



DATE 26 October 2022

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

12.00PM WEDNESDAY, 2 NOVEMBER 2022

QUORUM: Three Panel members.

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

AGENDA

WLPP-2211.A **Apologies**

WLPP-2211.DI **Declarations of Interest**

The Chair will call for any declarations of interest.

WLPP-2211.1 **PAGE 5** **7 Thompson Street, TAMARAMA NSW 2026** - Alterations and additions to dwelling house (DA-110/2022)

Report dated 20 October 2022 from the Development and Building Unit.

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

WLPP-2211.2 **PAGE 73** **422 Bronte Road, BRONTE NSW 2024** - Alterations and additions to existing dwelling including additional level to the rear (DA-160/2022)

Report dated 20 October 2022 from the Development and Building Unit.

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

WLPP-2211.3 **PAGE 128** **66 Fletcher Street, BONDI NSW 2026** - Modification including internal reconfiguration, lower-level excavation, window changes, extended screen, and solar panels. (DA-348/2018/C)

Report dated 20 October 2022 from the Development and Building Unit.

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

WLPP-2211.4 **PAGE 166** **74 Victoria Street, WAVERLEY NSW 2024** - Alterations and additions to an existing heritage listed dwelling. (DA-165/2022)

Report dated 20 October 2022 from the Development and Building Unit.

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

WLPP-2211.5**PAGE 217**

3 Military Road, NORTH BONDI NSW 2026 - Modifications to the approved boarding house with neighbourhood shop on garage level. (DA-203/2021/A)

Report dated 21 October 2022 from the Development and Building Unit.

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

WLPP-2211.6**PAGE 292**

103 Dover Road, ROSE BAY NSW 2029 - Demolition, tree removal, excavation and construction of a new two storey dwelling with integrated garage. (DA-292/2022)

Report dated 19 October 2022 from the Development and Building Unit.

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

WLPP-2211.7**PAGE 325**

Mill Hill Centre, 27-33 Spring Street, BONDI JUNCTION NSW 2022 - Modification to install a retractable awning; an external seating area within Norman Lee Place; an increase in cafe patrons; and an extension to café hours of operation for the Mill Hill Centre. (DA-150/2021/A)

Report dated 20 October 2022 from the Development and Building Unit.

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

WLPP-2211.8**PAGE 367**

104-106 Bronte Road, BONDI JUNCTION NSW 2022 – Demolition of the existing buildings and construction of a new part four and part five storey shop top housing building with basement car parking. (DA-327/2022)

Report dated 24 October 2022 from the Development and Building Unit.

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

WLPP-2211.9**PAGE 436**

57 Francis Street, BONDI BEACH NSW 2026 - Substantial demolition and alterations and additions to the existing semi-detached dwelling. (DA-270/2022).

Report dated 18 October 2022 from the Development and Building Unit.

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

3 Rickard Avenue, BONDI BEACH NSW 2026 - Review of refusal seeking alterations to semi-detached dwelling for conservation of subfloor into a new garage (DA-257/2021/1)

Report dated 19 October 2022 from the Development and Building Unit.

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



Report to the Waverley Local Planning Panel

Application number	DA-110/2022
Site address	7 Thompson Street, Tamarama
Proposal	Alterations and additions to dwelling house
Date of lodgement	28 March 2022
Owner	Mr D Cottrell Mrs N K Cottrell
Applicant	Mr D Cottrell
Submissions	Six objections
Cost of works	\$2,509,489
Principal Issues	<ul style="list-style-type: none"> • Non-compliance with floor space ratio development standard • View sharing • Location of car parking • Provision of native planting
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



PREAMBLE

1.1. Executive Summary

The development application seeks consent for alterations and additions to an existing dwelling house at the site known as 7 Thompson Street, Tamarama.

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

- Non-compliance with floor space ratio development standard
- View sharing
- Location of car parking
- Provision of native planting

The assessment finds these issues acceptable subject to conditions of consent.

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

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

1.2. Site and Surrounding Locality

A site visit was carried out on 11 May 2022.

The site is identified as Lot 50 in DP 10771, known as 7 Thompson Street, Tamarama. It is located on the corner of Thompson Street and Wolaroi Crescent.

The site is irregular in shape with a primary street frontage to Thompson Street, and a secondary street frontage to Wolaroi Crescent. It has an area of 578.4m² and falls steeply from front (south) to rear (north) by approximately 6.6m.

The site is occupied by a part two-storey part three-storey dwelling house with a roof terrace, with and a detached garage and entrance structure within the front setback. The rear yard features a swimming pool, deck and pergola, and extensive vegetation along the western boundary with Wolaroi Crescent.

The locality is characterised by a variety of low density residential development.

The site is adjoined by a two-storey dwelling house to the east at 9 Thompson Street, which is built to the boundary at the front of the site. To the west of Wolaroi Crescent is a two-storey dwelling house at 5 Thompson Street and a part three-storey part four-storey dwelling house at 2 Wolaroi Crescent.

To the rear of the site is a Council-owned nature reserve which slopes steeply away from the subject site.

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

	
<p>Figure 1: Site viewed from Thompson Street, looking north</p>	<p>Figure 2: Site viewed from Wolaroi Crescent, looking south-east</p>
	
<p>Figure 3: Rear of site viewed from Wolaroi Crescent, looking south</p>	<p>Figure 4: Rear of site viewed from rear yard, looking south</p>

1.3. Relevant Development History

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

- DA-695/2007 & DA-695/2007/A – On 29 January 2008 and 30 May 2008, alterations and additions were approved including new windows and partial enclosure of a rear first floor balcony.
- DA-134/2011 & DA-134/2011/A – On 24 August 2011 and 28 May 2012, alterations and additions were approved including construction of a garage within the front setback, and rear addition.

1.4. Proposal

The development application seeks consent for alterations and additions to the existing dwelling house, including:

- Demolition of existing double garage, and construction of new double garage with reduced setback from the front boundary, built to the boundary with 9 Thompson Street. The proposed garage will align with the front of the existing entrance structure.
- Replacement of existing 'entry bridge' within front setback, and reconfiguration of lower ground floor level courtyard below.
- Removal of existing pool in rear yard and replacement with smaller pool.
- Removal of existing pergola and deck in rear yard and replacement with new deck.
- Excavation to create new basement storage area at lower ground floor level.
- Lower ground floor level rear addition.
- Enclosure of existing upper ground floor level rear balcony. The proposed glazing line of the enclosed balcony aligns with the existing rear setback of the remainder of the house.
- New upper ground floor level rear balcony with western privacy screen.
- Replacement of existing internal staircase with larger spiral staircase, and associated side addition to accommodate the larger staircase.
- Internal reconfiguration including new sitting/dining/kitchen area and master bedroom at lower ground floor level.
- Realignment of the access hatch to the roof terrace.
- Solar panels to the existing roof.

The proposal also includes the removal of the following seven trees. The *tree number* refers to numbering in the applicant's arborist report.

- 8m high *Archontophoenix cunninghamiana*, (tree number 4)
- 7m high *Archontophoenix cunninghamiana* (tree number 5)
- 6m high *Viburnum odoratissimum* (tree number 11)
- 6m high *Syzygium luehmannii* (tree number 13)
- 5m high *Viburnum odoratissimum* (tree number 15)
- 5m high *Archontophoenix cunninghamiana* (tree number 16)
- 6m high *Syzygium sp* (tree number 17)

1.5. Background

The development application was lodged on 28 March 2022 and deferred on 30 August 2022, to address the following issues:

1. The proposal may affect views, therefore a view analysis is required.
2. The gross floor area has been incorrectly calculated regarding the proposed stairs. Additionally, clarification should be provided regarding the calculation of gross floor area in the basement area.
3. The drawings do not accurately depict the existing building.
4. The proposed solar panels exceed the height of buildings development standard, affect views from 5 Thompson Street, and should be deleted.

5. The proposed extension to the existing roof terrace results in amenity impacts, including view loss and privacy impacts, and should be deleted.

Amended plans and additional information were received on 13 September 2022 to address the above issues. The amended plans included deletion of the extension to the roof terrace and realignment of the solar panels to be laid flush with the roof in compliance with the height of buildings development standard.

On review of the view analysis provided by the applicant, Council requested a lowering of the roof height of the rear lower ground floor addition to protect views from 2 Wolaroi Crescent on 15 September 2022.

Amended plans with a lowered lower ground floor roof height were received on 22 September 2022.

The proposal as amended is described under the heading *Proposal* above.

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).

1.6. 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.

1.6.1. 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

1.6.2. Draft Waverley Local Environmental Plan 2022 (Draft Waverley LEP 2022)

The Draft Waverley Local Environmental Plan 2022 was exhibited from 12 November 2021 to 23 January 2022, however at the time of this assessment, there are no relevant matters for consideration.

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

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is generally consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is defined as 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 <ul style="list-style-type: none"> 8.5m 	Yes	<p>Satisfactory. The highest part of the proposal, being the roof of the stair tower, has a height of 7m, and complies with the development standard.</p> <p>The solar panels have been repositioned to be flush with the roof.</p> <p>It is noted that the applicant's documentation states that the proposed realignment of the skylight access hatch within the existing roof exceeds the height of buildings development standard. However, the relocation of the skylight is within the existing fabric of the building, and does not alter the height of the building. Therefore the relocation of the skylight is not assessed as resulting in a non-compliance with development standard by the consent authority.</p>
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> 0.5:1 289.2m² gross floor area 	No	<p>The proposal has a floor space ratio (FSR) of 0.64:1, and a gross floor area of 372.9m².</p> <p>The proposal exceeds the development standard by 29%, or by 83.7m².</p> <p>A detailed discussion of the exceedance of the development standard is presented below this table.</p>
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the floor space ratio

Provision	Compliance	Comment
		development standard. A detailed discussion of the exceedance of the development standard is presented below this table.
Part 6 Additional local provisions		
6.2 Earthworks	Yes	<p>Satisfactory.</p> <p>The proposal includes excavation at lower ground floor level.</p> <p>The applicant has provided a Geotechnical report which demonstrates the proposed excavation is feasible, and which provides recommended excavation and construction methods to mitigate impacts.</p> <p>Conditions of consent are included in Appendix A of this report to manage the impacts of the excavation.</p>

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

Clause 4.6 Exceptions to Development Standards

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

The site is subject to a maximum floor space ratio (FSR) development standard of 0.5:1, equating to a maximum gross floor area (GFA) of 289.2m² for the subject site. The proposed development has an FSR of 0.64:1, with a GFA of 372.9m². The proposal exceeds the development standard by 29%, with an excess GFA of 83.7m².

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, as the objectives of the development standard are achieved notwithstanding the non-compliance as set out below:
- (i) Objective (a), *to ensure sufficient floor space can be accommodated within the Bondi Junction Centre to meet foreseeable future needs*, is not relevant to the proposal.
 - (ii) Objective (b), *to provide an appropriate correlation between maximum building heights and density controls*, is achieved as:
 - Only 5.5m² of the additional proposed GFA will not be visible from the street.
 - 92% of the additional proposed GFA is below street level.
 - The proposal will not increase the height of the development.
 - The proposal complies with the Waverley DCP 2012 landscape and setback controls.
 - The proposal has a bulk, scale and form that is consistent with existing and approved buildings in the locality.
 - (iii) Objective (c), *to ensure that buildings are compatible with the bulk, scale, streetscape and desired future character of the locality*, is achieved as:
 - Only 5.5m² of the additional proposed GFA will not be visible from the street.
 - 92% of the additional proposed GFA is below street level.
 - No additional GFA is proposed at the most visible level, being the first floor level.
 - Given the steep topography of the land, the prevailing character for dwellings on the north side of Thompson Street is a garage at the street, two full storeys at the street frontage and three storeys at the rear. The proposal maintains this pre-existing building pattern.
 - A high standard of design is proposed, consistent with the existing and approved development pattern and desired future character of the locality. Accordingly, the proposed alterations and additions are consistent with the existing and desired future character of the locality.
 - (iv) Objective (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*, is achieved as:
 - The additional GFA preserves solar access as it does not result in any shadow impact for adjoining dwellings or public spaces.
 - The additional GFA (92% of which is at the Lower Ground Floor) preserves the streetscape character and views from the public domain as the additions have been sited and designed to preserve existing public views over the rear yard from Wolaroi Crescent. There are no public views over the site from Thompson Street.
 - The proposal preserves existing views from 2 Wolaroi Crescent to the sand and water of Tamarama Beach and the ocean horizon.
 - The proposal preserves existing views from 5 Thompson Street over the site.
 - The proposal does not reduce visual privacy.
- (b) That there are sufficient environmental planning grounds to justify contravening the standard, as:

- (i) Like other dwellings on the northern side of Thompson Street, the proposal presents a garage with two full storeys behind at Thompson Street with three storeys at the rear, respecting the bulk and scale of adjoining development.
- (ii) The proposed additions that increase the FSR (92% of the area being located at Lower Ground Floor, below the street level) do not add to the bulk or scale of the existing building.
- (iii) Around half of the additional GFA at the Lower Ground Floor comprises enclosure of the existing covered terrace and small area of Lower Ground Floor storage that is not fully below ground level (existing), which is located within the existing building envelope, therefore no new impacts arise from this increase in FSR.
- (iv) The siting of the proposed additions that increase the FSR is such that the proposal preserves the amenity of nearby dwellings (views, solar access and privacy).
- (v) When viewed from the street, the proposal is consistent with the height, bulk and scale of nearby residential dwellings (two/three storeys).
- (vi) When viewed from Tamarama Gully, Beach, Park and Marine Drive; the proposal is consistent with the height, bulk and scale of nearby residential dwellings (three storeys).
- (vii) The proposed articulation and new landscaping will contribute to the low-density residential zone and the desired future character of the locality.
- (viii) The proposal is consistent with the other planning controls that determine bulk and scale noting that it:
 - Complies with the Waverley DCP 2012 landscaped area and open space controls
 - Is consistent with the Waverley DCP 2012 side boundary setback controls
 - Extends no further than the front and rear predominant building lines, consistent with the Waverley DCP 2012 setback controls

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

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

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

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

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

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

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012.

The applicant has demonstrated that the objectives of the development standard are achieved notwithstanding non-compliance with the standard. In summary, the objectives of the clause are met as follows:

- (i) Objective (a), *to ensure sufficient floor space can be accommodated within the Bondi Junction Centre to meet foreseeable future needs*, is not relevant to the proposal.
- (ii) Objective (b), *to provide an appropriate correlation between maximum building heights and density controls*, is achieved as the majority of the proposed GFA is below street level, as the proposal will not increase the height of the development, and as the proposal has a bulk, scale and form that is consistent with existing and approved buildings in the locality.
- (iii) Objective (c), *to ensure that buildings are compatible with the bulk, scale, streetscape and desired future character of the locality* is achieved as the majority of the proposed GFA is below street level, the proposal retains the existing presentation of the building as two storeys viewed from the front of the site and three storeys viewed from the rear, and as proposal has a bulk, scale and form that is consistent with existing and approved buildings in the locality.
- (iv) Objective (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*, is achieved as the proposal does not have solar access impacts, view loss impacts or privacy impacts on neighbouring dwellings. For a detailed discussion regarding view loss, see the section of this report titled *View sharing* located below the Waverley DCP 2012 compliance tables. Discussion regarding privacy can be found within the Waverley DCP 2012 compliance tables in this report.

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

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

The proposed additional GFA is predominantly below street level, and will not have any solar access, view loss, privacy, or other amenity impacts. The proposal does not significantly affect the form of the building when viewed from the public domain, and the building will remain consistent with the height, bulk and scale of residential development within the locality.

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.

Consistency with the objectives of the floor space ratio development standard has been outlined above.

The proposal is consistent with the objectives of R2 Low Density Residential zone as follows:

- *To provide for the housing needs of the community within a low density residential environment.* The proposal is consistent with this objective, as it retains low density residential development at the site.
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.* The proposal is consistent with this objective, as it does not impact on other land uses in the locality.
- *To maximise public transport patronage and encourage walking and cycling.* The proposal is consistent with this objective, as it does not increase car parking at the site, and does not affect public transport or active transport usage.

Conclusion

For the reasons provided above the requested variation to the floor space ratio is supported as the applicant's written request has adequately addressed the matters required to be addressed by 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 floor space ratio and the R2 Low Density Residential zone.

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory.
2. Ecologically Sustainable Development	Yes	Satisfactory. A BASIX certificate has been provided with the application.

Development Control	Compliance	Comment
3. Landscaping and Biodiversity	Subject to conditions	<p>The site is identified as a “habitat corridor” by the Waverley DCP 2012, and is adjacent to land identified as “biodiversity” by the Waverley LEP 2012. As such, Waverley DCP 2012 section 3.2.1 <i>Remnant vegetation</i> applies, and 90% of proposed planting must be indigenous species.</p> <p>The applicant’s landscape plan does not indicate that 90% of the proposed planting will be indigenous species, and therefore a condition of consent is included at Appendix A of this report requiring amended landscape plans to comply with the controls.</p>
5. Vegetation Preservation	Yes	The proposed tree removal is supported as the site will retain extensive vegetation, subject to conditions of consent requiring the protection of remaining trees.
6. Stormwater	Yes	Satisfactory subject to conditions of consent regarding the provision of detailed stormwater plans.
8. Transport Maximum parking rate: <ul style="list-style-type: none"> 2 spaces for 3 or more bedrooms. 	Yes	The proposal retains two car spaces. Its design and location are satisfactory. See Waverley DCP 2012 part C2 compliance table below for further discussion.
12. Design Excellence	Yes	Satisfactory. The proposed building form and detailing are appropriate to the surroundings, and the proposal retains amenity for neighbours.
14. Excavation <ul style="list-style-type: none"> 900mm minimum setback from side boundaries 	Acceptable on merit	<p>At the east of the site, the proposed excavation is set back 1.6m from the side boundary with 9 Thompson Street in compliance with the control.</p> <p>At the west of the site, the proposed excavation is predominantly set back 1.5m from the side boundary with Wolaroi Crescent with exception of the stair tower which is set back 625mm.</p> <p>The partial non-compliance with the control is acceptable due to the remainder of the excavation exceeding the minimum setbacks, due to the sufficient provision of landscaped area elsewhere at the site, and due to the excavation not being adjacent to any neighbouring site.</p>

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

Development Control	Compliance	Comment
2.0 General Objectives		

Development Control	Compliance	Comment
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
2.2 Setbacks		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> • Predominant front building line • Predominant rear building line at each floor level 	Yes	<p>The subject site sits within a row of sites with angled front and rear boundaries.</p> <p>The neighbouring sites do not have consistent front or rear building lines.</p> <p>The proposed rear additions at lower ground floor and ground floor levels are set back further from the rear boundary than the adjacent property at number 9, and do not have any solar access impacts. In these circumstances the proposed rear setbacks are acceptable.</p> <p>The application does not propose to alter the setback of the dwelling from the front boundary.</p> <p>Discussion regarding the placement of the garage is found at section 2.8 of the DCP compliance table below.</p>
2.2.2 Side setbacks <ul style="list-style-type: none"> • Minimum of 0.9m (for height up to 8.5m) 	Acceptable on merit	<p>At the east of the site, the proposal is set back 1.6m from the side boundary with 9 Thompson Street in compliance with the control.</p> <p>At the west of the site, the proposal is predominantly set back 900mm at lower ground floor level and 1.7m at upper ground floor level from the side boundary with Wolaroi Crescent, with exception of the stair tower which is set back 625mm. The remainder of the retained existing building is set back between approximately 1.5m and 1.7m from the same side boundary.</p> <p>The partial non-compliance with the control is acceptable due to the majority of the building exceeding the minimum setback controls, due to the sufficient provision of landscaped area elsewhere at the site, due to the height of the stair tower being 1.5m under the Waverley LEP maximum building height development standard, and due to the stair tower being adjacent to the public domain and therefore not resulting in any amenity impacts on neighbouring sites.</p>
<ul style="list-style-type: none"> • Buildings may have nil setback when adjoining a 	Yes	Satisfactory. The proposed garage is not set back from the side boundary at 9 Thompson Street.

Development Control	Compliance	Comment
another dwelling with nil setback		The adjacent two-storey building at 9 Thompson Street is also not set back from the boundary.
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context Replacement windows to complement the style and proportions of existing dwelling 	Yes	<p>Satisfactory. The proposed building form and detailing are appropriate to the surroundings.</p> <p>The additions are predominantly at lower ground floor level, and will not have a significant impact on the bulk and form of the building.</p> <p>The upper levels additions, including the proposed stair tower, are compatible with the existing building and the streetscape.</p>
2.4 Fences		
<i>Side and Rear:</i> <ul style="list-style-type: none"> Maximum height of 1.8m 	Acceptable on merit	<p>The proposal includes the replacement of the existing brush boundary fence between the rear yard and Wolaroi Crescent with a stepped masonry fence between approximately 1.9m and 2.4m in height.</p> <p>The proposed fence height is acceptable on merit, as it is similar to the existing brushwood fence height, is similar to the existing adjoining masonry fence height, and is will not have any amenity impact on neighbours or the public domain.</p>
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design Maximum size of balconies: 10m² in area 1.5m deep 	<p>Yes</p> <p>Acceptable on merit</p>	<p>Satisfactory. The proposal does not result in any additional visual privacy impacts for neighbours.</p> <p>The proposed upper ground floor rear balcony has a depth of 2m, contrary to the control. Its area is 6.4m², in compliance with the control.</p> <p>The non-compliance with the maximum depth control is acceptable in the context of the site. There is an existing substantially larger balcony at first floor level located 1.6m from the side boundary with 9 Thompson Street. In this context, the proposed upper ground floor balcony, which is set back 6.5m from the same</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Roof tops to be non-trafficable unless predominant in the immediate vicinity 	Acceptable on merit	<p>side boundary, will not material increase overlooking or decrease visual privacy.</p> <p>The amended proposal does not increase the size of the existing roof top terrace. The proposed realignment of the access stairway and hatch will not increase the useability or intensity of use of the rooftop.</p>
2.6 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June 	Yes	Satisfactory.
<ul style="list-style-type: none"> Minimum of three hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June. 	Yes	The proposal does not overshadow neighbouring private open space.
<ul style="list-style-type: none"> Avoid unreasonably overshadowing of solar collectors (including habitable windows). 	Yes	The proposal does not overshadow neighbouring solar collectors.
2.7 Views		
<ul style="list-style-type: none"> Views from the public domain are to be maintained 	Yes	The proposal does not affect views from the public domain.
<ul style="list-style-type: none"> Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	Yes	<p>The proposal does not have a material impact on views from neighbouring properties.</p> <p>See the discussion section below the DCP compliance tables in this report for further information.</p>
2.8 Car parking		
2.8.1 Design Approach <ul style="list-style-type: none"> Designed to complement the building and streetscape 	Yes	Satisfactory. The design of the garage is compatible with the design of existing garages along the street.
<ul style="list-style-type: none"> Car parking structures to be behind the front building line 	Acceptable on merit	The proposed garage is located within the front setback. The location of the garage is acceptable in the context of the site. See the discussion section below the DCP compliance tables in this report for further information.
	Yes	Satisfactory. The proposal reuses the existing driveway.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> • Driveways are to be located to minimise the loss of on street parking 		
2.8.2 Parking rates	Yes	Satisfactory.
2.8.3 Location <ul style="list-style-type: none"> • Behind front building line for new dwellings • Existing development to be in accordance with the hierarchy of preferred car parking locations 	Acceptable on merit	The proposed garage is located within the front setback. The location of the garage is acceptable in the context of the site. See the discussion section below the DCP compliance tables in this report for further information.
2.8.4 Design <ul style="list-style-type: none"> • Complement the style, massing and detail of the dwelling • Secondary in area and appearance to the design of the residences 	Acceptable on merit	<p>The proposed garage is not secondary in appearance to the subject dwelling when viewed from Thompson Street, due to the location of the garage at the front of the site and due to the significant setback of the dwelling from the front boundary combined with the sloping nature of the site.</p> <p>The visual dominance of the garage is acceptable in the context of the significant dwelling setback, the sloping site, and the surrounding development form.</p> <p>See the discussion section below the DCP compliance tables in this report for further assessment regarding the location of the proposed garage.</p>
2.8.5 Dimensions <ul style="list-style-type: none"> • 5.4m x 2.4m per vehicle 	Yes	Satisfactory.
2.8.6 Driveways <ul style="list-style-type: none"> • Maximum of one per property • Maximum width of 3m at the gutter (excluding splay) • Crossings not permitted where 2 on street spaces are lost 	Yes	Satisfactory. The proposal reuses the existing driveway.
2.9 Landscaping and open space		
<ul style="list-style-type: none"> • Overall open space: 40% of site area 	Yes	Satisfactory. 53% of the site is proposed as open space.
<ul style="list-style-type: none"> • Overall landscaped area: 15% of site area 	Yes	Satisfactory. 31% of the site is proposed as landscaped area.
	Yes	

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Minimum area of 25m² for private open space 	Yes	Satisfactory. 180m ² of private open space is proposed.
<ul style="list-style-type: none"> Front open space: 50% of front building setback area 	Yes	Satisfactory. 64% of the front setback is proposed as open space.
<ul style="list-style-type: none"> Front landscaped area: 50% of front open space provided 	Yes	Satisfactory. 51% of the front open space is proposed as landscaped area.
<ul style="list-style-type: none"> Outdoor clothes drying area to be provided 	Yes	Satisfactory.
2.10 Swimming pools and spa pools		
<ul style="list-style-type: none"> Located in the rear of property Pool decks on side boundaries must consider visual privacy 	Yes	Satisfactory. The proposed pool is located at the rear, and the proposed pool deck is located away from the side boundary with 9 Thompson Street.
2.16 Secondary dwellings and ancillary buildings		
2.16.1 - Secondary dwellings <ul style="list-style-type: none"> Comply with clause 5.4(9) of WaverleyLEP 2012. 	N/A	A secondary dwelling is not proposed. However, the proposed lower ground floor does have the potential to be used as a self-contained dwelling due to the provision of a bedroom, bathroom, and kitchen area. For the avoidance of doubt, a condition of consent precluding the use of part of the building as a secondary dwelling is included at Appendix A.

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

View sharing

The subject site is located in the line of sight between properties at 5 Thompson Street and 2 Wolaroi Crescent and the Pacific Ocean and Tamarama Beach, and therefore the proposed rear lower and upper ground floor additions have the potential to affect views from those properties.

The application as originally lodged also included additions to the existing roof terrace and projecting solar panels on the roof, which also had the potential to affect views. However, during the course of the assessment, the application has been amended to delete the roof terrace addition and to modify the solar panels so that they sit flush with the existing roof.

The impacts on 5 Thompson Street and 2 Wolaroi Crescent are assessed in turn below, using the planning principles set out in the Land and Environment Court judgement of *Tenacity Consulting v Waringah* [2004] NSWLEC 140 ('Tenacity').

View impacts on 5 Thompson Street

5 Thompson Street is a four-storey dwelling house, with parking at ground floor level, and residential accommodation at first, second and third floor levels. The upper floors of the building each have extensive glazing and balconies facing Wolaroi Crescent.

The area of the dwelling most vulnerable to view loss is the southern part of the second-floor balcony, and therefore views from this balcony are further discussed below. Views from the first floor are not affected due to the presence of thick vegetation along the boundary (**Figure 6: View from below**), and views from the third floor are not affected as the proposal is not in the line of sight between the third floor and the beach.



Figure 5: Location of 2 Wolaroi Crescent (blue polygon) and the subject site (red polygon)



Figure 6: View from first-floor balcony of 2 Wolaroi Crescent, superimposed with the proposed development

The first step under *Tenacity* is an assessment of the views affected. In the circumstances of the proposal, views eastward toward Tamarama Beach from the second-floor balcony are affected. The view would be highly valued under the principles of *Tenacity* if not for it being extensively obscured by existing vegetation along the side boundary of 7 Thompson Street. The obscured view has a significantly lower value than if the view were clear.



Figure 7: View eastward toward Tamarama Beach from the southern part of the second-floor balcony of 2 Wolaroi Crescent, superimposed with the proposed development. The lower ground floor addition has been reduced in height during the course of the assessment. The red outline indicates the form of the proposal as originally lodged. The red-outlined area has been deleted from the plans during the course of the assessment.

The second step under *Tenacity* is to consider from what part of the property the views are obtained. The affected views are across the front boundary of 2 Wolaroi Crescent and across the side boundary and rear setback of 7 Thompson Street. Views across side boundaries are generally difficult to protect, however in the circumstances of the site, the view is across the rear setback of 7 Thompson Street, and therefore there is a greater expectation of retention.

The third step under *Tenacity* is to assess the extent of the impact on the whole of the property. The impact on views from 7 Thompson Street is negligible, with only a very small area of sand being additionally obscured. More extensive views of Tamarama Beach will be retained from the central and northern parts of the same second-floor balcony (**Figure 8:** View eastward toward Tamarama Beach from the central part of the second-floor balcony of 2 Wolaroi Crescent. This view will not be affected by the proposal.). More extensive views of the ocean and horizon will be retained from the third-floor living room balcony. The overall impact on views is not material.



Figure 8: View eastward toward Tamarama Beach from the central part of the second-floor balcony of 2 Wolaroi Crescent. This view will not be affected by the proposal.

The fourth step under *Tenacity* is to assess the reasonableness of the proposal that is causing the impact. The view loss is caused by the roof of the lower ground floor addition which is 5m lower than the height of buildings development standard, and which complies with the Waverley DCP 2012 setback controls. However, the rear addition forms part of a 29% exceedance of the floor space ratio development standard. It is noted that the height of the lower ground floor addition has been reduced in the course of the assessment to reduce the impact on views. Notwithstanding the non-compliance with the floor space ratio development standard, the proposal is considered reasonable under the fourth step of *Tenacity* primarily because it does not have a material impact on views, and secondarily because it complies with the Waverley DCP setback controls and is significantly lower than the height of buildings development standard.

In conclusion, the proposal results in a non-material impact on heavily obscured views. The proposal is considered reasonable due to the non-material impact on overall views from 2 Wolaroi Crescent. In these circumstances the proposal is considered to enable an acceptable level of view-sharing with 2 Wolaroi Crescent.

View impacts on 5 Thompson Street

The proposal will not impact views of Tamarama Beach from 5 Thompson Street as sightlines north-eastward toward the beach are already blocked by thick vegetation when viewed from both the lower

ground floor level balcony (**Figure 10:**) and the upper ground floor level balcony (**Figure 11:** View from) of that property .



Additionally, the proposal has been amended during the assessment to delete the proposed extension to the roof terrace, and to lower the height of the proposal solar panels so that they sit flush with the existing roof slope. Furthermore, the proposed reorientation of the translucent glazed access hatch does not impact. The views from the upper-ground floor level of 5 Thompson Street toward the ocean and horizon will therefore be retained (**Figure 12:** View eastward toward the ocean and horizon from the upper ground floor level balcony of 5 Thompson Street. This view will not be affected by the proposal.).



Figure 12: View eastward toward the ocean and horizon from the upper ground floor level balcony of 5 Thompson Street. This view will not be affected by the proposal.

Location of proposed garage

The proposal includes demolition of the existing two-car garage and construction of a new two-car garage with reduced front setbacks.

The front boundary of the site is angled, resulting in the existing garage being set back between 4.2m and 6.2m from the front boundary.

The proposed garage is in line with the retained existing entry structure, and is set back between 450mm and 1.6m from the front boundary.

The proposed location does not comply with the parking location hierarchy set out at Waverley DCP 2012 section 2.8 *Car parking* subsection 2.8.3 *Location*. The hierarchy prioritises parking spaces to the rear or side of a dwelling, and does not permit garage structures within the front setback.

Non-compliance with the Waverley DCP parking location hierarchy is acceptable in the context of the site and surroundings. The existing building has a garage located within the front setback, as do numbers 9, 13, 15, 17, and 19. In addition, number 11 is currently under construction with a garage within the front setback. The predominant character of the area is therefore for garages to be located within the front setback of sites.

The existing and under-construction garages along the street generally have similar setbacks and alignments to the proposed garage at the subject site, and minor inconsistencies between setbacks along the street are not discernible due to the angled front boundaries. In these circumstances the location and setbacks of the proposed garage are supported.

1.7. 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.

1.8. Suitability of the Site for the Development

The site is considered suitable for the proposal.

1.9. Any Submissions

The application was notified/advertised for 14 days between 7 April and 21 April 2022 in accordance with the *Waverley Community Development Participation and Consultation Plan*. Six unique submissions were received.

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

- deleted the proposed extension to the existing roof top terrace;
- lowered the proposed solar panels to be flush with the existing roof; and
- lowered the roof height of the rear lower ground floor addition.

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

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

Count	Property Address
1.	2 Wolaroi Crescent
2.	4 Thompson Street
3.	5 Thompson Street
4.	9 Thompson Street
5.	10 Thompson Street
6.	12 Thompson Street

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

- Impacts on views from neighbouring properties
- Exceedance of the floor space ratio development standard

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

Issue: The proposed extension to the existing roof terrace will result in amenity impacts for neighbours.

Response: The proposal has been amended, and the extension to the roof terrace is no longer proposed.

Issue: The proposed clothesline and door at lower ground floor level adjacent to the boundary with 9 Thompson Street will be unsightly and will result in amenity impacts.

Response: The location of the clothesline and door are considered appropriate, and will not have any unreasonable amenity impacts.

Issue: The proposal to build a garage on the boundary with 9 Thompson Street will affect maintenance of that property.

Response: The building at 9 Thompson Street is built to the boundary. The proposed garage will be built to the boundary in compliance with the Waverley DCP 2012 setback controls. Further discussion regarding setbacks is found in this report above. Issues of maintenance are considered a private matter between landowners.

Issue: Stormwater must be contained within the site.

Response: Council's stormwater engineers have reviewed the draft stormwater plans, and have raised no objection. Conditions of consent are included in Appendix A of this report requiring final stormwater plans to be provided to Council, in compliance with Council's technical guidelines.

Issue: Planting must be designed to not damage adjoining services at 9 Thompson Street including drainage channels.

Response: The planting proposed is generally commensurate to the scale of development and the characteristics of the site, and it is not considered that special measures regarding protection of neighbouring property are warranted.

Issue: The proposed spa will have acoustic impacts on 9 Thompson Street.

Response: The proposed spa is smaller than the existing swimming pool, and is located further from 9 Thompson Street than the existing swimming pool. Conditions of consent are included in Appendix A of this report requiring acoustic screening for pool equipment.

1.10. Public Interest

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

REFERRALS

The following internal and external referral comments were sought:

1.11. Stormwater

Council's stormwater engineers supported the application subject to conditions of consent requiring detailed stormwater plans. The conditions are included in Appendix A of this report.

1.12. Tree Management

Council's tree management officer supported the application subject to conditions of consent protecting remaining trees. The conditions are included in Appendix A of this report.

1.13. Environmental Sustainability

Council's urban ecology coordinator did not support the proposed landscape plans, as the proposal is located adjacent to bushland remnant, and the landscape plans do not achieve a minimum of 90% of proposed plantings being indigenous or local native plants listed in Annexure B2-1 of Waverley DCP 2012. A condition of consent requiring amended landscape plans to comply with the above requirements is included in Appendix A of this report.

CONCLUSION

The development application seeks consent for alterations and additions to an existing dwelling house at the site known as 7 Thompson Street, Tamarama.

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

- Non-compliance with floor space ratio development standard
- View sharing
- Location of car parking
- Provision of indigenous planting

The assessment finds these issues acceptable subject to conditions of consent.

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

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



Development and Building Unit (DBU) Decision:

The application was reviewed by the DBU at the meeting on 27 September 2022 and the DBU determined:

- (a) The application is acceptable and should be approved, subject to the conditions in Appendix A.
DBU members: M Reid, A Rossi, B McNamara, E Finnegan, and B Magistrale.

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:
	
David Knight	Angela Rossi
Senior Development Assessment Planner	Manager, Development Assessment (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 29 September 2022	Date: 20 October 2022

Reason for WLPP referral:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by Luigi Rosselli Pty Ltd including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA-02 A	Site & roof plan	13/09/2022	22/09/2022
DA-03 A	Lower ground floor plan	13/09/2022	22/09/2022
DA-03 A	Ground floor plan	13/09/2022	22/09/2022
DA-05 A	First floor plan	13/09/2022	22/09/2022
DA-06 B	Elevation west	21/09/2022	22/09/2022
DA-07 B	Elevation north	21/09/2022	22/09/2022
DA-08 A	Elevation south	13/09/2022	22/09/2022
DA-09 B	Elevation east	21/09/2022	22/09/2022
DA-10 B	Section AA	21/09/2022	22/09/2022
DA-17	External finishes	11/03/2022	22/09/2022

(b) Landscape Plan No. L001 to L010 revision C and documentation prepared by Bates Landscape, dated 22/03/2022 and received by Council on 25/03/2022

(c) BASIX and NatHERs Certificate/s

(d) Stormwater Details and documentation prepared by Stellen Consulting dated 09/03/2022, and received by Council on 25/03/2022

(e) Arborist Report prepared by Jackson Nature Works dated 21/03/2022, and received by Council on 25/03/2022

2. APPROVED USE - DWELLING HOUSE WITHOUT SECONDARY DWELLING

This application approves the use of the dwelling house on site as a single unit dwelling house only.

No approval is granted or implied for part of the building to be used as a secondary dwelling.

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) or guarantee for the amount of \$50,189.78 must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

7. LONG SERVICE LEVY

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

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

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.

STORMWATER & FLOODING

12. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT

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

The applicant must submit 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 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) Seepage water must not be directly or indirectly discharged to Council's street gutter.
- d) The stormwater management plan must specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.

- e) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location shall be provided. Calculations demonstrating that the proposed stormwater drainage system can cater for the relevant design storm event shall be provided
- f) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- g) A sediment control stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- h) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.

Notes:

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

13. 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

14. BASIX

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

WASTE

15. 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.

16. LANDSCAPE WORKS FOR PROPERTIES ADJACENT TO REMNANT VEGETATION

A landscape plan is to be submitted to and approved by Council's Executive Manager, Environmental Sustainability (or delegate) with a minimum of 90% of the proposed plantings (not including turfed areas) to be indigenous or local native plants as listed in Annexure B2 - 1 of the *Waverley Development Control Plan 2012*.

TRAFFIC MANAGEMENT

17. 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

18. 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

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. TREES PERMITTED TO BE REMOVED

The following trees are permitted to be removed as per Arboricultural Impact Assessment Report prepared by Ross Jackson, Jackson Nature Works dated 21/03/2022;

Tree no.	Species	Location
T 4	Archontophoenix cunninghamiana	On-site
T 5	Archontophoenix cunninghamiana	On-site
T 11	Viburnum odoratissimum	On-site
T 13	Syzygium luehmannii	On-site
T 15	Viburnum odoratissimum	On-site
T 16	Archontophoenix cunninghamiana	On-site
T 17	Syzygium sp	On-site

32. TREES PERMITTED TO BE RELOCATED

The following tree is permitted to be relocated within the site as per Arboricultural Impact Assessment Report prepared by Ross Jackson, Jackson Nature Works dated 21/03/2022;

Tree no.	Species	Location
T 14	Archontophoenix cunninghamiana	On-site

33. TREE PROTECTION

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

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.

- 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.

34. STREET TREES TO BE RETAINED/TREE PROTECTION

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

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

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

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

35. FINAL OCCUPATION CERTIFICATE

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

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

36. CERTIFICATION OF BASIX COMMITMENTS

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

37. 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.

38. 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.

39. 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.

40. CERTIFICATION OF SWIMMING POOL/OUTDOOR SPA

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

- (a) Certification that the pool has been constructed in accordance with the consulting engineers design;
- (b) Evidence that the swimming pool/outdoor spa 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. OPERATION AND SPECIAL CONDITIONS

41. 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.

F. ADVISORY MATTERS

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

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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

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

AD2. SYDNEY WATER REQUIREMENTS

You 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.

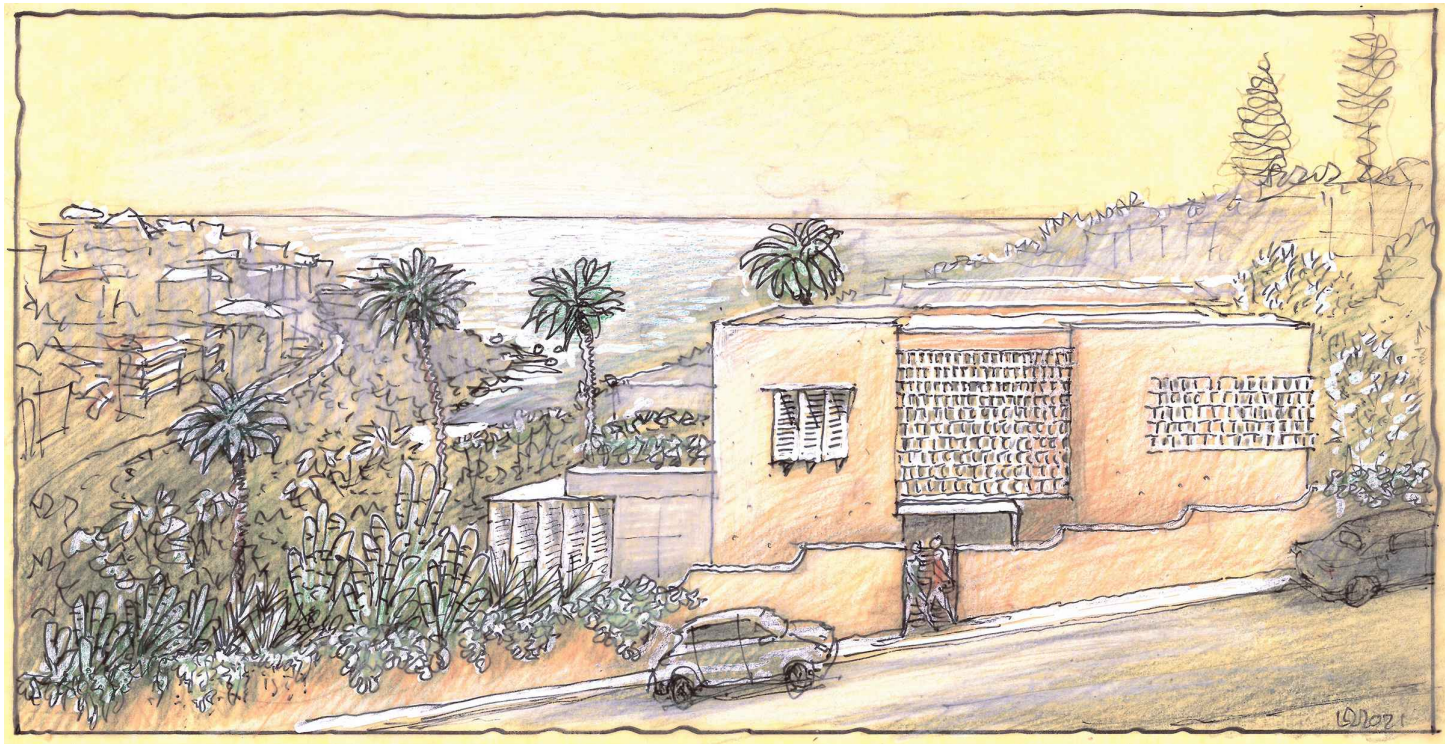
AD6. EXCAVATION TO BE LIMITED

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.

Development Application | Alterations & Additions to Existing Dwelling
March 2022



Site Details

Address :	7 Thompson Street, Tamarama, 2026
Lot/Section/Plan no :	Lot 50, DP 10771
Council :	Waverley Council
LEP zoning :	R2 Low Density Residential
Site Area :	578.4 m ²

Abbreviations

BDY	boundary
DP	downpipe
DP(e)	existing downpipe
DR.	dryer
EGL	existing ground level
FR.	fridge
FFL	finished floor level
HWU	hot water unit
J	joinery
NTS	not to scale
RL	relative level
RWH	rainwater head
SK	skylight
WM.	washing machine
WL	water level
FP	fire place

Materials & Finishes

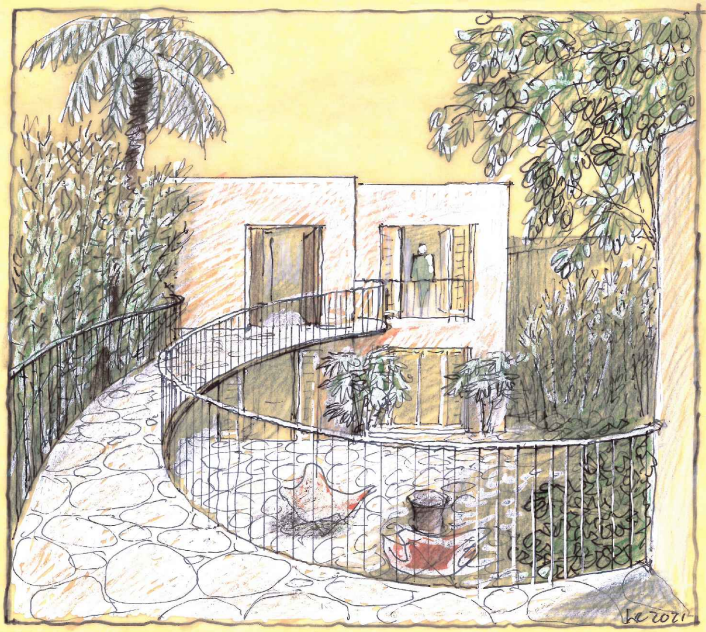
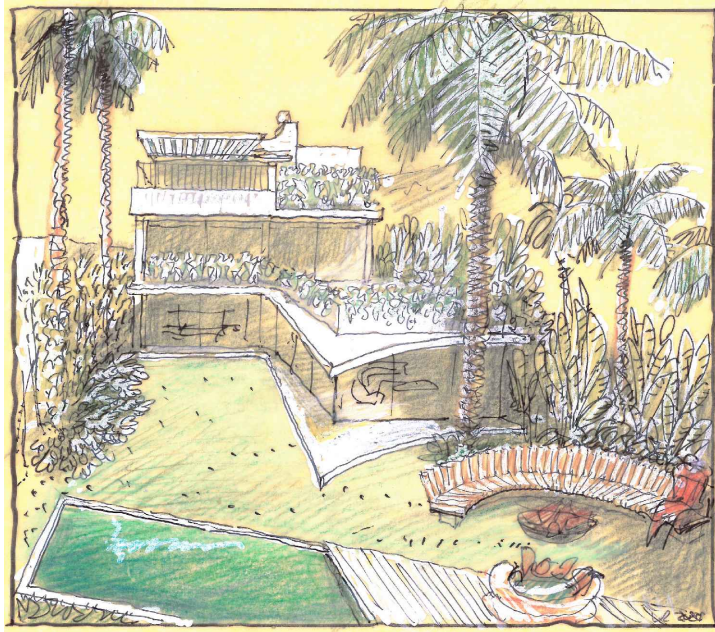
ac	acrylic render
br	brick
cr	cement render painted
conc	concrete
ct	ceramic tiles
eoc	exposed off form concrete
fc	fibre cement sheeting
mt	metal
mrs	metal roof sheeting
pb	plasterboard
rt	roof tiles
tb	timber
st	stone

DRAWING LIST

DA-00	cover
DA-01	site analysis
DA-02	site & roof plan
DA-03	lower ground floor plan
DA-04	ground floor plan
DA-05	first floor plan
DA-06	elevation west
DA-07	elevation north
DA-08	elevation south
DA-09	elevation east
DA-10	section AA
DA-11	existing area calculations
DA-12	proposed area calculations
DA-13	landscape & P.O.S area calculations
DA-14	solar diagrams - 21st June 9am
DA-15	solar diagrams - 21st June 12 noon
DA-16	solar diagrams - 21st June 3pm
DA-17	external finishes
DA-18	height plane diagram

Issue

B
A
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B
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-
-



BASIX certificate requirements - Certificate Number: A448796

Lighting

- A minimum of 40% of new or altered light fixtures must be 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 liter 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 new construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table in the BASIX certificate.

Windows, glazed doors and skylights

- The applicant must install the windows, glazed doors and shading devices described in the table in the BASIX certificate, in accordance with the specifications listed in the table. Relevant overshadowing specifications must be satisfied for each window and glazed door.

Materials legend

	brick/terracotta roof tiles
	concrete
	fiber cement / render
	glass
	internal plastered walls
	metal
	stone
	timber
	tiles
	existing walls
	walls to remove
	trees to remove

RECEIVED
Waverley Council

Application No: DA-110/2022

Date Received: 22/09/2022

issue	date	description
----	11.03.22	da_issue
A	13.09.22	additional information
B	21.09.22	amendment

The Contractor shall verify all dimensions & levels on the site.
Written dimensions to take preference over scaled dimensions.
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NOM REG NO. 4895

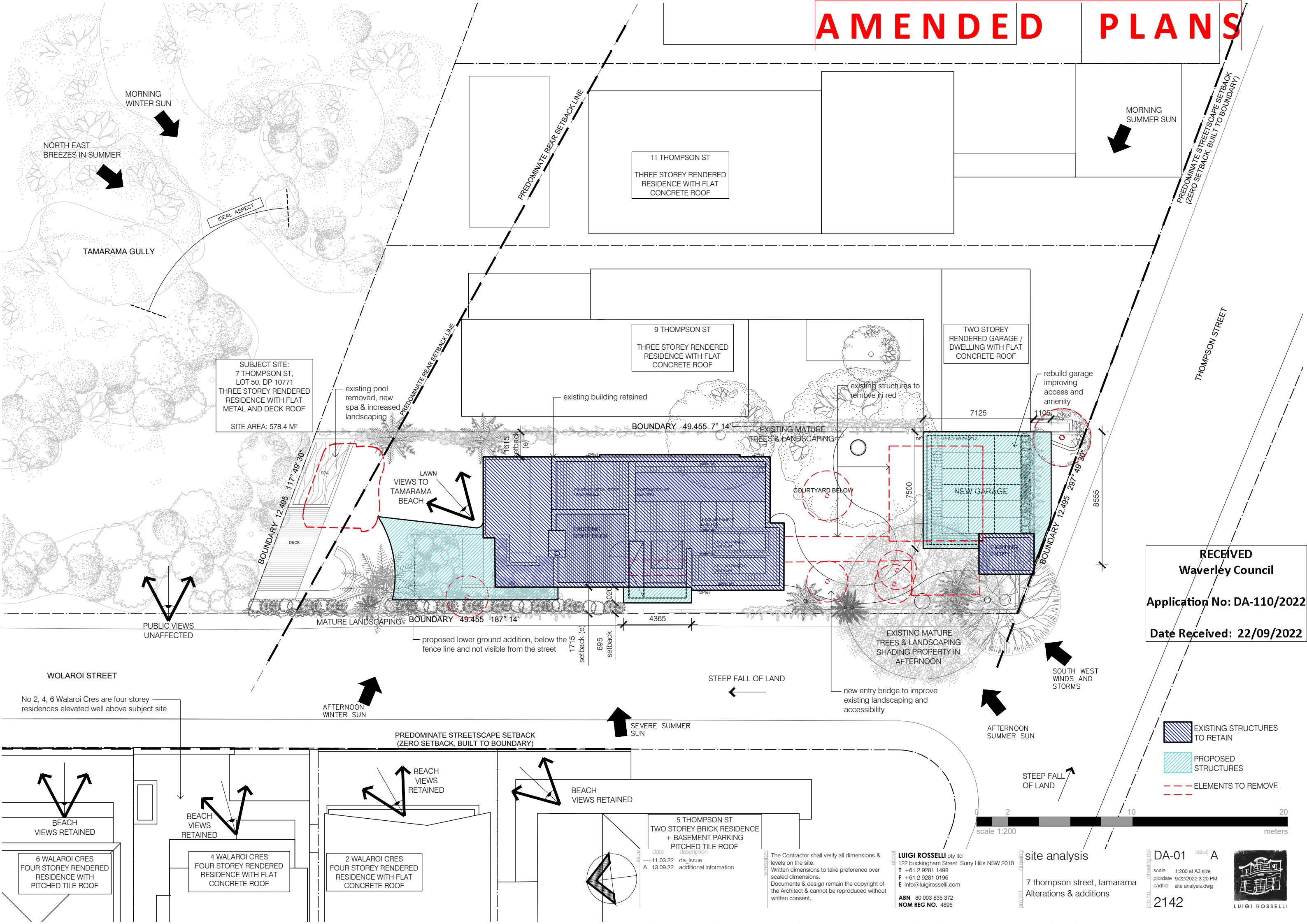
cover

7 thompson street, tamarama
Alterations & additions

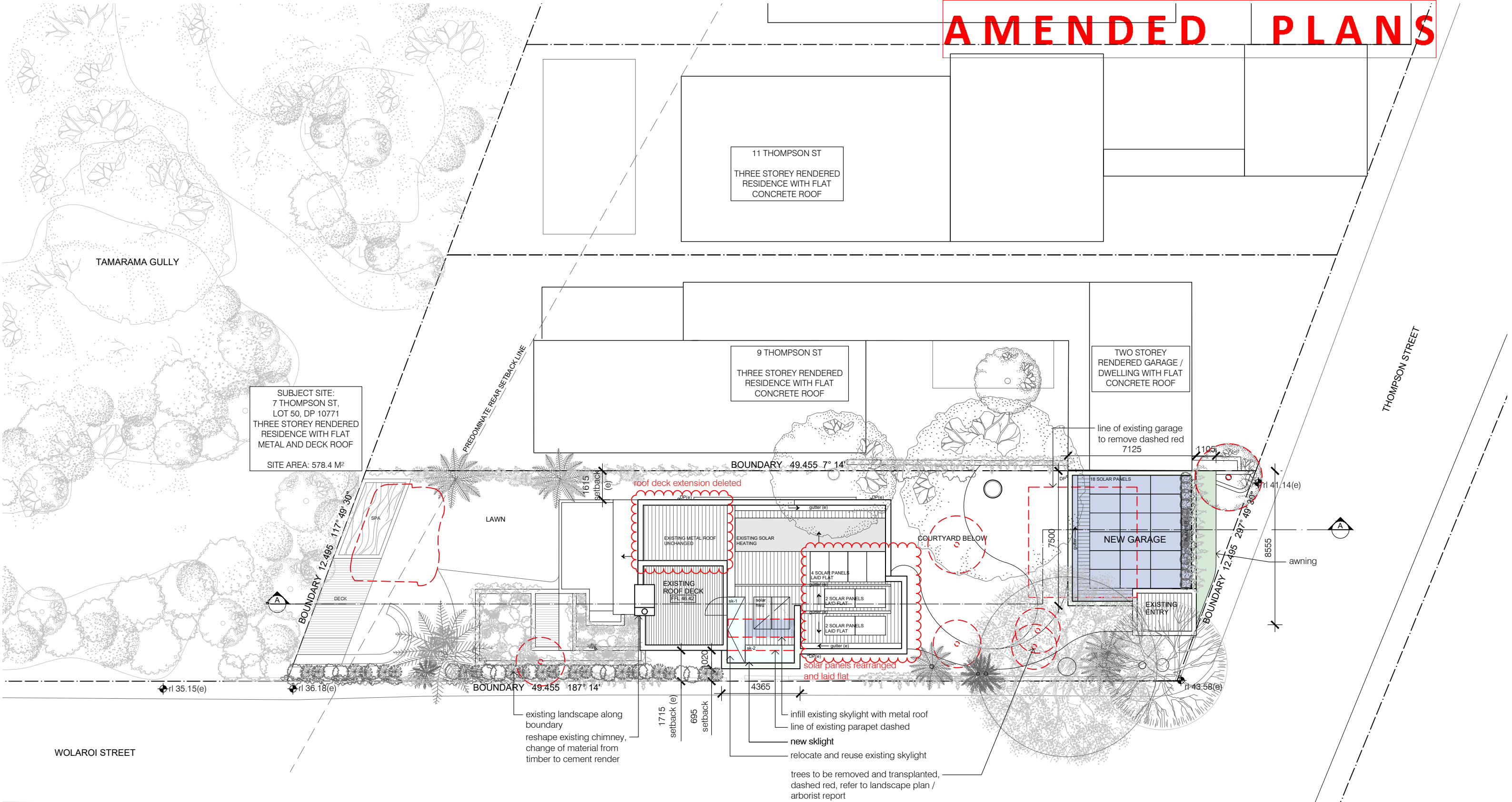
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scale n/a A3 size
plotdate 9/22/2022 3:20 PM
cadfile cover.dwg
2142



AMENDED PLANS



AMENDED PLANS



6 WALAROI CRES
FOUR STOREY RENDERED
RESIDENCE WITH
PITCHED TILE ROOF

4 WALAROI CRES
FOUR STOREY RENDERED
RESIDENCE WITH FLAT
CONCRETE ROOF

2 WALAROI CRES
FOUR STOREY RENDERED
RESIDENCE WITH FLAT
CONCRETE ROOF

issue	date	description
11.03.22	da	initial
13.09.22	da	issue additional information

5 THOMPSON ST
TWO STOREY BRICK RESIDENCE
+ BASEMENT PARKING
PITCHED TILE ROOF

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02 meters

scale 1:200

site & roof plan

7 thompson street, tamarama
Alterations & additions

DA-02

issue A

scale 1:200 at A3 size
plotdate 9/22/2022 3:20 PM
cadfile site & roof plan.dwg

2142

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Application No: DA-110/2022

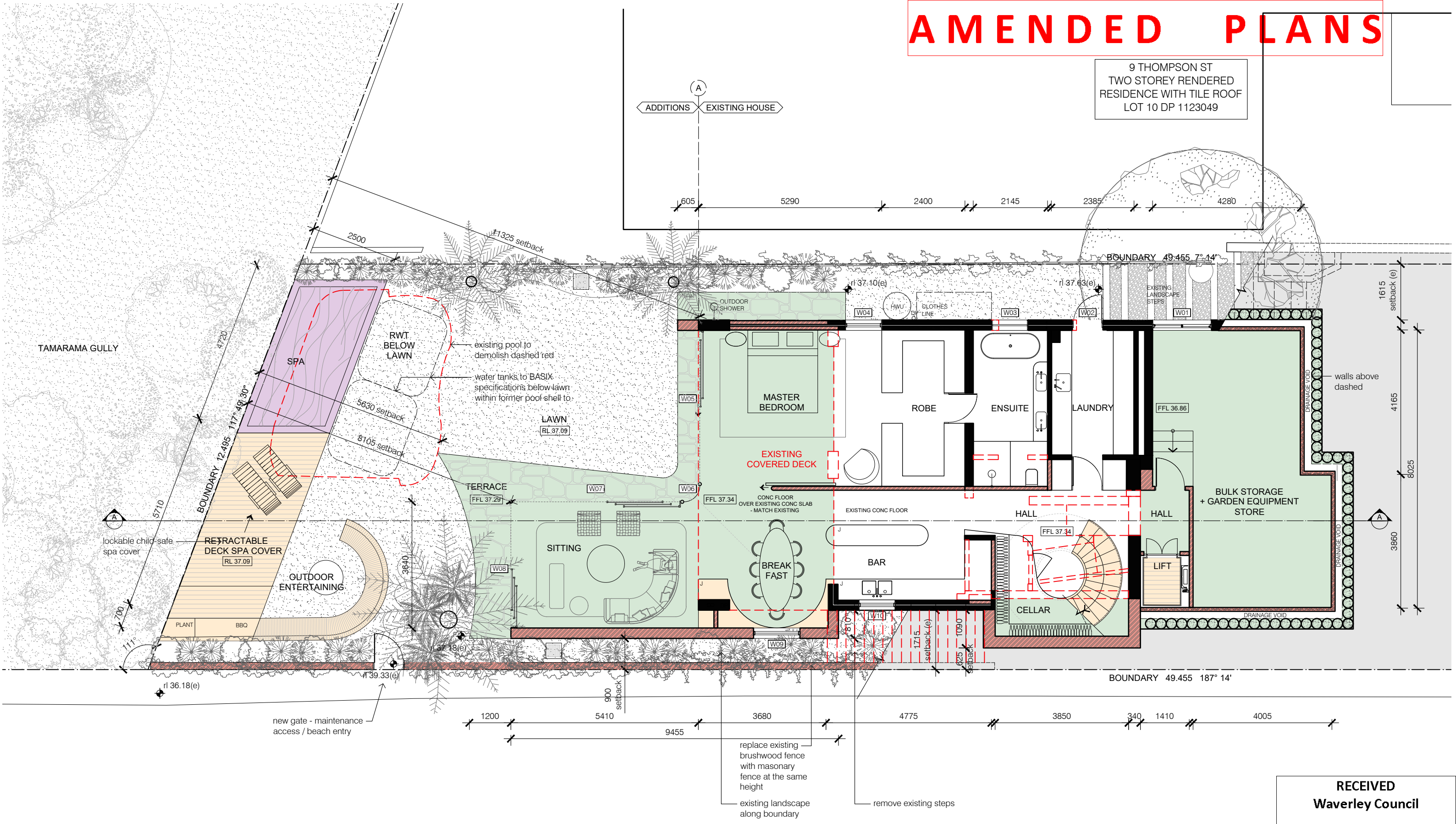
Date Received: 22/09/2022

LUIGI ROSSELLI

project drawing

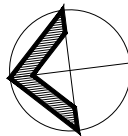
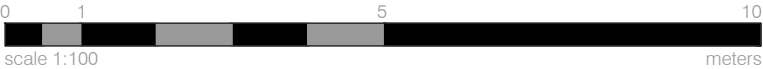
AMENDED PLANS

9 THOMPSON ST
TWO STOREY RENDERED
RESIDENCE WITH TILE ROOF
LOT 10 DP 1123049



WOLAROI STREET

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Waverley Council
Application No: DA-110/2022
Date Received: 22/09/2022



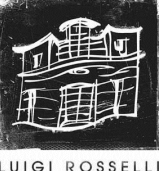
issue	date	description
---	11.03.22	da issue
A	13.09.22	additional information

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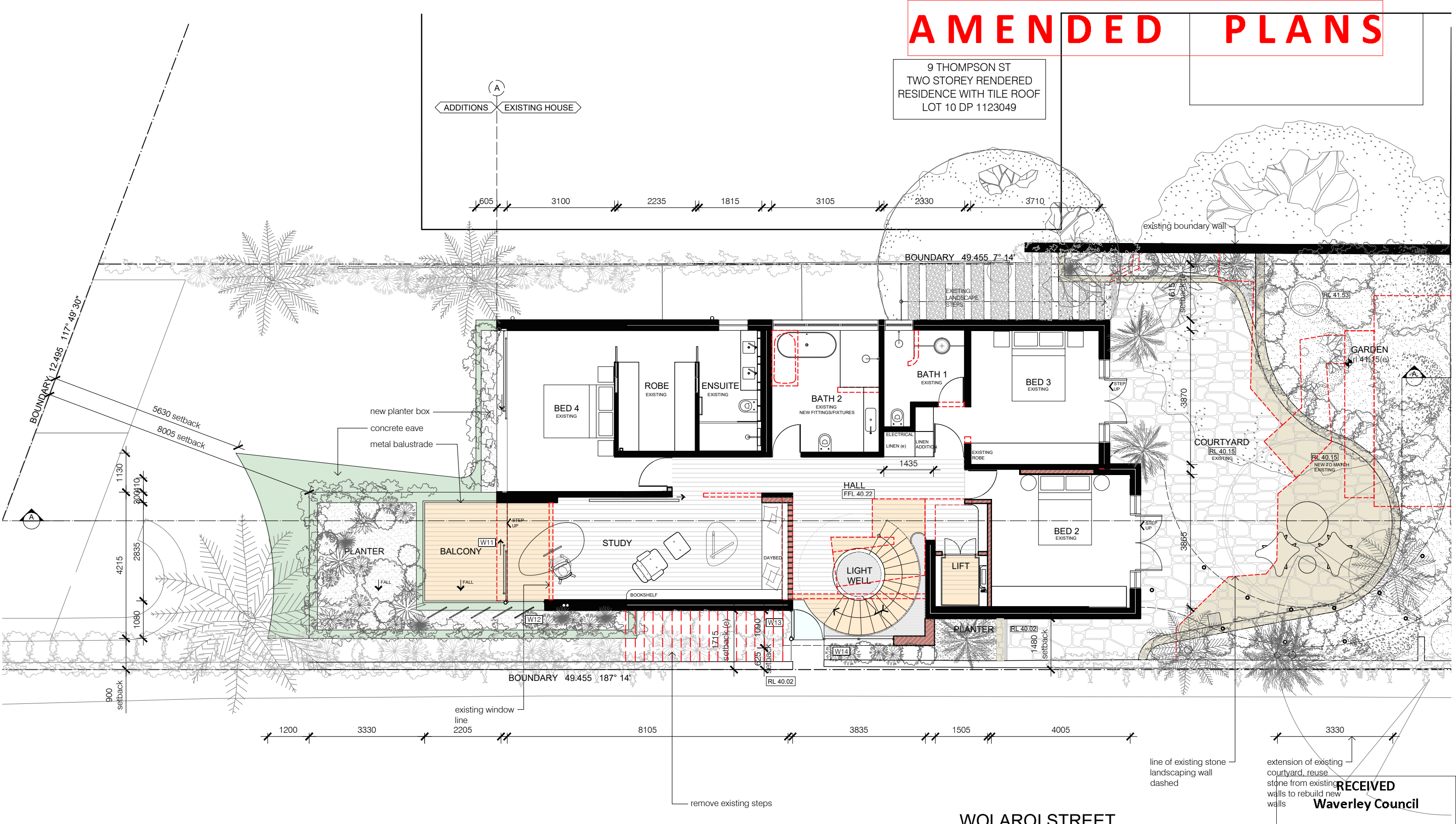
lower ground floor
plan
7 thompson street, tamarama
Alterations & additions

DA-03 issue A
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2142



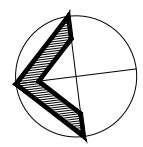
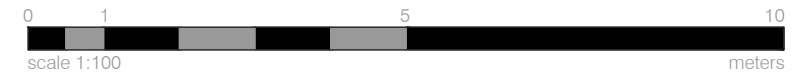
AMENDED PLANS

9 THOMPSON ST
TWO STOREY RENDERED
RESIDENCE WITH TILE ROOF
LOT 10 DP 1123049



WOLAROI STREET

RECEIVED
Waverley Council
Application No: DA-110/2022
Date Received: 22/09/2022



issue	date	description
----	11.03.22	da issue
A	13.09.22	additional information

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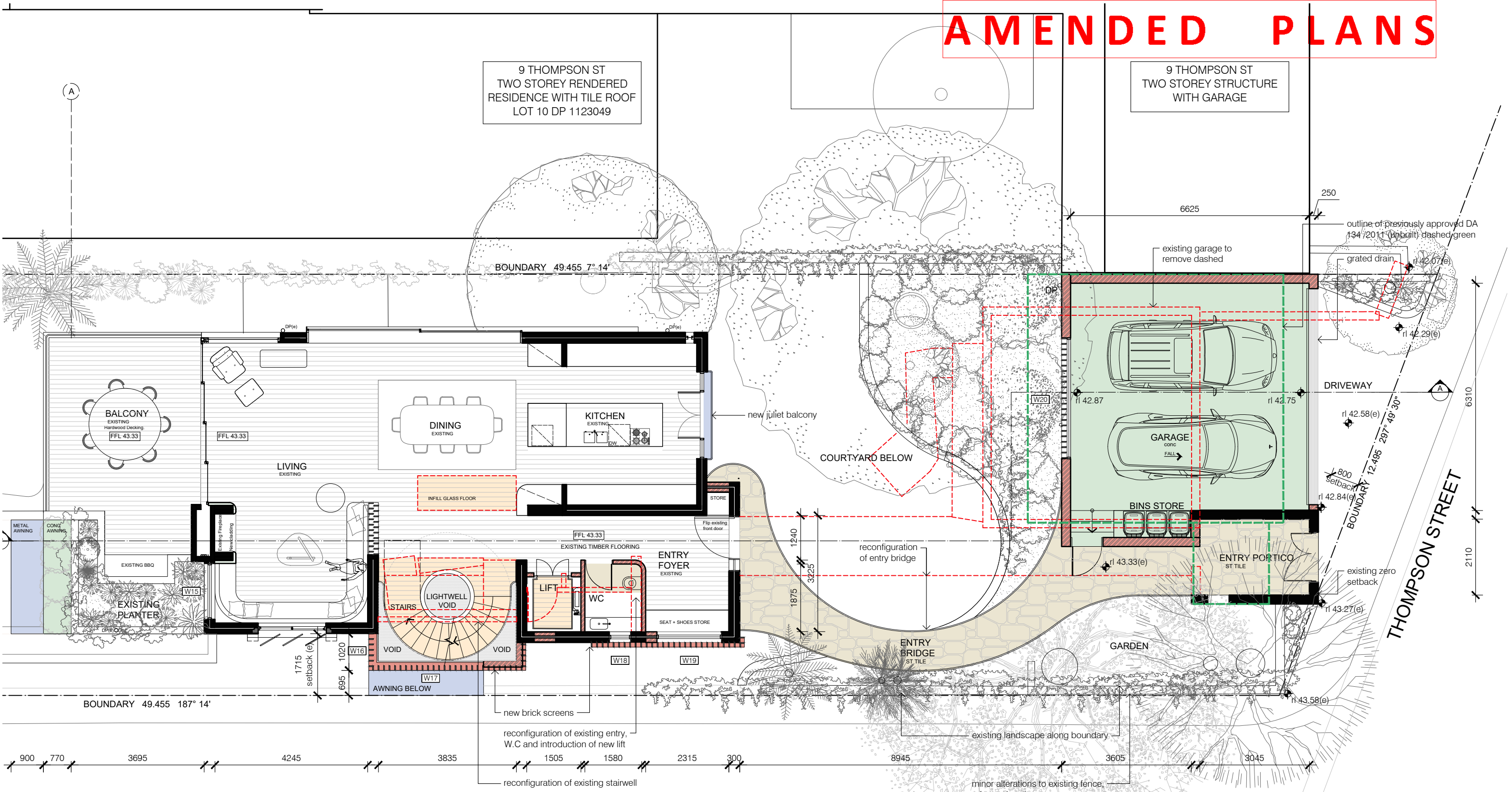
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ground floor plan
7 thompson street, tamarama
alterations & additions

DA-04 issue A
scale 1:100 at A3 size
plotdate 9/22/2022 3:20 PM
cadfile ground floor.dwg
2142



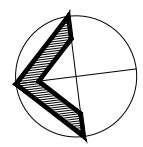
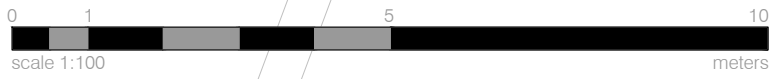
AMENDED PLANS



WOLAROI STREET

THOMPSON STREET

RECEIVED
Waverley Council
Application No: DA-110/2022
Date Received: 22/09/2022



issue	date	description
----	11.03.22	da issue
A	13.09.22	additional information

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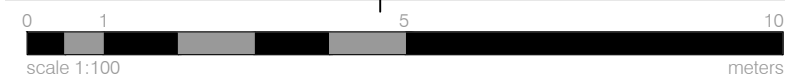
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E info@luigirosselli.com
ABN 80 003 635 372
NOM REG NO. 4895

first floor plan
7 thompson street, tamarama
Alterations & additions

DA-05 issue A
scale 1:100 at A3 size
plotdate 9/22/2022 3:20 PM
cadfile first floor.dwg
2142



Date Received: 22/09/2022

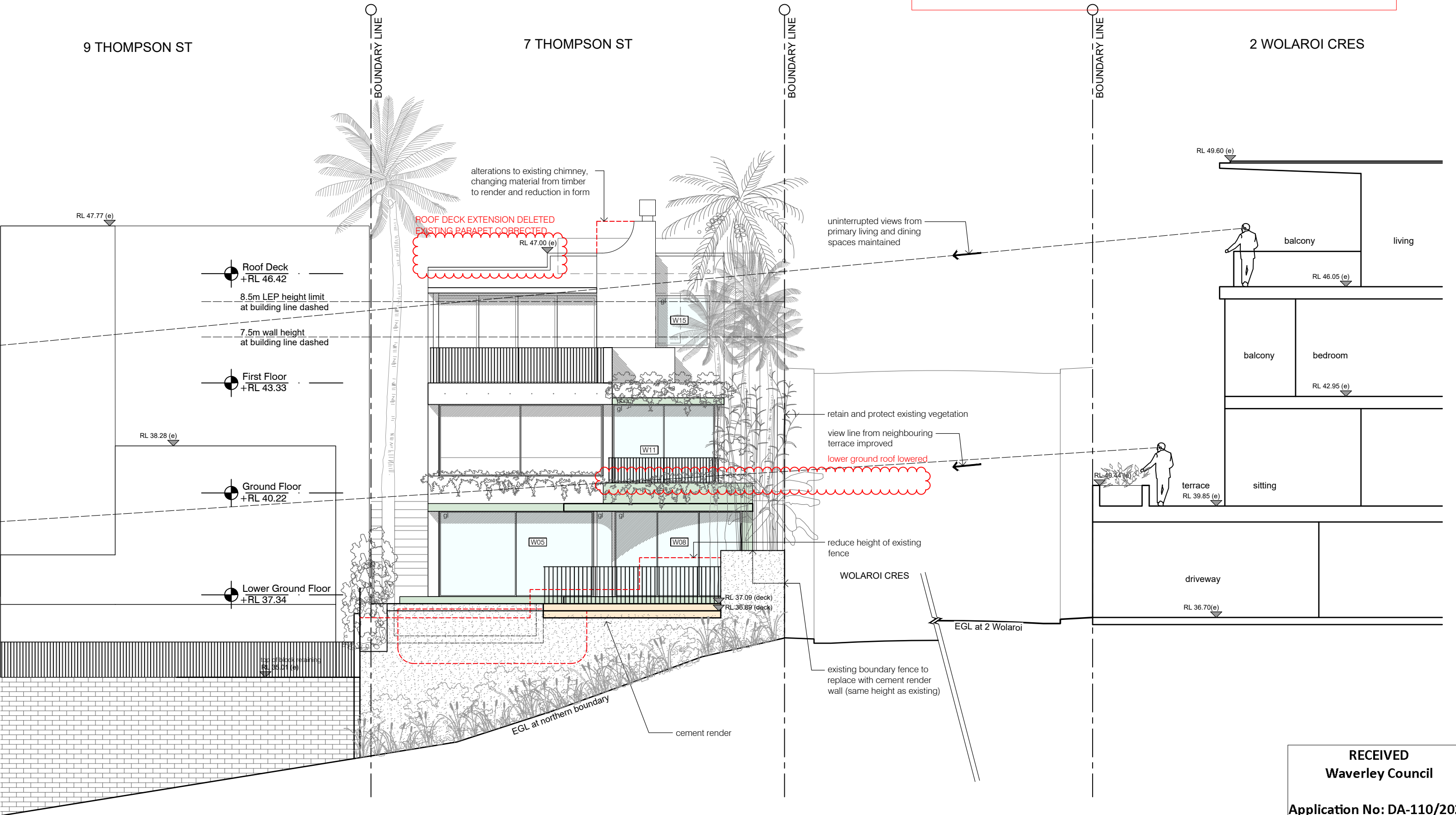


AMENDED PLANS

9 THOMPSON ST

7 THOMPSON ST

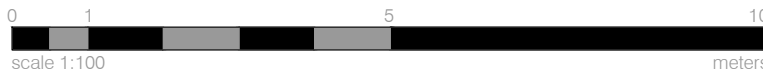
2 WOLAROI CRES



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Waverley Council

Application No: DA-110/2022

Date Received: 22/09/2022



issue	date	description
---	11.03.22	da issue
A	13.09.22	additional information
B	21.09.22	amendment

The Contractor shall verify all dimensions & levels on the site.
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elevation north

7 thompson street, tamarama
alterations & additions

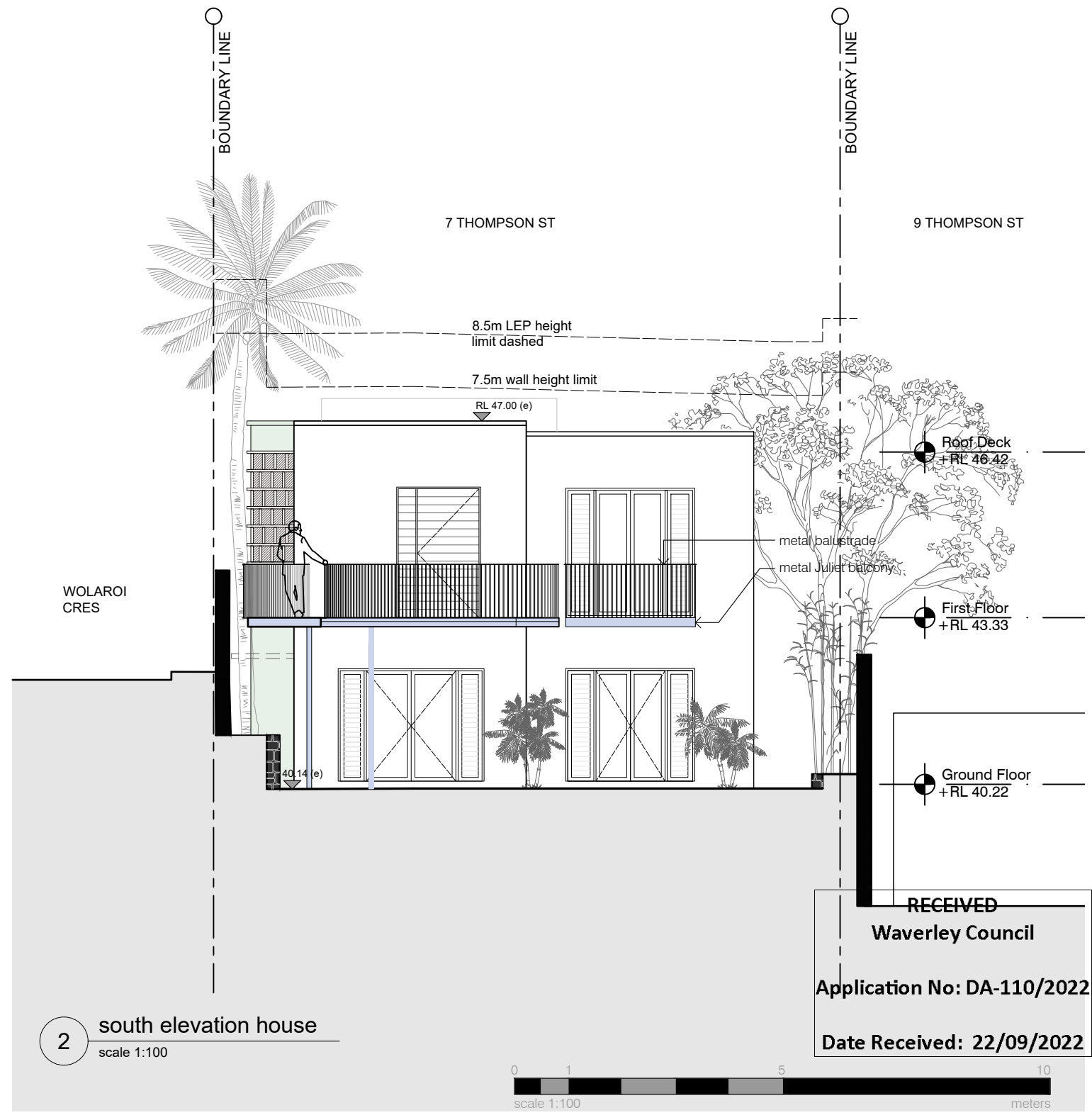
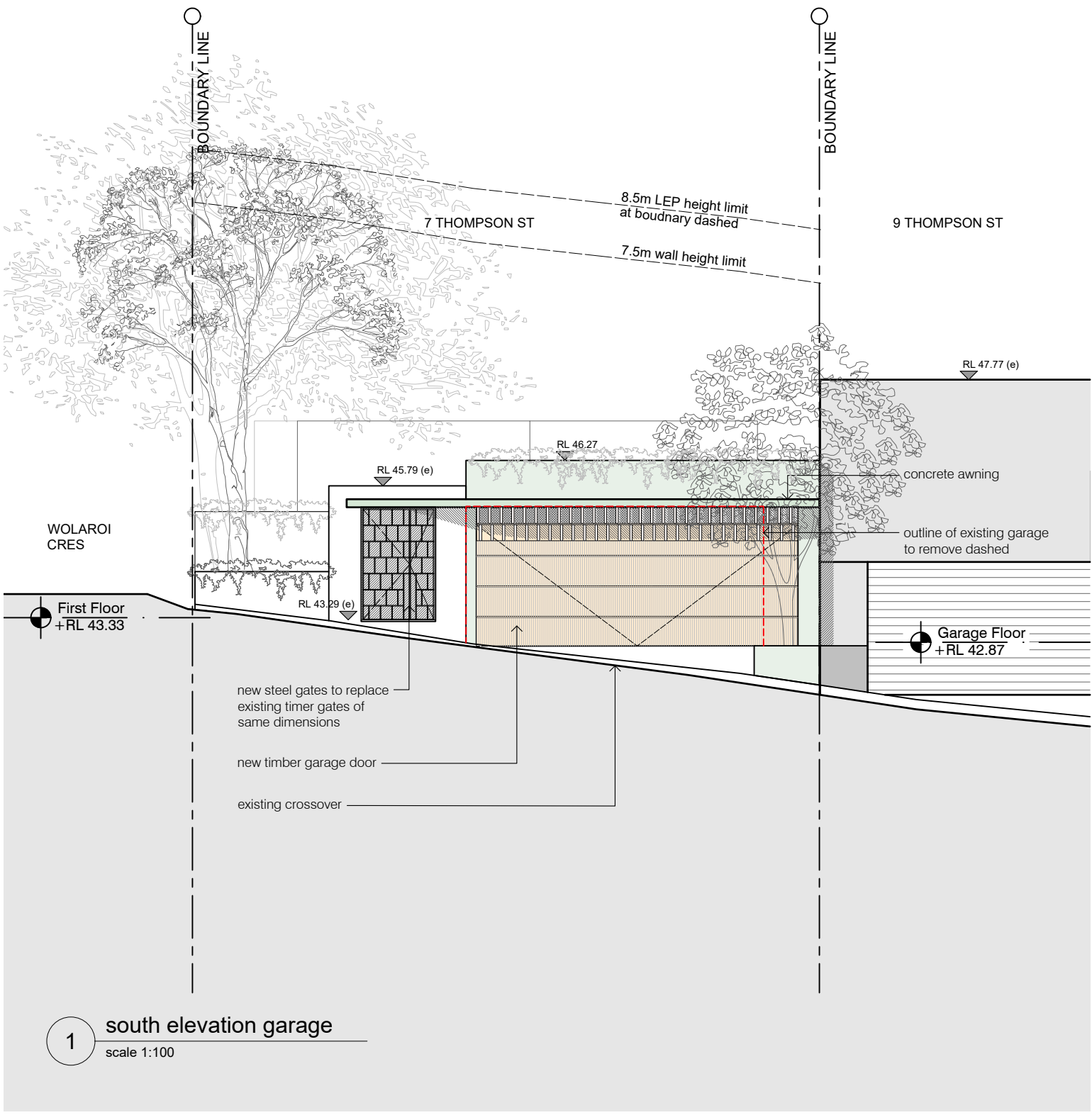
DA-07 issue B

scale 1:100 at A3 size
plotdate 9/22/2022 3:20 PM
cadfile elevation north & south.dwg

2142



AMENDED PLANS



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Application No: DA-110/2022
Date Received: 22/09/2022

issue	date	description
----	11.03.22	da_issue
A	13.09.22	additional information

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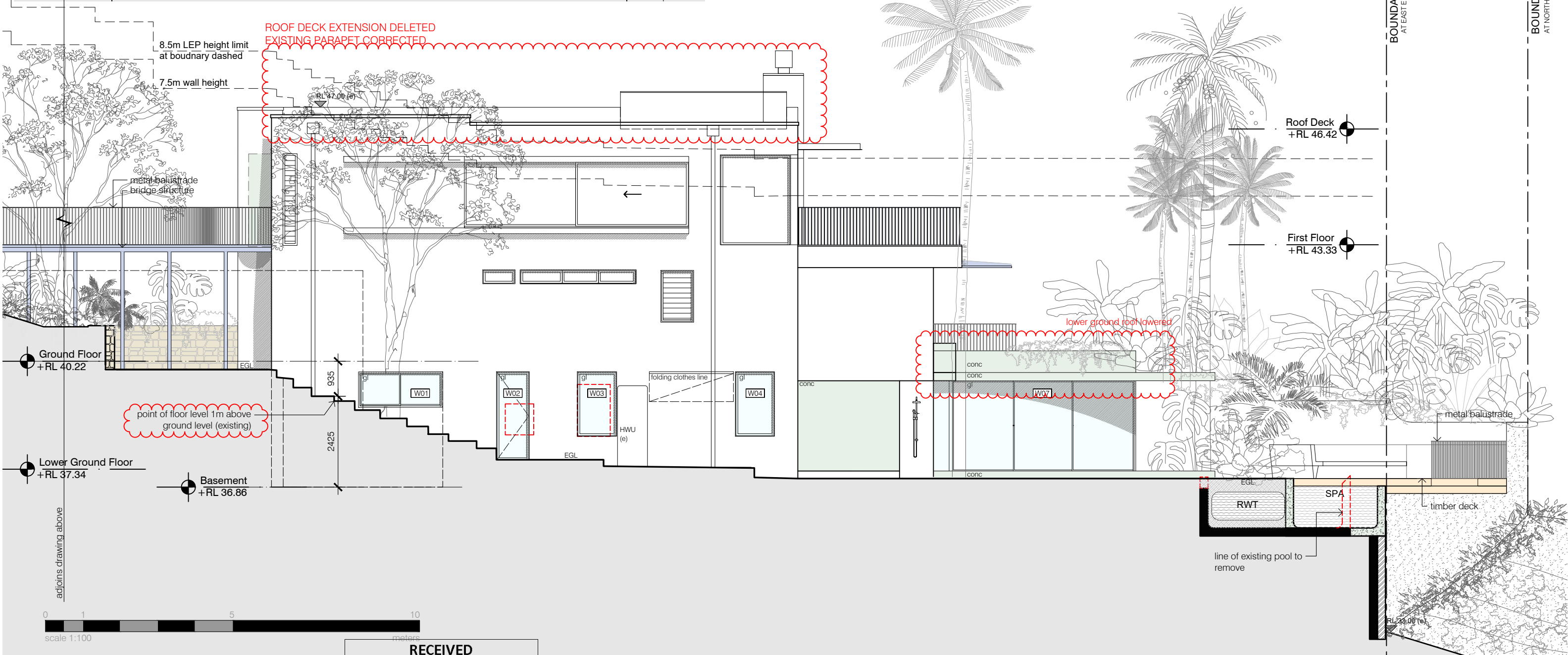
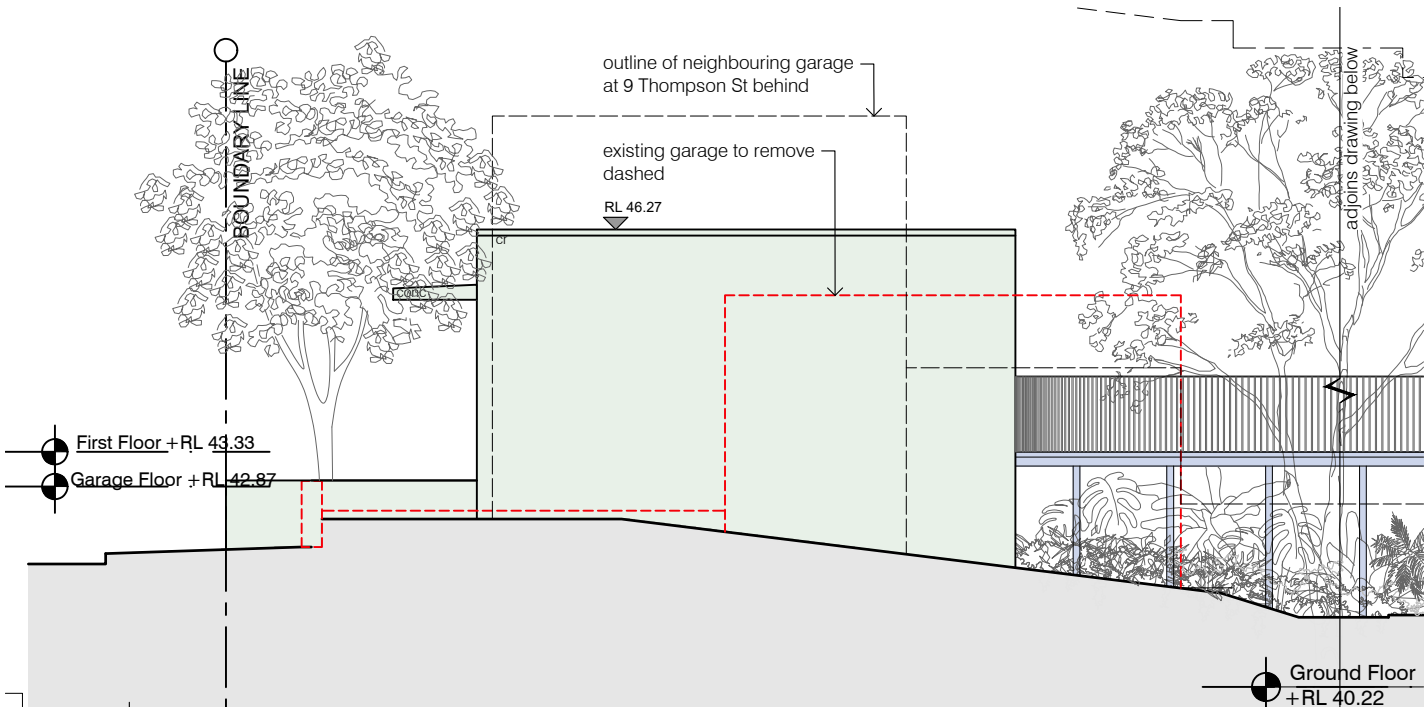
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ABN 80 003 635 372
NOM REG NO. 4895

elevation south
7 thompson street, tamarama
Alterations & additions

DA-08 issue A
scale 1:100 at A3 size
plotdate 9/22/2022 3:21 PM
cadfile elevation south.dwg
2142



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Application No: DA-110/2022
Date Received: 22/09/2022

issue	date	description
---	11.03.22	da_issue
A	13.09.22	additional information
B	21.09.22	amendment

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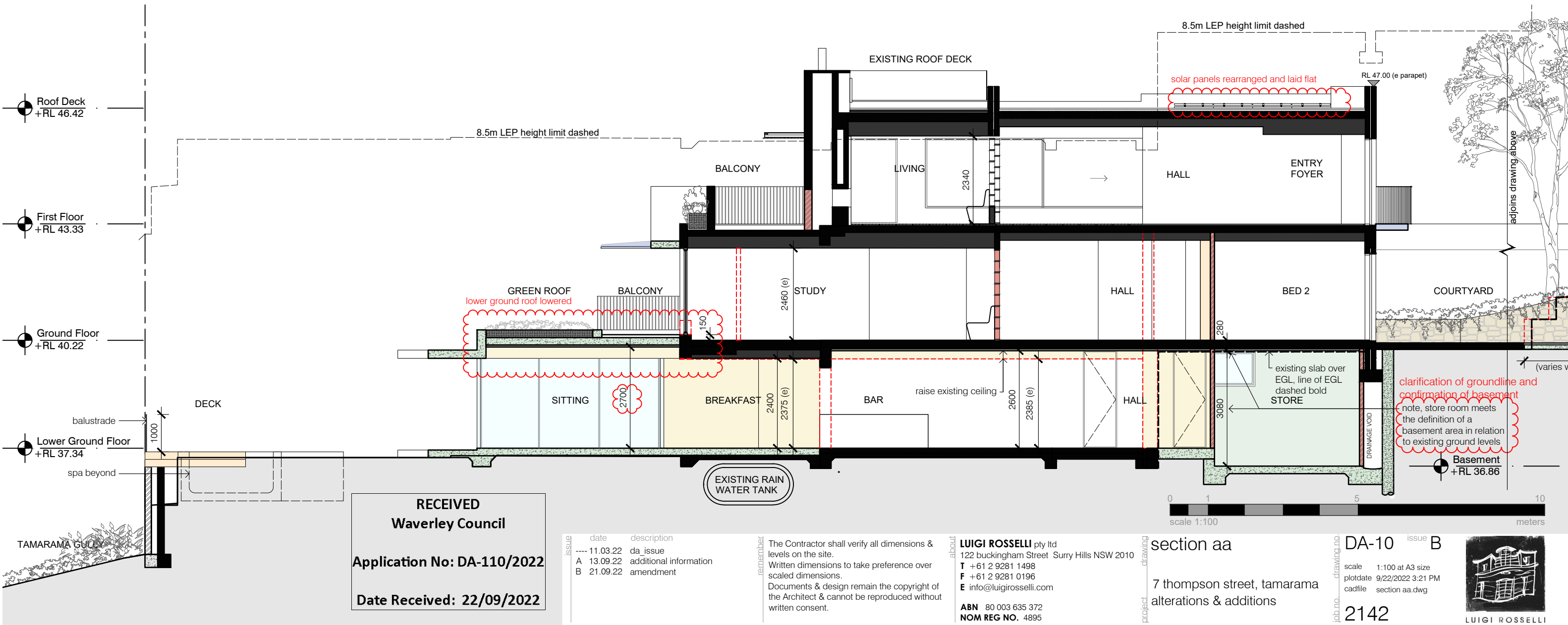
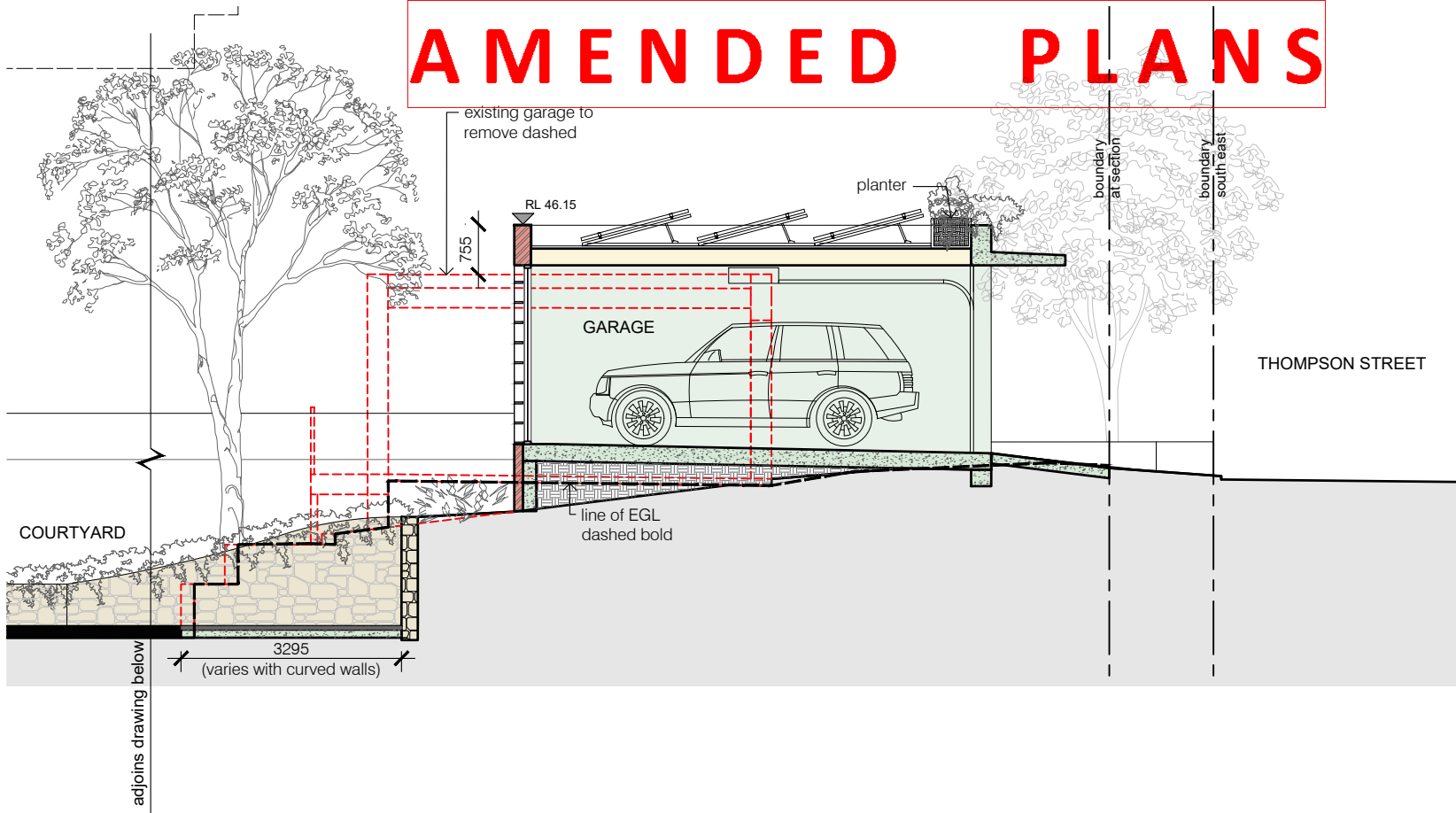
elevation east

7 thompson street, tamarama
Alterations & additions

DA-09 issue **B**
scale 1:100 at A3 size
plotdate 9/22/2022 3:21 PM
cadfile elevation east.dwg
2142



AMENDED PLANS



AMENDED PLANS

Gross floor area (GFA) means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes

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

but excludes—

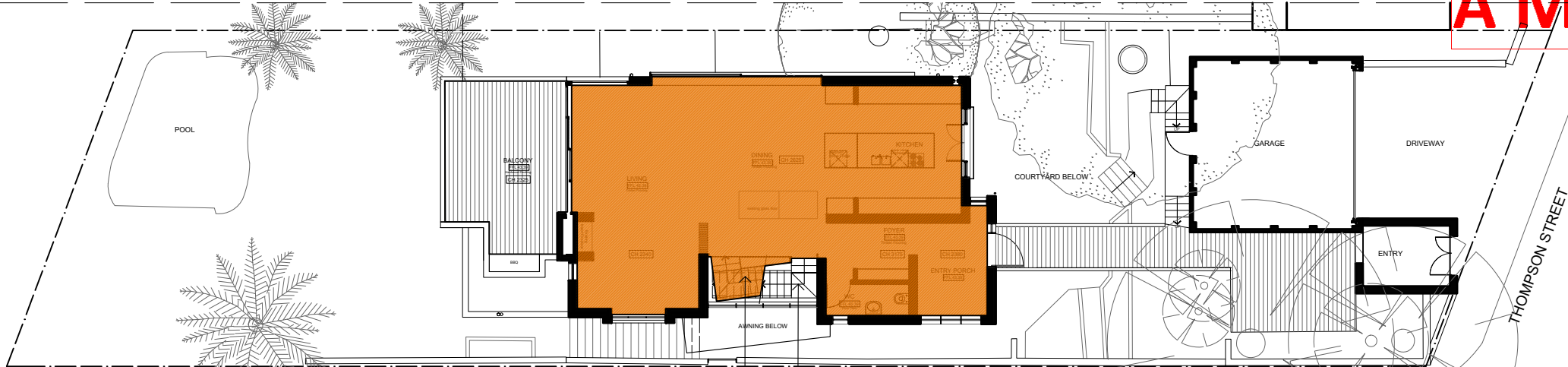
- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement—
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking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

as defined in the Building Code of Australia (BCA).

Note: Habitable room means a room used for normal domestic activities, and:

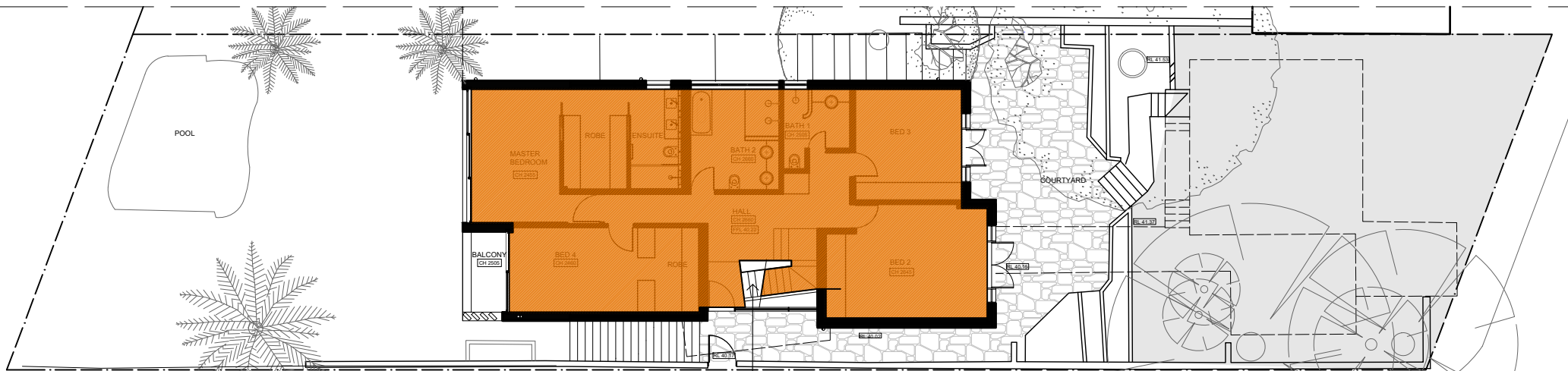
- a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room and sunroom; but
- b) excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods.

Basement means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).



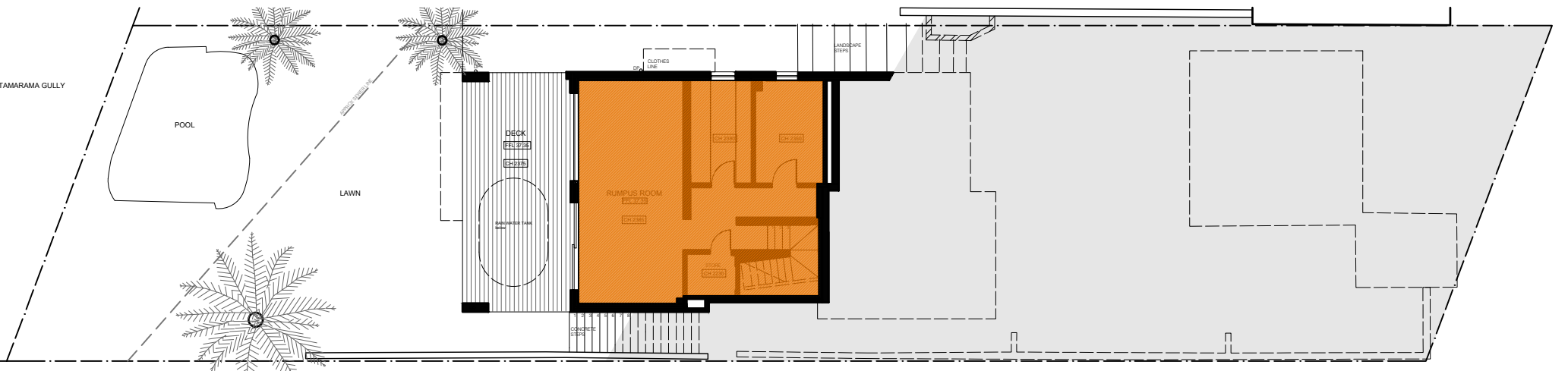
EXISTING FIRST FLOOR PLAN

GFA: 106.5m²



EXISTING GROUND FLOOR PLAN

GFA: 129.6m²



EXISTING BASEMENT FLOOR PLAN

GFA: 64.3m²

RECEIVED
Waverley Council

Application No: DA-110/2022

Date Received: 22/09/2022

SITE AREA: 578.4 m²

EXISTING GFA TOTAL: 300.4m²

EXISTING FSR: 0.52 : 1

issue	date	description
----	11.03.22	da issue
A	13.09.22	additional information

The Contractor shall verify all dimensions & levels on the site.
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NOM REG NO. 4895

existing area
calculations
7 thompson street, tamarama
Alterations & additions

DA-11 issue A
scale 1:200 at A3 size
plotdate 9/13/2022 1:12 PM
cadfile existing area calculations.dwg
2142



LUIGI ROSSELLI

AMENDED PLANS

Gross floor area (GFA) means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes

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

but excludes—

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

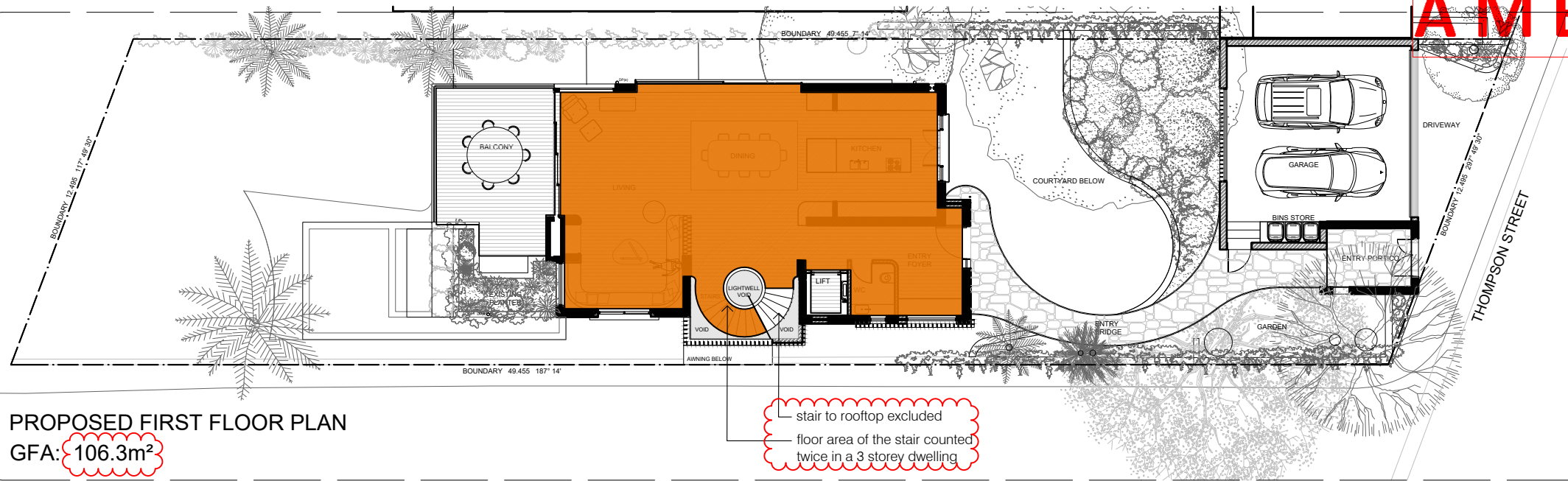
as defined in the Building Code of Australia (BCA).

Note: Habitable room means a room used for normal domestic activities, and:

- a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room and sunroom; but
- b) excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods.

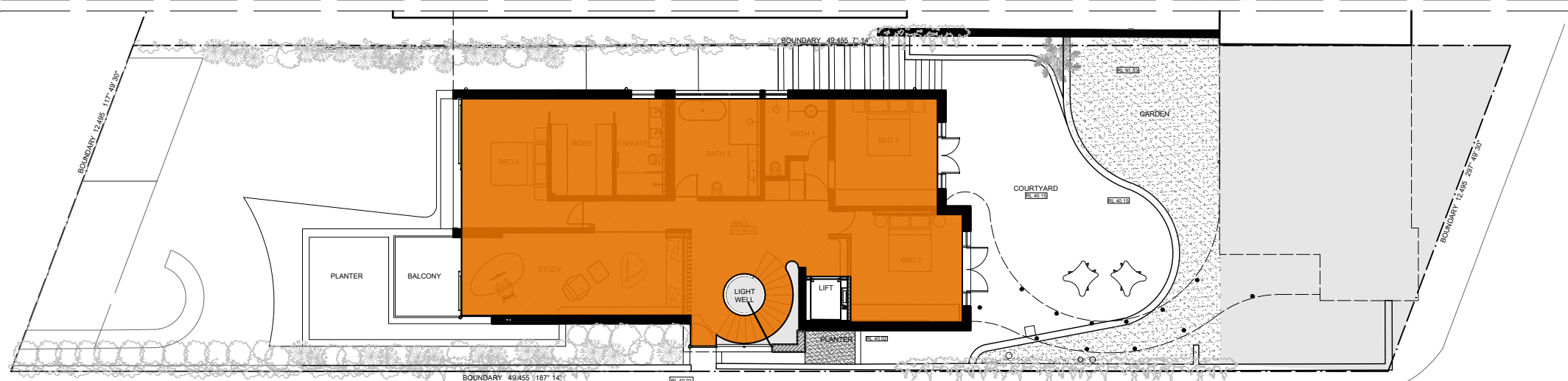
Waverley LEP 2012 definition of "basement"

Basement means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).



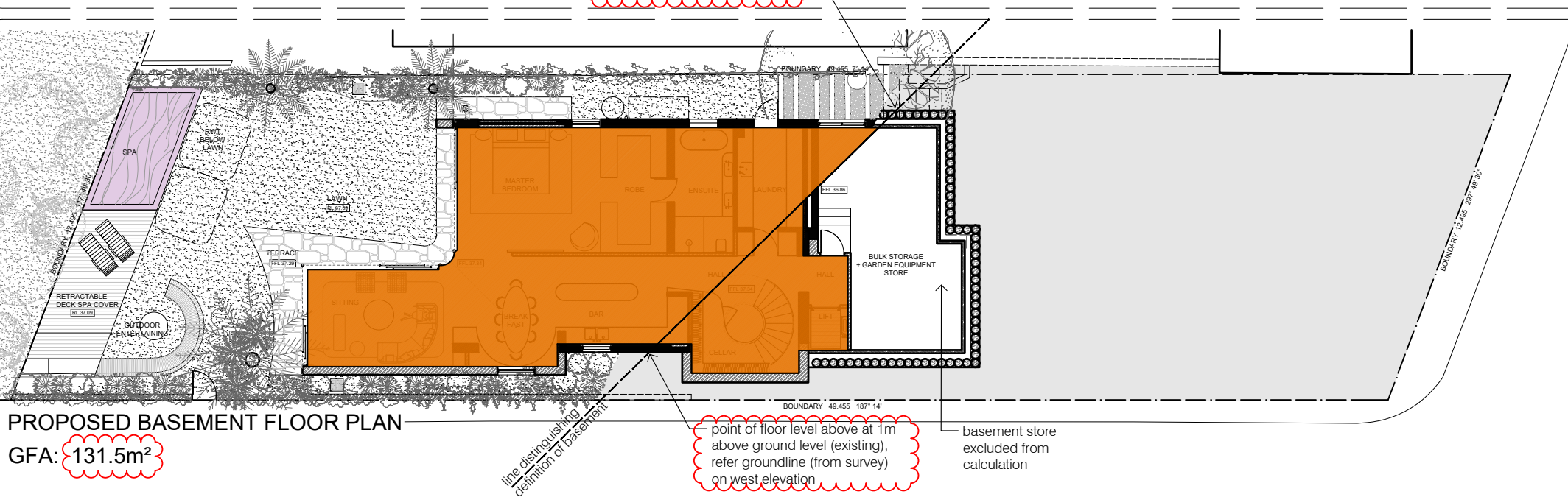
PROPOSED FIRST FLOOR PLAN

GFA: 106.3m²



PROPOSED GROUND FLOOR PLAN

GFA: 135.1m²



PROPOSED BASEMENT FLOOR PLAN

GFA: 131.5m²

SITE AREA: 578.4 m²

EXISTING GFA TOTAL: 300.4m²

EXISTING FSR: 0.52 : 1

PROPOSED GFA TOTAL: 372.9m²

PROPOSED FSR : 0.64 : 1

RECEIVED
Waverley Council

Application No: DA-110/2022

Date Received: 22/09/2022

issue	date	description
----	11.03.22	da issue
A	13.09.22	additional information

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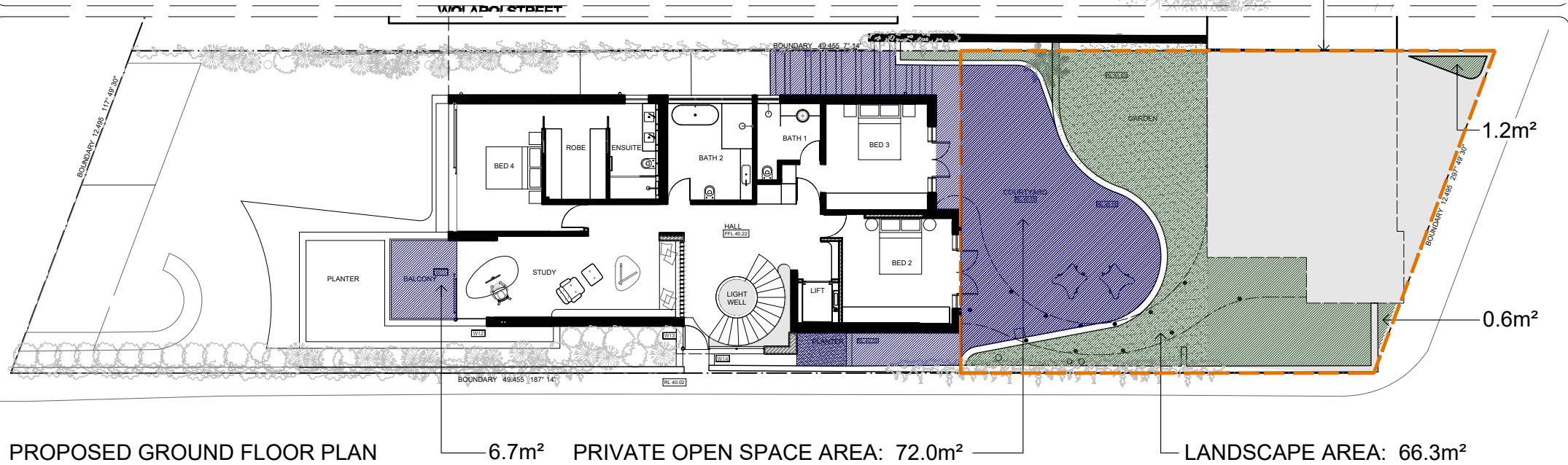
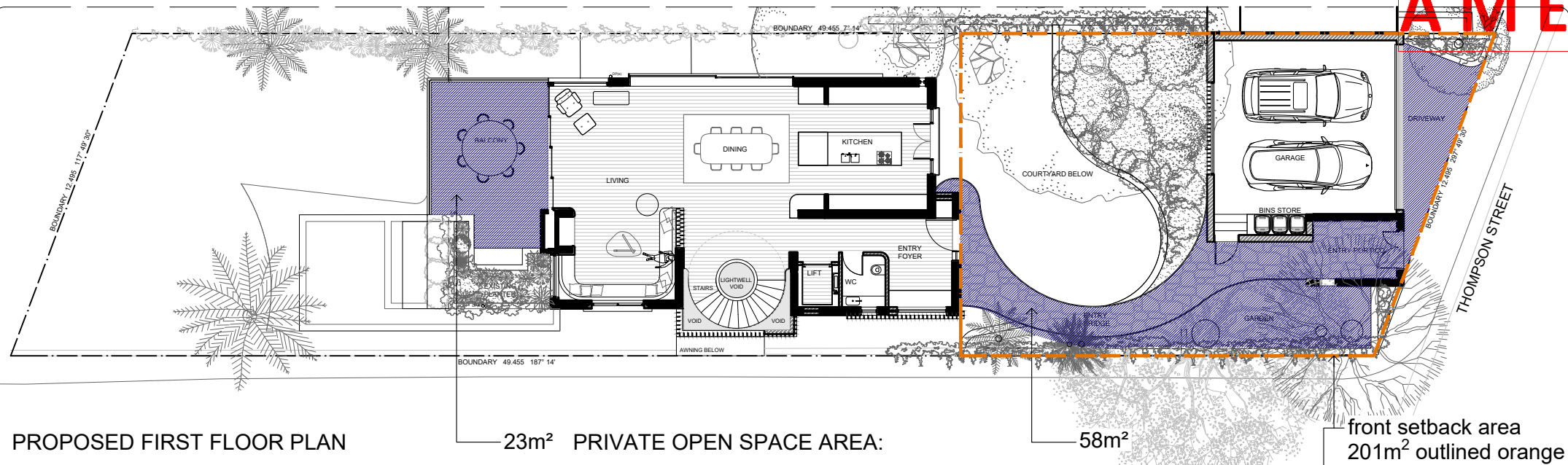
proposed area
calculations
7 thompson street, tamarama
Alterations & additions

DA-12 issue A
scale 1:200 at A3 size
plotdate 9/13/2022 1:12 PM
cadfile proposed area calculations.dwg
2142



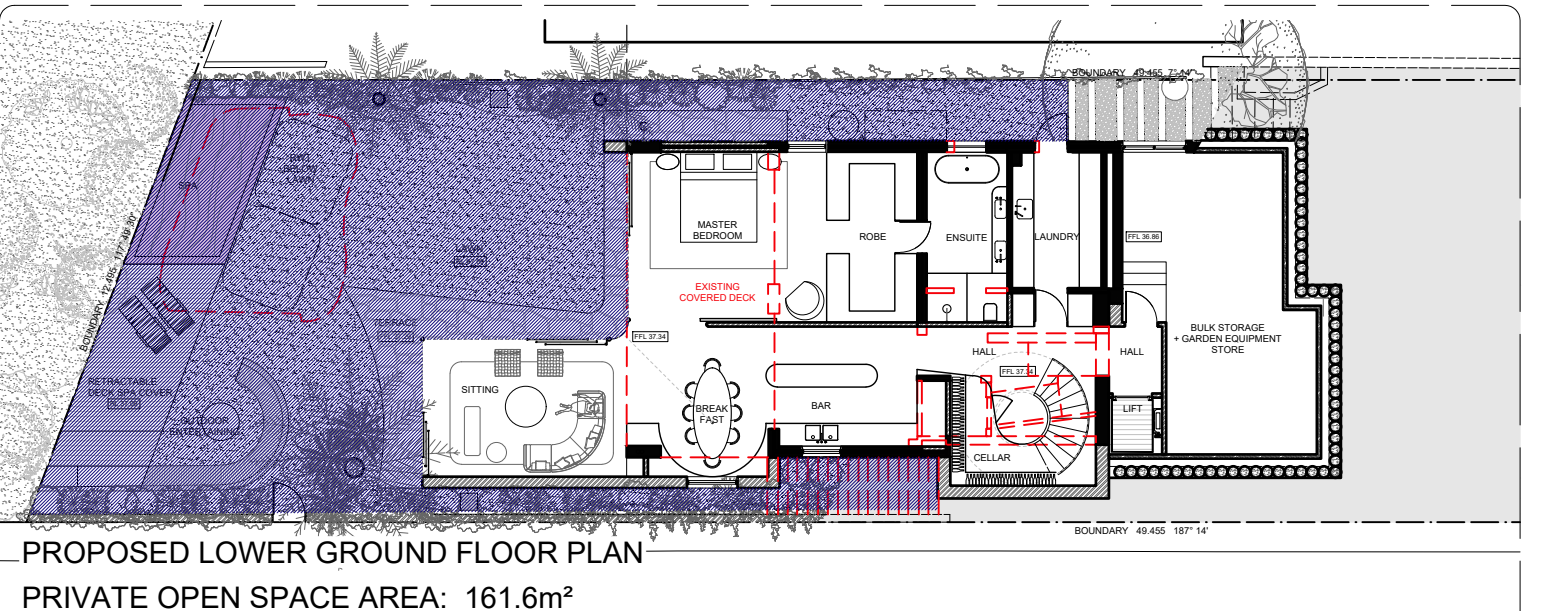
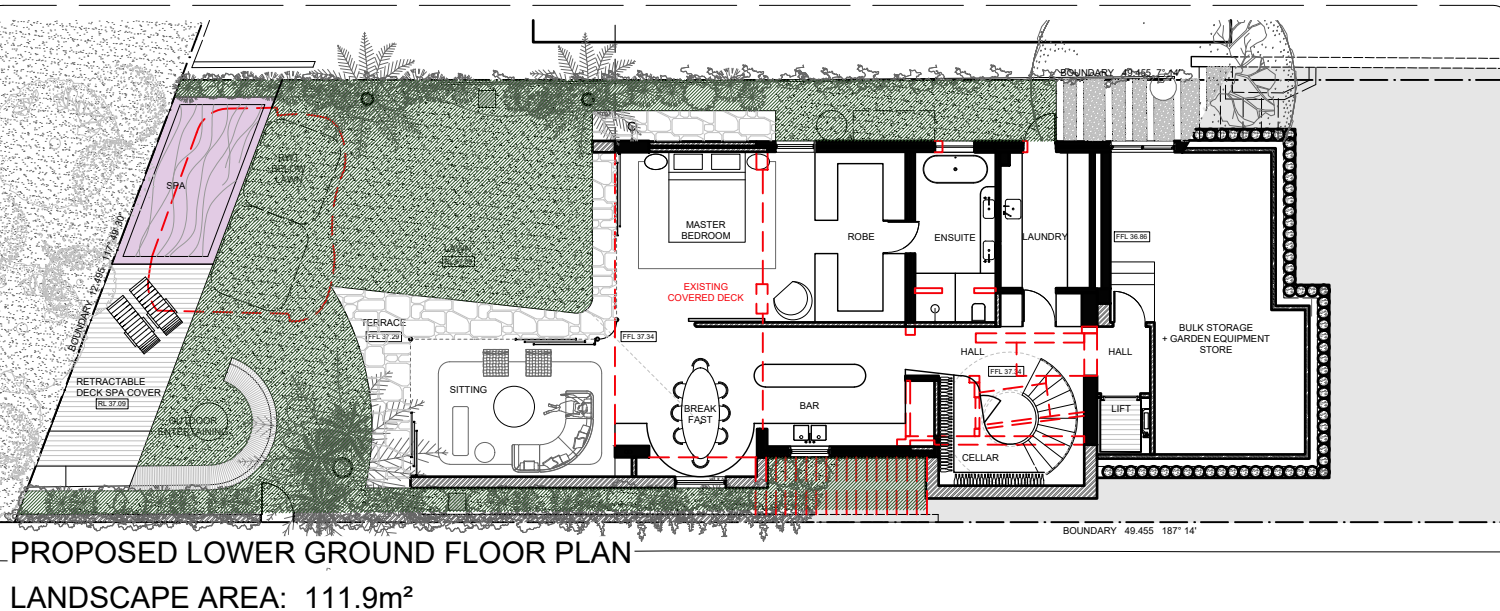
LUIGI ROSSELLI

AMENDED PLANS



LEGEND

	PRIVATE OPEN SPACE [P.O.S.] Private Open Space - Component of open space that is used for private outdoor purposes ancillary to the use of the building.
	Control = 40% of site area = 231.36m²
	PROPOSED P.O.S AREA TOTAL: [55%] 321.3m²
	PROPOSED P.O.S front setback AREA TOTAL: [54%] 109m²
	LANDSCAPE AREA Control = 15% of site area = 86.76m²
	PROPOSED LANDSCAPE AREA TOTAL: [31%] 180m²
	PROPOSED landscape front setback AREA : [33%] 68.1m²



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Waverley Council

Application No: DA-110/2022

Date Received: 22/09/2022

date description
11.03.22 da_issue

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landscape & p.o.s
area calculations
7 thompson street, tamarama
Alterations & additions

DA-13 issue -
scale 1:200 at A3 size
plotdate 9/13/2022 1:12 PM
cadfile proposed landscape & p.o.s area calculations.dwg
2142



AMENDED PLANS

TAMARAMA GULLY

SUBJECT SITE:
7 THOMPSON ST,
LOT 50, DP 10771
THREE STOREY RENDERED
RESIDENCE WITH FLAT
METAL AND DECK ROOF

SITE AREA: 578.4 M²

11 THOMPSON ST
THREE STOREY RENDERED
RESIDENCE WITH FLAT
CONCRETE ROOF

9 THOMPSON ST
THREE STOREY RENDERED
RESIDENCE WITH FLAT
CONCRETE ROOF

TWO STOREY
RENDERED GARAGE /
DWELLING WITH FLAT
CONCRETE ROOF

NEW GARAGE

EXISTING
ENTRY

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Waverley Council

Application No: DA-110/2022

Date Received: 22/09/2022

Additional Shadows

Reduction in shadows

Existing shadows

NOTE:
drawing based on site survey and
where unavailable, estimates from
aerial photos, DCP/LEP maps and
department of land maps

solar diagrams - 21st
june 9am
7 thompson street, tamarama
Alterations & additions

DA-14 issue -

scale 1:200 at A3 size
plotdate 9/13/2022 1:12 PM
cadfile solar diagrams - 21st june
9am.dwg

2142



UIGI ROSSELLI

LUIGI ROSSELLI

WOLAROI STREET

SHADOW ALTITUDE
WINTER SOLSTICE

SHADOW BEARINGS
WINTER SOLSTICE

Diagram illustrating the Sun's position in the sky at 9:00 am. The Sun is shown at an altitude of 19° and an azimuth of 42.00° . The diagram includes a circle representing the horizon and a vertical line representing the meridian. The Sun's position is marked with a dot, and the angle between the horizon and the line to the Sun is labeled 19° . The angle between the meridian and the line to the Sun is labeled 42.00° .

issue	date	description
----	11.03.22	da issue

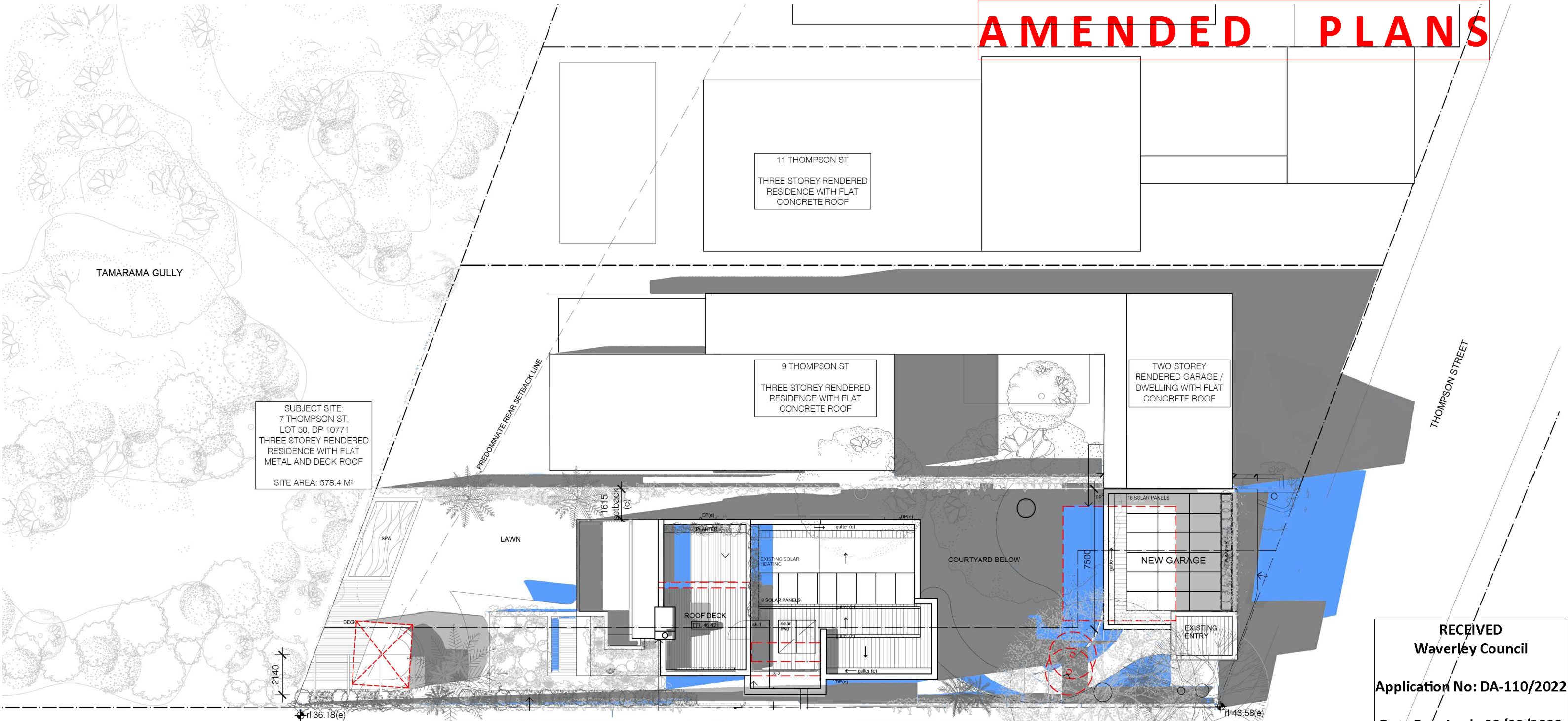
remember The Contractor shall verify all dimensions & levels on the site.
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0 project drawing

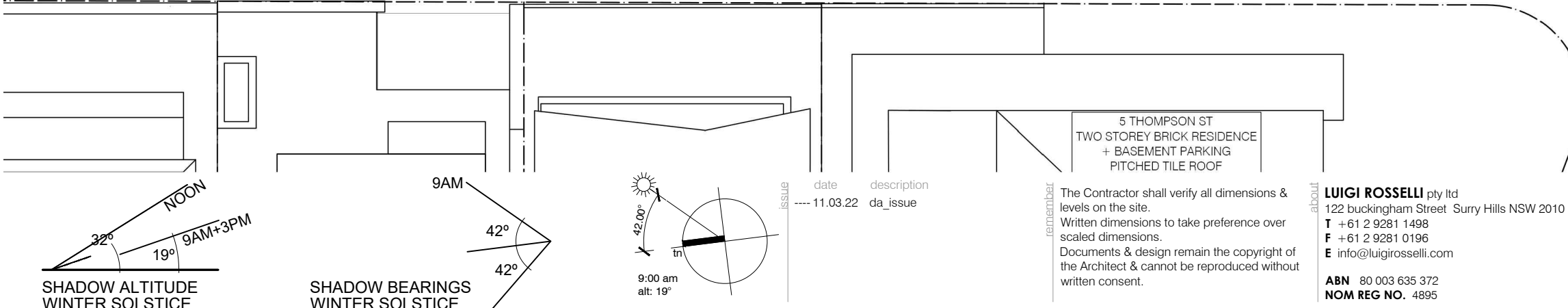
AMENDED PLANS



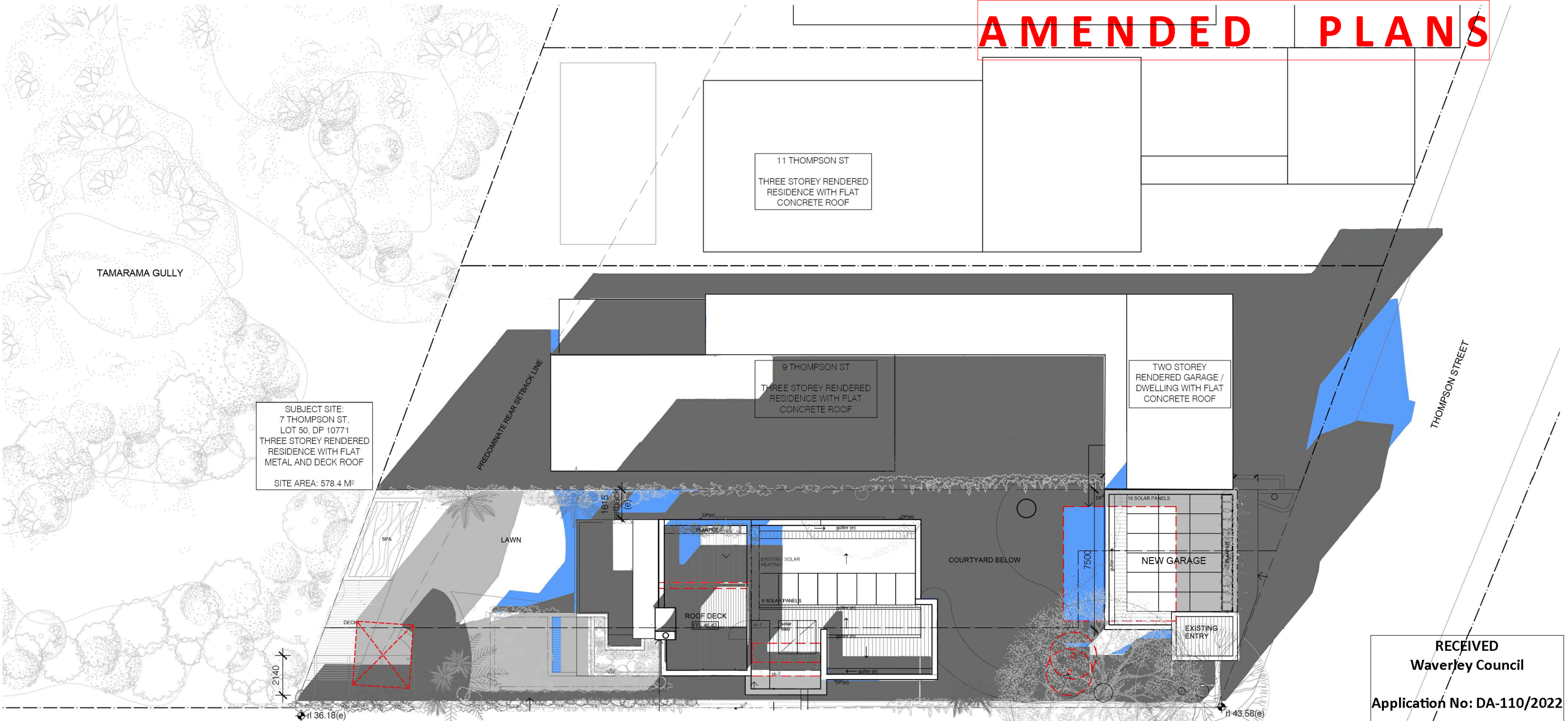
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Application No: DA-110/2022
Date Received: 22/09/2022

- Additional Shadows
- Reduction in shadows
- Existing shadows

NOTE:
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where unavailable, estimates from
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department of land maps



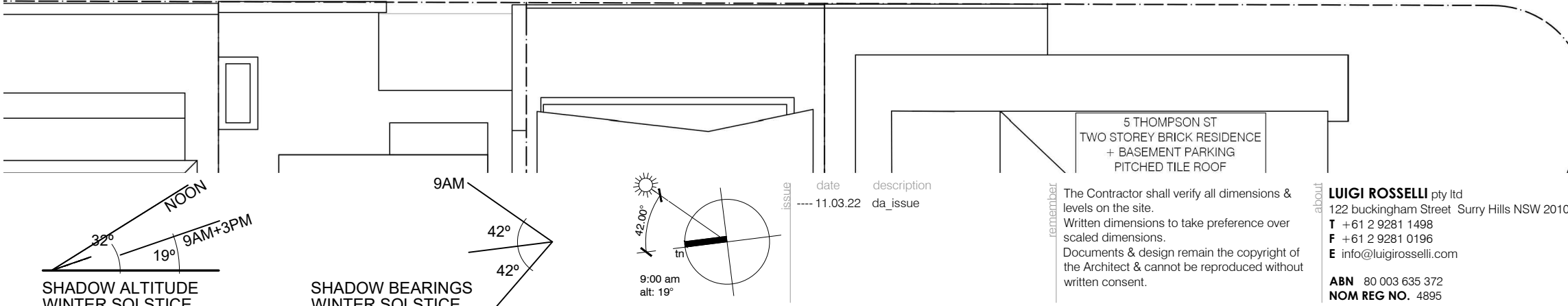
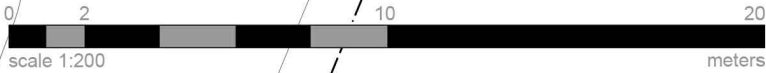
AMENDED PLANS



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Application No: DA-110/2022
Date Received: 22/09/2022

- Additional Shadows
- Reduction in shadows
- Existing shadows

NOTE:
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where unavailable, estimates from
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department of land maps



5 THOMPSON ST
TWO STOREY BRICK RESIDENCE
+ BASEMENT PARKING
PITCHED TILE ROOF

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solar diagrams - 21st
june 3pm
7 thompson street, tamarama
Alterations & additions

DA-16 issue -
scale 1:200 at A3 size
plotdate 9/13/2022 1:12 PM
cadfile solar diagrams - 21st june 3pm.dwg
2142

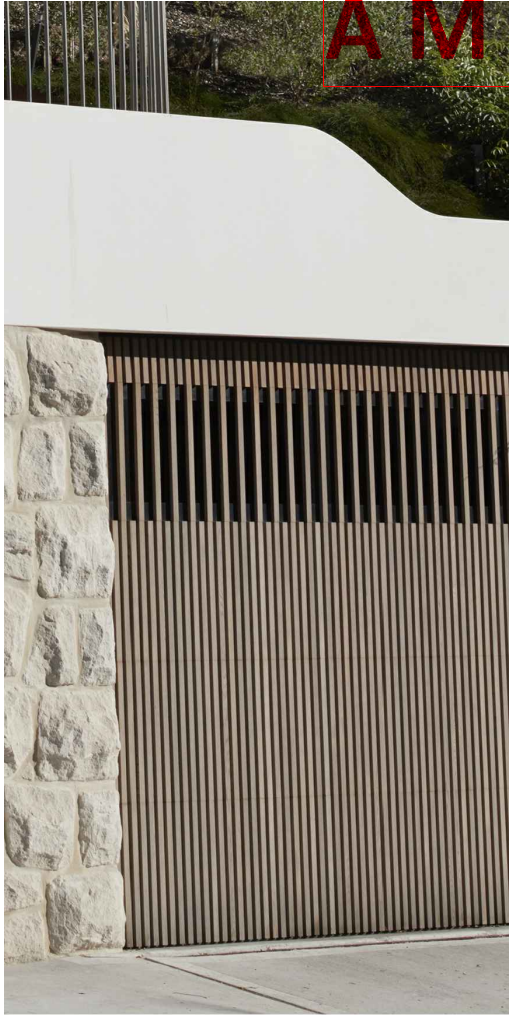




textured render walls & boundary fence [CR]



Brickwork screens [BR]



Timber Garage Door & Gates [TB]



Metal balustrades [MT]



Concrete awning [CONC] to match existing & low height planted roofs



metal frame [MT] glass doors and windows [GL]



metal privacy shutters [MT]

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Application No: DA-110/2022
Date Received: 22/09/2022

issue	date	description
----	11.03.22	da_issue

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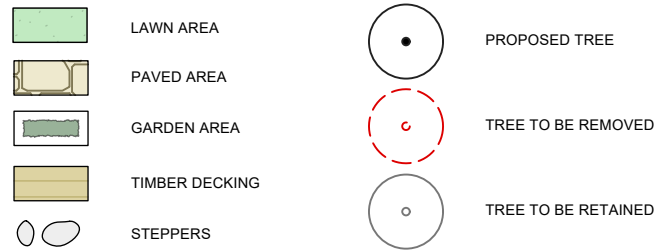
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external finishes
7 thompson street, tamarama
Alterations & additions

DA-17 issue -
scale n/a at A3 size
plotdate 3/22/2022 4:38 PM
cadfile external finishes.dwg
2142



LEGEND



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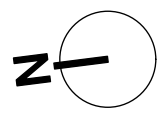
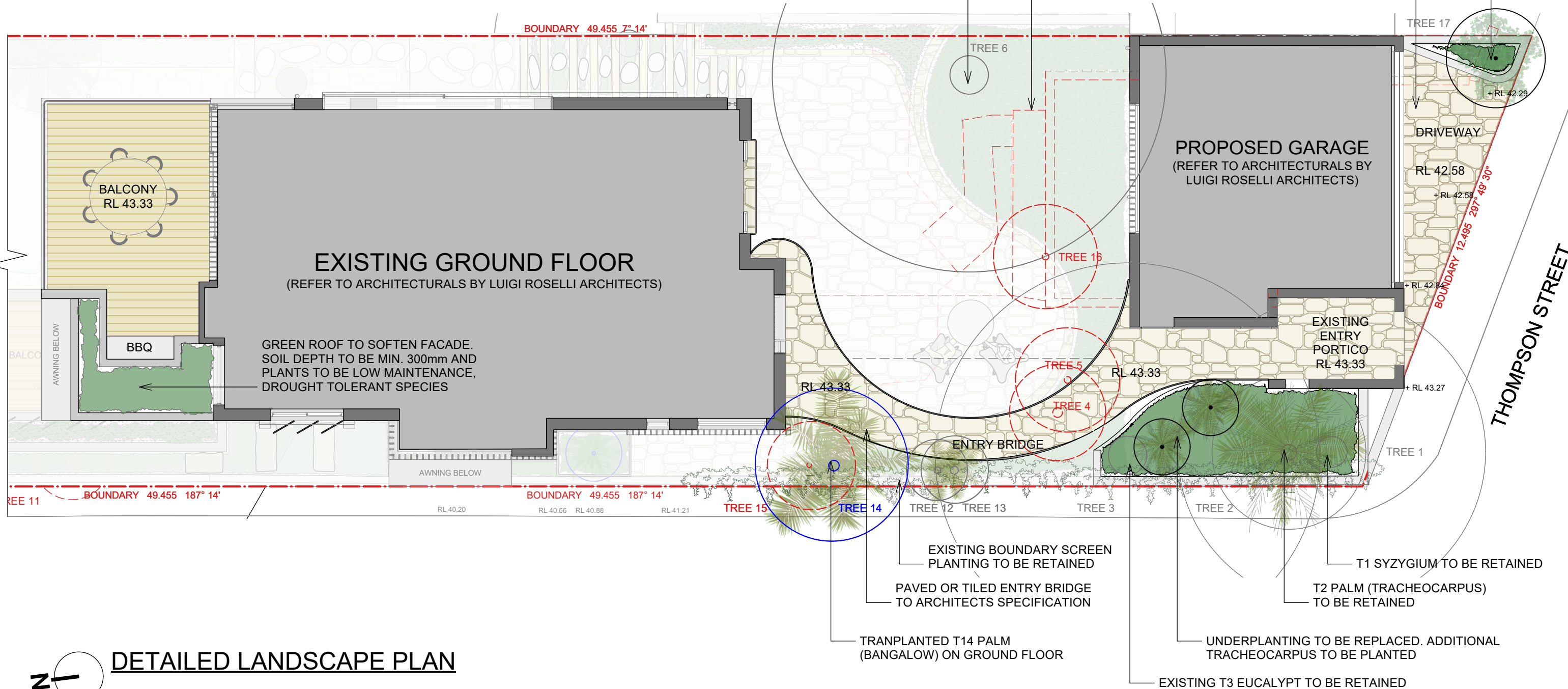
REMOVE EXISTING PLANTING AND REPLACE. EXISTING T7 SYZYGIIUM TO BE TRANSPLANTED OR REPLACED DEPENDANT ON SPECIALIST ARBORIST ADVICE

Application No. DA-110/2022

PAVED DRIVEWAY TO ARCHITECTS SPECIFICATION
Date Received: 25/03/2022

EXISTING WALLS, BRIDGE AND GARAGE TO BE REMOVED (SHOWN DASHED RED)

EXISTING T6 SCHINUS TO BE RETAINED



DETAILED LANDSCAPE PLAN

scale 1:100 @ A3



Bates Landscape
 2/78 Reserve Rd Artarmon
 T: 02 9818 6666
 E: office@bateslandscape.com.au
 W: www.bateslandscape.com.au

We acknowledge the Traditional Custodians of country throughout Australia and their connections to land, sea and community. We pay our respects to their Elders past, present and emerging and extend that respect to all Aboriginal and Torres Strait Islander peoples today.

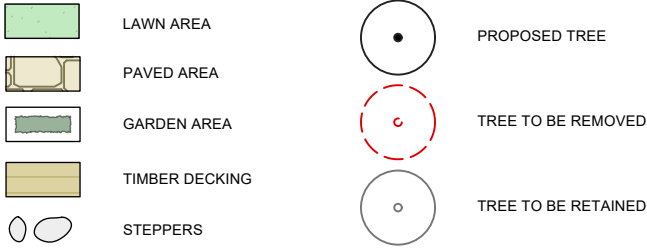
Note: Do not scale from drawings all dimensions in millimeters all RL's in metres verify all dimensions on site contractors responsible for protection of services all works must comply with local government requirements all works to comply with relevant Australian building codes refer to engineers specifications for all structural works

C	22/03/2022	DA Revision
B	23/02/2022	Da Issue
A	21/02/2022	Draft plans for comment
ISSUE	DATE	REVISION

CLIENT Nicola Cottrell
 PROJECT 7 Thompson Street, Tamarama
 DWG First Floor Landscape Plan

PROJECT #	2173
DWG #	L003
SCALE @ A3	1:100
DRAWN	LH
CHKD	MB

LEGEND



RECEIVED
Waverley Council

Application No: DA-110/2022

Date Received: 25/03/2022

ALL MID STOREY AND UNDERSTOREY TO BE REPLANTED. BED TO BE REJUVINATED

EXISTING T6 SCHINUS TO BE RETAINED

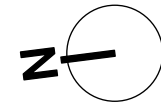
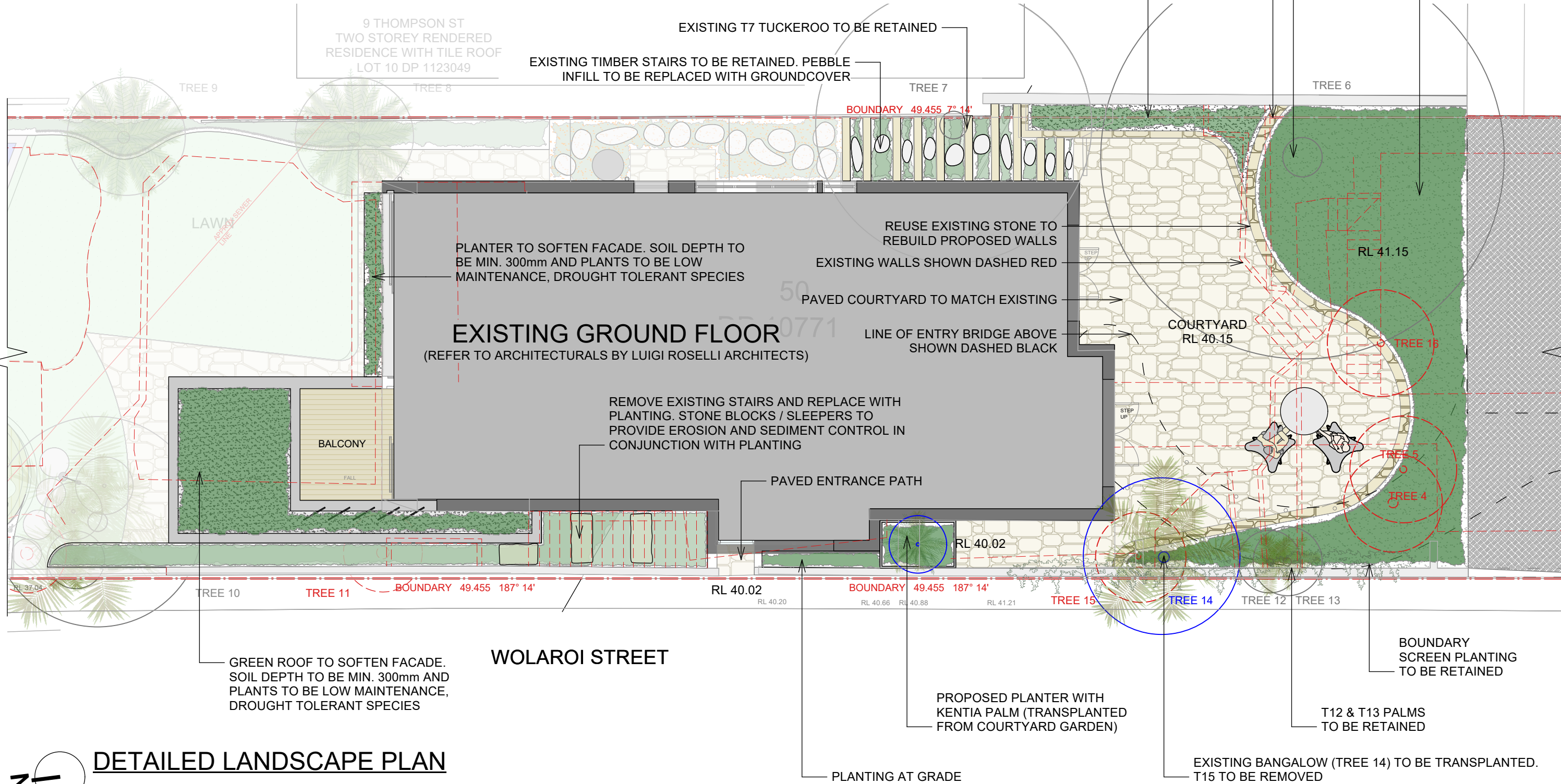
PROPOSED RETAINING WALL TO BE 1000mm

RETAIN EXISTING BAMBOO. RL TO BE AT EXISTING GRADE,
WALL TO BE 450mm ABOVE GRADE TO PROVIDE ADDITIONAL
SEATING IN ACCORDANCE WITH WAVERLEY DCP

EXISTING T7 TUCKEROO TO BE RETAINED

EXISTING TIMBER STAIRS TO BE RETAINED. PEBBLE
INFILL TO BE REPLACED WITH GROUNDCOVER

9 THOMPSON ST
TWO STOREY RENDERED
RESIDENCE WITH TILE ROOF
LOT 10 DP 1123049



DETAILED LANDSCAPE PLAN

scale 1:100 @ A3

WOLAROI STREET



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C	22/03/2022	DA Revision
B	23/02/2022	Da Issue
A	21/02/2022	Draft plans for comment
ISSUE	DATE	REVISION

CLIENT Nicola Cottrell
PROJECT 7 Thompson Street, Tamarama
DWG Ground Floor Landscape Plan

PROJECT # 2173
DWG # L004
SCALE @ A3 1:100
DRAWN LH
CHKD MB

PROPOSED SWIM SPA WITH RETRACTABLE DECK TO COMPLY WITH AS1926.1-2012

EXISTING POOL TO BE DEMOLISHED (SHOWN DASHED RED)

RETAIN EXISTING RAPHIOLEPIS AND T8, T9 WASHINGTONIAS. REPLACE UNDERPLANTING

RETAIN EXISTING T7 TUCKEROO

Application No: DA-110/2022

Date Received: 25/03/2022

RECEIVED
Waverley Council

LEGEND

LAWN AREA

GARDEN AREA

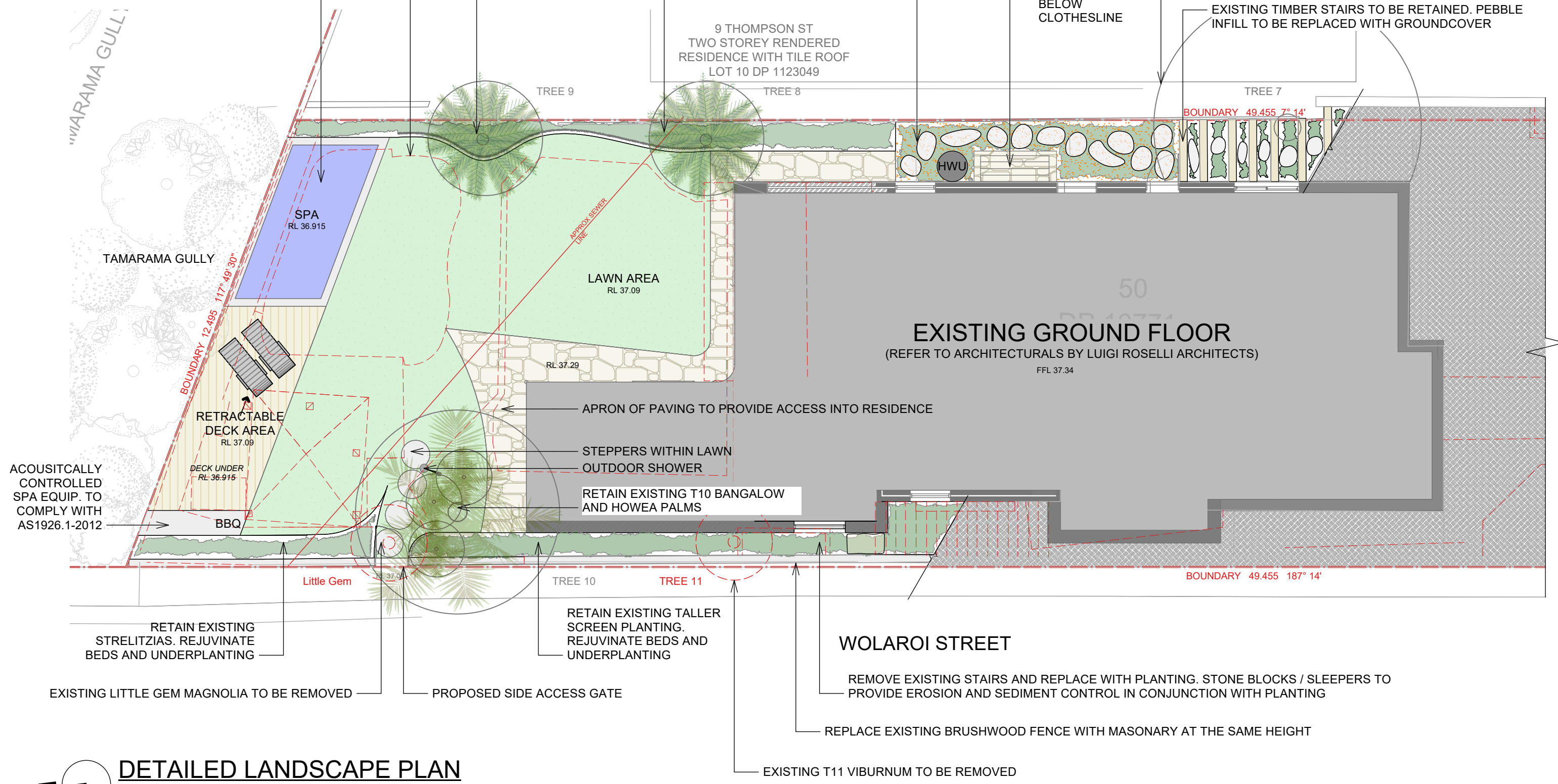
TIMBER DECKING

STEPPERS

PROPOSED TREE

TREE TO BE REMOVED

TREE TO BE RETAINED



DETAILED LANDSCAPE PLAN

scale 1:100 @ A3



Bates Landscape
2/78 Reserve Rd Artarmon
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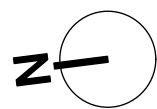
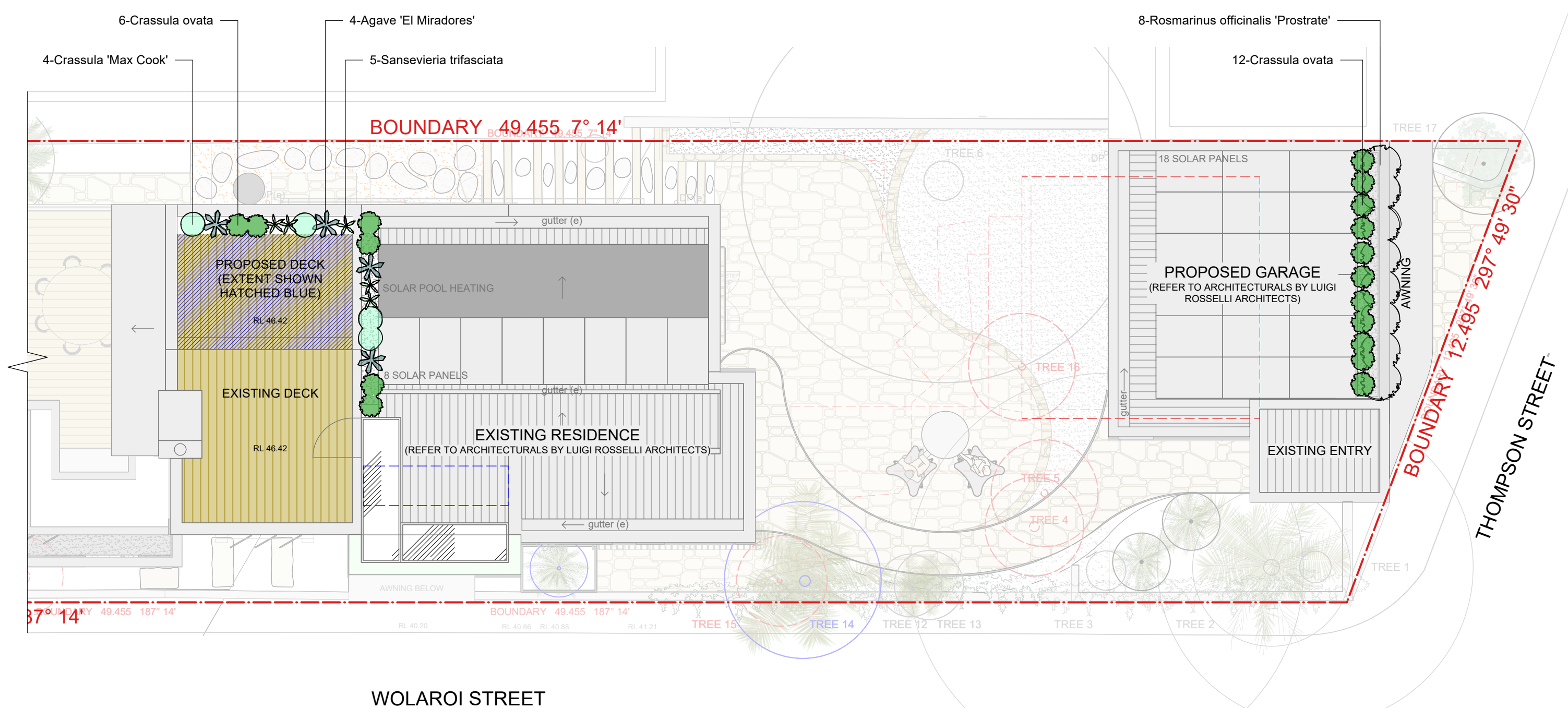
We acknowledge the Traditional Custodians of country throughout Australia and their connections to land, sea and community. We pay our respects to their Elders past, present and emerging and extend that respect to all Aboriginal and Torres Strait Islander peoples today.

Note: Do not scale from drawings all dimensions in millimeters all RL's in metres verify all dimensions on site contractors responsible for protection of services all works must comply with local government requirements all works to comply with relevant Australian building codes refer to engineers specifications for all structural works

C	22/03/2022	DA Revision
B	23/02/2022	Da Issue
A	21/02/2022	Draft plans for comment
ISSUE	DATE	REVISION

CLIENT Nicola Cottrell
PROJECT 7 Thompson Street, Tamarama
DWG Lower Ground Floor Landscape Plan

PROJECT #	2173
DWG #	L005
SCALE @ A3	1:100
DRAWN	LH
CHKD	MB



DETAILED PLANTING PLAN

scale 1:100 @ A3



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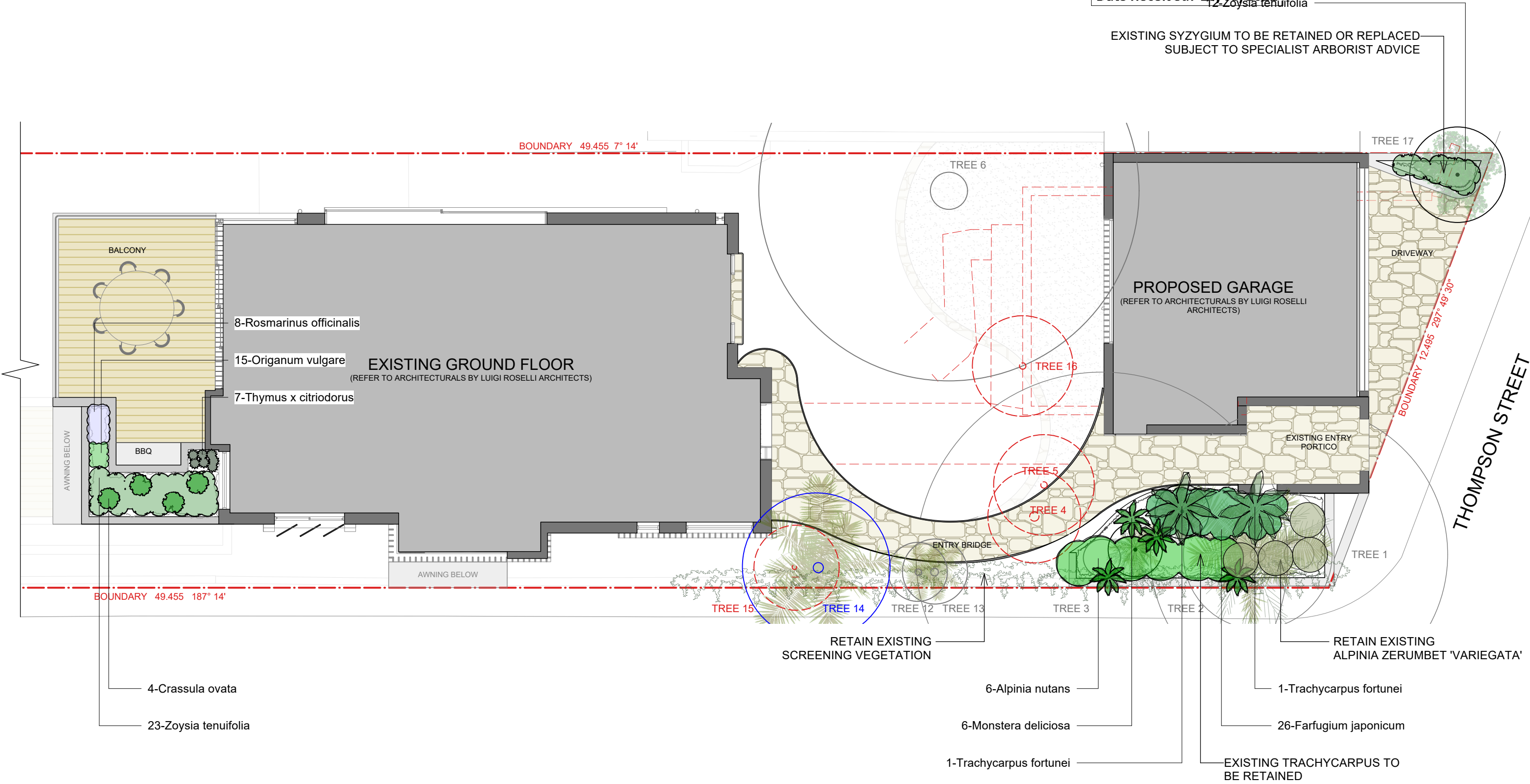
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ISSUE	DATE	REVISION

CLIENT Nicola Cottrell
PROJECT 7 Thompson Street, Tamarama
DWG Roof Planting Plan

PROJECT #	2173
DWG #	L006
SCALE @ A3	1:100
DRAWN	LH
CHKD	MB



z **DETAILED PLANTING PLAN**
scale 1:100 @ A3



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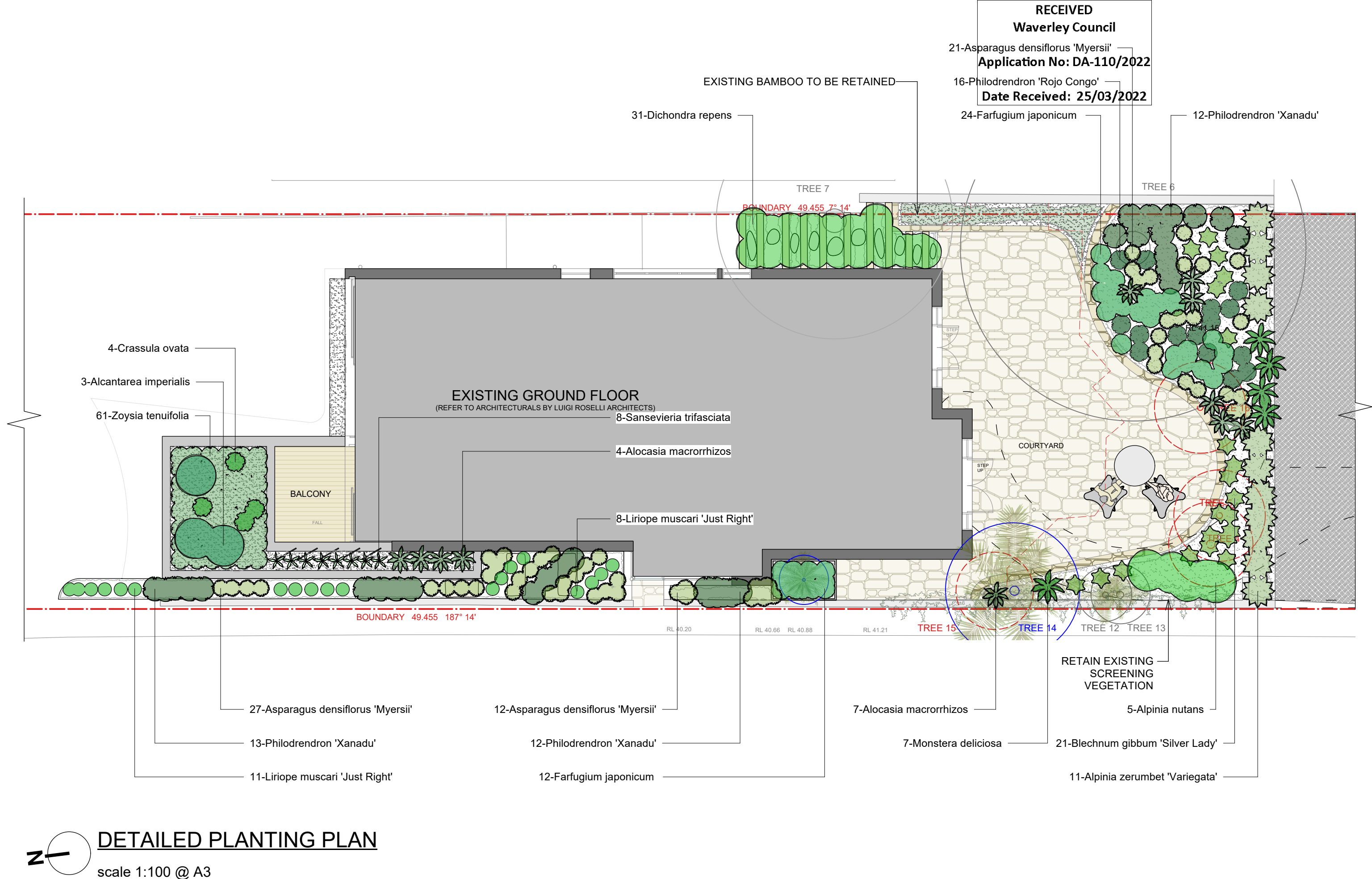
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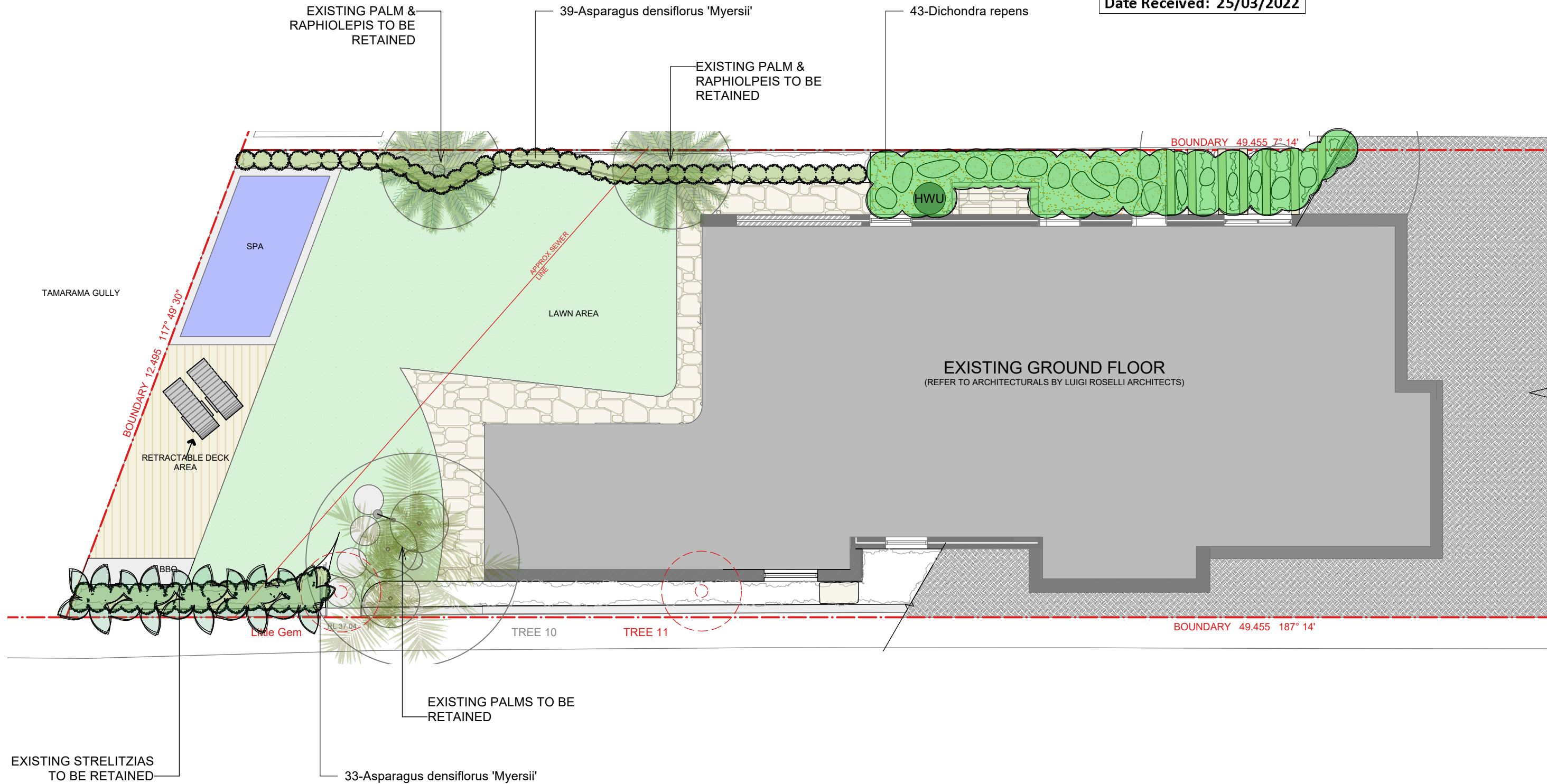
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B	23/02/2022	Da Issue
A	21/02/2022	Draft plans for comment
ISSUE	DATE	REVISION

CLIENT Nicola Cottrell
PROJECT 7 Thompson Street, Tamarama
DWG First Floor Planting Plan

PROJECT # 2173
DWG # L007
SCALE @ A3 1:100
DRAWN LH
CHKD MB





DETAILED PLANTING PLAN

scale 1:100 @ A3



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ISSUE	DATE	REVISION

CLIENT

Nicola Cottrell

PROJECT

7 Thompson Street, Tamarama

DWG

Lower Ground Floor Planting Plan

PROJECT #	2173
DWG #	L009
SCALE @ A3	1:100
DRAWN	LH
CHKD	MB

PLANTING SCHEDULE

Latin Name	Common Name	Quantity	Pot Size	Spread	Height
Agave 'El Miradores'	Agave El Miradores	4	400mm	700	700
Alcantarea imperialis	Imperial Bromeliad	3	400mm	1200	1200
Alocasia macrorrhizos	Giant Elephants Ear	11	300mm	800	1500
Alpinia nutans	False Cardamom	11	300mm	1200	1100
Alpinia zerumbet 'Variegata'	Variegated Shell Ginger	11	300mm	1000	2000
Asparagus densiflorus 'Myersii'	Foxtail Fern	132	200mm	500	300
Blechnum gibbum 'Silver Lady'	Dwarf Tree Fern	21	200mm	600	400
Crassula 'Max Cook'	Crassula	4	300mm	650	650
Crassula ovata	Jade Plant	26	300mm	600	500
Dichondra repens	Kidney Weed	74	140mm	1000	100
Farfugium japonicum	Tractor Seat Plant	62	200mm	600	300
Liriope muscari 'Just Right'	Big Blue Lily Turf	19	200mm	400	400
Monstera deliciosa	Swiss Cheese Plant	13	300mm	1000	800
Origanum vulgare	Pot Marjoram, Oregano	15	140mm	200	200
Philodendron 'Rojo Congo'	Philodendron Rojo Congo	16	300mm	600	600
Philodendron 'Xanadu'	Dwarf Philodendron	37	300mm	750	750
Rosmarinus officinalis	Rosemary	8	200mm	400	300
Rosmarinus officinalis 'Prostrate'	Prostrate Rosemary	8	200mm	1000	200
Sansevieria trifasciata	Mother in Law Tongue	13	300mm	500	1000
Thymus x citriodorus	Lemon Thyme	7	200mm	300	200
Trachycarpus fortunei	Chinese Windmill	1	Advanced	2000	1000
Trachycarpus fortunei	Chinese Windmill - Larger Specimen	1	Advanced	2000	2200
Zoysia tenuifolia	No-Mow Grass	96	140mm	600	1000

1 X CUPANIOPSIS ANARCARDIODES AS REQUIRED - DEPENDANT ON SPECIALIST TREE
TRANSPLANTING ARBORIST ADVICE WHETHER EXISTING CAN BE RETAINED AND TRANSPLANTED





Report to the Waverley Local Planning Panel

Application number	DA-160/2022
Site address	422 Bronte Road BRONTE
Proposal	Alterations and additions to existing dwelling including additional level to the rear
Date of lodgement	22/04/2022
Owner	Mr M J and Mrs C A Hufton
Applicant	Christopher Jordan Architecture and Design
Submissions	One objection
Cost of works	\$200 000
Principal Issues	<ul style="list-style-type: none"> • Height • Side setback • Overshadowing
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 an existing dwelling including an additional level to the rear at 422 Bronte Road, Bronte.

The main issues in the assessment of the application are the non-compliance with the height of buildings development standard in the LEP and external wall height in the DCP, side building setback. These matters have been considered and are acceptable on merit, given that the development achieves the objectives of the development standard and the controls and will have no unreasonable impacts upon surrounding properties and the streetscape.

One submission was 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. The matter is referred to the Local Planning Panel for determination, having regard to the non compliance with respect to building height (>10% variation).

1.2. Site and Surrounding Locality

A site visit was carried out on 11/08/2022.

The site is identified as Lot 1 in DP 815026, known as 422 Bronte Road, Bronte. The site is irregular in shape with a street frontage measuring 8.1m. The site has an area of 366.1m² and falls from the south (i.e. street frontage) towards the north (i.e. rear boundary of site) by approximately 5.56m.

The site is occupied by a part two, part three storey dwelling house with vehicular access and garage from Bronte Road. The subject site is adjoined a three-storey dwelling house to the east at 424 Bronte Road and a part two and part three-storey dwelling house to the west at 420 Bronte Road. The site also adjoins 13 and 15 Murray Street to the north, which contain semi-detached dwellings.

The locality is characterised by a mix of low and medium density residential development including dwelling houses, semi-detached dwellings and residential flat buildings.

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



Figure 1: Site viewed from Bronte Road



Figure 2: View from rear first floor balcony toward adjoining western property



Figure 3: Rear elevation of dwelling



Figure 4: Adjoining property to the west as viewed from the rear yard

1.3. Relevant Development History

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

- DA-502/2014 for an attic addition to rear of the dwelling, re-cladding of the existing garage, increased height of the front fence and new front gate was approved on 25/02/2015.

1.4. Proposal

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

- Construction of an upper floor addition at the rear of the property to provide an additional bedroom, bathroom and rear balcony.
- Internal alterations to provide stairs to an existing storage area in the front roof (currently accessed via a pull-down ladder).

1.5. Background

The development application was lodged on 22/04/2022 and further information was requested on 05/05/2022 (Stop the Clock):

1. *The shadow diagrams are insufficient to demonstrate the impact of additional overshadowing as a result of the variation to the height development standard. Elevational shadow diagrams, hour by hour on the winter solstice, are required that clearly demonstrate the impacts of the height variation to the development standard. The shadow diagrams are to clearly delineate the different in impact between a compliant height and the height variation.*
2. *Further to the above, the written request to vary the height development standard is not sufficient as it does not demonstrate how the proposal will preserve the amenity of the surrounding locality.*
3. *Gross floor area (GFA) diagrams and subsequently the FSR calculation are incorrect as follows:*
 - *The stairs on each level are included in the calculations except at the topmost level (ie, the void).*
 - *Any part of the storage room at the upper floor level above a height of 1.4m is also included (only storage areas within a basement are excluded from GFA calculations).*

Further information was provided by the Applicant on 23/05/2022.

After preliminary assessment the application was deferred on 08/09/2022 for the following reason:

1. **Height:** *The proposal exceeds the building height development standard and results in the overshadowing of windows on the adjoining property, 420 Bronte Road. As such, the proposal does not preserve the environmental amenity of the adjoining site and is therefore inconsistent with the objectives of the height development standard contained in the Waverley Local Environmental Plan 2012. The height of the proposal is required to comply with the development standard or otherwise by amended to demonstrate that compliance with the objectives is achieved. Consideration of roof profile, height or setbacks is required to limit overshadowing to ensure that windows are not impacted.*

The written objection to the height development standard must also be updated accordingly to address the amendments.

Amended plans and documentation were provided to Council on 29/09/2022 and form the subject of the assessment within this report. The amended plans removed the dormer on the western side of the roof and lowered the main ridge height of the addition by 160mm and 370mm by providing a stepped roof.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

The following SEPPs apply from 1 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. Draft Waverley Local Environmental Plan 2022 (Draft Waverley LEP 2022)

The Draft Waverley Local Environmental Plan 2022 was exhibited from 12 November 2021 to 23 January 2022, however at the time of this assessment, there are no relevant matters for consideration.

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

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the LEP.
Part 2 Permitted or prohibited development		
Land Use Table <ul style="list-style-type: none">• R2 Low Density Residential Zone	Yes	The land use is defined as dwelling house, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none">• 8.5m	No	The proposal has a maximum height of 9.84m exceeding the development standard by 1.34m or 15.8%.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none">• 0.70:1	Yes	The proposal has an FSR of 0.66:1.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of building and FSR

Provision	Compliance	Comment
		development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	<p>The site does not contain a heritage item and is not located within a heritage conservation area. However, it adjoins a heritage item of local significance, known as 'Late Victorian villas' at 424 Bronte Road (to the east of the site).</p> <p>The proposed works are principally sited to the rear of the dwelling house, which will not be visible from the street. Therefore, the proposal will not affect the setting or significance of the adjoining heritage item at 424 Bronte Road when viewed from the street.</p>
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site is partially within Zone 5 on the Acid Sulfate Soils map. The proposal is for an upper floor addition with no excavation works proposed so is unlikely to encounter 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 height of buildings development standard in clause 4.3 under Waverley LEP 2012.

The site is subject to a maximum height development standard of 8.5m. The proposed development has a height of 9.84m, exceeding the standard by 1.34m equating to a 15.8% variation.

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

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) *The proposal is consistent with the previous approval DA-502/2014, in which the same height variation was approved under the provisions of WLEP 2012.*
 - (ii) *The height variation is justified on the basis of the bulk, and scale will be imperceptible from the public domain.*
 - (iii) *The height, bulk and scale of the additions have been minimised through the provision of the additional floor space within an attic form which is provided in a recessed manner when compared with the two storeys below.*
 - (iv) *The dwelling's height, bulk, and scale remain subservient or consistent with that on adjoining dwellings while each property on either side is also of 3 storeys.*
 - (v) *The north-south orientation of the addition ensures that solar access is maintained to both properties on either side, while the north-south orientation of openings ensures that there are no adverse visual privacy impacts associated with the additional height.*
 - (vi) *There are no views affected by the height variation.*
 - (vii) *The pitched roof nature with dormers minimises the visual effect of the additional height, whilst the limited vantage points to perceive the additional height also contributes to the justification.*
 - (viii) *The provision of the additions are well within a compliant FSR in a sympathetic manner for the reasons outlined above, and it is considered to be a more efficient and sustainable use of the subject site and is, therefore, a better planning outcome.*
 - (ix) *The proposed height satisfies the objectives of the height standard as it maintains a compatible height, bulk and scale, which is consistent with the existing character of the locality and positively contributes to the amenity of the existing dwelling in a modest form.*
 - (x) *The R2 zoning allows for residential dwellings, and the proposed alterations and additions maintain the nature of this use. The discreet nature of the additions at the rear maintains the low-density presentation of the dwelling and maintains the amenity of surrounding properties.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) *The proposed height is not responsible for any adverse external impacts in regard to overshadowing, privacy, view loss or visual bulk impacts.*
 - (ii) *The proposal is consistent with the previous approval and does not exceed the approved building height variation.*

- (iii) *Internally, the proposed addition is also north-facing, which is optimal whilst it also has opportunities for cross ventilation.*
- (iv) *The above factors demonstrate that numerous internal and external factors confirm that there are sufficient environmental grounds to permit the height variation.*

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

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

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

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

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

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

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. The applicant has provided sound justification establishing that the proposal is consistent with the objectives of the height development standard.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. The environmental planning grounds used to justify the breach are well-considered and sound.

Is the development in the public interest?

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

The objectives of the height development standard are as follows:

- (a) to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views,*
- (b) to increase development capacity within the Bondi Junction Centre to accommodate future retail and commercial floor space growth,*
- (c) to accommodate taller buildings on land in Zone B3 Commercial Core of the Bondi Junction Centre and provide an appropriate transition in building heights surrounding that land,*
- (d) to ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality and positively complement and contribute to the physical definition of the street network and public space.*

Objectives (b) and (c) are not relevant to the subject site.

The proposed addition effectively increases the overall building height of the dwelling house by 190mm. In quantitative terms, the increase in the overall building height of the dwelling house as result of the proposed attic addition is nominal. However, the environmental impacts of the variation are to be considered.

The proposed addition is sited to the rear of the dwelling house and is set back approximately 21m from the street frontage of the site. At this setback point, the ground level of the site is approximately 3m lower than that of the street frontage of the site. Therefore, the majority of the proposed addition will not be visible from the street and will not alter the perceived building height, bulk and scale of the dwelling house in the streetscape.

Although the proposed addition technically increases the number of storeys of the rear of the dwelling from two to three storeys, it will not be out of keeping with the bulk and scale of development in the area, given that the adjoining houses to the east and west also present as three storeys from the rear.

In addition, the additional floor space will maintain compliance with the floor space ratio development standard prescribed by clause 4.4A of Waverley LEP 2012 and the rear building setback complies with

the DCP control. An assessment of the rear building setback of the proposed attic addition is set out later in the report.

The variation to the height of buildings development standard is not expected to cause adverse environmental impact on adjoining properties in terms of overshadowing, view loss and visual impact. These considerations are assessed in detailed later in the report.

The proposal is therefore considered consistent with objectives (a) and (d) of the height development standard.

The objectives of the R2 zone are as follows:

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

The proposal will maintain the land use as a dwelling. There is no change to the parking on site however the site already contains two parking spaces. Parking consistent with the maximum provisions of the DCP encourages walking, cycling and patronage of public transport. In this regard, the proposal is consistent with the relevant objectives of the zone.

Conclusion

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

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory
2. Ecologically Sustainable Development	Yes	Satisfactory
3. Landscaping and Biodiversity	N/A	No change
6. Stormwater	Yes	Satisfactory

Development Control	Compliance	Comment
9. Heritage	Yes	Satisfactory
10. Safety	Yes	Satisfactory
12. Design Excellence	Yes	Satisfactory

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

Development Control	Compliance	Comment
2.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
2.1 Height		
Pitched roof dwelling house <ul style="list-style-type: none"> Maximum external wall height of 7m 	No	Refer to detailed discussion below this table.
2.2 Setbacks		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	Yes	No changes to the front building setback of the dwelling house. The proposed addition is primarily set back behind the predominant rear building line established by the outer face of the rear balcony of the adjoining dwelling to the west of the site at 420 Bronte Road at the third storey level. The north-eastern corner of the attic addition will slightly encroach beyond the rear building line, however the encroachment has no discernible consequence on the building bulk and scale and overshadowing impacts.
2.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 1.5m 	No	The proposed attic addition will be set back a minimum of 2m from the western boundary and 1.2m from the eastern boundary. Refer to detailed discussion below this table.
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context Replacement windows to complement the style and proportions of existing dwelling Significant landscaping to be maintained. 	Yes	The proposed addition will have no discernible streetscape impact being located at the rear of the property.
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> Habitable windows are not to directly face habitable windows or 	Yes	The proposed addition provides two new windows on the eastern side elevation. These windows are to the bedroom which is a passive use that is not

Development Control	Compliance	Comment
<p>open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design</p> <ul style="list-style-type: none"> Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> 		<p>expected to facilitate sustained overlooking of the adjoining property. No window openings are proposed on the western elevation of the proposed addition.</p> <p>The rear balcony accessed from the bedroom of the proposed addition has an overall area of 4.65m² and is 1.2m deep, which complies with the maximum size controls for balconies. The balcony also provides privacy screening on both side boundaries to inhibit overlooking into adjoining properties. Additionally, it is accessed from a bedroom which is a passive use with lesser privacy impacts.</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	Refer to detailed discussion following this table.
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. 	Yes	The proposal is not expected to adversely affect public and private views available across the site.
2.11 Dormer windows		
<ul style="list-style-type: none"> If < 2.5m from gutter to ridge, flush to the roof and maximum of one per single fronted dwelling or one pair on a double fronted dwelling 	N/A	The proposed addition incorporates a projecting pitched roof form on the eastern roof slope. This does not provide a window and as such is not a dormer window.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Minimum 0.3m below main roof ridge 		

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

Wall height

The proposed attic addition will increase the overall wall height of the dwelling house to 8.5m, which exceeds the maximum wall height control of 7m for pitched roof dwelling houses. The current overall wall height of the dwelling house is 7.7m.

The increase in wall height will not be visible from the street, and therefore will not accentuate the perceived building bulk and scale of the dwelling house in the streetscape. While the proposed addition requires a minimum side setback control of 1.5m (as it results in a three-storey building), the attic addition is set back behind the predominant rear building line and is not expected to have any major consequence on the cumulative extent of overshadowing of adjoining properties to the east and west of the site, nor any impact on views. Therefore, the variation to the wall height is considered acceptable on merit in this case.

Side Setback

The proposed attic addition will be set back a minimum of 1.2m from the eastern boundary of the site, which is less than the minimum side setback of 1.5m required for development with a height up to 12.5m. The proposed addition effectively maintains the side setbacks of the dwelling house between ground and first floor levels. The proposal will therefore not extend outside of the current building footprint of the dwelling house. The non-compliance will not have any discernible effect on the extent of overshadowing of adjoining properties given the north-south orientation of the site and that the proposed attic addition is predominately set back behind the predominant rear building line at third storey level. Setting the proposed addition in to comply with the minimum side setback control would not have any major consequence on minimising overshadowing and building bulk and scale of the addition as viewed from the rear yard of the adjoining properties either side at 420 Bronte Road or 424 Bronte Road. Enforcing the side setback control in this case is considered unnecessary and the variation to the control is acceptable on merit.

Overshadowing

The shadow diagrams submitted with the application show nominal increases in overshadowing of the adjoining properties to the east and west of the site caused by the proposed addition during the winter solstice. The proposal will not affect sunlight received in each rear yard of these adjoining properties given the north-south orientation of the site and that the proposal is set back behind the predominant rear building line. The non-compliance with the height of building development standard is not expected

to have any consequence on sunlight received to north-facing windows located to living areas of the adjoining dwellings to the east and west of the site.

The proposal has been amended since it was first submitted to redesign the proposed addition to ensure no additional overshadowing of windows on the adjoining properties during the winter solstice. The shadow diagrams indicate that during the morning hours, the proposed addition will result in additional overshadowing to the side elevation of the adjoining western property with no additional impact falling over windows. During the afternoon hours the proposed addition will result in additional overshadowing of the pool, side yard and western elevation of the adjoining property to the east (refer to **Figures 5 and 6** below). Again, no windows will experience additional overshadowing as a result of the proposed addition. Given that swimming pools are not highly utilised in mid-winter and that there is sufficient open space elsewhere on the site with optimal northerly orientation which receives sufficient solar access that will be unaffected by the proposed development, the overshadowing impacts are still considered to preserve the amenity of the adjoining property.



Figure 5: Rear elevation of the adjoining property to the west (Source of photograph: Realestate.com.au)



Figure 6: Pool area of adjoining property to the east that will be overshadowed by the proposed addition (Source of photograph: Realestate.com.au)

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*.

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

- The removal of the western dormer and lowering of the roof height results in reduced overshadowing of adjoining properties.

A total of one unique submission was received from 424 Bronte Road which adjoins the site to the east.

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

- height and bulk
- overshadowing
- privacy
- side setback
- impact upon the heritage significance of the item at 424 Bronte Road.

2.5. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Stormwater

Conditions were provided which are included in Appendix A.

4. CONCLUSION

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

Development and Building Unit (DBU) Decision:



The application was reviewed by the DBU at the meeting on 16/08/2022 and the DBU determined:

- (a) The application should be deferred and amendments required as follows:
 - Amend application to address impacts upon shadowing of windows at No. 420 Bronte Road. The overshadowing associated with the pool in mid-winter at No. 418 Bronte Road is not a sufficient reason for refusal.

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

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Kylie Lucas	Angela Rossi
Senior Development Assessment Planner	Manager, Development Assessment (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 18/10/2022	Date: 20/10/2022

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 Christopher Jordan Architecture and Design of Project No: HUF576 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
01 Rev. C	SITE ANALYSIS/STORMWATER CONCEPT PLAN	12/09/2022	29/09/2022
02 Rev. C	ROOF PLAN	12/09/2022	29/09/2022
03 Rev. B	GROUND FLOOR PLAN	19/05/2022	29/09/2022
04 Rev. B	FIRST FLOOR PLAN	19/05/2022	29/09/2022
05 Rev. C	ATTIC PLAN	12/09/2022	29/09/2022
06 Rev. C	ELEVATIONS NORTH & SOUTH	12/09/2022	29/09/2022
07 Rev. C	ELEVATIONS EAST	12/09/2022	29/09/2022
08 Rev. C	ELEVATIONS WEST	12/09/2022	29/09/2022
09 Rev. C	SECTIONS	12/09/2022	29/09/2022

- (b) BASIX Certificate

- (c) Schedule of external finishes and colours received by Council on 22/04/2022

- (d) The Site Waste Management Plan (SWRMP) received by Council on 22/04/2022.

Except where amended by the following conditions of consent.

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

GENERAL REQUIREMENTS

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

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

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

3. HOME BUILDING ACT

The builder or person who does the residential building work shall comply with the applicable requirements of Part 6 of the *Home and Building Act 1989*. In this regard a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy the Principal Certifying Authority that they have complied with the 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) or guarantee for the amount of \$7050 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.

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 0.35% of building work costing \$25,000 or more.

CONSTRUCTION MATTERS

7. HOARDING

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

8. 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.

9. 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.

10. ENGINEERING DETAILS

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

11. ENGINEERING CERTIFICATE OF ADEQUACY

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

STORMWATER & FLOODING

12. STORMWATER MANAGEMENT

The stormwater plans prepared by Christopher Jordan Architecture & Design, Project No. HUF576, Drawing No. 01, Revision A, dated 12.04.2022 has been checked and considered satisfactory with respect to Council's stormwater requirements.

To ensure the management of stormwater runoff from the development is undertaken without impact to the subject site, neighbouring properties or receiving drainage system, stormwater runoff from the development shall be collected and piped by gravity flow in accordance with Councils Stormwater Management Technical Manual.

Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual.

Notes:

- 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

13. BASIX

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

WASTE

14. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

15. CONSTRUCTION SIGNS

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

DEMOLITION & EXCAVATION

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.

16. 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.

17. 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

18. CONSTRUCTION HOURS

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

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

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

20. CONSTRUCTION INSPECTIONS

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

21. CERTIFICATE OF SURVEY - LEVELS

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

22. WORK OUTSIDE PROPERTY BOUNDARY

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

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.

23. 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.

24. CERTIFICATION OF BASIX COMMITMENTS

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

25. 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.

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

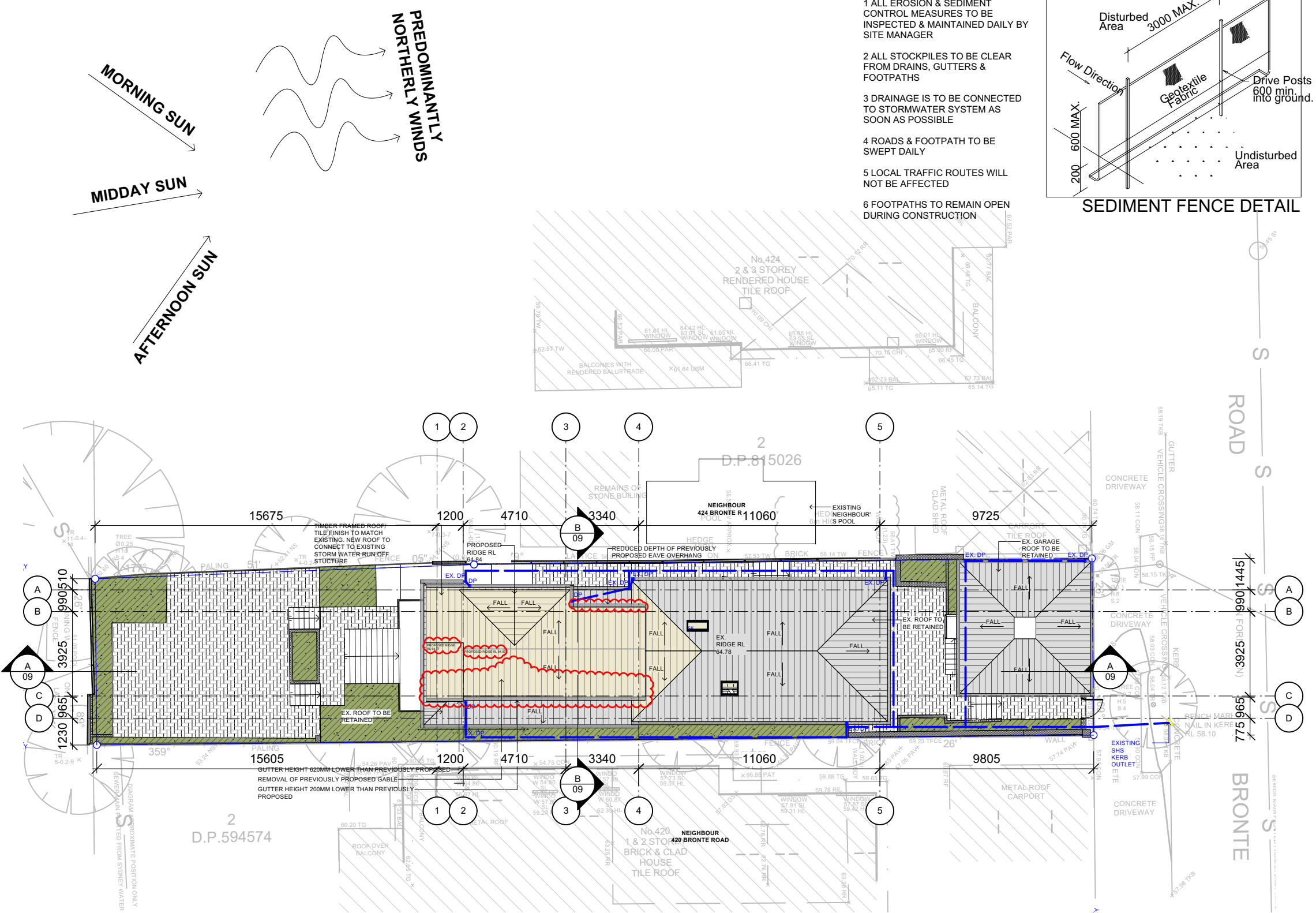
This consent is for alterations and additions to the existing building only and should during the course of construction a significant amount of the remaining fabric of the building be required to be removed, works must cease immediately and a new development application will be required to be submitted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

DEVELOPMENT APPLICATION ISSUE
ALTERATIONS AND ADDITIONS
422 BRONTE ROAD, BRONTE

Sheet No.	Sheet Name	Size	Rev. No.
01	SITE ANALYSIS / STORMWATER CONCEPT PLAN	ISO A3	C
02	ROOF PLAN	ISO A3	C
03	GROUND FLOOR PLAN	ISO A3	B
04	FIRST FLOOR PLAN	ISO A3	B
05	ATTIC PLAN	ISO A3	C
06	ELEVATIONS NORTH & SOUTH	ISO A3	C
07	ELEVATIONS EAST	ISO A3	C
08	ELEVATIONS WEST	ISO A3	C
09	SECTIONS	ISO A3	C
EX01	EX. GROUND FLOOR PLAN	ISO A3	B
EX02	EX. FIRST FLOOR PLAN	ISO A3	B
A01	SITE CALCULATION	ISO A3	B
A02	GFA CALCULATION	ISO A3	B
SH01	SHADOW DIAGRAMS 9AM	ISO A3	B
SH02	SHADOW DIAGRAMS 10AM	ISO A3	B
SH03	SHADOW DIAGRAMS 11AM	ISO A3	B
SH04	SHADOW DIAGRAMS 12PM	ISO A3	B
SH05	SHADOW DIAGRAMS 1PM	ISO A3	B
SH06	SHADOW DIAGRAMS 2PM	ISO A3	B
SH07	SHADOW DIAGRAMS 3PM	ISO A3	B
SH08	SHADOW ELEVATIONS 9AM	ISO A3	C
SH09	SHADOW ELEVATIONS 9:45AM	ISO A3	C
SH10	SHADOW ELEVATIONS 10AM	ISO A3	C
SH11	SHADOW ELEVATIONS 10:15AM	ISO A3	C
SH12	SHADOW ELEVATIONS 10:30AM	ISO A3	C
SH13	SHADOW ELEVATIONS 11AM	ISO A3	C
SH14	SHADOW ELEVATIONS 12PM	ISO A3	C
SH15	SHADOW ELEVATIONS 1PM	ISO A3	C
SH16	SHADOW ELEVATIONS 2PM	ISO A3	C
SH17	SHADOW ELEVATIONS 3PM	ISO A3	C



SITE ANALYSIS / STORMWATER CONCEPT PLAN

RECEIVED
Waverley Council

Application No: DA-160/2022

Date Received: 29/09/2022

AMENDED PLANS

FOR DEVELOPMENT APPLICATION ONLY

Christopher Jordan
Architecture & Design

79 BEATTIE STREET,
BALMAIN NSW 2041
NSW REG. ARCHITECT NO. 8057
CHRISTOPHER JORDAN
p: (02) 8094 9850
m: 0402 357 698
e: chris@christopherjordan.com.au

Key:
A/C ALUMINUM
A/FD ALUMINUM FRAMED DOOR
B/G BOX GUTTER
BDY BOUNDARY
BWK FACE BRICK
CFC COMPRESSED FIBRE CEMENT CLADDING
CONC CONCRETE
CPT CARPET

CR CEMENT RENDER
DP DOWN PIPE
DPS DOWNPIPE SPREADER
DR DRYER
DW DISHWASHER
EX EXISTING
FCL FRIDGE
FEL FINISHED CEILING LEVEL
FE FIRE EXTINGUISHER
FFL FINISHED FLOOR LEVEL

FG FIXED GLASS
FHR FIRE HOSE REEL
FIP FIRE INDICATOR PANEL
FT FLOOR TILE
FW FLOOR WASTE
GB GLASS BALUSTRADE
GD GRATED DRAIN
HR HANDRAIL
MB METAL BALUSTRADE
MC METAL CLADDING

MR METAL KLIP-LOK ROOF
MS METAL SHEET
OV OVEN
P PANTRY
PB PLASTERBOARD
PL PLASTER
RL RELATIVE LEVEL
SK SKYLIGHT
SL SLAB LEVEL
TA TACTILE INDICATORS
TC TIMBER CLADDING

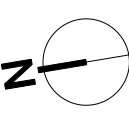
TIM TIMBER FLOORING/DECKING
TFD TIMBER FRAMED DOOR
TFW TIMBER FRAMED WINDOW
TOP TOP OF FENCE
TOW TOP OF WALL
TS TIMBER SCREEN
WC WATER CLOSET
WM WASHING MACHINE

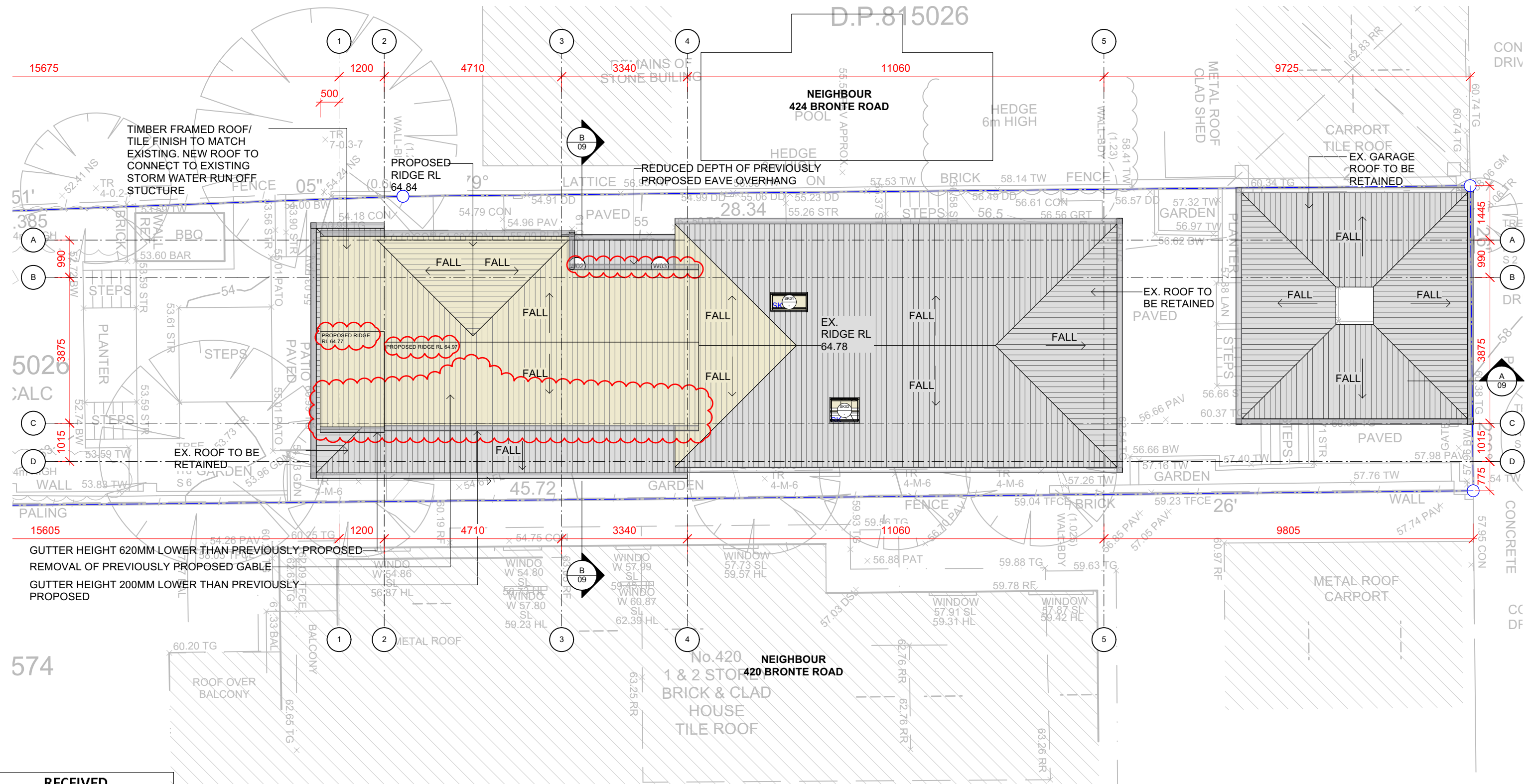
No.	Date	Revision
C	12/09/2022	REVISED DA DRAWINGS
B	19/05/2022	DEVELOPMENT APPLICATION REVISION SET ISSUE
A	12/04/2022	DEVELOPMENT APPLICATION ISSUE

SITE ANALYSIS / STORMWATER CONCEPT PLAN
ALTERATIONS & ADDITIONS
422 BRONTE ROAD, BRONTE
DEVELOPMENT APPLICATION

SCALE
1:200
@ ISO A3

Project No.
HUF576
Drawing No.
01
Rev #
C

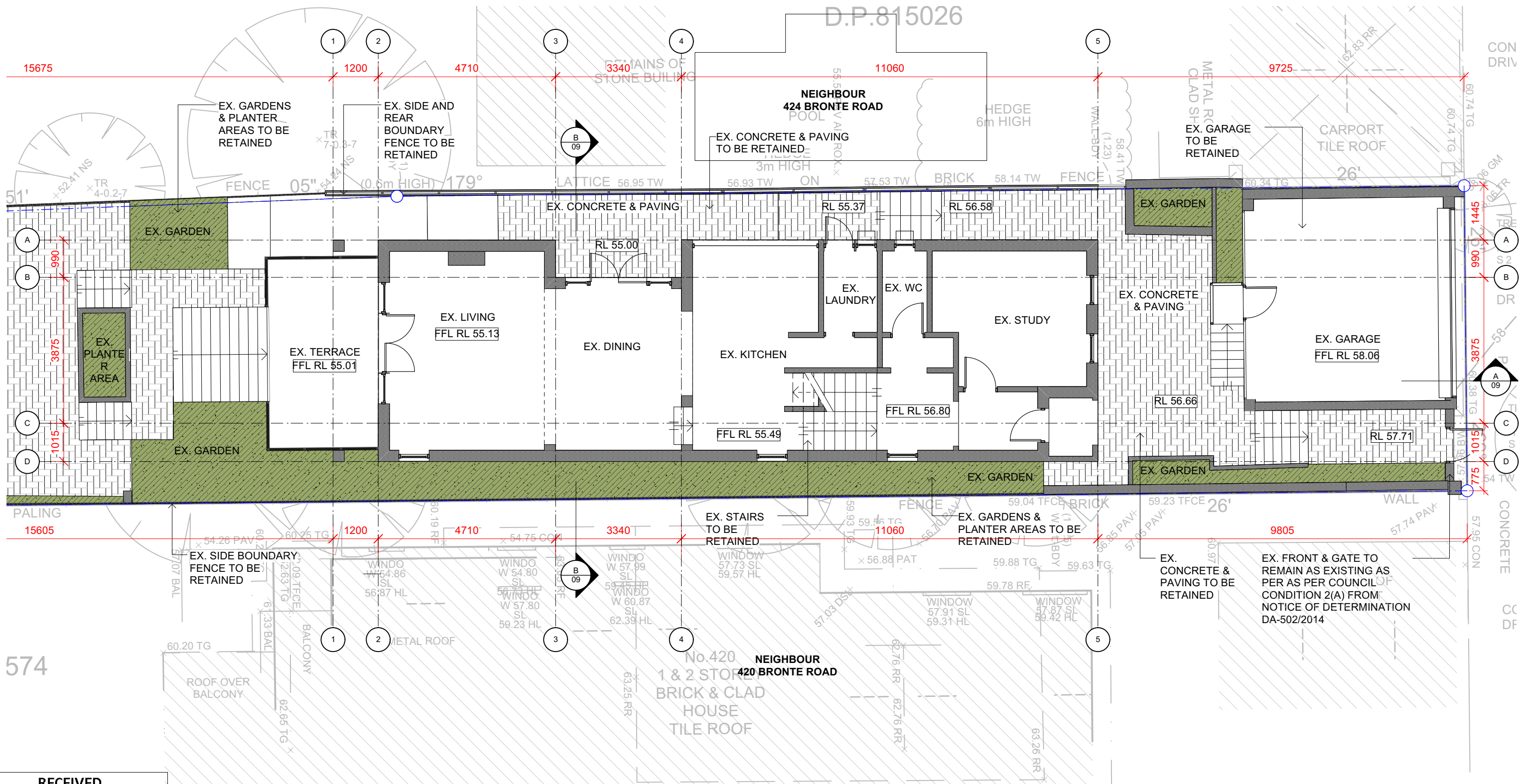




RECEIVED
Waverley Council
Application No: DA-160/2022
Date Received: 29/09/2022

AMENDED PLANS

Christopher Jordan Architecture & Design 79 BEATTIE STREET, BALMAIN NSW 2041 NSW REG. ARCHITECT NO. 8057 CHRISTOPHER JORDAN p: (02) 8094 9850 m: 0402 357 698 e: chris@christopherjordan.com.au	Key: A/C ALUMINUM AL ALUMINUM AFD ALUMINUM BG BOX GUTTER BDY BOUNDARY BWK FACE BRICK CFC COMPRESSED FIBRE CEMENT CLADDING CONC CONCRETE CPT CARPET	CR CEMENT RENDER DP DOWN PIPE DPS DOWN PIPE SPREADER DR DRYER DW EXISTING EX EXISTING FCL FINISHED CEILING LEVEL FE FIRE EXTINGUISHER FFL FINISHED FLOOR LEVEL	FG FIRE HOSE REEL FIR FIRE INDICATOR PANEL FT FLOOR TILE FW FLOOR WASTE GL GLASS BALUSTRADE GD GRATED DRAIN HR HANDRAIL MB METAL BALUSTRADE MC METAL CLADDING	MR METAL KLIP-LOK ROOF MS METAL SHEET OV OVEN PB PANTRY P PLASTERBOARD RL RELATIVE LEVEL SK SKYLIGHT SL SLAB LEVEL TA TACTILE INDICATORS TC TIMBER CLADDING	TIM TIMBER FLOORING/DECKING TFD TIMBER FRAMED DOOR TFW TIMBER FRAMED WINDOW TOF TOP OF FENCE TOV TOP OF WALL TS TIMBER SCREEN WC WATER CLOSET WM WASHING MACHINE	CIRK KC KC By	ROOF PLAN ALTERATIONS & ADDITIONS 422 BRONTE ROAD, BRONTE DEVELOPMENT APPLICATION	SCALE 1:100 @ ISO A3 Drawn By KC Checked By CJ Date MAY 22	Project No. HUF576 Drawing No. 02 Rev # C	

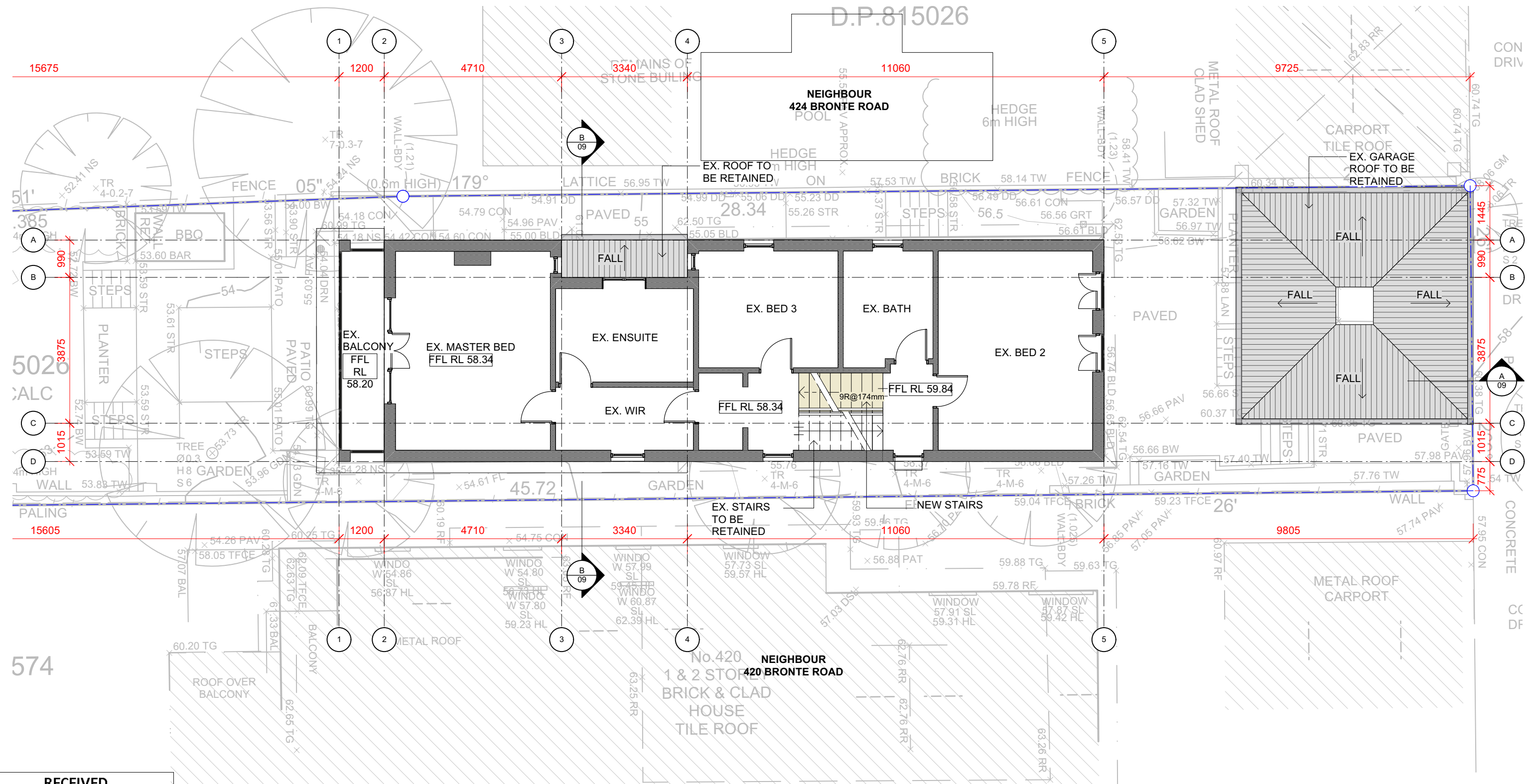


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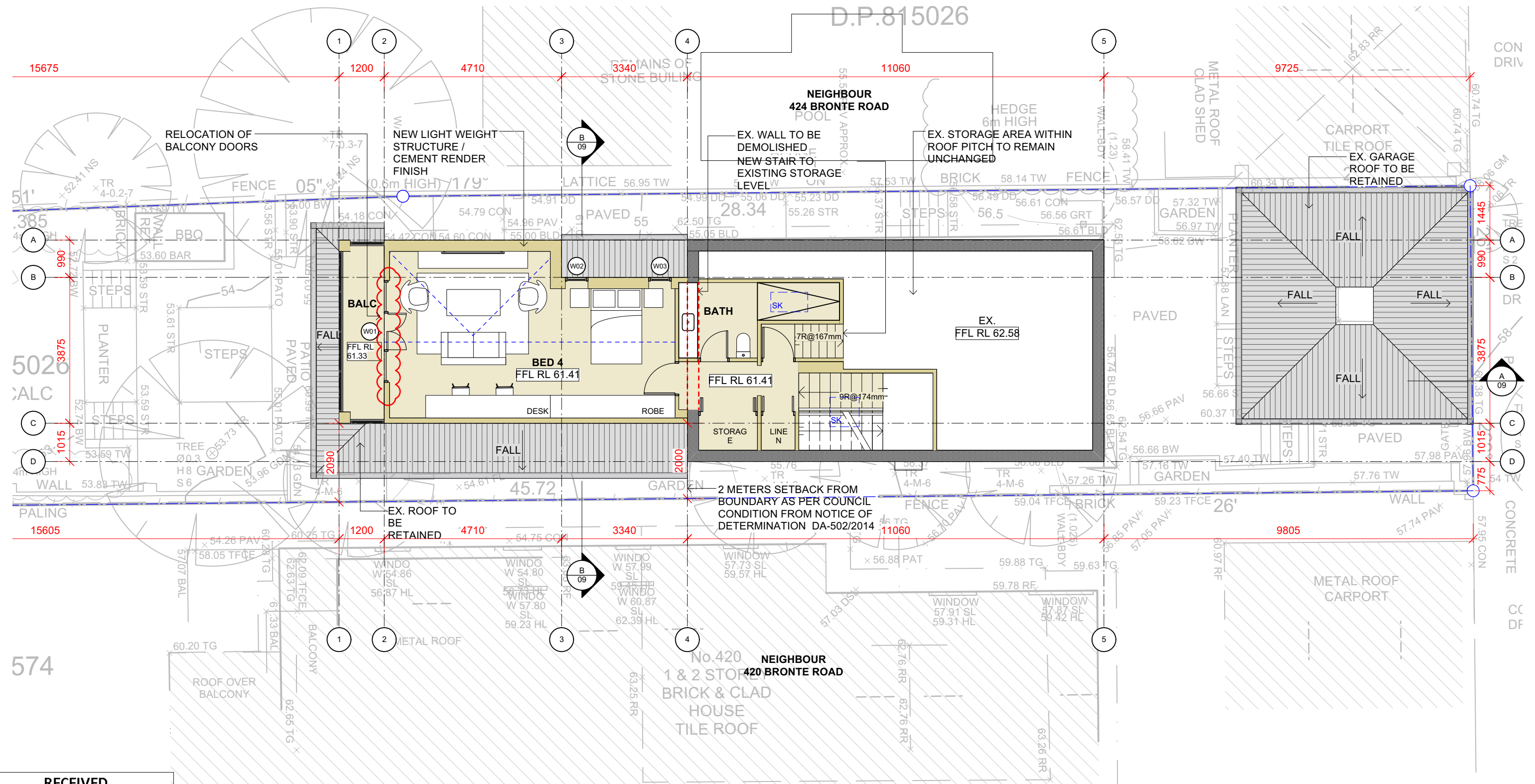
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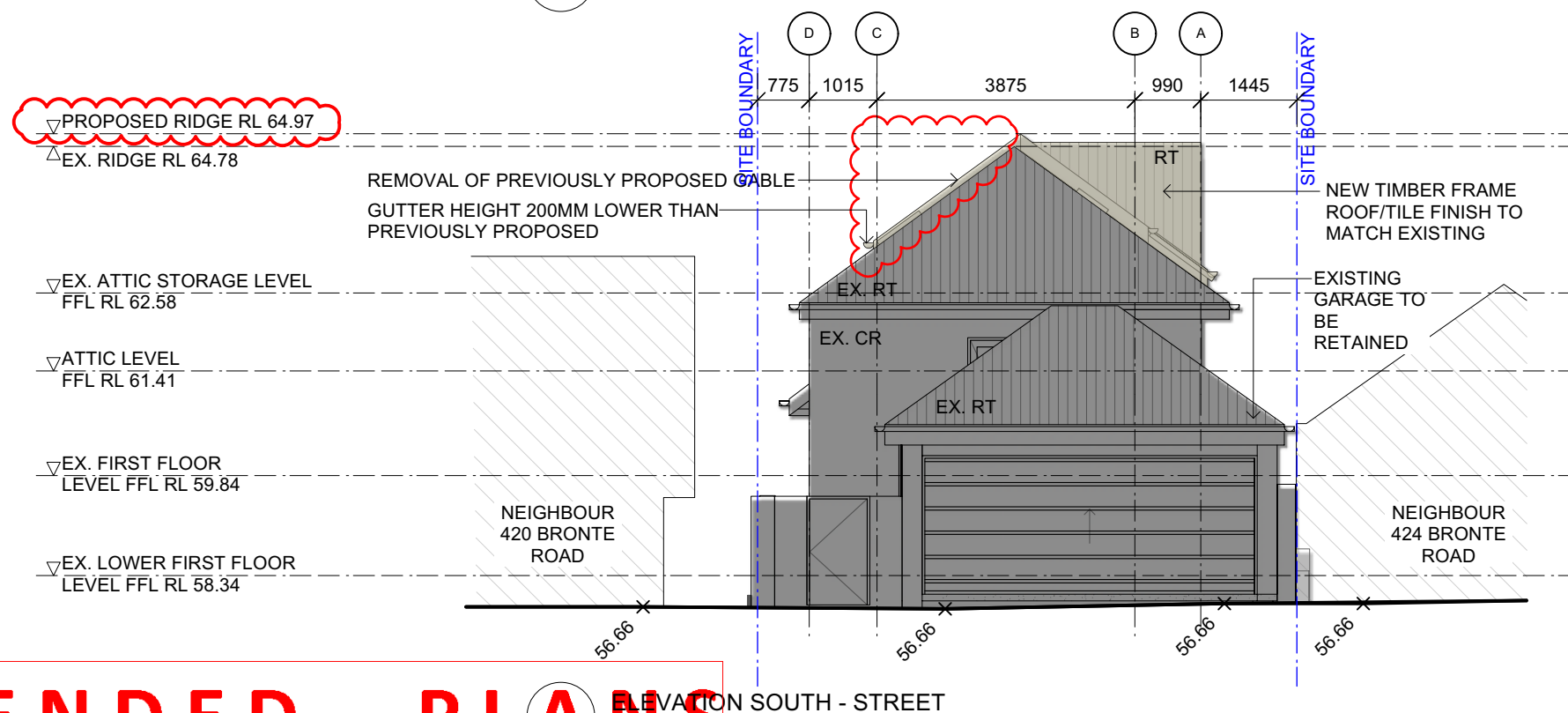
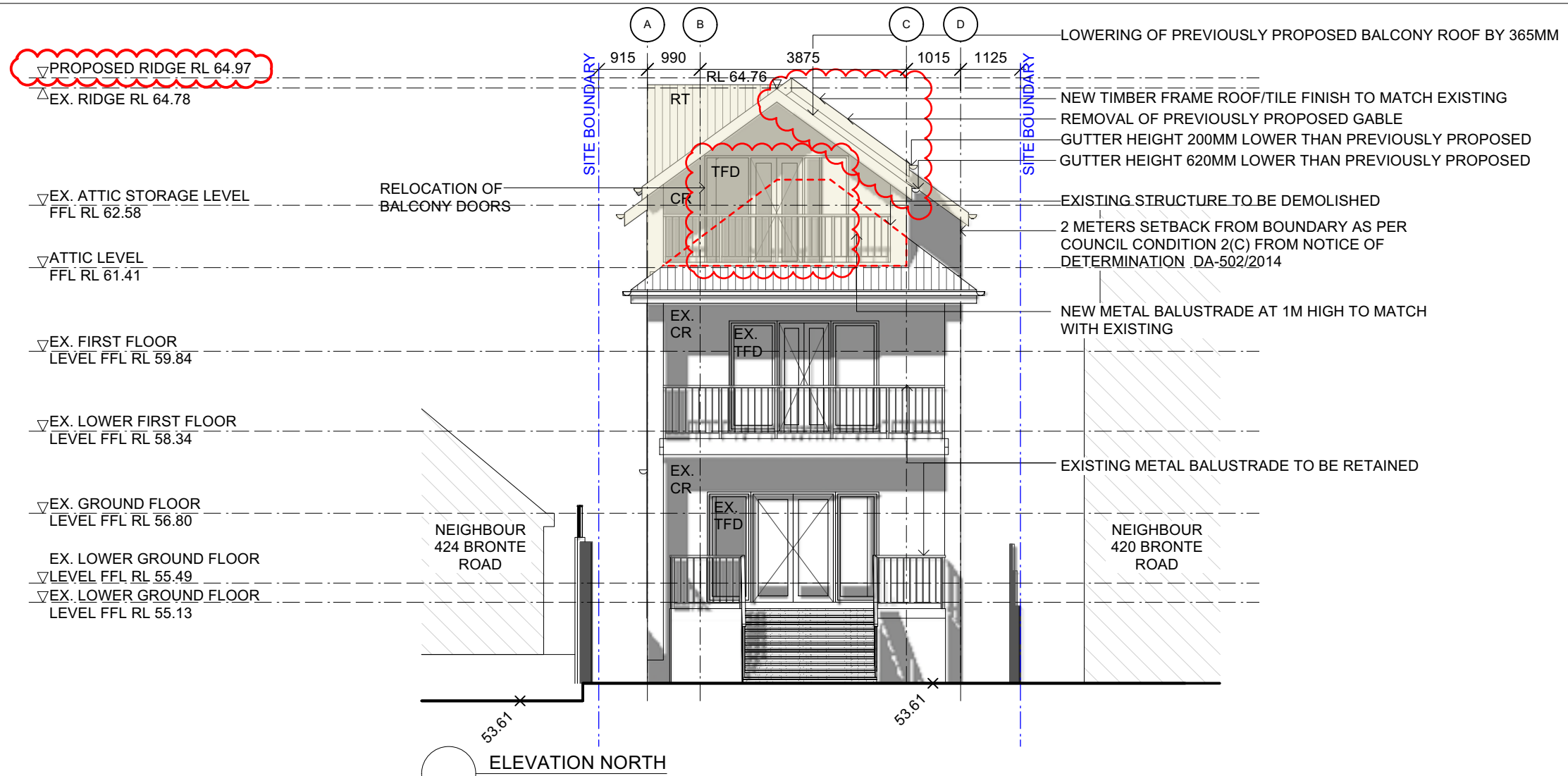
Christopher Jordan Architecture & Design	79 BEATTIE STREET, BALMAIN NSW 2041	Key: A/C ALD AFW BG BDY BWK CFC CNC CPT	AIR CONDITIONING UNIT ALUMINUM ALUMINUM FRAMED DOOR ALUMINUM FRAMED WINDOW DISHWASHER BOUNDARY FACE BRICK COMPRESSED FIBRE CEMENT CLADDING CONCRETE CARPET	CR DP DR DRYER EX FRIDGE FCL FE FFL	CEMENT RENDER DOWN PIPE DRAIN DOWNPIPE SPREADER EXISTING FRIDGE FINISHED CEILING LEVEL FIRE EXTINGUISHER FINISHED FLOOR LEVEL	FG FHR FT FW GB GD GR MC	FIXED GLASS FIRE HOSE REEL FIRE INDICATOR PANEL FLOOR TILE GLASS BALUSTRADE GRADED DRAIN HANDRAIL METAL BALUSTRADE METAL CLADDING	MR MS MS OV P PB RL SK SL TA TC	METAL KLIP-LOK ROOF METAL SHEET OVEN PANTRY PLASTERBOARD RELATIVE LEVEL SKYLIGHT SLAB LEVEL TACTILE INDICATORS TIMBER CLADDING	TIM TFD TFW TOF TOW TS WC WM	TIMBER FLOORING/DECKING TIMBER FRAMED DOOR TIMBER FRAMED WINDOW TOP OF FENCE FLOOR WASTE TOP OF WALL TIMBER SCREEN WATER CLOSET WASHING MACHINE																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																														
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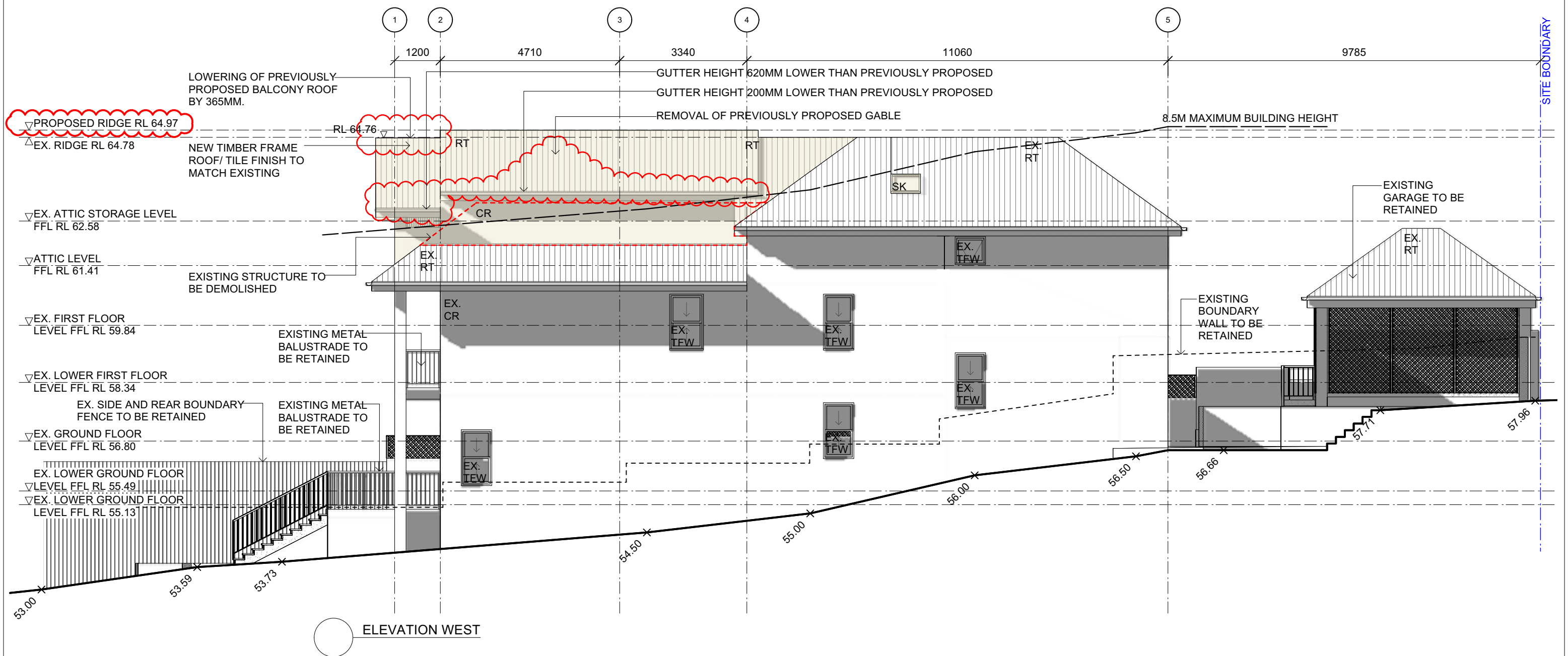
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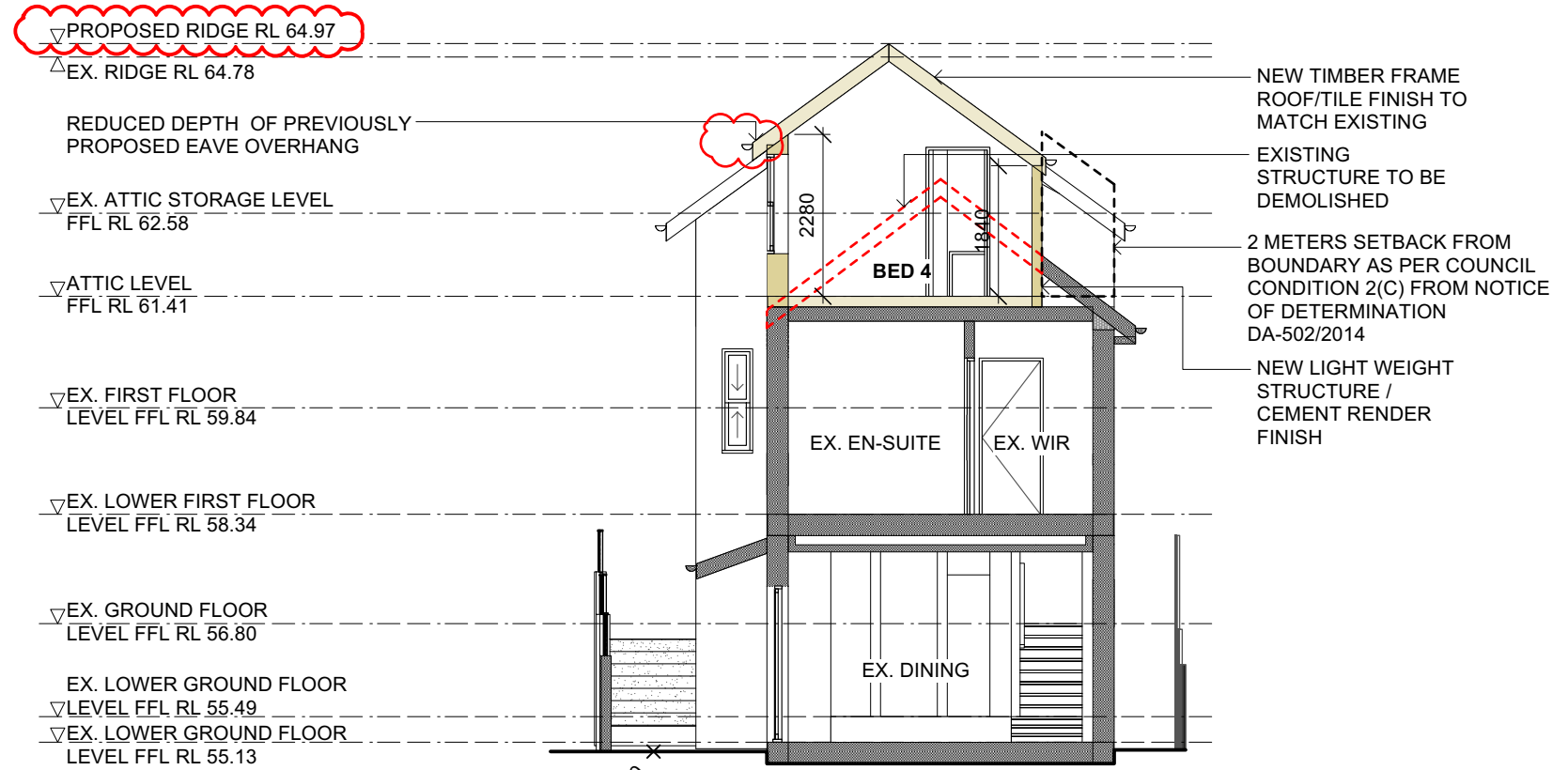
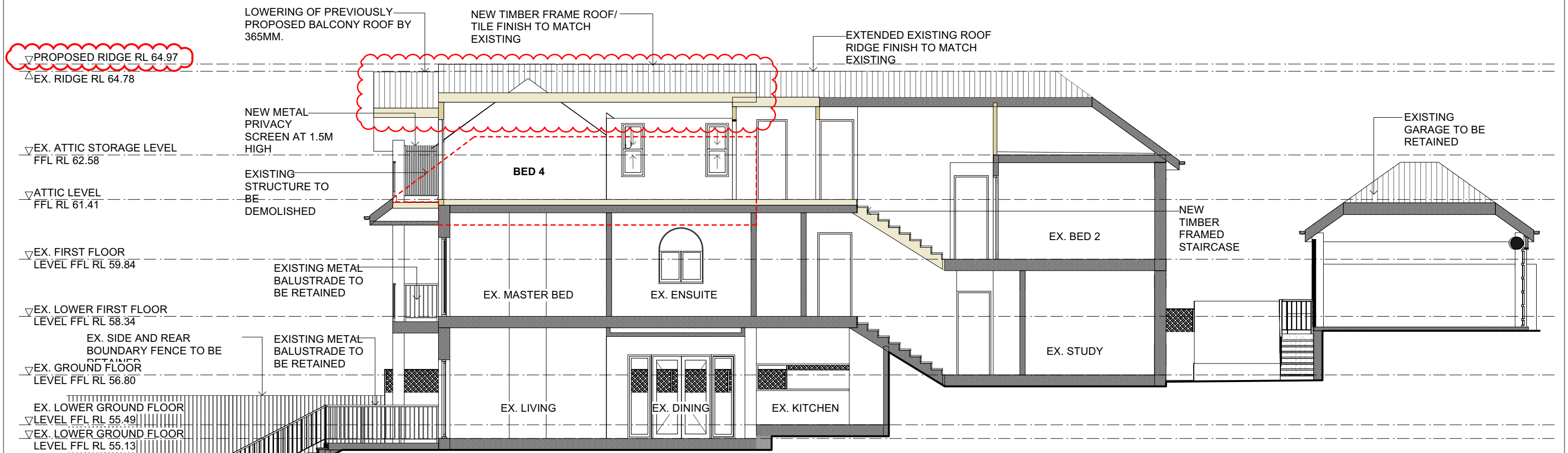
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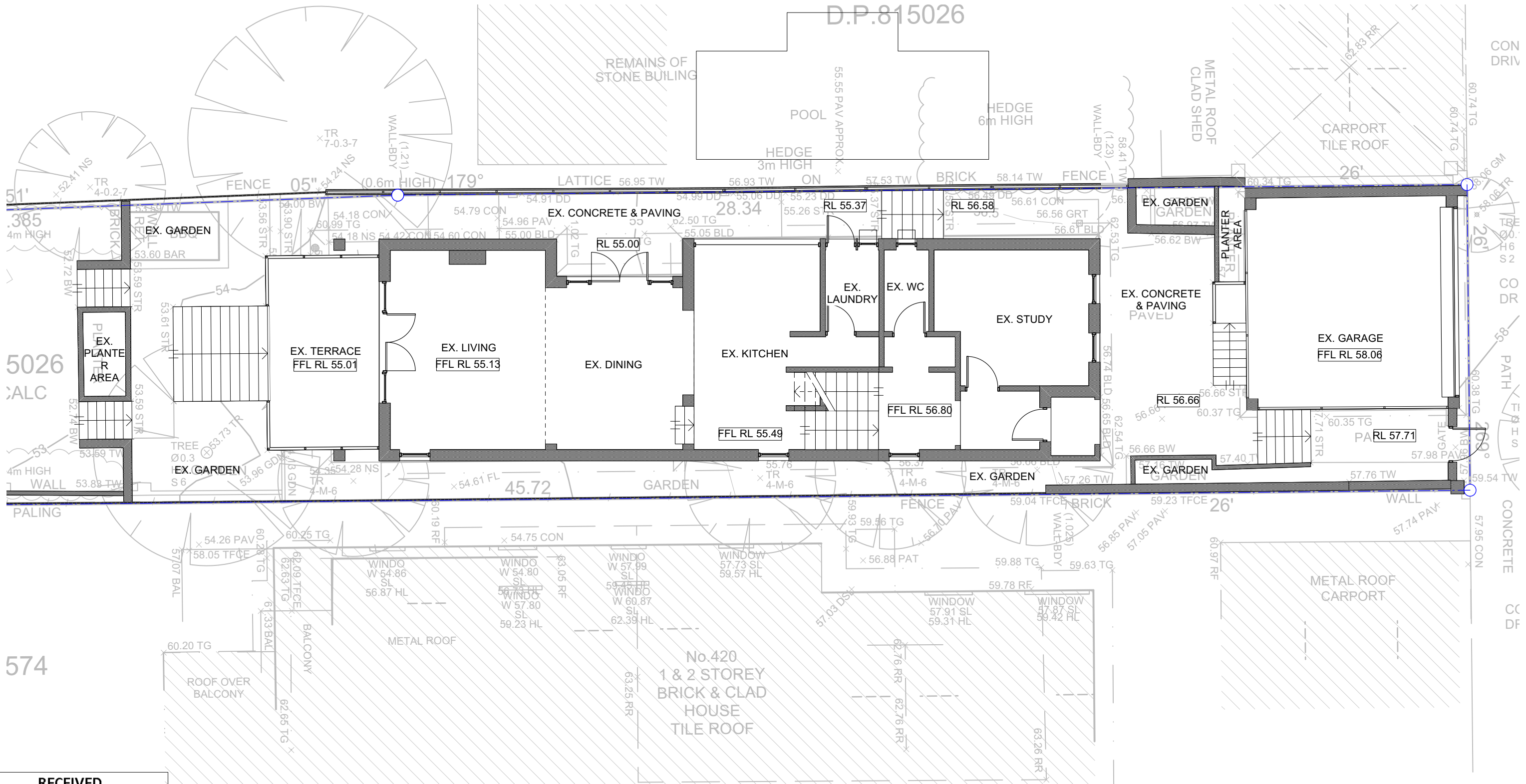
<div>Christopher Jordan Architecture & Design</div>	<div>79 BEATTIE STREET, BALMAIN NSW 2041</div> <div>NSW REG. ARCHITECT NO. 8057 CHRISTOPHER JORDAN</div> <div>p: (02) 8094 9850 m: 0402 357 698 e: chris@christopherjordan.com.au</div>	<div>Key:</div> <div>A/C ALUMINUM AIR CONDITIONING UNIT</div> <div>AFD ALUMINUM FRAMED DOOR</div> <div>AFW ALUMINUM FRAMED WINDOW</div> <div>BS BOX GUTTER</div> <div>BDY BOUNDARY</div> <div>BWK FACE BRICK</div> <div>CPC COMPRESSED FIBRE CEMENT CLADDING</div> <div>CONC CONCRETE</div> <div>CPT CARPET</div>	<div>CR CEMENT RENDER</div> <div>DP DOWN PIPE</div> <div>DPS DOWNPIPE SPREADER</div> <div>DR DRYER</div> <div>DW DISHWASHER</div> <div>EX EXISTING</div> <div>FCL FRIDGE</div> <div>FCE FINISHED CEILING LEVEL</div> <div>FE FIRE EXTINGUISHER</div> <div>FFL FINISHED FLOOR LEVEL</div>	<div>FG FIRE HOSE REEL</div> <div>FIP FIRE INDICATOR PANEL</div> <div>FT FLOOR TILE</div> <div>FW FLOOR WASTE</div> <div>GB GLASS BALUSTRADE</div> <div>GD GRATED DRAIN</div> <div>HR HANDRAIL</div> <div>MB METAL BALUSTRADE</div> <div>MC METAL CLADDING</div>	<div>MR METAL KLIP-LOK ROOF</div> <div>MS METAL SHEET</div> <div>OV OVEN</div> <div>PB PANTRY</div> <div>PL PLASTERBOARD</div> <div>RL RELATIVE LEVEL</div> <div>SK SKYLIGHT</div> <div>SL SLAB LEVEL</div> <div>TA TACTILE INDICATORS</div> <div>TC TIMBER CLADDING</div>	<div>TIM TIMBER FLOORING/DECKING</div> <div>TFD TIMBER FRAMED DOOR</div> <div>TFW TIMBER FRAMED WINDOW</div> <div>TOF TOP OF FENCE</div> <div>TOW TOP OF WALL</div> <div>TS TIMBER SCREEN</div> <div>WC WATER CLOSET</div> <div>WM WASHING MACHINE</div>	<div>ELEVATIONS WEST</div> <div>ALTERATIONS & ADDITIONS</div> <div>422 BRONTE ROAD, BRONTE</div> <div>DEVELOPMENT APPLICATION</div>	<div>CIRK KC KC</div> <div>By</div>	<div>No. Date Revision</div>	<div>C 12/09/2022 REVISED DA DRAWINGS</div> <div>B 19/05/2022 DEVELOPMENT APPLICATION REVISION SET ISSUE</div> <div>A 12/04/2022 DEVELOPMENT APPLICATION ISSUE</div>	<div>SCALE 1:100 @ ISO A3</div> <div>Drawn By KC</div> <div>Checked By CJ</div> <div>Date MAY 22</div>	<div>Project No. HUF576</div> <div>Drawing No. 08</div> <div>Rev # C</div>	<div>North Arrow</div>



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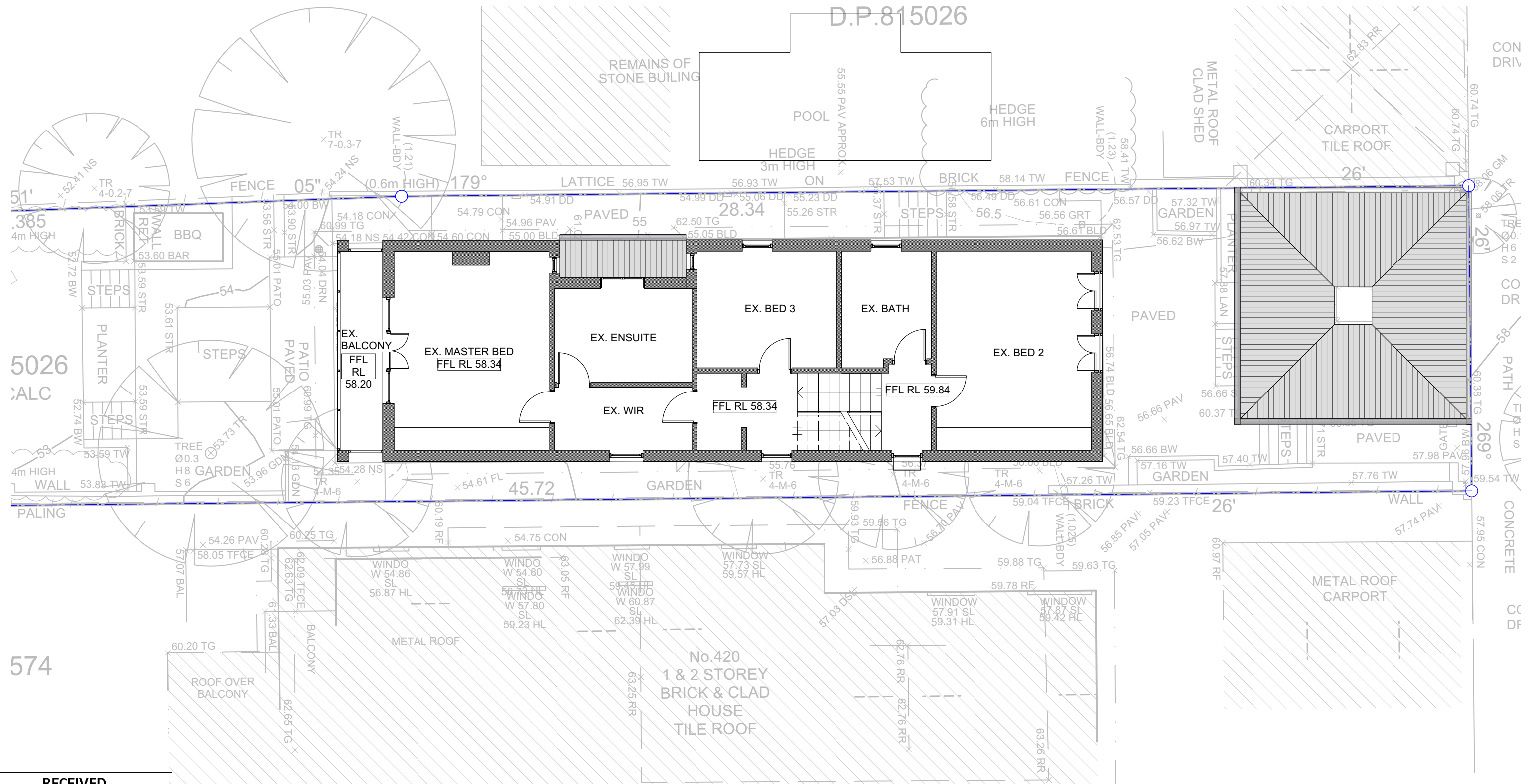
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<div>Christopher Jordan</div> <div>Architecture & Design</div>	79 BEATTIE STREET, BALMAIN NSW 2041	<div>Key</div> <div>A/C</div> <div>AL</div> <div>AFD</div> <div>BG</div> <div>BDY</div> <div>BWK</div> <div>CFC</div> <div>CNC</div> <div>CPT</div>	<div>AIR CONDITIONING UNIT</div> <div>ALUMINIUM</div> <div>ALUMINIUM FRAMED DOOR</div> <div>ALUMINIUM FRAMED WINDOW</div> <div>BOX GUTTER</div> <div>BOUNDARY</div> <div>FACE BRICK</div> <div>COMPRESSED FIBRE CEMENT CLADDING</div> <div>CONCRETE</div>	<div>CR</div> <div>DP</div> <div>DR</div> <div>DRYER</div> <div>DW</div> <div>EX</div> <div>FE</div> <div>FCL</div> <div>FFL</div>	<div>CEMENT RENDER</div> <div>DOWN PIPE</div> <div>DOWNPIPE SPREADER</div> <div>DRYER</div> <div>EXISTING</div> <div>FRIDGE</div> <div>FINISHED CEILING LEVEL</div> <div>FIRE EXTINGUISHER</div> <div>FINISHED FLOOR LEVEL</div>	<div>FG</div> <div>FHR</div> <div>QV</div> <div>FT</div> <div>GB</div> <div>GD</div> <div>MC</div>	<div>FIXED GLASS</div> <div>FIRE HOSE REEL</div> <div>FIRE INDICATOR PANEL</div> <div>FLOOR TILE</div> <div>GLASS BALUSTRADE</div> <div>GRATED DRAIN</div> <div>METAL BALUSTRADE</div> <div>METAL CLADDING</div>	<div>MR</div> <div>MS</div> <div>PB</div> <div>PS</div> <div>RL</div> <div>SK</div> <div>SL</div> <div>TA</div>	<div>METAL KLIP-LOK ROOF</div> <div>METAL SHEET</div> <div>PANTRY</div> <div>RELATIVE LEVEL</div> <div>SKYLIGHT</div> <div>SLAB LEVEL</div> <div>TACTILE INDICATORS</div> <div>TIMBER CLADDING</div>	<div>TIM</div> <div>TFD</div> <div>TFW</div> <div>TOF</div> <div>TOW</div> <div>TS</div> <div>WC</div> <div>WM</div>	<div>TIMBER FLOORING/DECKING</div> <div>TIMBER FRAMED DOOR</div> <div>TIMBER FRAMED WINDOW</div> <div>TOP OF FENCE</div> <div>TOP OF WALL</div> <div>TIMBER SCREEN</div> <div>WATER CLOSET</div> <div>WASHING MACHINE</div>	<div>B</div> <div>19/05/2022</div> <div>DEVELOPMENT APPLICATION REVISION SET ISSUE</div>	<div>KC</div> <div>CJ</div> <div>By</div>	<div>EX. GROUND FLOOR PLAN</div> <div>ALTERATIONS & ADDITIONS</div> <div>422 BRONTE ROAD, BRONTE</div> <div>DEVELOPMENT APPLICATION</div>	<div>SCALE</div> <div>1:100</div> <div>@ ISO A3</div> <div>Drawn By KC</div> <div>Checked By CJ</div> <div>Date MAY 22</div>	<div>Project No.</div> <div>HUF576</div> <div>Drawing No.</div> <div>EX01</div> <div>Rev #</div> <div>B</div>	<div></div>
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Application No: DA-160/2022
Date Received: 29/09/2022

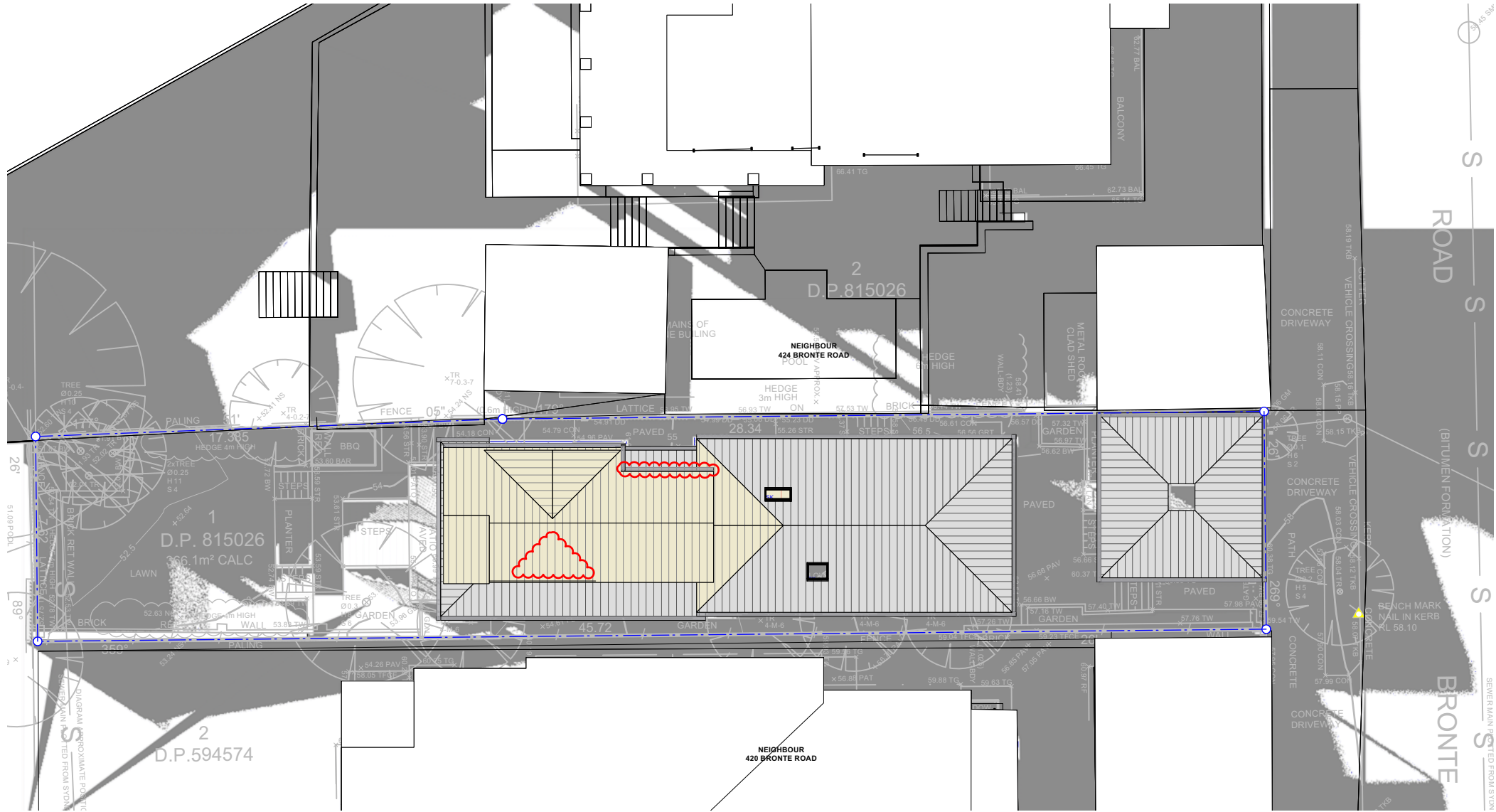
AMENDED PLANS

Christopher Jordan Architecture & Design	79 BEATTIE STREET, BALMAIN NSW 2041 NSW REG. ARCHITECT NO. 8057 CHRISTOPHER JORDAN p: (02) 8094 9850 m: 0402 357 698 e: chris@christopherjordan.com.au	Key: A/C ALUMINUM A/FD ALUMINUM FRAMED DOOR A/FW ALUMINUM FRAMED WINDOW BG BOX GUTTER BDY BOUNDARY BWK FACE BRICK CFC COMPRESSED FIBRE CEMENT CLADDING CNC CONCRETE CPT CARPET	CR CEMENT RENDER DP DOWN PIPE DPS DOWN PIPE SPREADER DR DRYER DW DISHWASHER EX EXISTING FCL FRIDGE FCE FINISHED CEILING LEVEL FE FIRE EXTINGUISHER FFL FINISHED FLOOR LEVEL	FG FIRE HOSE REEL FIP FIRE INDICATOR PANEL FT FLOOR TILE FW FLOOR WASTE GB GLASS BALUSTRADE GD GRATED DRAIN HR HANDRAIL MB METAL BALUSTRADE MC METAL CLADDING	MR METAL KLIP-LOK ROOF MS METAL SHEET OV OVEN PB PANTRY P PLASTERBOARD RL RELATIVE LEVEL SK SKYLIGHT SL SLAB LEVEL TA TACTILE INDICATORS TC TIMBER CLADDING	TIM TIMBER FLOORING/DECKING TFD TIMBER FRAMED DOOR TFW TIMBER FRAMED WINDOW TOF TOP OF FENCE TOW TOP OF WALL TS TIMBER SCREEN WC WATER CLOSET WM WASHING MACHINE	EX. FIRST FLOOR PLAN ALTERATIONS & ADDITIONS 422 BRONTE ROAD, BRONTE DEVELOPMENT APPLICATION	SCALE 1:100 @ ISO A3 Drawn By KC Checked By CJ Date MAY 22	Project No. HUF576 Drawing No. EX02 Rev # B	Magnetic North (PLAN) Approx. True North

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SHADOW DIAGRAM 9AM
21 JUNE (WINTER SOLSTICE)

- LEGEND
- EXISTING SHADOWS
 - PROPOSED SHADOWS



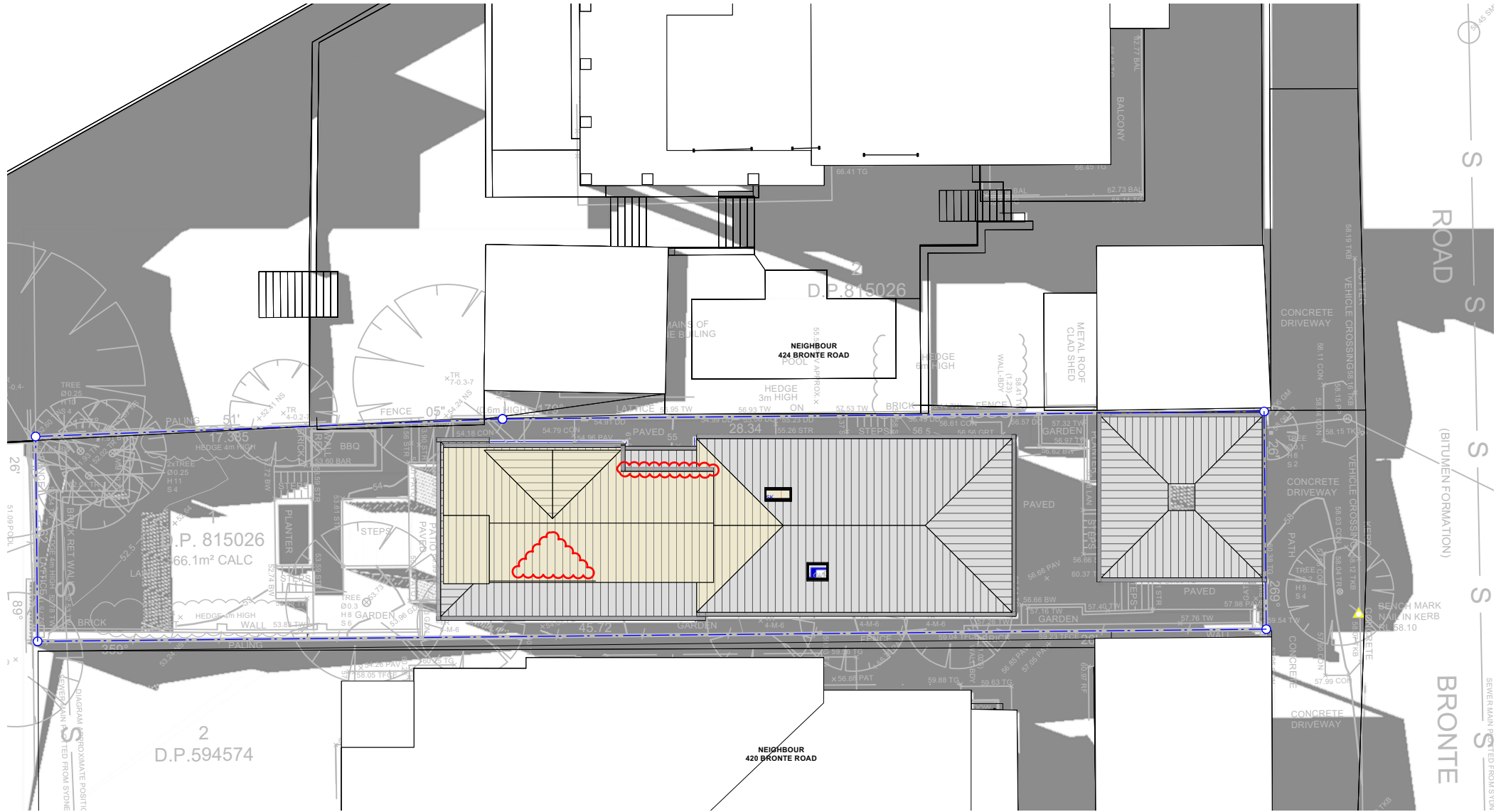
FOR DEVELOPMENT APPLICATION ONLY

Christopher Jordan Architecture & Design	79 BEATTIE STREET, BALMAIN NSW 2041	Key: A/C	AIR CONDITIONING UNIT	CR	CEMENT RENDER	FG	FIXED GLASS	MR	METAL KLIP-LOK ROOF	TIM	TIMBER FLOORING/DECKING
	NSW REG. ARCHITECT NO. 8057	AL	ALUMINUM	DP	DOWN PIPE	FHR	FIRE HOSE REEL	MS	METAL SHEET	TFD	TIMBER FRAMED DOOR
	CHRISTOPHER JORDAN	AFD	ALUMINUM FRAMED DOOR	DPS	DOWNPIPE SPREADER	FIP	FIRE INDICATOR PANEL	OV	OVEN	TFW	TIMBER FRAMED WINDOW
		AFW	ALUMINUM FRAMED WINDOW	DR	DRYER	FT	FLOOR TILE	P	PANTRY	TOF	TOP OF FENCE
		BS	BOX GUTTER	DW	DISHWASHER	FW	FLOOR WASTE	PB	PLASTERBOARD	TOW	TOP OF WALL
		BDY	BOUNDARY	EX	EXISTING	GB	GLASS BALUSTRADE	RL	RELATIVE LEVEL	TS	TIMBER SCREEN
		BWK	FACE BRICK	F	FRIDGE	GD	GRADED DRAIN	SK	SKYLIGHT	WC	WATER CLOSET
		CPC	COMPRESSED FIBRE CEMENT CLADDING	FCL	FINISHED CEILING LEVEL	GR	GRATED DRAIN	SL	SLAB LEVEL	WM	WASHING MACHINE
		CONC	CONCRETE	FE	FIRE EXTINGUISHER	MB	METAL BALUSTRADE	TA	TACTILE INDICATORS		
		CPT	CARPET	FFL	FINISHED FLOOR LEVEL	MC	METAL CLADDING	TC	TIMBER CLADDING		
	p: (02) 8094 9850 m: 0402 357 698 e: chris@christopherjordan.com.au										
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LEGEND
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PROPOSED SHADOWS



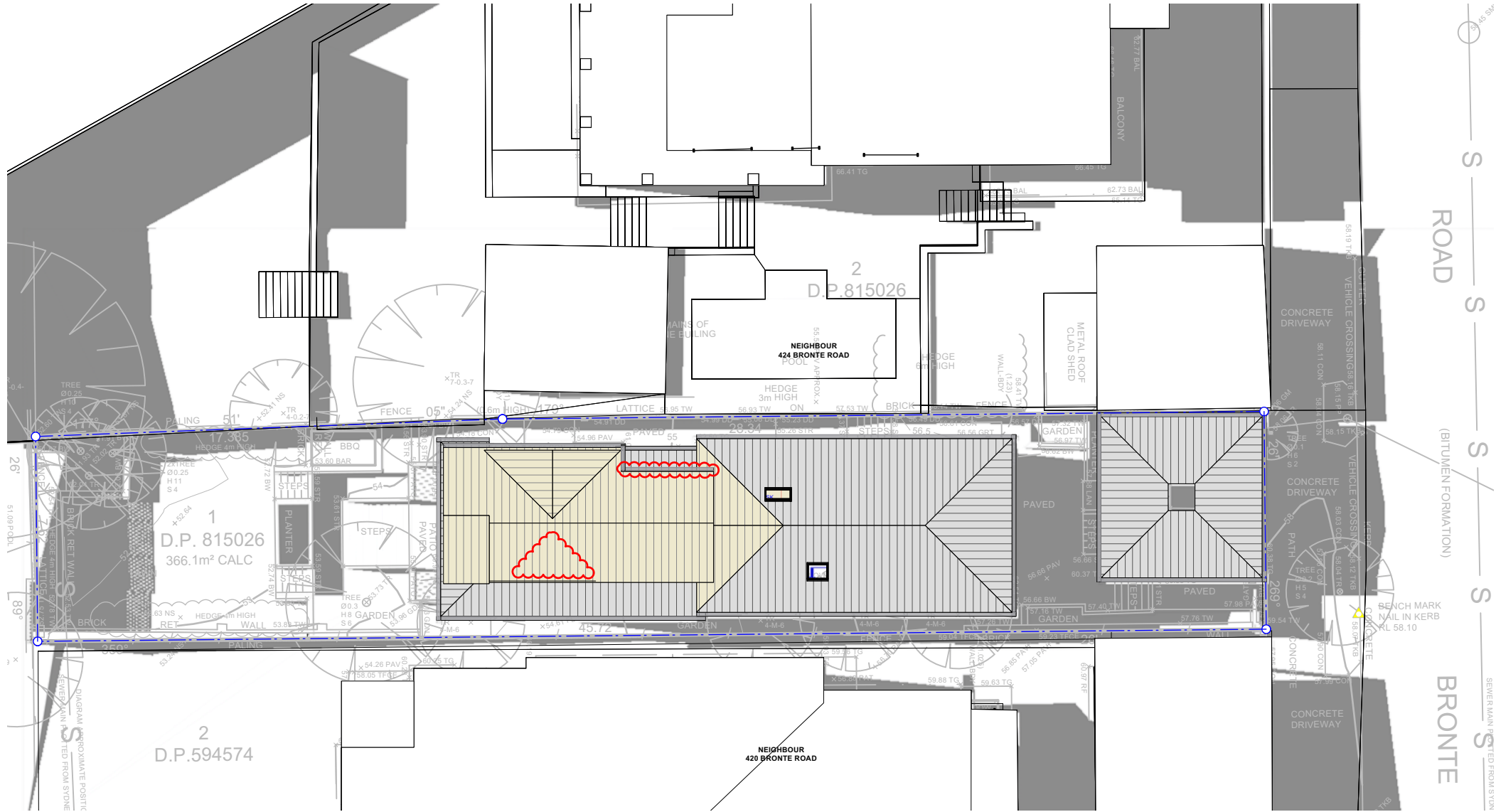
FOR DEVELOPMENT APPLICATION ONLY

Christopher Jordan Architecture & Design	79 BEATTIE STREET, BALMAIN NSW 2041	Key: A/C AL AFD AFW BG BDY BWK CPC CONC CPT	AIR CONDITIONING UNIT ALUMINUM ALUMINUM FRAMED DOOR ALUMINUM FRAMED WINDOW DISHWASHER EXISTING FACE BRICK FINISHED FIBRE CEMENT CLADDING CONCRETE CARPET	CR DOWN PIPE DOWNPIPE SPREADER DRYER EX FRIDGE FCL FE FFL	CEMENT RENDER FIRE HOSE REEL FIRE INDICATOR PANEL DRIVER EXISTING FRIDGE FINISHED CEILING LEVEL FIRE EXTINGUISHER FINISHED FLOOR LEVEL	FG FHR FIP FT GB GD GRATED DRAIN HANDRAIL MB MC	FIXED GLASS FIRE HOSE REEL FIRE INDICATOR PANEL FLOOR TILE FLOOR WASTE GLASS BALUSTRADE GRATED DRAIN METAL BALUSTRADE METAL CLADDING	MR MS OV P PB PW RL SK SL TA TC	METAL KLIP-LOK ROOF METAL SHEET OVEN PANTRY PLASTERBOARD RELATIVE LEVEL SKYLIGHT SLAB LEVEL TACTILE INDICATORS TIMBER CLADDING	TIM TFD TFW TOF TOW TS WC WM	TIMBER FLOORING/DECKING TIMBER FRAMED DOOR TIMBER FRAMED WINDOW TOP OF FENCE TOP OF WALL TIMBER SCREEN WATER CLOSET WASHING MACHINE																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																							
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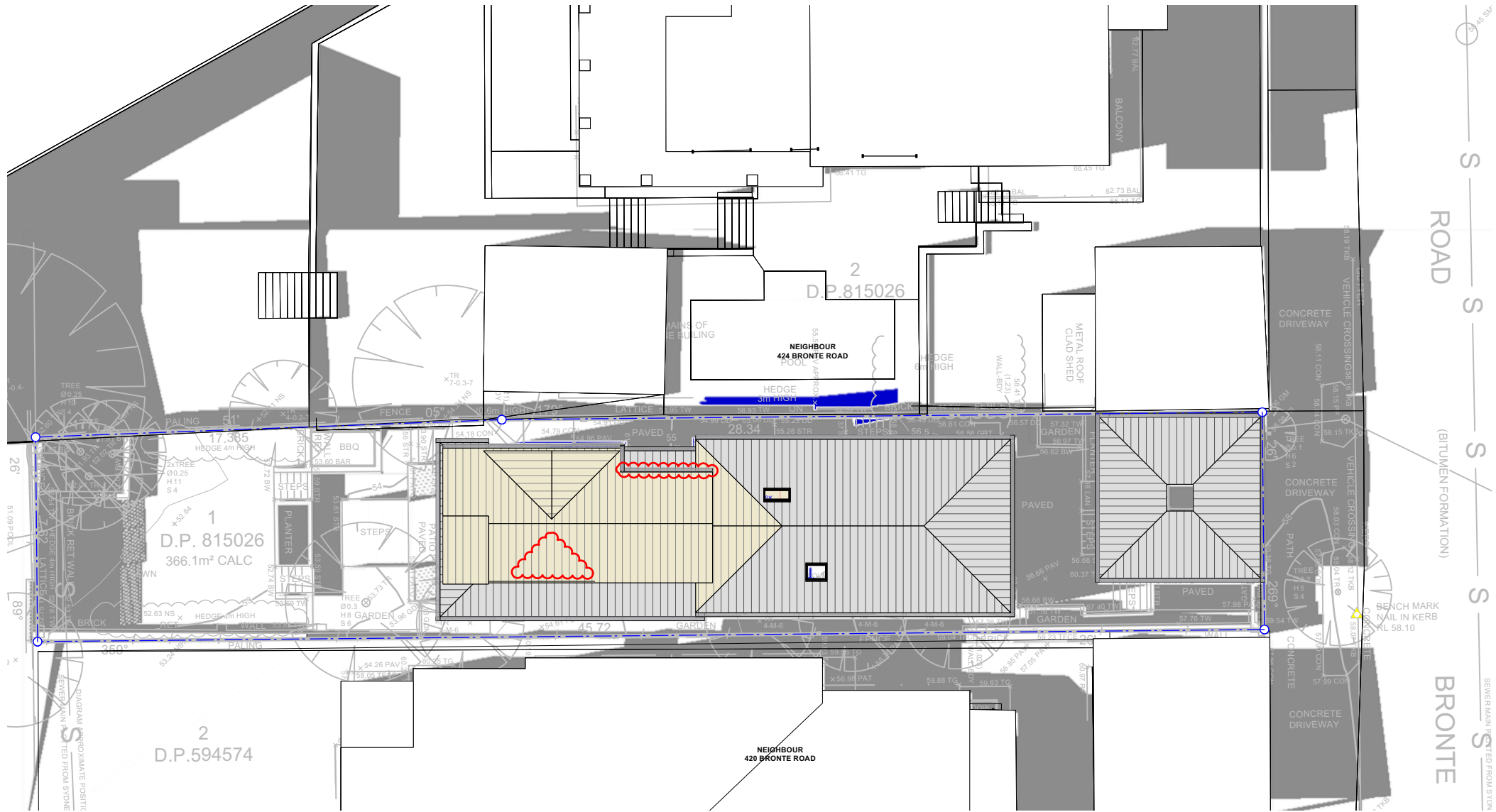
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Christopher Jordan Architecture & Design	79 BEATTIE STREET, BALMAIN NSW 2041	Key: A/C AL AFD AFW BS BDY BWK CFC CONC CPT	AIR CONDITIONING UNIT ALUMINIUM ALUMINIUM FRAMED DOOR ALUMINIUM FRAMED WINDOW DISHWASHER EXISTING FACE BRICK FINISHED FIBRE CEMENT CLADDING CONCRETE CARPET	CR DOWN PIPE DOWNPIPE SPREADER DRYER BOX GUTTER EX FRIDGE FINISHED CEILING LEVEL FIRE EXTINGUISHER FINISHED FLOOR LEVEL	CEMENT RENDER DOWN PIPE DOWNPIPE SPREADER DRYER BOX GUTTER EXISTING FRIDGE FINISHED CEILING LEVEL FIRE EXTINGUISHER FINISHED FLOOR LEVEL	FG FIXED GLASS FIRE HOSE REEL FIRE INDICATOR PANEL FLOOR TILE P BOX GUTTER GLASS BALUSTRADE GRATED DRAIN HANDRAIL METAL BALUSTRADE METAL CLADDING	MR METAL KLIP-LOK ROOF METAL SHEET OVEN PANTRY P PLASTERBOARD RELATIVE LEVEL SKYLIGHT SLAB LEVEL HANDRAIL TACTILE INDICATORS TIMBER CLADDING	TIM TIMBER FLOORING/DECKING TIMBER FRAMED DOOR TIMBER FRAMED WINDOW TOP OF FENCE TOP OF WALL TOW TIMBER SCREEN WATER CLOSET WASHING MACHINE																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																			
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RECEIVED
Waverley Council

Application No: DA-160/2022

Date Received: 29/09/2022



SHADOW DIAGRAM 12PM
21 JUNE (WINTER SOLSTICE)

- LEGEND
- EXISTING SHADOWS
 - PROPOSED SHADOWS



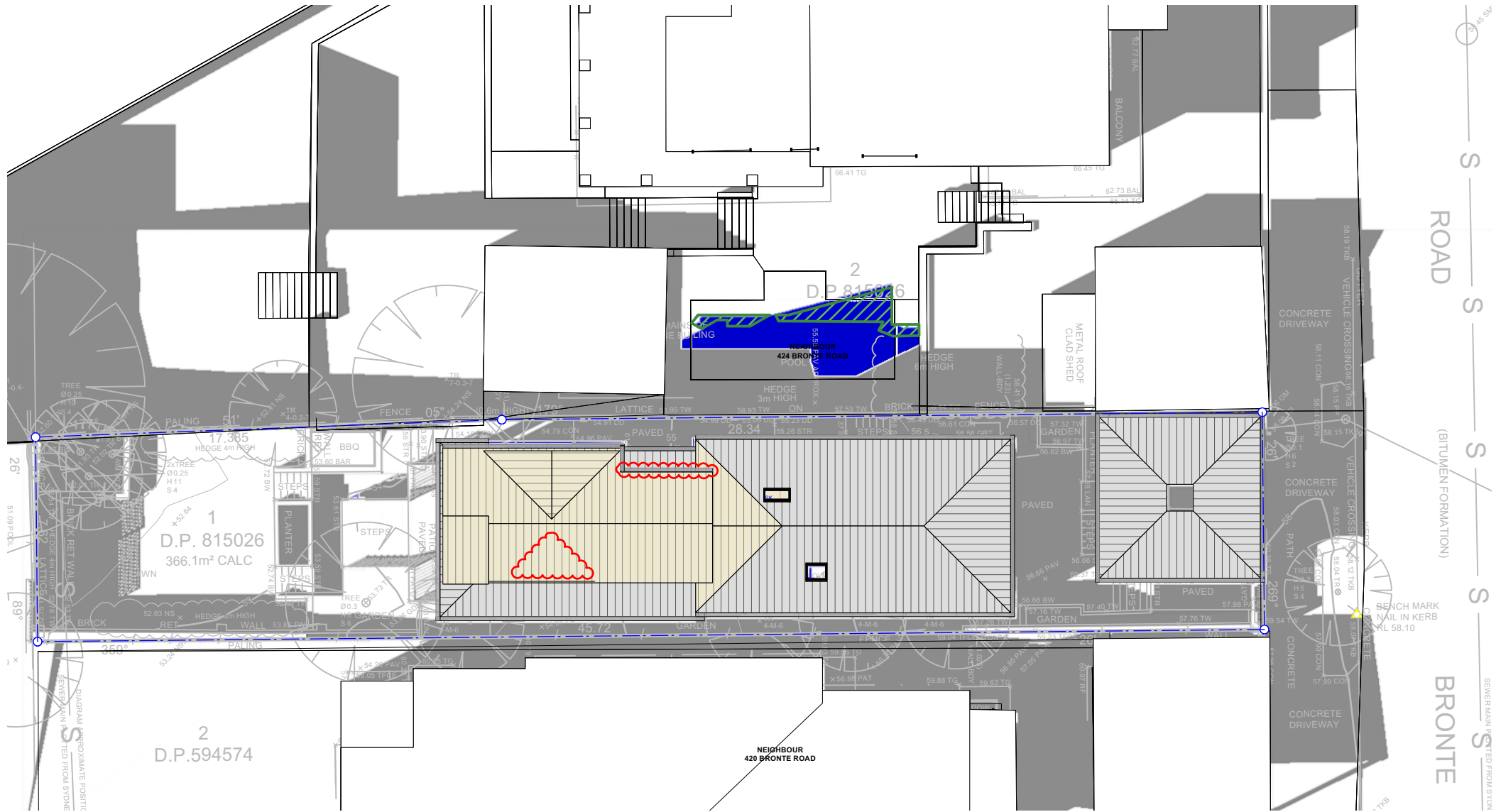
FOR DEVELOPMENT APPLICATION ONLY

Christopher Jordan Architecture & Design	79 BEATTIE STREET, BALMAIN NSW 2041	Key: A/C AL AFD AFW BG BDY BWK CFC CONC CPT	AIR CONDITIONING UNIT ALUMINIUM ALUMINIUM FRAMED DOOR ALUMINIUM FRAMED WINDOW DISHWASHER EXISTING FACE BRICK FINISHED FIBRE CEMENT CLADDING CONCRETE CARPET	CR DOWN PIPE DOWNPIPE SPREADER DRYER BOX GUTTER EXISTING FRIDGE FINISHED CEILING LEVEL FIRE EXTINGUISHER FINISHED FLOOR LEVEL	CEMENT RENDER DOWN PIPE DOWNPIPE SPREADER DRYER BOX GUTTER EXISTING FRIDGE FINISHED CEILING LEVEL FIRE EXTINGUISHER FINISHED FLOOR LEVEL	FG FIXED GLASS FIRE HOSE REEL FIRE INDICATOR PANEL FLOOR TILE PLASTERBOARD GLASS BALUSTRADE GRADED DRAIN HANDRAIL METAL BALUSTRADE METAL CLADDING	MR METAL KLIP-LOK ROOF METAL SHEET OVEN PANTRY PLASTERBOARD RELATIVE LEVEL SKYLIGHT SLAB LEVEL TACTILE INDICATORS TIMBER CLADDING	TIM TIMBER FLOORING/DECKING TIMBER FRAMED DOOR TIMBER FRAMED WINDOW TOP OF FENCE TOP OF WALL TOP OF WALL TIMBER SCREEN WATER CLOSET WASHING MACHINE																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																			
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RECEIVED
Waverley Council

Application No: DA-160/2022

Date Received: 29/09/2022



LEGEND

- EXISTING SHADOWS
- PROPOSED SHADOWS
- PROPOSED SHADOWS CAUSED BY THE HEIGHT VARIATION (ABOVE 8.5M HIGH)



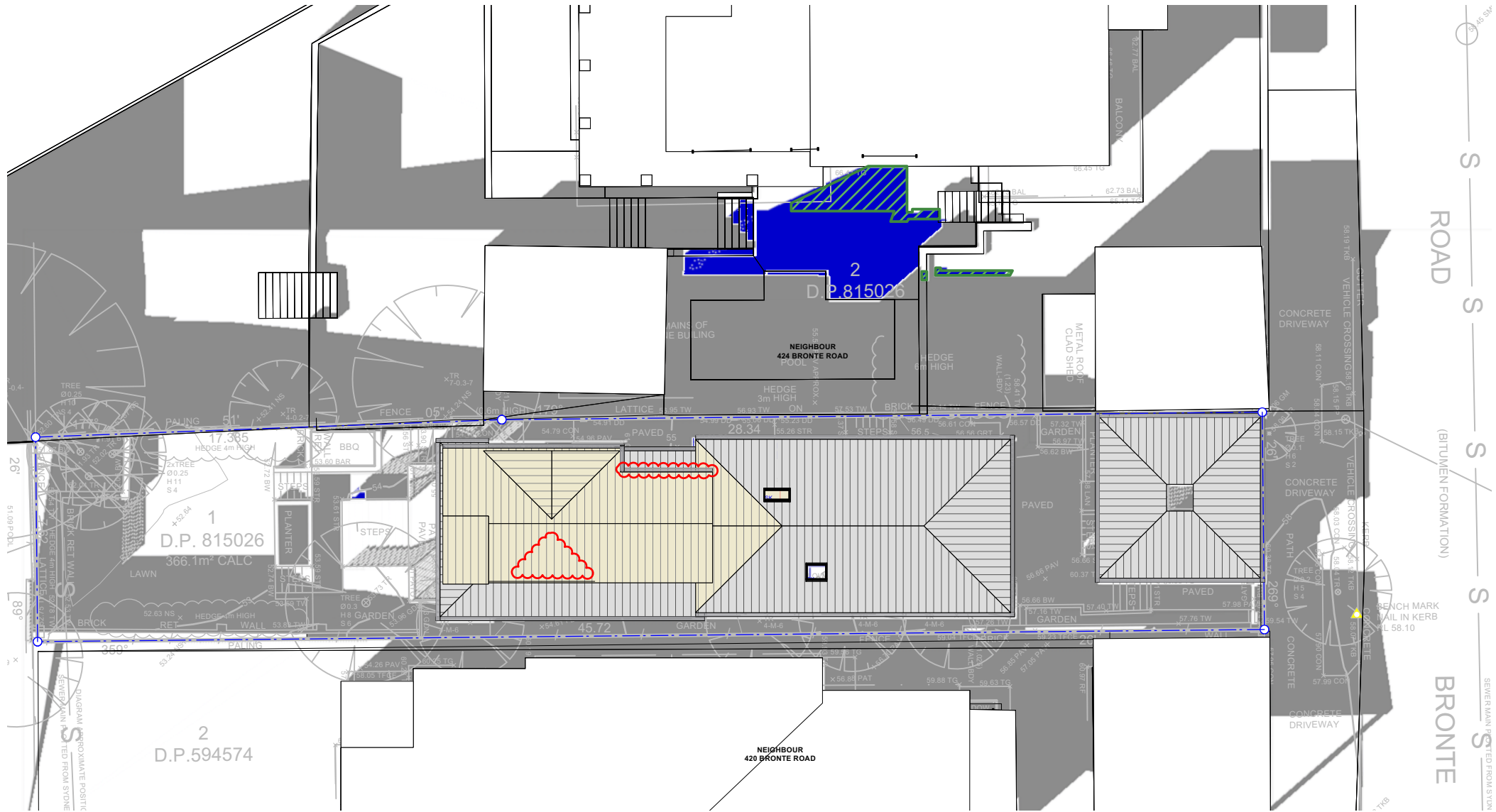
FOR DEVELOPMENT APPLICATION ONLY

Christopher Jordan Architecture & Design	79 BEATTIE STREET, BALMAIN NSW 2041	Key: A/C AL AFD AFW BG BDY BWK CFC CONC CPT	AIR CONDITIONING UNIT ALUMINIUM ALUMINIUM FRAMED DOOR ALUMINIUM FRAMED WINDOW BOX GUTTER EXISTING FACE BRICK COMPRESSED FIBRE CEMENT CLADDING CONCRETE CARPET	CR DPS DR DW EX F FCL FE FFL	CEMENT RENDER DOWN PIPE DOWNPIPE SPREADER DRYER SHWASHER EXISTING FRIDGE FINISHED CEILING LEVEL FIRE EXTINGUISHER FINISHED FLOOR LEVEL	FG FHR FIP FT FW GB GD GL MB MC	FIXED GLASS FIRE HOSE REEL FIRE INDICATOR PANEL FLOOR TILE FLOOR WASTE GLASS BALUSTRADE GRADED DRAIN HANDRAIL METAL BALUSTRADE METAL CLADDING	MR MS OV P PB RL SK SL TA TC	METAL KLIP-LOK ROOF METAL SHEET OVEN PANTRY PLASTERBOARD RELATIVE LEVEL SKYLIGHT SLAB LEVEL TACTILE INDICATORS TIMBER CLADDING	TIM TFD TFW TOF TOW TS WC WM	TIMBER FLOORING/DECKING TIMBER FRAMED DOOR TIMBER FRAMED WINDOW TOP OF FENCE TOP OF WALL TIMBER SCREEN WATER CLOSET WASHING MACHINE																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																								</
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RECEIVED
Waverley Council

Application No: DA-160/2022

Date Received: 29/09/2022



LEGEND

- EXISTING SHADOWS
- PROPOSED SHADOWS
- PROPOSED SHADOWS CAUSED BY THE HEIGHT VARIATION (ABOVE 8.5M HIGH)



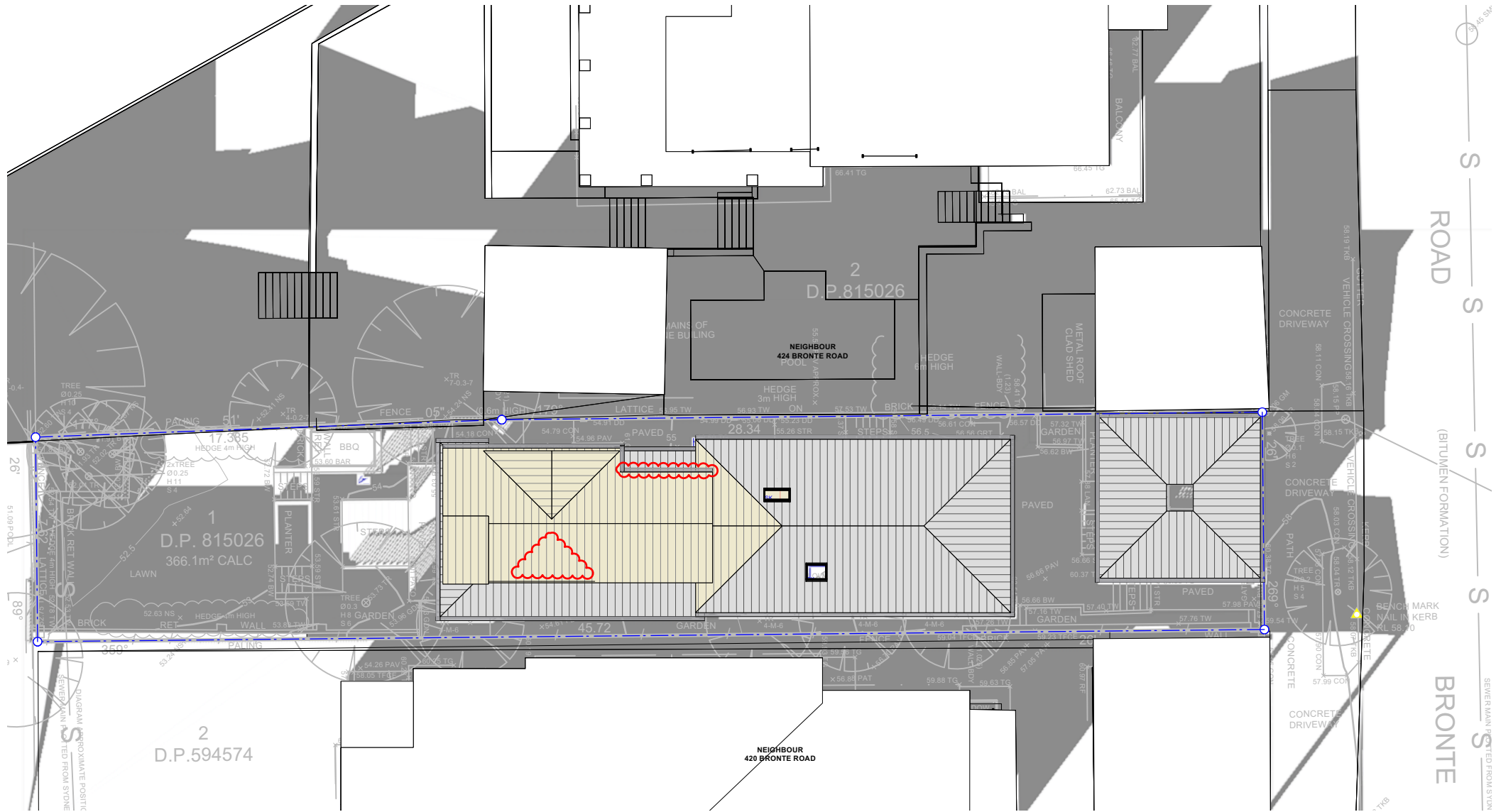
FOR DEVELOPMENT APPLICATION ONLY

Christopher Jordan Architecture & Design	79 BEATTIE STREET, BALMAIN NSW 2041	Key: A/C AL AFD AFW BS BDY BWK CFC CONC CPT	AIR CONDITIONING UNIT ALUMINUM ALUMINUM FRAMED DOOR ALUMINUM FRAMED WINDOW DISHWASHER EXISTING FACE BRICK COMPRESSED FIBRE CEMENT CLADDING CONCRETE CARPET	CR DOWN PIPE DOWNPIPE SPREADER DRYER BOX GUTTER EXISTING FRIDGE FINISHED CEILING LEVEL FIRE EXTINGUISHER FINISHED FLOOR LEVEL	CEMENT RENDER DOWN PIPE DOWNPIPE SPREADER DRYER BOX GUTTER EXISTING FRIDGE FINISHED CEILING LEVEL FIRE EXTINGUISHER FINISHED FLOOR LEVEL	FG FIXED GLASS FIRE HOSE REEL FIRE INDICATOR PANEL FLOOR TILE P PLASTERBOARD RELATIVE LEVEL SKYLIGHT SLAB LEVEL TACTILE INDICATORS TIMBER CLADDING	MR METAL KLIP-LOK ROOF METAL SHEET OVEN PANTRY P PLASTERBOARD RELATIVE LEVEL SKYLIGHT SLAB LEVEL TACTILE INDICATORS TIMBER CLADDING	TIM TIMBER FLOORING/DECKING TIMBER FRAMED DOOR TIMBER FRAMED WINDOW TOP OF FENCE TOP OF WALL TOW TIMBER SCREEN WATER CLOSET WASHING MACHINE																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																			
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RECEIVED
Waverley Council

Application No: DA-160/2022

Date Received: 29/09/2022



SHADOW DIAGRAM 3PM
21 JUNE (WINTER SOLSTICE)

- LEGEND
- EXISTING SHADOWS
 - PROPOSED SHADOWS



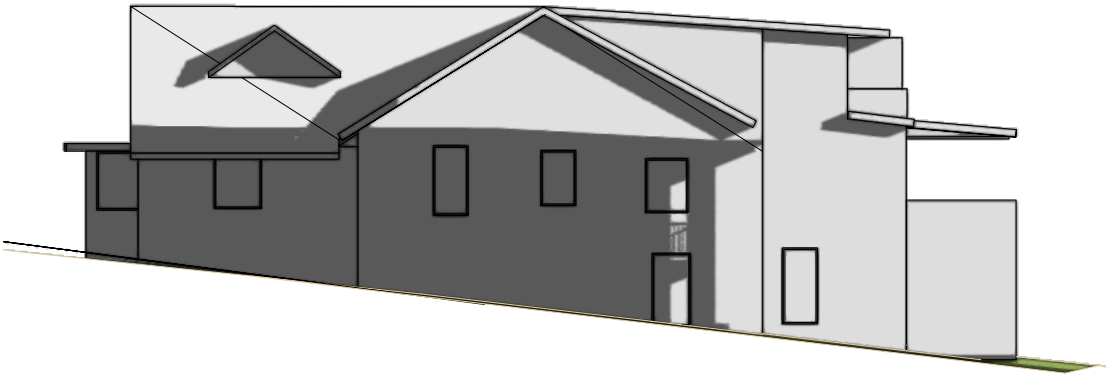
FOR DEVELOPMENT APPLICATION ONLY

Christopher Jordan Architecture & Design	79 BEATTIE STREET, BALMAIN NSW 2041	Key: A/C AL AFD AFW BG BDY BWK CFC CONC CPT	AIR CONDITIONING UNIT ALUMINUM ALUMINUM FRAMED DOOR ALUMINUM FRAMED WINDOW DISHWASHER EXISTING FACE BRICK FINISHED FIBRE CEMENT CLADDING CONCRETE CARPET	CR DOWN PIPE DOWNPIPE SPREADER DRYER BOX GUTTER EXISTING FRIDGE FINISHED CEILING LEVEL FIRE EXTINGUISHER FINISHED FLOOR LEVEL	CEMENT RENDER DOWN PIPE DOWNPIPE SPREADER DRYER BOX GUTTER EXISTING FRIDGE FINISHED CEILING LEVEL FIRE EXTINGUISHER FINISHED FLOOR LEVEL	FG FIRE HOSE REEL FIRE INDICATOR PANEL FLOOR TILE P PLASTERBOARD RELATIVE LEVEL SKYLIGHT SLAB LEVEL TACTILE INDICATORS TIMBER CLADDING	MR METAL KLIP-LOK ROOF METAL SHEET OVEN PANTRY P PLASTERBOARD RELATIVE LEVEL SKYLIGHT SLAB LEVEL TACTILE INDICATORS TIMBER CLADDING	TIM TIMBER FLOORING/DECKING TIMBER FRAMED DOOR TIMBER FRAMED WINDOW TOP OF FENCE TOP OF WALL TOW TIMBER SCREEN WATER CLOSET WASHING MACHINE																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																													</
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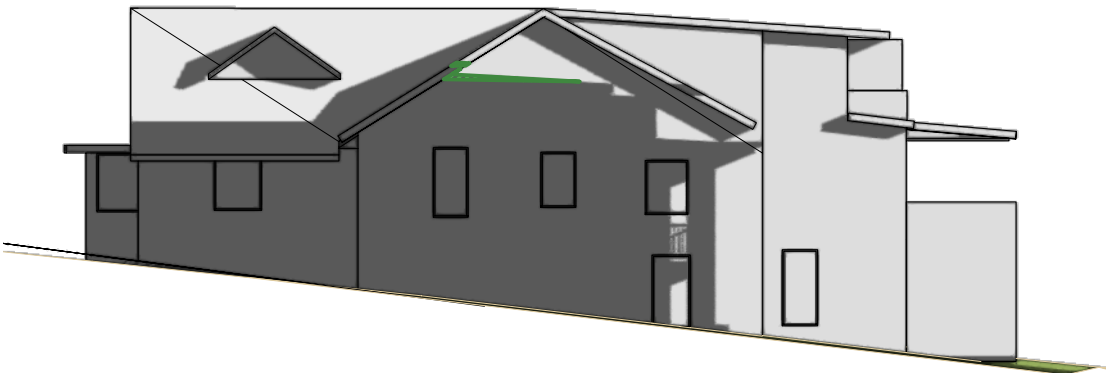
RECEIVED
Waverley Council

Application No: DA-160/2022

Date Received: 29/09/2022



EXISTING SHADOW ELEVATION 9AM
21 JUNE (WINTER SOLSTICE)



PROPOSED SHADOW ELEVATION 9AM
21 JUNE (WINTER SOLSTICE)



VIEW FROM THE SUN
9AM - 21 JUNE (WINTER SOLSTICE)

- LEGEND
- SHADOWS
 - PROPOSED SHADOWS CAUSED BY THE HEIGHT VARIATION (ABOVE 8.5M HIGH)

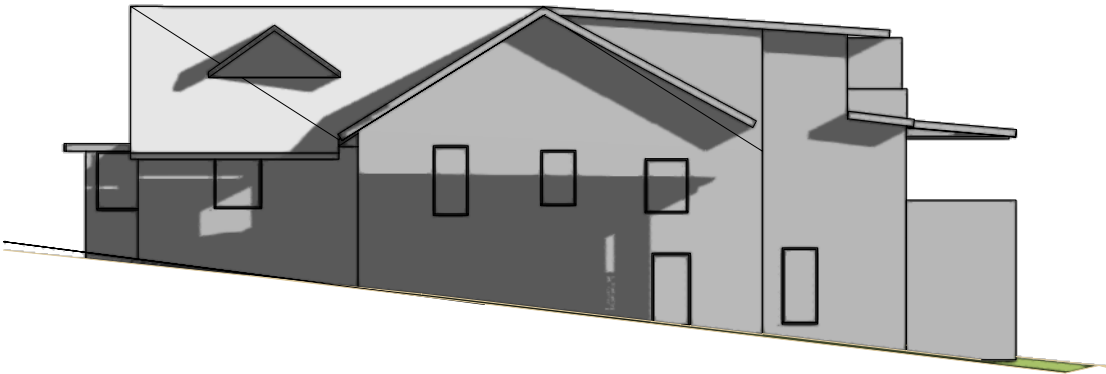
FOR DEVELOPMENT APPLICATION ONLY

Christopher Jordan Architecture & Design	79 BEATTIE STREET, BALMAIN NSW 2041 NSW REG. ARCHITECT NO. 8057 CHRISTOPHER JORDAN p: (02) 8094 9850 m: 0402 357 698 e: chris@christopherjordan.com.au	Key: A/C ALUMINUM A/L ALUMINUM A/FD ALUMINUM A/FW ALUMINUM B/G BOX B/DY BOUNDARY B/WK FACE C/C COMPRESSED C/NC CONCRETE C/PT CARPET	AIR CONDITIONING UNIT ALUMINUM FRAMED DOOR ALUMINUM FRAMED WINDOW BOX GUTTER BOUNDARY FACE BRICK COMPRESSED FIBRE CEMENT CLADDING CONCRETE CARPET	CR CEMENT DP DOWN PIPE DPS DOWN PIPE DR DRYER DW DISHWASHER EX EXISTING FCL FINISHED FE FIRE FFL FINISHED	CEMENT RENDER DOWN PIPE DOWN PIPE SPREADER DRYER DISHWASHER EXISTING FRIDGE FINISHED CEILING LEVEL FINISHED FLOOR LEVEL	FG FIXED GLASS FHR FIRE HOSE REEL FIP FIRE INDICATOR PANEL FT FLOOR TILE FW FLOOR WASTE GB GRASS BALUSTRADE GD GRATED DRAIN HR HANDRAIL MB METAL BALUSTRADE MC METAL CLADDING	MR METAL KLIP-LOK ROOF MS METAL SHEET OV OVEN P PANTRY PB PLASTERBOARD RL RELATIVE LEVEL SK SKYLIGHT SL SLAB LEVEL TA TACTILE INDICATORS TC TIMBER CLADDING	TIM TIMBER FLOORING/DECKING TFD TIMBER FRAMED DOOR TFW TIMBER FRAMED WINDOW TOP TOP OF FENCE TOW TOP OF WALL TS TIMBER SCREEN WC WATER CLOSET WM WASHING MACHINE	SHADOW ELEVATIONS 9AM ALTERATIONS & ADDITIONS 422 BRONTE ROAD, BRONTE DEVELOPMENT APPLICATION	CIRK KC KC By	SCALE 1:200 @ ISO A3 Drawn By KC Checked By CJ Date MAY 22	Project No. HUF576 Drawing No. SH08 Rev # C	

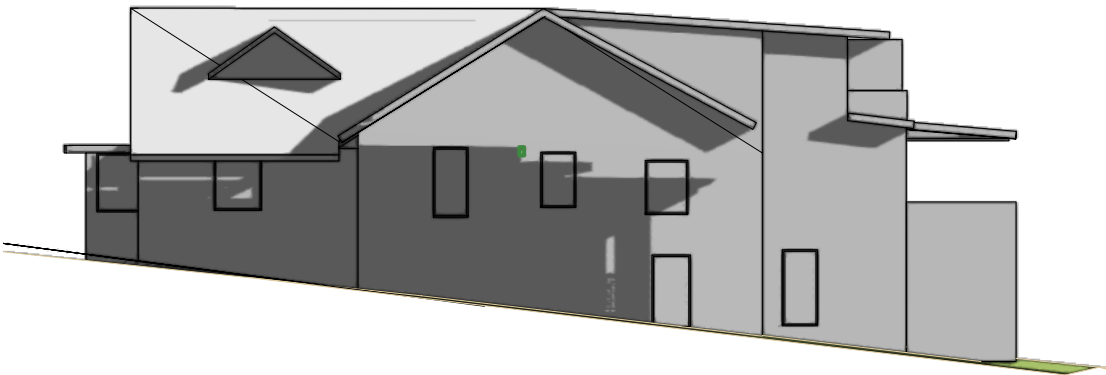
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Date Received: 29/09/2022



EXISTING SHADOW ELEVATION 9:45AM
21 JUNE (WINTER SOLSTICE)



PROPOSED SHADOW ELEVATION 9:45AM
21 JUNE (WINTER SOLSTICE)



VIEW FROM THE SUN
9:45AM - 21 JUNE (WINTER SOLSTICE)

LEGEND

- SHADOWS
- PROPOSED SHADOWS CAUSED BY THE HEIGHT VARIATION (ABOVE 8.5M HIGH)

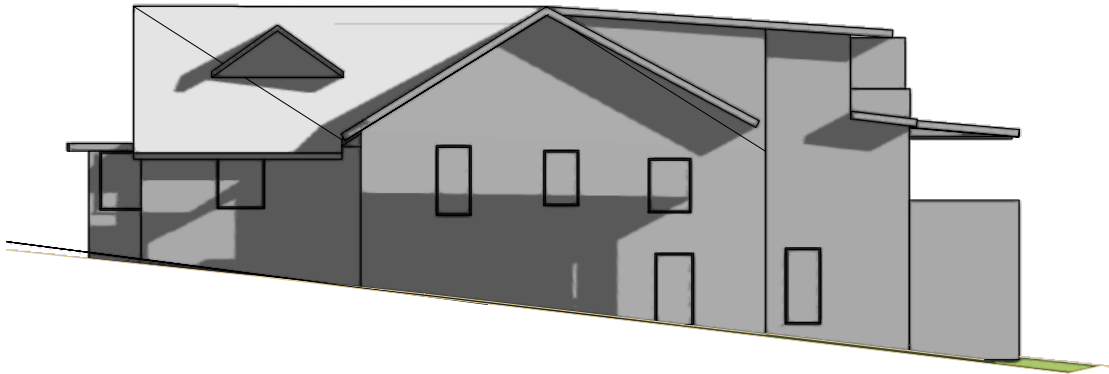
FOR DEVELOPMENT APPLICATION ONLY

<div>Christopher Jordan Architecture & Design</div>	<div>79 BEATTIE STREET, BALMAIN NSW 2041</div> <div>NSW REG. ARCHITECT NO. 8057 CHRISTOPHER JORDAN</div> <div>p: (02) 8094 9850 m: 0402 357 698 e: chris@christopherjordan.com.au</div>	<div>Key:</div> <div>A/C AIR CONDITIONING UNIT AL ALUMINIUM AFD ALUMINIUM FRAMED DOOR AFW ALUMINIUM FRAMED WINDOW BG BOX GUTTER BDY BOUNDARY BWK FACE BRICK CFC COMPRESSED FIBRE CEMENT CLADDING CNC CONCRETE CPT CARPET</div> <div>CR CEMENT RENDER DP DOWN PIPE DPS DOWNPIPE SPREADER DR DRYER DW DISHWASHER EX EXISTING FCL FRIDGE FCE FINISHED CEILING LEVEL FE FIRE EXTINGUISHER FFL FINISHED FLOOR LEVEL</div> <div>FG FIXED GLASS FHR FIRE HOSE REEL FIP FIRE INDICATOR PANEL FT FLOOR TILE FW FLOOR WASTE GB GLASS BALUSTRADE GD GRATED DRAIN HR HANDRAIL MB METAL BALUSTRADE MC METAL CLADDING</div> <div>MR METAL KLIP-LOK ROOF MS METAL SHEET OV OVEN P PANTRY PB PLASTERBOARD RL RELATIVE LEVEL SK SKYLIGHT SL SLAB LEVEL TA TACTILE INDICATORS TC TIMBER CLADDING</div> <div>TIM TIMBER FLOORING/DECKING TFD TIMBER FRAMED DOOR TFW TIMBER FRAMED WINDOW TOP TOP OF FENCE TOW TOP OF WALL TS TIMBER SCREEN WC WATER CLOSET WM WASHING MACHINE</div>	<div>SHADOW ELEVATIONS 9:45AM ALTERATIONS & ADDITIONS 422 BRONTE ROAD, BRONTE DEVELOPMENT APPLICATION</div>	<div>SCALE 1:200 @ ISO A3</div> <div>Drawn By KC Checked By CJ Date MAY 22</div>	<div>Project No. HUF576</div> <div>Drawing No. SH09</div> <div>Rev # C</div>	<div>21</div>

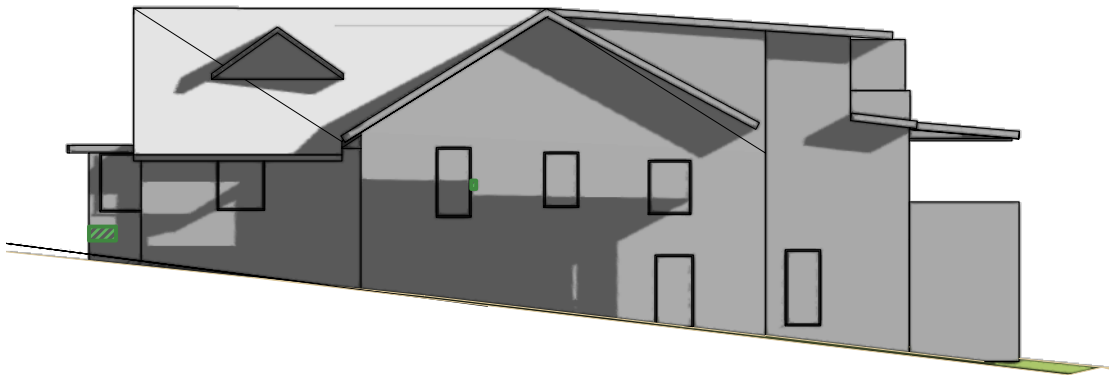
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EXISTING SHADOW ELEVATION 10AM
21 JUNE (WINTER SOLSTICE)



PROPOSED SHADOW ELEVATION 10AM
21 JUNE (WINTER SOLSTICE)



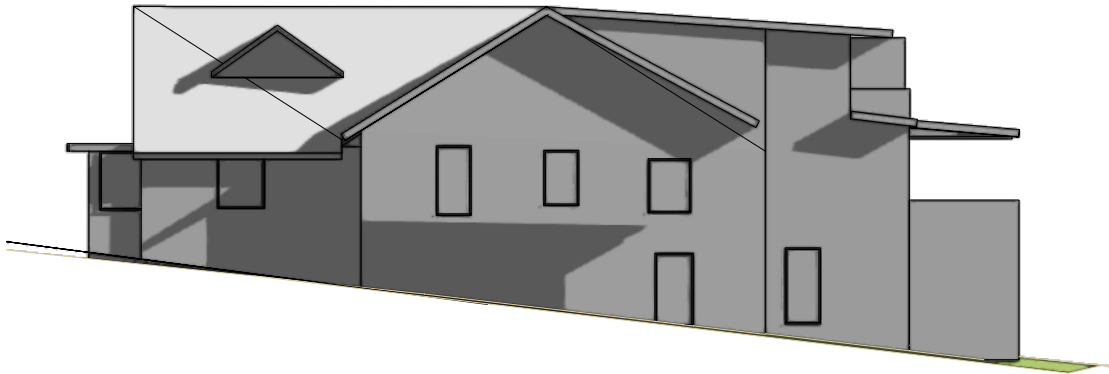
VIEW FROM THE SUN
10AM - 21 JUNE (WINTER SOLSTICE)

- LEGEND
- SHADOWS
 - PROPOSED SHADOWS CAUSED BY THE HEIGHT VARIATION (ABOVE 8.5M HIGH)

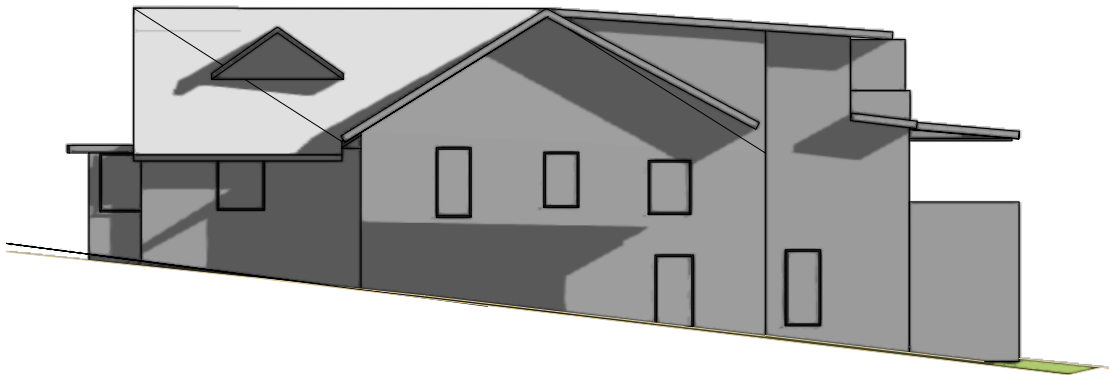
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Application No: DA-160/2022

Date Received: 29/09/2022



EXISTING SHADOW ELEVATION 10:15AM
21 JUNE (WINTER SOLSTICE)



PROPOSED SHADOW ELEVATION 10:15AM
21 JUNE (WINTER SOLSTICE)



VIEW FROM THE SUN
10:15AM - 21 JUNE (WINTER SOLSTICE)

LEGEND

- SHADOWS
- PROPOSED SHADOWS CAUSED BY THE HEIGHT VARIATION (ABOVE 8.5M HIGH)

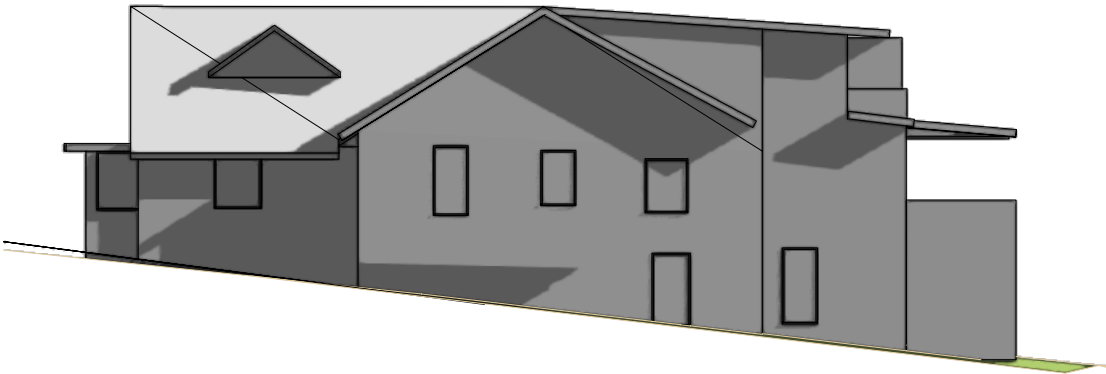
FOR DEVELOPMENT APPLICATION ONLY

Christopher Jordan Architecture & Design	79 BEATTIE STREET, BALMAIN NSW 2041	Key: A/C AL AFD AFW BG BDY BWK CFC CNC CPT	AIR CONDITIONING UNIT ALUMINIUM ALUMINIUM FRAMED DOOR ALUMINIUM FRAMED WINDOW DISHWASHER BOUNDARY FACE BRICK COMPRESSED FIBRE CEMENT CLADDING CONCRETE CARPET	CR DP DPS DR DW EX F FCL FE FFL	CEMENT RENDER DOWN PIPE DOWNPIPE SPREADER DRYER FLOOR TILE EXISTING FRIDGE FINISHED CEILING LEVEL FIRE EXTINGUISHER FINISHED FLOOR LEVEL	FG FHR FIP FT FW GB GD HR MB MC	FIXED GLASS FIRE HOSE REEL FIRE INDICATOR PANEL FLOOR TILE FLOOR WASTE GLASS BALUSTRADE GRATED DRAIN HANDRAIL METAL BALUSTRADE METAL CLADDING	MR MS OV P PB PL SK SL TA TC	METAL KLIP-LOK ROOF METAL SHEET OVEN PANTRY PLASTERBOARD RELATIVE LEVEL SKYLIGHT SLAB LEVEL TACTILE INDICATORS TIMBER CLADDING	TIM TFD TFW TOF TOW TS WC WM	TIMBER FLOORING/DECKING TIMBER FRAMED DOOR TIMBER FRAMED WINDOW TOP OF FENCE TOP OF WALL TIMBER SCREEN WATER CLOSET WASHING MACHINE																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																															
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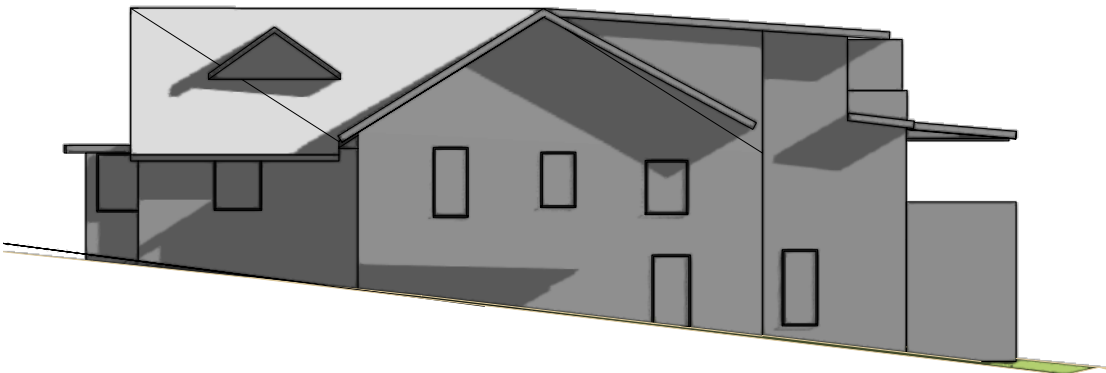
RECEIVED
Waverley Council

Application No: DA-160/2022

Date Received: 29/09/2022



EXISTING SHADOW ELEVATION 10:30AM
21 JUNE (WINTER SOLSTICE)



PROPOSED SHADOW ELEVATION 10:30AM
21 JUNE (WINTER SOLSTICE)



VIEW FROM THE SUN
10:30AM - 21 JUNE (WINTER SOLSTICE)

LEGEND

- SHADOWS
- PROPOSED SHADOWS CAUSED BY THE HEIGHT VARIATION (ABOVE 8.5M HIGH)

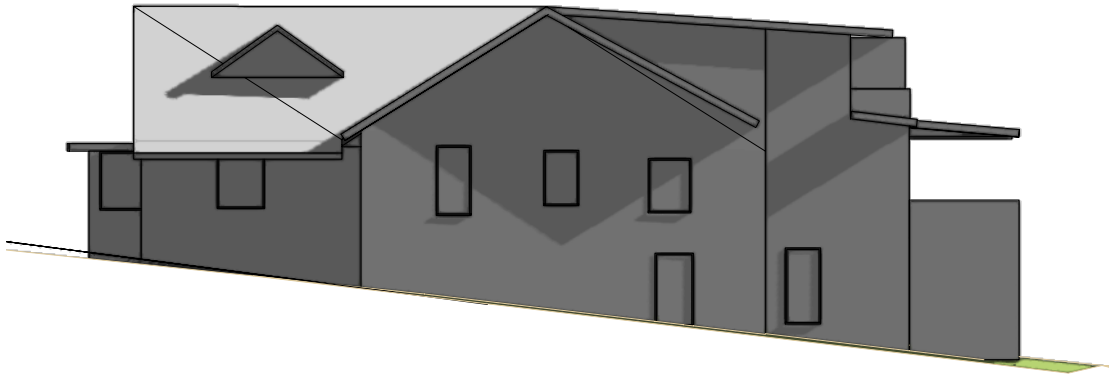
FOR DEVELOPMENT APPLICATION ONLY

Christopher Jordan Architecture & Design	79 BEATTIE STREET, BALMAIN NSW 2041 NSW REG. ARCHITECT NO. 8057 CHRISTOPHER JORDAN p: (02) 8094 9850 m: 0402 357 698 e: chris@christopherjordan.com.au	Key: A/C AL AIR CONDITIONING UNIT AL ALUMINIUM AFD ALUMINIUM FRAMED DOOR AFW ALUMINIUM FRAMED WINDOW BG BOX GUTTER BDY BOUNDARY BWK FACE BRICK CFC COMPRESSED FIBRE CEMENT CLADDING CNC CONCRETE CPT CARPET	CR CEMENT RENDER DP DOWN PIPE DPS DOWNPIPE SPREADER DR DRYER DW DISHWASHER EX EXISTING FCL FINISHED CEILING LEVEL FE FIRE EXTINGUISHER FFL FINISHED FLOOR LEVEL	FG FIXED GLASS FHR FIRE HOSE REEL FIP FIRE INDICATOR PANEL FT FLOOR TILE FW FLOOR WASTE GB GLASS BALUSTRADE GD GRATED DRAIN HR HANDRAIL MB METAL BALUSTRADE MC METAL CLADDING	MR METAL KLIP-LOK ROOF MS METAL SHEET OV OVEN P PANTRY PB PLASTERBOARD RL RELATIVE LEVEL SK SKYLIGHT SL SLAB LEVEL TA TACTILE INDICATORS TC TIMBER CLADDING	TIM TIMBER FLOORING/DECKING TFD TIMBER FRAMED DOOR TFW TIMBER FRAMED WINDOW TOP TOP OF FENCE TOW TOP OF WALL TS TIMBER SCREEN WC WATER CLOSET WM WASHING MACHINE	SHADOW ELEVATIONS 10:30AM ALTERATIONS & ADDITIONS 422 BRONTE ROAD, BRONTE DEVELOPMENT APPLICATION	CIRK KC KC By	C 12/09/2022 REVISED DA DRAWINGS B 19/05/2022 DEVELOPMENT APPLICATION REVISION SET ISSUE A 12/04/2022 DEVELOPMENT APPLICATION ISSUE	No. Date Revision	SCALE 1:200 @ ISO A3 Drawn By KC Checked By CJ Date MAY 22	Project No. HUF576 Drawing No. SH12 Rev # C	

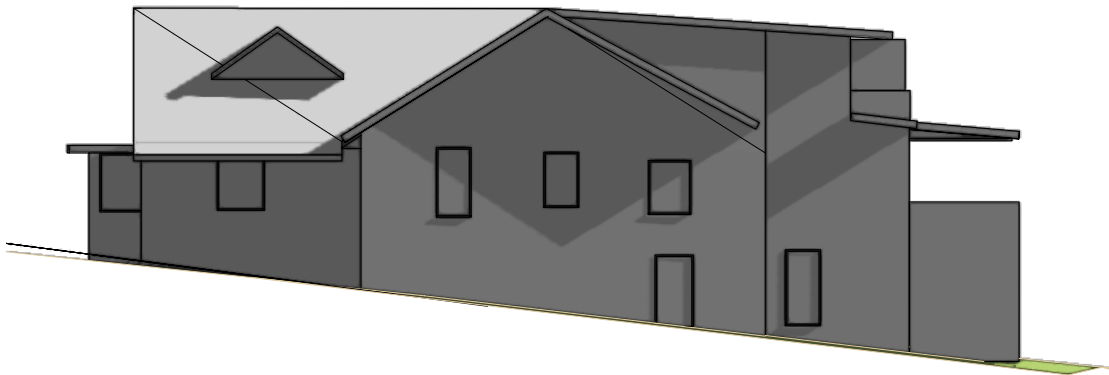
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EXISTING SHADOW ELEVATION 11AM
21 JUNE (WINTER SOLSTICE)



PROPOSED SHADOW ELEVATION 11AM
21 JUNE (WINTER SOLSTICE)



VIEW FROM THE SUN
11AM - 21 JUNE (WINTER SOLSTICE)

LEGEND
SHADOWS

FOR DEVELOPMENT APPLICATION ONLY

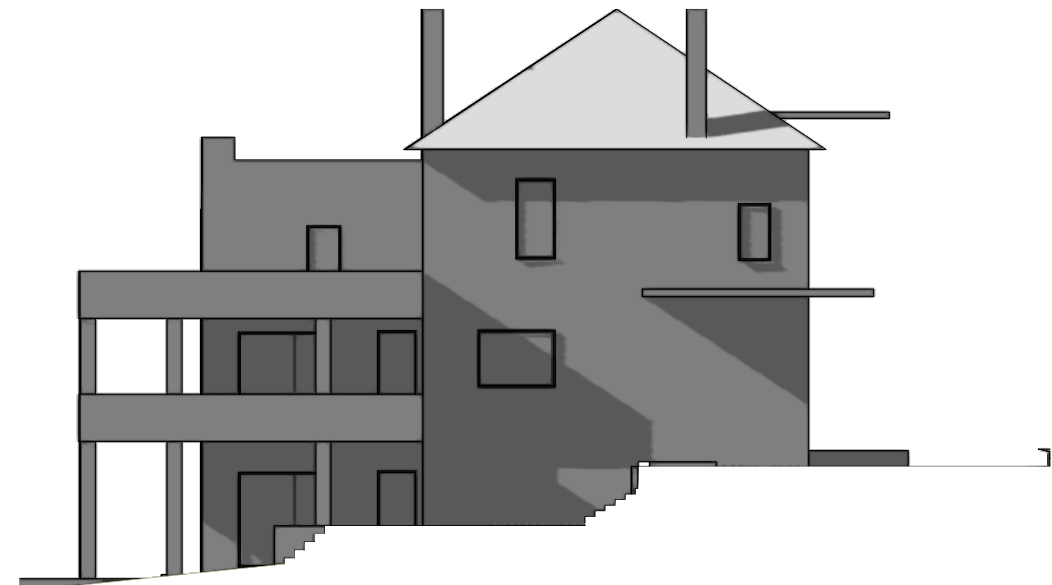
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EXISTING SHADOW ELEVATION 12PM
21 JUNE (WINTER SOLSTICE)



PROPOSED SHADOW ELEVATION 12PM
21 JUNE (WINTER SOLSTICE)



VIEW FROM THE SUN
12PM - 21 JUNE (WINTER SOLSTICE)

LEGEND
SHADOWS

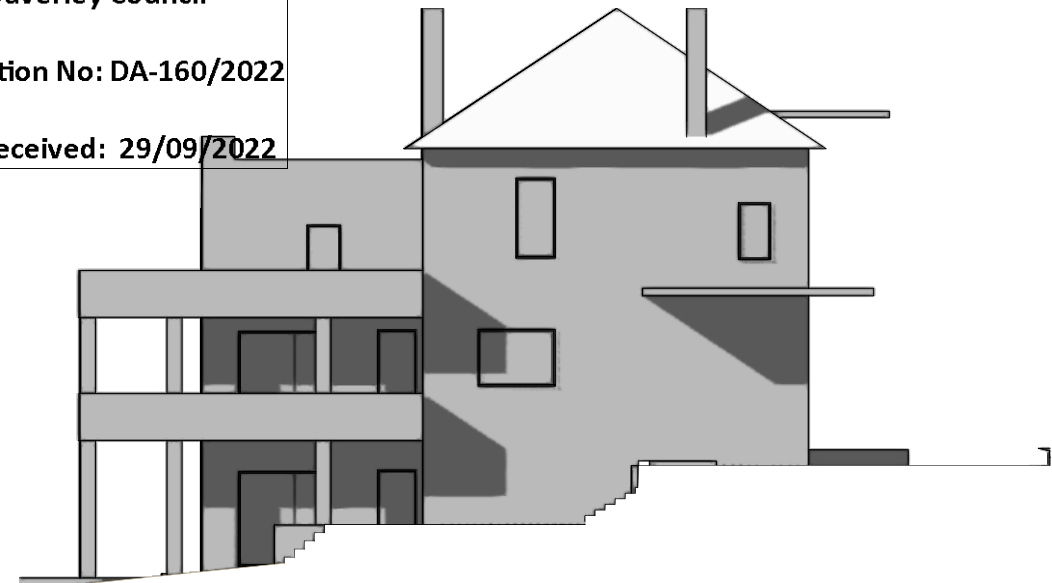
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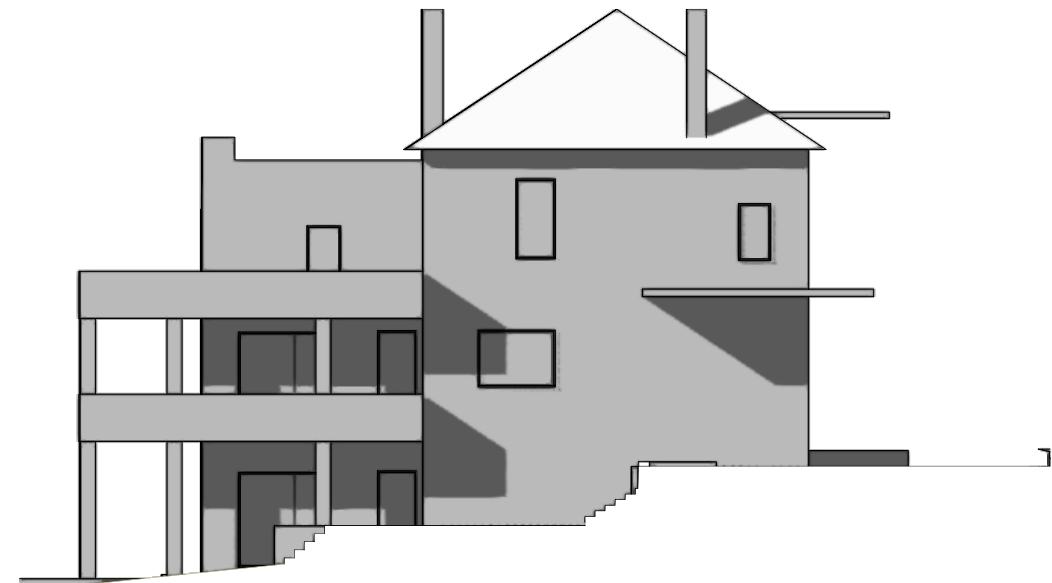
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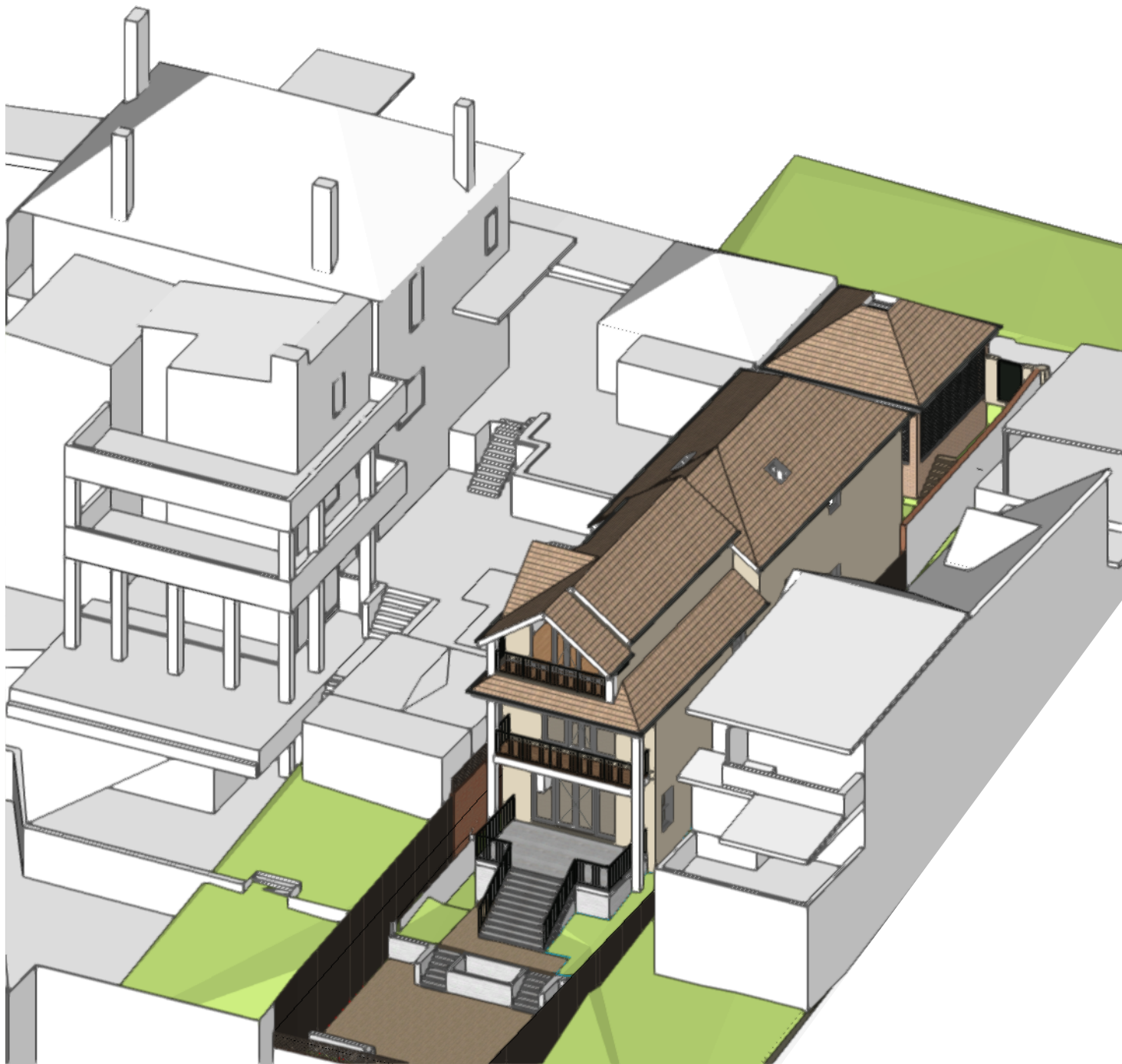


EXISTING SHADOW ELEVATION 1PM
21 JUNE (WINTER SOLSTICE)



PROPOSED SHADOW ELEVATION 1PM
21 JUNE (WINTER SOLSTICE)

LEGEND
SHADOWS



VIEW FROM THE SUN
1PM - 21 JUNE (WINTER SOLSTICE)

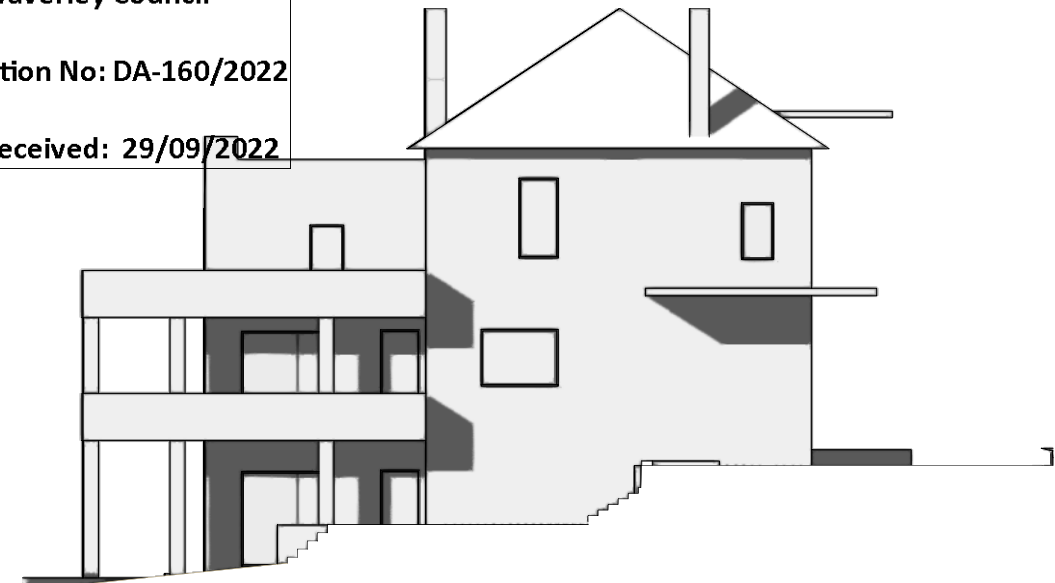
FOR DEVELOPMENT APPLICATION ONLY

<div>Christopher Jordan</div> <div>Architecture & Design</div>	79 BEATTIE STREET, BALMAIN NSW 2041	<div>Key:</div> <div>A/C AL ALUMINIUM</div> <div>AFD ALUMINIUM FRAMED DOOR</div> <div>AFW ALUMINIUM FRAMED WINDOW</div> <div>BG BOX GUTTER</div> <div>BDY BOUNDARY</div> <div>BWK FACE BRICK</div> <div>CFC COMPRESSED FIBRE CEMENT CLADDING</div> <div>CNC CONCRETE</div> <div>CPT CARPET</div>	AIR CONDITIONING UNIT	CR CEMENT RENDER	FG FIXED GLASS	MR METAL KLIP-LOK ROOF	TIM TIMBER FLOORING/DECKING																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																													
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RECEIVED
Waverley Council

Application No: DA-160/2022

Date Received: 29/09/2022



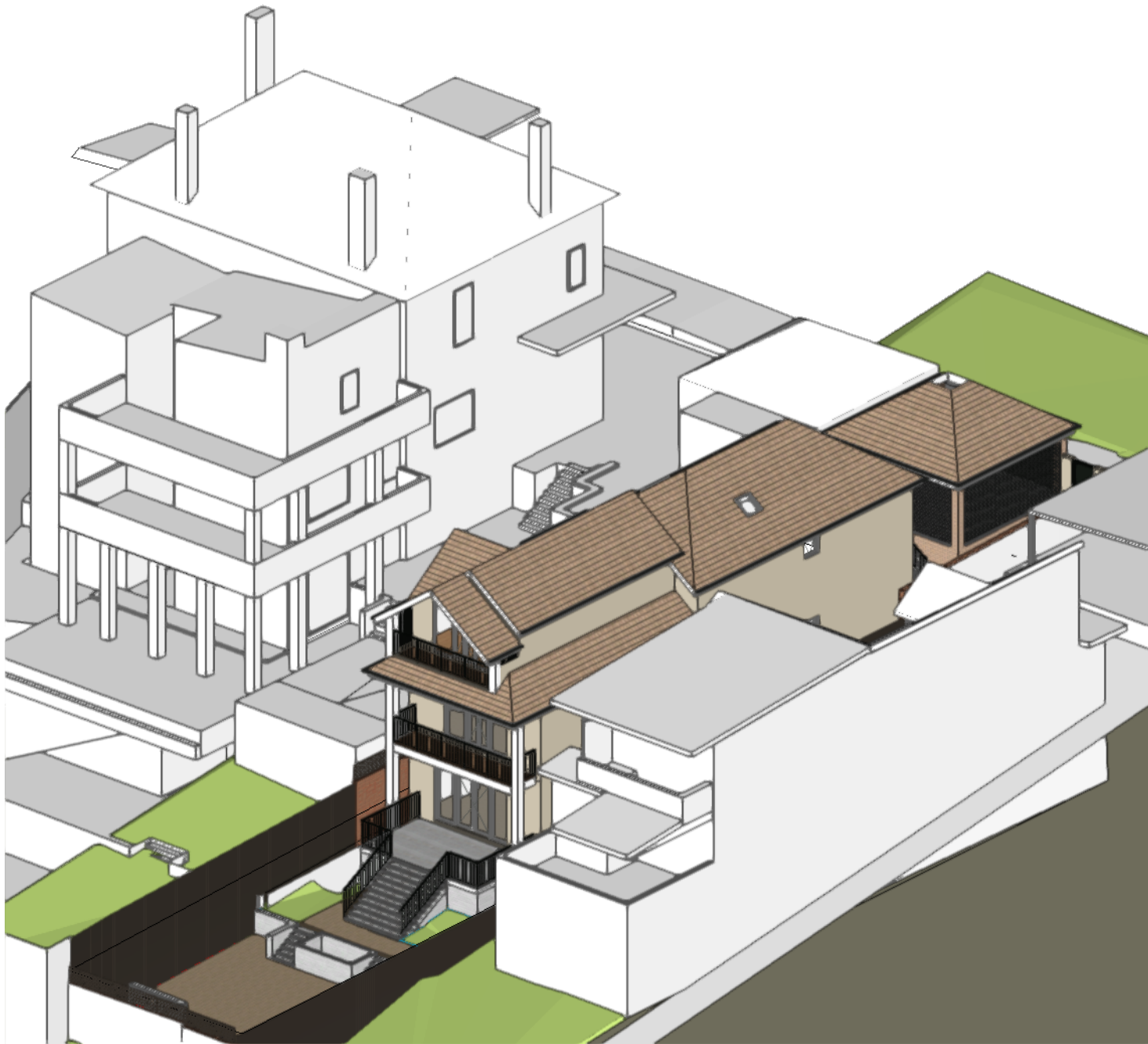
EXISTING SHADOW ELEVATION 2PM
21 JUNE (WINTER SOLSTICE)



PROPOSED SHADOW ELEVATION 2PM
21 JUNE (WINTER SOLSTICE)

LEGEND

SHADOWS



VIEW FROM THE SUN
2PM - 21 JUNE (WINTER SOLSTICE)

FOR DEVELOPMENT APPLICATION ONLY

Christopher Jordan Architecture & Design	79 BEATTIE STREET, BALMAIN NSW 2041	Key: A/C AL AFD AFW BG BDY BWK CFC CNC CPT	AIR CONDITIONING UNIT DOWN PIPE ALUMINIUM FRAMED DOOR ALUMINIUM FRAMED WINDOW BOX GUTTER EXISTING FACE BRICK COMPRESSED FIBRE CEMENT CLADDING CONCRETE CARPET	CR DPS DR DW EX F FE FFL	CEMENT RENDER DOWNPIPE SPREADER DRYER DISHWASHER EXISTING FRIDGE FINISHED CEILING LEVEL FIRE EXTINGUISHER FINISHED FLOOR LEVEL	FG FHR FIP FT FW GB GD GR MB MC	FIXED GLASS FIRE HOSE REEL FIRE INDICATOR PANEL FLOOR TILE FLOOR WASTE GLASS BALUSTRADE GRAATED DRAIN HANDRAIL METAL BALUSTRADE METAL CLADDING	MR MS OV P PB RL SK SL TA TC	METAL KLIP-LOK ROOF METAL SHEET OVEN PANTRY PLASTERBOARD RELATIVE LEVEL SKYLIGHT SLAB LEVEL TACTILE INDICATORS TIMBER CLADDING	TIM TFD TFW TOP TOW TS WC WM	TIMBER FLOORING/DECKING TIMBER FRAMED DOOR TIMBER FRAMED WINDOW TOP OF FENCE TOP OF WALL TIMBER SCREEN WATER CLOSET WASHING MACHINE																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																</
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THIS DESIGN / DRAWINGS ARE NOT TO BE REPRODUCED IN PART OR WHOLE WITHOUT THE WRITTEN PERMISSION OF CHRISTOPHER JORDAN ARCHITECTURE & DESIGN. CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCING FABRICATION. DO NOT SCALE OFF DRAWINGS. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE SPECIFICATION REPORT. ALL DISCREPANCIES TO THE ARCHITECT.

RECEIVED
Waverley Council

Application No: DA-160/2022

Date Received: 29/09/2022



EXISTING SHADOW ELEVATION 3PM
21 JUNE (WINTER SOLSTICE)



PROPOSED SHADOW ELEVATION 3PM
21 JUNE (WINTER SOLSTICE)



VIEW FROM THE SUN
3PM - 21 JUNE (WINTER SOLSTICE)

- LEGEND
- SHADOWS
 - PROPOSED SHADOWS CAUSED BY THE HEIGHT VARIATION (ABOVE 8.5M HIGH)

FOR DEVELOPMENT APPLICATION ONLY

Christopher Jordan Architecture & Design	79 BEATTIE STREET, BALMAIN NSW 2041 NSW REG. ARCHITECT NO. 8057 CHRISTOPHER JORDAN p: (02) 8094 9850 m: 0402 357 698 e: chris@christopherjordan.com.au	<div>Key:</div> <div>A/C AIR CONDITIONING UNIT</div> <div>AL ALUMINIUM</div> <div>AFD ALUMINIUM FRAMED DOOR</div> <div>AFW ALUMINIUM FRAMED WINDOW</div> <div>BS BOX GUTTER</div> <div>BDY BOUNDARY</div> <div>BWK FACE BRICK</div> <div>CFC COMPRESSED FIBRE CEMENT CLADDING</div> <div>CONC CONCRETE</div> <div>CPT CARPET</div> <div>CR CEMENT RENDER</div> <div>DP DOWN PIPE</div> <div>DPS DOWNPIPE SPREADER</div> <div>DR DRYER</div> <div>DW DISHWASHER</div> <div>EX EXISTING</div> <div>FCL FINISHED CEILING LEVEL</div> <div>FE FIRE EXTINGUISHER</div> <div>FFL FINISHED FLOOR LEVEL</div> <div>FG FIXED GLASS</div> <div>FHR FIRE HOSE REEL</div> <div>FIP FIRE INDICATOR PANEL</div> <div>FT FLOOR TILE</div> <div>FW FLOOR WASTE</div> <div>GB GRASS BALUSTRADE</div> <div>GD GRATED DRAIN</div> <div>HR HANDRAIL</div> <div>MB METAL BALUSTRADE</div> <div>MC METAL CLADDING</div> <div>MR METAL KLIP-LOK ROOF</div> <div>MS METAL SHEET</div> <div>OV OVEN</div> <div>P PANTRY</div> <div>PB PLASTERBOARD</div> <div>PL FLOOR WASTE</div> <div>RL RELATIVE LEVEL</div> <div>SK SKYLIGHT</div> <div>SL SLAB LEVEL</div> <div>TA TACTILE INDICATORS</div> <div>TC TIMBER CLADDING</div> <div>TIM TIMBER FLOORING/DECKING</div> <div>TFD TIMBER FRAMED DOOR</div> <div>TFW TIMBER FRAMED WINDOW</div> <div>TOF TOP OF FENCE</div> <div>TOW TOP OF WALL</div> <div>TS TIMBER SCREEN</div> <div>WC WATER CLOSET</div> <div>WM WASHING MACHINE</div>	SHADOW ELEVATIONS 3PM ALTERATIONS & ADDITIONS 422 BRONTE ROAD, BRONTE DEVELOPMENT APPLICATION	SCALE 1:200 @ ISO A3 Drawn By KC Checked By CJ Date MAY 22	Project No. HUF576 Drawing No. SH17 Rev # C	



Report to the Waverley Local Planning Panel

Application number	DA-348/2018/C
Site address	66 Fletcher Street, Bondi
Proposal	Modification including internal reconfiguration, lower-level excavation, window changes, extended screen, and solar panels.
Description of Approved Development	Alterations and additions including conversion of a residential flat building into a single dwelling.
Date of lodgement	1 July 2022
Owner	Proprietors of Strata Plan 12430
Applicant	James William Vicars
Submissions	One
Amended cost of works	Nil (same as original proposal)
Principal Issues	Additional breach to Floor Space Ratio (FSR)
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



(Source: Nearmap, 2022)

1. PREAMBLE

1.1. Executive Summary

The modification application seeks to modify development consent, known as DA-348/2018 for alterations and additions including conversion of a residential flat building into a single dwelling at the site known as 66 Fletcher Street, Bondi. In summary, the proposal seeks to modify internal reconfiguration, lower-level excavation, window changes, extended screen, and solar panels

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

- Additional breach to FSR.

The assessment finds this issue acceptable as the proposal meets the objectives of the FSR development standard.

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

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

1.2. Site and Surrounding Locality

A site visit was carried out on 4 October 2022.

The site is identified as SP12430, known as 66 Fletcher Street Bondi. The site is rectangular at the front with a splayed rear boundary to the Bondi Coastal Walk. The site has a northern boundary measuring 43.82m, eastern boundary measuring 12.225m, southern boundary measuring 36.455m and western boundary measuring 9.755m. The site has an area of 391.54m² and falls from the street frontage towards the north facing rear yard by approximately 6.5m.

The site is currently under construction (see figure 1 below).

The subject site is adjoined by multi-storey residential flat buildings on both sides. The locality is characterised by a variety of residential developments including multi-storey dwellings and residential flat buildings.

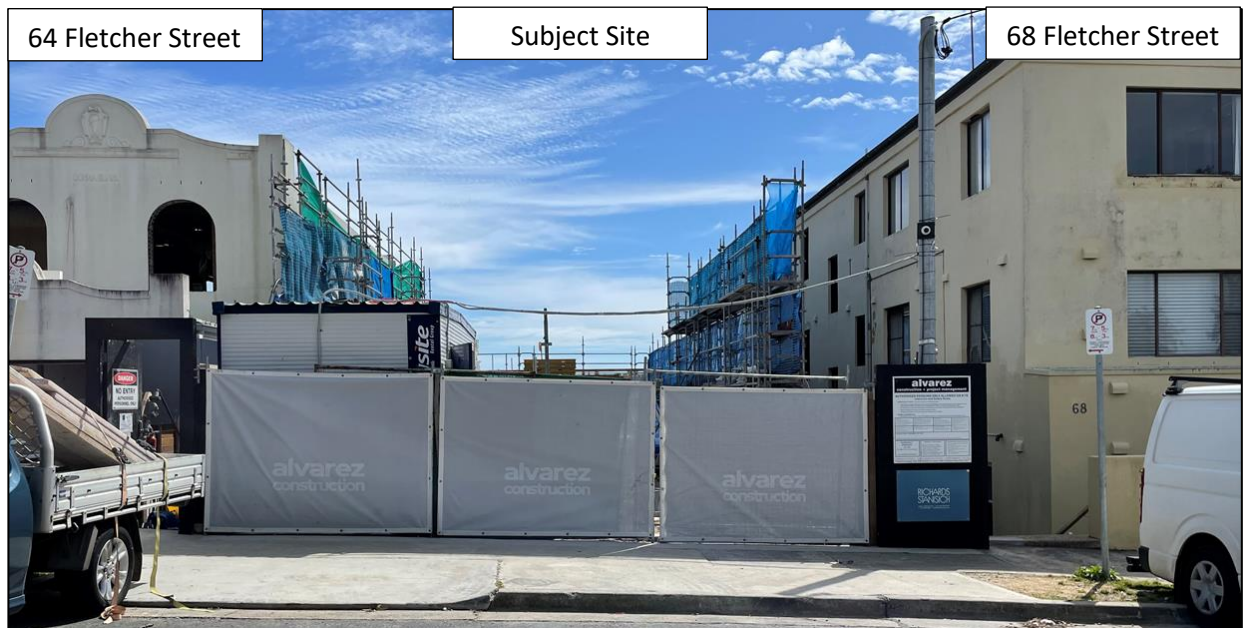


Figure 1: Subject site frontage.

1.3. Details of Approved Development

The original development application, known as DA-348/2018 for alterations and additions including conversion of a residential flat building into a single dwelling, was approved on 29 May 2019 by the Waverley Local Planning Panel (WLPP).

Previous modification applications have been determined as follows:

DA-348/2018/A

Modification including internal reconfiguration, a new window and awning.

Approved: 18 November 2018 (under staff delegation).

DA-348/2018/B

Modification to windows, internal reconfiguration, and extension of the rear awning on level 1 of approved converted dwelling.

Approved: 7 July 2021 (under staff delegation)

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:

Basement Level

- Mechanically ventilated cavity to perimeter (internal to the building).
- Reduce sized of storeroom.
- Relocation of the store and mechanical plant room to the south in additional excavated area (beneath the existing dwelling footprint).

- Bathroom and sauna introduced in place of previous plant room.
- Comms room split into two rooms.

Lower Ground Plan

- Internal layout changes to ensuites.
- Ventilated cavity behind stair (internal to the building).
- Proposed addition of rumpus room and bathroom to the south in additional excavated area (beneath the existing dwelling footprint), with porthole windows on eastern elevation.
- Mechanical riser shown.

Ground Plan

- Internal layout change to ensuite.

Level 1 Plan

- Deletion of the solid balustrade and curved wall on the eastern side of the loggia and replacement with a metal balustrade to match remainder of the terrace area.

Roof

- Gas fireplace flue to terminate 600mm above roof installed to manufacturers details.
- Proposed solar panels.
- Clerestory windows reduced and upstand portion of roof shortened to suite.
- Lift overrun concealed with roof cavity below.
- Metal standing seam roof with falls to hydraulic engineers details.

Elevational changes to windows/openings

- South elevation (front elevation).
 - Reconfiguration of front curved window#1 at first floor, to include additional mullions (no change to size of opening).
- North elevation (rear elevation).
 - Corner window#2 sill lowered and head raised at first floor (increased window area).
 - Balcony and garden level doors reconfigured to remove sidelights from framing (no change to size of openings).
- East elevation (side elevation facing 68 Fletcher Street).
 - Corner window#2 sill lowered and head raised at first floor (increased window area).
 - Window sill lowered slightly to ensuite windows at ground level (increased window area).
 - Porthole windows introduced to rumpus at lower ground floor level, below fence level, just above side path floor level.
 - Ventilation louvres shifted towards the south at lower ground floor level.
- West elevation (side elevation facing 64 Fletcher Street).
 - Reconfiguration of front curved window#1 at first floor, to include additional mullions (no change to size of opening).
 - Ventilation louvres introduced at lower ground floor level.

1.5. Background

Amended plans were provided by the applicant on 14 September 2022, the amendments resulted in the following amendment:

1. The proposed screen to the north-west corner of the first-floor balcony was deleted, reverting to what was previously approved.

2. ASSESSMENT

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

2.1. Section 4.55 – Modification of consents – generally

The application is made under section 4.55(2) of the Act.

The quantitative and qualitative elements and impacts between the approved development and the development, as proposed to be modified, are not considered overly dissimilar as demonstrated in the following sections of this report. In this regard, the proposal is considered to be *substantially the same* as the originally approved development with regard to matters arising from the NSW Land and Environment Court case of *Moto Projects (No 2) Pty Ltd v North Sydney Council (1999) 106 LGERA 298*.

The relevant Minister, public authority or approval body have been consulted about this modification application, where necessary.

The application was publicly notified and one submission was 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 (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021

SEPP (Biodiversity and Conservation) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021 regulates the clearing of vegetation that is below the Biodiversity Offset Scheme threshold referred to in the Biodiversity Conservation Act 2016.

In accordance with Part 2.6 of the SEPP, a permit is required from Council to clear any vegetation in an area identified:

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

Planners Comment

The property lies within the coastal biodiversity corridor. A minimum of 50% of the proposed trees, 50% of the shrubs and 50% of the grasses and groundcovers (not including turfed areas) are to be indigenous or local native plants listed in Annexure B2-1 of the Waverley Development Control Plan 2012 (Waverley DCP 2012) as per Part B, Section 3.2.2, Control (a) of the Waverley DCP 2012.

As works relate to modifications to the approved building and not landscaping, this is not applicable to this modification.

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 13) and a Coastal Use Area (i.e. defined by clause 14) .

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

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

Matter for Consideration	Compliance	Comment
(a) the integrity and resilience of the biophysical, hydrological	Yes	The proposal is not expected to cause any changes to the natural environment.

Matter for Consideration	Compliance	Comment
(surface and groundwater) and ecological environment,		
(b) coastal environmental values and natural coastal processes,	Yes	The proposal is not expected to cause any changes to the natural environmental values and processes.
(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 water quality will not be affected by the proposal.
(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,	Yes	The proposal is not expected to impact on marine vegetation and habitats as the works will be completed entirely within the site.
(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	No public access ways will be affected by the proposal.
(f) Aboriginal cultural heritage, practices and places,	-	N/A
(g) the use of the surf zone.	Yes	There will be no impact to the use of the surf zone.

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

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

Matter for Consideration	Compliance	Comment
(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 platform for members of the public,	Yes	The proposal is not expected to cause disruption to access the foreshore, beach, headland or rock platform for members of

Matter for Consideration	Compliance	Comment
including persons with a disability,		the public, including persons with a disability.
(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,	Yes	The proposal is not anticipated to cause overshadowing wind funnelling or loss of views to public places or the foreshores.
(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,	Yes	The proposal is not anticipated to impact the visual amenity and scenic qualities to the coast.
(iv) Aboriginal cultural heritage, practices and places,	-	N/A
(v) cultural and built environment heritage, and	-	N/A
(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 development is considered to be of an appropriate size and scale.
(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or	-	N/A
(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and	-	N/A
(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 proposed development is of a similar bulk and scale to that of surrounding dwellings.

Draft Waverley Local Environmental Plan 2022 (Draft Waverley LEP 2022)

The Draft Waverley Local Environmental Plan 2022 was exhibited from 12 November 2021 to 23 January 2022, however at the time of this assessment, there are no relevant matters for consideration.

Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

The land use definition of the approved development as a dwelling house remains unchanged and continues to be permitted development in the medium density residential 'R3' zone under Waverley LEP 2012.

The quantities of the approved development, as proposed to be modified, have changed as outlined in **Table 3** of this report in relation to principal development standards under Waverley LEP 2012. All other relevant provisions of Waverley LEP 2012 remain compliant.

Table 3: Waverley LEP 2012 Compliance Table

Provision	Approved (DA-348/2018/B)	Proposed Modified	Compliance
4.3 Height of buildings <ul style="list-style-type: none"> 9.5m 	RL 32.720	Remains at RL 32.720 (solar panels contained within approved overall height). Note: chimney flues are excluded from height calculations.	N/A – no change to assess.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> Max FSR: 0.675:1 Max GFA: 263.89m² Site Area: 391m² 	1.321:1 or 516.72m ² Resulting in a breach of 252.81m ² or 95.8%.	Basement: 118.0m ² Lower Ground Floor: 152.8m ² Ground Floor: 172.9m ² First Floor: 114.6m ² TOTAL GFA: 558.3m ² TOTAL FSR: 1.43:1 EXCEEDS: 294.41m ² or 111.6%	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 GFA of 41.58m², resulting in an overall FSR of 1.43:1. This culminates in an overall exceedance of the FSR development standard by 294.41m² or 111.6%. The net increase of FSR due to the proposed modifications represents 15.8% 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:

- (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.*

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

- Retains the maximum building height and density originally approved;
- Does not alter the building's compatibility in relation to bulk, scale, streetscape appearance or its contribution to the desired future character of the locality as compared to the original approval; and
- Preserves the environmental amenity of neighbouring properties and introduces no new impacts on the amenity of the locality.

The proposed modification meets the relevant objectives of FSR, for the following reasons:

- The additional floor area is located at basement and lower ground, which will not increase the height and density of the dwelling as it is below ground and close to existing ground level.
- The proposed additional floor area to the basement and lower ground do not increase the bulk and scale of the approved dwelling, resulting in a dwelling that is still compatible with the streetscape.
- The modified development will not result in view loss, visual privacy or overshadowing, as it will not increase the bulk and scale to the upper levels of the development.

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 2012 (Waverley DCP 2012) – Amendment No.9

The approved development, as proposed to be modified, continues to comply with the relevant parts and sections of Waverley DCP 2012. Only the following parts and sections of Waverley DCP 2012 that

apply to the proposed modifications are outlined in **Tables 4** and **5** of this report and detailed discussion below these tables.

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

Development Control	Compliance	Comment
2. Ecologically Sustainable Development	Yes	The amended BASIX and NATHers Certificate is acceptable.
6. Stormwater	Yes	Previously imposed stormwater conditions are recommended to be retained.
12. Design Excellence	Yes	The modified development will still result in design excellence, being substantially the same as previously approved.
14. Excavation	Yes	The proposed additional excavation is setback more than 0.9m from the side boundaries.

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.
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context 	Yes	The modified development will not result in an unacceptable streetscape or visual impacts, being substantially the same as previously approved.
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design 	Yes	The modified windows will not result in visual privacy issues to neighbouring dwellings.
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. 	Yes	The proposed development will maintain a similar bulk and scale to previously approved and is therefore unlikely to result in view loss impacts.

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 18 July to 4 August 2022 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:

1. The proposed screen to the north-west corner of the first-floor balcony was deleted, reverting to what was previously approved.

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

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

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

Count	Property Address
1.	64 Fletcher Street, Bondi

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

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

Issue: *Proposed screen to the northwest side to the level 3 balcony will reduce views.*

Response: The amended plans provided by the applicant have now deleted this screen.

Issue: *Change from solid to glazed balustrade will impact privacy of 68 Fletcher Street.*

Response: The proposed balustrading is recommended to be amended from solid to balustrading of this terrace. The change in balustrading will introduce a consistent balustrading style that will improve the visual appearance of the building. The change from solid to open balustrading is not likely to create unreasonable visual privacy impacts, given the height of balcony above existing ground level and the close proximity of the neighbouring private open space, a person standing on this balcony will look out and over the neighbouring property.

2.2.5. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Stormwater

An internal referral was sought from Council's Stormwater Department who did not provide comments on the proposed development.

4. CONCLUSION

The modification application seeks to modify development consent, known as DA-348/2018 for alterations and additions including conversion of a residential flat building into a single dwelling at the site known as 66 Fletcher Street, Bondi. In summary, the proposed modifications are for modification including internal reconfiguration, lower-level excavation, window changes, extended screen, and solar panels

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

- Additional breach to FSR.

The assessment finds this issue acceptable as the proposal meets the objectives of the FSR development standard.

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

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

Development and Building Unit (DBU) Decision:



The application was reviewed by the DBU at the meeting on 20 September 2022 and the DBU determined:

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

DBU members: *M Reid, B McNamara, E Finnegan, K Lucas*

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the modification application be APPROVED by the Waverley Local Planning Panel subject to modified and new conditions in Appendices A and B:

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Joseph Somerville	Angela Rossi
Senior Development Assessment Planner	Manager, Development Assessment (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 4/10/2022	Date: 20/10/2022

Reason for WLPP referral:

The consent authority for the original development application was the WLPP, this modification is made under section 4.55(2) of the Act and relates to:

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

APPENDIX A – CONDITIONS OF CONSENT TO BE MODIFIED

A. Amended/Deleted Conditions

1. APPROVED DEVELOPMENT

The development must be in accordance with:

(a) The following Architectural Plans:

Drawing no	Revision	Prepared by	Rev Date	Received by Council
DA-0101	F	Richards Stanisich	26/11/2020	29/01/2021
DA-0102	K	Richards Stanisich	12/08/2019	19/09/2019
DA-0103	K	Richards Stanisich	13/08/2019	19/09/2019
DA-0201	O	Richards Stanisich	26/11/2020	29/01/2021
DA-0202	P	Richards Stanisich	26/11/2020	29/01/2021
DA-0501	R	Richards Stanisich	26/11/2020	29/01/2021
DA-0502	R	Richards Stanisich	02/11/2020	29/01/2021

(AMENDED BY DA-348/2018/B)

(i) Amended architectural plans:

Drawing no	Revision	Prepared by	Rev Date	Received by Council
DA-0101	I	Richards Stanisich	14/09/2022	14/09/2022
DA-0102	Q	Richards Stanisich	14/09/2022	14/09/2022
DA-0202	S	Richards Stanisich	14/09/2022	14/09/2022
DA-0501	T	Richards Stanisich	14/09/2022	14/09/2022
DA-0502	T	Richards Stanisich	14/09/2022	14/09/2022

(AMENDED BY DA-348/2018/C)

- (b) BASIX Certificate
- (c) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012;
- (a) Except where amended by the following conditions of consent.

B. New Conditions

Nil

APPENDIX B – FULL SET OF CONDITIONS

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) The following Architectural Plans:

Drawing no	Revision	Prepared by	Rev Date	Received by Council
DA-0101	F	Richards Stanisich	26/11/2020	29/01/2021
DA-0102	K	Richards Stanisich	12/08/2019	19/09/2019
DA-0103	K	Richards Stanisich	13/08/2019	19/09/2019
DA-0201	O	Richards Stanisich	26/11/2020	29/01/2021
DA-0202	P	Richards Stanisich	26/11/2020	29/01/2021
DA-0501	R	Richards Stanisich	26/11/2020	29/01/2021
DA-0502	R	Richards Stanisich	02/11/2020	29/01/2021

(AMENDED BY DA-348/2018/B)

- (i) Amended architectural plans:

Drawing no	Revision	Prepared by	Rev Date	Received by Council
DA-0101	I	Richards Stanisich	14/09/2022	14/09/2022
DA-0102	Q	Richards Stanisich	14/09/2022	14/09/2022
DA-0202	S	Richards Stanisich	14/09/2022	14/09/2022
DA-0501	T	Richards Stanisich	14/09/2022	14/09/2022
DA-0502	T	Richards Stanisich	14/09/2022	14/09/2022

(AMENDED BY DA-348/2018/C)

- (b) BASIX Certificate
- (c) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012;
- (b) Except where amended by the following conditions of consent.

2. APPROVED USE - DWELLING HOUSE

This application approves the use of the building/s on the site for single dwelling house.

3. NOISE FROM BUILDING WORKS - RESTRICTED ACTIVITIES

Where there is a strong community reaction to noise associated with demolition, excavation and/or construction, Council may require respite periods by restricting the hours that the specific noisy activity can occur.

Notes: If this is imposed, Council will take into account:

1. Times identified by the community when they are less sensitive to noise .

2. If the community is prepared to accept a longer period of construction in exchange for restrictions on construction times.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

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

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

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

5. SECTION 7.12 CONTRIBUTION

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

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

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

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

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

Advisory Note

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

6. SECURITY DEPOSIT

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

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

7. LONG SERVICE LEVY

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

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

8. HOARDING REQUIRED

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**.

The hoarding is to be erected on the street alignments of the property prior to the commencement of building operations and be maintained during the course of building operations. Details of the hoarding are to be provided to Council for record and be to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

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

9. EROSION & SEDIMENT CONTROL

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared in accordance with Waverley Council's Water Management Technical Manual and the NSW Environment Protection Authority (EPA) Managing Urban Stormwater: Soils and Construction (Blue Book). A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be included in the plan for any construction site with vehicles entering and existing the site.

This Plan shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

The approved Soil and Water Management Plan must be kept on site, measures shall be implemented prior to commencement of any works or activities and maintained at all times. A copy of the Soil and Water Management Plan must be made available to the Principal Certifying Authority & Council officers on request.

10. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

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

11. LANDSCAPE PLANS

The landscape plans shall be amended to reflect the following:

- (a) Include 90% locally indigenous or locally native plant species listed in Annexure B2 – 1 of the Waverley Development Control Plan 2012 as the site is located within 25m of remnant vegetation.
- (b) The following introduced species have a strong potential to become invasive weeds therefore shall be deleted from the plant schedule: *Beaumontia grandiflora*, *Hedera helix* *Stephanotis floribunda* and *Beschoneria yuccoides*.

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

12. STORMWATER MANAGEMENT

- (a) The Plans prepared by PARTRIDGE HYDRAULIC SERVICES, Job No. 2018H0050, Drawing No. SWDA 2.1 to SWDA 2.5 (Rev P2), dated April 2018 are not satisfactory with respect to stormwater details. The drawings do not comply with the Waverley Development Control Plan 2012 in reference to Waverley Council's Water Management Technical Manual.

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

The amended stormwater details are to be submitted and approved by Council's Executive Manager, Creating Waverley prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

- (b) Note: Since a sewer main adjacent to the property, plans must also be presented to a Sydney Water Quick Check Agent for their approval.
- (c) Certification is to be provided from a suitably qualified professional, that the stormwater system has been designed in accordance with the Water Management Technical Guidelines. Stormwater system details are to be submitted in accordance with the Waverley Development Control Plan 2012 - Part B prior to the issue of a Construction Certificate.

13. GEOTECHNICAL ENGINEER REPORT

A Geotechnical Engineers Report is to be submitted to the appointed Principal Certifying Authority prior to the issue of the relevant construction certificate, which assesses the following;

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
- (b) the effect of the development on the likely future use or redevelopment of the land,
- (c) the quality of the fill or the soil to be excavated, or both,
- (d) the effect of the development on the existing and likely amenity of adjoining properties,
- (e) the source of any fill material and the destination of any excavated material,
- (f) the likelihood of disturbing relics,
- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The report must make recommendations and conclude that damage should not occur to any adjoining premises as a result of the proposed bulk excavation, driven type piles and shoring works.

14. STRUCTURAL ENGINEER REPORT

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

15. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

The Structural Engineers Report shall be submitted to the Principal Certifying Authority, Council and the owners of adjoining properties prior to the issue of a Construction Certificate.

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

16. DILAPIDATION REPORTS

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

Please note the following:

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

17. ENGINEERING DETAILS

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

18. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY

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

19. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

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

The CVPPM shall:

- a. Show the size and number of trucks to be used during the various stages of the development.
- b. Show the route to be taken by trucks in (a) above within the Waverley Council area when gaining access to and from the site. Note, if it is considered with the information submitted that such vehicles cannot adequately and safely gain access to and from the

site or where access into or out of the site may not be possible without the need to remove an unsatisfactory number of vehicles parked on the roadway in the vicinity of the site, the trucks may not be approved for use.

- c. Show the location and length of any proposed Works/Construction Zones.

Note:

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

20. LONG SECTIONS OF DRIVEWAY

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

The long section drawings shall:

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

21. BASIX

The undertakings provided in the BASIX Certificate and NatHERS documentation shall be provided for in the Construction Certificate plans and documentation prior to the issue of the Construction Certificate.

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

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

The above condition is a prescribed condition under the Environmental Planning and Assessment Regulation 2000 clause 97A and the above BASIX commitments are mandatory and cannot be modified under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

22. LANDSCAPED SLABS

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

23. SERVICE AUTHORITIES

The applicant is to seek approval from the relevant service authorities regarding any possible modification to the existing infrastructure within the vicinity of the site prior to the issue of a Construction Certificate. This includes, but not limited to, power poles, pits or other underground services.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

24. PRIOR TO SITE WORKS

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

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

25. HOME BUILDING ACT

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

26. CONSTRUCTION SIGNS

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

27. OBSTRUCTION TO PUBLIC AREAS

If a public place or pedestrian vehicular traffic may be obstructed because of the carrying out of work involved in the erection or demolition of a building; or a public place is required to be enclosed in connection with the erection or demolition of a building then a hoarding, fencing or awning must be provided to prevent injury and appropriately lit between sunset and sunrise.

28. COMPLIANCE WITH SAFE WORK NSW

All site works are to comply with the occupational health and safety requirements of SAFE WORK NSW.

29. DEMOLITION & SITE PREPARATION

Hazardous or intractable wastes arising from the demolition process are to be removed and disposed of in accordance with the requirements **SafeWork NSW** and the NSW Environment Protection Authority (EPA), and with the provisions of:

- (a) Work Health & Safety Act 2011;
- (b) Work Health & Safety Regulation 2017;

- (c) Protection of the Environment Operations Act 1997 (NSW) and
- (d) NSW EPA Waste Classification Guidelines 2014;

30. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

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

31. ASBESTOS REMOVAL

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

32. EXCAVATION TO BE LIMITED

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

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

33. 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.

34. EXCAVATION BELOW FOOTINGS

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

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

35. EXCAVATION TO BE MANAGED BY STRUCTURAL ENGINEER

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

36. POTENTIAL DEWATERING OF THE SITE

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

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

37. CONSTRUCTION HOURS

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

- (a) The Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which form part of public holiday weekends; and
- (b) Sundays and public holidays
- (c) 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 2000.

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

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

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.

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

39. NATIONAL CONSTRUCTION CODE (NCC)

All building work must be carried out in accordance with the requirements of the National Construction Code.

40. CONSTRUCTION INSPECTIONS

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

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

The specified **MANDATORY** inspections for a **DWELLING HOUSES including (Class 1 and 10 Buildings)** are:

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

- (f) prior to covering any stormwater drainage connections; and
- (g) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The following additional inspections are required (if relevant to the development) to be undertaken by the PCA:

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

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

41. CERTIFICATE OF SURVEY – LEVELS

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

42. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

43. SERVICE PIPES

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

44. NEW VEHICLE CROSSING

A new vehicle crossing is to be provided to access the proposed **car stacker**. 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.

45. ADJUSTMENTS TO STREET SIGNS

Any street signs to be removed as a result of the works shall be relocated at the applicant's expense in accordance with Council's requirements.

46. SLIDING GATE OPERATION

The sliding gate at the car stacker shall remain closed and locked at all times and unlocked and opened only when a vehicle is in the process of entering onto or exiting from a platform.

47. WATER PROOFING

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

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

48. SMOKE ALARM SYSTEM

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

49. DOMESTIC HEATERS

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

50. NO WORKS BEYOND BOUNDARIES

No portion of the proposed fence, including the footings, is to encroach beyond the boundaries of the subject property.

51. WORK OUTSIDE PROPERTY BOUNDARY

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

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

52. OCCUPATION CERTIFICATE

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

53. STORMWATER MANAGEMENT

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

54. LIGHTING

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

55. INTRUDER ALARM

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

56. STREET NUMBER/S

The termination of strata scheme of the property has lead to the following allocation of street numbers:

- No. 66 for the single dwelling.

The street number for each property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary that fronts the street. The street number is to be positioned on the site prior to the issue of the Occupation Certificate.

Any variation to the above street numbering requires a new application to be lodged with Council.

57. SUBDIVISION

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

58. TERMINATION OF STRATA SCHEME

The termination of the Strata Scheme shall be registered on title, prior to the issue of an Occupation Certificate.

59. PARKING ON-SITE

In accordance with Council policy, parking on-site is limited to two (2) vehicles.

1. ADVICE TO APPLICANT

Your Construction Certificate will not be issued until all the conditions of consent are satisfied.

2. 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.

3. DIAL BEFORE YOU DIG

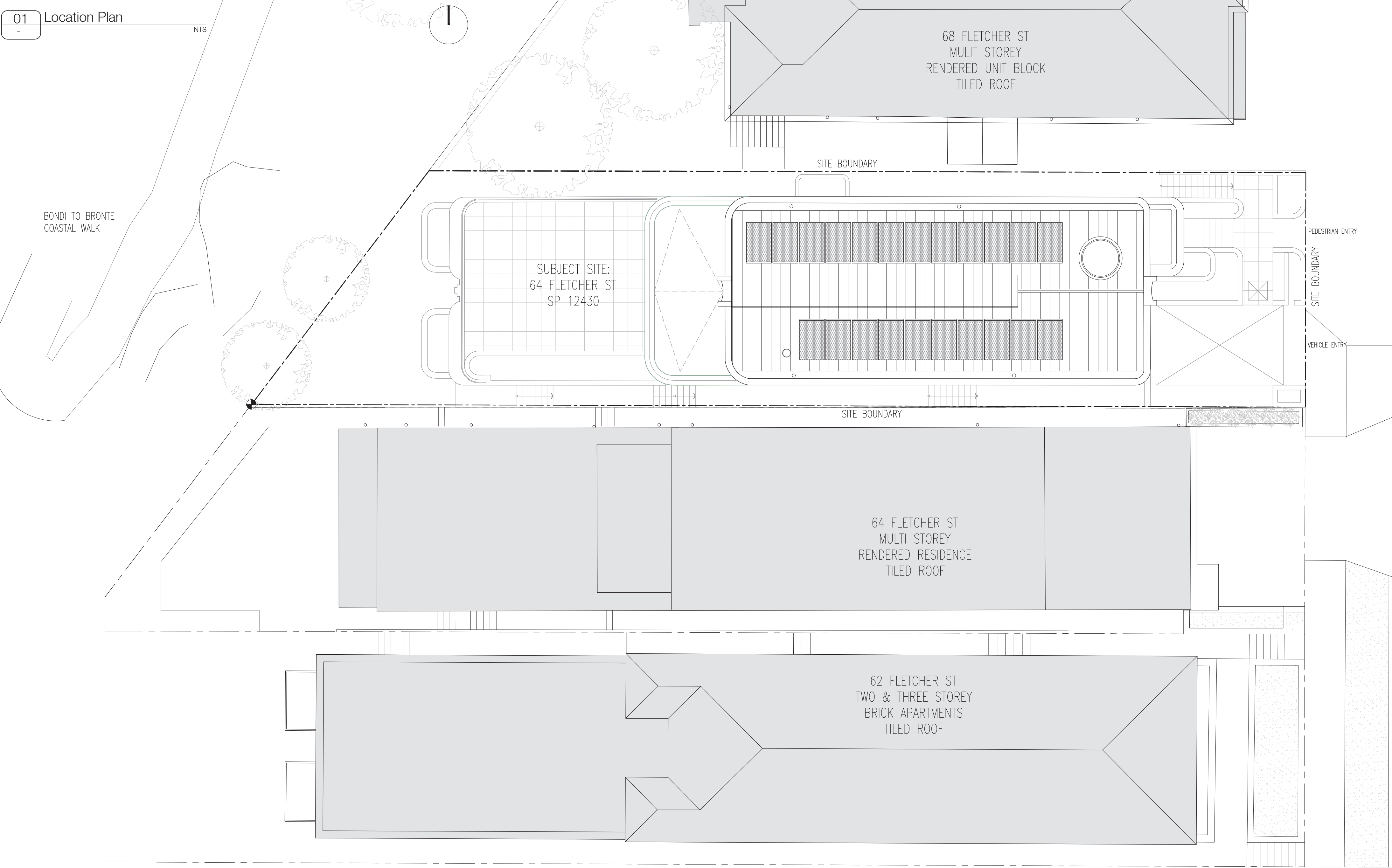
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law 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.

4. 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.



01 Location Plan

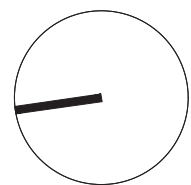


02 Site Plan

In accepting and utilising this document the recipient agrees that SJB Interior Design (Sydney) Pty. Ltd. ACN 064 844 622 T/A Richards Stanisch, retain all common law, statutory law and other rights including copyright and intellectual property rights. The recipient agrees not to use this document for any purpose other than its intended use; to waive all claims against Richards Stanisch resulting from unauthorised changes; or to reuse the document on other projects without the prior written consent of Richards Stanisch. Under no circumstances shall transfer of this document be deemed a sale. Richards Stanisch makes no warranties of fitness for any purpose.

The Builder/Contractor shall verify job dimensions prior to any work commencing. Figured dimensions shall take precedence over scaled work.

North Point



Rev.	Date	Revision	By	Chk.
D	13.08.19	\$4.55 For Council Approval	AB	JR
E	02.11.20	\$4.55 Modification 2 - For Co-ordination	AB	JR
F	26.11.20	\$4.55 Modification 2 - For Co-ordination	AB	JR
G	18.05.22	\$4.55 Modification 3 - For Council Approval	MM	JR
H	02.06.22	\$4.55 Modification 3 - For Council Approval	RM	JR

Rev.	Date	Revision	By	Chk.
I	14.09.22	\$4.55 Modification 3 - For Council Approval	RM	JR

Project
66 FLETCHER ST
SOUTH BONDI, NSW 2026

Drawing
Site & Location Plans

Date	Scale	Sheet Size
14.09.2022	1:50	@ A1
Reg No.	Drawn	Chk.
	AB/MM	JR
Job No.	Drawing No.	Revision
85786	DA-0101	I

FOR APPROVAL

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RICHARDS
STANISICH



66 FLETCHER STREET
SOUTH BONDI, NSW 2026

Section 4.55 Modification

Richards Stanisch
Level 2 490 Crown Street
Surry Hills NSW
2010 Australia
T 61 2 8319 8299

Project Number: 85786
Date: SEPTEMBER 2022

Contents:

DA-0101	Contents, Site Plan/Location Plan
DA-0201	Floor Plans; Basement, Lower Ground & Ground
DA-0202	Floor Plans; Level 1 & Roof
DA-0501	Elevations; North, South & East
DA-0502	Elevations; West & Section A

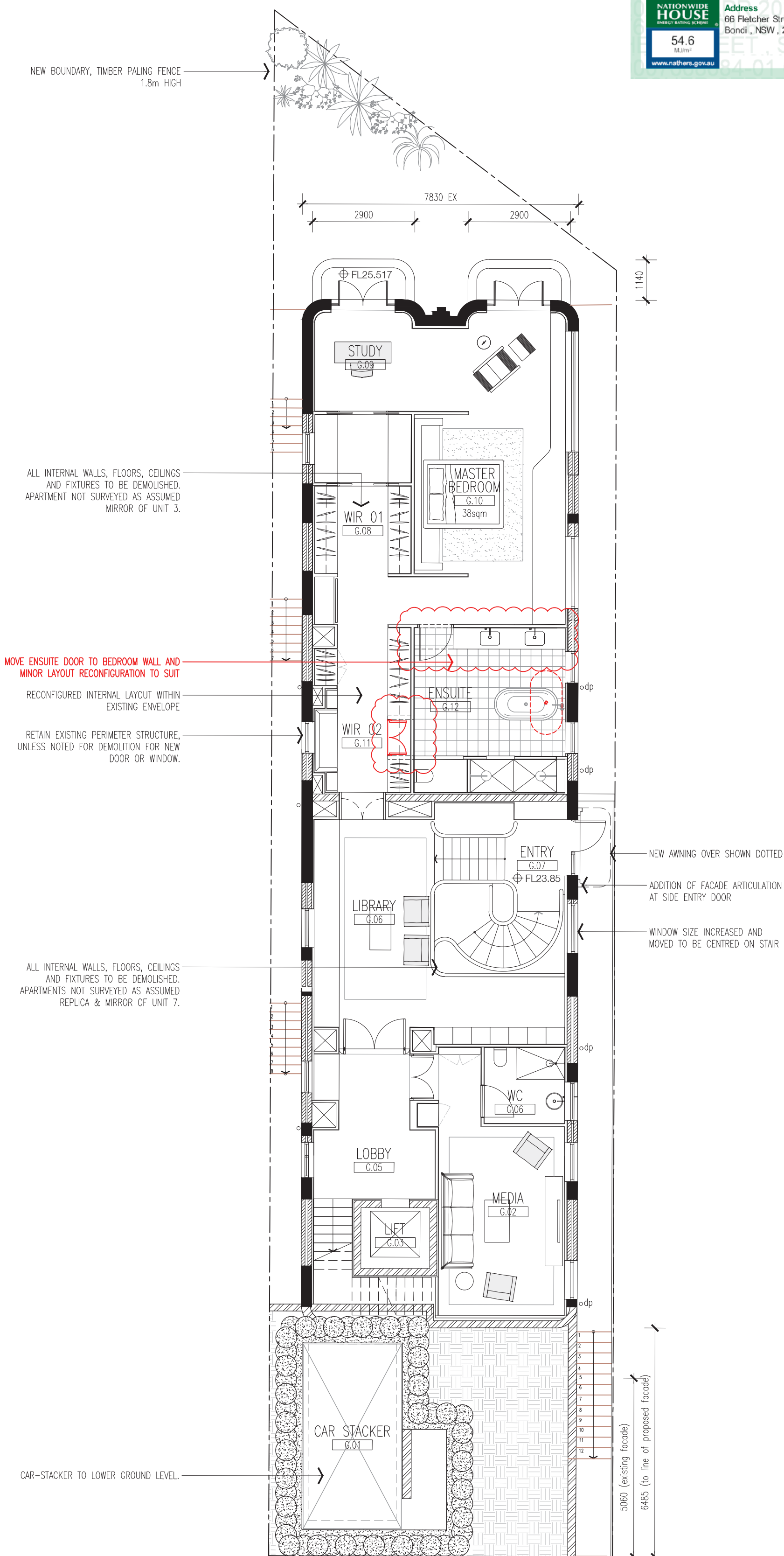
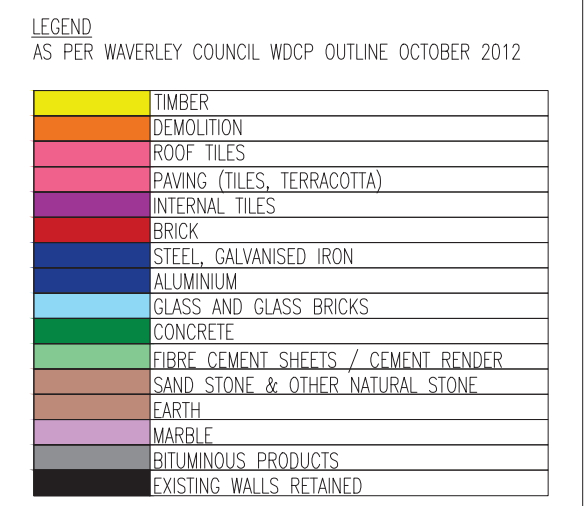
RECEIVED
Waverley Council

Application No: DA-348/2018/C

Date Received: 14/09/2022

AMENDED PLANS


BASIX thermal comfort inclusions	
Floors	Concrete slab on ground. No insulation Concrete between levels, no insulation required Suspended concrete with R2.0 insulation to open and exposed areas
Walls	External walls: Existing cavity brick walls with R1.5 insulation (insulation value only) Concrete block wall to earth with R1.5 insulation (insulation value only) (Note: no insulation is required to service area external walls) External colour: Default colour modelled Walls with-in dwellings: Plasterboard on studs, no insulation required Concrete (masonry) walls, no insulation required Concrete block walls with an R1.5 to internal service walls shared with habitable area Plasterboard walls with R1.5 insulation between Laundry/bathroom and habitable areas.
Windows	Group A: Aluminium framed performance glazing to awning and casement windows/doors: U-Value: 4.30 (equal to or lower than) SHGC: 0.47 (± 10%) Group B: Aluminium framed performance glazing to fixed, double hung and sliding windows/doors: U-Value: 4.30 (equal to or lower than) SHGC: 0.53 (± 10%) Given values are AFRC, total window system values (glass and frame) NOTE: Operability modelled as per BASIX Thermal Protocol - 4.14.2 and NatHERS Technical Note 1.2 – 10.11 regard to restricted openings.
Ceilings	Plasterboard ceiling, with an R2.5 insulation (insulation value only) where roof/balcony is over Plasterboard ceiling with R2.0 insulation between plant room/services and habitable spaces above.
Ceiling penetrations	Loss of ceiling insulation has been accounted for in accordance with BASIX Thermal Protocol 4.13.1 and NatHERS Technical Note 1.2 Assumed sealed LED downlights every 1/2.5m ²
Roof	Metal roof with foil backed blanket (R1.3 and R1.3) External colour: Medium (0.475 < SA < 0.7)
Floor Coverings	Tiles to wet areas, parts of the basement and LGF stairs, Timber elsewhere
BASIX water inclusions	
Rainwater tank	5,000L Rainwater tank Collecting from at least 73m ² of roof area Connected to private landscape
BASIX energy inclusions	
Hot water system	Gas instantaneous – 6 star
Photovoltaic system	Min 2KW PV system



AMENDED PLANS

BASIC thermal comfort inclusions	
Floors	<p>Concrete slab on ground, No insulation</p> <p>Concrete between levels, no insulation required</p> <p>Suspended concrete with R2.0 insulation to open and exposed areas</p>
Walls	<p>External walls:</p> <p>Existing cavity brick walls with R1.5 insulation (insulation value only)</p> <p>Concrete block wall to earth with R1.5 insulation (insulation value only)</p> <p>(Note: no insulation is required to service area external wall)</p> <p>External colour: Default colour modelled</p> <p>Walls with-in dwellings:</p> <p>Plasterboard on studs, no insulation required</p> <p>Concrete (masonry) walls, no insulation required</p> <p>Concrete block walls with an R1.5 to internal service walls shared with habitable area</p> <p>Plasterboard walls with R1.5 insulation between Laundry/Bathroom and habitable areas.</p>
Windows	<p>Group A: Aluminium framed performance glazing to awning and casement windows/doors: U-Value: 4.30 (equal to or lower than) SHGC: 0.47 (±10%)</p> <p>Group B: Aluminium framed performance glazing to fixed, double hung and sliding windows/doors: U-Value: 4.30 (equal to or lower than) SHGC: 0.53 (±10%)</p> <p>Given values are AFRC, total window system values (glass and frame)</p> <p>NOTE: Operability modelled as per BASiX Thermal Protocol - 4.14.2 and NatHERS Technical Note 1.2 – 10.11 regard to restricted openings.</p>
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Ceiling penetrations	<p>Loss of ceiling insulation has been accounted for in accordance with BASiX Thermal Protocol 4.13.1 and NatHERS Technical Note 1.2</p> <p>Assumed sealed LED downlights every 1/2.5m²</p>
Roof	<p>Metal roof with foil backed blanket (R_u1.3 and R_e1.3)</p> <p>External colour: Medium (0.475 < SA < 0.7)</p>
Floor Coverings	<p>Tiles to wet areas, parts of the basement and LGF stairs, Timber elsewhere</p>
BASiX water inclusions	
Rainwater tank	<p>5,000L Rainwater tank</p> <p>Collecting from at least 73m² of roof area</p> <p>Connected to private landscape</p>
BASiX energy inclusions	
Hot water system	<p>Gas instantaneous – 6 star</p>
Photovoltaic system	<p>Min 2KW PV system</p>

North Point



Rev.	Date	Revision	By	Chk.

Drawing

Floor Plans

Lower Ground & Ground

Date	Scale	Sheet Size
14.09.2022	1:100	@ A1
Reg No.	Drawn	Chk.
	TB	JR
Job No.	Drawing No.	Revision
85786	DA-0201	Q

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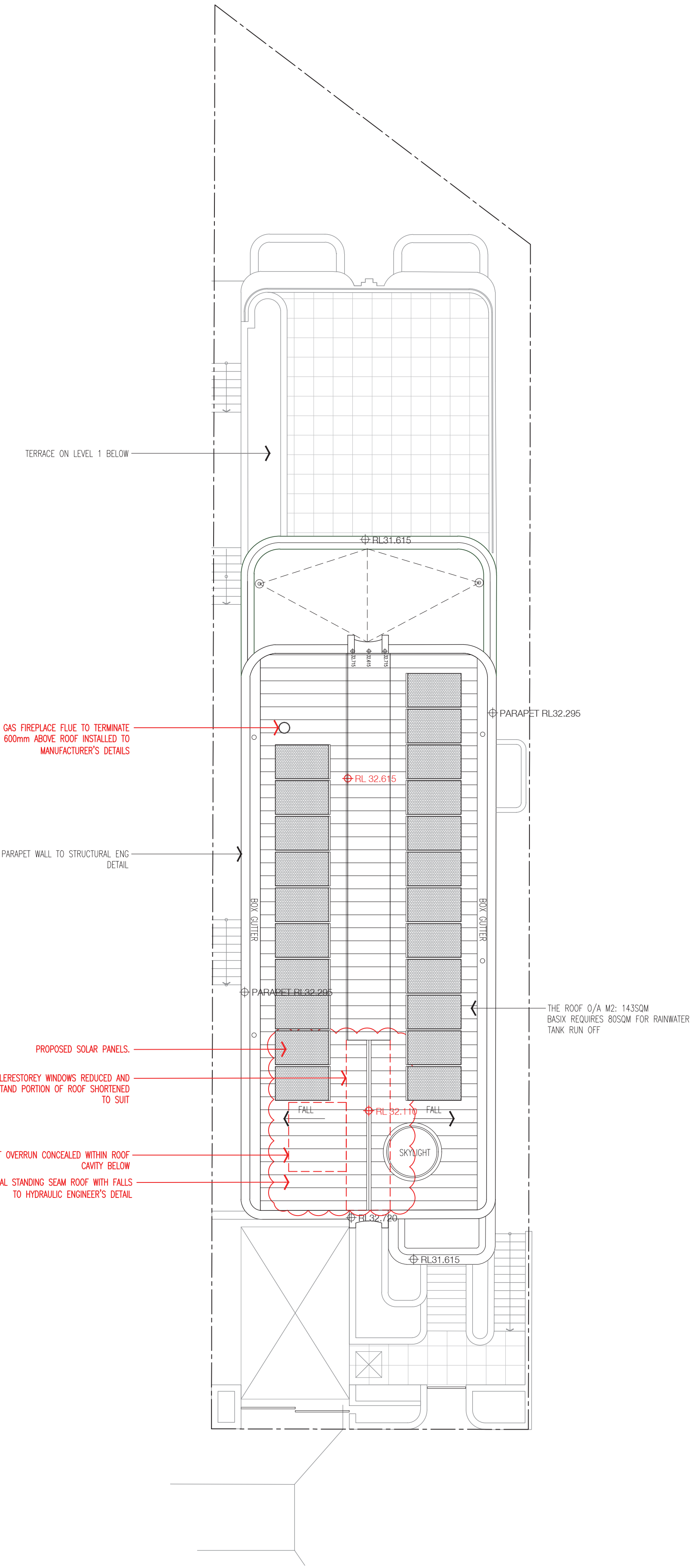
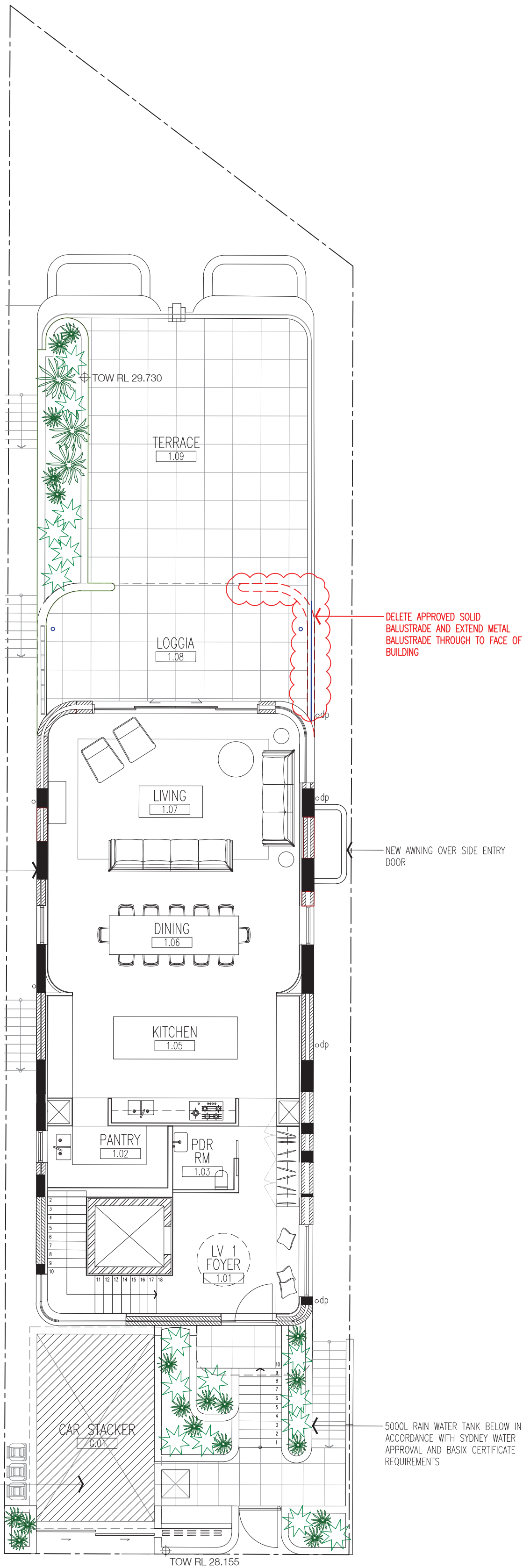


LEGEND	
AS PER WAVERLEY COUNCIL WDCP OUTLINE OCTOBER 2012	
	TIMBER
	DEMOLITION
	ROOF TILES
	PAVING (TILES, TERRACOTTA)
	INTERNAL TILES
	BRICK
	STEEL, GALVANISED IRON
	ALUMINIUM
	GLASS AND GLASS BRICKS
	CONCRETE
	FIBRE CEMENT SHEETS / CEMENT RENDER
	SAND STONE & OTHER NATURAL STONE
	EARTH
	MARBLE
	GLIMMUS PRODUCTS
	EXISTING WALLS RETAINED

RECEIVED
Waverley Council
Application No: DA-348/2018/C
Date Received: 14/09/2022

AMENDED PLANS

BASIX thermal comfort inclusions	
Floors	Concrete slab on ground. No insulation Concrete between levels, no insulation required Suspended concrete with R2.0 insulation to open and exposed areas
Walls	External walls: Existing cavity brick walls with R1.5 insulation (insulation value only) Concrete block wall to earth with R1.5 insulation (insulation value only) (Note: no insulation is required to service area external walls) External colour: Default colour modelled Walls with in dwellings: Plasterboard on studs, no insulation required Concrete (masonry) walls, no insulation required Concrete block walls with an R1.5 to internal service walls shared with habitable area Plasterboard walls with R1.5 insulation between Laundry/bathroom and habitable areas.
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Ceilings	Plasterboard ceiling, with an R2.5 insulation (insulation value only) where roof/balcony is over Plasterboard ceiling with R2.0 insulation between plant rooms/services and habitable spaces above.
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Roof	Metal roof with foil backed blanket (Ru1.3 and Ru1.3) External colour: Medium (0.475 < SA < 0.7)
Floor Coverings	Tiles to wet areas, parts of the basement and LGF stairs, Timber elsewhere
BASIX water inclusions	
Rainwater tank	5,000L Rainwater tank Collecting from at least 73m² of roof area Connected to private landscape
BASIX energy inclusions	
Hot water system	Gas instantaneous – 6 star
Photovoltaic system	Min 2KW PV system

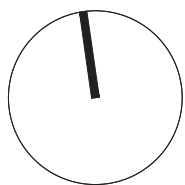


01 LEVEL 1
PLAN 1:100

02 ROOF
PLAN 1:100

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North Point



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O	13.08.19	S4.55 For Council Approval	AB	JR
P	02.11.20	S4.55 Modification 2 - For Co-ordination	AB	JR
Q	18.05.22	S4.55 Modification 3 - For Council Approval	MM	JR
R	02.06.22	S4.55 Modification 3 - For Council Approval	RM	JR
S	14.09.22	S4.55 Modification 3 - For Council Approval	RM	JR

Rev.	Date	Revision	By	Chk.

Project
66 FLETCHER ST
SOUTH BONDI, NSW 2026

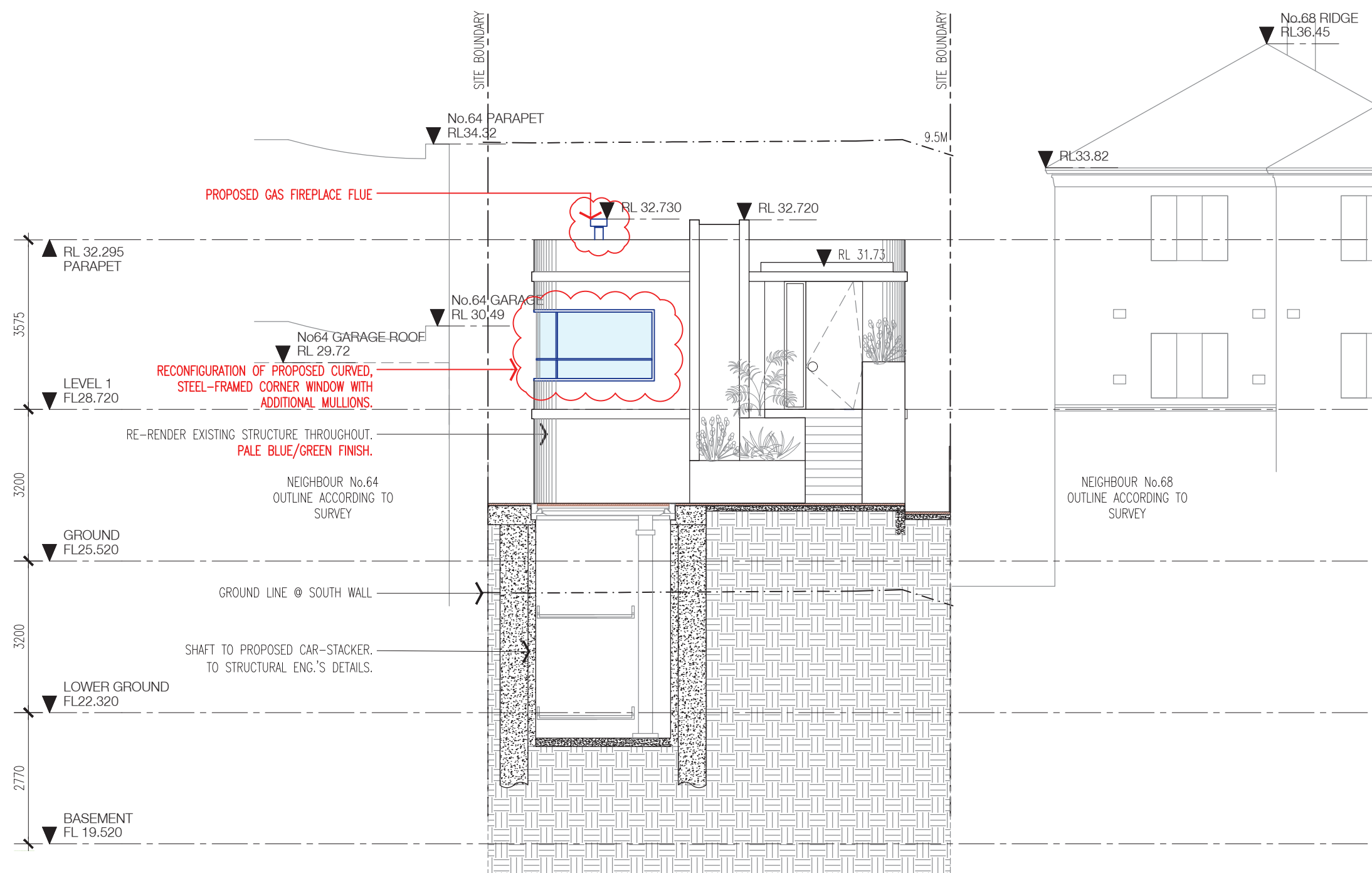
Drawing
Floor Plans
Level 1 & Roof

Date	Scale	Sheet Size
14.09.2022	1:100	@ A1
Reg No.	Drawn	Chk.
	TB	JR
Job No.	Drawing No.	Revision
85786	DA-0202	S

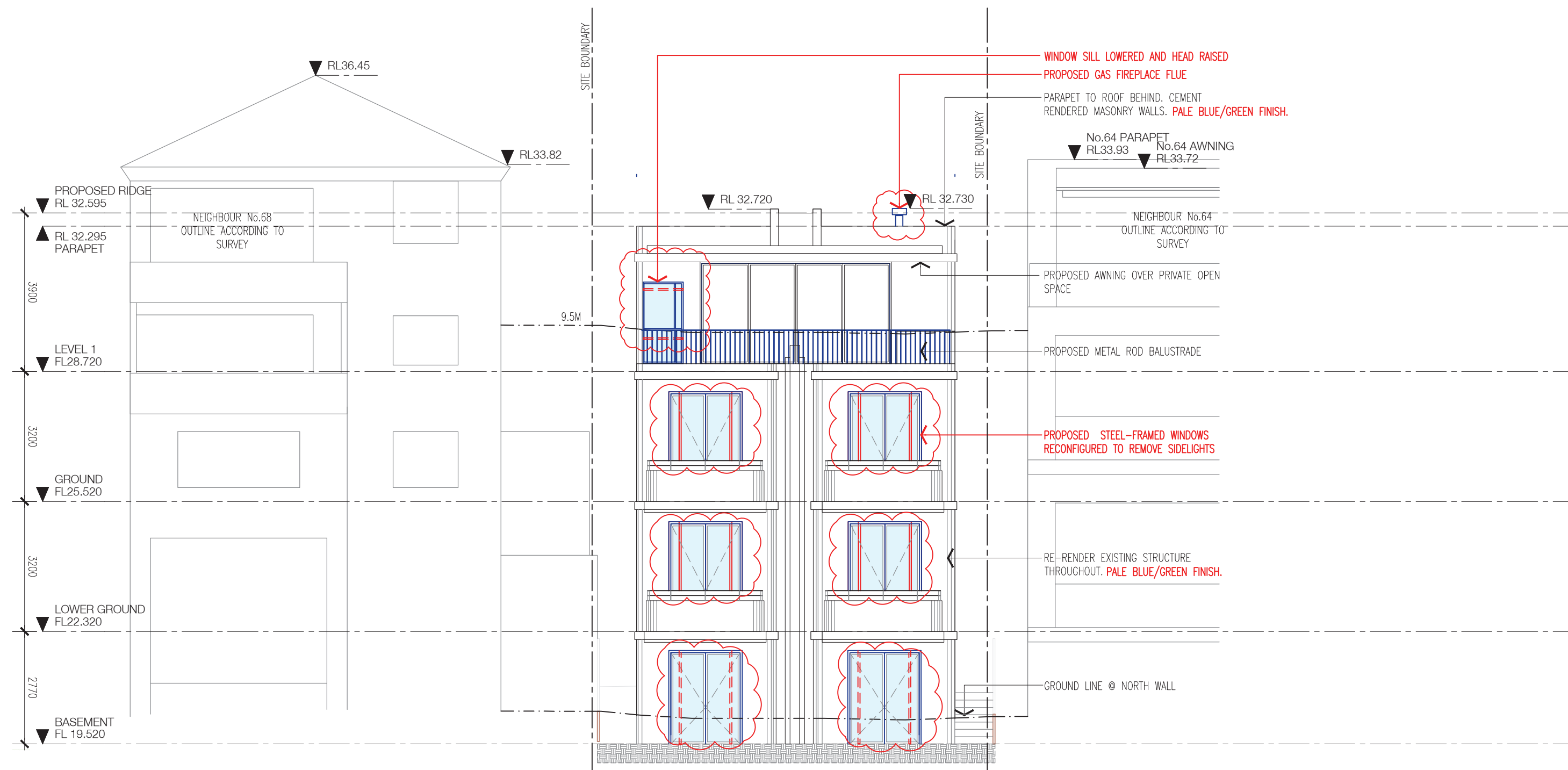
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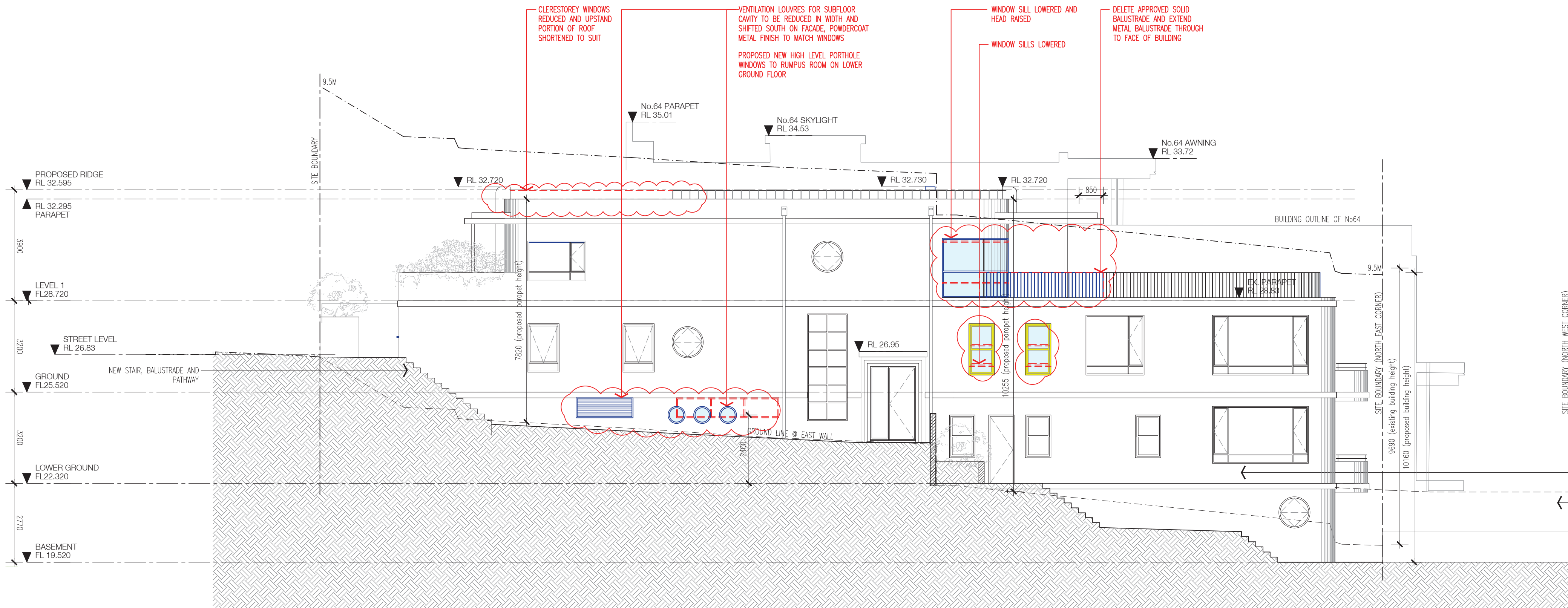


01 EXISTING & PROPOSED SOUTH ELEVATION 1:100



02 EXISTING & PROPOSED NORTH ELEVATION 1:100

AMENDED PLANS



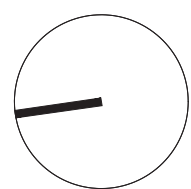
03 APPROVED & PROPOSED EAST ELEVATION 1:100

BASIX thermal comfort inclusions	
Floors	Concrete slab on ground, No insulation Concrete between levels, no insulation required Suspended concrete with R2.0 insulation to open and exposed areas
Walls	External walls: Existing cavity brick walls with R1.5 insulation (insulation value only) Concrete block wall to earth with R1.5 insulation (insulation value only) (Note: no insulation is required to service area external walls) External colour: Default colour modelled Walls with-in dwellings: Plasterboard on studs, no insulation required Concrete (masonry) walls, no insulation required Concrete block walls with an R1.5 to internal service walls shared with habitable area Plasterboard walls with R1.5 insulation between Laundry/bathroom and habitable areas.
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Roof	Metal roof with foil backed blanket (R1.3 and R1.3) External colour: Medium (0.475 < SA < 0.7)
Floor Coverings	Tiles to wet areas, parts of the basement and LGF stairs, Timber elsewhere
BASIX water inclusions	
Rainwater tank	5,000L Rainwater tank Collecting from at least 73m² of roof area Connected to private landscape
BASIX energy inclusions	
Hot water system	Gas instantaneous – 6 star
Photovoltaic system	Min 2KW PV system

LEGEND AS PER WAVERLEY COUNCIL WDCP OUTLINE OCTOBER 2012	
THATCH	
DEMOLITION	
ROOF TILES	
PAVING (TILES, TERRAZZOTA)	
INTERIOR TILES	
BRICK	
STEEL, GALVANISED IRON	
ALUMINIUM	
GLASS AND GLASS BRICKS	
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FIBRE CEMENT SHEETS / CEMENT RENDER	
SAND, STONE & OTHER NATURAL STONE	
EARTH	
MARBLE	
BITUMINOUS PRODUCTS	
EXISTING WALLS RETAINED	

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North Point



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P	13.08.19	S4.55 For Council Approval	AB	JR
Q	02.11.20	S4.55 Modification 2 – For Co-ordination	AB	JR
R	26.11.20	S4.55 Modification 2 – For Co-ordination	AB	JR
S	18.05.22	S4.55 Modification 3 – For Council Approval	MM	JR
T	14.09.22	S4.55 Modification 3 – For Council Approval	RM	JR

Rev.	Date	Revision	By	Chk.

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Drawing
Elevations
North, South & East

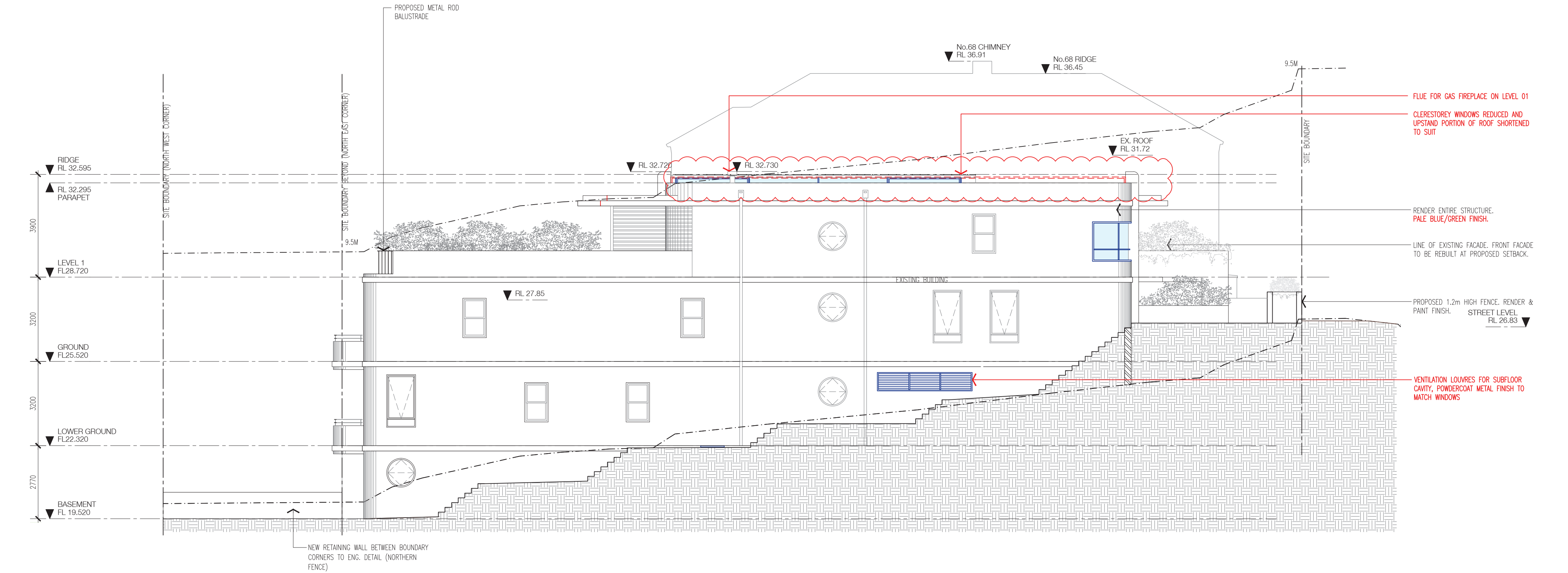
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Reg No.	Drawn	Chk.
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Job No.	Drawing No.	Revision
85786	DA-0501	T

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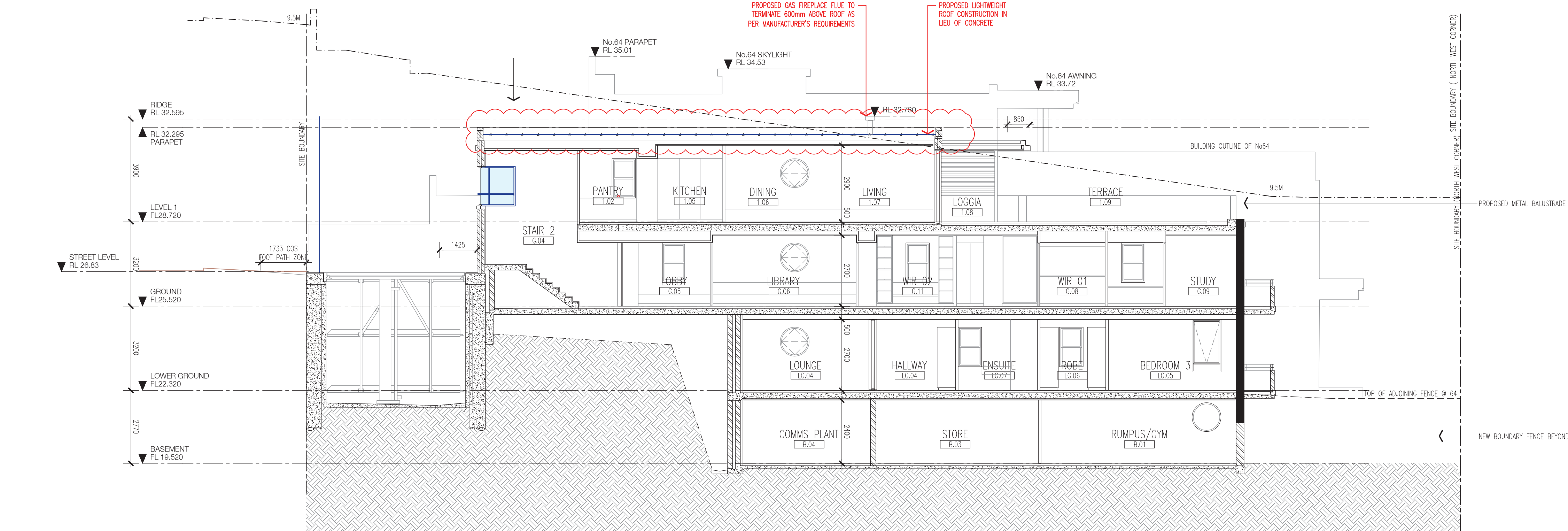
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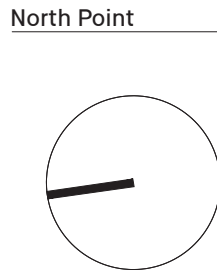


01 EXISTING & PROPOSED WEST ELEVATION 1:100



02 PROPOSED SECTION 1:100

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SOUTH BONDI, NSW 2026**

Drawing
EXISTING & PROPOSED ELEVATIONS

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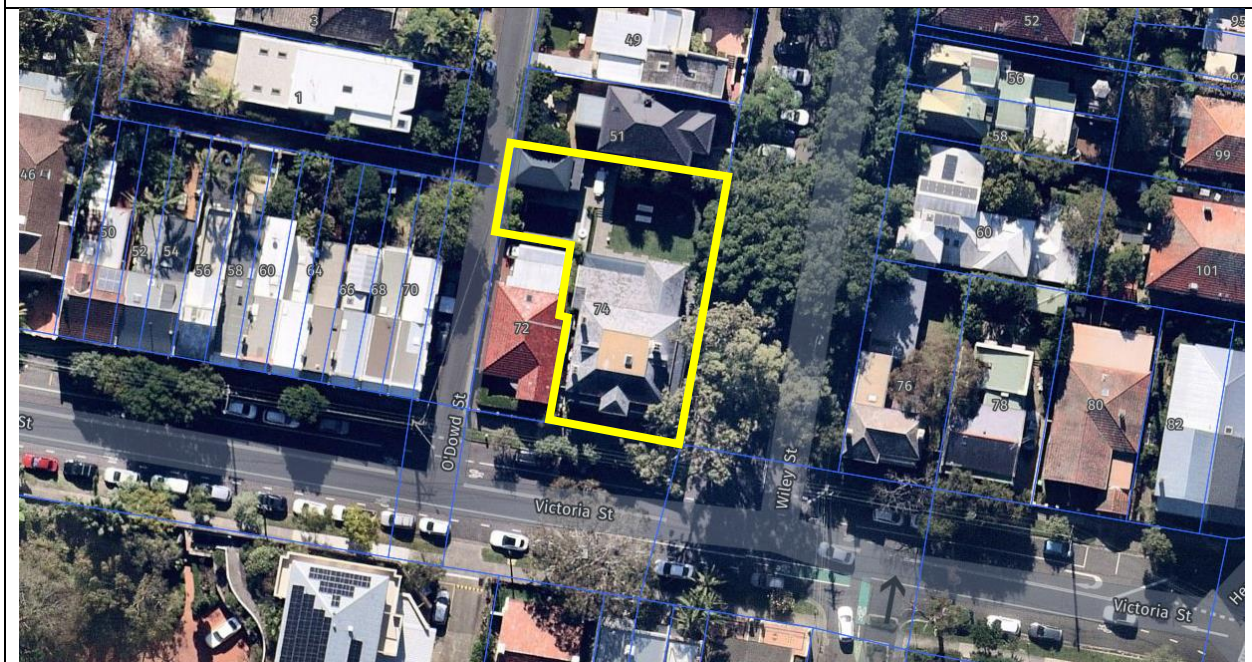
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SAND, STONE & OTHER NATURAL STONE	
EARTH	
MARBLE	
BITUMINOUS PRODUCTS	
EXISTING WALLS RETAINED	



Report to the Waverley Local Planning Panel

Application number	DA-165/2022
Site address	74 Victoria Street, Waverley
Proposal	Alterations and additions to an existing heritage listed dwelling.
Date of lodgement	2 May 2022
Owner	Mr T R Snow
Applicant	MCK Architects
Submissions	Nil
Cost of works	\$1,277,976
Principal Issues	<ul style="list-style-type: none"> • Breach to building height; and • Breach to Floor Space Ratio (FSR).
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



(Source: Nearmap, 2022)

1. PREAMBLE

1.1. Executive Summary

The Development Application (DA) seeks consent for alterations and additions to a heritage listed dwelling at the site known as 74 Victoria Street, Waverley.

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

- Breach to building height; and
- Breach to FSR.

The assessment finds these issues acceptable as a well-founded Clause 4.6 Variation has justified that despite the breach to building height and FSR development standards, the proposal meets the relevant objectives of the development standard, as well as the zone.

No submissions were received.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 5 July 2022.

The site is identified as Lot 2 in DP 857358, known as 74 Victoria Street, Waverley.

The site is 'L' shaped with multiple frontages. The lot has a primary frontage to Victoria Street of 20.115m and secondary frontages to O'Dowd Street of 6.095m and Wiley Street of 20.115m. It has an area of 672.1m² and is generally flat.

The site is occupied by a two storey heritage listed dwelling house with an associated attic. Vehicular access is provided from O'Dowd Street to a single detached garage.

The site is adjoined by a single storey dwelling house to the west at 72 Victoria Street. The locality is characterised by a variety of historical low density residential development.

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



Figure 1. Front of the subject site as viewed from Victoria Street, looking north.



Figure 2. Front of the subject site as viewed from the corner of Victoria Street and Wiley Street, looking north-west.



Figure 3. Rear of the subject site as viewed from the private open space, looking south.

1.3. Relevant Development History

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

- DA-275/2006 for alteration including internal alteration, new awning and changes to doors and windows was approved on 18 July 2006.
- DA-636/2010 for internal alterations to a dwelling was approved on 23 November 2015.
- HEC-2/2015 to paint the property was approved on 7 April 2015.

1.4. Proposal

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

Ground Floor

- Demolish laundry and powder room to enlarge existing kitchen;
- Convert the existing study into a powder room and laundry;
- Replace two existing windows to the formal living room and kitchen with full height openable doors;
- Enlarge existing family room via a rear addition;
- Increase paving to the rear; and
- Demolish rear bull nose verandah for a new large awning to be constructed.

First Floor

- Update existing bathroom, ensuite and walk-in-robe;
- Removal of two windows to the ensuite and walk-in-robe; and
- New timber stairs to replace existing stairs.

Attic

- Convert existing rumpus room to office;
- Construction of a new rear dormer windows; and
- Increase height of mansard ridge.

1.5. Background

The DA was deferred on 29 July 2022 for the following reasons:

The Heritage Officer advised the following recommended design changes to maintain cohesion of new works with the existing fabric and built form of the heritage listed building:

- *The proposed skillion roof above the existing mansard roof is amended. Amendments should provide seamless new works such as raising the height of the perimeter mansard slope in conjunction with a clearstory or setback lantern to the capping roof.*

The application was also discussed with Council Development and Building Unit (DBU). The DBU is a panel that consists of all Area Managers and the Executive Manager, Development Assessment. It is also advised:

- *The proposed rear dormer window is to match the style of the two existing dormer windows.*
- *Window W-09 is to be deleted.*
- *The materials and finishes are to be complimentary and similar to the existing building and not read as a contemporary addition.*

Amended plans were provided to Council on 4 October 2022, with the following amendments:

- Rear dormer window to the first floor replaced with skylight;
- Roof design to the attic amended to continue existing mansard roof form with materials to match the existing; and
- Single rear dormer window to the attic replaced with two single dormer windows that replicate the existing dormer windows.

The plans received by Council on 4 October 2022 form the basis for the assessment of this DA.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

The following SEPPs apply 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 meets the aims of the Waverley LEP 2012.
Part 2 Permitted or prohibited development		
Land Use Table <i>Low Density Residential</i> <i>'R2' 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 <ul style="list-style-type: none"> 8.5m 	No	The development has an overall height of 10.645m, breaching the development standard by 2.145m or 25.2%.
4.4 Floor Space Ratio (FSR) and 4.4A Exceptions to FSR <ul style="list-style-type: none"> Lot Size: 672.2m² Max FSR: 0.5:1 Max GFA: 336.1m² 	No	<p><u>Gross Floor Area (GFA) Calculation:</u> Ground Floor: 179.5m² First Floor: 170m² Attic: 29.4m² TOTAL GFA: 378.9m² TOTAL FSR: 0.56:1</p> <p>The development exceeds the development standard by 42.8m² or 12.7%. However, the proposed additional GFA in this application is 9.5m² and attributes to 2.8% of the overall breach of the development standard.</p>
4.6 Exceptions to development standards	See discussion	<p>The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of building and FSR development standards.</p> <p>A detailed discussion of the variation to the development standards is presented below this table.</p>
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	The subject dwelling is listed as a local heritage item as it is an example of a late Victorian dwelling. The application was referred to Council's Heritage Officer who supported the proposal, as amended on 4 October 2022.
5.21 Flood Planning	Recommendation not imposed given the FFL is existing and the	The site is not identified on the 'Flood Planning Map' of Waverley LEP 2012, however, the Waverley LGA Flood Study 2021 identifies the site within a low risk

Provision	Compliance	Comment
	minor additional GFA to ground floor.	Flood Hazard zone. The recorded maximum probability mass function (PMF) level is 87.392m AHD, however not subject to flood storage. The existing FFL 86.830 m (Dining / Living) of the habitable area is less than the maximum PMF Level of 87.392m. The proposed works are not modifying the existing building footprint (it is only very minor), hence it is considered not necessary to impose flooding requirements.

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 4.4 under Waverley LEP 2012.

The site is subject to a maximum building height of 8.5m. The proposed development has a building height of 10.645m, exceeding the standard by 2.145m, equating to a 25.2% 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) *It is considered that the variation allows for the orderly and economic use of the land in an appropriate manner, whilst also allows for a superior outcome in planning and design terms. This Clause 4.6 variation demonstrates, notwithstanding the non-compliance with the maximum height of buildings development standard, that:*

- a. *The proposed alterations and additions will deliver improved residential amenity for the occupants in comparison to the existing development on the site;*
- b. *The development as proposed will provide environmental benefits particular to the site through the provision of improved amenity for future occupants of the development and for the surrounding area generally; and*
- c. *Compliance with the development standard would be both unreasonable and unnecessary in the instance because the development is able to fully satisfy the objectives of the R2 – Low Density Residential Zone and the objectives of the height of buildings development standard.*
- d. *The proposal meets the objectives of height in the following way:*
 - i. *The existing height of the dwelling exceeds the height limit, and the proposal includes an increase of 0.53m to improve the floor to ceiling height within the attic level. This level is already habitable but does not have a compliant floor to ceiling height. The proposed minor increase in height will not adversely affect the environmental amenity of surrounding properties or public spaces in terms of overshadowing (see shadow diagrams submitted with the application), privacy (the new dormer windows are set back more than 20m from the neighbouring property to the north) and views. No public places will be adversely impacted by the additional height.*
 - ii. *The proposed minor increase in height will only have a negligible impact on the existing bulk and scale of the dwelling which is considered appropriate within its streetscape context. The proposal has been designed to maintain the heritage character of the dwelling and its positive contribution to the physical definition of the street network and public space.*
 - iii. *The height of the proposal is considered to be consistent with and appropriate to the condition of the site and its context. The desired character of the locality and the surrounding buildings and public areas will continue to receive satisfactory exposure to sky and sunlight. The proposal provides an appropriate built form and land use intensity consistent with the objectives of this clause.*
 - iv. *It is demonstrated in the plans that the proposal minimises any overshadowing, loss of privacy and visual impacts for the neighbouring properties consistent with the objectives of this clause.*
- e. *The proposal meets the objectives of the zone in the following was:*
 - i. *The proposed works are to an existing detached house which provides housing for a young family within the medium density zone.*
 - ii. *Existing use of public transport, as well as walking and cycling will be maintained. The proposal is therefore in the public interest.*

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

- a. *The site is located in a residential precinct. The area of non-compliant gross floor area will not have a negative impact in terms of privacy, views or overshadowing to a residential development.*
- b. *The proposed additional height will not result in any increase in overshadowing to adjoining properties (see shadow diagrams submitted with the application). The proposed dormer windows on the northern roof slope are located over 20 metres from*

the neighbouring property to the north and will not result in adverse privacy impacts. The location of the roof addition is not within the main view corridor of a surrounding dwelling or a public space.

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

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

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

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

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

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

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012.

This is sound justification as it has been demonstrated that despite the breach of height, the proposal still meets the objectives of the development standard.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard, justifying that the breach to height does not result in impacts in terms of privacy, view loss or overshadowing.

Is the development in the public interest?

The proposed development will be in the public interest because it is consistent with both the objectives of the particular 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 building heights preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views,

The development will not result in privacy, shadowing or view loss impacts to neighbouring properties.

(b) to accommodate taller buildings on land in Zone B3 Commercial Core in the Bondi Junction Centre and establish a transition in scale between adjoining zones to protect local amenity,

As the subject site is not located within the Bondi Junction Centre, this objective is not applicable.

(c) to maintain satisfactory solar access to existing buildings and public areas,

The proposed development maintains satisfactory solar access to existing neighbouring buildings. The shadow diagrams provided do not show additional shadowing to any neighbouring dwellings.

(d) to establish building heights that are consistent with the desired future character of the locality.

The heritage listed dwelling currently already stands tall in the street. However, given the heritage significance and grandeur of the dwelling, its overall building height is suitable. The additional height to the dwelling is caused by increasing the height of the mansard roof to ensure the floor-to-ceiling height of the home office within the roof form complies with the National Construction Code. The increase to the height of the mansard roof has been appropriately designed so as to appear to be a part of the original mansard roof through similar materials and bulk.

The objectives of the R2 zone are as follows:

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

The proposed development provides housing needs for the community within a low density residential environment.

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 and the R2 zone.

Clause 4.6 Exceptions to Development Standards – FSR

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

The site is subject to a maximum FSR development standard of 0.5:1. The proposed development has a FSR of 0.56:1, exceeding the standard by 42.8 m² equating to a 12.7% 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) *It is considered that the variation allows for the orderly and economic use of the land in an appropriate manner, whilst also allows for a superior outcome in planning and design terms. This Clause 4.6 variation demonstrates, notwithstanding the non-compliance with the Floor Space Ratio development standard, that:*
 - a. *The proposed development will deliver a superior built-form outcome in comparison to the existing development on the site;*
 - b. *The development as proposed will provide environmental benefits particular to the site through the provision of improved amenity for future occupants of the development and for the surrounding area generally; and*
 - c. *Compliance with the development standard would be both unreasonable and unnecessary in the instance because the development is able to fully satisfy the objectives of the R2 – Low Density Residential Zone and the objectives of the Floor Space Ratio development standard.*
 - d. *The proposal meets the objectives of FSR in the following way:*

- i. *The gross floor area of the proposal is considered to be consistent with and appropriate to the condition of the site and its context. The desired character of the locality and the surrounding buildings and public areas will continue to receive satisfactory exposure to sky and sunlight. The proposal provides an appropriate built form and land use intensity consistent with the objectives of this clause.*
 - ii. *It is demonstrated in the plans that the proposal minimises any overshadowing, loss of privacy and visual impacts for the neighbouring properties consistent with the objectives of this clause.*
 - iii. *The SEE details that the proposal is largely consistent with the relevant environmental planning instruments and does not give rise to any adverse environmental impacts in respect to overshadowing, traffic, heritage, wind, reflectivity, stormwater, flooding, noise, waste, economic and social impacts. It is considered that these development standard's objectives are met by the proposal.*
 - e. *The proposal meets the objectives of the zone in the following was:*
 - i. *The proposed works are to an existing detached house which provides housing for a young family.*
 - ii. *Existing use of public transport, as well as walking and cycling will be maintained. The proposal is therefore in the public interest.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- a. *The site is located in a residential precinct. The area of non-compliant gross floor area will not have a negative impact in terms of privacy, views or overshadowing to a residential development.*
 - b. *The additional area of gross floor area located to the rear of the ground floor will not result in any additional overshadowing to adjoining properties as illustrated in the shadow diagrams submitted with the application. Views from neighbouring properties are generally directed over the front and rear boundaries of those properties and the proposed additional GFA will not adversely impact view corridors. The proposed additional gross floor area, which is primarily located to the rear of the ground floor will not be located directly opposite habitable room windows of adjoining properties or private open space so that privacy to and from the dwelling is protected.*

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:

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

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. This is sound justification as it has been demonstrated that despite the breach of FSR, the proposal still meets the objectives of the development standard.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard, justifying that the breach to FSR does not result in impacts in terms of privacy, view loss or overshadowing.

Is the development in the public interest?

The proposed development will be in the public interest because it is consistent with both the objectives of the particular 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,*

As the subject site is not located within the Bondi Junction Centre, this objective is not applicable.

(b) to provide an appropriate correlation between maximum building heights and density controls,

The additional FSR located at ground level is of an appropriate height and the overall development, despite the breach to FSR, is of an appropriate density.

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

The heritage listed dwelling currently already stands tall in the street. However, given the heritage significance and grandeur of the dwelling, its overall building height is suitable. The additional height to the dwelling is caused by increasing the height of the mansard roof to ensure the floor-to-ceiling height of the home office within the roof form complies with the National Construction Code. The increase to the height of the mansard roof has been appropriately designed as to appear to be a part of the original mansard roof through similar materials and bulk.

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

The development will not result in privacy, shadowing or view loss impacts to neighbouring properties.

The objectives of the R2 zone are as follows:

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

The proposed development provides housing needs for the community within a low density residential environment.

Conclusion

For the reasons provided above the requested variation to the FSR is supported as the applicant's written request has adequately addressed the matters required to be addressed by 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 and the R2 zone.

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

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

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

Development Control	Compliance	Comment
1. Waste	Conditions Recommended	Appropriate conditions are recommended to manage waste during the construction phase of the development.
2. Ecologically Sustainable Development	Yes	The submitted BASIX Certificate is satisfactory.
5. Vegetation Preservation	Conditions recommended.	Council's Tree Officer does not object to the proposal, subject to the protection of the three Eucalyptus species trees located on the Wiley Street nature strip.
6. Stormwater	Conditions recommended.	Council's Stormwater Engineer has recommended conditions of consent.
9. Heritage	Yes	The subject dwelling is listed as a local heritage item as it is an example of a late Victorian villa. The application was referred to Council's Heritage Officer who supported the proposal, as amended.
12. Design Excellence	Yes	The modified development proposed dormer windows and roof addition are in keeping with the style of the original dwelling.

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

Development Control	Compliance	Comment
2.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the Waverley DCP 2012.
2.1 Height		
Pitched roof dwelling house <ul style="list-style-type: none"> Maximum external wall height of 7m 	Yes	The proposed ground floor rear addition has a maximum continuous wall height of 3.8m. The overall wall height of the dwelling house remains unchanged.
2.2 Setbacks		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	Yes	As the lot is bounded by three streets (with the exception of the small lot at 72 Victoria Street) there is no predominant building line, therefore the proposed ground floor addition is acceptable on merit, as it does not result in shadowing, view loss or visual privacy impacts to the neighbouring property at 72 Victoria Street.
2.2.2 Side setbacks	Yes	The proposed awning is set back 1m from the western side boundary.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Minimum of 0.9m (for height up to 8.5m) 		
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context Replacement windows to complement the style and proportions of existing dwelling Significant landscaping to be maintained. Porticos only permitted where a character of the streetscape 	Yes	As the works are mainly to the rear of the building it will not result in a streetscape or visual impact.
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design 	Yes	Proposed windows will not reduce visual privacy to neighbouring properties.
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	The development does not overshadow neighbouring properties.
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space area: 40% of site area Overall landscaped area: 15% of site area 	<p>Yes</p> <p>Yes</p>	<p>Over 40%.</p> <p>Over 15%.</p>

Development Control	Compliance	Comment
2.11 Dormer windows		
<ul style="list-style-type: none"> • If < 2.5m from gutter to ridge, flush to the roof and maximum of one per single fronted dwelling or one pair on a double fronted dwelling • Minimum 0.3m below main roof ridge • Skillion dormer permitted at the rear of the roof, provided ridge line is maintained 	Yes	The proposed rear dormer windows are of a profile that match the existing dormer windows.
2.14 Dual Frontage Development		
2.14.1 - General Controls <ul style="list-style-type: none"> • Primary and secondary frontage to be defined • Appropriate forms to be provided to each street 	Yes	The development has appropriate street frontage to all surrounding streets.

Floor-to-Ceiling Heights

The diagram in **Figure 4** of this report demonstrates that that existing attic space will comply with the NCC minimum floor-to-ceiling height of a height of not less than 2.2 m for at least two-thirds of the floor area of the room or space, as the existing mansard roof is being increased in height.

Note: definition of an attic in accordance with the Waverley LEP 2012, means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.

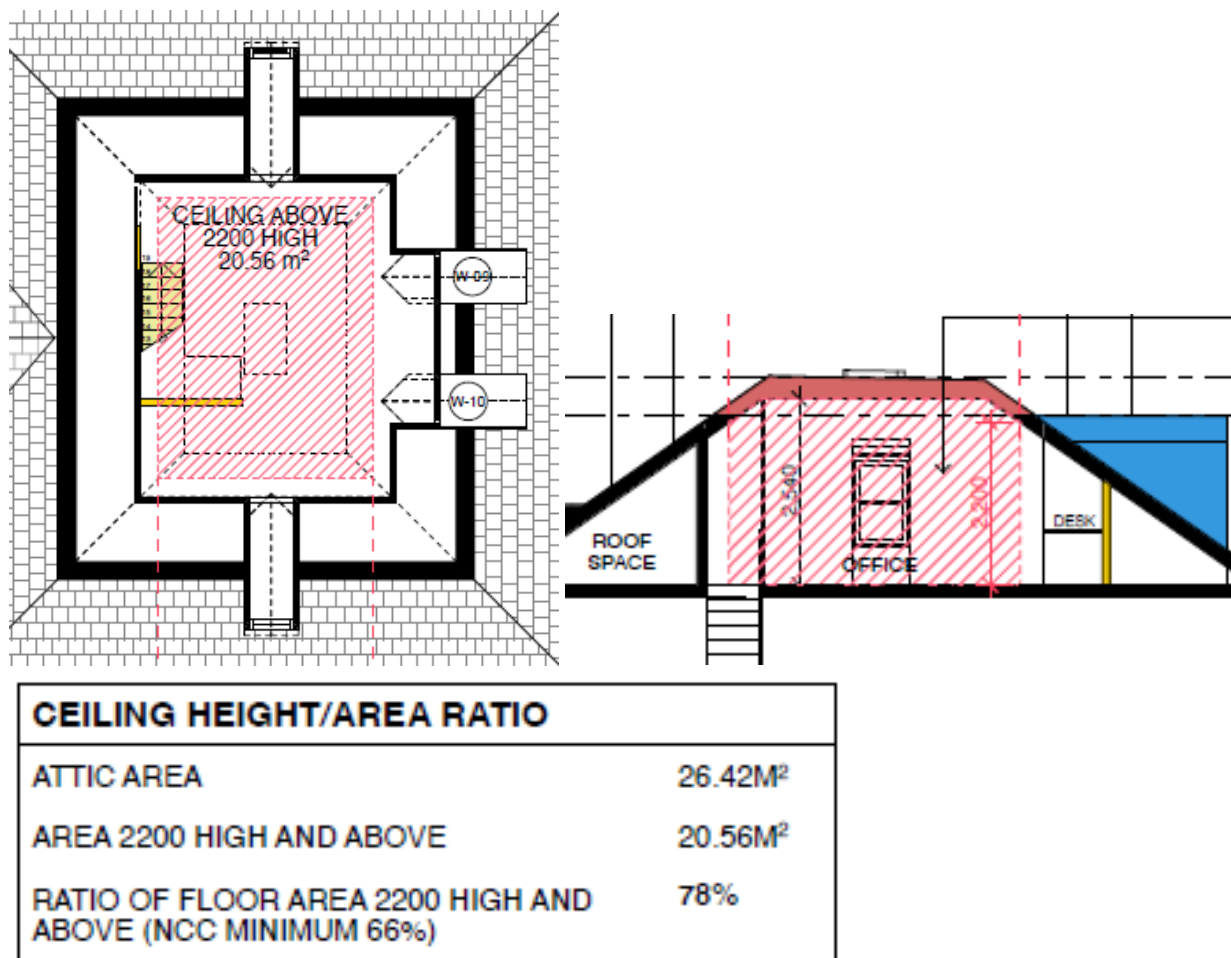


Figure 4. Floor-to-ceiling height calculation plan. (Source: MCK Architecture and Interiors, 2022)

The proposal comprises minor elements, such as traditionally designed dormers, and therefore satisfies the definition of an attic under Waverley LEP 2012.

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 21 days from the 5 – 30 May 2022 and a site notice erected on the site in accordance with the *Waverley Community Development Participation and Consultation Plan*.

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

- Rear dormer window to the first floor replaced with skylight.
- Roof design to the attic amended to continue the existing mansard roof form with materials to match the existing.
- Single rear dormer window to the attic replaced with two single dormer windows that replicate the existing dormer windows on the eastern and western slopes of the roof

No submissions were received.

2.5. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Heritage

An internal referral was sought from Council's Heritage Officer, who did not object to the amended plans.

3.2. Stormwater

An internal referral was sought from Council's Stormwater Engineer, who recommended conditions of consent.

3.3. Tree Management

An internal referral was sought from Council's Tree Officer, who recommended conditions of consent.

4. CONCLUSION

The DA seeks consent for alterations and additions to an existing heritage listed dwelling house at the site known as 74 Victoria Street, Waverley.

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

- Breach to height; and
- Breach to FSR.

The assessment finds these issues acceptable as a well-founded Clause 4.6 Variation has justified that, despite the breach to height and FSR development standards, the proposal meets the relevant objectives of the development standard, as well as the zone.

No submissions were received.

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


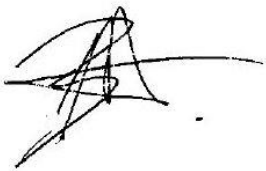
Development and Building Unit (DBU) Decision:

The application was reviewed by the DBU at the meeting on 27 September 2022 and the DBU determined:

- (a) The application is acceptable and should be approved, subject to the conditions in Appendix A.
DBU members: *M Reid, A Rossi, B McNamara and B Magistrale*

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Joseph Somerville Senior Development Assessment Planner	Ben Magistrale Manager, Development Assessment (Area 2) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 19/10/2022	Date: 20 October 2022

Reason for WLPP referral:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) Architectural Plans prepared by MCK Architecture and Interiors of Project No: 2118 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA10 / Rev 02	Site Plan	30/09/2022	04/10/2022
DA11 / Rev 01	Ground Floor Plan	13/04/2022	27/04/2022
DA12 / Rev 02	First Floor Plan	30/09/2022	04/10/2022
DA13 / Rev 02	Attic Plan	30/09/2022	04/10/2022
DA14 / Rev 02	Roof Plan	30/09/2022	04/10/2022
DA20 / Rev 02	West Elevation	30/09/2022	04/10/2022
DA21 / Rev 02	North Elevation	30/09/2022	04/10/2022
DA22 / Rev 02	East Elevation	30/09/2022	04/10/2022
DA23 / Rev 02	South Elevation	30/09/2022	04/10/2022
DA30 / Rev 02	Section A	30/09/2022	04/10/2022
DA60 / Rev 02	Finishes Board	30/09/2022	04/10/2022

- (b) BASIX Certificate
(c) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 27/04/2022

Except where amended by the following conditions of consent.

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

GENERAL REQUIREMENTS

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

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

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

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

3. HOME BUILDING ACT

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

CONTRIBUTIONS, FEES & BONDS

4. SECTION 7.12 CONTRIBUTION

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

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

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

"Waverley Council Cost Summary Report"; or,

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

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

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

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

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

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

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

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

5. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of **\$25,559.52** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

This deposit (cash or cheque) or guarantee must be established prior to the issue of any Construction Certificate. The full amount of the difference after recovery of Council's cost for any repair of damage to

Council property or rectification of unauthorised works on Council property will be refunded after satisfactory completion all of works associated with this consent (including the required public works) to the person who paid the deposit.

6. LONG SERVICE LEVY

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

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

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

9. EROSION & SEDIMENT CONTROL

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

10. ENGINEERING DETAILS

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

11. ENGINEERING CERTIFICATE OF ADEQUACY

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

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 or chimneys are to be retained, supported and not undermined by the proposed development and give details of any intervention or retrofitting needed.

STORMWATER & FLOODING

13. 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 PC Consulting Engineers Pty Ltd, Job No. 741-21, Drawing No. STW1, STW2, STW3, STW4 and STW5, Issue A, dated 21/03/2022 are considered conceptual 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 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. Amended Council's 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) Detail the location of the existing stormwater drainage system including all pipes, inspection openings, surface drains, pits and their discharge location as well as any new stormwater drainage system.
- d) The stormwater management plan must specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.
- e) Any new downpipes are to be located wholly within the property's boundary.
- f) Seepage water must not be directly or indirectly discharged to Council's street gutter.

- g) A sediment control stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- h) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.

Notes:

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

ENERGY EFFICIENCY & SUSTAINABILITY

14. BASIX

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

WASTE

15. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

16. 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.

17. DILAPIDATION REPORT

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

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

DEMOLITION & EXCAVATION

18. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

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

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

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

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

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

19. 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

20. 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.

21. 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.

22. 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.

23. 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.

24. 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

25. WORK OUTSIDE PROPERTY BOUNDARY

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

TREE PROTECTION AND REMOVAL

26. 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.

27. STREET TREES TO BE RETAINED/TREE PROTECTION

Situated on the naturestrip in Wiley Street are three (3) Eucalyptus species trees that will need to be protected for the duration of works.

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.

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.

28. 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.

29. CERTIFICATION OF BASIX COMMITMENTS

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

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

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

31. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD

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

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

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.

E. ADVISORY MATTERS

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

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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

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

AD2. SYDNEY WATER REQUIREMENTS

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

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

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

AD3. DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in

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

AD4. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

AD5. ALTERATIONS AND ADDITIONS ONLY

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

AD6. TREE REMOVAL/PRESERVATION

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

SNOW-PENGILLY HOUSE

2118
74 VICTORIA STREET
WAVERLEY NSW 2024

RECEIVED
Waverley Council

AMENDED PLANS

Application No: DA-165/2022

Date Received: 04/10/2022

DRAWING SCHEDULE

LAYOUT ID	LAYOUT NAME	SCALE	REV
DA 00	COVER SHEET	1:100	02
DA 01	SITE ANALYSIS PLAN	1:200	01
DA 10	SITE PLAN	1:200	02
DA 11	GROUND FLOOR PLAN	1:100	01
DA 12	FIRST FLOOR PLAN	1:100	02
DA 13	ATTIC PLAN	1:100	02
DA 14	ROOF PLAN	1:100	02
DA 20	WEST ELEVATION	1:100	02
DA 21	NORTH ELEVATION	1:100	02
DA 22	EAST ELEVATION	1:100	02
DA 23	SOUTH ELEVATION	1:100	02
DA 30	SECTION A	1:100	02
DA 31	SECTION B	1:100	01
DA 32	SECTION C	1:100	01
DA 60	FINISHES BOARD	1:100	02
DA 70	SHADOW DIAGRAM JUNE22 9AM	1:200	02
DA 71	SHADOW DIAGRAM JUNE22 12PM	1:200	02
DA 72	SHADOW DIAGRAM JUNE22 3PM	1:200	02
DA 80	GROSS FLOOR CALCULATION PLANS	1:250	02
DA 81	LANDSCAPE CALCULATION PLAN	1:200	01
DA 82	ATTIC CEILING HEIGHT	1:100	02

DRAWING REVISIONS

REVISION 02 (CLOUDED CHANGES):	
CHANGE 1 -	PREVIOUSLY PROPOSED WINDOW W-09 WITHIN NEW ROOF ELEMENT (AS SHOWN IN REVISION '01'), NOW DELETED AND REPLACED WITH SKYLIGHT TO EXISTING ROOF.
CHANGE 2 -	SKILLION ROOF PROJECTING FROM MANSARD IN REVISION '01' REMOVED. REPLACED WITH TWO NEW DORMER WINDOWS TO MATCH SIZE AND PROPORTIONS OF EXISTING. IN A MODERN STYLE - POWDER-COATED FLAT PLATE STEEL.
CHANGE 3 -	EXISTING MANSARD ROOF INCREASED IN HEIGHT TO MAKE EXISTING ATTIC SPACE COMPLIANT WITH BUILDING CODE. SLATE ROOF TILES TO MATCH EXISTING. NEW SKYLIGHT IN CENTRE OF RAISED MANSARD.

SITE CALCULATIONS

SITE AREA (TITLE)	EXISTING AREA	- 672.1 m²
FLOOR SPACE RATIO CONTROL - MAXIMUM ALLOWABLE FSR (0.5:1)	ALLOWABLE AREA PROPOSED AREA PROPOSED FSR DIFFERENCE COMPLIANT	- 336.05 m² - 380.06 m² - 0.56:1 - 44.01 m² - N
OPEN SPACE CONTROL - MINIMUM OPEN SPACE (40% OF SITE AREA)	ALLOWABLE AREA PROPOSED AREA DIFFERENCE COMPLIANT	- 268.84 m² - 374.11 m² - 105.27 m² - Y
SOFT LANDSCAPED AREA CONTROL - MINIMUM SOFT LANDSCAPE (15% OF SITE AREA)	ALLOWABLE AREA PROPOSED AREA DIFFERENCE COMPLIANT	- 100.815 m² - 198.95 m² - 98.035 m² - Y
RECREATIONAL SPACE CONTROL - MINIMUM RECREATIONAL SPACE (25SOM)	ALLOWABLE AREA PROPOSED AREA COMPLIANT	- 25 m² - 275.90 m² - Y

CONSULTANTS

CONSULTANT 1 ROLE	Planner	Sustainability Consultant
NAME SURNAME COMPANY NAME ADDRESS TELEPHONE EMAIL	Laura Reid Mersonn Pty Ltd 6/20 Wylde Street Potts Point NSW 2011	John Caley Ecological Design Pty Ltd 11 Clara Street Newtown NSW 2042
Heritage Architect	Hydraulic Engineer	
Zoltan Kovacs Zoltan Kovacs Architects 42 Starling Street Lilyfield NSW 2040	Patrick A Ciaglia PC Consulting Engineers Pty Ltd PO Box 3192 Wareemba NSW 2046	

BASIX CERTIFICATE

HOT WATER HOT WATER SYSTEM MUST BE GAS INSTANTANEOUS	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.
LIGHTING A MINIMUM OF 40% OF NEW OR ALTERED LIGHT FIXTURES ARE FITTED WITH FLUORESCENT, COMPACT FLUORESCENT, OR LIGHT-EMITTING-DIODE (LED) LAMPS.	
FIXTURES NEW OR ALTERED SHOWERHEADS HAVE A FLOW RATE NO GREATER THAN 9 LITRES PER MINUTE OR A 3 STAR WATER RATING.	
NEW OR ALTERED TOILETS HAVE A FLOW RATE NO GREATER THAN 4 LITRES PER AVERAGE FLUSH OR A MINIMUM 3 STAR WATER RATING.	
NEW OR ALTERED TAPS HAVE A FLOW RATE NO GREATER THAN 9 LITRES PER MINUTE OR MINIMUM 3 STAR WATER RATING.	

WINDOWS AND GLAZED DOORS REQUIREMENTS EACH WINDOW OR GLAZED DOOR WITH STANDARD ALUMINIUM OR TIMBER FRAMES AND SINGLE CLEAR OR TONED GLASS 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. TOTAL SYSTEM U-VALUES AND SHGCs MUST BE CALCULATED IN ACCORDANCE WITH NATIONAL FENESTRATION RATING COUNCIL (NFRC) CONDITIONS. FOR PROJECTIONS DESCRIBED AS A RATIO, THE RATIO OF THE PROJECTION FROM THE WALL TO THE HEIGHT ABOVE THE WINDOW OR GLAZED DOOR SILL MUST BE AT LEAST THAT SHOWN IN THE TABLE. EXTERNAL LOUVRES AND BLINDS MUST FULLY SHARE THE WINDOW OR GLAZED DOOR BESIDE WHICH THEY ARE SITUATED WHEN FULLY DRAWN OR CLOSED. 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.
SKYLIGHTS 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.

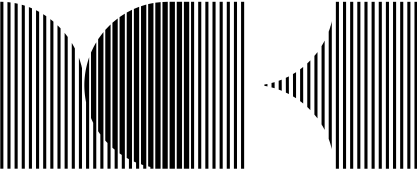
BASIX SPECIFICATIONS

WINDOWS, GLAZED DOORS AND SKYLIGHT GLAZING REQUIREMENTS		
WINDOW NO.	FRAME + GLASS TYPE	SHADING
W1	STANDARD ALUMINIUM, SINGLE CLEAR, (OR U-VALUE: 7.36, SHGC: 0.75)	NONE
W2	STANDARD ALUMINIUM, SINGLE CLEAR, (OR U-VALUE: 7.36, SHGC: 0.75)	PROJECTION/HEIGHT ABOVE SILL RATIO >=0.43
W3	STANDARD ALUMINIUM, SINGLE CLEAR, (OR U-VALUE: 7.36, SHGC: 0.75)	PROJECTION/HEIGHT ABOVE SILL RATIO >=0.43
W4	STANDARD ALUMINIUM, SINGLE CLEAR, (OR U-VALUE: 7.36, SHGC: 0.75)	PROJECTION/HEIGHT ABOVE SILL RATIO >=0.43
W5	STANDARD ALUMINIUM, SINGLE CLEAR, (OR U-VALUE: 7.36, SHGC: 0.75)	EXTERNAL LOUVRE/BLIND (ADJUSTABLE)
W6	STANDARD ALUMINIUM, SINGLE CLEAR, (OR U-VALUE: 7.36, SHGC: 0.75)	EXTERNAL LOUVRE/BLIND (ADJUSTABLE)
W7	STANDARD ALUMINIUM, SINGLE CLEAR, (OR U-VALUE: 7.36, SHGC: 0.75)	NONE
W8	STANDARD ALUMINIUM, SINGLE CLEAR, (OR U-VALUE: 7.36, SHGC: 0.75)	NONE
W9	STANDARD ALUMINIUM, SINGLE CLEAR, (OR U-VALUE: 7.36, SHGC: 0.75)	PROJECTION/HEIGHT ABOVE SILL RATIO >=0.23
W10	STANDARD ALUMINIUM, SINGLE CLEAR, (OR U-VALUE: 7.36, SHGC: 0.75)	PROJECTION/HEIGHT ABOVE SILL RATIO >=0.43
W11	STANDARD ALUMINIUM, SINGLE CLEAR, (OR U-VALUE: 7.36, SHGC: 0.75)	EXTERNAL LOUVRE/BLIND (ADJUSTABLE)
W12	STANDARD ALUMINIUM, SINGLE CLEAR, (OR U-VALUE: 7.36, SHGC: 0.75)	EXTERNAL LOUVRE/BLIND (ADJUSTABLE)
SKYLIGHT NO.	FRAME + GLASS TYPE	SHADING
S1	TIMBER, LOW-E INTERNAL/ARGON FILL/CLEAR EXTERNAL, (OR U-VALUE: 2.5, SHGC: 0.456)	NO SHADING
S2	TIMBER, LOW-E INTERNAL/ARGON FILL/CLEAR EXTERNAL, (OR U-VALUE: 2.5, SHGC: 0.456)	NO SHADING

MATERIAL LEGEND

BW1	BLOCKWORK
MS1	METAL SHEET (ZINC)
MP1	POWDER-COATED STEEL PLATE
PBD	PLASTERBOARD
R	RENDER
ST1	STONE TYPE 1 (EXTERIOR)
ST2	STONE TYPE 2 (INTERIOR)
TF1	TIMBER FLOORBOARDS

SITE LOCATION PLAN (NTS)



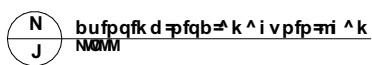
MCK ARCHITECTURE + INTERIORS
STUDIO 401/104 COMMONWEALTH STREET SURRY HILLS NSW 2010
TEL +61 2 9211 4146 FAX +61 2 9211 4148 MCKARCHITECTS.COM
NOM. ARCHITECT MARK CASHMAN ARB 6232

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PRINT DATE AND TIME: Tuesday, 4 October 2022, 10:11 am


PROJECT SNOW-PENGILLY HOUSE 74 VICTORIA STREET WAVERLEY NSW 2024	REVISION			DATE 4/10/2022 PROJECT NO. 2118 SCALE 1:100 @ A3 DRAWN BY NM CHECKED BY SK	DRAWING TITLE COVER SHEET	DRAWING NO. DA 00	REVISION 02
	Revision ID	ISSUE DATE	Transmittal Set Name				
	01	13/4/2022	FOR DA				
	02	30/9/2022	DA - DEFERRAL RESPONSE				

Date Received: 04/10/2021 Received: 27/04/2022



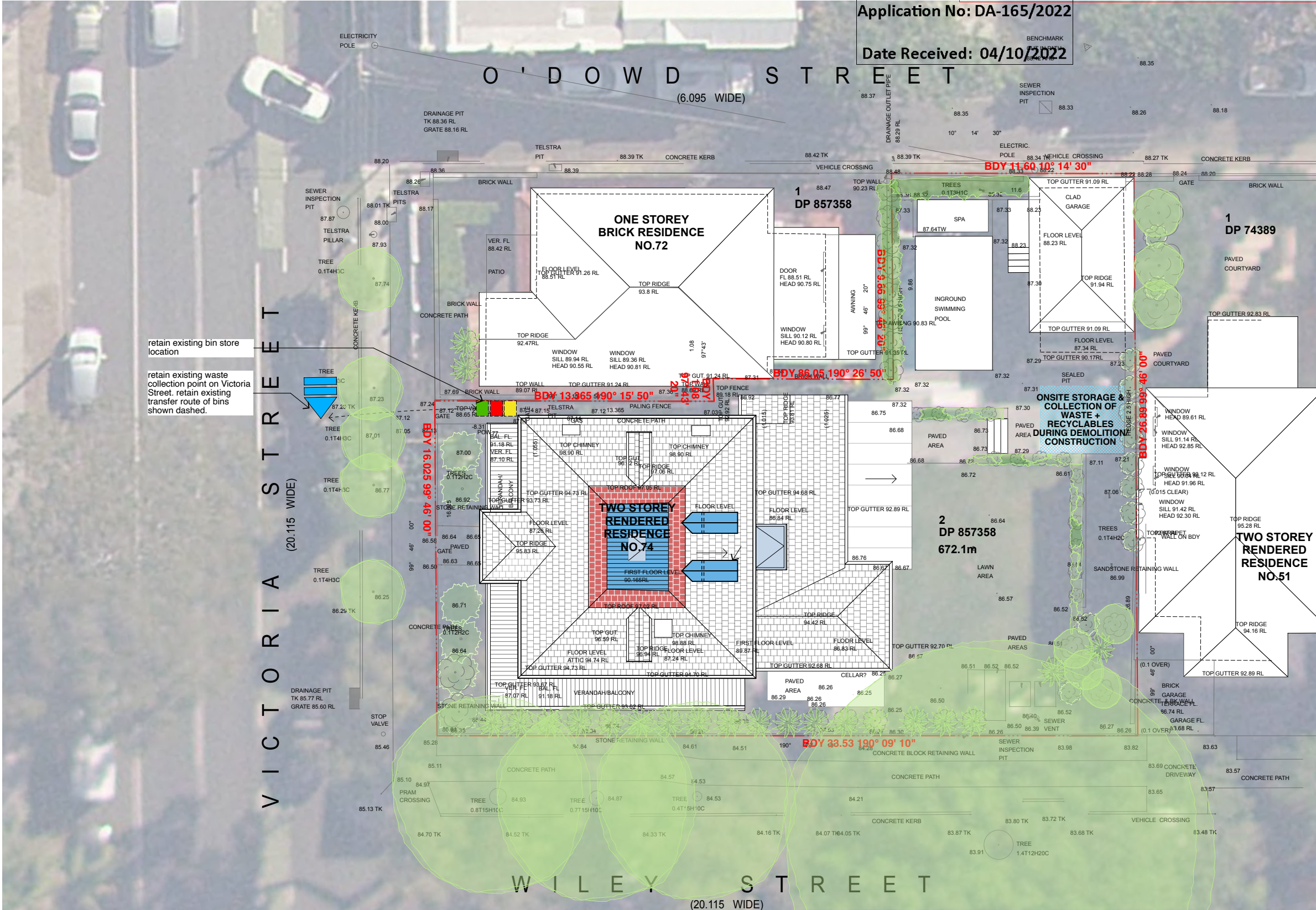
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	mɔl gb` q pkɪ t ʁbkdfi v el r pb Tɔsf` ql of^ pqobbg^ ʁsboi bv kpt =OVDQ	obsɸfi k obsɸa fppr b-a^qb abp` ofmql k MN NPLQCO cl o-a^ 	a^qb NPLQCO mɔl gb` q=k l K ONNJ p` ^i b NQMM^j ≠ P a o^t k =_v kj ` e b` hba =_v ph	a o^t fik dɤɤqi b pfqb≠ k ^i v pfp=mi ^ k	a o^t fik d=k l K a ^ ≠MN	obsɸfi k MN
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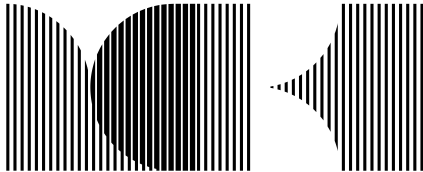
Application No: DA-165/2022

Date Received: 04/10/2022



SITE PLAN
1:200

LEGEND	
	240L CO-MINGLED YELLOW LID RECYCLING BIN STORAGE AND COLLECTION LOCATION
	240L ALL PURPOSE RED LID GARBAGE BIN STORAGE AND COLLECTION LOCATION
	ONSITE STORAGE & COLLECTION OF WASTE + RECYCLABLES DURING DEMOLITION AND CONSTRUCTION
	VEHICULAR ACCESS DURING CONSTRUCTION
	TEMPORARY INDOOR WASTE AND RECYCLING SPACE LOCATION




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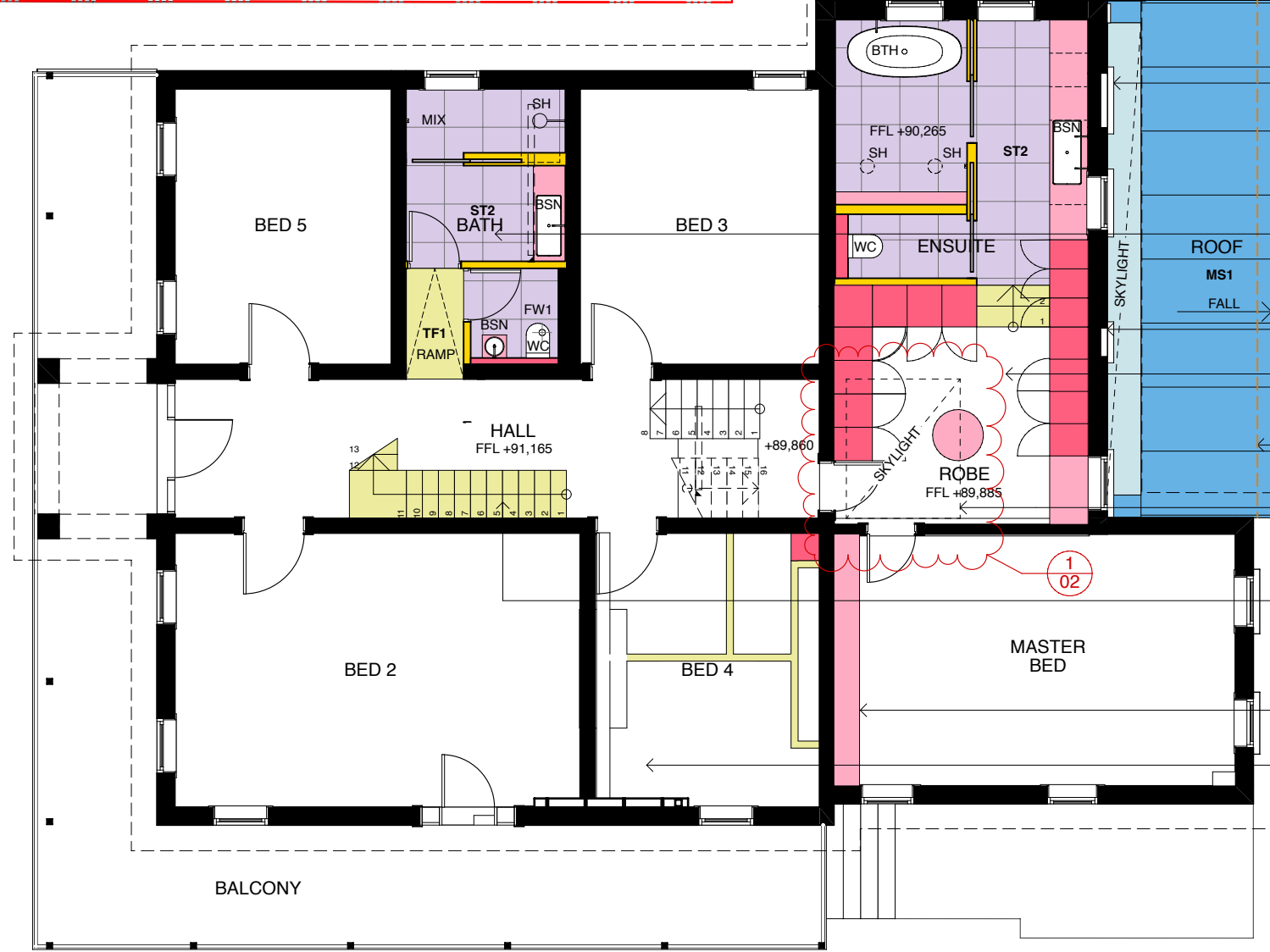
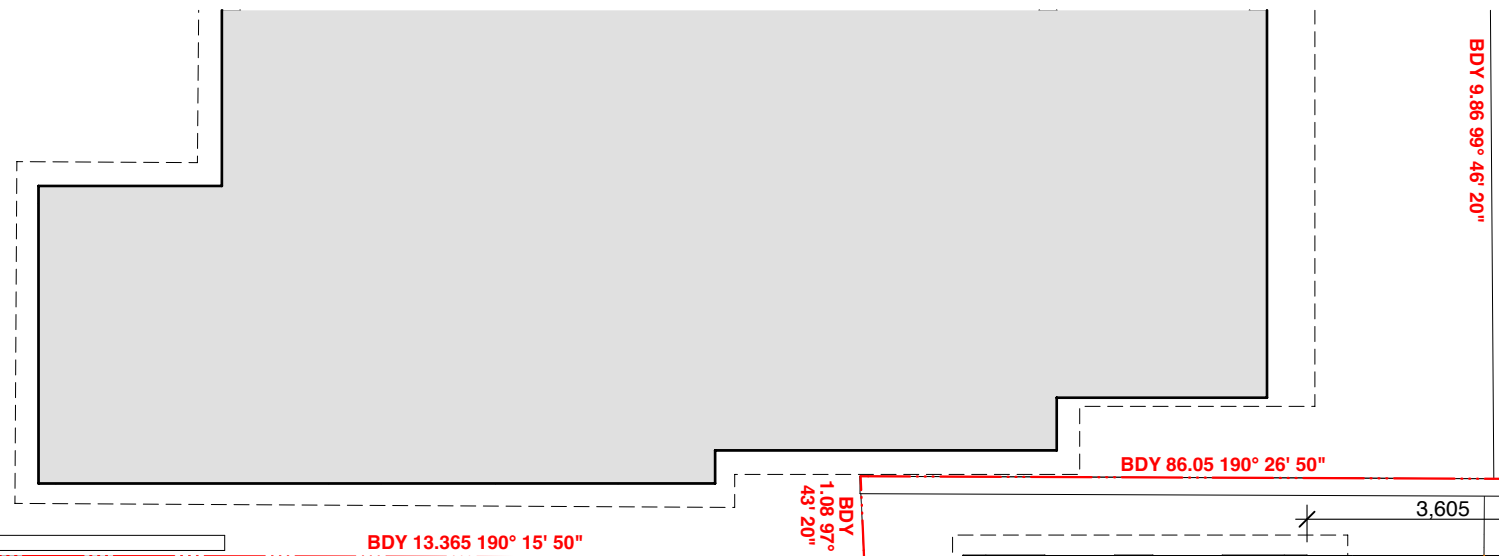
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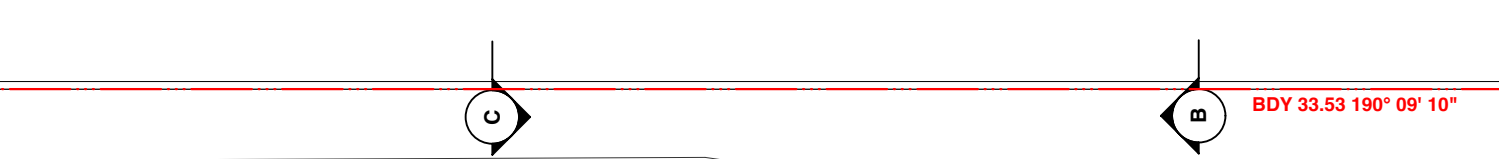
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SNOW-PENGILLY HOUSE			Revision ID	ISSUE DATE				
74 VICTORIA STREET WAVERLEY NSW 2024			01	13/4/2022	FOR DA	SITE PLAN	DA 10	02
			02	30/9/2022	DA - DEFERRAL RESPONSE			
						PROJECT NO. 2118		
						SCALE 1:200 @ A3		
						DRAWN BY NM		
						CHECKED BY SK		



	mol gb` q pklt Jmbkdfi v el r pb TQsf ql of^ pqobbq= ^sboibv kpt =OVCQ	obsfpl k obsfpl k fppr b=^qb abp` ofmqll k MN NPLQCO cl o=^	a^qb NPLQCO mol gb` q=kl K ONJU p` ^ib NMM# =P ao^t k=v kj `eb` hba=v ph	ao^t fkd=ql b dol r ka=ill o mi^k	ao^t fkd=kl K a^=NN	obsfpl k MN
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- Remove existing window, keep impression of window on facade and lintel for heritage.
- Existing bathroom fully renovated.
- Remove existing window, keep impression of window on facade and lintel for heritage.
- Existing robe and ensuite renovated.
- New zinc roof and skylight.
- Outline of existing bullnose roof to be demolished shown dashed in orange.
- New skylight to existing roof.
- New timber stair existing attic, to replace existing non compliant stair.
- Internal joinery addition to master bedroom.
- No changes to existing beds 2, 3, 4 & 5.



FIRST FLOOR PLAN
1:100


MATERIAL COLOUR LEGEND	
	MASONRY SECTION / ELEVATION
	GLASS SECTION / ELEVATION
	TIMBER SECTION / ELEVATION
	METAL SECTION / ELEVATION
	NATURAL STONE SECTION / ELEVATION
	PLASTER SECTION / ELEVATION
	EARTH SECTION / ELEVATION
	INTERNAL TILES SECTION / ELEVATION
	JOINERY SECTION / ELEVATION
	EX SECTION/ELEVATION
	DEMOLISHED SECTION/ELEVATION

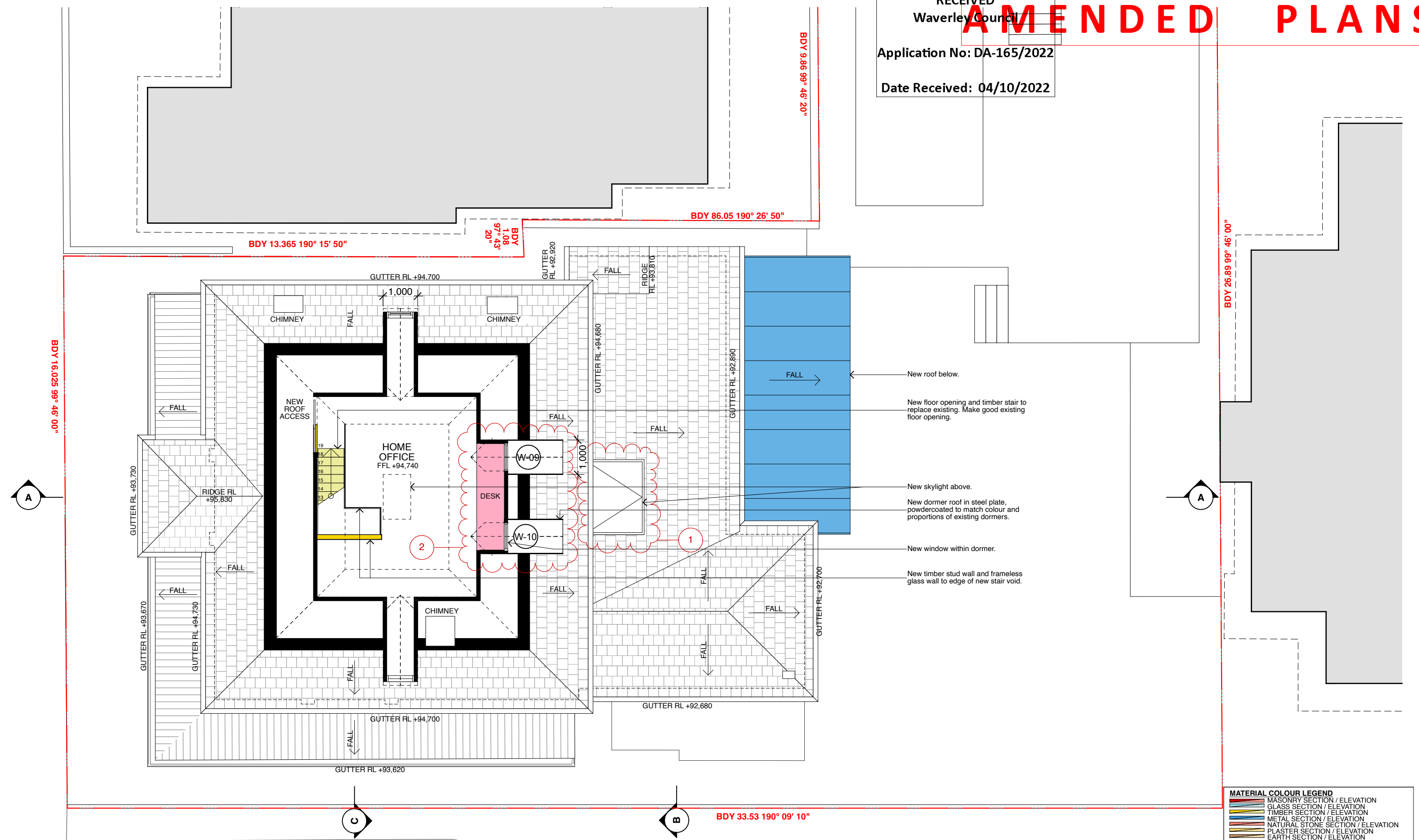


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	PROJECT SNOW-PENGILLY HOUSE 74 VICTORIA STREET WAVERLEY NSW 2024		REVISION		DATE 4/10/2022 PROJECT NO. 2118 SCALE 1:100 @ A3 DRAWN BY NM CHECKED BY SK		DRAWING TITLE FIRST FLOOR PLAN		DRAWING NO. DA 12		REVISION 02	
	Revision ID	ISSUE DATE	Transmittal Set Name									
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	02	30/9/2022	DA - DEFERRAL RESPONSE									



ATTIC FLOOR PLAN
1:100

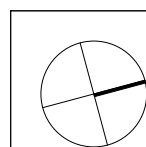
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	GLASS SECTION / ELEVATION
	TIMBER SECTION / ELEVATION
	METAL SECTION / ELEVATION
	NATURAL STONE SECTION / ELEVATION
	PLASTER SECTION / ELEVATION
	EARTH SECTION / ELEVATION
	INTERNAL TILES SECTION / ELEVATION
	JOINERY SECTION / ELEVATION
	EX. SECTION/ELEVATION
	DEMOLISHED SECTION/ELEVATION



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PROJECT
SNOW-PENGILLY HOUSE
74 VICTORIA STREET WAVERLEY NSW 2024

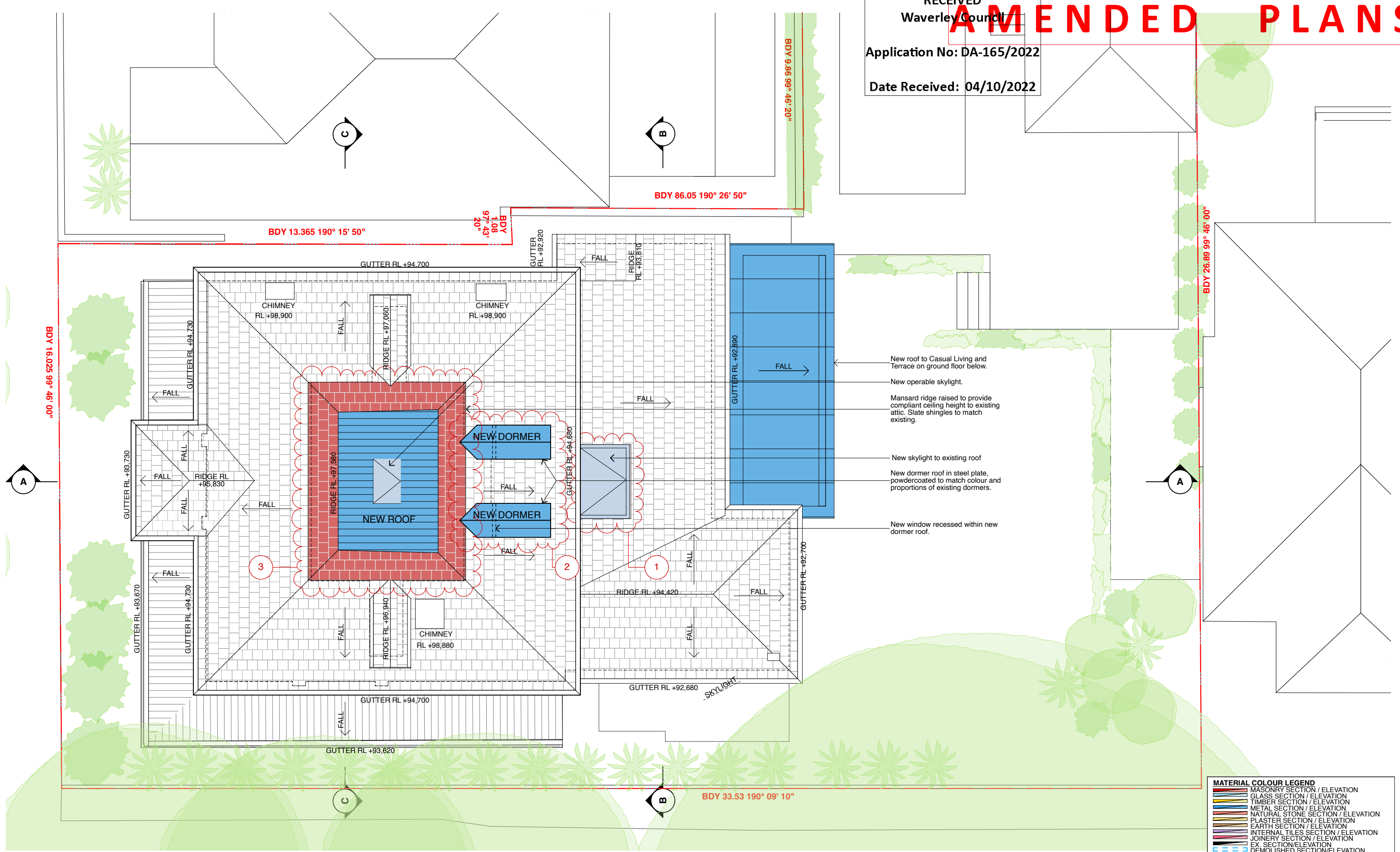
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Revision ID	ISSUE DATE	Transmittal Set Name
01	13/4/2022	FOR DA
02	30/9/2022	DA - DEFERRAL RESPONSE

DATE 4/10/2022
PROJECT NO. 2118
SCALE 1:100 @ A3
DRAWN BY NM
CHECKED BY SK

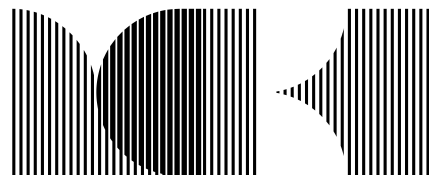
DRAWING TITLE
ATTIC PLAN

DRAWING NO.
DA 13

REVISION
02



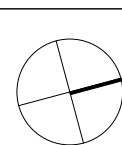
ROOF PLAN
1:100



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PROJECT
SNOW-PENGILLY HOUSE
74 VICTORIA STREET WAVERLEY NSW 2024

REVISION

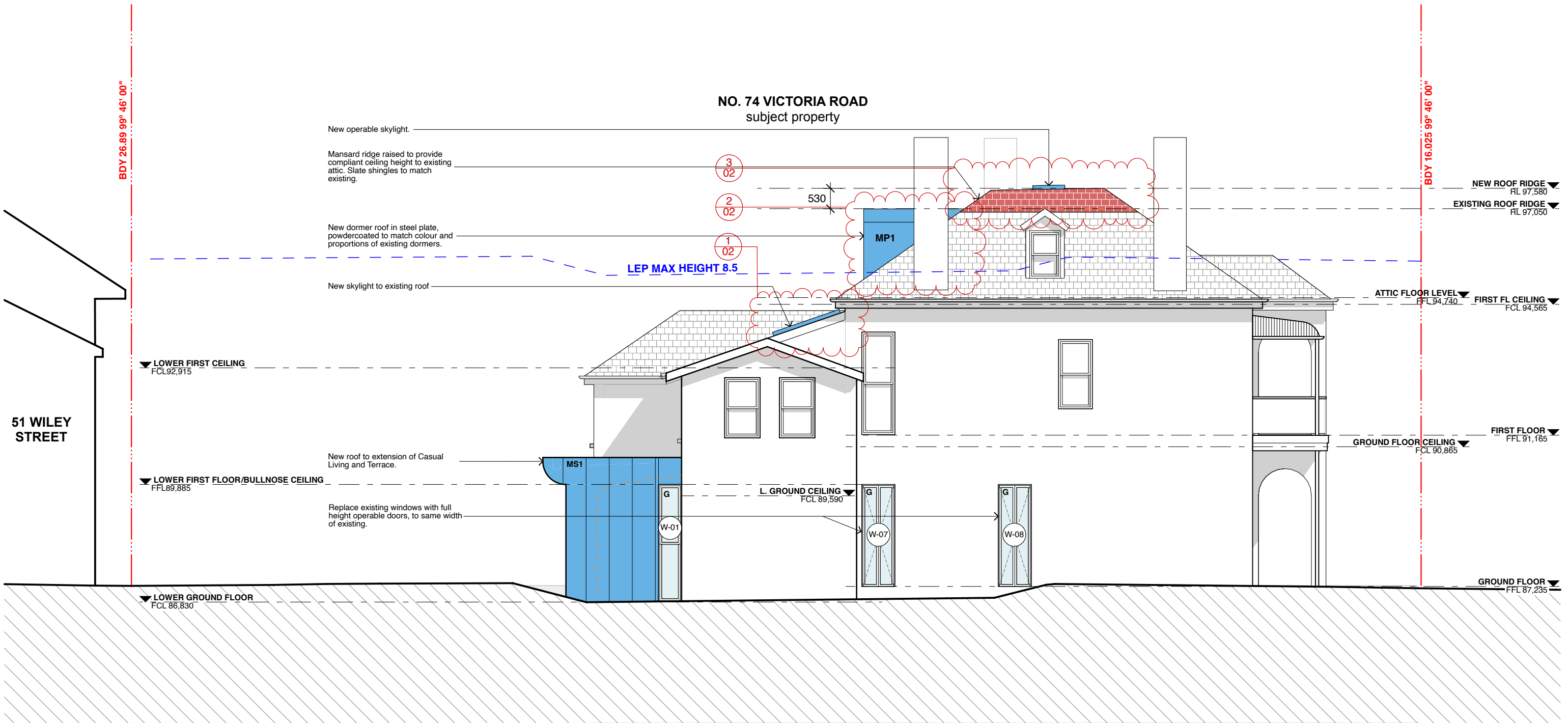
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02	30/9/2022	DA - DEFERRAL RESPONSE

DATE 4/10/2022
PROJECT NO. 2118
SCALE 1:100 @ A3
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CHECKED BY SK

DRAWING TITLE
ROOF PLAN

DRAWING NO.
DA 14

REVISION
02



1

WEST ELEVATION

1:100

MATERIAL COLOUR LEGEND

MASONRY SECTION / ELEVATION

GLASS SECTION / ELEVATION

TIMBER SECTION / ELEVATION

METAL SECTION / ELEVATION

NATURAL STONE SECTION / ELEVATION

PLASTER SECTION / ELEVATION

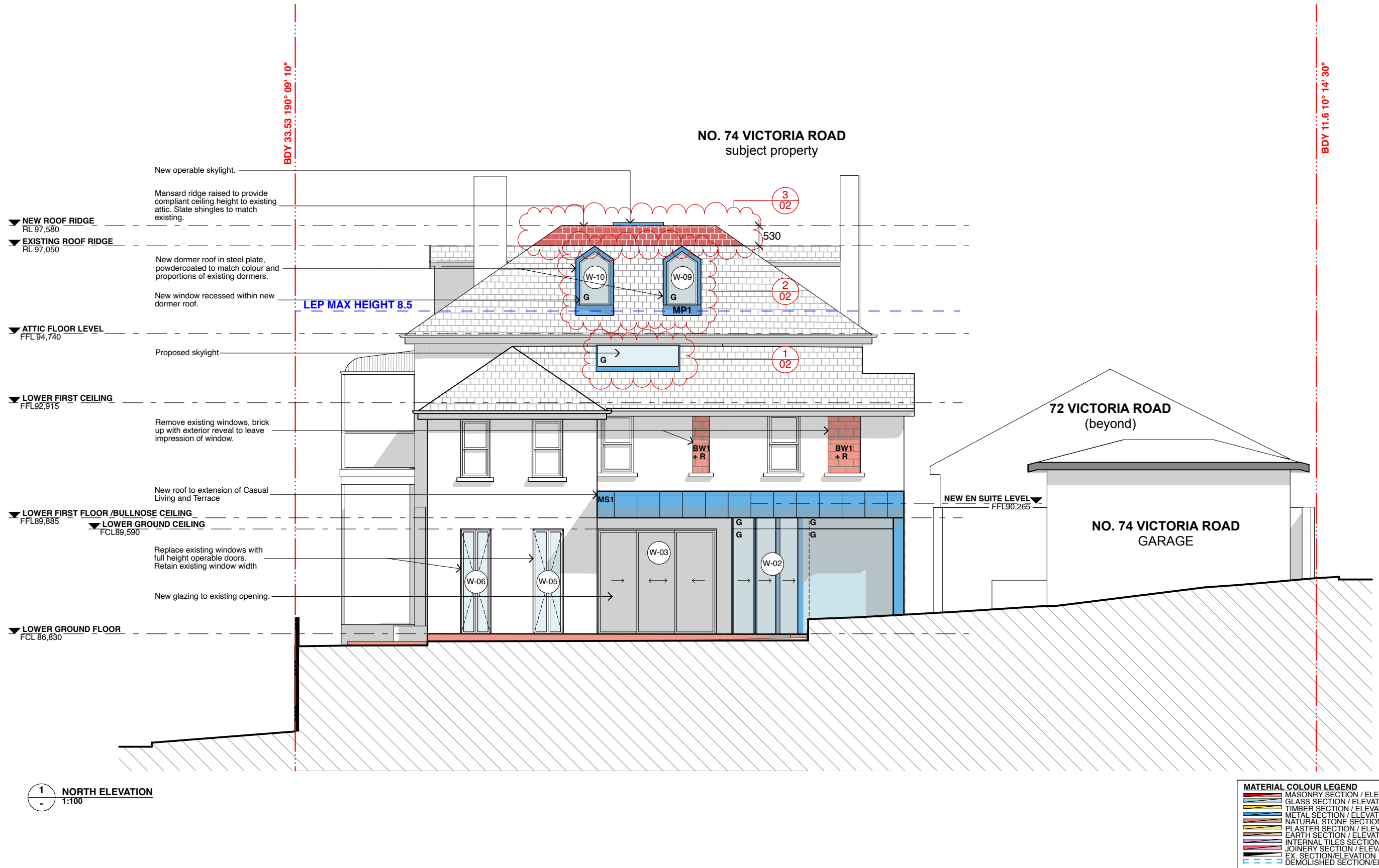
EARTH SECTION / ELEVATION

INTERNAL TILES SECTION / ELEVATION

JOINERY SECTION / ELEVATION

EX. SECTION/ELEVATION

DEMOLISHED SECTION/ELEVATION



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PROJECT
**SNOW-PENGILLY
HOUSE**
74 VICTORIA
STREET WAVERLEY
NSW 2024

REVISION

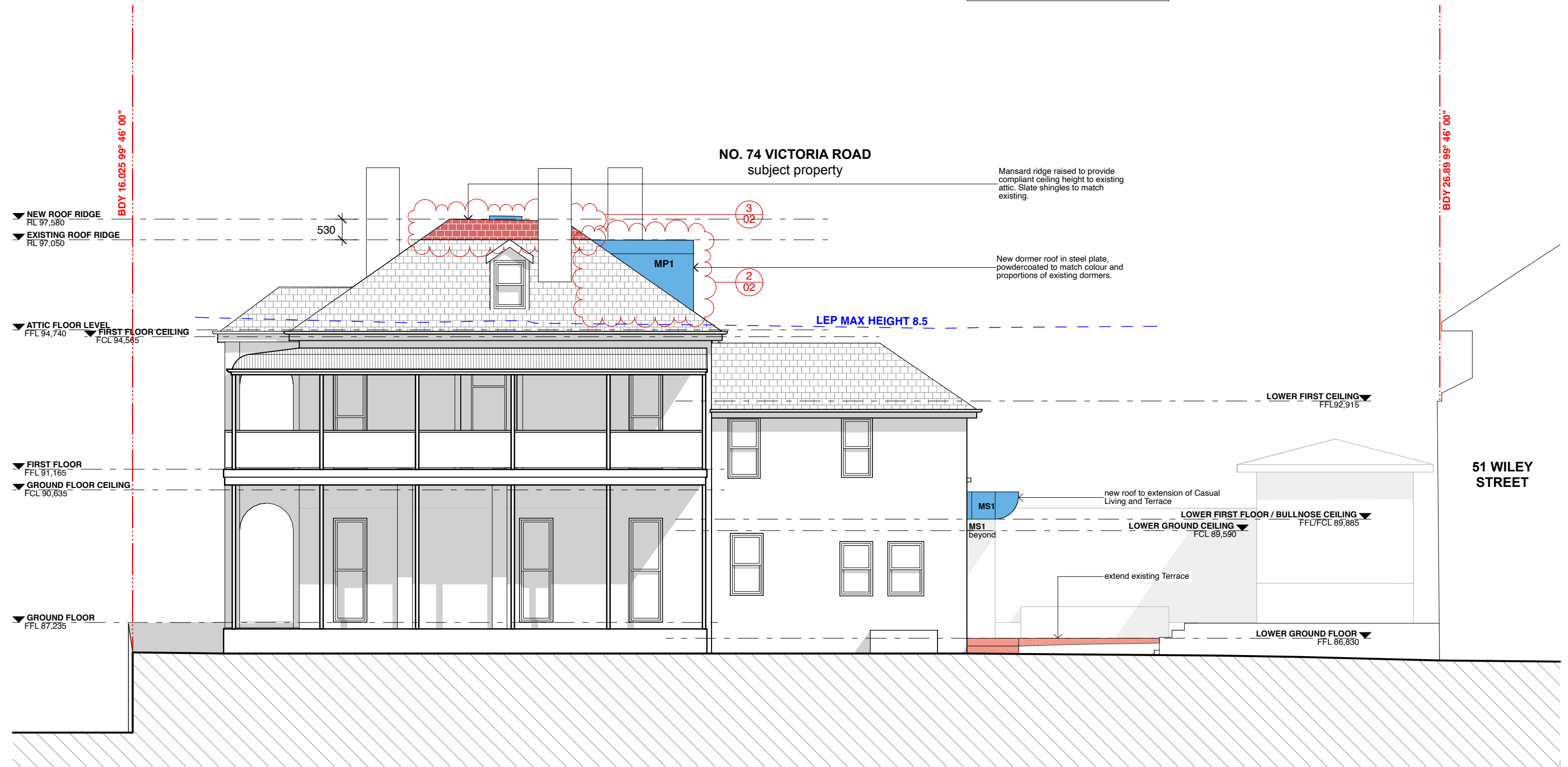
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01	13/4/2022	FOR DA
02	30/9/2022	DA - DEFERRAL RESPONSE

DATE 4/10/2022
PROJECT NO. 2118
SCALE 1:100 @ A3
DRAWN BY NM
CHECKED BY SK

DRAWING TITLE
NORTH ELEVATION

DRAWING NO.
DA 21

REVISION
02



1 EAST ELEVATION
1:100

MATERIAL COLOUR LEGEND	
	MASONRY SECTION / ELEVATION
	GLASS SECTION / ELEVATION
	TIMBER SECTION / ELEVATION
	METAL SECTION / ELEVATION
	NATURAL STONE SECTION / ELEVATION
	PLASTER SECTION / ELEVATION
	EARTH SECTION / ELEVATION
	INTERNAL TILES SECTION / ELEVATION
	JOINERY SECTION / ELEVATION
	EX. SECTION/ELEVATION
	DEMOLISHED SECTION/ELEVATION

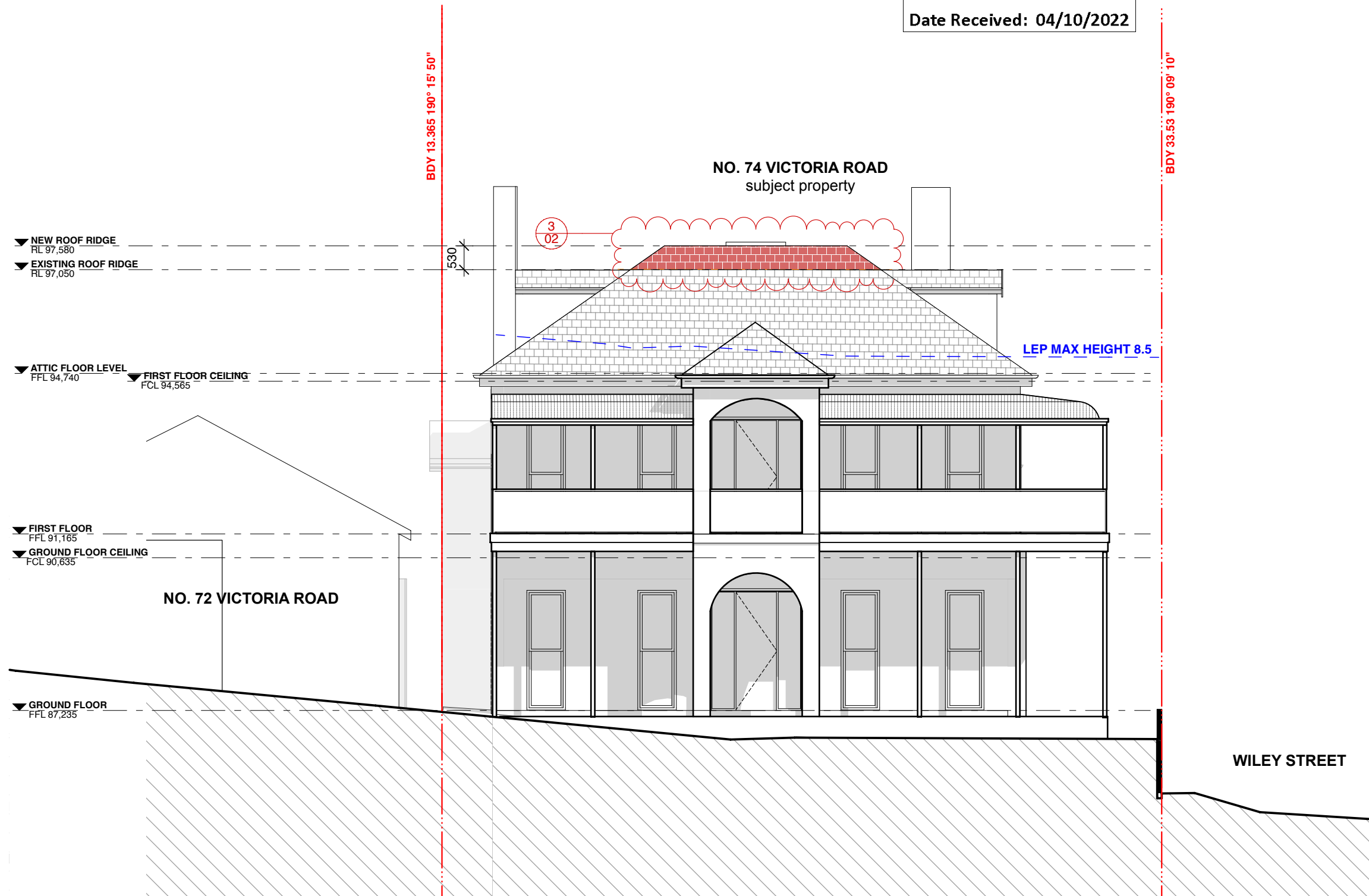


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REVISION	REVISION		DATE	PROJECT NO.	DRAWING TITLE	DRAWING NO.	REVISION
	Revision ID	ISSUE DATE					
	01	13/4/2022	FOR DA	2118	EAST ELEVATION	DA 22	02
	02	30/9/2022	DA - DEFERRAL RESPONSE	SCALE 1:100 @ A3			
				DRAWN BY NM			
				CHECKED BY SK			



1 SOUTH ELEVATION
1:100

MATERIAL COLOUR LEGEND	
	MASONRY SECTION / ELEVATION
	GLASS SECTION / ELEVATION
	TIMBER SECTION / ELEVATION
	METAL SECTION / ELEVATION
	NATURAL STONE SECTION / ELEVATION
	PLASTER SECTION / ELEVATION
	EARTH SECTION / ELEVATION
	INTERNAL TILES SECTION / ELEVATION
	JOINERY SECTION / ELEVATION
	EX SECTION/ELEVATION
	DEMOLISHED SECTION/ELEVATION

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PROJECT
**SNOW-PENGILLY
HOUSE**
74 VICTORIA
STREET WAVERLEY
NSW 2024

REVISION

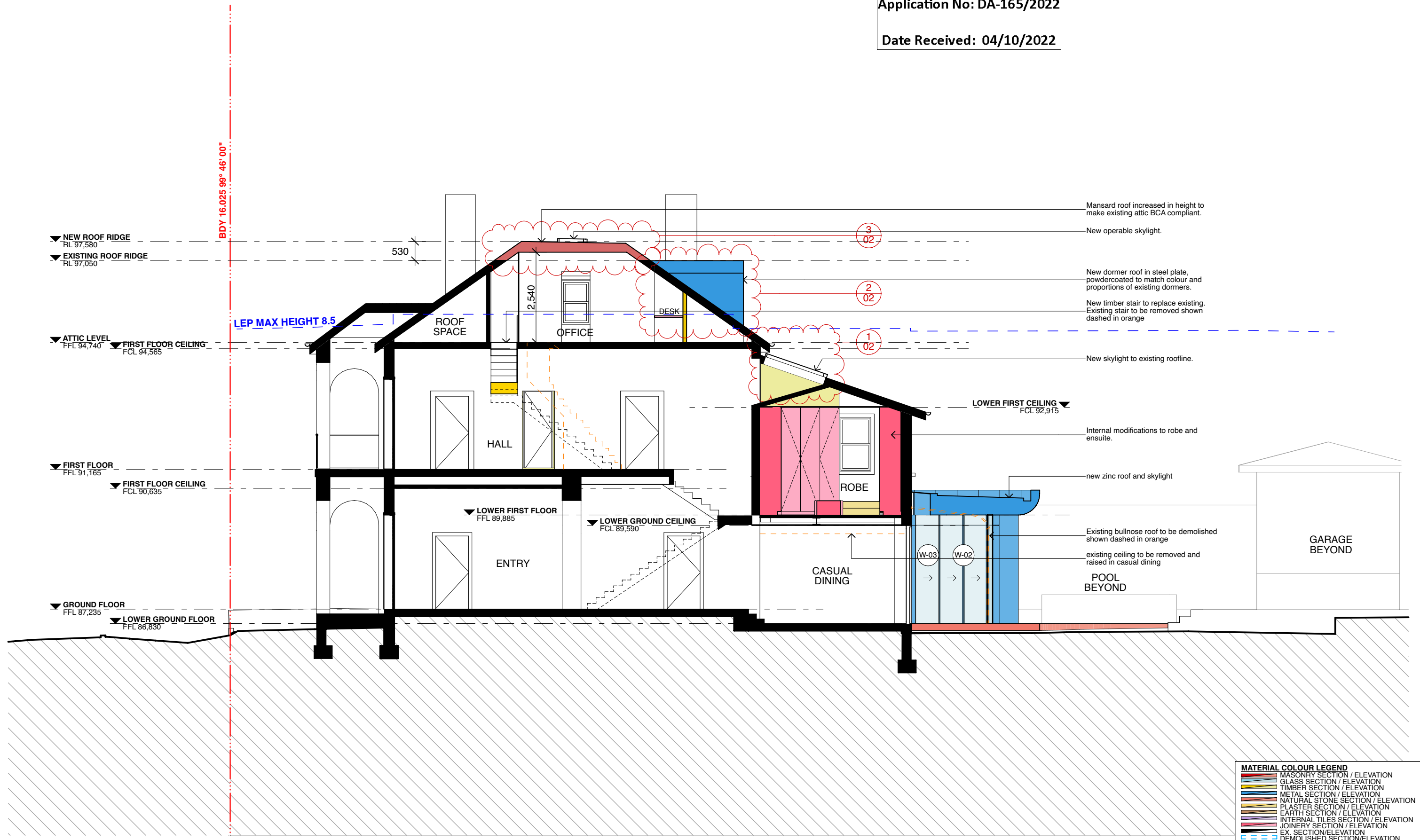
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01	13/4/2022	FOR DA
02	30/9/2022	DA - DEFERRAL RESPONSE

DATE 4/10/2022
PROJECT NO. 2118
SCALE 1:100 @ A3
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DRAWING TITLE
SOUTH ELEVATION

DRAWING NO.
DA 23

REVISION
02



1 SECTION A
1:100

MATERIAL COLOUR LEGEND	
	MASONRY SECTION / ELEVATION
	GLASS SECTION / ELEVATION
	TIMBER SECTION / ELEVATION
	METAL SECTION / ELEVATION
	NATURAL STONE SECTION / ELEVATION
	PLASTER SECTION / ELEVATION
	EARTH SECTION / ELEVATION
	INTERNAL TILES SECTION / ELEVATION
	JOINERY SECTION / ELEVATION
	EX. SECTION/ELEVATION
	DEMOLISHED SECTION/ELEVATION

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PROJECT
SNOW-PENGILLY HOUSE
74 VICTORIA STREET WAVERLEY NSW 2024

REVISION

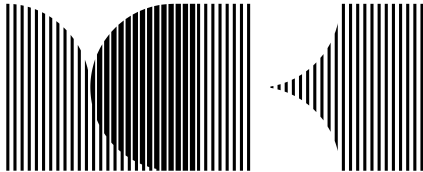
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DATE 4/10/2022
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DRAWN BY NM
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DRAWING TITLE
SECTION A

DRAWING NO.
DA 30

REVISION
02

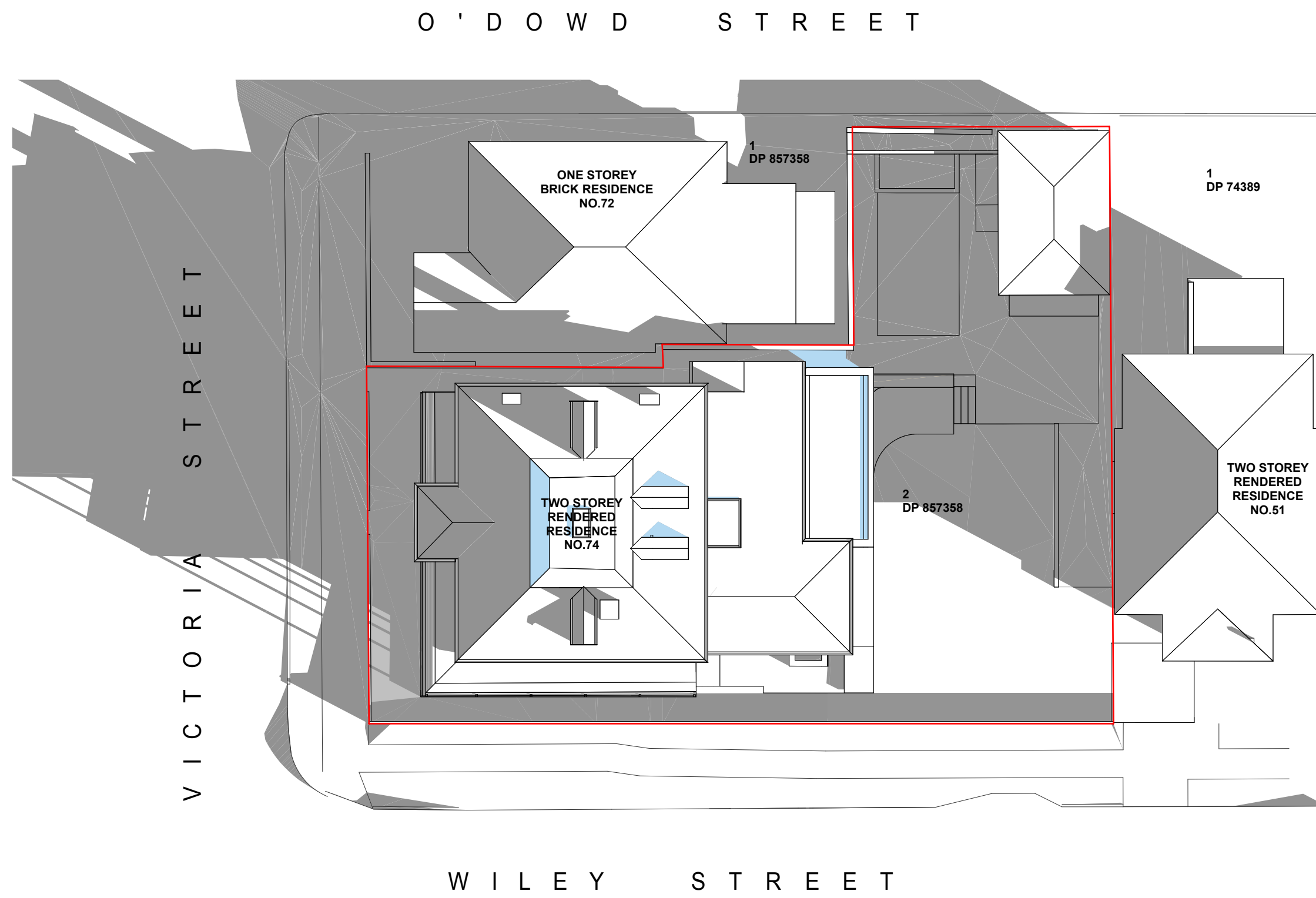


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		Revision ID	ISSUE DATE	Transmittal Set Name				
		01	13/4/2022	FOR DA				
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1 SHADOW PROPOSED 9AM
1:200

SUN SHADOW DIAGRAM LEGEND

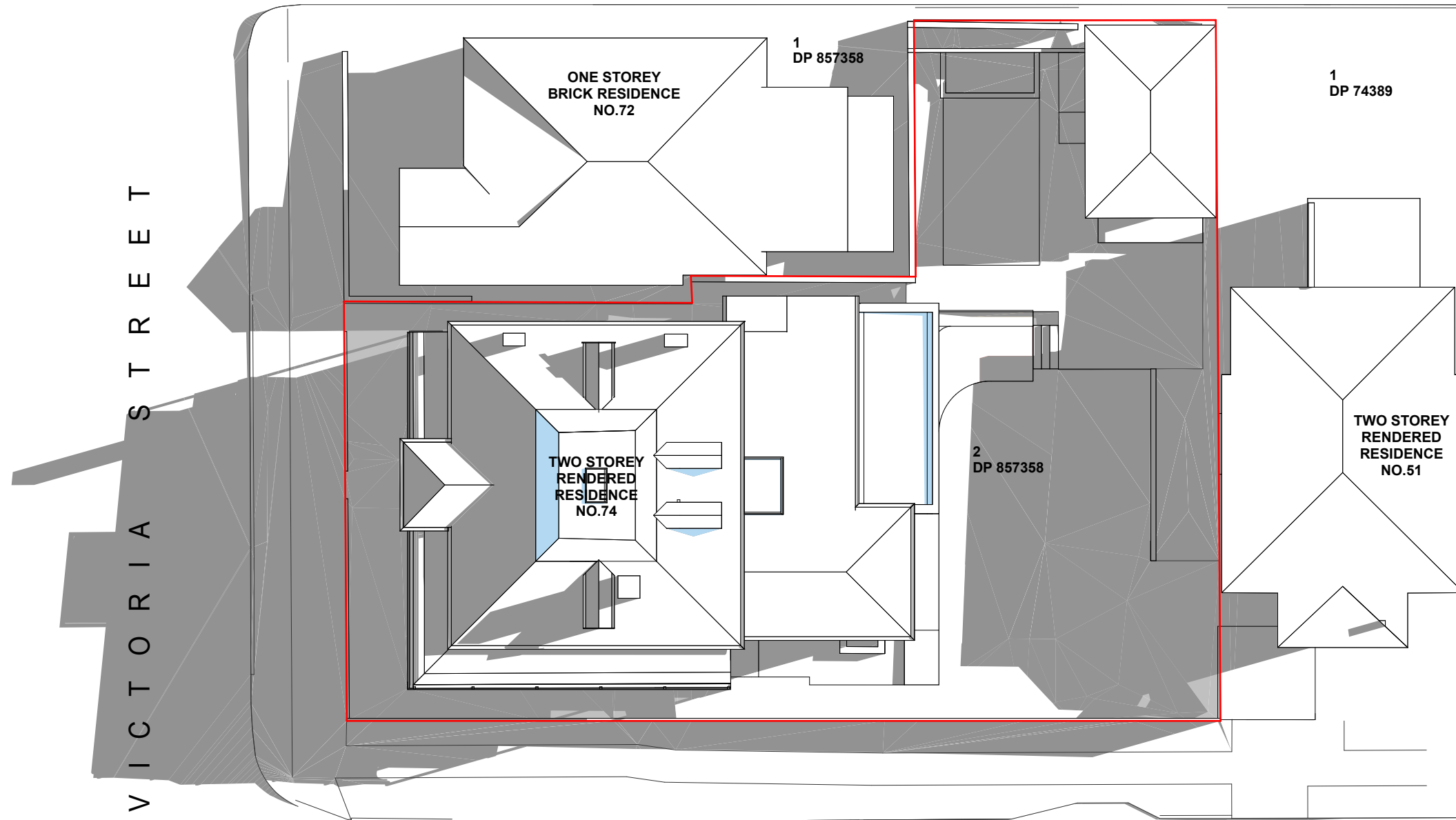
EXISTING BUILDING SHADOWS

PROPOSED ADDITIONAL SHADOWS

	PROJECT SNOW-PENGILLY HOUSE 74 VICTORIA STREET WAVERLEY NSW 2024	REVISION			DATE	4/10/2022	DRAWING TITLE SHADOW DIAGRAM JUNE22 9AM	DRAWING NO. DA 70	REVISION 02	
		Revision ID	ISSUE DATE	Transmittal Set Name		PROJECT NO.				2118
		01	13/4/2022	FOR DA		SCALE				1:200 @ A3
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Date Received: 04/10/2022

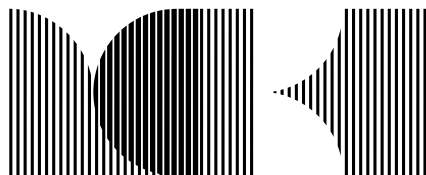
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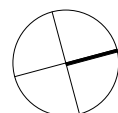
1 PROPOSED SHADOW 12PM
- 1:200

SUN SHADOW DIAGRAM LEGEND

	EXISTING BUILDING SHADOWS
	PROPOSED ADDITIONAL SHADOWS



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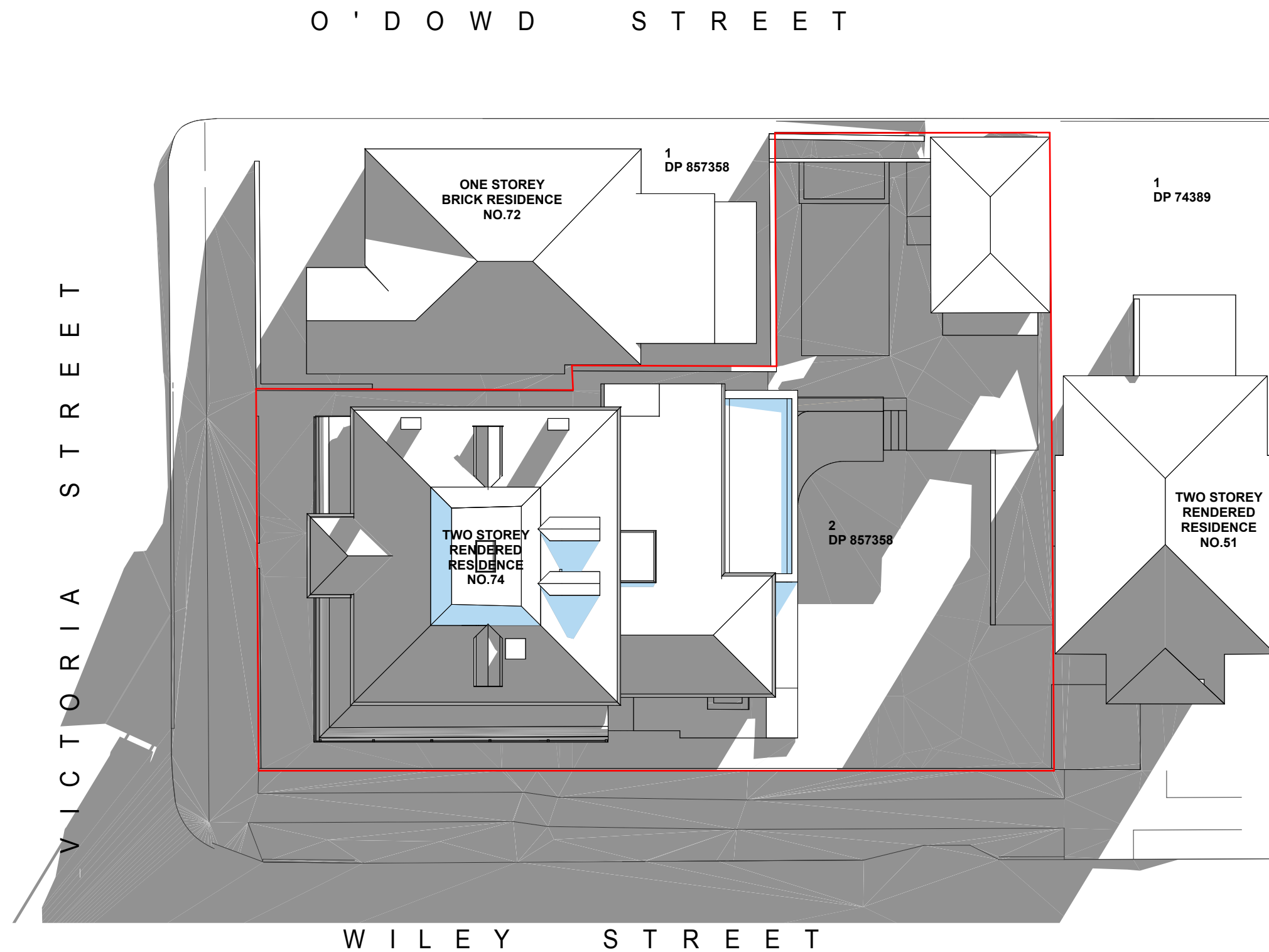
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Revision ID	ISSUE DATE	Transmittal Set Name
01	13/4/2022	FOR DA
02	30/9/2022	DA - DEFERRAL RESPONSE

DRAWING TITLE

SHADOW DIAGRAM
JUNE22 12PM

DRAWING NO.
DA 71

REVISION
02



1
-
PROPOSED SHADOW 3PM
1:200

SUN SHADOW DIAGRAM LEGEND

EXISTING BUILDING SHADOWS


PROPOSED ADDITIONAL SHADOWS



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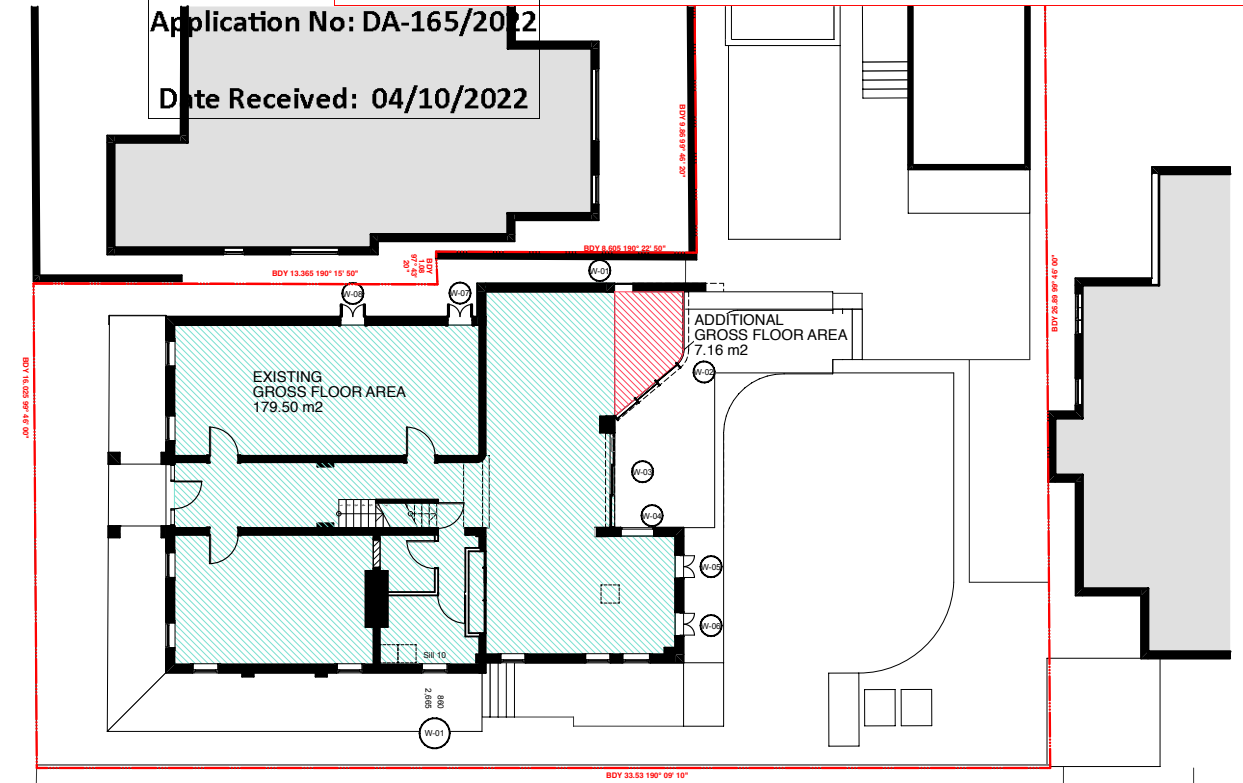
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		02	30/9/2022	DA - DEFERRAL RESPONSE	1:200 @ A3			
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					NM			
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			SK					

Application No: DA-165/2022

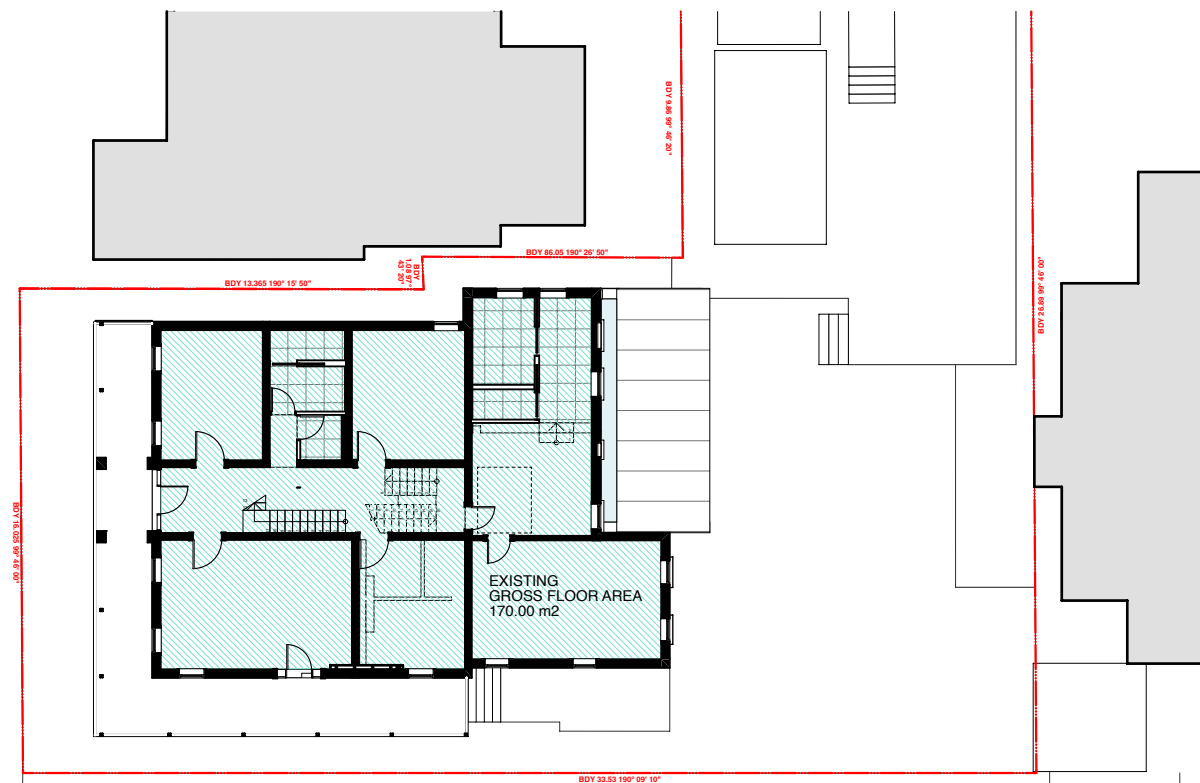
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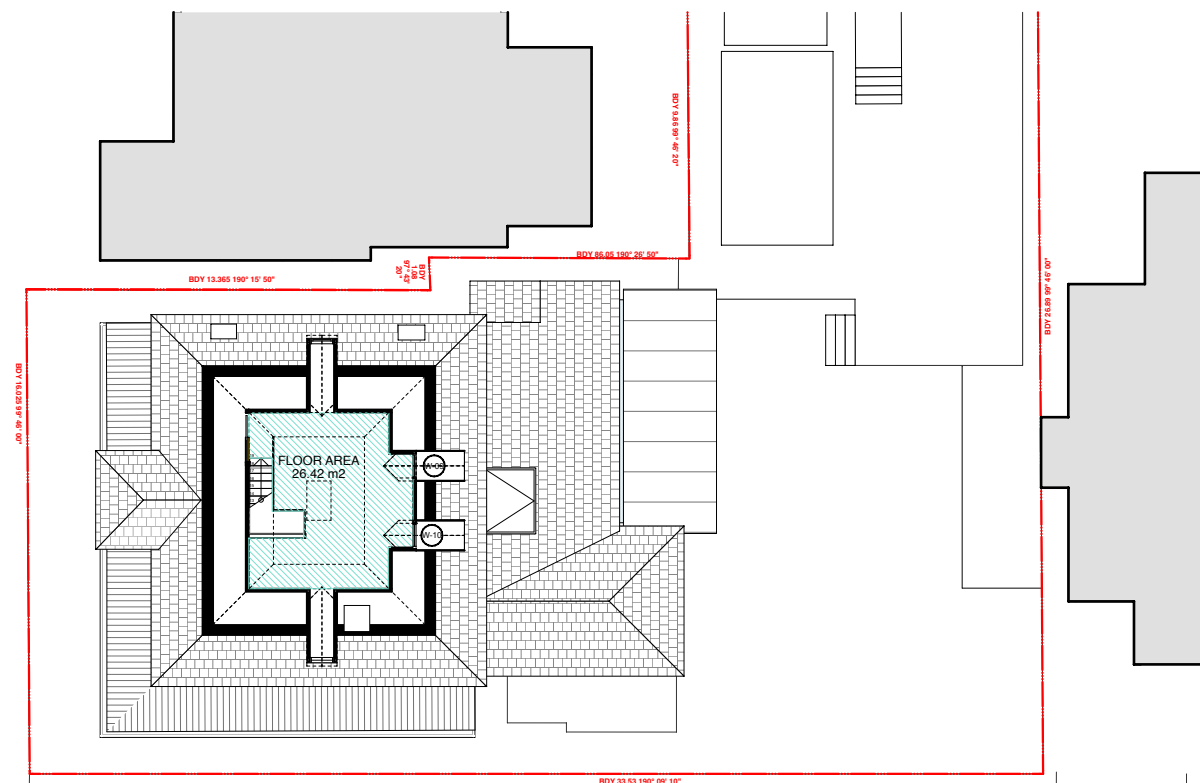
2 GFA GROUND LEVEL
1:250

ZONE LEGEND	
	EXISTING GROSS FLOOR AREA
	ADDITIONAL GROSS FLOOR AREA

GROSS FLOOR AREA CALCULATIONS		
LEVEL	ROOM NAME	MEASURED AREA
GROUND LEVEL	ADDITIONAL	7.16
		7.16 m²
GROUND LEVEL	EXISTING	179.50
		179.50 m²
FIRST LEVEL	EXISTING	170.00
		170.00 m²
ATTIC LEVEL		26.42
		26.42 m²
		383.08 m²



1 GFA FIRST LEVEL
1:250



3 GFA ATTIC
1:250

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PRINT DATE AND TIME: Tuesday, 4 October 2022, 10:11 am

PROJECT
SNOW-PENGILLY HOUSE
74 VICTORIA STREET WAVERLEY NSW 2024

REVISION

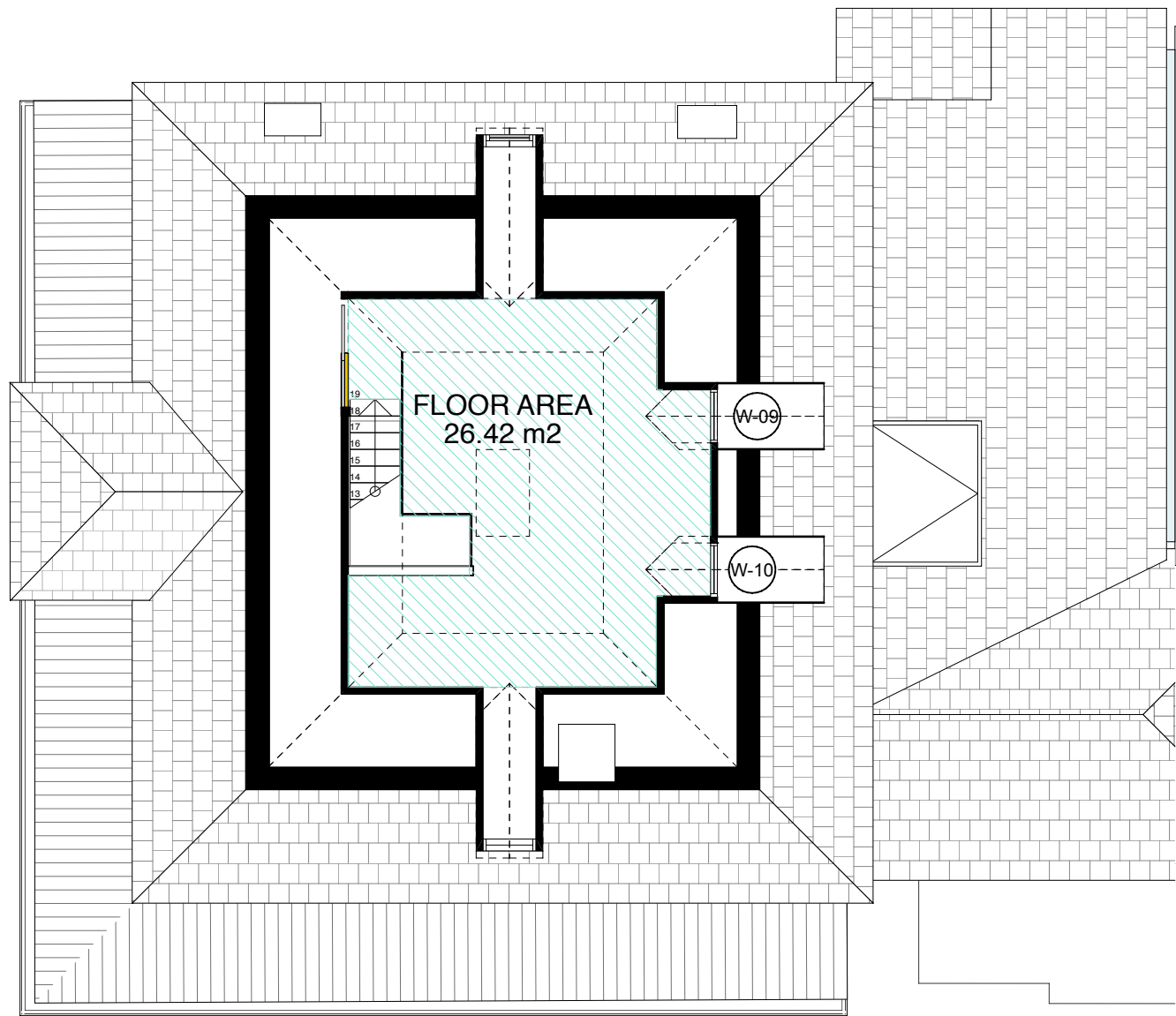
Revision ID	ISSUE DATE	Transmittal Set Name
01	13/4/2022	FOR DA
02	30/9/2022	DA - DEFERRAL RESPONSE

DATE 4/10/2022
PROJECT NO. 2118
SCALE 1:250 @ A3
DRAWN BY NM
CHECKED BY SK

DRAWING TITLE
GROSS FLOOR CALCULATION PLANS

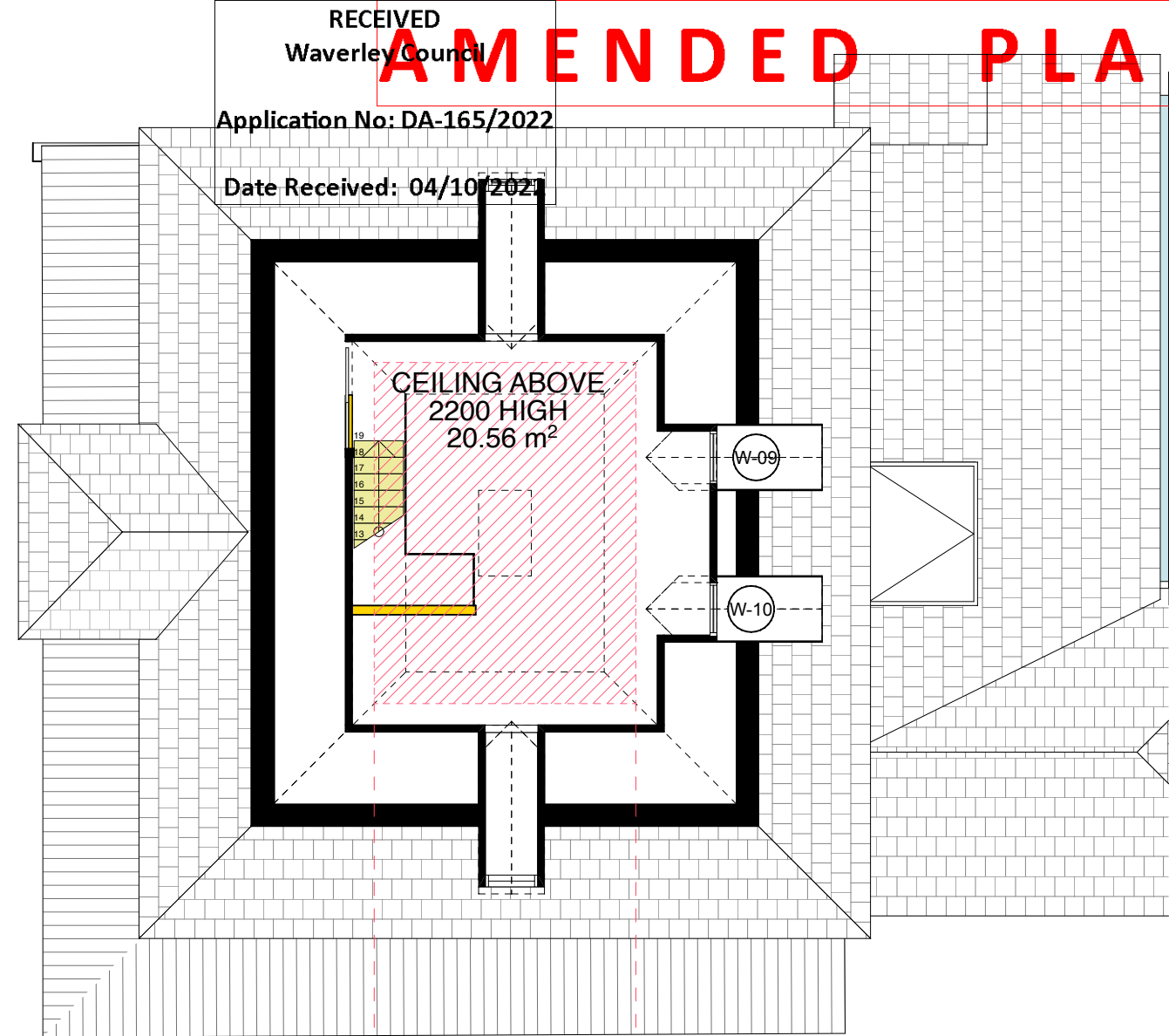
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DA 80

REVISION
02

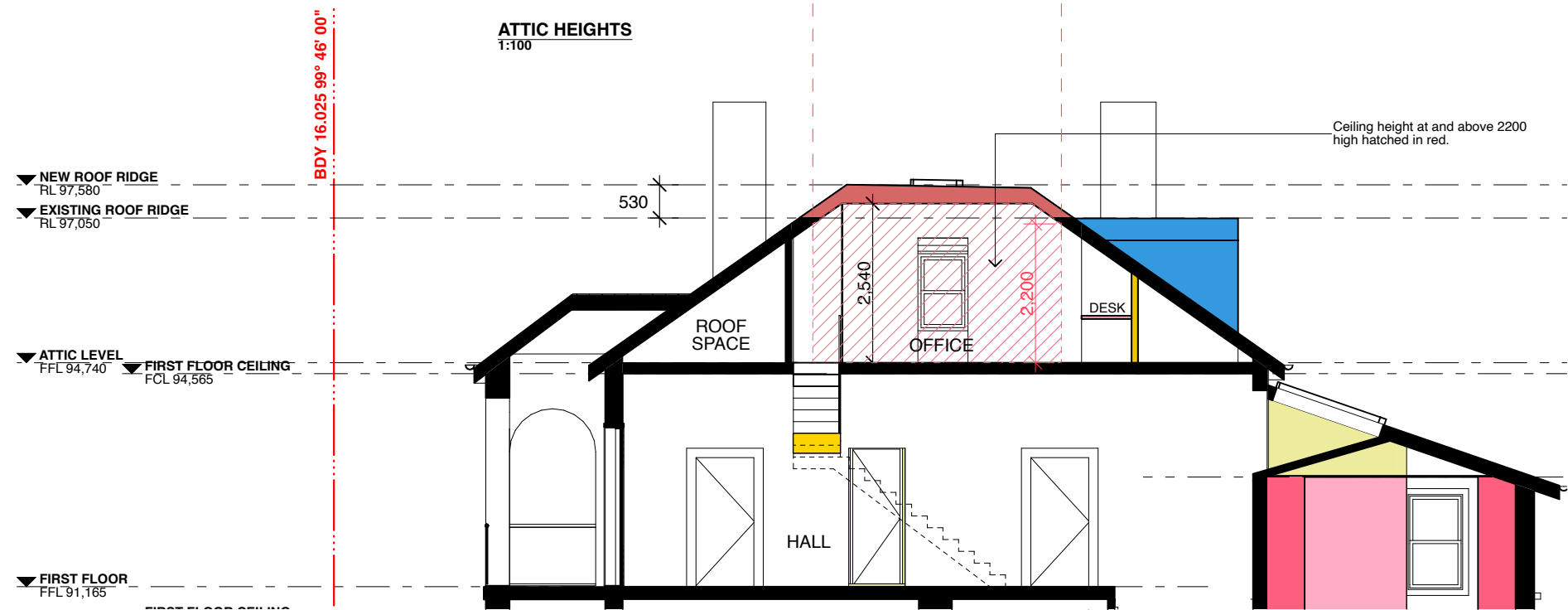


GFA ATTIC
1:100

CEILING HEIGHT/AREA RATIO	
ATTIC AREA	26.42M ²
AREA 2200 HIGH AND ABOVE	20.56M ²
RATIO OF FLOOR AREA 2200 HIGH AND ABOVE (NCC MINIMUM 66%)	78%



ATTIC HEIGHTS
1:100



SECTION A



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PRINT DATE AND TIME: Tuesday, 4 October 2022, 10:11 am

	PROJECT SNOW-PENGILLY HOUSE 74 VICTORIA STREET WAVERLEY NSW 2024	REVISION		DATE	4/10/2022	DRAWING TITLE ATTIC CEILING HEIGHT	DRAWING NO. DA 82	REVISION 02	
		Revision ID	ISSUE DATE	Transmittal Set Name	PROJECT NO.				2118
		02	30/9/2022	DA - DEFERRAL RESPONSE	SCALE				1:100 @ A3
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Report to the Waverley Local Planning Panel

Application number	DA-203/2021/A
Site address	3 Military Road, NORTH BONDI
Proposal	Modifications to the approved boarding house with neighbourhood shop on garage level
Description of Approved Development	Alterations and additions to approved boarding house (DA-278/2020), including provision of neighbourhood shop at garage level.
Date of lodgement	5 July 2022
Owner	Bondi North Beachfront Unit Trust
Applicant	Bondi North Beachfront Unit Trust
Submissions	One submission
Amended cost of works	\$490,273.24
Principal Issues	Exceedance of height of buildings and FSR development standards
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, known as DA-203/2021/A, seeks to modify development consent for recently approved alterations and additions to a boarding house to include a neighbourhood shop in its garage level at the site known as 3 Military Road, North Bondi. In summary, the proposed modifications are for the following:

- Reconfiguring the entry stair and retail frontage to provide improved amenity through increased natural light and ventilation to the retail area;
- Reconfiguring the floor layout of the Basement Level and Garage Level to accommodate design changes;
- Changing the lift structure and specification to accommodate compliance with AS1428; and
- Providing a skylight above the western corner of the neighbourhood shop.

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

- Non-compliance with the height of buildings and floor space ratio (FSR) development standards.

The assessment finds these issues acceptable as the increased FSR and building height do not materially affect the perceived building envelope of the approved development, as proposed to be modified.

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 4.55 (2) 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 during the assessment on 5 July 2022. Construction works on the site relating to the approved boarding house and neighbourhood shop have commenced.

The site is identified as Lot B in DP 330868 and is known as 3 Military Road, North Bondi.

The site is triangular in shape with a southern front boundary to Military Road measuring 31.172m, an eastern side boundary measuring 20.834m, and a northern rear boundary to Bondi Golf Club of 31.172m, comprising a total site area of 324.6m². The site has a fall of approximately 2.5m from the north to the south. The site was occupied by a two storey dwelling with integrated garage parking accessed from Military Road prior to demolition and construction works occurring on the site.

Adjoining the site to the east, is a two storey dwelling known as 1 Military Road. Adjoining the site to the north-west is the Bondi Golf Club. On the opposite side of Military Road is a mix of two and three storey

residential flat buildings and dual occupancy developments. The commercial village of North Bondi and the North Bondi Bus Terminus is located to the south of the subject site.

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



1.3. Details of Approved Development

The original development application, known as DA-201/2021 for alterations and additions to an approved boarding house (under construction) with provisions for a neighbourhood shop at the garage level, expansion and reconfigurations of both the garage and basement levels, minor lift shaft relocation, minor reconfiguration of external entry stair leading to ground floor level and minor extension of driveway, was granted deferred commencement consent on 27 October 2021 by the Waverley Local Planning Panel. The deferred commencement matters were satisfied on 24 January 2022.

DA-201/2021 was considered an 'amending DA' to modify or amend DA-278/2020 for partial demolition and construction of a part two, part three storey boarding house containing 10 boarding rooms and 5 car parking spaces for 12 lodgers, which was approved by the Waverley Local Planning Panel on 24 February 2021.

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:

- Reconfiguring the entry stair and retail frontage to provide improved amenities through increased natural light and ventilation to the retail area;
- Reconfiguring the floor layout of the Basement Level and Garage Level to accommodate design changes;
- Changing the lift structure and specification to accommodate compliance with AS1428; and
- Providing a skylight above the western corner of the neighbourhood shop.

A visual comparison of the floor planning of the garage level between the approved development (i.e. DA-203/2021) and the proposal (i.e. the subject modification application) is provided in extracts from respective floor plans shown in **Figures 5 to 12** in this report.

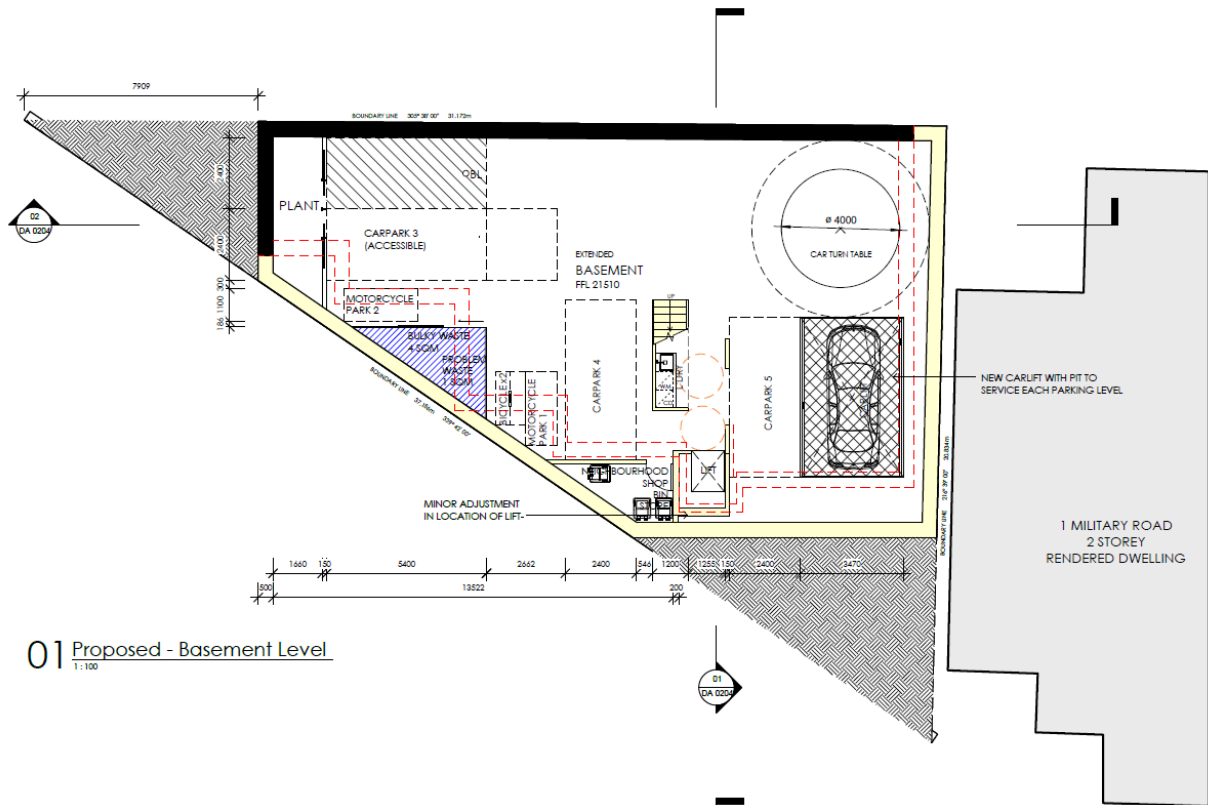


Figure 5: Approved Basement Level (DA-203/2021)

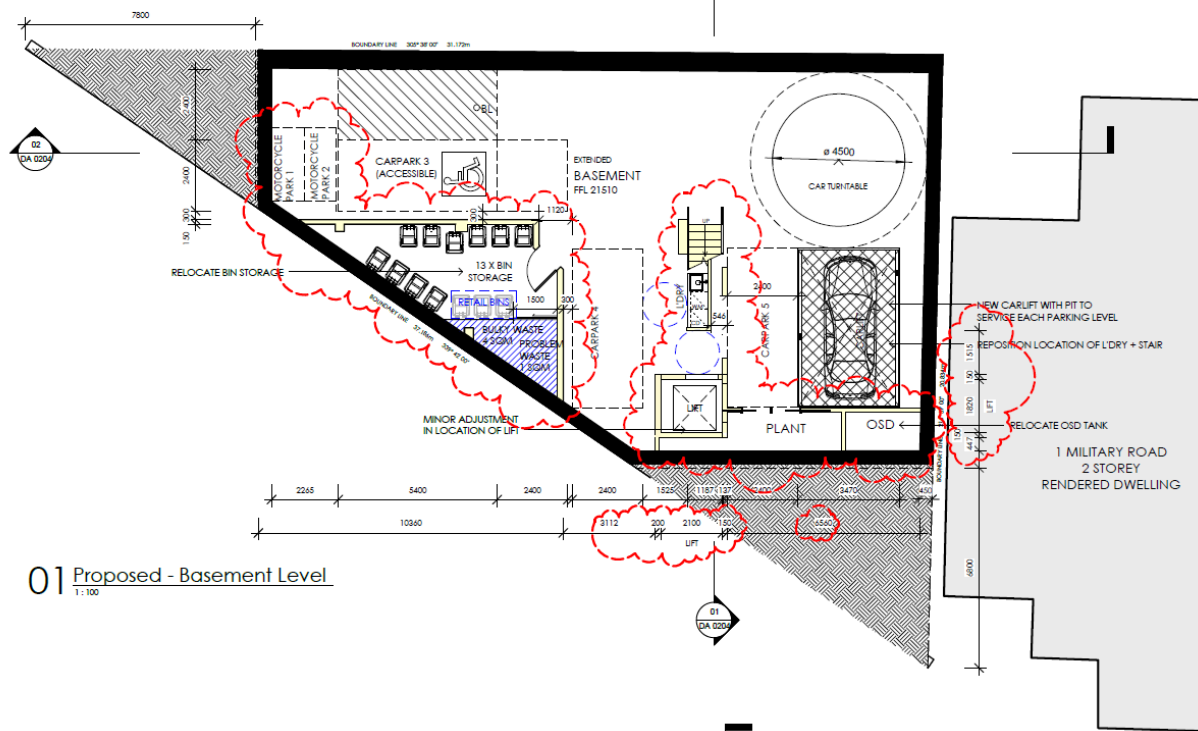


Figure 6: Proposed Basement Level (DA-203/2021/A)

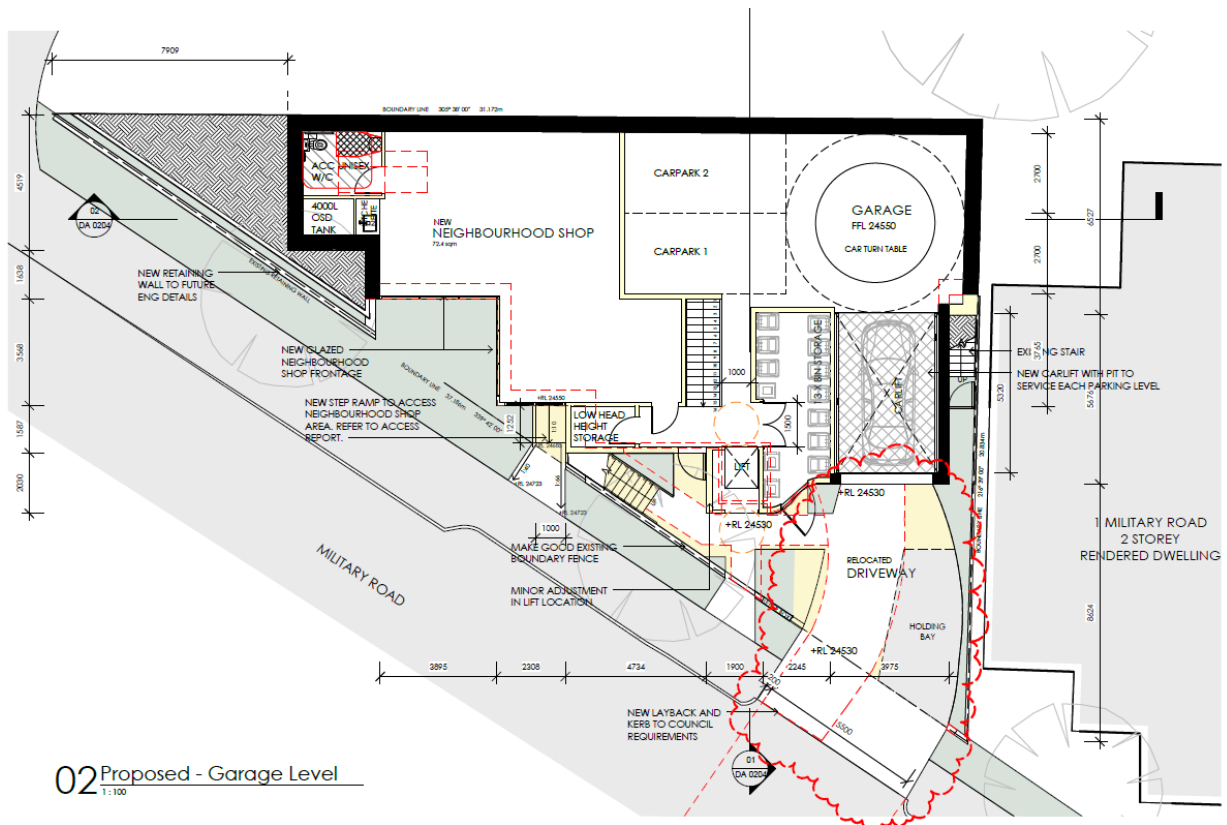


Figure 7: Approved Garage Level (DA-203/2021)

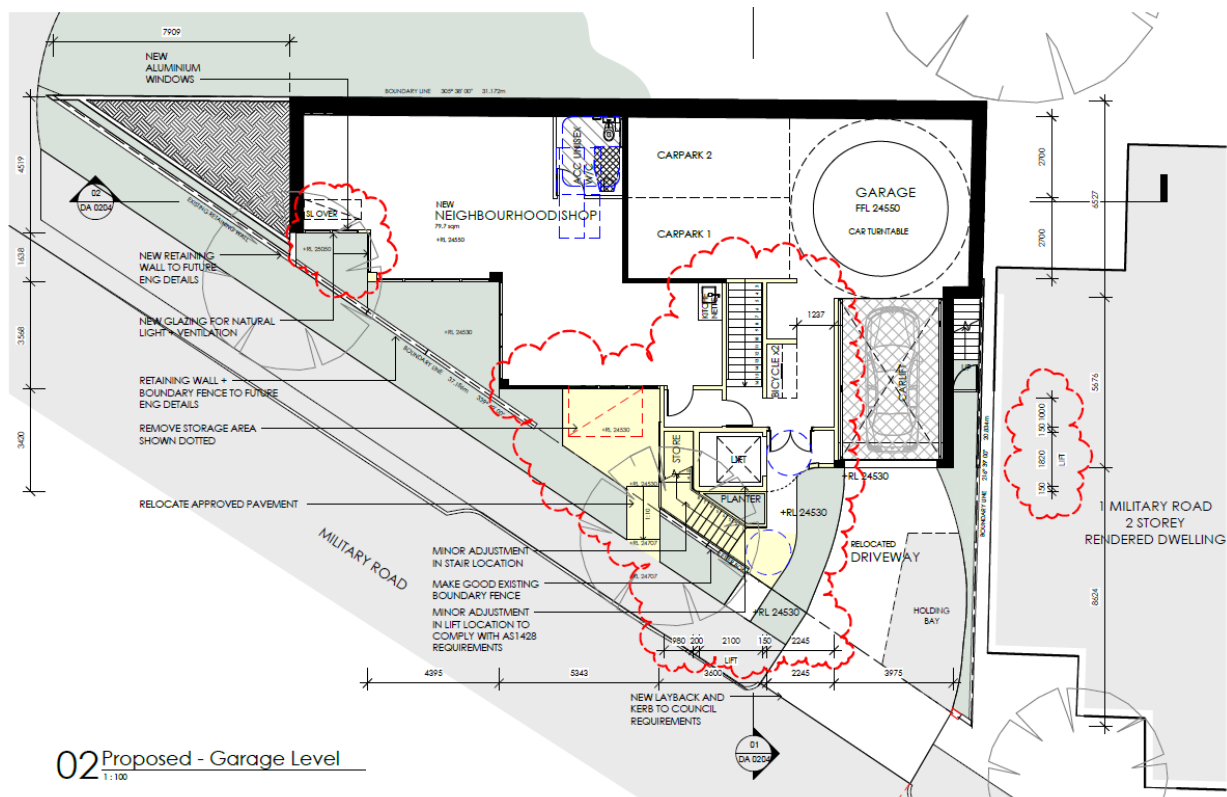


Figure 8: Proposed Garage Level (DA-203/2021/A)

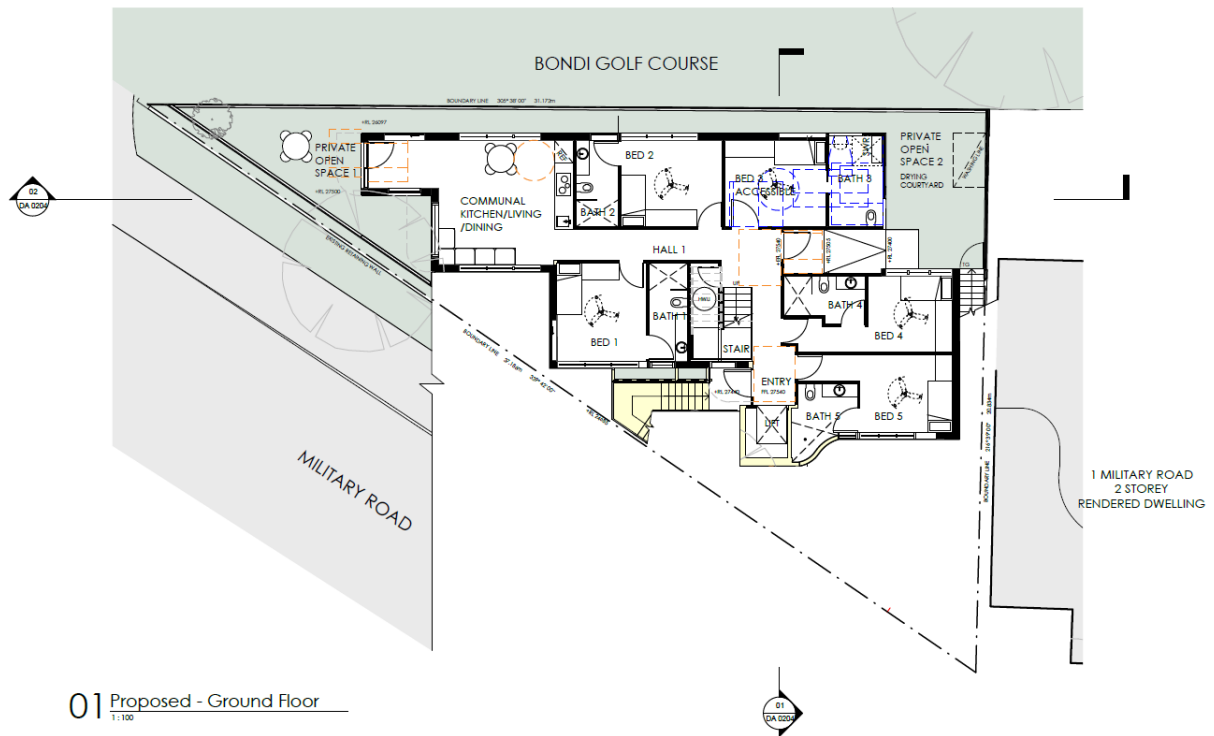


Figure 9: Approved Ground Floor Level (DA-203/2021)

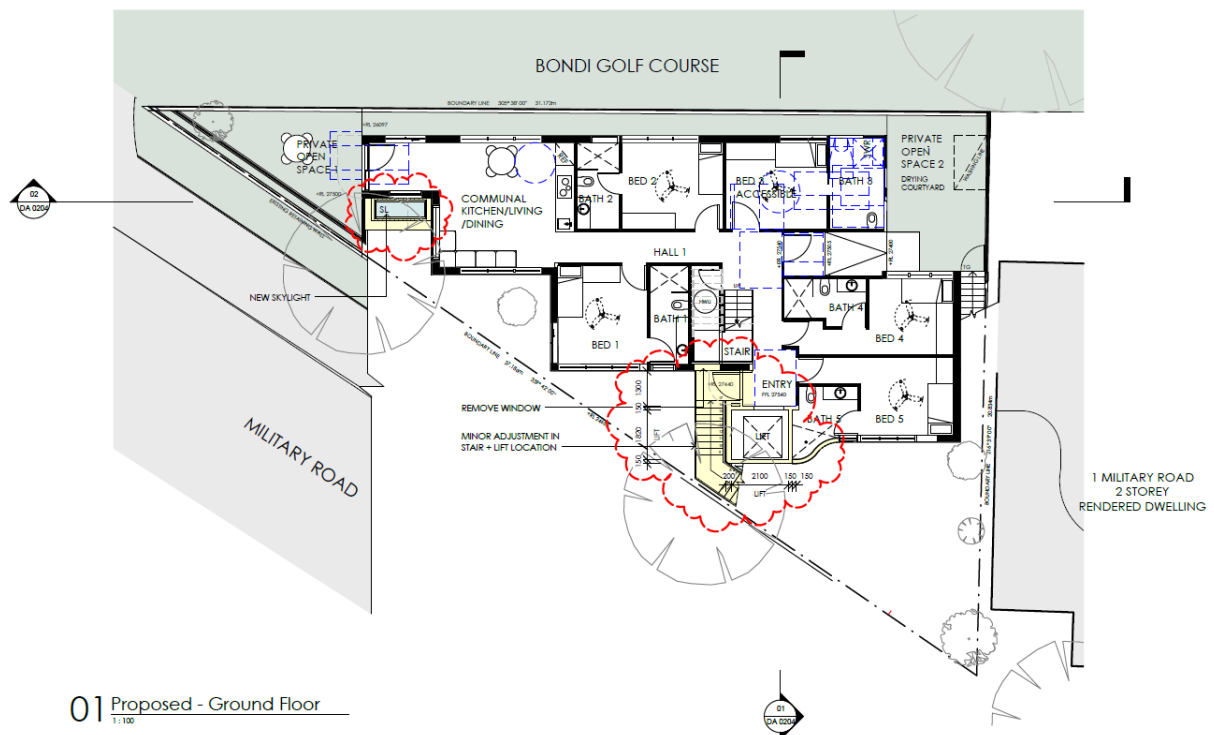


Figure 10: Proposed Ground Floor Level (DA-203/2021/A)

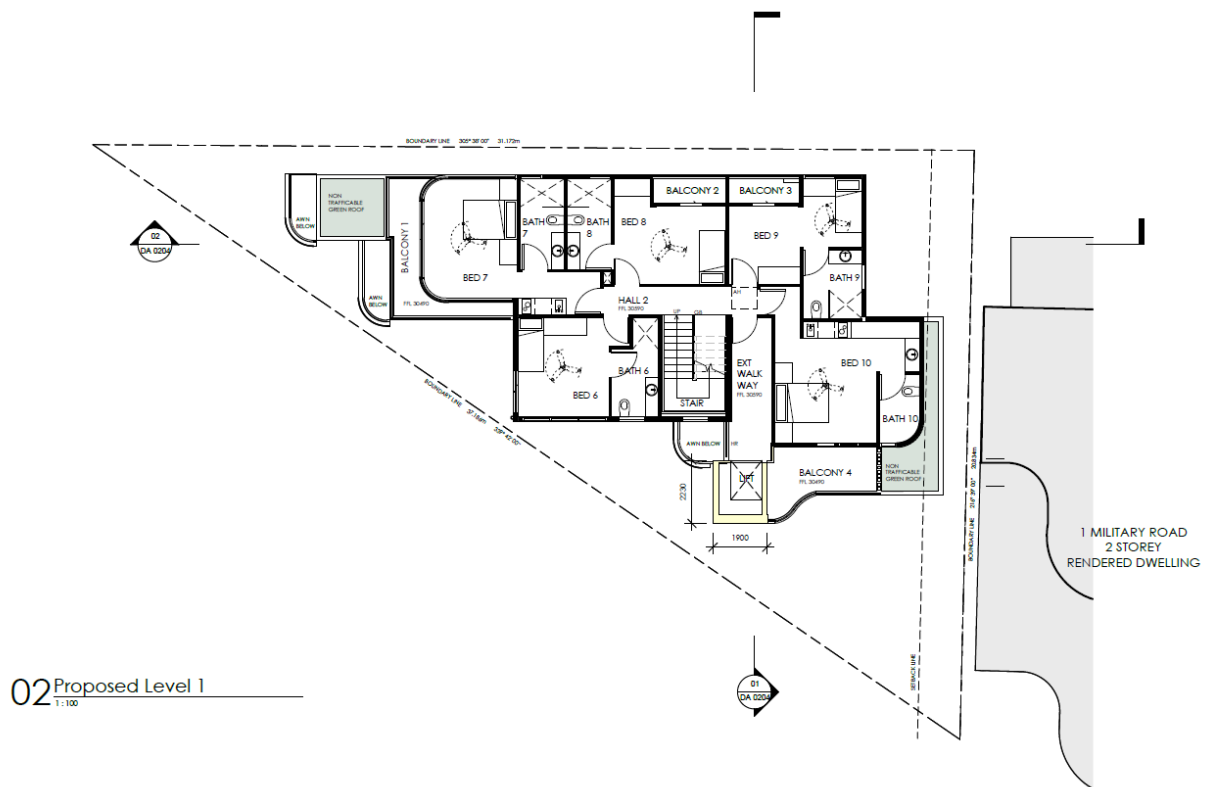


Figure 11: Approved First Floor Level (DA-203/2021)



Figure 12: Proposed First Floor Level (DA-203/2021/A)

1.5. Background

The modification application was lodged on 5 July 2022.

A request for additional information was made on 6 July 2022 to provide greater details on plans, such as clearly denoting areas of the development that are proposed to be modified, dimensions and height details.

Council received amended plans on 13 July 2022 to satisfy the additional information request. These plans were publicly notified.

2. ASSESSMENT

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

2.1. Section 4.55 – Modification of consents – generally

The application is made under section 4.55(2) of the Act.

The quantitative and qualitative elements and impacts between the approved development and the development, as proposed to be modified, are not considered overly dissimilar as demonstrated in the following sections of this report. In this regard, the proposal is considered to be *substantially the same* as the originally approved development with regard to matters arising from the NSW Land and Environment Court case of *Moto Projects (No 2) Pty Ltd v North Sydney Council (1999) 106 LGERA 298*.

The application was publicly notified from the 18 July 2022 to 1 August 2022 for 14 days and one submission was 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 1 March 2022 and have been considered acceptable in the assessment of this development application:

- SEPP (Building Sustainability Index – BASIX) 2004

- SEPP (Housing) 2021
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021.

A detailed discussion is provided for relevant SEPPs as follows:

SEPP (Housing) 2021

DA-278/2020 for the conversion of the existing dwelling to a boarding house was comprehensively assessed against the provisions of Part 2, Division 3 of SEPP (Affordable Rental Housing) 2009, which applied at the time of the assessment and determination of this DA and has since been repealed by SEPP (Housing) 2021. DA-203/2021 and this modification application do not seek to alter the fundamentals of the boarding house development, including number of, size and orientation of boarding rooms and common areas and retains the five on-site car parking spaces that were approved as part of DA-278/2020.

Therefore, the subject DA is not required to be assessed against SEPP (Housing) 2021 given that the approved neighbourhood shop, as proposed to be modified, is assessed against the base floor space ratio development standard under Waverley Local Environmental Plan 2012 (Waverley LEP 2012), together with other provisions in the Waverley LEP 2012 and relevant development controls in Waverley Development Control Plan 2012.

Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

The land use definition of the approved development as both a 'boarding house' and 'neighbourhood shop' remains unchanged and continues to be permitted development in the R2 low 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 are non-compliant for the reasons discussed below.

Table 1: Waverley LEP 2012 Compliance Table

Provision	Approved	Proposed Modified	Compliance
4.3 Height of buildings <ul style="list-style-type: none"> • 8.5m 	3.6 to 8.5m	The proposed modification will increase the lift shaft by approximately 0.4m to 8.9m.	No
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> • 0.5:1 (GFA: 162.3m²) 	0.97:1 (GFA: 315m ²)	1.00:1 (GFA: 323.8m ²)	No

Provision	Approved	Proposed Modified	Compliance
5.4 Controls relating to miscellaneous permissible uses <ul style="list-style-type: none"> Cl. 5.4(7): Maximum gross floor area for neighbourhood shops: 80m² 	The approved neighbourhood shop has 72.4m ² of GFA	The proposed modified neighbourhood shop has 79.7m ² of GFA	Yes

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

Height of Buildings

The proposed modifications, specifically the increased lift overrun, result in a net increase of building height of 0.4m, resulting in an overall building height of 8.9m. This culminates in an overall exceedance of the height of buildings development standards by 0.4m or 4.7%. The net increase of building height due to the proposed modifications represents 100% of the overall exceedance of the standard.

By way of background, the original DA-278/2020 comprised an electronic traction model lift with all the motor and equipment in the shaft, so no additional plant or equipment was required to be placed on the roof. The type of lift was not proposed to change during the subsequent DA-203/2021. The proposed increased lift overrun arises from the certification process of the development to ensure its constructability complies with relevant Building Code of Australia provisions and Australian Standards. The relevant objectives of the development standard are as follows:

4.3 Height of buildings

(1) The objectives of this clause are as follows—

- (a) to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views,*
- (b) to increase development capacity within the Bondi Junction Centre to accommodate future retail and commercial floor space growth,*
- (c) to accommodate taller buildings on land in Zone B3 Commercial Core of the Bondi Junction Centre and provide an appropriate transition in building heights surrounding that land,*
- (d) to ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality and positively complement and contribute to the physical definition of the street network and public space.*

The exceedance is due to the fact the existing ground levels of the site have lowered since demolition, earthworks and construction have commenced on the site. While the building height of the lift overrun

is being increased, the proposed lift overrun slightly extends above the roof level of the approved development as shown in the elevation and section drawings of the set of architectural plans.

The increased height of the lift overrun would not discernibly enlarge the building envelope and will result in negligible environmental amenity impacts upon surrounding properties and the public domain, including overshadowing impacts.

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

Floor Space Ratio (FSR)

The site is subject to a maximum base FSR development standard of 0.5:1, as identified on the 'Floor Space Ratio' Map of Waverley LEP 2012. It is worth noting that the FSR of 0.75:1 of the approved boarding house development (DA-278/2020) was compliant with clause 4.4A of Waverley LEP 2012. However, clause 4.4A of Waverley LEP 2012 does not apply to the approved neighbourhood shop, as proposed to be modified, as it is not defined as a dwelling or other form of low-density residential development with a site area less than 550m² to allow for an exception to a base FSR development standard that is identified on the 'Floor Space Ratio Map' of Waverley LEP 2012. Therefore, the base FSR development standard of 0.5:1 applies to the assessment of this DA.

The proposed modifications result in a net increase of gross floor area (GFA) of 7.3m², resulting in an overall FSR of 0.99:1. This culminates in an overall exceedance of the FSR development standard by 160.0m² or 99%. The net increase of FSR due to the proposed modifications represents 4.5% 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:

4.4 Floor space ratio

(1) The objectives of this clause are as follows—

- (a) to ensure sufficient floor space can be accommodated within the Bondi Junction Centre to meet foreseeable future needs,*
- (b) to provide an appropriate correlation between maximum building heights and density controls,*
- (c) to ensure that buildings are compatible with the bulk 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:

- Compliance with the development standard for FSR on the site is unreasonable and unnecessary in the circumstances for the following reasons:
 - The proposed increase in FSR will not be discernible from the adjoining properties or the streetscape.
 - The proposed modifications will not alter the building height, setbacks, vehicular access arrangements or car parking provision of the approved development.
 - The proposed modifications will not alter the approved high-quality landscaped setting.
 - The proposal complies with the parking requirements. There will be no additional parking impacts due to the proposed additional FSR. Refer to the Traffic and Parking Impact Statement prepared by TTPA submitted with this application.
 - The high-quality architectural response, which complies with the applicable building height control, confirms that that proposal will sit comfortably in the character of the local area.
 - The proposed FSR non-compliance allows for the provision of additional neighbourhood shop floor area, which will serve the local area.

The applicant's justification has specifically demonstrated and explained how the proposed variation to the FSR development standard meets the relevant objectives of the FSR development standard, specifically that the variation is technical in nature and the additional GFA resulting from the modification to the neighbourhood shop and boarding house would not discernibly enlarge the building envelope of the, and will result in negligible environmental amenity impacts upon surrounding properties and the public domain. These points satisfactorily prove that compliance with the standard is unreasonable or unnecessary in the circumstances of the case. 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 2012 (Waverley DCP 2012) – Amendment No.9

The approved development, as proposed to be modified, continues to comply with the relevant parts and sections of Waverley DCP 2012. Only the following parts and sections of Waverley DCP 2012 that apply to the proposed modifications are outlined in **Tables 2, 3, 4** and **5** of this report and detailed discussion below these tables.

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

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory. Refer to section 3 of this report on referral commentary in relation to waste management.
2. Ecologically Sustainable Development	Yes	The previous DA-203/2021 was satisfactory with the submission of a BASIX certificate. The proposed modifications would be required to comply with BASIX obligations under the development consent for DA-203/2021.

Development Control	Compliance	Comment
5. Vegetation Preservation	Yes	The Council's Tree Management Officer has reviewed the proposal and raised no objection, subject to conditions. Refer to section 3 of this report on referral commentary and recommended conditions.
6. Stormwater	Yes	Satisfactory. Refer to section 3 of this report on referral commentary in relation to stormwater.
7. Accessibility and Adaptability	Yes	Satisfactory. The specific design and construction of the neighbourhood shop are required to comply with accessibility matters in the Building Code of Australia. Further, the lift is proposed to be modified to comply with relevant accessibility Australian Standards.
<p>8. Transport</p> <p><i>Zone 2 (Retail Premises)</i> <i>Approved</i></p> <p>Minimum parking rate:</p> <ul style="list-style-type: none"> Nil. <p>Maximum parking rate:</p> <ul style="list-style-type: none"> 3.3 spaces per 100m² of GFA = 2.4 or 2 spaces . <p>Bicycle parking:</p> <ul style="list-style-type: none"> Employee: 0.1 space per 100m² Net Lettable Area = 0.07 or nil space. Visitor: 0.4 spaces per 100m² of GFA = 0.29 or nil space. <p>Motorcycle parking: Visitor: 1 motorcycle space per 3 car parking spaces.</p>	Yes	<p>The proposal remains unchanged.</p> <p>Council's Manager, Traffic and Transport, raised concern that the development does not leave enough room for a car exiting the lift to pass. However, the proposal retains the location and dimensions of the holding bay which was approved by Council's Manager, Traffic and Transport under an activated deferred commencement issued on 24 January 2022.</p>
10. Safety	Yes	Satisfactory. The redesign of the staircase opens the forecourt area addressing the neighbourhood shop, removing the previous possible area of possible concealment. The nature of the use and floor-to-ceiling glazed shopfront of the neighbourhood shop, would be expected to provide ample casual surveillance of the forecourt area and Military Road, thereby lessening opportunities for crime to occur.
12. Design Excellence	Yes	Satisfactory.
14. Excavation	Yes	Satisfactory. Remains unchanged
16. Public Domain	Yes	Satisfactory, the proposal of the neighbourhood shop remains unchanged and will create an

Development Control	Compliance	Comment
		active street frontage along part of the Military Road frontage of the site the shop occupies. No new rollers doors and security grilles on shopfront windows and doors are being proposed

Table 3: Waverley DCP 2012 – Part C1 – Special Character Areas

Development Control	Compliance	Comment
1.3 Ben Buckler		
Desired Future Character Objectives <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	The building envelope, architecture and landscape character of the approved boarding house development remain unchanged.

Table 4: Waverley DCP 2012 – Part C3 – Other Residential Developments

Development Control	Compliance	Comment
3.2 Height		
<ul style="list-style-type: none"> • Maximum external wall height: not specified for buildings in the R2 Zone under this part of the WDCP. Part C2 2.2 specifies a wall height control of 7.5m for flat roof buildings within the R2 Low Density Zone 	No (acceptable on merit)	The proposed modification seeks to increase the height of the lift shaft by 0.4m at 8.9m above the existing ground line to accommodate the mechanical service required for the lift operation. This also increases the overall external wall height of the development. As discussed earlier in this section of the report against the height of buildings development standard, this is an acceptable outcome as the proposed lift overrun will not discernibly extend higher than the roof level of the approved development. Therefore, it will not result in noticeable additional streetscape impacts.
3.3 Setbacks		
3.3.1 - Street setbacks <ul style="list-style-type: none"> • Consistent street setback 	Yes	A slight reduction of the setbacks of the lift shaft from the Military Road boundary. However, this is still within the minimum setback of 0.3m and is acceptable. The removal of the low storage room underneath the previously staircase will increase the overall

Development Control	Compliance	Comment
		average front setback of the proposal and is acceptable.
3.5 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape Sympathetic external finishes Corner sites to address both streets as primary frontages Removal of original architectural features not supported. 	<p>Yes</p> <p>No</p> <p>(acceptable with conditions)</p> <p>Yes</p> <p>N/A</p>	<p>The slightly relocated lift shaft will be consistent with the pattern of street setbacks established by buildings to the east of the site</p> <p>The reconfiguration of the staircase to the boarding house will bring the bulk of the development further away from the boundary and open up a large forecourt area in front of the neighbourhood shop.</p> <p>The architectural drawings indicate the replacement of the 'ESTN' label finish to the garage level with 'STN1', meaning the existing stone finishes are proposed to not be retained, which is contrary to the parent and original DA. A condition of consent is recommended for plans to ensure that existing stone finishes are retained whereby new stone finishes closely match the appearance, texture and colour of the existing stone finishes. A detailed schedule of external materials, colours and finishes will be required to be submitted to the Principal Certifying Authority to demonstrate compliance with this condition prior to the release of the relevant construction certificate relating to the works of this modification application. The condition will also require evidence to be provided to Council to ensure that this condition has been met prior to the release of the occupation certificate for the overall development. This is to ensure that the original appearance the of sandstone blockwork of the garage levels of the original development is reasonably maintained when viewed from Military Road.</p>
3.8 Pedestrian access and entry		
<ul style="list-style-type: none"> Entry at street level and respond to pattern within the street Accessible entry Separate to vehicular entry Legible, safe, well-lit 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The proposal seeks to modify the external staircase entrance to the boarding house to improve the amenity of the neighbourhood shop. While the street-level entrance is pushed further back into the building, creating a sheltered alcove at the entrance while still being quite prominent and well-lit.</p>
3.9 Landscaping		
<ul style="list-style-type: none"> Comply with part B3-Landscaping and Biodiversity 	<p>Yes</p> <p>Yes</p>	<p>Satisfactory, the proposal will retain 97.4m² of landscaped area.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Minimum of 30% of site area landscaped: 97.4m² 50% of the above is to be deep soil: 48.7m² 		Satisfactory, the proposal will increase the amount of deep soil planting from 61.1m ² to 64.9m ² .

Table 5: Waverley DCP 2012 – Part D1 Commercial and Retail Development Compliance Table

Development Control	Compliance	Comment
1.1 Other Policies, Strategies and Standards		
1.2 Design		
1.2.1 Frontages	Yes	Satisfactory.
1.2.2 Awnings	No (acceptable on merit)	No street awning is proposed and was accepted in DA-203/2021 as the proposal is not for traditional retail premises that would ordinarily require an awning for practical and aesthetical reasons. The design of the shopfront is acceptable in terms of meeting the relevant objectives under section 1.2 of part D1 of the DCP, specifically that it is designed to have an engaging interface between the private and public domains.
1.2.3 Lighting	Yes	Additional indoor lighting is expected.
1.2.3 General Amenity	Yes	General amenities remain to support the operations and design of the proposed neighbourhood shop, such as an accessible toilet, kitchenette and designated bin spaces within the bin storage room on the basement level.
1.2.4 Noise	Yes	As approved

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 18 July 2022 and 1 August 2022 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

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

- Hastings Parade, North Bondi (specific address not identified in submission).

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

- FSR non-compliance.

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

Issue: *Disappointed about the approval of a boarding house on the site*

Response: As this modification application is not changing the approved use of the subject site, this issue cannot be revisited in the assessment of this application.

2.2.5. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Traffic and Development

Refer to commentary in Table 2 of this report on Council's Manager, Traffic and Transport referral comment about this application.

3.2. Stormwater

Council's Public Engineer raised no objection to the stormwater aspects of the application, which are identical to those in the approved DA-278/2020 and DA-203/2021. Therefore, conditions relating to stormwater contained in DA-278/2020 remain valid..

3.3. Tree Management

Council's Tree Management Officer raised no objection to the application. Conditions relating to tree management contained in the development consent remain valid.

3.4. Waste Management

Council's Sustainable Waste Manager advised the proposed bin relocation is satisfactory in relation to waste management considerations. Conditions relating to waste management contained in the development consent remain valid.

4. CONCLUSION

The modification application, known as DA-203/2021/A, seeks to modify development consent for recently approved alterations and additions to a boarding house to include a neighbourhood shop in its garage level at the site known as 3 Military Road, North Bondi. In summary, the proposed modifications are for the following:

- Reconfiguring the entry stair and retail frontage to provide improved amenity through increased natural light and ventilation to the retail area;
- Reconfiguring the floor layout of the Basement Level and Garage Level to accommodate design changes;
- Changing the lift structure and specification to accommodate compliance with AS1428; and
- Providing a skylight above the western corner of the neighbourhood shop.

The principal issues arising from the assessment of the application are the non-compliances with the height of buildings and floor space ratio (FSR) development standards.

The assessment finds these issues acceptable as the increased FSR and building height do not materially affect the perceived building envelope of the approved development, as proposed to be modified.

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 relevant sections of the Act and is recommended for approval subject to modified conditions as outlined in Appendices A and B of this report.

Development and Building Unit (DBU) Decision:



The application was reviewed by the DBU at the meeting on 18 October 2022 and the DBU determined:

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

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

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the modification application be APPROVED by the Waverley Local Planning Panel subject to modified and new conditions in Appendices A and B.

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Damien Wilmotte	Ben Magistrale
Development Assessment Planner	Manager, Development Assessment (Area 2) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 20 October 2022	Date: 21 October 2022

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%.

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 Red Blue Architecture + Design of Job No: 7259 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA 0000 / A	Cover + General Specifications	31 May 2021	21 January 2022
DA 0200 / C	Proposed Site + Roof Plan	21 January 2022	21 January 2022
DA 0201 / D	Proposed Garage Floor Plans	19 January 2021	21 January 2022
DA 0202 / A	Proposed Ground + Level 1 Floor Plan	31 May 2021	21 January 2022
DA 0203 / C	Proposed Elevations	21 January 2022	21 January 2022
DA 0204 / B	Proposed Sections	9 June 2021	21 January 2022

- (i) As amended by Architectural Plans prepared by Red Blue Architecture + Design of Job No: 7259 including the following:

DA-0201 / M	Proposed Basement and Garage Floor Plans	12 July 2022	13 July 2022
DA-0202 / F	Proposed Ground and Level 1 Floor Plan	12 July 2022	13 July 2022
DA-0203 / G	Proposed Elevations	12 July 2022	13 July 2022
DA-0204 / F	Proposed Sections	12 July 2022	13 July 2022

(AMENDED BY DA-203/2021/A)

- ~~(b) Landscape Plan No. DA 0215, Revision B, prepared by Red Blue Architecture + Design, dated 21 January 2022, and received by Council on 21 January 2022.~~

- (b) Landscape Plan No. DA 0215, Revision E, prepared by Red Blue Architecture + Design, dated 17 June 2022, and received by Council on 4 July 2022.**

(AMENDED BY DA-203/2021/A)

- (c) Swept Path Diagrams Drawing Ref. No. 20228-V1.3-SP prepared by Transport and Traffic Planning Associates, dated 19 January 2022 and received by Council on 19 January 2022.

- (d) BCA Capability Statement prepared by Lindsay Beard of Design Confidence, dated 31 May 2021, Reference No. P220_338 and received by Council on 2 June 2021.
- (e) Geotechnical Investigation prepared by Mark Bartel of AssetGeoEnviro, Reference No. 6292-G1 REV 2, dated 29 September 2021 and received by Council on 30 September 2021.
- (f) The Site Waste and Recycling Management Plan (SWRMP) Part 1 and Waste Management Plan Drawing No. DA 0214, Revision B, prepared by Red Blue Architecture + Design, dated 9 June 2021 and received by Council on 11 June 2021.

Except where amended by the following conditions of consent.

B. New Conditions

1A. DETAILS OF STONE FINISHES OF FACADES OF GARAGE LEVEL OF THE DEVELOPMENT

The existing stone finishes of the facades of the garage level of the development that are denoted as 'ESTN' on the elevation drawings referred to in condition 1(a) of this development consent are to be retained. Further, the new stone finishes of the facades of the garage level of the development denoted as 'STN' on the elevation drawings referred to in condition 1(a) and 1(a)(i) of this development consent are to closely match the overall appearance, texture and colour of the retained existing stone finishes that are denoted as 'ESTN' on relevant elevation drawings.

Accordingly, the architectural plans are to be amended and a detailed schedule of external materials, colours and finishes, including in the form of either trade brochures or building samples, is to be provided to the satisfaction of the Principal Certifying Authority prior to the release of the relevant construction certificate relating to works approved by DA-203/2021/A.

Evidence that this condition has been met is to be provided to Council prior to the release of the occupation certificate for the overall development, which encapsulates conditions contained in Development Consent No. DA-278/2020.

(ADDED BY DA-203/2021/A)

APPENDIX B – FULL SET OF CONDITIONS

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) Architectural Plans prepared by Red Blue Architecture + Design of Job No: 7259 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA 0000 / A	Cover + General Specifications	31 May 2021	21 January 2022
DA 0200 / C	Proposed Site + Roof Plan	21 January 2022	21 January 2022
DA 0201 / D	Proposed Garage Floor Plans	19 January 2021	21 January 2022
DA 0202 / A	Proposed Ground + Level 1 Floor Plan	31 May 2021	21 January 2022
DA 0203 / C	Proposed Elevations	21 January 2022	21 January 2022
DA 0204 / B	Proposed Sections	9 June 2021	21 January 2022

- (i) As amended by Architectural Plans prepared by Red Blue Architecture + Design of Job No: 7259 including the following:

DA-0201 / M	Proposed Basement and Garage Floor Plans	12 July 2022	13 July 2022
DA-0202 / F	Proposed Ground and Level 1 Floor Plan	12 July 2022	13 July 2022
DA-0203 / G	Proposed Elevations	12 July 2022	13 July 2022
DA-0204 / F	Proposed Sections	12 July 2022	13 July 2022

(AMENDED BY DA-203/2021/A)

- (b) Landscape Plan No. DA 0215, Revision E, prepared by Red Blue Architecture + Design, dated 17 June 2022, and received by Council on 4 July 2022.

(AMENDED BY DA-203/2021/A)

- (c) Swept Path Diagrams Drawing Ref. No. 20228-V1.3-SP prepared by Transport and Traffic Planning Associates, dated 19 January 2022 and received by Council on 19 January 2022.

- (d) BCA Capability Statement prepared by Lindsay Beard of Design Confidence, dated 31 May 2021, Reference No. P220_338 and received by Council on 2 June 2021.
- (e) Geotechnical Investigation prepared by Mark Bartel of AssetGeoEnviro, Reference No. 6292-G1 REV 2, dated 29 September 2021 and received by Council on 30 September 2021.
- (f) The Site Waste and Recycling Management Plan (SWRMP) Part 1 and Waste Management Plan Drawing No. DA 0214, Revision B, prepared by Red Blue Architecture + Design, dated 9 June 2021 and received by Council on 11 June 2021.

Except where amended by the following conditions of consent.

1A. DETAILS OF STONE FINISHES OF FACADES OF GARAGE LEVEL OF THE DEVELOPMENT

The existing stone finishes of the facades of the garage level of the development that are denoted as 'ESTN' on the elevation drawings referred to in condition 1(a) of this development consent are to be retained. Further, the new stone finishes of the facades of the garage level of the development denoted as 'STN' on the elevation drawings referred to in condition 1(a) and 1(a)(i) of this development consent are to closely match the overall appearance, texture and colour of the retained existing stone finishes that are denoted as 'ESTN' on relevant elevation drawings.

Accordingly, the architectural plans are to be amended and a detailed schedule of external materials, colours and finishes, including in the form of either trade brochures or building samples, is to be provided to the satisfaction of the Principal Certifying Authority prior to the release of the relevant construction certificate relating to works approved by DA-203/2021/A.

Evidence that this condition has been met is to be provided to Council prior to the release of the occupation certificate for the overall development, which encapsulates conditions contained in Development Consent No. DA-278/2020.

(ADDED BY DA-203/2021/A)

2. MODIFICATION OF DEVELOPMENT CONSENT DA-278/2020

Pursuant to section 4.17(1)(b) and (5) of the *Environmental Planning and Assessment Act 1979*, Development Consent DA-278/2020 granted on 24 February 2021 are modified as necessary so that there is consistency between Development Consent No. 278/2020 and this development consent. In this regard, Condition 1 of Development Consent No. 278/2020 is modified to include the approved architectural plans and BASIX certificate referred to in condition 1 of this development consent.

3. RELATIONSHIP TO DEVELOPMENT CONSENT NO. 278/2020

This development consent shall operate concurrently with Development Consent DA-278/2020. All conditions of consent imposed on Development Consent DA-278/2020 are to be read and complied with in conjunction with this development consent.

A consolidated construction certificate application should be sought to combine the approved works under the subject development consent with those under Development Consent DA-278/2020.

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.

CONTRIBUTIONS, FEES & BONDS

5. SECTION 7.12 CONTRIBUTION

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

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

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

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

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

Please note: A combined cost report for the whole development, encompassing the cost of works for DA-278/2020, can be submitted rather than separate cost reports.

6. LONG SERVICE LEVY

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

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

7. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of **\$2,830** 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.

Please note: This security deposit is in addition to that required by condition 11 of DA-278/2020.

8. TREE PRESERVATION 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 two (2) street trees at the front of the property. The bond is to be lodged prior to the issue of a Construction Certificate.

The sum will be forfeited to the Council at its discretion for a breach of these requirements and will be refunded twelve (12) months from the issue of the Occupation Certificate subject to the satisfaction of Council.

CONSTRUCTION AND SITE MATTERS

9. BCA AND FIRE SAFETY UPGRADING WORKS

- (a) In addition to all new works fully comply with the Building Code of Australia, pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, all existing areas of the building must be upgraded to comply with the following provisions of the Building Code of Australia (BCA):
- (i) Fire resistance and stability – Part C1;
 - (ii) Compartmentation and separation – Part C2;
 - (iii) Protection of openings – Part C3;
 - (iv) Provision for escape – Part D1;

- (v) Construction of exits – Part D2;
 - (vi) Access for people with a disability – Part D3;
 - (vii) Fire fighting equipment – Part E1;
 - (viii) Smoke hazard management – Part E2;
 - (ix) Lift installations – Part E3;
 - (x) Emergency lighting, exit signs and warning systems – Part E4;
 - (xi) Sanitary and other facilities - Part F2;
 - (xii) Room sizes - Part F3; and
 - (xiii) Light and ventilation - Part F4; and
 - (xiv) Sound transmission and insulation – Part F5.
- (b) If compliance with the deemed-to-satisfy provisions of the BCA and the matters listed in condition (a) above cannot be achieved, an alternative building solution in accordance with Part A2 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia.
- (c) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 4.55 of the Act to be lodged with Council to amend this consent.
- (d) Prior to the commencement of the required upgrade works, a Construction Certificate must be issued by an accredited Certifying Authority and an accredited PCA be appointed. The required upgrading works detailed in this condition must be completed prior to the issue of an Occupation Certificate.

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

10. 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

Please note: One combined CTMP for the approved DA- 278/2020 and this development consent can be submitted to Council rather than two separate CTMPs

WASTE

11. 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:

- a. The proposal must have a minimum bin storage of;

Residential boarding house accommodating 12 people (8 single rooms & 2 double rooms)

- 3 x 240L Mobile Garbage Bins (MGBs) for general waste with a weekly collection
- 3 x 240L MGBs for container recycling with a fortnightly collection
- 3 x 240L MGBs for paper recycling with a fortnightly collection
- 1 x 240L MGB for garden organics should this waste be generated at the development
- A minimum of 4m² floor space is also required for the on-site storage of bulky waste and 1m² floor space for problem waste awaiting collection.

Please note: The residential bin storage provision above is less than that specified by condition 23 of DA-278/2020. This requirement in this condition of the subject development consent prevails.

Commercial

- 2 x 240L MGBs for general waste with a weekly collection
- 1 x 240L MGBs for container recycling with a weekly collection
- Extra space is required to store reusable products, such as milk and bread crates, and excess cardboard and other packaging materials.
- Frequency of collection must be monitored and adjusted accordingly, particularly over summer where extra collections may be required

- b. 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.

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.

CONSTRUCTION MATTERS

12. CONSTRUCTION HOURS

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

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

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

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

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

14. CONSTRUCTION INSPECTIONS

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

15. WORK OUTSIDE PROPERTY BOUNDARY

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

TREE PROTECTION AND REMOVAL

16. STREET TREE PROTECTION

The existing one (1) *Cupaniopsis anarcardioides* (Tuckeroo) and one (1) *Agonis flexuosas* (Willow Myrtle) trees on the naturestrip at the front of the property in Military Road, NORTH BONDI is to be protected for the duration of the construction works.

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.

VEHICLE ACCESS & PUBLIC DOMAIN WORKS

17. RECONSTRUCT VEHICLE CROSSING

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

18. VEHICULAR ACCESS - FINISHED LEVEL

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

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

19. FINAL OCCUPATION CERTIFICATE

Prior to occupation or use of the development, the Principal Certifying Authority must issue a final Occupation Certificate for both this development consent and the associated Development Consent No. 278/2020. The Principal Certifying Authority must be satisfied that the requirements of the *Environmental Planning and Assessment Act 1979* have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.

20. FIRE SAFETY UPGRADE WORKS

Fire safety upgrading works are to be undertaken in accordance with condition 9 of this development consent.

The Occupation Certificate shall not be issued until all fire safety upgrade works are completed.

MANAGEMENT PLANS

21. WASTE AND RECYCLING STORAGE MANAGEMENT PLAN

A Waste Management Plan must be submitted to Council's Executive Manager, Environmental

Sustainability (or delegate) for the use of the neighbourhood shop 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).

OTHER MATTERS

22. INSTALLATION OF A LED SIGNAL IN FRONT OF CARPARK ENTRY

A small 'LED' light signal shall be installed in front of the development and clearly face Military Road in order to indicate 'demand calls' for when the car lift is in use to vehicles entering the site.

This shall be installed prior to the release of an occupation certificate.

23. ALLOCATION OF STREET NUMBER

The redevelopment of the property has led to the following allocation of premises numbers:

- No. 3 - primary address site number
- Military Road - primary address location.

The primary address site numbers for the properties shall be a minimum of 75mm high, shall be positioned 600mm-1500mm above ground level on the site boundary, located near the entry point and clearly visible from Military Road.

As the redevelopment has sub addressing the following sub addressing (rooms) will apply;

- All sub address numbers must be unique,
- Sub-address numbers shall be applied in a logical sequence
- Level at ground and below ground shall also be identified by prefixes to distinguish these levels ie Ground =G, Lower Ground = LG.
- Commercial premises will be identified with an address identifier ie Shop LG 1.

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

Any variation to the above premises numbering requires a new application for a Change of street number and/or location to be lodged with Council.

E. OPERATIONAL MATTERS

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

GENERAL MATTERS

24. HOURS OF OPERATION

The hours of operation for the neighbourhood shop are restricted to:

Monday to Sunday (i.e. 7 days a week): 7.00am to 10.00pm

25. AMENITY

The management of the neighbourhood shop is to:

- (a) Ensure that the manner in which the business of the premises is conducted and/or the behaviour of persons entering and leaving the premises does not cause undue disturbance to the amenity of the neighbourhood.
- (b) Record in a formal register full details of any disturbance complaint/s made by a person to management or staff in respect to the manner in which the business of the premises is conducted and/or the behaviour of persons entering or leaving the premises. Such recording will include time, date, nature of the complaint/s and any complainant details if provided.
- (c) Respond to any disturbance complaint/s in a timely and effective manner. All actions undertaken by management / staff to resolve such complaint/s shall be recorded in the register.

26. NO BARBECUE OR CHARCOAL TYPE COOKING ON SITE

This approval does not permit the installation of barbecue or charcoal type cooking appliances. Comprehensive details must be submitted with a formal application to Council for approval prior to the installation of any such equipment.

27. AIR EMISSIONS

The use of the premises shall not give rise to air impurities in contravention of the Protection of the Environment Operations Act, 1997.

28. NOISE EMISSIONS

The use of the neighbourhood shop shall not give rise to the transmission of "Offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.

29. NOISE - MECHANICAL PLANT (COMMERCIAL PREMISES)

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

- a. Transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy.

- b. A sound pressure level at any affected property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use. The source noise level must be assessed as a LAeq, 15 minute.
- c. Notwithstanding compliance with (a) and (b) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am.

30. REFRIGERATION UNITS & MECHANICAL PLANT

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

31. 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.

PARKING AND ACCESS

32. 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.

ADVISORY MATTERS

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

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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

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

AD2. DIAL BEFORE YOU DIG

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

AD3. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on

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

AD4. ALTERATIONS AND ADDITIONS ONLY

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

AD5. EXCAVATION TO BE LIMITED

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

AD6. BONDI - ROSE BAY SAND BODY

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

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

AD7. SEPARATE APPLICATIONS FOR USE/FIT OUT

Specific development applications are to be lodged for the approval of Council in connection with the initial usage of any retail or commercial areas within the development, prior to the occupation of the premises, unless otherwise permitted under SEPP (Exempt and Complying Development Codes) 2008.

AD8. SEPARATE APPLICATION FOR SIGNAGE

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

AD9. TREE REMOVAL/PRESERVATION

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

AD10. OUTDOOR DINING

Any proposal to utilise an area external of the building for dining will be subject to a separate application to Council and if approved will require the applicant and/or owners to sign a lease agreement.

AD11.SIGNS/GOODS IN THE PUBLIC WAY

No signs or goods are to be placed on the footway or roadway adjacent to the property.

AD12.SUITABLY QUALIFIED ACOUSTIC CONSULTANT

In these conditions, reference to a suitably qualified acoustic consultant means an individual who possesses the qualifications to render them eligible for membership of both the Australian Acoustics Society and Institution of Engineers Australia at the grade of member or an individual who is employed by a member firm of the Association of Australian Acoustic Consultants.

AD13.NO COOKING ON SITE

This approval does not permit cooking to be undertaken on the premises as there is insufficient cooking equipment/appliances/exhaust. Any proposal to change will require a separate application to ensure compliance with the Food Act 2003 and National Construction Code and *Australian Standard 1668 – The use of ventilation and air conditioning in buildings*.

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S4.55 APPLICATION

Rev.	Date	Revision	By	Chk.
A	31/05/21	DA Issue	EH	CT
B	09/06/21	Amendments for council	EH	CT
C	26/10/21	Def Dev Consent Condition	CT	CT
D	19/01/22	Def Dev Consent Condition	EH	CT
K	17/06/22	S4.55 Issue	TC	CT
L	30/06/22	S4.55 Issue	TC	CT
M	12/07/22	Various Amendments	TC	CT

Legend

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AH	ACCESS HATCH TO ROOF
AW	ALUMINIUM WINDOW
AWN	AWNING
BL	BOLLARD
CD	CLOTHES DRYER
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DP	DOWNPIPE
FCP	FIBRE CEMENT PANNELLING + PAINT
GB	GLASS BALUSTRADE
GD	GARAGE DOOR
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LB	LETTER BOX
MR	METAL ROOF
OBS	OBSURE GLAZING
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TS	TIMBER SCREEN
WM	WASHING MACHINE
	APPROVED WALL
	DEMOLISHED WALL
	ALTERATIONS + ADDITIONS
	ACCESSIBLE CLEARANCES



CEILING FANS



AS1428 CIRCULATION CLEARANCE

General Note: Make good to all surfaces affected by building works.

Planner

ABC Planning Pty Ltd

Traffic Consultant

TPA

BCA/Access Consultant

Design Confidence

Structural Engineer

Demlakian Engineers

Stormwater Engineer

James Rose Consultants

Project

North Bondi

3 Military Road,

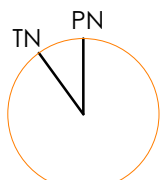
North Bondi

for

Bondi North Beachfront P/L

Drawing Name

Proposed Garage
Floor Plans



Date	Scale	Sheet Size
31/05/2021	As indicated	@ A1

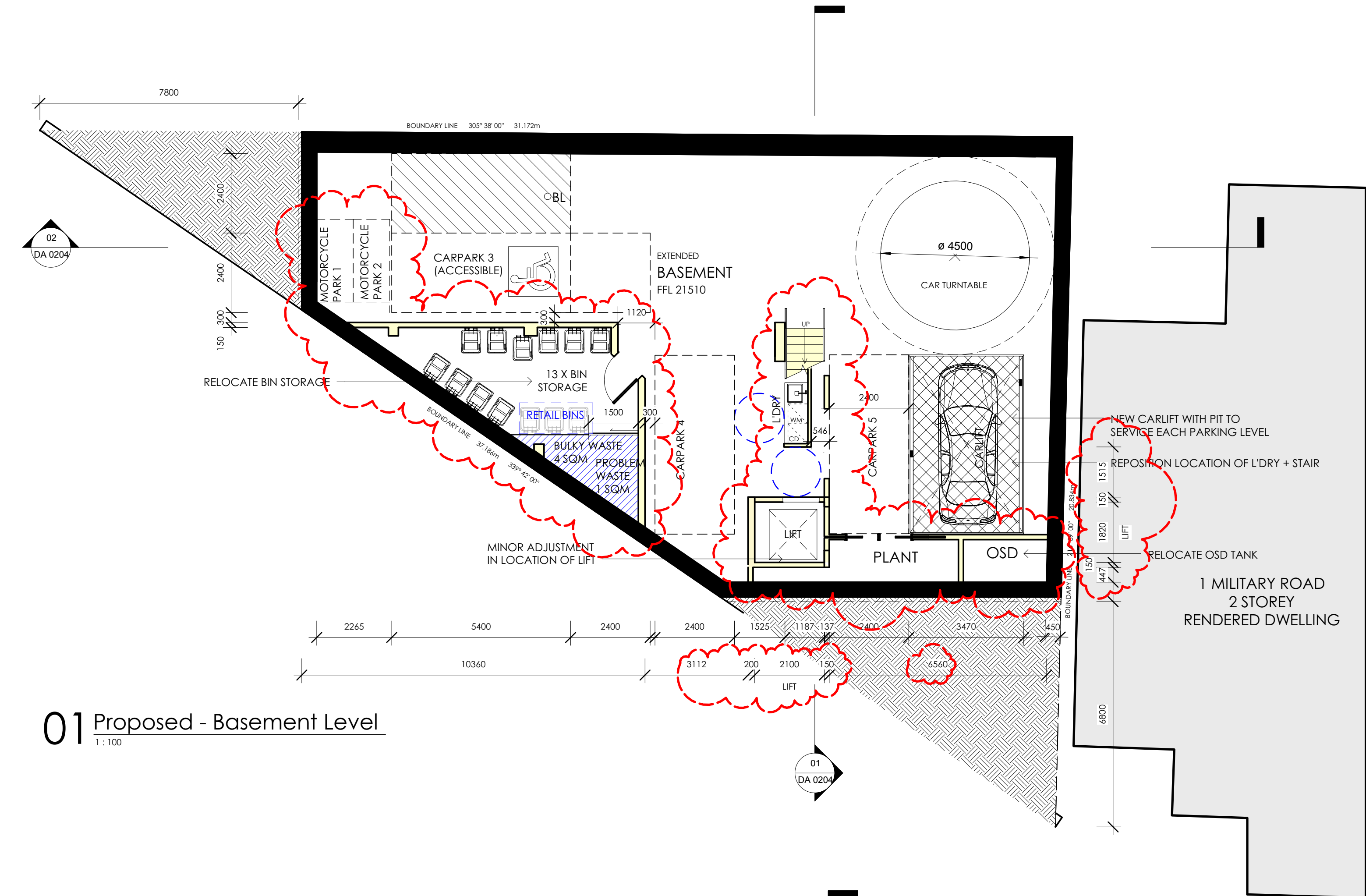
Reg No.	Drawn	Chk.
7413	EH	CT

Job No.	Drawing No.	Revision
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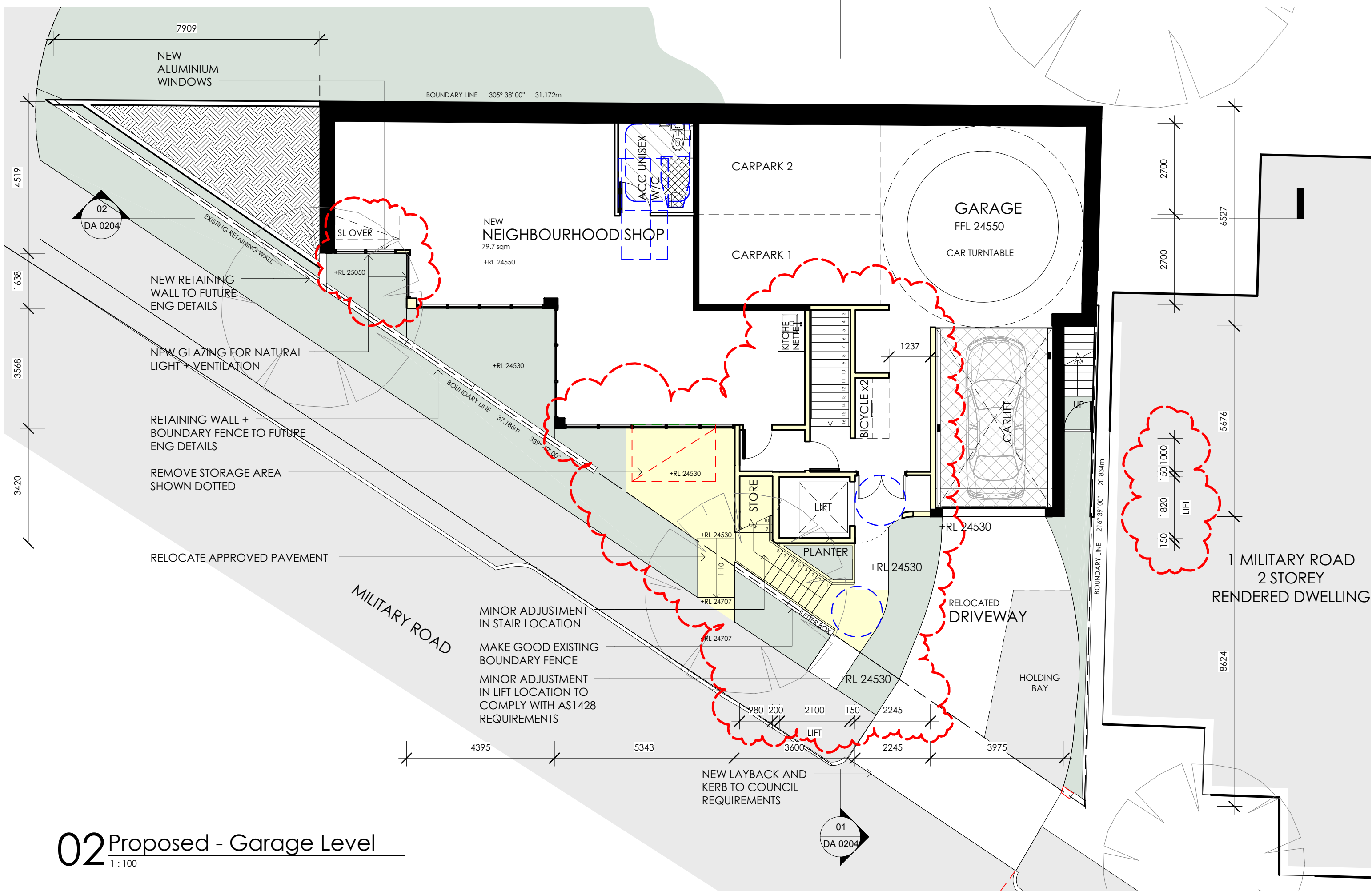
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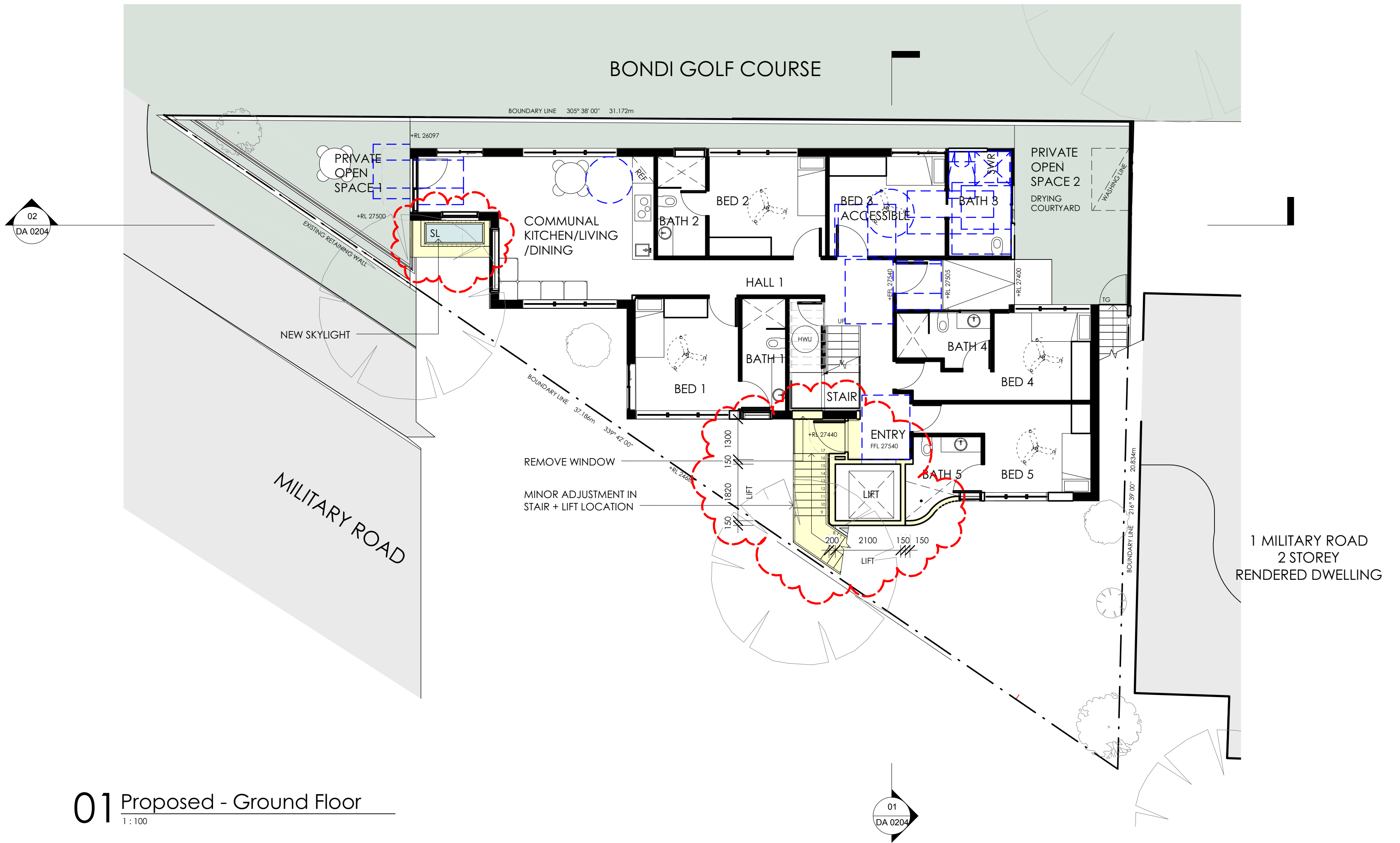
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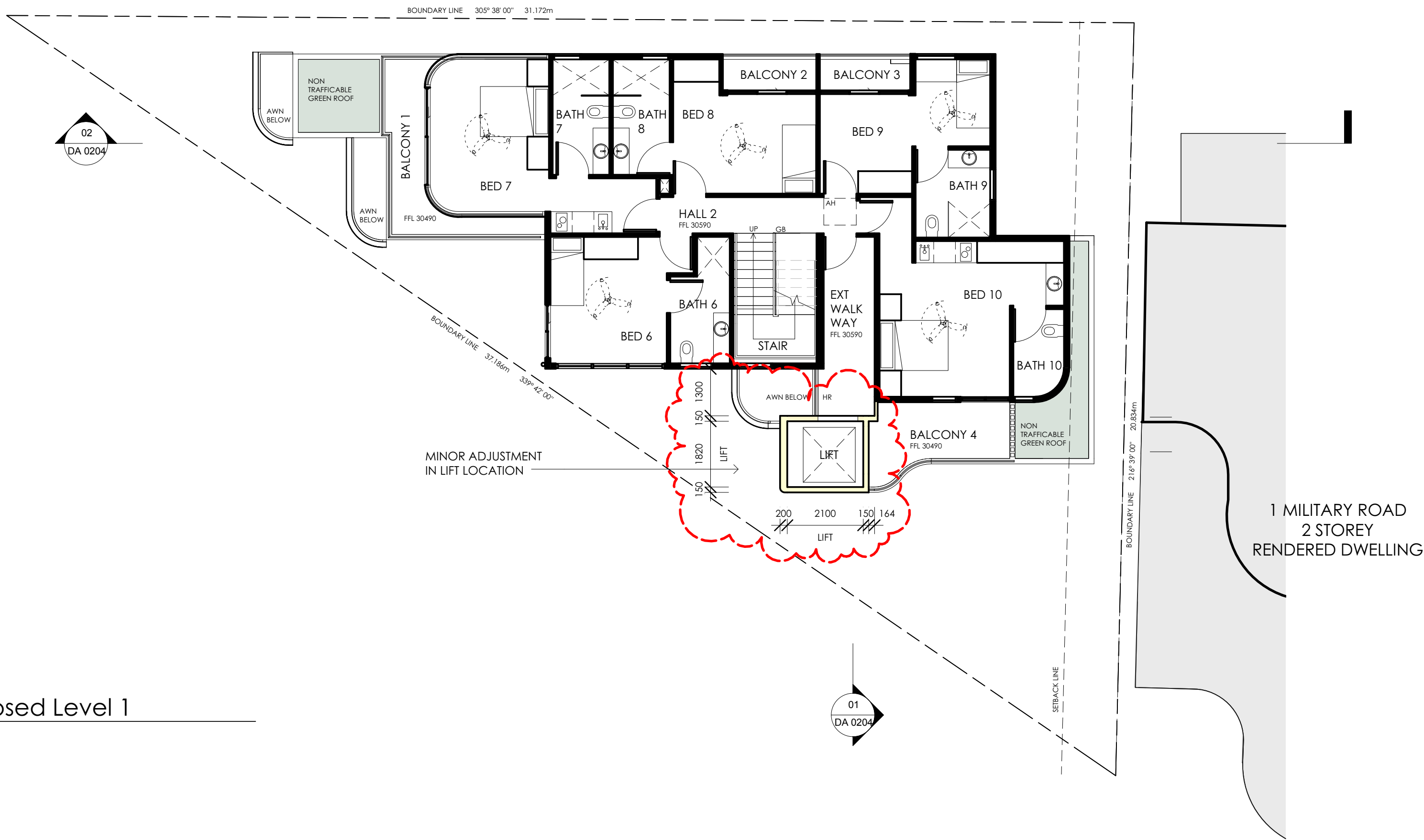
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1:100



02 Proposed - Garage Level
1:100



01 Proposed - Ground Floor
1:100



02 Proposed Level 1
1:100

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Application No: DA-203/2021/A
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S4.55 APPLICATION

Rev.	Date	Revision	By	Chk.
A	31/05/21	DA Issue	EH	CT
E	17/06/22	S4.55 Issue	TC	CT
F	12/07/22	Dimensions added	TC	CT

Legend

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AH	ACCESS HATCH TO ROOF
AW	ALUMINIUM WINDOW
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TS	TIMBER SCREEN
WM	WASHING MACHINE
---	APPROVED WALL
---	DEMOLISHED WALL
---	ALTERATIONS + ADDITIONS
---	ACCESSIBLE CLEARANCES



CEILING FANS



AS1428 CIRCULATION CLEARANCE

General Note: Make good to all surfaces affected by building works.

Planner

ABC Planning Pty Ltd

Traffic Consultant

TTPA

BCA/Access Consultant

Design Confidence

Structural Engineer

Demlakian Engineers

Stormwater Engineer

James Rose Consultants

Project

North Bondi
3 Military Road,
North Bondi
for

Bondi North Beachfront P/L

Drawing Name

Proposed Ground +
Level 1 Floor Plan

Date

31/05/2021

Scale

As indicated

Sheet Size

@ A1

Reg No.

7413

Drawn

EH

Chk.

CT

Job No.

7259

Drawing No.

DA 0202

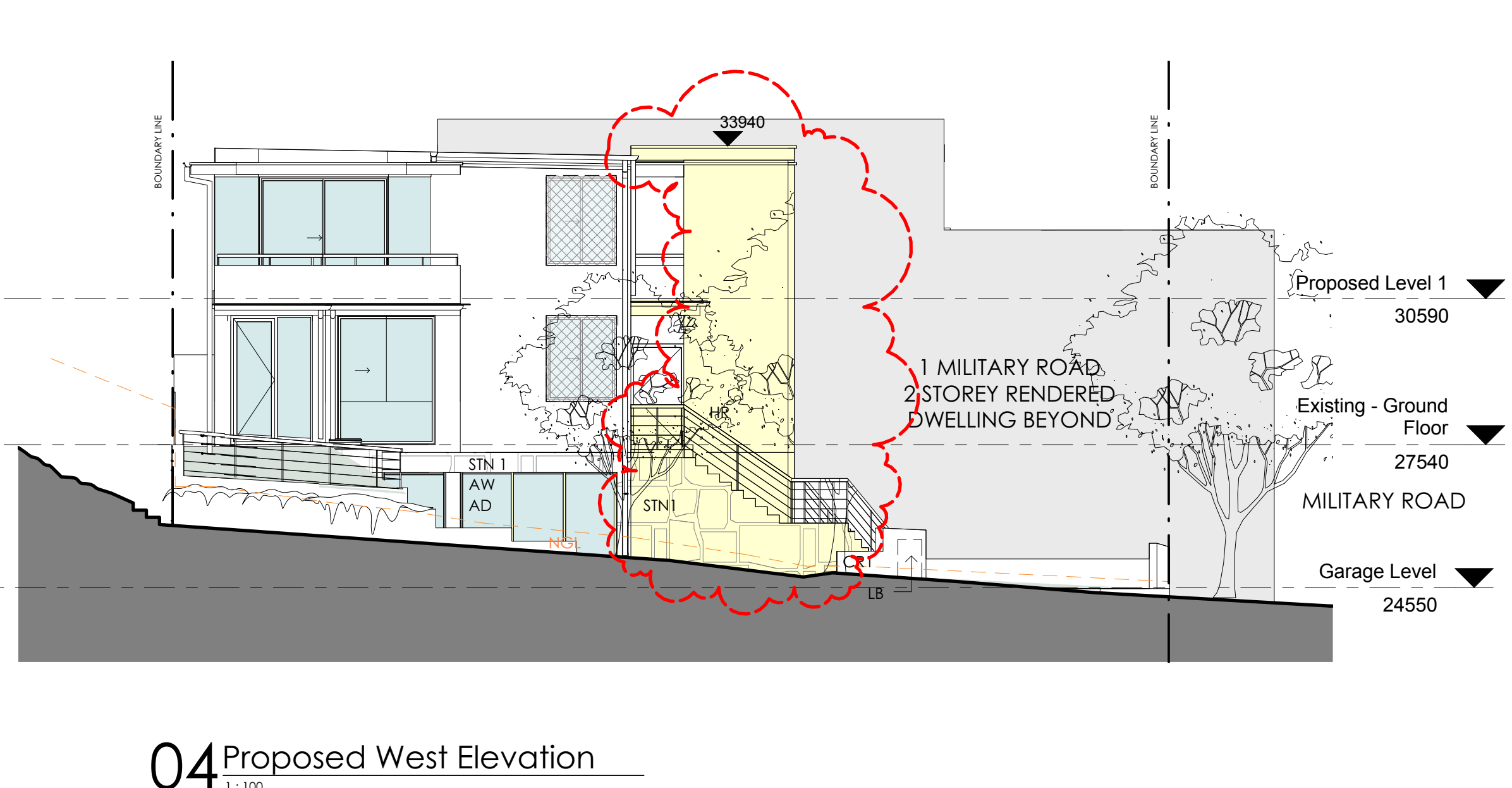
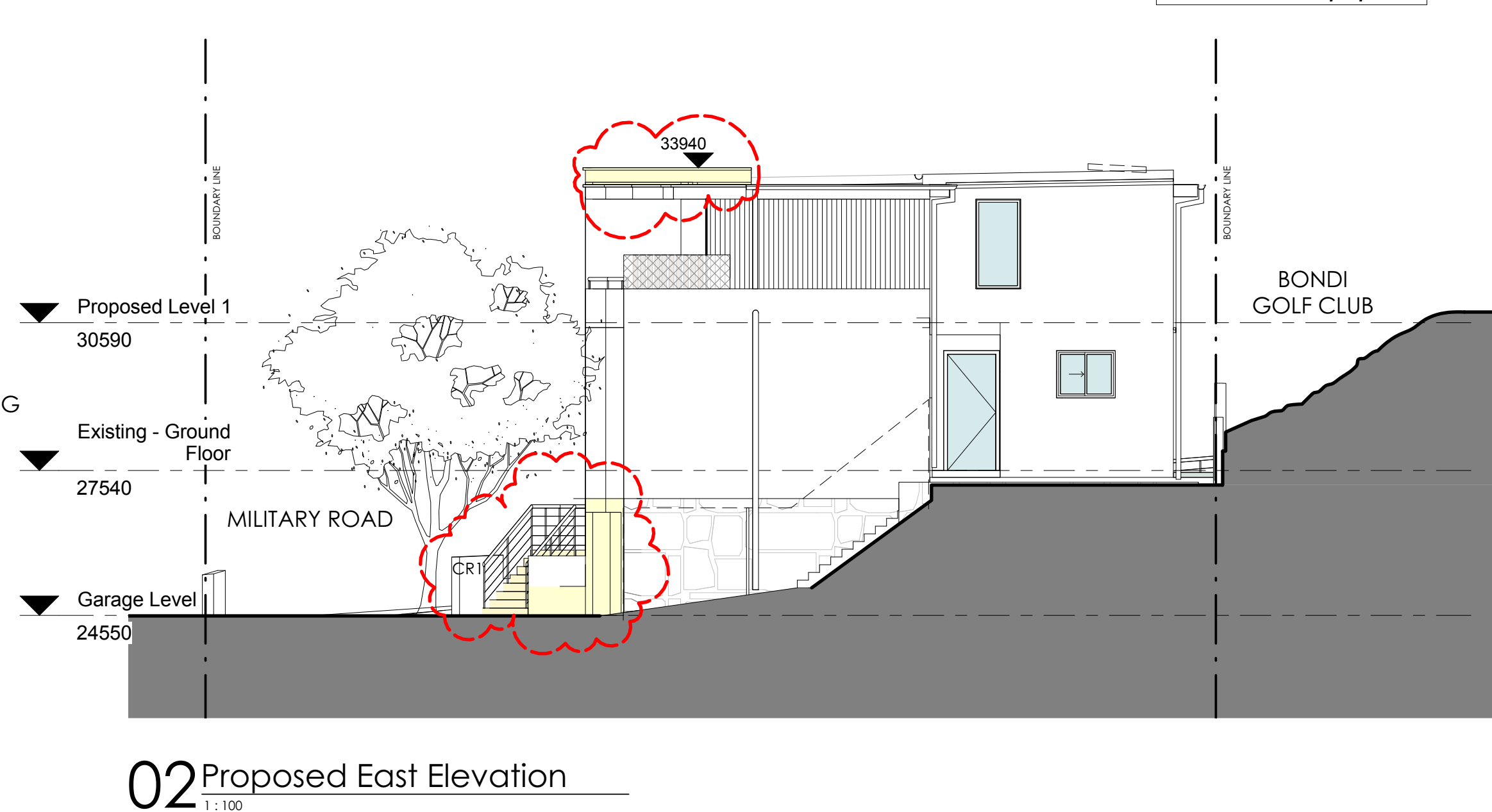
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F	17/06/22	S4.55 Issue	TC	CT
G	12/07/22	RLs added	TC	CT

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CEILING FANS



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TPA

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Design Confidence

Structural Engineer

Demkian Engineers

Stormwater Engineer

James Rose Consultants

Project

North Bondi

3 Military Road,

North Bondi

for

Bondi North Beachfront P/L

Drawing Name

Proposed Elevations

Date

31/05/2021

Scale

As indicated

Sheet Size

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Reg No.

7413

Drawn

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Chk.

CT

Job No.

Drawing No.

Revision

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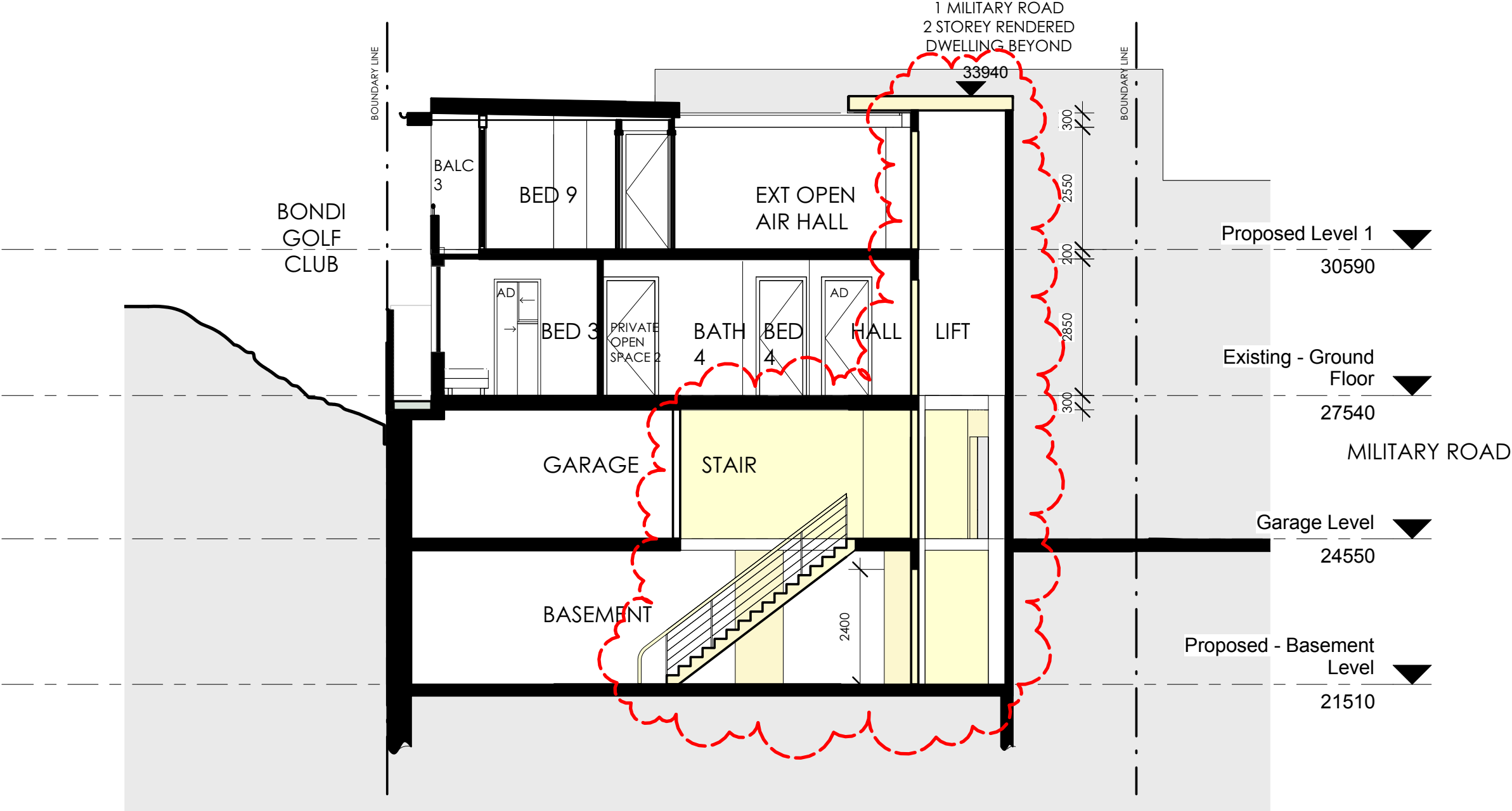
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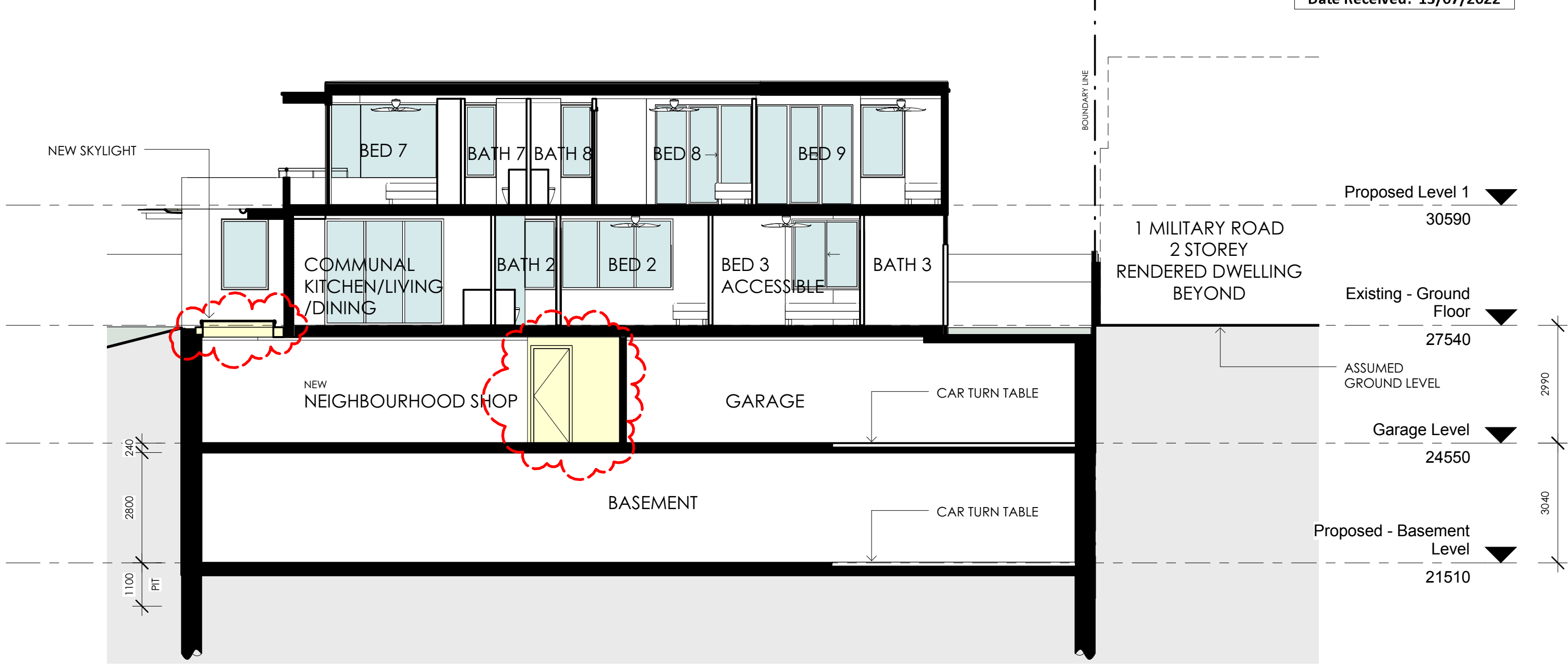
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01 Section 01
1:100



02 Section 02
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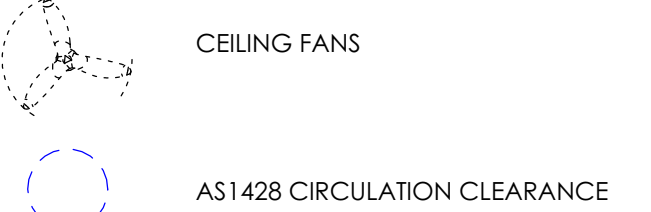
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S4.55 APPLICATION

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E	17/06/22	S.455 Issue	TC	CT
F	12/07/22	RL added	TC	CT

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Structural Engineer

Demlakian Engineers

Stormwater Engineer

James Rose Consultants

Project

North Bondi
3 Military Road,
North Bondi
for

Bondi North Beachfront P/L

Drawing Name

Proposed Sections

Date 31/05/2021 Scale As indicated Sheet Size @ A1

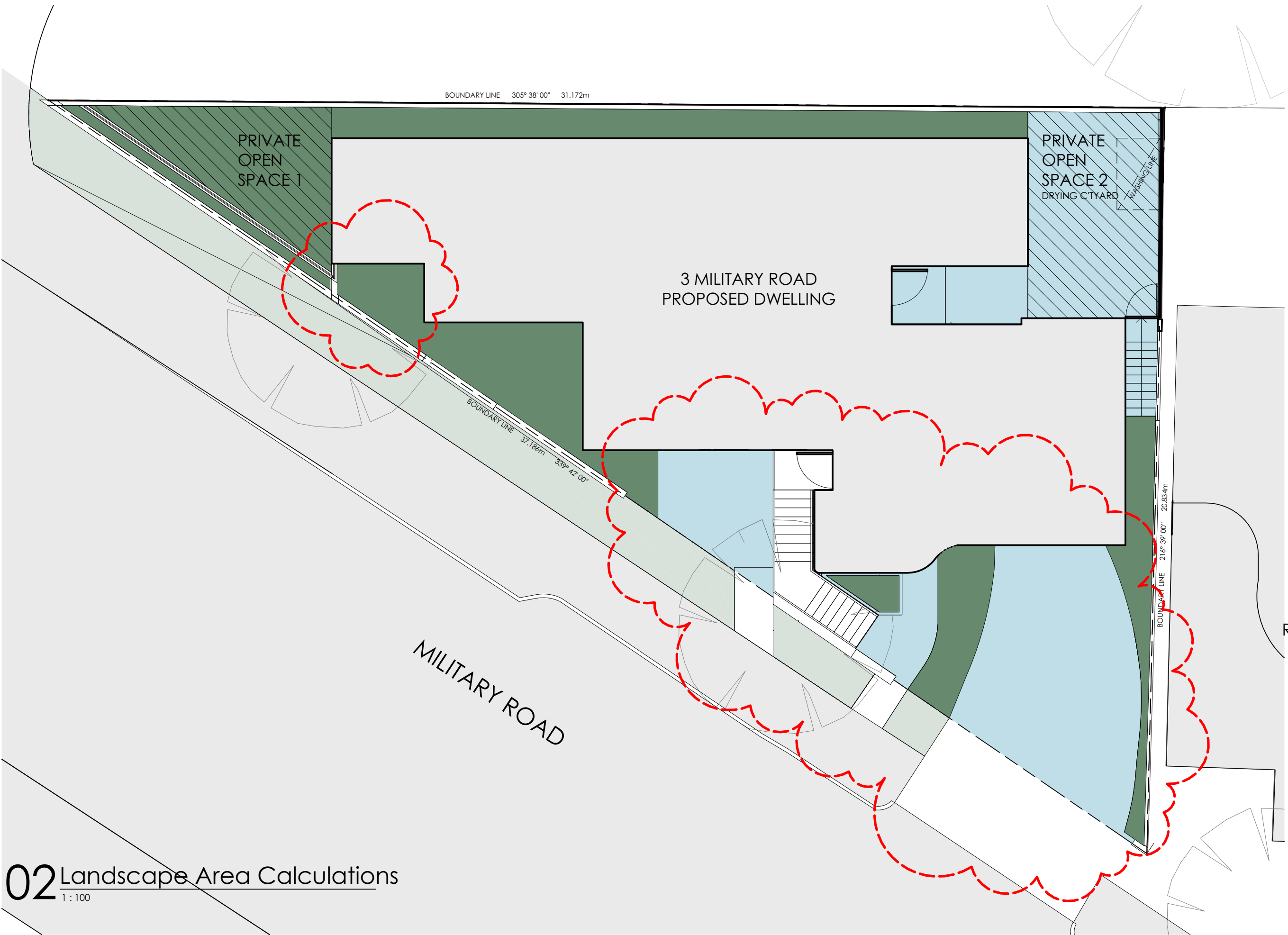
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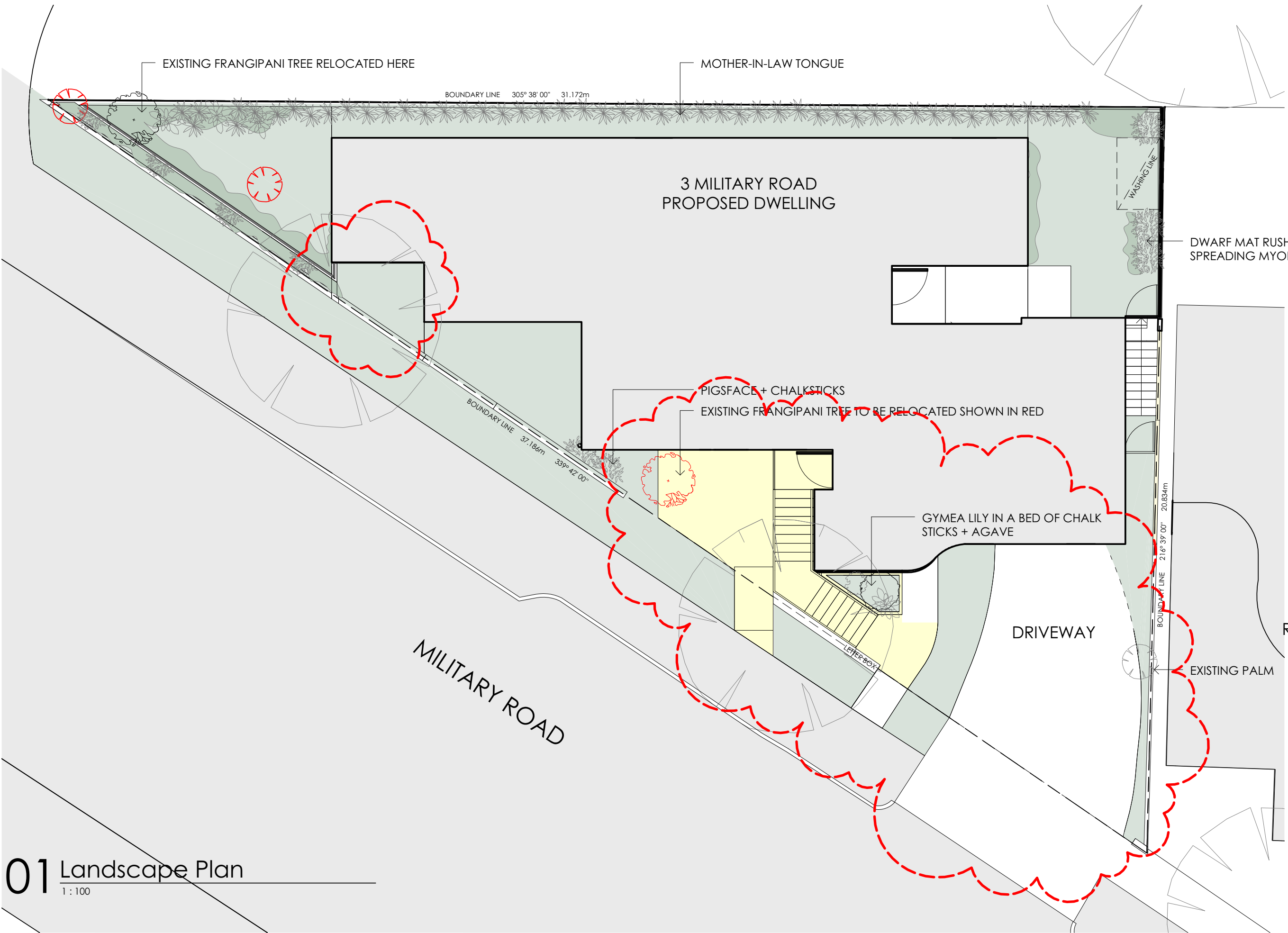
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02 Landscape Area Calculations
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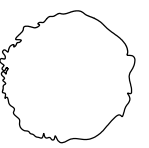














01 Landscape Plan
1:100

LANDSCAPE AREA CALCULATIONS

		CONTROL	REQUIREMENT	PROPOSED AREA
	OPEN AREA	DCP	40% - 129.8 m²	140.4 m²
	PRIVATE OPEN SPACE	SEPP	20 m²	TOTAL 36.9 m²
	PRIVATE OPEN SPACE 01			15.7 m²
	PRIVATE OPEN SPACE 02			21.2 m²
	LANDSCAPE AREA	DCP	30% - 97.4 m²	88.4 m²
	DEEP SOIL ZONE	DCP	50% of landscape area 48.7 m²	64.9 m²

PLANT LEGEND:

SMALL TREES / SHRUBS			1. EXISTING FRANGIPANI TREE (PLUMERIA ACUTIFOLIA)
			2. GYMEA LILY (DORYANTHES EXCELSA)
			3. FOXTAIL AGAVE (AGAVE ATTENUATA)
			4. MOTHER-IN-LAW TONGUE (SANSEVEIRIA TRIFASCIATA)
SUCCULENTS			5. CHALK STICKS (SENECIO MANDRALISCAE)
GROUND COVERS			6. SPREADING MYOPORUM (MYOPORUM PARVIFOLIUM 'FINE LEAF FORM')
			7. PIGFACE (CARPOBROTUS GLAUDESCENS)
GRASSES			8. DWARF MAT RUSH (LOMANDRA TANIKA)

PLANTING SCHEDULE

ID:	Botanical Name	Common Name	Pot Size	Mature Height	Mature Spread
Mp Cg	Ground Covers: - Myoporum parvifolium Carpobrotus glaucescens	Spreading Myoporum Pigface	140mm 140mm	0.2 - 0.3m 1 - 2m	1.5 - 2m 0.1 - 0.3m
Pa De	Shrubs / Small Trees: - Plumeria acutifolia Doryanthes excelsa	Frangipani Gynea Lily	45ltr 250mm	3 - 5m 2 - 4m	3 - 5m 2 - 3m
Sm Aa St	Succulents: - Senecio mandraliscae Agave attenuata Sanseveiria trifasciata	Chalk Sticks Foxtail Agave Mother-in-law tongue	100mm 300mm 200mm	0 - 0.3m 0.6 - 0.75m 0.9 - 1.5m	0 - 0.3m 0.6 - 0.9m 0.3 - 0.6m
Lt	Grasses: - Lomandra tanika	Dwarf Mat Rush	140mm	0.6 - 0.7m	0.5 - 0.6m

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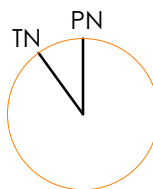
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North Bondi
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Bondi North Beachfront P/L

Drawing Name

Landscape Plan



Date	Scale	Sheet Size
31/05/21	As indicated	@ A1

Reg No.	Drawn	Chk.
7413	TC	CT

Job No.	Drawing No.	Revision
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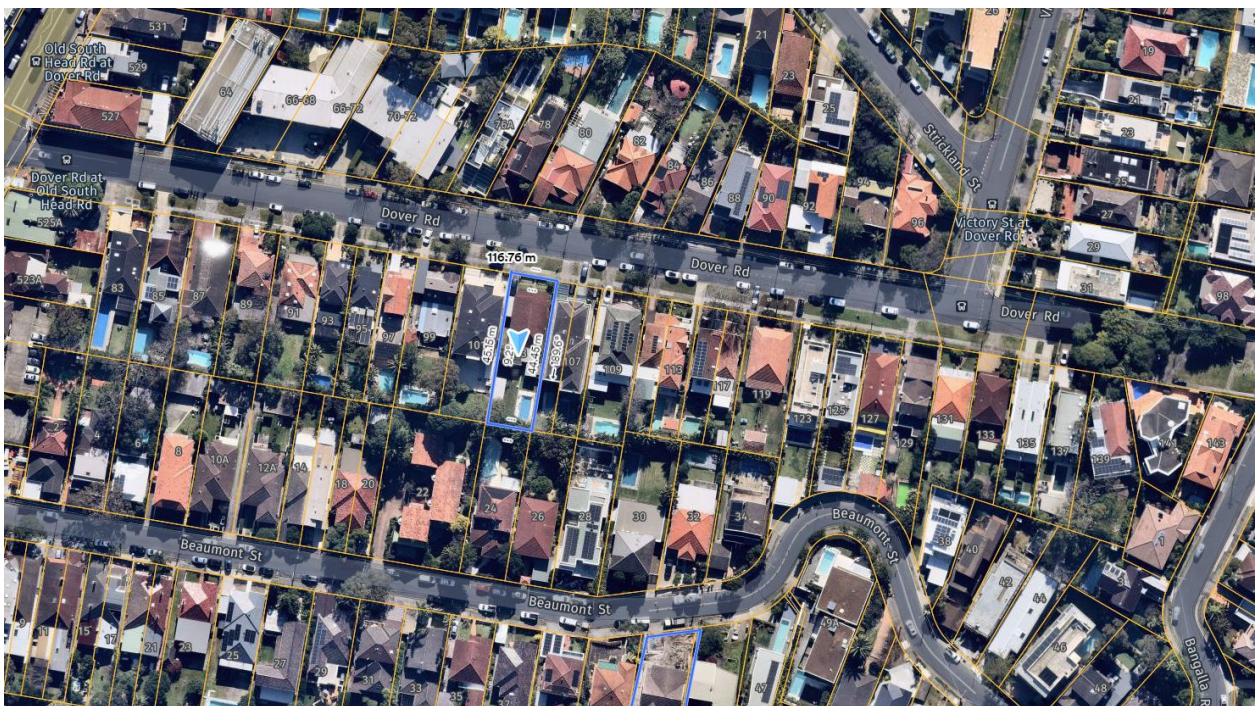
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Report to the Waverley Local Planning Panel

Application number	DA-292/2022
Site address	103 Dover Road, Rose Bay
Proposal	Demolition, tree removal, excavation and construction of a new two storey dwelling with integrated garage
Date of lodgement	8 July 2022
Owner	Mr M E Burgess
Applicant	BD Architecture Interiors
Submissions	Two (original), one (amended)
Cost of works	\$1,413,100
Principal Issues	<ul style="list-style-type: none"> • Non-compliant floor space ratio (FSR) • View loss • Overshadowing • Visual bulk and scale • Extent of excavation
Recommendation	That the application be REFUSED for the reasons contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for demolition, tree removal, excavation and construction of a new two storey dwelling with integrated basement garage at the site known as 103 Dover Road, Rose Bay.

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

- Non-compliant floor space ratio (FSR)
- View loss
- Overshadowing
- Visual bulk and scale
- Extent of excavation and basement floor level proposed

The assessment finds these issues unacceptable.

A total number of two submissions were received during notification of the original plans and one during renotification of the amended plans. The issues raised in the submissions have been considered and addressed in this report and in the Recommendation.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 20 September 2022.

The site is identified as Lot B in DP325779, known as 103 Dover Road, Rose Bay.

The site is rectangular in shape with a northern frontage to Dover Road measuring 13.345m. It has an area of 594.4m² and is generally flat.

The site is occupied by a single storey dwelling house with vehicular access provided from Dover Road.

The site is adjoined by a semi-detached dwelling development to the east and a single detached dwelling to the west. The locality is characterised by primarily low density residential development. Approximately 160m to the west of the site is the Old South Head Road shopping village. Moriah Early Years Learning Centre is located to the north-west on the opposite side of Dover Road.

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



Figure 1: View towards the Dover Road frontage of the subject site



Figure 2: View towards the rear of the subject site



Figure 3: Streetscape view looking south-east



Figure 4: Streetscape view looking north-west

1.3. Relevant Development History

A search of Council's records found no recent and relevant development applications for the site.

1.4. Proposal

The development application seeks consent for demolition of the existing buildings on site, tree removal, excavation and construction of a new two storey dwelling with integrated garage. Details specifically include the following:

Site works:

- Demolition of all structures, with the exception of the swimming pool;
- Excavation ranging in depth from 1.9m to 2.5m to accommodate the basement level car parking;
- Relocated driveway and vehicular crossing; and
- Landscaping including tree removal and other required site works.

Basement (FFL 22.95):

- Two 5.4m x 2.4m car parking spaces;
- Storage, plant and equipment;
- Rainwater tank; and
- Lift and stairs to access the levels above.

Ground floor level (FFL 24.65)

- Bedroom 1 with built in robes and ensuite and front balcony, living room, study, bathroom, laundry and powder room;
- Central western side courtyard;
- Central eastern side external drying area; and
- Open plan kitchen, dining and family room with direct access to a rear terrace.

First Floor Level (FFL 27.80):

- Home office with front irregular shaped balcony and rear internal facing balcony;
- Three (3) bedrooms with walk in robe, one with ensuite and balconies;
- Gravel non-trafficable rear roof area (over the ground floor terrace below);
- Study, bathroom and garbage chute; and
- New metal roof, two skylights and photovoltaic solar panels.

The proposed new dwelling-house will have a gross floor area (GFA) of 359m² or 0.6:1, resulting in a non-compliance with the 0.5:1 FSR development standard of Waverley Local Environmental Plan 2012 (Waverley LEP 2012) by 61.8m² or 20.8%. The proposed overall height of the dwelling is 7.8m with the roof at RL31.5 to the top of the parapet. An architectural stone wall/roof element is proposed at the Dover Road frontage which will have an overall RL of 31.8. The dwelling is to be constructed of white brick, concrete with aluminium framed glazing and privacy screens.



Figure 5: Photomontage of the proposed development as viewed from Dover Road

1.5. Background

The development application was lodged on 8 July 2022 and notified from 18 July until 4 August 2022. A deferral letter was sent on 13 July 2022 for the following reasons:

1. Non-compliance with the FSR and impacts on neighbouring amenity;
2. Visual bulk and scale;
3. Extent of excavation and basement floor level proposed; and
4. Errors in the calculation of the FSR.

Amended plans and documentation were submitted on 7 September 2022 and notified to objector properties from 12 September until 19 September 2022. These amended plans and documentation 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 (*Vegetation in Non rural areas*)

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 regards to clause 1.2 - Aims of plan.

Provision	Compliance	Comment
Part 2 Permitted or prohibited development		
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is defined as a <i>dwelling-house</i> , which is permitted with consent in the R2 Low Density Residential zone.
Part 4 Principal development standards		
4.3 Height of buildings • 8.5m	Yes	7.8m
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio • 0.5:1 or 297.2m ²	No	The proposal will result in a GFA of 359m ² having a FSR of 0.6:1, which exceeds the FSR development standard by 61.8m ² or 20.8%
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 FSR 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 class 5 acid sulfate soils. Should the application be approved, standard conditions are recommended to be imposed.
6.2 Earthworks	No	The proposal includes excavation up to a depth of approximately 2.5m to accommodate the lower floor level. The excavation to accommodate the large basement floor level is considered to be excessive (see further discussion under section 2.1.4 of this report).

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

Clause 4.6 Exceptions to Development Standards - Floor Space Ratio

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 0.6:1 or 359m² exceeding the standard by 61.8m² equating to a 20.8% variation.

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

- (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:

- *A benchmark architecturally designed single dwelling house with a superior landscape condition is proposed (maintained) on an existing low density residential allotment of land that pays due regard to the site's locational context and the neighbouring built form. This low density built form and land use (dwelling house within a park / garden like setting) is desired by the site's R2 Low Density Residential land use zoning. Unquestionably a human scale is maintained.*
- *The proposed dwelling is considered to sit comfortably within its desired, existing and likely future built form context. The building is only two storeys above an integrated basement level and the ground floor FFL is close to that existing. Compliance with the LEP 2012 height standard has been maintained. Compliance with the DCP 2012 external wall height, front, side and rear boundary setback guidelines (including for excavation), open space, landscaped area and private open space guidelines has been maintained. Although a departure to the FSR standard is proposed, the overall built form is generally anticipated by the planning controls and this is demonstrated by the built form's consistency in height, bulk and scale as shown by the amended perspectives within the Architectural Drawings.*
- *The scale of the proposal is characterised by the desired future character for the area. The height, bulk and scale of the built form does not influence or set a precedent for future buildings on neighbouring or nearby properties. The existing unremarkable single storey dwelling is to be replaced by a new benchmark architecturally designed two storey dwelling with a high quality landscape condition that has an improved relationship to the site's locational characteristics and maintains an appropriate relationship with its neighbours. The built form enables visual interest and a relative human scale. This is the desired character.*
- *A portion of the GFA/FSR is provided within the proposed basement level car parking area. The basement level is not readily visible from the public domain, including Dover Road, other than for the driveway to access it and the roller door being approximately 6.5m setback from the ground floor level façade. Unquestionably this element does not result in an adverse visual impact or unreasonable bulk and scale.*
- *The height, bulk and scale (density) of the dwelling will not set an undue precedent. A highly articulated and visually interesting built form is proposed. Following a rigorous merit based assessment, approval of a building envelope that relates to the locality's existing character and which largely complies with all controls, will not set a precedent for other non-conforming applications. As demonstrated by the amended perspectives within the Architectural Drawings,*

the proposed built form is clearly not incompatible with its established and likely future built form context.

- *The quantum of additional floor space above the FSR standard is arranged on the site in a manner that has had regard to the urban design parameters determined by the existing built context and the context of the neighbouring and nearby dwellings, site constraints and compliance with the relevant and key Council density planning controls where practical. In this regard and as demonstrated by the detailed assessment at Table 3 within the separately submitted SEE, the proposed built form provides for an acceptable and equitable planning outcome (i.e. preserves environmental amenity given the permissible building envelope) in relation to:*
 - *solar access and overshadowing;*
 - *access to natural daylight and ventilation;*
 - *aural and visual privacy;*
 - *views and vistas from neighbouring and nearby properties and the public domain; and*
 - *visual impact and massing; and*
 - *parking or traffic generation.*
 - *The proposed FSR clearly does not preclude the appropriate redevelopment of any neighbouring or nearby property.*
 - *Within this context, it is clear the site can accommodate the FSR proposed and the development is of an intensity and scale commensurate with the built form character and the prevailing urban conditions and capacity of the locality, including neighbouring properties. The site is clearly as existing under developed and neighbours have benefited from borrowed amenity as a result of this existing condition.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- *A benchmark architecturally designed single dwelling house with a superior landscape condition is proposed (maintained) on an existing low density residential allotment of land that pays due regard to the site's locational context and the neighbouring built form. This low density built form and land use (dwelling house within a park / garden like setting) is desired by the site's R2 Low Density Residential land use zoning. Unquestionably a human scale is maintained.*
 - *The proposed dwelling is considered to sit comfortably within its desired, existing and likely future built form context. The building is only two storeys above a basement level and the ground floor FFL is close to that existing. Compliance with the LEP 2012 height standard has been maintained. Compliance with the DCP 2012 external wall height, front, side and rear boundary setback guidelines (including for excavation), open space, landscaped area and private open space guidelines is proposed. Although the proposal departs from the FSR standard, the overall built form is generally anticipated by the planning controls and this is demonstrated by the built form's consistency in height, bulk and scale with that neighbouring and nearby.*
 - *The existing under developed and unremarkable single storey dwelling house is to be demolished. In this instance, the non-compliance with the FSR standard achieves consistency with its*

objectives by allowing a benchmark architecturally designed dwelling house and a two storey building envelope that relates to the locality's existing character and which largely complies with all controls except for a departure to the FSR standard. Superior residential amenity will be provided to the occupants whilst preserving (based on the permitted building envelope) the amenity (solar access, visual and aural privacy, views, vistas, outlook, natural daylight and ventilation) of the neighbouring properties and the surrounding public domain generally.

- *A portion of the GFA/FSR is provided within the proposed basement level car parking area. The basement level is not readily visible from the public domain, including Dover Road, other than for the driveway to access it and the roller door being approximately 6.5m setback from the ground floor level façade. Unquestionably this element does not result in an adverse visual impact or unreasonable bulk and scale.*
- *The height, bulk and scale (density) of the dwelling will not set an undue precedent. A highly articulated and visually interesting built form is proposed. Following a rigorous merit based assessment, approval of a building envelope that relates to the locality's existing character and which largely complies with all controls, will not set a precedent for other non-conforming applications. As demonstrated by the amended perspectives within the Architectural Drawings, the proposed built form is clearly not incompatible considering its established and likely future built form context.*
- *The quantum of additional floor space above the FSR standard is arranged on the site in a manner that has had regard to the urban design parameters determined by the existing built context and the context of the neighbouring and nearby dwellings, site constraints and compliance with the relevant and key Council density planning controls where practical. In this regard and as demonstrated by the detailed assessment at Table 3 within the separately submitted SEE, the proposed built form provides for an acceptable and equitable planning outcome (i.e. preserves environmental amenity given the potential permissible building envelope) in relation to:*
 - *solar access and overshadowing;*
 - *access to natural daylight and ventilation;*
 - *aural and visual privacy;*
 - *views and vistas from neighbouring and nearby properties and the public domain; and*
 - *visual impact and massing; and parking or traffic generation.*
- *The development provides for an appropriate environmental planning outcome and is not an overdevelopment of the site as follows:*
 - *the proposal satisfies the objectives of the R2 Low Density Residential zone;*
 - *the proposal satisfies the objectives of the FSR standard;*
 - *compliance with the LEP 2012 height standard has been maintained. Compliance with the DCP 2012 external wall height front, side and rear boundary setback guidelines (including for excavation), open space, landscaped area and private open space guidelines is proposed. The built form (and any resultant impacts) is therefore typically anticipated by the planning controls; and*

- *the nature of such an urban environment is that all future development will seek to maximise amenity and density through design. In this regard, the proposal represents an appropriate planning outcome with any adverse environmental impacts.*
- *Appropriate environmental initiatives are proposed.*
- *The proposal generally is of an intensity and scale commensurate with the locality's established and likely future urban conditions.*
- *The departure from the standard does not preclude the redevelopment of any neighbouring or nearby property.*

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

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

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

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

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

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

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012.

Council disagrees with the contention that the objectives of the FSR development standard are achieved. The applicant has not adequately demonstrated that the overall scale of the development 'preserves' the environmental amenity of neighbouring properties. The proposed development will have additional overshadowing impacts on the adjoining property to the east and view impacts. The applicant contends that a portion of the FSR exceedance is located at basement level which is not discernible from the street. Notwithstanding this, the non-compliance with the FSR development standard, together with the non-compliance with the rear building line, demonstrates that the proposal is an inappropriate development for the site and the locality which results in unacceptable amenity impacts on neighbouring properties.

Concerns are also raised that the internal void areas and first floor level internal facing balconies provide little amenity for the occupants of the dwelling and are capable of being 'filled in' and used as habitable floor space, contributing to the FSR exceedance and the overall visual bulk and scale of the building. The proposed variation to the FSR development standard is not supported.

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

The applicant has not adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard.

The extent of the variation, being 20.8% over the development standard demonstrates that the building bulk and scale of the development is excessive. The siting of the dwelling and the excavation required will result in unreasonable impacts on the amenity of neighbouring properties. The development has not been designed in a skilful manner to limit those impacts which include view loss and overshadowing. The proposed large void areas at both the eastern and western elevations result in the bulk and massing of the building being sited towards the front and rear, creating a depth which extends beyond the predominant rear building line. Given the proposal to demolish and rebuild a new dwelling-house on site, there are no environmental planning grounds to justify the exceedance. The variation of the development standard is inconsistent with the desired future character of the locality and is not supported.

Is the development in the public interest?

The proposed development will not be in the public interest because it is not consistent with both the objectives of the particular 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:

Clause 4.4 Floor space ratio

(1) The objectives of this clause 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.*

Council disagrees with the contention that the objectives of the FSR development standard are achieved. The applicant has not adequately demonstrated that the overall scale of the development preserves the environmental amenity of neighbouring properties as stated at objective (d). The proposed development will have additional overshadowing impacts on the adjoining properties to the east at No.105 and 107 Dover Road when compared to the compliant building envelope analysis that was provided with the application (noting that the 3pm shadow impact analysis provided by the applicant shows the shadow impact is less for the compliant envelope than the proposed non-compliant envelope – refer to **Figures 6 and 7** below).

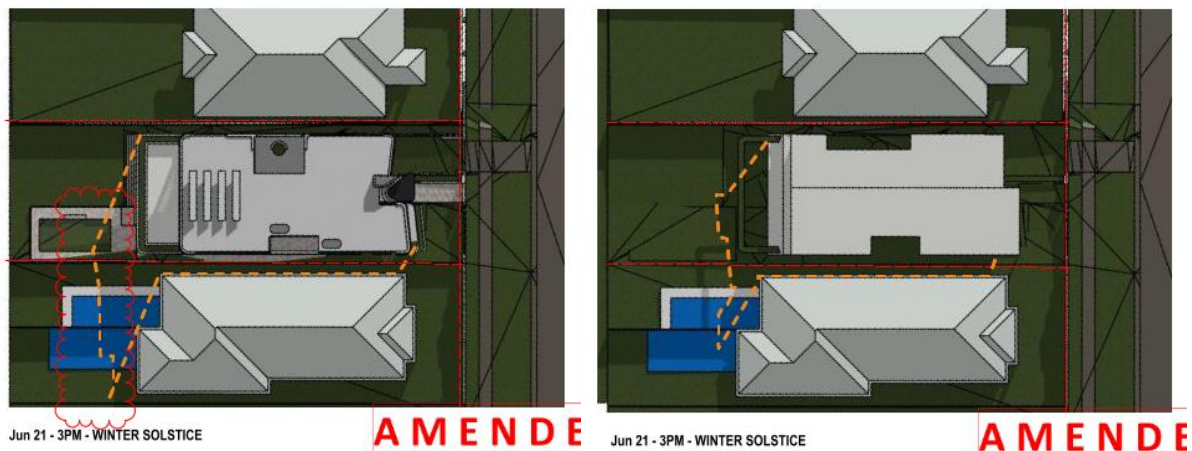


Figure 6: Proposed shadow 21 June at 3pm

Figure 7: Compliant shadow 21 June at 3pm

The proposal will also result in view loss impacts from the property located to the east at 105 Dover Road. Whilst these views are obtained across side boundaries, the property at 105 Dover Road currently enjoys views towards the Harbour Bridge and the CBD from the front first floor balcony and master bedroom window which will be obstructed by the proposed non-compliant building envelope. This is addressed in further detail under Section 2.1.4 of this report.

The applicant contends that a portion of the FSR exceedance is located at basement level which is not discernible from the street. Notwithstanding this, the non-compliance with the FSR development standard, together with non-compliance with the rear building line and the extent of excavation proposed to accommodate the basement, demonstrates that the proposal is an inappropriate development for the site and the locality which results in unacceptable amenity impacts on neighbouring properties and is not in the public interest.

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

Clause 2.1 – Land Use Zone – R2 Low Density Residential

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

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

Conclusion

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

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory
2. Ecologically Sustainable Development	Yes	Satisfactory. BASIX certificate has been provided with the application.
3. Landscaping and Biodiversity	Yes	Satisfactory
5. Vegetation Preservation	Yes	Satisfactory
6. Stormwater	Yes	Satisfactory. Refer to section 3 of this report on referral commentary in relation to stormwater.
8. Transport Minimum parking rate: <ul style="list-style-type: none"> Nil Maximum parking rate: <ul style="list-style-type: none"> 2 spaces for 3 or more bedrooms. 	No	Whilst the plans show the provision of two off street car spaces at basement level, the proposed size of the basement will be capable of accommodating car parking above the maximum permitted.
10. Safety	Yes	Satisfactory
12. Design Excellence	No	Unsatisfactory. The proposed development does not achieve design excellence as it does not appropriately consider the site context, amenity impacts and the relationship of the development to other development on neighbouring sites and the locality (see further discussion below).
14. Excavation	No	Unsatisfactory. The proposed excavation is excessive for a single dwelling creating a basement floor level that is capable of accommodating car parking that exceeds the

Development Control	Compliance	Comment
		maximum permitted in addition to large plant and storage areas. It is unclear from the plans as to how far the basement extends towards the rear of the site and whether it extends beyond the building footprint.
16. Public Domain	Yes	Satisfactory

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

Development Control	Compliance	Comment
2.0 General Objectives		
<ul style="list-style-type: none">• Appropriate scale	No	The proposal contravenes the general objectives of this part of the DCP.
<ul style="list-style-type: none">• Does not detract from amenity of other dwellings or view corridors	No	
<ul style="list-style-type: none">• High design standard	No	
2.1 Height		
Flat roof dwelling house <ul style="list-style-type: none">• Maximum wall height of 7.5m	Yes	7.5m
2.2 Setbacks		
2.2.1 Front and rear building lines <ul style="list-style-type: none">• Predominant front building line• Predominant rear building line at each floor level	Yes No	Control 2.2.1(b) requires the predominant building line to be determined separately for each floor level. The applicants site analysis appears to draw an ineffectual line along the rear ground and first floor level in an attempt to demonstrate that the proposed development is consistent with the predominant building line, however, there is no context with regards to the ground and first floor rear building lines of other properties within the streetscape. See further discussion below this table.
2.2.2 Side setbacks <ul style="list-style-type: none">• Minimum of 0.9m (for height up to 8.5m)	Yes	
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.	Yes Yes	Whilst it is acknowledged that the subject dwelling adjoins dwellings of a similar scale when viewed from the Dover Road frontage of the site, the extent of the massing through the site is considered to be unacceptable evidenced by the excessive breach of the FSR development standard. The front first floor building line protrudes over the top of the ground floor level

Development Control	Compliance	Comment
		which contributes to the visual bulk of the dwelling. Full height privacy screens are proposed to the front first floor level balconies which contributes to this massing and the impacts on view corridors.
2.4 Fences		
<i>Front:</i> <ul style="list-style-type: none"> Maximum height of 1.2m Solid section no more than 0.6m high <i>Side and Rear:</i> <ul style="list-style-type: none"> Maximum height of 1.8m 	No	Up to 1.6m proposed. Should the application be approved, a condition is to be imposed requiring a reduction in height of the proposed front fence.
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> Roof tops to be non-trafficable unless predominant in the immediate vicinity 	<p>Yes</p> <p>Partial</p> <p>Yes</p>	<ul style="list-style-type: none"> Bedroom 1 balcony at Ground floor level measures 1.9m in depth which does not comply. The rear first floor level balcony measures 12.5m² in area which does not comply.
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 	<p>No</p> <p>Yes</p> <p>No</p>	<p>The main living areas are located at the rear of the dwelling and are orientated towards the south. It has not been demonstrated that these areas would receive a minimum of three hours of sunlight on 21 June.</p> <p>See further discussion below this table.</p>

Development Control	Compliance	Comment
collectors (including habitable windows).		
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</p>	See further discussion below this table.
2.8 Car parking		
2.8.1 Design Approach <ul style="list-style-type: none"> Parking only allowed where site conditions permit Designed to complement the building and streetscape Car parking structures to be behind the front building line Driveways are to be located to minimise the loss of on street parking Parking to be provided from secondary streets or lanes where possible. 	<p>Partial</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Not available</p>	Extensive excavation is proposed to accommodate the basement car park level.
2.8.2 Parking rates <i>Maximum rates:</i> 2 spaces for 3 or more bedrooms	No	Whilst the basement garage shows the provision of two car spaces to comply with the provisions of Waverley DCP 2012, the car park is capable of accommodating more spaces above the maximum permissible.
2.8.3 Location <ul style="list-style-type: none"> Behind front building line for new dwellings Existing development to be in accordance with the hierarchy of preferred car parking locations 	<p>Yes</p> <p>Yes</p>	Parking is proposed at basement level accessed from the primary Dover Road frontage, which is consistent with other developments along Dover Road.

Development Control	Compliance	Comment
2.8.4 Design <ul style="list-style-type: none"> Complement the style, massing and detail of the dwelling Secondary in area and appearance to the design of the residences Gates to have an open design 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	Basement parking is appropriately integrated into the design of the dwelling accessed from Dover Road, however, the extent of the basement proposed is considered to be excessive.
2.8.5 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes	
2.8.6 Driveways <ul style="list-style-type: none"> Maximum of one per property Maximum width of 3m at the gutter (excluding splay) Crossings not permitted where 2 on street spaces are lost 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	It is proposed to replace the existing crossing. Conditions would be required to be imposed should the development application be approved to resolve proposed siting and width design as recommended by Council's Traffic Engineer.
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area or 237.76m² Overall landscaped area: 15% of site area 89.16m² 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>Yes</p> <p>Yes</p>	<p>50.8% or 302.4m²</p> <p>28% or 166m²</p> <p>>25%</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>As existing</p> <p>As existing</p>	

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

Building Envelope – Rear Building Line

The pattern of development in the immediate locality is predominantly single detached and semi-detached dwellings on large allotments. The applicant's submission does not include a context analysis of the front and rear building lines of the adjoining and nearby properties. The applicant's site plan appears to draw an ineffectual line along the rear ground and first floor level in an attempt to demonstrate that the proposed development is consistent with the predominant building line, however, there is no context with regards to the ground and first floor rear building lines of other properties within the streetscape to justify what has been proposed.

Due to the courtyard design of the dwelling, the building envelope is being pushed closer towards the rear of the site. From the rear southern property boundary, the proposed development is to be sited 12.361m to the rear of the ground floor level as measured to the roofed outdoor area and 16.58m when measured to the rear of the first floor balcony (noting that the building line or setback is to be measured to the outside face of any balcony, deck or the like in accordance with Waverley LEP 2012).

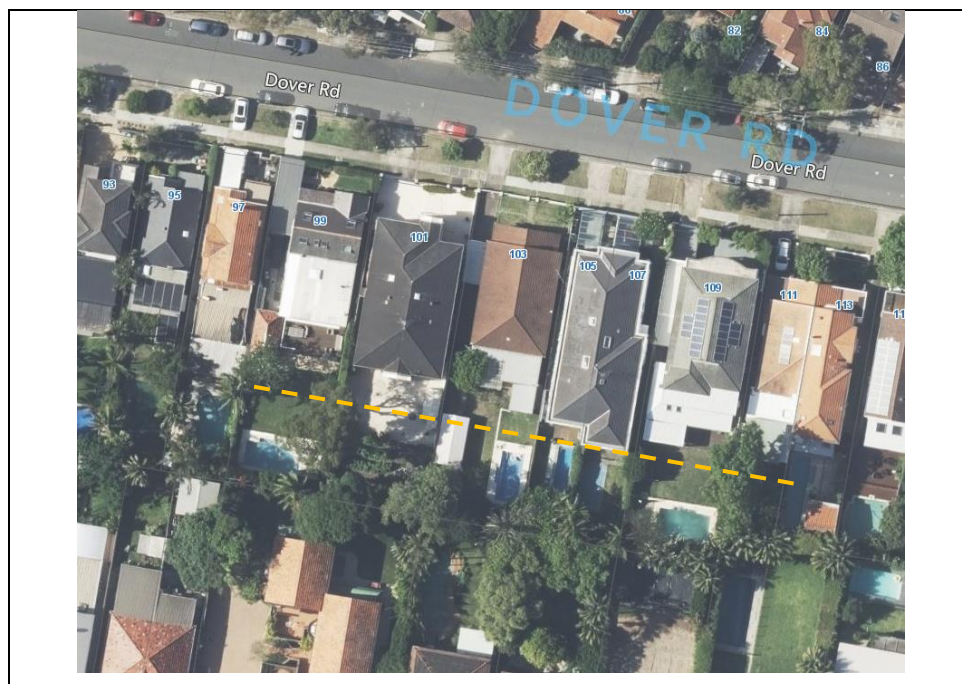


Figure 8: Context analysis of rear building line. Dotted line shows the extent of the rear building line proposed which has been based on the rear setback at 107 Dover Road.

The adjoining properties are predominantly characterised by two storey dwellings with varied rear setbacks. The neighbouring two storey dwelling to the east at No.105 Dover Road comprises a 14.2m rear setback to both the ground and first floor level. The semi-detached dwelling at No.107 Dover Road extends closer towards the rear boundary with a minimum rear setback of approximately 12.2m. The adjoining property to the west at No.101 Dover Road is setback 16.58m from its rear property boundary (refer to **Figure 8** above).

The applicant argues in their submission that the proposed rear building line is consistent and compatible with the predominant rear building line of the adjoining properties, however, Council disagrees with this contention. The proposed building footprint is to be located closer to the rear boundary than the two properties either side as a direct result of the internal courtyard design proposed, which also seeks to maximise the FSR on site. The applicant utilises the furthest most point being the rear setback of No.107 Dover Road to justify the rear setback proposed resulting in unreasonable impacts on the immediately neighbouring property at No.105 Dover Road which is unacceptable. The non-compliance with the rear building line of the Waverley DCP 2012 results in unreasonable amenity impacts to neighbouring properties, particularly in regard to overshadowing and visual bulk and scale.

In regard to the front building line, whilst it appears to be consistent with neighbouring properties, the front first floor building line protrudes over the top of the ground floor level which contributes to the visual bulk of the dwelling. Full height privacy screens are proposed to the front first floor level balconies which contributes to this massing and the impacts on view corridors.

Overshadowing

Part C2 2.6 *Solar Access* outlines the objectives and controls relating to solar access. Objectives (c) and (d) seek to *maximise solar amenity and energy efficiency to existing surrounding lower density residential accommodation and minimise overshadowing of windows to internal living areas and private open space of surrounding dwellings*. Control (b) requires that *development not reduce the amount of direct sunlight to at least 50% of the principal private open space of adjoining properties to less than 3 hours when measured between 9am and 3pm during winter solstice (June 21)*, with control (c) stating that despite control (b), *where a development does not comply with a development standard and causes a reduction in direct sunlight, any reduction may be considered unacceptable*.

The submitted shadow diagrams demonstrate an increase in overshadowing to the adjoining properties to the east at Nos.105 and 107 Dover Road as a result of the proposed development. From 12pm onwards on 21 June, part of the rear private open space and habitable windows of the adjoining property at No.105 Dover Road and part of the rear private open space of No.107 Dover Road will be overshadowed as a result of the non-compliant building envelope, not preserving their environmental amenity (refer to **Figures 6 and 7** above). This is considered to be unreasonable and is not supported.

View Impacts

Part C2 2.7 *Views* of Waverley DCP 2012 details all objectives and strategies for public and private domain views and view sharing, which generally seek to reduce impacts on existing views and vistas from the private and public domain. The proposal has also been assessed against the Land and Environment Court's Tenacity principle for view sharing.

During public notification, the property at No.105 Dover Road, Rose Bay indicated that the proposed building would impact on private views. Photos taken during a view impact inspection from this property shows that views enjoyed by this property towards the CBD and top of the Harbour Bridge will be obstructed as a result of the proposed development (refer to **Figures 9 to 12** below).

View Impact Analysis from No.105 Dover Road, Rose Bay



Figure 9: View over the top of the existing dwelling at 103 Dover Road from the front master bedroom of No.105 Dover Road. The top of the Harbour Bridge is visible in the distance (standing view)



Figure 10: View over the top of the existing dwelling at 103 Dover Road from the front balcony of No.105 Dover Road. The top of the Harbour Bridge is visible in the distance (standing view)

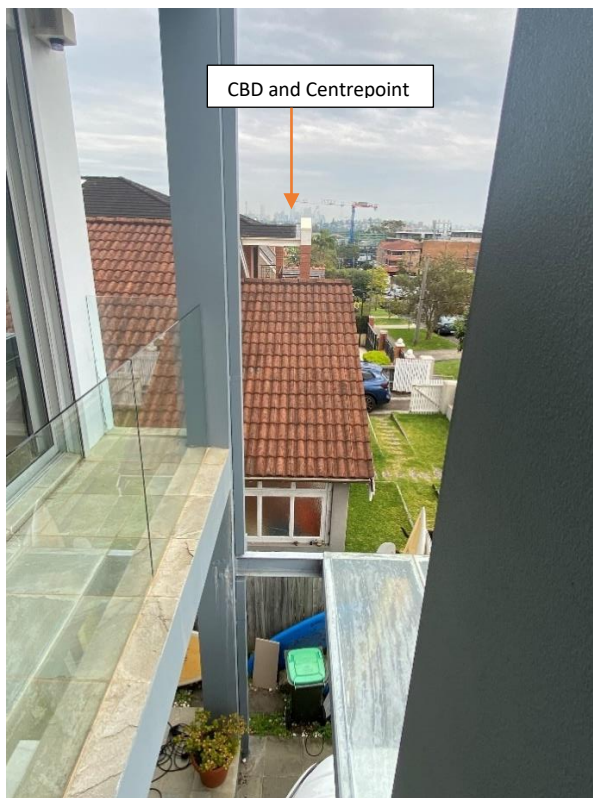


Figure 11: View over the top of the existing dwelling at 103 Dover Road from the front balcony of No.105 Dover Road. The CBD and Centrepont is visible in the distance (standing view)

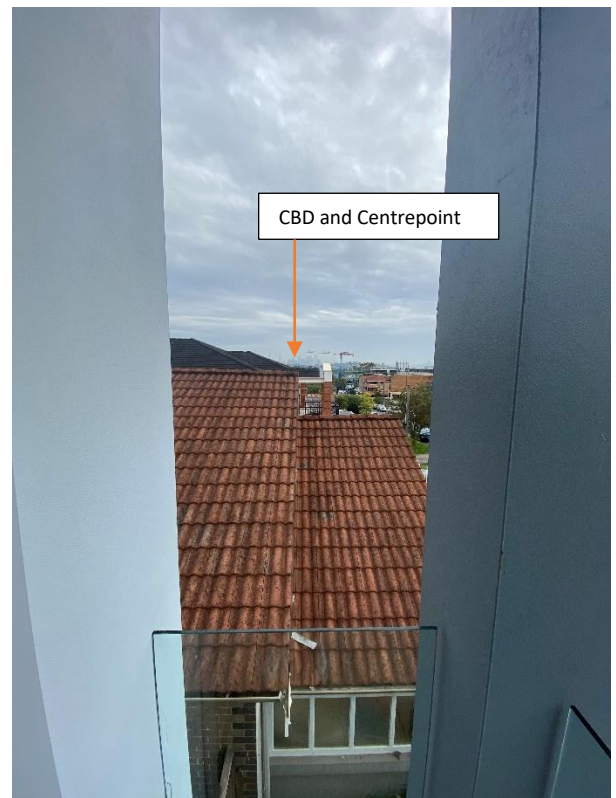



Figure 12: View over the top of the existing dwelling at 103 Dover Road from the front balcony of No.105 Dover Road. The CBD and Centrepont is visible in the distance

Whilst it is acknowledged that the subject views identified above are across side boundaries which, as outlined in the Tenacity planning principle, are more difficult to protect, the impact on the iconic Harbour Bridge view as a result of the proposed development is considered to be unreasonable,

particularly given the significant breach of the FSR development standard. A more skilful design could provide the applicant with reasonable amenity and reduce the impact on the views that the neighbouring property currently enjoys. Further design resolution is required to reduce the extent of building envelope proposed, with a lightening of the architectural expression required at the front elevation to facilitate views across the development. Having regard to the above view impacts it is considered that the proposal is unreasonable given the environmental amenity of the adjoining properties is not preserved.

It is noted that the property at No.107 Dover Road provided a submission which also raised concerns regarding view loss impacts. Photos supplied from this property appear to show the view towards the CBD being partially obstructed as a result of the proposed development, however, impacts appear less severe with views towards the Harbour Bridge being retained (refer to **Figures 13** and **14** below).

View Impact from No.107 Dover Road, Rose Bay as provided by objector submission

	
<p>Figure 13: View from the front balcony of No.107 Dover Road as supplied in objector submission</p>	<p>Figure 14: View from the front balcony of No.107 Dover Road as supplied in objector submission</p>

2.2. Other Impacts of the Development

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

2.3. Suitability of the Site for the Development

The site is not considered suitable for the proposal.

2.4. Any Submissions

The original application was notified for 14 days between 18 July and 4 August 2022 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

Following receipt of amended plans and additional information, the application was re-notified to objector properties for 7 days between 12 and September 2022.

Two submissions were received during notification of the original plans and one submission during notification of the amended plans from the following properties:

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

Count	Property Address
1.	105 Dover Road, Rose Bay (original and amended)
2.	107 Dover Road, Rose Bay (original)

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

- View Impacts
- Overshadowing
- Visual bulk and scale

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

Issue: *Overlooking into rear private open space.*

Response: There is a mutual degree of overlooking between properties into the rear private open space from upper level balconies. Privacy screens are proposed to both sides of the rear first floor level balcony which is considered to be satisfactory in regard to visual privacy. Notwithstanding, the application is recommended for refusal.

Issue: *Non-compliant building height.*

Response: The proposal is compliant with the height development standard of Waverley LEP 2012 and the control for wall height under Waverley DCP 2012.

2.5. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Traffic and Development

The development application was referred to Council's Traffic Engineer who raised no objection subject to conditions.

3.2. Stormwater

The development application was referred to Council's Stormwater Engineer who raised no objection subject to conditions.

3.3. Tree Management

The development application was referred to Council's Tree Management officer who raised no objection subject to conditions.

4. CONCLUSION

The development application seeks consent for demolition, tree removal, excavation and construction of a new two storey dwelling with integrated garage at the site known as 103 Dover Road, Rose Bay.

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

- Non-compliant FSR
- View loss
- Overshadowing
- Visual bulk and scale
- Extent of excavation and basement floor level proposed

The assessment finds these issues unacceptable as they result in unreasonable impacts on the neighbouring properties and the locality and is not in the public interest.

A total number of three submissions from two properties 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 refusal.

Development and Building Unit (DBU) Decision:

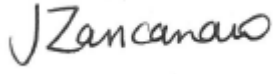

The application was reviewed by the DBU at the meeting on 20 September 2022 and the DBU determined:

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

DBU members: *M Reid, B McNamara, E Finnegan and B Magistrale*

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Jo Zancanaro	Bridget McNamara
Senior Development Assessment Planner	Manager, Development Assessment (Area 3) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 10 October 2022	Date: 19 October 2022

Reason for WLPP referral:

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

APPENDIX A – REASONS FOR REFUSAL

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

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

- a. *Clause 4.4 Floor Space Ratio*

The application exceeds the maximum allowable Floor Space Ratio (FSR) of 0.5:1 and the applicant's written request under clause 4.6 of Waverley LEP 2012 has failed to adequately address the required matters under subclauses 4.6 (3)(a) and (b) of Waverley LEP 2012.

Details: The proposal is considered an overdevelopment of the site and the proposed development does not preserve the environmental amenity of neighbouring properties and the surrounding locality as required under clause 4.4 (1) (d) of Waverley LEP 2012.

2. The application does not satisfy section 4.15 (1)(a)(iii) of the Act as it is contrary to Waverley Development Control Plan (DCP) 2012, in respect to the following provisions:

Part B12 Design Excellence

- a. *Section 12.1 Design*, specifically objectives (a) and (d) control (e), and *Section 12.2 Context Analysis* specifically objectives (a), (b), (c) and (d), as the proposal has failed to consider the suitability of the land for development given the extent of excavation required, the relationship of the development to other development (existing or proposed) on the same site or on neighbouring sites in terms of setbacks, amenity and urban form, the overall bulk and massing of the development and environmental impacts such as overshadowing, solar access and view loss. The development does not demonstrate an understanding of an appropriate response to the specific conditions of the site nor ensure that the opportunities and constraints of a site are fully considered and incorporated into the design proposal.

Part B14 Excavation

- b. Objectives (b) and (f) and controls (d) under this Part, given the extensive basement car park proposed which is capable of accommodating car parking which exceeds the maximum car parking controls of Waverley DCP 2012.

Part C2 Low Density Residential Development

- c. *Section 2.2 Setbacks*, specifically objectives (d), (f) and (g) and controls (a) and (b) as the proposed development has a rear setback that is inconsistent with the predominant rear building line.

- d. *Section 2.6 Solar Access*, specifically objectives (a), (b), (c) and (d) and controls (c) and (e) as the proposed development results in unacceptable overshadowing impacts on the adjoining properties to the east. Overshadowing arising out of poor design is unacceptable especially where it does not satisfy numerical guidelines.
 - e. *Section 2.7 Views*, specifically objectives (a) and (b) and controls (c) and (d) as the proposed development results in unacceptable view loss impacts on the adjoining property to the east at No.105 Dover Road, Rose Bay.
- 3. The application does not satisfy section 4.15 (1)(b) of the Act as the proposed development is excessive in terms of its building massing, bulk and scale relative to the site area and dimensions, and consequently results in unacceptable amenity impacts upon the locality and surrounding built environment.
- 4. The application is contrary to section 4.15 (1)(c) of the Act due to the site being unsuitable to accommodate the proposed development.
- 5. The application is contrary to section 4.15 (1)(d) of the Act in relation to matters raised in the public submissions received that object to the proposed development.
- 6. The application is contrary to section 4.15 (1)(e) of the Act in relation to the public interest as it is not compatible with the existing and desired future character of the locality and the broader Waverley local government area.

DEVELOPMENT APPLICATION
103 DOVER STREET, ROSE BAY
AUGUST 2022

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Waverley Council
Application No: DA-292/2022
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Series	Drawing No.	Drawing Name	Scale	Rev	Size
	DA-001-000	Notification Plan	1:3....		A3...
	DA-001-001	Cover	1:1....		A3...
	DA-001-002	Title Sheet	1:2		A3...
	DA-001-003	Basix	1:2....	A	A3...
Siteworks					
	DA-010-001	Survey	1:1		...
	DA-010-010	Site Plan	1:150	B	A3...
	DA-010-020	Site Management and Demolition Plan	1:2...	B	A3...
	DA-010-030	Site Analysis	1:200	B	A3...
	DA-010-040	Landscape Diagram	1:150	B	A3...
	DA-010-050	Site Waste and Recycling Management Plan	1:100	A	A3...
GA Plans					
	DA-110-07	Basement	1:100	B	A3...
	DA-110-008	Ground Level	1:100	B	A3...
	DA-110-010	Level 1	1:100	B	A3...
	DA-110-011	Roof	1:100	B	A3...
GA Elevations					
	DA-210-101	Elevations	1:100	B	A3...
	DA-210-102	Elevations	1:100	B	A3...
GA Sections					
	DA-310-101	Section A,B&C	1:100	B	A3...
600 Window Schedule					
	DA-600-001	Window Schedule - Sheet 1	1:1	B	A3...
	DA-600-002	Window Schedule - Sheet 2	1:1	B	A3...
	DA-600-003	Window Schedule - Sheet 3	1:1	B	A3...
	DA-600-004	Window Schedule - Sheet 4	1:1	B	A3...
FSR DIAGRAM					
	DA-810-001	FSR DIAGRAMS	1:150	B	A3...
Shadow Diagrams					
	DA-820-001	Proposed Development	1:1...	B	A3...
	DA-820-010	Elevation - Existing Building Envelope	1:100	A	A3...
	DA-820-011	Elevation - Complied Building envelope	1:100	A	A3...
	DA-820-012	Elevation - Proposed Building Envelope	1:100	A	A3...
Building Envelope					
	DA-825-001	Existing - 105 Adjacent Building Elevation	1:100	A	A3...
	DA-825-002	Complied Building Envelope - 105 Adjacent ...	1:100	A	A3...
	DA-825-003	Proposed Building Envelope - 105 Adjacent ...	1:100	A	A3...
	DA-825-004	Comparing Building Envelopes	1:1...	A	A3...
	DA-825-005	Existing - 101 Adjacent Building Elevation	1:100		A3...
	DA-825-06	Complied Building Envelope - 101 Adjacent ...	1:100		A3...
	DA-825-007	Proposed Building Envelope - 101 Adjacent ...	1:100		A3...
Material Board					
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3D VIEWS					
	DA-910-001	Perspective 01	1:1....	B	A3...
	DA-910-002	Perspective 02	1:1....	B	A3...
	DA-910-003	Perspective 03	1:1....	B	A3...

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GENERAL
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drawing no
DA-001-002

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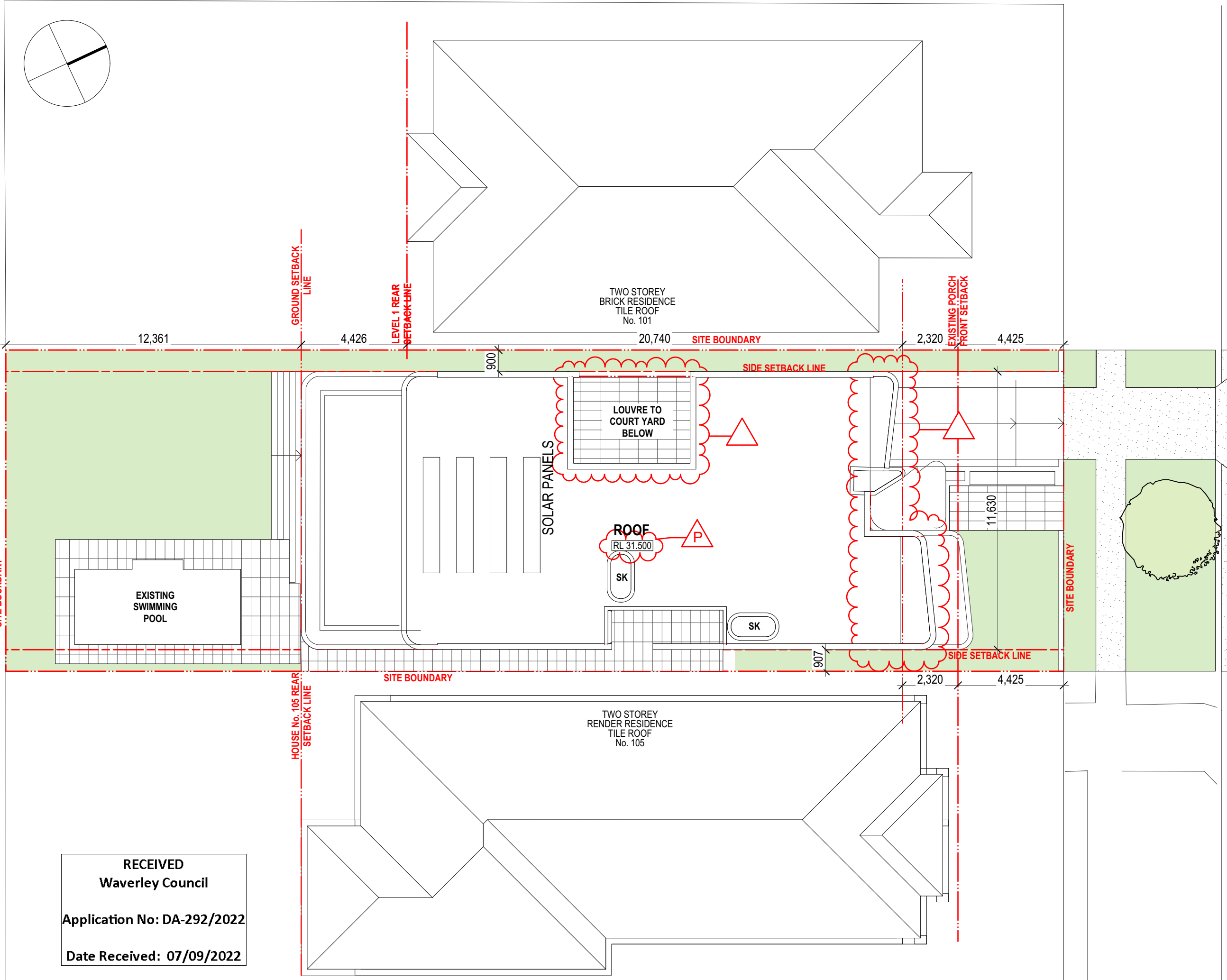
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drawing
Siteworks
Site Plan

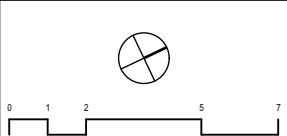
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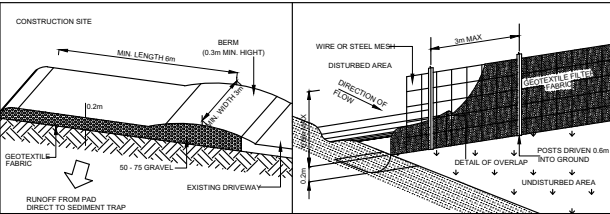
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TEMPORARY CONSTRUCTION DRIVEWAY (NOT TO SCALE)

SEDIMENT FENCE (NOT TO SCALE)
DRAINAGE AREA 0.6 ha MAX. SLOPE GRADIENT 12 MAX. SLOPE LENGTH 60M MAX

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BEFORE YOU DIG

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DIAL1100
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NOTE: AS THERE IS NO ROOM FOR A TURNING CIRCLE AND IMPOSSIBLE FOR TRUCKS TO LEAVE THE SITE IN A FORWARD MANNER, TRUCKS TO BE DIRECTED OUT AT ALL TIMES BY WHERE POSSIBLE BY SITE SUPERVISOR

VEHICLES TO ENTER THE SITE ONTO AREA OF ROAD BASE AS INDICATED WASHED OFF AS NECESSARY AND LEAVE THE SITE IN A SAFE MANNER

PROVISIONS FOR PUBLIC SAFETY	BUILDERS / OHS / DANGER SIGNS WITH AFTER HOURS CONTACT NUMBERS
DUST CONTROL MEASURES	WATERING OF DUST FROM EXCAVATION
METHODS OF DISPOSAL OF DEMOLITION MATERIALS	REFER TO WASTE MANAGEMENT REPORT
LOCATION AND SIZE OF WASTE CONTAINERS / BULK BINS	WASTE BINS AS INDICATED ON SITE PLAN
CONSTRUCTION NOISE AND VIBRATION MANAGEMENT	WILL BE KEPT TO AUSTRALIAN STANDARDS
CONSTRUCTION TRAFFIC MANAGEMENT PROVISIONS	TRAFFIC CONTROL AS REQUIRED ACCESS VIA TEMPORARY GRAVEL DRIVEWAY
TREE PRESERVATION	NOT APPLICABLE
TEMPORARY TOILET	PROVIDED TO FRONT OF SITE

SEDIMENT CONTROL INSTALLATION SEQUENCE

1. ESTABLISH A SINGLE STABILISED ENTRY/EXIT POINT (RUMBLE PAD).
2. INSTALL SEDIMENT FENCE(S) ALONG THE LOW SIDE OF THE SITE.
3. DIVERT UP-SLOPE WATER AROUND THE WORK SITE AND APPROPRIATELY STABILISE ANY DRAINAGE CHANNELS.
4. CLEAR ONLY THE AREAS NECESSARY (MAINTAINING VEGETATION ON PATHS).
5. STOCKPILE TOPSOIL WITHIN THE SEDIMENT CONTROLLED ZONE.
6. STABILISE EXPOSED EARTH BANKS (FOR EXAMPLE, WITH VEGETATION OR EROSION CONTROL BLANKETS).
7. INSTALL ON-SITE WASTE RECEPTACLES (MINI-SKIPS, BINS, WIND-PROOF LITTER RECEPTORS).
8. INSTALL ROOF DOWNPIPES AS SOON AS PRACTICABLE AFTER THE ROOF IS LAID.
9. ENSURE THAT ALL CONTROL MEASURES ARE MAINTAINED IN GOOD WORKING ORDER.
10. REVEGETATE OR OTHERWISE STABILISE THE SITE.

SEDIMENT CONTROLS

STABILISED ENTRY / EXIT POINT

- *MANAGE ENTRY/EXIT POINT (RUMBLE PAD) SO THAT SEDIMENT IS NOT TRACKED OFF THE SITE.
- *RESTRICT SITE ACCESS TO ONE STABILISED LOCATION. RECOMMENDED CONSTRUCTION METHOD FOR STABILISING ACCESS POINTS IS A 150-200 MM DEEP PAD OF MINIMUM 40 MM CRUSHED ROCK. THE PAD SHOULD BE AT LEAST 2 METRES WIDE AND EXTEND FROM THE KERB TO THE BUILDING SLAB.
- *WHERE THE ENTRY/EXIT PAD SLOPES TOWARDS THE ROAD, A 200 MM HIGH BUND (HUMP) SHOULD BE INSTALLED ACROSS THE PAD TO DEFLECT STORMWATER RUN-OFF TO THE SIDE WHERE IT CAN BE FILTERED BY A SEDIMENT FENCE.

NOTE: THE LOCATION OF THE PERMANENT DRIVEWAY MAY NOT BE AN APPROPRIATE LOCATION FOR THE CONSTRUCTION ENTRANCE.

SEDIMENT BARRIERS AND FENCES

- *INSTALL GEOTEXTILE SEDIMENT BARRIERS AND FENCES ALONG THE LOWER SIDE OF THE SOIL DISTURBANCE. (WIRED TO STEEL POSTS).
- *THE SUPPORT POSTS ARE SPACED NO GREATER THAN 2 METRES APART AND THE SEDIMENT FENCE BURIED TO A DEPTH OF 200 MM.
- *SEDIMENT BARRIERS NOT BE LOCATED OUTSIDE PROPERTY BOUNDARIES WITHOUT COUNCIL APPROVAL.
- *SEDIMENT BARRIERS ONLY PLACED ON THE ROAD AS A LAST RESORT.
- *HAY BALES COULD BE USED TO RESTRICT THE FLOW OF SEDIMENT-LADEN WATER.

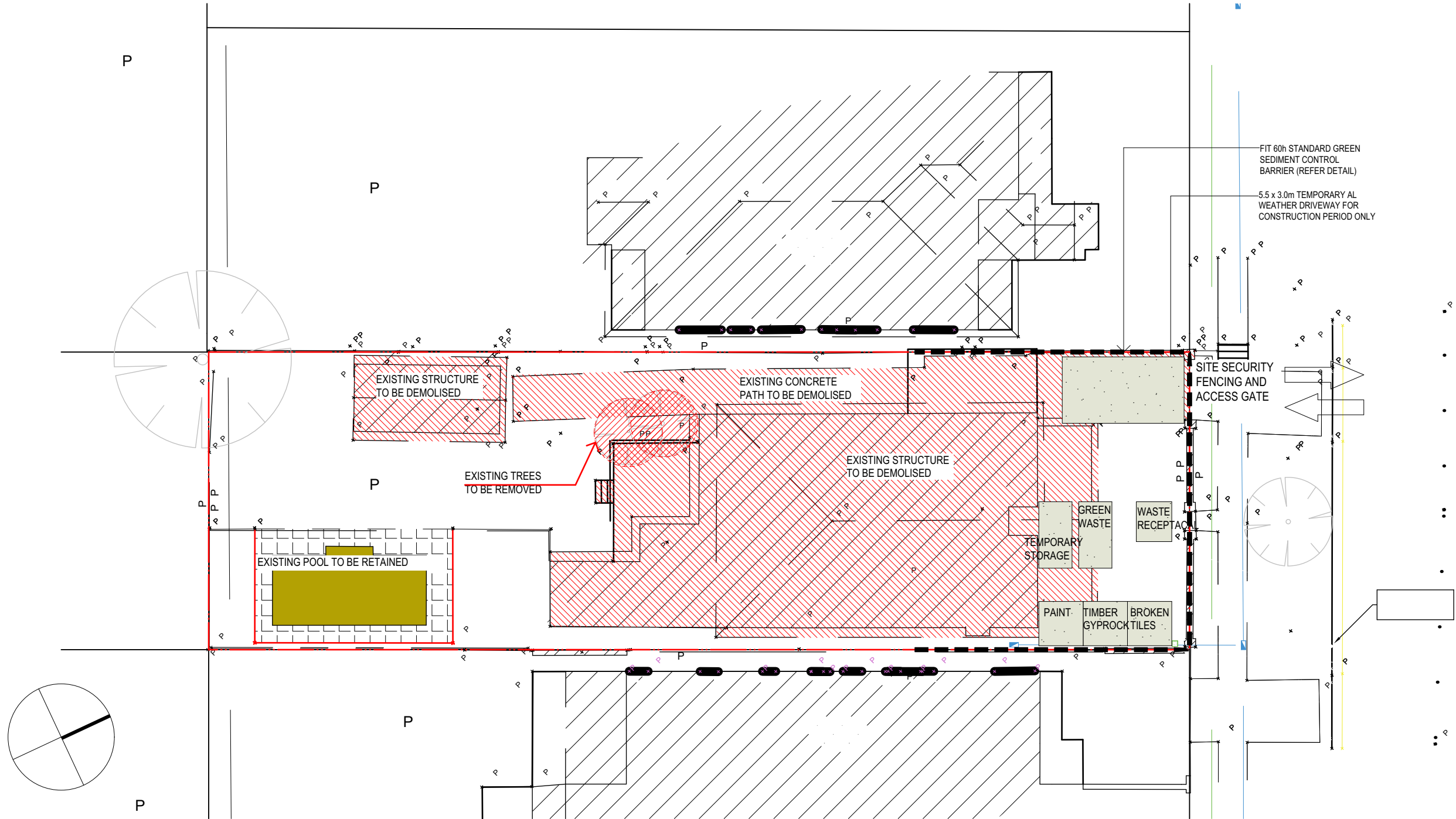
EROSION CONTROLS

EARTHWORKS

- *EARTHWORKS TO BE KEPT TO A MINIMUM, AND SHOULD ONLY BE COMMENCED IMMEDIATELY PRIOR TO BUILDING.
- *MAINTAIN AS MUCH SOIL COVERAGE AS POSSIBLE WITH THE USE OF GRASS, LEAF LITTER AND MULCH (ONLY ON GARDEN BEDS), GRAVEL OR EROSION CONTROL BLANKET (ECB) OR MATTING.
- *VEGETATION LOCATED DOWN-SLOPE OF THE WORK SITE ASSISTS IN FILTERING OUT SEDIMENT. WHERE PRACTICABLE, MAINTAIN KERB VEGETATION IN A HEALTHY STATE DURING THE BUILDING PROCESS.
- STOCKPILES**
- *STOCKPILES AND BUILDING MATERIALS SHOULD NOT BE STORED ON THE FOOTPATH OR WITHIN THE ROAD RESERVE, UNLESS PERMISSION OBTAINED FROM LOCAL COUNCIL.
- *MINIMISE STOCKPILE LOSSES WITH THE USE OF COVERS. ALL STOCKPILES AND BUILDING MATERIALS SHOULD BE LOCATED WITHIN THE SEDIMENT CONTROL ZONE, FOR EXAMPLE BEHIND A SEDIMENT FENCE.
- *STOCKPILES NOT TO BE LOCATED WITHIN AN OVERLAND FLOW PATH.

MAINTENANCE OF CONTROL MEASURES

- ALL EROSION, SEDIMENT AND DRAINAGE CONTROL MEASURES NEED TO BE REGULARLY CHECKED AND MAINTAINED IN GOOD WORKING ORDER. BEST PRACTICE INCLUDES ANTICIPATION OF POTENTIAL RISKS AND BEING PREPARED FOR ABNORMAL CIRCUMSTANCES AND EMERGENCIES.
- THESE MEASURES INCLUDE:
- *STOCKPILE EXTRA SEDIMENT FENCE FABRIC AND POSTS ONSITE TO FACILITATE EMERGENCY REPAIRS.
 - *REAPPLY CRUSHED ROCK TO THE ENTRY/EXIT PAD (RUMBLE PAD) IF EXCESSIVE SEDIMENT BUILD-UP OCCURS.
 - *REPAIR ERODED DRAINAGE CHANNELS WITH ROCK, TURF OR EROSION CONTROL BLANKETS OR MATTING.
 - *ENSURE BUILT-UP SEDIMENT IS REMOVED AT REGULAR INTERVALS FROM SEDIMENT BARRIERS.
 - *CHECK DAILY AND REPLACE BARRIERS DAILY IF THEY ARE RIPPED, DAMAGED OR NO LONGER ANCHORED.



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project
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103 DOVER ROAD, ROSE BAY

drawing
Siteworks
Site Management and Demolition

drawing no
DA-010-020

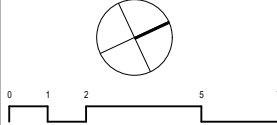
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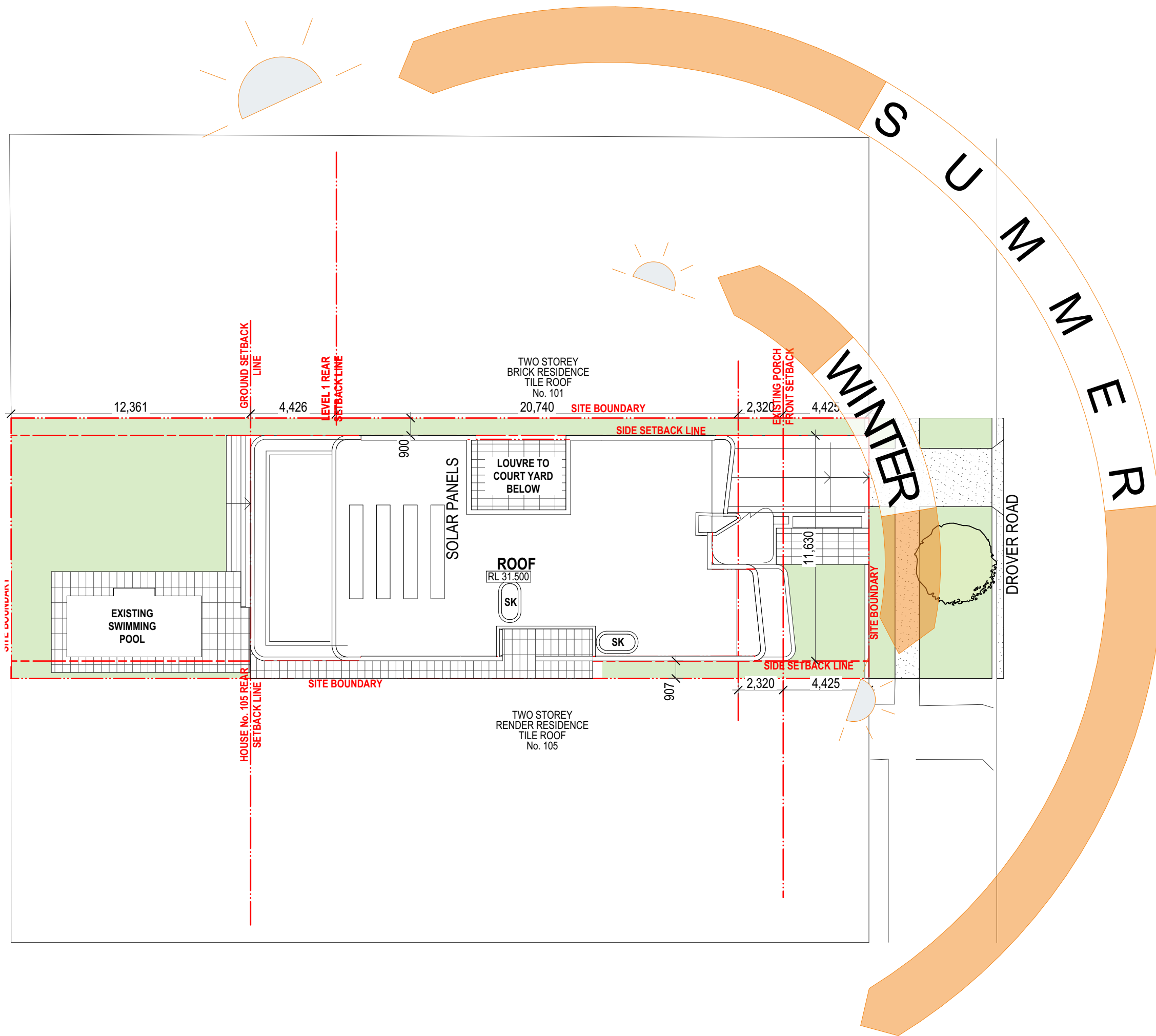
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Project
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103 DOVER ROAD, ROSE BAY

Drawing
Siteworks
Site Analysis

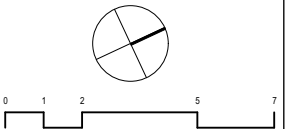
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DRAWN SL





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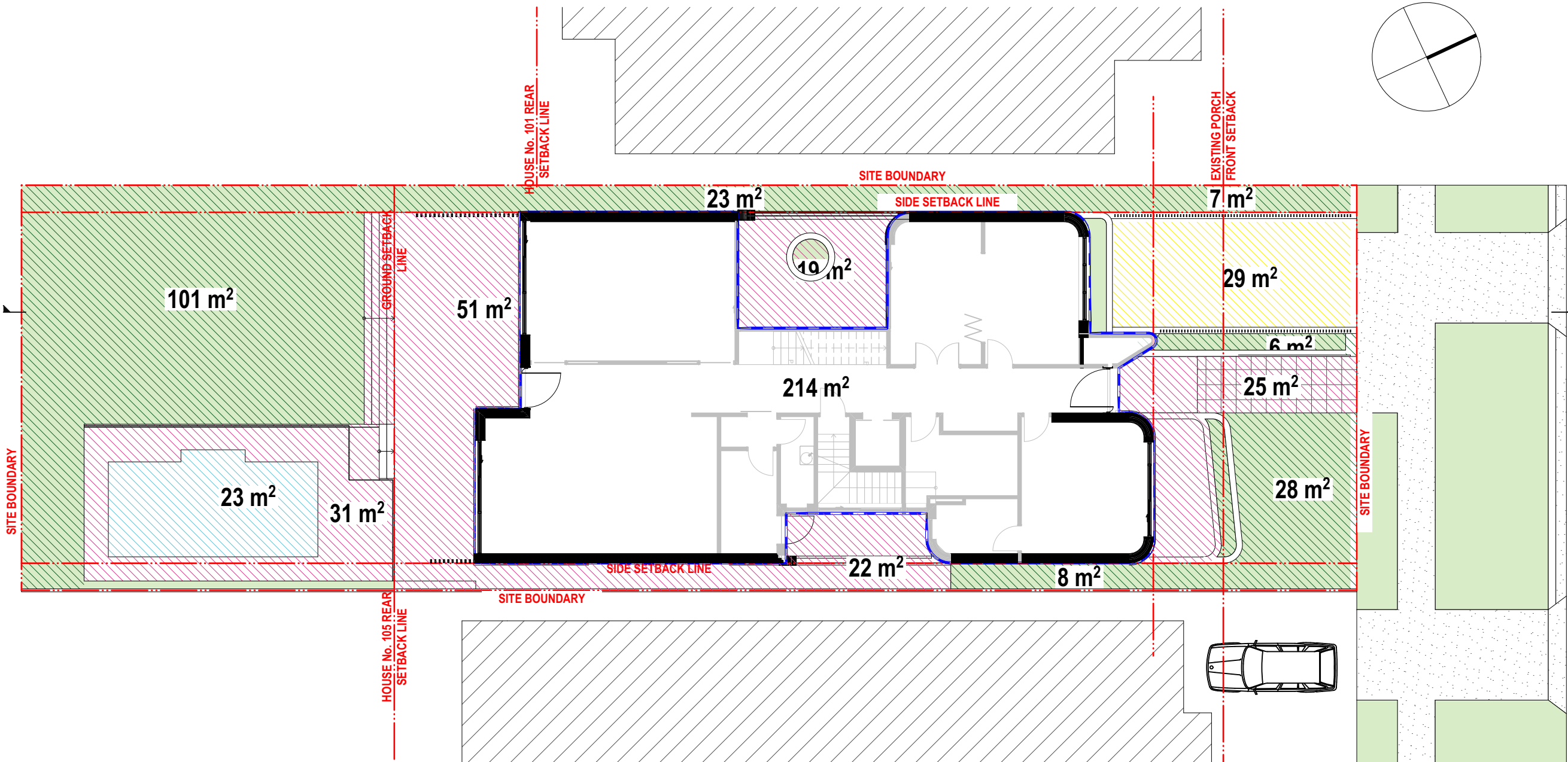


SYDNEY
BDAI
MELBOURNE

LOT B DP 325779
SITE CALCULATIONS
SITE AREA 594.4m²
FSR ALLOWANCE 0.5:1

REAR YARD		205 sqm (100%)
Soft soid	100 sqm (48.7%)	
Deck area	52 sqm (25.3%)	
Pool	53 sqm (26%)	
FRONT YARD		89 sqm (100%)
Soft Soil	41 sqm (46%)	
Paved area	21 sqm (23.6%)	
Driveway	27 sqm (30.4%)	
SITE AREA		594.4m ² or (100%)
SITE COVERAGE (%)		292.0m ² or (49.2%)
OPEN SPACE		302.4m ² or (50.8%)
SOFT SOIL/ LANDSCAPE AREA		
(Required 50% of Open space)		161.0m ² or (53%)

LEGEND:	
	LANDSCAPE ARE
	PAVED AREA
	DRIVEWAY
	POOL



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09.08.22	C	
30.05.22	B	
21.04.22	A	
date	notes	revs

DA SUBMISSION

project

BURGESS RESIDENTIAL
103 DOVER ROAD, ROSE BAY
-

drawing

Siteworks
Landscape Diagram

drawing no

DA-010-040

revision

C

scale

1 : 200 @ A1

PROJECT NO


21201

DRAWN

SL

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MB

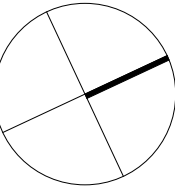


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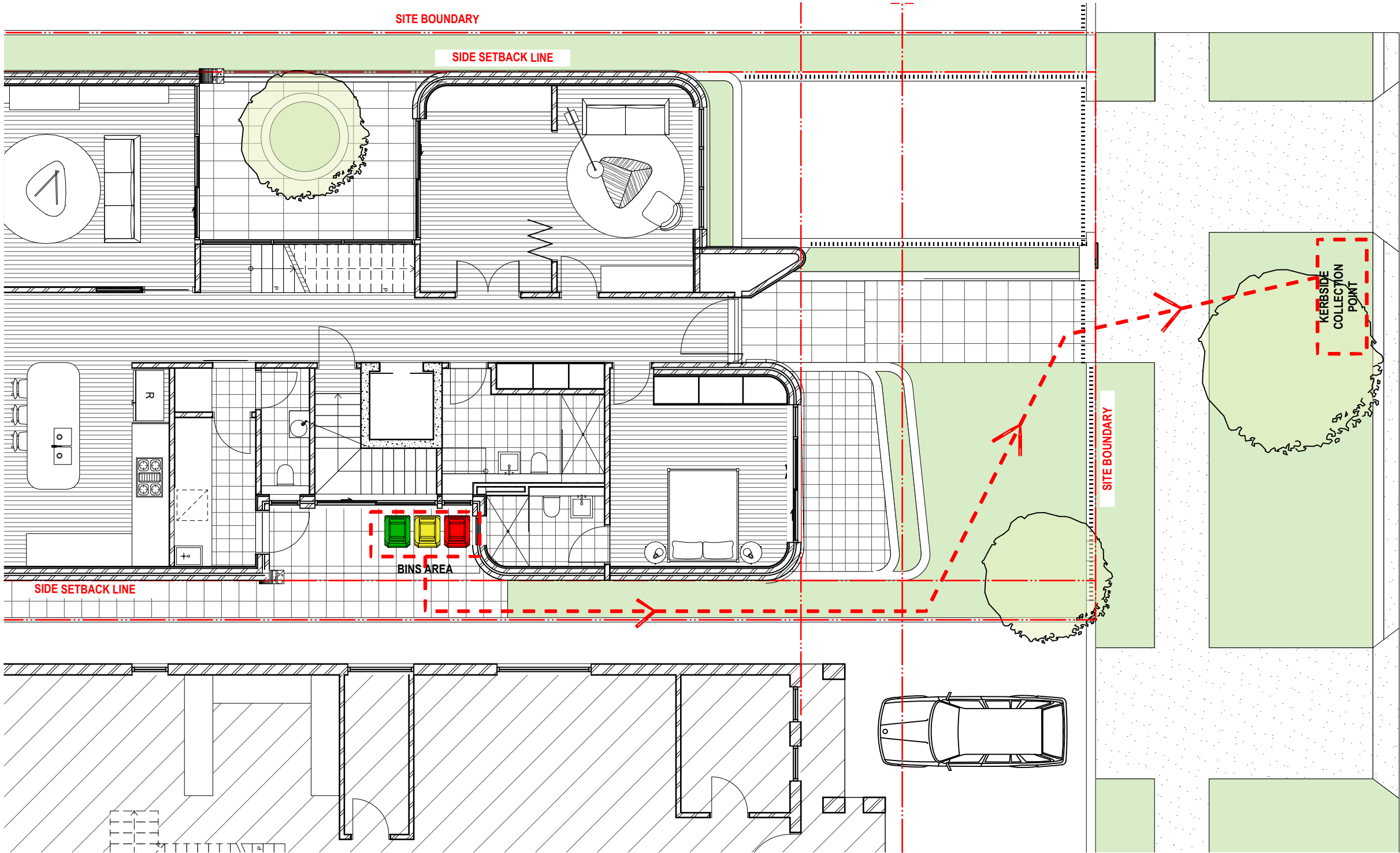
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09.08.22	B	
30.05.22	A	
date	notes	revs

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103 DOVER ROAD, ROSE BAY

drawing
Siteworks
Site Waste and Recycling Manage

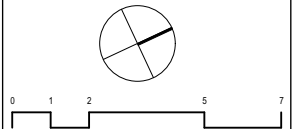
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DA-010-050	B

scale
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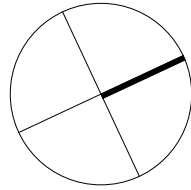
PROJECT NO 21201

DRAWN SL

CHECKED MB



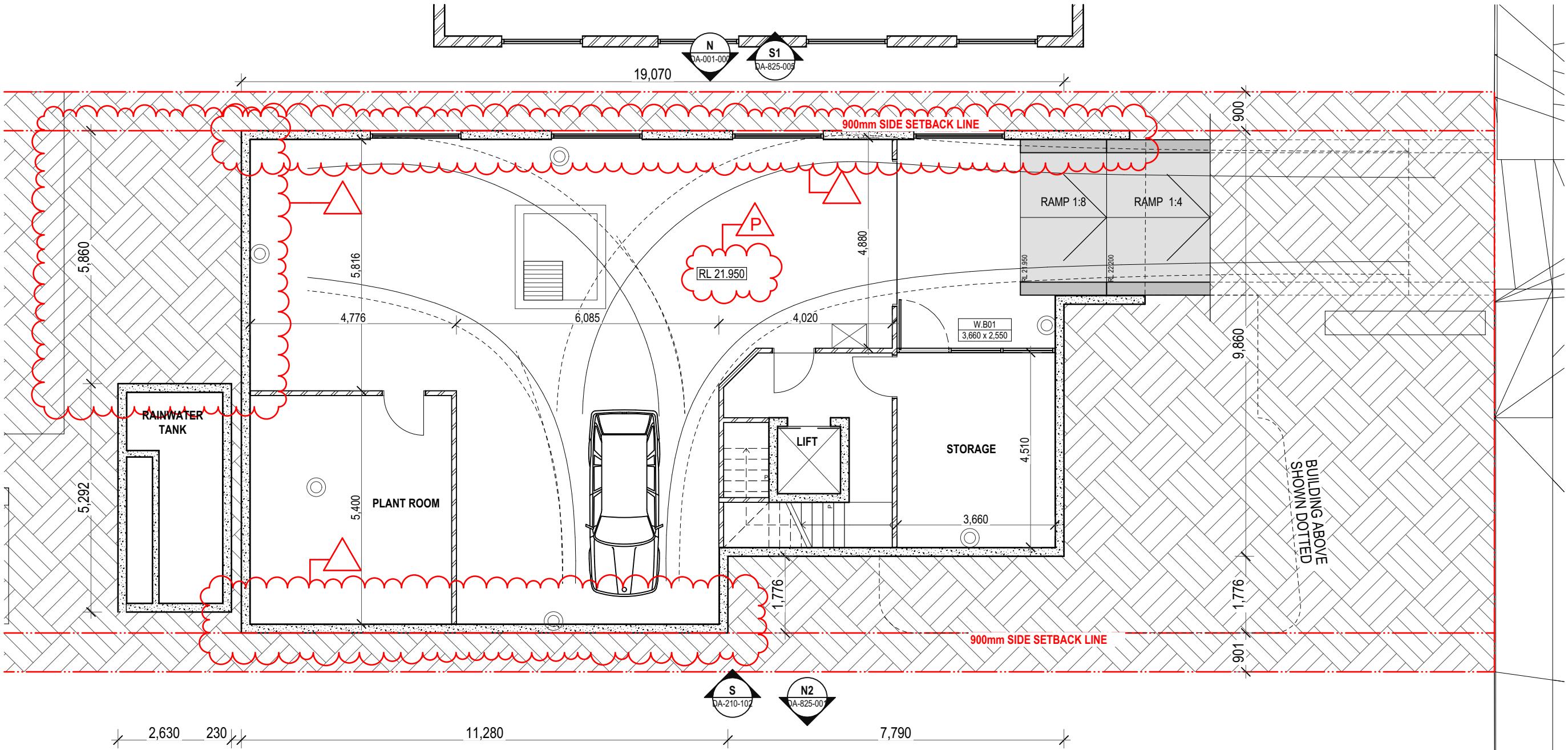
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date	notes	revs
09.08.22		C
30.05.22		B
21.04.22		A

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Project
BURGESS RESIDENTIAL
103 DOVER ROAD, ROSE BAY

Drawing
**GA Plans
Basement**

drawing no	revision
DA-110-07	C

scale
1:200 @ A1

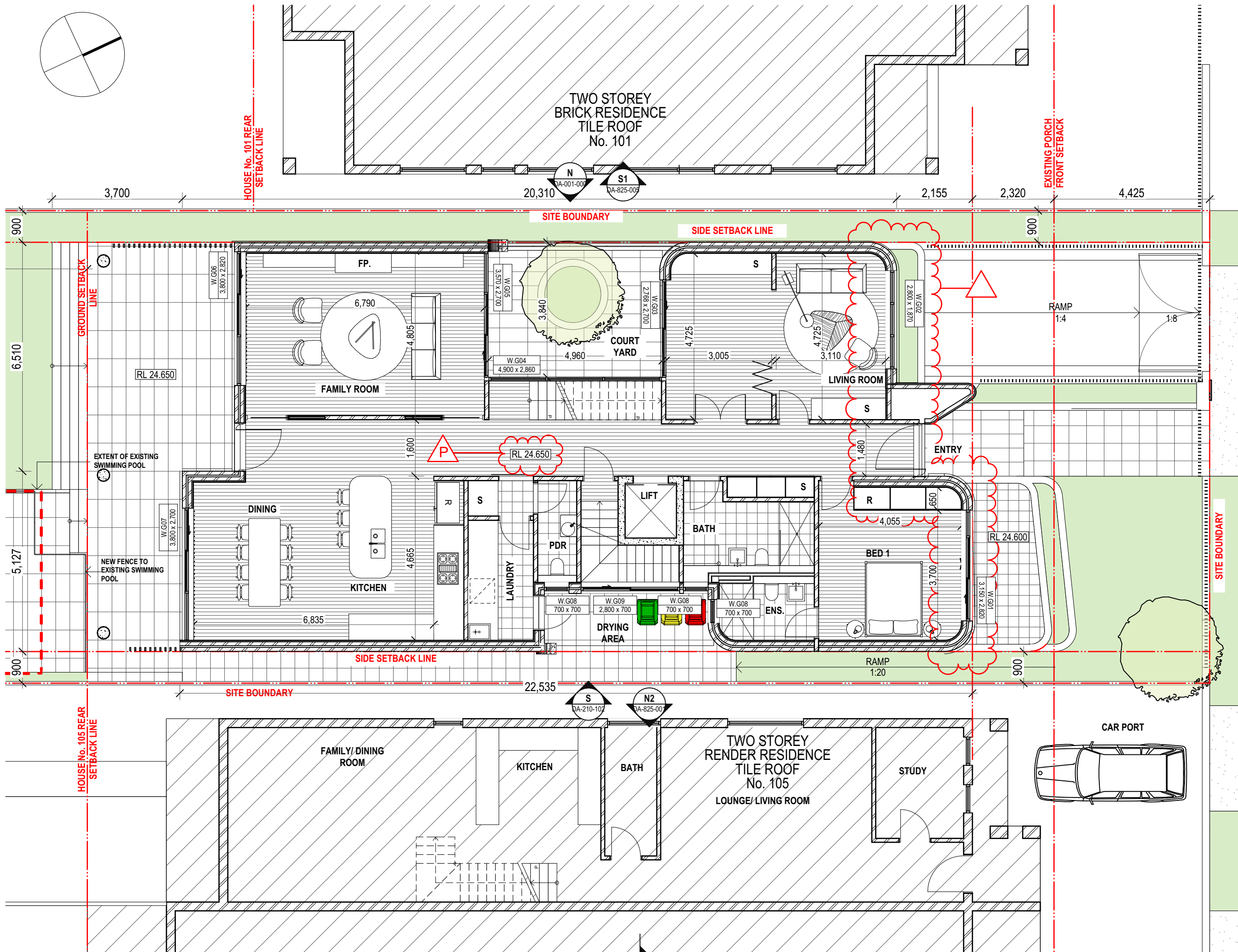
PROJECT NO	21201
DRAWN	SL
CHECKED	MB

0 1 2 5 7

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date	notes	revs

DA SUBMISSION

project
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103 DOVER ROAD, ROSE BAY

drawing
GA Plans
Ground Level

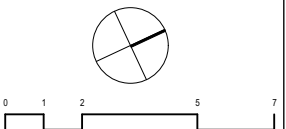
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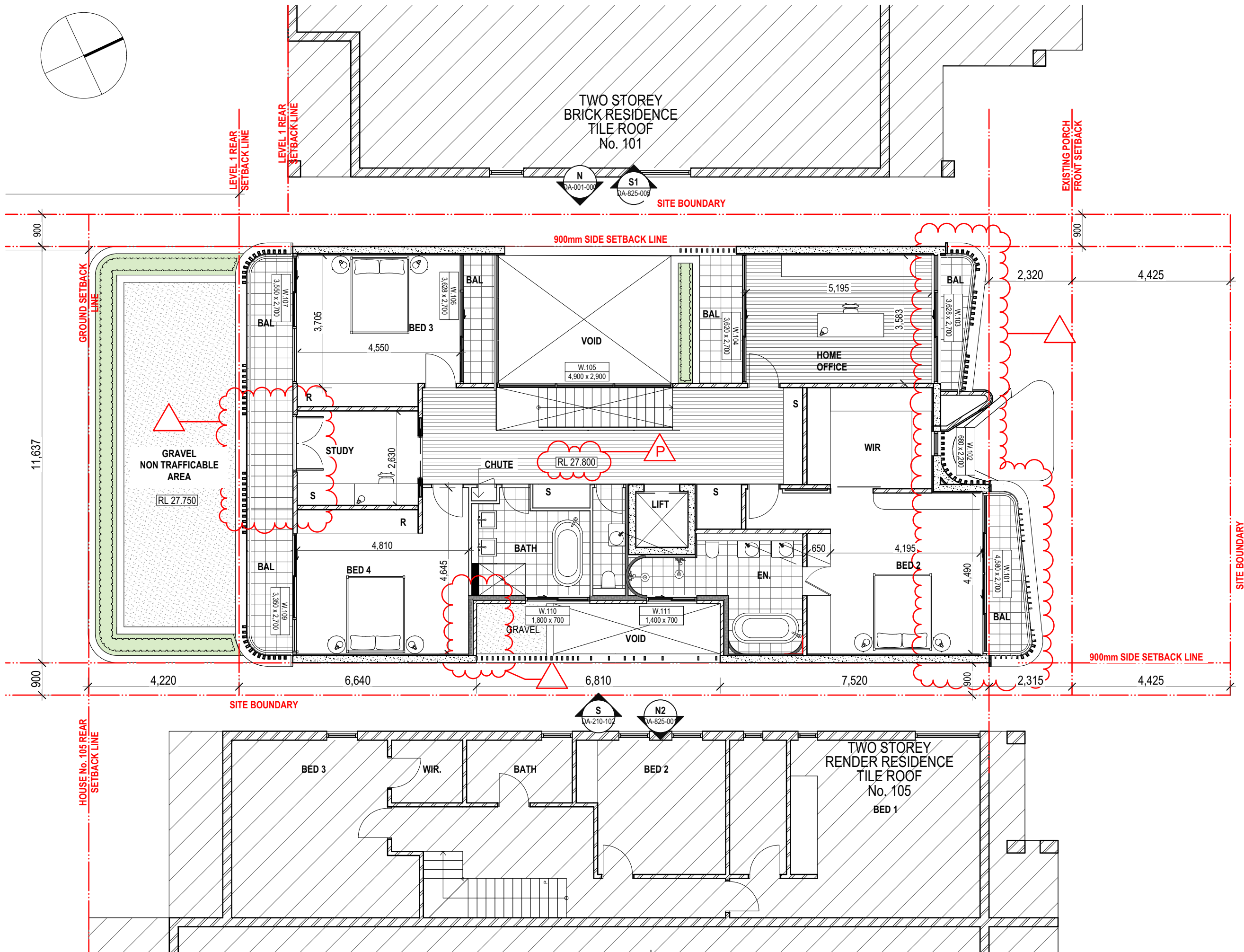
PROJECT NO 21201

DRAWN SL

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30.05.22	Requires checking	B
21.04.22	Requires checking	A
date	notes	revs

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project
BURGRESS RESIDENTIAL
103 DOVER ROAD, ROSE BAY

drawing
GA Plans
Level 1

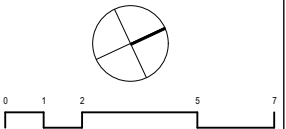
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revision
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scale
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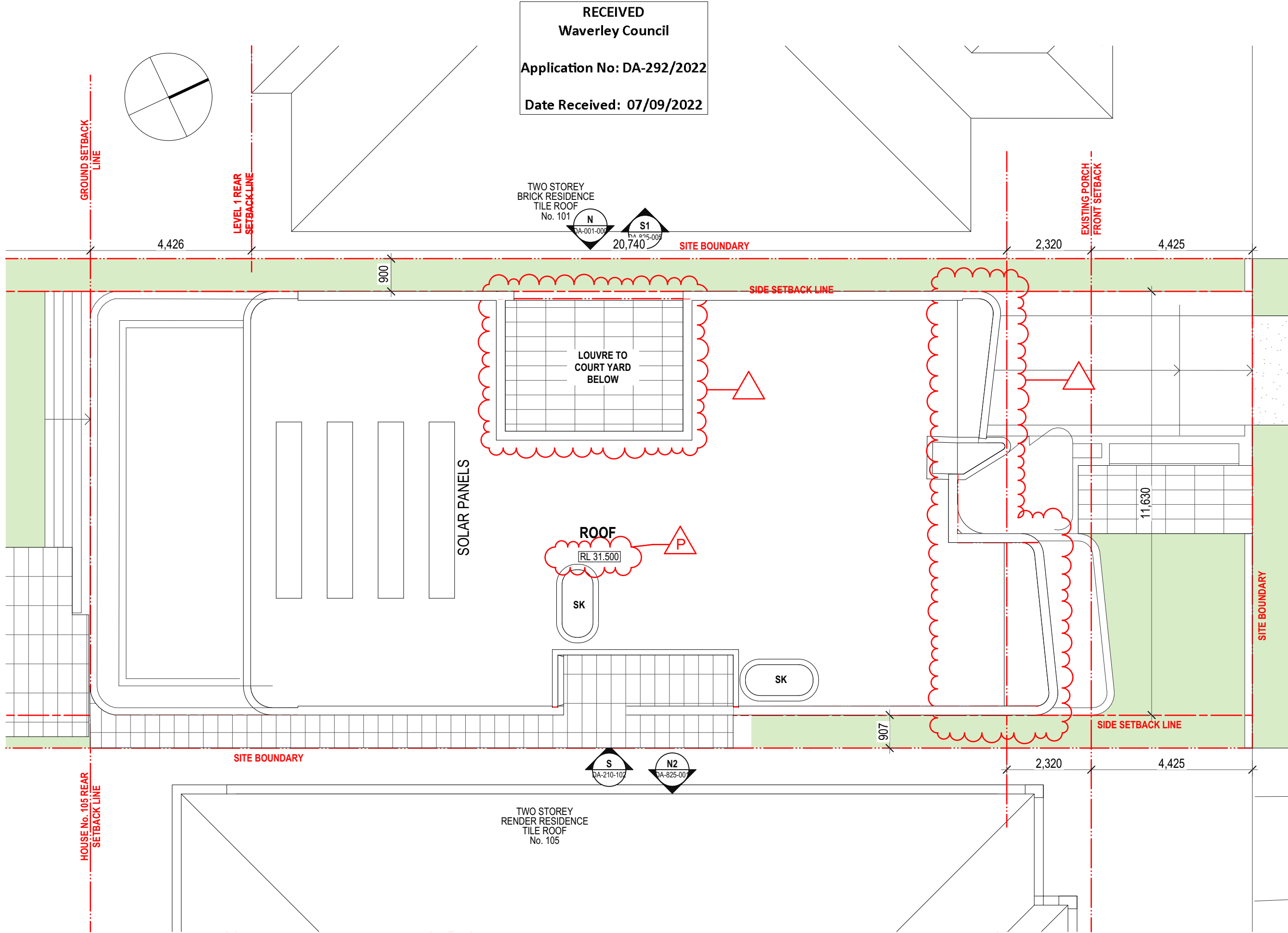
PROJECT NO 21201

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30.05.22	Requires checking	B
21.04.22	Requires checking	A
date	notes	revs

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project
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103 DOVER ROAD, ROSE BAY

drawing
**GA Plans
Roof**

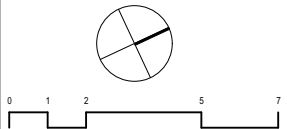
drawing no DA-110-011	revision C
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1:200 @ A1

PROJECT NO 21201

DRAWN SL

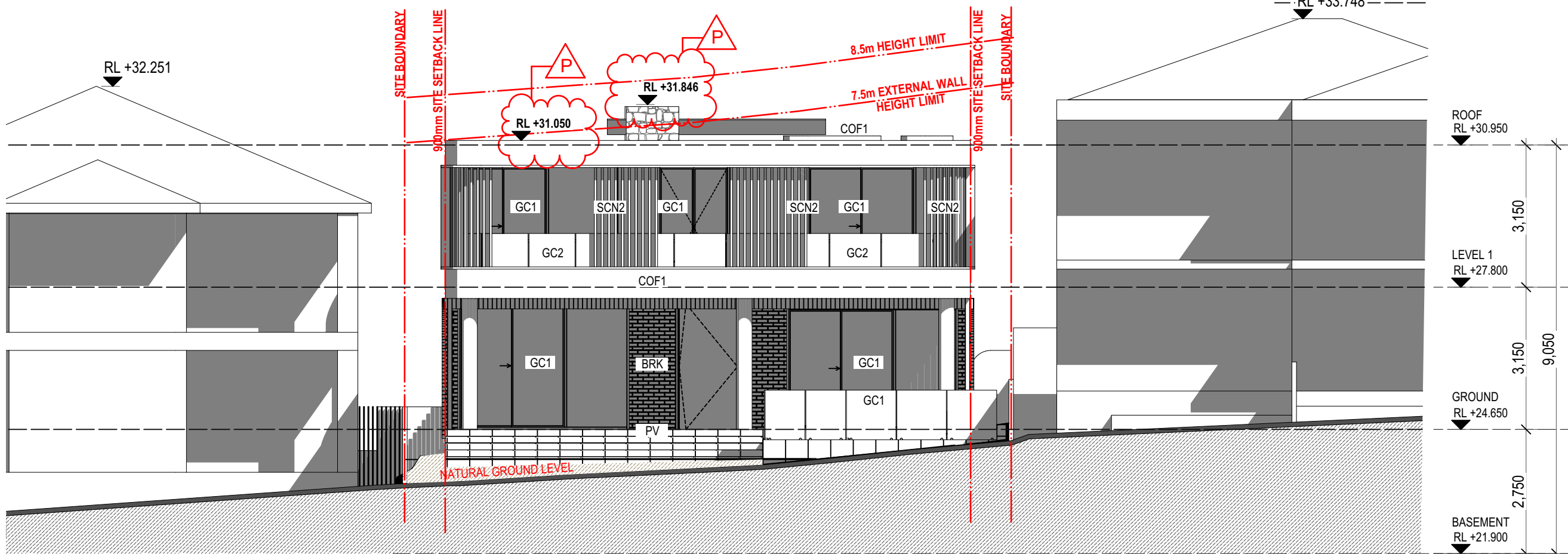
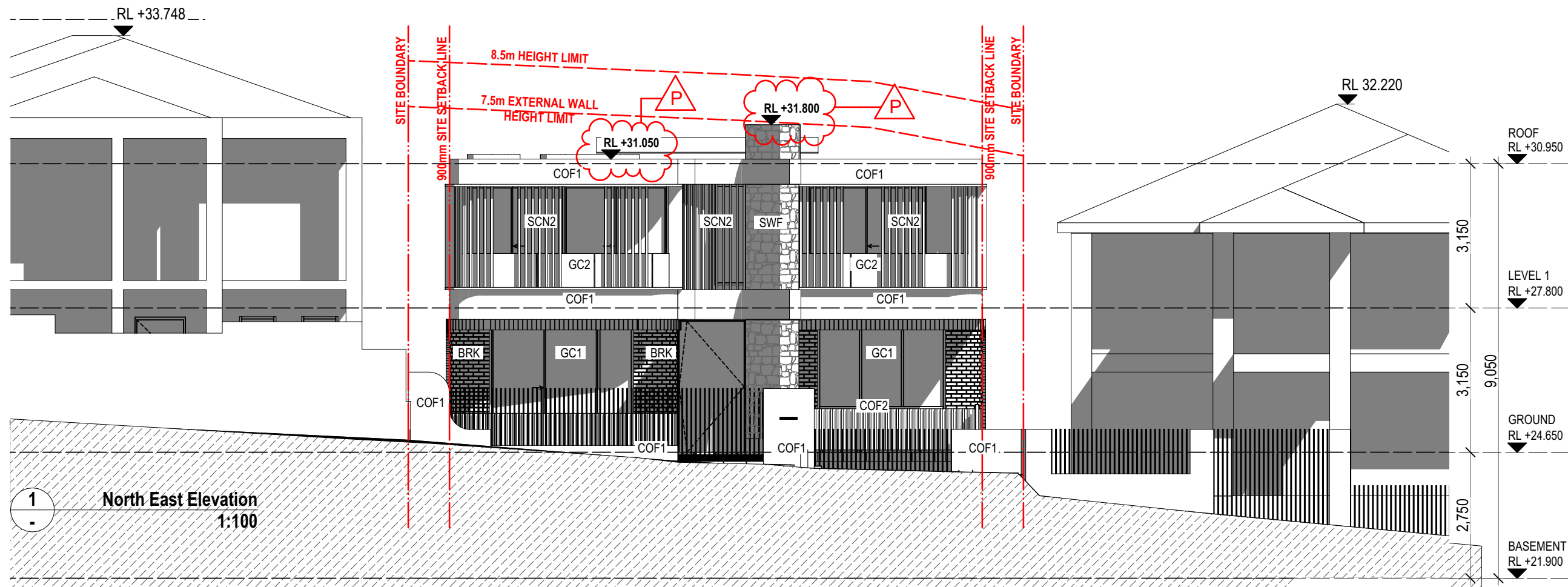
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BRK - BRICK - HAVEN WHITE

PV - PAVER SAND STONE

SWF - STONE WALL FINISH

COF1 - OFF FORM CONCRETE FINISH

COF2 - OFF FORM CONCRETE STRIPE PATTEN

SCN1 - ALUMINIUM FENCE POWDER COATED FINISH

SCN2 - ALUMINIUM SCREEN - POWDER COATED FINISH

GC1 - CLEAR GLASS GLAZING

GC2 - CLEAR GLASS BALUSTRADE

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date	notes	revs
09.08.22		C
30.05.22		B
21.04.22		A

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Project
BURGESS RESIDENTIAL
103 DOVER ROAD, ROSE BAY

Drawing
GA Elevations
Elevations

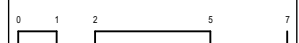
drawing no	revision
DA-210-101	C

scale
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PROJECT NO 21201

DRAWN SL

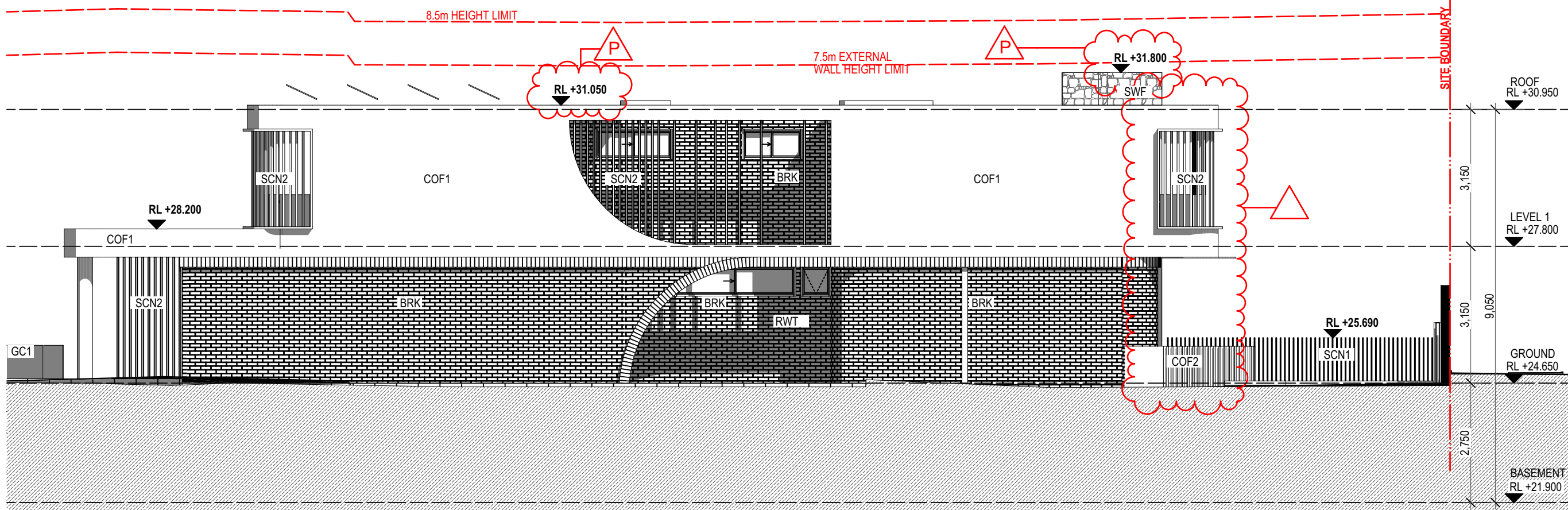
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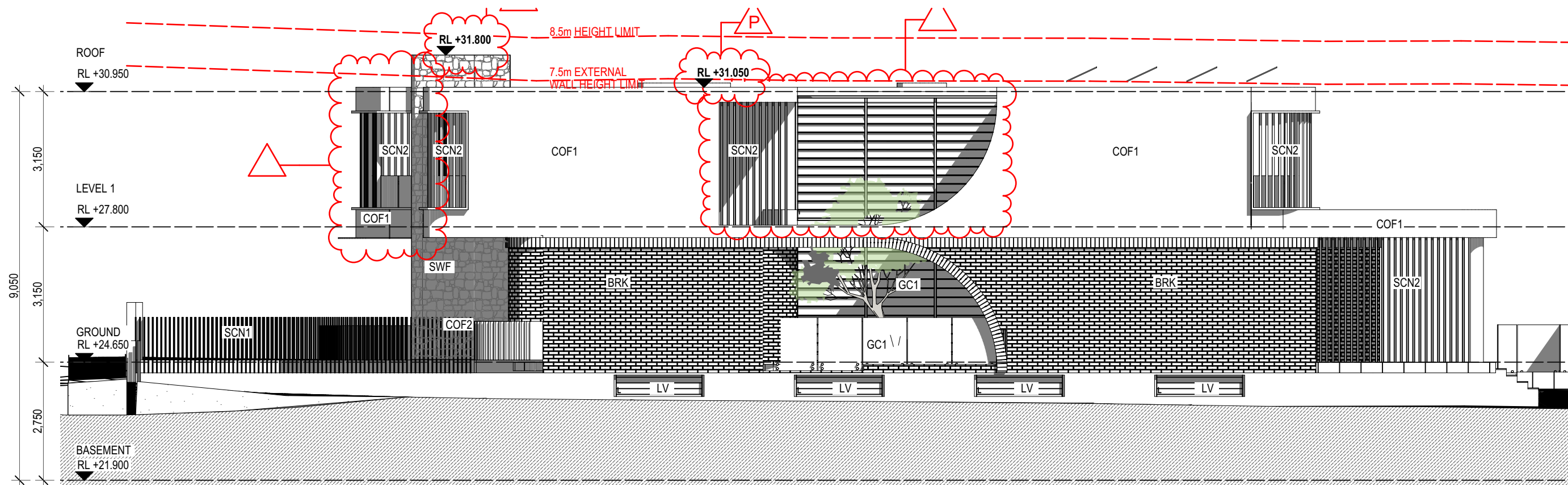
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1 South East Elevation
1:100



2 North West Elevation
1:100

- BRK - BRICK - HAVEN WHITE
- PV - PAVER SAND STONE
- SWF - STONE WALL FINISH
- COF1 - OFF FORM CONCRETE FINISH
- COF2 - OFF FORM CONCRETE STRIPE PATTEN
- SCN1 - ALUMINIUM FENCE POWDER COATED FINISH
- SCN2 - ALUMINIUM SCREEN - POWDER COATED FINISH
- GC1 - CLEAR GLASS GLAZING
- GC2 - CLEAR GLASS BALUSTRADE

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date	notes	revs
09.08.22		C
30.05.22		B
21.04.22		A

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Project
BURGRESS RESIDENTIAL
103 DOVER ROAD, ROSE BAY

Drawing
GA Elevations
Elevations

Drawing no
DA-210-102

revision
C

Scale
1:200 @ A1

PROJECT NO 21201

DRAWN SL

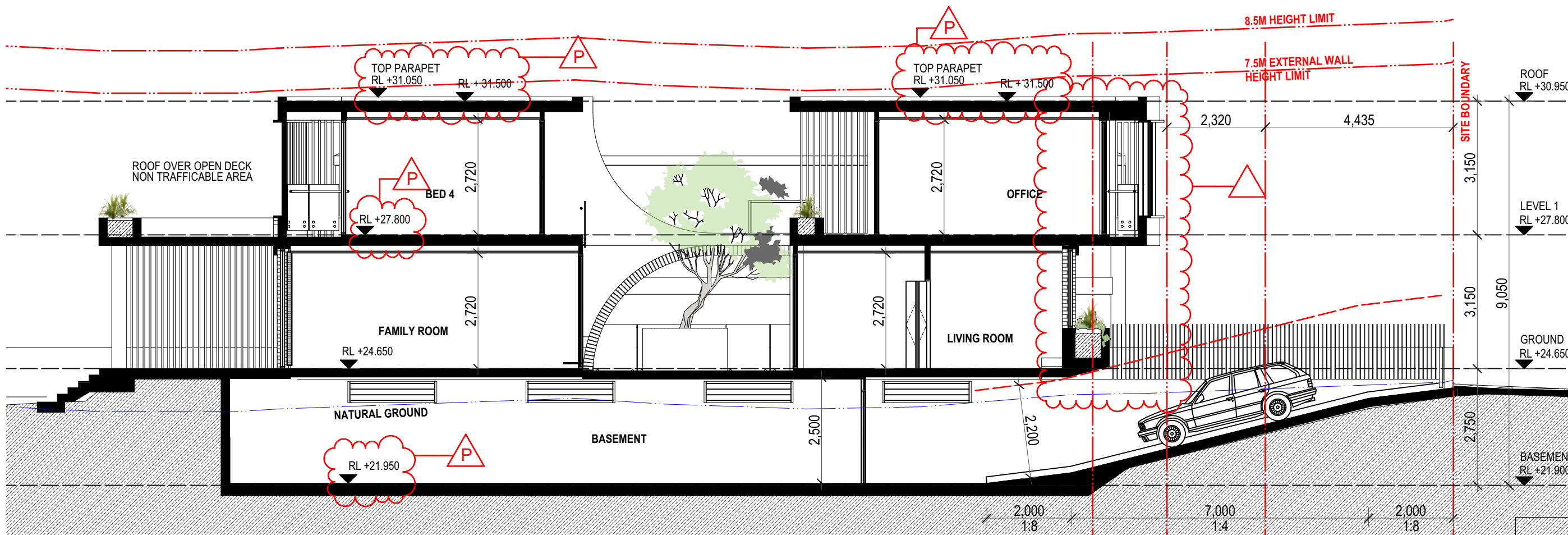
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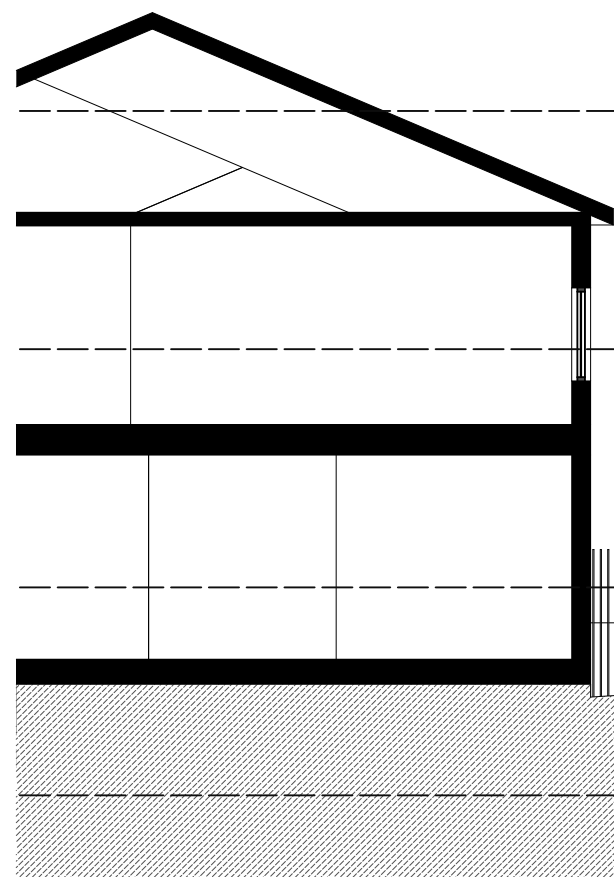
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1

Section A
1:100



2

Section B
1:100

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103 DOVER ROAD, ROSE BAY

Drawing
GA Sections
Section A,B&C

Drawing no
DA-310-101

revision
C

Scale
1:200 @ A1

PROJECT NO 21201

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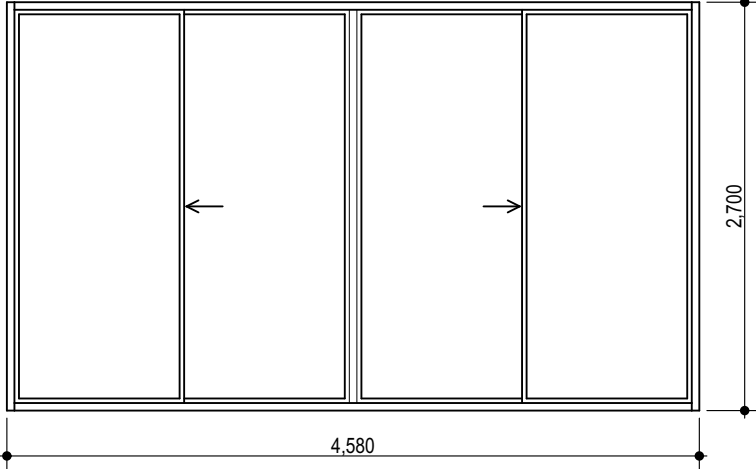
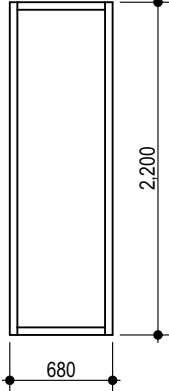
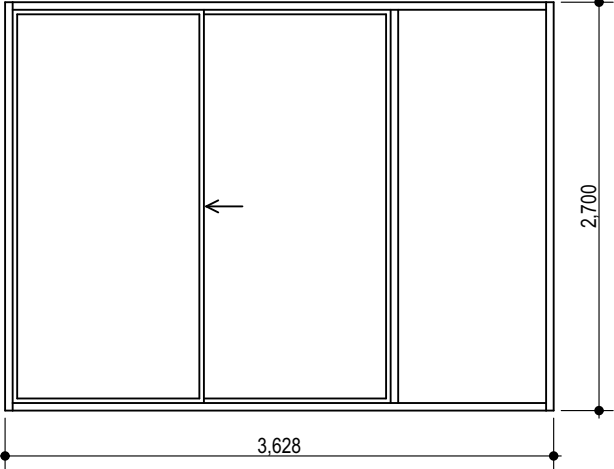
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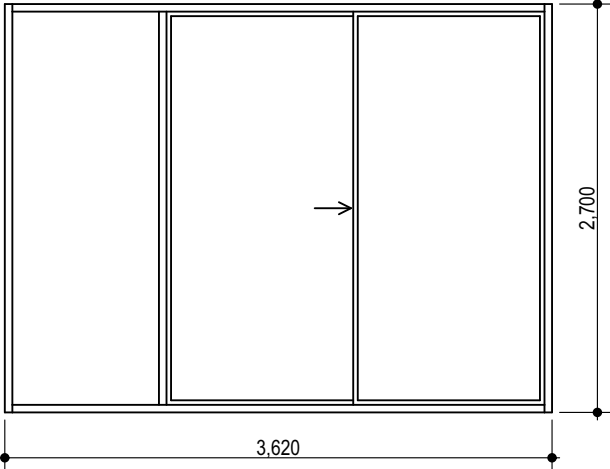
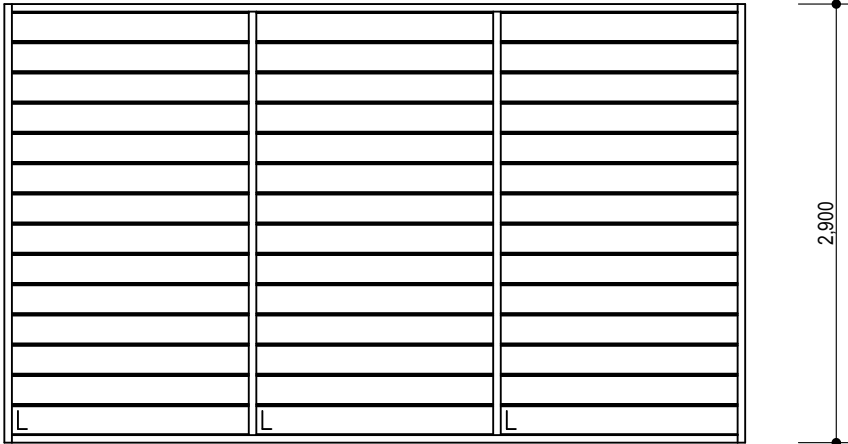
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MELBOURNE

ID	W.101	W.102	W.103
Quantity	1	1	1
Nominal W x H Size	4,580×2,700	680×2,200	3,628×2,700
Note			
View from Reveal Side			

ID	W.104	W.105
Quantity	1	1
Nominal W x H Size	3,620×2,700	4,900×2,900
Note		
View from Reveal Side		

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09.08.22
30.05.22
21.04.22

C
B
A

date

notes

revs

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project

BURGESS RESIDENTIAL
103 DOVER ROAD, ROSE BAY
-

drawing

600 Window Schedule
Window Schedule - Sheet 1

drawing no

DA-600-001

revision

C

scale

1 : 200 @ A1

PROJECT NO

21201

DRAWN

SL

CHECKED

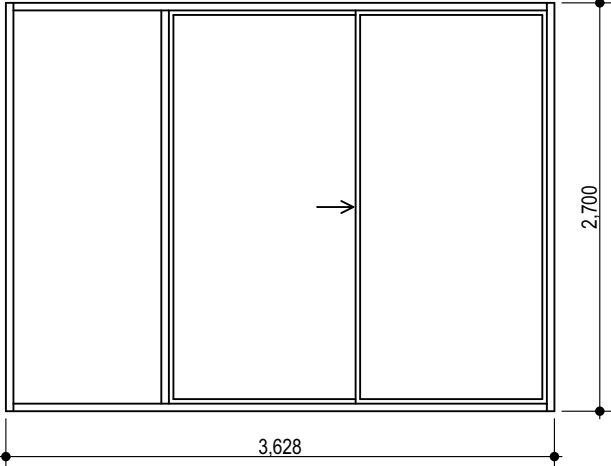
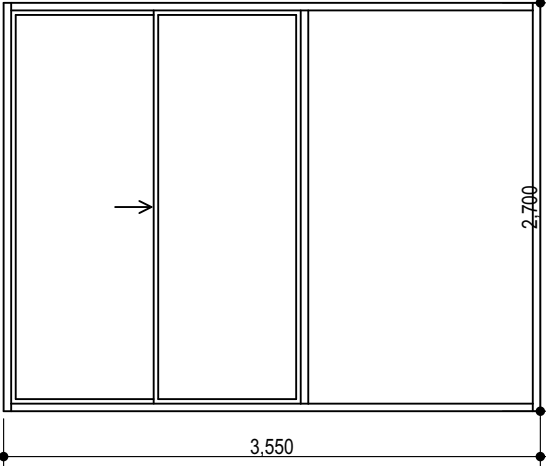
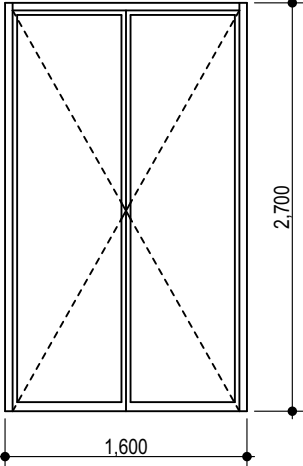
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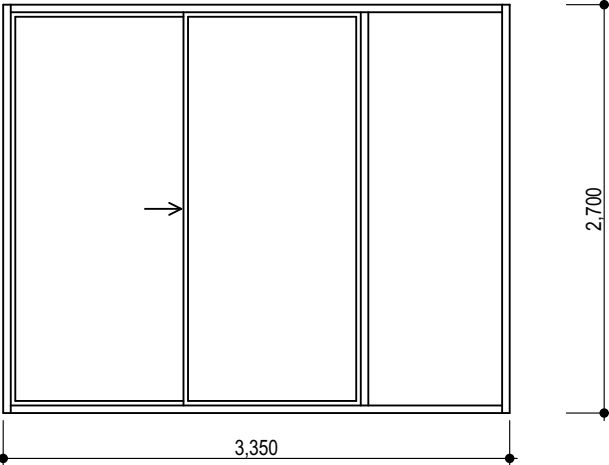
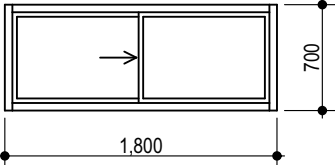
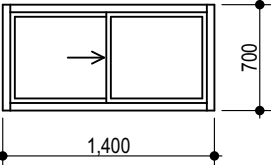
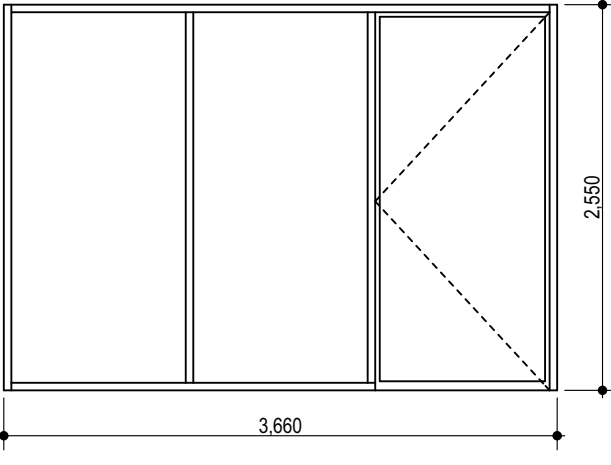
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SYDNEY

BDAD

MELBOURNE

ID	W.106	W.107	W.108
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Nominal W x H Size	3,628x2,700	3,550x2,700	1,600x2,700
Note			
View from Reveal Side			

ID	W.109	W.110	W.111	W.B01
Quantity	1	1	1	1
Nominal W x H Size	3,350x2,700	1,800x700	1,400x700	3,660x2,550
Note				
View from Reveal Side				

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09.08.22 C
30.05.22 B
21.04.22 A

date notes revs

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project

BURGESS RESIDENTIAL
103 DOVER ROAD, ROSE BAY
-

drawing

600 Window Schedule
Window Schedule - Sheet 2

drawing no

DA-600-002

revision

C

scale

1 : 200 @ A1

PROJECT NO

21201

DRAWN

SL

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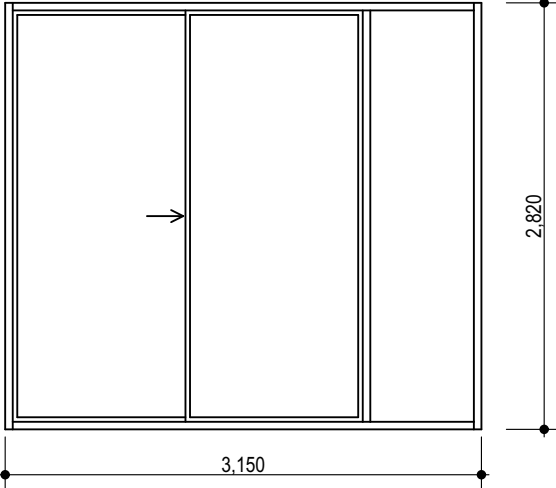
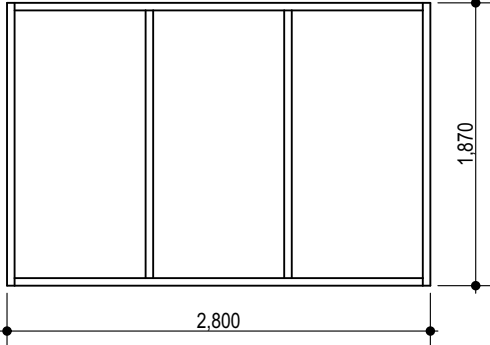
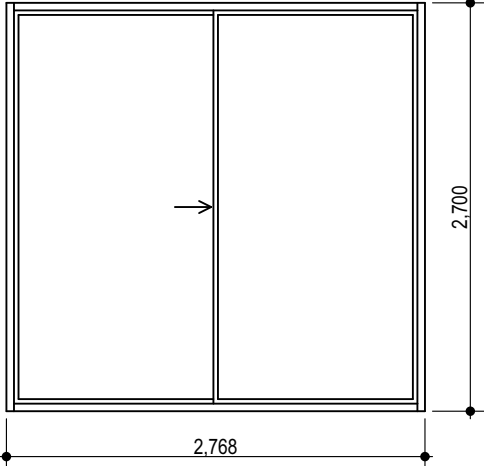
MB

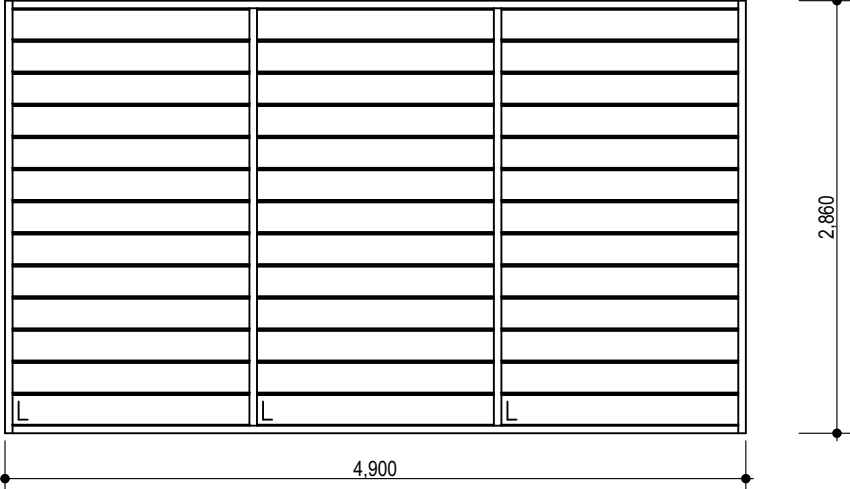
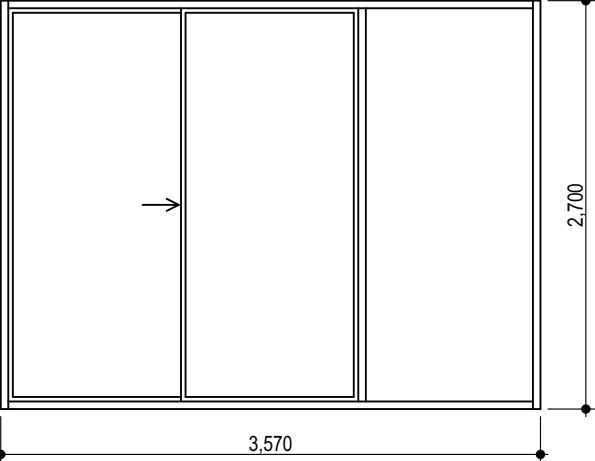
0 1 2 5 7

SYDNEY

BDAD

MELBOURNE

ID	W.G01	W.G02	W.G03
Quantity	1	1	1
Nominal W x H Size	3,150x2,820	2,800x1,870	2,768x2,700
Note			
View from Reveal Side			

ID	W.G04	W.G05
Quantity	1	1
Nominal W x H Size	4,900x2,860	3,570x2,700
Note		
View from Reveal Side		

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09.08.22
30.05.22
21.04.22

C
B
A

date notes revs

DA SUBMISSION

project

BURGESS RESIDENTIAL
103 DOVER ROAD, ROSE BAY
-

drawing

600 Window Schedule
Window Schedule - Sheet 3

drawing no

DA-600-003

revision

C

scale

1 : 200 @ A1

PROJECT NO

21201

DRAWN

SL

CHECKED

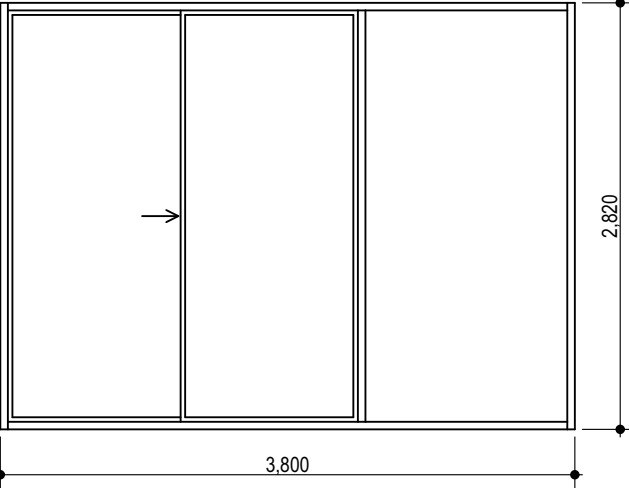
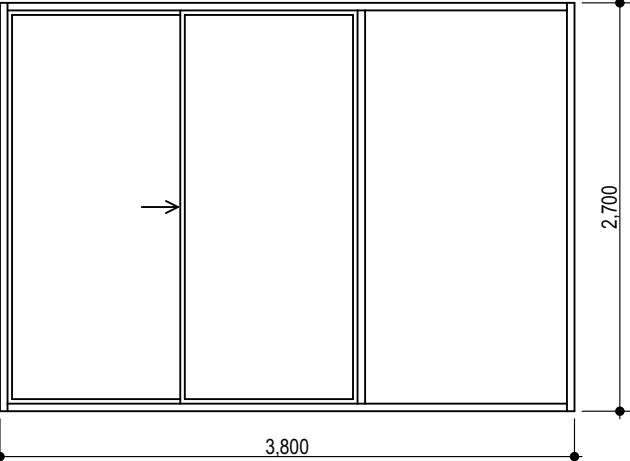
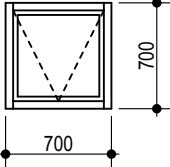
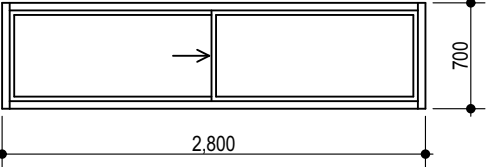
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0 1 2 5 7

SYDNEY

BDAD

MELBOURNE

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Quantity	1	1	3	1
Nominal W x H Size	3,800×2,820	3,800×2,700	700×700	2,800×700
Note				
View from Reveal Side				

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09.08.22
30.05.22
21.04.22

C
B
A

date

notes

revs

DA SUBMISSION

project

BURGESS RESIDENTIAL
103 DOVER ROAD, ROSE BAY
-

drawing

600 Window Schedule
Window Schedule - Sheet 4

drawing no

DA-600-004

revision

C

scale

1 : 200 @ A1

PROJECT NO

21201

DRAWN

SL

CHECKED

MB

01257

SYDNEY

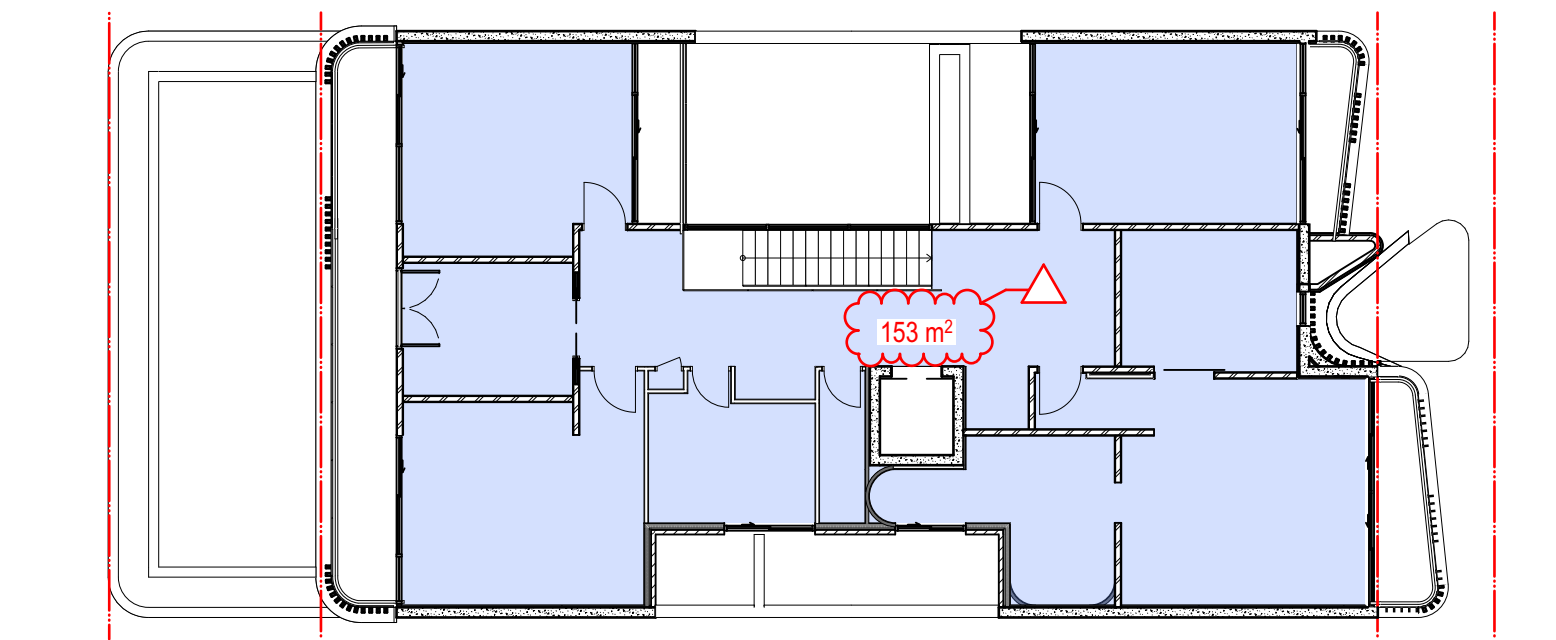
BDAD

MELBOURNE

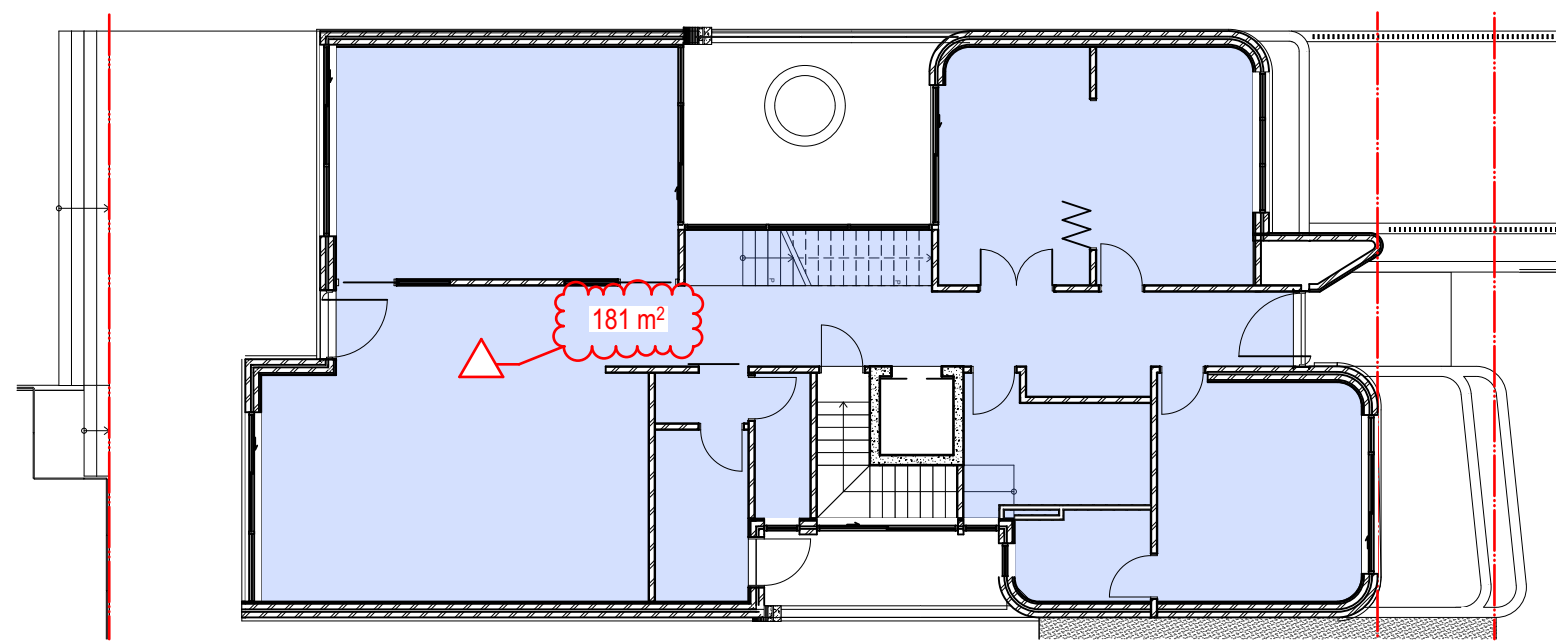
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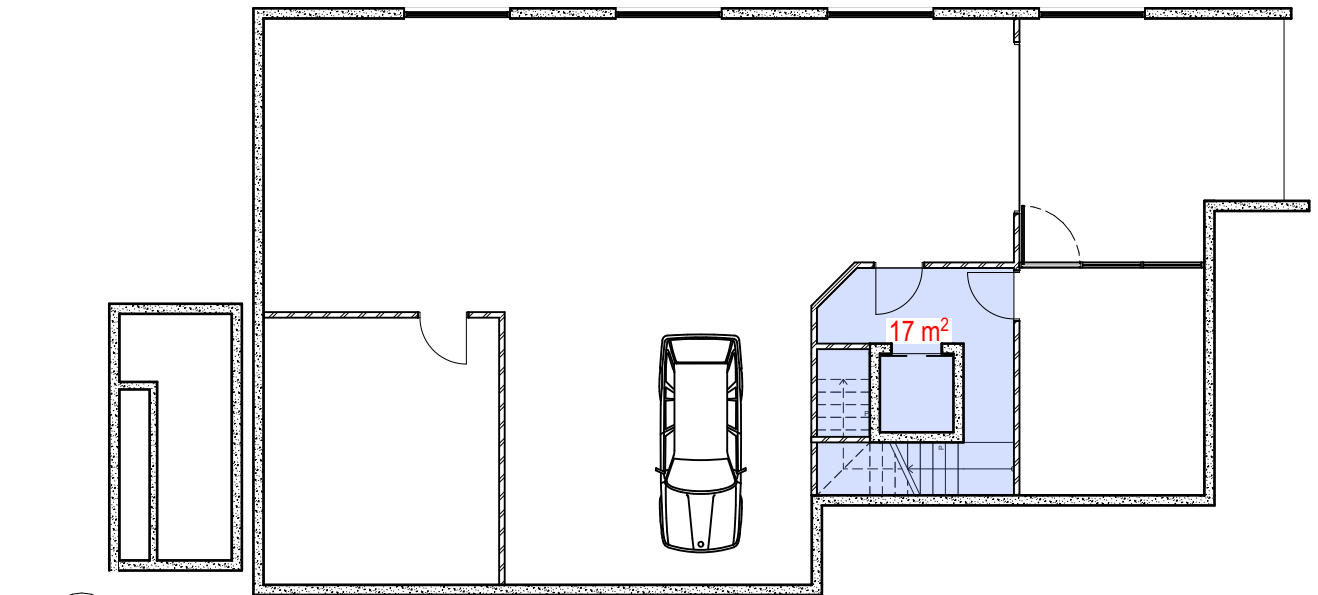
Date Received: 07/09/2022



3
-
Level 01
1:150



2
-
Ground Level
1:150



1
-
Basement 01
1:150

LOT B DP 325779
SITE CALCULATIONS
SITE AREA 594.4m²
FSR ALLOWANCE 0.5:1

SITE AREA	594.4m² (100%)
BASEMENT	15.0m²
GROUND LEVEL	187.0m²
LEVEL 1	163.0m²
TOTAL GFA	365.0m²
FSR	0.61:1

17 m²
181 m²
153 m²
351 m²
0.59:1

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09.08.22	C
30.05.22	B
21.04.22	A
date	notes

DA SUBMISSION

project

BURGESS RESIDENTIAL

103 DOVER ROAD, ROSE BAY

drawing

FSR DIAGRAM

FSR DIAGRAMS

drawing no

DA-810-001

revision

C

scale

1:200 @ A1

PROJECT NO

21201

DRAWN

LL

CHECKED

MB

0 1 2 5 7

SYDNEY

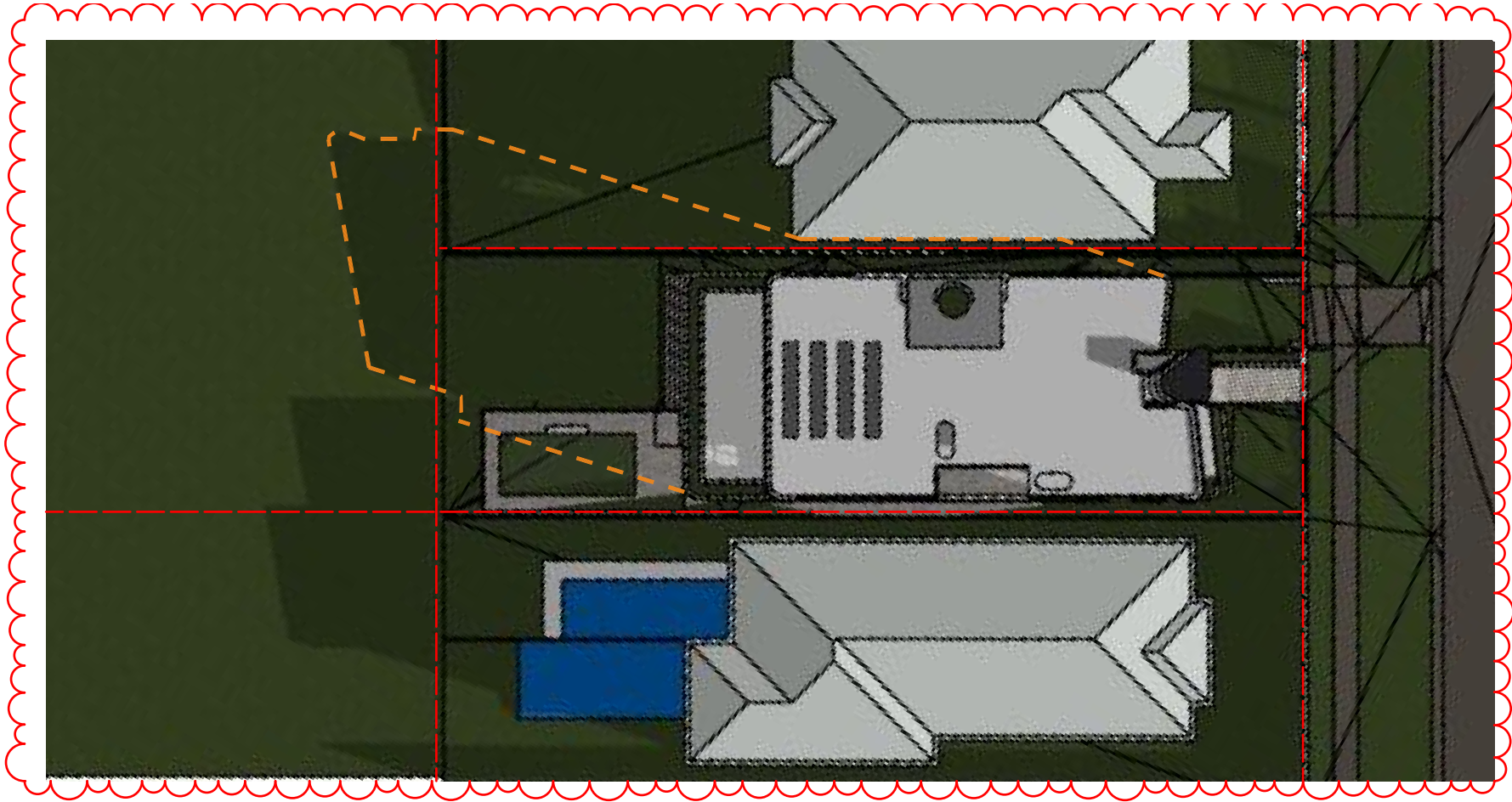
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MELBOURNE

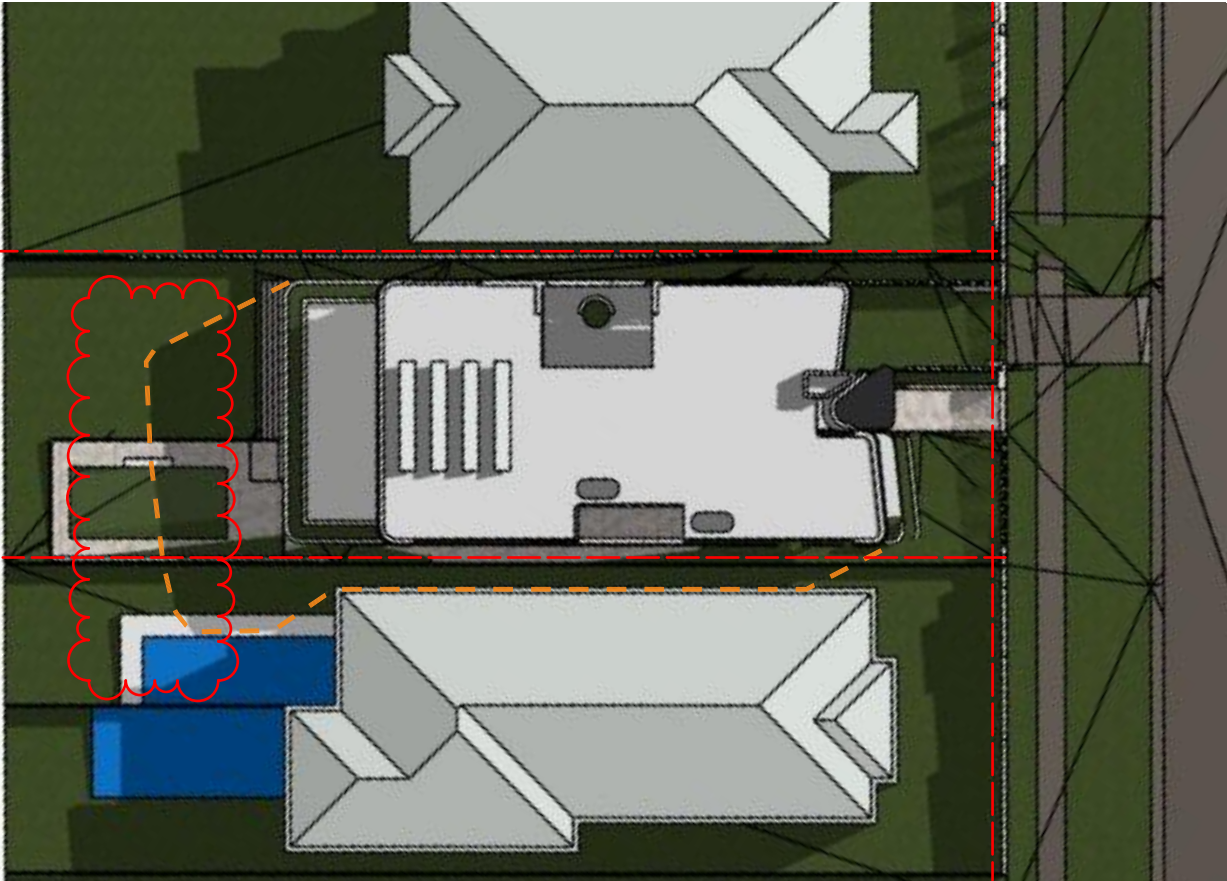
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Waverley Council

Application No: DA-292/2022

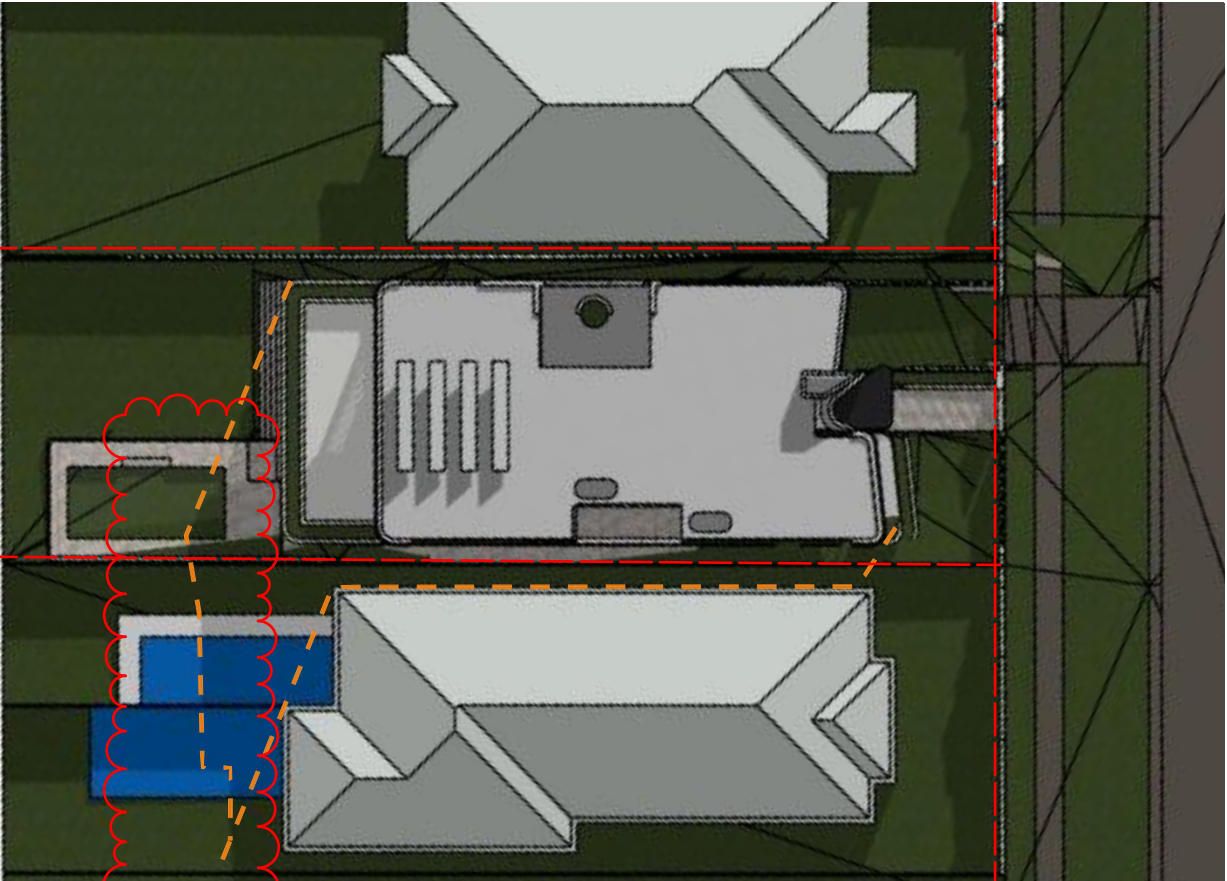
Date Received: 07/09/2022



Jun 21 - 9AM - WINTER SOLSTICE



Jun 21 - 12PM - WINTER SOLSTICE



Jun 21 - 3PM - WINTER SOLSTICE

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05.09.22	Additional notes to Shadowing Diagram	D
09.08.22		C
30.05.22		B
21.04.22		A
date	note	revs

DA SUBMISSION

project
BURGESS RESIDENTIAL
103 DOVER ROAD, ROSE BAY

drawing
Shadow Diagrams
Proposed Development

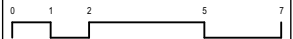
drawing no	revision
DA-820-001	D

scale
1 : 200 @ A1

PROJECT NO 21201

DRAWN LL

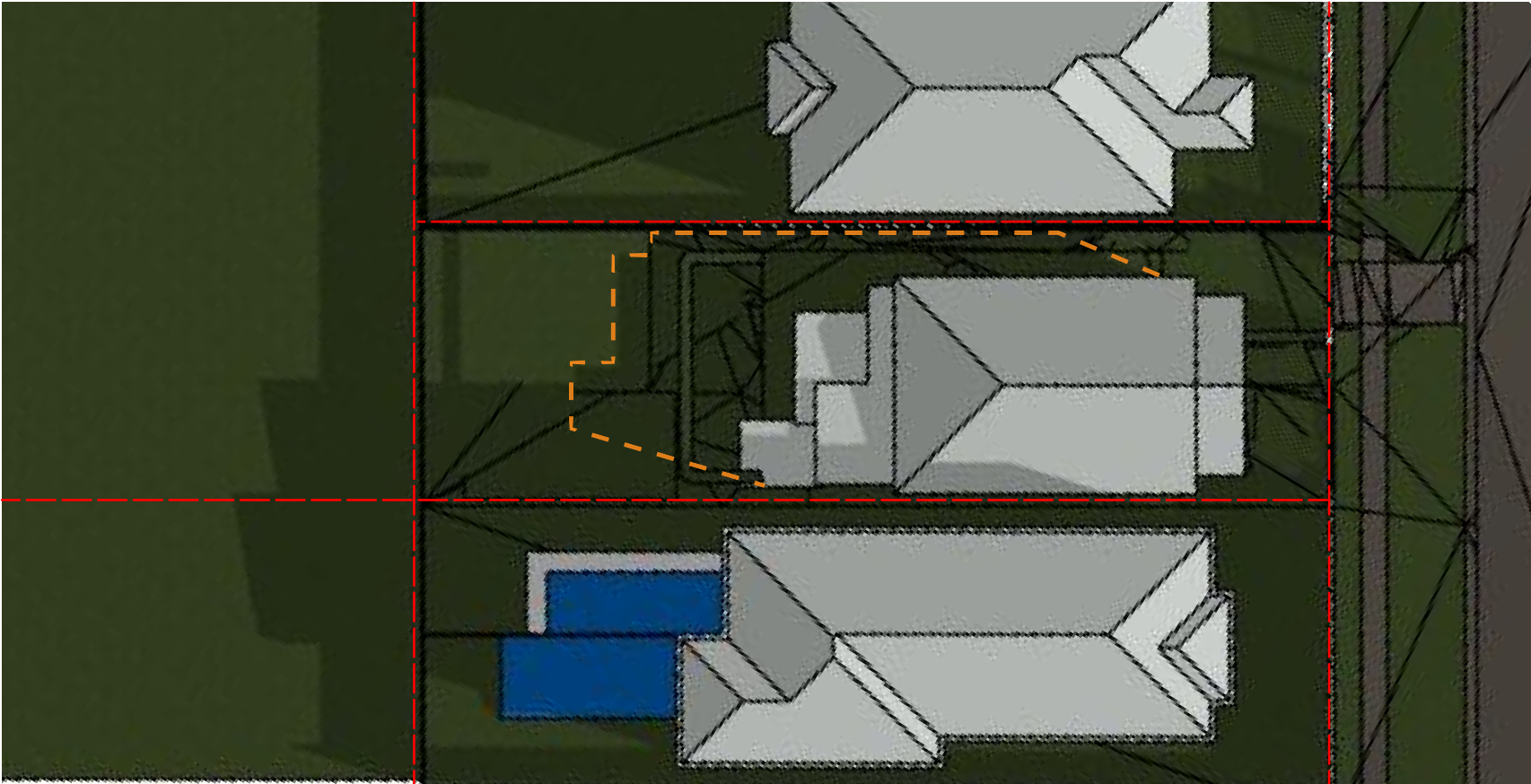
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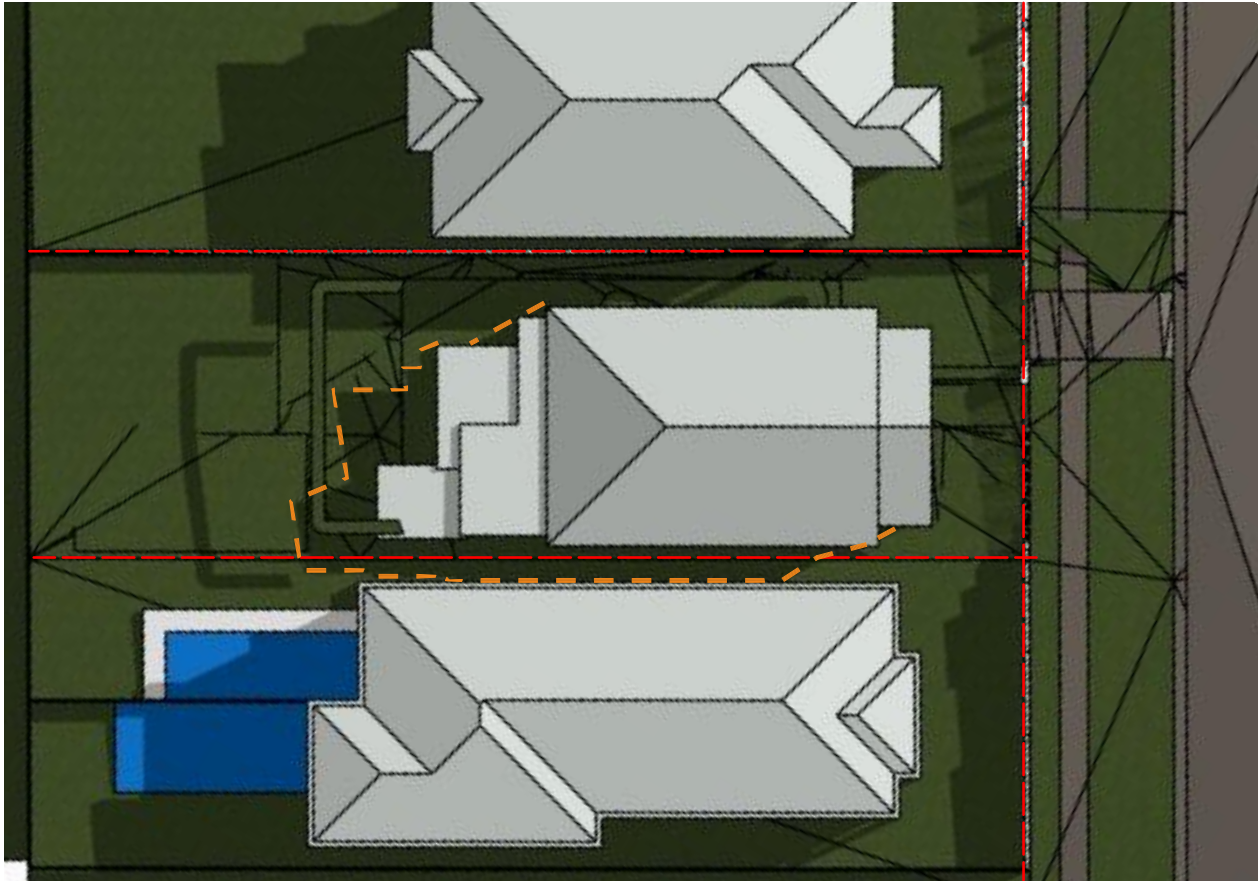
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Application No: DA-292/2022

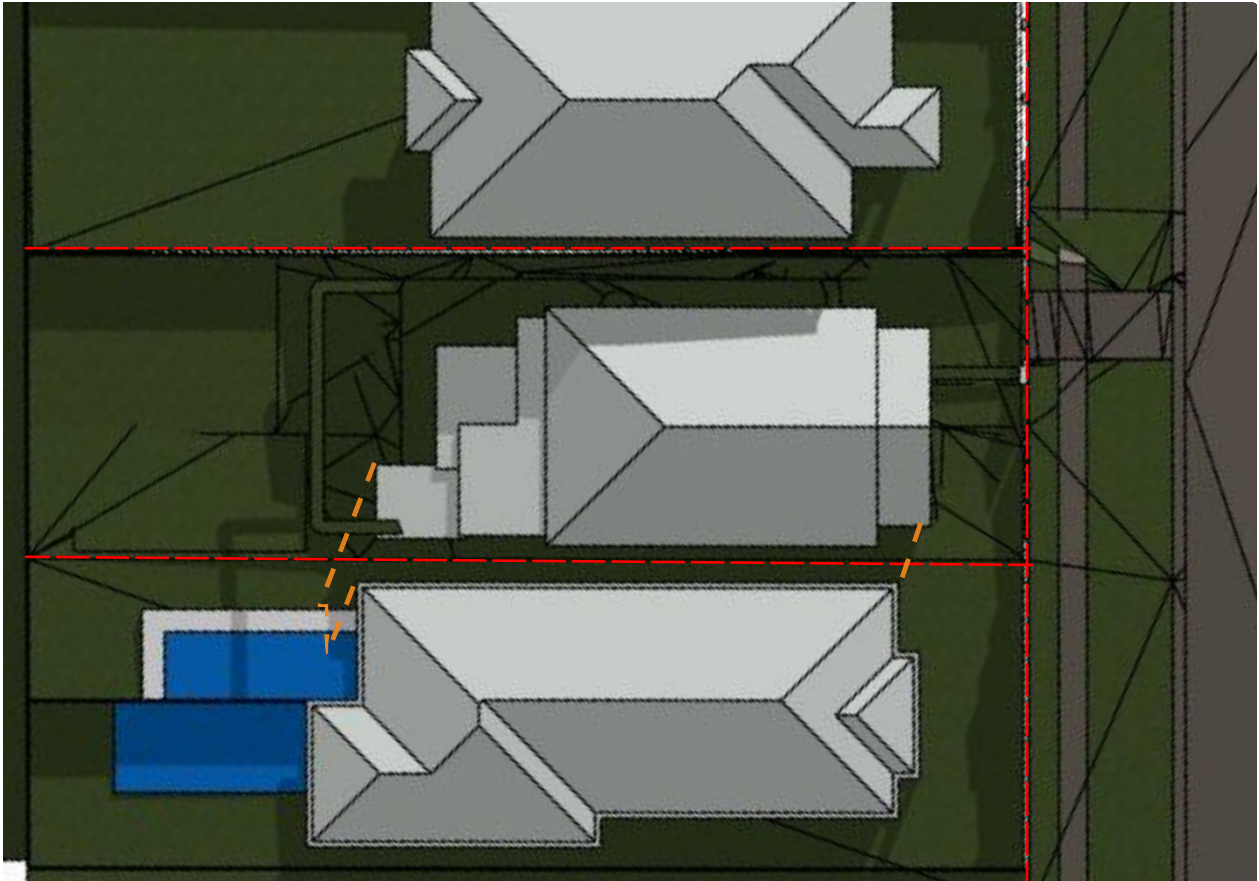
Date Received: 07/09/2022



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Jun 21 - 12PM - WINTER SOLSTICE



Jun 21 - 3PM - WINTER SOLSTICE

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05.09.22 Additional notes to Shadowing Diagram A

date note revs

DA SUBMISSION

project

BURGESS RESIDENTIAL
103 DOVER ROAD, ROSE BAY
-

drawing

Shadow Diagrams
Existing Building

drawing no

DA-820-002

revision

A

scale

1 : 200 @ A1

PROJECT NO

21201

DRAWN

LL

CHECKED

MB

0 1 2 5 7

SYDNEY

BDAD

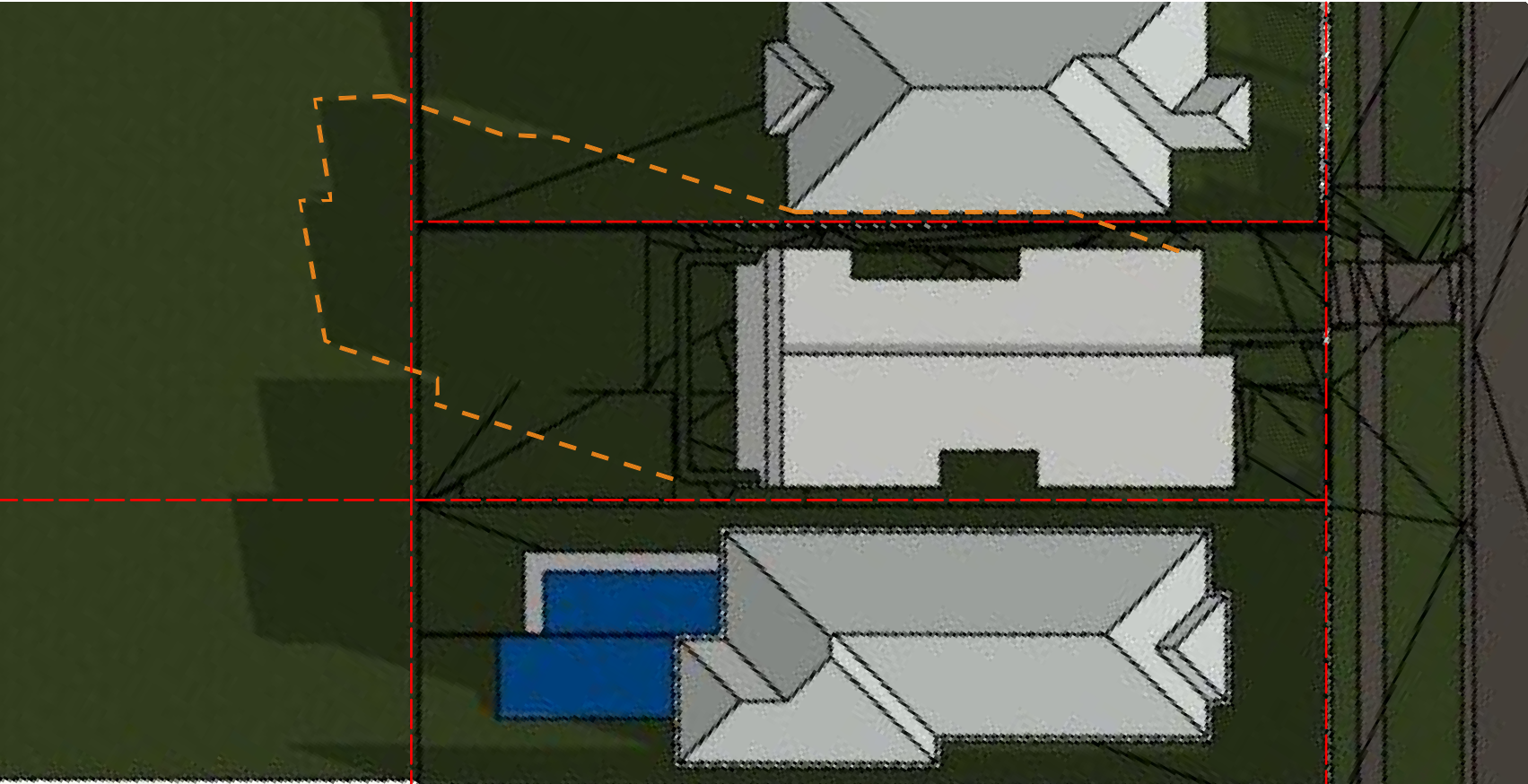
MELBOURNE

➔

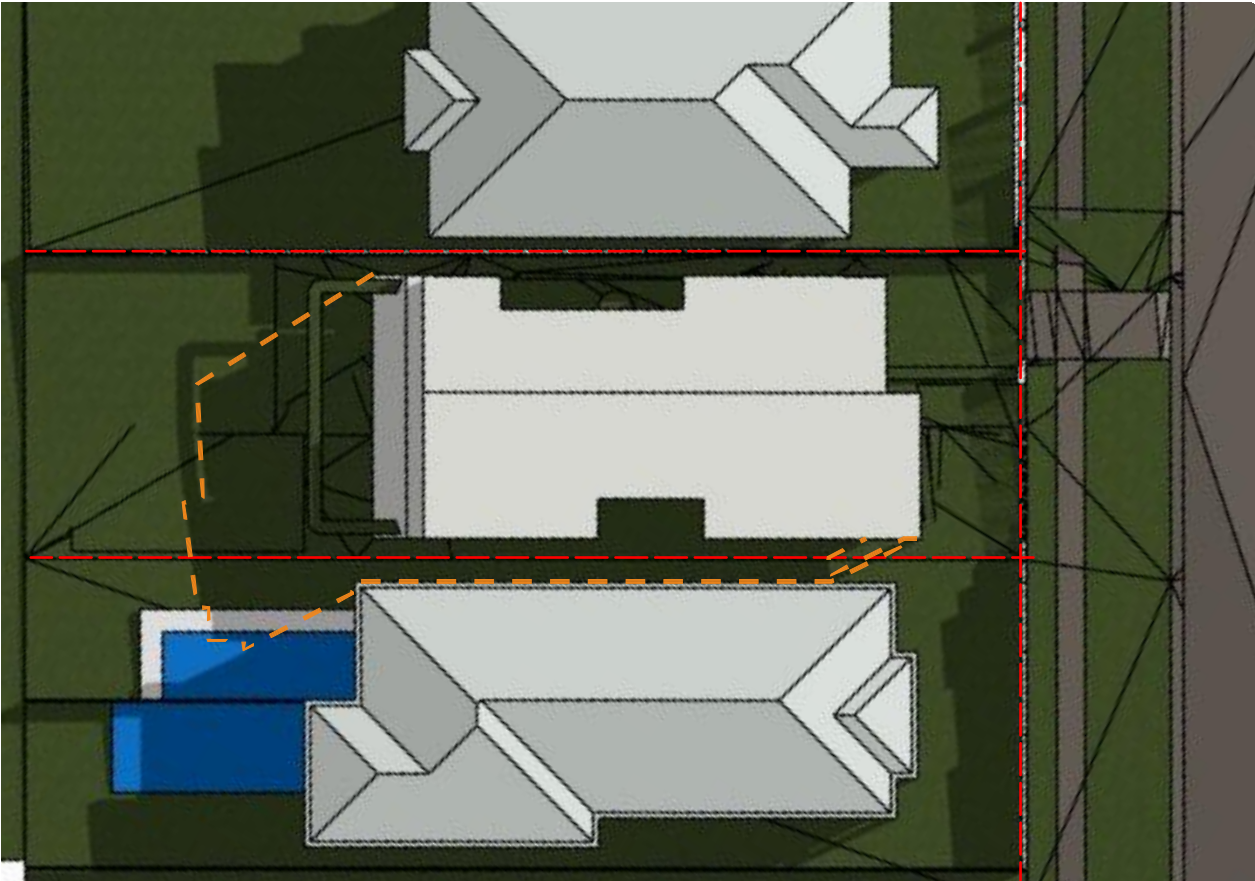
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Application No: DA-292/2022

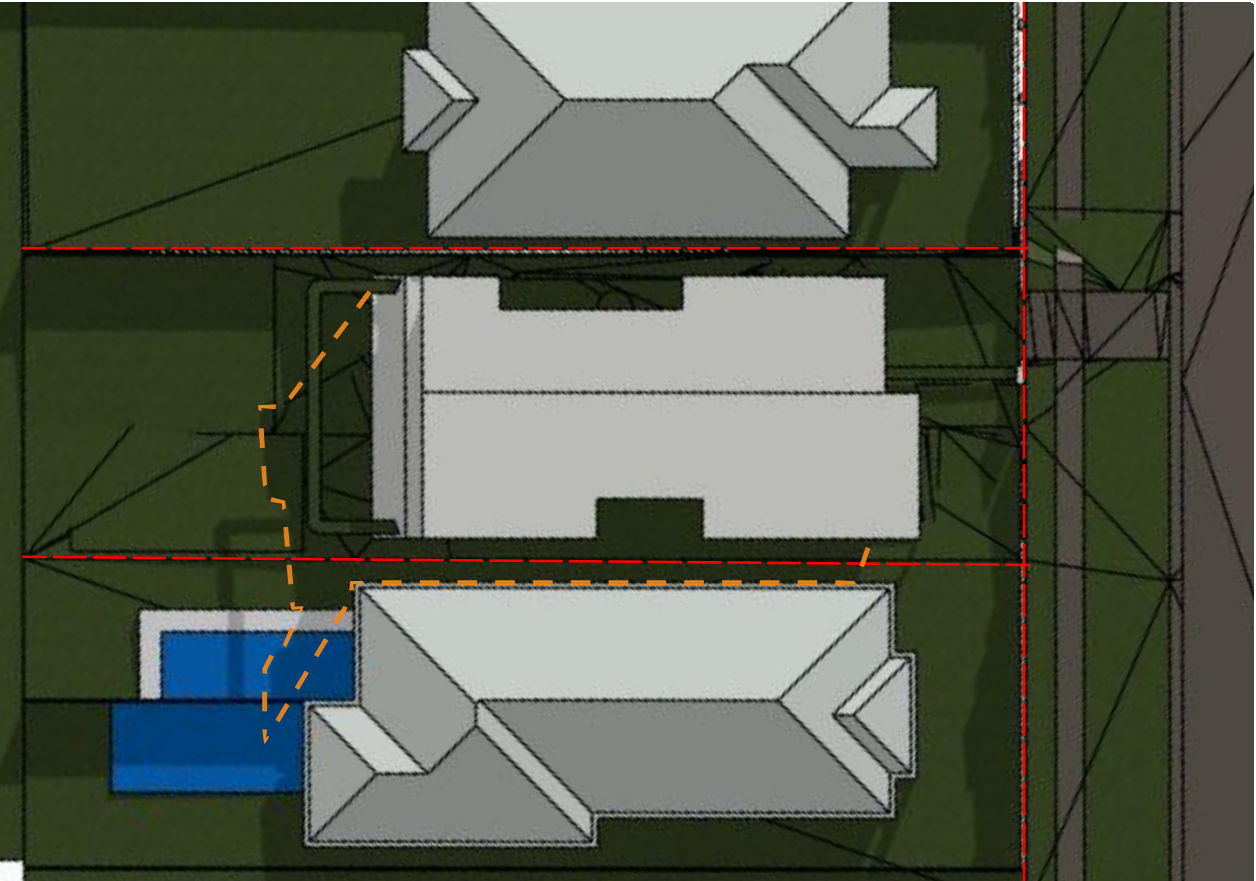
Date Received: 07/09/2022



Jun 21 - 9AM - WINTER SOLSTICE



Jun 21 - 12PM - WINTER SOLSTICE



Jun 21 - 3PM - WINTER SOLSTICE

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05.09.22 Additional notes to Shadowing Diagram A

date note revs

DA SUBMISSION

project

BURGESS RESIDENTIAL
103 DOVER ROAD, ROSE BAY
-

drawing

Shadow Diagrams
Complied Building Envelope

drawing no

DA-820-003

revision

A

scale

1 : 200 @ A1

PROJECT NO

21201

DRAWN

LL

CHECKED

MB

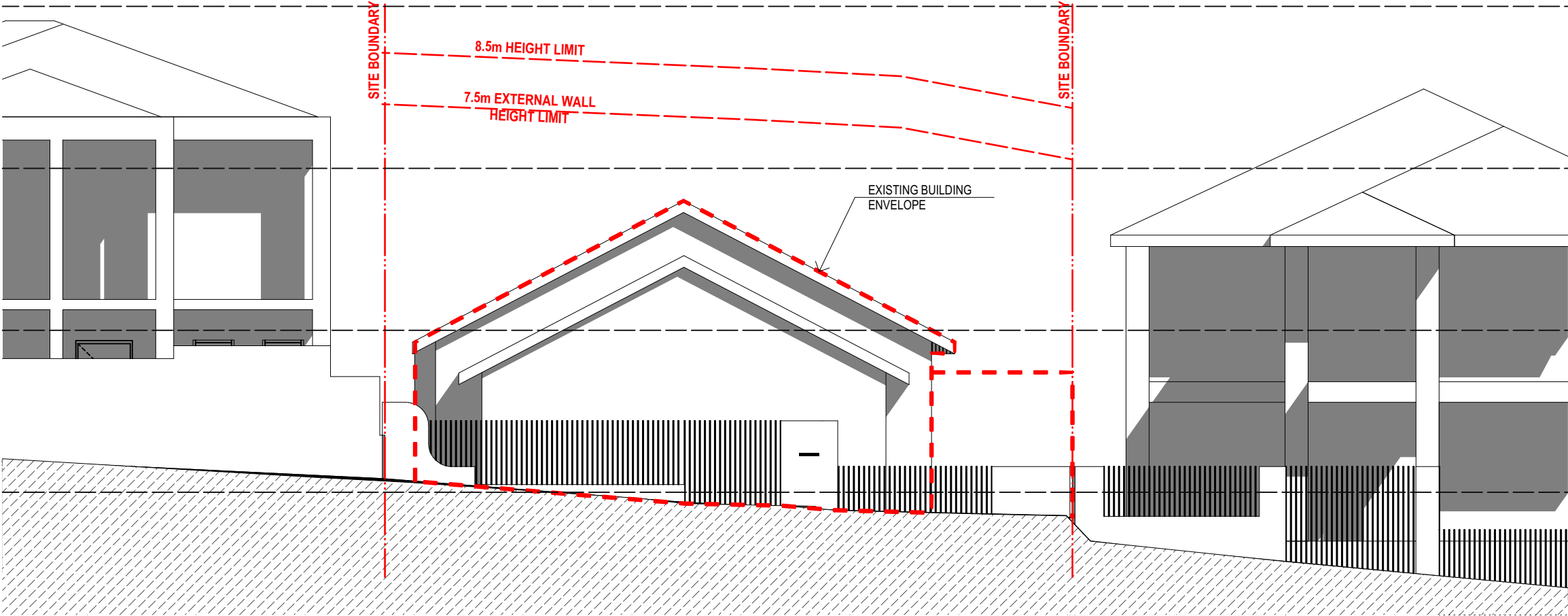
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SYDNEY

BDAD

MELBOURNE

➔



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05.09.22 Additional notes to Shadowing Diagram C

09.08.22 B

30.05.22 A

date note revs

DA SUBMISSION

project

BURGESS RESIDENTIAL
103 DOVER ROAD, ROSE BAY
-

drawing

Shadow Diagrams
Elevation - Existing Building
Envelope

drawing no

DA-820-010

revision

C

scale

1:200 @ A1

PROJECT NO

21201

DRAWN

LL

CHECKED

MB

0 1 2 5 7

SYDNEY

BDAI

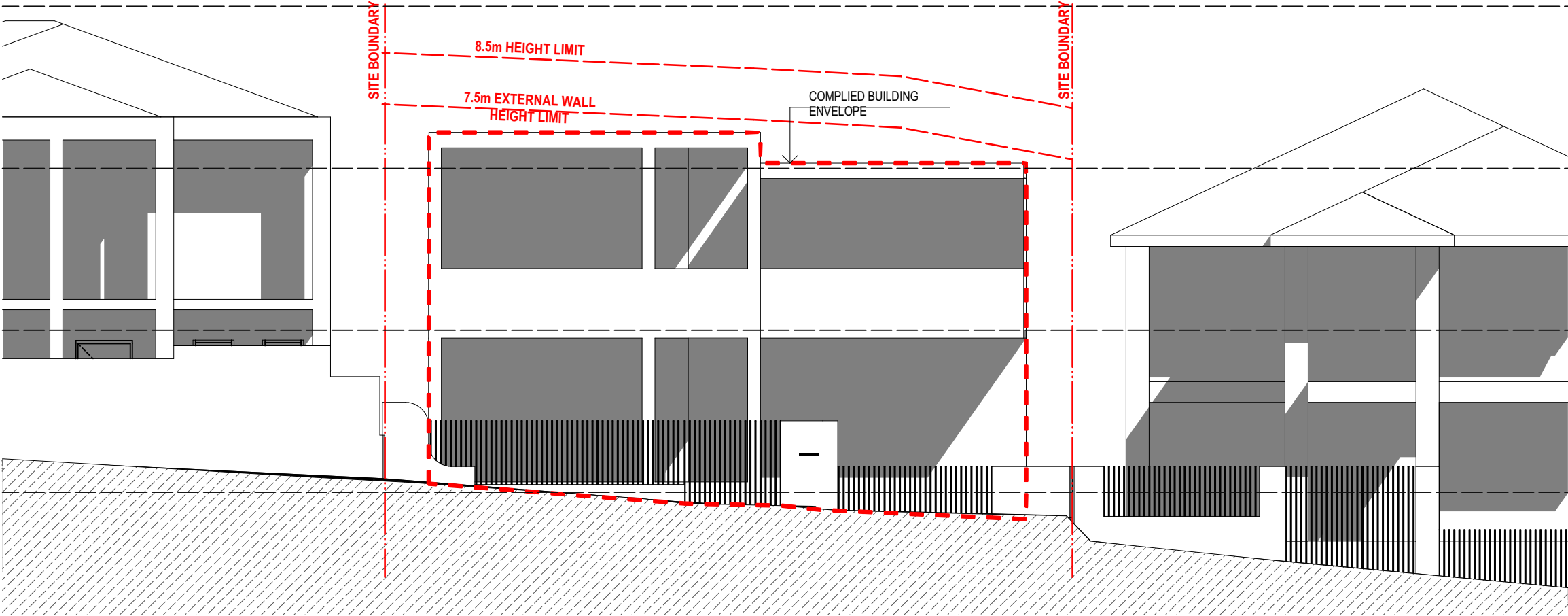
MELBOURNE

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05.09.22 Additional notes to Shadowing Diagram C
09.08.22 B
30.05.22 A

date	note	revs
------	------	------

DA SUBMISSION

project
BURGRESS RESIDENTIAL
103 DOVER ROAD, ROSE BAY
-

drawing
Shadow Diagrams
Elevation - Complied Building envelope

drawing no
DA-820-011

revision
C

scale
1 : 200 @ A1

PROJECT NO 21201

DRAWN LL

CHECKED MB

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SYDNEY

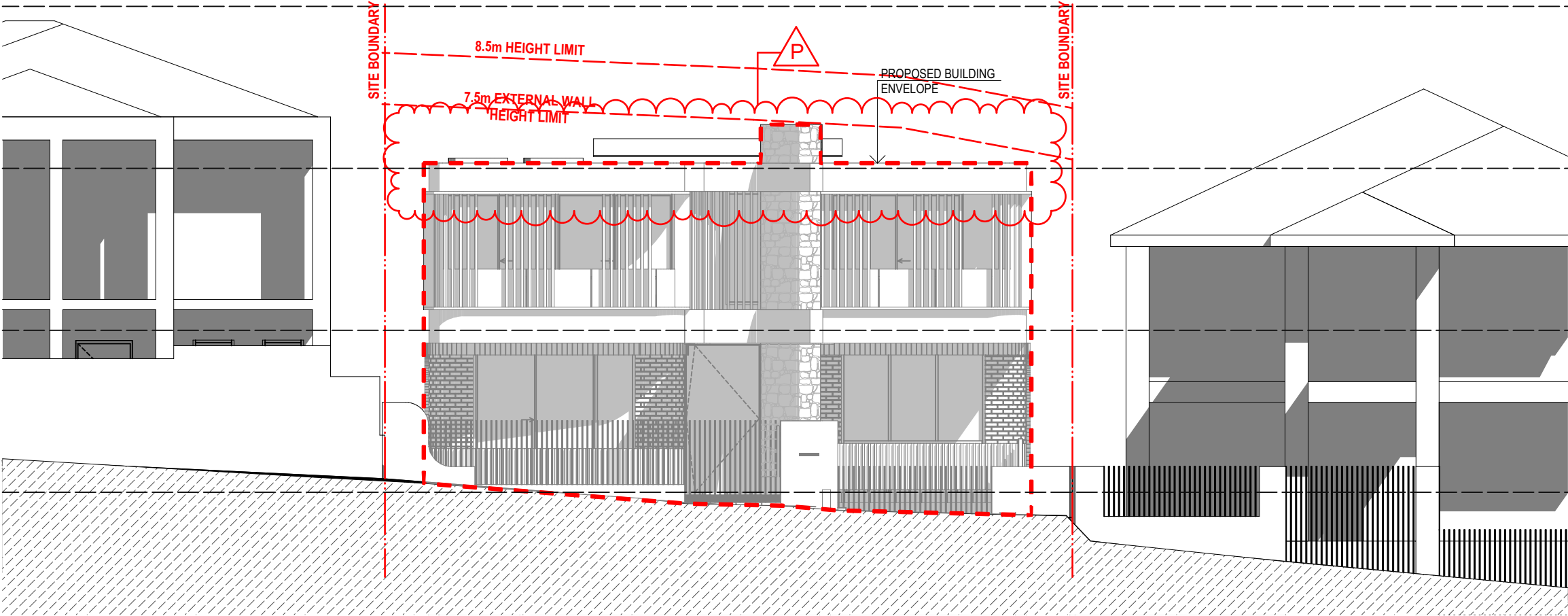
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05.09.22 Additional notes to Shadowing Diagram C
09.08.22 B
30.05.22 A

date note revs

DA SUBMISSION

project
BURGRESS RESIDENTIAL
103 DOVER ROAD, ROSE BAY
-

drawing
Shadow Diagrams
Elevation - Proposed Building Envelope

drawing no
DA-820-012

revision
C

scale
1:200 @ A1

PROJECT NO 21201

DRAWN LL

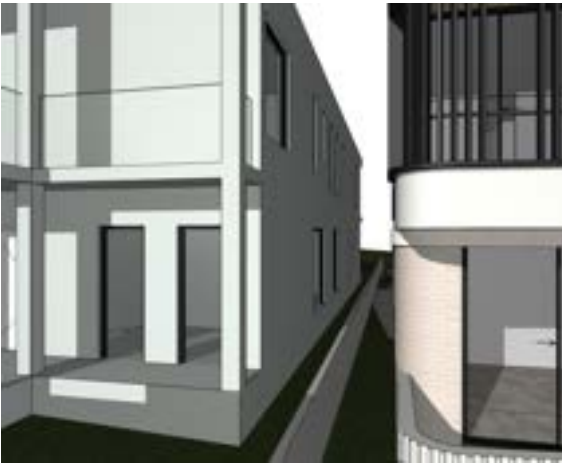
CHECKED MB

0 1 2 5 7

SYDNEY

BDAI

MELBOURNE



Proposed - June 21st 9am



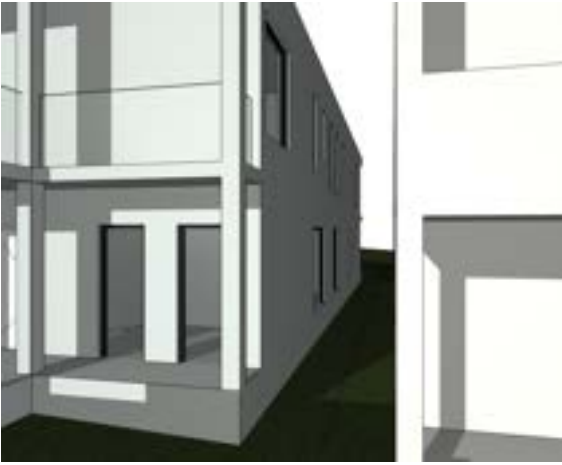
Proposed - June 21st 10am



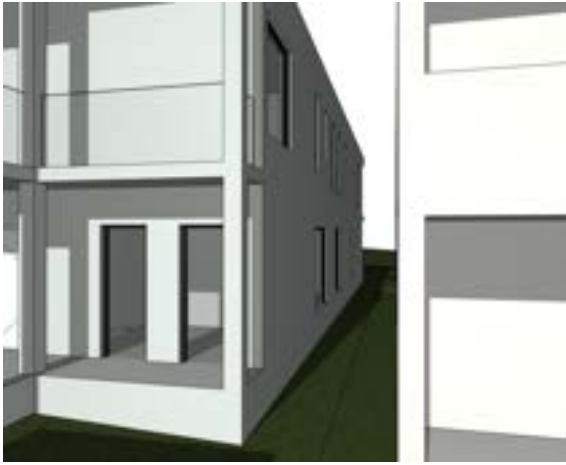
Proposed - June 21st 11am



Proposed - June 21st 12pm



Complied envelope - June 21st 9am



Complied envelope - June 21st 10am



Complied envelope - June 21st 11am



Complied envelope - June 21st 12pm



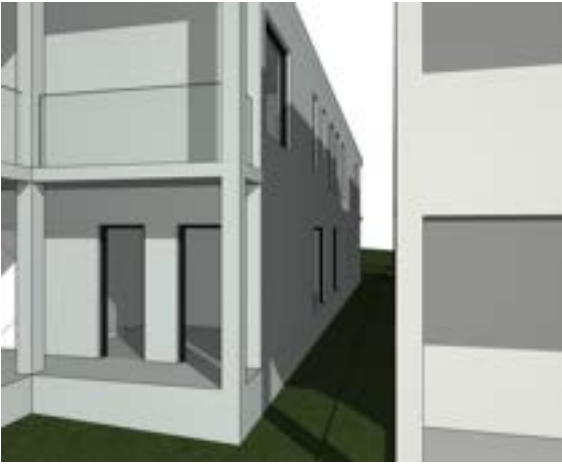
Proposed - June 21st 1pm



Proposed - June 21st 2pm



Proposed - June 21st 3pm



Complied envelope - June 21st 1pm



Complied envelope - June 21st 2pm



Complied envelope - June 21st 3pm

Note:
There is no shadowing to the side facade of the 105 property between 9am to 11am

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05.09.22 Additional notes to Shadowing Diagram A

date note revs

DA SUBMISSION

project

BURGESS RESIDENTIAL
103 DOVER ROAD, ROSE BAY
-

drawing

Shadow Diagrams
105 Adjacent Property

drawing no

DA-820-020

revision

A

scale

1 : 200 @ A1

PROJECT NO

21201

DRAWN

LL

CHECKED

MB

0 1 2 5 7

SYDNEY

BDAD

MELBOURNE



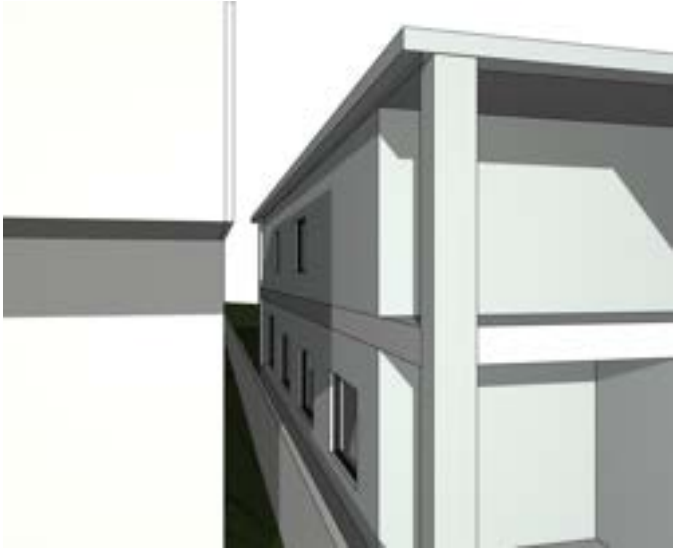
Proposed - June 21st 9am



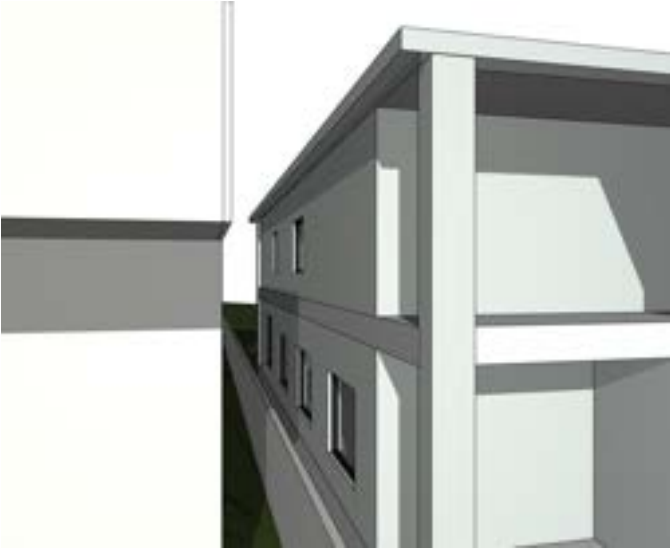
Proposed - June 21st 9.30am



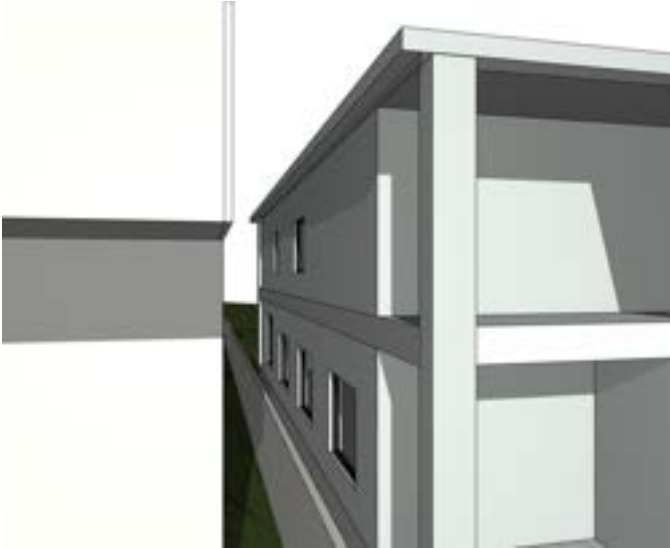
Proposed - June 21st 9.50am



Complied envelope - June 21st 9am



Complied envelope - June 21st 9.30am



Complied envelope - June 21st 9.50am

Note: There is no shadowing to the side facade of the 101 property from 10am to 3pm

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Date Received: 07/09/2022

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05.09.22 Additional notes to Shadowing Diagram A

date note revs

DA SUBMISSION

project

BURGESS RESIDENTIAL
103 DOVER ROAD, ROSE BAY
-

drawing

Shadow Diagrams
101 Adjacent Property

drawing no

DA-820-021

revision

A

scale

1 : 200 @ A1

PROJECT NO

21201

DRAWN

LL

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MB

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MELBOURNE

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Application No: DA-292/2022

Date Received: 07/09/2022

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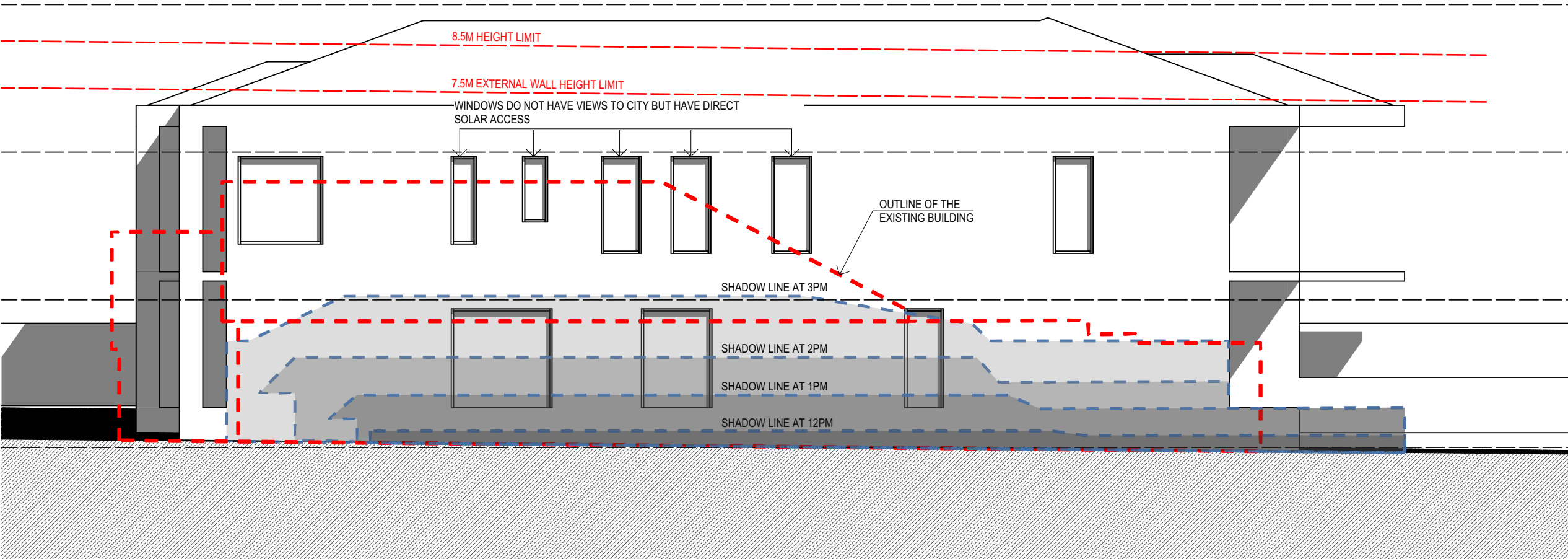
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DESIGN MANAGEMENT

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EXISTING BUILDING ENVELOPE - SHADOW DIAGARM ON JUNE 21ST
105 ADJACENT BUILDING SIDE FACADE SHADOWING STUDY

05.09.22	Additional notes to Shadowing Diagram	C
09.08.22		B
30.05.22		A

date	note	revs
------	------	------

DA SUBMISSION

project
BURGRESS RESIDENTIAL
103 DOVER ROAD, ROSE BAY
-

drawing
Building Envelope
Existing - 105 Adjacent Building
Elevation

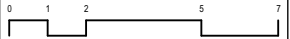
drawing no	revision
DA-825-001	C

scale
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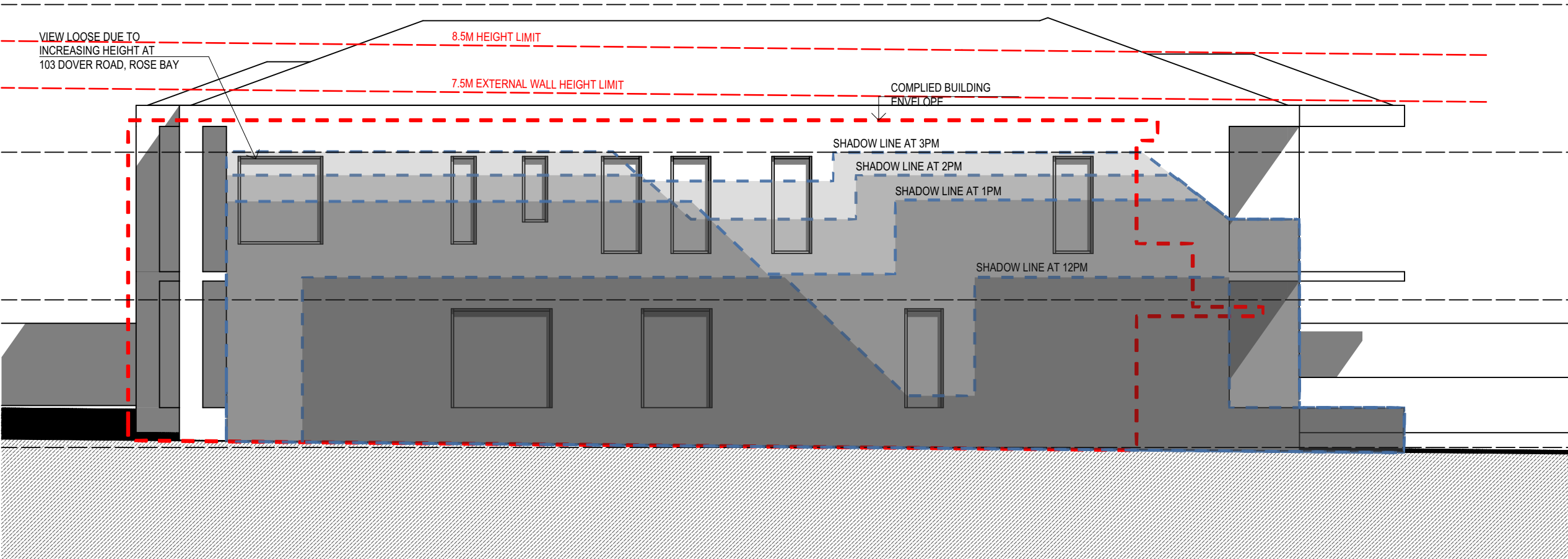
PROJECT NO 21201

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COMPLIED BUILDING ENVELOPE - SHADOW DIAGARM ON JUNE 21ST
105 ADJACENT BUILDING SIDE FACADE SHADOWING STUDY

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05.09.22	Additional notes to Shadowing Diagram	C
09.08.22		B
30.05.22		A
date	note	revs

DA SUBMISSION

project
BURGRESS RESIDENTIAL
103 DOVER ROAD, ROSE BAY
-

drawing
Building Envelope
Complied Building Envelope - 105
Adjacent Building Elevation

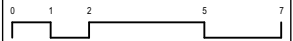
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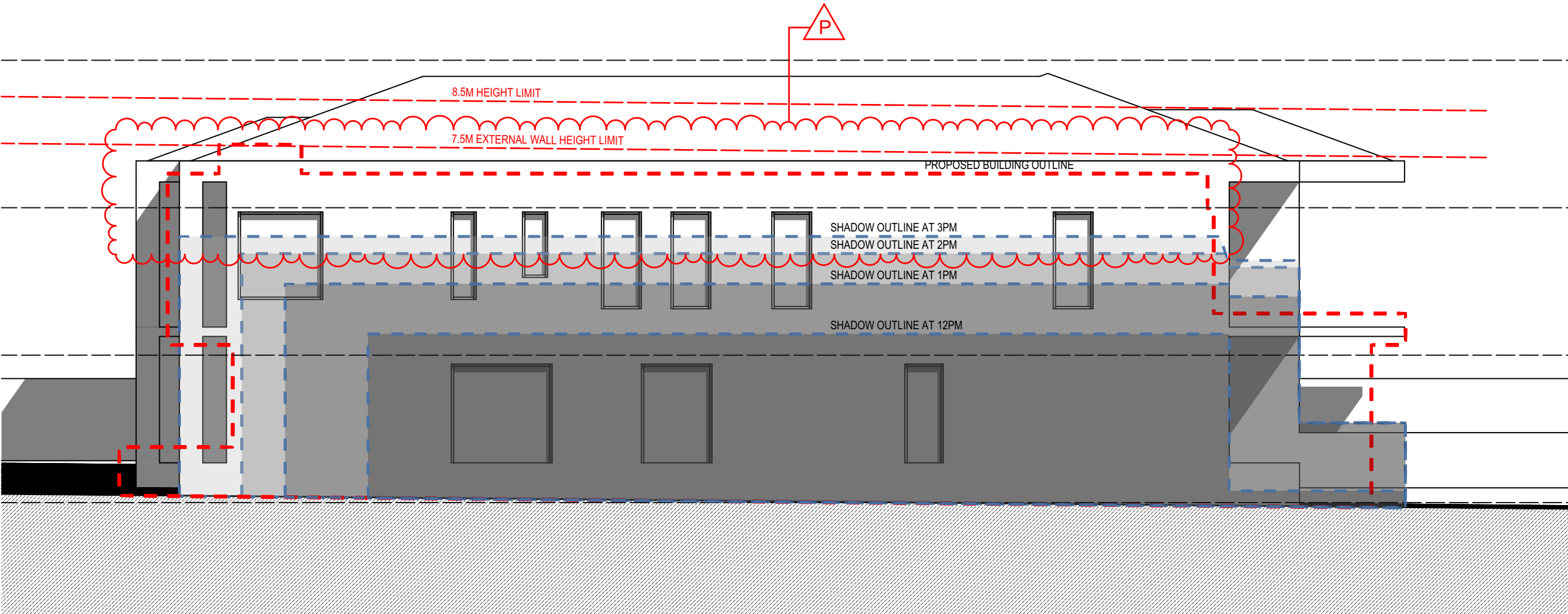


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05.09.22 Additional notes to Shadowing Diagram C
09.08.22 B
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date note revs

DA SUBMISSION

project

BURGESS RESIDENTIAL
103 DOVER ROAD, ROSE BAY
-

drawing

Building Envelope
Proposed Building Envelope - 105
Adjacent Building Elevation

drawing no

DA-825-003

revision

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EXISTING BUILDING ENVELOPE



COMPLIED BUILDING ENVELOPE



PROPOSED BUILDING ENVELOPE

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05.09.22 Additional notes to Shadowing Diagram C
09.08.22 B
30.05.22 A

date note revs

DA SUBMISSION

project

BURGESS RESIDENTIAL
103 DOVER ROAD, ROSE BAY
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drawing

Building Envelope
Comparing Building Envelopes

drawing no

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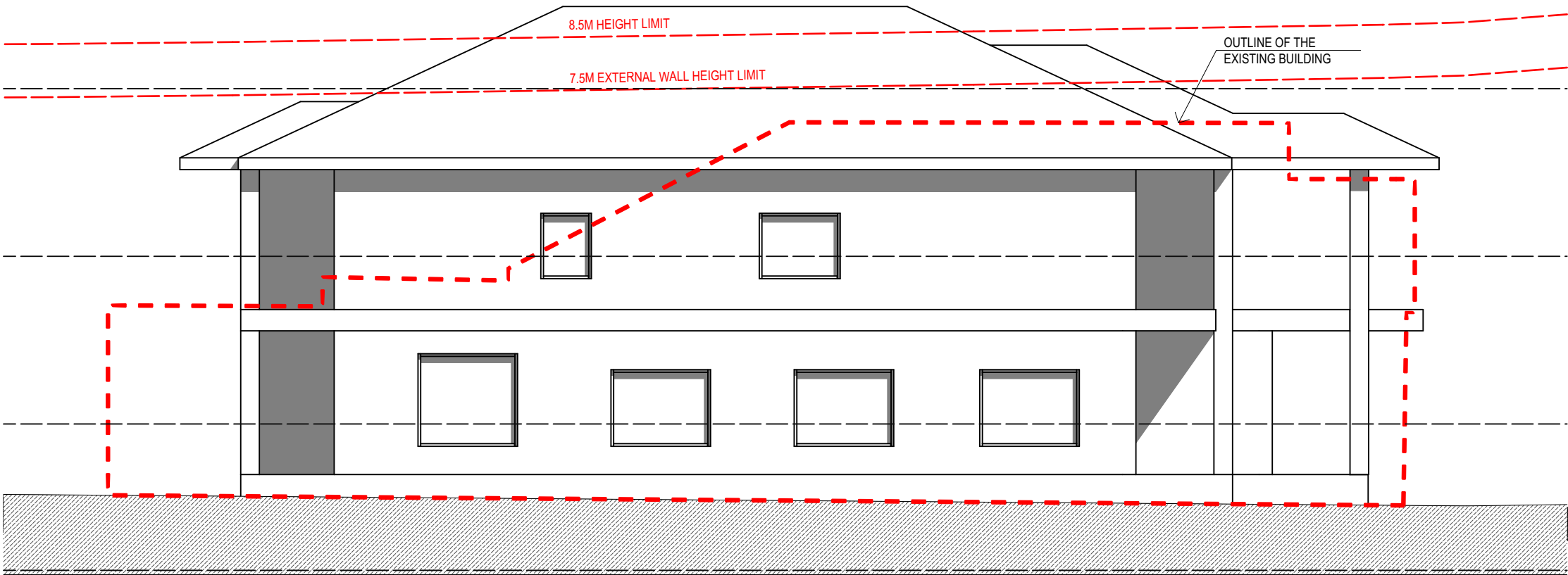
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EXISTING BUILDING ENVELOPE - SHADOW DIAGARM ON JUNE 21ST
101 ADJACENT BUILDING SIDE FACADE SHADOWING STUDY

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05.09.22 Additional notes to Shadowing Diagram B

09.08.22 A

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BURGESS RESIDENTIAL
103 DOVER ROAD, ROSE BAY
-

drawing

Building Envelope
Existing - 101 Adjacent Building
Elevation

drawing no

DA-825-005

revision

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PROJECT NO

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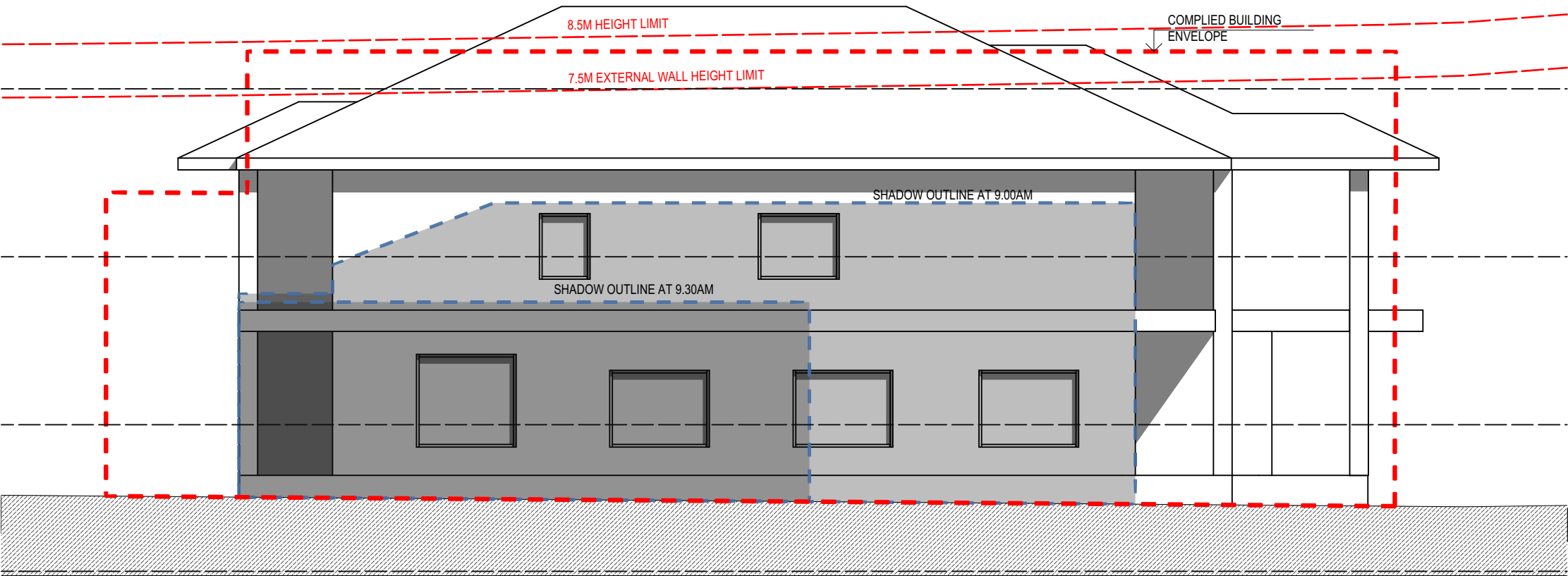
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Application No: DA-292/2022

Date Received: 07/09/2022



COMPLIED BUILDING ENVELOPE - SHADOW DIAGARM ON JUNE 21ST
101 ADJANCENT BUILDING SIDE FACADE SHADOWING STUDY

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09.08.22 A

date note revs

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BURGESS RESIDENTIAL
103 DOVER ROAD, ROSE BAY
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drawing

Building Envelope
Complied Building Envelope - 101
Adjacent Building Elevation

drawing no

DA-825-06

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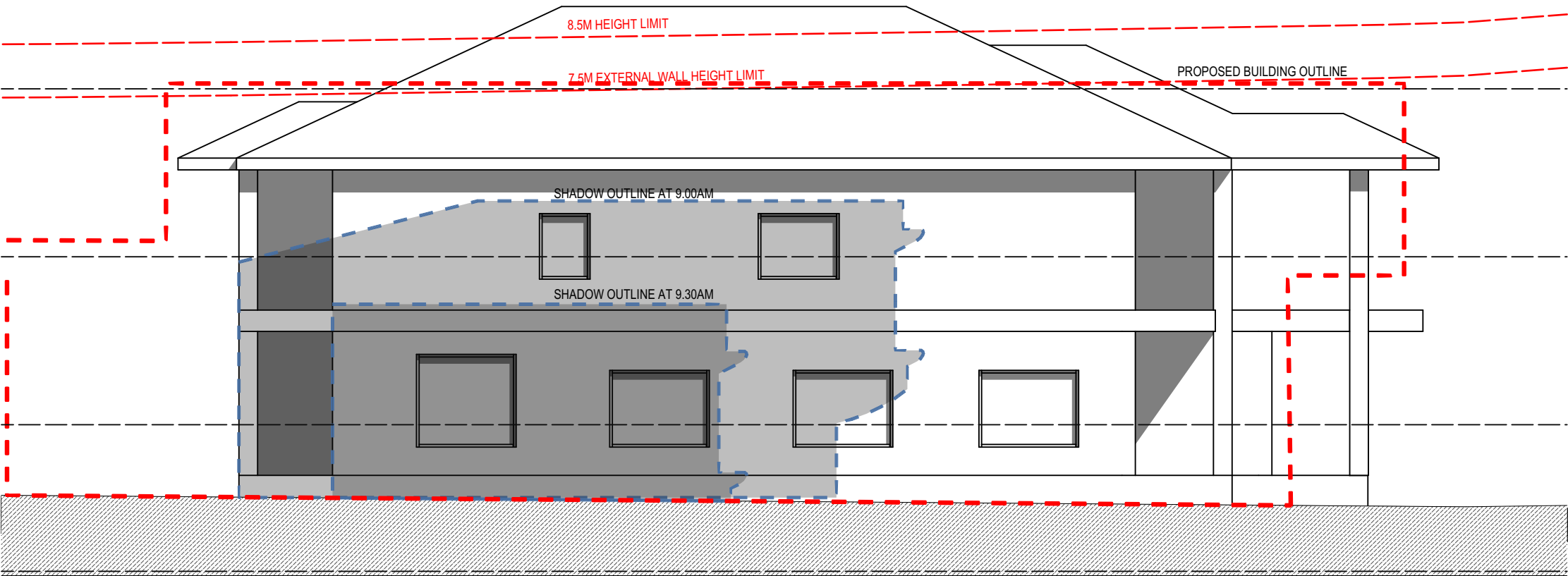
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Application No: DA-292/2022

Date Received: 07/09/2022



PROPOSED BUILDING ENVELOPE - SHADOW DIAGARM ON JUNE 21ST
101 ADJACENT BUILDING SIDE FACADE SHADOWING STUDY

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09.08.22 A

date note revs

DA SUBMISSION

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BURGESS RESIDENTIAL
103 DOVER ROAD, ROSE BAY
-

drawing

Building Envelope
Proposed Building Envelope - 101
Adjacent Building Elevation

drawing no

DA-825-007

revision

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PROJECT NO

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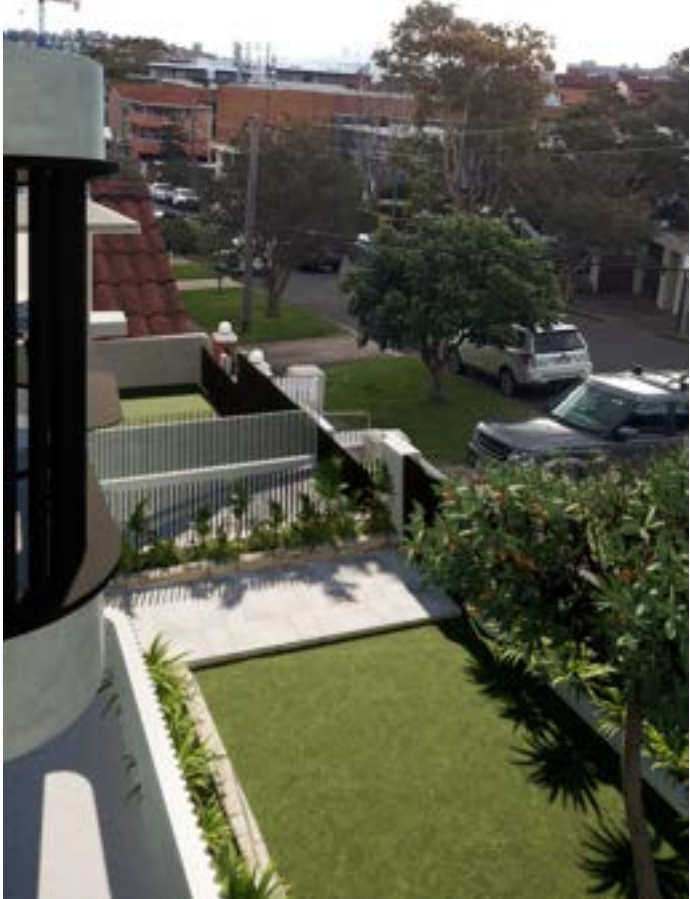
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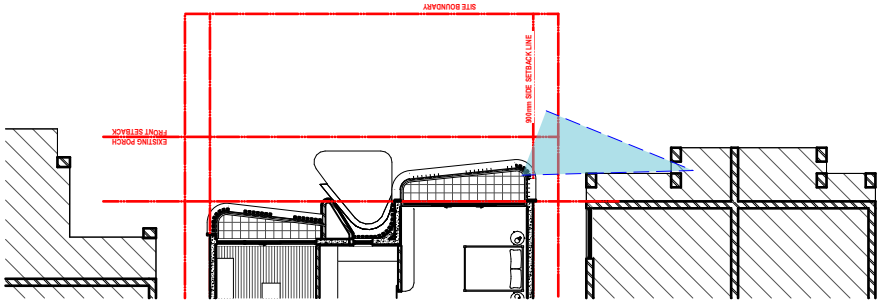
MELBOURNE



EXISTING VIEW FROM THE FRONT BALCONY



PROPOSED VIEW FROM THE FRONT BALCONY



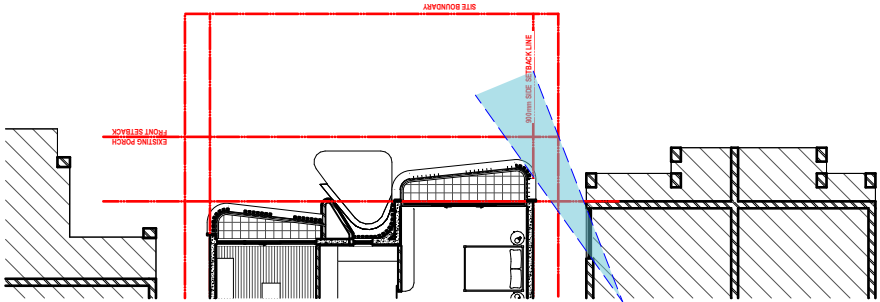
KEY PLAN



EXISTING VIEW FROM THE FRONT UPPER LEVEL WINDOW



PROPOSED VIEW FROM THE FRONT UPPER LEVEL WINDOW



KEY PLAN

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Application No: DA-292/2022
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project
BURGRESS RESIDENTIAL
103 DOVER ROAD, ROSE BAY

drawing
Building Envelope
105 Adjacent View Study

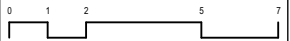
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PROJECT NO 21201

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EXISTING VIEW FROM FRONT BALCONY



PROPOSED VIEW FROM FRONT BALCONY

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103 DOVER ROAD, ROSE BAY

drawing

Building Envelope
105 Adjacent View Study

drawing no

DA-825-011

revision

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PROJECT NO

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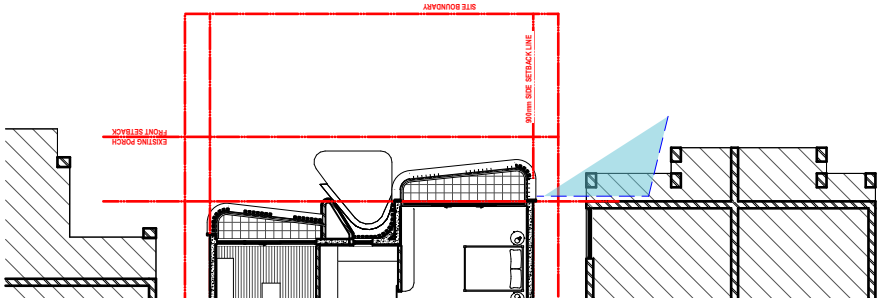
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MELBOURNE



KEY PLAN



BRK - BRICK - HAVEN WHITE



PV - PAVER



SCN 1 FENCE - POWDER COATED ALUMINIUM BLADE



SWF - STONE WALL FINISH



COF 1 - CONCRETE FINISH



SCN 2 - ALUMINIUM SCREEN - POWDER COATED - MONUMENT COLOUR



GC1 - GLAZING



POWDER COATED COLOUR - MONUMENT



GC2 GLASS BALUSTRADE



COF 2 - CONCRETE FINISH

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Application No: DA-292/2022
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DA SUBMISSION

project
BURGESS RESIDENTIAL
103 DOVER ROAD, ROSE BAY
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Material Board
Material Board

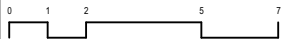
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PROJECT NO 21201

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103 DOVER ROAD, ROSE BAY
-

drawing

3D VIEWS
Perspective 01

drawing no

DA-910-001

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PROJECT NO

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BURGESS RESIDENTIAL
103 DOVER ROAD, ROSE BAY

drawing

3D VIEWS
Perspective 02

drawing no

DA-910-002

revision

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scale

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BURGESS RESIDENTIAL
103 DOVER ROAD, ROSE BAY
-

drawing

3D VIEWS
Perspective 03

drawing no

DA-910-003

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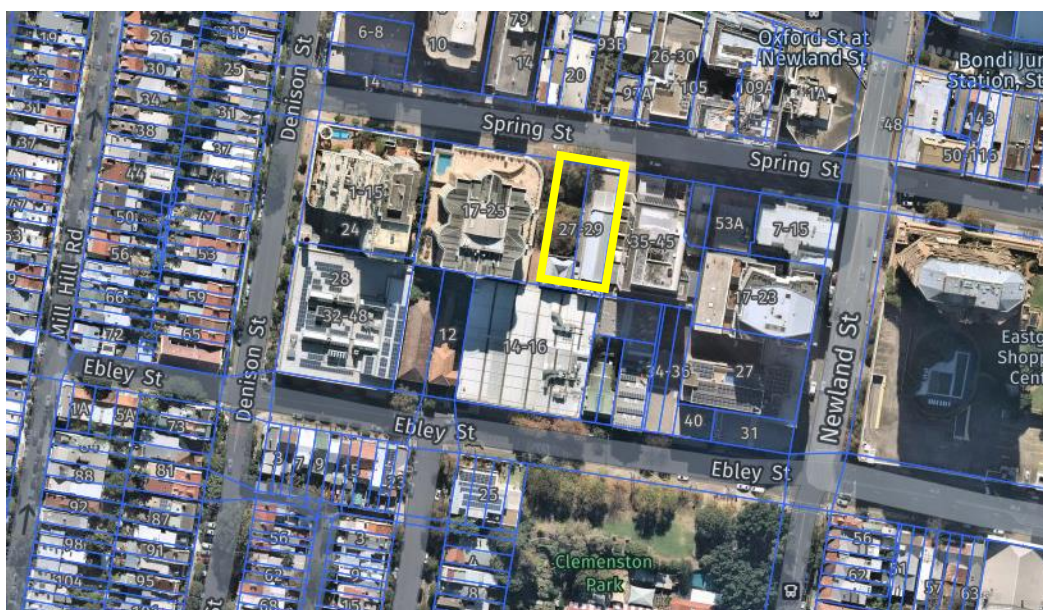
MELBOURNE



Report to the Waverley Local Planning Panel

Application number	DA-150/2021/A
Site address	27-33 Spring Street, Bondi Junction
Proposal	Modification to install a retractable awning; an external seating area within Norman Lee Place; an increase in cafe patrons; and an extension to café hours of operation for the Mill Hill Centre.
Description of Approved Development	Change of use to part of the ground floor level of the Mill Hill Centre to a café including fit out and associated kitchen exhaust at the site. The application also includes various signs to Norman Lee Place and the exterior of the Mill Hill Centre and Boot Factory.
Date of lodgement	13 July 2022
Owner	Waverley Council
Applicant	Waverley Council
Submissions	Nil
Amended cost of works	Remains at \$619,109
Principal Issues	Sanitary Facilities
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



Source: Nearmap, 2021

1. PREAMBLE

1.1. Executive Summary

The modification application seeks to modify development consent, known as DA-150/2021 for a change of use to part of the ground floor level of the Mill Hill Centre to a café including fit out and associated kitchen exhaust at the site. The original application also included various signs to Norman Lee Place and the exterior of the Mill Hill Centre and Boot Factory at the site known as 27-33 Spring Street, Bondi Junction. In summary, the proposed modifications are to install a retractable awning, an external seating area within Norman Lee Place, an increase in cafe patrons and an extension to café hours of operation.

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

- Sanitary Facilities.

The assessment finds this issue regarding sanitary facilities acceptable, as they can be resolved via a recommended condition of consent that require compliance with the National Construction Code (NCC).

Nil submissions were received.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 6 February 2020 for DA-374/2019 (a previous application for this site). As the Council Assessment Officer is familiar with the site, another site visit was not undertaken.

The proposed works are to 27-33 Spring Street, Bondi Junction and the site is legally identified as Lot 6, Section A in DP 145 and Lot 7 in DP 499650.

The site comprises of two lots, with which each accommodating its own building, being the Council owned buildings, comprising the Boot Factory and Mill Hill Community Centre buildings. The site area for this component of the site is 1,200.4m².

The building known as the 'Boot Factory building' is a locally listed heritage item referred to as 'Item I236' under the Waverley Local Environmental Plan 2012 (Waverley LEP 2012) and occupies the western portion of the site. The historic building has frontage to Spring Street and is setback behind a civic space area known as Norman Lee Place. The building reaches three storeys and has a face-brick exterior. The building is currently in the process of being refurbished (as approved under DA-374/2019).

Mill Hill Community Centre occupies the eastern portion of the site. It is accessible from Spring Street and Norman Lee Place and operated as a community centre. This building is three storeys in height and features a red brick façade and the café, the subject of this application is located at the ground floor level.



Figure 1. Context of the subject site. (Source: Nearmap, 2022)

Figures 2 to 5 are photos of the site and its context (prior to the construction of works approved under DA-374/2019).



Figure 2: Exterior of the Boot Factory building looking south from Norman Lee Place



Figure 3: Mill Hill Community Centre building looking east from Norman Lee Place.



Figure 4: The interior of the Boot Factory building



Figure 5: Norman Lee Place looking north towards Spring Street where it adjoins the 'Spring Street Apartments'.

1.3. Details of Approved Development

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

DA-374/2019

Alterations and adaptive re-use of the Boot Factory as a flexible community centre and alterations and additions to Mill Hill community centre, associated landscaping, signage and site consolidation was granted deferred commencement consent by the Sydney Eastern City Planning Panel on 21 May 2020.

Deferred Commencement Condition:

1. SEPP 55

Documentation that demonstrates the requirements of State Environmental Planning Policy No 55 have been met and the site is suitable for the proposed use. Documentation in the form of one of the following is required:

- a) A Site Audit Statement prepared by an accredited NSW EPA auditor clearly stating that the site is/or will be suitable for the intended use; or*
- b) A letter/interim advice from an accredited NSW EPA Site Auditor stating that what is being proposed will result in the site being made suitable for the intended use.*

The deferred commencement was satisfied on 28 April 2021, activating the consent.

The following conditions of DA-374/2019 are relevant for the proposed application:

6. SEPARATE APPLICATION FOR SIGNAGE

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

7. FUTURE USE OF TENANCIES

The approved community facility spaces will require separate development application/s for the fit out and use of the future tenancies.

This approval does not permit cooking to be undertaken on the premises. Any proposal to utilise cooking equipment/appliances will be subject to a separate development application to Council and if approved will require an air handling system designed in accordance with AS 1668.1-1998 and AS1668.2-1991.

DA-374/2019/A

Modifications, including replacement of window and door openings, internal reconfiguration and refinement of external works was approved by the Waverley Local Planning Panel (WLPP) on 28 July 2021.

DA-374/2019/B

Modification to condition 44 (d) of consent regarding timing of remediation validation report submission was approved by the Development Building Unit on 28 May 2021.

DA-150/2021 (subject of this modification application)

Change of use of ground floor level to a café including signage, fit out and associated kitchen exhaust was granted approval by the WLPP on 28 July 2021. The use was approved to operate in accordance with the below:

- Hours of operation: Monday – Sunday: 7am – 5:30pm
- Patron capacity: 18 Patrons

1.4. Proposal

The modification application has been submitted under section 4.55 (1A) of the *Environmental Planning and Assessment Act 1979*. It seeks consent for the following modifications to the approved development:

- Provision of an external seating area to the west of the Mill Hill Community Centre café within Norman Lee Place. The seating area proposes:
 - 18 patrons
 - Installation of a retractable awning attached to the western façade of the Mill Hill Community Centre building.
 - A permanent brick edge for fixed seating.
 - Permanent seating.
 - Additional planting
- An increase in the approved number of indoor café patrons, from the currently approved capacity of 18 patrons to 30 patrons.
- An extension to café operating hours, from the currently approved hours of Monday – Sunday: 7am to 5:30pm to Monday – Sunday: 7am to 8:30pm.



Figure 6: Photomontage of the proposed works to Norman Lee Place. (Source: Matt Devine & Co, 2022)

1.5. Background

Additional information was requested on 13 September 2022, this included:

1. Details on the materials and finishes of the outdoor seating;
2. A photomontage of the works to Norman Lee Place;
3. The internal floor plan to show seating for 30 patrons (reflecting the internal patron capacity sought); and
4. A Waste Management Plan.

The additional information was provided to Council on 15 September 2022.

The Assessment has not resolved the issues related to waste and therefore appropriate conditions of consent are recommended.

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(1A) – Minor impact

The application is made under section 4.55(1A) of the Act. The proposed modifications are considered to have minimal environmental impact for reasons identified and explained in the following sections of this report.

The application has been compared to the essential nature of the development as originally approved and it is considered to be *substantially the same development*.

The application was publicly notified and no submissions were received.

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 (Resilience and Hazards) 2021

Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

The land use definition of the approved development as a food and drink premises remains unchanged and continues to be permitted development in the B4 zone under Waverley LEP 2012.

The quantities of the approved development, as proposed to be modified, remain the same, as outlined in **Table 1** of this report in relation to principal development standards under Waverley LEP 2012. All other relevant provisions of Waverley LEP 2012 remain compliant.

Table 1: Waverley LEP 2012 Compliance Table

Provision	Approved	Proposed Modified	Compliance
4.3 Height of buildings <ul style="list-style-type: none">• 32m	N/A – works to the food and drink premises were internal.	The proposed retractable awning has a height of 4m.	Yes

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

The approved development, as proposed to be modified, continues to comply with the relevant parts and sections of Waverley DCP 2012. Only the following parts and sections of Waverley DCP 2012 that

apply to the proposed modifications are outlined in **Tables 2** through **5** of this report and detailed discussion below these tables.

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

Development Control	Compliance	Comment
9. Heritage	Yes	The site is classed as local heritage item (I236) that relates to the Boot Factory Building. No works are proposed to the Boot Factory Building. Regardless, Council's Heritage Officer reviewed the application and raised no objection.
16. Public Domain	Condition recommended	<p>Providing outdoor seating to the café will activate Norman Lee Place, a desired outcome.</p> <p>The applicant confirmed that the materials and finishes for the fixed outdoor café bench are a precast concrete bench/plinth with Spotted Gum slat seating, 'Natural Steel Grey' steel detailing and mild steel backrest.</p> <p>Given this is a public plaza, a condition is recommended that a detailed materials and finishes Schedule be provided regarding the fixed furniture, as well as the moveable tables and chairs associated with the use.</p>

Table 3: WDCP – Part D1 Commercial and Retail Development Compliance Table

Development Control	Compliance	Comment
1.1 Other Policies, Strategies and Standards		
1.2 Design		
1.2.4 General Amenity	Conditions retained	The previously imposed conditions are acceptable to provide appropriate general amenity.
1.2.4 Noise	Conditions retained	The previously imposed conditions are acceptable to provide appropriate general amenity.
1.3 Hours of operation		
<i>(B4) Mixed Use Zone</i> <i>Base Hours:</i> <ul style="list-style-type: none"> 7am – 11pm (Mon-Sat) 7am – 10pm (Sun) 	Yes	The café proposes to operate from 7am - 8:30pm, 7 days. This is compliant with the base hours set out in the Waverley DCP 2012.

Table 3: WDCP – Part D2 Outdoor Dining Compliance Table

Development Control	Compliance	Comment
2.1 Location		
<ul style="list-style-type: none"> 0.6m x 0.6m comfortable dining control 	Yes	Comfortable dining in Norman Lee Place is provided.
2.2 Furniture and accessories		
<p>Controls</p> <ul style="list-style-type: none"> All furniture, accessories and umbrellas are temporary and must be stored away from footpath seating areas outside the approved hours of operation unless specific approval has been granted 	Condition recommended	<p>A condition is recommended that the furniture be stored within the shop when outside approved hours of use.</p> <p>The proposed permeant benches in Norman Lee Place are supported. Norman Lee Place is a communal plaza, and the construction of permeant seating is supported as it will activate the space.</p>
2.3 Management		
2.3.1 Hour of operation and noise	Yes	The proposed hours of outdoor seating use are 7am -8:30pm. This is reflective of the hours of use proposed under this application as well as compliance with the B4 zone.
2.3.3 Toilet and sanitary conveniences	Yes	This is discussed in detail below.

Table 4: WDCP - Part E1 Bondi Junction Compliance Table

Development Control	Compliance	Comment
1.3 Building use		
<ul style="list-style-type: none"> <i>Primary Shopping Street</i> 	Yes	As the site is classed as a primary shopping street, the continued provision of a café is supported as well as the use of Norman Lee Place for outdoor seating.

Sanitary Facilities

Sanitary facility rates are calculated under F2.3 of the NCC.

As the café proposes a patron capacity of 30 internal patrons and 18 external patrons, sanitary facilities are required.

Table 6: NCC Sanitary Facilities Calculations

	Male	Female
50/50 Gender Split	24	24
Required Sanitary Facilities	1 pan 1 urinal 1 basin	1 pan 1 basin
Existing Sanitary Facilities	2 unisex pans	2 unisex pans

The proposed sanitary facilities lack one urinal. A condition is recommended that sanitary facilities are to comply with the NCC.

Patron Capacity

Part D1.13 of the NCC recommends 1m² per person for the use.

The seating area of the cafe has an internal area of 32.2m², therefore the internal patron capacity of 30 is acceptable.

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 July and 5 August 2022 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

No submissions were received.

2.2.5. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Public Domain

An internal referral was sought from Council's Public Domain Officer who did not object to the proposal.

3.2. NSW Police

An external referral was sought from the NSW Police who recommended the following conditions:

- Graffiti/Vandalism

Council's Comment: This is not a condition that is placed on food and drink premises.

- Installation of adequate Closed Circuit Television System (CCTV).

Council's Comment: As the food and drink premises is not licensed (at the time of the application). CCTV is not required for the unlicensed food and drink premises.

- Installation of adequate lighting.

Council's Comment: Lighting is covered by the Australian Standard.

- That a separate DA is submitted when an liquor license is applied for.

Council's Comment: Council notes this recommendation.

3.3. Facilities

An internal referral was sought from Council's Facilities team who did not object to the proposal.

3.4. Health

An internal referral was sought from Health Officer who recommended conditions of consent.

3.5. Sustainability

An internal referral was sought from Council's Sustainability team who did not object to the proposal.

3.6. Urban Design

An internal referral was sought from Council's Urban Design Officer who advised *'the design of the alfresco area, in specific the fixed furniture, stairs, and raised section, is seen as unnecessary. It permanently occupies a significant part of the forecourt, whereas a moveable furniture would provide more flexibility and less clutter. A significant part of the forecourt is already occupied by fixed furniture (raised concrete plinth and timber deck) so the rest of the area should remain open.'*

Development Assessment does not agree with this, as the use of permanent furniture will aid in activating Norman Lee Place.

3.7. Heritage

An internal referral was sought from Council's Heritage Officer who did not object to the proposal.

3.8. Waste

An internal referral was sought from Council's Waste Officer who recommended conditions of consent.

4. CONCLUSION

The modification application seeks to modify development consent, known as DA-150/2021 for a change of use to part of the ground floor level of the Mill Hill Centre to a café including fit out and associated kitchen exhaust at the site. The original application also included various signs to Norman Lee Place and the exterior of the Mill Hill Centre and Boot Factory at the site known as 27-33 Spring Street, Bondi Junction. In summary, the proposed modifications are to install a retractable awning, an external seating area within Norman Lee Place, an increase in cafe patrons and an extension to café hours of operation.

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

- Sanitary Facilities.

The assessment finds this issue regarding sanitary facilities acceptable as it can be resolved via a recommended condition of consent regarding the sanitary facilities are to comply with the National Construction Code (NCC).

No submissions were received.

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



Development and Building Unit (DBU) Decision:

The application was reviewed by the DBU at the meeting on 13 September 2022 and the DBU determined:

- (a) The application is acceptable and should be approved, subject to the conditions in Appendix A.
DBU members: *M Reid, A Rossi, B McNamara, B Magistrale, T Sneesby*

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the modification application be APPROVED by the Waverley Local Planning Panel subject to modified and new conditions in Appendices A and B.

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Joseph Somerville	Bridget McNamara
Senior Development Assessment Planner	Manager, Development Assessment
Date: 20 October 2022	Date: 20 October 2022

Reason for WLPP referral:

The consent authority for the original development application was the WLPP, this modification is made under section 4.55(2) of the Act and relates to:

1. Council Application

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 Archer Office of Project No: 1803 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
A000 / Rev G	Cover Page	06/04/2021	27/04/2021
A010 / Rev B	Legend	06/04/2021	27/04/2021
A020 / Rev G	Site Plan	06/04/2021	27/04/2021
A101 / Rev G	Ground Floor Plan	06/04/2021	27/04/2021
A104 / Rev G	Roof Plan	06/04/2021	27/04/2021
A200 / Rev G	North Elevation	06/04/2021	27/04/2021
A204 / Rev C	MHC – West Elevation	06/04/2021	27/04/2021

(i) *As amended by Architectural Plans prepared by Archer Office of Project No: 1803 including the following:*

Plan Number and Revision	Plan description	Plan Date	Date received by Council
A000 / Rev J	Cover Page	03/06/2022	06/07/2022
A020 / Rev J	Site Plan	03/06/2022	06/07/2022
A101 / Rev L	Ground Floor Plan	03/06/2022	06/07/2022
A204 / Rev B	North & West Elevation	03/06/2022	06/07/2022

(b) Signage Plans prepared by Extrablack including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
SI_GEN_0000 / Rev 01	External Signage Colour and Material Specification	26/03/2021	27/04/2021
Rev 02	Building Identification – Wall Mounted	29/03/2021	27/04/2021
Rev 02	Building Street Numbers – Wall Mounted	29/03/2021	27/04/2021
Rev 02	Freestanding Totem – In-ground Mounted	29/03/2021	27/04/2021
Rev 02	Freestanding Totem – Site Braille Map	29/03/2021	27/04/2021
Rev 02	Wayfinding Directory and Destination Identification – Wall Mounted	29/03/2021	27/04/2021
Rev 02	Accessible Lift Entry – Wall Mounted	29/03/2021	27/04/2021

Rev 02	Statutory Signage – Door Mounted	29/03/2021	27/04/2021
Rev 02	Statutory Signage – External Fire Hydrant – In-ground Mounted	29/03/2021	27/04/2021
Rev 02	Interpretive Graphics – Door Mounted	29/03/2021	27/04/2021
Rev 02	Heritage Interpretation – Seat/In-ground Mounted	29/03/2021	27/04/2021
MP_S4.55_100 / Rev 02	External Ground Floor Signage Masterplan	29/03/2021	27/04/2021
Rev 02	Drawing Register	29/03/2021	27/04/2021

Except where amended by the following conditions of consent.

(AMENDED DA-150/2021/A)

10. WASTE STORAGE AREAS

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

- (a) Minimum bin requirements
 - ~~34~~ x 240L Mobile Garbage Bins (MGBs) for general waste collected twice weekly.
 - 3 x 240L MGBs for comingled recycling collected twice weekly.
 - Number of bins and frequency of collection must be monitored and adjusted to meet waste generation needs, particular in peak season (summer).
- (b) Extra space is required to store bulky cardboard, packaging related to deliveries and reusable products such as milk/bread crates.
- (c) Extra space is required to store ink cartridges, electronic waste, batteries, globes, and other problem waste likely to be generated at the property.
- (d) All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B of Waverley Council Development Control Plan 2012. All waste and recycling storage rooms must be graded and drained to the sewerage system and approved by Sydney Water.
- (e) Space must be allocated for the storage of liquid wastes and oils etc. The liquid waste storage areas must be undercover, bunded and drained to a grease trap.
- (f) The proposal must have a system for the convenient transportation of waste and recyclables to the storage area and the point of collection.
- (g) ~~To minimise waste generation, waste bins should be avoided at each worker's desk or workstation.~~

(AMENDED DA-150/2021/A)

29. HOURS OF OPERATION

The hours of operation for the premises are restricted to:

INDOOR AREA

Monday to Sunday: 7:00am – ~~5:30pm~~ **8:30pm**

OUTDOOR AREA

Monday to Sunday: 7:00am – 8:30pm

(AMENDED DA-150/2021/A)

30. MAXIMUM PATRON CAPACITY

- (a) The approved patron capacity for the premises is limited to:

~~Total of 18 patrons~~

Indoor: 30 patrons

Outdoor: 18 patrons

- (b) A comfortable dining position must be available for each patron upon the premises. This will include a seat and access to table / bench space generally in accordance with the approved plans.
- (c) Any person/s attending the premises for the purpose of 'takeaway' products / services will not be considered a 'patron' for the purposes of subclause (a), provided no food and or drink is consumed by those persons on the premises.
- (d) Management are responsible for ensuring the number of patrons in the premises does not exceed the approved capacity specified in sub clause (a).

(AMENDED DA-150/2021/A)

31. SIGNAGE TO BE DISPLAYED

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

Approved hours of operation - Indoor Area

Monday to Sunday: 7:00am – ~~5:30pm~~ 8:30pm

Approved hours of operation - Outdoor Area

Monday to Sunday: 7:00am – 8:30pm

Approved patron capacity

~~18 patrons~~

Indoor: 30 patrons

Outdoor: 18 patrons

(AMENDED DA-150/2021/A)

B. New Conditions

2A. MATERIALS AND FINISHES SCHEDULE

Prior to the issue of a Construction Certificate, detailed materials and finishes schedule is to be provided that includes details of the proposed permanent furniture as well as the type of furniture proposed for the moveable furniture for approval by Council's Executive Manager, Development Assessment (or delegate).

(ADDED DA-150/2021/A)

2B. SANITARY FACILITIES

Sanitary Facilities are to comply with the National Construction Code.

(ADDED DA-150/2021/A)

45. NOISE COMPLAINTS

If, during on-going use of the premises, substantiated complaints of breaches of noise emission conditions and/or the Protection of the Environment Operations Act, 1997 occur, an acoustic report assessing the impact of the operation will be required to be carried out by a suitably qualified acoustic consultant. The report is to be submitted to the satisfaction of Council's Health Compliance Unit within 60 days of written request. The investigation shall include, but not be limited to:

- (a) The identification of sensitive noise receivers potentially impacted by the proposal;*
- (b) The quantification of the existing acoustic environment at the receiver locations (measurement techniques and assessment period should be fully justified and accordance with relevant Australian Standards and NSW Environment Protection Authority (EPA) requirements);*
- (c) The identification of operational noise producing facets of the use and the subsequent predictions of resultant noise at the identified sensitive receiver locations from the operation of the use. Where appropriate the predication procedures must be justified and include an evaluation of prevailing atmospheric conditions that may promote noise propagation;*
- (e) A statement indicating that the operation of the premises complies with the relevant criteria together with details of acoustic control measures that will be incorporated into the development/use, will not create adverse noise impacts to surrounding development.*

(ADDED DA-150/2022/A)

F. OUTDOOR DINING

46. MAXIMUM PATRON CAPACITY

- (a) The approved patron capacity for the outdoor dining area of the premises is limited to:
Total of 18 patrons*
- (b) A comfortable dining position must be available for each patron upon the premises. This will include a seat and access to table / bench space generally in accordance with the approved plans.*
- (c) Any person/s attending the premises for the purpose of 'takeaway' products / services will not be considered a 'patron' for the purposes of subclause (a), provided no food and or drink is consumed by those persons on the premises.*
- (d) Management are responsible for ensuring the number of patrons in the premises does not exceed the approved capacity specified in sub clause (a).*

(ADDED DA-150/2021/A)

47. CRITERIA FOR OPERATION

The restaurant associated with the use of outdoor dining is to meet with the following criteria:

- (a) provide non-disposable eating utensils;*

- (b) provide adequate washing-up facilities on the premises; and*
- (c) ensure no advertising or corporate logos/colour schemes on any of the utensils or furniture items.*

(ADDED DA-150/2021/A)

48. NUISANCE

The Holder must not do, or permit to be done, anything which in the opinion of Council may become a nuisance or a disturbance, obstruction or cause damage, whether to Council property or to a member of the public in the vicinity of the footway, nor use the footway in any noisy, noxious or offensive manner.

(ADDED DA-150/2021/A)

49. RESPONSIBILITY FOR REFUSE

The Holder of the Approval is responsible for removing all refuse and material from the footpath seating area and surrounding pathway before vacating the footpath area each day.

(ADDED DA-150/2021/A)

50. ACCESS FOR MAINTENANCE

Footway seating or any approved structures must not cover or impede access to public or private utility access and drainage pits. The Holder must permit utility, infrastructure and communications organisations access to the site at no cost if required.

(ADDED DA-150/2021/A)

51. NO OBSTRUCTION OF REGULATORY SIGNS

The footway seating or approved associated structures must not obstruct the view of advisory and regulatory signs and traffic controls.

(ADDED DA-150/2021/A)

52. NO ENTERTAINMENT, SPEAKERS OR MUSIC OUTSIDE

- (a) No sound reproduction device nor any form of entertainment is to be operated within the footway Approval area.*
- (b) Speakers must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain.*
- (c) Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.*

(ADDED DA-150/2021/A)

53. NO SPRUICKING/AMPLIFIED NOISE

No persons (such as spruickers) or recordings or other devices which have the effect of spruicking may be located on the footway. The sound of any spruicking or amplified noise generated within privately owned land must not be audible on the footway adjoining the subject property.

(ADDED DA-150/2021/A)

54. FURNITURE

- (a) All outdoor furniture and planting must be maintained at all times in a physically sound condition and of an appearance that is deemed to be acceptable by Council.*
- (b) The chairs and tables should be able to be stacked or folded for storage within the premises when the premises is closed or outside of approved hours of use under this footway consent. No furniture or other structure is to be fixed to the pavement without the consent of Council.*
- (c) All tables, chairs and other furniture is to be located solely in the approved footpath plan area, with this area to be delineated by pegs or other permanent markings in the pavement, to Council's specifications, prior to the occupation of the footpath. At any time this footpath approval is exercised, the Holder shall make every reasonable effort to ensure any disc or other marker used to define the area remains visible.*

In the event that:

- (i) any furniture, equipment or items remain with the Approved Area outside the approved hours*

then the Council is entitled to collect and retain that furniture, equipment or items and hold them for a period of 14 days after which time the Council may sell that furniture, equipment or items and apply the proceeds received after payment of selling costs in reduction of any fee or money payable to Council arising under or in connection with this approval including the costs of collecting and storing such furniture, equipment or items.

- (d) The furniture used for the footpath seating must match each other and shall be entirely self-supporting. Only one style of chair is to be used and they must be consistent with one of the styles indicated on the application. No milk crates, beer kegs or the like shall be used as furniture.*
- (e) No advertising is permitted on the furniture or umbrellas.*
- (f) The proprietor of the restaurant is to be responsible for:*
 - (i) maintaining all furniture in good repair; and*
 - (ii) removal of furniture from the footway outside of the trading hours and storage in an appropriate location.*
- (g) General accessories such as enclosures, screens, blinds, heaters, bollards, planters, music or amusement machines and lighting are not permitted.*
- (h) Menu boards are to be transportable and must be kept within the footpath plan area.*

(i) ***Umbrellas are to be securely anchored by the applicant to the satisfaction of Council. The cost of the umbrellas and securing them will be borne by the applicant.***

(j) ***The umbrella shall be white in colour and not include any third party advertising.***
(ADDED DA-150/2021/A)

55. NO SMOKING WITHIN FOOD PREMISES OR APPROVED FOOTWAY DINING AREA

There is to be no smoking in the area to which this approval relates. Signs are to be prominently displayed at all times when the footpath seating area is available for use which indicate by words and or diagram that no smoking is permitted within the footpath seating area. No ash trays are to be provided within the footpath seating area and the holder of this approval and its staff must not provide any lighter or matches or otherwise do anything which facilitates smoking within the footpath seating area. As soon as the operator or any of its staff become aware that a person is smoking within the footpath seating area they must require the person to stop smoking, inform the person that it is a condition of this approval that they not smoke in the footpath seating area and if the person continues to smoke they shall ask the person to leave the footpath seating area.

Council may issue a written warning to the holder of this approval in respect of any breach of this condition. That warning may be given to the holder of the approval or to any member of its staff.

(ADDED DA-150/2021/A)

APPENDIX B – FULL SET OF CONDITIONS

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by Archer Office of Project No: 1803 including the following:

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Rev 02	Interpretive Graphics – Door Mounted	29/03/2021	27/04/2021
Rev 02	Heritage Interpretation – Seat/In-ground Mounted	29/03/2021	27/04/2021
MP_S4.55_100 / Rev 02	External Ground Floor Signage Masterplan	29/03/2021	27/04/2021
Rev 02	Drawing Register	29/03/2021	27/04/2021

Except where amended by the following conditions of consent.

(AMENDED DA-150/2021/A)

2. SIGNAGE

- The format, font, style and graphics of any future signs that include corporate or retail businesses on the site are to be approved by Council's Heritage Architect prior to installation.
- Where signs are fixed to the fabric of the Boot Factory the use of fixings inserted into brick joints is favoured over the alternate double-sided tape identified in the proposal.
- Logos and QR symbols attached to signs are required to be able to be replaced without major impact on the signs.
- Signage set into the pavement are to be durable given the high failure rate of this format.

2A. MATERIALS AND FINISHES SCHEDULE

Prior to the issue of a Construction Certificate, detailed materials and finishes schedule is to be provided that includes details of the proposed permanent furniture as well as the type of furniture proposed for the moveable furniture for approval by Council's Executive Manager, Development Assessment (or delegate).

(ADDED DA-150/2021/A)

2B. SANITARY FACILITIES

Sanitary Facilities are to comply with the National Construction Code.

(ADDED DA-150/2021/A)

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

GENERAL REQUIREMENTS

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

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

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

CONTRIBUTIONS, FEES & BONDS

4. SECTION 7.12 CONTRIBUTION

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

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

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

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

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

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

5. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of \$16,790.00 must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

6. LONG SERVICE LEVY

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

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

CONSTRUCTION MATTERS

7. HOARDING

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

8. ENGINEERING DETAILS

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

WASTE

9. 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.

10. WASTE STORAGE AREAS

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

- (a) Minimum bin requirements
 - 4 x 240L Mobile Garbage Bins (MGBs) for general waste collected twice weekly.
 - 3 x 240L MGBs for comingled recycling collected twice weekly.
 - Number of bins and frequency of collection must be monitored and adjusted to meet waste generation needs, particular in peak season (summer).
- (b) Extra space is required to store bulky cardboard, packaging related to deliveries and reusable products such as milk/bread crates.
- (c) Extra space is required to store ink cartridges, electronic waste, batteries, globes, and other problem waste likely to be generated at the property.
- (d) All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B of Waverley Council Development Control Plan 2012. All waste and recycling storage rooms must be graded and drained to the sewerage system and approved by Sydney Water.
- (e) Space must be allocated for the storage of liquid wastes and oils etc. The liquid waste storage areas must be undercover, bunded and drained to a grease trap.
- (f) The proposal must have a system for the convenient transportation of waste and recyclables to the storage area and the point of collection.
- (g) DELETED DA-150/2021/A

(AMENDED DA-150/2021/A)

NOISE

11. NOISE – ACOUSTIC REPORT

An Acoustic Assessment Report prepared by a suitably qualified acoustic consultant shall be prepared to assess the impacts of the development (internal and external areas) including any mechanical plant, refrigeration motors and air conditioning units and make recommendations to ensure that the noise from the development will be within the acceptable limits of the Protection of the Environment Operations Act 1997 and relevant legislation. The plan must be submitted to the satisfaction of Council's Executive Manager, Compliance (or delegate).

Note: Any management measures recommended in the acoustic report shall be incorporated into a Plan of Management, which will be required to be submitted to Council for approval prior to the issue of an Occupation Certificate.

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

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

FIRE SAFETY

12. ESSENTIAL SERVICES - EXISTING BUILDING

Details of the currently implemented and proposed essential fire safety measures shall be submitted to Council, with the Construction Certificate, in the form of a Fire Safety Schedule. This Schedule shall be prepared by a person competent to do so and shall specify the minimum standard of performance for each essential fire safety measure included in the Schedule.

At the completion of the installation, a Final Fire Safety Certificate shall be attached to the Occupation Certificate, certifying that each essential fire safety measure specified within the current Fire Safety Schedule:

- (a) has been assessed by a properly qualified person; and
- (b) found to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the Certificate is issued.

13. FIRE SAFETY

A building in respect of which there is a change of building use must comply with the Category 1 Fire Safety Provisions applicable to the proposed new use.

14. BCA & FIRE SAFETY UPGRADING WORKS

- a) In addition to all new works fully comply with the Building Code of Australia, pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, subject tenancy must be upgraded to comply with the following provisions of the Building Code of Australia (BCA):

- (i) Fire resistance and stability – Part C1;

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

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

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

15. CONSTRUCTION SIGNS

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

DEMOLITION

16. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

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

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

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

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

CONSTRUCTION MATTERS

17. CONSTRUCTION HOURS

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

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

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

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

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

19. CONSTRUCTION INSPECTIONS

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

20. FOOD PREMISES

The fitout of the premises must be in accordance with the *Waverley Council Policy for Fit-out and Construction of Food Premises* available on Council's website, as well as any other relevant legislation. https://www.waverley.nsw.gov.au/building/compliance_and_regulations/environmental_health_regulations/food_safety

TREE PROTECTION AND REMOVAL

21. TREE PROTECTION

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

22. STREET TREES TO BE RETAINED/TREE PROTECTION

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

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

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

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

CERTIFICATION AND LICENCES

23. FINAL OCCUPATION CERTIFICATE

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

24. CERTIFICATION OF ALL MECHANICAL PLANT

A Certificate of Test of all mechanical plant together with a copy of the final test figures, conducted by a suitably qualified person, certifying that the system complies with the conditions of this consent, National Construction Code (NCC) and relevant Australian Standards.

25. CERTIFICATION OF ACOUSTIC PERFORMANCE

An acoustic report/certificate prepared by a suitably qualified acoustic consultant is to be submitted to the Principal Certifying Authority and the Council, certifying that all acoustic conditions of consent (including the operational conditions) have been satisfied.

MANAGEMENT PLANS

26. PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE

A Waste Management Plan must be submitted to Council's Executive Manager, Environmental Sustainability (or delegate) and include including the following where relevant.

- (a) All arrangements including relevant and current contracts for recyclables and all other waste (collection and disposal)
- (b) The waste storage area and bins must be cleaned and maintained regularly with appropriate lighting.
- (c) Confer with Sydney Water and any other relevant contractor to ensure a valid Trade Waste Agreement is in place for all trade wastes. Copies of these agreements shall be forwarded to Council.
- (d) The role and responsibility of managing composting facilities (if provided).
- (e) Clear signage identifying the different bin types, space for reusable items such as crates and pallets, and problem waste must be displayed.
- (f) The recycling bins must be placed alongside the general waste bins for ease of access and to encourage recycling habits.
- (g) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of bins, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.
- (h) All waste and recycling bins must only be placed out on Council footpath for collection the morning of the collection day (no earlier than 5:30am) and retrieved from the kerbside as early as possible the same day of collection.
- (i) Any drum containing brewery waste must be sealed to avoid odours.

- (j) The bins must be placed for collection in a location that does not impede pedestrian access along the footpath or impact the neighbouring properties.
- (k) The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan is be available on site when requested.
- (l) At no times shall bins or other products (e.g. kegs and pallets) be stored on the public domain (e.g. footpaths).
- (m) Details of ongoing waste management strategy are to be documented within the SWRMP and reviewed every 5 years to employ updated waste reduction strategies and technologies.
- (n) It is recommended that the Waste Manage Plant specifically references Waverley Council's [Event Policy](#) and [Event Waste Management Guidelines and Requirements](#).

SHOPS

27. MECHANICAL EXHAUST MAINTENANCE

A maintenance program is required for the mechanical exhaust ventilation system that includes the cleaning of the system at six (6) monthly intervals. The maintenance program is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

28. FOOD PREMISES

The premises are to be registered with Waverley Council and inspected by Council's Environmental Health Officer prior to the issue of the Occupation Certificate.

E. OPERATIONAL MATTERS

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

29. HOURS OF OPERATION

The hours of operation for the premises are restricted to:

INDOOR AREA

Monday to Sunday: 7:00am – 8:30pm

OUTDOOR AREA

Monday to Sunday: 7:00am – 8:30pm

(AMENDED DA-150/2021/A)

30. MAXIMUM PATRON CAPACITY

- (a) The approved patron capacity for the premises is limited to:

Indoor: 30 patrons

Outdoor: 18 patrons

- (b) A comfortable dining position must be available for each patron upon the premises. This will include a seat and access to table / bench space generally in accordance with the approved plans.
- (c) Any person/s attending the premises for the purpose of 'takeaway' products / services will not be considered a 'patron' for the purposes of subclause (a), provided no food and or drink is consumed by those persons on the premises.
- (e) Management are responsible for ensuring the number of patrons in the premises does not exceed the approved capacity specified in sub clause (a).

(AMENDED DA-150/2021/A)

31. SIGNAGE TO BE DISPLAYED

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

Approved hours of operation - Indoor Area

Monday to Sunday: 7:00am – 8:30pm

Approved hours of operation - Outdoor Area

Monday to Sunday: 7:00am – 8:30pm

Approved patron capacity

Indoor: 30 patrons

Outdoor: 18 patrons

(AMENDED DA-150/2021/A)

32. COPIES OF CONSENTS AND MANAGEMENT PLANS

A full copy of all current development consents (including approved plans) for the operation of the premises, any Registers required and any required Plan of Managements must be kept on the premises and made available for inspection immediately upon request by Council Officers, Police Officers and/or ILGR Authorised Officers.

AMENITY & SAFETY

33. AMENITY

The management of the premises is to:

- (a) Ensure that the manner in which the business of the premises is conducted and/or the behaviour of persons entering and leaving the premises does not cause undue disturbance to the amenity of the neighbourhood
- (b) Record in a formal register full details of any disturbance complaint/s made by a person to management or staff in respect to the manner in which the business of the premises is conducted and/or the behaviour of persons entering or leaving the premises. Such recording will include time, date, nature of the complaint/s and any complainant details if provided
- (c) Respond to any disturbance complaint/s in a timely and effective manner. All actions undertaken by management / staff to resolve such complaint/s shall be recorded in the register.

34. NOISE EMISSIONS

The use of the premises shall not give rise to:

- (a) Transmission of "Offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy;
- (b) A sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard 1055.

35. REFRIGERATION UNITS & MECHANICAL PLANT

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

36. MECHANICAL VENTILATION SYSTEMS

The premises are to be ventilated in accordance with the requirements of the Building Code of Australia & relevant Australia Standards.

37. NO BARBECUE OR CHARCOAL TYPE COOKING

This approval does not permit the installation of barbecue or charcoal type cooking appliances. Comprehensive details must be submitted with a formal application to Council for approval prior to the installation of any such equipment.

38. NOISE - MECHANICAL PLANT

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

- (a) Transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy.
- (b) A sound pressure level at any affected property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use. The source noise level must be assessed as a LAeq, 15 minute.
- (c) Notwithstanding compliance with (a) and (b) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am.
- (d) A Certificate is to be submitted at the completion of all work and prior to the issue of an Occupation Certificate, from a suitably qualified Acoustic Engineer. The Certificate is to certify all plant and equipment complies with the terms of approval in relation to noise.

39. KITCHEN EXHAUST DISCHARGE

The kitchen exhaust discharge must be located at least 6 meters from an openable window, any outdoor fresh air intake and in a position where no nuisance is created.

40. MECHANICAL EXHAUST MAINTENANCE

A maintenance program is required for the mechanical exhaust ventilation system that includes the cleaning of the system at six (6) monthly intervals. The maintenance program is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

41. AIR EMISSIONS

The use of the premises shall not give rise to air impurities in contravention of the Protection of the Environment Operations Act, 1997.

42. 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.

43. LITTER CHECKS (FOOD & DRINK PREMISES)

Litter patrols are to be undertaken in the general vicinity of the premises (20 metres from the front door of the premises). Such patrols must take place intermittently during the hours of operation with the final check conducted at the end of trade. A register must be maintained and kept on the premises at all times detailing date, time of check, staff member responsible and signature.

44. LIQUOR SALE / SUPPLY / CONSUMPTION (CAFES AND RESTAURANTS)

- (a) No liquor may be sold, supplied or consumed on the premises except with the approval and authorisation from the relevant Liquor Authority.
- (b) The primary use of the premises must be that of a restaurant with the provision of genuine meals, prepared upon the premises, to patrons seated at comfortable dining positions.
- (c) Liquor may only be sold and/or supplied to patrons on the premises with or ancillary to a genuine meal.
- (d) Patrons shall be seated whilst consuming liquor.
- (e) The sale and/or supply of liquor must cease 15 minutes prior to the cessation of the respective hours of operation for the specified indoor and outdoor seating areas.

45. NOISE COMPLAINTS

If, during on-going use of the premises, substantiated complaints of breaches of noise emission conditions and/or the Protection of the Environment Operations Act, 1997 occur, an acoustic report assessing the impact of the operation will be required to be carried out by a suitably qualified acoustic

consultant. The report is to be submitted to the satisfaction of Council's Health Compliance Unit within 60 days of written request. The investigation shall include, but not be limited to:

- (a) The identification of sensitive noise receivers potentially impacted by the proposal;
- (b) The quantification of the existing acoustic environment at the receiver locations (measurement techniques and assessment period should be fully justified and accordance with relevant Australian Standards and NSW Environment Protection Authority (EPA) requirements);
- (c) The identification of operational noise producing facets of the use and the subsequent predictions of resultant noise at the identified sensitive receiver locations from the operation of the use. Where appropriate the predication procedures must be justified and include an evaluation of prevailing atmospheric conditions that may promote noise propagation;
- (e) A statement indicating that the operation of the premises complies with the relevant criteria together with details of acoustic control measures that will be incorporated into the development/use, will not create adverse noise impacts to surrounding development.

(ADDED DA-150/2022/A)

F. OUTDOOR DINING

46. MAXIMUM PATRON CAPACITY

- (a) The approved patron capacity for the outdoor dining area of the premises is limited to:
Total of 18 patrons
- (b) A comfortable dining position must be available for each patron upon the premises. This will include a seat and access to table / bench space generally in accordance with the approved plans.
- (c) Any person/s attending the premises for the purpose of 'takeaway' products / services will not be considered a 'patron' for the purposes of subclause (a), provided no food and or drink is consumed by those persons on the premises.
- (d) Management are responsible for ensuring the number of patrons in the premises does not exceed the approved capacity specified in sub clause (a).

(ADDED DA-150/2022/A)

47. CRITERIA FOR OPERATION

The restaurant associated with the use of outdoor dining is to meet with the following criteria:

- (d) provide waiter table service;
- (e) provide non-disposable eating utensils;
- (f) provide adequate washing-up facilities on the premises; and
- (g) ensure no advertising or corporate logos/colour schemes on any of the utensils or furniture items.

(ADDED DA-150/2022/A)

48. NUISANCE

The Holder must not do, or permit to be done, anything which in the opinion of Council may become a nuisance or a disturbance, obstruction or cause damage, whether to Council property or to a member of the public in the vicinity of the footway, nor use the footway in any noisy, noxious or offensive manner.

(ADDED DA-150/2022/A)

49. RESPONSIBILITY FOR REFUSE

The Holder of the Approval is responsible for removing all refuse and material from the footpath seating area and surrounding pathway before vacating the footpath area each day.

(ADDED DA-150/2022/A)

50. ACCESS FOR MAINTENANCE

Footway seating or any approved structures must not cover or impede access to public or private utility access and drainage pits. The Holder must permit utility, infrastructure and communications organisations access to the site at no cost if required.

(ADDED DA-150/2022/A)

51. NO OBSTRUCTION OF REGULATORY SIGNS

The footway seating or approved associated structures must not obstruct the view of advisory and regulatory signs and traffic controls.

(ADDED DA-150/2022/A)

52. NO ENTERTAINMENT, SPEAKERS OR MUSIC OUTSIDE

- (d) No sound reproduction device nor any form of entertainment is to be operated within the footway Approval area.
- (e) Speakers must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain.
- (f) Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

(ADDED DA-150/2022/A)

53. NO SPRUICKING/AMPLIFIED NOISE

No persons (such as spruikers) or recordings or other devices which have the effect of spruicking may be located on the footway. The sound of any spruicking or amplified noise generated within privately owned land must not be audible on the footway adjoining the subject property.

(ADDED DA-150/2022/A)

54. FURNITURE

- (a) All outdoor furniture and planting must be maintained at all times in a physically sound condition and of an appearance that is deemed to be acceptable by Council.
- (b) The chairs and tables should be able to be stacked or folded for storage within the premises when the premises is closed or outside of approved hours of use under this footway consent. No furniture or other structure is to be fixed to the pavement without the consent of Council.
- (c) All tables, chairs and other furniture is to be located solely in the approved footpath plan area, with this area to be delineated by pegs or other permanent markings in the pavement, to Council's specifications, prior to the occupation of the footpath. At any time this footpath approval is exercised, the Holder shall make every reasonable effort to ensure any disc or other marker used to define the area remains visible.

In the event that:

- (ii) any furniture, equipment or items remain with the Approved Area outside the approved hours

then the Council is entitled to collect and retain that furniture, equipment or items and hold them for a period of 14 days after which time the Council may sell that furniture, equipment or items and apply the proceeds received after payment of selling costs in reduction of any fee or money payable to Council arising under or in connection with this approval including the costs of collecting and storing such furniture, equipment or items.

- (d) The furniture used for the footpath seating must match each other and shall be entirely self-supporting. Only one style of chair is to be used and they must be consistent with one of the styles indicated on the application. No milk crates, beer kegs or the like shall be used as furniture.
- (e) No advertising is permitted on the furniture or umbrellas.
- (f) The proprietor of the restaurant is to be responsible for:
 - (iii) maintaining all furniture in good repair; and
 - (iv) removal of furniture from the footway outside of the trading hours and storage in an appropriate location.
- (g) General accessories such as enclosures, screens, blinds, heaters, bollards, planters, music or amusement machines and lighting are not permitted.
- (h) Menu boards are to be transportable and must be kept within the footpath plan area.
- (i) Umbrellas are to be securely anchored by the applicant to the satisfaction of Council. The cost of the umbrellas and securing them will be borne by the applicant.
- (j) The umbrella shall be white in colour and not include any third party advertising.

(ADDED DA-150/2022/A)

55. NO SMOKING WITHIN FOOD PREMISES OR APPROVED FOOTWAY DINING AREA

There is to be no smoking in the area to which this approval relates. Signs are to be prominently displayed at all times when the footpath seating area is available for use which indicate by words and or diagram that no smoking is permitted within the footpath seating area. No ash trays are to be provided within the footpath seating area and the holder of this approval and its staff must not provide any lighter or matches or otherwise do anything which facilitates smoking within the footpath seating area. As soon as the operator or any of its staff become aware that a person is smoking within the footpath seating area they must require the person to stop smoking, inform the person that it is a condition of this approval that they not smoke in the footpath seating area and if the person continues to smoke they shall ask the person to leave the footpath seating area.

Council may issue a written warning to the holder of this approval in respect of any breach of this condition. That warning may be given to the holder of the approval or to any member of its staff.

(ADDED DA-150/2022/A)

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. 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. OUTDOOR DINING

Any proposal to utilise an area external of the building for dining will be subject to a separate application to Council and if approved will require the applicant and/or owners to sign a lease agreement.

AD8. SIGNS/GOODS IN THE PUBLIC WAY

No signs or goods are to be placed on the footway or roadway adjacent to the property.

AD9. SUITABLY QUALIFIED ACOUSTIC CONSULTANT

In these conditions, reference to a suitably qualified acoustic consultant means an individual who possesses the qualifications to render them eligible for membership of both the Australian Acoustics Society and Institution of Engineers Australia at the grade of member or an individual who is employed by a member firm

THE BOOT FACTORY - ADAPTIVE REUSE - SECTION 4.55 MODIFICATION

27-33 SPRING STREET, BONDI JUNCTION, NSW, 2022



1

LOCATION MAP



Notes
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G	LP	TA	ISSUE DA AMENDMENT	06/04/21
H	KdL	JW	ISSUE FOR S4.55 MOD. (DRAFT)	13/04/22
J	CB	JW	ISSUE FOR S4.55 MODIFICATION	03/06/22

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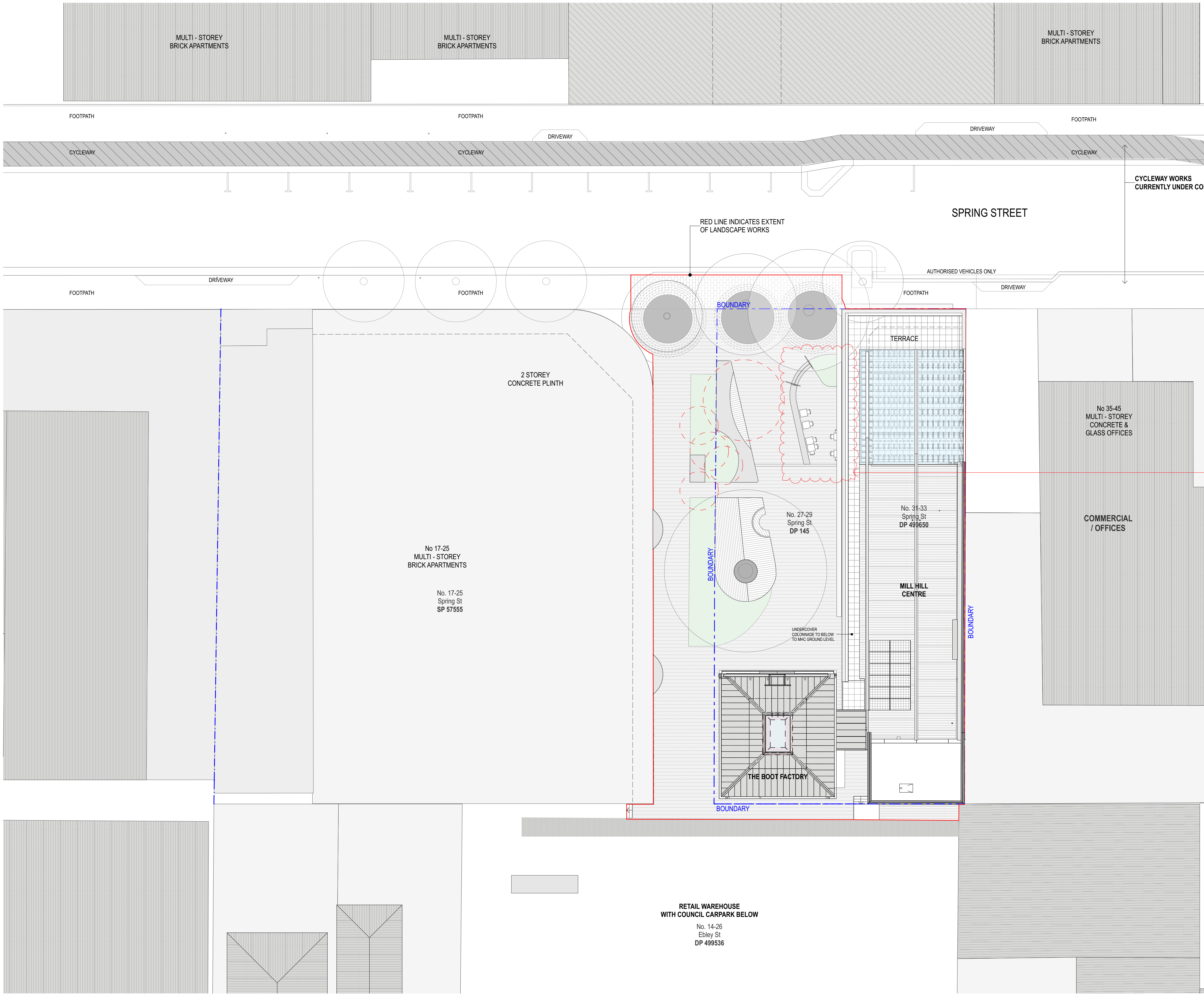
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Project Address
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BONDI JUNCTION,
NSW, 2022

Project Title
THE BOOT FACTORY ADAPTIVE REUSE PROJECT
Drawing Title
COVER PAGE
Project Number
1803
Documentation Stage
SEC 4.55 MODIFICATION APPLICATION

Drawing Number
A000
Revision
J

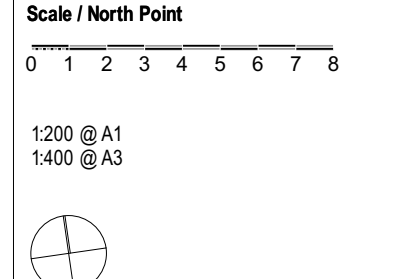
Extent of works

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27-33 SPRING STREET,
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NSW, 2022



Project Title

THE BOOT FACTORY ADAPTIVE REUSE PROJECT

Drawing Title

SITE PLAN

Project Number

1803

Documentation Stage

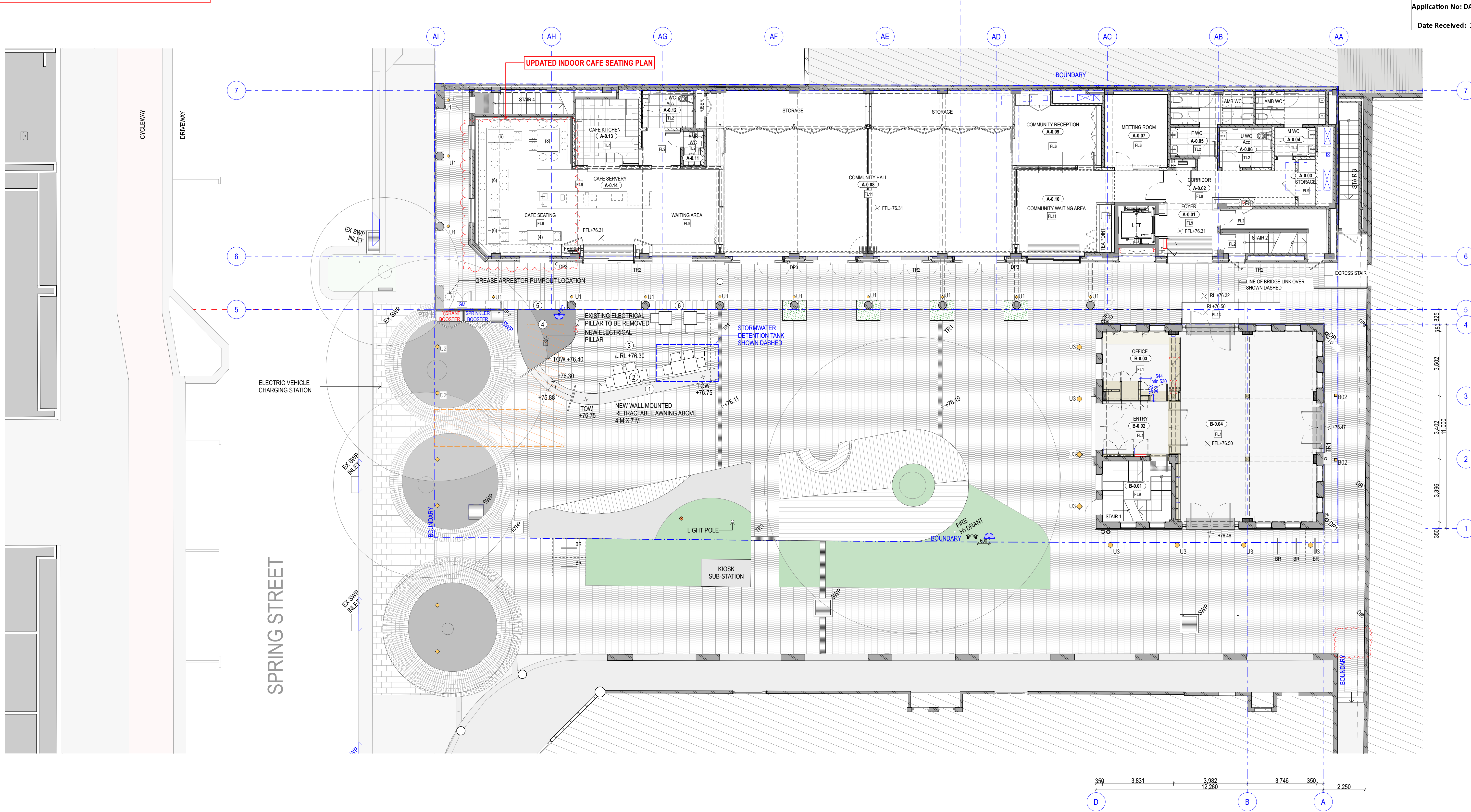
SEC 4.55 MODIFICATION APPLICATION

Drawing Number

A020

Revision

J



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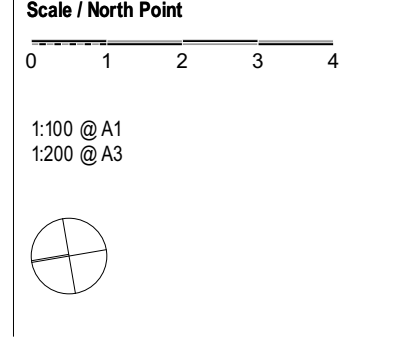
GROUND FLOOR
1:100

- KEY**
- 1 BRICK EDGE WITH FIXED SEATING
 - 2 LOOSE FURNITURE
 - 3 EXTENSION OF BRICK PAVING PATTERN
 - 4 MASS PLANTING
 - 5 CAFE TIMBER SEATING BENCH
 - 6 CAFE TIMBER SEATING BENCH WITH BACKREST

Notes
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J	KdL	JW	ISSUE FOR S4.55 MOD. (DRAFT)	13/04/22
K	CB	JW	ISSUE FOR S4.55 MODIFICATION	03/06/22
L	CB	JW	ISSUE FOR S4.55 MOD. RESPONSE	12/09/22

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1



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Project Title
THE BOOT FACTORY ADAPTIVE REUSE PROJECT
Drawing Title
GROUND FLOOR PLAN
Project Number
1803
Documentation Stage
SEC 4.55 MODIFICATION APPLICATION
Drawing Number
A101
Revision
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B	CB	JW	ISSUE FOR \$4.55 MODIFICATION	03/06/22	

Scale / North Point
0 1 2
1:50 @ A1 1:100 @ A3

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Project Address 27-33 SPRING STREET, BONDI JUNCTION, NSW, 2022	Project Title THE BOOT FACTORY ADAPTIVE REUSE PROJECT Drawing Title NORTH & WEST ELEVATION Project Number 1803 Documentation Stage SEC 4.55 MODIFICATION APPLICATION	Drawing Number A204 Revision B
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Report to the Waverley Local Planning Panel

Application number	DA-327/2022
Site address	104-106 Bronte Road BONDJUNCTION
Proposal	Demolition of the existing buildings and construction of a new part four and part five storey shop top housing building with basement car parking.
Date of lodgement	4 August 2022
Owner	Bronswood Pty Ltd
Applicant	Bronswood Pty Ltd
Submissions	One submission received
Cost of works	\$6,222,339
Principal Issues	<ul style="list-style-type: none"> • Building height • Floor space ratio • ADG compliance • Streetscape and urban design • Consent of adjoining property owner • Land contamination and remediation
Recommendation	That the application be REFUSED for the reasons contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for demolition of the existing buildings and construction of a new part four and part five storey shop top housing building with basement car parking at the site known as 104-106 Bronte Road BONDJ JUNCTION.

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

- Building height
- Floor space ratio
- ADG compliance
- Streetscape
- Urban Design
- Consent of adjoining property owner
- Land contamination and remediation

The assessment finds these issues unacceptable.

A total number of one submission was received and the issues raised in the submission have been considered and addressed in this report and in the Recommendation.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 23 September 2022.

The site is identified as Lot 2 in DP 964861, known as 104 Bronte Road and Lot 1 in DP 978090, known as 106 Bronte Road BONDJ JUNCTION.

The site is rectangular in shape with a south-western frontage to Bronte Road, measuring 14.8m and north-eastern frontage to Adams Lane at the rear. It has an area of 455m² and falls from the east (rear) towards the west (front) by approximately 1.69m.

The site is occupied by a single storey dwelling at 104 Bronte Road and a two-storey commercial building at 106 Bronte Road. Vehicular access is provided from Adams Lane.

The site is adjoined to the north by a three-storey residential flat building at 100 Bronte Road. To the south is 108 Bronte Road, a two-storey commercial building with flat roof form. Further to the south at 110-116 Bronte Road is an approved part four, part five storey shop top housing development which is currently under construction (the original DA DA-419/2015 was approved by the Land and Environment Court on 31 August 2016. There have been subsequent development applications and modification applications to alter the approved consent.

The locality is characterised by a variety of medium density residential and commercial development and is within or surrounds a commercial centre.

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



Figure 1: Site viewed from Bronte Road



Figure 2: Site viewed from Bronte Road



Figure 3: Subject site and neighbouring properties to the north on Bronte Road



Figure 4: Subject site and neighbouring properties to the south on Bronte Road



Figure 5: Adams Lane looking north



Figure 6: Adams Lane looking south

1.3. Relevant Development History

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

1.4. Proposal

The development application seeks consent for demolition of the existing buildings and construction of a part four and part five storey shop top housing building with basement car parking, including a commercial tenancy on the ground floor and 10 residential units above, specifically the following:

- Basement level accessible via a car lift from the ground floor, comprising 10 car parking spaces, three motorbike spaces, three bicycle spaces, three storage units and waste storage room;
- Ground floor commercial tenancy and residential pedestrian entrance fronting Bronte Road, bicycle storage, commercial waste and storerooms and commercial parking space and loading zone accessible from Adams Lane;
- First floor consisting of three x two-bedroom units, communal garden area and outdoor service area for hot water plant;
- Second floor consisting of two x two-bedroom units and one three-bedroom unit;
- Third floor consisting of two x two-bedroom units and one three-bedroom unit; and
- Fourth floor consisting of one x three-bedroom unit.



Figure 7: Photomontage of proposed building viewed from Bronte Road looking north-west



Figure 8: Photomontage of proposed building viewed from Bronte Road



Figure 9: Photomontage of proposed building viewed from Adams Lane

1.5. Background

The development application was lodged on 4 August 2022 and a request for additional information (Stop the Clock letter) was sent on 11 August 2022 for the following reasons:

1. A Preliminary Site Investigation Report in accordance with State Environmental Planning Policy (Resilience and Hazards) 2021 to determine whether the site is suitable for the proposed use from a land contamination perspective.
2. The documentation submitted refers to removal of, or impact on, trees within the neighbouring property (100 Bronte Road, BONDI JUNCTION). Owner's Consent is required from the neighbouring property before consent can be granted for any work impacting trees on their site.
3. Solar access diagrams to show the amount of direct sunlight within the living rooms in accordance with the Apartment Design Guide Objective 4A-1 Design Guidance, a minimum of 1sqm of direct sunlight, measured at 1m above floor level, is achieved for at least 15 minutes on the winter solstice.
4. The calculation of gross floor area (GFA) is incorrect. The GFA diagrams are to be amended to include the residential entry at ground floor as well as the lobby and corridors on each residential floor adjacent to the lift. The Clause 4.6 written request to vary the Floor Space Ratio development standard will also need to be updated to reflect the correct GFA.

The applicant was given 14 days (being 25 August 2022) to provide the above information. The applicant requested additional time, advising that the documentation would be submitted by 9 September 2022, this was granted. The applicant then requested a further two weeks to provide the information, being 23 September. Following this, the applicant advised there was a further delay and expected the information to be submitted by 14 October 2022.

The application was presented to the Waverley Design Advisory Panel (DEAP on 7 September 2022.

On 13 October 2022, the assessing officer contacted the applicant advising that the application would be recommended for refusal and provided the applicant with the opportunity to withdraw the development application with a partial fee refund. The applicant responded on 17 October 2022 advising that they do not wish to withdraw the application.

At the time of writing this report (18 October 2022), the information requested on 11 August 2022 has not been submitted by the applicant. Given the above matters have not been resolved, and for other reasons outlined in this report, the proposal is not supportable and is recommended for refusal.

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 unacceptable in the assessment of this development application:

- SEPP (Building Sustainability Index – BASIX) 2004
- SEPP 65 (Design Quality of Residential Apartment Development) 2002
- SEPP (Resilience and Hazards) 2021

A detailed discussion is provided for relevant SEPP as follows:

SEPP (Resilience and Hazards) 2021

Chapter 4 of SEPP (Resilience and Hazards) 2021 promotes the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Clause 4.6 requires Council to consider whether a site is contaminated. The application was not accompanied by a Preliminary Environmental Site Assessment (PESA) (Stage 1). A PESA was requested by the assessing officer in the Deferral letter 11 August 2022, however, it has not yet been submitted. Insufficient information has been provided to determine whether the site is suitable for the proposed use in accordance with State Environmental Planning Policy (Resilience and Hazards) 2021. As such, the application is recommended for refusal.

SEPP (Design Quality of Residential Apartment Design)

The application was referred to the DEAP on 7 September 2022. The DEAP noted that the scale and relationship to the site's context are serious issues that must be addressed to the satisfaction of the Panel. The DEAP's comment of the proposed development against the nine design quality principles under Schedule 1 of SEPP 65 and a planning response to each comment are set out in **Table 1** of this report.

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

Principle	Panel's Comment	Planning Comment
1. Context and Neighbourhood	<p><i>The proposal does achieve this principle in the following ways:</i></p> <ul style="list-style-type: none">- <i>As noted below the proposed external material pallet is generally supported by the panel members as it will enhance the local area.</i> <p><i>The proposal does not achieve this principle in the following ways:</i></p> <ul style="list-style-type: none">- <i>The project in no way address the existing character of Bronte Roads predominant built form. The existing character is 2-3 stories and is a fine grain, high street, retail character. The Panel</i>	<p>Noted. The proposal is inconsistent with the Bronte Road streetscape character.</p>

Principle	Panel's Comment	Planning Comment
	<i>does not support a proposal that does not respond to this scale or articulation. Setbacks must happen above 2-3 stories. Finer grain must be introduced. Retail activation must be maximised.</i>	
2. Built form and Scale	<p><i>The proposal does not achieve this principle in the following ways:</i></p> <ul style="list-style-type: none"> <i>- The proposed five storey development is significantly taller than some other existing buildings along Bronte Road, and the Panel notes that the planning controls require a maximum of three storeys on the Bronte Road and Adams Lane frontages, with any additional floors set back from those boundaries. This approach would integrate the development better in its context.</i> <i>- The massing is not articulated to Bronte Road to support a fine grain high street character</i> <i>- The project exceeds the height control without benefit</i> <i>- A large portion of the street address is poorly activated</i> 	Noted. The proposal is inconsistent with various WDCP 2012 built form controls.
3. Density	<p><i>The proposal does not achieve this principle in the following ways:</i></p> <ul style="list-style-type: none"> <i>- The Council Planners have advised that the proposed FSR and Building Height is above the relevant Planning Controls, however this will be dealt with separately from the DEAP process.</i> 	Noted. The proposal exceeds the height and FSR development standards which is addressed in other areas of this report.
4. Sustainability	<p><i>The proposal does not achieve this principle in the following ways, and the panel recommends the inclusion of the following sustainability approaches:</i></p> <ul style="list-style-type: none"> <i>- PV panels should be provided on the flat gravel rooftop</i> <i>- Electric car charging stations to at least some of the car spaces in the basement, with the provision of conduits to allow the easy</i> 	Noted.

Principle	Panel's Comment	Planning Comment
	<p><i>addition of car charging points in future to all cars.</i></p> <ul style="list-style-type: none"> - <i>Ceiling fans should be provided in all living and bedroom spaces</i> 	
5. Landscape	<p><i>The proposal does not achieve this principle in the following ways:</i></p> <ul style="list-style-type: none"> - <i>It would be great if the existing Frangipani tree on Bronte Road could be relocated somewhere else on the site. That could potentially be part of a roof garden or a balcony space.</i> - <i>The landscaped communal space is poor. Very little natural light will reach this space, it is poorly visible and it looks to impact existing trees on neighbours property.</i> - <i>Street trees must be incorporated into the proposal</i> <p><i>The proposal does achieve this principle in the following ways:</i></p> <ul style="list-style-type: none"> - <i>The panel supports the other landscaping elements that have been incorporated into the design of balcony and roof edges.</i> 	Noted.
6. Amenity	<p><i>The proposal does not achieve this principle in the following ways:</i></p> <ul style="list-style-type: none"> - <i>The proposed Communal Space on Level 1 provides a poor level of amenity, as it will hardly receive any direct sunlight, and is very small, and has there are windows in the neighbouring building to the northwest that may look into the communal space.</i> - <i>The main ground level lobby space for the apartments is considered very tight, and the panel suggests consideration of options to increase its size. One option to consider might be to adjust the fire egress corridor to the east of the lobby, so the door into it can be relocated and the lobby becomes bigger and look to</i> 	Noted. The proposal does not comply with a number of ADG and WDCP 2012 controls resulting in poor amenity for future occupants of the subject site and existing occupants of neighbouring sites.

Principle	Panel's Comment	Planning Comment
	<i>connect lobby to both frontages to move services to laneway side</i> - <i>The commercial space at ground level will help activate Bronte Road, and the panel suggests consideration of expanding its size via review of the plant areas and configuration of that level.</i>	
7. Safety	<i>No issues</i>	Noted.
8. Housing Diversity and Social Interaction	<i>No issues other than the quality of the Communal Space mentioned above</i>	Noted.
9. Aesthetics	<i>The proposal does achieve this principle in the following ways:</i> - <i>The material pallet that includes a variety of: brick patterns; bronze coated doors, windows, panels, and louvres; stone cladding; and textured cement render, are generally supported as they relate to, and will enhance, the local neighbourhood.</i>	Noted.

Apartment Design Guide

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

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

Table 2: Apartment Design Guide

Design Criteria	Compliance	Comment
3F Visual privacy		
<ul style="list-style-type: none"> Min separation distances from buildings to side and rear boundaries: Up to 12m (4 storey) – 6m habitable & 3m non-habitable Increased separation of 3m where adjoins a lower density zone 	No	<p>The development results in large blank wall with nil setback to the southern side boundary.</p> <p>To the northern side boundary side boundary, the proposal provides a 1m setback to the communal open space at first floor level. At the rear fronting Adams Lane, there is nil setback to the balconies and living room/bedroom window. The balcony and living room window to Unit 3 are 6m (i.e. the width of Adams Lane) and directly opposite the first floor residence above the garage at 39 Hollywood Avenue.</p>
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. 	No	<p>The applicant states 7 of the 10 units (70%) receive at least 2 hours solar access in mid-winter. However, it is not clear whether the amount of direct sunlight within the living rooms is in accordance with Objective 4A-1.</p> <p>In the additional information request provided to the applicant on 11 August 2022, further details of whether the amount of solar access achieves the minimum of 1m² measured at a height of 1m above floor level were requested. This information has not been provided. Particular concern is raised regarding Units 4 and 7, which only receive solar access via the small living room window perpendicular to the northern boundary.</p>
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	<ul style="list-style-type: none"> All habitable rooms are provided with at least one window for natural ventilation. 100% of the units can be naturally cross ventilated.
4C Ceiling heights		
<ul style="list-style-type: none"> Habitable rooms – 2.7m Non-habitable rooms – 2.4m 2 storey units – 2.7m main level (living) & 2.4m upper floor where its area does not exceed 50% of the unit area 	Yes	<p>The applicant states that ceiling heights within all units comply with the minimum requirement.</p>

Design Criteria	Compliance	Comment
<ul style="list-style-type: none"> Attics – 1.8m at edge of room with a 30° min ceiling slope 		
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 <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.</p>	Yes	<p>The applicant states that all units have internal areas that comply with the minimum ADG requirements.</p> <p>The Applicant states the proposal achieves compliance with the minimum glazed area to each habitable room.</p>
4E Private open space and balconies		
<p>All apartments provide primary balcony as follows:</p> <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 / No	<p>100% of the units are provided with a balcony or courtyard accessed from the main living areas and meets the minimum requirements of the ADG in terms of area and depth.</p> <p>The balconies and courtyards are accessed from the main living area and face Bronte Road or Adams Lane.</p>
4F Common circulation and spaces		
<ul style="list-style-type: none"> Max of 8 units accessed off a circulation core on a single level 	Yes	Complies.
4G Storage		
<p>In addition to kitchens, bathrooms and bedrooms, the following is provided:</p> <ul style="list-style-type: none"> 1-bed – 6m³ 2-bed – 8m³ 3+bed – 10m³ 	Yes	The applicant states that the proposal provides separate storage within each apartment and additional storage cages in the basement which meets the requirements and objectives of the ADG.

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

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

Table 3: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	No	The proposal is not consistent with the Aims of the Plan.
Part 2 Permitted or prohibited development		
Land Use Table B4 Mixed Use Zone	Yes	The proposal is defined as shop-top housing, which is permitted with consent in the B4 Mixed Use zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 15m 	No	The proposal has a maximum building height of 17.185m, which is a non-compliance of 2.185m or 14.5%
4.4 Floor space ratio <ul style="list-style-type: none"> 2:1 	No	The applicant states the proposed FSR is 2.49:1, which is a GFA of 1,137m ² . This is a non-compliance of 227sqm or 24.5%. However, the assessing officer advised in the letter sent to the applicant on 11 August 2022 that the calculation of GFA is incorrect. The GFA diagrams do not include the residential entry at ground floor or the lobby and corridors on each residential floor adjacent to the lift. At the time of writing this report, amended GFA diagrams had not been provided.
4.6 Exceptions to development standards	See discussion	The application is accompanied by two written requests pursuant to clause 4.6 of Waverley LEP 2012 to vary the height and FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	The site is not a heritage item, nor is it located in a heritage conservation area. The buildings at 78-96 Bronte Road to the north of the site are listed as heritage item #173. To the rear of the site, across Adams Lane, is a heritage conservation area.
Part 6 Additional local provisions		
6.2 Earthworks	Partial	The application proposes excavation for the basement with nil setback to all boundaries. Excavation should be set at least 1.5m off the side boundaries. There is no objection in principle for the excavation; however, the application is recommended for refusal for other reasons outlined in this report.

Provision	Compliance	Comment
6.9 Design excellence	No	The proposal is not considered to demonstrate design excellence as it results in inappropriate bulk, massing and modulation and an unacceptable relationship with adjoining development in terms of separation, setbacks and amenity. The proposal is considered to be an overdevelopment of the site.
6.12 Development on certain land in Bondi Junction	Not clear	This clause applies as the proposal relates to a new building on land shown in the Key Sites Map. See discussion 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.

Development on certain land in Bondi Junction

The objective of Waverley LEP 2012 Clause 6.12 is to maintain the amount of non-residential floor space on certain land in Bondi Junction in the B4 Mixed Use zone. This Clause applies to the proposed development because it involves erection of a new building on land shown on the Key Sites Map.

Clause 6.12(3) states that *development consent must not be granted to development to which this clause applies unless the consent authority is satisfied that the non-residential gross floor area of the building will be the same as or greater than the total non-residential gross floor area of all buildings on the site on 1 January 2021*. It is noted that in this clause, *non-residential gross floor area of a building means the gross floor area of a building proposed to be used for purposes other than the following:*

- (a) Residential accommodation,
- (b) Tourist and visitor accommodation,
- (c) Self-storage units,
- (d) Car parks

The applicant notes that 106 Bronte Road is a commercial building, specifically an accounting firm, calculating the GFA of 115m². However, this does not include the enclosed verandah on the first floor, all levels of stairs and the “services” room.

The applicant submits that the proposed development provides 117m² of commercial GFA on the ground floor. However, this includes the lift, stairs, waste room, toilet and commercial storeroom.

There appears to be a discrepancy between what is included and excluded from the floor area calculations, so a direct comparison cannot be made. Should the application be supported, further investigation is required to ensure that the consent authority can be satisfied that the non-residential GFA will be the same as or greater than the total non-residential GFA of all buildings on site on 1 January 2012 in accordance with Clause 6.12(3).

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 development standard of 15m. The proposed development has a height of 17.185m, exceeding the standard by 2.185m equating to a 14.5% variation.

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

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

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

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

The applicant seeks to justify the contravention of the height 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 objectives of the standard are achieved notwithstanding non-compliance with the standard.*
 - (ii) The proposal provides a height, bulk and scale that is generally consistent with that envisaged by Council's controls.*
 - (iii) The area of the proposed development which exceeds the height development standard does not have any additional impacts on visual privacy or overshadowing.*
 - (iv) The proposal is compatible with the streetscape and the desired future character, which should be informed by nearby and future development and not limited by the development standards.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) The height non-compliance is predominantly attribute to the fall in the existing ground line due to the sloping topography from Adams Lane to Bronte Road.*
 - (ii) The proposed development will remain compatible with surrounding developments, particularly the recently approved shop top housing development along Bronte Road which represented similar height non-compliances that were supported by Council and Court.*
 - (iii) Strict compliance would unreasonably impact the design integrity of the building and internal amenity for the future occupants of the site without noticeably benefitting surrounding properties or the public domain. To achieve a fully compliant building height would require*

reducing the compliant floor-to-ceiling heights and floor-to-floor heights which would result in non-compliances with the ADG.

(iv) The proposed exceedance will not be discernible from the front façade. When viewed from Bronte Road and Adams Lane, the building will present a four storey development with a recessed fifth storey which is consistent with the recently approved development at 110-116 Bronte Road.

(v) The impact on privacy, solar access and views is similar to a compliant building height.

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

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

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

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

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

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

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. This justification is not sound as the proposal does not achieve the objectives of the development standard.

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.

Is the development in the public interest?

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

The objectives of the height development standard are as follows:

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

The proposal does not preserve the amenity of neighbouring properties. The submitted shadow diagrams indicate that the proposal has overshadowing impacts on surrounding properties. Further, the proposed development has visual privacy impacts on neighbouring properties.

The applicant seeks to indicate that the proposed overshadowing is consistent with an “LEP compliant shadow” but the diagrams are unclear about what the “LEP compliant” development is. It is not clear whether the applicant has provided diagrams which show the overshadowing impact of a 15m height limit across the site with nil setbacks, or whether it refers to a complaint FSR on the site.

Notwithstanding, Objective (a) requires that environmental amenity to be *preserved*. Given the environmental amenity is not preserved, the objectives are not met, and the height non-compliance cannot be supported.

- (b) *to increase development capacity within the Bondi Junction Centre to accommodate future retail and commercial floor space growth,*

The applicant states that the proposal will provide commercial floor space at the ground floor level, which will accommodate and encourage future retail and commercial growth within the Bondi Junction centre and immediately along Bronte Road. As discussed in further detail above, under Waverley LEP 2012 Clause 6.12 *Development on certain land in Bondi Junction*, there appears to be a discrepancy between what the applicant has included and excluded in their calculation of commercial GFA. It is not clear whether the non-residential GFA will be the same as or greater than the total non-residential GFA on 1 January 2012 in accordance with Clause 6.12(3). If the amount of non-residential floor space in the proposed development is the same or less than the existing situation, then the proposal is inconsistent with Objective (b) which seeks to increase and accommodate retail and commercial floor space growth.

- (c) *to accommodate taller buildings on land in Zone B3 Commercial Core of the Bondi Junction Centre and provide an appropriate transition in building heights surrounding that land,*

Not applicable. The site is located in the B4 Mixed Use Zone.

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

The proposal is not compatible with the height, bulk, scale and the desired future character of the locality, this is discussed further below. However, this portion of Bronte Road envisions a 2 to 3 storey shop front façade to Bronte Road with the upper floors to be setback 6m from the street. The proposal provides a 4-storey street wall, with the fifth storey being. The proposal does not positively complement or contribute to the street network and public space and is recommended for refusal.

The objectives of the B4 zone are as follows:

- *To provide a mixture of compatible land uses.*

The proposal provides one retail/commercial tenancy with residential apartments above. The mix of land uses is compatible.

- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*

The site is in an accessible location to maximise public transport patronage and encourage walking and cycling.

- *To encourage commercial uses within existing heritage buildings and within other existing buildings surrounding the land zoned B3 Commercial Core.*

Not applicable. The site is located in the B4 Mixed Use Zone.

Conclusion

For the reasons provided above the requested variation to the 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 development standard and the B4 Mixed Use zone.

Clause 4.6 Exceptions to Development Standards – Floor space ratio

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 2:1. The applicant notes the proposed development has a FSR of 2.49:1, exceeding the standard by 227m² equating to a 24.5% variation. However, as noted in **Table 3** above, the calculation of GFA is incorrect. The GFA diagrams provided by the applicant do not include the residential entry at ground floor or the lobby and corridors on each residential floor adjacent to the lift. The applicant has not yet provided amended GFA diagrams.

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

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) *The proposal satisfies a number of the five tests established in Wehbe and for that reason, the development standard is unreasonable and unnecessary in this instance.*
 - (ii) *Despite the proposed development's non-compliance with the applicable FSR development standard, the proposal is consistent with the desired density and mixed-use character of the area.*
 - (iii) *The proposal provides a bulk and scale that is generally consistent with that envisaged by Council's controls.*
 - (iv) *The proposal is consistent with the objectives of the FSR development standard.*
 - (v) *The proposal is compatible with existing development and the envelope of nearby development along Bronte Road that has been approved with a recessed fifth storey. In other words, the height and envelope of the proposal is consistent with these buildings and compatible with the area's desired future character.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) *The proposal will present as a part four and part five storey shop top housing building to the street which is consistent with the context.*
 - (ii) *The proposal provides a visual benefit by replacing the ageing building with high-quality and contemporary shop top housing, fully defining and activating the street from boundary to boundary. This will enhance the site's street presentation.*
 - (iii) *Enforcing strict compliance would detrimentally impact the internal amenity for the future occupants of the site. Strict compliance would also result in development which is inconsistent with the bulk and scale of the recently approved shop top housing development at 110-116 Bronte Road.*
 - (iv) *A reduction in FSR would limit the provision of residential units, which would unnecessarily impact the proposal's contribution to meeting the demand for high quality housing products within the Bondi Junction Centre. Reducing the FSR would unreasonably restrict the development of the site, without noticeable benefits to the surrounding properties.*
 - (v) *Regardless of the FSR non-compliance, the proposal will not result in unacceptable environmental impacts in terms of solar access, views or privacy.*

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

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

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

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

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

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

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. This is not sound justification because the objectives of the FSR development standard are not achieved.

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

The applicant has not adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard.

Is the development in the public interest?

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

The objectives of the floor space ratio development standard are as follows:

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

The development will have an abundance of residential floor space, however, as discussed in other areas of this report, it is not clear whether there will be an increase in non-residential floor space in the Bondi Junction Centre. As such, the development does not meet Objective (a) as it does not clearly demonstrate that the proposal will ensure sufficient non-residential floor space to meet foreseeable future needs of Bondi Junction Centre within the context of a B4 Mixed Use zone.

- (b) *to provide an appropriate correlation between maximum building heights and density controls,*

The proposal results in a non-compliance (2.185m or 14.5% variation) with the height development standard and the proposal therefore does not result in an appropriate correlation between the maximum building height and density controls, as it exceeds both.

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

The applicant is relying heavily on the approved development at 110-116 Bronte Road (DA-513/2016), which is currently under construction, as justification for the non-compliance with the development standards. While it is acknowledged that DA-513/2016 was approved by the Land and Environment Court, it is not a development that is indicative of the desired future character of the locality. There are examples of shoptop housing development which comply with both the height and FSR development standards, such as 80 Bronte Road BONDJUNCTION (DA-435/2016). Also, the building opposite the subject site at 93-99 Bronte Road is a shoptop housing development that has a three-storey street wall with a fourth level set back.

The applicant's case that the proposed bulk and scale is compatible with the desired future character is not well-founded. They are seeking to rely on one development approved by the LEC rather than other examples developments that are consistent with the bulk and scale controls, and therefore the desired future character of Bronte Road.

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

As discussed in *Clause 4.6 Exceptions to Development Standards - Height* above, the proposal does not preserve the amenity of neighbouring properties. The shadow diagrams submitted indicate that the proposal has overshadowing impacts on surrounding properties. Furthermore, the proposal has adverse visual privacy impacts on neighbouring properties.

Objective (d) requires that environmental amenity to be *preserved*. Given the environmental amenity is not preserved, the objectives are not met, and the variation to the floor space ratio development standard cannot be supported.

The objectives of the B4 zone are as follows:

- *To provide a mixture of compatible land uses.*

The proposal provides one retail/commercial tenancy with residential apartments above. The mix of land uses is compatible.

- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*

The site is in an accessible location to maximise public transport patronage and encourage walking and cycling.

- *To encourage commercial uses within existing heritage buildings and within other existing buildings surrounding the land zoned B3 Commercial Core.*

Not applicable. The site is located in the B4 Mixed Use Zone.

Conclusion

For the reasons provided above the requested variation to the FSR development standard is not supported, while the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6(3) of the Waverley LEP 2012, the proposed development is not in the public interest because it is inconsistent with the objectives of FSR development standard and the B4 Mixed Use Zone.

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

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

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

Development Control	Compliance	Comment
1. Waste	No	The submitted waste plan is unsatisfactory. The applicant has not identified adequate bulky waste storage for residents.
3. Landscaping and Biodiversity	No	Unsatisfactory. The proposal provides 67m ² of landscaping, which is inadequate. WDCP 2012, Part C3 requires 30% of the site to be landscaped area, which equates to 136.5m ² . No deep soil planting is proposed.
5. Vegetation Preservation	No	Unsatisfactory. The documentation submitted refers to removal of, or impact on, trees within the neighbouring property (100 Bronte Road, Bondi Junction). Council requested the applicant provide Owner's Consent from the neighbouring property relating to any work impacting trees on their site. This consent has not been provided.
6. Stormwater	Not clear	Referral comments from Council's Stormwater Engineers has not yet been provided. Notwithstanding this, the application is recommended for refusal for other reasons outlined in this report.
7. Accessibility and Adaptability	Yes	Satisfactory

Development Control	Compliance	Comment
<p>8. Transport</p> <p>Zone 1</p> <p>Minimum parking rate:</p> <ul style="list-style-type: none"> Resident: Nil Retail: Nil <p>Maximum parking rate:</p> <ul style="list-style-type: none"> Resident: 9 Retail: 2 <p>Visitor parking:</p> <ul style="list-style-type: none"> 1 <p>Motorcycle parking:</p> <ul style="list-style-type: none"> 3-4 <p>Bicycle parking:</p> <ul style="list-style-type: none"> Resident: 10 Visitor: 1 	Yes	<p>The proposal provides for 9 residential car spaces, 1 visitor car space and 1 retail parking space.</p> <p>The proposal provides for 3 motorcycle parking spaces and 13 bicycle parking spaces.</p> <p>Notwithstanding compliance with the parking rates, the proposal is recommended for refusal for other reasons outlined in this report.</p>
12. Design Excellence	No	<p>The proposal is not considered to demonstrate design excellence. The form of the development does not improve the quality or amenity of the public domain. The development is not contextually appropriate and has a poor relationship with the dwellings on the opposite side of Adams Lane.</p> <p>The development is inconsistent with control 12.1(e) in that the relationship of the development to other development on the neighbouring sites is not considered satisfactory in terms of separation, setbacks, amenity and urban form.</p>

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

Development Control	Compliance	Comment
3.1 Site, scale and frontage		
<ul style="list-style-type: none"> Ensure development sites have adequate street frontage to meet side setback and building requirements. 	No	<p>The proposal does not meet side setback and building envelope controls. The proposal exceeds both the height and FSR development standards in WLEP 2012. The development is inconsistent with the objectives of WDCP 2012, Clause 3.1 as the proposed building does not provide an appropriate building envelope or landscaping and presents as an overdevelopment of the site.</p>
3.5 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape 	No	<p>The proposed development is not of a scale and appearance in keeping with the street and it does</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Sympathetic external finishes Removal of original architectural features not supported. 		<p>not respond to the streetscape character. As noted by the DEAP, <i>"the proposed five storey development is significantly taller than some other existing buildings along Bronte Rd, and the Panel notes that the planning controls require a maximum of three storeys on the Bronte Road and Adams Lane frontages."</i></p> <p>Furthermore, the massing of the building is not articulated to Bronte Road to support a fine-grain high-street character.</p>
3.8 Pedestrian access and entry		
<ul style="list-style-type: none"> Entry at street level and respond to pattern within the street Accessible entry Separate to vehicular entry Legible, safe, well-lit 	No	The proposed pedestrian entrance from Bronte Road provides access to the main lobby space for the apartments. This lobby area is considered very tight and is inconsistent with Objective (b) as it does not create an entrance which provides a desirable residential identity for the development.
3.9 Landscaping		
<ul style="list-style-type: none"> Comply with part B3- Landscaping and Biodiversity Minimum of 30% of site area landscaped: 136.5m² 50% of the above is to be deep soil: 68.25m² 	No	The proposal provides 67m ² of landscaping and no deep soil planting, which does not comply.
3.10 Communal open space		
<ul style="list-style-type: none"> Minimum dimensions: 6m x 6m Minimum of 30% of communal area must receive three hours of sunlight Accessible 	No	<p>The proposed communal open space is on the first-floor level within the side setback. It measures 4m x 2.2m and the submitted view from the sun diagrams demonstrate it does not receive any solar access. The communal open space is setback only 1m from the side boundary and is directly opposite windows at the adjoining property.</p> <p>The proposed communal open space is entirely inconsistent with the controls and objectives of Clause 3.10 as it is undersized, receives no solar access, has amenity impacts on the adjoining property and the bedroom of Unit 1 within the proposed development. Also, it is not accessible by all dwellings within the development as the submitted SEE states the communal open space is for Units 1, 2 & 3 only.</p>

Development Control	Compliance	Comment
3.12 Vehicular access and parking		
<ul style="list-style-type: none"> Car parking to be integrated into the design of the development Max 1 x 2 way vehicle access point Provided from secondary street or lane Pedestrian safety considered Basement parking should not contravene deep soil zone controls 	Yes	Car parking from Adams Lane is appropriate. However, for other reasons outlined in this report, the proposal is recommended for refusal.
3.15 Visual privacy and security		
<ul style="list-style-type: none"> Dwellings to be orientated to the street with entrances and street numbering visible Above ground open space must not overlook rooms and private landscaped areas of adjoining properties or be screened Privacy be considered in relation to context density, separation use and design. 	Yes	Dwellings are orientated to Bronte Road or Adams Lane.
	No	The units orientated to Adams Lane overlook windows and private open space of the dwellings on the opposite side of Adams Lane.
	No	<p>The proposed development attempts to provide visual privacy by incorporating screening and orientating the windows on the northern side of the building away from the side boundary. It is acknowledged that the existing building at 100 Bronte Road has several windows on the side elevation which are setback by only approximately 1.4m, and it is difficult to protect these windows from visual privacy impacts. However, the proposed development is an overdevelopment of the site, which seeks to provide minimal side setbacks and significantly exceeds the height and FSR development standards.</p> <p>It is argued that the visual privacy impacts from a development which complies with the building envelope controls and the height and FSR controls would be much lesser than what is currently proposed. As such, the proposed development is not suitable for the site and results in adverse visual privacy impacts on neighbouring properties</p>
3.19 Acoustic privacy		
<ul style="list-style-type: none"> Internal amenity by locating noisy areas away from quiet areas 	No	The development does not provide adequate internal amenity by locating noisy areas away from quiet areas.

Development Control	Compliance	Comment
		<p>The first floor level includes a service area with hot water plant which is directly opposite windows to the two bedrooms in Unit 2. Also, the windows to the bedrooms in Unit 5 and Unit 8 above overlook this service area.</p> <p>The window to the bedroom in Unit 1 is directly adjacent to the communal open space, separated only by a fence. Furthermore, the bedroom windows to Unit 4 and Unit 7 and the living room windows to Unit 10 are directly above the communal open space.</p>
3.21 Building services		
<ul style="list-style-type: none"> Services are to be integrated into the design of buildings (garbage rooms, mail boxes, fire hydrants boosters, electrical substations, down pipes, plant rooms, satellite/communications structures) Outdoor Communal clothes drying area to be provided Plant rooms away from entry communal and private open spaces and bedrooms. Services on roof not to be seen from street or impact public or private views and be min 2m from the building edge 	<p>Yes</p> <p>No</p> <p>No</p> <p>Yes</p>	<p>The services are integrated into the design of the building.</p> <p>There is no provision for outdoor communal clothes drying area.</p> <p>The first floor level includes a service area with hot water plant which is directly opposite windows to the two bedrooms in Unit 2.</p> <p>The services on the roof have a setback greater than 2m.</p>

Table 6: Waverley DCP 2012 – Part E1 Bondi Junction Compliance Table

Development Control	Compliance	Comment
1.2 Urban form		
<ul style="list-style-type: none"> 2/3 storey shop front facade on Oxford St and Bronte Rd 	No	<p>This section of the WDCP requires a 2/3 storey shop front façade to Bronte Road with the upper floors to be setback 6m from the street. The proposal provides a 4-storey street wall, with the fifth storey being setback 6m from the street.</p> <p>The four-storey street wall does not comply.</p>

Development Control	Compliance	Comment
1.3 Building use		
<p>Bronte Road is a Primary Shopping Street.</p> <ul style="list-style-type: none"> Ground floor to be designed and used for retail purposes. First floor to be designed and used for commercial purposes but not limited to retail. 	No	<p>The proposal includes one retail/commercial tenancy on the ground floor.</p> <p>The first floor of the building is residential, which does not comply with control (c), which states that the first floor of building along primary shopping streets must be designed and used for commercial purposes but not limited to retail.</p>
1.4 Access and movement		
1.4.1 Arcades, through-site links and squares	N/A	The site is not required to have provide a through site link as shown on Figure 3 in Clause 1.4.1.
1.4.2 Vehicular and service access to lots	Yes	The proposal provides vehicle entry off Adams Lane which is consistent with Clause 1.4.2.
1.4.3 Pedestrian overpasses and underpasses	N/A	The proposal does not include a pedestrian underpass or overpass.
1.4.4 On-site parking	Yes	The car parking is located underground.
1.5 Subdivision		
Design of buildings is to interpret the small lot subdivision pattern on street i.e. 6m grid	No	The proposed building does not provide a design that interprets the small lot subdivision pattern along the street front. Comments from the DEAP note that the proposal does not address the existing character of fine grain, high street, retail character.
1.6 Heritage and buildings of historic character		
<p>Streets with heritage and buildings of historic character</p> <ul style="list-style-type: none"> Buildings are to have a 2-3 storey facade along the street 	No	The proposal development provides a 4 storey façade to the street, which does not comply.
1.7 Active street frontages		
Primary shopping street frontage: Bronte Road	Yes	The proposal includes an active street frontage to Bronte.
1.8 Building Orientation		
<ul style="list-style-type: none"> Podiums to address the street 	Yes	The podium is orientated towards the street frontage.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Bathroom, laundry & ancillary windows to side boundaries 		
1.9 Street alignment		
Figure 12 indicates that the subject site requires a 2/3 storey street wall with storeys above to be set back 6m from Bronte Road	No	The proposal provides a 4 storey street wall, with the fifth storey above being setback 6m. This does not comply.
1.10 Separation distances		
Figure 16 indicates that separation distances between residential living areas are to be 12m from ground floor to level 5, and 24m from level 6 and above.	No	<p>The proposal provides insufficient setbacks between the existing building at 100 Bronte Road and the building to the rear on Adams Lane at 39 Hollywood Avenue.</p> <p>Levels 3-7 provide a 3m setback between the northern side of the building and a 6m setback between the southern side of the building.</p> <p>Levels 8-14 provide a 6m setback between the buildings.</p>
1.11 Side and Rear boundary setbacks		
On lots with rear laneways, the rear boundary setback can be nil if adequate separation distances are met. The laneway is to be included in the separation distance	No	The proposal provides only 6m separation distance to the existing building on Adams Lane (at the rear of 39 Hollywood Ave).
1.13 Number of storeys		
Figure 25 indicates the maximum number of storeys is 4.	No	The proposal includes 5 storeys.
1.14 View, vista and tree preservation		
Figure 26 requires views corridor along Bronte Road to be maintained	Yes	The proposed building does not encroach into or over the view corridor.
1.15 Open spaces at the street front		
<ul style="list-style-type: none"> Not encouraged for private buildings Only for public buildings where appropriate 	Yes	The proposal does not include open spaces at the street frontage.

Development Control	Compliance	Comment
1.16 Building Elevations		
Ensure elevations establish the building's identity in the streetscape and contribute to the centre. Figures 27 and 28 provide indicative elevations and facades	No	The DEAP advised that the proposed development does not address the existing character of Bronte Road and the predominant built form. <i>The existing character is 2-3 storeys street walls and is a fine grain, high street, retail character. The proposal does not contribute to this.</i>
1.18 Ceiling Heights		
<ul style="list-style-type: none"> Commercial and retail ceiling height <ul style="list-style-type: none"> Min 4m floor to ceiling heights at Ground Floor 3.3m floor to ceiling heights at First Floor and above 	No	The floor to ceiling height of the ground floor is 3.6m, which does not comply.
1.19 External Living Areas		
<ul style="list-style-type: none"> External living area is to be screened to achieve visual privacy if located less than 4m from a side boundary Detail and design balconies or terraces in response to the local climate and context 	No	<p>The proposed communal open space has adverse impacts on visual and acoustic privacy to both the adjoining building and apartments within the subject site.</p> <p>The rear balconies are not considered to be adequately screened.</p>

2.2. Other Impacts of the Development

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

2.3. Suitability of the Site for the Development

The site is not considered suitable for the proposal.

2.4. Any Submissions

The application was notified for 21 days between 16 August and 6 September 2022 and a site notice erected on the site in accordance with the *Waverley Community Development Participation and Consultation Plan*.

A total of one submission was received from 39 Hollywood Avenue, BONDI JUNCTION. The following issues raised in the submission have already been discussed and addressed in the body of this report and/or the Recommendation:

- Visual privacy impacts and overlooking of the backyard;
- The use of the existing garages on Adams Lane will be impacted;
- The plans do not accurately depict the narrowness of Adams Lane;
- Car parking rates; and
- This is the third substantial residential and commercial development in close proximity which will cause overpopulation and is not in the best interest of local people.

2.5. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought and their comments are discussed in the body of the report and/or the Recommendation for refusal:

- Stormwater (not received)
- Environmental Health
- Tree Management
- Traffic and Development
- Waste and Recycling

4. CONCLUSION

The development application seeks consent for demolition of the existing buildings and construction of a new part four and part five storey shop top housing building with basement car parking at the site known as 104-106 Bronte Road, BONDI JUNCTION.

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

- Building height
- Floor space ratio
- ADG compliance
- Streetscape
- Urban Design
- Consent of adjoining property owner for tree removal

The assessment finds these issues unacceptable.

A total number of one submission was received and the issues raised in the submission have been considered and addressed in this report and in the Recommendation.

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

Development and Building Unit (DBU) Decision:



The application was reviewed by the DBU at the meeting on 13 September 2022 and the DBU determined:

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

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

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Emma Finnegan	Bridget McNamara
Senior Development Assessment Planner	Manager, Development Assessment (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 18 October 2022	Date: 24 October 2022

Reason for WLPP referral:

1. Departure from any development standard in an EPI by more than 10%
2. Sensitive development:
 - (a) SEPP 65 development

APPENDIX A – REASONS FOR REFUSAL

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

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

- a. *Clause 4.3 Height of Buildings*

The application exceeds the maximum allowable height of 15m and the applicant's written request under clause 4.6 of WLEP has failed to adequately address the required matters under subclauses 4.6 (3)(a) and (b) of WLEP.

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

- b. *Clause 4.4 Floor Space Ratio*

The application exceeds the maximum allowable Floor Space Ratio (FSR) of 2:1 and the applicant's written request under clause 4.6 of WLEP has failed to adequately address the required matters under subclauses 4.6 (3)(a) and (b) of WLEP.

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

- c. *Clause 1.2 Aims of Plan*, specifically the aims expressed under clause 1.2(2).

- d. *Clause 6.9 Design Excellence* as the proposed development fails to exhibit design excellence.

- e. *Clause 6.12 Development on certain land in Bondi Junction* as it is not clear whether the development maintains the amount of non-residential floor space on site.

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

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

- i. *Principle 1 – Context and neighbourhood* as the proposed development exceeds the height of buildings and floor space ratio development standard under *Waverley Local Environment Plan (WLEP) 2012*, contrary to the existing and desired urban form and built form qualities of the surrounding neighbourhood.

- ii. *Principle 2 - Built form and scale* as the building envelope of the proposed development is excessive and constitutes overdevelopment of the site.
 - iii. *Principle 3 – Density* as the density of the proposed development is significantly greater than what can be suitably and reasonably achieved based on the site’s area and dimensions and not all units will be afforded with a high level of amenity for future occupants of the development.
 - b. *State Environmental Planning Policy (Resilience and Hazards) 2021* as a Preliminary Environmental Site Assessment (Stage 1) has not been provided. As such, an assessment in accordance with Clause 4.6 cannot be made to determine whether the site is contaminated or can be made suitable for the proposed use.
3. The application does not satisfy section 4.15 (1)(a)(iii) of the Act as it is contrary to Waverley Development Control Plan (WDCP) 2012, in respect to the following provisions:

Part B1 Waste

- a. General Control (a), as the submitted waste plan is unsatisfactory.

Part B5 Vegetation Preservation

- a. As the documentation submitted refers to removal of, or impact on, trees within the neighbouring property at 100 Bronte Road, Bondi Junction. Owner’s Consent has not been provided relating to any work impacting on the neighbouring site.

Part B12 Design Excellence

- a. Section 12.1 *Design*, specifically objectives (a) to (d) and controls (b) to (e), as the proposed development does not improve the quality and amenity of the public domain. The proposal is inconsistent with control (e)(iv) in that the relationship of the development to neighbouring sites is not considered satisfactory in terms of separation, setbacks, amenity and urban form.

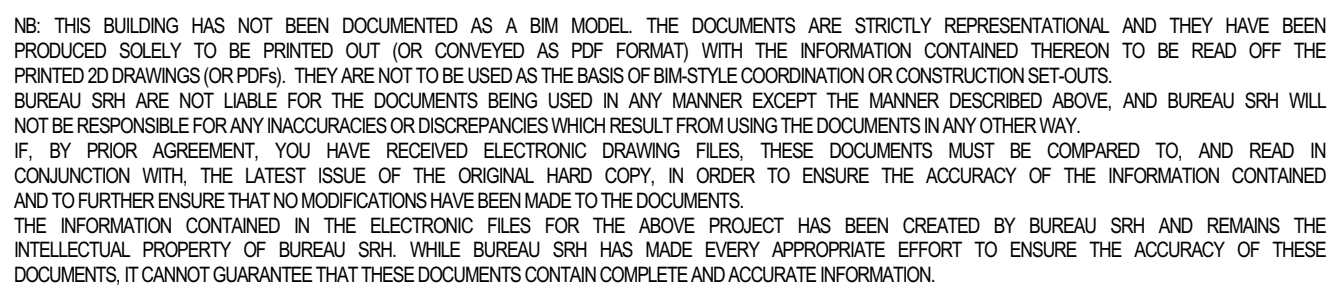
Part C3 Other Residential Development

- a. Section 3.1 *Setbacks*, specifically objective (a) and control (a) as the proposal does not meet the site and building design controls.
- b. Section 3.5 *Building Design and Streetscape*, specifically objectives (a) and (b) and controls (a) and (b) as the proposed development does not respond to the existing streetscape character of the area.
- c. Section 3.10 *Communal Open Space*, specifically objectives (a) to (e) and controls (c), (g) and (h) as the proposed development does not provide adequate communal open space that is useable, receives solar access or accessible to all dwellings within the development.
- d. Section 3.15 *Visual Privacy and Security*, specifically objective (a) and control (d) as the proposed development does not minimise visual privacy impacts on surrounding properties.

- e. Section 3.19 *Acoustic Privacy*, specifically objective (a) and control (b) as the proposed development does minimise noise transmission within the development.

Part E1 Site Specific Development Bondi Junction

- a. Section 1.2 *Urban Form*, specifically objective (b) and controls (a) and (b) as the proposed development does not provide a 2/3 storey shop front façade to Bronte Road.
 - b. Section 1.3 *Building Use*, specifically objectives (c) and (f) and control (c) as the first floor must be designed and used for commercial purposes.
 - c. Section 1.5 *Subdivision*, specifically objectives (a) to (f) and controls (b) and (c) as the proposed building does not provide a design that interprets the small lot subdivision pattern along the street frontage.
 - d. Section 1.6 *Heritage and buildings of historic character*, specifically Clause 1.6.2 *Streets with heritage and buildings of historic character*, objectives (a) and (c) and control (a) as the proposed development does not provide a 2-3 storey façade along the street.
 - e. Section 1.9 *Street Alignment*, specifically objectives (d) to (f) and controls (a) and (f) as the proposed development does not provide a 2/3 storey street wall.
 - f. Section 1.10 *Separation Distances*, specifically objectives (a) to (d) and controls (a) to (c) as the proposed development does not provide adequate separation distances between the proposed building and neighbouring buildings.
 - g. Section 1.11 *Side and rear boundary setbacks*, specifically objectives (a) and (b) and control (e) as the proposed development does not provide adequate separation distance across Adams Lane.
 - h. Section 1.13 *Number of Storeys*, specifically objectives (a) and control (c) as the proposed development exceeds 4 storeys in height.
4. The application does not satisfy section 4.15 (1)(b) of the Act as the proposed development is excessive in terms of its building massing, bulk and scale relative to the site area and dimensions, and consequently results in unacceptable amenity and streetscape impacts upon the locality and surrounding built environment.
 5. The application is contrary to section 4.15 (1)(c) of the Act due to the site being unsuitable to accommodate the proposed development.
 6. The application is contrary to section 4.15 (1)(d) of the Act in relation to matters raised in the public submissions received that object to the proposed development.
 7. The application is contrary to section 4.15 (1)(e) of the Act in relation to the public interest as it is not compatible with the existing and desired future character of the locality and the broader Waverley local government area.



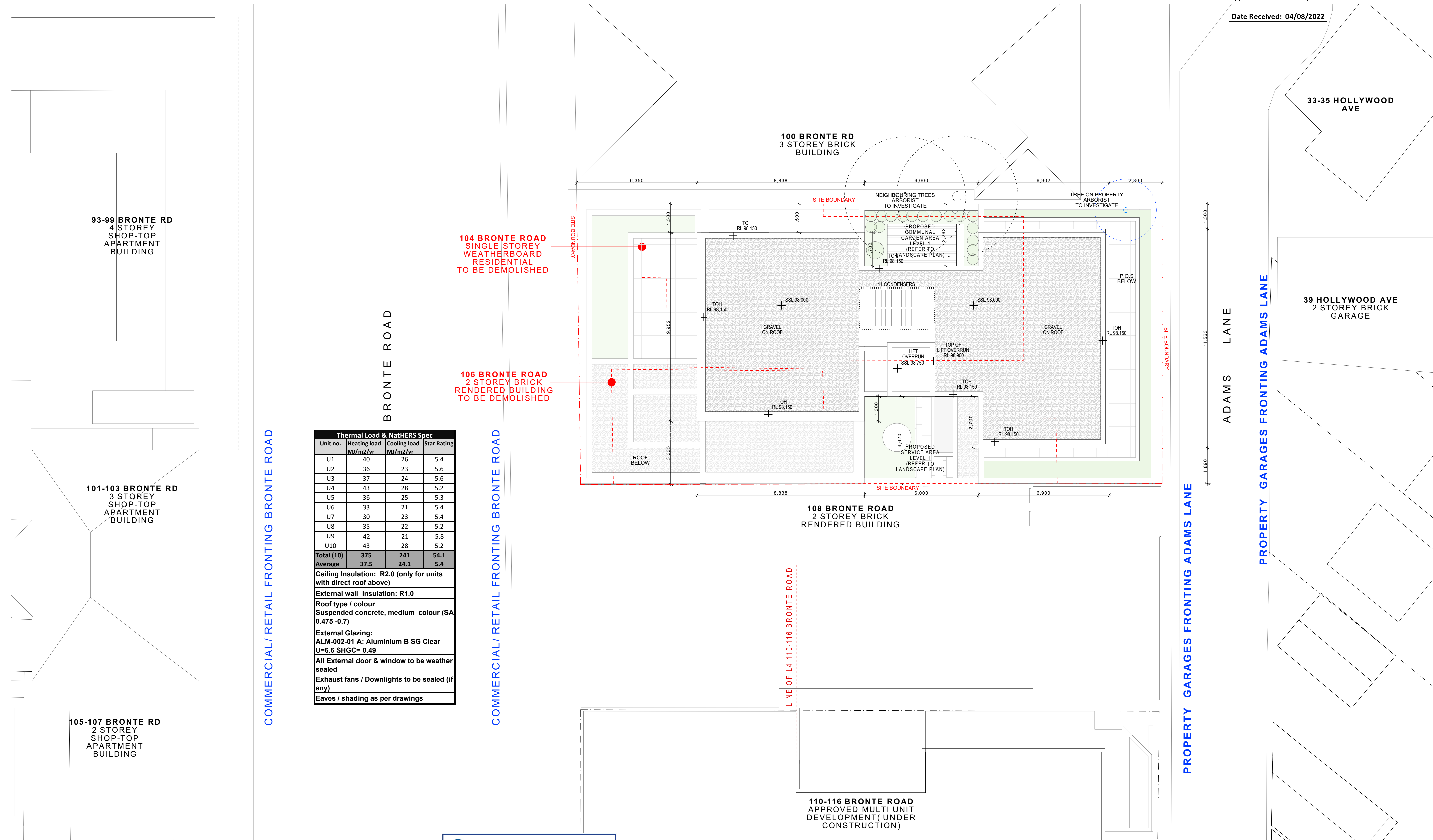
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LEGEND:

PROJECT No: **21101**

DRAWING No:
DA001


REVISION: **A**



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Energy Rating

☐ single-dwelling rating


☒ **multi-unit development** (attach listing of ratings)
If selected, data specified is the average across the entire development

Certificate Number: 0006179748

Recessed downlights confirmation: ☐ Rated with ☒ Rated without

5.4 stars
 heating 37.5 MJ/m²
 cooling 24.1 MJ/m²

Assessor Name/Number: 10901

Assessor Signature: 

Date: 04/07/2022

NOT FOR
CONSTRUCTION

BUREAU SRH architecture


NOMINATED ARCHITECT: SIMON HANSON # 6739

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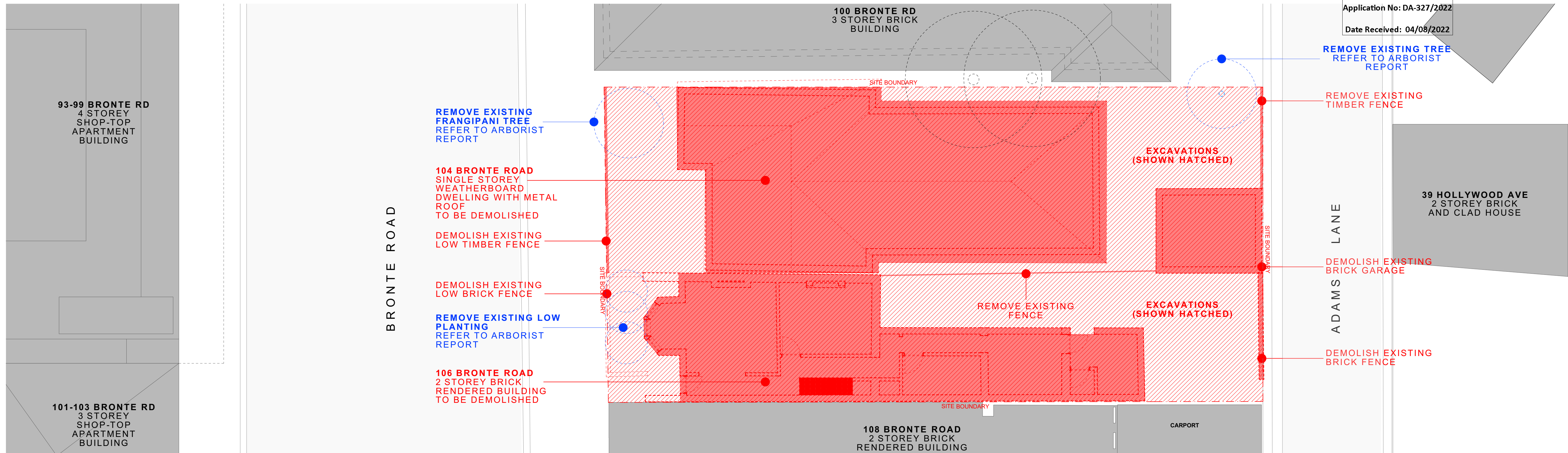
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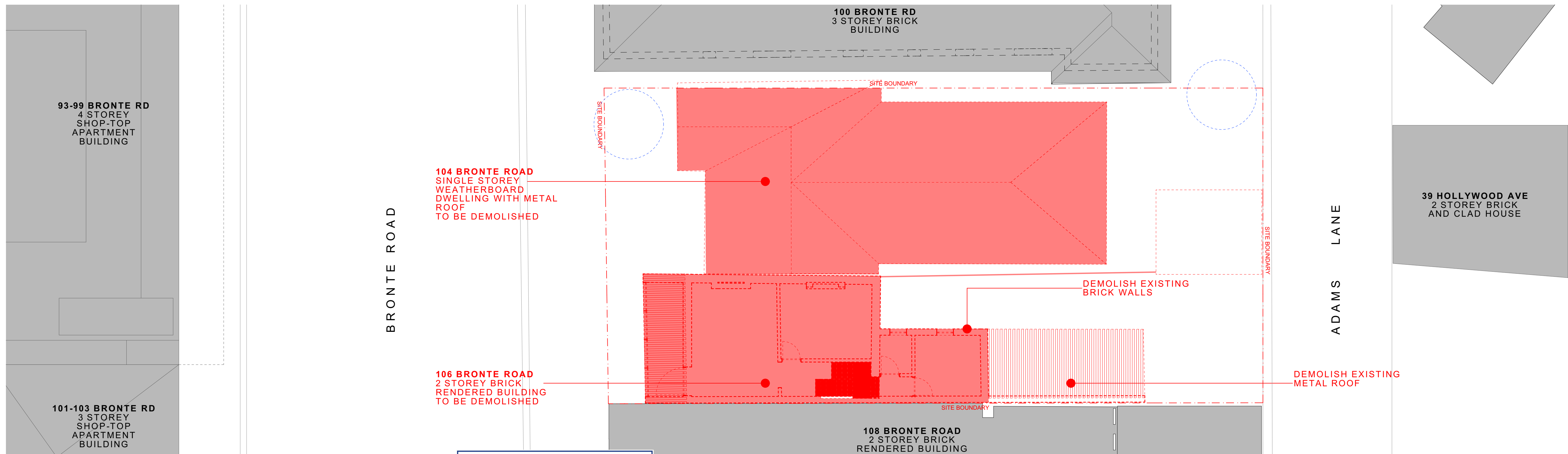
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NEW SHOP-TOP HOUSING DEVELOPMENT			104-106 BRONTE RD, BONDI JUNCTION			PROJECT No: 21101	
REV	DATE	NAME	STAGE: DEVELOPMENT APPLICATION	DRAWING TITLE: SITE PLAN		DRAWING No:	
A	6/07/2022	ISSUE FOR COUNCIL SUBMISSION				DA002	
			SCALE @ A1: 1:100		CLIENT: Arthur Varvaressos	CHECKED: IL/MH	REVISION: A
			SCALE @ A3 1:200		DRAWN: IL	APPROVED: SRH	

RECEIVED
Waverley Council
Application No: DA-327/2022
Date Received: 04/08/2022



1 DEMOLITION PLAN GROUND LEVEL 1:100





Energy Rating

☐ single-dwelling rating

☒ multi-unit development (attach listing of ratings)
(if selected, data specified is the average across the entire development)


Certificate Number: 0006179748

5.4 stars

heating	<u>37.5</u> MJ/m ²
cooling	<u>24.1</u> MJ/m ²

Recessed downlights confirmation: ☐ Rated with ☒ Rated without

Assessor Name/Number: 10601

Assessor Signature:  Date: 04/07/2022

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EXTENT OF EXCAVATION

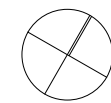
NEW SHOP-TOP HOUSING DEVELOPMENT

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104-106 BRONTE RD, BONDI JUNCTION

STAGE:
**DEVELOPMENT
APPLICATION**

SCALE @ A1:
1:100
SCALE @ A3 1:200



DRAWING TITLE:
DEMOLITION PLAN

CLIENT: Arthur Varvaressos
DRAWN: IL

CHECKED: **IL/MH**
APPROVED: **SRH**

PROJECT No: **21101**

DRAWING No:

DA003

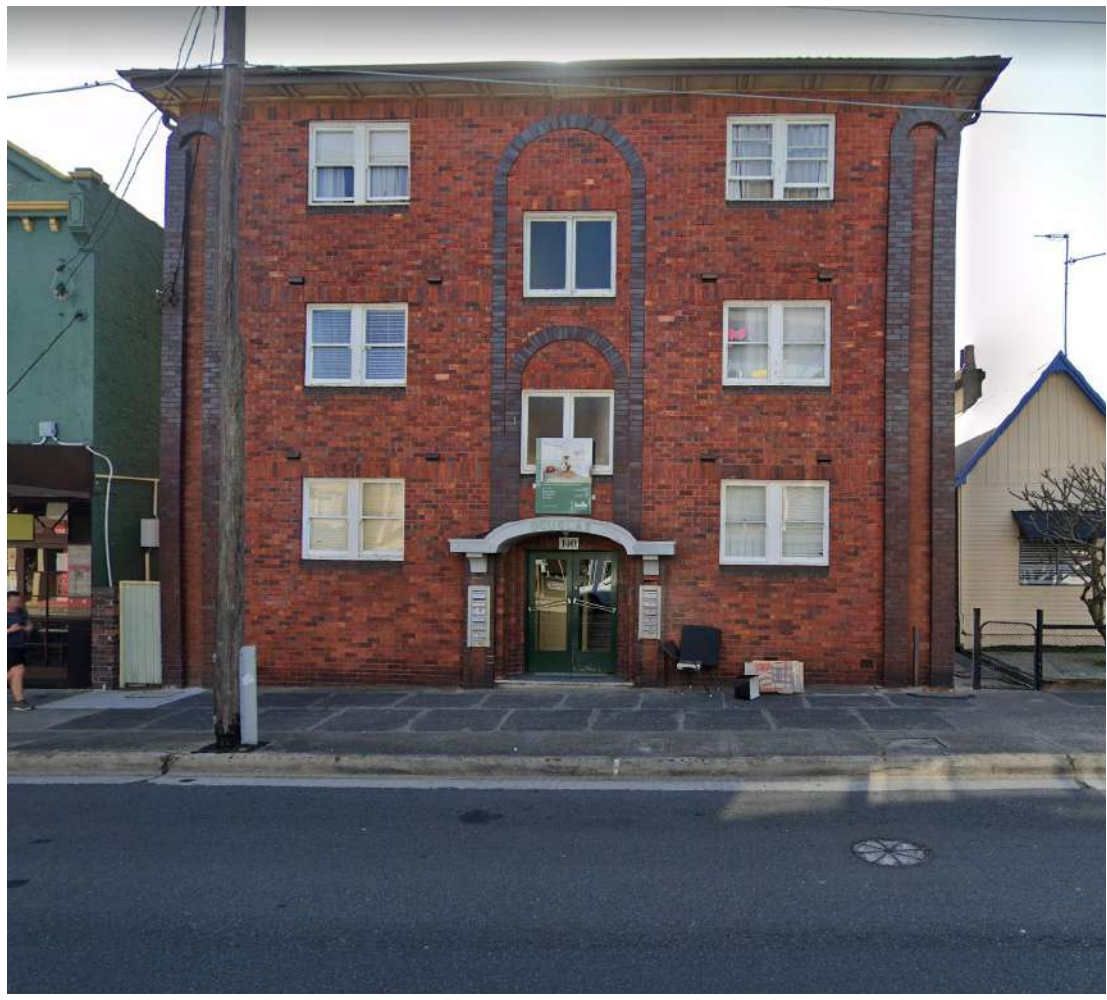
REVISION:

A

NOT FOR
CONSTRUCTION



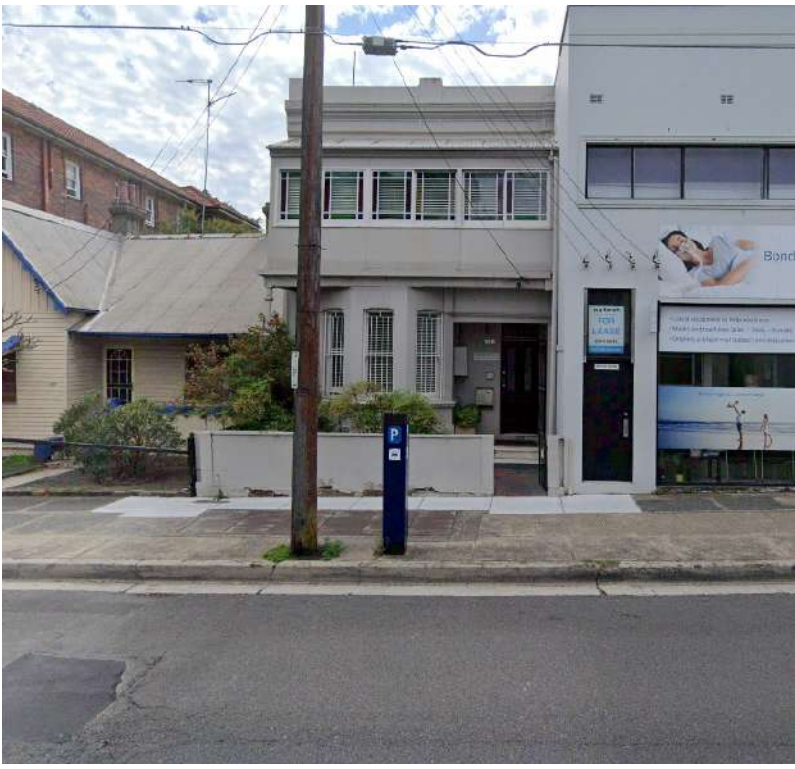
96-98 BRONTE RD



100 BRONTE RD



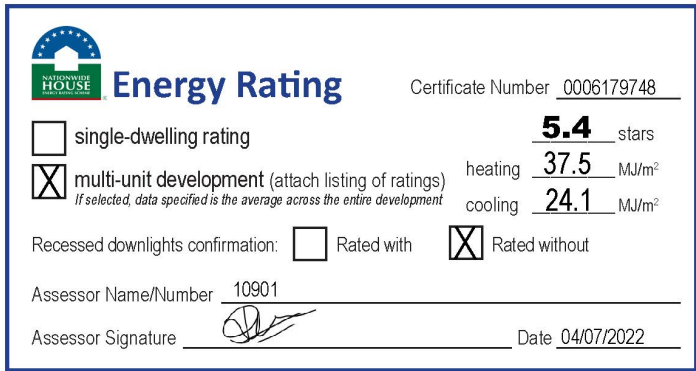
104 BRONTE RD



106 BRONTE RD



108 BRONTE RD



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LEGEND:

NEW SHOP-TOP HOUSING DEVELOPMENT

REV	DATE	NAME
A	6/07/2022	ISSUE FOR COUNCIL SUBMISSION

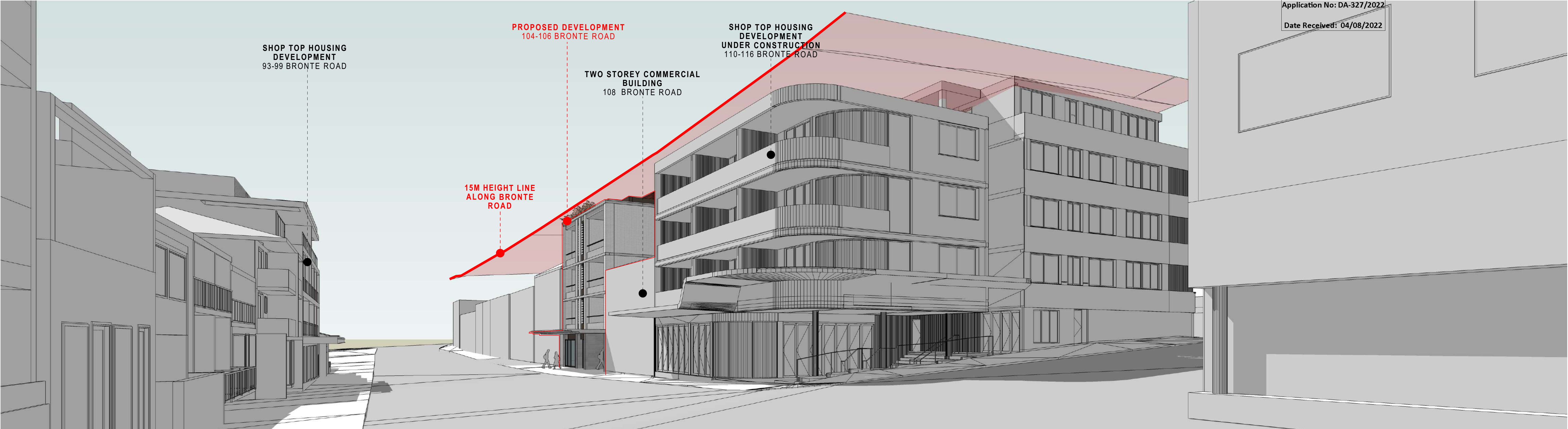
104-106 BRONTE RD, BONDI JUNCTION

STAGE: DEVELOPMENT APPLICATION	DRAWING TITLE: STREETSCAPE ELEVATION
SCALE @ A1: 1:100	SCALE @ A3 1:200
CLIENT: Arthur Varvaressos	CHECKED: IL/MH
DRAWN: IL	APPROVED: SRH

PROJECT No: 21101

DRAWING No: DA004
REVISION: A

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VIEW FROM BRONTE ROAD HEADING SOUTH



VIEW FROM BRONTE ROAD HEADING NORTH

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 **Energy Rating**

Certificate Number: 0006179748

☐ single-dwelling rating


☒ multi-unit development (attach listing of ratings)
If available, data specified is the average across the entire development.

heating 37.5 MJ/m²

cooling 24.1 MJ/m²

Recessed downlights confirmation: ☐ Rated with ☒ Rated without

Assessor Name/Number: 10501

Assessor Signature:  Date: 04/07/2022

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NOMINATED ARCHITECT: SIMON HANSON # 6739

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LEGEND:

NEW SHOP-TOP HOUSING DEVELOPMENT

REV	DATE	NAME
A	6/07/2022	ISSUE FOR COUNCIL SUBMISSION

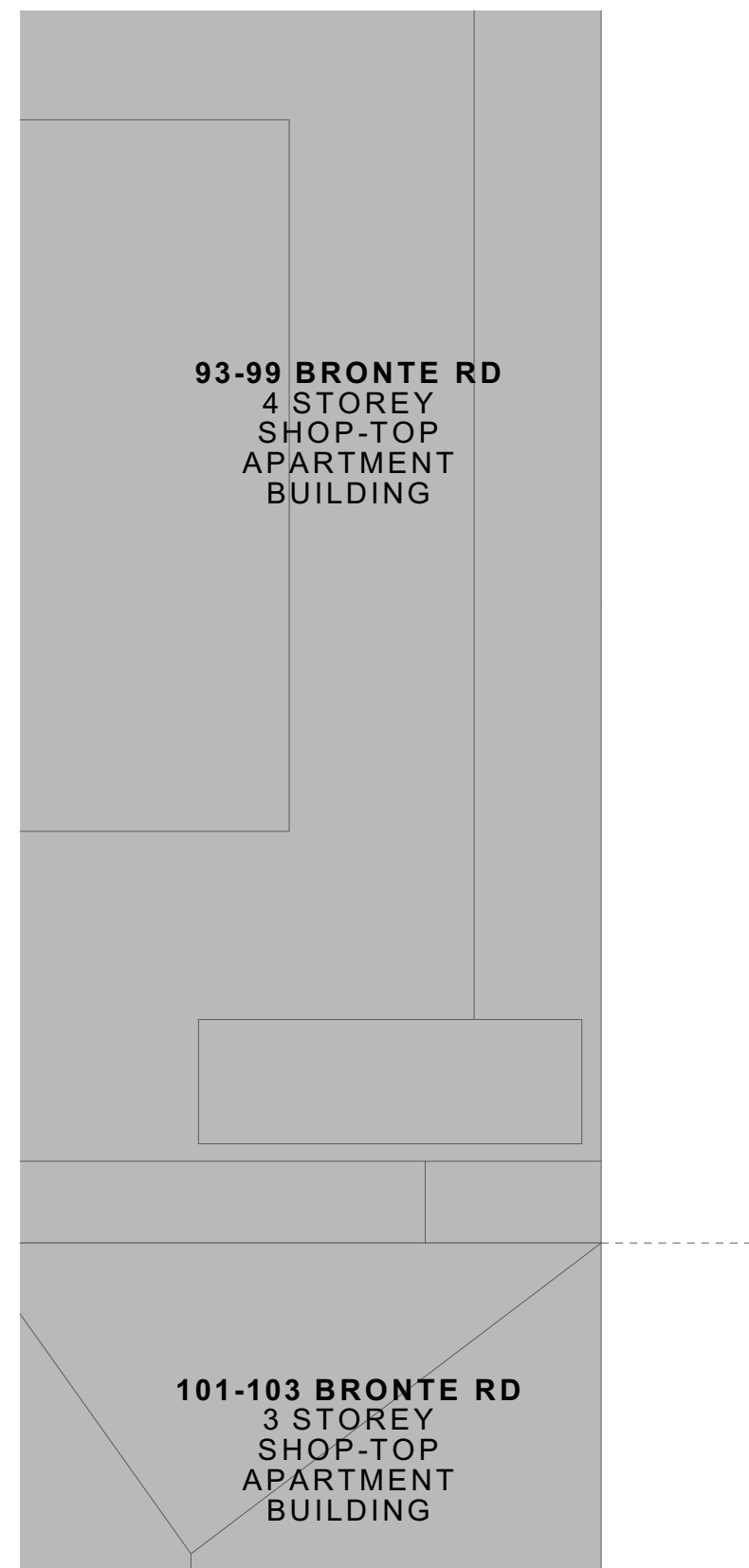
104-106 BRONTE RD, BONDI JUNCTION

STAGE: DEVELOPMENT APPLICATION	DRAWING TITLE: STREETSCAPE VIEWS
SCALE @ A1:	
CLIENT: Arthur Varvaressos	CHECKED: IL/MH
DRAWN: IL	APPROVED: SRH

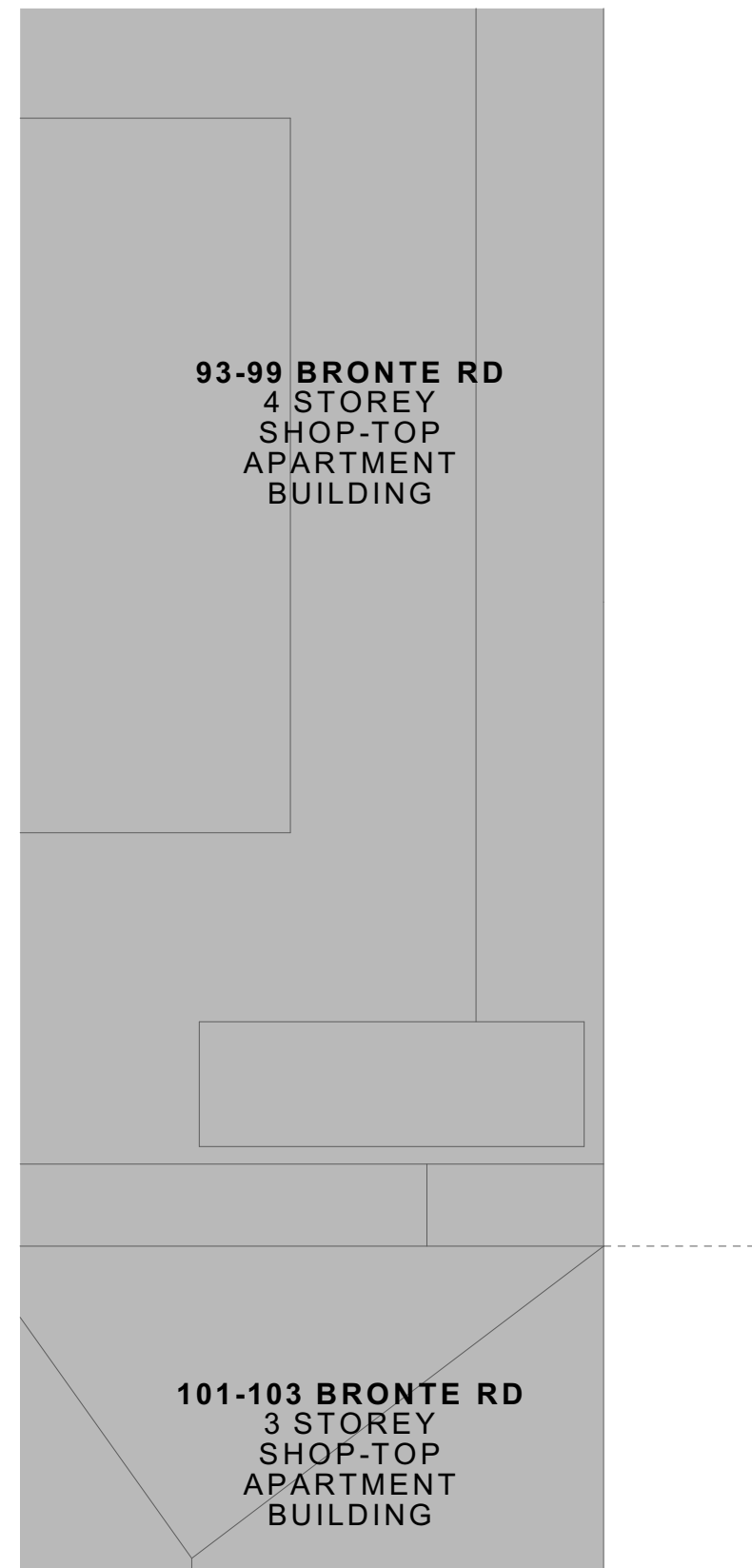
PROJECT No: 21101

DRAWING No: DA005
REVISION: A

NOT FOR
CONSTRUCTION



106 BRONTE ROAD GROUND FLOOR PLAN
1:100

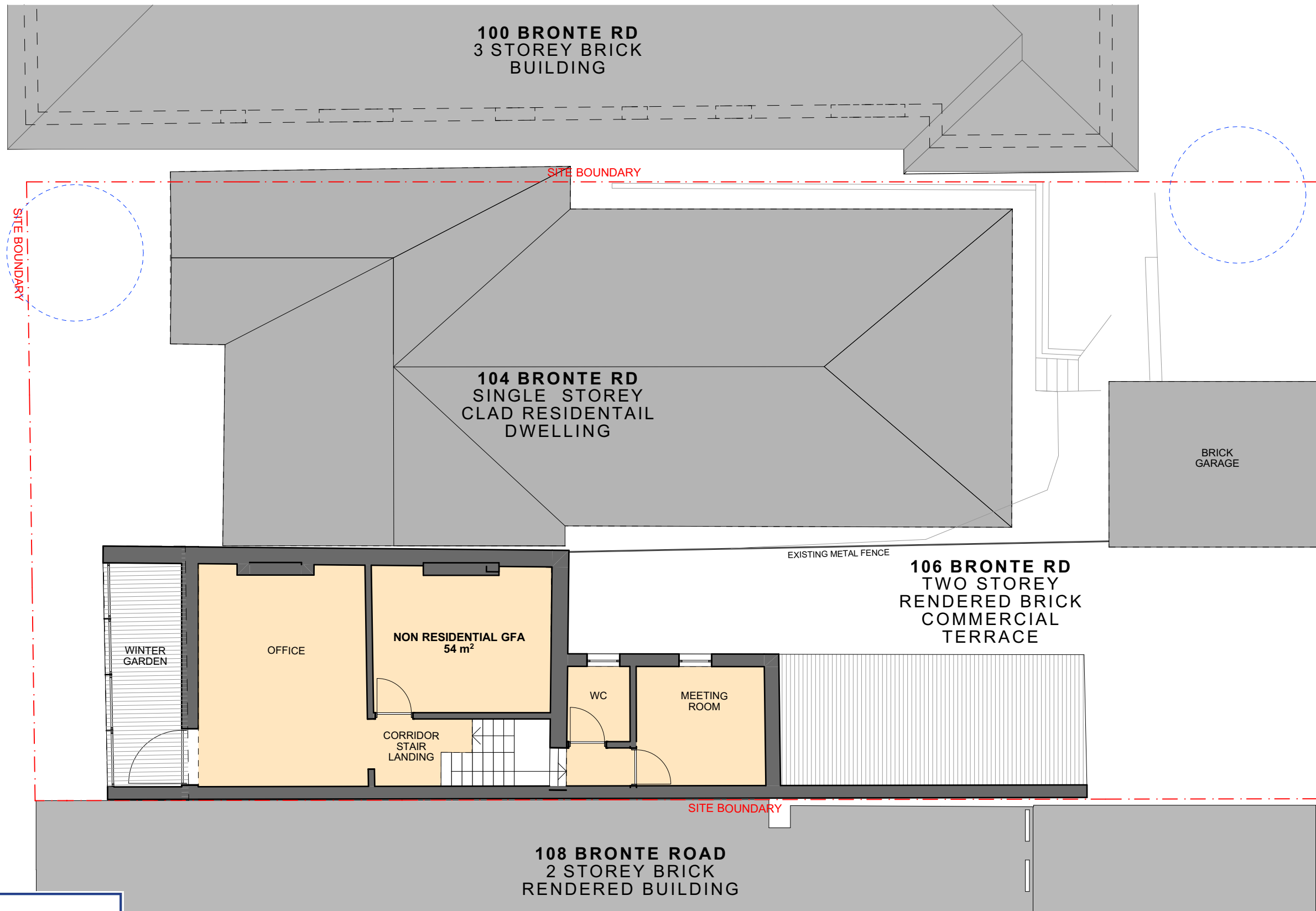
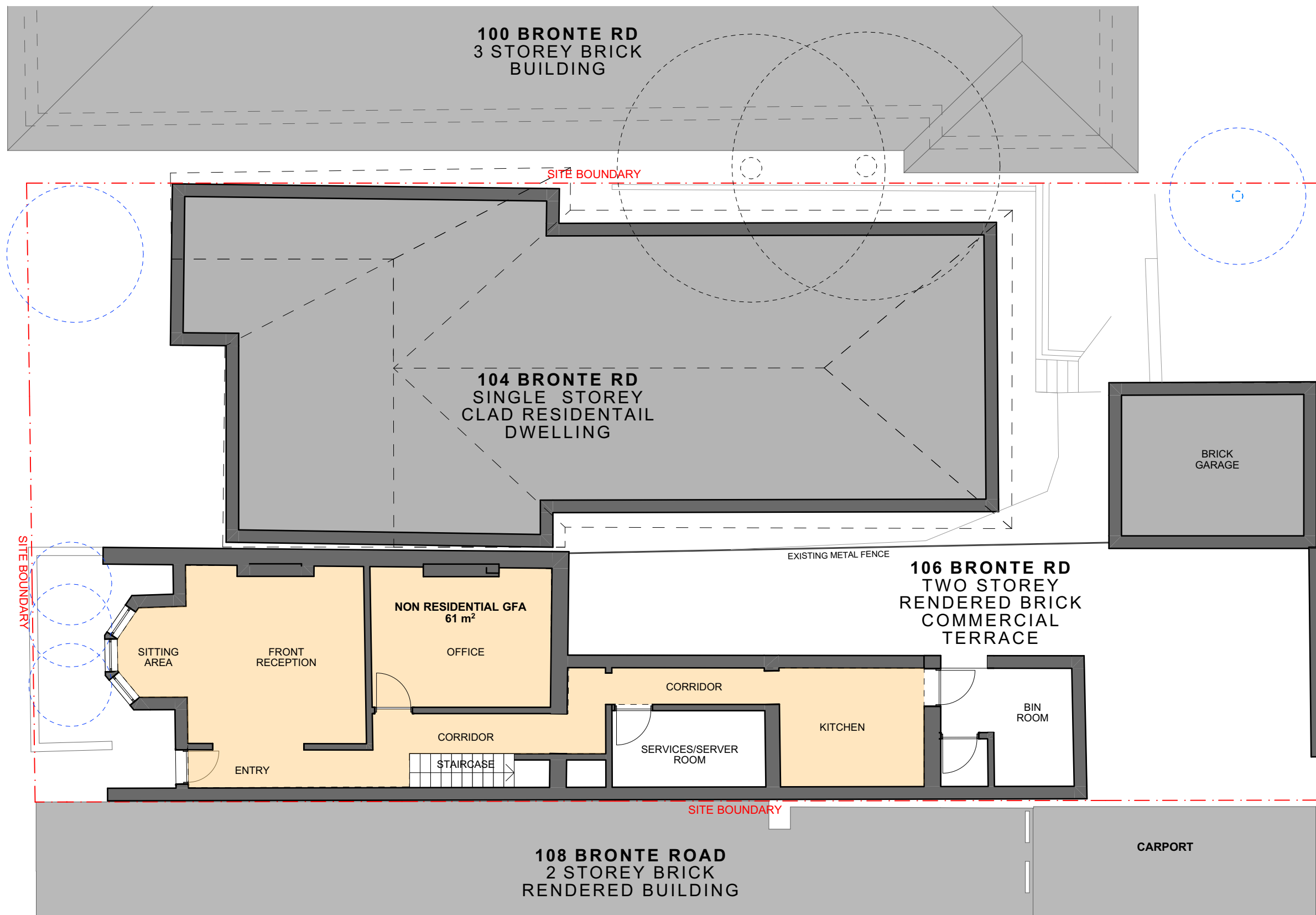




106 BRONTE ROAD FIRST FLOOR PLAN
1:100

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 <h1>Energy Rating</h1>		Certificate Number <u>0006179748</u>	
<input type="checkbox"/> single-dwelling rating	5.4 stars		
<input checked="" type="checkbox"/> multi-unit development (attach listing of ratings) <i>If selected, data specified is the average across the entire development</i>	heating <u>37.5</u> MJ/m ²	cooling <u>24.1</u> MJ/m ²	
Recessed downlights confirmation: <input type="checkbox"/> Rated with <input checked="" type="checkbox"/> Rated without			
Assessor Name/Number <u>10951</u>			
Assessor Signature 		Date <u>04/07/2022</u>	

NON RESIDENTAIL GFA CALCULATION

GROUND FLOOR : 61m2
FIRST FLOOR : 54m2
TOTAL NON RESIDENTIAL GFA: **115m2**

NEW SHOP-TOP HOUSING DEVELOPMENT			104-106 BRONTE RD, BONDI JUNCTION			PROJECT No: 21101
REV	DATE	NAME	STAGE: DEVELOPMENT APPLICATION	DRAWING TITLE: 106 BRONTE ROAD EXISTING PLANS		DRAWING No:
A	6/07/2022	ISSUE FOR COUNCIL SUBMISSION				REVISION:
			SCALE @ A1: 1:100		CLIENT: Arthur Varvaressos	CHECKED: IL/MH
			SCALE @ A3 1:200		DRAWN: IL	APPROVED: SRH

NOMINATED ARCHITECT: SIMON HANSON # 6739

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LEGEND:

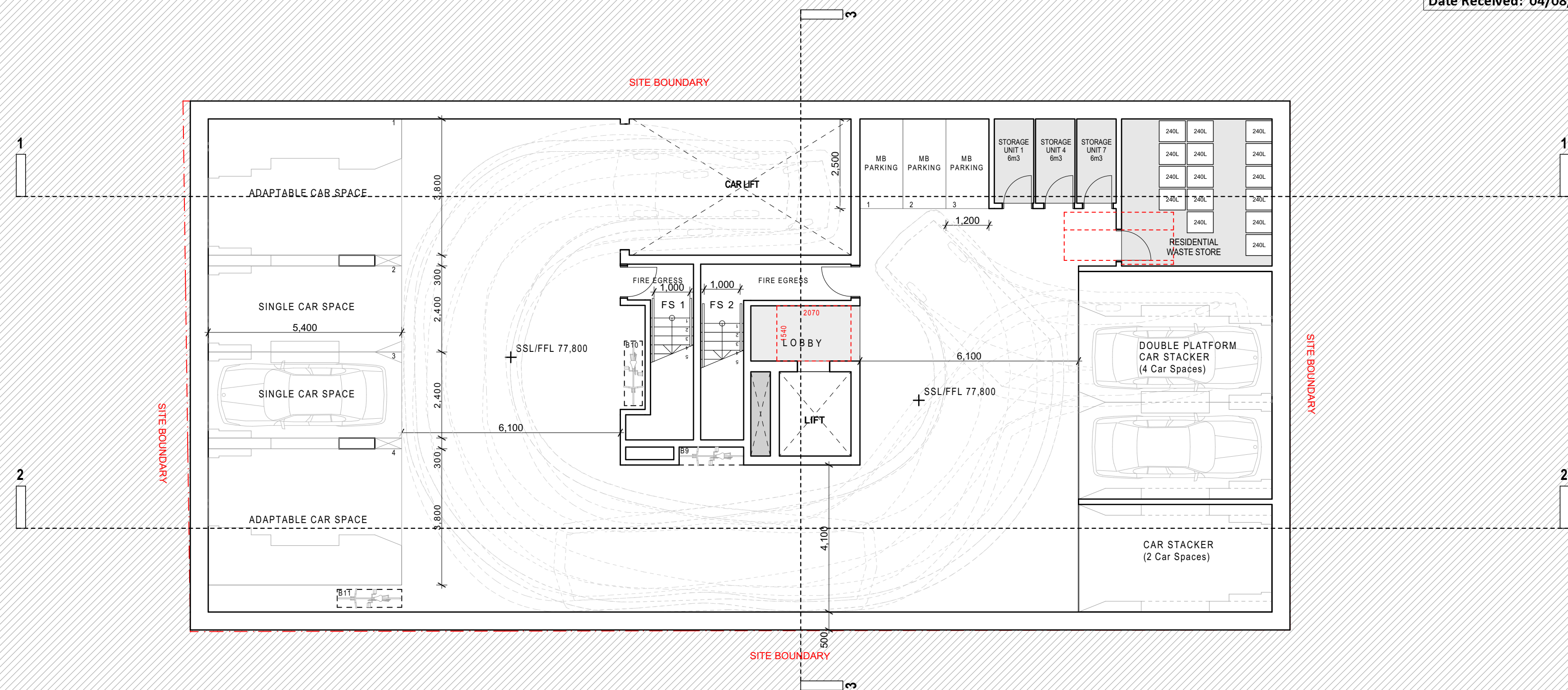
 NON RESIDENTIAL GROSS FLOOR AREA

NOT FOR
CONSTRUCTION

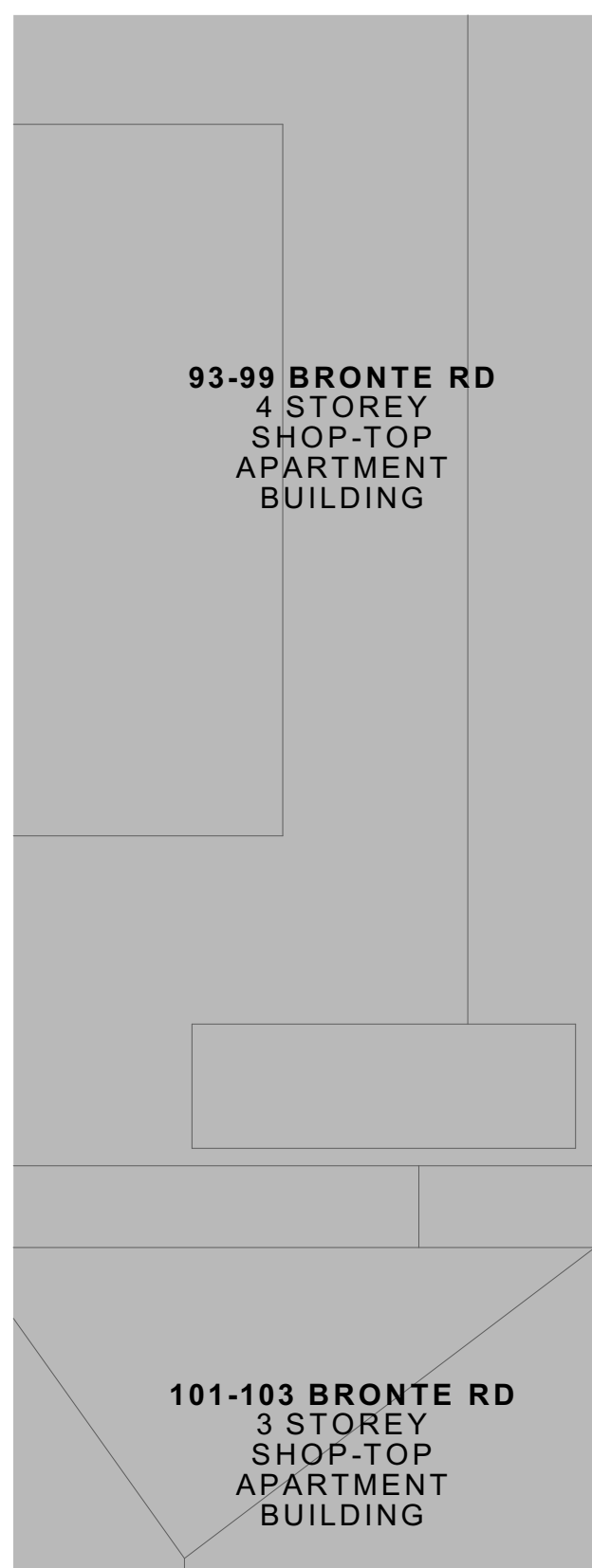
PROJECT No: **21101**

DRAWING No:
DA006

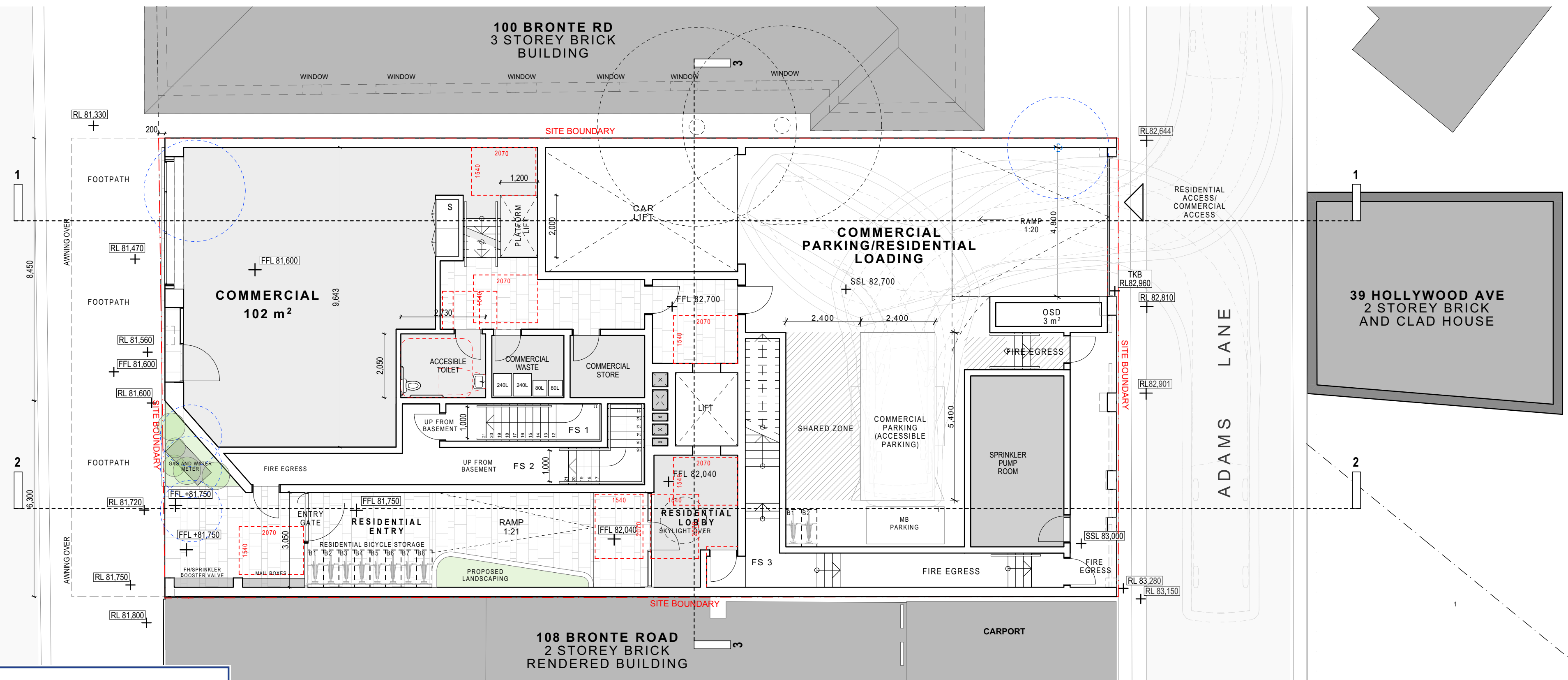
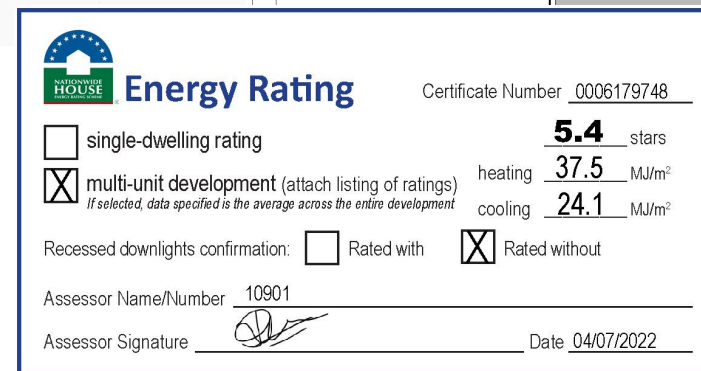
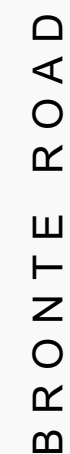
REVISION: **A**



1 BASEMENT
1:100



2 GROUND FLOOR PLAN
1:100

[illegible]

NOT FOR
CONSTRUCTION

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NOMINATED ARCHITECT: SIMON HANSON # 6739

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LEGEND:

NEW SHOP-TOP HOUSING DEVELOPMENT

[illegible]

104-106 BRONTE RD, BONDI JUNCTION

STAGE:
**DEVELOPMENT
APPLICATION**

SCALE @ A1:
1:100
SCALE @ A3 1:200

DRAWING TITLE:
**BASEMENT AND GROUND
FLOOR PLAN**

CLIENT: Arthur Varvaressos
DRAWN: IL

CHECKED: IL/MH
APPROVED: SRH

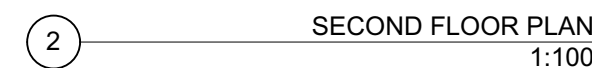
PROJECT No: **21101**


DRAWING No:

DA100

REVISION:

A





Energy Rating

Certificate Number 0005179748

☐ single-dwelling rating

☒ multi-unit development (attach listing of ratings)
(if selected, data specified is the average across the entire development)


5.4 stars

heating 37.5 MJ/m²

cooling 24.1 MJ/m²

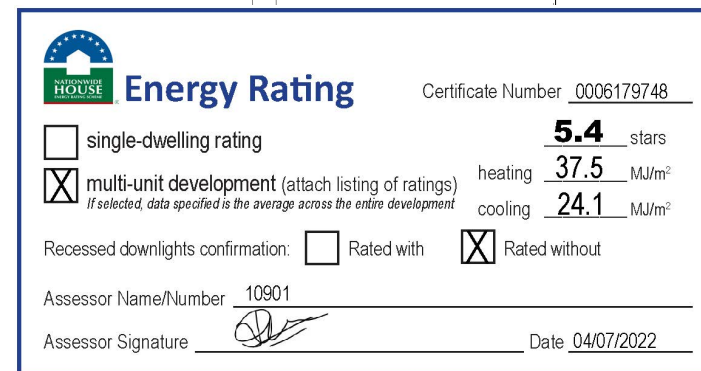
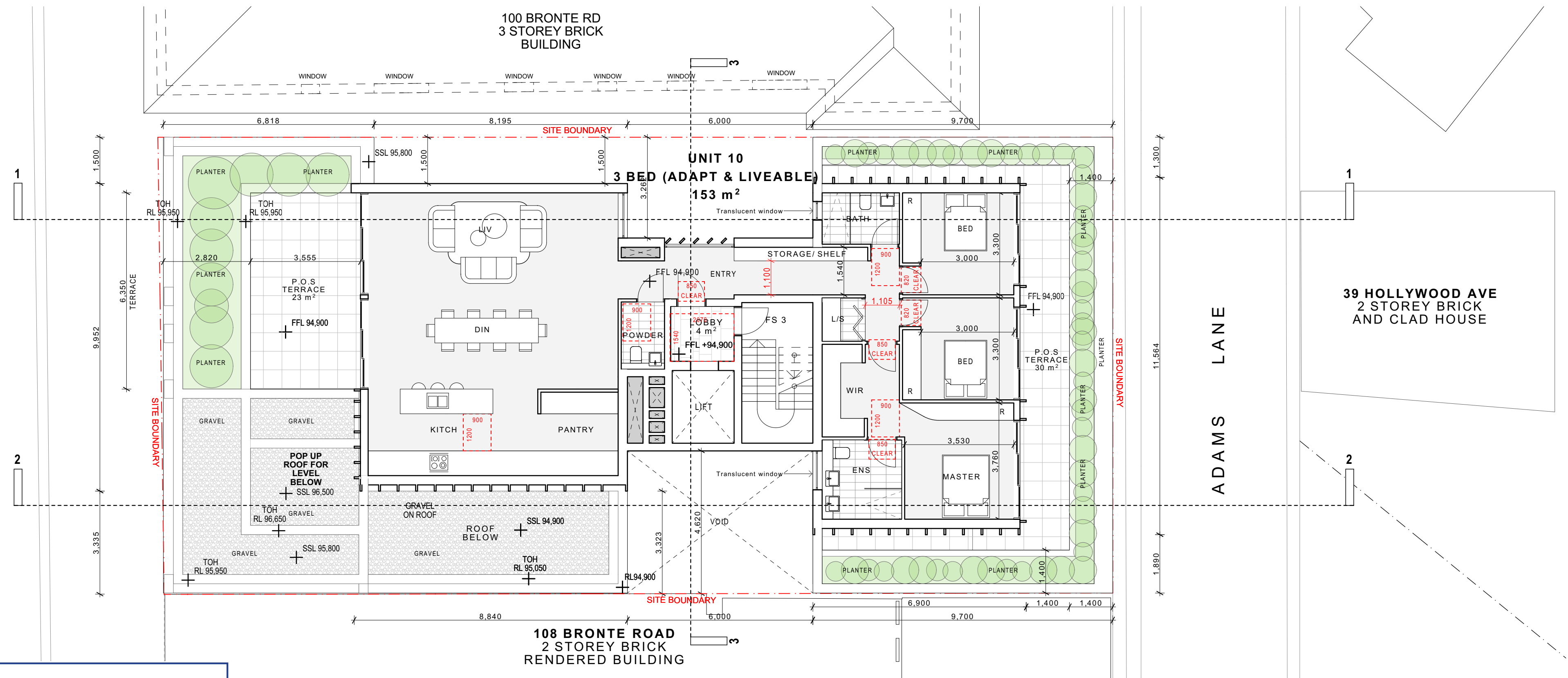
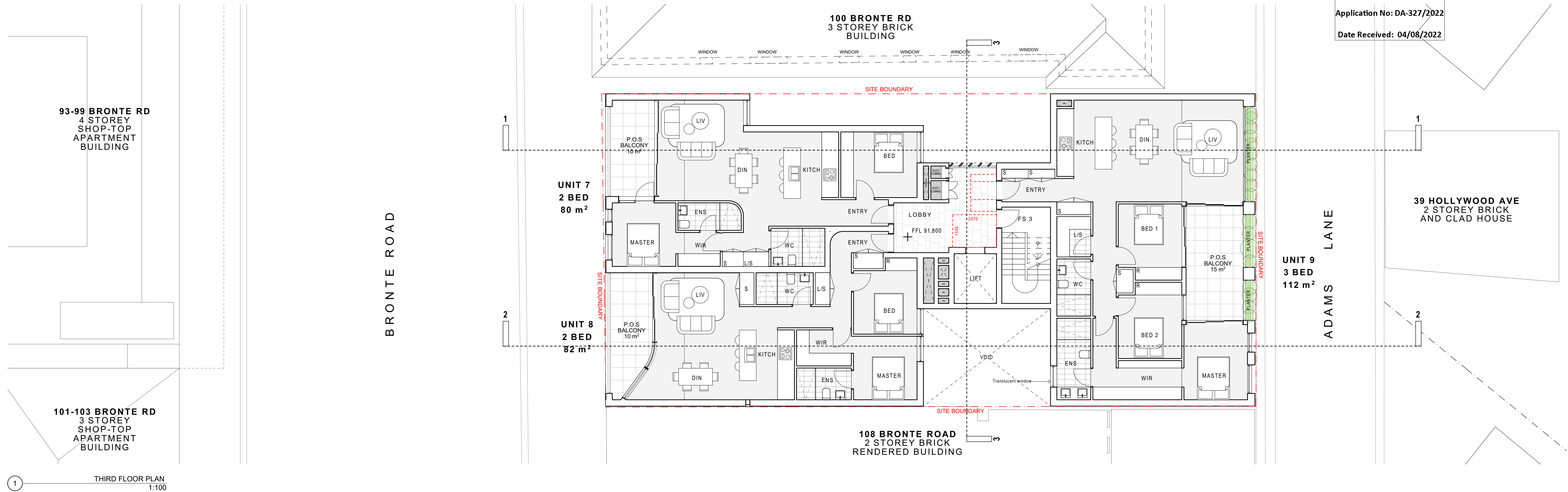
Recessed downlights confirmation: ☐ Rated with ☒ Rated without

Assessor Name/Number 10901

Assessor Signature 

Date 04/07/2022

REVISION: **A**

[illegible]

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[illegible]

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LEGEND:

NEW SHOP-TOP HOUSING DEVELOPMENT

[illegible]

104-106 BRONTE RD, BONDI JUNCTION

STAGE:
DEVELOPMENT
APPLICATION

SCALE @ A1:
1:100
SCALE @ A3 1:200

DRAWING TITLE:
**THIRD AND FOURTH FLOOR
PLAN**

CLIENT: **Arthur Varvaressos**
DRAWN: **IL**

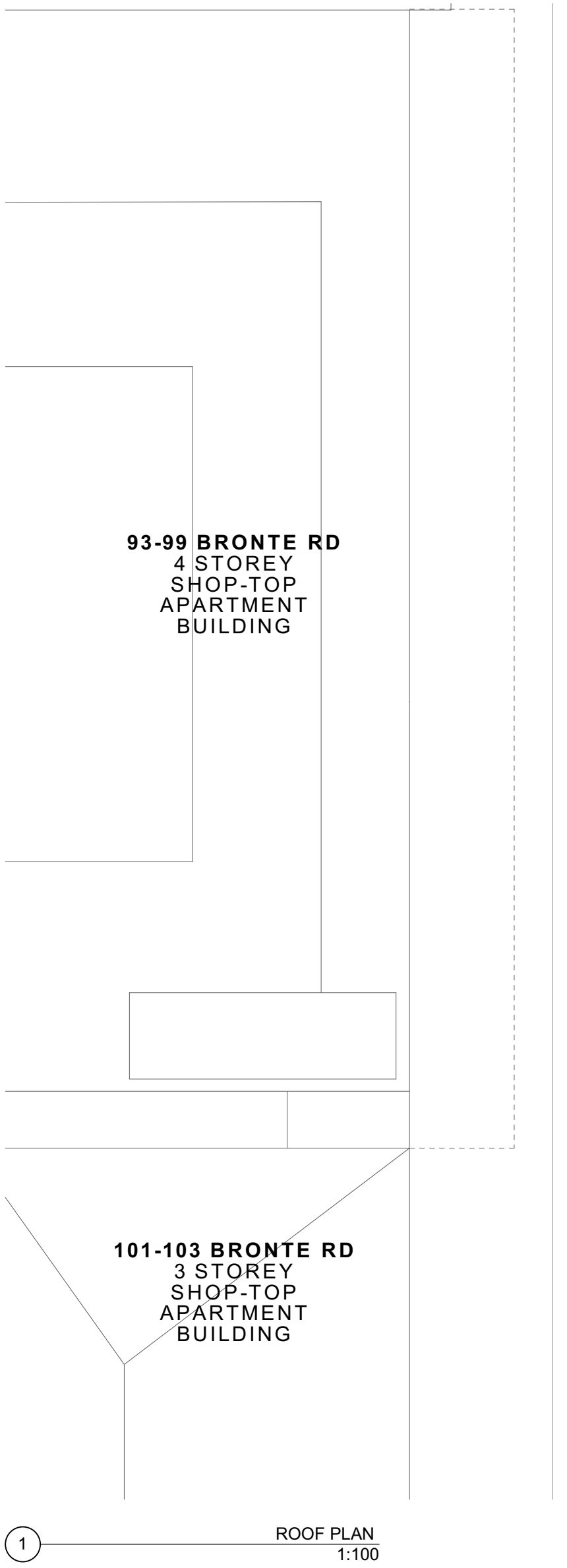
CHECKED: IL/MH
APPROVED: SRH

PROJECT No: **21101**

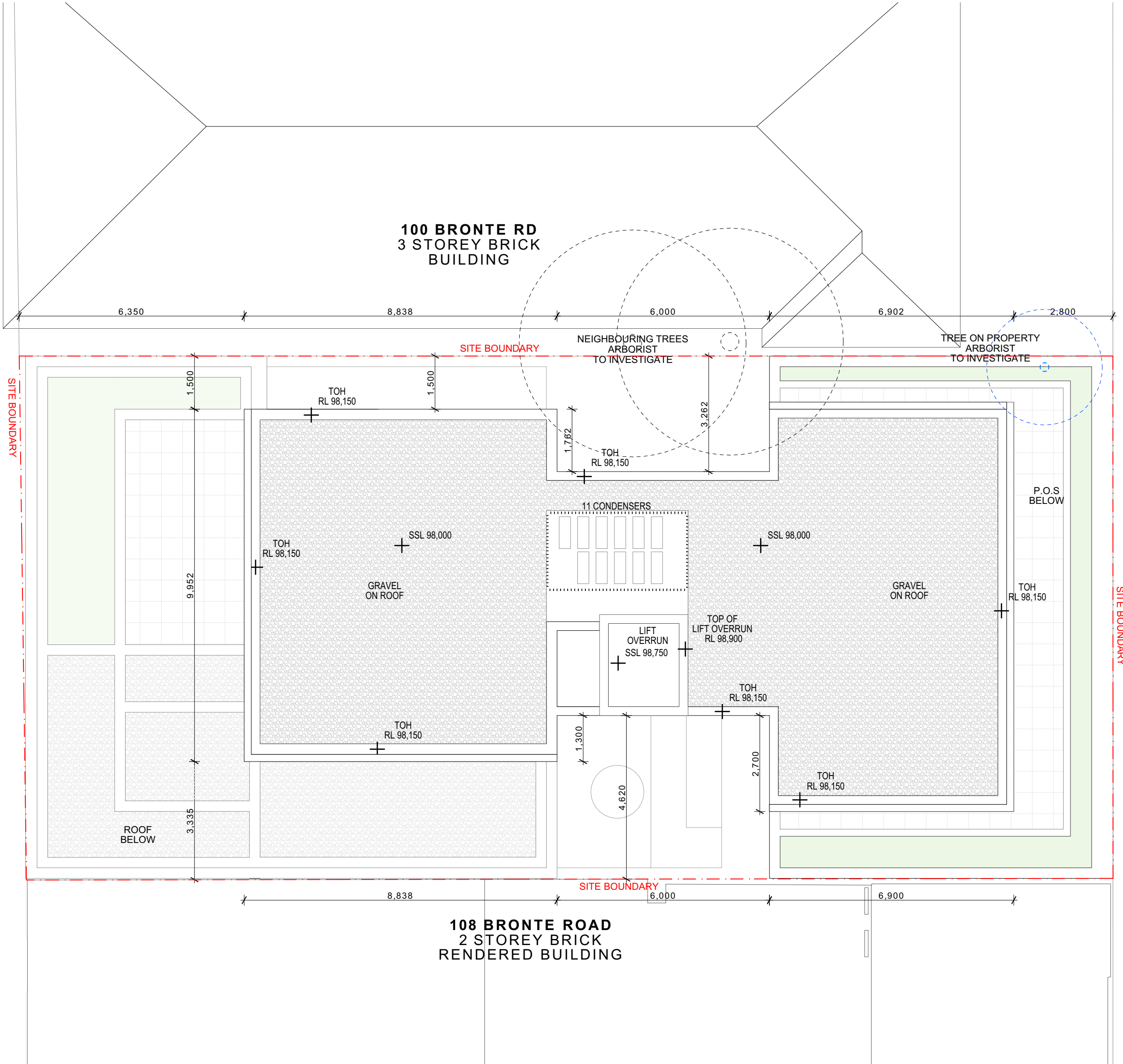
DRAWING No:


DA102

REVISION: **A**



BRONTE ROAD



 **Energy Rating** Certificate Number: 0006179748

☐ single-dwelling rating


☒ multi-unit development (attach listing of ratings)
If individual data is provided to the average across the entire development

heating 37.5 MJ/m²

cooling 24.1 MJ/m²

Recessed downlights confirmation: ☐ Rated with ☒ Rated without

Assessor Name/Number: 10501

Assessor Signature:  Date: 04/07/2022

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NOMINATED ARCHITECT: SIMON HANSON # 6739

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LEGEND:

NEW SHOP-TOP HOUSING DEVELOPMENT

REV	DATE	NAME
A	6/07/2022	ISSUE FOR COUNCIL SUBMISSION

104-106 BRONTE RD, BONDI JUNCTION

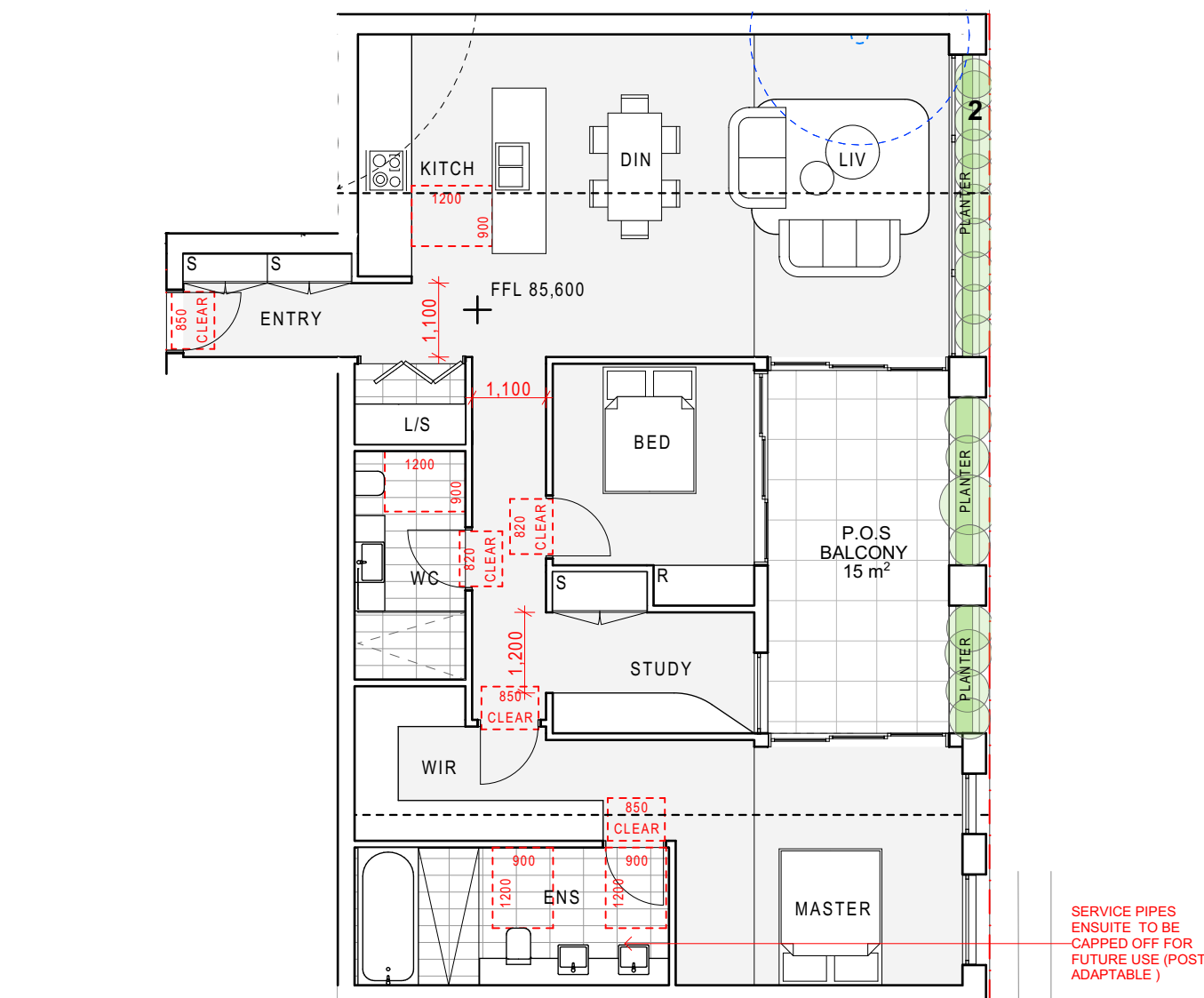
STAGE: DEVELOPMENT APPLICATION	DRAWING TITLE: ROOF PLAN
SCALE @ A1: 1:100	
SCALE @ A3 1:200	CLIENT: Arthur Varvaressos CHECKED: IL/MH DRAWN: IL APPROVED: SRH

PROJECT No: 21101

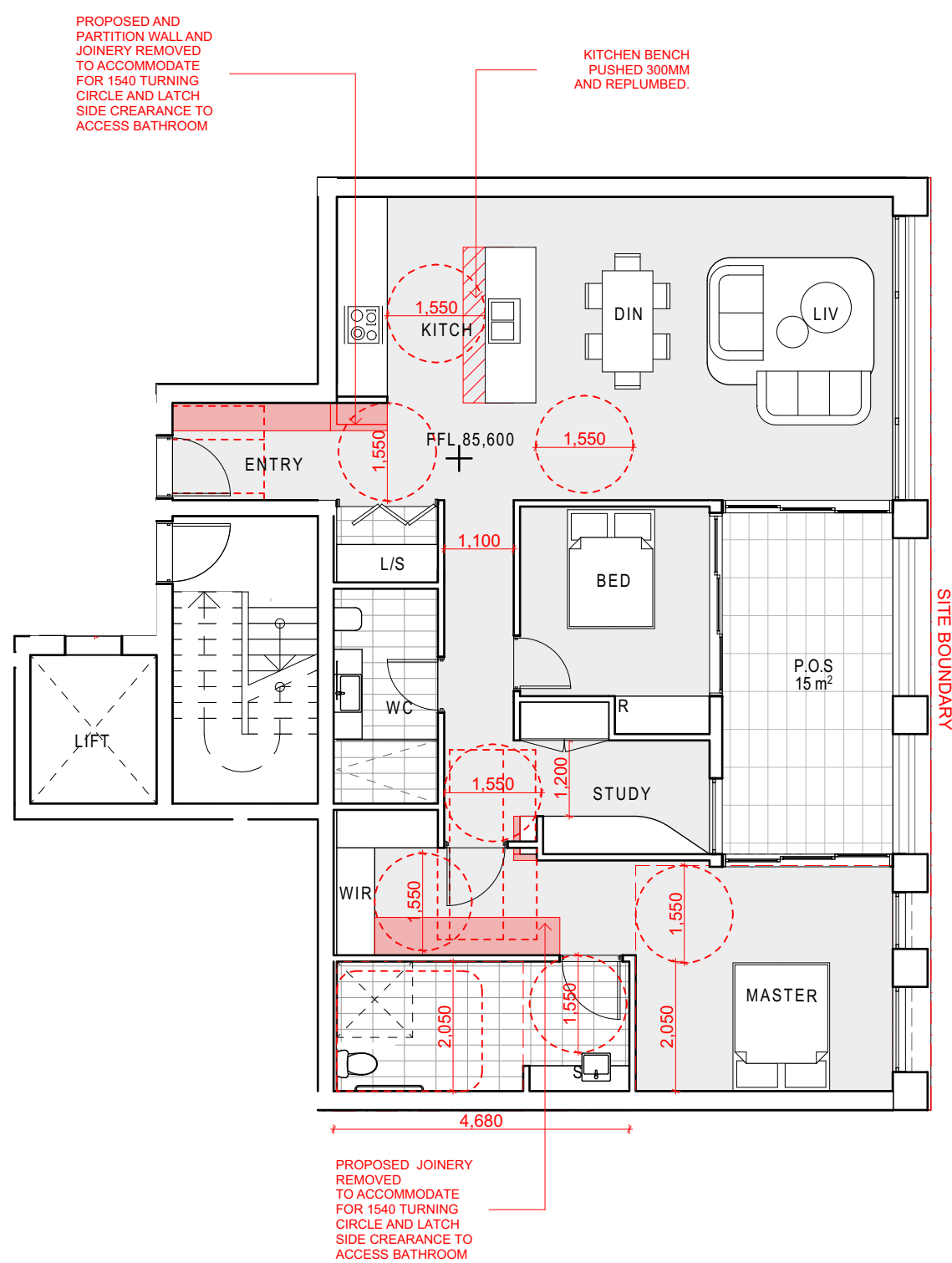
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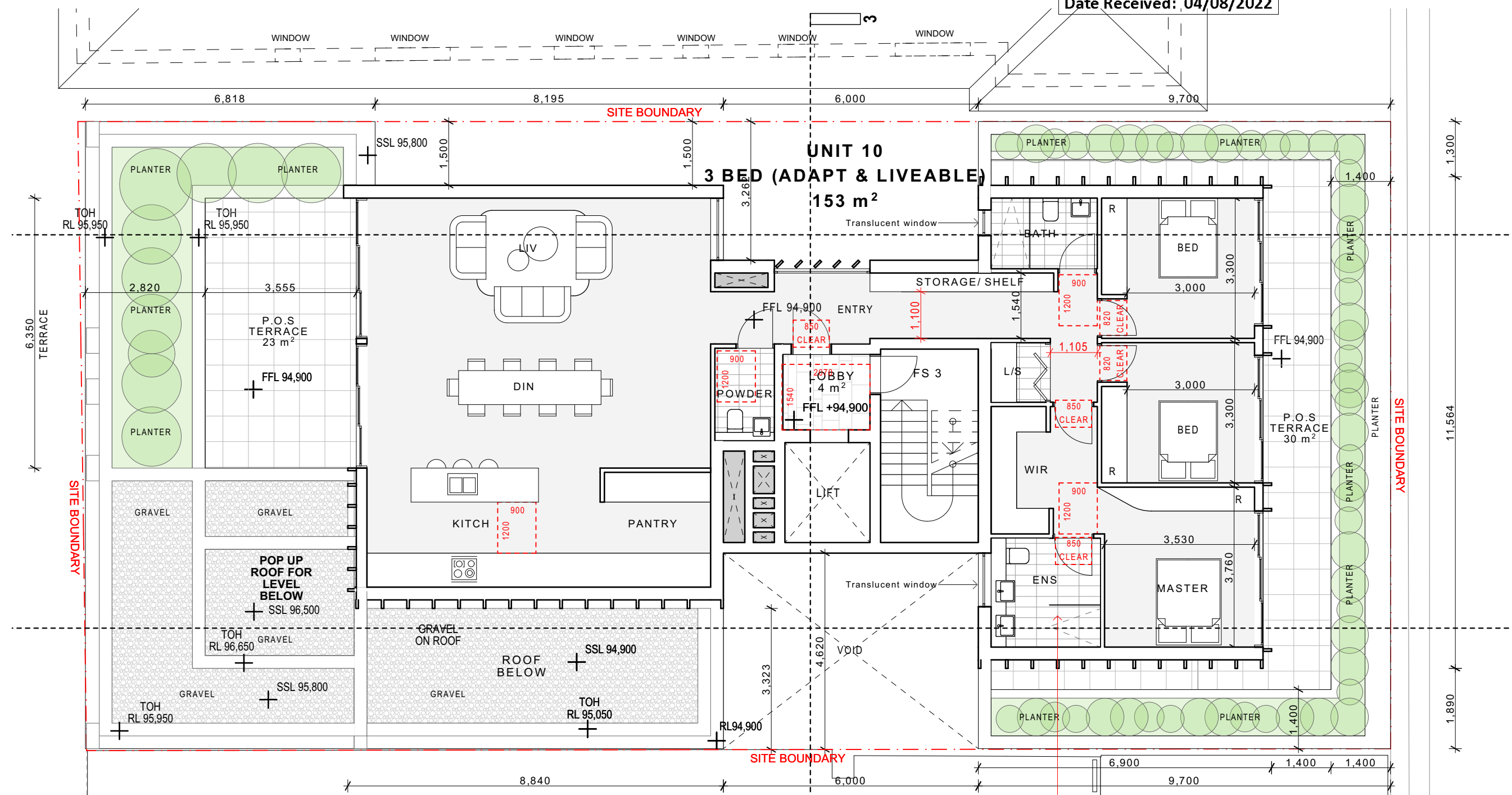
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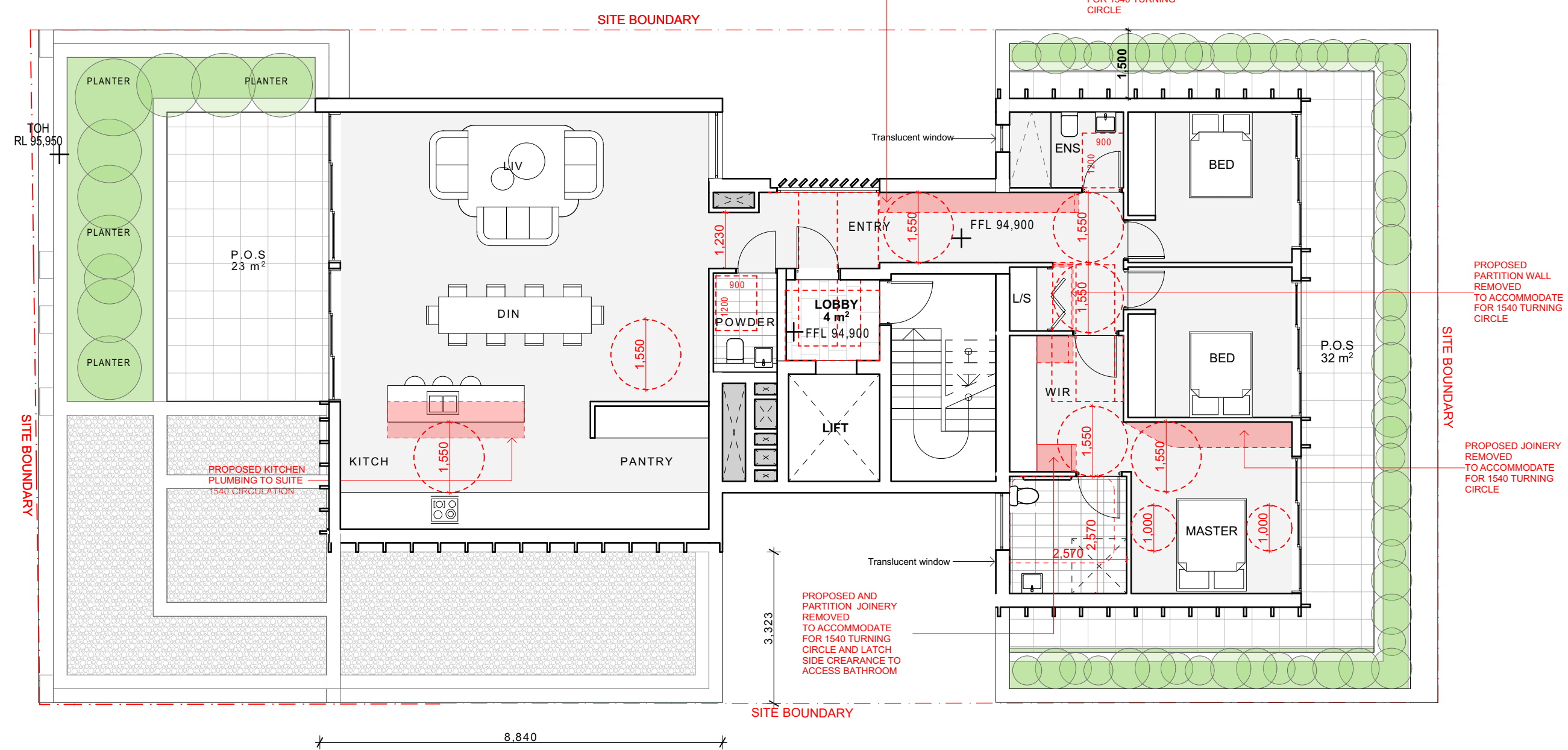
UNIT 3 PRE-ADAPTABE PLAN (LIVEABLE SILVER)





UNIT 3 POST-ADAPTABE PLAN



UNIT 10 PRE-ADAPTABE PLAN (LIVEABLE SILVER)



UNIT 10 POST-ADAPTABE PLAN

	<h1>Energy Rating</h1>		Certificate Number <u>0006179748</u>	
	<input type="checkbox"/> single-dwelling rating		5.4 stars	
<input checked="" type="checkbox"/>	multi-unit development (attach listing of ratings) <i>(if selected, data specified is the average across the entire development)</i>		heating <u>37.5</u> MJ/m ²	cooling <u>24.1</u> MJ/m ²
	Recessed downlights confirmation: <input type="checkbox"/> Rated with <input checked="" type="checkbox"/> Rated without			
Assessor Name/Number <u>10901</u>				
Assessor Signature 			Date <u>04/07/2022</u>	

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NOMINATED ARCHITECT: SIMON HANSON # 6739

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LEGEND:

NEW SHOP-TOP HOUSING DEVELOPMENT

[illegible]

104-106 BRONTE RD, BONDI JUNCTION

STAGE:
DEVELOPMENT
APPLICATION

SCALE @ A1:
1:100
SCALE @ A3 1:200

DRAWING TITLE:
POST-ADAPTABLE PLAN

CLIENT: Arthur Varvaressos	CHECKED: IL/MH
DRAWN: IL	APPROVED: SRH

PROJECT No: **21101**

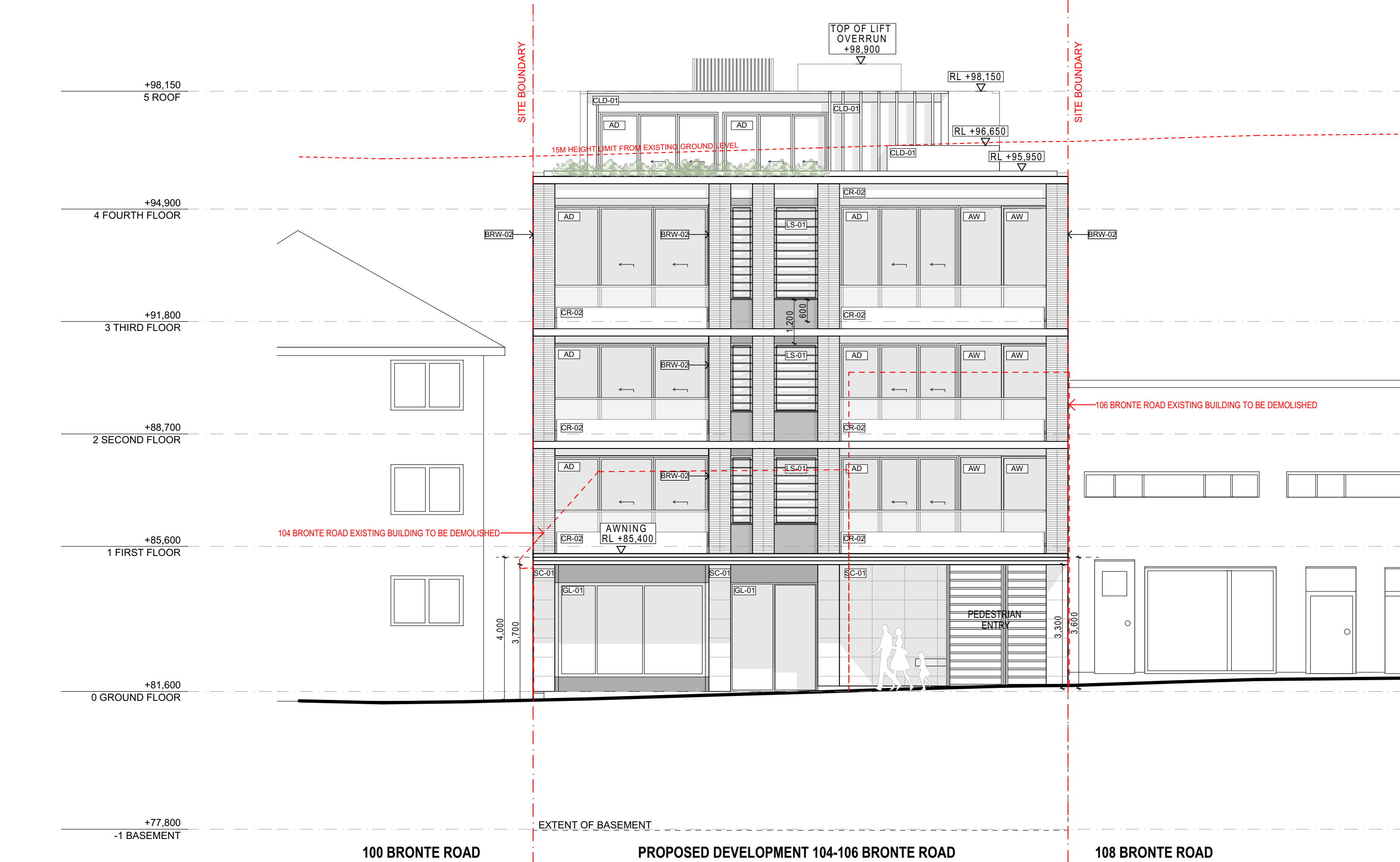
DRAWING No:

DA104

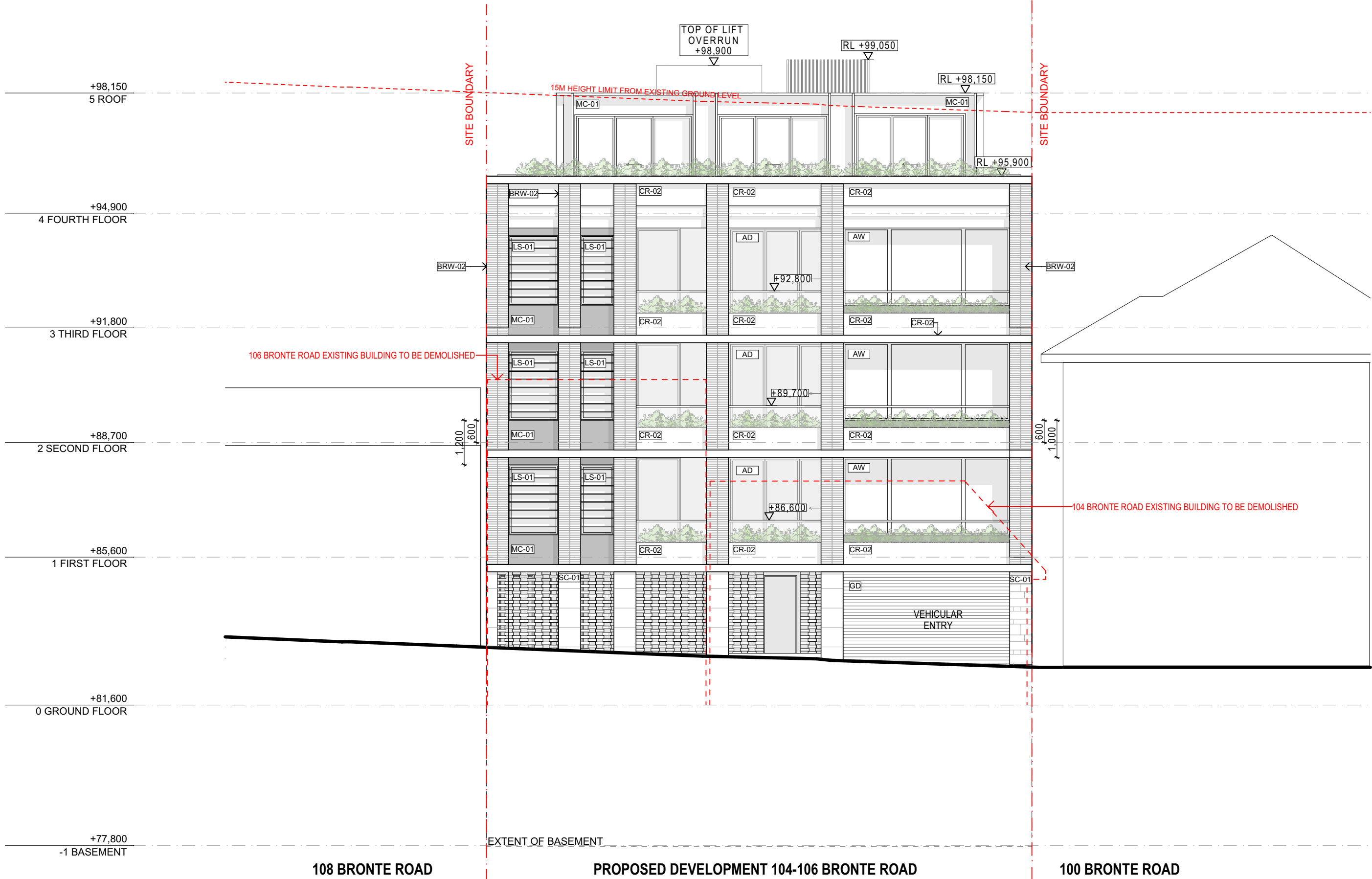
REVISION:

A

NOT FOR
CONSTRUCTION

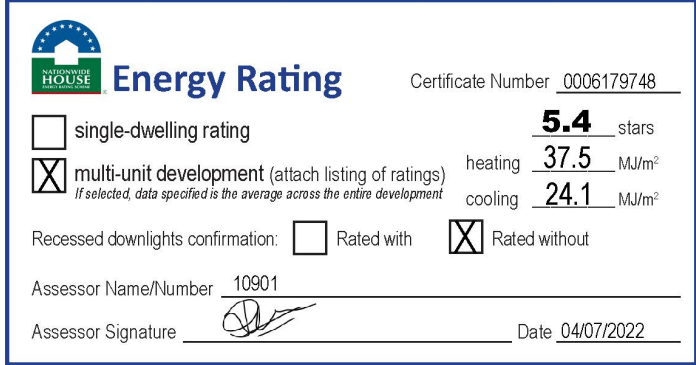


WEST ELEVATION



EAST ELEVATION

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NOMINATED ARCHITECT: SIMON HANSON # 6739

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LEGEND: REFER TO MATERIALS SCHEDULE FOR DETAILS

[OFC]	- OFF-FORM CONCRETE	[BAL-01]	BALUSTRADE TYPE 1
[CR-01]	CEMENT RENDER COLOUR 1	[GD]	HOR. BATTEN GARAGE DOOR
[CR-02]	CEMENT RENDER COLOUR 2	[AD]	ALUMINIUM GLAZED DOOR (SLIDING/HINGED)
[BRW-01]	BRICKWORK TYPE 1	[AW]	ALUMINIUM GLAZED WINDOW
[BRW-02]	BRICKWORK TYPE 2	[LS-01]	LOUVRED SCREEN TYPE 1
[BRW-03]	BRICKWORK TYPE 3	[LS-02]	LOUVRED SCREEN TYPE 2

[MS-02]	METAL CLADDING TYPE 1
[CLD-01]	CLADDING TYPE 1
[SC-01]	STONE CLADDING TYPE 1
[GL-01]	GLASS CLEAR
[GL-02]	GLASS TRANSLUCENT

NEW SHOP-TOP HOUSING DEVELOPMENT

REV	DATE	NAME
A	6/07/2022	ISSUE FOR COUNCIL SUBMISSION

104-106 BRONTE RD, BONDI JUNCTION

STAGE:
DEVELOPMENT APPLICATION

SCALE @ A1:
1:100
SCALE @ A3 1:200

DRAWING TITLE:
EAST AND WEST ELEVATION

CLIENT: **Arthur Varvaressos**
DRAWN: **IL**

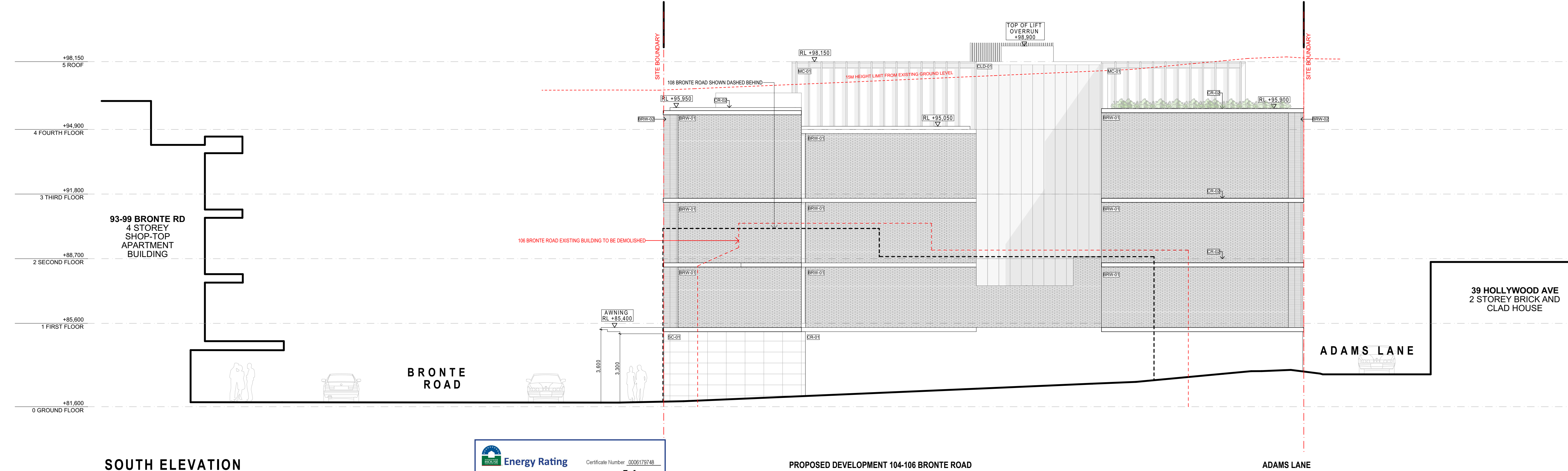
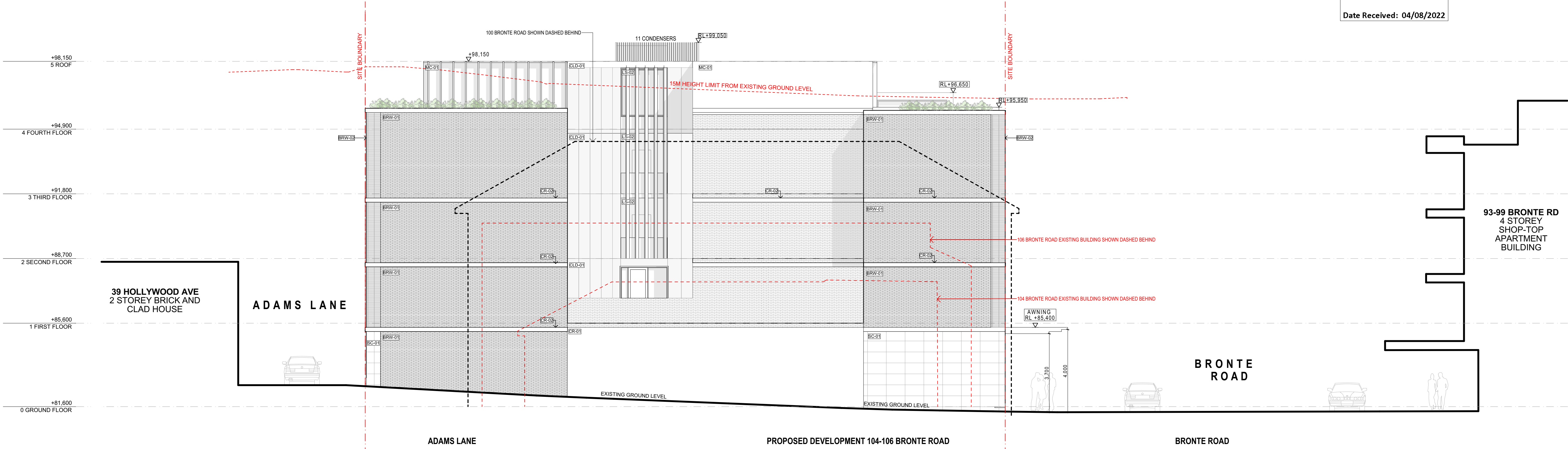
CHECKED: **IL/MH**
APPROVED: **SRH**


PROJECT No: **21101**

DRAWING No:
DA200

REVISION:
A

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**Energy Rating**

Certificate Number: 0006179748

☐ single-dwelling rating


☒ multi-unit development (attach listing of ratings)

heating 37.5 MJ/m²

cooling 24.1 MJ/m²

Processed dwellings confirmation: ☐ Rated with ☒ Rated without

Assessor Name/Number: 10501

Assessor Signature:  Date: 04/07/2022

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BRONTE ROAD

NOMINATED ARCHITECT: SIMON HANSON # 6739

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LEGEND: REFER TO MATERIALS SCHEDULE FOR DETAILS

- OFC

CR-01

CR-02

BRW-01

BRW-02

BRW-03

- OFF-FORM CONCRETE

CEMENT RENDER COLOUR 1

CEMENT RENDER COLOUR 2

BRICKWORK TYPE 1

BRICKWORK TYPE 2

BRICKWORK TYPE 3
- BAL-01

GD

AD

AW

LS-01

LS-02

BALUSTRADE TYPE 1

HOR. BATTEN GARAGE DOOR

ALUMINIUM GLAZED DOOR (SLIDING/HINGED)

ALUMINIUM GLAZED WINDOW

LOUVRED SCREEN TYPE 1

LOUVRED SCREEN TYPE 2

- MS-02

CLD-01

SC-01

GL-01

GL-02

METAL CLADDING TYPE 1

CLADDING TYPE 1

STONE CLADDING TYPE 1

GLASS CLEAR

GLASS TRANSLUCENT

NEW SHOP-TOP HOUSING DEVELOPMENT

BRONTE ROAD

REV	DATE	NAME
A	6/07/2022	ISSUE FOR COUNCIL SUBMISSION

104-106 BRONTE RD, BONDI JUNCTION

BRONTE ROAD

STAGE: DEVELOPMENT APPLICATION		DRAWING TITLE: SOUTH AND NORTH ELEVATION	
SCALE @ A1: 1:100		CLIENT: Arthur Varvaressos	
SCALE @ A3 1:200		CHECKED: IL/MH	
		APPROVED: SRH	

PROJECT No: **21101**

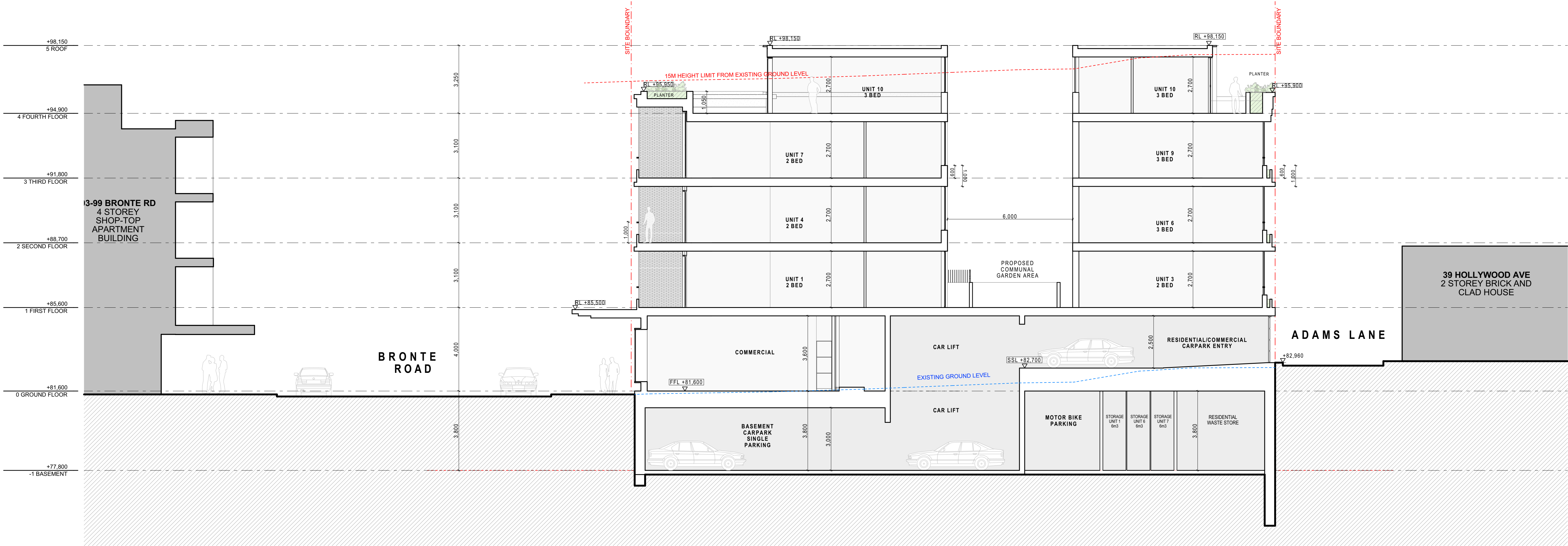
DRAWING No:

DA201

REVISION:


A

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SECTION 01

NB: THIS BUILDING HAS NOT BEEN DOCUMENTED AS A BIM MODEL. THE DOCUMENTS ARE STRICTLY REPRESENTATIONAL AND THEY HAVE BEEN PRODUCED SOLELY TO BE PRINTED OUT (OR CONVERTED AS PDF FORMAT) WITH THE INFORMATION CONTAINED THEREON TO BE READ OFF THE PRINTED 2D DRAWINGS (OR PDFs). THEY ARE NOT TO BE USED AS THE BASIS OF BIM STYLE COORDINATION OR CONSTRUCTION SET-OUTS. BUREAU SRH ARE NOT LIABLE FOR THE DOCUMENTS BEING USED IN ANY MANNER EXCEPT THE MANNER DESCRIBED ABOVE, AND BUREAU SRH WILL NOT BE RESPONSIBLE FOR ANY INACCURACIES OR DISCREPANCIES WHICH RESULT FROM USING THE DOCUMENTS IN ANY OTHER WAY. IF, BY PRIOR AGREEMENT, YOU HAVE RECEIVED ELECTRONIC DRAWING FILES, THESE DOCUMENTS MUST BE COMPARED TO, AND READ IN CONJUNCTION WITH, THE LATEST ISSUE OF THE ORIGINAL HARD COPY, IN ORDER TO ENSURE THE ACCURACY OF THE INFORMATION CONTAINED AND TO FURTHER ENSURE THAT NO MODIFICATIONS HAVE BEEN MADE TO THE DOCUMENTS. THE INFORMATION CONTAINED IN THE ELECTRONIC FILES FOR THE ABOVE PROJECT HAS BEEN CREATED BY BUREAU SRH AND REMAINS THE INTELLECTUAL PROPERTY OF BUREAU SRH. WHILE BUREAU SRH HAS MADE EVERY APPROPRIATE EFFORT TO ENSURE THE ACCURACY OF THESE DOCUMENTS, IT CANNOT GUARANTEE THAT THESE DOCUMENTS CONTAIN COMPLETE AND ACCURATE INFORMATION.

Energy Rating

Certificate Number: 0006179748

☐ single-dwelling rating


☒ multi-unit development (attach listing of ratings)
(if available, data specified is the average across the entire development)

heating 37.5 MJ/m²

cooling 24.1 MJ/m²

Processed dwellings confirmation: ☐ Rated with ☒ Rated without

Assessor Name/Number: 10501

Assessor Signature:  Date: 04/07/2022

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NOMINATED ARCHITECT: SIMON HANSON # 6739

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LEGEND: REFER TO MATERIALS SCHEDULE FOR DETAILS

[OFC]	- OFF-FORM CONCRETE	[BAL-01]	BALUSTRADE TYPE 1	[MS-02]	METAL CLADDING TYPE 1
[CR-01]	CEMENT RENDER COLOUR 1	[GD]	HOR. BATTEN GARAGE DOOR	[CLD-01]	CLADDING TYPE 1
[CR-02]	CEMENT RENDER COLOUR 2	[AD]	ALUMINIUM GLAZED DOOR (SLIDING/HINGED)	[SC-01]	STONE CLADDING TYPE 1
[BRW-01]	BRICKWORK TYPE 1	[AW]	ALUMINIUM GLAZED WINDOW	[GL-01]	GLASS CLEAR
[BRW-02]	BRICKWORK TYPE 2	[LS-01]	LOUVRED SCREEN TYPE 1	[GL-02]	GLASS TRANSLUCENT
[BRW-03]	BRICKWORK TYPE 3	[LS-02]	LOUVRED SCREEN TYPE 2		

NEW SHOP-TOP HOUSING DEVELOPMENT

REV	DATE	NAME
A	6/07/2022	ISSUE FOR COUNCIL SUBMISSION

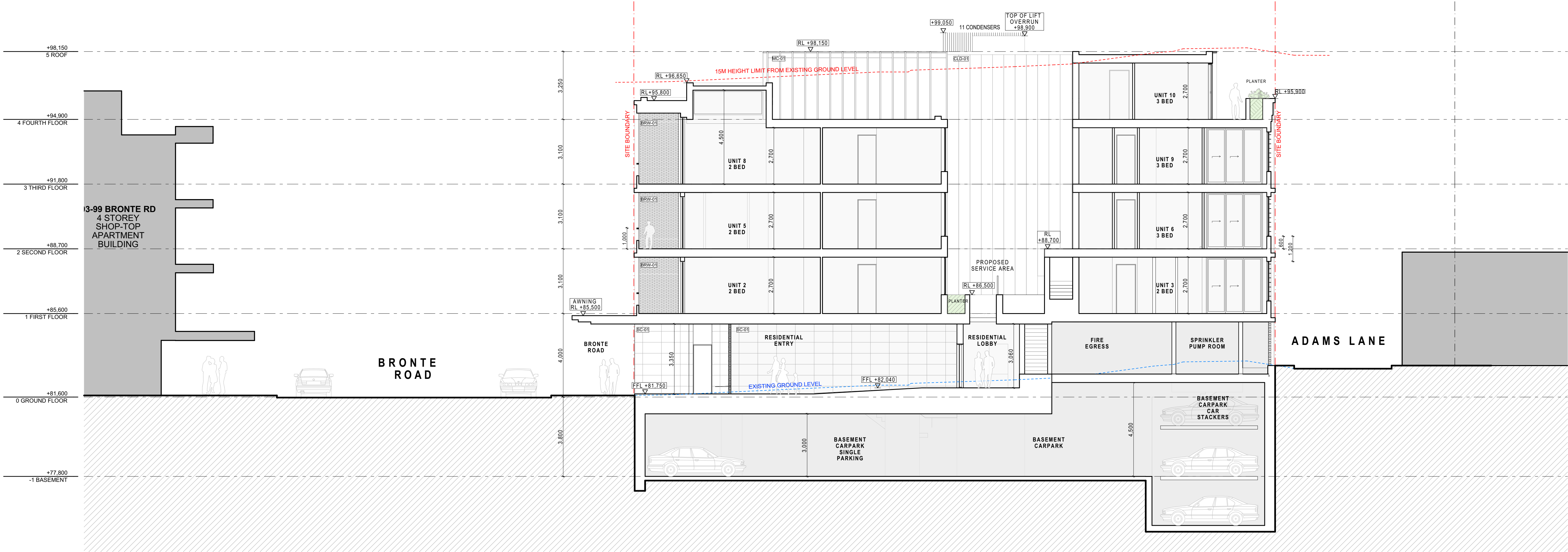
104-106 BRONTE RD, BONDI JUNCTION

STAGE: DEVELOPMENT APPLICATION	DRAWING TITLE: SECTION 01
SCALE @ A1: 1:100	SCALE @ A3 1:200
CLIENT: Arthur Varvaressos	CHECKED: IL/MH
DRAWN: IL	APPROVED: SRH

PROJECT No: 21101


DRAWING No: DA300
REVISION: A

NOT FOR CONSTRUCTION



SECTION 02

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**Energy Rating**

Certificate Number: 0006179748

☐ single-dwelling rating


☒ multi-unit development (attach listing of ratings)
If calculated data specified in the average across the entire development

heating 37.5 MJ/m²

cooling 24.1 MJ/m²

Recessed downlights confirmation: ☐ Rated with ☒ Rated without

Assessor Name/Number: 10501

Assessor Signature:  Date: 04/07/2022

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NOMINATED ARCHITECT: SIMON HANSON # 6739

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LEGEND: REFER TO MATERIALS SCHEDULE FOR DETAILS

[OFC]	- OFF-FORM CONCRETE	[BAL-01]	BALUSTRADE TYPE 1	[MS-02]	METAL CLADDING TYPE 1
[CR-01]	CEMENT RENDER COLOUR 1	[GD]	HOR. BATTEN GARAGE DOOR	[CLD-01]	CLADDING TYPE 1
[CR-02]	CEMENT RENDER COLOUR 2	[AD]	ALUMINIUM GLAZED DOOR (SLIDING/HINGED)	[SC-01]	STONE CLADDING TYPE 1
[BRW-01]	BRICKWORK TYPE 1	[AW]	ALUMINIUM GLAZED WINDOW	[GL-01]	GLASS CLEAR
[BRW-02]	BRICKWORK TYPE 2	[LS-01]	LOUVRED SCREEN TYPE 1	[GL-02]	GLASS TRANSLUCENT
[BRW-03]	BRICKWORK TYPE 3	[LS-02]	LOUVRED SCREEN TYPE 2		

NEW SHOP-TOP HOUSING DEVELOPMENT

REV	DATE	NAME
A	6/07/2022	ISSUE FOR COUNCIL SUBMISSION

104-106 BRONTE RD, BONDI JUNCTION

STAGE:
DEVELOPMENT APPLICATION

SCALE @ A1:
1:100
SCALE @ A3 1:200

DRAWING TITLE:
SECTION 02

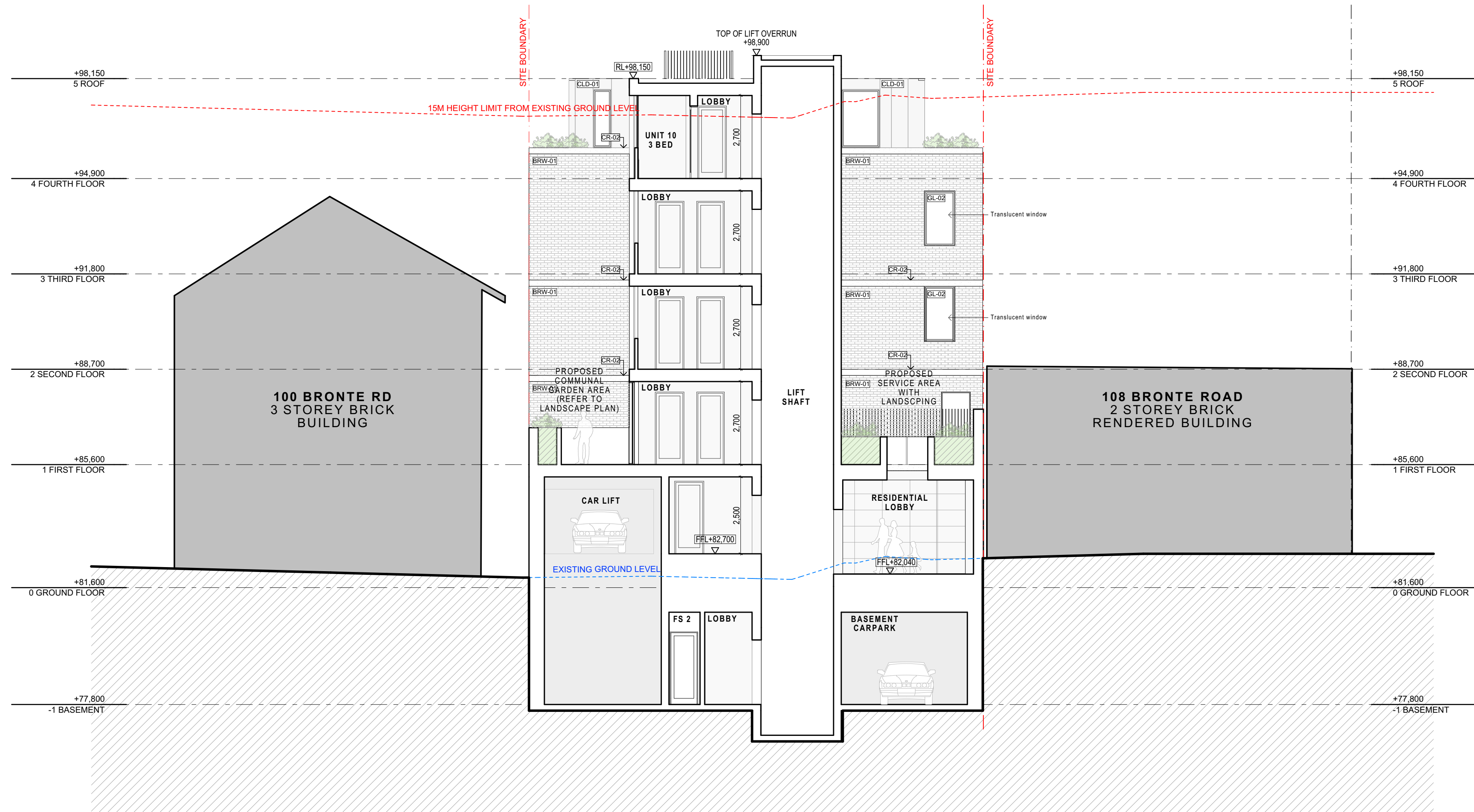
CLIENT: **Arthur Varvaressos**
CHECKED: **IL/MH**
DRAWN: **IL**
APPROVED: **SRH**

PROJECT No: **21101**


DRAWING No:
DA301

REVISION:
A

NOT FOR CONSTRUCTION



SECTION 03



Energy Rating

☐ single-dwelling rating

☒ multi-unit development (attach listing of ratings)
(if selected, data specified is the average across the entire development)

Certificate Number 0006179748

5.4 stars


heating 37.5 MJ/m²

cooling 24.1 MJ/m²

Recessed downlights confirmation: ☐ Rated with

☒ Rated without

Assessor Name/Number 10901

Assessor Signature 

Date 04/07/2022

[illegible]

NOT FOR
CONSTRUCTION

BUREAU SRH | architecture

NOMINATED ARCHITECT: SIMON HANSON # 6739

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LEGEND: REFER TO MATERIALS SCHEDULE FOR DETAILS

OFC	- OFF-FORM CONCRETE	BAL-01	BALUSTRADE TYPE 1
CR-01	CEMENT RENDER COLOUR 1	GD	HOR. BATTEN GLAZED DOOR
CR-02	CEMENT RENDER COLOUR 2	AD	ALUMINIUM GLAZED DOOR (SLIDING/HINGED)
BRW-01	BRICKWORK TYPE 1	AW	ALUMINIUM GLAZED WINDOW
BRW-02	BRICKWORK TYPE 2	LS-01	LOUVRED SCREEN TYPE 1
BRW-03	BRICKWORK TYPE 3	LS-02	LOUVRED SCREEN TYPE 2

NEW SHOP-TOP HOUSING DEVELOPMENT

[illegible]

104-106 BRONTE RD, BONDI JUNCTION

STAGE:
**DEVELOPMENT
APPLICATION**

SCALE @ A1:
1:100
SCALE @ A3 1:200

DRAWING TITLE:
SECTION 03

CLIENT: Arthur Varvaressos	CHECKED: IL/MH
DRAWN: IL	APPROVED: SRH

PROJECT No: **21101**

DRAWING No:

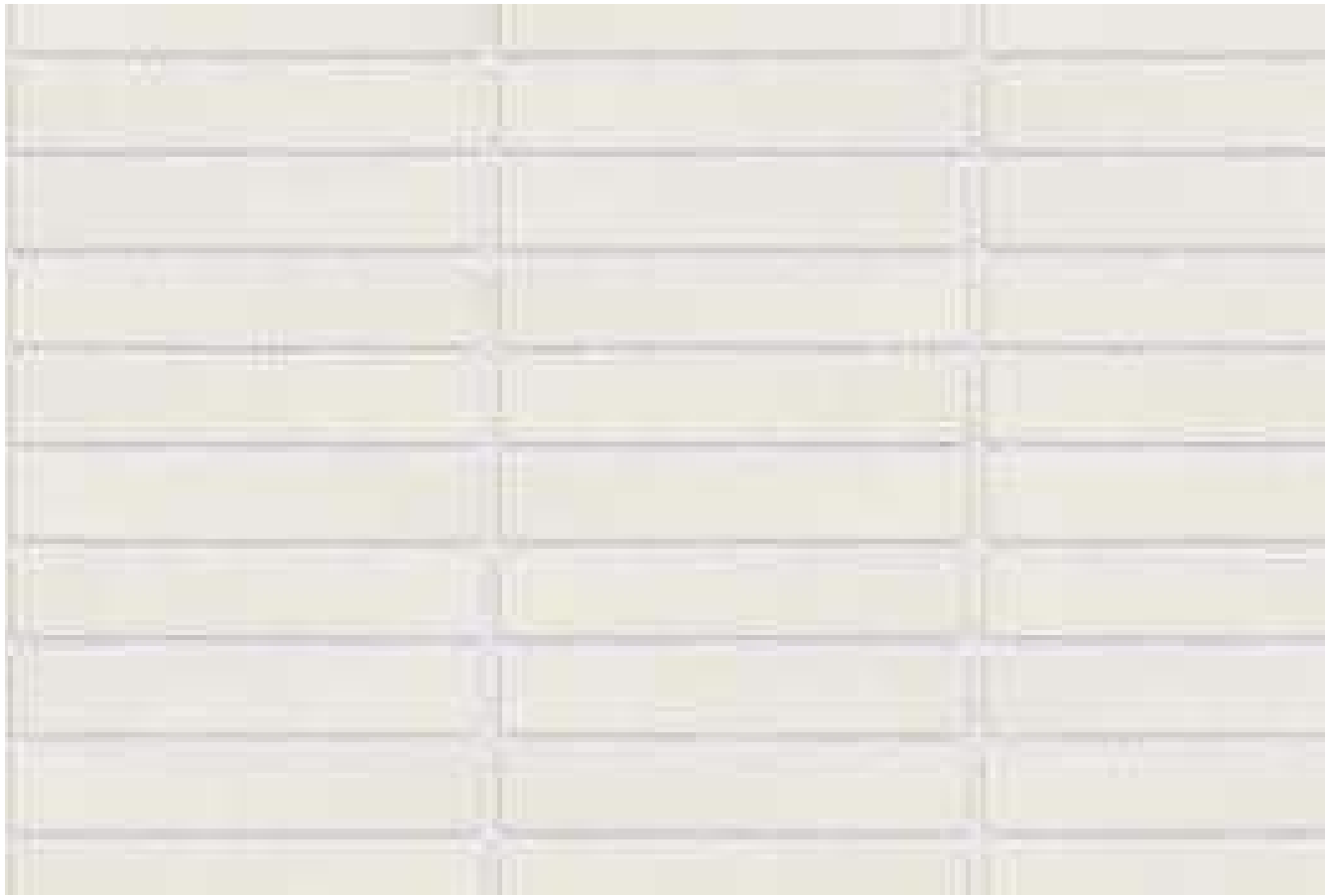
DA302

REVISION:

A



BRW-01-BRICKWORK 1, STACKBOND BRICK PATTERN



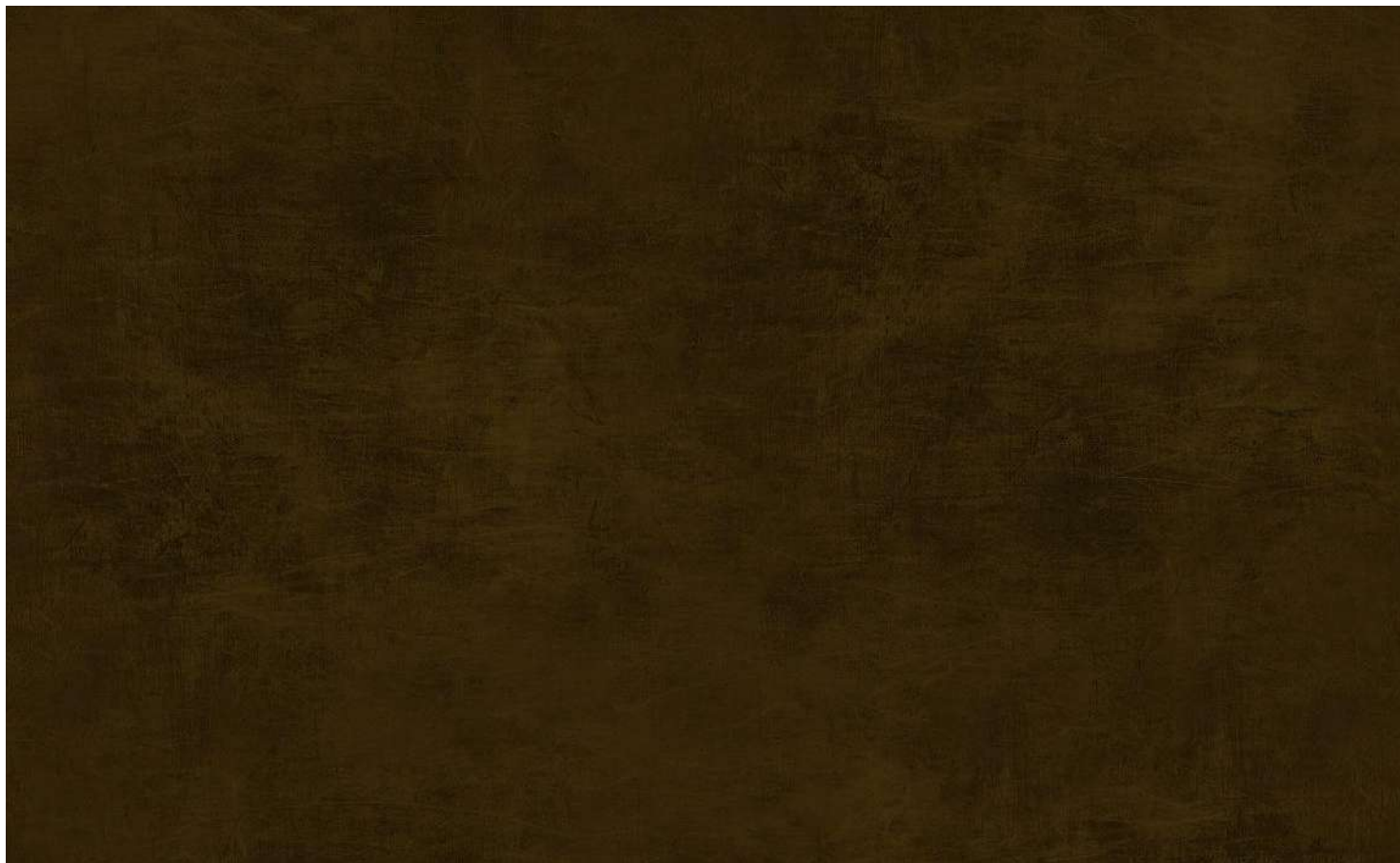
BRW-02-BRICKWORK 1, STRETCHERBOND BRICK PATTERN



BRW-03-BRICKWORK 1, HIT AND MISS BRICK PATTERN



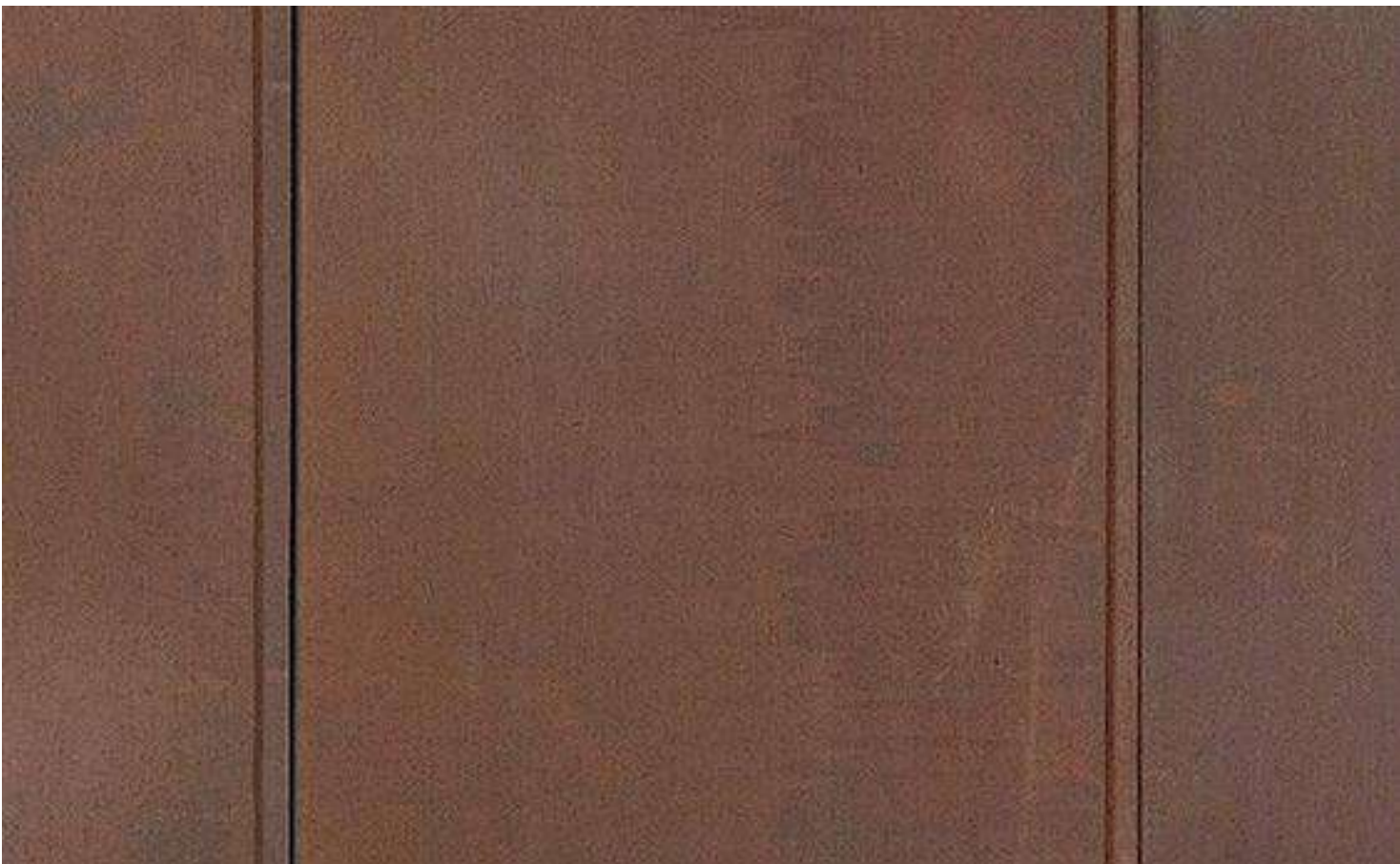
CR-01-CEMENT RENDER COLOUR 1, CONCRETE LOOK RENDER



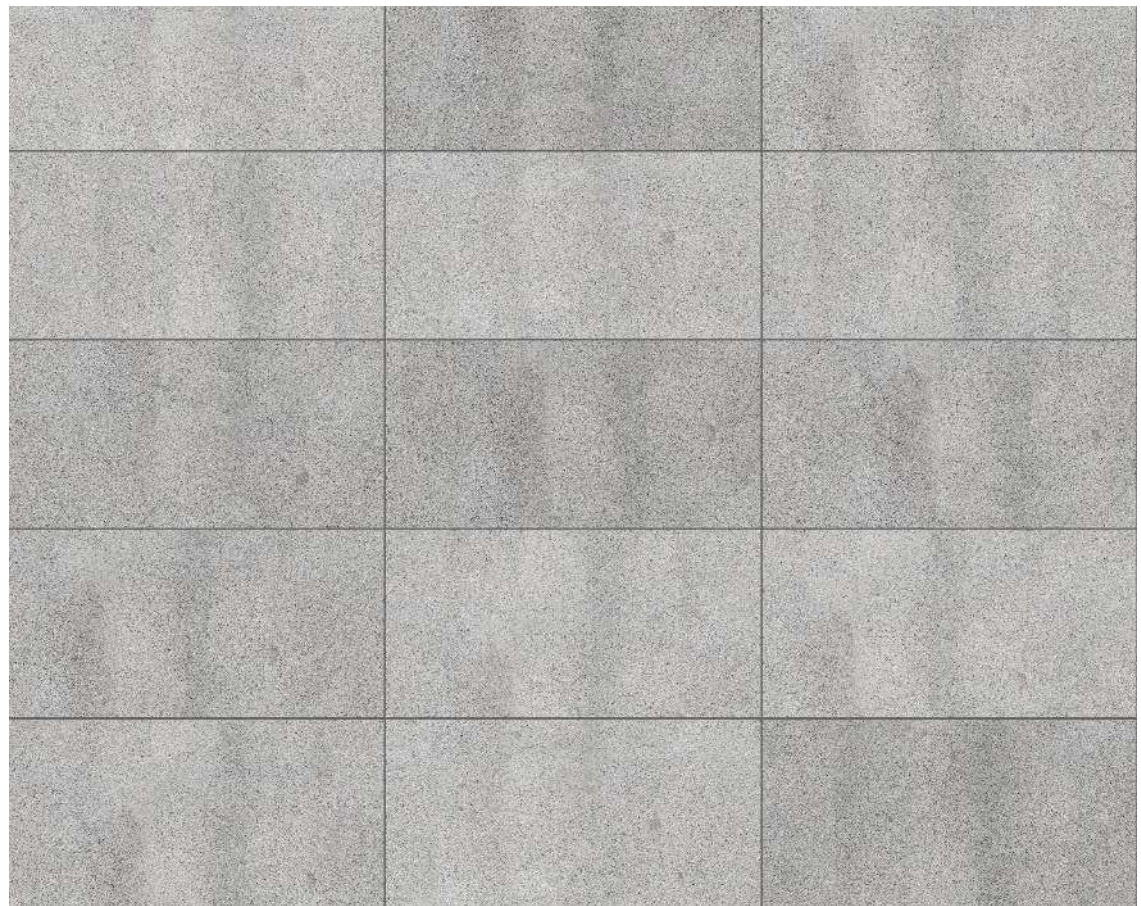
AD & AW ALUMINIUM DOORS AND WINDOWS WITH BRONZE POWDER COAT FINISH



CLD-01 METAL CLADDING



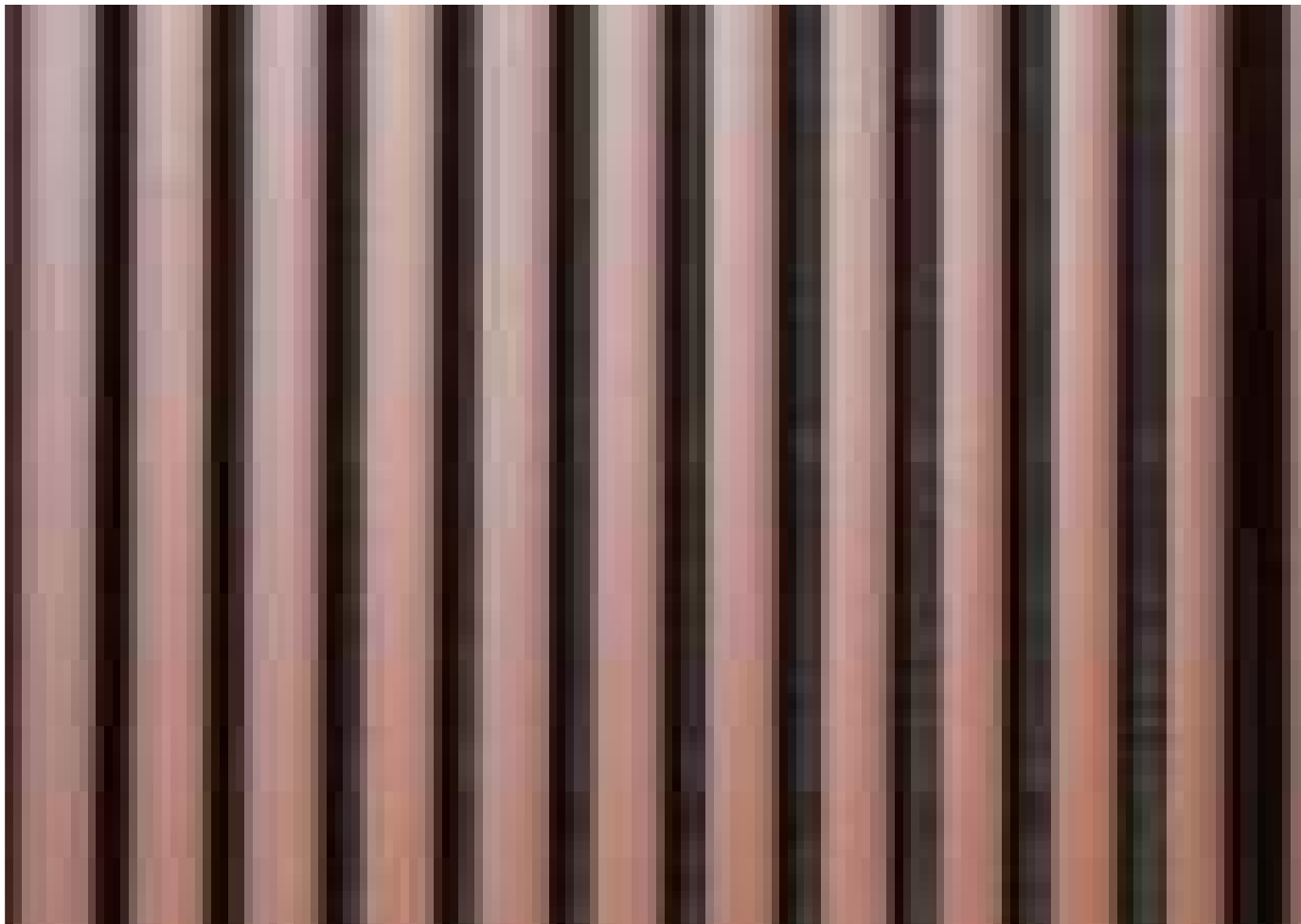
MC-01 METAL CLADDING TYPE 1



SC-01 STONE CLADDING TYPE 1



LS 01 HORIZONTAL ALUMINIUM LOUVERS WITH BROZE POWDERCOAT



LS 02 VERTICAL ALUMINIUM LOUVERS WITH BROZE POWDERCOAT



CR-02-CEMENT RENDER COLOUR 2, WHITE TEXTURED CEMENT RENDER

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LEGEND:

NEW SHOP-TOP HOUSING DEVELOPMENT

REV	DATE	NAME
A	6/07/2022	ISSUE FOR COUNCIL SUBMISSION

104-106 BRONTE RD, BONDI JUNCTION

PROJECT No: 21101

STAGE:
DEVELOPMENT APPLICATION

SCALE @ A1:

DRAWING TITLE:
MATERIAL SCHEDULE

CLIENT: **Arthur Varvaressos**
DRAWN: **IL**

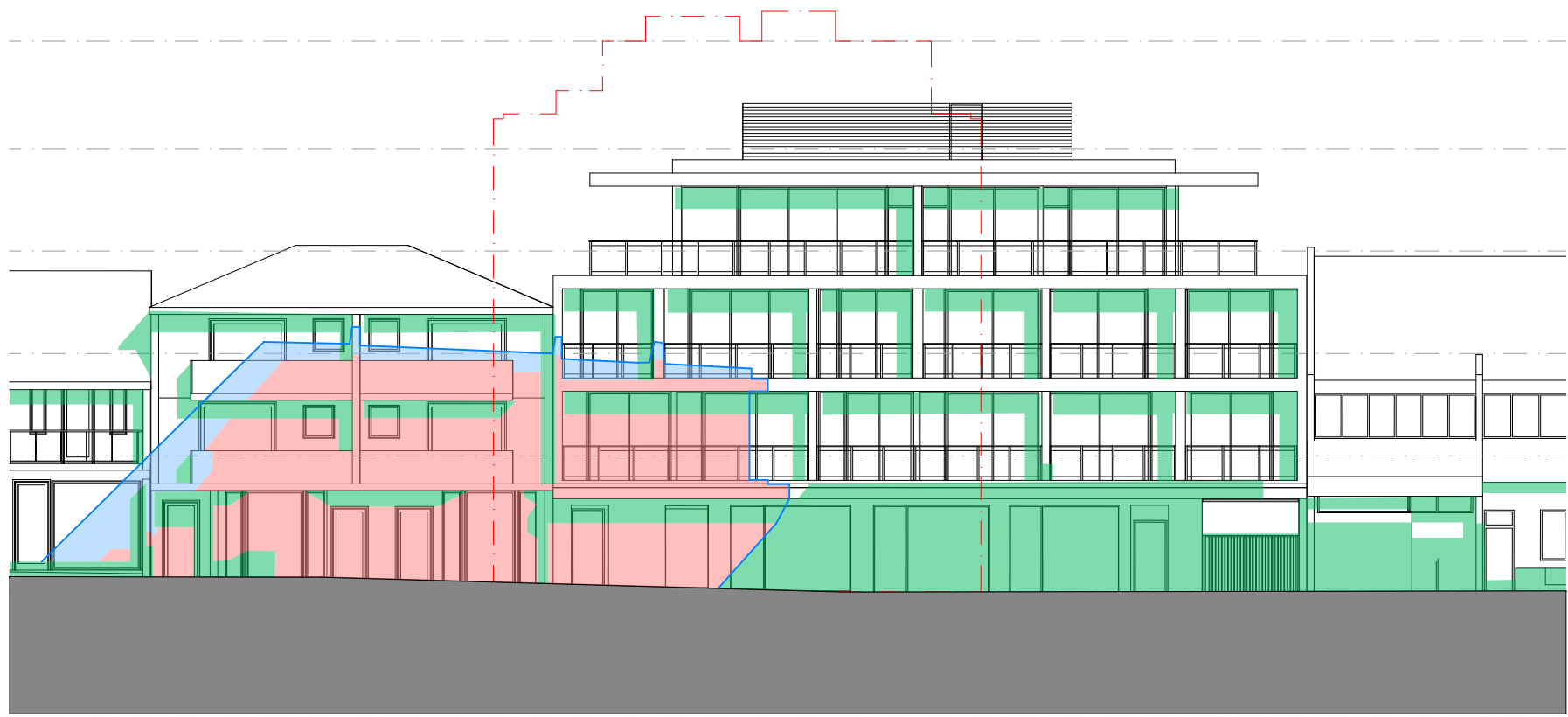
CHECKED: **IL/MH**
APPROVED: **SRH**

DRAWING No:
DA509

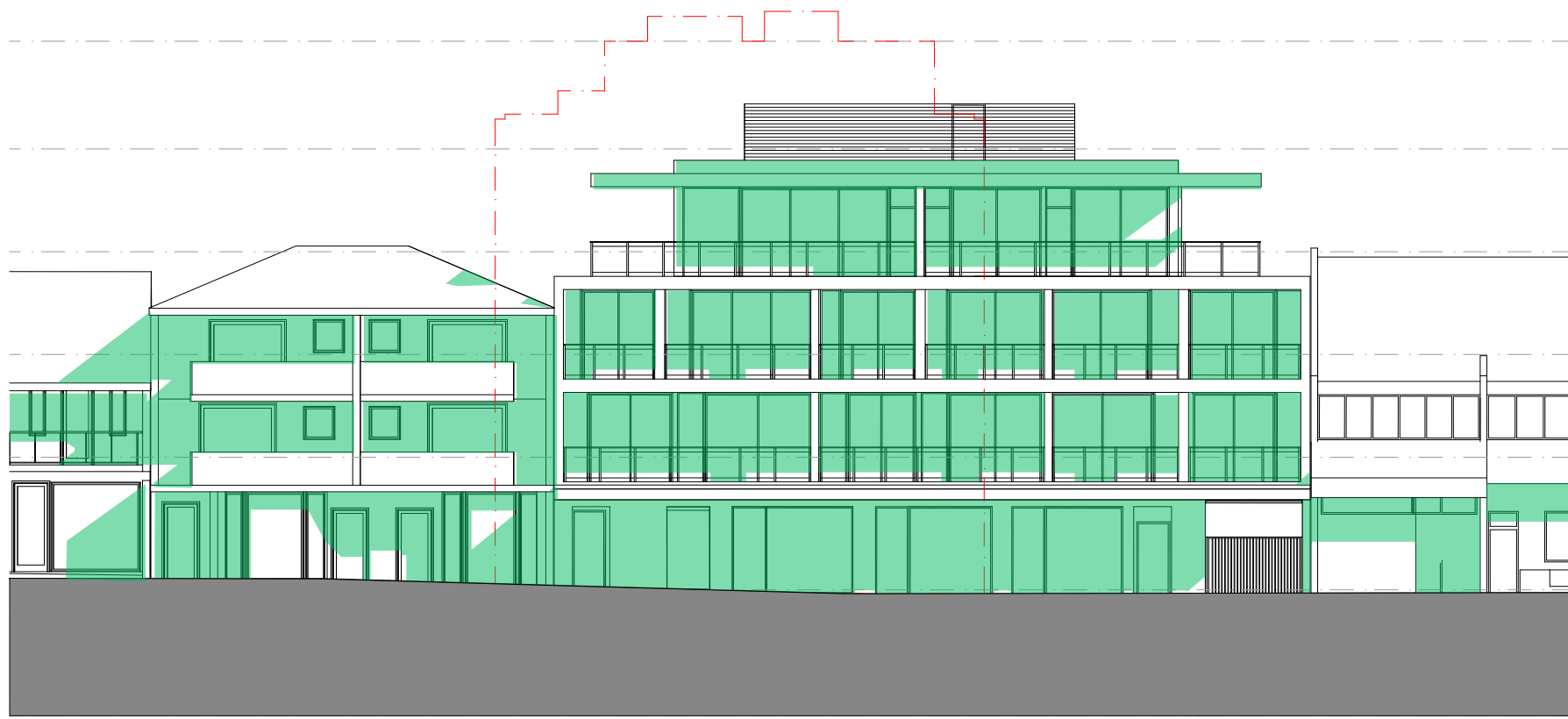
REVISION:
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NOT FOR CONSTRUCTION

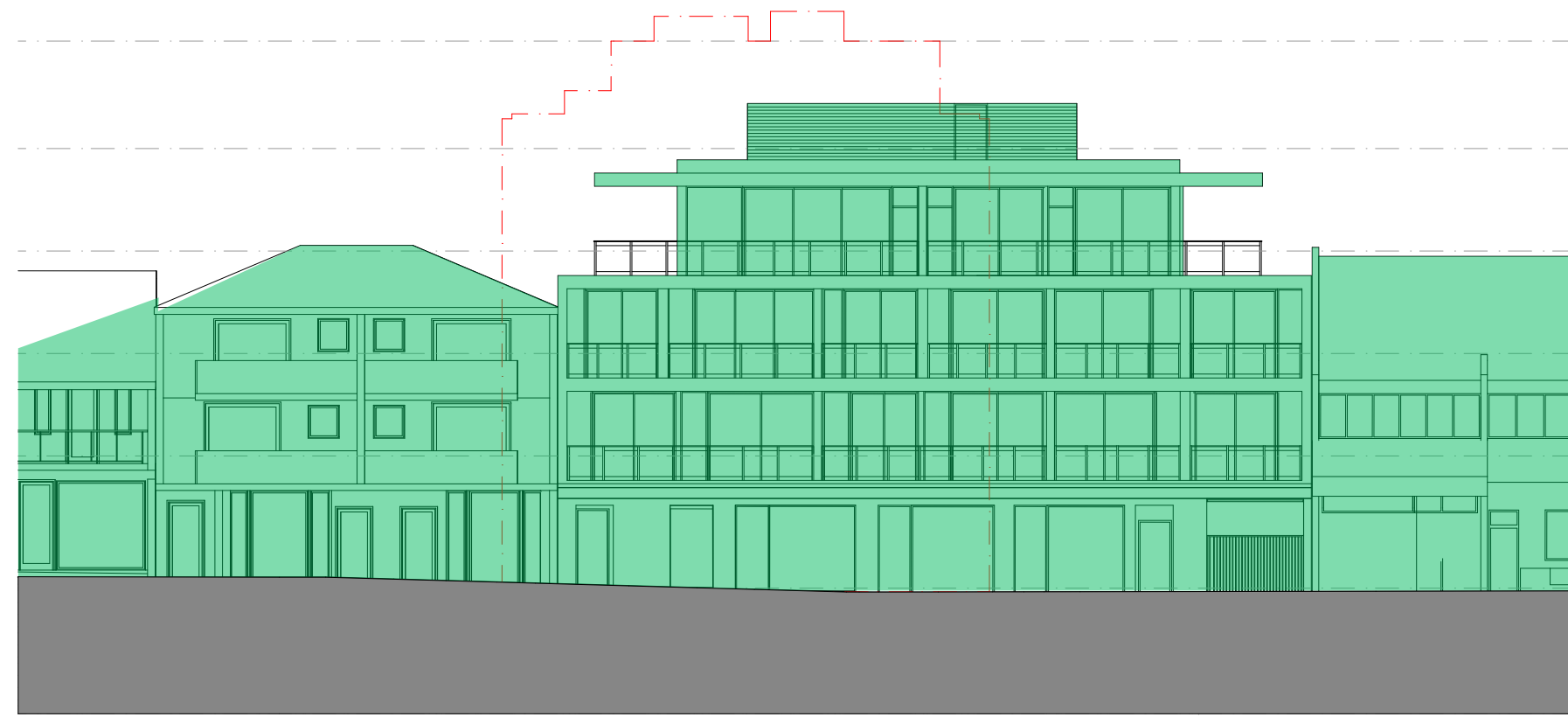
Page 417 of 514



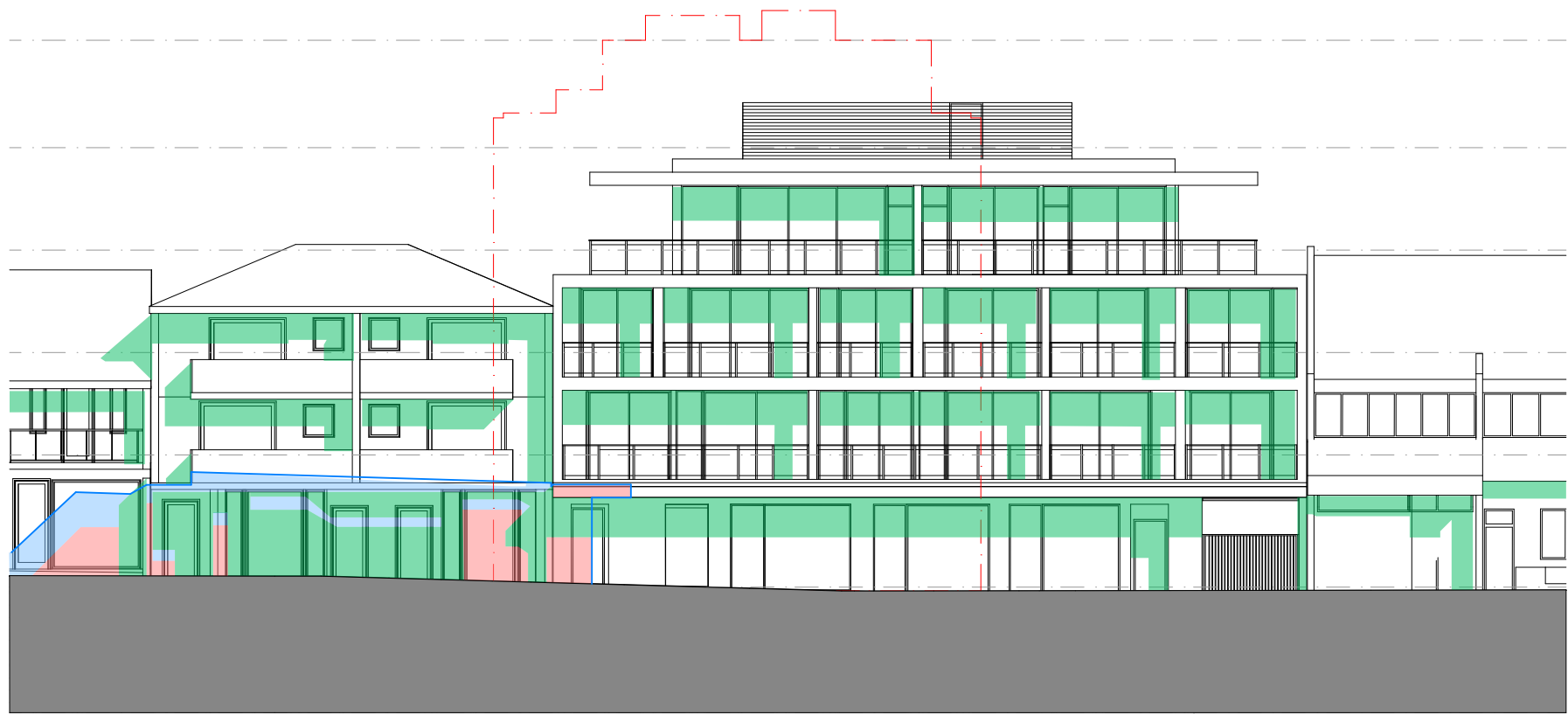
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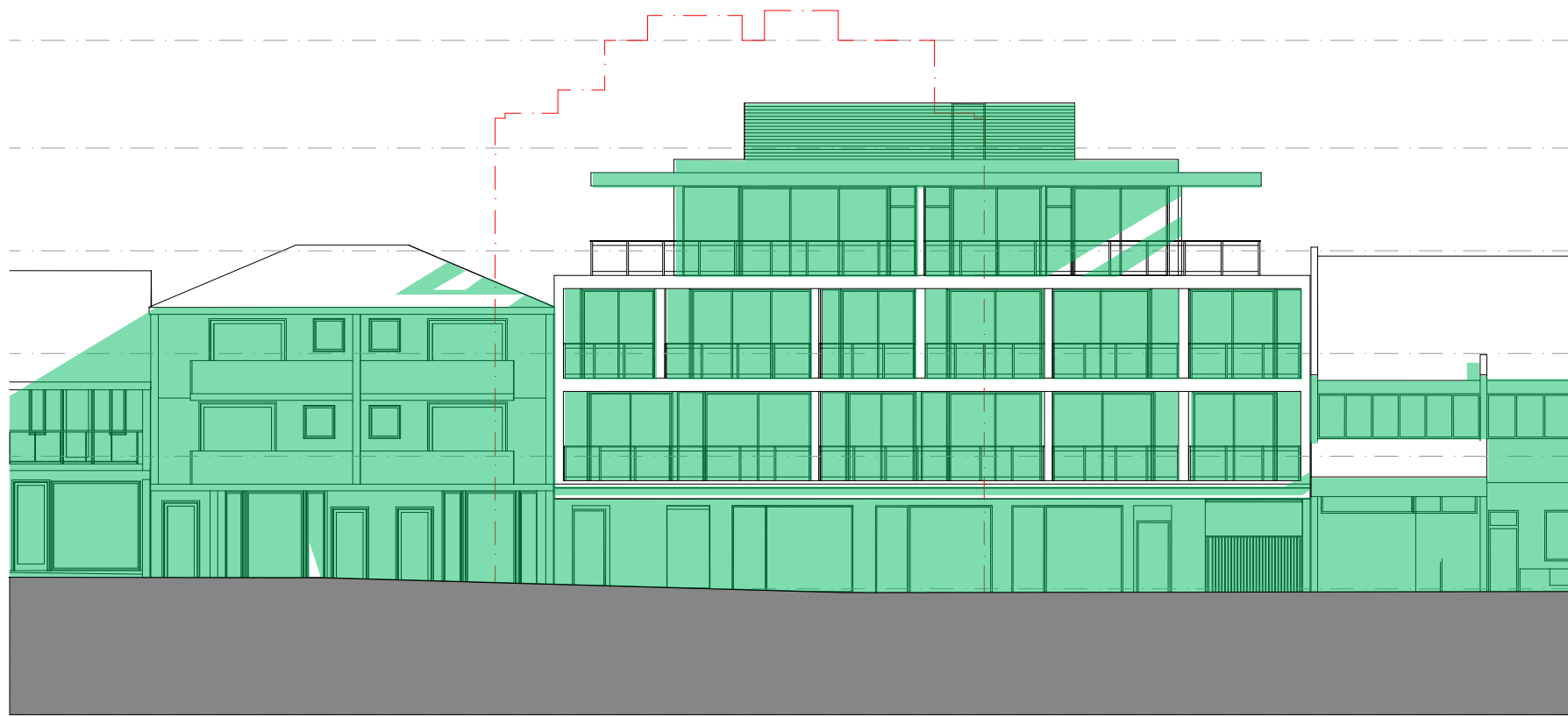
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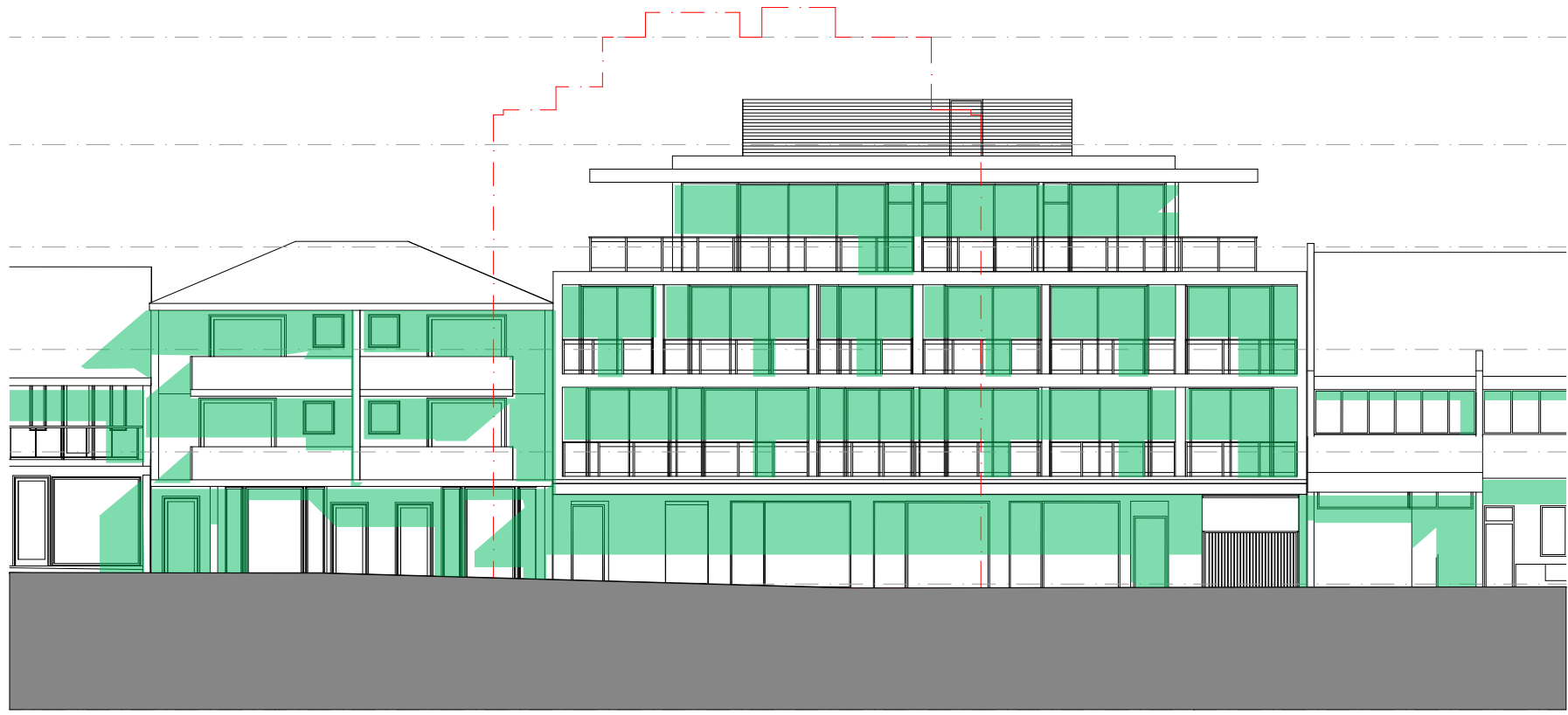
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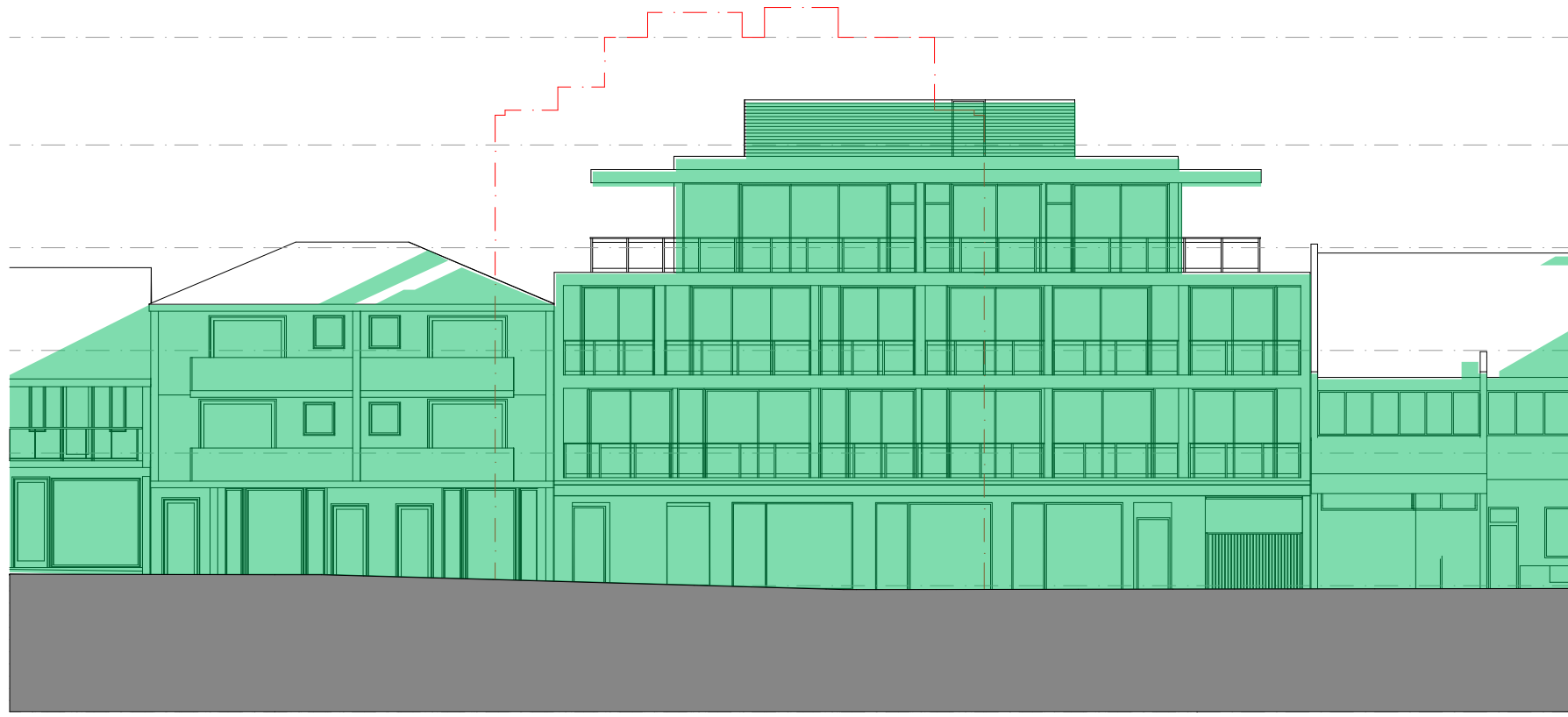
2 10AM
1:200



5 1PM
1:200



3 11AM
1:200



6 2PM
1:200

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NOMINATED ARCHITECT: SIMON HANSON # 6739

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LEGEND:

EXISTING SHADOWS

COMPLIANT ENVELOPE SHADOWS

COMPLIANT ENVELOPE +
PROPOSED ENVELOPE SHADOWS

OUTLINE OF COMPLIANT
ENVELOPE SHADOW

OUTLINE OF PROPOSED
DEVELOPMENT

NEW SHOP-TOP HOUSING DEVELOPMENT

REV	DATE	NAME
A	6/07/2022	ISSUE FOR COUNCIL SUBMISSION

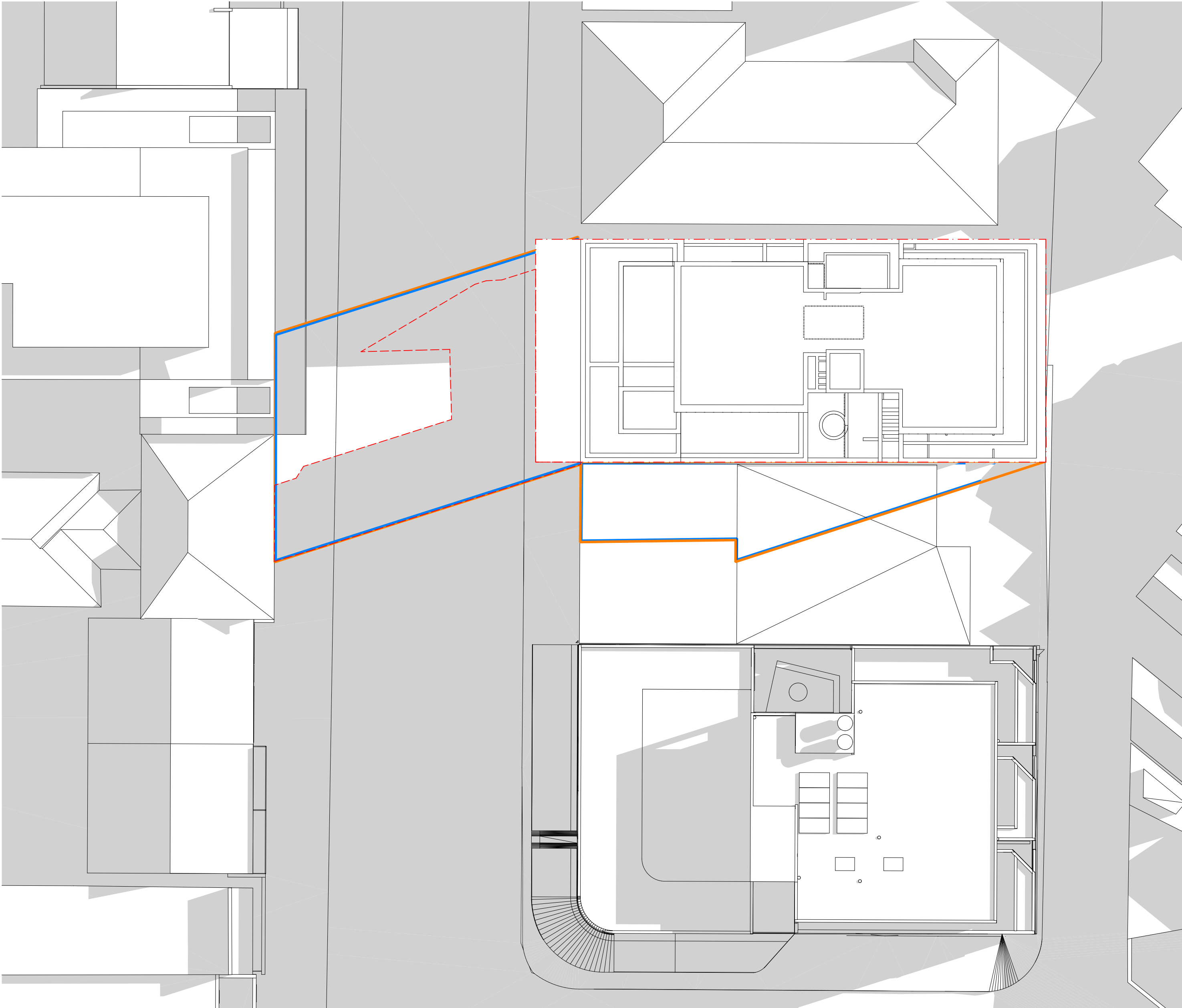
104-106 BRONTE RD, BONDI JUNCTION

STAGE: DEVELOPMENT APPLICATION	DRAWING TITLE: ELEVATIONAL SHADOW DIAGRAMS
1:200, 95% @ A1: 1:1.23 SCALE @ A3 1:400	CLIENT: Arthur Varvaressos CHECKED: IL/MH DRAWN: IL APPROVED: SRH

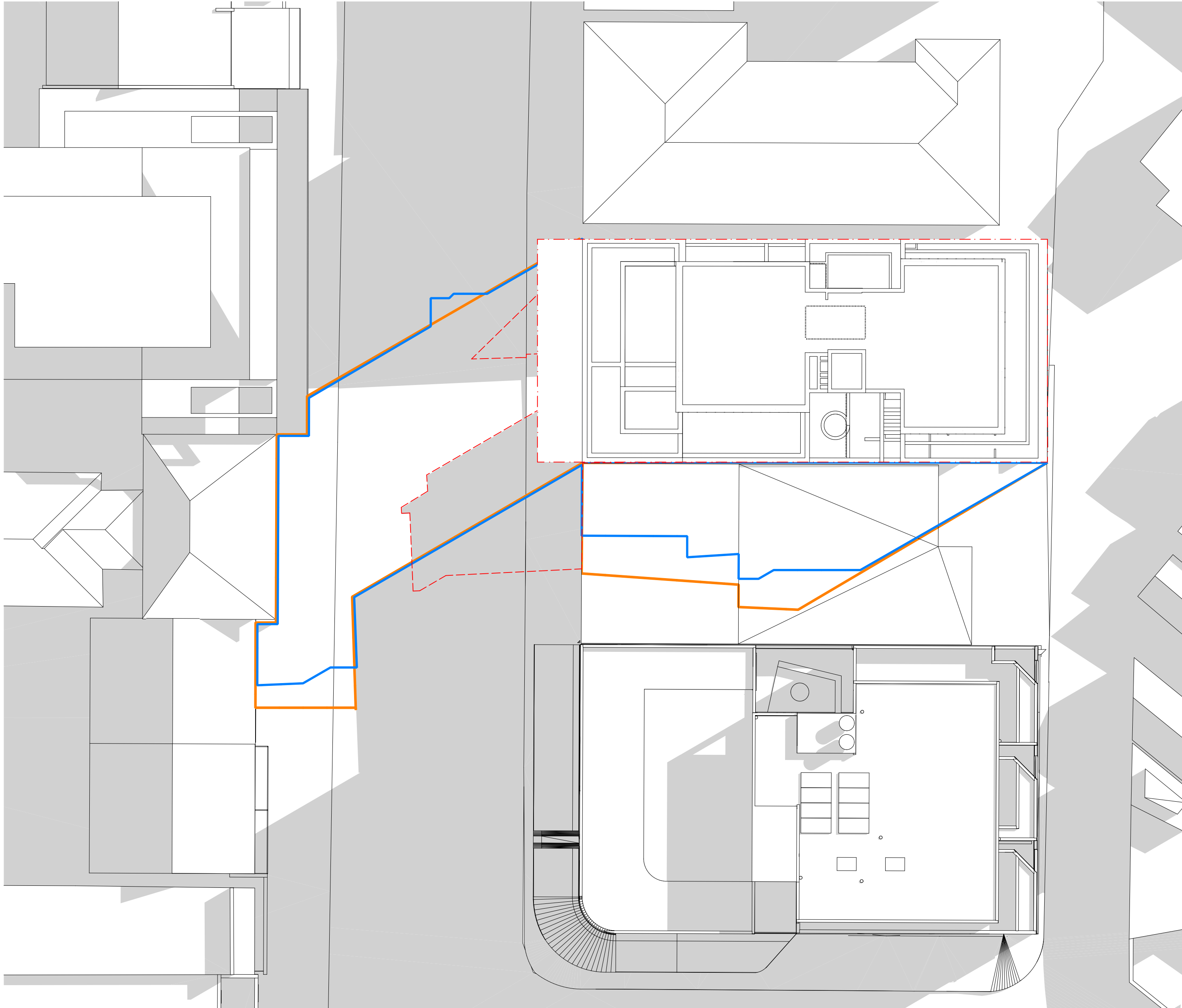
PROJECT No: **21101**

DRAWING No:
DA408
REVISION:
A

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JUNE 21 9AM



JUNE 21 10AM

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LEGEND:

- NEIGHBOURING/EXISTING SHADOWS
- EXISTING BUILDING SHADOWS
- PROPOSED SHADOWS
- LEP COMPLIANT SHADOW

NEW SHOP-TOP HOUSING DEVELOPMENT

REV	DATE	NAME
A	6/07/2022	ISSUE FOR COUNCIL SUBMISSION

104-106 BRONTE RD, BONDI JUNCTION

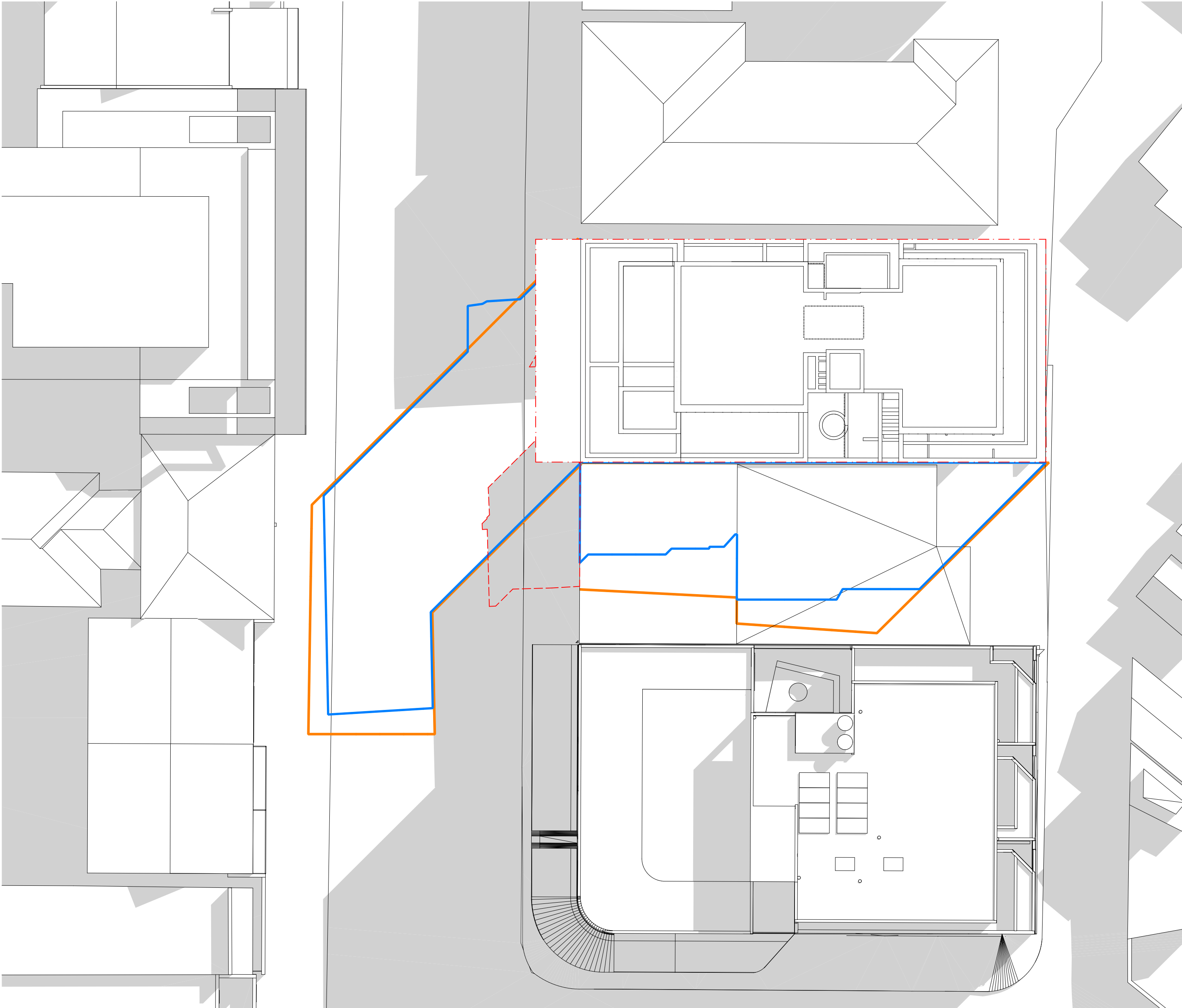
STAGE: DEVELOPMENT APPLICATION		DRAWING TITLE: SHADOW DIAGRAMS	
SCALE @ A1: 1:200		CLIENT: Arthur Varvaressos	CHECKED: IL/MH
SCALE @ A3 1:400		DRAWN: IL	APPROVED: SRH

PROJECT No: 21101

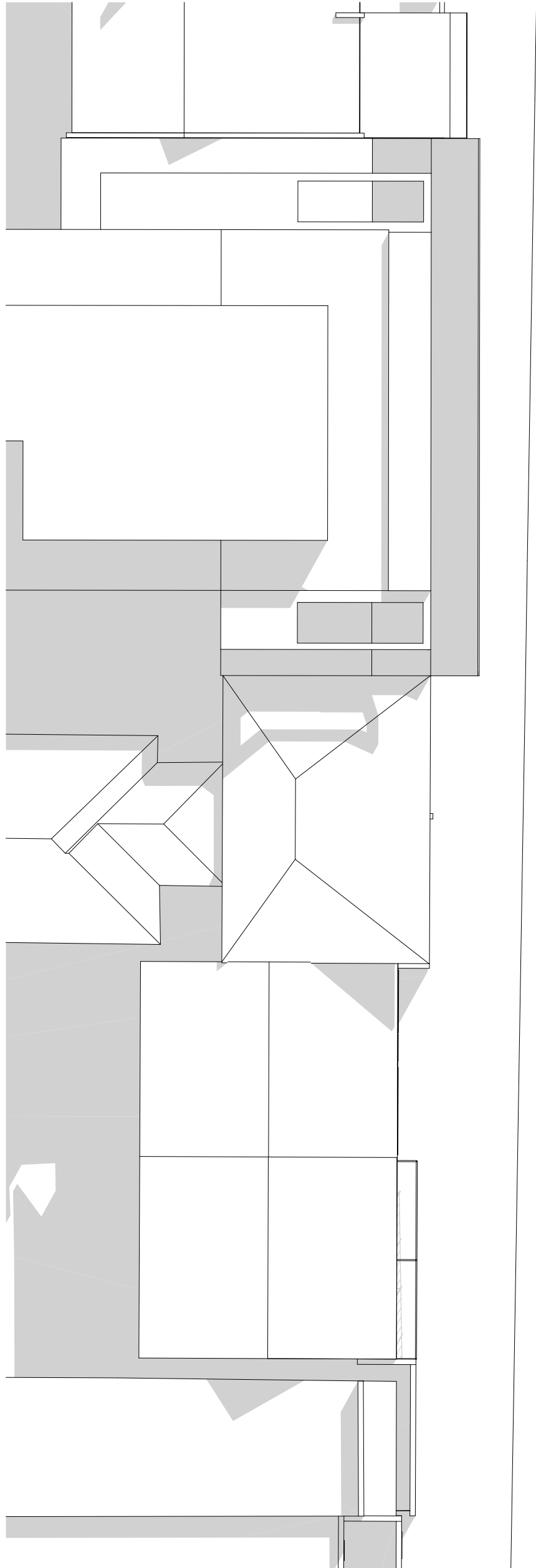
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REVISION:
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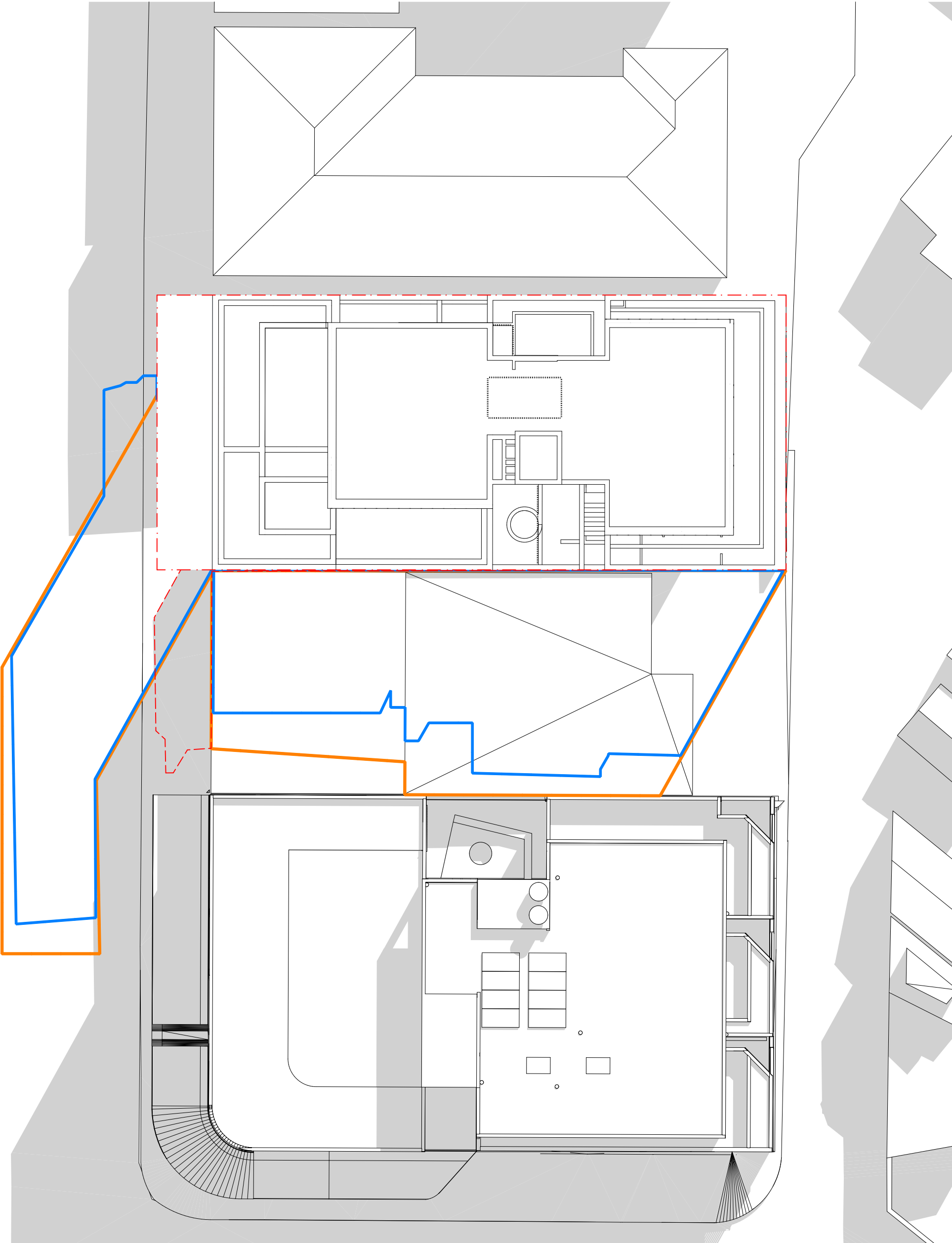
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JUNE 21 11AM



JUNE 21 12PM



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LEGEND:

- NEIGHBOURING/EXISTING SHADOWS
- EXISTING BUILDING SHADOWS
- PROPOSED SHADOWS
- LEP COMPLIANT SHADOW

NEW SHOP-TOP HOUSING DEVELOPMENT

REV	DATE	NAME
A	6/07/2022	ISSUE FOR COUNCIL SUBMISSION

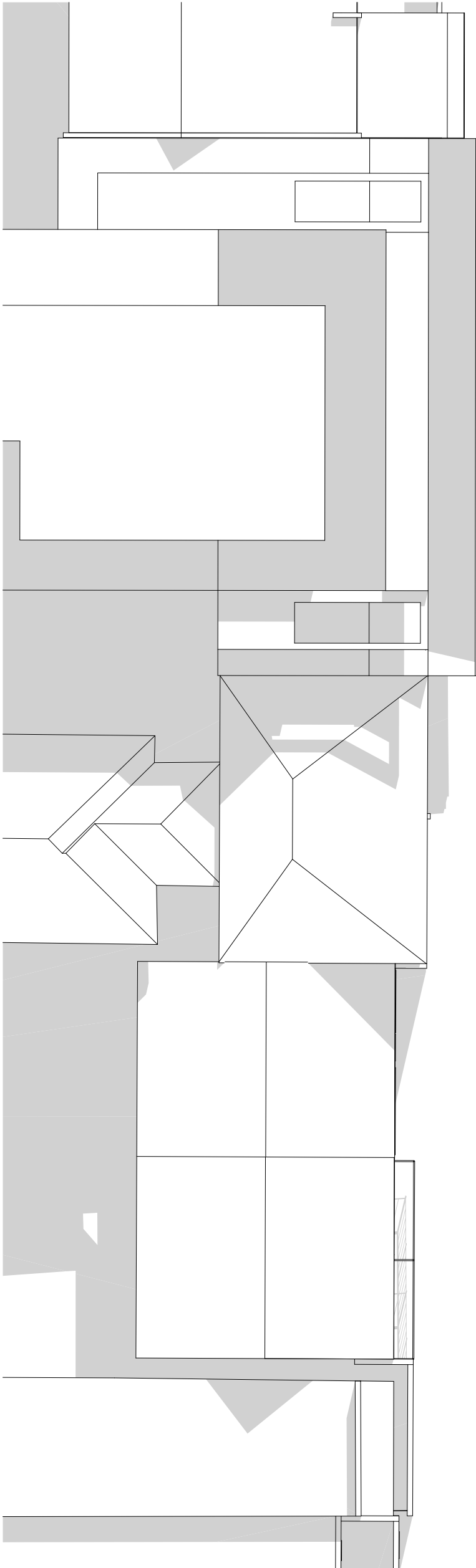
104-106 BRONTE RD, BONDI JUNCTION

STAGE: DEVELOPMENT APPLICATION		DRAWING TITLE: SHADOW DIAGRAMS	
SCALE @ A1: 1:200		CLIENT: Arthur Varvaressos	
SCALE @ A3 1:400		CHECKED: IL/MH	
		DRAWN: IL	
		APPROVED: SRH	

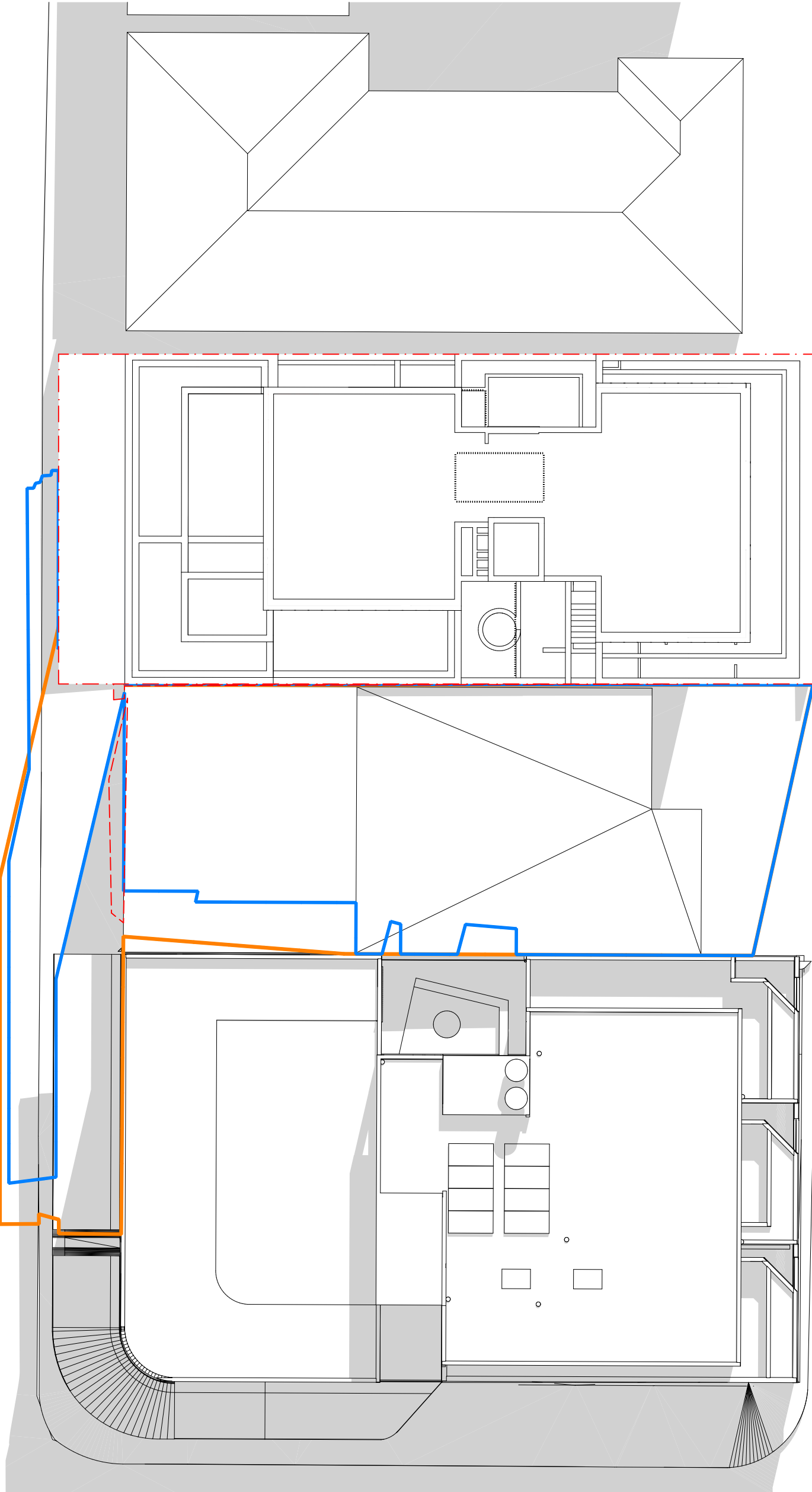
PROJECT No: 21101

DRAWING No: DA401
REVISION: A

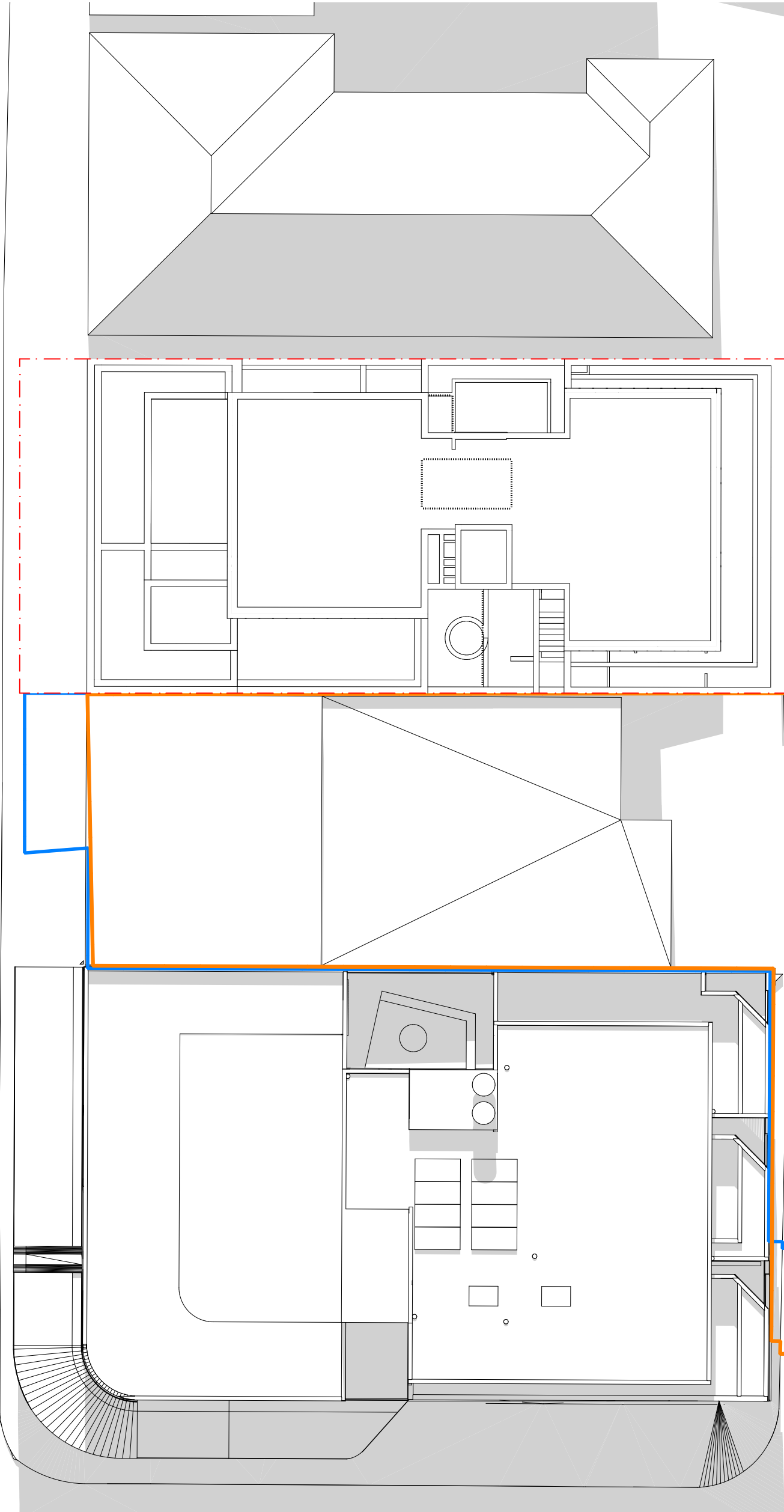
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JUNE 21 1PM



JUNE 21 2PM



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BUREAU SRH | architecture

NOMINATED ARCHITECT: SIMON HANSON # 6739

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LEGEND:

- NEIGHBOURING/EXISTING SHADOWS
- EXISTING BUILDING SHADOWS
- PROPOSED SHADOWS
- LEP COMPLIANT SHADOW

NEW SHOP-TOP HOUSING DEVELOPMENT

REV	DATE	NAME
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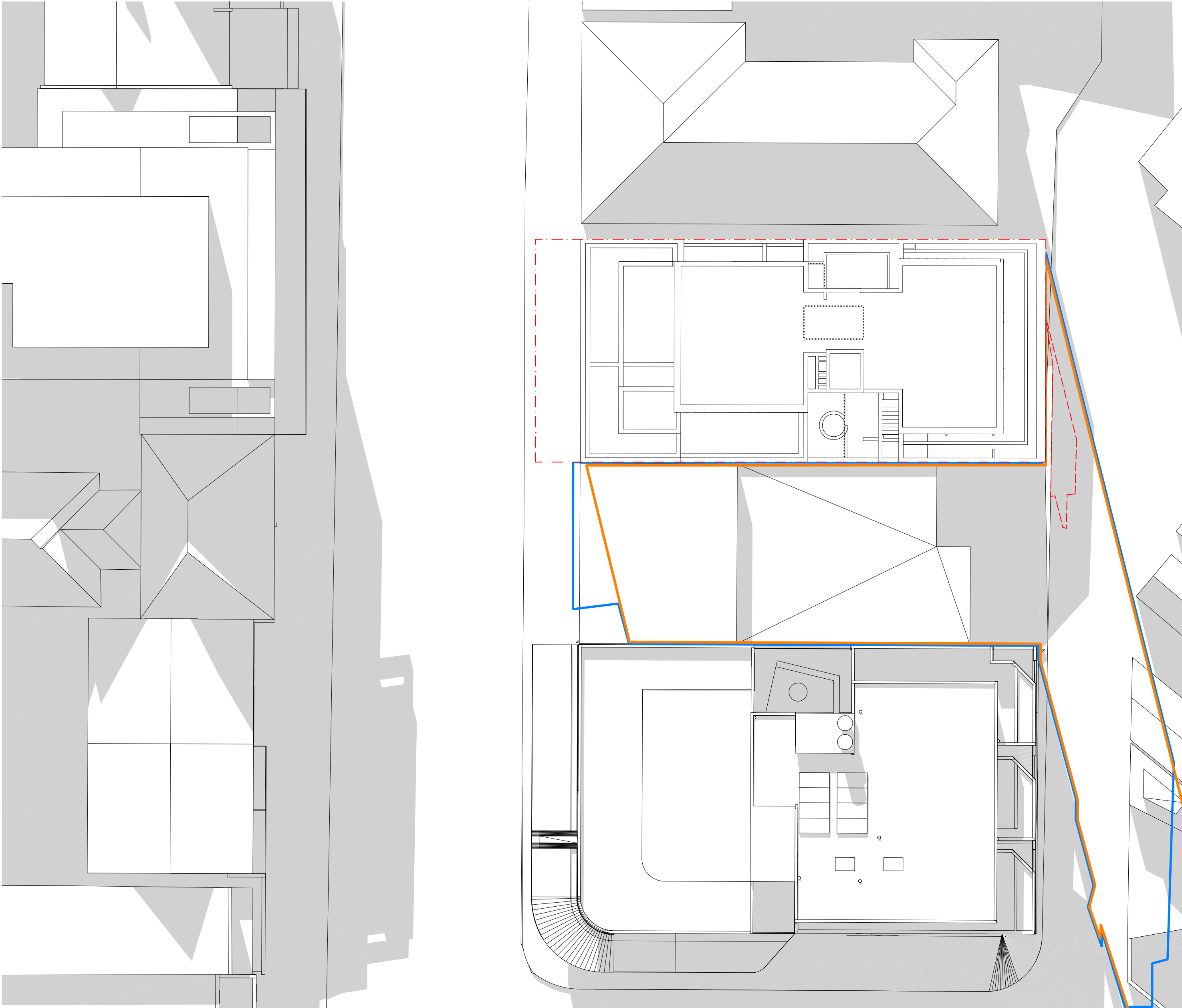
104-106 BRONTE RD, BONDI JUNCTION

STAGE: DEVELOPMENT APPLICATION		DRAWING TITLE: SHADOW DIAGRAMS	
SCALE @ A1: 1:200		CLIENT: Arthur Varvaressos	
SCALE @ A3 1:400		CHECKED: IL/MH	APPROVED: SRH

PROJECT No: 21101

DRAWING No: DA402
REVISION: A

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JUNE 21 3PM

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LEGEND:

- NEIGHBOURING/EXISTING SHADOWS
- EXISTING BUILDING SHADOWS
- PROPOSED SHADOWS
- LEP COMPLIANT SHADOW

NEW SHOP-TOP HOUSING DEVELOPMENT

REV	DATE	NAME
A	6/07/2022	ISSUE FOR COUNCIL SUBMISSION

104-106 BRONTE RD, BONDI JUNCTION

STAGE: DEVELOPMENT APPLICATION		DRAWING TITLE: SHADOW DIAGRAMS	
SCALE @ A1: 1:200		CLIENT: Arthur Varvaressos	
SCALE @ A3 1:400		CHECKED: IL/MH	
		DRAWN: IL	
		APPROVED: SRH	

PROJECT No: **21101**

DRAWING No:
DA403

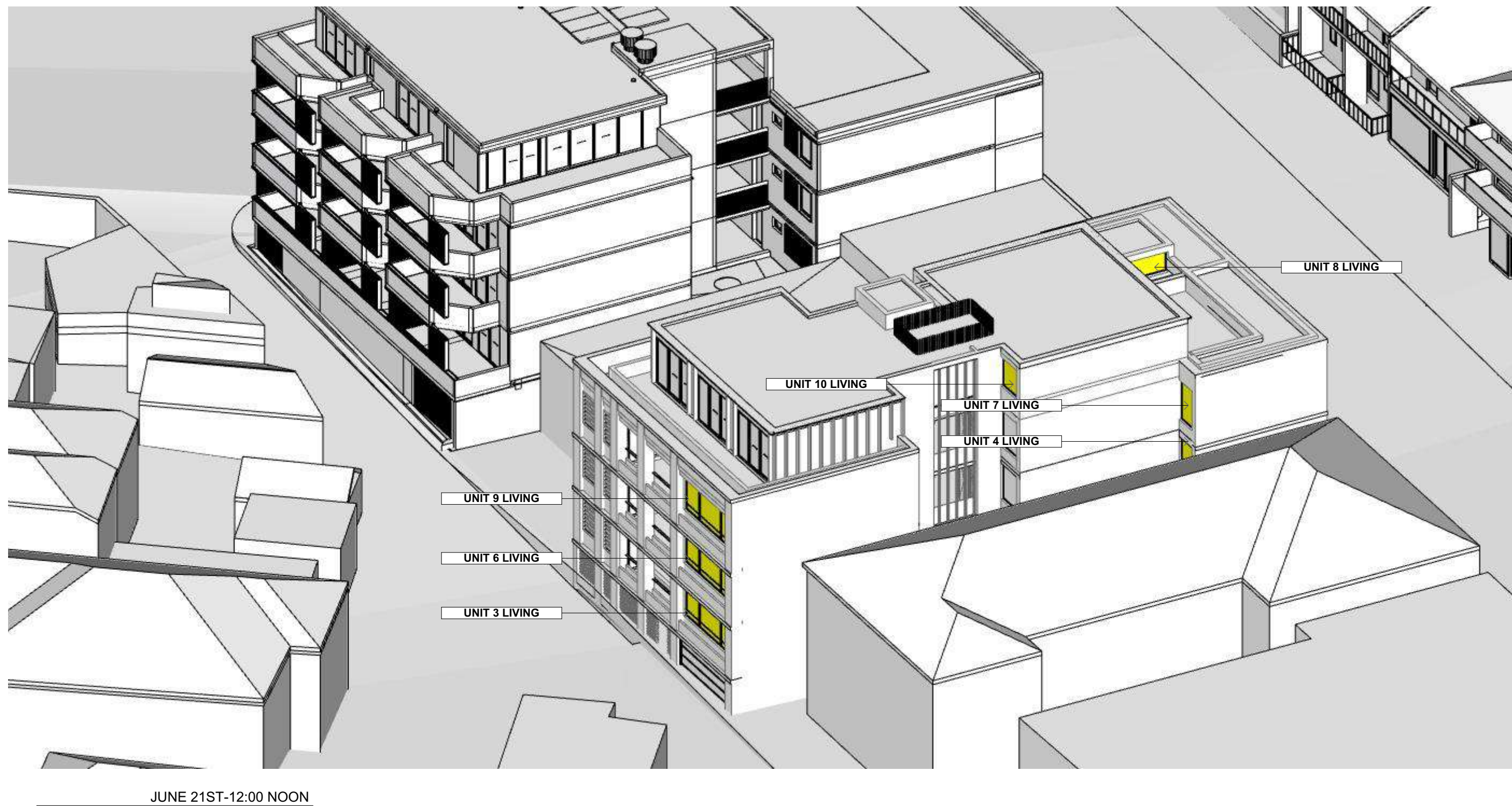
REVISION:
A

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LEGEND:

A



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LEGEND:

REV	DATE	NAME
A	6/07/2022	ISSUE FOR COUNCIL SUBMISSION

PROJECT No: **21101**

DRAWING TITLE:
VIEWS FROM THE SUN

DRAWING No:

DA405

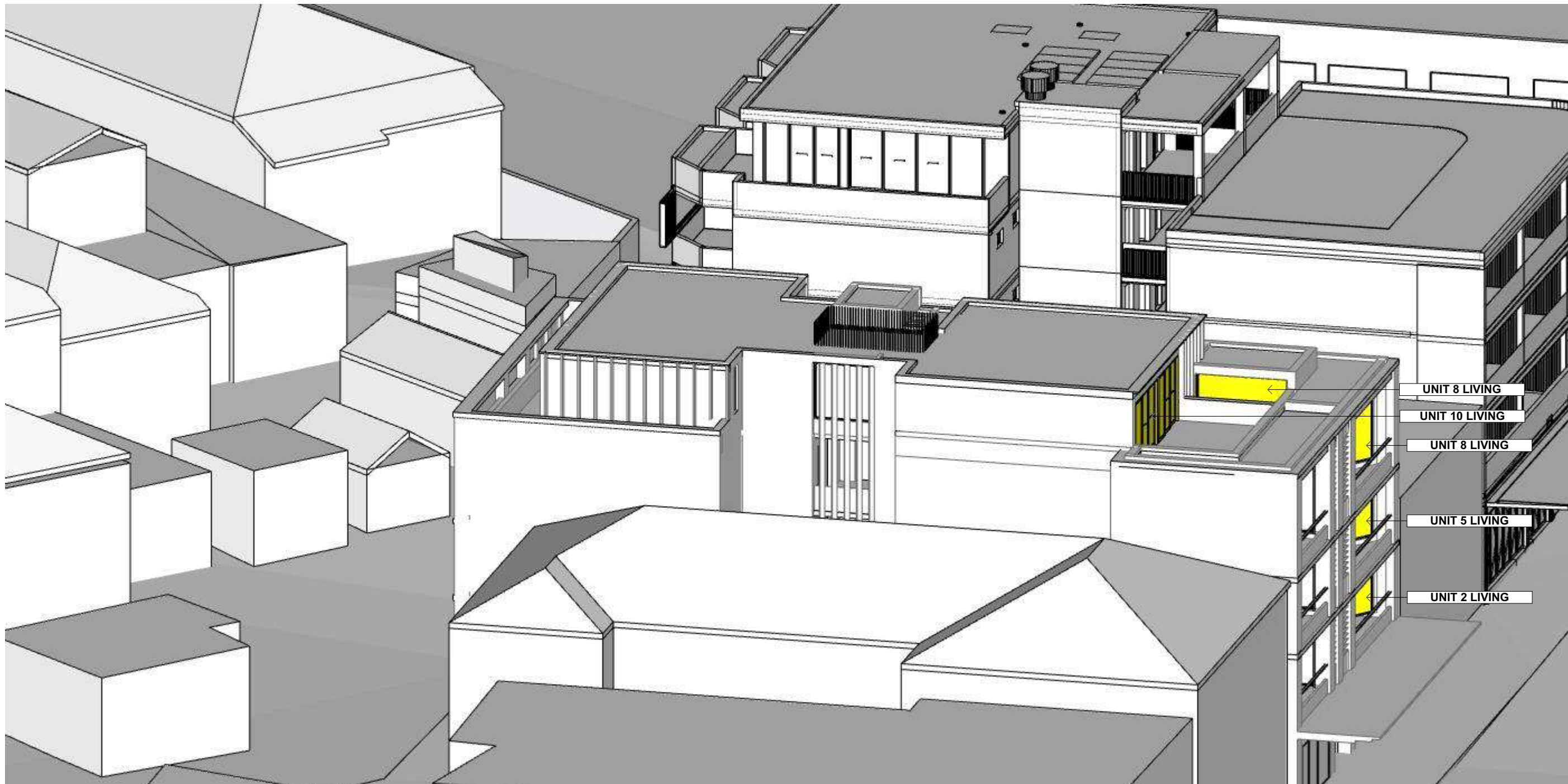
REVISION:

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Page 425 of 514



JUNE 21ST-3:00 PM

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LEGEND:

NEW SHOP-TOP HOUSING DEVELOPMENT

[illegible]

104-106 BRONTE RD, BONDI JUNCTION

STAGE:
DEVELOPMENT
APPLICATION

DRAWING TITLE:
VIEWS FROM THE SUN

CLIENT: **Arthur Varvaressos**

CHECKED: IL/MH

DRAWN: IL

APPROVED: **SRH**

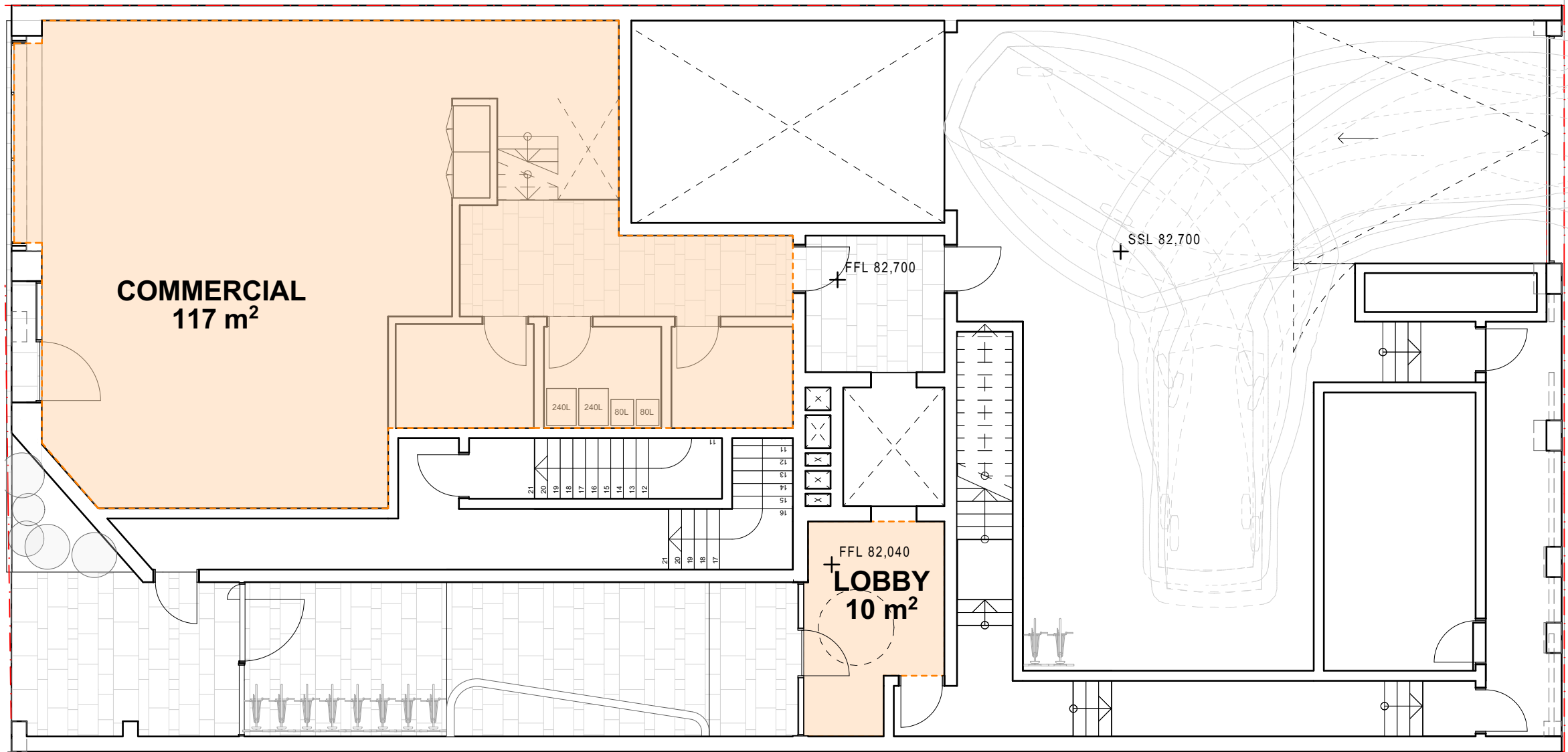
PROJECT No: **21101**

DRAWING No:

DA407

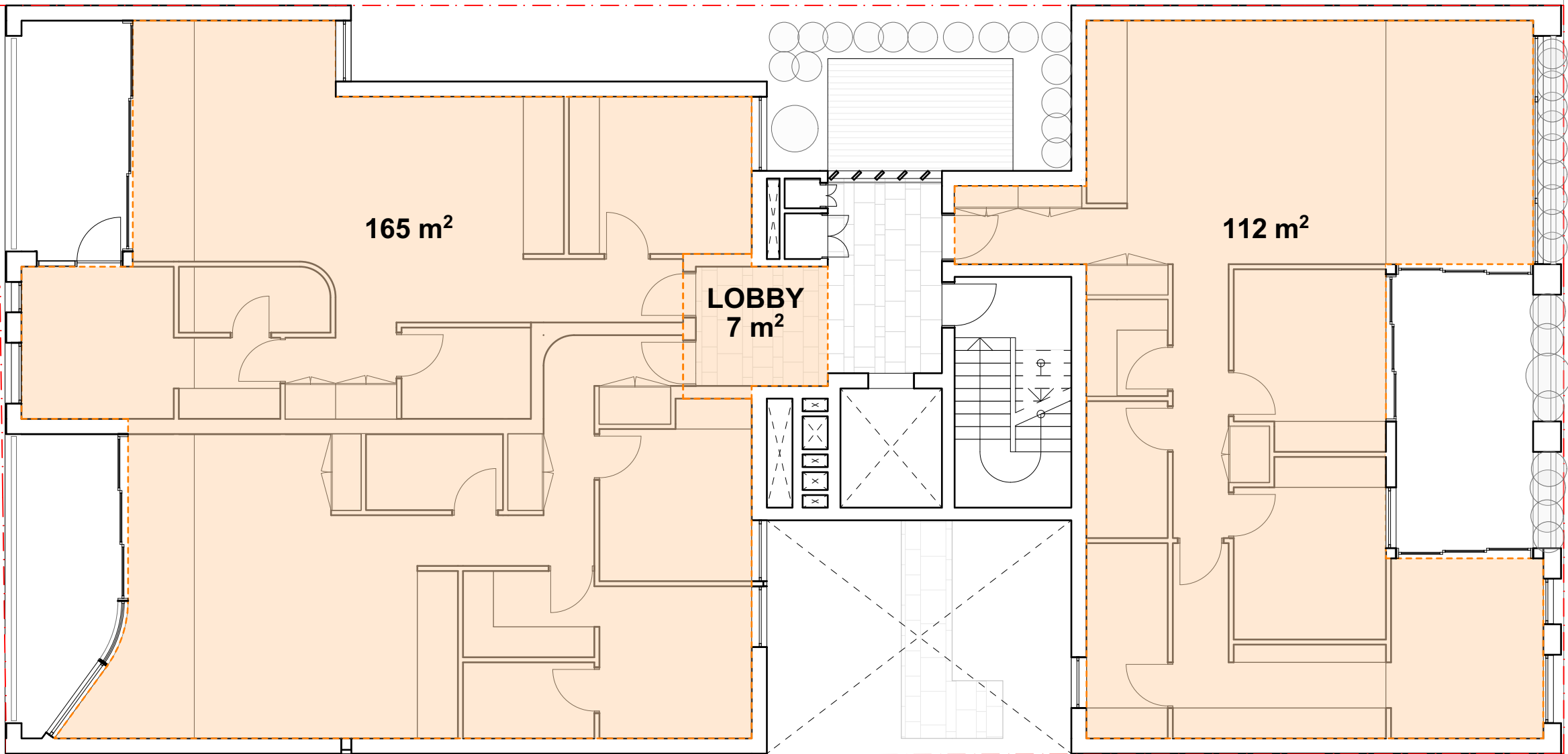
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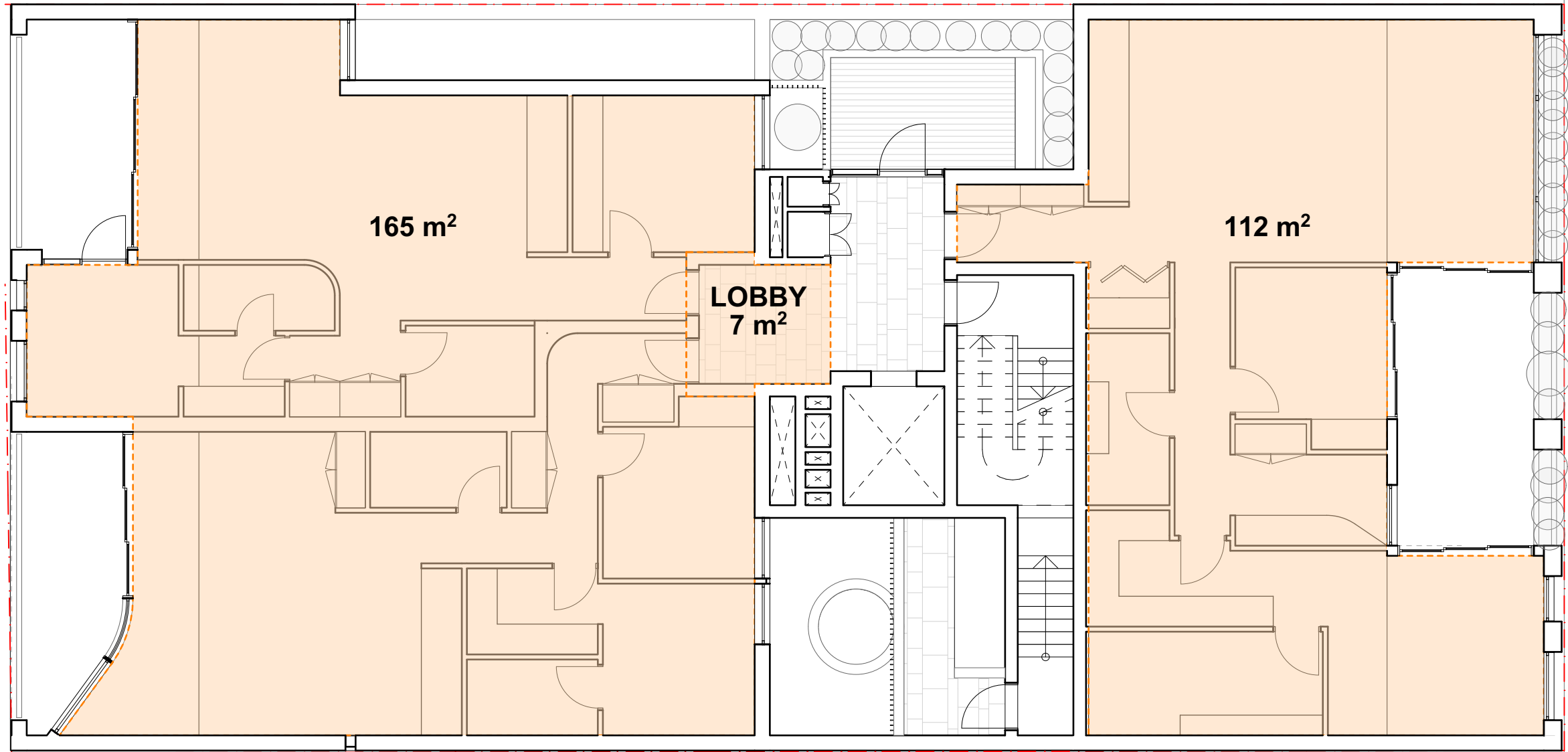
GROUND FLOOR LEVEL
GFA CALCULATIONS

COMMERCIAL: 117m2
RESIDENTIAL LOBBY: 10m2
GROUND FLOOR GFA TOTAL: 127m2



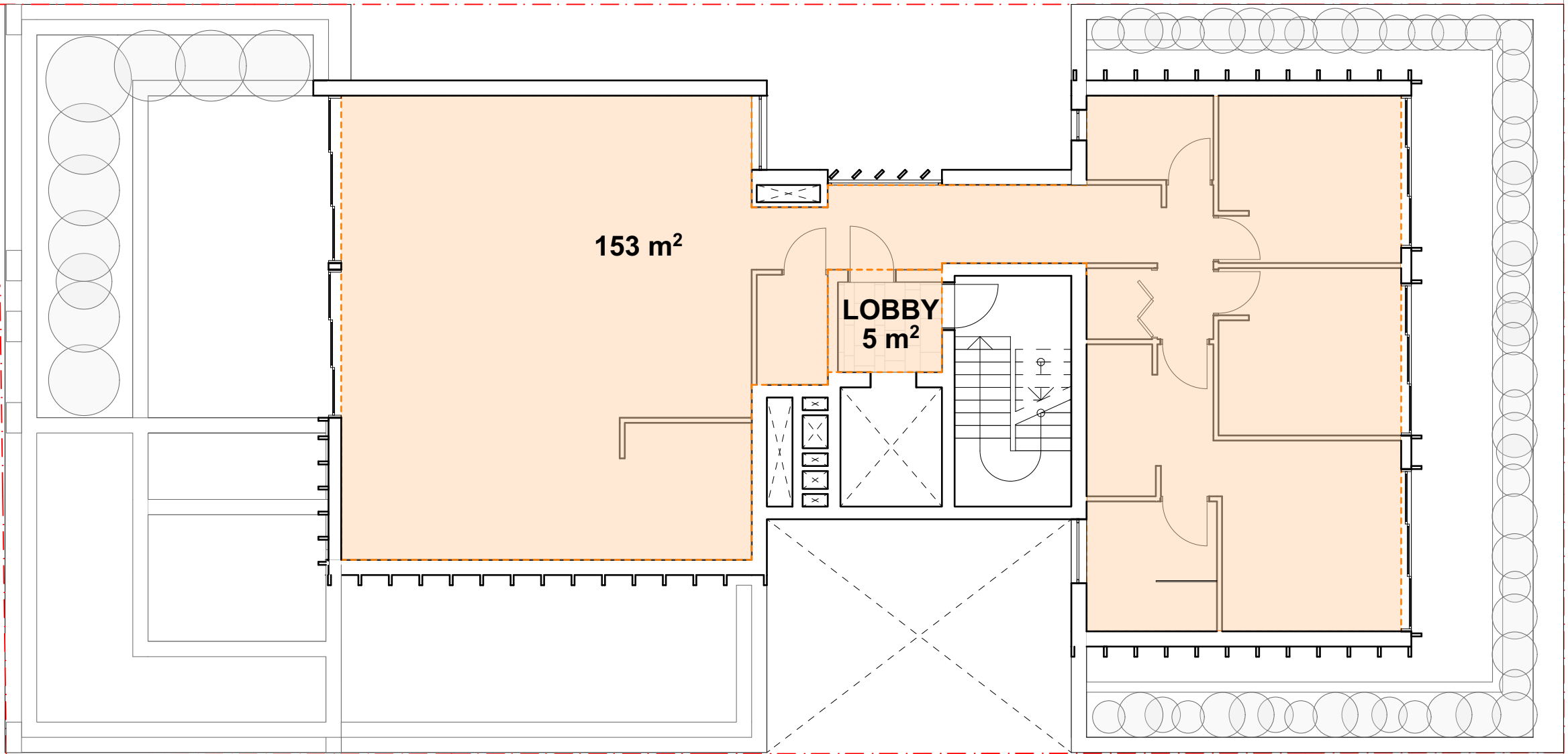
SECOND & THIRD FLOOR LEVEL
GFA CALCULATIONS

RESIDENTIAL: 277m2
RESIDENTIAL LOBBY: 7m2
TOTAL SECOND & THIRD FLOOR LEVEL GFA: 568m2



FIRST FLOOR LEVEL
GFA CALCULATIONS

RESIDENTIAL: 277m2
RESIDENTIAL LOBBY: 7m2
TOTAL FIRST FLOOR LEVEL GFA: 284m2



FIRST FLOOR LEVEL
GFA CALCULATIONS

RESIDENTIAL: 153m2
RESIDENTIAL LOBBY: 5m2
TOTAL FIRST FLOOR LEVEL GFA: 158m2

YIELD SUMMARY	
2 BEDROOM UNITS:	7
3 BEDROOM UNITS:	3
TOTAL:	10
SITE AREA:	455m²
COMMERCIAL AREA:	117m²
GROUND FLOOR GFA:	127m²
FIRST FLOOR GFA:	284m²
SECOND FLOOR GFA:	284m²
THIRD FLOOR GFA:	284m²
FOURTH FLOOR GFA:	158m²
TOTAL GFA:	1,137m²
FSR:	2.49:1

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LEGEND:

NEW SHOP-TOP HOUSING DEVELOPMENT

REV	DATE	NAME
A	6/07/2022	ISSUE FOR COUNCIL SUBMISSION

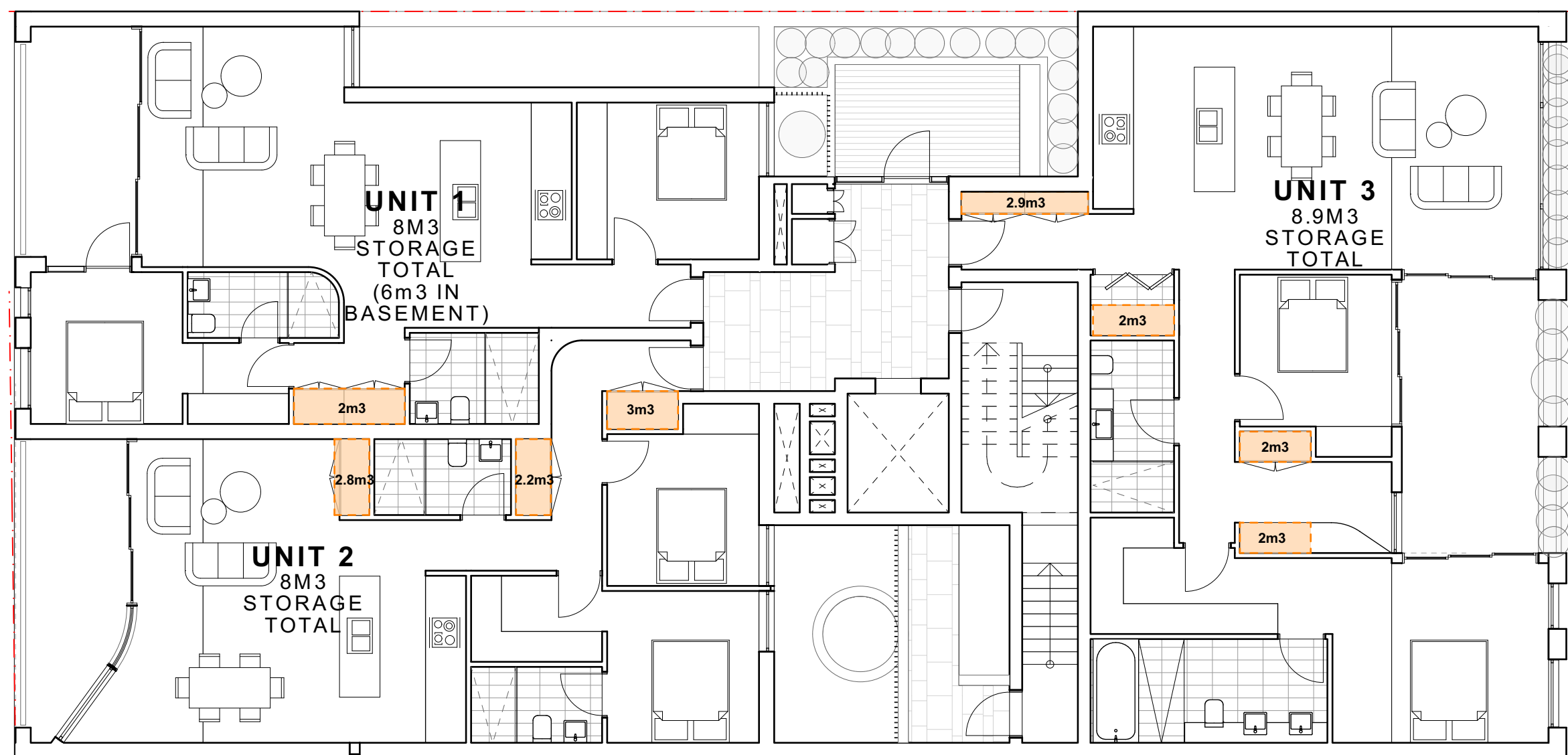
104-106 BRONTE RD, BONDI JUNCTION

STAGE: DEVELOPMENT APPLICATION		DRAWING TITLE: GFA CALCULATIONS	
SCALE @ A1: 1:100		CLIENT: Arthur Varvaressos	
SCALE @ A3 1:200		CHECKED: IL/MH	
		DRAWN: IL	
		APPROVED: SRH	

PROJECT No: 21101

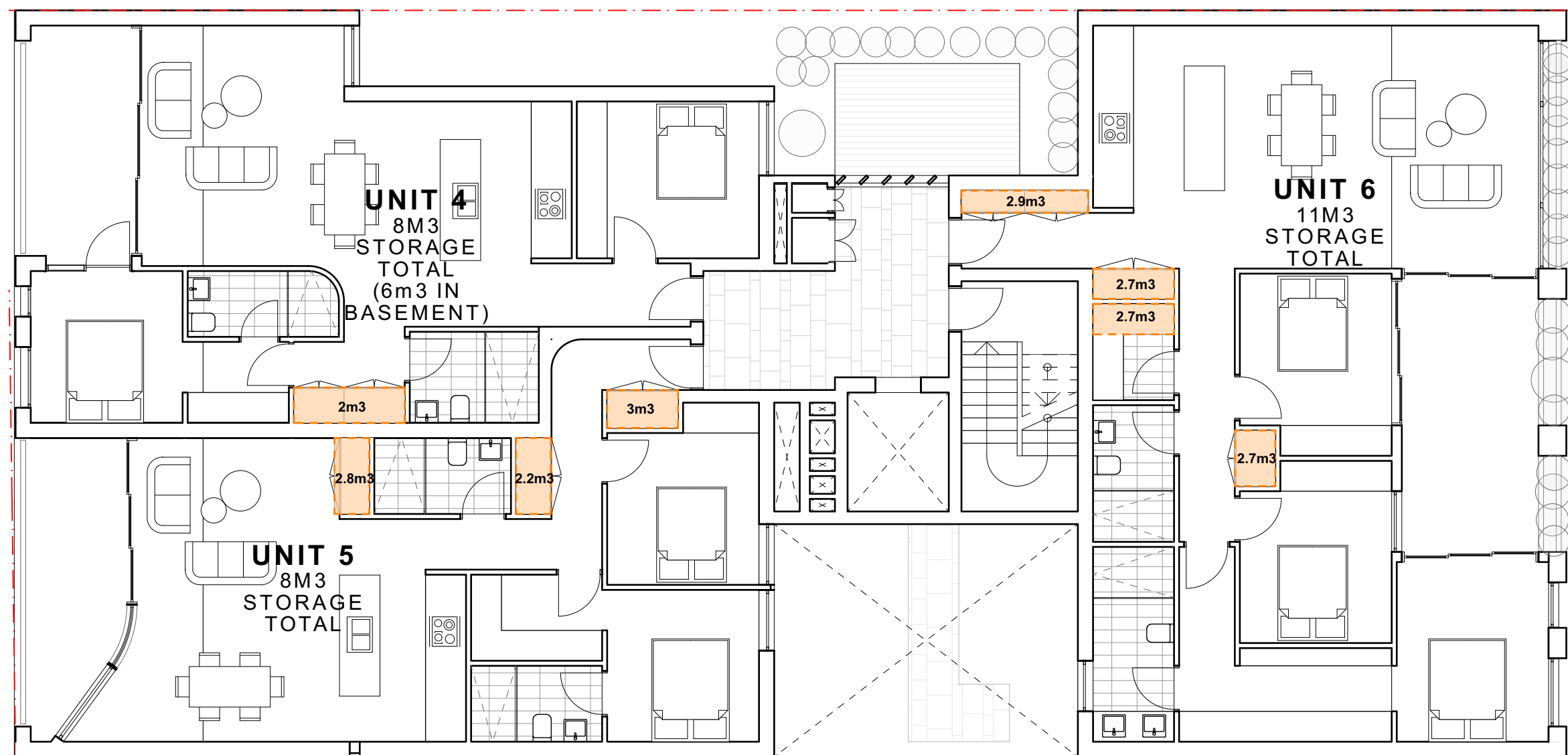
DRAWING No: DA500
REVISION: A

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FIRST FLOOR LEVEL

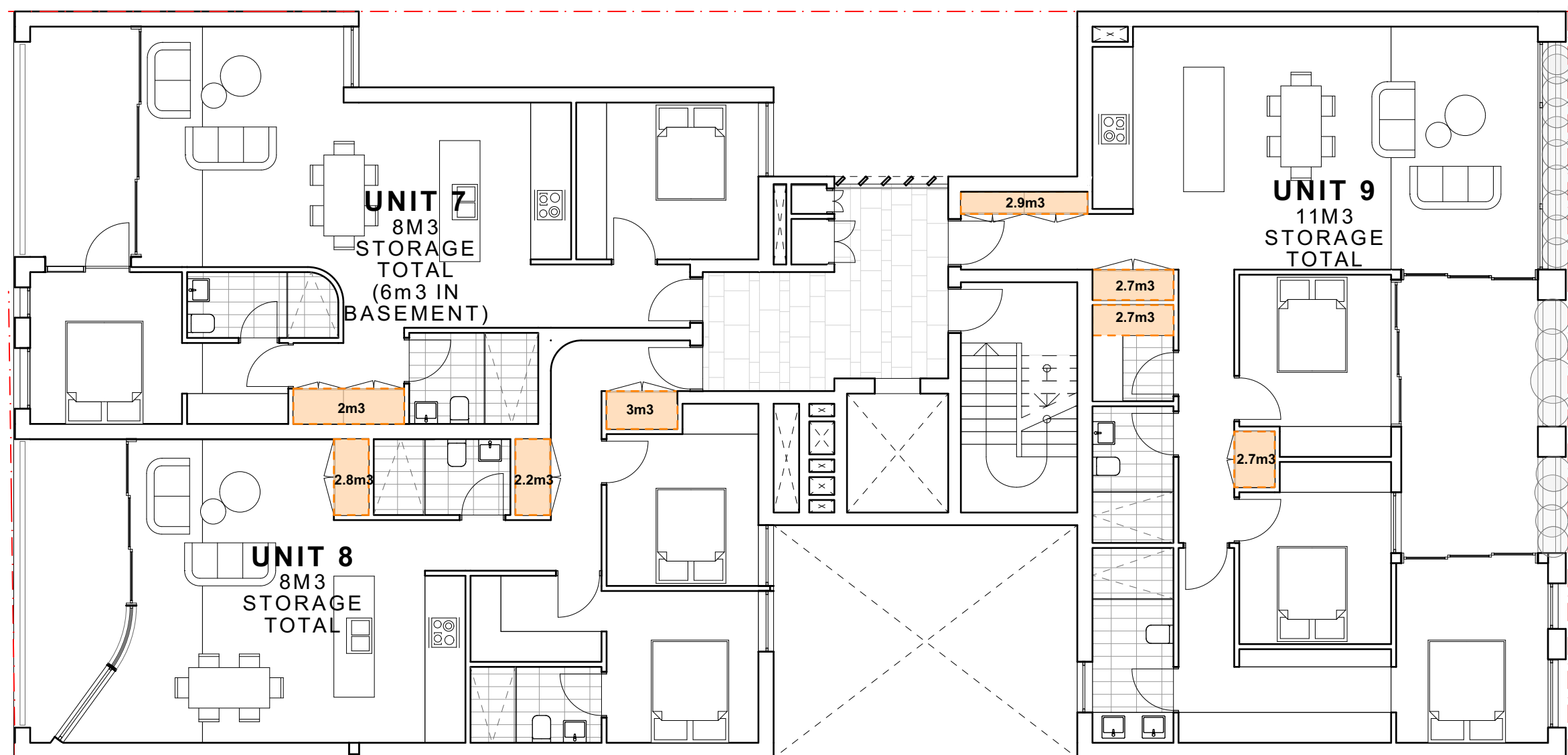
UNIT 1(2 BED UNIT): 8m3 STORAGE TOTAL (2m3 IN UNIT, 6m3 IN BASEMENT)
UNIT 2(2 BED UNIT): 8m3 STORAGE TOTAL
UNIT 3(2 BED UNIT): 8.9m3 STORAGE TOTAL



SECOND FLOOR LEVEL

UNIT 4, 5 & 6 STORAGE CALCULATIONS

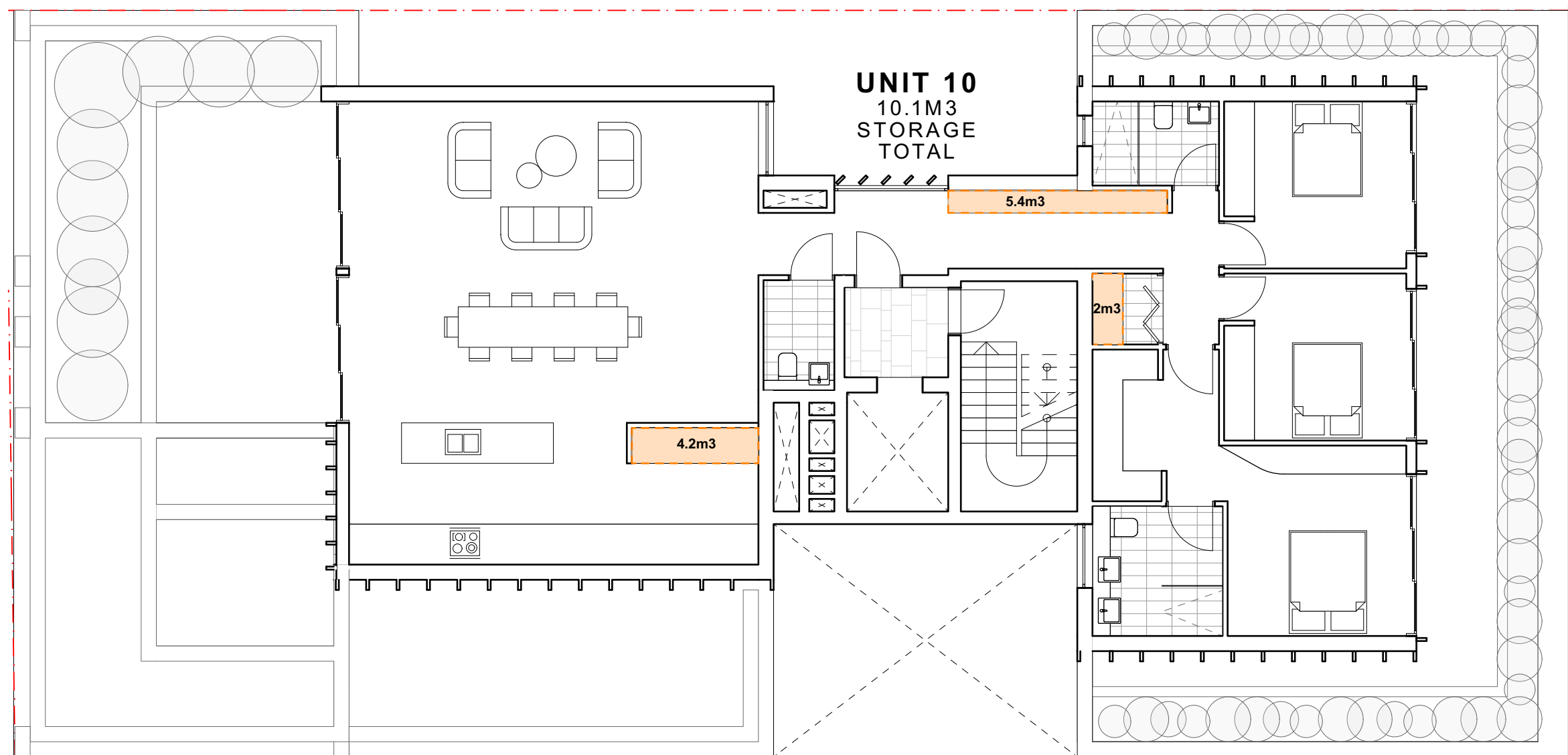
UNIT 4(2 BED UNIT): 8m3 STORAGE TOTAL (2m3 IN UNIT, 6m3 IN BASEMENT)
UNIT 5(2 BED UNIT): 8m3 STORAGE TOTAL
UNIT 6(3 BED UNIT): 11m3 STORAGE TOTAL



THIRD FLOOR LEVEL

UNIT 7, 8 & 9 STORAGE CALCULATIONS

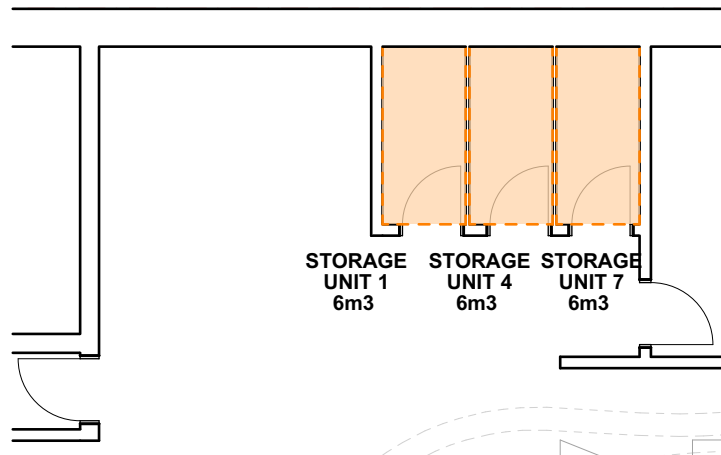
UNIT 7(2 BED UNIT): 8m3 STORAGE TOTAL (2m3 IN UNIT, 6m3 IN BASEMENT)
UNIT 8(2 BED UNIT): 8m3 STORAGE TOTAL
UNIT 9(3 BED UNIT): 11m3 STORAGE TOTAL



FOURTH FLOOR LEVEL

UNIT 10 STORAGE CALCULATIONS

UNIT 10(3 BED UNIT): 11.6m³ STORAGE TOTAL



BASEMENT STORAGE

UNIT 1, 4 & 7 STORAGE CALCULATIONS

UNIT 1(2 BED UNIT): 8m3,STORAGE TOTAL (2m3 IN UNIT, 6m3 IN BASEMENT)
UNIT 4(2 BED UNIT): 8m3, STORAGE TOTAL (2m3 IN UNIT, 6m3 IN BASEMENT)
UNIT 7(2 BED UNIT): 8m3. STORAGE TOTAL (2m3 IN UNIT, 6m3 IN BASEMENT)

STORAGE CALCULATIONS SUMMARY	
UNIT 1(2 BED UNIT): 8m3	STORAGE TOTAL (2m3 IN UNIT, 6m3 IN BASEMENT)
UNIT 2(2 BED UNIT): 8m3	STORAGE TOTAL
UNIT 3(2 BED UNIT): 8.9m3	STORAGE TOTAL
UNIT 4(2 BED UNIT): 8m3	STORAGE TOTAL (2m3 IN UNIT, 6m3 IN BASEMENT)
UNIT 5(2 BED UNIT): 8m3	STORAGE TOTAL
UNIT 6(3 BED UNIT): 11m3	STORAGE TOTAL
UNIT 7(2 BED UNIT): 8m3	STORAGE TOTAL (2m3 IN UNIT, 6m3 IN BASEMENT)
UNIT 8(2 BED UNIT): 8m3	STORAGE TOTAL
UNIT 9(3 BED UNIT): 11m3	STORAGE TOTAL
UNIT 10(3 BED UNIT): 11.6m3	STORAGE TOTAL

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CONSTRUCTION

NOMINATED ARCHITECT: SIMON HANSON # 6739

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LEGEND:

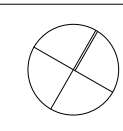
NEW SHOP-TOP HOUSING DEVELOPMENT

[illegible]

104-106 BRONTE RD, BONDI JUNCTION

STAGE: DEVELOPMENT APPLICATION	DRAWING TITLE: STORAGE CALCULATIONS
--	---

SCALE @ A1:
1:100
SCALE @ A3 1:200



DRAWING TITLE:

STORAGE CALCULATIONS

CLIENT: **Arthur Varvaressos**

DRAWN: IL

CHECKED: IL/MH

APPROVED: **SRH**

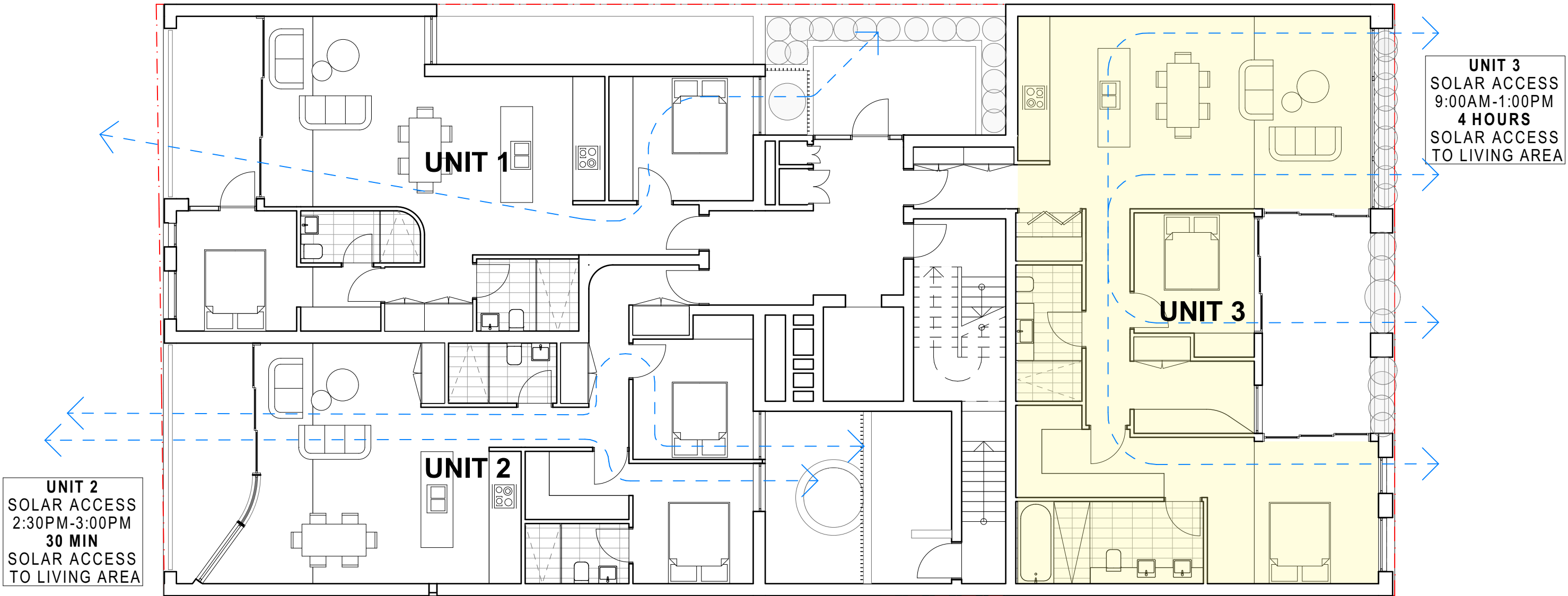
PROJECT No: **21101**

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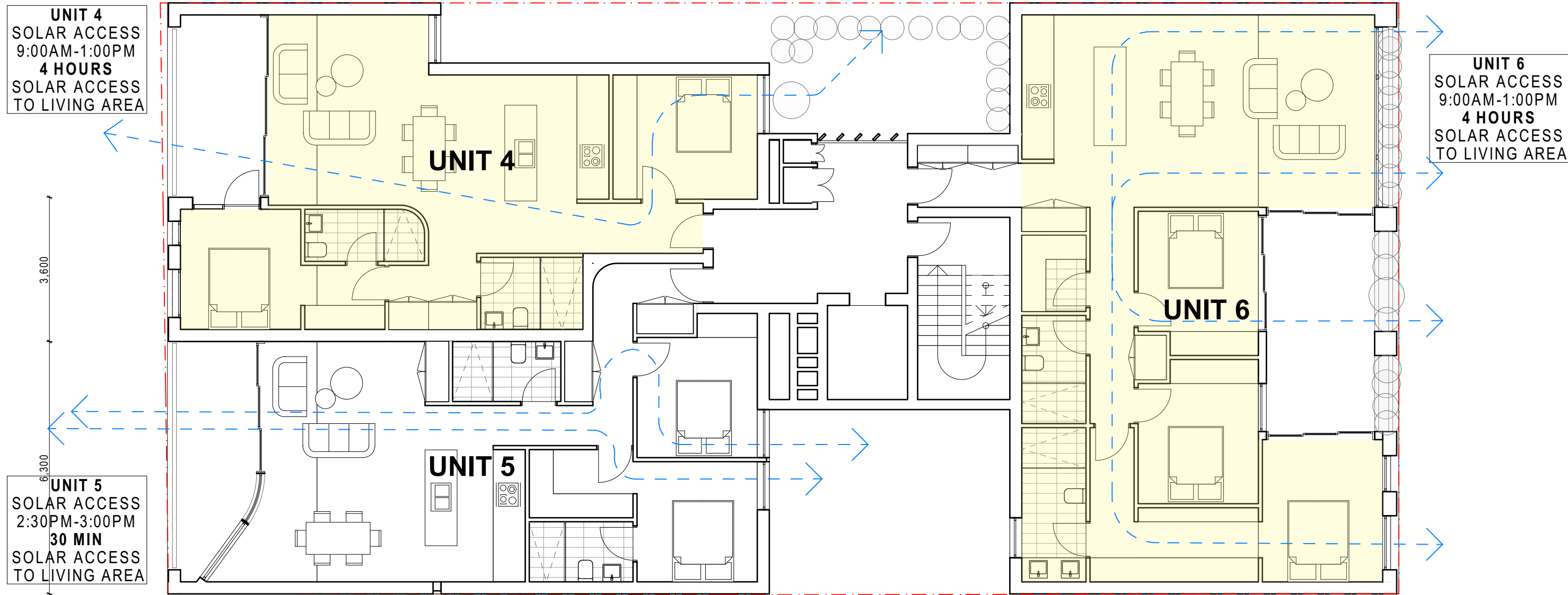
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REVISION:

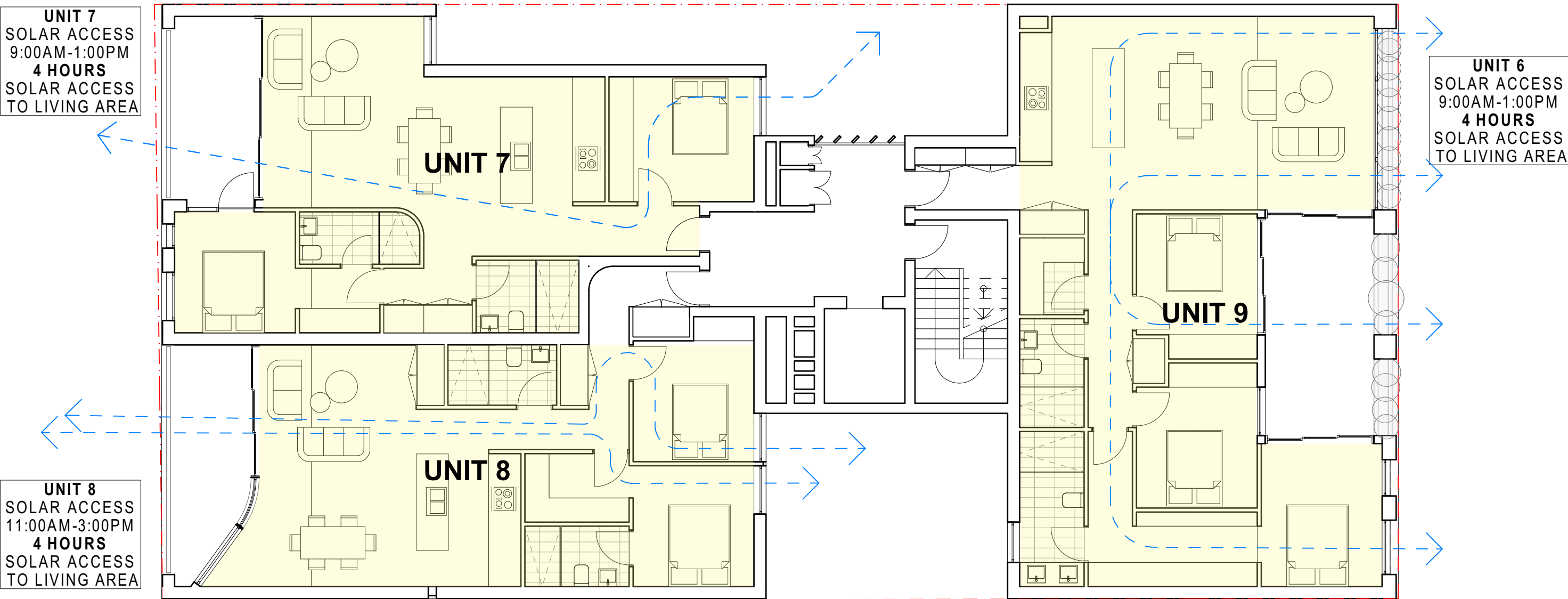
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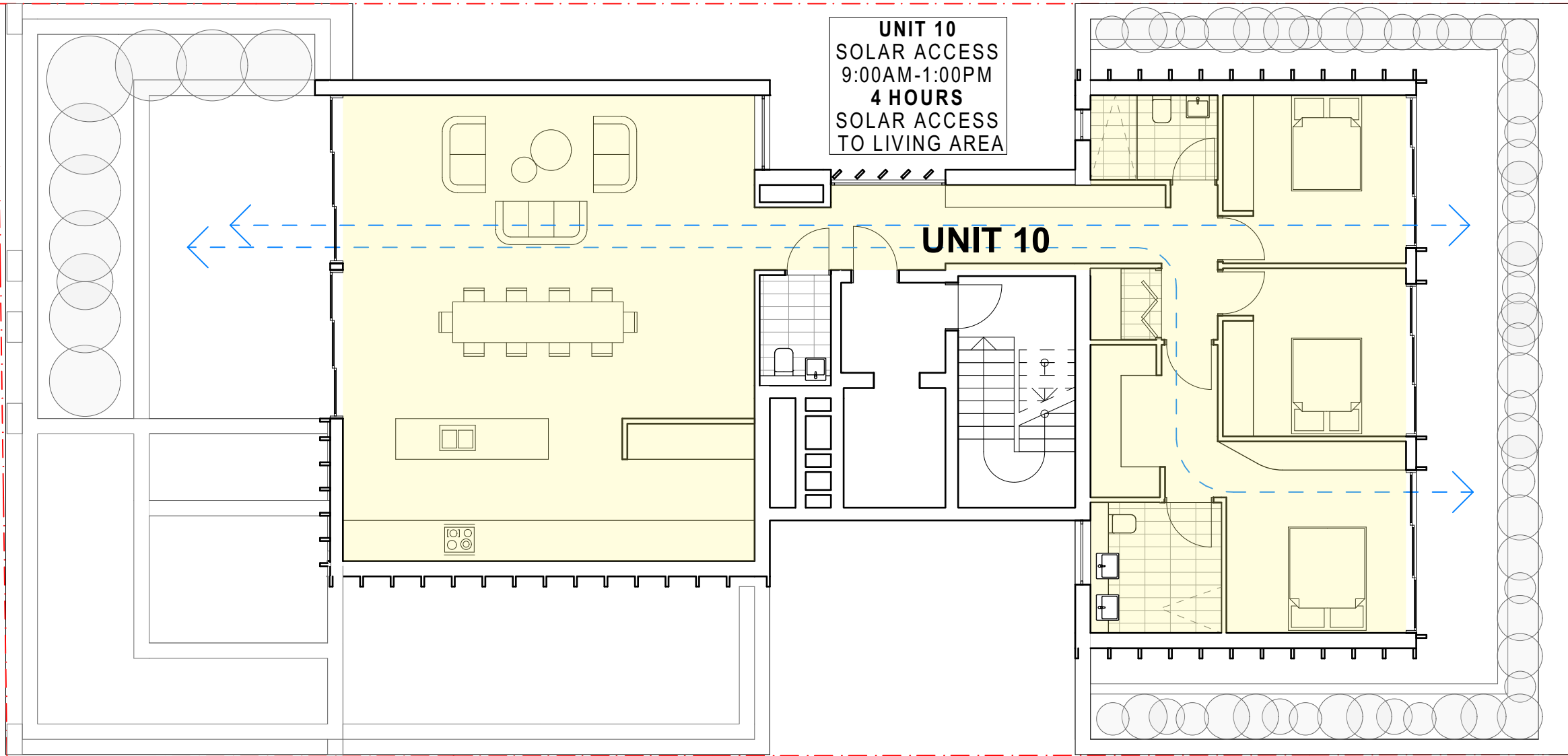
FIRST FLOOR LEVEL



SECOND FLOOR LEVEL



THIRD FLOOR LEVEL



FOURTH FLOOR LEVEL

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NOMINATED ARCHITECT: SIMON HANSON # 6739
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LEGEND:

NEW SHOP-TOP HOUSING DEVELOPMENT
REV DATE NAME
A 6/07/2022 ISSUE FOR COUNCIL SUBMISSION

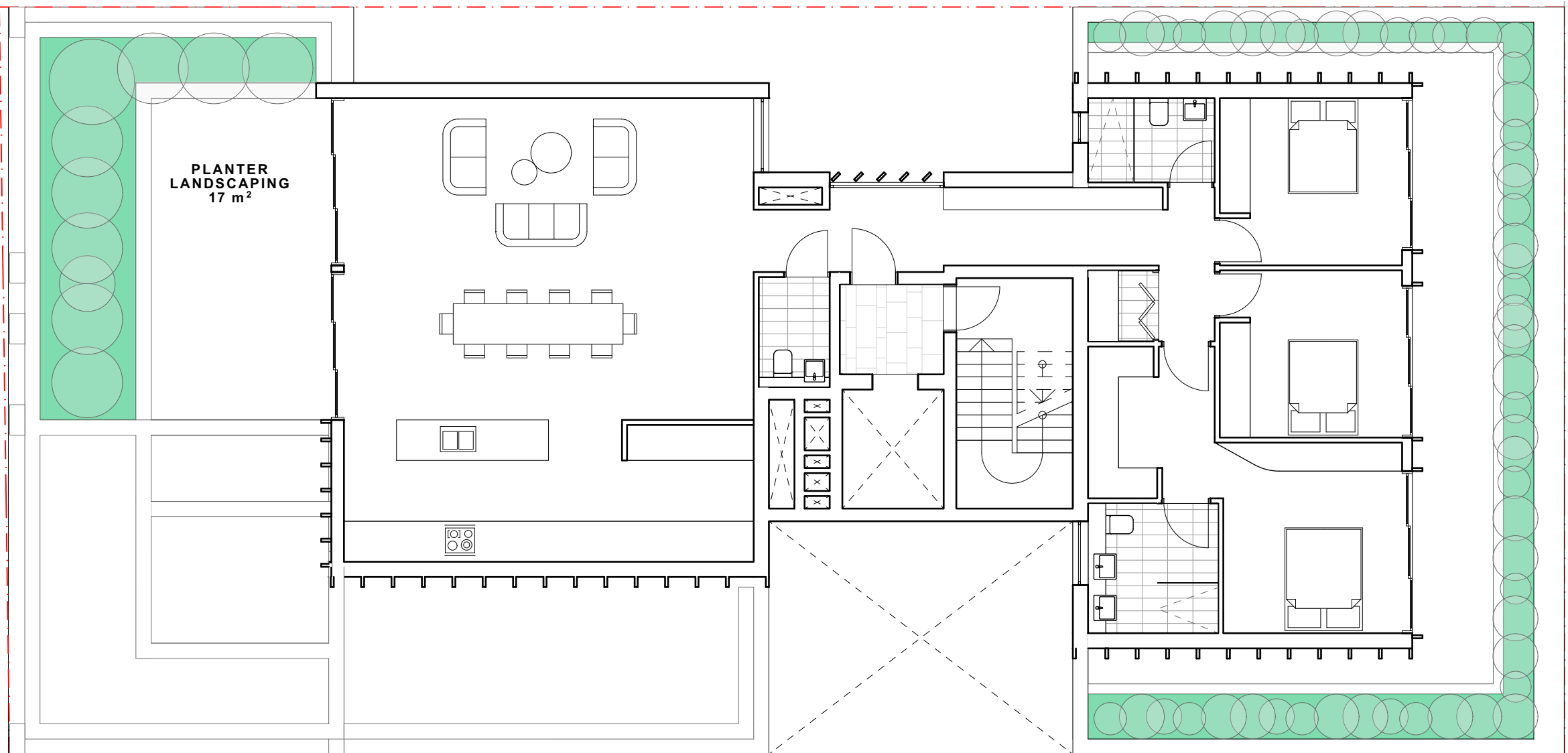
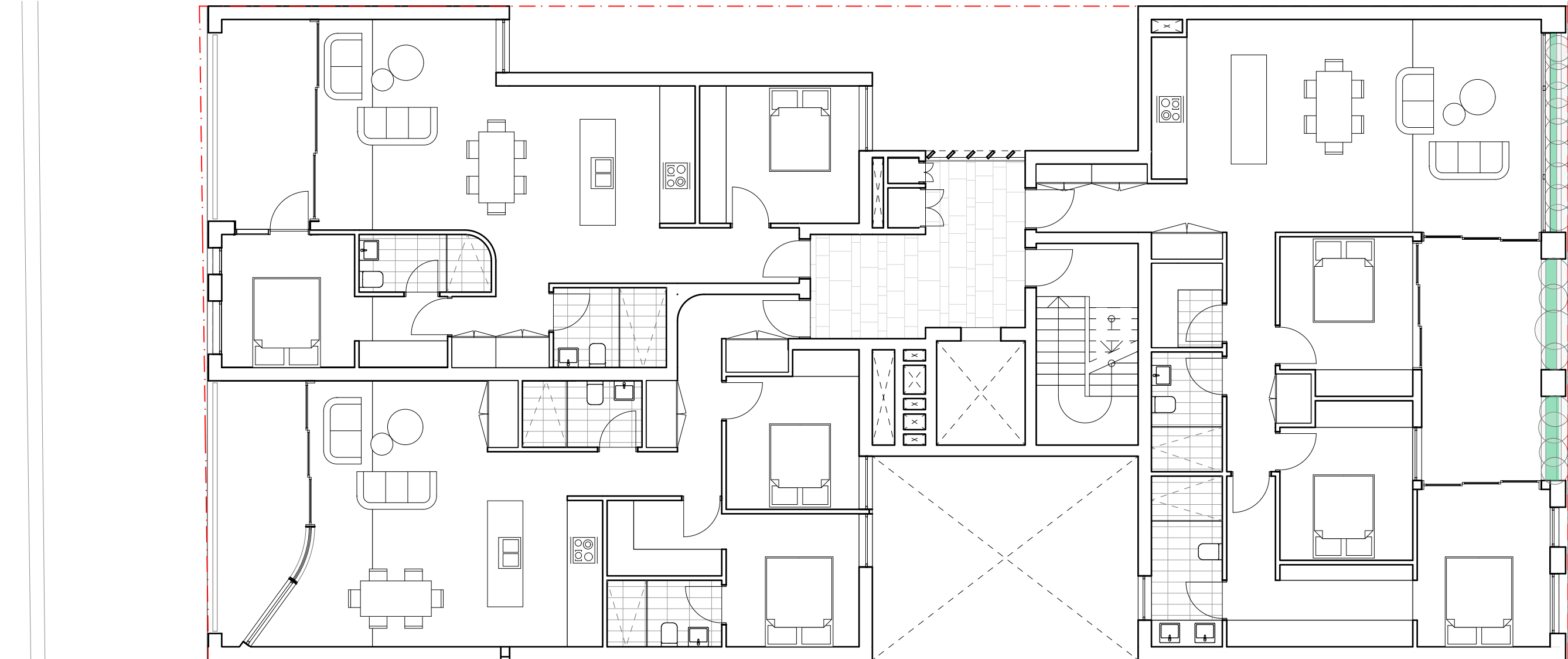
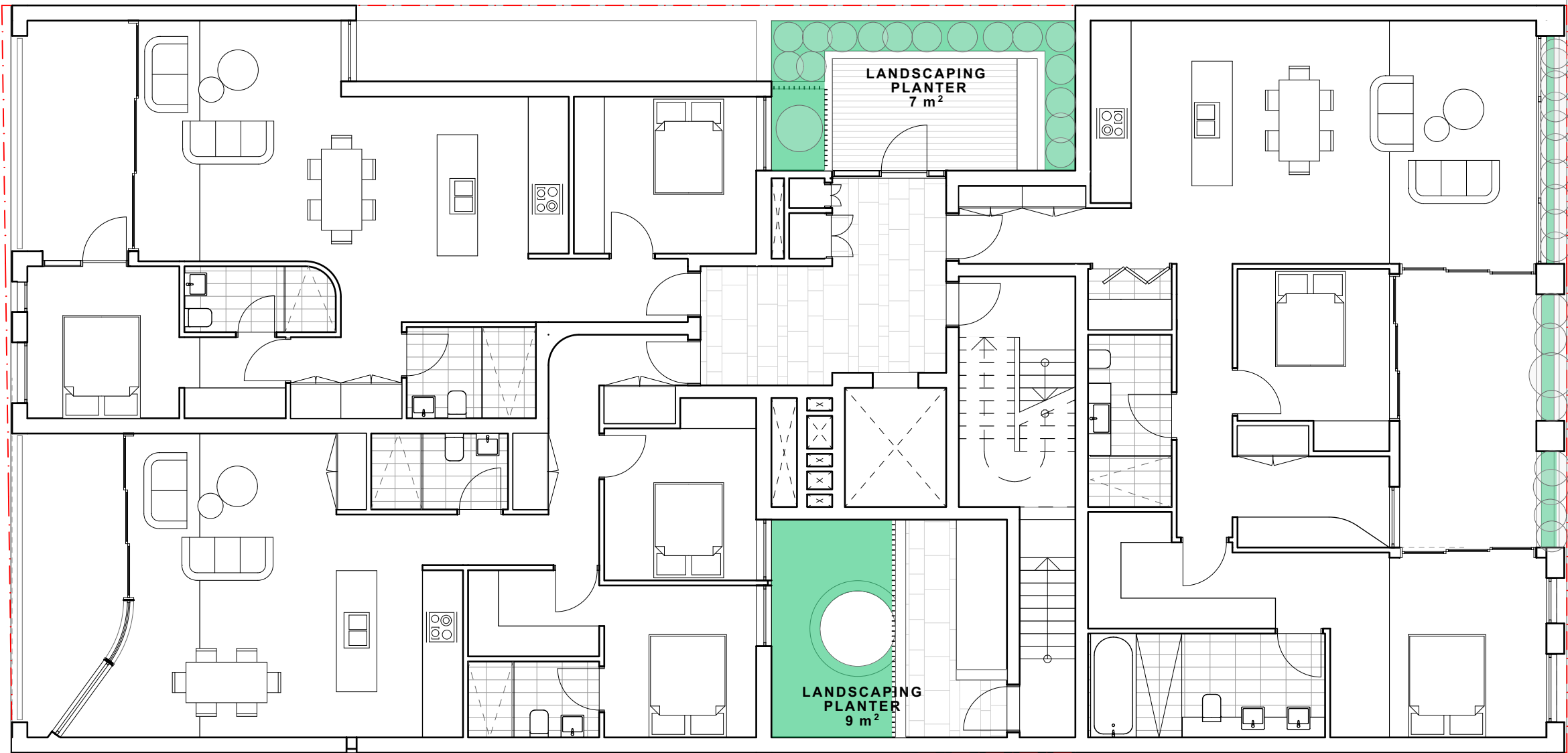
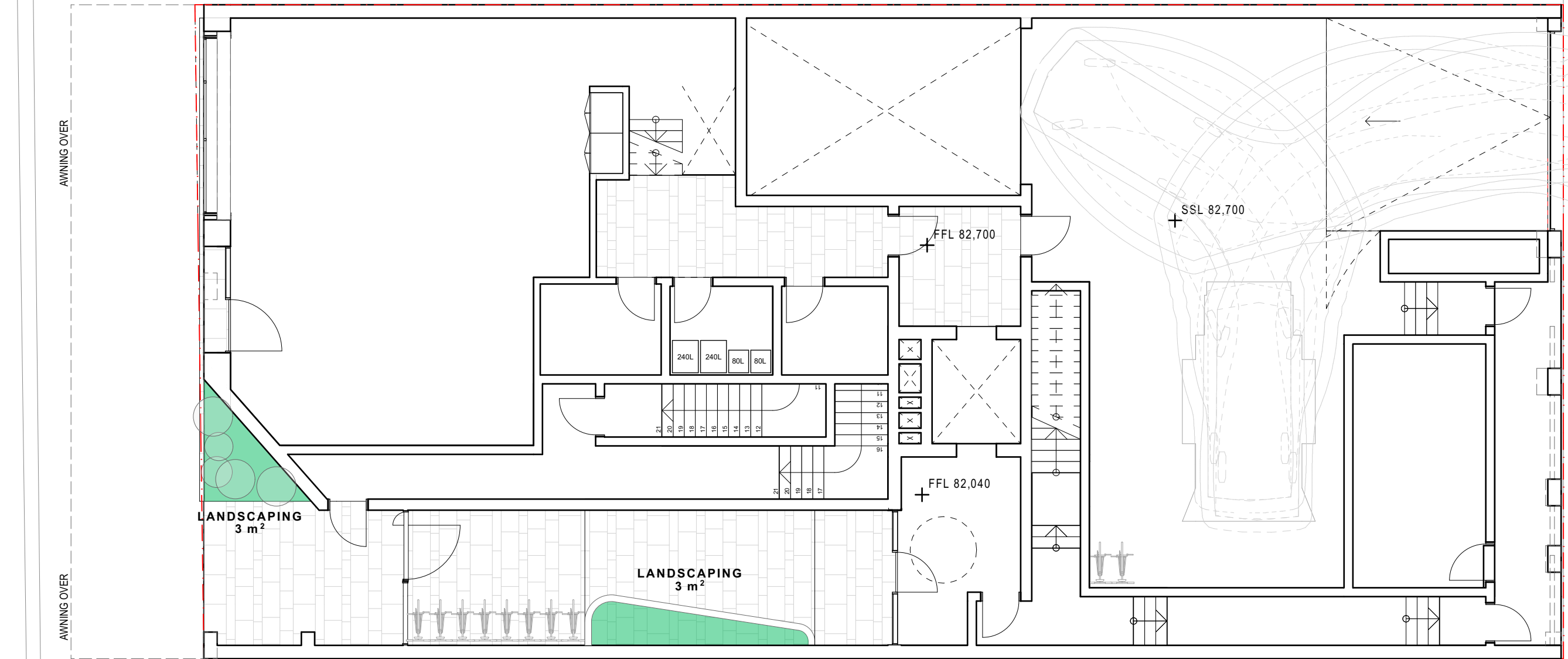
104-106 BRONTE RD, BONDI JUNCTION
STAGE:
DEVELOPMENT APPLICATION
SCALE @ A1:
1:100
SCALE @ A3 1:200

DRAWING TITLE:
SOLAR AND CROSS VENTILATON DIAGRAM
CLIENT: **Arthur Varvaressos**
DRAWN: **IL**

DRAWING No:
DA502
REVISION:
A

PROJECT No: **21101**
CHECKED: **IL/MH**
APPROVED: **SRH**

NOT FOR
CONSTRUCTION



LANDSCAPING CALCULATIONS	
GROUND FLOOR LANDSCAPING:	6m ²
FIRST FLOOR LANDSCAPING:	19m ²
SECOND AND THIRD FLOOR LANDSCAPING:	6m ²
FOURTH FLOOR LANDSCAPING:	36m ²
TOTAL LANDSCAPING:	67m ²

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REV	DATE	NAME
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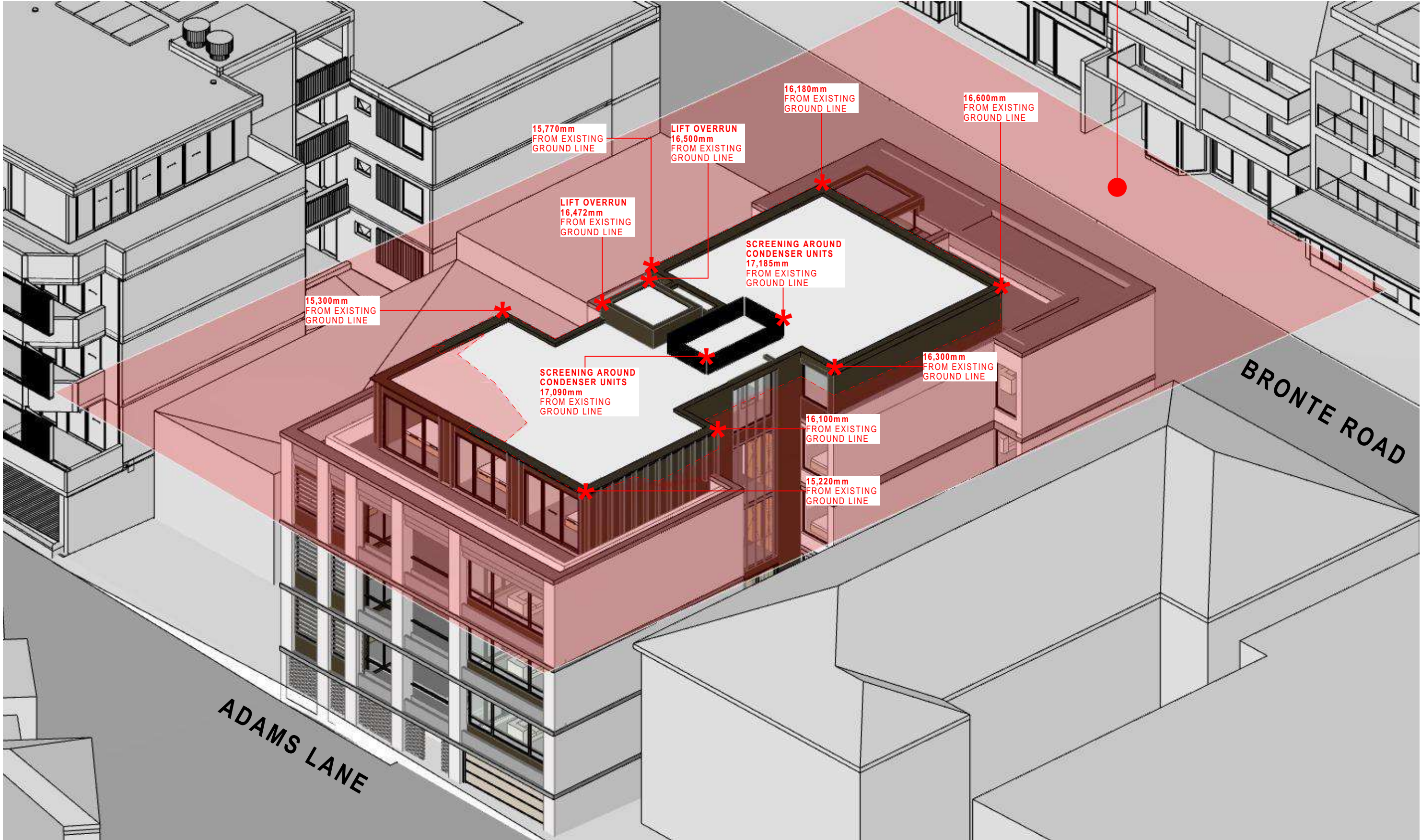
STAGE: DEVELOPMENT APPLICATION	DRAWING TITLE: LANDSCAPING CALCULATIONS
SCALE @ A1: 1:100	CLIENT: Arthur Varvaressos
SCALE @ A3 1:200	CHECKED: IL/MH
	DRAWN: IL
	APPROVED: SRH

PROJECT No: 21101

DRAWING No: DA503
REVISION: A

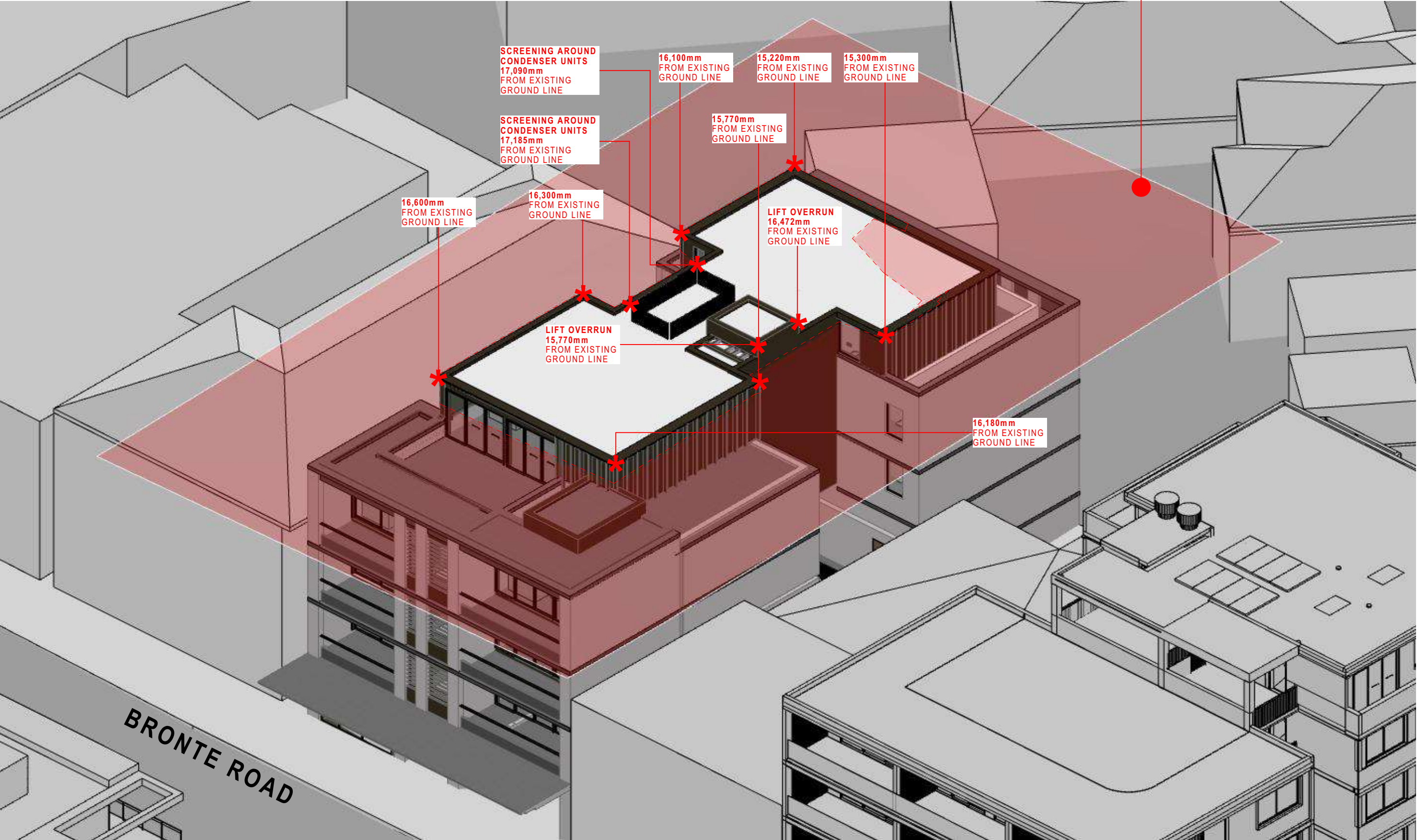
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15M HEIGHT BLANKET



15 HEIGHT PLANE DIAGRAM ADAMS LANE

15M HEIGHT BLANKET



15 HEIGHT PLANE DIAGRAM BRONTE ROAD

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REV	DATE	NAME
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104-106 BRONTE RD, BONDI JUNCTION

STAGE: DEVELOPMENT APPLICATION	DRAWING TITLE: 15M HEIGHT PLANE DIAGRAM
SCALE @ A1:	CLIENT: Arthur Varvaressos DRAWN: IL
	CHECKED: IL/MH APPROVED: SRH

PROJECT No: 21101

DRAWING No: DA504
REVISION: A

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LEGEND:

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REV	DATE	NAME
A	6/07/2022	ISSUE FOR COUNCIL SUBMISSION

104-106 BRONTE RD, BONDI JUNCTION

STAGE:
DEVELOPMENT APPLICATION

SCALE @ A1:

DRAWING TITLE:
PERSPECTIVE IMAGES

CLIENT: Arthur Varvaressos

CHECKED: IL/MH

DRAWN: IL

APPROVED: SRH

PROJECT No: 21101

DRAWING No:
DA506

REVISION:
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Page 433 of 514

VIEW FROM ADAMS LANE



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REV	DATE	NAME
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STAGE: DEVELOPMENT APPLICATION	DRAWING TITLE: PERSPECTIVE IMAGES
SCALE @ A1:	CLIENT: Arthur Varvaressos DRAWN: IL
	CHECKED: IL/MH APPROVED: SRH

PROJECT No: 21101
DRAWING No: DA507
REVISION: A

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CONSTRUCTION

Date Received: 04/08/2022

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LEGEND:

[illegible]

STAGE:
**DEVELOPMENT
APPLICATION**

SCALE @ A1:

CLIENT: **Arthur Varyaressos**

CLIENT: **Arthur Varvaressos** CHECKED: **IL/MH**

DRAWING No:

DA508

REVISION:

A

NOT FOR
CONSTRUCTION



Report to the Waverley Local Planning Panel

Application number	DA-270/2022
Site address	57 Francis Street, Bondi Beach
Proposal	Substantial demolition and alterations and additions to the existing semi-detached dwelling
Date of lodgement	5 July 2022
Owner	Mr J Thurin
Applicant	Common Office
Submissions	One
Cost of works	\$1,075,000
Principal Issues	<ul style="list-style-type: none"> • Non-compliant height • Non-compliant floor space ratio • Non-compliant side 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 demolition, alterations and additions to the existing semi-detached dwelling at the site known as 57 Francis Street, Bondi Beach.

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

- Non-compliant height
- Non-compliant floor space ratio (FSR)
- Non-compliant side setback

The assessment finds these issues acceptable as the proposal results in no unreasonable impacts on the amenity of the neighbouring properties or the locality.

One submission was received during the notification of the application 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 15 September 2022.

The site is identified as Lot B in DP 372758 known as 57 Francis Street, Bondi Beach.

The site is irregular in shape with a south-western frontage to Francis Street measuring 8.99m. It has an area of 296.1m² and falls from the south towards the north by approximately 10m.

The site is occupied by a part one, part two storey semi-detached dwelling with vehicular access provided from Francis Street.

The site is adjoined by its semi-detached dwelling pair to the west and semi-detached dwellings to the east. The locality is characterised by a variety of low and medium density residential development.

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



Figure 1: The subject site viewed from Francis Street, looking north



Figure 2: Streetscape view looking north-west towards the subject site



Figure 3: View towards the rear of the subject site, looking south



Figure 4: Development on the opposite side of Francis Street

1.3. Relevant Development History

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

1.4. Proposal

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

Lower Ground Floor Level

The proposal seeks to extend a portion of the lower ground level to the east and reconfigure internal walls providing a living room, one bedroom, study, bathroom and laundry with stairs located centrally to provide resident access to the levels above.

Upper Ground Floor Level

The proposal seeks to extend the upper ground level to the east and the rear as well as reconfigure internal walls providing an open plan kitchen/living room, one bedroom, bathroom and stairs located centrally. The existing garage is at RL 40.07 AHD and provides one car parking space and is accessed via a single vehicular crossover from Francis Street. The proposal seeks to demolish the north-eastern portion of the garage wall and install a door for access.

First Floor Level

The proposed First Floor Level addition is recessed from the primary front building line. It is to contain a master bedroom with ensuite, walk-in wardrobe and balcony, one other bedroom and a bathroom. The proposal also provides a non-trafficable planted roof to both the garage and northern portion of the upper-level roof.

The additions are to be constructed of stucco white rendered masonry walls with timber framed windows and white sheet metal roofing.

The proposed alterations and additions result in a three-storey dwelling with a building height that ranges from 6.3m to 9.82m, resulting in a non-compliance with the 8.5m height development standard of Waverley Local Environmental Plan 2012 (Waverley LEP 2012) by 1.32m or 15%. The garage will retain the existing height of 3.25m to Francis Street. The proposed gross floor area (GFA) for the dwelling is 236.4m² or 0.79:1 resulting in a 2.4% variation to the FSR development standard.

1.5. Background

The development application was lodged on 5 July 2022 and notified from 6 July 2022 until 28 July 2022. A deferral letter was sent on 6 July 2022 for the following reasons:

1. Seeking clarification on the scope of works being sought;
2. Request for amended shadow diagrams;
3. Justification for the reduced eastern side setback; and
4. Clarification on the reconfigured storage area.

Amended plans and documentation were submitted on 25 August 2022 and renotified from 31 August until 16 September 2022. The amended plans 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 (*Vegetation in Non rural areas*)

2.1.2. Waverley LEP 2012

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
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 R2 Low Density Residential Zone	Yes	The proposal is defined as a <i>semi-detached dwelling</i> , which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none">• 8.5m	No	The proposed alterations and additions will result in a building height of 9.82m which exceeds the height of buildings development standard by 1.32m or 15%.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none">• 0.78:1 or 230.96m²	No	The proposed alterations and additions will result in a GFA of 236.4m ² having an FSR of 0.79:1, which exceeds the FSR development standard by 5.5m ² or 2.4%.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height and FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 6 Additional local provisions		
6.1 Acid sulfate soils - Class 5	Yes	No alterations or additions are proposed that affects the water table and therefore this clause is satisfied.

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 development standard of 8.5m. The proposed development has a height of 9.82m, exceeding the standard by 1.32m or equating to a 15% variation.

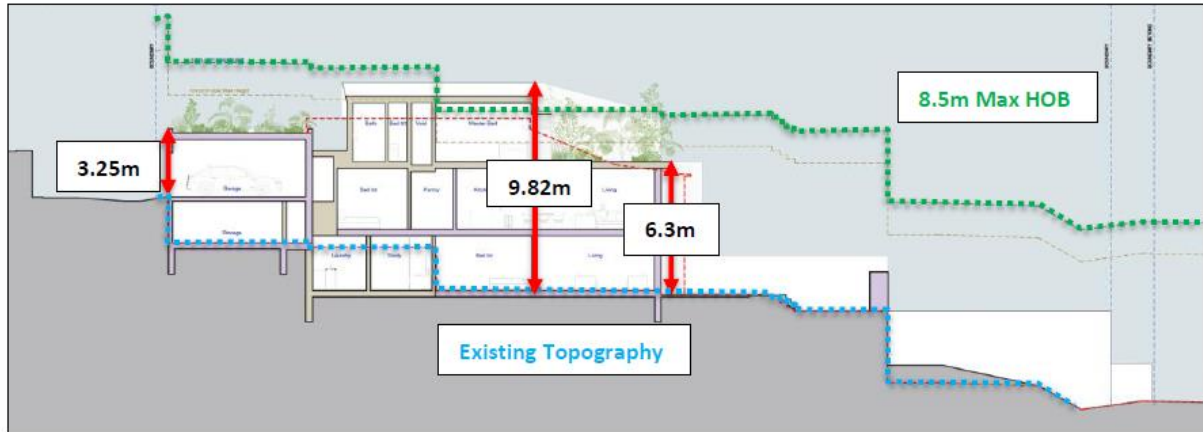


Figure 5: Proposed height in relation to the topography of the site (Source: Applicant's submission)

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

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - *Despite the proposed development's non-compliance with the applicable height development standard, the proposal is consistent with the existing and desired future character of the area. The proposal provides a height, bulk and scale that is generally consistent with that envisaged by Council's controls.*
 - *The variation is consistent with this objective as the sympathetic design will maintain neighbours' environmental amenity, similar to a compliant building height. The built form has been recessed from the front and rear setbacks in order to comply with predominant setbacks in the streetscape and limit amenity impacts, regardless of the technical height exceedance.*
 - *The areas of non-compliance do not result in any additional amenity impacts when compared to a compliant building envelope, effectively preserving amenity.*

- *Irrespective of the proposed height non-compliance, the proposal is considered to preserve environmental amenity of neighbouring properties and public spaces. The area of non-compliance is limited to the rear portion of the built form. Despite this, as demonstrated in the SEE, there are no public views currently available through the site from Francis Street. The non-compliance is also unlikely to impact upon views of Bondi Beach to the east.*
 - *Such is the technical nature of non-compliance, the proposed sections of height non-compliance results in only minor additional shadowing and is generally consistent with shadows cast from a compliant building envelope. In any case, additional overshadowing generated by the height non-compliance results in a proposal that is fully compliant with solar access controls.*
 - *The design and layout of the proposed areas of non-compliance will maintain both visual and aural privacy for residents of neighbouring sites. The continuing low density residential use of the site as a dwelling house is unlikely to create additional noise generation. The areas of non-compliance is limited to the rear portion of the proposed first floor which will not be readily visible from the streetscape, as this area is significantly setback from the front and rear boundaries and surrounded by a landscaped roof garden at the rear that will soften the built form. The proposed setbacks also prevent any potential sightlines to neighbouring properties.*
 - *Given the topographical constraints and existing excavation, any additions to the existing dwelling is likely to exceed the height standard above the existing lower ground floor. Requiring compliance with the height standard on the excavated terrain would encourage a more expansive built form, potentially resulting in greater amenity impacts.*
 - *While lowering the rear portion of the dwelling would technically achieve numerical compliance with the height standard, it could result in additional height towards the front, which would have a greater impact on views available over the site from the front. This scenario would have greater visual impact on the locality and additional amenity impact on neighbours. Further, this would require a stepped design which would impact upon the internal amenity impact for the occupants.*
 - *As the breach is limited to the rear, the height variation will not add to the dwelling's bulk and scale from the street, and the new development remains substantially below the maximum building height at the front. In fact, the proposed first floor addition roof ridge will be at the same height as the neighbouring property and the other dwelling of this semi-detached pair No. 59 Francis Street (RL 45.47). Therefore, the proposed dwelling will not appear out of character when viewed in its context. The proposal is compatible with the neighbourhood's desired future character.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- *There are sufficient environmental planning grounds to justify the building height non-compliance, especially as the proposed first floor addition maintains the same height as the adjacent semi-detached dwelling being No. 59 Francis Street and the portion of height non-compliance will not be readily visible from Francis Street. The proposed area of non-compliance does not contain any windows or openings. Especially when compared to a compliant envelope, the variation will not*

result in any additional privacy impact or significant additional shadow and is not readily noticeable.

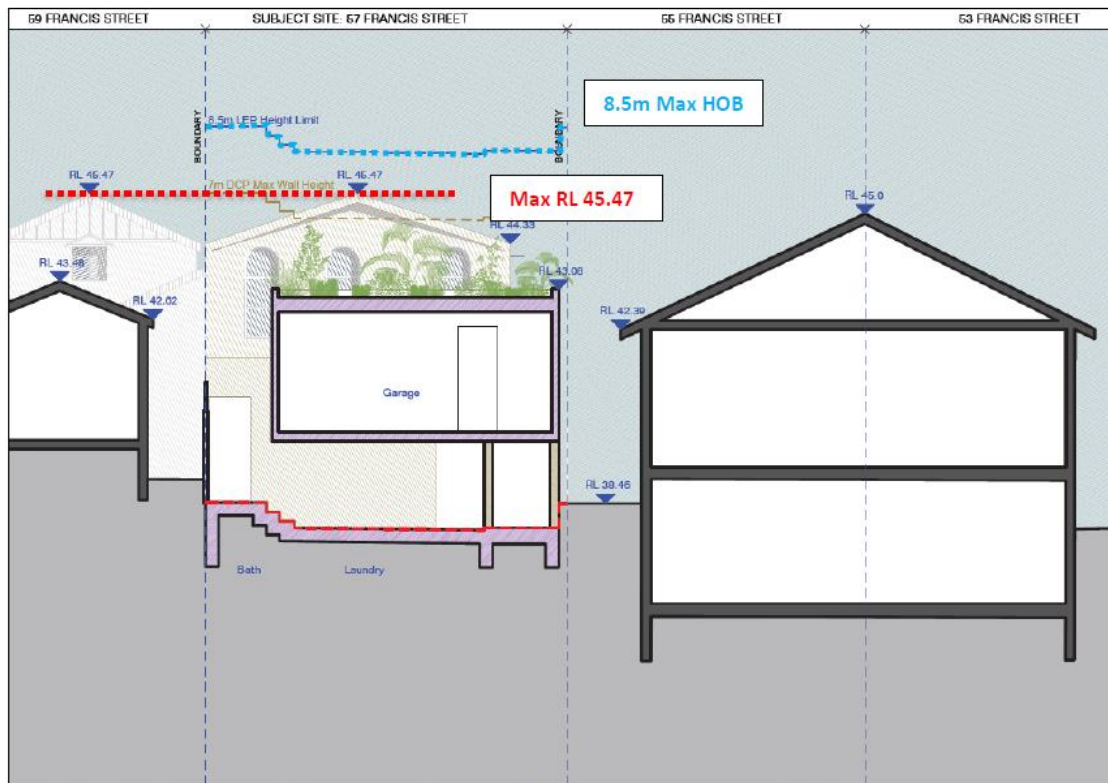


Figure 6: Proposed height in relation to the neighbouring properties (Source: Applicant's submission)

- The proposal is permissible in the R2 Low Density Residential zone, is consistent with the relevant zone objectives and satisfies an 'unreasonable and unnecessary' test established by the court in *Wehbe*. The non-compliance is due the existing excavated level and topography of the site. Compliance with the standard could result in additional height towards the front of the site, which would detract from the streetscape.
- The proposal enhances the internal amenity of the existing dwelling in the established R2 zone, maintains the character of the locality, and is of a similar scale to both the existing and desired future developments in the area.
- The proposed area of exceedance will not be readily visible from the street as it is limited to the rear roof. The proposed first floor addition continues to appear substantially below the maximum building height at the front. To ensure a fully compliant building height would require pulling the bulk closer to the street or pushing the bulk down to the rear, resulting in a dwelling that is either more elevated in the streetscape or more expansive towards the rear. This would compromise an architecturally designed, reasonable low density residential upgrade. It would also not serve benefit to neighbours or pedestrians and would have detrimental visual impact on the streetscape and view impact on neighbours.
- The proposal maintains the site's single dwelling use with an upgraded single dwelling of a similar scale to the area's existing, recently approved and desired high-quality dwellings. The proposal

also complies with the landscaping areas and open space, harmonising with the area's eclectic character. The articulated facade will enhance the site's relationship with surrounding developments and public domain. The incorporation of a variety of materials, more than required landscaping and additional soft landscaping will provide visual and amenity benefits.



Figure 7: Existing and proposed street view (Source: Applicant's submission)

- *As detailed, strict compliance with the development standard would not result in a better outcome for development. It would unnecessarily complicate orderly and economic development of the land in accordance with the intentions of the zoning and objects of the EPA Act. The area of contravention is the rear of the first floor addition only and has a compliant rear setback. The height exceedance will not adversely impact neighbouring residential amenity and will not be out of character with surrounding properties in terms of height and scale, nor will it be incompatible with the area's desired future character. The exceedance is a result of the topography, and the first floor addition has been designed to generally follow the excavated terrain and retain the existing levels.*

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

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

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

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

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

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

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012.

The justification provided by the applicant has adequately demonstrated that the relevant objectives of the height of buildings development standard are achieved notwithstanding the variation. In particular, the proposed additions are consistent and compatible with neighbouring development in terms of height, is sympathetic to the bulk and scale of surrounding properties and preserves the amenity of surrounding properties having regard to solar access and privacy particularly when comparing it to a compliant building envelope. An assessment has been undertaken of the potential for view impacts from those properties located on the opposite side of Francis Street and concluded that there will be no unreasonable impacts as a result of the proposal (see further discussion below under Section 2.1.4 of this report).

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 discussed above, notwithstanding the variation to the height of building development standard, the proposal is sympathetic to the built form and scale of surrounding developments and will not detract from the existing character of the streetscape. The proposal will preserve the environmental amenity of surrounding properties and within the public domain as the extent of the variation to the development standard will not cause additional overshadowing to habitable room windows or private open space, view loss or unreasonable privacy impacts for adjoining 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 height development standard are as follows:

- (a) to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views,*
- (b) to increase development capacity within the Bondi Junction Centre to accommodate future retail and commercial floor space growth,*
- (c) to accommodate taller buildings on land in Zone B3 Commercial Core of the Bondi Junction Centre and provide an appropriate transition in building heights surrounding that land,*
- (d) to ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality and positively complement and contribute to the physical definition of the street network and public space.*

The extent of the variation to the height of building development standard extends for approximately 5m towards the rear of the dwelling due to the topography of the site. The addition does not contribute to unreasonable bulk and scale that detracts from the character of the streetscape or result in unreasonable impacts on the amenity of adjoining properties. The building has been appropriately designed to step down the site having regard to the topography and the context of neighbouring properties. The proposal has demonstrated that objectives (a) and (d) of the height of building development standard have been satisfied.

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

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

The proposal is consistent with the objectives of the R2 Low Density Residential zone as the existing semi-detached dwelling is retained and is sympathetic to the low density residential character of the area.

Conclusion

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

Clause 4.6 Exceptions to Development Standards – Floor Space Ratio (FSR)

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

The site is subject to a maximum FSR development standard of 0.78:1 or 230.96m². The proposed development has a FSR of 0.79:1 or 236.4m², exceeding the standard by 5.4m² equating to a 2.4% variation.

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

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

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:
 - *The LEP prescribes a maximum building of 8.5m and FSR of 0.779:1 for the site. The proposal is predominantly below the maximum building height, with the height variation occurring only at the rear roof where there is existing excavation below (see Clause 4.6 submitted separately). The proposed FSR also exceeds the development standard by less than 10%. However, in our opinion, the proposal will provide an appropriate correlation between the proposed dwelling and local developments.*
 - *The additional FSR will not result in substantial bulk when viewed from Francis Street as the proposed first floor addition will be substantially below the maximum building height at the front.*
 - *The resultant-built form and proposed FSR would complement the existing and emerging scale within proximity to the site and will make a positive contribution to the street. Importantly, although the proposal includes a first floor addition, this would be similar to surrounding two-storey semi-detached dwellings and the dwelling will continue to appear as two storeys consistent with the desired future character and existing streetscape. The FSR exceedance will not be easily discernible from the public domain and will not impact neighbours' amenity, as demonstrated in the SEE.*
 - *Given the proposal's compatibility with surrounding developments' bulk and scale, the correlation between the building height and density is considered appropriate.*

- *The proposal is also compatible with the locality's desired future character established by Council approvals (see Table 1 of the Clause 4.6 variation), as the additional floor space will not be readily discernible from the street or neighbouring sites. The sympathetic design scheme accommodates floor space within the maximum building height, maintaining a two-storey appearance in the street, similar to adjoining properties. This proposal continues to provide compliant open space.*
- *Therefore, given the location of additional GFA, the proposed envelope preserves the amenity of neighbouring properties, with regards to views, solar access and privacy. Accordingly, the proposed development remains an appropriate scale and maintains the environmental amenity of neighbouring sites.*
- *The proposal provides appropriate separation distances that are similar to other developments within the surrounding area. Windows along the eastern elevation would not have any direct sightlines into neighbouring developments and as the dwelling is semi-detached no windows are proposed along the western elevation.*
- *Shadow diagrams have been prepared for 9:00 am, 12 noon and 3:00 pm for the winter solstice (June 21). These diagrams compare shadows from the existing and the proposed and demonstrate the proposal will continue to provide 3 hours of direct sunlight to at least 50% of the proposed living areas and principal private open space areas. The proposal also provide the neighbouring properties with direct sunlight to at least 50% of the principal private open space when measured between 9am and 3pm during winter solstice (June 21) complying with the control.*

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

- *The proposal maintains the site's low density residential use with an upgraded dwelling within the pair of semi-detached dwelling of a similar scale to the area's existing, recently approved and desired high-quality dwellings. The proposal also complies with the landscaping areas and open space, harmonising with the area's eclectic character. The articulated facade will enhance the site's relationship with surrounding developments and public domain. The incorporation of a variety of materials, more than required landscaping and additional soft landscaping will provide visual and amenity benefits.*
- *This proposal demonstrates the proposed dwelling will remain compatible with nearby developments. The area of contravention for the additional FSR will not be easily discernible and will not impact the streetscape amenity of Francis Street or existing characteristics of the Bondi Beach area. The area of non-compliance is located towards the rear with no unreasonable impacts.*
- *The proposal has been carefully designed in consideration of the statutory and non-statutory controls for the site. The proposal satisfies the relevant objectives of the zone as well as height of building under the LEP.*
- *The proposal also complies with a majority of the built form and amenity controls of the DCP including front and rear buildings lines, street and visual impact, views and open space and*

a majority of the provisions for semi-detached dwellings. Given compliance with the abovementioned provisions, the proposal provides a building envelope envisioned by Council and a dwelling that is compatible with surrounding development.

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

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

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

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

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

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

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012.

The justification provided by the applicant has adequately demonstrated that the relevant objectives of the FSR development standard are achieved notwithstanding the variation. In particular, the proposed additions are consistent and compatible with neighbouring development in terms of height, is sympathetic to the bulk and scale of surrounding properties and preserves the amenity of surrounding properties having regard to solar access and privacy particularly when comparing it to a compliant building envelope. An assessment has been undertaken of the potential for view impacts from those properties located on the opposite side of Francis Street and concluded that there will be no

unreasonable impacts as a result of the proposal (see further discussion below under Section 2.1.4 of this report).

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 discussed above, notwithstanding the variation to the FSR development standard, the proposal is sympathetic to the built form and scale of surrounding developments and will not detract from the existing character of the streetscape. The proposal will preserve the environmental amenity of surrounding properties and within the public domain as the extent of the variation to the development standard will not cause additional overshadowing to habitable room windows or private open space, view loss or unreasonable privacy impacts for adjoining 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.*

The extent of the variation to the FSR development standard is minimal at 5.4m² or a variation of 2.4%. The addition does not contribute to unreasonable bulk and scale that detracts from the character of the streetscape or result in unreasonable impacts on the amenity of adjoining properties. The proposal has demonstrated that objectives (b), (c) and (d) of the FSR development standard have been satisfied.

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

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

The proposal is consistent with the objectives of the R2 Low Density Residential zone as the existing semi-detached dwelling is retained and is sympathetic to the low density residential character of the area.

Conclusion

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

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory
3. Landscaping and Biodiversity	Yes	Satisfactory
5. Vegetation Preservation	Yes	Satisfactory
6. Stormwater	Yes	Satisfactory
12. Design Excellence	Yes	Satisfactory

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

Development Control	Compliance	Comment
2.0 General Objectives		
<ul style="list-style-type: none">• Appropriate scale• Does not detract from amenity of other dwellings or view corridors• Alterations and additions are sympathetic in bulk & scale to the character of the area• High design standard	Yes	The proposal does not contravene the general objectives of this part of the DCP. The proposed dwelling is of a bulk and scale that is consistent and compatible with the character of the surrounding area.
2.1 Height		
<p>Pitched roof dwelling house</p> <ul style="list-style-type: none">• Maximum external wall height of 7m	No	There is a wall height exceedance at the east elevation where the wall height is proposed at 7.8m for a length of approximately 5m before reducing to compliance. The proposed exceedance of the wall height control is a result of the sloping topography of the site and does not result in any unreasonable impacts to the adjoining property.

Development Control	Compliance	Comment
		its size will not result in unreasonable impacts on the amenity of neighbouring properties.

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>The living and private open space areas face north. Solar access is satisfactory.</p> <p>There will be an increase in overshadowing to the adjoining property to the east as a result of the orientation of the allotments, however, the adjoining property will maintain a minimum three hours of sunlight to living areas and principal open space areas. A compliant envelope would not improve the solar access arrangements to the eastern neighbour. The visual bulk and massing of the proposal as it presents to the adjoining property to the east is not unreasonable and is characteristic of other development within the area due to the topography.</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>A site visit was undertaken at the subject site and in the surrounding locality including a walk through Francis Street to ascertain if the proposal has the potential to reduce views from surrounding properties and the public domain. The proposal will not result in unreasonable view loss impacts. This is discussed in further detail below this table.</p>
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area or 118.4m² Overall landscaped area: 15% of site area or 44.42m² Minimum area of 25m² for private open space Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>No</p>	<p>135.2m² or 45.6% is proposed</p> <p>95.1m² or 32% is proposed</p> <p>>25m² is proposed</p> <p>As existing</p> <p>As existing, however, it is proposed to provide a green roof above the garage which is a positive outcome for the site.</p>

<ul style="list-style-type: none"> Outdoor clothes drying area to be provided 	Not shown	
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 	As existing	
2.13 Semi-detached dwellings and terrace style development		
<p>2.13.1 - Built form</p> <ul style="list-style-type: none"> Additions to match the style of the original semi-detached dwelling Existing roof form maintained forward of principal ridgeline Front verandahs to be maintained. 	<p>Yes</p> <p>Yes</p> <p>N/A</p>	<p>A pitched roof form is proposed to match the adjoining semi.</p> <p>The proposed siting of the first floor level addition will match the siting of the adjoining semi.</p>
<p>2.13.2 - First floor additions to semi-detached dwellings</p> <ul style="list-style-type: none"> First floor addition to be setback from the principal street frontage and maintain the existing front roof slope Additions to be located a minimum of 1m behind the front main gable Limit the rise of the interface with adjoining semi-detached dwelling to 600mm First floor additions should match the style of the additions on the adjoining semi (if relevant). 	<p>Yes</p> <p>No</p> <p>Yes</p> <p>Yes</p>	<p>The proposed first floor level addition is consistent and compatible with the setbacks of the neighbouring semi-detached dwelling.</p> <p>The proposed siting of the first floor level addition will match the siting of the adjoining semi-detached dwelling, which is satisfactory.</p>
<p>2.13.3 - Material finishes and detail for semi-detached dwellings</p> <ul style="list-style-type: none"> Finishes and detailing are to be cohesive with the existing dwelling 	Yes	<p>The existing dwelling on site has metal sheet roofing to its pitched roof form whereas the adjoining semi and neighbouring properties have tiled roofing. It is proposed to retain the metal sheet roofing to the new addition. Given the existing materiality, this is considered to be satisfactory.</p>

<ul style="list-style-type: none"> • Historic features of the roofscape are to be incorporated into the addition 	Yes	
<ul style="list-style-type: none"> • New windows to have a similar proportion to the existing 	Yes	
<ul style="list-style-type: none"> • Upper wall finishes to reflect the style and character of the original building. 	Yes	

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

Eastern Side Setback

A varied setback is proposed at the Lower Ground Floor level ranging from 900mm up to 2,695mm from the eastern side boundary. At the proposed Ground and First Floor levels, the proposed setback of the dwelling from the eastern side boundary is 900mm which does not comply with the required 1.2m side setback control that applies to a height non-compliant dwelling under Waverley DCP 2012.

The proposed alterations and additions result in a part two, part three storey dwelling that steps down the site to conform with the existing topography. The height non-compliance extends for approximately 5m which is where the setback non-compliance results at its eastern side. The proposed alterations and additions have been designed to minimise bulk and scale by articulation of the massing as it extends through the site. The proposed side setbacks are consistent with development on neighbouring sites and is considered to be an appropriate response resulting in no unreasonable impacts on the amenity of the adjoining property to the east. It is considered that the side setback non-compliance does not provide a justified reason for a refusal of the application and can be supported.

Views

Part C2 2.7 Views of Waverley DCP 2012 details all objectives and strategies for public and private domain views and view sharing, which generally seek to reduce impacts on existing views and vistas from the private and public domain. The proposal has also been assessed against the Land and Environment Court's Tenacity principle for view sharing. A site inspection was carried out on the subject site on 15 September 2022 and subsequently on 20 September 2022 from properties on the opposite side of Francis Street.

During public notification, there were no properties that indicated that the proposed alterations and additions will impact on private domain views. Notwithstanding, an assessment of view impacts has been undertaken from the front of properties located on the opposite side of Francis Street and from the public domain. It has been identified that these properties and the public domain currently enjoy district and landscape views over and beyond the subject site but do not enjoy any iconic view or ocean, beach, city, park or harbour view.

The view impact analysis shows that views are obtained over the subject site from front balconies and stairs at the northern elevation of dwellings at 36-38 Francis Street and the rear Francis Street frontage of the residential flat building at No.13 Edward Street. The impacted views are summarised and illustrated in **Figures 8 to 11** below. The views are primarily district views obtained from these areas.

View Impact Analysis

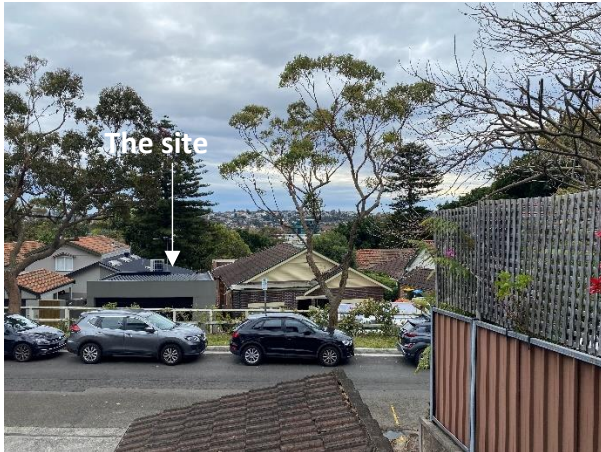


Figure 8: View from elevated position at 13 Edward Street, Bondi Beach towards the subject site



Figure 9: View from elevated position at 13 Edward Street, Bondi Beach towards the subject site



Figure 10: View from front stair of 36 Francis Street, Bondi Beach towards the subject site

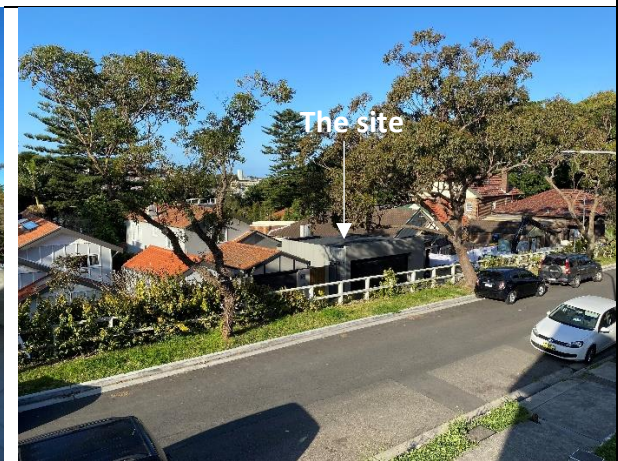


Figure 11: View from front of 38 Francis Street, Bondi Beach towards the subject site

The proposed view impacts have been considered against the various controls in the Waverley LEP 2012, Waverley DCP 2012 and NSW Land and Environment Court Tenacity view loss planning principle. The view impacts are not considered unreasonable and accordingly do not warrant a refusal of the application.

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 original application was notified for 14 days in accordance with the *Waverley Community Development Participation and Consultation Plan*. One submission was received from a resident of 6 Edward Street, Bondi Beach raising concerns that the *design offers no dialogue with the traditional owners of the land*. Native title is a consideration under the Native Titles Act 1993 and is not a matter for consideration under the *Environmental Planning and Assessment Act 1979*.

Following receipt of amended plans and additional information including a Clause 4.6 for a variation to the FSR, the application was re-notified for 14 days and no submissions were received.

2.5. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Traffic and Development

The application was referred to Council's Traffic Engineer who raised no objections.

3.2. Stormwater

The application was referred to Council's Stormwater Engineer who raised no objections to the approval of the application subject to conditions. It is noted that the site has been identified under the Waverley LGA Flood Study as being subject to flooding (medium risk). The Waverley LGA Flood Study has no statutory weight at present and as such, the site is not flood affected under the provisions of the Waverley LEP 2012 and Waverley DCP 2012. In this regard, conditions relating to flood impacts cannot be enforced and as such an advisory condition is included on the consent.

3.3. Tree Management

The application was referred to Council's Tree Management officer who raised no objections.

4. CONCLUSION

The development application seeks consent for demolition, alterations and additions to the existing semi-detached dwelling at the site known as 57 Francis Street, Bondi Beach.

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

- Non-compliant height
- Non-compliant floor space ratio
- Non-compliant side setback

The assessment finds these issues acceptable.

A total number of one submission was received during notification of the application 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.

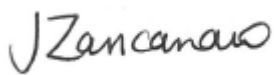
Development and Building Unit (DBU) Decision:

The application was reviewed by the DBU at the meeting on 20 September 2022 and the DBU determined that the application is acceptable and should be approved, subject to the conditions in Appendix A.

DBU members: *M Reid, B McNamara, E Finnegan, K Lucas*

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Jo Zancanaro	Bridget McNamara
Senior Development Assessment Planner	Manager, Development Assessment (Area 3) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 10 October 2022	Date: 18 October 2022

Reason for WLPP referral:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) Architectural Plans prepared by Common Office Project No: 2130 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA100(03)	Site Plan	02/10/2022	02/10/2022
DA200(03)	Lower Ground Plan	02/10/2022	02/10/2022
DA201(03)	Upper Ground Plan	02/10/2022	02/10/2022
DA202(03)	First Floor Plan	02/10/2022	02/10/2022
DA203(02)	Roof Plan	02/10/2022	02/10/2022
DA300(03)	Elevation	02/10/2022	02/10/2022
DA301(02)	Elevation	02/10/2022	02/10/2022
DA400(03)	Sections	02/10/2022	02/10/2022
DA504(03)	Setbacks Plan	02/10/2022	02/10/2022

- (b) Landscape Plan Nos. LP01-LP05 - D3122 and documentation prepared by Dangar Barin Smith, dated 28/09/2022 Revision D and received by Council on 02/10/2022;
- (c) BASIX Certificate;
- (d) Stormwater Details and documentation prepared by RTS Civil Consulting Engineers dated 17/05/2022 , and received by Council on 04/07/2022;
- (e) Structural Engineering Report prepared by SDA Structures dated 02/08/2022 and received by Council on 03/08/2022;
- (f) Schedule of external finishes and colours received by Council on 02/10/2022;
- (g) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 04/07/2022;

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) Privacy screens are to be provided on the eastern side elevations of the rear balconies and designed to mitigate overlooking to adjoining properties. The privacy screens are to be of a light weight material (such as timber or obscure glazing) and be a minimum of 1.6m high when measured from the finished floor level of the balcony.

- (b) To prevent overlooking into the windows of the adjoining semi-detached dwelling to the east, the proposed kitchen/living room windows located on the eastern elevation are to be provided with translucent glazing.

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

3. DOMESTIC HEATERS

The provision of solid fuel heating is prohibited.

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) or guarantee for the amount of **\$21,500** 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.

CONSTRUCTION MATTERS

9. EROSION & SEDIMENT CONTROL

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

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

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

10. ENGINEERING DETAILS

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

11. ENGINEERING CERTIFICATE OF ADEQUACY

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

12. EXISTING PARTY WALL IS TO BE EXTENDED

The existing separating wall is to be extended to the underside of the roof in accordance with the requirements of the National Construction Code. All work to the separating wall must be contained within the boundaries of the subject site only, unless agreement between neighbours for work affecting both sides of a separating wall, including written consent of all owners of all properties upon which work will take place has been obtained.

13. STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS

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

STORMWATER & FLOODING

14. STORMWATER MANAGEMENT

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

The submitted stormwater management plan prepared by RTS Civil Consulting Engineers Pty Ltd, Job No. 220205, DWG No. CP100, SW100 and SW200, Revision A, dated 17/05/2022 are considered concept only.

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

- a) The stormwater management plan must specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.
- b) Detail the location of the existing stormwater drainage system including all pipes, inspection openings, surface drains, pits and their discharge location as well as any new stormwater drainage system.
- c) Council's records indicate an existing 450 mm stormwater drainage line traversing the subject development site. In addition, there is an easement 1.83 m from the rear property boundary. The applicant is required to engage a Registered Surveyor or a suitably qualified and practising professional to investigate the exact location of the existing stormwater pipe and pit/s within the existing easement (this shall include the pipe size, invert, any necessary levels needed as part of this proposal) and submit to Council for further assessment.

The existing pipeline, pit/s and easement to be overlayed onto the stormwater plans. Detailed sections are to be provided to demonstrate that all structural support elements are located away from the zone of influence of the existing stormwater pipe.

- d) During construction of the proposed stormwater connection to the existing Council stormwater pipeline, all efforts shall be made to connect into the existing pit located at the boundary of No. 55 Francis Street. Otherwise, a new in-situ pit must be constructed to support the new connection to the development. Council does not support direct connection to the RCP pipeline. Any infrastructure within the Council easement shall be constructed to the satisfaction of Council, with all costs borne by the applicant.
- e) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual.

Notes:

- 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)

15. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

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

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

ENERGY EFFICIENCY & SUSTAINABILITY

16. BASIX

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

WASTE

17. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

LANDSCAPING & TREES

18. 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

20. DILAPIDATION REPORT

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

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

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

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

21. CONSTRUCTION SIGNS

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

DEMOLITION & EXCAVATION

22. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

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

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

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

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

23. CONTROL OF DUST ON CONSTRUCTION SITES

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

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

24. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

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

25. EXCAVATION AND BACKFILLING

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

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

CONSTRUCTION MATTERS

26. CONSTRUCTION HOURS

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

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

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

28. CONSTRUCTION INSPECTIONS

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

29. CERTIFICATE OF SURVEY - LEVELS

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

30. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

31. WORK OUTSIDE PROPERTY BOUNDARY

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

32. STRUCTURAL STABILITY OF ADJOINING SEMI-DETACHED DWELLING'S ROOF

Adequate measures are to be undertaken to ensure structural stability and water proofing of the existing roof over the adjoining semi-detached dwelling having particular regard to the following:

- (a) Adequate measures are undertaken to secure the existing rafters and ridge to the brickwork of the party wall; and
- (b) Adequate measures are undertaken to ensure that the roof where it abuts the extended party wall is water proofed.

TREE PROTECTION AND REMOVAL

33. TREE PROTECTION

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

34. STREET TREES TO BE RETAINED/TREE PROTECTION

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

- (a) Do not store harmful or bulk materials or spoil under or near trees;
- (b) 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.

STORMWATER & FLOODING

35. 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.

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.

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. CERTIFICATION OF STORMWATER 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.

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

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

40. 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

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. 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. WAVERLEY LGA FLOOD STUDY

The property is on land identified as flood affected under the Council endorsed Waverley LGA Flood Study 2021. The registered proprietor's attention is drawn to the likelihood that the development may be inundated by flood waters during a 1% Annual Exceedance Probability (AEP) storm event.

As flood events can cause significant damage to property and pose risk to life, it is advised that the following measures are undertaken:

- All new building material must be flood resistant or flood compatible to a height of RL31.537m AHD.
- A storage area is to be provided above the RL of 31.537m AHD for the storage of goods that can be damaged or mobilised by flooding, or goods that have potential to cause pollution during flooding.
- Any proposed fencing must be built using flood compatible material.
- There is to be no filling of the land within the property.
- Materials which may be damaged by flood waters, materials which may be mobilised during flooding and materials which may cause pollution must be stored above RL31.537m AHD.
- There must be no modifications made to flood compatible fencing.

DA Amendments - Response to Council

A

Proposed Storage Deleted, Existing Storage Retained

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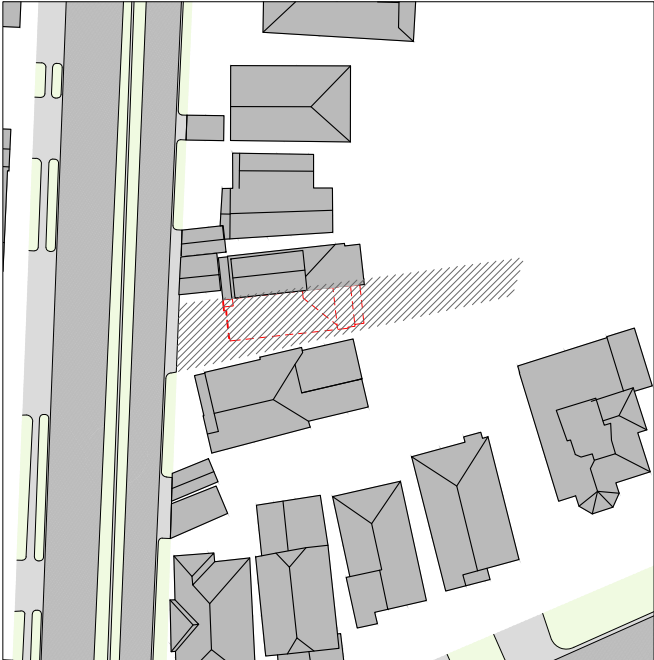
AMENDED PLANS

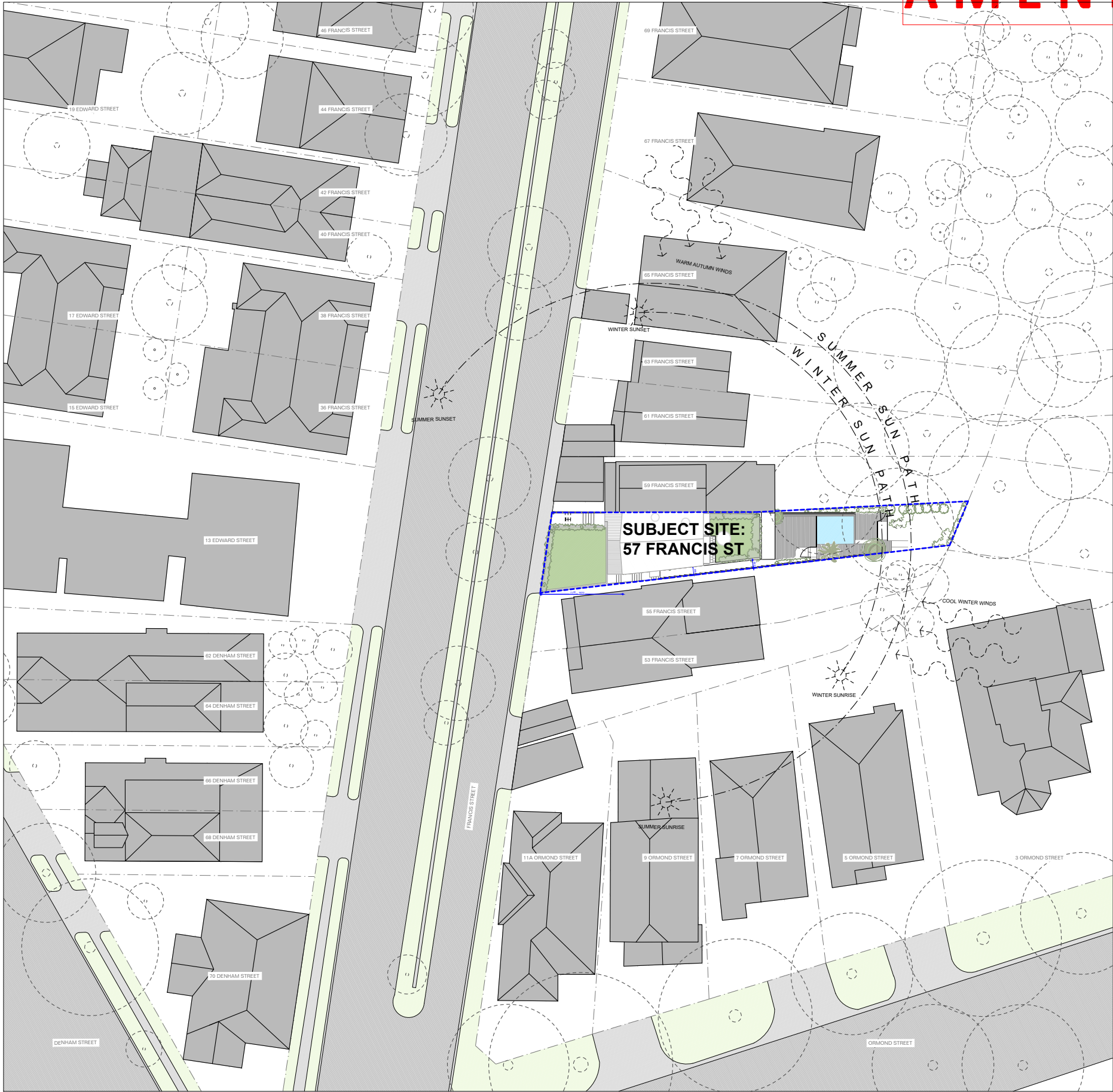
Development Application
57 Francis St, Bondi
Lot B in DP372758
2-Oct-22

Common Office respectfully acknowledges the Traditional Owners, the Gadigal and Biddjigal People of the Eora Nation. We pay our respects to elders past, present and emerging. This is, was, and always will be, Aboriginal Land.

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L1, 45 Hutchinson St
Surry Hills
NSW Australia
+61413555547
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DA000[03]	Cover Page	nts
DA100[03]	Site & Analysis Plan	1:250
DA200[03]	Lower Ground Plan	1:100
DA201[03]	Upper Ground Plan	1:100
DA202[03]	First Floor Plan	1:100
DA203[03]	Roof Plan	1:100
DA300[03]	North & South Elevations	1:200
DA301[03]	East & West Elevations	1:200
DA400[03]	Sections	1:200
DA500[03]	Area Diagrams - GFA	1:200
DA501[03]	Area Diagrams - Landscape	1:200
DA502[03]	Waste Mgmt Plan	1:100
DA503[03]	Schedule of External Materials	nts
DA600[03]	Photomontage	nts





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00	10/06/22	Issued for DA

Revisions

Legend:

TBC

Existing to be retained

Proposed

- Notes
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Basix:

Systems

Hot water: gas instantaneous

Glazing requirements:

Windows Type1:

Timber or uPVC, single clear

(or U-value: 5.71, SHGC: 0.86)

Construction

Concrete slab on Ground floor:

no insulation required

External Wall: brick veneer

Flat ceiling:

R1.16 (or R1.70 including construction)

Pitched roof:

R1.45 (up), dark(solar absorptance > 0.70)

Rol backed blanket (50mm), dark(solar absorptance > 0.70)

Flat ceiling: concrete/plasterboard internal

R2.50 (up), light (solar absorptance < 0.475)

Windows, Glazed Doors

Glazing requirements:

Windows Type1:

Timber or uPVC, single clear

(or U-value: 5.71, SHGC: 0.86)

Windows Type2:

Timber or uPVC, single clear

(U-value: 3.7, SHGC: 0.36)

Consultants:

Planning

GSA Planning

Landscape

Danger Barin Smith

RTS Civil

Blackburn

Caddisfly

Imagery

Freshimages

Blackbox

Thermperform

Common Office

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Surry Hills

NSW Australia

+614 13555547

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Project

57 Francis St, Bondi

Date

2-Oct-22

Scale

1:200 at A3

Drawn

RM

Drawing

Site Plan

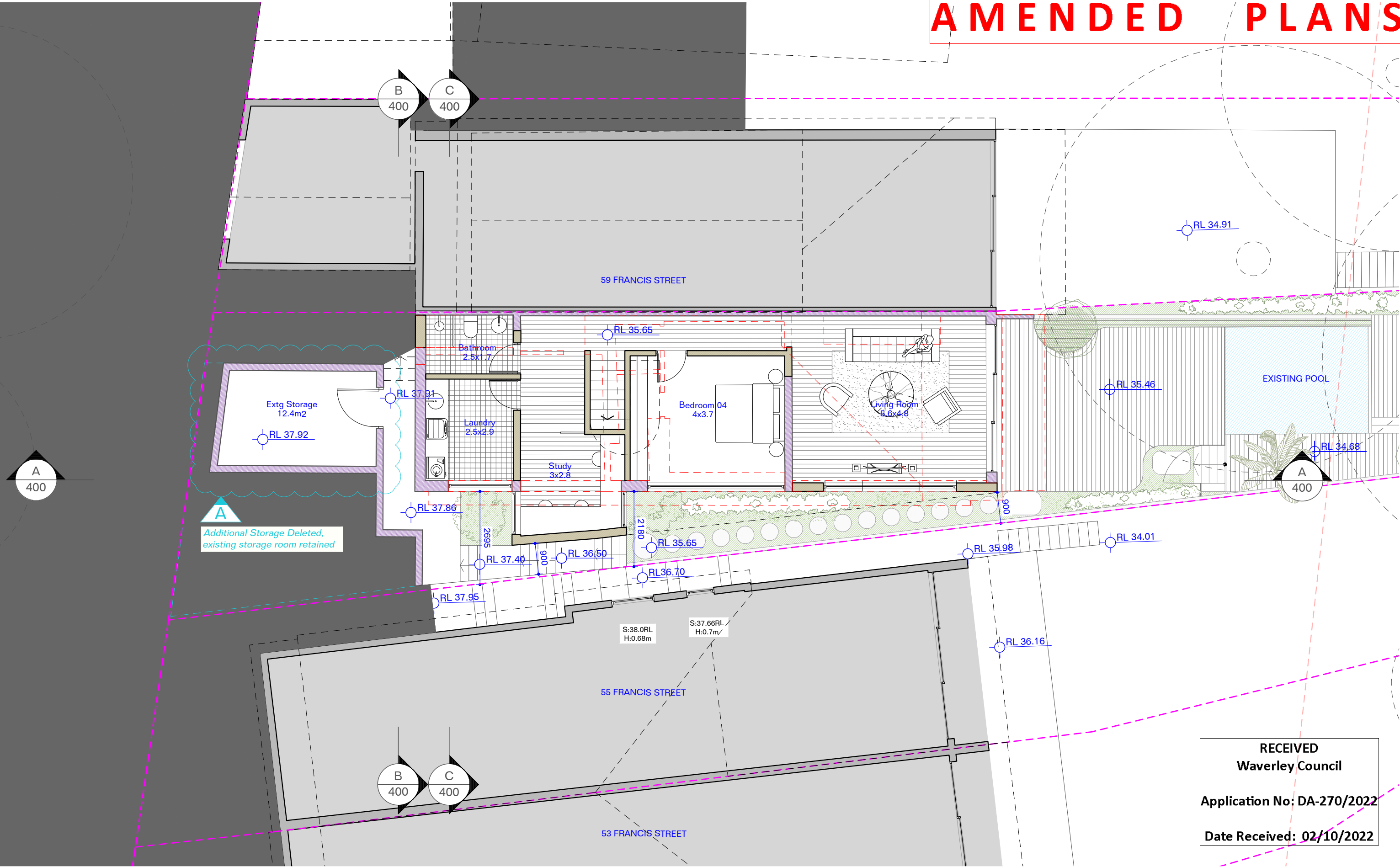
Project No

2130

Drawing No

DA100[03]

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03	02/10/22	DA Amendments
02	23/09/22	DA Amendments
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00	10/06/22	Issued for DA

Legend:
TBC
Existing to be retained
Proposed

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Basix:

Systems
Hot water: gas instantaneous

Construction
Concrete slab on Ground floor:
no insulation required
External Wall: brick veneer
Flat ceiling:
R1.16 (or R1.70 including construction)
Pitched roof:
R1.45 (up), dark (solar absorbance > 0.70)
R1.45 (down), light (solar absorbance < 0.475)

Windows, Glazed Doors

Glazing requirements:
Windows Type1:
Timber or uPVC, single clear
(U-value: 5.71, SHGC: 0.86)

Windows Type2:
Timber or uPVC, single clear
(U-value: 3.7, SHGC: 0.36)

Consultants:

GSA Planning
Landscape
Danger Barin Smith
RTS Civil
Blackburn
Caddis
Imagery
Freshimages
B&B
Thermperform

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Project
57 Francis St, Bondi

Date
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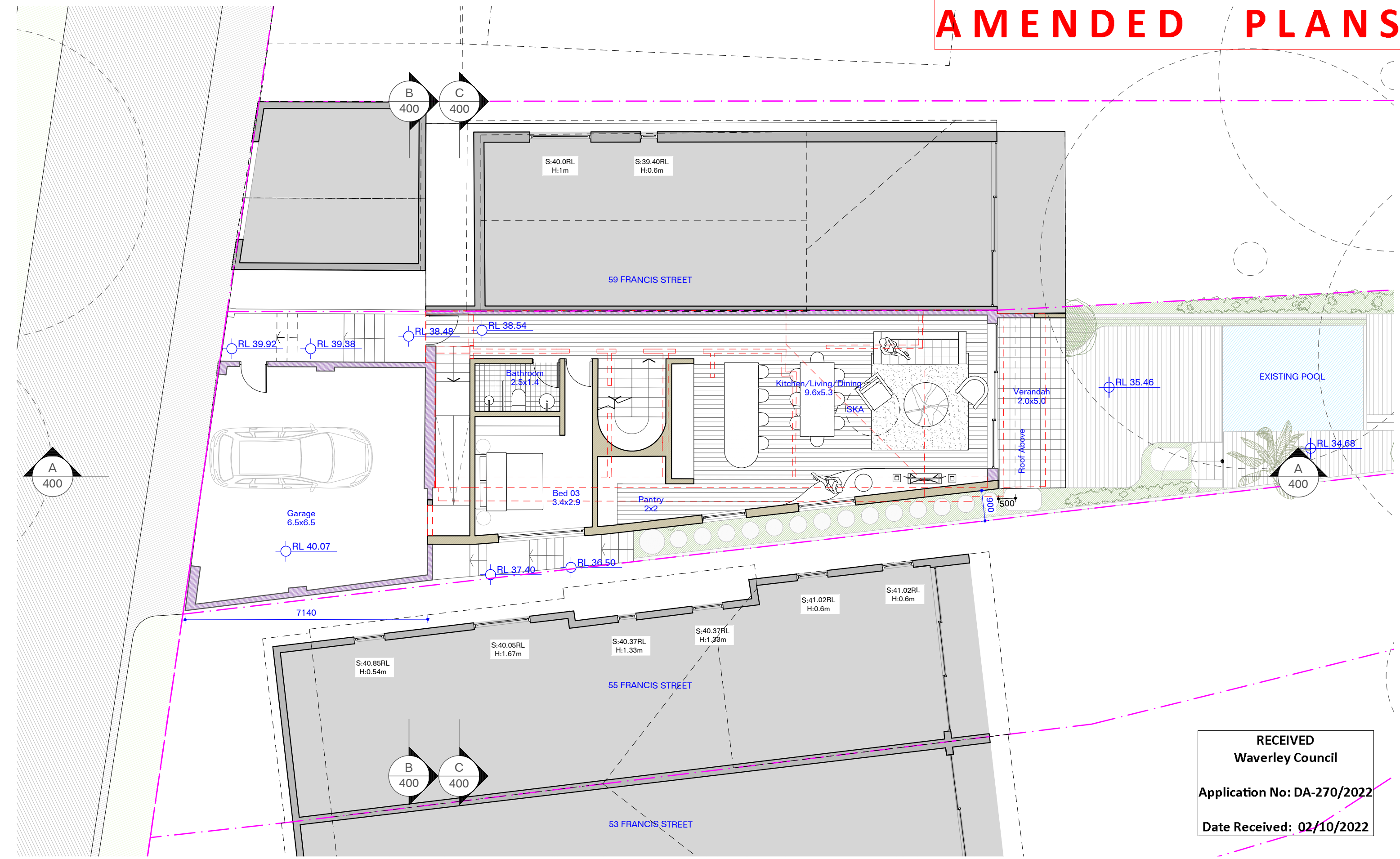
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Drawn
RM

Drawing
Lower Ground
Plan
Project No
2130

Drawing No
DA200[03]

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	Revisions
00	16/08/22 Issued for DA
01	01/08/22 DA Amendments
02	23/09/22 DA Amendments
03	02/10/22 DA Amendments

Legend:
TBC
 Existing to be retained
 Proposed

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- | Notes | |
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Basix:

Basix:

Systems
Hot water: gas instantaneous

Construction
Concrete slab on Ground floor:
nil insulation required
External Wall: brick veneer
R1.16 (or R1.70 including construction)
Flat ceiling:
R1.45 (up), dark(solar absorbance > 0.70)
Pitched roof:
foil backed blanket (55mm), dark(solar absorbance > 0.70)
Flat ceiling: concrete/plasterboard internal
R2.50 (up), light (solar absorbance < 0.475)

Windows, Glazed Doors

Windows, Glazed Doors

Glazing requirements:

Windows Type1:
Timber or uPVC, single clear
(or U-value: 5.71, SHGC: 0.66)

Windows Type2:
Timber or uPVC, single clear
(U-value: 3.7, SHGC: 0.36)

Consultants:

Consultants:
Planner
GSA Planning
Landscape
Dangar Barin Smith
Stormwater
RTS Civil
Shadows
Caddraft
Imagery
Freshimages
BASIX
Thermpform

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Project
57 Francis St, Bondi

Date
2-Oct-22

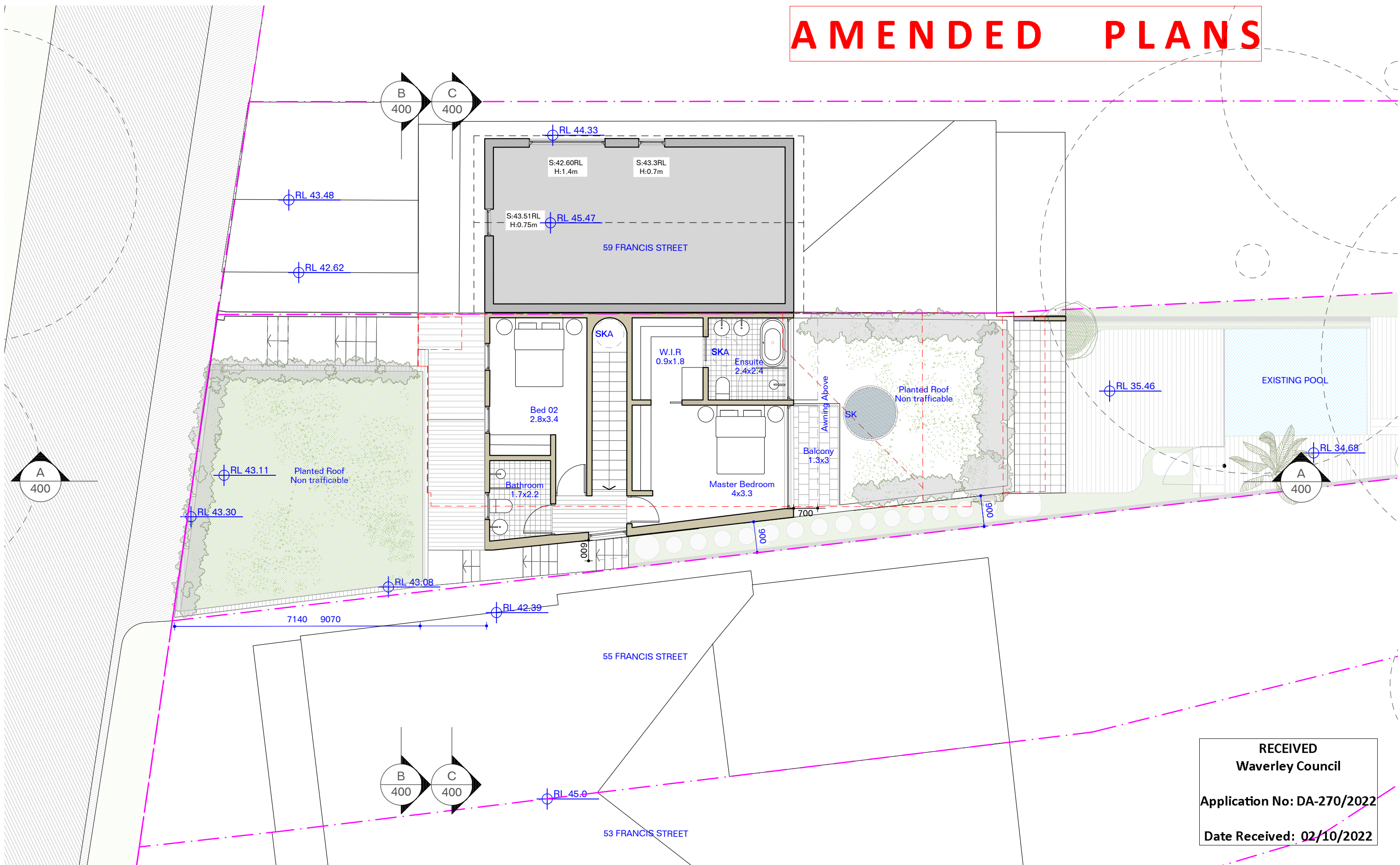
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Drawn
RM

Drawing
Upper Ground
Plan
Project No
2130

Drawing No Rev
DA201[03]

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Revisions	02/10/22	02/09/22	01/08/22	16/06/22
DA Amendments				
DA Amendments				
DA Amendments				
Issued for DA				

Legend:

TBC

 Existing to be retained

 Proposed

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Windows Type2:
Timber or uPVC, single clear
(U-value:3.7, SHGC: 0.36)

Consultants:
Planner
GSA Planning
Landscape
Danger Barin Smith
Stormwater
RTS Civil
Shadows
Caddraft
Imagery
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Thermperform

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Drawn
RM

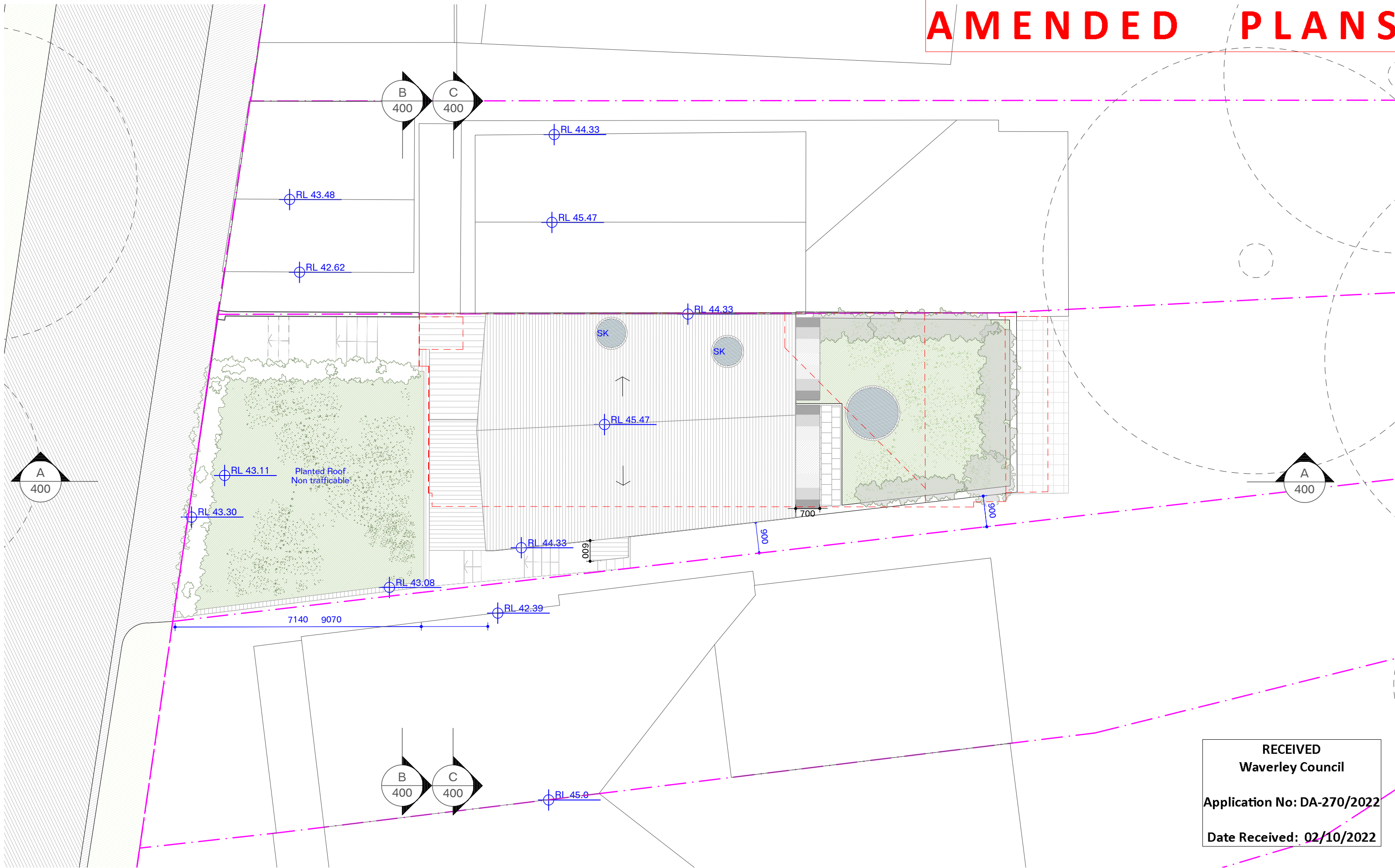
Drawing

First Floor Plan

Project No
2130

Drawing No Rev
202[03]

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TBC
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Timber or uPVC, single clear
(U-value: 3.7, SHGC: 0.36)

Consultants:
Planner: GSA Planning
Landscape: Danger Bath Smith
Structural: RTS Civil
Roofing: Blackbox
Cadd/draft: Imagery
Sketch: Imagery
Thermperform

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57 Francis St, Bondi

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Scale
1:100 at A3

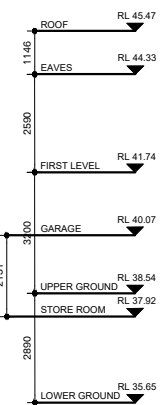
Drawn
RM

Drawing
Roof Plan

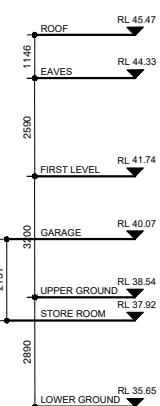
Project No
2130

Drawing No
DA203[02]

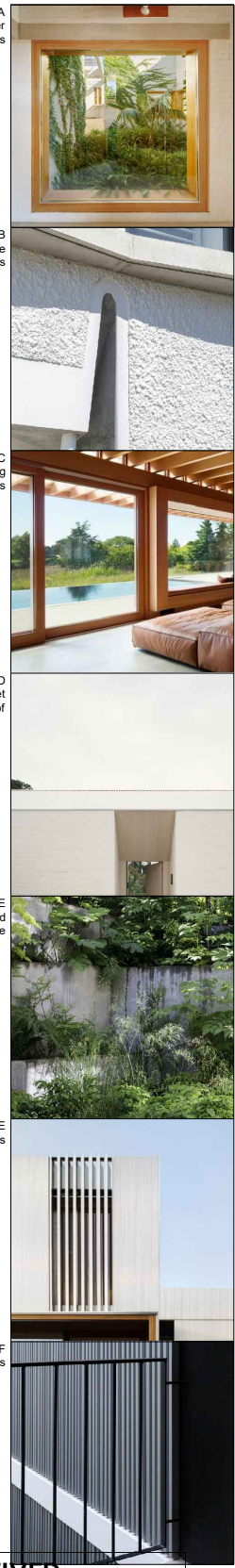
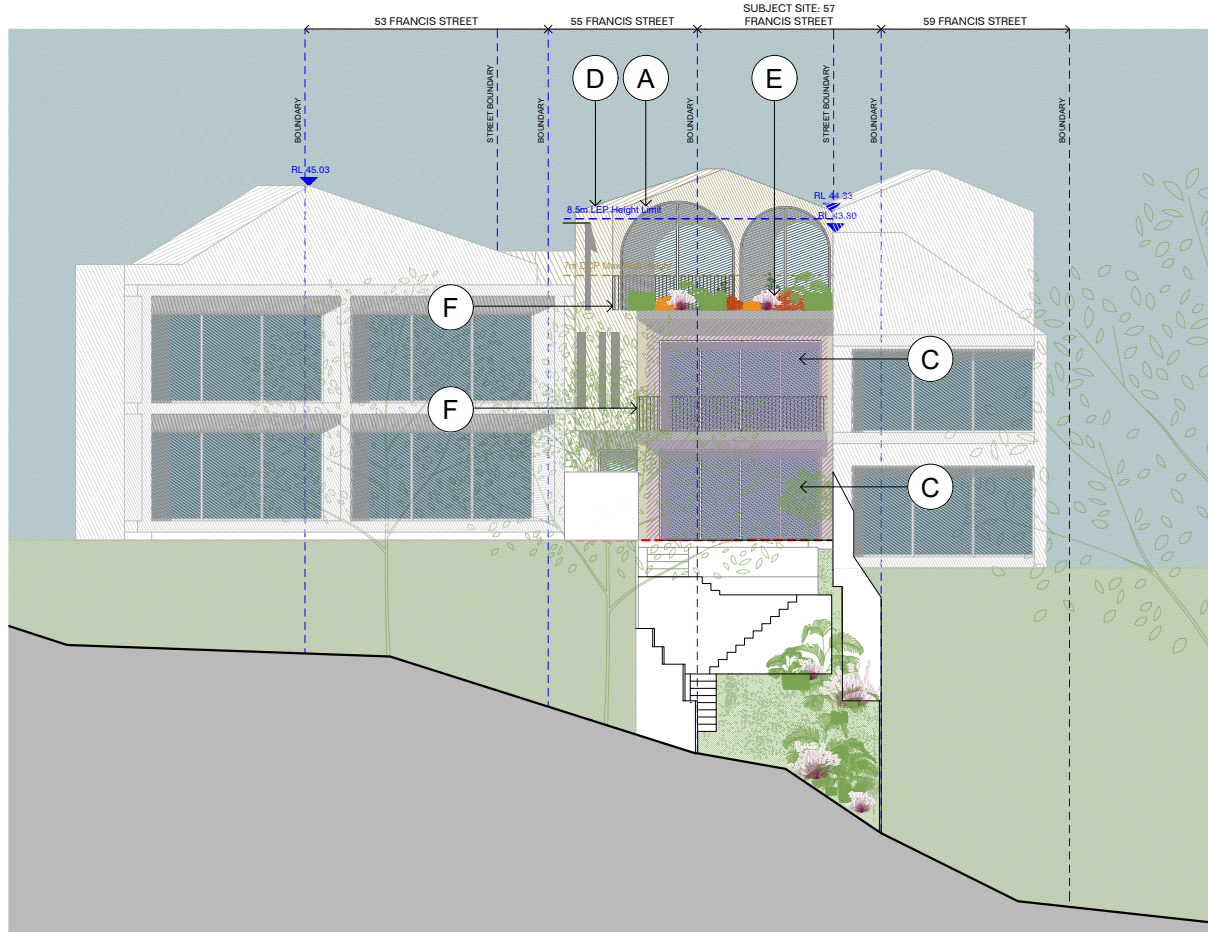
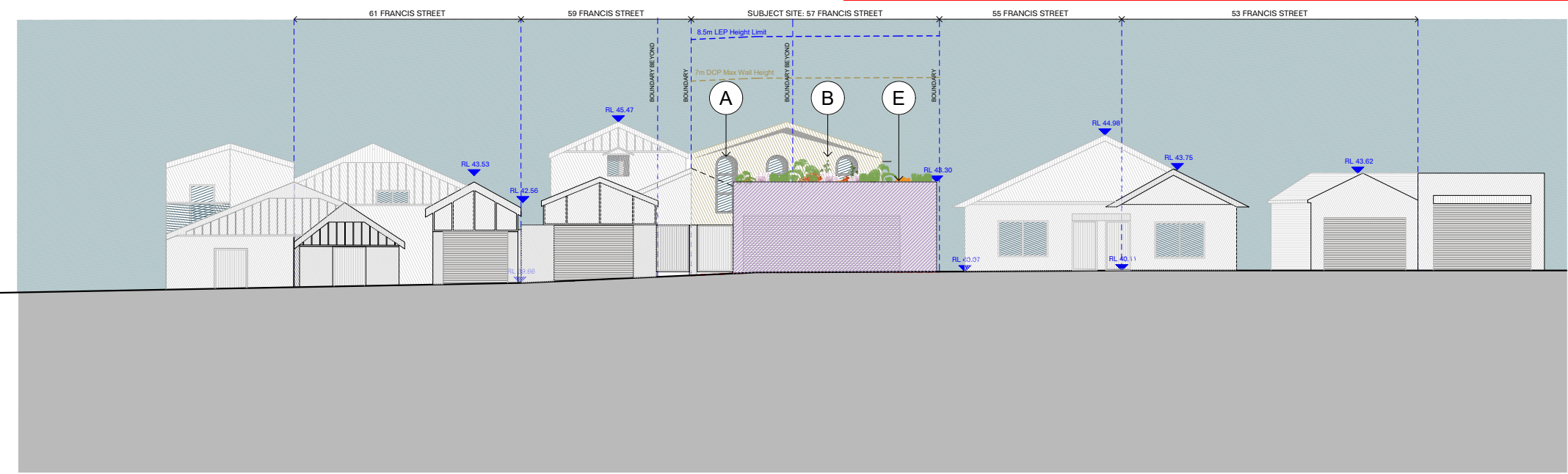
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1 Elevation
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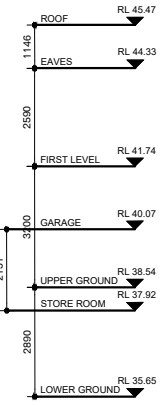


2 Elevation
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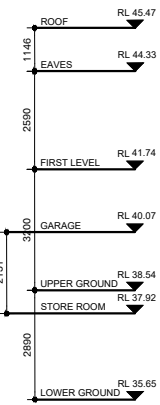
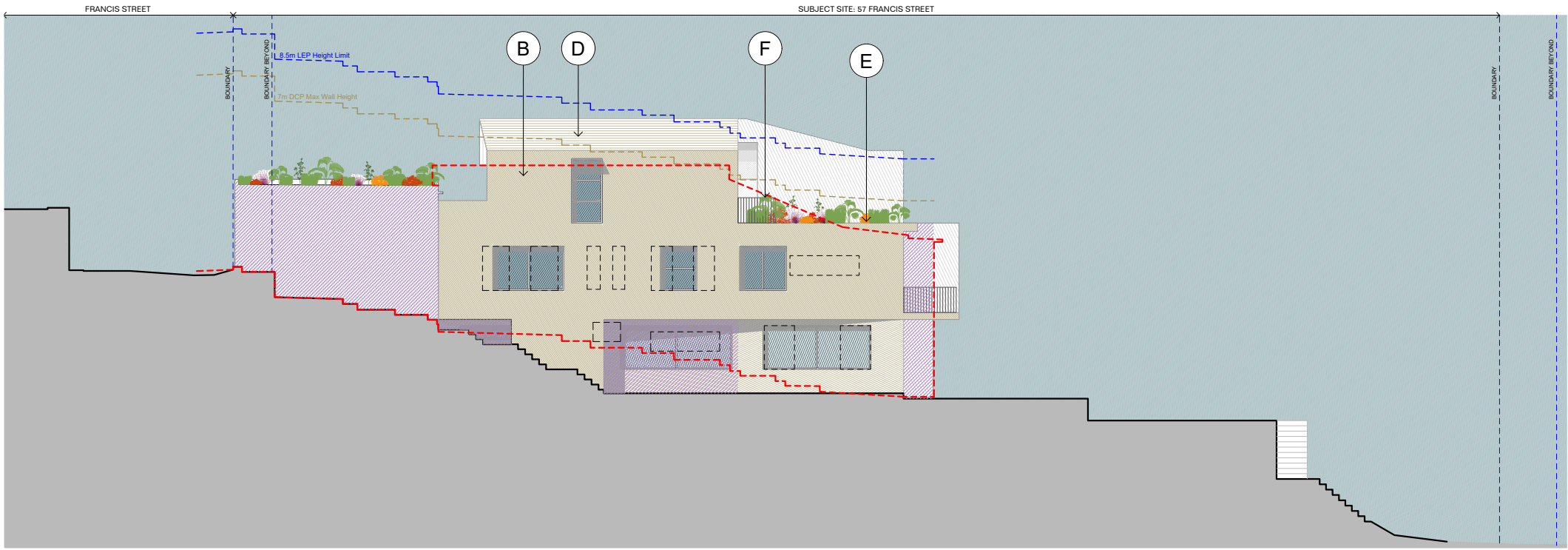


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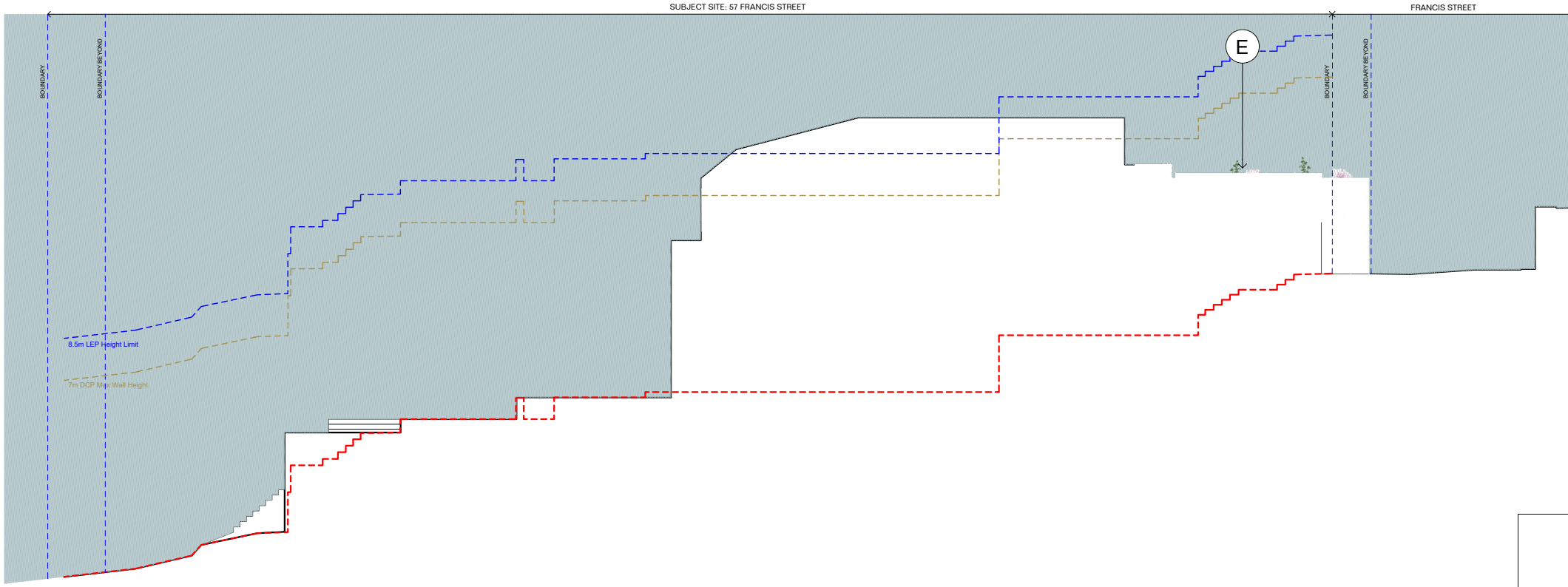
AMENDED PLANS



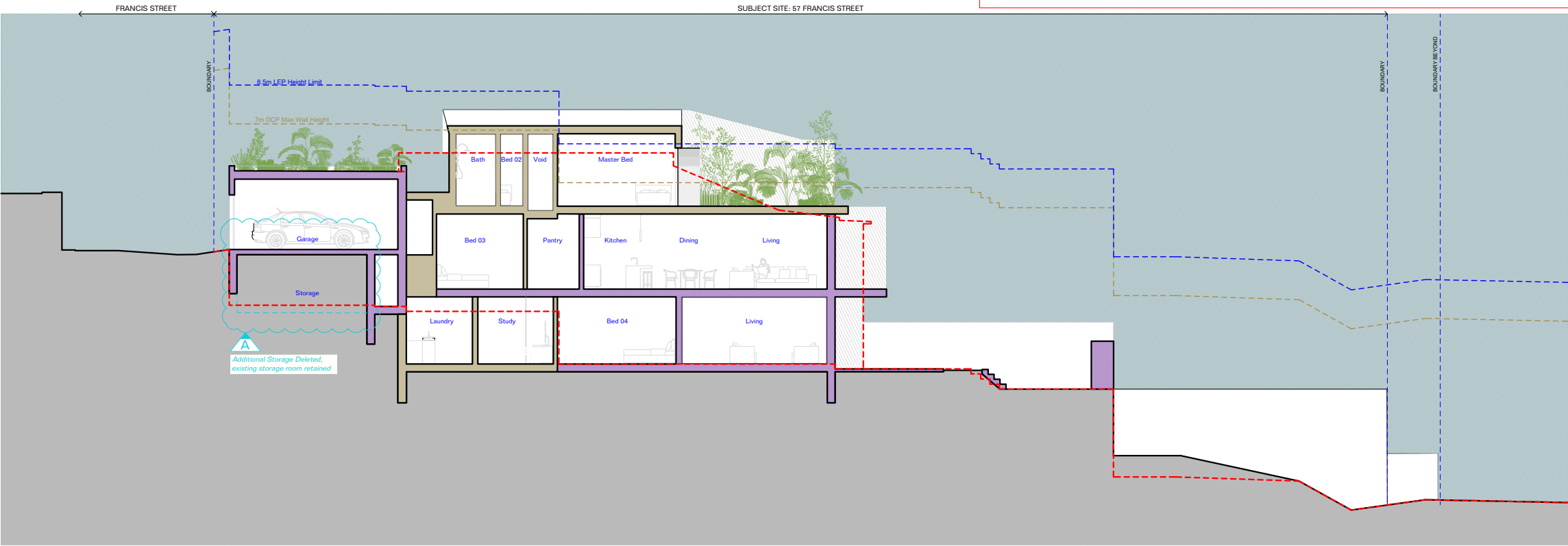
1 Elevation
301 East 1:200



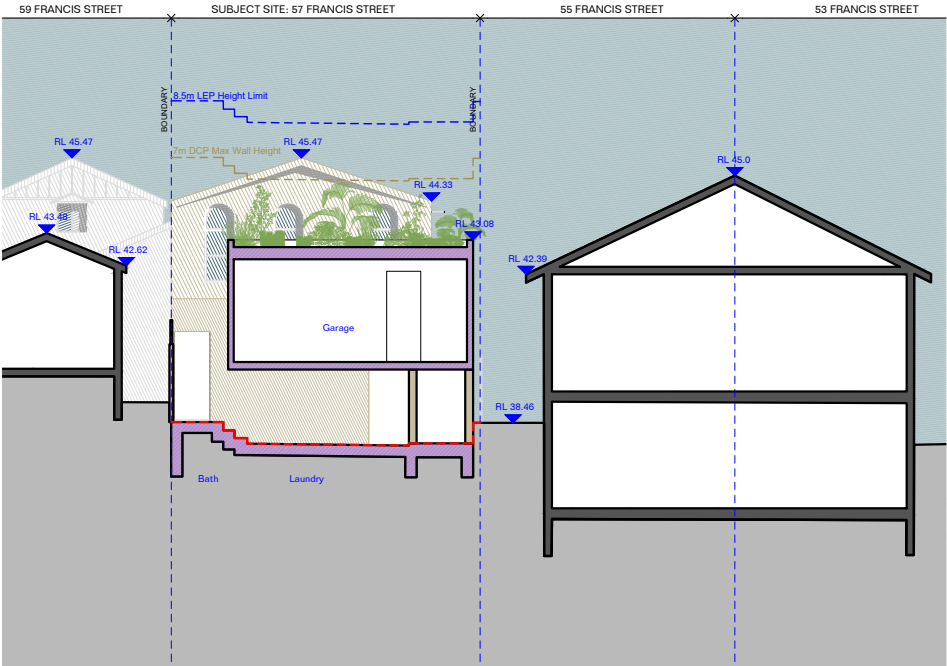
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301 West 1:200



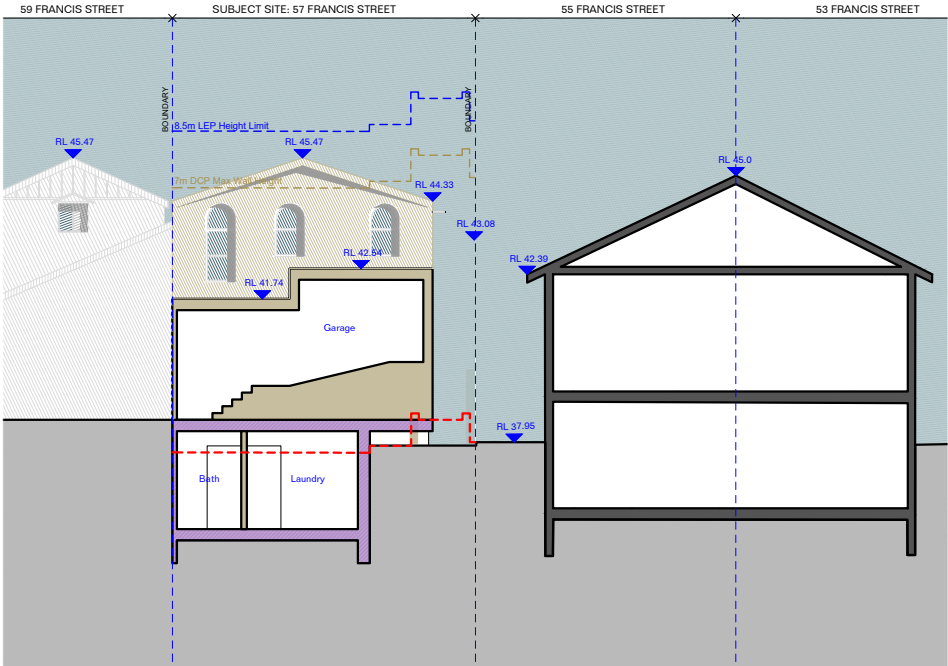
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A
400
Section
West
1:200



B
400
Section
North
1:200



C
400
Section
North
1:200

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Hot water: gas instantaneous
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External Wall: brick veneer
Flat ceiling:
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R2.50 (up), light (coler absorbance < 0.475)

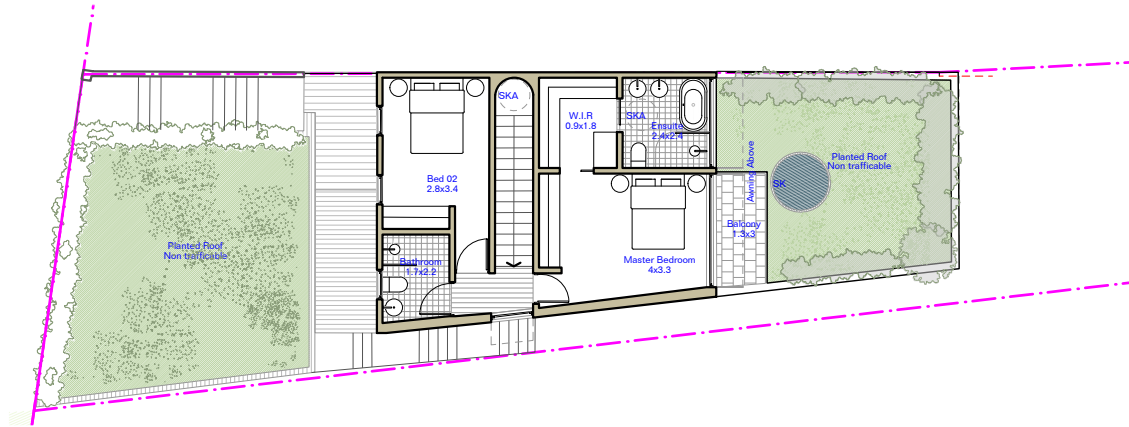
Windows, Glazed Doors
Glazing requirements:
Window Type1:
Timber or uPVC, single clear
(U-value: 5.71, SHGC: 0.86)
Window Type2:
Timber or uPVC, single clear
(U-value: 3.7, SHGC: 0.36)

Consultants:
GSA Planning
Landscape
Danger Bath Smith
RTS Civil
Blackburn
Caddis
Imagery
Freshimages
B&B
Thermperform

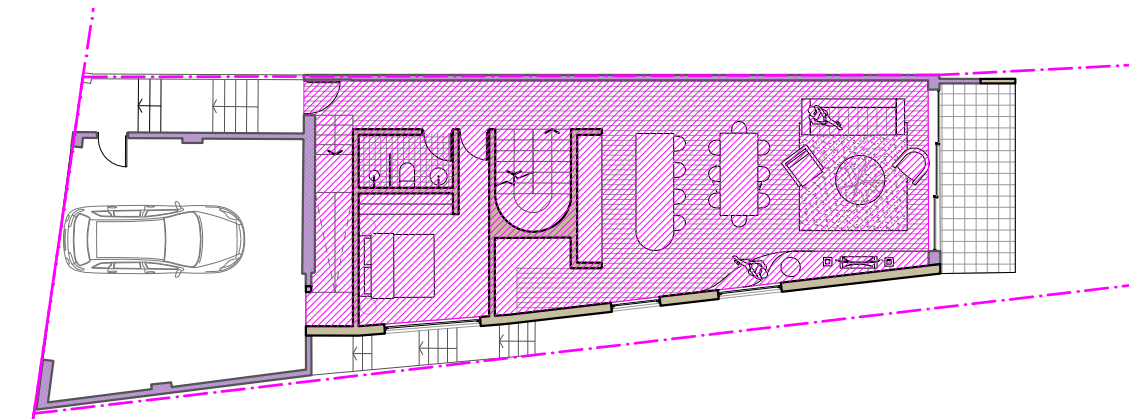
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Surry Hills
NSW Australia
+61413555547
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Project
57 Francis St, Bondi
Date
2-Oct-22
Scale
1:200 at A3

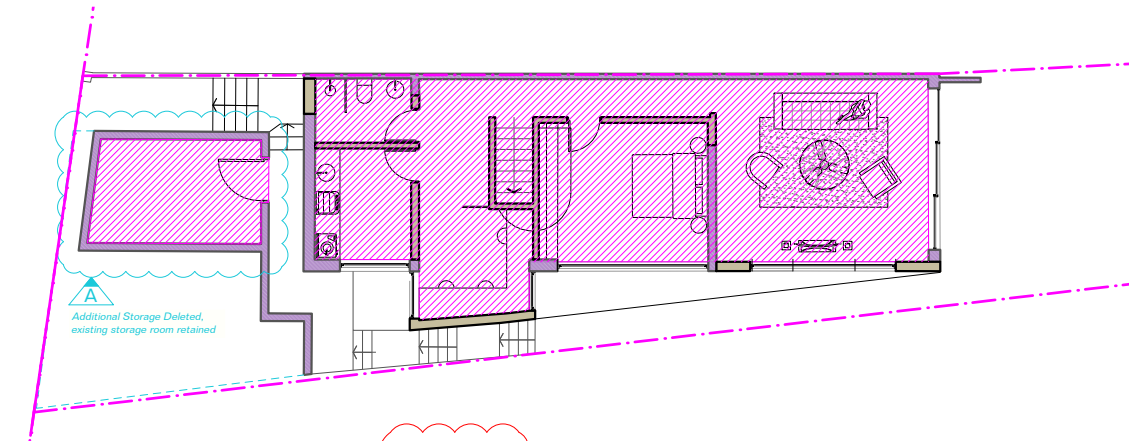
Drawing
Sections
Project No
2130
Drawing No
DA400[03]
Rev



1 First Floor Plan - 46.8m2
500 GFA Summary 1:200



2 Upper Ground Plan - 94.9m2
500 GFA Summary 1:200



3 Lower Ground Plan - 94.7m2
500 GFA Summary 1:200

Site Area: 296.1m ²				
	Control	Existing	Proposed	Compliance
FSR / GFA	0.77:1 230m ²	140.4m ²	236.4m ² 0.79:1	No
Height	8.5m	7.14m	9.82m	No
Wall Height	7m	5.9m	7.8m	No
Front Setback	Predominant	Predominant	No Change	Yes
Side Setback	0.9m	0.9m	0.9m	Yes
Rear Setback	Predominant	Predominant	No Change	Yes

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-270/2022
Date Received: 02/10/2022

For DA Only:
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03 02/10/22 DA Amendments
02 23/09/22 DA Amendments
01 01/08/22 DA Amendments
00 10/06/22 Issued for DA
Revisions

Legend:
TBC
Existing to be retained
Proposed

Notes
1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, NATIONAL STANDARDS STATUTORY REGULATIONS AND LOCAL AUTHORITY REQ.
2. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED
3. CONTRACTOR TO NOTIFY DESIGNER OF ANY DISCREPANCIES, DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING
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Basix:
Systems
Hot water: gas instantaneous
Construction
Concrete slab on Ground floor:
no insulation required
External Wall: brick veneer
Flat ceiling:
R1.16 (or R1.70 including construction)
Pitched roof:
R1.45 (up), dark(solar absorbance > 0.70)
R2.50 (up), light (solar absorbance < 0.475)
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(or U-value: 5.71, SHGC: 0.86)
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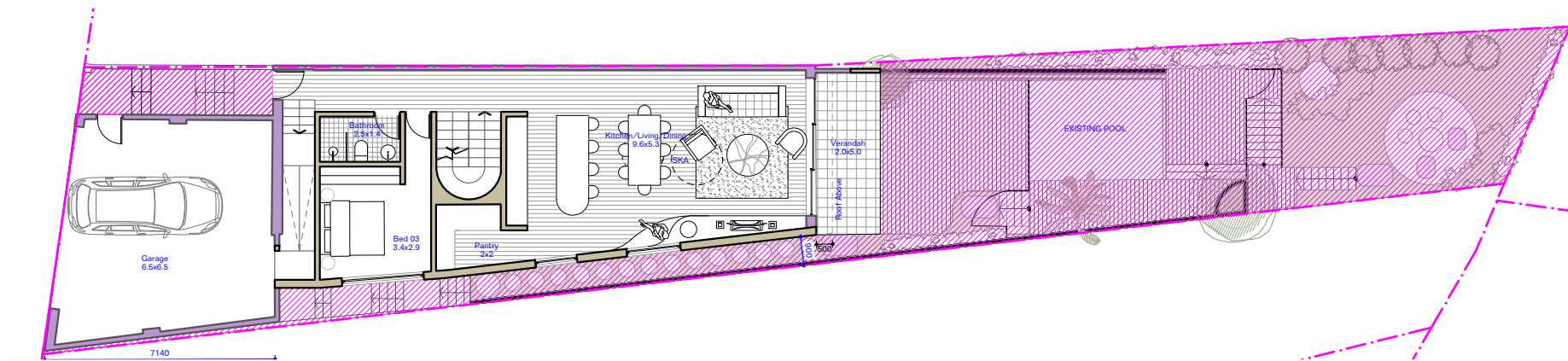
Consultants:
Planner
GSA Planning
Landscape
Danger Bath Smith
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Blackburn
Caddcraft
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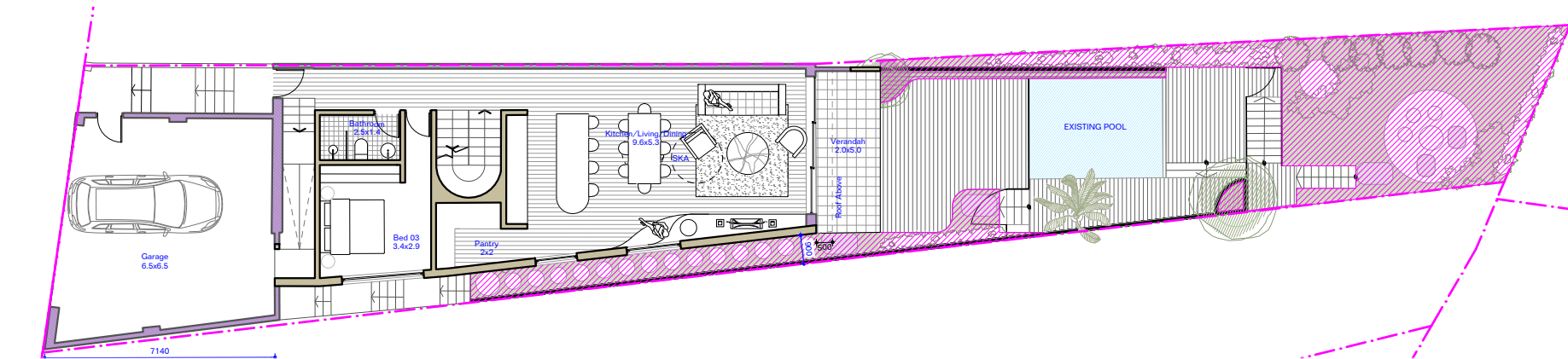
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Date
2-Oct-22
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RM

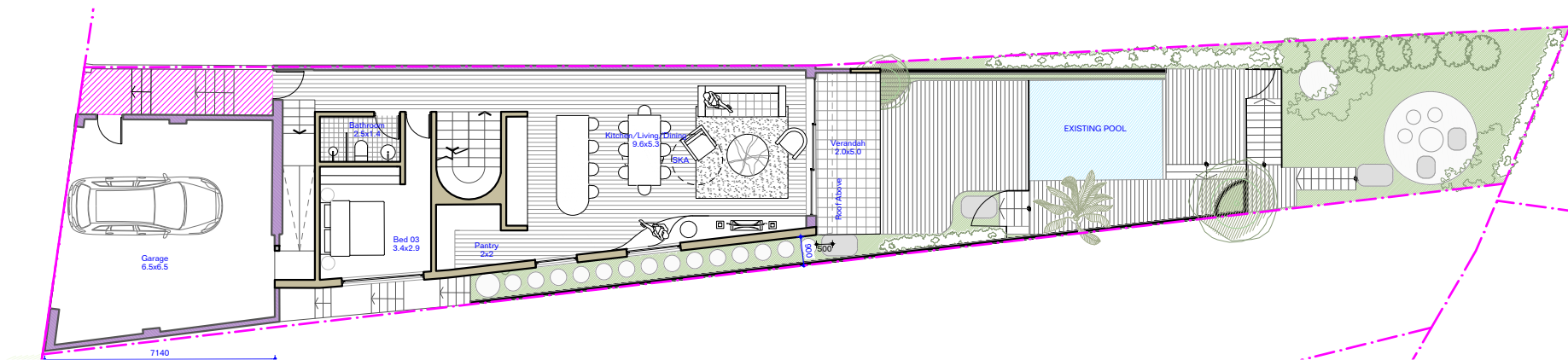
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Areas - GFA
Project No
2130
Drawing No
DA500[03]
Rev



1 Upper Ground Plan
501 OPEN SPACE AREA 1:200



2 Upper Ground Plan
501 LANDSCAPE AREA 1:200



3 Upper Ground Plan
501 FRONT OPEN SPACE AREA 1:200

Site Area: 296.1m ²				
	Control	Existing	Proposed	Compliance
Open Space	40% Of Site =118.44m ²	147.9m ²	135.2m ²	Yes
Landscaped Area	15% Of Site =44.415m ²	44.5m ²	95.1m ²	Yes
Front Open Space	50% Of Front Setback =50% of 55.2m ² =27.6m ²	8.4m ²	8.4m ²	No Existing Non Compliance
Front Landscaped	50% of 27.6 =13.8m ²	Nil	Nil	No Existing Non Compliance

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R2.50 (up), light (solar absorbance < 0.475)
Roof backed blanket (50mm), dark(solar absorbance > 0.70)
Flat ceiling: concrete/slateboard internal

Windows, Glazed Doors
Glazing requirements:
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(or U-value: 5.71, SHGC: 0.86)
Windows Type2:
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Consultants:
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Landscape
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RTS Civil
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Caddis
Imagery
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Sketch
Therperform

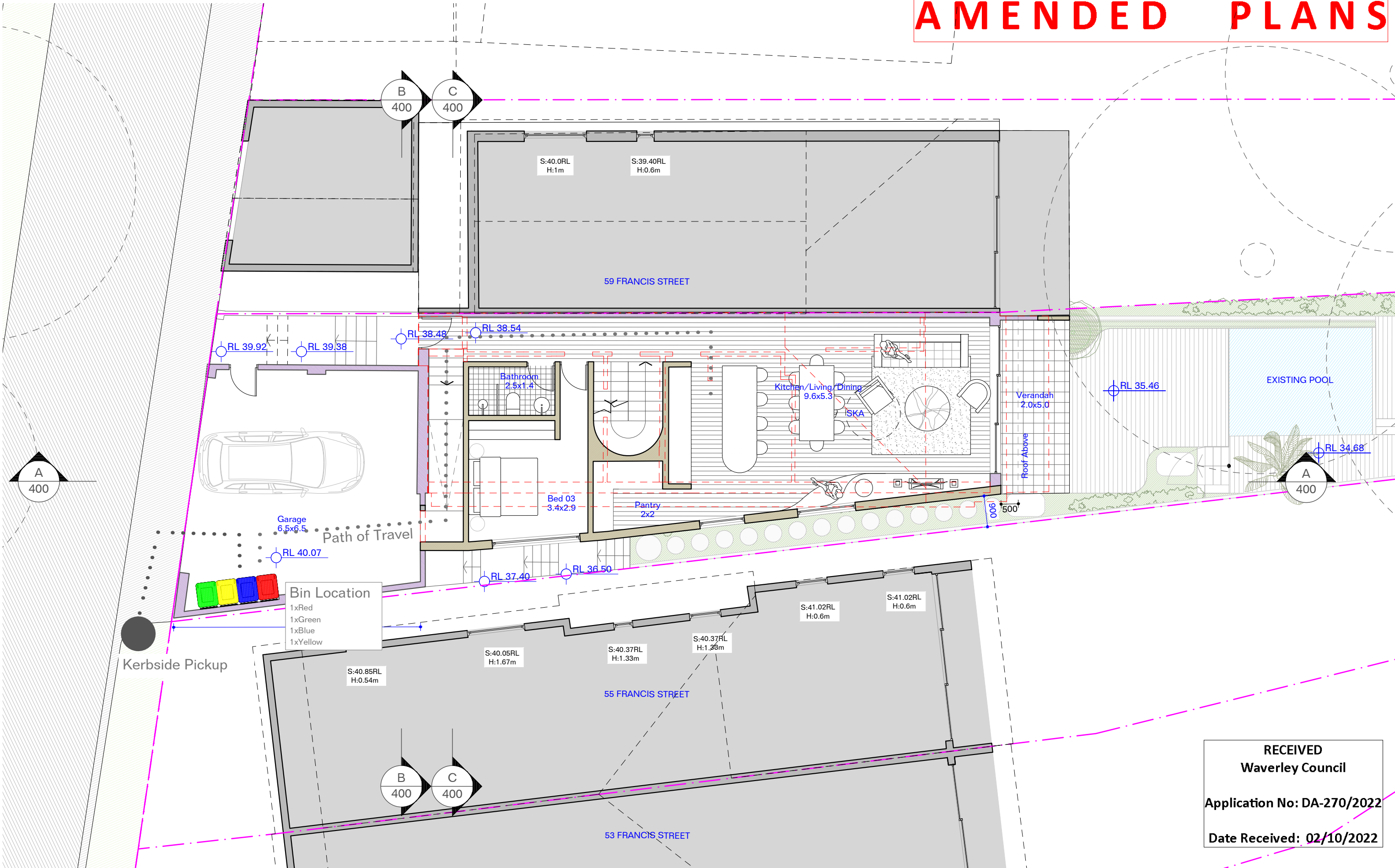
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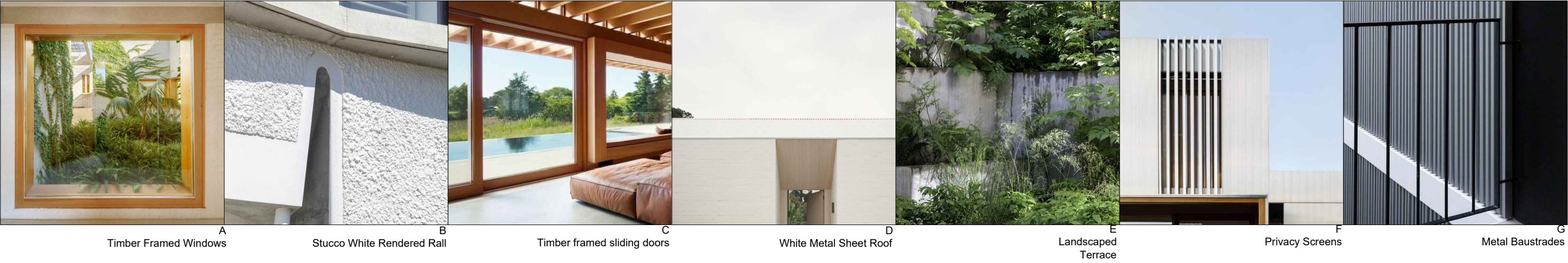
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Drawing
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Landscape
Project No
2130
Drawing No
DA501[03]

AMENDED PLANS



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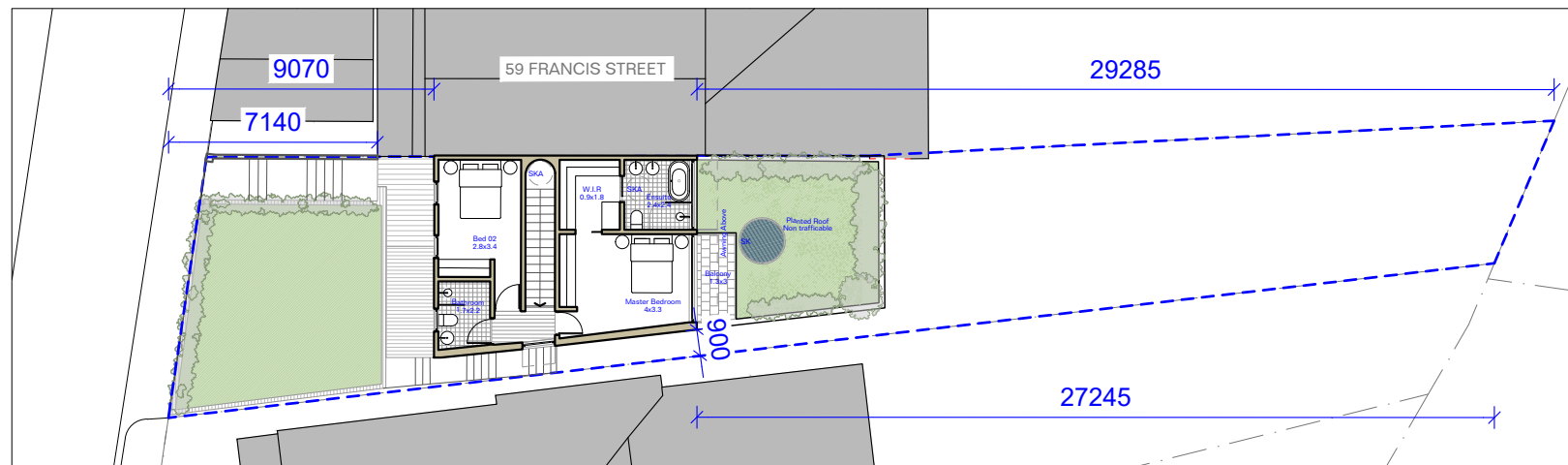
AMENDED PLANS

RECEIVED

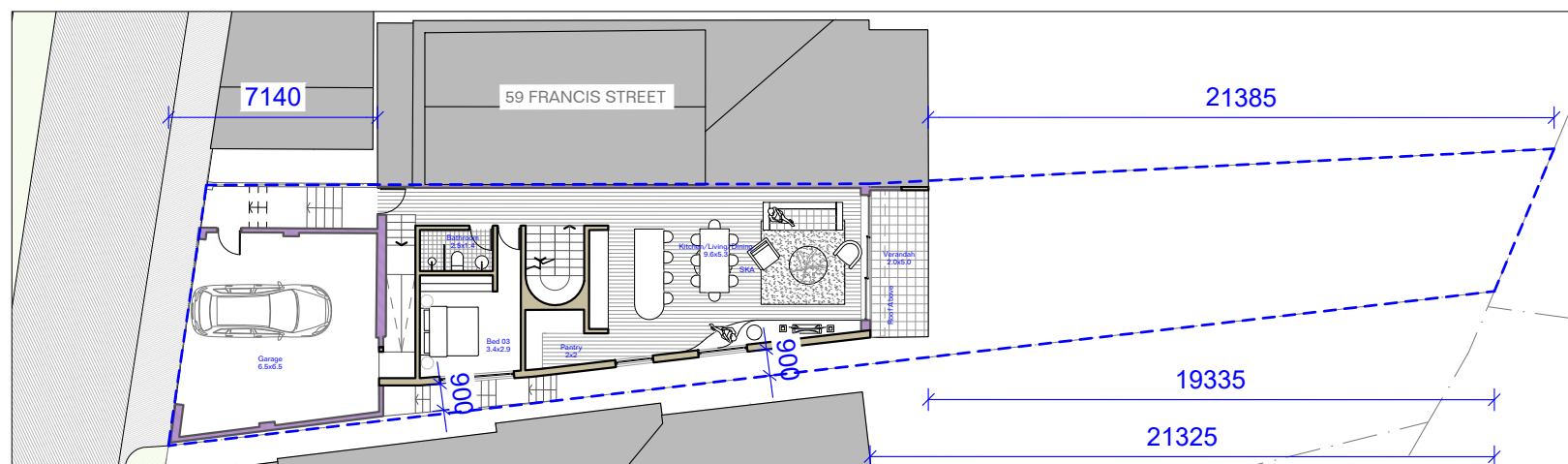
Waverley Council

Application No: DA-270/2022

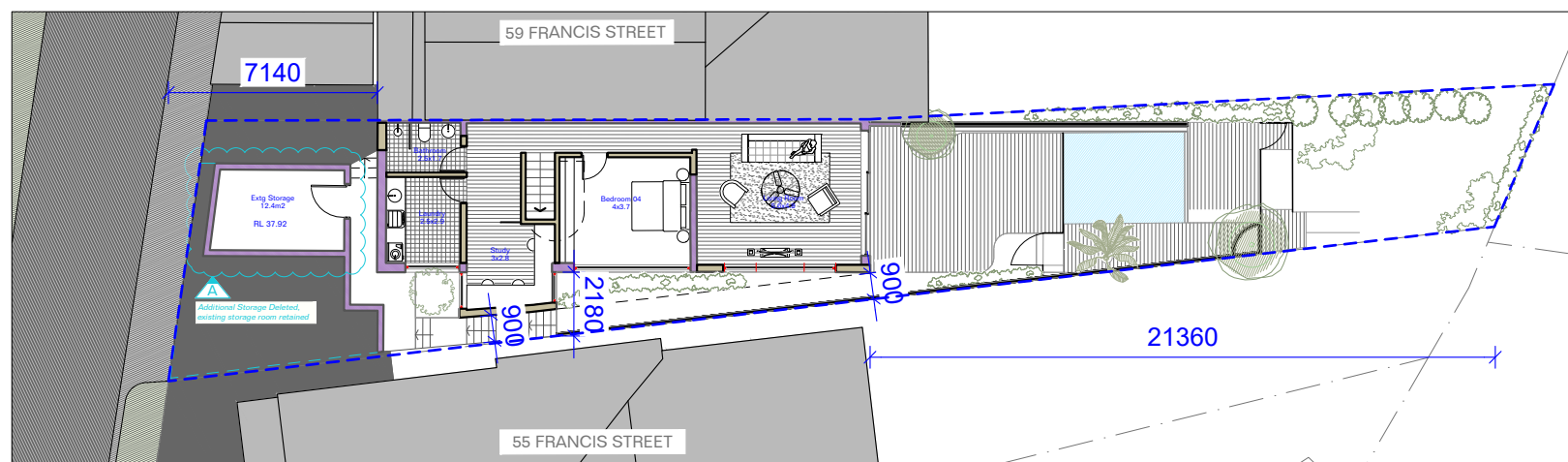
Date Received: 02/10/2022



1	First Floor Plan	
504	Setbacks	1:250



2	Upper Ground Floor Plan	
504	Setbacks	1:250



1	Lower Ground Floor Plan
504	Setbacks 1:250

AMENDED PLANS

RECEIVED
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Application No: DA-270/2022


Date Received: 02/10/2022


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	02	23/09/22	DA Amendments
	01	01/08/22	DA Amendments
	00	16/06/22	Issued for DA

Legend:

TBC

 Existing to be retained

 Proposed

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Windows, Glazed Doors

Glazing requirements:

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(or U-value: 5.71, SHGC: 0.66)

Windows Type2:
Timber or uPVC, single clear
(U-value: 3.7, SHGC: 0.36)

Consultants
Planner
GSA Planning
Landscape
Dangar Barin Smith
Stormwater
RTS Civil
Shadows
Caddraft
Imagery
Freshimages
BASIX
Thermeperform

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Date
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Drawing

Setbacks Plan

Project No
2130

Drawing No Rev

DA5041021

Drawing No Rev
DA504[03]



1
600 Photomontage - Existing
Image by Freshimages nts



1
600 Photomontage - Proposed
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AMENDED PLANS

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Waverley Council
Application No: DA-270/2022
Date Received: 02/10/2022

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03	02/10/22	DA Amendments
02	23/09/22	DA Amendments
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00	16/06/22	Issued for DA

Revisions

Legend:
TBC
Existing to be retained
Proposed

Notes
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Consultants:
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Landscape
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Stormwater
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Shadows
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Scale
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Drawing
Photomontage

Project No

2130

Drawing No

DA600[03]

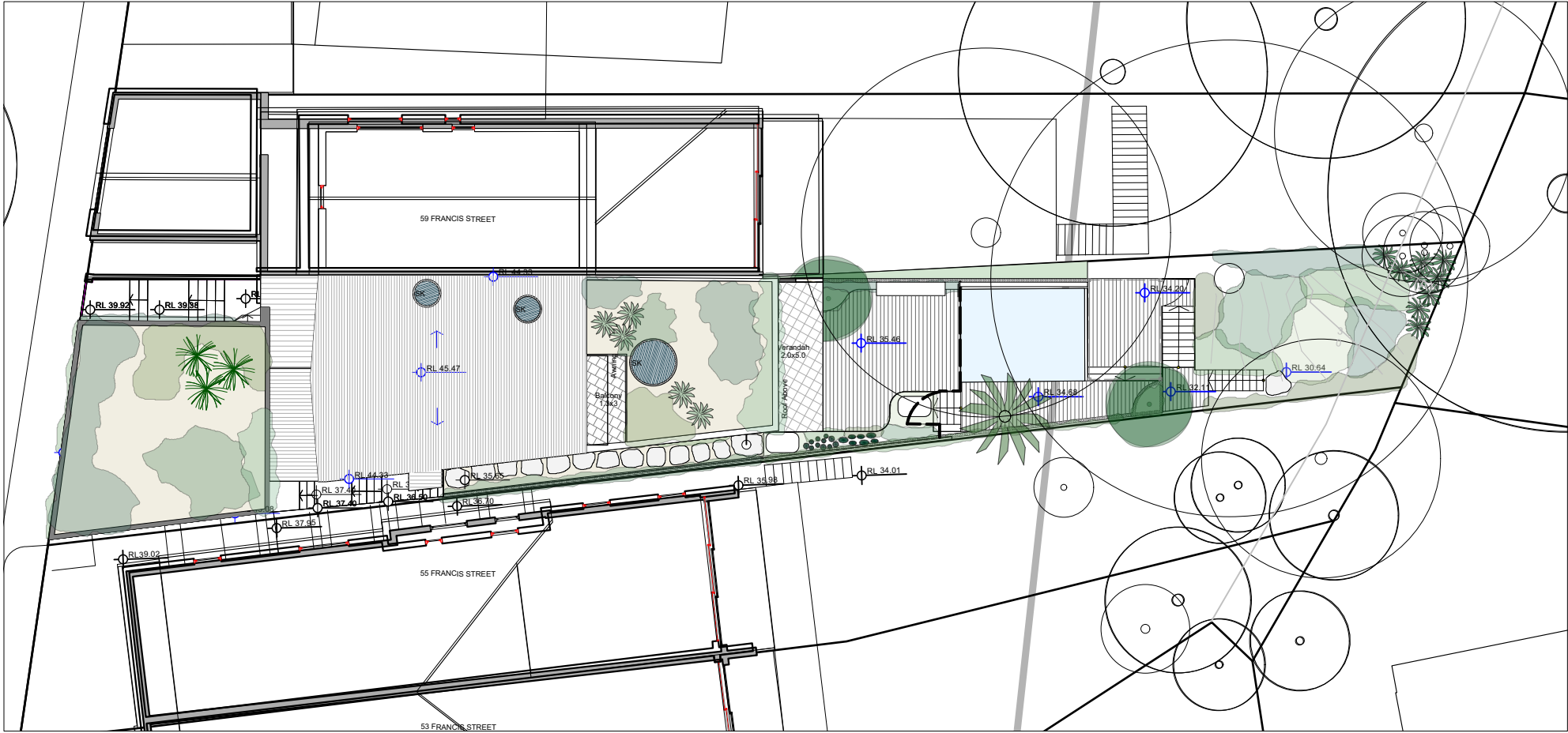
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57 Francis St, Bondi

DEVELOPMENT APPLICATION

RECEIVED
Waverley Council
Application No: DA-270/2022
Date Received: 02/10/2022

AMENDED PLANS



GENERAL NOTES:

GRAPHIC ILLUSTRATION

Please note that the plant graphics are indicative sizes only and not an accurate representation at time of purchase.
Do not scale from drawings. All dimensions in mm unless otherwise stated. Figure dimensions shall take precedence over scale.
Contractors must verify all dimensions on site before commencing any work or making shop drawings.
All works shall be carried out in accordance with ASA, BCA and Local Government Regulations.
This drawing is protected by copyright.

SITE PREPARATION

All existing plants marked for retention shall be protected for the duration of works. Remove from site all perennial weeds and rubbish before commencing landscape works.

SOILWORKS

Thoroughly cultivate subsoil to a depth of 200mm. Supply and install to a depth of 300mm quality garden soil mix to all planting beds and 150mm turf underlay to lawn areas.

MULCH

Supply and install a 75mm layer of hardwood horticultural grade mulch to all planting beds set down 25mm from adjacent paving or garden edge.

MAINTENANCE

All failed or defective plant species to be replaced by landscaper for a 3 months period following completion of work.
Further maintenance during and after this period should include watering, weeding, fertilising, pest and disease control, pruning and hedging, reinstatement of mulch and keeping the site neat and tidy.

GENERAL PLANTING NOTES:

NOTE: It is recommended that all plants used be subject to an establishment period. During this period maintenance work carried out will include; watering, mowing, weeding, fertilising, pest and disease control, reseeding, returfing, staking and tying, replanting, cultivating, pruning, hedge clipping, aerating, reinstatement of mulch, top dressing and keeping the site neat and tidy.

NOTE: Plants shall be vigorous, well established, of good form consistent with species or variety, not soft or forced, free from disease and insect pests, with large healthy root systems and no evidence of having been restricted in growth or damaged. Root system shall be well balanced in relation to the size of the plant.

NOTE: install 'root barrier' or equivalent to manufacturers specifications to protect nearby structures and services.

NOTE: Install temporary drip irrigation system under mulch in tree protection zones and water on allotted days.

PLANT SCHEDULE				
Botanic Name	Common Name	Mature Height(m)	Pot Size	Qty
Agave gypsophila	Gypsum Century Plant	0.6-1m	200mm	17
Agave weberi	Maguey Liso	1.5m	300mm	5
Alocasia brisbanensis	Cunjevoi Lily	1.5m	300mm	18
Aloe 'Bush Baby Yellow'	Bush Baby Yellow	0.5m	200mm	46
Aloe 'Ivory Tower'	Ivory Tower Aloe	1-1.5m	200mm	30
Alpinia caerulea	Native Ginger	1-1.5m	200mm	31
Alpinia nutans	Dwarf Cardamom	1-1.5m	200mm	7
Asplenium nidus	Bird's Nest Fern	0.8-1.5m	200mm	11
Blechnum nudum	Fishbone Waterfern	0.4-1m	200mm	20
Bougainvillea 'San Diego Red'	Red Bougainvillea	Climber	300mm	2
Cissus antarctica	Kangaroo Vine	0.3m	140mm	50
Crassula multicava	Fairy Crassula	0.2-0.3m	140mm	50
Dichondra repens	Kidney Weed	Groundcover	100mm	20
Doryanthes excelsa	Gymea Lily	1-3m	300mm	9
Epipremnum aureum	Devil's Ivy	Climber	140mm	21
Euphorbia ingens	African Candelabra Tree	2-4m	300mm	2
Euphorbia tirucalli	Pencil Cactus	2-3m	300mm	5
Howea forsteriana	Kentia Palm	15m	adv.	1
Kalanchoe beharensis	Oakleaf Kalanchoe	1-1.5m	200mm	7
Kalanchoe tomentosa	Panda Plant	0.6m	200mm	7
Ligularia reniformis	Tractor Seat Plant	1m	200mm	17
Lomandra 'Katrinus'	Mat Rush	0.6m	200mm	21
Lomandra 'Nyalla'	Fine Mat Rush	0.6m	200mm	5
Lomandra 'Tanika'	Fine Mat Rush	0.7m	200mm	15
Monstera deliciosa	Fruit Salad Plant	Climber	300mm	5
Nolina nelsonii	Nelson's Bear Grass	1-2m	400mm	3
Olea europaea	European Olive	3-5m	200L	2
Pandorea jasminoides	Bower Vine	Climber	200mm	6
Senecio jacobsenii	Trailing Jade	Groundcover	140mm	24
Syzygium 'Resilience'	Resilient Lilly Pilly	3-4m	45L	5
Trachelospermum jasminoides	Star Jasmine	Climber	300mm	11
Viola hederacea	Native Violet	Groundcover	140mm	55

Native Species
NOTE: 51.52% of proposed plants are native



LOCATION PLAN



Project:
57 Francis St, Bondi

Client:
Thurin

Dwg no:
LP01-D3122

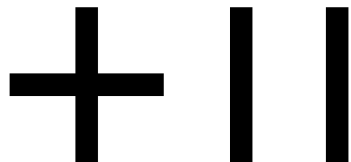
Title:
DA Cover Sheet

Drawn by: CT
Checked: WD
Scale: 1:100 @ A3

Issue: 01
Revision: D
Date: 28.09.2022

Landscape Design Sydney Tel: (02) 9316 9044
53 Cranbrook St Fax: (02) 9316 9055
Botany NSW 2019

Figure dimensions shall take precedence over scale. Contractors must verify all dimensions on job before commencing any work or making shop drawings. This drawing is protected by copyright.



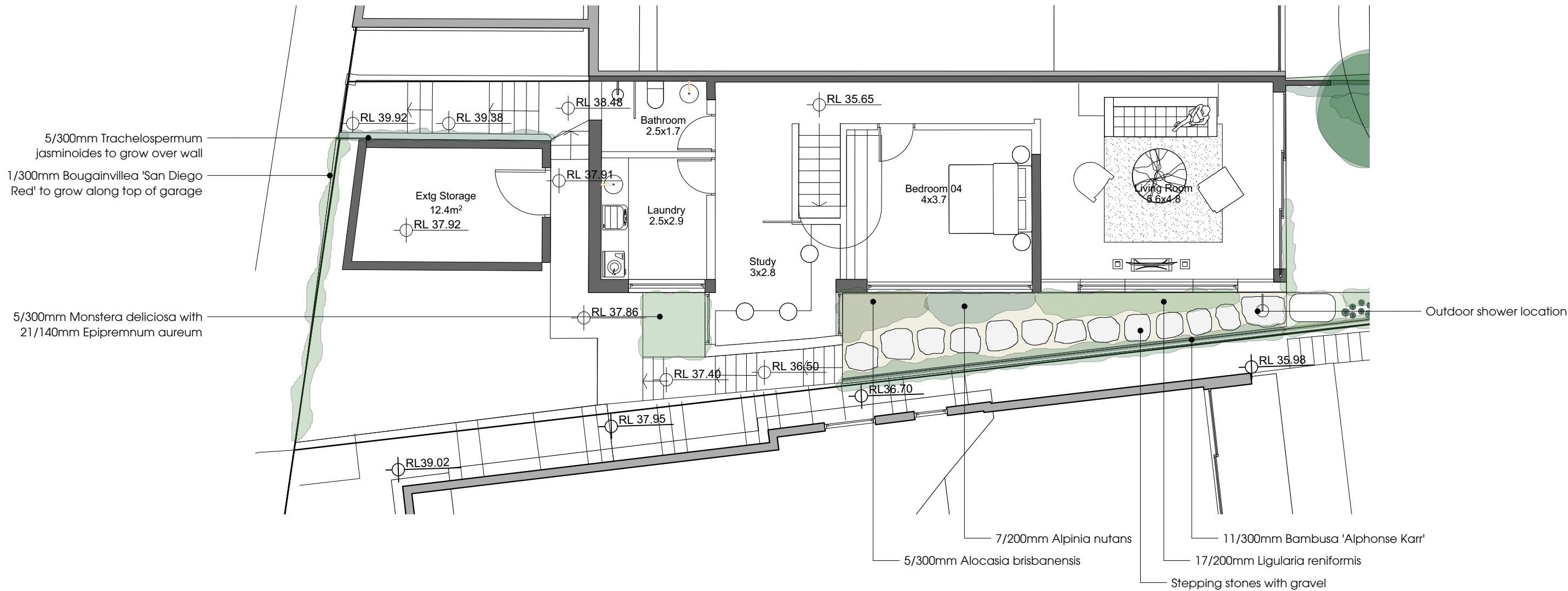
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BARIN
SMITH

LANDSCAPE PLAN - FRONT

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Application No: DA-270/2022

Date Received: 02/10/2022

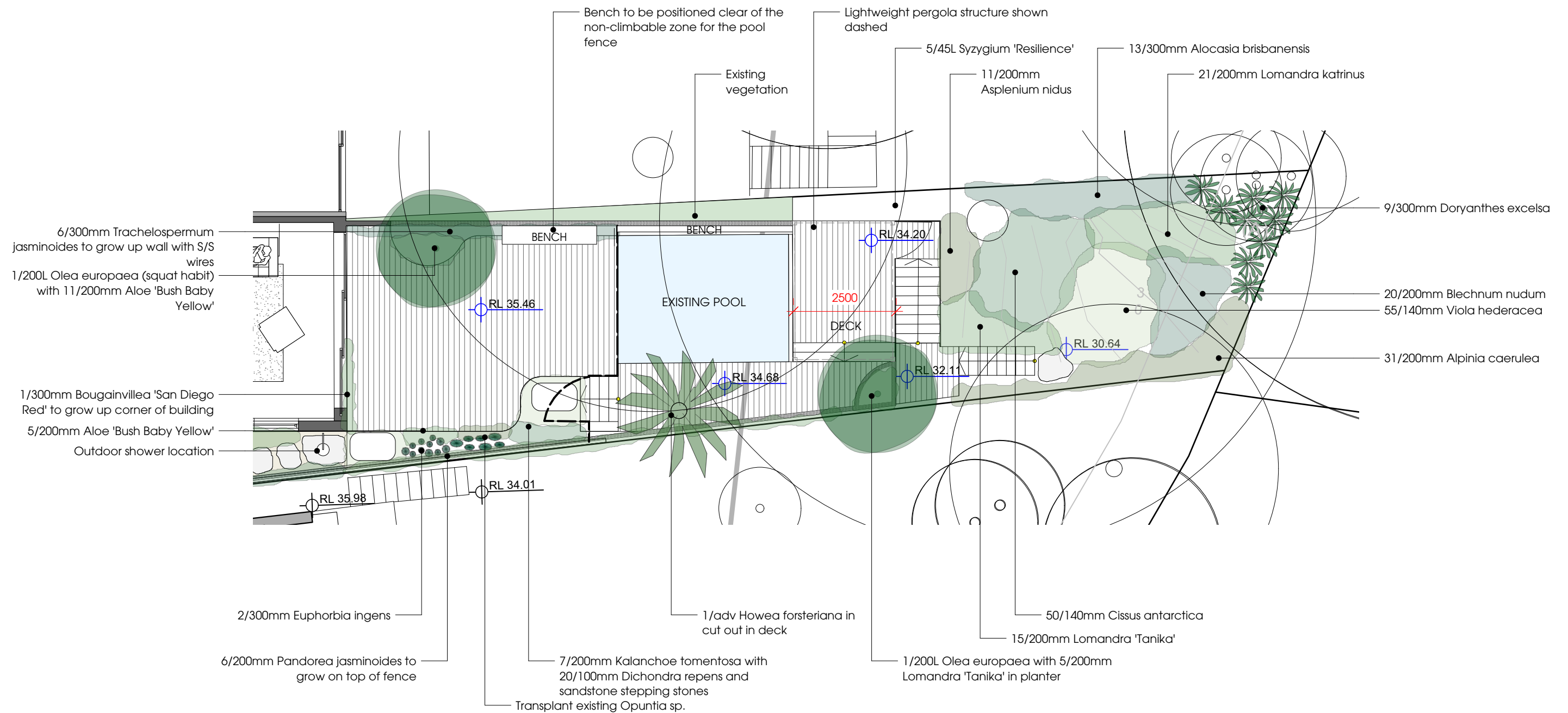


LANDSCAPE PLAN - REAR

RECEIVED
Waverley Council

Application No: DA-270/2022

Date Received: 02/10/2022



Project:
57 Francis St, Bondi

Client:
Thurin

Dwg no:
LP03-D3122

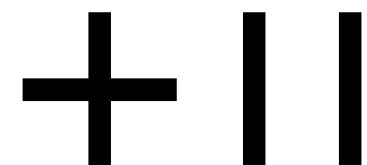
Title:
Landscape Plan
Front

Drawn by: CT Checked: WD Scale: 1:100 @ A3

Issue:	Revision:	Date:
01	D	28.09.2022

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Botany NSW 2019

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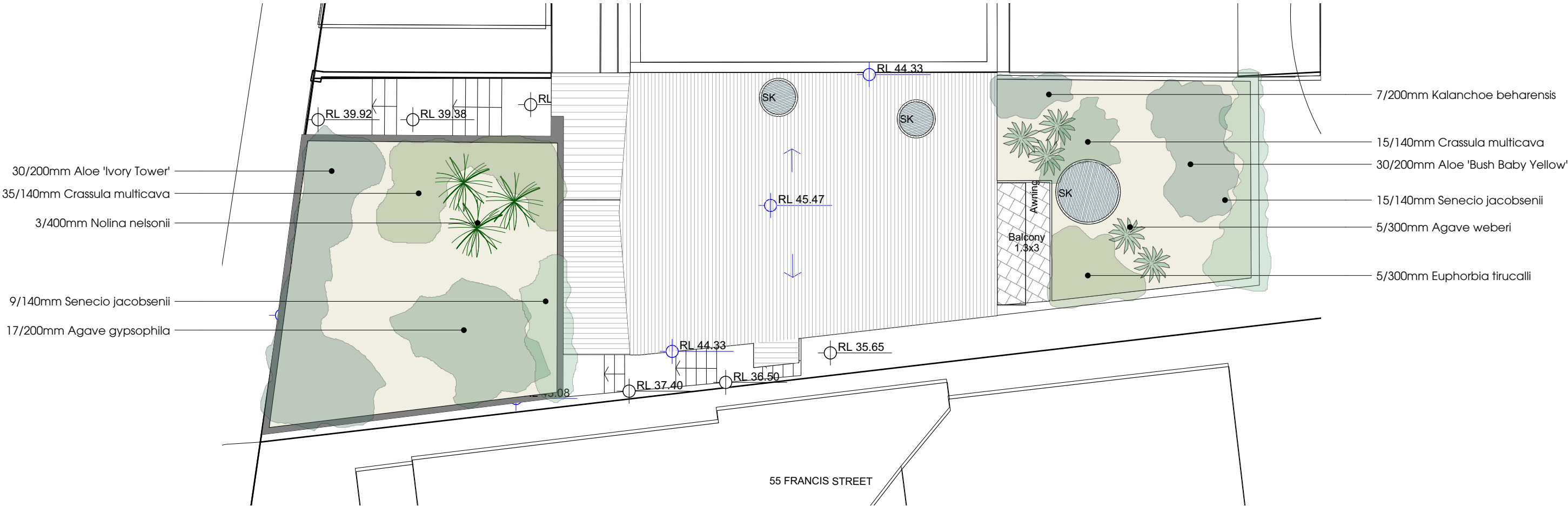
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BARIN
SMITH

LANDSCAPE PLAN - UPPER

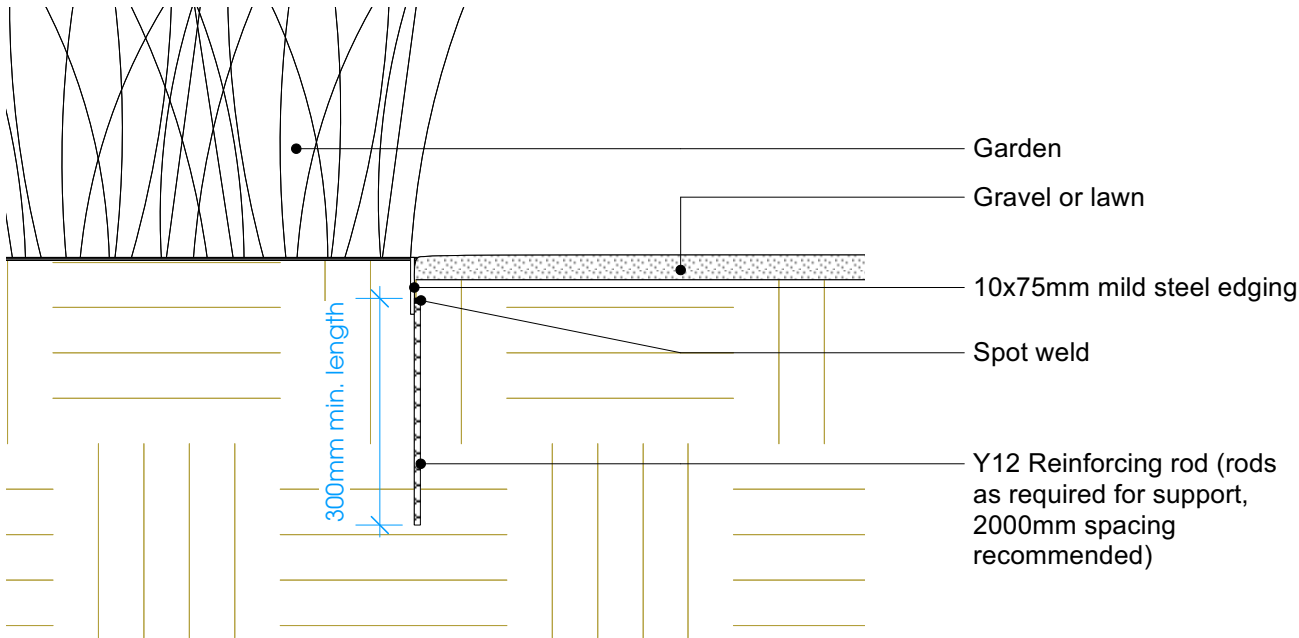
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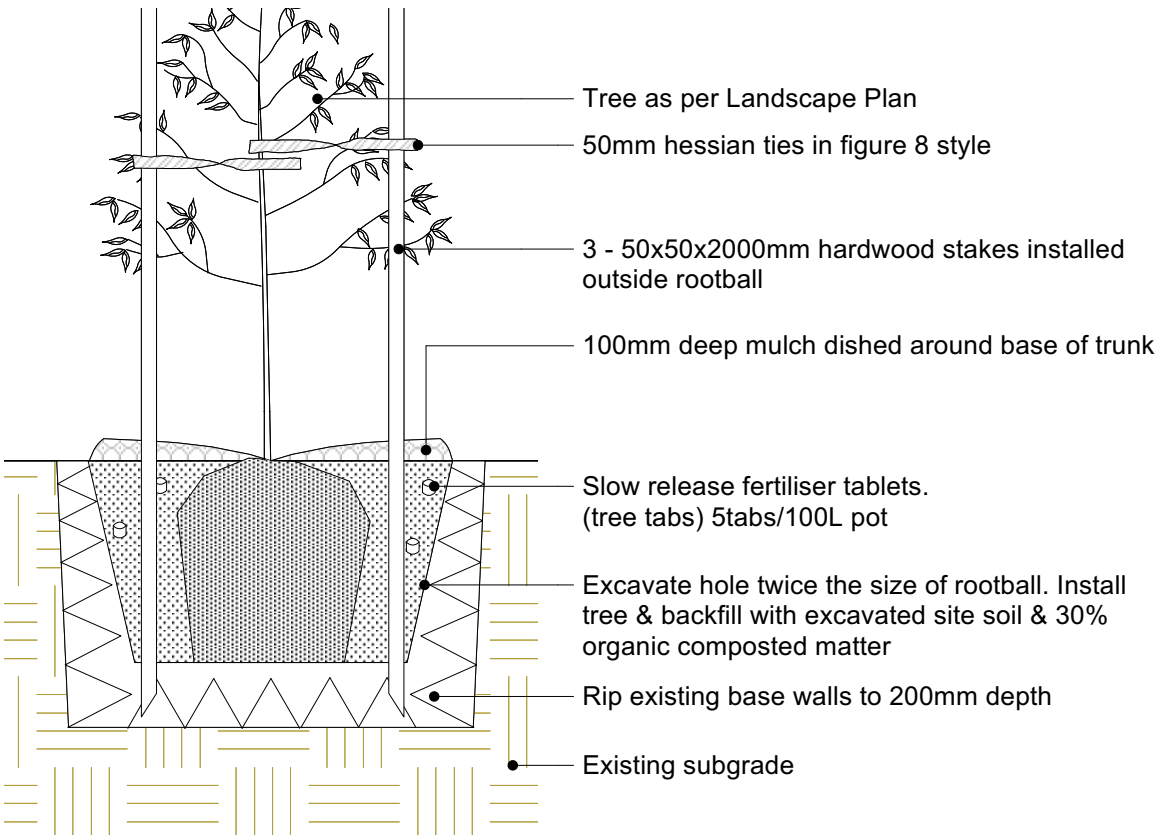
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DETAILS



1 Steel Edging Detail
Scale: 1:10



3 Staked Tree in Ground
Scale: 1:25

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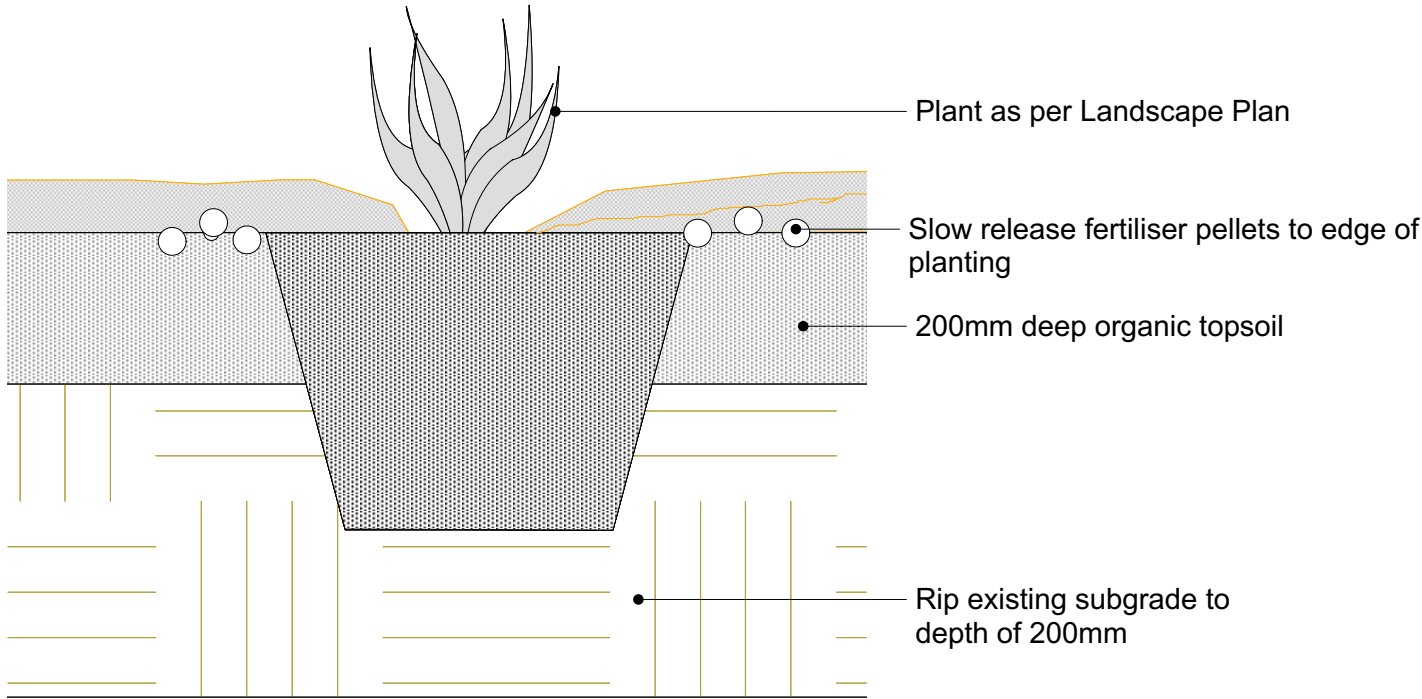


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Thurin

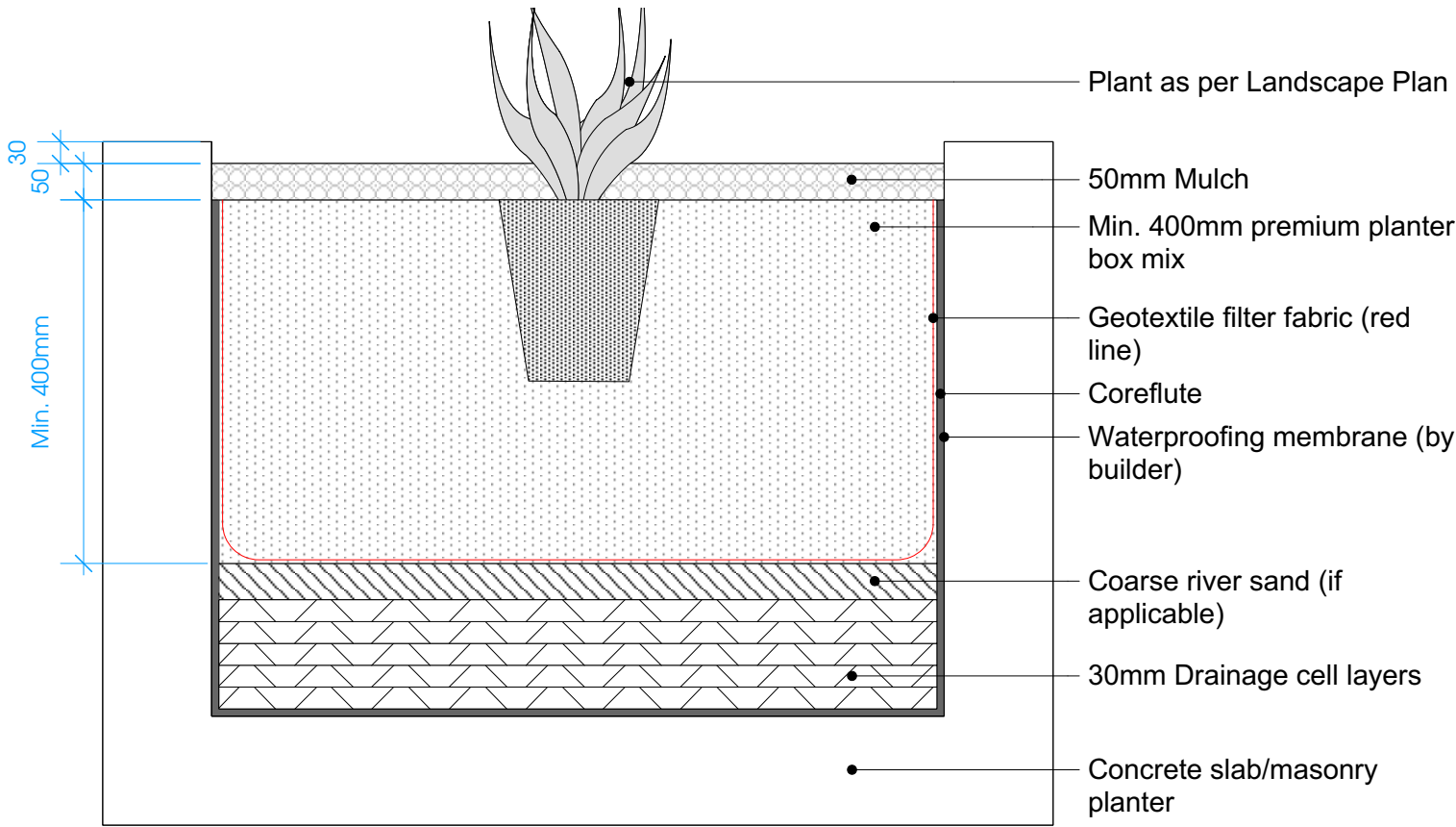
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LP05-D3122
Title:
Details

Drawn by: CT
Checked: WD
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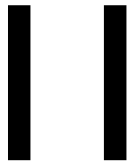
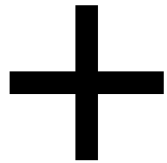
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2 Shrub in Ground
Scale: 1:10



4 Planter detail
Scale: 1:10



DANGAR
BARIN
SMITH



Report to the Waverley Local Planning Panel

Application number	DA-257/2021/1
Site address	3 Rickard Avenue, Bondi Beach
Description of Development	Review of refusal seeking alterations to semi-detached dwelling for conservation of subfloor into a new garage
Date of Original Determination	14 June 2022
Date of lodgement	22 August 2022
Owner	Mr A Kavka and Mrs C Milecki
Applicant	Mr A Kavka
Submissions	Two submissions
Cost of works	\$44,000
Principal Issues	<ul style="list-style-type: none"> Streetscape Structural impact on existing front verandah
Recommendation	That the application be REFUSED for the reasons contained in the report.

SITE MAP



1. PREAMBLE

Executive Summary

1.1. The section 8.2 review application seeks to review the refusal of DA-257/2021 for alterations to the existing semi-detached dwelling for conversion of subfloor for a single car garage at the site known as 3 Rickard Avenue, Bondi Beach. The review application has amended the original development application by reducing the thickness of the front verandah slab to provide 2.2m clearance for vehicle access to the garage and alterations to the existing front fence providing a picket fence style sliding gate to match the existing front fence.

The principal reasons why the original development application was refused are as follows:

- The proposal to provide vehicular access and car parking on the site will have a detrimental impact on the retention of the front of the semi-detached dwelling and has an undesirable and unacceptable impact on the character of the streetscape.
- Insufficient head clearance to accommodate vehicle access from the driveway to the garage ad does not satisfy minimum design requirements.
- The proposal is not considered to be in the public interest.

The assessment finds these issues have not been sufficiently addressed in this review application as there is no substantial change to the impact of the new vehicle crossing on the streetscape, available car parking on the street and insufficient information has been provided demonstrating that the provision of adequate head clearance to the garage will not detrimentally impact the retention of the front verandah of the semi-detached dwelling.

A total number of two submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation. No Councillor submissions have been received.

1.2. The application has been assessed against the relevant matters for consideration under sections 8.2 and 8.3 the *Environmental Planning and Assessment Act 1979*. It is recommended to not change the determination of refusal.

Site and Surrounding Locality

A site visit was carried out on 29 September 2022.

The site is identified as Lot 2 in DP533089, known as 3 Rickard Avenue, Bondi Beach.

The site is located on the southern side of Rickard Avenue with a primary frontage measuring 6.12m and has a site area of 202.3m² by title. The site is located one property from the intersection of Rickard Avenue and Barracluff Avenue to the west.

The site is occupied by a two storey semi-detached dwelling that matches the adjoining semi-detached dwelling at 1 Rickard Avenue. The site currently has a front fence along the northern boundary consisting of a masonry base and columns with timber picket fence inserts. The site does not currently have vehicular access. No 1 Rickard Avenue has vehicular access from Barracluff Avenue to a garage located at the rear of the site.

The site is adjoined by a pair of single storey semi-detached dwellings immediately to the east at 5 and 7 Rickard Avenue. Properties further to the east of the site fronting Rickard Avenue comprise a mix of one and two storey semi-detached dwellings and detached dwellings. Developments located on the northern side of Rickard Avenue comprise a mix of one and two storey semi-detached dwellings and detached dwellings.

The site is within a residential locality comprising low density developments.

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



Figure 1: View of subject site and immediately adjoining properties, looking south on Rickard Avenue



Figure 2: View of site and existing street parking on the southern side of Rickard Avenue



Figure 3: View of existing semi-detached dwellings immediately to the east at 5 and 7 Rickard Avenue



Figure 4: Existing developments further to the east on Rickard Avenue, looking north-west on Rickard Avenue towards subject site



Figure 5: Existing development directly opposite the site on Rickard Avenue



Figure 6: Hard stand car parking at 14 and 16 Rickard Avenue, approximately 31.5m to the north-east of the site



Figure 7: Existing developments further to the east of the site on Rickard Avenue



Figure 8: Existing developments on the western side of Barracluff Avenue, looking north from the intersection of Rickard Avenue and Barracluff Avenue

Details of the Original Determination Subject to Review

The original development application, known as DA-257/2021 for Alterations and addition to semi-detached dwelling, including conversion of subfloor into a new garage, was refused on 14 June 2022 under delegated authority.

1.3. The principal reasons why the original development application was refused were as follows:

- The proposal to provide vehicular access and car parking on the site is contrary to the streetscape, urban design and amenity objectives and controls under Part B8 – Transport and Part C2 of the Waverley Development Control Plan 2012 (Waverley DCP 2012), as it will have a detrimental impact on the retention of the front of the semi-detached dwelling and has an undesirable and unacceptable impact on the character of the streetscape.
- The proposal is contrary to design requirements for car parking under Clause 2.8 in Part C2 of the Waverley DCP 2012 as the driveway provides insufficient head clearance to accommodate vehicle access to the garage, does not complement the streetscape or the character of the dwelling.
- The proposal is not considered to be in the public interest.

Proposal

1.4.

The review application was lodged on 22 August 2022 and seeks to review the determination of the original development application.

The original application sought development consent for alterations and additions to the semi-detached dwelling to provide a garage in the subfloor level, specifically the following:

- Partially demolish existing front fence to provide vehicular access;
- Excavation within existing subfloor area below the ground floor to construct a single car garage;
- Construction of a new vehicle crossover and driveway; and
- Landscaping within front setback.

The review application has made design amendments to the original application, which are summarised as follows:

- Installation of a sliding picket fence style vehicle gate on the front boundary; and
- Reduce the thickness of the slab to the underside of the front verandah to provide 2.2m head clearance for vehicle access to garage.

2. ASSESSMENT

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

Section 8.3 Considerations

Section 8.3 of the Act enables the consent authority (i.e. Council) to review a previous determination of a development application subject to provisions, such as:

(2) A determination or decision cannot be reviewed under this Division—

- 2.1.
- (a) after the period within which any appeal may be made to the Court has expired if no appeal was made, or*
 - (b) after the Court has disposed of an appeal against the determination or decision.*

(3) In requesting a review, the applicant may amend the proposed development the subject of the original application for development consent or for modification of development consent. The consent authority may review the matter having regard to the amended development, but only if it is satisfied that it is substantially the same development.

The determination of the original application (DA-257/2021) was made on 14 June 2022. The period of right of appeal for the applicant to exercise (referenced in section 8.3(2)(a) of the Act), is 6 months after the date of determination. The application is scheduled to be determined by the Waverley Local Planning Panel on 2 November 2022, which satisfies the statutory timeframe to determine this review application.

Council is satisfied that the essential elements of the original application are substantially the same as those of the amended development that is the subject of the review application. The overall scope and description of the development between the two applications remain unchanged.

- 2.2.
- The review application is assessed against the relevant matters for consideration under section 4.15(1) of the Act, as discussed in the succeeding sections of this report.

Planning Instruments and Development Control Plans

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

2.2.1. State Environmental Planning Policies (SEPPs)

The following SEPPs apply 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

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

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table <ul style="list-style-type: none"> R2 Low Density Residential Zone 	Yes	The proposal is defined as alterations and additions to the semi-detached dwelling, which is permitted with consent in the R2 Low Density Residential zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	No change	No change is proposed to the height of the existing building. The proposed works are contained within the existing building envelope.
4.4 Floor space ratio <ul style="list-style-type: none"> 0.87:1 	No change	The proposal does not result in any change to existing FSR for the site as the single car garage is not included as gross floor area.
Part 6 Additional local provisions		
6.2 Earthworks	Partial compliance	The proposed excavation is contained within the existing building envelope and setback greater than 900mm from the eastern side boundary which is consistent with excavation controls. The proposed excavation adjacent to the western side boundary is setback 400mm. The proposed excavation adjacent to the side boundary of the adjoining semi-detached dwelling at 1 Rickard Avenue is unlikely to adversely affect the dwelling, subject to standard excavation conditions, if the proposal was to be supported.

2.2.3. Waverley DCP 2012 – Amendment No.9

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

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

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory.
2. Ecologically Sustainable Development	Yes	Satisfactory.
3. Landscaping and Biodiversity	Yes	Satisfactory.

Development Control	Compliance	Comment
6. Stormwater	Yes	Satisfactory.
<p>8. Transport</p> <p>Minimum parking rate:</p> <ul style="list-style-type: none"> Nil <p>Maximum parking rate:</p> <ul style="list-style-type: none"> 2 spaces for 3 or more bedrooms. <p>Vehicle access is to be integrated into the design of the building and minimise impacts on the streetscape.</p>	<p>Yes</p> <p>Yes</p> <p>No</p>	<p>The proposal seeks consent for the construction of a garage within the subfloor of the semi-detached dwelling for one car space.</p> <p>Notwithstanding compliance with the maximum car parking permitted for the site, the proposed vehicle access requires the reduction to the thickness of the existing front verandah slab, alterations to the front fence and a new vehicle crossing that impacts the appearance of the matching semi-detached dwellings and consistency of the streetscape as vehicular access and on site car parking is not a predominant character within Rickard Avenue.</p> <p>The proposed works have not been supported by a structural engineer's report to demonstrate that the works will have no structural impact on the verandah and would not result in any further alterations to the front façade.</p> <p>The proposed vehicle crossing will reduce the length of the adjacent street parking space on Rickard Avenue to 4.5m. Council's Traffic Engineer has advised a car space length of 4.5m is sufficient for a small car on the street and has raised no objection as the proposal does not result in a net loss of car parking on the street.</p> <p>Notwithstanding the retention of one on-street car parking space, the car space will be restricted to small cars and does not maintain the same amount of car parking spaces currently available within the street which can accommodate standard vehicles and meet the needs of the wider community.</p> <p>Given the impact of the proposal on the appearance of the semi-detached pair and streetscape, and the loss of a standard car parking space on the street, the proposal is not supported, as the site is not considered suitable for on-site car parking.</p>
12. Design Excellence	No	The proposal to provide a garage below the existing ground floor level of the semi-detached dwelling does not demonstrate design excellence, as the design is inconsistent with the appearance of the matching semi-detached pair, may impact on the existing front verandah and will result in the loss of one standard car parking space within the street. The streetscape and car parking

Development Control	Compliance	Comment
		impacts adversely impact the amenity of surrounding properties and does not result in a desirable design outcome.
14. Excavation	Partial	

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

Development Control	Compliance	Comment
2.0 General Objectives		
<ul style="list-style-type: none"> To ensure the scale of lower density residential development is appropriate for the lot size and surrounding developments 	Yes	The proposal does not result in additional building bulk as it is contained within the existing building envelope, however the construction of a garage, driveway crossing and alterations to the front fence detracts from the matching architectural character with the adjoining semi-detached dwelling and the appearance of the dwellings from the street.
<ul style="list-style-type: none"> The bulk, scale and character is sympathetic to surrounding properties and desired future character of the locality 	No	While the proposal is considered capable of maintaining a small car space on Rickard Avenue, it results in the loss of a standard car space which would better meet the needs of a greater number of residents and visitors within the community.
<ul style="list-style-type: none"> To ensure the development does not adversely impact amenity, privacy and views of surrounding dwellings and the public domain 	No	The proposal does not satisfy the objectives of the DCP, as provision of vehicular access and on site car parking is inconsistent with the predominant character of the street and is not sympathetic to the desired character of the immediate surrounds.
<ul style="list-style-type: none"> Ecologically sustainable development 	Yes	
<ul style="list-style-type: none"> High design quality 	No	
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context 	No	<p>The existing streetscape within Rickard Avenue, particularly in the immediate vicinity of the site, comprises consistent built form that does not consist of vehicular access and car parking.</p> <p>An analysis of surrounding properties on the northern and southern side of Rickard Avenue show that 10 of the 40 properties with principal frontages to Rickard Avenue have vehicular access to hard stand car parking and garages, equating to 25%. Nos. 1 and 2 Rickard Avenue have on-site parking that is provided from the secondary frontage on Barracluff Avenue.</p> <p>The predominant character of properties on the western side of Barracluff Avenue consists of</p>

Development Control	Compliance	Comment
		<p>single and two storey semi-detached dwelling that do not have on site car parking and is similar to the streetscape character of Rickard Avenue. Only five of the 20 properties (25%) on the western side of Barracluff Avenue have vehicular access for hard stand and garage car parking. Within the visual catchment of the subject site, only one of the five properties (7 Barracluff Avenue) is visible from Rickard Avenue.</p> <p>Vehicular access is not considered a predominant feature within Rickard Avenue or the immediately surrounding streetscape.</p> <p>As such, the proposal to provide a new vehicle crossing on Rickard Avenue is not considered compatible with the character of the semi-detached dwelling and similar style semi-detached dwellings within the immediate streetscape. The proposal will erode the established streetscape character in Rickard Avenue and is not consistent with the context of the immediately surrounding area.</p>
2.4 Fences		
<p><i>Front:</i></p> <ul style="list-style-type: none"> Maximum height of 1.2m Solid section no more than 0.6m high 	No	<p>No change is proposed to the height of the existing front boundary fence which has a height of 1.4m and comprises a 500mm high solid masonry base and timber picket fences above.</p> <p>The proposal seeks to partially demolish the existing fence and provide a sliding picket style vehicle gate with a width of 2.5m. Whilst the alterations to the existing fence will have minimal visual impact, the proposal has not adequately demonstrated how the 2.5m wide gate will slide open to provide unobstructed vehicular access to the garage, as the remaining width of the northern boundary to the east of the proposed gate measures 1.6m and 0.7m to the west and does not provide sufficient clearance for the operation of the proposed gate.</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 	<p>No</p> <p>No</p>	<p>The proposal has failed to demonstrate that the site is suitable for the provision of on-site car parking, as adequate vehicular access to the garage requires a minimum head clearance of 2.2m and is reliant on the reduction of the thickness of the slab on the underside of the front verandah. In this regard, no information has been submitted to demonstrate that alterations to the</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Car parking structures to be behind the front building line Driveways are to be located to minimise the loss of on street parking 	<p>Yes</p> <p>No</p>	<p>existing slab will not adversely impact the front verandah.</p> <p>The proposed vehicle crossing on Rickard Avenue will reduce the length of the remaining street parking space to 4.5m. Council's Traffic Engineer has advised that a length of 4.5m can accommodate a small car but is insufficient for a standard car.</p> <p>In this circumstance, the loss of a standard car space within the street is undesirable as on-street car parking is in high demand in the locality and the limitation does not serve the needs of the wider community and is not in the public interest.</p>
2.8.2 Parking rates	Yes	Parking rates are set by Part B8 of Waverley DCP 2012.
2.8.3 Location <ul style="list-style-type: none"> Existing development to be in accordance with the hierarchy of preferred car parking locations 	Yes	The proposed garage is located within the building envelope of the semi-detached dwelling and will be behind the existing front building line.
2.8.4 Design <ul style="list-style-type: none"> Complement the style, massing and detail of the dwelling Secondary in area and appearance to the design of the residences No part of the façade is to be demolished to accommodate car parking Gates to have an open design 	<p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p>	<p>The proposed garage will occupy an opening that is 50% of the width of the semi-detached dwelling, however as it is contained within the building envelope it does not contribute to additional building bulk or scale. Notwithstanding this, the semi-detached dwelling comprises consistent architectural features with the adjoining semi-detached dwelling which will be impacted by the proposal and will have an undesirable impact on the streetscape.</p> <p>Insufficient information has been submitted to demonstrate that the proposed works to the underside of the front verandah will not result in any adverse structural impacts on the front verandah which is a prominent feature of the facade.</p> <p>The proposed vehicle gate on the front boundary will be of open design. Issues with the proposed fence design has been addressed in the table above.</p>
2.8.5 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes	The internal dimensions of the garage achieve the minimum requirements.

Development Control	Compliance	Comment
2.8.6 Driveways <ul style="list-style-type: none"> Maximum of one per property Maximum width of 3m at the gutter (excluding splay) Crossings not permitted where 2 on street spaces are lost 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The proposal seeks to provide one vehicle crossing that achieves the design requirements of the DCP.</p> <p>The proposal will result in the loss of one standard on-street parking space to provide access for one car space on the site. The proposed driveway will reduce the length of available street parking to the west between the driveway and existing "No Stopping" sign to 4.5m, restricting use of the parking space for a small car. As discussed above, the loss of a standard car space is undesirable given the high demand for street parking in the locality.</p>
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area (80.9m²) Overall landscaped area: 15% of site area (30.3m²) Minimum area of 25m² for private open space Front open space: 50% of front building setback area (16m²) Front landscaped area: 50% of front open space provided (8m²) 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p>	<p>No change is proposed to the existing open space for the site measuring 83.3m³.</p> <p>The proposal has a total landscaped area of 75.3m², including additional landscaping within the front setback.</p> <p>No change is proposed to the existing rear private open space which has an area greater than 25m².</p> <p>No change is proposed to the extent of open space within the front setback as the garage is contained within the building envelope.</p> <p>The proposal provides 6.4m² of landscaping within the front setback which is less than the required 8m². Landscaped front setbacks are a predominant feature within the streetscape and the proposal would be inconsistent with the character of the streetscape.</p>
2.13 Semi-detached dwellings and terrace style development		
2.13.1 - Built form <ul style="list-style-type: none"> Additions to match the style of the original semi-detached dwelling Front verandahs to be maintained. 	<p>No</p> <p>Yes</p>	<p>Vehicular access and garage car parking are inconsistent with the original style of the semi-detached dwelling.</p> <p>As discussed above, the application has not provided sufficient information to demonstrate that the reduction in the thickness of the slab to the front verandah will not adversely impact on the structural stability and retention of the verandah.</p>
2.13.3 - Material finishes and detail for semi-detached dwellings <ul style="list-style-type: none"> Finishes and detailing are to be cohesive with the existing dwelling 	<p>Yes</p>	<p>The proposed materials and finishes comprising the new garage door and picket style gate to the front fence is generally consistent with the existing character of the semi-detached dwelling having regard to recently completed alterations and additions.</p>

Other Impacts of the Development

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

Suitability of the Site for the Development

- 2.3. The site is not considered suitable for the proposal.

Any Submissions

- 2.4. The application was notified for 14 days between 2 September and 16 September 2022 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

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

- 1 Rickard Avenue, Bondi Beach
- 5 Rickard Avenue, Bondi Beach

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

- Loss of street parking spaces
- Garage is unsympathetic to the symmetry of the semi-detached dwellings
- Impact on the front verandah

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

Issue: Incorrect details shown on plans particularly the location of the existing “No Stopping” sign on Rickard Avenue.

Response: Council’s Assessment Officer and Traffic Engineer have inspected the site and identified the location of the existing “No Stopping” sign on Rickard Avenue and measured the distance to the proposed vehicle crossover.

Issue: Design of driveway gradients must not have any stormwater drainage impact adjacent properties.

Response: Council’s Traffic Engineer is satisfied that the submitted drawings are compliant with relevant design requirements for driveway gradients. Appropriate stormwater conditions would be recommended if the proposal was supported.

Issue: The proposal with a car traversing the driveway will result in noise and vibration impacts on adjoining properties.

Response: Council’s Traffic Engineer has reviewed the proposed driveway gradients and is satisfied that the levels are compliant with relevant Australian Standards. As such, it is considered that a vehicle would be able to traverse the driveway without generating unreasonable noise and vibration impacts on adjoining properties.

Public Interest

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

3. REFERRALS

2.6.

The following internal and external referral comments were sought:

Traffic and Development

3.1.

Council's Traffic Engineer reviewed the proposal and advised that the provision of 2.2m head clearance to the garage satisfies the requirements for vehicular access in accordance with the Australian Standards and is acceptable. Council's Traffic Engineer has also advised that the on-street car parking space on Rickard Avenue located between the proposed vehicle crossover and the existing "No Stopping" sign is capable of accommodating a small car and is acceptable as it does not result in a net loss of more than one car parking space.

Notwithstanding the proposal technically maintaining one car parking space on the street, the 4.5m length limits parking for small cars, which results in the loss of one standard car space on Rickard Avenue. The loss of a standard car space, which serves the car parking demand for the wider community is not supported as it is not considered to be in the public interest.

4. CONCLUSION

The section 8.2 review application seeks to review the refusal of DA-257/2021 for alterations to the existing semi-detached dwelling for conversion of subfloor for a single car garage at the site known as 3 Rickard Avenue, Bondi Beach. The review application has amended the original development application to reduce the thickness of the front verandah slab to provide 2.2m clearance for vehicle access to garage and alterations to existing front fence providing a picket fence style sliding gate to match the existing front fence.

The principal reasons why the original development application was refused were as follows:

- The proposal to provide vehicular access and car parking on the site will have a detrimental impact on the retention of the front of the semi-detached dwelling and has an undesirable and unacceptable impact on the character of the streetscape.
- Insufficient head clearance to accommodate vehicle access from the driveway to the garage does not satisfy minimum design requirements.
- The proposal is not considered to be in the public interest.

The assessment finds these issues have not been sufficiently addressed in this review application, as there is no substantial change to the impact of the new vehicle crossing on the streetscape, available car parking on the street and insufficient information has been provided demonstrating that the provision of adequate head clearance to the garage will not detrimentally impact the retention of the front verandah of the semi-detached dwelling.

A total number of two submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation. No Councillor submissions have been received.

The application has been assessed against the relevant matters for consideration under sections 8.2 and 8.3 the *Environmental Planning and Assessment Act 1979*. It is recommended to not change the determination of refusal.

Development and Building Unit (DBU) Decision:

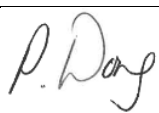

The application was reviewed by the DBU at the meeting on 18 October 2022 and the DBU determined:

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

DBU Members: Ben Magistrale, Mitchell Reid, Tim Sneesby, Angela Rossi, Bridget McNamara

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

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

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Peggy Wong Senior Development Assessment Planner	Bridget McNamara Manager, Development Assessment (Area 3 – Bondi Beach, Bondi Junction, Rose Bay) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 18 October 2022	Date: 19 October 2022

Reason for WLPP referral:

1. The original application was refused by the DBU and the DBU has recommended refusal for the review application.

APPENDIX A – REASONS FOR REFUSAL

1. The proposed development is contrary to Waverley Development Control Plan 2012, having regard to section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* and in respect to the following provisions:
 - a. Part B8 – *Transport*
 - i. General Objectives (d), (f) and (k), objectives (a) and (b) and control (b) as set out in clause 8.1 – *Streetscape* and controls (a) and (d) as set out in clause 8.2.2 as the proposal will detrimentally impact on the streetscape and availability of on-street car parking.
 - b. Part B12 – *Design Excellence*
 - i. Section 12.1 *Design*, specifically objectives (a) and (d) and control (e), and Section 12.2 *Context Analysis* specifically objective (b), as the proposal, as the design is inconsistent with the appearance of the matching semi-detached pair and may impact on the existing front verandah.
 - c. Part C2 – *Low Density Residential Development*
 - i. Clause 2.0 *General Objectives*, specifically objective (d), as the proposal has not adequately demonstrated that access to the garage can be achieved without a detrimental impact to the front verandah of the dwelling.
 - ii. Clause 2.3 *Streetscape and Visual Impact*, specifically objective (b) and controls (d) and (e) as the provision of a vehicle crossover and garage to the front of the dwelling is inconsistent with the character of the semi-detached dwelling and adjoining properties and will erode the character of the streetscape.
 - iii. Clause 2.8 *Car Parking*, specifically objectives (b) and (d) and controls (a), (b) and (d) as set out in clause 2.8.1 and control (a) and (c) as set out in clause 2.8.4, as provision of vehicle access to the site and garage impacts the existing semi-detached dwelling, detracts from the streetscape and does not minimise the loss of on street parking.
 - iv. Clause 2.8.6, specifically control (d) as the proposed vehicle crossover will result in the loss of two standard car spaces that are currently available adjacent to the site on Rickard Avenue, with the remaining car space limited to accommodating one small car.
 - v. Clause 2.9 *Landscaping and Open Space*, specifically objective (a) and control (g) as the proposal reduces landscaping within the front setback and is inconsistent with the established landscaped character within the streetscape.
2. The proposed development does not satisfy section 4.15 (1)(b) of the *Environmental Planning and Assessment Act 1979*, as the proposal will have an adverse environmental impact in the locality as it represents an undesirable and unacceptable impact on the streetscape.
3. The proposal is not considered to be in the public interest for the reasons outlined above, contrary to Section 4.15 (1)(e) of the *Environmental Planning and Assessment Act, 1979*.

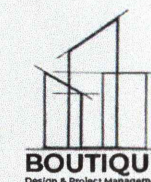
Alterations & Additions to 3 Rickard Ave, Bondi Beach				
DA Documents dated 23 August 2022 Issue D and E				
Drwg no	Doc Type	Title	Scale	Dated
Architectural Drawings				
2110 01D	Boutique DPM drawing	Cover Sheet	nts	18/8/2022
2110 02D	Boutique DPM drawing	Site Plan	1 to 200	18/8/2022
2110 03D	Boutique DPM drawing	Existing Floor plans & Landscaping	1 to 100	18/8/2022
2110 04E	Boutique DPM drawing	NorthEast & SouthEast Elevations & Garage Floor Plan	1 to 100	23/8/2022
2110 05E	Boutique DPM drawing	Section A-A Rickard Ave Elevation & Materials	1 to 100	23/8/2022

REVISIONS

REV: ISSUE FOR: DATE:
D AMENDMENTS 18/8/22
E AMENDMENTS 23/8/22

CONSULTANTS

NOTES



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PROJECT

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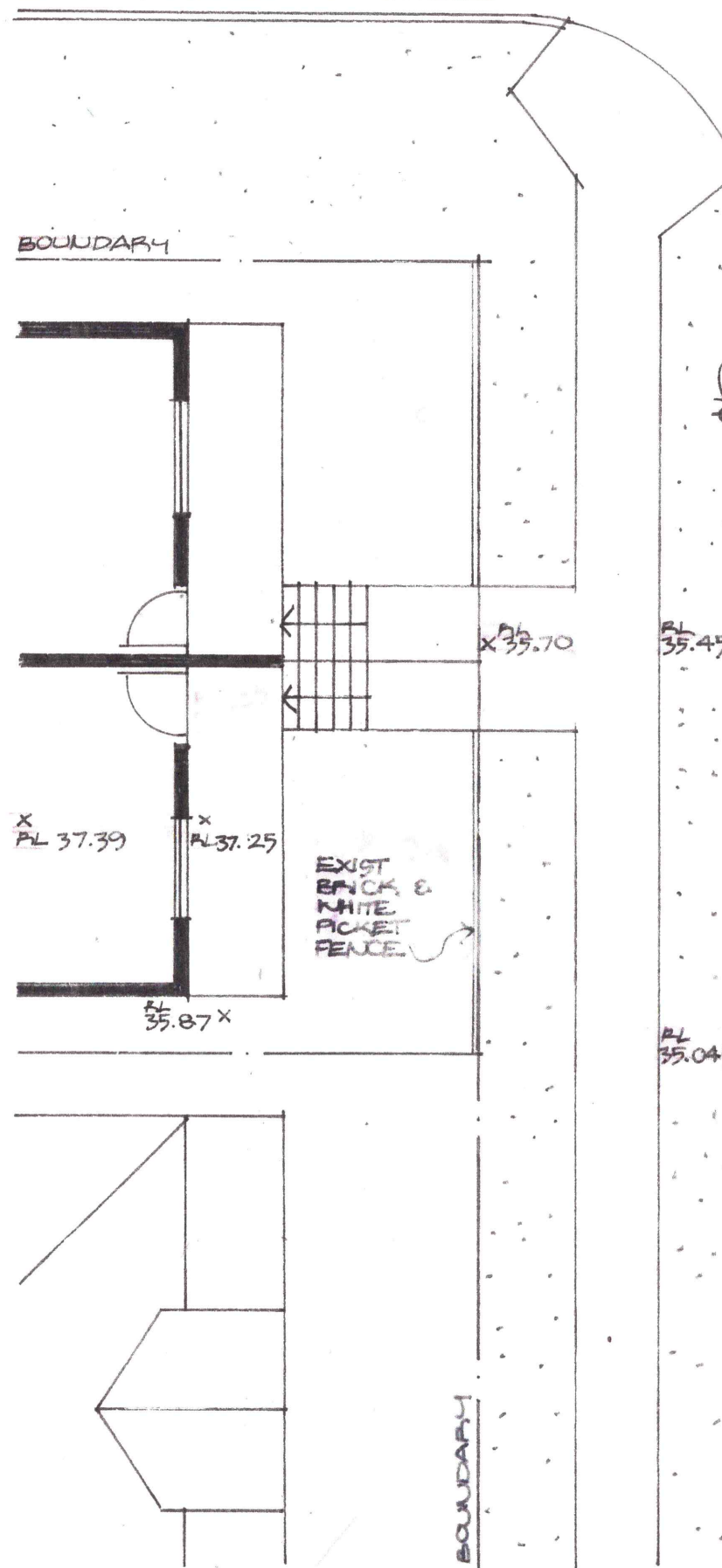
DRAWING
COVER SHEET

PROJECT NUMBER: 2110

DRAWN BY: AS
SCALE: NTS

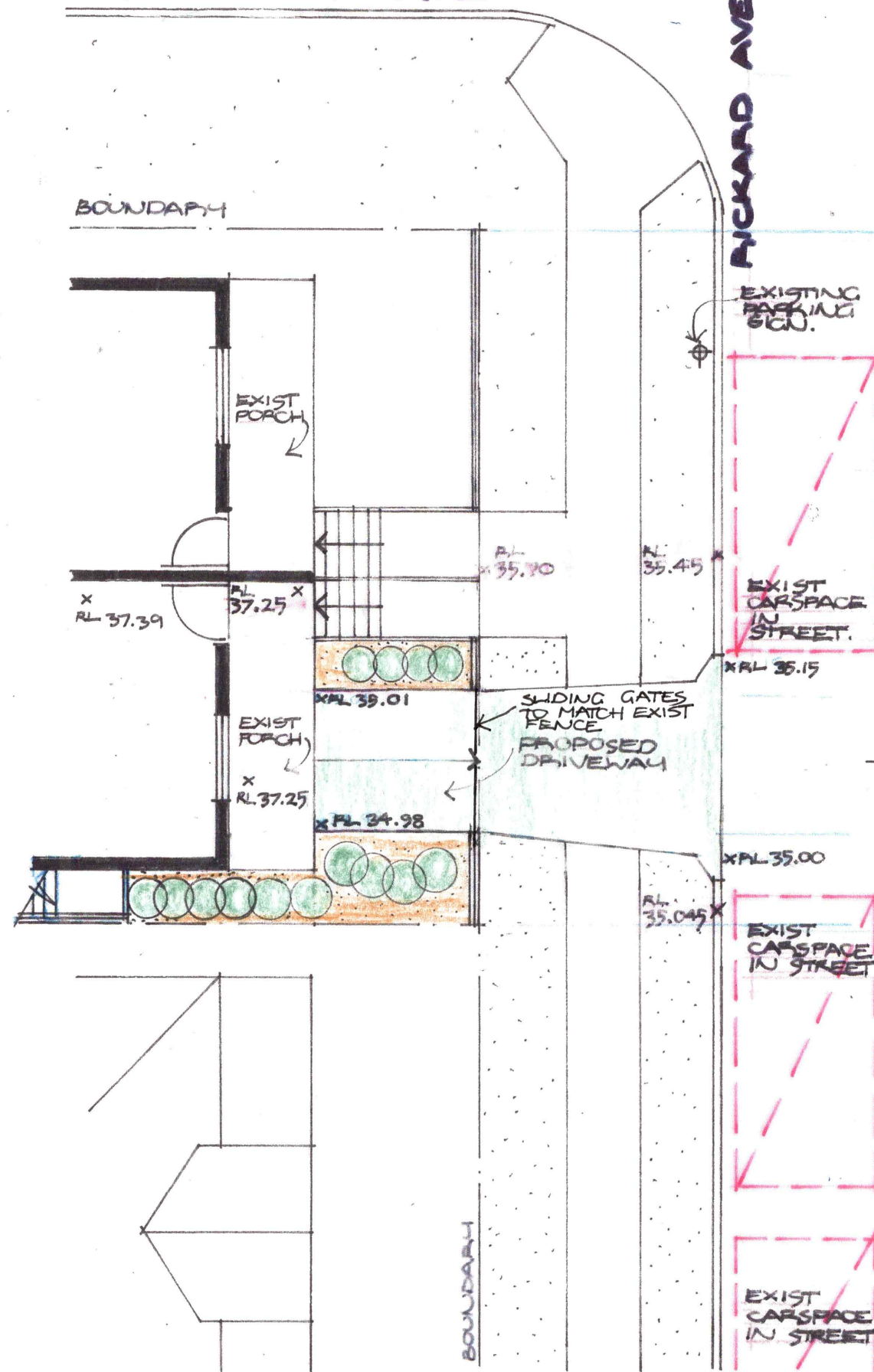
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BARRACLUFF AVE



EXISTING FLOOR PLAN

BARRACLUFF AVE



PROPOSED FLOOR PLAN

REVISIONS

REV.	ISSUE FOR:	DATE:
C	AMENDMENTS TO DRIVEWAY	13/10/21
D	AMENDMENTS	18/8/22

CONSULTANTS

NOTES



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111 @boutiquepm

PROJECT

3 RICKARD AVE
BONDI BEACH NSW 2026

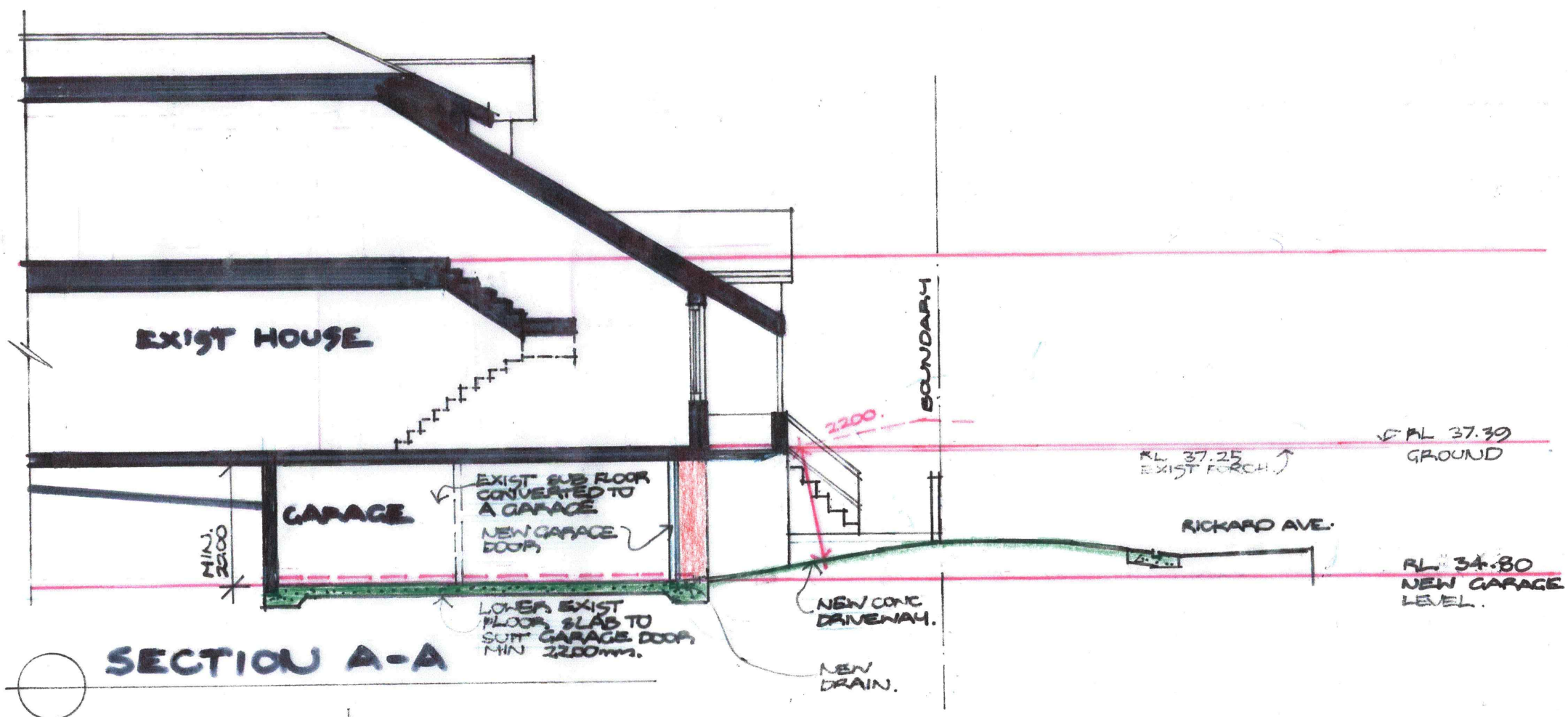
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EXISTING & PROPOSED
FLOOR PLAN

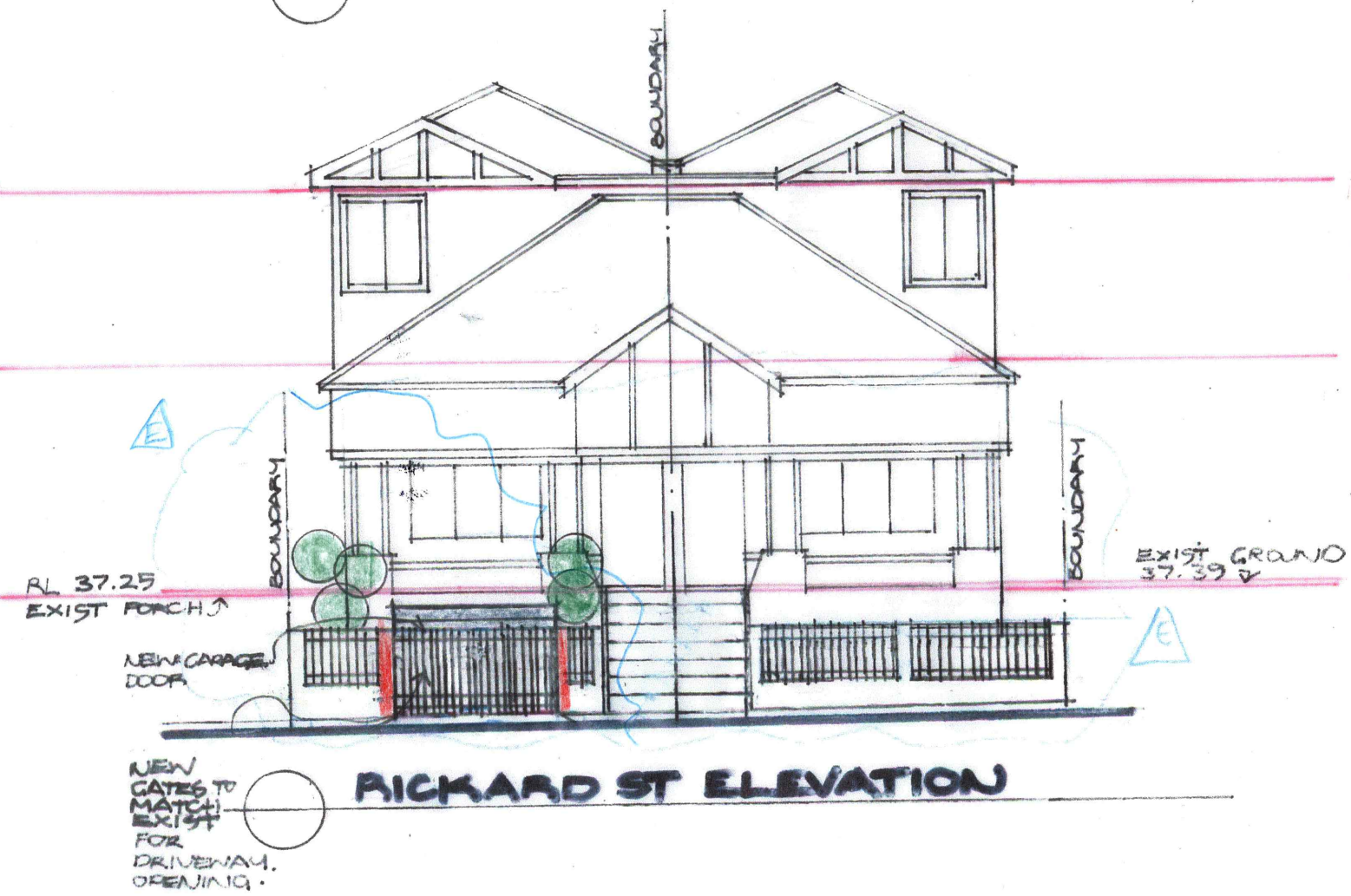
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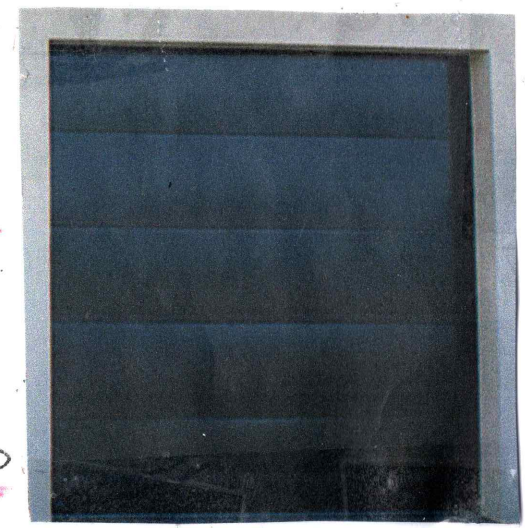
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SECTION A-A



RICKARD ST ELEVATION



NEW GARAGE DOOR



NEW PICKET DRIVEWAY GATES

REVISIONS		
REV:	ISSUE FOR:	DATE:
C	AMENDMENTS TO DRAVENAY	13/10/21
D	AMENDED	18/8/22
E	AMENDED	23/8/22

CONSULTANTS

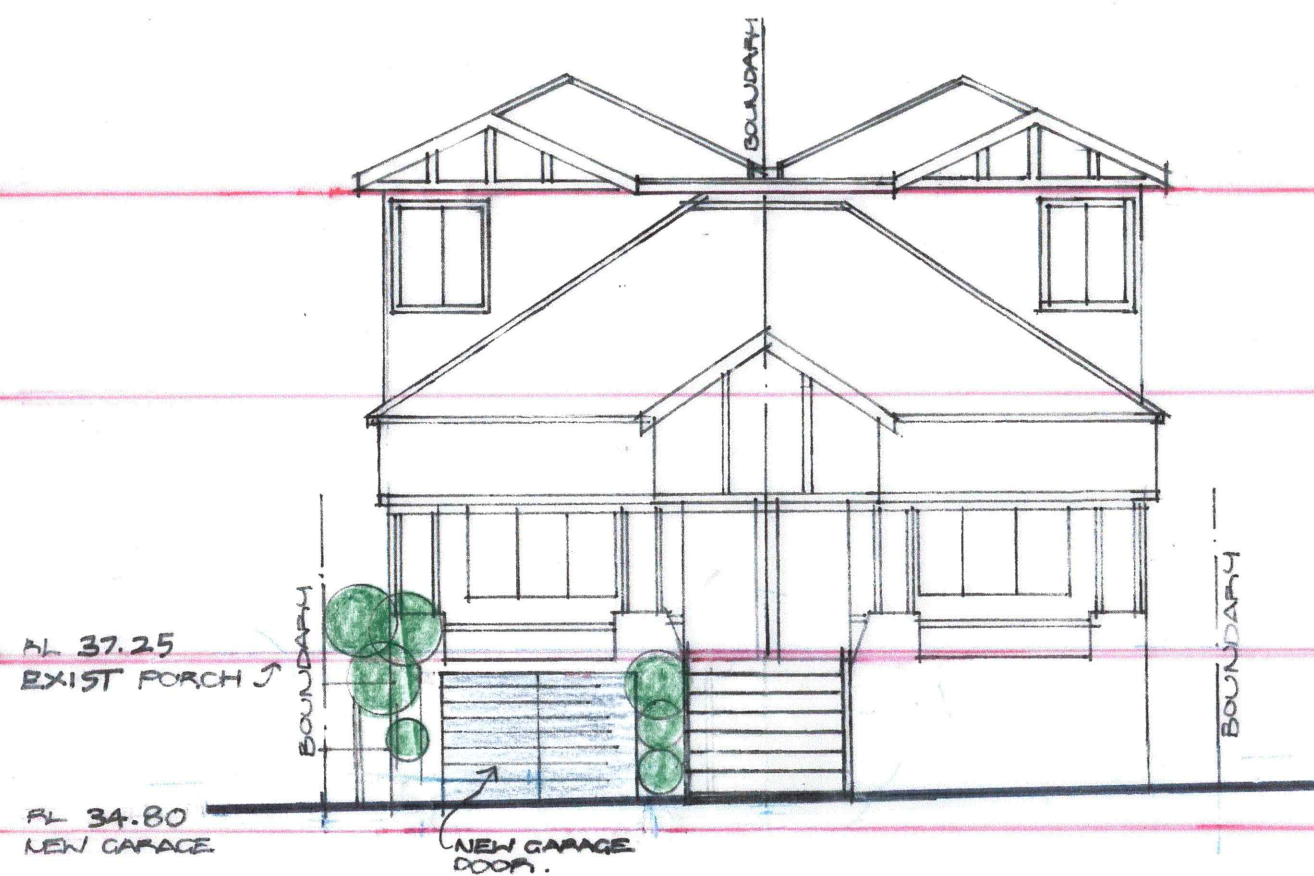
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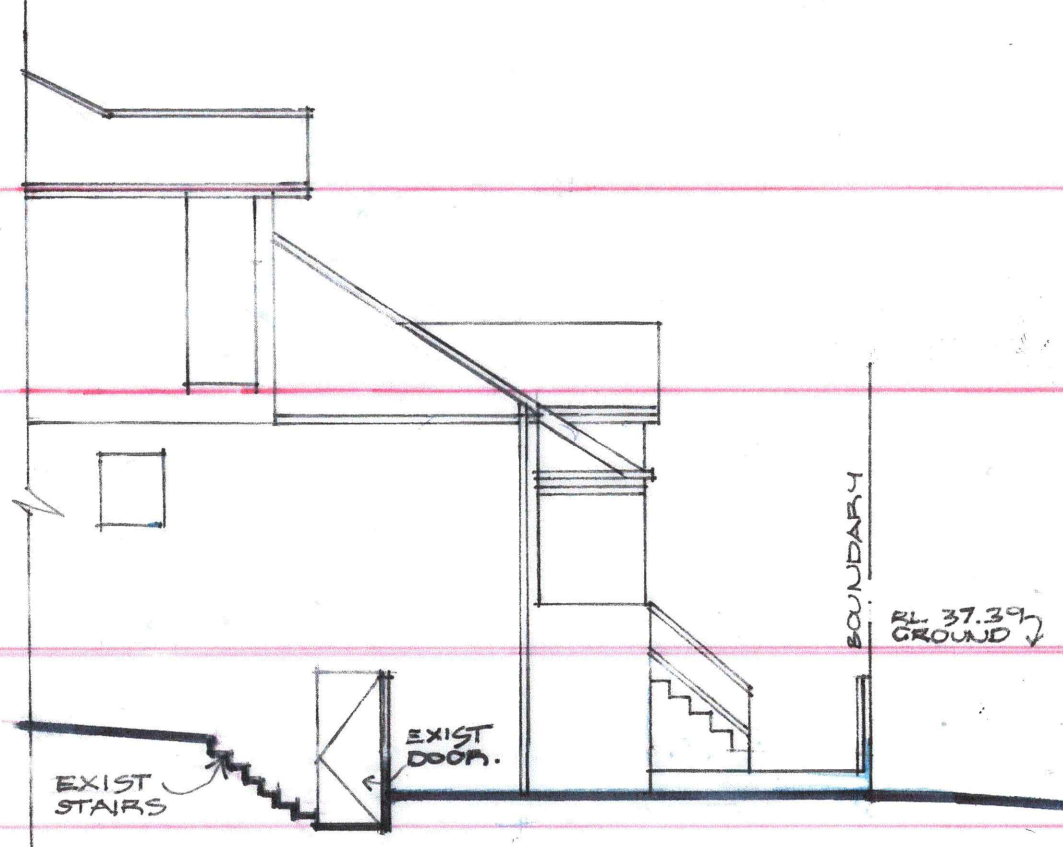
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PROJECT
3 RICKARD AVE BONDI BEACH NSW 2026
DRAWING
SECTION A.A & RICKARD AVE ELEVATION.

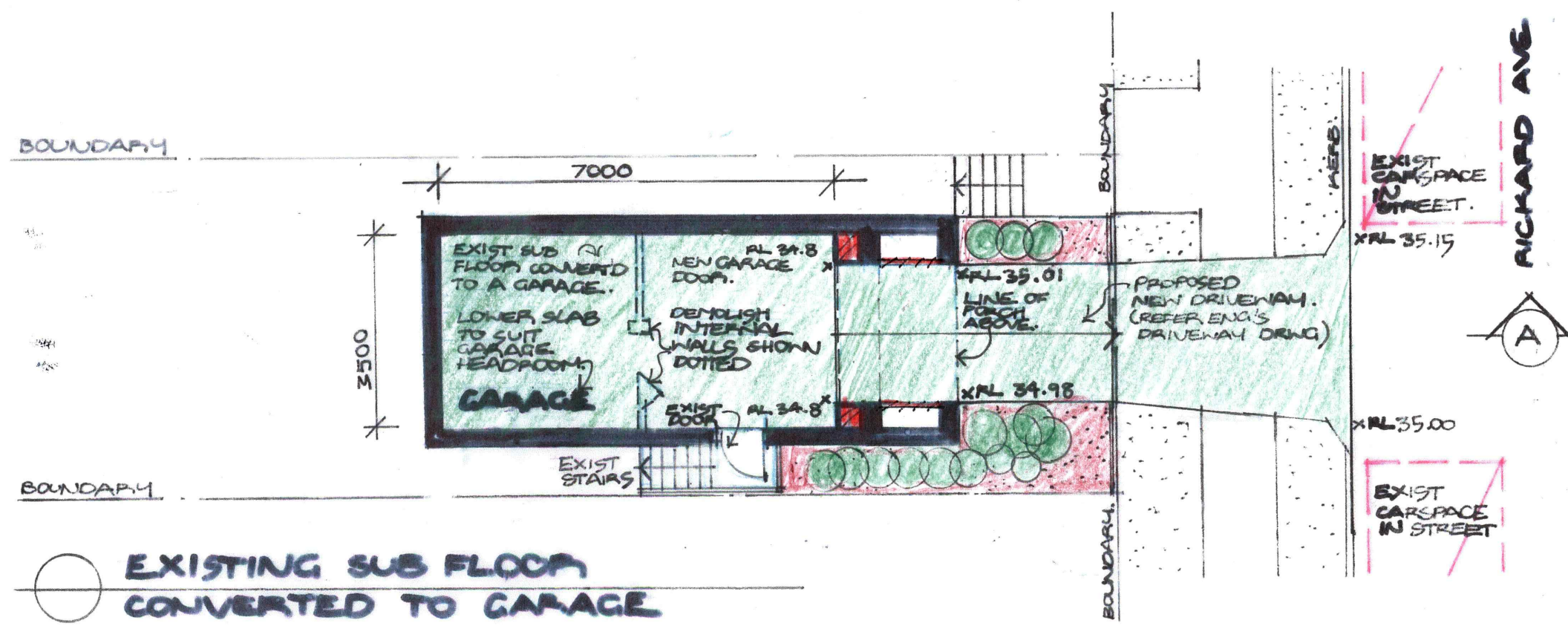
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DRAWING NUMBER: 05E



NORTHEAST ELEVATION



SOUTHEAST ELEVATION



**EXISTING SUB FLOOR
CONVERTED TO GARAGE**

REVISIONS		
REV:	ISSUE FOR:	DATE:
C	AMENDMENTS TO DRIVEWAY	13/10/21
D	AMENDED	18/8/22
E	AMENDED	23/8/22

CONSULTANTS

NOTES



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PROJECT
3 RICKARD AVE
BONDI BEACH NSW 2026

DRAWING
NORTHEAST & SOUTHEAST ELEV
LOWER GROUND FLOOR

PROJECT NUMBER: 2110
DRAWN BY: AS
SCALE: 1:100
DRAWING NUMBER: 04