planning Panel

Application number	DA-85/2023
Site address	21 Princess Street, ROSE BAY
Proposal	Alterations and additions to dwelling including new swimming pool, spa and cabana at rear
Date of lodgement	04 April 2023
Owner	I & D Iqbal
Applicant	I Iqbal
Submissions	Two (2) submissions received
Cost of works	\$1,727,452
Principal Issues	<ul style="list-style-type: none"> • Overall height of building • FSR breach • Privacy and overlooking • Landscaping in the front setback
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for alterations and additions to dwelling including new swimming pool, spa and cabana at the rear of the site known as 21 Princess Street, ROSE BAY.

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

- Overall height of building
- FSR breach
- Privacy and overlooking
- Landscaping in the front setback

The assessment finds these issues acceptable as the FSR and height are not increasing from what is existing on site. Conditions are recommended to address privacy and overlooking concerns.

A total number of two (2) 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 3 May 2023.

The site is identified as Lot 1 in DP 201548, known as 21 Princess Street, ROSE BAY.

The site is irregular in shape with a frontage to Princess Street measuring 10.67m. The site has an area of 506m² and falls from the northern front boundary towards the rear by approximately 4.85m.

The site is occupied by a three storey dwelling house with vehicular access provided from Princess Street.

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

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



Figure 1: Subject site viewed from Princess Street



Figure 2: Rear of subject site, looking south



Figure 3: Rear of subject site looking north



Figure 4: View from the location of the proposed Juliet balcony, looking east towards No. 23 Princess Street

1.3. Relevant Development History

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

- DA-649/2008: Ground floor deck at the rear of the dwelling, approved on 10 December 2008.
- DA-649/2008/A: Modification to delete condition 2 relating to the depth of the deck, approved on 25 February 2009.

1.4. Proposal

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

- Internal layout alterations of the lower ground floor to include a lounge room, laundry, bathroom and rumpus area.
- Demolition and reconstruction of the deck on the lower ground floor level.

- Alteration to the landscaping at the rear, including the construction of a swimming pool and open structure cabana.
- Internal layout of the ground floor to include three bedrooms, two bathrooms, a storage room and a study.
- Internal layout of the first floor to include a study, bathroom, family room, and an open kitchen/living/dining area.
- Reconstruction of the first floor balcony.
- Additional planter boxes located on the front façade.
- Reconstruction of the roof.
- Reconstruction of the front fence.
- Reconstruction of the front entrance and garage door opening.

1.5. Background

The development application was lodged on 4 April 2023 and deferred on 20 April 2023 for the following reasons:

1. **Survey:** The survey was required to be updated to provide the overall site area for the property;
2. **Height of buildings:** A clause 4.6 written request to vary the height of buildings development standard was required due to the height breach; and
3. **Clarification on plans:** Amended plans were requested to provide additional details including height dimensions, solar panel details, and demolition details.

Amended plans were received on 2 May 2023 to address the above issues. The amended plans received on 2 May 2023 form the basis of the assessment.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

- SEPP (Building Sustainability Index – BASIX) 2004

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

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The development complies with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table <i>R2 Low Density Residential Zone</i>	Yes	The proposal is defined as alterations and additions to a dwelling house, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings • 8.5m	No	The development includes the removal and replacement of the existing roof, which results in the works being 10.39m above the existing ground level. The development therefore does not comply with the development standard.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio • 0.55:1 or 277.49m ²	No	The development proposes an FSR of 0.57:1 or 291m ² , which does not comply with the development standard by 4.8%.
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 8.5m. The proposed development has a building height of 10.39m, exceeding the standard by 1.89m equating to a 22% variation.

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

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) *The proposal will not alter the building height of the existing dwelling. The existing dwelling on the site has a maximum building height of 10.39m. The proposal includes rebuilding the roof structure and replacing the tiles to match the existing tiles. The proposal also includes removing the existing parapet at the front of the dwelling and replacing this with a pitched tiled roof to match the rest of the roof of the existing dwelling. The proposed works have a maximum building height of 10.39m, which is consistent with the building height of the existing dwelling.*
 - (ii) *Only the rear part of the dwelling is above the 8.5m building height control, the remainder of the building complies with the building height development standard.*
 - (iii) *The existing dwelling breaches the building height control. The proposed works will not increase the height of the existing dwelling. The proposed building height variation will therefore be indiscernible from the streetscape and surrounding properties. A reduction of the proposed building height would provide an indiscernible benefit to the streetscape and would reduce the amenity of the development and affect the overall appearance of the existing building.*
 - (iv) *Compliance with the development standard is unreasonable and unnecessary as the proposed building height and bulk is of an appropriate form and scale and is compatible with surrounding development and the desired future character for the locality.*
 - (v) *The dwelling incorporates articulated facades to avoid a bulky appearance and to create proportions consistent within the streetscape. The built form of the dwelling is sited and designed to maintain the predominance of landscaped areas on the site to soften the built form.*
 - (vi) *Exceedance of the building height control will not result in unreasonable environmental amenity impacts in terms of overshadowing, loss of views, loss of privacy or loss of visual amenity and a reduction in the proposed building height would not create additional benefit for surrounding properties or the locality.*

- (vii) *The proposal represents a contemporary and desirable built form that will have a positive impact on the subject site and surrounding streetscape, while providing for a high degree of amenity.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *Overall, the proposed building height and bulk is of an appropriate form and scale and is compatible with surrounding development and the desired future character for the locality.*
 - (ii) *The proposal will not alter the building height of the existing dwelling. The existing dwelling on the site has a maximum building height of 10.39m. The proposal includes rebuilding the roof structure and replacing the tiles to match the existing tiles. The proposal also includes removing the existing parapet at the front of the dwelling and replacing this with a pitched tiled roof to match the rest of the roof of the existing dwelling. The proposed works have a maximum building height of 10.39m, which is consistent with the building height of the existing dwelling.*
 - (iii) *Exceedance of the building height control will not create additional building bulk that results in unreasonable environmental amenity impacts as follows:*
 - a. *The proposal will not result in the loss of views from surrounding development;*
 - b. *The proposal will not result in unreasonable overshadowing of adjoining properties;*
 - c. *The proposal will provide a development, which has been designed to ensure that the visual and acoustic privacy of adjoining properties is maintained; and*
 - d. *The proposal will provide a development which is consistent with the scale of the adjoining developments and is of an appropriate visual bulk for the locality.*
 - (iv) *The proposal is consistent with the R2 Low Density Residential zone objectives and the building height objectives.*
 - (v) *The proposal will provide a suitable design and be of suitable amenity in terms of the built environment and represents the orderly and economic use and development of land, which are identified as objects of the Act (Section 1.3 of the EP&A Act, 1979).*
 - (vi) *The building envelope and design of the proposal responds appropriately to the unique opportunities and constraints of the site.*
 - (vii) *The aspect of the development that breaches the building height control can be justified as the proposal provides a consistent scale with neighbouring development.*

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

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

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

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

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

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

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

The applicant specifically relies upon justification (a) and (b) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. The development proposes to remove and replace the existing roof with a roof that is similar in style, design and character. The overall height of the building is not proposed to change from what currently exists on site. Therefore, there will be no additional amenity impacts to the subject site and surrounding properties.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. As the overall height of the building is not proposed to change, there will be no additional environmental impacts to the subject site or surrounding properties.

Is the development in the public interest?

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

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

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

The proposal has demonstrated that notwithstanding the variation to the height of buildings development standard, the amenity of adjoining properties is preserved as there are no additional impacts on view loss, solar access or privacy. The proposed height matches the existing on site and therefore is compatible in bulk and scale to surrounding dwellings within the streetscape.

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

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To ensure dwelling character, landscape character, neighbourhood character, streetscapes and amenity are maintained or enhanced over time.*
- *To encourage the supply of housing that meets the needs of the population, particularly housing for older people and people with disability.*
- *To promote development that incorporates planning and design measures that reduce the urban heat island effect.*
- *To improve the urban tree canopy by providing high levels of deep soil planting and additional landscaping.*

The proposal has adequately demonstrated that the objectives of the R2 Low Density Residential zone are achieved as the use of the existing dwelling is maintained and is consistent with the low density residential character of the locality. The proposed alterations and additions will enhance the functionality of the dwelling and contribute to the amenity of occupants.

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 the height of buildings development standard and the R2 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 0.55:1. The proposed development has an FSR of 0.57:1, exceeding the standard by 13.51m² equating to a 4.8% variation. It should be noted that the accompanying Clause 4.6 written request has provided a different calculation for the overall FSR on site. This is due to the fact that the applicant has counted the staircase between the ground and first floor levels twice. The assessing officer has recalculated the gross floor area and used the corrected overall FSR, which is lower than that calculated by the applicant.

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) *Compliance with the development standard is unreasonable and unnecessary as the proposed building height and bulk is of an appropriate form and scale and is compatible with surrounding development and the desired future character for the locality.*
 - (ii) *The existing dwelling has a FSR of 0.61:1 (GFA: 307m²). The proposed works to the existing dwelling will result in a FSR of 0.59:1 (300m²). The proposal therefore reduces the current FSR and GFA of the existing dwelling.*
 - (iii) *The proposed alterations and additions will not alter the building envelope of the existing dwelling (i.e. the building height and setbacks of the existing dwelling will not be altered).*
 - (iv) *The dwelling incorporates articulated facades to avoid a bulky appearance and to create proportions consistent within the streetscape.*
 - (v) *The built form of the dwelling is sited and designed to maintain the predominance of soft landscaped areas on the site.*

- (vi) *The proposal FSR variation is minor (7.8%) and will not be discernible from the streetscape and surrounding properties.*
 - (vii) *Exceedance of the FSR control will not create additional building bulk that results in unreasonable environmental amenity impacts in terms of overshadowing, loss of views, loss of privacy or loss of visual amenity and a reduction in this bulk would not create additional benefit for adjoining properties or the locality.*
 - (viii) *The proposal represents a contemporary and desirable built form that will have a positive impact on the subject site and surrounding streetscape, while providing for a high degree of amenity.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *Overall, the proposed building height and bulk is of an appropriate form and scale and is compatible with surrounding development and the desired future character for the locality.*
 - (ii) *Exceedance of the FSR control will not create additional building bulk that results in unreasonable environmental amenity impacts as follows:*
 - *The proposal will not result in the loss of views from surrounding development;*
 - *The proposal will not result in unreasonable overshadowing of adjoining properties;*
 - *The proposal will provide a development, which has been designed to ensure that the visual and acoustic privacy of adjoining properties is maintained; and*
 - *The proposal will provide a development which is consistent with the scale of the adjoining developments and is of an appropriate visual bulk for the locality.*
 - (iii) *The proposed alterations and additions will not alter the building envelope of the existing dwelling (i.e. the building height and setbacks of the existing dwelling will not be altered).*
 - (iv) *The proposal is consistent with the R2 Low Density Residential zone objectives and the FSR objectives.*
 - (v) *The proposal will provide a suitable design and be of suitable amenity in terms of the built environment and represents the orderly and economic use and development of land, which are identified as objects of the Act (Section 1.3 of the EP&A Act, 1979).*
 - (vi) *The building envelope and design of the proposal responds appropriately to the unique opportunities and constraints of the site.*
 - (vii) *The aspect of the development that breaches the FSR control can be justified as the proposal provides a consistent scale with neighbouring development.*

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

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

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

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

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

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

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

The applicant specifically relies upon justification (a) and (b) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. The proposal does not increase the bulk or scale of the overall development and therefore does not create additional amenity impacts to surrounding properties. The overall FSR is proposed to be reduced in size due to the internal layout reconfiguration. All external works do not result in an increase in bulk. Therefore, compliance with the standard is unnecessary, as the objectives of the development standard are achieved.

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 change in FSR on site is due to the reconfiguration of the internal layout and is proposed to reduce from the current dwelling. The modifications proposed to the dwelling do not increase the bulk or scale of the built form and will have no additional amenity impacts to the surrounding properties.

Is the development in the public interest?

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

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

The proposal has adequately demonstrated that the extent of the new addition that seeks variation to the FSR development standard is appropriate for the site as it results in a reduction of FSR compared to the existing dwelling and the proposed built form will not increase in bulk and scale. The proposal has a built form that is compatible with surrounding developments and the character of the streetscape. Notwithstanding the variation to the development standard, the proposal satisfies the objective to preserve the environmental amenity impacts to surrounding properties and is acceptable.

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

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To ensure dwelling character, landscape character, neighbourhood character, streetscapes and amenity are maintained or enhanced over time.*
- *To encourage the supply of housing that meets the needs of the population, particularly housing for older people and people with disability.*
- *To promote development that incorporates planning and design measures that reduce the urban heat island effect.*

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

The proposal satisfies the objectives of the R2 Low Density Residential zone as the use of the dwelling remains unchanged and is consistent with the low density character of the locality.

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 the FSR development standard and the R2 zone.

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

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

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

Development Control	Compliance	Comment
1. Waste <ul style="list-style-type: none"> • <i>Garbage bins are to be stored in an appropriate location.</i> 	Yes	Satisfactory.
2. Ecologically Sustainable Development <ul style="list-style-type: none"> • <i>Ceiling or wall mounted fans</i> • <i>Gas cooktops, gas ovens or gas internal space heating systems.</i> 	Yes	An advisory note has been recommended stating that gas should not be used for all cooktops, ovens and heating and to provide ceiling or wall mounted fans in all habitable rooms.
5. Water Management	Yes	Satisfactory. Refer to section 3 of this report on referral commentary in relation to stormwater.
6. Accessibility and Adaptability	Yes	Satisfactory.
7. Transport		
7.1 Streetscape	Yes	The off-street parking is acceptable.
7.2 On-Site Parking	Yes	The subject site is located within Parking Zone 2.
7.2.1 Vehicle Access	Yes	The driveway crossover is not proposed to change.
7.2.2 Parking Rates	Yes	The development provides two (2) off-street parking spaces which complies with the development control.

Development Control	Compliance	Comment
<i>Minimum parking rate:</i> <ul style="list-style-type: none"> • 0 <i>Maximum parking rate:</i> <ul style="list-style-type: none"> • 2 		
11. Design Excellence	Yes	Satisfactory.

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

Development Control	Compliance	Comment
1.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
1.1 Height		
Pitched roof dwelling house <ul style="list-style-type: none"> • <i>Maximum external wall height of 7m</i> 	No change	No change is proposed to the existing wall height on site.
1.2 Setbacks		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> • <i>Predominant front building line (adjacent three neighbours on either side)</i> • <i>Predominant rear building line at each floor level (adjacent three neighbours or either side)</i> 	Yes	No changes are proposed to the front setback on site. The construction of the green roof over the lower ground floor deck will not extend beyond the predominant rear building line, particularly with regard to Nos. 15, 17, 25 and 27 Princess Street.
1.2.2 Side setbacks <ul style="list-style-type: none"> • <i>Minimum of 0.9m for ground floor and first floors.)</i> • <i>Minimum 1.5m for second floor, noting that where a brand new three storey structure is proposed, all floors must be setback by 1.5m.</i> • <i>Third floor assessed on merit.</i> 	No change	No changes are proposed to the side setbacks on site.
1.3 Streetscape and visual impact		
<ul style="list-style-type: none"> • <i>New development to be compatible with streetscape context</i> • <i>Replacement windows to complement the style and proportions of existing dwelling</i> 	Yes	The development includes the complete redesign of the front façade on site. The new design will complement the character of the street and upgrade the dwelling from a streetscape context.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> • <i>Significant landscaping to be maintained.</i> 		
1.4 Fences		
<p><u>Front:</u></p> <ul style="list-style-type: none"> • <i>Maximum height of 1.2m</i> • <i>Solid section no more than 0.6m in height</i> <p><u>Side and Rear:</u></p> <ul style="list-style-type: none"> • <i>Maximum height of 1.8m</i> 	Yes	<p>The front fence is proposed with a height of 2.1m and is an open style steel design.</p> <p>No changes are proposed to the side or rear fences.</p>
1.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> • <i>Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design</i> • <i>External stairs are not acceptable.</i> • <i>Maximum size of balconies: 10m² in area 1.5m deep</i> • <i>Roof tops to be non-trafficable unless predominant in the immediate vicinity</i> 	Yes Subject to conditions	<p>No changes are proposed to the existing east and west facing windows on the lower ground floor or ground floor facing neighbouring properties.</p> <p>A Juliet balcony is proposed along the southern elevation of the ground floor servicing a bedroom. The balcony has potential to directly look into the private open space of No. 23 Princess Street. As such, a condition is recommended to remove the balcony from the plans.</p> <p>A new west facing window is proposed on the first floor plan servicing the family room. This window will overlook the roof of the garage to No. 19 Princess Street and will not result in any overlooking to private open spaces or habitable areas on neighbouring properties.</p> <p>The first floor east facing window labelled 'W9' services the kitchen and would look directly into the neighbouring bedroom window. A condition is recommended to provide fixed glazing to the window to avoid any privacy concerns to No. 23 Princess Street.</p> <p>No external stairs or rooftops are proposed.</p>
1.6 Solar access		
<ul style="list-style-type: none"> • <i>Minimum of 3 hours of sunlight to 50% of living areas and principal open space areas on 21 June to subject site</i> • <i>Minimum of 3 hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June.</i> 	Yes	Shadow diagrams have been submitted demonstrating full compliance with this control.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <i>Avoid unreasonably overshadowing of solar collectors (including habitable windows).</i> 		
1.7 Views		
<ul style="list-style-type: none"> <i>Views from the public domain are to be maintained</i> <i>Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks.</i> 	Yes	<p>Whilst no external building works will impact on views from the public domain or surrounding properties, the proposed landscape plan details proposed planting to a maximum height of 25m. The proposed planting has the potential to impact on views from the properties to the east. As such, a condition has been recommended to amend the landscape plan to only provide trees with a maximum height of 6m at maturity. This will result in all planting sitting below the east boundary fence/balustrading for No. 23 Princess Street and 3 Gilbert Street.</p>
1.8 Car parking		
<p>1.8.1 Design Approach</p> <ul style="list-style-type: none"> <i>Parking only allowed where site conditions permit</i> <i>Designed to complement the building and streetscape</i> <i>Car parking structures to be behind the front building line</i> <i>Driveways are to be located to minimise the loss of on street parking</i> <i>Parking to be provided from secondary streets or lanes where possible.</i> 	Yes	<p>The development proposes to utilise the existing garage, driveway and crossover. The internal wall is proposed to be relocated to allow more space for two (2) cars to park in tandem. This is acceptable.</p>
1.8.2 Parking rates	Yes	Parking rates are set by Part B7 of Waverley DCP 2022.
1.8.3 Location	No change	No changes are proposed to the location, design or location of the driveway and car parking on site.
1.8.4 Design		
<p>1.8.5 Dimensions</p> <ul style="list-style-type: none"> <i>5.4m x 2.4m per vehicle</i> 	Yes	Each car space has a minimum dimension of 2.7m x 5.4m, which complies.
<p>1.8.6 Driveways</p> <ul style="list-style-type: none"> <i>Maximum of one per property</i> <i>Maximum width of 3m at the gutter (excluding splay)</i> <i>Crossings not permitted where 2 on street spaces are lost</i> 	No change	No changes are proposed to the existing driveway on site.

Development Control	Compliance	Comment
1.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 20% of site area, with at least half deep soil Minimum area of 25m² for private open space Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided Outdoor clothes drying area to be provided 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Acceptable</p> <p>Yes</p>	<p>66% of the site will remain as open space.</p> <p>28% of the site will be landscaped and more than 50% of the landscaped area will be deep soil.</p> <p>The rear will maintain 232m² of private open space.</p> <p>59% of the front setback area is open space.</p> <p>42% of the front open space will be landscaped. Whilst this does not comply with the control it is noted that this is an improvement from the existing, which is only 29%.</p> <p>A clothes drying area is maintained in the rear yard.</p>
1.10 Swimming pools and spa pools		
<ul style="list-style-type: none"> Located in the rear of property Pool decks on side boundaries must consider visual privacy All pool equipment to be enclosed within an acoustically treated enclosure 	<p>Yes</p>	<p>The proposed inground swimming pool is located at the rear of the site and has been designed to limit visual privacy to neighbouring properties.</p> <p>The pool equipment will be located in an acoustically treated enclosure.</p>

2.2. Other Impacts of the Development

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

2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.4. Any Submissions

The application was notified for 14 days between 12 April and 28 April 2023 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

Following receipt of amended plans and additional information, the application was not notified as the amended form did not change any physical qualities of the proposal. Therefore, the development did not result in any additional impact to neighbouring properties.

A total of two (2) unique submissions were received from the following properties:

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

Count	Property Address
1.	19 Princess Street, ROSE BAY
2.	23 Princess Street, ROSE BAY

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

Issue: The proposed works to the first floor balcony are located over the property boundary.

Response: A condition has been recommended to provide a setback of the balustrading to sit within the property boundary. No works can occur outside of the property boundary, including re-tiling of the balcony and the reconstruction of the balustrade and pergola.

Issue: Privacy concerns from the first floor balcony.

Response: The only changes proposed to the first floor balcony include the reconstruction of the balustrade. The balcony is already existing and therefore cannot be included as part of this assessment.

Issue: The proposed landscaping on site will impact on views from neighbouring properties, particularly the proposed palms and oriental pear trees.

Response: A condition is recommended to provide landscaping no higher than 6m in order to avoid impacts to views.

2.5. Public Interest

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

3. REFERRALS

The following internal referral comments were sought:

3.1. Traffic and Development

- *The garage is to be extended inwards to provide a tandem parking space. This is acceptable.*
- *The proposed garage door width of 2.3 metres is less than the standard minimum of 2.4 metres. It is accepted in this case as it is an existing structure.*
- *The headroom on entry is 2.48 metres. This is greater than the minimum of 2.2 metres specified in AS2890.1.*
- *There are no changes to the driveway between the property boundary and the street.*
- *Traffic and parking requirements are satisfied.*

Comment: Council's Traffic engineers are satisfied with the design and recommended standard conditions, which have been included in the conditions of consent.

4. CONCLUSION

The development application seeks consent for alterations and additions to dwelling including new swimming pool, spa and cabana at the rear of the site known as 21 Princess Street, ROSE BAY.

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

- Overall height of building
- FSR breach
- Privacy and overlooking
- Landscaping in the front setback


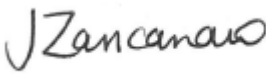
The assessment finds these issues acceptable, subject to conditions protecting the amenity and views of surrounding properties.

A total number of two (2) 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.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed by:
	
Katie Johnstone	Jo Zancanaro
Senior Development Assessment Planner	Acting Manager, Development Assessment
Date: 10 May 2023	Date: 10 May 2023

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 Lane & Grove of Project 55 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA_A05 Rev. 01	Lower Ground Demolition Plan	20/03/2023	13/04/2023
DA_A06 Rev. 01	Ground Floor Demolition Plan	20/03/2023	13/04/2023
DA_A07 Rev. 01	First Floor Demolition Plan	20/03/2023	13/04/2023
DA_A03 Rev. 01	Demolition Site Plan	20/03/2023	13/04/2023
DA_A09 Rev. 01	Proposed Lower Ground Floor Plan	20/03/2023	13/04/2023
DA_A06 Rev. 01	Proposed Ground Floor Plan	20/03/2023	13/04/2023
DA_A11 Rev. 02	Proposed First Floor Plan	26/04/2023	02/05/2023
DA_A04 Rev. 06	Proposed Site Plan	20/03/2023	13/04/2023
DA_A12 Rev. 02	Proposed Roof Plan	26/04/2023	02/05/2023
DA_A13 Rev. 02	North & South Elevations	26/04/2023	02/05/2023
DA_A14 Rev. 03	East Elevation	26/04/2023	02/05/2023
DA_A15 Rev. 03	West Elevation	26/04/2023	02/05/2023
DA_A16 Rev. 02	Sections	27/04/2023	02/05/2023

(b) Landscape Plan No. 2203 Rev. E and documentation prepared by Fiona Yeates Consulting Pty Ltd dated 17 March 2023 and received by Council on 04 April 2023

(c) BASIX Certificate

(d) Schedule of external finishes and colours received by Council on 04 April 2023

(e) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 04 April 2023

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

(a) The ground floor Juliet balcony is to be removed from all plans and the door replaced with a window.

(b) No works are authorised outside of the property boundary. The plans are to be amended to ensure all tiling and balustrading are located within the property boundary.

- (c) To minimise any view impacts, the landscape plan and proposed planting is to be amended to ensure that all trees and plants located in the rear backyard of the site do not reach a maturity height of 6 metres.
- (d) The first floor east facing window labelled 'W9' is to have fixed glazing to avoid any overlooking into the neighbouring property at No. 23 Princess Street.

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.

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 applicable requirements of Part 6, before any work commences.

CONTRIBUTIONS, FEES & BONDS

5. SECTION 7.12 CONTRIBUTION

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

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

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

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

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

6. SECURITY DEPOSIT

A deposit (cash or cheque) for the amount of **\$34,549.00** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

7. LONG SERVICE LEVY

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

Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.25% of building work costing \$250,000 or more.

8. TREE BOND

A bond of \$10,000 is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the one (1) *Eucalyptus botryooides* (Southern Mahogany) on the naturestrip at the front of the property in Princess 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.

9. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

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

CONSTRUCTION MATTERS

10. HOARDING

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

11. EROSION & SEDIMENT CONTROL

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

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

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

12. 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. PROTECTION OF BASEMENT FROM INUNDATION OF SURFACE WATERS

The following measures will need to be implemented:

- a) The garage/underground basement shall be protected from possible inundation by surface waters from the road reserve through the design of the driveway.

Evidence from a suitably qualified and practicing Engineer who specializes in hydraulic engineering that this design requirement has been adhered to shall be submitted to and approved by the Principal Certifying Authority (PCA) prior to the issue of the relevant Construction Certificate application.

14. ENGINEERING DETAILS

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

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 submitted stormwater management plan prepared by Clapham Design Services, File No. PR113 H01_10, Issue 1, Drawing No. PR113-H01, PR113-H02, PR113-H03, dated 21/03/2023 are considered concept only.

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

- a) Show sub-soil drainage restricted from entering the basement areas of the building and the stormwater drainage system by waterproofing and tanking the basement areas of the building in accordance with a Registered Structural Engineer's design.
- b) Discharge to the street gutter will be limited to two outlet points, to be located directly in the front of the site. Where two outlets are proposed, a minimum clear separation of 200 mm is to be provided at the kerb.

- c) When proposing a pump out system, evidence must be submitted to Council that an honest and reasonable attempt has been made to acquire an easement to drain water through any of the downstream properties or demonstrated that all avenues to establish an easement be impractical or unviable.
- d) Pump out system screening details must be provided. All electrical fittings and supply must be located to have at least 300 mm freeboard above the maximum water level and/or any overland flow path.
- e) Show an alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure. A minimum freeboard of 150 mm from the pump out system to all parking spaces and full hydraulic details and pump manufacturers specification are to be provided.
- f) 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.
- g) Ensure basement entrance has berm minimum 150mm above existing ground level.
- h) Stormwater assets i.e. pumps and rainwater tank must be shown in architectural drawings.
- i) A silt arrestor pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- j) An Erosion and Sediment Control Plan must be provided.
- k) The rainwater re-use system must be designed to collect roof water only.
- l) Provide pits/inspection openings at all junctions, change in gradient, change in direction, and change in diameter for maintenance access.
- m) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.

Notes:

- The checklist as set out on pages 68-76 on Council's Water Management Technical Manual (October 2021) available online shall be completed and submitted with any revision of Construction Certificate Plan Submission.
- Since a sewer main runs through the property, plans must also be presented to a Sydney Water Tap in™ for their approval.
- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated.
- Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.

- Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.

ENERGY EFFICIENCY & SUSTAINABILITY

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 MANAGEMENT

18. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

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

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

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

19. CONSTRUCTION SIGNS

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

DEMOLITION & EXCAVATION

20. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

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

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

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

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

21. CONTROL OF DUST ON CONSTRUCTION SITES

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

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

22. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

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

23. EXCAVATION AND BACKFILLING

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

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

CONSTRUCTION MATTERS

24. CONSTRUCTION HOURS

Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays, with no work to be carried out on Sundays and public holidays. Excavation works involving the use of heavy earth movement equipment, including rock breakers and the like, must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays, with no such work to be carried out on Saturday, Sunday or a public holiday.

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

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

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

26. CONSTRUCTION INSPECTIONS

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

27. CERTIFICATE OF SURVEY - LEVELS

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

28. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

29. WORK OUTSIDE PROPERTY BOUNDARY

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

30. CONSTRUCTION OF SWIMMING POOLS AND OUTDOOR SPAS

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

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

TREE PROTECTION AND REMOVAL

31. 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.
- e) 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.
- f) Trunk protection must be installed prior to any site works including demolition and maintained in good condition for the duration of the construction period.
- g) Trunk protection to be removed at the issue of the Occupation Certificate subject to the satisfaction of Council.
- h) 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.
- i) 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.
- j) 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).
- k) 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.

- l) 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.
- m) If any trees on Council owned land require pruning, the applicant is to supply an tree pruning report from an Arborist with AQF level 5 qualification or above with photos showing the branches that need to be removed.
- n) If approval is granted the applicant may prune the tree at their expense, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

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

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

32. FINAL OCCUPATION CERTIFICATE

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

The Principal Certifying Authority must be satisfied that the requirements of the *Environmental Planning & Assessment Act 1979* have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.

33. CERTIFICATION OF BASIX COMMITMENTS

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

34. CERTIFICATION OF CONSTRUCTED STORMWATER DRAINAGE SYSTEM

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

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

- a) A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared, stamped, and signed by a Registered Surveyor. This drawing must detail the alignment of all pipelines, pits, pump-out facility, rainwater harvesting facility, and other drainage-related infrastructure. An original or a color copy must be submitted to Waverley Council. Where changes

have occurred, the Council-approved plans shall be marked-up in red ink and shall include levels and locations for the drainage structures and works.

- b) A suitably qualified and practicing Engineer must provide certification of the WAED of the stormwater drainage system that the stormwater drainage works and pump-out facility 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.

36. CERTIFICATION OF SWIMMING POOL/OUTDOOR SPA

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

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

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

ADVISORY MATTERS

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

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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

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

AD2. SYDNEY WATER REQUIREMENTS

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

Contact Sydney Water for more information.

AD3. DIAL BEFORE YOU DIG

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

and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

AD4. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

AD5. ALTERATIONS AND ADDITIONS ONLY

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

AD6. EXCAVATION TO BE LIMITED

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

AD7. BONDI - ROSE BAY SAND BODY

This site may be located within the Bondi - Rose Bay Sand Body as identified in Council's Aboriginal Cultural Heritage Study 2009. Should an object of potential Aboriginal or archaeological significance be discovered during the demolition, excavation or construction period associated with this development, works are to immediately cease and the NSW National Parks and Wildlife Service must be contacted.

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

AD8. TREE REMOVAL/PRESERVATION

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

AD9. SUSTAINABILITY DEVELOPMENT

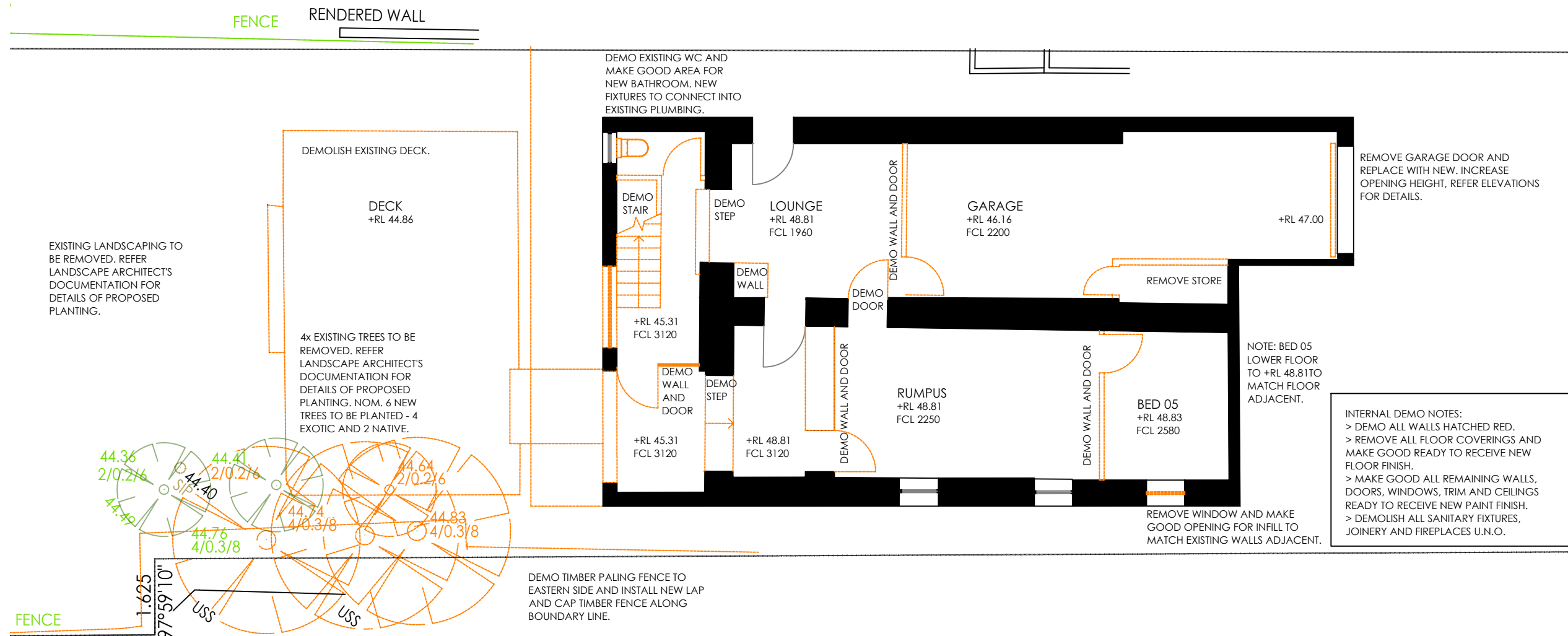
Ceiling or wall mounted fans should be in all habitable rooms (main living areas and bedrooms).

Gas cooktops, gas ovens or gas internal space heating systems are not permitted in any residential development. Instead, electric systems should be installed.

AMENDED PLANS

RECEIVED
Waverley Council
 MATERIAL KEY:
 DEMOLITION
 BRICK
 GLAZING
 TIMBER
 RENDER
 STEEL/ALUMINIUM
 EXTERNAL PAVERS
 SOFT LANDSCAPING

Application No: DA-85/2023
 Date Received: 13/04/2023



DATE	ISSUE NO.	ISSUE + REVISIONS
07.02.23	DRAFT	FOR INFORMATION
20.03.23	01	DA SUBMISSION

PRIOR TO THE COMMENCEMENT OF WORK, SURVEY AND VERIFY ALL GRIDLINES. CHECK ALL DIMENSIONS ON SITE. USE FIGURED DIMENSIONS ONLY DO NOT SCALE. COMPLY WITH RELEVANT AUTHORITIES REQUIREMENTS. COMPLY WITH BUILDING CODE OF AUSTRALIA. COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS. COPYRIGHT IN ALL DOCUMENTS AND DRAWINGS PREPARED BY LANE & GROVE (L&G)

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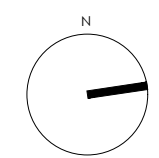
1.3 WALL DIMENSIONS TAKEN TO STUD FRAMES UNLESS NOTED OTHERWISE

1.4 WHERE LIGHTS ARE REMOVED FROM A CIRCUIT, REMAINING LIGHTS SHOULD BE RE WIRING TO EXISTING SWITCH

1.5 BUILDER TO VERIFY ALL FIXING METHODS OF ANY ITEM TO EXISTING MASONRY WALLS AND ALLOW SUFFICIENT SYSTEMS TO APPROPRIATELY AND SECURELY FIX SUCH ITEMS

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 CLOVELLY
 NSW, Australia, 2031

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PROJECT
 21 PRINCESS STREET
 ROSE BAY, NSW

DEVELOPMENT
 APPLICATION

DRAWING
 LOWER GROUND FLOOR
 DEMOLITION PLAN

PROJECT NO. 55	SCALE@A3 1:150
DWG NO. DA_A05	ISSUE 01

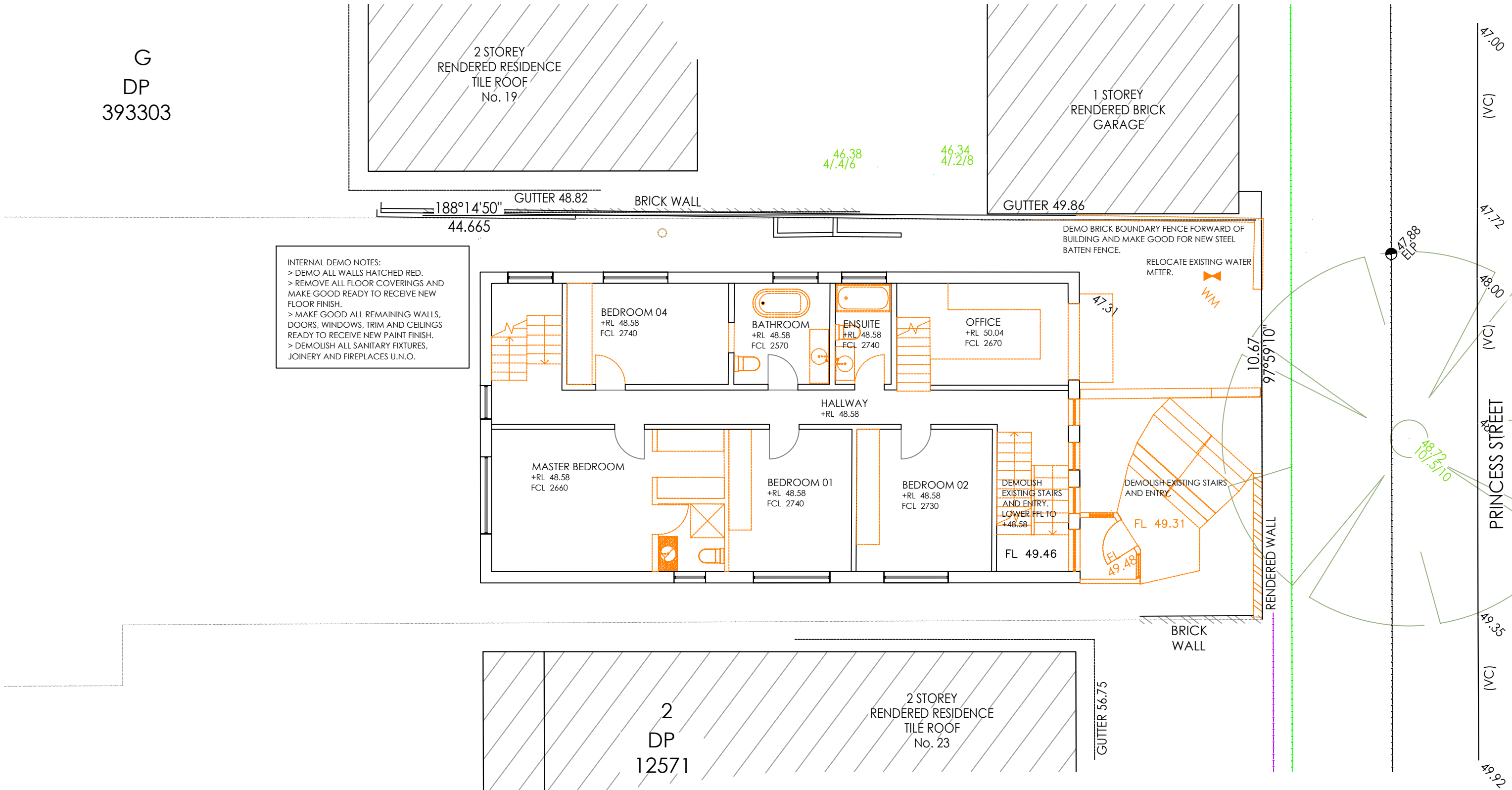
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 Date Received: 13/04/2023

MATERIAL KEY:

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 DP
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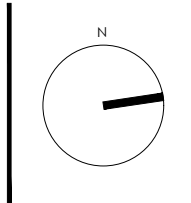
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PROJECT
 21 PRINCESS STREET
 ROSE BAY, NSW
 DEVELOPMENT APPLICATION

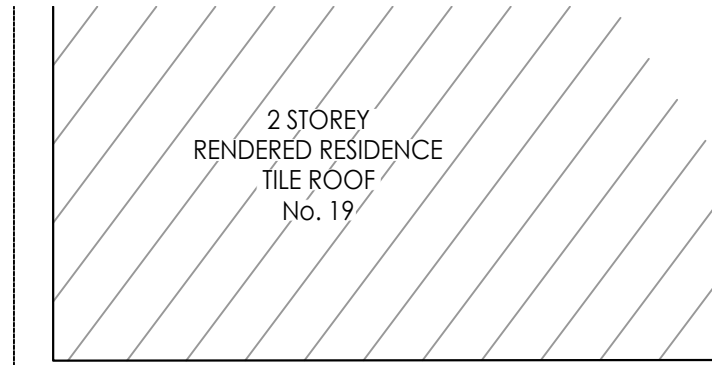
DRAWING
 GROUND FLOOR DEMOLITION PLAN

PROJECT NO.
 55
 SCALE@A3
 1 : 100
 DWG NO.
 DA_A06
 ISSUE
 01

AMENDED PLANS

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Waverley Council
 MATERIAL KEY:
 DEMOLITION
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 GLAZING
 TIMBER
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 EXTERNAL PAVERS
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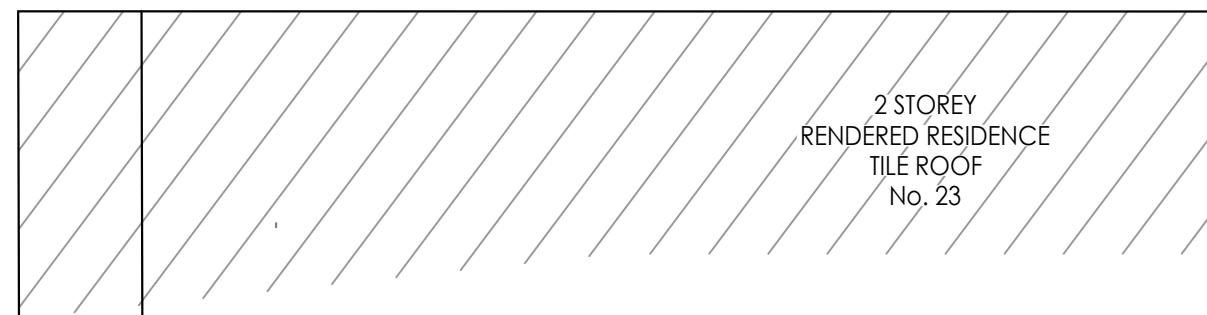
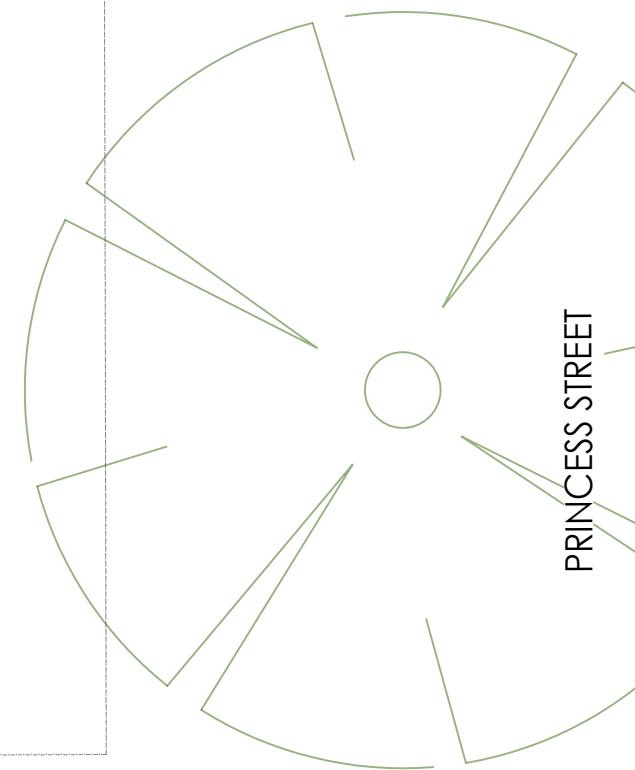
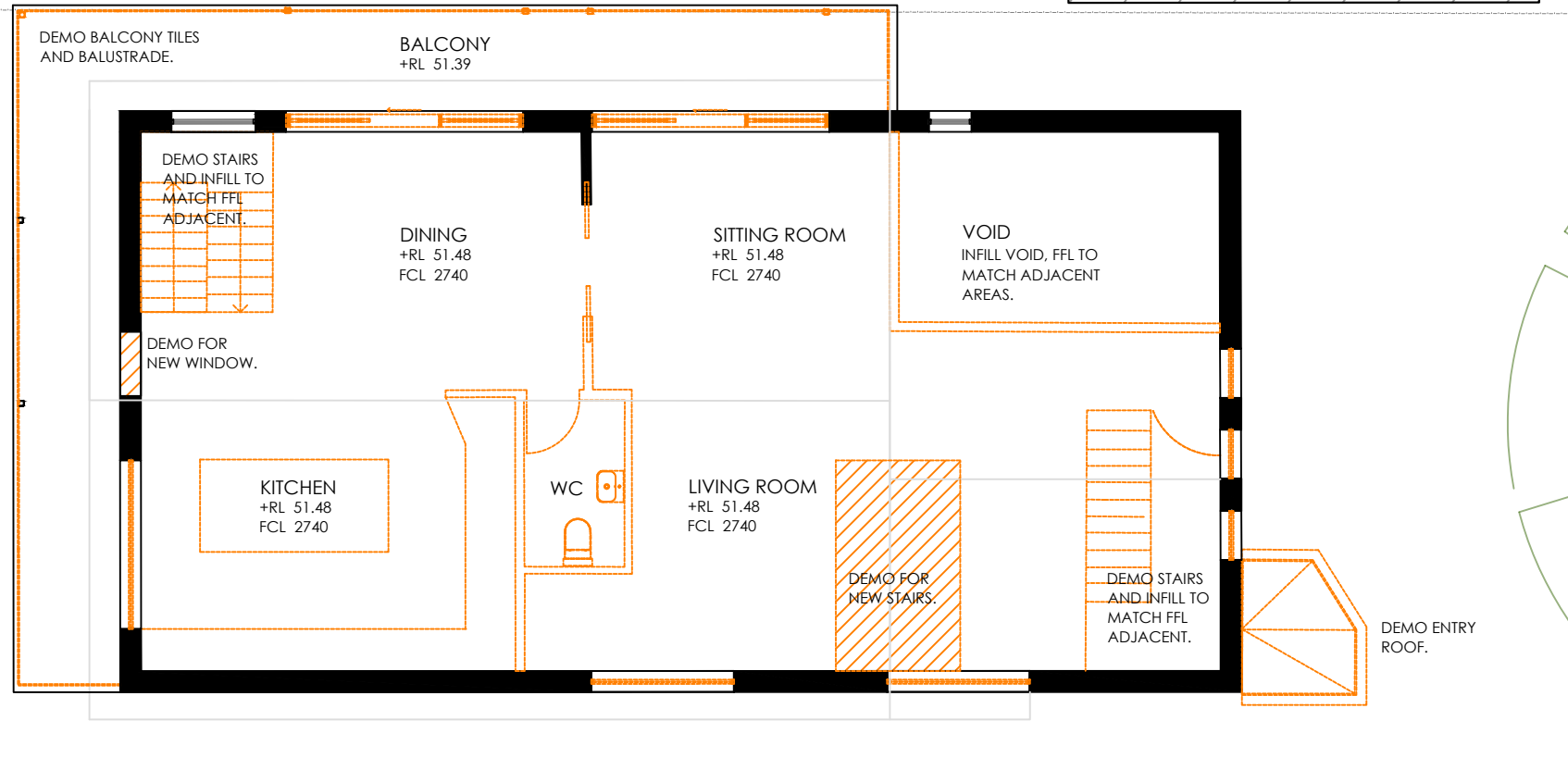
Application No: DA-85/2023
 Date Received: 13/04/2023



GUTTER 48.82

GUTTER 49.86

INTERNAL DEMO NOTES:
 > DEMO ALL WALLS HATCHED RED.
 > REMOVE ALL FLOOR COVERINGS AND MAKE GOOD READY TO RECEIVE NEW FLOOR FINISH.
 > MAKE GOOD ALL REMAINING WALLS, DOORS, WINDOWS, TRIM AND CEILINGS READY TO RECEIVE NEW PAINT FINISH.
 > DEMOLISH ALL SANITARY FIXTURES, JOINERY AND FIREPLACES U.N.O.



GUTTER 56.75

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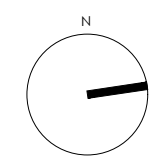
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PROJECT
 21 PRINCESS STREET
 ROSE BAY, NSW

DEVELOPMENT
 APPLICATION

DRAWING
 FIRST FLOOR DEMOLITION
 PLAN

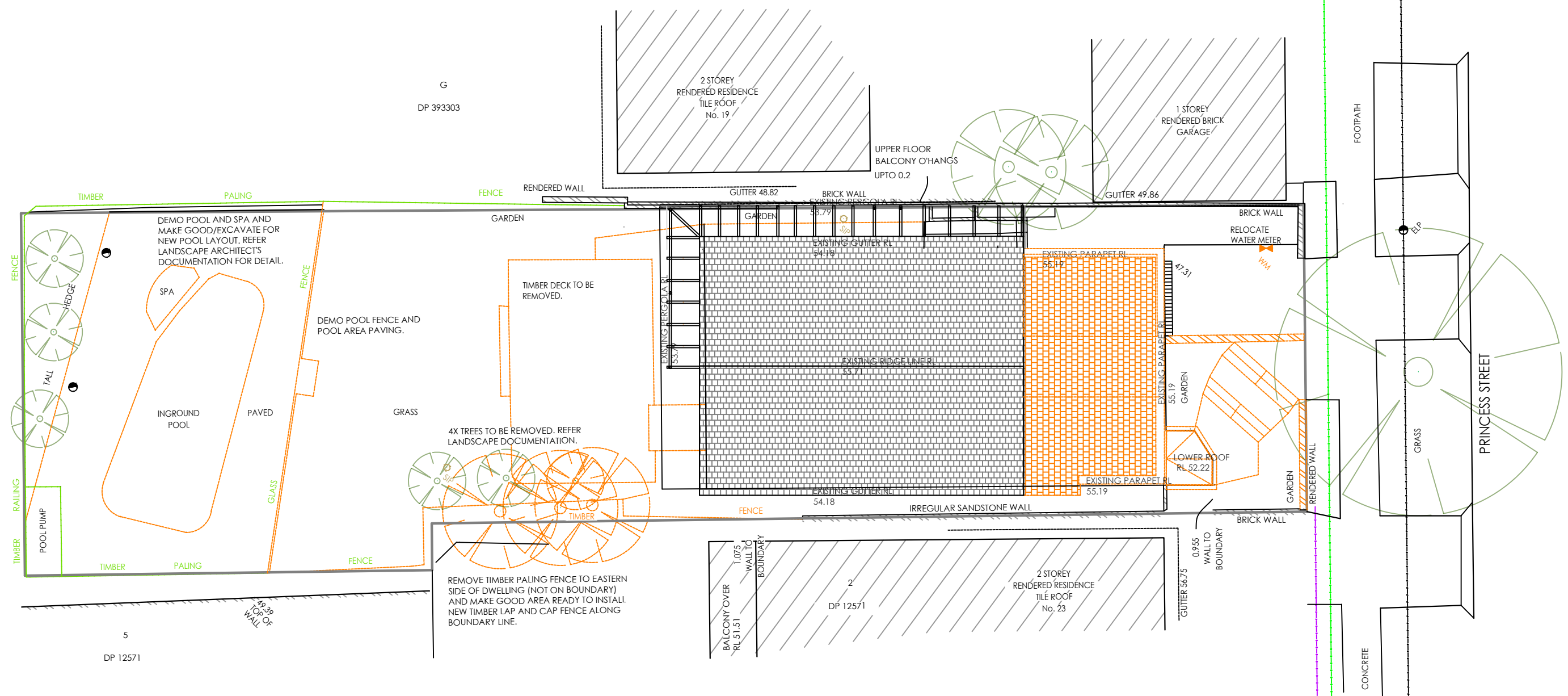
PROJECT NO. 55	ISSUE 01
SCALE@A3 1 : 100	
DWG NO. DA_A07	

AMENDED PLANS

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Waverley Council
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 Date Received: 13/04/2023

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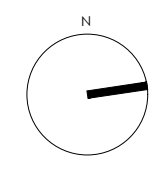
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PROJECT
 21 PRINCESS STREET
 ROSE BAY, NSW

DEVELOPMENT
 APPLICATION

DRAWING
 EXISTING AND DEMOLITION
 SITE PLAN

PROJECT NO. 55	SCALE@A3 1 : 150
DWG NO. DA_A03	ISSUE 01

RECEIVED
Waverley Council
 MATERIAL KEY:
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Application No: DA-85/2023
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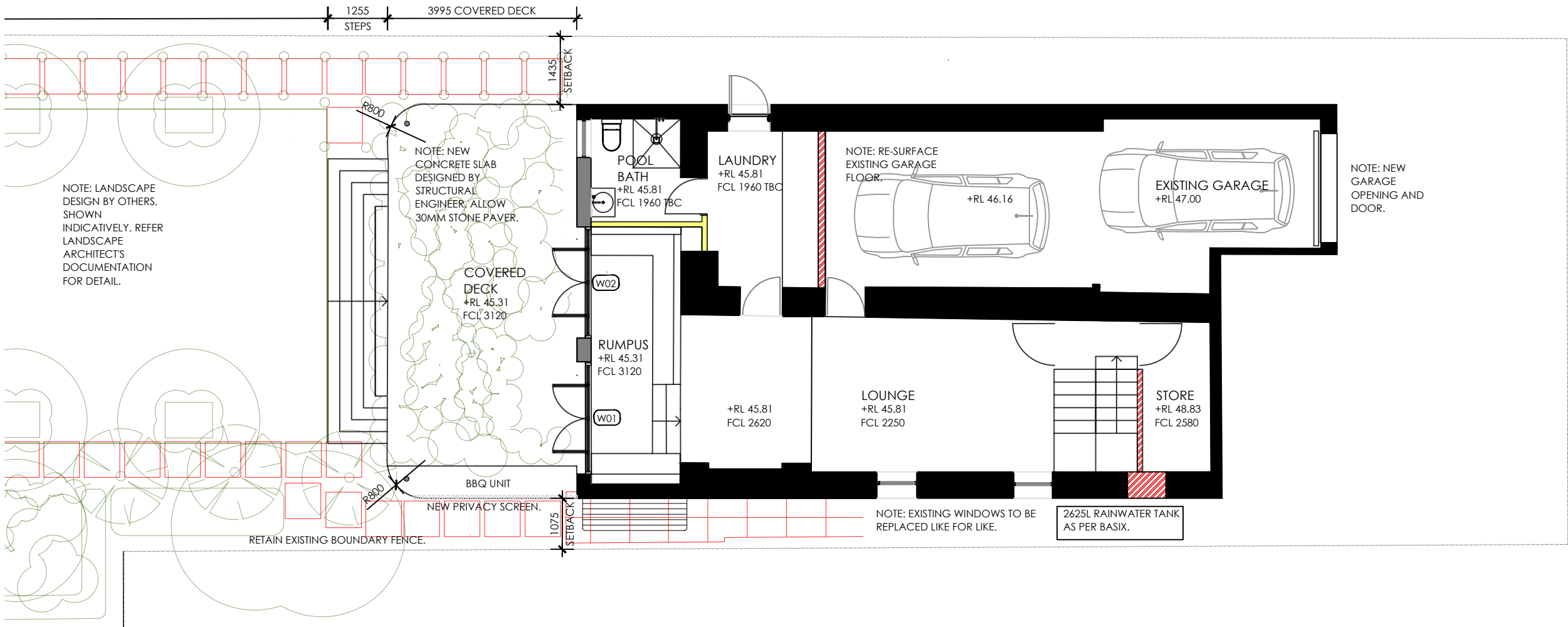
BASIX NOTES:
 > THE APPLICANT MUST INSTALL A RAINWATER TANK OF AT LEAST 2625L ON THE SITE.
 > THE SWIMMING POOL MUST BE OUTDOORS.
 > THE SWIMMING POOL MUST NOT HAVE A CAPACITY GREATER THAN 52 KILOLITRES.
 > A POOL PUMP TIMER MUST BE INSTALLED.
 > A SPA PUMP TIMER MUST BE INSTALLED.
 > A POOL COVER MUST BE INSTALLED.
 > A SPA COVER MUST BE INSTALLED.
 > THE APPLICANT MUST INSTALL THE FOLLOWING HOT WATER SYSTEM IN THE DEVELOPMENT, GAS INSTANTANEOUS.

INSULATION REQUIREMENTS		
CONSTRUCTION	ADDITIONAL INSULATION REQUIREMENTS	OTHER SPECIFICATIONS
CONCRETE SLAB	NIL	

GLAZING REQUIREMENTS			
SKYLIGHT NUMBER	AREA OF GLASS INC. FRAME (SQM)	SHADING DEVICE	FRAME AND GLASS TYPE
S01	1.9	NONE	TIMBER, LOW-E INTERNAL, ARGON FILL, CLEAR EXTERNAL (FOR U-VALUE 2.5, SHGC: 0.456)

AMENDED PLANS

WINDOW/DOOR NUMBER	ORIENTATION	AREA OF GLASS INC. FRAME (SQM)	OVERSHADOWING HEIGHT (M)	OVERSHADOWING DISTANCE (M)	SHADING DEVICE	FRAME AND GLASS TYPE
W01	SOUTH	5.4	-	-	VERANDAH > 900MM	STANDARD ALUMINIUM, SINGLE CLEAR
W02	SOUTH	5.4	-	-	VERANDAH > 900MM	STANDARD ALUMINIUM, SINGLE CLEAR
W03	NORTH	0.4	-	-	VERANDAH > 900MM	STANDARD ALUMINIUM, SINGLE CLEAR
W04	NORTH	4.1	0.75	4.75	VERANDAH > 750MM	STANDARD ALUMINIUM, SINGLE CLEAR
W05	SOUTH	4.3	-	-	BALCONY > 900MM	STANDARD ALUMINIUM, SINGLE CLEAR
W06	NORTH	2.5	-	-	EAVE > 450MM	STANDARD ALUMINIUM, SINGLE PYROLYTIC LOW-E
W07	NORTH	2.5	-	-	EAVE > 450MM	STANDARD ALUMINIUM, SINGLE PYROLYTIC LOW-E
W08	EAST	0.3	5.3	1.6	NONE	STANDARD ALUMINIUM, SINGLE CLEAR
W09	EAST	1.3	5.3	1.6	PROJECTION/HEIGHT ABOVE SILL RATION >=0.43	STANDARD ALUMINIUM, SINGLE CLEAR
W10	SOUTH	3.7	-	-	NONE	STANDARD ALUMINIUM, SINGLE CLEAR
W11	SOUTH	1.5	-	-	NONE	STANDARD ALUMINIUM, SINGLE CLEAR
W12	WEST	7.5	-	-	PERGOLA > 900MM	STANDARD ALUMINIUM, SINGLE CLEAR
W13	WEST	7.5	-	-	PERGOLA > 900MM	STANDARD ALUMINIUM, SINGLE CLEAR
W14	WEST	6.8	-	-	FIXED AWNING =900MM	STANDARD ALUMINIUM, SINGLE CLEAR
W15	WEST	1.9	-	-	BALCONY > 900MM	STANDARD ALUMINIUM, SINGLE CLEAR
W16	WEST	0.8	-	-	BALCONY > 900MM	STANDARD ALUMINIUM, SINGLE CLEAR
W17	WEST	0.8	-	-	BALCONY > 900MM	STANDARD ALUMINIUM, SINGLE CLEAR
W18	SOUTH	5.8	-	-	NONE	STANDARD ALUMINIUM, SINGLE CLEAR



PRINCESS STREET

DATE	ISSUE NO.	ISSUE + REVISIONS
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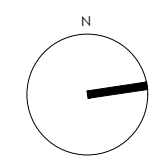
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LANE & GROVE
 34 KEITH STREET
 CLOVELLY
 NSW, Australia, 2031

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 0421 745 224
 MARGOT@LANEANDGROVE.COM.AU
 0402 529 355



PROJECT
 21 PRINCESS STREET
 ROSE BAY, NSW

DEVELOPMENT
 APPLICATION

DRAWING
 LOWER GROUND FLOOR
 PROPOSED WORKS PLAN

PROJECT NO.
 55

SCALE@A3
 1 : 100

DWG NO.
 DA_A09

ISSUE
 01

RECEIVED
Waverley Council
 MATERIAL KEY:
 DEMOLITION
 BRICK
 GLAZING
 TIMBER
 RENDER
 STEEL/ALUMINIUM
 EXTERNAL PAVERS
 SOFT LANDSCAPING

Application No: DA-85/2023
 Date Received: 13/04/2023

BASIC NOTES:

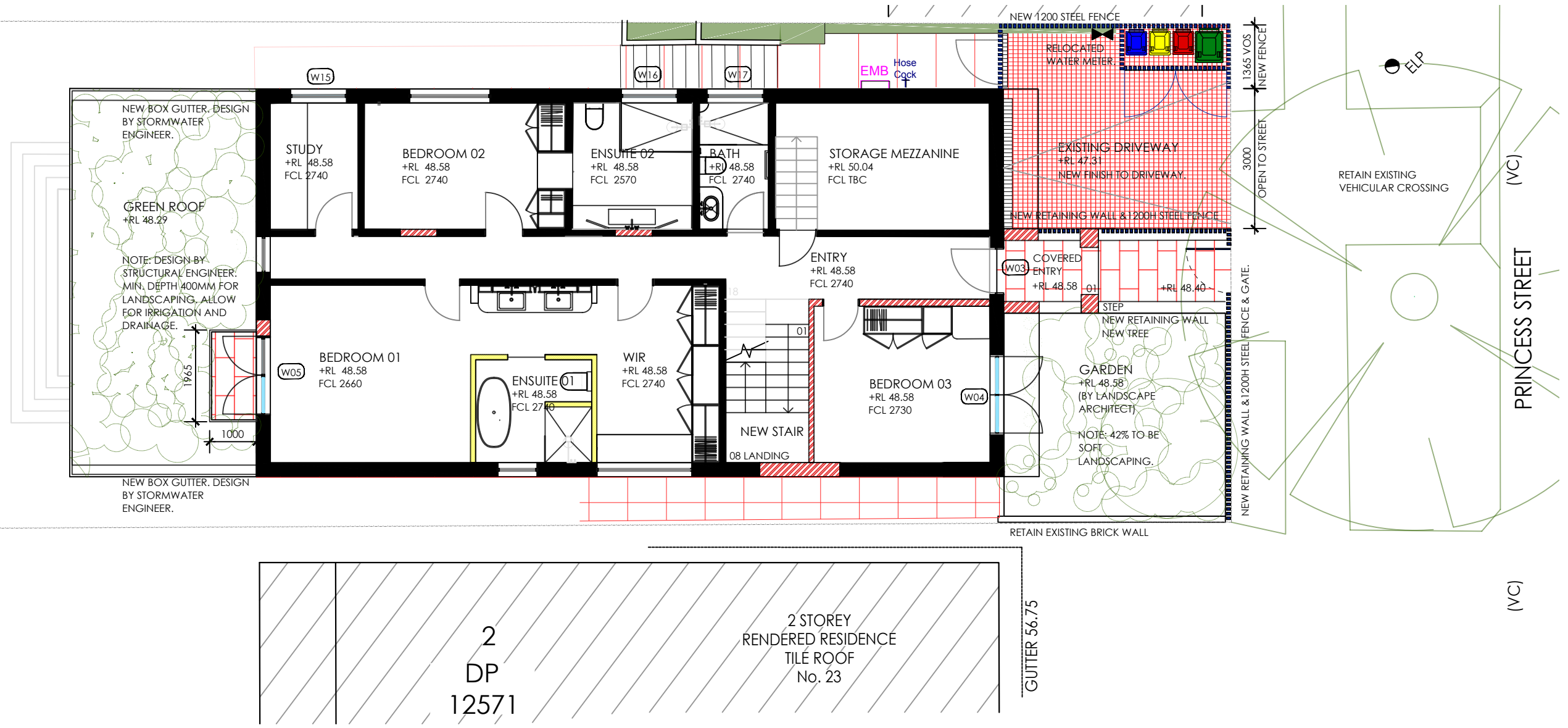
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- > A POOL COVER MUST BE INSTALLED.
- > A SPA COVER MUST BE INSTALLED.
- > THE APPLICANT MUST INSTALL THE FOLLOWING HOT WATER SYSTEM IN THE DEVELOPMENT, GAS INSTANTANEOUS.

INSULATION REQUIREMENTS		
CONSTRUCTION	ADDITIONAL INSULATION REQUIREMENTS	OTHER SPECIFICATIONS
CONCRETE SLAB	NIL	

GLAZING REQUIREMENTS			
SKYLIGHT NUMBER	AREA OF GLASS INC. FRAME (SQM)	SHADING DEVICE	FRAME AND GLASS TYPE
S01	1.9	NONE	TIMBER, LOW-E INTERNAL, ARGON FILL, CLEAR EXTERNAL (FOR U-VALUE 2.5, SHGC: 0.456)

AMENDED PLANS

WINDOW/DOOR NUMBER	ORIENTATION	AREA OF GLASS INC. FRAME (SQM)	OVERSHADOWING HEIGHT (M)	OVERSHADOWING DISTANCE (M)	SHADING DEVICE	FRAME AND GLASS TYPE
W01	SOUTH	5.4	-	-	VERANDAH > 900MM	STANDARD ALUMINIUM, SINGLE CLEAR
W02	SOUTH	5.4	-	-	VERANDAH > 900MM	STANDARD ALUMINIUM, SINGLE CLEAR
W03	NORTH	0.4	-	-	VERANDAH > 900MM	STANDARD ALUMINIUM, SINGLE CLEAR
W04	NORTH	4.1	0.75	4.75	VERANDAH > 750MM	STANDARD ALUMINIUM, SINGLE CLEAR
W05	SOUTH	4.3	-	-	BALCONY > 900MM	STANDARD ALUMINIUM, SINGLE CLEAR
W06	NORTH	2.5	-	-	EAVE > 450MM	STANDARD ALUMINIUM, SINGLE PYROLYTIC LOW-E
W07	NORTH	2.5	-	-	EAVE > 450MM	STANDARD ALUMINIUM, SINGLE PYROLYTIC LOW-E
W08	EAST	0.3	5.3	1.6	NONE	STANDARD ALUMINIUM, SINGLE CLEAR
W09	EAST	1.3	5.3	1.6	PROJECTION/HEIGHT ABOVE SILL RATION >= 0.43	STANDARD ALUMINIUM, SINGLE CLEAR
W10	SOUTH	3.7	-	-	NONE	STANDARD ALUMINIUM, SINGLE CLEAR
W11	SOUTH	1.5	-	-	NONE	STANDARD ALUMINIUM, SINGLE CLEAR
W12	WEST	7.5	-	-	PERGOLA > 900MM	STANDARD ALUMINIUM, SINGLE CLEAR
W13	WEST	7.5	-	-	PERGOLA > 900MM	STANDARD ALUMINIUM, SINGLE CLEAR
W14	WEST	6.8	-	-	FIXED AWNING = 900MM	STANDARD ALUMINIUM, SINGLE CLEAR
W15	WEST	1.9	-	-	BALCONY > 900MM	STANDARD ALUMINIUM, SINGLE CLEAR
W16	WEST	0.8	-	-	BALCONY > 900MM	STANDARD ALUMINIUM, SINGLE CLEAR
W17	WEST	0.8	-	-	BALCONY > 900MM	STANDARD ALUMINIUM, SINGLE CLEAR
W18	SOUTH	5.8	-	-	NONE	STANDARD ALUMINIUM, SINGLE CLEAR



DATE	ISSUE NO.	ISSUE + REVISIONS
07.02.23	DRAFT	FOR INFORMATION
20.03.23	01	DA SUBMISSION

GENERAL NOTES

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- 1.3 WALL DIMENSIONS TAKEN TO STUD FRAMES UNLESS NOTED OTHERWISE
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PROJECT
 21 PRINCESS STREET
 ROSE BAY, NSW

DRAWING
 GROUND FLOOR PROPOSED
 PLAN

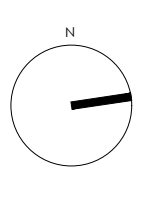
DEVELOPMENT
 APPLICATION

PROJECT NO.
 55

SCALE@A3
 1 : 100

DWG NO.
 DA_A06

ISSUE
 01



PRIOR TO THE COMMENCEMENT OF WORK, SURVEY AND VERIFY ALL GRIDLINES. CHECK ALL DIMENSIONS ON SITE USE FIGURED DIMENSIONS ONLY DO NOT SCALE. COMPLY WITH RELEVANT AUTHORITIES REQUIREMENTS. COMPLY WITH BUILDING CODE OF AUSTRALIA, COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS. COPYRIGHT IN ALL DOCUMENTS AND DRAWINGS PREPARED BY LANE & GROVE (L&G)

MATERIAL KEY:

[Red]	DEMOLITION
[Blue]	ROOF TILE
[Yellow]	BRICK
[Green]	GLAZING
[Light Blue]	TIMBER
[Dark Blue]	STONE
[Light Green]	RENDER
[Dark Green]	STEEL/ALUMINIUM
[Orange]	EXTERNAL PAVERS
[Purple]	SOFT LANDSCAPING

BASIC NOTES:

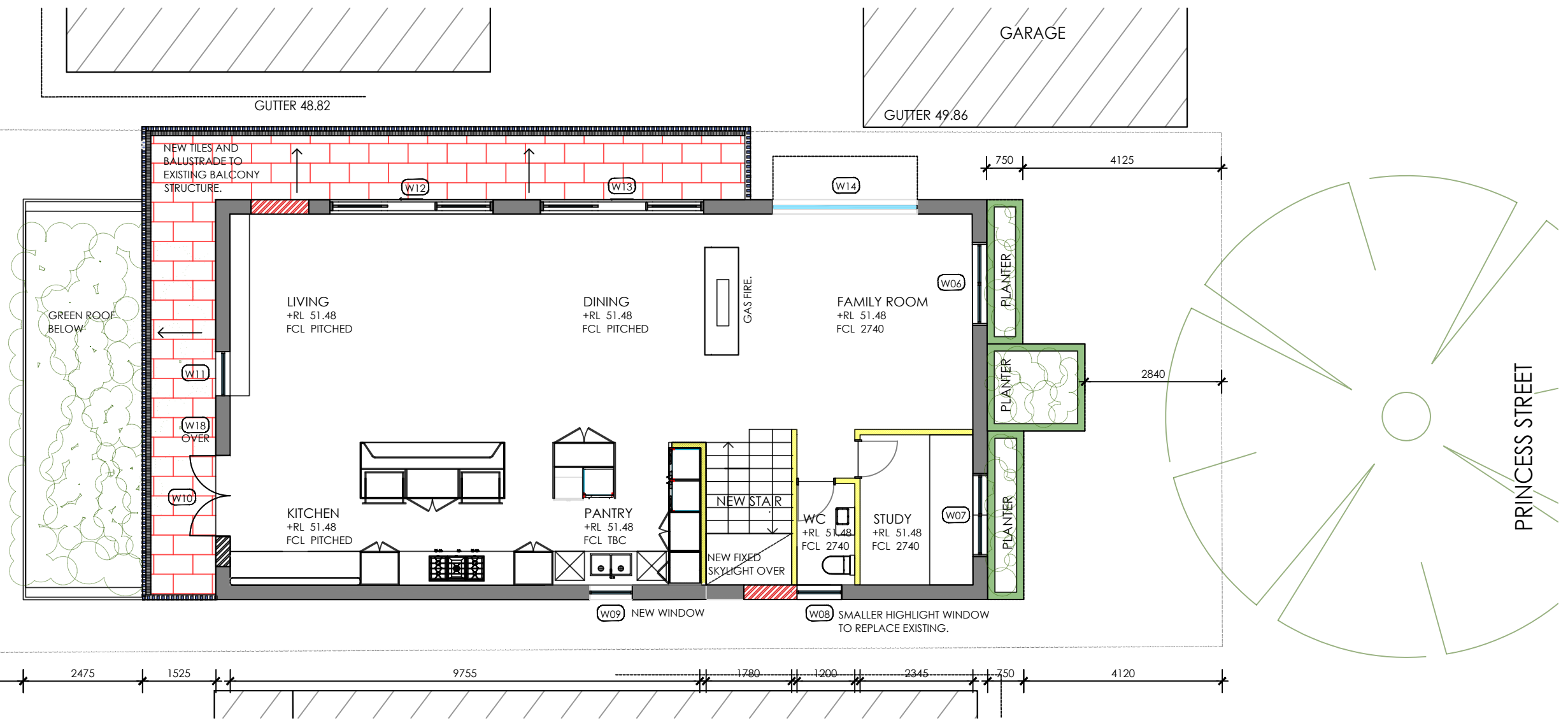
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INSULATION REQUIREMENTS		
CONSTRUCTION	ADDITIONAL INSULATION REQUIREMENTS	OTHER SPECIFICATIONS
CONCRETE SLAB	NIL	

GLAZING REQUIREMENTS			
SKYLIGHT NUMBER	AREA OF GLASS INC. FRAME (SQM)	SHADING DEVICE	FRAME AND GLASS TYPE
S01	1.9	NONE	TIMBER, LOW-E INTERNAL, ARGON FILL, CLEAR EXTERNAL (FOR U-VALUE 2.5, SHGC: 0.456)

AMENDED PLANS

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W03	NORTH	0.4	-	-	VERANDAH > 900MM	STANDARD ALUMINIUM, SINGLE CLEAR
W04	NORTH	4.1	0.75	4.75	VERANDAH > 750MM	STANDARD ALUMINIUM, SINGLE CLEAR
W05	SOUTH	4.3	-	-	BALCONY > 900MM	STANDARD ALUMINIUM, SINGLE CLEAR
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W13	WEST	7.5	-	-	PERGOLA > 900MM	STANDARD ALUMINIUM, SINGLE CLEAR
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W15	WEST	1.9	-	-	BALCONY > 900MM	STANDARD ALUMINIUM, SINGLE CLEAR
W16	WEST	0.8	-	-	BALCONY > 900MM	STANDARD ALUMINIUM, SINGLE CLEAR
W17	WEST	0.8	-	-	BALCONY > 900MM	STANDARD ALUMINIUM, SINGLE CLEAR
W18	SOUTH	5.8	-	-	NONE	STANDARD ALUMINIUM, SINGLE CLEAR



NOTE: FFL OF BALCONY TO MATCH INTERNAL FFL. SCREED FALL TO PERIMETER DRAIN.

NOTE: EXISTING BALCONY STRUCTURE AND EXTENT TO REMAIN UNCHANGED, NEW TIMBER FINISH TO BALCONY FASCIA.

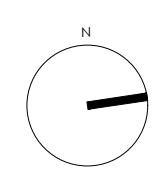
DATE	ISSUE NO.	ISSUE + REVISIONS
07.02.23	DRAFT	FOR INFORMATION
20.03.23	01	DA SUBMISSION
26.04.23	02	BALCONY NOTE ADDED

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0402 529 355



PROJECT
21 PRINCESS STREET
ROSE BAY, NSW

DEVELOPMENT APPLICATION

DRAWING
FIRST FLOOR DEMOLITION PLAN

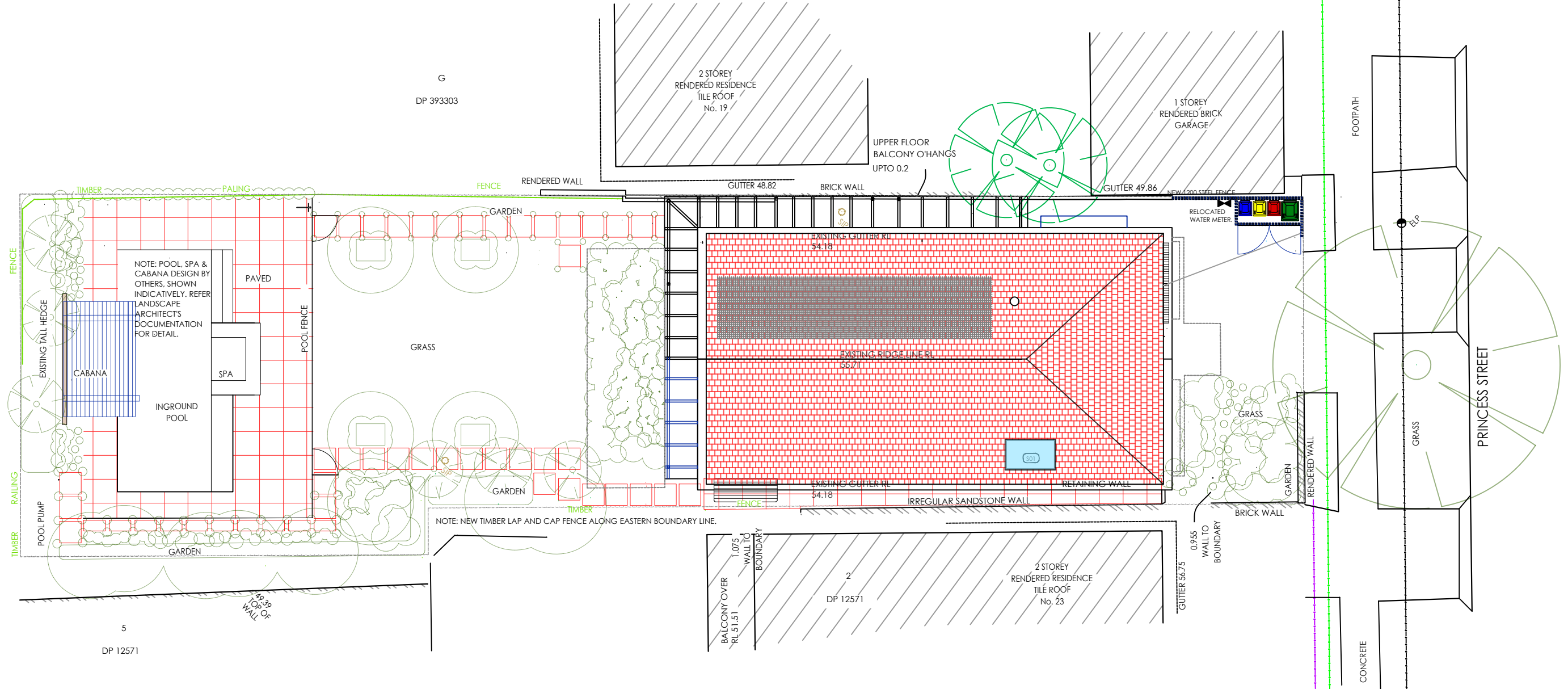
PROJECT NO. 55	SCALE@A3 1 : 100
DWG NO. DA_A11	ISSUE 02

AMENDED PLANS

RECEIVED
Waverley Council
 Application No: DA-85/2023
 Date Received: 13/04/2023

MATERIAL KEY:

- DEMOLITION
- BRICK
- GLAZING
- TIMBER
- RENDER
- STEEL/ALUMINIUM
- EXTERNAL PAVERS
- SOFT LANDSCAPING



DATE	ISSUE NO.	ISSUE + REVISIONS
07.02.23	DRAFT	FOR INFORMATION
20.03.23	01	DA SUBMISSION

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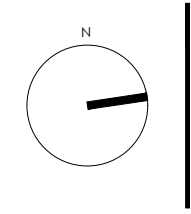
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PROJECT
 21 PRINCESS STREET
 ROSE BAY, NSW

DEVELOPMENT APPLICATION

DRAWING
 PROPOSED SITE PLAN

PROJECT NO. 55	SCALE@A3 1:150
DWG NO. DA_A04	ISSUE 06

MATERIAL KEY:

[Grey]	DEMOLITION
[Red]	ROOF TILE
[Blue]	BRICK
[Light Blue]	GLAZING
[Yellow]	TIMBER
[Brown]	STONE
[Green]	RENDER
[Dark Blue]	STEEL/ALUMINIUM
[Red]	EXTERNAL PAVERS
[Dark Green]	SOFT LANDSCAPING

BASIC NOTES:

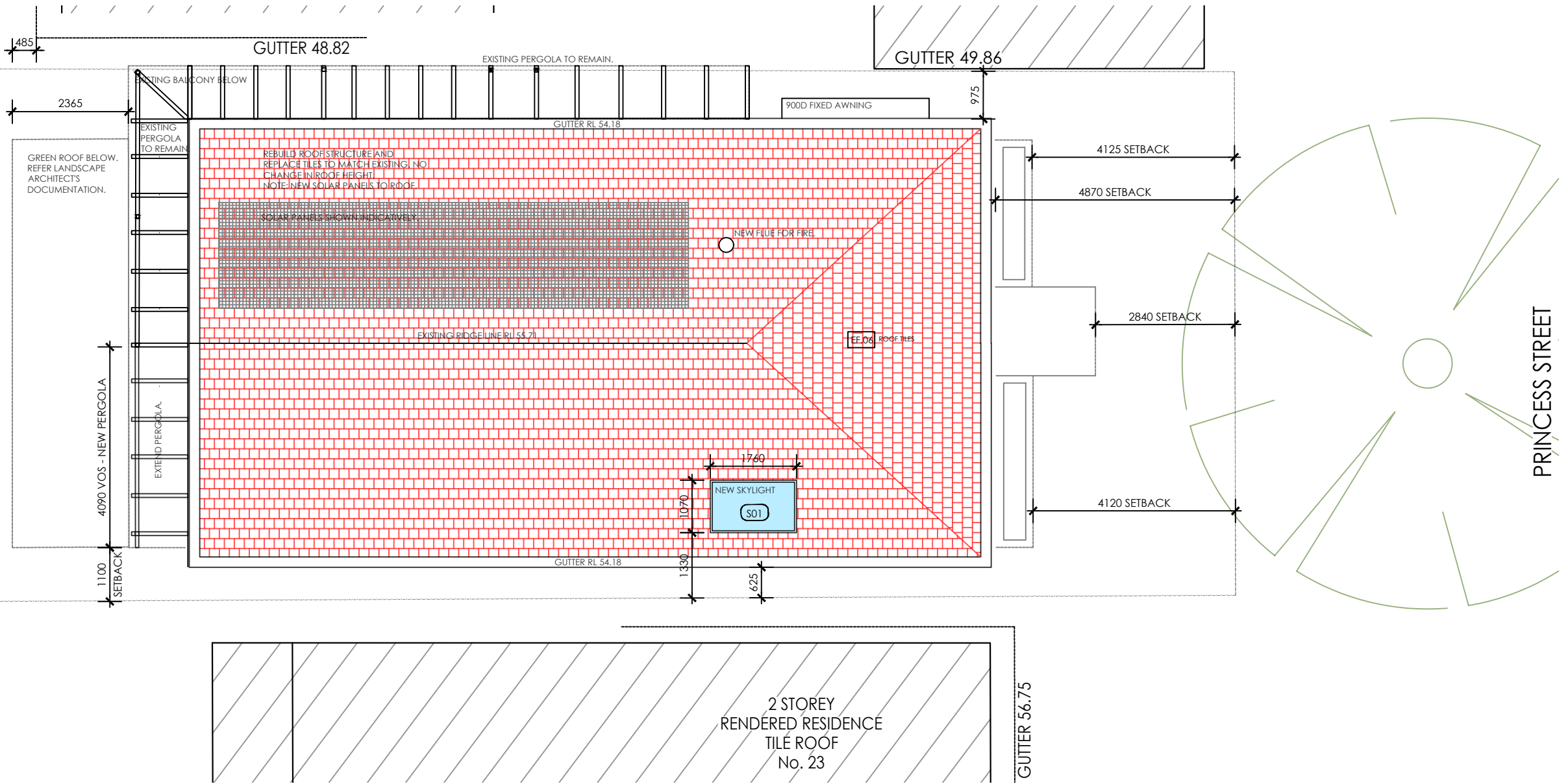
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AMENDED PLANS

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DATE	ISSUE NO.	ISSUE + REVISIONS
07.02.23	DRAFT	FOR INFORMATION
20.03.23	01	DA SUBMISSION
26.04.23	02	BALCONY NOTE ADDED

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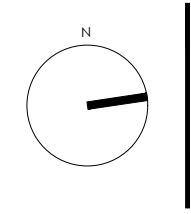
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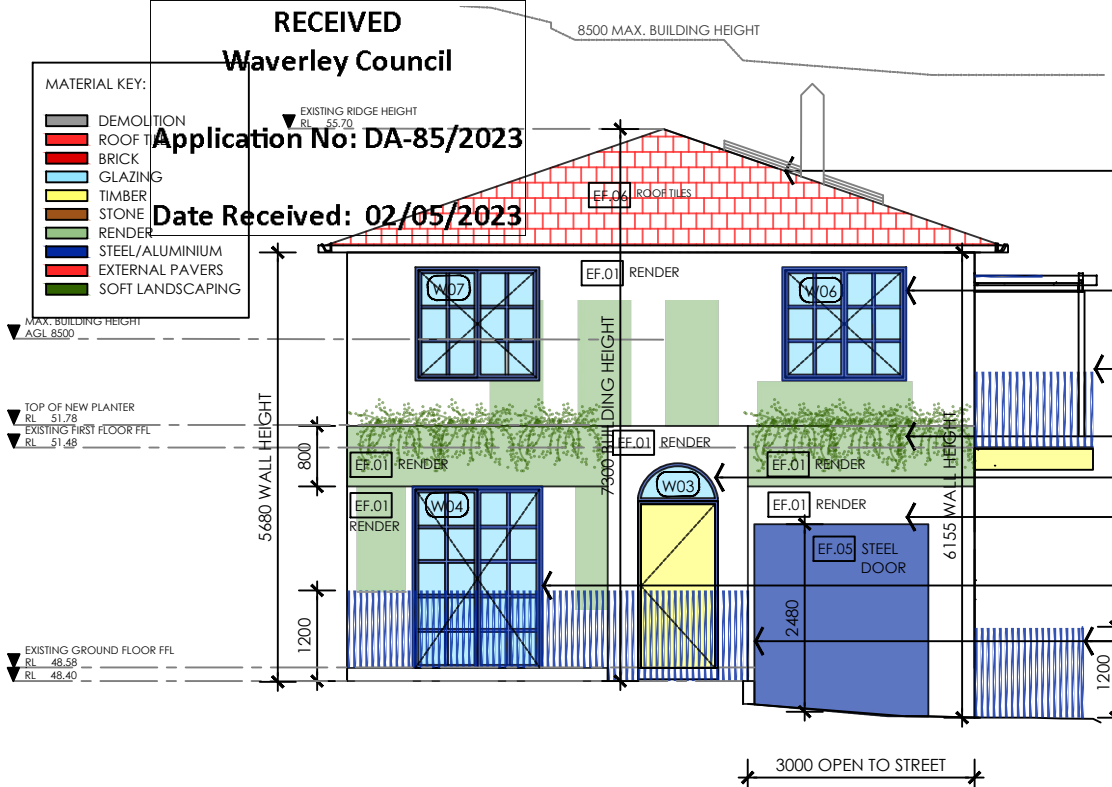


PROJECT
21 PRINCESS STREET
ROSE BAY, NSW

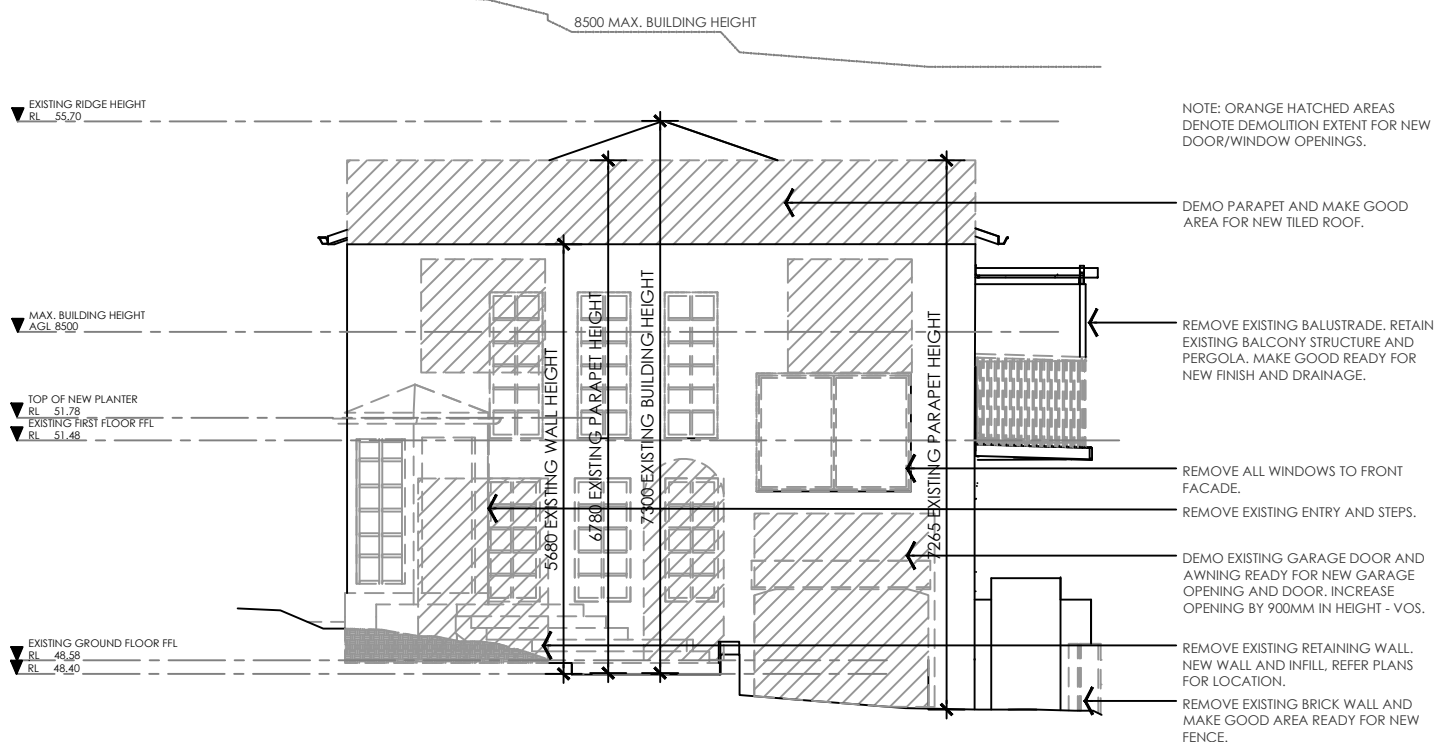
DEVELOPMENT APPLICATION

DRAWING
ROOF PROPOSED WORKS
PLAN

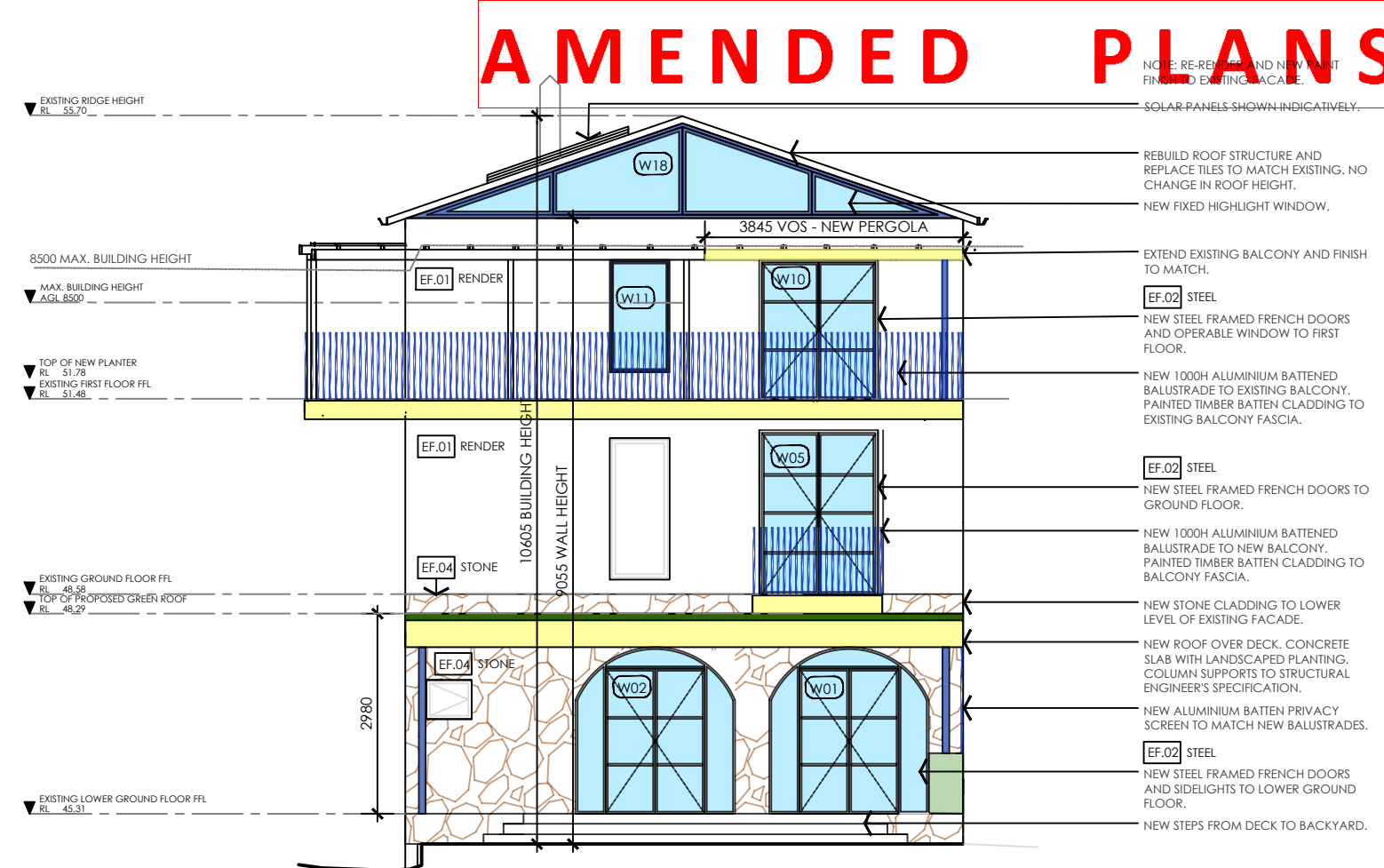
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DWG NO. DA_A12	



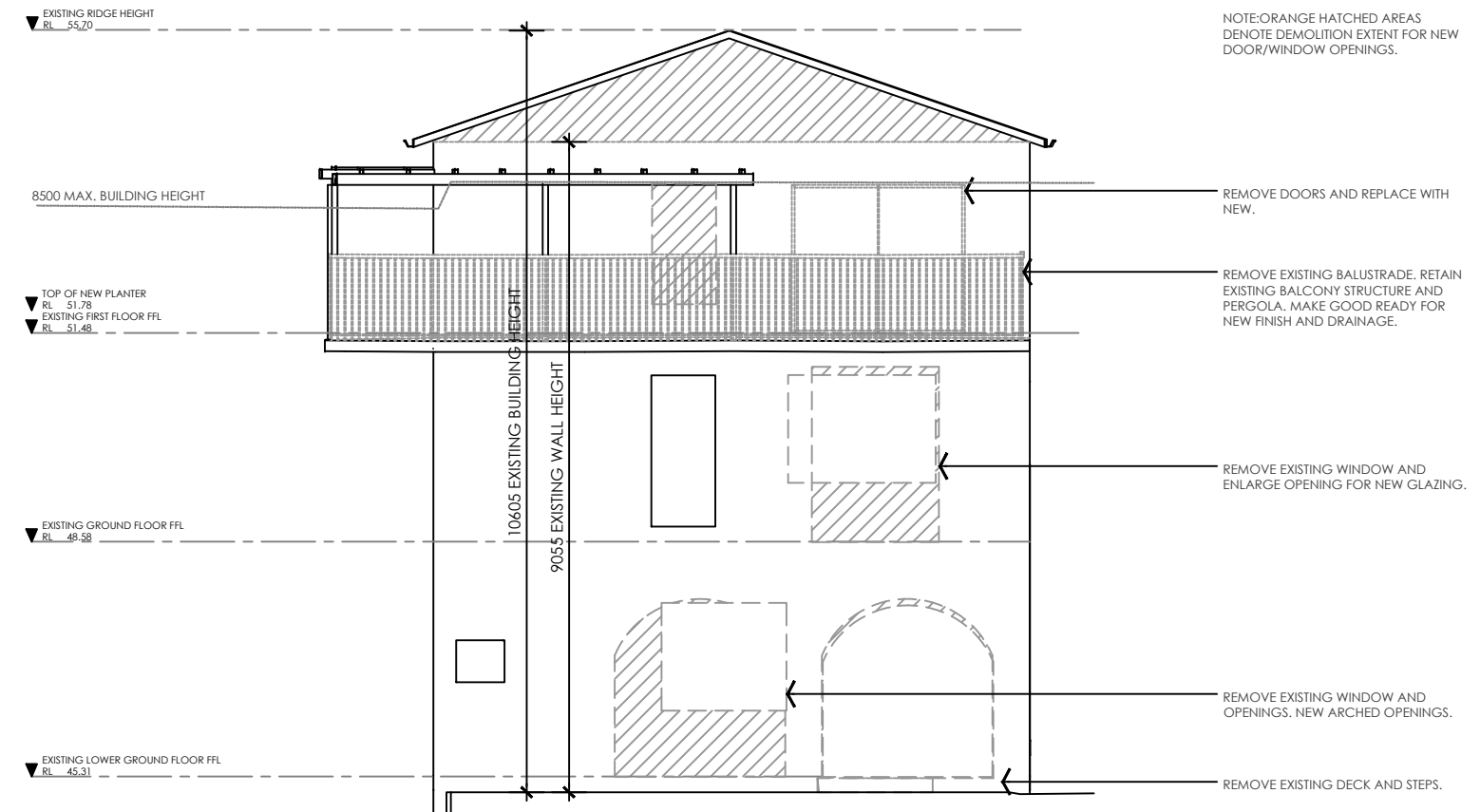
01 PROPOSED ELEVATION - NORTH
SCALE 1:100



02 EXISTING & DEMOLITION ELEVATION - NORTH
SCALE 1:100



03 PROPOSED ELEVATION - SOUTH
SCALE 1:100



04 EXISTING & DEMOLITION ELEVATION - SOUTH
SCALE 1:100

DATE	ISSUE NO.	ISSUE + REVISIONS
07.02.23	DRAFT	FOR INFORMATION
20.03.23	01	DA SUBMISSION
26.04.23	02	MAX BUILDING HEIGHT ADDED

GENERAL NOTES

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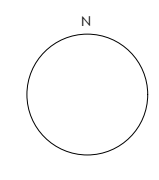
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PROJECT
21 PRINCESS STREET
ROSE BAY, NSW

DEVELOPMENT
APPLICATION

DRAWING
EXTERNAL ELEVATIONS -
DEMOLITION & PROPOSED
WORKS

PROJECT NO.
55

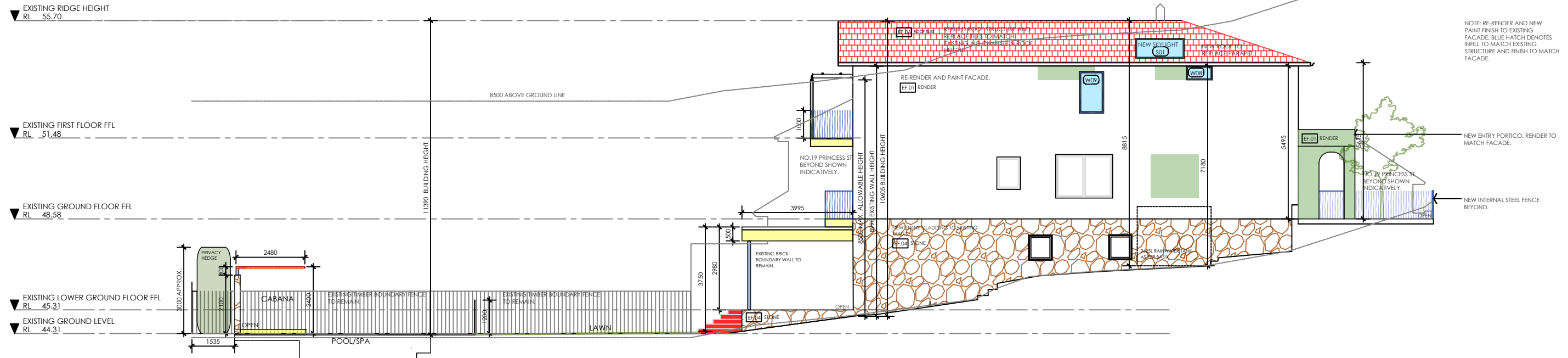
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1 : 100

DWG NO.
DA_A13

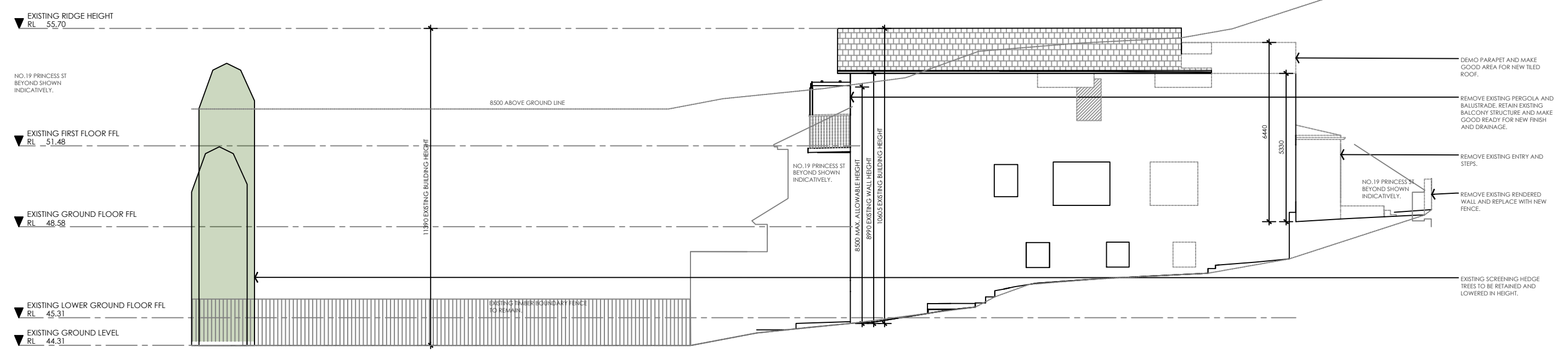
ISSUE
02

MATERIAL KEY:

[Red Hatched]	DEMOLITION
[Red]	ROOF TILE
[Orange]	BRICK
[Light Blue]	GLAZING
[Yellow]	TIMBER
[Brown]	STONE
[Green]	RENDER
[Blue]	STEEL/ALUMINIUM
[Dark Blue]	EXTERNAL PAVERS
[Dark Green]	SOFT LANDSCAPING



01 PROPOSED ELEVATION - EAST
SCALE 1:150



02 EXISTING & DEMOLITION ELEVATION - EAST
SCALE 1:150

DATE	ISSUE NO.	ISSUE + REVISIONS
07.02.23	DRAFT	FOR INFORMATION
20.03.23	01	DA SUBMISSION
06.04.23	02	POOL/CABANA/FENCES ADDED
26.04.23	03	MAX BUILDING HEIGHT ADDED

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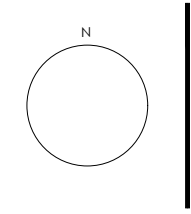
1.3 WALL DIMENSIONS TAKEN TO STUD FRAMES UNLESS NOTED OTHERWISE

1.4 WHERE LIGHTS ARE REMOVED FROM A CIRCUIT, REMAINING LIGHTS SHOULD BE RE WIRING TO EXISTING SWITCH

1.5 BUILDER TO VERIFY ALL FIXING METHODS OF ANY ITEM TO EXISTING MASONRY WALLS AND ALLOW SUFFICIENT SYSTEMS TO APPROPRIATELY AND SECURELY FIX SUCH ITEMS

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PROJECT
21 PRINCESS STREET
ROSE BAY, NSW

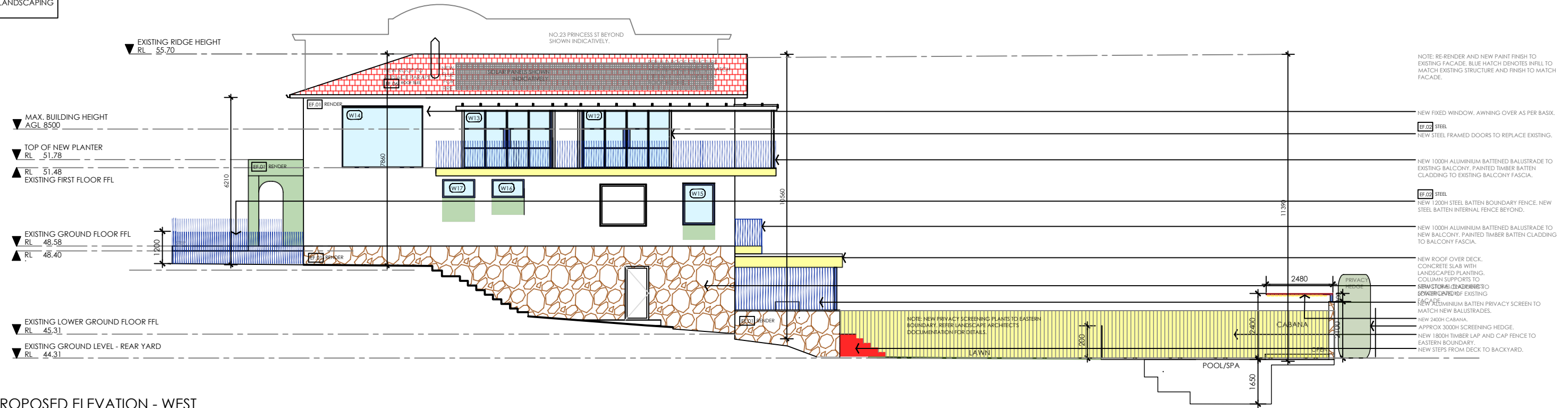
DEVELOPMENT
APPLICATION

DRAWING
EXTERNAL ELEVATIONS -
DEMOLITION & PROPOSED
WORKS

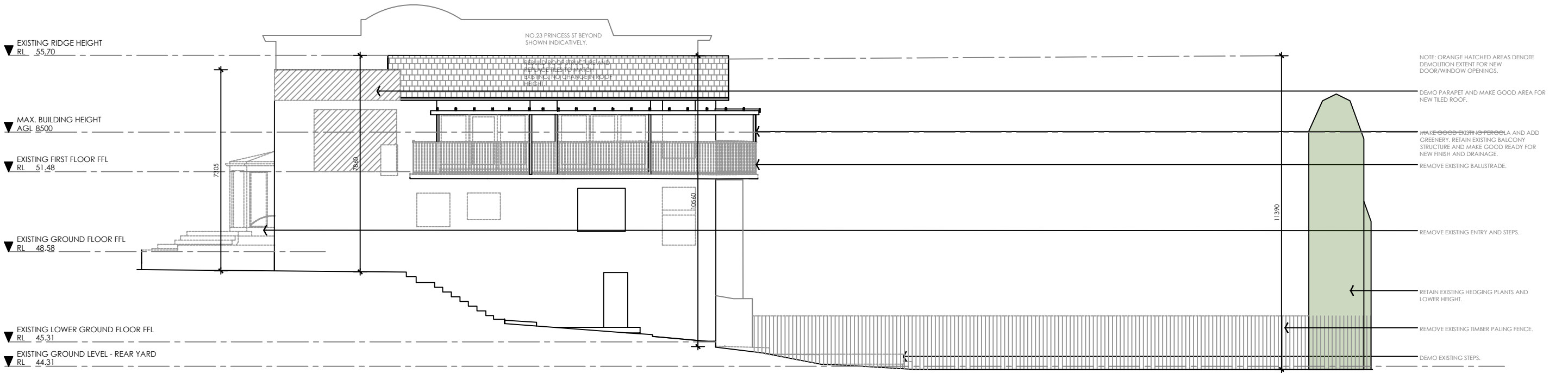
PROJECT NO. 55	ISSUE 03
SCALE@A3 1:150	
DWG NO. DA_A14	

MATERIAL KEY:

[Red Hatched]	DEMOLITION
[Red]	ROOF TILE
[Orange]	BRICK
[Blue]	GLAZING
[Yellow]	TIMBER
[Brown]	STONE
[Green]	RENDER
[Blue/White]	STEEL/ALUMINIUM
[Red/White]	EXTERNAL PAVERS
[Green]	SOFT LANDSCAPING



01 PROPOSED ELEVATION - WEST
SCALE 1:150



02 EXISTING & DEMOLITION ELEVATION - WEST
SCALE 1:150

DATE	ISSUE NO.	ISSUE + REVISIONS	PRIOR TO THE COMMENCEMENT OF WORK, SURVEY AND VERIFY ALL GRIDLINES. CHECK ALL DIMENSIONS ON SITE. USE FIGURED DIMENSIONS ONLY DO NOT SCALE. COMPLY WITH RELEVANT AUTHORITIES REQUIREMENTS. COMPLY WITH BUILDING CODE OF AUSTRALIA. COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS. COPYRIGHT IN ALL DOCUMENTS AND DRAWINGS PREPARED BY LANE & GROVE (L&G)
07.02.23	DRAFT	FOR INFORMATION	
20.03.23	01	DA SUBMISSION	
06.04.23	02	POOL/CABANA ADDED	
26.04.23	03	MAX BUILDING HEIGHT ADDED	

GENERAL NOTES

1.0 ALL DIMENSIONS AND SITE CONDITIONS SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO THE COMMENCEMENT OF WORK

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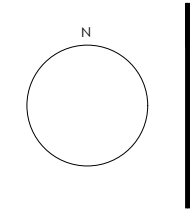
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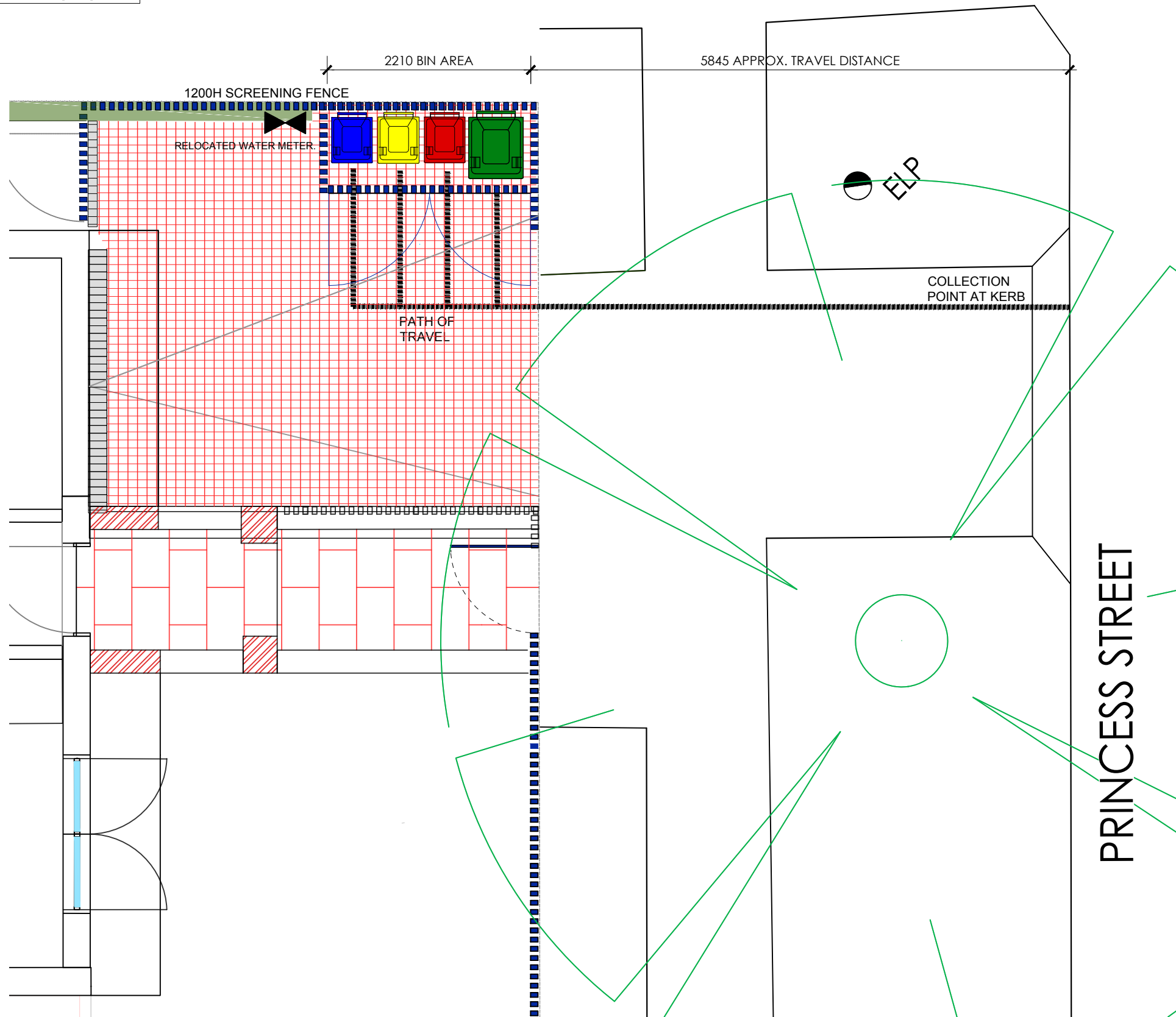


PROJECT
21 PRINCESS STREET
ROSE BAY, NSW

DEVELOPMENT
APPLICATION

DRAWING
EXTERNAL ELEVATIONS -
DEMOLITION & PROPOSED
WORKS

PROJECT NO. 55	ISSUE 03
SCALE@A3 1:150	
DWG NO. DA_A15	



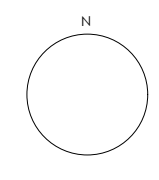
DATE	ISSUE NO.	ISSUE + REVISIONS
20.03.23	01	DA SUBMISSION

PRIOR TO THE COMMENCEMENT OF WORK, SURVEY AND VERIFY ALL GRIDLINES. CHECK ALL DIMENSIONS ON SITE. USE FIGURED DIMENSIONS ONLY DO NOT SCALE. COMPLY WITH RELEVANT AUTHORITIES REQUIREMENTS. COMPLY WITH BUILDING CODE OF AUSTRALIA. COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS. COPYRIGHT IN ALL DOCUMENTS AND DRAWINGS PREPARED BY LANE & GROVE (L&G)

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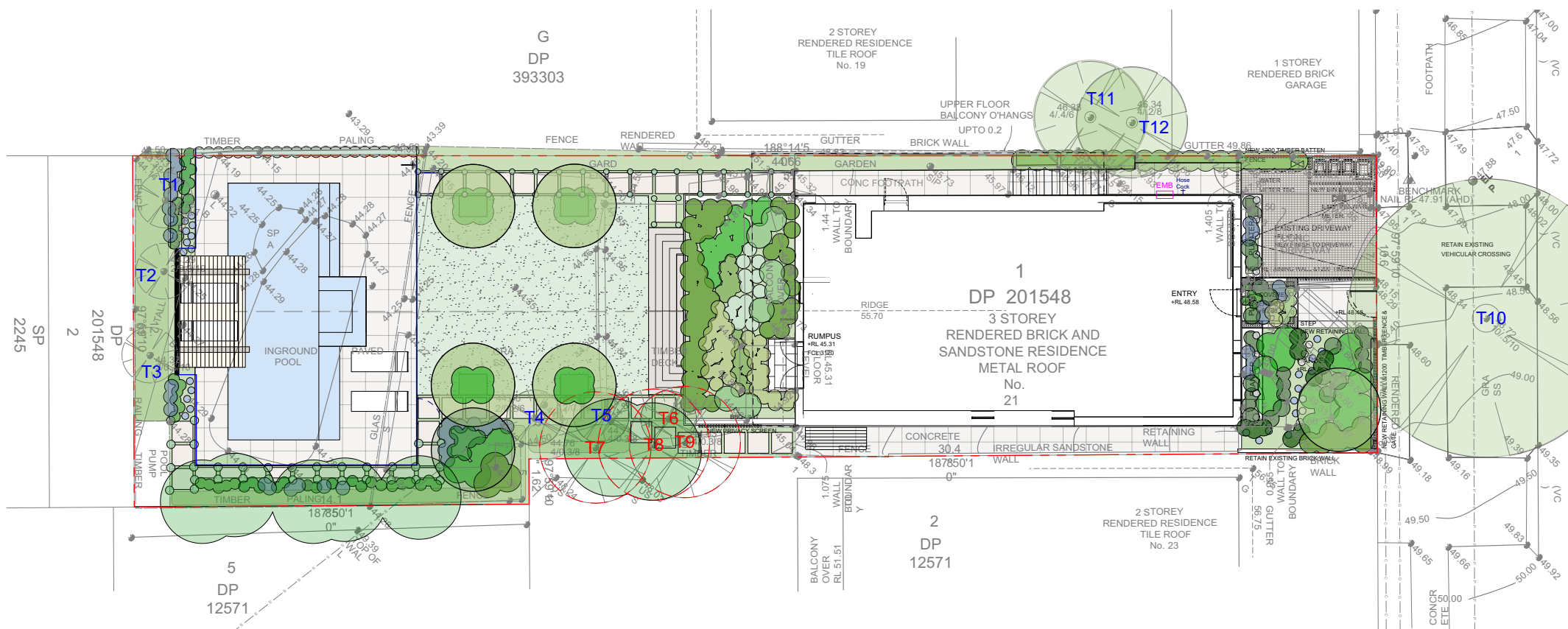
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PROJECT
 21 PRINCESS STREET
 ROSE BAY, NSW
 DEVELOPMENT APPLICATION

DRAWING
 WASTE MANAGEMENT PLAN

PROJECT NO.
 55
 SCALE@A3
 1 : 50
 DWG NO.
 DA_A18
 ISSUE
 01



LEGEND

- EXISTING TREES/ SHRUBS TO BE RETAINED + PROTECTED + TREE REF. NO.
- TREES TO BE REMOVED + TREE REF. NO.
- EXISTING LEVELS PROPOSED LEVELS
- NEW WALLS/ GARDEN WALLS TOP OF WALL LEVELS

PAVING

- PAVING - EXISTING
- PAVING LARGE FORMAT TILES
- PAVING GRANITE COBBLESTONES
- PAVING - STEPPERS WITH GROUND COVER INFILL
- DECKING

LIGHTING TO FUTURE DETAIL

- LIGHTING - GARDEN
- LIGHTING - STEP
- LIGHTING - PIER DOWNLIGHT
- LIGHTING - WALL

PLANTING

- TREES - PROPOSED
- GARDEN BED 1
- GARDEN BED 2
- GARDEN BED 3
- GARDEN BED - EXISTING
- GARDEN BED 4 - PLANTER/ GREEN ROOF
- TURF
- SHRUBS + GROUND COVERS PROPOSED

FENCING & GATES

- LAP & CAP TIMBER FENCE 1800mm HIGH
- POOL BARRIER + GATES 1200mm HIGH
- NEW LAP & CAP TIMBER FENCE 1800mm HIGH

1 SITE PLAN
Scale 1:200@ A3

GENERAL NOTES:

- DO NOT SCALE OFF DRAWINGS. USE DIMENSIONS GIVEN ONLY.
- CONFIRM LOCATION OF ALL SERVICES AND EASEMENTS PRIOR TO WORKS COMMENCING ON SITE.
- ALL EXISTING TREES TO BE RETAINED AND PROTECTED UNLESS SHOWN TO BE REMOVED. IF APPLICABLE REFER ARBORIST REPORT
- VERIFY ALL MEASUREMENTS AND LEVELS ON-SITE PRIOR TO CONSTRUCTION.
- MAKE NO SUBSTITUTIONS OF PLANT SPECIES OR MATERIALS WITHOUT APPROVAL OF THE LANDSCAPE ARCHITECT.
- REFER SURVEY PLAN FOR ALL EXISTING LEVELS AND EXISTING SITE DETAIL.
- REFER ARCHITECTURAL PLANS FOR SITE PLAN, SECTIONS AND ELEVATIONS.
- REFER HYDRAULIC ENGINEERS PLANS AND REPORTS FOR STORMWATER AND DRAINAGE DOCUMENTATION.
- REFER ENGINEERS PLANS FOR STRUCTURAL DETAILS.
- REFER ELECTRICAL ENGINEERS DOCUMENTATION ELECTRICAL SUPPLY FOR GARDEN LIGHTING & IRRIGATION.
- ALL PLANTING WITHIN THE NON-CLIMBABLE ZONE OF THE POOL TO COMPLY WITH AS 1926.1-2012 AND SWIMMING POOLS ACT 1992.
- ALL WORK TO BE COMPLETED IN ACCORDANCE WITH CURRENT AUSTRALIAN STANDARDS, BCA REQUIREMENTS & LOCAL GOVERNMENT REGULATIONS.
- ALL WORKS TO COMPLY WITH DA APPROVED PLANS & RELEVANT CONDITIONS OF CONSENT.

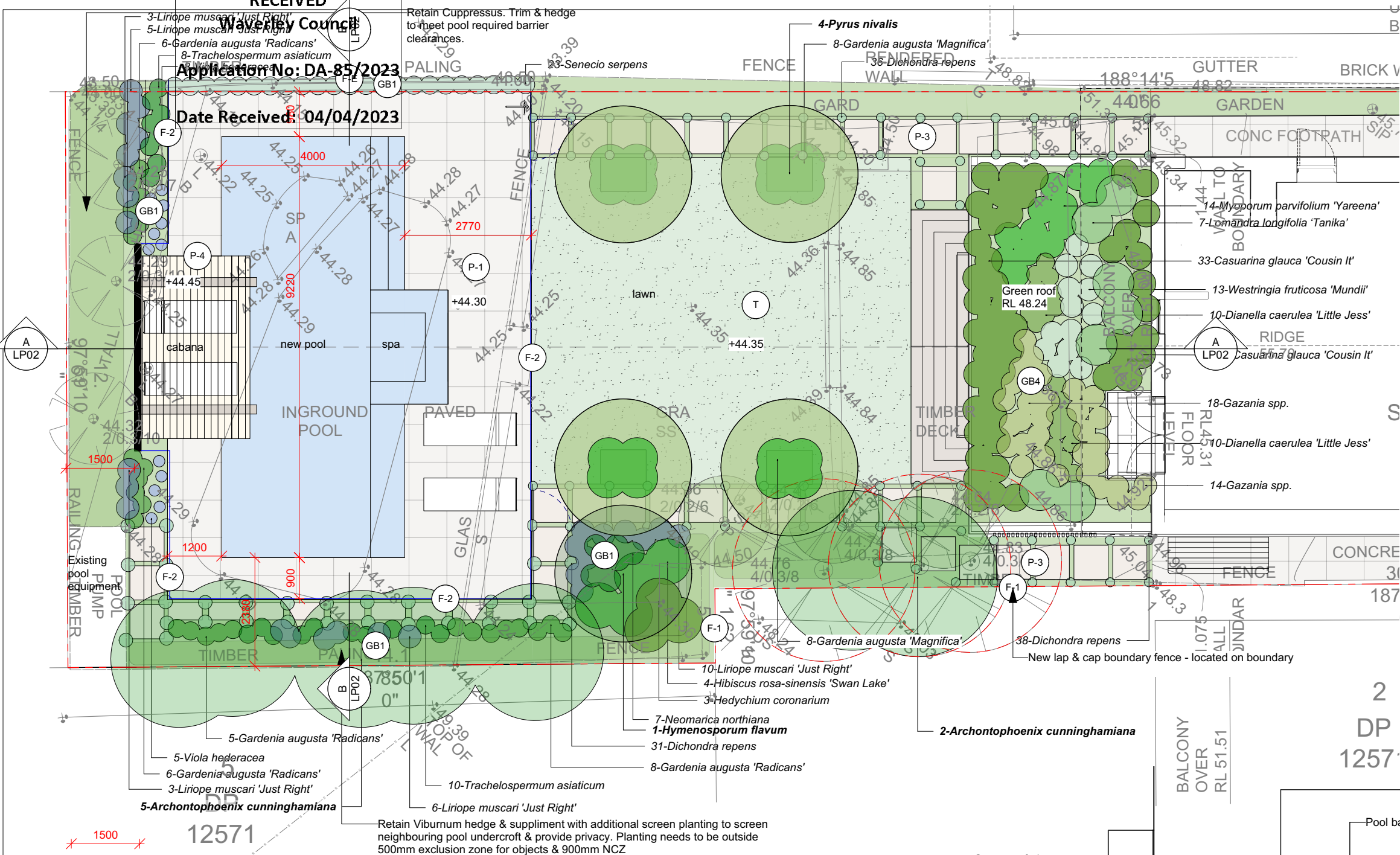
NOTE: POOL BARRIER & PLANTING WITHIN THE NON-CLIMBABLE ZONE AND EXCLUSION ZONE.
ANY EXISTING OR PROPOSED PLANTING MUST ENSURE COMPLIANCE WITH AS1926.1-2012. WITHIN THE NCZ THERE SHALL BE NO PLANTS THAT WILL FACILITATE CLIMBING. PROPOSED PLANTING ADJACENT TO THE BARRIER SHALL BE OUTSIDE THE NCZ AND LIMITED TO LOW GROUND COVERS, SHRUBS OR GRASSES THAT DO NOT PROVIDE A HANDHOLD, FOOTHOLD OR OBJECT THAT WILL FACILITATE CLIMBING. IN ADDITION THE HEIGHT OF THE BARRIER SHALL NOT BE REDUCED BY ANY OBJECT WITHIN 500MM OF THE BARRIER.

EXISTING TREE SCHEDULE							
TREE REF	BOTANICAL NAME	COMMON NAME	HEIGHT (M)	SPREAD (M)	TRUNK DIAM (M)	CONDITION	COMMENTS/
T1	Cupressus sp.	Conifer	7	2	0.3	AVERAGE	RETAIN & PROTECT - HEDGE FURTHER TO MEET POOL BARRIER REQUIREMENTS
T2	Cupressus sp.	Conifer	10	2	0.3	AVERAGE	RETAIN & PROTECT - HEDGE FURTHER TO MEET POOL BARRIER REQUIREMENTS
T3	Cupressus sp.	Conifer	10	2	0.3	AVERAGE	RETAIN & PROTECT - HEDGE FURTHER TO MEET POOL BARRIER REQUIREMENTS
T4	Syzygium sp.	Lilly Pilly	6	2	0.2	AVERAGE - PREVIOUS SIGNIFICANT PRUNING	RETAIN & PROTECT
T5	Syzygium sp.	Lilly Pilly	6	2	0.2	AVERAGE - PREVIOUS SIGNIFICANT PRUNING	RETAIN & PROTECT
T6	Syzygium sp.	Lilly Pilly	6	2	0.2	AVERAGE - PREVIOUS SIGNIFICANT PRUNING	REMOVE DUE TO CONSTRUCTION
T7	Schefflera actinophylla	Umbrella Tree	8	4	0.3	AVERAGE	EXEMPT SPECIES UNDER WC DCP
T8	Schefflera actinophylla	Umbrella Tree	8	4	0.3	AVERAGE	EXEMPT SPECIES UNDER WC DCP
T9	Schefflera actinophylla	Umbrella Tree	8	4	0.3	AVERAGE	EXEMPT SPECIES UNDER WC DCP
TREES EXTERNAL TO THE PROPERTY							
T10	Eucalyptus sp.	Gum	10	10	0.5	AVERAGE	RETAIN & PROTECT
T11	Archontophoenix cunninghamiana	Bangalow Palm	6	4	0.4	GOOD	RETAIN & PROTECT
T12	Archontophoenix cunninghamiana	Bangalow Palm	8	4	0.2	GOOD	RETAIN & PROTECT

DRAWING SCHEDULE			
DRAWING NO.	DRAWING TITLE	REV	DATE
LP 01	LANDSCAPE SITE PLAN LEGEND & NOTES	E	17/3/23
LP 02	LANDSCAPE PLAN - FRONT GARDEN	E	17/3/23
LP 03	LANDSCAPE PLAN - REAR GARDEN	E	17/3/23
LP 04	LANDSCAPE DETAILS	E	17/3/23

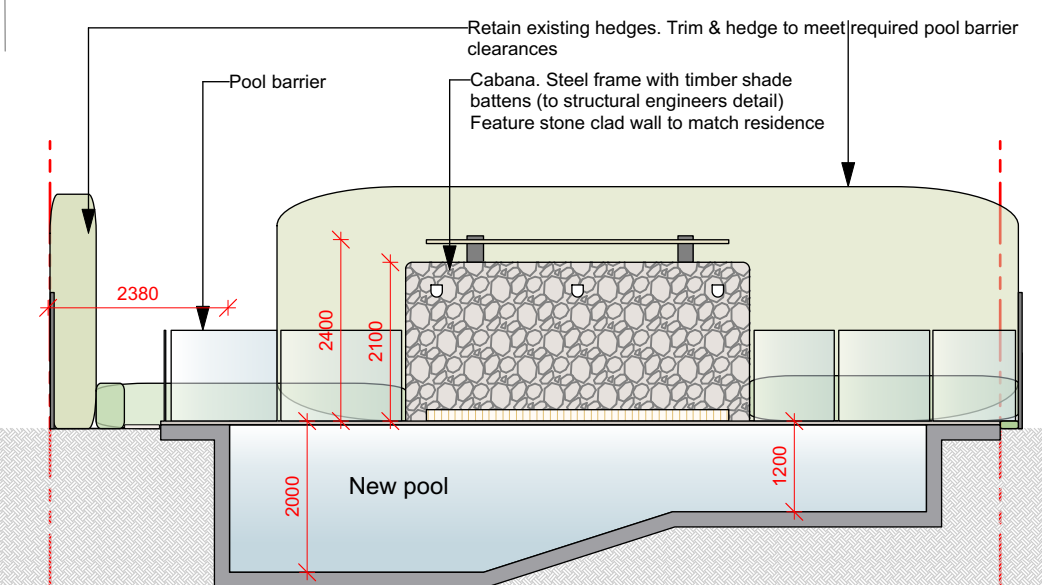
DA SUBMISSION

LANDSCAPE ARCHITECT: FIONA YEATES Consulting Pty Ltd LANDSCAPE ARCHITECTURE URBAN DESIGN PO BOX 887 ST IVES NSW 2075 M: 0414 446 730 E: fyeates@fyc.net.au				PROJECT: 21 PRINCESS STREET ROSE BAY		CLIENT: IZREEN IQBAL 21 PRINCESS STREET ROSE BAY NSW		SCALE: 1:200 @ A3 		DRAWING TITLE: LANDSCAPE SITE PLAN LEGEND & NOTES	
REVISION	DESCRIPTION	DATE	BY	JOB NUMBER:	DRAWING NO.:	REV:					
E	DA SUBMISSION	17.03.23	FY	2203	LP 01	E					
D	FOR COORDINATION	28.02.23	FY								
B	FOR REVIEW	05.05.22	FY								
A	CONCEPT FOR REVIEW	17.03.22	FY								
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2 REAR GARDEN
 Scale 1:100@ A3

3 REAR GARDEN - SECTION A-A
 Scale 1:100@ A3



4 REAR GARDEN - SECTION B-B
 Scale 1:100@ A3

DA SUBMISSION

REVISION	DESCRIPTION	DATE	BY
E	DA SUBMISSION	17.03.23	FY
D	FOR COORDINATION	28.02.23	FY
C	FOR COORDINATION	20.02.23	FY
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PROJECT:
21 PRINCESS STREET
 ROSE BAY

CLIENT:
IZREEN IQBAL
 21 PRINCESS STREET
 ROSE BAY
 NSW

SCALE: 1:100 @ A3

DRAWING TITLE: LANDSCAPE PLAN REAR GARDEN		
JOB NUMBER: 2203	DRAWING NO: LP 02	REV: E

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Waverley Council

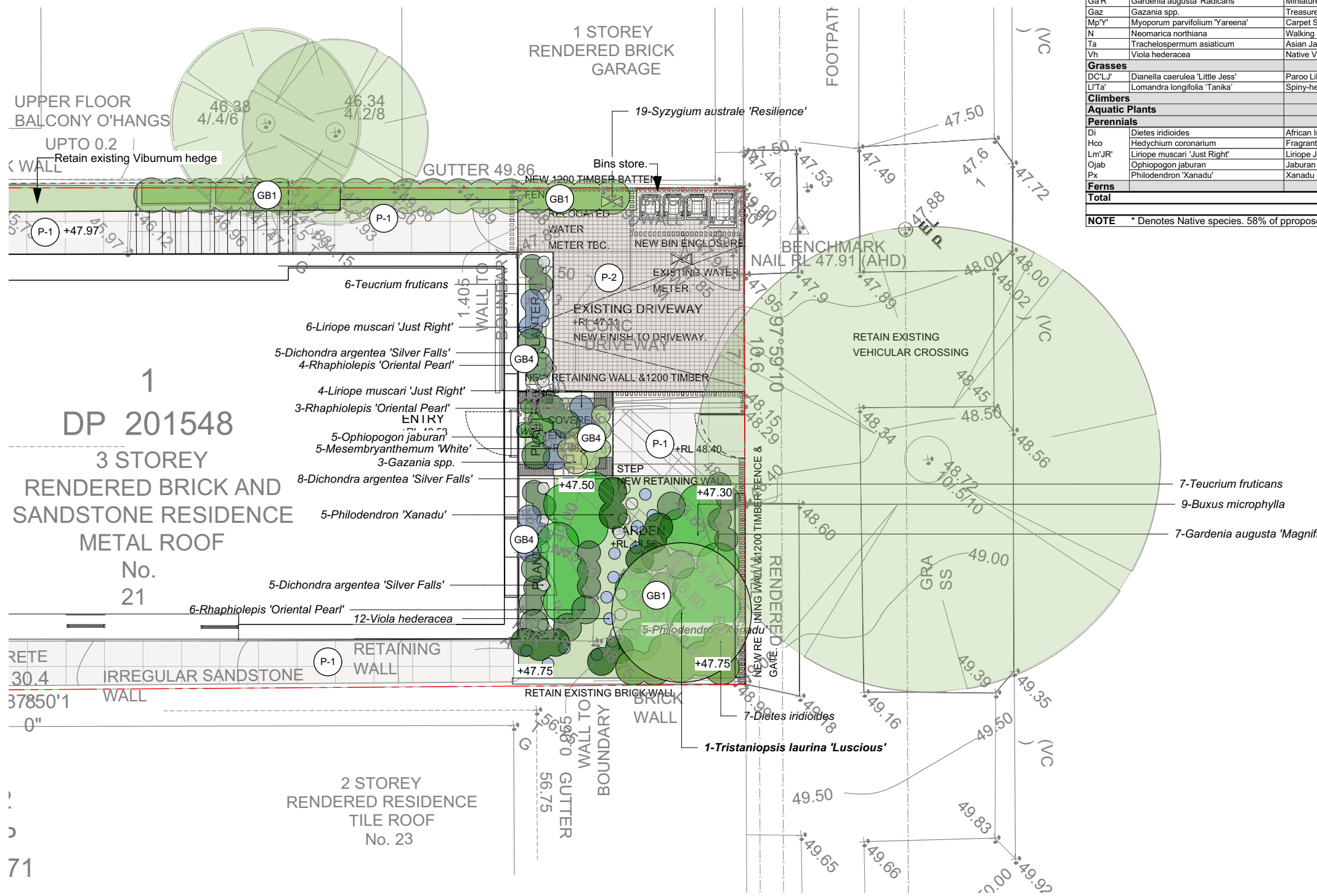
Application No: DA-85/2023

Date Received: 04/04/2023

Plant List

ID	Botanical Name	Common Name	Scheduled Size	Mature Height	Mature Spread	Qty	Remarks
Trees							
Acu	Archontophoenix cunninghamiana	Bangalow Palm, Piccabean	75lt	10 - 15m	3.5 - 6m	7	*
Hyf	Hymenoporum flavum	Native frangipani	200Lt	20 - 25m	2.0 - 4.0m	1	* Clear straight trunk to 600mm
Pn	Pyrus nivalis	Snow Pear	200Lt	5 - 10m	3.5 - 6m	4	* Clear straight trunk to 600mm
TriL	Tristanopsis laurina 'Luscious'	Luscious Water Gum	100Lt	5 - 10m	3.5 - 6m	1	*
Shrubs							
Bmi	Buxus microphylla	Japanese Box	200mm	1.5 - 3m	1.2 - 2.0m	9	
GarM	Gardenia augusta 'Magnifica'	Gardenia	200mm	0.9 - 1.5m	0.9 - 1.2m	15	
Hrs	Hibiscus rosa-sinensis 'Swan Lake'	Hibiscus	200mm	1.5 - 3m	1.2 - 2.0m	4	
RiOP	Rhaphiolepis 'Oriental Pearl'	Oriental Pearl	200mm	0.9 - 1.5m	1.2 - 2.0m	13	
Sa'R	Syzygium australe 'Resilience'	Resilience Lilly Pilly	200mm	3 - 5m	1.2 - 2.0m	19	*
Tfr	Teucrium fruticans	Bush Germander	140mm	1.5 - 3m	1.2 - 2.0m	13	
We Fr M	Westringia fruticosa 'Mundii'	Dwarf Coastal Rosemary	200mm	0.45 - 0.6m	0.9 - 1.2m	13	*
Ground Covers							
CgCI	Casuarina glauca 'Cousin It'	Cousin It	140mm	0.0 - 0.3m	0.9 - 1.2m	94	*
Da'SF	Dichondra argentea 'Silver Falls'	Silver Falls	125mm	0.0 - 0.3m	0.9 - 1.2m	36	*
Dir	Dichondra repens	Kidney Weed	140mm	0.0 - 0.3m	0.9 - 1.2m	210	*
GarR	Gardenia augusta 'Radicans'	Miniature Gardenia	140mm	0.3 - 0.45m	0.3 - 0.6m	50	
Gaz	Gazania spp.	Treasure Flower	140mm	0.0 - 0.3m	varies with age	70	
Mp'Y	Myoporum parvifolium 'Yareena'	Carpet Spreading Myoporum	140mm	0.3 - 0.45m	0.9 - 1.2m	28	*
N	Neomarica northiana	Walking Iris	140mm			14	
Ta	Trachelospermum asiaticum	Asian Jasmine	140mm	0.3 - 0.45m	0.6 - 0.9m	36	
Vh	Viola hederacea	Native Violet	140mm	0.0 - 0.3m	1.2 - 2.0m	50	*
Grasses							
DC'LJ	Dianella caerulea 'Little Jess'	Paroo Lily, Little Jess	140mm	0.3 - 0.45m	0.3 - 0.6m	40	*
Li'Ta	Lomandra longifolia 'Tanika'	Spiny-headed mat rush	140mm	0.45 - 0.6m	0.6 - 0.9m	14	*
Climbers							
Aquatic Plants							
Perennials							
Di	Diets iridioides	African Iris	140mm	0.75 - 0.9m	variable	14	
Hco	Hedychium coronarium	Fragrant White Ginger	200mm	1.0 - 1.5m	0.6 - 0.9m	6	
Lm'JR	Liriope muscari 'Just Right'	Liriope Just Right	140mm	0.3 - 0.45m	0.3 - 0.6m	74	
Ojab	Ophiopogon jaburan	Jaburan lily	150mm	0.0 - 0.3m	0.3 - 0.6m	10	
Px	Pholidendron 'Xanadu'	Xanadu	200mm	0.6 - 0.75m	0.9 - 1.2m	20	
Total						865	

NOTE * Denotes Native species. 58% of proposed planting are native species.



PRINCESS STREET

5 FRONT GARDEN scale 1:100@ a3

DA SUBMISSION

REVISION	DESCRIPTION	DATE	BY
E	DA SUBMISSION	17.03.23	FY
D	FOR COORDINATION	28.02.23	FY
B	FOR REVIEW	05.05.22	FY
A	CONCEPT FOR REVIEW	17.03.22	FY

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 LANDSCAPE ARCHITECTURE
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PROJECT:
21 PRINCESS STREET
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 NSW

SCALE: 1:100 @ A3

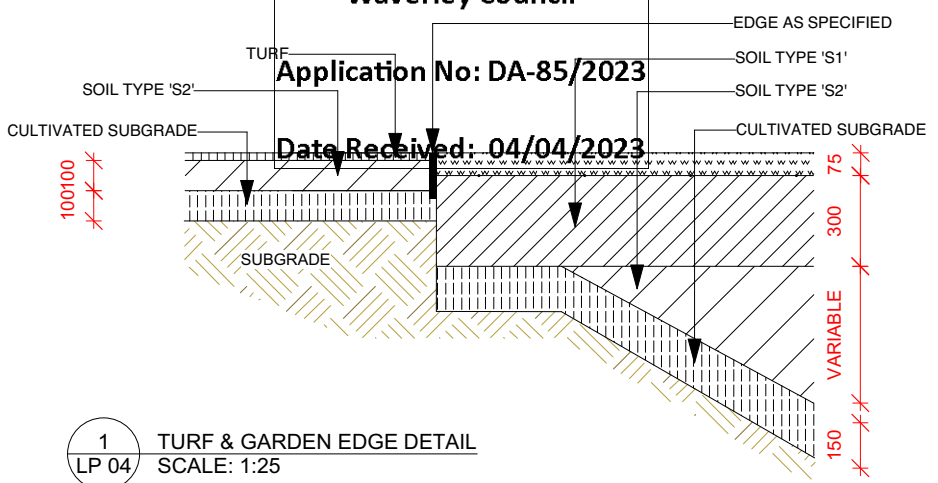
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 LANDSCAPE PLAN
 FRONT GARDEN

JOB NUMBER: 2203	DRAWING NO: LP 03	REV: E
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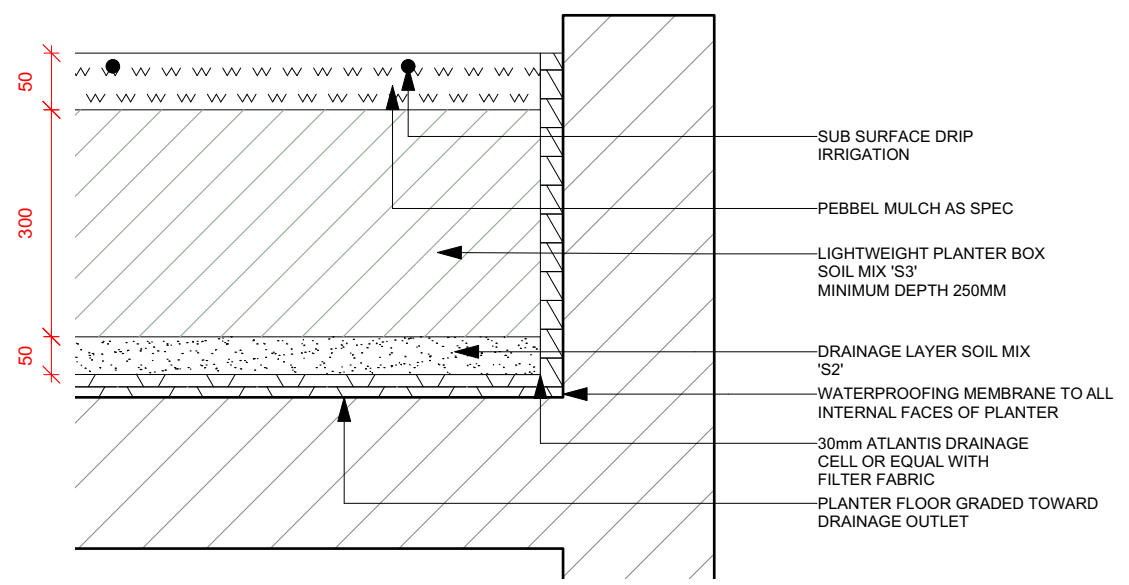
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Application No: DA-85/2023

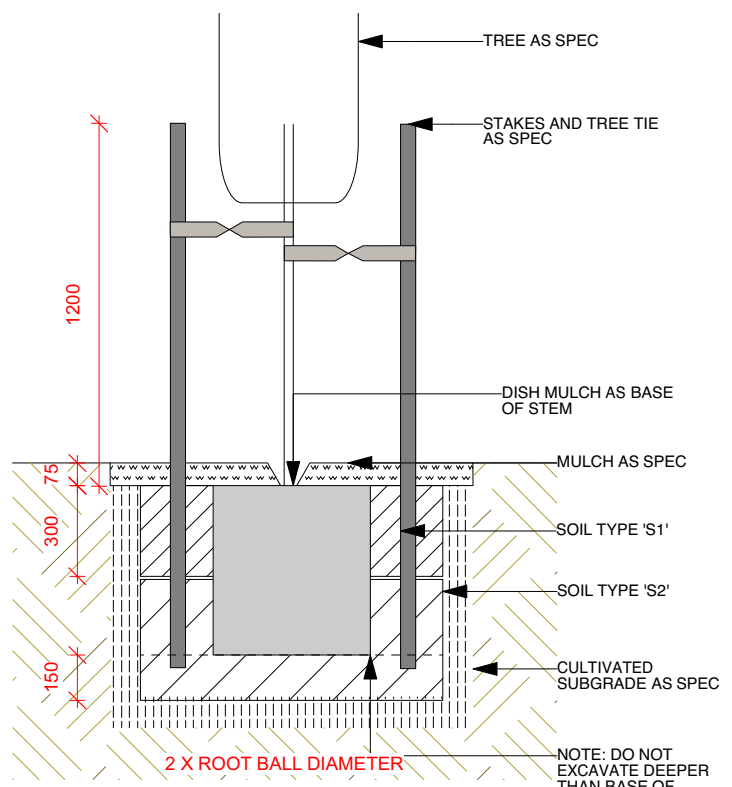
Date Received: 04/04/2023



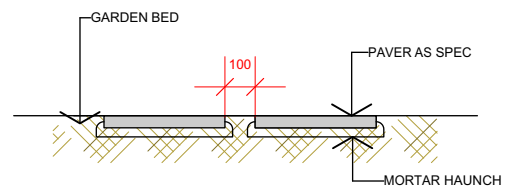
1 TURF & GARDEN EDGE DETAIL
LP 04 SCALE: 1:25



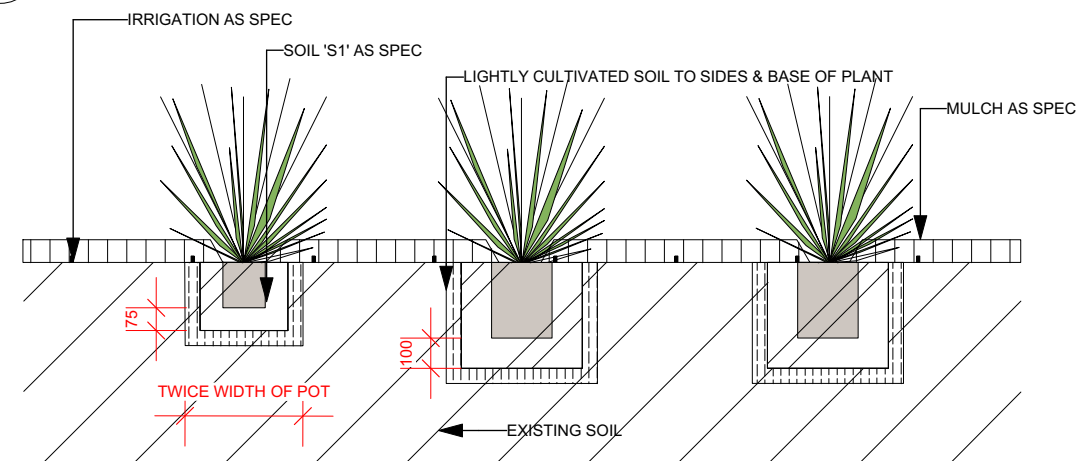
3 GREEN ROOF SOIL PROFILE - DETAIL SECTION
LP 04 SCALE: 1:10



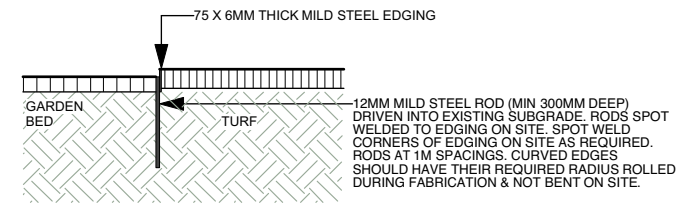
2 TREE PLANTING DETAIL
LP 04 SCALE: 1:25



4 STEPPING STONE DETAIL
LP 04 SCALE: 1:25



5 PLANTING DETAIL - EXISTING GARDEN BED
LP 04 SCALE: 1:25



6 STEEL EDGE DETAIL
LP 04 SCALE: 1:25

LANDSCAPE WORKS - OUTLINE SPECIFICATION

- 1.0 Site Preparation and Protection
 - 1.1 Erosion Control: Take all precautions to prevent erosion.
 - 1.2 Work Near Trees:
 - Excavation within 5 meters of an existing significant tree is to be supervised by a qualified consulting arborist. Protect all trees to be retained from damage from groundwork. Take all necessary precautions including the following:
 - Do not store, store, stockpile, dump, or otherwise place under or near trees bulk materials and harmful materials.
 - Do not place spoil from excavations against tree trunks, even for short periods. Prevent damage to tree trunks.
 - Do not fill or compact over tree roots within the drip line of the tree canopy. Undertake root protection / compaction mitigation as required and specified by Council.
 - Do not remove topsoil from within the dripline of the line unless otherwise specified.
 - If it is necessary to excavate within the dripline, use hand methods to preserve intact root systems.
 - Do not cut tree roots exceeding 50mm diameter unless permitted by the superintendent.
 - 1.3 Weed Eradication
 - Eradicate weeds by environmentally acceptable methods using a non residual herbicide at the recommended maximum rate. Continue eradication throughout the course of works and during the planting establishment.
- 2.0 Soil Works
 - 2.1 Garden Beds
 - Remove all weeds, roots, stumps, builders rubbish and other debris.
 - Garden Bed 1:** Excavate to 375mm below finished levels. Shape to drain to subsoil drains where applicable. Cultivate subgrade to 200mm. Additives: After cultivation incorporate gypsum into upper layer of clay sub soils at the rate of .25kg/ m2 Spread topsoil mix to 300mm depth. Soil mix: 'S1' Organic soil mix in accordance with AS 4419 Soils for Landscaping and Garden Use. Soil mix below 300mm: 'S2' 80:20 double washed river sand/soil mix
 - Garden Bed 2:** If site garden bed soil is suitable mix imported topsoil mix with site soil at the ratio of 50:50.
 - Garden Bed 3:** Individual plantings in existing garden bed areas. Excavate a hole twice the diameter of the rootball and at least 100mm deeper than the root ball. Break up the hole to a further depth of 100mm, and loosen compacted sides of the hole to prevent confinement of root growth.
 - Garden Bed 4:** Planter Garden / Roof Garden Bed. Soil mix 'S3'. Light weight soil mix in accordance with AS4419 Soils for Landscaping and Garden Use. Soil mix below 300mm 'S2' 80:20 double washed river sand: soil mix.
 - Mulch:** Place 75mm horticultural grade mulch to all garden or nominated areas set down 25mm from adjacent surfaces.
 - Pebble Mulch:** 50mm to nominated areas set down 25mm from adjacent surfaces. Mulch to be free of deleterious matter, including soil, weeds, rocks, twigs and the like. Place the mulch so that it does not come into contact with the stem.
 - 2.2 Turf
 - Excavate to 100mm below finished levels. Shape to drain to subsoil drains where applicable. Cultivate sub grade to 100mm. Spread 80% sand/20% topsoil mix to turf areas. Screed soil smooth & level to finish 40mm below finished level. Spread soil conditioner Dynamic Lifter or equal & wet to activate. **Turf Type: 'Sir Walter'** Place turf in stretcher bond pattern with the joints staggered and close butted. Tamp lawn down. Water immediately after laying. Apply lawn fertiliser at the completion of the first and last mowing. When the turf is established, mow, remove cuttings and lightly topdress to a depth of 10mm.
 - 2.3 Planting
 - Thoroughly water the plants before and immediately after planting and as required to maintain growth rates free from stress. Excavate a hole, double the width and 200mm deeper than the pot size. Cultivate the subgrade to 150mm. Backfill with topsoil mixture. Water in well.
 - 2.4 Fertiliser
 - Turf: Apply an approved complete lawn fertiliser at the manufacturers recommended application and rates. Planting: Individual plantings: Place fertiliser pellets at a rate as recommended by the manufacturer. Planting beds: Place prolonged release fertiliser around the plants as recommended by the manufacturer.
 - 2.5 Staking
 - For plants greater than 2.5M high provide 3 x 50mm x 50mm stakes per plant. For plants 1-2.5M high provide 2 x 50mm x 50mm x 1.8m per plant.
 - 3.0 Subsoil Drains
 - General: Provide subsoil drains to intercept groundwater seepage and prevent water build-up behind all walls & pavements. Connect subsoil drains to surface drains or to the stormwater drainage system as applicable. Pipe Type: 100mm slotted, flexible corrugated PVC pipe and fittings to AS 2439.1. Bed piping on a continuous underlay of bedding material, at least 75 mm thick after compaction. Pipe surrounds: General: Place the material in the pipe surround in layers 200 mm loose thickness, and compact damaging or displacing the piping. Filter Fabric: Provide polymeric fabric formed from plastic yarn composed of at least 85% by weight propylene, ethylene, amide or vinylidenechloride, containing stabilisers or inhibitors which provide resistance to deterioration due ultraviolet light.
 - 4.0 Irrigation
 - Design, supply, install and commission a fully automatic irrigation system to all garden beds and planters. The irrigation system shall be designed and constructed to ensure even distribution and sufficient water to achieve even growth. Ensure that the irrigation system is capable of providing a minimum precipitation rate of 25mm per week. All irrigation must comply with the water and electricity supply authorities, local authority standards and relevant Australian standards. Submission of the design to the client or their superintendent prior to the commencement of the works is the responsibility of the irrigation contractor.
 - 5.0 Planting
 - All plant material shall be true to type of healthy growth, disease free nursery stock and not displaying restricted growth patterns. Should there be a requirement for substitutions they shall not change without prior approval of the Landscape Architect.
 - 6.0 Steel Edging
 - 75mm x 6mm thick mild steel edging. Fixed with 12mm x 300mm long mild steel rods at 1m centres driven into existing subgrade. Spot weld rods to edging. Spot weld corners.
 - 7.0 Pool Barrier
 - Frameless glass: 1200mm high child safety approved frameless glass pool fence (measured on the outside) of 12mm toughened glass with outward opening gates in accordance with manufacturers details & AS1926.1-2012 & AS1288. The pool safety fence supplier and installer must provide certification that all components of the barrier have been supplied and installed in accordance with the Swimming Pool Act 1992, The Swimming Pool Amendment Act 2012 and the Australian Standards AS1926.1-2012 and AS 1288.

DA SUBMISSION

REVISION	DESCRIPTION	DATE	BY
E	DA SUBMISSION	17.03.23	FY
D	FOR COORDINATION	28.02.23	FY

LANDSCAPE ARCHITECT:
FIONA YEATES Consulting Pty Ltd
LANDSCAPE ARCHITECTURE
URBAN DESIGN
PO BOX 887 ST IVES NSW 2075
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PROJECT:
21 PRINCESS STREET
ROSE BAY

CLIENT:
IZREEN IQBAL
21 PRINCESS STREET
ROSE BAY
NSW

SCALE: AS SHOWN @A3

DRAWING TITLE: LANDSCAPE DETAILS		
JOB NUMBER: 2203	DRAWING NO: LP 04	REV: E

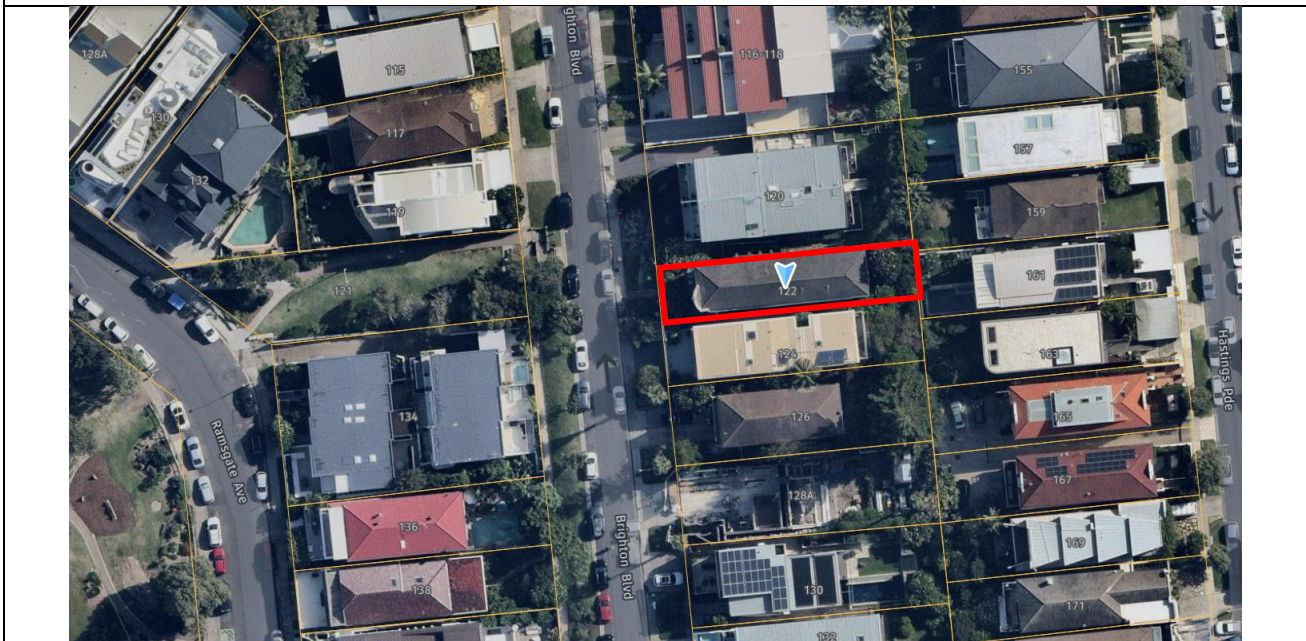
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Report to the Waverley Local Planning Panel

Application number	DA-18/2023
Site address	122 Brighton Boulevard, North Bondi
Proposal	Substantial demolition, alterations and additions to convert existing residential flat building to dwelling house, including new basement level comprising garage for two car spaces, storage, plant rooms, and lift and stair access to dwelling above.
Date of lodgement	25 January 2023
Owner	Proprietors of Strata Plan 8191
Applicant	Richards Stanisich
Submissions	One (1) submission received
Cost of works	\$2,823,240
Principal Issues	<ul style="list-style-type: none"> • Building height • FSR • Front building line • Balconies • Front landscaped area
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for substantial demolition of existing residential flat building containing 4 apartments, retention of existing building footprint and envelope, alterations and additions to convert to a single dwelling house including internal reconfiguration to existing floors, excavation for a new basement comprising a garage, storage and plant rooms, and extension of existing sub floor level to habitable space. The proposal also seeks external buildings works including alterations to window openings, replacement of existing front balconies and construction of a rear terrace with shelter, and landscape works at the site known as 122 Brighton Boulevard, North Bondi.

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

- Building height
- FSR
- Front building line
- Balconies
- Front landscaped area.

The assessment finds these issues acceptable as the proposed new building works are predominantly contained within the existing building envelope, retains the architectural character of the Inter-war building and does not result in any adverse impacts on the amenity of adjoining properties or the streetscape.

One (1) submission was received and the issues raised in the submissions have been considered and addressed in this report and in the recommendation. No Councillor submission were received.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 2 May 2023.

The site is identified as SP 8191, known as 122 Brighton Boulevard, North Bondi.

The site is located on the eastern side of Brighton Boulevard between Campbell Parade to the north and Bay Street to the south. The site is rectangular in shape with a frontage to Brighton Boulevard and rear (east) boundary, measuring 8.535m, and north and south side boundaries measuring 39.165m. It has an area of 334.3m² and it falls from the east to west by approximately 4.5m. At the front (west) boundary the site is situated approximately 3.5m above the Brighton Boulevard street level and is accessed via a set of stairs within a 5m wide Council owned nature strip.

The site is occupied by a two storey Inter war residential flat building containing 4 strata subdivided apartments and a subfloor level below used for storage. The site does not have vehicular access or on site car parking.

The site is not identified as a heritage item or located in a conservation area however it is located within the Ben Buckler Special Character Area.

The site is adjoined by a two storey residential flat building containing four apartments and subfloor carparking accessed from Brighton Boulevard to the north (120 Brighton Boulevard) and a two storey dwelling with vehicular access and a double garage accessed from Brighton Boulevard to the south (124 Brighton Boulevard). Opposite the site on the western side of Brighton Boulevard is a Council reserve providing pedestrian access between Brighton Boulevard and Ramsgate Avenue, and access to Biddigal Reserve and North Bondi Beach. Surrounding properties along Brighton Boulevard comprises a mix of two and three storey residential flat buildings and two and three storey dwellings.

Immediately to the rear (east) of the site, are a mix of two and three storey dwellings fronting Hastings Parade.

The locality is characterised by a variety of medium density residential developments.

Figures 1 to 9 are photos of the site and its context.



Figure 1: View of subject site looking east from Brighton Boulevard



Figure 2: Surrounding properties to the north of the site, looking north-east on Brighton Boulevard



Figure 3: Surrounding properties to the south of the site, looking south-east on Brighton Boulevard



Figure 4: Setback of existing front balconies and adjoining property to the north (120 Brighton Boulevard) viewed from front setback



Figure 5: View of existing stairs and boundary fence along northern side setback, looking east



Figure 6: View of stairs to entry of building and southern side boundary fence, looking east along southern side setback



Figure 7: Looking east from entry of building towards rear of site along the southern side boundary



Figure 8: View of existing rear and north elevations, looking south-west from rear yard



Figure 9: Existing open space at rear of site, looking east from northern side setback

1.3. Relevant Development History

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

- DA-324/2016 was approved on 18 October 2016 for internal alterations to combine units 3 and 4 on the first floor of the existing residential flat building into one apartment.
- DA-339/2017 was approved on 19 March 2018 for construction of a new driveway, basement garage and landscape works. The consent is due to expire on 19 March 2025 in accordance with the two year extension granted to development consents determined prior to 25 March 2022 under the temporary legislative changes made to the *Environmental Planning and Assessment Act 1979* during the COVID-19 pandemic. This development consent has not been activated.

1.4. Proposal

The development application seeks consent for substantial demolition of existing residential flat building and alterations and additions to convert to a single dwelling with a new basement level accommodating a garage, plant and storage areas, a new lower ground floor level and landscape works, specifically the following:

Basement

- Excavation for a two car garage accessed via a turntable and single width driveway from Brighton Boulevard;
- Store room, mechanical plant room, rainwater tank;
- Lift and stair access to dwelling above;
- Bicycle storage; and
- Bin storage.

Ground Floor

- Excavation of existing subfloor area to use as living space containing a rumpus room, wine cellar, bathroom and storage area; and
- Paved terrace area with landscaping fronting Brighton Boulevard.

Level 1

- Replace front balcony on west elevation with new balcony;
- Internal reconfiguration for three bedrooms, two ensuites, a separate bathroom, laundry and media room;
- Demolish existing window openings and replace with new window and door openings; and
- Rear terrace with detached shade structure above and stairs to the rear yard.

Level 2

- Internal reconfiguration to providing open planning living areas, pantry, library/office, power room and a bedroom with an ensuite;
- Internal void adjacent to stair and hallway to floor below;
- Replace front balcony on west elevation with a new balcony;
- Replace existing window opening on north elevation with new window; and
- Partially demolish wall on south elevation to install a new window opening.

External Works

- Demolish existing roof and construct new roof to match;
- Retain existing parapet on west elevation;
- New stairs and driveway within Council reserve immediately to the west (front) boundary as approved under development Consent DA-339/2017;
- Outdoor shower and stairs within the southern side setback; and
- Landscape works to the rear.



Figure 10: Photomontage of proposal, viewed from Brighton Boulevard

1.5. Background

The development application was lodged on 25 January 2023 and deferred on 27 January 2023 for the following reasons:

1. Structural engineers report required to demonstrate that retention of existing building fabric is achievable having regard to the substantial demolition proposed.

The structural engineer's report prepared by Partridge Structural Pty Ltd received on 8 February 2023 supports the submitted architectural plans which form the basis of the assessment.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

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

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

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is not inconsistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table <ul style="list-style-type: none"> R3 Medium Density Residential Zone 	Yes	The proposal is defined as a 'dwelling house', which is permitted with consent in the R3 Medium Density Residential zone. A detailed discussion of the objectives of the zone is presented below this table.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 9.5m 	No	The existing building has a height of 9.8m, exceeding the development standard by 0.3m. The proposal does not seek to alter the existing building height of 9.8m which equates to a 3.2% variation to the height of buildings development standard.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> 0.737:1 (246.38m²) 	No	The existing residential flat building has a FSR of 0.92:1 (307.5m ²). The proposal seeks to provide an additional 64.6m ² of gross floor area (GFA) contained within the existing building envelope, resulting in a total FSR of 1.11:1 (372.1m ²). The proposal presents a variation of 51% to the FSR development standard.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of buildings and FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site is identified as containing Class 5 Acid sulfate soils however, the proposal does not involve excavation below 5m AHD and will not impact the watertable of adjacent Class 4 Acid sulfate soil properties located to the west, north-west and south-west of the site.
6.2 Earthworks	Yes	A Geotechnical Investigation Report prepared by Aargus Pty Ltd dated 23 August 2022 identifying existing sandstone, fill, soil and

Provision	Compliance	Comment
		ground water within the site was submitted with the application. The proposed excavation will not result in any adverse environmental impacts on surrounding properties, subject to conditions to manage excavation and construction works.

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

R3 Medium Density Residential Zone Objectives

The site is located within the R3 Medium Density Residential zone. The proposed conversion of the existing residential flat building to a dwelling is permitted with consent and has been considered against the objectives of the zone which read as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To increase or preserve residential dwelling density.*
- *To encourage the supply of housing, including affordable housing, that meets the needs of the population, particularly housing for older people and people with disability.*
- *To provide development that is compatible with the desired future character and amenity of the surrounding neighbourhood.*
- *To promote development that incorporates planning and design measures that reduce the urban heat island effect.*
- *To improve the urban tree canopy by providing high levels of deep soil planting and additional landscaping.*

The proposed conversion of the existing residential flat building to a dwelling house satisfies the objectives of the zone particularly to provide a variety of housing types within a medium density residential environment to meet the needs of residents, contributes to additional landscaping and is compatible with the desired future character and amenity of the neighbourhood as the existing Inter War building is being retained. The proposal will not directly impact the provision of services or facilities

to meet the needs of residents, public transport usage and will maintain existing opportunities for walking and cycling in the area.

The proposal does not strictly satisfy the objective to increase or preserve residential dwelling density in the R3 zone as the proposed dwelling removes three apartments from the site and decreases residential dwelling density. Notwithstanding this, the proposed dwelling house use of the site is permitted within the zone and is consistent with other relevant objectives and controls for the development and is considered acceptable in this circumstance.

Clause 4.6 Exceptions to Development Standards - Height of Buildings

The application seeks to vary the maximum 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 9.5m. The existing building has an overall building height of 9.8m (RL31.70) measured to the roof ridge. The proposed development does not seek to change the existing height of the building, however the existing height of 9.8m exceeds the standard by 0.3m equating to a 3.2% variation. The extent of the variation is contained within a portion of the roof form on the north and south elevation as illustrated in **Figures 11 and 12** below.

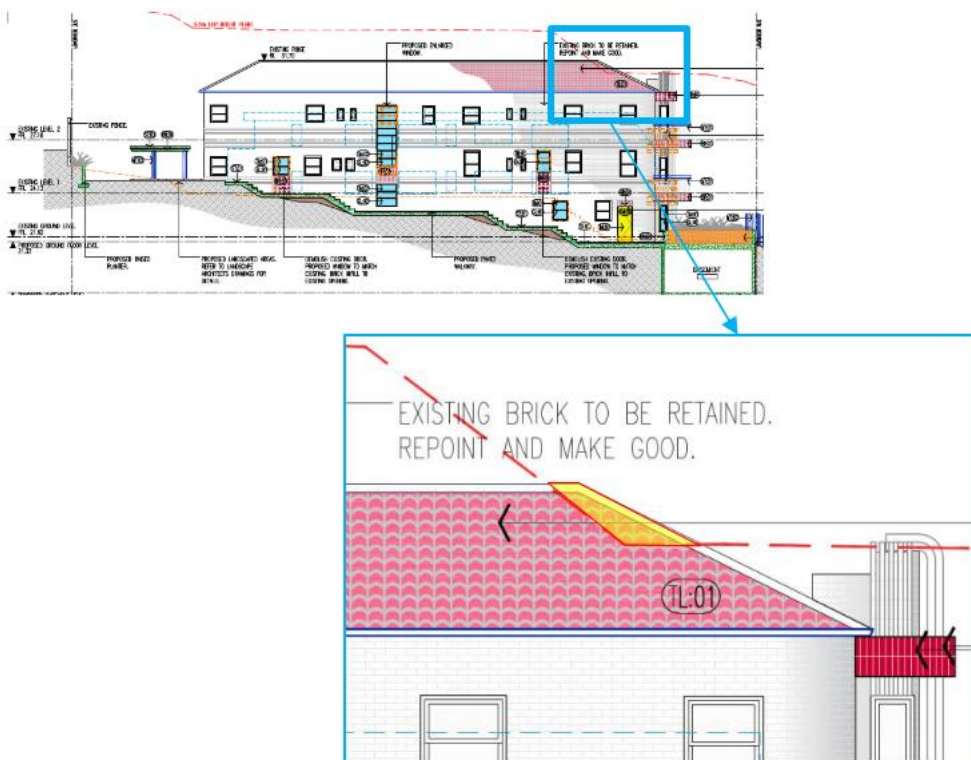


Figure 11: Height of building variation shown on north elevation (shaded in yellow)

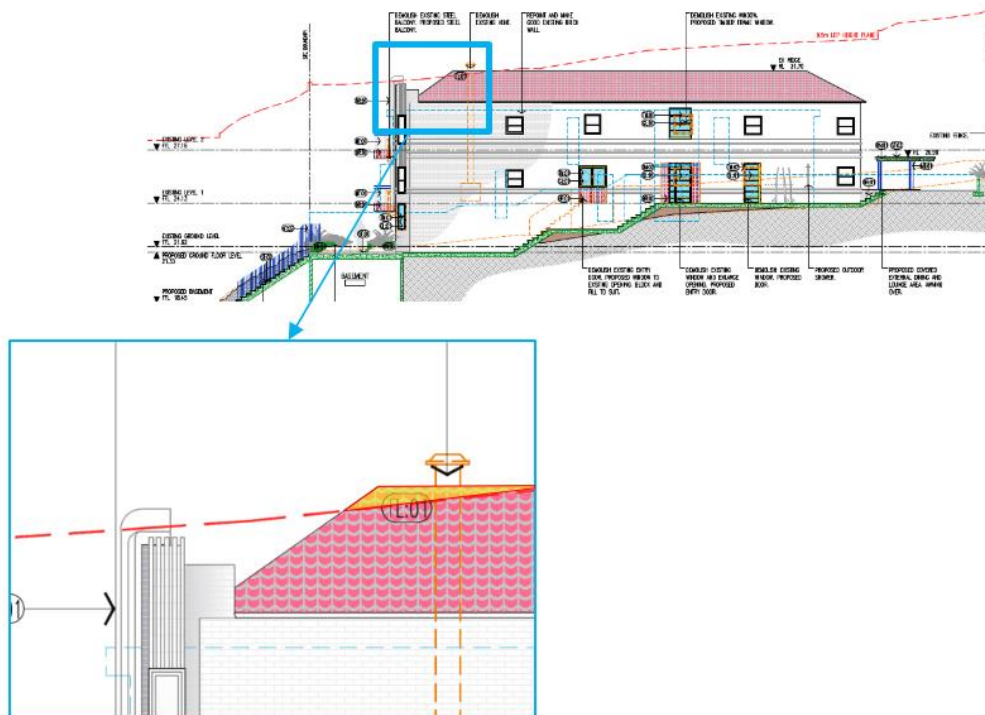


Figure 12: Height of building variation shown on south elevation (shaded in yellow)

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

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) *The existing building presents a variation to the height of buildings development standard by 3.2% that is contained within the existing roof form;*
 - (ii) *The proposal does not seek to alter the existing roof form or building height;*
 - (iii) *The proposed alterations and additions to the building are contained below the maximum height of building development standard; and*
 - (iv) *The proposal achieves the objectives of the development standard.*

- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *The variation to the height of buildings development standard is contained within a limited portion of the existing roof. The proposal replacement of the roof to match the existing roof form results in no additional impacts. Strict compliance with the development standard would require replacement of the roof with a lower roof profile that is inconsistent with the architectural character of the existing building and no benefit to the amenity of surrounding properties.*
 - (ii) *The variation enables orderly and economic use and development of land and sustainable development as the architectural character of the building is retained, and contributes to the streetscape and desired future character of the area.*
 - (iii) *The proposal is consistent with the objectives of the development standard and 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. Specifically, the proposal has adequately demonstrated the objectives of the development standard have been achieved as no change is proposed to the existing building height, built form or roof form resulting in preservation of environmental amenity for surrounding properties and public spaces. The proposed replacement of the existing roof will match the scale, form and profile of the existing roof and have no additional view loss impacts of surrounding properties. The retention of the existing built form and architectural character of the Inter War building will contribute positively to the character of the streetscape and the Ben Buckler Special Character Area.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. In particular, the extent of the variation to the development standard is limited to the western most portion of the existing roof on the north and south elevations (as shown on Figures 10 and 11 above) and does not result in any additional building bulk or amenity impacts on surrounding properties, noting that the remainder of the existing building and any new works are wholly contained within a compliant building height and is acceptable.

In addition, the proposal which seeks to retain the existing Inter War building and its contribution to the character of the locality rather than demolition and construction of a contemporary building that achieves numerical compliance with the development standard is considered a better environmental planning outcome.

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 ensure building heights preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views,*
- (b) to accommodate taller buildings on land in Zone E2 Commercial Centre in the Bondi Junction Centre and establish a transition in scale between adjoining zones to protect local amenity,*
- (c) to maintain satisfactory solar access to existing buildings and public areas,*
- (d) to establish building heights that are consistent with the desired future character of the locality.*

As discussed above, the applicant has adequately demonstrated that the proposal, notwithstanding the variation to the development standard, achieves the objectives to preserve environmental amenity for

surrounding properties including views and solar access and does not detract from the desired future character of the Ben Buckler Special Character Area.

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

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To increase or preserve residential dwelling density.*
- *To encourage the supply of housing, including affordable housing, that meets the needs of the population, particularly housing for older people and people with disability.*
- *To provide development that is compatible with the desired future character and amenity of the surrounding neighbourhood.*
- *To promote development that incorporates planning and design measures that reduce the urban heat island effect.*
- *To improve the urban tree canopy by providing high levels of deep soil planting and additional landscaping.*

The applicant has adequately demonstrated the proposal to retain the exterior of the existing Inter War residential flat building and convert to a dwelling achieves the objectives for the R3 Medium Density Residential zone as it contributes to the desired future character of the locality and the mix of housing types within the medium density residential locality. The proposal does not result in any impact on provision of services or facilities to residents or use of public transport and will not have any additional amenity impacts on surrounding properties.

The applicant has also addressed the objective to increase or preserve residential density which is not achieved by the conversion of the existing residential flat building to a dwelling, noting that use of the site as a dwelling is permitted with consent within the R3 zone. In this circumstance, the proposal is considered consistent with the objectives of the zone and results in a development that is compatible with the desired future character of the locality.

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 Medium Density Residential zone.

Clause 4.6 Exceptions to Development Standards - Floor Space Ratio

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

The site is subject to a maximum FSR development standard of 0.737:1. The proposed development has a FSR of 1.11:1 (372.1m²), exceeding the standard by 125.72m² equating to a 51% variation.

The existing residential flat building has a FSR of 0.92:1 (307.5m²) and is subject to a maximum FSR development standard of 0.6:1. The proposal seeks a net increase in gross floor area of 64.6m² (21% increase) to be contained wholly within the existing building footprint and envelope.

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 existing building comprises a FSR variation to the development standard by 53.3%. The proposal results in a reduction in FSR to 51% with additional floor space contained within the basement and ground floor levels and are contained within the existing building footprint and envelope.*
 - (ii) *The variation to the FSR development standard does not result in any additional building height and is compliant with side and rear setback controls.*
 - (iii) *The proposal achieves the objectives of the development standard.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) *The proposal, notwithstanding the variation, retains the built form of the existing building and the Inter War architectural character which contributes to the desired future character of the locality.*
 - (ii) *The proposal improves the amenity of the building for occupants with improvements to accessibility, safety and functionality.*

- (iii) Strict compliance with the development standard would require removal of the top floor level as the existing residential flat building exceeds the development standard by 53.3%. A FSR compliant development would result in a building that is smaller than immediately adjoining properties and would not complement the streetscape or the special character area.*
- (iv) The proposal achieves the objectives of the development standard and the zone.*
- (v) The proposed variation facilitates orderly and economic development of the site, and sustainable development with the retention of the existing building.*

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 achieves the objectives relating to appropriate building bulk and scale as the existing built form of the Inter War residential flat building is being retained, and it is acknowledged that the existing building has a FSR and building height that exceeds the development standards. Notwithstanding the variation to the FSR development standard, the proposal does not present any additional building bulk when viewed from the public domain or surrounding properties as the additional GFA is contained within the basement level and an existing subfloor level within the building footprint. The proposal satisfies the objectives of the development standard particularly to preserve the environmental amenity of surrounding properties and the locality as new works are contained within the existing building envelope and has no additional overshadowing, privacy or view loss impacts to adjoining properties. The retention of the existing building achieves the objective for development to be of a compatible bulk and scale to the desired future character of the locality as the architectural style and form of the Inter War building contributes to the streetscape character of the Ben Buckler Special Character Area.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. In particular, the extent of the variation to the FSR development standard is wholly contained within the existing building footprint and envelope and does not result in any additional building bulk or scale when viewed from the public domain or surrounding properties. The proposal has demonstrated that retention of the existing building satisfies the objectives of the development standard and the zone as there will be no additional environmental amenity impacts on surrounding properties.

Is the development in the public interest?

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

The objectives of the 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.*

As discussed above, the applicant has adequately demonstrated that the proposal achieves the relevant objectives of the development standard notwithstanding the variation sought as the additional FSR is

contained wholly within the existing building footprint and building envelope, and does not result in any increase in the height of the existing building. As such, the proposal is of an appropriate bulk and scale and preserves the environmental amenity of surrounding properties. The retention of the existing Inter War residential flat building results in minimal visual impacts within the streetscape and maintains the architectural contribution the existing building has within the Ben Buckler Special Character Area.

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

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To increase or preserve residential dwelling density.*
- *To encourage the supply of housing, including affordable housing, that meets the needs of the population, particularly housing for older people and people with disability.*
- *To provide development that is compatible with the desired future character and amenity of the surrounding neighbourhood.*
- *To promote development that incorporates planning and design measures that reduce the urban heat island effect.*
- *To improve the urban tree canopy by providing high levels of deep soil planting and additional landscaping.*

As discussed above, the conversion of the existing residential flat building to a dwelling is permitted in the R3 Medium Density Residential zone and the proposal has adequately demonstrated compliance with the objectives of the zone, with the exception of the objective to increase or preserve residential dwelling density. In this circumstance, the proposal is acceptable as it is permissible development in the R3 zone and will contribute to the variety of housing types within a medium density residential locality, the desired future character of the Ben Buckler Special Character Area and has demonstrated compliance with relevant planning controls under the Waverley LEP 2012 and Waverley DCP 2022.

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 Medium Density Residential zone.

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

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

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

Development Control	Compliance	Comment
1. Waste <ul style="list-style-type: none"> <i>Garbage bins are to be stored in an appropriate location.</i> 	Yes	Satisfactory.
2. Ecologically Sustainable Development <ul style="list-style-type: none"> <i>Ceiling or wall mounted fans</i> <i>Gas cooktops, gas ovens or gas internal space heating systems not permitted in any residential development.</i> 	Yes Yes	Satisfactory. Satisfactory. The architectural plans and BASIX Certificate indicate the installation of an electric cooktop.
3. Landscaping, Biodiversity and Vegetation Preservation <ul style="list-style-type: none"> <i>Consent is required to remove a tree that is 3m or greater in height, or 3m or greater in spread.</i> <i>Consent is required to prune a tree that is 5m or greater in height, or 5m or greater in spread.</i> <i>Where such a tree is proposed for removal, replacement plantings of suitable species from Annexure B3-2 and of minimum 45L pot sizes must be shown on a Landscape Plan. An Arborist must confirm that the replacement will be able to reach the same or greater canopy size when mature.</i> 	Yes Yes Yes	<p>The site is not located in a habitat corridor under the DCP.</p> <p>The site contains five trees (Tree Nos. 1, 3, 4, 5 and 6) and one tree (Tree No. 2) located adjacent to the northern side boundary within the neighbouring property at 120 Brighton Boulevard.</p> <p>The Arboricultural Impact Appraisal and Method Statement ('Arboricultural Impact Report') prepared by EziGrow, dated 28 September 2022, identifies the removal of Tree Nos. 1 (<i>Cupressus sp.</i>), 3 (<i>Magnolia 'Little Gem'</i>) and 4 (<i>Hibiscus sp.</i>). The report also identifies two trees at the rear identified as Tree Nos. 5 (<i>Prunus sp.</i>) and 6 (<i>Murraya paniculata</i>), and Tree No. 2 (<i>Nerium oleander</i>) as having low to very low importance, however can be retained and protected during construction works, subject to tree protection measures.</p> <p>The proposed landscape plantings particularly within the rear yard provides appropriate replacement plants that will contribute to the landscape character of the locality without</p>

Development Control	Compliance	Comment
		<p>impacting existing views from surrounding properties.</p> <p>Council's Tree Management Officer has reviewed the proposal and raises no objection to the removal of three existing trees on the site and protection of the remaining trees on the site and the adjoining property, subject to tree protection conditions which have been included in the recommendation.</p>
5. Water Management	Yes	Satisfactory. Refer to section 3 of this report on referral commentary in relation to stormwater.
7. Transport 7.1 Streetscape 7.2 On-Site Parking 7.2.1 Vehicle Access 7.2.2 Parking Rates <i>Minimum parking rate:</i> <ul style="list-style-type: none"> • Nil <i>Maximum parking rate:</i> <ul style="list-style-type: none"> • 2 spaces 	Yes Yes Yes Yes	<p>The off-street parking is acceptable.</p> <p>The subject site is located within Parking Zone 2 which permits on site parking subject to appropriate design demonstrating compliance with relevant Australian Standards.</p> <p>The driveway crossover is acceptable and will not impact on pedestrian access or street parking spaces, subject to conditions which have been included in the recommendation.</p> <p>The development provides two off-street parking spaces which complies with the development standard.</p>
11. Design Excellence	Yes	<p>Satisfactory.</p> <p>The proposal retains the building envelope and architectural character of the existing Inter War building which contributes to the character of the Ben Buckler Special Character Area and the streetscape. The alterations and additions to the existing building demonstrates good urban design as the external materials and finishes complement the Inter War style, does not result in any amenity impacts including view loss impacts on surrounding properties or the public domain.</p>
13. Excavation	No (acceptable on merit)	The proposed excavation from the front property boundary to beneath the existing building footprint, to accommodate the turntable and bin storage area is set back 0.8m from the northern side boundary and 0.3m from the southern side boundary and is inconsistent with the 0.9m

Development Control	Compliance	Comment
		<p>setback control. In this circumstance, the excavated area within the 0.9m setback is necessary to provide adequate turning circles for access to and from the basement garage and is acceptable as it is contained wholly below the existing ground level, results in minimal disturbance to sandstone and will not contribute to additional building bulk or scale.</p> <p>The maximum permitted volume of excavation for the site is 116.86m³ with a maximum 8m³ for basement storage. The proposed excavated area has a total volume of 677.95m³ including a basement garage for two car spaces with a turntable, bin storage, bicycle storage, plant rooms, lift and stairs to dwelling above and 27m³ of basement storage consisting of two separate storage areas measuring 3m² and 6.5m².</p> <p>Excavation is also proposed to level out the existing sub floor level to create a new ground floor within the existing building footprint. The extent of excavation does not result in additional building bulk as the works are contained wholly within the existing building footprint and no change is proposed to internal floor levels or overall building height.</p>
16. Inter War Buildings	Yes	The proposal seeks to retain the exterior of the existing Inter War residential flat building which is consistent with the objectives and provisions of the DCP.

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

Development Control	Compliance	Comment
1.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
1.1 Height		
Pitched roof dwelling house <ul style="list-style-type: none"> <i>Maximum external wall height of 7m</i> 	No – acceptable on merit	The existing building has building wall height measuring 9.6m to the top of the parapet on the west elevation and 8.4m to part of the north elevation due to the existing topography of the site. No change is proposed to the existing external wall height of the building or overall building height, therefore the exceedance is acceptable as it does not result in any additional built form or amenity impacts on surrounding properties or the streetscape.

Development Control	Compliance	Comment
1.2 Setbacks		
<p>1.2.1 Front and rear building lines</p> <ul style="list-style-type: none"> <i>Predominant front building line (adjacent three neighbours on either side)</i> <i>Predominant rear building line at each floor level (adjacent three neighbours on either side)</i> 	<p>Yes</p> <p>Yes</p>	<p>Immediately surrounding properties comprising a mix of residential flat buildings and dwellings do not consist of a predominant front building line. Notwithstanding this, surrounding properties to the north and south of the site contain front balconies that are visually prominent within the streetscape.</p> <p>The proposal seeks to replace existing front balconies on the west elevation with new 2m deep balconies with rounded edges comprising a wider masonry base and dark metal balustrades. The new balconies will complement the architectural style of the Inter War building and the character of the streetscape.</p>
<p>1.2.2 Side setbacks</p> <ul style="list-style-type: none"> <i>Minimum of 0.9m for ground floor and first floors.)</i> <i>Minimum 1.5m for second floor, noting that where a brand new three storey structure is proposed, all floors must be setback by 1.5m.</i> 	<p>Yes</p> <p>No – as existing</p>	<p>The ground and first floors have a minimum setback of 0.9m from the side boundaries.</p> <p>No change is proposed to the existing side setbacks to the second floor level (0.9m to the north and 1m to the south boundaries). The existing side setbacks align with the existing side setback of the floor below.</p>
1.3 Streetscape and visual impact		
<ul style="list-style-type: none"> <i>New development to be compatible with streetscape context</i> <i>Replacement windows to complement the style and proportions of existing dwelling</i> <i>Significant landscaping to be maintained.</i> 	<p>Yes</p>	<p>The proposal seeks to retain the exterior of the existing Inter War residential flat building with alterations and additions to the existing front balconies and some window openings on the side and rear elevations that do not detract from the architectural character of the building. The proposal maintains the building's contribution to the character of the streetscape and Ben Buckler Special Character Area (see discussion in Table 4 below).</p>
1.4 Fences		
<p><u>Front:</u></p> <ul style="list-style-type: none"> <i>Maximum height of 1.2m</i> <i>Solid section no more than 0.6m in height</i> <p><u>Side and Rear:</u></p> <ul style="list-style-type: none"> <i>Maximum height of 1.8m</i> 	<p>No</p> <p>No – as existing</p>	<p>The proposal will replace the existing masonry front fence with a masonry planter with a varying wall height measuring 1m-1.5m above the garage entry as it responds to the fall of the land from south to north. The height of the front boundary wall is acceptable in this circumstance as the planter measures a height of 0.6m above the proposed ground level terrace within the site and the height of the wall is compatible with the height of boundary walls of adjoining properties fronting Brighton Boulevard and does not</p>

Development Control	Compliance	Comment
		<p>appear excessive or detracting when viewed from the public domain.</p> <p>Part of the existing side and rear boundary fences exceed 1.8m due to the topography of the site and adjoining properties. No change is proposed to the existing side and rear boundary fences, as such the existing non-compliance is acceptable and will not result in any additional impacts on adjoining properties.</p>
1.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> • <i>Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design</i> • <i>External stairs are not acceptable.</i> • <i>Maximum size of balconies: 10m² in area 1.5m deep</i> 	<p style="text-align: center;">Yes</p> <p style="text-align: center;">No – acceptable on merit</p> <p style="text-align: center;">Partially complies</p>	<p>New habitable window openings on the northern elevation do not directly align with window openings of the adjoining property. The new window openings on the northern elevation to the internal stairs will not result in any unreasonable overlooking or amenity impacts to the adjoining property as the stairs is a transitional space within the dwelling.</p> <p>The new openings on the first floor of the southern elevation consists of a new entry door to the dwelling, an external door to a bathroom and windows to a laundry. The proposed openings will not have any additional amenity impacts on the adjoining property compared to the existing entry to the residential flat building and habitable windows.</p> <p>The proposed enlargement of an existing window opening on the second floor on the south elevation is adjacent to an internal void to the floor level below. As the proposed window opening is to a non-habitable space, it will not have any additional amenity impacts on the adjoining property and is acceptable.</p> <p>The site currently consists of external stairs along part of the north and south side setbacks providing access from the front of the site to the rear. The proposal seeks to demolish the existing stairs and construct new stairs and pathways to improve accessibility within the site. The finished floor levels of the stairs will be lower than the existing stairs and below the height of the side boundary fences. The proposed stairs will not result in any additional amenity impacts on adjoining properties and is acceptable.</p>

Development Control	Compliance	Comment
		<p>The existing front balconies are irregular in shape, had a maximum depth of 1.4m and an area of 4.69m². The proposed balconies provide a more regular shape, vary in depth with a maximum depth of 2m and an area of 5.75m². Whilst the proposed balconies exceed the maximum depth control of 1.5m, the position and projection of the balconies are consistent with existing front balconies of surrounding properties and does not detract from the predominant front building line or streetscape. The proposed balconies will enhance amenity for occupants with more usable private outdoor space without any view loss of amenity impacts on adjoining properties as views of Bondi Beach and the ocean are orientated to the west.</p>
1.6 Solar access		
<ul style="list-style-type: none"> • <i>Minimum of 3 hours of sunlight to 50% of living areas and principal open space areas on 21 June to subject site</i> • <i>Minimum of 3 hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June.</i> • <i>Avoid unreasonably overshadowing of solar collectors (including habitable windows).</i> 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>Adequate solar access to principal private open space at the rear and living areas located in the east and west portions of the building are provided.</p> <p>The proposal maintains a minimum of 3 hours of direct sunlight to the private open space at No. 124 Brighton Boulevard to the south of the site.</p> <p>The proposal does not change the height or built form of the existing building does not result in any additional or unreasonable overshadowing impacts on adjoining properties.</p>
1.7 Views		
<ul style="list-style-type: none"> • <i>Views from the public domain are to be maintained</i> • <i>Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks.</i> 	<p>Yes</p>	<p>The proposal has no impacts on existing views from the surrounding public domain.</p> <p>The proposal does not change the height or built form of the existing building and therefore has no additional impacts on existing views or view sharing with surrounding properties.</p>
1.8 Car parking		
<p>1.8.1 Design Approach</p> <ul style="list-style-type: none"> • <i>Parking only allowed where site conditions permit</i> 	<p>Yes</p> <p>Yes</p>	<p>Vehicular access and basement garage car parking was previously approved under Development Consent DA-339/2017. The proposal seeks to provide a single vehicle</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> • <i>Designed to complement the building and streetscape</i> • <i>Car parking structures to be behind the front building line</i> • <i>Driveways are to be located to minimise the loss of on street parking</i> 	<p style="text-align: center;">No</p> <p style="text-align: center;">Yes</p>	<p>crossing from Brighton Boulevard and basement car parking as approved by DA-339/2017.</p> <p>The proposed basement garage with entry door at the front boundary and a car turntable in front of the existing building line is acceptable in this circumstance having regard to existing vehicular access and car parking design for surrounding properties. The proposed landscape between the footpath and garage door (on council land) is consistent with the landscaped character within the streetscape and will not detract from the amenity within the public domain.</p> <p>The proposed single driveway will not result in a net loss of street car parking spaces and is acceptable.</p> <p>The proposal has been reviewed by Council's Traffic Engineer who raises no objection, subject to conditions included in the recommendation.</p>
<p>1.8.2 Parking rates</p>	<p style="text-align: center;">Yes</p>	<p>Parking rates are set by Part B7 of Waverley DCP 2022.</p>
<p>1.8.3 Location</p> <ul style="list-style-type: none"> • <i>Parking to be behind front building line for new dwellings</i> • <i>Existing development to be in accordance with the hierarchy of preferred car parking locations</i> 	<p style="text-align: center;">Yes</p>	<p>The proposed car parking spaces within the basement garage is located behind the front building line.</p>
<p>1.8.4 Design</p> <ul style="list-style-type: none"> • <i>Complement the style, massing and detail of the dwelling</i> • <i>Secondary in area and appearance to the design of the residences</i> • <i>No part of the façade is to be demolished to accommodate car parking</i> 	<p style="text-align: center;">Yes</p> <p style="text-align: center;">Yes</p> <p style="text-align: center;">Yes</p>	<p>The garage is accessed from the street level of Brighton Boulevard and is secondary in scale to the existing Inter War residential flat building. No demolition of the existing façade is proposed to accommodate car parking.</p>
<p>1.8.5 Dimensions</p> <ul style="list-style-type: none"> • <i>5.4m x 2.4m per vehicle</i> 	<p style="text-align: center;">Yes</p>	<p>The area of the proposed garage adequately accommodates two car spaces.</p>
<p>1.8.6 Driveways</p> <ul style="list-style-type: none"> • <i>Maximum of one per property</i> 	<p style="text-align: center;">Yes</p> <p style="text-align: center;">Yes, subject to condition</p>	<p>The proposal has a driveway width of 3.6m which exceeds the maximum width control of 3m. Council's Traffic Engineer has recommended a condition requiring the reduction in width of the</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> • <i>Maximum width of 3m at the gutter (excluding splay)</i> • <i>Crossings not permitted where 2 on street spaces are lost</i> 	Yes	<p>driveway to 3m. A condition has been included in the recommendation.</p> <p>The single width driveway will not result in the loss of 2 or more on street parking spaces and is acceptable.</p>
1.9 Landscaping and open space		
<ul style="list-style-type: none"> • <i>Overall open space: 40% of site area (133.72m²)</i> • <i>Overall landscaped area: 20% of site area (66.86m²), with at least half deep soil (33.43m²)</i> • <i>Minimum area of 25m² for private open space</i> • <i>Front open space: 50% of front building setback area</i> • <i>Front landscaped area: 50% of front open space provided (23.25m²)</i> • <i>Outdoor clothes drying area to be provided</i> 	<p>Yes</p> <p>No – landscape area</p> <p>Yes – deep soil</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>Not shown</p>	<p>The proposal provides 173.4m² of open space, equating to 51.9% of the site.</p> <p>The proposal provides 61.8m² of landscaped area, equating to 18.5% of the site. The minor variation is a result of an extended paved terrace within the front building line providing private open space accessed from the ground floor rumpus. Notwithstanding a reduction in landscaped area within the front building line, sufficient landscaping is proposed to maintain the landscaped character along Brighton Boulevard.</p> <p>The proposal provides a total of 49.25m² of deep soil (14.7% of the landscape area) and is compliant with the minimum requirement.</p> <p>The rear private space contains an area of more than 50m².</p> <p>100% of the front building setback comprises open space with 18.5m² of landscaped area. The non-compliance is a result of the increased width of paved pathways and terrace areas within the front setback to enhance accessibility and functionality for occupants. Notwithstanding the shortfall in landscaped area within the front open space, the overall development provides sufficient landscaping as it includes additional landscaping of the Council owned land immediately adjacent to the front boundary which contributes to the landscaped appearance of the site.</p>

Table 4: Waverley DCP 2022 – Part E4 – Special Character Areas

Development Control	Compliance	Comment
4.3 Ben Buckler		
<p>Desired Future Character Objectives</p> <ul style="list-style-type: none"> • Maintain Landscape Character • Maintain rhythm of buildings to the street • Allow ocean glimpses through side setbacks • Respect character and architectural elements • View Sharing 	Yes	<p>The site is located centrally within the Ben Buckler Special Character Area.</p> <p>The proposed alterations and additions to the west elevation fronting Brighton Boulevard retains the Inter War architecture of the building and contributes to the character of the streetscape and neighbourhood.</p> <p>The proposal does not alter the existing building height or side setbacks and will maintain view sharing for surrounding properties.</p>
<p>Controls</p> <p>(a) <i>Planting should utilise minimum maintenance species growing to no more than 1m in height at maturity. The appearance and species selection should be compatible with the adjoining gardens. Growth must not encroach upon the footpath or obstruct pedestrian access.</i></p> <p>(b) <i>Side setbacks are to be clear of obstructions to allow views between buildings to the beach.</i></p> <p>(h) <i>Roof-top terraces are discouraged due to the greater potential impacts in higher density areas.</i></p>	<p>No – acceptable on merit</p> <p>Yes</p> <p>Yes</p>	<p>The proposed planting schedule for landscaping within the Council verge between the Brighton Boulevard footpath and the front boundary of the site will comprise of low scale, low maintenance species with mature heights of no greater than 1m, except for two <i>Olea europaea</i> (Olive Tree) and one <i>Banksia marginata</i> (Silver Banksia) which can grow to 2.5m and 2m, respectively. Whilst the height of the three trees exceeds the 1m height control under the DCP, the trees are generally consistent with the scale of existing street trees in the vicinity of the site and is contextually appropriate. The trees will be set back from the footpath and will not have any impacts on pedestrian access along Brighton Boulevard.</p> <p>No change is proposed to existing side setbacks of the building. The proposal will not result in any view loss from neighbouring properties.</p> <p>The proposal replaces the existing roof with a matching roof and does not contain a roof top terrace.</p>

2.2. Other Impacts of the Development

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

2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.4. Any Submissions

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

A total of one (1) unique submission was received from the following properties:

- 159 Hastings Parade, North Bondi

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

Issue: Inconsistent labelling of proposed works to roof on architectural plans. Any extension of the eaves and soffit will impact views from adjoining dwelling.

Response: The proposal seeks to replace the existing roof with a matching roof with no extensions to the size, form or scale of the roof form. Therefore, the scope of works to the roof will not have any impacts on existing views from 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 referral comments were sought:

3.1. Traffic and Development

Council's Traffic Engineer has reviewed the proposal and raises no objection subject to conditions relating to driveway design and traffic management which have been included in the recommendation.

3.2. Stormwater

Council's Stormwater Engineer has reviewed the proposal and raises no objection subject to conditions relating to stormwater drainage and management which have been included in the recommendation.

3.3. Public Domain

Council's Public Domain Officer has reviewed the proposal and raises no objection subject to conditions requiring public domain details being submitted for approval which have been included in the recommendation.

3.4. Tree Management



Council's Tree Management Officer has reviewed the proposal and supports the removal of three trees located within the subject site as identified in the Arboricultural Impact Assessment Report prepared by Ezi Grow Stuart Sutton dated 28 September 2022, subject to tree protection measures which have been included in the recommendation.

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.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed by:
	
Peggy Wong	Ben Magistrale
Senior Development Assessment Planner	Manager, Development Assessment
Date: 8 May 2023	Date: 12 May 2023

Reason for WLPP referral:

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

OFFICE USE ONLY

Clause 4.6 register entry required	3.2% variation to height (Clause 4.3) 51% variation to FSR (Clause 4.4)
Determining Authority (Concurrence Authority for Clause 4.6 variation)	Local Planning Panel
Affordable Rental Housing Units? <i>*This is a planning portal reporting requirement</i>	No
Secondary Dwelling <i>*This is a planning portal reporting requirement</i>	No
Boarding House <i>*This is a planning portal reporting requirement</i>	No
Group Home <i>*This is a planning portal reporting requirement</i>	No
Trial Period database entry required	No
VPA submitted – follow up actions required	No
Refer to compliance for investigation	No
Commercial/liquor operational conditions	No
Other (please specify):	No

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by Richard Stanisich of Project No: 85925 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA0200, Rev G	General Arrangement Plans Basement & Ground	20.09.2022	24.01.2023
DA0201, Rev B	General Arrangement Plans Levels 1 & 2	04.05.2023	04.05.2023
DA0202, Rev C	General Arrangement Plan Roof	20.09.2022	24.01.2023
DA0500, Rev C	Elevations	20.09.2022	24.01.2023
DA0600, Rev D	Sections	20.09.2022	24.01.2023
DA0700, Rev B	Materials Palette	20.09.2022	24.01.2023

(b) Landscape Plan No. DA_01 to DA_04, all Revision 01 (inclusive) and documentation prepared by Wyer & Co, dated 27 September 2022 and received by Council on 24 January 2023.

(c) BASIX Certificate.

(d) Arborist Report prepared by EziGrow dated 28 September 2022, and received by Council on 24 January 2023.

(e) Geotechnical Investigation Report prepared by Aargus Pty Ltd dated 23 August 2022 and received by Council on 24 January 2023.

(f) Structural Engineer's Report (Reference No. 2021S0825) prepared by Partridge, dated 7 February 2023 and received by Council on 8 February 2023.

(g) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 4 May 2023.

Except where amended by the following conditions of consent.

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

GENERAL REQUIREMENTS

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

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

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the *Environmental Planning and Assessment Act 1979*;
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*; and
- (c) Council is given at least two days' notice in writing of the intention to commence the building works.

3. HOME BUILDING ACT

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

CONTRIBUTIONS, FEES & BONDS

4. SECTION 7.12 CONTRIBUTION

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

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

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

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

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

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

5. SECURITY DEPOSIT

A deposit (cash or cheque) for the amount of **\$56,464.80** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

6. LONG SERVICE LEVY

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

Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.25% of building work costing \$250,000 or more.

7. 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

8. HOARDING

To ensure the site is contained during construction, a hoarding is required for the approved works, which is to be designed and constructed in accordance with the requirements of Safe Work NSW. Where the

hoarding is to be erected over the footpath or any public place, the approval of Council's Compliance Unit must be obtained and the applicable fees paid, prior to the erection of the hoarding.

9. EROSION & SEDIMENT CONTROL

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

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

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

10. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

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

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

11. ENGINEERING DETAILS

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

12. STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS

Prior to the issue of a Construction Certificate, a report or certification from a practicing structural engineer must be submitted to the Principal Certifying Authority to explain how the retained building elements, such as building facades are to be retained, supported and not undermined by the proposed development and give details of any intervention or retrofitting needed.

13. STRUCTURAL DOCUMENTATION

- (a) A construction management plan must be submitted to an independent, third party structural engineer and the project geotechnical engineer for approval. The engineers must have relevant experience, have chartered status with the Institute of Engineers Australia and be registered on the National Engineers Register. The construction management plan must incorporate and reflect the intent of the following documents:
 - i. Geotechnical Report and documentation prepared by Aargus Pty Ltd dated 23 August 2022 and received by Council on 24 January 2023; and
 - ii. Structural Engineer's Report (Reference No. 2021S0825) prepared by Partridge, dated 7 February 2023 and received by Council on 8 February 2023.

Satisfaction of the third party structural engineer and project geotechnical engineer that the construction management plan will provide for the retention of the building and its structural integrity must be demonstrated to the consent authority prior to the issue of the relevant Construction Certificate.

- (b) The documentation provided by the principal structural engineer as part of the construction certificate should detail the follow:
 - i. Design and documentation of the Strengthening and Stability requirements to ensure the existing building is suitable for the intended alteration and additions, and
 - ii. Provide detailed procedure on the methodology and constructability of the proposed work within the existing / approved building envelope, in particular to the excavation works.

STORMWATER & FLOODING

14. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT

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

The submitted stormwater management plan prepared by Partridge, Project No. 2022H0071, Drawing No. SWDA 1.1, SWDA 1.2, SWDA 1.3, SWDA 1.4, SWDA 1.5, SWDA 1.6, and SWDA 1.7, Issue 02, dated 29/09/2022 are considered concept only.

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

- (a) The architectural drawings shall be updated to be consistent with the stormwater management plan.
- (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 are to be submitted.
- (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 as well as any new stormwater drainage system shall be provided. Calculations demonstrating that the proposed stormwater drainage system can cater for the relevant design storm event must be provided.
- (e) The updated stormwater management plan to demonstrate how the sub-soil drainage is being captured and discharged to Council's stormwater drainage system.
- (f) Show sub-soil drainage restricted from entering the basement areas of the building and the stormwater drainage system by waterproofing and tanking the basement areas of the building in accordance with a Registered Structural Engineer's design.
- (g) Seepage water must not be directly or indirectly discharged to Council's street gutter.
- (h) A sediment control stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.

- (i) Any new downpipes are to be located wholly within the property's boundary.
- (j) A long section of the connection to Council's infrastructure shall be provided and its details must be included (e.g. the location of existing services crossing and the clearances, existing surface levels, obvert and invert of existing pipe and invert level of the outlet pipe).
- (k) All proposed conduits within the public domain shall be constructed using Class 3 reinforced concrete pipes (RCPs) with a minimum diameter of 375 mm. A junction pit shall be installed at all changes of gradient and changes of direction in the pipeline.
- (l) The proposed kerb inlet pit must be constructed to Council's satisfaction. Details are to form part of the Construction Certificate documentation.
- (m) 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.
- (n) During construction of the proposed stormwater connection to the existing Council pit located on Brighton Boulevard, any infrastructure within the Council's public domain, inclusive of stormwater kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per the Council's Public Domain Technical Manual. The applicant will be responsible for the full width renewal and restoration of the neighbouring driveways affected by the stormwater connection works, with all costs borne by the applicant.

Notes:

- The checklist as set out on pages 68-76 on Council's Water Management Technical Manual (Oct 2021) available online shall be completed and submitted with any revision of Construction Certificate Plan Submission.
- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated.
- Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.

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

PUBLIC DOMAIN WORKS

15. PUBLIC DOMAIN IMPROVEMENTS

The public domain is to be upgraded along Brighton Boulevard frontage of the development site in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain

Technical Manual (PDTM) at the time of engineering plan approval. A public domain plan for the following works shall be submitted to Council and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.

- Pedestrian footpath
- Vehicular crossing
- Kerb and gutter
- Landscape and street tree plantings

16. 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 must 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 Infrastructure Engineer:

- (a) Footpath, Kerb and Gutter: The existing footpath, kerb, and gutter traversing Brighton Boulevard frontage to be reconstructed and upgraded 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, kerb, and gutter profiles include longitudinal and cross sections to ensure proper connections to the existing Council infrastructure traversing the development site.
- (b) Stairs and Retaining Walls: Show details of any proposed stairs and retaining walls on Council land
- (c) Turf: Replenish and returf the existing Council verge for the full frontage of the development.
- (d) Any existing or proposed utility pillars, columns and/or poles on the site frontages to be relocated 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.
- (e) Communicate the relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to Council along with the Public Domain design plans submission. All the requirements of the relevant Public Authority shall be complied with.

Note: Council's contact for the public domain: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4.00pm Monday to Friday).

17. GROUND ANCHORS

Where any ground anchors (i.e. rock or sand anchors) are proposed to extend beyond the property boundary beneath roadways and other Council property, details must be submitted to Council and

approved by the Executive Manager, Infrastructure Services (or delegate) and will be subject to fees. For further information regarding this, please contact assets@waverley.nsw.gov.au at (02) 9083 8886.

Separate approval will be required for ground anchors beneath roadways governed by the Transport for NSW (TfNSW).

ENERGY EFFICIENCY & SUSTAINABILITY

18. BASIX

All requirements of the BASIX Certificate 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.

LANDSCAPING & TREES

20. GREEN ROOF LANDSCAPING DETAILS

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

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

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

TRAFFIC MANAGEMENT

21. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

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

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

22. DILAPIDATION REPORT

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

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

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

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

23. CONSTRUCTION SIGNS

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

24. PRE-CONSTRUCTION STORMWATER PIPE CCTV DILAPIDATION REPORT

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

DEMOLITION & EXCAVATION

25. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

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

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

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

- (a) Outline the identification of any hazardous materials, including surfaces coated with lead paint;
- (b) Confirm that no asbestos products are present on the subject land, or
- (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by SafeWork NSW (catalogue WC03561);

- (d) Describe the method of demolition;
- (e) Describe the precautions to be employed to minimise any dust nuisance; and
- (f) Describe the disposal methods for hazardous materials.

26. 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.

27. 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.

28. 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

29. CONSTRUCTION HOURS

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

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

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

30. 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.

31. 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.

32. 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 Infrastructure Engineer any required hold points.

All applicable engineering inspection fees in accordance with Council's Management Plan are to be fully paid prior to the issue of the Construction Certificate for the works. A minimum 48 hours' notice will be required when booking for the site inspections.

33. 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.

34. 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.

35. WORK OUTSIDE PROPERTY BOUNDARY

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

TREE PROTECTION AND REMOVAL

36. TREE PROTECTION

Precautions shall be taken when working near trees to ensure their retention, including the following:

- (a) Do not store harmful or bulk materials or spoil under or near trees;
- (b) Prevent damage to bark and root system;
- (c) Do not use mechanical methods to excavate within root zones;
- (d) Do not add or remove topsoil from under the drip line;
- (e) Do not compact ground under the drip line;
- (f) Do not mix or dispose of liquids within the drip line of the tree; and

- (g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter.

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

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

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

- 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.
- Trunk protection to be removed at the issue of the Occupation Certificate subject to the satisfaction of Council.
- 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.
- If any trees on Council owned land require pruning, the applicant is to supply an tree pruning report from an Arborist with AQF level 5 qualification or above with photos showing the branches that need to be removed.
- If approval is granted the applicant may prune the tree at their expense, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

37. STREET TREES TO BE RETAINED/TREE PROTECTION

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

- (a) Do not store harmful or bulk materials or spoil under or near trees;
- (b) Prevent damage to bark and root system;
- (c) Do not use mechanical methods to excavate within root zones;
- (d) Do not add or remove topsoil from under the drip line;
- (e) Do not compact ground under the drip line;
- (f) Do not mix or dispose of liquids within the drip line of the tree; and

(g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter in accordance with AS4970-2009 "Protection of trees on construction sites.

38. TREES PERMITTED TO BE REMOVED

The following trees are permitted to be removed, except for those explicitly required to be retained;

Tree No.	Tree Species	Location	Action
T1	Cupressus sp.	On site	Remove as per arborist report
T2	Nerium oleander	120 Brighton Boulevarde	Retain and protect
T3	Magnolia 'Little Gem'	On site	Remove as per arborist report
T4	Hibiscus sp	On site	Remove as per arborist report
T5	Prunus sp.	On site	Retain and protect
T6	Murraya paniculata	On site	Retain and protect

VEHICLE ACCESS & PUBLIC DOMAIN WORKS

39. 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.

The crossing is to be 3.3 metres wide at the property boundary. The width at the street is to be 3.0 metres plus 0.45 metre splays.

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

40. VEHICULAR ACCESS - FINISHED LEVEL TO FOOTPATH

The gradient from the finished level at the property boundary to the footpath shall be a minimum of 2% and a maximum of 5% down towards the footpath on both sides of the vehicle crossing.

41. HEADROOM CLEARANCE

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

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

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

42. FINAL OCCUPATION CERTIFICATE

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

The Principal Certifying Authority must be satisfied that the requirements of the *Environmental Planning & Assessment Act 1979* have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.

43. CERTIFICATION OF BASIX COMMITMENTS

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

44. CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE SYSTEM

Prior to issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practising Engineer or Plumber, that any new stormwater drainage system has been constructed in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice. Similarly, any retained stormwater drainage system is unblocked, in good working order and to be repaired/replaced to best practice. A copy of the certification must be submitted to Council.

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

- (a) A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared, stamped, and signed by a Registered Surveyor. This drawing must detail the alignment of all pipelines, pits, basement pump-out facility, rainwater harvesting facility, and other drainage-related infrastructure. An original or a colour copy must be submitted to Waverley Council. Where changes have occurred, the Council-approved plans shall be marked-up in red ink and shall include levels and locations for the drainage structures and works.
- (b) A suitably qualified and practicing Engineer must provide certification of the WAED of the stormwater drainage system that the stormwater drainage works and basement pump-out facility 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.

46. POST-CONSTRUCTION STORMWATER PIPE CCTV DILAPIDATION REPORT

Prior to the issue of the Occupation Certificate, a post-construction CCTV report shall be submitted to Council on the existing pipeline at least up to the next pit downstream of the proposed works. This is to

ensure Council's stormwater infrastructure is adequately protected and there are no damages due to proposed construction activities and property drainage connections.

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

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

47. WORK-AS-EXECUTED PLAN – PUBLIC DOMAIN

To ensure public infrastructure works required under the consent are completed in accordance with approved plans and specifications, a Work-as-Executed plan of the works, prepared by a registered surveyor is to be submitted to the Principal Certifying Authority and Council for review with any required rectification works completed and approved by Council prior to the 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 the approved plans.

48. CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS

Prior to the issue of any Occupation Certificate, a final Compliance Certificate shall be obtained from Executive Manager, Infrastructure Services (or delegate) confirming that all works in the road reserve including all public domain infrastructure works and restoration have been completed to Council's satisfaction.

E. ADVISORY MATTERS

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

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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

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

AD2. SYDNEY WATER REQUIREMENTS

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

Contact Sydney Water for more information.

AD3. DIAL BEFORE YOU DIG

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

AD4. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

AD5. ALTERATIONS AND ADDITIONS ONLY

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

AD6. EXCAVATION TO BE LIMITED

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

AD7. 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. 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.

Written approval from the applicable Public Authority shall be submitted to Council along with the Public Domain design plans submission.

AD9. NOTICE OF INTENTION TO COMMENCE PUBLIC DOMAIN WORKS

Prior to commencement of the public domain works notice shall be submitted to Councils Infrastructure 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.

AD10. 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.

AD11. 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.



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Waverley Council
Application No: DA-18/2023
Date Received: 24/01/2023

Richards Stanisch
Level 2 490 Crown Street
Surry Hills NSW
2010 Australia
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Contents:

- DA0000 Cover
- DA0001 Site Analysis
- DA0010 GFA Calculations
- DA0011 Landscaped Area Calculations
- DA0012 Shadow Analysis - Sheet 01
- DA0013 Shadow Analysis - Sheet 02
- DA0014 Shadow Analysis - Sheet 03
- DA0015 Shadow Analysis - Elevations

- DA0200 General Arrangement Plan - Basement & Ground
- DA0201 General Arrangement Plan - Level 1 & Level 2
- DA0202 General Arrangement Plan - Roof

- DA0500 Elevations
- DA0600 Sections

- DA0700 Materials Palette
- DA0701 Photomontage

BASIX COMMITMENTS

REFER TO BASIX CERTIFICATE NO.XX (ISSUED XX) PREPARED BY XX FOR PERFORMANCE REQUIREMENTS. REFER TO SERVICES ENGINEER'S DRAWINGS AND SPECIFICATIONS IN CONJUNCTION WITH ARCHITECTURAL DOCUMENTATION.

DWELLING COMMITMENTS

FLOOR, WALL AND CEILING/ROOF
THE APPLICANT MUST CONSTRUCT THE FLOOR(S), WALLS AND CEILING/ROOF OF THE DWELLING IN ACCORDANCE WITH THE SPECIFICATIONS LISTED IN THE TABLE BELOW:

FLOOR- SUSPENDED FLOOR WITH OPEN SUBFLOOR: FRAMED (R0.7)
INSULATION: R0.8 (DOWN) (OR R1.50 INCLUDING CONSTRUCTION)
FLOOR - ABOVE EXISTING DWELLING OR BUILDING
INSULATION: NIL
EXTERNAL WALL - CAVITY BRICK
INSULATION: NIL
EXTERNAL WALL - BRICK VENEER
INSULATION: R1.16 (OR R1.70 INCLUDING CONSTRUCTION)
FLAT CEILING, PITCHED ROOF
INSULATION: CEILING - R3.00 (UP), ROOF - FOIL/SARKING (DARK)

WINDOWS, GLAZED DOORS AND SKYLIGHTS
THE APPLICANT MUST INSTALL THE WINDOWS, GLAZED DOORS, SKYLIGHTS AND SHADING DEVICES DESCRIBED IN THE TABLE LISTED IN BASIX FOR PROJECTIONS DESCRIBED IN MILLIMETERS, THE LEADING EDGE OF EACH EAVE, PERGOLA, VERANDAH, BALCONY OR AWNING MUST BE NO MORE THAN 500MM ABOVE THE HEAD OF A WINDOW OR GLAZED DOOR AND NO MORE THAN 2400MM ABOVE THE SILL.

WATER
THE FOLLOWING FIXTURES & APPLIANCES MUST BE INSTALLED IN ALL UNITS AND MEET THE MINIMUM WATER RATING SHOWN
SHOWER HEADS <=9L/min OR 3 STARS
TOILET FLUSHING SYSTEM <=4L/MIN OR 3 STARS

TAPS <=9L/MIN OR 3 STARS

ENERGY
THE FOLLOWING MINIMUM ENERGY COMMITMENTS MUST BE MET:
ENSURE A MINIMUM OF 40% OF NEW OR ALTERED LIGHT FIXTURES ARE FITTED WITH FLUORESCENT, COMPACT FLUORESCENT OR LIGHT-EMITTING DIODE (LED) LAMPS.

01 Location Plan 1:1000



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A	02.09.22	FOR REVIEW	BN	JR
B	20.09.22	FOR COORDINATION	BN	JR

Rev. No.	Date	Revision	By	Chk.

Project
**122 BRIGHTON BOULEVARD
NORTH BONDI, NSW 2026**

Drawing
COVER

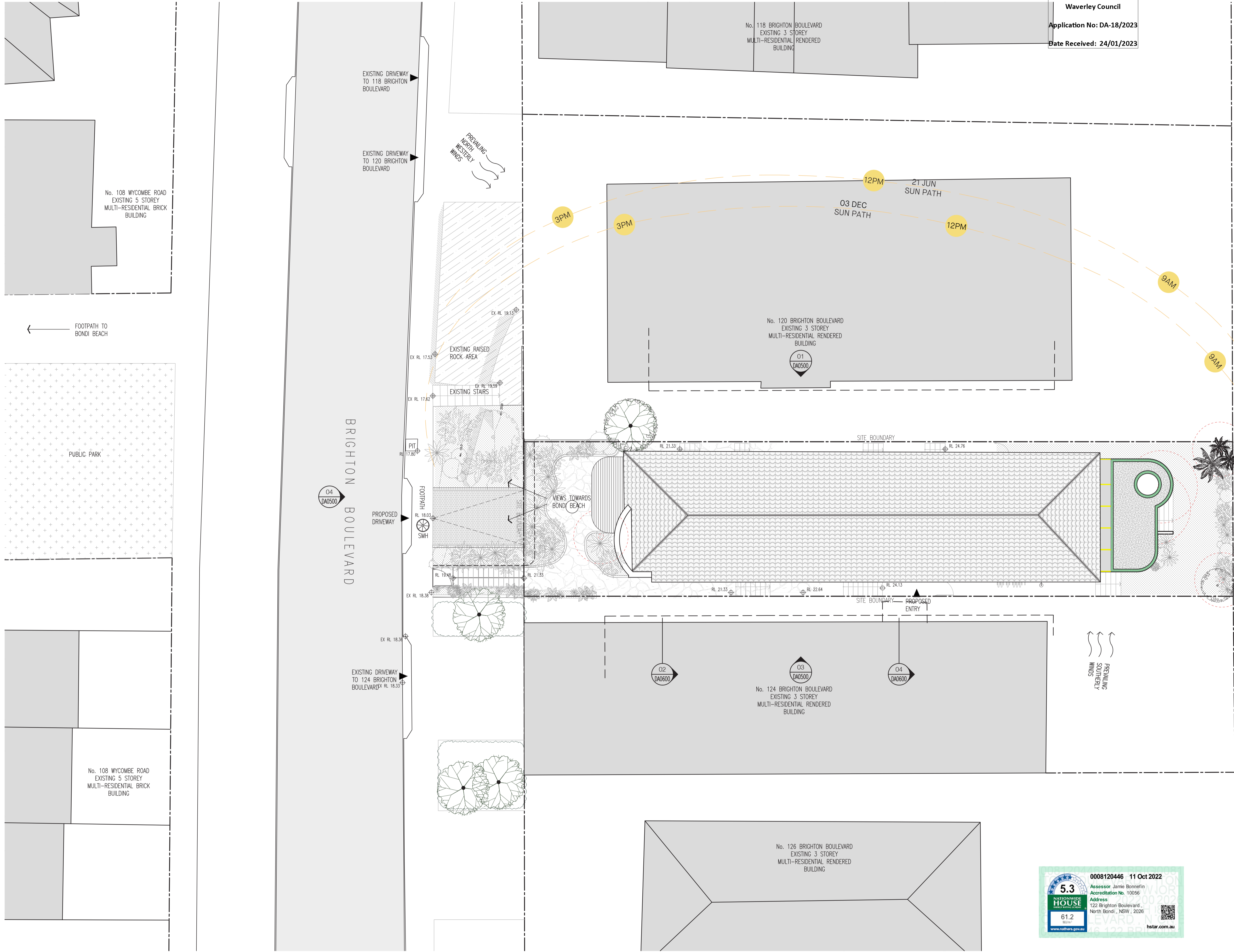
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20.09.2022	AS NOTED	@ A1
Reg No.	Drawn	Chk.
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No. 108 WYCOMBE ROAD
 EXISTING 5 STOREY
 MULTI-RESIDENTIAL BRICK
 BUILDING

FOOTPATH TO
 BONDI BEACH

PUBLIC PARK

No. 108 WYCOMBE ROAD
 EXISTING 5 STOREY
 MULTI-RESIDENTIAL BRICK
 BUILDING

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A	25.02.21	FOR INFORMATION	MM	JR
B	04.07.22	FOR INFORMATION	BN	JR
C	22.07.22	FOR COORDINATION	BN	JR
D	02.09.22	FOR REVIEW	BN	JR
E	20.09.22	FOR COORDINATION	BN	JR

Rev. No.	Date	Revision	By	Chk.

Project
**122 BRIGHTON BOULEVARD
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Drawing
SITE ANALYSIS

Date	Scale	Sheet Size
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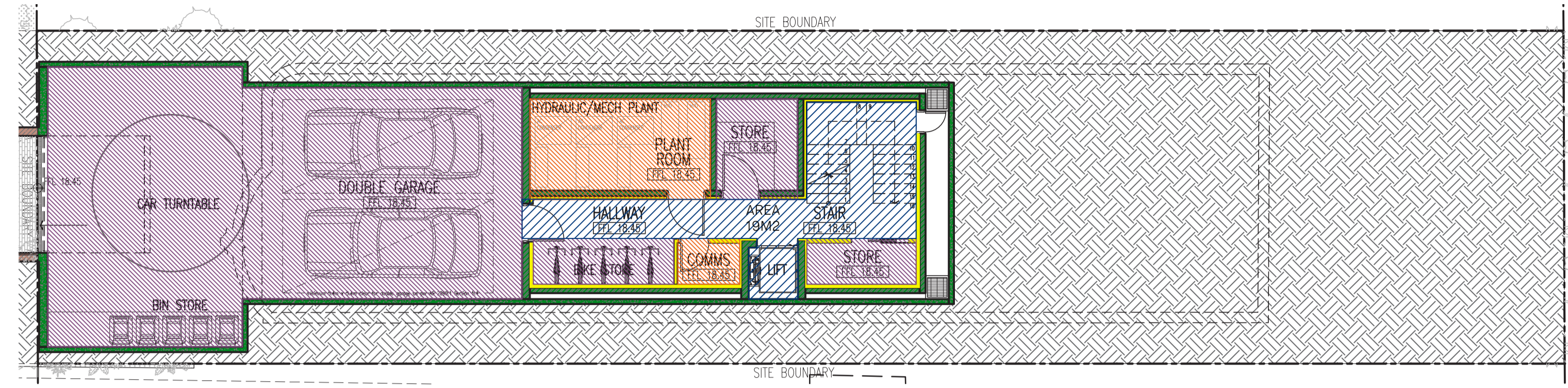
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LEGEND AND NOTES	
	EXISTING GFA AREA
	PROPOSED ADDITIONAL GFA AREA
	PROPOSED REDUCED GFA AREA
	BASEMENT AREA (AS PER WAVERLEY LEP - EXCLUDED FROM GFA CALCULATIONS)
	PLANT AREA (AS PER WAVERLEY LEP - EXCLUDED FROM GFA CALCULATIONS)
NOTES: CALCULATION AS PER GFA DEFINITION WAVERLEY LEP 2012	

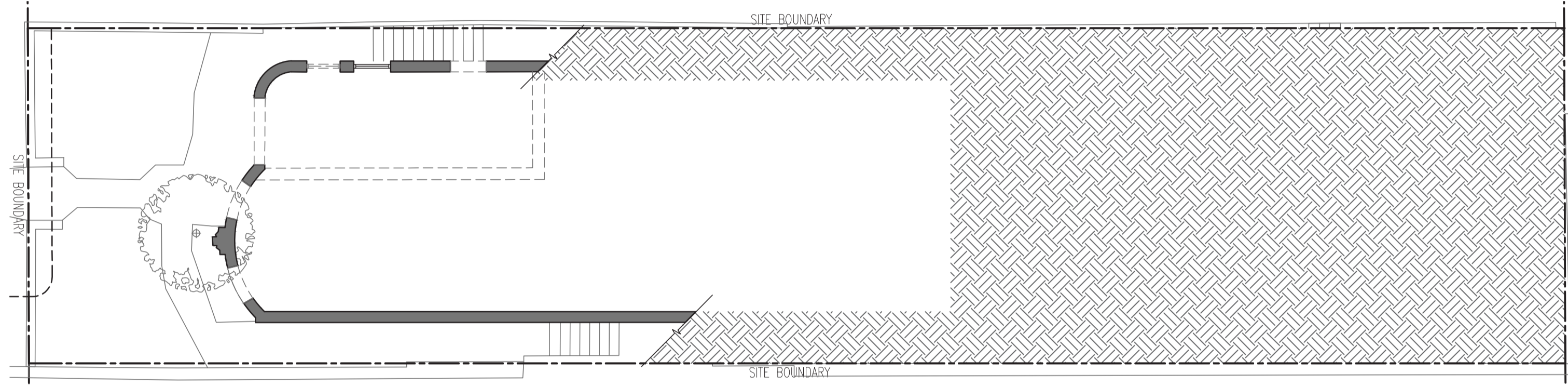
GFA CALCULATIONS	
SITE AREA	334.3M2
EXISTING GFA	0M2
GROUND LEVEL	155.7M2
LEVEL 1	151.8M2
LEVEL 2	307.5M2
TOTAL	
PROPOSED GFA	19M2
BASEMENT LEVEL	79.5M2
GROUND LEVEL	139M2
LEVEL 1	134.6M2
LEVEL 2	372.1M2
TOTAL	
PERMISSIBLE FSR (550 LOT AREA x 0.011) + 0.5:1	0.74:1
EXISTING FSR	0.92:1
PROPOSED FSR	1.11:1



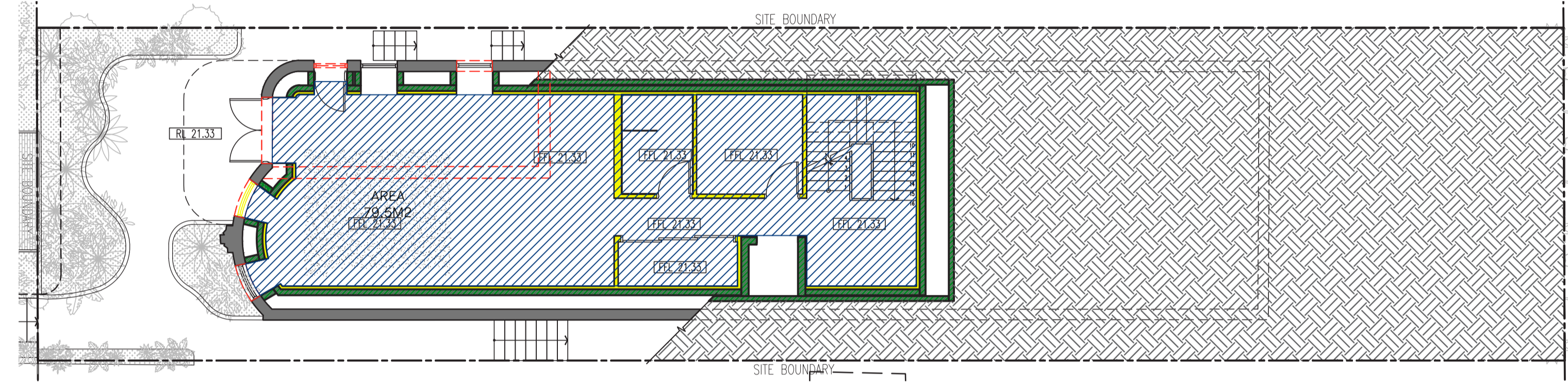
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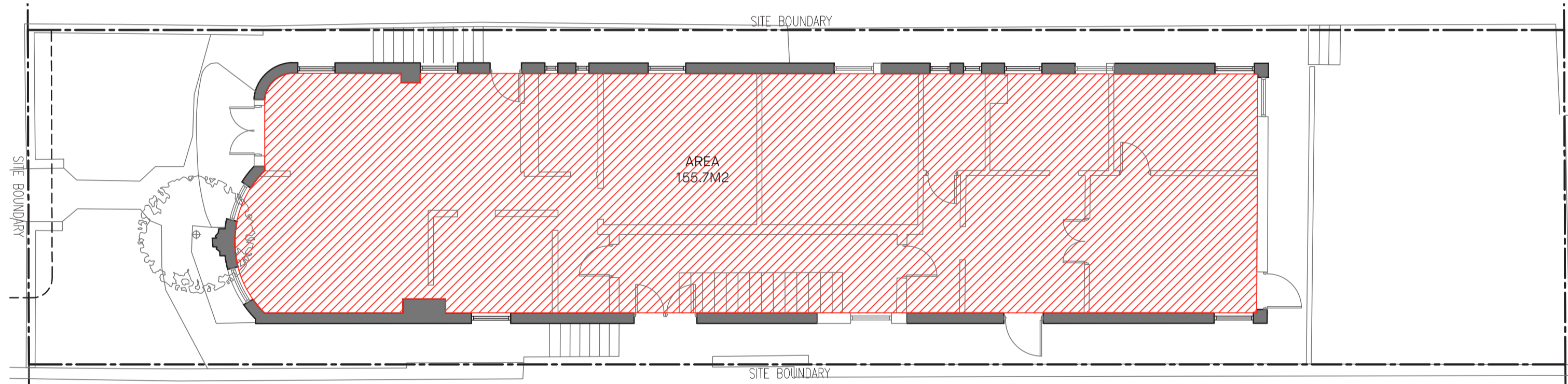
01 PROPOSED BASEMENT FLOOR PLAN
1:100



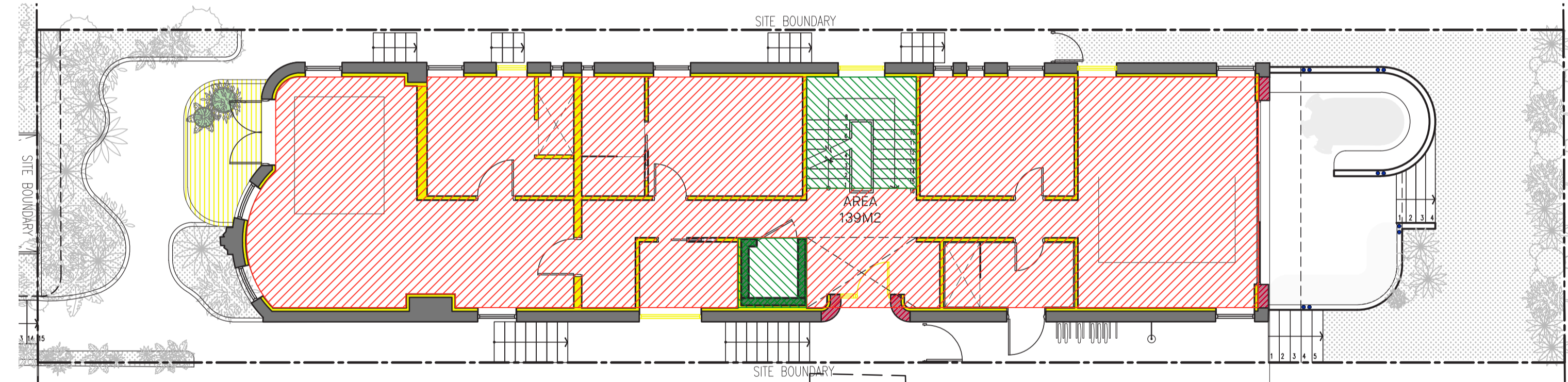
02 EXISTING GROUND FLOOR PLAN
1:100



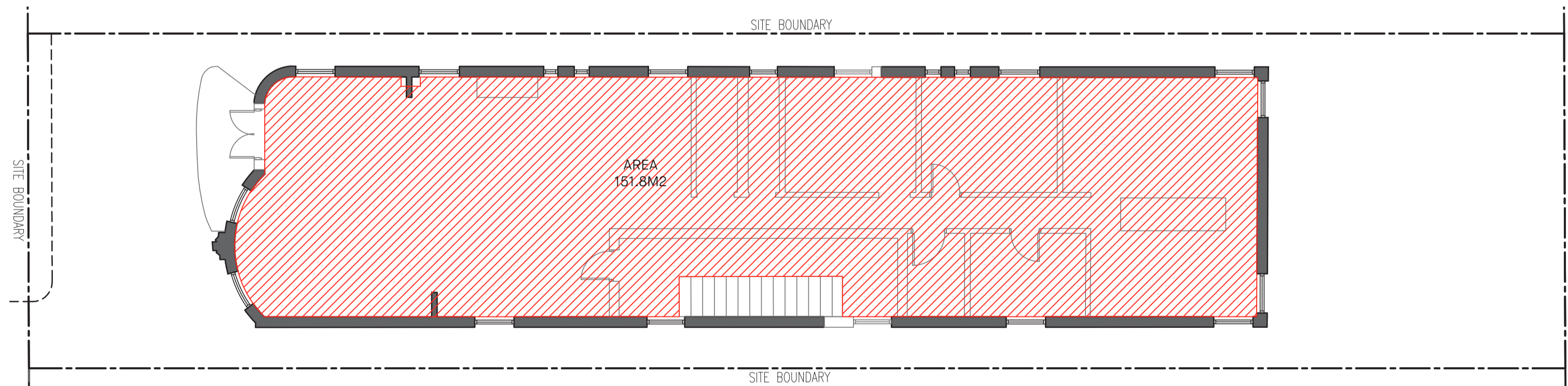
03 PROPOSED GROUND FLOOR PLAN
1:100



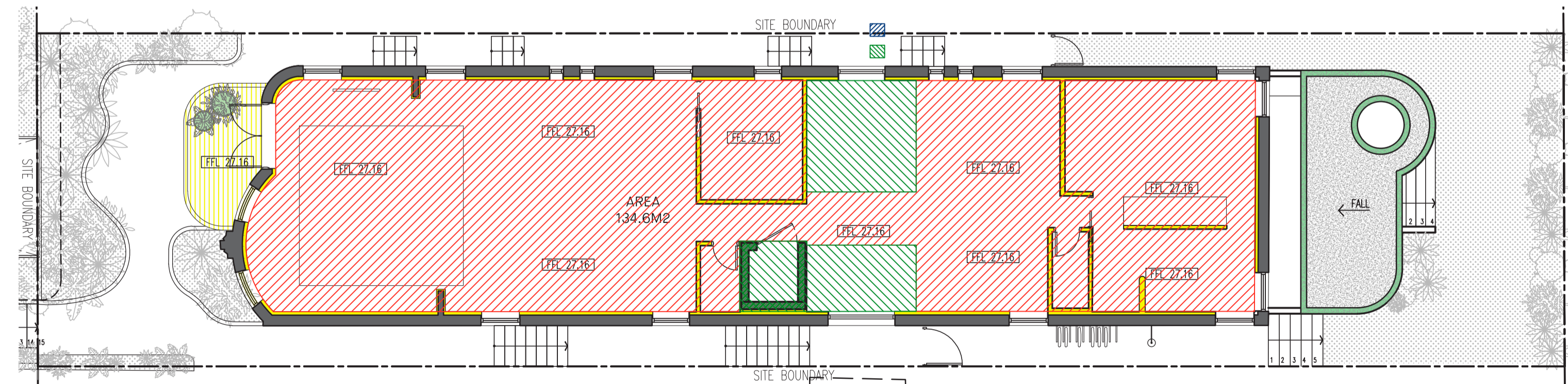
04 EXISTING LEVEL 1 FLOOR PLAN
1:50



05 PROPOSED LEVEL 1 FLOOR PLAN
1:50



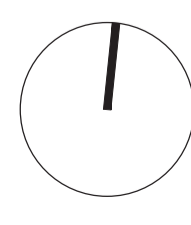
06 EXISTING LEVEL 2 FLOOR PLAN
1:50



07 PROPOSED LEVEL 2 FLOOR PLAN
1:50

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B	20.09.22	FOR COORDINATION	BN	JR

Rev. No.	Date	Revision	By	Chk.

Project
**122 BRIGHTON BOULEVARD
NORTH BONDI, NSW 2026**

Drawing
GFA CALCULATIONS

Date	Scale	Sheet Size
20.09.2022	1:100	@ A1
Reg No.	Drawn	Chk.
-	BN	JR
Job No.	Drawing No.	Revision
85925	DA0010	B

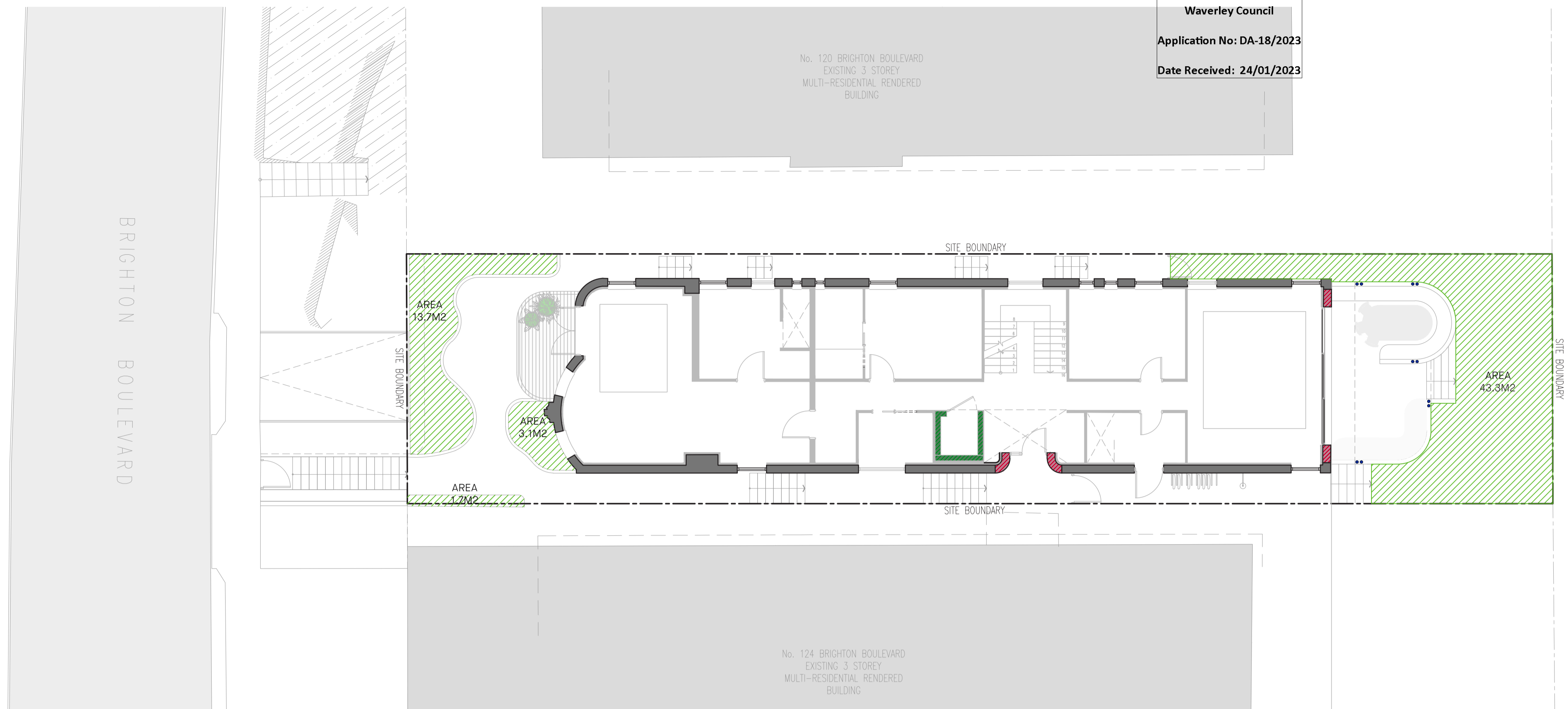
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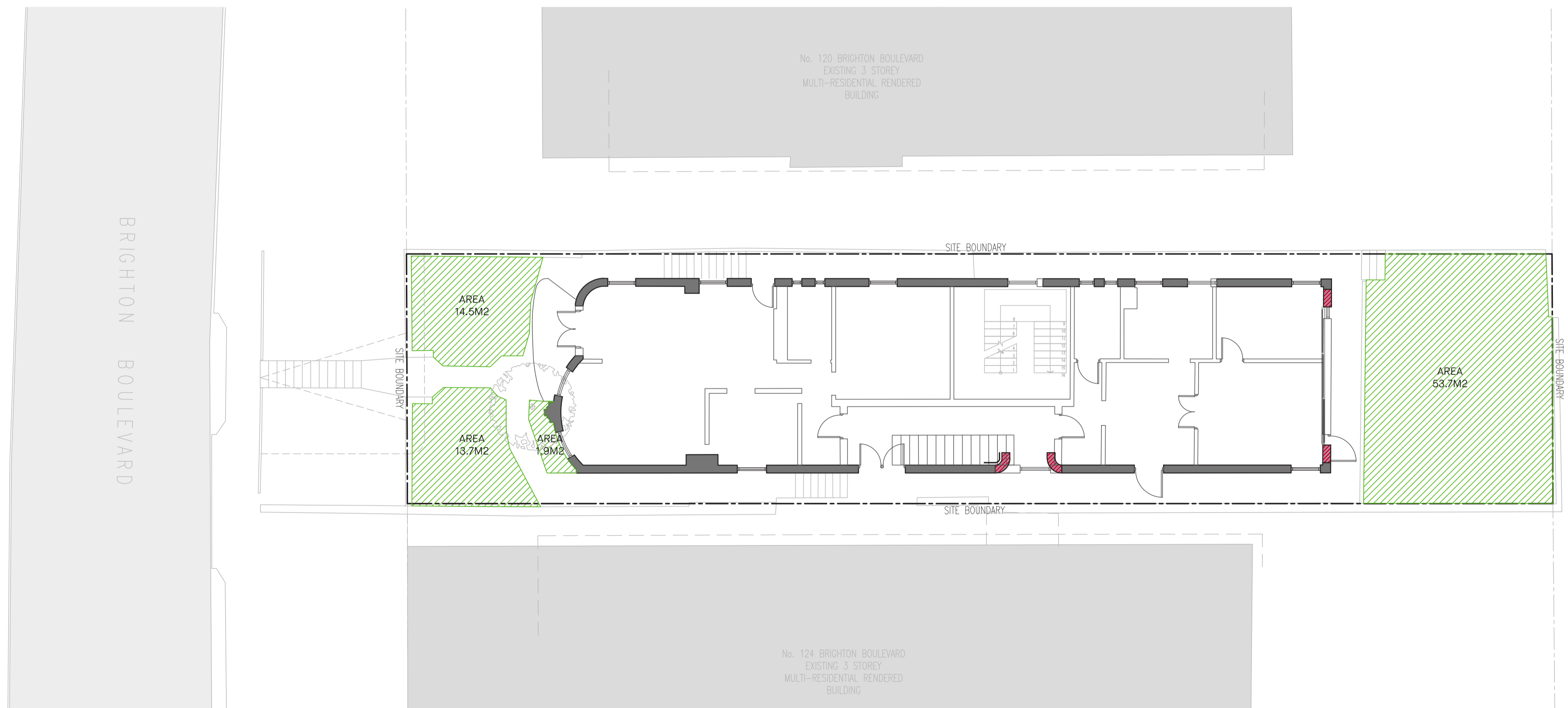
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Date Received: 24/01/2023



01 PROPOSED LANDSCAPED AREAS
1:100



02 EXISTING LANDSCAPED AREA
1:100



LEGEND AND NOTES

DEEP SOIL AREA

NOTES:
DEEP SOIL AREA CALCULATION MIN. 400MM DEEP AS PER WAVERLEY DCP. LOW RESIDENTIAL REQUIREMENT OF MIN. 15%.

DEEP SOIL CALCULATIONS	
SITE AREA	334.3M2
EXISTING AREA	83.8M2
TOTAL	25.1%
PROPOSED AREA	61.8M2
TOTAL	18.5%

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Figured dimensions shall take precedence over scaled

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NORTH BONDI, NSW 2026**

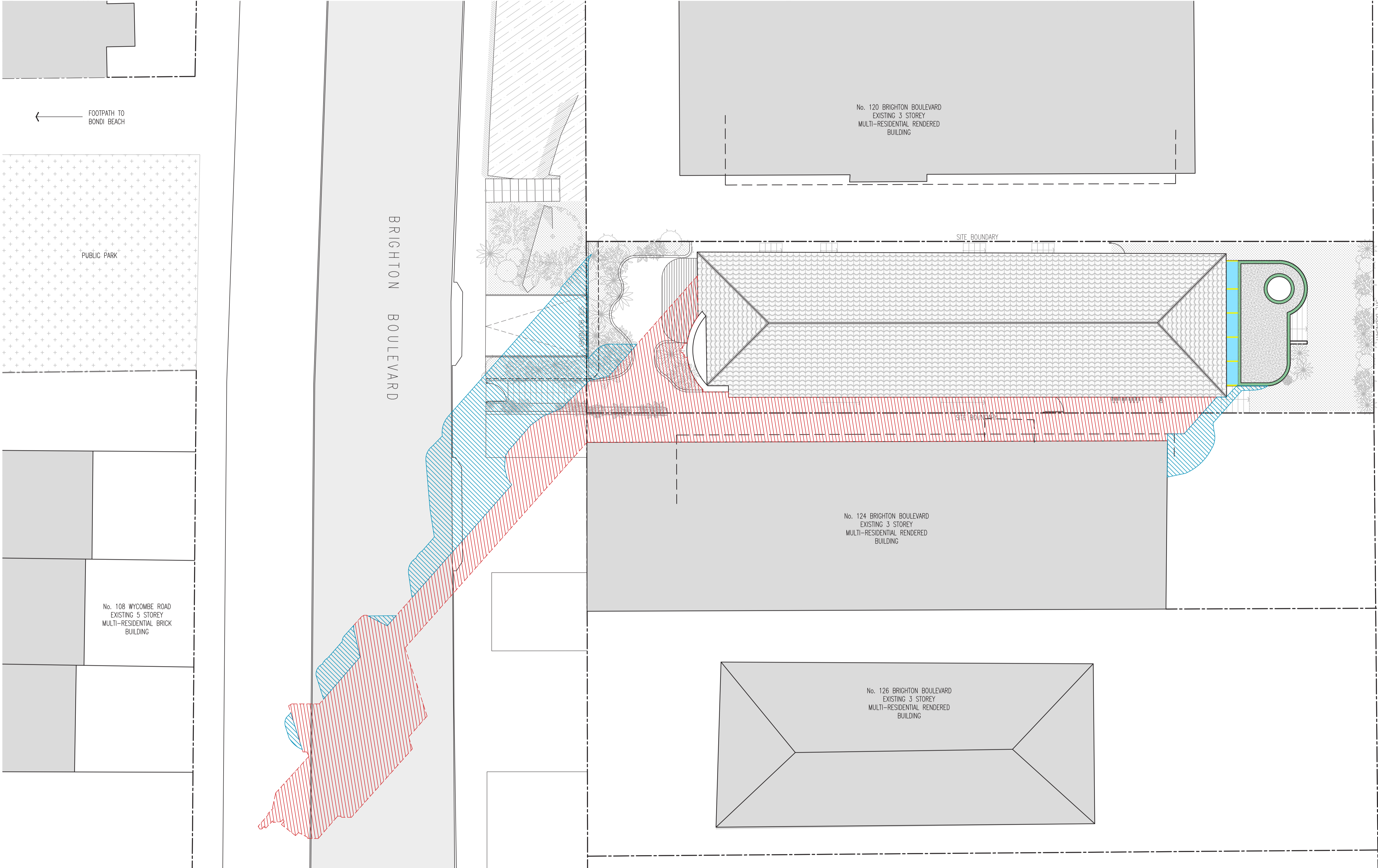
Drawing
**LANDSCAPED AREA
CALCULATIONS**

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Reg No.	Drawn	Chk.
-	BN	JR
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01 SHADOW ANALYSIS
21 JUNE 9AM
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Rev. No.	Date	Revision	By	Chk.

Project
**122 BRIGHTON BOULEVARD
NORTH BONDI, NSW 2026**

Drawing
**SHADOW ANALYSIS
SHEET 01**

Date
20.09.2022

Scale
1:200

Sheet Size
@ A1

Reg No.
-

Drawn
BN

Chk.
JR

Job No.
85925

Drawing No.
DA0012

Revision
B

LEGEND AND NOTES

- EXISTING SHADOWS
- ADDITIONAL SHADOWS
- PROPOSED REDUCED SHADOWS

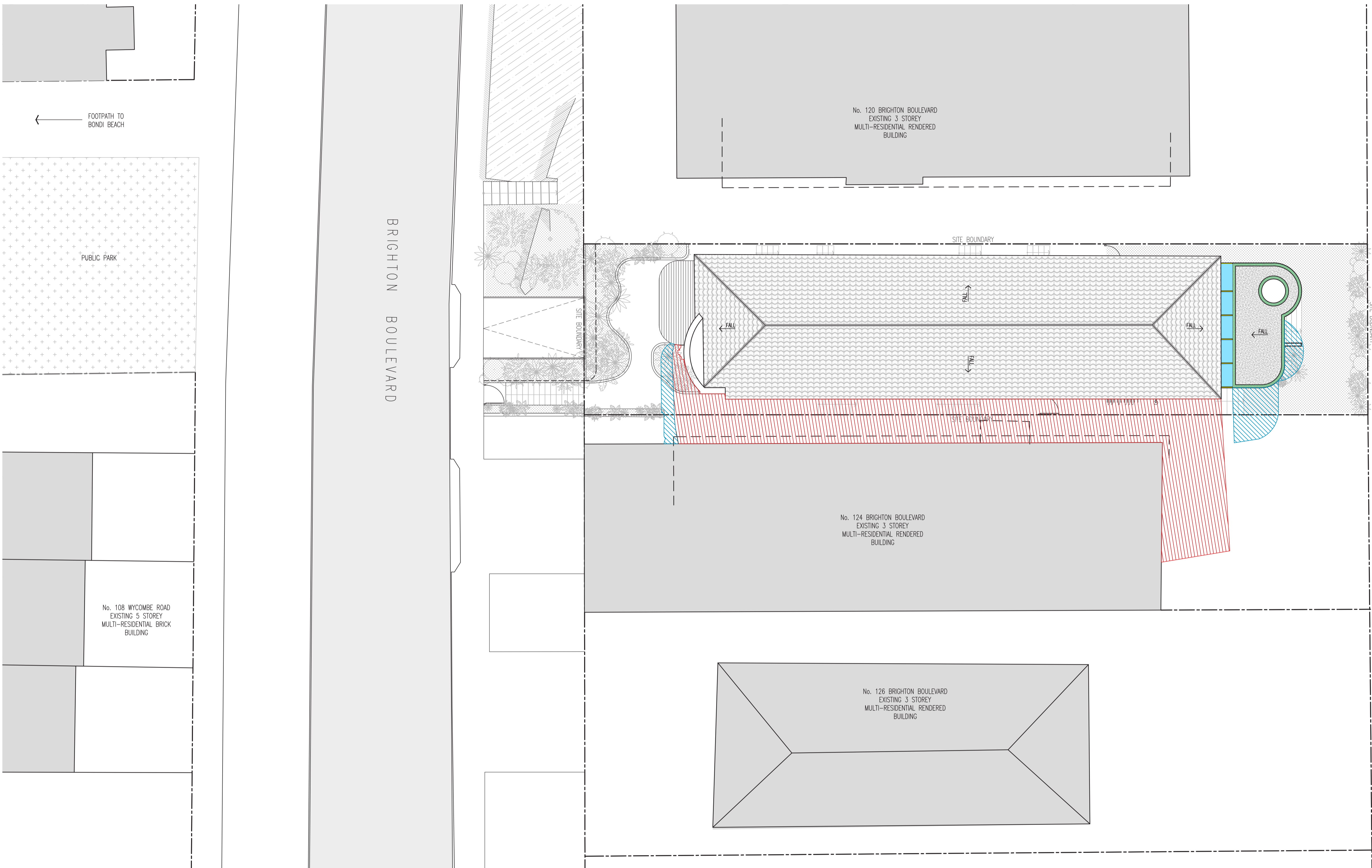
SHADOWS FOR 128 BRIGHTON BOULEVARD SHOWN ONLY FOR CLARITY

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01 SHADOW ANALYSIS
21 JUNE 12PM
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North Point Client Name & Logo

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Rev. No.	Date	Revision	By	Chk.

Project
**122 BRIGHTON BOULEVARD
NORTH BONDI, NSW 2026**

Drawing
**SHADOW ANALYSIS
SHEET 02**

Date
20.09.2022

Scale
1:100

Sheet Size
@ A1

Reg No.
-

Drawn
BN

Chk.
JR

Job No.
85925

Drawing No.
DA0013

Revision
B

LEGEND AND NOTES

	EXISTING SHADOWS
	ADDITIONAL SHADOWS
	PROPOSED REDUCED SHADOWS

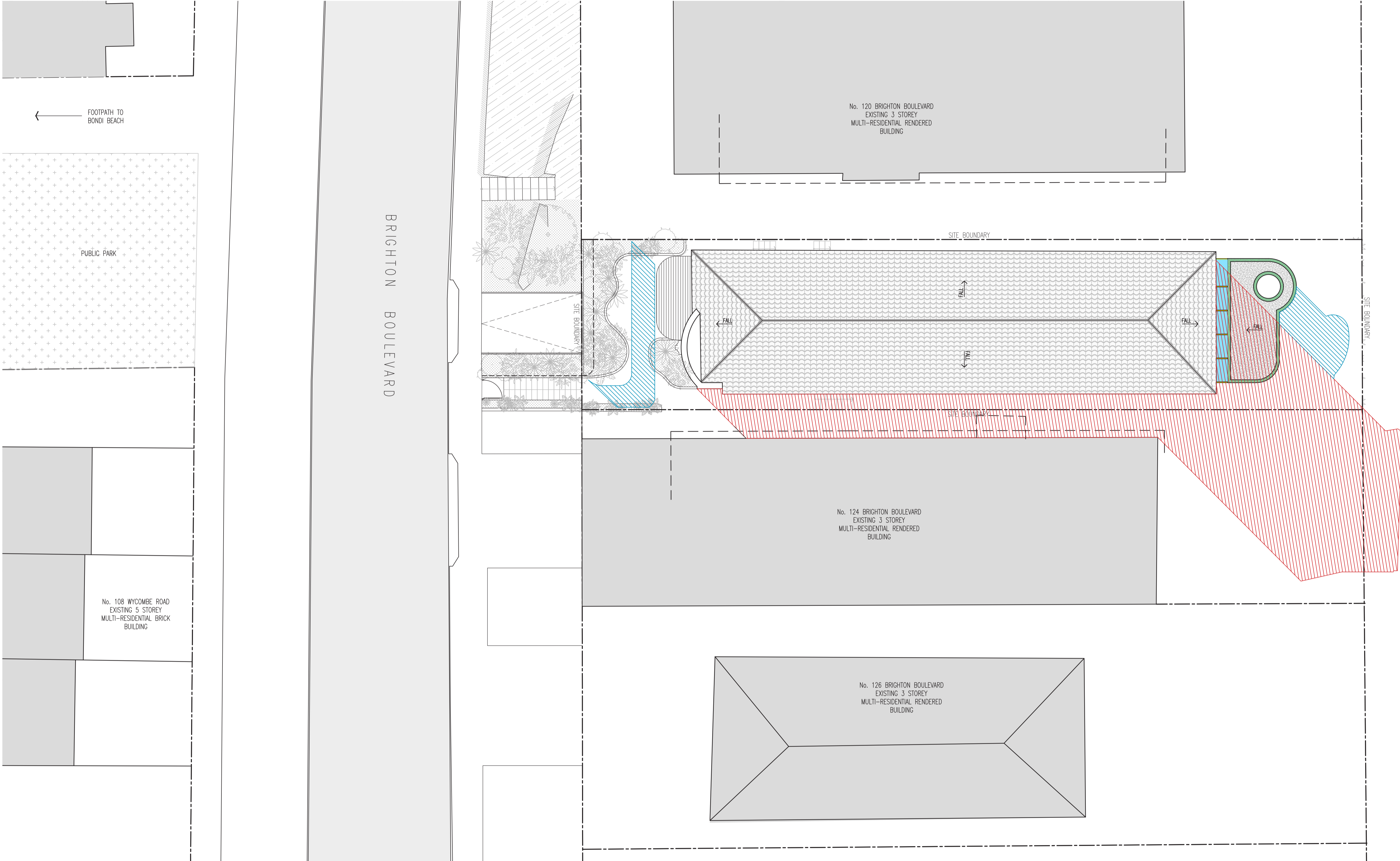
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01 SHADOW ANALYSIS
21 JUNE 3PM
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Rev. No.	Date	Revision	By	Chk.

Project
**122 BRIGHTON BOULEVARD
NORTH BONDI, NSW 2026**

Drawing
**SHADOW ANALYSIS
SHEET 03**

Date
20.09.2022

Scale
1:100

Sheet Size
@ A1

Reg No.
-

Drawn
BN

Chk.
JR

Job No.
85925

Drawing No.
DA0014

Revision
B

LEGEND AND NOTES

- EXISTING SHADOWS
- ADDITIONAL SHADOWS
- PROPOSED REDUCED SHADOWS

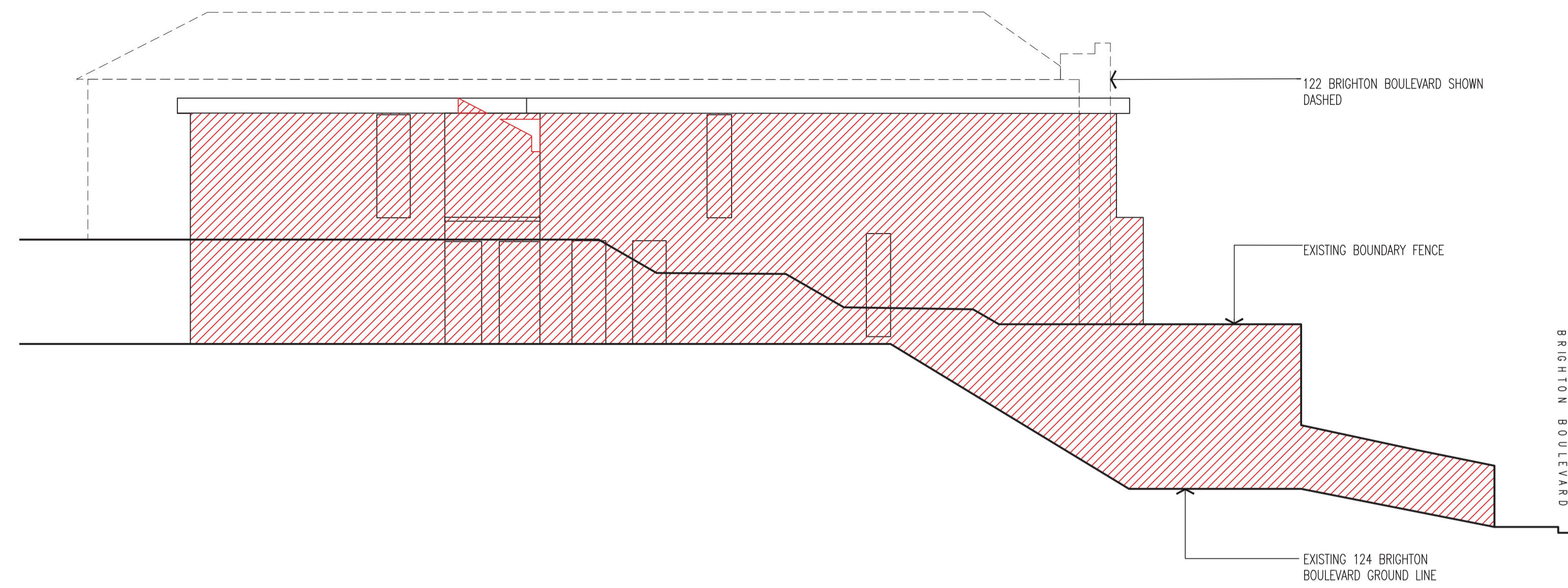
SHADOWS FOR 128 BRIGHTON BOULEVARD SHOWN ONLY FOR CLARITY

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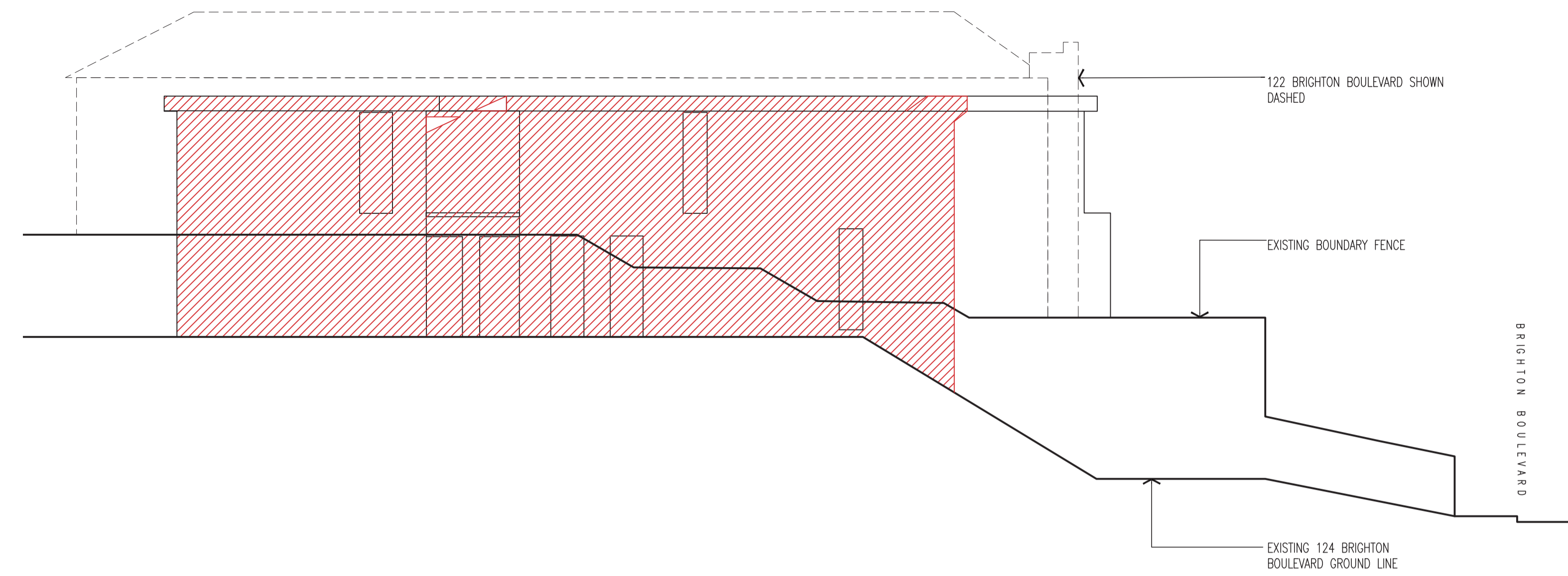
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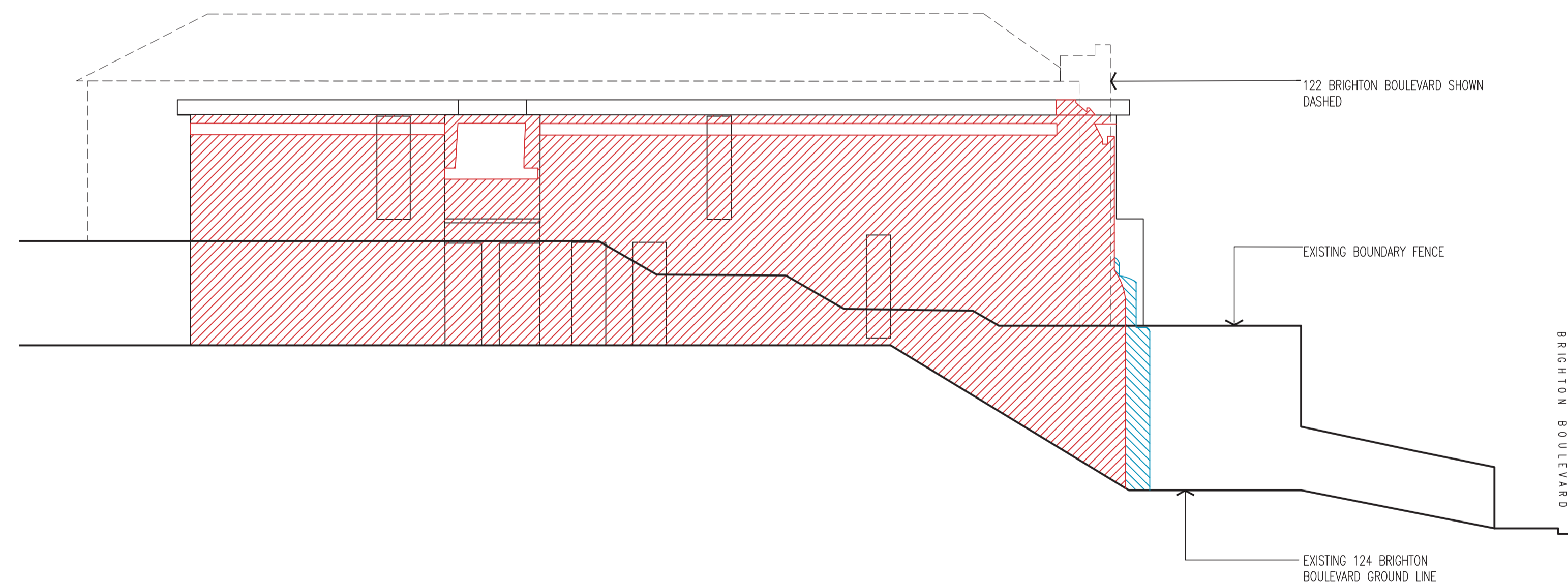
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01 SHADOW ANALYSIS - ELEVATION
21 JUNE 9AM 1:100



03 SHADOW ANALYSIS - ELEVATION
21 JUNE 3PM 1:100



02 SHADOW ANALYSIS - ELEVATION
21 JUNE 12PM 1:100



BASIX Project Commitments		BASIX Number: 13427495	
Water			
Proposed:	Single Dwelling		
Address:	122 Brighton Boulevard, North Bondi NSW 2026		
Lot No / DP:	No lot number / SP8191		
Fixtures	Specification		
Shower head rating	4 star (P & S test <= 6 L/min)		
Toilet rating	3 star		
Kitchen taps rating	3 star		
Bathroom taps rating	3 star		
Alternative water details			
Rainwater tank size	Individual	3000L	
Connected to:	Garden and lawn areas	Yes	
	All toilets	No	
	Laundry	No	
Thermal Comfort			
Accreditation Number: HEA 10056		NATHERS Number: 008120446	
External walls			
Cavity brick	First floor and second level	Dark colour R2.5	Bulk + Anti glare foil (Plus R0.6 plasterboard + R0.1 air gap)
Concrete block	Basement and ground level	Dark colour R2.5	Bulk + Anti glare foil (Plus R0.6 plasterboard + R0.1 air gap)
Concrete block	Basement level and external walls to lifts	Dark colour	
Internal walls			
Cavity wall, direct fix plasterboard		No insulation	
Concrete block		No insulation	
Concrete block	All internal concrete block walls with plasterboard	R2.5 Bulk insulation	(Plus R0.6 plasterboard + R0.1 air gap)
Partition walls			
Stud, plasterboard		No insulation	
Ceiling			
External ceiling - Concrete, plasterboard	Basement and ground floor	No insulation	
Internal ceiling - Concrete, plasterboard	Basement and ground floor	No insulation	
External ceiling - Plasterboard	First and second floor	R6.0 Bulk insulation	
Internal ceiling - Plasterboard	First and second floor	No insulation	
Roof			
Roof tiles		Dark Colour (solar absorbance <0.70)	
Waterproofing membrane		No insulation, air gap only	
		Dark Colour (solar absorbance <0.70)	
		No insulation, air gap only	
Floors			
Concrete slab on ground	Basement and ground floor	No insulation	
Suspended concrete slab	Ground floor	No insulation	
Suspended timber	First and second floor	No insulation	
Windows			
Timber frame TMM-001-01	Standard glazing specifications (excluding listed below)	Single Clear glazing with U-value 6.70 and SHGC 0.57 for Group A windows (awning, bifold, casement and tilt 'n' turn type windows/doors)	
Timber frame TMM-002-01		Single Clear glazing with U-value 6.7 and SHGC 0.7 for Group B windows (double hung, fixed, louvers and sliding type windows/doors)	
Timber frame TMM-001-04	Living: 01.02	Single Clear glazing with U-value 3.70 and SHGC 0.35 for Group A windows (awning, bifold, casement and tilt 'n' turn type windows/doors)	
Timber frame TMM-002-04	Stairs: W1.02, Media: W1.03, Media: 02.01	Single Clear glazing with U-value 3.7 and SHGC 0.38 for Group B windows (double hung, fixed, louvers and sliding type windows/doors)	
Downlights			
Downlight Covers		Approved fireproof downlight covers must be installed to all downlights in ceilings where insulation is installed	
Lighting specification		Downlights have been modelled as per BASIX protocol	
Overshadowing details			
		Adjoining units calculated into model calculations	
Site			
Orientation of nominal north elevation		As shown on plans	
Energy			
Hot water		Specification	Rating
Individual system		Gas instantaneous	4 star
Ventilation			
Bathrooms, kitchen, laundry exhaust		Individual fan, not ducted	
Control switch		Manual switch on/off	
Cooling			
Individual systems - living areas		1 phase air conditioning	4 star
Individual systems - bedroom areas		1 phase air conditioning	4 star
Heating			
Individual systems - living areas		1 phase air conditioning	4 star
Individual systems - bedroom areas		1 phase air conditioning	4 star
Appliances			
Cooling oven		Gas cooktop & electric oven	
Ventilated fridge space		No	
Private outdoor clothes drying line		Yes	
Private indoor or sheltered clothes drying line		No	

LEGEND AND NOTES	
	EXISTING SHADOWS
	ADDITIONAL SHADOWS
	PROPOSED REDUCED SHADOWS
SHADOWS FOR 128 BRIGHTON BOULEVARD SHOWN ONLY FOR CLARITY	

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A	02.09.22	FOR REVIEW	BN	JR
B	20.09.22	FOR COORDINATION	BN	JR

Rev. No.	Date	Revision	By	Chk.

Rev. No.	Date	Revision	By	Chk.

Project
**122 BRIGHTON BOULEVARD
NORTH BONDI, NSW 2026**

Drawing
**SHADOW ANALYSIS - ELEVATIONS
124 BRIGHTON BOULEVARD**

Date
20.09.2022

Scale
1:100

Sheet Size
@ A1

Reg No.
-

Drawn
BN

Chk.
JR

Job No.
85925

Drawing No.
DA0015

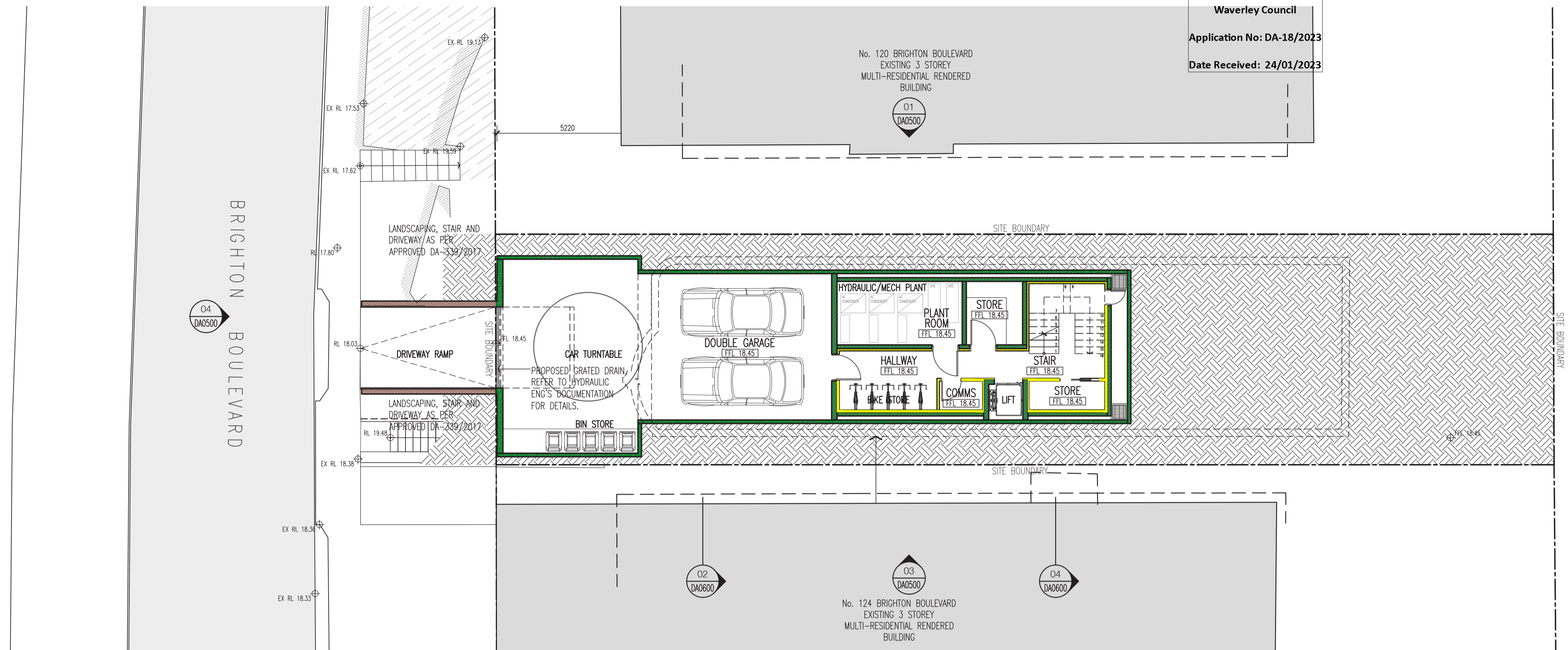
Revision
B

PRELIMINARY

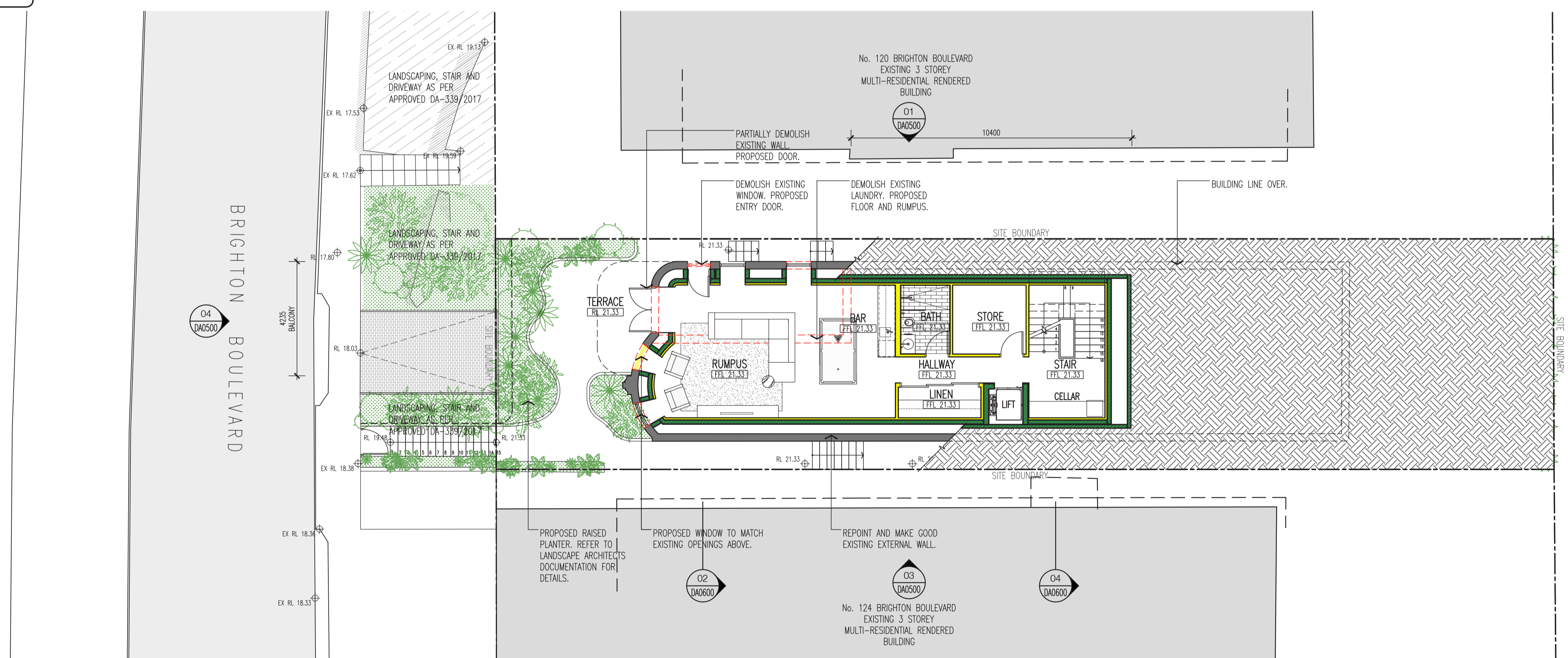
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Waverley Council
Application No: DA-18/2023
Date Received: 24/01/2023



01 BASEMENT FLOOR PLAN
1:100



02 GROUND FLOOR PLAN
1:100



COLOUR CODE
AS PER WAVERLEY COUNCIL WDCP OUTLINE OCTOBER 2012

Yellow	TIMBER
Orange	DEMOLITION
Red	ROOF TILES
Pink	PAVING (TILES, TERRACOTTA)
Light Blue	INTERNAL TILES
Dark Blue	BRICK
Light Green	STEEL, GALVANISED IRON
Blue	ALUMINIUM
Light Yellow	GLASS AND GLASS BRICKS
Green	CONCRETE (INC. CORE-FILLED BLOCK & AAC)
Light Green	FIBRE CEMENT SHEETS / CEMENT RENDER
Light Green	SAND STONE & OTHER NATURAL STONE
Light Green	EARTH
Light Green	MARBLE
Light Green	BITUMINOUS PRODUCTS
Light Green	EXISTING WALLS RETAINED

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North Point

Client Name & Logo

Rev. No.	Date	Revision	By	Chk.
A	25.02.21	FOR INFORMATION	MM	JR
B	27.06.22	FOR INFORMATION	BN	JR
C	04.07.22	FOR INFORMATION	BN	JR
D	15.07.22	FOR COORDINATION	BN	JR
E	22.07.22	FOR COORDINATION	BN	JR

Rev. No.	Date	Revision	By	Chk.
F	02.09.22	FOR REVIEW	BN	JR
G	20.09.22	FOR COORDINATION	BN	JR

Project
**122 BRIGHTON BOULEVARD
NORTH BONDI, NSW 2026**

Drawing
**GENERAL ARRANGEMENT PLANS
BASEMENT & GROUND**

Date
20.09.2022

Scale
1:100

Reg No.
-

Drawn
MM

Job No.
85925

Drawing No.
DA0200

Sheet Size
@ A1

Chk.
JR

Revision
G

PRELIMINARY

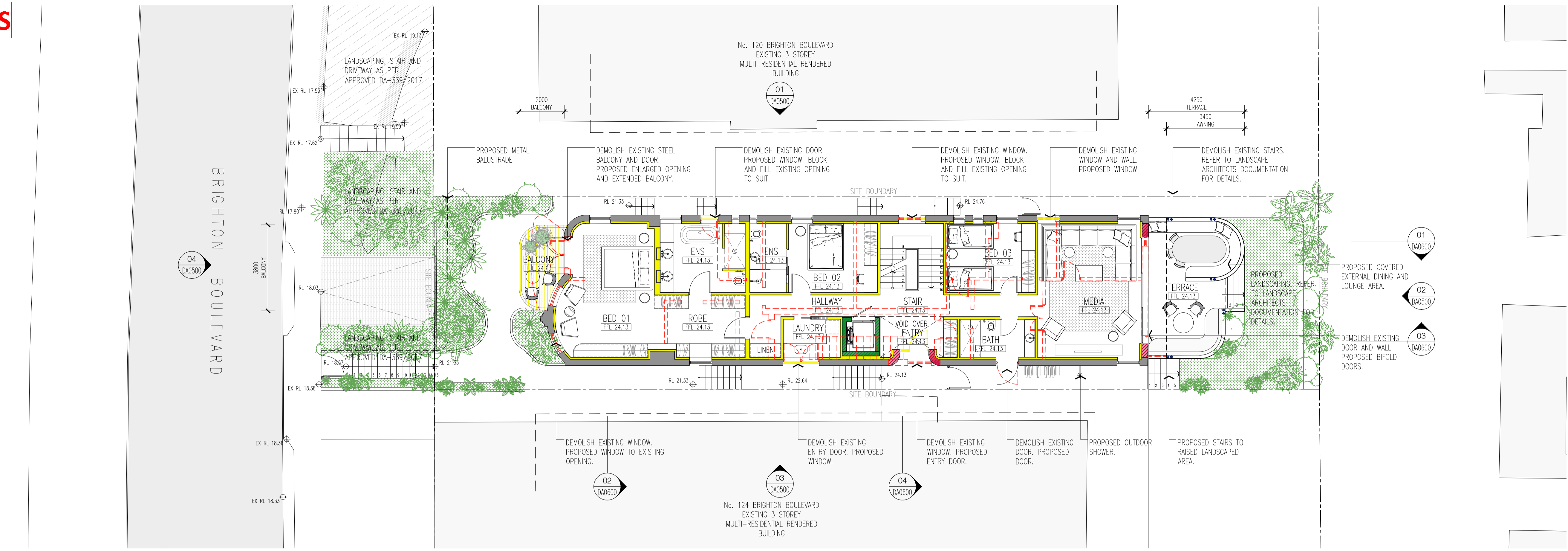
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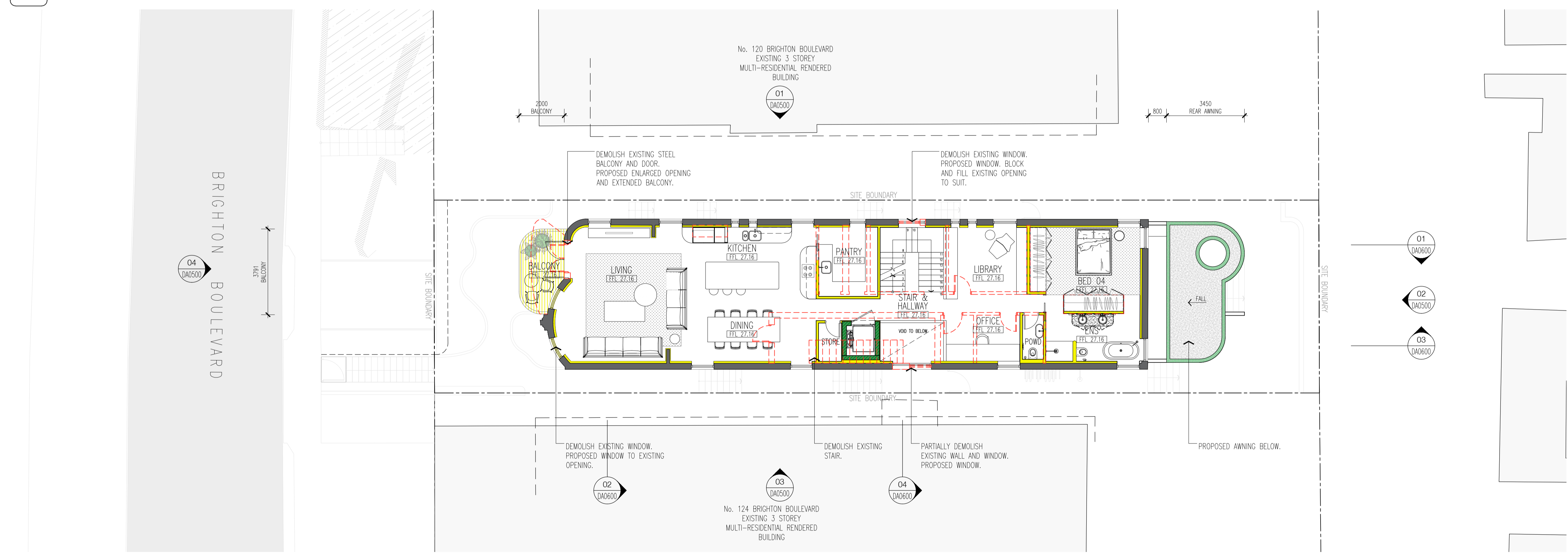
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AMENDED PLANS

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01 LEVEL 1 FLOOR PLAN
1:50



02 LEVEL 2 FLOOR PLAN
1:50

- COLOUR CODE
AS PER WAVERLEY COUNCIL WDCP OUTLINE OCTOBER 2012
- TIMBER
 - DEMOLITION
 - ROOF TILES
 - PAVING (TILES, TERRACOTTA)
 - INTERNAL TILES
 - BRICK
 - STEEL, GALVANISED IRON
 - ALUMINIUM
 - GLASS AND GLASS BRICKS
 - CONCRETE (INC. CORE-FILLED BLOCK & AAC)
 - FIBRE CEMENT SHEETS / CEMENT RENDER
 - SAND STONE & OTHER NATURAL STONE
 - EARTH
 - MARBLE
 - BITUMINOUS PRODUCTS
 - EXISTING WALLS RETAINED

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North Point
Client Name & Logo

Rev. No.	Date	Revision	By	Chk.
A	12.10.22	DA ISSUE	BN	JR
B	04.05.23	DA ISSUE	BN	JR

Rev. No.	Date	Revision	By	Chk.

Project
**122 BRIGHTON BOULEVARD
NORTH BONDI, NSW 2026**

Drawing
**GENERAL ARRANGEMENT PLANS
LEVELS 1 & 2**

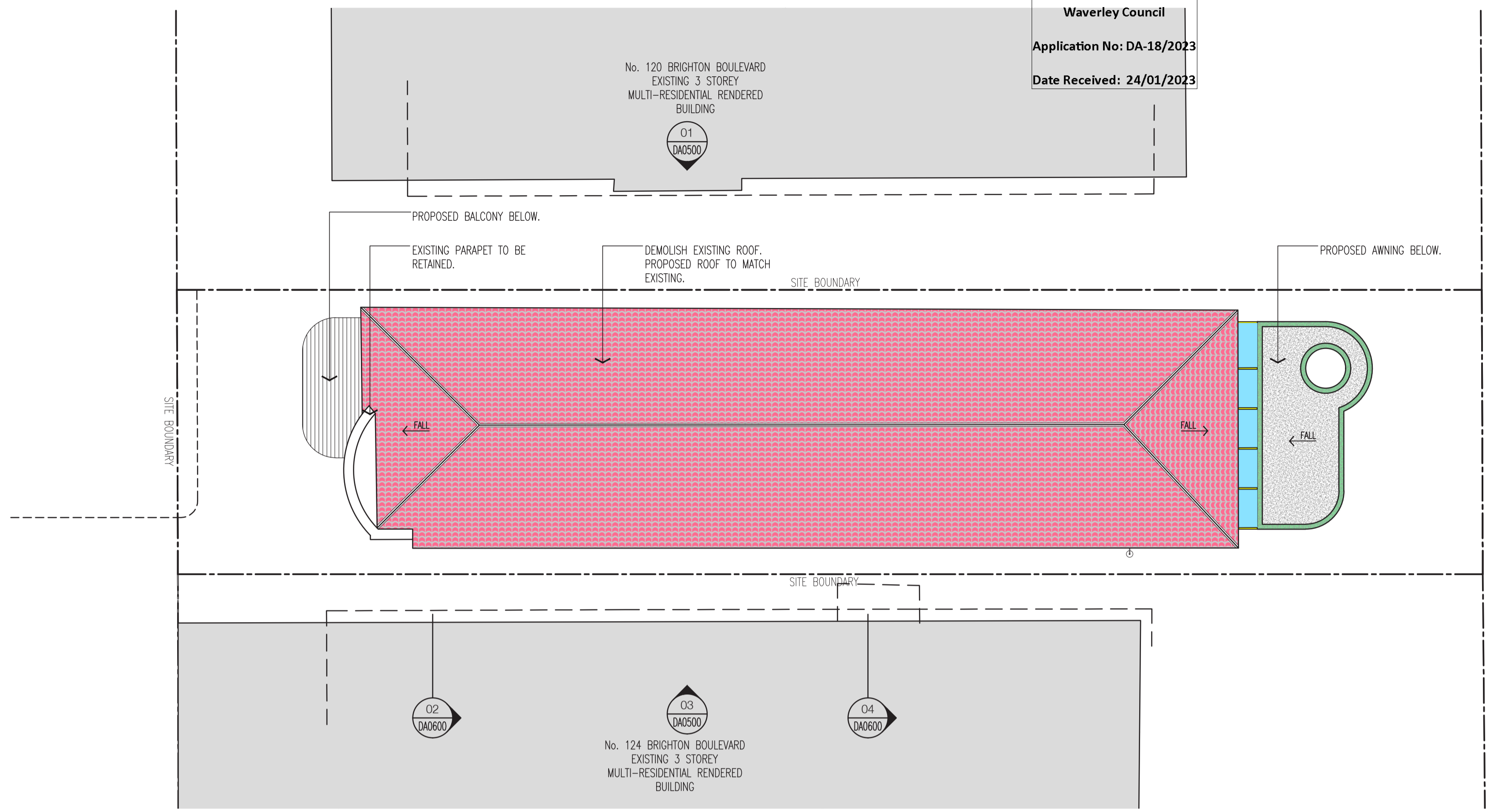
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Reg No.	Drawn	Chk.
-	BN	JR
Job No.	Drawing No.	Revision
85925	DA0201	B

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- O1
DA0600
- O2
DA0500
- O3
DA0600

01 ROOF PLAN
1:100



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Rev. No.	Date	Revision	By	Chk.
A	25.02.21	FOR INFORMATION	MM	JR
B	04.07.22	FOR INFORMATION	BN	JR
C	20.09.22	FOR COORDINATION	BN	JR

Rev. No.	Date	Revision	By	Chk.

Project
**122 BRIGHTON BOULEVARD
NORTH BONDI, NSW 2026**

Drawing
**GENERAL ARRANGEMENT PLAN
ROOF**

Date	Scale	Sheet Size
20.09.2022	1:100	@ A1
Reg No.	Drawn	Chk.
-	BN	JR
Job No.	Drawing No.	Revision
85925	DA0202	C

PRELIMINARY

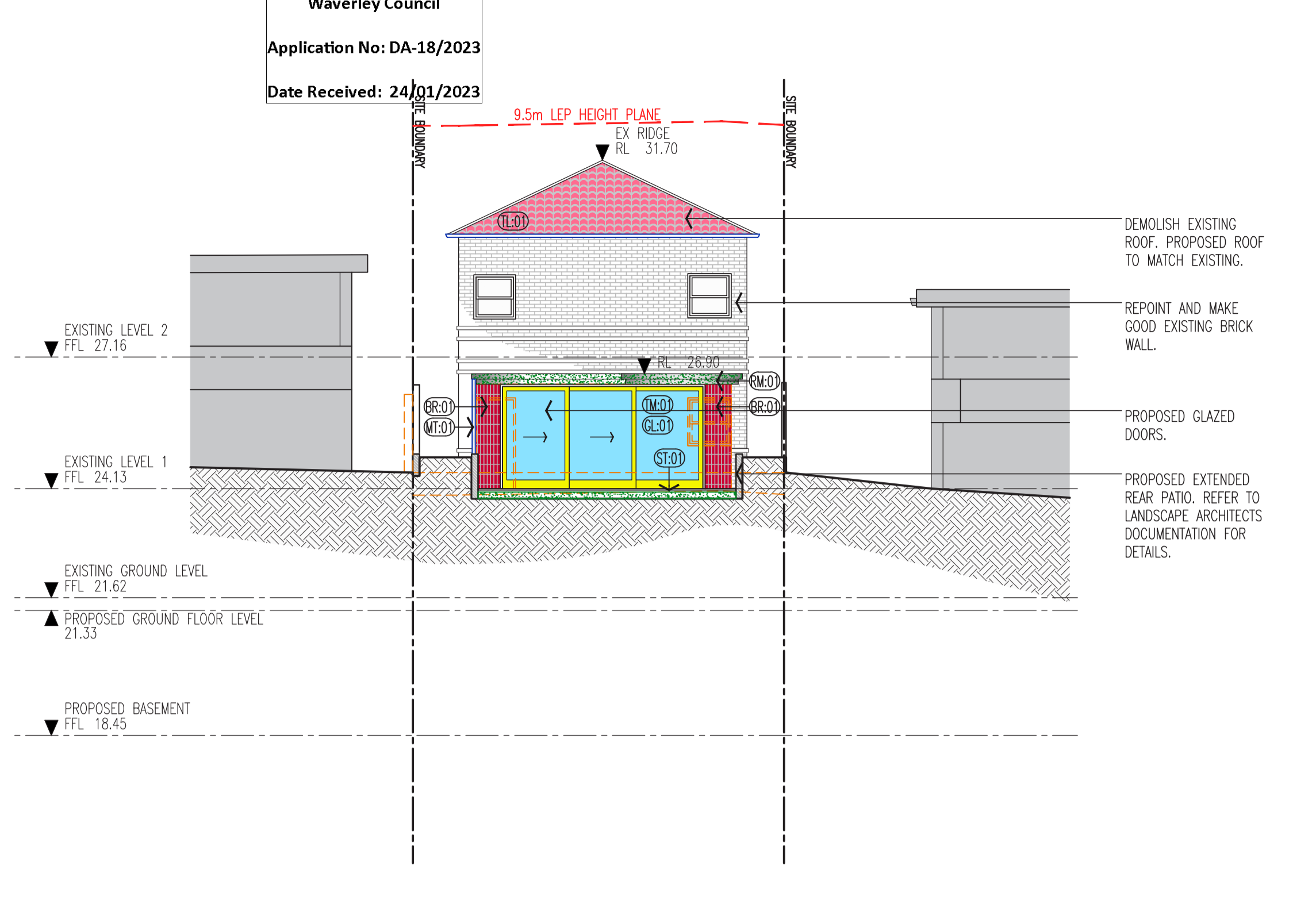
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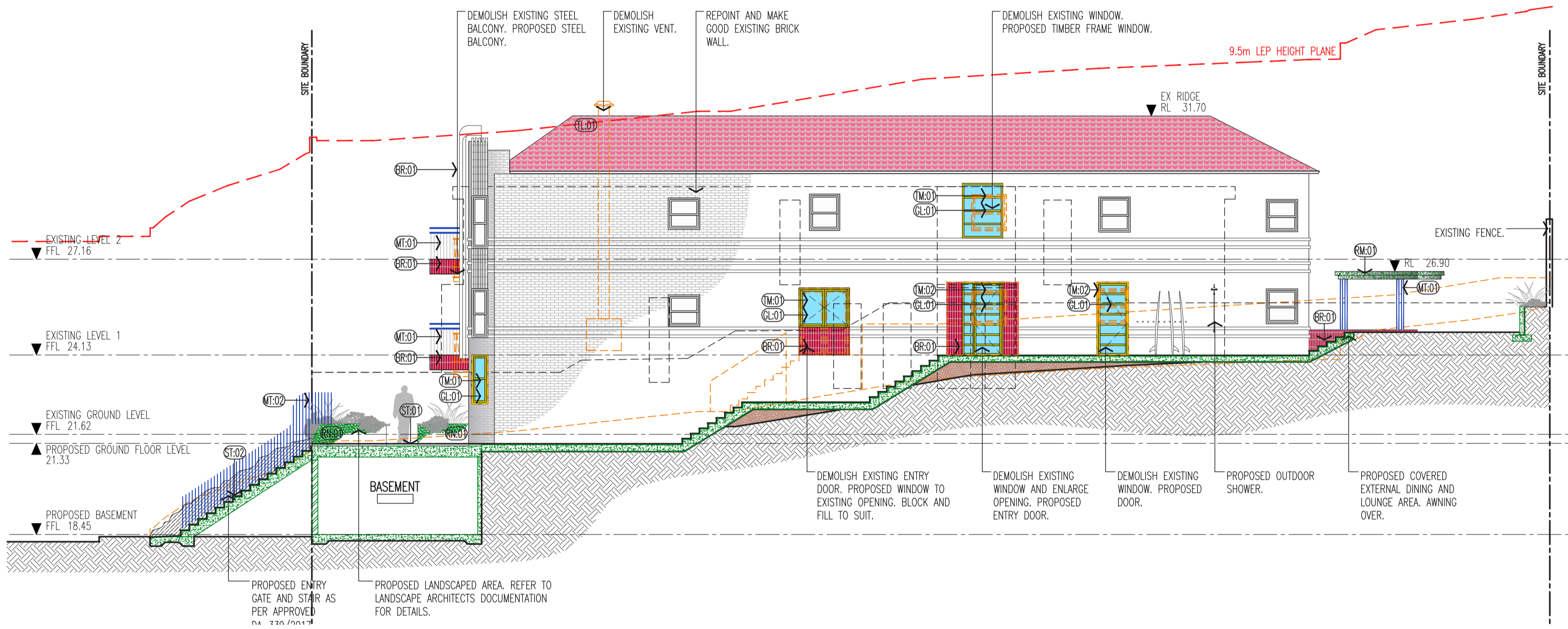
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Application No: DA-18/2023
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01 ELEVATION NORTH
1:100



02 ELEVATION EAST
1:100



03 ELEVATION SOUTH
1:100



04 ELEVATION WEST
1:100

COLOUR CODE
AS PER WAVERLEY COUNCIL WDCP OUTLINE OCTOBER 2012

Yellow	TIMBER
Orange	DEMOLITION
Red	ROOF TILES
Pink	PAVING (TILES, TERRACOTTA)
Light Blue	INTERNAL TILES
Dark Blue	BRICK
Light Green	STEEL, GALVANISED IRON
Blue	ALUMINIUM
Light Blue	GLASS AND GLASS BRICKS
Green	CONCRETE
Light Green	FIBRE CEMENT SHEETS / CEMENT RENDER
Light Brown	SAND STONE & OTHER NATURAL STONE
Dark Brown	EARTH
Purple	MARBLE
Black	BITUMINOUS PRODUCTS
Grey	EXISTING WALLS RETAINED



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A	04.07.22	FOR INFORMATION	BN	JR
B	02.09.22	FOR REVIEW	BN	JR
C	20.09.22	FOR COORDINATION	BN	JR

Rev. No.	Date	Revision	By	Chk.

Project
**122 BRIGHTON BOULEVARD
NORTH BONDI, NSW 2026**

Drawing
ELEVATIONS

Date
20.09.2022

Scale
1:100

Sheet Size
@ A1

Reg No.
-

Drawn
BN

Chk.
JR

Job No.
85925

Drawing No.
DA0500

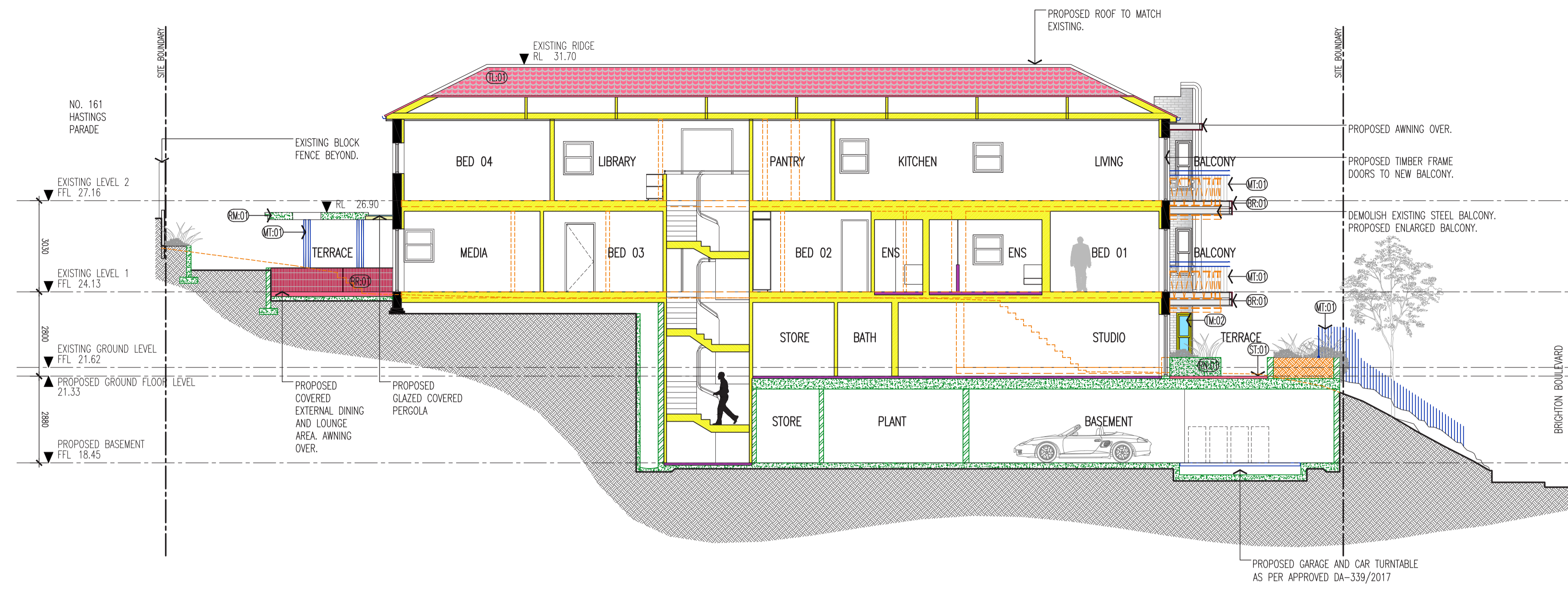
Revision
C

PRELIMINARY

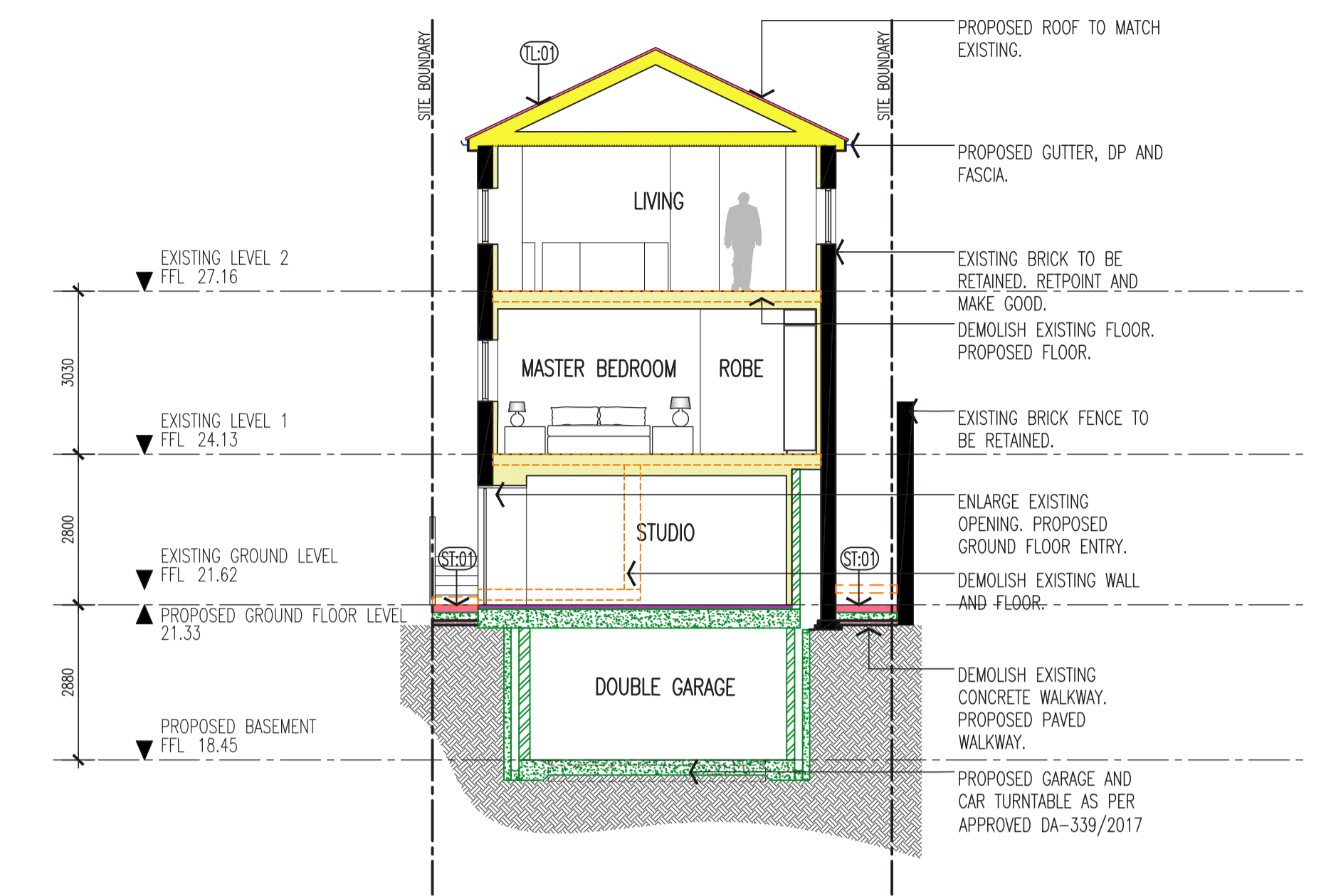
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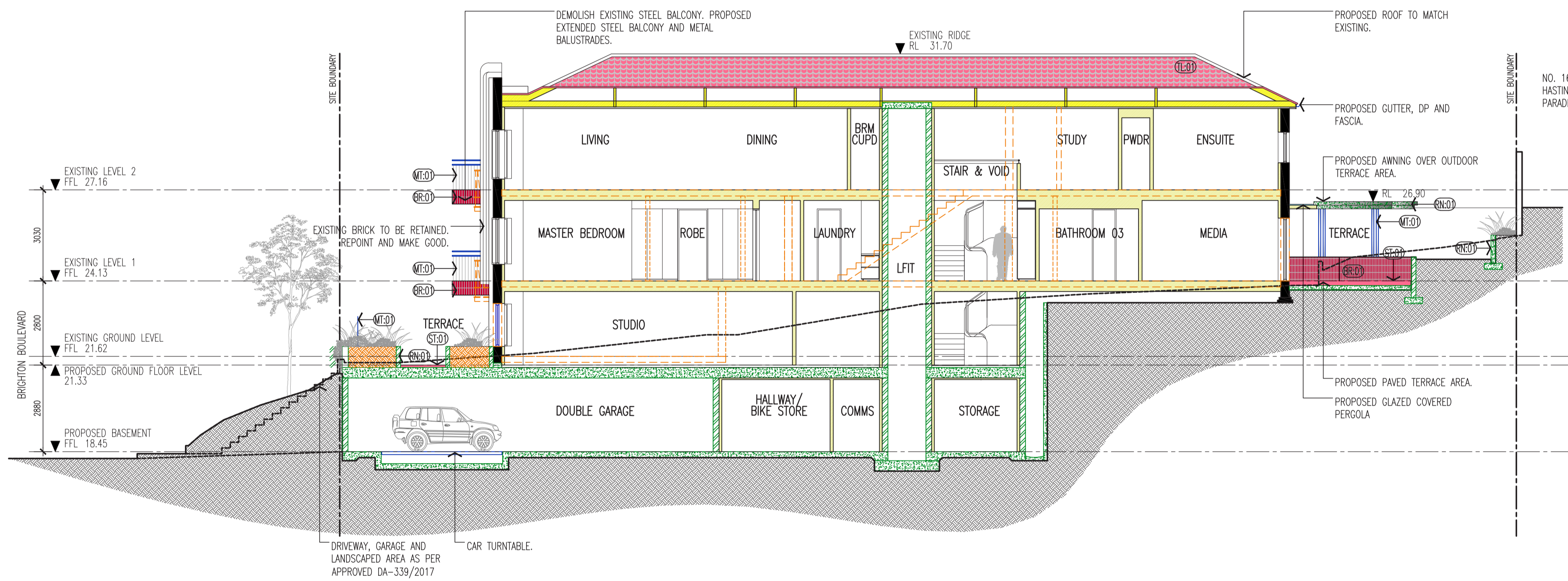
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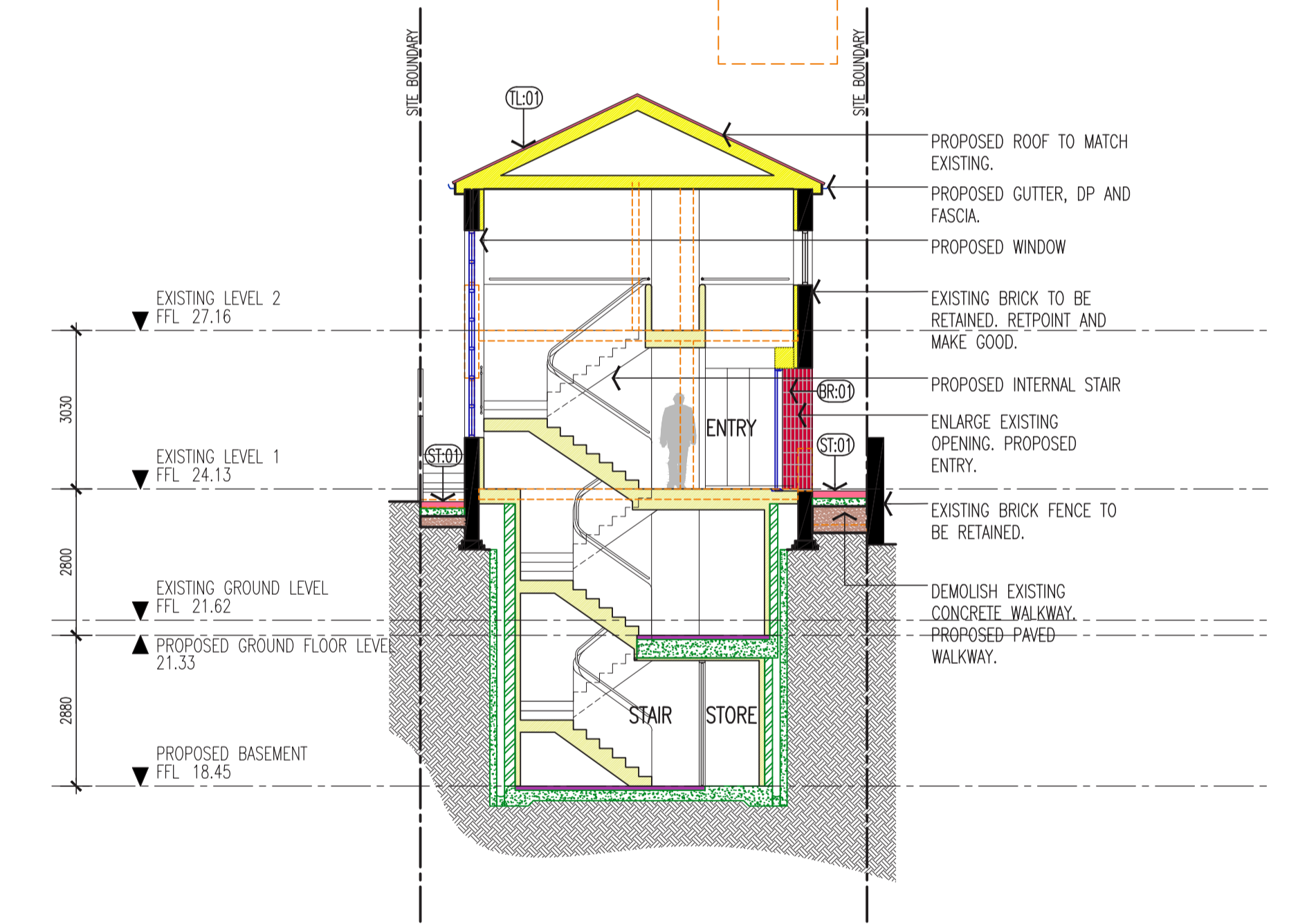
01 SECTION 01
1:100



02 SECTION 02
1:100



03 SECTION 03
1:100

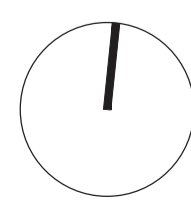


04 SECTION 04
1:100



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A	27.06.22	FOR INFORMATION	BN	JR
B	04.07.22	FOR INFORMATION	BN	JR
C	02.09.22	FOR REVIEW	BN	JR
D	20.09.22	FOR COORDINATION	BN	JR

Rev. No.	Date	Revision	By	Chk.

Project
**122 BRIGHTON BOULEVARD
NORTH BONDI, NSW 2026**
Drawing
SECTIONS

Date
20.09.2022
Scale
1:100
Sheet Size
@ A1
Reg No.
-
Drawn
BN
Chk.
JR
Job No.
85925
Drawing No.
DA0600
Revision
D

COLOUR CODE
AS PER WAVERLEY COUNCIL WDCP OUTLINE OCTOBER 2012

Timber
Demolition
Roof Tiles
Paving (Tiles, Terracotta)
Internal Tiles
Brick
Steel, Galvanised Iron
Aluminium
Glass and Glass Bricks
Concrete
Fibre Cement Sheets / Cement Render
Sand Stone & Other Natural Stone
Earth
Marble
Bituminous Products
Existing Walls Retained

PRELIMINARY
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EXTERNAL MATERIALS SCHEDULE



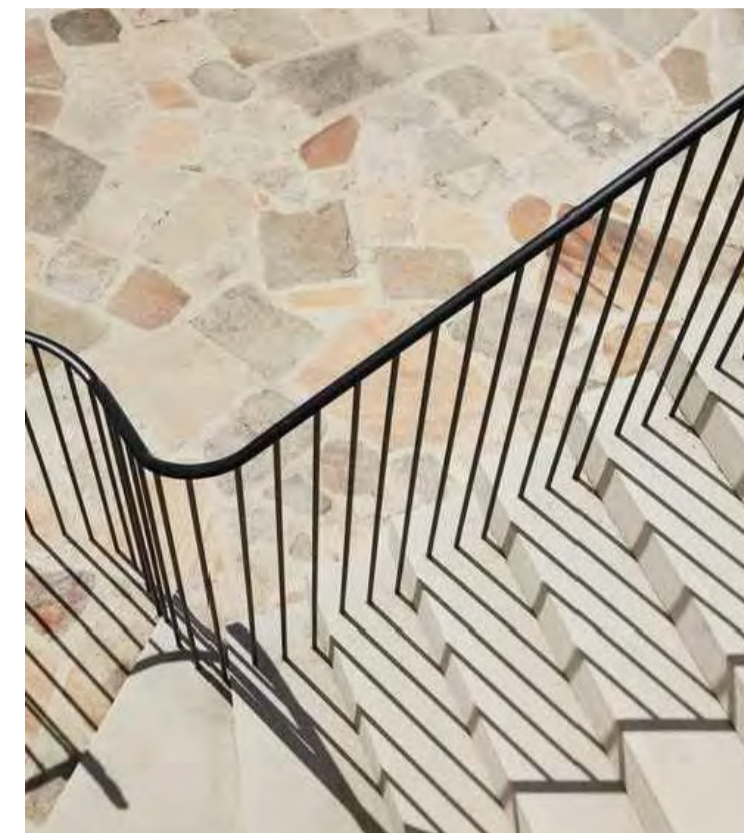
BR:01
BRICK SIMILAR TO EXISTING.



GL:01
GLAZING - CLEAR



GL:02
GLAZING - TRANSLUCENT



MT:01
METAL BALUSTRADE -
DARK COLOUR



MT:02
METAL BALUSTRADE -
DARK COLOUR



MT:03
METAL GARAGE DOOR -
DARK COLOUR AS PER
APPROVED DA-339/2017



RN:01
RENDER - LIGHT COLOUR



TM:01
TIMBER FRAME WINDOWS & DOORS.
MEDIUM PAINT FINISH



TM:02
GLAZED TIMBER FRAME
WINDOW AND DOORS



ST:01
PAVING



ST:02
STEPS



PV:01
DRIVEWAY PAVING
AS PER APPROVED
DA-339/2017

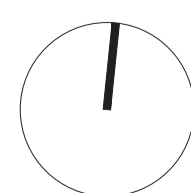


TL:01
ROOF TILE TO MATCH
EXISTING



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North Point Client Name & Logo



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Rev. No.	Date	Revision	By	Chk.

Project
**122 BRIGHTON BOULEVARD
NORTH BONDI, NSW 2026**

Drawing
MATERIALS PALETTE

Date	Scale	Sheet Size
20.09.2022	1:100	@ A1

Reg No.	Drawn	Chk.
-	BN	JR

Job No.	Drawing No.	Revision
85925	DA0700	B

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AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-18/2023
Date Received: 24/04/2023



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North Point Client Name & Logo

Rev. No.	Date	Revision	By	Chk.
A	12.10.22	DA ISSUE	BN	JR
B	24.04.23	DA ISSUE	BN	JR

Rev. No.	Date	Revision	By	Chk.

Project
**122 BRIGHTON BOULEVARD
NORTH BONDI, NSW 2026**

Drawing
PHOTOMONTAGE

Date	Scale	Sheet Size
24.04.2023	NTS	@ A1
Reg No.	Drawn	Chk.
-	BN	JR
Job No.	Drawing No.	Revision
85925	DA0701	B

NOTE
INDICATIVE ONLY. REFER TO LANDSCAPE ARCHITECT'S
DOCUMENTATION FOR LANDSCAPING DETAILS.

DA

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WYER & CO

LANDSCAPE DA DOCUMENTATION - REV 01 - 27.09.2022

122 BRIGHTON BOULEVARDE, NORTH BONDI, NSW 2026

COUNCIL REQUIREMENTS - WAVERLEY DEVELOPMENT APPLICATION

THE LANDSCAPE PLAN IS IN GENERAL ACCORDANCE WITH COUNCIL PLANNING CONTROLS:

- WAVERLEY LEP (WAVERLEY LOCAL ENVIRONMENTAL PLAN 2012)
- WAVERLEY DCP (WAVERLEY COMPREHENSIVE DEVELOPMENT CONTROL PLAN 2012)

LANDSCAPE INSTALLATION SPECIFICATION

TREE REMOVAL

- Tree surgery, pruning or tree removal works are to be overseen by a qualified arborist, as specified on arborists report specifications.
- Tree protection to be installed for trees to be retained as per arborist / council's specifications.

PLANTER BEDS

- Soil for plantings over slab or contained areas. Minimum soil depths for planting on any slab:
- Small trees: Min 1000mm excluding 75mm mulch
- Shrubs: Min 600mm excluding 75mm mulch
- Groundcover: Min 450mm excluding 75mm mulch
- Turf: Min 300mm
- Suitable drainage implemented through use of ag lines, drainage flow cell and geotech fabric.
- Soil to be ANL Planter Box Mix, or equivalent. Blend of soil, coarse sand, graded ash, nepean sand, composted sawdust, botany humus and composted pine bark.
- Soil to be between 20-50mm below top of retaining wall height, to allow for dropping.

TURFING

- Turf to be laid on minimum 100mm turf underlay.
- Turf underlay to be ANL Sand / Soil Blend, or equivalent.
- Turf to be Sir Walter Turf - Premium Buffalo Grass (Registered PBR), supplied by President Turf, or equivalent.

MULCHING

- Place mulch to minimum depth of 75mm, clear of plant stems, and rake to an even surface flush with the surrounding finished levels and consistent in depth.
- Trees in lawn areas to have 750mm diameter of mulch surrounding.
- Mulch for general garden areas, pots, and planters to be Australian Native Landscapes (ANL) Greenlife Mulch and Compost, or equivalent.

TREE PLANTING

- Excavate holes in accordance with dimension of container. The depth of the holes is to be equivalent to the container height plus 100mm and the width of the hole is to be twice that of the container.
- Locate tree to centre of hole and backfill with soil. Firm about root ball.
- All plant material, 45 Litres or over, to be staked.

IRRIGATION

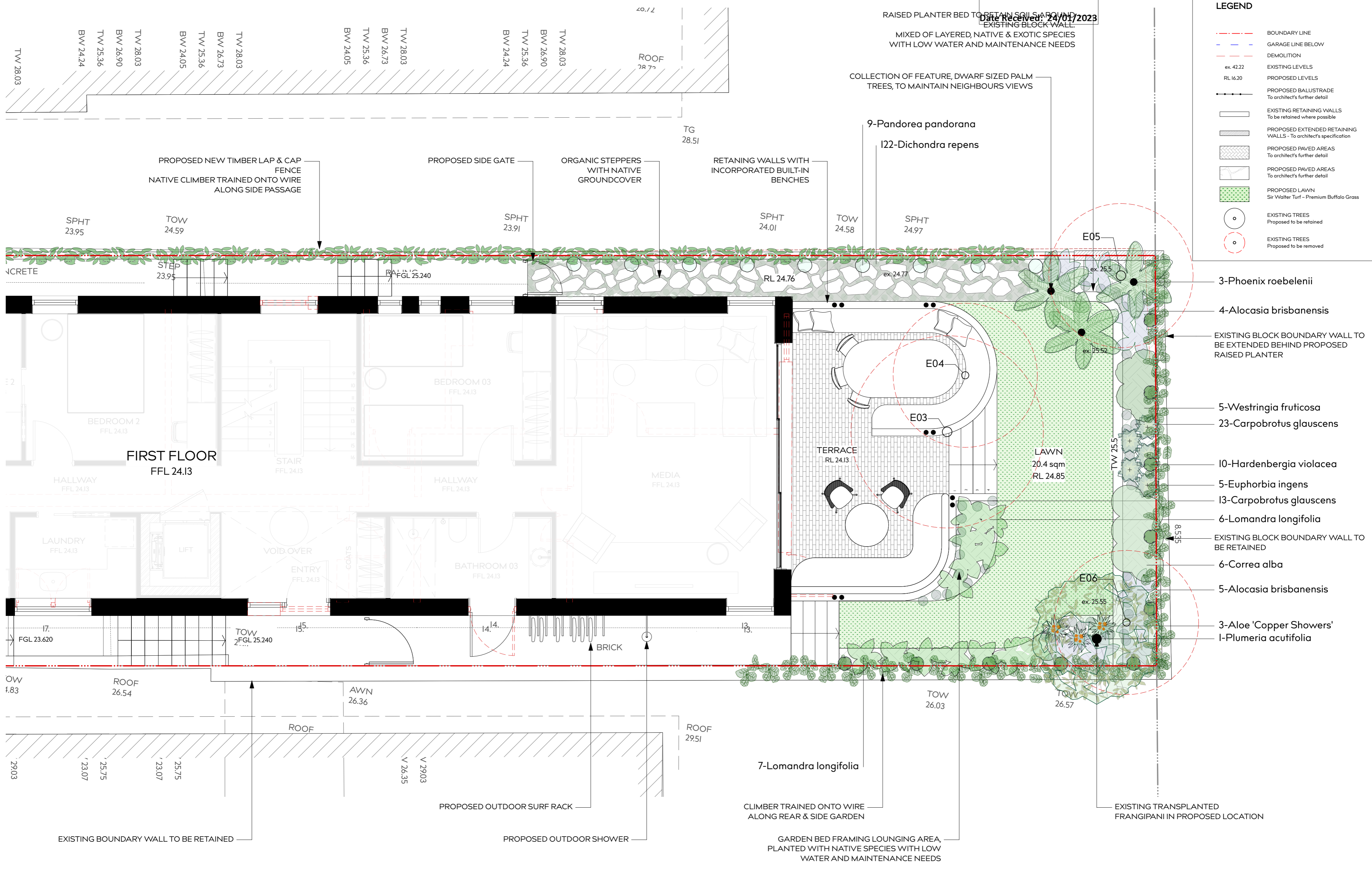
- Automated irrigation system to be implemented. Reputable irrigation brands are to be sourced.
- Use drip lines with emitters at 300mm spacing's for all garden beds.
- Use pop-up spray heads for all lawn areas. Pop-up spray heads are to be spaced according to product specification.
- Conceal irrigation below the mulch layer in planting areas and 150mm below the surface of turf areas. Conceal all components including pipework, fittings, valves, and control equipment.

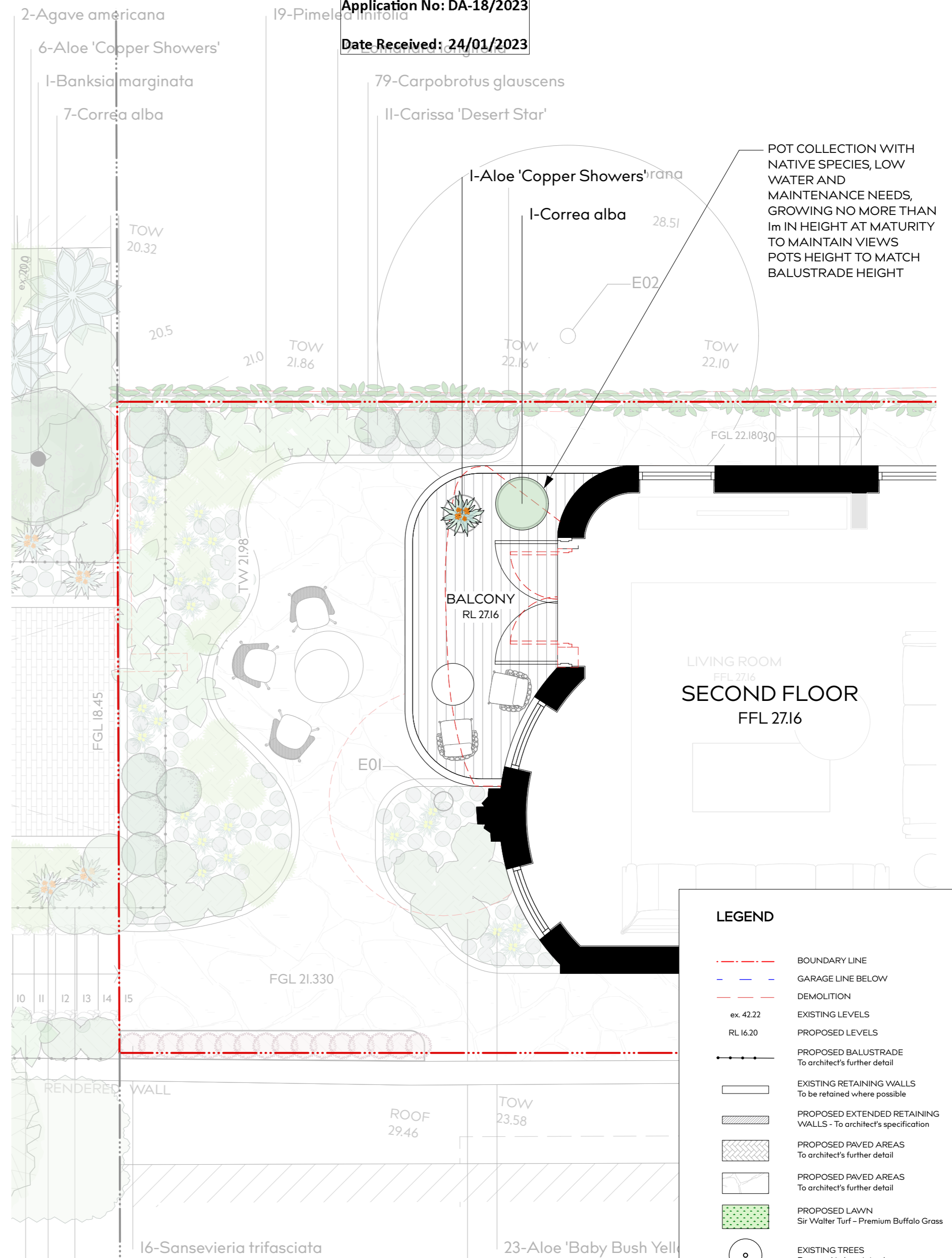
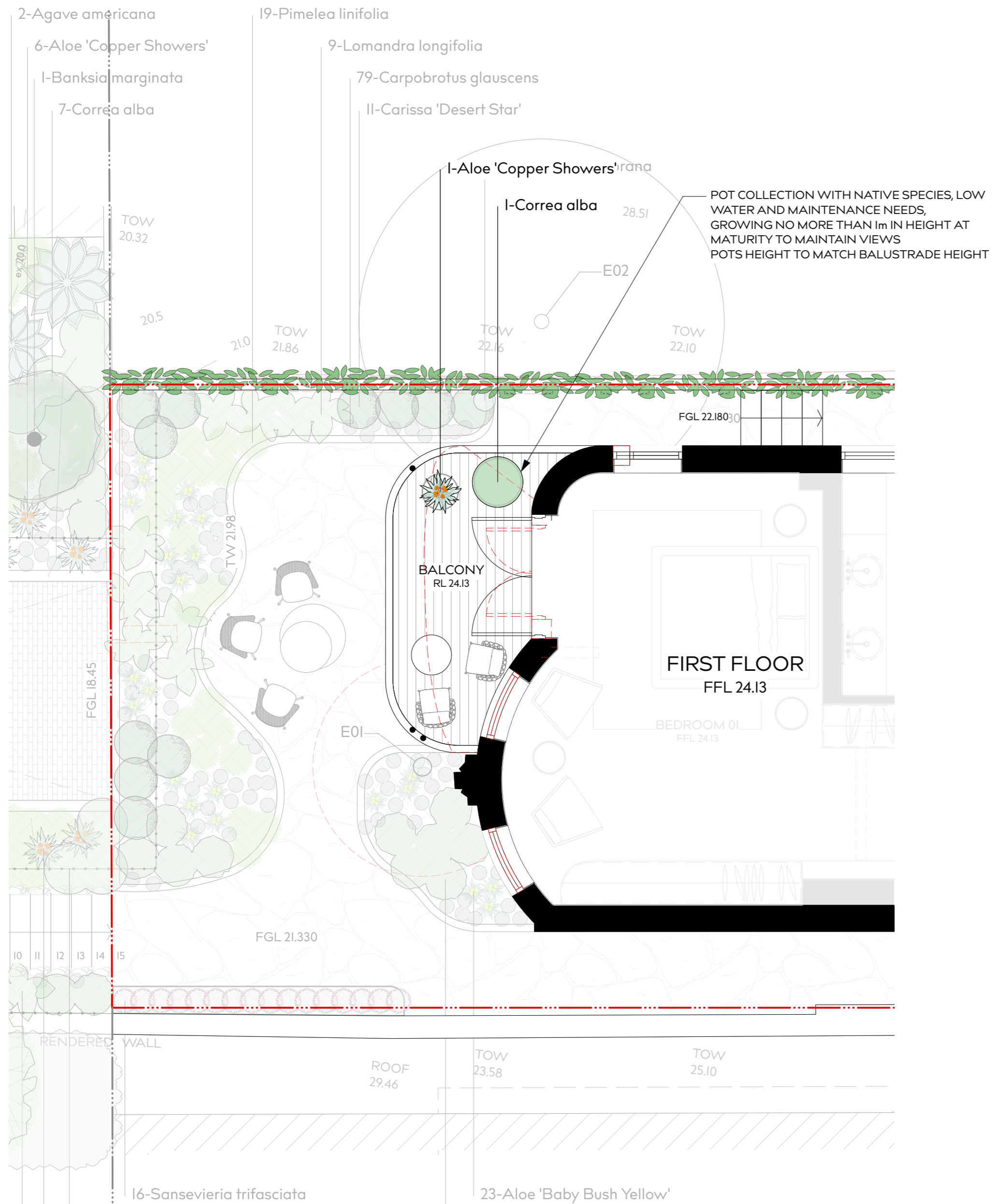
PLANT SCHEDULE							
ID	QTY	BOTANICAL NAME	COMMON NAME	SCHEDULED SIZE	MATURE SPREAD	MATURE HEIGHT	REMARKS
Trees							
Ole	2	Olea europaea	Olive Tree	75Ltr	2.2 - 2.5m	2.2 - 2.5m	Maintained at 2.5m high maximum
Pa-1	1	Plumeria acutifolia	Frangipani	Existing	2.5 - 3.0m	2.5 - 3.0m	Transplanted
Palms - Cycads							
Pr-1	3	Phoenix roebelenii	Dwarf Date palm	75Ltr	1.5 - 2.5m	1.5 - 2.5m	Dwarf species to maintain views
Shrubs							
Bankm	1	Banksia marginata	Silver Banksia	45Ltr	1.5 - 2.0m	1.5 - 2.0m	Eastern Suburbs Indigenous
Cds	11	Carissa 'Desert Star'	Dwarf Natal Plum	200mm	0.8 - 1.0m	0.8 - 1.0m	Low water needs
Corre	21	Correa alba	White Correa	200mm	0.8 - 1.0m	0.6 - 0.8m	Australian native
Pim	56	Pimelea linifolia	Slender Rice Flower	200mm	0.4 - 0.5m	0.4 - 0.5m	Eastern Suburbs Indigenous
West	42	Westringia fruticosa	Coastal Rosemary	200mm	0.6 - 0.8m	0.6 - 0.8m	Eastern Suburbs Indigenous
Perennials							
Aloc	9	Alocasia brisbanensis	Cunjevoi	300mm	1.5 - 2.0m	1.5 - 2.0m	Australian native
Grasses							
Loml	40	Lomandra longifolia	Mat Rush	140mm	0.8 - 0.1m	0.8 - 1.0m	Eastern Suburbs Indigenous
Groundcovers							
Carpo	190	Carpobrotus glaucens	Pig Face	140mm	1.5 - 2.5m	0.2 - 0.3m	Eastern Suburbs Indigenous
Dicho	122	Dichondra repens	Kidney Weed	100mm	1.2 - 2.0m	0.2 - 0.3m	Eastern Suburbs Indigenous
Abby	23	Aloe 'Baby Bush Yellow'	Baby Bush Yellow Aloe	200mm	0.3 - 0.4m	0.3 - 0.4m	Low water needs
Acps	16	Aloe 'Copper Showers'	Copper Showers Aloe	200mm	0.6 - 0.9m	0.75 - 0.9m	Low water needs
Agame	2	Agave americana	Century Plant	300mm	1.5 - 2.0m	1.2 - 1.5m	Low water needs
Eupi	5	Euphorbia ingens	Candelabra tree	300mm	0.5 - 1.0m	1.2 - 1.5m	Low water needs
Sanse	16	Sansevieria trifasciata	Mother-in-law's tongue	200mm	0.3 - 0.4m	0.8 - 1.0m	Low water needs
Climbers							
Hv	10	Hardenbergia violacea	False Sarsaparilla	100mm	1.2 - 2.0 m	0.75 - 0.9 m	Eastern Suburbs Indigenous
Pando	10	Pandorea pandorana	Wonga Wonga Vine	200mm	0.9 - 1.2m	0.0 - 0.3m	Eastern Suburbs Indigenous
Total:	580						

EXISTING TREE SCHEDULE						
TREE NO.	GENUS SPECIES	COMMON NAME	HEIGHT	CANOPY	CALLIPER	ACTION/COMMENT
E01	Cupressus sp.	Cypress	4000	3000	250	Remove - Within building footp
E02	Nerium oleander	Oleander	3000	5000	200	Retain
E03	Magnolia 'Little Gem'	'Little Gem' Magnolia	7000	4000	200	Remove
E04	Hibiscus sp.	Hibiscus	3000	3000	150	Remove
E05	Prunus sp.	Prunus	5000	3000	200	Remove
E06	Murraya paniculata	Mock orange	4000	3000	150	Remove

LEGEND

- BOUNDARY LINE
- GARAGE LINE BELOW
- DEMOLITION
- ex. 42.22 EXISTING LEVELS
- RL 16.20 PROPOSED LEVELS
- PROPOSED BALUSTRADE
To architect's further detail
- EXISTING RETAINING WALLS
To be retained where possible
- PROPOSED EXTENDED RETAINING WALLS - To architect's specification
- PROPOSED PAVED AREAS
To architect's further detail
- PROPOSED PAVED AREAS
To architect's further detail
- PROPOSED LAWN
Sir Walter Turf - Premium Buffalo Grass
- EXISTING TREES
Proposed to be retained
- EXISTING TREES
Proposed to be removed





LEGEND

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- GARAGE LINE BELOW
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Proposed to be removed



Modification of Consent



Report to the Waverley Local Planning Panel

Application number	DA-325/2020/B
Site address	12 Burge Street, Vaucluse
Proposal	Modification to alter internal layout, increase in GFA, additional VPA offer and various other modifications.
Description of Approved Development	<u>Original:</u> Demolition of existing building and construction of a residential flat building containing six units over basement car parking and Strata subdivision. <u>Modification A:</u> Modification to alter internal layout and parking bay, increase in gross floor area, changes to windows, increase in height and various other alterations.
Date of lodgement	13 February 2023
Owner	Proprietors of Strata Plan 14818
Applicant	Burge St Developments Pty Ltd
Submissions	Four (4) submissions received
Amended cost of works	Revised cost of \$4,495,808.92 (inc GST)
Principal Issues	<ul style="list-style-type: none"> • Planning Agreement; • Additional GFA and further breach of the FSR development standard; and • Fire booster location.
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The modification application seeks to modify development consent, known as DA-325/2020/A for the demolition of existing building and construction of a residential flat building containing six units over basement car parking and Strata subdivision at the site known as 12 Burge Street, Vacluse. In summary, the proposed modifications are to alter internal layouts of units, increase gross floor area (GFA), an additional Planning Agreement (PA) offer and various other modifications.

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

- PA offer;
- Additional GFA and further breach of the FSR development standard; and
- Fire booster location.

The assessment finds these issues acceptable as it has been demonstrated that the additional floor space in the lower ground floor units remains within the approved building envelope and preserves the environmental amenity of surrounding properties.

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

The application has been assessed against the relevant matters for consideration under section 4.55(2) of the *Environmental Planning and Assessment Act 1979* and is recommended for approval subject to conditions of consent.

1.2. Site and Surrounding Locality

A site visit was carried out on 15 March 2023.

The site is identified as SP 14818, known as 12 Burge Street, VAUCLUSE. It is located on the southern side of Burge Street between Old South Head Road and Young Street, adjacent to South Head Cemetery that is a local heritage item and in a landscape conservation area.

The site is rectangular in shape with a northern front boundary to Burge Street measuring 19.505m, eastern side boundary adjoining the rear boundaries of 1-7 Young Street measuring 40.235m, southern rear boundary adjoining the side boundary of 9-11 Young Street measuring 19.505m and western side boundary adjoining 8-10 Burge Street measuring 40.235m. The site has an area of 784m² and has a steep fall from Burge Street to the existing front garden area of approximately 2.7m. The site continues to fall towards the rear by approximately a further 4.7m.

The site is currently under construction but was previously occupied by a three storey residential flat building (RFB) containing four units with an elevated pedestrian pathway from Burge Street leading to the units within the building. No vehicular access is currently provided to the site and on-street car parking is only available on the southern side of Burge Street.

The subject site is adjoined by a five storey RFB to the west at 8-10 Burge Street, that has vehicular access to basement carparking from Burge Street. A mix of 2-3 storey RFBs are located on four properties along the eastern side boundary of the subject site at 1-7 Young Street, of which car parking is located in the rear setback areas of Nos 1, 5 and 7 Young Street. A large fig tree (*Ficus rubiginosa*) is also located in a raised garden bed at the rear of 1 Young Street that fronts Burge Street and is adjacent to the side boundary of the subject site. A three storey RFB is located at the rear boundary of the subject site at 9-11 Young Street.

Figures 1 to 2 are photos of the site and its context.



Figure 1: Subject site frontage to Burge Street and neighbouring property at 8-10 Burge Street.



Figure 2: The current construction and scaffolding on site viewed from South Head Road Cemetery.

1.3. Details of Approved Development

The original development application, known as DA-325/2020 for the demolition of the existing building and construction of a RFB containing six units over basement car parking and Strata subdivision was approved on 24 February 2021 by the Waverley Local Planning Panel. The DA is subject to a Planning Agreement.

A previous modification application has been determined as follows:

- The first modification DA-325/2020/A for the modification to alter internal layout and parking bay, increase in gross floor area, changes to windows, increase in height and various other alterations was approved on the 21 December 2021 by the Waverley Local Planning Panel. The Planning Agreement (PA) was amended.
- A Pre-DA meeting (PD-34/2022) was held on 3 November 2022 proposing to fill in the lower ground void to add a third bedroom to the lower two units and amend the PA offer. The concept was generally supportive and a Section 4.55(2) was recommended to be lodged.

The following conditions are copied from the development consent as they have direct relevance to this modification application.

5. PLANNING AGREEMENT

- a) *The owner/applicant is to:*
- i. *Enter into an Agreement in accordance with Waverley's Planning Agreement Policy 2014 prior to the issue of any Construction Certificate for the development that relates to works contained in DA-325/2020/A; and*
 - ii. *Pay the monetary contribution amount of \$298,560.00 prior to the issue of any Occupation Certificate for the Development (calculated in accordance with Waverley's Planning Agreement Policy 2014 at 96.4sqm of GFA exceedance at a rate of \$3,000/sqm)*
 - iii. *A Planning Agreement will be entered into under Section 7.4 of the Environmental Planning and Assessment Act 1979 between the owner/applicant of the land the subject of the Development and Council.*
- b) *In accordance with the said offer, the Planning Agreement shall make provision in respect to the following:*
- i. *The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate for the Development.*
 - ii. *The owner/applicant shall provide Council with a Bank Guarantee to secure the payment of the Monetary Contribution prior to the issue of any Construction Certificate for the Development which is:*
 - a. *In a form acceptable to Council and from an institution acceptable to Council*
 - b. *Irrevocable*
 - c. *Unconditional*
 - d. *With no end date*
- c) *The payment of the Monetary Contribution to Council is to be made prior to the issue of any Occupation Certificate for the Development, and is to be applied towards a public purpose in accordance with the Agreement and Council's Planning Agreement Policy 2014.*

(AMENDED BY DA-325/2020/A)

64. CAR PARKING

A total of 10 car vehicle parking spaces are to be provided within the development, allocated in the following manner:

- (a) 8 residential parking spaces*
- (b) 2 residential visitor parking spaces*
- (c) 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 and 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.

1.4. Proposal

The modification application has been submitted under section 4.55(2) of the *Environmental Planning and Assessment Act 1979*. It seeks consent for the following modifications to the approved development:

Lower Ground 02 Floor Plan:

- LG01: Minor changes to floor layout to bathroom;
- LG02: Minor changes to floor layout to remove the ensuite to bedroom 3 and the inclusion of a study area;
- The carpark finished floor level changing from RL64.595 to RL64.6;

Lower Ground 01 Floor Plan:

- LG01: extend floor over void 8m² to create two bedrooms upstairs;
- LG02: extend floor over void 10m² to create two bedrooms upstairs;
- Two internal sliding screens to the master bedrooms;
- Internal reconfiguration of the waste room and adjustment to the basement ramp slope;
- Reallocation of the second visitors space to a residential unit;

Ground Floor Plan:

- Proposed deletion of screens to G01 and G02 on the eastern, western and a portion of the southern façade;

First Floor Plan:

- Modification to the rear planter boxes;

Roof:

- Relocation of the solar panels across the roof and one additional panel;
- Lift overrun RL increased from RL80.820 to RL80.940, the parapet around remains at the same approved height of RL81.000;

External:

- Repositioning of the fire hydrate and booster and reconfiguration of fire stairs;
- Barbecues removed from the GL apartments;
- Landscape area and deep soil area updated;
- Gate to apartment G01 reinstated;
- Planter walls revised due to facade adjustments to level 1; and
- Updated schedule of external finishes.

The application is accompanied by an offer to enter into a planning agreement for the additional GFA of 19.52m², which equates to a monetary contribution of \$58,560.

1.5. Background

The development application was lodged on 12 February 2023 and deferred on 28 March 2023 for the following reasons:

1. Planning Agreement letter of offer was incorrect;
2. Location of the fire booster; and
3. Missing information including finishes and materials, Site Waste and Recycling Management Plan.

The amended and additional documentation received on 12 April 2023 form the basis of the assessment. The Planning Agreement was updated and explanation from the Fire Safety Compliance Officer regarding the relation of the first hydrant and booster was supplied. No changes were confirmed to the stormwater management and schedule of finishes and materials.

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

For section 4.55(2) – Other impact

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 four submissions were received. The issues and matters raised in public submissions are discussed in section 2.3.4 of this report.

2.2. Evaluation of Matters for Consideration under Section 4.15

In accordance with section 4.55(3) of the Act the following is an assessment of the proposed modifications of the development consent against the relevant matters for consideration under section 4.15(1) of the Act.

2.2.1. Planning Instruments and Development Control Plans

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

State Environmental Planning Policies (SEPPs)

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

- SEPP (Building Sustainability Index – BASIX) 2004
- SEPP 65 (Design Quality of Residential Apartment Development) 2002.

A detailed discussion is provided for relevant SEPP as follows:

SEPP 65 (Design Quality of Residential Apartment Development)

Due to the minor nature of the proposed modifications to the overall built form of the approved RFB, the modification application was not required to be reviewed by the Design Excellence Advisory Panel (DEAP).

Clause 6A Development control plans cannot be inconsistent with Apartment Design Guide (ADG)

Clause 6A of SEPP 65 requires that DCPs 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 relevant provisions within the ADG that are proposed to be modified is provided in the table below.

Table 1: ADG

Design Criteria	Compliance	Comment
3E Deep Soil Zones		
<ul style="list-style-type: none">• Deep soil zones are to meet the following minimum requirements:	Yes	The approved DA provided a total of 191m ² (24.36%) of deep soil landscaping. The modified

Design Criteria	Compliance	Comment
650m ² -1,500m ² , minimum dimension 3m and deep soil zone 7% of site area.		total landscaping across the site is 243.4m ² , with a deep soil landscaped area of 149.3m ² .
3F Visual privacy		
<ul style="list-style-type: none"> Min separation distances from buildings to side and rear boundaries: Up to 12m (4 storey) – 6m habitable & 3m non-habitable 	Yes	The approved setbacks of the building are retained with the proposal. The void and operable privacy screen along the void has been infilled with the additional bedroom. Internal sliding screens have been included in the master bedrooms which are considered sufficient privacy measures for a low use room.
3G Pedestrian Access and Entries		
<ul style="list-style-type: none"> Multiple entries should be provided to activate the street edge Building entries should be clearly identifiable and communal entries should be clearly distinguishable from private entries 	Yes	The approved setbacks of the building are retained with the proposal.
4A Solar and daylight access		
<ul style="list-style-type: none"> Living rooms and private open spaces of at least 70% of units receive minimum of 2 hours direct sunlight between 9am-3pm mid-winter A maximum of 15% receive no direct sunlight between 9am-3pm mid-winter. 	Yes	No change to the solar access received by the development results from the proposal.
4B Natural ventilation		
<ul style="list-style-type: none"> All habitable rooms are naturally ventilated Number of units with natural cross ventilation is maximised: <ul style="list-style-type: none"> At least 60% of units naturally ventilated 	Yes	<p>All habitable rooms are provided with at least one window for natural ventilation.</p> <p>The new bedrooms on Lower Ground 01 floor have a large southern window for ventilation.</p>
4D Apartment size and layout		
<p>The following minimum internal areas apply:</p> <ul style="list-style-type: none"> 2 Bed = 70 m² 3 Bed = 90 m² Add 5m² for each additional bathroom (above 1) Add 12m² for each additional bedroom 	Yes	<p>All units have internal areas in excess of the minimum ADG requirements.</p> <p>Unit LG01U with three bedrooms has an internal space of 116m².</p> <p>Unit LG02U with three bedrooms has an internal space of 111m².</p>

Design Criteria	Compliance	Comment
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.		
4E Private open space and balconies		
All apartments provide primary balcony as follows: <ul style="list-style-type: none"> • 1-bed – 8m² & 2m depth • 2-bed - 10m² & 2m depth • 3+bed - 12m² & 2.4m depth • Ground level, min 15m² & 3m depth 	Yes	Units LG01U and LG02U retain the approved large private terraces that continue to be accessed from the main living areas that meets the minimum requirements of the ADG in terms of area and depth for a 3 bedroom unit.
4G Storage		
In addition to kitchens, bathrooms and bedrooms, the following is provided: <ul style="list-style-type: none"> • 1-bed – 6m³ • 2-bed – 8m³ • 3+bed – 10m³ 	Yes	The proposal provides separate storage within each apartment and a storage cage allocated to each unit at the LG02 and LG01 levels in the basement. Units LG01 and LG02 have more than 15m ³ storage space. The storage provided meets the requirements and objectives of the ADG.

Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

The land use definition of the approved development as a ‘residential flat building’ remains unchanged and continues to be permitted development in the R3 Medium Density Residential 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 for the reasons discussed below.

Table 2: Waverley LEP 2012 Compliance Table

Provision	Approved	Proposed Modified	Compliance
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> • 0.9:1 (705.6m²) 	Modification A was approved with an FSR of 1.02:1 (802m ²), which was an increase of 96.4m ² and an overall variance of 13.66%.	The amended FSR is proposed at 1.05:1 (821.52m ²). This is an increase of 19.52m ² and an overall variance of 16.4%.	No

The following is a detailed discussion of exceedances of particular development standards under Waverley LEP 2012 as a result of the approved development, as proposed to be modified.

Floor Space Ratio (FSR)

The proposed modifications result in a net increase of gross floor area (GFA) of 19.52m², resulting in an overall FSR of 1.05:1 (821.52m²). This culminates in an overall exceedance of the FSR development standard by 115.92m² or 16.4%. The net increase of FSR due to the proposed modifications represents 2.4% of the overall exceedance of the standard.

The applicant has provided some written justification for the non-compliance with the FSR development standard and has based the justification on the performance of the proposal against the objectives of the development standard. The relevant objectives of the development standard are as follows:

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

The justification provided by the applicant to support the increased exceedance of the FSR development standard is summarised as follows:

- The proposed changes to the approved development do not adversely impact on the aims and objectives of the WLEP or compliance with WLEP provisions relating to zoning and permissibility. The proposed S4.55 modification is substantially the same development and offers acceptable amenity of the surrounding properties.*
- The internal changes to the layout of the lower level apartments does not substantially alter the overall design outcome approved by Council. The number of apartments remains the same; the dwelling mix is altered by introducing one (1) additional bedroom to two (2) approved 2 bedroom units to create 2 x 3 bedroom units. The overall footprint does not change and on this basis the amended development is the substantially the same.*
- The additional 'volume' that results from the amended GFA is not significant and does not change the approved building envelope or footprint. The change is shown below (Figure 3). The outer wall of the lower floor units do not extend further than the G02 unit above.*
- The overall height and scale remains unchanged from the approved development as there is no change to the building envelope at the lower level. All changes are internal the building envelope.*
- Provides suitable housing variety based on the overall mix of apartments within the site accepting that the applicant has undertaken market analysis with local agents to determine the best product to address local demand.*

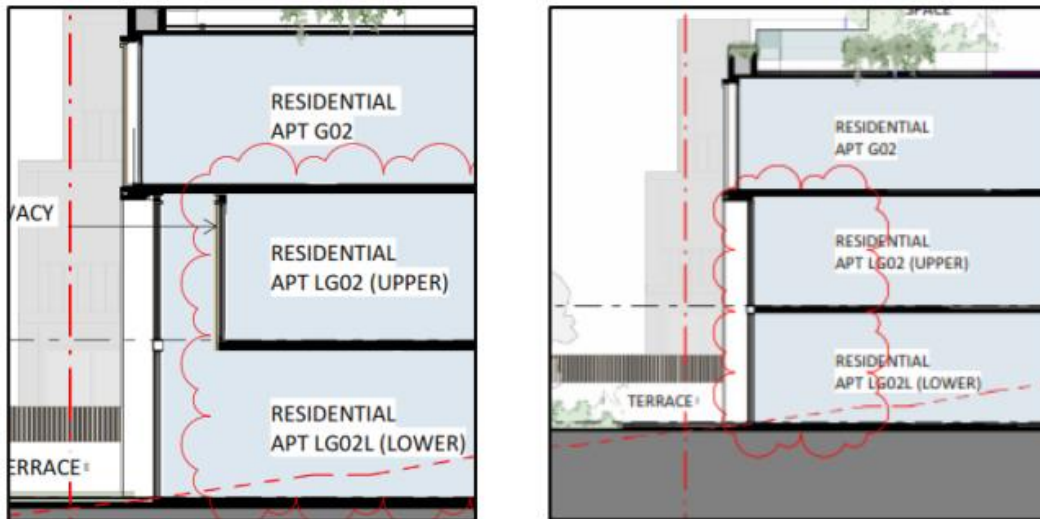


Figure 3: Section 01 As approved (Dec 2021) and proposed – current amendment.

In addition to the above justification, the developer/applicant has offered to enter into a separate planning agreement (that is in addition to other agreements for the approved development) for the additional GFA of 19.52m² sought by this modification application. In accordance with Council's Planning Agreement Policy 2014, a monetary contribution of \$58,560.00 would be payable and would go towards a public benefit within the immediate locality. At this stage, the terms of the planning agreement have yet to be negotiated and will occur following determination of this modification application, which will be overseen by Council's Strategic Town Planning department. To give effect to this offer/undertaking by the applicant/developer, a separate condition of consent is recommended to be added to the modified consent to require the planning agreement to be drafted and executed with a monetary contribution of \$58,560.

Planning Comment

The comments made by the applicant are generally agreed with. The overall bulk of the built form remains largely unchanged by the proposal as the additional GFA is to be accommodated within the approved built form and setbacks of the development. The additional floor space is to be largely located within the lower floor units to infill voids and create two units with three bedrooms.

As demonstrated above, the proposed increase in GFA results in no additional overshadowing, privacy issues or view loss impacts to the surrounding properties and the development retains the perceived bulk and scale when viewed from the Burge Street streetscape. The internal reconfiguration within these two units complies with the ADG controls. The conversion of the approved units on the lower ground floor level to three bedroom units continues to meet the objectives of the FSR development standard and the housing needs for the R3 Medium Density Residential Zone.

The approved development, as proposed to be modified, will achieve and be consistent with the relevant objectives of the FSR development standard. Therefore, the net exceedance is deemed acceptable and is supported.

Waverley Development Control Plan 2022 (Waverley DCP 2022)

The approved development, as proposed to be modified, continues to comply with the relevant parts and sections of Waverley DCP 2022. Only the following parts and sections of Waverley DCP 2022 that apply to the proposed modifications are outlined in **Tables 3** and **4** of this report and detailed discussion below these tables.

Table 3: Waverley DCP 2022 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste <ul style="list-style-type: none"> Garbage bins are to be stored in an appropriate location. 	Yes	Satisfactory. The amended bin storage room has decreased in size but can still house the required amount of bins and allows sufficient space to manoeuvre the bins.
7. Transport 7.2.2 Parking Rates Zone 2 <u>Car Parking</u> Residential: 6 x 3 bedroom units = max 9 spaces Visitor: 1.2 spaces Accessible: 10% (1 space)	Yes	The modified development consists of six x three bed units that generates a maximum car parking rate of 9 residential spaces. The proposal converts one of the two visitor parking spaces into a residential car parking space. Therefore, the modified development will be provided with only 1 visitor car parking space, which is satisfactory.
11. Design Excellence	Yes	Satisfactory. The schedule of colours and finishes are kept reasonably the same. The modified design and location of the fire hydrant and booster were justified by the applicant, which now comply with AS 2419 and Fire & Rescue NSW requirements.

Table 54: Waverley DCP 2022 – Part C2 Other Residential Development Compliance Table

Development Control	Compliance	Comment
2.7 Fences and walls		
<u>Front fence:</u> <ul style="list-style-type: none"> Maximum height 1.2m Maximum 2/3 solid Maximum height of 1.8m and solid when secondary wall set within property if required for traffic noise 	Approved non-compliance	The approved 1.4m front fence with planter boxes in front of units G01 and G02 is proposed to be extended into the eastern setback, fencing the second fire staircase. This fence is permeable and matches the approved front fence along Burge Street.
2.15 Visual privacy and security		
<ul style="list-style-type: none"> Privacy be considered in relation to context density, separation use and design 	Yes	The separation between the subject site and surrounding dwellings remains unchanged. The new bedrooms to the lower ground floor levels have internal sliding privacy screens to mediate privacy between neighbours. The modification removes privacy screens on the eastern, western

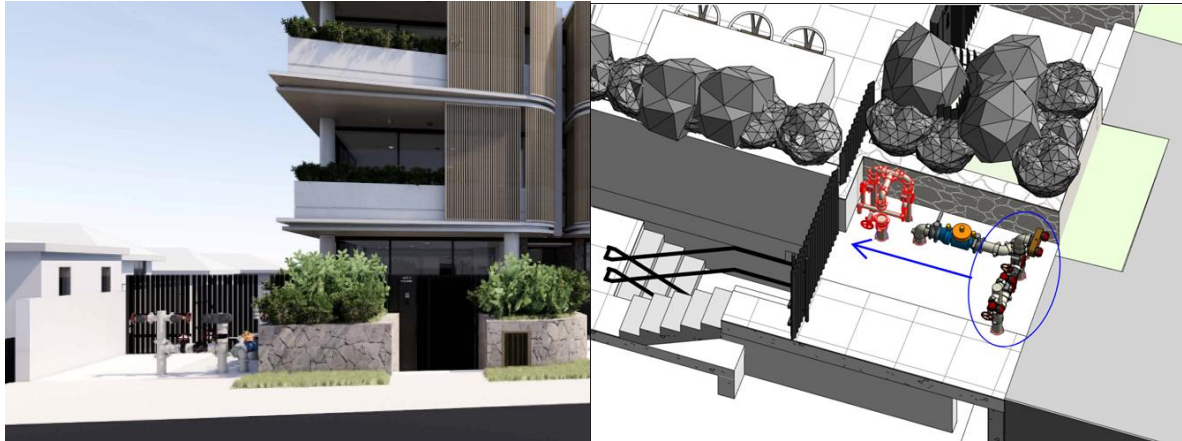


Figure 4: Front façade perspective from Burge Street of the proposed fire hydrant and booster.

The position of the hydrant and booster is only 13m from the principal pedestrian entry, therefore there is adequate space for the equipment to be set back from the street. A recommended condition of consent requires further design amendments are required to appropriately to screen or integrate the fire hydrant and booster into the front fencing and planter boxes along Burge Street.

2.2.2. Other Impacts of the Development

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

2.2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.2.4. Any Submissions

The application was notified for 14 days between 22 February 2023 and 10 March 2021 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

Whilst it is noted that Council's Community Development Participation and Consultation Plan states that Planning Agreements are to be notified for 28 days, the application was only notified for 14 days as the application was only offering to enter into a Planning Agreement, and the finalisation of this agreement has not yet occurred.

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

- The Planning Agreement was updated and explanation from the Fire Safety Compliance Officer regarding the relation of the first hydrant and booster was supplied.

- No changes were confirmed to the stormwater management and schedule of finishes and materials.

Having regard to the nature of the amendments, there is a lesser impact on all properties.

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

- 10 Burge Street, Vaucluse;
- 4/1 Young Street, Vaucluse; and
- 2 x submissions from 9-11 Young Street, Vaucluse.

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

- Floor Space Ratio breach; and
- Car parking.

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

***Issue:** The increased density across the site will potentially increase noise and the opportunity for increased disturbance for neighbouring properties.*

Response: The noise from six – three bedroom residential apartments is expected to be at a reasonable level within the R3 zone.

***Issue:** The visitor parking is being reduced from 2 to 1. This will cause an increase in parking issues in Burge St and surrounding streets where parking is already at a premium and is difficult to find at peak times.*

Response: The proposed car parking is compliant with the controls in the Waverley Development Control Plan.

***Issue:** A large number of trees had since been removed by the Development. The GFA increase will be at the expense of the trees and landscaping at the rear.*

Response: The above concerns relate to works approved in relation to the approval of the original development application and are not proposed with the subject modification application. The proposed modifications would not cause further impacts in relation to the above.

2.2.5. Public Interest

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

3. REFERRALS

The following internal referral comments were sought:

3.1. Traffic and Development

No objections, subject to conditions.

3.2. Waste Management

No objections, subject to conditions.

3.3. Sustainable Development

The application was referred to Council's Sustainable Team, who encouraged the applicant to install an electric cooking and heating system and ceiling fans. However, upon DA approval, the developer/applicant embarked on a pre-sales strategy on market where a number of the apartments have been unconditionally sold to purchasers. As such, the applicant is legally contracted and obligated to deliver the specified gas cooktops and ovens as specified within the contract of sale (COS) Departure from this contract of sale would trigger a 'material change' as per the NSW Conveyancing Act and would therefore constitute a breach of contract. Further, development consent was granted to the development prior to the effect of WDCP 2022 Part 2.3 Indoor Air Quality provisions and WDCP 2022 Section 2.1 Ceiling fans provision, and given the scope of the proposed modifications, strict compliance with these provisions would be unreasonable.

3.4. Strategic Planning

The application was referred to Council's Strategic Planner as the applicant has offered to enter into a Planning Agreement in line with the floor space exceedance. Council's Strategic Planner has made the following comment that is to form part of the new condition of the consent:

5A. PLANNING AGREEMENT

(a) The owner/applicant is to:

- (i) Enter into an Agreement in accordance with Waverley's Planning Agreement Policy 2014 prior to the issue of any Construction Certificate for the development that relates to works contained in DA-325/2020/B; and*
- (ii) Pay a monetary contribution amount of \$58,560.00 prior to the issue of any Occupation certificate for the Development*
- (iii) A Planning Agreement will be entered into under Section 7.4 of the Environment Planning and Assessment Act 1979 between the applicant/owner of the land subject of the Development and Council.*



4. CONCLUSION

The application has been assessed against relevant sections of the Act and is recommended for approval subject to conditions of consent.

The application is referred to the Waverley Local Planning Panel (WLPP) as it is made under section 4.55(2) of the Act and the WLPP were the consent authority for the original DA, and it further extends the non-compliance of the FSR development standard by more than 10%.

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.

Report prepared by:	Application reviewed and agreed by:
	
Edwina Ross	Ben Magistrale
Development Assessment Planner	Manager, Development Assessment
Date: 5/05/2023	Date: 11 May 2023

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:

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

OFFICE USE ONLY

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

APPENDIX A – CONDITIONS OF CONSENT TO BE MODIFIED

A. Amended/Deleted Conditions

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) Architectural Plans prepared by Koichi Takada Architects of Project No: 20441 including the following:

Drawing No.	Revision	Plan Description	Dated	Date received by Council
A0001	E F	Project Summary	11/11/21 19/12/22	25 November 2021 10 February 2023
A0013	B	Demolition Plan	28/07/21	25 November 2021
A0098	G H	Lower Ground Floor 02 Floor Plan	11/11/21 19/12/22	25 November 2021 10 February 2023
A0099	G H	Lower Ground Floor 01 Plan	11/11/21 19/12/22	25 November 2021 10 February 2023
A0100	E F	Ground Floor Plan	28/07/21 19/12/22	25 November 2021 10 February 2023
A0101	G H	Level 01 Floor Plan	28/07/21 19/12/22	25 November 2021 10 February 2023
A0102	G H	Level 02 Floor Plan	28/07/21 19/12/22	25 November 2021 10 February 2023
A0103	G I	Roof Plan	11/11/21 31/03/23	25 November 2021 6 April 2023
A0200	F G	North Elevation	11/11/21 19/12/22	25 November 2021 10 February 2023
A0201	G H	East Elevation	11/11/21 19/12/22	25 November 2021 10 February 2023
A0202	G H	South Elevation	11/11/21 19/12/22	25 November 2021 10 February 2023
A0203	H I	West Elevation	11/11/21 19/12/22	25 November 2021 10 February 2023
A0300	I J	Section 01	11/11/21 19/12/22	25 November 2021 10 February 2023
A0301	D F	Driveway Section Diagram 01	28/07/21 19/12/22	25 November 2021 10 February 2023
A0302	D	Driveway Section Diagram 02	28/07/21	25 November 2021

- (b) BASIX and NatHERs Certificates

- (c) Arborist Letter prepared by Ross Jackson Jacksons Nature Works dated 04/12/2020 and received by Council on 28/01/2021 and Arborist Report prepared by Ross Jackson Jacksons Nature Works dated 17/09/2020, and received by Council on 02/10/2020.

- (d) Geotechnical Report prepared by JK Geotechnics Pty Ltd dated 23 September 2020 and received by Council on 02/10/2020.
- (e) Schedule of external finishes and colours received by Council on ~~28/01/2021~~ **6/04/2023**.
- (f) The Site Waste and Recycling Management Plan prepared by Elephants Foot, dated 17/09/2020 and received by Council on 02/10/2020.
- (g) Acoustic Report prepared by Acoustic Logic (report no. 20211283.1) dated 1 October 2021 and received by Council on 15 November 2021.

Except where amended by the following conditions of consent.

(AMENDED BY DA-325/2020/A)

(AMENDED BY DA-325/2020/B)

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments:

- (a) ~~One residential car parking space is to be amended to be indicated as visitor car parking space, resulting in a total of eight residential car parking spaces and two visitor car parking spaces within the basement levels of the development in order to maintain compliance with Council's maximum car parking rate applicable to the site. (DELETED DA-325/2020/B)~~
- (b) One bicycle space is to be provided in an accessible area on the ground floor area near the lobby.
- (c) Windows and sliding doors adjacent to the driveway ramp on the western elevation of the building, to the bedrooms and living spaces of Unit G01 and Unit 101 on the ground and first floor levels respectively are to be double glazed to maintain acoustic privacy for residents of these subject units.
- (d) Windows to bathrooms are to be fitted with translucent glazing or privacy screens to maintain privacy for the occupants of the subject site and surrounding properties.
- (e) The gate leading from the landscaped front setback area of Unit G01 on the ground floor level to the public domain is not approved and is to be deleted.
- (f) ***Further design amendments are required to appropriately screen or integrate the fire hydrant and booster into the front fencing and planter boxes along Burge Street. The amendments required by this sub-condition of the development consent are to be approved by Council's Executive Manager, Development Assessment, or delegate prior to the issue of any Construction Certificate.***

The amendments are to be approved by the **Principal Certifying Authority (other than those required by condition 2(f) of this development consent, which requires the approval of Council's Executive Manager, Development Assessment, or delegate)** prior to the issue of any Construction Certificate.

(AMENDED BY DA-325/2020/A)

(AMENDED BY DA-325/2020/B)

8. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of ~~\$90,000.00~~ **\$89,916.118** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

(AMENDED BY DA-325/2020/A)

(AMENDED BY DA-325/2020/B)

28. WASTE STORAGE AREAS

The development must have a bin storage area with sufficient space to accommodate the following minimum number of bins for the residential and/or commercial components of the development;

6 units: (~~2x 1 bedroom and 4x three bedroom~~)

- o 3 x 240L Mobile Garbage Bins (MGBs) for general waste collected weekly
- o 3 x 240L MGBs for paper and cardboard recycling collected fortnightly
- o 3 x 240L MGBs for container recycling collected fortnightly
- o 1 x 240L MGB for garden organics, should this type of waste be generated at the premises

A minimum of 4m² is also required for the on-site storage of bulky waste and problem waste awaiting collection. This room must have a minimum doorway width of 1.5m to allow for easy movement of large waste items in and out of the room

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.

(AMENDED BY DA-325/2020/B)

64. CAR PARKING

A total of **10** car vehicle parking spaces are to be provided within the development, allocated in the following manner:

- (a) ~~8~~ **9** residential parking spaces
- (b) ~~2~~ **1** residential visitor parking spaces
- (c) 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.

(AMENDED BY DA-325/2020/B)

b. New Condition/s

5A. PLANNING AGREEMENT

(a) The owner/applicant is to:

- (i) Enter into an Agreement in accordance with Waverley's Planning Agreement Policy 2014 prior to the issue of any Construction Certificate for the development that relates to works contained in DA-325/2020/B; and**
- (ii) Pay a monetary contribution amount of \$58,560.00 prior to the issue of any Occupation certificate for the Development**
- (iii) A Planning Agreement will be entered into under Section 7.4 of the Environment Planning and Assessment Act 1979 between the applicant/owner of the land subject of the Development and Council.**

(b) In accordance with the said offer, the Planning Agreement shall make provision in respect to the following:

- (i) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate for DA-325/2020/B.**
- (ii) The owner/applicant shall provide Council with a Bank Guarantee to secure the payment of the Monetary Contribution prior to the issue of any Construction Certificate for DA-325/2020/B which is:**
 - In a form acceptable to Council and from an institution acceptable to Council**
 - Irrevocable**
 - Unconditional**
 - With no end date**

(c) The payment of the Monetary Contribution to Council is to be made prior to the issue of any Occupation Certificate for the Development and is to be applied towards a public purpose in accordance with the Agreement and Council's Planning Agreement Policy 2014.

(ADDED DA-325/2020/B)

APPENDIX B – FULL SET OF CONDITIONS

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

Drawing No.	Revision	Plan Description	Dated	Date received by Council
A0001	F	Project Summary	19/12/22	10 February 2023
A0013	B	Demolition Plan	28/07/21	25 November 2021
A0098	H	Lower Ground Floor 02 Floor Plan	19/12/22	10 February 2023
A0099	H	Lower Ground Floor 01 Plan	19/12/22	10 February 2023
A0100	F	Ground Floor Plan	19/12/22	10 February 2023
A0101	H	Level 01 Floor Plan	19/12/22	10 February 2023
A0102	H	Level 02 Floor Plan	19/12/22	10 February 2023
A0103	I	Roof Plan	31/03/23	6 April 2023
A0200	G	North Elevation	19/12/22	10 February 2023
A0201	H	East Elevation	19/12/22	10 February 2023
A0202	H	South Elevation	19/12/22	10 February 2023
A0203	I	West Elevation	19/12/22	10 February 2023
A0300	J	Section 01	19/12/22	10 February 2023
A0301	F	Driveway Section Diagram 01	19/12/22	10 February 2023

- (a) BASIX and NatHERs Certificates
- (b) Arborist Letter prepared by Ross Jackson Jacksons Nature Works dated 04/12/2020 and received by Council on 28/01/2021 and Arborist Report prepared by Ross Jackson Jacksons Nature Works dated 17/09/2020, and received by Council on 02/10/2020.
- (c) Geotechnical Report prepared by JK Geotechnics Pty Ltd dated 23 September 2020 and received by Council on 02/10/2020.
- (d) Schedule of external finishes and colours received by Council on 6/04/2023.
- (e) The Site Waste and Recycling Management Plan prepared by Elephants Foot, dated 17/09/2020 and received by Council on 02/10/2020.
- (f) Acoustic Report prepared by Acoustic Logic (report no. 20211283.1) dated 1 October 2021 and received by Council on 15 November 2021.

Except where amended by the following conditions of consent.

(AMENDED BY DA-325/2020/A)
(AMENDED BY DA-325/2020/B)

1A. ACOUSTIC REPORT RECOMMENDATIONS

The "complying treatment" as outlined in section 6 of the acoustic report prepared by Acoustic Logic (report no. 20211283.1) dated 1 October 2021 shall be implemented.

A Certificate of Compliance prepared by a suitably qualified acoustic consultant is to be submitted to Council certifying that the above requirement and Council's noise criteria has been met prior to the issue of an Occupation Certificate.

(ADDED BY DA-325/2020/A)

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments:

- (a) ***(DELETED DA-325/2020/B)***
- (b) One bicycle space is to provided in an accessible area on the ground floor area near the lobby.
- (c) Windows and sliding doors adjacent to the driveway ramp on the western elevation of the building, to the bedrooms and living spaces of Unit G01 and Unit 101 on the ground and first floor levels respectively are to be double glazed to maintain acoustic privacy for residents of these subject units.
- (d) Windows to bathrooms are to be fitted with translucent glazing or privacy screens to maintain privacy for the occupants of the subject site and surrounding properties.
- (e) The gate leading from the landscaped front setback area of Unit G01 on the ground floor level to the public domain is not approved and is to be deleted.
- (f) Further design amendments are required to appropriately screen or integrate the fire hydrant and booster into the front fencing and planter boxes along Burge Street. The amendments required by this sub-condition of the development consent are to be approved by Council's Executive Manager, Development Assessment, or delegate prior to the issue of any Construction Certificate.

The amendments are to be approved by the Principal Certifying Authority (other than those required by condition 2(f) of this development consent, which requires the approval of Council's Executive Manager, Development Assessment, or delegate) prior to the issue of any Construction Certificate.

(AMENDED BY DA-325/2020/A)

(AMENDED BY DA-325/2020/B)

3. AMENDED LANDSCAPE PLAN

An amended landscape plan is to be submitted and approved by Council to provide the following:

- (a) Consistency between the approved architectural plans and landscaping throughout the site.
- (b) Deletion of *Westringia fruitcosa* (Coastal Rosemary) and *Crassula arborescens* (Blue Jade Plant) plants in the western planter box in the proximity of the proposed spa on the second floor level to maintain views for surrounding properties. These plants may be replaced with other low level planting such as *Rosemarinus officinalis* (groundcover) or *Aloe picatilis* where suitable.

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.

4. MULTI UNIT HOUSING DEVELOPMENT DESIGN (SEPP 65 DEVELOPMENT)

The approved design (including any element or detail of that design) or materials, finish or colours of the building must not be changed without the written approval of Council.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

5. PLANNING AGREEMENT

- (a) The owner/applicant is to:
- i. Enter into an Agreement in accordance with *Waverley's Planning Agreement Policy 2014* prior to the issue of any Construction Certificate for the development that relates to works contained in DA-325/2020/A; and
 - ii. Pay the monetary contribution amount of **\$298,560.00** prior to the issue of any Occupation Certificate for the Development (calculated in accordance with Waverley's Planning Agreement Policy 2014 at 96.4sqm of GFA exceedance at a rate of \$3,000/sqm)
 - iii. A Planning Agreement will be entered into under *Section 7.4 of the Environmental Planning and Assessment Act 1979* between the owner/applicant of the land the subject of the Development and Council.
- (b) In accordance with the said offer, the Planning Agreement shall make provision in respect to the following:
- i. The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate for the Development.
 - ii. The owner/applicant shall provide Council with a Bank Guarantee to secure the payment of the Monetary Contribution prior to the issue of any Construction Certificate for the Development which is:
 - a. In a form acceptable to Council and from an institution acceptable to Council
 - b. Irrevocable
 - c. Unconditional
 - d. With no end date
- (c) The payment of the Monetary Contribution to Council is to be made prior to the issue of any Occupation Certificate for the Development, and is to be applied towards a public purpose in accordance with the Agreement and Council's Planning Agreement Policy 2014.

(AMENDED BY DA-325/2020/A)

5A. PLANNING AGREEMENT

- (a) The owner/applicant is to:
- (i) Enter into an Agreement in accordance with Waverley's Planning Agreement Policy 2014 prior to the issue of any Construction Certificate for the development that relates to works contained in DA-325/2020/B; and
 - (ii) Pay a monetary contribution amount of \$58,560.00 prior to the issue of any Occupation certificate for the Development

- (iii) A Planning Agreement will be entered into under Section 7.4 of the Environment Planning and Assessment Act 1979 between the applicant/owner of the land subject of the Development and Council.
- (b) In accordance with the said offer, the Planning Agreement shall make provision in respect to the following:
 - (iii) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate for DA-325/2020/B.
 - (iv) The owner/applicant shall provide Council with a Bank Guarantee to secure the payment of the Monetary Contribution prior to the issue of any Construction Certificate for DA-325/2020/B which is:
 - In a form acceptable to Council and from an institution acceptable to Council
 - Irrevocable
 - Unconditional
 - With no end date
- (c) The payment of the Monetary Contribution to Council is to be made prior to the issue of any Occupation Certificate for the Development and is to be applied towards a public purpose in accordance with the Agreement and Council's Planning Agreement Policy 2014.

(ADDED DA-325/2020/B)

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

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

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

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 **\$89,916.18** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

(AMENDED BY DA-325/2020/A)
(AMENDED BY DA-325/2020/B)

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.

PLAN DETAILS

10. 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*.

11. ARCHITECTURAL DETAILING

Further details of the architectural detailing of the building are required to be submitted for review and the satisfaction of Council's Executive Manager, Development Assessment (or delegate) which address the following matters:

- (a) A schedule of external materials and finishes and design details of all elements of the building façade, including materials for structure on the roof terrace;
- (b) Large-scale detailed sections illustrating the construction of the roof, facades, method of fixing privacy screens, shading devices, balconies, planters and balustrades and major junctions between materials;
- (c) Detailed drawings of the shop fronts, entry foyers, awnings, window operation.

This may also require a referral to the Waverley Design Excellence Advisory Panel with a referral fee to be paid at the time of lodgement. Please contact the assessment planner to clarify whether this applies in this case, prior to lodging documentation to satisfy this condition.

12. 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.

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 AND MIXED USE DEVELOPMENTS

Evidence is to be provided to the Principal Certifier that arrangements have been made for:

- (a) The installation of fibre-ready facilities to all individual lots and/or premises to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and
- (b) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises demonstrated through an agreement with a carrier.

TRAFFIC MANAGEMENT

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

19. 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**.

PUBLIC DOMAIN & INFRASTRUCTURE

20. PUBLIC DOMAIN IMPROVEMENTS

The public domain is to be upgraded along frontage of the development site in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval. A public domain plan for the following works shall be submitted to Council and approved by the **Executive Manager, Infrastructure Services (or delegate)** prior to the issue of the relevant Construction Certificate.

- Pedestrian footpath
- Vehicular Crossing
- Road pavement
- Kerb and gutter
- Stormwater infrastructure located within the Council road reserve
- Undergrounding of electrical connections

21. 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 must 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) Road Pavement: The full renewal and reconstruction of asphalt pavement for full road width in Burge Street frontage of the development site. Details of the road pavement treatments and sub-grade details to be advised by Council.
- b) Footpath, Kerb and Gutter: The existing concrete footpath, kerb and gutter and grass verged traversing Burge Street frontage to be reconstructed and upgraded 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, kerb and gutter profiles to include longitudinal and cross sections to ensure proper connections to the existing Council infrastructure traversing the development site. Any stormwater infrastructure within the extent of public domain works, inclusive of the kerb inlet pit shall be replaced.

- c) 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.
- d) 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.

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 concept stormwater design plans prepared by GEBA Consulting, Project No. GC20092, Drawing No. SW01, SW02, SW03, SW04, SW05, SW06, SW07 & SW08, Revision B, dated 19/09/2020 are considered unsatisfactory.

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

- a) 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 maximum discharge rate to Council's street gutter must not exceed 25 L/s.
- c) Show an alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure.
- d) Show a minimum of 150 mm freeboard from the basement pump out system to all parking spaces.
- e) Submit full hydraulic details and pump manufacturers specification.
- f) Deleted by DA-325/2020/A.
- g) Seepage water shall not be discharged directly or indirectly to Council's street gutter.
- h) Must achieve a minimum of 90% reduction in the post development mean annual load of total gross pollutants (greater than 5 mm); 80% reduction in the post development mean annual load of total suspended solids (SS); 55% reduction in the post development mean annual load of total phosphorus (TP) and 40% reduction in the post development mean annual load of total nitrogen (TN).
- i) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual.
- j) The stormwater management plan shall be consistent with the approved architectural drawings.

- k) The underground basement shall be protected from possible inundation by surface water from the street.
- l) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location shall be provided.

Notes:

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

(AMENDED BY DA-325/2020/A)

23. 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

24. ENERGY ASSESSMENT REPORT

In accordance with Part B of the Waverley Development Control Plan 2012 (Amendment 6), any mixed use development with cost of works of more than \$3 million, must provide an Energy Assessment Report which recommends design solutions to reduce the predicated operational energy demand and greenhouse gas emissions of the proposed development by 30% less than a reference building (ie. NCC, Section J compliant only).

An updated 'Energy Assessment Report' with the updated specific design, material and equipment efficiencies will need to match that of the Mechanical/Electrical and architectural documentation and must be provided to the satisfaction of Council's Co-ordinator, Sustainable Precinct prior to the issue of the relevant construction certificate. Further design and verification of energy and GHG emissions performance should be provided to verify the performance of the building to be delivered.

The construction certificate plans are to incorporate the recommendations of the approved Energy Assessment Report. Any modifications required to respond to the approved Energy Assessment Report

which are not consistent with the approved plans will require the submission of a Modification Application.

25. INSTALLATION OF AIR CONDITIONING

Any air conditioning unit(s) installed within the building shall:

- a) Not be adjacent to neighbouring bedroom windows.
- 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).
- e) Not be located on the roof of the development without the separate consent of Council.

26. BASIX

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

WASTE

27. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

28. WASTE STORAGE AREAS

The development must have a bin storage area with sufficient space to accommodate the following minimum number of bins for the residential and/or commercial components of the development;

6 units:

- o 3 x 240L Mobile Garbage Bins (MGBs) for general waste collected weekly
- o 3 x 240L MGBs for paper and cardboard recycling collected fortnightly
- o 3 x 240L MGBs for container recycling collected fortnightly
- o 1 x 240L MGB for garden organics, should this type of waste be generated at the premises

A minimum of 4m² is also required for the on-site storage of bulky waste and problem waste awaiting collection. This room must have a minimum doorway width of 1.5m to allow for easy movement of large waste items in and out of the room

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.

(AMENDED BY DA-325/2020/B)

LANDSCAPING & TREES

29. GREEN ROOF LANDSCAPING DETAILS

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

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

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

C. COMPLIANCE PRIOR TO 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.

31A. ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION

- (a) Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (b) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW DPIE is to be informed in accordance with Section 89A of the National Parks and Wildlife Act 1974.
- (c) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to the issue of any Occupational Certificate.
- (d) If the discovery is on Council's land, Council must be informed.

(ADDED BY DA-325/2020/A)

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:

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

33. CONTROL OF DUST ON CONSTRUCTION SITES

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

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

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.

41. CONSTRUCTION OF SWIMMING POOLS AND OUTDOOR SPAS

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

- (a) Reinforcement of the 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 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 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

42. TREES TO BE REMOVED

The following trees are permitted to be removed as a part of this development application;

Tree No.	Species	Location
T 1	<i>Acokanthera oblongifolia</i>	On-site
T 2	<i>Syagrus romanzoffiana</i>	On-site
T 3	<i>Metrosideros excelsa</i>	On-site
T 4	<i>Syagrus romanzoffiana</i>	On-site
T 6	<i>Ficus elastica</i>	On-site
T 14	<i>Dead Tree</i>	On-site
T 15	<i>Liquidambar styraciflua</i>	On-site
T 17	<i>Persea americana</i>	On-site
T 18	<i>Podocarpus elatus</i>	On-site

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

43. TREE PROTECTION

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

Precautions shall be taken when working near trees to ensure their retention, including the following:

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

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

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

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.

VEHICLE ACCESS & PUBLIC DOMAIN WORKS

44. NEW VEHICLE CROSSING

A new 3.0 metre wide 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.

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

(AMENDED BY DA-325/2020/A)

45. VEHICULAR ACCESS - FINISHED LEVEL

The finished level at the property boundary on **both** sides of the vehicle crossing is to match or be **50mm above** the level of the existing concrete footpath

(AMENDED BY DA-325/2020/A)

46. ELECTRIC VEHICLE CHARGING STATION

An electric vehicle charging station shall be located where it can be accessed by all vehicles.

47. 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, up to 100m either side of the development site, 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.

48. 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 road pavement, kerb and gutter, stormwater, footpath paving, street furniture, street trees and landscape 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.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

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. 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.

51. CERTIFICATION OF BASIX COMMITMENTS

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

52. 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.

53. 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.

54. 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.

55. 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.

56. WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE

- a) A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared by a Registered Surveyor. This drawing must detail the alignment of all pipelines, pits, the detention facilities and other drainage related infrastructure. An original or a colour copy must be submitted to Waverley Council. Where changes have occurred, the Council approved plans shall be marked-up in red ink and shall include levels and location for the drainage structures and works.
- b) A suitably qualified and practising Engineer must provide certification 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 BY DA-325/2020/A)

57. 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.

58. CREATION OF POSITIVE COVENANT/RESTRICTION FOR OSD

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

The wording of the Instrument shall be submitted to and approved by Council's Public Domain Engineer prior to lodgement at NSW Land Registry Services. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate/use of the building. All associated costs shall be borne by the applicant.

59. PLANNED PREVENTATIVE MAINTENANCE SCHEDULE FOR ANY PUMP OUT SYSTEM

The registered proprietor shall be required to submit written intent to establish and maintain a Planned Preventative Maintenance (PPM) schedule pump out system prior to the issue of Occupation Certificate. Council will not be liable for any claims for damages arising from the failure of the pump out system. Evidence shall be submitted to the Executive Manager, Infrastructure Services or delegate prior to the issue of the Occupation Certificate.

(AMENDED BY DA-325/2020/A)

60. 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.

61. 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.

62. 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.

63. 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 regarding whether a Trade Waste Agreement is required. A copy of the agreement shall be forwarded to Council if one is entered into with Sydney Water.
- (d) The role and responsibility of managing composting facilities (if provided);
- (e) Clear signage identifying the different bin types, space for reusable items such as crates and pallets, bulky household waste and problem waste must be displayed.

- (f) The recycling bins must be placed alongside the general waste bins for ease of access and to encourage recycling habits.
- (g) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of bins, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.
- (h) All waste and recycling bins must only be placed out on Council footpath for collection 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.
- (i) The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan is be available on site when requested.
- (j) At no times shall bins be stored on the public domain (e.g. footpaths).

VEHICLE ACCESS AND PARKING

64. CAR PARKING

A total of **10** car vehicle parking spaces are to be provided within the development, allocated in the following manner:

- (d) 9 residential parking spaces
- (e) 1 residential visitor parking spaces
- (f) 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 and 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.

(AMENDED BY DA-325/2020/B)

65. BICYCLE PARKING

The bicycle spaces are to be designed in accordance with Australian Standard AS2890.3 - 2015 Parking Facilities - Bicycle Parking.

The bicycle spaces are to be provided by way of a secure lockable area, individual lockers or suitable bicycle racks and are to be located within the ground floor foyer or adjacent within any forecourt or within the basement car parking area. Signage and line-marking (way finding) is to be provided to guide visitors to the allocated bicycle parking spaces to ensure a safe path of travel to the bicycle spaces (separate to cars). Details of this are to be submitted to Council for the approval of the Executive Manager, Infrastructure Services, or delegate.

66. ALLOCATION OF STREET NUMBER

The redevelopment of the property has led to the following allocation of primary and sub-premises numbering for a strata subdivision with multiple street frontages:

- No. 12 - primary address site number
- Burge Street - primary address location.

The primary premises number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level, located near the entry point and be clearly visible on the site boundary that fronts Burge Street.

As the redevelopment has multi-level sub-addressing the following sub-addressing will apply:

- All sub premises numbers must be unique,
- The floor/level number will represent the first number of the sub address and the last two digits in the sub address shall be unique on each level,
- For clarity, a zero will be interposed in the number of the first nine sub address levels ie Level 2 unit 6 =206,
- Level at ground and below ground shall also be identified by prefixes to distinguish these levels ie Ground =G, Lower Ground = LG Etc

The address number for a sub-address site shall not consist of the primary address number on its own.

Sub-address numbers shall be applied in a logical sequence and within a primary address site shall be unique regardless of the type of the address.

The primary and sub-address numbers are to be positioned on the site prior to the issue of the Occupation/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.

E. OPERATIONAL MATTERS

67. ONGOING MAINTENANCE – STORMWATER TREATMENT SYSTEM

The stormwater treatment system must be maintained in accordance with the manufacturer's or designer's specification for the life of the development. Council will need to be provided with a Maintenance Schedule that supports the routine maintenance activities.

68. 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.

69. ON SITE GARBAGE COLLECTION

The collection of residential and commercial waste and recycling is to be undertaken on the site. No bins are to be stored or left on the street for collection.

70. 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.

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.

ADVISORY MATTERS

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

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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

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

AD2. SYDNEY WATER REQUIREMENTS

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

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

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

AD3. DIAL BEFORE YOU DIG

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

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

AD4. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

AD5. EXCAVATION TO BE LIMITED

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

AD6. ~~-(DELETED BY DA-325/2020/A)~~

AD7. TREE REMOVAL/PRESERVATION

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

AD8. WORK OUTSIDE PROPERTY BOUNDARY

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

AD9. SYDNEY WATER CERTIFICATE

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. **Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website.**

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

AD10. STRATA SUBDIVISION

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

AD11. 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.

AD12. 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.

AD13. 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.

AD14. CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS

The refund of any damage and/or security deposits will be subject to satisfactory restoration and rectification of all civil infrastructure that have dilapidated as a result of the construction activities associated with this development consent.

To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works completed by the applicant/developer following completion of the development. The defects liability period shall commence from the date of issue of the Occupation Certificate for the development. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification, during the twelve (12) months' defects liability period.

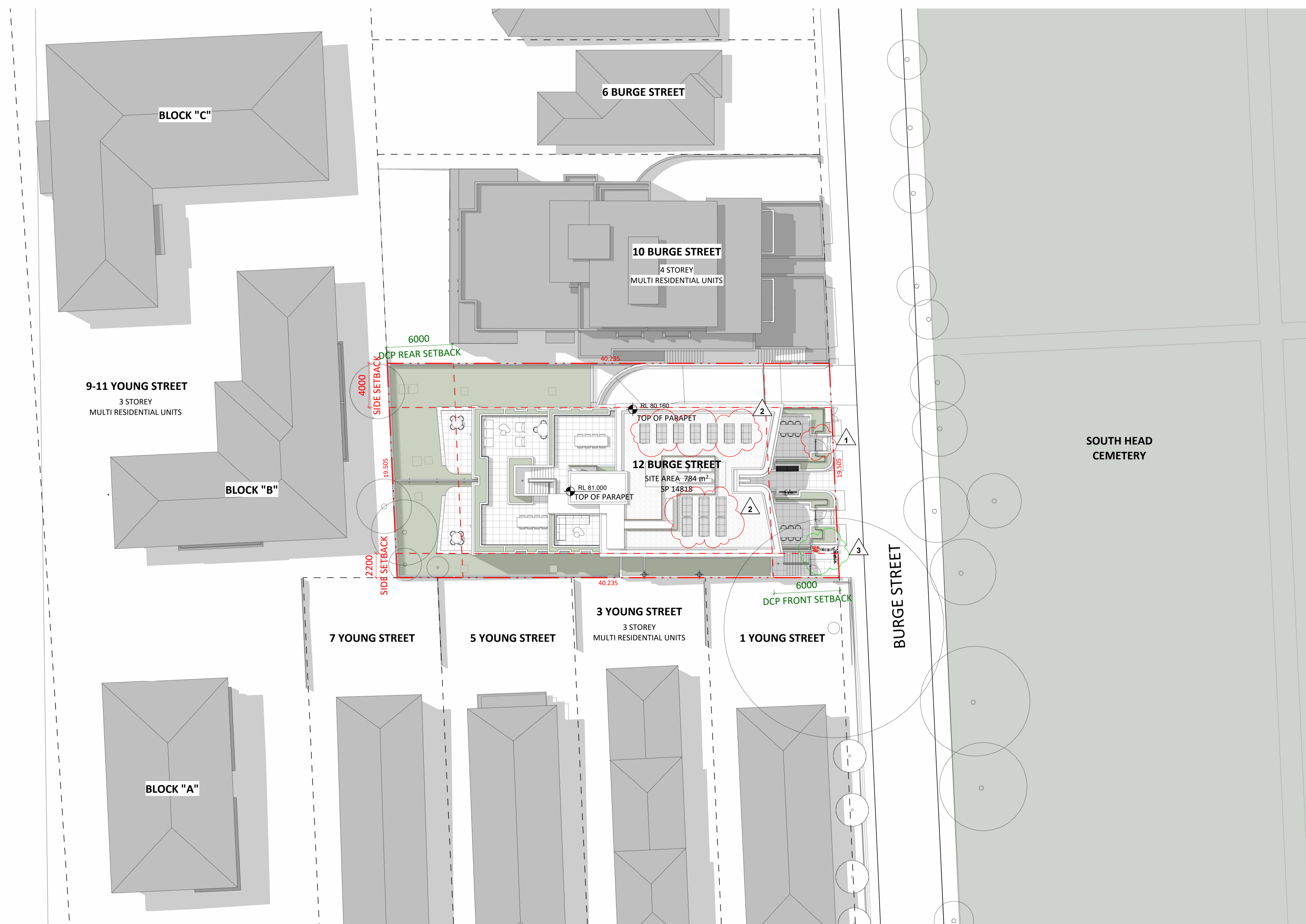


1 PERSPECTIVE
1:5



2 PERSPECTIVE

NO. REVISION A FOR COUNCIL RFI		BY AN CHK BH DATE 31/03/23	REVISION NOTES:	KEY PLAN	NOTES: KOICHI TAKADA ARCHITECTS (KTA) RETAIN ALL COMMON LAW AND STATUTORY RIGHTS INCLUDING COPYRIGHT © AND INTELLECTUAL PROPERTY RIGHTS TO THIS DOCUMENT. THIS DOCUMENT MUST NOT BE EDITED, PARTIALLY EXTRACTED, REPRODUCED OR DISTRIBUTED IN ANY MANNER WITHOUT KTA'S EXPRESS WRITTEN CONSENT AND UNDER NO CIRCUMSTANCES SHALL THE TRANSFER OF THIS DOCUMENT BE DEEMED A SALE OR CONSTITUTE A TRANSFER OF ANY LICENCE TO USE THE DOCUMENT WITHOUT KTA'S KNOWLEDGE OR CONSENT. THE PDF DOCUMENT STAMPED BY KTA AS A 'QA CONTROLLED DOCUMENT' IS THE ONLY OFFICIAL VERSION OF THIS DOCUMENT AND IS STRICTLY SUBJECT TO COPYRIGHT ©. THE CONTENT AND ACCURACY OF THE DOCUMENT IS STRICTLY LIMITED TO THAT DEPICTED IN THE QA CONTROLLED PDF. DO NOT MEASURE FROM THE ELECTRONIC OR HARD COPY VERSIONS OF THIS DOCUMENT. VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING SHOP DRAWINGS, FABRICATION, CONSTRUCTION OR INSTALLATION.	OTHERS	CLIENT ASPIRE LEVEL 36, GATEWAY BUILDING, 1 MACQUARIE PL, SYDNEY, 2000	ARCHITECT SUITE 41 & 42, LEVEL 4 61 MARLBOROUGH ST SURRY HILLS, NSW 2010 T 02 9698 8510 ABN 63 131 365 898 NOMINATED ARCHITECT: KOICHI TAKADA NSW ARCHITECTS 6901 VIC ARCHITECTS 16179 QLD ARCHITECTS 5590 KOICHI TAKADA.COM	QA STAMP QA CONTROLLED DOCUMENT © Koichi Takada Architects	PROJECT YUGEN 12 BURGE ST. VAUCLUSE, NSW 2030	DWG TITLE FENCE PERSPECTIVES
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									DATE 31/03/23		



S. 4.55 - SCHEDULE OF CHANGES PROPOSED

- GATE TO APARTMENT G01 REINSTATED.

S. 4.55 - SCHEDULE OF CHANGES DUE TO STRUCTURE & SERVICES COORDINATION

- SIZE AND NUMBER OF SOLAR PANELS UPDATED.
- FIRE BOOSTER RELOCATION DUE TO SERVICES COORDINATION. PLANTER EXTENT ADJUSTED TO SUIT.

NO.	REVISION	BY	CHK	DATE	REVISION NOTES:
A	FOR CONSULTANT REVIEW	JD	AC	28/08/20	
B	FOR DA	JD	AC	04/09/20	
C	FOR DA	JD	AC	11/09/20	
D	FOR DA RE-SUBMISSION	JD	AC	21/01/21	
E	S.4.55 SUBMISSION	PB	AC	28/07/21	
F	S.4.55 AMENDED SUBMISSION	PB	PB	11/11/21	
G	S.4.55 SUBMISSION	AN	TB	19/12/22	

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PROJECT	DWG TITLE
<p>YUGEN 12 BURGE ST, VAUCLUSE, NSW 2030</p>	<p>SITE PLAN</p>

STATUS	DWG NO.	REVISION
	A0012	G

SCALE	DATE
1:200@A1, 1:400@A3	19/12/22

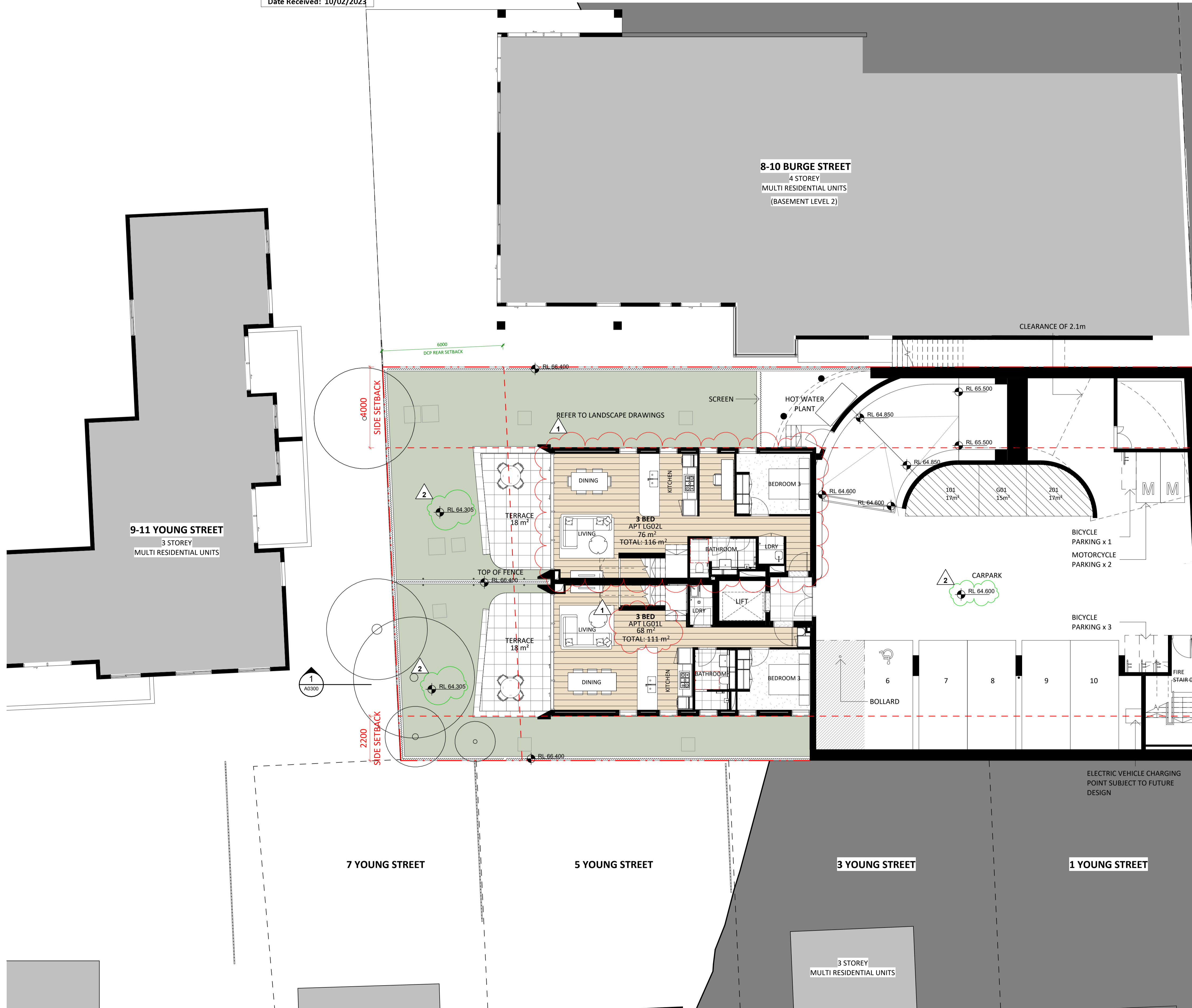
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S. 4.55 - SCHEDULE OF CHANGES PROPOSED

1. APARTMENTS LG01 & LG02 CONVERTED TO 3 BEDROOM APARTMENTS. APARTMENT LG02 DESIGN REVISED.

S. 4.55 - SCHEDULE OF CHANGES DUE TO STRUCTURE & SERVICES COORDINATION

2. RELATIVE LEVELS ADJUSTED DUE TO DESIGN DEVELOPMENT.



CARPARK SUMMARY - LG2	
PARKING SPACE DESCRIPTION	COUNT
RESIDENT CAR SPACE 5400 x 2700	4
ACCESSIBLE SPACE & SHARED AREA (AS2890.6)	1
SUBTOTAL	5
RESIDENT BICYCLE PARKING SPACE (CLASS 1 BICYCLE LOCKER)	4
MOTORBIKE PARKING SPACE 2500 x 1200	2

NO.	REVISION	BY	CHK	DATE	REVISION NOTES:
A	FOR CONSULTANT REVIEW	JD	AC	28/08/20	
B	FOR DA	JD	AC	04/09/20	
C	FOR DA	JD	AC	11/09/20	
D	FOR COUNCIL REF	JD	AC	20/11/20	
E	FOR DA RE-SUBMISSION	JD	AC	23/01/21	
F	S 4.55 SUBMISSION	PB	AC	28/07/21	
G	S 4.55 AMENDED SUBMISSION	PB	PB	11/11/21	
H	S 4.55 SUBMISSION	AN	TB	19/12/22	

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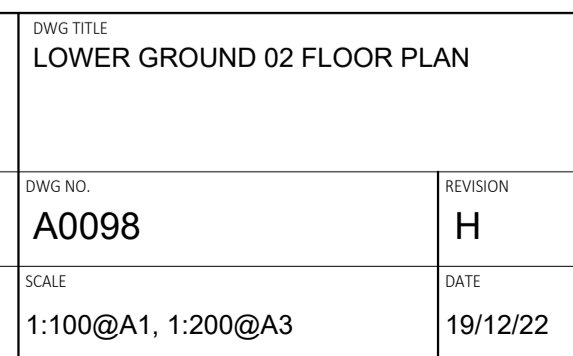
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PROJECT	DWG TITLE
YUGEN 12 BURGE ST, VAUCLUSE, NSW 2030	LOWER GROUND 02 FLOOR PLAN

STATUS	DWG NO.	REVISION
	A0098	H

SCALE	DATE
1:100@A1, 1:200@A3	19/12/22

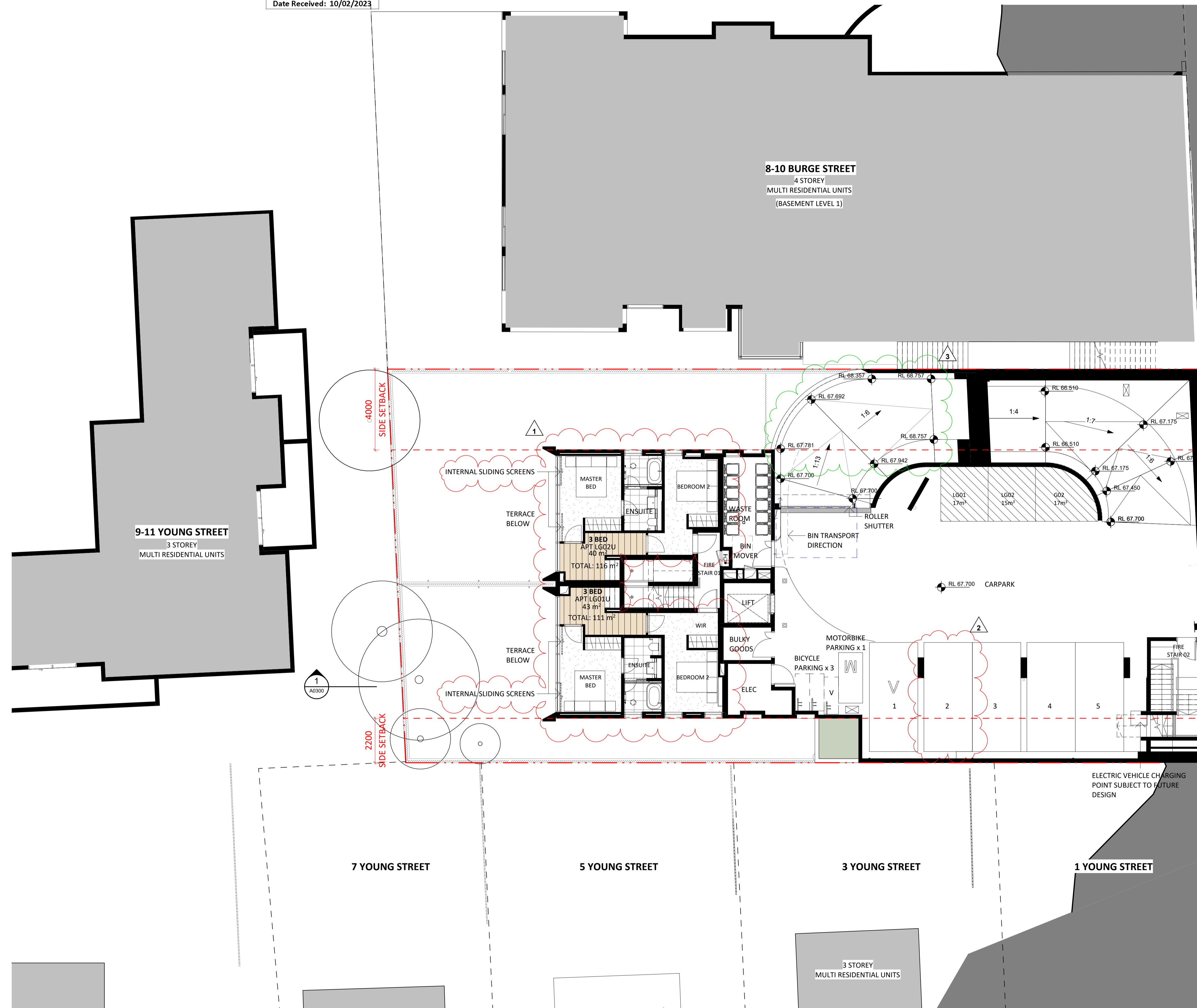


S. 4.55 - SCHEDULE OF CHANGES PROPOSED

1. APARTMENTS LG01 & LG02 CONVERTED TO 3 BEDROOM APARTMENTS. VOID OVER LIVING ROOM OMITTED AND INTERNAL SLIDING SCREENS ADDED FOR PRIVACY.
2. ONE VISITOR CAR PARK SPACE CHANGED TO RESIDENTIAL CAR PARK SPACE. CAR PARK SUMMARY UPDATED ACCORDINGLY.

S. 4.55 - SCHEDULE OF CHANGES DUE TO STRUCTURE & SERVICES COORDINATION

3. CARPARK RAMP LEVELS ADJUSTED TO SUIT UPDATED PUBLIC DOMAIN LEVELS.



CARPARK SUMMARY - LG1	
PARKING SPACE DESCRIPTION	COUNT
RESIDENT SPACE 5400 x 2700	4
VISITOR SPACE 5400 x 2700	1
SUBTOTAL	5
RESIDENT BICYCLE PARKING SPACE (CLASS 1 BICYCLE LOCKER)	2
VISITOR BICYCLE PARKING SPACE (CLASS 3 BICYCLE LOCKER)	1
MOTORBIKE PARKING SPACE 2500 x 1200	1

NO.	REVISION	BY	CHK	DATE	REVISION NOTES:
A	FOR CONSULTANT REVIEW	JD	AC	28/08/20	
B	FOR DA	JD	AC	04/09/20	
C	FOR DA	JD	AC	11/09/20	
D	FOR COUNCIL RFI	JD	AC	20/11/20	
E	FOR DA RE-SUBMISSION	JD	AC	23/01/21	
F	S 4.55 SUBMISSION	PB	AC	28/07/21	
G	S 4.55 AMENDED SUBMISSION	PB	PB	11/11/21	
H	S 4.55 SUBMISSION	AN	TB	19/12/22	

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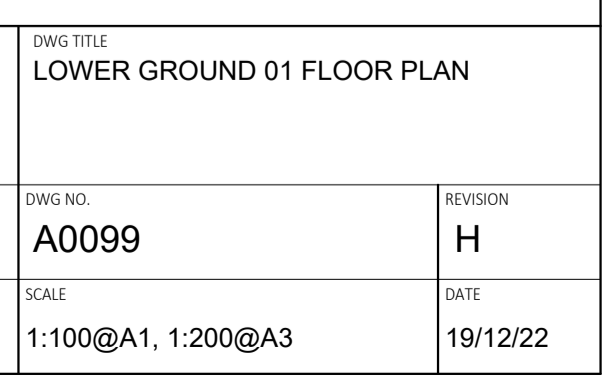
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PROJECT	DWG TITLE
YUGEN 12 BURGE ST, VAUCLUSE, NSW 2030	LOWER GROUND 01 FLOOR PLAN

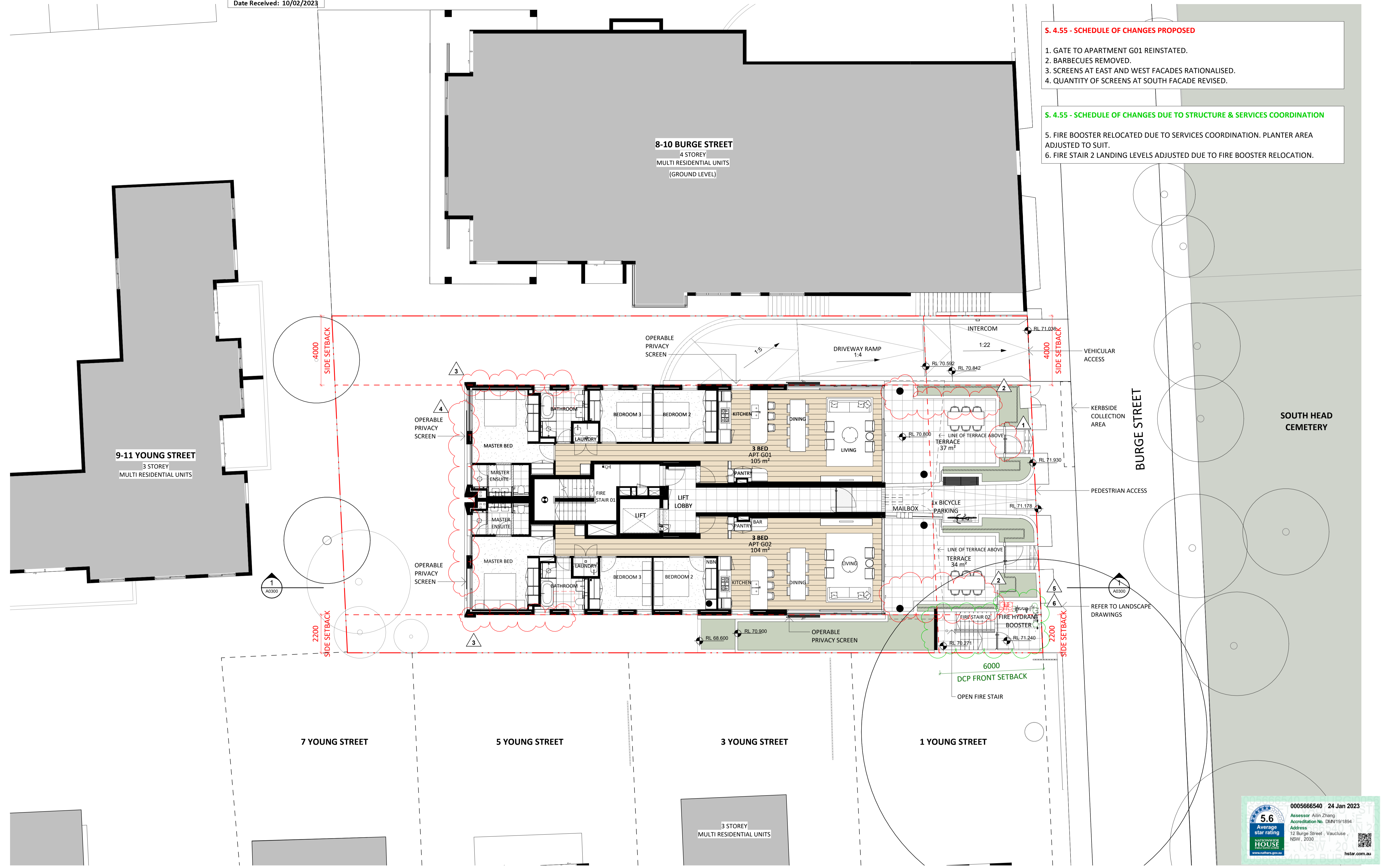
STATUS	DWG NO.	REVISION
	A0099	H

SCALE	DATE
1:100@A1, 1:200@A3	19/12/22



- S. 4.55 - SCHEDULE OF CHANGES PROPOSED**
- GATE TO APARTMENT G01 REINSTATED.
 - BARBECUES REMOVED.
 - SCREENS AT EAST AND WEST FACADES RATIONALISED.
 - QUANTITY OF SCREENS AT SOUTH FACADE REVISED.

- S. 4.55 - SCHEDULE OF CHANGES DUE TO STRUCTURE & SERVICES COORDINATION**
- FIRE BOOSTER RELOCATED DUE TO SERVICES COORDINATION. PLANTER AREA ADJUSTED TO SUIT.
 - FIRE STAIR 2 LANDING LEVELS ADJUSTED DUE TO FIRE BOOSTER RELOCATION.



NO.	REVISION	BY	CHK	DATE	REVISION NOTES:
A	FOR CONSULTANT REVIEW	JD	AC	28/08/20	
B	FOR DA	JD	AC	04/09/20	
C	FOR DA	JD	AC	11/09/20	
D	FOR COUNCIL REF	JD	AC	20/11/20	
E	S4.55 SUBMISSION	PR	AC	20/12/21	
F	S4.55 SUBMISSION	AN	TB	19/12/22	

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CLIENT	ARCHITECT	PROJECT	DWG TITLE
ASPIRE	Koichi Takada Architects	YUGEN	GROUND FLOOR PLAN

CLIENT	ARCHITECT	PROJECT	DWG TITLE
ASPIRE	Koichi Takada Architects	YUGEN	GROUND FLOOR PLAN

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ASPIRE	Koichi Takada Architects	YUGEN	GROUND FLOOR PLAN

CLIENT	ARCHITECT	PROJECT	DWG TITLE
ASPIRE	Koichi Takada Architects	YUGEN	GROUND FLOOR PLAN

CLIENT	ARCHITECT	PROJECT	DWG TITLE
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ASPIRE	Koichi Takada Architects	YUGEN	GROUND FLOOR PLAN

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ASPIRE	Koichi Takada Architects	YUGEN	GROUND FLOOR PLAN

CLIENT	ARCHITECT	PROJECT	DWG TITLE
ASPIRE	Koichi Takada Architects	YUGEN	GROUND FLOOR PLAN

0005666540 24 Jan 2023

5.6 Average star rating

Assessor: Allin Zhang
Accreditation No: DMN19/1894

Address: 12 Burge Street, Vaucluse, NSW, 2030

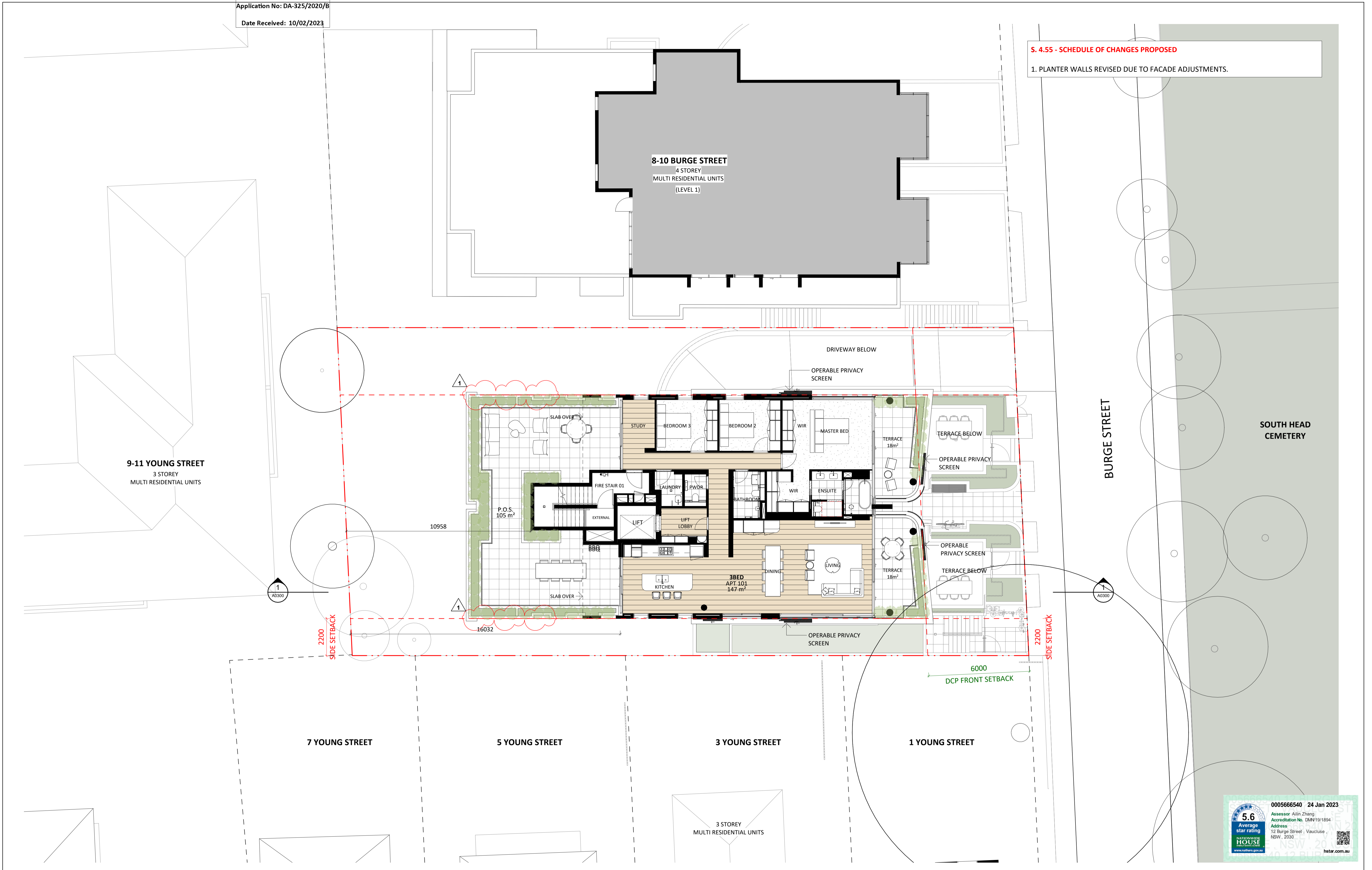
NATIONWIDE HOUSE

www.nsw.gov.au

hstar.com.au

S. 4.55 - SCHEDULE OF CHANGES PROPOSED

1. PLANTER WALLS REVISED DUE TO FACADE ADJUSTMENTS.



NO.	REVISION	BY	CHK	DATE	REVISION NOTES:
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F	FOR DA RE-SUBMISSION	JD	AC	21/01/21	
G	S.4.55 SUBMISSION	PIB	AC	26/07/21	
H	S.4.55 SUBMISSION	AN	TB	19/12/22	

KEY PLAN	BY	CHK	DATE

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ASPIRE
LEVEL 36, GATEWAY BUILDING,
1 MACQUARIE PL, SYDNEY, 2000

ARCHITECT
SUITE 41 & 42, LEVEL 4
61 MARLBOROUGH ST
SURRY HILLS, NSW 2010
T 02 9698 8510
ASN 63 131 365 898
NOMINATED ARCHITECT:
KOICHI TAKADA
NSW ARCHITECTS 6901
VIC ARCHITECTS 16179
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PROJECT
YUGEN
12 BURGE ST. VAUCLUSE, NSW 2030

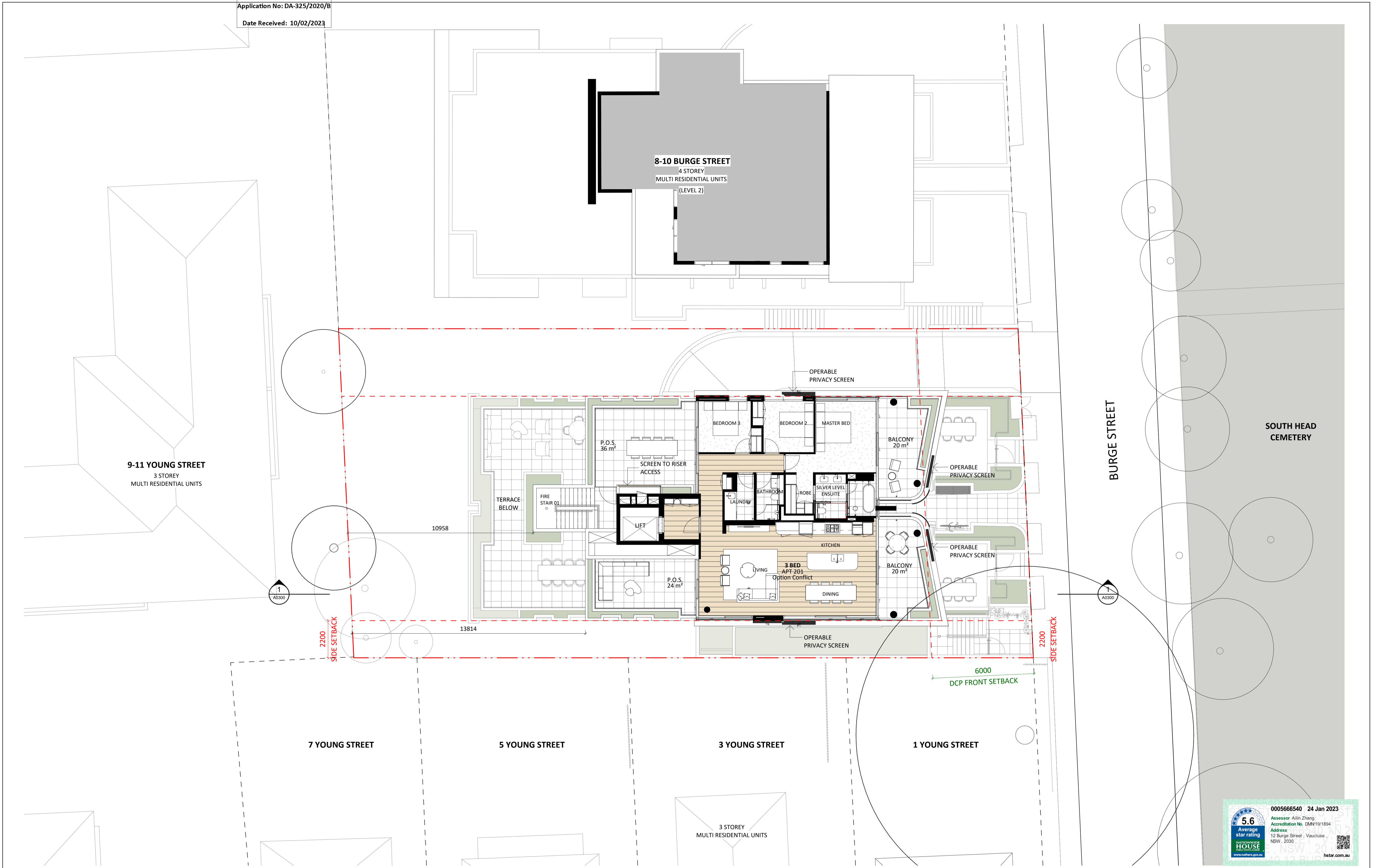
DWG TITLE
LEVEL 01 FLOOR PLAN

DWG NO.
A0101

SCALE
1:100@A1, 1:200@A3

REVISION
H

DATE
19/12/22



0005666540 24 Jan 2023

5.6
Average star rating

Assessor: Ailin Zhang
Accreditation No. DMV191894
Address: 12 Burge Street, Vaucluse, NSW, 2030

www.hstar.com.au

NO.	REVISION	BY	CHK	DATE	REVISION NOTES:
A	FOR CONSULTANT REVIEW	JD	AC	28/08/20	
B	FOR DA	JD	AC	04/09/20	
C	FOR DA	JD	AC	11/09/20	
D	FOR COUNCIL REF	JD	AC	20/11/20	
E	FOR COUNCIL REF	JD	AC	14/01/21	
F	FOR DA RE-SUBMISSION	JD	AC	21/01/21	
G	S.4.55 SUBMISSION	PIB	AC	26/07/21	
H	S.4.55 SUBMISSION	AN	TB	19/12/22	

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G	S.4.55 SUBMISSION	PIB	AC	26/07/21	
H	S.4.55 SUBMISSION	AN	TB	19/12/22	

KEY PLAN

CLOUD LEGEND

REVISION

ON HOLD

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CLIENT
ASPIRE
LEVEL 36, GATEWAY BUILDING,
1 MACQUARIE PL, SYDNEY, 2000

ARCHITECT
SUITE 41 & 42, LEVEL 4
61 MARLBOROUGH ST
SURRY HILLS, NSW 2010
T 02 9698 8510
ASN 63 131 365 898
NOMINATED ARCHITECT:
KOICHI TAKADA
NSW ARCHITECTS 6901
VIC ARCHITECTS 16179
QLD ARCHITECTS 5590
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PROJECT
YUGEN
12 BURGE ST. VAUCLUSE, NSW 2030

STATUS

0 5 m

SCALE
1:100@A1, 1:200@A3

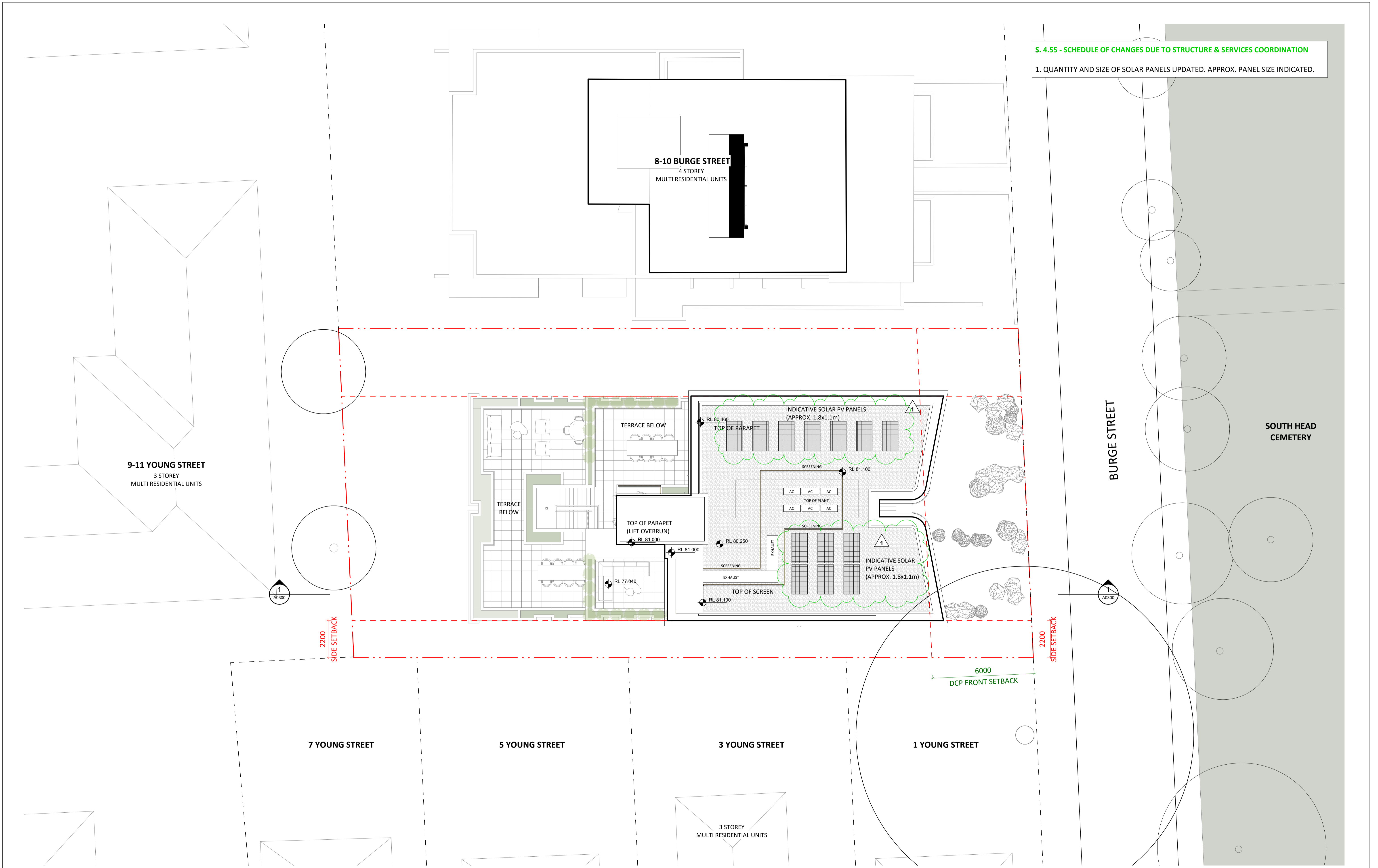
DWG TITLE
LEVEL 02 FLOOR PLAN

DWG NO.
A0102

REVISION
H

DATE
19/12/22

S. 4.55 - SCHEDULE OF CHANGES DUE TO STRUCTURE & SERVICES COORDINATION
 1. QUANTITY AND SIZE OF SOLAR PANELS UPDATED. APPROX. PANEL SIZE INDICATED.



NO.	REVISION	BY	CHK	DATE	REVISION NOTES:
A	FOR CONSULTANT REVIEW	JD	AC	28/08/20	
B	FOR DA	JD	AC	04/09/20	
C	FOR DA	JD	AC	11/09/20	
D	FOR COUNCIL RFI	JD	AC	20/11/20	
E	FOR DA RE-SUBMISSION	JD	AC	23/01/21	
F	S 4.55 SUBMISSION	PB	AC	28/07/21	
G	S 4.55 AMENDED SUBMISSION	PB	TB	11/11/21	
H	S 4.55 SUBMISSION	AN	TB	19/12/22	
I	FOR COUNCIL RFI	AN	BH	31/03/23	

NO.	REVISION	BY	CHK	DATE	REVISION NOTES:
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D	FOR COUNCIL RFI	JD	AC	20/11/20	
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CLIENT
 ASPIRE
 LEVEL 36, GATEWAY BUILDING,
 1 MACQUARIE PL, SYDNEY, 2000

ARCHITECT
 SUITE 41 & 42, LEVEL 4
 61 MARLBOROUGH ST
 SURRY HILLS, NSW 2010
 T 02 9698 8510
 ABN 63 131 365 898
 NOMINATED ARCHITECT:
 KOICHI TAKADA
 NSW ARCHITECTS 6901
 VIC ARCHITECTS 16179
 QLD ARCHITECTS 5590
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PROJECT
 YUGEN
 12 BURGE ST, VAUCLUSE, NSW 2030

DWG TITLE
 ROOF PLAN

DWG NO.
 A0103

SCALE
 1:100@A1, 1:200@A3

REVISION
 1

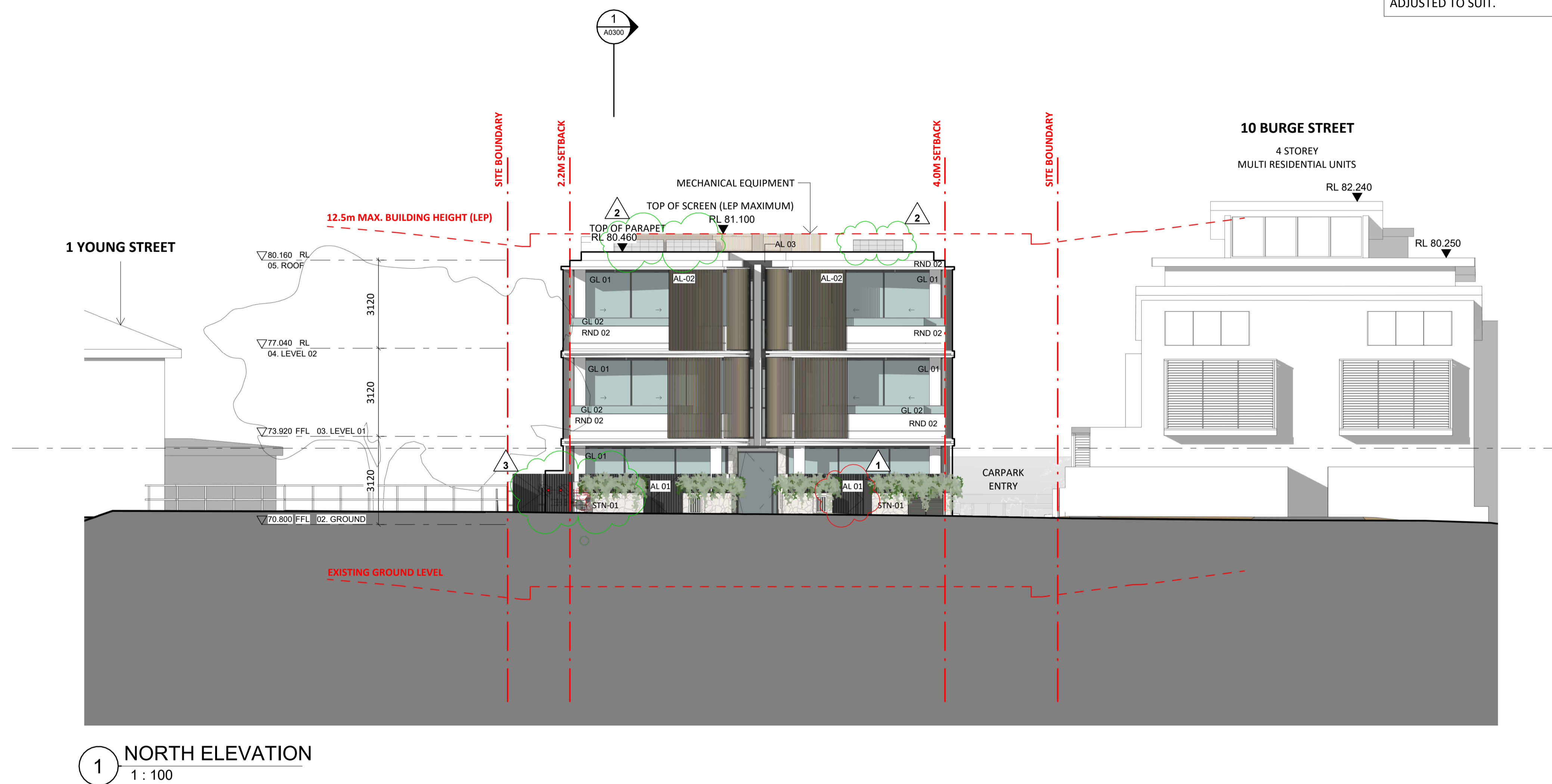
DATE
 31/03/23

S. 4.55 - SCHEDULE OF CHANGES PROPOSED

1. GATE TO APARTMENT G01 REINSTATED.

S. 4.55 - SCHEDULE OF CHANGES DUE TO STRUCTURE & SERVICES COORDINATION

2. QUANTITY AND SIZE OF SOLAR PANELS UPDATED.
3. FIRE BOOSTER RELOCATION DUE TO SERVICES COORDINATION. PLANTER EXTENT ADJUSTED TO SUIT.



1 NORTH ELEVATION
1 : 100

LEGEND

- | | | | |
|-------|---------------------------------------|--------|----------------------------|
| AL 01 | DARK COLOUR ALUMINIUM BATTEN | RND 01 | DARK CONCRETE LOOK FINISH |
| AL 02 | OPERABLE TIMBER LOOK ALUMINIUM SCREEN | RND 02 | WHITE CONCRETE LOOK FINISH |
| AL 03 | DARK COLOUR ALUMINIUM | STN 01 | SANDSTONE |
| GL 01 | CLEAR GLASS | | |
| GL 02 | GLASS BALUSTRADE | | |



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F	S.4.55 AMENDED SUBMISSION	PB	PB	11/11/21	
G	S.4.55 SUBMISSION	AN	TB	19/12/22	

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CLIENT	ARCHITECT	QA STAMP	PROJECT	DWG TITLE
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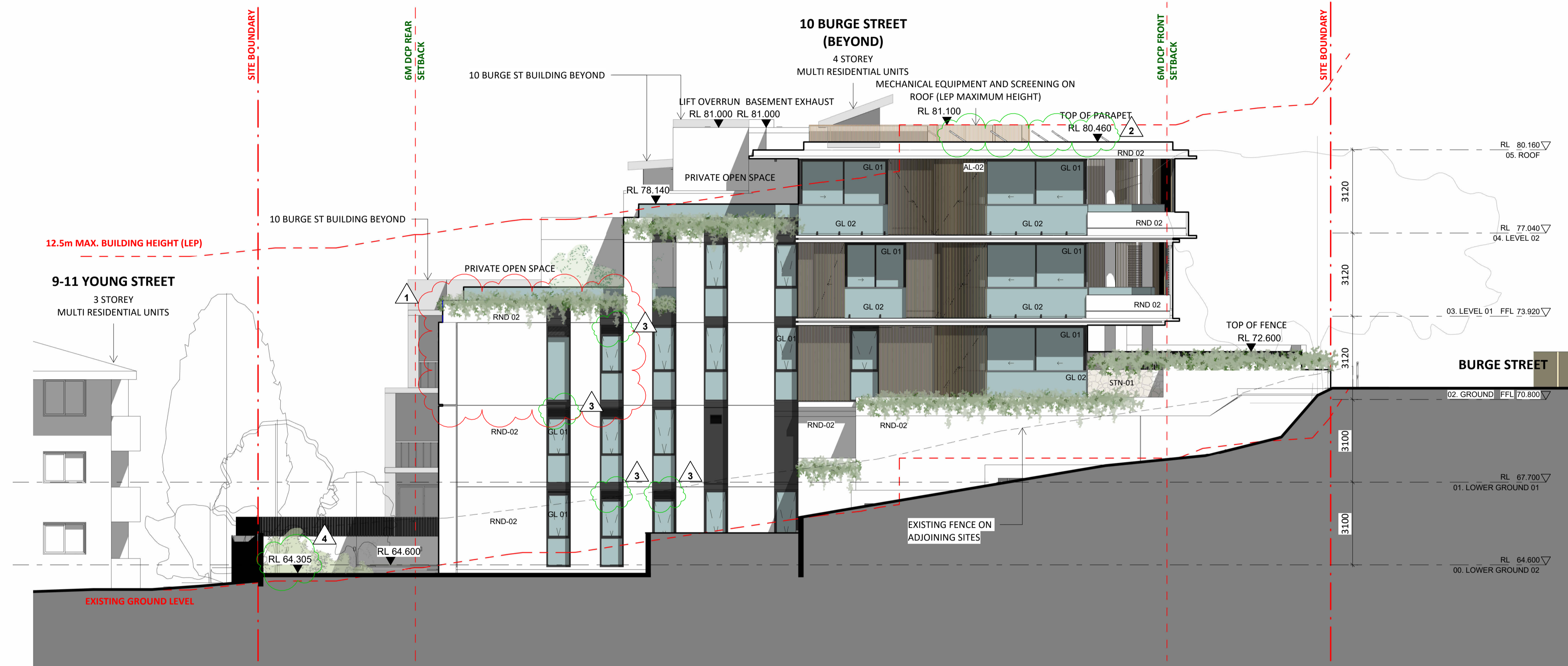
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S. 4.55 - SCHEDULE OF CHANGES PROPOSED

1. FACADE SCREENS AT GROUND FLOOR APARTMENT RATIONALISED AND FACADE DESIGN ADJUSTED TO SUIT.

S. 4.55 - SCHEDULE OF CHANGES DUE TO STRUCTURE & SERVICES COORDINATION

2. QUANTITY AND SIZE OF SOLAR PANELS UPDATED.
3. EXTENT OF AWNING WINDOWS REVISED IN ACCORDANCE WITH THE CEILING HEIGHTS BEHIND.
4. RELATIVE LEVEL REVISED.



1 EAST ELEVATION
1 : 100

LEGEND

- | | | | |
|-------|---------------------------------------|--------|----------------------------|
| AL 01 | DARK COLOUR ALUMINIUM BATTEN | RND 01 | DARK CONCRETE LOOK FINISH |
| AL 02 | OPERABLE TIMBER LOOK ALUMINIUM SCREEN | RND 02 | WHITE CONCRETE LOOK FINISH |
| AL 03 | DARK COLOUR ALUMINIUM | STN 01 | SANDSTONE |
| GL 01 | CLEAR GLASS | | |
| GL 02 | GLASS BALUSTRADE | | |



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E	FOR DA RE-SUBMISSION	JD	AC	21/11/21	
F	S 4.55 SUBMISSION	PB	AC	28/07/21	
G	S 4.55 AMENDED SUBMISSION	PB	TB	11/11/21	
H	S 4.55 SUBMISSION	AN	TB	19/12/22	

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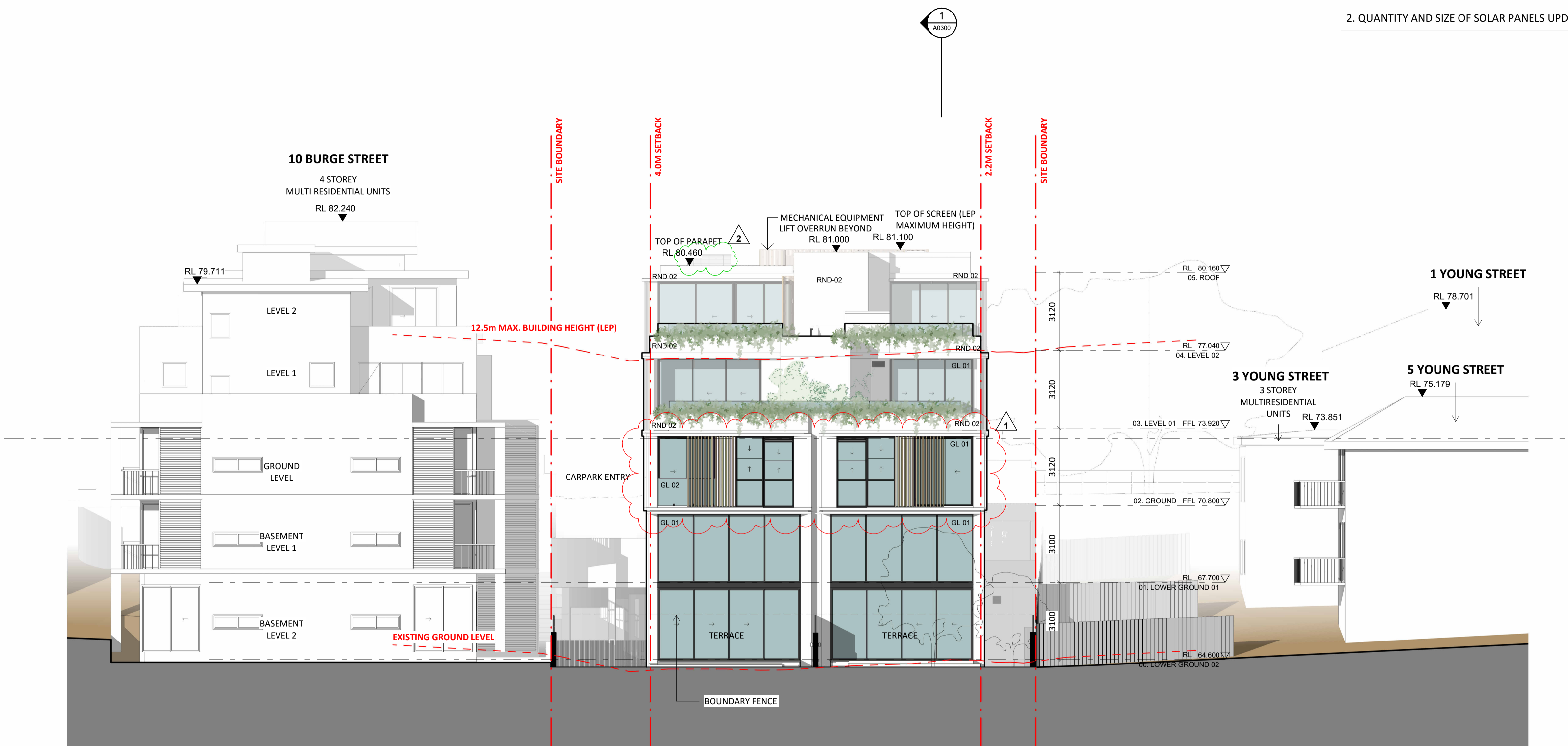
PROJECT	GA STAMP
<p>YUGEN 12 BURGE ST. VAUCLUSE, NSW 2030</p>	<p>QA CONTROLLED DOCUMENT © Koichi Takada Architects</p>

STATUS	SCALE
<p>0 5 m</p>	<p>1:100@A1, 1:200@A3</p>

DWG TITLE	DWG NO.	REVISION
EAST ELEVATION	A0201	H
		DATE
		19/12/22

S. 4.55 - SCHEDULE OF CHANGES PROPOSED
1. QUANTITY OF FACADE SCREENS REVISED AND FACADE DESIGN ADJUSTED TO SUIT.

S. 4.55 - SCHEDULE OF CHANGES DUE TO STRUCTURE & SERVICES COORDINATION
2. QUANTITY AND SIZE OF SOLAR PANELS UPDATED.



1 SOUTH ELEVATION
1 : 100

LEGEND

- AL 01 DARK COLOUR ALUMINIUM BATTEN
- AL 02 OPERABLE TIMBER LOOK ALUMINIUM SCREEN
- AL 03 DARK COLOUR ALUMINIUM
- GL 01 CLEAR GLASS
- GL 02 GLASS BALUSTRADE
- RND 01 DARK CONCRETE LOOK FINISH
- RND 02 WHITE CONCRETE LOOK FINISH
- STN 01 SANDSTONE



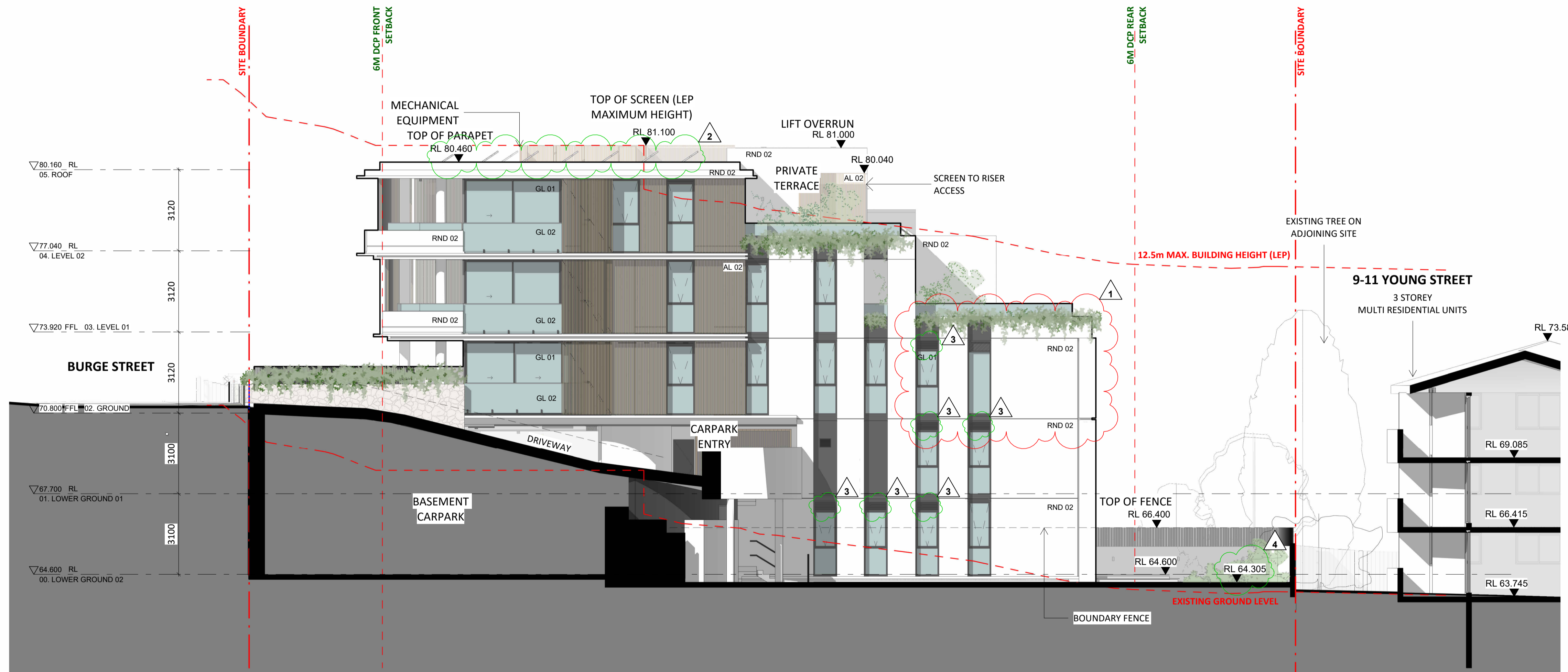
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<p>SCALE</p> <p>1:100@A1, 1:200@A3</p>						<p>DATE</p> <p>19/12/22</p>																																																								

S. 4.55 - SCHEDULE OF CHANGES PROPOSED

1. FACADE SCREENS AT GROUND FLOOR APARTMENT RATIONALISED AND FACADE DESIGN ADJUSTED TO SUIT.

S. 4.55 - SCHEDULE OF CHANGES DUE TO STRUCTURE & SERVICES COORDINATION

2. QUANTITY AND SIZE OF SOLAR PANELS UPDATED.
3. EXTENT OF AWNING WINDOWS REVISED IN ACCORDANCE WITH THE CEILING HEIGHTS BEHIND.
4. RELATIVE LEVEL REVISED.



1 WEST ELEVATION
1 : 100

LEGEND

- AL 01 DARK COLOUR ALUMINIUM BATTEN
- AL 02 OPERABLE TIMBER LOOK ALUMINIUM SCREEN
- AL 03 DARK COLOUR ALUMINIUM
- GL 01 CLEAR GLASS
- GL 02 GLASS BALUSTRADE
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E	FOR COUNCIL RFI	JD	AC	20/11/20	
F	FOR DA RE-SUBMISSION	JD	AC	21/01/21	
G	S.4.55 SUBMISSION	PB	AC	28/07/21	
H	S.4.55 AMENDED SUBMISSION	PB	PB	11/11/21	
I	S.4.55 SUBMISSION	AN	TB	18/12/22	

KEY PLAN	NOTES:	OTHERS:
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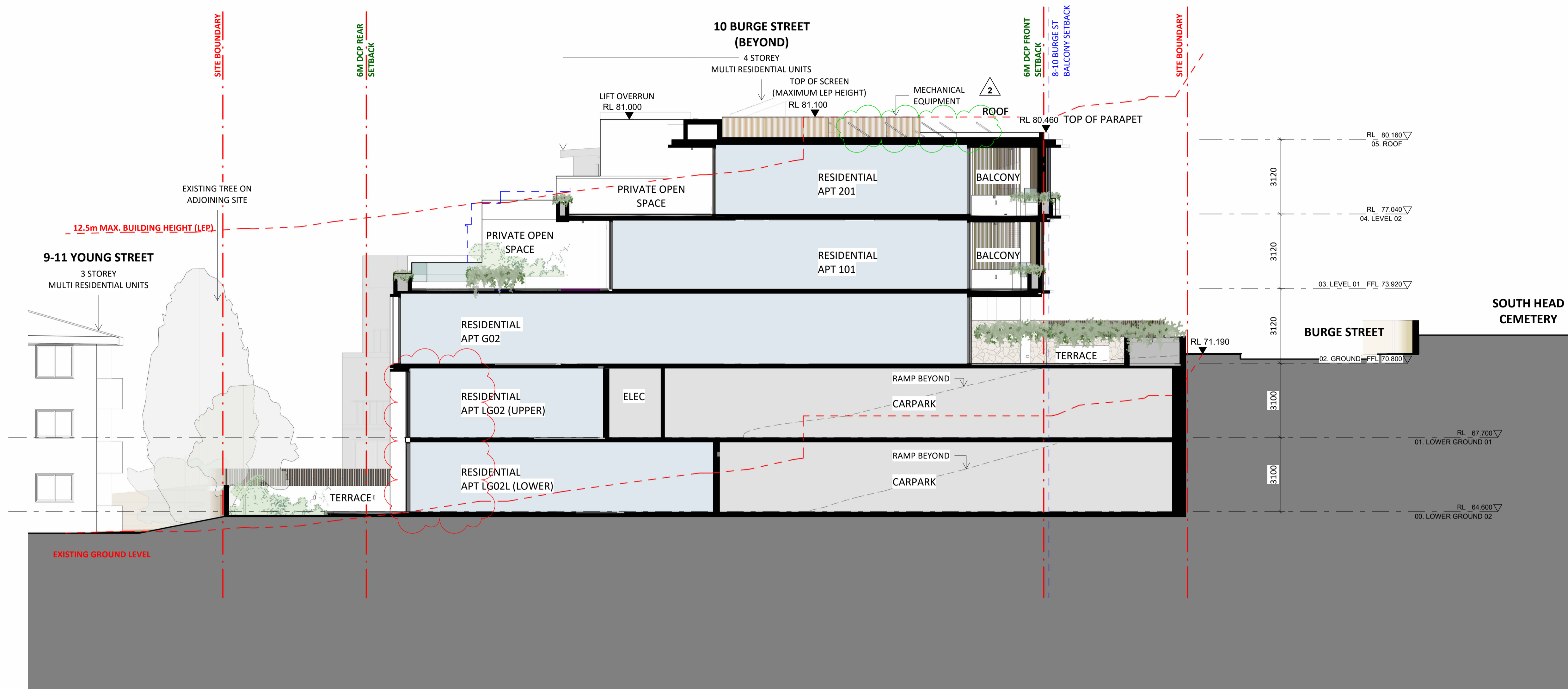
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PROJECT	STATUS
<p>YUGEN 12 BURGE ST. VAUCLUSE, NSW 2030</p>	<p>0 5 m</p>

DWG TITLE	DWG NO.	REVISION
WEST ELEVATION	A0203	1
SCALE	1:100@A1, 1:200@A3	DATE
		19/12/22

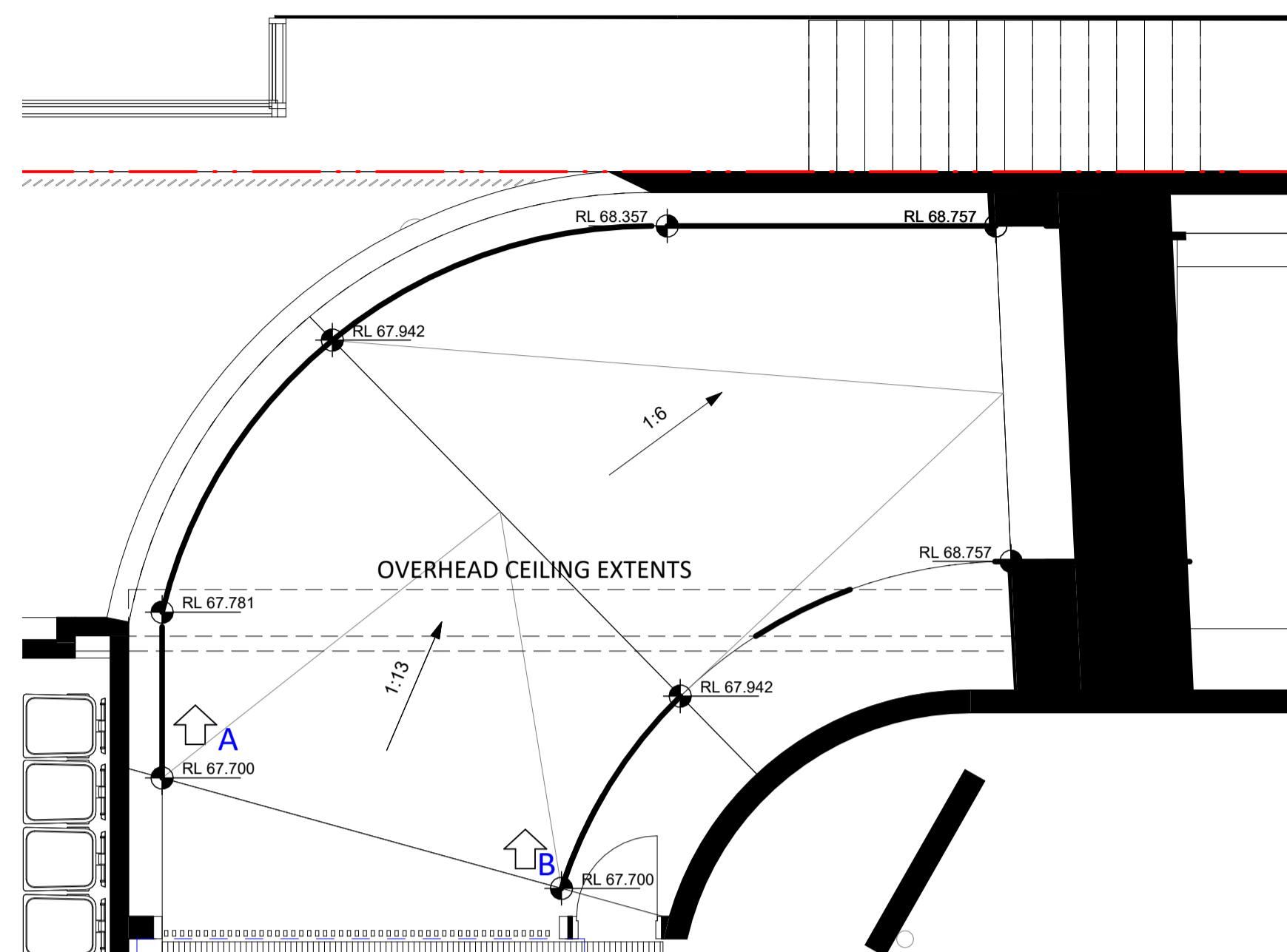
- S. 4.55 - SCHEDULE OF CHANGES PROPOSED**
- LOWER GROUND 01 SLAB EXTENDED AND VOID REMOVED AT APARTMENTS LG01 & LG02.
- S. 4.55 - SCHEDULE OF CHANGES DUE TO STRUCTURE & SERVICES COORDINATION**
- QUANTITY AND SIZE OF SOLAR PANELS UPDATED.



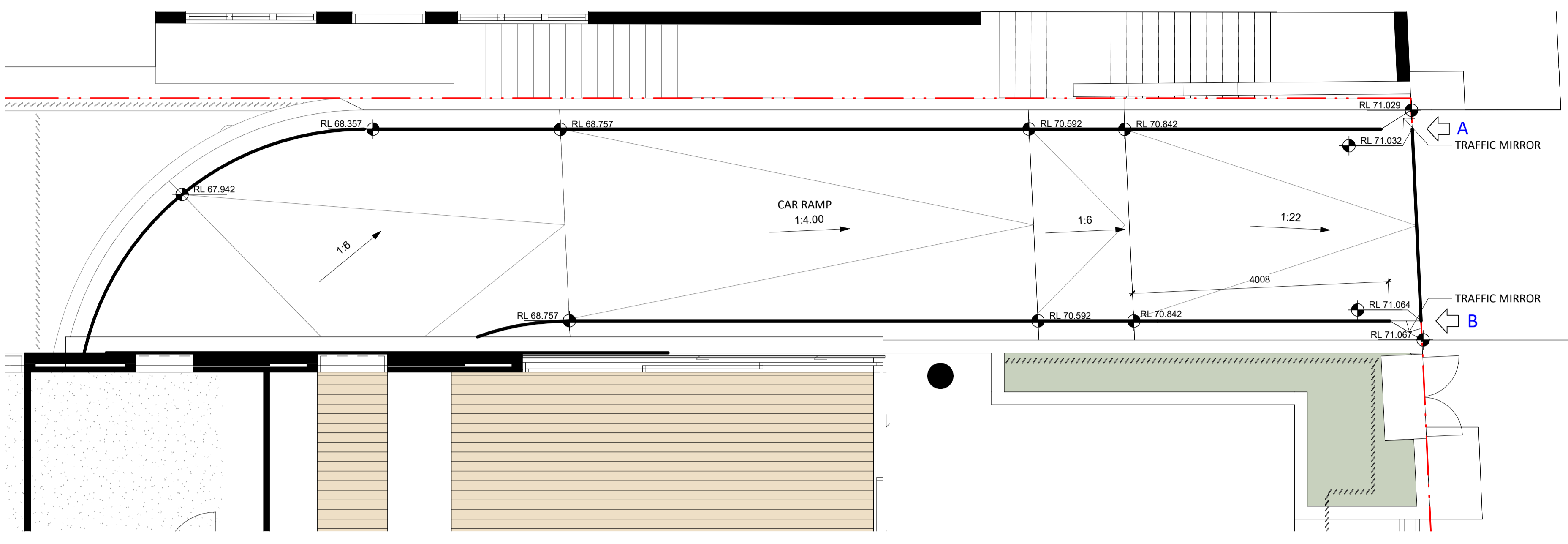
1 SECTION 01
1:100



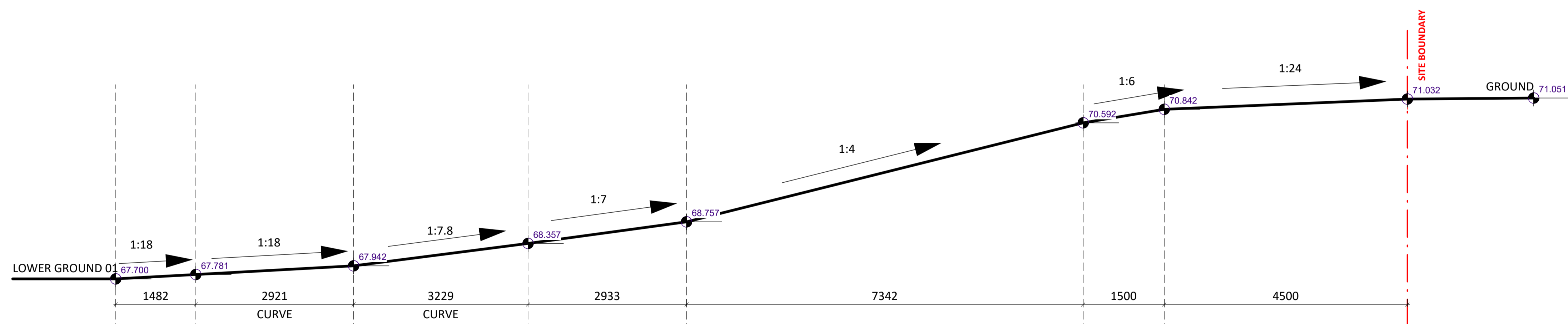
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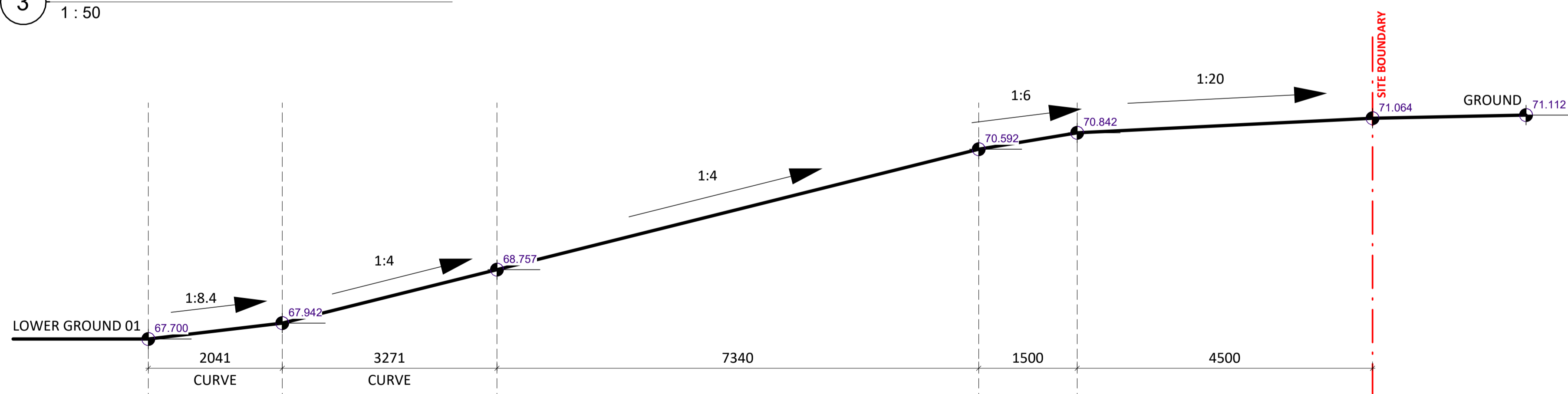
1 LG1 - CAR RAMP TO LOWER GROUND 01
1 : 50



2 GND - CAR RAMP TO LOWER GROUND 01
1 : 50



3 DRIVEWAY SECTION DIAGRAM A-A
1 : 50



4 DRIVEWAY SECTION DIAGRAM B-B
1 : 50



S. 4.55 - SCHEDULE OF CHANGES DUE TO STRUCTURE & SERVICES COORDINATION

1. CARPARK RAMP LEVELS ADJUSTED TO SUIT UPDATED PUBLIC DOMAIN LEVELS.
SECTION DIAGRAMS UPDATED ACCORDINGLY.

NO.	REVISION	BY	CHK	DATE	REVISION NOTES:
A	FOR CONSULTANT REVIEW	JD	AC	28/08/20	
B	FOR DA	JD	AC	04/09/20	
C	FOR DA	JD	AC	11/09/20	
D	S 4.55 SUBMISSION	PB	AC	28/07/21	
E	ISSUED FOR INFORMATION	KL	AN	03/02/22	
F	S 4.55 SUBMISSION	AN	TB	19/12/22	

KEY PLAN	NOTES:
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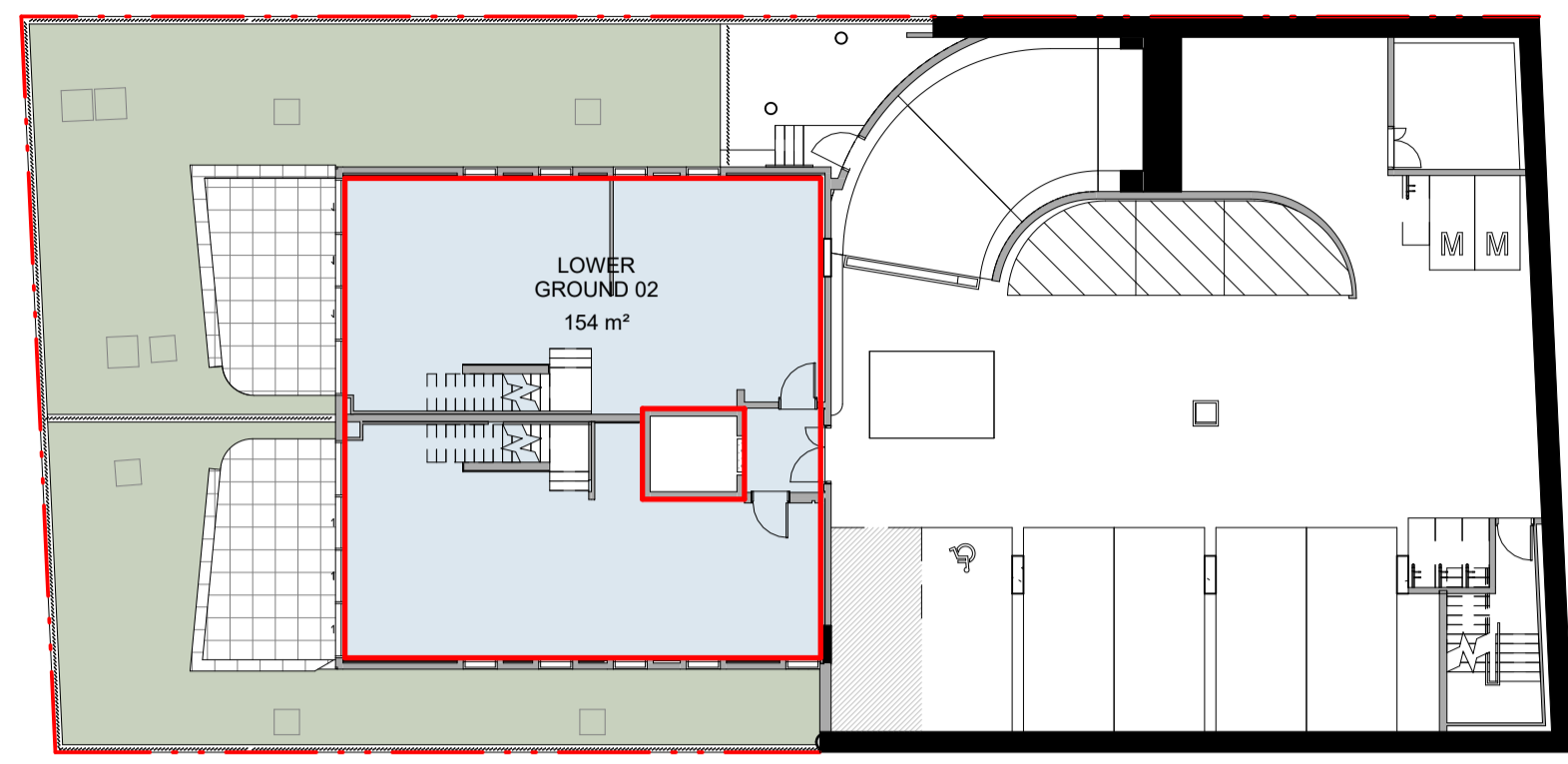
PROJECT	DWG TITLE
YUGEN 12 BURGE ST, VAUCLUSE, NSW 2030	DRIVEWAY SECTION DIAGRAM 01

STATUS	DWG NO.	REVISION
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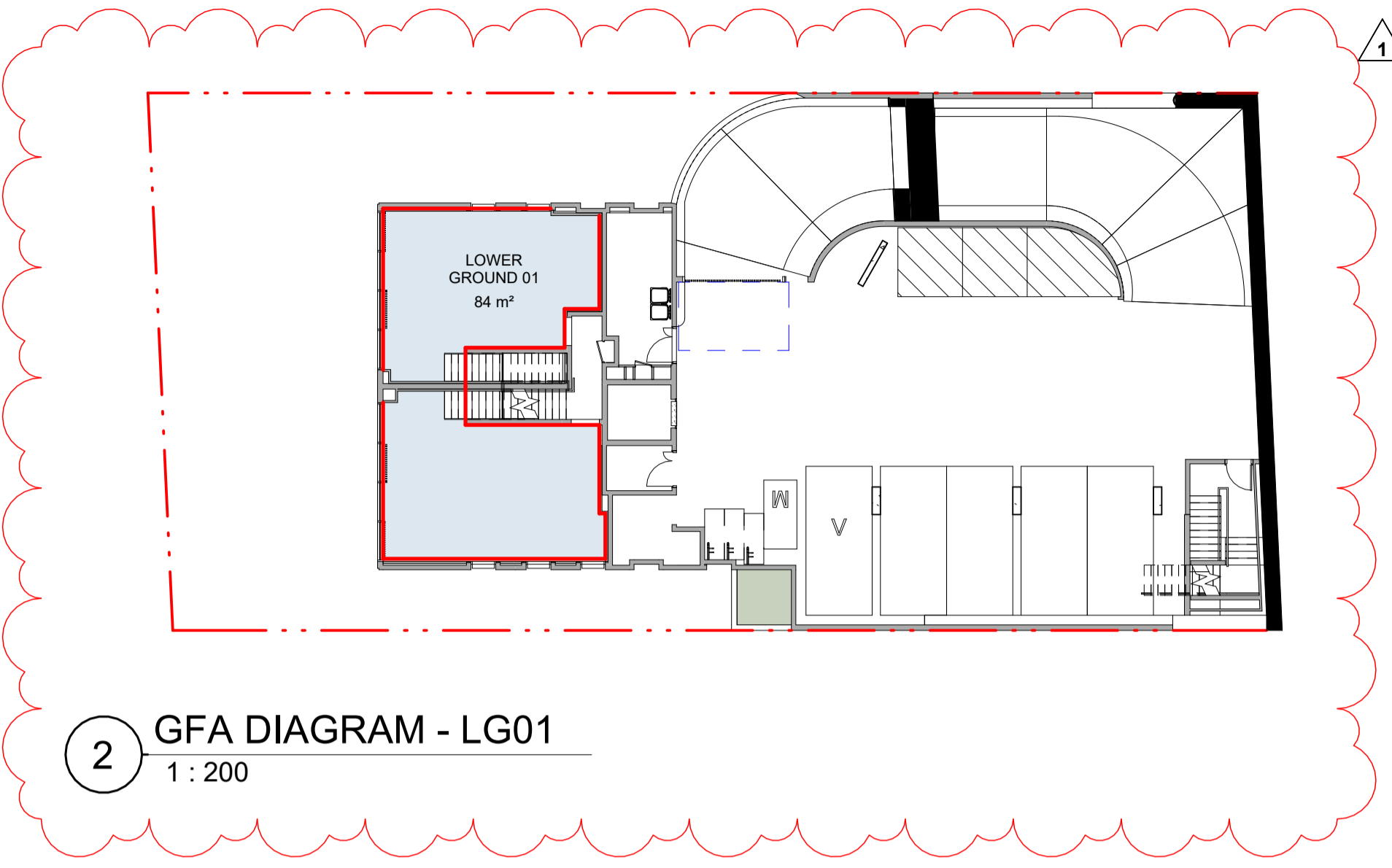
SCALE	DATE
1:50@A1, 1:100@A3	19/12/22

QA STAMP	PROJECT	DWG TITLE
	YUGEN 12 BURGE ST, VAUCLUSE, NSW 2030	DRIVEWAY SECTION DIAGRAM 01

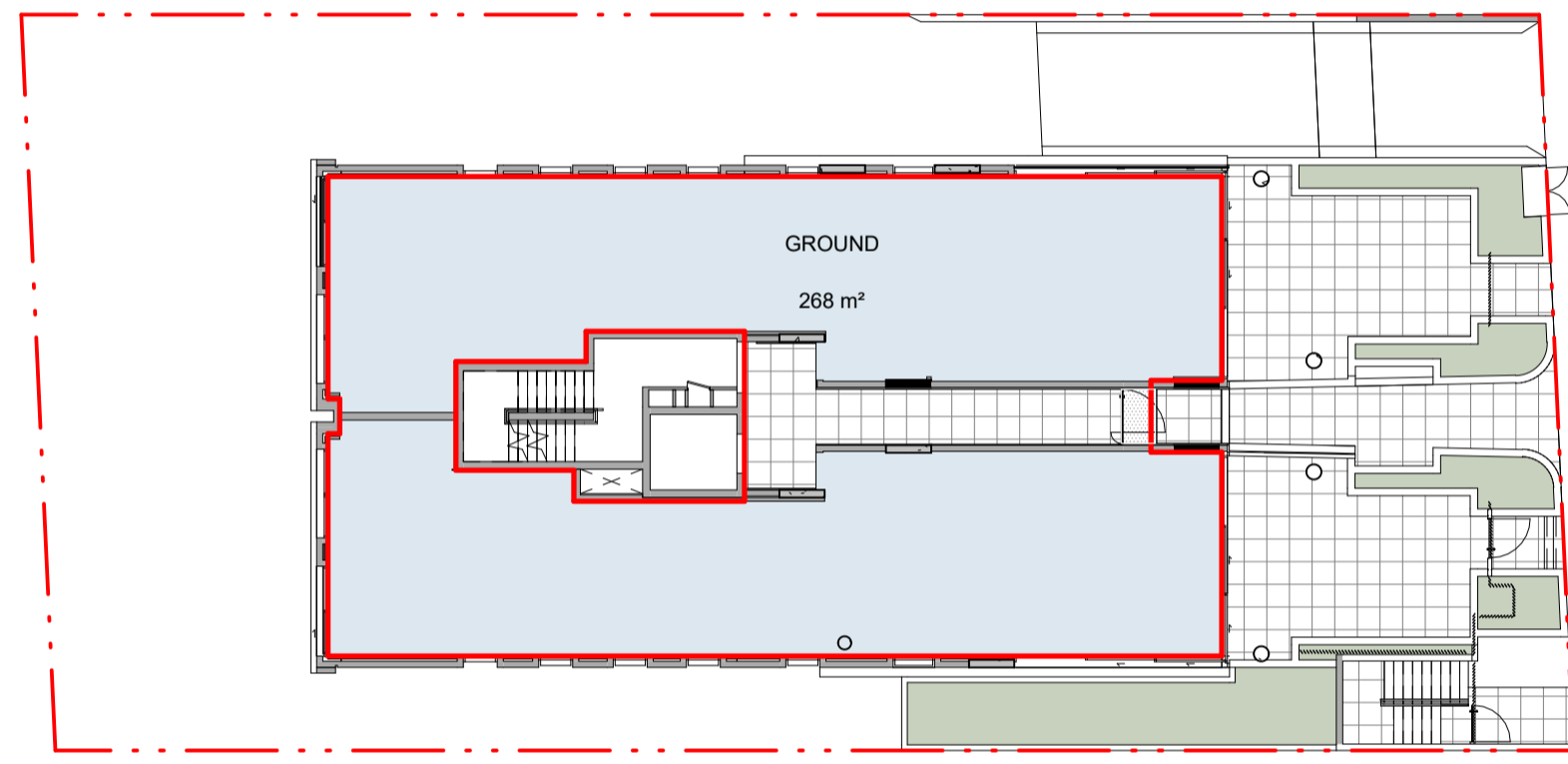
S. 4.55 - SCHEDULE OF CHANGES PROPOSED
1. LOWER GROUND 01 GFA REVISED AS PER THE CHANGES TO THE LOWER GROUND APARTMENTS. GFA SUMMARY UPDATED ACCORDINGLY.



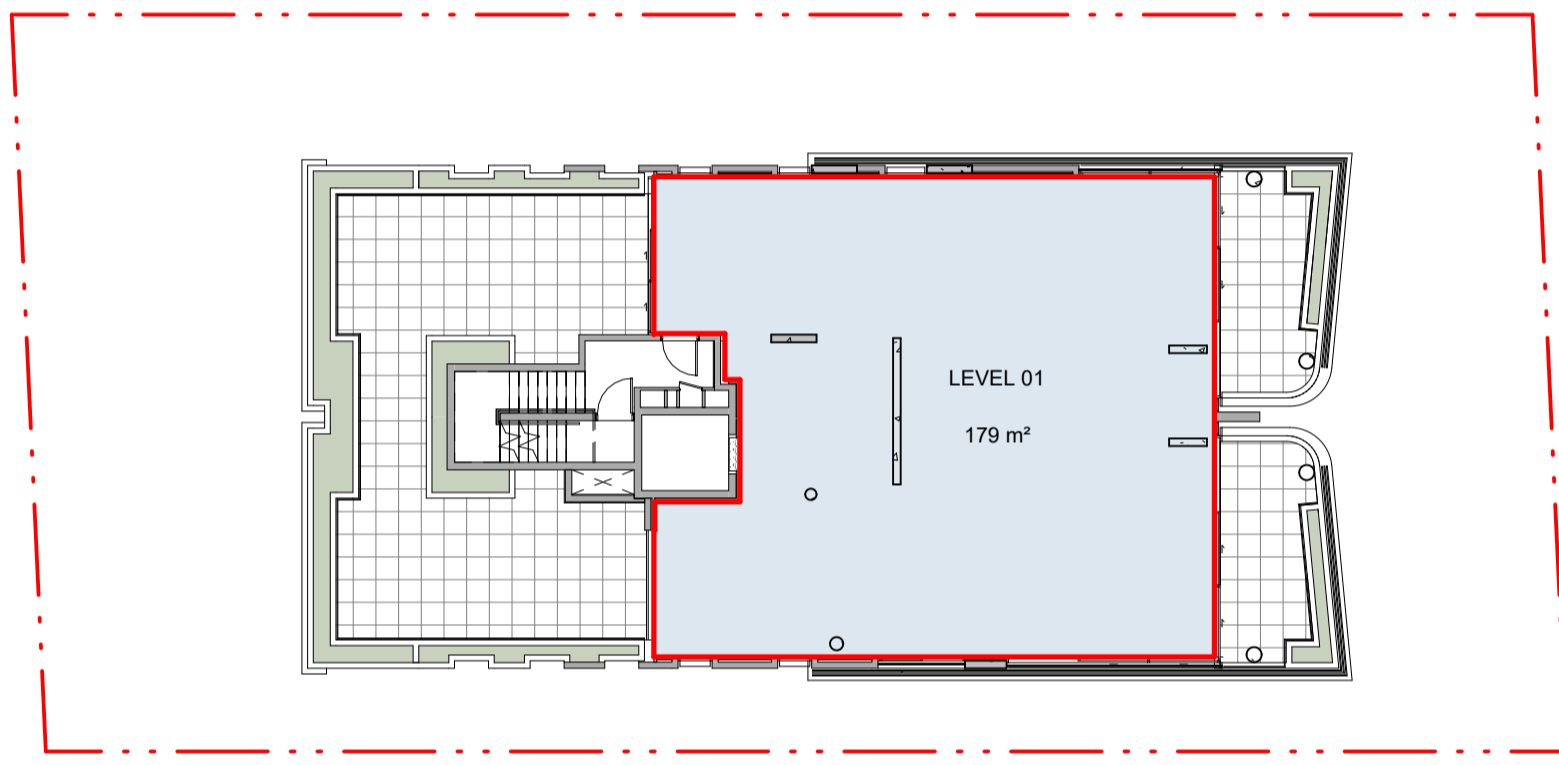
1 GFA DIAGRAM - LG02
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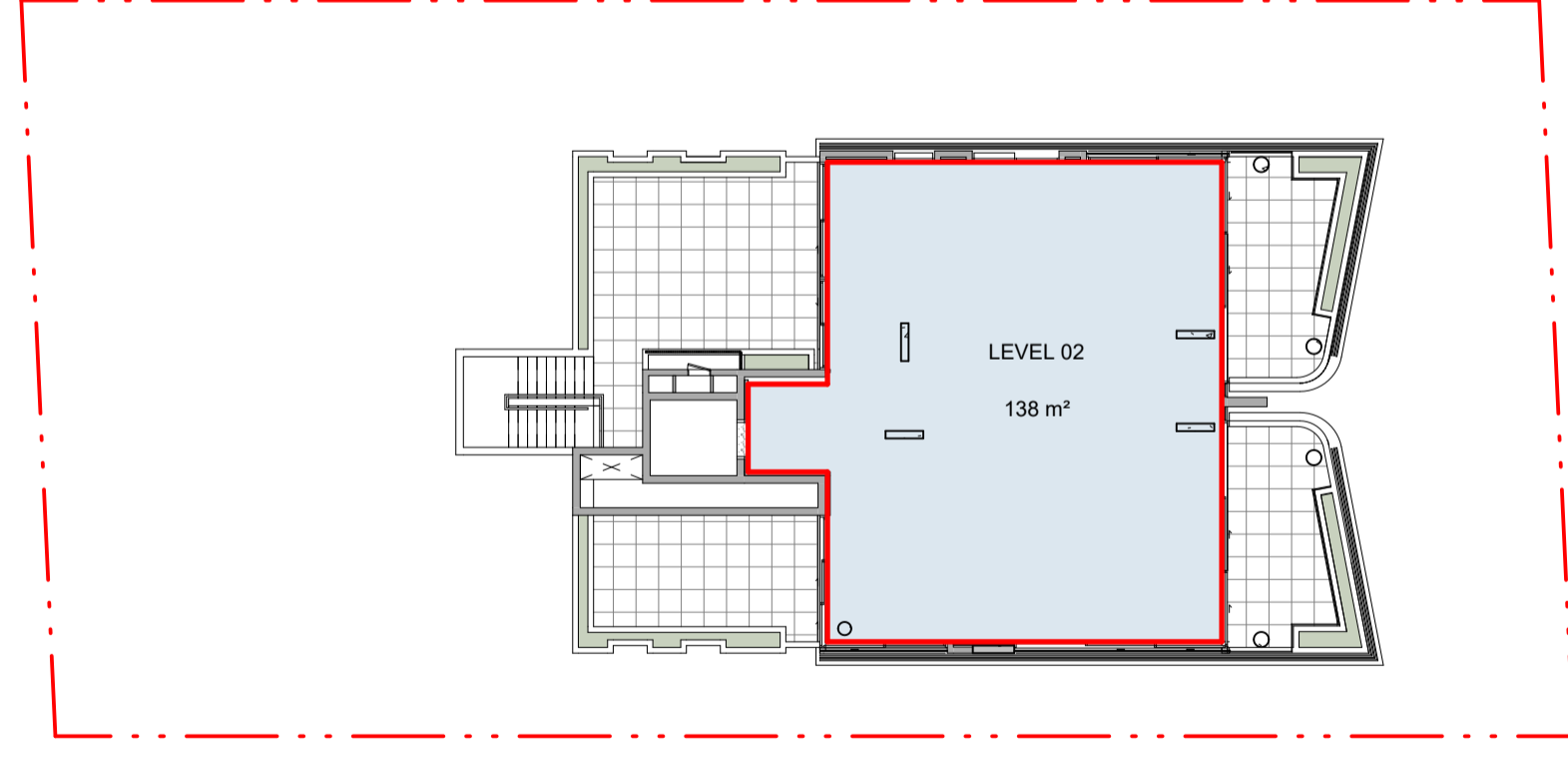
2 GFA DIAGRAM - LG01
1 : 200



3 GFA DIAGRAM - GROUND
1 : 200



4 GFA DIAGRAM - L01
1 : 200

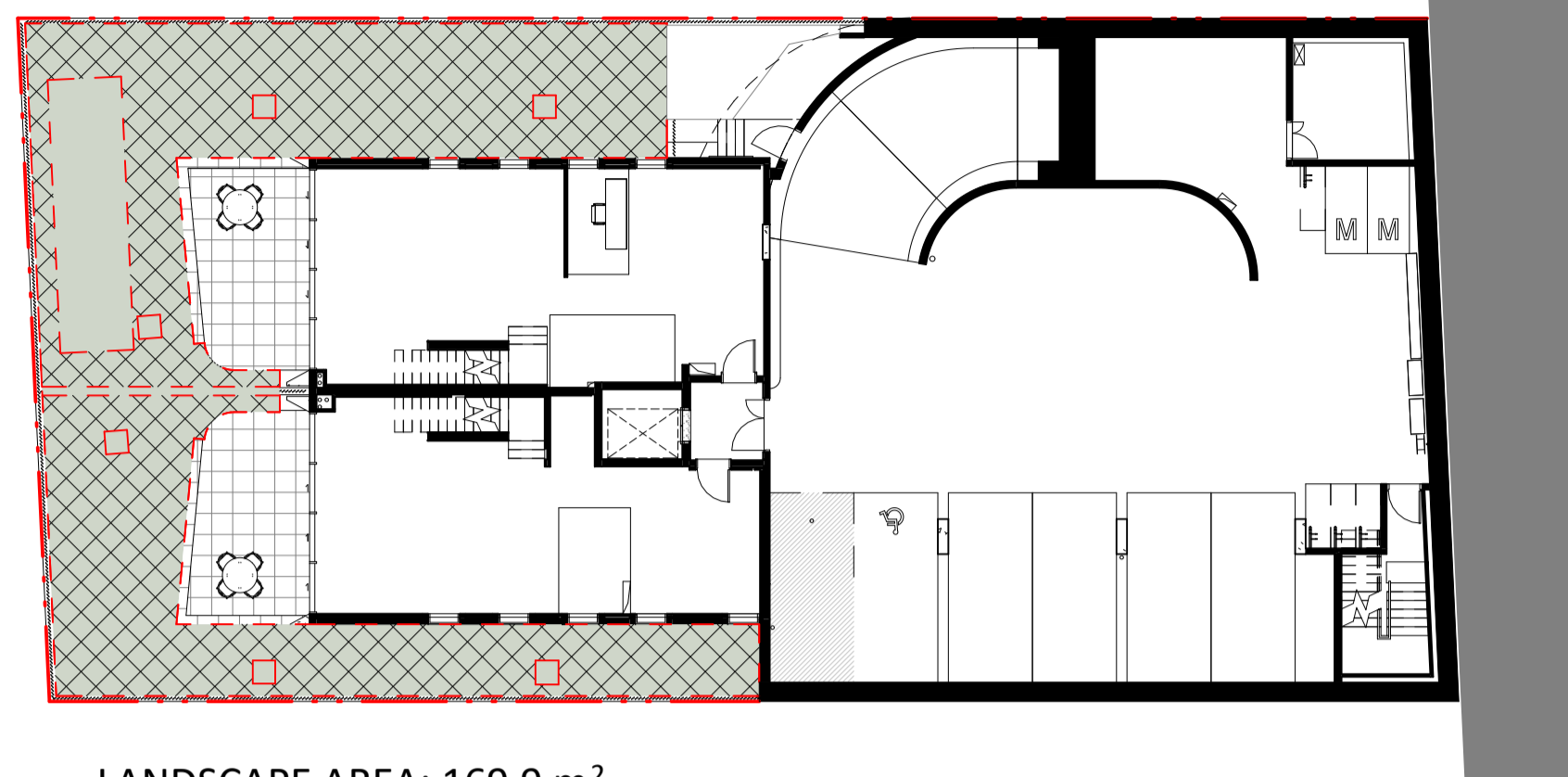


5 GFA DIAGRAM - L02
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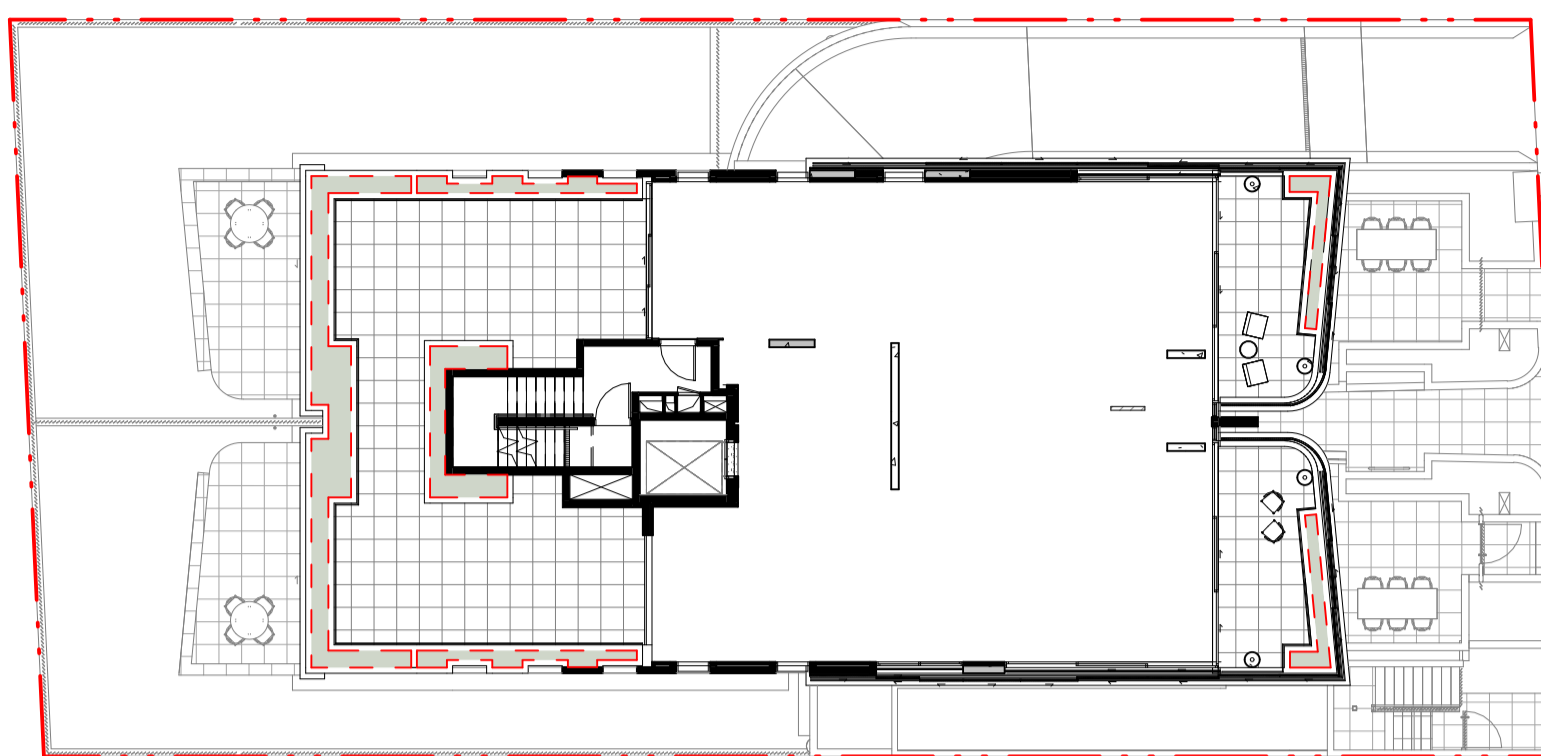
GROSS FLOOR AREA	
LOWER GROUND 02	153.65 m ²
LOWER GROUND 01	83.62 m ² ¹
GROUND	267.93 m ²
LEVEL 01	178.68 m ²
LEVEL 02	137.63 m ²
TOTAL	821.52 m² ¹
SITE AREA	784 m ²
FSR	1.05:1 ¹

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<p>STATUS</p> <p>0 5 m</p>	<p>DWG NO.</p> <p>A0401</p>	<p>REVISION</p> <p>G</p>	<p>SCALE</p> <p>1:100@A1, 1:200@A3</p>	<p>DATE</p> <p>19/12/22</p>																																																				



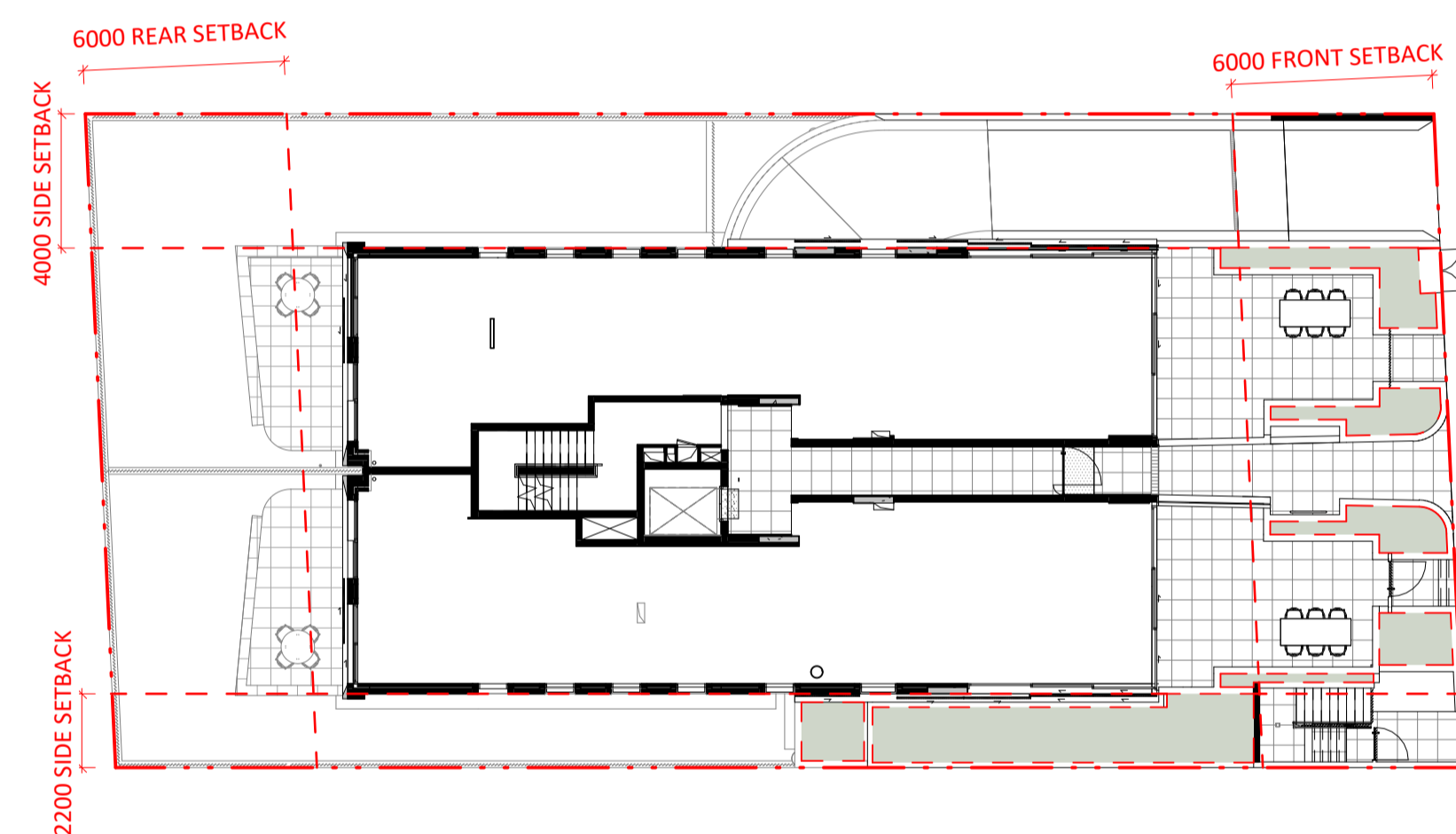
LANDSCAPE AREA: 169.9 m²
DEEP SOIL AREA: 149.3 m²

1 LANDSCAPE DIAGRAM - LG02
1: 200



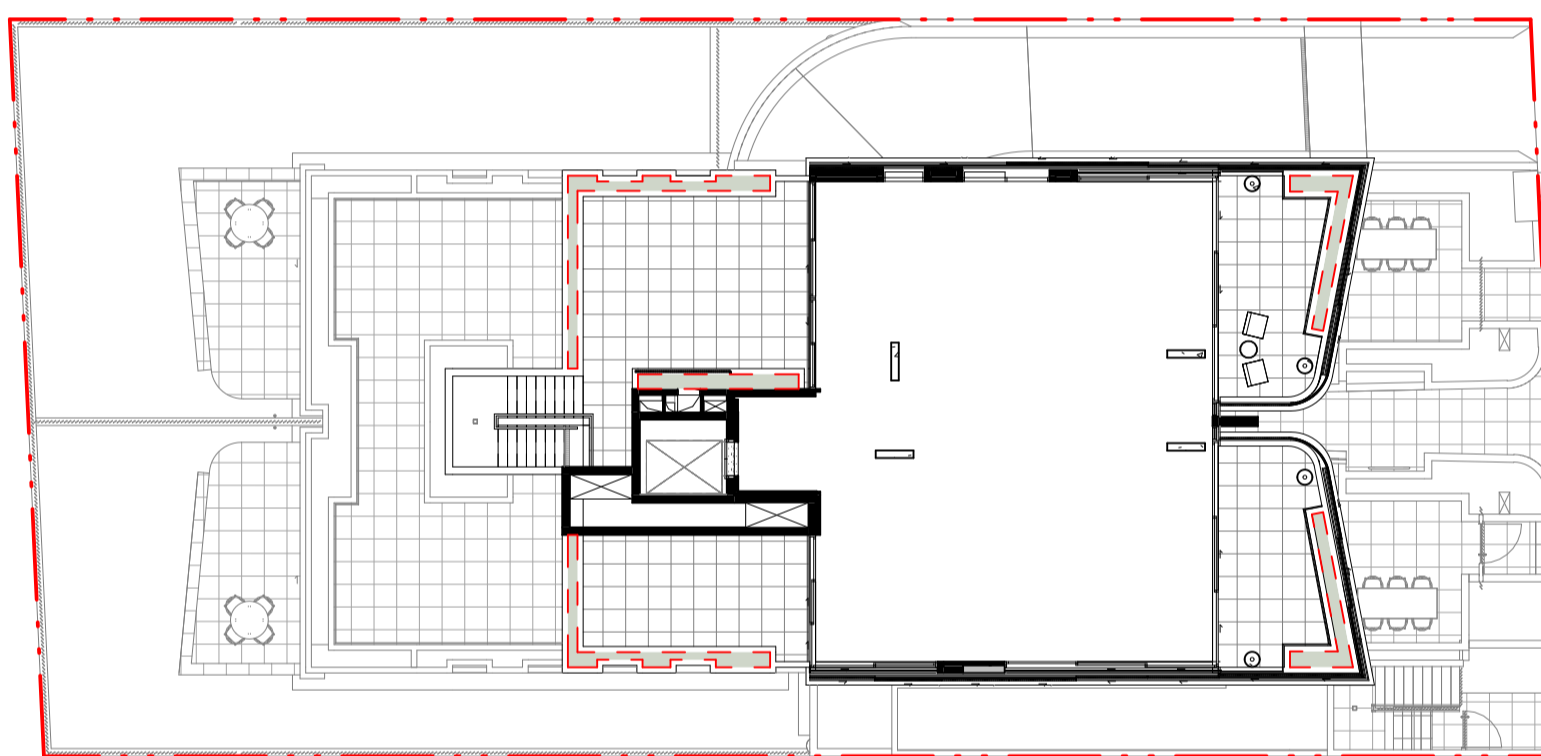
LANDSCAPE AREA: 20.3 m²

3 LANDSCAPE DIAGRAM - L01
1: 200



LANDSCAPE AREA: 42.5 m²

2 LANDSCAPE DIAGRAM - GND
1: 200



LANDSCAPE AREA: 10.7 m²

4 LANDSCAPE DIAGRAM - L02
1: 200

S. 4.55 - SCHEDULE OF CHANGES DUE TO STRUCTURE & SERVICES COORDINATION

1. LOWER GROUND 02 AND GROUND FLOOR DIAGRAMS UPDATED. DEEP SOIL AREA AND LANDSCAPE AREA REDUCED IN THESE LEVELS AS A RESULT OF THE SERVICES COORDINATION.
2. DIAGRAMS FOR LEVELS 1 AND 2 ADDED.
3. SUMMARY UPDATED.

LANDSCAPE SUMMARY :

TOTAL SITE AREA	784m ²	
REQUIRED LANDSCAPE AREA (MIN.)	235.2m ²	= 30% OF SITE AREA
PROPOSED LANDSCAPED AREA	243.4m ²	= 31% OF SITE AREA
DEEP SOIL AREA (MIN.)	106.2m ²	= 50% OF LANDSCAPE AREA
PROPOSED DEEP SOIL AREA (MIN. 2m IN DIMENSION)	149.3m ²	= 70.3% OF LANDSCAPE AREA



LANDSCAPED AREA DEFINITION FROM WAVERLEY DCP
A PART OF A SITE USED FOR GROWING PLANTS, GRASSES AND TREES, BUT DOES NOT INCLUDE ANY BUILDING, STRUCTURE OR HARD PAVED AREA

<table border="1"> <tr> <th>NO.</th> <th>REVISION</th> <th>BY</th> <th>CHK</th> <th>DATE</th> <th>REVISION NOTES:</th> </tr> <tr> <td>A</td> <td>FOR CONSULTANT REVIEW</td> <td>JD</td> <td>AC</td> <td>28/08/20</td> <td></td> </tr> <tr> <td>B</td> <td>FOR DA</td> <td>JD</td> <td>AC</td> <td>04/09/20</td> <td></td> </tr> <tr> <td>C</td> <td>FOR DA</td> <td>JD</td> <td>AC</td> <td>11/09/20</td> <td></td> </tr> <tr> <td>D</td> <td>S 4.55 SUBMISSION</td> <td>PB</td> <td>AC</td> <td>28/07/21</td> <td></td> </tr> <tr> <td>E</td> <td>ISSUED FOR INFORMATION</td> <td>KL</td> <td>PB</td> <td>10/02/22</td> <td></td> </tr> <tr> <td>F</td> <td>ISSUED FOR INFORMATION</td> <td>KL</td> <td>TB</td> <td>31/05/22</td> <td></td> </tr> <tr> <td>G</td> <td>S 4.55 SUBMISSION</td> <td>AN</td> <td>TB</td> <td>19/12/22</td> <td></td> </tr> </table>	NO.	REVISION	BY	CHK	DATE	REVISION NOTES:	A	FOR CONSULTANT REVIEW	JD	AC	28/08/20		B	FOR DA	JD	AC	04/09/20		C	FOR DA	JD	AC	11/09/20		D	S 4.55 SUBMISSION	PB	AC	28/07/21		E	ISSUED FOR INFORMATION	KL	PB	10/02/22		F	ISSUED FOR INFORMATION	KL	TB	31/05/22		G	S 4.55 SUBMISSION	AN	TB	19/12/22		<p>KEY PLAN</p> <p>NOTES: KOICHI TAKADA ARCHITECTS (KTA) RETAIN ALL COMMON LAW AND STATUTORY RIGHTS INCLUDING COPYRIGHT © AND INTELLECTUAL PROPERTY RIGHTS TO THIS DOCUMENT. THIS DOCUMENT MUST NOT BE EDITED, PARTIALLY EXTRACTED, REPRODUCED OR DISTRIBUTED IN ANY MANNER WITHOUT KTA'S EXPRESS WRITTEN CONSENT AND UNDER NO CIRCUMSTANCES SHALL THE TRANSFER OF THIS DOCUMENT BE DEEMED A SALE OR CONSTITUTE A TRANSFER OF ANY LICENSE TO USE THE DOCUMENT WITHOUT KTA'S KNOWLEDGE OR CONSENT. THIS DOCUMENT IS THE ONLY OFFICIAL VERSION OF THIS DOCUMENT AND IS STRICTLY SUBJECT TO COPYRIGHT ©. THE CONTENT AND ACCURACY OF THE DOCUMENT IS STRICTLY LIMITED TO THAT DEPICTED IN THE QA CONTROLLED PDF. DO NOT MEASURE FROM THE ELECTRONIC OR HARD COPY VERSIONS OF THIS DOCUMENT. VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING SHOP DRAWINGS, FABRICATION, CONSTRUCTION OR INSTALLATION.</p>	<p>CLIENT</p> <p>ASPIRE LEVEL 36, GATEWAY BUILDING, 1 MACQUARIE PL, SYDNEY, 2000</p>	<p>ARCHITECT</p> <p>SUITE 41 & 42, LEVEL 4 61 MARLBOROUGH ST SURRY HILLS, NSW 2010 T 02 9698 8510 ABN 63 131 365 898 NOMINATED ARCHITECT: KOICHI TAKADA NSW ARCHITECTS 6901 VIC ARCHITECTS 16179 QLD ARCHITECTS 5590 KOICHIKAKADA.COM</p>	<p>QA STAMP</p> <p>Koichi Takada Architects QA CONTROLLED DOCUMENT © This document is a QA Quality reviewed design document. This document is strictly valid to the project and not for reuse, resale, or otherwise, regardless of distribution, without written approval from the relevant project.</p>	<p>PROJECT</p> <p>YUGEN 12 BURGE ST. VAUCLUSE, NSW 2030</p>	<p>DWG TITLE</p> <p>LANDSCAPE DIAGRAMS</p>
NO.	REVISION	BY	CHK	DATE	REVISION NOTES:																																																	
A	FOR CONSULTANT REVIEW	JD	AC	28/08/20																																																		
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	<p>SCALE</p> <p>1:200@A1, 1:400@A3</p>	<p>DATE</p> <p>19/12/22</p>																																																				

9-11 YOUNG STREET

10 BURGE STREET

6 BURGE STREET

4 BURGE STREET

7 YOUNG STREET

5 YOUNG STREET

3 YOUNG STREET

1 YOUNG STREET

BURGE STREET

SOUTH HEAD CEMETERY

TOP OF PARAPET
(RL 81.00m)
MECHANICAL EQUIPMENT ON ROOF
(TOP RL 81.10)
TOP OF SCREEN
(RL 81.10m)

12.5M HEIGHT PLANE



S. 4.55 - SCHEDULE OF CHANGES DUE TO STRUCTURE & SERVICES COORDINATION

- 1. LIFT OVERRUN SLAB LEVEL ADJUSTED DUE TO COORDINATION WITH SERVICES AND STRUCTURE.
- 2. FIRE BOOSTER RELOCATED.

NO.	REVISION	BY	CHK	DATE	REVISION NOTES:
A	FOR CLIENT REVIEW	JD	GW	04/08/20	
B	FOR CONSULTANT REVIEW	JD	AC	26/09/20	
C	FOR DA	JD	AC	04/09/20	
D	FOR DA	JD	AC	11/09/20	
E	FOR COUNCIL RFI	JD	AC	12/11/20	
F	FOR DA RE-SUBMISSION	JD	AC	21/01/21	
G	S.4.55 SUBMISSION	PB	AC	28/07/21	
H	S.4.55 AMENDED SUBMISSION	PB	PB	11/11/21	
I	S.4.55 SUBMISSION	AN	TB	18/12/22	

KEY PLAN	NOTES
REVISION ON HOLD	NOTES: KOICHI TAKADA ARCHITECTS (KTA) RETAIN ALL COMMON LAW AND STATUTORY RIGHTS INCLUDING COPYRIGHT © AND INTELLECTUAL PROPERTY RIGHTS TO THIS DOCUMENT. THIS DOCUMENT MUST NOT BE EDITED, PARTIALLY EXTRACTED, REPRODUCED OR DISTRIBUTED IN ANY MANNER WITHOUT KTA'S EXPRESS WRITTEN CONSENT AND UNDER NO CIRCUMSTANCES SHALL THE TRANSFER OF THIS DOCUMENT BE DEEMED A SALE OR CONSTITUTE A TRANSFER OF ANY LICENSE TO USE THE DOCUMENT WITHOUT KTA'S KNOWLEDGE OR CONSENT. THE PDF DOCUMENT STAMPED BY KTA AS A 'QA CONTROLLED DOCUMENT' IS THE ONLY OFFICIAL VERSION OF THIS DOCUMENT AND IS STRICTLY SUBJECT TO COPYRIGHT ©. THE CONTENT AND ACCURACY OF THE DOCUMENT IS STRICTLY LIMITED TO THAT DEPICTED IN THE QA CONTROLLED PDF. DO NOT MEASURE FROM THE ELECTRONIC OR HARD COPY VERSIONS OF THIS DOCUMENT. VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING SHOP DRAWINGS, FABRICATION, CONSTRUCTION OR INSTALLATION.

CLIENT	ARCHITECT
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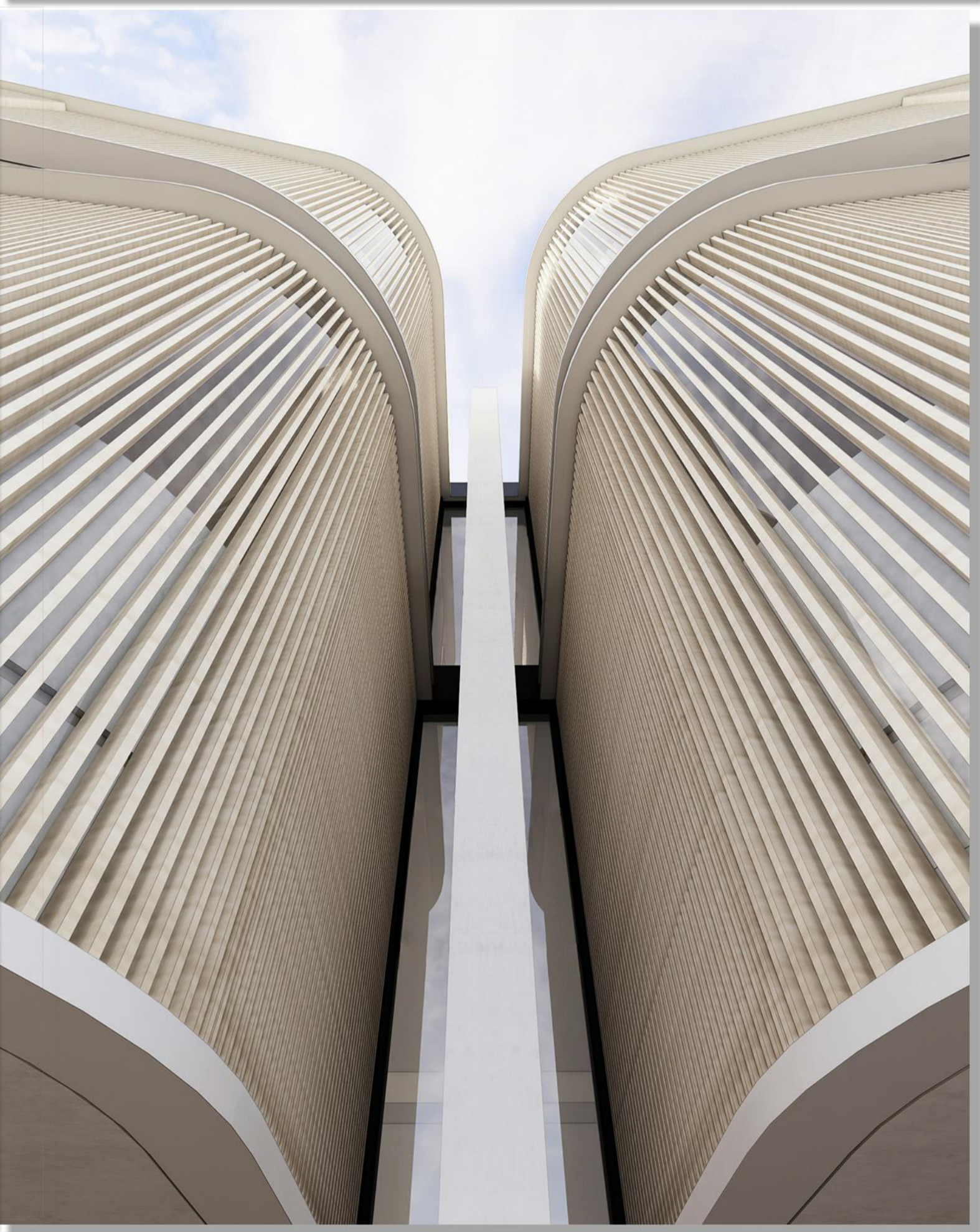
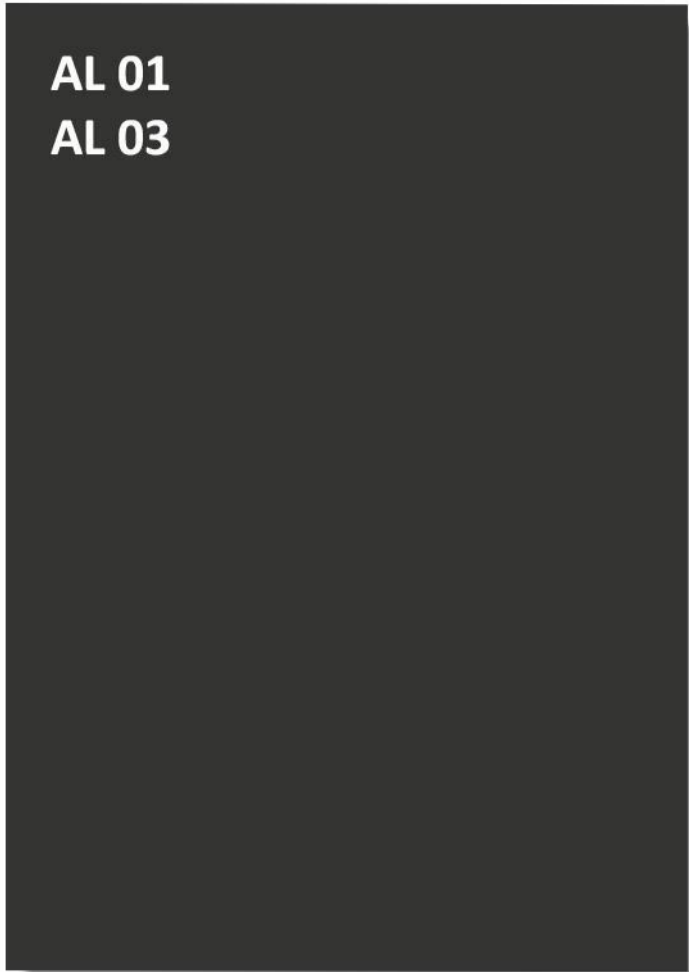
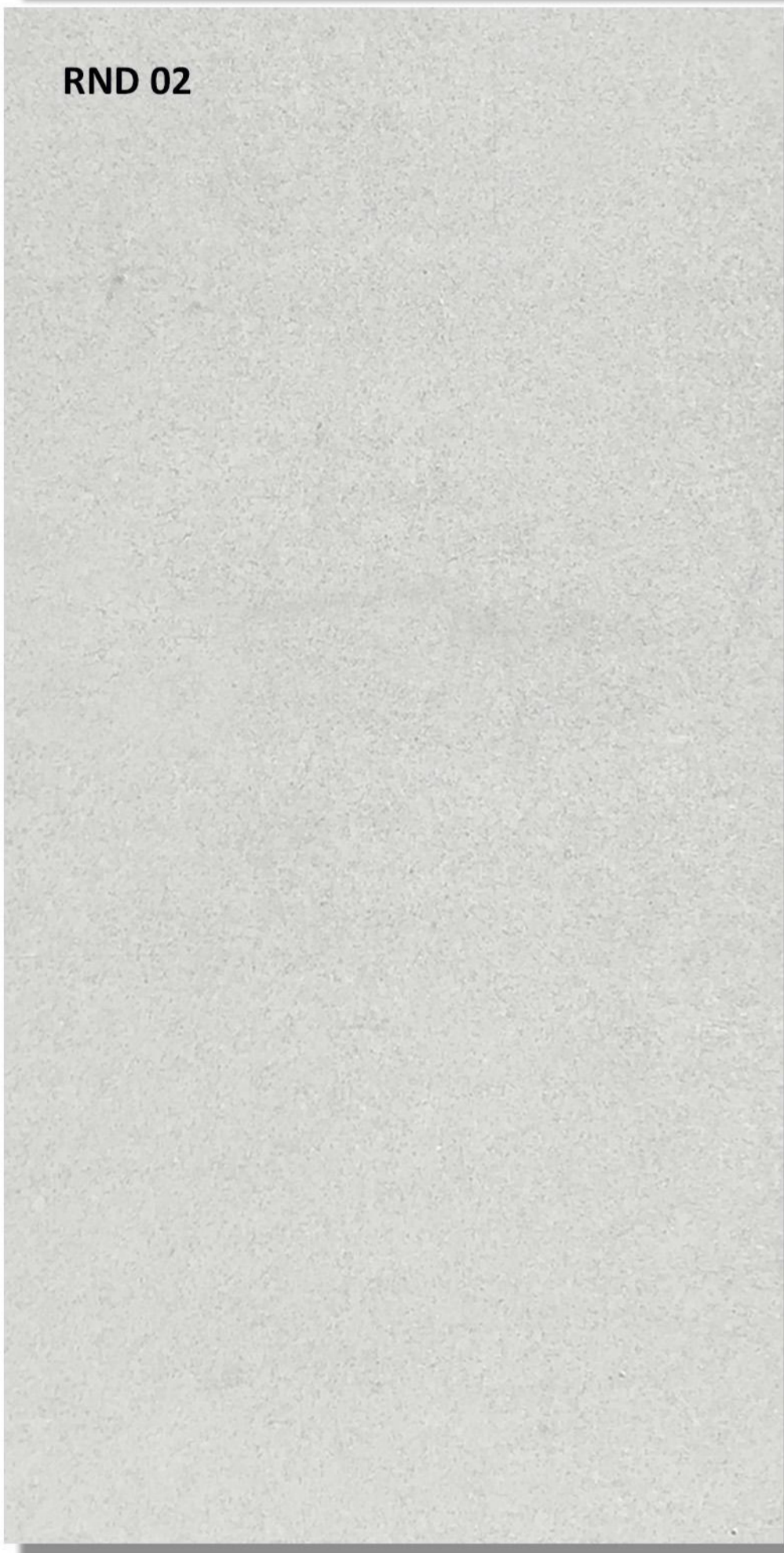
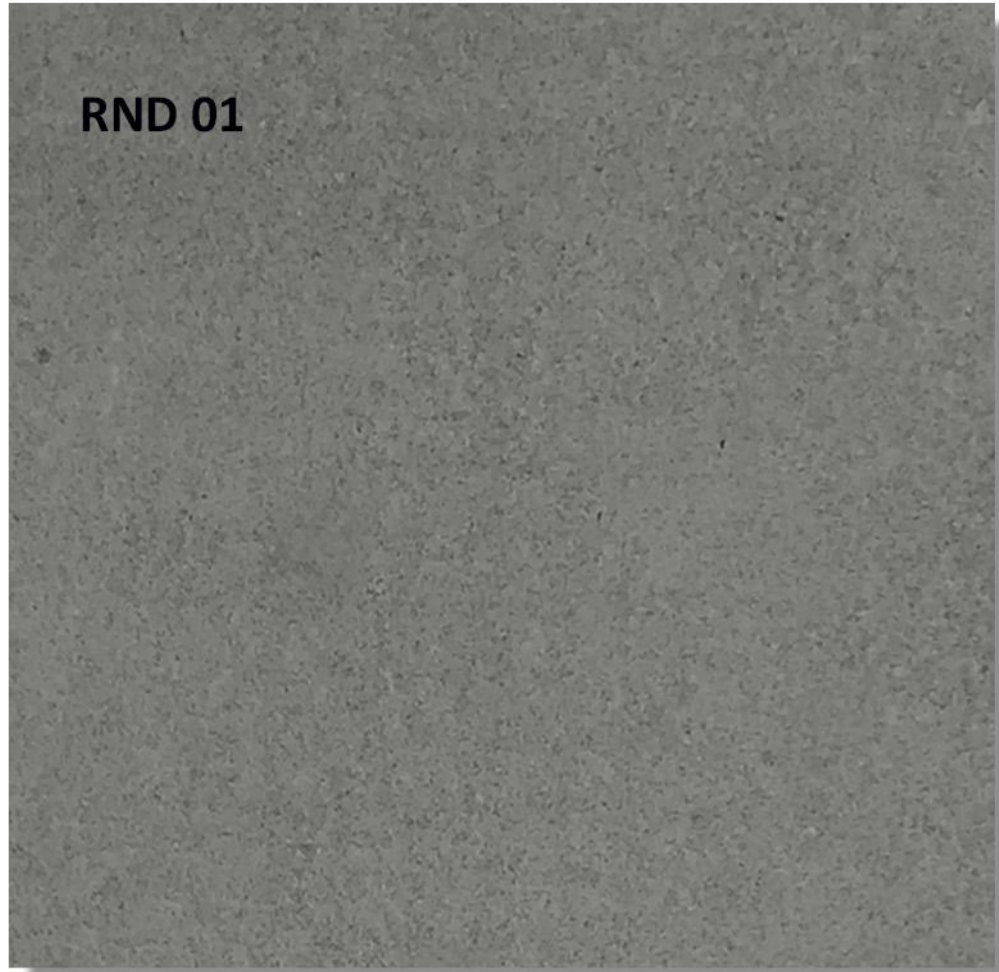
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PROJECT	DWG TITLE
YUGEN 12 BURGE ST, VAUCLUSE, NSW 2030	HEIGHT PLANE DIAGRAM

DWG NO.	REVISION
A0457	1

SCALE	DATE
NOT TO SCALE	19/12/22



[*Vaucluse*]

LEGEND

AL 01	DARK COLOUR ALUMINIUM BATTEN	RND 01	DARK CONCRETE LOOK FINISH
AL 02	OPERABLE TIMBER LOOK ALUMINIUM SCREEN	RND 02	WHITE CONCRETE LOOK FINISH
AL 03	DARK COLOUR ALUMINIUM	STN 01	SANDSTONE
GL 01	CLEAR GLASS		
GL 02	GLASS BALUSTRADE		

NO.	REVISION	BY	CHK	DATE
A	FOR CONSULTANT REVIEW	JD	AC	28/08/20
B	FOR DA	JD	AC	04/09/20
C	FOR DA	JD	AC	11/09/20
D	S.A.S.S SUBMISSION	PB	AC	28/07/21

REVISION NOTES:

KEY PLAN
CLOUD LEGEND
REVISION
ON HOLD

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PROJECT
12 BURGE STREET
VAUCLUSE, NSW 2030
STATUS
TENDER

DWG TITLE	REVISION
MATERIALS SAMPLE BOARD	D
DWG NO. A0500	DATE 28/07/21
SCALE	



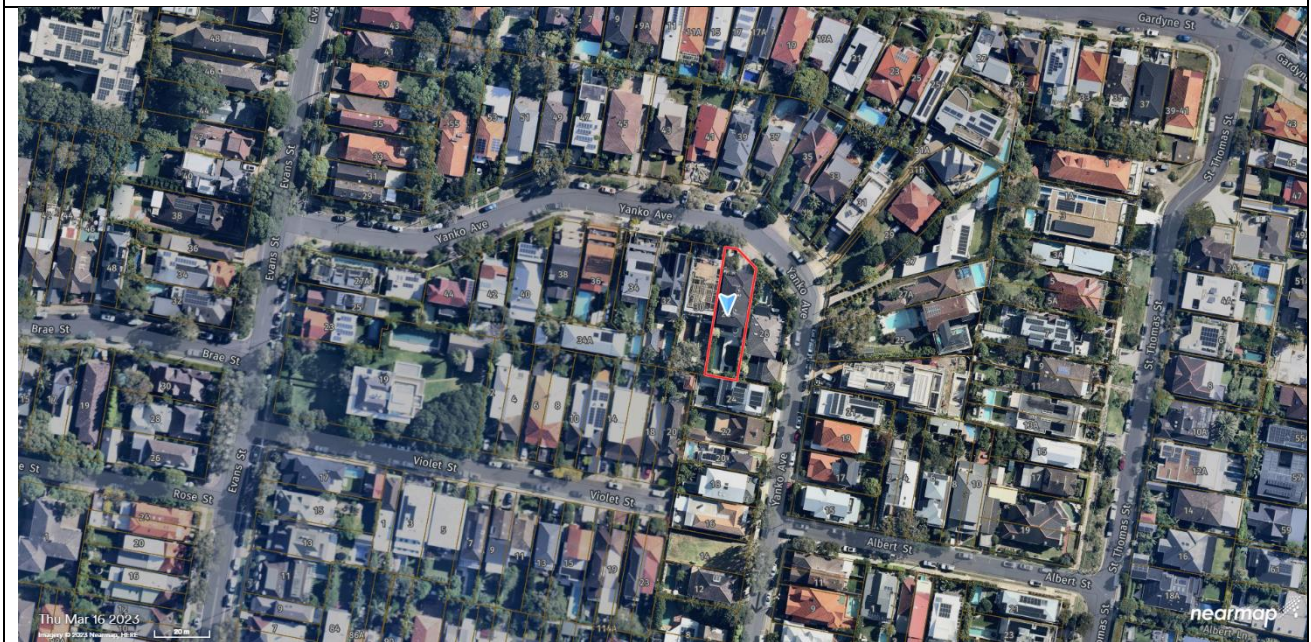
Low Density Residential Development



Report to the Waverley Local Planning Panel

Application number	DA-519/2022
Site address	28 Yanko Avenue., Bronte
Proposal	Alterations and additions to dwelling including new front balcony and spa pool at rear
Date of lodgement	5 December 2022
Owner	Mrs L F Perrin
Applicant	Minto Planning Services
Submissions	One submission
Cost of works	\$ 345,400.00
Principal Issues	<ul style="list-style-type: none"> • Floor space ratio exceedance; • Bulk and scale.
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for alterations and additions to the dwelling, including a new front entry, first floor balcony over entry and spa in the rear yard, at the site known as 28 Yanko Avenue, Bronte.

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

- Floor space ratio exceedance; and
- Bulk and scale.

The assessment finds these issues acceptable because the proposal would maintain the existing envelope of the dwelling, with the additional floor space largely contained at basement level, except for a small extension at the front entry to the dwelling. The proposal would not give rise to unacceptable shadowing impacts and the amended plans reduced the visual bulk and scale of the proposal, including an increased front setback to minimise bulk and scale impacts. Accordingly, the environmental amenity of neighbouring properties is maintained.

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

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

1.2. Site and Surrounding Locality

A site visit was carried out on 16 January 2023.

The site is identified as Lot 1 in DP 925031, known as 28 Yanko Avenue, Bronte.

The site is irregular in shape with a frontage to Yanko Avenue measuring 14m. It has an area of 552.3m² and falls west to east by approximately 1.33m.

The site is occupied by a two and three storey dwelling house with vehicular access provided from Yanko Avenue.

The site is adjoined by a two-storey dwelling house to the south and a two and three-storey dwelling house to the west that is currently under construction. The locality is characterised by a variety of low-density residential development.

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



Figure 1: Subject site frontage facing south, neighbouring dwelling under construction west



Figure 2: Subject site frontage facing south



Figure 3: No. 30 Yanko Street currently under construction, facing south

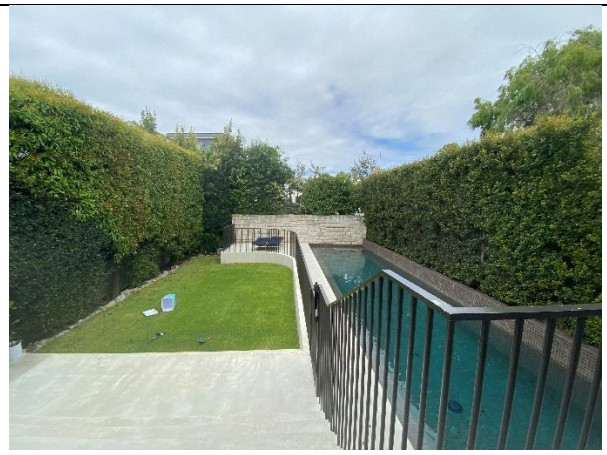


Figure 4: Rear yard of subject site, facing south



Figure 5: Proposed balcony location to replace existing planter, facing west



Figure 6: Views from existing first floor north/east facing wrap balcony, facing east

1.3. Relevant Development History

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

- L-735/1999, Addition of a second storey to an existing dwelling was approved on 24 March 2000.
- CCB-575/2003, Alterations and additions including additional storey balcony and garage was approved on 14 November 2003.
- DA-735/1999/A, Modification to vary the floor to ceiling heights of the dwelling house under construction was approved on 11 February 2004.
- CCB-141/2004, Alterations and additions to vary the floor to ceiling heights, within the alterations and additions to the dwelling house, under construction was approved on 16 March 2004.
- DA-470/2005, Alterations and additions including new swimming pool was approved on 12 October 2005.
- CCB-42/2006, Alterations and additions including new swimming pool was approved on 3 February 2006.
- DA-746/2006, Alterations and additions including lawn locker, 1.8m high paling fence and water tank was approved on 17 April 2007.
- CCB-103/2011, Alterations and additions including lawn locker, 1.8m high paling fence and water tank was approved on 23 March 2011.

1.4. Proposal

The development application seeks consent for alterations and additions to the dwelling house, including:

- Basement level:
 - New internal access from the ground floor level;
 - New storage room;
 - New garbage store;
 - Reconfiguration of the existing wine cellar;
- Ground floor level:
 - Internal reconfiguration, including raised flooring of formal dining area;
 - New entry foyer with dome skylight over entry;
 - Raise garden level at the rear and reinstate turf;
 - New pool fence;
 - New spa in south eastern corner of rear yard;
- First floor level.
 - New bathroom;
 - New front balcony over ground floor level entry.

1.5. Background

The development application was lodged on 5 December 2022 and deferred on 20 February 2023 for the following reasons:

1. *The proposal is non-compliant with Council's Floor Space Ratio (FSR) development standard under the Waverley Local Environmental Plan 2012 (WLEP 2012)...the proposal results in additional overshadowing to the adjoining property at No. 30 Yanko Avenue and therefore does not preserve the environmental amenity of the neighbouring property.
The extension to the entry foyer is to be removed as it casts additional shadows, presents with excessive bulk and scale to the northern frontage and detracts from the general streetscape.
...the Clause 4.6 has not fully demonstrated that all views are preserved from the adjoining property... a View Analysis Assessment (VAA) is to be prepared...with reference to the Tenacity Consulting v Warringah Council four-step assessment process on view sharing from adjoining properties. This is to be included in an amended Clause 4.6 - Variation to FSR...*
2. *An amended Clause 4.6 is required to reflect the requested amendments.*
3. *The proposed planter and front balcony are to be reduced to comply with Section 2.2 Setbacks and 2.5 Visual and acoustic privacy of the Waverley Development Control Plan 2012 (WDCP 2012).*
4. *The proposed fence is to be amended to a maximum height of 1.2m in accordance with Section 2.4 Fences of the WDCP 2012.*

On 16 March 2023, Council received amended plans in response to the deferral letter, including the following amendments to the proposal:

- *Ground floor plan remains as per the original application;*
- *First floor full height balcony / planter walls reduced in depth to address "bulk and scale";*
- *Balcony area and depth reduced by approx. 1m, refer to line work and notes;*
- *Planter completely removed and replaced with concrete roof to maintain skylight over entry;*
- *Concrete / Glass awning over entry to reduce "bulk and scale":*
 - *Refer to 3d views from street;*
 - *This option reduced the extent of overshadowing such that the extent of overshadowing is limited to a section of blank wall along the neighbours side boundary at ground level. There is no impact upon the existing window;*
- *Front fence modified to include a solid masonry base with open metal palisade panels above.*

On 29 March 2023, following review of the amended plans, Council advised the applicant that the application would remain deferred until resolution of the following matters:

Bulk and scale of front entry and shadow diagrams

The amended plans provide a minimal increased setback of the front entry and the first floor element/awning and skylight over the entry still presents as excessive in terms of bulk and scale.

The amended shadow and elevational diagrams do not include the envelope of the approved DA at 30 Yanko Ave, Bronte (DA-328/2020) and therefore the positioning and proportions of windows is not accurate. The full extent of the shadowing impact to the No. 30 Yanko Avenue remains unresolved.

...the lines to indicate the shadow profile, ie. Proposed shadow (Blue-DA) and new proposed shadow (Green-Post DA) are not clear. Please clarify whether the correct shadow line taking account of the amendments is the green line?

Plans are to be amended as follows:

- a) Reconsider the front awning/skylight and further reduce this element. The additional floor space in this part of the dwelling, which adds to the FSR exceedance, is not justifiable;*
- b) Shadow diagrams are to be amended to include the approved envelope (to scale) of DA-328/2020, including the east elevation windows. This detail is required as an elevation plan, rather than a sun-eye/oblique image;*
- c) Clarify the shadow profile lines so that the full extent of the impact is clear and demonstrate what is existing and proposed;*
- d) Remove or clarify the labels on plans and only include reference to the current proposal.*

Further amended plans were received on 14 April 2023 and accepted by Council. These amended plans form the basis of the assessment.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

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

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

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposed development is not inconsistent with the aims of the Waverley LEP 2012.
Part 2 Permitted or prohibited development		
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.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	N/A	The existing dwelling has a maximum height of 9.4m at the rear. However, the proposal does not seek to amend the height of the dwelling. The proposed works extend to a maximum height of 5.1m, measured from existing ground level to the top of the balcony balustrade (excluding the proposed privacy screen).
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> 0.5:1 (276.15m²) 	No	The proposal has a maximum gross floor area of 346m ² and a floor space ratio (FSR) of 0.626:1.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the floor space ratio development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site is identified as comprising 'class 5' acid sulfate soils. No excavation is proposed for the subject site that would be likely to disturb acid sulfate soils.

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 0.5:1. The proposed development has a FSR of 0.626:1, exceeding the standard by 69.85m² equating to a 25.29% variation. It is noted that the existing dwelling exceeds the FSR development standard by 22.85m² equating to an 8.27% variation.

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

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) *The proposed development which results in a non-compliance with the floor space ratio controls will preserve the environmental amenity of the neighbouring properties and public spaces.*
 - (ii) *The privacy currently enjoyed by the adjoining properties is preserved.*
 - (iii) *The proposal also ensures the preservation of existing views from the adjoining properties.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) *The proposal does not result in any additional overshadowing of private open space or windows on the winter solstice of the adjoining properties. The existing solar access enjoyed by the adjoining properties is preserved.*
 - (ii) *The proposal also ensures the preservation of existing views from the adjoining properties.*
 - (iii) *It is considered that a contravention of the development standard is justified on environmental planning grounds given that the exceedance of the maximum FSR permitted under the WLEP 2012 does not result in any detrimental impacts on adjoining properties or the locality and ensures the preservation of existing environmental amenity of the adjoining properties.*
 - (iv) *The majority of the additional floor space area is contained within the basement level of the existing dwelling and will not result in an increase in the height, bulk and scale of the existing building.*

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 additional floor space that is sought under the application is predominantly at the existing basement level (35m²) and an additional 12m² at ground floor level as a result of the reconfigured front entry and new access to the basement level. With the exception of the extension to the front entry and conversion of the existing first floor level planter to a small north facing balcony, the envelope of the building remains unchanged.

The applicant provided additional shadow diagrams, including elevation, sun-eye, and plan form diagrams, which demonstrate that the proposal would not give rise to shadowing of habitable windows on the eastern elevation of No. 30 Yanko Avenue.

The amended plans include an increased front setback of the new entry porch and first floor balcony to reduce the bulk and scale of the entry and avoid shadowing impacts on the eastern elevations of No. 30 Yanko Avenue. **Figures 7 to 10** show the amended front setback at ground and first floor levels compared to the originally submitted application. The amended proposal includes the correct location of windows.

The neighbouring property to the west (No. 30 Yanko Avenue), has a front setback of 5.83m and the subject site to the east, proposes a front setback of 7.36m, measured from the new entry porch to the front boundary (at its shortest distance). As indicated, the subject site provides a greater front setback, which is appropriate given the irregularly shaped corner allotment. The first floor level balcony has been significantly reduced in area, and the planter removed to reduce bulk and scale and to ensure solar access and outlook/views are maintained. It also demonstrates that the increased front setback and reduction in scale of the front entry, provides a better built form outcome and reduces the impacts of bulk and scale on the adjoining property to the west.

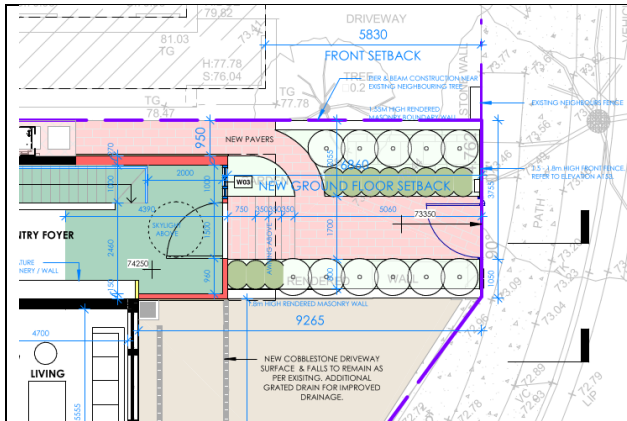


Figure 7: Original proposal, ground floor level

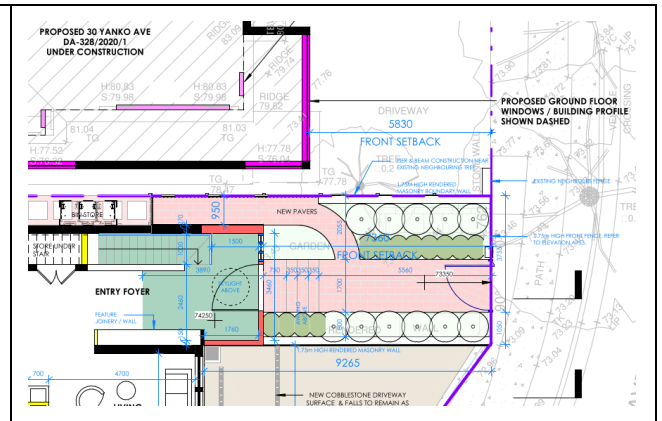


Figure 8: Amended proposal, ground floor level

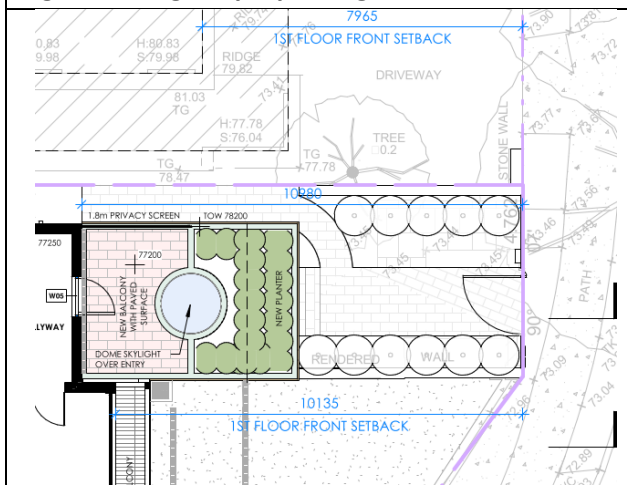


Figure 9: Original proposal, first floor level

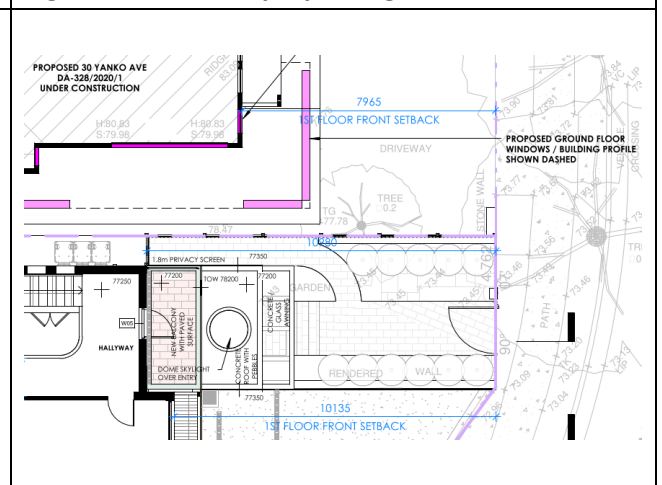


Figure 10: Amended proposal, first floor level

Council's Deferral letter (20 February 2023) requested a View Impact Assessment for consideration as to the extent of potential view loss and consideration of view sharing principles. The applicant considered view impacts in the Clause 4.6 Written Request, noting that the outlook from the ground floor window is currently obscured by existing vegetation and attempts have been made to undertake a view assessment from the subject window however due to the current construction works being undertaken at No. 30 Yanko Avenue, access has not been available. Notwithstanding, the Clause 4.6 Written Request concludes that the proposal ensures preservation of existing views from adjoining properties.

In light of the above, Council considers the likelihood of views toward the east being impacted as a result of the proposal to be unlikely. **Figure 11** shows the location of east elevation windows at ground floor and first floor levels on the under construction adjoining property. The adjoining property is situated higher than the subject site, with the site falling approximately 1m west to east at its frontage. Despite its higher position, the adjoining property does not currently enjoy views from the ground floor level windows and as shown in **Figure 11**, the first floor level windows sit mostly outside the envelope of the existing roof of the subject site, which is not being altered under the application. In addition, the sill height of the proposed first floor windows pictured below, is approximately 2.7m higher than the finished floor level of the proposed balcony on the subject site. Accordingly, any views obtained eastward are unlikely to be impacted by the proposed extension to the front entry, awning and balcony works.

Accordingly, it has been adequately demonstrated that the objectives of the development standard are achieved, notwithstanding the non-compliance.

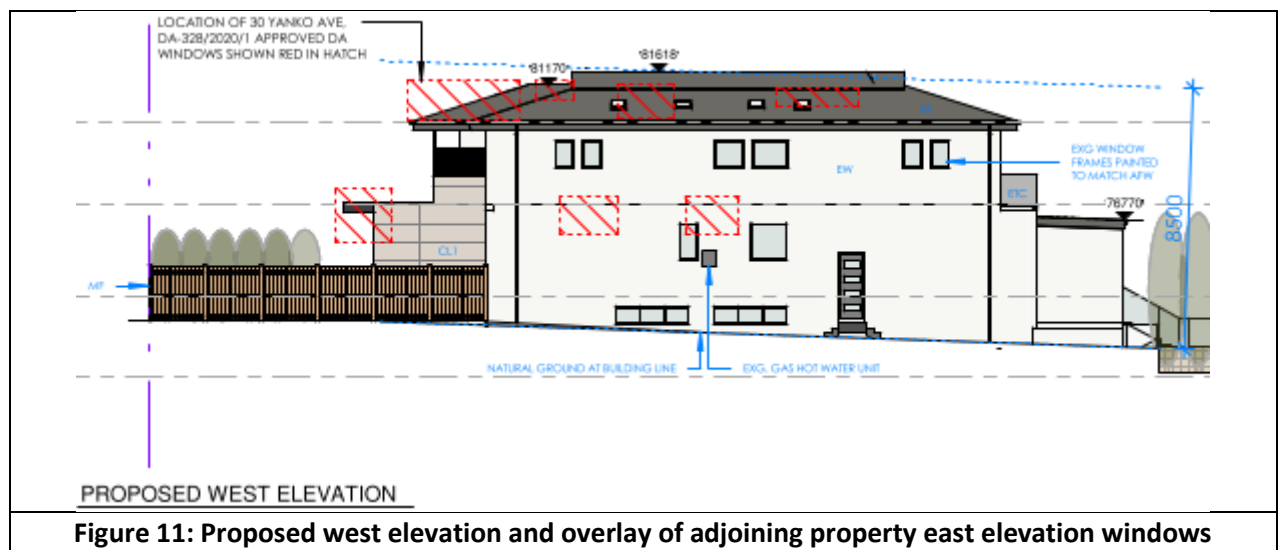


Figure 11: Proposed west elevation and overlay of adjoining property east elevation windows

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. As detailed above, the proposal would not result in additional overshadowing of private open space or the east elevation windows of No. 30 Yanko Avenue and views would be maintained. The majority of the additional floor space is contained within the existing basement and the envelope of the dwelling will be largely maintained. In addition, the amendments to the proposal, including the increased front setback and reduction in bulk and scale of the entry has improved the presentation of the proposal from the streetscape.

Accordingly, sufficient environmental planning grounds to justify contravention of the FSR development standard in this instance.

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 proposal has an appropriate correlation between FSR and building height resulting in a built form that is compatible with the site and in keeping with other development in the locality. The existing surrounding development comprises a mix of housing stock and larger two and three storey modern development. The proposal is mostly contained within the existing building envelope and will not result in unreasonable impacts on adjoining properties.

As set out above, the proposal would not give rise to additional shadowing of private open space, windows or solar collectors. Privacy would be maintained, and any views obtained from adjoining properties would be preserved. Bulk and scale of the proposal has been reduced to ensure compatibility with the existing streetscape context and to address concerns raised in the submission by the neighbouring property to the west.

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 first objective is relevant to the proposal. The proposal is considered to meet this objective as it seeks alterations and additions to the existing dwelling to provide for the needs of the owners, within the low density environment, and largely within the existing envelope of the dwelling.

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 the FSR development standard and the R2 Low Density residential zone.

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	A Site Waste and Recycling Management Plan has been submitted with the application to address waste disposal during construction. A condition of consent is recommended regarding ongoing waste on site. The waste and recycling storage area is located in an area convenient for users of the site.
2. Ecologically Sustainable Development	Yes	The application includes a BASIX certificate setting out the energy efficiency and water conservation targets as required under the SEPP.
3. Landscaping and Biodiversity	Yes	The proposal includes landscaping improvement works in the rear yard including a new pool fence and spa. The works are detailed on the proposed site plan and are satisfactory.
5. Vegetation Preservation	N/A	No trees are proposed to be removed.
6. Stormwater	Yes	Refer to section 3 of this report on referral commentary in relation to stormwater.
8. Transport	Yes	The proposal does not seek to alter the provision of car parking on the site. The driveway is to be resurfaced. Council's Traffic Engineer reviewed the application and recommended conditions of consent.
12. Design Excellence	Yes	The proposal is considered to enhance the front entry of the dwelling and provide for internal improvements for the owners of the dwelling. The proposal is considered to achieve design excellence.
14. Excavation	Yes	The site comprises an existing sub-floor basement level which requires reconfiguration to accommodate new stairs and provide additional storage space. The works are unlikely to impact adjoining properties, given that much of the sub-floor is existing. Conditions of consent are recommended to manage these works.

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"> Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> 	Yes	<p>side of the balcony. Accordingly, the upper floor windows to the eastern elevation of the neighbouring property are situated above the proposed balcony and are not likely to be impacted in terms of privacy.</p> <p>The proposed balcony has a maximum area of 5.15m² and a depth of 1.5m.</p>
2.6 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June Minimum of three hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June. Avoid unreasonably overshadowing of solar collectors (including habitable windows). 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The shadow diagrams demonstrate that the proposal would not reduce sunlight to living areas or open space on the subject site on 21 June.</p> <p>The diagrams also demonstrate that at least 50% of the principal open space areas on adjoining properties would be maintained on 21 June.</p> <p>The proposal would not unreasonably overshadow solar collectors including habitable windows.</p>
2.7 Views		
<ul style="list-style-type: none"> Views from the public domain are to be maintained Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	<p>Yes</p> <p>Yes</p>	<p>There would be no views impacted from the public domain.</p> <p>As set out in section 2.1.2, the amended proposal and increased setback of the front entry would ensure that potential view sharing opportunities from surrounding properties is maintained.</p>
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area (220.92m²) Overall landscaped area: 15% of site area (82.84m²) Minimum area of 25m² for private open space Front open space: 50% of front building setback area 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The proposal does not seek to alter open space on the site. The site comprises approximately 330m² of open space and approximately 107m² of landscaped area.</p> <p>A minimum of 25m² of private open space is provided on the site.</p> <p>At least 50% of the front building setback is open space (approx. 80m²) and approx. 20m² is landscaped area. Given the extent of landscaped</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Front landscaped area: 50% of front open space provided Outdoor clothes drying area to be provided 	<p>Acceptable on merit</p> <p>Yes</p>	<p>area across the site, the shortfall within the front setback is reasonable on balance.</p> <p>The rear yard comprises ample space to accommodate outdoor clothes drying.</p>
2.10 Swimming pools and spa pools		
<ul style="list-style-type: none"> Located in the rear of property Pool decks on side boundaries must consider visual privacy 	<p>Yes</p> <p>Yes</p>	<p>The rear yard comprises an existing swimming pool. The proposed spa is located in the south eastern corner of the rear yard.</p> <p>Changes to the pool deck include new tiles however no changes to levels are proposed. The deck includes planting around the perimeter.</p> <p>A new 1.8m pool fence is proposed.</p> <p>Standard conditions of consent are recommended to manage these works.</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 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 re-notified as the amended form of the proposal represents a lesser impact than that of the original form that was publicly notified, for the following reasons:

- The proposal has been further amended to provide for an additional 500mm setback of the front entry wall from the front boundary. The proposed entry addition is located a further 1.53m from the street boundary than the approved dwelling additions at No. 30 Yanko Avenue.
- The shadow diagrams have been amended to detail the impact of the proposal on the neighbouring dwelling under construction at No. 30 Yanko Avenue. The proposal will not result in unreasonable overshadowing impacts on the adjoining property.

One unique submission was received from No. 30 Yanko Avenue, Bronte.

The following issues raised in the submissions, as based on the original plans submitted with the application, have already been discussed and addressed in the body of this report and/or the Recommendation:

- The proposed FSR variation results in inappropriate bulk and scale and loss of environmental amenity, including privacy and visual bulk. The proposal does not align with the predominant front building line and does not preserve environmental amenity of the adjoining property as required by objective 4.4(1)(d). The proposal will add to the visual bulk of the building and protrudes beyond the upper windows and sunroom of No.30 Yanko Avenue.
- The proposal extends forward of the front building of No. 30 Yanko Avenue and does not follow the staggered pattern of front setbacks for this portion of Yanko Avenue, as the road curves around the corner.
- Height of the entry foyer and privacy screen will impact on the outlook from the front sunroom creating a sense of enclosure.
- The proposed new balcony is located in close proximity to bedroom windows and the sunroom of the adjoining property. Whilst a privacy screen has been included, this structure will add additional visual bulk to the eastern elevation.
- The front fence does not comply with the maximum height for front fences and should be redesigned to be more sympathetic to the nearby heritage items and streetscape.
- Acoustic impacts from spa and request for noise attenuation.

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

The application was referred to Council's Traffic Engineer. No objections were raised subject to the recommended conditions of consent.

3.2. Stormwater

The application was referred to Council's Stormwater Engineer. No objections were raised subject to the recommended conditions of consent.

3.3. Tree Management

The application was referred to Council's Tree Management Officer. The comments noted there are no trees that will be impacted on as a result of the proposal. Standard conditions of consent in relation to tree protection are recommended.

4. CONCLUSION

The development application seeks consent for alterations and additions to the dwelling, including a new front entry, first floor balcony over entry and spa in the rear yard, at the site known as 28 Yanko Avenue, Bronte.

The principal issues arising from the assessment of the application, include FSR exceedance and bulk and scale. The assessment finds these issues acceptable because the additional floor space is largely contained in the existing basement and with the exception of the small extension to the front entry of the dwelling. The additional floor space would not give rise to unacceptable shadowing of private open space or of habitable windows on the eastern elevation of No. 30 Yanko Avenue. Bulk and scale of the front entry and first floor level balcony above has been reduced, with the removal of the large planter and an increase in the front setback of the proposed works.



While the front fence has been reduced in height compared to the original application, the proposal still exceeds the maximum height for front fences and would impact on the streetscape presentation and uniformity of frontages. A condition of consent is recommended to require the front fence to be reduced to align with neighbouring properties more appropriately.

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

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

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:
	
Alana Jelfs	Angela Rossi
Senior Development Assessment Planner	Manager, Development Assessment
Date: 5 May 2023	Date: 10 May 2023

Reason for WLPP referral:

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

OFFICE USE ONLY

Clause 4.6 register entry required	25.29% variation to FSR (Clause 4.4)
Determining Authority (Concurrence Authority for Clause 4.6 variation)	Council
Affordable Rental Housing Units? *This is a planning portal reporting requirement	No
Secondary Dwelling *This is a planning portal reporting requirement	No
Boarding House *This is a planning portal reporting requirement	No
Group Home *This is a planning portal reporting requirement	No
Trial Period database entry required	No
VPA submitted – follow up actions required	No
Refer to compliance for investigation	No
Commercial/liquor operational conditions	No
Other (please specify):	N/A

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 'Design Develop Manage' of Project No. DDM_2206, including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
A001, Rev 8	Cover Sheet	06/04/2023	14/04/2023
A005, Rev 8	BASIX Compliance - Sheet 1	06/04/2023	14/04/2023
A006, Rev 8	BASIX Compliance - Sheet 2	06/04/2023	14/04/2023
A095, Rev 8	Proposed Site Plan	06/04/2023	14/04/2023
A100, Rev 8	Proposed Basement Floor Plan	06/04/2023	14/04/2023
A101, Rev 8	Proposed Ground Floor Plan	06/04/2023	14/04/2023
A102, Rev 8	Proposed First Floor Plan	06/04/2023	14/04/2023
A103, Rev 8	Outdoor Area Floor Plan	06/04/2023	14/04/2023
A120, Rev 8	Landscape Plan	06/04/2023	14/04/2023
A150, Rev 8	Proposed Elevations	06/04/2023	14/04/2023
A151, Rev 8	Proposed Elevations	06/04/2023	14/04/2023
A153, Rev 8	Front Fence Elevation	06/04/2023	14/04/2023
A200, Rev 8	Sections	06/04/2023	14/04/2023
A201, Rev 8	Sections	06/04/2023	14/04/2023
A202, Rev 8	Sections	06/04/2023	14/04/2023
A152, Rev 8	External Finishes Schedule	06/04/2023	14/04/2023

- (a) BASIX Certificate

- (b) Approved stormwater details and documentation in accordance with condition 16 of this development consent

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) The front fence is to be a maximum height of 1.73m at the eastern end and 1.28m at the western end, in order to align with the neighbouring fence line. In this regard, the fence shall taper with the slope of the land.

The amendments are to be approved by the **Principal Certifying Authority** 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. WORK OUTSIDE PROPERTY BOUNDARY

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

B. COMPLIANCE PRIOR TO ISSUE OF 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 and Assessment Act 1979*;
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*; and
- (c) Council is given at least two days' notice in writing of the intention to commence the building works.

5. HOME BUILDING ACT

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

CONTRIBUTIONS, FEES & BONDS

6. SECTION 7.12 CONTRIBUTION

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

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

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

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

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

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

7. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of **\$ 9,200.00** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

8. LONG SERVICE LEVY

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

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

9. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

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

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

CONSTRUCTION MATTERS

10. HOARDING

To ensure the site is contained during construction, a hoarding is required for the approved works, which is to be designed and constructed in accordance with the requirements of Safe Work NSW. Where the

hoarding is to be erected over the footpath or any public place, the approval of Council's Compliance Unit must be obtained and the applicable fees paid, prior to the erection of the hoarding.

11. EROSION & SEDIMENT CONTROL

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

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

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

12. ENGINEERING DETAILS

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

13. ENGINEERING CERTIFICATE OF ADEQUACY

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

14. DILAPIDATION REPORT

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

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

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

15. STRUCTURAL DOCUMENTATION

- (a) A construction management plan must be submitted to an independent, third party structural engineer and the project geotechnical engineer for approval. The engineers must have relevant experience, have chartered status with the Institute of Engineers Australia and be registered on the National Engineers Register.

Satisfaction of the third party structural engineer and project geotechnical engineer that the construction management plan will provide for the retention of the building and its structural

integrity must be demonstrated to the consent authority prior to the issue of the relevant Construction Certificate.

- (b) The documentation provided by the principal structural engineer as part of the construction certificate should detail the follow:
- i. Design and documentation of the Strengthening and Stability requirements to ensure the existing building is suitable for the intended alteration and additions, and
 - ii. Provide detailed procedure on the methodology and constructability of the proposed work within the existing / approved building envelope, in particular to the excavation works.

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 submitted stormwater management plan prepared by DDM Architect in conjunction with CRD, Job No. DDM_2206, Drawing No. A110, Revision 5, dated 29.11.2022, is considered concept only.

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

- a) The stormwater management plan must specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.
- b) Details of any rainwater tank required by BASIX commitments or as nominated on the architectural plan, including the overflow connection to the approved stormwater drainage system are to be submitted.
- 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. Calculations demonstrating that the proposed stormwater drainage system can cater for the relevant design storm event shall be provided.
- e) Any new downpipes are to be located wholly within the property's boundary.
- f) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.

Notes:

- The checklist as set out on pages 68-76 on Council's Water Management Technical Manual (Oct 2021) available online shall be completed and submitted with any revision of Construction Certificate Plan Submission.
- Since a sewer main runs through the property, plans must also be presented to a Sydney Water Tap in™ for their approval.
- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated.
- Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.

ENERGY EFFICIENCY & SUSTAINABILITY

17. BASIX

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

WASTE

18. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A Site Waste and Recycling Management Plan (SWRMP) – Part 1 & 2 is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the *SWRMP Part 2* is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

TRAFFIC MANAGEMENT

19. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

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

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

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.

DEMOLITION & EXCAVATION

21. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

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

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

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

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

22. CONTROL OF DUST ON CONSTRUCTION SITES

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

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

CONSTRUCTION MATTERS

23. CONSTRUCTION HOURS

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

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

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

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

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

25. CONSTRUCTION INSPECTIONS

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

26. CERTIFICATE OF SURVEY - LEVELS

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

27. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

TREE PROTECTION AND REMOVAL

28. 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.

29. STREET TREES TO BE RETAINED/TREE PROTECTION

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

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

D. PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

30. FINAL OCCUPATION CERTIFICATE

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

The Principal Certifying Authority must be satisfied that the requirements of the *Environmental Planning & Assessment Act 1979* have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.

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 NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE SYSTEM

Prior to issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practising Engineer or Plumber, that any new stormwater drainage system has been constructed in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice. Similarly any retained stormwater drainage system is unblocked, in good working order and to be repaired/replaced to best practice. A copy of the certification must be submitted to Council.

33. 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.

E. ADVISORY MATTERS

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

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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

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

AD2. SYDNEY WATER REQUIREMENTS

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

Contact Sydney Water for more information.

AD3. DIAL BEFORE YOU DIG

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

AD4. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

AD5. ALTERATIONS AND ADDITIONS ONLY

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

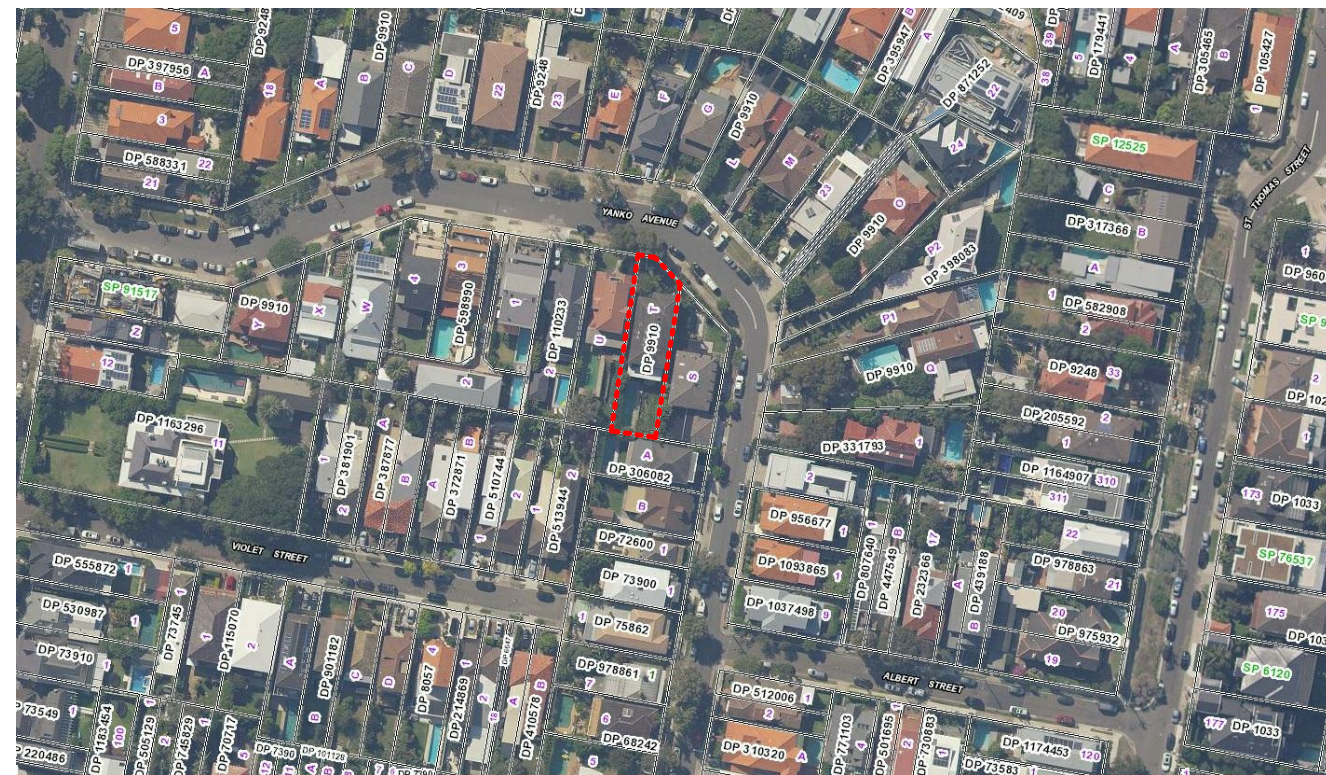
AD6. TREE REMOVAL/PRESERVATION

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.

RECEIVED
Waverley Council

Application No: DA-519/2022

Date Received: 14/04/2023



1 LOCATION PLAN
1 : 2000

**ALTERATIONS & ADDITIONS TO AN EXISTING TWO STOREY DWELLING
28 YANKO AVE, BRONTE NSW 2024 (LOT T / DP9910)**

NUMBER	SHEET NAME	REV
A001	COVER SHEET	8
A005	BASIX COMPLIANCE - SHEET 1	8
A006	BASIX COMPLIANCE - SHEET 2	8
A010	EXISTING SITE PLAN	8
A011	EXISTING BASEMENT FLOOR PLAN	8
A012	EXISTING GROUND FLOOR PLAN	8
A013	EXISTING FIRST FLOOR PLAN	8
A015	EXISTING ELEVATIONS	8
A016	EXISTING ELEVATIONS	8
A095	PROPOSED SITE PLAN	8
A100	PROPOSED BASEMENT FLOOR PLAN	8
A101	PROPOSED GROUND FLOOR PLAN	8
A102	PROPOSED FIRST FLOOR PLAN	8
A103	OUTDOOR AREA FLOOR PLAN	8
A120	LANDSCAPE PLAN	8
A150	PROPOSED ELEVATIONS	8
A151	PROPOSED ELEVATIONS	8
A152	EXTERNAL FINISHES SCHEDULE	8
A153	FRONT FENCE ELEVATION	8
A200	SECTIONS	8
A201	SECTIONS	8
A202	SECTIONS	8
A400	AREA CALCULATIONS	8
A900	SHADOW PLANS - JUNE 21 - 9AM	8
A901	SHADOW PLANS - JUNE 21 - 12PM	8
A902	SHADOW PLANS - JUNE 21 - 3PM	8
A903	3D ELEVATIONAL SHADOW ANALYSIS	8
A904	SHADOW ELEVATION PLAN - PROPOSED NO.30 YANKO AVE	8
A950	DEMOLITION PLANS	8

Grand total: 29

AMENDED PLANS

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The Builder / Contractor shall verify all dimensions on the job before preparing shop drawings or commencing work.

All materials are to be used in accordance with manufacturer's specifications and instructions, and to comply with relevant regulations, BCA & Australian Standards.

DA

ALTERATIONS & ADDITIONS

28 YANKO AVE, BRONTE NSW 2024

L & P TEASDALE

Issue	Description	Date
1	REVISED CONCEPT - NEW DA	26.10.2022
2	REVISED CONCEPT - NEW DA	06.11.2022
3	REVISED CONCEPT - NEW DA	08.11.2022
4	ISSUED FOR DA	10.11.2022
5	REVISED PLANS, ISSUED FOR DA	29.11.2022
8	POST DA - RFI RESPONSE	06.04.2023

IN PARTNERSHIP WITH:

CRD

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Drawing Name	COVER SHEET
Scale	1 : 2000
Sheet Size	@ A3

Reg No.	9456	Drawn	MN	Chk.	MN
Job No.	DDM_2206	Drawing No.	A001	Revision	8



Architect
Michael Nasiry M.Arch, BArch
Reg No: 9456 (NSW)
Email: michael@ddmco.com.au
Mobile: +61422 340 444

Alterations and Additions

Certificate number: A461936_04

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Alterations and Additions Definitions" dated 06/10/2017 published by the Department. This document is available at www.basix.nsw.gov.au

Secretary
Date of issue: Thursday, 10, November 2022
To be valid, this certificate must be lodged within 3 months of the date of issue.



Description of project

Project address	
Project name	28 Yanko Ave Bronte_04
Street address	28 Yanko Avenue Bronte 2024
Local Government Area	Waverley Council
Plan type and number	Deposited Plan 9910
Lot number	T
Section number	
Project type	
Dwelling type	Separate dwelling house
Type of alteration and addition	My renovation work is valued at \$50,000 or more, and includes a pool (and/or spa).

Certificate Prepared by (please complete before submitting to Council or PCA)
Name / Company Name: DDM Co
ABN (if applicable): 63661662335

Pool and Spa	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Rainwater tank			
The applicant must install a rainwater tank of at least 1104 litres on the site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.	✓	✓	✓
The applicant must configure the rainwater tank to collect rainwater runoff from at least 70 square metres of roof area.		✓	✓
The applicant must connect the rainwater tank to a tap located within 10 metres of the edge of the outdoor spa.		✓	✓
Outdoor spa			
The spa must not have a capacity greater than 2.4 kilolitres.	✓	✓	✓
The spa must have a spa cover.		✓	✓
The applicant must install a spa pump timer.		✓	✓
The applicant must install the following heating system for the outdoor spa that is part of this development: electric heat pump.		✓	✓
Fixtures and systems	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
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	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Insulation requirements			
The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m ² , b) insulation specified is not required for parts of altered construction where insulation already exists.	✓	✓	✓
Construction	Additional insulation required (R-value)	Other specifications	
suspended floor above garage: framed (R0.7).	nil		
floor above existing dwelling or building.	nil		
external wall: other/undecided	R1.70 (including construction)		
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)		
external wall: brick veneer	R1.16 (or R1.70 including construction)		
external wall: concrete block/plasterboard	R1.18 (or R1.70 including construction)		
flat ceiling, pitched roof	ceiling: R2.50 (up), roof: foil/sarking	medium (solar absorptance 0.475 - 0.70)	

Glazing requirements	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check						
Windows and glazed doors									
The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.	✓	✓	✓						
The following requirements must also be satisfied in relation to each window and glazed door:		✓	✓						
Each window or glazed door with improved frames, or pyrolytic low-e glass, or clear/air gap/clear glazing, or toned/air gap/clear glazing must have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions. The description is provided for information only. Alternative systems with complying U-value and SHGC may be substituted.		✓	✓						
For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.	✓	✓	✓						
Pergolas with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.35.		✓	✓						
Pergolas with fixed battens must have battens parallel to the window or glazed door above which they are situated, unless the pergola also shades a perpendicular window. The spacing between battens must not be more than 50 mm.		✓	✓						
Overshadowing buildings or vegetation must be of the height and distance from the centre and the base of the window and glazed door, as specified in the 'overshadowing' column in the table below.	✓	✓	✓						
Windows and glazed doors glazing requirements									
Window / door no.	Orientation	Area of glass inc. frame (m ²)	Overshadowing Height (m)	Overshadowing Distance (m)	Shading device	Frame and glass type			
W1	W	1.44	4.8	1.3	none	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)			
W2	W	1.44	4.8	1.3	none	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)			
W3	N	2.43	2.4	1.28	eave/verandah/pergola/balcony >=900 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)			
W4	W	0.9	4.2	1.8	none	standard aluminium, single pyrolytic low-e,			

RECEIVED
Waverley Council
Application No: DA-519/2022
Date Received: 14/04/2023

AMENDED PLANS

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The Builder / Contractor shall verify all dimensions on the job before preparing shop drawings or commencing work.

All materials are to be used in accordance with manufacturer's specifications and instructions, and to comply with relevant regulations, BCA & Australian Standards.

DA

ALTERATIONS & ADDITIONS
28 YANKO AVE, BRONTE NSW 2024
L & P TEASDALE

Issue	Description	Date
1	REVISED CONCEPT - NEW DA	26.10.2022
2	REVISED CONCEPT - NEW DA	06.11.2022
4	ISSUED FOR DA	10.11.2022
5	REVISED PLANS, ISSUED FOR DA	29.11.2022
8	POST DA - RFI RESPONSE	06.04.2023

IN PARTNERSHIP WITH:



Drawing Name	Reg No.	Drawn	Chk.
BASIX COMPLIANCE - SHEET 1	9456	MN	MN
Scale	Sheet Size	Job No.	Drawing No.
1 : 100	@ A3	DDM_2206	A005

Revision	8
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DESIGN DEVELOP MANAGE
Architect
Michael Nasiry M.Arch, B.Arch
Reg No: 9456 (NSW)
Email: michael@ddmco.com.au
Mobile: +61422 340 444

Glazing requirements						Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Window / door no.	Orientation	Area of glass inc. frame (m2)	Overshadowing		Shading device	Frame and glass type		
			Height (m)	Distance (m)				
						(U-value: 5.7, SHGC: 0.47)		
W5	N	2.5	0	0	eave/verandah/ pergola/balcony >=450 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)		

Skylights						Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
The applicant must install the skylights in accordance with the specifications listed in the table below.						✓	✓	✓
The following requirements must also be satisfied in relation to each skylight:							✓	✓
Each skylight may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below.							✓	✓
Skylights glazing requirements								
Skylight number	Area of glazing inc. frame (m2)	Shading device		Frame and glass type				
S1	1.77	no shading		timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)				
S2	0.56	no shading		timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)				
S3	0.56	no shading		timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)				

Legend
In these commitments, "applicant" means the person carrying out the development.
Commitments identified with a "✓" in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).
Commitments identified with a "✓" in the "Show on CC/CDC plans & specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.
Commitments identified with a "✓" in the "Certifier check" column must be certified by a certifying authority as having been fulfilled, before a final occupation certificate for the development may be issued.

AMENDED PLANS

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ALTERATIONS & ADDITIONS

28 YANKO AVE, BRONTE NSW 2024

L & P TEASDALE

Issue	Description	Date
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8	POST DA - RFI RESPONSE	06.04.2023

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Drawing Name
BASIX COMPLIANCE - SHEET 2

Scale
1 : 100

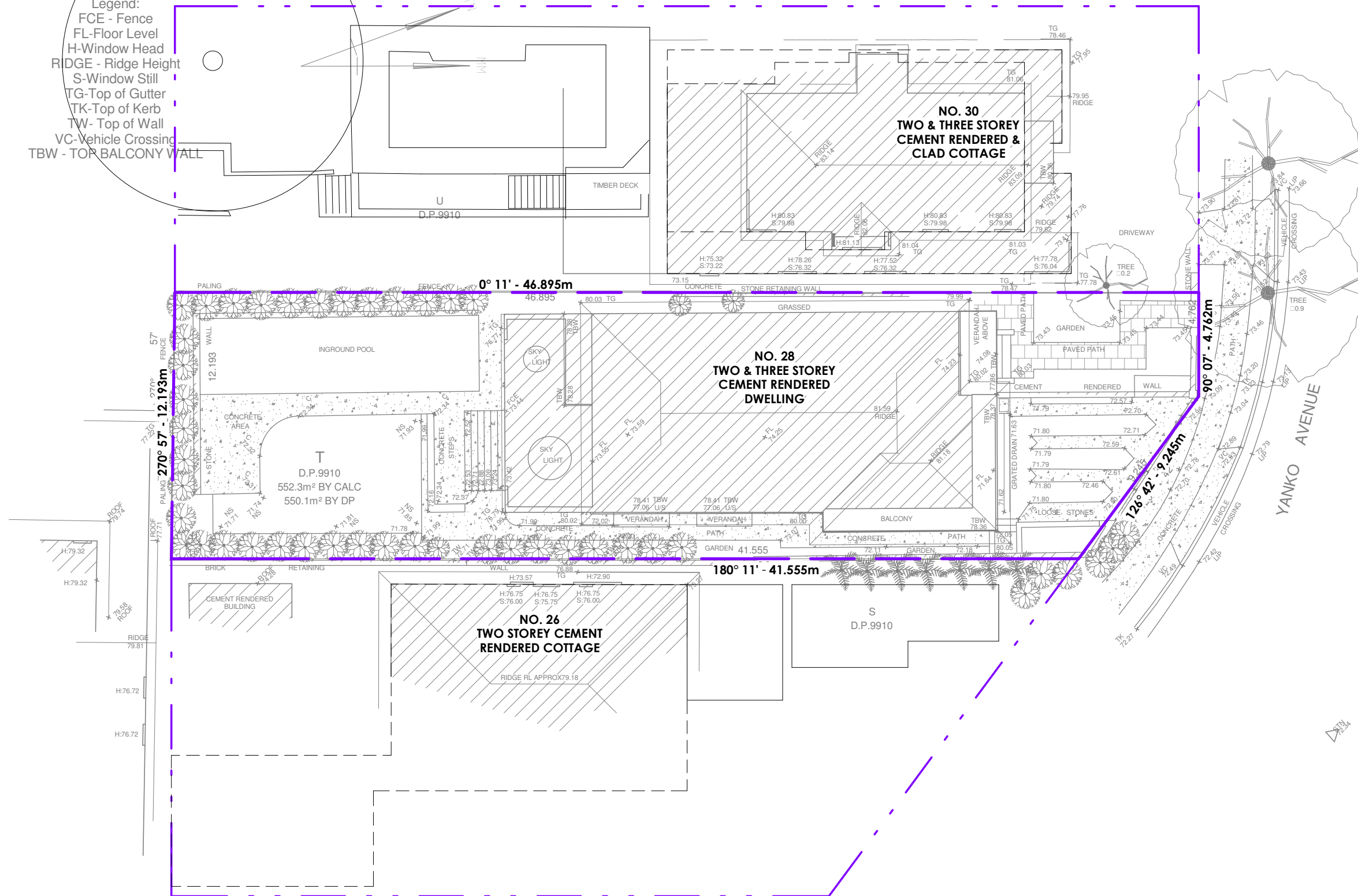
Sheet Size
@ A3

Reg No.	Drawn	Chk.
9456	MN	MN
Job No.	Drawing No.	Revision
DDM_2206	A006	8



Architect
Michael Nasiry M.Arch, BArch
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Legend:
FCE - Fence
FL - Floor Level
H - Window Head
RIDGE - Ridge Height
S - Window Still
TG - Top of Gutter
TK - Top of Kerb
TW - Top of Wall
VC - Vehicle Crossing
TBW - TOP BALCONY WALL



AMENDED PLANS

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ALTERATIONS & ADDITIONS

28 YANKO AVE, BRONTE NSW 2024

L & P TEASDALE

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8	POST DA - RFI RESPONSE	06.04.2023

IN PARTNERSHIP WITH:



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Drawing Name
EXISTING SITE PLAN

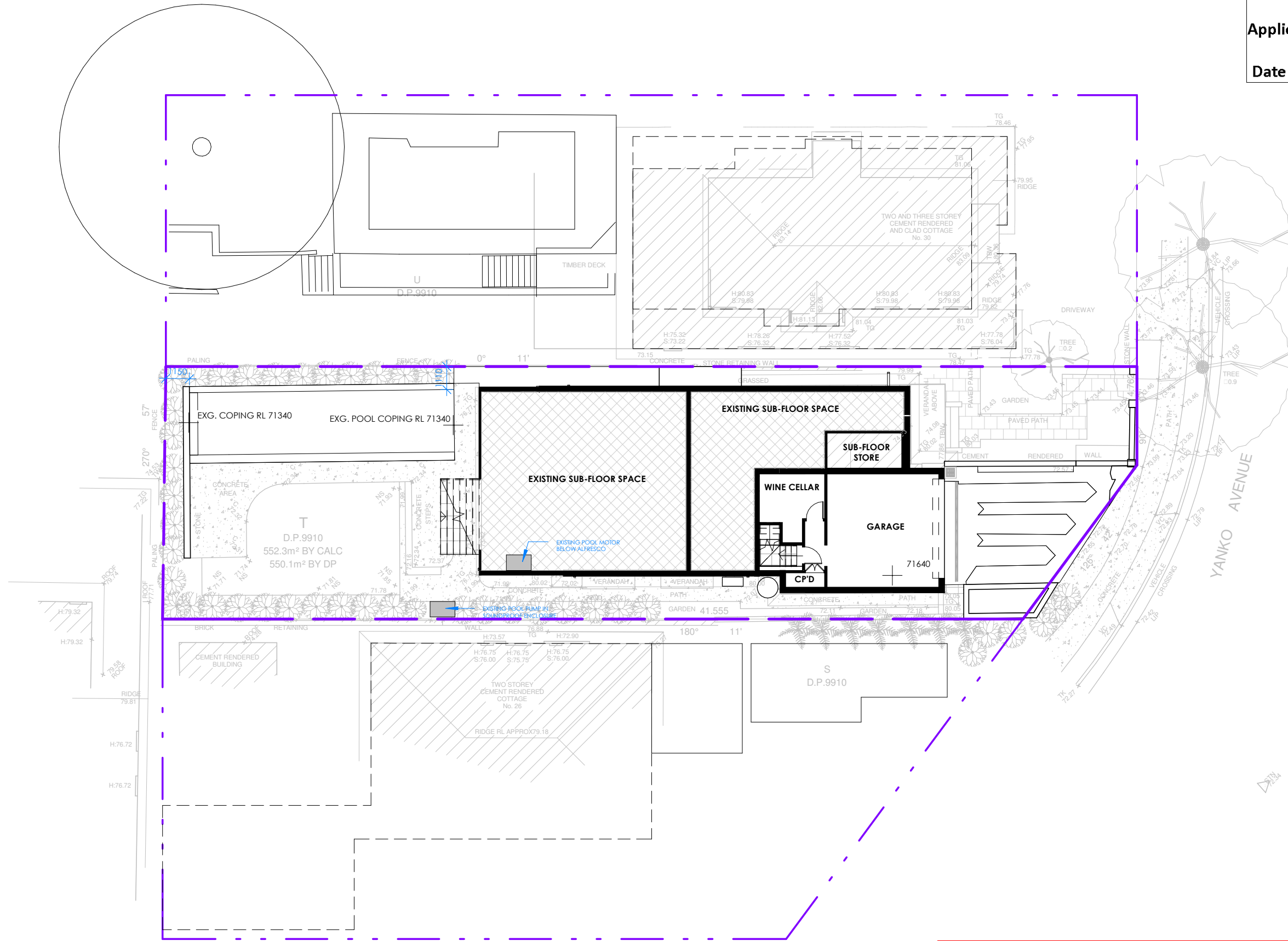
Scale
1 : 200

Sheet Size
@ A3

Reg No.	Drawn	Chk.
9456	MN	MN
Job No.	Drawing No.	Revision
DDM_2206	A010	8



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AMENDED PLANS

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DA

ALTERATIONS & ADDITIONS

28 YANKO AVE, BRONTE NSW 2024

L & P TEASDALE

Issue	Description	Date
1	REVISED CONCEPT - NEW DA	26.10.2022
2	REVISED CONCEPT - NEW DA	06.11.2022
4	ISSUED FOR DA	10.11.2022
5	REVISED PLANS, ISSUED FOR DA	29.11.2022
8	POST DA - RFI RESPONSE	06.04.2023

IN PARTNERSHIP WITH:

CRD

Opened Beautifully



Drawing Name
EXISTING BASEMENT FLOOR PLAN

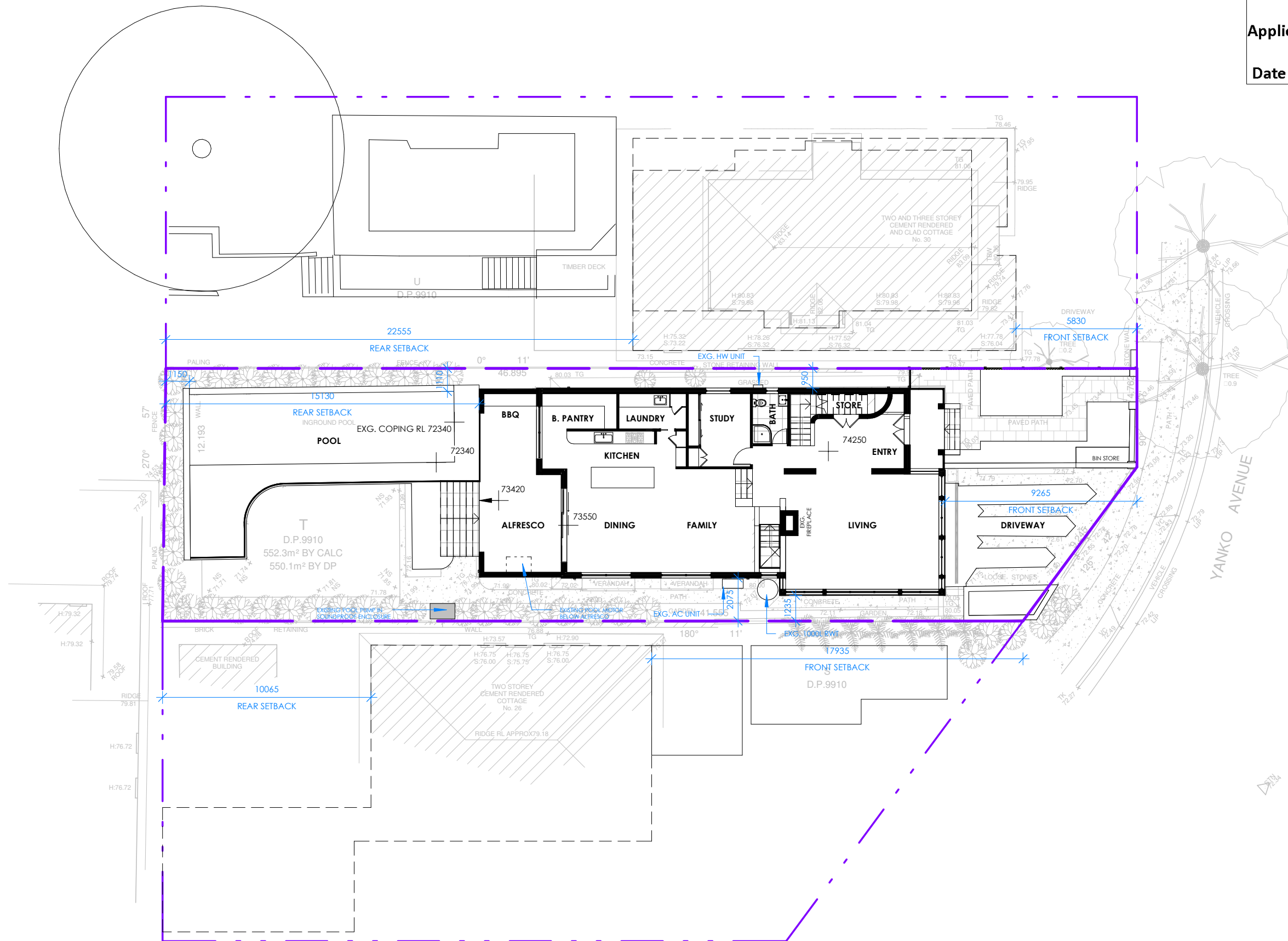
Scale
1 : 200

Sheet Size
@ A3

Reg No.	Drawn	Chk.
9456	MN	MN
Job No.	Drawing No.	Revision
DDM_2206	A011	8



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IN PARTNERSHIP WITH:

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Drawing Name
EXISTING GROUND FLOOR PLAN

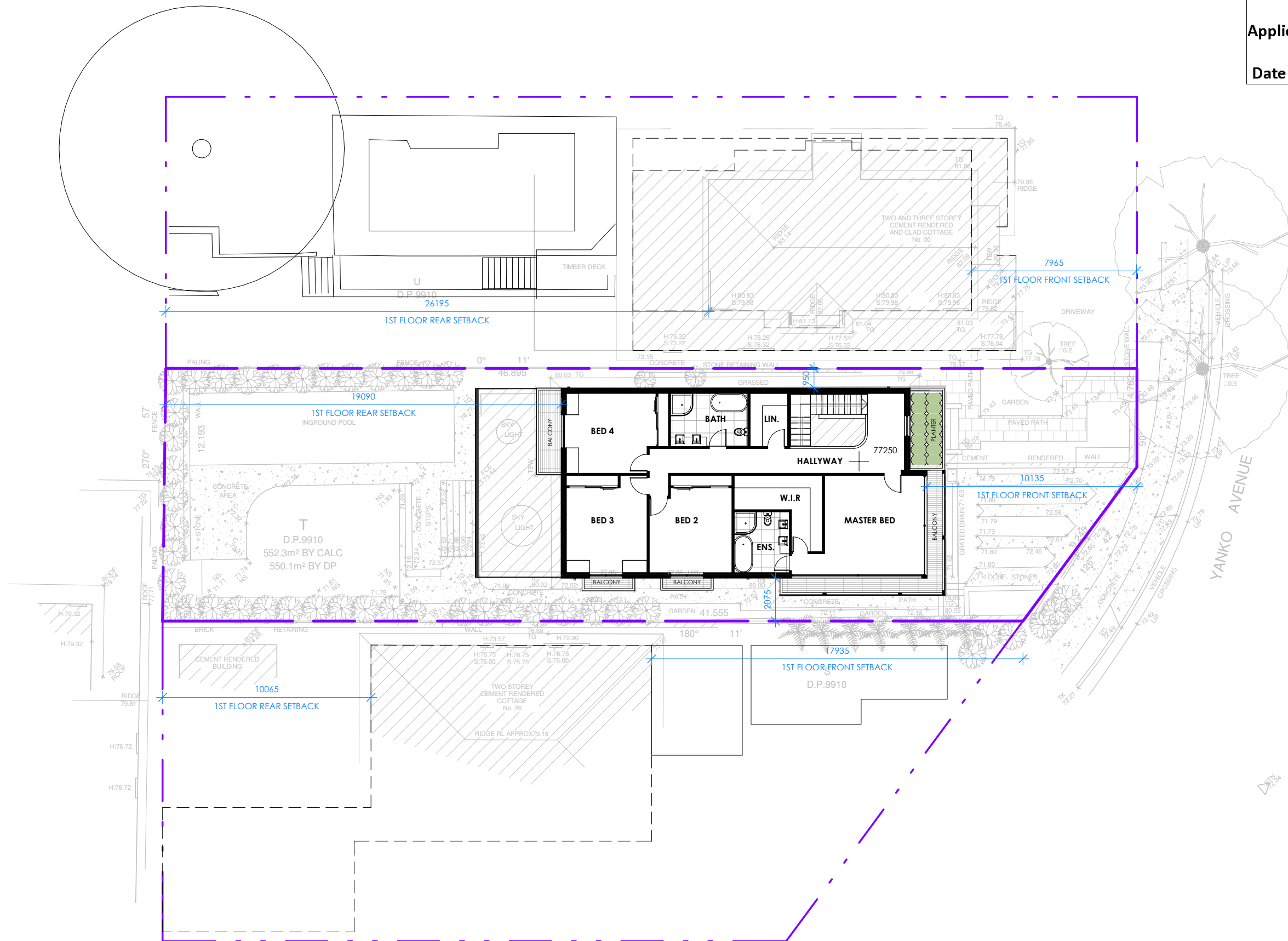
Scale
1 : 200

Sheet Size
@ A3

Reg No.	Drawn	Chk.
9456	MN	MN
Job No.	Drawing No.	Revision
DDM_2206	A012	8



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8	POST DA - RFI RESPONSE	06.04.2023

IN PARTNERSHIP WITH:



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Drawing Name
EXISTING FIRST FLOOR PLAN

Scale
1 : 200

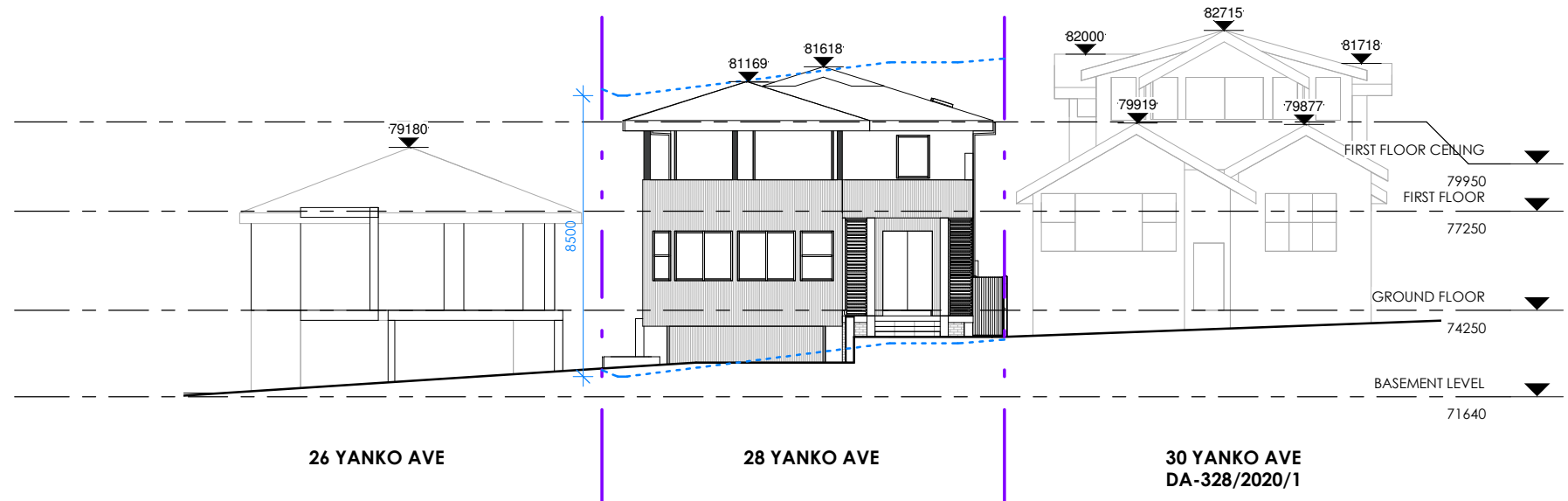
Sheet Size
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Reg No.	Drawn	Chk.
9456	MN	MN
Job No.	Drawing No.	Revision
DDM_2206	A013	8

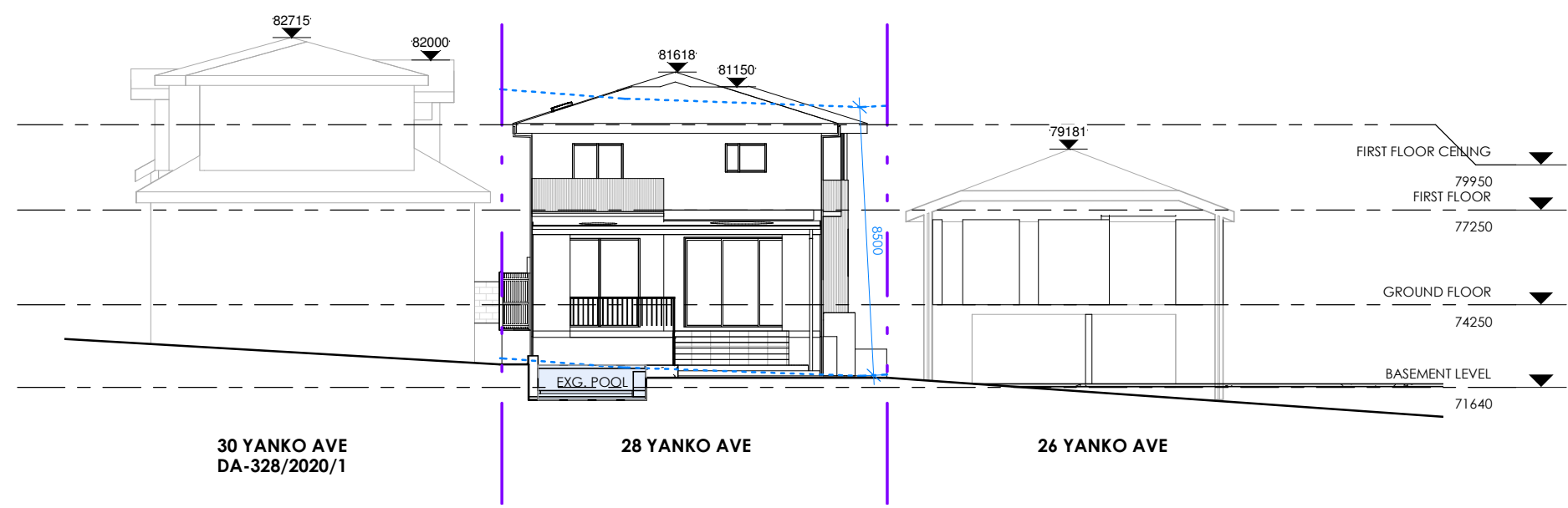


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Waverley Council
Application No: DA-519/2022
Date Received: 14/04/2023



1 EXISTING NORTH ELEVATION
1 : 200



2 EXISTING SOUTH ELEVATION
1 : 200

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DA
ALTERATIONS & ADDITIONS
28 YANKO AVE, BRONTE NSW 2024
L & P TEASDALE

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8	POST DA - RFI RESPONSE	06.04.2023

IN PARTNERSHIP WITH:



Drawing Name
EXISTING ELEVATIONS
Scale 1 : 200
Sheet Size @ A3

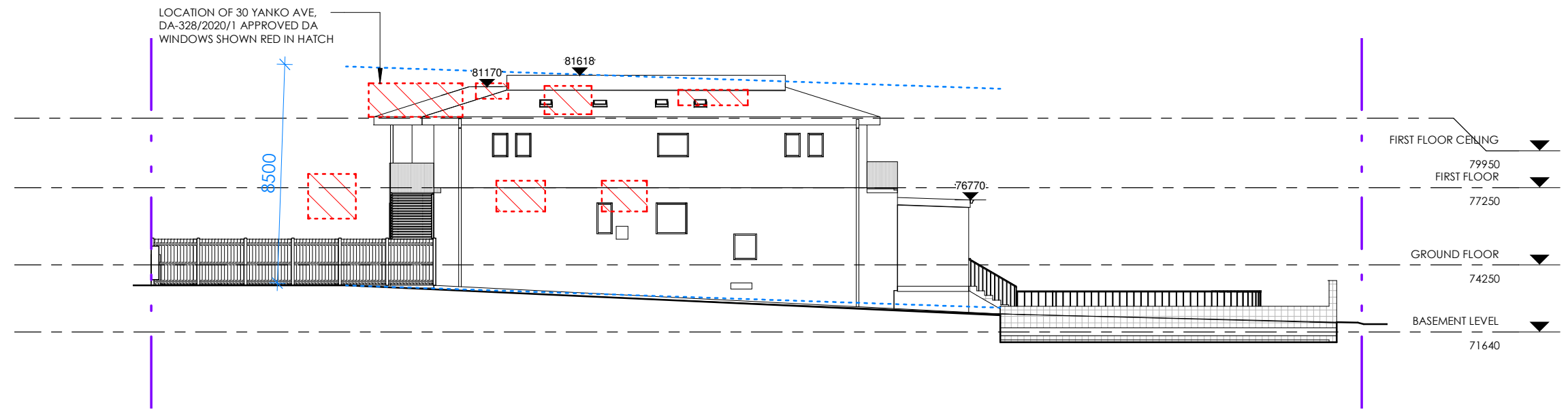
Reg No.	Drawn	Chk.
9456	MN	MN
Job No.	Drawing No.	Revision
DDM_2206	A015	8

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1 EXISTING EAST ELEVATION
1 : 200



2 EXISTING WEST ELEVATION
1 : 200

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ALTERATIONS & ADDITIONS
28 YANKO AVE, BRONTE NSW 2024
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IN PARTNERSHIP WITH:

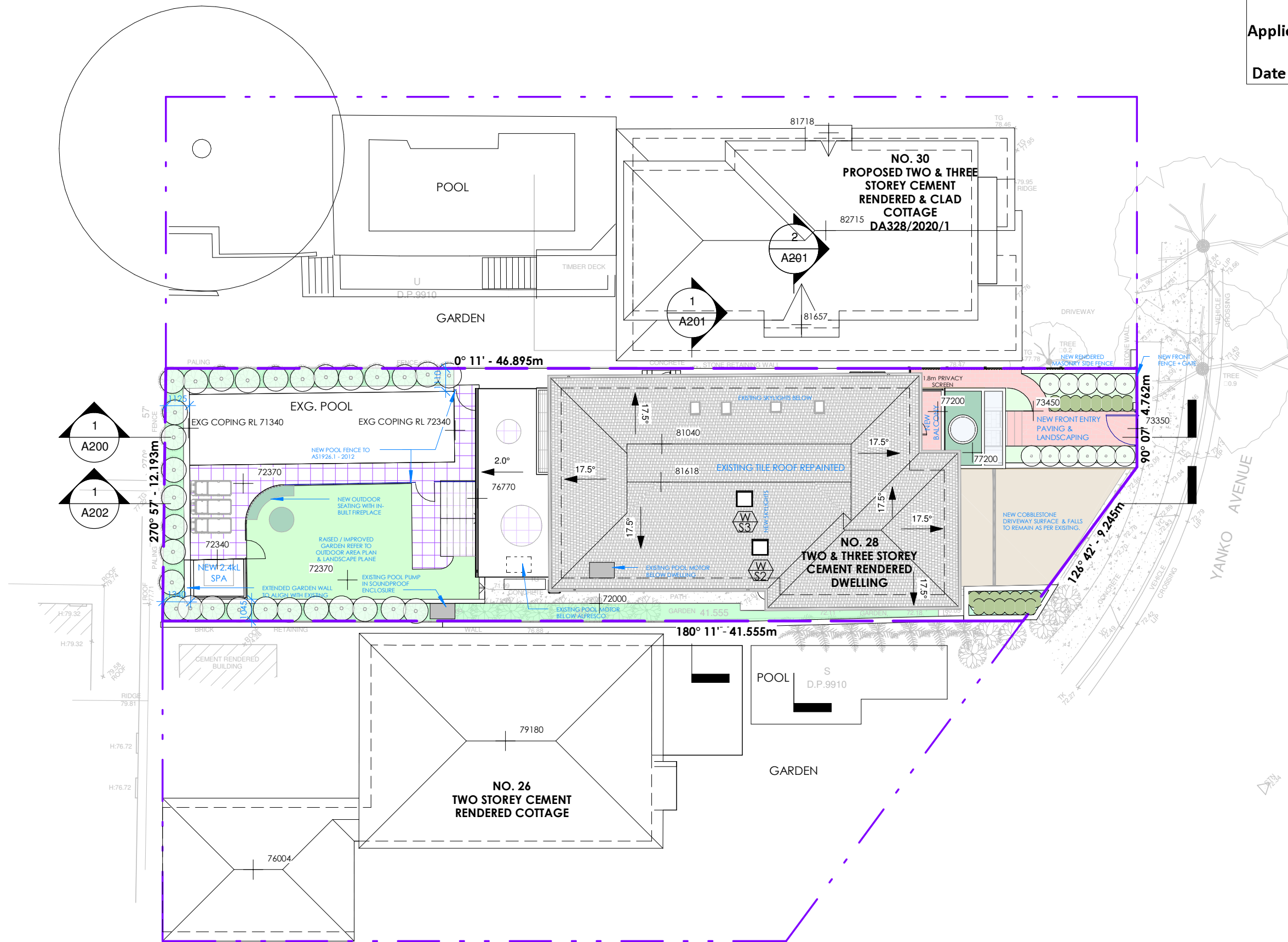


Drawing Name
EXISTING ELEVATIONS
Scale
1 : 200
Sheet Size
@ A3

Reg No.	Drawn	Chk.
9456	MN	MN
Job No.	Drawing No.	Revision
DDM_2206	A016	8



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ALTERATIONS & ADDITIONS

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8	POST DA - RFI RESPONSE	06.04.2023

IN PARTNERSHIP WITH:

CRD

Opened Beautifully



Drawing Name
PROPOSED SITE PLAN

Scale
1 : 200

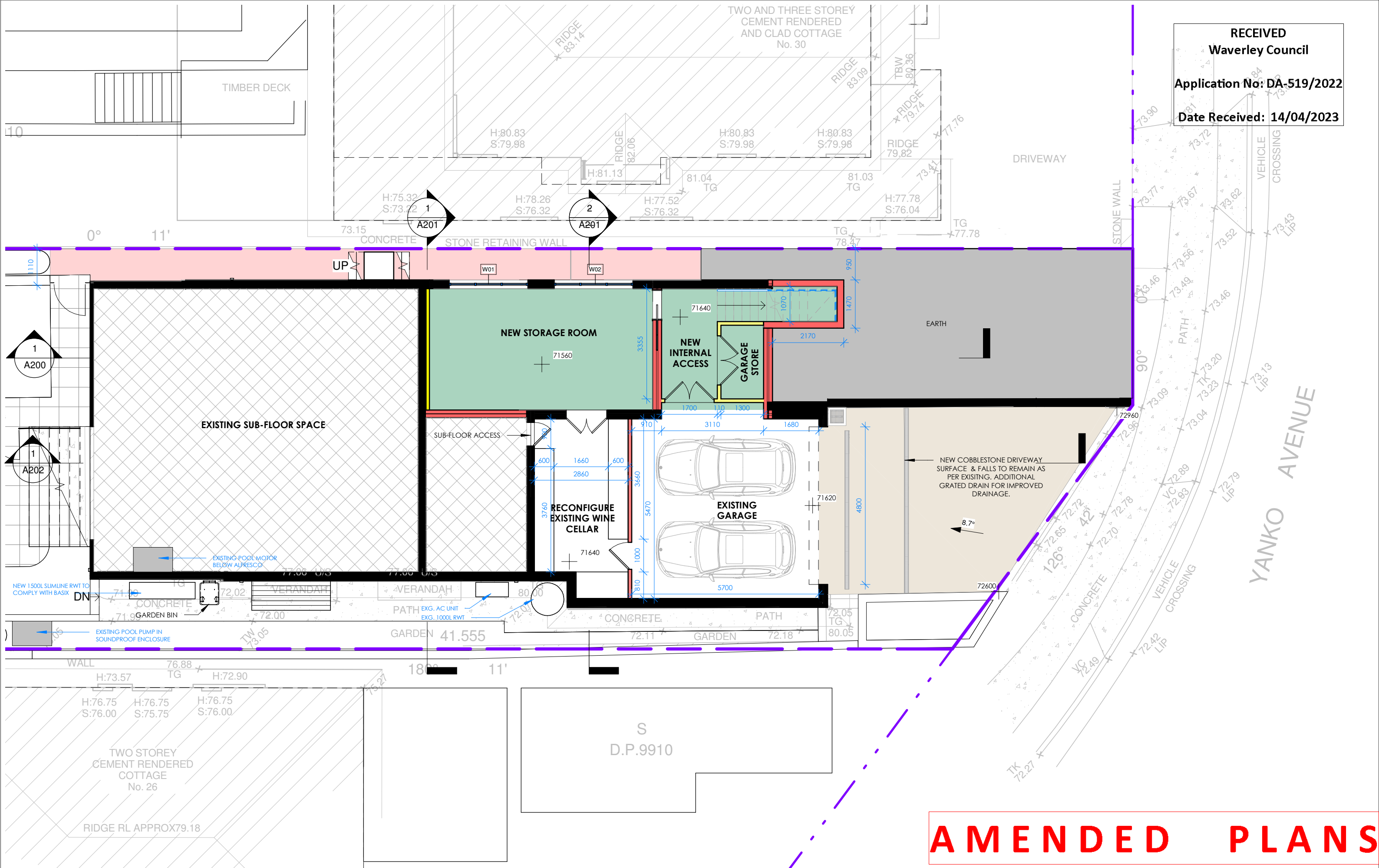
Sheet Size
@ A3

Reg No.	Drawn	Chk.
9456	MN	MN
Job No.	Drawing No.	Revision
DDM_2206	A095	8



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IN PARTNERSHIP WITH:

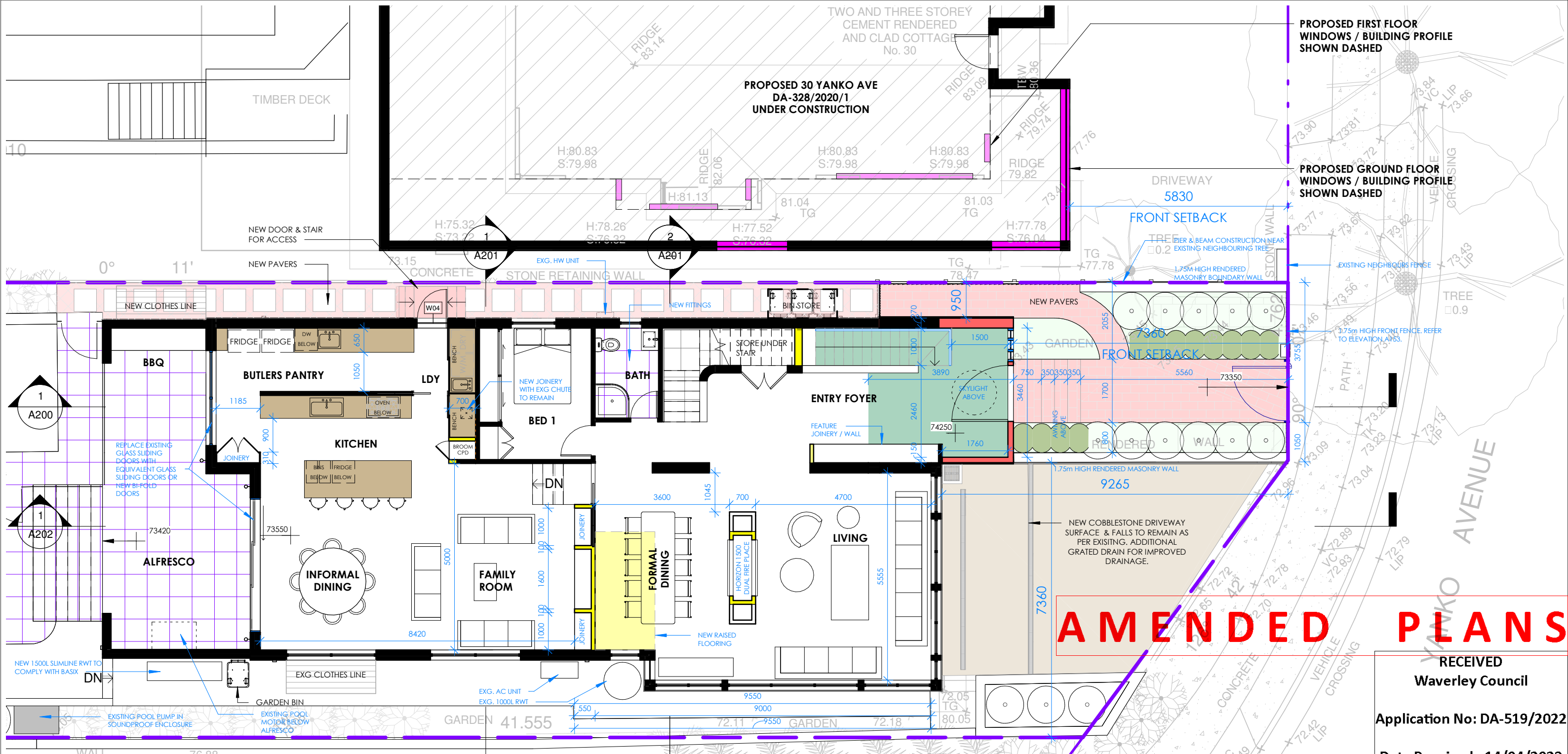


Drawing Name
PROPOSED BASEMENT FLOOR
PLAN
Scale 1 : 100
Sheet Size @ A3

Reg No.	Drawn	Chk.
9456	MN	MN
Job No.	Drawing No.	Revision
DDM_2206	A100	8



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BASIX DA notes

RAINWATER TANK
The applicant must install a rainwater tank of at least 1104 litres on site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.

OUTDOOR SPA
The spa must not have a capacity greater than 2.4 kilolitres.

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.

INSULATION REQUIREMENTS
The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m². b) insulation specified is not required for parts of altered construction where insulation already exists.

Construction	Additional insulation required (R-value)	Other specifications
floor above existing dwelling or building	nil	
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 incl. construction)	
external wall: brick veneer	R1.16 (or R1.70 incl. construction)	
external wall: concrete block / plasterboard	R1.18 (or R1.70 incl. construction)	
raked ceiling, pitched/skillion roof	R2.50 (up), roof: foil/sarking	medium (solar absorbance 0.475 - 0.70)

REFER TO ELEVATIONS FOR BASIX GLAZING REQUIREMENTS

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6	POST DA - RFI RESPONSE	02.03.2023
7	POST DA - RFI RESPONSE	13.03.2023
8	POST DA - RFI RESPONSE	06.04.2023

IN PARTNERSHIP WITH:



Drawing Name
PROPOSED GROUND FLOOR
PLAN
Scale
1 : 100
Sheet Size
@ A3

Reg No.	Drawn	Chk.
9456	MN	MN
Job No.	Drawing No.	Revision
DDM_2206	A101	8



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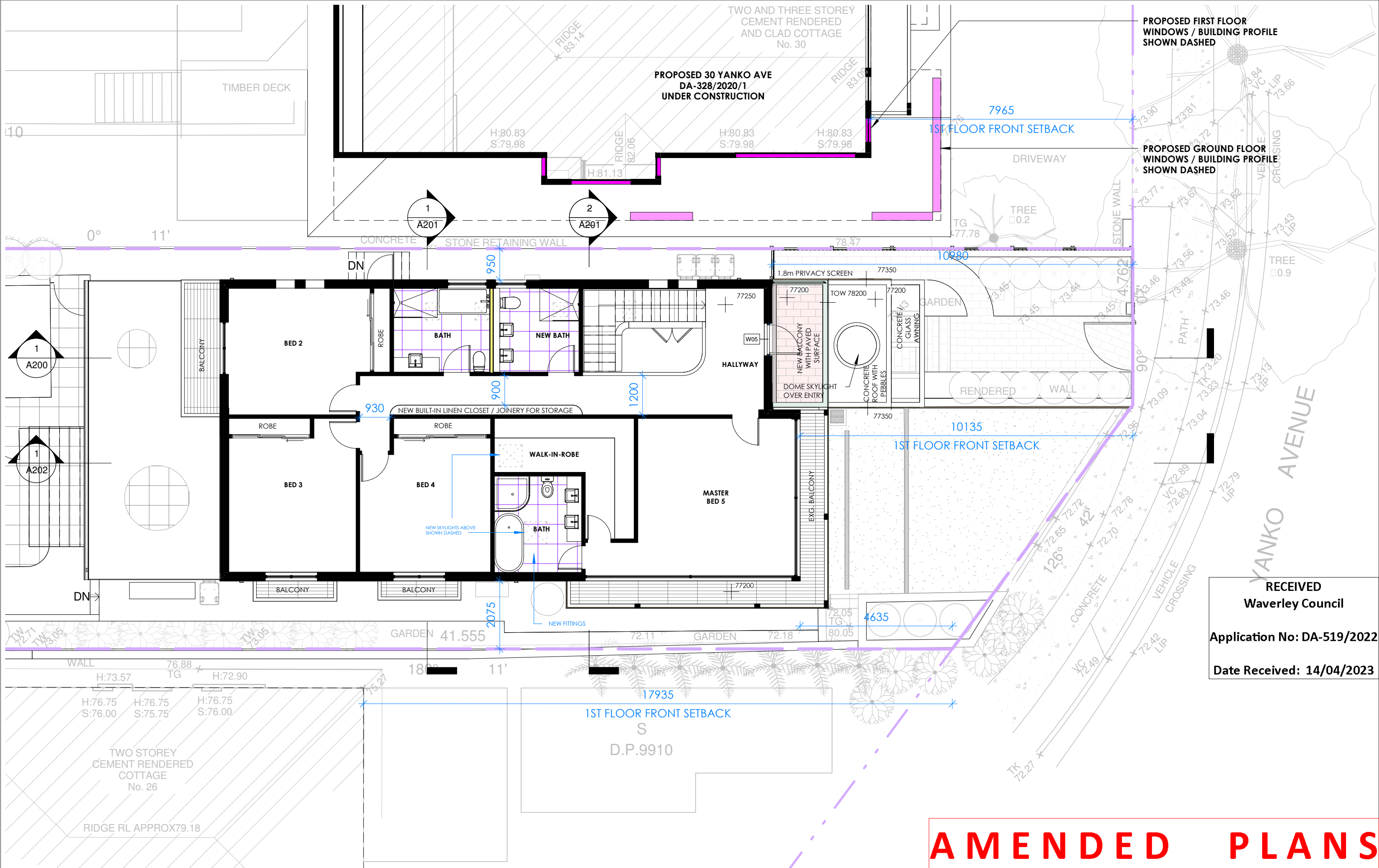
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DA

ALTERATIONS & ADDITIONS

28 YANKO AVE, BRONTE NSW 2024

L & P TEASDALE



PROPOSED FIRST FLOOR WINDOWS / BUILDING PROFILE SHOWN DASHED

PROPOSED GROUND FLOOR WINDOWS / BUILDING PROFILE SHOWN DASHED

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Application No: DA-519/2022

Date Received: 14/04/2023

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7	POST DA - RFI RESPONSE	13.03.2023
8	POST DA - RFI RESPONSE	06.04.2023

IN PARTNERSHIP WITH:

CRD

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Drawing Name
PROPOSED FIRST FLOOR PLAN

Scale
1 : 100

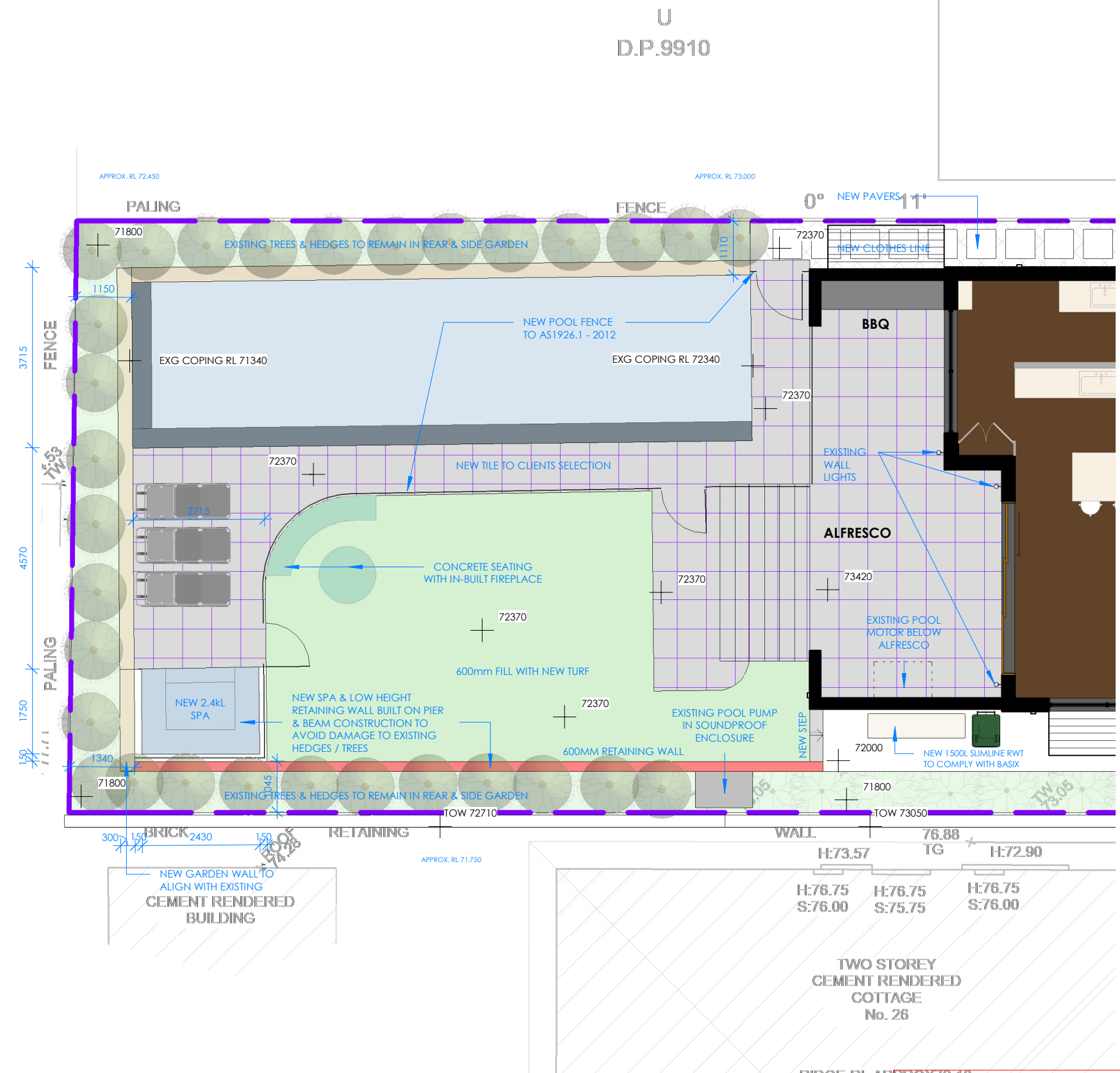
Sheet Size
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Reg No.	Drawn	Chk.
9456	MN	MN
Job No.	Drawing No.	Revision
DDM_2206	A102	8

DESIGN DEVELOP MANAGE

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Date Received: 14/04/2023



1 03_PROPOSED GROUND OUTDOOR AREA PLAN
1 : 100

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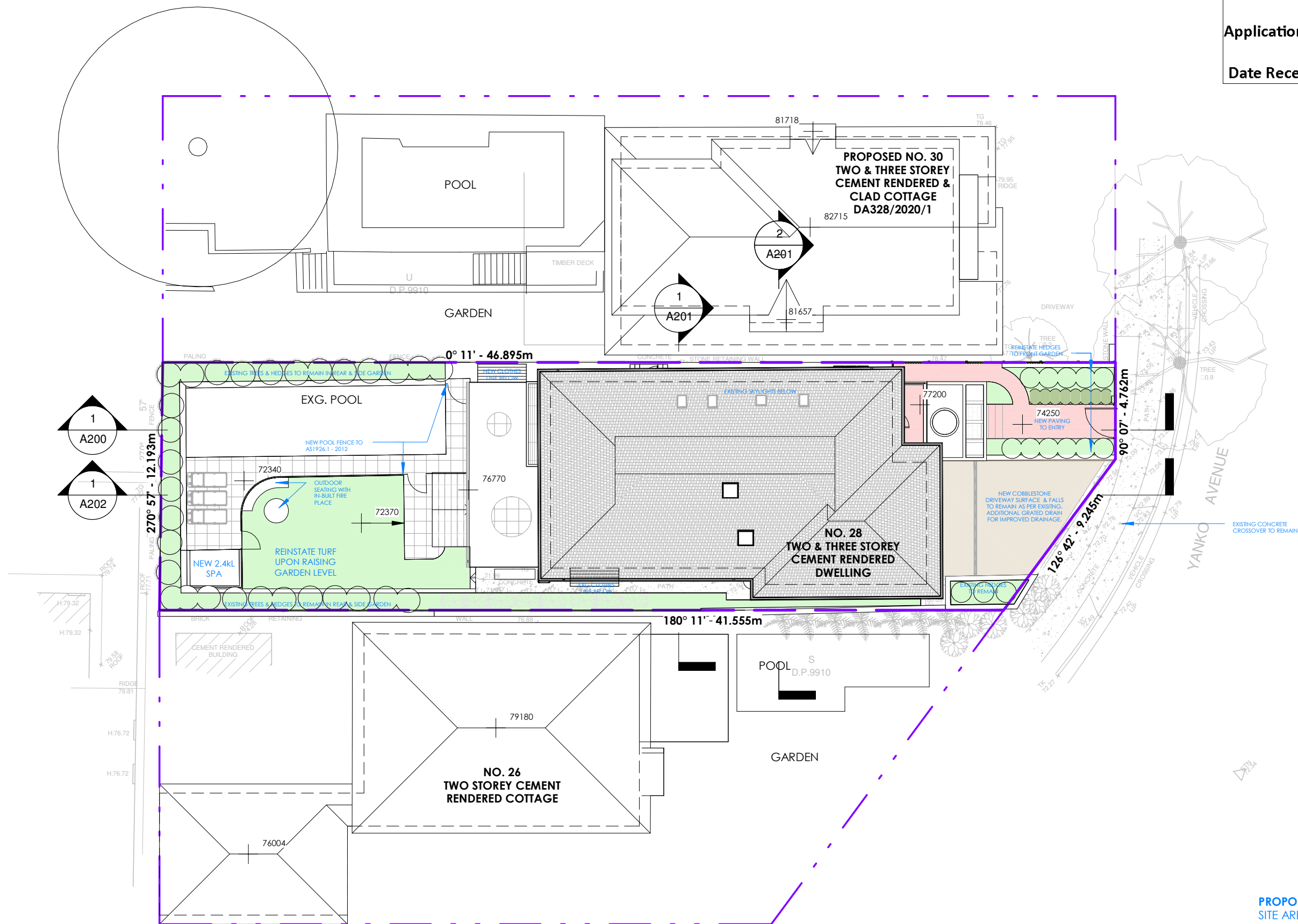
Drawing Name
OUTDOOR AREA FLOOR PLAN
Scale
1 : 100
Sheet Size
@ A3

Reg No.	Drawn	Chk.
9456	MN	MN
Job No.	Drawing No.	Revision
DDM_2206	A103	8



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Waverley Council
Application No: DA-519/2022
Date Received: 14/04/2023



AMENDED PLANS

PROPOSED
SITE AREA: 552.3m²
GROSS FLOOR AREA: 346m²
FLOOR SPACE RATIO: 0.626:1
OPEN SPACE AREA: 361.3m² (65.4%)
LANDSCAPE AREA: 118.6m² (21.5%)
DEEP SOIL AREA: 118.6m² (21.5%)

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8	POST DA - RFI RESPONSE	06.04.2023

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Drawing Name: LANDSCAPE PLAN
Scale: 1 : 200
Sheet Size: @ A3

Reg No.	Drawn	Chk.
9456	MN	MN
Job No.	Drawing No.	Revision
DDM_2206	A120	8

DESIGN DEVELOP MANAGE
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BASIX GLAZING REQUIREMENTS

Glazing requirements	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check		
Windows and glazed doors					
The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.	✓	✓	✓		
The following requirements must also be satisfied in relation to each window and glazed door:					
Each window or glazed door with improved frames, or pyrolytic low-e glass, or clear/air gap/clear glazing, or toned/air gap/clear glazing must have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions. The description is provided for information only. Alternative systems with complying U-value and SHGC may be substituted.	✓	✓	✓		
For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.	✓	✓	✓		
Pergolas with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.35.	✓	✓	✓		
Pergolas with fixed battens must have battens parallel to the window or glazed door above which they are situated, unless the pergola also shades a perpendicular window. The spacing between battens must not be more than 50 mm.	✓	✓	✓		
Overshadowing buildings or vegetation must be of the height and distance from the centre and the base of the window and glazed door, as specified in the 'overshadowing' column in the table below.	✓	✓	✓		
Windows and glazed doors glazing requirements					
Window / door no.	Orientation	Area of glass inc. frame (m ²)	Overshadowing Height (m) Distance (m)	Shading device	Frame and glass type
W1	W	1.44	4.8 1.3	none	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)
W2	W	1.44	4.8 1.3	none	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)
W3	N	2.43	2.4 1.28	eave/verandah/pergola/balcony >=900 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)
W4	W	0.9	4.2 1.8	none	standard aluminium, single pyrolytic low-e,

Glazing requirements	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Windows and glazed doors			
The applicant must install the skylights in accordance with the specifications listed in the table below.	✓	✓	✓
The following requirements must also be satisfied in relation to each skylight:			
Each skylight may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below.	✓	✓	✓
Skylights glazing requirements			
Skylight number	Area of glazing inc. frame (m ²)	Shading device	Frame and glass type
S1	1.77	no shading	timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)
S2	0.56	no shading	timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)
S3	0.56	no shading	timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)

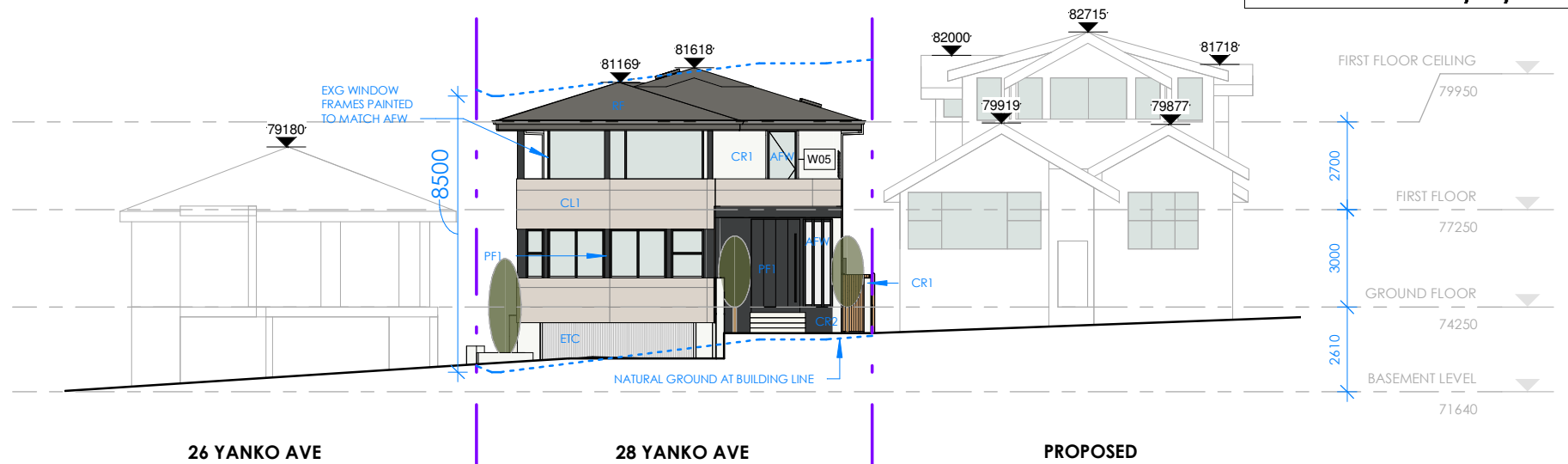
ELEVATION KEY

- CL1 PORCELAIN TILE FACADE CLADDING
- CR1 CEMENT RENDERED WALLS PAINTED OFF-WHITE OR SIMILAR
- CR2 CEMENT RENDERED WALLS PAINTED CHARCOAL BLACK OR SIMILAR
- AFW SLIMLINE ALUMINIUM OR TIMBER FRAMED WINDOWS CHARCOAL BLACK OR SIMILAR
- RF EXISTING TILE ROOF, FASCIA & GUTTERS REPAINTED COLORBOND WALLABY OR SIMILAR
- MF METAL PRIVACY FENCE - CHARCOAL BLACK OR SIMILAR
- PF1 PAINT FINISH - CHARCOAL BLACK OR SIMILAR
- EW EXISTING RENDERED WALLS TO REMAIN PAINT FINISH: OFF-WHITE
- ETC EXISTING GARAGE & REAR BALCONY WALLS PAINTED OFF-WHITE OR SIMILAR

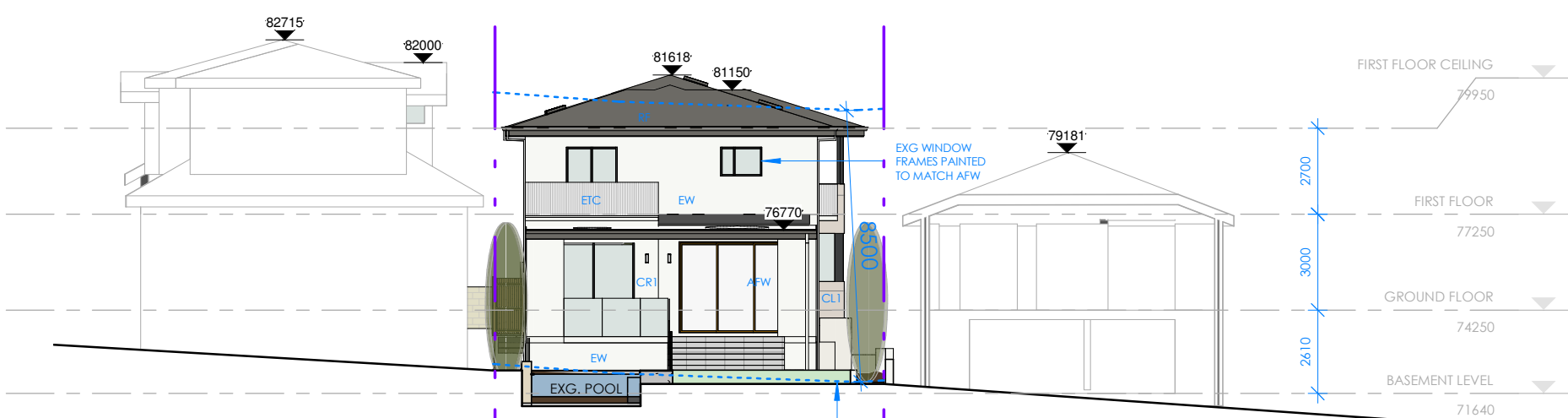
RECEIVED
Waverley Council

Application No: DA-519/2022

Date Received: 14/04/2023



1 PROPOSED NORTH ELEVATION
1 : 200



2 PROPOSED SOUTH ELEVATION
1 : 200

AMENDED PLANS

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DA

ALTERATIONS & ADDITIONS

28 YANKO AVE, BRONTE NSW 2024

L & P TEASDALE

Issue	Description	Date
1	REVISED CONCEPT - NEW DA	26.10.2022
2	REVISED CONCEPT - NEW DA	06.11.2022
3	REVISED CONCEPT - NEW DA	08.11.2022
4	ISSUED FOR DA	10.11.2022
5	REVISED PLANS, ISSUED FOR DA	29.11.2022
6	POST DA - RFI RESPONSE	02.03.2023
7	POST DA - RFI RESPONSE	13.03.2023
8	POST DA - RFI RESPONSE	06.04.2023

IN PARTNERSHIP WITH:



Drawing Name	PROPOSED ELEVATIONS
Scale	As indicated
Sheet Size	@ A3

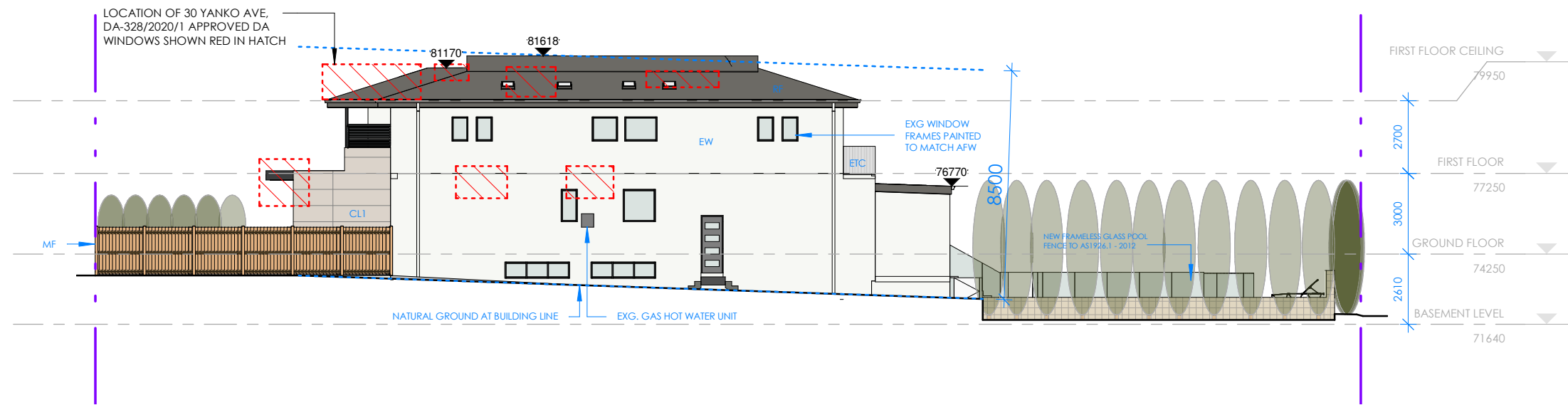
Reg No.	9456	Drawn	MN	Chk.	MN
Job No.	DDM_2206	Drawing No.	A150	Revision	8



Architect
Michael Nasiry M.Arch, BArch
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1 PROPOSED EAST ELEVATION
1 : 200



2 PROPOSED WEST ELEVATION
1 : 200

ELEVATION KEY

CL1	PORCELAIN TILE FACADE CLADDING
CR1	CEMENT RENDERED WALLS PAINTED OFF-WHITE OR SIMILAR
CR2	CEMENT RENDERED WALLS PAINTED CHARCOAL BLACK OR SIMILAR
AFW	SLIMLINE ALUMINIUM OR TIMBER FRAMED WINDOWS CHARCOAL BLACK OR SIMILAR
RF	EXISTING TILE ROOF, FASCIA & GUTTERS REPAINTED COLORBOND WALLABY OR SIMILAR
MF	METAL PRIVACY FENCE - CHARCOAL BLACK OR SIMILAR
PF1	PAINT FINISH - CHARCOAL BLACK OR SIMILAR
EW	EXISTING RENDERED WALLS TO REMAIN PAINT FINISH: OFF-WHITE
ETC	EXISTING GARAGE & REAR BALCONY WALLS PAINTED OFF-WHITE OR SIMILAR

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ALTERATIONS & ADDITIONS

28 YANKO AVE, BRONTE NSW 2024

L & P TEASDALE

Issue	Description	Date
1	REVISED CONCEPT - NEW DA	26.10.2022
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7	POST DA - RFI RESPONSE	13.03.2023
8	POST DA - RFI RESPONSE	06.04.2023

IN PARTNERSHIP WITH:



Drawing Name
PROPOSED ELEVATIONS

Scale
As indicated

Sheet Size
@ A3

Reg No.	Drawn	Chk.
9456	MN	MN
Job No.	Drawing No.	Revision
DDM_2206	A151	8

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ALTERATIONS & ADDITIONS
28 YANKO AVE, BRONTE NSW 2024
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8	POST DA - RFI RESPONSE	06.04.2023

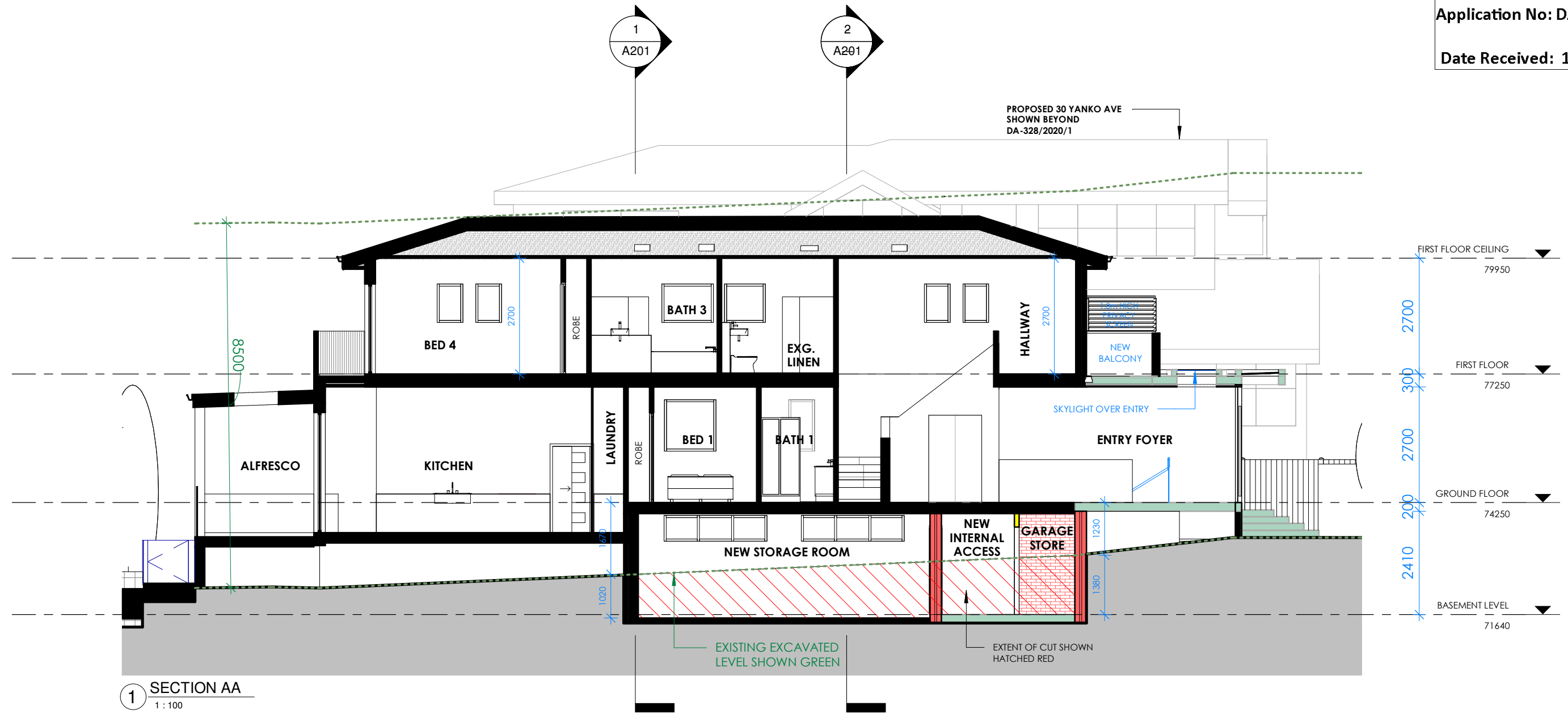
IN PARTNERSHIP WITH:
CRD
Opened Beautifully

Drawing Name
FRONT FENCE ELEVATION
Scale 1 : 50
Sheet Size @ A3

Reg No.	Drawn	Chk.
9456	MN	MN
Job No.	Drawing No.	Revision
DDM_2206	A153	8

DESIGN DEVELOP MANAGE
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Waverley Council
Application No: DA-519/2022
Date Received: 14/04/2023



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DA
ALTERATIONS & ADDITIONS
28 YANKO AVE, BRONTE NSW 2024
L & P TEASDALE

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IN PARTNERSHIP WITH:

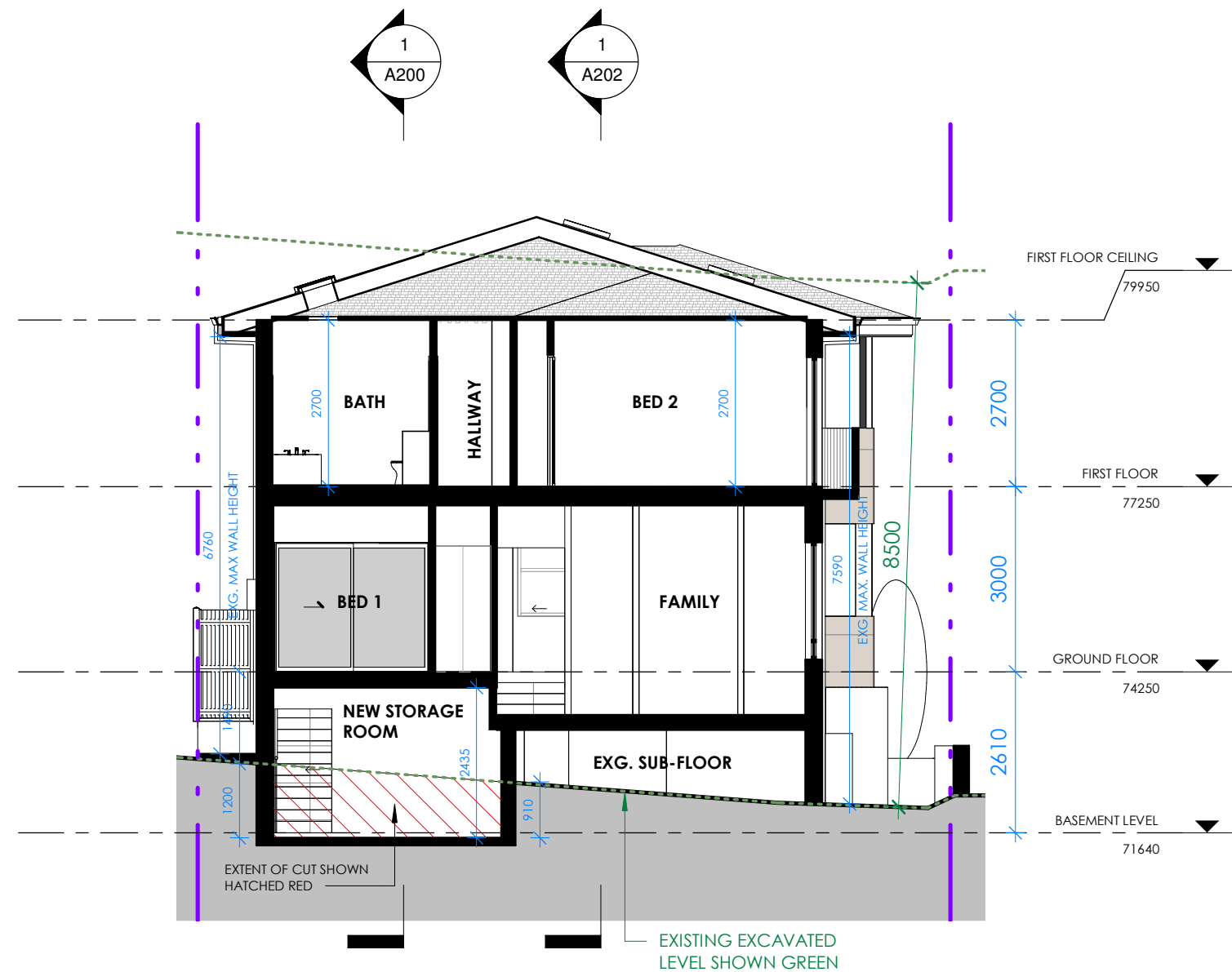


Drawing Name
SECTIONS
Scale 1 : 100
Sheet Size @ A3

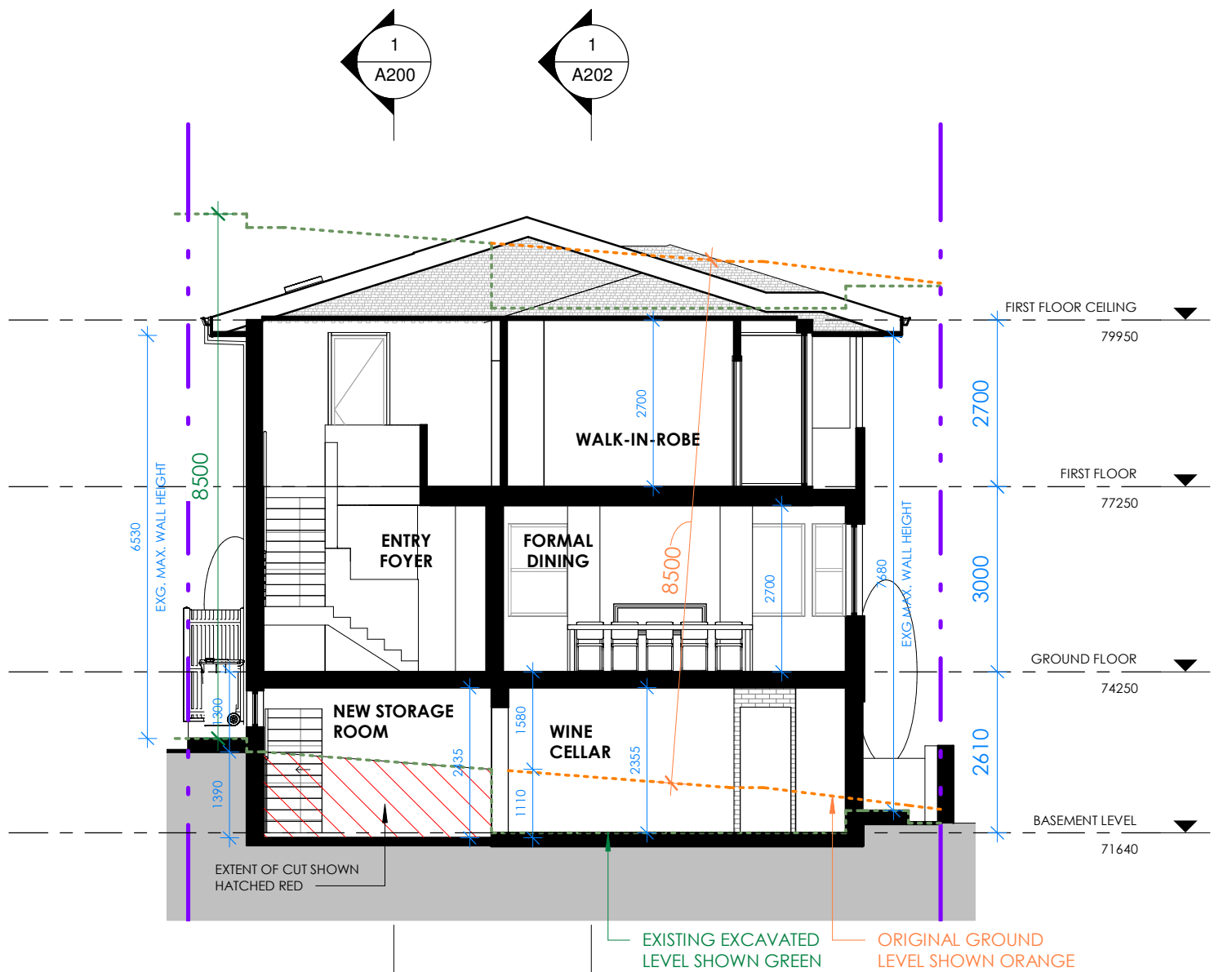
Reg No.	Drawn	Chk.
9456	MN	MN
Job No.	Drawing No.	Revision
DDM_2206	A200	8



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1 SECTION BB
1 : 100



2 SECTION CC
1 : 100

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DA
ALTERATIONS & ADDITIONS
28 YANKO AVE, BRONTE NSW 2024
L & P TEASDALE

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8	POST DA - RFI RESPONSE	06.04.2023

IN PARTNERSHIP WITH:

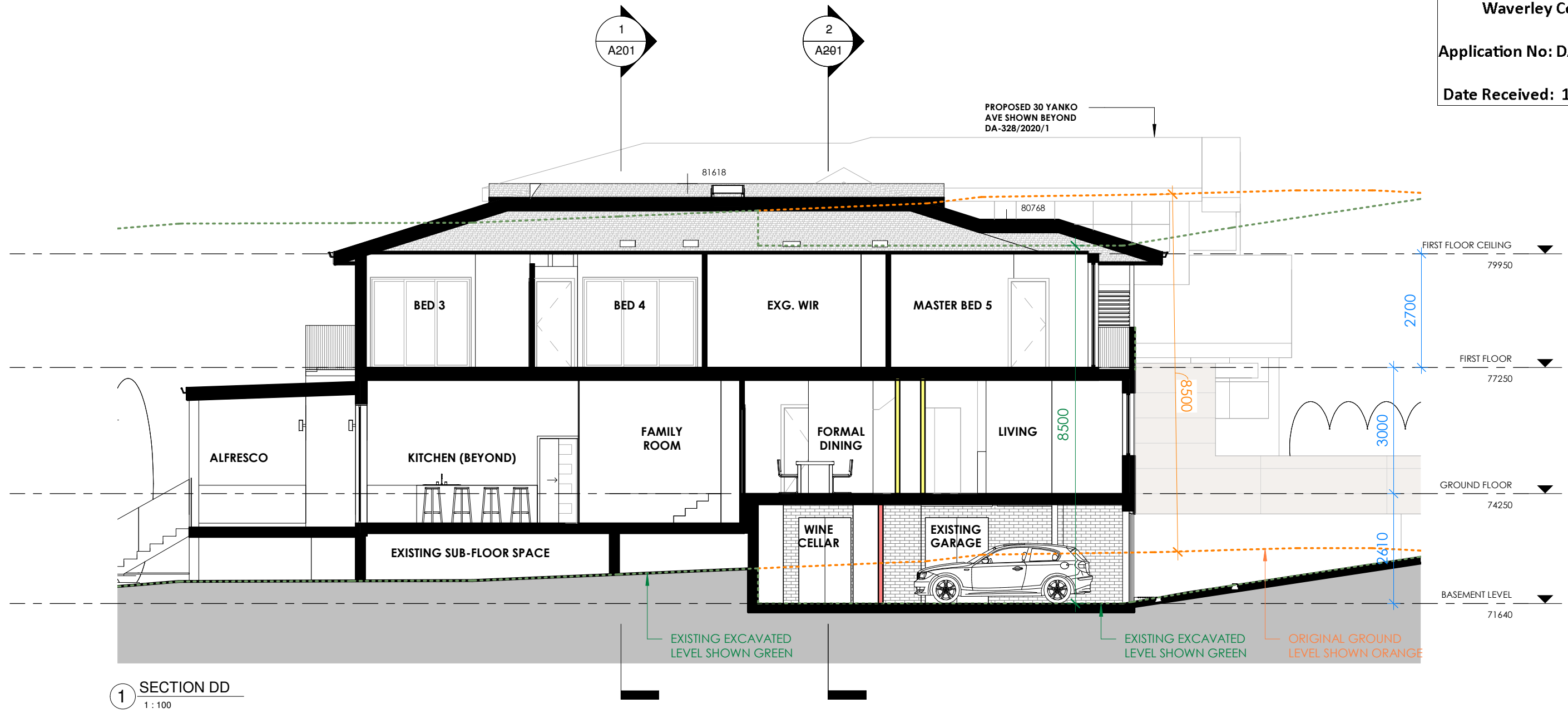


Drawing Name
SECTIONS
Scale 1 : 100
Sheet Size @ A3

Reg No.	Drawn	Chk.
9456	MN	MN
Job No.	Drawing No.	Revision
DDM_2206	A201	8

Architect
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Waverley Council
Application No: DA-519/2022
Date Received: 14/04/2023



1 SECTION DD
1 : 100

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DA
ALTERATIONS & ADDITIONS
28 YANKO AVE, BRONTE NSW 2024
L & P TEASDALE

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8	POST DA - RFI RESPONSE	06.04.2023

IN PARTNERSHIP WITH:

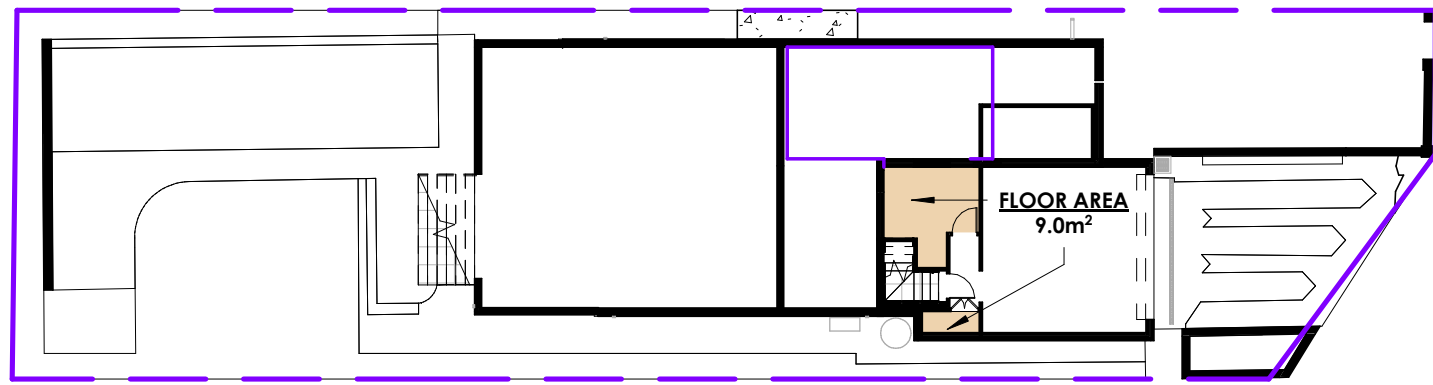
CRD
Opened Beautifully



Drawing Name
SECTIONS
Scale
1 : 100
Sheet Size
@ A3

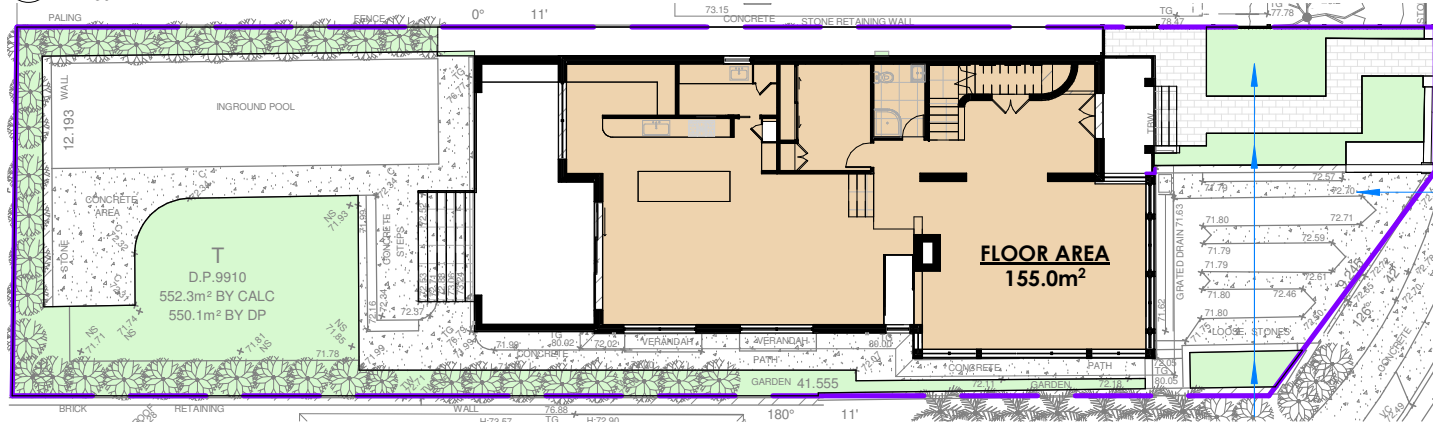
Reg No.	Drawn	Chk.
9456	MN	MN
Job No.	Drawing No.	Revision
DDM_2206	A202	8

DESIGN DEVELOP MANAGE
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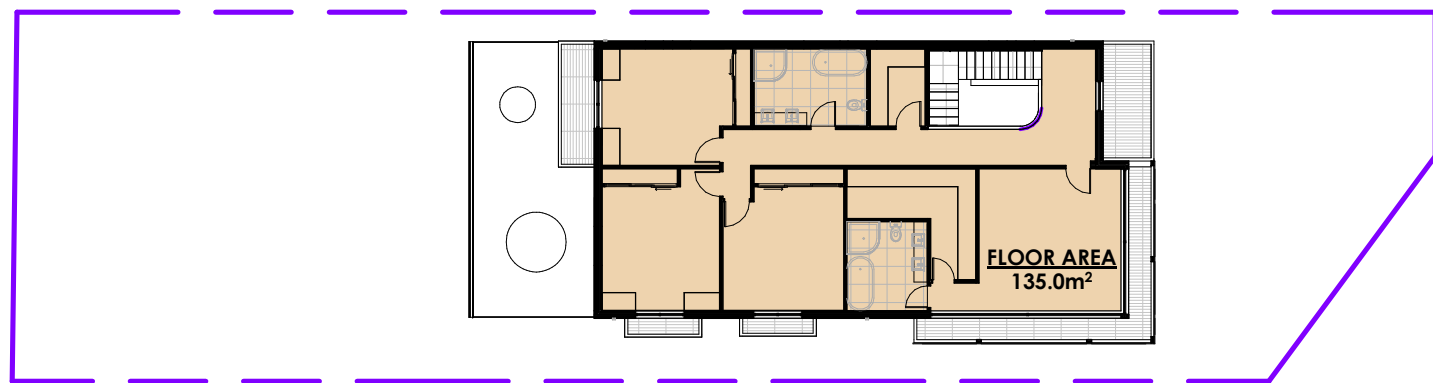
6 EXISTING BASEMENT LEVEL

1 : 250



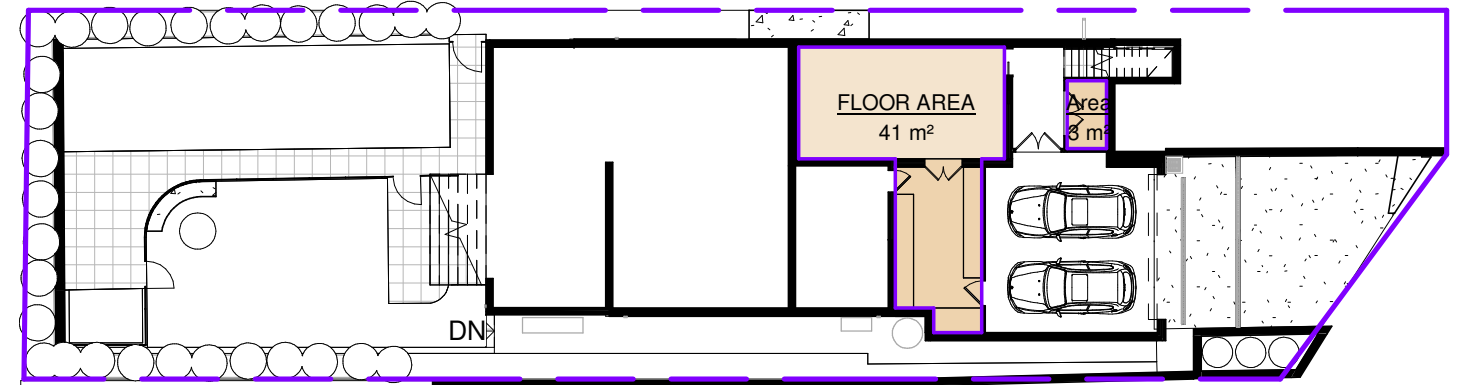
1 EXISTING - GROUND FLOOR

1 : 250



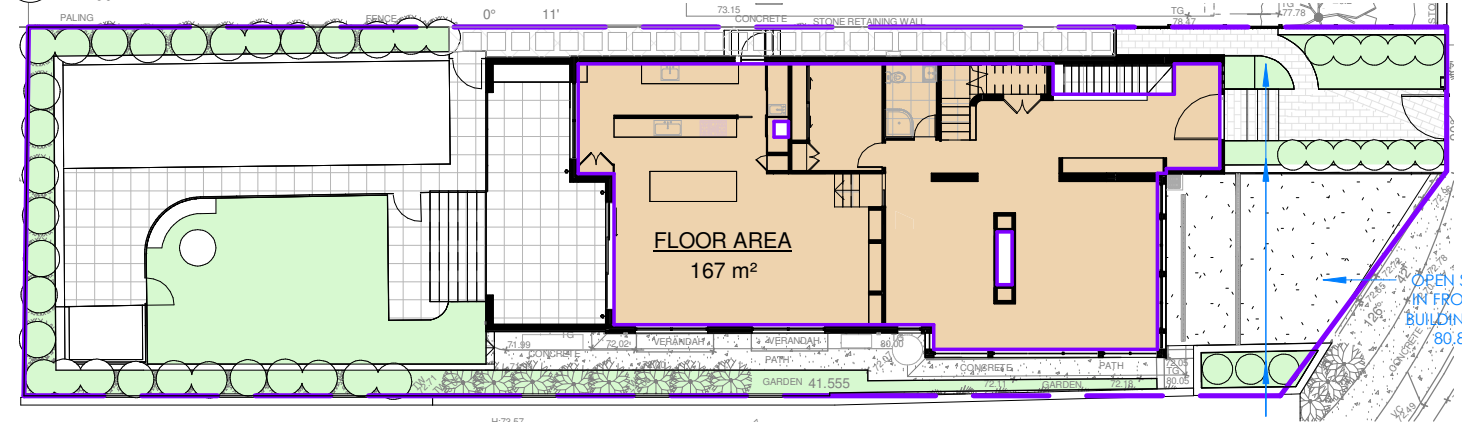
2 EXISTING - FIRST FLOOR

1 : 250



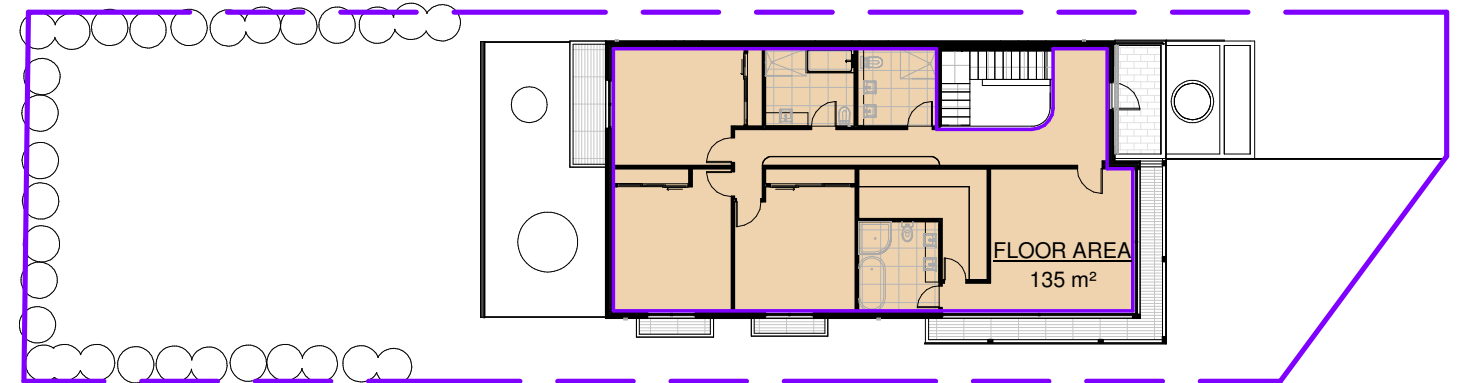
7 PROPOSED BASEMENT LEVEL

1 : 250



3 PROPOSED - GROUND FLOOR

1 : 250



4 PROPOSED - FIRST FLOOR

1 : 250

RECEIVED
Waverley Council
Application No: DA-519/2022
Date Received: 14/04/2023

EXISTING
SITE AREA: 552.3m²
GROSS FLOOR AREA: 299.0m²
FLOOR SPACE RATIO: 0.541:1
OPEN SPACE AREA: 377.2m² (68.3%)
LANDSCAPE AREA: 142.7m² (25.84%)
DEEP SOIL AREA: 142.7m² (25.84%)

PROPOSED
SITE AREA: 552.3m²
GROSS FLOOR AREA: 346m²
FLOOR SPACE RATIO: 0.626:1
OPEN SPACE AREA: 361.3m² (65.4%)
LANDSCAPE AREA: 118.6m² (21.5%)
DEEP SOIL AREA: 118.6m² (21.5%)

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DA

ALTERATIONS & ADDITIONS

28 YANKO AVE, BRONTE NSW 2024

L & P TEASDALE

Issue	Description	Date
1	REVISED CONCEPT - NEW DA	26.10.2022
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5	REVISED PLANS, ISSUED FOR DA	29.11.2022
8	POST DA - RFI RESPONSE	06.04.2023

IN PARTNERSHIP WITH:

CRD

Opened Beautifully



Drawing Name
AREA CALCULATIONS
Scale
1 : 250
Sheet Size
@ A3

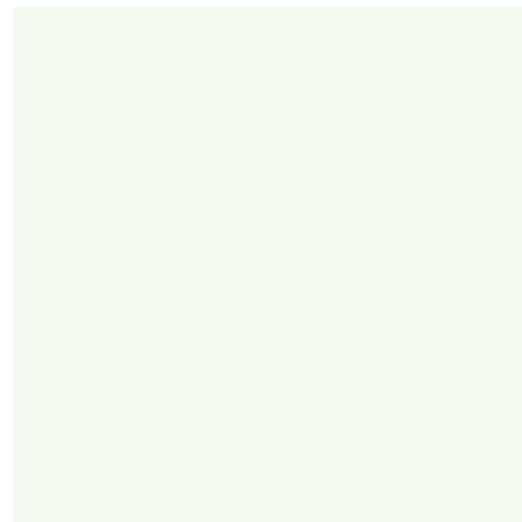
Reg No.	Drawn	Chk.
9456	MN	MN
Job No.	Drawing No.	Revision
DDM_2206	A400	8



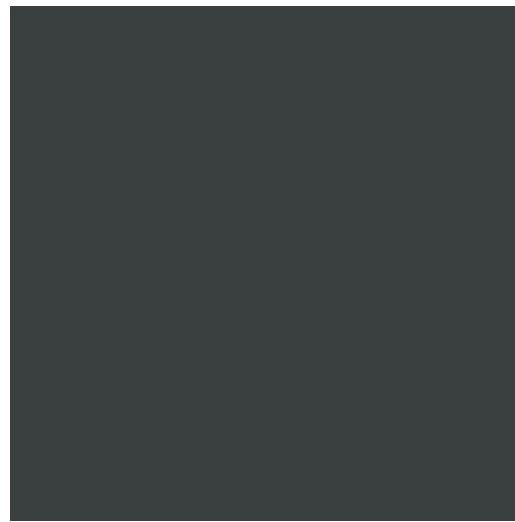
Architect
Michael Nasiry M.Arch, B.Arch
Reg No: 9456 (NSW)
Email: michael@ddmco.com.au
Mobile: +61422 340 444



CL1 - PORCELAIN TILE FACADE CLADDING
WARM GREY TONES OR SIMILAR



CR1 - CEMENT RENDERED WALLS
PAINTED OFF-WHITE OR SIMILAR



CR2 - CEMENT RENDERED WALLS
PAINTED CHARCOAL GREY OR SIMILAR



AFW - SLIMLINE ALUMINIUM OR
TIMBER FRAMED WINDOWS
CHARCOAL BLACK OR SIMILAR

RECEIVED
Waverley Council
Application No: DA-519/2022
Date Received: 14/04/2023



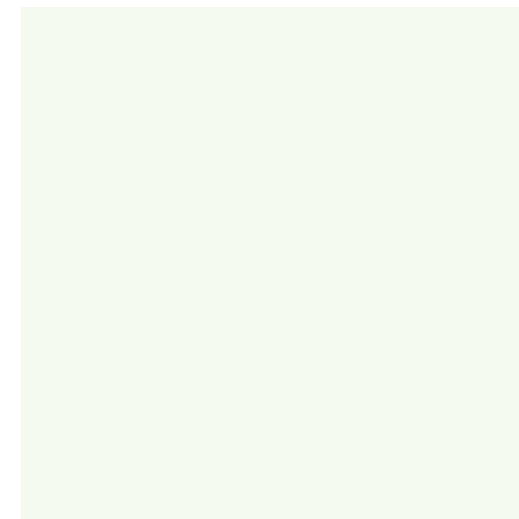
RF - EXISTING TILE ROOF, FASCIA & GUTTERS
REPAINTED - COLORBOND WALLABY OR SIMILAR



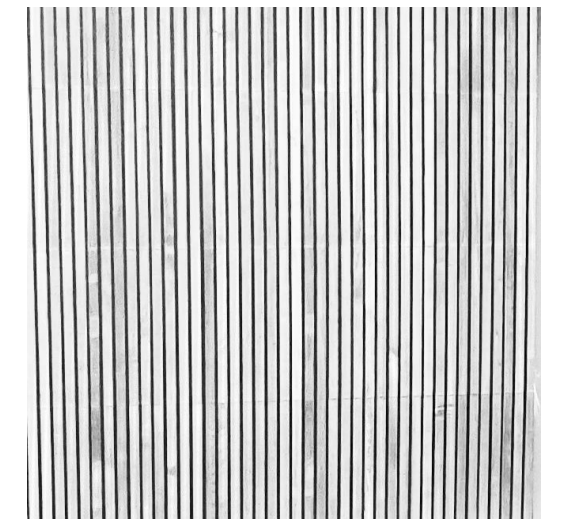
MF - METAL PRIVACY FENCE ON WITH
WHITE CEMENT RENDERED WALLS
ADJACENT. COLOUR TO MATCH CR2.



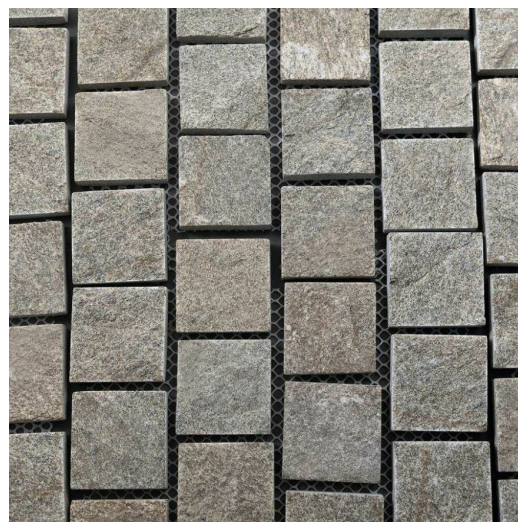
PF1 - PAINT FINISH
CHARCOAL GREY OR SIMILAR



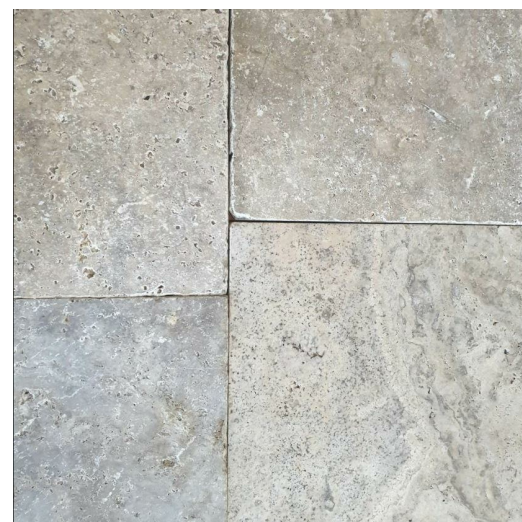
EW - CEMENT RENDERED WALLS
PAINTED OFF-WHITE



ETC - EXISTING GARAGE & REAR BALCONY WALLS
TO REMAIN - PAINTED OFF-WHITE OR SIMILAR



NEW DRIVEWAY SURFACE
COBBLESTONE PAVER - EARTHY TONES OR SIMILAR



NEW EXTERNAL PAVERS
NATURAL STONE PAVER - LIGHT EARTHY TONES OR SIMILAR

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DA

ALTERATIONS & ADDITIONS

28 YANKO AVE, BRONTE NSW 2024

L & P TEASDALE

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8	POST DA - RFI RESPONSE	06.04.2023

IN PARTNERSHIP WITH:

CRD

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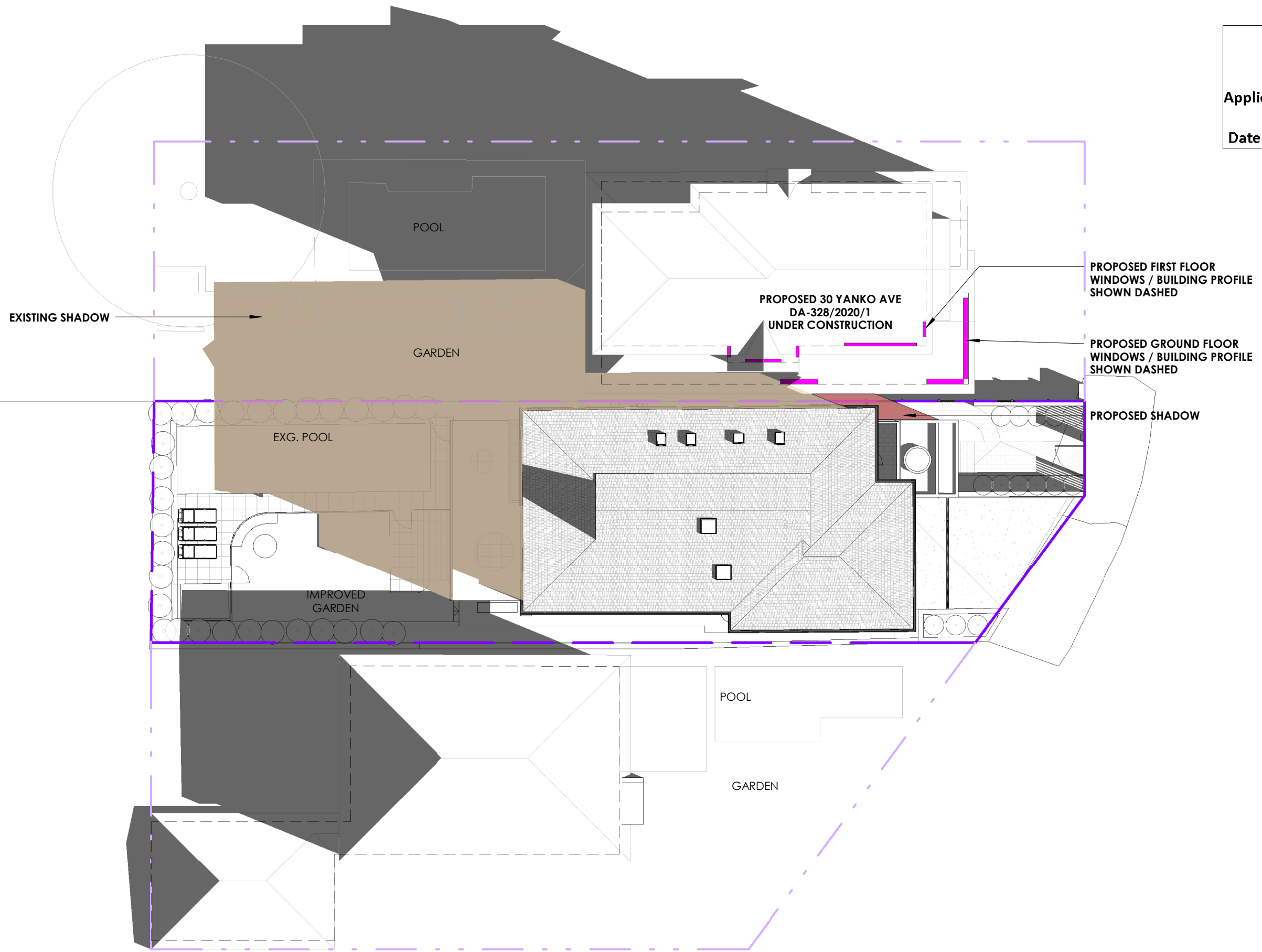
Drawing Name
EXTERNAL FINISHES SCHEDULE
Scale 1 : 100
Sheet Size @ A3

Reg No.	Drawn	Chk.
9456	MN	MN
Job No.	Drawing No.	Revision
DDM_2206	A152	8



Architect
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RECEIVED
Waverley Council
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8	POST DA - RFI RESPONSE	06.04.2023

IN PARTNERSHIP WITH:



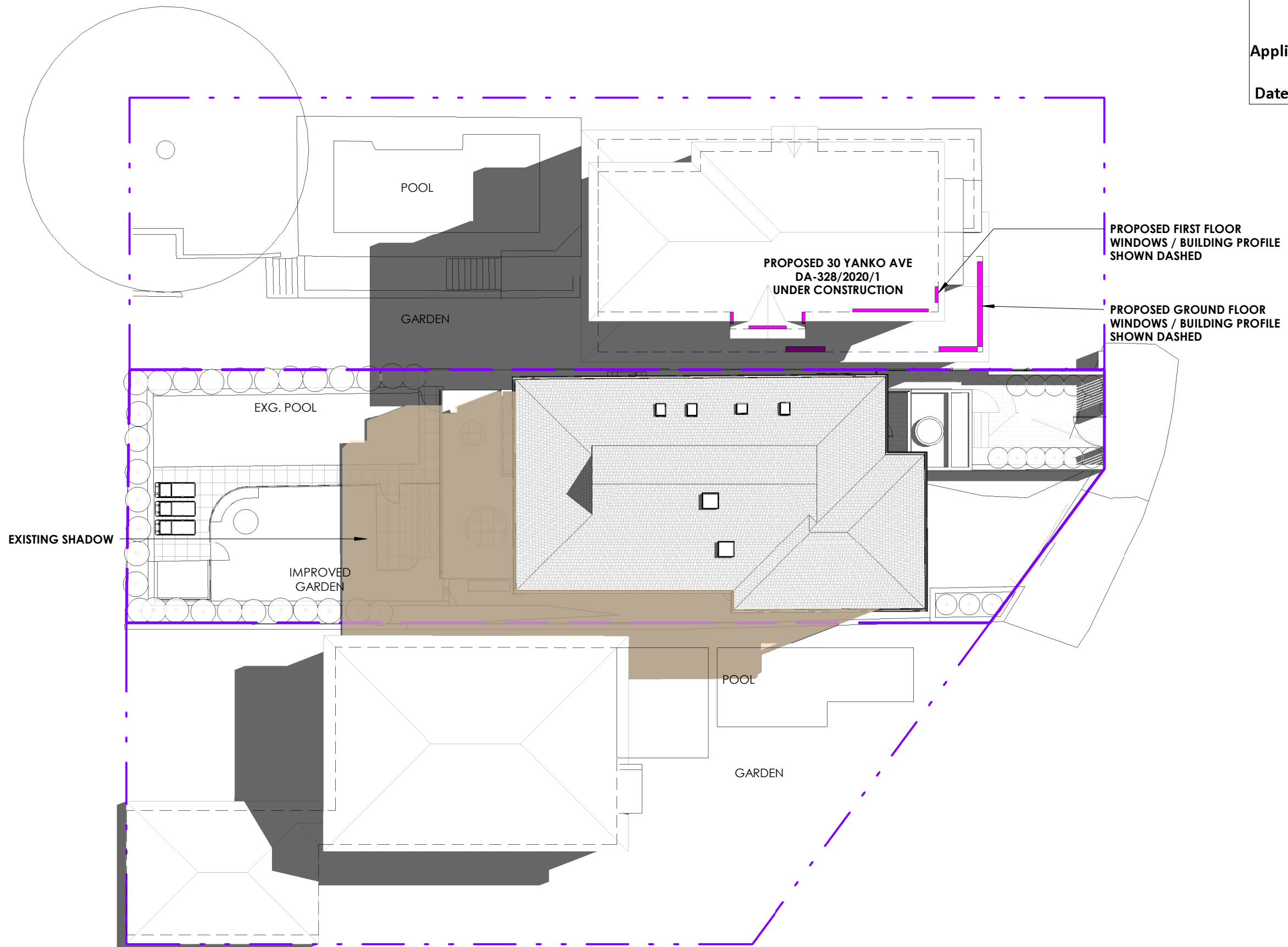
Drawing Name
SHADOW PLANS - JUNE 21 - 9AM
Scale
1 : 200
Sheet Size
@ A3

Reg No.	Drawn	Chk.
9456	MN	MN
Job No.	Drawing No.	Revision
DDM_2206	A900	8



Architect
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Mobile: +61422 340 444

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Waverley Council
Application No: DA-519/2022
Date Received: 14/04/2023



EXISTING SHADOW

PROPOSED FIRST FLOOR
WINDOWS / BUILDING PROFILE
SHOWN DASHED

PROPOSED GROUND FLOOR
WINDOWS / BUILDING PROFILE
SHOWN DASHED

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2	REVISED CONCEPT - NEW DA	06.11.2022
4	ISSUED FOR DA	10.11.2022
5	REVISED PLANS, ISSUED FOR DA	29.11.2022
7	POST DA - RFI RESPONSE	13.03.2023
8	POST DA - RFI RESPONSE	06.04.2023

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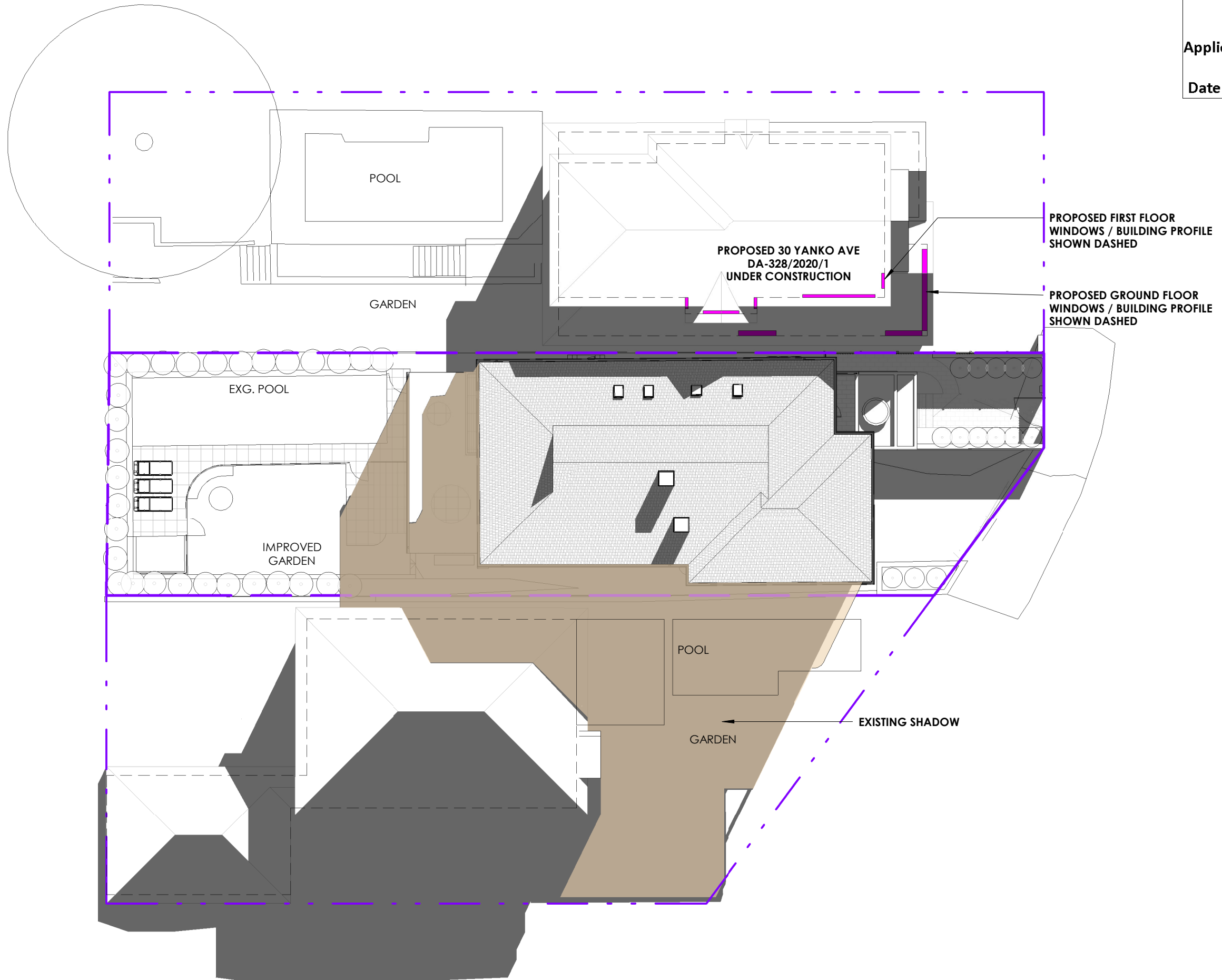
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Reg No.	Drawn	Chk.
9456	MN	MN
Job No.	Drawing No.	Revision
DDM_2206	A901	8



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ALTERATIONS & ADDITIONS
28 YANKO AVE, BRONTE NSW 2024
L & P TEASDALE

Issue	Description	Date
1	REVISED CONCEPT - NEW DA	26.10.2022
2	REVISED CONCEPT - NEW DA	06.11.2022
4	ISSUED FOR DA	10.11.2022
5	REVISED PLANS, ISSUED FOR DA	29.11.2022
7	POST DA - RFI RESPONSE	13.03.2023
8	POST DA - RFI RESPONSE	06.04.2023

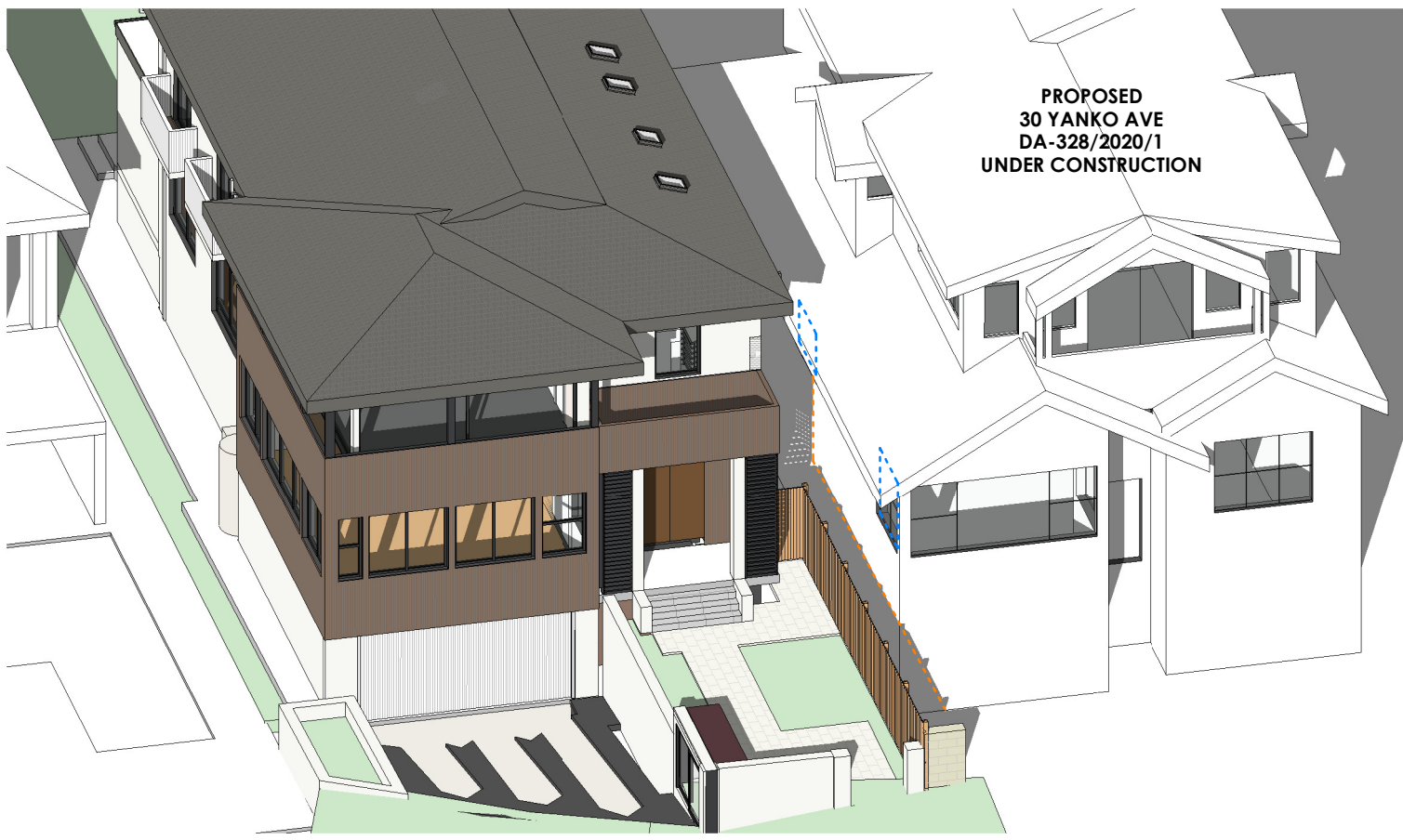
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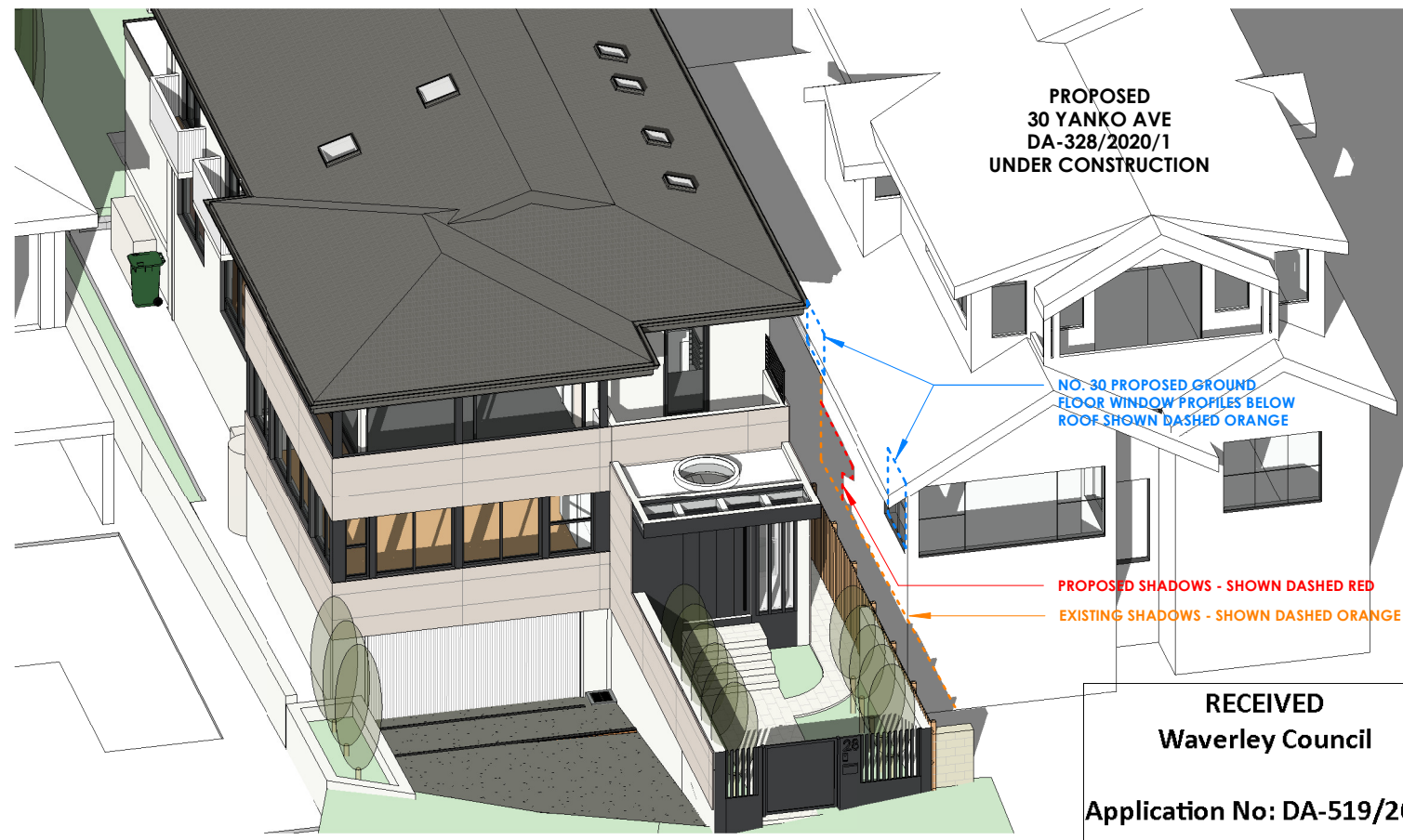
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9456	MN	MN
Job No.	Drawing No.	Revision
DDM_2206	A902	8

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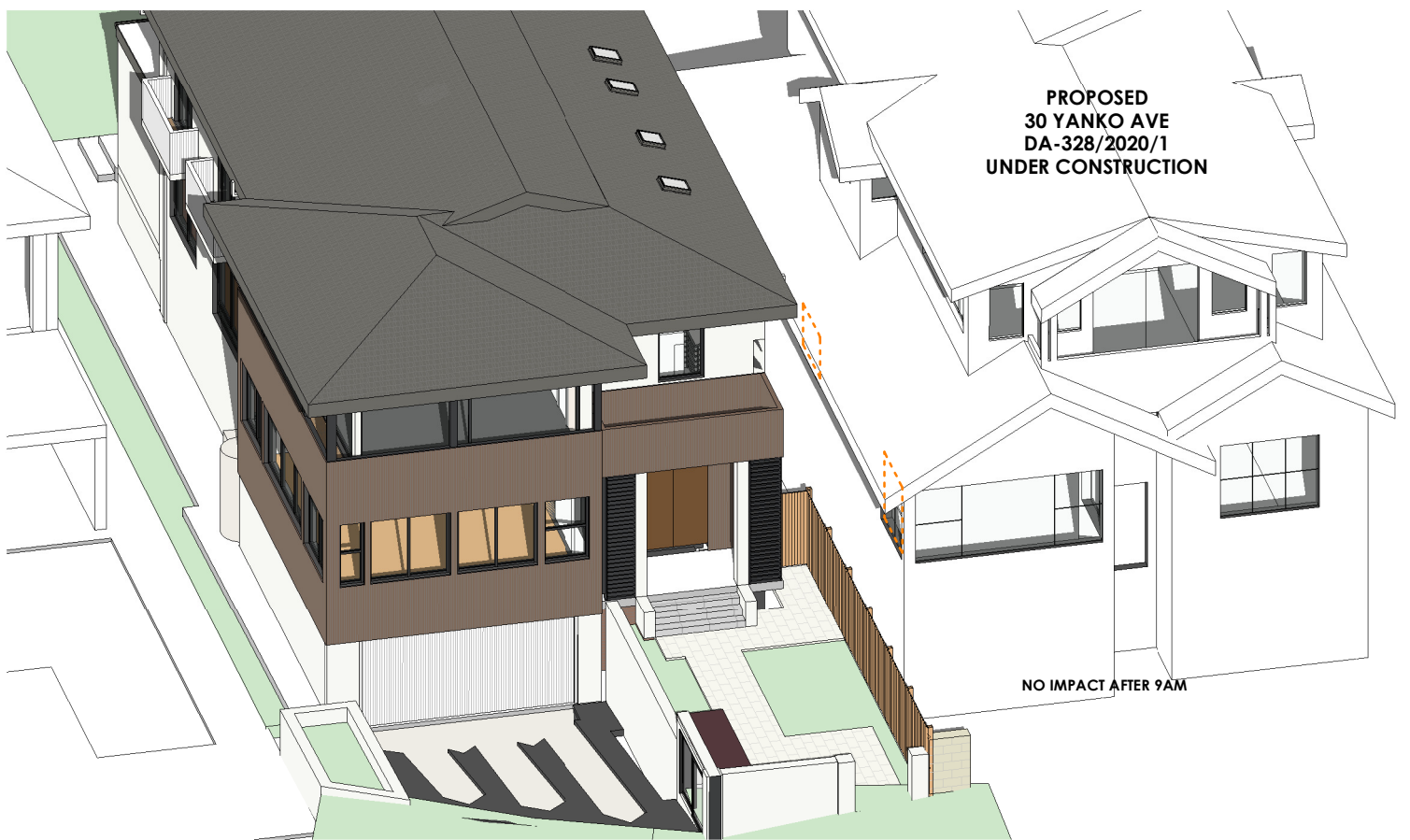


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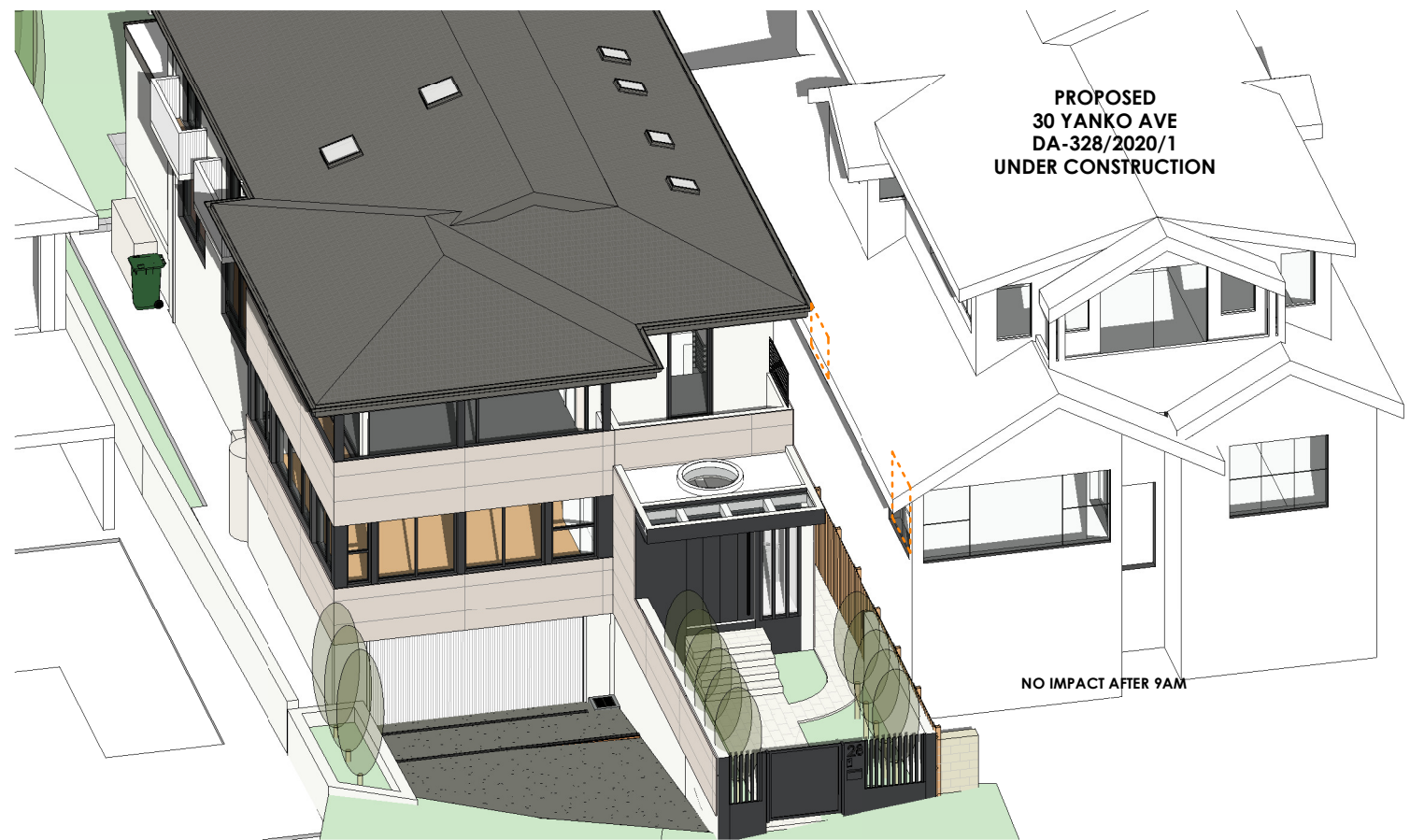


2 9AM JUNE 21 - PROPOSED

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Application No: DA-519/2022
Date Received: 14/04/2023



3 10AM JUNE 21 - EXISTING



4 10AM JUNE 21 - PROPOSED

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ALTERATIONS & ADDITIONS
28 YANKO AVE, BRONTE NSW 2024
L & P TEASDALE

Issue	Description	Date
6	POST DA - RFI RESPONSE	02.03.2023
7	POST DA - RFI RESPONSE	13.03.2023
8	POST DA - RFI RESPONSE	06.04.2023

IN PARTNERSHIP WITH:

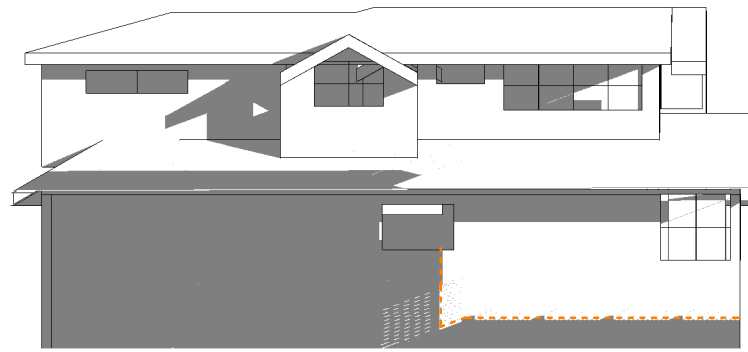


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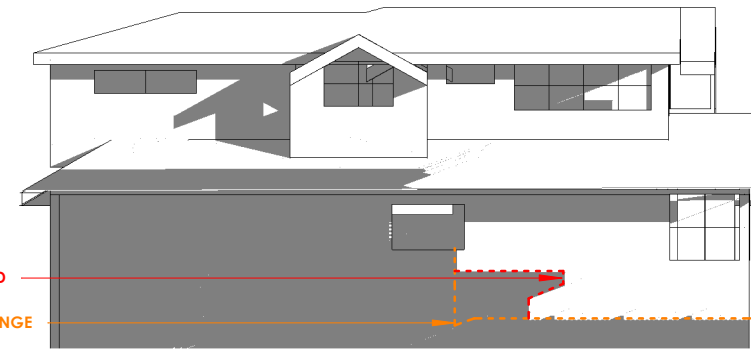
Reg No.	Drawn	Chk.
9456	MN	MN
Job No.	Drawing No.	Revision
DDM_2206	A903	8

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Waverley Council
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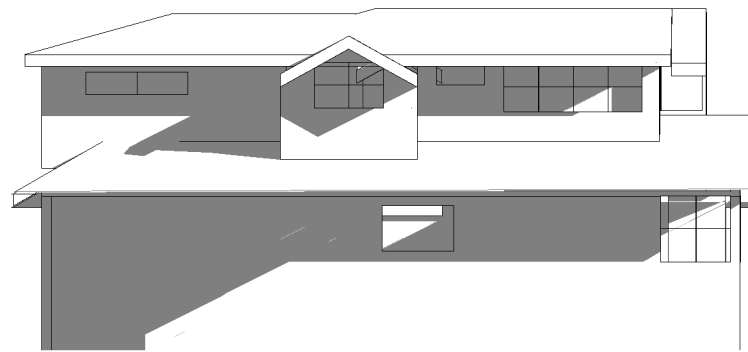


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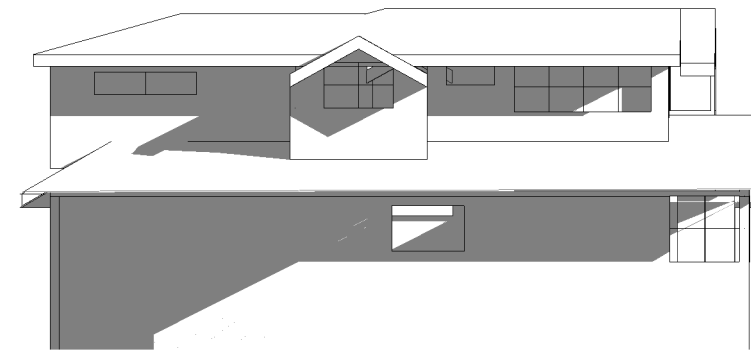


2 SHADOW ELEVATION - 9AM PROPOSED

PROPOSED SHADOWS SHOWN DASHED RED
EXISTING SHADOWS SHOWN DASHED ORANGE



3 SHADOW ELEVATION - 10AM EXISTING



4 SHADOW ELEVATION - 10AM PROPOSED NO ADDITIONAL IMPACT



5 SHADOW ELEVATION - 11AM EXISTING



6 SHADOW ELEVATION - 11AM PROPOSED NO ADDITIONAL IMPACT

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ALTERATIONS & ADDITIONS
28 YANKO AVE, BRONTE NSW 2024
L & P TEASDALE

Issue	Description	Date
8	POST DA - RFI RESPONSE	06.04.2023

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Drawing Name
SHADOW ELEVATION PLAN -
PROPOSED NO.30 YANKO AVE
Scale Sheet Size
@ A3

Reg No.	Drawn	Chk.
9456	MN	MN
Job No.	Drawing No.	Revision
DDM_2206	A904	8

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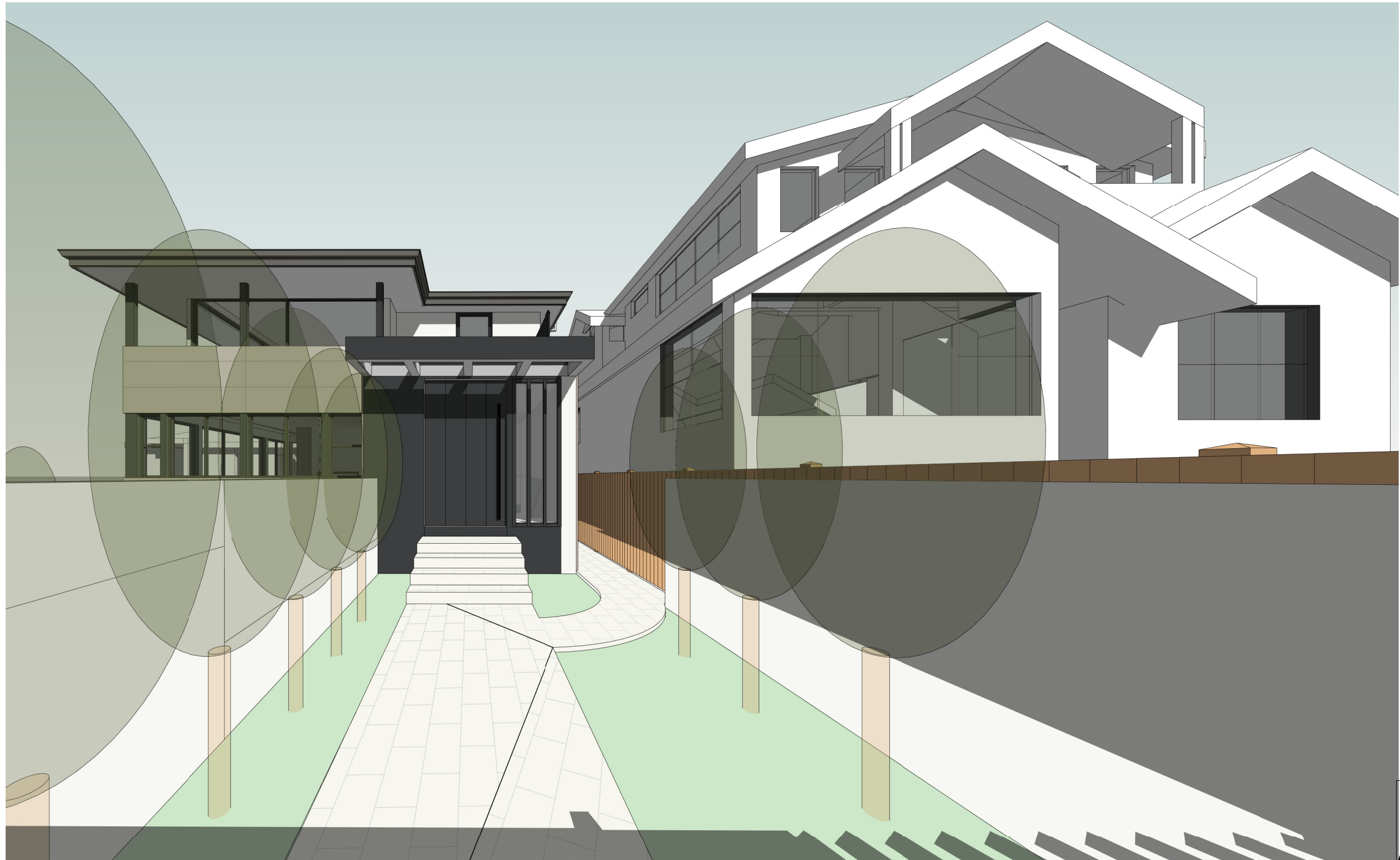
Issue	Description	Date
1	REVISED CONCEPT - NEW DA	26.10.2022
2	REVISED CONCEPT - NEW DA	06.11.2022
3	REVISED CONCEPT - NEW DA	08.11.2022
8	POST DA - RFI RESPONSE	06.04.2023

IN PARTNERSHIP WITH:
CRD
Opened Beautifully

Drawing Name _____
 3D VIEWS
 Scale _____ Sheet Size _____
 @ A3

Reg No.	Drawn	Chk.
9456	MN	MN
Job No.	Drawing No.	Revision
DDM_2206	A300	8

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1 3D - VIEW FROM FRONT GARDEN

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Drawing Name
 3D VIEWS
 Scale _____ Sheet Size
 @ A3

Reg No.	Drawn	Chk.
9456	MN	MN
Job No.	Drawing No.	Revision
DDM_2206	A301	8



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Report to the Waverley Local Planning Panel

Application number	DA-55/2023
Site address	62 St Thomas Street, BRONTE 1 Fig Tree Lane, BRONTE
Proposal	Boundary adjustment to transfer rear section of 62 St Thomas Street to 1 Fig Tree Lane
Date of lodgement	18 March 2023
Owner	O'Reilly Super Property Nominee Pty Ltd (62 St Thomas St) Mr R. P O'Reilly (1 Fig Tree Lane)
Applicant	Hill & Blume Pty Ltd
Submissions	1
Cost of works	\$5,000
Principal Issues	<ul style="list-style-type: none"> Minimum subdivision lot size
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for a boundary adjustment to transfer rear section of 62 St Thomas Street to 1 Fig Tree Lane, Bronte.

The principal issues arising from the assessment of the application are the non-compliance with the minimum subdivision size.

The assessment finds the subdivision lot size to be acceptable due to the character of the surrounding area and the minimal impacts to neighbouring properties.

A total number of 1 submission was received and the issues raised in the submission have been considered and addressed in this report and in the recommendation.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 6 April 2023.

The site is identified as Lot 1 in DP 218061, known as 62 St Thomas Street, BRONTE.

The site is rectangular in shape with a frontage to St Thomas Street, measuring 5.22m. The site has an area of 343.5m² and backs onto No. 70 Boundary Street to the rear. The site is occupied by a two storey semi-detached dwelling with vehicular access provided from St Thomas Street.

The site is adjoined by semi-detached dwellings on either side. The rear of the site adjoins No. 1 Fig Tree Lane and No. 70 Boundary Street. The locality is characterised by a variety of low density residential development.

The owner of the property also owns the property at No. 1 Fig Tree Lane at the rear. In approximately April 2022, the boundary fence was reconstructed in order for the rear of the subject site to become part of the private open space for No. 1 Fig Tree Lane, as shown below (the fence for No. 62 St Thomas Street is shown in blue and the fence for No. 1 Fig Tree Lane is shown in red).



Figure 1: Aerial view of site

Figures 2 to 9 are photos of the site and its context.



Figure 2: Subject site viewed from St Thomas Street



Figure 3: Rear of subject site, looking west (area that has become part of the POS for 1 Fig Tree Lane)

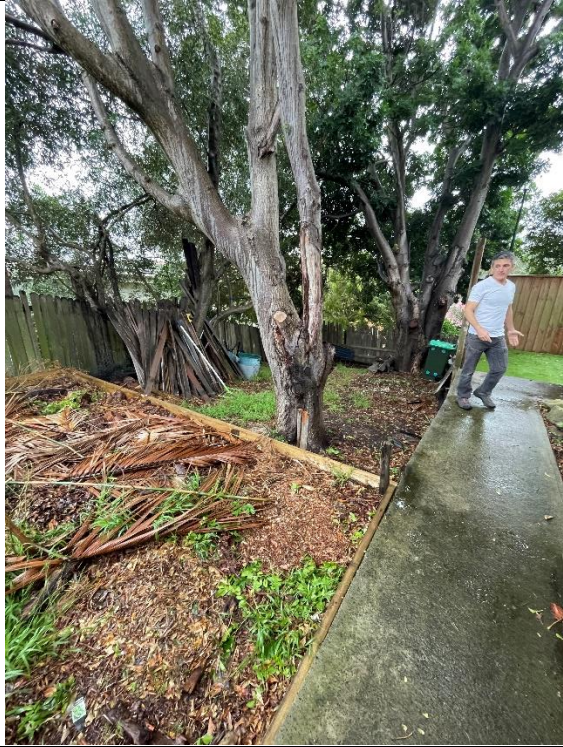


Figure 4: Rear of subject site, looking west (area that has become part of the POS for 1 Fig Tree Lane)



Figure 5: Rear of subject site, looking east (area that has become part of the POS for 1 Fig Tree Lane)

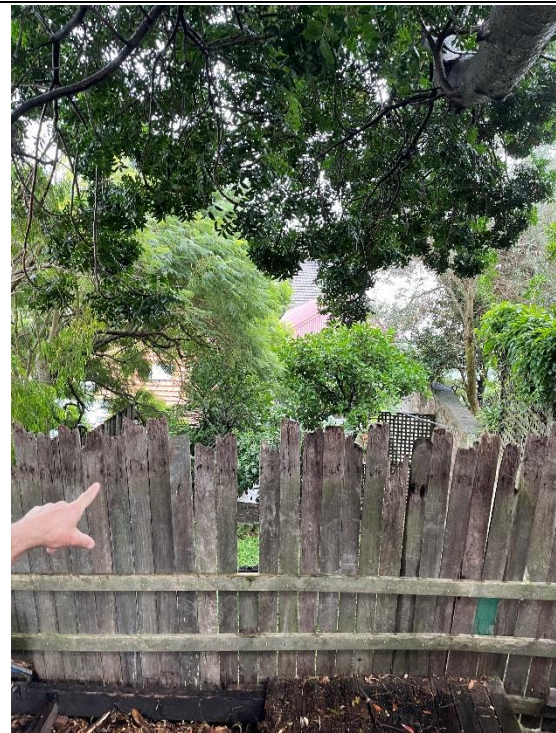


Figure 6: Rear of subject site, looking west, showing the existing fence in the location of the proposed new boundary location.



Figure 7: Rear of subject site, looking west, showing the existing POS for the dwelling for 62 St Thomas Street.



Figure 8: Rear of subject site, looking east, showing the existing POS for the dwelling at 62 St Thomas Street (source: Domain, January 2023)



Figure 9: View from the internal living area of the subject site looking east, showing the existing POS for the dwelling for 62 St Thomas Street (source: Domain, January 2023)

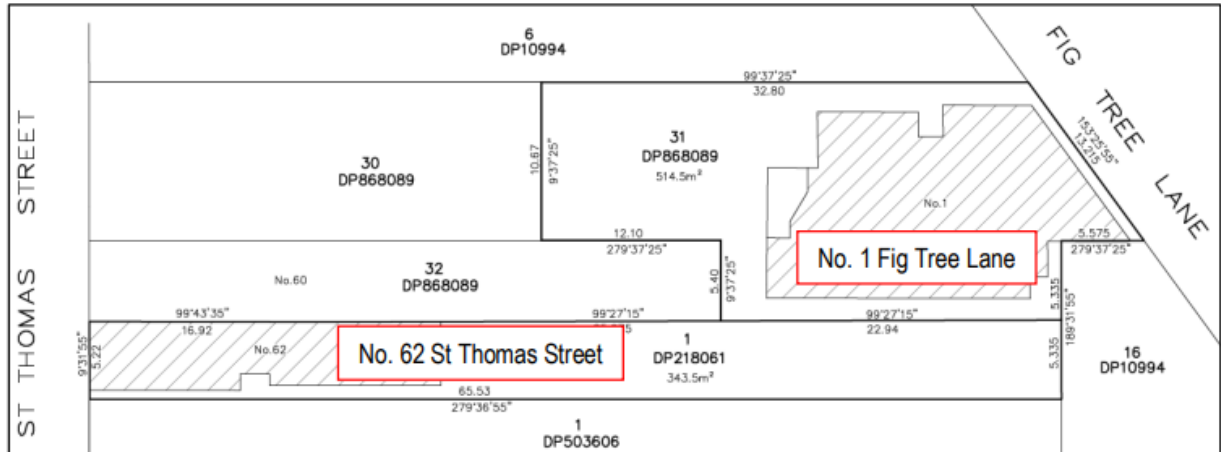
1.3. Relevant Development History

A search of Council's records revealed that DA-46/97 was approved on 25 March 1997 for the realignment of the boundary at No. 58-60 St Thomas Street (neighbouring property to the north) to become part of what is now known as 1 Fig Tree Lane.

1.4. Proposal

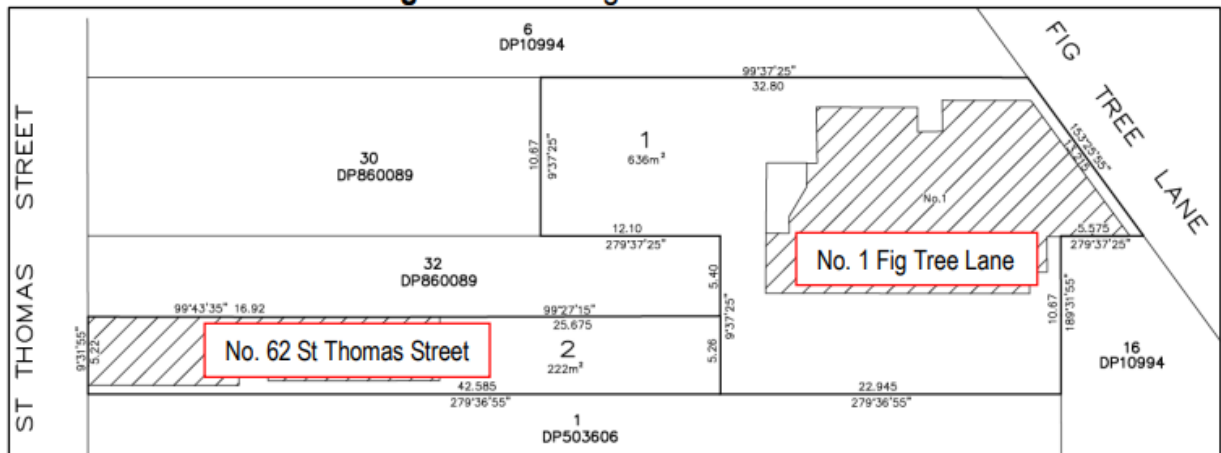
The development application seeks consent for the realignment of the property boundary to reduce the site area of No. 62 St Thomas Street at the rear, and transfer that site area to No. 1 Fig Tree Lane.

The realignment of the boundary would result in No. 62 St Thomas Street reducing in site area to 222m² and No. 1 Fig Tree Lane increasing the site area to 636m². The below image details the boundary adjustment.



Source: Hill & Blume

Figure 1: Existing Subdivision Plan



Source: Hill & Blume

Figure 2: Proposed Subdivision Plan

Figure 10: Existing and proposed subdivision plan (source: Statement of Environmental Effects, 2023)

1.5. Background

The development application was lodged on 18 March 2023 and a Stop the Clock Letter was sent to the applicant on 23 March 2023 for the following reasons:

1. A Clause 4.6 was requested to be submitted with the application to address the non-compliance with the minimum subdivision lot size; and
2. An updated Statement of Environmental Effects report was requested with a full assessment of Part B12 *Subdivision* of the Development Control Plan 2022 (DCP).

The additional information was submitted on 11 April 2023. The documents received on 11 April 2023 form the basis of the assessment.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

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

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the LEP.
Part 2 Permitted or prohibited development		
2.6 Subdivision – consent requirements	Yes	The application seeks consent for a boundary adjustment of two existing Torrens lots.
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is permitted with consent. The proposal to realign the boundaries is consistent with the surrounding low density residential environment. The proposal is considered to be consistent with the objectives of the R2 zone.
Part 4 Principal development standards		
4.1 Minimum subdivision lot size • 325m ²	No	<ul style="list-style-type: none"> No. 62 St Thomas Street: 222m² No. 1 Fig Tree Lane: 636m² The lot for No. 62 St Thomas Street will not comply with the development standard by 39.69%.
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 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 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 325m². The proposed development has a lot size for No. 62 St Thomas Street of 222m², exceeding the standard by 103m² equating to a 39.69% 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 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 the proposed development's non-compliance with the applicable lot size development standard, the proposal achieves the desired low density character of the area. The proposal provides a lot size that is generally consistent with that envisaged by Council's controls*
 - (ii) *There is no predominant subdivision pattern in the vicinity of the site. Notwithstanding, in our opinion the proposed subdivision of the site is consistent with the context, in particular the adjoining site at No. 60 St Thomas Street which comprises the pair semi-detached dwelling to the subject site. Along St Thomas Street there is a mix of densities, predominantly free standing dwellings or semi-detached dwellings. There are numerous examples of similarly sized lots along St Thomas Street and surrounding streets which also fall short of the minimum lot size requirements of the LEP.*



● Non-Compliant Lot Sizes

(iii) In addition to the above, there are numerous examples in the Waverley LGA and in the vicinity of the site, which have been approved with similar lot size non-compliances. 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 and if there are any comparable principles to the subject application. Based on Waverley Council's Clause 4.6 Register, some examples of approved lot size non-compliances include the following:

- DA 272/2014 – No. 12 George Street, Dover Heights: Subdivision only – 46% variation
- DA 389/2014 – No. 48-50 Francis Street, Bondi Beach: Subdivision only – 46%
- DA 67/2014 – No. 24 Boundary Street, Bronte: Subdivision only – 95m² variation
- DA 370/2015 – No. 27 Sandridge Street, Bondi: New second occupancy - 4.9% variation and 2.3% variation
- DA 501/2015 – No. 6 Pacific Avenue, Tamarama: Subdivision only – 2.6% variation
- DA 392/2015 – No. 53 Nancy Street, North Bondi: Construction of new dual occupancy and Torrens Title subdivision - 23% variation
- DA 403/2016 – No. 6 Mons Street, Vaucluse: Subdivide land into two Torrens Title lots and construct two attached dwellings - 35% variation
- DA 477/2016 – No. 47-53 Bon Accord Avenue, Bondi Junction: Subdivision only – 45%
- DA 103/2017 – No. 94 Hastings Parade, North Bondi: Subdivision only – 28.9% variation
- DA 78/2017 – No. 276 Military Road, Dover Heights: Demolition and construction of two semi-detached dwellings and Torrens Title subdivision - 15-20% variation

- DA 206/2018 – No. 17 Barclay Street, Waverley: Construction of two semi-detached dwellings – 15% variation
 - DA 247/2020 – No. 12 Blake Street, Rose Bay: New second occupancy – 39% variation
 - DA 121/2021 – No. 21-23 Imperial Avenue, Bondi: Conversion of residential flat building to an attached dual occupancy and Torrens title subdivision of site into two lots - 9% and 7.6% variation.
- (iv) *The above DAs have non-compliances with the minimum lot size development standard which were supported by Council for similar arguments as those made in this Clause 4.6 Variation. The above applications were similarly for Torrens Title subdivision, and some for construction of new built forms on non-compliant lot sizes. Given the above examples, it is our opinion that the proposed 31.69% variation is appropriate in these circumstances, in particular since the proposal does not include any built form works, rather maintains the existing built form. The proposal will continue to readily accommodate the existing semi-detached dwelling and the Torrens Title subdivision will reflect and reinforce the subdivision pattern of the area, regardless of the numeric departure.*
- (v) *No built form works are proposed. Therefore, subdivision will not result in adverse impacts to the amenity of the neighbouring properties. Rather, the proposal has been designed to improve the amenity of No. 1 Fig Tree Lane, to the rear of the subject site in addition to surrounding development on St Thomas Street and Boundary Street.*
- (vi) *Currently No. 1 Fig Tree Lane is built close to the southern boundary (the northern boundary of the subject site). If a built form or any primary/intensified open space were constructed at the rear of the site this would diminish the amenity of No. 1 Fig Tree Lane. Therefore, subdivision of the subject site and the associated boundary readjustment of No. 1 Fig Tree Lane to accumulate the subdivided land will prevent the construction of a built form or intensified open space at the rear of the site. As such, subdivision will improve and futureproof the amenity of No. 1 Fig Tree Lane. The proposal will also cater for additional private open space for No. 1 Fig Tree Lane which will subsequently improve outlook from the southern boundary windows of No. 1 Fig Tree Lane. Therefore, subdivision of No. 62 St Thomas Street results in a better planning outcome in terms of amenity for No. 1 Fig Tree Lane.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *subdivision of the subject site will maintain the amenity of Nos. 64 and 66 St Thomas Street and Nos. 68 and 70 Boundary Street as existing. This is because the owners of No. 1 Fig Tree Lane who will accumulate the remaining subdivided land do not wish to develop the southern portion of the property. As such, solar access, privacy and outlook to and from the rear private open spaces of the abovementioned properties will be maintained as existing. Also, given this portion of land is not going to be developed, retention of landscaping and tree canopy will assist with cooling and shading of the neighbouring properties and will not result in additional stormwater runoff. Therefore, Torrens Title subdivision of the subject site results in a better planning outcome for surrounding development, ensuring amenity is maintained as existing or improved.*

- (ii) *the existing lot size of No. 62 St Thomas Street is disproportionate to surrounding development, in particular No. 60 St Thomas Street which comprises the pair semi-detached dwelling to the subject site. Therefore, subdivision to align and provide a consistent rear boundary with No. 60 St Thomas Street will result in a better planning outcome for the site.*
- (iii) *given the subject site has a substantial fall from the rear boundary to the rear setback of the dwelling, the private open space at the rear of the site is rarely utilised and as such, subdivision will not result in the loss of primary open space on site. Rather, the associated boundary readjustment of No. 1 Fig Tree Lane to accumulate the subdivided land will result in enhanced private open space to No. 1 Fig Tree Lane which is a better planning outcome when compared to the existing situation.*
- (iv) *retention of landscaping and tree canopy on the portion of subdivided land to be accumulated by No. 1 Fig Tree Lane will assist with cooling and shading of No. 1 Fig Tree Lane and surrounding development. This is a better planning outcome which results in environmental benefits. It is important for Council to note that the applicant has recently regenerated a large area of Council land on Fig Tree Lane at their own expense under Waverley Council's Living Connections Programme to plant native bushes and attract bird wildlife. This shows the applicants good intent and ultimate goal of landscape and tree canopy protection and retention.*
- (v) *the subdivision of No. 62 St Thomas Street will enhance the amenity of No. 1 Fig Tree Lane in numerous ways. This will be achieved through the provision of additional private open space, enhanced outlook from the southern boundary windows and retention of green open space at the rear rather than construction of a built form or intensified open space which would have adverse amenity impacts on No. 1 Fig Tree Lane. The proposal will ensure no overlooking to the southern boundary windows and retention of acoustic privacy to No. 1 Fig Tree Lane. Subdivision will enhance and futureproof the amenity of No. 1 Fig Tree Lane.*
- (vi) *Subdivision will also maintain the amenity of Nos. 64 and 66 St Thomas Street and Nos. 68 and 70 Boundary Street as existing. This is because the owners of No. 1 Fig Tree Lane who will accumulate the remaining subdivided land of the subject site do not wish to develop the southern portion of the property. As such, solar access, privacy and outlook to and from the rear private open spaces of the abovementioned properties will be maintained as existing. Accordingly, the proposal maintains the amenity of the above mentioned properties.*

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

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

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

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

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

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

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

The applicant specifically relies upon justification (a) and (c) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. The development proposes to realign the existing boundaries to two Torrens title allotments, which is more consistent and characteristic of lot sizes in the locality (as demonstrated by the applicant's response), particularly No. 60 St Thomas Street. The proposed boundary adjustment will not result in any amenity impacts to the neighbouring properties or the locality. It will be aligned with the surrounding subdivision pattern within the vicinity, which consists of modest semi-detached dwellings. The applicant has sufficiently demonstrated that there has been a large number of previous approvals showing smaller lot sizes than the minimum standard, whilst maintaining adequate amenity on each site. Any future development on the site has the opportunity to fully comply with the relevant development controls, which aligns with the intent of the development standard objectives.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. As mentioned above, the proposed boundary adjustment is aligned with the surrounding subdivision pattern of the locality, particularly No. 60 St Thomas Street. The proposed boundary adjustment will facilitate residential development in a compatible built form of semi-detached dwellings with no environmental impact to the neighbouring properties or the locality, as a dwelling house is already existing on both allotments. Any future

development on either property has the opportunity to fully comply with the relevant LEP and DCP objectives and controls.

For this reason, the variation is considered acceptable.

Is the development in the public interest?

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

The 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 objectives of the R3 zone are as follows:

- To provide for the housing needs of the community within a low density residential environment.*
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- To maximise public transport patronage and encourage walking and cycling.*
- To ensure dwelling character, landscape character, neighbourhood character, streetscapes and amenity are maintained or enhanced over time.*
- To encourage the supply of housing that meets the needs of the population, particularly housing for older people and people with disability.*
- To promote development that incorporates planning and design measures that reduce the urban heat island effect.*
- To improve the urban tree canopy by providing high levels of deep soil planting and additional landscaping*

The proposal to realign the boundary achieves the objectives of the development standard and the objectives of the R3 zone. The boundary adjustment will not impact on the existing pattern within the area and will provide better amenity across both the properties overall. The development will maintain the housing needs within a low density residential environment. The boundary adjustment is compatible with surrounding lot sizes in the area, particularly No. 60 St Thomas Street, and is supported.

Conclusion

For the reasons provided above the requested variation to the 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 subdivision lot size development standard and the R2 zone.

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

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

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

Development Control	Compliance	Comment
12. Subdivision	Yes	See discussion below.

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

Subdivision

The LEP sets a minimum site area development standard for Torrens tile subdivision of 325m² to ensure that any future development of the site is capable of complying with the controls of the LEP and DCP. Whilst the lot for No. 62 St Thomas Street does not comply with the minimum area, it is noted that the proposed boundary adjustment will maintain the established character of the area as a low density residential environment given each lot will maintain a single dwelling. The boundary alignment will match the existing boundary alignment of No. 60 St Thomas Street and will be consistent in the area in terms of lot size.

Amenity impacts upon surrounding properties will be unchanged, or reduced, as no changes are proposed to any building currently on both sites. Any future development proposal would be subject to assessment; however, each site will provide sufficient area to be capable of compliance with the LEP and DCP controls and objectives.

Each lot will maintain their frontage to either St Thomas Street (No 63) or Fig Tree Lane (No 1) and no changes will be proposed to the existing driveways for each.

The proposal will not compromise any significant features of the existing or adjoining sites including streetscape character, landscape features or trees.

The proposal is consistent with the objectives and relevant controls of this part of the DCP.

2.2. Other Impacts of the Development

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

2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.4. Any Submissions

The application was notified for 14 days between 13 April 2023 and 28 April 2023 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

A total of 1 unique submission was received from No. 60 St Thomas Street.

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

Issue: Does the new subdivision realignment give the owners the right to build any structure at all on this 'new subdivision'? / Concerns raised regarding future development on the rear section that will now become part of No. 1 Fig Tree Lane.

Response: Potentially further development on either site may occur, however in any instance, there is an expectation that any future development on either property must comply with relevant building and planning controls relating to the sites.

Issue: The existing tree in the rear of the site at No. 62 St Thomas Street should be removed.

Response: No trees are proposed to be removed as part of this development.

Issue: Will the realignment impact on future development for No. 60 St Thomas Street?

Response: Any future development will be assessed against the existing built forms on site and is required to comply with relevant building and planning controls.

2.5. Public Interest

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

3. REFERRALS

The following internal referral comments were sought:

3.1. Information Management and Technology

Council's GIS officer has reviewed the proposal and made the following comments:

The premise address of the properties is not affected by boundary adjustment and remains the same.

4. CONCLUSION

The development application seeks consent for boundary adjustment to transfer rear section of 62 St Thomas Street to 1 Fig Tree Lane, BRONTE.

The principal issues arising from the assessment of the application are the non-compliance with the minimum subdivision size.

The assessment finds the subdivision lot size to be acceptable due to the character of the surrounding area and the minimal impacts to neighbouring properties.

A total number of 1 submission was received and the issues raised in the submission have been considered and addressed in this report and in the recommendation.

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


Development Building Unit (DBU) Review

The application was reviewed by the DBU at the meeting on 9 May 2023 and the DBU concurred with the Assessment Planner's recommendation.

DBU members: *J Zancanaro, 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 by:
	
Katie Johnstone	Angela Rossi
Senior Development Assessment Planner	Manager, Development Assessment
Date: 10 May 2023	Date: 12 May 2023

Reason for WLPP referral:

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

OFFICE USE ONLY

Clause 4.6 register entry required	39.69% variation to lot size (Clause 4.1)
Determining Authority (Concurrence Authority for Clause 4.6 variation)	Local Planning Panel

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by Paul Anthony Cechellero including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DP Sheet 1 of 1	Draft Subdivision Plan	19/09/2023	14/03/2023

Except where amended by the following conditions of consent.

B. PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

2. 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.

3. SERVICE AUTHORITIES

The applicant is to seek approval from relevant authorities regarding any possible modification to the service authorities infrastructure prior to the issue of a Subdivision Certificate.

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. SYDNEY WATER REQUIREMENTS

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

Contact Sydney Water for more information.

AD2. 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.

AD3. SYDNEY WATER CERTIFICATE

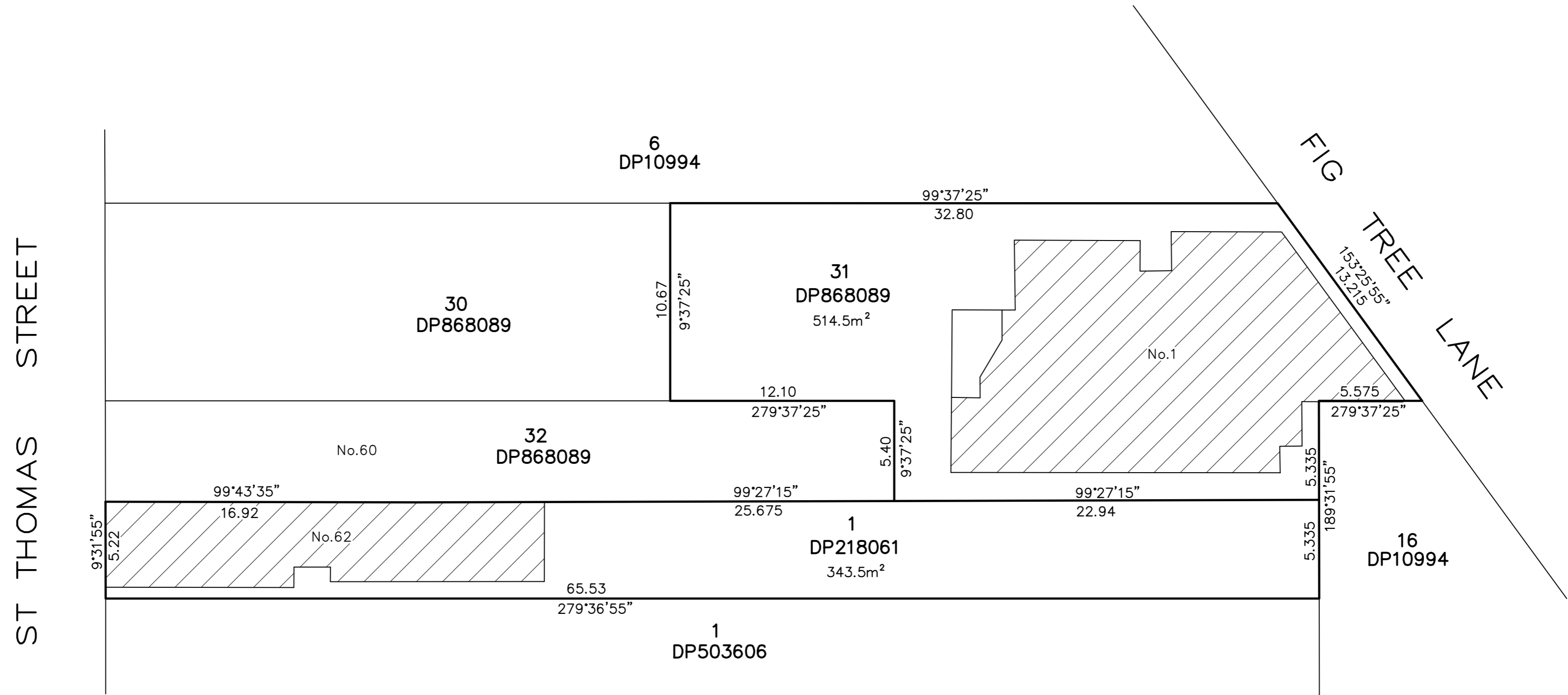
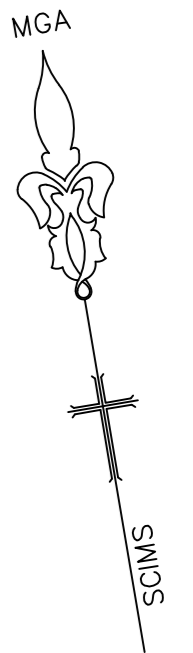
A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. **Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website.**

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

RECEIVED
 Waverley Council
 Application No: DA-55/2023
 Date Received: 14/03/2023

SITE PLAN

LOT 1 DP 218061 AND LOT31 DP 868089
 BEING No.62 ST THOMAS AVENUE AND No.1 FIG TREE LANE, BRONTE.

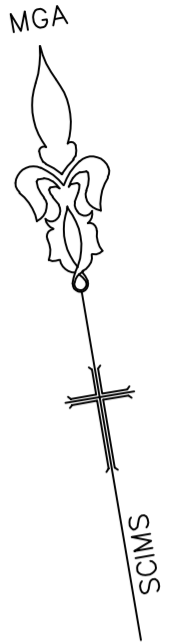


Surveyor: PAUL ANTHONY CECELLERO Date of Survey: 19 SEPTEMBER 2022 Surveyor's Ref: 64166 PC	SITE PLAN	L G A : WAVERLEY Locality: BRONTE Subdivision No: <small>Lengths are in metres. Reduction Ratio 1:200</small>	Registered	DP
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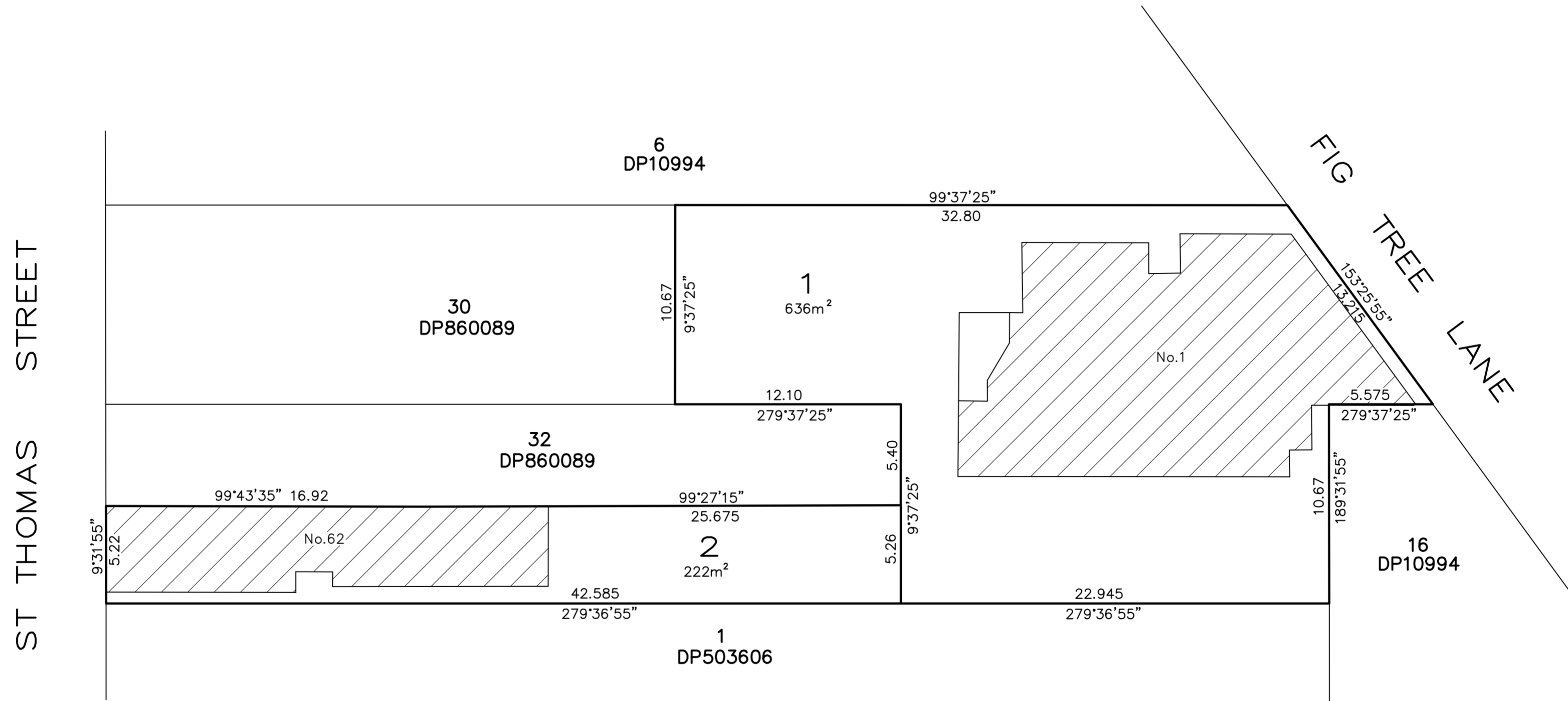
DRAFT SUBDIVISION

LOT 1 DP 218061 AND LOT31 DP 868089

BEING No.62 ST THOMAS AVENUE AND No.1 FIG TREE LANE, BRONTE.



RECEIVED
Waverley Council
Application No: DA-55/2023
Date Received: 14/03/2023



AREAS, BEARINGS AND DIMENSIONS ARE APPROXIMATE ONLY
AND ARE SUBJECT TO FINAL SURVEY

Surveyor: PAUL ANTHONY CECELLERO
Date of Survey: 19 SEPTEMBER 2022
Surveyor's Ref: 64166 PC

PLAN OF SUBDIVISION OF LOT1 DP 218061
AND LOT 31 DP 868089

L G A : WAVERLEY
Locality: BRONTE
Subdivision No:
Lengths are in metres. Reduction Ratio 1:200

Registered

DP



Report to the Waverley Local Planning Panel

Application number	DA-493/2022
Site address	7 Gaerloch Avenue, TAMARAMA
Proposal	Demolition and construction of a new part two to three storey dwelling house with integrated double garage with turntable and spa pool at rear
Date of lodgement	17 November 2022
Owner	Paravit Investments Pty Ltd
Applicant	Richard Peters
Submissions	Six (6) submissions
Cost of works	\$4,730,330.00
Principal Issues	<ul style="list-style-type: none"> • Building height • FSR • View loss
Recommendation	That the application be granted a DEFERRED COMMENCEMENT consent.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for the demolition and construction of a new part two to three storey dwelling house with integrated double garage with turntable and spa pool at rear at the site known as 7 Gaerloch Avenue, Tamarama.

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

- (a) Building height;
- (b) FSR; and
- (c) View loss.

The assessment finds that the variation to the FSR development standard is acceptable as the extent of the variation is contained within the lower levels of the dwelling at the rear and does not contribute to excessive building bulk or scale or have any adverse amenity impacts on surrounding properties. However, the variation to building height development standard results in a roof form that results in additional view loss to surrounding properties and does not satisfy the objective of the development standard to preserve environmental amenity of surrounding properties. Having regard to the scale of surrounding developments it is considered that the proposal could be adequately amended to incorporate a reduced built form that complements the character of the streetscape and has no additional view loss impacts on surrounding properties. As such, a design amendment condition as part of a deferred commencement consent has been included in the Recommendation.

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. 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 approval subject to conditions of consent.

1.2. Site and Surrounding Locality

A site visit was carried out on 20/12/2022.

The site is identified as SP49595, also known as 7 Gaerloch Avenue, Tamarama.

The site is irregular in shape with a frontage to Gaerloch Avenue, measuring 12.1m. It has an area of 339.5m² and is generally it falls from the north towards the south by approximately 10.96m.

The site is occupied by a part two and part three storey dwelling house with vehicular access to a garage provided from Gaerloch Avenue.

The site is adjoined by two and three storey dwelling houses on either side. The locality is characterised by a variety of medium residential development comprising a mix of detached dwellings, dual occupancies and residential flat buildings.

Immediately opposite the site on the southern side of Gaerloch Avenue is Gaerloch Reserve and the coastline which forms part of the Bondi to Coogee Walk.

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



Figure 1: View of site and adjoining properties looking north from Gaerloch Avenue



Figure 2: View of existing dwelling, looking south from rear yard



Figure 3: Rear of the main dwelling facing north



Figure 4: Existing front balcony/ deck area on the first level

Relevant Development History

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

- DA-169/1995 was approved on 7 August 1995 for alterations to the existing duplex;
- DA-265/2011 was approved on 2 August 2011 for alterations and additions to the building including balconies, rear addition and enlarge garage; and
- DA-137/2016 was approved on 21 October 2016 for alterations and additions to the existing building including reconfiguration of unit, new stairs and windows.

On 24 March 2023, Council granted approval for DA-142/2022 for demolition of the existing dwelling and for construction of a three storey dwelling including excavation for a basement garage, removal of a swimming pool, a new rear terrace and spa, and landscape works at 9 Gaerloch Avenue, Tamarama, immediately adjoining to the west.

Proposal

The amended development application seeks consent for demolition of the existing dwelling and construction of a new three storey dwelling house with garage accessed from Gaerloch Avenue, specifically the following:

Ground level (Garage)

- Excavation to provide a two car garage setback behind a turntable, breezeways adjacent to the side boundaries and northern side of basement;
- Entry to dwelling above via internal stairs and lift; and
- Service areas including a plant room, rainwater tank, bin storage, meters, sink/hose and bench area.

Level 1

- Rumpus room with kitchenette and fireplace;
- Front terrace and landscaped roof above garage;
- Internal stairs and lift;
- Bathroom with steam room;
- Breezeway along the eastern side boundary; and
- Void to breezeway along the northern elevation.

Level 2

- 3 bedrooms with ensuites;
- Internal stairs and lift;
- Balcony on southern elevation;
- Northern setback to existing rockface to be landscaped; and
- Access door from external stairs along the western side boundary to northern landscaped setback.

Level 3

- Open plan living space with fireplace and balcony on southern elevation;
- WC and laundry;
- Internal stairs and lift;
- Open mesh bridge providing level access from living space to rear yard;

External works

- Retention of part of existing external stairs along the western side boundary from basement to rear yard;

- Removal of part of external stairs along the western side boundary to create level pathway underneath proposed planter above;
- New external stairs along the north-western boundary to provide access to existing rear yard;
- Retention of part of western side boundary fence with new fencing above up to 1m high to the landscaped area above the garage and up to 2m high adjacent to external stairs.
- Additional fence measuring between 0.3m and 2.3m above part of the existing western side boundary fence adjacent to the rear building line incorporating a 1m high planter and an additional 800mm privacy screen resulting in a total fence height of 4.8m as measured from the existing ground level at 9 Gaerloch Avenue;
- Outdoor BBQ, spa, clothes drying area and landscape works;
- Removal of one existing tree in the rear yard; and
- Solar panels on roof.

Background

The development application was lodged on 17 November 2022 and deferred on 16 January 2023 and 15 March 2023 for the following reasons:

16 January 2023

- (a) Amendment to landscape plan to include sufficient indigenous or local native plants to contribute to the biodiversity corridor required under Section 3.2.2 of the Waverley Development Control Plan (WDCP) 2012 and clearly show proposed levels;
- (b) Clarification of existing trees on site, as per survey plan, and if tree removal is sought;
- (c) A view loss analysis addressing the planning principle for view sharing as set out in *Tenacity Consulting v Warringah Council* is to be prepared;
- (d) A clause 4.6 written justification seeking variation to the height of buildings development standard;
- (e) The proposed projecting front terrace, balconies and roof form are to be reduced to minimise bulk and scale, streetscape impacts and view loss from adjoining properties;
- (f) The height of the garage fronting Gaerloch Avenue is excessive and is inconsistent with adjoining properties and the streetscape;
- (g) The proposed rear deck on Level 3 to be deleted as it covers the landscaped area and habitable windows to the floor below and is inconsistent with controls for elevated decks under the WDCP 2012. A bridge to provide a pathway between Level 3 and the rear open space is recommended;
- (h) Additional details in sections and elevations to clearly identify existing and proposed works to be provided on architectural plans;
- (i) The proposed breezeway is inconsistent with the excavation setback controls. Clarification is sought regarding the necessity of the breezeway and construction methodology as no retaining walls have been shown on the architectural plans. It is recommended that the extent of excavation be reduced to comply with side setback controls under the WDCP 2012.

On 10 February 2023, Council received amended architectural and landscape plans, shadow diagrams and a photomontage to address the matters raised in council's deferral letter. The applicant clarified that the proposed garage door, at a height of 2.5m, is consistent with the height of adjoining garage doors and is recessed from the front boundary, the height of the parapet wall on the front boundary provides an appropriate transition between the adjoining properties and complements the topography of the street. The applicant advised that the view impact assessment was being prepared and sought an extension of time prepare the report for consideration.

On 20 February 2023, an amended Clause 4.6 written justification seeking variation to the height of buildings development standard and a view analysis assessment report was submitted in support of the amended architectural plans and to address the matters raised in Council's deferral letter.

15 March 2023

- (a) Clarification is sought regarding additional overshadowing to recently approved solar panels on the roof at 9 Gaerloch Avenue under Development Consent DA-142/2022. If additional overshadowing is cast by the extent of the variation to the height of building development standard, this must be addressed in an amended Clause 4.6 written justification;
- (b) The proposed mesh bridge at the rear of Level 3 has not been amended as recommended in Council's previous deferral letter and has a finished floor level of RL26.40 which is higher than the ground level of the existing and approved rear private open space at 9 Gaerloch Avenue, and is likely to result in additional privacy impacts. Amendment to the proposed mesh bridge is recommended to address privacy impacts on the adjoining property; and
- (c) Additional details are to be provided on the architectural plans to accurately show the existing western side boundary fence and the extent of proposed works including the existing ground level of the adjoining property.

On 23 March 2023, the applicant submitted additional shadow diagrams demonstrating that the proposal has no additional shadow impacts on the approved solar panels at 9 Gaerloch Avenue and therefore the submitted Clause 4.6 written request for building height does not need to be revised. No change has been made to the full length of the mesh bridge at the rear of Level 3. The applicant amended the architectural plans to include relocation of part of the external stairs along the western side boundary and addition of a 1m high planter box with an additional 800mm high privacy screen adjacent to the mesh bridge to mitigate direct overlooking and privacy impacts on 9 Gaerloch Avenue.

The amended architectural plans, shadow diagrams, landscape plans, view loss analysis and submitted Clause 4.6 written requests to vary the FSR and height of building development standards form the basis of the assessment in 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 from the 1st March 2022 and have been considered acceptable in the assessment of this development application:

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

SEPP (Resilience and Hazards) 2021

SEPP Coastal Management applies to the subject site as it is wholly located within the Coastal Environment Area (i.e. defined by clause 2.10) and a Coastal Use Area (i.e. defined by clause 2.11) .

Clause 2.10 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 2.10 of SEPP (Resilience and Hazards) 2021 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 proposal will not have any impacts on the integrity of existing coastal lands, or surface or ground water, subject to appropriate excavation, construction and stormwater conditions being imposed.
(b) coastal environmental values and natural coastal processes,	Yes	The proposal will not have any impacts on the existing coastal environment.

Matter for Consideration	Compliance	Comment
(c) the water quality of the marine estate (within the meaning of the <i>Marine Estate Management Act 2014</i>), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,	Yes	The proposal will not have any impact on the water quality of the adjacent coastline. The site is not in the vicinity of any identified coastal lakes.
(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,	Yes	The proposal will not have any impact on existing marine vegetation, rock platforms, headlands or habitats for local fauna.
(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 proposal is wholly contained within the boundaries of the subject site and will not have any impact on existing access within public open space in and surrounding Gaerloch Reserve.
(f) Aboriginal cultural heritage, practices and places,	N/A	There are no items of Aboriginal heritage in the vicinity of the site.
(g) the use of the surf zone.	Yes	The proposal will have no impact on the use of any surf zones.

Clause 2.11 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 2.11 of SEPP (Resilience and Hazards) 2021 Matters for Consideration Table

Matter for Consideration	Compliance	Comment
(a) ...the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—		
(i) existing, safe access to and along the foreshore, beach, headland or rock	Yes	The proposal will have no impact on existing access along the foreshore which is located within Gaerloch Reserve.

Matter for Consideration	Compliance	Comment
platform for members of the public, including persons with a disability,		
(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,	Yes	<p>The proposal will not result in any loss of views from the public domain or foreshore.</p> <p>The proposal will result in minor additional overshadowing of the carriageway in Gaerloch Avenue at 12noon on 21 June but does not overshadow Gaerloch Reserve or the foreshore.</p> <p>The proposal is consistent with the bulk and scale of surrounding properties and will not have adverse wind impacts on the adjacent foreshore area.</p>
(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,	Yes	The proposal is consistent with the bulk and scale of existing surrounding developments and will not be visually prominent or detracting to the character of the foreshore when viewed from surrounding areas.
(iv) Aboriginal cultural heritage, practices and places,	N/A	There are no items of Aboriginal heritage in the vicinity of the site.
(v) cultural and built environment heritage, and	N/A	There are no items of cultural or built heritage in the vicinity of the site.
(b) ...the consent authority is satisfied that:		
(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or	Yes	The proposed built form responds appropriately to the topography of the site and the scale of surrounding developments and will not have any adverse environmental impacts on the foreshore or access within the public domain.
(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or	Yes	The proposal is considered to satisfy clause (i) above.
(iii) if that impact cannot be minimised—the development will be	Yes	The proposal is considered to satisfy clause (i) above.

Matter for Consideration	Compliance	Comment
managed to mitigate that impact		
(c) ...the consent authority has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.		
	Yes	The proposal presents a built form and scale that is consistent with surrounding developments and the streetscape. The proposal will not detract from the amenity of the coastal or built environment and is acceptable.

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

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

Table 3: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is not considered to contravene with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table R3 Zone	Yes	The proposal is defined as a dwelling, which is permitted with consent or prohibited in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 9.5m 	No	The proposal has a building height of 12.5m measured from the existing garage floor level to the parapet on the front (south) elevation and a maximum building height of 13.29m measured from the existing garage floor level to the top of the roof (RL30.80). The proposal seeks a variation of 3.7m (39.9%) to the height of buildings development standard. See discussion below.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> 0.73:1 (247.8m²) 	No	The proposed dwelling has a GFA of 317m ² resulting a FSR of 0.93:1 and 27.6% variation to the development standard.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of building and floor space ration development standards. A detailed discussion of the variation to the

Provision	Compliance	Comment
		development standards is presented below this table.
Part 5 Miscellaneous provisions		
5.6 Architectural roof features	Acceptable subject to design amendment	<p>The proposal incorporates two clerestory windows which the applicant has identified as architectural roof features designed to present as waves. The purpose of the roof features is to optimise solar access for internal living spaces (south facing).</p> <p>The variation to the maximum building height development standard has been addressed in the Clause 4.6 written justification.</p> <p>The proposed roof features satisfy Clause 5.6(3) as it does not contain advertising, will not be visually prominent from Gaerloch Avenue or the public reserve immediately opposite the site, results in minimal overshadowing, does not include additional floor space and will not be easily converted to additional floor space.</p> <p>However, as demonstrated in the view loss analysis discussed in detail below, a portion of the new roof form will result in some view loss of the ocean for Dellview Street properties to the north of the site. To demonstrate compliance with the objectives of Clause 5.6 and Clause 4.6 of the WLEP it is recommended that the roof form is amended be contained wholly within the maximum building height development standard and does not result in any additional view loss to preserve the amenity of adjoining properties.</p>
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	Site is not mapped as being in class 5 land for acid sulfate soils. Considered acceptable.
6.2 Earthworks	Yes	Cut and fill proposed. Geotechnical report submitted.

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

Clause 4.6 Exceptions to Development Standards - Height

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

The site is subject to a maximum height of buildings development standard of 9.5m. The proposed development has a building height of 13.29m measured from the existing garage floor level to the top of the proposed roof, exceeding the standard by 3.7m equating to a 39.9% variation. The variation consists of the roof and parapet over the upper floor front balcony, void to ground level entry below, part of the dining room and clerestory window and roof above.

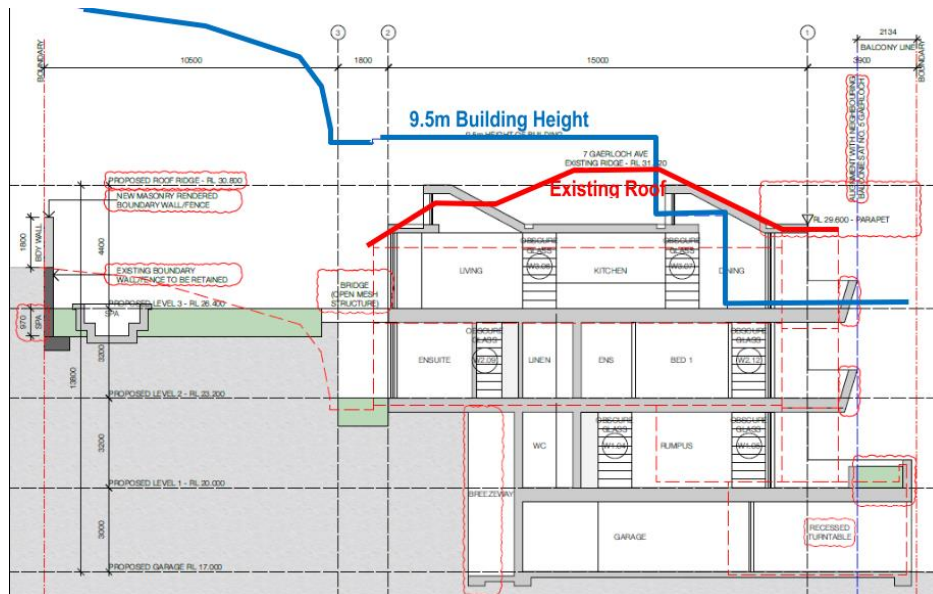


Figure 5: Section showing the extent of variation to the building height development standard and height of existing dwelling to be demolished.

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

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) The existing dwelling comprises a roof form that exceeds the maximum height control and the variation is a result of previous excavation of the site to accommodate the existing

garage. The extent of the non-compliance is predominantly contained within the existing building envelope.

- (ii) The proposed variation comprises only the front portion of the dwelling and non-trafficable roof that does not result in any additional privacy or overshadowing impacts to adjoining properties.
 - (iii) The proposed height provides floor to ceiling height of 2.7m for each habitable areas on each floor level, is a similar bulk to adjoining developments and does not exceed the height of the existing dwelling.
 - (iv) The proposal complies with the maximum building height development standard at the rear, measured to the existing ground level having regard to the fall of the site from north to south.
 - (v) The proposal, notwithstanding the variation, satisfies the objectives of the development standard and the desired future character of the medium density residential area as the proposal does not adversely visual or privacy impacts, or solar access to adjoining properties and satisfies the preservation test.
 - (vi) The proposal satisfies view sharing objectives as there are no impacts on existing land to water interface views for Dellview Street properties to the rear of the site and some views of the ocean are gained by the proposed removal of the existing pitched roof form.
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) Non-compliance with the development standard is a result of the existing topography of the site and existing excavated garage at the front of the site resulting in an existing ground level at the front of the site that is significantly lower than the existing ground level at the rear of the site.
 - (ii) The proposed three storey dwelling, including the variation containing part of the upper level at the southern elevation provides an appropriate transition between the two adjoining properties and is consistent with the streetscape which consists of similar scale developments.
 - (iii) The proposal results in a reduction in overall building height compared to the existing dwelling and presents a better planning outcome.
 - (iv) Compliance with the building height development standard will result in a built form only two storeys above the existing garage which would appear inconsistent with the scale of surrounding developments within the streetscape and does not contribute to the desired future character of the area.
 - (v) The proposal preserves the amenity for adjoining properties and public spaces in relation to view sharing, privacy and visual amenity as the proposal does not impact on existing views of the horizon or land to water interface. The extent of the variation consists of non-trafficable roof space that does not result in any additional visual privacy or overshadowing impacts on adjoining properties.
 - (vi) The variation is a consequence of providing 2.7m floor to ceiling heights for habitable rooms on all floor levels that comply with requirements under relevant building codes.

- (vii) The proposed built form is complemented by landscaping that exceeds the minimum landscaped area controls under the Waverley Development Control Plan 2012, contributing positively to the landscaped character of the area.
- (viii) The proposal is permissible within the R3 Medium Density Residential zone and achieves the zone objectives.

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:

- (i) the objectives of the development standard are achieved notwithstanding non-compliance with the standard;*
- (ii) to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;*
- (iii) to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;*
- (iv) 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*
- (v) 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. Whilst the applicant's justification that the proposal, despite the variation to the development standard, is consistent with the scale of adjoining and surrounding developments and is contextually appropriate within the streetscape, the Clause 4.6 written justification has not adequately demonstrated that compliance is unreasonable or unnecessary as the extent of the variation will result

in some view loss impacts of the ocean from properties to the north of the site. Therefore, the proposal does not satisfy the objective of the development standard to preserve the environmental amenity of surrounding properties.

In this regard, a variation to the development standard would be considered to achieve the objective of the development standard if it is demonstrated that the proposal does not result in any additional view loss impacts or expected view loss resulting from a compliant building envelope.

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. In particular, the applicant has not demonstrated that a more skilful design that achieves compliance with the development standard will not result less building bulk or additional loss of views and preserves the amenity of adjoining properties.

The extent of the variation comprising of the parapet roof at the south elevation does not contain habitable space (being a void from the upper floor level to the ground floor entry below) and architectural roof feature and clerestory window is situated above the 2.7m floor to ceiling height requirement for habitable rooms (dining room). As such, it is considered that the proposed design could be amended to achieve compliance with the maximum building height development standard and further minimise or remove view loss impacts from surrounding properties to satisfy the objective of the development standard.

Is the development in the public interest?

The proposed development in its current form is not considered to be in the public interest because it has not adequately demonstrated the variation sought to the development standard 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 ensure building heights preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views,

(b) 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,

(c) To maintain satisfactory solar access to existing buildings and public areas;

(d) to establish building heights that are consistent with the desired future character of the locality.

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

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

To maximise public transport patronage and encourage walking and cycling.

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

The proposal retains the use of the site as a dwelling and is consistent with the objectives of the R3 Medium Density Residential zone, except for the objective to provide a development that is compatible with the desired future character and amenity of the surrounding neighbourhood. In this regard, the proposed variation to the development standard results in part of the dwelling having additional view loss impacts from adjoining properties and has an unacceptable amenity impact. As discussed above, the view loss impact can be mitigated subject to design amendments to preserve existing views from surrounding properties. A design amendment condition to address view loss impacts has been included in the recommendation.

Conclusion

For the reasons provided above the requested variation to the building height development standard is not supported, while the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6(3) of the Waverley LEP 2012, the proposed development is not in the public interest because it is inconsistent with the objectives of height of buildings development standard and the R3 Medium Density Residential 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 0.73:1. The proposed development has a FSR of 0.93:1, exceeding the standard by 68.64m² equating to a 27.6% 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) The variation is predominantly located below the existing ground floor at the rear and is contained within a compliant building envelope. The extent of the variation is not visible from the public domain and does not contribute to excessive building bulk or scale as the height of the proposed roof is less than the height of the existing pitched roof form;
 - (ii) The scale of the proposal is contextually appropriate with existing and recently approved developments in the locality including developments that exceed the FSR development standard; and
 - (iii) The proposal is consistent with the objectives of the development standard as it complements the medium density character of the area and achieves the desired future character for the locality, and preserves the environmental amenity of surrounding properties including views, privacy and solar access.
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) The proposal results in a building that responds to the topography of the site which includes an existing excavated garage, is proportionate to surrounding developments comprising predominantly three storey buildings and is consistent with the desired future character for a medium density area.
 - (ii) The extent of the variation is contained below the existing ground floor and located at the rear of the dwelling which is contained within a compliant building envelope and does not result in excessive building bulk or scale.
 - (iii) Strict compliance with the development standard would not necessarily reduce the bulk and scale of the development having regard to GFA located below the existing ground level that does not contribute to visual bulk.

- (iv) The proposal does not result in any adverse impacts views, privacy or overshadowing of adjoining properties and is considered to achieve the objective of the development standard to preserve the environmental amenity of surrounding properties.
- (v) The proposal provides a contemporary dwelling with better amenity for future occupants and is an efficient use of the site.

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.

In this regard, the applicant has demonstrated that the extent of the variation to the FSR development standard can be attributed to the excavation and construction of habitable space and circulation area

from the basement to the dwelling above at the rear of the site which does not contribute to the bulk or scale of the building as viewed from the public domain or surrounding properties. The additional floor space at the rear of the basement and Level 1 maintains a built form (above ground level) that is generally compliant with the maximum height of buildings development standard and complements the three storey scale of surrounding developments in the streetscape. The extent of the variation to the FSR development standard does not result in any additional overshadowing, privacy or view loss impacts to adjoining properties and satisfies the objective to preserve the environmental amenity of surrounding properties.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. In this circumstance, the proposal responds appropriately to the constraints of the site including the steep topography and existing excavation accommodating a garage fronting Gaerloch Avenue. The proposed additional GFA below the existing ground floor level does not contribute to excessive building bulk or scale and is compatible with the character of the streetscape. The extent of the variation at the rear of lower levels of the dwelling do not result in any exceedance to the maximum height of buildings development standard and achieves the objective of the development standard to preserve the environmental amenity of surrounding properties, and is consistent with the objectives of the R3 Medium Density Residential zone.

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.

As discussed above, the applicant has demonstrated that notwithstanding the variation to the development standard, the proposal achieves an appropriate built form that is compatible with the desired future character of the area and does not result in any additional overshadowing, privacy or view loss impacts that impact on the environmental amenity of surrounding properties.

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

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To increase or preserve residential dwelling density.*
- *To encourage the supply of housing, including affordable housing, that meets the needs of the population, particularly housing for older people and people with disability.*
- *To provide development that is compatible with the desired future character and amenity of the surrounding neighbourhood.*
- *To promote development that incorporates planning and design measures that reduce the urban heat island effect.*
- *To improve the urban tree canopy by providing high levels of deep soil planting and additional landscaping.*

The applicant has demonstrated that the proposal, notwithstanding the variation to the development standard is consistent with the objectives of the R3 Medium Density zone as the use of a dwelling is maintained to contribute to the mix of housing types within the zone and the three storey dwelling is compatible with the desired future character locality.

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 Medium Density Residential zone.

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory. A Site Waste & Recycling Management plan has been submitted with the application to address waste disposal. Condition of consent is recommended regarding ongoing waste on site.
2. Ecologically Sustainable Development	Yes	Satisfactory. The submitted BASIX Certificate is satisfactory
3. Landscaping and Biodiversity	Yes	Satisfactory. The landscape plan was referred to Council's Tree Management Officer and Biodiversity Officer who has raised no objections.
4. Coastal Risk Management	N/A	Not mapped in land affected by 'Coastal Inundation' or 'Geotechnical Risk.
5. Vegetation Preservation	Yes	Satisfactory. One tree in within the rear private open space is proposed to be removed and replaced with a local native tree species within the rear yard. The application was reviewed by Council's Tree Management Officer and Biodiversity Officer who has raised no objection, subject to conditions.
6. Stormwater	Yes	Satisfactory. Applicant was referred to Council stormwater infrastructure engineer who has raised no objections. Refer to section 3 of this report on referral commentary in relation to stormwater.
8. Transport Minimum parking rate: • Nil Maximum parking rate: • 1 space for 2 or less bedrooms • 2 spaces for 3 or more bedrooms.	Yes	The proposal provides for 2 car spaces. Its design and location are satisfactory. The application was referred to Council's Traffic and Development department who has raised no objections to the proposal subject to conditions of consent.
10. Safety	Yes	Satisfactory.
14. Excavation	Yes	The amended proposal provides a minimum side setback of 0.9m for new excavation works.

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

Development Control	Compliance	Comment
2.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
2.1 Height		
Flat roof dwelling house	No – acceptable	The existing structure had a maximum wall height of 10.9m.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Maximum wall height of 7.5m 	subject to design amendment	<p>The building wall height of the dwelling varies as a result of the topography of the site with a wall height of 12.7m at the front, 7.5m in the middle of the dwelling and 6.7m at the rear.</p> <p>The non-compliance at the front of the dwelling is predominantly a result of the existing excavated garage floor level and comprises of the eastern external wall of the Level 3 dining room. The extent of the non-compliance with building wall height contributes to variation to the building height development standard and results in some view loss impacts on surrounding properties. As discussed above, it is recommended that the proposal be amended to adequately address the objectives of the development standard under the considerations for Clause 4.6.</p>
2.2 Setbacks		
<p>2.2.1 Front and rear building lines</p> <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	Yes	<p>The amended proposal has a front building line of 2.134m, measured to the southern edge of the Level 1 terrace and Levels 2 and 3 balconies which aligns with the existing front setback of the balconies at No. 5 Gaerloch Avenue. The south-western portion of the dwelling, comprising of the internal void, has a front setback of 3.9m which is situated behind the approved front building line of 3.3m at No. 9 Gaerloch Avenue under DA-493/2022.</p> <p>The proposed front building line provides an appropriate transition between the existing dwellings at Nos. 5 and 9 Gaerloch Avenue and the recently approved development at 9 Gaerloch Avenue. The projection of the front balconies is contextually appropriate to existing built form within the streetscape optimising views of the ocean.</p> <p>The proposed rear building line is consistent with the rear building line of Nos. 3 and 5 Gaerloch Avenue to the east of the site and is considered appropriate as these properties consists of similarly shaped allotments to the site.</p>
<p>2.2.2 Side setbacks</p> <ul style="list-style-type: none"> Minimum of 1.5-3m 	Considered acceptable	The proposal has a maximum building height of 13.8m therefore minimum side setback controls are between 1.5m and 3m.

Development Control	Compliance	Comment
		<p>The proposal has a 1.5m setback to the east side boundary which complies with the minimum setback control.</p> <p>The western side boundary varies between 1.4m at the north-western corner and 1.6m at the south-western corner of the dwelling. The 0.1m variation at the north-western corner of the dwelling is a result of the slight splay along the western boundary and is acceptable on merit as the built form will not result in any adverse visual or amenity impacts on surrounding properties or the streetscape.</p>
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> • New development to be compatible with streetscape context • Significant landscaping to be maintained. 	<p>Yes</p> <p>Yes</p>	<p>The proposed 3 storey dwelling is consistent with the existing and future desired character of the streetscape as the scale of the dwelling is compatible with surrounding two and three storey developments.</p> <p>The proposal seeks to introduce a green roof comprising of local native plants above the garage and adjacent to the front terrace on Level 1. The proposed landscaping will be visible from the public domain and adjoining properties, contributing to the streetscape.</p> <p>The landscaped character of the rear yard will be maintained with additional plantings comprising of local native species around the perimeter of the rear private open space.</p>
2.4 Fences		
<p><i>Side and Rear:</i></p> <ul style="list-style-type: none"> • Maximum height of 1.8m 	<p>Rear fences - Yes</p> <p>Side fences- No – acceptable subject to condition</p>	<p>The proposal seeks to replace the existing rear boundary fence with a new 1.8m high masonry fence, measured from the existing ground level of the adjoining property. The rear fence will measure 3.2m high from the proposed finished floor level of the rear yard but will be partially screened by new landscape planting.</p> <p>The eastern side boundary fence is proposed to be a maximum of 1.8m high.</p> <p>The western boundary fence will be replaced, in part, with new fencing to a height of 1.8m except for a portion of the western side boundary adjacent to the external stairs and rear building line where a new fence, planter box and privacy screen will result in a fence measuring 4.8m from</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> Roof tops to be non-trafficable unless predominant in the immediate vicinity 	<p>No – acceptable on merit</p> <p>Yes</p>	<p>high boundary fence, measured from the ground level of the adjoining property.</p> <p>Due to the topography, surrounding properties to the north and north-west are elevated and currently overlook the rear of the subject site. The proposed landscaped plan seeks to provide screen planting around the perimeter of the rear yard to enhance privacy and minimise the extent of mutual overlooking between these properties.</p> <p>Elevated terrace and balconies The proposed front terrace on Level 1 and balconies on Levels 2 and 3 comprises depths of 2.6m and 2.4m, respectively, and have total areas measuring 15.5m² (Level 1 terrace), 14.1m² (Levels 2 and 3). The elevated terrace and balcony dimensions and areas exceed the maximum control however useable front terraces and balconies are a prominent feature within the streetscape optimising expansive views of the ocean and coastline.</p> <p>The design of the front terrace and balconies are generally consistent with the open style design of surrounding properties and will not result in any loss of privacy or unreasonable amenity impacts on adjoining properties.</p> <p>Mesh Bridge at rear The proposed open mesh bridge between the open plan living area, laundry and rear open space measures 1.8m wide and extends the length of the dwelling with an area of 15.09m². The size and location of the mesh bridge results in amenity impacts on the proposed floor level immediately below and privacy impacts on adjoining properties and is not supported in its current form. See discussion below.</p> <p>Elevated Planter and Privacy Screening The amended proposal has incorporated an elevated 1m high planter box with an 800mm high privacy screening along part of the western side boundary adjacent to No. 9 Gaerloch Avenue. Having regard to the existing ground level at No. 9 Gaerloch Avenue, the proposal will result in a side boundary fence measuring 5.4m high (from ground level). Notwithstanding a letter of support submitted by the owners of No.</p>

Development Control	Compliance	Comment
		<p>9 Gaerloch Avenue, the height of the structure on the boundary is excessive in bulk and scale, will be visible from surrounding properties and is unnecessary, subject to design amendment to the mesh bridge as recommended by Council's assessment officer and included as a condition in the recommendation.</p> <p>No access to the roof top is proposed. A condition requiring a non-trafficable roof has been included in the recommendation.</p>
2.6 Solar access		
<ul style="list-style-type: none"> • Minimum of three hours of sunlight to living areas and principal open space areas on 21 June • Minimum of three hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June. • Avoid unreasonably overshadowing of solar collectors (including habitable windows). 	Yes	<p>The proposal achieves a minimum of three hours of sunlight to living areas located on Level 3 of the dwelling between 9am and 3pm on 21 June and will provide good amenity for future occupants.</p> <p>Due to the north-south orientation of the site and topography of surrounding properties, the existing rear private open space is extensively overshadowed by surrounding properties and the existing dwelling between 9am and 3pm on 21 June. The built form of the dwelling will result in some additional overshadowing of the rear yard however the additional shadowing is cast by parts of the dwelling that are contained within a compliant building envelope and is considered reasonable.</p> <p>Some additional shadowing cast by proposed boundary fences and the new BBQ area will fall across part of the rear open space. The proposed shadow impact is minor and will not adversely impact on the amenity of future occupants.</p> <p>As shown on the shadow diagrams, the proposal will not have any additional shadow impacts to the principal private open space of adjoining properties between 9am and 3pm on 21 June. However, the proposal will have additional shadow impacts to part of the existing rear terrace at 9 Gaerloch Avenue at 9am on 21 June. The impact on the existing rear terrace is acceptable as the proposal will not result in any shadow impacts to the open space, habitable windows or solar collectors approved under development consent DA-142/2022. Specifically, the eastern elevation comprises solid walls to the rear of the dwelling and the solar panels are positioned 3.59m above the finished floor level</p>

Development Control	Compliance	Comment
		of the existing rear terrace and will not be overshadowed by the proposal.
2.7 Views		
<ul style="list-style-type: none"> Views from the public domain are to be maintained Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	<p>Yes</p> <p>No – acceptable subject to condition</p>	<p>Existing views of the ocean and coastline from the public domain will not be impacted by the proposal.</p> <p>The proposed flat roof form with two clerestory windows behind the front parapet achieves view sharing by providing additional ocean views to the south and south-east for Dellview Street properties as the proposed roof is lower than the existing pitched roof. However, the portions of the dwelling that exceed the height of buildings development standard results in a built form that reduces existing ocean views from surrounding properties and does not satisfy the objective of the development standard to preserve the environmental amenity of neighbouring properties. As such, the proposal has not adequately demonstrated that compliance with the development standard is unreasonable or unnecessary and that there are sufficient environmental grounds for the variation under Clause 4.6 (see discussion above).</p> <p>The applicant has not demonstrated that an alternative design that is contained within a compliant building height envelope will not preserve existing views from surrounding properties. In this instance, Council’s assessment officer has recommended deferred commencement conditions requiring design amendments to the proposed roof to achieve compliance with the maximum building height development standard and preserve the existing views from surrounding properties.</p>
2.8 Car parking		
<p>2.8.1 Design Approach</p> <ul style="list-style-type: none"> Parking only allowed where site conditions permit Designed to complement the building and streetscape Car parking structures to be behind the front building line 	<p>Yes</p>	<p>The site currently contains on site car parking accessed from Gaerloch Avenue.</p> <p>The proposal seeks to maintain on site car parking for two vehicles and demolition of the existing double width driveway crossing with a single driveway crossing.</p> <p>Vehicular access and car parking from Gaerloch Avenue is a prominent feature within the streetscape. The proposal is compatible with the</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> • Front landscaped area: 50% of front open space provided • Outdoor clothes drying area to be provided 	<p>Yes</p> <p>Yes</p>	<p>Open space within the front building line is provided at Level 1 above the proposed garage. This is consistent with the location of front open space surrounding properties that also contain garages at street level. 100% of the front building line at Level 1 comprises open space.</p> <p>The proposal provides a front landscaped area measuring 27.6m² above the roof of the garage equating to 59.7% of the front open space.</p> <p>An outdoor drying area is provided adjacent to the eastern side boundary.</p>
<p>2.10 Swimming pools and spa pools</p>		
<ul style="list-style-type: none"> • Located in the rear of property • Pool decks on side boundaries must consider visual privacy 	<p>Yes</p>	<p>A spa built into the ground is proposed within the rear yard of the site. No decking is proposed around the spa.</p> <p>Conditions have been included in the recommendation to require for all equipment associated with the spa to be located within an acoustically treated structure.</p>

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

View Loss Analysis

Section 2.7 in Part C2 details all objectives and strategies for public and private domain views and view sharing, which generally seek to reduce impacts on existing views and vistas from the private and public domain.

During the notification period, view loss concerns were raised by neighbouring properties to the north and north-west of the site. Potential view loss impacts from surrounding properties at Nos. 20, 22 and 24 Dellview Street have been demonstrated by the preparation of a view impact report prepared by *CMS Surveyors* which was received by Council on 20 February 2023. The view loss impacts on surrounding properties have been assessed in accordance with the NSW Land and Environment Court Planning Principle based on *Tenacity Consulting v Warringah [2004] NSWLEC 140*. The view sharing planning principle requires a four step assessment to determine if view sharing is reasonable as follows:

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

interface between land and water is visible is more valuable than one in which it is obscured.

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).

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.

No. 24 Dellview Street

The site is irregular in shape and shares its rear boundary with the site, forming the splayed north-western boundary of the site. Due to the topography of the land, the existing ground level and dwelling at No. 24 Dellview Street is elevated above the site and other properties on Gaerloch Avenue with views of the ocean and horizon from the rear deck and windows to the south and south-east. The existing views are obtained over the top of existing roofs and across side and front boundaries of surrounding properties fronting Gaerloch Avenue.

Existing views of the ocean and horizon to the south-east are considered to be partial views as Gaerloch Avenue slopes from east to west resulting in pitched roof forms of existing developments obscuring views towards the east as shown in **Figure 5** below. The proposal which seeks to replace the existing pitched roof with a flat roof comprising two clerestory windows is lower than the existing ridge of the pitched roof and will result in some gain of ocean views as shown in green dashed line in **Figure 7** below. The front parapet and roof at the south-western corner of the proposed dwelling exceeds the maximum height development standard and results in a minor increase in view loss as shown in red dashed line in **Figure 7** below.



Figure 6: Existing view looking south-east from rear deck of No. 24 Dellview Street



Figure 7: View of proposed dwelling looking south-east from rear deck of No. 24 Dellview Street



Figure 8: Proposed view impact looking south-east from rear deck of No. 24 Dellview Street (red dashed line represents view loss, green dashed line represents views gained)

The existing views of the ocean and horizon from No. 24 Dellview Street are obtained across the rear boundary of No. 24 Dellview Street and across the side and front boundaries of the subject site. Having regard to compliance with building height and setback controls, protection of existing views can be reasonably achieved. In this instance, the proposed design reduces the visual bulk of the roof and provides a gain of ocean views to the south-east towards the horizon which enhances the amenity of No. 24 Dellview Street.

The view loss impact resulting from the front parapet at the south-western corner of the dwelling is considered to be minor and reasonable having regard to view sharing principles set out by *Tenacity Consulting v Warringah [2004] NSWLEC 140* as substantial views of the ocean and horizon are retained, however the extent of the view loss is a result of non-compliance with the maximum building height development standard and is not acceptable as the application has failed to demonstrate compliance with the objective to preserve the environmental amenity of surrounding properties under Clause 4.6, as discussed in Section 2.1.2 of the report above.

No. 22 Dellview Street

No. 22 Dellview Street is located to the north-west of the subject site and contains a three storey dwelling with elevated rear balconies with existing views of the ocean, horizon and coastline to the south and south-east as shown in **Figure 8** below. The existing view is categorised as highly valued views of the ocean and coastline, and is predominantly unobstructed due to the topography and the site being positioned above the subject site.

The proposal will result in some gain of ocean views for No. 22 Dellview Street as the new roof form is lower than the existing pitched roof, however, there will be some view loss resulting from the south-western corner of the dwelling consisting of part of the western external wall and front parapet (see **Figure 10** below).

Existing views to the south and south-east are obtained across the side boundary of No. 22 Dellview Street, however, given the topography of the site and surrounding properties and the significance of the view to the amenity of occupants, protection of the view is realistic and reasonable. In this circumstance, the extent of view loss resulting from the south-western portion of the dwelling has minimal impact on the extent of views being retained from No. 22 Dellview Street. However, the extent of the view loss is caused by the south-western corner of the dwelling which exceeds the maximum building height development standard and the applicant has not demonstrated that a more skilful design or compliance with the building height development standard will not result in less view loss impacts than the current proposal. As the proposal has not demonstrated that the objective to preserve environmental amenity of surrounding properties is achieved despite the variation sought, the proposal in its current form is not supported.



Figure 9: Existing view of ocean and coastline looking south-east from No. 22 Dellview Street



Figure 10: View of proposed development looking south-east from No. 22 Dellview Street



Figure 11: Proposed view impact looking south-east from rear deck of No. 22 Dellview Street (red dashed line represents view loss, green dashed line represents views gained)

No. 20 Dellview Street

No. 20 Dellview Street is located two properties to the north of the subject site, has an east west orientation and contains a three storey dwelling with habitable windows and private open space to the rear. Existing views of the ocean and coastline are obtained from the rear balconies and windows looking south and south-east (see **Figure 11** below) and are considered highly valued views that contribute to the amenity for occupants.



Figure 12: Existing view looking south-east from rear of No. 20 Dellview Street



Figure 13: View of proposed development looking south-east from No. 20 Dellview Street



Figure 14: Proposed view impact looking south-east from rear deck of No. 20 Dellview Street (red dashed line represents view loss, green dashed line represents views gained)

As shown in **Figure 13** above, the proposed roof form will result in some additional ocean views for No. 20 Dellview Street across the top of the dwelling, however view loss will occur at the south-eastern and south-western portions of the dwelling where the parapet and roof exceed the maximum building height development standard. The existing views of the ocean, horizon and coastline from No. 20 Dellview Street will not be significantly impacted by the proposal given the elevated position of the property.

In this circumstance, the extent of view loss resulting from the south-eastern and south-western portions of the dwelling is not substantial as views of the horizon and coastline are not obstructed by the proposal. However, extent of the view loss is caused by the parts of the proposed dwelling that exceed the maximum building height development standard and the applicant has not demonstrated that a more skilful design or compliance with the building height development standard will not result in less view loss impacts than the current proposal. As the proposal has not demonstrated that the objective to preserve environmental amenity of surrounding properties is achieved despite the variation sought, the proposal in its current form is not supported.

Having regard to the view loss analysis above, the proposal partially achieves the objectives and provisions for view sharing and could be supported subject to design amendments that have been included in the recommendation for a built form that is compliant with the building height development standard and demonstrates that the proposal does not result in any additional view loss impacts beyond that of a compliant building envelope and preserves the environmental amenity of surrounding properties.

Mesh Bridge

Council's assessment officer has raised concerns with the dimensions of the mesh bridge, potential privacy impacts given the elevated position of the bridge compared to the adjoining private open space

and amenity impacts on the habitable rooms and landscape area proposed immediately below the bridge in two separate deferral letters.

Council's assessment officer had recommended amendments to the design of the bridge to maximise openness to light and air to the rear of Level 1 whilst maintaining a reduced path for direct pedestrian access from the dwelling to the rear yard.

The applicant has not amended the proposal and seeks to retain the design of the mesh bridge as originally submitted, though content for a condition being imposed about the mesh transparency.

The proposal includes a front terrace directly adjacent to the open plan living space measuring 14.13m² with views of the ocean, and it is likely that the terrace will be occupied as the principal extension of the indoor living area. As such, the proposed mesh bridge, with a primary purpose of providing access to the rear yard, should not extend the length of the dwelling as it substantially encloses the setback to the existing rock face, compromises the amenity for the habitable rooms and the viability for landscaping. It is recommended that the length of the mesh bridge be reduced and be no greater than 2.7m to match the dimension of the central glazed openings adjacent on the northern elevation and ensure that the habitable room openings and landscaped area are not obstructed by a built structure immediately above.

A condition requiring a reduction in the length of the mesh bridge has been included in the recommendation.

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 design modifications to the built form to preserve existing views from surrounding properties.

2.4. Any Submissions

The application was notified for 14 days between 25/11/2022 and 13/12/2022 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:

- Reduction in building height from RL31.10 to RL30.80;
- Setback of roof form behind the front building line of adjoining properties;
- Front terrace and balconies setback to not exceed the existing setback of terrace and balconies at No. 5 Gaerloch Avenue;
- The proposal does not result in any additional overshadowing of approved solar collectors at No. 9 Gaerloch Avenue;

- Relocation of external stairs at the rear of site and new planter with 800mm high privacy screen along the western side boundary to mitigate privacy impacts on 9 Gaerloch Avenue;
- Relocation of existing stairs, new planter and privacy screening along the western side boundary to minimise overlooking and privacy impacts.

A total of 6 unique submissions were received from the following properties:

- 5 Gaerloch Avenue, Tamarama
- 9 Gaerloch Avenue, Tamarama (letter of support)
- 27-29 Gaerloch Avenue, Tamarama
- 20 Dellview Street, Tamarama
- 22 Dellview Street, Tamarama
- 24 Dellview Street, Tamarama

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

- FSR
- Building height
- Front and side setbacks
- Bulk and scale
- Excavation
- Streetscape
- Visual and acoustic privacy
- Roof to be non-trafficable
- View loss
- Solar access
- Stormwater management

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

Issue: Construction works and vehicles will impact the amenity of surrounding properties and pedestrians.

Response: Conditions relating to construction traffic management, noise and associated works during the demolition and construction phases to minimise impacts on surrounding properties have been included in the recommendation.

2.5. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Traffic and Development

Council's Traffic Engineer has reviewed the proposal and raises no objection subject to conditions which have been included in the recommendation.

3.2. Stormwater

Council's Stormwater Engineer has reviewed the proposal and raises no objection subject to conditions which have been included in the recommendation.

3.3. Tree Management

Council's Tree Management Officer has reviewed the proposal and raises no objection subject to conditions which have been included in the recommendation.

3.4. Biodiversity (Environmental Sustainability)

Council's Biodiversity Officer has reviewed the amended landscape plan and is satisfied with the provision of local native plants within the development.

4. CONCLUSION

The development application seeks consent for demolition of the existing dwelling and construction of a new part two to three storey dwelling house with integrated double garage with turntable and spa pool at rear at the site known as 7 Gaerloch Avenue, Tamarama.

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

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

The assessment finds these issues acceptable subject to design modifications to achieve compliance with the maximum height of buildings development standard to ensure the resulting built form preserves the environmental amenity of surrounding properties, particularly views of the ocean.

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. No Councillor submissions have been received. There are no declared conflict of interest for this application.

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



Development Building Unit (DBU) Review

The application was reviewed by the DBU at the meeting on 18 April 2023 and the DBU concurred with the Assessment Planner's recommendation.

DBU members: A Rossi, B McNamara, B Magistrale, E Finnegan, J Zancanaro

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the development application be granted DEFFERED COMMENCEMENT CONSENT by the Waverley Local Planning Panel for the reasons contained in Attachment A and conditions in Attachment B.

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Peggy Wong	Angela Rossi
Senior Development Assessment Planner	Manager, Development Assessment
Date: 10 May 2023	Date: 12 May 2023

Reason for WLPP referral:

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

OFFICE USE ONLY

Clause 4.6 register entry required <small>(For the purposes of reporting to the planning portal, if the % approved is different to the % proposed in the original submission, please state what the variation initially proposed was – Planning Portal Requirement)</small>	45% variation to height (Clause 4.3) 27.6% variation to FSR (Clause 4.4)
Determining Authority <small>(Concurrence Authority for Clause 4.6 variation)</small>	Local Planning Panel
Affordable Rental Housing Units? <small>*This is a planning portal reporting requirement</small>	No
Secondary Dwelling <small>*This is a planning portal reporting requirement</small>	No
Boarding House <small>*This is a planning portal reporting requirement</small>	No
Group Home <small>*This is a planning portal reporting requirement</small>	No
Trial Period database entry required	No
VPA submitted – follow up actions required	No
Refer to compliance for investigation	No
Commercial/liquor operational conditions	No
Other (please specify):	No

ATTACHMENT A – CONDITIONS OF CONSENT

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

DEFERRED COMMENCEMENT

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

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

1. The built form, particularly the south-western and south eastern portions of the dwelling that result in a variation to the maximum height of buildings development standard, must be amended to demonstrate that the proposed development will not result in any additional view loss impacts of the ocean compared to any view impacts resulting from a fully compliant building envelope, from the surrounding properties at Nos. 20, 22 and 24 Dellview Street immediately to the north of the site. A revised View Analysis Assessment (VAA) is to be prepared, by a suitably qualified person, with reference to the *Tenacity Consulting v Warringah Council* four-step assessment process on view sharing from adjoining properties.

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.

Attachment B**DA-493/2022**

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

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

The development must be in accordance with:

(a) Architectural Plans prepared by Tobias Partners including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
A1.001	Ground level (Garage) Plan	06.02.2023	24.03.2023
A1.002	Level 1 (Rumpus) Plan	06.02.2023	24.03.2023
A1.003	Level 2 (bedroom) Plan	22.03.2023	24.03.2023
A1.004	Level 3 (Living) Plan	22.03.2023	24.03.2023
A1.005	Level 4 (Roof) Plan	06.02.2023	24.03.2023
A2.001	North Elevation	22.03.2023	24.03.2023
A2.002	South Elevation	06.02.2023	24.03.2023
A2.003	East Elevation	22.03.2023	24.03.2023
A2.004	West Elevation	22.03.2023	24.03.2023
A2.005	East Elevation – section at boundary	22.03.2023	24.03.2023
A2.101	Section AA	22.03.2023	24.03.2023
A2.102	Section BB	22.03.2023	24.03.2023

- (b) Landscape Plan Drawing Nos. DA_01 to DA-07 and documentation prepared by Wyer & Co, dated 10 February 2023 and received by Council on 10 February 2023
- (c) Geotechnical Investigation Report prepared by Crozier Geotechnical Consultants, dated 2 August 2022 and received by Council on 16 November 2022
- (d) BASIX and NatHERs Certificate/s
- (e) Schedule of external finishes and colours, Drawing No. A9.201 prepared by Tobias Partners, dated 17 October 2022 received by Council on 16 November 2022
- (f) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 16 November 2022

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. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) The mesh bridge at the rear of Level 3 adjacent to the living room and laundry on the north elevation is to be reduced in length to no greater than 2.7m to match the width of one section of the sliding glass door openings on the north elevation. The location of the mesh bridge is to be positioned centrally on the south elevation to ensure the bridge does not cover the habitable openings on level 2 immediately below.
- (b) The 1m high planter with 800mm high privacy screen above built to the western side boundary is to be deleted.
- (c) The height of any new fencing along the west boundary, behind the front building line, must not be greater than 1.8m high measured from the finished level of the proposed external stairs. The design of the side boundary fence should respond to the topography of the site and taper from north to south.
- (d) The height of the rear boundary fence must not be greater than 1.8m, measured from the finished ground level of the adjoining property.
- (e) The height of any new fencing along the east boundary must not be greater than 1.8m high measured from the adjacent ground level.
- (f) Amended landscape plans are to be prepared incorporating the design amendments required as part of this consent.

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. DOMESTIC HEATERS

The provision of solid fuel heating is prohibited.

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

5. HOME BUILDING ACT

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

CONTRIBUTIONS, FEES & BONDS

6. SECTION 7.12 CONTRIBUTION

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

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

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

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

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

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

7. SECURITY DEPOSIT

A deposit (cash or cheque) for the amount of **\$94,606.60** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

8. LONG SERVICE LEVY

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

Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.25% of building work costing \$250,000 or more.

9. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

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

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

CONSTRUCTION MATTERS

10. HOARDING

To ensure the site is contained during construction, a hoarding is required for the approved works, which is to be designed and constructed in accordance with the requirements of Safe Work NSW.

Where the hoarding is to be erected over the footpath or any public place, the approval of Council's Compliance Unit must be obtained and the applicable fees paid, prior to the erection of the hoarding.

11. EROSION & SEDIMENT CONTROL

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

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

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

12. 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. DILAPIDATION REPORT

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

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

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

STORMWATER & FLOODING

15. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT

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

The submitted stormwater management plan prepared by Barwell Hydraulic Design, Job No. 2022H0120, Drawing No. SW 1.1 - SW 1.10, Revision P1, dated 25.10.2022, is considered concept only.

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

- (a) The plans shall provide details of any required On-Site Stormwater Detention (OSD) system and its details e.g. pit dimensions, cross & long sections, significant water invert levels of inlet and outlet pipes, details of Discharge Control Pit, orifice plate details including orifice diameter, depth of water above centreline of orifice etc., pit overflow, OSD plaque, OSD warning sign and catchment plan. Council's mandatory OSD checklist as set out in Council's Water Management Technical Manual shall be completed and 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 are to be submitted.
- (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 shall be provided. Calculations demonstrating that the proposed stormwater drainage system can cater for the relevant design storm event shall be provided.
- (e) Show an alarm system comprising of pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location in case of pump failure. A minimum freeboard of 150 mm from the pump out system to all parking and full hydraulic details and pump manufacturers specification are to 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 any OSD system).

Notes:

- The checklist as set out on pages 68-76 on Council's Water Management Technical Manual (Oct 2021) available online shall be completed and submitted with any revision of Construction Certificate Plan Submission.
- Since a sewer main runs through the property, plans must also be presented to a Sydney Water Tap inTM for their approval.
- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated.

- Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.

ENERGY EFFICIENCY & SUSTAINABILITY

16. BASIX

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

WASTE

17. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

LANDSCAPING & TREES

18. GREEN ROOF LANDSCAPING DETAILS

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

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

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

TRAFFIC MANAGEMENT

19. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

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

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

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.

DEMOLITION & EXCAVATION

21. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

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

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

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

- (a) Outline the identification of any hazardous materials, including surfaces coated with lead paint;
- (b) Confirm that no asbestos products are present on the subject land, or
- (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by SafeWork NSW (catalogue WC03561);
- (d) Describe the method of demolition;

- (e) Describe the precautions to be employed to minimise any dust nuisance; and
- (f) Describe the disposal methods for hazardous materials.

22. CONTROL OF DUST ON CONSTRUCTION SITES

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

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

23. 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.

24. EXCAVATION AND BACKFILLING

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

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

CONSTRUCTION MATTERS

25. CONSTRUCTION HOURS

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

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

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

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

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

27. CONSTRUCTION INSPECTIONS

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

28. CERTIFICATE OF SURVEY - LEVELS

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

29. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

30. WORK OUTSIDE PROPERTY BOUNDARY

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

31. 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

32. 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.
- If any trees on neighboring properties require **pruning, or root 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

33. 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.

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

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

34. VEHICULAR ACCESS - FINISHED LEVEL TO FOOTPATH

The gradient from the finished level at the property boundary to the footpath shall be a minimum of 2% and a maximum of 5% down towards the footpath on both sides of the vehicle crossing.

35. HEADROOM CLEARANCE

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

C. 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.

36. FINAL OCCUPATION CERTIFICATE

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

The Principal Certifying Authority must be satisfied that the requirements of the *Environmental Planning & Assessment Act 1979* have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.

37. CERTIFICATION OF BASIX COMMITMENTS

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

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

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

39. CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE SYSTEM

Prior to the issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practicing Engineer or Plumber, that any new stormwater drainage system has been constructed in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards, and good engineering practice. Similarly, any retained stormwater drainage system is unblocked, in good working order, and to be repaired/replaced to best practice. A copy of the certification must be submitted to Council.

40. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD

Prior to the issue of an Occupation Certificate, a “Positive Covenant” and “Restriction on the Use of Land” shall be created for the On-Site Stormwater Detention (OSD) system, under Section 88E of the Conveyancing Act 1919. This is to place a restriction on the Title that the OSD system is maintained and kept free of debris/weed to allow unobstructed passage of stormwater through the site and

underneath the residence. The property owner/occupant shall not modify or remove the OSD system without consent from Council.

The wording of the Instrument shall be submitted to and approved by Executive Manager, Infrastructure Services (or delegate) prior to lodgement at NSW Land Registry Services.

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

The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate or use of the building. All associated costs shall be borne by the applicant.

41. PLANNED PREVENTATIVE MAINTENANCE SCHEDULE FOR PUMP OUT SYSTEM

The registered proprietor shall be required to submit written intent to establish and maintain a Planned Preventative Maintenance (PPM) schedule of the pump out systems prior to the issue of Occupation Certificate. Council will not be liable for any claims for damages arising from the failure of the pump out systems. Evidence shall be submitted to the Executive Manager, Infrastructure Services or delegate prior to the issue of the Occupation Certificate.

42. CERTIFICATION OF SWIMMING POOL/OUTDOOR SPA

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

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

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

E. ADVISORY MATTERS

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

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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

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

AD2. SYDNEY WATER REQUIREMENTS

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

Contact Sydney Water for more information.

AD3. DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must

be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

AD4. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

AD5. 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.

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Waverley Council

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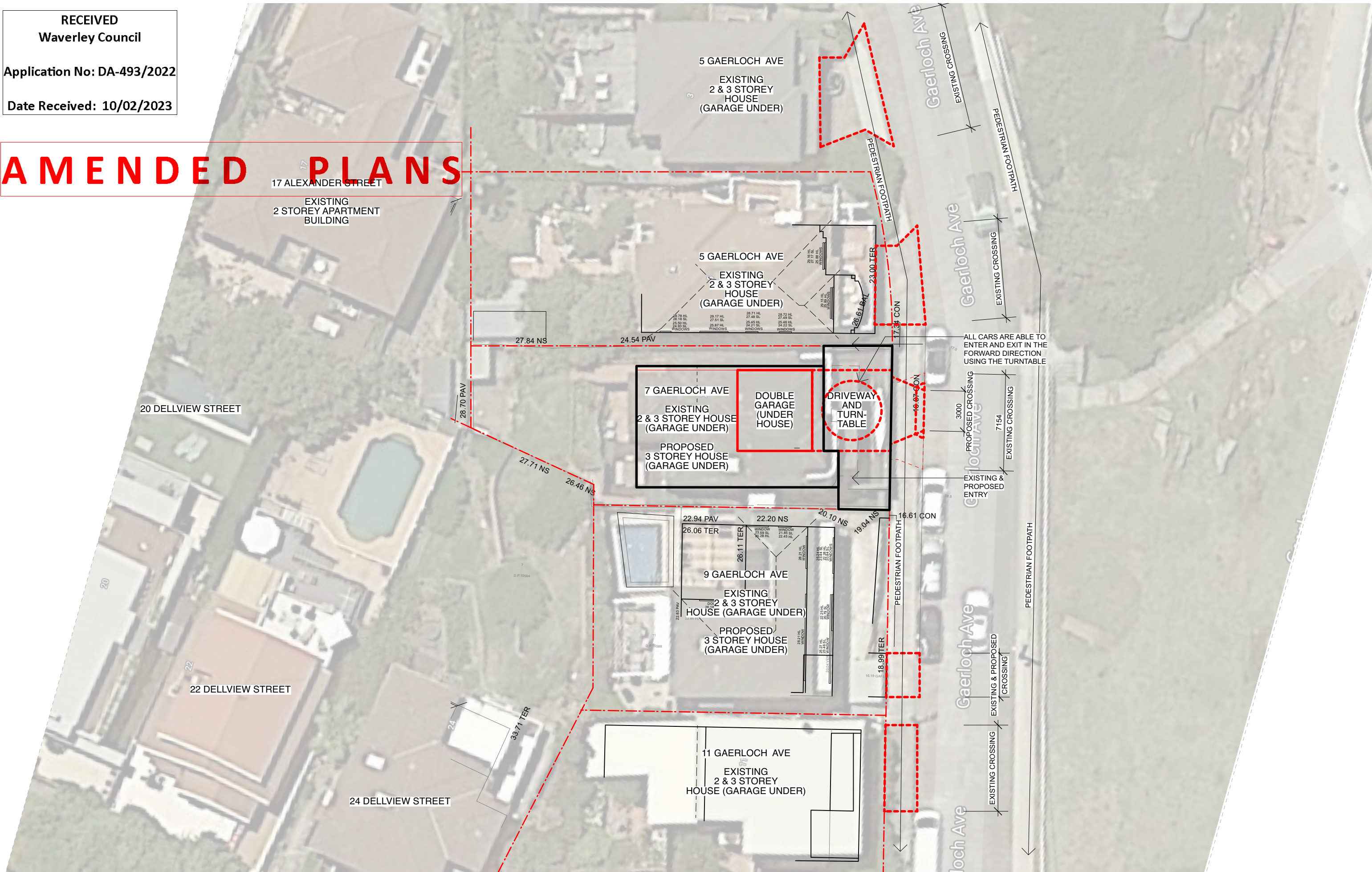
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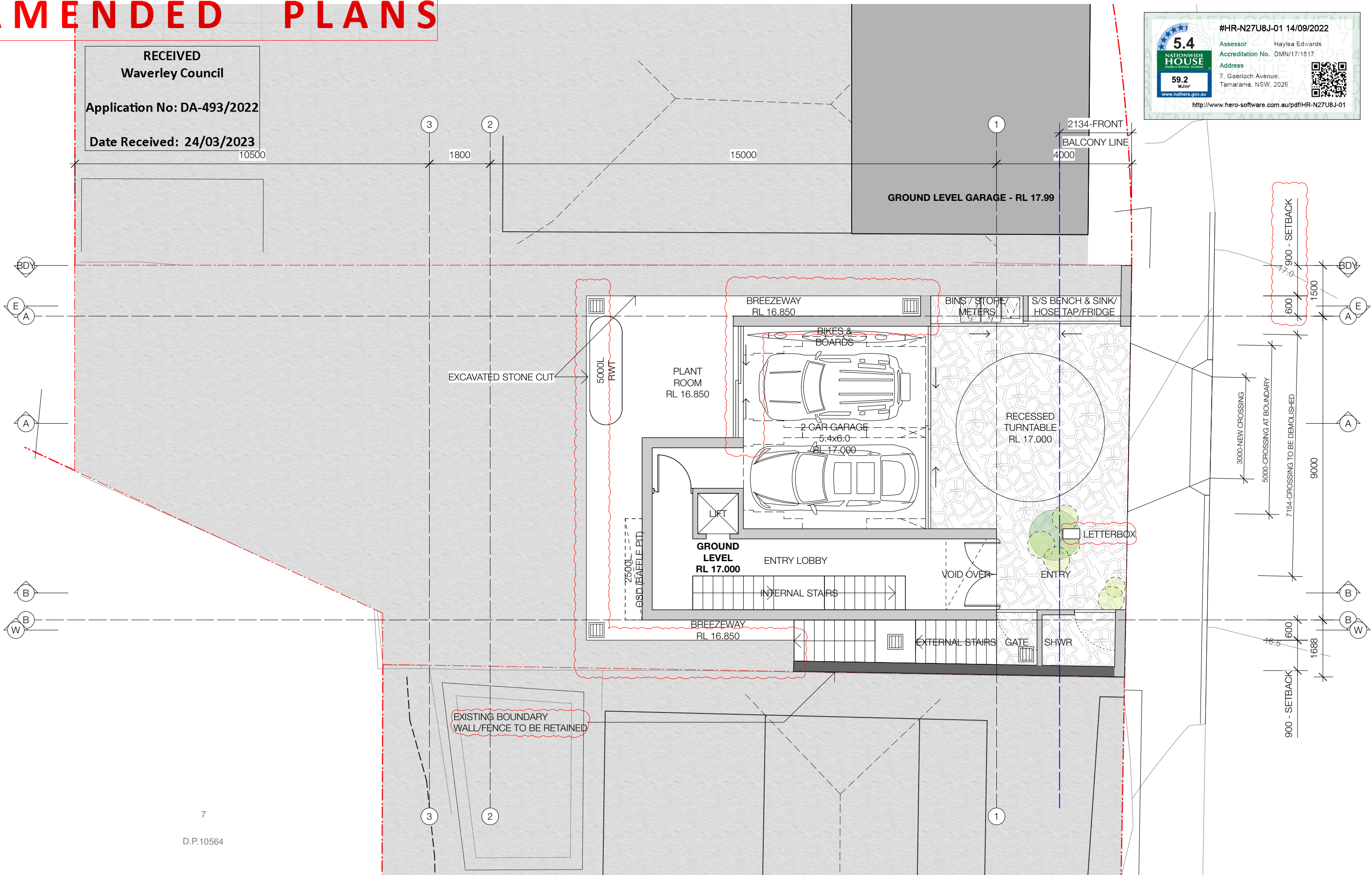
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#HR-N27U8J-01 14/09/2022
Assessor Haylea Edwards
Accreditation No. DMN/17/1817
Address 7, Gaerloch Avenue, Tamarama, NSW, 2026
5.4
NATIONWIDE HOUSE ENERGY RATING SCHEME
59.2 Mj/m²
www.nathers.gov.au
http://www.hero-software.com.au/pdf/HR-N27U8J-01



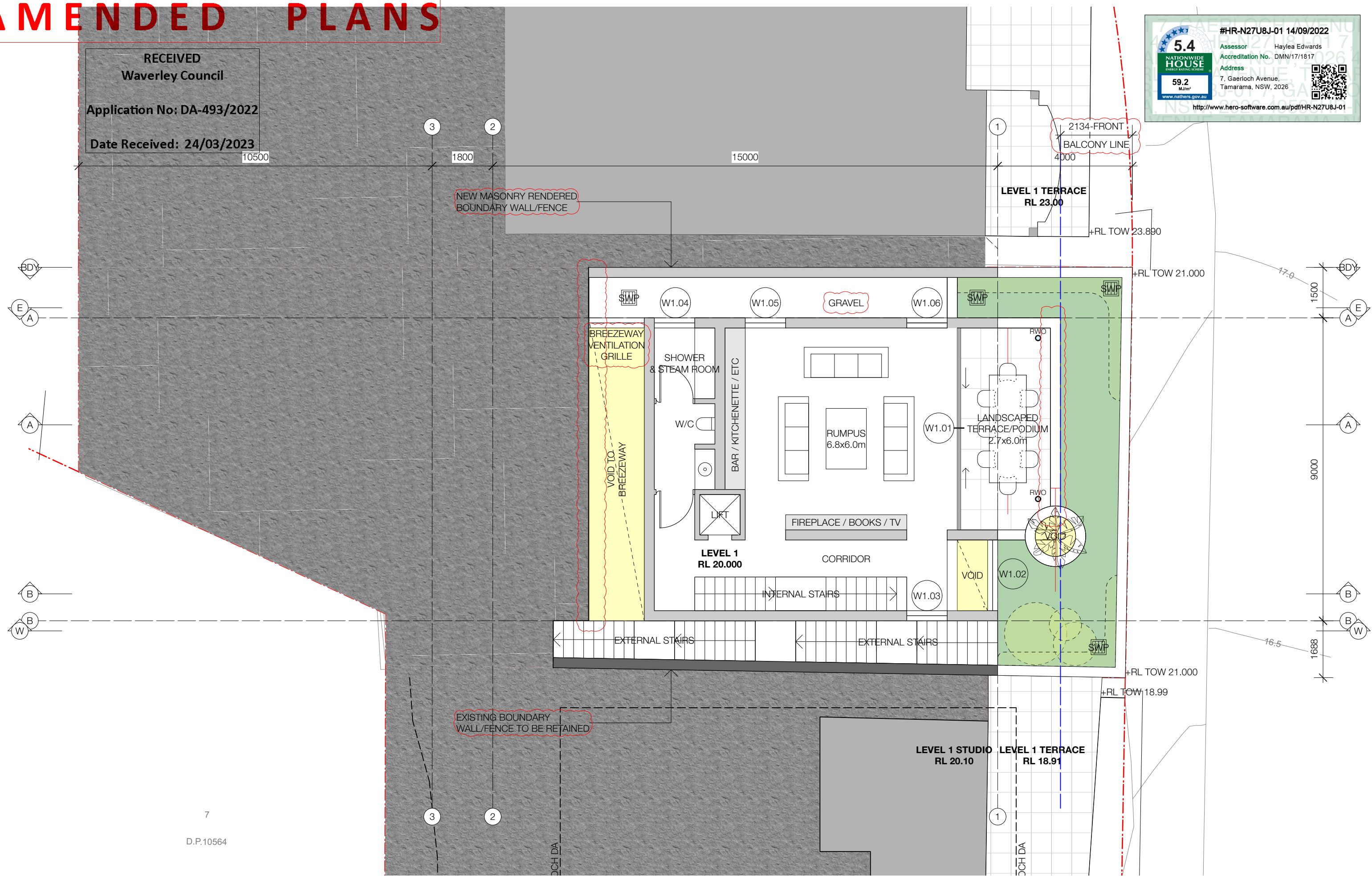
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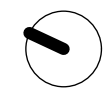
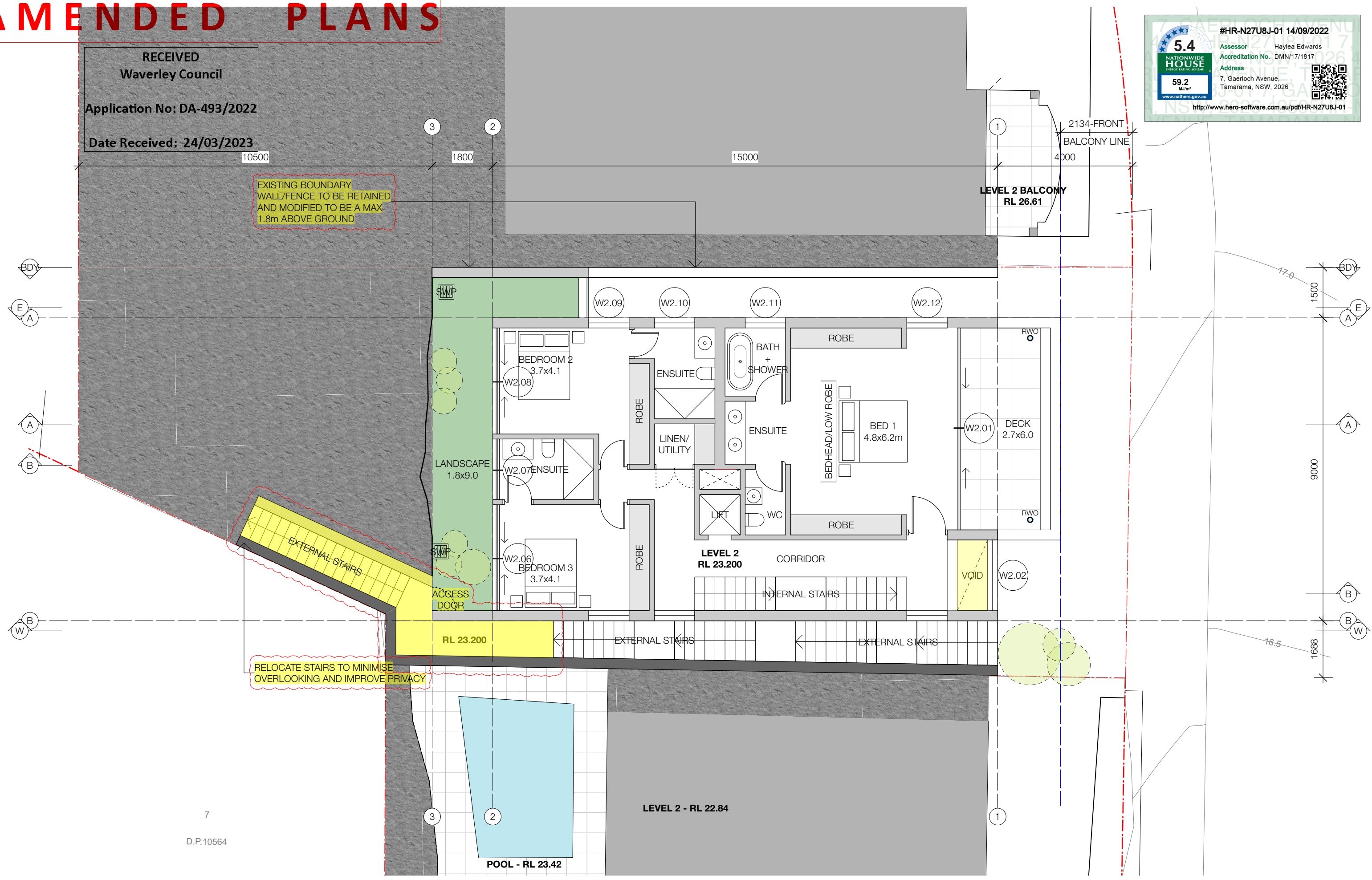
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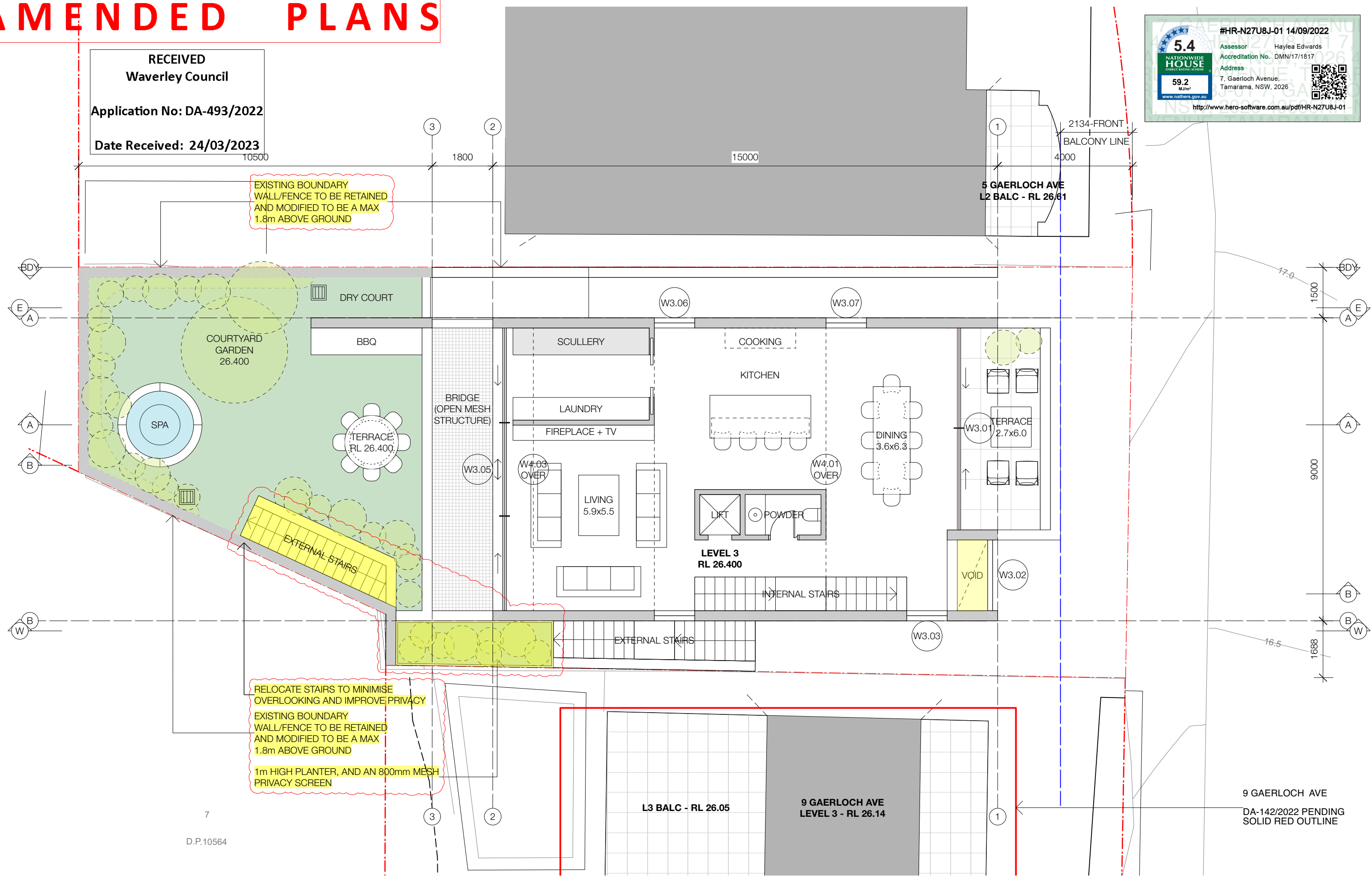
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EXISTING BOUNDARY WALL/FENCE TO BE RETAINED AND MODIFIED TO BE A MAX 1.8m ABOVE GROUND

RELOCATE STAIRS TO MINIMISE OVERLOOKING AND IMPROVE PRIVACY
EXISTING BOUNDARY WALL/FENCE TO BE RETAINED AND MODIFIED TO BE A MAX 1.8m ABOVE GROUND
1m HIGH PLANTER, AND AN 800mm MESH PRIVACY SCREEN

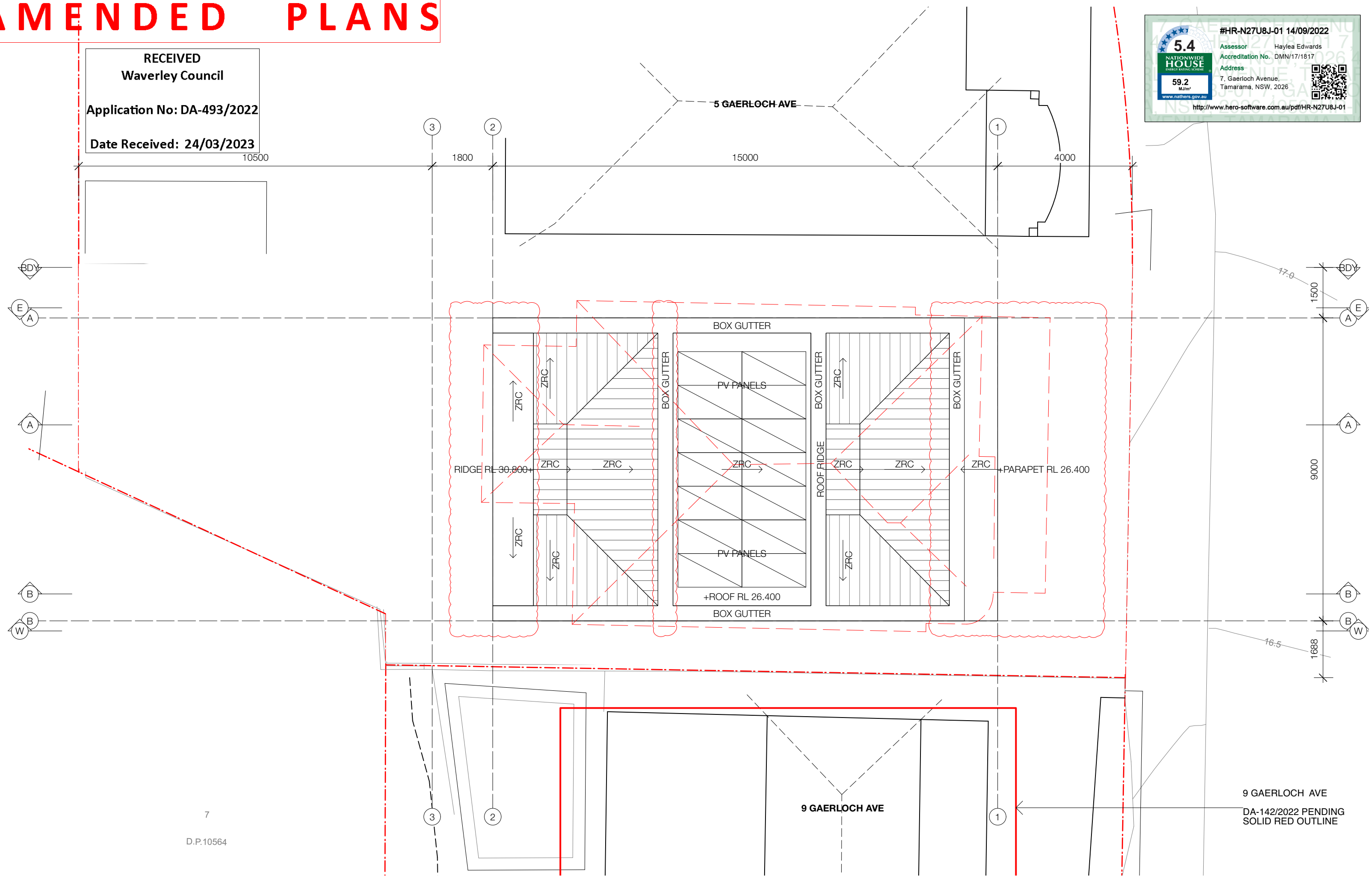


AMENDMENTS CLOUDED RED

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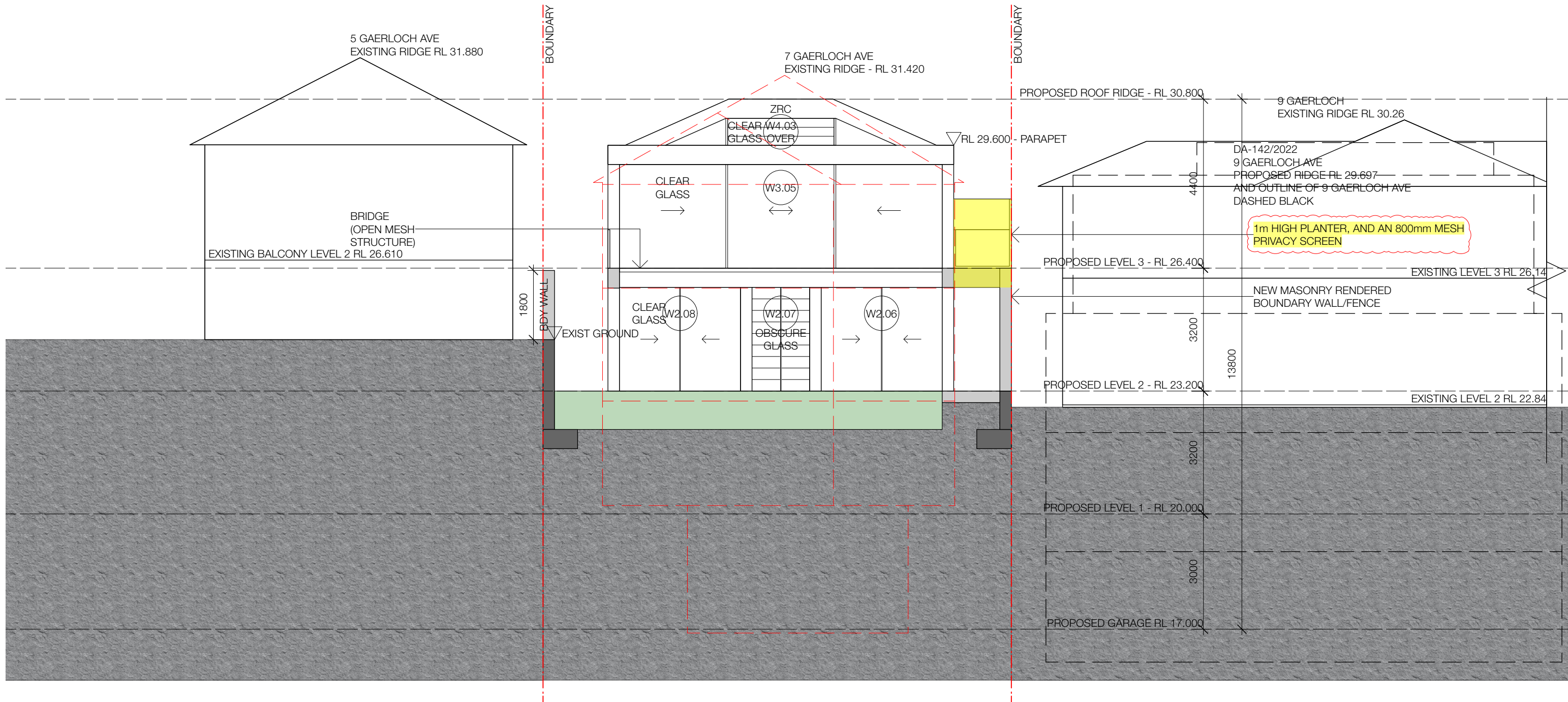
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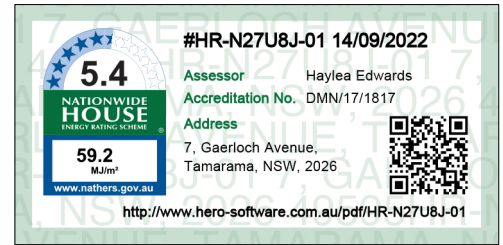
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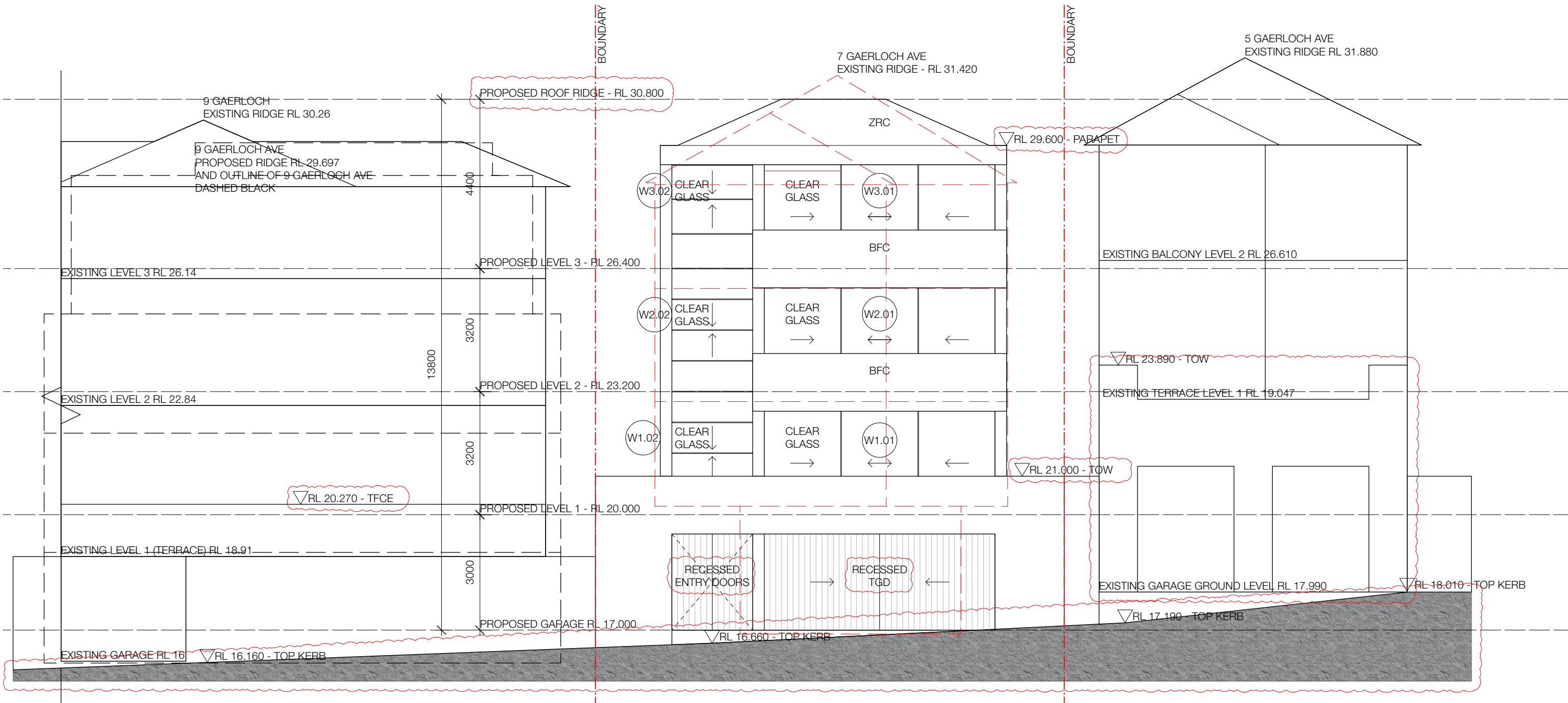
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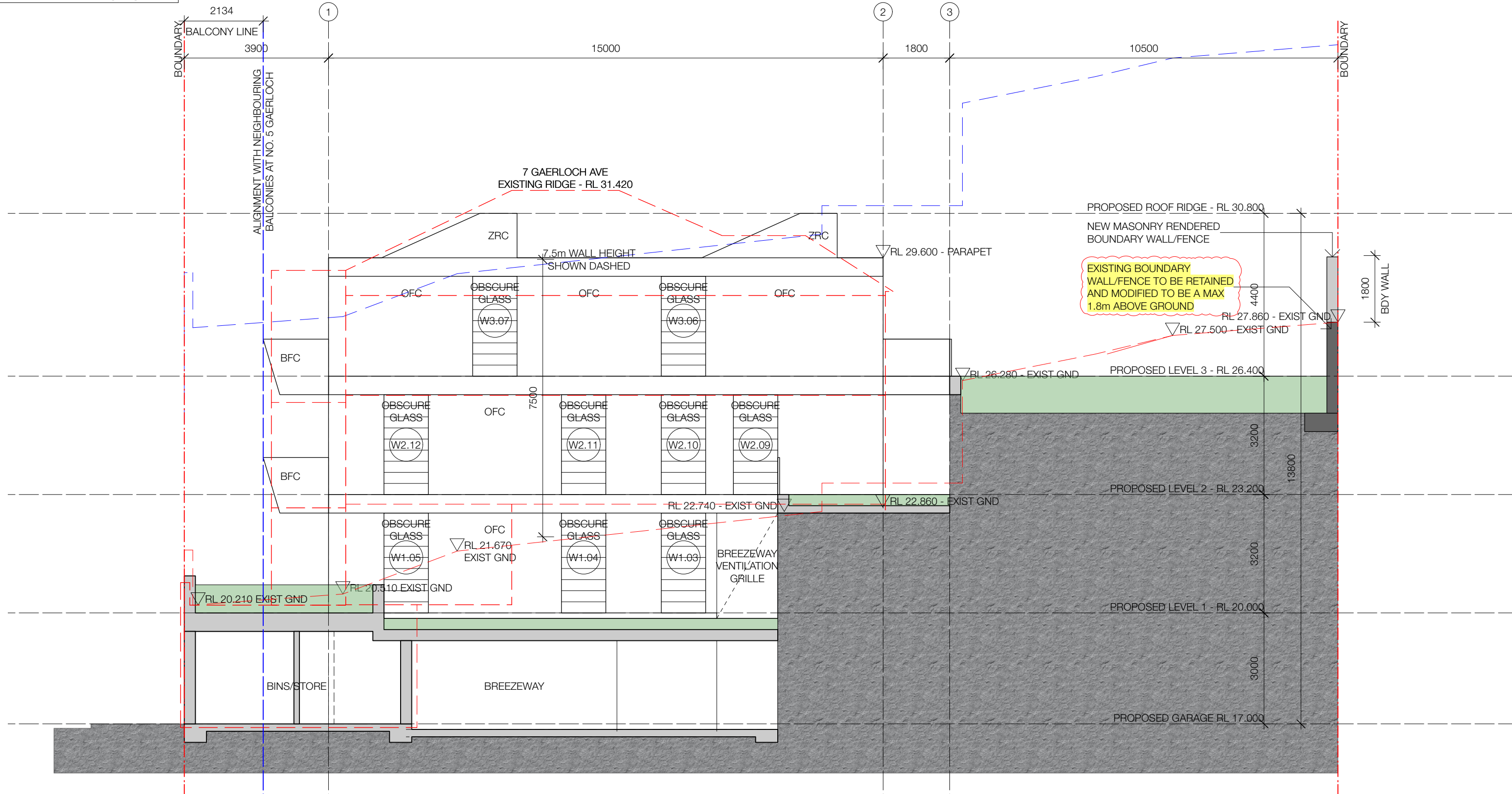
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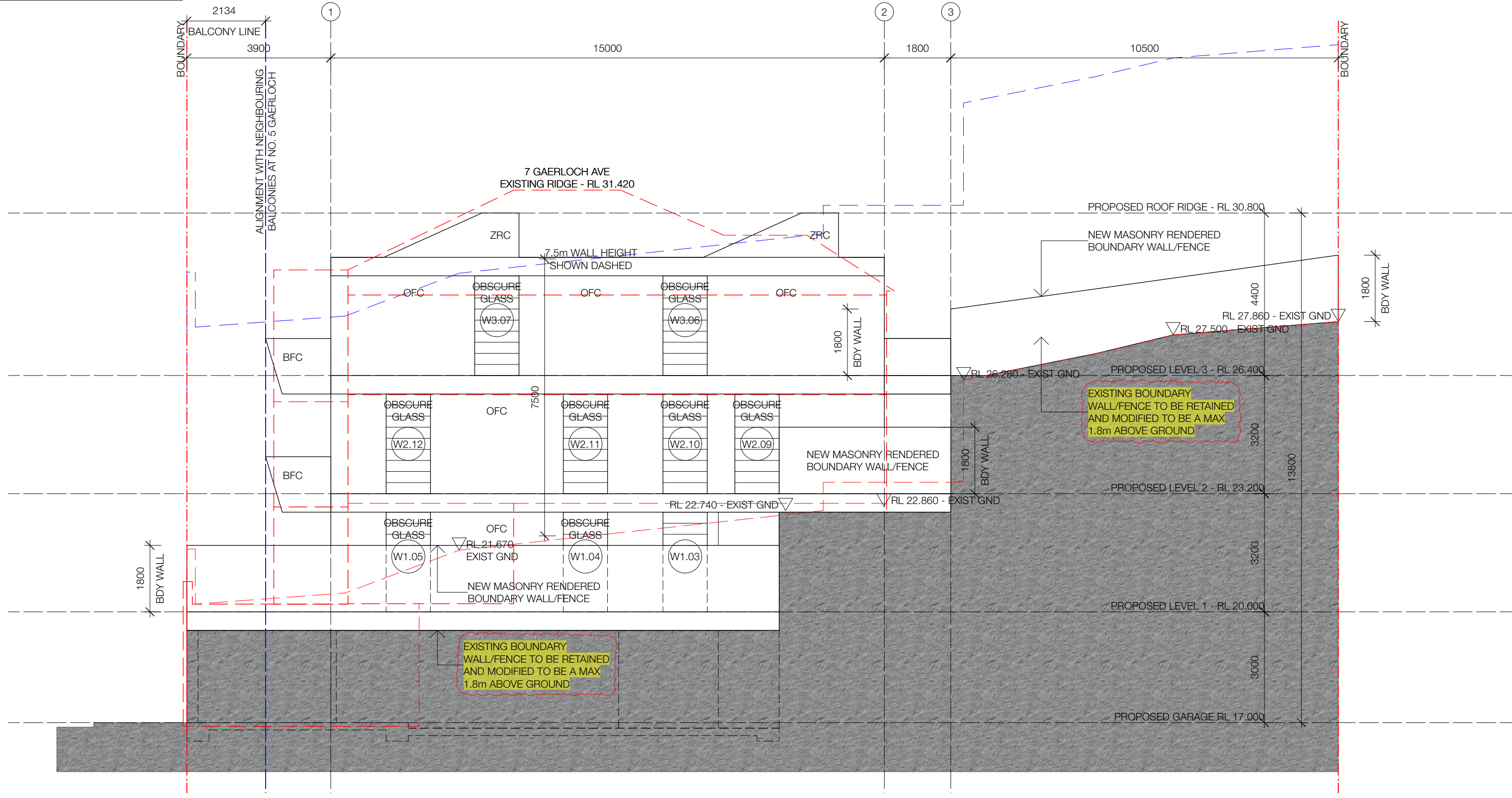
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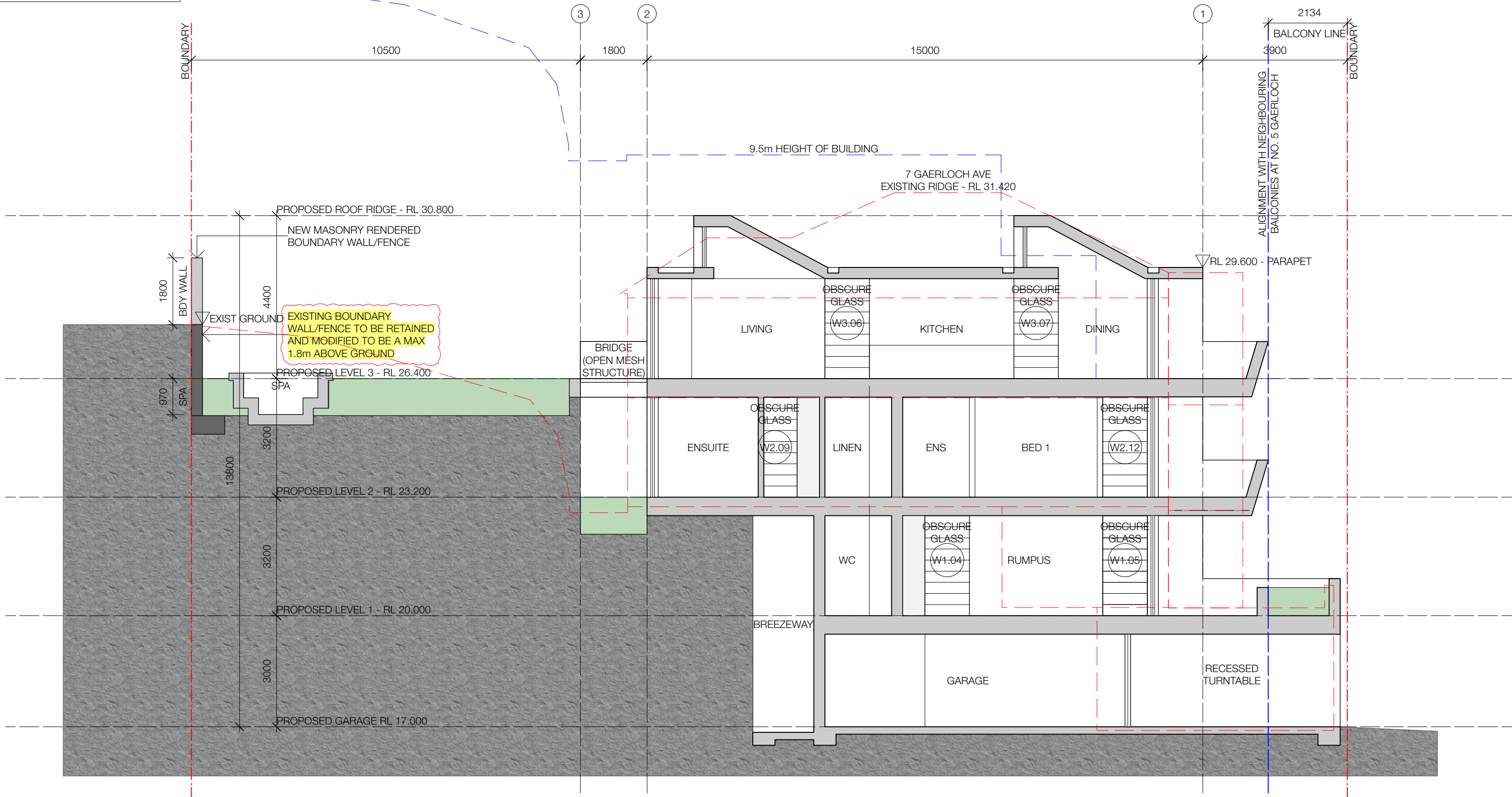
5.4
 NATIONWIDE HOUSE ENERGY RATING SCHEME
 59.2 MJ/m²
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AMENDED PLANS

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Assessor Haylea Edwards
 Accreditation No. DMN/17/1817
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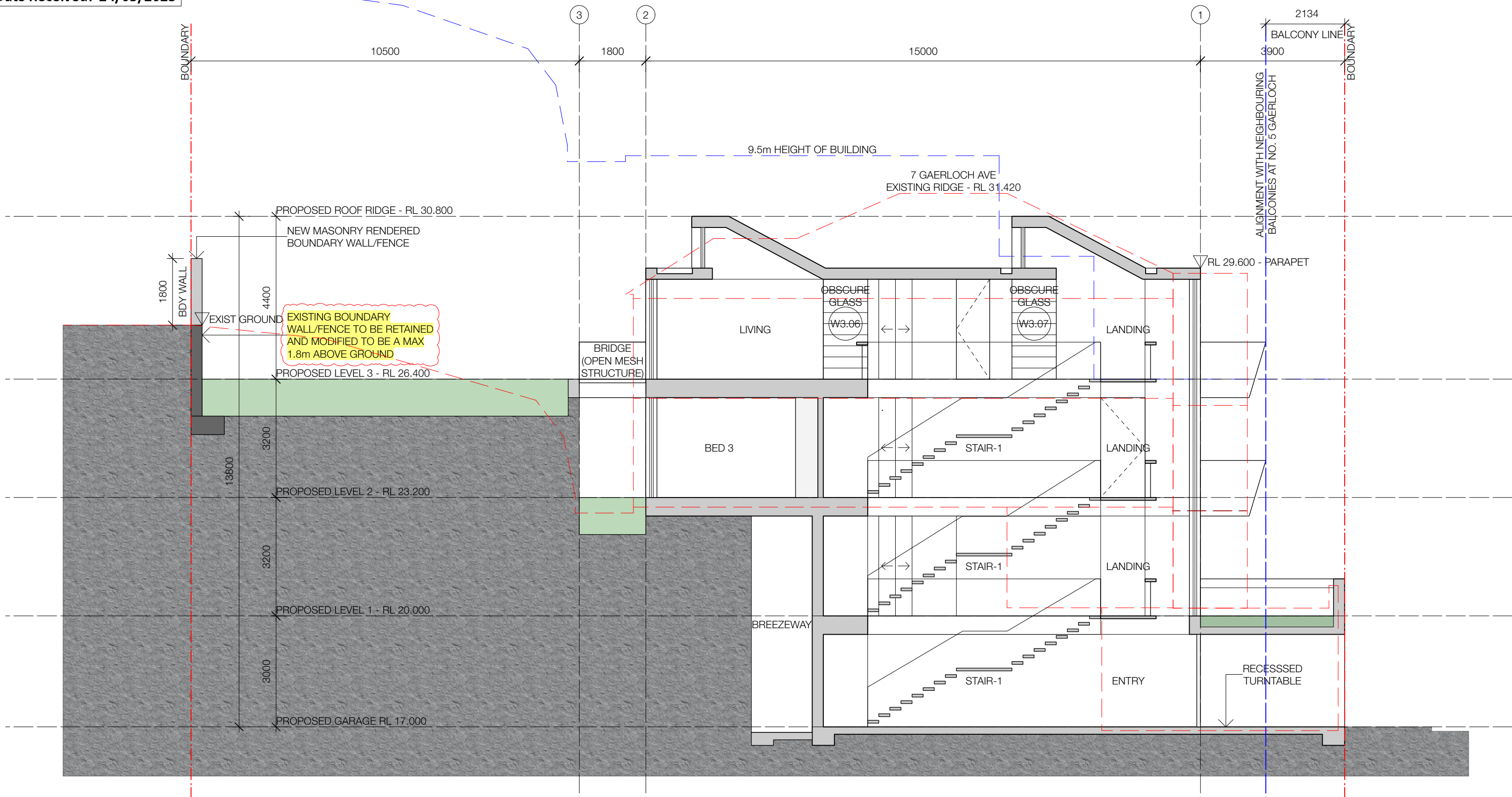
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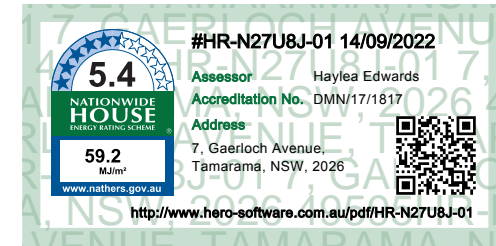
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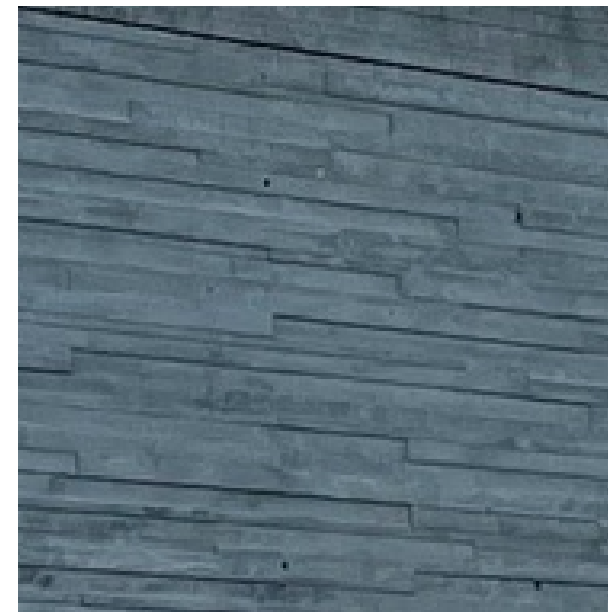




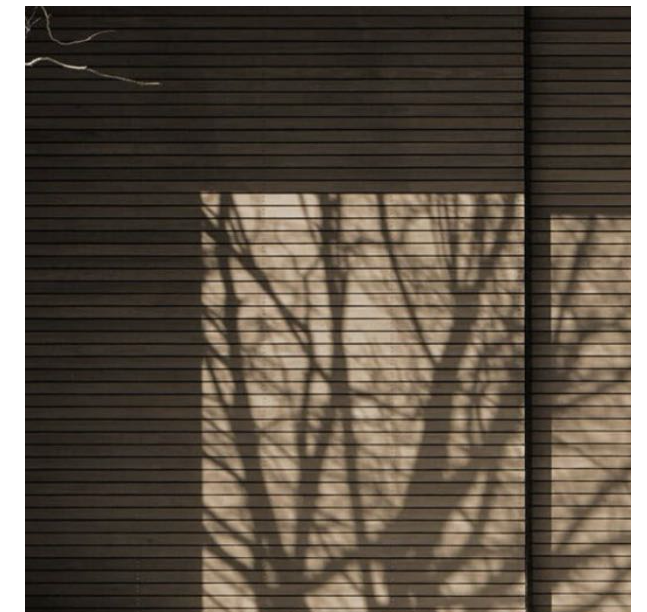
1 ZINC ROOF CLADDING - ZRC



2 OFF-FORM CONCRETE - OFC



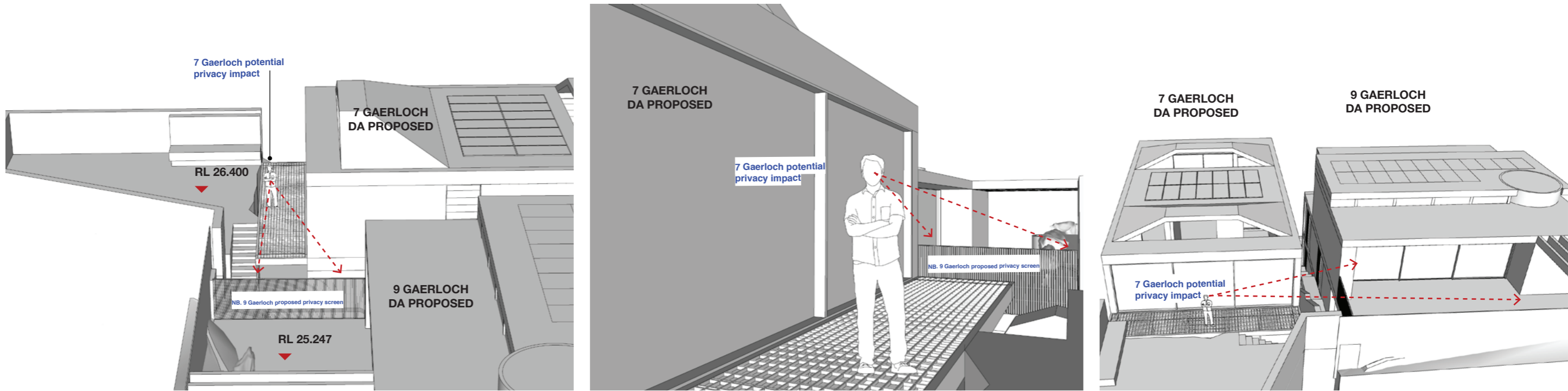
3 BOARD-FORM CONCRETE - BFC



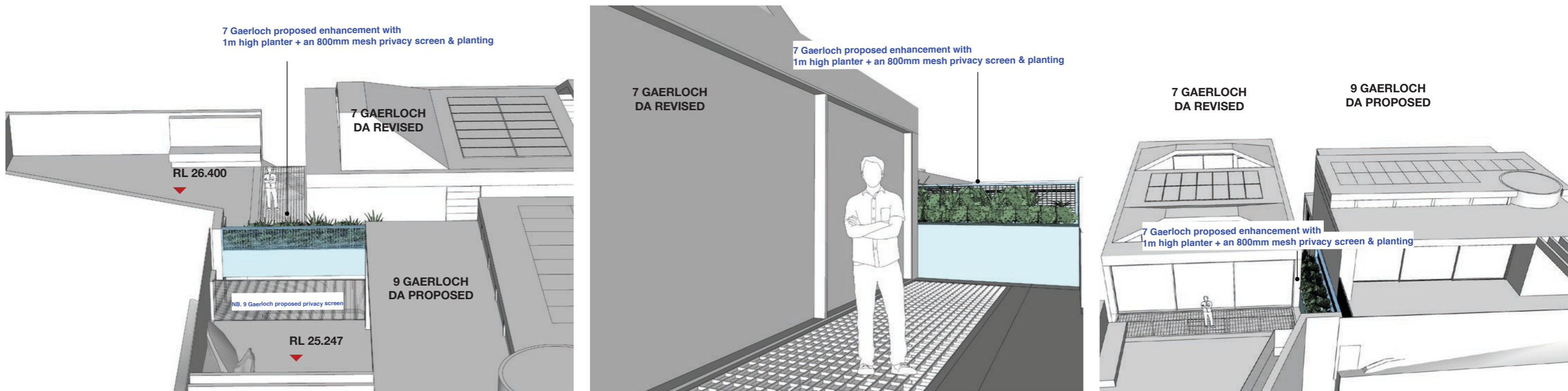
4 TIMBER GARAGE DOOR - TGD

PROPOSED PRIVACY ENHANCEMENTS TO NO.9 GAERLOCH AVENUE

ORIGINAL DA PROPOSAL FOR 7 GAERLOCH AVE

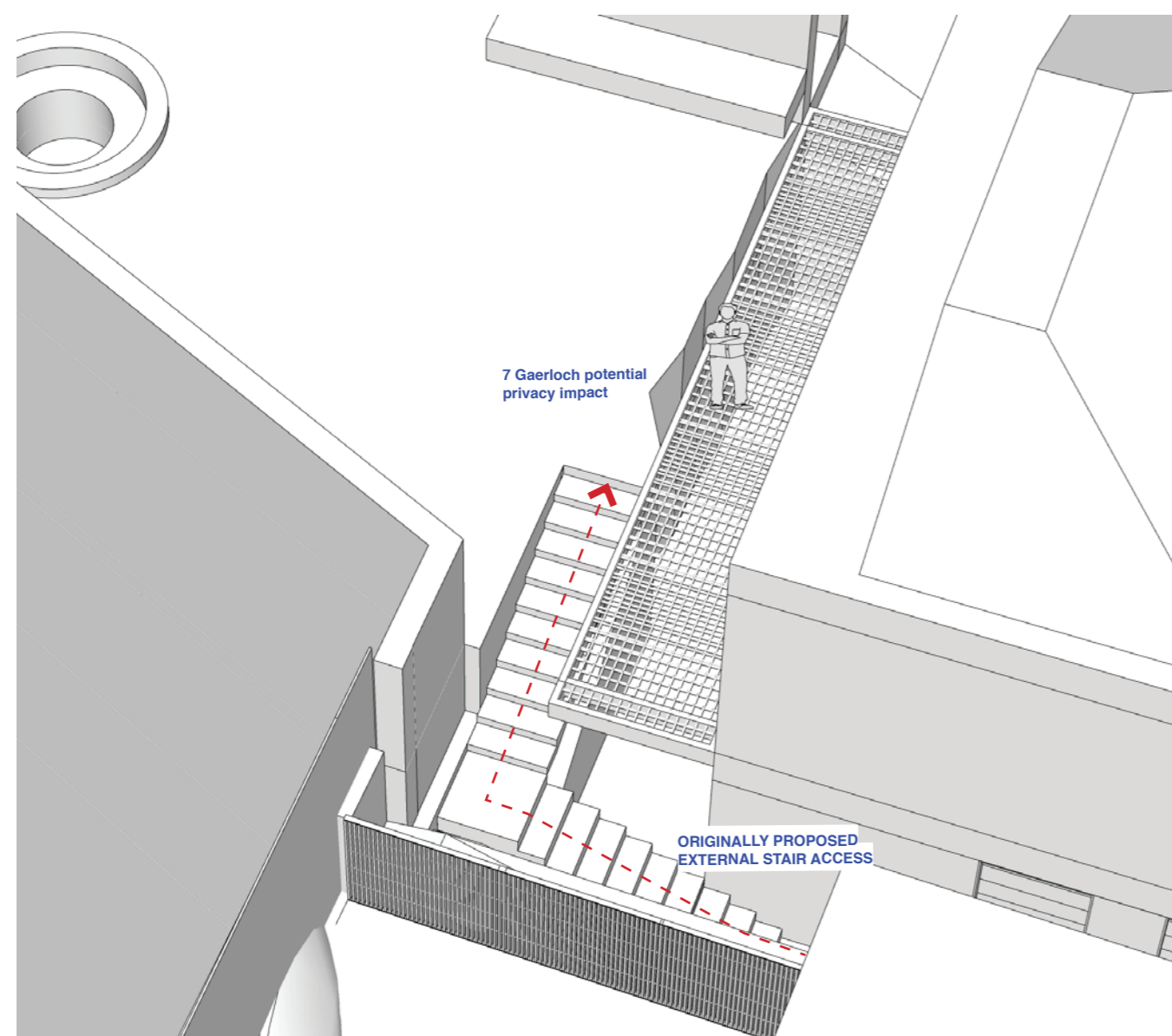


REVISED DA ENHANCEMENTS FOR 7 GAERLOCH AVE

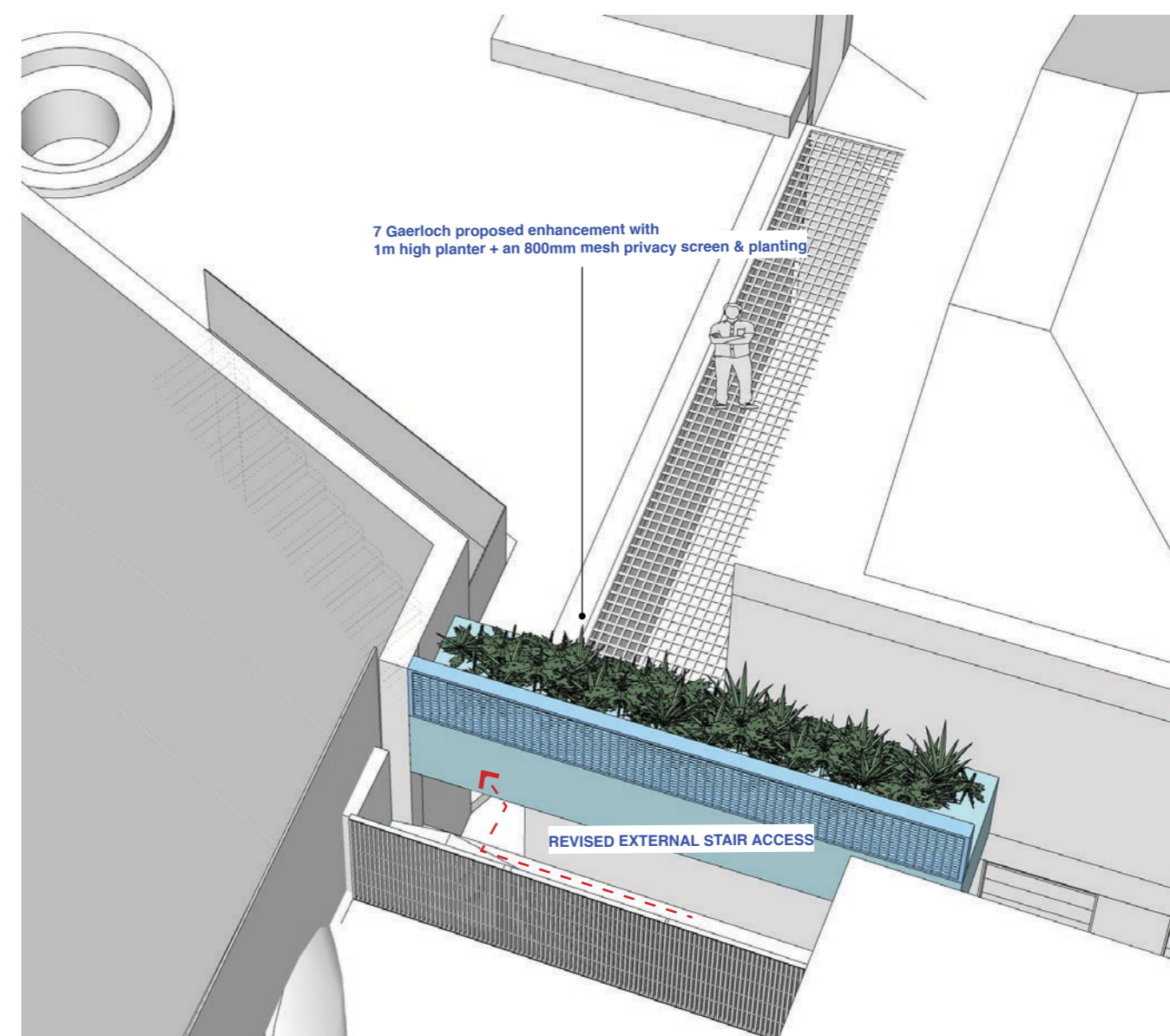


PROPOSED PRIVACY ENHANCEMENTS TO NO.9 GAERLOCH AVENUE

ORIGINAL EXTERNAL STAIR CONFIGURATION (NW CORNER)
FOR 7 GAERLOCH AVE



REVISED EXTERNAL STAIR CONFIGURATION (NW CORNER)
FOR 7 GAERLOCH AVE



LANDSCAPE DA DOCUMENTATION - REV 05 - 10.02.2023

7 GAERLOCH AVE,
TAMARAMA, NSW 2026

COUNCIL REQUIREMENTS - WAVERLEY RESIDENTIAL DEVELOPMENT APPLICATION

THE LANDSCAPE PLAN IS IN GENERAL ACCORDANCE WITH COUNCIL PLANNING CONTROLS:

- DCP (WAVERLEY DEVELOPMENT CONTROL PLAN 2012, AMENDMENT NO.9)
- CHAPTER B3 - LANDSCAPING AND BIODIVERSITY
- CHAPTER B5 - TREE PRESERVATION

CONTROLS

SITE AREA: 339.5 m²

OPEN SPACE REQUIRED 40% OF SITE = 135.8 m²
TOTAL OPEN SPACE ACHIEVED = 246.2 m²

LANDSCAPED AREA REQUIRED 15% OF SITE = 50.9 m²
LANDSCAPED AREA ACHIEVED = 88.0 m²

DEEP SOIL LANDSCAPED AREA ACHIEVED = 88.0 m²

LOCAL NATIVE PLANT TOTAL = 325
67% OF PROPOSED PLANTING

LANDSCAPE INSTALLATION SPECIFICATION

TREE REMOVAL

- Tree surgery, pruning or tree removal works are to be overseen by a qualified arborist, if specified by arborists report.
- Tree protection to be installed for trees to be retained as per arborist / council's specifications.

PLANTER BEDS

- Soil for plantings over slab or contained areas. Minimum soil depths for planting on any slab:
- Medium trees: Min 1000mm excluding 75mm mulch
- Shrubs: Min 600mm excluding 75mm mulch
- Turf: Min 300mm
- Suitable drainage implemented through use of ag lines, drainage flow cell and geotech fabric.
- Soil to be ANL Planter Box Mix, or equivalent. Blend of soil, coarse sand, graded ash, nepean sand, composted sawdust, botany humus and composted pine bark.
- Soil to be between 20-50mm below top of retaining wall height, to allow for dropping.

TURFING

- Turf to be laid on minimum 100mm turf underlay.
- Turf underlay to be ANL Sand / Soil Blend, or equivalent.
- Turf to be Sir Walter Turf - Premium Buffalo Grass (Registered PBR), supplied by President Turf, or equivalent.

MULCHING

- Place mulch to minimum depth of 75mm, clear of plant stems, and rake to an even surface flush with the surrounding finished levels and consistent in depth.
- Trees in lawn areas to have 750mm diameter of mulch surrounding.
- Mulch for general garden areas, pots, and planters to be Australian Native Landscapes (ANL) Greenlife Mulch and Compost, or equivalent.

TREE PLANTING

- Excavate holes in accordance with dimension of container. The depth of the holes is to be equivalent to the container height plus 100mm and the width of the hole is to be twice that of the container.
- Locate tree to centre of hole and backfill with soil. Firm about root ball.
- All plant material, 45 Litres or over, to be staked.

IRRIGATION

- Automated irrigation system to be implemented. Reputable irrigation brands are to be sourced.
- Use drip lines with emitters at 300mm spacing's for all garden beds.
- Use pop-up spray heads for all lawn areas. Pop-up spray heads are to be spaced according to product specification.
- Conceal irrigation below the mulch layer in planting areas and 150mm below the surface of turf areas. Conceal all components including pipework, fittings, valves, and control equipment.

PROJECT

VICARS RESIDENCE
7 GAERLOCH AVE,
TAMARAMA

DRAWING TITLE:

DEVELOPMENT APPLICATION
Cover Page

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PLANT SCHEDULE

ID	QTY	BOTANICAL NAME	COMMON NAME	SCHEDULED SIZE	MATURE SPREAD	MATURE HEIGHT	REMARKS
Trees							
Bse	4	Banksia serrata	Old Man Banksia	75Ltr	3.5 - 5.0m	6.0 - 8.0m	LOCAL NATIVE*
Palms - Cycads							
Hf	3	Howea forsteriana	Kentia Palm	75Ltr	2.5 - 4.0m	5.0 - 10.0m	NATIVE
Shrubs							
Bim	8	Baeckea imbricata	Heath Myrtle	200mm	0.9 - 1.2m	1.5 - 3m	LOCAL NATIVE*
Bma	5	Banksia marginata	Silver Banksia	200mm	1.0 - 1.5m	0.5 - 2.0m	LOCAL NATIVE*
Sc	21	Santolina chamaecyparissus	Cotton Lavender	140mm	0.6 - 0.9m	0.7 - 0.9m	
WeFr	19	Westringia fruticosa	Coastal Rosemary	200mm	0.9 - 1.2m	0.9 - 1.5m	LOCAL NATIVE*
Grasses							
Llo	52	Lomandra longifolia	Spiny-headed mat rush	140mm	0.5 - 0.7m	0.5 - 0.7m	LOCAL NATIVE*
Dcae	39	Dianella caerulea	Cassa Blue Flax Lily	140mm	0.5 - 0.8m	0.5 - 0.8m	LOCAL NATIVE*
Dc	30	Dianella congesta	Coastal Flax Lily	140mm	0.5 - 0.8m	0.5 - 0.8m	LOCAL NATIVE*
Fno	14	Ficinia nodosa	Knobby Club Rush	140mm	0.5 - 0.7m	0.5 - 0.7m	LOCAL NATIVE*
Groundcovers							
Cg	63	Carpobrotus glaucescens	Pigface	140mm	1.2 - 2.0m	0.0 - 0.3m	LOCAL NATIVE*
Dr	60	Dichondra repens	Kidney Weed	140mm	0.9 - 1.2m	0.0 - 0.3m	LOCAL NATIVE*
Ro	21	Rosmarinus officinalis 'Prostratus	Rosemary	140mm	1.0 - 1.2m	0.0 - 0.3m	
Ta	62	Trachelospermum asiaticum	Japanese Star Jasmine	140mm	1.0 - 1.2m	0.0 - 0.3m	
Ferns							
Aae	14	Adiantum aethiopicum	Maidenhair Fern	140mm	0.3 - 0.5m	0.3 - 0.5m	LOCAL NATIVE*
Pes	6	Pteridium esculentum	Bracken Fern	200mm	1.2 - 2.0m	1.2 - 2.0m	LOCAL NATIVE*
Succulents							
Aby	54	Aloe 'Bush Baby Yellow'	Bush Baby Yellow Aloe	140mm	0.6 - 0.9m	0.75 - 0.9m	
Climbers							
Pps	11	Pandorea pandorana	Wonga Wonga Vine	140mm	2.0 - 5.0m	2.0 - 5.0m	LOCAL NATIVE*
Total:	486						

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Date Received: 10/02/2023

AMENDED PLANS

NOTE: * INDICATES INDIGENOUS OR LOCALLY NATIVE SPECIES AS LISTED IN ANNEXURE B2-I OF THE WAVERLEY DCP 2012 (AMENDMENT NO. 9)

LOCAL NATIVE PLANT TOTAL = 325
67% ACHIEVED

BIODIVERSITY HABITAT CORRIDOR CONTROL: A MIN 50% OF TREES, 50% OF SHRUBS, AND 50% OF GRASSES AND GROUNDCOVERS ARE TO BE NATIVE PLANTS LISTED IN ANNEXURE B2-I OF THE WAVERLEY DCP 2012 (AMENDMENT NO.9).

LOCAL NATIVE TREE SPECIES TOTAL = 1
50% ACHIEVED

LOCAL NATIVE SHRUB SPECIES TOTAL = 3
75% ACHIEVED

LOCAL NATIVE GRASSES & GROUNDCOVERS SPECIES TOTAL = 6
75% ACHIEVED

LOCAL NATIVE TREE QUANTITY = 4
57% ACHIEVED

LOCAL NATIVE SHRUB QUANTITY = 32
60% ACHIEVED

LOCAL NATIVE GRASSES & GROUDCOVERS QUANTITY = 258
76% ACHIEVED

PROJECT

VICARS RESIDENCE
7 GAERLOCH AVE,
TAMARAMA

DRAWING TITLE:

DEVELOPMENT APPLICATION
Plant Schedule

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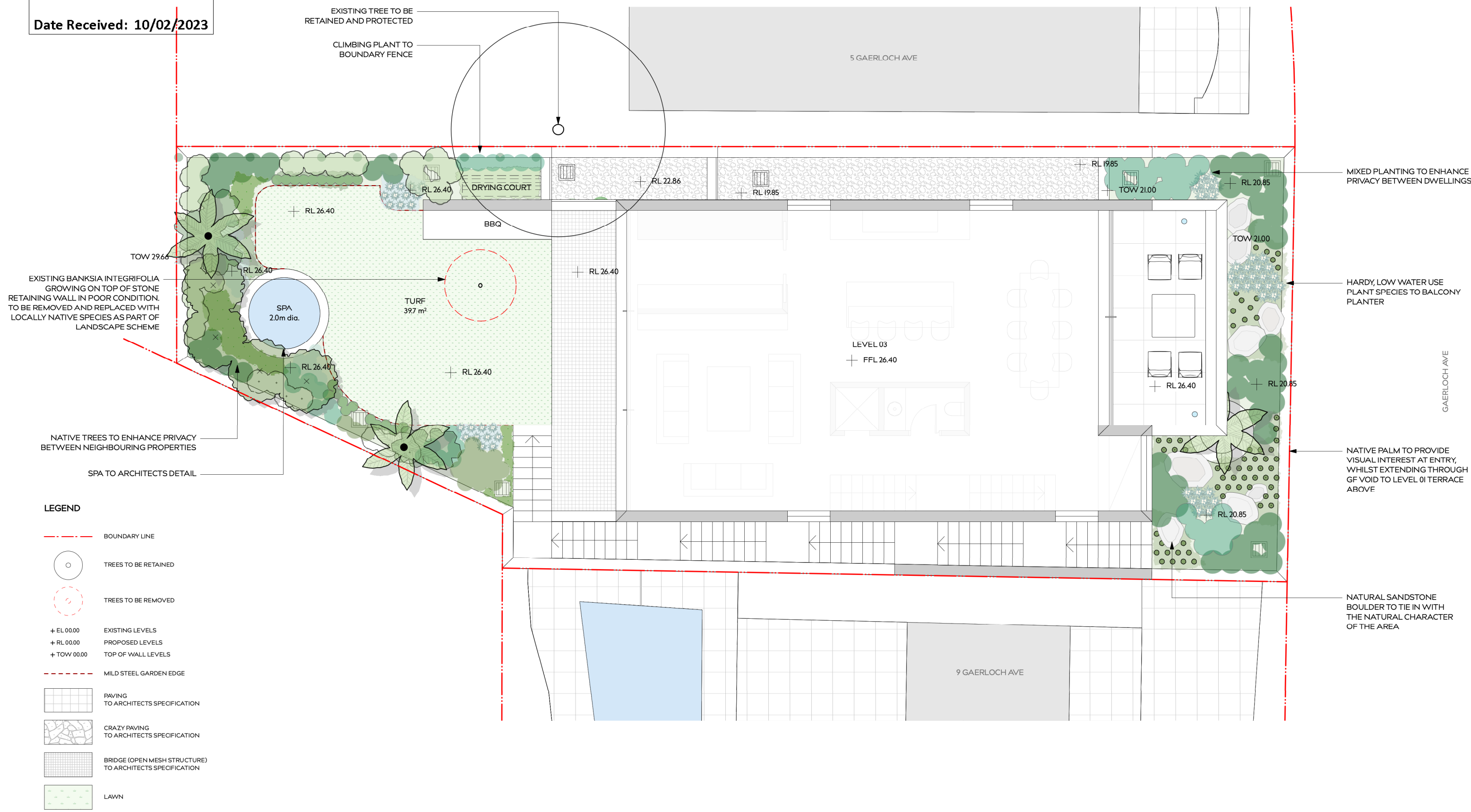
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AMENDED PLANS

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PROJECT
VICARS RESIDENCE
7 GAERLOCH AVE,
TAMARAMA

DRAWING TITLE:
DEVELOPMENT APPLICATION
Landscape Site Plan

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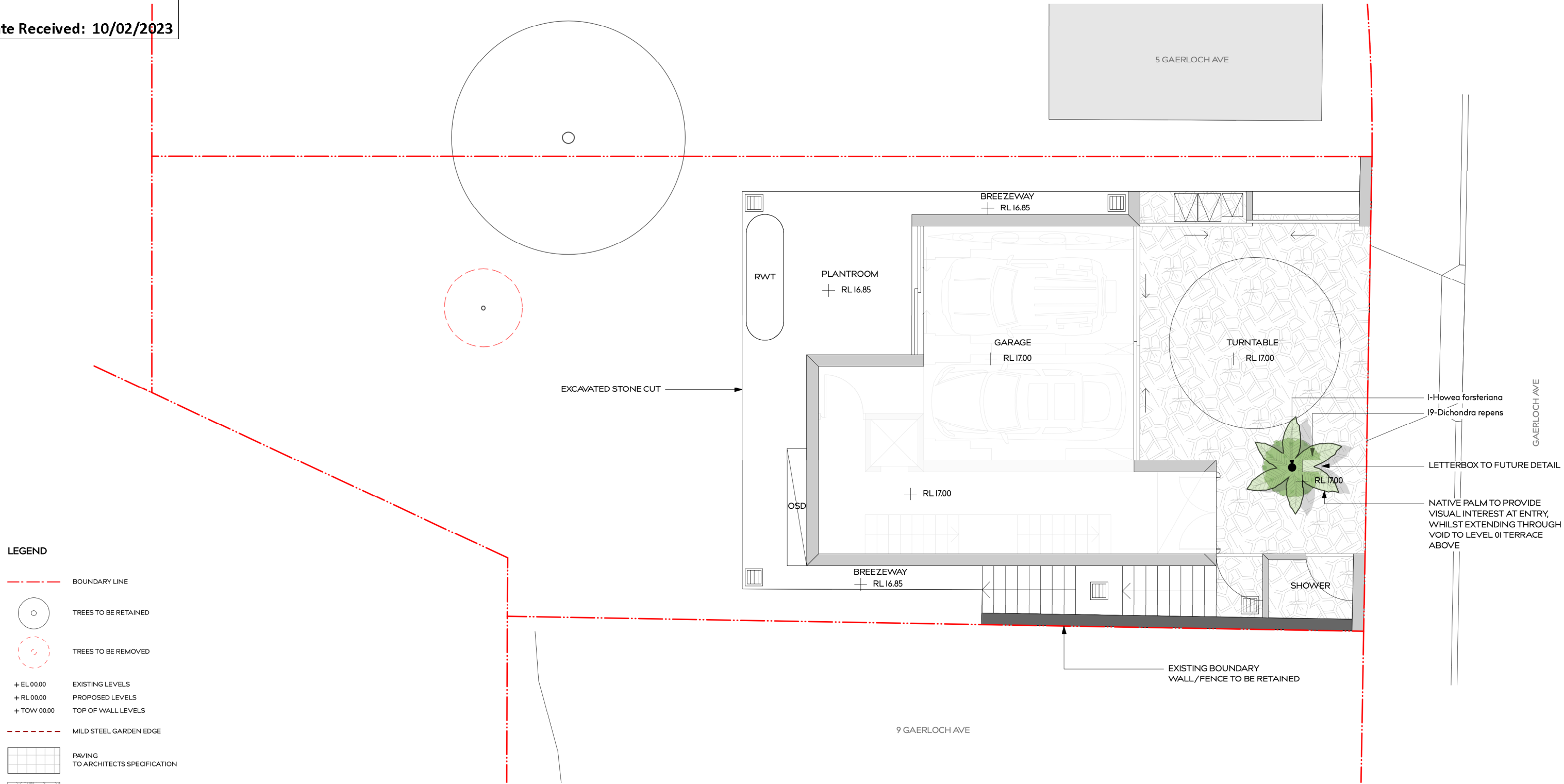
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Application No: DA-493/2022

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AMENDED PLANS



LEGEND

- BOUNDARY LINE
- TREES TO BE RETAINED
- TREES TO BE REMOVED
- + EL 00.00 EXISTING LEVELS
- + RL 00.00 PROPOSED LEVELS
- + TOW 00.00 TOP OF WALL LEVELS
- MILD STEEL GARDEN EDGE
- [Grid Pattern] PAVING TO ARCHITECTS SPECIFICATION
- [Irregular Pattern] CRAZY PAVING TO ARCHITECTS SPECIFICATION
- [Mesh Pattern] BRIDGE (OPEN MESH STRUCTURE) TO ARCHITECTS SPECIFICATION
- [Green Dotted] LAWN

PROJECT
VICARS RESIDENCE
7 GAERLOCH AVE,
TAMARAMA

DRAWING TITLE:
DEVELOPMENT APPLICATION
Landscape Plan - Ground Floor

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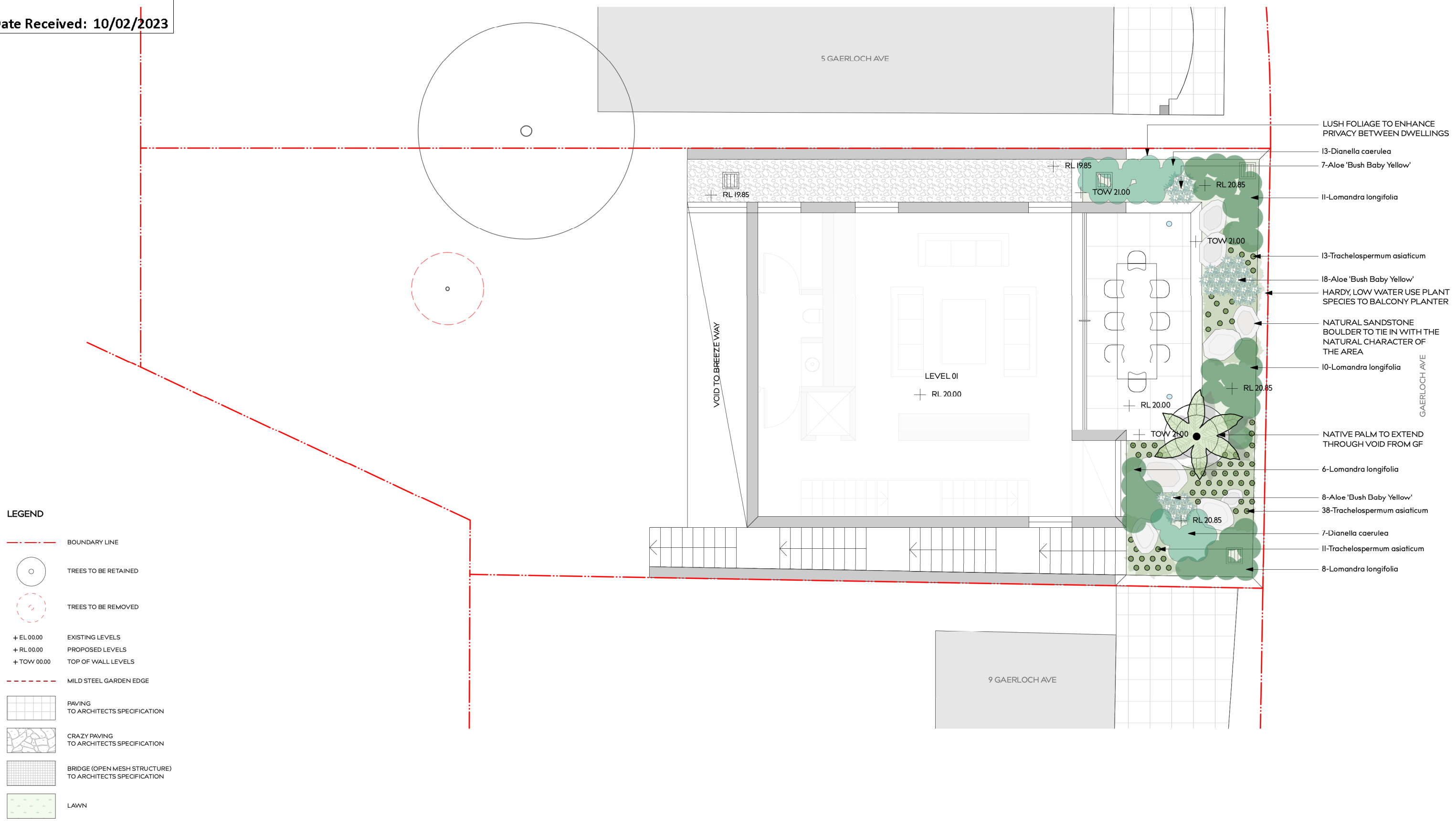
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AMENDED PLANS



- LEGEND**
- BOUNDARY LINE
 - TREES TO BE RETAINED
 - TREES TO BE REMOVED
 - + EL 00.00 EXISTING LEVELS
 - + RL 00.00 PROPOSED LEVELS
 - + TOW 00.00 TOP OF WALL LEVELS
 - MILD STEEL GARDEN EDGE
 - PAVING TO ARCHITECTS SPECIFICATION
 - CRAZY PAVING TO ARCHITECTS SPECIFICATION
 - BRIDGE (OPEN MESH STRUCTURE) TO ARCHITECTS SPECIFICATION
 - LAWN

- LUSH FOLIAGE TO ENHANCE PRIVACY BETWEEN DWELLINGS
- 13-Dianella caerulea
- 7-Aloe 'Bush Baby Yellow'
- 11-Lomandra longifolia
- 13-Trachelospermum asiaticum
- 18-Aloe 'Bush Baby Yellow'
- HARDY, LOW WATER USE PLANT SPECIES TO BALCONY PLANTER
- NATURAL SANDSTONE BOULDER TO TIE IN WITH THE NATURAL CHARACTER OF THE AREA
- 10-Lomandra longifolia
- NATIVE PALM TO EXTEND THROUGH VOID FROM GF
- 6-Lomandra longifolia
- 8-Aloe 'Bush Baby Yellow'
- 38-Trachelospermum asiaticum
- 7-Dianella caerulea
- 11-Trachelospermum asiaticum
- 8-Lomandra longifolia

PROJECT
 VICARS RESIDENCE
 7 GAERLOCH AVE,
 TAMARAMA

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 DEVELOPMENT APPLICATION
 Landscape Plan - Level 01

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LEGEND

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- BRIDGE (OPEN MESH STRUCTURE) TO ARCHITECTS SPECIFICATION
- LAWN

PROJECT

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7 GAERLOCH AVE,
TAMARAMA

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DEVELOPMENT APPLICATION
Landscape Plan - Level 02

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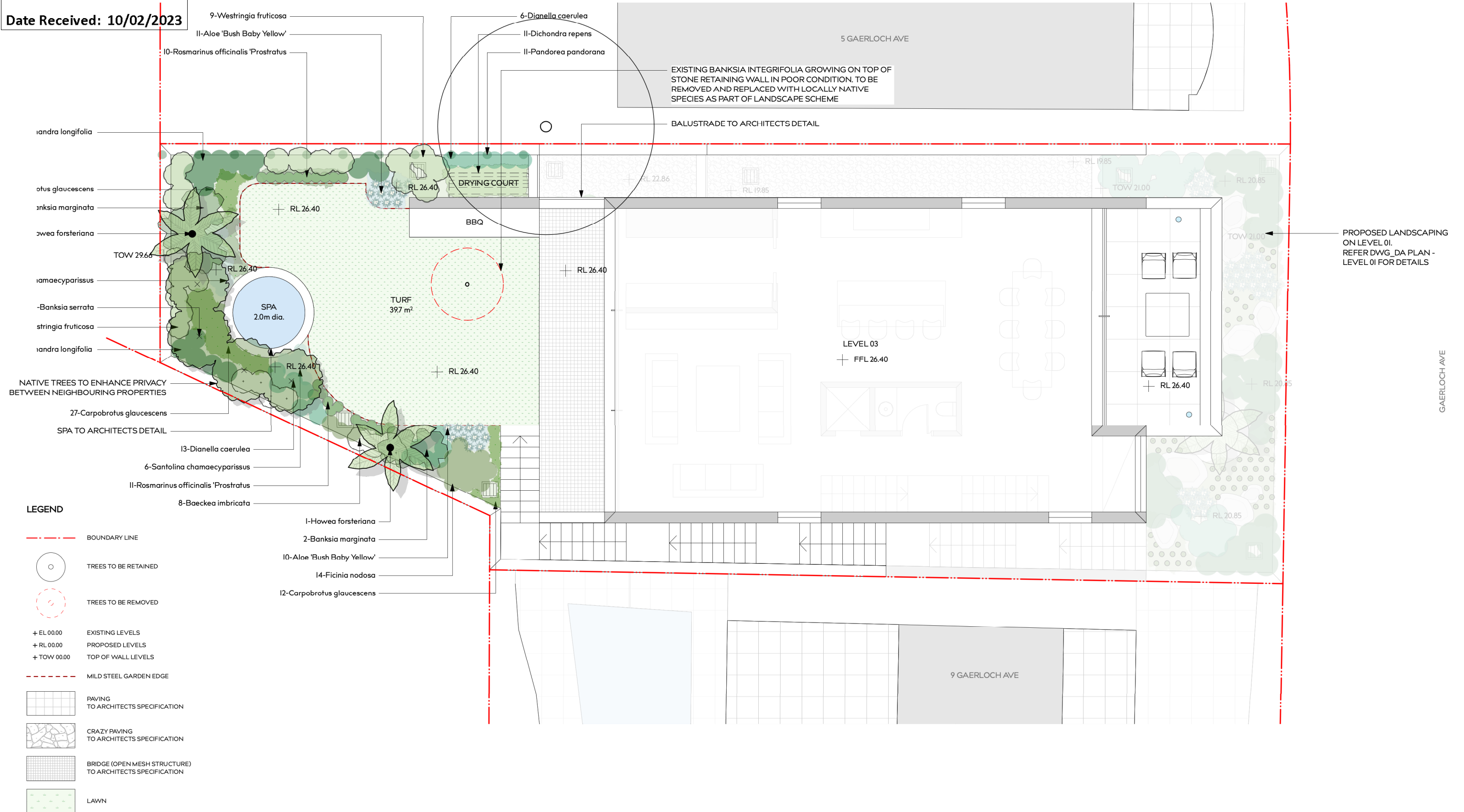
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VICARS RESIDENCE
7 GAERLOCH AVE,
TAMARAMA

DRAWING TITLE:
DEVELOPMENT APPLICATION
Landscape Plan - Level 03

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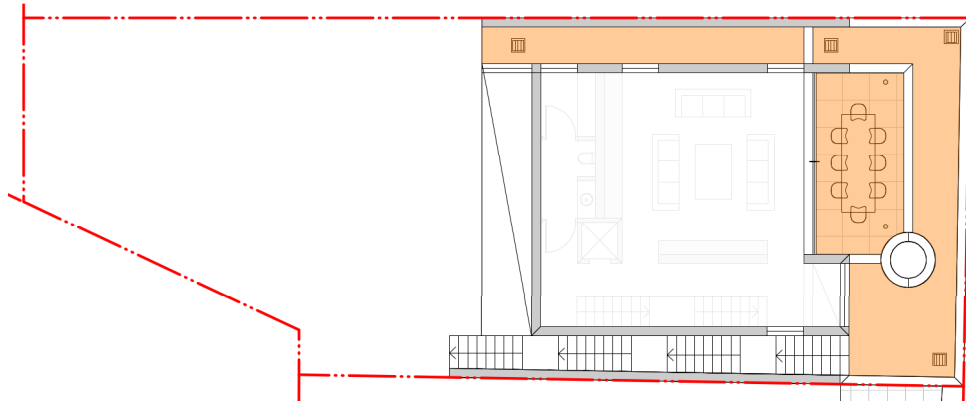
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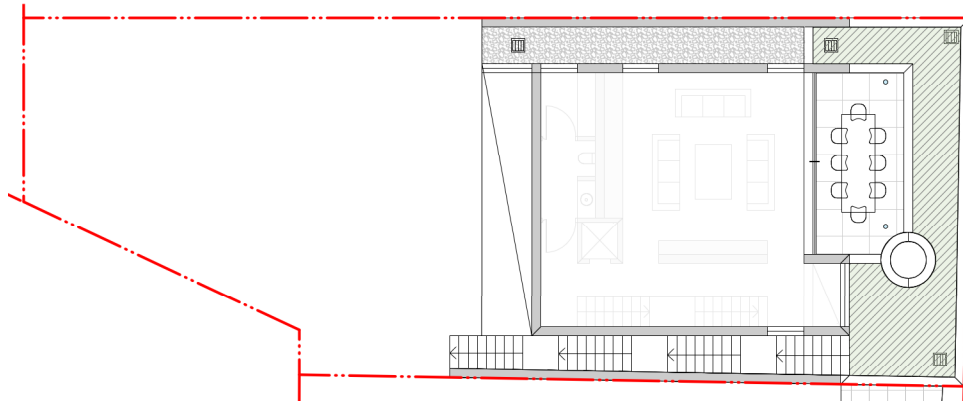
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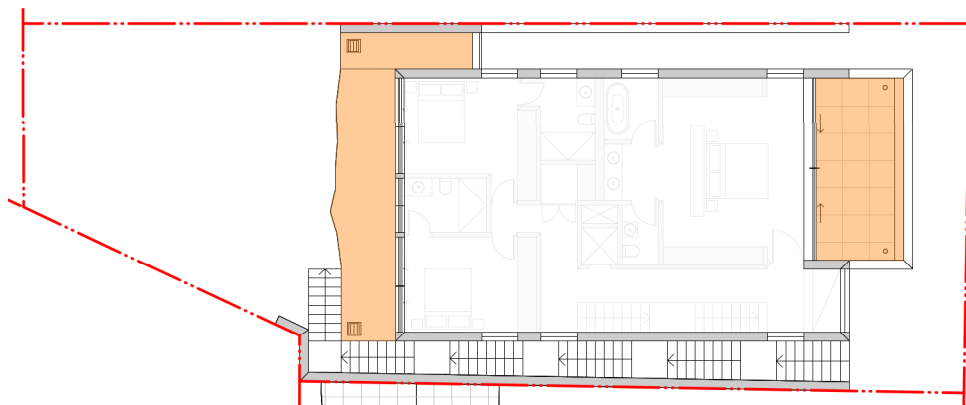
01 | GROUND FLOOR - OPEN SPACE



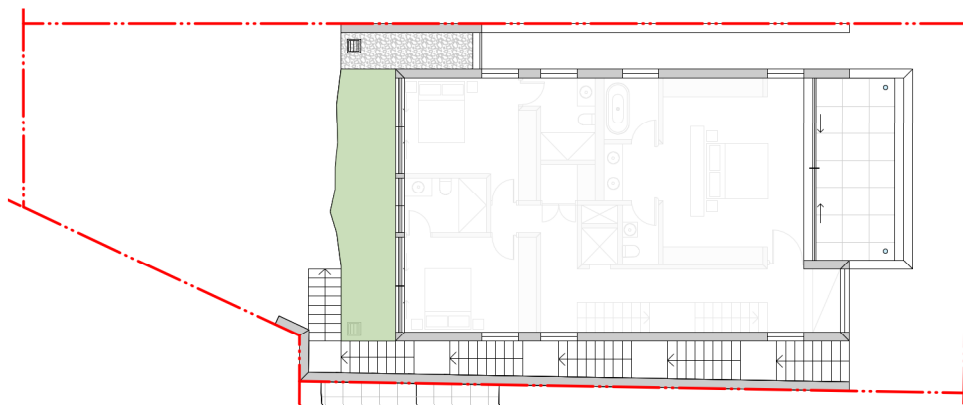
01 | GROUND FLOOR - LANDSCAPE AREA



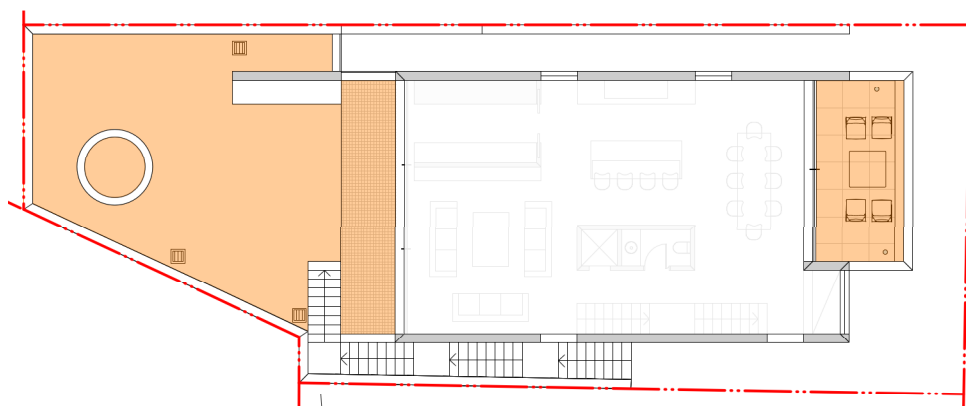
02 | LEVEL 01 - OPEN SPACE



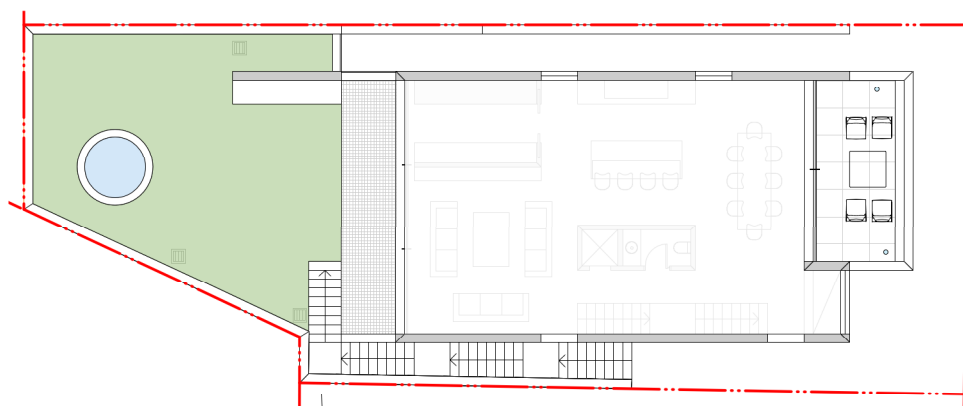
02 | LEVEL 01 - LANDSCAPE AREA



03 | LEVEL 02 - OPEN SPACE



03 | LEVEL 02 - LANDSCAPE AREA



04 | LEVEL 03 - OPEN SPACE

04 | LEVEL 03 - LANDSCAPE AREA

LEGEND

- OPEN SPACE
- DEEP SOIL LANDSCAPE AREA
- LANDSCAPE ON STRUCTURE (excluded from calculations)

CONTROLS

SITE AREA = 339.5m²

OPEN SPACE REQUIRED 40% OF SITE = 135.8 m²
TOTAL OPEN SPACE ACHIEVED = 246.2 m²

OPEN SPACE CALCULATION

GROUND FLOOR = 44.4 m²
LEVEL 01 = 57.3 m²
LEVEL 02 = 39.8 m²
LEVEL 03 = 104.7 m²

TOTAL = 246.2 m²

LANDSCAPE AREA REQUIRED 15% OF SITE = 50.9 m²
TOTAL LANDSCAPE AREA ACHIEVED = 88.0 m²

LANDSCAPE AREA CALCULATION

GROUND FLOOR = 1.8 m²
LEVEL 01 = 0 m²
LEVEL 02 = 17.2 m²
LEVEL 03 = 69.0 m²

TOTAL = 88.0 m²

PROJECT

VICARS RESIDENCE
7 GAERLOCH AVE,
TAMARAMA

DRAWING TITLE

DEVELOPMENT APPLICATION
Open Space & Landscape Area

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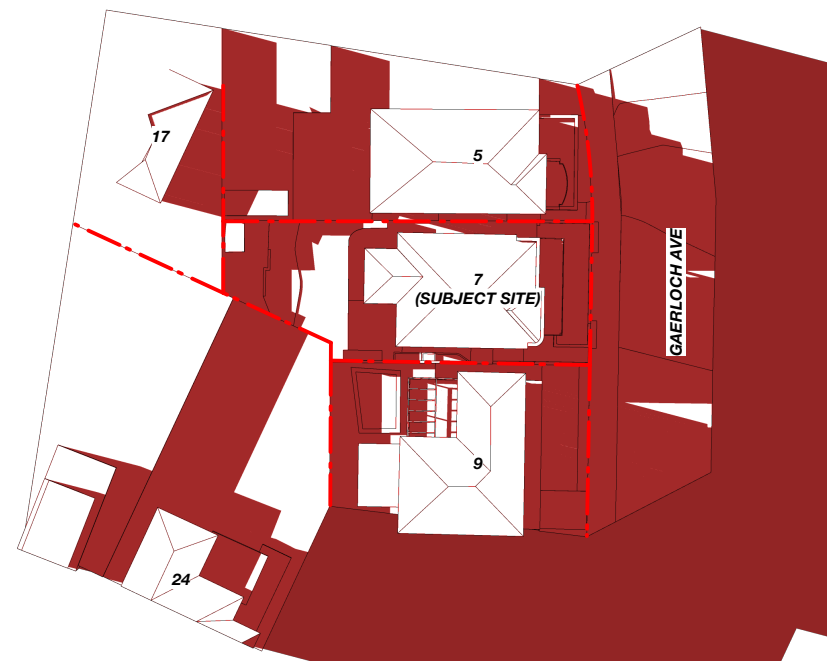
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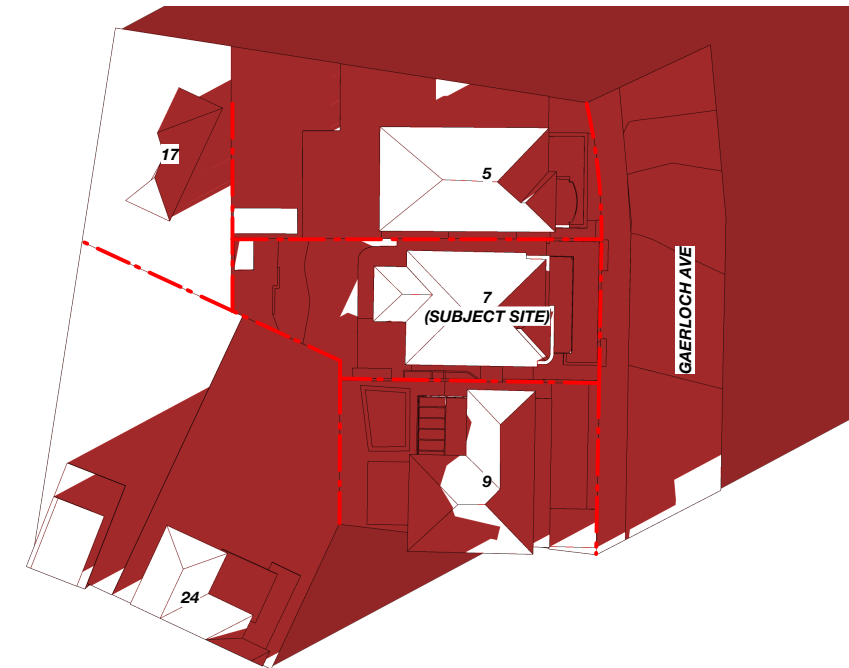
EXISTING SHADOWS - JUNE 21 (WINTER SOLSTICE)



9AM



12PM



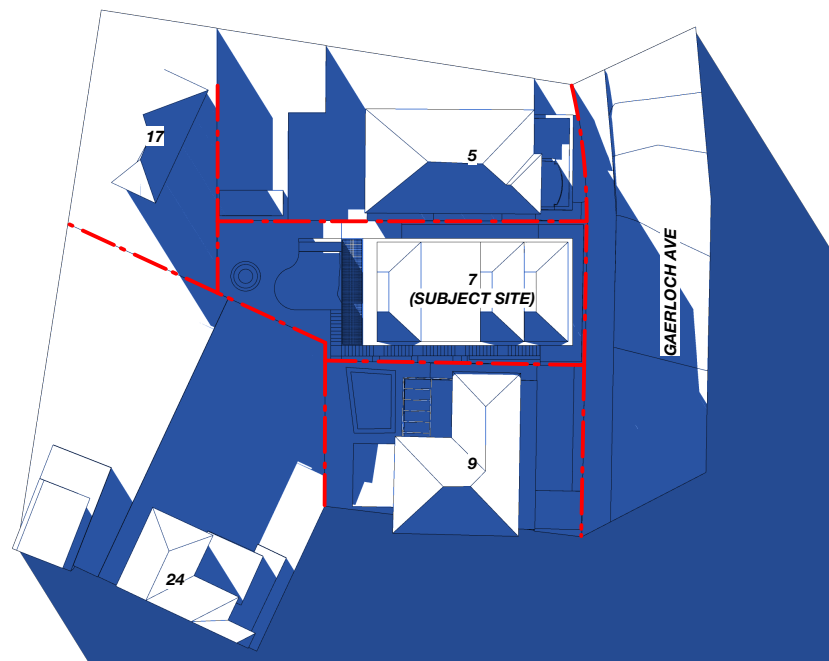
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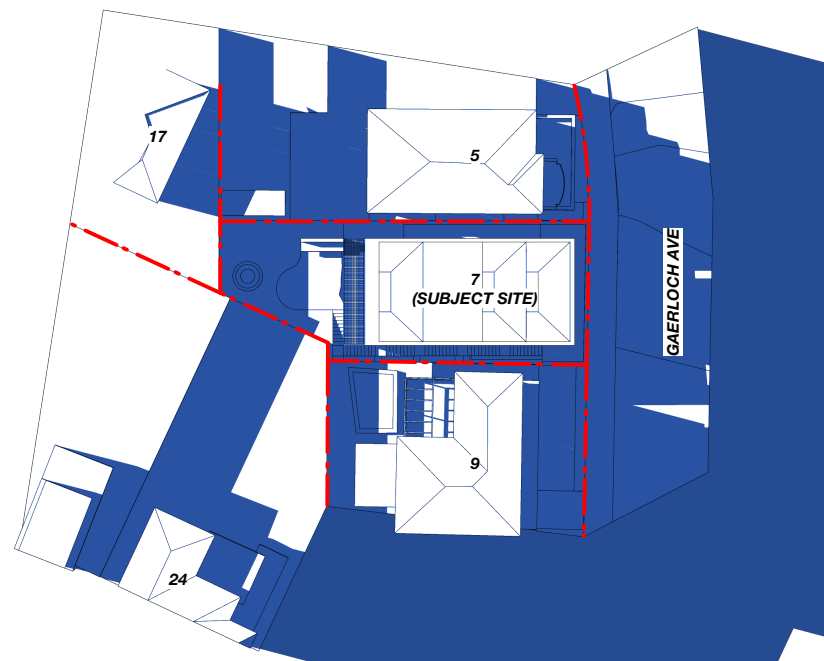
AMENDED PLANS

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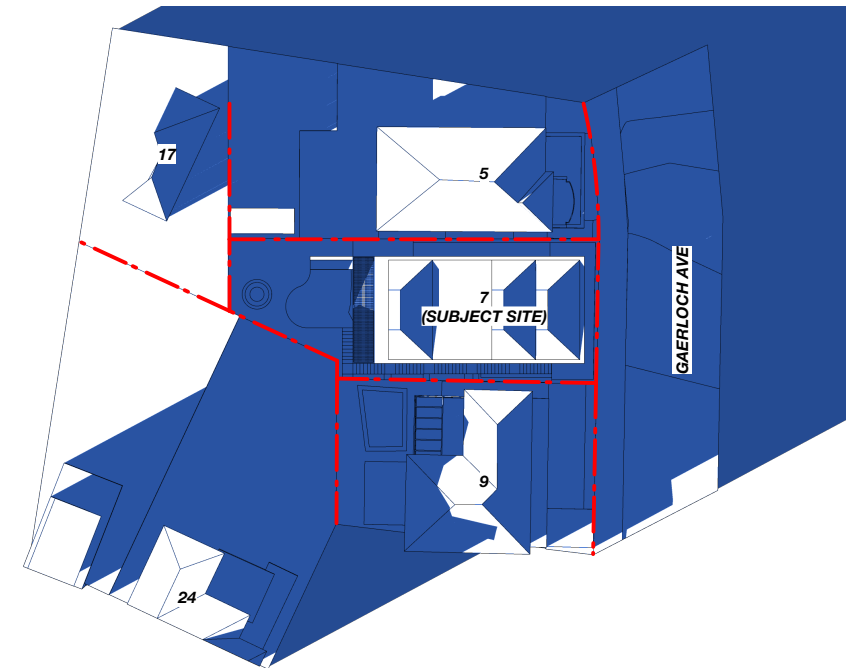
PROPOSED SHADOWS - JUNE 21 (WINTER SOLSTICE)



9AM



12PM



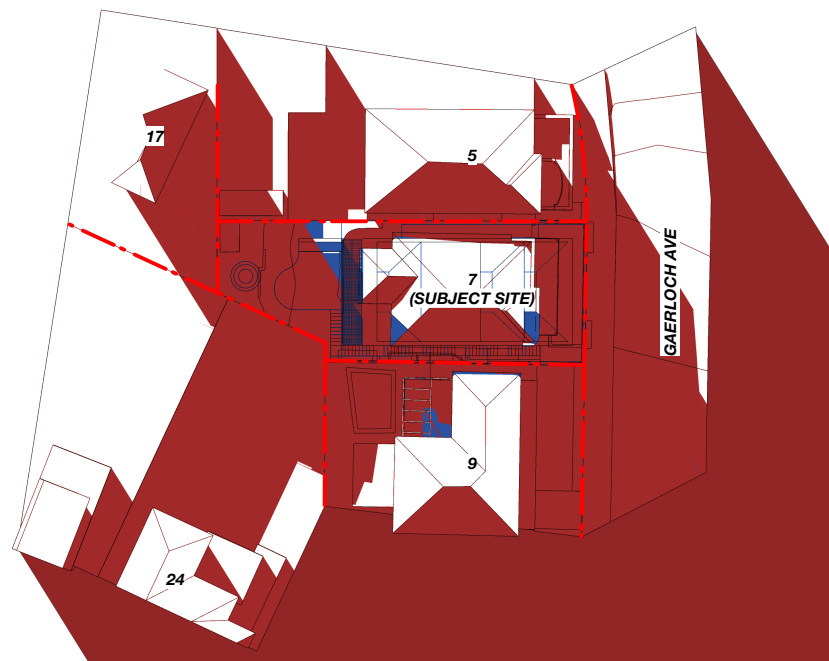
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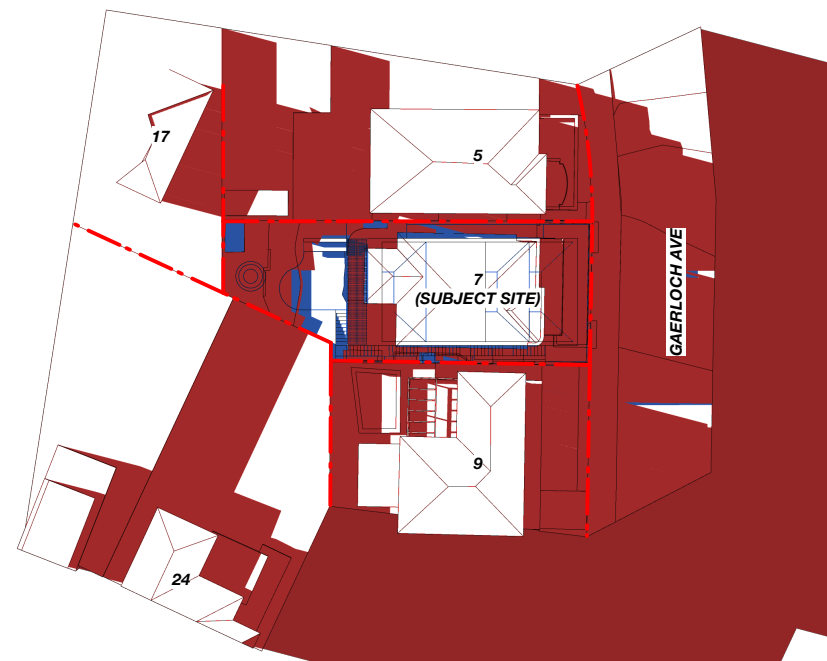
AMENDED PLANS

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Assessor Haylea Edwards
Accreditation No. DMN/17/1817
Address
7, Gaerloch Avenue,
Tamarama, NSW, 2026
5.4
NATIONWIDE
HOUSE
ENERGY RATING SCHEME
59.2
MJ/m²
www.nathers.gov.au
http://www.hero-software.com.au/pdf/HR-N27U8J-01

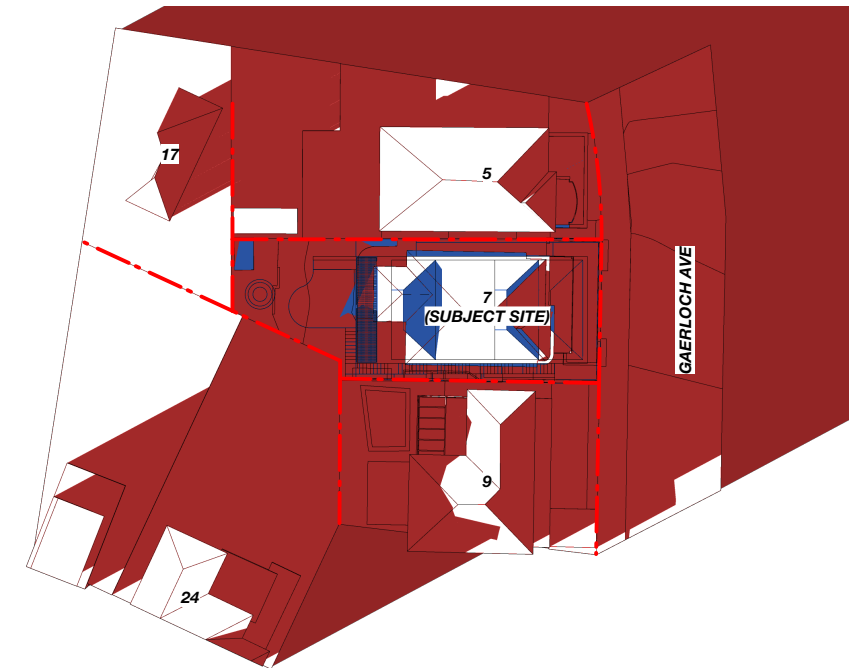
OVERLAID SHADOWS, EXISTING VS PROPOSED - JUNE 21 (WINTER SOLSTICE)



9AM



12PM



3PM

ELEVATIONAL SHADOW IMPACTS ON 9 GAERLOCH AVE (EASTERN FACADE)

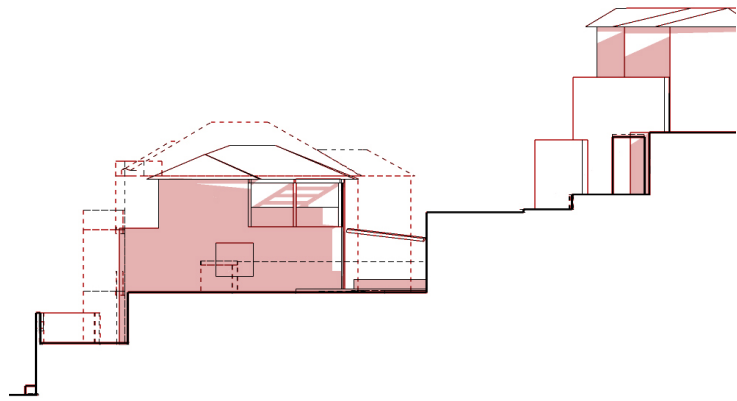
#HR-N27U8J-01 14/09/2022

Assessor Haylea Edwards
 Accreditation No. DMN/17/1817

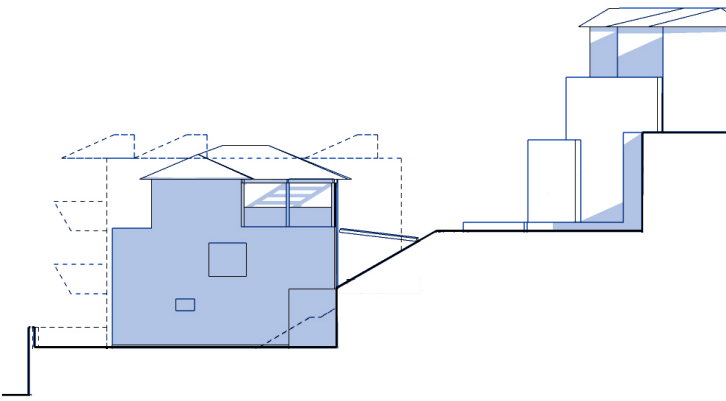
Address
 7, Gaerloch Avenue,
 Tamarama, NSW, 2026

5.4
 NATIONWIDE HOUSE ENERGY RATING SCHEME
 59.2 MJ/m²
 www.nathers.gov.au

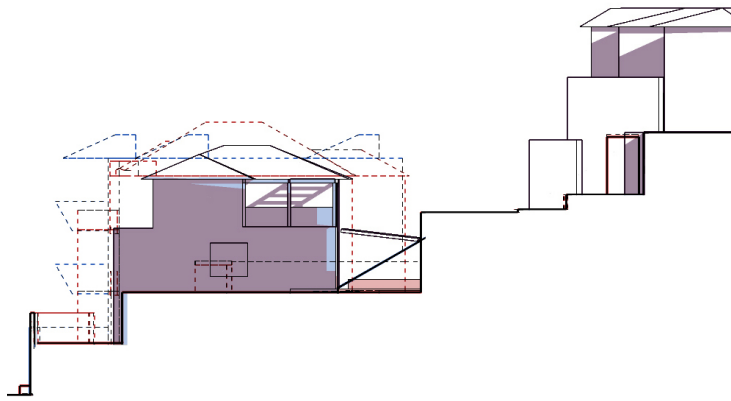
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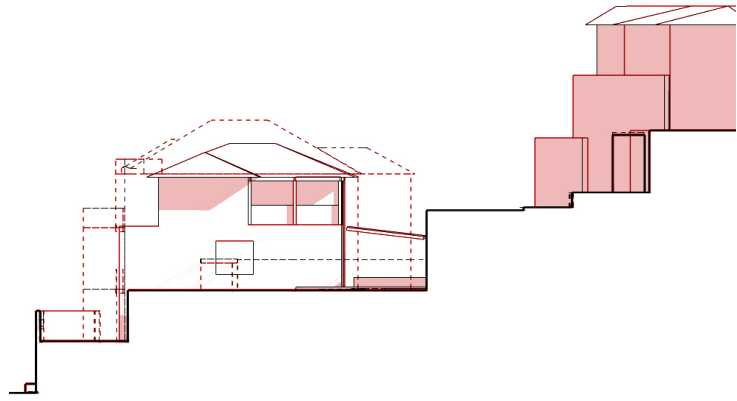
EXISTING - 9AM 21ST JUNE



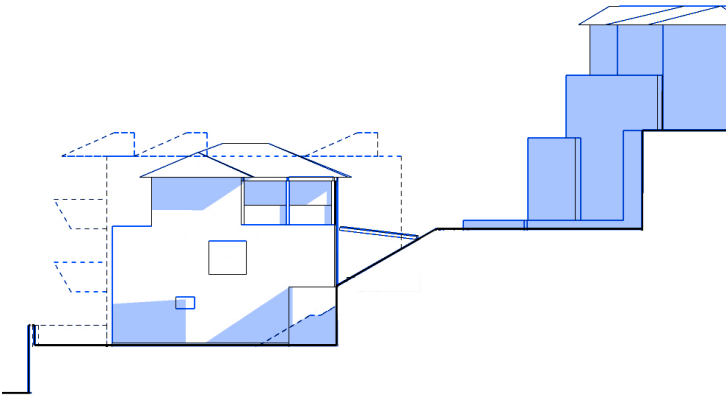
PROPOSED - 9AM 21ST JUNE



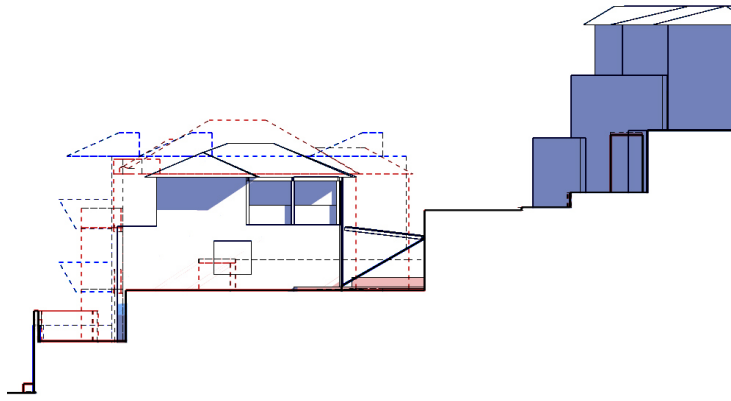
EXISTING + PROPOSED OVERLAY - 9AM 21ST JUNE



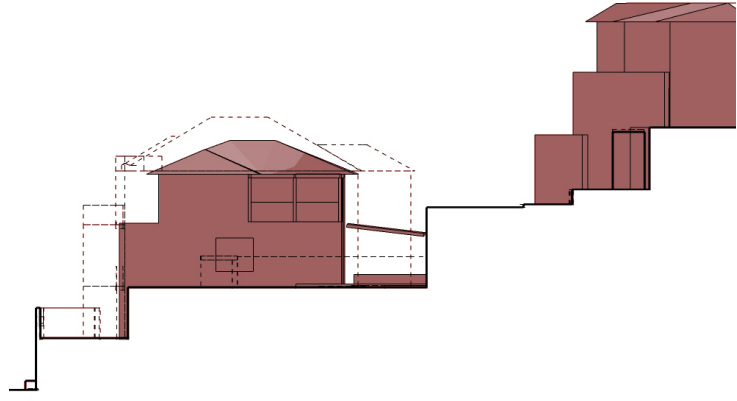
EXISTING - 12PM 21ST JUNE



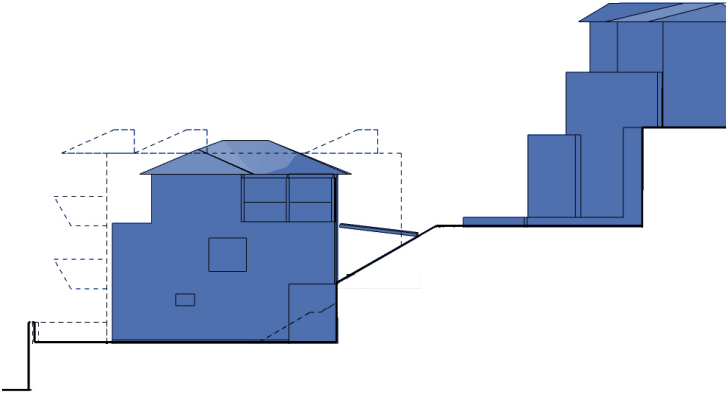
PROPOSED - 12PM 21ST JUNE



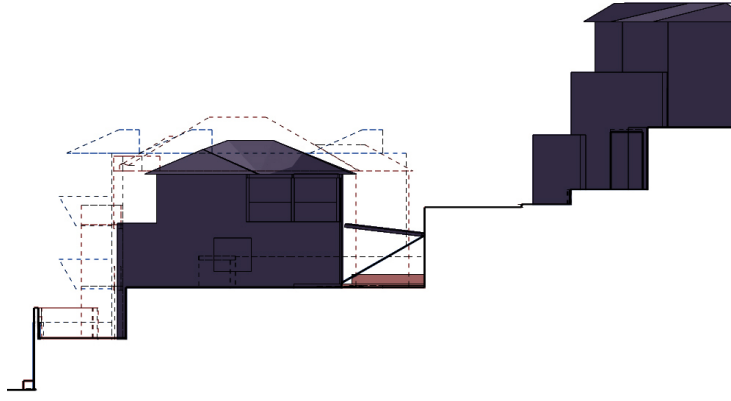
EXISTING + PROPOSED OVERLAY - 12PM 21ST JUNE



EXISTING - 3PM 21ST JUNE



PROPOSED - 3PM 21ST JUNE

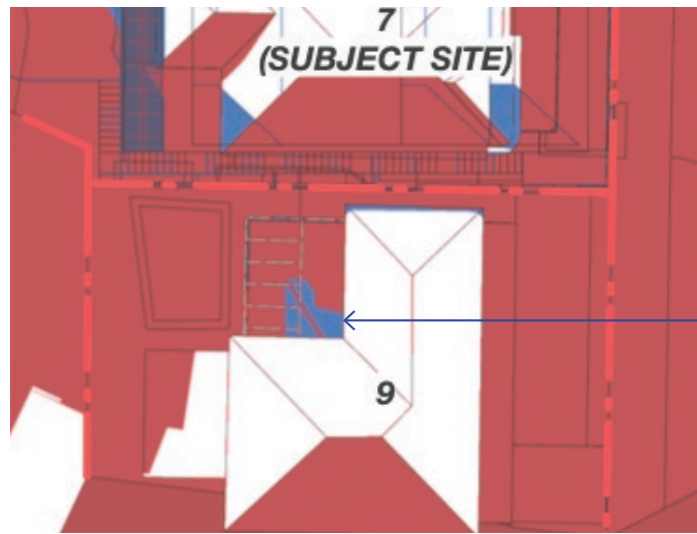


EXISTING + PROPOSED OVERLAY - 3PM 21ST JUNE

AMENDED PLANS

SHADOW STUDY TO PROPOSED SOLAR COLLECTORS OF NO.9 GAERLOCH AVENUE @9AM ON JUN 21

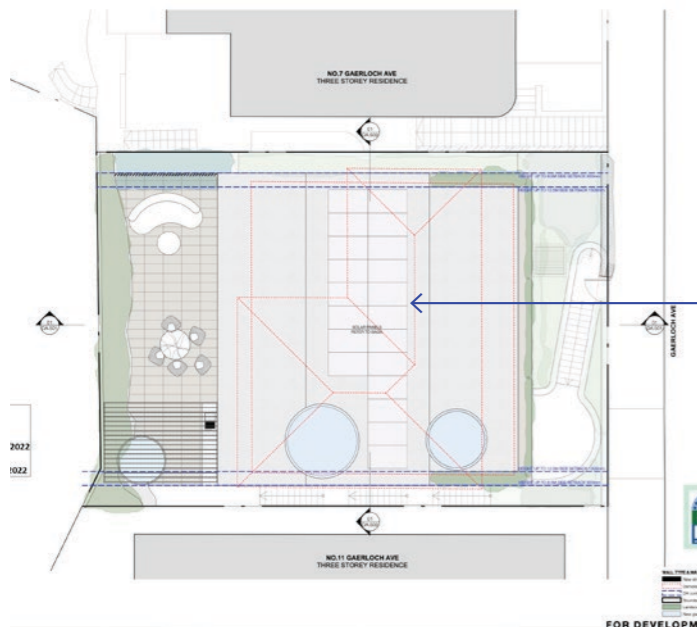
RECEIVED
Waverley Council
Application No: DA-493/2023
Date Received: 24/03/2023



EXISTING REAR TERRACE

7 GAERLOCH PROPOSED OVERSHADOWING TO 9 GAERLOCH EXISTING REAR TERRACE
N.B. 9 GAERLOCH EXISTING REAR TERRACE @ RL 26.11

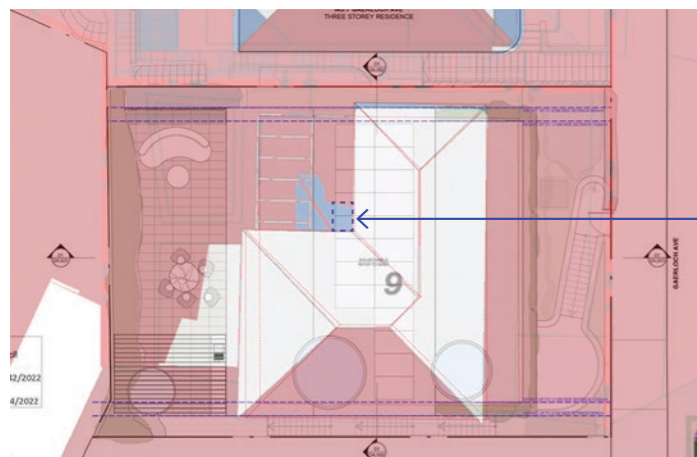
EXCERPT FROM DA-493/2022 DWG A9.103



PROPOSED LOCATION OF 9 GAERLOCH SOLAR PANELS

TOP OF ROOF/SOLAR PANELS @ RL 29.697
N.B. PROPOSED SOLAR PANELS 3.59 METRES HIGHER THAN EXISTING REAR TERRACE

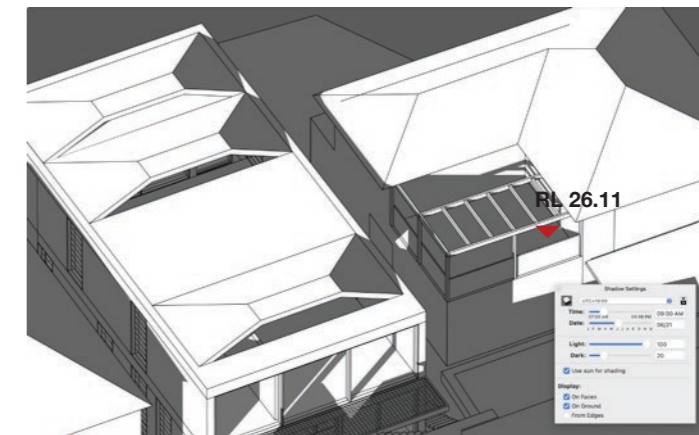
EXCERPT FROM DA-142/2022 DWG DA-305



ASSUMED IMPACT*

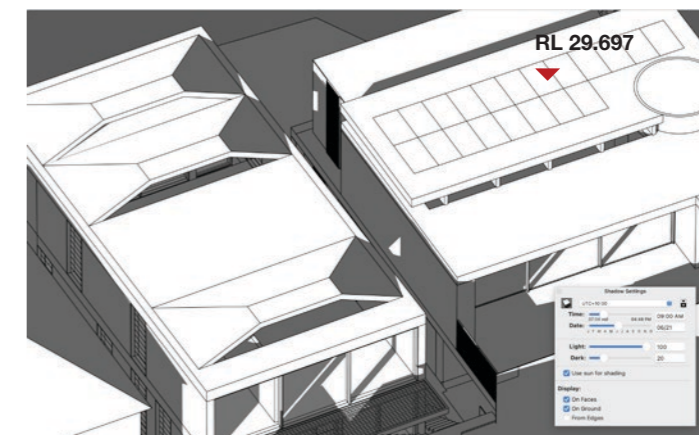
HALF A SOLAR PANEL
N.B. THIS WOULD NOT BE CORRECT DUE TO 9 GAERLOCH PROPOSED ROOF FORM BEING 3.59 METRES HIGHER THAN EXISTING REAR TERRACE

EXISTING 3D NORTH-EAST CORNER OF 9 GAERLOCH @ 9AM JUN 21



9 GAERLOCH EXISTING REAR TERRACE IN SHADOW AS PER SHADOW DIAGRAMS

PROPOSED 3D NORTH-EAST CORNER OF 9 GAERLOCH @ 9AM JUN 21



9 GAERLOCH PROPOSED SOLAR PANELS UNAFFECTED DUE TO HEIGHT BEING 3.59M HIGHER THAN EXISTING REAR TERRACE

CONCLUSION

THERE IS NO IMPACT TO THE PROPOSED SOLAR COLLECTORS OF NO.9 GAERLOCH AVENUE.