



DATE: 22 November 2022

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

12.00PM WEDNESDAY, 30 NOVEMBER 2022

QUORUM: Three Panel members.

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

AGENDA

WLPP-22112.A

Apologies

WLPP-22112.DI

Declarations of Interest

The Chair will call for any declarations of interest.

WLPP-22112.1

PAGE 4

8-10 Sir Thomas Mitchell Road, BONDI BEACH NSW 2026 - Demolition of the existing pair of semi-detached dwellings and construction of a four-storey residential flat building containing four residential apartments and associated basement car parking (DA-308/2022)

Report dated 14 November 2022 from the Development and Building Unit.

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

WLPP-22112.2

PAGE 72

180 Wellington Street, BONDI BEACH NSW 2026 - Alterations and additions to existing residential flat building including additional storey, internal reconfiguration, reconfiguration of open spaces, and new swimming pool. (DA-300/2022)

Report dated 17 November 2022 from the Development and Building Unit.

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

WLPP-21112.3

PAGE 124

97 Glenayr Avenue, BONDI BEACH NSW 2026 - Modifications including internal reconfiguration, additional studio apartments, conversion of a two-bedroom unit to an adaptable unit and various other alterations. (DA-296/2019/B)

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

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

WLPP-21112.4

PAGE 238

226 Military Road, DOVER HEIGHTS NSW 2030 - Demolition and construction of a new part two to three storey dwelling with integrated garage parking and swimming pool. (DA-282/2022)

Report dated 17 November 2022 from the Development and Building Unit.

Council Recommendation: That the application be deferred commencement consent for the reasons contained in the report.

WLPP-21112.5**PAGE 312**

Unit 1, 4-12 Cadigal Place, DOVER HEIGHTS NSW 2030 - Alterations and additions to an existing seniors living unit to enclose a section of the terrace and extend the internal living area. (DA-321/2022)

Report dated 16 November 2022 from the Development and Building Unit.

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

WLPP-21112.6**PAGE 352**

154 Brighton Boulevard, NORTH BONDI NSW 2026 - Substantial demolition and alterations and additions to a Residential Flat Building (RFB) including internal reconfiguration, new lift and two basement parking levels. (DA-335/2022)

Report dated 15 November 2022 from the Development and Building Unit.

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

WLPP-21112.7**PAGE 464**

35 Chesterfield Parade, BRONTE NSW 2024 - Alterations and additions to dwelling house including new double garage and studio above facing Busby Lane, swimming pool and associated landscaping works. (DA-179/2022)

Report dated 15 November 2022 from the Development and Building Unit.

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

WLPP-21112.8**PAGE 526**

395 Bronte Road, BRONTE NSW 2024 - Demolition of existing structures, and construction of a part two/three storey dwelling house with a basement garage, new swimming pool and a terrace at the rear. (DA-251/2022)

Report dated 18 November 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-308/2022
Site address	8-10 Sir Thomas Mitchell Road, BONDI BEACH
Proposal	Demolition of the existing pair of semi-detached dwellings and construction of a four-storey residential flat building containing four residential apartments and associated basement car parking
Date of lodgement	25 July 2022
Owner	Mr P J Scahill
Applicant	Uri T Design
Submissions	11 objections and five in support
Cost of works	\$2,921,801
Principal Issues	<ul style="list-style-type: none"> • Visual bulk and scale • Non-compliant lot frontage width • Overshadowing • View impacts • Building separation
Recommendation	That the application be REFUSED for the reasons contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for the demolition of the existing pair of semi-detached dwellings and construction of a four-storey residential flat building containing four residential apartments and associated basement car parking at the site known as 8-10 Sir Thomas Mitchell Road, Bondi Beach.

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

- Visual bulk and scale
- Non-compliant lot frontage width
- Overshadowing
- View impacts
- Building separation

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

A total number of 11 objections and five submissions in support were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 21 September 2022.

The site is identified as Lots A and B in DP444868, known as 8-10 Sir Thomas Mitchell Road, Bondi Beach.

The site contains two separate allotments and is generally rectangular in shape with a frontage to Sir Thomas Mitchell Road measuring 12.62m, a north-western boundary measuring 43.72m, a rear south-western boundary measuring 14.37m and a south-eastern boundary of 43.08m. It has an area of 581.7m² and it falls from the rear south-western boundary towards the north-eastern front boundary by approximately 5m.

The site is occupied by two single storey semi-detached dwellings. There is no vehicular access or car parking on site.

The site is adjoined by a part four, part six storey mixed use development to the south-east at No.34 Campbell Parade. This building comprises retail uses at ground floor level and residential units above being the Astra Retirement Village complex which is a locally listed heritage item (I75). To the north-west of the site is a two-storey residential flat building. To the rear of the site with their frontages to Francis Street is a mix of residential flat buildings and semi-detached dwelling development. The rear private open space areas of these properties back onto the rear boundary of the subject site. The locality

is characterised by a variety of medium density residential development and is located in close proximity to the Campbell Parade commercial/ retail area.

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



Figure 1: The subject site frontage to Sir Thomas Mitchell Road



Figure 2: View towards the subject site looking south-east



Figure 3: The subject site in its streetscape context looking south-east. The Astra Retirement Village is on the left.



Figure 4: View looking west along Sir Thomas Mitchell Road showing the streetscape context

1.3. Relevant Development History

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

- **DA-190/2020:** A development application was submitted on 22 June 2020 for the demolition of the existing dwellings and construction of a new residential flat building comprising seven units with basement parking for nine vehicles. This DA was withdrawn by the applicant on 21 August 2020.
- **PD-41/2020:** A pre-DA application was lodged on 24 September 2020 seeking advice for the demolition of the pair of semi-detached dwellings, consolidation and redevelopment for a new residential flat building comprising of six units, basement car parking for nine vehicles, covered communal area and vehicular access.

A letter was issued to the applicant on 20 November 2020 outlining that the pre-DA scheme still did not meet the concerns raised by the Design Excellence Advisory Panel (DEAP) against the previous DA that was withdrawn (**DA-190/2020**). The pre-DA advice concluded that the proposed development site was unsuitable to be redeveloped as a residential flat building and it was recommended that other opportunities be explored to provide a dual occupancy or a multi-dwelling housing or residential flat building that comprise fewer than four high-end or oversized units/apartments.

1.4. Proposal

The development application seeks consent for the demolition of the existing pair of semi-detached dwellings and construction of a four-storey residential flat building containing four residential apartments and associated basement car parking, specifically the following:

Basement Floor Level

The basement floor level is at RL22.40 AHD and comprises seven parking spaces, a vehicle turntable, bicycle parking, electronic vehicle charging points, storage for each unit, rubbish and bulky goods storage, internal lift and stairs.

Ground Floor Level

The ground floor level is at RL25.20 AHD and comprises the main pedestrian entrance to the building, a covered communal area, bicycle parking, plant room, internal lift and stairs and 1 x three bedroom unit (Unit 1) with open plan kitchen, living and dining space, ensuite, bathroom and laundry. The unit includes private terrace in the north-western side setback and landscaped open space within the front setback. Landscaped communal open space is proposed to be located to the rear.

First Floor Level

The first floor level is at RL28.20 AHD and comprises 1 x three bedroom unit (Unit 2) with open plan kitchen, living and dining areas, a study, laundry, ensuite, bathroom and washroom. This level has a balcony orientated towards the street frontage, two small Juliette balconies at the rear.

Second Floor Level

The second floor level is at RL31.20 AHD and comprises 1 x three bedroom unit (Unit 3) which contains open plan kitchen, living and dining areas, a study, laundry, ensuite, bathroom and washroom. This level has a balcony orientated toward the street frontage, two small Juliette balconies at the rear.

Third Floor Level

The third floor level is at RL34.20 AHD and comprises 1 x three bedroom unit (Unit 4) including open plan kitchen, living and dining areas, laundry, ensuite and bathroom. This level has a balcony to the front which also extends to the north-western portion of the frontage and Juliet-style balconies at the rear.



Figure 5: Photomontage of the proposed development (Source: Applicant's submission)

The proposed development is to have an overall height of 12.5m and a gross floor area (GFA) of 522.9m² comprising an overall floor space ratio of 0.898:1. The building is to be constructed of rendered masonry with Colourbond to the upper most level, aluminium framed glazing and privacy screens, and vertical board formed concrete to balconies.

1.5. Background

The development application was lodged on 25 July 2022 and notified from 23 August until 13 September 2022. The application was deferred on 18 August 2022 for the following reasons:

- Issues raised by the Design Excellence Advisory Panel
- Extent of excavation

- Design and location of the communal open space
- Rear setback
- Amenity
- Provision of genuine deep soil and landscaping

Amended plans and documentation were submitted on 6 September seeking to address these issues. The amended plans were notified from 18 October until 1 November 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*)
- SEPP (Resilience and Hazards) 2021 (*Coastal Management and Site contamination*)

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

- SEPP 65 (Design Quality of Residential Apartment Development) 2002

A detailed discussion is provided for SEPP 65 as follows.

SEPP (Design Quality of Residential Apartment Design)

The application was referred to the Waverley DEAP on 10 August 2022. 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	<i>The proposed design is generally consistent with the emerging scale and density of Sir Thomas Mitchell Road Bondi Beach and responds to its</i>	Although the Panel considered that the proposed design is generally consistent with the emerging scale, as will be detailed throughout this report,

Principle	Panel's Comment	Planning Comment
	<i>overall neighbourhood in a reasonably appropriate way, noting the issues and comments below.</i>	the non-compliances with the Apartment Design Guide (ADG) and Waverley DCP 2012 controls will result in a development which does not consider the context and the desired future character of the locality. This principle is not achieved.
2. Built form and Scale	<i>The proposed building responds accordingly to the varied site context and borrows the extensive vegetated landscape of No.12 Sir Thomas Mitchell Road's large, treed courtyard / backyard.</i>	Noted. The proposal, however, does not comply with a number of ADG and Waverley DCP 2012 controls resulting in poor amenity for future occupants of the subject site and occupants of neighbouring sites.
3. Density	<i>No issues</i>	Noted.
4. Sustainability	<p><i>There is a considerable roof area, and some PV panels are proposed. However, the Panel would encourage the addition of about 60% more PV panels on the north-western roof area, which is below the height controls.</i></p> <p><i>The panel strongly encourages the incorporation of electric car charging points for all car spaces in the basement.</i></p> <p><i>The panel also encourages the incorporation of ceiling fans in all the apartments, so when temperatures are not too high the air conditioning is not required.</i></p>	Noted.
5. Landscape	<p><i>The Panel recommend that the proponent create a small niche seating / mailbox area at the front pedestrian entry on the street side of the secure gate. A beach shower could also be considered in this location or as part of a more detailed communal space design.</i></p> <p><i>The Panel suggest that the covered communal area be reviewed in terms of the relationship with the larger deep soil zone to the southern portion of the site. The extent of the basement below this space and the plant room needs to be considered in creating a more integrated inside /</i></p>	<p>Noted.</p> <p>Noted – it is considered that the design is not resolved in regards to this issue particularly the large undercroft communal area proposed and the extent of the basement floor level.</p>

Principle	Panel's Comment	Planning Comment
	<p><i>outside relationship of the communal space. Greater visual and physical connectivity are required in these two zones.</i></p> <p><i>The landscape plan require greater detail on how the residents will use these important outdoor / semi enclosed spaces will be used.</i></p> <p><i>The Panel suggest that the narrow strip of land between the ramp down / driveway & # 12 be planted with appropriate species to ensure a green / softer address to the public realm.</i></p>	<p>Noted – the proposed undercroft common area provides poor amenity.</p> <p>Noted.</p>
6. Amenity	<p><i>The landscaped communal space must be better connected to the covered hardscaped communal space</i></p> <p><i>Further detail of the communal area design must be provided</i></p> <p><i>The bedrooms over the driveway must be protected with landscape or other means from the car access noise and light</i></p> <p><i>The lift lobby areas could be more open to light, subject to consideration of the interface with neighbour</i></p>	<p>Noted – it is considered that the design is not resolved in regard to this issue, particularly the large undercroft area proposed and the extent of the basement floor level.</p> <p>The proposal does not comply with a number of ADG and Waverley DCP 2012 controls resulting in poor amenity for the occupants of neighbouring sites.</p>
7. Safety	<i>No issues</i>	Noted
8. Housing Diversity and Social Interaction	<i>No issues</i>	Noted
9. Aesthetics	<p><i>The external material palette and middle (western facing) sculpted curved façade are generally well considered and supported by the Panel.</i></p> <p><i>The Panel suggest that both the Eastern and Western long facades be further articulated to provide less share walls of coloured render as noted on the drawings. Generally rendered surfaces are not endorsed. Materials must be robust and capable of wearing naturally in this coastal environment.</i></p>	Noted

Apartment Design Guide (ADG)

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

- (a) visual privacy,
- (b) solar and daylight access,
- (c) common circulation and spaces,
- (d) apartment size and layout,
- (e) ceiling heights,
- (f) private open space and balconies,
- (g) natural ventilation,
- (h) storage.

If a 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: ADG

Design Criteria	Compliance	Comment
Part 3 Siting the development		
3A Site analysis	No	<p>A detailed site analysis plan has been provided with the application. Notwithstanding, it is considered that the application and proposed building has not adequately considered the site, local and wider context.</p> <p>Whilst it is acknowledged that a number of issues raised as part of the Pre-DA advice have been addressed, further design resolution is required to address the amenity impacts that result from the proposed development.</p> <p>The proposal takes cues from the scale of development on the neighbouring property to the south-east and opposite the site, rather than adjoining the site to the north-west, providing an inappropriate transition between the neighbouring B2 Local Centre zone and the subject R3 Medium Density Residential zone.</p> <p>The scale of adjoining development to the north-west is two to three storeys. The proposal for a four-storey residential flat building does not adequately address the street character and</p>

Design Criteria	Compliance	Comment
		separation distance controls and is an overdevelopment of the site.
3B Orientation	No	<p>The proposed building has been orientated and designed to relate to the street.</p> <p>Shadow diagrams submitted with the application indicate that the proposed development will result in overshadowing to No. 34 Campbell Parade to the south-east from 12pm onwards, with the units within the western side of this property having the greatest impact.</p> <p>The ADG stipulates that <i>'if the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond minimums contained in Section 3F Visual Privacy'</i>. In this case, the subject proposal is not compliant with the minimum separation distances stipulated within the ADG, which is unacceptable.</p>
3C Public domain interface	Yes	The proposed building provides an interface with the public domain with balconies overlooking the street and a front boundary treatment, allowing landscaping that contributes to the streetscape with fencing to protect the privacy of the ground level apartment beyond.
3D Communal and public open space ADG control: Minimum of 25% of site (145.4m ²) Minimum of 50% direct sunlight to the principal usable part on winter solstice	Yes Yes	<p>The proposal will provide a total of 151m² of communal open space (equivalent to 26% of the site area) comprised of the following:</p> <ul style="list-style-type: none"> 151m² of landscaped communal open space on the ground floor to the rear of the site with minimum dimensions of 10.524m x 14.37m.
3E Deep soil zones ADG control: 7% of the site, deep soil zones should be provided (41m ²)	Yes	The proposal provides 20% of the site as deep soil located within the rear setback area
3F Visual privacy Min separation distances from buildings (windows and balconies) to side and rear boundaries:	No	The proposed development provides inadequate separation distances with the development being separated by a minimum distance of 1.75m from the south-eastern and 1.7m from the north-western side boundaries. The minimal side separation distances, particularly

Design Criteria	Compliance	Comment
<ul style="list-style-type: none"> Up to 12m (4 storey) – 6m habitable & 3m non-habitable 		<p>at the south-eastern elevation necessitates the need for the design to incorporate large blank walls contributing to unacceptable visual bulk and scale.</p> <p>The main living area windows are concentrated on the front elevation with adequate separation distances from surrounding properties to these windows.</p>
3G Pedestrian access and entries	Yes	Pedestrian entry is provided at the street frontage of the site.
3H Vehicle access	Yes	<p>The driveway and ramp to the basement is located at the lowest part of the street frontage.</p> <p>Council's Traffic Engineers has advised, however, that the proposed driveway ramp does not comply with the Australian Standards AS2890.1 or Council's requirements.</p>
3J Bicycle and car parking	Yes	The numerical controls of the Waverley DCP 2012 apply in terms of parking and bicycle rates – refer to Table 4 for further details.
Part 4 – Designing the building		
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. 	<p>Yes</p> <p>Yes</p>	<p>100% of units receive at least 2 hours mid-winter. All units are dual aspect and as such all receive some direct sunlight mid-winter.</p> <p>The proposal is consistent with the remaining objectives of this part of the ADG ensuring that daylight access is satisfactory and incorporating shading in the warmer months.</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 in the first 9 storeys of the development. 	Yes	<ul style="list-style-type: none"> All habitable rooms within the development are provided with at least one window for natural ventilation. 100% of units are naturally cross-ventilated. All units have dual aspects.

Design Criteria	Compliance	Comment
4C Ceiling heights <ul style="list-style-type: none"> Habitable rooms – 2.7m Non-habitable rooms – 2.4m 	<p>Yes</p> <p>Yes</p>	<p>The ceiling heights within all units comply with the minimum requirement.</p>
4D Apartment size and layout The following minimum internal areas apply: <ul style="list-style-type: none"> 3 Bed = 90 m² Add 5m² for each additional bathroom (above 1) <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.</p> <p>Maximum depth of open plan living layouts is 8m.</p>	<p>Yes</p>	<p>All units have internal areas in excess of the minimum ADG requirements. In this regard, the proposed unit sizes and layout are acceptable.</p> <p>The glazed area to each habitable room is of an acceptable size in relation to the dimensions of the room.</p> <p>The bedrooms have a satisfactory size to meet the intent of the design criteria. All kitchens are separate to the circulation spaces.</p> <p>All of the living areas in each apartment are open plan and do not exceed the 8m criteria.</p> <p>The proposal is consistent with the objectives of this part of the ADG.</p>
4E Private open space and balconies All apartments provide primary balcony as follows: <ul style="list-style-type: none"> 3+bed - 12m² & 2.4m depth Ground level, min 15m² & 3m depth 	<p>Yes</p>	<p>All apartments are provided with a balcony or courtyard accessed from the main living areas which meets the minimum requirements of the ADG in terms of area and depth.</p> <p>The design of the balconies and courtyard is integrated into the architectural form, providing articulation to the building, as well as providing casual surveillance to Sir Thomas Mitchell Road. The finishes of the balconies are consistent with the palette of materials in the building overall.</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 	<p>Yes</p>	<p>The proposed development provides access to only one unit on each floor level.</p>
4G Storage In addition to kitchens, bathrooms and bedrooms, the following is provided: <ul style="list-style-type: none"> 3+bed – 10m³ 	<p>Yes</p>	<p>The proposal provides separate storage within each apartment and a storage cage allocated to each unit in the basement car park. The storage provided meets the requirements and objectives of the ADG.</p>

Design Criteria	Compliance	Comment
4H Acoustic privacy	No	Inadequate building separation has been provided from surrounding properties, potentially resulting in acoustic privacy impacts. See further discussion below.
Configuration		
4K Apartment mix	Acceptable on merit	Limited mix but acceptable given the low number of units proposed.
4L Ground floor apartments	Yes	The ground floor apartment addresses the street frontage providing a landscaped front setback for the use of the ground level apartment. The layout of the front setback and the use of landscaping provides privacy solutions to the front ground level apartment.
4M Facades	No	<p>The proposed building provides an interesting contemporary architectural design from the street; however the bulk of the building, largely attributed to the non-compliant street frontage width and non-compliant separation distances does not contribute to the local area or the desired future character.</p> <p>In addition, the eastern and western long rendered facades are not appropriately articulated; and rendered facades are generally not endorsed within the coastal environment.</p>
4N Roof design	Yes	The proposed building has a flat and curved form roof, consistent with the architectural design of the building.
4O Landscape design	Yes	The proposal incorporates landscaping within the front and rear setbacks of the site. The landscaping of the front setback contributes to the streetscape. The rear landscaping retains the landscaped character of the rear of properties within the area.
4Q Universal Design	No	Not incorporated in the development.
Performance		
4U Energy	Yes	All apartments within the building incorporate passive environmental design, meeting the cross-ventilation requirements in the ADG. Natural ventilation is incorporated in all apartments reducing the need for mechanical ventilation and climate control.
4V Water management and conservation	Yes	A BASIX Certificate has been provided with the application which indicates that the proposal will meet the required water target.

Design Criteria	Compliance	Comment
4W Waste management	Yes	The proposal provides a waste room at the basement floor level with ramped access to the street for collection. A separate area for bulky waste awaiting collection is provided.
4X Building maintenance	Yes	The guideline suggests that building design should provide protection from weathering, systems and access for maintenance and materials which reduce ongoing maintenance costs. There is no evidence to suggest that the proposed building could not achieve this through the detailed construction certificate documentation process.

The following is a detailed discussion of the issues identified in **Table 2** of this report in relation to the ADG.

Separation Distances

The objective of the separation distances of the ADG are to ensure adequate building separation distances are shared equitably between neighbouring sites to achieve reasonable levels of external and internal visual privacy. The ADG has minimum separation distances from buildings (windows and balconies) to side and rear boundaries:

- Up to 12m (4 storeys) – 6m habitable and 3m non-habitable.
- Up to 25m (5-8 storeys) - 9m habitable and 4.5m non-habitable.

According to the ADG requirements, the four levels of the building require 6m side setbacks. The ADG gives design guidance to meet the requirements, stating that generally one step in the built form as the height increases is desirable. The proposal provides the following separation distances (ie. setbacks from boundaries) from habitable rooms and balconies for the four-storey residential flat building:

- 10.524m from the rear boundary.
- 1.7m – 6.5m from the north-western side boundary.
- 1.75 – 3m from the south-eastern side boundary.

To the south-east of the subject site, at No.34 Campbell Parade, is the existing part four, part six storey Astra Retirement Village. The four-storey part of the Astra complex is sited approximately 1.8m from the common property boundary with the subject site. Windows to habitable rooms are sited along this buildings' north-western elevation which overlook the subject site. Common access stairs and a common central courtyard are also located at the north-western side of the Astra complex.

To the north-west of the site at No.12 Sir Thomas Mitchell Road is a two storey residential flat building that is sited approximately 1m to 1.4m from the common property boundary with the subject site.



Figure 6: Streetscape Elevation (Source: Applicant's submission)

In terms of visual privacy, the main living area windows and balconies of the proposed residential flat building are orientated to the front. For Unit 1, elevated bedroom windows/doors are orientated towards the north-western side boundary with a setback of 3m proposed to these windows. A balcony is proposed to run the length of this unit at its north-western elevation that is setback 1.7m from the north-western side boundary. The units above have blank walls with the exception of the centralised void area at the north-western elevation, which enables a greater setback to larger floor to ceiling windows provided to the central hallway for each of the Units 2, 3 and 4. Windows overlooking this void area are proposed to the master bedroom and kitchen areas of these units. The internalised orientation of these windows results in overlooking and privacy issues within the development itself, creating poor amenity for the future occupants of these units.

For Units 1, 2, 3 and 4, the south-eastern side elevation contain secondary windows mainly to non-habitable rooms with larger windows proposed to the lift lobby areas. The subject building has been designed to provide screening to laundry balconies at the south-eastern side of the building sited 1.75m from the south-eastern side boundary. As a result, limited articulation is proposed resulting in unacceptable visual bulk and massing as it presents to the south-eastern side of the subject site.

Furthermore, the ADG stipulates that *'if the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond minimums contained in Section 3F Visual Privacy'*. In this case, the development results in a reduction in solar access to neighbouring habitable room windows to below two hours which is deemed to be unreasonable (discussed in further detail below).

Whilst the proposal is FSR and height compliant, the proposed separation distances required by the ADG are not compliant resulting in unreasonable amenity impacts in regard to visual and acoustic privacy, visual scale and bulk and overshadowing. Further design resolution is required to minimise these impacts.

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 considered to not be consistent with the Aims of the Plan.
Part 2 Permitted or prohibited development		
Land Use Table R3 Medium Density Residential Zone	Yes	The proposal is defined as a <i>residential flat building</i> , which is permitted with consent in the R3 Medium Density Residential zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 12.5m 	Yes	12.5m height is proposed.
4.4 Floor space ratio <ul style="list-style-type: none"> 0.9:1 or 523.53m² 	Yes	0.898:1 or 522.9m ²
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	The subject site is not heritage listed or located within a heritage conservation area; however, it is sited adjoining the locally heritage listed Astra building at 34 Campbell Parade (175). A Heritage Assessment Report has been submitted and considered. The application was referred to Council's Heritage Advisor. See further discussion under the Referrals section of this report.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site is designated as Class 5 on the Acid Sulfate soils map. In the event of approval, a condition would be imposed in regard to this issue.
6.2 Earthworks	No	The application includes extensive earthworks to accommodate the proposed basement level car park. The excavation is to extend beyond the footprint of the proposed building above and does not comply with the setback controls of Waverley DCP 2012 (See further discussion under Section 2.1.3)

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory
2. Ecologically Sustainable Development	Yes	Satisfactory
3. Landscaping and Biodiversity	Yes	Satisfactory
4. Coastal Risk Management	Yes	Satisfactory
5. Vegetation Preservation	Yes	The application was referred to Council's Tree Management officer who raised no objections, subject to conditions
6. Stormwater	Yes	Satisfactory. Refer to section 3 of this report on referral commentary in relation to stormwater.
7. Accessibility and Adaptability	Yes	The proposed accessibility of the development is satisfactory. The ADG, which takes precedence over the Waverley DCP 2012, requires that 20% of units (ie. one unit) complies with universal housing design. In the event of approval, a condition of consent would be applied to rectify this issue post-consent.
8. Transport Zone 2 Minimum parking rate: <ul style="list-style-type: none"> Nil Maximum parking rate: <ul style="list-style-type: none"> 3 Bedroom+ - 1.5 spaces per unit Visitor parking: <ul style="list-style-type: none"> 1 space per 5 units Motorcycle parking: <ul style="list-style-type: none"> 1 space per 3 parking bays Bicycle parking: <ul style="list-style-type: none"> Resident: 1 per dwelling 	Partial	The Waverley DCP 2012 allows a maximum of six parking spaces for the residential units and one visitor parking space. The minimum provision is nil. The proposal provides a basement car park providing parking for seven vehicles. This is satisfactory and in accordance with the DCP controls for car parking. The entry to the basement is from street frontage and along the north-western side boundary which has a satisfactory streetscape impact, following the guidance of the Waverley DCP 2012 controls. The vehicular access to the site is limited to one cross over and is satisfactorily located, however it does not comply with the applicable Australian Standards. Council's Traffic Engineers advised that the

Development Control	Compliance	Comment
		proposed driveway does not comply with AS2890.1 or Council's requirements. The DCP also requires the provision of two motorcycle spaces that have not been provided.
9. Heritage	Yes	Satisfactory
10. Safety	Yes	Satisfactory
12. Design Excellence	No	Unsatisfactory. The proposal does not appropriately respond to the context of the area by presenting a residential flat building of unacceptable scale and bulk.
14. Excavation	No	Unsatisfactory. The proposal includes significant excavation to provide for the basement car parking below the building. The proposal provides a nil side boundary setback up to a 1.372m setback for the basement level from the north-western side boundary and a 900mm setback from the south-eastern side boundary. This results in a non-compliance with the 1.5m side setback control of the Waverley DCP 2012. The excavation to accommodate the proposed basement is also to extend beyond the footprint of the building above which is unacceptable.
16. Public Domain	Yes	Satisfactory. Further design resolution is required on the location of the fire hydrant/booster which has not been shown.

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"> Minimum frontage: 15m – R3 zone 	No	The subject site has a frontage width of 12.62m which is below the DCP minimum requirement of 15m. As a result, the subject building is unable to accommodate an acceptable building envelope that responds appropriately to the neighbouring properties.
3.2 Height		
<ul style="list-style-type: none"> Maximum external wall height: R3/12.5m – 9.5m maximum wall height 	Yes	Given the stepped form of the fourth floor level, the development is able to comply with the maximum wall height control, with a proposed external wall height of 9.3m.

Development Control	Compliance	Comment
3.3 Setbacks		
3.3.1 Street setbacks <ul style="list-style-type: none"> Consistent street setback 	Yes	A street setback to balconies of 1.9m minimum which is splayed up to a 4.5m setback is proposed. This is consistent with the prevailing setback within the streetscape, providing an appropriate transition between the adjoining development to the south-east and north-west of the subject site.
3.3.2- Side and rear setbacks <ul style="list-style-type: none"> Minimum side setback: 1.5m Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback Deep soil along one side boundary min 2m wide 	Yes Yes No	1.7m – 6.5m from north-western side boundary 1.75 – 3m from the south-eastern side boundary 10.524m from the rear boundary Separation distances and the corresponding required setbacks have been discussed in Table 2 relating to ADG requirements. It is noted that the proposal provides greater setbacks than the requirements of the DCP. The proposal fails to provide adequate deep soil planting along a side boundary as is required by the Waverley DCP 2012.
3.4 Length and depth of buildings		
<ul style="list-style-type: none"> Maximum building length: 24m Façade to be articulated Maximum unit depth: 18m 	No Yes No	The proposed building length is 30m, contributing to the unacceptable visual bulk and scale as it presents to the neighbouring properties.
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 	No Yes N/A	The subject development takes its cues from the neighbouring four storey building to the south-east at 34 Campbell Parade which is located within the B2 Local Centre zone. The proposal fails to provide an appropriate transition between this development and neighbouring development to the north-west, proposing a bulk and scale that is unacceptable in its streetscape context. The limited separation distances proposed result in unreasonable amenity impacts on these neighbouring properties which is unacceptable.
3.7 Fences and walls		
<i>Front fence:</i> <ul style="list-style-type: none"> Maximum height 1.2m Maximum 2/3 solid 	No No	The proposed solid portion of the front fence ranges in height from 0.45m up to 1.289m with metal fencing above to an additional height of 500mm. This is as a result of the sloping nature of the site at the property frontage.
<i>Side fence:</i> <ul style="list-style-type: none"> Maximum height: 1.8m 	Yes	

Development Control	Compliance	Comment
<i>Rear fence:</i> <ul style="list-style-type: none"> Maximum height: 1.8m 	As existing	
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 	Partial Yes Yes Yes	The pedestrian entry is proposed at street level, but is sited to the left of the building where other residential flat buildings along this section have their entries centrally located.
3.9 Landscaping		
<ul style="list-style-type: none"> Comply with part B3- Landscaping and Biodiversity Minimum of 30% of site area landscaped: 174.51m² 50% of the above is to be deep soil: 87.26m² 	Yes Yes Yes	Approximately 245m ² or 42% of the site is landscaped area. The front, rear and side setbacks will be extensively landscaped. The deep soil zones are consolidated at the rear to allow appropriate landscaping. Approximately 100m ² is deep soil landscaping at the rear of the site. The proposal includes planting along the front and rear boundaries within the deep soil zones. The front landscaping will provide privacy for the apartment at ground level facing the street and will also contribute to the streetscape appearance of the development.
3.10 Communal open space		
<ul style="list-style-type: none"> Minimum 15% communal (R3 zone): 87.3m² Minimum dimensions: 6m x 6m Minimum of 30% of communal area must receive three hours of sunlight Accessible 	Yes Yes Yes Yes	The proposal will provide a total of 151m ² of communal open space (equivalent to 26% of the site area) comprised of the following: <ul style="list-style-type: none"> 151m² of landscaped communal open space on the ground floor to the rear of the site with minimum dimensions of 10.524m x 14.37m. It is also proposed to provide 67m ² of undercroft communal area to the rear of the building at ground floor level.
3.11 Private Open Space		
3.11.1 – Courtyards <ul style="list-style-type: none"> Private Courtyards – min 25m² area and 3m width and depth Planting to be provided Private open space not to be provided at the front, unless a buffer it provided Max gradient 1 in 10 	Yes Yes No Yes	Unit 1 is to be provided with private open space within the front setback area. The area is to be fenced and landscaped for visual privacy. The proposed large masonry and glazed balconies extend across the width of the façade to a depth of 3.4m. All units are proposed with their private open space orientated to the north, however, Unit 1 is to also be provided with a terrace area sited along its north-western elevation approximately

Development Control	Compliance	Comment
3.11.2 – Balconies/decks <ul style="list-style-type: none"> Balcony additions to match the character of the building Should not dominate the façade No wrap around balconies Located to maximise solar access and privacy Balustrades to allow views and casual surveillance of the street and privacy 	<p>Yes</p> <p>No</p> <p>Yes</p> <p>Partial</p> <p>Yes</p>	<p>1.7m from the western side boundary, resulting in unreasonable visual and acoustic privacy impacts for the adjoining property to the north-west.</p>
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 	<p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p> <p>No</p>	<p>A convex mirror is proposed at the driveway.</p> <p>Excavation for the basement car park results in a non-compliance with the side setback controls of the DCP providing limited opportunity for deep soil planting along the side boundaries.</p>
3.13 Solar access and overshadowing		
<ul style="list-style-type: none"> New development should not reduce the solar access of solar panels of any property to less than two hours per day in mid-winter except solar hot water and photovoltaic panels to which full solar access must be maintained. Direct sunlight to north facing windows of habitable rooms and all private open space areas of adjacent dwellings should not be reduced to less than 3 hours 	<p>Yes</p> <p>Partial</p>	<p>See discussion below this table</p> <p>The submitted shadow diagrams indicate a reduction in solar access to north-west facing habitable room windows of the neighbouring development to the south-east to less than 2 hours which is unreasonable.</p>

Development Control	Compliance	Comment
3 bedroom = 100m ² <ul style="list-style-type: none"> Flexible design Accessible and Adaptable 	No Yes	
3.17 Ceiling Heights		
<ul style="list-style-type: none"> Min 2.7m floor to ceiling height residential floors Min 2.4m floor to ceiling height attic levels 	Yes Yes	
3.18 Storage		
In addition to kitchen cupboards and bedroom wardrobes, min storage required is: <ul style="list-style-type: none"> 3 or more bed = 10m³ All to provide bulk storage are in basement or ancillary structure 	Yes No	
3.19 Acoustic privacy		
<ul style="list-style-type: none"> Sound proofing through acoustic glazing Internal amenity by locating noisy areas away from quiet areas 	No	<p>The layout of each floor is generally similar (identical from levels 1-3) and as such similar and/or identical uses are located above and below each other on each level of the building.</p> <p>As previously discussed, it is considered that the non-compliant separation distances will result in unacceptable acoustic privacy impacts to the neighbouring properties. It is also considered that the proposed internal facing windows to Units 2, 3 and 4 overlooking the north-western void of the building will result in unacceptable amenity impacts for the occupants of the subject development itself.</p>
3.20 Natural Ventilation		
<ul style="list-style-type: none"> All dwellings to be naturally cross-ventilated Building to be orientated to maximise breezes Ceiling fans are to be provided in all habitable rooms. 	Yes Yes Partial	Ceiling fans are proposed to all bedrooms but not living areas.
3.21 Building services		
<ul style="list-style-type: none"> Services are to be integrated into the design 	No	No communal outdoor clothes drying area is nominated on the plans. In the event of approval,

Development Control	Compliance	Comment
of buildings (garbage rooms, mail boxes, fire hydrants boosters, electrical substations, down pipes, plant rooms, satellite/communications structures <ul style="list-style-type: none"> • 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 	No No Yes	a condition would require the provision of an outdoor clothes drying area as there is sufficient area on site to provide this. Some services are integrated into the design of the development; however, limited details have been provided on the location of air condenser units, fire hydrant/ booster location. The location of a plant room at the rear ground floor level is considered to be inappropriate and should be confined to the basement away from communal areas. The lift overrun is sited towards the rear of the building

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

Overshadowing

Objective 3B-2 of the ADG requires that overshadowing of neighbouring properties is minimised during mid-winter. Design guidance to achieve this is provided however the ADG provides no numeric controls in this regard. Notwithstanding, the ADG requires that residential flat buildings achieve at least 2 hours solar access between 9am and 3pm on the winter solstice to at least 70% of apartments. Given the subject proposal will overshadow a residential flat building at the side (34 Campbell Parade), it is considered appropriate to apply this control to that building. The ADG goes on to state that *'if the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond minimums contained in Part 3F Visual Privacy'*.

The proposal will result in additional overshadowing of the neighbouring properties, particularly the property to the south-east of the site which is the most impacted. Shadow diagrams indicate that the overshadowing from the proposed development at mid-winter will move over the north-west facing windows of the units within 34 Campbell Parade and will cause some apartments within this development to achieve less than the 2 hours required sunlight throughout the day.

Whilst it is acknowledged that the subject development is compliant with the height and FSR development standards of the Waverley LEP 2012 and that a level of overshadowing is anticipated as a result of the redevelopment of the subject site, the non-compliant street frontage width and the non-compliant separation distances creates unreasonable shadow impacts that are not supported.

Views and view sharing

The objectives and strategies for views and view sharing of the Waverley DCP 2012 generally seek to reduce impacts on existing views and vistas from the private and public domain. Council's view sharing objectives under Waverley DCP 2012 require that views are shared, providing equitable access to views from dwellings. This objective provides a general guide when assessing potential view loss, further expanded by guiding principles of the Land and Environment Court as follows. The judgement in *Tenacity Consulting v Warringah Council (2004)* resulted in a four step assessment in regard to view sharing:

1. *The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*
2. *The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*
3. *The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*
4. *The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

The proposal does not comply with the separation distances of the ADG. A view analysis has not been provided by the applicant to indicate the impacts of the non-compliant envelope on the neighbouring properties, particularly those properties located at the rear of the site with their frontage to Francis Street.

A site inspection to assess view impacts from No.27 Francis Street to the rear of the site, ascertained that views may be available over the subject site towards the Ocean during the winter months, however, due to the location of a substantial deciduous tree, views are obstructed during the warmer months. The owner of this property subsequently submitted a photo showing the view during the winter period when the tree has lost its foliage (refer to **Figures 7 and 8** below).



Figure 7: View looking north-east towards the subject site from the rear living area of No.27 Francis Street (source: Assessment officer dated 21/10/2022)



Figure 8: View looking north-east towards the subject site from the rear of No.27 Francis Street as provided by the owner of that property during the cooler months noting the large deciduous tree

It is inevitable that there will be some loss of views from the properties to the rear given that the views are achieved over a row of underdeveloped sites. The sites on Sir Thomas Mitchell Road have a 12.5m height control which will ultimately result in loss of views upon redevelopment of these sites. In effect, loss of views from these rear properties are an inevitable consequence of the redevelopment of the site. The zoning allows for a larger building on this site than presently exists and the view impacts that go with that scale of redevelopment.

The views towards the waters off Bondi Beach from 27 Francis Street are across the rear and side boundary. These views are partial, distant views. In effect, loss of views from this property are an inevitable consequence of the redevelopment of the site. The loss of view as a result of the non-compliant site frontage width and separation distances is more difficult to ascertain. The proposal may result in view corridors being obstructed through to Bondi Beach. Further design resolution is required in regards to this matter.

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 and a site notice erected on the site from 23 August to 13 September 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 for 14 days between 18 October and 1 November 2022.

A total of seven unique submissions and one combined submission from four properties were received. Details of properties which lodged submissions are as follows:

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

Count	Property Address
1.	Unit 1/ 19 Francis Street, Bondi Beach (original and amended)
2.	Unit 2/ 19 Francis Street, Bondi Beach (original and amended)
3.	Unit 1/ 21 Francis Street, Bondi Beach (original and amended)
4.	Unit 2/ 21 Francis Street, Bondi Beach (original and amended)
5.	23 Francis Street, Bondi Beach (No unit number given)
6.	Unit 5/ 23 Francis Street, Bondi Beach
7.	27 Francis Street, Bondi Beach
8.	Unit 6/ 33 Francis Street, Bondi Beach
9.	The Owners Corporation, The Astra, 34 Campbell Parade, Bondi Beach
10.	Unit 45/ 34 Campbell Parade, Bondi Beach
11.	Unit 52/ 34 Francis Street, Bondi Beach

Letters of support have also been submitted from five properties which include as follows:

Count	Property Address
1.	Shop 2/ 34 Campbell Parade, Bondi Beach
2.	Shop 3b/ 34 Campbell Parade, Bondi Beach
3.	Unit 13/ 34 Campbell Parade, Bondi Beach
4.	Unit 14/34 Campbell Parade, Bondi Beach
5.	Unit 5/308 Bondi Road, Bondi Beach

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

- Overshadowing
- Visual scale and bulk
- Traffic and Parking
- View Impacts
- Visual and acoustic privacy impacts
- Non-compliant height and FSR

2.5. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Heritage

The development application was referred to Council's Heritage Adviser who provided the following comments and recommendations:

Comments:

- *The existing residences are a rare remaining example of the initial stages of subdivision of Bondi prior to the consolidation of the near beachfront areas during the Inter- War years.*
- *The existing residences should be archivally recorded using Heritage Office guidelines for digital photographic recording - the records submitted to Council for approval prior to commencement of any demolition.*
- *As with a previous application for this site the proposed works appear limited in compliance with SEPP65 guidelines particularly in relation to separation distance and the nature of the communal area located in an undercroft of limited amenity.*
- *The proposed external finishes are questioned in relation to cohesion with the visual curtilage and actual outcomes in construction. Elevations indicate Oxidized copper cladding to the fourth floor and roof whilst the schedule of finishes indicates Colourbond finish [presumably over steel not copper]. It needs to be one or the other. Similarly, the durability of lime render in such a maritime location has to be questioned.*
- *The general disposition of planter beds is considered likely to have a poor outcome, similar planter beds on recent projects rapidly deteriorating due to lack of maintenance by owners and difficulty of access.*
- *The proposed timber palisade fencing to the street frontage is not supported due to lack of durability and poor spacing shown on elevations.*
- *The articulation of the street elevation with extended open decks is considered to have no cohesion with the setting, adjacent listed Astra building or recent works opposite. There is a near universal language of inset balconies about Campbell Parade and Sir Thomas Mitchell Parade - the obvious weather protection afforded by this form of deck/balcony being a considered response to the weather experience in the location.*
- *The proposed deep open decks will almost inevitably lead to applications for additional shelter in the form of extended pergolas and screen walls.*

- *‘Vivid White’ is not cohesive to the established patina of the adjacent Conservation Area and should be replaced with ‘Chalk White’ as the external colour.*

Recommendations:

To enable interpretation of the history of the site and relationship to the adjacent Conservation Area it is recommended that:

- *The existing residences are to be archivally recorded using Heritage Office Guidelines for digital photographic recording - the records submitted to Council for approval prior to commencement of any demolition.*
- *The proposed works should demonstrate better response to SEPP65 guidelines particularly in relation to separation distances and the nature of the communal area located in an undercroft of limited amenity.*
- *The proposed external finish of ‘rough lime render’ should be reviewed as to durability.*
- *Finishes to the exterior generally should be clarified as to actual material and colour.*
- *All external landscaping is to be maintained by the body corporate and not individual owners to ensure ongoing maintenance.*
- *Palisade fencing to the street front wall is to be of metal not timber battens and to be finished in metal oxide or epoxy paint coating.*
- *Stone facing to the street front wall is to be of stone blocks with quarry face finish and not stone veneer.*
- *Balconies/decks to the street elevation should be inset /partially enclosed to maintain the historic and recent pattern of the streetscape and to minimise subsequent applications for enclosure.*

Given the comments and recommendations raised by Council’s Heritage Adviser, it is considered that further design resolution is required to address the issues raised. The development application is not supported.

3.2. Traffic and Development

The original and amended application was referred to Council’s Traffic and Development Engineer who provided the following comments:

It is recommended that the proposal is refused due to the ramp not complying with AS2890.1 or Council’s relaxed requirements and due to non-provision of motorcycle parking.

3.3. Stormwater

The application was referred to Council’s Stormwater Engineer who raised no objections subject to conditions.

3.4. Public Domain

The application was referred to Council's Public Domain officer who raised no objections subject to conditions.

3.5. Tree Management

The application was referred to Council's Tree Management officer who raised no objections subject to conditions.

3.6. Waste

The application was referred to Council's Waste Management officer who raised no objections subject to conditions.

3.7. Urban Design

The application was referred to Council's Urban Designer who provided the following comments:

In summary, it is considered that the proposed development is in-keeping with the area in terms of both numeric controls, massing and design. However, there are some issues related with the interface with the adjacent building at 12 Sir Thomas Mitchel Road that needs to be addressed. It is therefore recommended that:

- *The building is slightly reoriented in order to increase separation with the mention building,*
- *The garage entrance needs further consideration to better address the interface with the adjacent building;*
- *More information is provided in order to assess any potential impacts on this interface;*
- *More elements of the existing building are repurposed as part of this development or recycled.*
- *The balcony angle is changed in order to respond better with the streetscape.*

4. CONCLUSION

The development application seeks consent for the demolition of the existing pair of semi-detached dwellings and construction of a four storey residential flat building containing four residential apartments and associated basement car parking at the site known as 8-10 Sir Thomas Mitchell Road, Bondi Beach.

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

- Visual bulk and scale
- Non-compliant lot frontage width
- Overshadowing
- View impacts
- Building separation

The assessment finds these issues unacceptable.

A total number of 11 objections 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.

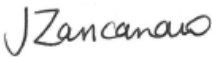

Development and Building Unit (DBU) Decision:

The application was reviewed by the DBU at the meeting on 18 October 2022 and the DBU determined that the application is not acceptable and should be refused for the reasons in Appendix A.

DBU members: *M Reid, A Rossi, 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: 14/11/2022	Date: 15 November 2022

Reason for WLPP referral:

1. Contentious development (10 or more objections)
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 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* in that the proposed development does not achieve the desired urban form and built form quality envisaged for the area.
 - ii. *Principle 2 - Built form and scale* as the proposed development is out of scale with the desired future character for the area. The scale and bulk of the proposed development exceed that envisaged for the site.
 - iii. *Principle 6 – Amenity* as the proposed development results in unreasonable impacts on the amenity of neighbouring properties in regards to solar access, visual and acoustic privacy and view impacts.
 - iv. *Principle 9 – Aesthetics* as the visual appearance, particularly the bulk and scale, do not respond to the existing or future local context or desired future character.
2. 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 B8 Transport

- a. Objective (d) under this the Part and control 8.2.1 (m), as the proposed driveway access ramp does not comply with the Australian Standards AS2890.1.

Part B12 – Design Excellence

- b. 12.1 *Design*, specifically objectives (a) and (d) controls (a), (b), (c) and (e), and 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, the relationship of the development to other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, amenity and urban form, the overall bulk and massing of the development and environmental impacts such as view impacts, overshadowing and visual and acoustic privacy. 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

- c. Objectives (a), (b), (d) and controls (d) and (n) under this Part, given the enlarged basement car park that provides non-compliant setbacks from boundaries of the site, thereby resulting in a lack of deep soil planting along side boundaries.

Part C3 – Other Residential Development

- d. Section 3.1 *Site Scale and Frontage*, in particular objectives (a), (b) and (c) controls (a), (b) and (c) as the proposed lot does not satisfy the minimum street frontage requirements resulting in a development that is not of a scale or density that is appropriate for the allotment.
 - e. Section 3.4 *Length and Depth of Buildings*, specifically objectives (b) and (c) and control (c), as the proposal exceeds the maximum depth of the building permitted and does not respond to the desired scale and character of the street and area or provide good residential amenity for dwellings.
 - f. Section 3.5 *Building Design and Streetscape*, specifically objectives (a), (b) and (c) and controls (a) and (b), in that the proposed residential flat building is not of a scale and appearance in keeping with the emerging character of the area.
 - g. Section 3.13 *Solar Access and Overshadowing*, specifically objective (d) and control (c) as the proposed development results in unreasonable overshadowing to the neighbouring property to the south-east.
 - h. Section 3.14 *Views and View Sharing*, in particular objective (a), control (a) as the proposal may result in unreasonable view loss impacts to neighbouring properties located to the rear of the subject site.
 - i. Section 3.15 *Visual Privacy and Security*, specifically objectives (a) and (b) and controls (d) and (e) in that the proposed development provides inadequate separation distances to development on the adjoining properties resulting in unreasonable visual privacy impacts. The proposal also results in unreasonable visual privacy impacts between units within the development itself.
 - j. Clause 3.19 *Acoustic Privacy*, specifically objective (a) and control (b) in that the proposal results in unreasonable acoustic privacy impacts between units within the development itself given the location of kitchen windows directly opposite and above bedroom windows that overlook the proposed central void area.
3. The application does not satisfy section 4.15 (1)(b) of the Act as the proposed development is excessive in terms of its building massing, bulk and scale relative to the site area and dimensions, and consequently results in unacceptable amenity and streetscape impacts upon the locality and surrounding built environment.

4. The application is contrary to section 4.15 (1)(c) of the Act due to the site being unsuitable to accommodate the proposed development.
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.

8 -10 SIR THOMAS MITCHELL ROAD BONDI BEACH



DRAWING SCHEDULE

Layout ID	Layout Name
DA-0000	COVER PAGE
DA-1001	SITE ANALYSIS
DA-1002	BASEMENT CAR PARKING
DA-1003	GROUND FLOOR PLAN
DA-1004	FIRST FLOOR PLAN
DA-1005	SECOND FLOOR PLAN
DA-1006	THIRD FLOOR PLAN
DA-1007	ROOF PLAN
DA-1008	SHADOW DIAGRAM - PROPOSED
DA-1009	SHADOWS PERSPECTIVE FRONT
DA-1010	SHADOWS PERSPECTIVE BACK
DA-1011	AREA CALCULATIONS
DA-1012	WASTE MANAGMENT PLAN
DA-1013	FENCE DETAIL
DA-1014	COMMUNAL AREA PLAN AND SECTIONS
DA-1015	EXISTING SHADOWS PERSPECTIVE FRONT
DA-1016	EXSITING HADOWS PERSPECTIVE BACK
DA-2001	STREETSCAPE ELEVATIONS
DA-2002	NORTH ELEVATION
DA-2003	WEST ELEVATION
DA-2004	SOUTH ELEVATION
DA-2005	EAST ELEVATION
DA-3001	SECTION AA
DA-3002	SECTION BB
DA-4001	FINISHES SCHEDULE
DA-4002	VIEW ANALYSIS

nominated architect:
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REVISIONS
REV A

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THERMAL COMFORT OPTIONS:

Roof:

Ceilings:

External Walls:

Internal walls:

Metal deck + R1.0 insulation blanket to underside. Medium colour.

Minimum R3.0 insulation with roof above.

Rated with sealed exhaust ventilation. Not rated with down-lights.

Units 1-3: Concrete + R1.0 insulation + plasterboard.

Unit 4: Metal cladding + R2.0 insulation. Light colour.

Plasterboard on stud within units.

Concrete + plasterboard party walls.

Floors:

Glazing:

Unit 4:

Concrete floors throughout with timber & tile covering.

R1.0 insulation to all floors with outside air below.

Units 1, 2, 3 NFRC: Uw= 6.70, SHGC=0.70 to all glazing.

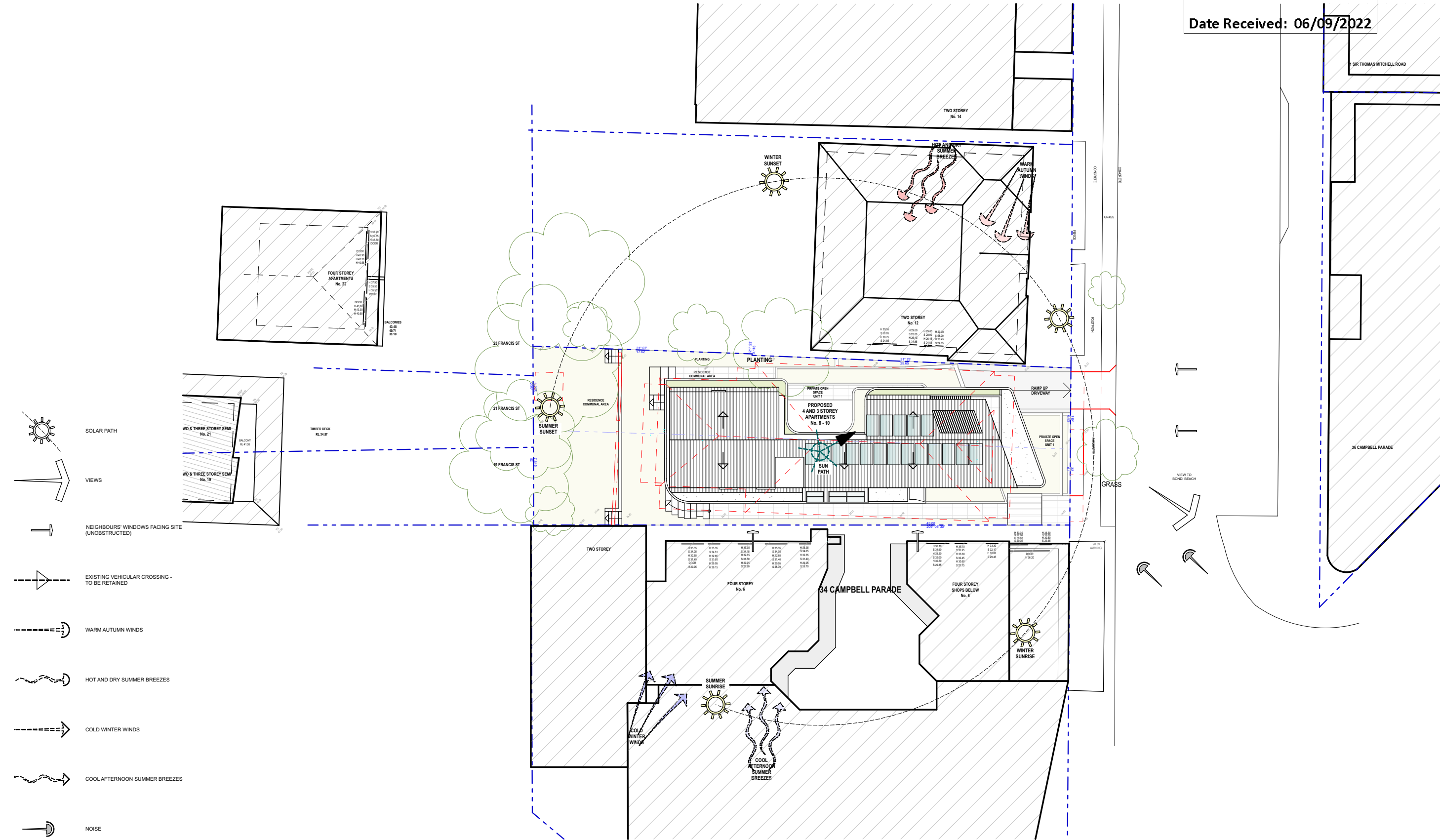
eg aluminium-framed single-glazed clear glass.

AFRC: Uw= 4.9, SHGC=0.33 to all glazing.

eg aluminium-framed double-glazed "Low-e" glass.

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-308/2022
Date Received: 06/09/2022



nominated architect:
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Glazing: Units 1, 2, 3 NFRC: Uw= 6.70, SHGC=0.70 to all glazing. eg aluminium-framed single-glazed clear glass. AFRC: Uw= 4.9, SHGC=0.33 to all glazing. eg aluminium-framed double-glazed 'Low-e' glass.
Unit 4:

DRAWING
PROJECT



SITE ANALYSIS
NEW BUILDING
8-10 SIR THOMAS MITCHELL ROAD
BONDI BEACH NSW 2026

DRAWN BY **UT**
JOB NO **STM-10**
DRAWING NO **DA-1001**
REVISION **REV B**

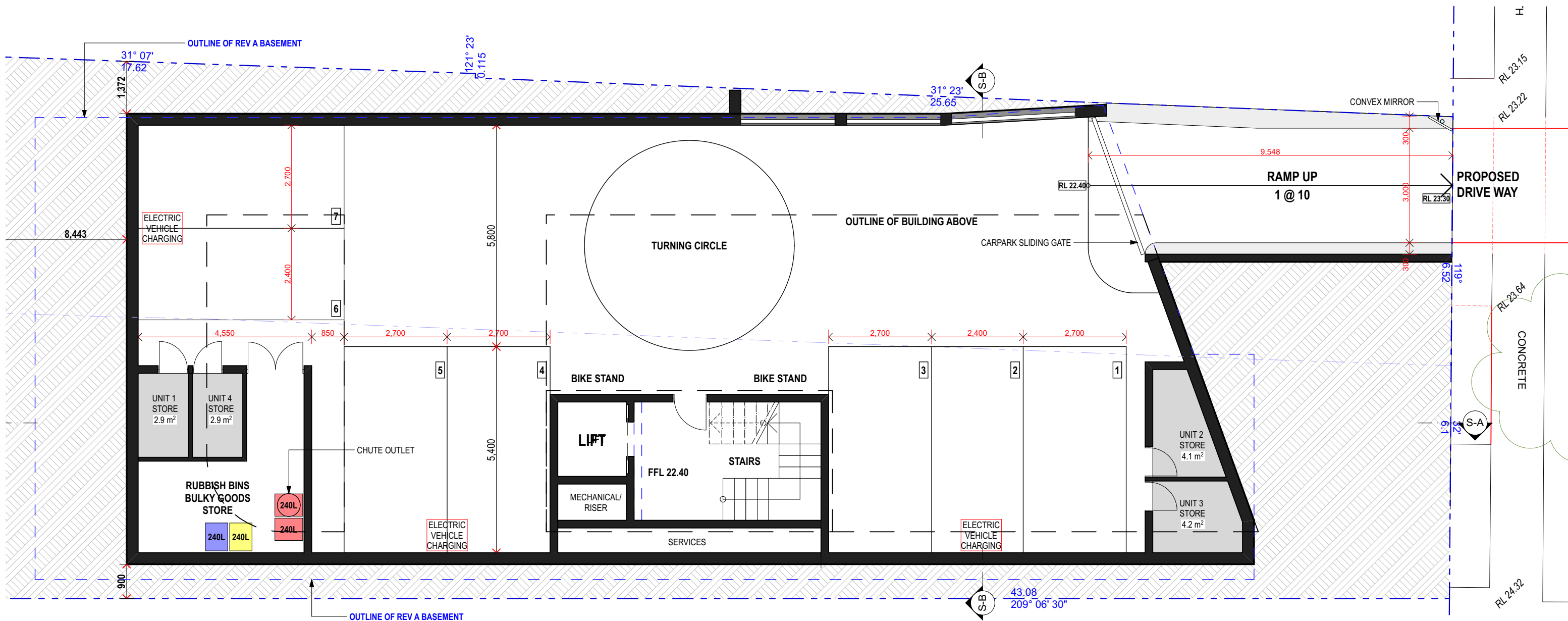
SCALE: 1:300 @ A3 PLOTTED: 6/9/22

AMENDED PLANS

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Waverley Council

Application No: DA-308/2022

Date Received: 06/09/2022



nominated architect:
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 Unit 4: Metal cladding + R2.0 insulation. Light* colour.
Internal walls: Plasterboard on stud within units.
 Concrete + plasterboard party walls.

Floors: Concrete floors throughout with timber & tile covering.
R1.0 insulation to all floors with outside air below.

Glazing: Units 1, 2, 3 NFRC: Uw = 6.70, SHGC = 0.70 to all glazing.
eg aluminium-framed single-glazed clear glass.

Unit 4: AFRC: Uw = 4.9, SHGC = 0.33 to all glazing.
eg aluminium-framed double-glazed 'Low-e' glass.

DRAWING
PROJECT

BASEMENT CAR PARKING
NEW BUILDING
8-10 SIR THOMAS MITCHELL ROAD
BONDI BEACH NSW 2026

DRAWN BY UT
JOB NO STM-10
DRAWING NO DA-1002
REVISION REV B

SCALE: 1:100 @ A3 PLOTTED: 6/9/22

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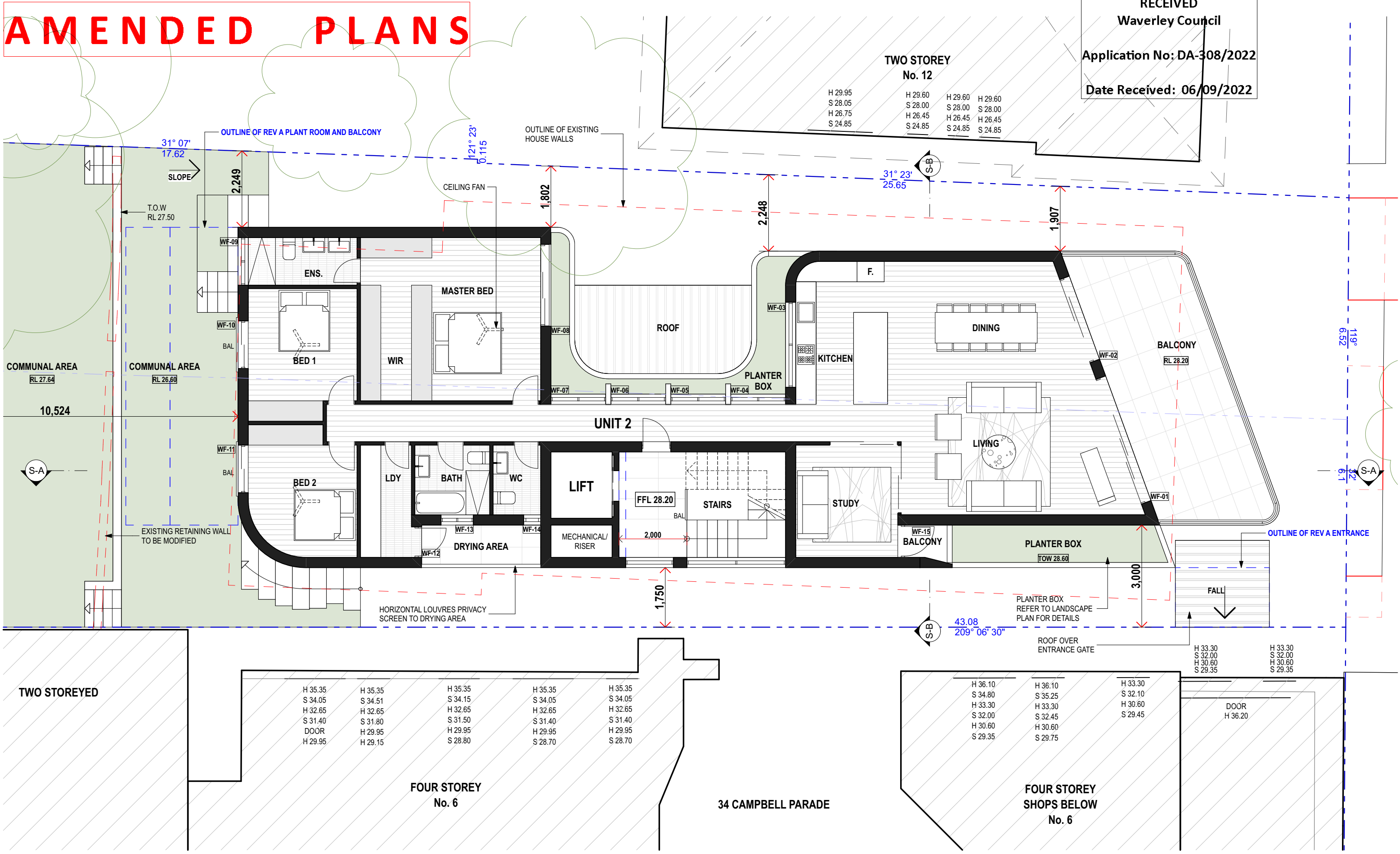
Unit 4: AFRC: Uw= 4.9, SHGC=0.33 to all glazing.
eg aluminium-framed double-glazed 'Low-e' glass.

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JOB NO STM-10
DRAWING NO DA-1003
REVISION REV B

SCALE: 1:100 @ A3 PLOTTED: 6/9/22

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Waverley Council
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Internal walls: Plasterboard on stud within units. Concrete + plasterboard party walls.

Floors: Concrete floors throughout with timber & tile covering. R1.0 insulation to all floors with outside air below.
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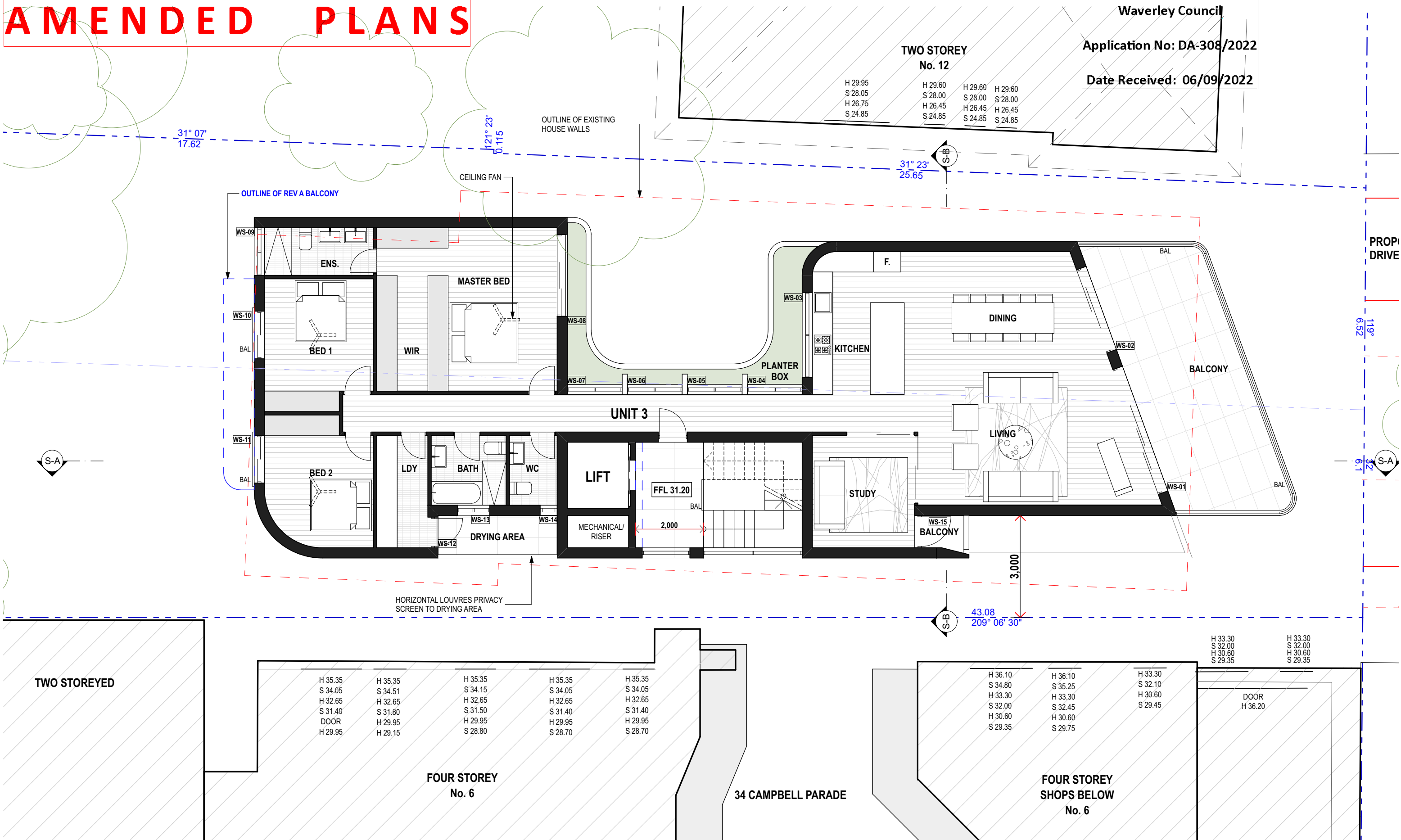
DRAWING
PROJECT
FIRST FLOOR PLAN
NEW BUILDING
8-10 SIR THOMAS MITCHELL ROAD
BONDI BEACH NSW 2026

DRAWN BY UT
JOB NO STM-10
DRAWING NO DA-1004
REVISION REV B

SCALE: 1:100 @ A3
PLOTTED: 6/9/22

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Application No: DA-308/2022
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Internal walls: Plasterboard on stud within units.
Concrete + plasterboard party walls.

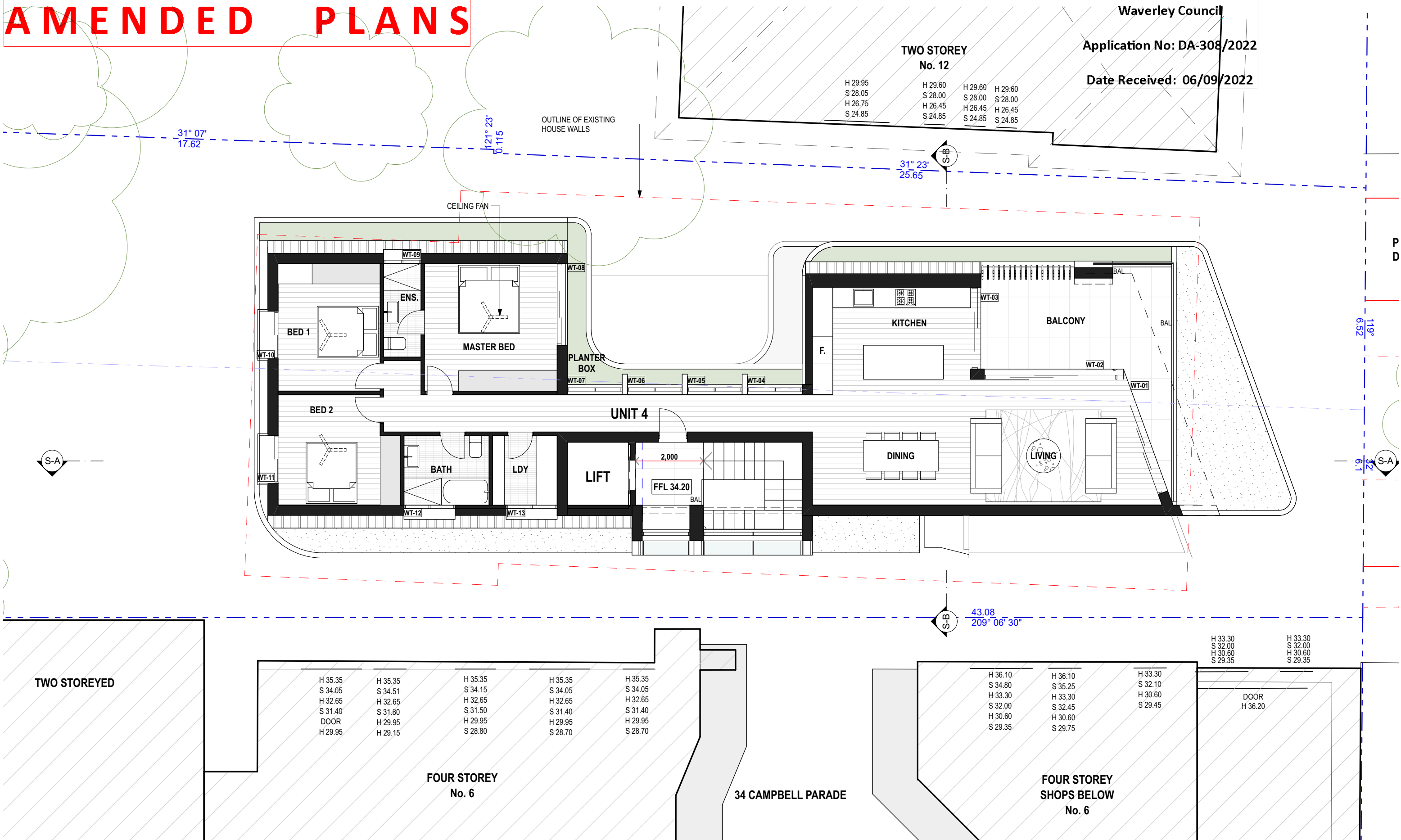
Floors: Concrete floors throughout with timber & tile covering.
R1.0 insulation to all floors with outside air below.
Units 1, 2, 3 NFRC: Uw= 6.70, SHGC=0.70 to all glazing.
eg aluminium-framed single-glazed clear glass.
Glazing: AFRC: Uw= 4.9, SHGC=0.33 to all glazing.
eg aluminium-framed double-glazed 'Low-e' glass.

DRAWING	SECOND FLOOR PLAN	DRAWN BY	UT
PROJECT	NEW BUILDING	JOB NO	STM-10
	8-10 SIR THOMAS MITCHELL ROAD	DRAWING NO	DA-1005
	BONDI BEACH NSW 2026	REVISION	REV B

SCALE: 1:100 @ A3 PLOTTED: 6/9/22

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Application No: DA-308/2022
Date Received: 06/09/2022



nominated architect:
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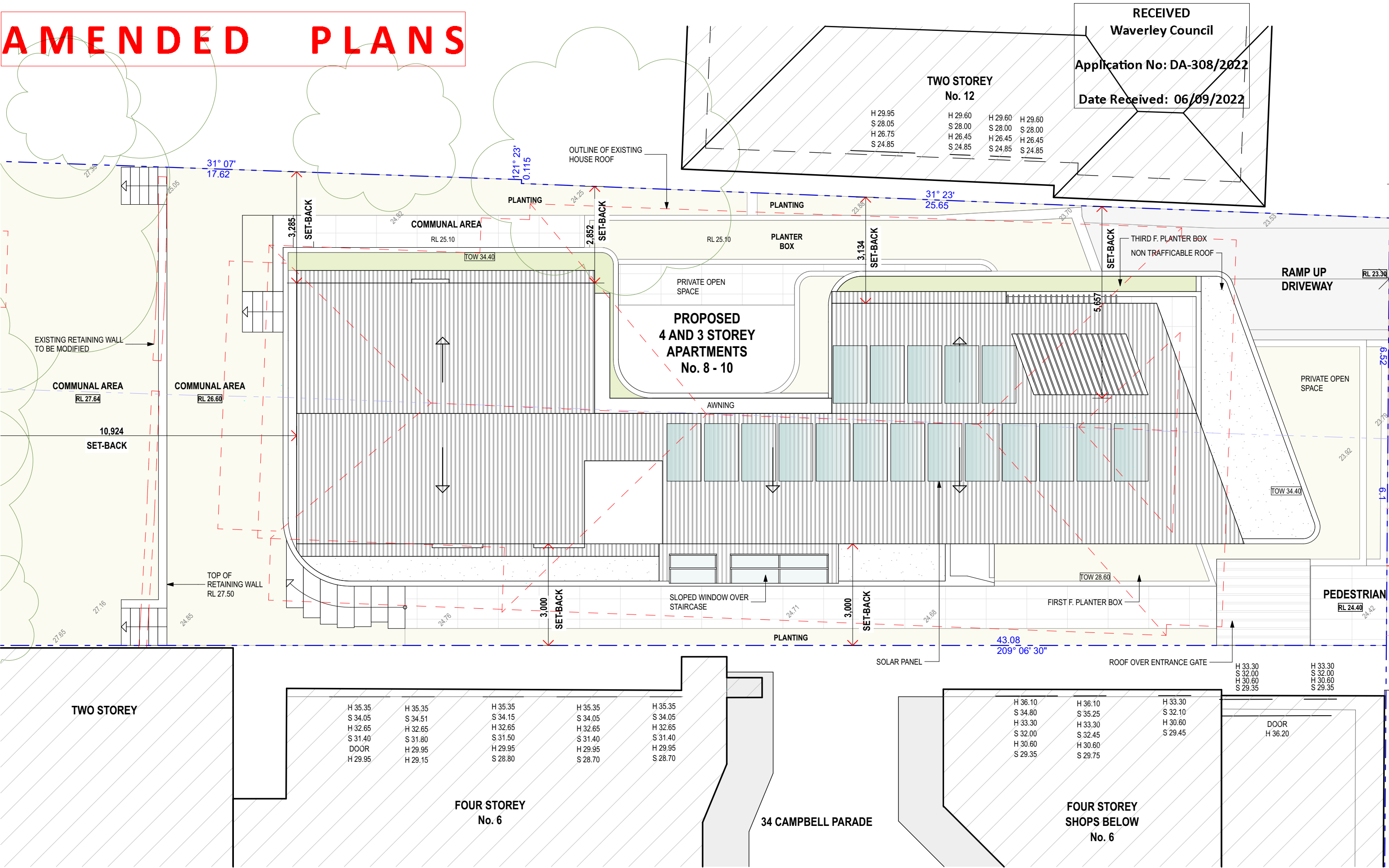
Floors: Concrete floors throughout with timber & tile covering. R1.0 insulation to all floors with outside air below. Units 1, 2, 3 NFRC: Uw= 6.70, SHGC=0.70 to all glazing. eg aluminium-framed single-glazed clear glass.
Glazing: AFRC: Uw= 4.9, SHGC=0.33 to all glazing. eg aluminium-framed double-glazed 'Low-e' glass.

DRAWING THIRD FLOOR PLAN
PROJECT NEW BUILDING
8-10 SIR THOMAS MITCHELL ROAD
BONDI BEACH NSW 2026

DRAWN BY UT
JOB NO STM-10
DRAWING NO DA-1006
REVISION REV B

SCALE: 1:100 @ A3
PLOTTED: 6/9/22

AMENDED PLANS



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eg aluminium-framed single-glazed clear glass.
AFRC: Uw= 4.9, SHGC=0.33 to all glazing.
Unit 4:
eg aluminium-framed double-glazed "Low-e" glass.

DRAWING

PROJECT

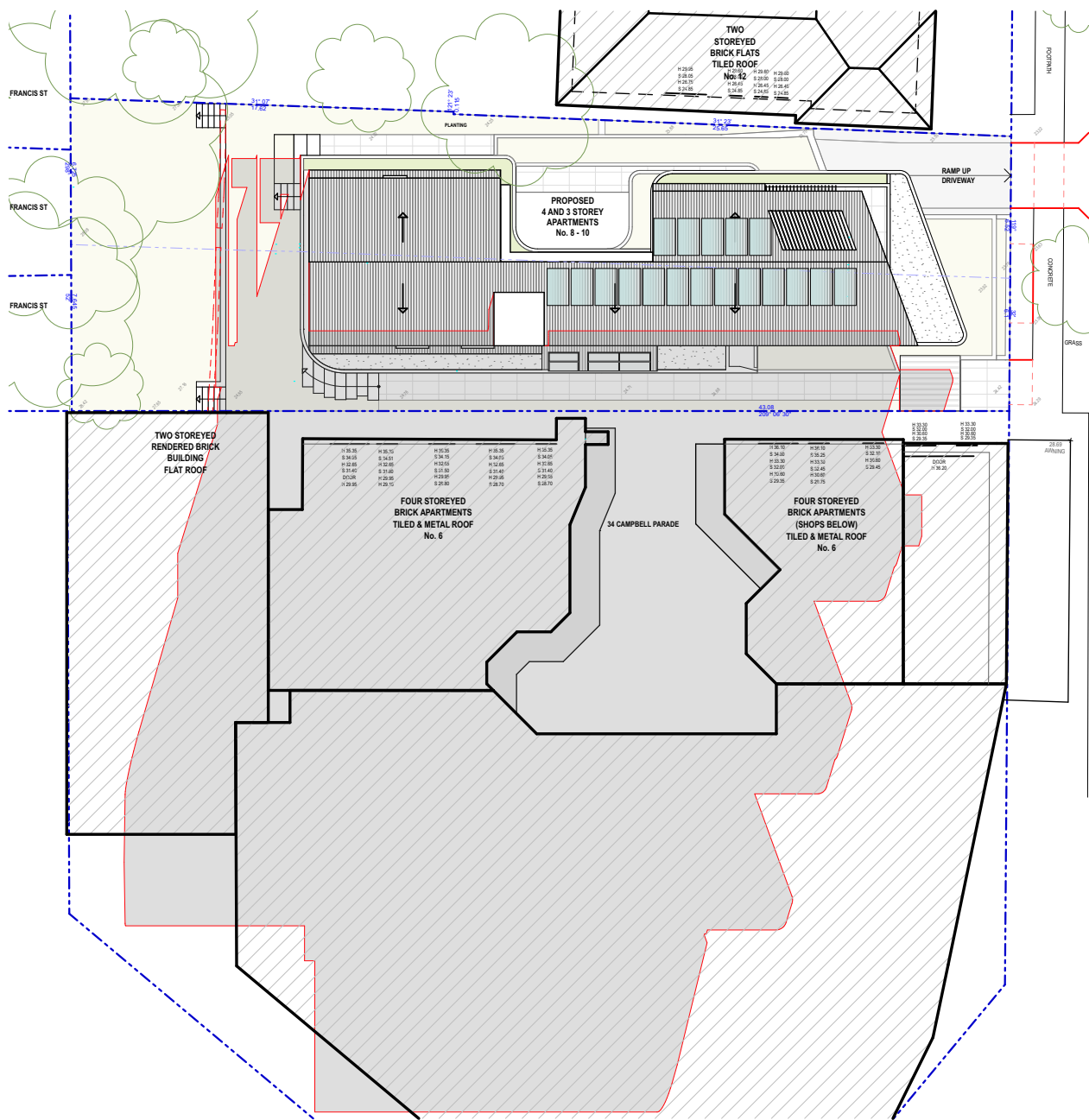


ROOF PLAN
NEW BUILDING
8-10 SIR THOMAS MITCHELL ROAD
BONDI BEACH NSW 2026

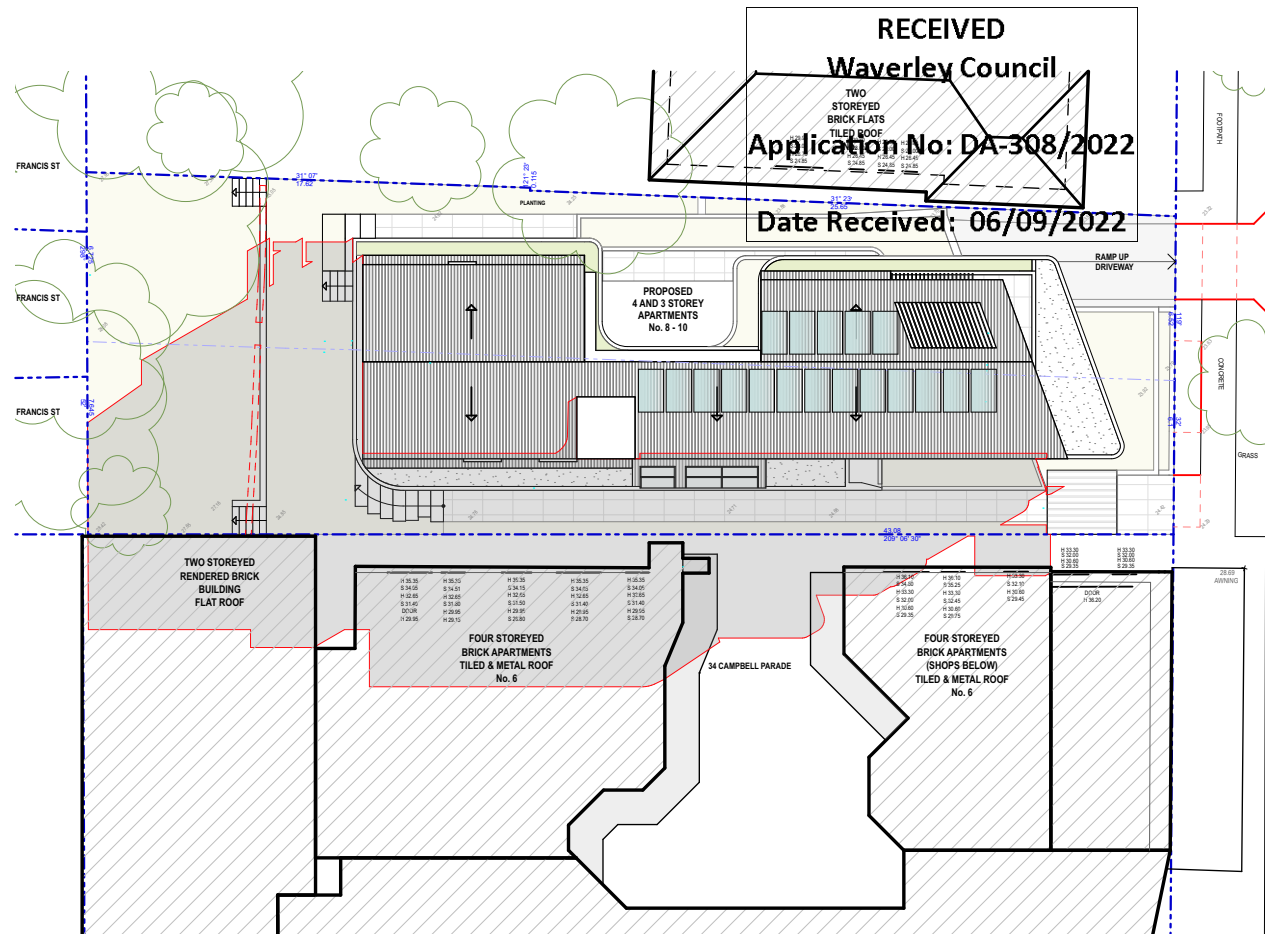
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JOB NO STM-10
DRAWING NO DA-1007
REVISION REV B

SCALE: 1:100 @ A3 **PLOTTED:** 6/9/22

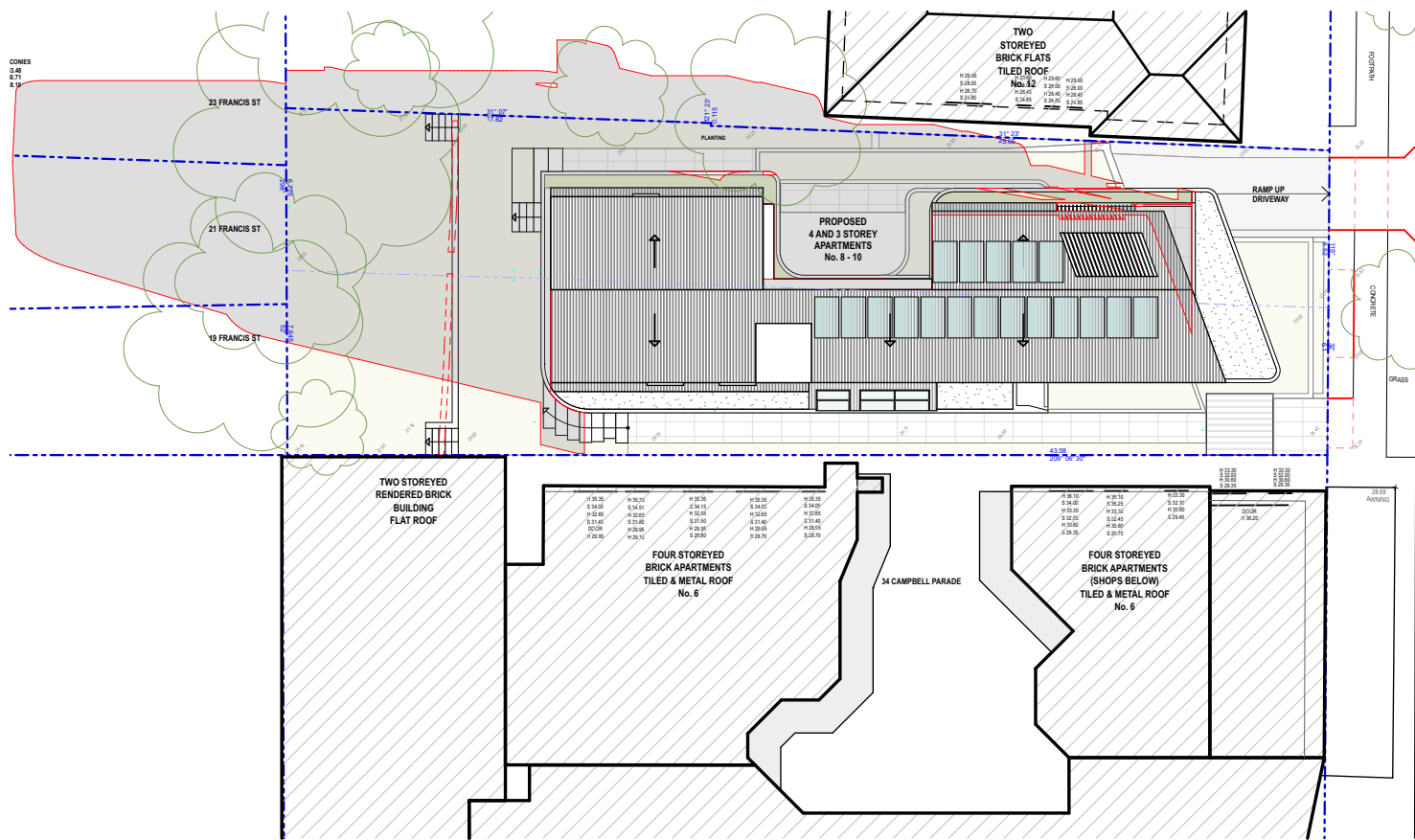
AMENDED PLANS



Shadow 3pm 1:300



Shadow 12pm 1:300



Shadow 9am 1:300

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Glazing: AFRC: Uw= 4.9, SHGC=0.33 to all glazing.
eg aluminium-framed double-glazed 'Low-e' glass.

DRAWING
PROJECT



SHADOW DIAGRAM - PROPOSED
NEW BUILDING
8-10 SIR THOMAS MITCHELL ROAD
BONDI BEACH NSW 2026

DRAWN BY **UT**
JOB NO **STM-10**
DRAWING NO **DA-1008**
REVISION **REV B**

SCALE: 1:300 @ A3 PLOTTED: 6/9/22

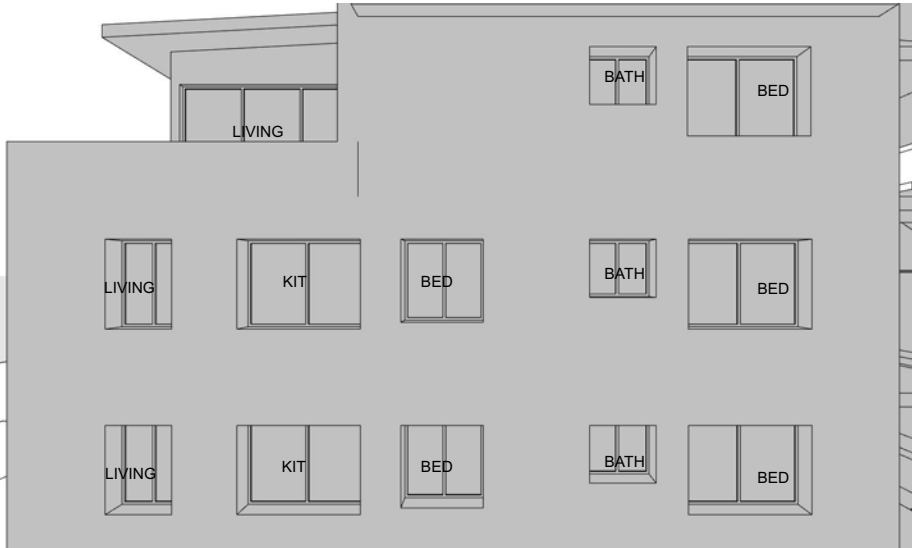
AMENDED PLANS

34 CAMPBELL PARADE

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Application No: DA-308/2022

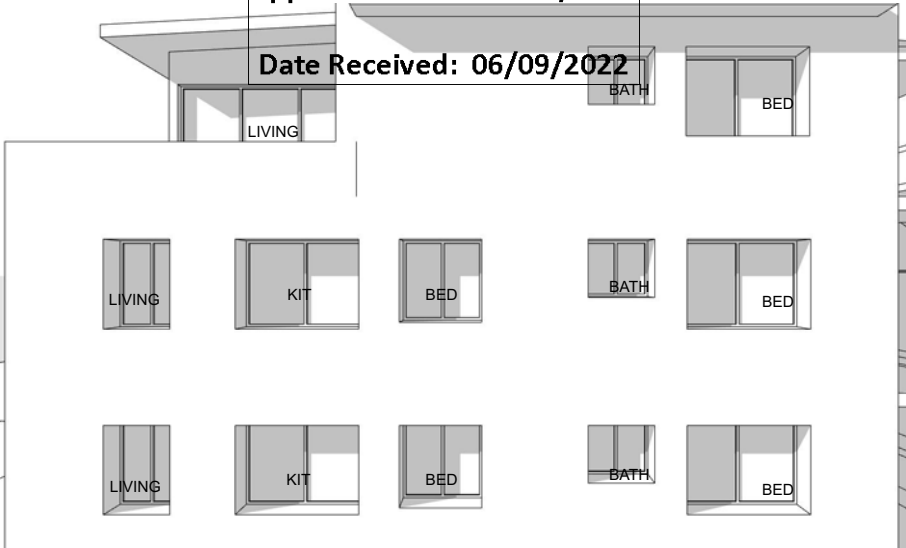
Date Received: 06/09/2022



1 - JUNE 21 9:00



2 - JUNE 21 10:00



3 - JUNE 21 11:00



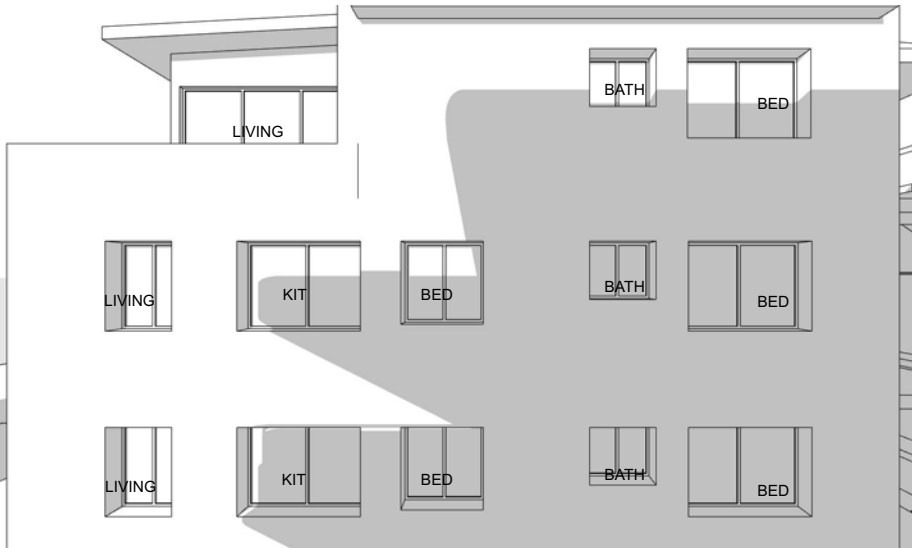
4 - JUNE 21 12:00



5 - JUNE 21 13:00



6 - JUNE 21 14:00



7 - JUNE 21 15:00

nominated architect
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PH: **0416 321 982**

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REVISIONS
REV A

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SHADOW OF PROPOSED BUILDING

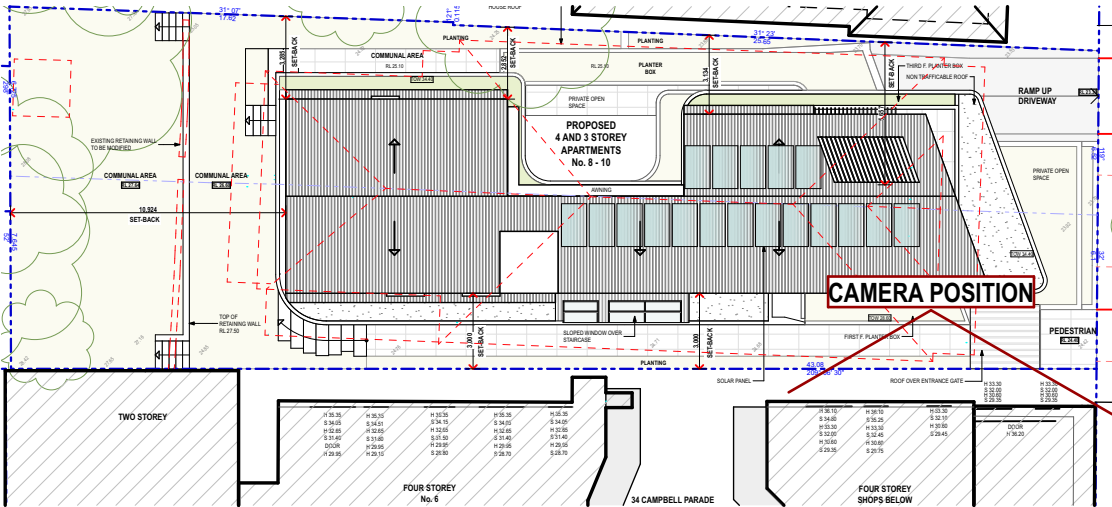
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eg aluminium-framed single-glazed clear glass.
Glazing: AFRC: Uw= 4.9, SHGC=0.33 to all glazing.
eg aluminium-framed double-glazed 'Low-e' glass.

Unit 4:



DRAWING

PROJECT



SHADOWS PERSPECTIVE FRONT

NEW BUILDING
8-10 SIR THOMAS MITCHELL ROAD
BONDI BEACH NSW 2026

DRAWN BY

UT
JOB NO STM-10
DRAWING NO DA-1009
REVISION REV B

SCALE: 1:4.17, 1:300 @ A3

PLOTTED: 6/9/22

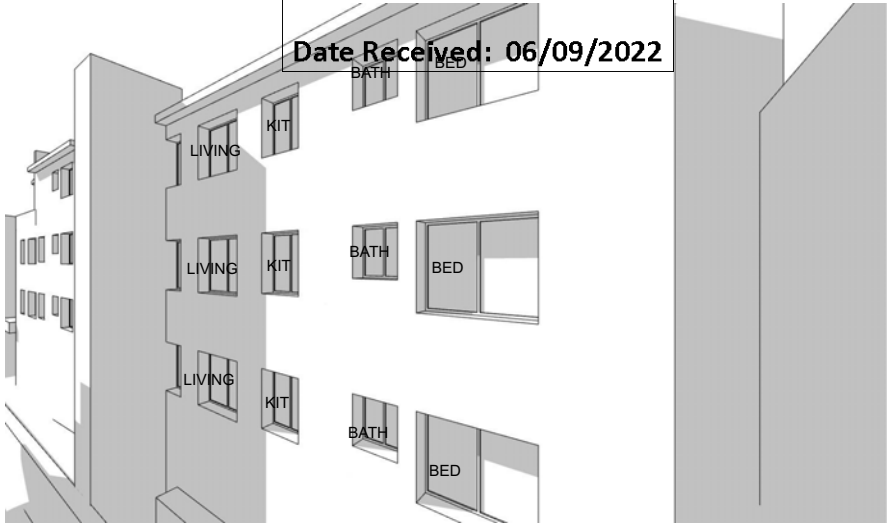
AMENDED PLANS



1 - JUNE 21 9:00



2- JUNE 21 10:00



3 - JUNE 21 11:00



4 - JUNE 21 12:00



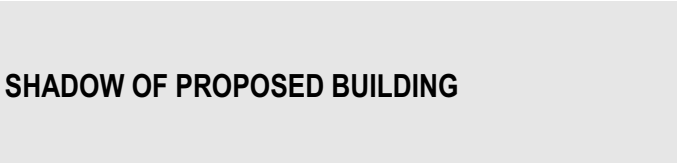
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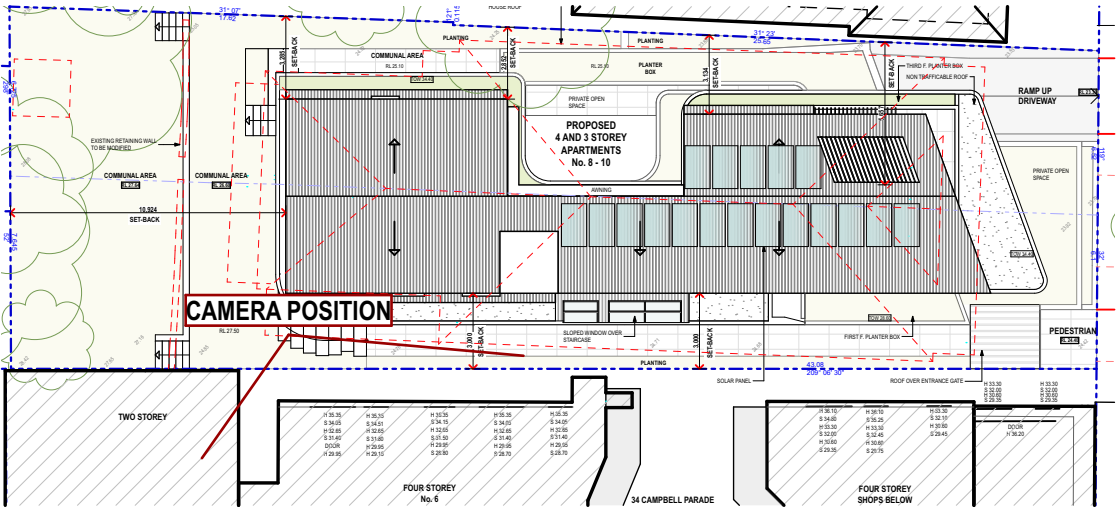
6 - JUNE 21 14:00



7 - JUNE 21 15:00



SHADOW OF PROPOSED BUILDING



nominated architect:
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PH: **0416 321 982**
uri@uritdesign.com

REVISIONS
REV A

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DRAWING
PROJECT

SHADOWS PERSPECTIVE BACK
NEW BUILDING
8-10 SIR THOMAS MITCHELL ROAD
BONDI BEACH NSW 2026

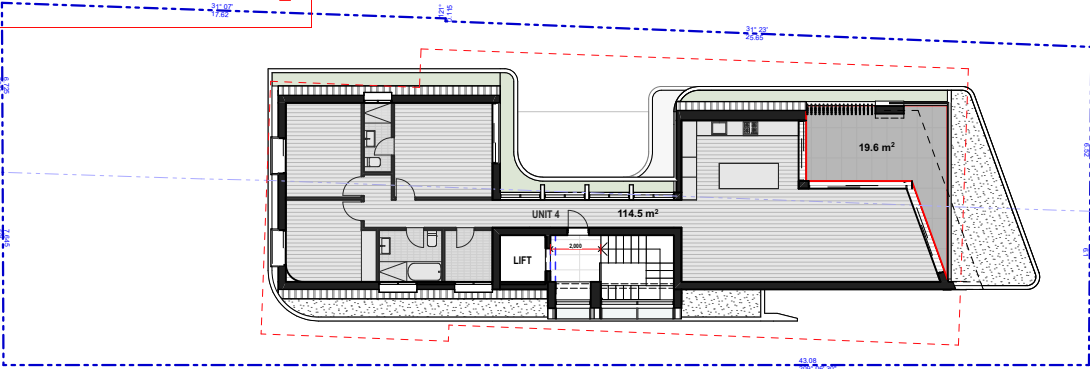
DRAWN BY **UT**
JOB NO **STM-10**
DRAWING NO **DA-1010**
REVISION **REV B**

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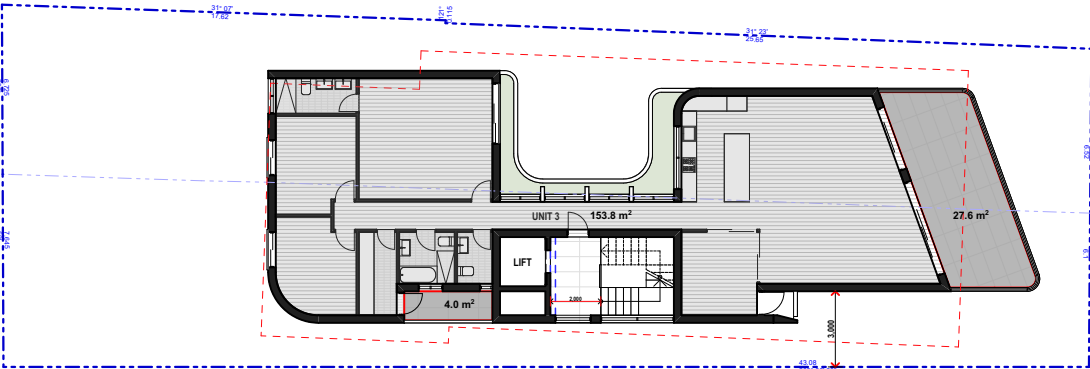
AMENDED PLANS

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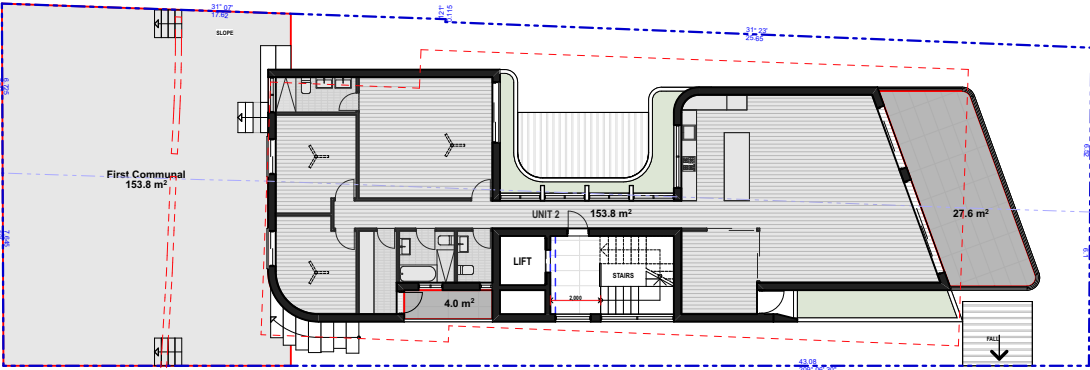
Application No: DA-308/2022
Date Received: 06/09/2022



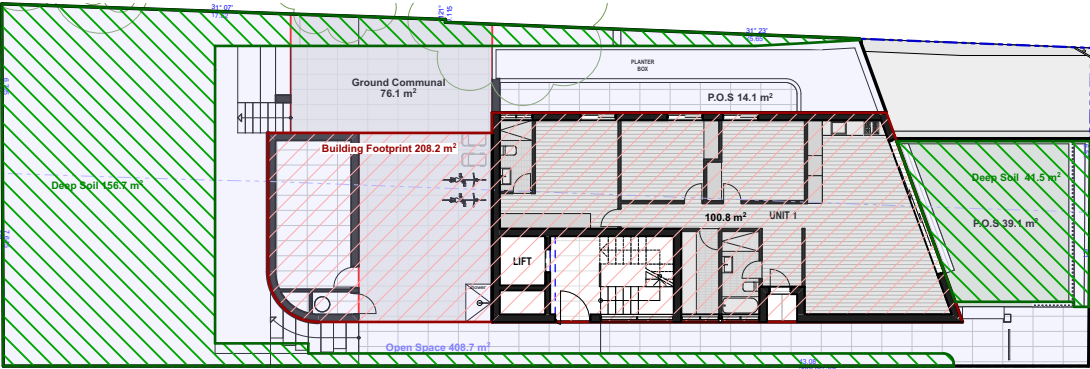
Third Level GFA



Second Level GFA



First Level GFA



Ground Level GFA

AREA CALCULATIONS:

Site Area - 581.7m²
Deep Soil Area - 198.2m²
Open Space - 408.7m²
Building Footprint 208.2m²

Unit :1
Gross floor area - 100.8m²
POS - 53m²
Parking Spaces - 1 cars

Ground GFA - 100.8m²
First GFA - 153.8m²
Second GFA - 153.8m²
Third GFA - 114.5m²
Total GFA - 522.9m²

Unit :2
Gross floor area - 153.8m²
Parking Spaces - 2 cars

Unit :3
Gross floor area - 153.8m²
Parking Spaces - 2 cars

Floor Space Ratio - 0.898


Unit :4
Gross floor area - 114.5m²
Parking Spaces - 2 cars

nominated architect:
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uri@uritdesign.com

REVISIONS
REV A

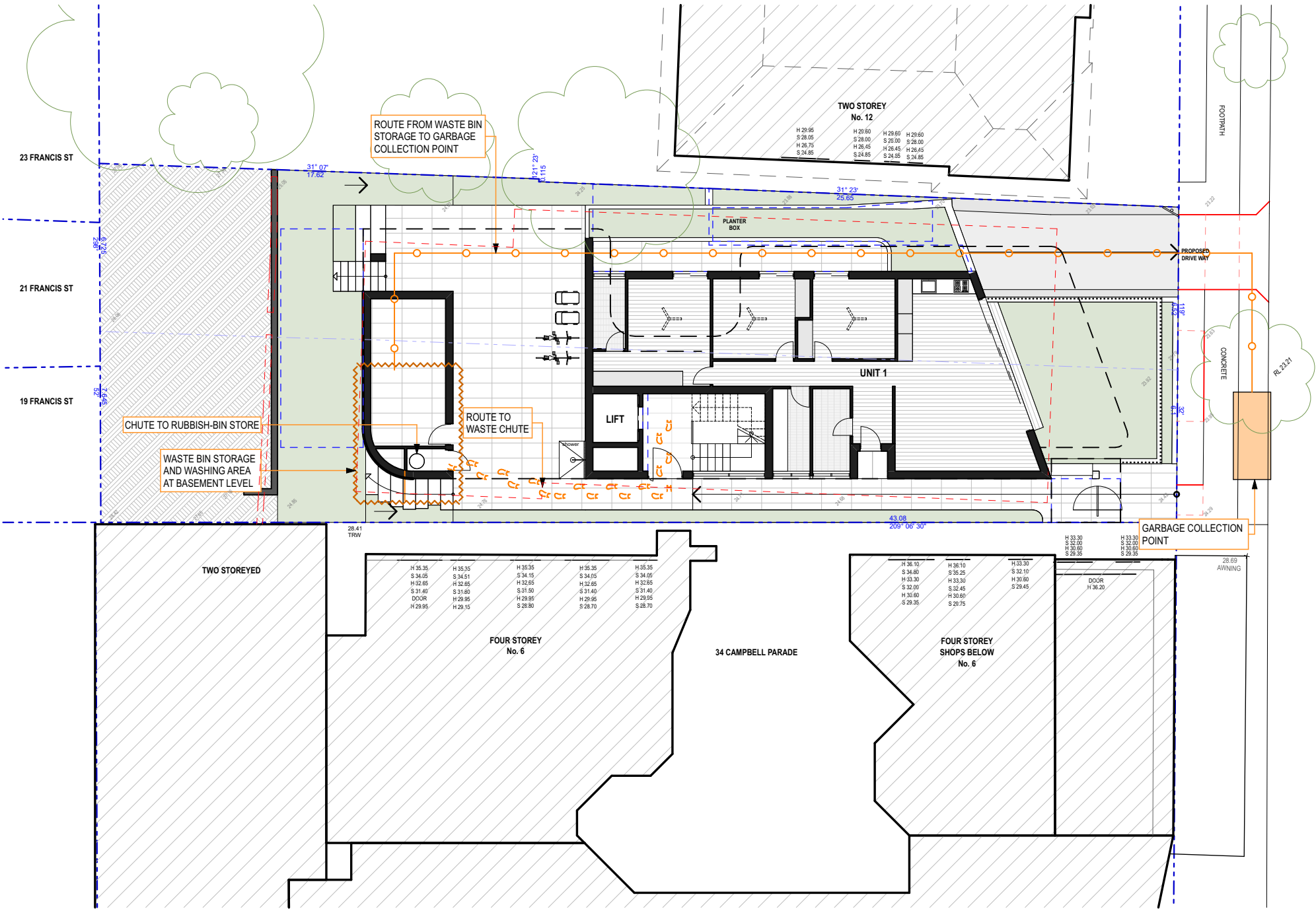
Contractor to verify all dimensions on site prior to commencing work. Uri T Design is to be notified of any discrepancies in the dimension and setting out of the work. Copyright of designs shown hereon is retained by Uri T Design. Authority is required for any reproduction.

THERMAL COMFORT OPTIONS:
Roof: Metal deck + R1.0 insulation blanket to underside. Medium colour.
Ceilings: Minimum R3.0 insulation with roof above. Rated with sealed exhaust ventilation. Not rated with down-lights.
External Walls: Units 1-3: Concrete + R1.0 insulation + plasterboard. Unit 4: Metal cladding + R2.0 insulation. Light colour.
Internal walls: Plasterboard on stud within units. Concrete + plasterboard party walls.
Floors: Concrete floors throughout with timber & tile covering. R1.0 insulation to all floors with outside air below. Units 1, 2, 3 NFRC: Uw= 6.70, SHGC=0.70 to all glazing. eg aluminium-framed single-glazed clear glass. AFRC: Uw= 4.9, SHGC=0.33 to all glazing.
Glazing: eg aluminium-framed double-glazed 'Low-e' glass.
Unit 4:

DRAWING
PROJECT

AREA CALCULATIONS
NEW BUILDING
8-10 SIR THOMAS MITCHELL ROAD
BONDI BEACH NSW 2026

DRAWN BY UT
JOB NO STM-10
DRAWING NO DA-1011
REVISION REV B

SCALE: 1:300 @ A3 PLOTTED: 6/9/22



nominated architect:
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Internal walls: Plasterboard on stud within units.
Concrete + plasterboard party walls.

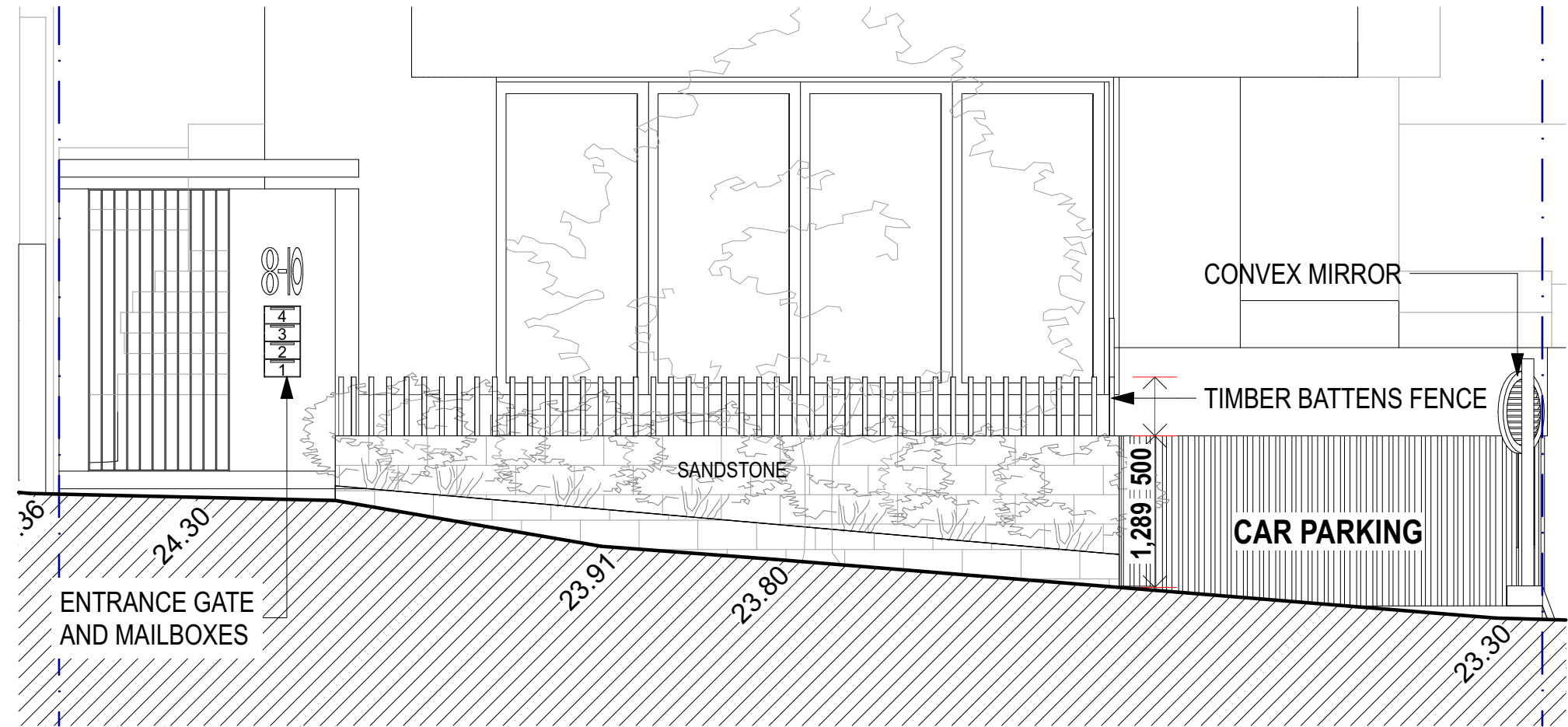
Floors: Concrete floors throughout with timber & tile covering.
R1.0 insulation to all floors with outside air below.
Units 1, 2, 3 NFR: Uw= 6.70, SHGC=0.70 to all glazing.
eg aluminium-framed single-glazed clear glass.
Glazing: AFRC: Uw= 4.9, SHGC=0.33 to all glazing.
eg aluminium-framed double-glazed "Low-e" glass.

DRAWING PROJECT
WASTE MANAGMENT PLAN
NEW BUILDING
8-10 SIR THOMAS MITCHELL ROAD
BONDI BEACH NSW 2026

DRAWN BY UT
JOB NO STM-10
DRAWING NO DA-1012
REVISION REV B

SCALE: 1:200 @ A3 PLOTTED: 6/9/22

AMENDED PLANS



Section A - Fence 1:50

nominated architect:
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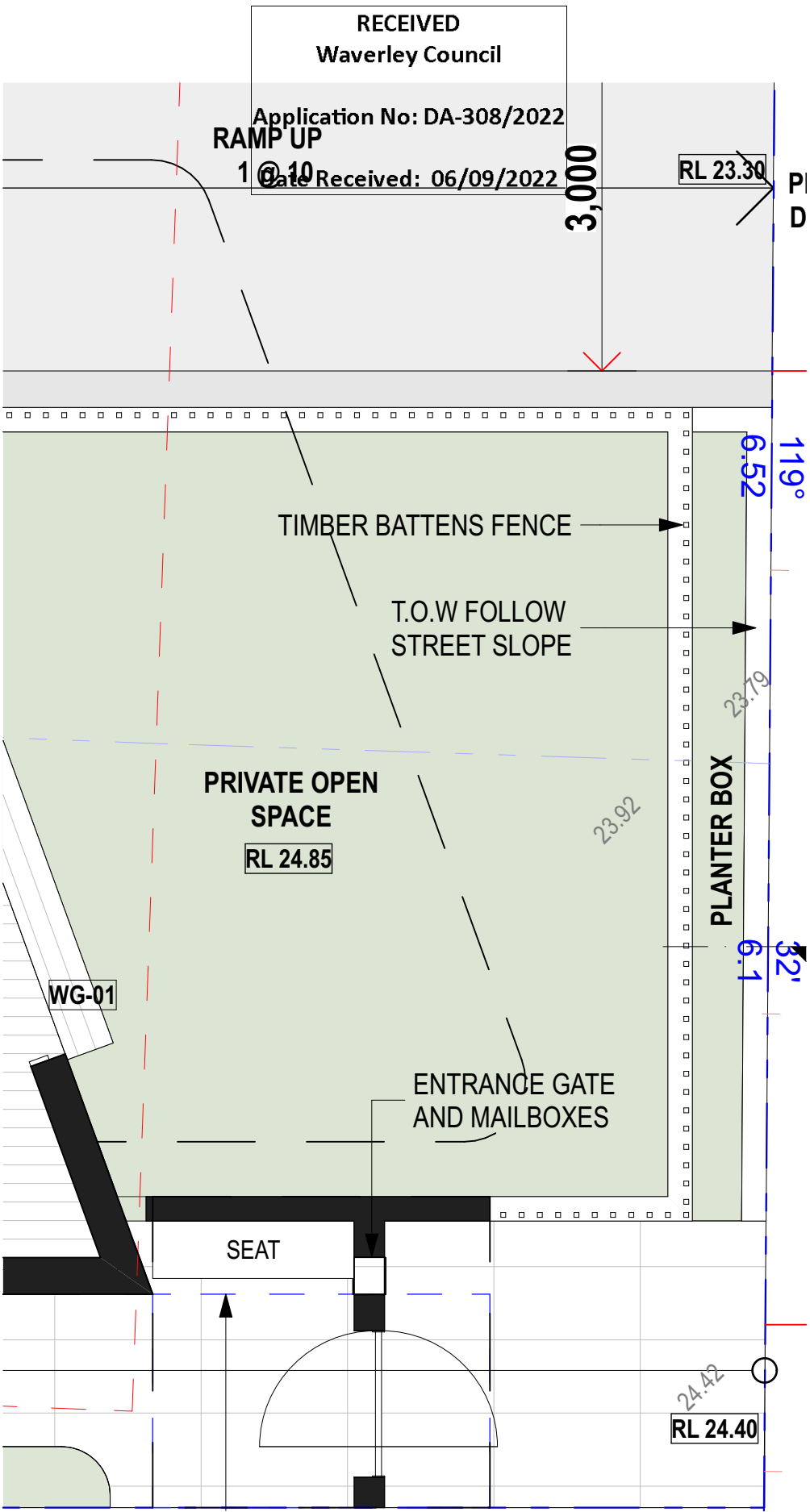
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Concrete + plasterboard party walls.

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R1.0 insulation to all floors with outside air below.
Glazing: Units 1, 2, 3 NFRC: Uw= 6.70, SHGC=0.70 to all glazing.
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AFRC: Uw= 4.9, SHGC=0.33 to all glazing.
eg aluminium-framed double-glazed "Low-e" glass.

Unit 4:



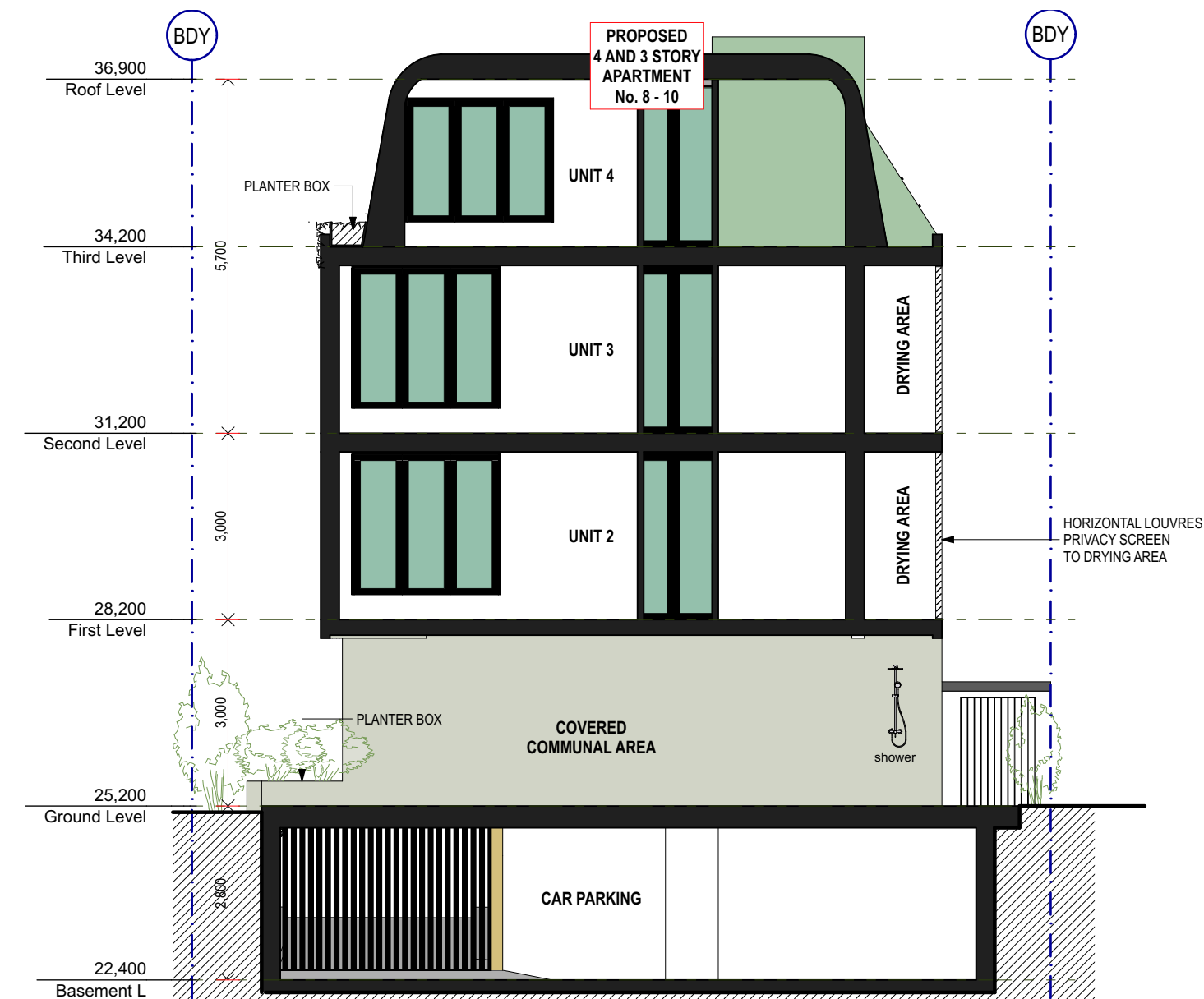
Ground Level Plan 1:50

DRAWING
PROJECT

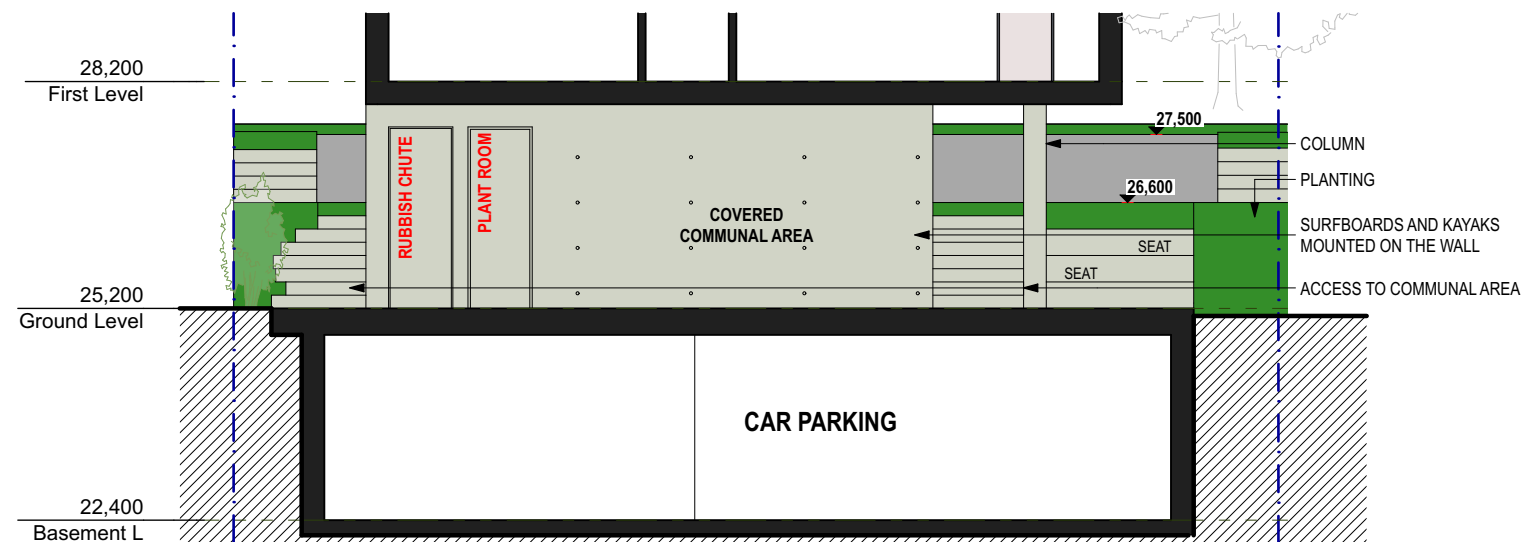


FENCE DETAIL
NEW BUILDING
8-10 SIR THOMAS MITCHELL ROAD
BONDI BEACH NSW 2026

DRAWN BY **UT**
JOB NO **STM-10**
DRAWING NO **DA-1013**
REVISION **REV B**



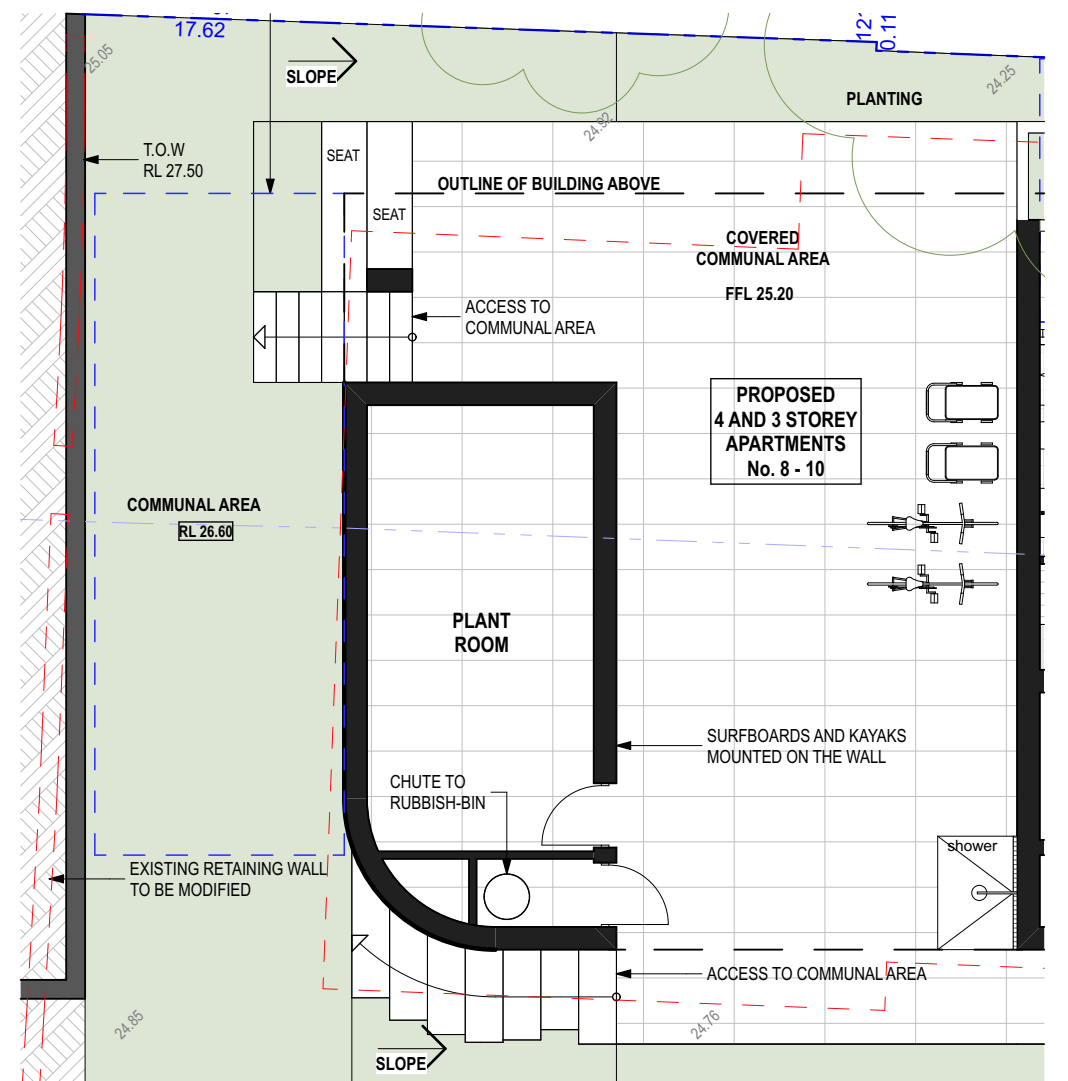
Communal Area - Section South 1:100



Communal Area - Section North 1:100



Communal Area - Perspective



Communal Area - Plan 1:100

nominated architect:
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AMENDED PLANS

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 Concrete + plasterboard party walls.

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 eg aluminium-framed single-glazed clear glass.
 AFRC: Uw= 4.9, SHGC=0.33 to all glazing.
 eg aluminium-framed double-glazed 'Low-e' glass.

Unit 4:

DRAWING
 PROJECT



COMMUNAL AREA PLAN AND SECTIONS
 NEW BUILDING
 8-10 SIR THOMAS MITCHELL ROAD
 BONDI BEACH NSW 2026

DRAWN BY UT
 JOB NO STM-10
 DRAWING NO DA-1014
 REVISION REV B

SCALE: 1:100, 1:2 @ A3 PLOTTED: 6/9/22

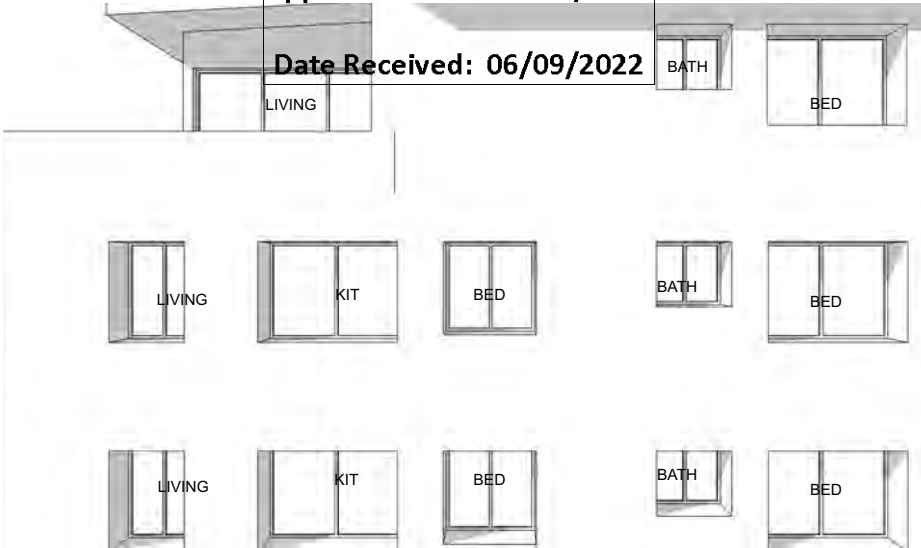
AMENDED PLANS

34 CAMPBELL PARADE

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Waverley Council

Application No: DA-308/2022

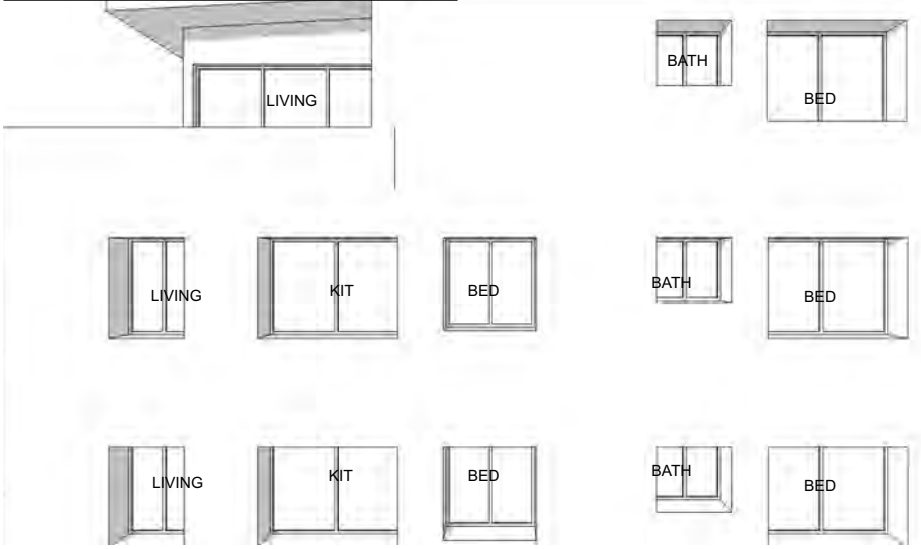
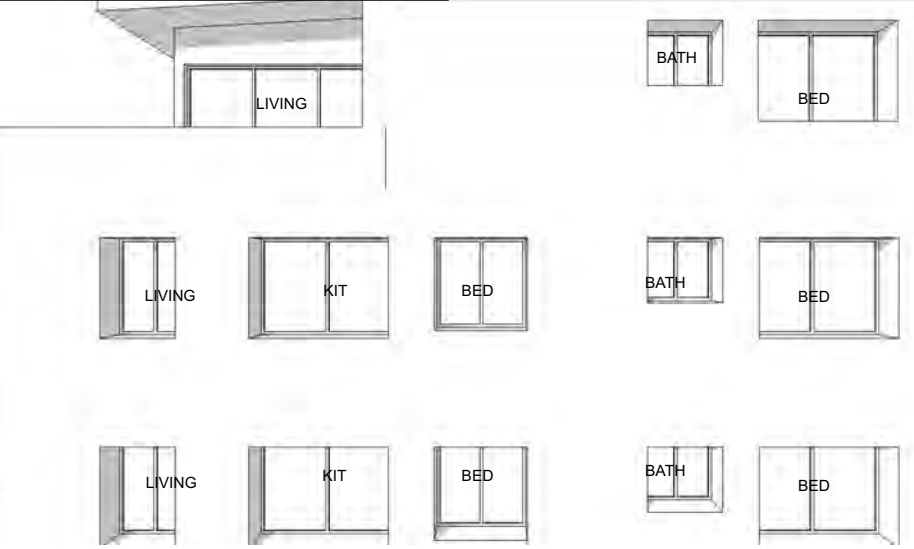
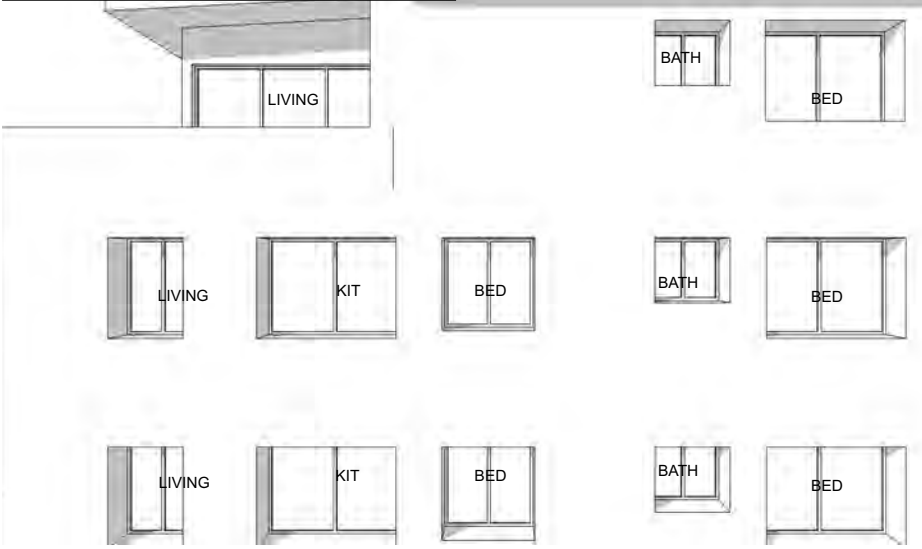
Date Received: 06/09/2022



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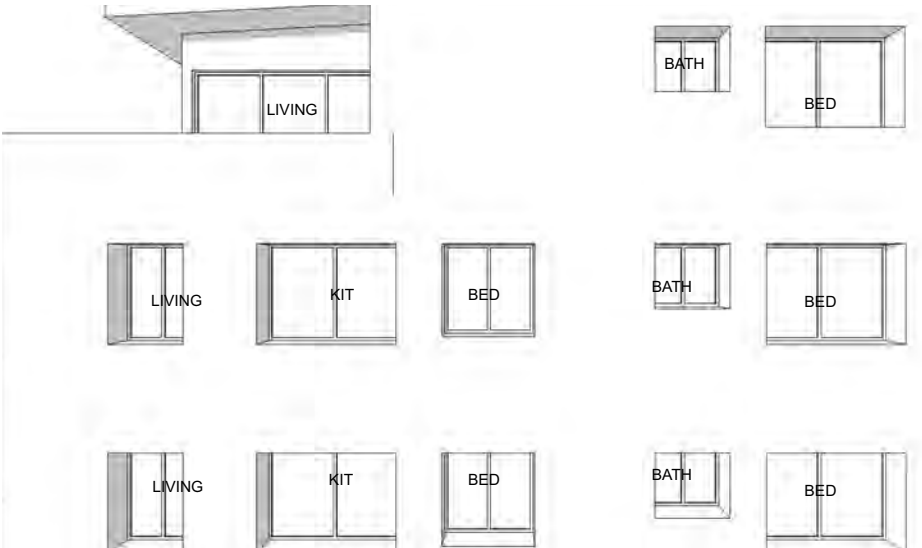
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4 - JUNE 21 12:00

5 - JUNE 21 13:00

6 - JUNE 21 14:00



7 - JUNE 21 15:00

nominated architect
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REVISIONS
REV A

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SHADOW OF PROPOSED BUILDING

THERMAL COMFORT OPTIONS:

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eg aluminium-framed single-glazed clear glass.
AFRC: Uw= 4.9, SHGC=0.33 to all glazing.
eg aluminium-framed double-glazed 'Low-e' glass.

Glazing:

Unit 4:

DRAWING

PROJECT



EXISTING SHADOWS PERSPECTIVE FRONT

NEW BUILDING
8-10 SIR THOMAS MITCHELL ROAD
BONDI BEACH NSW 2026

DRAWN BY

JOB NO

DRAWING NO

REVISION

UT

STM-10

DA-1015

REV B

SCALE: 1:4.17, 1:300 @ A3

PLOTTED:

6/9/22

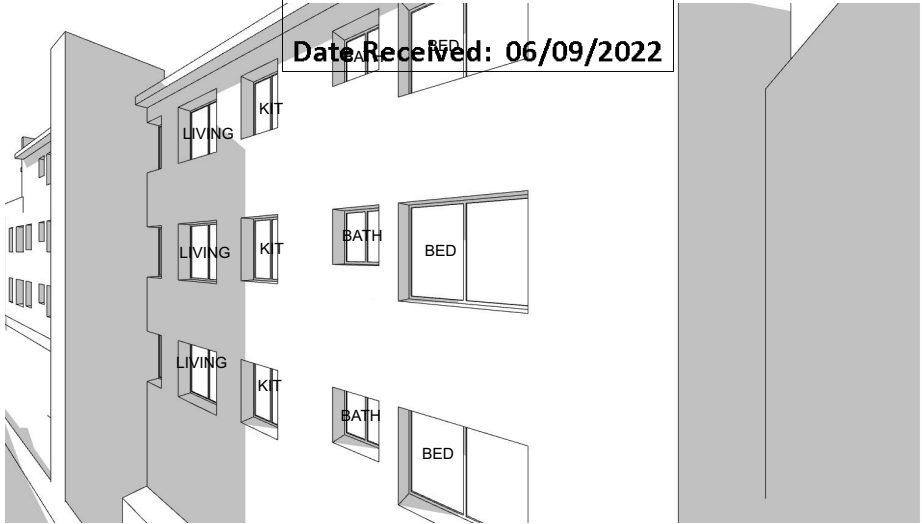
AMENDED PLANS



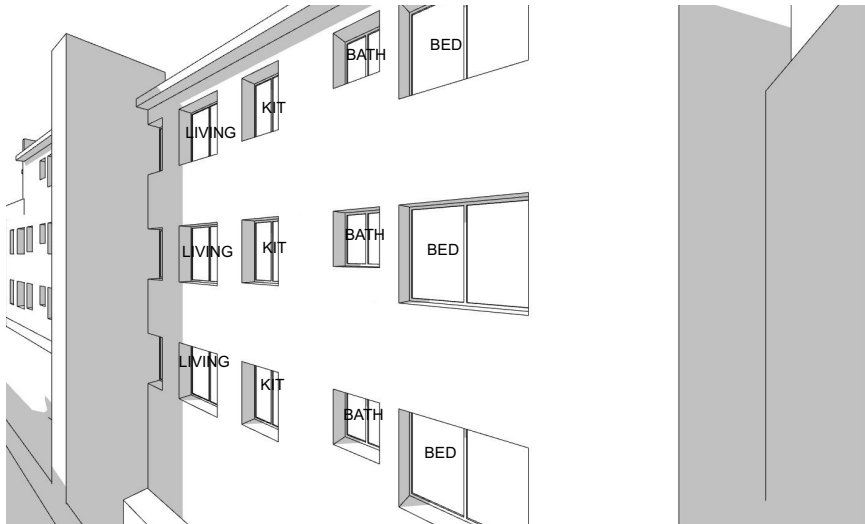
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3 - JUNE 21 11:00



4 - JUNE 21 12:00



5 - JUNE 21 13:00



6 - JUNE 21 14:00



7 - JUNE 21 15:00

nominated architect:
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REVISIONS
REV A

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SHADOW OF PROPOSED BUILDING

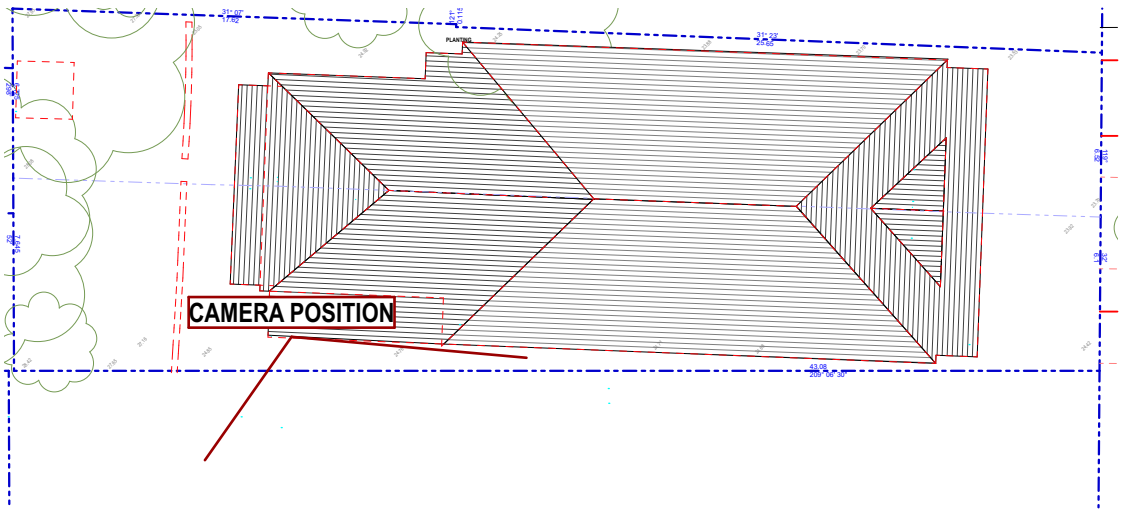
THERMAL COMFORT OPTIONS:

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Floors:

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Glazing: AFRC: Uw= 4.9, SHGC=0.33 to all glazing.
eg aluminium-framed double-glazed "Low-e" glass.

Unit 4:



DRAWING

PROJECT



EXISTING HADOWS PERSPECTIVE BACK
NEW BUILDING
8-10 SIR THOMAS MITCHELL ROAD
BONDI BEACH NSW 2026

DRAWN BY

JOB NO

DRAWING NO

REVISION

UT

STM-10

DA-1016

REV B

SCALE: 1:4.38, 1:300 @ A3

PLOTTED:

6/9/22



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Glazing: AFRC: Uw= 4.9, SHGC=0.33 to all glazing.
eg aluminium-framed double-glazed 'Low-e' glass.
Unit 4:

DRAWING	STREETSCAPE ELEVATIONS	DRAWN BY	UT
PROJECT	NEW BUILDING	JOB NO	STM-10
	8-10 SIR THOMAS MITCHELL ROAD	DRAWING NO	DA-2001
	BONDI BEACH NSW 2026	REVISION	REV B

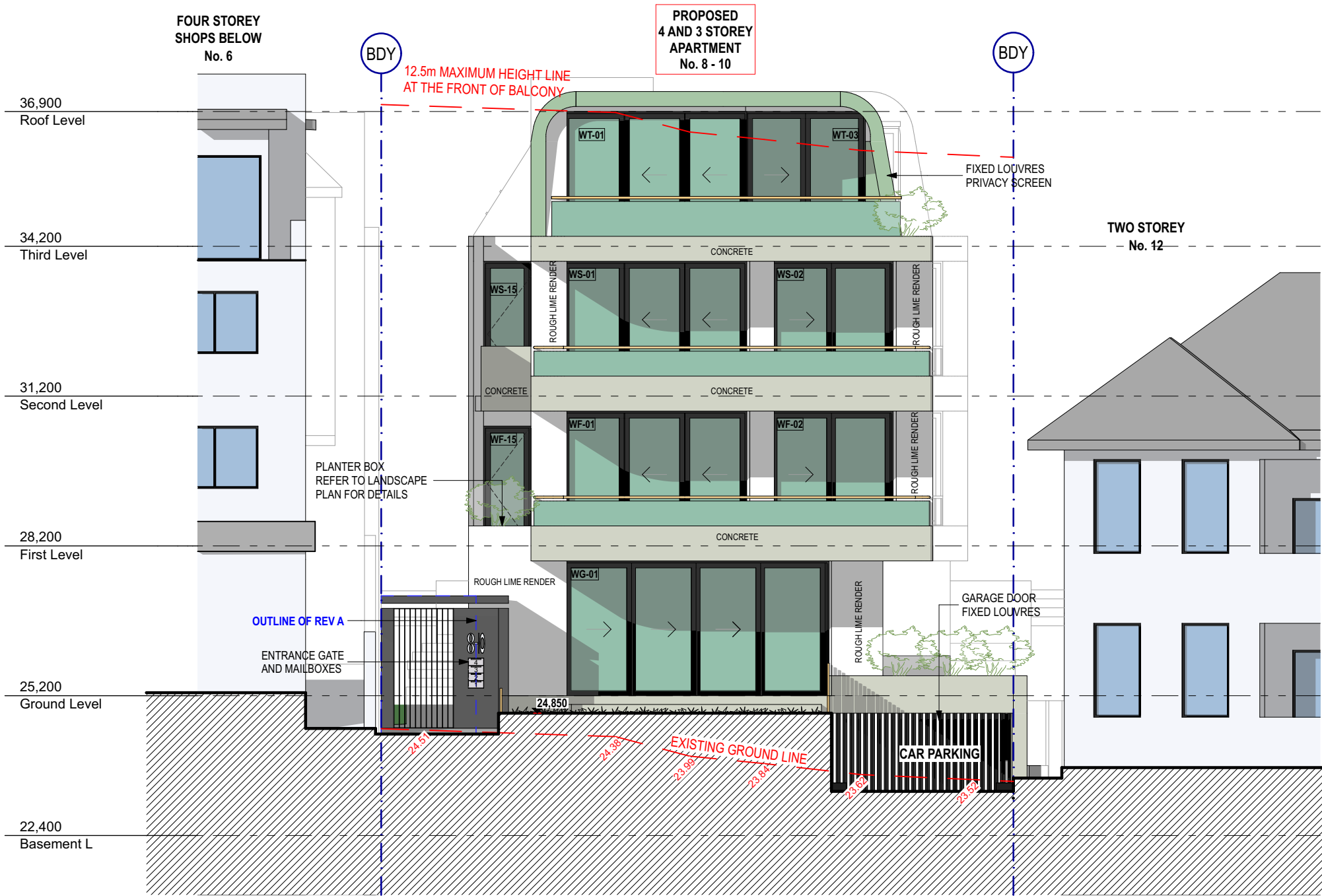
SCALE: 1:200 @ A3 PLOTTED: 6/9/22

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-308/2022

Date Received: 06/09/2022



nominated architect:
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REVISIONS
REV A

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Glazing: AFRC: Uw= 4.9, SHGC=0.33 to all glazing.
eg aluminium-framed double-glazed 'Low-e' glass.

DRAWING
PROJECT



NORTH ELEVATION
NEW BUILDING
8-10 SIR THOMAS MITCHELL ROAD
BONDI BEACH NSW 2026

DRAWN BY **UT**
JOB NO **STM-10**
DRAWING NO **DA-2002**
REVISION **REV B**

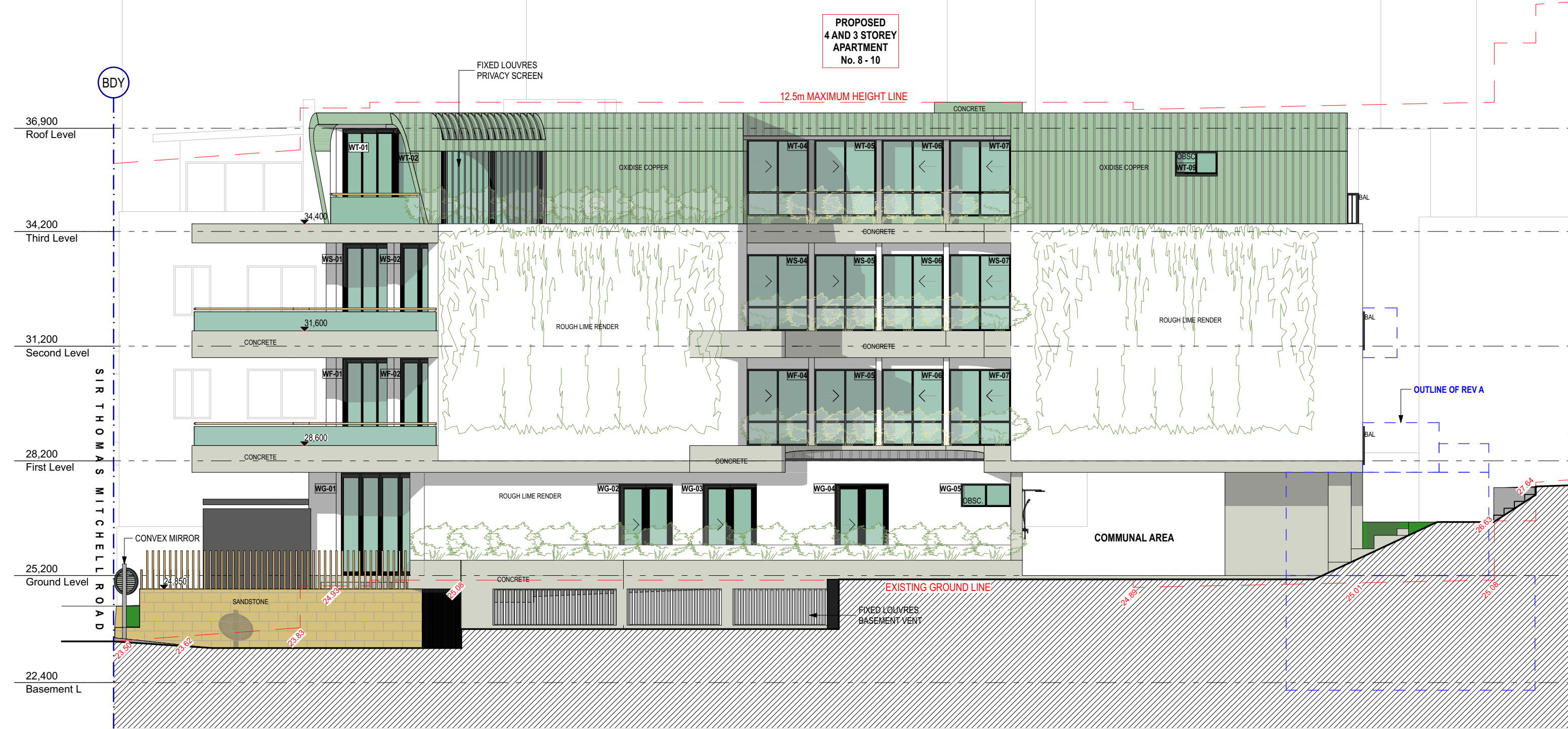
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AMENDED PLANS

RECEIVED
Waverley Council

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REVISIONS
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AFRC: Uw= 4.9, SHGC=0.33 to all glazing.
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DRAWING
PROJECT
WEST ELEVATION
NEW BUILDING
8-10 SIR THOMAS MITCHELL ROAD
BONDI BEACH NSW 2026

DRAWN BY UT
JOB NO STM-10
DRAWING NO DA-2003
REVISION REV B

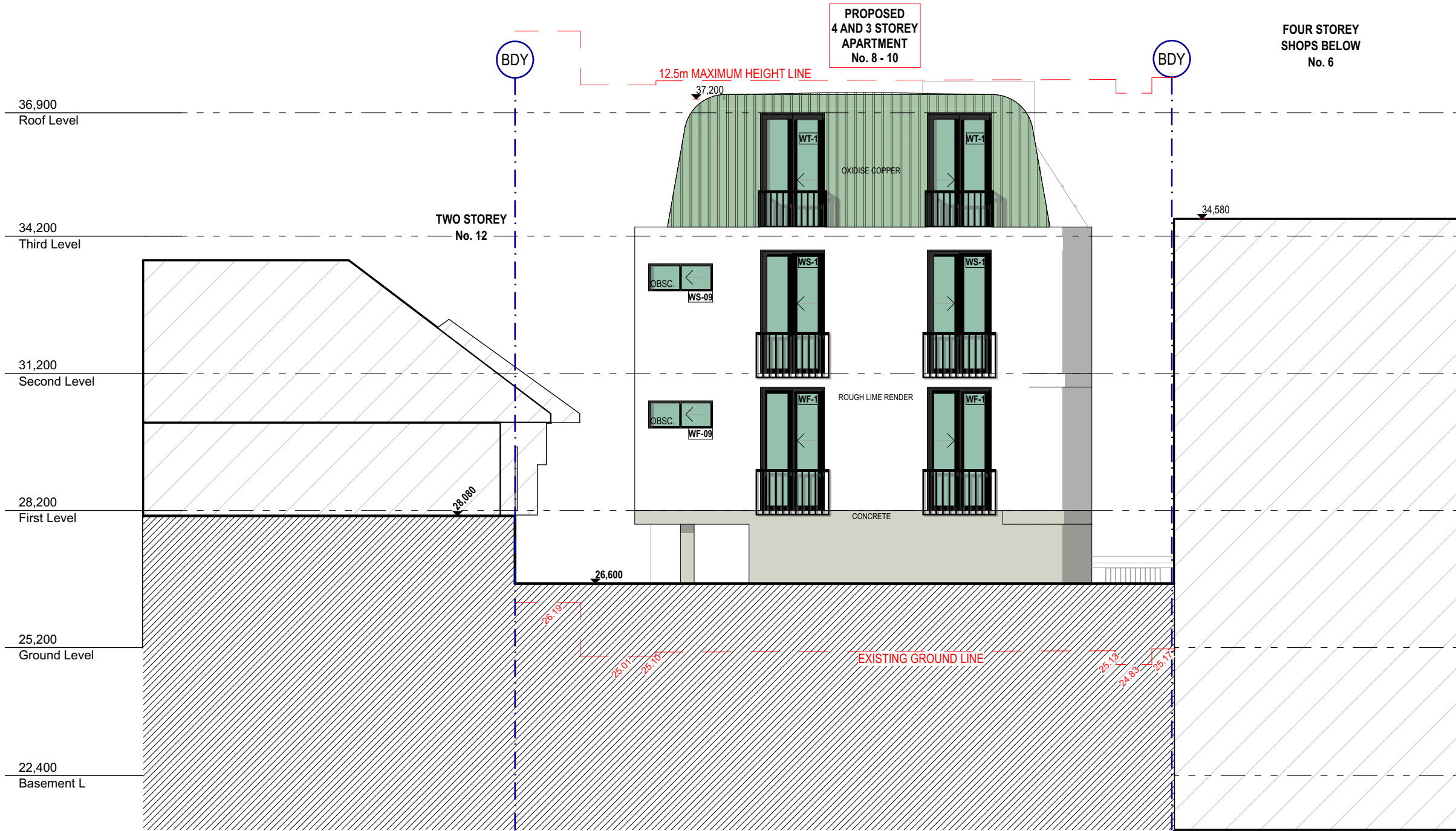
SCALE: 1:100 @ A3
PLOTTED: 6/9/22

AMENDED PLANS

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Application No: DA-308/2022

Date Received: 06/09/2022



nominated architect:
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Concrete + plasterboard party walls.

Floors: Concrete floors throughout with timber & tile covering.
R1.0 insulation to all floors with outside air below.
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eg aluminium-framed single-glazed clear glass.
Glazing: AFRC: Uw= 4.9, SHGC=0.33 to all glazing.
eg aluminium-framed double-glazed 'Low-e' glass.

DRAWING
PROJECT



SOUTH ELEVATION
NEW BUILDING
8-10 SIR THOMAS MITCHELL ROAD
BONDI BEACH NSW 2026

DRAWN BY **UT**
JOB NO **STM-10**
DRAWING NO **DA-2004**
REVISION **REV B**

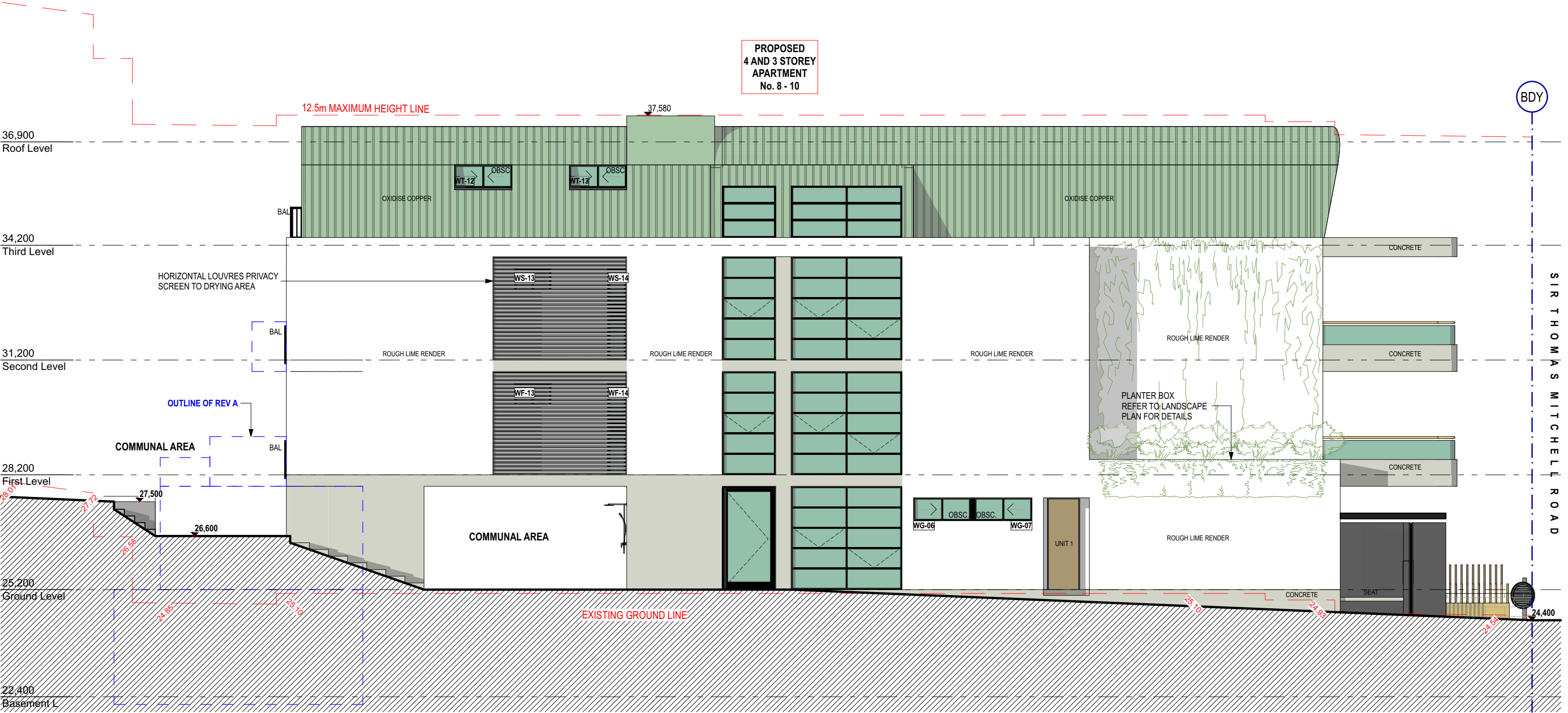
SCALE: 1:100 @ A3 PLOTTED: 6/9/22

AMENDED PLANS

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Waverley Council

Application No: DA-308/2022

Date Received: 06/09/2022



nominated architect:
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eg aluminium-framed double-glazed 'Low-e' glass.

Unit 4:

DRAWING
PROJECT
EAST ELEVATION
NEW BUILDING
8-10 SIR THOMAS MITCHELL ROAD
BONDI BEACH NSW 2026

DRAWN BY
JOB NO
DRAWING NO
REVISION
UT
STM-10
DA-2005
REV B

SCALE: 1:100 @ A3 PLOTTED: 6/9/22

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-308/2022

Date Received: 06/09/2022



nominated architect:
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PO BOX 7368 BONDI BEACH, NSW 2026
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REVISIONS
REV A

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eg aluminium-framed single-glazed clear glass.
Glazing: AFRC: Uw= 4.9, SHGC=0.33 to all glazing.
eg aluminium-framed double-glazed 'Low-e' glass.

Unit 4:

DRAWING
PROJECT



SECTION AA
NEW BUILDING
8-10 SIR THOMAS MITCHELL ROAD
BONDI BEACH NSW 2026

DRAWN BY **UT**
JOB NO **STM-10**
DRAWING NO **DA-3001**
REVISION **REV B**

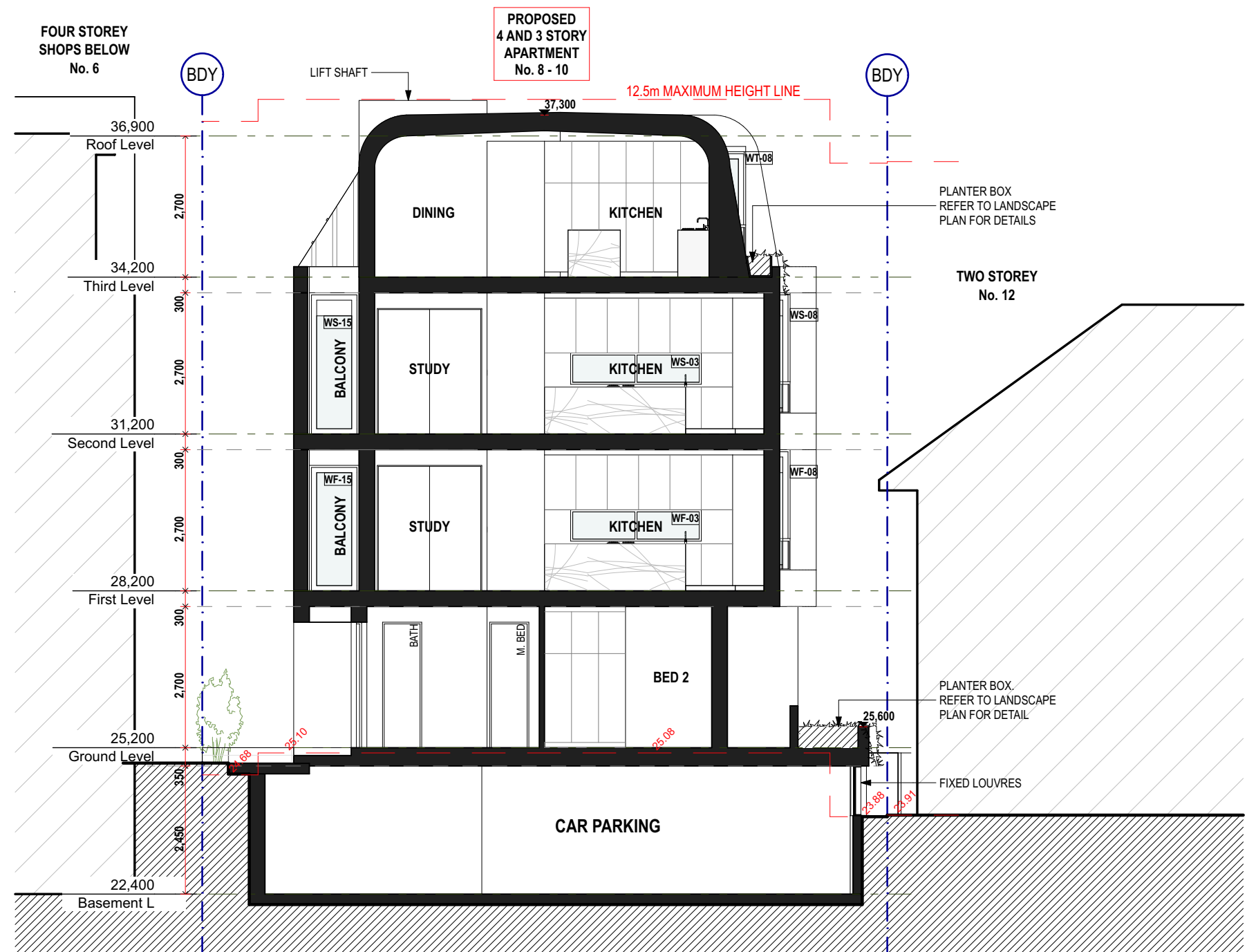
SCALE: 1:100 @ A3 PLOTTED: 6/9/22

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-308/2022

Date Received: 06/09/2022



nominated architect:

T E D Q U I N T O N N S W A R B 6 8 8 0

U R I T D E S I G N

PO BOX 7368 BOND BEACH, NSW 2026

PH: **0416 321 982**

u r i @ u r i t d e s i g n . c o m

REVISIONS
REV A

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Ceilings: Minimum R3.0 insulation with roof above.
Rated with sealed exhaust ventilation. Not rated with down-lights.

External Walls: Units 1-3: Concrete + R1.0 insulation + plasterboard.
Unit 4: Metal cladding + R2.0 insulation. Light* colour.

Internal walls: Plasterboard on stud within units.
Concrete + plasterboard party walls.

Floors: Concrete floors throughout with timber & tile covering.
R1.0 insulation to all floors with outside air below.

Glazing: Units 1, 2, 3 NFRC: Uw= 6.70, SHGC=0.70 to all glazing.
eg aluminium-framed single-glazed clear glass.

Unit 4: AFRC: Uw= 4.9, SHGC=0.33 to all glazing.
eg aluminium-framed double-glazed 'Low-e' glass.

DRAWING
PROJECT

SECTION BB
NEW BUILDING
8-10 SIR THOMAS MITCHELL ROAD
BONDI BEACH NSW 2026

DRAWN BY UT
JOB NO STM-10
DRAWING NO DA-3002
REVISION REV B

SCALE: 1:100 @ A3 PLOTTED: 6/9/22



North East



North West



1. ROUGH LIME RENDER CHALK WHITE



2. FC CLADDING



3. VERTICAL BOARD FORMED CONCRETE



4. COLORBOND STANDING SEAM - WINDSPRAY WALLS AND ROOF

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Waverley Council

Application No: DA-308/2022
Date Received: 06/09/2022



5. SALVAGED EXISTING SANDSTONE
6. HORIZONTAL BOARD FORMED CONCRETE WITH GLASS BALUSTRADE



7. BLACK ALUMINIUM FRAME WINDOWS



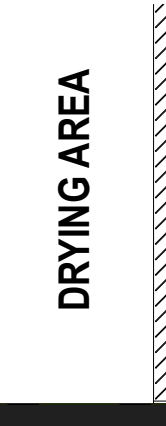
8. BLACK ALUMINIUM SCREEN



9. BLACK STEEL BALUSTRADE



10. TIMBER BATTENS FENCE



11. ALUMINIUM PRIVACY SCREEN



12. TIMBER SOFFIT TO BALCONIES

nominated architect:
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URI T DESIGN
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REVISIONS
REV A

Contractor to verify all dimensions on site prior to commencing work. Uri T Design is to be notified of any discrepancies in the dimension and setting out of the work. Copyright of designs shown hereon is retained by Uri T Design. Authority is required for any reproduction.

AMENDED PLANS

THERMAL COMFORT OPTIONS

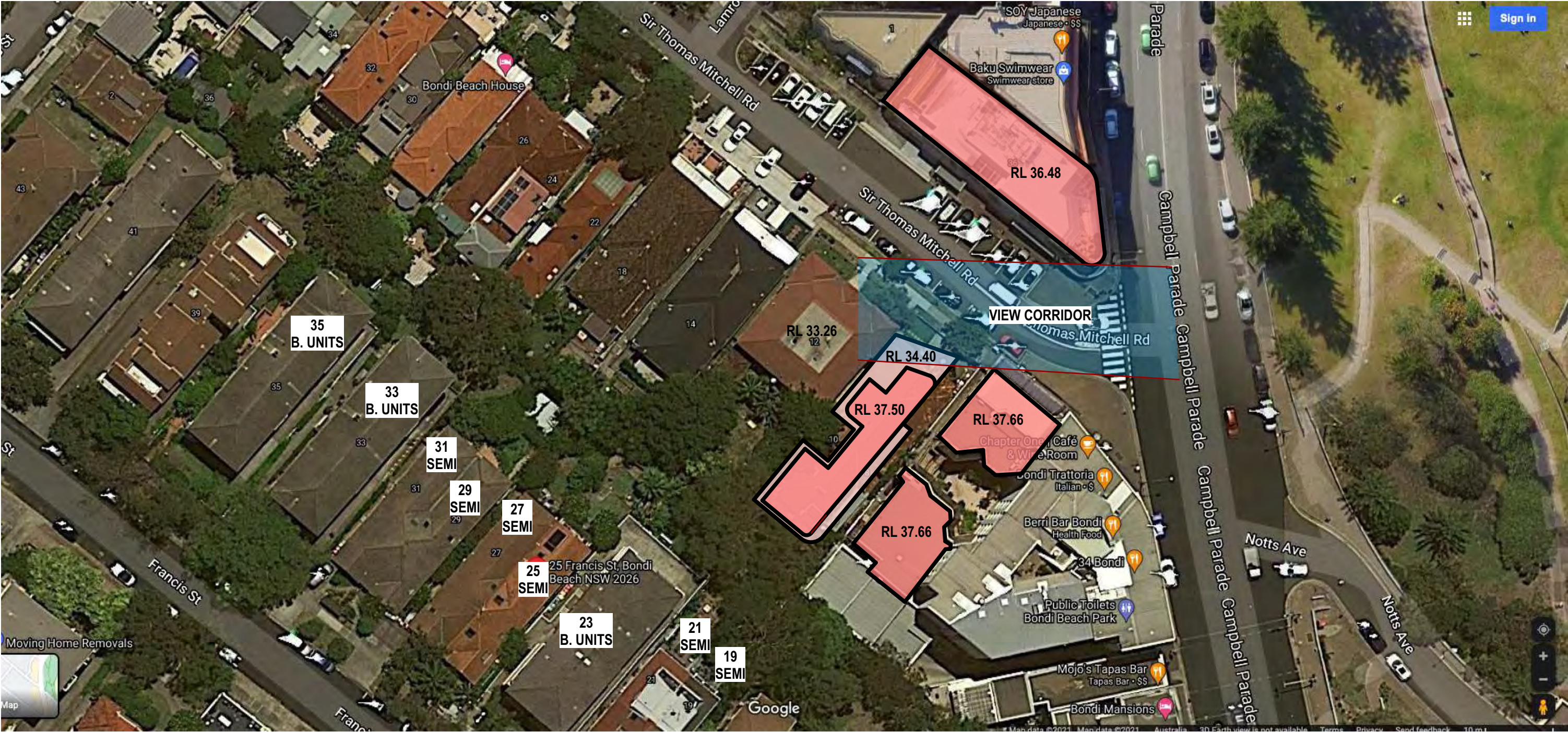
Roof: Metal deck + R1.0 insulation blanket to underside. Medium colour.
Ceilings: Minimum R3.0 insulation with roof above. Rated with sealed exhaust ventilation. Not rated with down-lights.
External Walls: Units 1-3: Concrete + R1.0 insulation + plasterboard. Unit 4: Metal cladding + R2.0 insulation. Light colour.
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Glazing: Units 1, 2, 3 NFRC: Uw= 6.70, SHGC=0.70 to all glazing. eg aluminium-framed single-glazed clear glass. AFRC: Uw= 4.9, SHGC=0.33 to all glazing. eg aluminium-framed double-glazed "Low-e" glass.
Unit 4:

DRAWING PROJECT

FINISHES SCHEDULE
NEW BUILDING
8-10 SIR THOMAS MITCHELL ROAD
BONDI BEACH NSW 2026
SCALE: 1:0.67, 1:4.86, 1:4.17, 1:5.56, 1:3.61, 1:3.63, 1:1.39, 1:2.08, 1:5.21, 1:50, 1:1 @ A3

DRAWN BY UT
JOB NO STM-10
DRAWING NO DA-4001
REVISION REV B
PLOTTED: 6/9/22



nominated architect:
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Unit 4: eg aluminium-framed double-glazed 'Low-e' glass.

DRAWING
PROJECT

VIEW ANALYSIS
NEW BUILDING
8-10 SIR THOMAS MITCHELL ROAD
BOND BEACH NSW 2026

DRAWN BY UT
JOB NO STM-10
DRAWING NO DA-4002
REVISION REV B

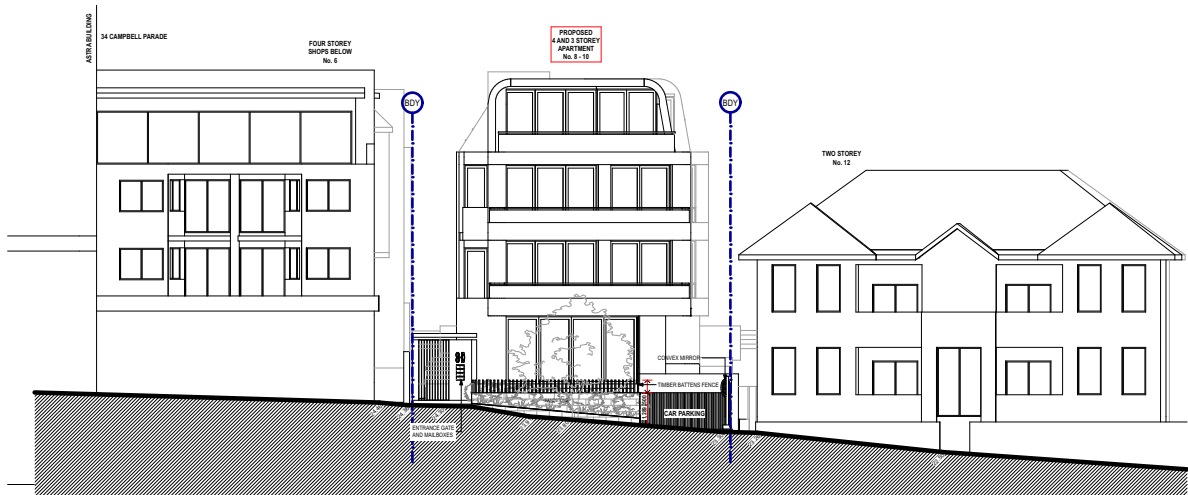
SCALE: 1:1.67 @ A3 PLOTTED: 6/9/22

AMENDED PLANS

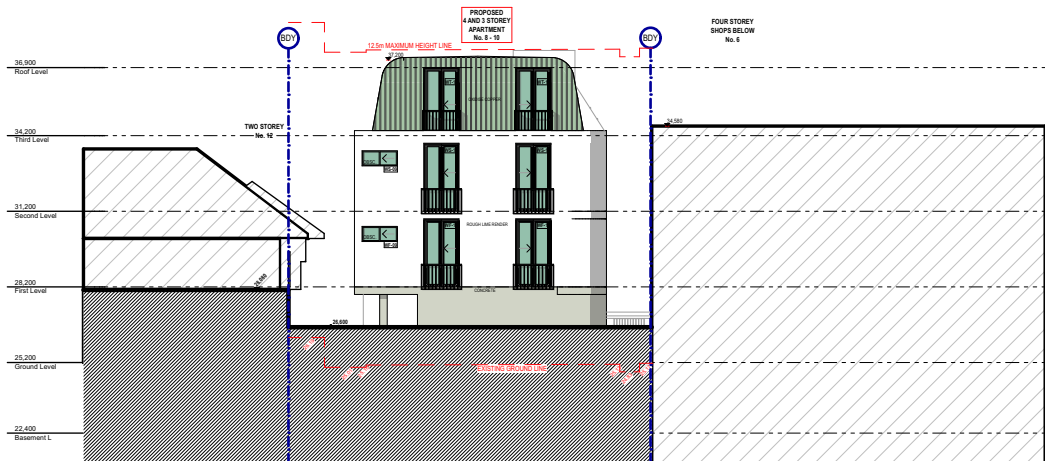
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Application No: DA-308/2022

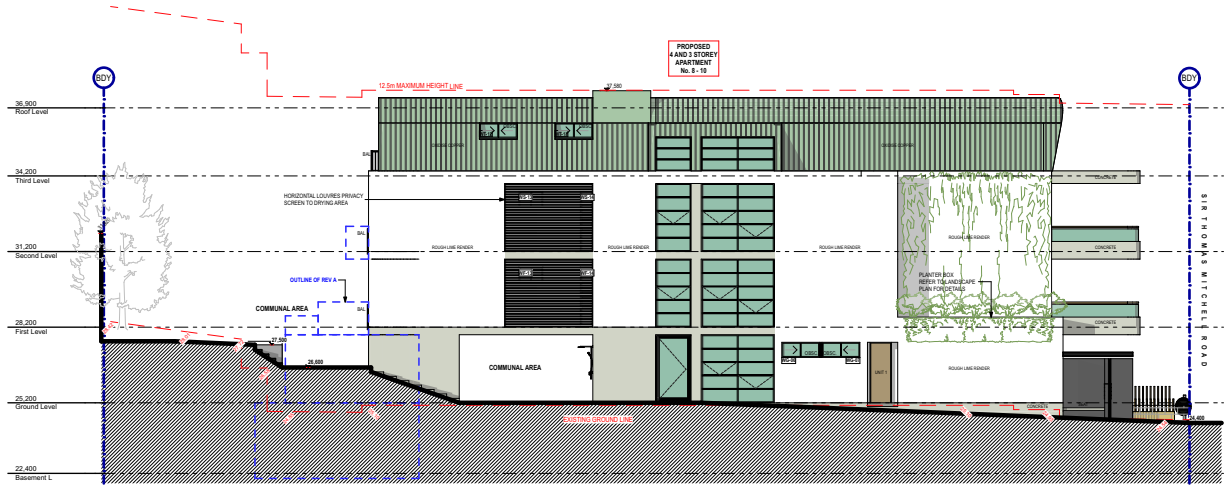
Date Received: 06/09/2022



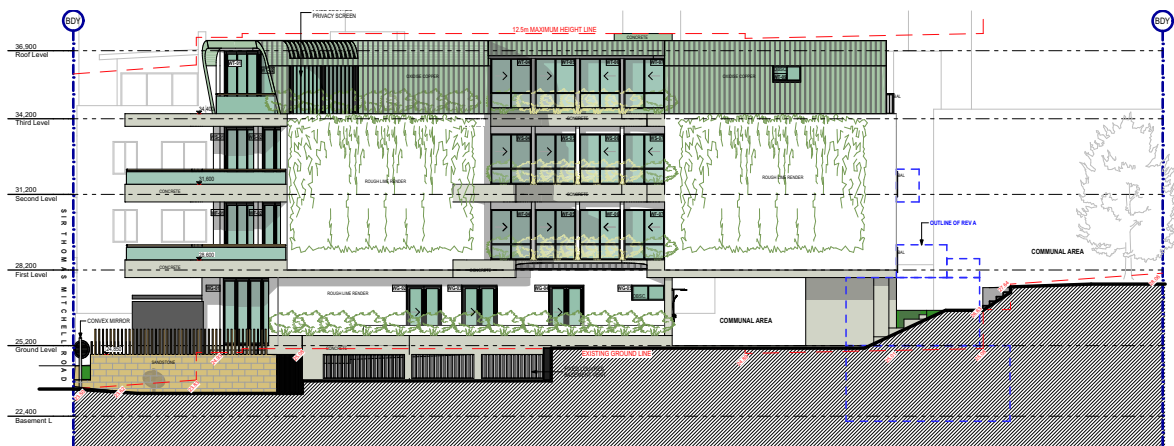
North Elevation Streetscape 1:300



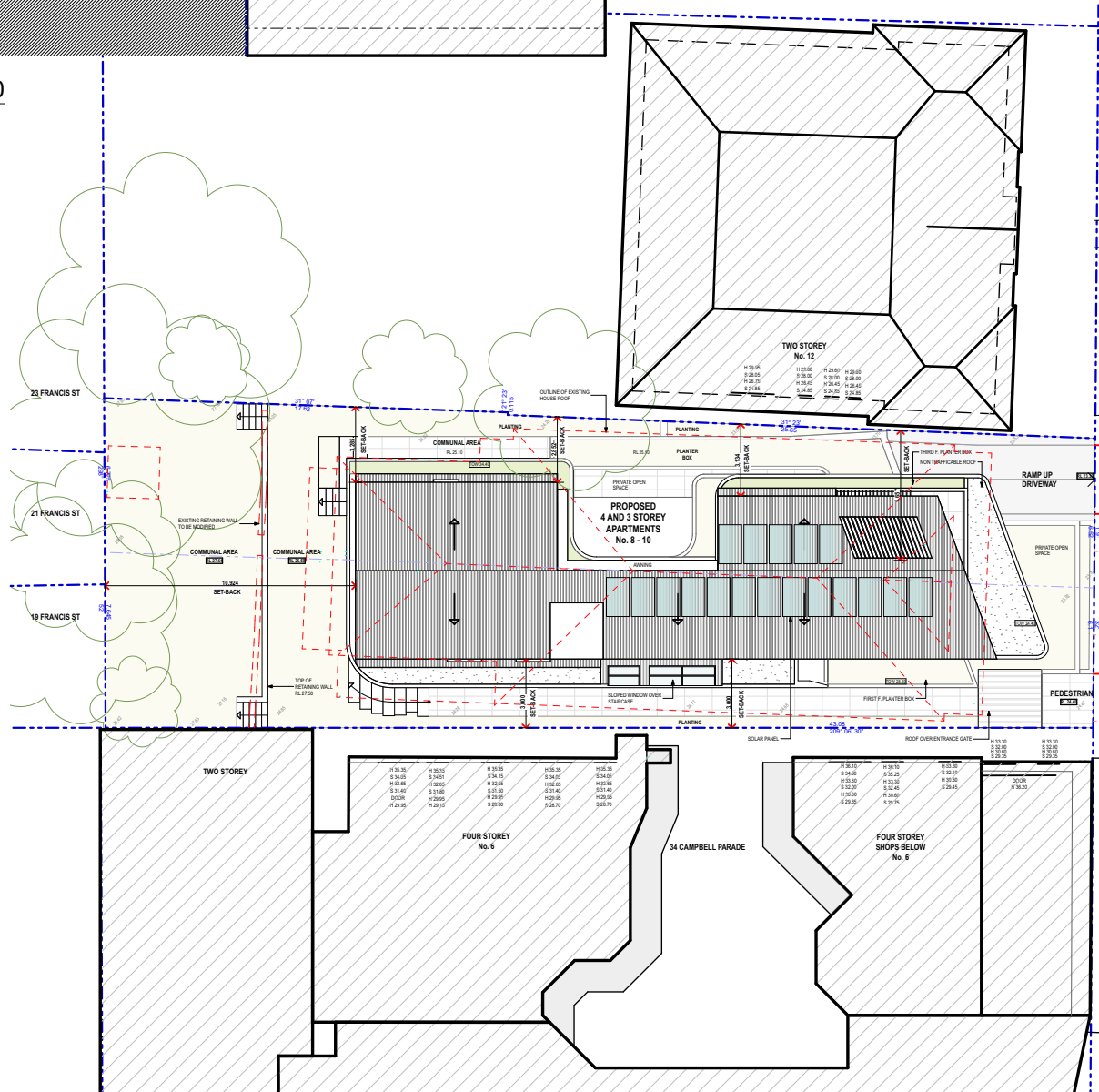
South Elevation 1:300



East Elevation 1:300



West Elevation 1:300



Roof Level 1:300

nominated architect:
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REVISIONS

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DRAWING
PROJECT



NOTIFICATION
NEW BUILDING
8-10 SIR THOMAS MITCHELL ROAD
BONDI BEACH NSW 2026

DRAWN BY **UT**
JOB NO **STM-10**
DRAWING NO **DA-4003**
REVISION **REV B**

SCALE: 1:300 @ A3 PLOTTED: 6/9/22

NOM.110 M2
COMMUNAL OPEN SPACE
AT FIRST FLOOR LEVEL
UNDERSTOREY PLANTS TO EXISTING EUCALYPTUS SP.
EG:
REAR BOUNDARY-4 no. KANGAROO VINE TO CLIMB UP
REAR BOUNDARY FENCE (ON STAINLESS STEEL WIRES)
+ MASSED SHADE TOLERANT 30 no.PHILOTHECA SHRUBS
+ 35 no.DIANELLA GROUNDCOVERS
NOM. 98M2, TURF-Sir Walter soft leaf buffalo

EXISTING TREE
EUCALYPTUS SPECIES TO BE
RETAINED & PROTECTED

NOM. 10 M2
LANDSCAPE TO SLOPED
GARDEN BED B/W
RETAINING WALLS
EG:
6 no. GYMEA LILY,
7 no. LOMANDRA
LONGIFOLIA

NOM. 16 M2
NEW FEATURE
COMMUNAL GARDEN
"WOW" GARDEN
EG:
FEATURE 1 no. 75 LITRE
TRISTANIOPSIS 'LUSCIOUS'
& FOLIAGE PLANTS,
1 no. CORDYLINAE
AUSTRALIS,
1 no.ZAMMIA SP.
3 no. CRINUM SP.
3 no. P.'XANADU'

FOR ARCHITECT'S DRAWINGS, CONTACT
URI T DESIGN
MOBILE 0416 321 982
EMAIL uri@uritdesign.com

NOM. 25 M2
NEW PLANTER BOX
UNIT 1
AT GROUND FLOOR LEVEL
EG: 4 NO.CORDYLINAE AUSTRALIS, 75 P.'XANADU'
AT NORTH END OF PLANTER, 1 NO.CALLISTEMON 'KINGS PARK SPECIAL' + 6 LOMANDRA 'TANIKA'
+ 1 PIGFACE TO SPILL OVER/SOFTEN DRIVEWAY WALL

NOM. 4 M2
SOFT LANDSCAPE TO
PRIVATE OPEN SPACE
UNIT 1
AT GROUND FLOOR LEVEL
EG: 3 no. HIBISCUS 'RUBRA' & 5
no. NATIVE VIOLETS TO SPILL
OVER WALL

NOM. 5 M2
BOUNDARY EVERGREEN SCREEN PLANTING, LOW
MAINTENANCE. VISUALLY SOFTEN NEIGHBOURING BLOCK
OF APARTMENTS.
EG: 3 no. HIBISCUS 'RUBRA' & 10 no. NATIVE VIOLETS TO
SPILL OVER WALL

NOM. 4 M2
NEW PLANTING SCREEN
MAINTAINED AS A HEDGE FORM
9 NO. CALLISTEMON 'KINGS
PARK SPECIAL' +
9 NO.NATIVE PIGFACE TO SPILL
OVER/SOFTEN DRIVEWAY WALL

NEW SMALL TREE/LGE SHRUB,
NATIVE, FEATURE
1 NO. CALLISTEMON 'KINGS
PARK SPECIAL'
UNIT 1, GROUND LEVEL
TO PROVIDE PRIVACY FROM
STREET & SOFTEN FORM OF
BUILDING
1 NO.NATIVE PIGFACE TO SPILL
OVER/SOFTEN DRIVEWAY WALL

EXISTING STREET TREE
BANKSIA INTEGRIFOLIA
(COASTAL BANKSIA) TO BE
RETAINED & PROTECTED

NOM. 3 M2
PLANTER BOX
10 no.Pennisetum 'Nafray'

NOM. 9 M2
NEW LANDSCAPE TO IMPROVE
STREETSCAPE
AT GROUND FLOOR LEVEL
massed native grass
10 no.Lomandra 'Tanika'

NOM.34 M2
PRIVATE OPEN SPACE
UNIT 1
AT GROUND FLOOR LEVEL
GROUNDCOVERS & LOW SHRUBS TO CASCADE OVER WALL
THROUGH BOUNDARY RAIL FENCE
+ GARDEN BED, SWATHES OF DROUGHT-HARDY GRASSES
EG: Grasses: 6 no.Miscanthus gracillimus
7 no.Myoporum 'Yareena'
6 no.Westringia 'Mundii'
3 no.Stachys byzantina
TURF, NOM 26M2-Sir Walter soft leaf buffalo

CLIENT: c/- URI T DESIGN
PROJECT: 8-10 SIR THOMAS MITCHELL ROAD,
BONDI BEACH
SCALE: 1:200 @ A3
DATE: 5 SEPTEMBER 2022
DWG TITLE: LANDSCAPE PLAN GROUND REV B
DEVELOPMENT APPLICATION sheet 1 of 7



IMAGE ABOVE: EG BENCH SEAT OFF
RETAINING WALL FOR LOUNGING/RELAXING
ON LOWER LAWN TERRACE.
DESIGN BY TOPOS LANDSCAPE

SCOPE TO ADD FEATURE FOCAL POINT EG: URN / SCULPTURE
FOR VISUAL INTEREST AT LAWN TERRACE

NOM. 7 M2 LANDSCAPE
6 NO. ALPINIA CAERULEA TO SOFTEN WALL OF PLANT ROOM
+ SHADE-HARDY GROUNDCOVERS
EG: 7 PLECTRANTHUS PURPATUS

NEW, NATIVE SMALL FEATURE TREE
1 no.CORYMBIA 'SUMMER RED'

EASTERN BOUNDARY GARDEN, NOM.14M2
7 no.NATIVE GINGERS
5 no. BLECHNUM SP
15 no.MASSED NATIVE VIOLETS



IMAGE ABOVE: EG BLUESTONE STEPPING
STONES FOR INFORMAL ACCESS THROUGH
LOWER LAWN TERRACE.

NOM.12M2 GENUINE DEEP SOIL LANDSCAPE
ALONG EAST BOUNDARY
SCOPE TO INCLUDE SHADE TOLERANT SPECIES TO SOFTEN NEIGHBOUR'S
BOUNDARY-MAX HEIGHT AT MATURITY 3M
& ENHANCE PEDESTRIAN ENTRY EXPERIENCE
EG:
26 NO. NEPALESE BLUE BAMBOO (DROUGHT TOLERANT SPECIES ONCE ESTABLISHED)
UNDERSTOREY-27 BLECHNUM 'SILVER LADY' + 27 VIOLA HEDERACEA
REFERENCE IMAGE BELOW OF ENTRANCE LANDSCAPE CHARACTER ALONG BOUNDARY



INTERNAL CURVED PLANTER NOM. 9 M2
First Floor Level LANDSCAPE, PLANTER BOX
FFL 28.20 (access limited)
TOW 28.60 planter balcony

SHADE TOLERANT FOLIAGE PLANTS
EG:
4 no. ZAMMIA SP.
2 no. P.'XANADU'
5 no. CRINUM SP.
5 no. BLECHNUM SP
15 no.MASSED NATIVE VIOLETS



Study, Kitchen, Living & Dining Rooms NOM. 7 M2
First Floor Level LANDSCAPE, PLANTER BOX
FFL 28.20 (access only from door off study)
TOW 28.60 planter balcony

EG:
1 no.Prostrate rosemary & 1 no. thyme to spill over planter box edges
2 no. native pigface succulent to soften built form north & east side
5 no.Aloe vera for winter structure & colour



place
TOPOS

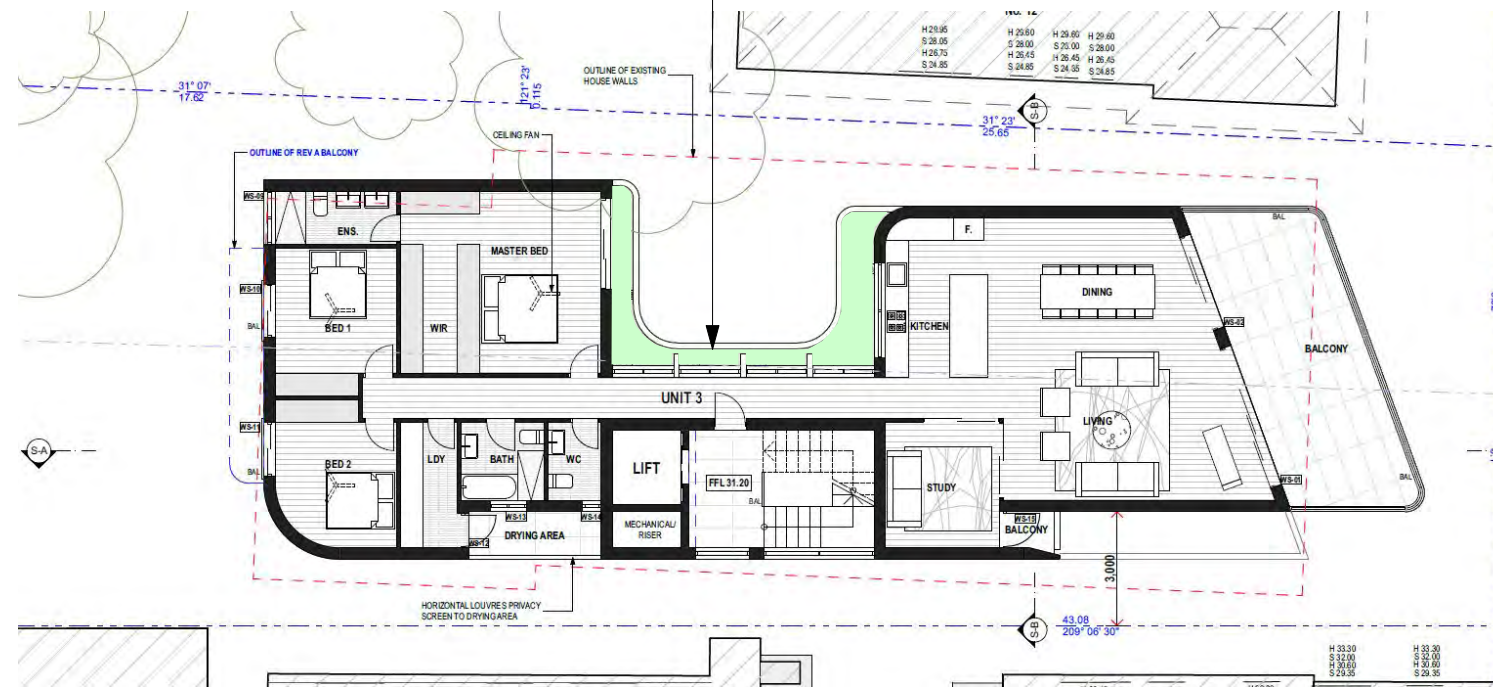
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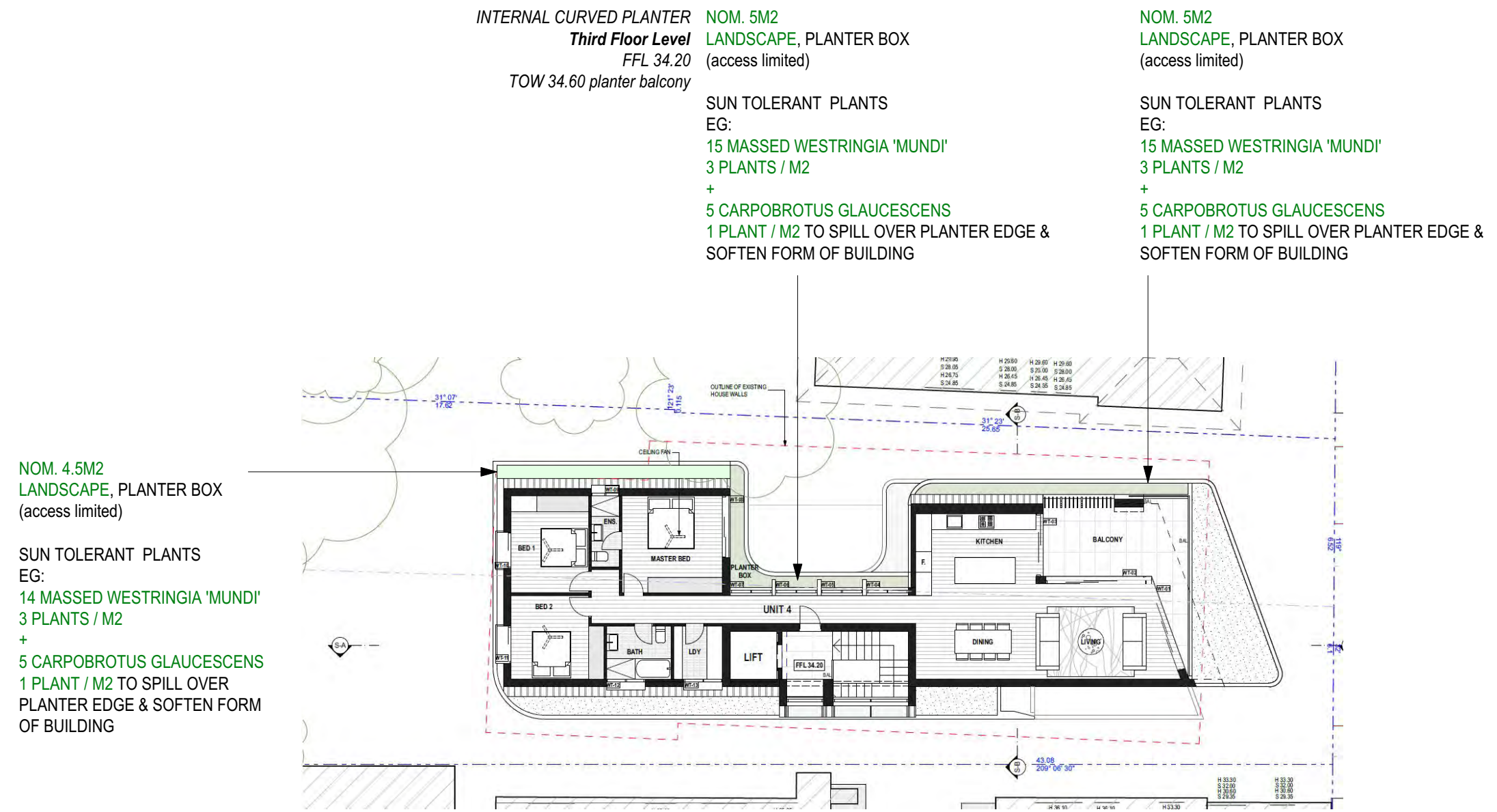
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Application No: DA-308/2022
Date Received: 06/09/2022

CLIENT: c/- URI T DESIGN
PROJECT: 8-10 SIR THOMAS MITCHELL ROAD,
BONDI BEACH
SCALE: 1:200 @ A3
DATE: 5 SEPTEMBER 2022
DWG TITLE: LANDSCAPE PLAN FIRST FLOOR **REV A**
DEVELOPMENT APPLICATION sheet 2 of 7



INTERNAL CURVED PLANTER NOM. 9 M2
Second Floor Level LANDSCAPE, PLANTER BOX
 FFL 31.20 (access limited)
 TOW 31.60 planter balcony
 PART SUN & PART SHADE TOLERANT PLANTS
 EG:
 45 MASSED LOMANDRA 'TANIKA'
 5 PLANTS / M2





PLANT SCHEDULE

BOTANICAL NAME	COMMON NAME	POT SIZE	TOTAL NUMBERS	ORIGIN OF PLANT	MATURE HEIGHT /SPREAD
TREES					
Callistemon 'Kings Park Special'	Bottlebrush	200mm	11	Australia	3.5M H / 3.5M W
Cordyline australis	Cabbage tree palm	45 litre	5	New Zealand	5M H / 2M W
Corymbia cultivar	Summer Red	75 litre	1	Australia	4M H / 3M W
Hibiscus tiliaceus 'Rubra'	Beach hibiscus	400mm	6	Australia/Oceania	4M H / 3M W
Tristaniopsis laurina 'Luscious'	Water gum	75 litre	1	Australia	8M H / 4M W
BAMBOO,PALMS,FERNS,SUCCULENTS					
Blechnum 'Silver Lady'	Silver lady fern	140mm	37	Australia	1M H / 1M W
Himalayacalamus porcatus	Nepalese Blue bamboo	300mm	26	Nepal	3M H / 0.5 W PRUNE
Zamia furfuracea	Cardboard palm	300mm	5	Mexico	1M H / 1M W
SHRUBS					
Alpinia caerulea	Redback ginger	200mm	13	Australia	1.5m H / 1m W
Doryanthes excelsa	Gynea lily	300mm	6	Australia	2M H / 2M W
Philodendron 'Xanadu'	Xanadu	200mm	92	Brazil	0.7M H / 0.4M W
Philotheca 'Profusion'	Wax flower	200mm	30	Australia	0.8M H / 0.8M W
Westringia fruticosa 'Mundi'	Coastal rosemary	200mm	50	Australia , Indigenous sp.	0.4M H / 1.5M W
GROUNDCOVERS AND CLIMBERS					
Carpobrotus glaucescens	Pigface	140mm	11	Australia , Indigenous sp.	0.1M H / 2M W
Cissus antarctica	Kangaroo vine	140mm	4	Australia	3M H / 5M W
Crinum pedunculatum	Swamp lily	200mm	8	Australia	1M H / 1M W
Ficus pumila	Climbing fig	140mm	3	E Asia	3M W
Myoporum parvifolium 'Yareena'	Creeping boobialla	140mm	7	Australia	0.1M H / 1M W
Stachys 'Silver carpet'	Lamb's ears	140mm	3	Turkey	0.3M H / 1M W
Plectranthus purpuratus	Swedish ivy	140mm	7	South Africa	0.5M H / 1M W
Viola hederacea	Native violet	140mm	72	Australia	0.1M H / 1M W
GRASSES/SEDGES					
Dianella congesta**	Coastal flax lily	140mm	35	Australia , Indigenous sp.	0.5M H / 1M W
Lomandra longifolia	Tanika lomandra	140mm	7	Australia , Indigenous sp.	1M H / 1M W
Lomandra longifolia 'Tanika'	Tanika lomandra	140mm	55	Australia , Indigenous sp.	0.6M H / 0.6M W
Miscanthus gracillimus	Maiden grass	140mm	6	Japan	1.5M H / 1M W
Pennisetum 'Nafray'	Chinese fountain grass	140mm	10	China	0.7M H / 1M W
HERBS / EDIBLES /BUSH TUCKER					
Aloe hybrid 'Winter bells'	Aloe	140mm	5	Arabian peninsula	0.2m H / 0.2m W
Rosmarinus officinalis 'Prostratus'	Trailing rosemary	140mm	1	Europe, Asia	0.5m H / 2m W
Thymus citriodorus 'Lemon'	Lemon thyme	140mm	1	Europe	0.3m H / 0.3m W

Private Landscape (for various areas):

Dwelling No.	Area of garden + lawn (m²)	Area of low water use species (m²)
UNIT 1	60m2	34m2
UNIT 2	16m2	16 m2
UNIT 3	9m2	9 m2
UNIT 4	14.5 m2	14.5 m2

NOTES:
ALLOW IN LANDSCAPE WORKS FOR PROVISION OF DRIP-LINE IRRIGATION TO ALL NEW GARDEN BEDS AND ELECTRICAL PROVISION FOR GARDEN LIGHTING.

IRRIGATION
Use water efficient irrigation sysytems such as: automated sub-soil drip systems; soil moisture sensors; use of non-potable water sources (eg:rainwater)

PLANTING MIXTURE
Shall be a premium soil mix.

PLANTING MIXTURE PLANTERS ON STRUCTURAL SLAB
Hydrocell 40 extensive (lightweight, non hydrophobic low organic content growing medium; suitable for roof garden application)

EDGING
New garden bed edging shall be galv steel 75m height. Maximum height above adjacent finished ground level 30mm.

EXISTING TOPSOIL
Retain and stockpile topsoil for reuse in the landscaped area where practical.

EXISTING TREES ON SITE OR ADJACENT SITE
Protect from root damage and substantial canopy pruning.

SERVICES
Before landscape work commences the landscape contractor shall establish the position of all service lines and ensure tree planting is carried out at least 3 metres away from these services. Service lids, vents and hydrants shall be left exposed and not covered by any landscape finishes (turfing, paving, garden beds etc). Finish adjoining surfaces flush with pit lids.

MULCH shall be forest fines or similar.

WEED ERADICATION Eradicate weeds by hand and an environmentally acceable herbicide at the recommended maximum rate.



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Application No: DA-308/2022

Date Received: 06/09/2022

FOR ARCHITECT'S DRAWINGS, CONTACT
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CLIENT: c/- URI T DESIGN
PROJECT: 8-10 SIR THOMAS MITCHELL ROAD,
BONDI BEACH
SCALE: nts @ A3
DATE: 5 SEPTEMBER 2022
DWG TITLE: LANDSCAPE PLANTING SCHEDULE + NOTES + PRIVATE LANDSCAPE TABLE, REV C
DEVELOPMENT APPLICATION sheet 7 of 7

STREET VERGE PLANTING



DROUGHT HARDY,
NATIVE LOMANDRA 'TANIKA'

UNIT 1, PRIVATE OPEN SPACE PLANTING



FEATURE SHRUB, BIRD ATTRACTING
CALLISTEMON 'KINGS PARK SPECIAL' TO
PROVIDE PRIVACY FROM STREET



NATIVE CARPOBROTUS GLAUCESCENS
TO SPILL OVER RETAINING WALL & SOFTEN
DRIVEWAY



NATIVE MYOPORUM 'YAREENA' TO SPILL
OVER RETAINING WALL & SOFTEN FRONT
BOUNDARY FENCE



NATIVE WESTRINGIA 'MUNDI' TO SPILL
OVER RETAINING WALL & SOFTEN FRONT
BOUNDARY FENCE

UNIT 1, PRIVATE OPEN SPACE PLANTING



SWATHES OF DROUGHT-HARDY GRASSES
PENNISETUM 'NAFRAY'



SWATHES OF DROUGHT-HARDY GRASSES
MISCANTHUS GRACILLIMUS



DROUGHT HARDY
STACHYS 'SILVER CARPET' TO SPILL OVER
RETAINING WALL & SOFTEN FRONT
BOUNDARY FENCE

REAR GARDEN-COMMUNAL SPACE



NEW SMALL, NATIVE FEATURE TREE
CORYMBIA 'SUMMER RED'



SWATHES OF SHADE TOLERANT,
PHILOTHECA 'PROFUSION'

REAR GARDEN-COMMUNAL SPACE



SWATHES OF GROUNDCOVER DIANELLA SP.



CLIMBING KANGAROO VINE
TO SCREEN BACK BOUNDARY FENCE/WALL



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PROPOSED COASTAL SPECIES PLANT PALETTE
8-10 SIR THOMAS MITCHELL ROAD, BONDI BEACH
SHEET 5 OF 7
SEPTEMBER 2022
REV B

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Waverley Council
Application No: DA-308/2022
Date Received: 06/09/2022

SCREEN PLANTING ALONG WEST BOUNDARY



SMALL TREE TO VISUALLY SOFTEN NEIGHBOUR'S APARTMENT BLOCK, HIBISCUS 'RUBRA'



VIOLA HEDERACEA AS GROUNDCOVER



CALLISTEMON 'KINGS PARK SPECIAL' AS HEDGE IN NARROW STRIP NEAR DRIVEWAY/RAMP DOWN

SLOPED GARDEN BED, WEST BOUNDARY



DORYANTHES EXCELSA TO STABILISE SLOPE



LOMANDRA LONGIFOLIA TO STABLISE SLOPE

COMMUNAL FEATURE GARDEN AT WEST BOUNDARY



FEATURE TREE, 75 LITRE SIZE
NATIVE TRISTANIOPSIS 'LUSCIOUS'



FOLIAGE PLANTING OF CORDYLIN AUSTRALIS



FOLIAGE PLANTING OF ZAMMIA SP.



FOLIAGE PLANTING OF CRINUM SP.



FOLIAGE PLANTING OF PHILODENDRON 'XANADU'

ENHANCE PEDESTRIAN ENTRY EXPERIENCE/SOFTEN RETAINING WALL



SHADE-TOLERANT, NON-INVASIVE
NEPALESE BLUE BAMBOO



SHADE-TOLERANT, BLECHNUM 'SILVER LADY'

PROPOSED COASTAL SPECIES PLANT PALETTE
8-10 SIR THOMAS MITCHELL ROAD, BONDI BEACH
SHEET 6 OF 7
SEPTEMBER 2022
REV B



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RECEIVED
Waverley Council
Application No: DA-308/2022
Date Received: 06/09/2022



Report to the Waverley Local Planning Panel

Application number	DA-300/2022
Site address	180 Wellington Street, Bondi Beach
Proposal	Alterations and additions to existing residential flat building including additional storey, internal reconfiguration, reconfiguration of open spaces, and new swimming pool PAN-241503
Date of lodgement	21 July 2022
Owner	Proprietors of Strata Plan 56
Applicant	Proprietors of Strata Plan 56
Submissions	One submission
Cost of works	\$701,569
Principal Issues	<ul style="list-style-type: none"> • Non-compliance with height of buildings development standard • Non-compliance with floor space ratio development standard • Amenity impacts relating to solar access, visual privacy and acoustic privacy • Streetscape impacts • Impacts on character of existing interwar building
Recommendation	That the application be REFUSED for the reasons contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for alterations and additions to existing residential flat building including additional storey, internal reconfiguration, reconfiguration of open spaces, and new swimming pool at the site known as 180 Wellington Street, Bondi Beach.

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

- Non-compliance with height of buildings development standard
- Non-compliance with floor space ratio development standard
- Amenity impacts relating to solar access, visual privacy, and acoustic privacy
- Streetscape impacts
- Impacts on character of existing interwar building

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 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 12 September and 17 November 2022.

The site is identified as SP65, known as 180 Wellington Street, Bondi Beach.

The site is rectangular in shape with a south-eastern frontage of 16.61m to Wellington Street. It has an area of 668.3m² and it falls from the south-west to the north-east by approximately 1.6m.

The site is occupied by a two-storey residential flat building 'El-Dorado' containing eight units, with communal open space and storage sheds in the rear setback.

The site is adjoined by a two-storey residential flat building to the south-west at 178 Wellington Street, a three-storey residential flat building to the north-east at 23 Curlewis Street, and a single storey semi-detached dwelling to the north-west at 19 Curlewis Street. The locality is characterised by a variety of low and medium density residential development and commercial development. The site is adjacent to the Old South Head Road Neighbourhood Centre.

Figures 1 to 5 are photos of the site and its context.



Figure 1: Subject site viewed from Wellington Street, looking north



Figure 2: Rear of subject residential flat building, viewed from rear yard looking south-east



Figure 3: Subject site looking south-west, with 178 shown to the left



Figure 4: Adjacent site 19 Curlewis Street, viewed from rear yard of subject site looking north-west



Figure 5: View to subject site from across Wellington Street looking west

1.3. Relevant Development History

PD-20/2021: On 31 August 2021, Council provided the following pre-development application advice regarding a proposal for alterations and additions to the existing residential flat building at 180 Wellington Street, including an additional storey and changes to open spaces at the site:

- The proposal exceeds the height of buildings and floor space ratio development standards for the site, and adds to the bulk and scale of the building, and the exceedances can only be supported if an acceptable clause 4.6 written request is provided.
- The proposed mansard roof is not in keeping with the streetscape character.
- The proposed courtyards within the front setback do not meet the definition of “private open space”, and do not provide sufficient privacy. The proposed mitigating measures of a 1.5m high front fence and tall landscaping are not in keeping with the streetscape character.
- The proposed reduction in the size of the communal open space is not supported as the proposed communal open space is smaller than the DCP requirement and all units do not provide sufficient private open space.
- The proposed side-facing balconies at second floor level directly overlook neighbours and are not supported.
- The proposed balconies to the rear and front elevations overlook private open spaces below, and privacy issues need to be considered.

DA-214/2022: On 1 June 2022, a development application was lodged for demolition of existing buildings and construction of a four-storey commercial building with ground level retail spaces and integrated parking at the adjoining sites at 17-21 Curlewis Street. The development application is under assessment at the time of writing this report.

1.4. Proposal

The development application seeks consent for alterations and additions to the existing residential flat building including:

- Demolition of the existing roof, and construction of an additional mansard storey at second floor level, providing four master bedrooms with ensuites and front and rear balconies to the four existing first floor units.
- Creation of “sunrooms” for each first floor unit at the four corners of the building, via the removal of existing windows and replacement with bi-folding windows.
- New Juliette balconies to the two rear-facing first floor units.
- Internal reconfiguration to provide more open-plan living areas, and to provide access to the proposed second floor.
- Demolition of existing staircase adjacent to south-western elevation, enclosure at ground floor level, and reallocation of staircase area to adjacent units.

- Division of the rear communal open space to provide private courtyards to the two rear ground floor units (Units 03 & 04), and to provide a plunge pool to one of those units (Unit 04).
- Division of the front setback to provide private courtyards for the two front ground floor units (Units 01 & 02).
- New 1.2m front boundary fence, new gates to the site, and new 1.6m high north-eastern side boundary fence.
- Refurbishment of remaining communal outdoor areas, including landscaping, new pavers, provision of clothes drying area, new front gate and bin storage area.
- Construction of new entry awning to the site at the north-eastern corner, and new entry awning to the building on the northern side elevation.

1.5. Background

The development application was lodged on 19 July 2022.

On 8 November 2022, the applicant was informed that the application could not be supported due to the amenity impact on 178 Wellington Street. The applicant was provided with the opportunity to withdraw the application. However, the applicant did not respond to any communications.

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 the development application is considered acceptable assessed against these SEPPs:

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

However, the development application is considered unacceptable assessed against the SEPP 65 (Design Quality of Residential Apartment Development) 2002 as set out below.

SEPP 65 (Design Quality of Residential Apartment Design)

An assessment against the nine design quality principles under Schedule 1 of SEPP 65 is set out in **Table 1** of this report below.

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

Principle	Assessment
1. Context and Neighbourhood	The proposal is contrary to the existing and desired urban form and built form qualities of the surrounding neighbourhood.
2. Built form and Scale	The proposal has excessive bulk and height, which is inappropriate to the existing and desired future character of Wellington Street and does not complement the existing interwar building.
3. Density	The proposed density is inappropriate as it results in excessive bulk, height and amenity impacts on neighbouring sites.
4. Sustainability	The proposal achieves the design quality principle of sustainability.
5. Landscape	The proposal does not retain sufficient positive natural features, as insufficient landscaped area and deep soil area is retained due to the increase in hard paving and decks, and due to the proposed provision of a plunge pool.
6. Amenity	The proposal has a negative impact on the amenity of neighbouring sites, in terms of overshadowing and overlooking and adverse acoustic impacts.
7. Safety	The proposal achieves the design quality principle of safety.
8. Housing Diversity and Social Interaction	The proposal does not include communal open space, and does not provide opportunities for social interaction.
9. Aesthetics	The proposal does not achieve a built form with good proportions, and does not respond to the existing or future desirable local context and does not complement the existing inter-war building.

Further discussion regarding streetscape, built form, and amenity issues is detailed further below.

In addition to the above, the proposal does not comply with SEPP 65 clause 30(2)(a) and (b). The applicant has not demonstrated that adequate regard has been given to the SEPP 65 design quality principles nor the objectives specified in the Apartment Design Guide (ADG) for relevant design criteria. The applicant has not provided reference to the SEPP 65 principles nor the ADG objectives in the submitted Statement of Environmental Effects or other documentation.

Apartment Design Guide

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

- (a) visual privacy,
- (b) solar and daylight access,
- (c) common circulation and spaces,

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

If a 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

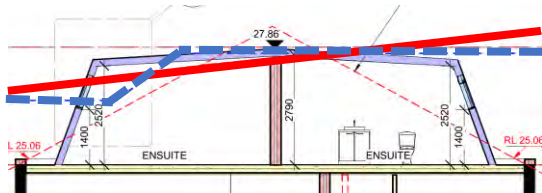
Design Criteria	Compliance	Comment
3F Visual privacy		
Min separation distances from buildings to side and rear boundaries: <ul style="list-style-type: none"> Up to 12m (4 storey) – 6m habitable & 3m non-habitable 	No	The development is separated by a distance of 2.7m from the south-western side boundary, 4.2m from the north-eastern side boundary, and 11.7m from the rear boundary. The applicant has not indicated the location of windows at adjacent sites on the submitted plans, and it has not been demonstrated that the proposal protects neighbouring visual privacy.
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	<ul style="list-style-type: none"> 50% of units receive solar access to living rooms for at least 2 hours at midwinter. Units 3, 4, 7, and 8 do not. 75% of units receive solar access to private open spaces for at least 2 hours at midwinter. Units 4 and 8 do not. 12.5% of units receive no direct sunlight at midwinter.
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	Satisfactory. All rooms are naturally ventilated, and all units are 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 	Yes	The additional storey provides an upper floor level to existing first floor units. The upper floor level does not exceed 50% of the total area of the

Design Criteria	Compliance	Comment
floor where its area does not exceed 50% of the unit area		units. The additional storey has a floor-to-ceiling height of between 2.52m and 2.79m.
4D Apartment size and layout		
<p>The following minimum internal areas apply:</p> <ul style="list-style-type: none"> • 1 Bed = 50 m² • 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	Satisfactory. All units have internal areas in excess of the minimum ADG requirements, and habitable rooms within the proposed additional storey have minimum glazed areas of 10% of the floor area.
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 	Acceptable on merit	<p>The proposed private open spaces for the upper floor units do not have minimum depths of 1m.</p> <p>However, the proposed private open space provision is acceptable on merit as it represents an improvement over the existing situation on site. Notwithstanding, the proposal does result in adverse privacy impacts.</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	Satisfactory. Four units are accessed at each level.
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 application retains the existing storage sheds at the site.

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 contrary to the aims of the plan regarding protecting the integrity of natural systems and enhancing amenity.
Part 2 Permitted or prohibited development		
Land Use Table R3 Medium Density Zone	Yes	The proposal is defined as alterations and additions to a residential flat building, which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 9.5m 	No	<p>The proposal has a maximum height of 10.63m measured from the base of the existing slab to the proposed roof height.</p> <p>The proposal exceeds the development standard by 1.13m, or by 11.9%.</p> <p>It is noted that the applicant has not measured the height of building from the existing ground level, and states that the maximum height is 520mm above the development standard.</p> <p>The applicant's 9.5m height of buildings line is identified by the red solid line in the image below, and the assessing planning officer's height of building line is identified by the blue dotted line.</p> 
4.4 Floor space ratio <ul style="list-style-type: none"> 0.6:1 Gross floor area (GFA) of 400.98m² 	No	<p>The proposal has an FSR of 1.08:1, and a GFA of 718.6m².</p> <p>The proposal exceeds the development standard by 79.2% and has an excess GFA of 317.62m².</p> <p>It is noted that the applicant has erroneously not included the common horizontal circulation spaces the FSR calculations, and states the proposal has an FSR of 1.05:1.</p>
4.5 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 for exceptions to the height of

Provision	Compliance	Comment
		buildings and floor space ratio development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	Satisfactory. The proposal is identified as Class 5 Acid Sulfate Soil, and the works proposed do not require the preparation of a management plan.
6.2 Earthworks	No	The proposed plunge pool requires excavation to a depth of approximately 1.1m adjacent to an area of site currently suffering from subsidence issues due to adjacent excavation at 21 Curlewis Street. Due to the existing land instability at the site, the excavation may impact on soil stability and structural integrity of buildings. A geotechnical report investigating these issues has not been provided.

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

Clause 4.6 Exceptions to Development Standards - Height of buildings

The application seeks an exception from compliance with the height of buildings development standard in clause 4.3 under Waverley LEP 2012.

The site is subject to a maximum height of buildings of 9.5m. The proposed development has a height of 10.63m. The proposal exceeds the development standard by 1.13m, or by 11.9%.

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.

The written request does not accurately identify the extent of the exceedance.

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 as the objectives of the development standard are achieved notwithstanding non-compliance with the standard as follows:

- (i) Objective (a) is "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 objective is achieved as the breach is located at the northern side of the building and therefore does not cause shadow impacts. Additionally, there will be no view loss.

- (ii) Objective (b) and (c) relate to Bondi Junction, and are not relevant.

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

The objective is achieved as the proposal does not radically alter the built form, and maintains the general bulk and scale of the building. The proposed mansard roof is lower than the existing pitched roof, results in minor additional bulk, provides a similar scale as the existing pitched roof, and is not read as an additional storey. The proposed roof form is predominantly compliant with the development standard, and the proposal is compatible with its surroundings.

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

- (i) The proposed overall height is less than the ridgeline of the existing pitched roof.
- (ii) The site slopes from south to north by 3.04m measured at Wellington Street. The fall of land is significantly greater than the variation sought. The roof non compliance is a result of the sloping nature of the site.
- (iii) The mansard roof is under the control by more than it is over the control or at the very least is equal.
- (iv) Only the northern side of the roof extends beyond the HOB line and the exceedance is considered to be minor.
- (v) The non compliance occurs on the northern side of the building and therefore does not contribute to additional shadow.
- (vi) There are no additional adverse impacts as a result of the height departure.
- (vii) The non-compliance is required on the northern side of the building to provide balance and symmetry to the building, notwithstanding the slope of the land from south to north.
- (viii) Adequate solar access is maintained to surrounding properties as the overall height of the building is lower than the existing.

- (ix) The proposal is compatible with the existing and desired future character.

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

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

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

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

It is considered that the applicant has 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

However, the applicant has not demonstrated that the objective (d) of the development standard, being "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", is achieved.

The proposal demolishes the existing inter-war roof and replaces it with a mansard roof. The proposed mansard roof form is significantly bulky and presents as an additional storey visible when viewed along Wellington Street. The three-storey building form is uncharacteristic of this part of Wellington Street,

which consists of single and two storey buildings, with the exception of 23 and 25-27 Curlewis Street which front a different street.

The exceedance of the height of buildings development standard in combination with the floor space ratio development standard results in an inappropriately bulky building form which is incompatible with the height, bulk and scale of the desired future character of the locality.

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.

As set out above, the proposed building form is excessively bulky, and is incompatible with the character of the locality.

Is the development in the public interest?

The proposed development will not be in the public interest as it is inconsistent with both the objectives of the particular development standard as set out above, and with the objectives of the R3 Medium Density Residential Zone.

Specifically, the objective of “to provide development that is compatible with the desired future character and amenity of the surrounding neighbourhood” is not achieved, as the proposed building form is excessively bulky, and is incompatible with the character of the locality.

Conclusion

For the reasons provided above the requested variation to the height of buildings is not supported as the applicant's written request has not adequately addressed the matters required to be addressed by clause 4.6(3) of the Waverley LEP 2012. In addition, the proposed development is not in the public interest because it is inconsistent with the objectives of height of buildings development standard and the R3 Medium Density Residential zone.

In addition, the applicant's written request cannot be supported as it does not accurately identify the extent of the non-compliance with the development standard.

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 of 0.6:1, or 400.98m² of gross floor area (GFA). The proposed development has an FSR of 1.08:1, and a GFA of 718.6m², exceeding the standard by 317.62m² or 79.2%.

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.

It is noted that the applicant has incorrectly not included the common horizontal circulation spaces the FSR calculations, and states the proposal has an FSR of 1.05:1 in their documentation.

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 non-compliance with the standard as follows:

- (i) Objective (a) is not relevant as it relates to Bondi Junction.
- (ii) Objective (b) is "to provide an appropriate correlation between maximum building heights and density controls".

The additional FSR can be contained under the maximum height of the building.

- (iii) Objective (c) is "to ensure that buildings are compatible with the bulk, scale, streetscape and desired future character of the locality"

The proposed built form is not radically altered by the proposal, maintains the general bulk and scale of the main building, with the proposed mansard roof resulting in minor additional bulk with a similar scale to the existing pitched roof. The proposed mansard roof does not read as an additional storey, and if it were used for storage it would not be defined as FSR. The proposal is compatible with the site and the surrounds, and retains its existing two storey built form.

- (iv) Objective (d) is "to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and minimise the adverse impacts on the amenity of the locality".

The proposal maintains 2 hours solar access to windows to 178 Wellington Street. There is not statutory requirement for proposals to achieve no solar access impact, and some impact may be acceptable in some circumstances.

- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) The proposal is a beneficial enhancement and upgrade to the existing building with a lack of impact, and which does not increase the overall building height.
 - (ii) If the mansard roof was storage space then it would not be classified as GFA and would (albeit without the roof skylights and windows) present a similar bulk and the same scale as the existing pitched roof.
 - (iii) Improved visual interest provided by the mansard roof form that is set in from the external walls and tapers away from the external walls.

- (iv) The change in the dwelling mix resulting from the proposal adds diversity and housing choice in the area where there is good access to local services and public transport. This outcome is in keeping with the objectives of the R3 zone and represents a significant opportunity to upgrade residential accommodation without seeking demolition.
- (v) Improved compliance with the ADG in terms of internal unit amenity.
- (vi) Upgraded landscaping across the site and particularly of the communal areas which at present has very little landscaped area.
- (vii) The proposal supports ESD principles and initiatives. The new attic level is well concealed with the mansard style roof space which sits well within the existing building form.
- (viii) The proposal is compatible within the streetscape, and with the approved development at 25-27 Curlewis Street.
- (ix) Proposal creates incentive to provide dedicated POS for each unit that will enhance residential amenity of the locality. The common area improvements – pathway, entry structure and landscaping provides an important uplift in amenity for the residents.

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

However, the applicant has not demonstrated that the objectives (b), (c) and (d) are achieved.

Objective (b), *“to provide an appropriate correlation between maximum building heights and density controls”* is not achieved. The proposed exceedance of the floor space ratio development standard also results in a proposed exceedance of the height of buildings development standard in order to accommodate the proposed additional GFA at second floor level.

Objective (c), *“to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality”* is not achieved.

The proposal demolishes the existing inter-war roof and replaces it with a mansard roof. The proposed mansard roof form is significantly bulky, and presents as an additional storey visible when viewed along Wellington Street. The removal of the existing roof and replacement with the mansard roof does not retain the positive and desirable characteristics of the original inter-war building.

The three-storey building form and the substantial bulk associated with the proposed GFA is uncharacteristic of this part of Wellington Street, which consists of single and two storey buildings, with the exception of 23 Curlewis Street which fronts a different street and which is located within the Old South Head Road Neighbourhood Centre. The exceedance of the floor space ratio development standard in combination with the height of buildings development standard results in an inappropriately bulky building form which is incompatible with the height, bulk and scale of the desired future character of the locality as envisaged by the development standards.

Objective (d), *“to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and the locality”* is not achieved. The environmental amenity of units within the adjacent residential flat building at 178 Wellington Street are reduced by the proposal, due to the decrease of solar access to north-east facing windows. The proposed reduction in solar access cannot be considered to preserve amenity.

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.

As set out above, the proposed building form is excessively bulky, is incompatible with the character of the locality, and does not preserve amenity for neighbours.

Is the development in the public interest?

The proposed development will not be in the public interest as it is inconsistent with both the objectives of the particular development standard as set out above, and with the objectives of the R3 Medium Density Residential Zone.

Specifically, the objective of “to provide development that is compatible with the desired future character and amenity of the surrounding neighbourhood” is not achieved, as the proposed building form is excessively bulky, is incompatible with the character of the locality, and does not preserve amenity for neighbours.

Conclusion

For the reasons provided above, the requested variation to the FSR is not supported as the applicant's written request has not adequately addressed the matters required to be addressed by clause 4.6(3) of the Waverley LEP 2012. In addition, the proposed development is not in the public interest because it is inconsistent with the objectives of FSR and the R3 Medium Density Residential zone.

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory.
2. Ecologically Sustainable Development	Yes	Satisfactory.
3. Landscaping and Biodiversity	Yes	Satisfactory.
5. Vegetation Preservation	Yes	Satisfactory. The proposal does not affect any trees.
6. Stormwater	Yes	Satisfactory.
7. Accessibility and Adaptability	Yes	Satisfactory
10. Safety	Yes	Satisfactory.
12. Design Excellence <ul style="list-style-type: none">A high standard of architectural design, materials and detailing appropriate to the building type and location is requiredDevelopment must consider streetscape	No	See the discussion section following the DCP compliance table below for further discussion.

Development Control	Compliance	Comment
constrains, the relationship to existing and proposed development, building bulk, and overshadowing impacts.		
14. Excavation	Yes	The proposal complies with the DCP controls, however it does not comply with LEP clause 6.2 Earthworks. See discussion in the LEP compliance table above.
16. Public Domain	Yes	Satisfactory.
17. Inter War Buildings	No	<p>The proposal is not supported as it does not minimise alterations to the existing inter-war building, does not minimise disruption to the original fabric, does not preserve the building's contribution and relation with the streetscape, is not complementary to the original building, does not minimise the visibility of new additions, and does not maintain the integrity of the design of the building.</p> <p>See further discussion section following the DCP compliance table below.</p>

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

Development Control	Compliance	Comment
3.2 Height		
<ul style="list-style-type: none"> Maximum external wall height: R3/9.5m – 7m 	N/A	The proposal does not affect the existing wall height.
3.3 Setbacks		
3.3.1 - Street setbacks <ul style="list-style-type: none"> Consistent street setback 	Yes	The proposed additional level is set back from the existing front building line.
3.3.2- Side and rear setbacks <ul style="list-style-type: none"> Minimum side setback: 1.5m Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback Deep soil along side boundary min 2m wide 	Yes Yes N/A	<p>Satisfactory. The development is set back 2.7m from the south-western side boundary, 4.2m from the north-eastern side boundary, and 11.7m from the rear boundary.</p> <p>The proposal does not affect deep soil provision along the side boundaries, however deep soil provision is reduced elsewhere on site. See section 3.9 below.</p>

Development Control	Compliance	Comment
3.4 Length and depth of buildings		
<ul style="list-style-type: none"> Maximum building length: 24m Maximum unit depth: 18m 	Yes	Satisfactory.
	Yes	
3.5 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape Removal of original architectural features not supported. 	No	<p>The proposal does not respond to the existing or desired character of the street and includes the removal of the original inter-war roof.</p> <p>See the discussion section following the DCP compliance table below for further information regarding design and streetscape impacts.</p>
3.6 Attic and roof design		
<ul style="list-style-type: none"> Attic must be wholly within the a pitched roof form 	No	The proposal is not located within the existing pitched roof form, and the proposal is not categorised as an attic.
3.7 Fences and walls		
<p><i>Front fence:</i></p> <ul style="list-style-type: none"> Maximum height 1.2m Maximum 2/3 solid <p><i>Side fence:</i></p> <ul style="list-style-type: none"> Maximum height: 1.8m 	Yes	Satisfactory.
3.8 Pedestrian access and entry		
<ul style="list-style-type: none"> Entry at street level and respond to pattern within the street Legible, safe, well-lit Accessible entry 	Partial	<p>The proposal does not provide an accessible path of travel, and does not propose lifts.</p> <p>The applicant has not provided any information to demonstrate whether upgrades to the existing building to provide an accessible path of travel or lifts are feasible.</p> <p>The applicant's BCA report states that "<i>The building will can provide disabled access compliant with Part D3 of the BCA and Access to Premises Standards.</i>", but no further information is provided, and the architectural plans do not demonstrate an accessible path of travel.</p>
3.9 Landscaping		
<ul style="list-style-type: none"> Comply with part B3- Landscaping and Biodiversity Minimum of 30% of site area landscaped: 200.5m² 50% of the above is to be deep soil with a 	Yes	The proposal does not provide sufficient landscaping or deep soil.
	No	123.7m ² of landscaped area is provided, which does not comply with the 200.5m ² requirement.
	No	79.3m ² of deep soil with a minimum dimension of 2m is provided, which does not comply with the 100.3m ² requirement.

Development Control	Compliance	Comment
minimum dimension of 2m: 100.3m ²		The proposal reduces the landscaping and deep soil provision at the site, due to the proposed plunge pool and additional paving within the rear setback and the proposed decks within the front setback.
3.10 Communal open space		
<ul style="list-style-type: none"> Minimum 15% communal (R3 zone): 100.3m² Minimum dimensions: 6m x 6m 	No	<p>The proposal includes the re-allocation of existing communal open space to individual units for private use. The resulting development does not provide any remaining functional communal open space.</p> <p>The only communal areas are pathways providing access around the building, which do not meet the 6m minimum dimension requirement.</p>
3.11 Private Open Space		
Refer to Part 4E of the ADG above regarding private open space	N/A	Refer to Part 4E of the ADG above regarding private open space.
3.13 Solar access and overshadowing		
Refer to Part 4A of the ADG above regarding solar access	N/A	Refer to Part 4A of the ADG above regarding solar access.
3.14 Views and view sharing		
<ul style="list-style-type: none"> Minimise view loss through design Landscaping on sites adjacent to a Council park or reserve should be sympathetic to soften the public/private interface. Views from public spaces to be maintained. 	Yes	There are no known view losses associated with the proposal.
3.15 Visual privacy and security		
<ul style="list-style-type: none"> Above ground open space must not overlook rooms and private landscaped areas of adjoining properties or be screened Prevent overlooking of more than 50% of private open space of lower level dwellings in same development 	<p>No</p> <p>No</p>	<p>The applicant has not demonstrated that the proposed 1st floor sunrooms with bifold side-facing windows have reasonable visual privacy impacts on units at 178 Wellington Street.</p> <p>The bifold windows are located 2.21m away from the adjacent building at number 178, and the applicant's survey indicates there are existing windows at that property at a similar height. The proposed frosted glazing will not provide any privacy for neighbours when the windows are open.</p> <p>The application includes 1st floor Juliet balconies and sunrooms. The applicant has not sufficiently demonstrated that 50% of the proposed private</p>

Development Control	Compliance	Comment
		<p>open spaces below will be protected from overlooking. The private open space at the rear is particularly sensitive to overlooking due to the proposed plunge pool.</p> <p>Additionally, the proposed front courtyards are overlooked from the street, and do not provide privacy for occupants.</p>
3.16 Dwelling size and layout		
Refer to Part 4D of the ADG above regarding dwelling size and layout	N/A	Refer to Part 4D of the ADG above regarding dwelling size and layout.
3.17 Ceiling Heights		
Refer to Part 4C of the ADG above regarding ceiling heights	N/A	Refer to Part 4C of the ADG above regarding ceiling heights.
3.18 Storage		
Refer to Part 4G of the ADG above regarding storage	N/A	Refer to Part 4G of the ADG above regarding storage.
3.19 Acoustic privacy		
<ul style="list-style-type: none"> Soundproofing of all dwelling units by such means as acoustic glazing is required to reduce noise impacts on residents 	No	<p>The applicant has not demonstrated that the proposed 1st floor sunrooms with bifold side-facing windows have reasonable acoustic privacy impacts on units at 178 Wellington Street.</p> <p>The bifold windows are located 2.21m away from the adjacent building at number 178, and the applicant's survey indicates there are existing windows at that property at a similar height. The proposed glazing will not provide any acoustic privacy for neighbours when the windows are open.</p>
3.20 Natural Ventilation		
Refer to Part 4B of the ADG above regarding natural ventilation	N/A	Refer to Part 4B of the ADG above regarding natural ventilation.
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) 	Yes	Satisfactory.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Outdoor Communal clothes drying area to be provided 	Yes	Satisfactory.
<ul style="list-style-type: none"> Services on roof not to be seen from street or impact public or private views and be min 2m from the building edge 	Yes	Satisfactory. No services are proposed on the roof.

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

Building bulk and height, and associated streetscape and amenity impacts

The proposal exceeds the Waverley LEP 2012 FSR and height of buildings development standards, is excessively bulky and excessively high, and results in unacceptable streetscape and amenity impacts.

The proposal includes the removal of the original inter-war roof, and replaces it with an additional storey contained within a mansard roof form. The removal of the original roof is contrary to Waverley DCP sections B17 *Inter war buildings* and C3.5 *Building design and streetscape*, which require alterations to be minimised and require the retention of original features. It is further noted that the existing building exceeds the FSR ratio for the site, and therefore there is no unrealised development potential at the site which may justify significant alterations to existing building form.

The proposed additional storey will be visible from the street, significantly changes the existing built form, and is not complementary to the existing building. The proposed third storey and proposed building bulk does not respond to the existing single-storey and two-storey character of Wellington Street, and does not respond to the desired future character of the area, considering the proposed 79.2% exceedance of the FSR development standard and the proposed 11.9% exceedance of the height of buildings development standard. The proposal is also contrary to Waverley DCP 2012 clauses B12 *Design excellence*, B17 *Inter war buildings* and C3.5 *Building design and streetscape*.

Additionally, the proposed building bulk results in the loss of solar access to the windows of 178 Wellington Street. In the circumstances of the non-compliance with the FSR and height development standards, the loss of solar access is unacceptable as the proposal does not achieve the preservation of neighbouring amenity as required by objective (1)(d) of the standard. See under the heading *Clause 4.6 Exceptions to Development Standards - Floor space ratio* above for further information.

Due to the streetscape and amenity issues identified above, the proposal is fundamentally unacceptable, and the application should be refused.

2.2. Other Impacts of the Development

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

2.3. Suitability of the Site for the Development

The site is not considered suitable for the proposal.

2.4. Any Submissions

The application was notified for 14 days between 3 August and 19 August 2022 in accordance with the *Waverley Community Development Participation and Consultation Plan*. One submission was received from 23 Curlewis Street.

The issue raised in the submission is summarised and discussed below.

Issue: The proposed north-east facing side windows at second floor level will overlook 23 Curlewis Street.

Response: The proposal includes fixed obscure glazing or sill levels up to a height of 1.4m from finished floor level, there is a separation distance of 10.4m between proposed windows and the building at 23 Curlewis Street, and the proposal is approximately one storey higher than the building at 23 Curlewis Street. In these circumstances the proposal will not result in overlooking of this adjacent property. Notwithstanding, the application is recommended for refusal.

2.5. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Stormwater

No objections raised subject to conditions of consent requiring final stormwater plans.

3.2. Tree Management

No objections raised subject to conditions of consent protecting trees.

3.3. Urban Design

Council's urban designer did not support the application, and stated that the proposal results in additional bulk which will be perceived from the street, and will deteriorate the building's relationship with the streetscape character.

3.4. Waste Management

Council's sustainable waste officer requested additional details to demonstrate sufficient waste storage capacity is provided.

3.5. Fire Safety Officer

No objections raised subject to the imposition of conditions of consent regarding fire safety upgrades.

4. CONCLUSION

The development application seeks consent for alterations and additions to existing residential flat building including additional storey, internal reconfiguration, reconfiguration of open spaces, and new swimming pool at the site known as 180 Wellington Street, Bondi Beach.

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

- Non-compliance with height of buildings development standard
- Non-compliance with floor space ratio development standard.
- Amenity impacts relating to solar access, visual privacy, and acoustic privacy.
- Streetscape impacts.
- Impacts on character of existing interwar building

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 Act. It is recommended for refusal.

Development and Building Unit (DBU) Decision:



The application was reviewed by the DBU at the meeting on 8 November 2022 and the DBU determined:

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

DBU members: *A Rossi, 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:
	
David Knight	Bridget McNamara
Senior Development Assessment Planner	Manager, Development Assessment (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 16 November 2022	Date: 17 November 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

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 9.5m and the applicant's written request under clause 4.6 of WLEP has failed to adequately address the required matters under subclauses 4.6 (3)(a) and (b) of WLEP.

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

- b. *Clause 4.4 Floor Space Ratio*

The application exceeds the maximum allowable Floor Space Ratio (FSR) of 0.6:1 and the applicant's written request under clause 4.6 of WLEP has failed to adequately address the required matters under subclauses 4.6 (3)(a) and (b) of Waverley LEP.

Details: The proposal is considered an overdevelopment of the site and the proposed development is not compatible with the bulk and scale of the desired future character of the locality and does not preserve the environmental amenity of neighbouring properties and the surrounding locality as required under subclauses 4.4 (1) (c) and (d) of WLEP.

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

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

- i. *Principle 1 – Context and neighbourhood* as the proposed development exceeds the height of buildings and floor space ratio development standards under WLEP, 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 proposed building bulk and height is excessive.
 - iii. *Principle 3 – Density* as the density of the proposed development is greater than what can be suitably and reasonably achieved based on the site's area and dimensions, and results in unacceptable amenity impacts on neighbouring sites.
 - iv. *Principle 5 – Landscape* as a lack of landscaped area and deep soil planting is provided.
 - v. *Principle 6 – Amenity* as the proposed development does not afford acceptable residential amenity for neighbours in terms of solar access and visual and acoustic privacy.

- vi. *Principle 8 – Housing Diversity and Social Interaction* as the proposal does not include communal open space and does not provide opportunities for social interaction.
 - vii. *Principle 9 – Aesthetics* as the proposal does not achieve a built form with good proportions or respect the character of the existing inter-war building and does not respond to the existing or future desirable local context.
- b. *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65)* subclauses 30(2)(a) and (b), as adequate regard has not been given to the SEPP 65 design quality principles nor the objectives specified in the Apartment Design Guide (ADG) for relevant design criteria.
 - c. WLEP as the application is contrary to the following provisions:
 - i. *Clause 1.2 Aims of Plan*, specifically the aims expressed under clause 1.2(2)(f) and (m), as the proposal provides insufficient deep soil area and does not maintain amenity for neighbours.
 - ii. *Clause 5.10 Earthworks*, specifically subclauses (3)(a), (d) and (h) as the applicant has provided insufficient information to enable a consideration of impacts on soil stability and structural integrity.
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 B12 Design excellence

- a. 12.1 objective (a) and controls (a) and (e)(iii), (iv), (v), and (viii), as the proposal does not contribute to the architectural design quality of Waverley, does not achieve a high standard of architectural design appropriate to the building type and location, and does not sufficiently consider streetscape constraints, the relationship with neighbouring sites in terms of setbacks and amenity, the bulk and massing of buildings, and overshadowing.

Part B17 Inter War Buildings

- b. Objectives (c) and (d) and controls (c), (d), (f), (g), (k), (l), (n), (o), and (q) the proposal does not preserve the integrity of the building, does not maintain the original building fabric in terms of the roof, does not minimise alterations, does not preserve the building's contribution to the streetscape, is not complementary to the existing building, does not minimise visibility of new additions, and does not demonstrate a high standard of design excellence.

Part C3 Other Residential Development

- c. Section 3.5 *Building design and streetscape* objectives (a), (b), (c), (d), and (e), and controls (a), (b), and (c) as the proposal does not respond to the existing streetscape character, is not compatible with the existing building.
- d. Section 3.6 *Attic and roof design* objectives (b) and (c), and controls (b) and (d) as the proposed additional storey is not contained within a pitched roof form.

- e. Section 3.8 *Pedestrian access and entry* objective (a), and controls (b) and (c), as an accessible path of travel from the street to ground floor dwellings is not provided and the provision of lifts has not been considered.
 - f. Section 3.9 *Landscaping* objective (e) and control (c) as less than 50% of the proposed landscaped area is deep soil.
 - g. Section 3.10 *Communal space* objectives (a), (b) and (d), and controls (a) and (c) as no communal open space is provided.
 - h. Section 3.15 *Visual privacy and security* objective (a) and controls (d) and (f) as the proposed above ground open spaces overlook adjoining properties and as it has not been demonstrated that windows and balconies of upper level dwellings overlook no more than 50% of lower level private open spaces.
 - i. Section 3.19 *Acoustic privacy* objective (a) and control (a) as the proposal does not include sound proofing to reduce noise impacts on neighbours from the proposed upper level private open spaces.
4. The application does not satisfy section 4.15 (1)(a)(iv) of the Act with respect to the *Environmental Planning and Assessment Regulation 2021* (the Regulations), as insufficient documentation has been provided to properly assess the application with respect to clause 24 of the Regulations, including but not limited to:
- a. The Statement of Environmental Effects is insufficient, as it does not adequately document the environmental impacts of the development concerning overlooking and excavation impacts.
 - b. The Statement of Environmental Effects is insufficient, as it does not accurately depict compliance with building height standard as marked on plans, sections and elevations.
 - c. The Statement of Environmental Effects is insufficient, as it does not provide accurate drawings of the proposed landscape area.
5. The application does not satisfy section 4.15 (1)(b) of the Act as the proposed development is excessive in terms of its building massing, bulk and scale relative to the site area and dimensions, and consequently results in unacceptable amenity and streetscape impacts upon the locality and surrounding built environment.
6. The application is contrary to section 4.15 (1)(c) of the Act due to the site being unsuitable to accommodate the proposed development.
7. The application is contrary to section 4.15 (1)(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.

Certificate number: 1264268M_03

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Definitions" dated 10/09/2020 published by the Department. This document is available at: www.basix.nsw.gov.au

Secretary
Date of issue: Wednesday, 05 July 2022
To be valid, this certificate must be lodged within 3 months of the date of issue



Planning, Industry & Environment

Project summary			
Project name	AB & add @ 100 Wellington St Bondi, 21		
Street address	100 Wellington Street Bondi Beach 2026		
Local Government Area	Waverley Council		
Plan type and plan number	strata 18855		
Lot no	14		
Decision no	-		
No. of residential flat buildings	1		
No. of units in residential flat buildings	9		
No. of multi-dwelling houses	0		
No. of single dwelling houses	0		
Project score			
Water	40	Target 40	
Thermal Comfort	Pass	Target Pass	
Energy	46	Target 45	

Certificate Prepared by

Name / Company Name: EPS
ABN (if applicable): 16645179013

Basix - Planning, Industry & Environment - www.basix.nsw.gov.au - Version: 3.0 (24/06/2018)_3_0_3 - Certificate No.: 1264268M_03 - Issued on: 05 July 2022 - Page 1/14

Description of project			
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No. of single dwelling houses	0		
Project score			
Water	40	Target 40	
Thermal Comfort	Pass	Target Pass	
Energy	46	Target 45	

Common area landscape			
Common area lawn (m ²)	0.0		
Common area garden (m ²)	0.0		
Area of indigenous or low water use species (m ²)	0.0		
Assessor details			
Assessor number	10194		
Certificate number	0006179665		
Climatic zone	56		
Cooling fan in at least one bedroom	No		
Cooling fan in at least one living room or other conditioned area	No		
Project score			
Water	40	Target 40	
Thermal Comfort	Pass	Target Pass	
Energy	46	Target 45	

Description of project			
The tables below describe the dwellings and common areas within the project.			
Residential flat buildings - Building 1, 8 dwellings, 2 storeys above ground			
Dwelling no.	Water	Thermal Comfort	Energy
1	40	Pass	46
2	40	Pass	46
3	40	Pass	46
4	40	Pass	46
5	40	Pass	46
6	40	Pass	46
7	40	Pass	46
8	40	Pass	46

Description of project			
The tables below describe the dwellings and common areas within the project.			
Common areas of unit building - Building 1			
Common area	Water	Thermal Comfort	Energy
Ground floor lobby	40	Pass	46

Schedule of BASIX commitments			
1. Commitments for Residential flat buildings - Building 1			
(a) Dwellings	(b) Water	(c) Energy	(d) Thermal Comfort
(i) Water	(i) Water	(i) Water	(i) Water
(ii) Energy	(ii) Energy	(ii) Energy	(ii) Energy
(iii) Thermal Comfort	(iii) Thermal Comfort	(iii) Thermal Comfort	(iii) Thermal Comfort
(b) Common areas and central systems/facilities	(b) Common areas and central systems/facilities	(b) Common areas and central systems/facilities	(b) Common areas and central systems/facilities
(i) Water	(i) Water	(i) Water	(i) Water
(ii) Energy	(ii) Energy	(ii) Energy	(ii) Energy
2. Commitments for multi-dwelling houses			
3. Commitments for single dwelling houses			
4. Commitments for common areas and central systems/facilities for the development (non-building specific)			

Schedule of BASIX commitments			
The commitments set out below regulate how the proposed development is to be carried out. It is a condition of any development consent granted, or complying development certificate issued, for the proposed development. BASIX commitments are complied with.			
1. Commitments for Residential flat buildings - Building 1			
(a) Dwellings	(b) Water	(c) Energy	(d) Thermal Comfort
(i) Water	(i) Water	(i) Water	(i) Water
(ii) Energy	(ii) Energy	(ii) Energy	(ii) Energy
(iii) Thermal Comfort	(iii) Thermal Comfort	(iii) Thermal Comfort	(iii) Thermal Comfort
(b) Common areas and central systems/facilities	(b) Common areas and central systems/facilities	(b) Common areas and central systems/facilities	(b) Common areas and central systems/facilities
(i) Water	(i) Water	(i) Water	(i) Water
(ii) Energy	(ii) Energy	(ii) Energy	(ii) Energy
(iii) Thermal Comfort	(iii) Thermal Comfort	(iii) Thermal Comfort	(iii) Thermal Comfort

Description of project			
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Residential flat buildings - Building 1, 8 dwellings, 2 storeys above ground			
Dwelling no.	Water	Thermal Comfort	Energy
1	40	Pass	46
2	40	Pass	46
3	40	Pass	46
4	40	Pass	46
5	40	Pass	46
6	40	Pass	46
7	40	Pass	46
8	40	Pass	46

Description of project			
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(i) Water	(i) Water	(i) Water	(i) Water
(ii) Energy	(ii) Energy	(ii) Energy	(ii) Energy
(iii) Thermal Comfort	(iii) Thermal Comfort	(iii) Thermal Comfort	(iii) Thermal Comfort
(b) Common areas and central systems/facilities	(b) Common areas and central systems/facilities	(b) Common areas and central systems/facilities	(b) Common areas and central systems/facilities
(i) Water	(i) Water	(i) Water	(i) Water
(ii) Energy	(ii) Energy	(ii) Energy	(ii) Energy
(iii) Thermal Comfort	(iii) Thermal Comfort	(iii) Thermal Comfort	(iii) Thermal Comfort

Description of project			
The tables below describe the dwellings and common areas within the project.			
Residential flat buildings - Building 1, 8 dwellings, 2 storeys above ground			
Dwelling no.	Water	Thermal Comfort	Energy
1	40	Pass	46
2	40	Pass	46
3	40	Pass	46
4	40	Pass	46
5	40	Pass	46
6	40	Pass	46
7	40	Pass	46
8	40	Pass	46

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Sheet List	
Sheet Name	Sheet Number
COVER PAGE	A101
SITE ANALYSIS	A102
SITE PLAN	A103
GROUND FLOOR PLAN	A104
FIRST FLOOR PLAN	A105
ATTIC FLOOR PLAN	A106
ROOF PLAN	A107
ELEVATIONS	A108
ELEVATIONS	A109
SECTION	A110
CALCULATION SHEET	A111
SHADOW DIAGRAM	A112
SHADOW DIAGRAM	A113
MATERIALS + FINISHES	A114
3D PERSPECTIVE	A115
SUN EYE SHADOW DIAGRAM	A116
SUN EYE SHADOW DIAGRAM	A117
PRIVACY DETAIL	A118
FRONT FENCE	A119

Area Schedule (Rentable)		
UNIT NUMBER	INTERNAL SIZE	P.O.S.
UNIT 01	67 sqm	23 sqm
UNIT 02	78 sqm	21 sqm
UNIT 03	65 sqm	30 sqm
UNIT 04	65 sqm	46.5 sqm
UNIT 05	67+ 38= 105 sqm	10 sqm
UNIT 06	65+ 38= 103 sqm	10 sqm
UNIT 07	65+ 37= 102 sqm	9.5 sqm
UNIT 08	58+ 37= 95 sqm	9.5 sqm
TOTAL 8 UNITS	680 sqm	

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Member
Australian Institute
of Architects

Nominated Architect:
Joseph Panetta
NSW Architects Registration
Board No: 9505

REVISION		DATE	DESCRIPTION	AUTHOR	ISSUED BY
ISSUE	DATE				
A	11/03/21		PRE DA DRAWINGS	JP	JP

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COVER PAGE

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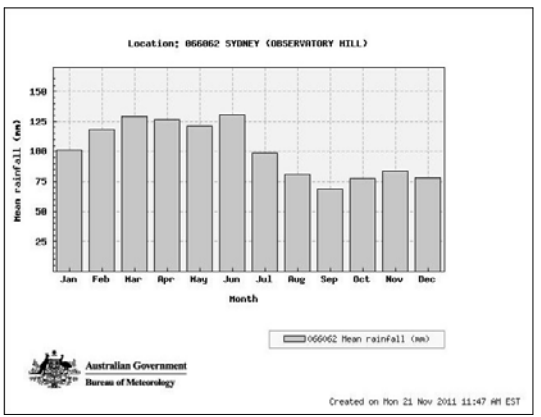
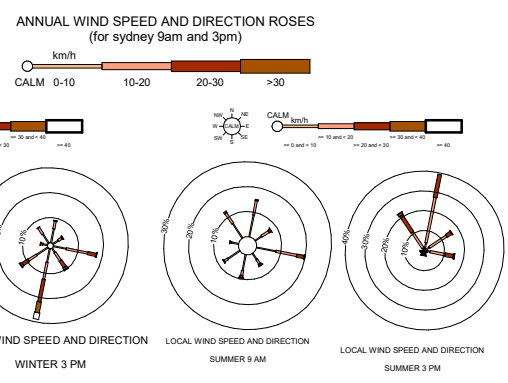
ALTERATIONS AND ADDITIONS DEVELOPMENT APPLICATION

CLIENT: OWNERS SP56
ADDRESS: 180 WELLINGTON STREET, BONDI

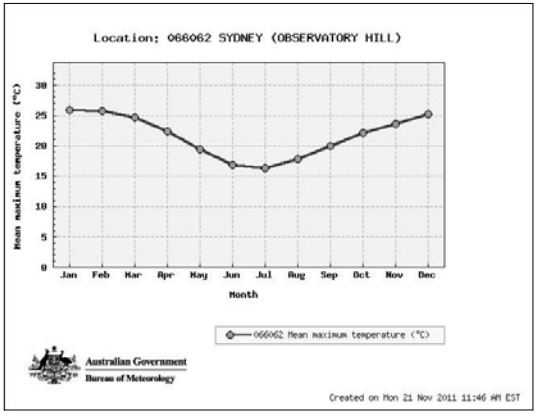
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SCALE @ A3:	
DRAWN BY: MS	SHEET NUMBER:
CHECKED BY: JP	
PROJECT NUMBER: 21 180	A101

Application No: DA-300/2022

Date Received: 02/08/2022



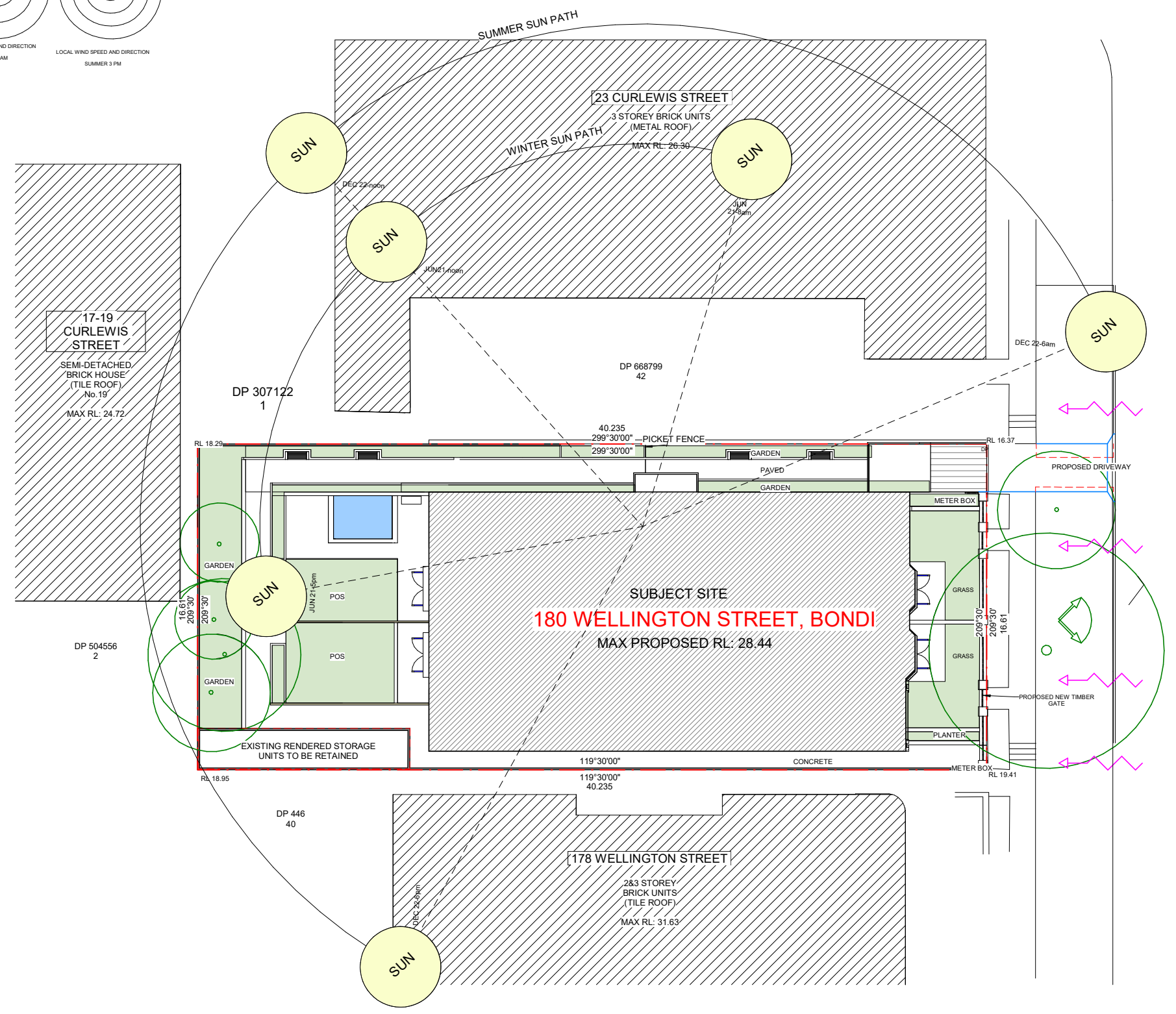
AVERAGE RAINFALL
LOCATION: SYDNEY, NSW



AVERAGE MAX TEMPERATURE
LOCATION: SYDNEY, NSW



AVERAGE MIN TEMPERATURE
LOCATION: SYDNEY, NSW



LEGEND	
TYPE	TYPE
	EXISTING BUILDINGS TO BE DEMOLISHED
	PROPOSED BUILDING FOOTPRINT
	EXISTING BUILDING FOOTPRINT ON SITE
	NEIGHBOURING BUILDINGS
	EXISTING TREES TO BE RETAINED
	EXISTING TREES TO BE REMOVED
	SITE BOUNDARIES
	NEIGHBOURING WINDOW
	KEY VIEWS
	NOISE SOURCE FEATURE
	PROPOSED PRIVATE OPEN SPACE
	PROPOSED VEHICULAR ACCESS POINT DRIVEWAY ENTRY / EXIT
	PROPOSED PEDESTRIAN ACCESS POINT
	PROPOSED DRIVEWAY CROSSING

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NSW Architects Registration
Board No: 9505

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ISSUE	DATE	DESCRIPTION	AUTHOR	ISSUED BY	
A	11/03/21	PRE DA DRAWINGS	JP	JP	

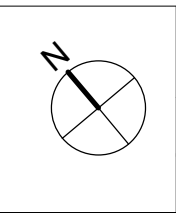
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SITE ANALYSIS

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ALTERATIONS AND ADDITIONS
DEVELOPMENT APPLICATION

CLIENT: OWNERS SP56

ADDRESS: 180 WELLINGTON STREET, BONDI

SCALE @ A1: As indicated

SCALE @ A3:

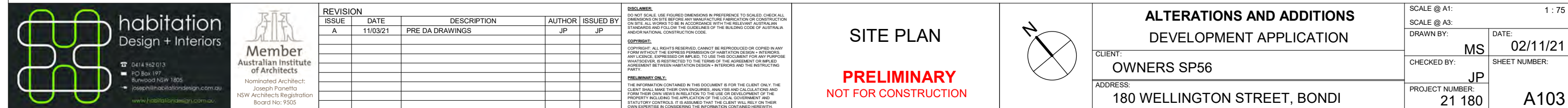
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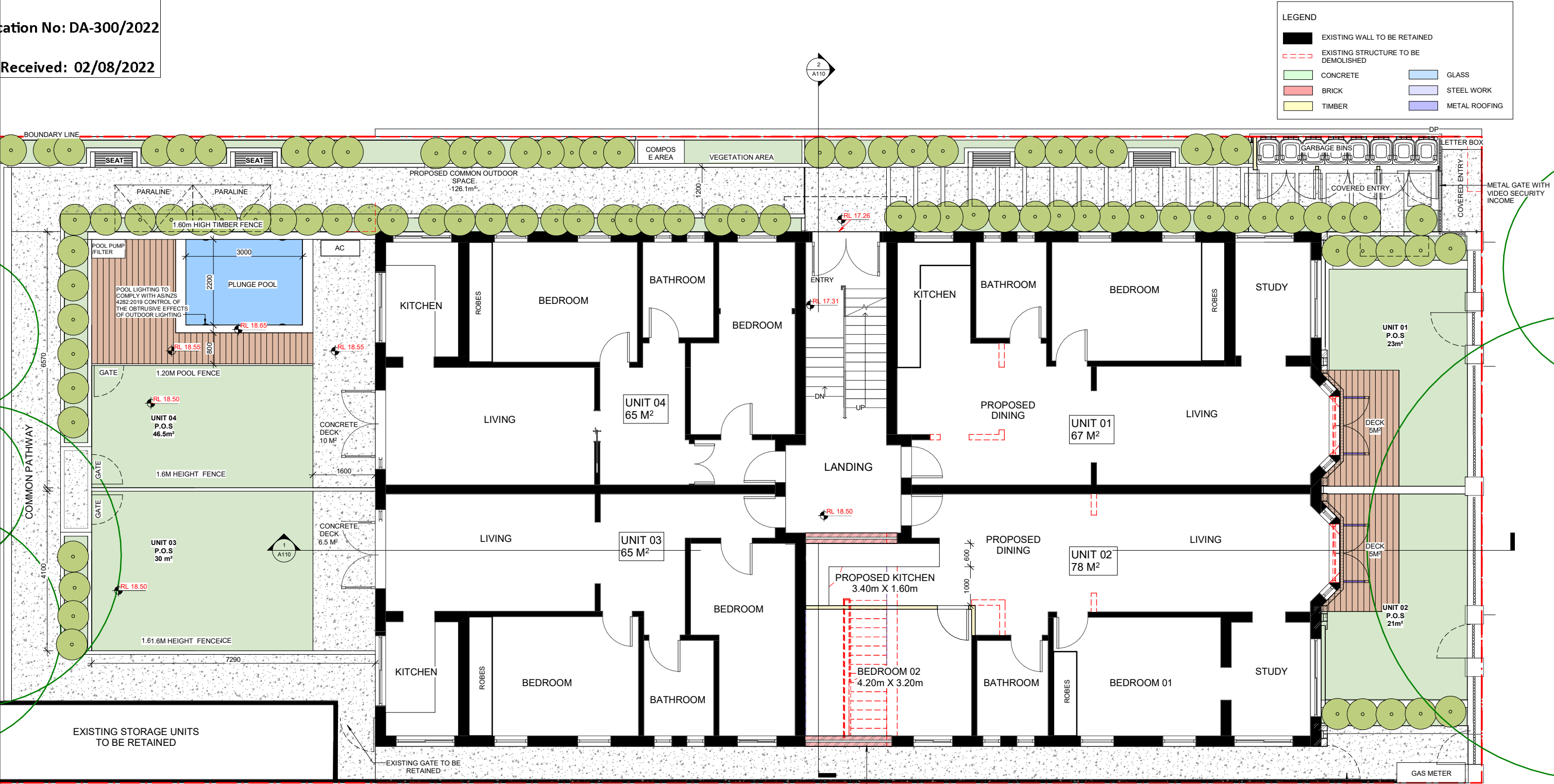
CHECKED BY: JP

PROJECT NUMBER: 21 180

DATE: 02/11/21

SHEET NUMBER: A102





EXISTING STORAGE UNITS TO BE RETAINED

EXISTING GATE TO BE RETAINED

EXISTING STAIRS TO BE ENCLOSED

PROPOSED GATE

GAS METER

GENERAL NOTE:
ANY ANCILLARY LIGHT FITTINGS TO THE EXTERIOR OF THE BUILDING ARE TO BE SHIELDED OR MOUNTED IN A POSITION TO MINIMISE GLARE TO ADJOINING PROPERTIES.

ALL GATES IN A FENCE TO A POOL SHALL OPEN OUTWARDS AWAY FROM THE POOL AND AND BE SELF CLOSING AND FITTED WITH A LATCH WHICH SHALL BE AUTOMATIC AND OF A TYPE WHICH CANNOT BE EASILY MANIPULATED BY SMALL CHILDREN. LATCHES MUST ALSO BE LOCATED WITH THE REQUIREMENTS OF AS 1928-2007.

FOR SAFETY PURPOSES DEPTH MARKERS SHALL BE PROVIDED AT BOTH ENDS OF THE POOL.

FOR SAFETY PURPOSES, PRIOR TO THE POOL BEING FILLED A WEATHER RESISTANT POSTER DETAILING EXPIRED AIR RESUSCITATION (MOUTH TO MOUTH) METHODS SHALL BE AFFIXED WITHIN PLAIN SITE OF THE POOL. A SIGN / NOTICE WITH THE WORDS "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THE SWIMMING POOL" SHALL BE ERECTED IN CLEAR VIEW AND CLOSE PROXIMITY TO THE POOL.

ALL FILTRATION EQUIPMENT SHALL BE LOCATED AS SHOWN ON THE PLANS. NO FILTRATION EQUIPMENT SHALL BE LOCATED CLOSER THAN 1200MM FROM A BOUNDARY. NO CONDUITS OR ELECTRICAL WIRING SHALL BE CONNECTED OR ATTACHED TO ANY PART OF THE FENCING FILTRATION OR ANY OTHER EQUIPMENT SHALL NOT BE INSTALLED IN THE AREA OF THE SIDE BOUNDARY SETBACK OF THE DWELLING OR OUTBUILDING UNLESS THAT SIDE BOUNDARY IS GREATER THAN 1500MM.

FOR THE PURPOSES OF HEALTH AND AMENITY, THE POOL OR SPA SHALL BE DISINFECTED AND MAINTAINED IN ACCORDANCE WITH THE MINIMUM STANDARDS PRESCRIBED BY THE NSW DEPARTMENT OF HEALTH.

FOR ACCESS AND SAFETY REASONS, AN EGRESS LADDER OR STEPS SHALL BE PROVIDED WITHIN THE POOL. A SAFETY RAIL THAT COMPLIES WITH PART 3.9 OF THE BCA SHALL BE PROVIDED WHERE THE POOL CONCOURSE STANDS MORE THAN A METRE ABOVE THE ADJACENT FINISHED GROUND LEVEL.

SWIMMING POOL SURROUNDS AND/OR PAVING SHALL BE CONSTRUCTED AT SUCH LEVELS AND WITH FALLS THAT WILL PREVENT WATER FROM THE POOL OVERFLOW DISCHARGING ONTO THE NEIGHBOURS PREMISES AND MUST BE DRAINED TO A DESIGNATED DISPOSAL SYSTEM.

TO ENSURE COMPLIANCE WITH THE SWIMMING POOLS ACT 1992, THE EXISTING BOUNDARY FENCE FORMING PART OF THE SAFETY FENCING TO ENCLOSE THE POOL SHALL BE UPGRADED OR OTHERWISE SO ALTERED OR RECONSTRUCTED SO AS TO COMPLY WITH PROVISIONS OF AS 1928-2007.

THE OVERALL HEIGHT OF THE FENCE IS NOT TO EXCEED 1.8M IN HEIGHT ABOVE NATURAL GROUND LEVEL.

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NSW Architects Registration
Board No: 9505

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ISSUE	DATE	DESCRIPTION	AUTHOR	ISSUED BY	
A	11/03/21	PRE DA DRAWINGS	JP	JP	

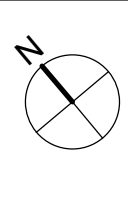
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GROUND FLOOR PLAN

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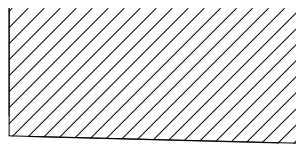


ALTERATIONS AND ADDITIONS
DEVELOPMENT APPLICATION

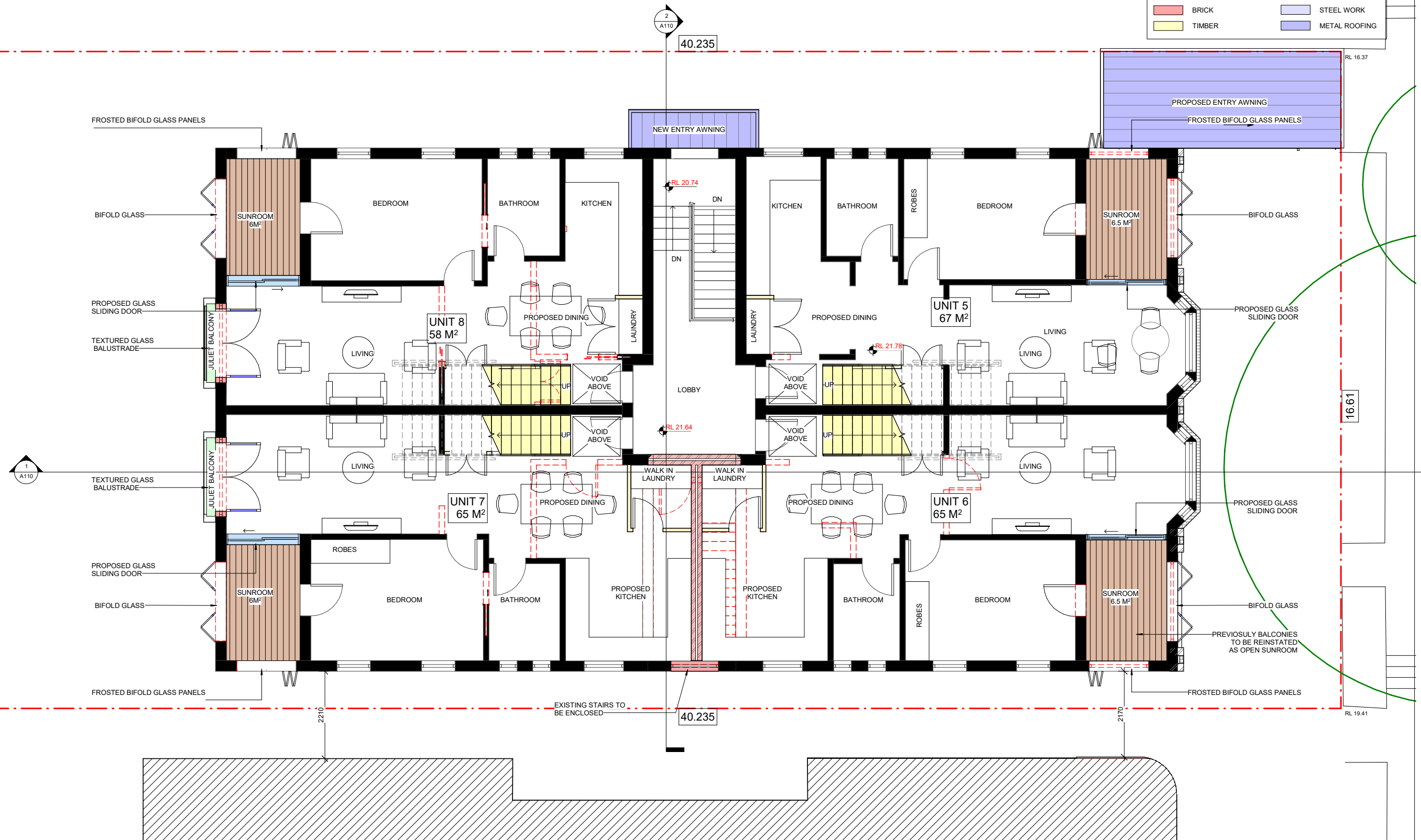
CLIENT:
OWNERS SP56

ADDRESS:
180 WELLINGTON STREET, BONDI

SCALE @ A1:		1 : 50
SCALE @ A3:		
DRAWN BY:	DATE:	02/11/21
CHECKED BY:	SHEET NUMBER:	
PROJECT NUMBER:	A104	



LEGEND	
	EXISTING WALL TO BE RETAINED
	EXISTING STRUCTURE TO BE DEMOLISHED
	CONCRETE
	BRICK
	TIMBER
	GLASS
	STEEL WORK
	METAL ROOFING



DP 446
40

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Board No: 9505

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ISSUE	DATE	DESCRIPTION	AUTHOR	ISSUED BY	
A	11/03/21	PRE DA DRAWINGS	JP	JP	

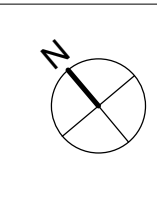
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FIRST FLOOR PLAN

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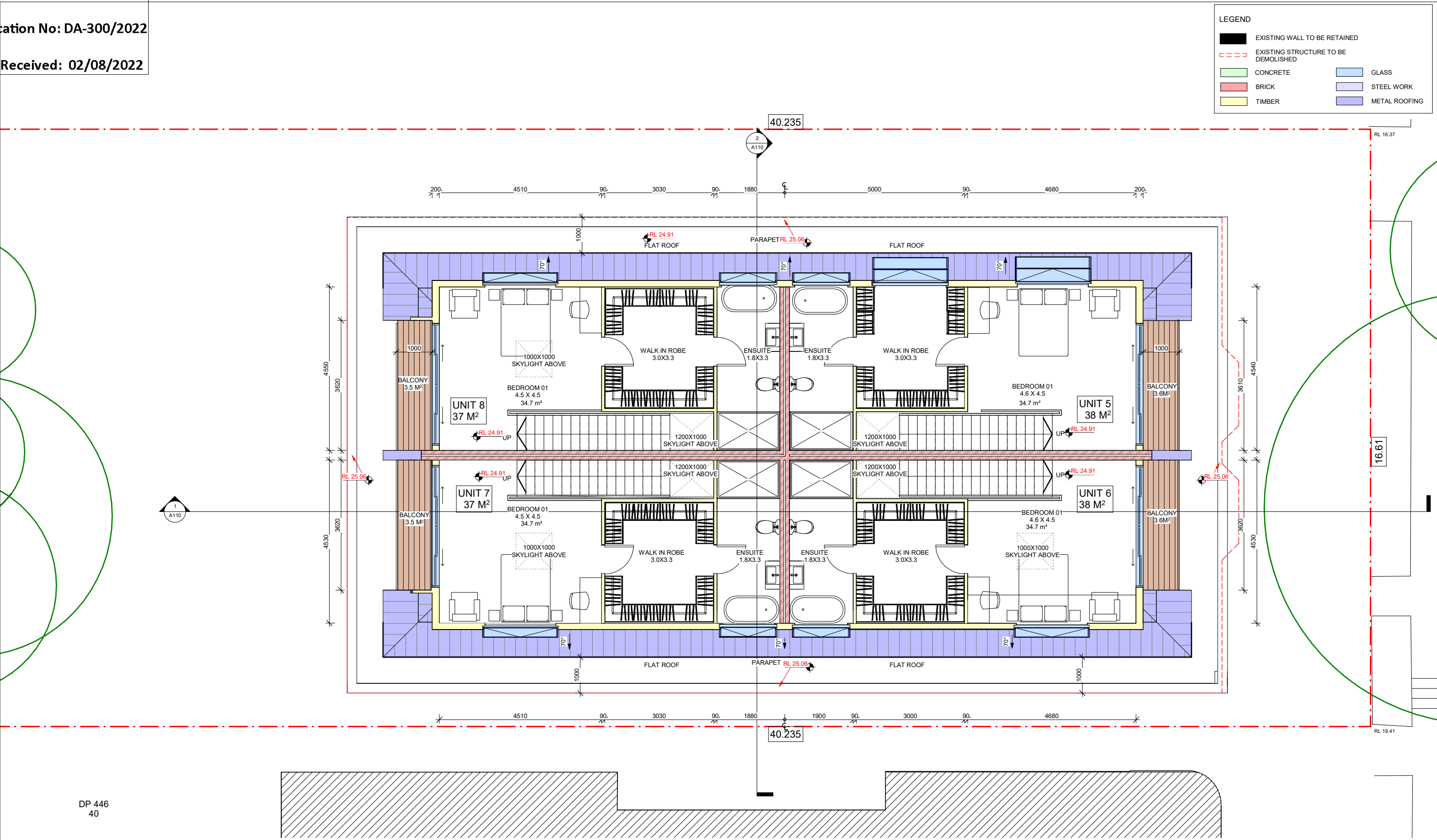


ALTERATIONS AND ADDITIONS
DEVELOPMENT APPLICATION

CLIENT: **OWNERS SP56**

ADDRESS: **180 WELLINGTON STREET, BONDI**

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DRAWN BY:	MS
CHECKED BY:	JP
PROJECT NUMBER:	21 180
DATE:	02/11/21
SHEET NUMBER:	A105



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ATTIC FLOOR PLAN

PRELIMINARY
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ALTERATIONS AND ADDITIONS

DEVELOPMENT APPLICATION

CLIENT: OWNERS SP56

ADDRESS: 180 WELLINGTON STREET, BONDI

SCALE @ A1: 1 : 50

SCALE @ A3:

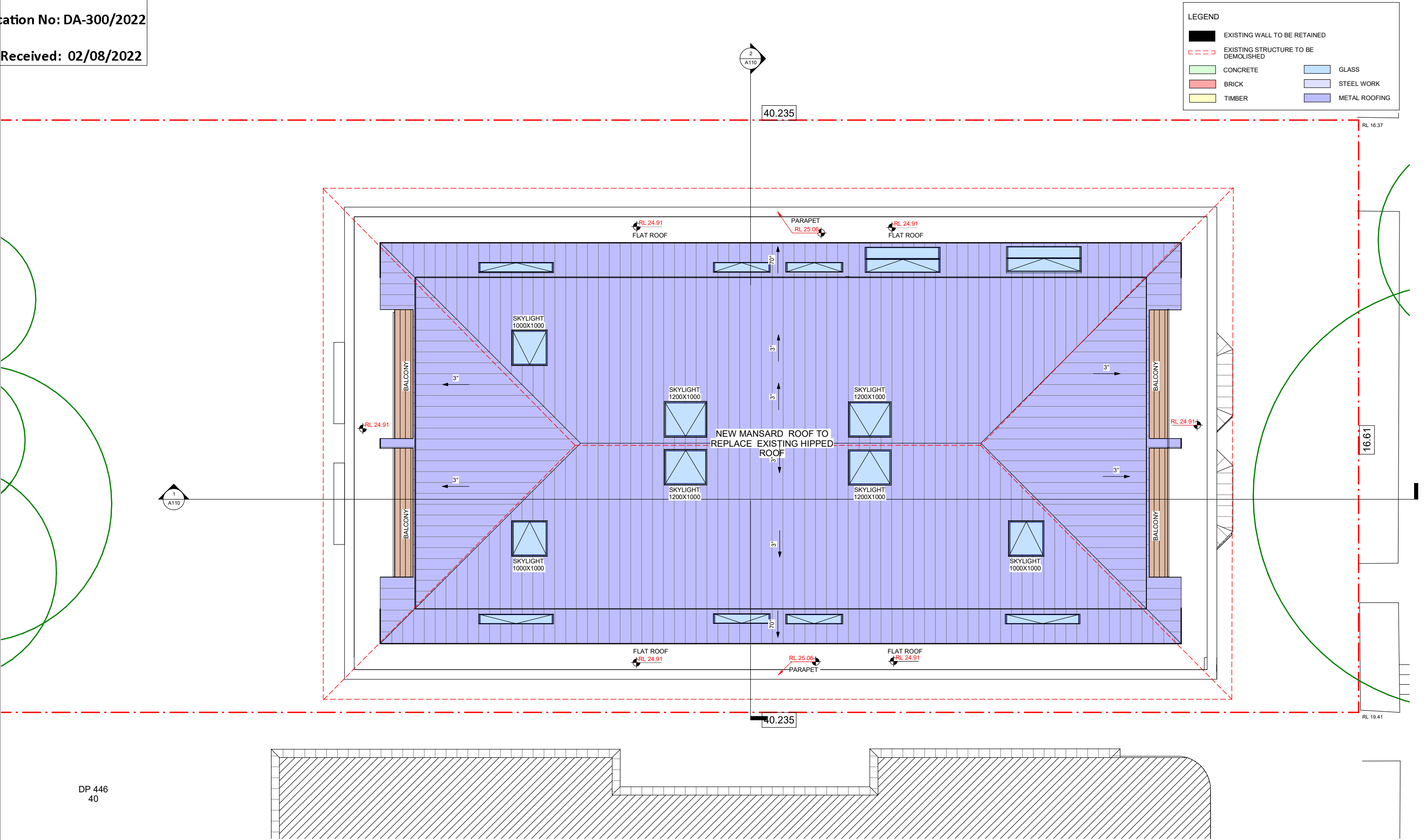
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CHECKED BY: JP

PROJECT NUMBER: 21 180

DATE: 02/11/21

SHEET NUMBER: A106



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Board No: 9505

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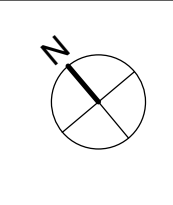
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ROOF PLAN

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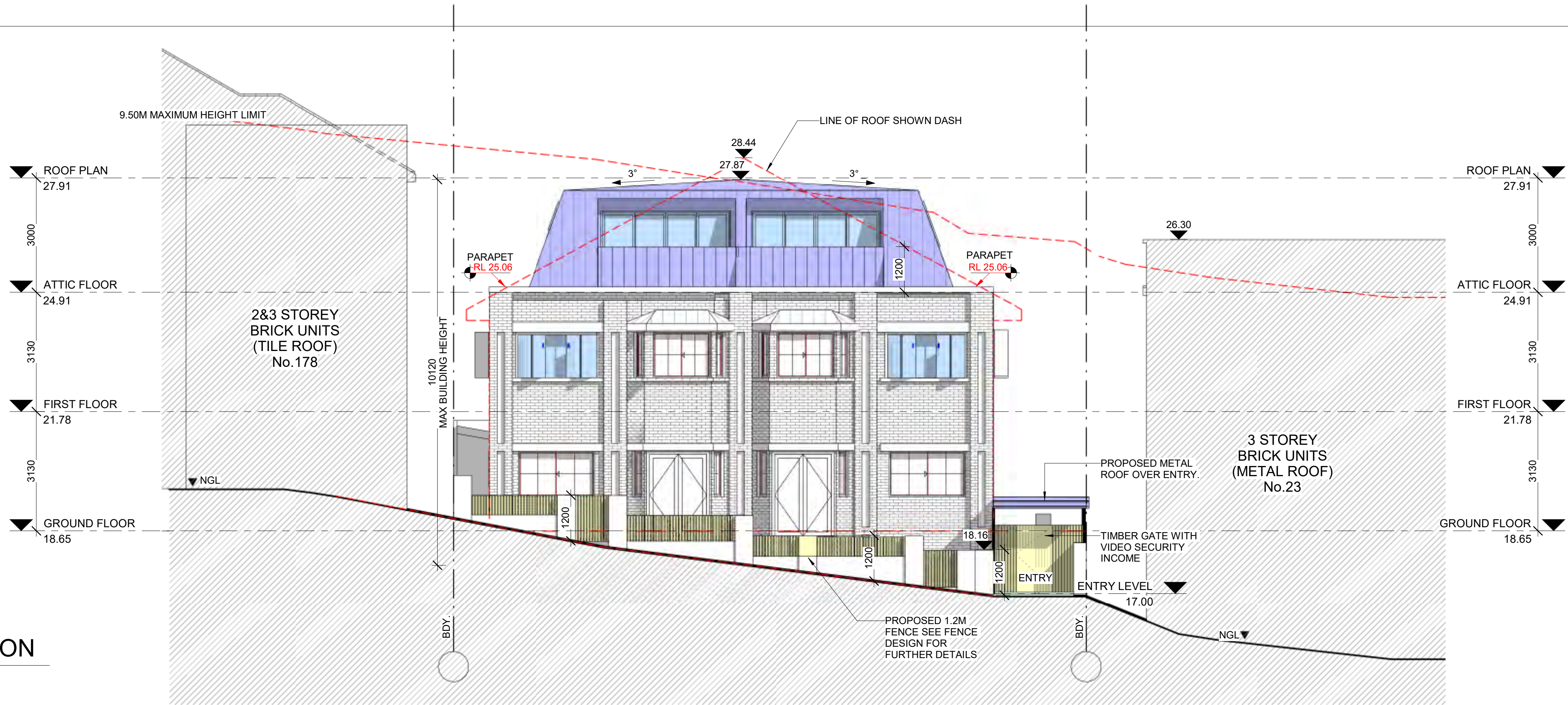


ALTERATIONS AND ADDITIONS
DEVELOPMENT APPLICATION

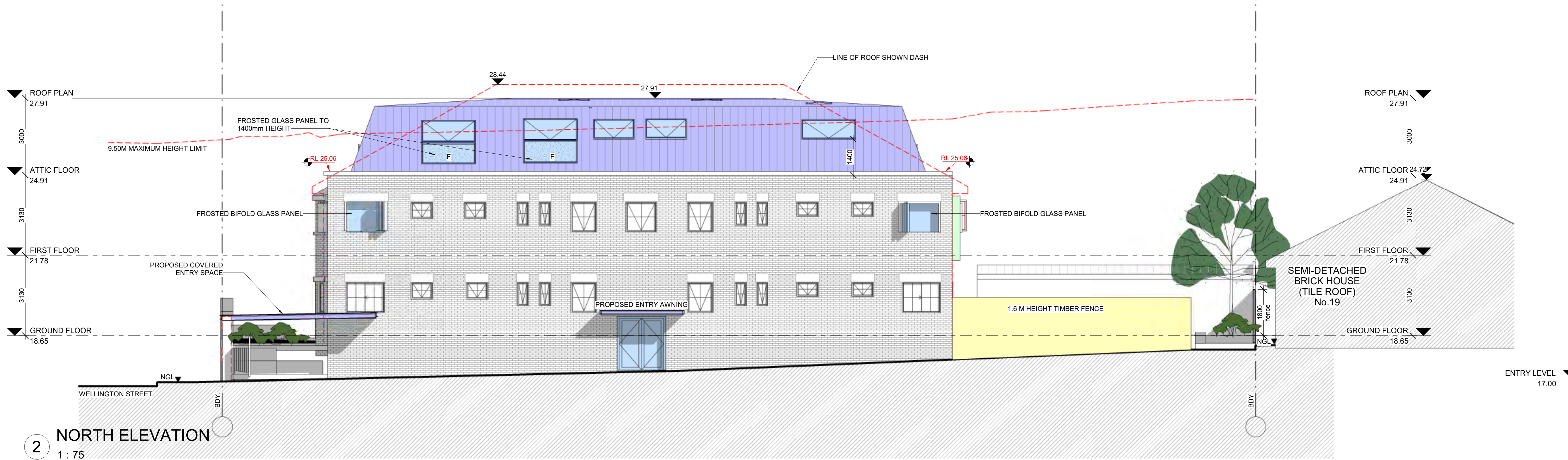
CUSTOMER: OWNERS SP56

ADDRESS: 180 WELLINGTON STREET, BONDI

SCALE @ A1:	1 : 50
SCALE @ A3:	1 : 200
DRAWN BY:	MS
CHECKED BY:	JP
PROJECT NUMBER:	21 180
DATE:	02/11/21
SHEET NUMBER:	A107



1 EAST ELEVATION
1 : 75



2 NORTH ELEVATION
1 : 75

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A		11/03/21	PRE DA DRAWINGS	MS	JP
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ELEVATIONS

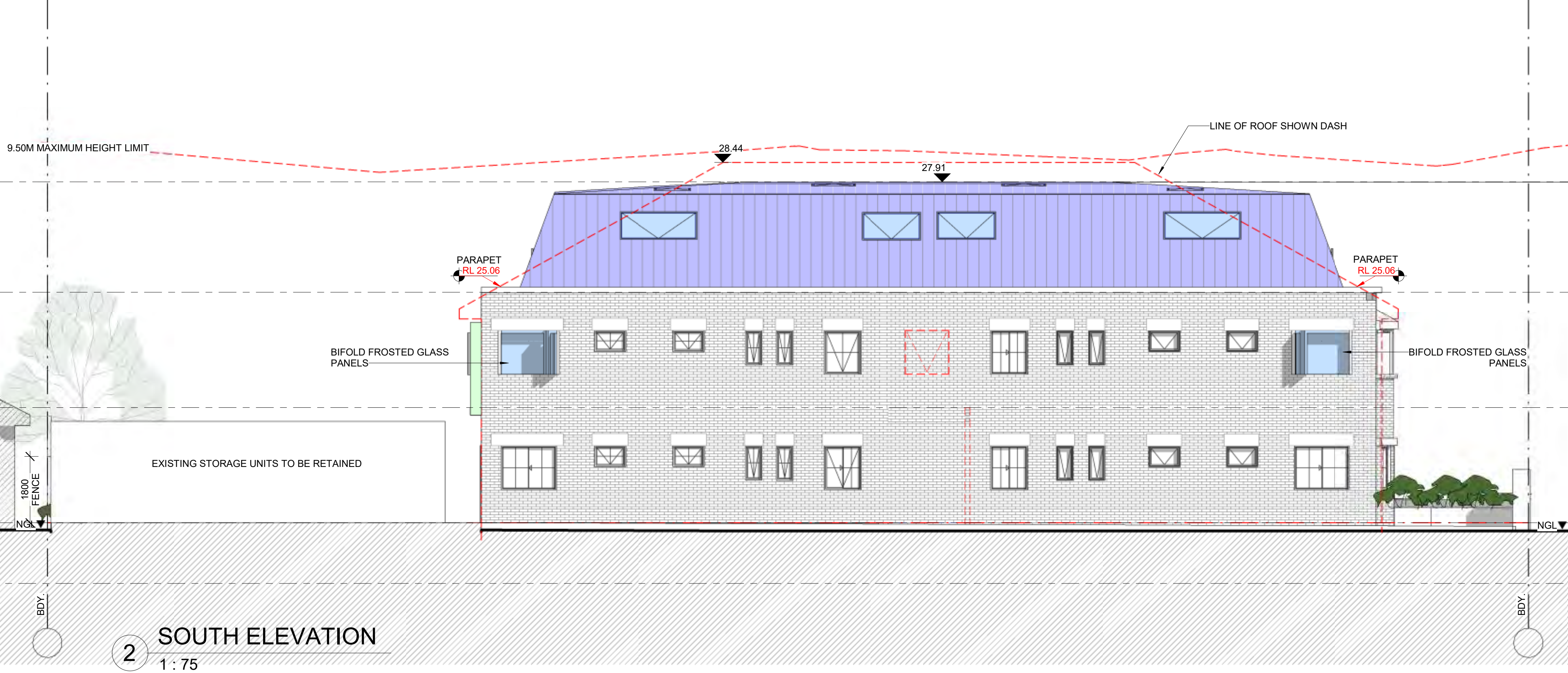
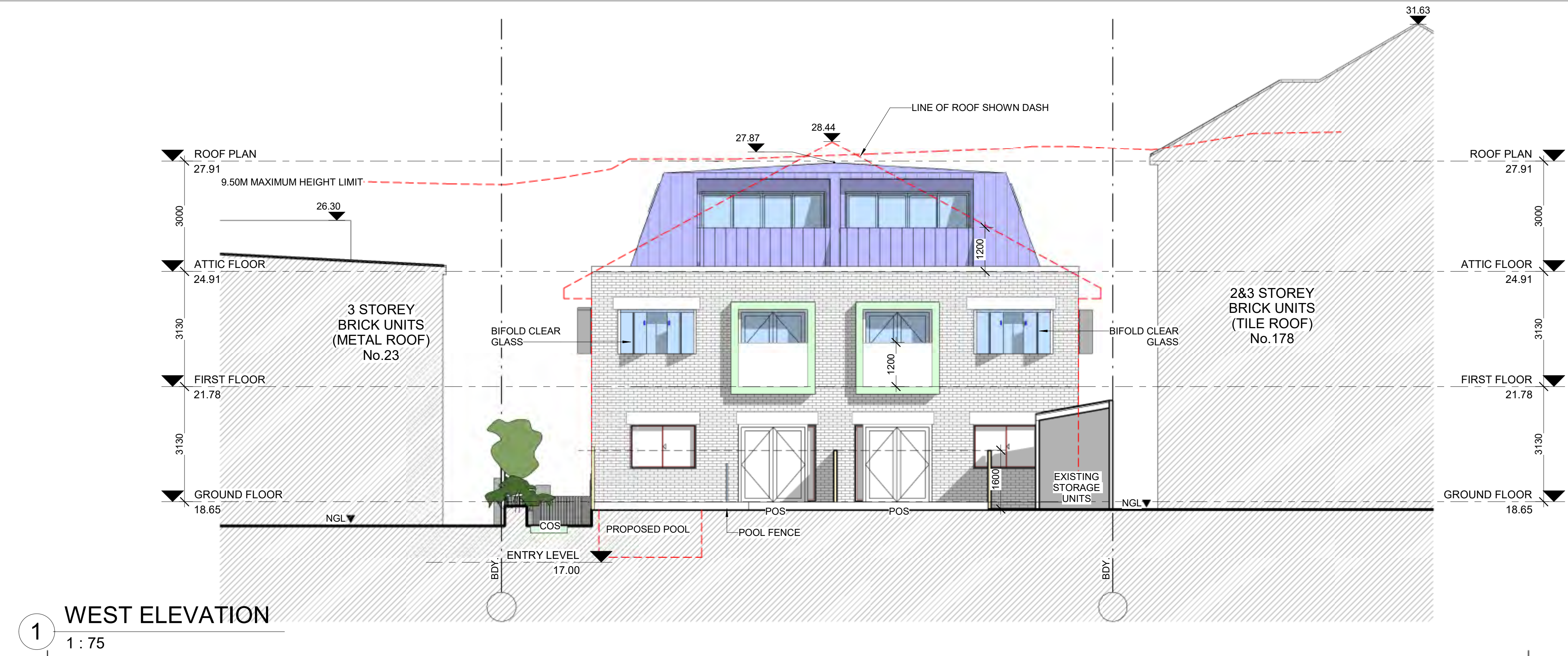
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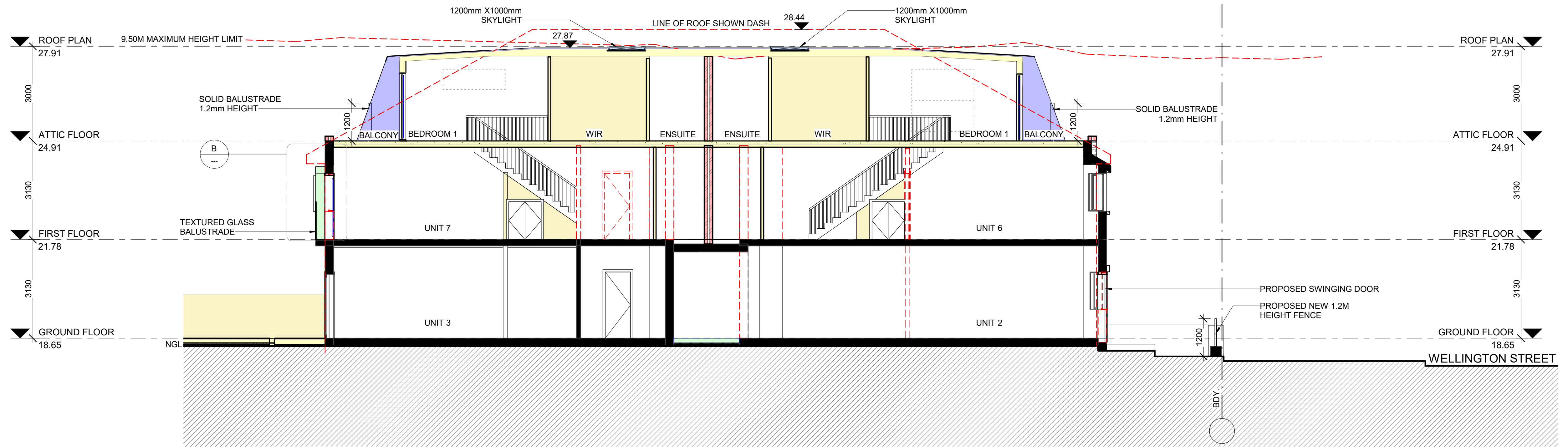
ALTERATIONS AND ADDITIONS
DEVELOPMENT APPLICATION

CLIENT:
OWNERS SP56

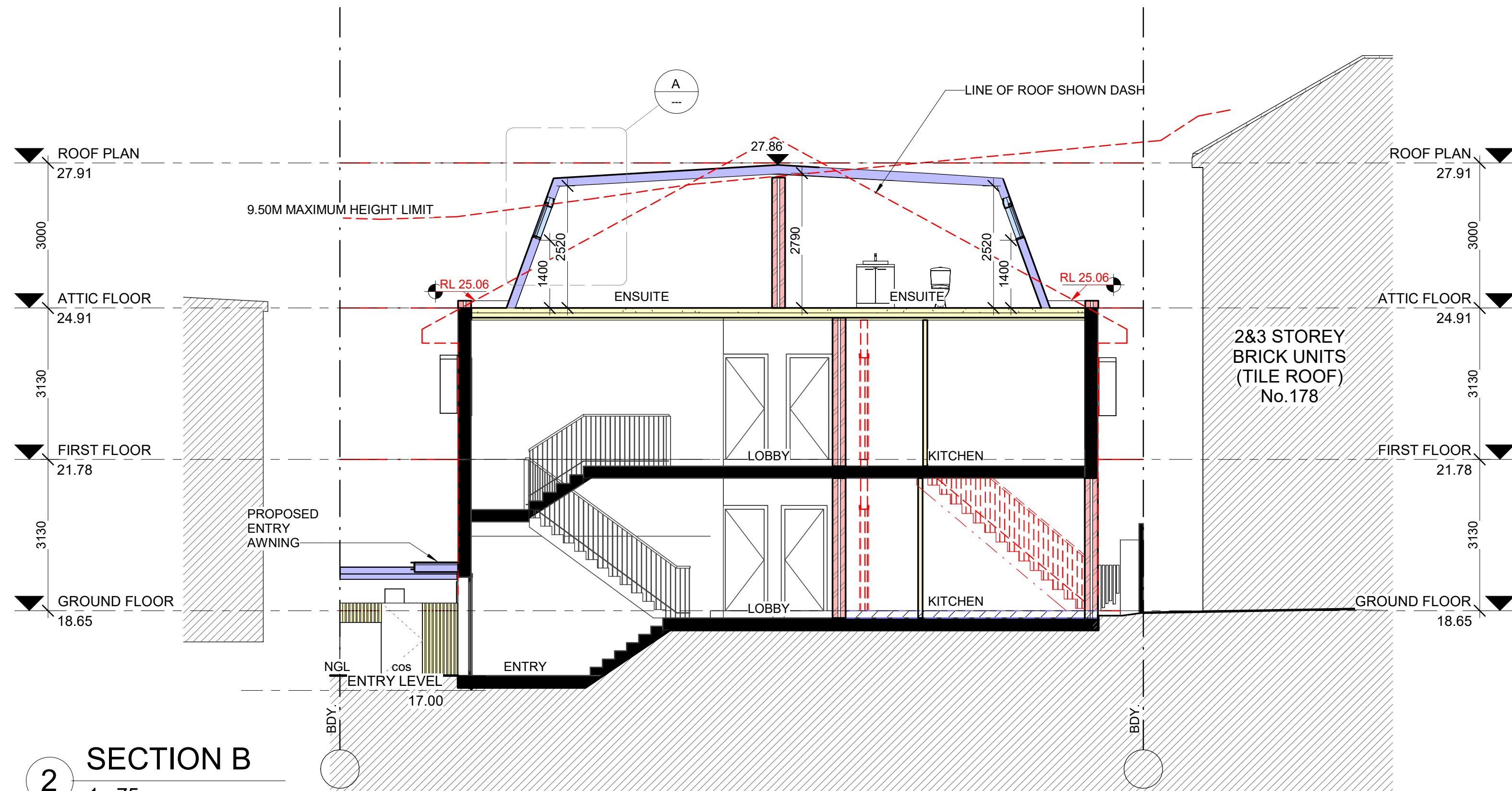
ADDRESS:
180 WELLINGTON STREET, BONDI

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DRAWN BY: MS
CHECKED BY: JP
PROJECT NUMBER: 21 180
DATE: 01/12/21
SHEET NUMBER: B108

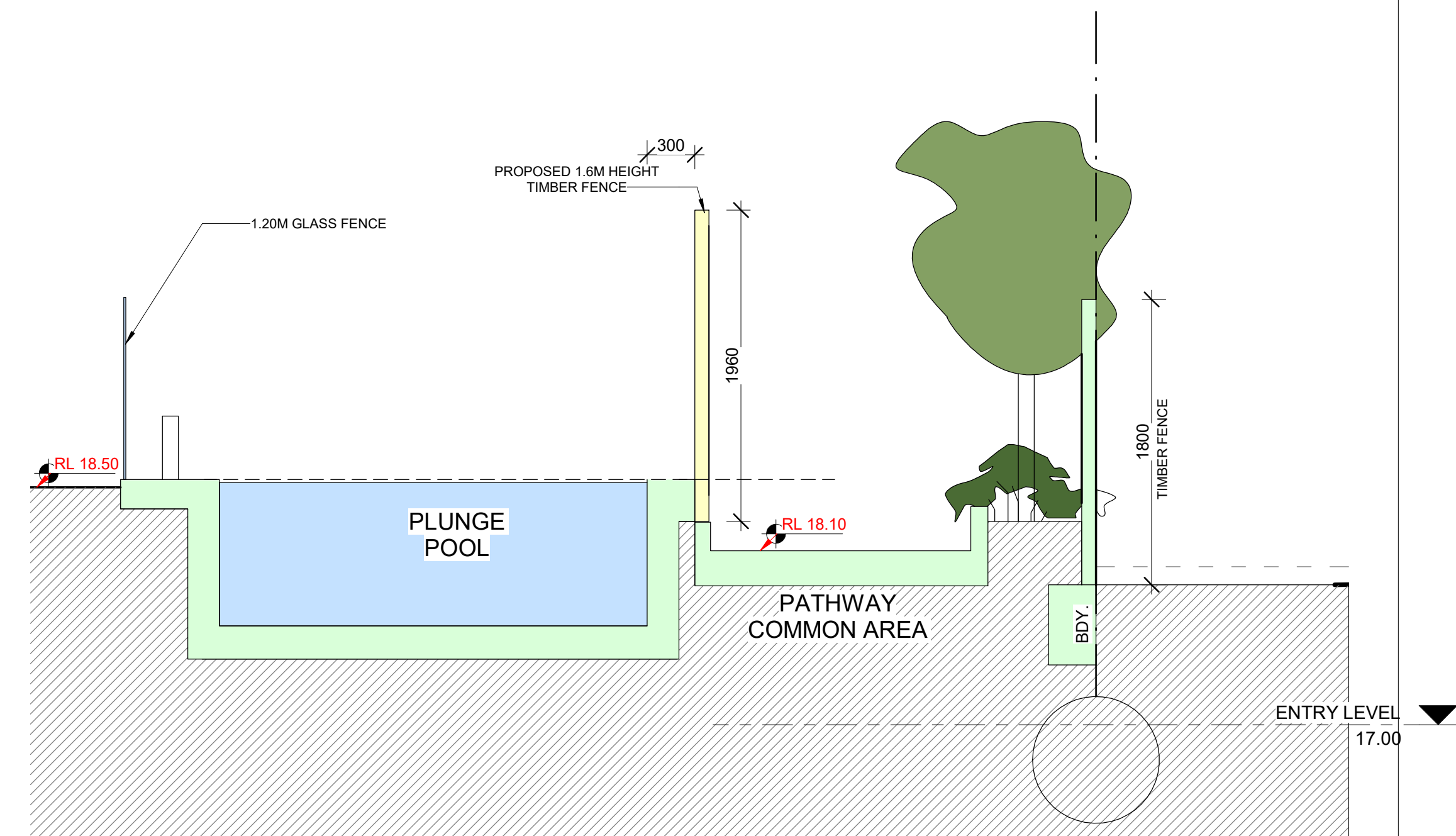




1 SECTION A
1 : 75



2 SECTION B
1 : 75



3 SECTION C
1 : 30

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SECTIONS

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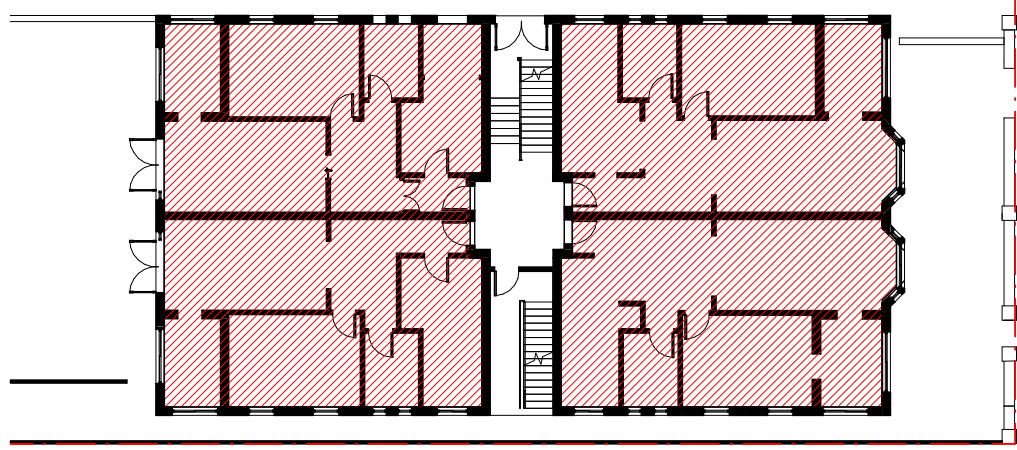
ALTERATIONS AND ADDITIONS DEVELOPMENT APPLICATION

CLIENT:
OWNERS SP56
ADDRESS:
180 WELLINGTON STREET, BONDI

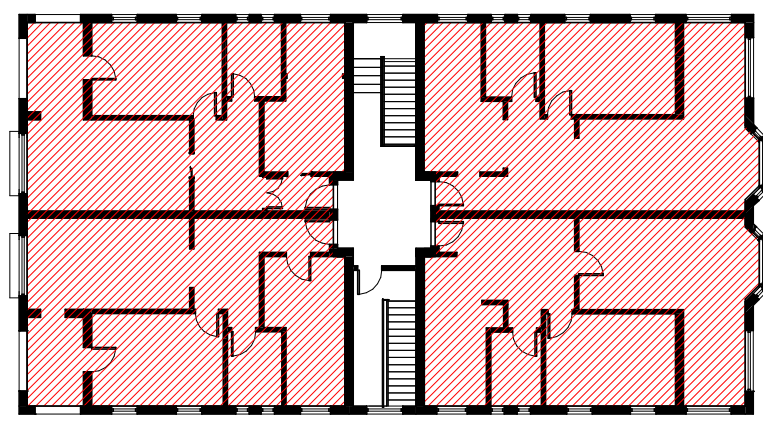
SCALE @ A1: As indicated
SCALE @ A3:
DRAWN BY: **MS**
DATE: **01/12/21**
CHECKED BY: **JP**
SHEET NUMBER:
PROJECT NUMBER: **21 180**
B110

Application No: DA-300/2022

Date Received: 02/08/2022



1 GROUND FLOOR PLAN - EXISTING
1 : 125



2 FIRST FLOOR PLAN - EXISTING
1 : 125

CALCULATIONS:

SITE AREA: 668.3 SQ.M

EXISTING
GROUND FLOOR: 268.2 SQ.M
FIRST FLOOR: 268.2 SQ.M

LANDSCAPE AREA: 344.5 SQ.M

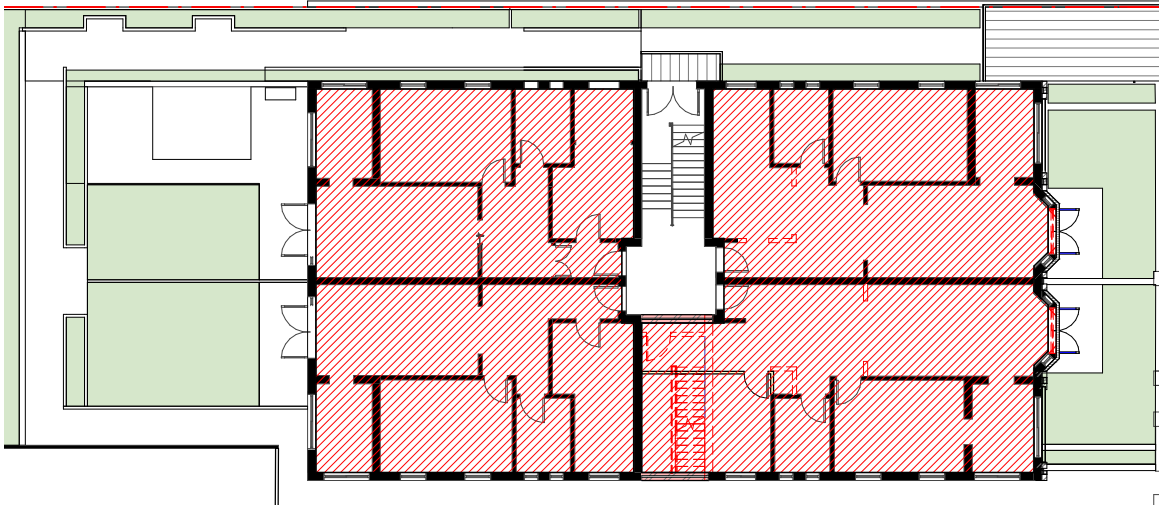
TOTAL GFA: 536.4 SQ.M
TOTAL FSR: 0.80 : 1

PROPOSAL
GROUND FLOOR: 279.8 SQ.M
FIRST FLOOR: 279.8 SQ.M
ATTIC FLOOR: 147.3 SQ.M

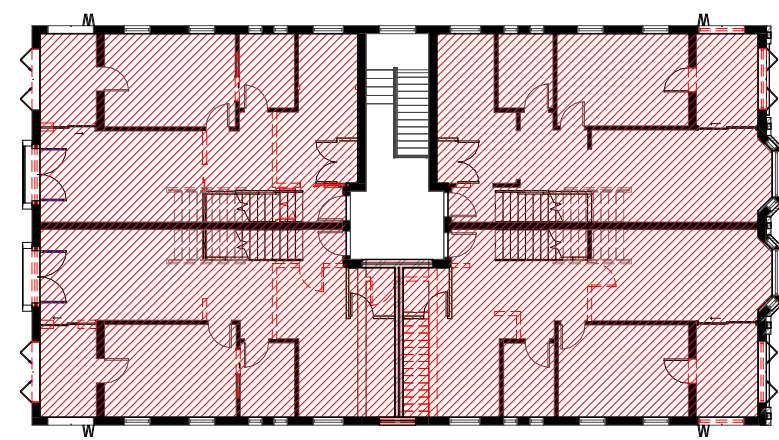
LANDSCAPE AREA: 140.7 SQ.M

TOTAL GFA: 705.3 SQ.M
TOTAL FSR: 1.05 : 1

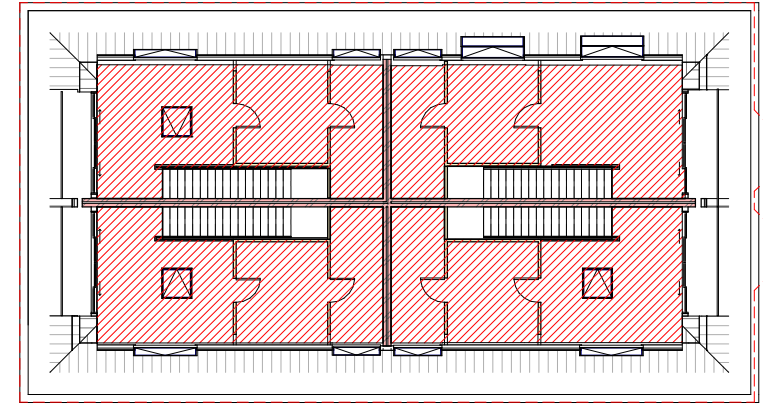
TOTAL UNIT: 8 UNITS



3 GROUND FLOOR PLAN - PROPOSAL
1 : 125



4 FIRST FLOOR PLAN - PROPOSAL
1 : 125



5 ATTIC FLOOR PLAN - PROPOSAL
1 : 125

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Brimley NSW 1585
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Nominated Architect:
Joseph Panetta
NSW Architects Registration
Board No: 9505

REVISION					
ISSUE	DATE	DESCRIPTION	AUTHOR	ISSUED BY	
A	11/03/21	PRE DA DRAWINGS	JP	JP	

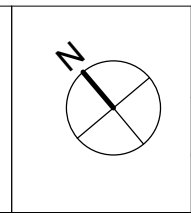
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CALCULATION SHEET

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ALTERATIONS AND ADDITIONS
DEVELOPMENT APPLICATION

CLIENT: OWNERS SP56

ADDRESS: 180 WELLINGTON STREET, BONDI

SCALE @ A1: 1 : 125	
SCALE @ A3:	
DRAWN BY: MS	DATE: 02/11/21
CHECKED BY: JP	SHEET NUMBER:
PROJECT NUMBER: 21 180	A111



AREA: EXISTING WALLS
FINISH: BRICK WORK
DETAIL: TO BE RETAINED



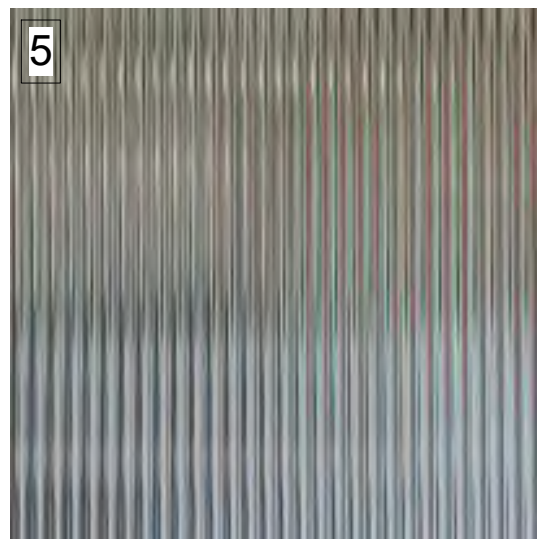
AREA: BASE WALLS
FINISH: PAINTED MASONRY
DETAIL: DULUX "LEXICON"



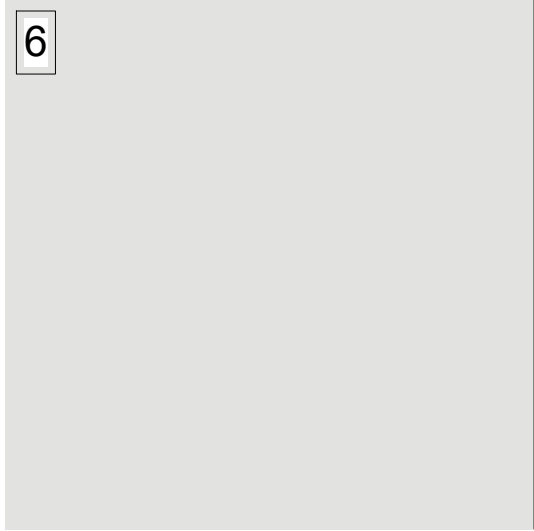
AREA: STEELWORK
FINISH: POWDERCOATED STEEL
DETAIL: COLORBOND "IRONSTONE"



AREA: GATE / SCREEN
FINISH: TIMBER
DETAIL: HARDWOOD
TIMBER TO BE STAINED



AREA: WINDOWS+JULIET
BALCONIES
FINISH: OPAQUE GLASS



AREA: WINDOWS/DOORS
FINISH: COLORBOND
DETAIL: SURFMIST



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Nominated Architect: Joseph
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NSW Architects Registration
Board No: 9505

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ISSUE	DATE			
A	11/03/21	PRE DA DRAWINGS	MS	JP
B	05/11/21	DEVELOPMENT APPLICATION ISSUE	MS	JP

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MATERIALS +
FINISHES

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ALTERATIONS AND ADDITIONS DEVELOPMENT APPLICATION	
CLIENT:	OWNERS SP56
ADDRESS:	180 WELLINGTON STREET, BONDI

SCALE @ A1:	
SCALE @ A3:	
DRAWN BY:	MS
CHECKED BY:	JP
PROJECT NUMBER:	21 180
DATE:	01/12/21
SHEET NUMBER:	B114





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NSW Architects Registration
Board No: 9505

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ISSUE	DATE	DESCRIPTION	AUTHOR	ISSUED BY	
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3D PHOTOMONTAGE

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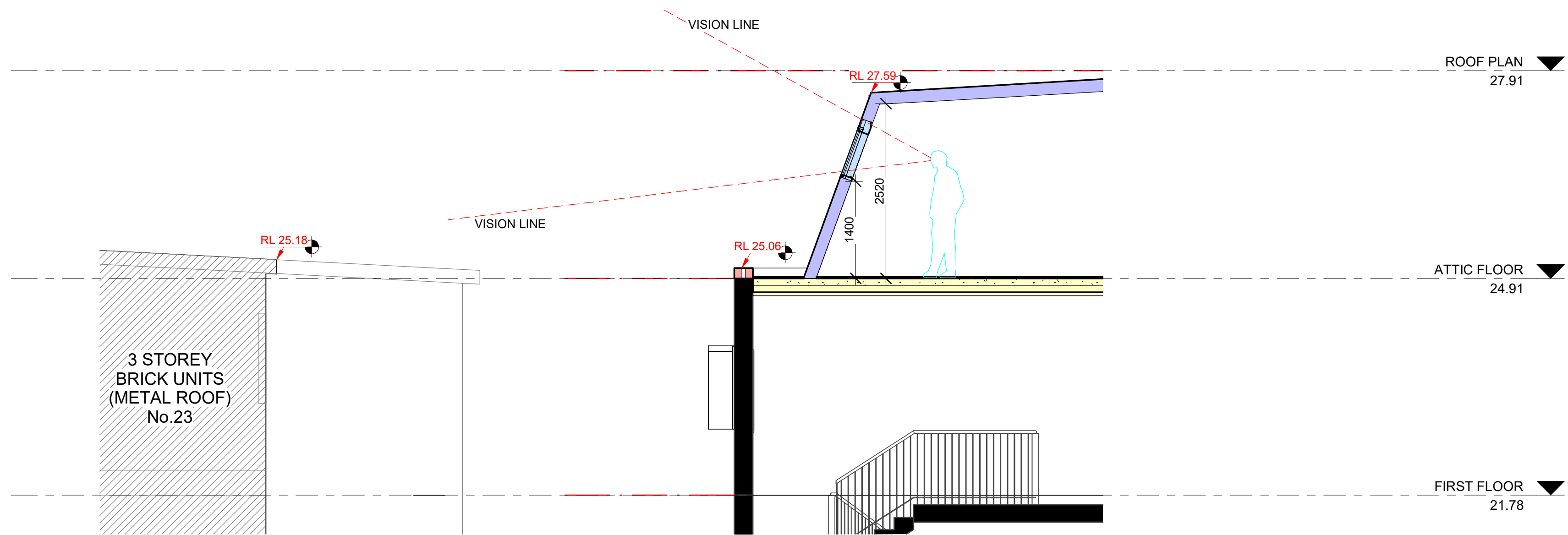


ALTERATIONS AND ADDITIONS
DEVELOPMENT APPLICATION

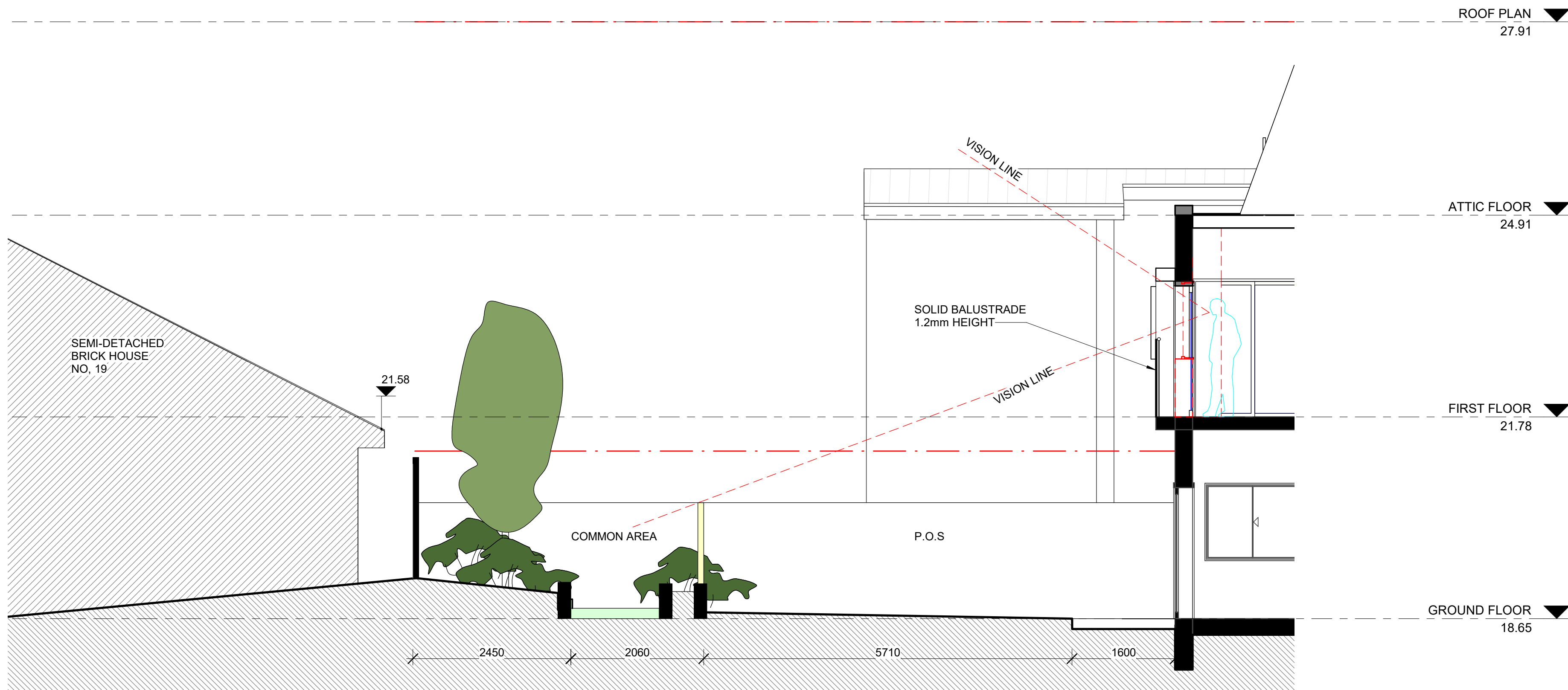
CLIENT:
OWNERS SP56

ADDRESS:
180 WELLINGTON STREET, BONDI

SCALE @ A1:	
SCALE @ A3:	
DRAWN BY:	DATE:
MS	01/12/21
CHECKED BY:	SHEET NUMBER:
JP	
PROJECT NUMBER:	
21 180	B115



1
1 : 50



2
1 : 50

REVISION		DESCRIPTION	AUTHOR	ISSUED BY
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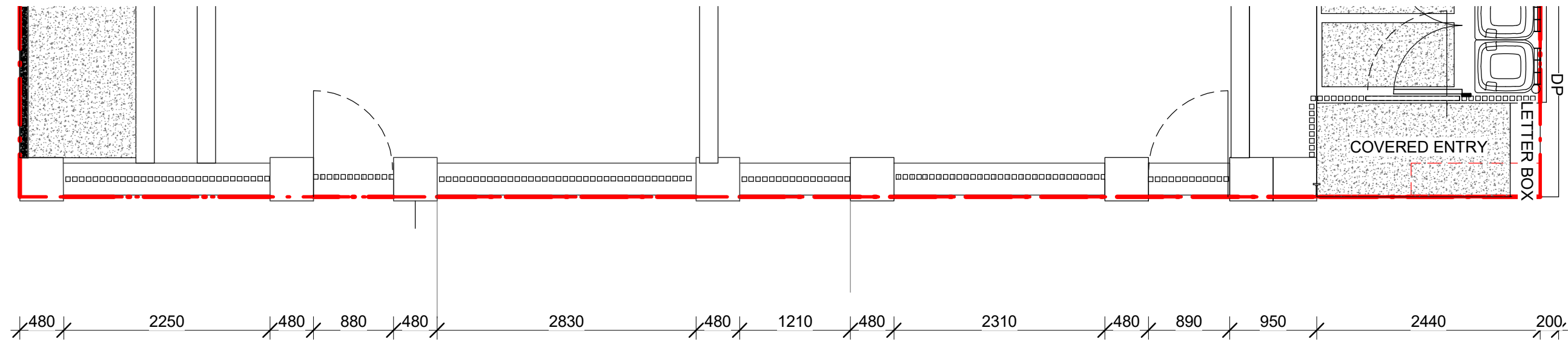
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ALTERATIONS AND ADDITIONS DEVELOPMENT APPLICATION

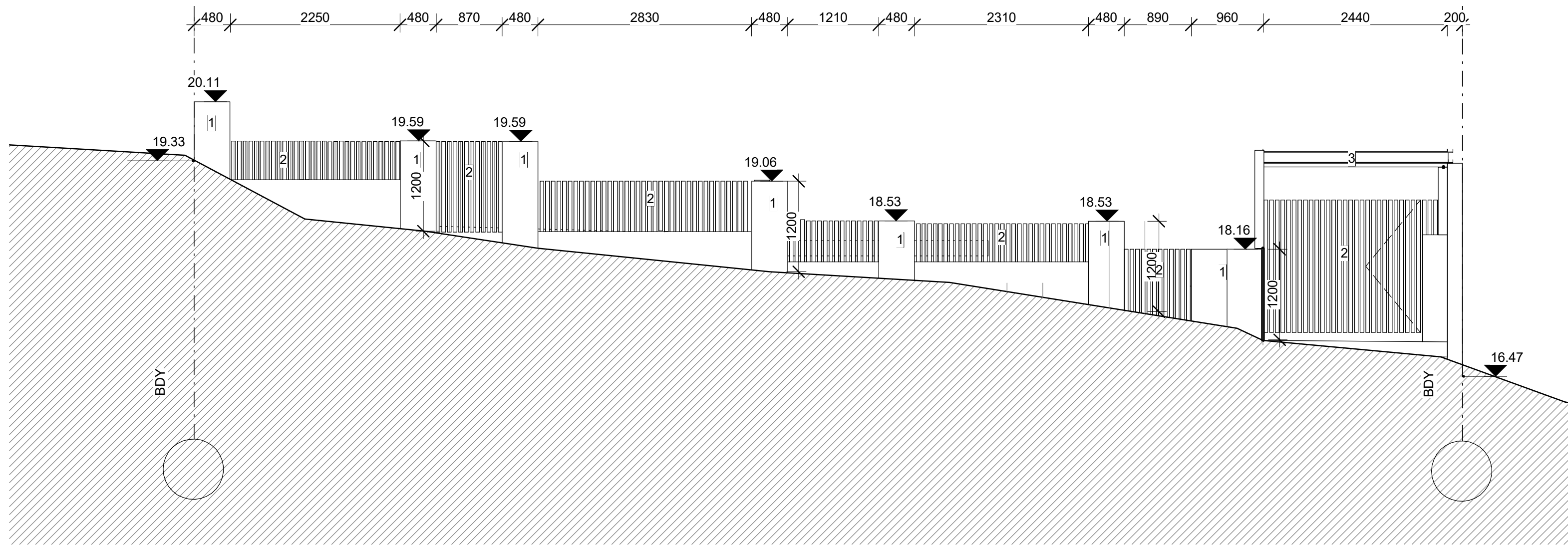
CLIENT:
OWNERS SP56

ADDRESS:
180 WELLINGTON STREET, BONDI

SCALE @ A1: 1 : 50	
SCALE @ A3:	
DRAWN BY: MS	DATE: 01/12/21
CHECKED BY: JP	SHEET NUMBER:
PROJECT NUMBER: 21 180	B118



1 FRONT FENCE DETAIL
PLAN 1:50



2 FRONT FENCE DETAIL
ELEVATION 1:50



AREA: BASE WALLS
FINISH: PAINTED MASONRY
DETAIL: DULUX "LEXICON"



AREA: GATE / SCREEN
FINISH: TIMBER
DETAIL: HARDWOOD
TIMBER TO BE STAINED



AREA: STEELWORK
FINISH: POWDERCOATED STEEL
DETAIL: COLORBOND
"IRONSTONE"

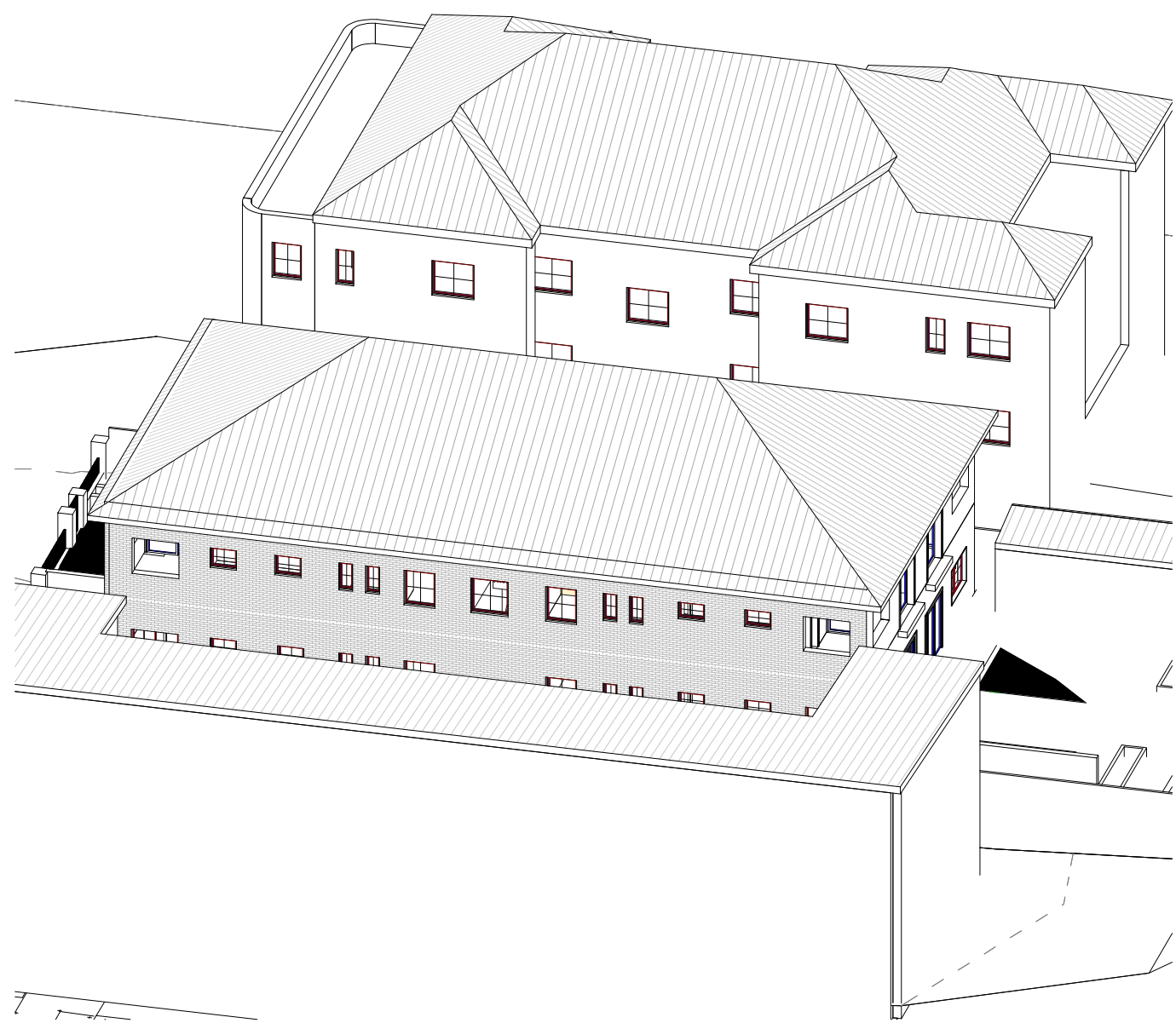
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ISSUE	DATE	DESCRIPTION	AUTHOR	ISSUED BY	
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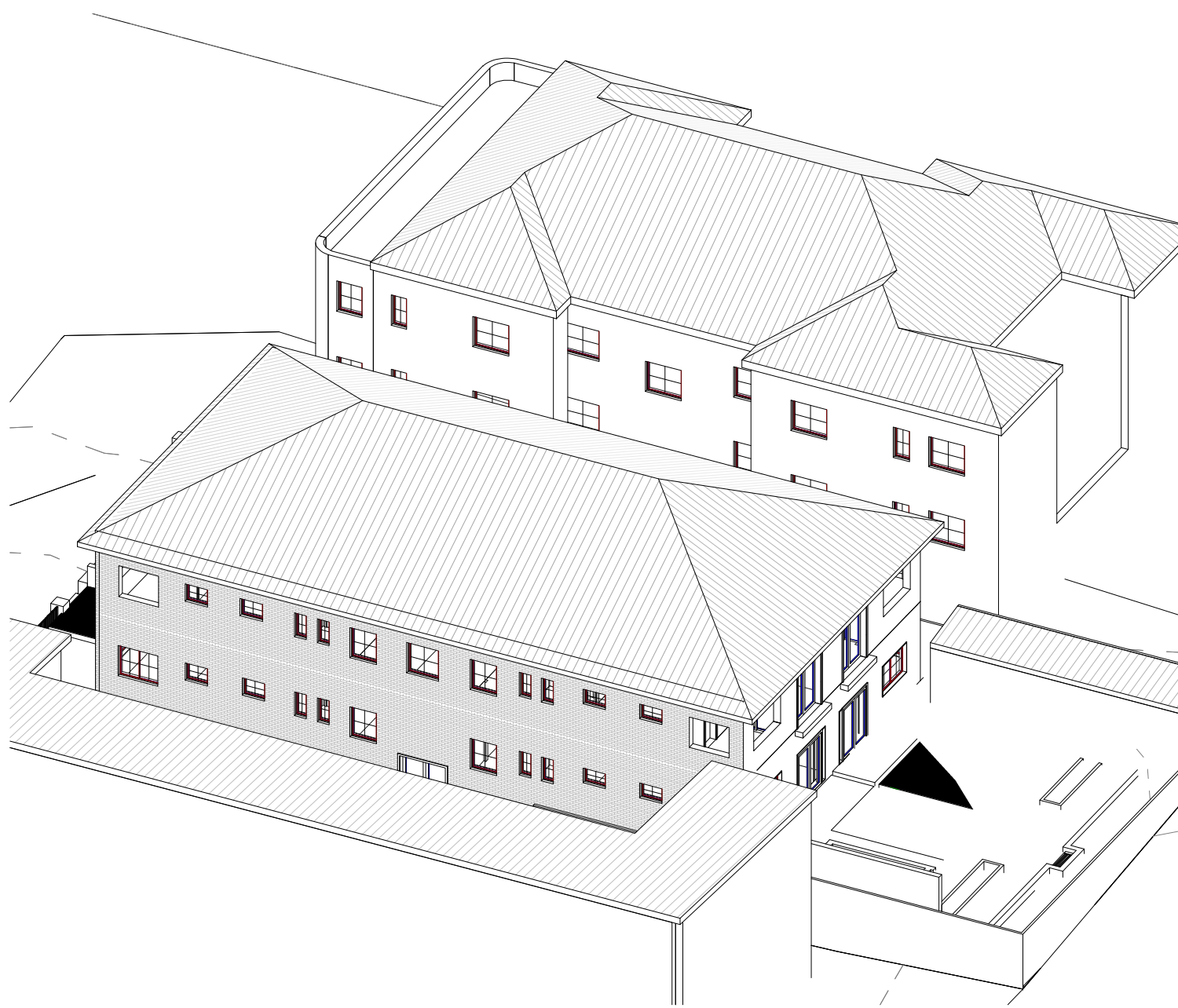
**FRONT FENCE
DETAILS**
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ALTERATIONS AND ADDITIONS	
DEVELOPMENT APPLICATION	
CLIENT:	OWNERS SP56
ADDRESS:	180 WELLINGTON STREET, BONDI

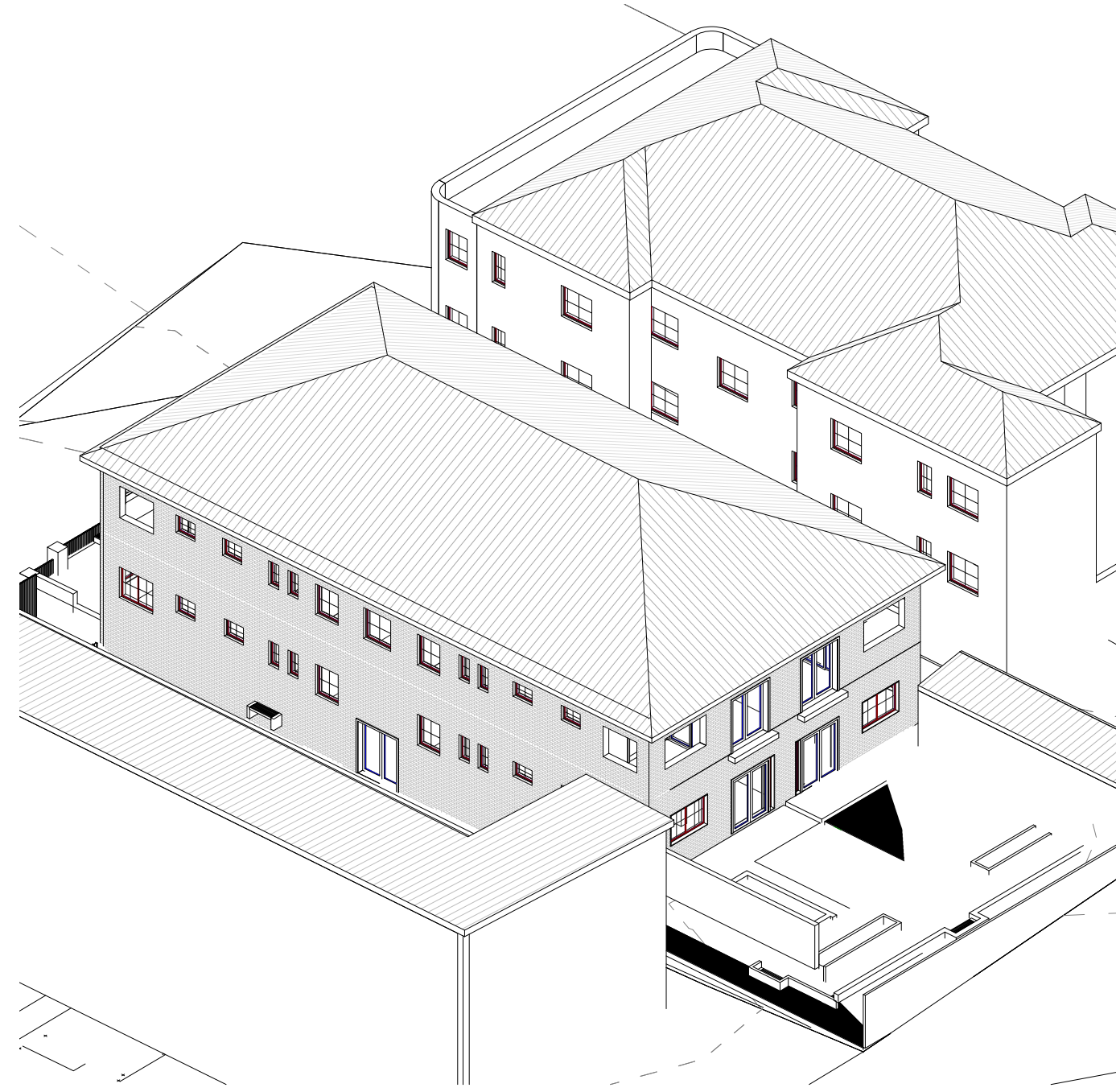
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DRAWN BY:	MS
CHECKED BY:	JP
PROJECT NUMBER:	21 180
DATE:	01/12/21
SHEET NUMBER:	B119



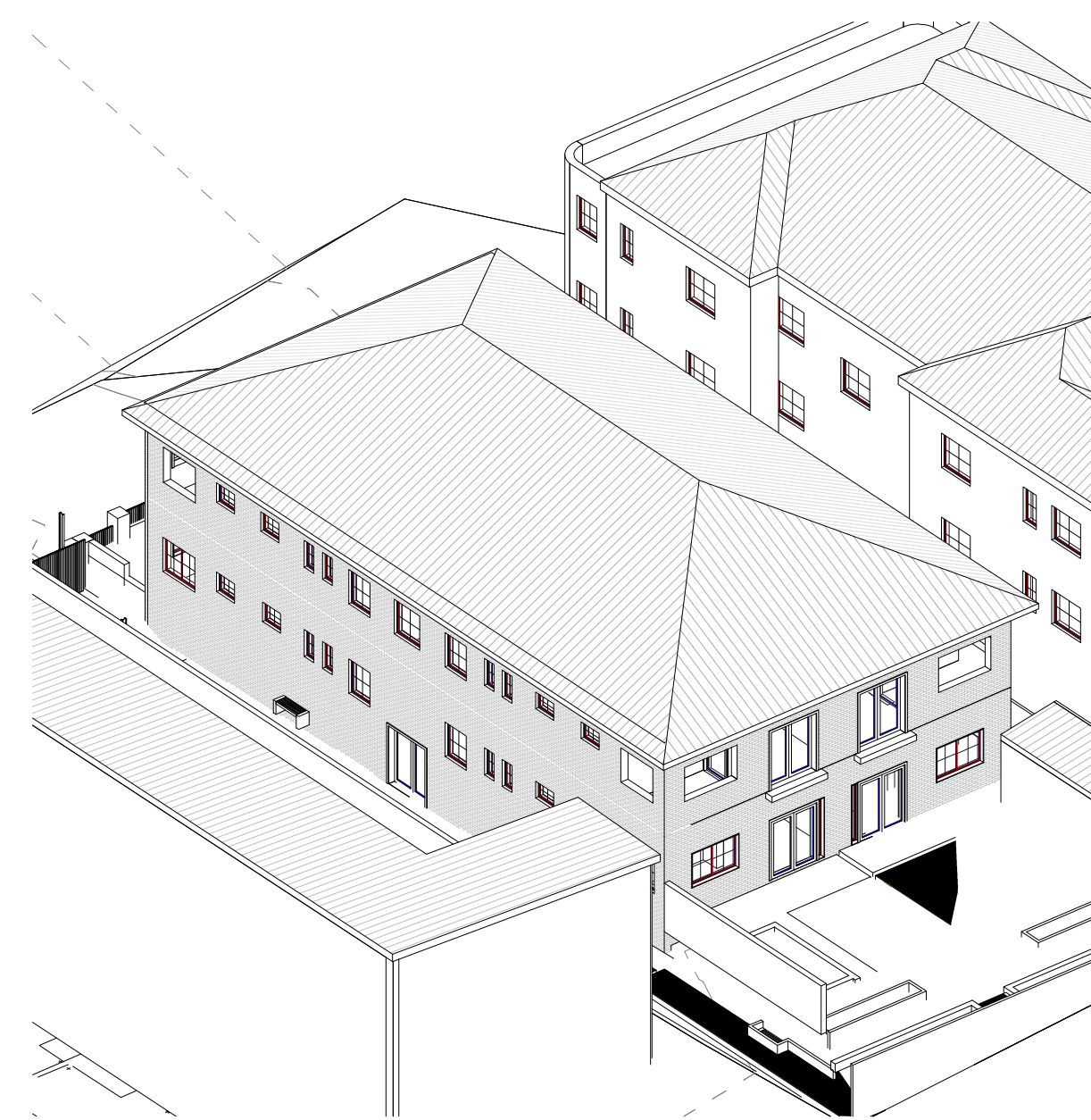
2 Sun Eye View 21 June 10am EXISTING



3 Sun Eye View 21 June 11am EXISTING



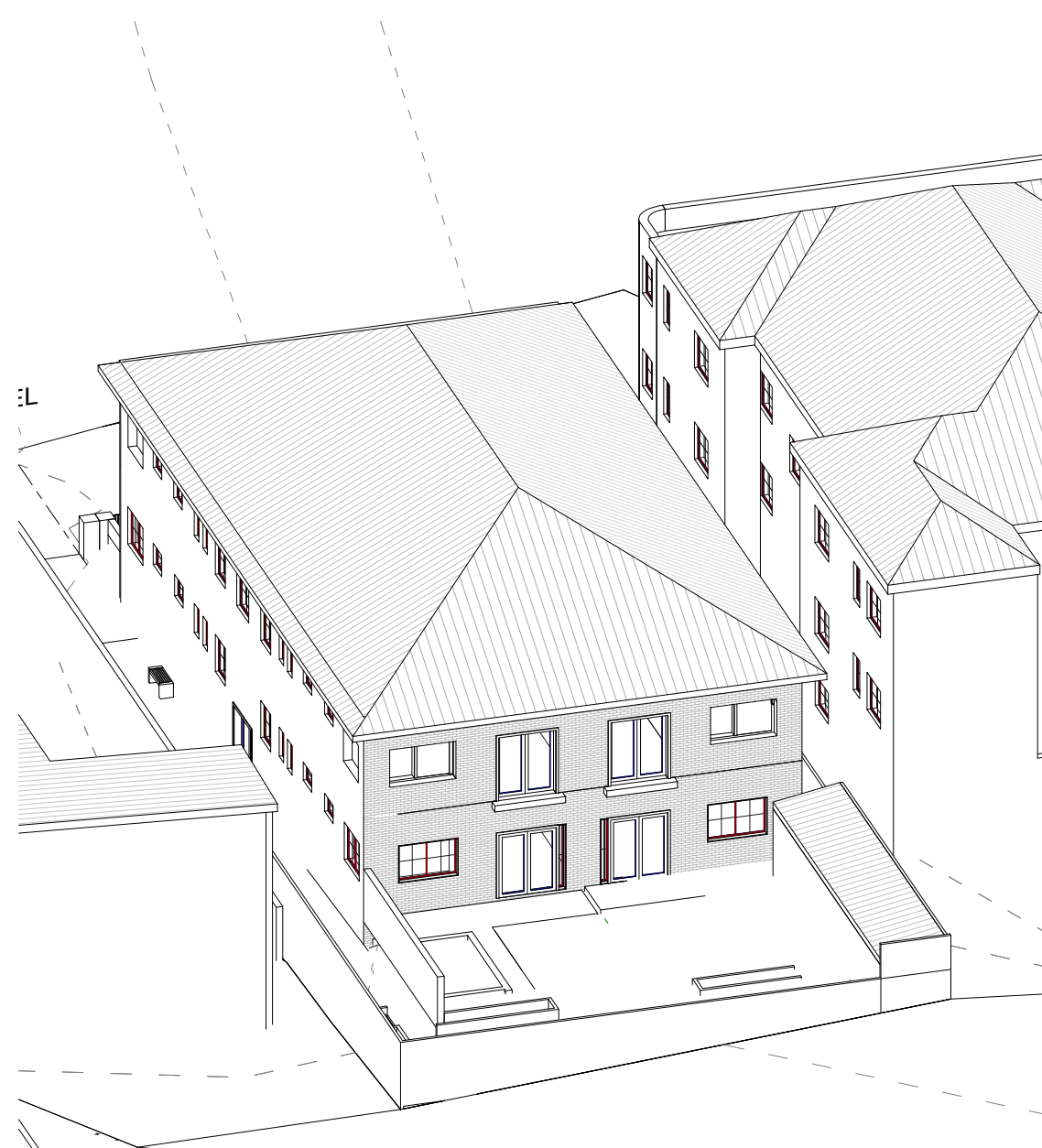
4 Sun Eye View 21 June 12NOON EXISTING



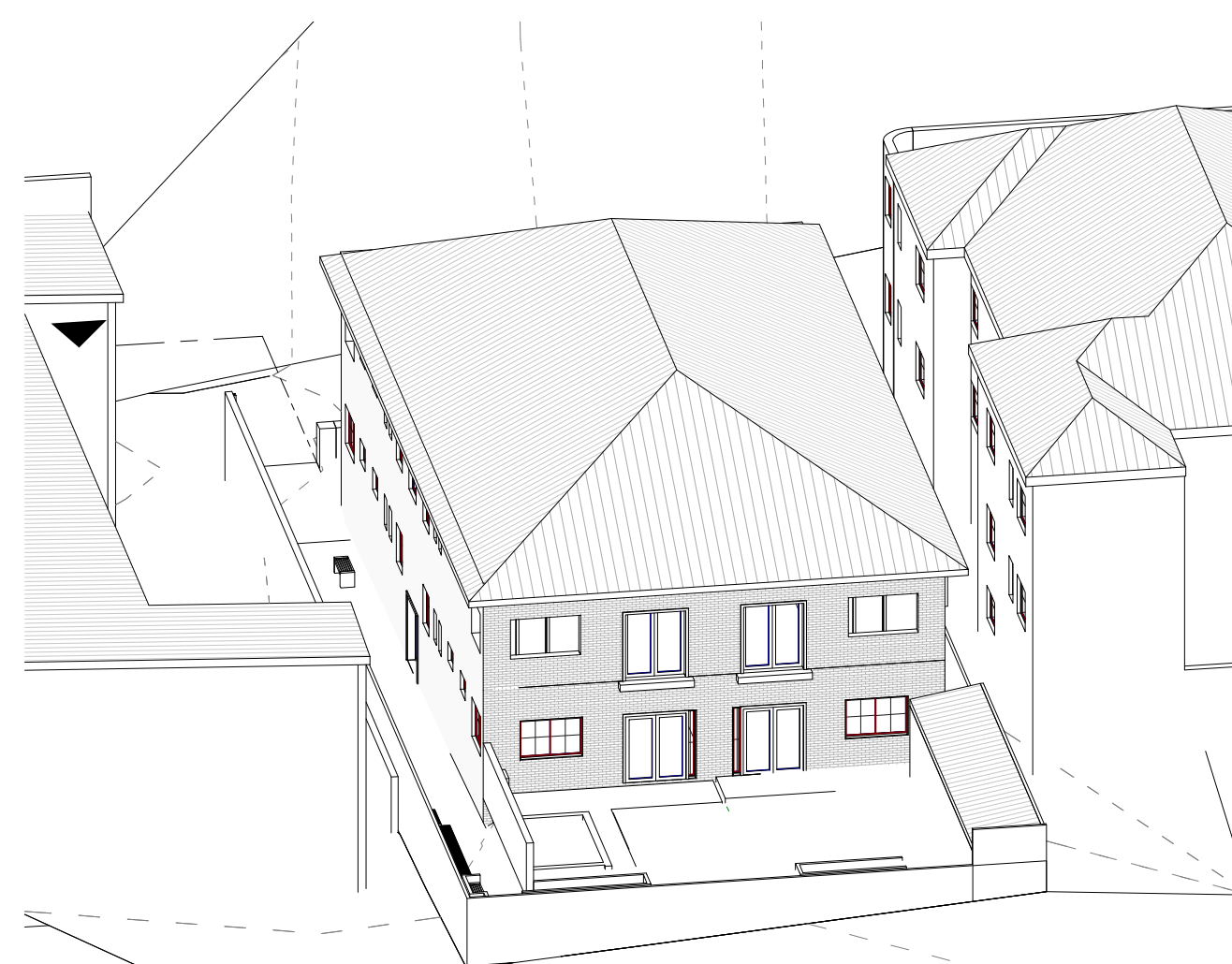
8 Sun Eye View 21 June 12.30 EXISTING



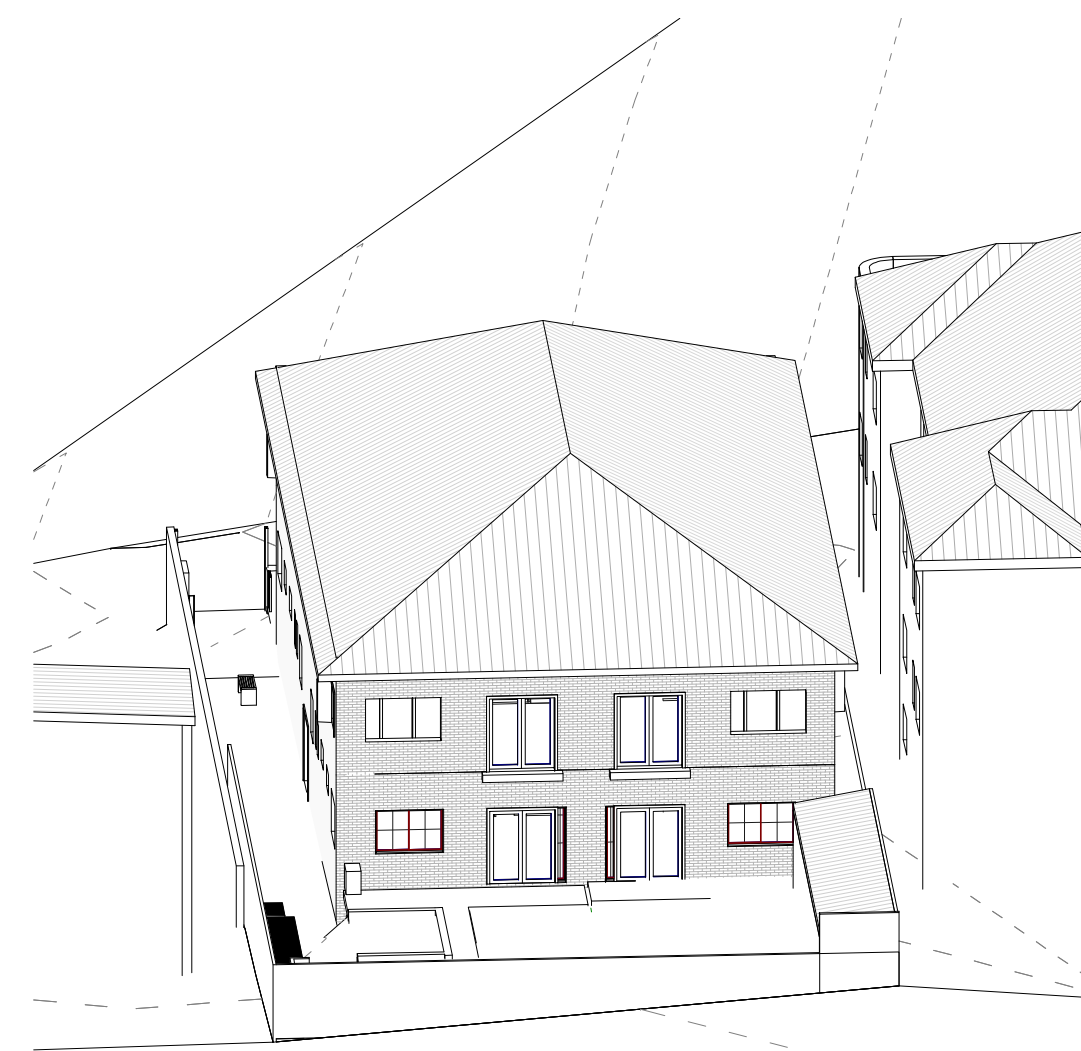
5 Sun Eye View 21 June 1 PM EXISTING



6 Sun Eye View 21 June 2 PM EXISTING



1 Sun Eye View 21 June 2.30 PM EXISTING

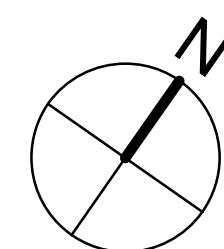


7 Sun Eye View 21 June 3 PM EXISTING

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ISSUE	DATE			
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B	05/11/21	DEVELOPMENT APPLICATION ISSUE	MS	JP

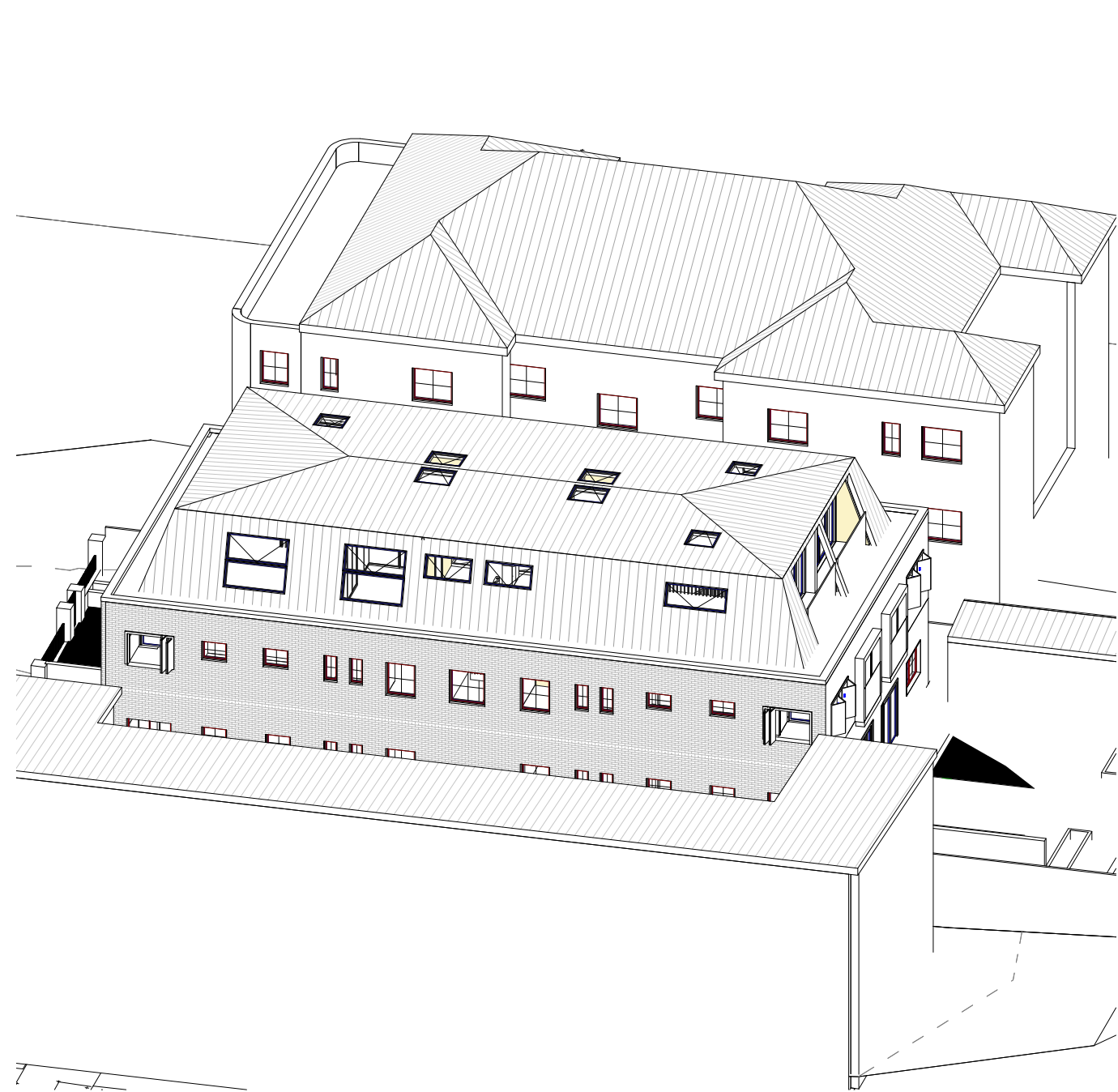
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**EXISTING SUN EYE
SHADOW DIAGRAMS**
**PRELIMINARY
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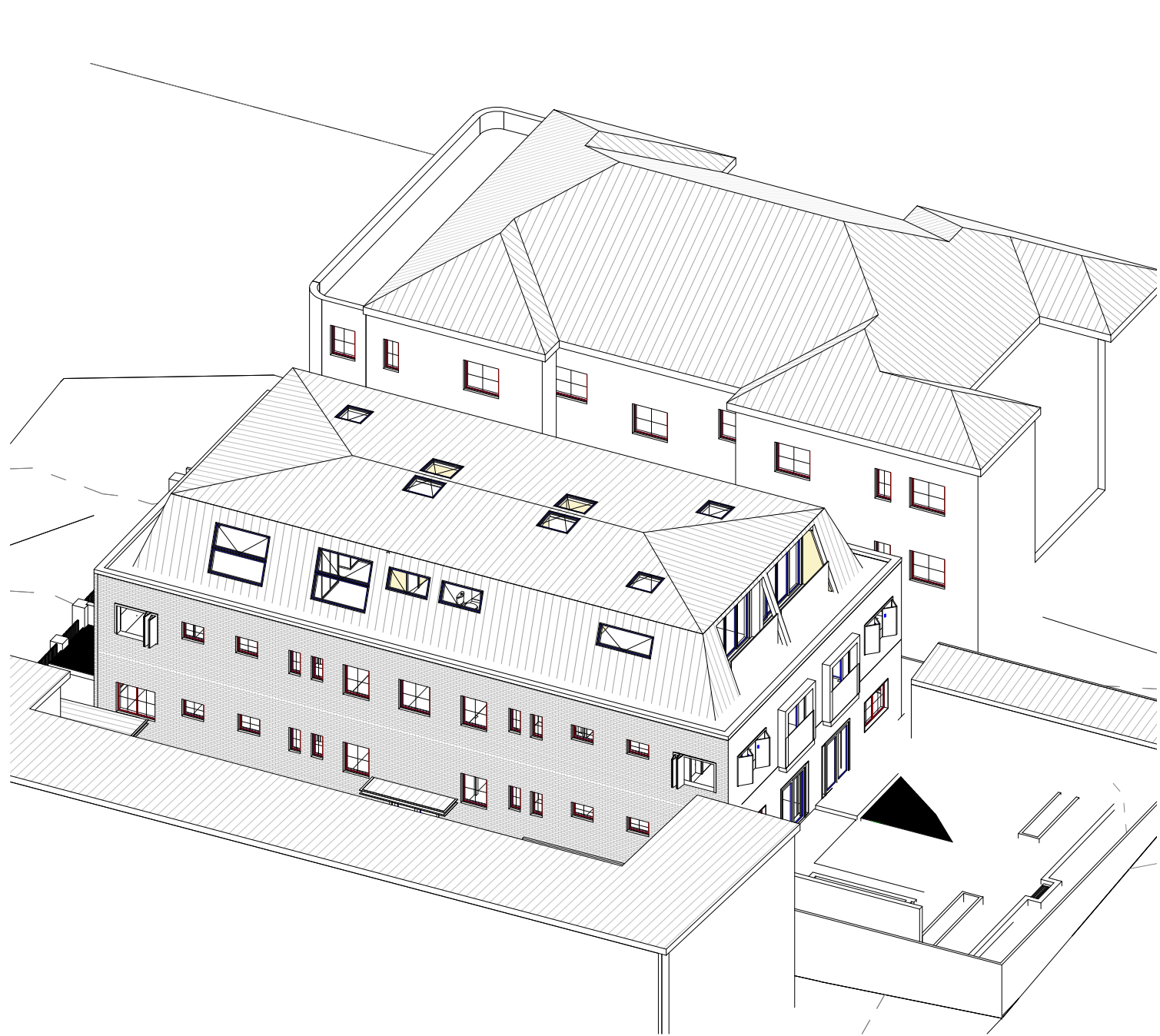


ALTERATIONS AND ADDITIONS DEVELOPMENT APPLICATION	
CLIENT:	OWNERS SP56
ADDRESS:	180 WELLINGTON STREET, BONDI

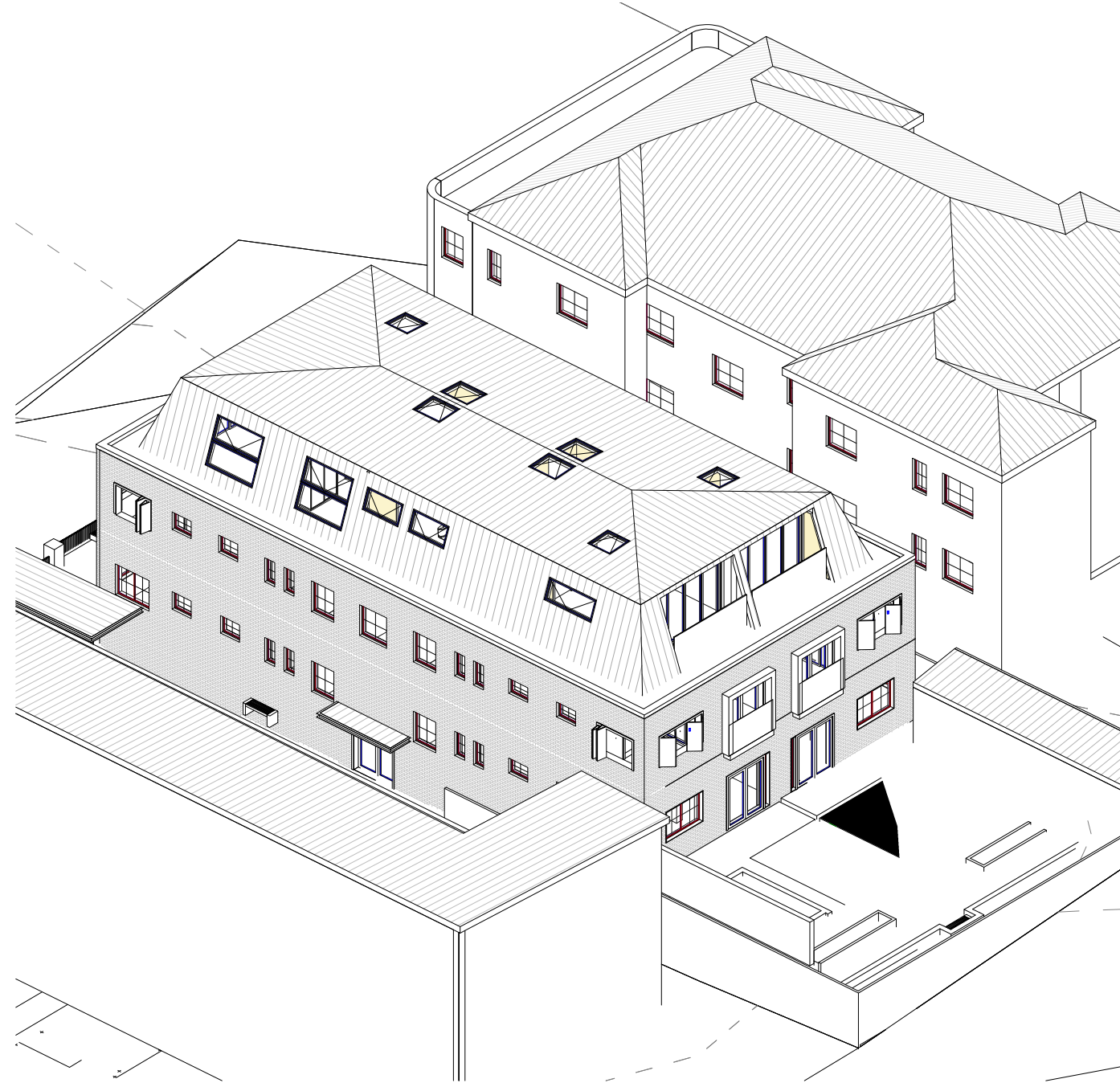
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DRAWN BY:	MS	01/12/21
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PROJECT NUMBER:	21 180	B116



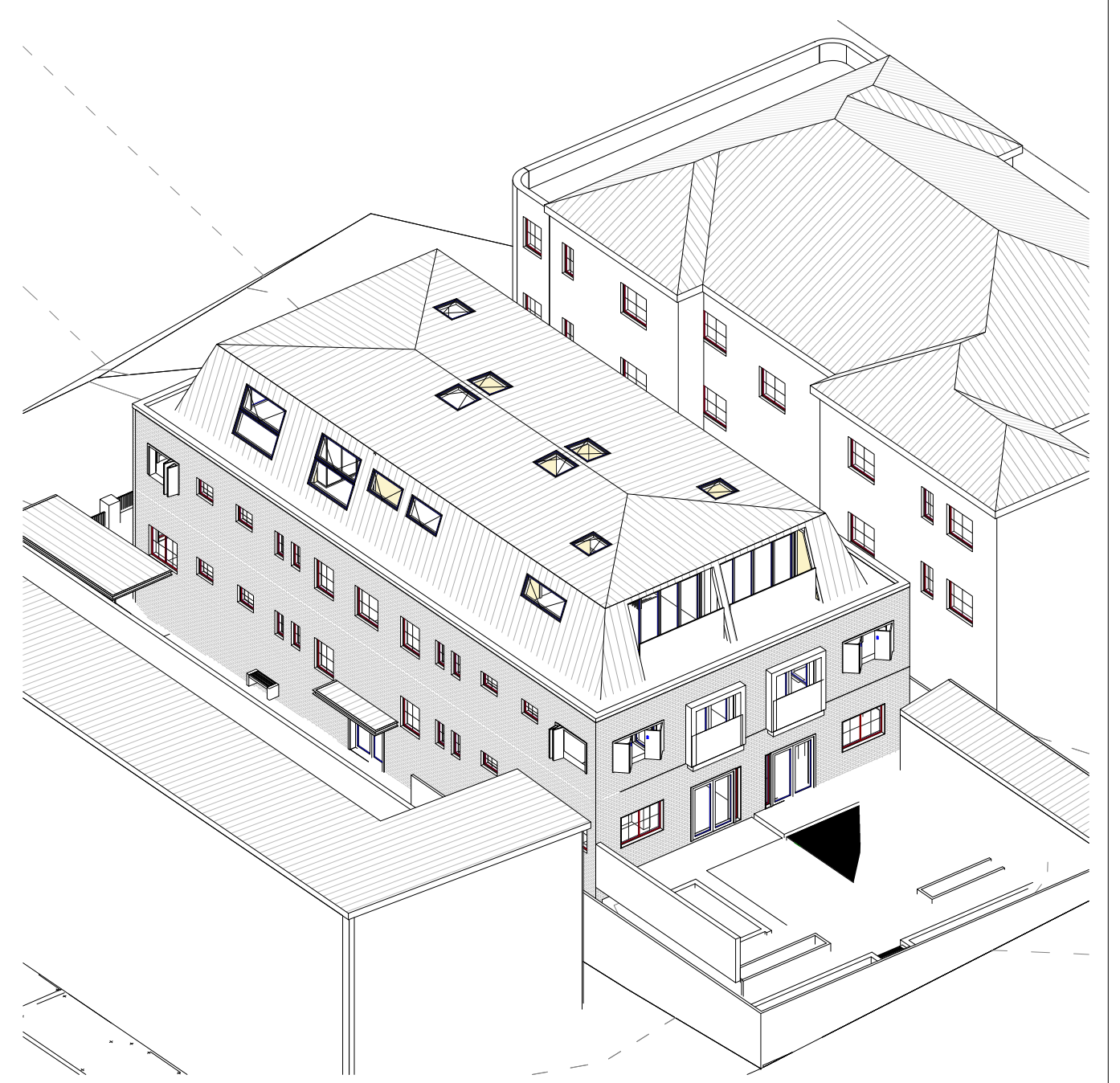
5 Sun Eye View 21 June 10am



6 Sun Eye View 21 June 11am



7 Sun Eye View 21 June 12NOON



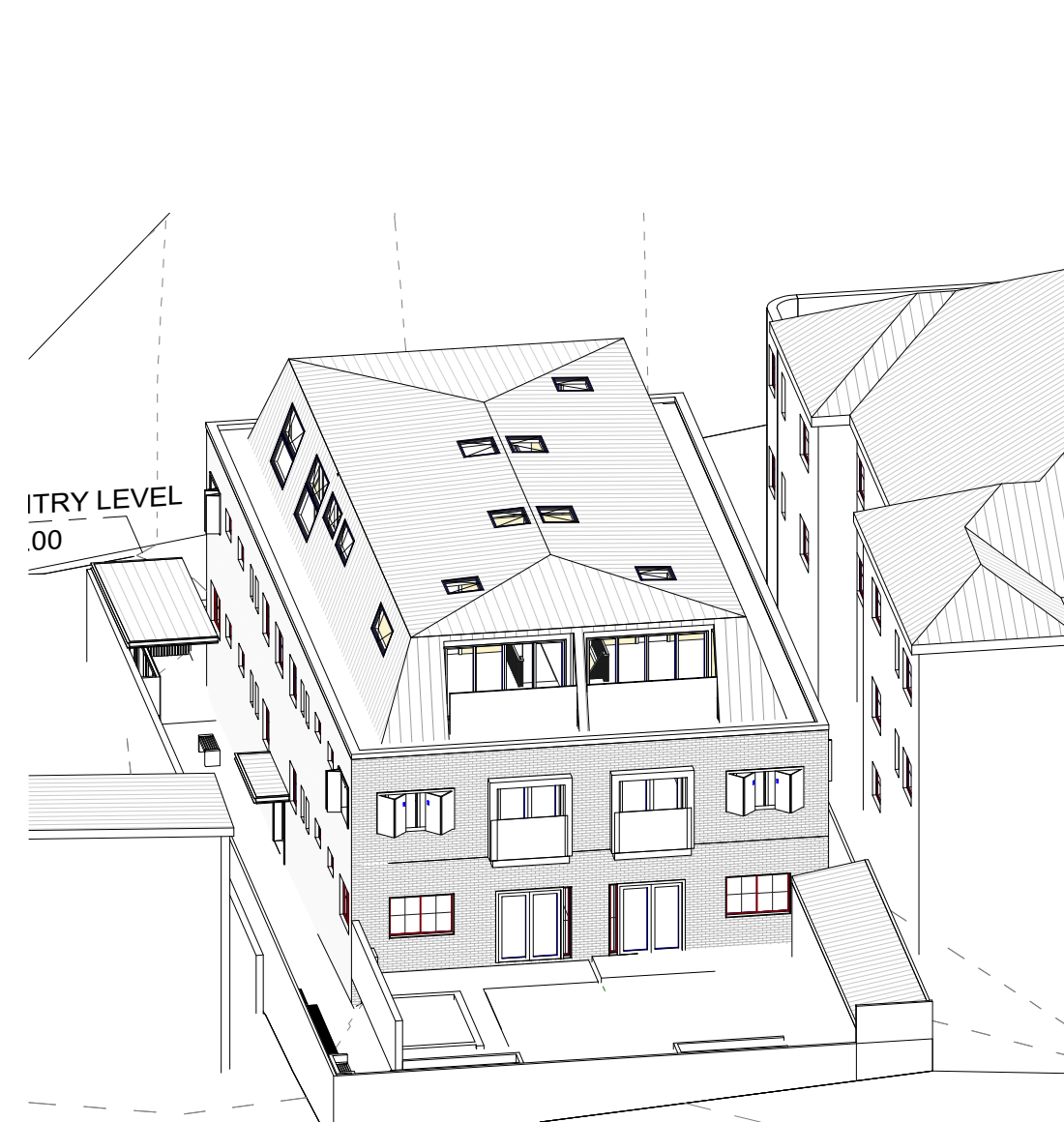
8 Sun Eye View 21 June 12.30 PM



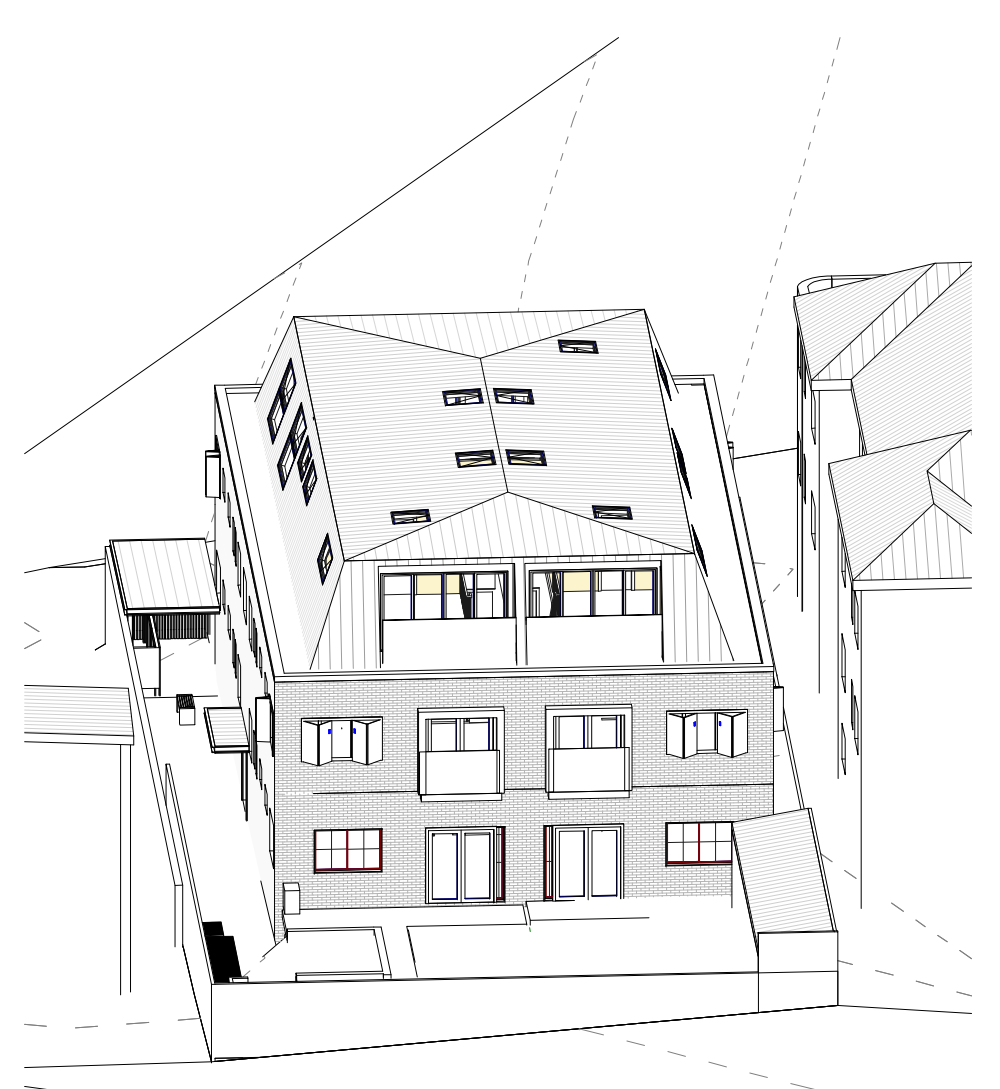
1 Sun Eye View 21 June 1 PM



2 Sun Eye View 21 June 2 PM

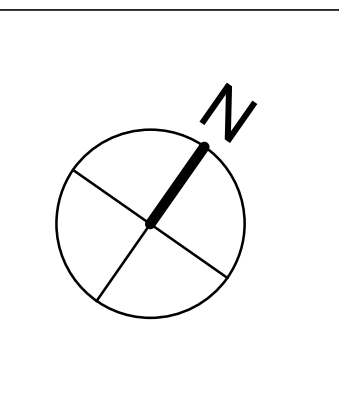


4 Sun Eye View 21 June 2.30 PM



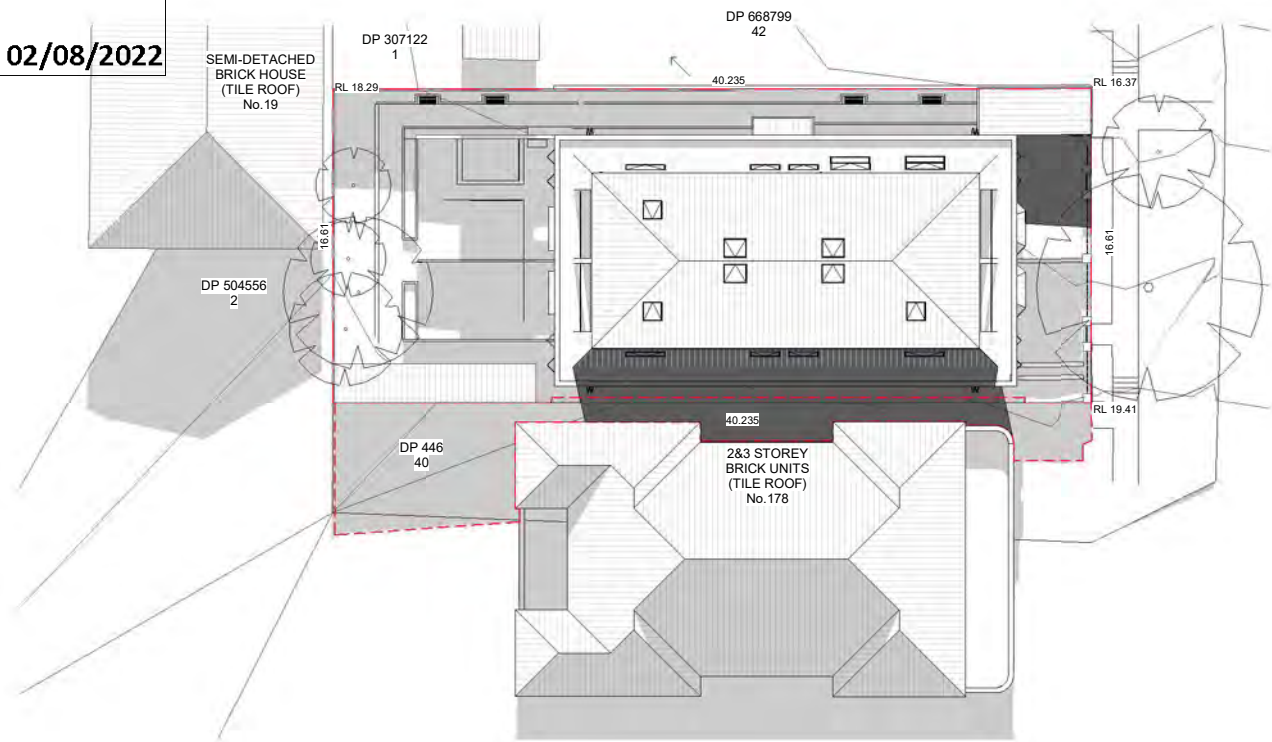
3 Sun Eye View 21 June 3 PM

REVISION					
ISSUE	DATE	DESCRIPTION	AUTHOR	ISSUED BY	
A	11/03/21	PRE DA DRAWINGS	MS	JP	
B	05/11/21	DEVELOPMENT APPLICATION ISSUE	MS	JP	

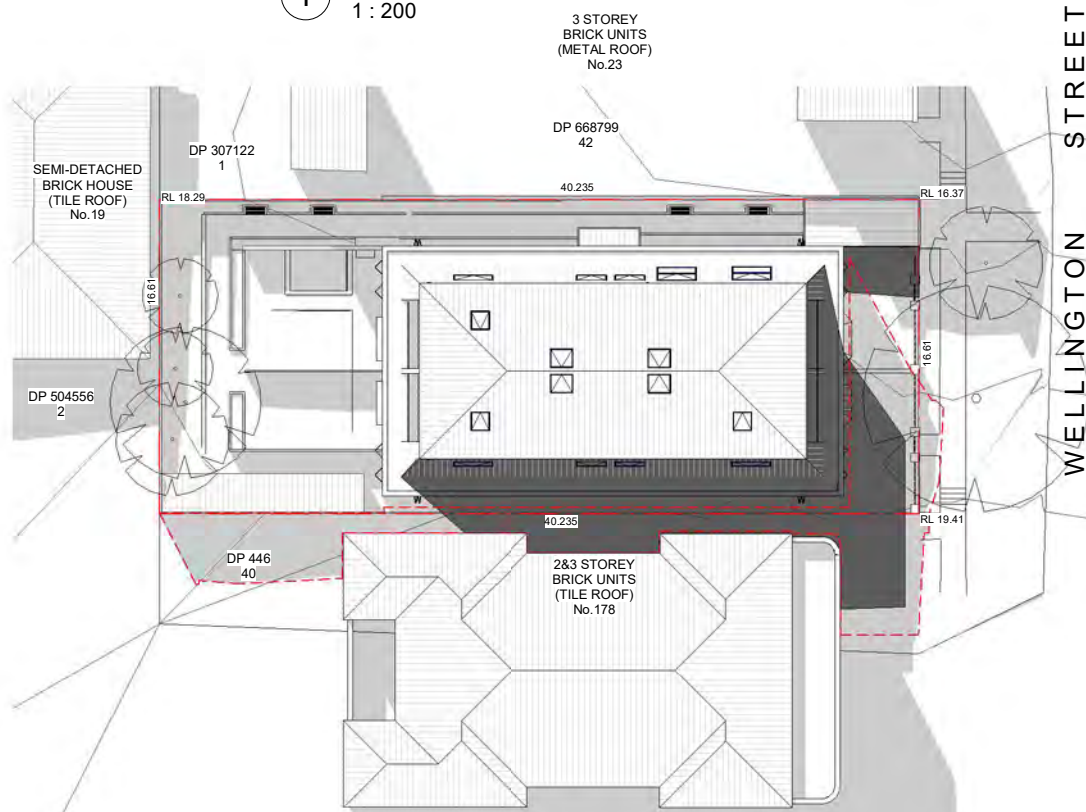


ALTERATIONS AND ADDITIONS DEVELOPMENT APPLICATION	
CLIENT:	OWNERS SP56
ADDRESS:	180 WELLINGTON STREET, BONDI

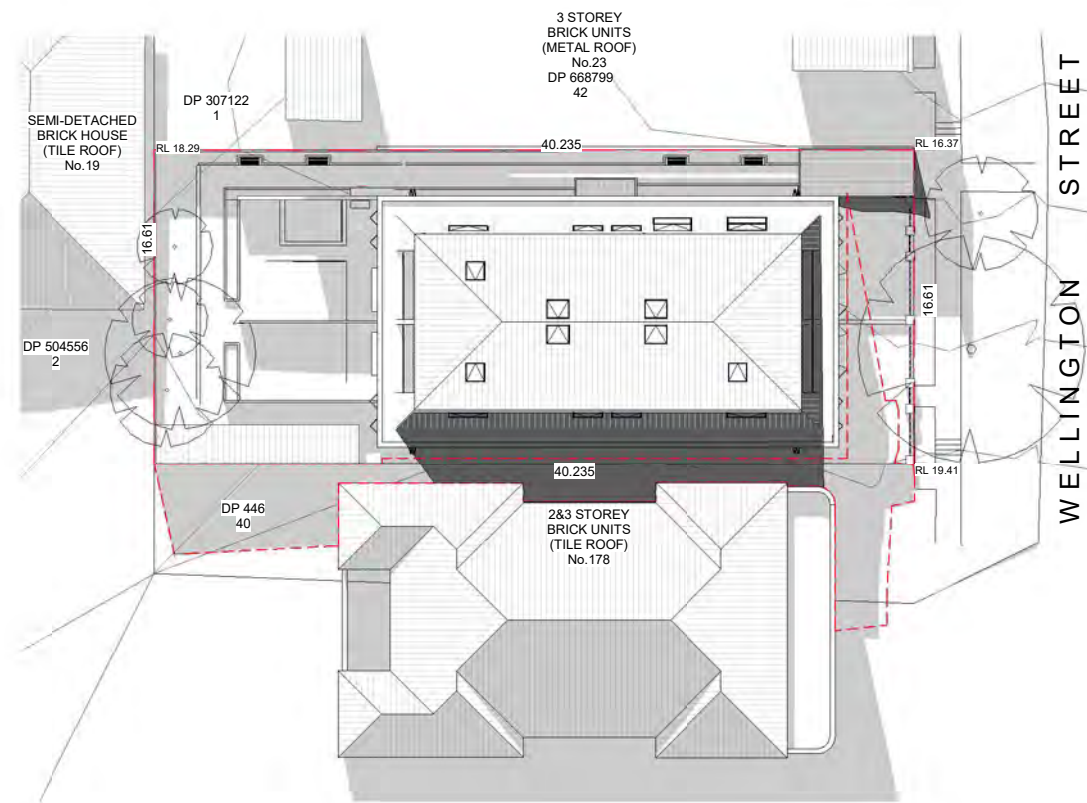
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PROJECT NUMBER:	21 180
DATE:	01/12/21
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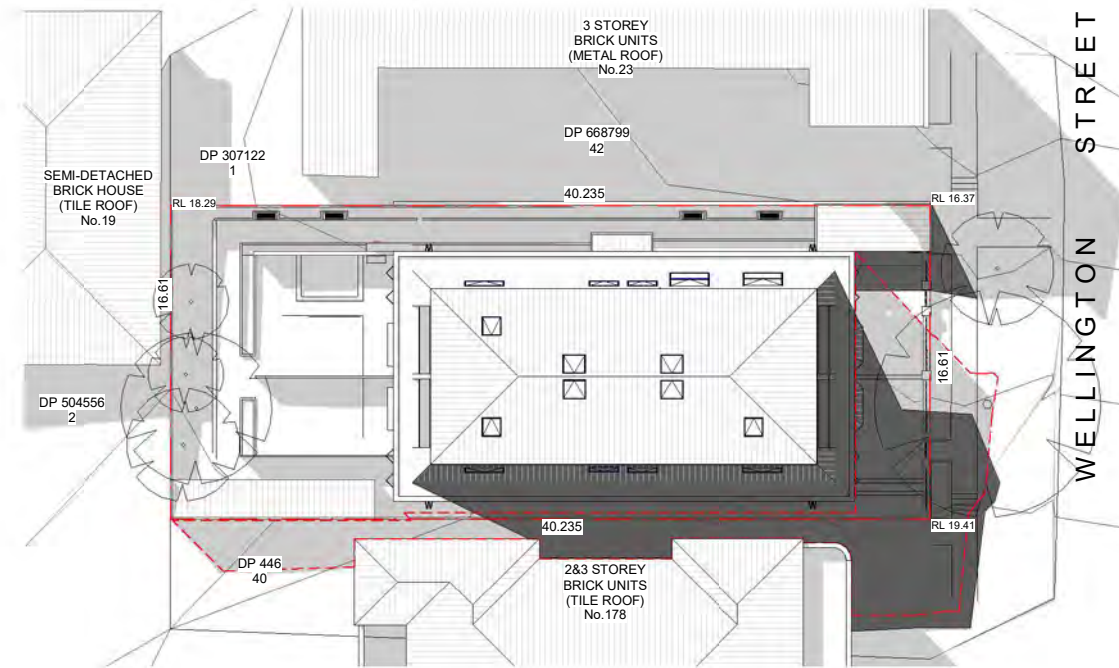
1 SHADOWS_JUNE 21_9AM
1 : 200



3 SHADOWS_JUNE 21_11AM
1 : 200



2 SHADOWS_JUNE 21_10AM
1 : 200



4 SHADOWS_JUNE 21_12NOON
1 : 200

SHADOW LEGEND	
	NEIGHBOURS SHADOW
	EXISTING SHADOW
	PROPOSED SHADOW



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PO Box 197
Burrumbidgee NSW 1805
joseph@habitationdesign.com.au
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Nominated Architect:
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NSW Architects Registration
Board No: 9505

REVISION					
ISSUE	DATE	DESCRIPTION	AUTHOR	ISSUED BY	
A	11/03/21	PRE DA DRAWINGS	JP	JP	

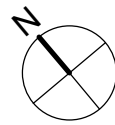
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SHADOW DIAGRAM

PRELIMINARY
NOT FOR CONSTRUCTION



ALTERATIONS AND ADDITIONS
DEVELOPMENT APPLICATION

CLIENT:
OWNERS SP56

ADDRESS:
180 WELLINGTON STREET, BONDI

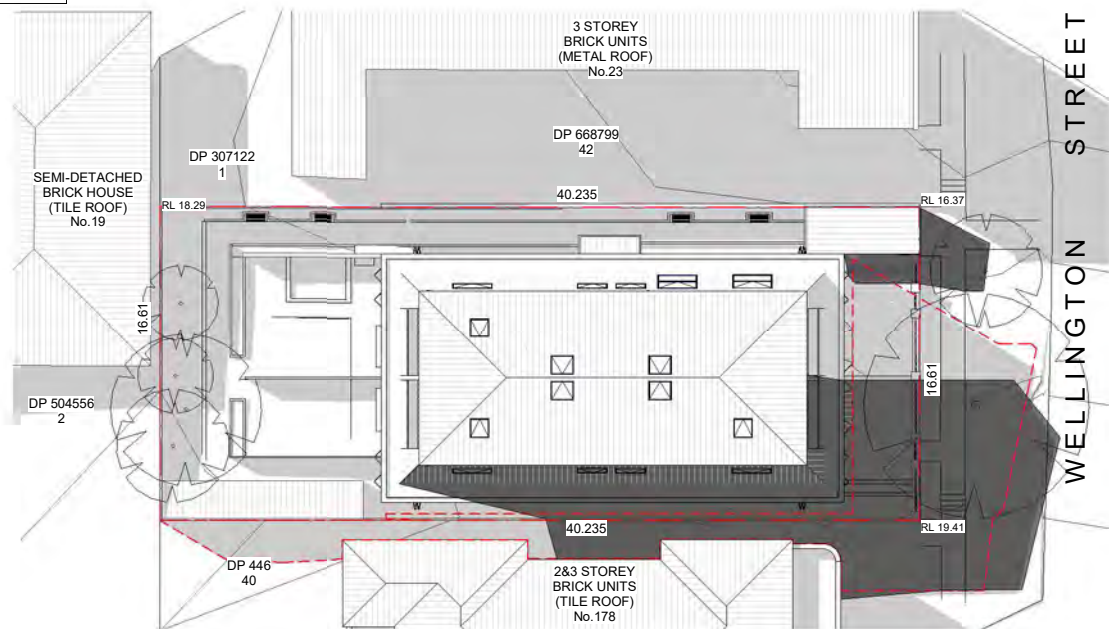
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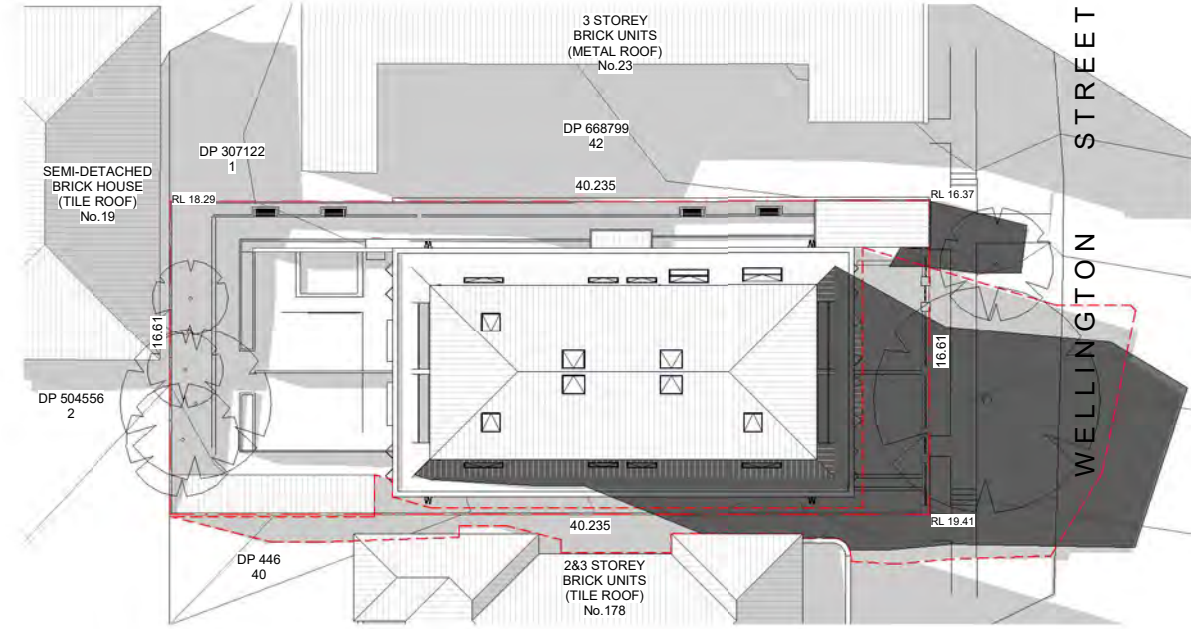
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CHECKED BY: **JP** SHEET NUMBER:

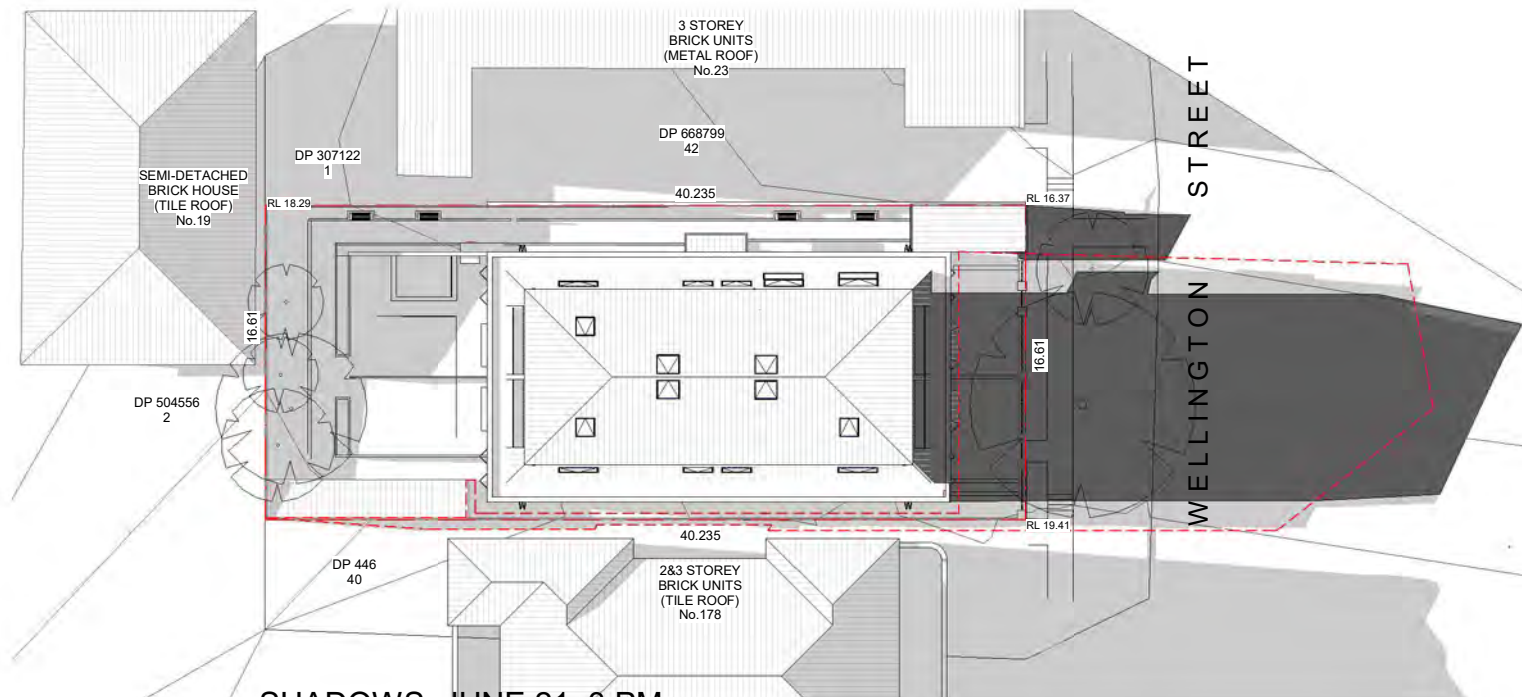
PROJECT NUMBER:
21 180 **A112**



1 SHADOWS_JUNE 21_1 PM
1 : 200



2 SHADOWS_JUNE 21_2 PM
1 : 200



3 SHADOWS_JUNE 21_3 PM
1 : 200

SHADOW LEGEND	
	NEIGHBOURS SHADOW
	EXISTING SHADOW
	PROPOSED SHADOW

0414 962 013
PO Box 197
Burrwood NSW 1805
joseph@habitationdesign.com.au
www.habitationdesign.com.au

Nominated Architect:
Joseph Panetta
NSW Architects Registration
Board No: 9505

REVISION					
ISSUE	DATE	DESCRIPTION	AUTHOR	ISSUED BY	
A	11/03/21	PRE DA DRAWINGS	JP	JP	

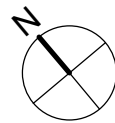
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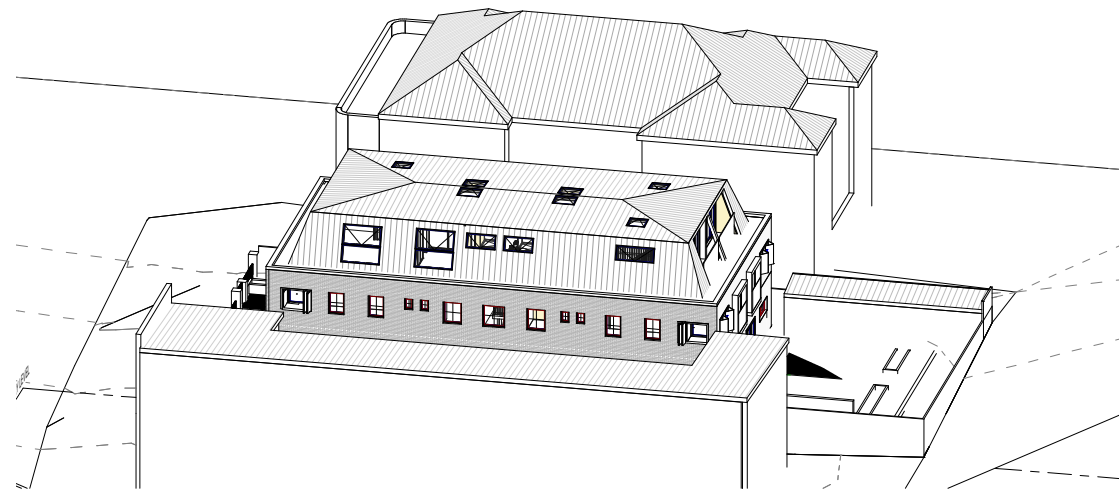
SHADOW DIAGRAM

PRELIMINARY
NOT FOR CONSTRUCTION

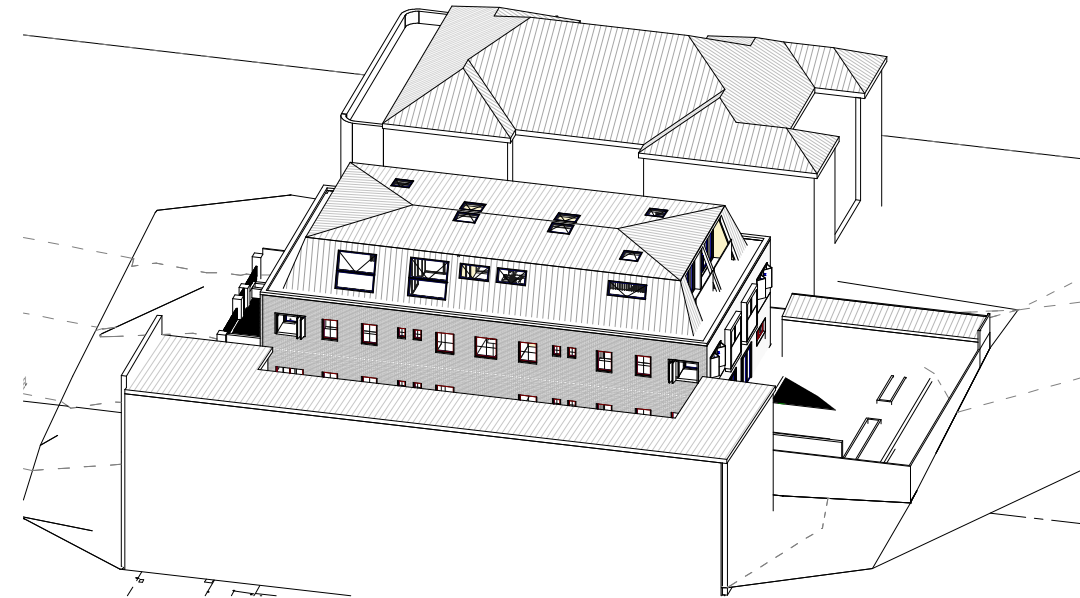


ALTERATIONS AND ADDITIONS DEVELOPMENT APPLICATION	
CLIENT:	OWNERS SP56
ADDRESS:	180 WELLINGTON STREET, BONDI

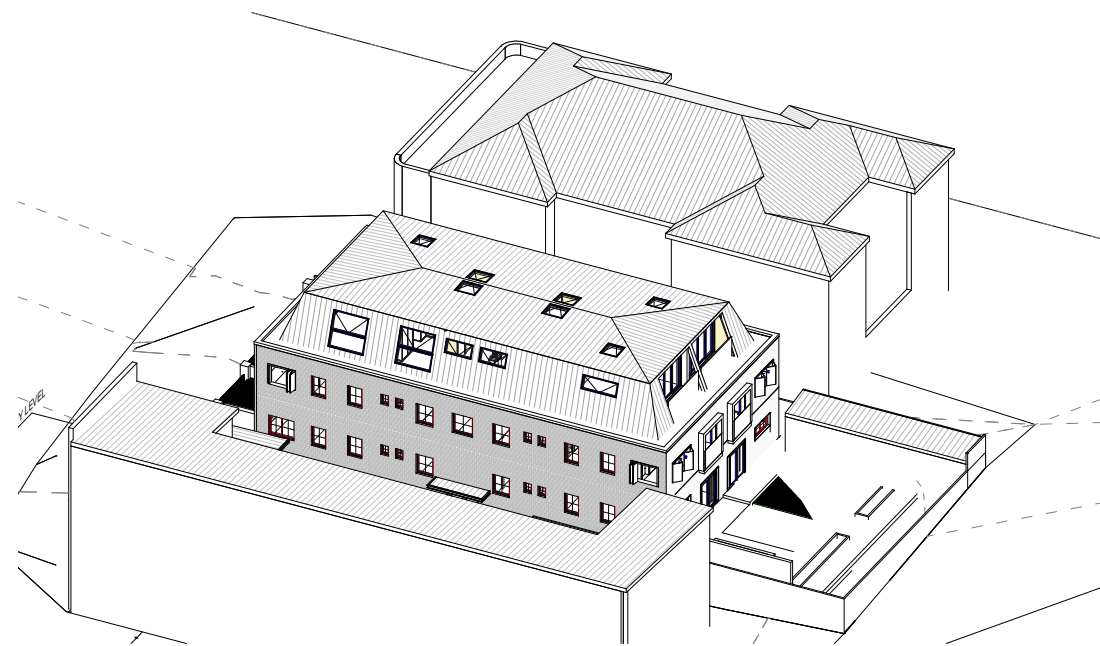
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DRAWN BY:	MS
CHECKED BY:	JP
PROJECT NUMBER:	21 180
DATE:	02/11/21
SHEET NUMBER:	A113



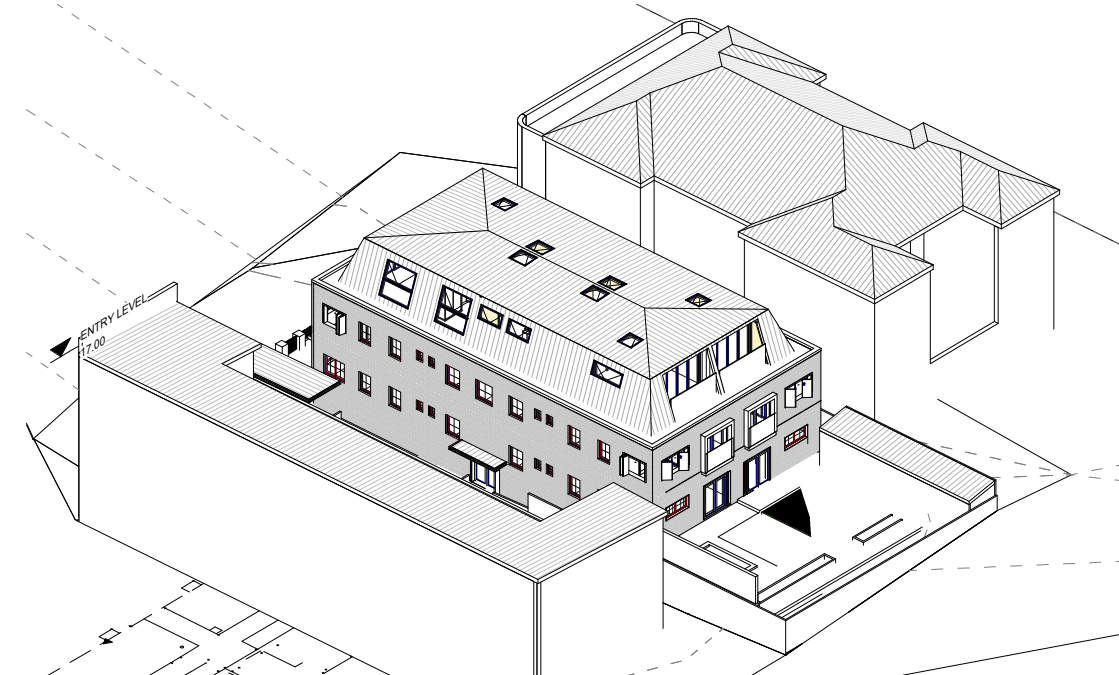
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2 Sun Eye View 21 June 10am



3 Sun Eye View 21 June 11am



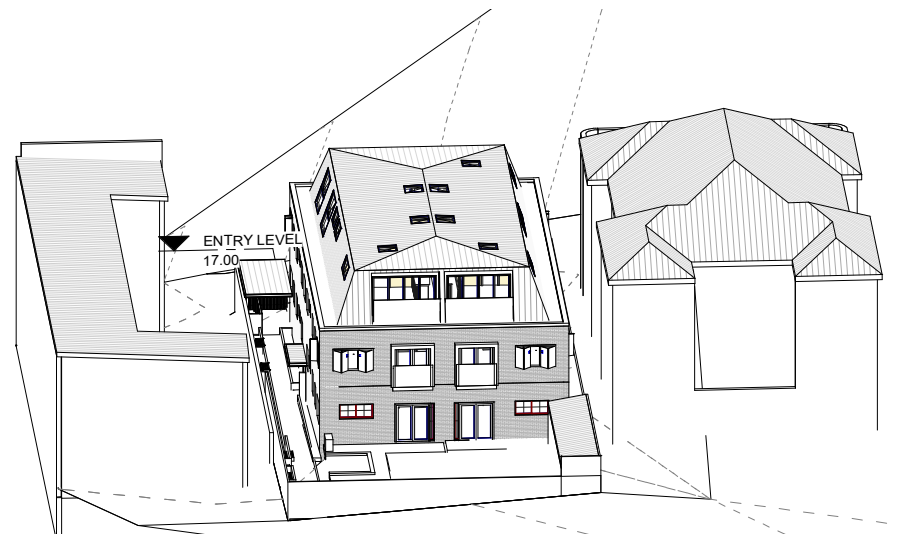
4 Sun Eye View 21 June 12NOON



1 Sun Eye View 21 June 1 PM



2 Sun Eye View 21 June 2 PM



3 Sun Eye View 21 June 3 PM

habitation
Design + Interiors

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Member
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of Architects

Nominated Architect:
Joseph Panetta
NSW Architects Registration
Board No: 9505

REVISION				
ISSUE	DATE	DESCRIPTION	AUTHOR	ISSUED BY
A	11/03/21	PRE DA DRAWINGS	JP	JP

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**SUN EYE SHADOW
DIAGRAM**

**PRELIMINARY
NOT FOR CONSTRUCTION**

**ALTERATIONS AND ADDITIONS
DEVELOPMENT APPLICATION**

CLIENT:
OWNERS SP56

ADDRESS:
180 WELLINGTON STREET, BONDI

SCALE @ A1:		DATE: 02/11/21	
SCALE @ A3:		SHEET NUMBER:	
DRAWN BY:	MS		
CHECKED BY:	JP		
PROJECT NUMBER:	21 180	A117	

LANDSCAPE DEVELOPMENT APPLICATION

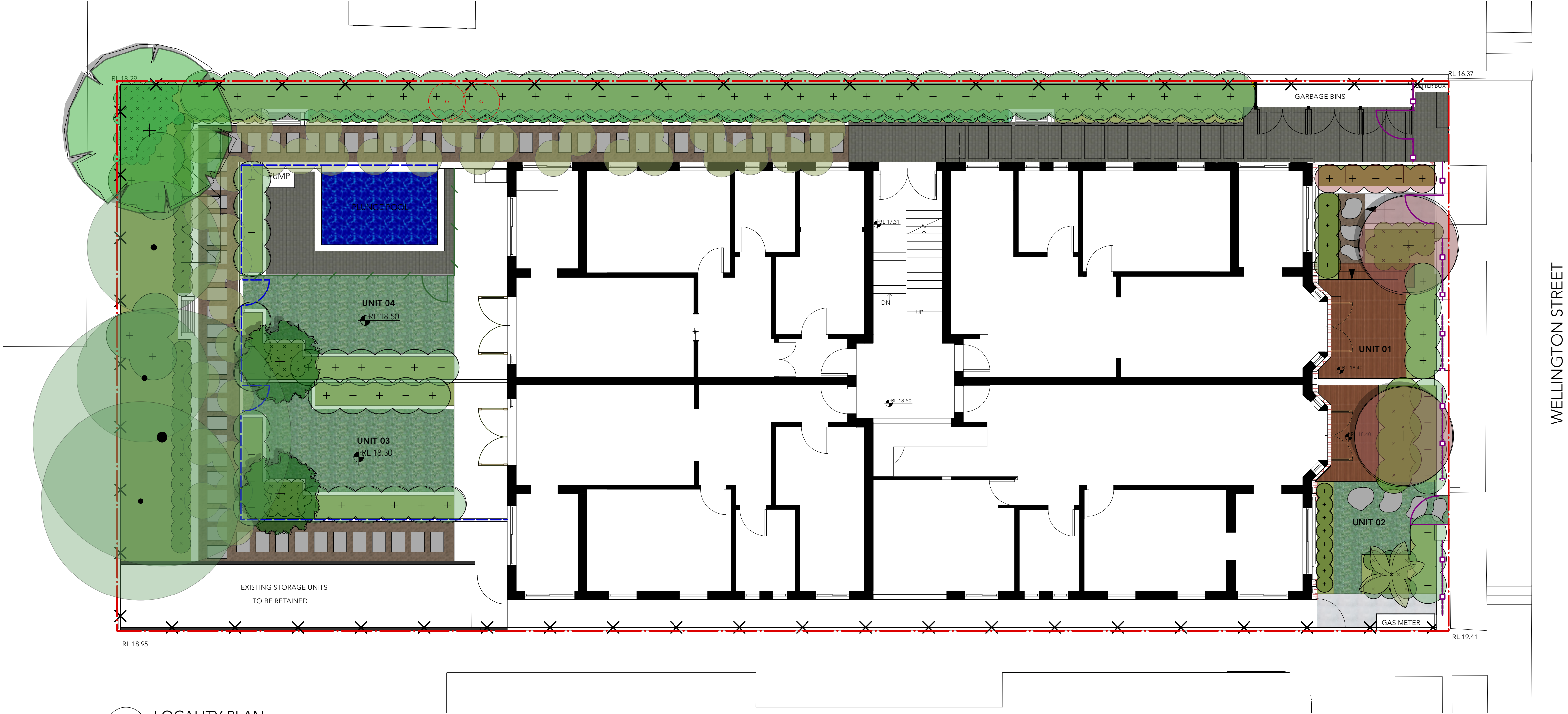
ALTERATIONS & ADDITIONS TO RESIDENTIAL FLAT BUILDING
180 WELLINGTON STREET
BONDI NSW

DRAWING SCHEDULE	
SHEET	TITLE
LDA000	COVER PAGE
LDA100	LANDSCAPE PLAN
LDA200	LANDSCAPE SECTIONS



2 LOCALITY PLAN
Scale: 1:75

180 WELLINGTON STREET

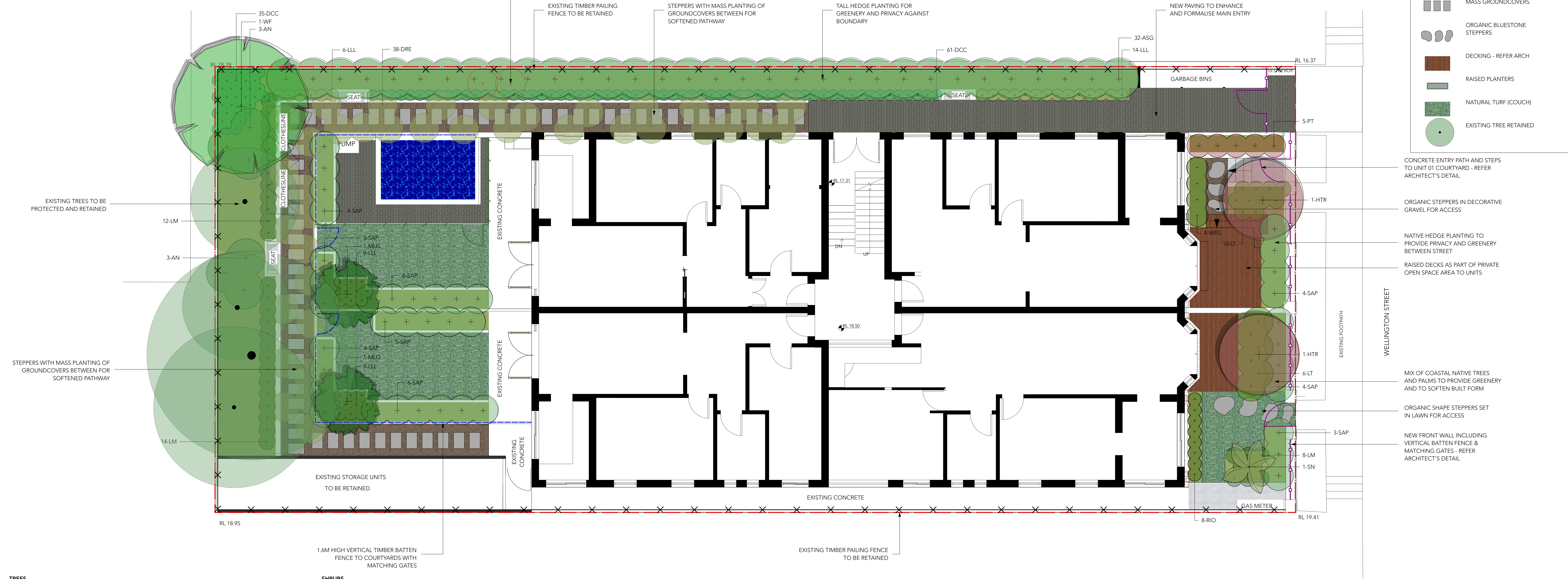


2 LOCALITY PLAN
Scale: 1:75

Proposed Plant Schedule					
ID	Qty	Botanical Name	Common Name	Size	Height x Spread (mm)
Trees					
HTR	2	Hibiscus tiliaceus 'Rubra'	Red Cottonwood	75h	4000x3000
MLG	2	Magnolia grandiflora 'Little Gem'	Magnolia	Transplanted	4000x3000
WF	1	Waterhousea floribunda	Waterhousea	75h	8000x6000
Shrubs					
ASG	32	Acmena smithii 'Goodbye Neighbour'	Lillypilly	200mm	6000x3000
AN	6	Asplenium nidus	Birds Nest Fern	200mm	1500x1500
PT	5	Phormium tenax	Flax	200mm	1200x1200
RIO	8	Raphioloipsis indica 'Ornamental Pearl'	Indian Hawthorn	200mm	900x800
SM	1	Strelitzia reginae	Giant Bird of Paradise	45h	2500x1500
SAP	39	Syzygium australe 'Pinnacle'	Lillypilly	200mm	4000x1500
WFG	4	Westringia fruticosa	Coastal Rosemary	200mm	800x800
Grasses & Groundcovers					
DCC	96	Dianella caerulea 'Cassa Blue'	Blue Flax Lily	140mm	400x400
DRE	38	Dichondra repens	Kidney Weed	140mm	100x1000
LM	34	Liriope muscari 'Evergreen Giant'	Evergreen giant	140mm	600x600
LL	38	Lomandra longifolia 'Labill'	Lomandra Cv	140mm	450x450
LT	16	Lomandra tanika	Lomandra	140mm	600x600
Total	322				

- LANDSCAPE DESIGN PRINCIPLES**
- NATIVE PLANTING PALETTE TO BLEND WITH NATURAL COASTAL ENVIRONMENT
 - LOW WATER USE PLANTING FOR WATER SAVING
 - LOW MAINTENANCE PLANTING PALETTE FROST AND DROUGHT TOLERANT
 - TREES TO PROVIDE SHADE AND GREENERY AND TO SOFTEN BUILT FORM
 - TALL HEDGE/ SHRUB PLANTING TO SOFTEN AND DISGUISE NEIGHBOURING PROPERTIES
 - ALL MASS PLANTING AREAS INCLUDING 75mm DEPTH NATIVE MULCH

RECEIVED
Waverley Council
Application No: DA-300/2022
Date Received: 19/07/2022



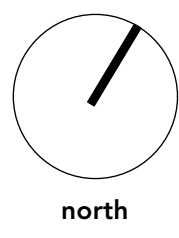
- LEGEND**
- BOUNDARY
 - 1.6m VERTICAL TIMBER BATTEN FENCE
 - RENDERED WALL AND VERTICAL BATTEN FENCE - REF ARCH
 - 1.2m POOL FENCE
 - EXISTING TIMBER PAILING FENCE
 - UNIT PAVING
 - STEPPERS BETWEEN MASS GROUNDCOVERS
 - ORGANIC BLUESTONE STEPPERS
 - DECKING - REFER ARCH
 - RAISED PLANTERS
 - NATURAL TURF (COUCH)
 - EXISTING TREE RETAINED



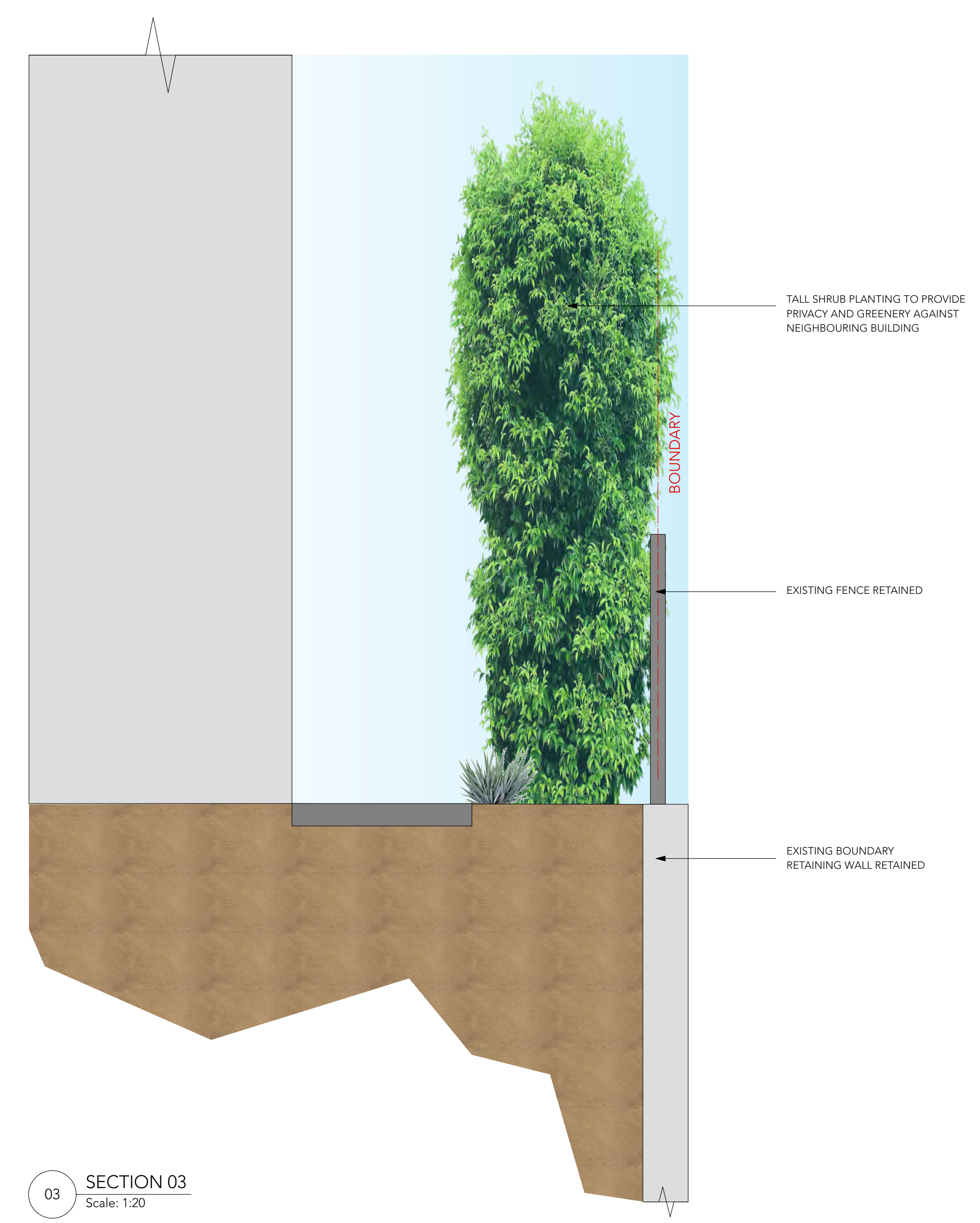
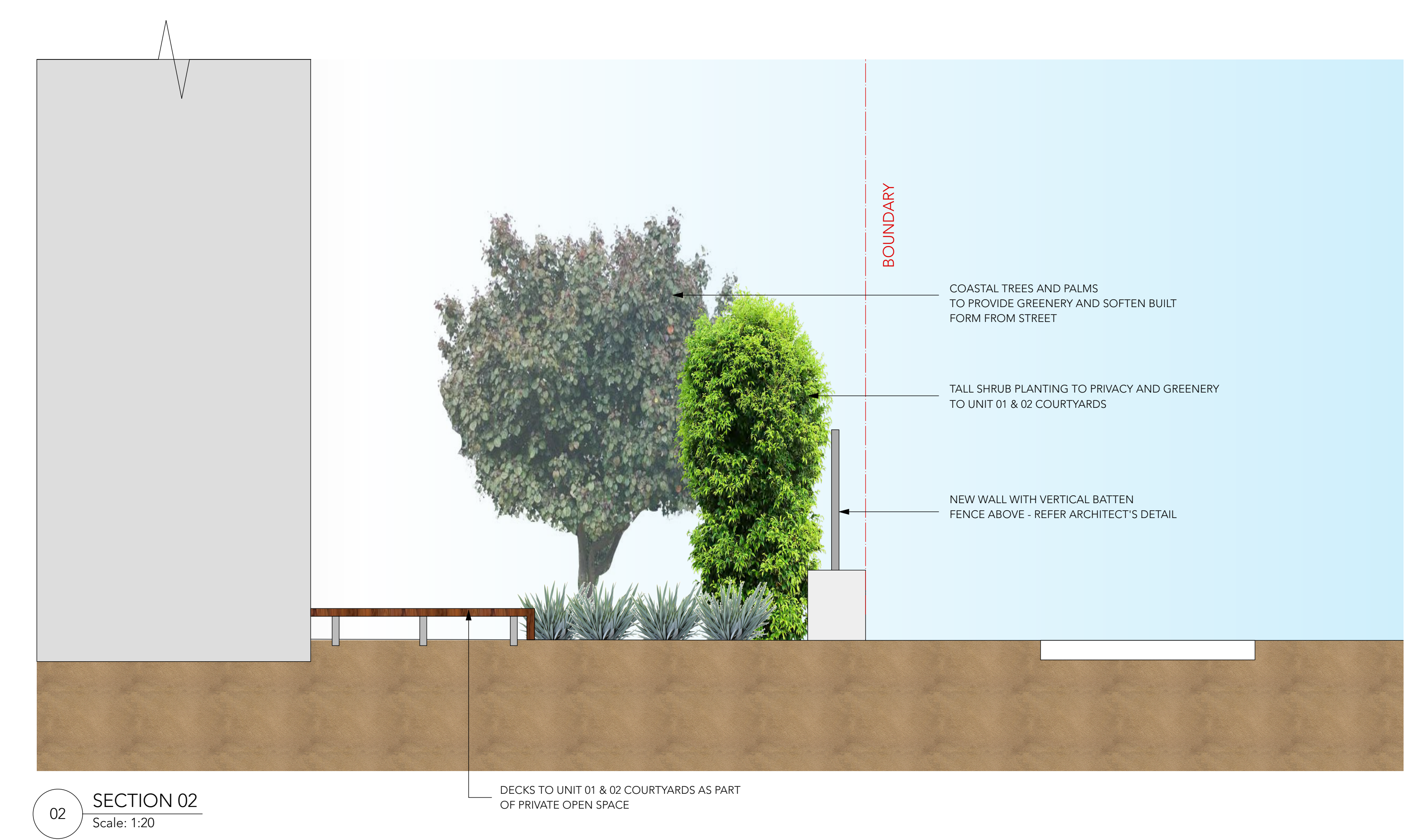
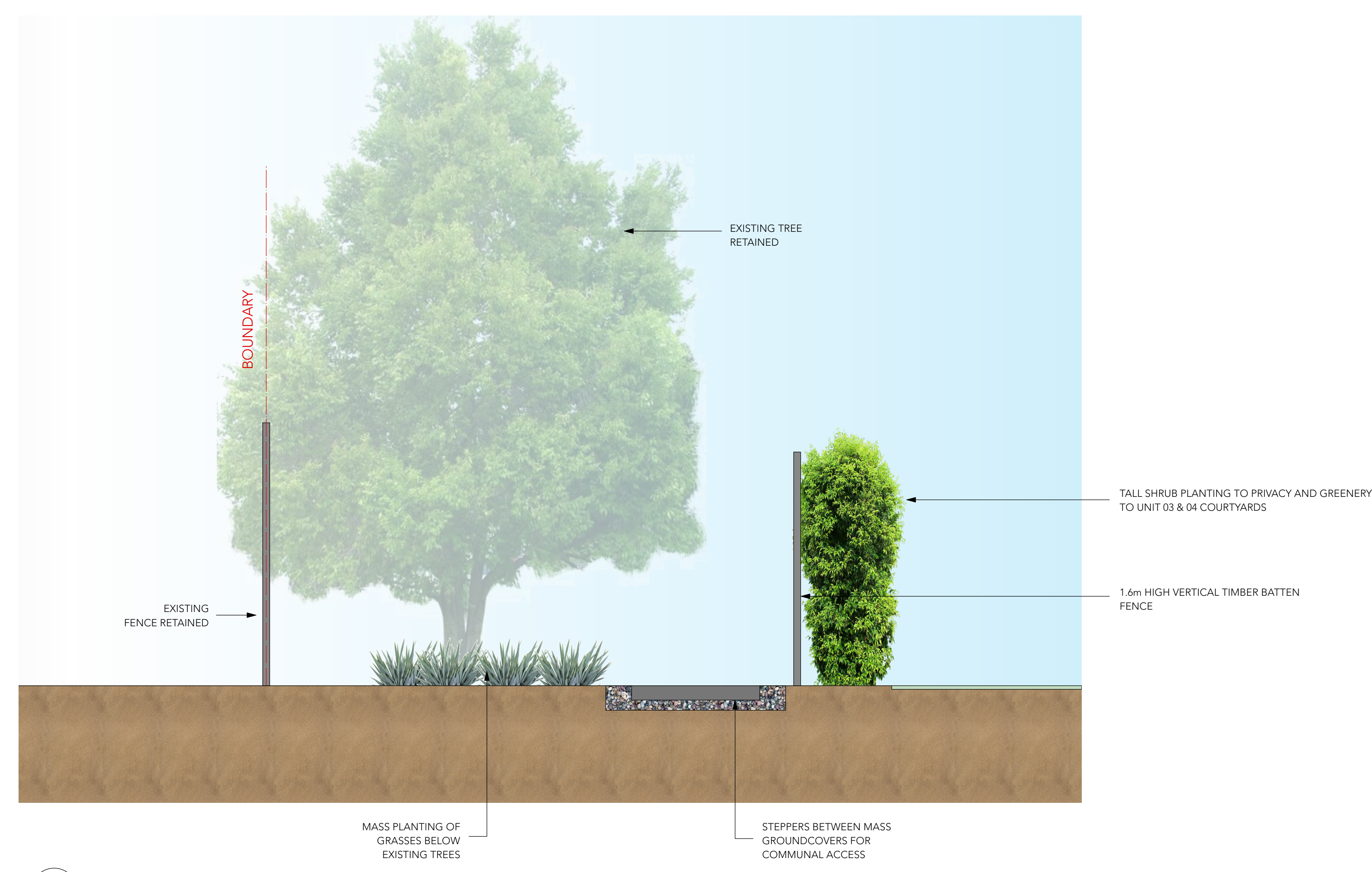
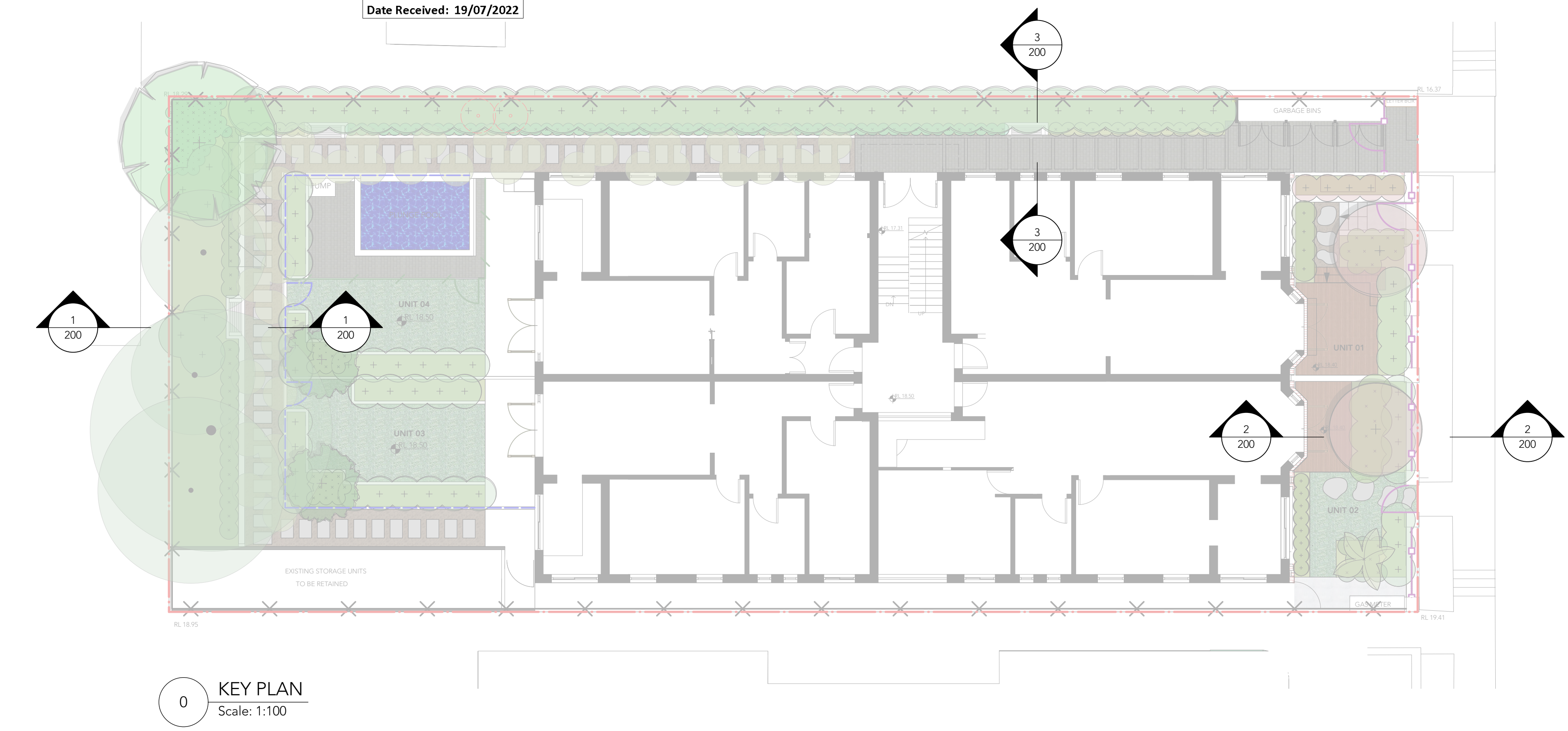
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Landscape Plan

project:
Wellington St
Alterations & Additions
site address:
180 Wellington Rd
Bondi NSW

revisions:
0 Draft for Review 18/11/2021
1 For Submission 22/11/2021
2 For Submission 24/11/2021



dwg no: LDA100
Project no: 2123
rev: 2
date: 24/11/2021
scale: 1:50 @A0





Report to the Waverley Local Planning Panel

Application number	DA-296/2019/B
Site address	97 Glenayr Avenue, BONDI BEACH
Proposal	Modifications including internal reconfiguration, additional studio apartments, conversion of a two-bedroom unit to an adaptable unit and various other alterations.
Description of Approved Development	Demolition of existing building and construction of a new three-storey shop top housing building with integrated basement parking
Date of lodgement	7 July 2022
Owner	RNB Glenayr Pty Ltd
Applicant	RNB Property Group
Submissions	One submission (not an objection)
Amended cost of works	\$2,994,835
Principal Issues	<ul style="list-style-type: none"> • Building height; • Residential amenity; • Deep soil landscaped area.
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The modification application seeks to modify development consent, known as DA-296/2019 and as further amended for demolition of the dwelling and construction of a new three-storey shop top housing building with integrated basement parking, at the site known as 97 Glenayr Avenue, BONDI BEACH. In summary, the proposed modifications include:

- Replace car lift with driveway ramp to access basement level via Glenayr Lane and parking for seven vehicles including two accessible spaces and three motorcycle spaces;
- Reconfiguration of the ground floor level, including courtyard breakout space to the rear of the site with barbeque and garden;
- Reconfiguration of the residential lobby, additional landscaped planters, bicycle parking, accessible bathroom, retail/business bin storage area and OSD/plant room;
- Residential level one amended to provide one x two bedroom adaptable unit and four studio apartments (second floor level unit mix retained as approved with one adaptable two bedroom unit);
- Clerestory windows at roof level at a maximum height of RL 23.73, ten residential air conditioning units, four skylights and 29 solar panels.

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

- Building height;
- Residential amenity;
- Deep soil landscaped area.

The assessment finds these issues are now acceptable as the height of the clerestory windows have been reduced to not exceed the approved height. In addition, residential amenity issues have been addressed through internal reconfiguration, improving privacy and outlook of the middle studio units and the provision of landscaped planters have been increased across the site. There is no deep soil planting proposed; however, this was as approved by the Land and Environment Court (LEC) as discussed in further detail in the report.

Modified and new conditions of consent are recommended to align with the current standard conditions of consent and to capture additional elements under the modification application.

One submission was received in relation to accessing the 3D Digital model of the proposed modification, but no detailed submission was received in relation to the application.

The application has been assessed against the relevant matters for consideration under section 4.56 of the *Environmental Planning and Assessment Act 1979* and is recommended for approval subject to conditions of consent.

1.2. Site and Surrounding Locality

A site visit was carried out on 8 November 2022.

The site is identified as Lot 1 in DP 1012730, known as 97 Glenayr Avenue, BONDI BEACH and has an area of 439.9m². The site is occupied by a single storey brick building, comprising a retail shop. Vehicular access is provided at the rear of the site via Glenayr Lane.

The site is adjoined by a two storey dual occupancy building to the north and the Beach Road Hotel to the south. The Beach Road Hotel's drive through bottle shop is located immediately adjacent to the site's southern side boundary.

The site is within a medium density residential area which comprises a mix of commercial, retail and residential uses within the locality.

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



Figure 1: Subject site viewed from frontage



Figure 2: Subject site viewed from Glenayr Lane



Figure 3: Beach Road Hotel, located immediately to the south of the site



Figure 4: Two storey dual occupancy, north of the site

1.3. Details of Approved Development

The original development application, known as DA-296/2019 for demolition of the existing building and construction of a new four-storey shop top housing development comprising one basement level, ground level commercial space and residential above, was approved on 17 March 2021 by the LEC.

A s4.56 modification application was determined as follows:

- DA-296/2019/A, Modification to delete Condition 51 Energy Efficiency, removing the requirement for an Energy Assessment Report to be prepared, based on a revised cost of works. The modification application was approved on 21 June 2021.

1.4. Proposal

The modification application has been submitted under section 4.56 of the *Environmental Planning and Assessment Act 1979*. It seeks consent for the following modifications, as amended, to the approved development:

- Basement level:
 - Replace car lift with driveway ramp to access basement level via Glenayr Lane;
 - Parking for seven vehicles including two accessible spaces and three motor cycle spaces;
 - Increased residential bin storage area;
 - Eight storage cages for each studio unit.
- Ground floor level:
 - Retail/business premises facing Glenayr Avenue and separate residential entry on the northern side frontage;
 - Reconfiguration of the courtyard breakout space to the rear of the site and barbeque garden included;
 - Reconfiguration of the residential lobby to central location
 - Increase in planter boxes;
 - 12 bicycle parking spaces;
 - Reconfiguration of accessible bathroom, retail/business bin storage area and OSD/plant room.
- First floor level:
 - Amended from two x 2-bedroom unit to one x 2-bedroom adaptable unit;
 - Amended from two studios to four studio apartments;
 - Internal circulation, stairs and lift reconfigured to middle of the building.
- Second floor level:
 - One x 2-bedroom unit adaptable (as approved);
 - Four studio apartments (as approved).
- Roof level:
 - Maximum RL 23.73 at the ridges of clerestory roof;
 - Permitter parapet as approved at RL 22.97;
 - Lift overrun as approved at RL 23.62;

- Non-trafficable roof as approved at RL 22.70;
- Ten residential air conditioning units;
- Four skylights and 29 solar panels.

The applicant seeks to delete and/or amend a number of conditions from the development consent to reflect the amendments made under this modification application. The relevant conditions, requested amendments and Council's assessment/comment is provided in **Table 1**:

Table 1: Requested amendments to conditions of consent

Condition	Requested amendment	Council comment
1. Approved Plans and Documentation:	<i>Condition 1 of the development consent relates to the approved architectural plans and documentation. It is proposed to modify this condition to reflect the proposed design changes which form part of this modification.</i>	The list of approved plans and documentation has been updated to reflect the modified application.
2. General Modifications <i>The application is approved subject to the following plan amendments;</i> <i>(a) The awning at the front of the property shall extend across the entire width of the site, and be set in from the kerb by 600mm. Details to be shown on plan.</i> <i>(b) A detailed cross section of the façade is to be provided, at a scale of 1:50.</i> <i>(c) An updated schedule of materials and finishes is to be provided of all elements of the building façade;</i> <i>(d) In order to reduce the potential privacy impacts to and from the proposed development:</i> <i>i. The southern corridors along the southern boundary at first and second floor levels shall be provided with louvres on the southern elevation (between balustrade and ceiling slab) that are 50% open (measured in elevational plane area), fixed and angled towards the sky to allow light to penetrate. The selected material for the louvres shall be</i>	<i>The existing condition relates to the previously approved scheme's southern corridor, and front façade. It also requires an awning at the front of the building and a schedule of materials and finishes, both of which have been provided.</i>	a) Satisfied by the modification application. The awning at the front of the property has been provided across the width of the site and set in from the kerb by 600mm. Details are shown on the plan. b) A detailed cross section of the façade has not been provided to date and is therefore to remain on the consent. c) Satisfied by the modification application. An updated schedule of materials and finishes has been provided with the modification application. d) Condition (d) (i) & (ii) are deleted from the consent as they are not relevant to the modification.

Condition	Requested amendment	Council comment
<p><i>maintenance free and in a finish complementary to the overall architecture of the development.</i></p> <p><i>ii. The boundary wall along the northern elevation of building (extending from front boundary to vehicle entry at rear) at ground level shall be solid up to the first floor floor slab – RL 16.22. The selected material for the solid wall finish shall be complementary to the overall architecture of the development.</i></p>		
<p>18. Side Walls Visible from Glenayr Avenue</p> <p><i>Side walls visible from Glenayr Avenue are to be of a high architectural standard and treated to provide visual interest utilising a variation of maintenance free materials, colours, and textures. Full coloured elevational details are to be provided for the prior approval of Council's Manager, Development Assessment (or delegate) prior to issue of the relevant Construction Certificate.</i></p>	<p><i>The existing condition relates to the appearance of side walls. The proposal includes details of the design treatment of these walls as part of drawings submitted....</i></p> <p><i>We respectfully request the existing condition is deleted, as it is no longer required.</i></p>	<p>This condition may be deleted as the modified proposal includes appropriate side wall treatment, including hit and miss brick work and high quality materials and finishes.</p>
<p>20. Basement Storage</p> <p><i>The basement level/s are to provide separate and secure storage areas (in the form of lockable storage cages or the like), allocated to each apartment in the development for larger bulkier items (surfboards, boxes, camping equipment etc.) which are not suited to be stored within each individual apartment. Storage is to be allocated to individual units in accordance with the requirements of the Waverley Development Control Plan 2012 and Apartment Design Guide.</i></p> <p><i>Each individual residential unit is to be allocated at least one storage area and not include resident bicycle parking.</i></p>	<p><i>The existing condition relates to separate storage areas for each dwelling. In this instance the two-bedroom units provide sufficient storage area within the unit, and therefore, do not require basement storage.</i></p> <p><i>We respectfully propose amendment of the condition with the addition of the words 'studio apartment', inserted as follows: 'allocated to each studio apartment in the development for larger bulkier items....Storage is to be allocated to individual studio apartments in accordance with the requirements'</i></p>	<p>Internal is not adequate for storage of bulky items and therefore the condition is to remain and is relevant to all residential units. A general modification condition is recommended to require the basement to include storage cages for both two-bedroom units as well as the studio apartments.</p>

Condition	Requested amendment	Council comment
<p>26. Noise - Acoustic Report</p> <p><i>An acoustic investigation of the proposed mechanical plant and equipment including car lift and turn table shall be undertaken by a suitably qualified acoustic consultant describing and assessing the impact of noise emissions from the proposal. The report is to be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate. The investigation shall include, but not be limited to:</i></p> <p><i>(a) The identification of sensitive noise receivers potentially impacted by the proposal;</i></p> <p><i>(b) The quantification of the existing acoustic environment at the receiver locations (measurement techniques and assessment period should be fully justified and in accordance with relevant Australian Standards and the NSW Environment Protection Authority (EPA) requirements);</i></p> <p><i>(c) The formation of a suitable assessment criteria having regard to the guidelines contained in the NSW EPA Industrial Noise Policy;</i></p> <p><i>(d) The identification of operational noise producing facets of the development 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;</i></p> <p><i>(e) A statement indicating that the development/use will comply with the relevant criteria together with details of acoustic control</i></p>	<p><i>The existing condition relates to an Acoustic report requirement for the now-deleted car lift & turntable. A simple driveway ramp is proposed instead.</i></p> <p><i>We respectfully request the existing condition is deleted, as it is no longer required, when Conditions 89 Acoustic Report Recommendations, 99 Plant and Equipment, 111 Noise – Mechanical Plant, and 112 Noise Emissions will provide the information required by Council.</i></p>	<p>Deletion of the condition is not supported. Given that the acoustic report submitted with the original application has not been updated as part of this modification and was undertaken in 2019, it is recommended that condition 26 be retained, but amended to delete reference to the car lift.</p>

Condition	Requested amendment	Council comment
<i>measures that will be incorporated into the development/use, will not create adverse noise impacts to surrounding development.</i>		
<p>35. Construction Traffic Management Plan</p> <p><i>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...</i></p>	<p><i>The existing condition relates to a CTMP which has already been submitted to and approved by Council...</i></p> <p><i>We respectfully request the existing condition is deleted, as it is no longer required.</i></p>	<p>The requirement to submit a Construction Traffic Management Plan (CTMP) for approval is to be retained.</p> <p>While the CTMP has been previously submitted and approved by Council, the condition is to be retained so that any potential amendment to the previous version may be captured and enforced.</p>
<p>36. Long Sections of Driveway</p> <p><i>Long sections drawn along both edges of the driveway shall be submitted to Council for the approval of the Executive Manager, Infrastructure Services (or delegate) prior to issue of the Construction Certificate.</i></p> <p><i>The long section drawings shall:</i></p> <p><i>(a) Be drawn at a scale of 1:25</i></p> <p><i>(b) Include reduced levels (RLs) of the Glenayr Lane carriageway, the kerb and gutter, footpath and paving within the property and the car park floor.</i></p> <p><i>(c) Include existing and design levels.</i></p> <p><i>(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.</i></p> <p><i>(e) Show all paving on Council's land being sloped/ drained towards the roadway.</i></p>	<p><i>This condition relates to driveway sections and details, provided as part of the modification application.</i></p> <p><i>We respectfully request the existing condition is deleted, as the information has been provided, as part of this modification application.</i></p>	<p>This condition has been satisfied and may be deleted.</p>

Condition	Requested amendment	Council comment
<p>37. Vehicular Access Control System</p> <p><i>The car lift is to be programmed to automatically revert to and dwell on the street level with the door closed. The car lift is to be operated with remote control by residents and discreet LED lights on both levels are to advise drivers of the status of the lift operation on the vehicular driveway in order to minimise the incidence of more than one vehicle being in the car lift at any one time and to give priority to those entering the car park. Details are to be shown on the plans prior to the issue of the Construction Certificate.</i></p>	<p><i>This condition relates to the car lift access system. The car lift has been deleted as part of the modification and replaced by a ramped driveway.</i></p> <p><i>We respectfully request the existing condition is deleted, as it is no longer required.</i></p>	<p>This condition relates to the operation of the car lift, which has been removed from the application. The condition can be deleted.</p>
<p>38. Car Parking Allocations</p> <p><i>A total of 7 car vehicle parking spaces are to be provided, including the following:</i></p> <p><i>(a) Minimum of 1 accessible parking space.</i></p> <p><i>(b) Minimum of 1 retail parking space</i></p> <p><i>(c) Maximum of 6 residential parking spaces.</i></p> <p><i>The resident car parking spaces are to be allocated with the rates specified in the DCP, with no more than 2 spaces allocated to any residential unit/dwelling with 3 or more bedrooms. All car spaces and to be appropriately signposted and parked.</i></p> <p><i>Accessible parking spaces are to be designed in accordance with Australian Standard AS2890.6 - 2009 Off Street Parking for People with Disabilities.</i></p> <p><i>Car parking spaces shall not be independent lots, but rather part lots attached to units in any future Subdivision Plans.</i></p>	<p><i>We respectfully request the second paragraph of the existing condition is amended as follows:</i></p> <p><i>The resident car parking spaces are to be allocated with no more than one space allocated to any residential unit/dwelling. All car spaces are to be appropriately signposted.</i></p>	<p>Condition modified as per Council's traffic referral advice.</p>

Condition	Requested amendment	Council comment
<p><i>Details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.</i></p>		
<p>39. Bicycle Parking</p> <p><i>A total of 11 bicycle parking spaces are to be provided, including 9 for residents, 1 for residential visitors and 1 for retail. Such spaces are to be provided by way of a secure lockable area, individual lockers or suitable bicycle racks and are to be located within the ground floor foyer or adjacent, within any forecourt or within the basement car parking area.</i></p> <p><i>Details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.</i></p>	<p><i>The following conditions relate to bicycle and motorcycle parking. They require updating to reflect the current proposal.</i></p> <p><i>We respectfully request the numbers listed in above conditions are amended to reflect the changes made to parking under the current modification proposal.</i></p>	<p>Condition 39 is modified to reflect the provision of 12 bicycle parking spaces to be provided, including 10 for residents, 1 for residential visitors and 1 for retail.</p> <p>Condition 40 is modified to reflect a minimum of two motorcycle parking spaces is to be provided within the basement car parking area.</p>
<p>40. Motorcycle Parking</p> <p><i>A total of 2 motorcycle parking spaces are to be provided within the basement car parking area. Details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.</i></p>		
<p>41. Stormwater Drainage Plans</p> <p><i>The stormwater management plans and additional information shall be amended to reflect the architectural plans referred to in condition 1 of this development consent, and shall be submitted to the satisfaction of Council's Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant construction certificate.</i></p> <p><i>Further, the storm water management plans shall be amended to accord with the following requirements:</i></p> <p><i>(a) As the Permissible Site Discharge is less than 25L/s,</i></p>	<p><i>The condition relates to requirements for stormwater management plans. The submitted stormwater management plans are the result of extensive consultation with Council's engineers. No further re-submission should therefore be required.</i></p> <p><i>We respectfully request the existing condition is deleted, as the plans now reflect Council's requirements.</i></p>	<p>Deletion of Condition 41 is not supported. Significant amendments have been made to the stormwater management plans since previously approved in July 2022. Condition 41 is to be amended as detailed in the modified Notice of Determination.</p>

Condition	Requested amendment	Council comment
<p>stormwater outlet is to be connected to the street kerb and gutter in accordance with the requirements set out in Section 3.1.1 of Waverley Council's Water Management Technical Manual. Thus, ensure the stormwater outlet is directly to the kerb face.</p> <p>(b) Under the current design, the orifice diameter to be 95mm.</p> <p>Note: Since a sewer main runs through the property, plans must also be presented to a Sydney Water Quick Check Agent for their approval.</p>		
<p>43. Public Infrastructure Works (c)</p> <p><i>c) Street Trees: A minimum one street tree must be planted along Glenayr Avenue frontage. Cutouts in the awning shall be provided to accommodate future tree growth. All new trees proposed within the Council verge will require the installation of suitable tree pits, surrounds and root cell barriers as per the Waverley Council Public Domain Technical Manual. The chosen tree species and location shall not interfere with the wheel swept path or obstruct the proposed vehicular crossing.</i></p> <p><i>All proposed tree species, locations, tree sizes and location and design of the root cells barriers must be submitted and approved by Council Officer prior to commencement of public domain works. Council shall be contacted at the time of installing the root cell barriers prior planting the new trees.</i></p>	<p><i>We seek amendment to part (c)...acknowledgement of the information provided in this modification.</i></p> <p><i>This is in response to the Council Tree Management Officer requirement that the new street tree be a Tristaniopsis laurina (Kanooka or Water Gum) [reference: Council letter of 19 October 2022].</i></p> <p><i>The modified condition would amend the last sentence of the first paragraph as follows: The location of the species nominated by Council, Tristaniopsis laurina (Kanooka or Water Gum), shall and delete the first sentence of the second paragraph.</i></p>	<p>Modification to Condition 43 (c) is supported subject to amended wording as proposed by Council's Tree Management officer. All other parts of Condition 43 remain unchanged.</p>
<p>44. Awnings over the Public Domain</p> <p><i>(a) A continuous awning along the entire frontage of the site to Glenayr Avenue (that is, extending from north to south side</i></p>	<p><i>The modification application includes an awning and street tree.</i></p> <p><i>We respectfully request the existing condition is deleted, as the information has been</i></p>	<p>Deletion of Condition 44 is supported. Infrastructure Services Team assessed the amended Architectural (DWG S455 000 to S455 900, Issue G, dated 01/11/2022); amended Schedule of</p>

Condition	Requested amendment	Council comment
<p><i>boundaries) shall be provided for weather protection for pedestrians.</i></p> <p><i>(b) Awnings shall be a minimum of 3.5m above the footpath level and offset a minimum of 600mm behind the kerb.</i></p> <p><i>(c) Awning design shall match the building façade materials and finishes.</i></p> <p><i>(d) Awnings shall provide cut outs for to allow for existing and future tree growth for the street trees.</i></p> <p><i>(e) The support columns for the awning shall be constructed so as not to encroach forward of the property boundary.</i></p> <p><i>Details to be submitted and approved by the Executive Manage, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.</i></p>	<p><i>provided. Therefore, the condition is no longer required.</i></p>	<p>Material and Finishes plans (DWG S455 400, Issue E, dated 1/11/2022) prepared by PBD Architects (Project No. 2201) for S4.55 Modification, and the submitted amended plans are satisfactory.</p> <p>Future public domain design plans are to demonstrate the exact location of the awning over the Council road reserve and public land.</p>
<p>45. Street Plantings – Glenayr Avenue</p> <p><i>All work outside the property boundary are to be carried out with the approval of, and in accordance with, the requirements of Council at the applicant's expense. Such works shall comply with the following:</i></p> <p><i>(a) One street tree shall be planted in the footpath along the Glenayr Avenue frontage of the site. The tree is to have a minimum pot size of 400 litres and shall be certified as grown to Natspec specifications with a minimum height of 2500mm from the top of the container to the apical tip. The tree species to be approved by Council's Strategic Tree Planning Officer. The chosen tree species and location shall not interfere with the adjacent bus stop.</i></p>	<p><i>This condition relates to the requirement for separate approval of a street tree in front of the development. The proposal now includes a street tree, and the details listed in the condition below.</i></p> <p><i>We respectfully request the condition is either deleted altogether; or amended to remove all the requirement for approvals by the Council Strategic Tree Planning Officer, prior to the issue of the relevant Construction Certificate, because all the requested information is included in the current modification application.</i></p>	<p>The condition may be deleted as the requirement for the street tree planting is incorporated in condition 43.</p>

Condition	Requested amendment	Council comment
<p><i>(b) A consulting arborist is to submit specifications and design for tree pits for the street trees with the Construction Certificate for approval by Council's Strategic Tree Planning Officer. The design is to include measures to minimise tree root conflict with any adjacent services/infrastructure and the installation of a tree guard (Derwent - available from Arborgreen) installed to manufacturer's specifications.</i></p> <p><i>(c) The consulting arborist is to provide details for cut-outs for the awning at the front of the building to allow for existing and future tree growth for these trees. This awning modification is to be shown on all submitted plans.</i></p> <p><i>Details are to be submitted to Council for approval by Council's Strategic Tree Planning Officer prior to the issue of the relevant Construction Certificate.</i></p>		
<p>46. Engineering Plans Assessment and Works Inspection Fees</p> <p><i>The applicant is to pay to Council fees for assessment of all engineering and public domain plans and inspection of the completed works in the public domain, in accordance with Council's Schedule of Fees & Charges at the time of engineering plan approval, prior to such approval being granted by Council. An invoice will be issued to the Applicant for the amount payable, which will be calculated based on the design plans for the public domain works.</i></p>	<p><i>This condition relates to further assessment of engineering and public domain works. These works have been included in the proposed modification, for assessment prior to determination.</i></p> <p><i>We respectfully request the existing condition is amended as follows:</i></p> <p><i>The applicant is to pay to Council fees for inspection of the completed works in the public domain, in accordance with Council's Schedule of Fees & Charges, prior to the inspections taking place.</i></p> <p><i>An invoice will be issued to the Applicant for the amount payable, which will be calculated based on the design</i></p>	<p>The stormwater management plans (for Construction) were assessed and approved by Infrastructure Services in July 2022 and the fee paid by the applicant. However, assessment of the modification application indicates significant amendments have been made to the approved stormwater management plans including resizing of the OSD tank, which requires reassessment and approval of the amended plans.</p> <p>Infrastructure Services will reassess the plans and re-issue approval upon</p>

Condition	Requested amendment	Council comment
	<i>plans for the public domain works.</i>	satisfaction of the submitted amended plans.
<p>54. Waste Storage Areas</p> <p><i>The development must have the following minimum number of bins for the residential and/or commercial components of the development;</i></p> <ul style="list-style-type: none"> • <i>Residential (6 X Studio Units, 3 x 2 Bedroom Units):</i> <ul style="list-style-type: none"> o <i>4 x 240L Mobile Garbage Bins (MGBs) for general waste</i> o <i>4 x 240L MGBs for container recycling</i> o <i>4 x 240L MGBs for paper recycling</i> o <i>1 x 240L MGB for garden organics should this type of waste be generated at the property</i> • <i>Commercial:</i> <ul style="list-style-type: none"> o <i>To be confirmed following the submission of a separate DA for proposed first use.</i> • <i>Include a monitoring program post-construction to monitor the frequency of collections to ensure minimal excess waste/litter issues and adjust frequency of collection accordingly. Weekly or bi-weekly collections for both waste and recycling can be discussed with Council.</i> <p><i>A minimum of 4m² is also required for the on-site storage of bulky waste and problem waste awaiting collection.</i></p> <p><i>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.</i></p>	<p><i>This condition relates to bin storage for the original proposal and should be updated to reflect the proposal.</i></p>	<p>The condition has been updated to reflect the revised unit mix. A general modification condition is included to require the bulky waste area within the basement to be a minimum of 4m² as it does not meet the requirement.</p>
<p>74. Internal Driveway Ramp – Level Certification</p> <p><i>Prior to pouring concrete on any part of the internal driveway ramp,</i></p>	<p><i>This condition relates to the car lift elevator platform level. The car lift has been deleted, as part of this modification. We request</i></p>	<p>Condition may be deleted as it relates to the car lift elevator platform level</p>

Condition	Requested amendment	Council comment
<i>documentation shall be submitted to Council for the approval of Executive Manager, Infrastructure Services (or delegate) confirming the car lift elevator platform level has been installed in accordance with the approved drawings.</i>	<i>the existing condition be deleted.</i>	which has be deleted from the plans.
<p>106. Parking</p> <p><i>(a) Ownership of car park lot spaces within the basement shall be limited to parties owning a lot within the buildings on-site.</i></p> <p><i>(b) A minimum of one car space and a maximum of two car spaces shall be allocated to any residential unit/dwelling to ensure equitable allocation overall.</i></p> <p><i>(c) Despite subclause (b) above, a maximum of two (2) residential units/dwellings shall be permitted to have no allocated car space.</i></p> <p><i>(d) Car parking spaces shall not be independent lots, but rather part lots attached to units in any future Subdivision Plans.</i></p>	<p>This condition relates to allocation of parking spaces to future lot owners.</p> <p><i>The condition is proposed to be amended as follows:</i></p> <p><i>(c) Despite subclause (b) above, a maximum of five/six residential units/dwellings shall be permitted to have no allocated car space.</i></p> <p><i>We request the condition is amended as proposed. The original condition did not reflect the number of parking spaces and dwellings. The amended condition acknowledges the proposed number of parking spaces, and their allocation reflects the number of dwellings in the modification application.</i></p>	Subsection (c) of the condition has been removed from the consent as per Council's Traffic referral advice.
<p>109. Car lift</p> <p><i>To prevent vehicle delays, the car lift mechanism is to default to the Glenayr Lane ground level when not in operation.</i></p>	<p><i>This condition relates to the operation of the car lift, which is deleted in this proposal and replaced by a driveway ramp.</i></p> <p><i>We request the existing condition is deleted, as it is no longer required.</i></p>	Condition is deleted as car lift has been removed deleted from the plans.
<p>117. Installation of air conditioning (a)</p> <p><i>To ensure that the ecological sustainable objectives are met, any air conditioning unit(s) installed within the building shall:</i></p> <p><i>(a) Be located within the basement carpark or at ground floor, in a suitably ventilated plant area. Should this not be possible, (as evidenced by certification provided</i></p>	<p><i>This condition relates to the location of air conditioning units in the basement or on the roof in the centre adjacent to the lift overrun. The location proposed is centrally on the roof, but not near the lift overrun.</i></p> <p><i>We request amendment to the condition part (a) so that the units 'Be located on the roof, in the area nominated on the</i></p>	Request to modify the condition is supported as the modified wording reflects the location of the AC units, which is appropriate.

Condition	Requested amendment	Council comment
<i>by a suitably qualified electrical engineer) then condenser units shall be located on the roof, in the centre adjacent to lift overrun (maximum 1 m height above roof level).</i>	<i>approved plans above the western Unit 201.'</i>	

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 4.56 – Modification by consent authorities of consents granted by the Court

The application is made under section 4.56 of the Act as the original consent was granted by the Court.

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

The application was publicly notified, and one submission was received, requesting access to the 3D model of the proposed modification application. Council arranged for the model to be made available to the submitter and an extension of time for the submission to be prepared and lodged. No formal submission was subsequently received.

Reasonable attempts have been made to notify each person who made a submission in respect to the relevant development application of the proposed modification.

The reasons given by the Court to give consent to the original development consent have also been considered in the assessment of this modification application.

2.2. Evaluation of Matters for Consideration under Section 4.15

In accordance with section 4.56(1A) 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 to the proposed modification and are acceptable in the assessment of this development application:

- SEPP (Building Sustainability Index – BASIX) 2004
- SEPP 65 (Design Quality of Residential Apartment Development) 2002
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021.

A detailed discussion is provided for SEPP 65:

SEPP 65 (Design Quality of Residential Apartment Development)

The application was referred to the DEAP on 7 September 2022. 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 2** of this report.

Table 2: Assessment against the Nine Design Quality Principles under SEPP 65

Principle	Panel's Comment	Planning Comment
1. Context and Neighbourhood	<i>The proposal is consistent with the emerging character of the area. Preserving active ground floor uses with improved housing opportunities.</i>	Noted and agreed.
2. Built form and Scale	<i>The proposal is consistent in massing with the current approval.</i>	Noted and agreed.
3. Density	<i>The proposal is consistent in density with the current approval.</i> <i>The middle apartment facing Glenayr Avenue suffers from the interface with the common circulation. As the mix is currently quite limited to 80% studios, the project would benefit by creating 2x 1bed units facing Glenayr Avenue. This would work from an area perspective, an increase in housing types and eliminate the bedroom on the circulation path.</i>	Council's deferral letter recommended that the applicant review the unit mix and consider the provision of one-bedroom units facing Glenayr Avenue, to address this comment. The applicant's response stated: 'Whilst many such bedrooms opening onto common area circulation have been approved by Council in the past, the privacy conflict for the bedroom has been addressed by reverting the middle studios to a more traditional design. This would retain the cross-ventilated nature of the units, whilst removing privacy and outlook issues associated with opening habitable areas onto the landing'. Council is satisfied that reconfiguration of the middle studios to a more traditional design is appropriate and

Principle	Panel's Comment	Planning Comment
		would improve the amenity of these spaces, whilst maintaining necessary cross ventilation.
4. Sustainability	<p><i>In addition to the cross ventilation noted the proposal should include ceiling fans to minimize the requirement for mechanical ventilation.</i></p> <p><i>Electric Vehicle (EV) charging provision must be integrated into the proposal.</i></p> <p><i>Solar panels have been shown and must be implemented.</i></p> <p><i>Good cross ventilation has been achieved due to open air circulation.</i></p>	<p>The amended proposal includes 29 solar panels and is considered to provide adequate cross ventilation to each unit.</p> <p>One EV charging point is required and considered appropriate to be located in the visitor parking space.</p> <p>The provision of ceiling fans and an EV charging point are recommended conditions of consent.</p>
5. Landscape	<p><i>Increased deep soil provision should be included in the rear courtyard by taking gardens to ground and adjusting the basement.</i></p> <p><i>The landscape pockets facing Glenayr Avenue should be enlarged to align with the form above and taken to ground by adjusting the basement.</i></p>	<p>The approved application does not include deep soil landscaping. Council's deferral letter recommended provision of deep soil landscaping along the western perimeter and enlarging the landscaped pockets in the site's frontage (see section 1.5).</p> <p>The applicant's response stated: '<i>due to parking and servicing requirements it is not possible to create deep soil...the proposal provides over 30m² of landscaped planters of various sizes, including 1m deep planting in the retail breakout garden</i>'...With respect to the landscaping in the front setback, '<i>due to the presence of retaining walls...and critical site services/infrastructure</i>' it was not possible to provide enlarge landscape pockets in the site's frontage.</p> <p>Given that the application was approved with nil deep soil landscaping and the modification seeks to increase the provision of landscaped planters, with some deep planting possible in the retail breakout area, the modified proposal is acceptable.</p>
6. Amenity	<i>Noting that the inclusion of outdoor space at ground level is a significant improvement over the current approval, the panel recommend that the interface between residents and</i>	<p>The applicant noted that the interface between residential and retail users was re-examined but retained as existing: '<i>Part of the quality of the entry experience...is the open, visually 'shared'</i></p>

Principle	Panel's Comment	Planning Comment
	<p><i>retail users be further considered to ensure privacy and safety for the residential entry, and to encourage active use of the street front outdoor space by other users if possible.</i></p> <p><i>The central zone for circulation is currently screened from Level 1 up, but solid at ground. This solid wall could better address the space through articulation, improved finish, hit and miss patterning or other approaches that connects it to the wall above and defines the change in built form / use internally as well as externally.</i></p> <p><i>The outlook from Unit 1.1 over the driveway ramp could be improved by some form of cover that could incorporate landscape and present a entry to the laneway.</i></p> <p><i>The residential entry should be better defined through articulation or other means.</i></p> <p><i>The riser to the west of the lift could be located behind the lift by connecting to basement over the fire door.</i></p> <p><i>The void for circulation provides an improved environment for building users. The proposal to extend the terracotta materiality in this zone connects upper levels to the ground floor and reinforces a connection to ground and public / communal spaces, and must be maintained.</i></p> <p><i>The addition of open space at ground is strongly supported</i></p> <p><i>Retail activation to street with visibility on multiple sides is strongly supported</i></p>	<p><i>nature of the breakout area'. The management plan for the property, will include provision for security and the closing off the retail area to limit access at close of business. This detail will be clarified as part of fit out and first use development application for the site.</i></p> <p>The hit and miss brickwork has been continued on the northern elevation and lowered to 1.8m above finished floor level (FFL). A condition of consent is recommended to require the two western sections of hit and miss brick work to be 2m above FFL to maintain privacy of the northern side neighbour, as the plans show this being lowered to 1.6m towards the rear of the site as the site rises to the west.</p> <p>The amended plans include a pergola over the driveway to improve the outlook from unit 1.1 and the retail breakout area.</p> <p>The residential entry gate has been moved forward to provide a clearer presence of the entry from the street and reduce potential late night security concerns.</p> <p>The riser has been relocated behind the lift.</p> <p>Other comments in relation to the void, additional breakout space and retail activation are noted and agreed.</p>
7. Safety	<p><i>The interface between residential users and others at ground could result in reduced safety. This should be reconsidered including the addition of a toilet within the retail</i></p>	<p>As above, the interface between the residential and retail uses is deliberately 'shared', allowing residents to engage in the retail offer, like those in hotels or commercial buildings. Council accepts that the plan of management for the</p>

Principle	Panel's Comment	Planning Comment
	<i>tenancy to avoid crossing the residential lift lobby.</i>	building and fit out application will provide greater clarity of these matters.
8. Housing Diversity and Social Interaction	<i>The proposal is 80% studios. In this context this could promote a lot of short stay rentals that may produce a negative social outcome. As noted above the inclusion of 1 Bedroom Apartments facing Glenayr Avenue may help address this.</i>	<p>Council recommended a review of unit mix, which was discounted by the applicant, given the conversion of the middle studio to a more traditional studio layout (bed and living space combined). The applicant also noted that by combining 2 x 35m² studios, it would result in an inappropriately large size for a one-bedroom unit and if made into a two-bedroom, it may still result in similar amenity concerns with a bedroom located on the walkway.</p> <p>Council agrees that on balance, the reconfiguration of the middle studio to a more traditional layout is a better amenity outcome. It is also noted that the approved application does not comprise one-bedroom units therefore retaining the current unit mix is acceptable in this instance.</p>
9. Aesthetics	<i>High quality, natural materials including terracotta and low profile brick with well considered detail is very important as the massing is not highly articulated. These materials must be maintained without substitution.</i>	Noted and agreed.

The DEAP concluded that with the amendments recommended in the report, the proposal is capable of meeting the design principles of SEPP 65 and achieving design excellence.

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 relevant provisions within the ADG, in relation to the modified elements of the proposal, is provided below in **Table 3**.

Table 3: 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: 	Acceptable on merit	<p>The existing building is built to the side boundaries. The approved development is to the boundary with balconies provided on northern and southern side boundaries and includes articulation of side elements.</p> <p>The modification proposes a nil side setback, with hit and miss brickwork on the northern elevation. Visual privacy to the north would be improved under the proposed modification, given the relocation of private open space of some units from northern side boundaries to face the rear and front, reducing opportunities for overlooking.</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. 	Yes	<p>70% of units receive at least 2 hours in mid-winter.</p> <p>The proposal is consistent with the remaining objectives of this part of the ADG ensuring that daylight access is satisfactory and incorporating shading in the warmer months.</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	<p>All habitable rooms are provided with at least one window for natural ventilation.</p> <p>The proposal uses a combination of full height sliding doors, awning windows, skylights and voids to achieve appropriate cross ventilation within the building.</p>
4C Ceiling heights		
<ul style="list-style-type: none"> Habitable rooms – 2.7m Non-habitable rooms – 2.4m 	Yes	<p>The ceiling heights within all units comply with the minimum requirement.</p> <p>Large voids and double height spaces are provided on the upper floor units increasing internal amenity.</p>

Design Criteria	Compliance	Comment
4D Apartment size and layout		
<p>The following minimum internal areas apply:</p> <ul style="list-style-type: none"> • <i>Studio = 35 m²</i> • <i>2 Bed = 70 m²</i> • <i>Add 5m² for each additional bathroom (above 1)</i> • <i>Add 12m² for each additional bedroom</i> <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.</p>	Yes	<p>All units have internal areas in excess of the minimum ADG requirements. In this regard, the proposed units' sizes and layout are acceptable.</p> <p>The proposal achieves compliance with the minimum glazed area to each habitable room.</p> <p>The proposed layout of the two-bedroom units is flexible. All bedrooms meet the minimum requirements in terms of dimensions and area.</p> <p>The modification application was accompanied by an adaptable housing plan, which identifies the minor works required to convert the two-bedroom units into an adaptable layout.</p> <p>All robes are a minimum length of 1.5m.</p> <p>The proposal is consistent with the objectives of this part of the ADG.</p>
4E Private open space and balconies		
<p>All apartments provide primary balcony as follows:</p> <ul style="list-style-type: none"> • Studio - 4m² (nil minimum depth) • 1-bed - 8m² & 2m depth • 2-bed - 10m² & 2m depth 	Yes	<p>Both two-bedroom units comprise two balconies, one accessed from the main living area and one from the master bedroom that meet the minimum requirements of the ADG in terms of area and depth. The studios facing Glenayr Avenue comprise front terraces in excess of the minimum ADG requirement. The studios to rear provide the minimum 4m².</p> <p>The design of the balconies and courtyards is integrated into, and contributes to, the architectural form and detail of the building. The finishes of the balconies is consistent with the contemporary palette of materials in the building overall. Screens or solid side walls are provided to enhance privacy and landscaped planters are provided within each balcony.</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	<p>Five units are accessed from the circulation core on the residential levels of the building.</p>
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 	Partial compliance, acceptable by condition	<p>The proposal provides separate storage within each apartment and a storage cage allocated to each studio apartment. The applicant notes that the two-bedroom units comprise adequate internal storage within the units; however, Council is of the view that separate storage must be provided in the basement level for all units to</p>

Design Criteria	Compliance	Comment
		allow for storage of bulky items. A condition of consent is recommended to require a separate storage cage to be provided at basement level for both two-bedroom units.

Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

The land use definition of the approved development as shop top housing remains unchanged and continues to be permitted development in the B1 Neighbourhood Centre zone under Waverley LEP 2012.

The quantities of the approved development, as proposed to be modified, remain unchanged in relation to principal development standards under Waverley LEP 2012. All other relevant provisions of Waverley LEP 2012 remain compliant.

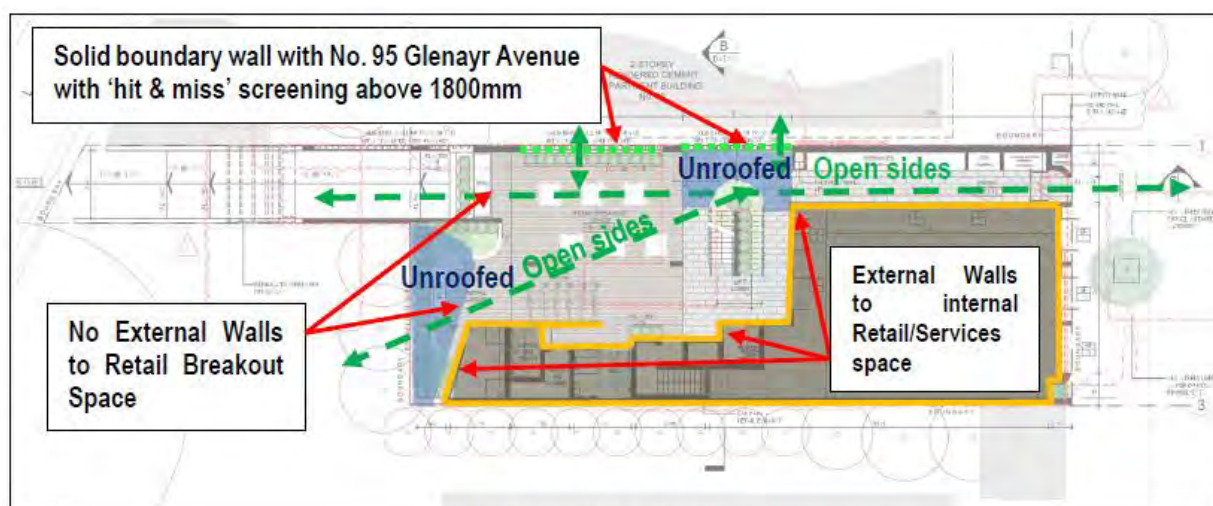
Building height

It is noted that the applicant initially sought to increase the height of the approved building by 550mm, from the approved RL 23.73 to RL 24.28. Council's deferral letter noted that the additional height is not justifiable and would not be supported. The applicant's amended plans reduced the height of the proposed clerestory windows in the roof, to the maximum approved height of RL 23.73, which was accepted by Council.

Floor space ratio

Council's deferral letter queried the exclusion of the retail breakout area and whether this space should be included as it is not open to the sky. The applicant's amended SEE response stated: *'Approximately one third of the area is circulation space from the entrance to the lift and stairs, leading to the residential component. The entire area is open at either end, and in the vicinity of the stairs and garden beds, is open to the sky. The northern side walls include brick screening above 1800mm for permanent day light and ventilation'* (see **Figure 5** below).

Council considered the information provided and is satisfied that while the area is partially covered, the space is not entirely enclosed and is open to the elements. In addition, Council considers that the proposed modified ground floor level is an improvement on the approved ground floor plan, removing the loading area and providing increased planting and breakout space for residents, retail users and workers within the building.



Source: PBD Architects

Figure 5: Retail Breakout Space, Source: GSA Planning

Design excellence

The site is located within a key site area and is subject to Clause 6.9 of the Waverley LEP 2012. In accordance with Clause 6.9 *Design excellence*, the proposed modification is considered to achieve a high standard of architectural design, materials and detailing appropriate to the building type and location. The design and materials/finishes palette are considered more refined and is of a quality that would improve the amenity of the public domain, compared to the approved development.

The modification would not give rise to additional environmental impacts, including overshadowing above what has been assessed and approved. The deletion of the car lift and provision of a driveway ramp from the rear lane to the basement level is considered a much-improved amenity outcome for future residents and users of the site. Overall, the modified proposal would incorporate and relate well with other new development within the key sites area and would make a positive contribution to the streetscape.

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
1. Waste	Acceptable by condition	The modified waste storage at basement level complies with the minimum requirements for residential waste. The retail/commercial bin storage at ground floor level also complies with the minimum requirements.

Development Control	Compliance	Comment
		A condition of consent is recommended to require the bulky waste section of the residential bin store at basement level to be a minimum of 4m ² .
2. Ecologically Sustainable Development	Yes	The modified application includes 29 solar panels, incorporates passive design and 100% of the residential units comply with cross-ventilation requirement. The common circulation areas are also partially open with hit and miss brickwork and voids to increase ventilation of the building.
6. Stormwater	Acceptable by condition	<p>The proposed modification requests deletion of the conditions relating to stormwater management, noting that they have been satisfied.</p> <p>Council's Stormwater Engineer reviewed the application and found that further amendments had been made since the previous stormwater plans were approved, including resizing of OSD tank, which requires reassessment and approval.</p> <p>Council recommends retaining and amendment to some conditions to ensure the approval of further details is consistent with Council's current conditions.</p>
7. Accessibility and Adaptability	Yes	The proposal provides two adaptable units and complies with the 20% requirement in the DCP.
8. Transport Zone 2 RFBs Minimum parking rate: 0 Maximum parking rate: 2 Visitor parking: 2 Commercial Minimum parking rate: <ul style="list-style-type: none"> Retail premises: 0 Maximum parking rate: <ul style="list-style-type: none"> Retail premises: 4 Motorcycle spaces: 2 Bicycle spaces: <ul style="list-style-type: none"> Resident: 10 Visitor: 1 	Yes	<p>The proposal includes seven car parking spaces including two accessible, two visitor and two retail spaces. Its design and location are satisfactory.</p> <p>The modification deletes the car lift and includes a ramp to be accessed at grade from Glenayr Lane at the rear. The modified layout is similar to the approved basement layout.</p> <p>Council's Traffic Engineer reviewed the application and noted that parking and traffic requirements have been satisfied subject to the modified and new conditions of consent.</p> <p>Three motorcycle spaces are provided at basement level and 12 bicycle racks are provided at ground floor level, in accordance with DCP requirements.</p>
10. Safety	Yes	The modification proposes relocation of the entry gate from Glenayr Avenue, closer to the front

Development Control	Compliance	Comment
		<p>boundary to improve visibility of the building entrance from the street.</p> <p>The modification also removes the pedestrian entry from Glenayr Lane at the rear, which is considered to improve safety, by providing a single secure entry point.</p> <p>The plan of management for the site will provide further detail regarding public access and how this would be managed when the retail area is closed. Council considers this appropriate as these details are not likely to be known until a future tenant is identified.</p>
12. Design Excellence	Yes	As noted above, the modified proposal provides greater articulation of the front elevation and a more refined materials and finishes palette. The modifications are consistent with the streetscape character and is considered to relate well to other contemporary mixed use and shop top housing developments in this precinct.
14. Excavation	Yes	The proposed modification retains similar excavation levels to the approved development and is satisfactory. The relevant conditions of consent remain in place to manage these works.
15. Advertising and Signage	N/A	There is no signage proposed under this modification. This detail would be subject to a separate application.
16. Public Domain	Yes	The modification provided a continuous front awning with cut outs to accommodate the new street tree. The requirements of the relevant awning condition have been satisfied by the details submitted with this modification application.

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

Development Control	Compliance	Comment
3.5 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape Sympathetic external finishes 	<p>Yes</p> <p>Yes</p>	The modified front elevation provides greater articulation and modulation and proposes sympathetic and refined external finishes in accordance with the DCP.
3.8 Pedestrian access and entry		
<ul style="list-style-type: none"> Entry at street level and respond to pattern within the street 	Yes	The modification retains the street level entrance on the northern side of the site, which is distinct from the retail entry point and is accessible.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> • Accessible entry • Separate to vehicular entry • Legible, safe, well-lit 	<p>Yes</p> <p>Yes</p> <p>No</p>	<p>Vehicular entry is retained at the rear of the site.</p> <p>The residential entry is legible and identified as separate to the retail entry.</p>
3.9 Landscaping		
<ul style="list-style-type: none"> • Comply with part B3- Landscaping and Biodiversity • Minimum of 30% of site area landscaped: 132m² • 50% of the above is to be deep soil: 66m² 	<p>Yes</p> <p>No</p> <p>No</p>	<p>The modification comprises approximately 32m² of landscaped planter area. The original approved application included 15m² of planter area.</p> <p>While the proposal provides less than the required landscaped area under the DCP, the modification includes more than double that approved by the LEC. There is no deep soil planting proposed, which is consistent with the approved application.</p>
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 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p>	<p>The basement level car park would be accessed from Glenayr Avenue at the rear of the site. The modification proposes a single ramp and convex mirrors are required to be placed at the vehicular access ramp and included as a condition of consent.</p> <p>There is no deep soil proposed as a result of the basement level. However, the LEC approved the nil provision of deep soil landscaped area. Council recommended providing some deep soil area by taking landscape sections to ground and adjusting the basement level. The applicant advised that due to parking and servicing requirements this would not be possible.</p> <p>Whilst this does not comply with the ADG or the DCP, requiring deep soil area on the site would be more onerous than the application as currently approved and is therefore not considered reasonable in this instance.</p>
3.13 Solar access and overshadowing		
<ul style="list-style-type: none"> • New development should maintain at least two hours of sunlight to solar collectors on adjoining properties in mid-winter. • Direct sunlight to north facing windows of habitable rooms on all private open space areas of adjacent dwellings to 	<p>Yes</p> <p>Yes</p>	<p>The proposal includes a modified roof line, which would give rise to a slightly different shadow profile to the approved application.</p> <p>Notwithstanding, the proposal complies with the minimum requirements for solar access and overshadowing and given the site's east / west orientation, solar access would be maintained to the adjoining dual occupancy to the north throughout the day.</p>

Development Control	Compliance	Comment
less than three hours of sunlight on 21 June.		
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 	Yes	Each apartment is orientated to Glenayr Avenue or Glenayr Lane. A condition is included in the original consent to require street numbering to be positioned so that it is clearly visible on the site boundary.
<ul style="list-style-type: none"> Above ground open space must not overlook rooms and private landscaped areas of adjoining properties or be screened 	Yes	Above ground balconies and terraces are orientated away from the northern side boundary to manage potential overlooking. Above ground open space would be fitted with screens and planting. The Plan of Management for the development would include measures to manage security of the building to ensure safety of residents.
<ul style="list-style-type: none"> Privacy be considered in relation to context density, separation use and design. 	Yes	
<ul style="list-style-type: none"> Prevent overlooking of more than 50% of private open space of lower level dwellings in same development 	Yes	Overlooking of private open space within the subject development would be minimal due to orientation of the elevated open space and appropriate screening.
3.16 Dwelling size and layout (refer to ADG)		
3.17 Ceiling Heights (refer to ADG)		
3.18 Storage (refer to ADG)		
3.19 Acoustic privacy		
<ul style="list-style-type: none"> Internal amenity by locating noisy areas away from quiet areas 	Yes	Main living spaces are located away from bedrooms. Only bedrooms are located adjacent to the internal voids, which is appropriate in managing potential acoustic issues.
3.20 Natural Ventilation (refer to ADG)		
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 	Yes	Building services are integrated at ground floor level, consistent with the approved design. The ground floor level comprises the main communications room alongside the bin storage room, on-site stormwater detention, retail toilet and lift. These services are partly screened by a nib wall comprising the bicycle racks.
<ul style="list-style-type: none"> Outdoor Communal clothes drying area to be provided 	No	There is no communal clothes drying area; however the internal balconies provide adequate external space for drying.
<ul style="list-style-type: none"> Services on roof not to be seen from street or impact public or private 	Acceptable on merit	Roof services are centrally located, and the lift overrun and exhaust are located in a similar position as the approved scheme. This component may be visible from the street but is

Development Control	Compliance	Comment
views and be min 2m from the building edge		not anticipated to impact on public or private views.

Glenayr Avenue, Neighbourhood Centre

The site is located within the Glenayr Avenue Neighbourhood Centre and is subject to the relevant generic controls set out in Part E3, Section 3.2 of the Waverley DCP 2012. The proposed modification is generally consistent with the local village centres generic controls and 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 between 29 July 2022 and 15 August 2022 in accordance with the *Waverley Community Development Participation and Consultation Plan*. Submissions were able to be made to Council throughout the assessment of the application.

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

- The height of the clerestory roof windows was reduced to the maximum approved height of RL 23.73, and there are no further exceedances of the parapet to what is approved.
- The applicant provided adequate justification as to the exclusion of floor space at ground floor level, satisfactorily demonstrating that this area is open at each end and partially open along the northern side and may therefore be excluded from the calculation of GFA.
- The hit and miss brickwork has been extended along the northern side boundary to increase light into the development and internal amenity. A further condition of consent is recommended to require the brickwork to start a minimum of 2m above existing ground level, to manage potential privacy concerns for the neighbouring site to the north.

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

One submission was received, from No. 25 Blair Street, NORTH BONDI. The submission requested access to the 3D Digital Model that was submitted with the modification application. Council's Urban Designer provided the member of the public with a link to the 3D model and extension of time to prepare a submission was offered but was not accepted. No further 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. Traffic and Development

Council's Traffic Engineer reviewed the modified application and noted that traffic and parking requirements are satisfied subject to the modified and new conditions of consent.

3.2. Stormwater and Infrastructure Services

Council's Stormwater and infrastructure Services team reviewed the application. The applicant requested a number of amendments to conditions, on the basis that the conditions have been satisfied previously or by the modification application. Section 1.3 provides further detail as to the requested amendments and Council's response.

3.3. Tree Management

Council's Tree Management Officer reviewed the application and provided comments regarding the proposed street tree. The applicant amended the tree species in accordance with Council's requirements, which is reflected in amended Condition 43. Public Infrastructure Works.

3.4. Waste

Council's Waste Officer reviewed the modification and noted that the Site Waste and Recycling Management Plan is sufficient. However, the area identified for residential bulky waste (basement level) is not adequate and is to be amended to a minimum of 4m² to accommodate the storage of discarded bulky items and problem waste awaiting collection. This area must be a room or caged area as outlined in section 1.4.1.2 (a) of the DCP.

3.5. Strategic Planning

Council's Strategic Planning Officer reviewed the application and noted that as there is no change to the FSR, as approved under the original application, and therefore the existing Planning Agreement (PA) Letter of Offer and PA-related conditions remain unchanged.

The application did not require assessment under the Housing SEPP, because there is no FSR bonus or a reduction in low-rental dwellings proposed under the application.

4. CONCLUSION

The modification application seeks to modify development consent, known as DA-296/2019 as further amended for demolition of the dwelling and construction of a new three-storey shop top housing building with integrated basement parking, at the site known as 97 Glenayr Avenue, BONDI BEACH. In summary, the proposed modifications include:

- Replace car lift with driveway ramp to access basement level via Glenayr Lane and parking for seven vehicles including two accessible spaces and three motor cycle spaces;
- Reconfiguration of the ground floor level, including courtyard breakout space to the rear of the site with barbeque and garden;
- Reconfiguration of the residential lobby, additional landscaped planters, bicycle parking, accessible bathroom, retail/business bin storage area and OSD/plant room;
- Residential level one amended to provide one x 2-bedoom adaptable unit and four studio apartments (second floor level unit mix retained as approved with one adaptable two bedroom unit);
- Clerestory windows at roof level at a maximum height of RL 23.73, ten residential air conditioning units, four skylights and 29 solar panels.

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

- Building height;
- Residential amenity;
- Deep soil landscaped area.

The assessment finds these issues are now acceptable as the amended proposal reduced the height of the building, reverting to the approved height of RL 23.73 and the residential amenity issues raised by the DEAP and Council have been appropriately addressed by converting the middle studio unit facing Glenayr Avenue to a traditional studio layout, removing privacy and outlook issues associated with opening onto the internal circulation space and maintaining cross ventilation.

The modification provides double the area of landscaped planters than provided in the approved application. However, no deep soil landscaped area is proposed. While Council recommended that the applicant review and consider adjusting the basement to provide some deep soil area, due to the location of the basement and given that the LEC approved the original application with nil deep soil landscaping area, the modified application is considered reasonable.

Modified and new conditions of consent are recommended to align with the current standard conditions of consent and to capture additional elements under the modification application.

One submission was received in relation to accessing the 3D Digital model of the proposed modification. Following access being provided to the member of the public and followed up by Council, no further detailed submission was received.

The application has been assessed against the relevant matters for consideration under section 4.56 of the *Environmental Planning and Assessment Act 1979* and is recommended for approval subject to conditions of consent.

Development and Building Unit (DBU) Decision:



The application was reviewed by the DBU at the meeting on 18 October 2022 and the DBU determined:

- (a) The application should be deferred and amendments required as set out in section 1.5 of this Assessment Report. The issues raised in Council's deferral letter have now been satisfactorily addressed in the amended plans received by Council on 2 November 2022.

DBU members: *M Reid, A Rossi, B McNamara, B Magistrale and 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:
	
Alana Jelfs	Bridget McNamara
Senior Development Assessment Planner	Manager, Development Assessment (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 16 November 2022	Date: 21 November 2022

Reason for WLPP referral:

The consent authority for the original development application was the WLPP, this modification is made under section 4.56 of the Act and relates to:

- Substantial amendments to a court approved application.

APPENDIX A – CONDITIONS OF CONSENT TO BE MODIFIED

A. Amended/Deleted Conditions

APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) ~~Architectural Plans prepared by Bureau SRH Architecture of Project No: 18042 including the following:~~

Plan Number and Revision	Plan description	Plan Date	Date received by Council
S34 000 (Rev 02)	Cover sheet	22/01/2021	04/02/2021
S34 001 (Rev 02)	Site Analysis Plan	22/01/2021	04/02/2021
S34 100 (Rev 02)	Site Plan	22/01/2021	04/02/2021
S34 101 (Rev 07)	Basement and Ground Floor Plan	22/02/2021	22/02/2021
S34 102 (Rev 06)	First and Second Floor Plan	22/01/2021	04/02/2021
S34 103 (Rev 02)	Roof Plan	22/01/2021	04/02/2021
S34 110 (Rev 02)	Landscape Plan	22/01/2021	04/02/2021
S34 200 (Rev 05)	Elevations	22/01/2021	04/02/2021
S34 300 (Rev 02)	Sections Sheet 1	22/01/2021	04/02/2021
S34 301 (Rev 02)	Sections Sheet 2	22/01/2021	04/02/2021
S34 310 (Rev 03)	Corridor Details Sheet 1	22/01/2021	04/02/2021
S34 312 (Rev 02)	Entry Lobby Vertical Batten Screen	22/01/2021	04/02/2021
S34 700 (Rev 01)	Waste Management Plan Sheet 1	22/01/2021	04/02/2021
S34 701 (Rev 01)	Waste Management Plan Sheet 2	22/01/2021	04/02/2021

- (a) *Architectural Plans prepared by PBD Architects of project No. 2201, including the following:*

Plan Number and Revision	Plan description	Plan Date	Date received by Council
S455_000 (Rev F)	Cover Sheet	01/11/2022	02/11/2022
S455_100 (Rev F)	Site Plan	01/11/2022	02/11/2022
S455_101 (Rev N)	Floor Plans, Basement and Ground	01/11/2022	02/11/2022
S455-102 (Rev H)	Floor Plans, First and Second	01/11/2022	02/11/2022
S455_103 (Rev G)	Floor Plans, Roof Plan	01/11/2022	02/11/2022
S455_200 (Rev J)	Elevations - Sheet 01	01/11/2022	02/11/2022
S455_201 (Rev K)	Elevations - Sheet 02	01/11/2022	02/11/2022
S455_300 (Rev M)	Sections A & B	01/11/2022	02/11/2022
S455_900 (Rev A)	Awning Section Detail	01/11/2022	02/11/2022
S455_400 (Rev E)	Material Schedule	01/11/2022	02/11/2022
S455_600 (Rev F)	Adaptable Unit Layout	01/11/2022	02/11/2022

- (b) BASIX and NatHERs Certificate(07/07/2022);

- (c) ~~Stormwater Details and documentation prepared by ITM Design Consulting Hydraulic Engineers, Job No. 17/273, DWG No. H-DA2-00 to H-DA2-02 (Revision A), dated 30 July 2019 and received by Council on 9 September 2019; **Stormwater details and documentation in accordance with condition 41 (Stormwater & Drainage Plans) of this development consent;**~~
- (d) Acoustic Report (Reference No. 2019-033) prepared by Acoustic, Vibration and Noise Pty Ltd, dated 1 August 2019, and received by Council on 9 September 2019, as amended by additional statement letter dated 1 June 2020 and received by Council on 12 June 2020 and subsequent letter dated 28 July 2020 and received by Council on 29 July 2020
- (e) ~~BCA Design Assessment Report (Reference No. P219_046-3 (BCA) NH) prepared by Design Confidence, dated 5 August 2019, and received by Council on 9 September 2019. Any changes to the external fabric as a result of necessity to comply with an alternate/fire engineered solution will require the prior approval of a s4.55 application; **BCA Design Assessment Report (Reference No. P219_046-3 (BCA) NH) prepared by Design Confidence, dated 24 June 2022. Any changes to the external fabric as a result of necessity to comply with an alternate/fire engineered solution will require the prior approval of a s4.55 application;**~~
- (f) Arborist Report (Ref. No. 3855) prepared by Redgum Horticultural/Arboricultural Consultant, dated 14 May 2018, reviewed 1 August 2019 and received by Council on 9 September 2019
- (g) Detailed Site Investigation (Reference No. ES7527/2) prepared by Aargus, dated 13 March 2019 and received by Council on 4 February 2021, as amended by SAQP for Additional Site Investigation dated 7 December 2020, and received by Council on 28 January 2021;
- (h) Preliminary Geotechnical and Hydrogeological Assessment (Reference No. P1806558JR01V02) prepared by Martens Consulting Engineers, dated 26 July 2019, and received by Council on 9 September 2019;
- (i) ~~Schedule of external finishes and colours (Reference No. 18042 and Revision A), prepared by Bureau SRH Architecture, dated 5 September 2019 and received by Council on 9 September 2019; and~~
- (j) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.
- (k) **Landscape Plan (Reference: SS22-4948), Drawing Nos. 100, 101, 102, 103, 501, 502 and documentation prepared by Site Image, Landscape Architects, dated 1 November 2022, received by Council 2 November 2022;**
- (l) **Access Design Assessment Report (Reference P2019_046.1-1), prepared by Design Confidence, dated 24 June 2022, received by Council 7 July 2022;**

[AMENDED BY DA-296/2019/B]

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) ~~The awning at the front of the property shall extend across the entire width of the site, and be set in from the kerb by 600mm. Details to be shown on plan.~~

- (b) A detailed cross section of the façade is to be provided, at a scale of 1:50.
- (c) ~~An updated schedule of materials and finishes is to be provided of all elements of the building façade;~~
- (d) ~~In order to reduce the potential privacy impacts to and from the proposed development:~~
- ~~i. The southern corridors along the southern boundary at first and second floor levels shall be provided with louvres on the southern elevation (between balustrade and ceiling slab) that are 50% open (measured in elevational plane area), fixed and angled towards the sky to allow light to penetrate. The selected material for the louvres shall be maintenance free and in a finish complementary to the overall architecture of the development.~~
 - ~~ii. The boundary wall along the northern elevation of building (extending from front boundary to vehicle entry at rear) at ground level shall be solid up to the first floor floor slab – RL 16.22. The selected material for the solid wall finish shall be complementary to the overall architecture of the development.~~
- (e) All windows on the northern side elevation are to be obscured fixed glazing. A full window schedule is to be provided for approval by Council prior to issue of any Construction Certificate.**
- (f) The two western sections of hit and miss brickwork must start a minimum of 2m above existing ground level to maintain privacy to the northern side neighbour.**
- (g) Bulky residential waste storage at basement level is to have a minimum area of 4m² and is to be provided as a separate room or caged.**
- (h) The basement level must include two additional storage cages at a minimum volume of 8m³ for the two bedroom adaptable units.**
- (i) Each habitable room within the proposed units are to be fitted with ceiling fans.**

The amendments are to be approved by the ~~Principal Certifying Authority~~ **Manager, Development Assessment or delegate of Council** prior to the issue of any Construction Certificate. An electronic copy of the amended plans or additional information (see website for electronic document requirements) addressing this condition, including a covering letter shall be provided to Council for review.

[AMENDED BY DA-296/2019/B]

18. SIDE WALLS VISIBLE FROM GLENAYR AVENUE

~~Side walls visible from Glenayr Avenue are to be of a high architectural standard and treated to provide visual interest utilising a variation of maintenance free materials, colours, and textures. Full coloured elevational details are to be provided for the prior approval of Council's Manager, Development Assessment (or delegate) prior to issue of the relevant Construction Certificate.~~

[DELETED BY DA-296/2019/B]

26. NOISE - ACOUSTIC REPORT

An acoustic investigation of the proposed mechanical plant and equipment ~~including car lift and turn table~~ shall be undertaken by a suitably qualified acoustic consultant describing and assessing the impact of noise emissions from the proposal. The report is to be submitted to the Principal Certifying Authority for

approval prior to the issue of the Construction Certificate. 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 in accordance with relevant Australian Standards and the NSW Environment Protection Authority (EPA) requirements);
- (c) The formation of a suitable assessment criteria having regard to the guidelines contained in the NSW EPA Industrial Noise Policy;
- (d) The identification of operational noise producing facets of the development 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 development/use will comply 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.

[AMENDED BY DA-296/2019/B]

36. LONG SECTIONS OF DRIVEWAY

~~Long sections drawn along both edges of the driveway shall be submitted to council for the approval of the executive manager, infrastructure services (or delegate) 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 (RLs) of the Glenayr Lane carriageway, the kerb and gutter, footpath and paving within the property and the car park 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.~~

[DELETED BY DA-296/2019/B]

37. VEHICULAR ACCESS CONTROL SYSTEM

~~The car lift is to be programmed to automatically revert to and dwell on the street level with the door closed. The car lift is to be operated with remote control by residents and discreet LED lights on both levels are to advise drivers of the status of the lift operation on the vehicular driveway in order to minimise the incidence of more than one vehicle being in the car lift at any one time and to give priority to those entering the car park. Details are to be shown on the plans prior to the issue of the Construction Certificate.~~

[DELETED BY DA-296/2019/B]

38. CAR PARKING ALLOCATIONS

A total of 7 car vehicle parking spaces are to be provided, including the following and allocated as follows:

- (a) 2 resident parking spaces**
- (b) 2 resident visitor parking spaces, 1 of which is to include an EV charging point.**
- (c) 3 retail/commercial parking spaces**

Two of the spaces are to be accessible spaces with adjacent shared zone.

Accessible parking spaces are to be designed in accordance with Australian Standard as2890.6 - 2009 Off Street Parking for People with Disabilities.

The residential and retail car parking spaces shall not be independent lots, but rather part lots attached to units or retail commercial floorspace.

- ~~(a) Minimum of 1 accessible parking space.~~
- ~~(b) Minimum of 1 retail parking space~~
- ~~(c) Maximum of 6 residential parking spaces.~~

~~The resident car parking spaces are to be allocated with the rates specified in the DCP, with no more than 2 spaces allocated to any residential unit/dwelling with 3 or more bedrooms. all car spaces and to be appropriately signposted and parked.~~

~~Car parking spaces shall not be independent lots, but rather part lots attached to units in any future Subdivision Plans.~~

~~Details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.~~

[AMENDED BY DA-296/2019/B]

39. BICYCLE PARKING

A ***minimum*** total of ***12 11*** bicycle parking spaces are to be provided, including ***10 9*** for residents, 1 for residential visitors and 1 for retail. Such spaces are to be provided by way of a secure lockable area, individual lockers or suitable bicycle racks and are to be located within the ground floor foyer or adjacent, within any forecourt or within the basement car parking area.

Details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

[AMENDED BY DA-296/2019/B]

40. MOTORCYCLE PARKING

A ***minimum*** total of 2 motorcycle parking spaces are to be provided within the basement car parking area. Details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

[AMENDED BY DA-296/2019/B]

41. STORMWATER DRAINAGE PLANS AND PUBLIC INFRASTRUCTURE MANAGEMENT

~~The stormwater management plans and additional information shall be amended to reflect the architectural plans referred to in condition 1 of this development consent, and shall be submitted to the satisfaction of Council's Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant construction certificate.~~

Further, the storm water management plans shall be amended to accord with the following requirements:

- ~~(a) As the Permissible Site Discharge is less than 25L/s, stormwater outlet is to be connected to the street kerb and gutter in accordance with the requirements set out in Section 3.1.1 of Waverley Council's Water Management Technical Manual. Thus, ensure the stormwater outlet is directly to the kerb face.~~
- ~~(b) Under the current design, the orifice diameter to be 95mm.~~

~~Note: Since a sewer main runs through the property, plans must also be presented to a Sydney Water Quick Check Agent for their approval.~~

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 Torinex Consulting Engineers, Project No. 2000246, Drawing No. STW000, Revision 2, dated 23.06.2022, Drawing No. STW001, STW101, STW103, STW104, STW105, STW201, STW202, STW301, STW302, STW303, Revision 1, dated 10.06.2022, Drawing No. STW304, Revision 1, dated 23.06.2022, Drawing No. STW102, Revision 3, dated 23.06.2022 in principle supported.

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

- a) The plans shall provide details of any required On-Site Stormwater Detention (OSD) system and its details e.g. pit dimensions, cross & long sections, significant water invert levels of inlet and outlet pipes, details of Discharge Control Pit, orifice plate details including orifice diameter, depth of water above centreline of orifice etc., pit overflow, OSD plaque, OSD warning sign and catchment plan. Council's mandatory OSD checklist as set out in Council's Water Management Technical Manual shall be completed and submitted.***
- b) A certificate from a registered structural engineer certifying the structural adequacy of the OSD tank structure is to be provided. Any below ground OSD tank structure shall be a cast in-situ concrete based.***
- c) The OSD system is to be designed for the 1% Annual Exceedance Probability (AEP) storm event.***
- d) Seepage water must not be directly or indirectly discharged to Council's street gutter.***
- e) Any underground basement shall be protected from possible inundation by surface waters from the street.***
- f) Show an alarm system comprising of a basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure. A minimum freeboard of 150 mm from the pump out system to all parking spaces and full hydraulic details and pump manufacturers' specifications are to be provided.***

- g) 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.*
- h) A sediment control stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.*
- i) All proposed conduits within the public domain shall be constructed using Class 3 reinforced concrete pipes (RCPs) with a minimum diameter of 375 mm. A junction pit shall be installed at all changes of gradient and changes of direction in the pipeline.*
- j) The proposed kerb inlet pit must be constructed to Council's satisfaction. Details are to form part of the Construction Certificate documentation.*
- k) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.*

Notes:

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

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

[AMENDED BY DA-296/2019/B]

43. PUBLIC INFRASTRUCTURE WORKS

Public infrastructure works shall be designed and constructed as outlined in this condition of consent. The approved works must be completed to council's satisfaction at no cost to council.

Full design engineering drawings to be prepared by a suitably qualified and experienced engineering professional and be submitted to council for the approval of the executive manager, infrastructure services (or delegate) prior to the issue of the relevant construction certificate.

The applicant must submit plans and specifications for the following infrastructure works to council's public domain engineer:

- (a) Footpath, Kerb and Gutter: the existing footpath, kerb and gutter traversing **Glenayr** ~~Glenayr~~ Avenue and **Glenayr** ~~Glenayr~~ Lane frontages to be reconstructed and upgraded in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval.

The proposed footpath, kerb and gutter profiles to include longitudinal and cross sections to ensure proper connections to the existing Council infrastructure traversing the development site. Any stormwater infrastructure within the extent of public domain works, inclusive of the kerb inlet pit shall be replaced.

- (b) The existing raised pedestrian threshold on **Glenayr** ~~Gould~~ Lane must be reconstructed in accordance with Council's specifications and standard details. Note that the approval by Waverley Traffic Committee must be obtained.
- (c) Street Trees: A minimum one (1) street trees must be planted along Glenayr Avenue frontage. Cutouts in the awning shall be provided to accommodate future tree growth.

All new trees proposed within the Council verge will require the installation of suitable tree pits, surrounds and root cell barriers as per the Waverley Council Public Domain Technical Manual. The ~~chosen~~ **street** tree species and location shall not interfere with the wheel swept path or obstruct the proposed vehicular crossing.

The street tree to be a super advanced Tristaniopsis laurina (water gum) of a minimum pot size of 200 litres and grown to Natspec standard. Council shall be contacted at the time of installing the root cell barriers prior planting the new tree.

The tree must be planted by a qualified horticulturist experienced in planting super advanced trees.

The tree to be planted in accordance with specifications for tree planting in commercial zones as per Council's Technical Manual I.03 and I.08.

A bill of sale showing the pre-purchase of the above trees is to be submitted to Council for approval prior to the issue of the construction certificate.

A bond of \$5 000 is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the new Tristaniopsis laurina (Kanooka or Water Gum) street trees at the Glenayr Avenue frontages. 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.

In the event the trees are found damaged, dying or dead because of works at any time during the construction period or due to negligence/damage by the applicant/agent/contractor, the full bond amount or part thereof will be forfeited.

~~All proposed tree species, locations, tree sizes and location and design of the root cells barriers must be submitted and approved by Council Officer prior to commencement of public domain works. Council shall be contacted at the time of installing the root cell barriers prior planting the new trees.~~

- (d) Any existing or proposed utility pillars on the site frontages to be either underground or inside the property boundary of the proposed development. Applicant must liaise with the relevant authorities for their approval and communicate to Council with written confirmation, before executing any works. It is noted that the existing pillar currently located in Hall Street frontage will require relocation.
- (e) All mains electrical connections to the development must be routed underground. Council will not accept the erection of newly placed electricity columns within the Council's public domain to support the new development.
- (f) Communicate the relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to Council along with the Public Domain design plans submission. All the requirements of the relevant Public Authority shall be complied with.
- (g) The full public domain traversing the all three street frontages shall be protected from the proposed building works. The applicant will be required to replace any damaged footpath, street furniture, pavement, kerb and gutter and Council's infrastructure at no cost to Council.
- (h) Measures to protect the existing parking meter must be undertaken. Any damages or replacing cost of the parking meter shall be borne by the applicant.

Notes:

- Depending on the complexity of the proposed public domain works, the Council's review of each submission of the plans may take a minimum of six (6) weeks.
- 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 public domain design submissions; however Council's title block shall not be replicated.
- Prior to commencement of works a security deposit will be made payable to Council to insure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council
- Council's contact for public domain: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4.00pm Monday to Friday)

[AMENDED BY DA-296/2019/B]

44. AWNINGS OVER THE PUBLIC DOMAIN

- ~~(a) a continuous awning along the entire frontage of the site to Glenayr Avenue (that is, extending from north to south side boundaries) shall be provided for weather protection for pedestrians.~~
- ~~(b) awnings shall be a minimum of 3.5m above the footpath level and offset a minimum of 600mm behind the kerb.~~
- ~~(c) awning design shall match the building façade materials and finishes.~~
- ~~(d) awnings shall provide cut outs for to allow for existing and future tree growth for the street trees.~~
- ~~(e) the support columns for the awning shall be constructed so as not to encroach forward of the property boundary.~~

~~Details to be submitted and approved by the executive manager, infrastructure services (or delegate) prior to the issue of the relevant construction certificate.~~

[DELETED BY DA-296/2019/B]

45. STREET PLANTINGS – GLENAYR AVENUE

~~All work outside the property boundary are to be carried out with the approval of, and in accordance with, the requirements of council at the applicant's expense. Such works shall comply with the following:~~

- ~~(a) one street tree shall be planted in the footpath along the Glenayr Avenue frontage of the site. The tree is to have a minimum pot size of 400 litres and shall be certified as grown to Natspec specifications with a minimum height of 2500mm from the top of the container to the apical tip. The tree species to be approved by Council's Strategic Tree Planning Officer. The chosen tree species and location shall not interfere with the adjacent bus stop.~~
- ~~(b) A consulting arborist is to submit specifications and design for tree pits for the street trees with the Construction Certificate for approval by Council's Strategic Tree Planning Officer. The design is to include measures to minimise tree root conflict with any adjacent services/infrastructure and the installation of a tree guard (Derwent – available from Arborgreen) installed to manufacturer's specifications.~~
- ~~(c) The consulting arborist is to provide details for cut outs for the awning at the front of the building to allow for existing and future tree growth for these trees. This awning modification is to be shown on all submitted plans.~~

~~Details are to be submitted to Council for approval by Council's Strategic Tree Planning Officer prior to the issue of the relevant Construction Certificate.~~

[DELETED BY DA-296/2019/B]

54. WASTE STORAGE AREAS

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

- Residential (~~6~~ **8** Studio Units, ~~3~~ **2** x 2-Bedroom Units)

- 4 x 240L mobile garbage bin (MGBs) for general waste **collected weekly**
 - 4 x 240L MGBs for container recycling **collected fortnightly**
 - 4 x 240L MGBs for paper **and cardboard** recycling **collected fortnightly**
 - 1 x 240L MGBs for garden waste should this be generated at the property
- Commercial:
 - To be confirmed following the submission of a separate DA for proposed first use.
 - Include a monitoring program post-construction to monitor the frequency of collections to ensure minimal excess waste/litter issues and adjust frequency of collection accordingly. Weekly or bi-weekly collections for both waste and recycling can be discussed with Council.

A minimum of 4m² is required for the on-site storage of bulky waste awaiting collection.

All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B1 of the *Waverley Council Development Control Plan 2012* to the satisfaction of the Principal Certifying Authority.

[AMENDED BY DA-296/2019/B]

74. INTERNAL DRIVEWAY RAMP - LEVEL CERTIFICATION

~~Prior to pouring concrete on any part of the internal driveway ramp, documentation shall be submitted to council for the approval of executive manager, infrastructure services (or delegate) confirming the car lift elevator platform level has been installed in accordance with the approved drawings.~~

[DELETED BY DA-296/2019/B]

106. PARKING

- (a) Ownership of car park lot spaces within the basement shall be limited to parties owning a lot within the buildings on-site.
- (b) A minimum of one car space and a maximum of two car spaces shall be allocated to any residential unit/dwelling to ensure equitable allocation overall.
- (c) ~~Despite subclause (b) above, a maximum of two (2) residential units/dwellings shall be permitted to have no allocated car space.~~
- (d) Car parking spaces shall not be independent lots, but rather part lots attached to units in any future Subdivision Plans.

[AMENDED BY DA-296/2019/B]

109. CAR LIFT

~~To prevent vehicle delays, the car lift mechanism is to default to the Glenayr Lane ground level when not in operation.~~

[DELETED BY DA-296/2019/B]

117. INSTALLATION OF AIR CONDITIONING

To ensure that the ecological sustainable objectives are met, any air conditioning unit(s) installed within the building shall:

- (a) Be located ~~within the basement carpark or at ground floor, in a suitably ventilated plant area~~ **on the roof, in the area nominated on the approved plans above the western unit, Unit 201** . Should this not be possible, (as evidenced by certification provided by a suitably qualified electrical engineer) then condenser units shall be located on the roof, in the centre adjacent to lift overrun (maximum 1 m height above roof level).
- (b) Be located behind the front building line and if visible suitable screened and located in an appropriate location.
- (c) Not be adjacent to neighbouring bedroom windows.
- (d) Not reduce the structural integrity of the building.
- (e) Not emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - (i) before 8.00am and after 10.00pm on any saturday, sunday or public holiday; or
 - (ii) before 7.00am and after 10.00pm on any other day.
- (f) Not provide noise emissions that exceed 5dba above the ambient background noise level measured at the property boundary at any other time outside of (e).
- (g) Have sufficient manual or automated controls so it is used only when required;
- (h) Be an energy efficient reverse cycle air conditioning system that achieves as a minimum one star less than the maximum possible under the Australian government air conditioning energy rating standard.
- (i) New or replacement air conditioning units are to have a minimum 2-star rating for cooling only. Reverse cycle air conditioning units are to have a minimum of 2-star rating on one cycle and 2-star rating on the alternate cycle.
- (j) Dehumidification from air conditioning systems must be harvested and reused on site provided it is treated to an adequate level suitable for the reuse application, otherwise a piped connection to council's stormwater drainage system is required and there is to be no discharge to the footpath.

[AMENDED BY DA-296/2019/B]

B. New Conditions

74A. CONVEX MIRRORS

Convex mirrors are to be placed inside the site at the vehicular access ramp for drivers when exiting the site to view vehicles approaching from either direction along the adjacent roadway/footpath.

Details are to be shown on the plans to be submitted to Council for the approval of the Executive Manager, Infrastructure Services, or delegate.

[ADDED BY DA-296/2019/B]

93A. WORKS-AS-EXECUTED DRAWINGS - STORMWATER DRAINAGE SYSTEM

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

[ADDED BY DA-296/2019/B]

93B. 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.

[ADDED BY DA-296/2019/B]

93C. PLANNED PREVENTATIVE MAINTENANCE SCHEDULE FOR PUMP OUT SYSTEM

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

[ADDED BY DA-296/2019/B]

AD11. ONGOING MAINTENANCE – STORMWATER DRAINAGE SYSTEM

Council will need to be provided with an OSD maintenance activities. At a minimum, the detention facility must be:

- *Kept clean and free from silt, rubbish and debris.*
- *Be maintained so that it functions in a safe and efficient manner.*
- *Not be altered without prior consent in writing of the Council.*

[ADDED BY DA-296/2019/B]

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 PBD Architects of project No. 2201, including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
S455_000 (Rev F)	Cover Sheet	01/11/2022	02/11/2022
S455_100 (Rev F)	Site Plan	01/11/2022	02/11/2022
S455_101 (Rev N)	Floor Plans, Basement and Ground	01/11/2022	02/11/2022
S455_102 (Rev H)	Floor Plans, First and Second	01/11/2022	02/11/2022
S455_103 (Rev G)	Floor Plans, Roof Plan	01/11/2022	02/11/2022
S455_200 (Rev J)	Elevations - Sheet 01	01/11/2022	02/11/2022
S455_201 (Rev K)	Elevations - Sheet 02	01/11/2022	02/11/2022
S455_300 (Rev M)	Sections A & B	01/11/2022	02/11/2022
S455_900 (Rev A)	Awning Section Detail	01/11/2022	02/11/2022
S455_400 (Rev E)	Material Schedule	01/11/2022	02/11/2022
S455_600 (Rev F)	Adaptable Unit Layout	01/11/2022	02/11/2022

[AMENDED BY DA-296/2019/B]

(b) BASIX and NatHERs Certificate (07/07/2022);

(c) Stormwater details and documentation in accordance with condition 41 (Stormwater & Drainage Plans) of this development consent;

(d) Acoustic Report (Reference No. 2019-033) prepared by Acoustic, Vibration and Noise Pty Ltd, dated 1 August 2019, and received by Council on 9 September 2019, as amended by additional statement letter dated 1 June 2020 and received by Council on 12 June 2020 and subsequent letter dated 28 July 2020 and received by Council on 29 July 2020;

(e) BCA Design Assessment Report (Reference No. P219_046-3 (BCA) NH) prepared by Design Confidence, dated 24 June 2022. Any changes to the external fabric as a result of necessity to comply with an alternate/fire engineered solution will require the prior approval of a s4.55 application;

(f) Arborist Report (Ref. No. 3855) prepared by Redgum Horticultural/Arboricultural Consultant, dated 14 May 2018, reviewed 1 August 2019 and received by Council on 9 September 2019;

(g) Detailed Site Investigation (Reference No. ES7527/2) prepared by Aargus, dated 13 March 2019 and received by Council on 4 February 2021, as amended by SAQP for Additional Site Investigation dated 7 December 2020, and received by Council on 28 January 2021;

(h) Preliminary Geotechnical and Hydrogeological Assessment (Reference No. P1806558JR01V02) prepared by Martens Consulting Engineers, dated 26 July 2019, received by Council on 9 September 2019;

- (i) Landscape Plan (Reference: SS22-4948), Drawing Nos. 100, 101, 102, 103, 501, 502 and documentation prepared by Site Image, Landscape Architects, dated 1 November 2022, received by Council 2 November 2022;
- (j) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012;
- (k) Access Design Assessment Report (Reference P2019_046.1-1), prepared by Design Confidence, dated 24 June 2022, received by Council 7 July 2022;

[AMENDED BY DA-296/2019/B]

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) [DELETED BY DA-296/2019/B]
- (b) A detailed cross section of the façade is to be provided, at a scale of 1:50.
- (c) [DELETED BY DA-296/2019/B]
- (d) [DELETED BY DA-296/2019/B]
- (e) All windows on the northern side elevation are to be obscured fixed glazing. A full window schedule is to be provided for approval by Council prior to issue of any Construction Certificate.
- (f) The two western sections of hit and miss brickwork must start a minimum of 2m above existing ground level to maintain privacy to the northern side neighbour.
- (g) Bulky residential waste storage at basement level is to have a minimum area of 4m² and is to be provided as a separate room or caged.
- (h) The basement level must include two additional storage cages at a minimum volume of 8m³ for the two bedroom adaptable units.
- (i) Each habitable room within the proposed units are to be fitted with ceiling fans.

The amendments are to be approved by the **Manager, Development Assessment or delegate of Council** prior to the issue of any Construction Certificate. An electronic copy of the amended plans or additional information (see website for electronic document requirements) addressing this condition, including a covering letter shall be provided to Council for review.

[AMENDED BY DA-296/2019/B]

3. CONSULTANT REPORTS

The recommendations contained in the various specialist consultant reports outlined in Condition 1 shall be adhered to. Where any conflict arises between a condition of consent, the development's Principal Certifying Authority may determine which is to apply.

In this regard, it is noted a number of consultant reports reflect the original DA submission and may need to be updated to reflect the approved scheme.

4. APPROVED DESIGN - RESIDENTIAL FLAT DEVELOPMENT

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

5. ARCHITECT TO SUPERVISE DESIGN

The preparation of the Construction Certificate plans shall be supervised and be to the satisfaction of a **qualified designer** in accordance with the requirements of State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development.

6. SITE AUDIT STATEMENT

Should any remedial work be required, then a Site Audit Statement prepared by a suitably qualified NSW EPA Accredited Site Auditor must be submitted and approved by Council's Manager, Health and Rangers (or delegate) prior to the issuing of any Construction Certificate for buildings works (excluding demolition) certifying the site is suitable for the proposed use.

Where further investigations, sampling or remedial work is recommended/required in order to render the site suitable for the proposed use then the following condition shall form part of the consent.

(a) Site Audit Statement

A Site Audit Statement prepared by an accredited NSW EPA Site Auditor clearly stating that the site is/or will be suitable for the intended use must be submitted to Council once the site has been remediated (following demolition works) and prior to commencement of relevant works for the development.

7. SEPARATE APPLICATION FOR USE, SIGNAGE AND FITOUT

The use, fit-out, signage or proposed hours of operation for the retail/commercial component of the development has not been proposed in this application, therefore these elements require the separate approval from Council, unless deemed Exempt Development under the SEPP (Exempt and Complying Development) 2008. The use shall be limited to either *retail premises* or *business premises* as defined under the *Waverley Local Environmental Plan 2012*, so as to ensure compliance with the approved permitted use as *shoptop housing*.

In this regard, compliance with the NCC in respect to the provision of sanitary facilities shall be provided for each retail tenancy. It is recommended that sufficient services for future sanitary facilities be provided to each tenancy to meet future requirements.

8. SIGNAGE

The following shall apply to any future signage for the site;

- (a) The use of flashing lights, flashing illuminated signs and the like is prohibited.
- (b) No advertising signs or notices are to be affixed to the windows of the premises.

- (a) Portable signs or goods for sale or display must not be placed on the footway or other public areas, without the prior approval of Council.
- (b) Signage is to be erected/supported in a secure manner for safety purposes;
- (c) Signage, must not be installed in a manner which would cause irreversible damage to the building; and,
- (d) Shall be a minimum of 2.6m above the footpath level and be offset a minimum of 600mm behind the kerb.

9. NOISE FROM BUILDING WORKS - RESTRICTED ACTIVITIES

Where there is a strong community reaction to noise associated with demolition, excavation and/or construction which is supported by adequate evidence including photographic and video evidence, 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

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.

For the purpose of this approval, it is noted that the Construction Certificate for the development will be broken up into two (2) stages as following being:

- a. Stage 1 - Demolition and site works; and
- b. Stage 2 - All other works

GENERAL REQUIREMENTS

10. 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.

11. SURRENDER DEVELOPMENT CONSENT

Development consents known as DA-14/1996 (as recently modified by DA-14/1996/B) and DA-214/2018 are to be surrendered by the applicant, in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000. The surrender is to be received by Council prior to the issue of a Construction Certificate for the development approved in this development consent. The surrender of the Development consent takes effect when Council receives the Notice.

CONTRIBUTIONS, FEES & BONDS

12. SECTION 7.12 CONTRIBUTION

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

- (a) A cost report indicating the itemised cost of the development shall be completed and submitted to Council:
 - (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 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:
 - (a) A development valued at \$100,000 or less will be exempt from the levy.
 - (b) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% OR
 - (c) A development valued at \$200,001 or more will attract a levy of 1% based on the full cost of the development.

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

- (c) Should a section 4.55 modification result in any change to the total cost of the work, the Section 7.12 contribution is to be revised and amended.

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

13. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of **\$26,000** 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.

14. STREET TREE BOND

A bond of **\$2,000** is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the existing *Tristania laurina* (Water Gum) tree on the nature strip immediately outside 95 Glenayr Avenue, Bondi Beach. 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.

15. 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.

16. PLANNING AGREEMENT

(a) The owner/applicant to:

- i. Enter into an Agreement in accordance with Waverley's Planning Agreement Policy 2014 prior to the issue of any Construction Certificate for the development that relates to works contained in DA-296/2019, in accordance with letter of offer dated 24 February 2021; and
- ii. Pay a monetary contribution amount of **\$541,860.00** prior to the issue of any Occupation certificate for the Development.

Note: This figure is calculated in accordance with Waverley's Planning Agreement Policy (Amendment No 3), whereby the Gross Floor Area (GFA) plan indicates that 25.5% of the GFA is commercial and 74.5% is residential, therefore 25.5% (36.9sqm) of the 144.69sqm exceedance will be calculated with the \$3,000/sqm fringe commercial benchmark rate and 74.5% (107.79sqm) will be calculated with the \$4,000/sqm Bondi Beach residential rate. That is; Commercial = 36.90 x \$3,000 = \$110,700.00, Residential = 107.79 x \$4,000 = \$431,160.00

- iii. A Planning Agreement will be entered into under Section 7.4 of the Environment Planning and Assessment Act 1979 between the applicant/owner of the land the subject of the Development and Council.
- (b) In accordance with the said offer, the Planning Agreement shall make provision in respect to the following:
- i. The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate for the Development.
- ii. The owner/ applicant shall provide Council with a Bank Guarantee to secure the payment of the Monetary Contribution prior to the issue of any Construction Certificate that relates to any building work, other than demolition, excavation, piling, shoring and ancillary works for construction purposes including site hoardings and temporary site sheds that relate to works contained in DA-296/2019 (for abundant caution no bank guarantee needs to be provided prior to the issue of the Stage 1 Construction Certificate but must be provided before the Stage 2 Construction Certificate) which is:
- In a form acceptable to Council and from an institution acceptable to Council
 - Irrevocable
 - Unconditional
 - With no end date
- (c) The payment of the Monetary Contribution to Council is to be made prior to the issue of any Occupation Certificate for the Development, and is to be applied towards a public purpose in accordance with the Agreement and Council's Planning Agreement Policy 2014.

PLAN DETAILS

17. VERIFICATION OF CONSTRUCTION CERTIFICATE DOCUMENTATION (SEPP 65 BUILDINGS)

The preparation of the construction certificate plans shall be supervised and be to the satisfaction of an architect who is registered in accordance with the Architects Act 2003 (i.e. a qualified designer) in accordance with the requirements of the *State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development*.

In accordance with the Environmental Planning and Assessment Regulation 2000, the Principal Certifying Authority must not issue a construction certificate unless it has received a design verification statement from a qualified designer which verifies that the construction certificate plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in *State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development*.

18. [DELETED BY DA-296/2019/B]

19. UNIVERSAL HOUSING

Apartments in the development are to be provided with universal design features (as outlined in the Liveable Housing Design Guidelines) to meet the changing need of occupant's over their lifetimes in accordance with Part B7 of the Waverley Development Control Plan 2012.

20. BASEMENT STORAGE

The basement level/s are to provide separate and secure storage areas (in the form of lockable storage cages or the like), allocated to each apartment in the development for larger bulkier items (surfboards, boxes, camping equipment etc.) which are not suited to be stored within each individual apartment. Storage is to be allocated to individual units in accordance with the requirements of the Waverley Development Control Plan 2012 and Apartment Design Guide.

Each individual residential unit is to be allocated at least one storage area and not include resident bicycle parking.

21. 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.

22. ESSENTIAL SERVICES - NEW BUILDING

Details of the proposed essential fire safety measures/services shall be submitted to Council with the application for a Construction Certificate or be attached to the Construction Certificate, including a certificate, prepared by a person competent to do so, setting out the:

- (a) Basis of design;
- (b) Standard to which the system is to be installed; and
- (c) All relevant documentation, including all drawings such as wiring diagrams, duct layouts, hydraulic schematics etc and calculations shall be submitted for Council's records.

At the completion of the installation, certification containing the following information shall be attached to the application for an Occupation Certificate or to the Occupation Certificate:

- (a) Inspection, testing and commissioning details;
- (b) Date of inspection, testing and commissioning;
- (c) The name and address of the individual who carried out the test; and
- (d) A statement that the service has been designed, installed and is capable of operating to the above standard.

23. PROVISION FOR SHAFT FOR FUTURE FOOD PREMISES

Adequate provision shall be made for the installation of a mechanical exhaust system for future premises where food is prepared. This includes the provision of a shaft that complies with the Building Code of Australia, to the roof for the ductwork and the flue of the system.

NOISE

24. ACOUSTIC SEPARATION

Appropriate acoustic separation of the retail level from the residential level shall be incorporated into the design to ensure that any future use of the retail shops does not unreasonably impact upon the acoustic amenity of the residential units. Details are to be provided to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

25. NOISE MANAGEMENT PLAN - DEMOLITION, EXCAVATION AND CONSTRUCTION

A site specific noise management plan must be submitted to the Principal Certifying Authority for approval and comment prior to the issue of a construction certificate and complied with during any building works. The plan must be prepared by a suitably qualified person who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants. The plan must include but not be limited to the following:-

- (a) Confirmation of noise methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with Council's noise criteria.
- (b) What course of action will be undertaken following receipt of a complaint concerning site noise emissions?
- (c) Details of any noise mitigation measures that have been outlined by an acoustic engineer or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring property to a minimum.
- (d) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

26. NOISE - ACOUSTIC REPORT

An acoustic investigation of the proposed mechanical plant and equipment shall be undertaken by a suitably qualified acoustic consultant describing and assessing the impact of noise emissions from the proposal. The report is to be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate. The investigation shall include, but not be limited to:

- (f) The identification of sensitive noise receivers potentially impacted by the proposal;
- (g) The quantification of the existing acoustic environment at the receiver locations (measurement techniques and assessment period should be fully justified and in accordance with relevant Australian Standards and the NSW Environment Protection Authority (EPA) requirements);
- (h) The formation of a suitable assessment criteria having regard to the guidelines contained in the NSW EPA Industrial Noise Policy;
- (i) The identification of operational noise producing facets of the development 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;

- (j) A statement indicating that the development/use will comply 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.

[AMENDED BY DA-296/2019/B]

CONSTRUCTION & SITE MATTERS

27. HOARDING

If required, a standard A-Class or B-Class hoarding designed and constructed in accordance with the requirements of the Work Cover Authority will be erected on the street alignments of the Property, prior to the commencement of building operations and such hoardings be maintained during the course of building operations.

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

28. 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.

29. GEOTECHNICAL ENGINEERS REPORT

A revised Geotechnical Engineers Report is to be submitted 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.

The report is to be submitted to the Principal Certifying Authority, Council and the owners of adjoining premises prior to the issue of a Construction Certificate and commencement of any such works on the site.

30. GROUND ANCHORS

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

Council's Executive Manager, Infrastructure Services (or delegate) and will be subject to fees. For further information regarding this, please contact assets@waverley.nsw.gov.au or 9083 8886.

Separate approval will be required for ground anchors beneath roadways governed by the Roads and Maritime Services.

31. 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.

Structural Engineer's certificate is to be provided to certify that the building is capable of supporting the live and dead loads proposed within the fit out.

32. DETAILS OF BULK EXCAVATION, SHORING OR PILE CONSTRUCTION

A report shall be prepared by a suitably qualified and practising Structural Engineer detailing the proposed methods of bulk excavation, shoring or pile construction, including details of vibration emissions and any possible damage which may occur to adjoining or nearby properties as a result of the proposed building and excavation works. The Report shall be submitted to the Principal Certifying Authority, Council and the owners of adjoining properties prior to the issue of a Construction Certificate.

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

33. TELECOMMUNICATIONS IN NEW RESIDENTIAL FLAT BUILDING AND MIXED USE DEVELOPMENTS

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

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

34. TREE PRUNING ON ADJOINING PROPERTIES

Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building will require consent under a separate Tree Preservation Order (TPO) application for works to the trees. No works can occur to these trees without a valid TPO.

The TPO application shall be supported by an Arborist report prepared by an Arborist with AQF level 5 qualification or above, certifying that the affected trees will be maintained in a healthy manner after the pruning works, to the satisfaction of Council's Tree Management Officer.

A valid TPO for the works to the above listed trees is to be presented to the Certifying Authority prior to the issue of the relevant Construction Certificate and prior to any pruning of trees.

TRAFFIC MANAGEMENT & PARKING

35. 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

36. [DELETED BY DA-296/2019/B]

37. [DELETED BY DA-296/2019/B]

38. CAR PARKING ALLOCATIONS

A total of 7 car vehicle parking spaces are to be provided, and allocated as follows:

- (a) 2 resident parking spaces
- (b) 2 resident visitor parking spaces, 1 of which is to include an EV charging point.
- (c) 3 retail/commercial parking spaces

Two of the spaces are to be accessible spaces with adjacent shared zone.

Accessible parking spaces are to be designed in accordance with Australian Standard as2890.6 - 2009 Off Street Parking for People with Disabilities.

The residential and retail car parking spaces shall not be independent lots, but rather part lots attached to units or retail commercial floorspace.

[AMENDED BY DA-296/2019/B]

39. BICYCLE PARKING

A minimum of 12 bicycle parking spaces are to be provided, including 10 for residents, 1 for residential visitors and 1 for retail. Such spaces are to be provided by way of a secure lockable area, individual lockers or suitable bicycle racks and are to be located within the ground floor foyer or adjacent, within any forecourt or within the basement car parking area.

Details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

[AMENDED BY DA-296/2019/B]

40. MOTORCYCLE PARKING

A minimum of 2 motorcycle parking spaces are to be provided within the basement car parking area. Details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

STORMWATER & FLOODING

41. STORMWATER DRAINAGE PLANS

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 Torinex Consulting Engineers, Project No. 2000246, Drawing No. STW000, Revision 2, dated 23.06.2022, Drawing No. STW001, STW101, STW103, STW104, STW105, STW201, STW202, STW301, STW302, STW303, Revision 1, dated 10.06.2022, Drawing No. STW304, Revision 1, dated 23.06.2022, Drawing No. STW102, Revision 3, dated 23.06.2022 in principle supported.

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

- a) The plans shall provide details of any required On-Site Stormwater Detention (OSD) system and its details e.g. pit dimensions, cross & long sections, significant water invert levels of inlet and outlet pipes, details of Discharge Control Pit, orifice plate details including orifice diameter, depth of water above centreline of orifice etc., pit overflow, OSD plaque, OSD warning sign and catchment plan. Council's mandatory OSD checklist as set out in Council's Water Management Technical Manual shall be completed and submitted.
- b) A certificate from a registered structural engineer certifying the structural adequacy of the OSD tank structure is to be provided. Any below ground OSD tank structure shall be a cast in-situ concrete based.
- c) The OSD system is to be designed for the 1% Annual Exceedance Probability (AEP) storm event.
- d) Seepage water must not be directly or indirectly discharged to Council's street gutter.
- e) Any underground basement shall be protected from possible inundation by surface waters from the street.
- f) Show an alarm system comprising of a basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure. A minimum freeboard of 150 mm from the pump out system to all parking spaces and full hydraulic details and pump manufacturers' specifications are to be provided.
- g) 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.
- h) A sediment control stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.

- i) All proposed conduits within the public domain shall be constructed using Class 3 reinforced concrete pipes (RCPs) with a minimum diameter of 375 mm. A junction pit shall be installed at all changes of gradient and changes of direction in the pipeline.
- j) The proposed kerb inlet pit must be constructed to Council's satisfaction. Details are to form part of the Construction Certificate documentation.
- k) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.

Notes:

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

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

[AMENDED BY DA-296/2019/B]

PUBLIC DOMAIN & INFRASTRUCTURE SERVICES

42. PUBLIC DOMAIN WORKS

Public domain works, required by virtue of the scale of the development, are to be provided at the applicant's expense and are not a component of any Planning Agreement. The public domain works including street tree, tree pit, footpath and kerb and guttering across the entire Glenayr Avenue frontage of the site shall be upgraded with all works to be completed in accordance with the Waverley Public Domain Technical Manual and Council's 'Local Village Centres – Public Domain Improvement Plan'. Detailed Civil Engineering plans are to be submitted to Council for the approval of the Executive Manager, Infrastructure Services (or delegate) prior to issue of the relevant Construction Certificate, and incorporate the following additional requirements:

- (i) Upgrade of pavement, kerb and guttering to entire frontage of Glenayr Avenue,
- (ii) Provision of one (1) tree pit and the planting of one (1) street tree in this pit, along the frontage of Glenayr Avenue. The tree pit size, planting species and location are to be approved by Council.
- (iii) All pavement treatments (including the atrium pavement treatment) and location of tree pits to be approved by Council.

The footpaths and kerb and gutters surrounding the site are to be upgraded at the applicant's expense in accordance with Council's 'Local Village Centres – Public Domain Improvement Plan'.

The detailed engineering drawings are to:

- (a) Include details and proposed locations of any street furniture and street trees
- (b) Display the RLs at each access point into the building
- (c) Include details and specifications of paving including the materials used and the paving pattern
- (d) Include cross-sections demonstrating a maximum 2% grade in the pathway falling towards the road at all points across the Glenayr Avenue frontage of the site
- (e) Show details of any transitions required beyond the boundaries of the site
- (f) Paving at the property boundaries shall be finished on Glenayr Avenue to match the existing footpath level.

43. PUBLIC INFRASTRUCTURE WORKS

Public infrastructure works shall be designed and constructed as outlined in this condition of consent. The approved works must be completed to Council's satisfaction at no cost to Council.

Full design engineering drawings to be prepared by a suitably qualified and experienced engineering professional and be submitted to Council for the approval of the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.

The Applicant must submit plans and specifications for the following infrastructure works to Council's Public Domain Engineer:

- a) Footpath, Kerb and Gutter: The existing footpath, kerb and gutter traversing Glenayr Avenue and Glenayr Lane frontages to be reconstructed and upgraded in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval.

The proposed footpath, kerb and gutter profiles to include longitudinal and cross sections to ensure proper connections to the existing Council infrastructure traversing the development site. Any stormwater infrastructure within the extent of public domain works, inclusive of the kerb inlet pit shall be replaced.

- b) The existing raised pedestrian threshold on Gould Lane must be reconstructed in accordance with Council's specifications and standard details. Note that the approval by Waverley Traffic Committee must be obtained.
- c) Street Trees: A minimum one (1) street trees must be planted along Glenayr Avenue frontage. Cutouts in the awning shall be provided to accommodate future tree growth.

All new trees proposed within the Council verge will require the installation of suitable tree pits, surrounds and root cell barriers as per the Waverley Council Public Domain Technical Manual. The street tree species and location shall not interfere with the wheel swept path or obstruct the proposed vehicular crossing.

The street tree to be a super advanced *Tristanopsis laurina* (water gum) of a minimum pot size of 200 litres and grown to Natspec standard. Council shall be contacted at the time of installing the root cell barriers prior planting the new tree.

The tree must be planted by a qualified horticulturist experienced in planting super advanced trees.

The tree to be planted in accordance with specifications for tree planting in commercial zones as per Council's Technical Manual I.03 and I.08.

A bill of sale showing the pre-purchase of the above trees is to be submitted to Council for approval prior to the issue of the construction certificate.

A bond of **\$5 000** is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the new *Tristanopsis laurina* (Kanooka or Water Gum) street trees at the Glenayr Avenue frontages. 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.

In the event the trees are found damaged, dying or dead because of works at any time during the construction period or due to negligence/damage by the applicant/agent/contractor, the full bond amount or part thereof will be forfeited.

- d) Any existing or proposed utility pillars on the site frontages to be either underground or inside the property boundary of the proposed development. Applicant must liaise with the relevant authorities for their approval and communicate to Council with written confirmation, before executing any works. It is noted that the existing pillar currently located in Hall Street frontage will require relocation.
- e) All mains electrical connections to the development must be routed underground. Council will not accept the erection of newly placed electricity columns within the Council's public domain to support the new development.
- f) Communicate the relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to Council along with the Public Domain design plans submission. All the requirements of the relevant Public Authority shall be complied with.
- g) The full public domain traversing the all three street frontages shall be protected from the proposed building works. The applicant will be required to replace any damaged footpath, street furniture, pavement, kerb and gutter and Council's infrastructure at no cost to Council.

- h) Measures to protect the existing parking meter must be undertaken. Any damages or replacing cost of the parking meter shall be borne by the applicant.

Notes:

- Depending on the complexity of the proposed public domain works, the Council's review of each submission of the plans may take a minimum of six (6) weeks.
- 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 public domain design submissions; however Council's title block shall not be replicated.
- Prior to commencement of works a security deposit will be made payable to Council to insure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- Council's contact for public domain: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4.00pm Monday to Friday)

[AMENDED BY DA-296/2019/B]

44. [DELETED BY DA-296/2019/B]

45. [DELETED BY DA-296/2019/B]

46. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

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

An invoice will be issued to the Applicant for the amount payable, which will be calculated based on the design plans for the public domain works.

47. SERVICE AUTHORITIES

The applicant is to seek approval from the relevant service authorities (water, gas, electricity) regarding any possible modification to the service authority's infrastructure, if required, prior to the issue of a Construction Certificate.

48. IMPACT ON EXISTING UTILITY INSTALLATIONS

Should proposed or conditioned works located within Council's road reserve be located where it is likely to disturb or impact upon a utility installation (eg power pole, Telstra pit etc) written confirmation from the affected utility provider (eg. AusGrid/Telstra) that they have agreed to the proposed impacts shall be submitted to the Principal Certifying Authority, prior to the release of the relevant Construction Certificate.

49. COST OF ADJUSTMENT TO PUBLIC UTILITIES TO BE BORNE BY APPLICANT/DEVELOPER

The arrangements and costs associated with any adjustment to public utility services, including these in the footpath and road areas to suit new development levels shall be borne by the applicant/developer. Any adjustment, deletion and/or creation of public utility easements associated with the approved works are the responsibility of the applicant/developer. The submission of documentary evidence to the Principal Certifying Authority which confirms that satisfactory arrangements have been put in place regarding any adjustment to such services is required, prior to the release of the relevant Construction Certificate.

ENERGY EFFICIENCY & SUSTAINABILITY

50. BASIX

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

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

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

51. [DELETED BY DA-296/2019/A]

WASTE

52. 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.

53. EROSION, SEDIMENT AND POLLUTION 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 exiting 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.

54. WASTE STORAGE AREAS

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

- Residential (8 Studio Units, 2 x 2-Bedroom Units)
 - 4 x 240L mobile garbage bin (MGBs) for general waste collected weekly
 - 4 x 240L MGBs for container recycling collected fortnightly
 - 4 x 240L MGBs for paper and cardboard recycling collected fortnightly
 - 1 x 240L MGBs for garden waste should this be generated at the property
- Commercial:
 - To be confirmed following the submission of a separate DA for proposed first use.
- Include a monitoring program post-construction to monitor the frequency of collections to ensure minimal excess waste/litter issues and adjust frequency of collection accordingly. Weekly or bi-weekly collections for both waste and recycling can be discussed with Council.

A minimum of 4m² is required for the on-site storage of bulky waste awaiting collection.

All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B1 of the *Waverley Council Development Control Plan 2012* to the satisfaction of the Principal Certifying Authority.

[AMENDED BY DA-296/2019/B]

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

55. 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.

56. 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

57. 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.

58. 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.

59. 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.

60. 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.

61. MANAGEMENT OF ACIDIC SULFATE SOIL

Following the demolition stage, but prior to the construction stage, further investigations for Acid Sulfate soils shall be undertaken by a suitably qualified expert. Should the subject site show evidence of acid sulphate soils, the following shall apply:

- (a) To address issues arising from the natural acidity of the soil on-site, any concrete that is in contact with this soil is to be designed to restrict acid and sulphate attack. The Cement and Concrete Association of Australia Technical Note TN57 is to be adhered to for precautionary measures.
- (b) Prior to the commencement of any works, the applicant shall nominate an appropriately qualified Environmental Scientist to supervise the management of acid sulphate soils. The Scientist shall:
 - i. Provide an acceptance in writing to supervise the aforementioned works to ensure compliance with the relevant conditions of Development Consent.
 - ii. On completion of the works certify that the aforementioned works have been constructed in compliance with the approved plans, specifications and conditions of consent.
- (c) The nominated supervising Environmental Scientist shall certify that the management of acid sulphate soil was undertaken in accordance with the Development Consent. Prior to the use or occupation of the building (or Occupation Certificate being issued), the Principal Contractor / Developer shall submit to Waverley Council a copy of the aforementioned Certificate.

62. POTENTIAL DEWATERING OF THE SITE

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

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

CONSTRUCTION MATTERS

63. 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.

64. 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.

65. 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.

66. 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.

67. 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.

68. ENCROACH BEYOND THE BOUNDARIES

No portion of the proposed building including the footings and roof eaves, but not including public domain works / proposed awnings as shown on the approved plans, are to encroach beyond the boundaries of the subject property.

69. NATIONAL CONSTRUCTION CODE

All building work must be carried out in accordance with the requirements of the National Construction Code (formerly known as the Building Code of Australia).

TREE PROTECTION AND REMOVAL

70. TREE PRESERVATION

A tree preservation order exists in the Waverley Local Government Area. Any trees not identified in this application have not been assessed and separate consent will be required. The application must be made in writing to Council prior to removal of tree/trees. Should permission be granted, the applicant will receive a permit to proceed.

71. 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.

The tree protection works recommended in the Arborist Report prepared by Redgum Horticultural/Arboricultural Consultants (Ref. No. 3855) and dated 14 May 2018 and reviewed 1 August 2019 shall be implemented prior to and during demolition and construction works.

72. STREET TREES TO BE RETAINED

The existing *Tristania laurina* (Water Gum) tree on the nature strip at 95 Glenayr Avenue 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.

No existing street trees shall be removed without Council approval. A 1.8m high chain link wire fence or the like shall be erected around the existing street trees to protect them from damage during construction. Where an existing tree is damaged or approval is granted for the removal of a street tree the applicant is to pay for its replacement with a super advanced tree of a species nominated by Council.

73. STREET TREE PLANTING - COMMERCIAL ZONES

The proposed street tree planting to **Glenayr Avenue** is to be undertaken in accordance with Council's requirements and the following:

- (a) Adequate drainage, with specifications showing continuous interconnected tree channel pits with a minimum size of 1sqm; and
- (b) Solid cast aluminium tree guards and grates in accordance with Council's Town Park Furniture Guidelines.

VEHICLE ACCESS & PARKING

74. [DELETED BY DA-296/2019/B]

74A. CONVEX MIRRORS

Convex mirrors are to be placed inside the site at the vehicular access ramp for drivers when exiting the site to view vehicles approaching from either direction along the adjacent roadway/footpath.

Details are to be shown on the plans to be submitted to Council for the approval of the Executive Manager, Infrastructure Services, or delegate.

[ADDED BY DA-296/2019/B]

75. NEW 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.

76. VEHICLE ACCESS

All vehicles entering and exiting the site shall do so in a forward direction at all times.

77. RESIDENT AND VISITOR PARKING SPACES

All resident and visitor car parking spaces shall be clearly delineated and numbered.

78. RELOCATION OF PARKING / STREET SIGNS

- (a) Where necessary, the applicant shall meet the cost of the relocation/installation of any traffic, meters or parking control signs.
- (b) 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.

PUBLIC DOMAIN WORKS

79. PUBLIC AREAS AND RESTORATION WORKS

Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas due to construction activities must be made safe to the general public and be regarded as a high level priority. This includes, but not limited to works performed for the purpose of connection/s to public utilities, including repairs of damaged infrastructure. Should Council discover any unsafe construction activities within the public areas surrounding the development, the works must be resolved immediately to the satisfaction of Council.

80. PUBLIC UTILITIES AND SERVICE ALTERATIONS

Any utility services and all public infrastructure which require alteration due to works associated with the development, both internally and externally of the development boundary, shall be altered at the Applicant's expense. This includes both temporary and permanent alterations. Upon notifying Council, the Applicant must comply with the requirements (including financial costs) of the relevant utility service provider (e.g. Ausgrid, Sydney Water, Telstra, RMS or similar) in relation to any connections, repairs, relocations, replacements and/or adjustments to public infrastructure or services affected by the proposed works.

81. NOTICE OF INTENTION TO COMMENCE PUBLIC DOMAIN WORKS

Prior to commencement of the public domain works notice shall be submitted to Council's Public Domain Engineer. This notice shall include the name and insurance details of the Contractor who will be responsible for the construction works, and details of the managing site supervisor/engineer. The applicant is also responsible for obtaining all Road Activity Permits required for the works, from the respective authorities.

82. NOTIFICATION OF ADJOINING OWNERS & OCCUPIERS

The Applicant shall provide the adjoining owners and occupiers' written notice of the proposed public domain works a minimum two weeks prior to commencement of construction. The notice is to include a contact name and number should they have any enquiries in relation to the construction works. The duration of any interference to neighbouring driveways shall be minimised; and driveways shall be

returned to the operational condition as they were prior to the commencement of works, at no cost to the owners.

83. PRE-CONSTRUCTION DILAPIDATION REPORT – PUBLIC DOMAIN

To ensure Council's infrastructure is adequately protected a pre-construction dilapidation report on the existing public infrastructure within the vicinity of the proposed development and along the travel routes of all construction vehicles, up to 50m either side of the development site, is to be submitted to Council's Public Domain Engineer. The report shall detail, but not be limited to, the location, description and photographic record (in colour) of any observable defects to the following infrastructure where applicable:

- i. Road pavement
- ii. Kerb and gutter
- iii. Footpath
- iv. Drainage pits and lintels
- v. Traffic signs
- vi. Adjacent property facades and awnings
- vii. Any other relevant infrastructure.

The report is to be dated, submitted to, and accepted by Council's Public Domain Engineer, prior to any work commencing on the site.

All fees and charges associated with the collation of this report shall be at the cost of the Applicant.

84. PUBLIC DOMAIN PRE-CONSTRUCTION MEETING

To ensure all public infrastructure works approved under this consent will be completed to Council's satisfaction and a program of required inspections is established, a preconstruction meeting shall be arranged with Council's engineering inspector/s prior to works commencing on site.

FUTURE COMMERCIAL USE

85. CONSTRUCTION AND FITOUT OF FOOD PREMISES

- (a) The floor of the food premises must be finished in an approved non absorbent material, evenly laid, or graded and drained to a trapped floor waste.
- (b) The walls of the food preparation area must be of solid construction and finished with glazed ceramic tiles or other rigid, smooth-faced impervious material.
- (c) Ceilings within the food preparation and storage areas must be free of gaps and open joints and must be finished with an impervious sealed material. Drop in panels are not permitted in food preparation areas, food storage areas or areas where open food is displayed or served.
- (d) Hand wash basin/s, with hot and cold running water mixed through a common spout, hand wash soap and hand drying facilities must be provided in all food preparation/bar areas.
- (e) A double bowl sink or two compartment tub (the capacity of which must be capable of fitting all food contact equipment) must be provided in the food preparation area, in addition to the hand basin,

OR

A single bowl sink and a dishwasher must be provided in the food preparation or designated area, (where all the food contact equipment will fit in the dishwasher) in addition to the hand basin.

- (f) The cooking appliances require an approved air handling system designed in accordance with AS1668.1-1998 and AS1668.2-1991 or alternative solution satisfying the performance objectives of the Building Code of Australia.

86. LOCATION OF GREASE TRAP

Should the commercial tenancies require a grease trap, the grease trap is not to be located in areas where food, equipment or packaging materials are handled or stored in accordance with the requirements of AS 4674-2004 "Design, Construction and Fitout of food premises". The grease trap room must have a piped connection to the boundary so that it can be emptied.

Note: Sydney Water also have requirements for grease arrestors that you need to comply with.

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

87. 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.

88. SYDNEY WATER

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. **Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website www.sydneywater.com.au/customer/urban/index or telephone 13 20 92.**

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

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the subdivision plan/occupation of the development.

89. ACOUSTIC REPORT RECOMMENDATIONS

The "recommendations" as outlined in Section 5.2 of the acoustic report prepared by **Acoustic, Vibration and Noise Pty Ltd (Reference No. 2019-033)** and dated 1 August 2019 and subsequent letter dated 1 June 2020 shall be implemented.

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

90. CERTIFICATION OF BASIX COMMITMENTS

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

91. CERTIFICATION OF APPROVED DESIGN

In accordance with the Environmental Planning and Assessment Regulations 2000, the Principal Certifying Authority must not issue an occupation certificate, to authorise a person to commence occupation or use of the development unless it has received a design verification statement from an architect who is registered in accordance with the Architects Act 2003 (i.e. qualified designer) that verifies that the building achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles.

92. CERTIFICATION OF SURVEY LEVELS

The R.L's nominated on the approved plans including in respect of parapets, roof lines, plant and lift overruns etc are to be strictly complied with. Certification including a Work as Executed Plan by a registered surveyor is to be provided to the PCA prior to issue of the Final Occupation Certificate.

93. CERTIFICATION OF STORMWATER SYSTEM

Prior to issue of the Final 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.

93A. WORKS-AS-EXECUTED DRAWINGS - STORMWATER DRAINAGE SYSTEM

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

[ADDED BY DA-296/2019/B]

93B. 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.

[ADDED BY DA-296/2019/B]

93C. PLANNED PREVENTATIVE MAINTENANCE SCHEDULE FOR PUMP OUT SYSTEM

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

[ADDED BY DA-296/2019/B]

94. SUPERVISING ENGINEER FINAL CERTIFICATE – PUBLIC DOMAIN

Prior to the issue of any Occupation Certificate for the works, the Applicant shall submit to Council’s Public Domain Engineer, a Final Certificate from the Supervising Engineer confirming that the public domain works have been constructed in accordance with the Council approved plans and Waverley Council standards and specifications. The certificate shall include commentary to support any variations from the approved drawings.

95. WORK-AS-EXECUTED PLAN – PUBLIC DOMAIN

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

The W.A.E plans are to note all departures clearly in red on a copy of the approved Construction Certificate plans and certification from an experienced chartered civil engineer shall be submitted to support all variations from approved plans.

96. CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS

To ensure public infrastructure works required under the consent are completed to Council's satisfaction a final inspection of the completed works is required from Council's Engineer.

Prior to the issue of any Occupation Certificate, a Final Compliance Certificate shall be obtained from Council confirming that all works in the road reserve including all public domain infrastructure works and restoration, have been completed to Council's satisfaction.

Notes:

- The issue of a Final Compliance Certificate from the Council Engineer will be withheld should there be any outstanding fees and charges applicable to the development. This includes but not limited to fees applicable for engineering plans assessment and work inspection fees.
- The refund of any damage and/or security deposits will be subject to satisfactory restoration and rectification of all civil infrastructure that have dilapidated as a result of the construction activities associated with this development consent.
- To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works completed by the applicant/developer following completion of the development. The defects liability period shall commence from the date of issue of the Occupation Certificate for the development. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification, during the twelve (12) months' defects liability period.

97. FIRE SAFETY WORKS

The Occupation Certificate shall not be released by Council or an accredited certifier, until all fire safety works are completed and a Final Fire Safety Certificate has been submitted to Council, 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) has been found, when it was assessed, 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.

98. PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE

Prior to the issue of an Occupation Certificate, a Waste Management Plan must be submitted to Council (attentioned to Council's Executive Manager, Environmental Sustainability) 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).

99. NOISE – PLANT AND EQUIPMENT

A Certificate is to be submitted to Council at the completion of all work and prior to the issue of the Final Occupation Certificate, from a suitably qualified Acoustic Engineer. The Certificate is to certify all plant and equipment including mechanical supply and exhaust ventilation systems (including the car park) and lift motors comply with the terms of approval in relation to noise.

100. CERTIFICATION OF LANDSCAPING

At the completion of all works a certificate is to be submitted to the Principal Certifying Authority from a qualified Landscape and/or Arboriculture Consultant certifying that the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established. If relevant, the waterproofing on any green roof is to be tested and evidence of the test is to be provided with the certification.

OTHER MATTERS

101. WAVERLEY DIGITAL MODEL

Prior to the issue of the Final Occupation Certificate an accurate 'as built' digital model of the building must be submitted to Council's Waverley Futures Department for use in the Waverley Digital Model.

- (a) A digital model of the building must be generated at a scale of 1:1 with units of measurement in metres and include the following:
 - (i) a building envelope which includes all elements affecting shadow analysis;
 - (ii) accurate placement of glazing, balconies, roof pitches, terraces, roof services and any other prominent external design features;
 - (iii) a ground level terrain showing accurate RLs extending to site boundaries.
- (b) All models must be generated in accordance with Council's Guidelines: Submitting Digital 3D Models. Further information and technical requirements can be obtained from Council's E-Planning (3D Modelling) Officer, Shaping Waverley.

Notes:

- This model will update previous version/s submitted at Development Application stage.
- Any future modifications (under Section 96 of the Environmental Planning and Assessment Act) that affect the external configuration of the building (from the ground level and up), will require the submitted model to be amended.

102. ALLOCATION OF STREET NUMBER

The redevelopment of the property has led to the following allocation of primary and sub-premises numbering:

- No. 97 - primary address site number
- Glenayr Avenue - primary address location.

The primary premises number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level and be clearly visible on the site boundary that fronts Glenayr Avenue.

- Shop G01 for the commercial/retail sub-address sites within the building correlating with Retail/Commercial lot on the ground floor plans for the building,
- Nos. 101-104 for the residential sub-address site within the building correlating with Nos. 1.1-1.4 on the first floor plans for the building,
- Nos. 201-205 for the residential sub-address site within the building correlating with Nos. 2.1-2.5 on the second floor plans for the building.

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

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

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

Premises with multiple street frontages and access points shall display the 'primary address number' on the site boundary of the primary address location and display both the primary address number and primary address location at alternative street address entry points to the building.

The primary premises numbering for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary and clearly visible from the primary street frontage.

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

103. SURVEILLANCE CAMERAS TO BE MAINTAINED ON THE PREMISES

The Strata / Building Management must install and maintain a closed-circuit television (CCTV) system on the premises. The CCTV system must comply with the requirements of Waverley Council and the Local Area Command. Please refer to Council's website for further information.

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

In this regard, the back of house area to the rear and adjacent laneway is to be illuminated and provided with CCTV coverage to improve safety and security without causing nuisance to any neighbouring residential premises.

104. ANTI GRAFFITI TREATMENT

All external walls and surfaces at ground floor level shall be treated in an anti graffiti treatment. Evidence is to be provided to the PCA prior to issue of the Final Occupation Certificate. Any graffiti or vandalism etc is to be removed and external facades made good within 7 days.

105. STRATA SUBDIVISION

Consent is required for strata subdivision of the development.

In respect to the allocation of car parking and storage spaces, those spaces are not permitted to be subdivided as individual allotments and are to be part lots allocated to individual residential or commercial allotments or identified as common property. Parts allotments are to be generally allocated in accordance with the parking and storage requirements of Waverley Development Control Plan 2012.

E. OPERATIONAL CONDITIONS DURING OCCUPATION

106. PARKING

- (a) Ownership of car park lot spaces within the basement shall be limited to parties owning a lot within the buildings on-site.
- (b) A minimum of one car space and a maximum of two car spaces shall be allocated to any residential unit/dwelling to ensure equitable allocation overall.
- (c) car parking spaces shall not be independent lots, but rather part lots attached to units in any future Subdivision Plans.

[AMENDED BY DA-296/2019/B]

107. PARKING PERMITS

In accordance with Council's Policy, Residents Preferred Parking permits will **not** be issued for this development when completed.

108. ENTRY AND EXIT OF VEHICLES

Vehicles entering and exiting the car park shall do so in a forward direction at all times.

109. [DELETED BY DA-296/2019/B]

110. LOADING / UNLOADING

All loading and unloading associated with the development (both residential and commercial uses) is to wholly occur on-site via the loading area.

111. 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.

112. 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.

113. MECHANICAL PLANT

All refrigeration motors/units and other mechanical plant are to be installed within the building in an acoustically treated plant room. In this regard, adequate provision is to be made within the confines of the building for any plant and equipment associated with the use of the building.

The plants rooms are to be used solely for the purposes nominated on the approved plans.

114. FIRE SAFETY - EXITS

Exits and paths of travel to exits are to be kept clear and at all times to provide clear access to exits and provide a safe passage for occupants to open space in accordance with Section D of the BCA.

115. FIRE SAFETY MAINTENANCE

Access to all essential fire safety measures, such as fire hydrants, fire hose reels, portable fire extinguishers and the like must be maintained at all times and not be blocked or obstructed by furniture, equipment or the like.

116. COPIES OF CONSENTS AND MANAGEMENT PLANS

A full copy of all current development consents (including approved plans) for the operation of the premises and the Flood Protection Plan of Management must be kept within each retail premises of the building and made available for inspection immediately upon request by Council Officers.

117. INSTALLATION OF AIR CONDITIONING

To ensure that the ecological sustainable objectives are met, any air conditioning unit(s) installed within the building shall:

- (a) Be located on the roof, in the area nominated on the approved plans above the western unit, Unit 201. Should this not be possible, (as evidenced by certification provided by a suitably qualified electrical engineer) then condenser units shall be located on the roof, in the centre adjacent to lift overrun (maximum 1 m height above roof level).
- (b) Be located behind the front building line and if visible suitable screened and located in an appropriate location.
- (c) Not be adjacent to neighbouring bedroom windows.
- (d) Not reduce the structural integrity of the building.
- (e) Not emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - (ii) before 7.00am and after 10.00pm on any other day.
- (f) Not provide noise emissions that exceed 5dBA above the ambient background noise level measured at the property boundary at any other time outside of (e).
- (g) Have sufficient manual or automated controls so it is used only when required;
- (h) Be an energy efficient reverse cycle air conditioning system that achieves as a minimum one star less than the maximum possible under the Australian Government air conditioning energy rating standard.
- (i) New or replacement air conditioning units are to have a minimum 2-star rating for cooling only. Reverse cycle air conditioning units are to have a minimum of 2-star rating on one cycle and 2-star rating on the alternate cycle.
- (j) Dehumidification from air conditioning systems must be harvested and reused on site provided it is treated to an adequate level suitable for the reuse application, otherwise a piped connection to Council's stormwater drainage system is required and there is to be no discharge to the footpath.

[AMENDED BY DA-296/2019/B]

118. GROUND FLOOR LANDSCAPED AREA

The outdoor landscaped area to the rear of the commercial premises is to be kept clear at all times, and regularly maintained and kept clean and tidy, to allow unimpeded access and pleasant pedestrian entry for residents.

119. BEDROOM MIX AND CONFIGURATION

The bedroom mix and configuration shall not be changed at any time without the prior consent of Council.

120. USE OF ROOF

The roof shall be non-trafficable and accessed for maintenance purposes only.

121. WASTE MANAGEMENT PLAN REVIEW

After 5 years of operation (from the date of issue of an Occupation Certificate) 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 and a copy is to be maintained by the owner/owners corporation.

122. TELECOMMUNICATION FACILITIES ON MULTI-UNIT DWELLINGS

Telecommunication facilities on new multi-unit dwellings are opposed. The Owners' Corporation is prohibited from entering into leasing agreements with telecommunication companies to erect or install any commercial telecommunication device (other than for the explicit use of the occupants) on the building.

123. DOMESTIC HEATERS/ FIREPLACES

The provision of solid fuel heating/cooking appliances (including wood, coal or other solid fuels) is prohibited. In this regard, use of liquid fuels or gaseous fuels such as gas may be used.

124. ROLLER SHUTTERS

The installation of roller shutters or grilles, in front of, or in place of a standard window or shop front is prohibited. Council Policy requires the retention of a glass shop front for window display purposes. Should increased security be desired, then consideration should be given to applying shatter-resistant film or replacing existing shop window glass with laminated glass.

125. NO FLASHING SIGNS

The use of flashing lights, flashing illuminated signs and the like is prohibited.

126. LOCATION OF SIGNS

No advertising signs or notices are to be affixed to the windows of the premises excluding the retail premises which are subject to future development consent.

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

AD1. 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.

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. EXCAVATION TO BE LIMITED

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

AD5. BONDİ - ROSE BAY SAND BODY

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

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

AD6. TREE REMOVAL/PRESERVATION

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

AD7. WORK OUTSIDE PROPERTY BOUNDARY

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

AD8. SYDNEY WATER CERTIFICATE

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

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

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 of the Association of Australian Acoustic Consultants.

AD10. ONGOING MAINTENANCE – STORMWATER DRAINAGE SYSTEM

Council will need to be provided with an OSD maintenance activities. At a minimum, the detention facility must be:

- Kept clean and free from silt, rubbish and debris.
- Be maintained so that it functions in a safe and efficient manner.
- Not be altered without prior consent in writing of the Council.

[ADDED BY DA-296/2019/B]

S4.55 MODIFICATION

MODIFICAION TO PROPOSED RESIDENTIAL FLAT BUILDING

97 GLENAYR AVENUE, BONDI BEACH NSW 2026

AMENDED PLANS



RECEIVED
Waverley Council
Application No: DA-296/2019/B
Date Received: 02/11/2022

DRAWING SCHEDULE

S455 000 COVER SHEET
S455 001 PROJECT SUMMARY
S455 010 EXISTING SITE PLAN
S455 020 SITE ANALYSIS PLAN

S455 100 SITE PLAN
S455 101 FLOOR PLAN - SHEET 01
S455 102 FLOOR PLAN - SHEET 02
S455 103 FLOOR PLAN - SHEET 03

S455 200 ELEVATIONS - SHEET 01
S455 201 ELEVATIONS - SHEET 02

S455 300 SECTIONS

S455 400 MATERIALS SCHEDULE

S455 410 PHOTOMONTAGE
S455 411 PHOTOMONTAGE

S455 500 FSR CALCULATION
S455 501 PREVIOUS DA OVERLAY - PLAN
S455 502 PREVIOUS DA OVERLAY - SECTION

S455 510 LANDSCAPE CALCULATION
S455 520 SHADOW DIAGRAM - SHEET 01
S455 521 SHADOW DIAGRAM - SHEET 02
S455 530 SUN EYE VIEW DIAGRAM - SHEET 01
S455 531 SUN EYE VIEW DIAGRAM - SHEET 02
S455 532 SUN EYE VIEW DIAGRAM - SHEET 01
S455 540 CROSS VENTILATION DIAGRAM
S455 550 STORAGE DIAGRAM

S455 600 ADAPTABLE UNIT

S455 700 WASTE MANAGEMENT PLAN - SHEET 01
S455 701 WASTE MANAGEMENT PLAN - SHEET 02

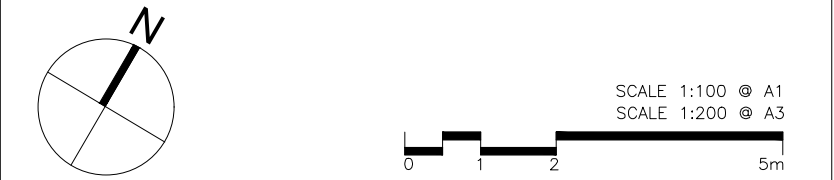
S455 800 NOTIFICATION PLAN
S455 900 AWNING DETAIL

External Walls Specification:				
Type	Material	Added Insulation	Colour**	Detail
Masonry	Brick Cavity	See detail	Light	Foilboard green 30mm to be used for cavity brick walls with 30mm reflective airgaps on ether side of it
Internal Walls specification:				
Type	Material	Added Insulation	Colour**	Detail
Masonry -	Brick Cavity	Nil	-	As per drawings - internal walls
Masonry - Partition	Brick Cavity	See detail	-	Foilboard green 30mm to be used for cavity brick walls with 30mm reflective airgaps on ether side of it
Roof Specification:				
Type	Material	Added Insulation	Colour**	Detail
Framed	Concrete	R4.00	Medium	As per drawings
Framed	Metal outer & Plasterboard inner	Sarking + R4.00	Medium	For raked ceilings - as applicable on level 2
Floors/Ceilings Specification:				
Type	Material	Added Insulation	Covering	Detail
Masonry	Concrete	R3.00	As per drawings	Exposed floors for 1.1 & 1.2
Framed	Concrete	Nil	As per drawings	Above dwelling and commercial
Window Specification*				
Frame material		Glazing	U Value	SHGC
Aluminum		Single	-	-
		Detail		
		Refer to NatHERS for more info		

- GENERAL NOTES:
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- LEGEND:
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 - B BOLLARD
 - BCYL BICYCLE PARKING
 - FH FIRE HYDRANT
 - FS FIRE STAIRS
 - G 240L GREEN ORGANIC BIN
 - OP OPAQUE WINDOW
 - R 240L RECYCLING BIN
 - Rx RESIDENT PARKING NO. x
 - PS PRIVACY SCREEN
 - SK SKYLIGHT
 - ST STORAGE
 - TOP TOP OF FENCE HEIGHT
 - TOW TOP OF WALL HEIGHT
 - Vx VISITOR PARKING NO. x
 - W 240L GENERAL WASTE BIN

ISSUE	DATE	DESCRIPTION
G	01.11.2022	REVISED S4.55 MODIFICATION ISSUE
F	24.06.2022	S4.55 MODIFICATION ISSUE
E	21.06.2022	DRAFT S4.55 MODIFICATION ISSUE
D	06.06.2022	DRAFT S4.55 MODIFICATION ISSUE
C	03.06.2022	DRAFT DA ISSUE
B	25.01.2021	REVISED DA
A	18.11.2020	ISSUE FOR DA SUBMISSION



CLIENT:

ARCHITECT:
PBD | ARCHITECTS
ABN 36 147 035 550
P - 02 9698 8140 E - info@pbdarchitects.com.au W - www.pbdarchitects.com.au
Level 2, 52 Albion Street, Surry Hills NSW 2010
Nominated Architect: Paul Buljevic NSW 7768

PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
97 GLENAYR AVENUE, BONDI BEACH
NSW 2026

DATE: MARCH 2022

DRAWING TITLE:

COVER SHEET

SCALE: 1:100@A1 / 1:200@A3	DRAWING NO: S455_000	ISSUE: G
PROJECT NO: 2201		

S4.55 MODIFICATION

PROJECT INFORMATION

97 Glenayr Ave, Bondi Beach	
Site Area	439.9 m²
Height Control	9 m
Allowable FSR	1:1 (439.9 sqm GFA)
Proposed FSR	1.32:1 (GFA = 538 sqm)
Zoning	B1 - Neighbourhood Centre

UNIT MIX

Level	Studio	1 Bed	2 Bed	3 Bed	Total
GF	0	0	0	0	0
LEVEL 1	4	0	1	0	5
LEVEL 2	4	0	1	0	5
TOTAL	8	0	2	0	10
	80%	0%	20%	0%	100%

CAR PARKING REQUIREMENTS

	Max. Rate (per unit)	No. of Units / Area	Required	Proposed
Residential				
Studio	0	8	0	
1 Bed	1	0	0	
2 Bed	1.2	2	2.4	
3 Bed	1.5	0	0	
		Total Residential	2.4	3
Visitor	1 per 5 dwellings	10	2	2
Retail	3.3/100 sqm	120	4.0	2
		TOTAL	8.4	7 (2 accessible parking)

OTHER PARKING REQUIREMENTS

Car wash bay	N/A		0	0
Bicycle	(Residential) 1 per dwelling	10	10	10
	(Visitor) 1 per 10 dwelling	1	1	1
	(Retail) 0.1 per 100 sqm	120	0.1	
	(Retail) 0.4 per 100 sqm	120	0.4	1
		Total bicycle parking		12
Motorcycle parking	1 per 3 parking bays	9	3	3

WASTE GENERATION & MANAGEMENT

RESIDENTIAL	Rate	Litres / Week	Bins / Week	Proposed
Garbage	120L/unit/week	1440	6.00	6
Recycling	120L/unit/week	1440	6.00	6

AMENDED PLANS

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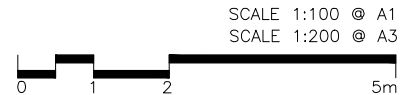
GENERAL NOTES:

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LEGEND:

AG	ACCESS GRATE (TO ENG'S DETAILS)
B	BOLLARD
BCYL	BICYCLE PARKING
FH	FIRE HYDRANT
FS	FIRE STAIRS
G	240L GREEN ORGANIC BIN
OP	OPAQUE WINDOW
R	240L RECYCLING BIN
Rx	RESIDENT PARKING NO. x
PS	PRIVACY SCREEN
SK	SKYLIGHT
ST	STORAGE
TOP	TOP OF FENCE HEIGHT
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Vx	VISITOR PARKING NO. x
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E	01.11.2022	REVISED S4.55 MODIFICATION ISSUE
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ARCHITECT:

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PROPOSED RESIDENTIAL FLAT BUILDING
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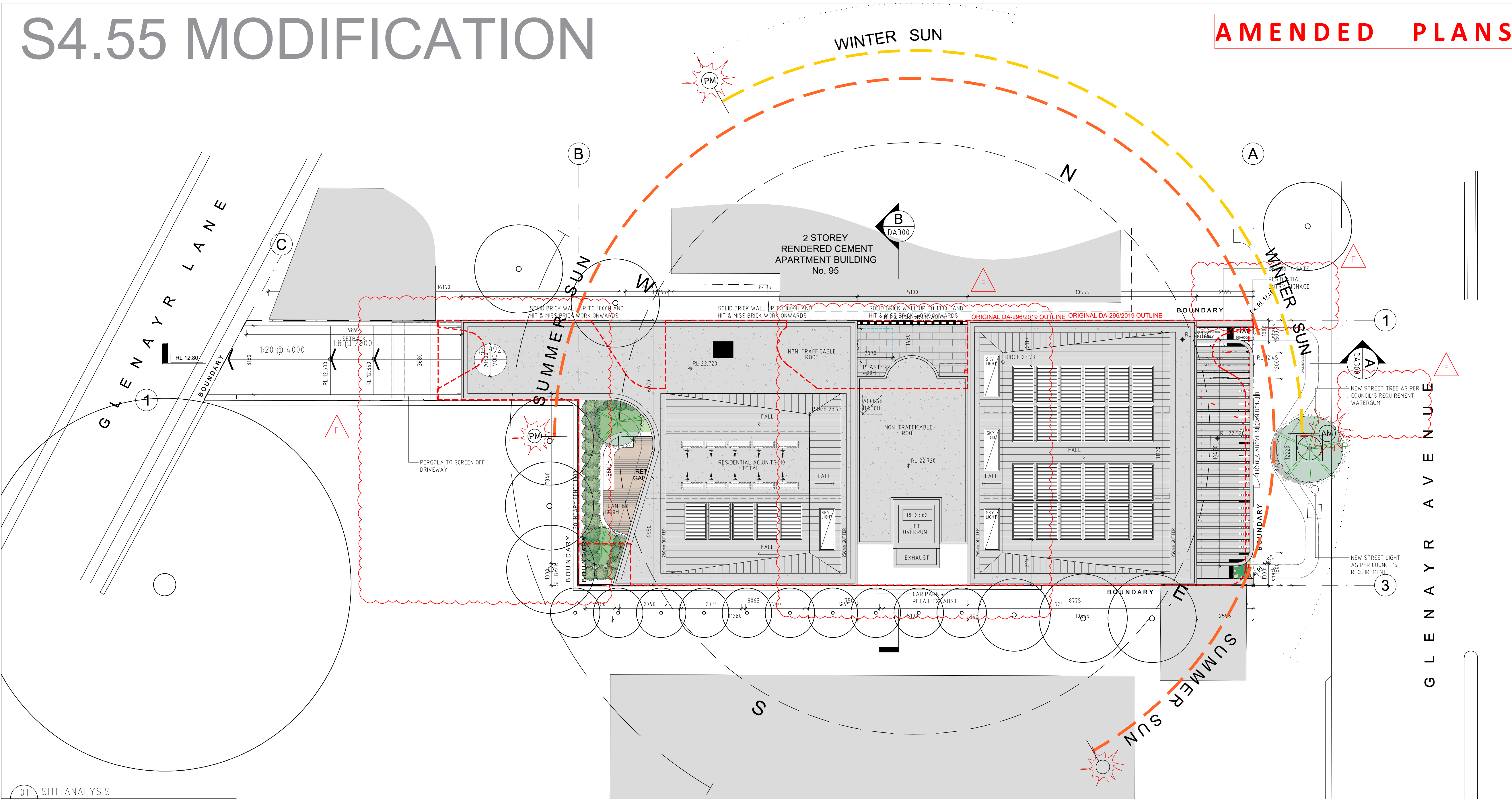
DRAWING TITLE:

PROJECT SUMMARY

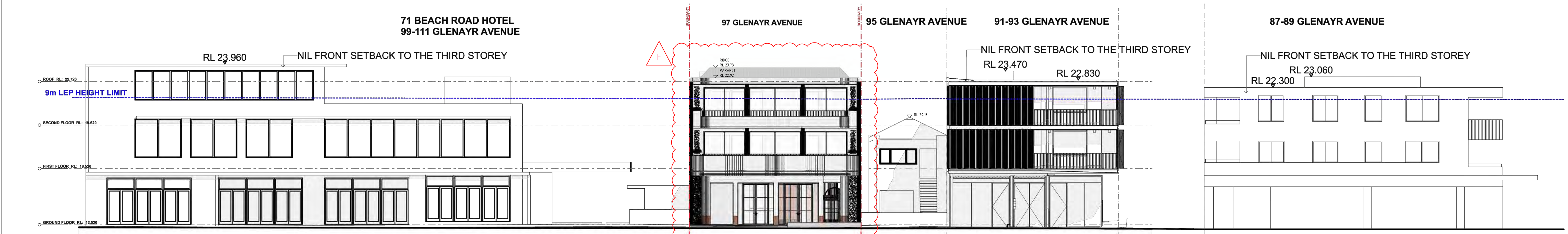
SCALE: 1:100@A1 / 1:200@A3	DRAWING NO: S455_001	ISSUE: E
PROJECT NO: 2201		

S4.55 MODIFICATION

AMENDED PLANS



01 SITE ANALYSIS
SCALE: 1:100 @ A1



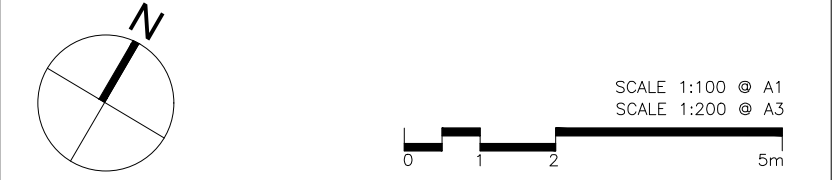
02 STREETScape ELEVATION
SCALE: NTS

- GENERAL NOTES:
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Date Received: 02/11/2022

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E	24.06.2022	S4.55 MODIFICATION ISSUE
D	21.06.2022	DRAFT S4.55 MODIFICATION ISSUE
C	06.06.2022	DRAFT S4.55 MODIFICATION ISSUE
B	03.06.2022	DRAFT DA ISSUE
A	31.05.2022	PRELIMINARY ISSUE



CLIENT:

ARCHITECT:
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ABN 36 147 035 550
P - 02 9698 8140 E - info@pbdarchitects.com.au W - www.pbdarchitects.com.au
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DATE: MARCH 2022

DRAWING TITLE:
SITE ANALYSIS PLAN

SCALE: 1:100@A1 / 1:200@A3	DRAWING NO: S455_020	ISSUE: F
PROJECT NO: 2201		

S4.55 MODIFICATION

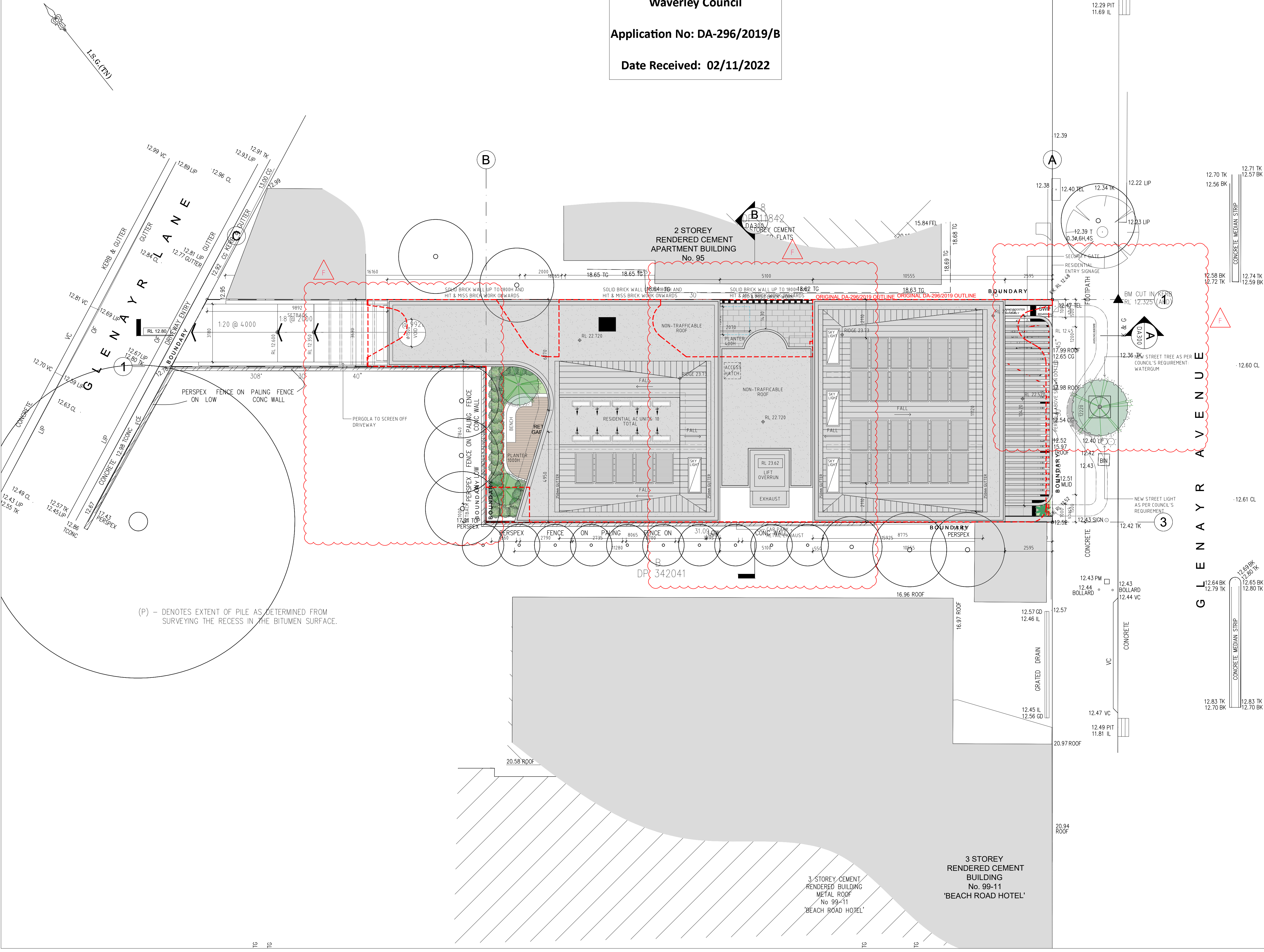
AMENDED PLANS

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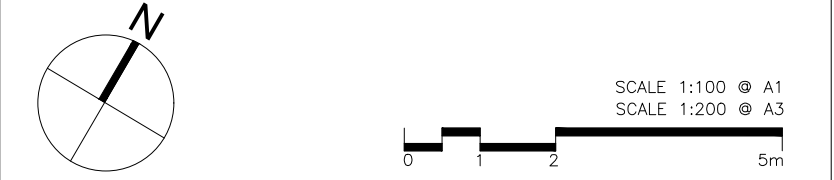
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 - B BOLLARD
 - BCYL BICYCLE PARKING
 - FH FIRE HYDRANT
 - FS FIRE STAIRS
 - G 240L GREEN ORGANIC BIN
 - OP OPAQUE WINDOW
 - R 240L RECYCLING BIN
 - Rx RESIDENT PARKING NO. x
 - PS PRIVACY SCREEN
 - SK SKYLIGHT
 - ST STORAGE
 - TOF TOP OF FENCE HEIGHT
 - TOW TOP OF WALL HEIGHT
 - Vx VISITOR PARKING NO. x
 - W 240L GENERAL WASTE BIN



ISSUE	DATE	DESCRIPTION
F	01.11.2022	REVISED S4.55 MODIFICATION ISSUE
E	24.06.2022	S4.55 MODIFICATION ISSUE
D	21.06.2022	DRAFT S4.55 MODIFICATION ISSUE
C	06.06.2022	DRAFT S4.55 MODIFICATION ISSUE
B	03.06.2022	DRAFT DA ISSUE
A	30.05.2022	PRELIMINARY ISSUE



CLIENT:

ARCHITECT:

PBD | ARCHITECTS
ABN 36 147 035 550
P - 02 9698 8140 E - info@pbdarchitects.com.au W - www.pbdarchitects.com.au
Level 2, 52 Abdon Street, Surry Hills NSW 2010
Nominated Architect: Paul Buljevic NSW 7768

PROJECT:

PROPOSED RESIDENTIAL FLAT BUILDING
97 GLENAYR AVENUE, BONDI BEACH
NSW 2026

DATE: MARCH 2022

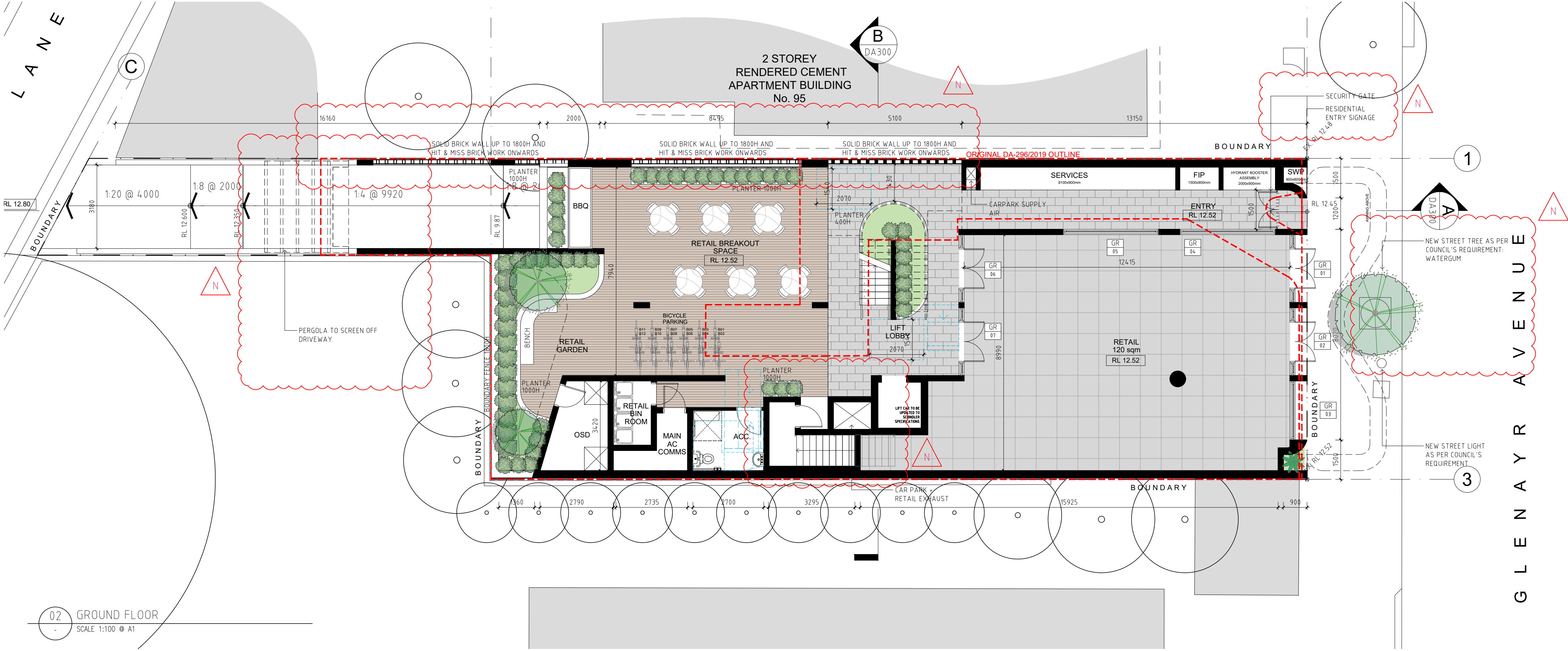
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SITE PLAN

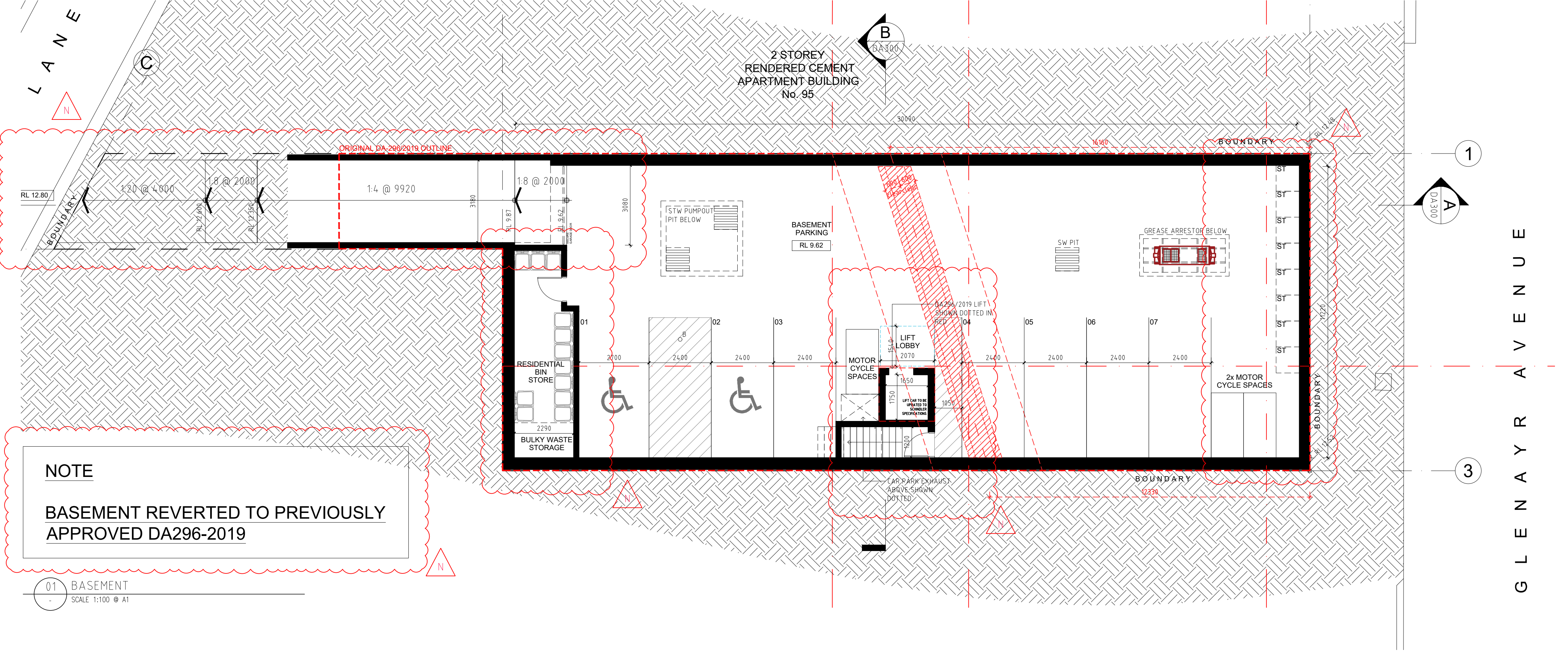
SCALE: 1:100@A1 / 1:200@A3	DRAWING NO: S455_100	ISSUE: F
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S4.55 MODIFICATION

AMENDED PLANS



02 GROUND FLOOR
SCALE 1:100 @ A1



01 BASEMENT
SCALE 1:100 @ A1

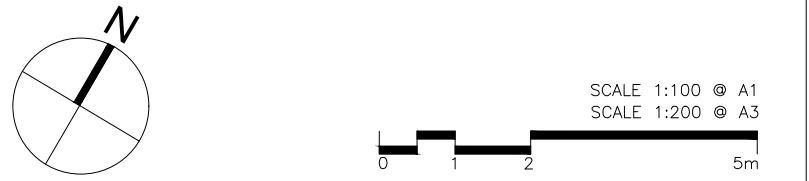
NOTE
BASEMENT REVERTED TO PREVIOUSLY
APPROVED DA296-2019

- GENERAL NOTES:
- ALL WORKS TO COMPLY WITH BUILDING CODE OF AUSTRALIA, REQUIREMENTS OF RELEVANT STATUTORY AUTHORITIES/ LOCAL GOVERNMENT & RELEVANT AUSTRALIAN BUILDING STANDARDS
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- LEGEND:
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 - PH FIRE HYDRANT
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 - Vx VISITOR PARKING NO. x
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RECEIVED
Waverley Council
Application No: DA-296/2019/B
Date Received: 02/11/2022

N	01.11.2022	REVISED S4.55 MODIFICATION ISSUE
M	24.06.2022	S4.55 MODIFICATION ISSUE
L	21.06.2022	DRAFT S4.55 MODIFICATION ISSUE
K	07.06.2022	REVISED DRAFT S4.55 MODIFICATION ISSUE
ISSUE	DATE	DESCRIPTION



CLIENT:

ARCHITECT:
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PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
97 GLENAYR AVENUE, BONDI BEACH
NSW 2026

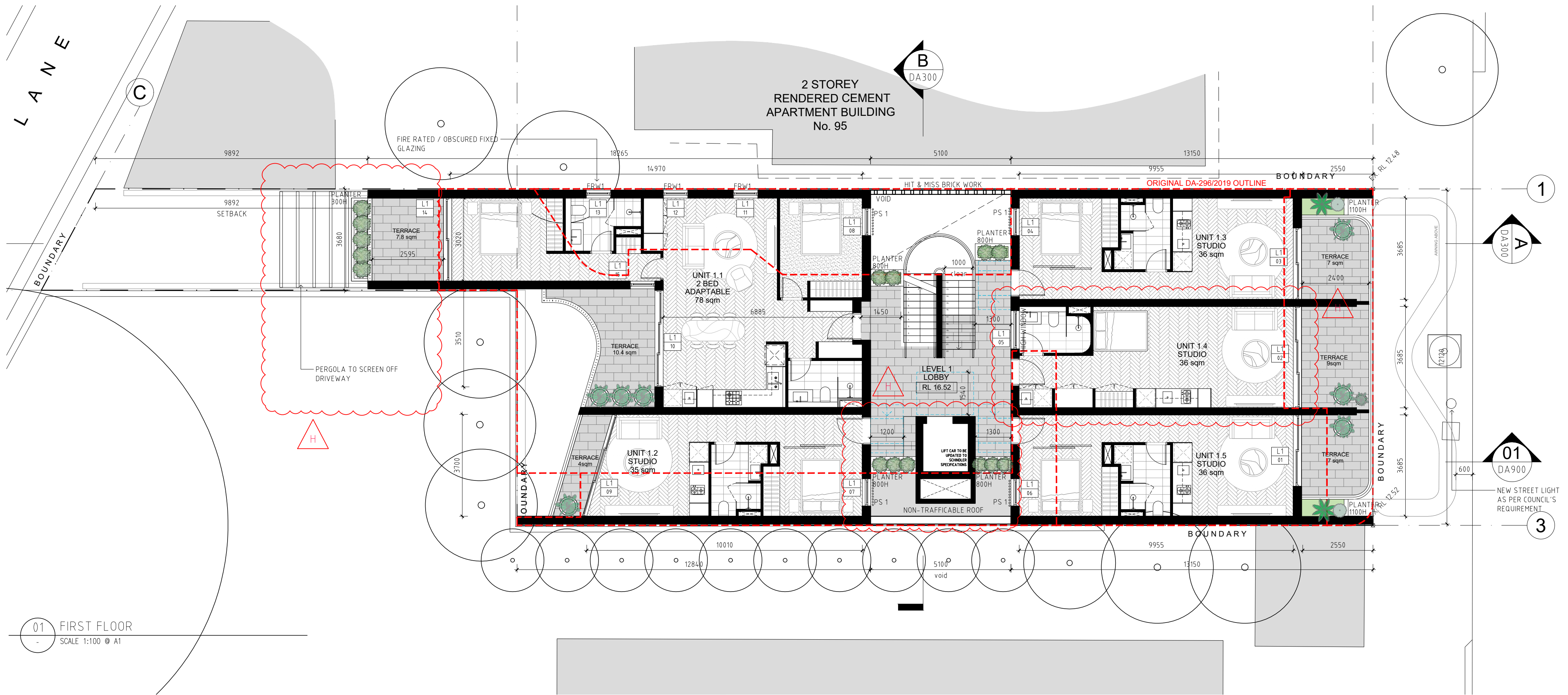
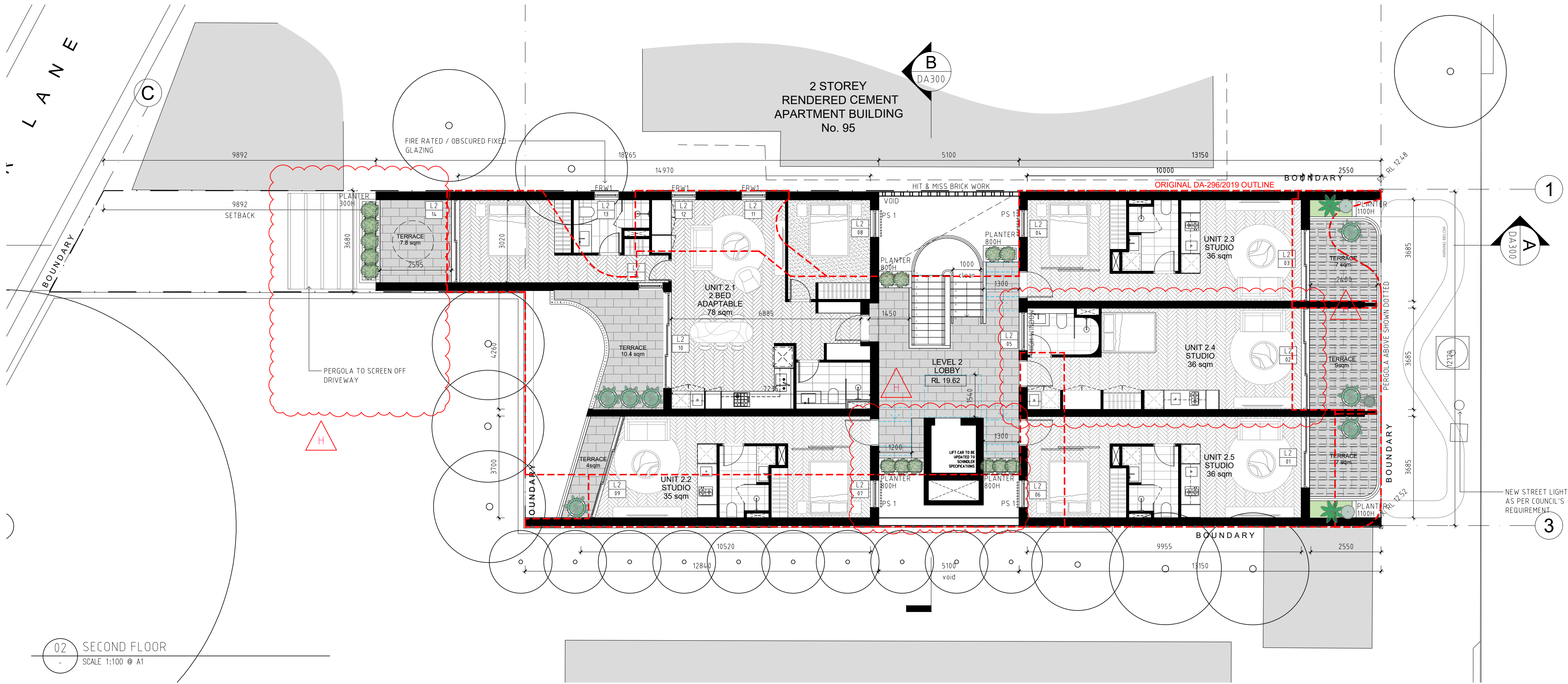
DATE: MARCH 2022
DRAWING TITLE:

FLOOR PLANS
BASEMENT AND GROUND

SCALE: 1:100@A1 / 1:200@A3 PROJECT NO: 2201	DRAWING NO: S455_101	ISSUE: N
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S4.55 MODIFICATION

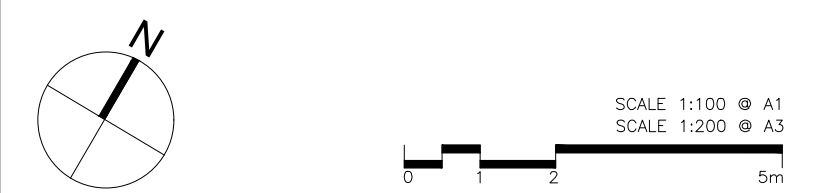
AMENDED PLANS



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G	24.06.2022	S4.55 MODIFICATION ISSUE
F	21.06.2022	DRAFT S4.55 MODIFICATION ISSUE
E	06.06.2022	DRAFT S4.55 MODIFICATION ISSUE
D	03.06.2022	DRAFT DA ISSUE
C	24.05.2022	PRELIMINARY DA SET
B	29.03.2022	PRELIMINARY DA
A	08.03.2022	PRELIMINARY
ISSUE	DATE	DESCRIPTION



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ARCHITECT:
PBD | ARCHITECTS
ABN 36 147 035 550
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Nominated Architect: Paul Bulgovic NSW 7768

PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
97 GLENAYR AVENUE, BONDI BEACH
NSW 2026

DATE: MARCH 2022

DRAWING TITLE:

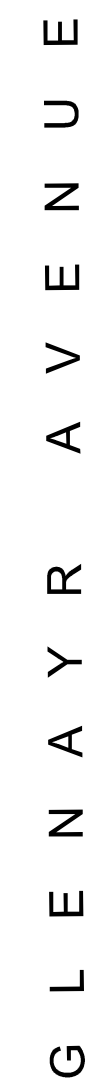
FLOOR PLANS
FIRST AND SECOND

SCALE: 1:100@A1 / 1:200@A3	DRAWING NO: S455_102	ISSUE: H
PROJECT NO: 2201		

AMENDED PLANS



02 ROOF PLAN_UPPER
SCALE 1:100 @ A1



1 ROOF PLAN_LOWER
SCALE 1:100 @ A1

GENERAL NOTES:

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LEGEND:

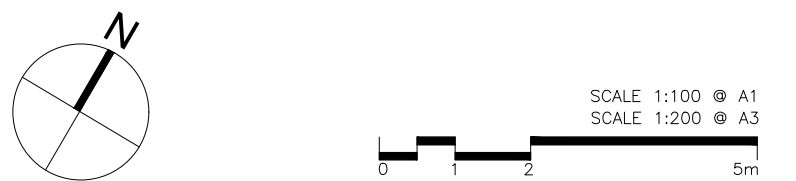
AG	ACCESS GRATE (TO ENG'S DETAILS)
B	BOLLARD
BCYL	BICYCLE PARKING
FS	FIRE HYDRANT
FH	FIRE STAIRS
G	240L GREEN ORGANIC BIN
OP	OPAQUE WINDOW
R	240L RECYCLING BIN
Rx	RESIDENT PARKING NO. x
PS	PRIVACY SCREEN
SK	SKYLIGHT
ST	STORAGE
TOP	TOP OF FENCE HEIGHT
TOW	TOP OF WALL HEIGHT
Vx	VISITOR PARKING NO. x
W	240L GENERAL WASTE BIN

RECEIVED
Waverley Council

Application No: DA-296/2019/B

Date Received: 02/11/2022

	01.11.2022	REVISED S4.55 MODIFICATION ISSUE
	24.06.2022	S4.55 MODIFICATION ISSUE
	06.06.2022	DRAFT S4.55 MODIFICATION ISSUE
	03.06.2022	DRAFT DA ISSUE
	24.05.2022	PRELIMINARY DA SET
	29.03.2022	PRELIMINARY DA
	01.03.2022	PRELIMINARY
ISSUE	DATE	DESCRIPTION



CLIENT:

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PBD | ARCHITECTS

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Level 2, 52 Albion Street, Surry Hills NSW 2010

Nominated Architect: Paul Buljevic NSW 7768

PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
 97 GLENAYR AVENUE, BONDI BEACH
 NSW 2026

DATE: MARCH 2022

FLOOR PLANS

ROOF PLAN

CALE: :100@A1 / 1:200@A3	DRAWING NO: S455_103	ISSUE: G
ROJECT NO: 201		

S4.55 MODIFICATION

AMENDED PLANS

- GENERAL NOTES:
- ALL WORKS TO COMPLY WITH BUILDING CODE OF AUSTRALIA, REQUIREMENTS OF RELEVANT STATUTORY AUTHORITIES/ LOCAL GOVERNMENT & RELEVANT AUSTRALIAN BUILDING STANDARDS
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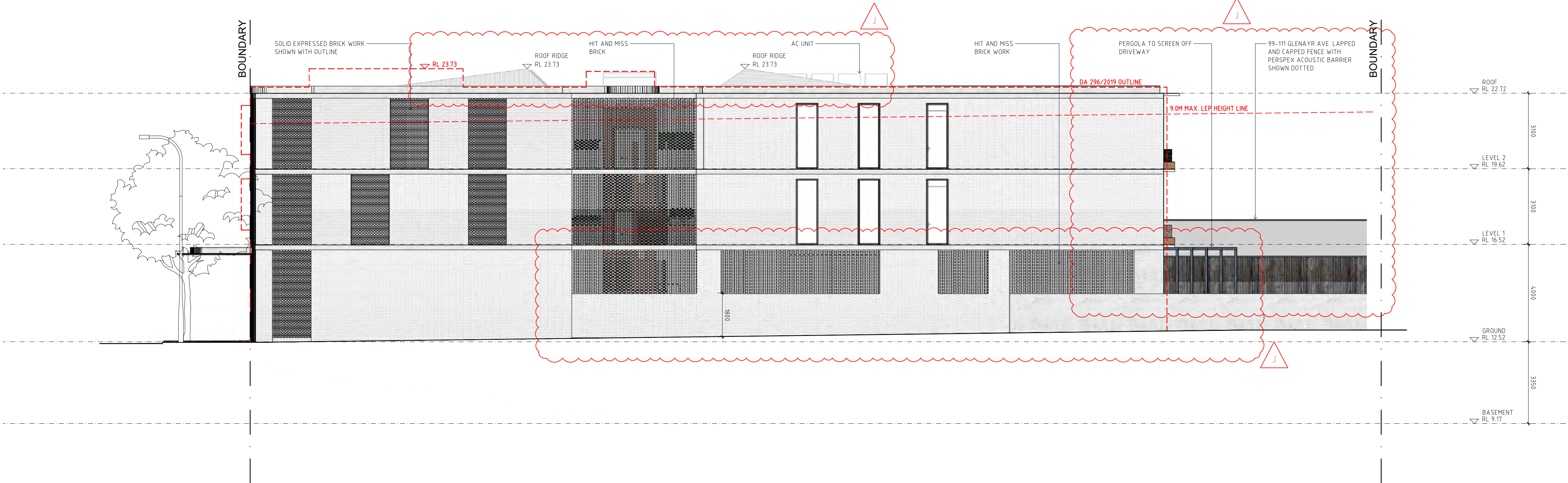
- LEGEND:
- AG ACCESS GRATE (TO ENG'S DETAILS)
 - B BOLLARD
 - BCYL BICYCLE PARKING
 - FH FIRE HYDRANT
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 - R 240L RECYCLING BIN
 - Rx RESIDENT PARKING NO. x
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 - Vx VISITOR PARKING NO. x
 - W 240L GENERAL WASTE BIN

RECEIVED
Waverley Council

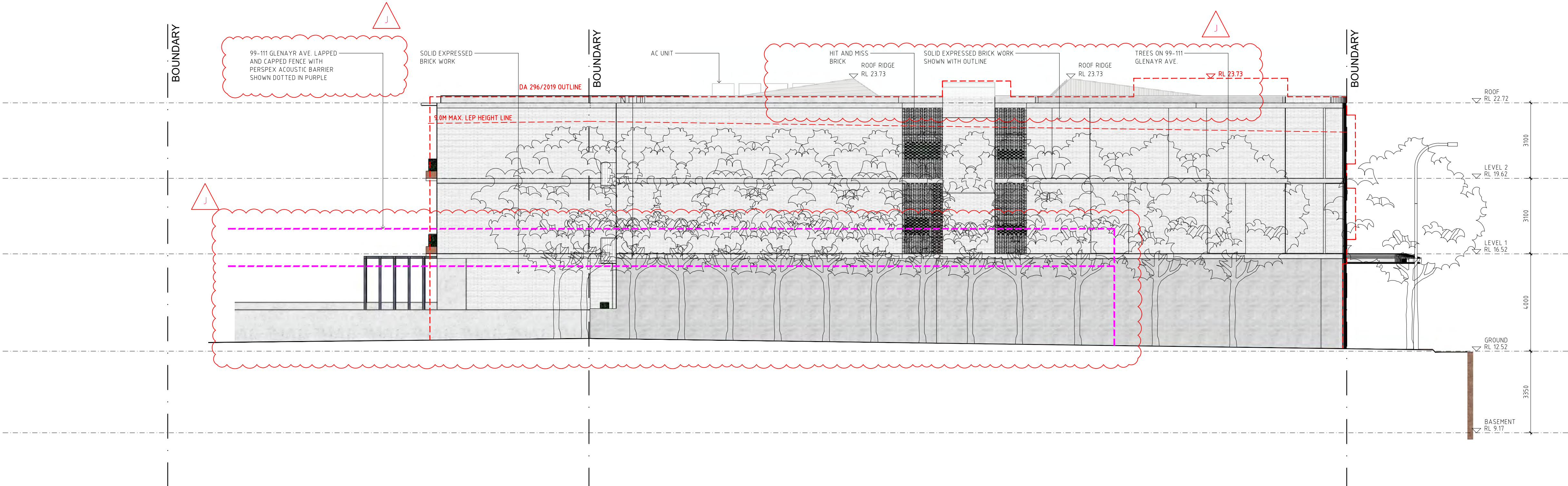
Application No: DA-296/2019/B

Date Received: 02/11/2022

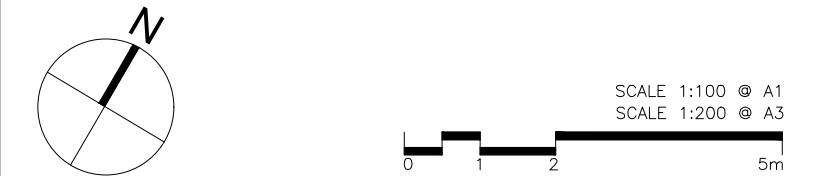
01 ELEVATION - NORTH
SCALE 1:100 @ A1



02 ELEVATION - SOUTH
SCALE 1:100 @ A1



J	01.11.2022	REVISED S4.55 MODIFICATION ISSUE
H	24.08.2022	S4.55 MODIFICATION ISSUE
G	21.08.2022	DRAFT S4.55 MODIFICATION ISSUE
F	06.08.2022	DRAFT S4.55 MODIFICATION ISSUE
E	06.08.2022	DRAFT S4.55 MODIFICATION ISSUE
D	03.08.2022	DRAFT DA ISSUE
C	24.05.2022	PRELIMINARY DA SET
B	16.05.2022	ADDITIONAL INFORMATION ADDED
A	15.05.2022	PRELIMINARY
ISSUE	DATE	DESCRIPTION



CLIENT:

ARCHITECT:
PBD | ARCHITECTS
ABN 36 147 035 550
P - 02 9698 8140 E - info@pbdarchitects.com.au W - www.pbdarchitects.com.au
Level 2, 52 Abdon Street, Surry Hills NSW 2010
Nominated Architect: Paul Buljevic NSW 7768

PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
97 GLENAYR AVENUE, BONDI BEACH
NSW 2026

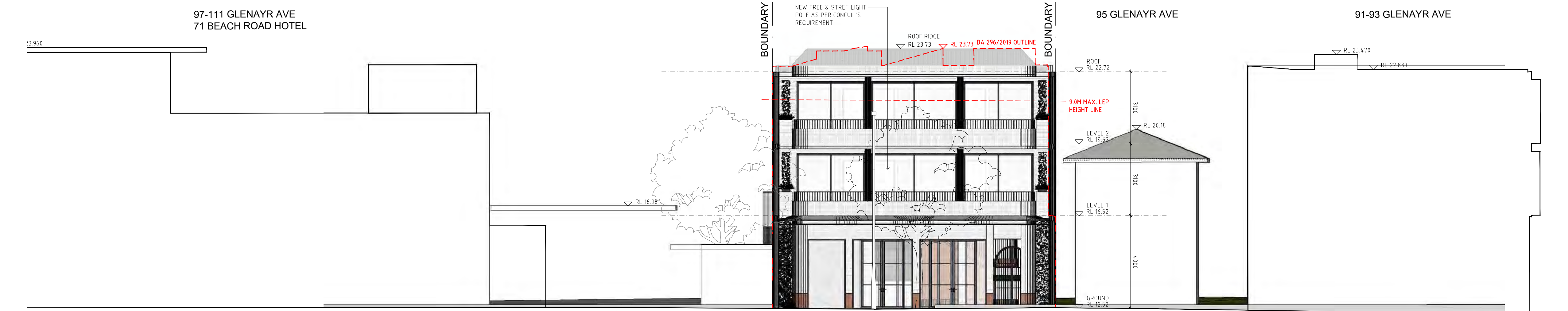
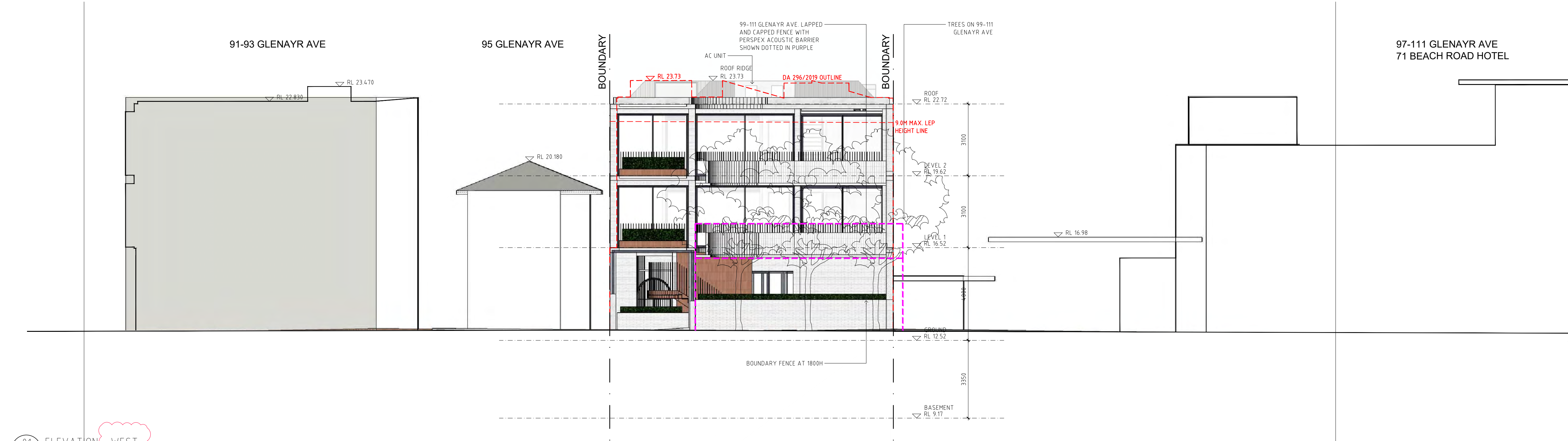
DATE: MARCH 2022

DRAWING TITLE:

ELEVATIONS - SHEET 01

SCALE: 1:100@A1 / 1:200@A3	DRAWING NO: S455_200	ISSUE: J
PROJECT NO: 2201		

S4.55 MODIFICATION

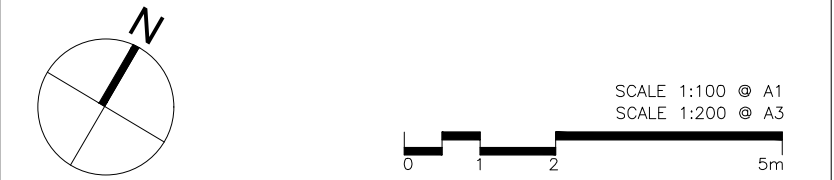


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LEGEND:

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B	BOLLARD
BCYL	BICYCLE PARKING
FH	FIRE HYDRANT
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G	240L GREEN ORGANIC BIN
OP	OPAQUE WINDOW
R	240L RECYCLING BIN
Rx	RESIDENT PARKING NO. x
PS	PRIVACY SCREEN
SK	SKYLIGHT
ST	STORAGE
TOP	TOP OF FENCE HEIGHT
TOW	TOP OF WALL HEIGHT
Vx	VISITOR PARKING NO. x
W	240L GENERAL WASTE BIN

K	15.11.2022	REVISED S4.55 MODIFICATION ISSUE
J	01.11.2022	REVISED S4.55 MODIFICATION ISSUE
H	24.06.2022	S4.55 MODIFICATION ISSUE
G	21.06.2022	DRAFT S4.55 MODIFICATION ISSUE
F	06.06.2022	DRAFT S4.55 MODIFICATION ISSUE
ISSUE	DATE	DESCRIPTION



CLIENT:

ARCHITECT:

PBD | ARCHITECTS

ABN 36 147 035 550

P - 02 9698 8140 E - info@pbdarchitects.com.au W - www.pbdarchitects.com.au

Level 2, 52 Abdon Street, Surry Hills NSW 2010

Nominated Architect: Paul Buljevic NSW 7768

PROJECT:

PROPOSED RESIDENTIAL FLAT BUILDING

97 GLENAYR AVENUE, BONDI BEACH

NSW 2026

DATE: MARCH 2022

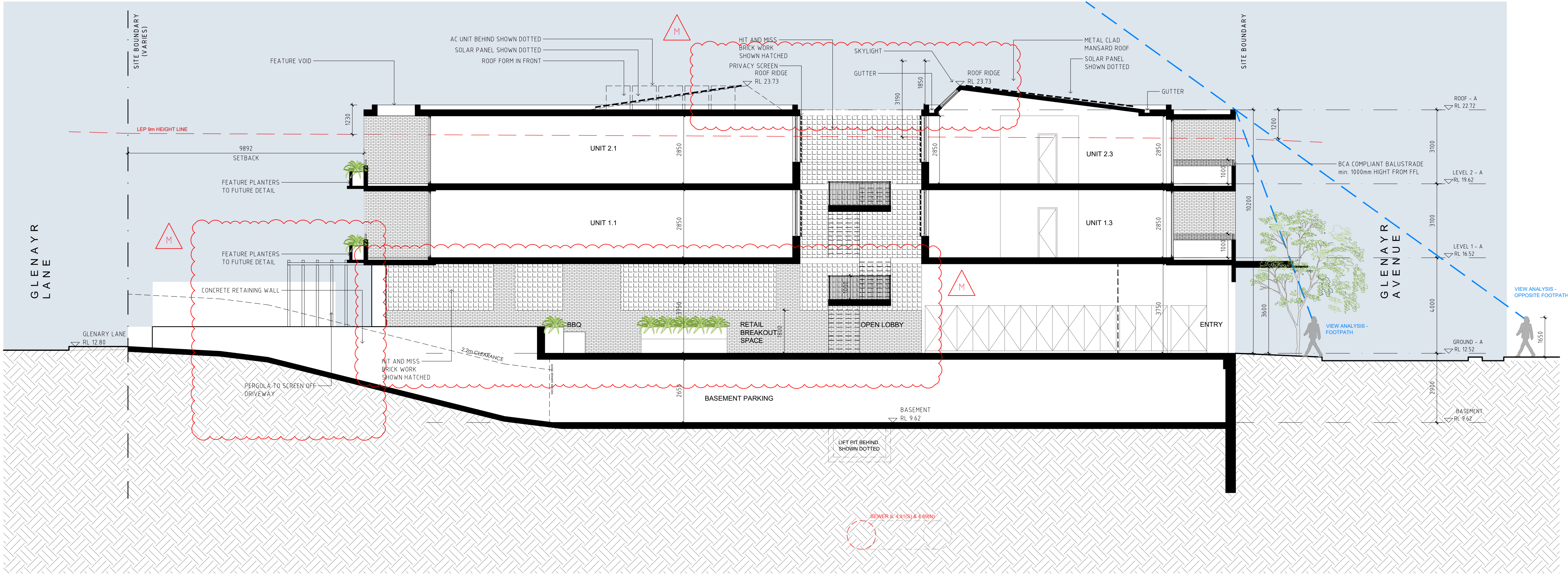
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ELEVATIONS - SHEET 02

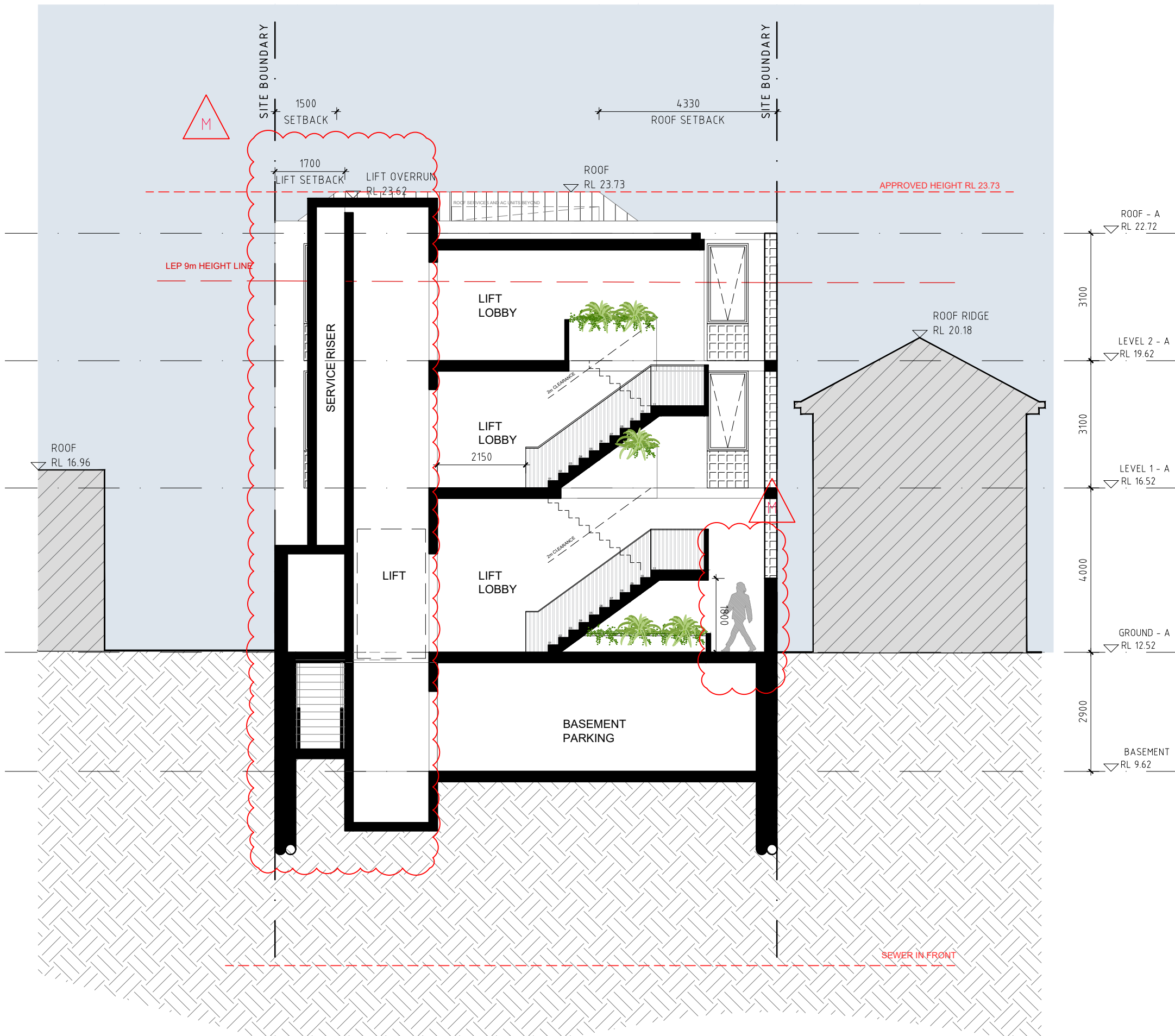
SCALE:	DRAWING NO:	ISSUE:
1:100@A1 / 1:200@A3	S455_201	K
PROJECT NO:		
2201		

S4.55 MODIFICATION

AMENDED PLANS



01 SECTION A
SCALE 1:100 @ A1



02 SECTION B
SCALE 1:100 @ A1

- GENERAL NOTES:
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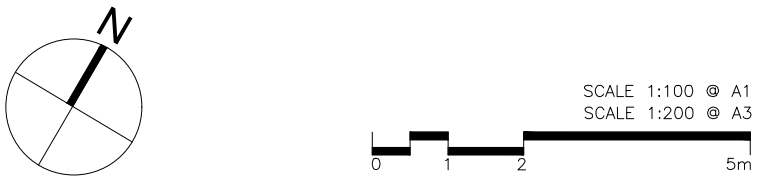
- LEGEND:
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RECEIVED
Waverley Council

Application No: DA-296/2019/B

Date Received: 02/11/2022

ISSUE	DATE	DESCRIPTION
M	01.11.2022	REVISED S4.55 MODIFICATION ISSUE
L	24.06.2022	S4.55 MODIFICATION ISSUE
K	21.06.2022	DRAFT S4.55 MODIFICATION ISSUE



CLIENT:

ARCHITECT:

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P - 02 9698 8140 E - info@pbdarchitects.com.au W - www.pbdarchitects.com.au
Level 2, 52 Abdon Street, Surry Hills NSW 2010
Nominated Architect: Paul Buljovic NSW 7768

PROJECT:

PROPOSED RESIDENTIAL FLAT BUILDING
97 GLENAYR AVENUE, BONDI BEACH
NSW 2026

DATE: MARCH 2022

DRAWING TITLE:

SECTIONS A & B

SCALE: 1:100@A1 / 1:200@A3	DRAWING NO: S455_300	ISSUE: M
PROJECT NO: 2201		

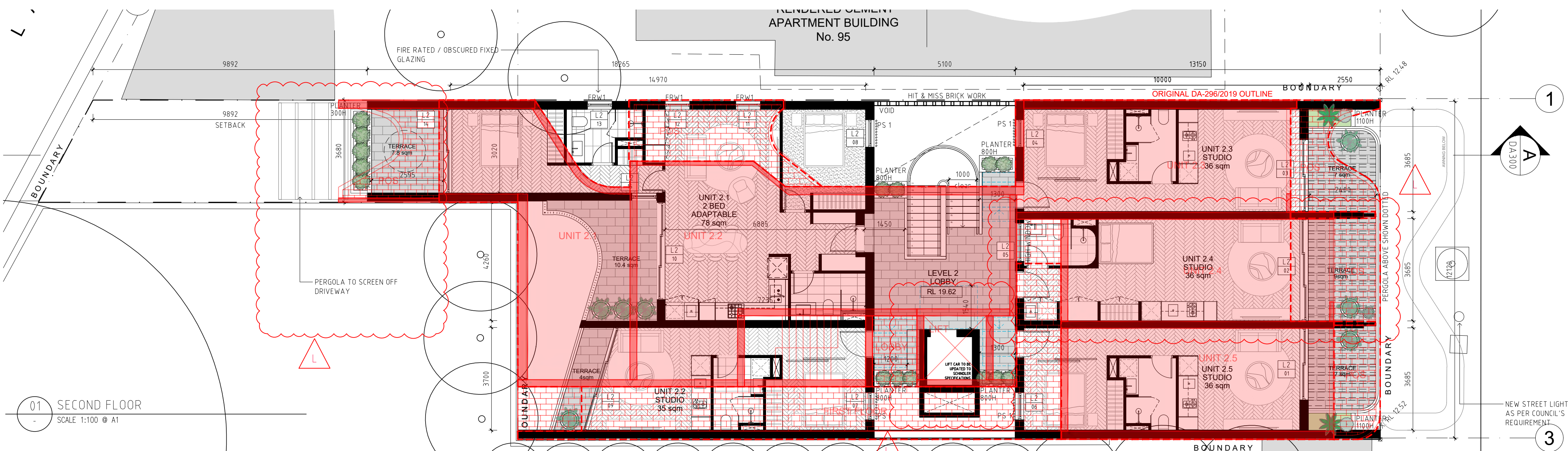
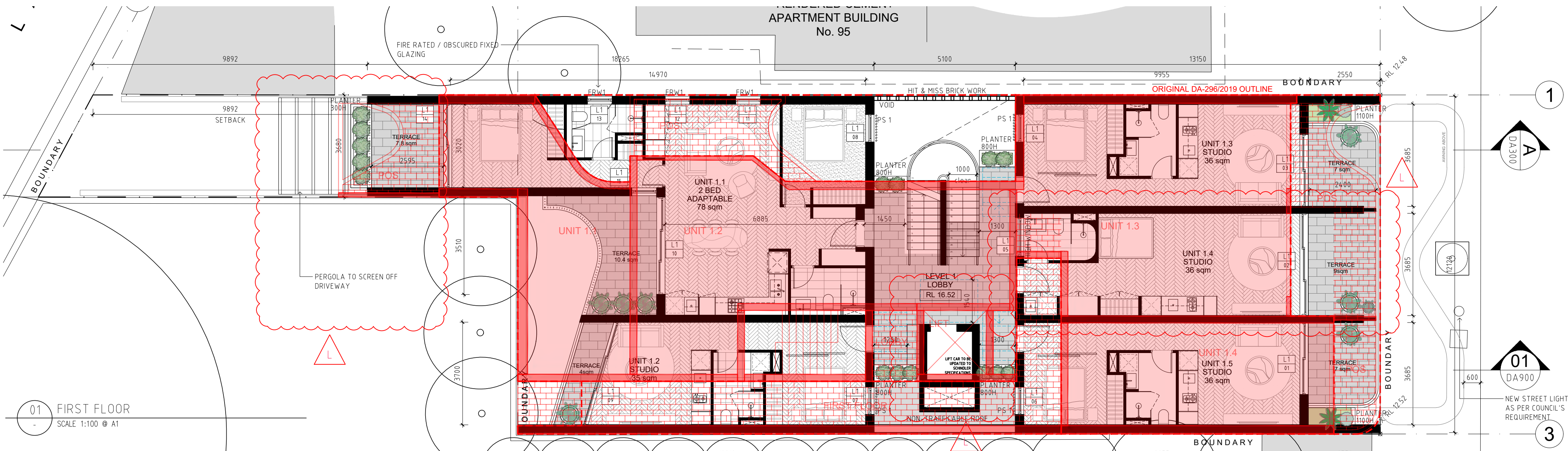
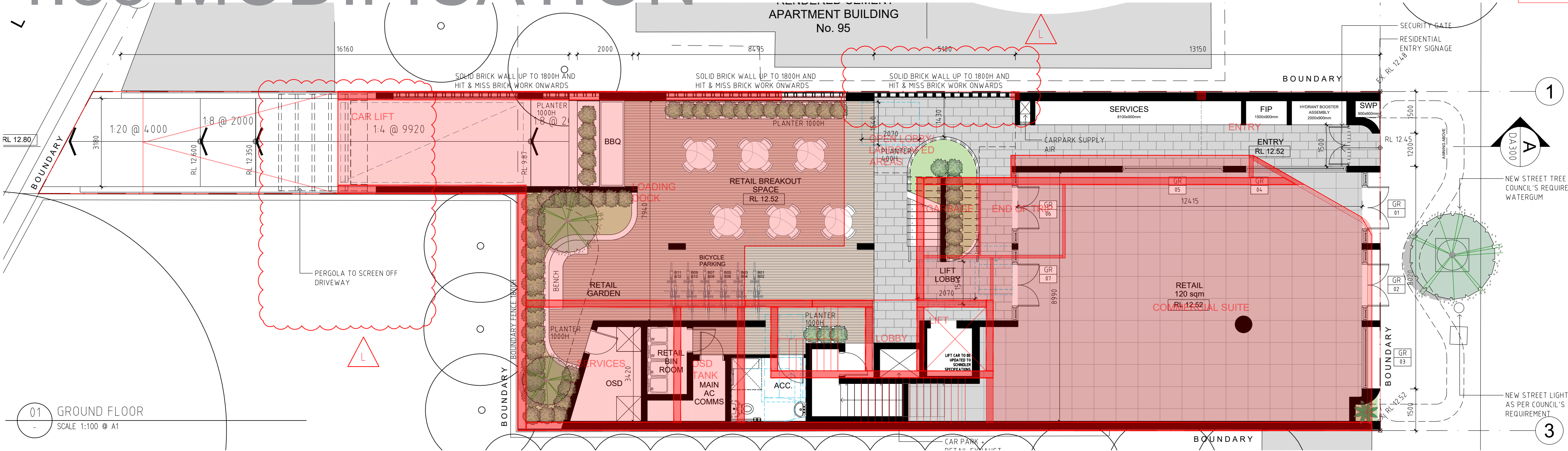
[illegible]

Architectural floor plan of a 2-storey rendered cement apartment building. The plan shows a rectangular building with various rooms including a retail garden, retail break-out space, retail 120 sqm, main reception, and several bedrooms. The building is surrounded by a boundary line. Key features include a northern facade with solid work up to 1800mm and hit-and-miss brickwork above, a western facade that is 1192m fully open, and a southern facade that is fully solid. The plan also shows a 2-storey rendered cement apartment building No. 95 adjacent to the main building. The plan is oriented with Enayr Lane to the left and Enayr Avenue to the right. The plan is marked with a grid system (1, 2, 3) and a north arrow.

TOTAL: BREAKOUT AREA FACADE IS OPEN FOR >50% OF ITS PERIMETER

S4.55 MODIFICATION

AMENDED PLANS



GENERAL NOTES:

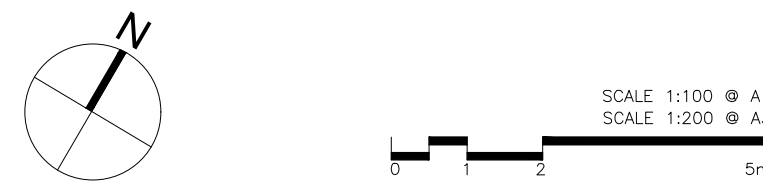
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- Rx RESIDENT PARKING NO. x
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- TOP TOP OF FENCE HEIGHT
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- W 240L GENERAL WASTE BIN

RECEIVED
Waverley Council
Application No: DA-296/2019/B
Date Received: 02/11/2022

L	01.11.2022	REVISED S4.55 MODIFICATION ISSUE
K	24.06.2022	S4.55 MODIFICATION ISSUE
ISSUE	DATE	DESCRIPTION



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ARCHITECT:
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PROJECT:
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97 GLENAYR AVENUE, BONDI BEACH
NSW 2026

DATE: MARCH 2022
DRAWING TITLE:

PREVIOUS DA OVERLAY

SCALE: 1:100@A1 / 1:200@A3	DRAWING NO: S455_501	ISSUE: L
PROJECT NO: 2201		

S4.55 MODIFICATION

AMENDED PLANS

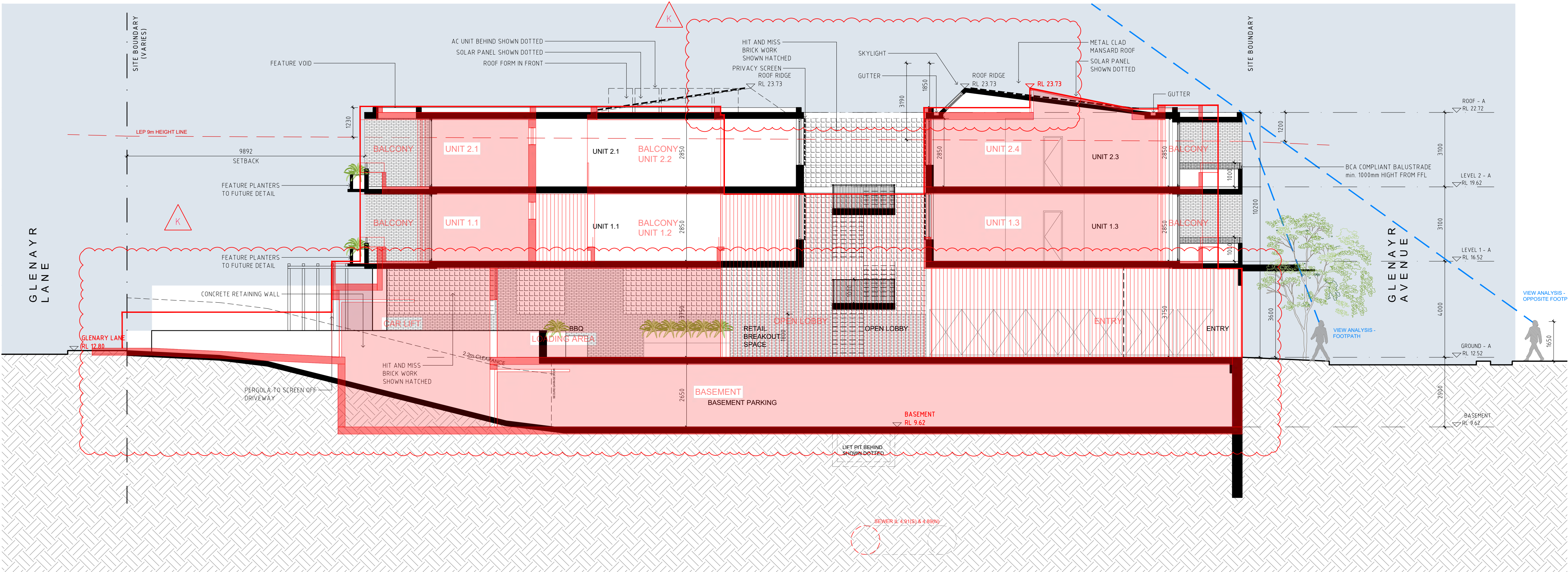
RECEIVED

Waverley Council

Application No: DA-296/2019/B

Date Received: 02/11/2022

- GENERAL NOTES:
- ALL WORKS TO COMPLY WITH BUILDING CODE OF AUSTRALIA, REQUIREMENTS OF RELEVANT STATUTORY AUTHORITIES/ LOCAL GOVERNMENT & RELEVANT AUSTRALIAN BUILDING STANDARDS
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- LEGEND:
- | | |
|------|---------------------------------|
| AG | ACCESS GRATE (TO ENG'S DETAILS) |
| B | BOLLARD |
| BCYL | BICYCLE PARKING |
| FH | FIRE HYDRANT |
| FS | FIRE STAIRS |
| G | 240L GREEN ORGANIC BIN |
| OP | OPAQUE WINDOW |
| R | 240L RECYCLING BIN |
| Rx | RESIDENT PARKING NO. x |
| PS | PRIVACY SCREEN |
| SK | SKYLIGHT |
| ST | STORAGE |
| TOP | TOP OF FENCE HEIGHT |
| TOW | TOP OF WALL HEIGHT |
| Vx | VISITOR PARKING NO. x |
| W | 240L GENERAL WASTE BIN |



01 SECTION OVERLAY
SCALE 1:100 @ A1

K	01.11.2022	REVISED S4.55 MODIFICATION ISSUE
ISSUE	DATE	DESCRIPTION

CLIENT:

ARCHITECT:

PBD | ARCHITECTS
ABN 36 147 035 550
P - 02 9698 8140 E - info@pbdarchitects.com.au W - www.pbdarchitects.com.au
Level 2, 52 Abdon Street, Surry Hills NSW 2010
Nominated Architect: Paul Buljevic NSW 7768

PROJECT:

PROPOSED RESIDENTIAL FLAT BUILDING
97 GLENAYR AVENUE, BONDI BEACH
NSW 2026

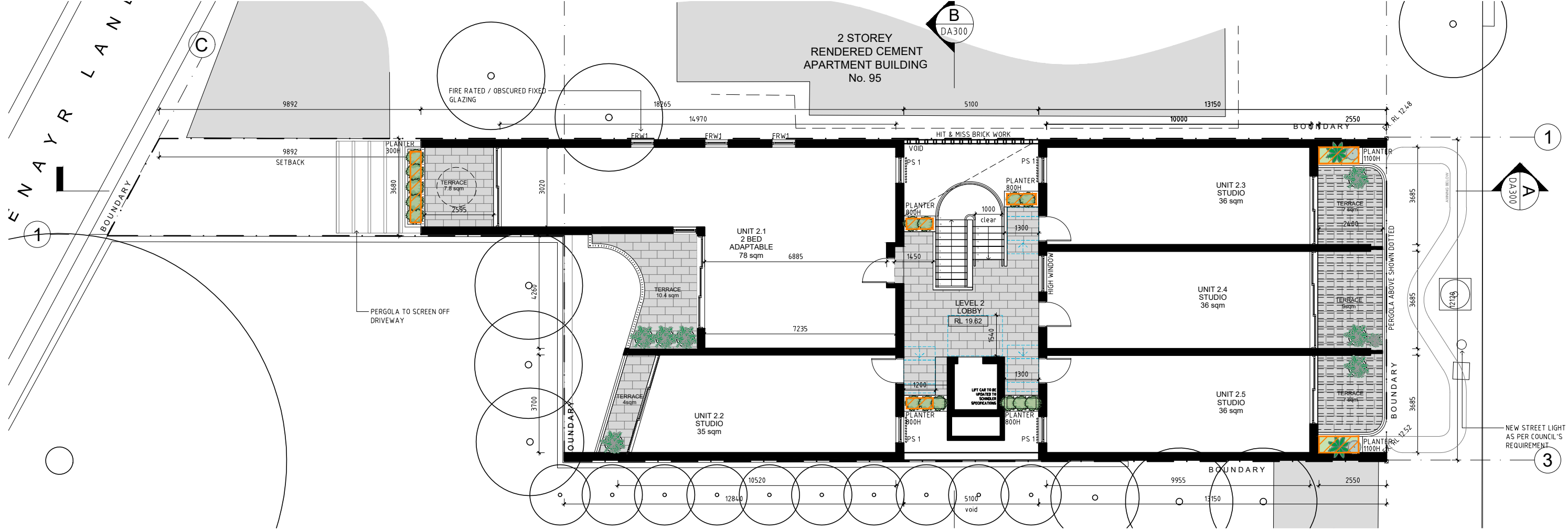
DATE: MARCH 2022

DRAWING TITLE:

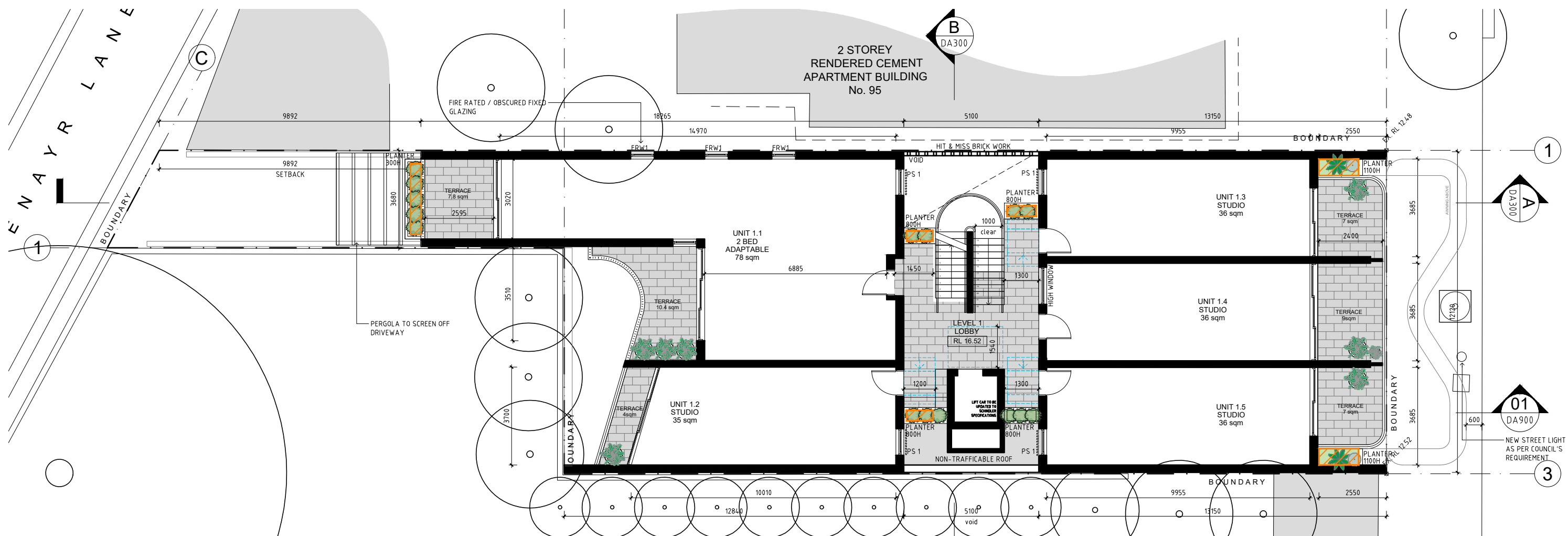
PREVIOUS DA OVERLAY

SCALE: 1:100@A1 / 1:200@A3	DRAWING NO: S455_502	ISSUE: K
PROJECT NO: 2201		

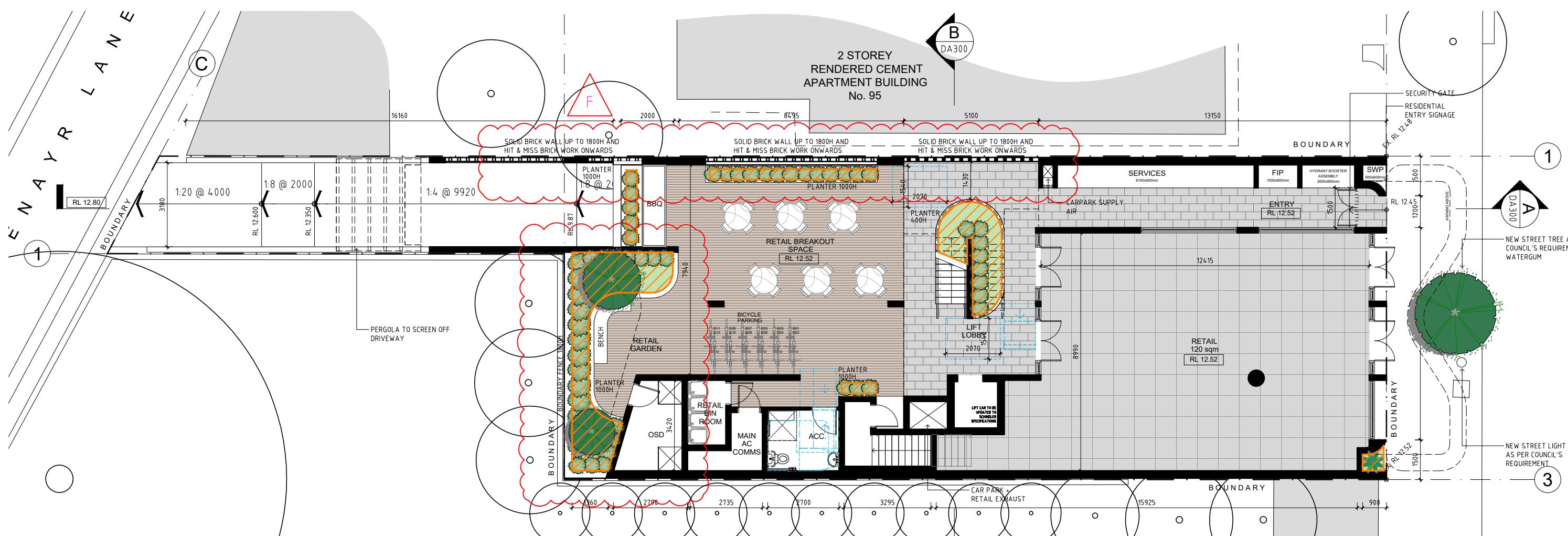
S4.55 MODIFICATION



03 LEVEL 2
SCALE 1:100 @ A1



02 LEVEL 1
SCALE 1:100 @ A1



01 GROUND FLOOR
SCALE 1:100 @ A1

AMENDED PLANS

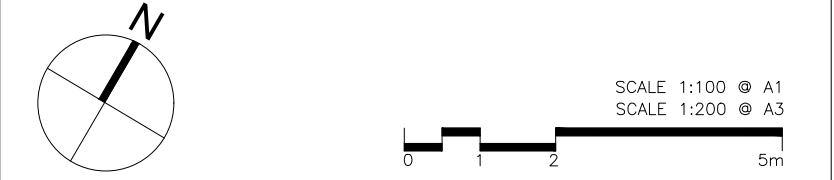
RECEIVED
Waverley Council
Application No: DA-296/2019/B
Date Received: 02/11/2022

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LEGEND:

AG	ACCESS GRATE (TO ENG'S DETAILS)
B	BOLLARD
BCYL	BICYCLE PARKING
FH	FIRE HYDRANT
FS	FIRE STAIRS
G	240L GREEN ORGANIC BIN
OP	OPAQUE WINDOW
R	240L RECYCLING BIN
Rx	RESIDENT PARKING NO. x
PS	PRIVACY SCREEN
SK	SKYLIGHT
ST	STORAGE
TOP	TOP OF FENCE HEIGHT
TOW	TOP OF WALL HEIGHT
Vx	VISITOR PARKING NO. x
W	240L GENERAL WASTE BIN

F	01.11.2022	REVISED S4.55 MODIFICATION ISSUE
E	24.06.2022	S4.55 MODIFICATION ISSUE
D	21.06.2022	DRAFT S4.55 MODIFICATION ISSUE
C	06.06.2022	DRAFT S4.55 MODIFICATION ISSUE
B	03.06.2022	DRAFT DA ISSUE
A	31.05.2022	PRELIMINARY ISSUE
ISSUE	DATE	DESCRIPTION



CLIENT:

ARCHITECT:
PBD ARCHITECTS
ABN 36 147 035 550
P - 02 9698 8140 E - info@pbdarchitects.com.au W - www.pbdarchitects.com.au
Level 2, 52 Abdon Street, Surry Hills NSW 2010
Nominated Architect: Paul Buljovic NSW 7768

PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
97 GLENAYR AVENUE, BONDI BEACH
NSW 2026

DATE: MARCH 2022

DRAWING TITLE:

LANDSCAPE CALCULATIONS

SCALE: 1:100@A1 / 1:200@A3	DRAWING NO: S455_510	ISSUE: F
PROJECT NO: 2201		

LANDSCAPED AREA

PROPOSED LANDSCAPE 31.9 m²
PROPOSED DEEP SOIL 0 m²
TOTAL LANDSCAPE 31.9 m²

- LEGEND
- DEEP SOIL AREA
 - LANDSCAPE OVER STRUCTURE

S4.55 MODIFICATION

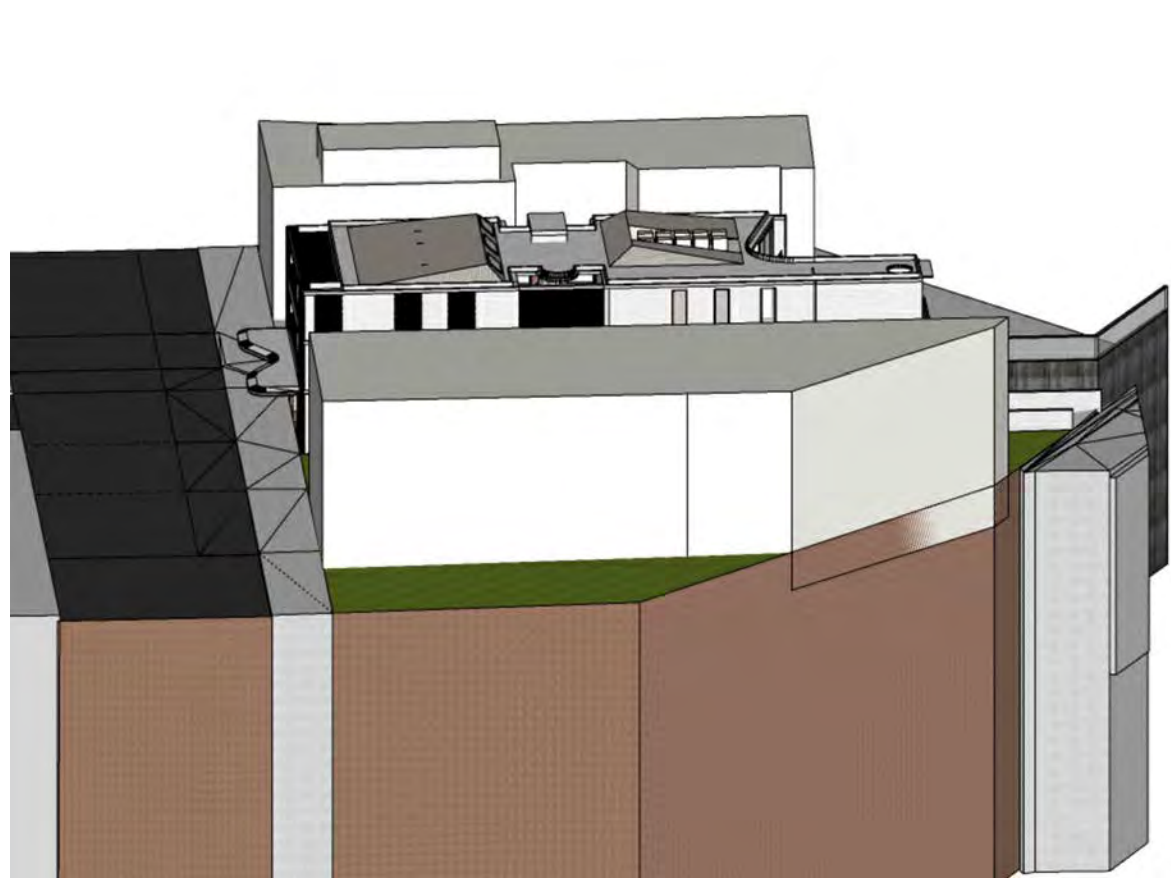
AMENDED PLANS

RECEIVED
Waverley Council

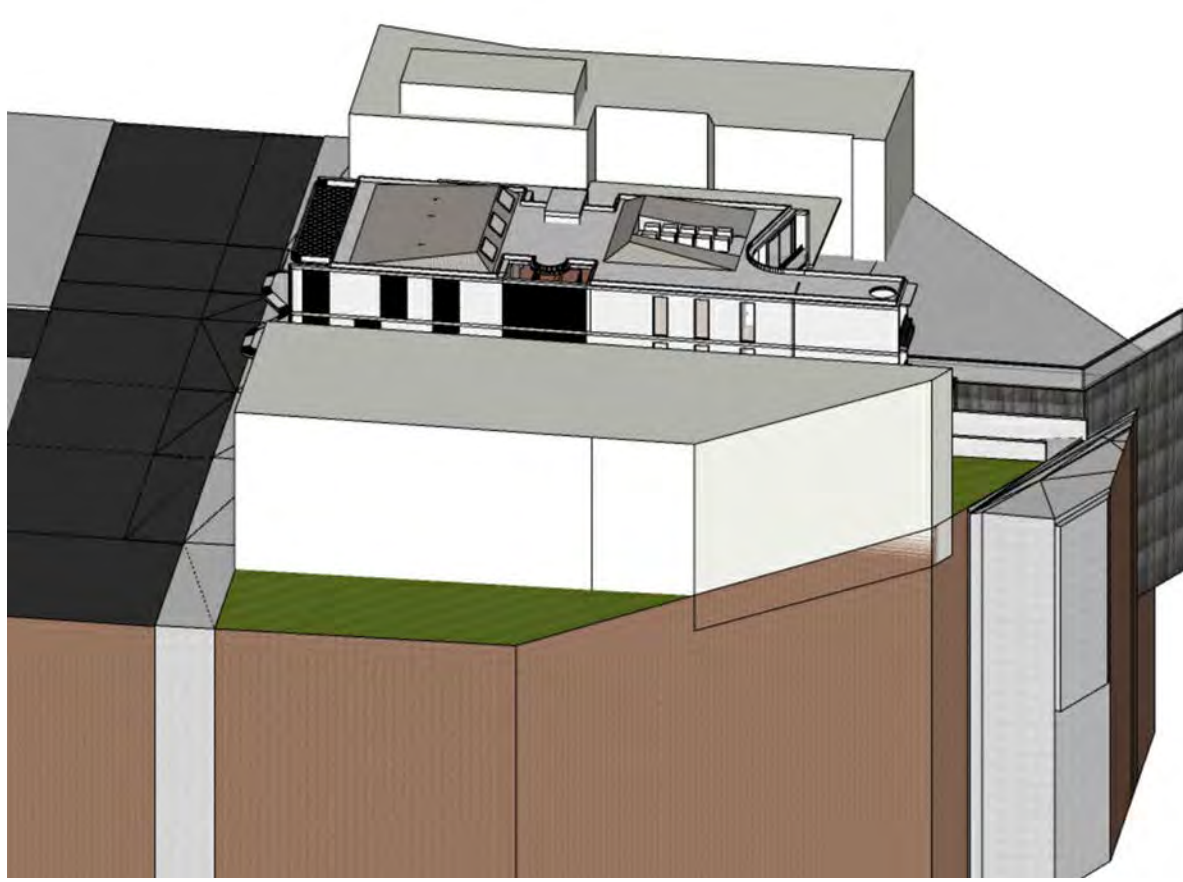
Application No: DA-296/2019/B

Date Received: 02/11/2022

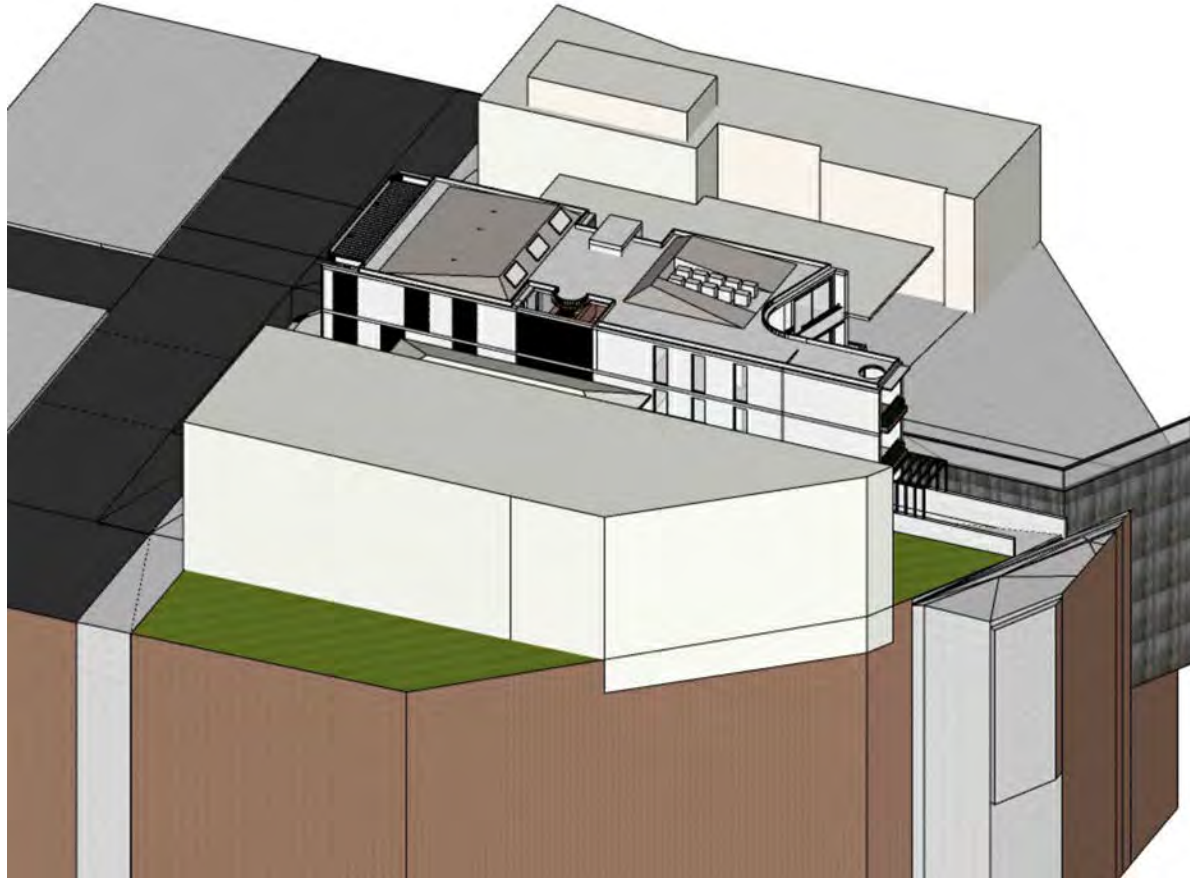
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| R | 240L RECYCLING BIN |
| Rx | RESIDENT PARKING NO. x |
| PS | PRIVACY SCREEN |
| SK | SKYLIGHT |
| ST | STORAGE |
| TOF | TOP OF FENCE HEIGHT |
| TOW | TOP OF WALL HEIGHT |
| Vx | VISITOR PARKING NO. x |
| W | 240L GENERAL WASTE BIN |



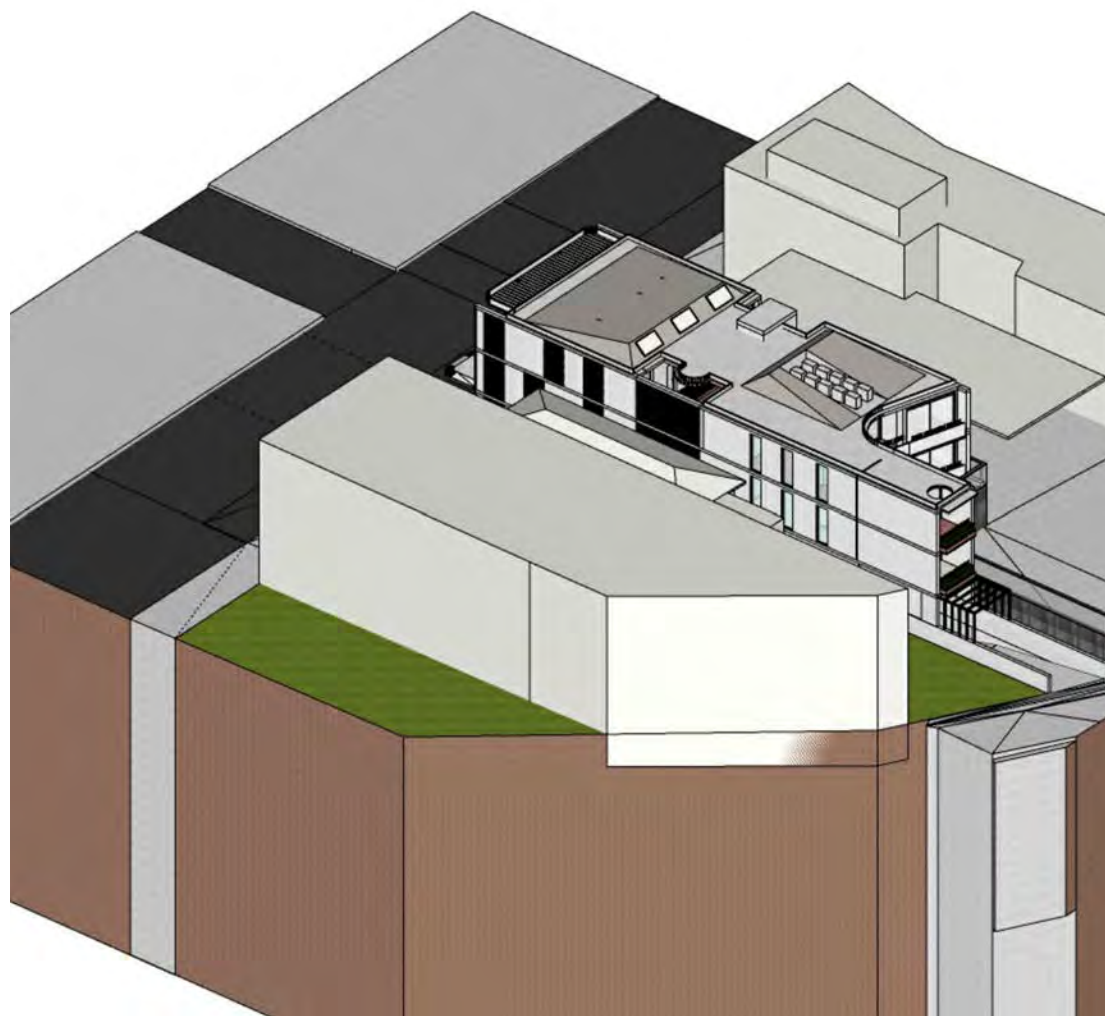
01
-
21/06 - 9:00AM
SCALE: NTS



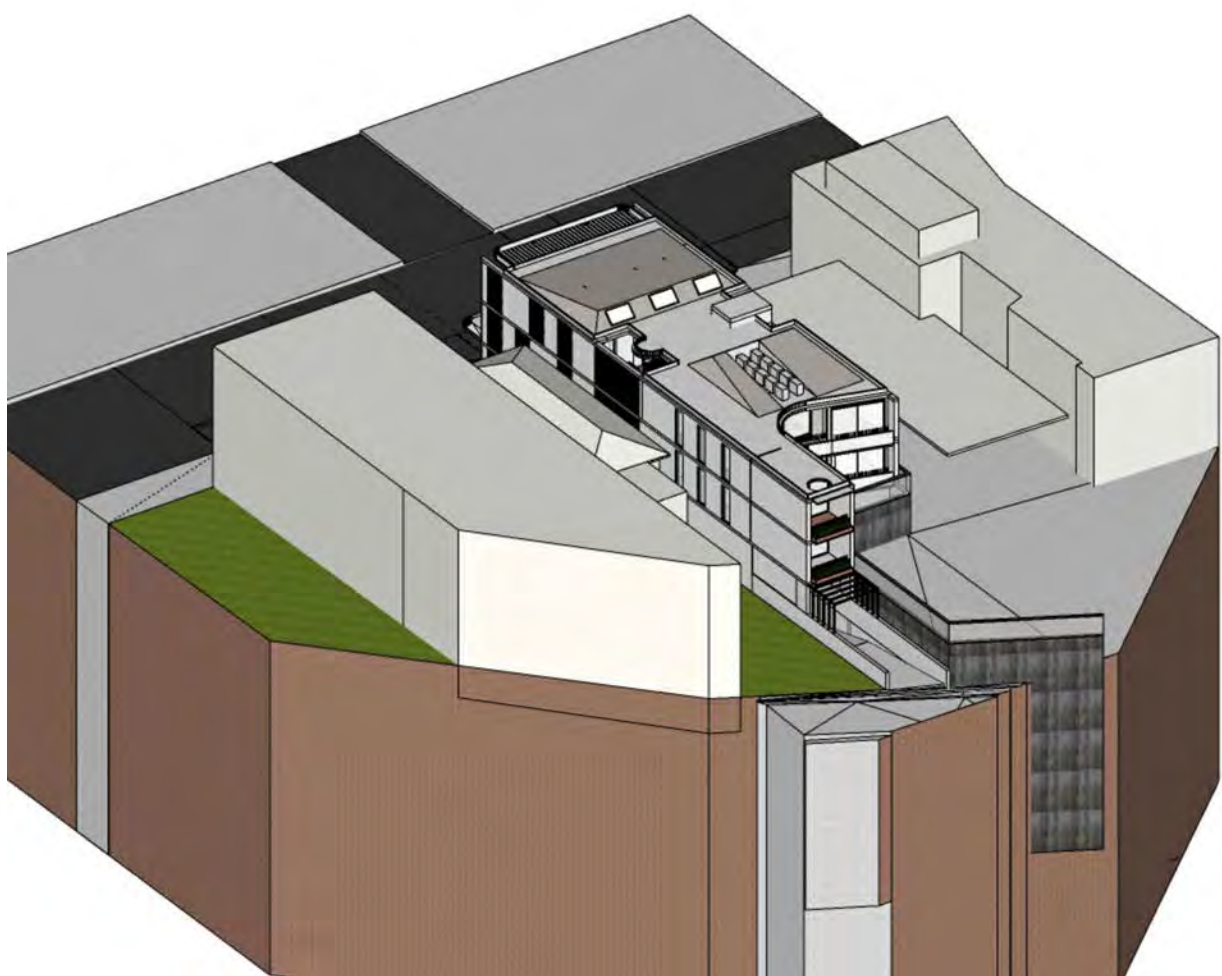
02
-
21/06 - 10:00AM
SCALE: NTS



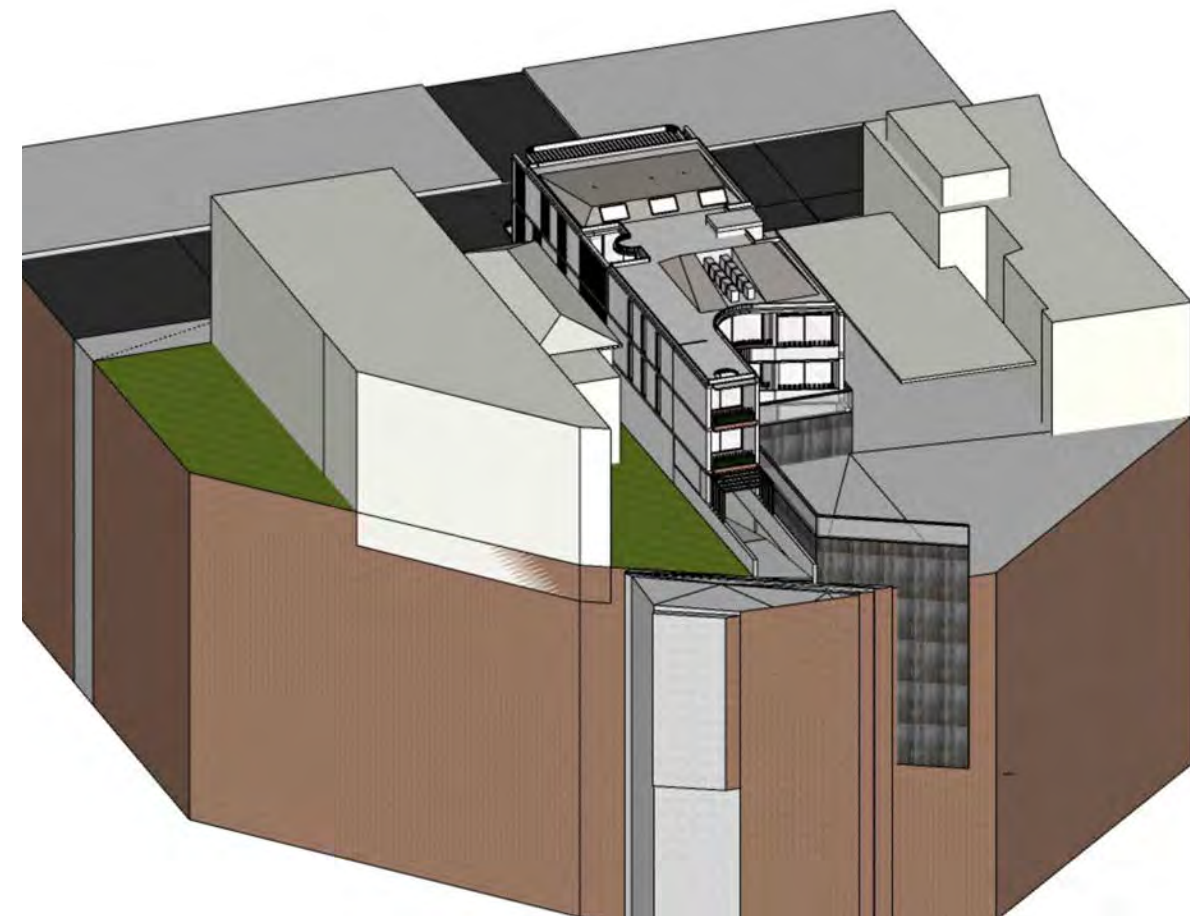
03
-
21/06 - 11:00AM
SCALE: NTS



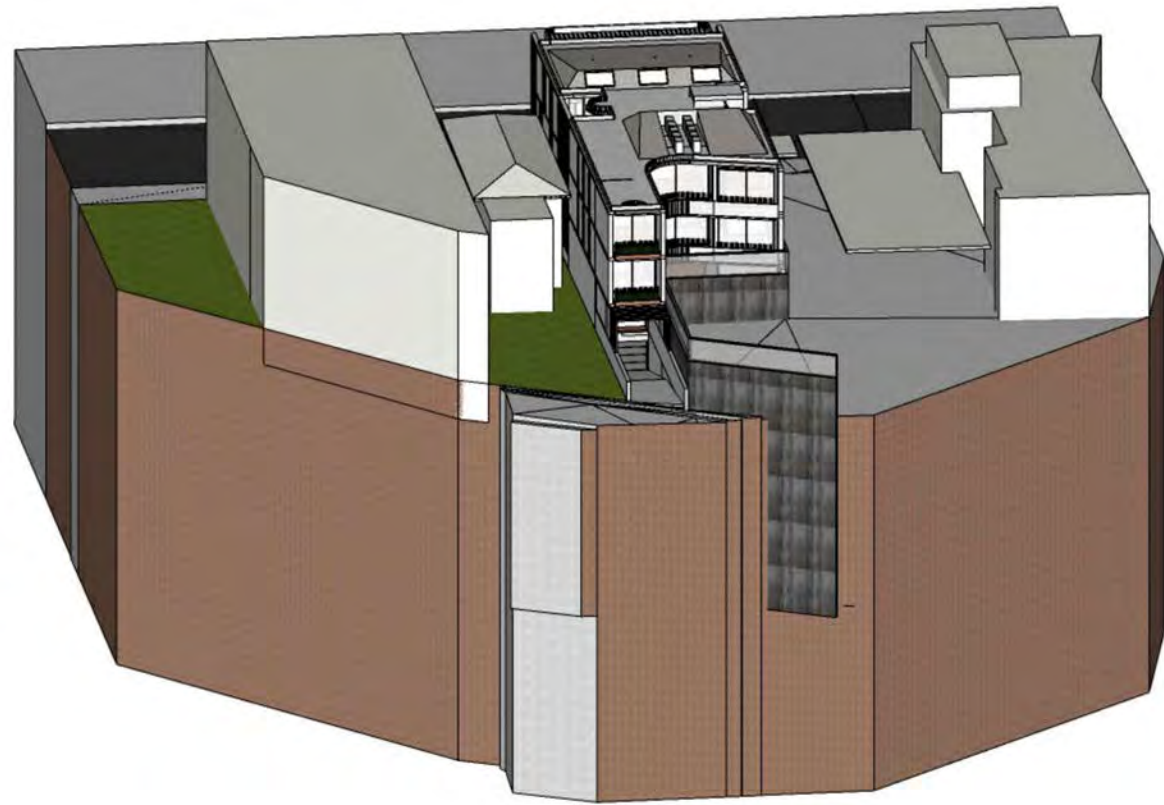
04
-
21/06 - 12:00PM
SCALE: NTS



05
-
21/06 - 1:00PM
SCALE: NTS



06
-
21/06 - 2:00PM
SCALE: NTS



07
-
21/06 - 3:00PM
SCALE: NTS

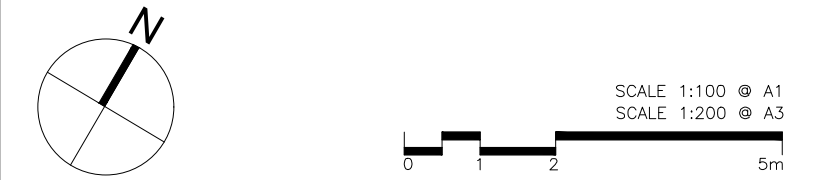
SOLAR COMPLIANCE CHECK

UNIT	LIVING							TOTAL
	9AM	10AM	11AM	12PM	1PM	2PM	3PM	

1.1			Y	Y	Y	Y		3
1.2				Y	Y	Y	Y	3
1.3								
1.4								
1.5								
2.1	Y	Y	Y	Y	Y			4
2.2			Y	Y	Y	Y	Y	4
2.3			Y	Y	Y	Y	Y	4
2.4			Y	Y	Y	Y	Y	4
2.5			Y	Y	Y	Y	Y	4

- Solar Access
- No Solar Access
- Compliant
- Non-Compliant

UNIT COMPLIANT 7
TOTAL UNIT 10
Solar Compliance 70%



CLIENT:

ARCHITECT:
PBD | ARCHITECTS
ABN 36 147 035 550
P - 02 9698 8140 E - info@pbdarchitects.com.au W - www.pbdarchitects.com.au
Level 2, 52 Abdon Street, Surry Hills NSW 2010
Nominated Architect: Paul Buljevic NSW 7768

PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
97 GLENAYR AVENUE, BONDI BEACH
NSW 2026

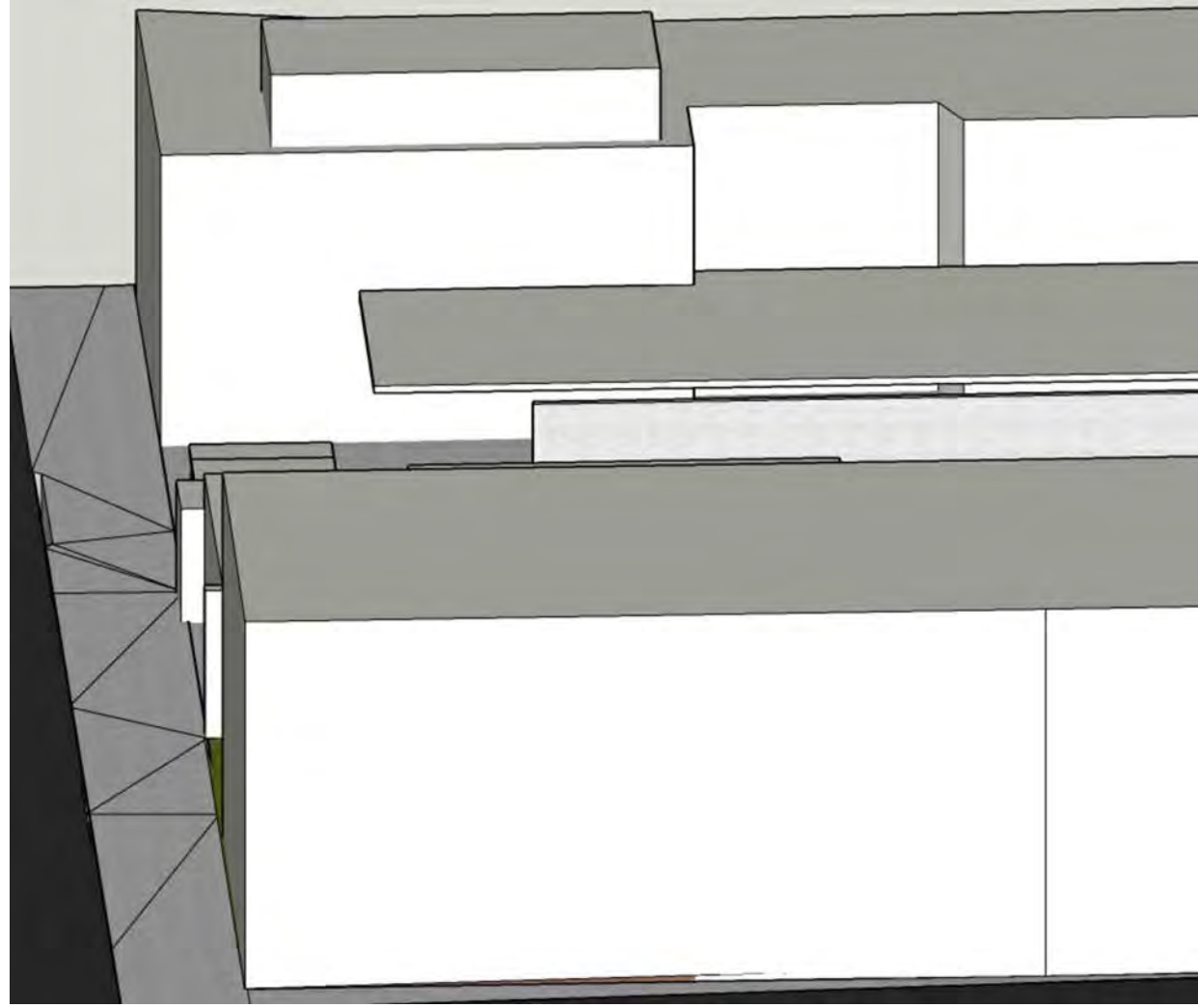
DATE: MARCH 2022

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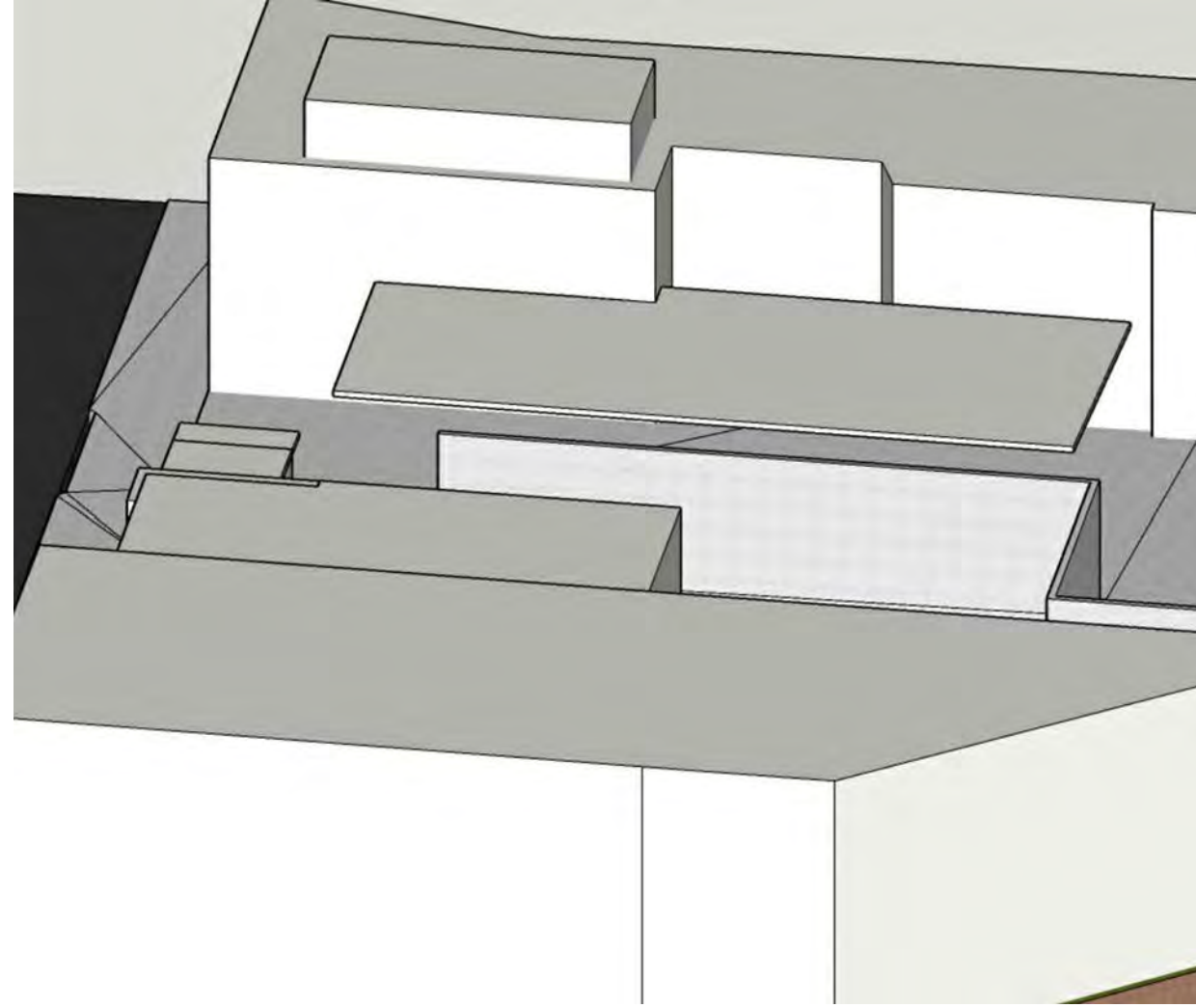
SUN EYE VIEW DIAGRAM
SHEET 01 - PROPOSED

SCALE: 1:100@A1 / 1:200@A3	DRAWING NO: S455_530	ISSUE: H
PROJECT NO: 2201		

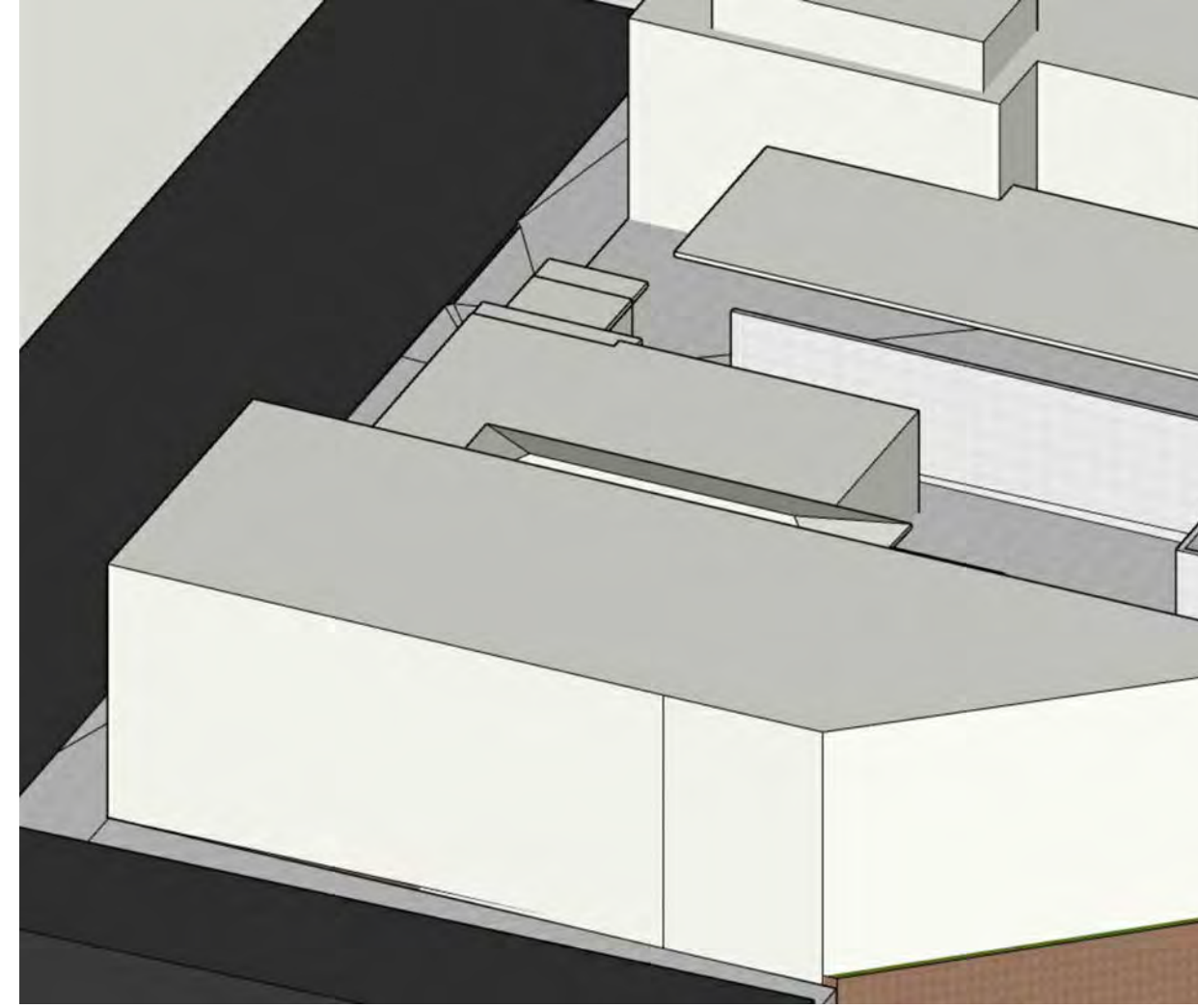
S4.55 MODIFICATION



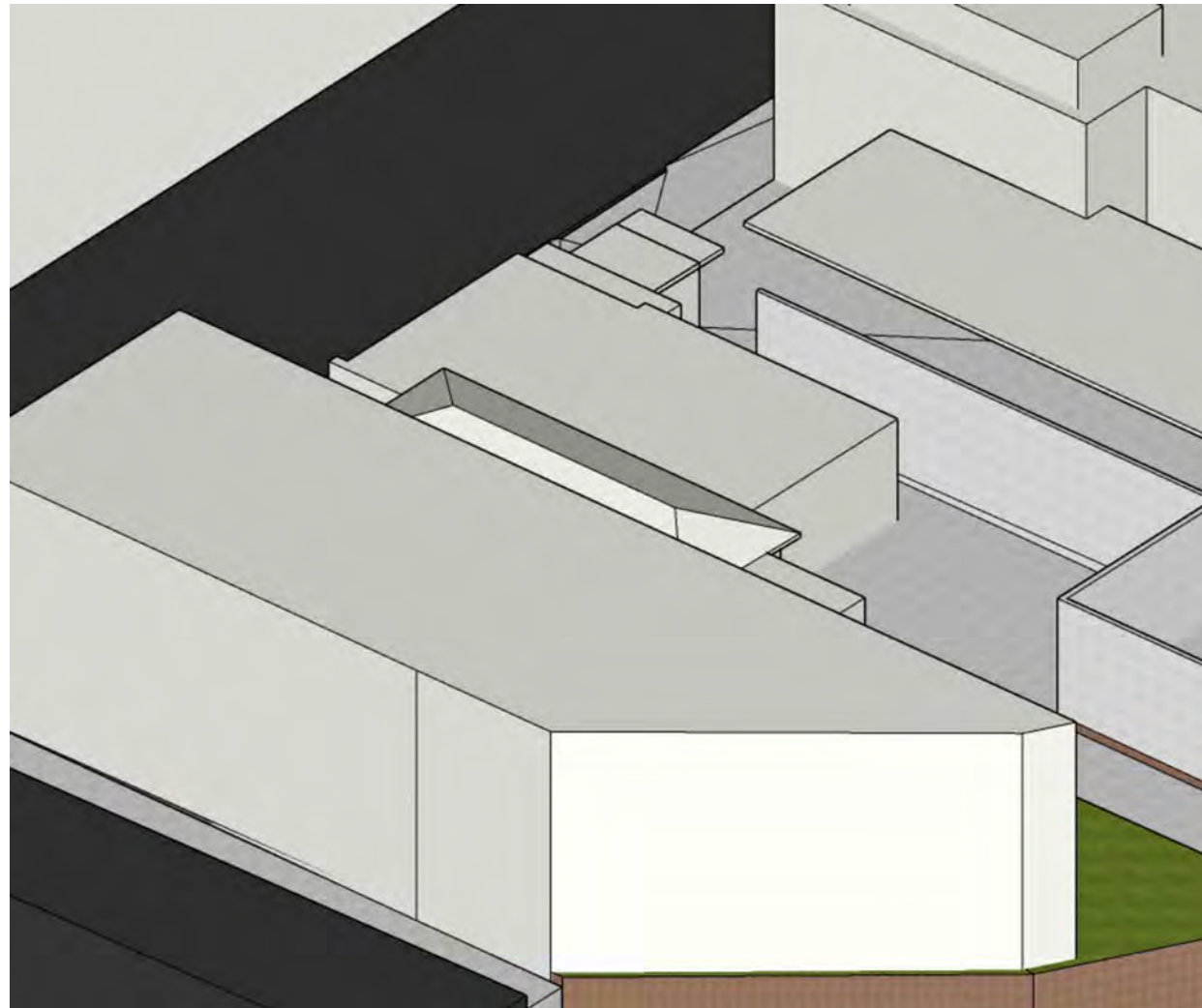
01 21/06 - 9:00AM
- SCALE: NTS



02 21/06 - 10:00AM
- SCALE: NTS



03 21/06 - 11:00AM
- SCALE: NTS



04 21/06 - 12:00PM
- SCALE: NTS



05 21/06 - 1:00PM
- SCALE: NTS



06 21/06 - 2:00PM
- SCALE: NTS



07 21/06 - 3:00PM
- SCALE: NTS

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-296/2019/B

Date Received: 02/11/2022

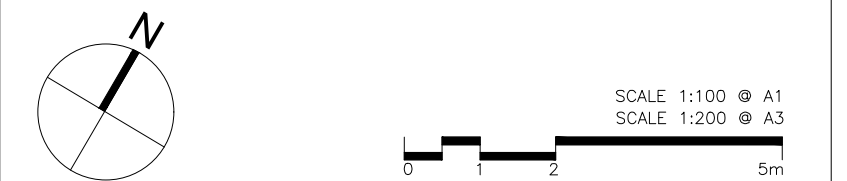
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FH	FIRE HYDRANT
FS	FIRE STAIRS
G	240L GREEN ORGANIC BIN
OP	OPAQUE WINDOW
R	20L RECYCLING BIN
Rx	RESIDENT PARKING NO. x
PS	PRIVACY SCREEN
SK	SKYLIGHT
ST	STORAGE
TOP	TOP OF FENCE HEIGHT
TOW	TOP OF WALL HEIGHT
Vx	VISITOR PARKING NO. x
W	240L GENERAL WASTE BIN

A	21.07.2022	COUNCIL'S RFI
ISSUE	DATE	DESCRIPTION



CLIENT:

ARCHITECT:

PBD | ARCHITECTS

ABN 36 147 035 550

P - 02 9698 8140 E - info@pbdarchitects.com.au W - www.pbdarchitects.com.au

Level 2, 52 Albion Street, Surry Hills NSW 2010

Nominated Architect: Paul Buljevic NSW 7768

PROJECT:

PROPOSED RESIDENTIAL FLAT BUILDING

97 GLENAYR AVENUE, BONDI BEACH

NSW 2026

DATE: MARCH 2022

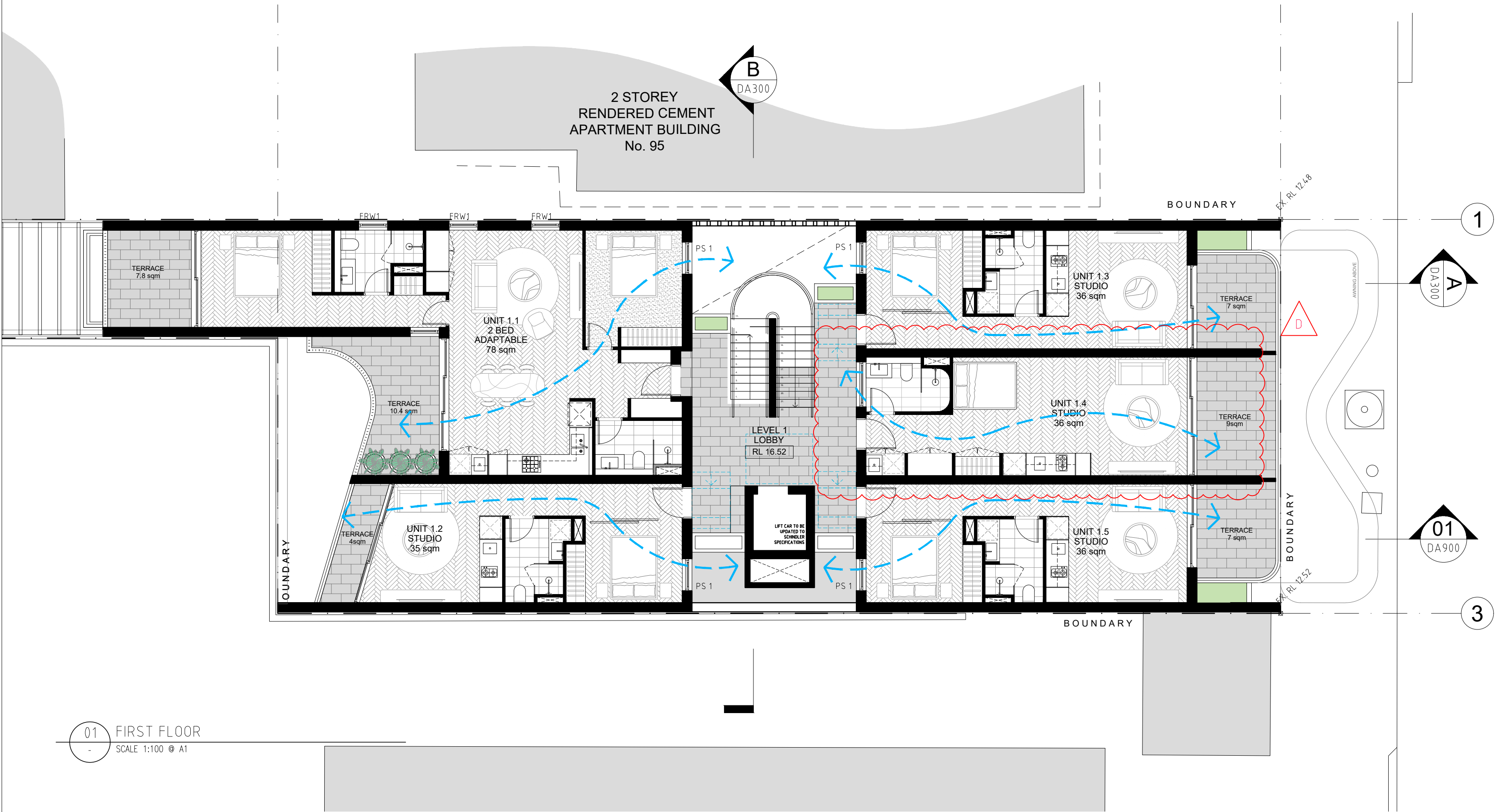
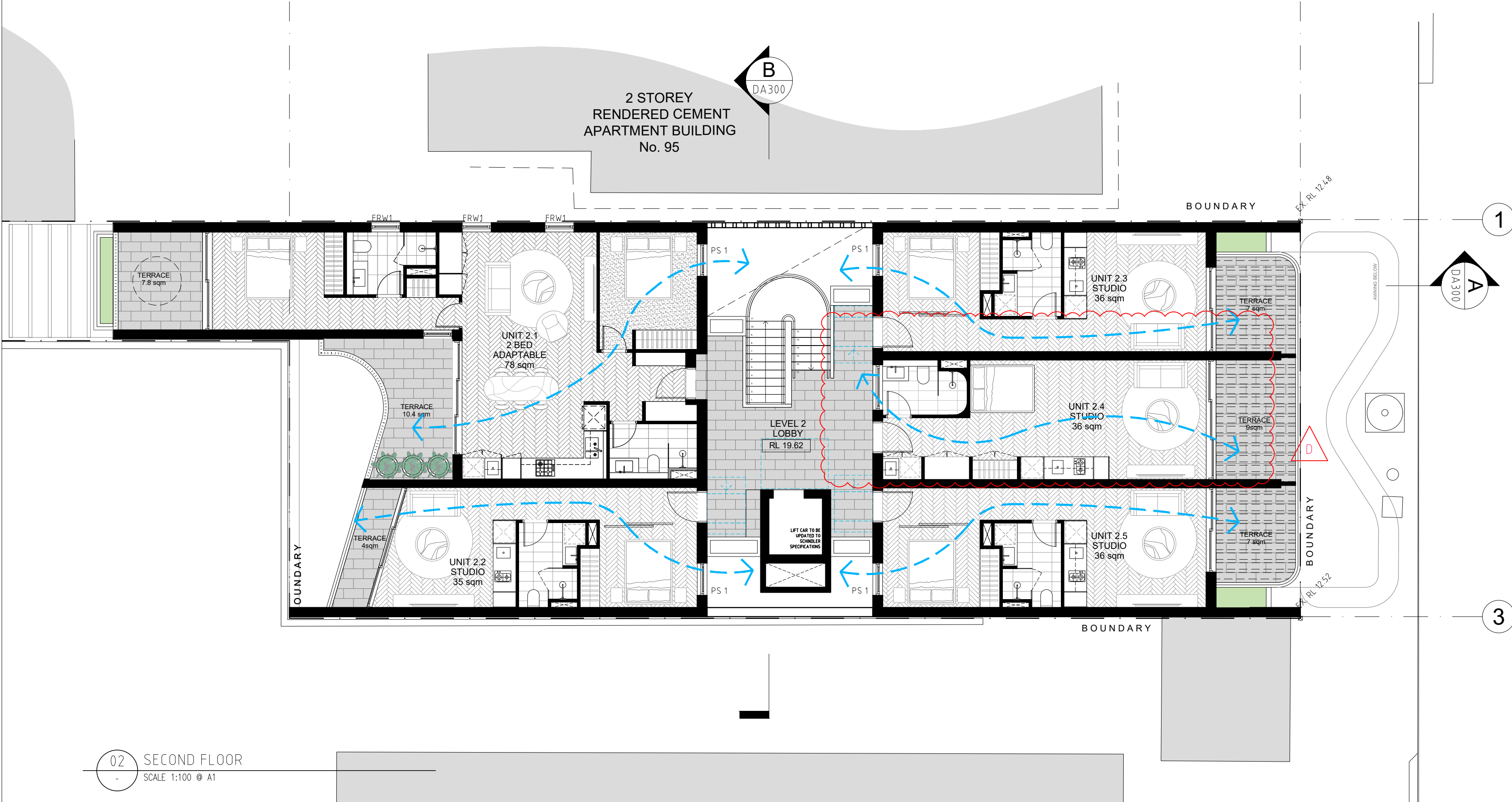
DRAWING TITLE:

SUN EYE VIEW DIAGRAM

SHEET 01 - EXISTING

SCALE: 1:100@A1 / 1:200@A3	DRAWING NO: S455_531	ISSUE: A
PROJECT NO: 2201		

S4.55 MODIFICATION



AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-296/2019/B
Date Received: 02/11/2022

NATURAL CROSS VENTILATION SUMMARY

TOTAL NUMBER OF APARTMENTS : 10 UNITS

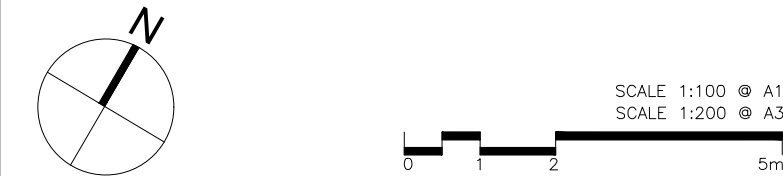
NATURALLY CROSS VENTILATED APARTMENTS : 10 UNITS

APARTMENTS WITH NATURAL CROSS VENTILATION = 100 %

- GENERAL NOTES:
- ALL WORKS TO COMPLY WITH BUILDING CODE OF AUSTRALIA, REQUIREMENTS OF RELEVANT STATUTORY AUTHORITIES/ LOCAL GOVERNMENT & RELEVANT AUSTRALIAN BUILDING STANDARDS
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 - B BOLLARD
 - BCYL BICYCLE PARKING
 - FH FIRE HYDRANT
 - FS FIRE STAIRS
 - G 240L GREEN ORGANIC BIN
 - OP OPAQUE WINDOW
 - R 240L RECYCLING BIN
 - Rx RESIDENT PARKING NO. x
 - PS PRIVACY SCREEN
 - SK SKYLIGHT
 - ST STORAGE
 - TOP TOP OF FENCE HEIGHT
 - TOW TOP OF WALL HEIGHT
 - Vx VISITOR PARKING NO. x
 - W 240L GENERAL WASTE BIN

D	01.11.2022	REVISED S4.55 MODIFICATION ISSUE
C	24.06.2022	S4.55 MODIFICATION ISSUE
B	21.06.2022	DRAFT S4.55 MODIFICATION ISSUE
A	07.06.2022	DRAFT S4.55 MODIFICATION
ISSUE	DATE	DESCRIPTION



CLIENT:

ARCHITECT:
PBD | ARCHITECTS
ABN 36 147 035 550
P - 02 9698 8140 E - info@pbdarchitects.com.au W - www.pbdarchitects.com.au
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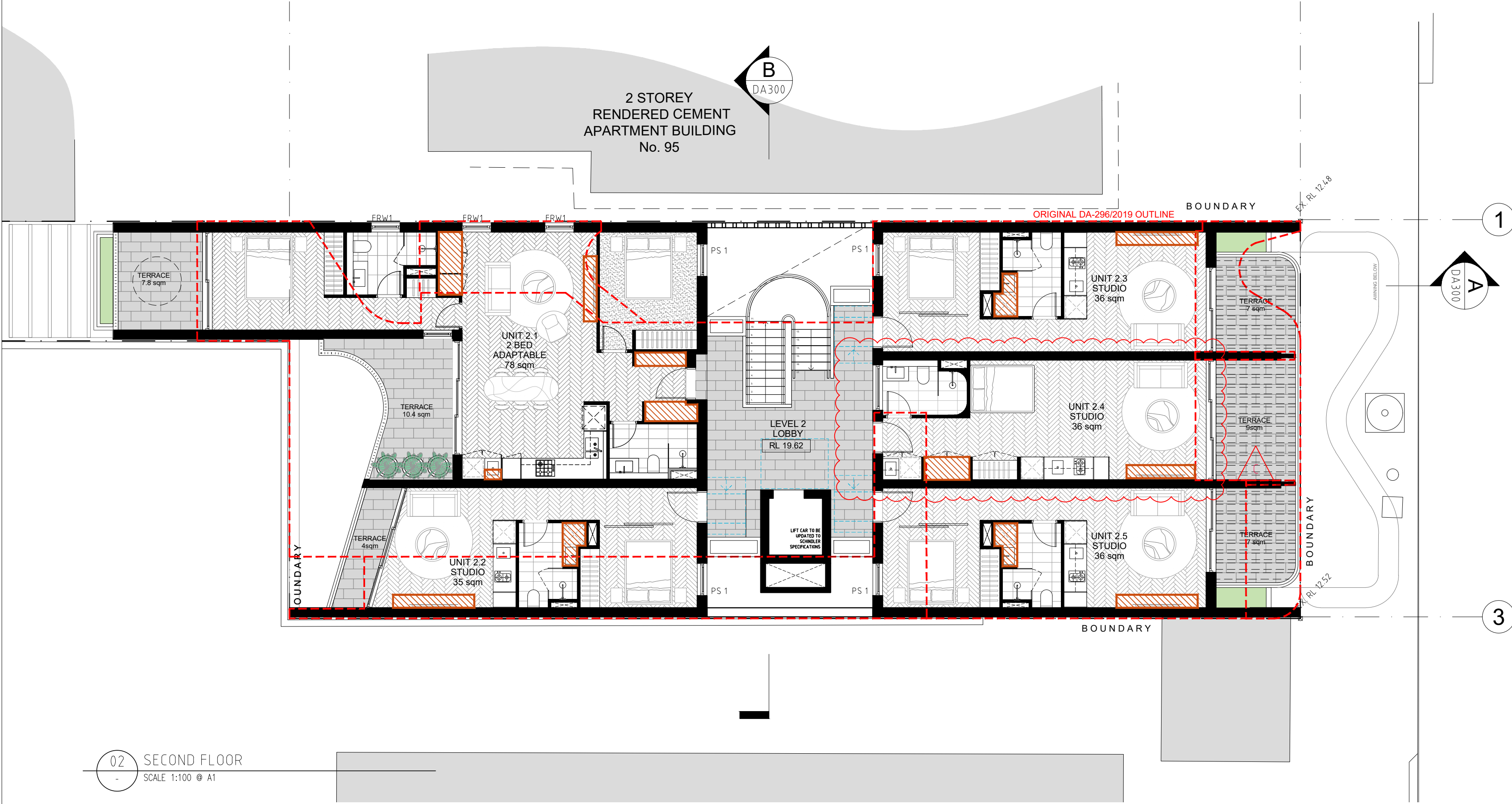
PROJECT:
PROPOSED RESIDENTIAL FLAT BUILDING
97 GLENAYR AVENUE, BONDI BEACH
NSW 2026

DATE: MARCH 2022
DRAWING TITLE:

CROSS VENTILATION

SCALE: 1:100@A1 / 1:200@A3	DRAWING NO: S455_540	ISSUE: D
PROJECT NO: 2201		

S4.55 MODIFICATION



AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-296/2019/B

Date Received: 02/11/2022

STORAGE CALCULATION

UNIT	TYPE	WITHIN UNIT	BASEMENT	TOTAL	COMPLIANT
UNIT 1.1	2 BED	8.1 m ³	0 m ³	8.1 m ³	Y
UNIT 1.2	STUDIO	2.1 m ³	2.2 m ³	4.3 m ³	Y
UNIT 1.3	STUDIO	2.1 m ³	2.2 m ³	4.3 m ³	Y
UNIT 1.4	STUDIO	3.4 m ³	2.2 m ³	5.6 m ³	Y
UNIT 1.5	STUDIO	2.1 m ³	2.2 m ³	4.3 m ³	Y
UNIT 2.1	2 BED	8.1 m ³	0 m ³	8.1 m ³	Y
UNIT 2.2	STUDIO	2.1 m ³	2.2 m ³	4.3 m ³	Y
UNIT 2.3	STUDIO	2.1 m ³	2.2 m ³	4.3 m ³	Y
UNIT 2.4	STUDIO	3.4 m ³	2.2 m ³	5.6 m ³	Y
UNIT 2.5	STUDIO	2.1 m ³	2.2 m ³	4.3 m ³	Y

LEGEND

STORAGE

ADG REQUIREMENT:

STUDIO: 4 m³ (MIN. 50% TO BE WITHIN THE APARTMENT)
2 BED: 8 m³ (MIN. 50% TO BE WITHIN THE APARTMENT)

GENERAL NOTES:

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C	01.11.2022	REVISED S4.55 MODIFICATION ISSUE
B	24.06.2022	S4.55 MODIFICATION ISSUE
A	21.06.2022	DRAFT S4.55 MODIFICATION
ISSUE	DATE	DESCRIPTION



SCALE 1:100 @ A1
SCALE 1:200 @ A3
5m

CLIENT:

ARCHITECT:

PBD ARCHITECTS

ABN 36 147 035 550
P - 02 9698 8140 E - info@pbdarchitects.com.au W - www.pbdarchitects.com.au
Level 2, 52 Abdon Street, Surry Hills NSW 2010
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PROJECT:

PROPOSED RESIDENTIAL FLAT BUILDING
97 GLENAYR AVENUE, BONDI BEACH
NSW 2026

DATE: MARCH 2022

DRAWING TITLE:

STORAGE DIAGRAM

SCALE:
1:100@A1 / 1:200@A3
PROJECT NO:
2201

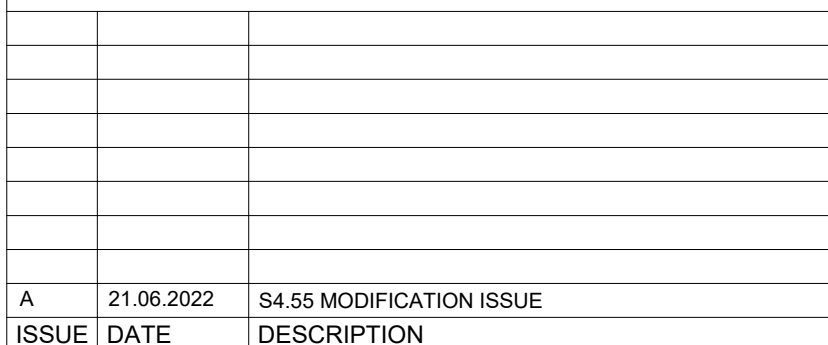
DRAWING NO:
S455_550

ISSUE:
C

AMENDED PLANS

Date Received: 02/11/2022

- LEGEND:**
- | | |
|------|---------------------------------|
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CLIENT:

PROJECT:

PROPOSED RESIDENTIAL FLAT BUILDING

97 GLENAYR AVENUE, BONDI BEACH

NSW 2026

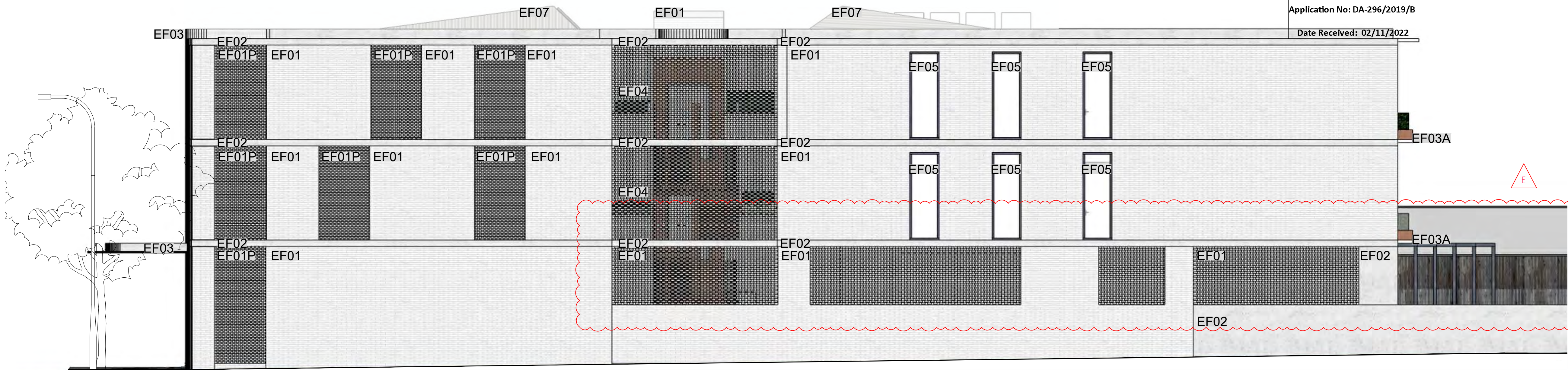
DATE: MARCH 2022
DRAWING TITLE:

AWNING SECTION DETAIL

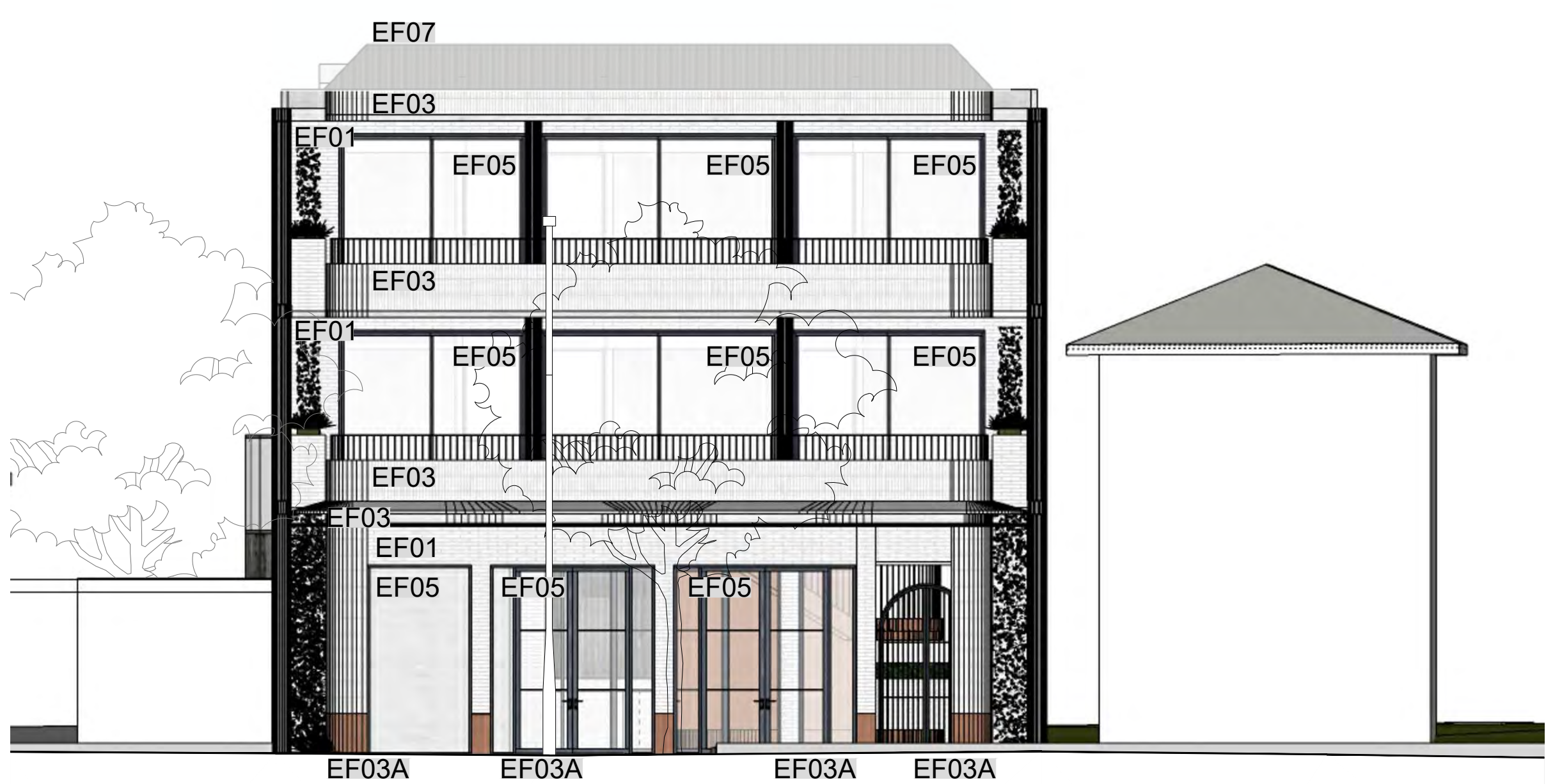
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PROJECT NO: 2201		

S4.55 MODIFICATION

AMENDED



1 SOUTH ELEVATION
SCALE: NTS



1 EAST ELEVATION
SCALE: NTS



EF01 FACE BRICK WORK
COLOUR: WHITE

EF01P FACE BRICK WORK (PATTERN)
COLOUR: WHITE

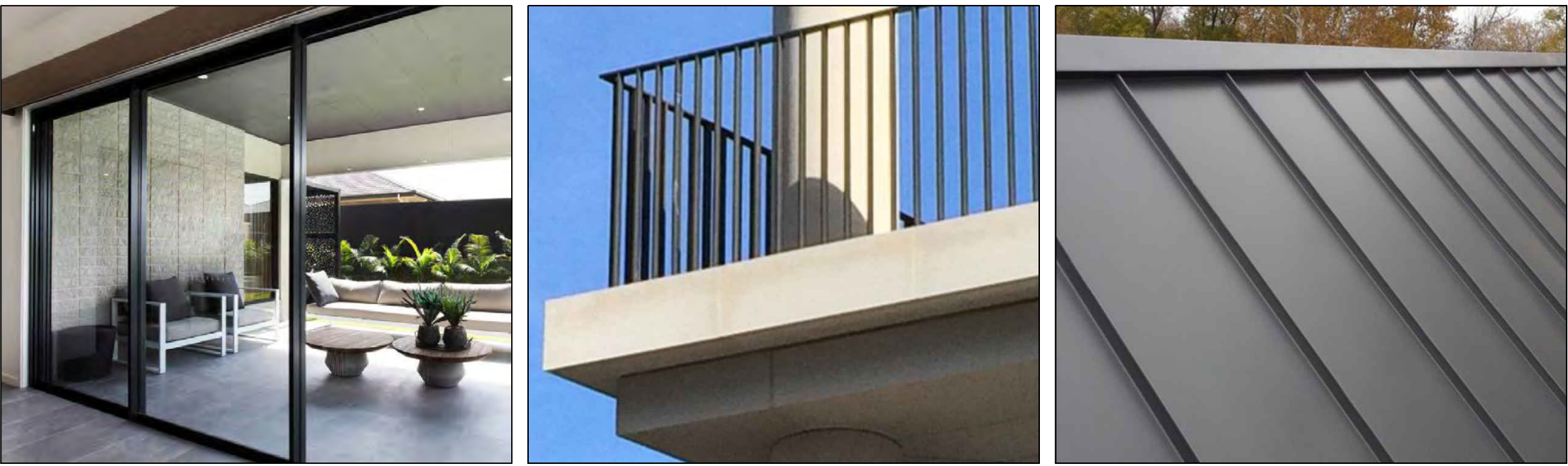
EF02 EXPOSED CONCRETE FINISH



EF03 BRICK WALL TILE FINISH
COLOUR - EQUIVALENT TO EF01

EF03A TERRACOTTA WALL TILE

EF04 HIT & MISS BRICK
COLOUR - WHITE



EF05 ALUMINIUM FRAME GLAZING
COLOUR - EQUAL TO COLORBOND MONUMENT

EF06 METAL PALISADE FENCING
COLOUR - EQUAL TO COLORBOND MONUMENT

EF07 SHEET METAL ROOF
COLOUR - EQUAL TO COLORBOND COVE

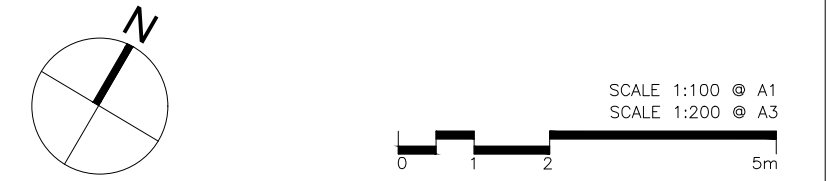
GENERAL NOTES:

- ALL WORKS TO COMPLY WITH BUILDING CODE OF AUSTRALIA, REQUIREMENTS OF RELEVANT STATUTORY AUTHORITIES/ LOCAL GOVERNMENT & RELEVANT AUSTRALIAN BUILDING STANDARDS
- DRAWINGS FOR THE PURPOSES OF DA ONLY - FURTHER CONSULTANT / AUTHORITY COORDINATION WILL BE REQUIRED AT CC STAGE WHICH MAY IMPACT ON DESIGN AND PLANNING LAYOUTS
- ARCHITECTURAL PLANS TO BE READ IN CONJUNCTION WITH CONSULTANT'S DRAWINGS, SPECIFICATIONS & REPORTS
- COPYRIGHT OF DESIGN SHOWN HEREON IS RETAINED BY PBD ARCHITECTS. AND AUTHORITY IS REQUIRED FOR ANY REPRODUCTION
- AREA SCHEDULES SUPPLIED ARE APPROXIMATE ONLY - FUTURE ALLOWANCE FOR VERTICAL SERVICE DUCTS, STRUCTURAL WALL SYSTEMS AND CONSULTANT INPUT WILL BE REQUIRED

LEGEND:

AG	ACCESS GRATE (TO ENG'S DETAILS)
B	BOLLARD
BCYL	BICYCLE PARKING
PH	FIRE HYDRANT
FS	FIRE STAIRS
G	240L GREEN ORGANIC BIN
OP	OPAQUE WINDOW
R	240L RECYCLING BIN
Rx	RESIDENT PARKING NO. x
PS	PRIVACY SCREEN
SK	SKYLIGHT
ST	STORAGE
TOP	TOP OF FENCE HEIGHT
TOW	TOP OF WALL HEIGHT
Vx	VISITOR PARKING NO. x
W	240L GENERAL WASTE BIN

E	01.11.2022	REVISED S4.55 MODIFICATION ISSUE
D	24.06.2022	S4.55 MODIFICATION ISSUE
C	21.06.2022	DRAFT S4.55 MODIFICATION ISSUE
B	06.06.2022	DRAFT S4.55 MODIFICATION ISSUE
A	03.06.2022	PRELIMINARY ISSUE
ISSUE	DATE	DESCRIPTION



CLIENT:

ARCHITECT:

PBD ARCHITECTS

ABN 36 147 035 550
P - 02 9698 8140 E - info@pbdarchitects.com.au W - www.pbdarchitects.com.au
Level 2, 52 Albion Street, Surry Hills NSW 2010
Nominated Architect: Paul Buljevic NSW 7768

PROJECT:

PROPOSED RESIDENTIAL FLAT BUILDING
97 GLENAYR AVENUE, BONDI BEACH
NSW 2026

DATE: MARCH 2022
DRAWING TITLE:

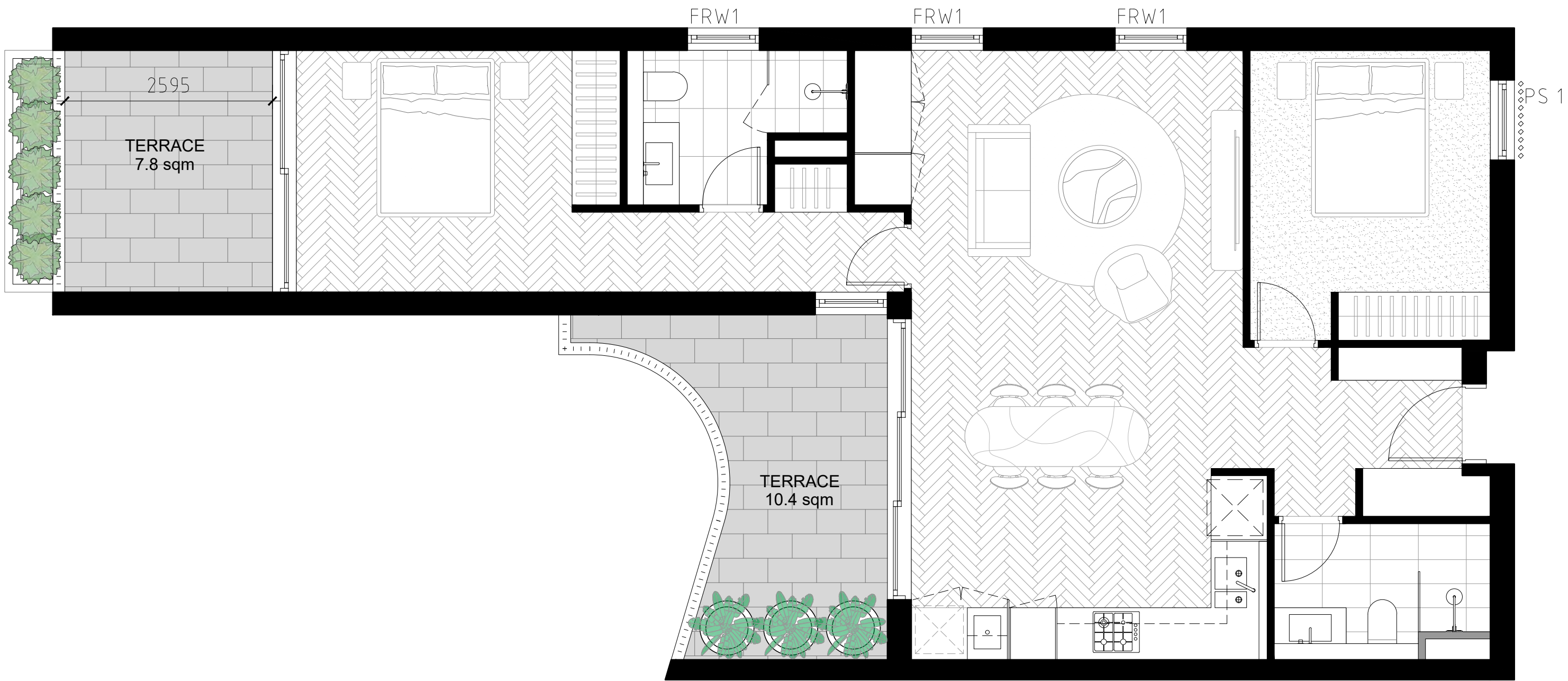
MATERIAL SCHEDULE

SCALE: 1:100@A1 / 1:200@A3 PROJECT NO: 2201	DRAWING NO: S455_400	ISSUE: E
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S4.55 MODIFICATION

AMENDED

RECEIVED
Waverley Council
Application No: DA-296/2019/B
Date Received: 02/11/2022



ADAPTABLE UNIT

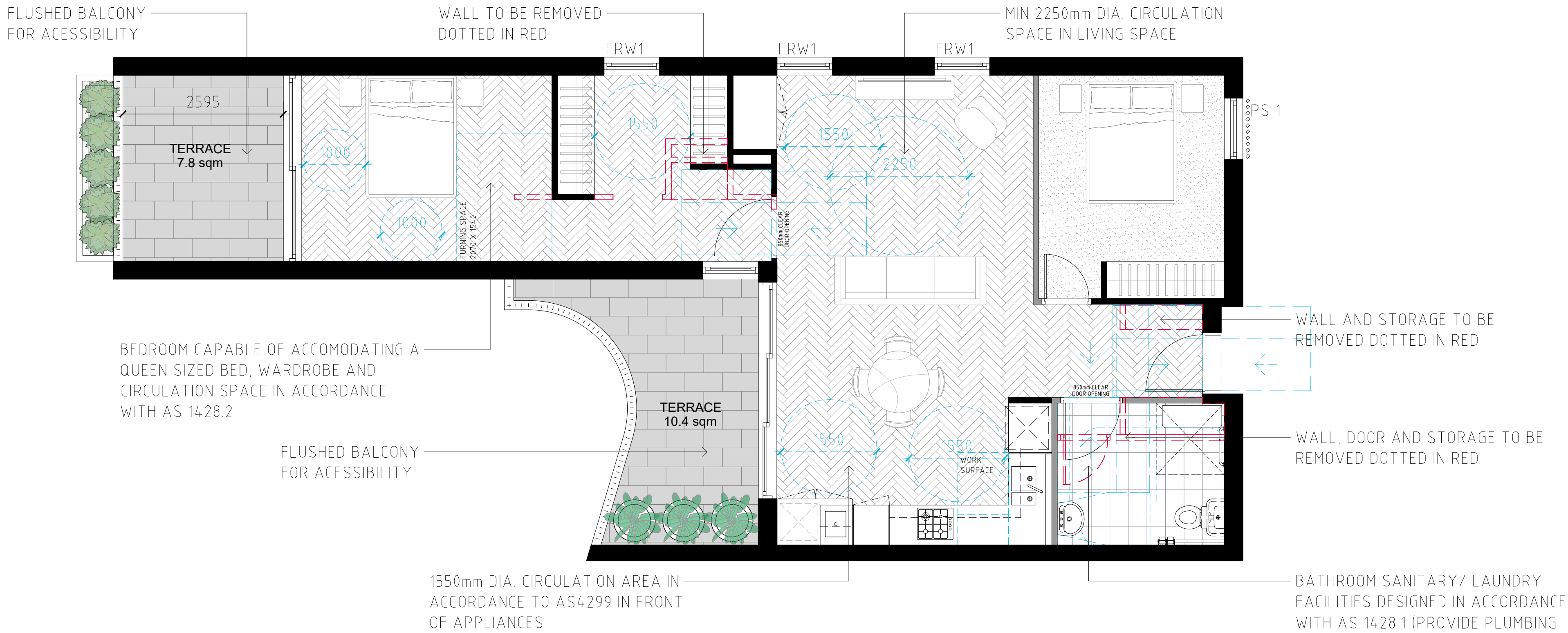
UNIT	TYPE	ADAPTABLE
UNIT 1.1	2 BED	Y
UNIT 1.2	STUDIO	N
UNIT 1.3	STUDIO	N
UNIT 1.4	STUDIO	N
UNIT 1.5	STUDIO	N
UNIT 2.1	2 BED	Y
UNIT 2.2	STUDIO	N
UNIT 2.3	STUDIO	N
UNIT 2.4	STUDIO	N
UNIT 2.5	STUDIO	N

- GENERAL NOTES:
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LEGEND:

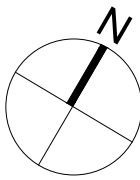
- AG ACCESS GRATE (TO ENG'S DETAILS)
B BOLLARD
BCYL BICYCLE PARKING
FH FIRE HYDRANT
FS FIRE STAIRS
G 240L GREEN ORGANIC BIN
OP OPAQUE WINDOW
R 240L RECYCLING BIN
Rx RESIDENT PARKING NO. x
PS PRIVACY SCREEN
SK SKYLIGHT
ST STORAGE
TOF TOP OF FENCE HEIGHT
TOW TOP OF WALL HEIGHT
Vx VISITOR PARKING NO. x
W 240L GENERAL WASTE BIN

01 PRE ADAPTATION LAYOUT: UNIT 1.1 & UNIT 2.1
SCALE 1:50 @ A1 / 1:100 @ A3



02 POST ADAPTATION LAYOUT: UNIT 1.1 & UNIT 2.1
SCALE 1:50 @ A1 / 1:100 @ A3

F	01.11.2022	REVISED S4.55 MODIFICATION ISSUE
E	24.06.2022	S4.55 MODIFICATION ISSUE
D	21.06.2022	DRAFT S4.55 MODIFICATION ISSUE
C	07.06.2022	DRAFT S4.55 MODIFICATION ISSUE
B	06.06.2022	DRAFT S4.55 MODIFICATION ISSUE
A	03.06.2022	DRAFT DA ISSUE
ISSUE	DATE	DESCRIPTION



SCALE 1:100 @ A1
SCALE 1:200 @ A3
5m

CLIENT:

ARCHITECT:

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ABN 36 147 035 550
P - 02 9698 8140 E - info@pbdarchitects.com.au W - www.pbdarchitects.com.au
Level 2, 52 Abdon Street, Surry Hills NSW 2010
Nominated Architect: Paul Buljevic NSW 7768

PROJECT:

PROPOSED RESIDENTIAL FLAT BUILDING
97 GLENAYR AVENUE, BONDI BEACH
NSW 2026

DATE: MARCH 2022

DRAWING TITLE:

ADAPTABLE UNIT LAYOUT

SCALE: 1:50@A1 / 1:100@A3	DRAWING NO: S455_600	ISSUE: F
PROJECT NO: 2201		

Mixed Use Development

97 Glenayr Ave, Bondi NSW 2026

LANDSCAPE DOCUMENTATION

Preliminary

Drawing Schedule

Drawing Number	Drawing Title	Scale
000	Coversheet & Planting Schedule	As Shown
101	Landscape Plan - Ground Floor	1:100
102	Landscape Plan - Level 1	1:100
103	Landscape Plan - Level 2	1:100
500	Landscape Specification Notes	N/A
501	Landscape Details	Varies
502	Landscape Details	Varies

AMENDED PLANS

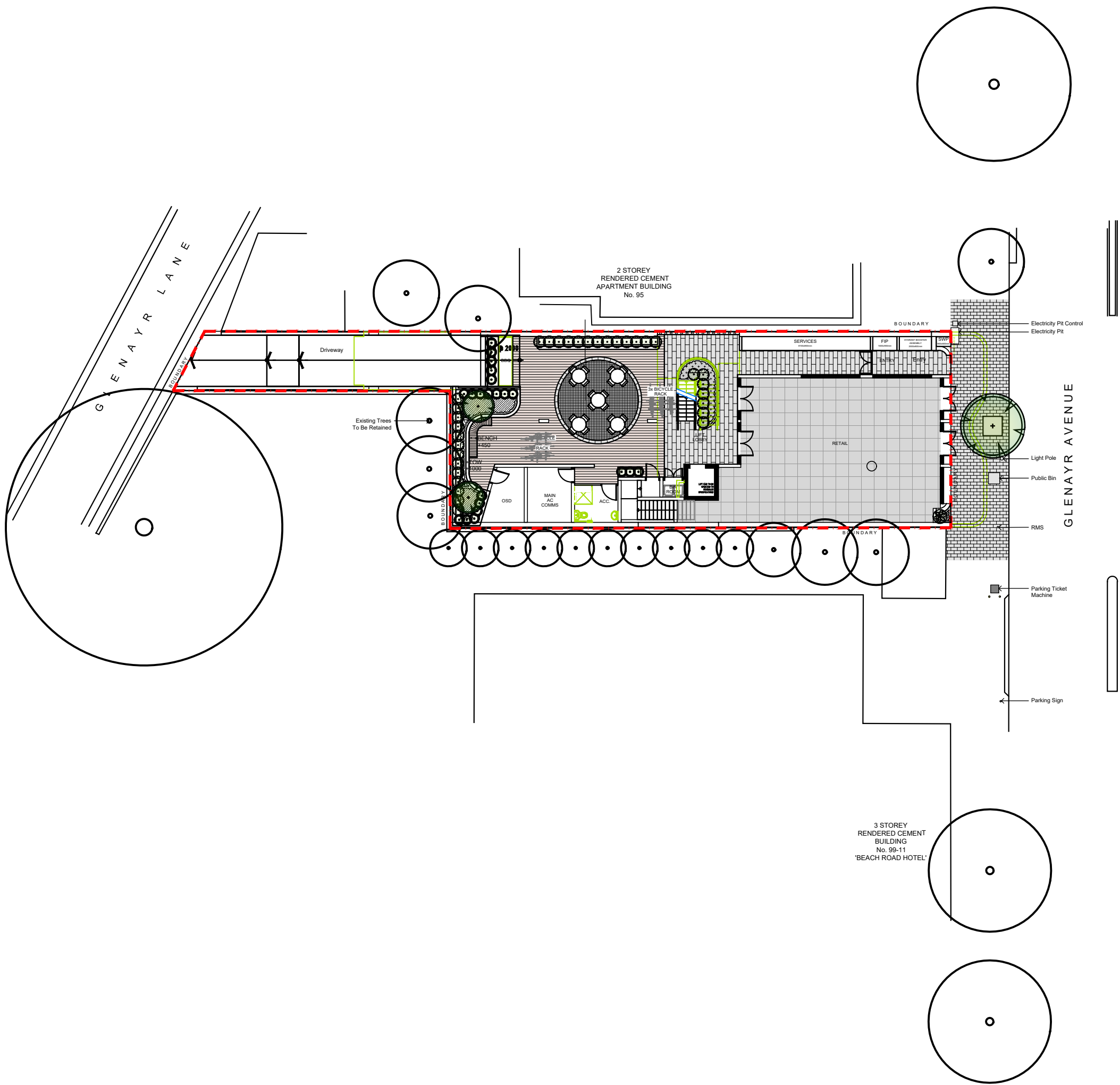
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Application No: DA-296/2019/B
Date Received: 02/11/2022

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The contractor shall check and verify all work on site (including work by others) before commencing the landscape installation. Any discrepancies are to be reported to the Project Manager or Landscape Architect prior to commencing work. Do not scale this drawing. Any required dimensions not shown shall be referred to the Landscape Architect for confirmation.

B	For Approval	PH	RS	01.11.2022
A	Preliminary	NP	RS	30.05.2022
Issue	Revision Description	Drawn	Check	Date

Legend



Site Plan | Scale 1:250

Key Plan

Client
RNB GLENAYR PTY LTD
PBD ARCHITECTS

Project
97 Glenayr Ave,
Bondi, NSW, 2026

Level 1, 3-5 Baptist Street
Redfern NSW 2016
Australia
Tel: (61 2) 8332 5600
Fax: (61 2) 9698 2877
www.siteimage.com.au
Site Image (NSW) Pty Ltd
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SITE IMAGE



Landscape Architects

FOR APPROVAL

Drawing Name
Coversheet & Site Plan


Scale 1:250	Drawing Number	Issue
Job Number	SS22-4948	000 B

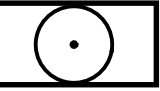
NOT FOR CONSTRUCTION


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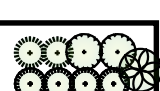
B	For Approval	PH	RS	01.11.2022
A	Preliminary	NP	RS	30.05.2022
Issue	Revision Description	Drawn	Check	Date


Legend

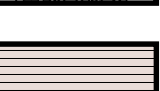
 Boundary

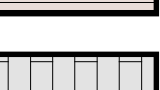
 Existing Trees to be Retained
Refer to Arborists Report


 Proposed Trees
Refer to Planting Schedule

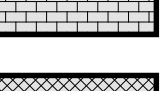
 Proposed Shrubs and Accents
Refer to Planting Schedule


 Proposed Groundcovers
Refer to Planting Schedule

 Timber
Refer to Landscape Details

 Stone Entry Paving
Refer to Landscape Details

 Public Domain Paving
Refer to Landscape Details

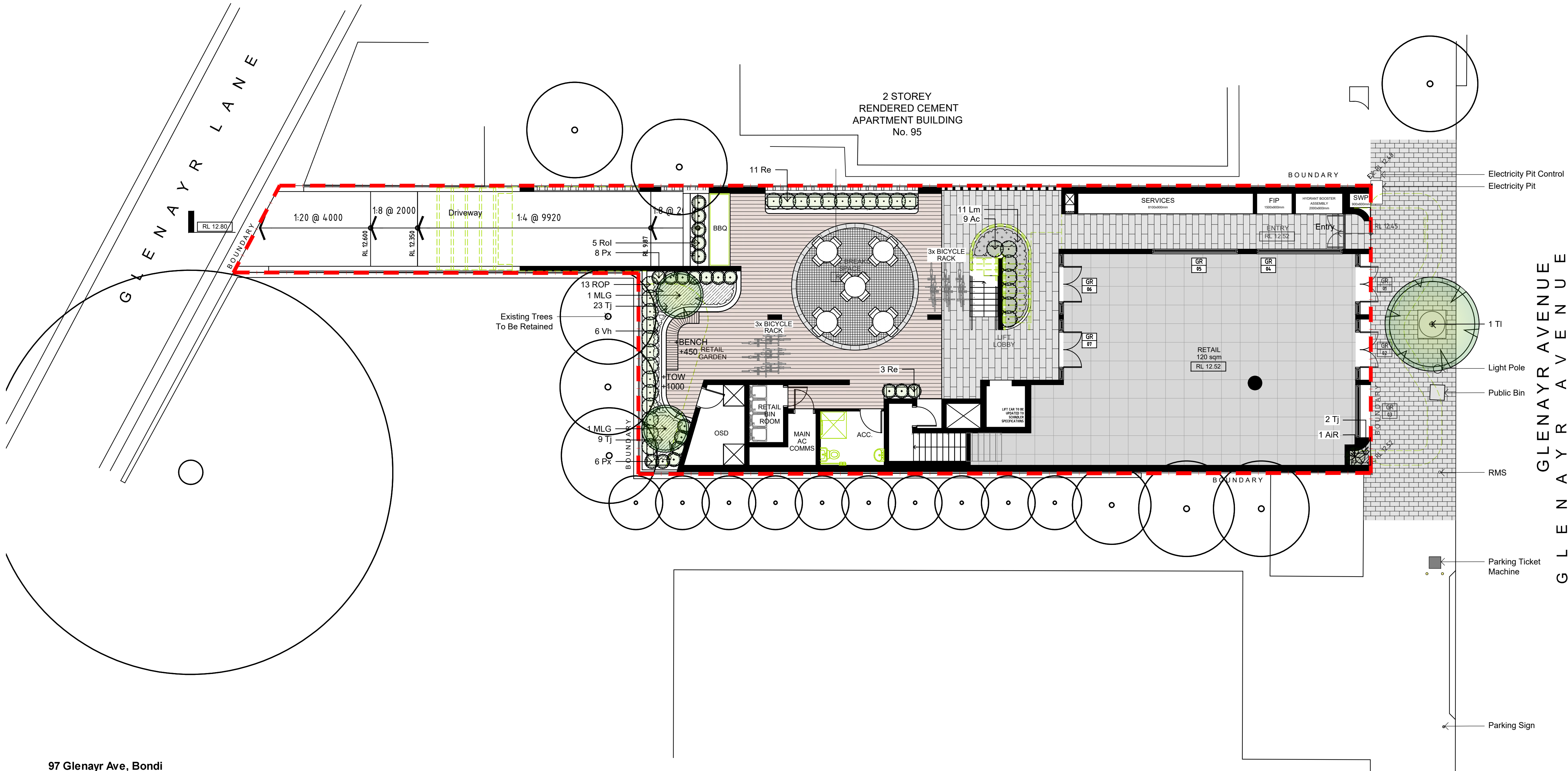
 Feature Cobblestone Paving
100 x 100mm

 Feature Border Paver
400 x 200

Key Plan

AMENDED PLANS

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Waverley Council
Application No: DA-296/2019/B
Date Received: 02/11/2022



97 Glenayr Ave, Bondi
Ground Floor Plant Schedule

SYMBOL	BOTANIC NAME	COMMON NAME	HxW (m)	POT SIZE	SPACING	QUANTITY
TREES						
MLG	Magnolia 'Little Gem'	Magnolia	4m x 2m	75 L	As Shown	2
TI	Tristanopsis laurina	Water Gum	10 x 6	200 L	As Shown	1
SHURBS/ ACCENTS						
AIR	Alcantarea imperialis 'Rubra'	Imperial Bromeliad	1.2 x 1.5	45L	As Shown	1
Px	Philodendron Xanadu	Xanadu	0.8 x 1	300mm	As Shown	14
Re	Rhapis excelsa	Broad Leaf Lady Palm	4m x 2m	300mm	As Shown	14
ROP	Rhaphiolepis indica 'Oriental Pearl'	Oriental Pearl Indian Haw tho	1 x 1	300mm	As Shown	13
GROUNDCOVERS / GRASSES						
RoI	Rosemary officinalis 'Irene'	Prostrate trailing rosemary	0.3x1.5	150mm	5m ²	5
Sr	Sedum rupestre	Stoncrop	0.3 x 0.3	150mm	5/sqm	34
Vh	Viola hederacea	Native Violet	0.15 x 1	150mm	5/sqm	6

NOT FOR CONSTRUCTION

Client
RNB GLENAYR PTY LTD
PBD ARCHITECTS

Project
97 Glenayr Ave,
Bondi, NSW, 2026

SITE IMAGE
Level 1, 3-5 Baptist Street
Redfern NSW 2016
Australia
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Fax: (61 2) 9698 2877
www.siteimage.com.au
Site Image (NSW) Pty Ltd
ABN 44 801 262 380
Landscape Architects

FOR APPROVAL
Drawing Name
Landscape Plan
Ground Floor
Scale
Job Number
Drawing Number
Issue
SS22-4948
101 B

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Application No:
DA-296/2019/B

Date Received:
02/11/2022


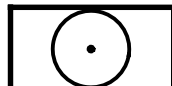


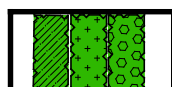
3 STOREY
RENDERED CEMENT
BUILDING
No. 99-11
'BEACH ROAD HOTEL'

97 Glenayr Ave, Bondi						
Level 1 Plant Schedule						
SYMBOL	BOTANIC NAME	COMMON NAME	HXW (m)	POT SIZE	SPACING	QUANTITY
SHURBS/ ACCENTS						
AIR	Alcantarea imperialis 'Rubra'	Imperial Bromeliad	1.2 x 1.5	45L	As Show n	6
CBB	Crassula ovata 'Blue Bird'	Blue Jade	1.0 x 1.0	200mm	As Show n	1
Sr	Strelitzia reginae	Bird of Paradise	1.5 x 1.2	300mm	As Show n	1
ROP	Rhaphiolepis indica 'Oriental Pearl'	Oriental Pearl Indian Haw thc	1 x 1	300mm	As Show n	6
GROUNDCOVERS / GRASSES						
Can	Cissus antarctica	Kangaroo Vine	0.45 x 1	200mm	5m²	4
Dr	Dichondra repens	Kidney Weed	0.15 x 0.15 Spreading	200mm	5m²	2
DSF	Dichondra 'Silver Falls'	Silver Falls Kidney Weed	0.1m x 0.7m	200mm	5m²	12
Rol	Rosemary officinalis 'Irene'	Prostrate trailing rosemary	0.3 x 1.5	150mm	5m²	5
Hs	Hibbertia scandens	Snake Vine	2m	200mm	5m²	4

NOT FOR CONSTRUCTION

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Legend

	Boundary
	Existing Trees to be Retained Refer to Arborists Report
	Proposed Trees Refer to Planting Schedule
	Proposed Shrubs and Accents Refer to Planting Schedule
	Proposed Groundcovers Refer to Planting Schedule

Project
97 Glenayr Ave,
Bondi, NSW, 2026

FOR APPROVAL

Scale	Drawing Number	Issue
Job Number		

AMENDED PLANS

BOUNDARY

GLENNARY AVENUE

~~BOUNDARY~~

SYMBOL	BOTANIC NAME	COMMON NAME	HxW (m)	POT SIZE	SPACING	QUANTITY
	SHURBS/ ACCENTS					
AiR	Alcantarea imperialis 'Rubra'	Imperial Bromeliad	1.2 x 1.5	45L	As Show n	1
CBB	Crassula ovata 'Blue Bird'	Blue Jade	1.0 x 1.0	200mm	As Show n	1
Sr	Strelitzia reginae	Bird of Paradise	1.5 x 1.2	300mm	As Show n	6
ROP	Rhaphiolepis indica 'Oriental Pearl'	Oriental Pearl Indian Haw the 1 x 1		300mm	As Show n	6
	GROUNDCOVERS / GRASSES					
Can	Cissus antarctica	Kangaroo Vine	0.45 x 1	200mm	5m²	4
Dr	Dichondra repens	Kidney Weed	0.15 x 0.15 Spreading	200mm	5m²	12
DSF	Dichondra 'Silver Falls'	Silver Falls Kidney Weed	0.1m x 0.7m	200mm	5m²	2
RoI	Rosemary officinalis 'Irene'	Prostrate trailing rosemary	0.3x 1.5	150mm	5m²	5
TJ	Trachelospermum jasminoides	Star Jasmine	6m	200mm	5m²	4

NOT FOR CONSTRUCTION

LANDSCAPE SPECIFICATION NOTES

GENERAL NOTES

References

All plans and details included in the project documents shall be read in conjunction with this specification. All structural and civil works components of the landscape design shall be referenced to engineers' details and specifications. Read this specification in conjunction with the plant and materials schedules on the drawings. If in doubt about any detail or if conflicts are found in the documents, seek advice.

Workmanship and Materials

The whole of the landscape works shall be carried out by a competent, trained and qualified landscape contractor who is experienced in horticultural practices, landscape construction and planting techniques. The landscape contractor shall hold a current Building Contractors License and/or be a financial member of LNA Landscape Association NSW & ACT or equivalent organisations in other states.

EXISTING TREES AND SHRUBS

Trees and Shrubs to be Retained and Protected

Identify and mark trees and shrubs to be retained using a suitable non-injurious, easily visible and removable means of identification. Protect from damage the trees and shrubs to be retained, including those beyond the site area, both above and below the ground. If a tree becomes damaged during the works or it is proposed to perform work on a tree, give written notice immediately and obtain instructions.

Work Near Trees and Shrubs

Keep the area of the drip-line free from construction material and debris. Do not place bulk materials and harmful materials under foliage canopies or near trees. Do not place spoil from excavations against tree trunks. Prevent wind-blown building materials, such as cement, from covering trees and other plants. Do not remove topsoil from, or add topsoil to, the area within the drip-line of trees.

EARTHWORKS

Excavation, Trimming and Filling

Except as otherwise noted in the contract, bulk excavation is excluded from the landscape works. After the completion of bulk excavation by others, trim and fill the excavated ground surfaces to achieve design levels to accommodate finish materials as detailed. Prepare the sub-grade surface as required for the various finished ground treatments.

Site Drainage

Keep the excavated works drained and free of standing water. Allow to supply and install sub-soil drainage pipes as required for the new works to ensure that all gardens are well drained. Connect the sub-soil drainage pipes to the nearest downstream stormwater pits. Include pipe filter socks and course sharp aggregate backfilling of trenches.

HARDWORKS

Furniture, Handrails, Balustrades

Supply and install the scheduled items in accordance with the manufacturer's recommendations, as detailed and in the locations shown on plan. Provide all footings and fixings required for the items to be stable and in accordance with applicable codes and standards.

- Balustrades: Equal to Stainform ONYX 50 316 Satin SS
- Handrails: Equal to Stainform ONYX 50 316 Satin SS
- Bench Seats: Teak timber TBS

Garden Walls, Fences, Steps, TGSi and Edging

Construct garden walls, fences, steps, TGSi and edging as shown on plan, as detailed and of the material scheduled. Provide footings, step nosings, tactile surfaces to comply with Australian Standards and applicable legislation. Refer to engineer's details for structural retaining walls, concrete stairs, concrete strength, reinforcing and joint placement.

Continuous, Unit and Loose Pavement

Install the scheduled material pavement to the locations shown on plan. Ensure that all subgrade/subsurface works are complete prior to commencing paving. Confer with the engineer to ensure the structural integrity of the subgrade. Ensure that the base course under paved surfaces is a continuous plane offering a constant depth of bedding material not exceeding 50mm. If laying unit pavers in a cement mortar bed on a concrete sub-base ensure that joints in paving match the location of joints in the concrete. Refer to engineer's details for heavy duty slabs, concrete stairs, concrete strength, reinforcing, and joint type and placement.

- In situ concrete paths: Wood float coved finish, tool edged.
- Path joints: Construction joints at 3000mm centres max.

Landscape Structures

All landscape structures shall have a common appearance in detail and material content while providing for the functional design requirements. The structure of all elements shall consist of a base frame of structural grade hardwood timber of sizes that sustain spans and maintain stability. Refer to drawn details for further information.

SOFTWORKS

Site Soil Testing

Where site soil is to be retrieved from site and stored on site for reuse, undertake at least two (2) soil tests in locations as advised by the Project Manager or as shown on the plans. Provide results and recommendations regarding soil additives for the benefit of healthy plant growth and to adjust the soil components to achieve an appropriate planting medium for successful plant development. Where topsoil is imported to site no testing of the imported soil is necessary but ensure that imported soil can b e supplied with test data to verify that it suits the design plants.

Subsoil

Excavate and/or fill all garden beds to bring the top of subsoil to at least 300mm below finished design soil levels. Excavate all turf areas to bring the subsoil to at least 100mm below finished design levels. In all areas shape the subsoil to fall to subsoil drains where applicable. Do not excavate within the drip line of trees and shrubs to be retained. Cultivate or rip the subsoil to a further depth of 100mm before placing top soil. Remove stones of size exceeding 25mm, clods of earth exceeding 50mm, and weeds, rubbish or other deleterious material brought to the surface during cultivation. Do not disturb services or existing tree roots. If necessary, cultivate these areas by hand. During cultivation, thoroughly mix in materials required to be incorporated into the subsoil, as recommended in the soil testing results and to manufacturer's recommendations. Trim the surface to design levels again after cultivation.

Subsoil Drainage

Provide and install subsoil drainage equal to Vinindex 65mm (min) Draincoil with filter sock at the base of slopes, on the high side of paths, at the base behind retaining walls and where water is likely to accumulate at depth in the soil. Connect all subsoil drainage to the nearest downstream stormwater pit to ensure that subsoil water is managed and channelled to a stormwater drainage system. On sites with cross fall of less than 1:50 install subsoil drains to remove excess water from the subsoil in areas where water is likely to accumulate and may not penetrate lower strata naturally. Rip the sub-base surface 150mm deep before placing any soil. Install drainage pipes in subsoil trenches backfilled with 10mm blue metal (basalt) equal to ANL Blue Metal.

Coordinate the connection of subsoil drains to stormwater pits with the Civil or Hydraulic contractor.

Topsoil

Import topsoil for the garden and turf areas, unless the topsoil can be provided from material recovered from the site, as recommended in the soil testing results. Spread the topsoil on the prepared subsoil and grade evenly, compact lightly and uniformly in 150mm layers. Avoid differential subsidence and excess compaction and produce a finished topsoil surface which has the following characteristics:

- Finished to design levels, allowing for mulch or turf, which is to finish flush with adjoining hard surfaces such as paths and edges;
- Smooth and free from inorganic matter, stones or clods of soil;
- Graded to drain freely, without ponding, to catchment and/or sub-soil drains;
- Graded evenly to adjoining surfaces; and
- Ready for planting.

Compost

Provide, in accordance with AS 4454, well rotted vegetative material or animal manure, free from harmful chemicals, inorganic matter, grass, weeds and the reproductive parts of unwanted plants.

Fertiliser

Provide proprietary fertilisers, delivered to the site in sealed containers marked to show manufacturer or vendor, weight, fertiliser type, N:P:K ratio, recommended uses, application rates and safety procedures. Apply appropriate fertiliser suited to the provenance of plants (indigenous or exotic) included in the design.

Plants

Supply plants in accordance with the landscape design drawings and schedules, which have the following characteristics:

- Large healthy root systems, with no evidence of root curl, restriction or damage;
- Vigorous, well established, free from disease and pests, of good form consistent with the species/variety;
- Hardened off, not soft or forced, and suitable for planting in the natural climatic conditions prevailing at the site in full sun, partial shade or full shade conditions;
- Grown in final containers for not less than twelve weeks;
- Trees, unless required to be multi-stemmed, shall have a single leading shoot; and
- Containers shall be free from weeds and of appropriate size in relation to the specified plant size.

Plant Installation

Following excavation of the planting hole, place and spread 15gms of wetting agent pre-mixed with one (1) litre of water. Place the plant correctly orientated to north or for best presentation. Backfill the planting holes with specified topsoil mixture. Lightly tamp and water to eliminate air pockets. Ensure that the backfill soil is not placed over the top of the root ball and that the root ball is not higher than the soil in which it is planted. Apply fertiliser, as specified around the plants in the soil at the time of planting.

Root Barrier

Supply and install root control barriers to all new tree plantings adjacent to walls, paths, kerbs and all service trenches, where their proximity poses a threat to the stability of the built infrastructure. Install in accordance with manufacturer's recommendations.

Mulch

Unless noted otherwise, mulch shall be approved proprietary recycled wood fibre or pine bark material. Place mulch in all garden beds to a depth of 75mm after all specified plants are installed. Keep mulch clear of all plant stems and rake to an even plane, flush with the surrounding surfaces evenly graded between design surface levels. Over fill to allow mulch to settle to the specified depth.

Stakes and Ties

Stakes shall be durable hardwood, straight, free of knots and twists, pointed at one end, in the following quantities and sizes for each of the various plant pot sizes:

- Plants >25 lt: 1 off 38 x 38 x 1200mm;
- Semi-advanced plants >75 lt: 2 off 50x50x 1800mm;
- Advanced plants ≥100 lt: 3 off 50 x 50 x 2400mm.

Turf

Turf shall be delivered to site as 25mm minimum thick cut rolls. Obtain turf from a specialist grower of cultivated turf. Turf shall have an even thickness, free from weeds and other foreign matter. Deliver turf to the site within 24 hours of being cut and lay it within 24 hours of delivery. Prevent it form drying out between cutting and laying. Lay the turf in the following manner:

- In stretcher pattern, joints staggered and close butted;
- Parallel long sides of level areas, with contours on slopes; and
- To finish flush, after lightly tamping, with adjacent finished surfaces and design levels.

Species: *Stenotaphrum secundatum* Sir Walter Soft-leaf Buffalo.

IRRIGATION

Scope: Unless otherwise noted or instructed irrigate all planted areas shown on plans including planters, tubs, gardens, turf and the like. The irrigation system shall be an automatic permanent system, with an irrigation controller self operated via a soil moisture sensor. The system shall be calibrated to deliver the optimum rate and volume of water appropriate to the type of plants in the design. The system shall be adjustable and fully serviceable. The layout of the entire irrigation system shall focus on delivering the required amount of water to maintain healthy and vigorous growth. The irrigation system shall be such that, component theft, vandalism, over-spray and wetting of paths shall be reduced to a minimum or eliminated with the use of drip, pop-up sprinklers and judiciously placed fixed spray emitters. Generally, do not use fine mist emitters that provide a drifting mist that may wet paths and the buildings unless specifically required by the design.

The Landscape Contractor shall engage a qualited irrigation consultant to design the system, document all components, accessories and materials for review by the Landscape Architect prior to starting landscape works generally.

LANDSCAPE MAINTENANCE

The Landscape Contractor shall rectify defects during installation and that become apparent in the works under normal use for the duration of the contract Defects Liability Period. Unless contracted otherwise, the Landscape Contractor shall maintain the contract areas by the implementation of industry accepted horticultural practices for 52 weeks from Practical Completion of the works. The landscape maintenance works shall include, but not be limited to:

- Replacing failed plants;
- Pruning;
- Insect and pest control;
- Fertilising;
- Maintaining and removing stakes and ties;
- Maintaining mulch;
- Mowing and top dressing;
- Irrigation and watering;
- Erosion control; and
- Weeding and rubbish removal.

Maintenance Log Book

Implement and keep a maintenance log book recording when and what maintenance work has been undertaken and what materials, actions and decisions have been used, implemented and concluded to keep the landscape always looking its best. Enter data daily and review information every 2 weeks. Observe trends and develop a maintenance regime around seasonal and observed event occurrences.

Maintenance Activities

During the defect maintenance period schedule the following activities to occur on a timely basis.

Plant replacement - Replace plants that have failed to mature, die or are damaged. Replacement plants shall be in a similar size and quality and identical species or variety to the plant that has failed. Replacement of plants shall be at the cost of the landscape contractor unless advised otherwise. If the cause of the failure is due to a controllable situation then correct the situation prior to replacing plants. Observe and replace failed plants within 2 weeks of observation.

Pruning - Prune dead wood, broken limbs, dead or infected foliage and as needed to develop strong, healthy plants to achieve the shape and form expected of the plant type. Observe daily and prune plants as necessary to maintain acceptable growth habit.

Insect, disease and pest control - Avoid spraying:

- if ever possible;
- in wet weather or if wet weather is imminent;
- if target plants are still wet after rain;
- in windy weather; and
- if non-target species are too close.

Immediately report to the Project Manager any evidence of intensive weed infestation, insect attack or disease amongst plant material. Submit all proposals to apply chemicals and obtain approval before starting this work. When approved, spray with herbicide, insecticide, fungicide as appropriate in accordance with the manufacturers' recommendations. Observe daily and act as necessary to control any infestation or disease. Record in the logbook all relevant details of spraying activities including:

- Product brand / manufacturer's name,
- Chemical / product name,
- Chemical contents,
- Application quantity and rate,
- Date of application and location,
- Results of application, and
- Use approval authority.

Fertilising

Fertilise gardens with a proprietary slow release fertiliser applied in accordance with the manufacturer's directions and recommendations. Apply 6-12 monthly. Record in the logbook all relevant details of fertilising including:

- Product brand / manufacturer's name,
- Fertiliser / product name,
- Application quantity and rate, and
- Date of application and location.

Stakes and ties - Adjust and replace as required to ensure plants remain correctly staked. Remove those not required at the end of the planting establishment period (Defects Liability Period). Inspect and act at least every 2 weeks.

Maintaining mulch - Maintain the surface in a clean, tidy and weed free condition and reinstate the mulch as necessary to ensure correct depth as specified. Observe weekly and replenish mulch as required.

Mowing and top dressing - Mow the turf to maintain a grass height of between 30-50mm. Do not remove more than one third of the grass height at any one time. Remove grass clippings from the site after each mowing. Top dress to a maximum of 10mm to fill depressions and hollows in the surface. Mow weekly/fortnightly in warmer months. Mow monthly or as required in cooler months. Top dress at approximately 6 monthly intervals.

Irrigation and watering - Maintain the irrigation system to sure that each individual plant receives the required amount of water to maintain healthy and vigorous growth. Adjust and calibrate as required. Provide additional watering, if necessary but inspect irrigation weekly and make repairs as necessary.

Erosion control - Where necessary, maintain the erosion control fabric in a tidy and weed free condition and reinstate as necessary to ensure control measures are effective where deemed necessary. Inspect every 2 weeks and act to repair any damage as soon as possible.

Weeding and rubbish removal - During the plant establishment period remove by hand, rubbish and weed growth that may occur or re-occur throughout all planted, mulched and paved areas. The contractor shall target weeds that are capable of producing a major infestation of unwanted plants by seed distribution. Whenever possible, time weed removal to precede flowering and seed set. Constant observation and removal of weeds is essential.

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AMENDED PLANS

B	For Approval	PH	RS	01.11.2022
A	Preliminary	NP	RS	30.05.2022
Issue	Revision Description	Drawn	Check	Date

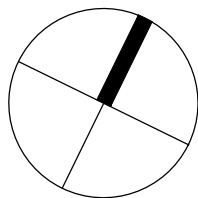
Legend

RECEIVED
Waverley Council

Application No: DA-296/2019/B

Date Received: 02/11/2022

Key Plan



Client
RNB GLENAYR PTY LTD
PBD ARCHITECTS

Project
97 Glenayr Ave,
Bondi, NSW, 2026

S I T E I M A G E

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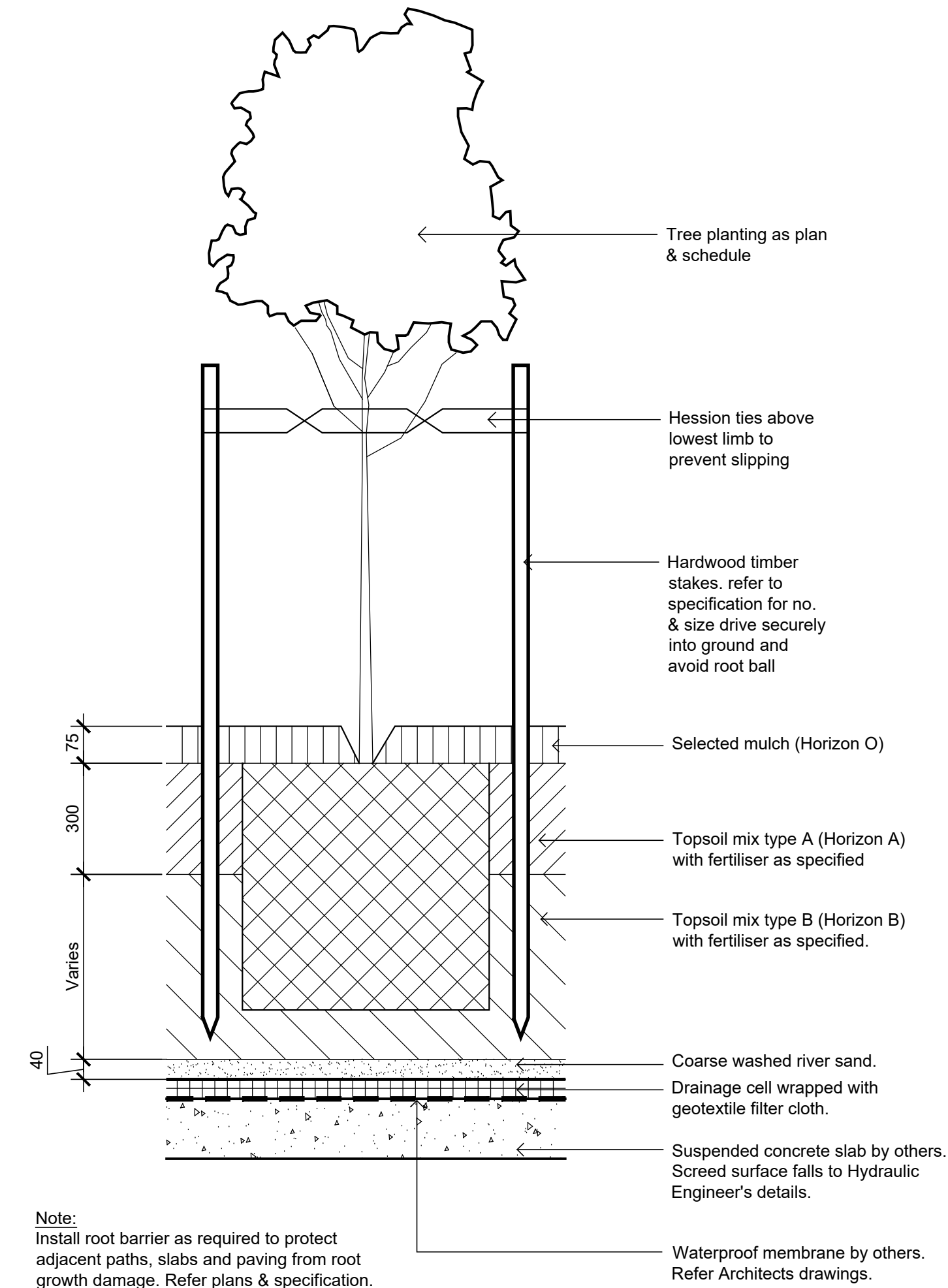
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Landscape Specification Notes

Scale			
Job Number	Drawing Number	Issue	
SS22-4948		500	B

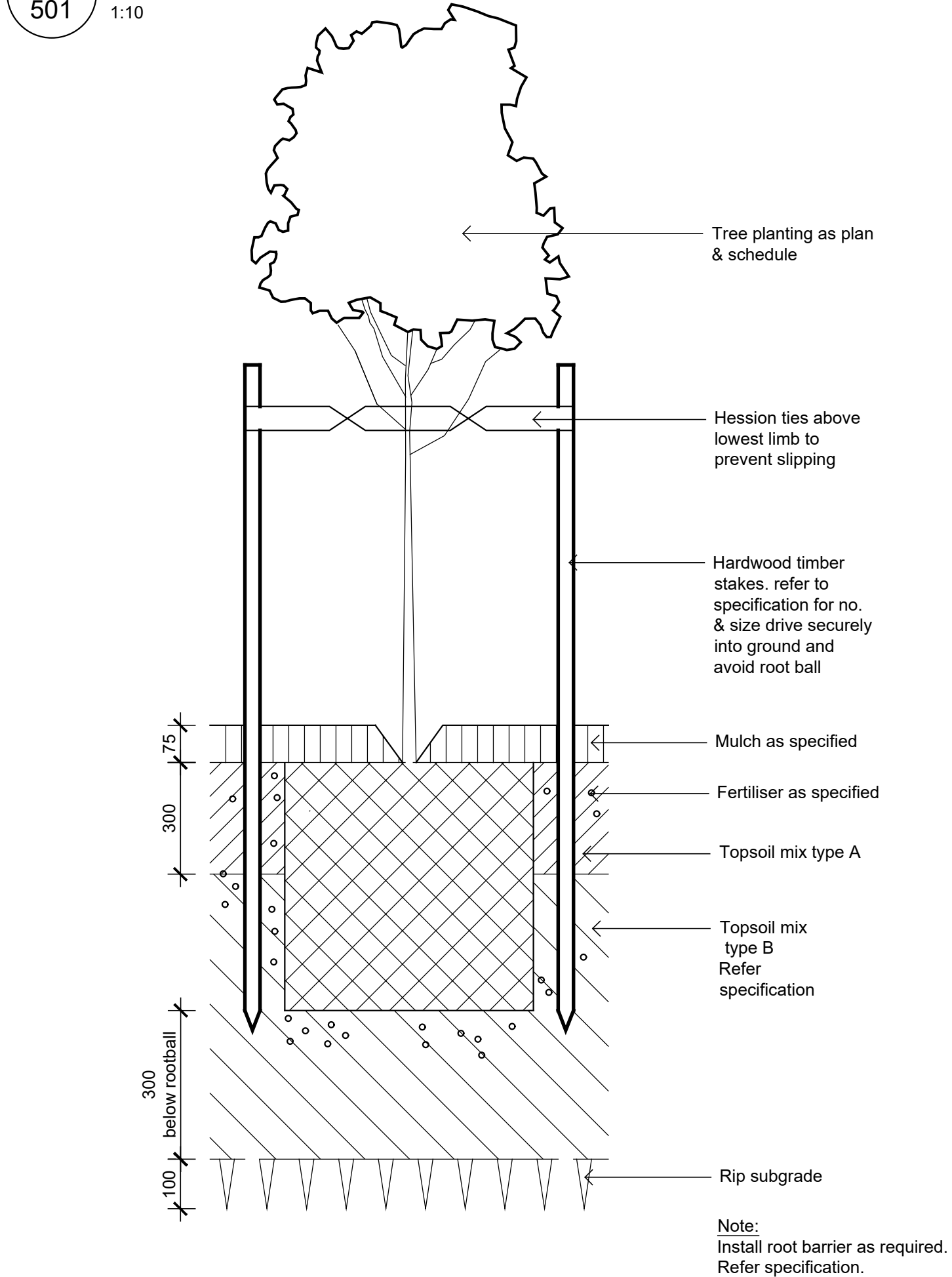
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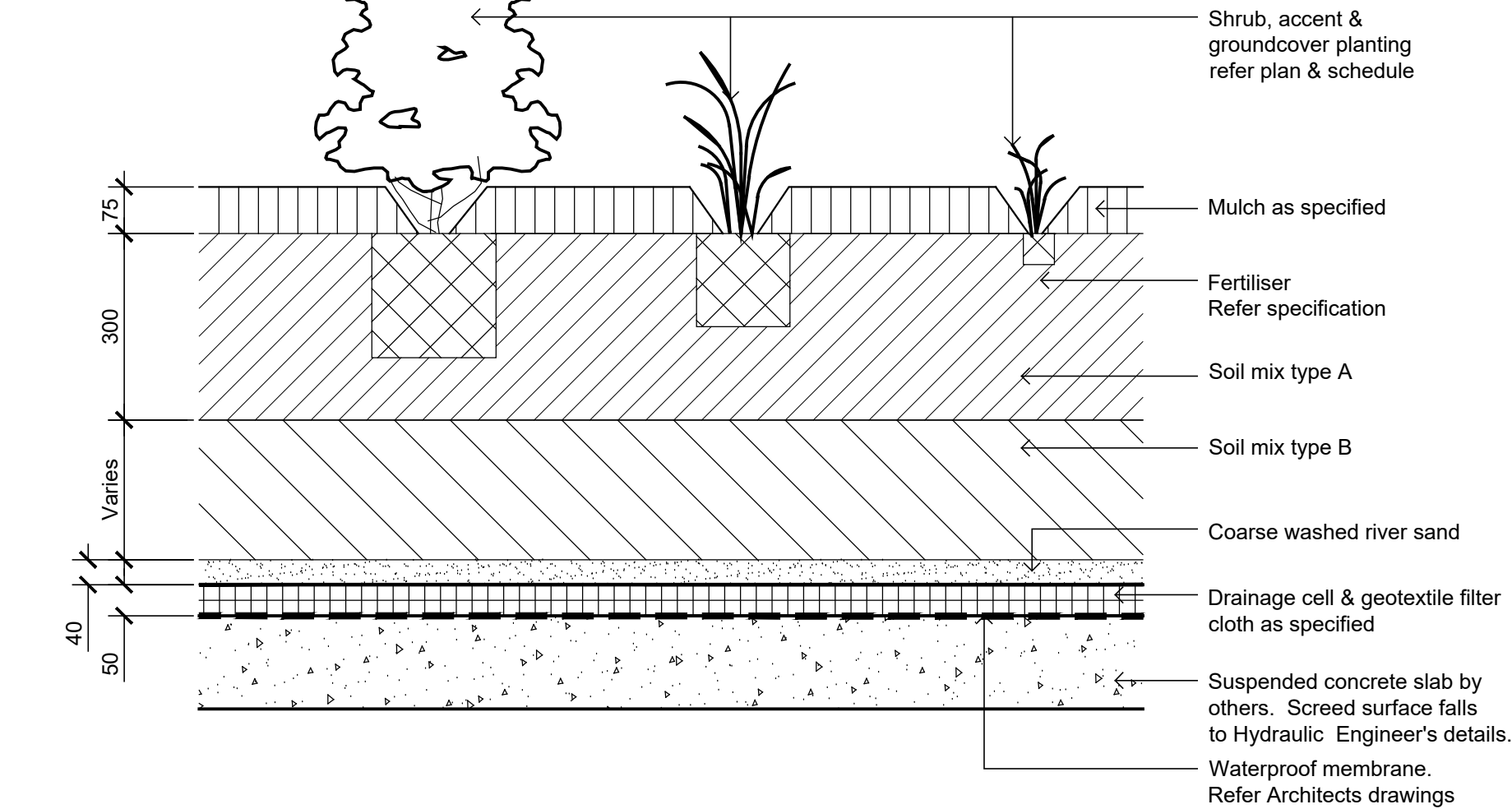
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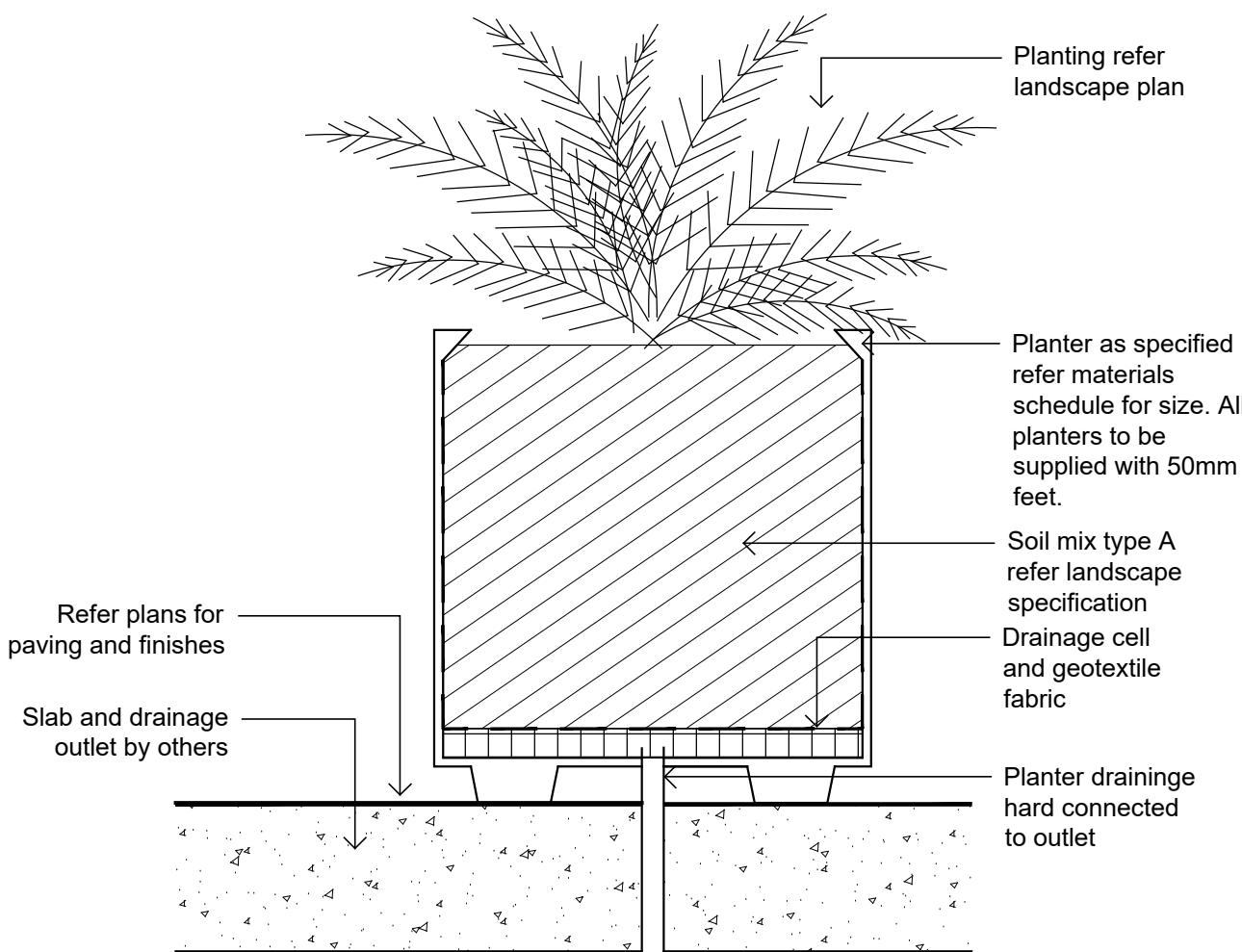
1
501
1:10
Detail 75-200L Tree Planting on Structure



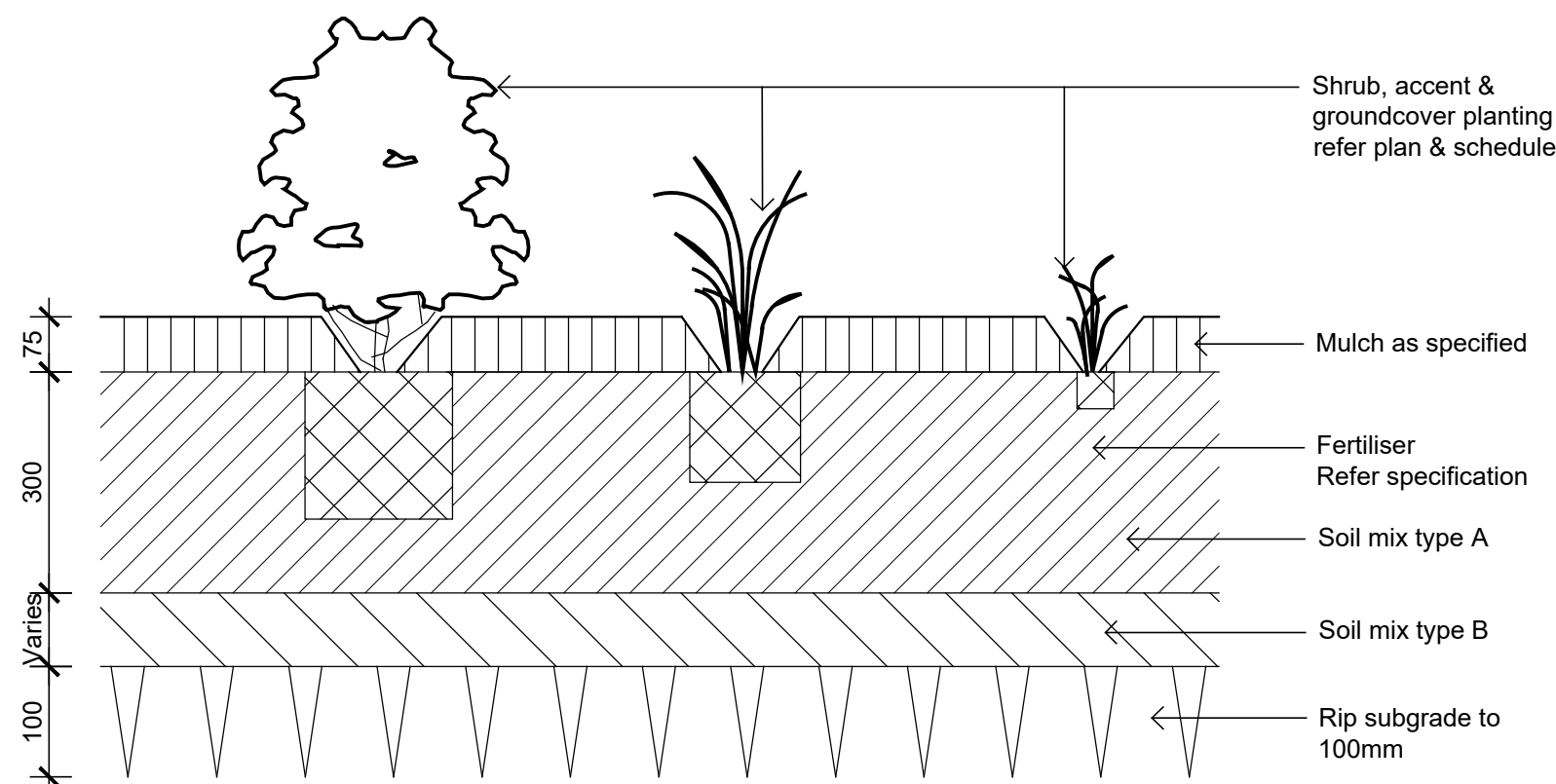
3
501
1:10
Detail 75-200L Tree Planting on Grade



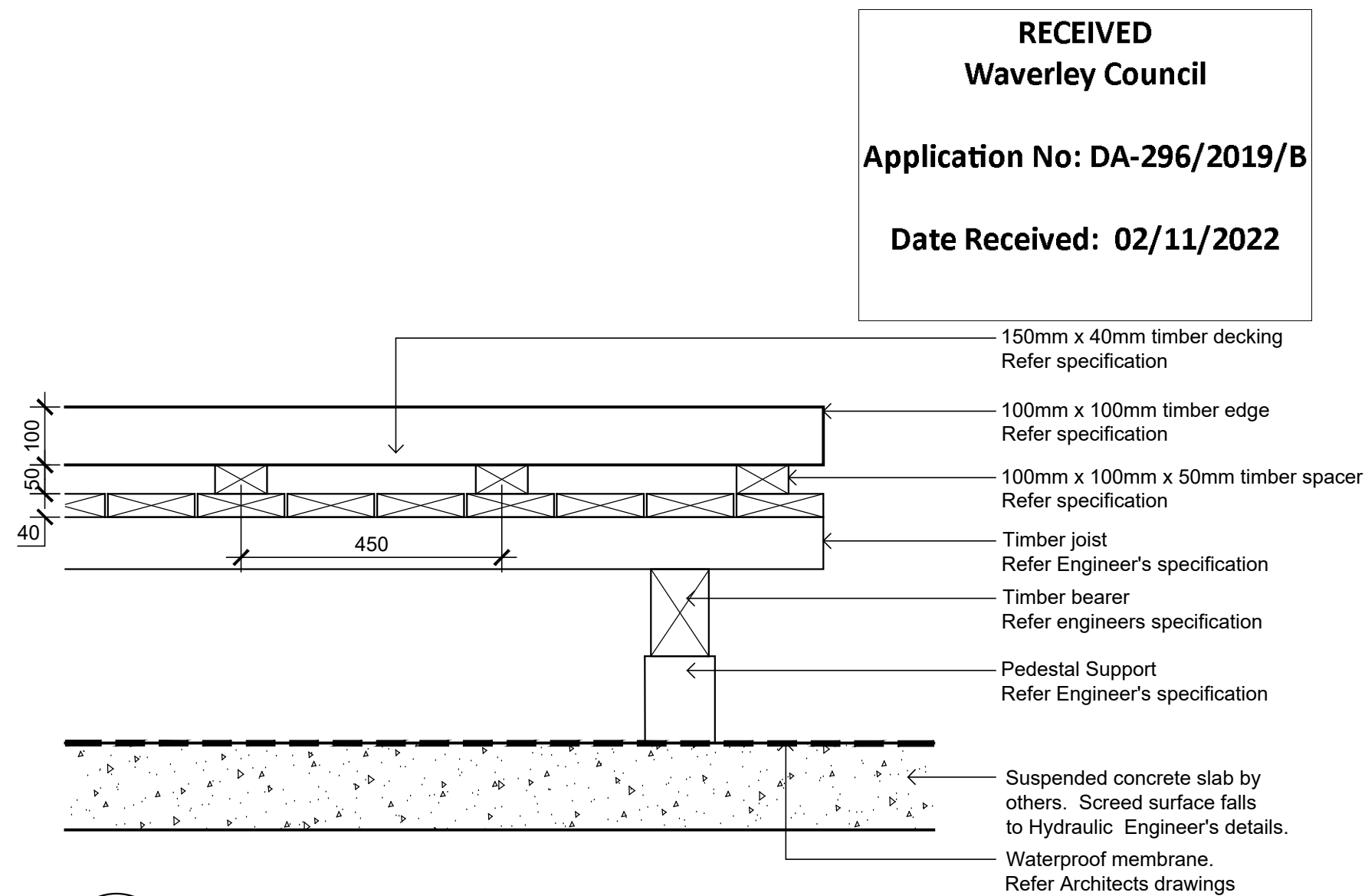
2
501
1:10
Detail Shrub Accent & Groundcover Planting on Structure



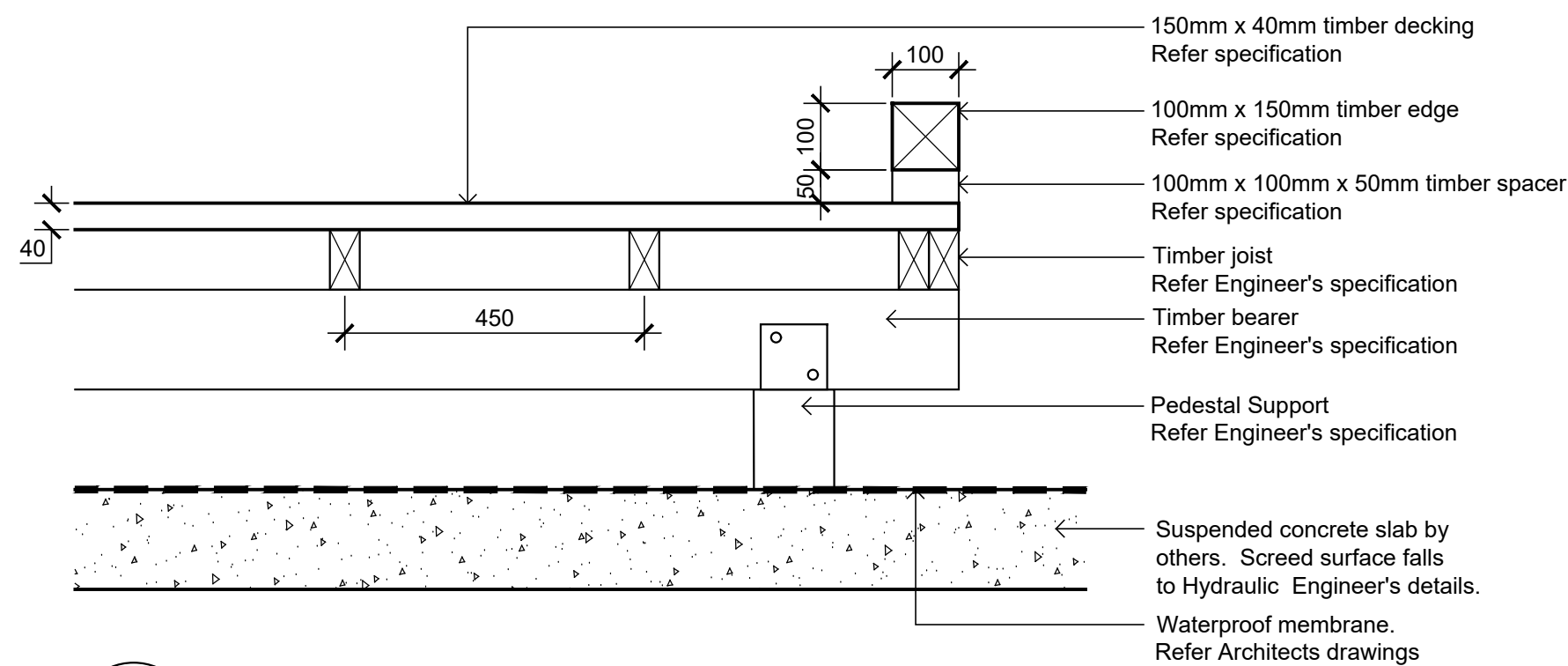
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501
1:10
Pot Detail



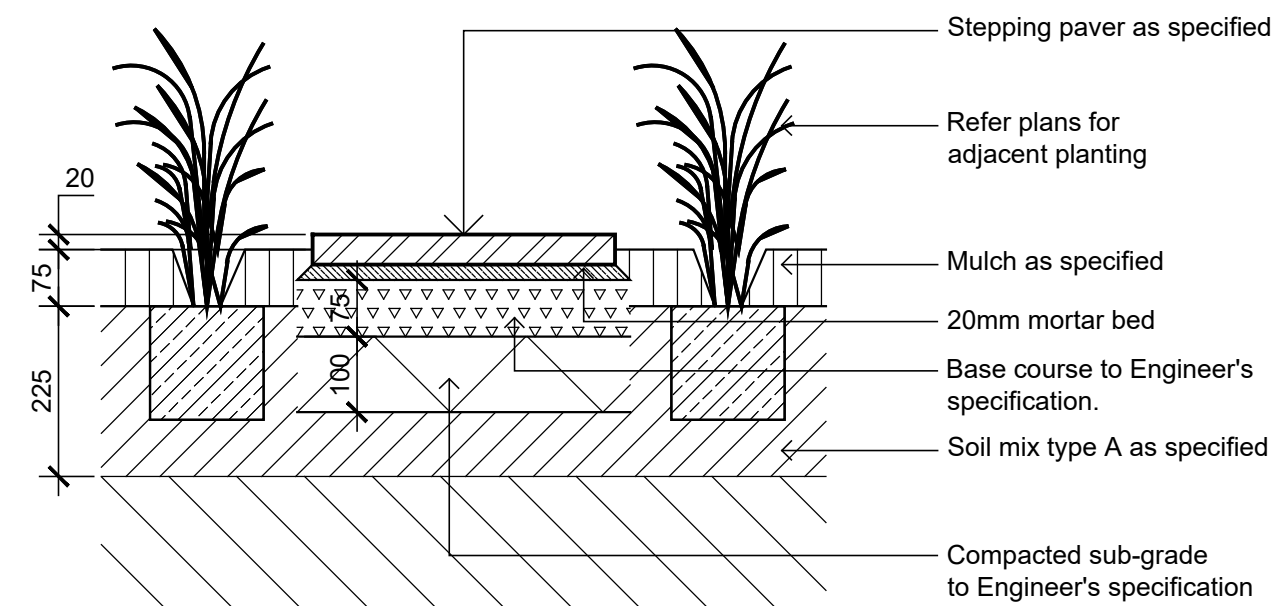
4
501
1:10
Detail Shrub Accent & Groundcover Planting on Grade



6
501
1:10
Raised timber deck - Section AA



7
501
1:10
Raised timber deck - Section BB



8
501
1:10
Stepping paver in garden bed on grade

B	For Approval	PH	RS	01.11.2022
A	Preliminary	NP	RS	30.05.2022
Issue	Revision Description	Drawn	Check	Date

Legend

Key Plan

Client
RNB GLENAYR PTY LTD
PBD ARCHITECTS

Project
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Bondi, NSW, 2026

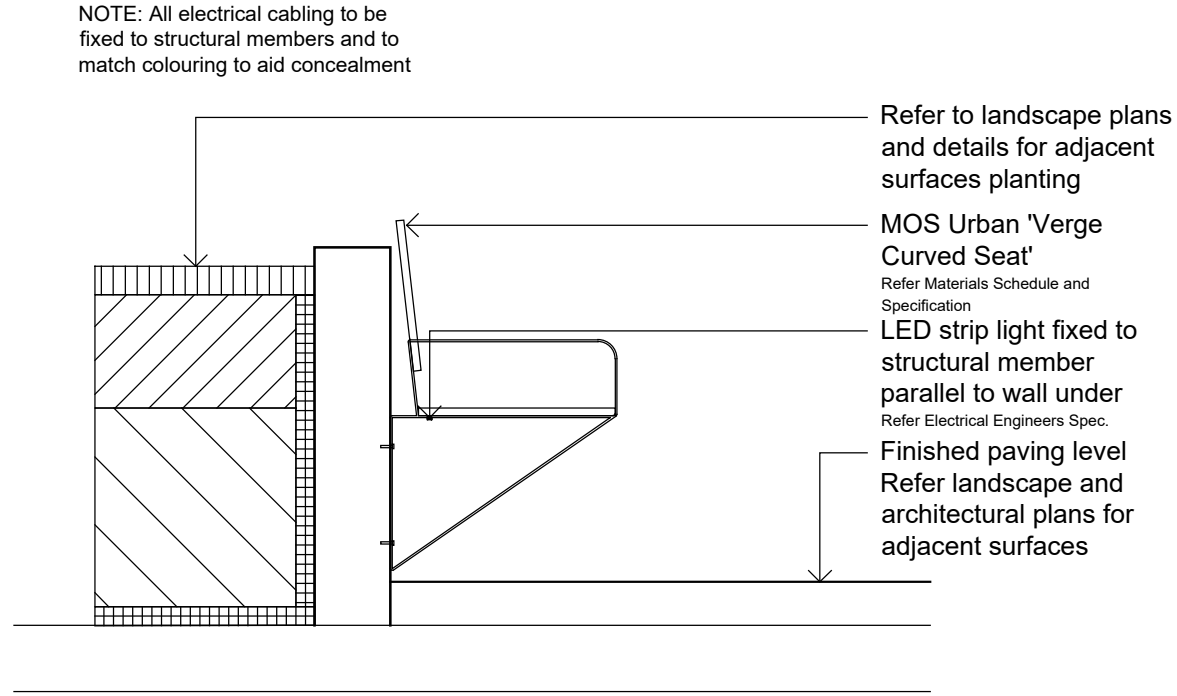
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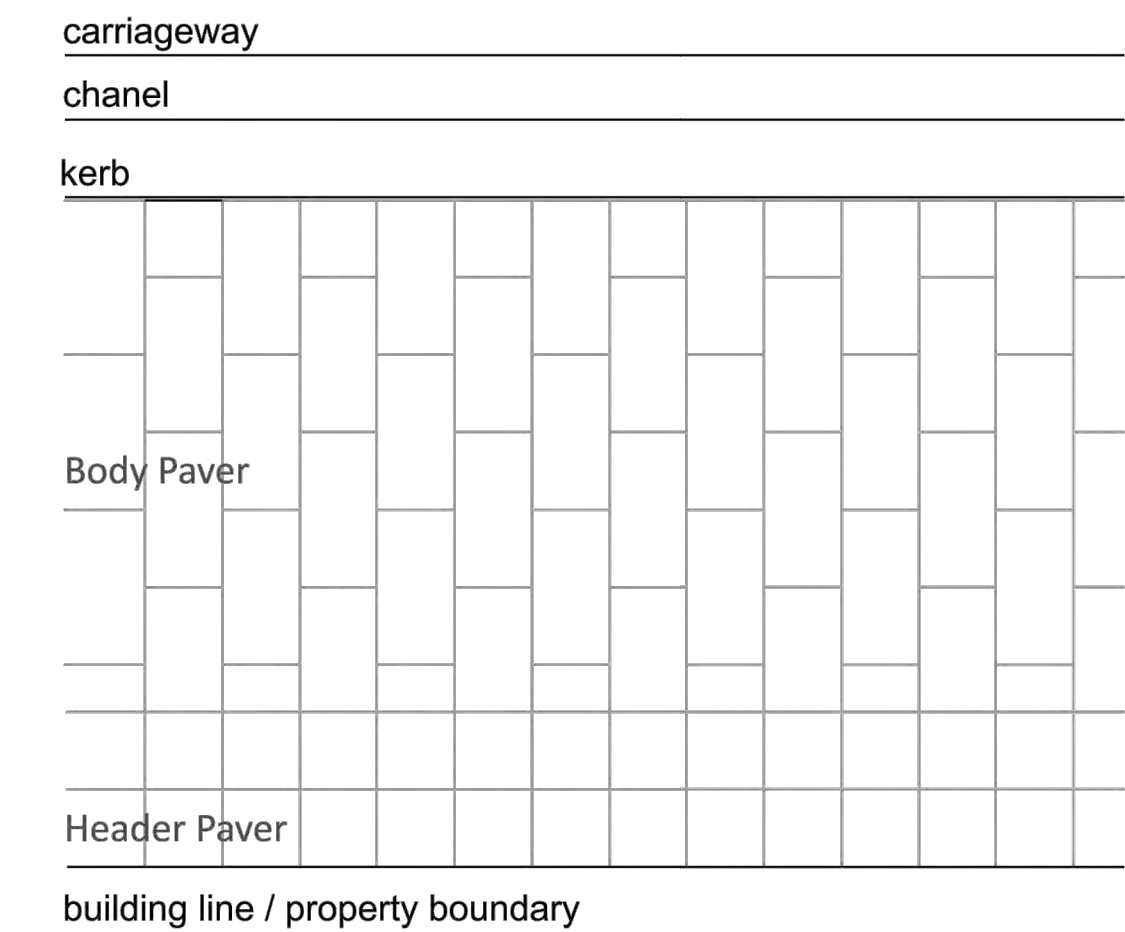
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Landscape Details

Scale 1:10
Job Number
Drawing Number
Issue
SS22-4948
501 B

NOT FOR CONSTRUCTION

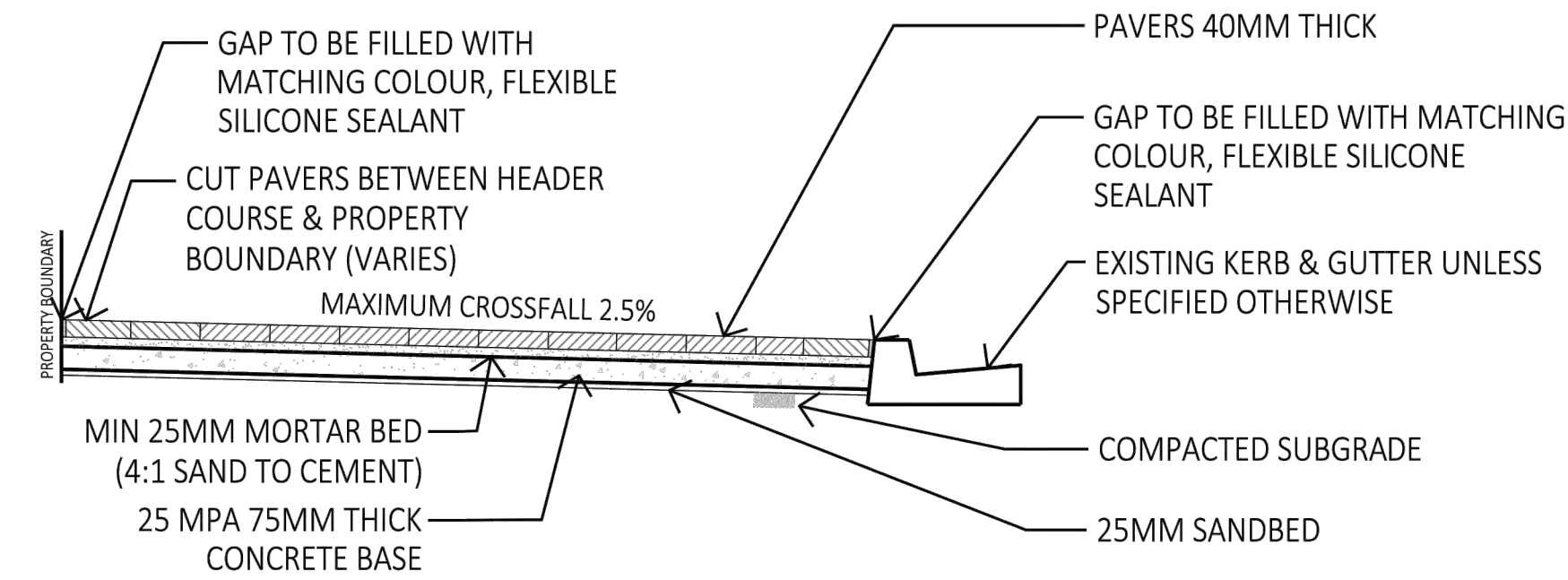


1 Wall mounted seat
502 1:20

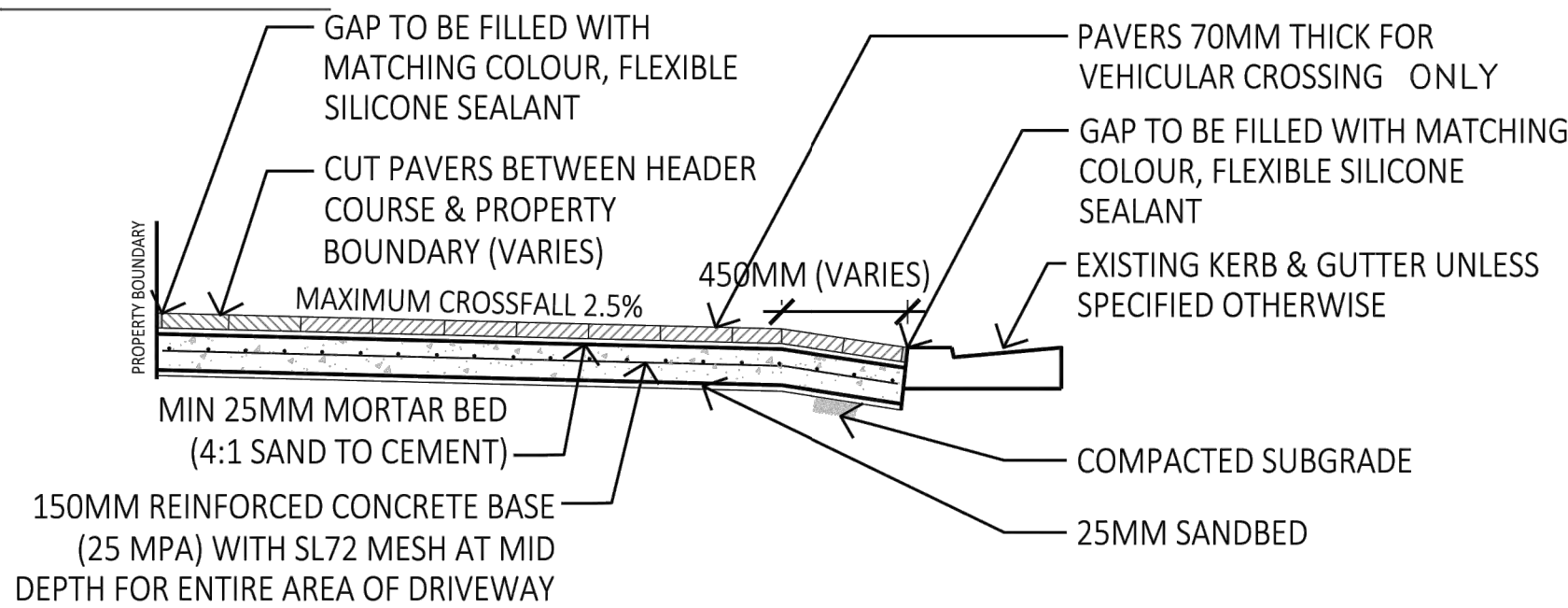


Note : Setout such that full & half pavers sit along roadside. Cut pavers at building line as required. Avoid small cuts.

01 PAVING PATTERN G - TYPICAL LAYOUT
Scale 1:50

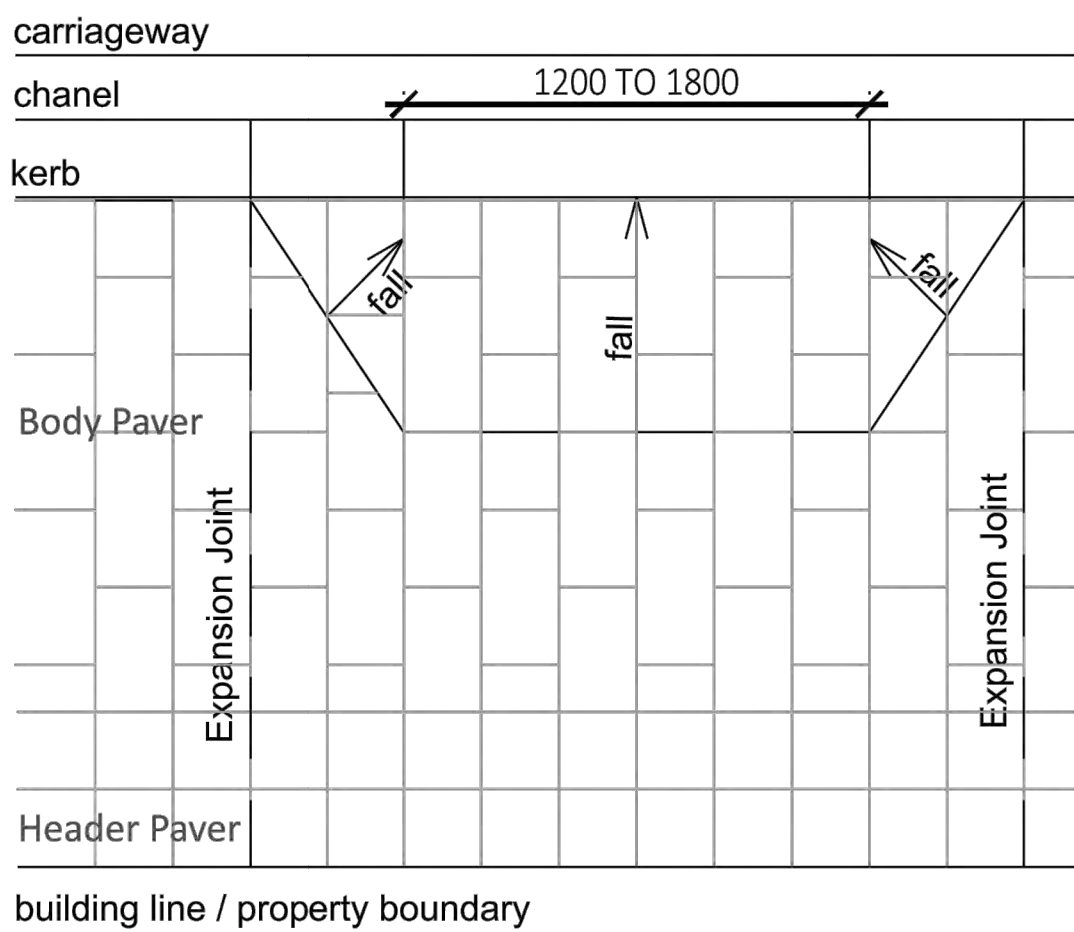


03 PAVING PATTERN G - TYPICAL DETAIL
Scale 1:50



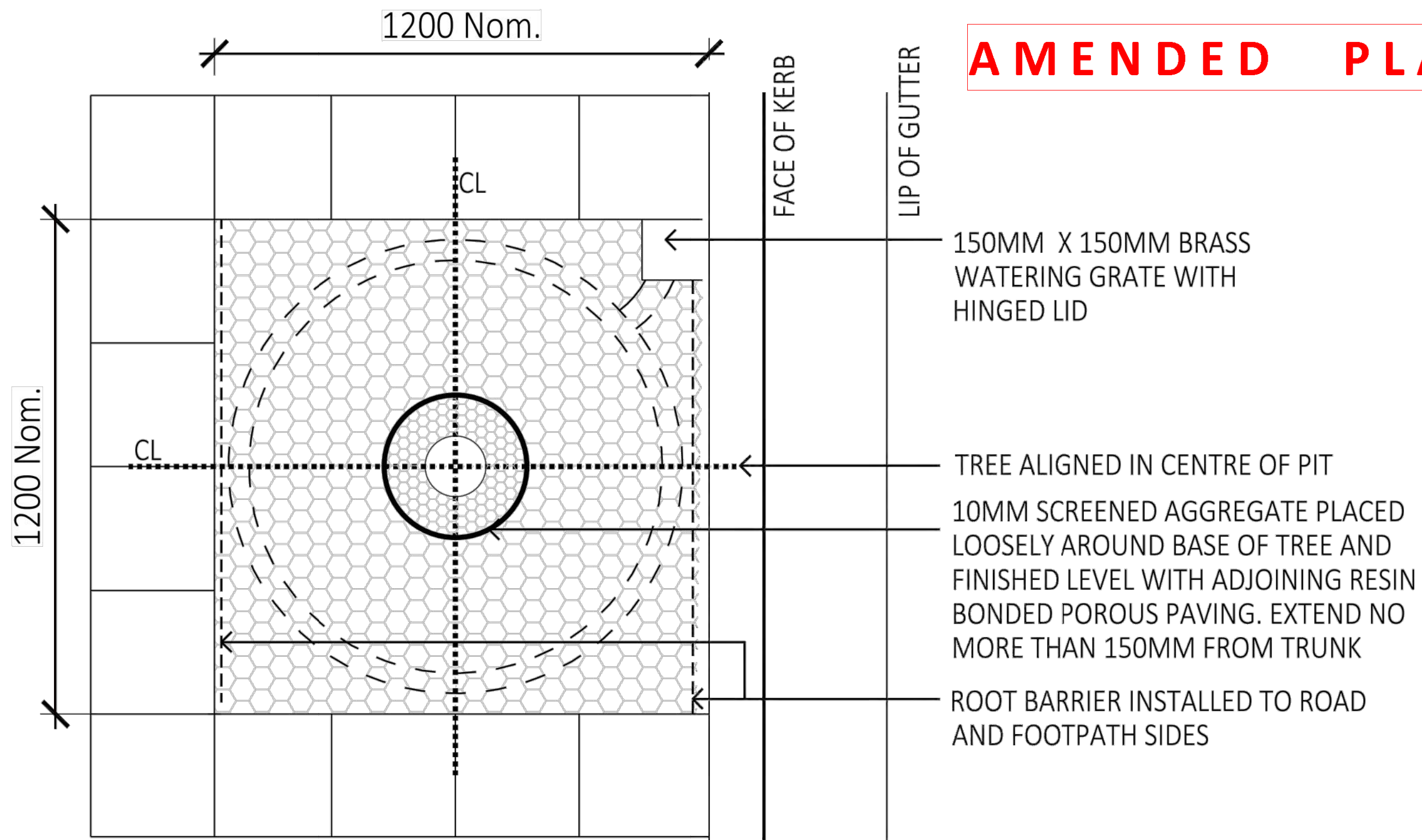
Note:
1. Refer the Tactile Ground Surface Indicators' section for TGSi application

NOT FOR CONSTRUCTION

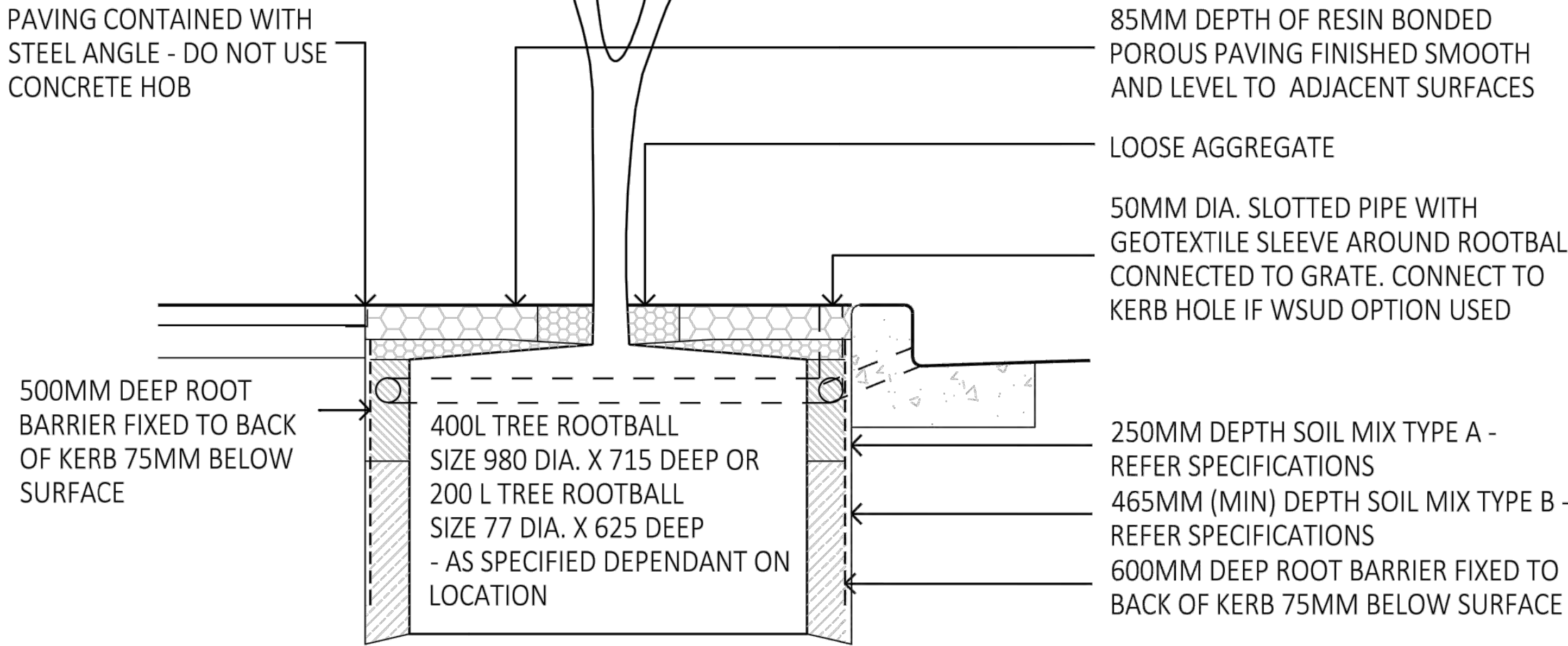


02 PAVING PATTERN G - TYPICAL CROSS OVER (DRIVEWAY) LAYOUT
Scale 1:50

04 PAVING PATTERN G - TYPICAL CROSSOVER DETAIL
Scale 1:50



D01 NEW STREET TREE WITH POROUS RESIN AGGREGATE - PLAN
Scale 1:25



D02 NEW STREET TREE WITH POROUS RESIN AGGREGATE - DETAIL
Scale 1:25

AMENDED PLANS

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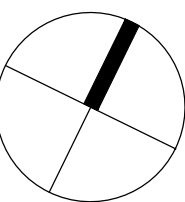
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RECEIVED
Waverley Council

Application No: DA-296/2019/B

Date Received: 02/11/2022

Key Plan



Client
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PBD ARCHITECTS

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FOR APPROVAL

Drawing Name
Landscape Details

Scale 1:10, 1:25 & 1:50
Job Number
SS22-4948

Drawing Number
502

Issue
B



Report to the Waverley Local Planning Panel

Application number	DA-282/2022
Site address	226 Military Road, Dover Heights
Proposal	Demolition and construction of a new part two to three storey dwelling with integrated garage parking and swimming pool.
Date of lodgement	6 July 2022
Owner	Ms J H Youn
Applicant	CSY & Co Pty Ltd
Submissions	Two submissions received
Cost of works	\$2,390,672.00
Principal Issues	<ul style="list-style-type: none"> • Breach to FSR; • Amount of excavation; • Streetscape presentation; • Visual privacy; • Non-compliant vehicular length of the garage; • Garage structure forward of the dwelling; and • Size of bedroom 3.
Recommendation	That the application be granted DEFERRED COMMENCEMENT CONSENT 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 the demolition and construction of a new part two to three storey dwelling house with integrated garage and swimming pool at the site known as 226 Military Road, Dover Heights.

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

- Breach to FSR;
- Amount of excavation;
- Streetscape presentation;
- Visual privacy;
- Non-compliant vehicular length of the garage;
- Garage structure forward of the dwelling; and
- Size of bedroom 3.

The assessment finds these issues unacceptable for the reasons outlined in the report. However, it is considered that they can be resolved via a deferred commencement consent upon receipt of amended plans.

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

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

1.2. Site and Surrounding Locality

A site visit was carried out on 25 August 2022.

The site is identified as Lot 5 in DP10085, known as 226 Military Road, Dover Heights.

The site is rectangular in shape with a frontage to Military Road, measuring 13.515m. It has an area of 514.8m² and falls from the east (front) to the west (rear) by approximately 2.5m.

The site is occupied by part-two, part-three storey dwelling with associated carport accessed from Military Road.

The site is adjoined by part-two, part-three storey dwellings on either side. The locality is characterised by a variety of low density residential as well as a few commercial buildings.

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

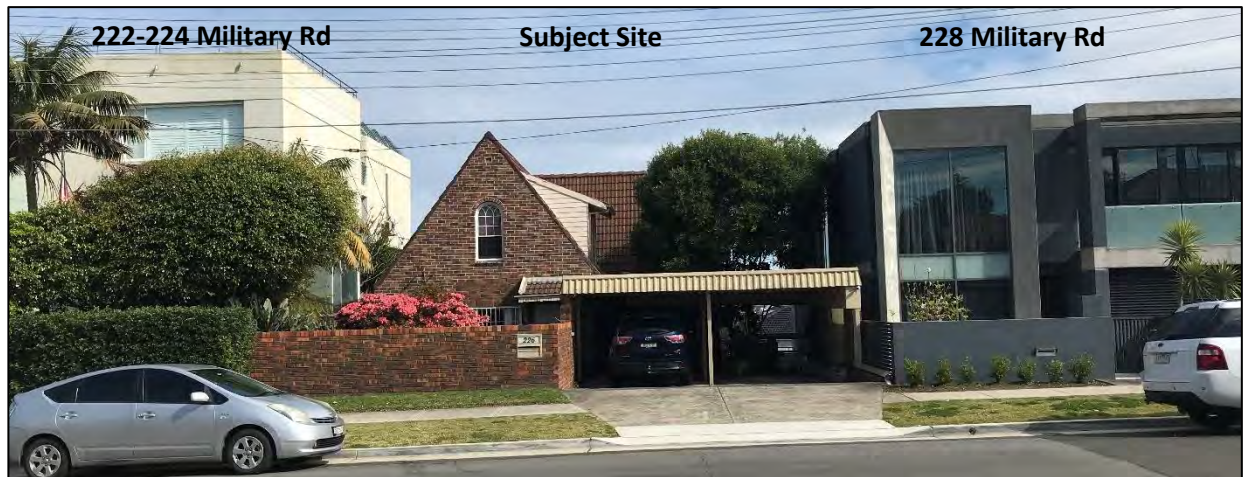


Figure 1. Front of the subject site as viewed from Military Road, looking west.



Figure 2. Rear of the dwelling as viewed from Military Road, looking east. (Source: GSA Planning, 2022)



Figure 3. Subject site's private open space, looking west. (Source: GSA Planning, 2022)

1.3. Relevant Development History

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

- DA-255/2021 was rejected by Council on 9 July 2021 for the following reasons:
 - A clause 4.6 variation was not submitted;
 - Sectional plans were not provided;
 - Elevational shadow diagrams were not provided;
 - A landscape plan was not provided;
 - Architectural plans were to show the existing ground level and not the natural ground level;
 - A view analysis was to be prepared in anticipation that the proposed development may impact on views available over the site from properties on the eastern side of Military Road; and
 - The Statement of Environmental Effects referenced incorrect environmental planning policies, namely, the former Waverley Local Environmental Plan 1996, which was repealed and replaced by Waverley Local Environmental Plan 2012.

1.4. Background

The DA was deferred on 8 September 2022 for the following reasons:

1. The proposed development resulted in additional overshadowing to the private open space of 222-224 Military Road. Any additional shadowing from a development that breaches height and Floor Space Ratio (FSR)/Gross Floor Area (GFA) would not be supported as it does not meet the objectives outlined in the Waverley Local Environmental Plan 2012 as it does not preserve the environmental amenity of neighbouring properties.
2. Excavation was to be set back at least 0.9m from the side boundaries and the amount of excavation proposed was excessive – mainly from the proposed lap pool.
3. All structures were to be set back at least 0.9m from the side boundaries.
4. To better assess building lines and visual privacy the outline of neighbouring dwellings and their associated windows were to be shown.
5. The proposed wall height was excessive.
6. Privacy screens were to be added to either side of the first-floor rear balcony.
7. At least 50% of the front open space was to be landscaped.
8. Additional clarification was sought to various items on the architectural plans.

Draft amended plans were received by Council on 28 September 2022. Council provided the following additional feedback on 14 October 2022:

1. Guidance was provided on the correct way to measure height.
2. The additional shadowing to 222-224 Military Road was still not supported from the development that breached height and FSR.

The finalised amended plans were received by Council on 11 November 2022, with the following changes from the originally submitted architectural plans.

1. The width of the alfresco deck was reduced to the rear of the lower ground floor.
2. The GFA of the lower ground floor was reduced.
3. Proposed works to the lower ground floor were set back 0.9m from the side boundaries.
4. The length of the lap pool was reduced and also the amount of excavation.
5. The size of the staircase was reduced at all levels.
6. The side atrium at ground and first floor was deleted, with the remaining development pushed to the east, providing a greater rear setback.
7. The bulk of the first floor and associated GFA were reduced.
8. The first floor rear balcony was increased in size.
9. Window modifications to the elevations of the development.
10. A reduced height of the development to RL83.60.

These amended plans form the basis of the assessment.

1.5. Proposal

The DA seeks consent for the demolition and construction of a new part two to three storey dwelling with integrated garage parking and swimming pool, specifically the following:

Demolition

- Demolition of all structures on site.

Construction

- Construction of a new part two to three storey dwelling with integrated garage and swimming pool.
 - Lower Ground Floor.
 - Rumpus room.
 - Powder room.
 - Store room.
 - Outdoor shower room.
 - Lift and stairs.
 - Lap pool, pool pumps and associated landscaping and excavation.
 - Ground Floor.
 - Double car garage with associated driveway.
 - Primary bedroom with associated walk-in-robe, ensuite, storage room and balcony.
 - Two secondary bedrooms each with own ensuite.
 - Library.
 - Internal stairs and associated elevator.
 - Landscaping to the front open space.

- First Floor
 - Powder room.
 - Open plan living room, kitchen and dining areas.
 - Scullery.
 - Rear balcony.

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 (Transport and Infrastructure) 2021
- SEPP (Resilience and Hazards) 2021

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

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposed development meets the aims of the Waverley LEP 2012.
Part 2 Permitted or prohibited development		
Land Use Table <i>Low Density Residential 'R2' Zone</i>	Yes	The proposal is defined as the <i>demolition and construction of a new part two to three storey dwelling with integrated garage parking and swimming pool</i> , which are permitted with consent in the R2 zone.

Provision	Compliance	Comment
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	Yes	The development has an overall building height of 8.5m.
4.4 Floor Space Ratio (FSR); and 4.4A Exceptions to FSR <ul style="list-style-type: none"> Lot Size: 514.8m² Max GFA: 277.3m² Max FSR: 0.54:1 	No	<u>Gross Floor Area (GFA) Calculations:</u> Lower Ground Floor: 73.3m ² Ground Floor: 133.5m ² First Floor: 101.4m ² Total GFA: 308.2m ² Total FSR: 0.6.:1 The development breaches the FSR development standard by 30.9m ² or 11.1%
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 FSR development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 6 Additional local provisions		
6.2 Earthworks	Refer to discussion below Table 3	The proposed excavation will be discussed in more detail below Table 3.

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

Clause 4.6 Exceptions to Development Standards - FSR

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

The site is subject to a maximum FSR development standard of 0.54:1. The proposed development has an FSR of 0.6:1, exceeding the standard by 30.9m² equating to a 11.1% variation.

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

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

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

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

The applicant seeks to justify the contravention of the 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 development meets the objectives of FSR.

a. Objective (a): To ensure sufficient floor space can be accommodated within the Bondi Junction Centre to meet foreseeable future needs.

The site is not within the Bondi Junction Centre. Therefore, this objective is not relevant.

b. Objective (b): To provide an appropriate correlation between maximum building heights and density controls.

- The proposed two to three storey height is consistent with the adjoining buildings. This provides an appropriate correlation between the maximum building height and density controls.*
- The additional GFA facilitates the replacement of an outdated dwelling with a new contemporary dwelling, which is a permissible use in the R2 Low Density Residential Zone.*
- The additional GFA is located within a compliant building height and setbacks. This achieves a height, bulk and scale that is compatible with the character envisaged by Council's controls, and the surrounding context.*

c. Objective (c): To ensure that buildings are compatible with the bulk and scale of the desired future character of the locality.

- The additional GFA will facilitate a low density residential development, which will be compatible with surrounding land uses. When viewed from the street and surrounding sites, the dwelling will have a compliant building height and compliant setbacks. As a portion of the GFA is within the basement, which is not visible from the street, the dwelling will also appear compliant with FSR when viewed in the streetscape.*
- The proposal will be contextually compatible with the bulk, scale, envelope and character of the adjoining developments on Military Road. As indicated, Military Road has an evolving character, which is being shaped by recent two to three storey contemporary dwellings and dual occupancies.*

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

- Privacy is preserved through the sensitive location and design of the proposal. The main living areas are oriented to the rear of the site. Windows are located and designed to prevent direct views to the neighbouring properties.*

- *Shadow diagrams have been prepared by CMS Surveyors at hourly intervals between 9:00am and 4:00pm on 21 June. These demonstrate the proposal will not have any additional overshadowing impacts to the private open space or windows of neighbouring properties. In fact, there will be areas of sunlight gained to the adjoining property at Nos. 222-224 Military Road, achieved through the proposal's greater setbacks and lower building height compared to the existing building. Therefore, solar access to the neighbouring properties is preserved and enhanced by the proposal.*
- *Properties to the east of the subject site may have access to views across the subject site. However, some extent of these views may be affected by the existing built form and tree located on the site's northern boundary. The proposal has a lower building height than the existing dwelling, which will minimise additional view affectation. It is noted that the proposed building has a compliant building height and setbacks at the front façade and any view affectation would be from this compliant envelope. Amenity is therefore likely to be preserved.*

(ii) The development meets the objectives of the zone.

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

The additional GFA will provide for the needs of the residents and will facilitate a low density residential development, which contributes to housing in the locality

b. To maximise public transport patronage and encourage walking and cycling.

The proposal has compliant car parking and is located near bus stops on Military Road, which encourages public transport patronage, walking and cycling.

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

- (i) *The site is adjoined by contemporary dwellings which are two to three storeys with flat roofs. The existing dwelling is incompatible with the immediately surrounding context, as it appears as one storey with a roof from the street, and two storeys with a basement and roof at the rear. The existing building does not provide a transition in building scales between the adjoining properties, and appears underdeveloped when viewed from both the street and the rear. It is a missing tooth in the streetscape.*
- (ii) *The proposed dwelling will be contemporary in style, with a flat roof. It will be two storeys when viewed from the street and three storeys from the rear, which is consistent with the adjacent buildings.*
- (iii) *The proposed FSR variation facilitates a built form that is more compatible with the surrounding development context, compared to a building with a compliant FSR.*
- (iv) *The FSR variation will facilitate a low density residential development consistent with the existing and emerging character of the area. It will allow for an older dwelling to be replaced with a two to three storey contemporary building. The new building will fill a*

missing tooth in the streetscape and will provide a transition in bulk and scale, which will positively contribute to the evolving character of the locality.

- (v) The GFA will enable the direct access from the basement level to the rear open space, which will improve the connectivity and amenity of the dwelling and open space areas. If this level were removed to reduce the GFA, there would be little relationship between the internal and external areas of the site.*
- (vi) Reductions at the upper levels would create a disjointed form that would not be in keeping with surrounding development, and would unreasonably limit the amenity of the site. As indicated, despite the additional GFA, the proposal will preserve of the neighbouring properties.*

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

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

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

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

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

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

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. This is sound justification as despite the non-compliance with FSR the applicant has demonstrated that the proposed development meets the objectives of the FSR 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 written request has demonstrated that the current dwelling is underdeveloped in comparison to the new character of Dover Heights, being larger two to three storey dwelling of a box-like built-form. Despite, the FSR non-compliance the proposed development will be reflective of the bulk and scale of other dwellings in the streetscape whilst not creating unreasonable additional environmental amenity impacts.

Is the development in the public interest?

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

The objectives of the FSR development standard are as follows:

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

This objective is not relevant as the subject site is not located within the Bondi Junction Centre.

- b. *Objective (b): To provide an appropriate correlation between maximum building heights and density controls.*

The proposed development provided an appropriate correlation between maximum building heights and density controls. The development complies with the maximum height of 8.5m and is of a scale that is reflective of other dwellings in the locality.

- c. *Objective (c): To ensure that buildings are compatible with the bulk and scale of the desired future character of the locality.*

The proposed development is compatible with the bulk and scale of the desired future character of the locality. Residential dwellings in this area of Dover Heights generally sit on large lots and take advantage of the sloped land by providing part-two, part-three storey dwellings. It is noted that development in this area of Dover Heights generally exceeds the FSR development standard resulting in larger dwellings that are generally accepted as they are reflective of the bulk and scale of other dwellings in the area.

However, the desired future character of the locality is to ensure the development preserves the environmental amenity of neighbouring properties in the locality, which will be discussed in further detail within objective (d) below.

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

The proposed development does not result in unreasonable additional view loss or visual privacy impacts upon neighbouring residential properties.

The originally submitted development resulted in unreasonable additional overshadowing to 222-224 Military Road. Through a reduced bulk and scale the development now does not result in unreasonable shadowing to 222-224 Military Road.

There is minor additional shadowing from the proposed development at 9am, 10am, 1pm and 2pm during the winter solstice on the neighbouring property at 222-224 Military Road.

The additional shadowing at 9am falls on the swimming pool and this area of private open space is generally not utilised during the colder months of the year. Therefore, the small amount of additional shadowing at this time to a swimming pool is supported (refer to **Figure 4** of this report).

The additional shadowing that falls on the northern facing window of 222-224 Military Road at 10am is minimal and will not create a significant greater impact to this dwelling and the additional shadowing to the neighbouring northern facing window at 1pm will fall on an area that is being overshadowed by the neighbouring building itself (refer to **Figure 5** of this report).

The minor additional shadowing at 2pm falls on the front open space. As this is not private open space or living room windows and it is so minor, it is accepted (refer to Figure 6).

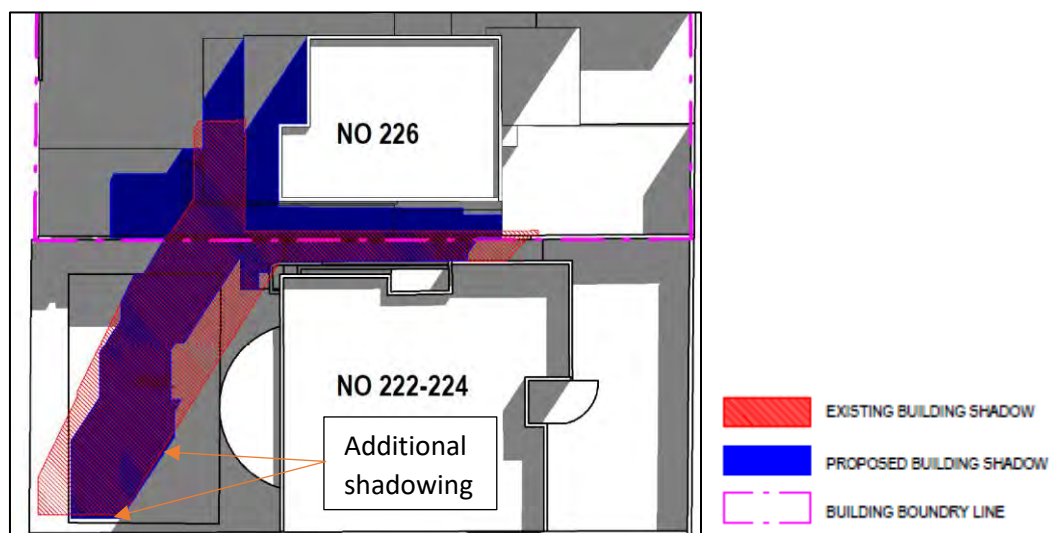


Figure 4. Minor additional shadowing at 9am on 21 June falling to a small portion of the swimming pool. (Source: CMS Surveyors, 2022)

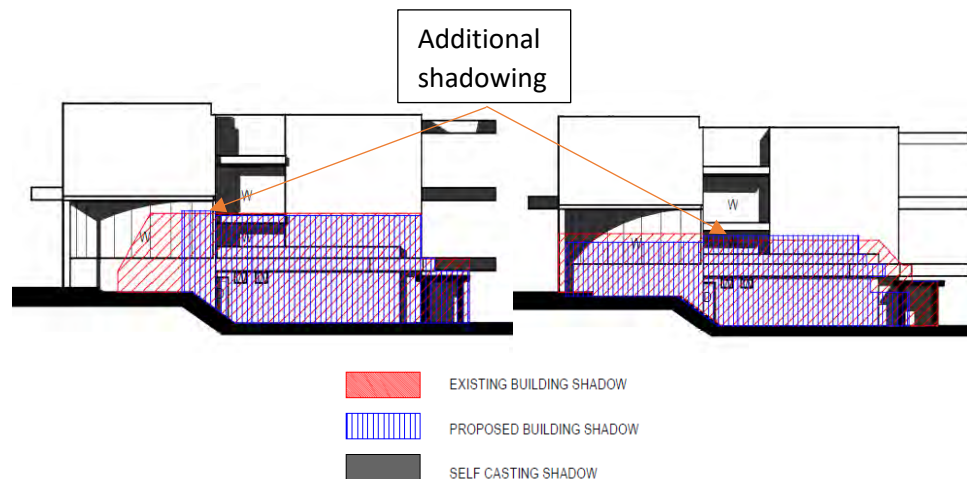


Figure 5. Minor additional shadowing to the northern elevation of 222-224 Military Road at 10am (left) and 1pm (right) on 21 June. (Source: CMS Surveyors, 2022)

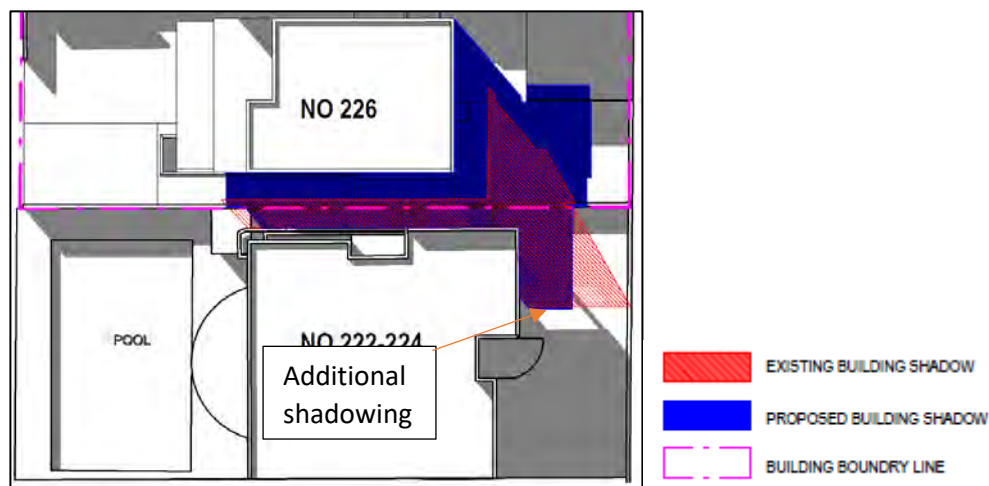


Figure 6. Minor additional shadowing at 2pm on 21 June falling to a minor portion of the front open space. (Source: CMS Surveyors, 2022)

The objectives of the R2 zone are as follows:

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

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

- b. *To ensure dwelling character, landscape character, neighbourhood character, streetscapes and amenity are maintained or enhanced over time.*

The current dwelling is underdeveloped when comparing it to other dwellings in Dover Heights (i.e. the dwellings located to either side of the subject site) and is not reflective of the contemporary box

design that is now prevalent throughout Dover Heights. The proposed development will be reflective of this now predominant built form style and will therefore fit in with the streetscape.

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	Yes	Garbage bin storage is satisfactory located to the front of the lot, screened behind the front fence.
2. Ecologically Sustainable Development	Yes	The submitted BASIX Certificate is satisfactory.
5. Vegetation Preservation	N/A	Tree removal is not proposed.
6. Stormwater	Conditions recommended.	Council's Stormwater Engineer has recommended conditions of consent.
8. Transport		
8.1 Streetscape	Yes	Off-Street Parking is common in the streetscape.
8.2 On-Site Parking	-	The subject site is located within parking zone 2.
8.2.1 Vehicle Access	Yes	The existing vehicle crossover is to be retained.
8.2.2 Parking Rates	Yes	Two off-street parking spaces are proposed.
12. Design Excellence	Yes	The proposed development exhibits design excellence in terms of bulk and scale as the proposed dwelling reflects the larger contemporary dwellings in Dover Heights.

Development Control	Compliance	Comment
	Refer to discussion below Table 3	The lack of windows to the front elevation and the proposed materials and finishes will be discussed in more detail below Table 3.
14. Excavation	Refer to discussion below Table 3	The proposed excavation will be discussed in more detail below Table 3.

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

Development Control	Compliance	Comment
2.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
2.1 Height		
Flat roof dwelling house <ul style="list-style-type: none"> Maximum wall height of 7.5m 	Acceptable on merit	The development has a wall height of 8.5m. As this does not result in unreasonable shadowing and the development is situated below the maximum 8.5m height line is it acceptable on merit.
2.2 Setbacks		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	Yes	The proposed front and rear building lines at each level are appropriately positioned as to not extend past the predominant building lines set by the two adjoining dwellings at correlating levels.
2.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 0.9m (for height up to 8.5m) or 1.5m (up to 12.5m) 	Yes	The proposed development is set back at least 0.9m from the side boundaries,
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context Replacement windows to complement the style and proportions of existing dwelling 	Yes	The current dwelling is underdeveloped when comparing it to other dwellings in Dover Heights (i.e. the dwellings located to either side of the subject site) and is not reflective of the contemporary box design that is now prevalent throughout Dover Heights. The proposed development will be reflective of this now predominant built form style and will therefore fit in with the streetscape.
	Refer to discussion below Table 3	The lack of windows to the front elevation and the proposed materials and finishes will be discussed in more detail below Table 3 .

Development Control	Compliance	Comment
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). 	Refer to discussion on the clause 4.6 variation above.	Solar access has been discussed in detail within the clause 4.6 section of this report.
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. 	N/A	No objections were received in relation to view loss.
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. 	Yes	The proposed garage complements the style of the contemporary dwelling.
2.8.2 Parking rates	Yes	Parking rates are set by Part B8 of Waverley DCP 2012.
2.8.3 Location <ul style="list-style-type: none"> Behind front building line for new dwellings 	See discussion.	The location of the garage forward of the front building line will be discussed in detail below.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Existing development to be in accordance with the hierarchy of preferred car parking locations 		
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 	Yes	The proposed garage complements the style of the contemporary dwelling.
2.8.5 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Condition recommended	The proposed lift inhibits the length to one of the garages parking spaces to less than 5.4m. A condition is recommended that the lift is either deleted or pushed further to the west to allow at least an internal length of 5.4m for a compliant vehicle length.
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 	Condition recommended	Conditions are recommended in relation to the driveway crossover.
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area Minimum area of 25m² for private open space Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided 	Yes Yes Yes Yes Yes	Over 40% Over 15% Over 25m ² Over 50% Over 50%
2.10 Swimming pools and spa pools		
<ul style="list-style-type: none"> Located in the rear of property 	Yes	The location of the swimming pool and pool pumps are supported.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Pool decks on side boundaries must consider visual privacy 		

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

Garage forward of the building line

To reduce the shadowing impacts on the northern elevational windows of 222-224 Military Road the amended design relocated the entry and staircase further to the west (rear). This resulted in the garage being forward of the primary dwelling.

Despite the Waverley DCP 2012 not favouring parking structures being forward of the building line, it is deemed appropriate in this circumstance for the following reasons:

- The garage does not extend forward of the predominant front building line.
- The garage provides a generous setback from the front boundary and provides a large amount of landscaped area within the front yard of the site.
- The dwelling is of a bulk and scale that is reflective of other dwellings in the locality.
- Additional habitable area constructed forward of the garage would result in a development that further breach FSR and reduce the amount of supported deep soil landscaped area to the front of the site.
- The existing dwelling had a carport constructed forward of the dwelling.
- There are other examples of nearby garages and carports constructed forward of the front of the dwelling as seen at 171 and 175 Military Road.

To further reduce the impact of the garage structure a condition is recommended that the garage be fitted with a green roof to soften its presence on the streetscape.

Streetscape Presentation

The proposed dwelling when viewed from Military Road results in a poor streetscape presentation through the lack of front windows and the proposed materials and finishes.

Front Windows

The dwelling has no window openings to the front elevation, this results in poor Crime Prevention Through Environmental Design (CPTED) and a blank wall to the street which negatively impacts the streetscape and results in a building that is not identifiable as a residential dwelling.

Therefore, a condition is recommended that additional windows are to be provided to the front elevation of both the ground and first floor to the satisfaction of Council. This will improve the streetscape presentation of the dwelling, provide CPTED and result in the building having features which are more respective of a dwelling house.

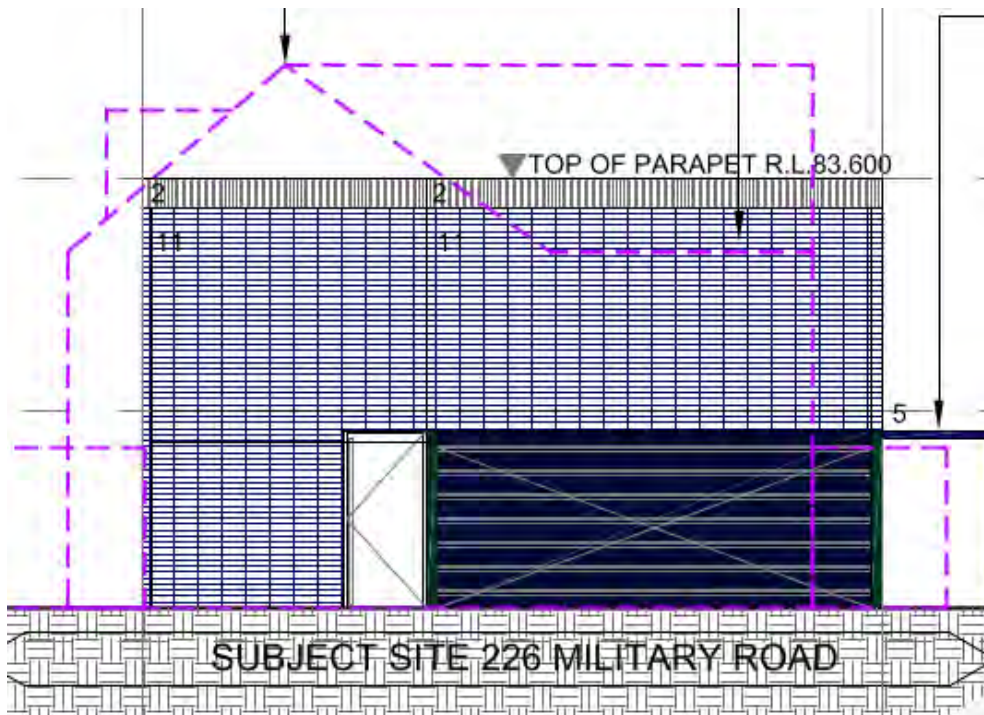


Figure 8. Front elevation of proposed dwelling lacks windows resulting in a poor streetscape outcome.

Materials and Finishes

The proposed materials and finishes schedule is unclear. A detailed materials and finishes schedule is to be provided to Council for satisfaction that is clearer.

A condition is recommended.

Amenity of Bedroom 3

Bedroom 3 is small in size and will result in a poor amenity.

Therefore, a condition is recommended that bedroom 3 have a minimum area of 9m² (excludes wardrobes), as guided by the Apartment Design Guide.

Ensuite 3, the storeroom, walk-in-robe and/or primary bedroom may be reduced to allow the enlarged bedroom 3.

Excavation

The development proposes a significant amount of excavation to the rear of the property. To reduce this amount of excavation and better comply with the Waverley DCP 2012, the following is recommended:

- Excavation is to be set back at least 0.9m from the southern boundary.
- The remaining area of excavation permitted is for the floor area of the lower ground, the pool and its associated paving, the alfresco deck and the associated lawn only. The remaining areas must retain existing ground level.

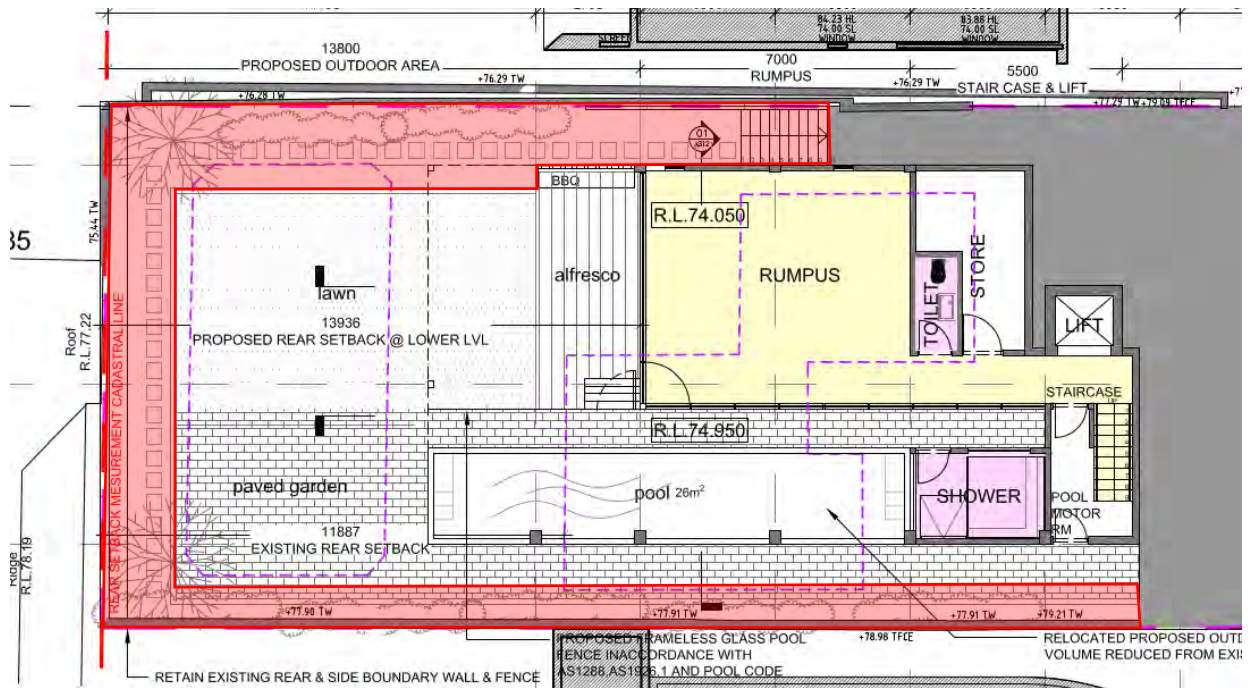


Figure 9. Area that is to retain existing ground level highlighted red.

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 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 width of the alfresco deck was reduced to the rear of the lower ground floor.
2. The GFA of the lower ground floor was reduced.
3. Proposed works to the lower ground floor were set back 0.9m from the side boundaries.
4. The length of the lap pool was reduced and also the amount of excavation.
5. The size of the staircase was reduced at all levels.
6. The side atrium at ground and first floor was deleted, with the remaining development pushed to the east, providing a greater rear setback.
7. The bulk of the first floor and associated GFA was reduced.
8. The first floor rear balcony was increased in size.

9. Window modifications to the elevations of the development.
10. A reduced height of the development to RL83.60.

The proposed amended plans will result in reduced shadowing impacts upon 222-224 Military Road and the modified windows and balconies will not result in unreasonable visual privacy impacts upon neighbouring properties.

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

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

Count	Property Address
1.	222-224 Military Road, Dover Heights
2.	228 Military Road, Dover Heights

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

- Non-compliant rear building line;
- Breach to FSR;
- Visual privacy impacts;
- Excessive wall height; and
- Solar access.

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

Issue: The second floor balcony exceeds the width of the dwelling.

Response: Via amended plans, the balcony does not extend beyond the width of the dwelling.

Issue: Lack of photomontage.

Response: The Council Assessment Officer does not require a photomontage for this development given its simplified built-form.

Issue: ‘...although most of the view corridor available from the ground floor living areas is to the west, there is also a current encompassing view toward the north which should not be unnecessarily curtailed.’

Response: The iconic city skyline and Sydney harbour is captured to the west of this area. Views are not identifiable to the north. Regardless, the amended proposal now complies with the rear building line.

Issue: Acoustic privacy impacts from the pool and pool pumps.

Response: The pool is not anticipated to exceed acoustic levels that would be unreasonable for a low density residential area. A condition is recommended that the pool equipment be enclosed within an acoustically treated enclosure.

Issue: Potential to enclose the undercroft area (location of pool) in future.

Response: This would require the lodgement of a DA to be assessed and determined by Council.

Issue: Excavation is excessive

Response: The amount of excavation has been significantly reduced via amended plans. Appropriate excavation conditions are recommended.

Issue: Setback of pool room.

Response: All structures are now set back at least 0.9m from side boundaries.

Issue: Balustrading around garage roof.

Response: There is no balustrading around the garage roof.

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

An internal referral was sought from Council Traffic Engineer who recommended conditions of consent.

3.2. Stormwater

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

3.3. Tree Management

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

3.4. Ausgrid

An external referral was sought from Ausgrid who recommended conditions of consent.

4. CONCLUSION

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

Development and Building Unit (DBU) Decision:



The application was reviewed by the DBU at the meeting on 30/08/2022 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, K Keenan, J Somerville*

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the development application be DEFERRED COMMENCEMENT CONSENT by the Waverley Local Planning Panel subject to the conditions in Appendices A and B.

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Joseph Somerville	Ben Magistrale
Senior Development Assessment Planner	Manager, Development Assessment (Area 2) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 16/11/2022	Date: 17 November 2022

Reason for WLPP referral:

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

APPENDIX A

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

DEFERRED COMMENCEMENT

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

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

- (a) The dwelling must provide windows to the front elevation to improve casual surveillance of the street and to better articulate the street façade of the dwelling.
- (b) A more detailed materials and finishes schedule is to be provided for the development. This is to also include more detail of the finishes of the garage.
- (c) A privacy screen with a height of 1.8m above the finished floor level of the balcony is to be erected to the northern side of the second floor rear balcony between the western facing glass line of the kitchen/dining area and the western facing glass line of the living room. This is to protect the visual privacy of neighbouring properties.
- (d) Excavation is to be set back at least 0.9m from the southern side boundary so as to maintain existing ground levels within this setback area.
- (e) The garage roof is to be a non-trafficable green roof.
- (f) The minimum length of the garage is to be 5.4m for a compliant parking space. The lift may be deleted or pushed further to the west. Minor amendments to the internal layout of each level may be permitted. However, no increase to the bulk and scale of the approved development is permitted.
- (g) Bedroom 3 is to be increased in size to at least 9m² (excluding wardrobe). The bathroom, store room, walk-in-robe or primary bedroom may be reduced in size. No increase to the bulk and scale of the approved development is permitted to achieve this requirement.
- (h) The window proposed to the wall between bedroom 3 and the garage is to be deleted.
- (i) The windows to the northern elevation are to reflect the windows shown on the floor plan.

The amendments are to be approved by the **Executive Manager, Development Assessment or delegate**.

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

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

APPENDIX B

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

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by Unknown, including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA100 / Rev A	Site Plan	Unknown	11/11/2022
DA200 / Rev A	Basement Plan	Unknown	11/11/2022
DA201 / Rev A	Ground Floor Plan	Unknown	11/11/2022
DA202 / Rev A	First Floor Plan	Unknown	11/11/2022
DA203 / Rev A	Roof Plan	Unknown	11/11/2022
DA300 / Rev A	South Elevation	Unknown	11/11/2022
DA301 / Rev A	North Elevation	Unknown	11/11/2022
DA302 / Rev A	West Elevation	Unknown	11/11/2022
DA303 / Rev A	East Elevation	Unknown	11/11/2022
DA310 / Rev A	Section AA	Unknown	11/11/2022
DA311 / Rev A	Section BB	Unknown	11/11/2022
DA312 / Rev A	Section CC	Unknown	11/11/2022

(b) BASIX Certificate.

(c) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 06/07/2022.

Except where amended by the following conditions of consent.

NOTE – Plan references above are likely to change following satisfaction of the deferred commencement matter. As this occurs, condition 1 will be updated to reflect the new documentation.

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) for the amount of \$47,813.44 must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

6. LONG SERVICE LEVY

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

Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.35% 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 the assessment of all engineering plans and inspection of the completed works in the public domain inclusive of all stormwater assessment, in accordance with Council's Schedule of Fees & Charges at the time of engineering plan approval, prior to such approval being granted by Council.

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

CONSTRUCTION MATTERS

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 the applicable fees paid, prior to the erection of the hoarding.

9. EROSION & SEDIMENT CONTROL

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

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

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

10. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

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

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

11. ENGINEERING DETAILS

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

12. DILAPIDATION REPORT

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

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

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

STORMWATER & FLOODING

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 drainage plan prepared by PAC Consulting Pty Ltd, Project No. 220531, Drawing No. SW-00, SW-01, SW-02, SW-03, SW-04, and SW-05, Issue 01, dated 24/06/2022 are considered concept only.

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

- a) When proposing a pump out system, evidence must be submitted to Council that an honest and reasonable attempt has been made to acquire an easement to drain water through any of the downstream properties or demonstrated that all avenues to establish an easement be impractical or unviable.
- b) Submission of full hydraulic details and pump manufacturers specifications for any pump out system. The pump out system must be connected to a stilling pit and gravity line before discharged to Council's street gutter (details shall be provided).
- c) All gutter and the internal drainage system shall be designed for 1% AEP storm events.
- d) The plans shall provide a complete details of proposed On-Site Stormwater Detention (OSD) system including 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 per the Council's Water Management Technical Manual shall be submitted.
- e) Details of any rainwater reuse system required by BASIX commitments or as nominated on the landscaping plan, including the overflow connection to the approved stormwater drainage system are to be submitted.
- f) 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.
- g) Seepage water must not be directly or indirectly discharged to Council's street gutter.
- h) Any new downpipes are to be located wholly within the property's boundary.
- i) A grated trench drain shall be provided across the garage entrance within private property. Unless otherwise sized by a suitably qualified and practising Engineer, the dimensions of the

trench grate shall be no less than 300 mm wide by 150 mm deep at the shallow end and have a “bottom” slope of 2%. This trench drain shall be connected to an approved drainage system.

- j) Any affected Council’s infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.

Notes:

- Since a sewer main runs through the property, plans must also be presented to a Sydney Water Tap in™ for their approval.
- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- 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

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.

LANDSCAPING & TREES

16. 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

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

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

18. CONSTRUCTION SIGNS

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

DEMOLITION & EXCAVATION

19. 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.

20. 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.

21. 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.

22. 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

23. CONSTRUCTION HOURS

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

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

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

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

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

25. CONSTRUCTION INSPECTIONS

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

26. CERTIFICATE OF SURVEY – LEVELS

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

27. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

28. WORK OUTSIDE PROPERTY BOUNDARY

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

29. 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

30. 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.

31. 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.

VEHICLE ACCESS & PUBLIC DOMAIN WORKS

32. VEHICULAR ACCESS - FINISHED LEVEL TO FOOTPATH

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

33. HEADROOM CLEARANCE

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

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

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

34. 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.

35. CERTIFICATION OF BASIX COMMITMENTS

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

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

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

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.

37. CERTIFICATION OF CONSTRUCTED STORMWATER DRAINAGE SYSTEM

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

38. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD OR PUMP OUT SYSTEM

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 or pump out system, under Section 88E of the Conveyancing Act 1919. This is to place a restriction on the Title that the OSD system or pump out 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 or pump out 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 or pump out system, including its relationship to the building footprint. Electronic colour photographs of the OSD system or pump out 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.

39. PLANNED PREVENTATIVE MAINTENANCE SCHEDULE FOR PUMP OUT SYSTEM

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

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.

41. STREET NUMBER/S

The street number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary that fronts the street. Should the number be fixed to an awning then it shall be a minimum 150mm high.

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. 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. EXCAVATION TO BE LIMITED

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

AD5. BONDI - ROSE BAY SAND BODY

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

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

AD6. TREE REMOVAL/PRESERVATION

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

AD7. SITE RECTIFICATION WORKS

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

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

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

AD8. RAINWATER HARVESTING AND REUSE

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

AD9. AUSGRID

The applicant/developer should note the following comments below regarding any proposal within the proximity of existing electrical network assets.

Ausgrid Underground Cables are in the vicinity of the development

Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.

It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Dial Before You Dig (DBYD).

In addition to DBYD the proponent should refer to the following documents to support safety in design and construction:

SafeWork Australia – Excavation Code of Practice.

Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables.

The following points should also be taken into consideration.

Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

Ausgrid Overhead Powerlines are in the vicinity of the development

The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.

Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.

The "as constructed" minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website at www.ausgrid.com.au.

It is the responsibility of the developer to verify and maintain minimum clearances

onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer's cost.

Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can be found by visiting the following Ausgrid website:
www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

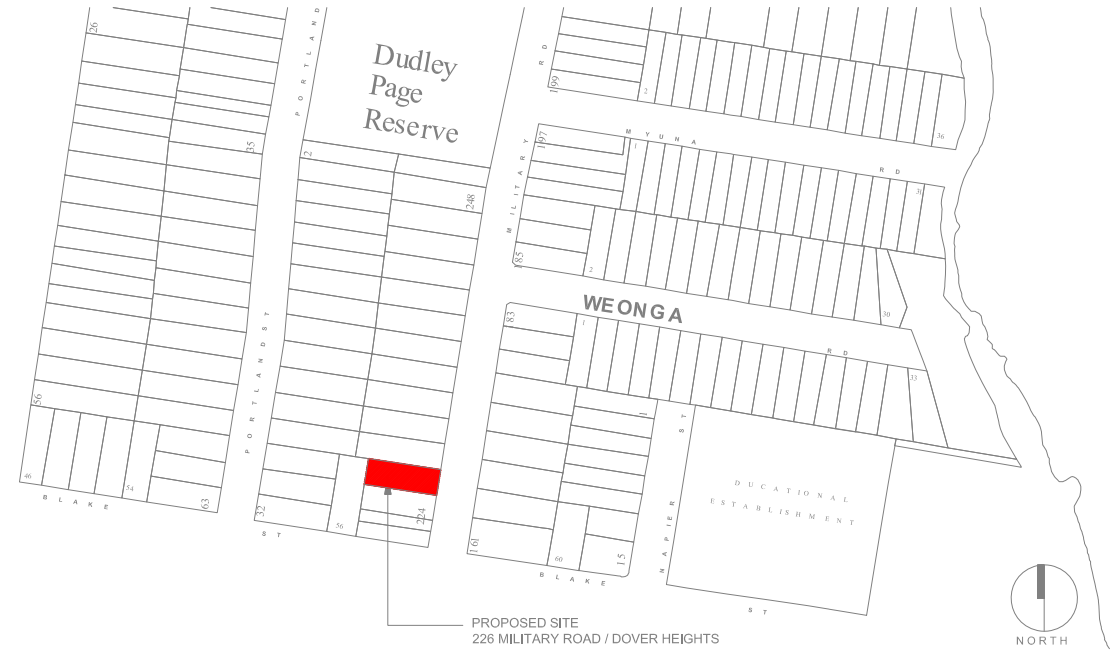
Should you have any enquiries, please contact Ausgrid at
development@ausgrid.com.au

SCHEDULE OF DRAWINGS

EXISTING SURVEY PLAN	
REF	SURVEY PLAN
SITE PLANS	
DA100	SITE PLAN
DA101	VIEW ANAYLSIS
LANDSCAPE PLAN	
DA102	PLAN & SCHEDULE
SHADOW STUDY	
REF	EXISTING
REF	PROPOSED
REF	COMPARISON
REF	ELEVATION #222-224
FSA CALCULATION	
DA110	FSA CALCULATION
PROPOSED FLOOR PLANS	
DA200	BASEMENT PLAN
DA201	GROUND FLOOR PLAN
DA202	FIRST FLOOR PLAN
DA203	ROOF PLAN
ELEVATIONS	
DA300	ELEVATION-SOUTH
DA301	ELEVATION-NORTH
DA302	ELEVATION-WEST
DA303	ELEVATION-EAST
SECTIONS	
DA310	SECTION AA
DA311	SECTION BB
DA312	CROSS SECTION CC
FINISH	
DA400	EXTERNAL FINISH



3 LOCATION IMAGE
NTS



2 LOCALITY PLAN
NTS

Specification

General

All workmanship and materials are to be in accordance with the NCC 2019,Housing Provisions Volume Two and the Building Act1994. All works shall comply but are not limited to the current versions of the following Australia Standars:

- A.S – 1288 2006 glass in buildings.
 - A.S – 1684 2010 residential timber– framing construction
 - A.S – 1860 2017 insulation of particleboard flooring
 - A.S – 2049 2002 roof tiles
 - A.S – 2050 2018 fising of roof tiles
 - A.S – 2870 2011 residential slabs and footings
 - A.S – 2904 1995 damp–proof courses and flashing
 - A.S – 3600 2018 concrete structures
 - A.S – 3660 2014 termite management
 - A.S – 3700 2018 masonry structures
 - A.S – 3958 2007 CERAMIC TILES
 - A.S – 3740 2010 waterproofing of domestic wet areas
 - A.S – 4654 2012 waterproofing membranes
 - A.S – 4055 2012 wind loadings for housing
 - A.S – 4100 1998 (R2016) steel structures
 - A.S – 1926.1 2012 swimming pool safety : safety barriers for swimming pools
- NCC 2019 Volume Two Part 3.10.1 Swimming Pools

Demolition

All demolition & waste management work to be carried out in accordance with council requirements. The contractor must ensure that all necessary precautions are taken to ensure the stability of the existing and surrounding buildings during demolition and construction.

Steel work / Timberwork

All exposed steel shall be hot–dipped galvanized as well as the relevant standard, all timberwork shall be in accordance with the timber framing mau and associated supplementary tables.

Wet areas

Wet areas are to be in accordance with NCC 2019 with floors to all bathrooms laundries and toilers to have impervious, slip–resistant floor finish. Showers are to have impervious wall finish to 1800mm height. Baths, basins and troughs are to have impervious wall finish to 1500mm above rim.

Light and ventilation

Natural ventilation shall e provided to all habitable rooms to the equivalent of 5% of the floor area of the room in question. Natural lighting shall be provided to all habitable rooms to the equivalent of 10% of the floor area of the room in question.

Stormwater

Refer to civil engineer’s drawings. All stormwater is to be to the satisfaction of the local authorities, to a point designated by the local authority. Any aggi drain shall be connected to stormwater via silt pits. Stormwater drainage system complying with A.S 3500.3.2.

Termite protection

All new or altered work to comply with the NCC 2019 and A.S – 3660 2014 termite management.

Glazing

Safety glazing to be used in the following circumstances:

- All rooms within 1000mm vertically of the floor
- Bathrooms within 1500mm vertically from the bath base
- Within 300mm horizontally of all doors
- All shower screens are to be grade ‘A’ safety glass

Insulation

Insulation to be provided in accordance with NCC 2019. Walls and ceilings to be the equivalent R–value in accordance with BASIX commitments.

Smoke Alarm

Hard wired self–contained smoke alarms are to be installed to each level of the dwelling in accordance with A.S–3786 and located in accordance with NCC 2019.

Stairs/Steps/ Balustrades

Stairs to have a maximum riser height of 190mm and a minimum tread width of 240mm. Handrails to stairs are to be a minimum of 1000mm above landings and balconies and 865mm above nosing of stairs. Balustrades incorporated in handrails to have a max. gap of less than 125mm in accordance with requirements of NCC2019. For

DESIGN CALCULATIONS-226 MILITARY ROAD,DOVER HEIGHTS

CONTROL	LED DCP STANDARD	EXISTING	PROPOSED DA
1.0 SITE INFO			
Zoning		R2 Low Density Residential	R2 Low Density Residential
Lot/DP		Lot5 DP10085	
Site Area		514.8m2	514.8m2
Site Frontage		13.49m	13.49m
2.0 SITE REQUIREMENT			
2.1 Site Coverage			
Main Building	257.4m2	128.1m2	128m2
Parking / Podium		42.2m2	34m2
Stairs,Lift		12.3m2	13.5m2
total		182.6m2	175.5m2
Pool		56.6m2	26m2
2.2 Max. FSR	0.53872:1	0.59:1	0.554:1
2.2 Floor Area - levels			
Basement		24m2 +25m2(store)	59.7m2
Ground		128m2	128.1m2
Upper Floor		128m2	97.5m2
total		280m2 +25m2(store)	285.3m2
3.0 Building Construction		1&2 Storey Brick & Clad Cottage	2 Storey Concrete

OPEN SPACE CALCULATION

SITE AREA: 514.8m2

REQUIRED OPEN SPACE(40% OF SITE): 205.92m2

PROPOSED OPEN SPACE AREA:385m2

REQUIRED LANDSCAPE AREA(15%OF SITE):77.22m2

PROPOSED LANDSCAPE AREA:193.3m2

REQUIRED LANDSCAPE AREA AT FRONT OPEN SPACE(50%) :56.3m2

PROPOSED LANDSCPAED AREA AT FRONT OPEN SPACE :67.3m2

floors more than 4m above the surface beneath the balustrades must not facilitate climbing.

Fire safety

All walls, windows and floors located within 900mm of the boundary shall comply with NCC 2019.

General Notes

All drawings are to be read in conjunction with the project specifications and schedules, the structural engineer’s details and, if applicable, in accordance with any geotechnical report, coastal engineer’s report & civil engineer’s drawings for the project. All discrepancies are to be reported to the consultant prior to the commencement of any works. Figured dimensions take precedence over scaled dimensions.

All construction materials and workmanship are to be in accordance with the National Construction Code of Australia and the relevant current Australian Standards. Contractors must verify all dimensions on site prior to the commencement of any works or the preparation of any shop drawings. Any asbestos sheeting disturbed during the works should be removed and disposed of in accordance with relevant regulations and council requirements.

BASIX Information

Thermal Comfort Specification

- R.1.2 insulation to cavity brick (brick/block) walls to ground and lower ground external walls
- R 2.5 insulation plus sarking to upper level brick veneer walls
- R.1.0 insulation under slab to lower ground and ground floors.
- R 2.5 insulation to suspended ceiling under concrete roof areas of ground floor level (excluding garage).
- R.1.0 insulation on top of roof slabs of ground level (under planting)
- R 4.0 insulation to plasterboard ceilings of upper level.
- R.1.5 foil backed blanket under metal (zinc) sheeting (dark color range simulated)
- Glazing to meet the following performance (glass and frame): Uw equal or lower than 4.3, and SHGCw within 10% of 0.53 (sliding, fixed, double hung, louvres).
- Default targets for double glazed low e clear, in aluminium frames.

- External shading as per plan details.
- Draft seals to all external doors and windows
- All downlights to be IC rated (abut and cover approved)
- Exhaust fans throughout to be sealed units (ie, self–closing dampers included)

Water Savings Commitment

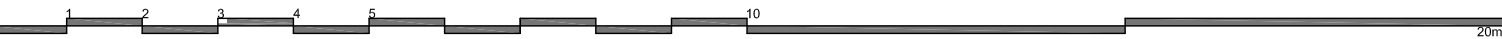
- 315m2 nominated garden area, of which at lease 300m2 is to be low water use/ indigenous plantings.
- 10,000L rainwater tank with minimum of 130 m2 roof catchment
- Collected rainwater for reuse in garden laundry tap and pool top up
- 3 star rated, high flow rate showerheads throughout (flow rate >7.5/min & <=9L/min)
- 4star rated toilets
- 5star rated kitchen tap
- 5star rated basin tap
- Maximum Pool capacity of 85KI (solar gas pool heating applied)

Energy Saving Commitment

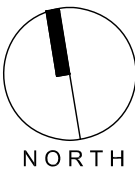
- 6star gas instantaneous hot water system
- Single phased air conditioning system installed to at least one bedroom and one living space. EER min 3.0 (cooling) EER min 3.0 (heating).
- Mechanical exhausts to kitchen rangehood exhaust, laundry and bathroom exhausts ducted to facade/roof, with manual on/off controls.
- Gas cooktop & electric oven as per checklist.
- LED or fluorescent lighting throughout dwelling
- Install an unshaded, external clothes line.
- Install an additional, internal or sheltered clothes line
- Timer to pool pump installed.
- Solar gas boosted pool heating installed
- Install a photovoltaic cell solar system, with a peak output of at least R4.1kW

Note

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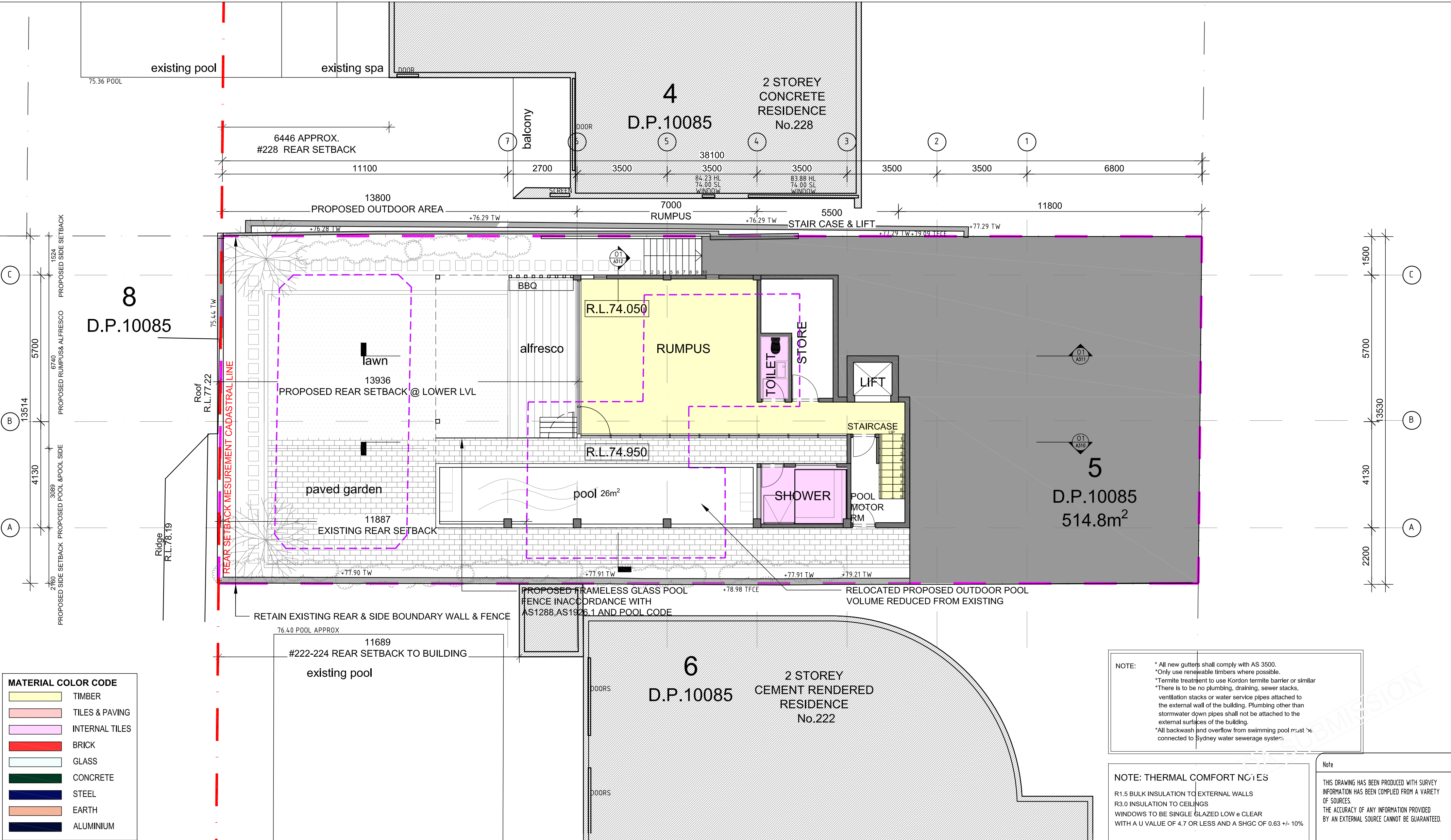
226 MILITARY RD,DOVER HEIGHTS,2030

LOCATION& VIEW ANALYSIS

Design Ref.	Project Ref.	Attribute	Discipline	Sub-Number
Drg. No.	/	/	/	/ DA001

SCALE NTS
SIZE A2
REVISION A

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NOTE: * All new gutters shall comply with AS 3500.
*Only use renewable timbers where possible.
*Termite treatment to use Kordon termite barrier or similar
*There is to be no plumbing, draining, sewer stacks, ventilation stacks or water service pipes attached to the external wall of the building. Plumbing other than stormwater down pipes shall not be attached to the external surfaces of the building.
*All backwash and overflow from swimming pool must be connected to Sydney water sewerage system.

NOTE: THERMAL COMFORT NOTES
R1.5 BULK INSULATION TO EXTERNAL WALLS
R3.0 INSULATION TO CEILINGS
WINDOWS TO BE SINGLE GLAZED LOW e CLEAR
WITH A U VALUE OF 4.7 OR LESS AND A SHGC OF 0.63 +/- 10%

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BASIX Information

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- R1.0 insulation on top of roof slabs of ground level (under planting)
- R 4.0 insulation to plasterboard ceilings of upper level.
- R1.5 foil backed blanket under metal (zinc) sheeting (dark color range simulated)
- Glazing to meet the following performance (glass and frame): U_w equal or lower than 4.3, and SHGC_w within 10% of 0.53 (sliding, fixed, double hung, louvres).
- Default targets for double glazed low e clear, in aluminium frames.
- External shading as per plan details.

-Draft seals to all external doors and windows

- All downlights to be IC rated (abut and cover approved)
- Exhaust fans throughout to be sealed units (ie, self-closing dampers included)

Energy Saving Commitment

- 6star gas instantaneous hot water system
- Single phased air conditioning system installed to at least one bedroom and one living space. EER min 3.0 (cooling) EER min 3.0 (heating).

-Mechanical exhausts to kitchen rangehood exhaust, laundry and bathroom exhausts ducted to façade/roof, with manual on/off controls.

- Gas cooktop & electric oven as per checklist.
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- Timer to pool pump installed.
- Solar gas boosted pool heating installed

-Install a photovoltaic cell solar system, with a peak output of at least R4.1kW

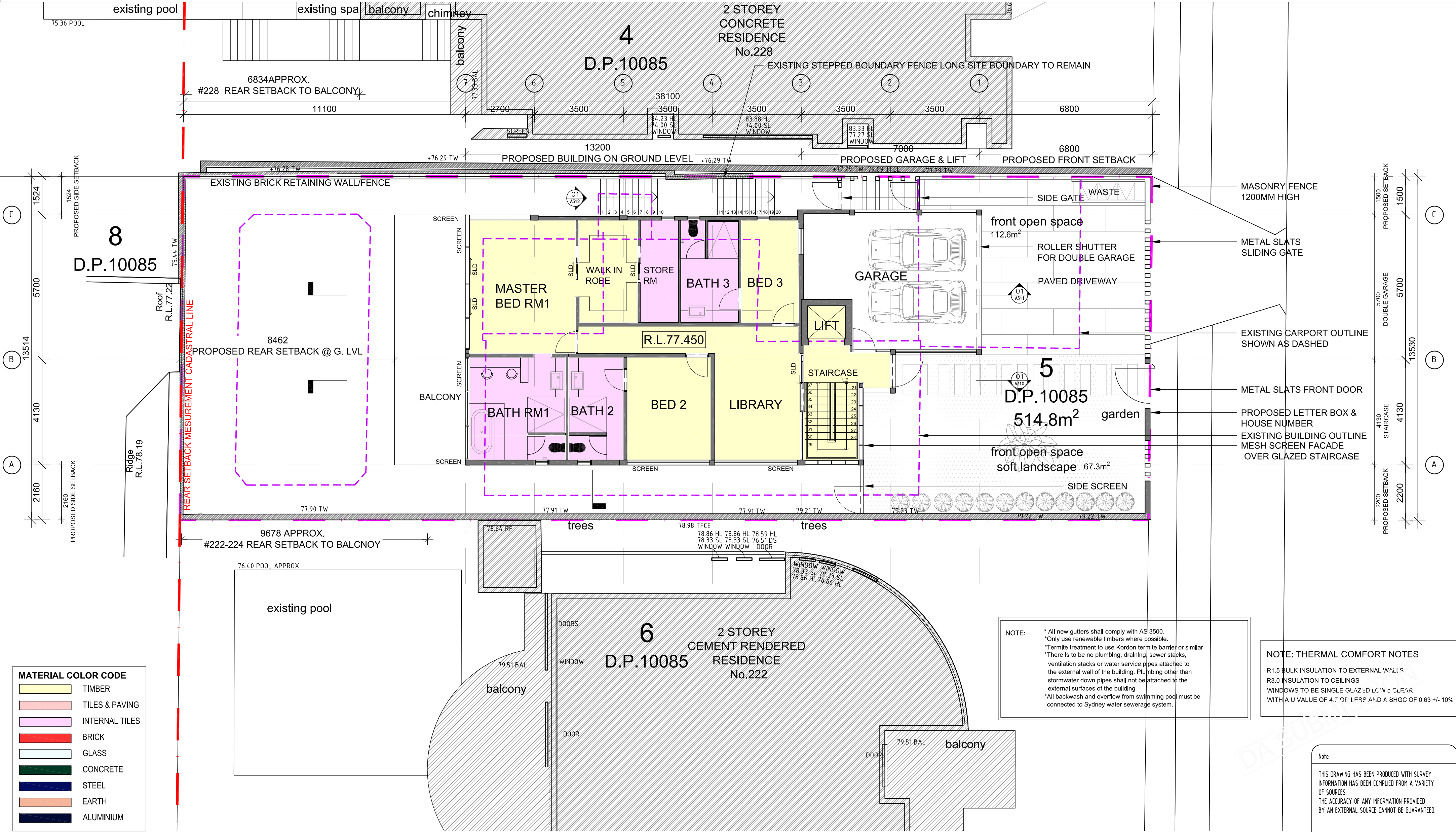
Water Savings Commitment

- 315m² nominated garden area, of which at least 300m² is to be low water use/ indigenous plantings.
- 10,000L rainwater tank with minimum of 130 m² roof catchment
- Collected rainwater for reuse in garden laundry tap and pool top up
- 3 star rated, high flow rate showerheads throughout (flow rate >7.5/min & <=9L/min)

-4star rated toilets

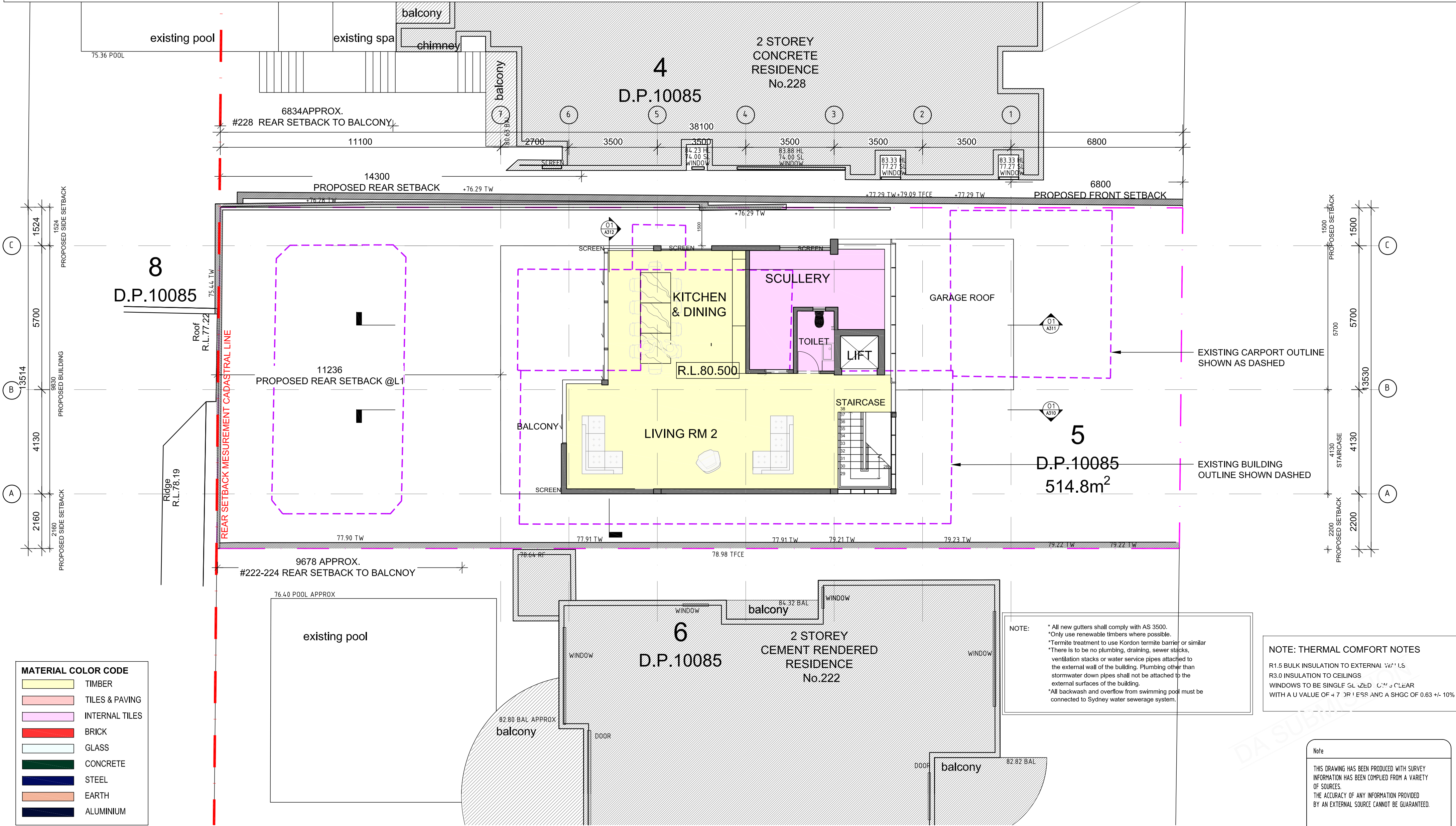
- 5star rated kitchen tap
- 5star rated basin tap

Maximum Pool capacity of 85Kl (solar gas pool heating applied)

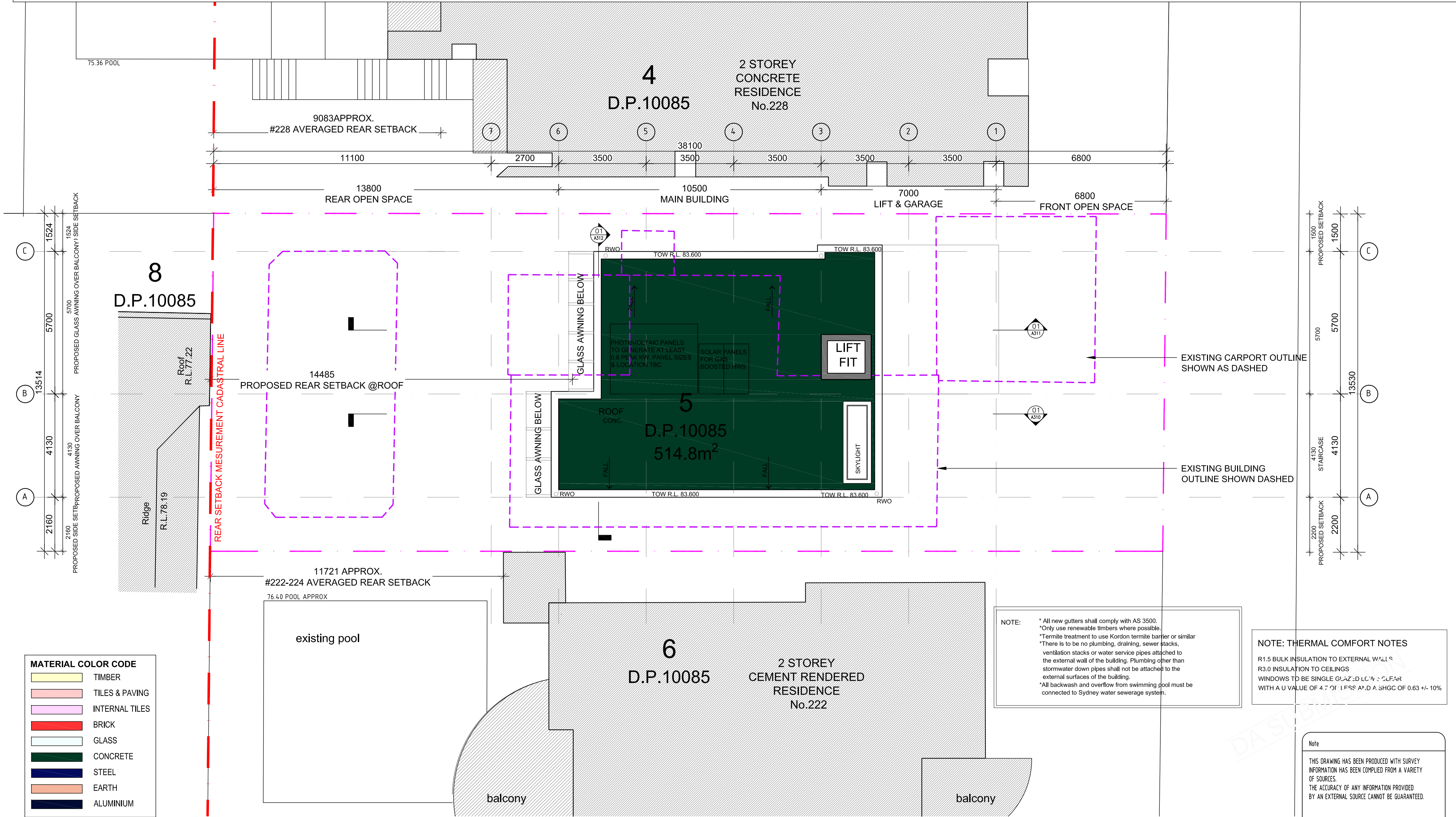


DRN	AMENDMENTS	DATE	REV	NOTES	226 MILITARY RD, DOVER HEIGHTS, 2030	GROUND FLOOR PLAN	SCALE 1:100@A2
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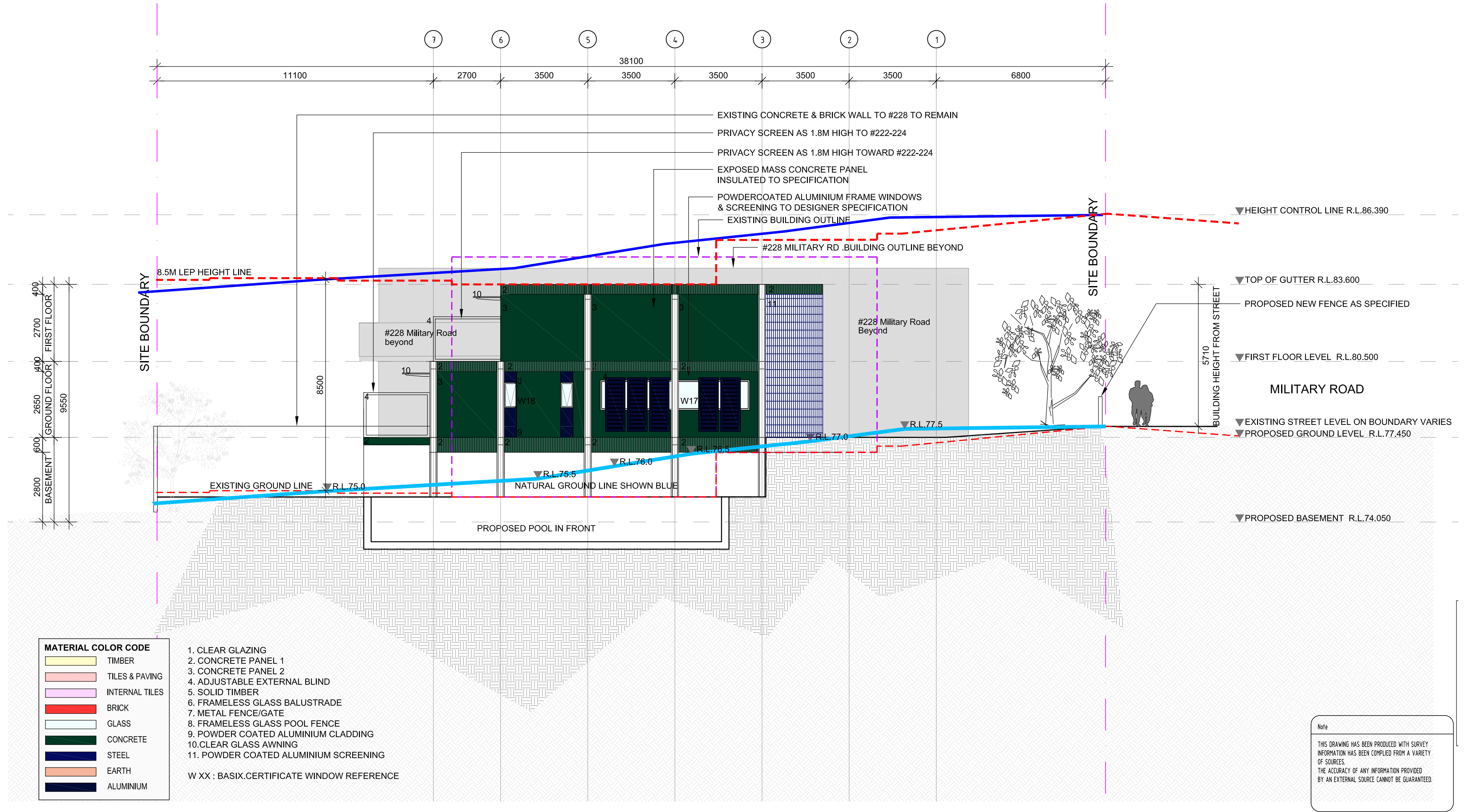
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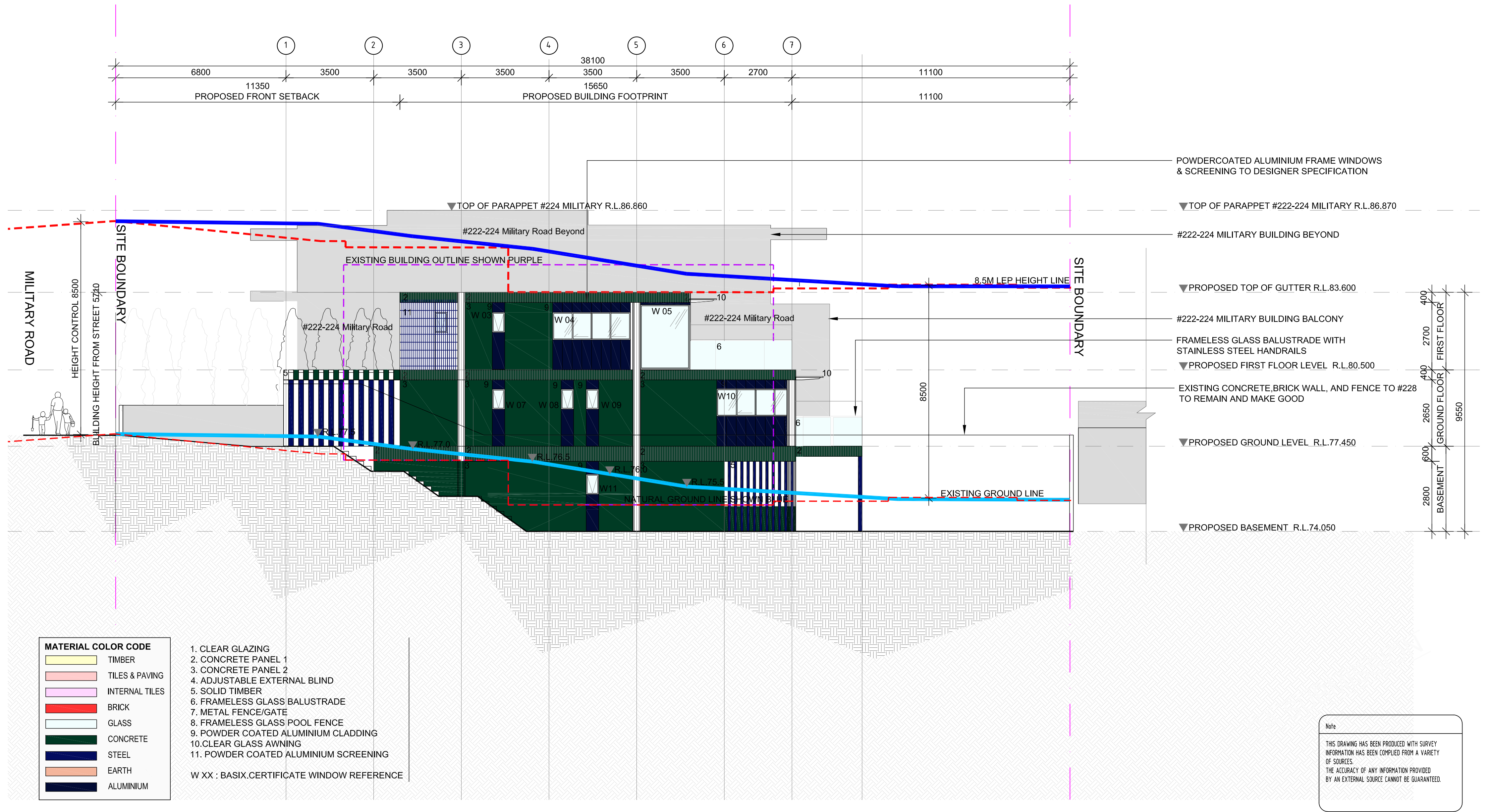
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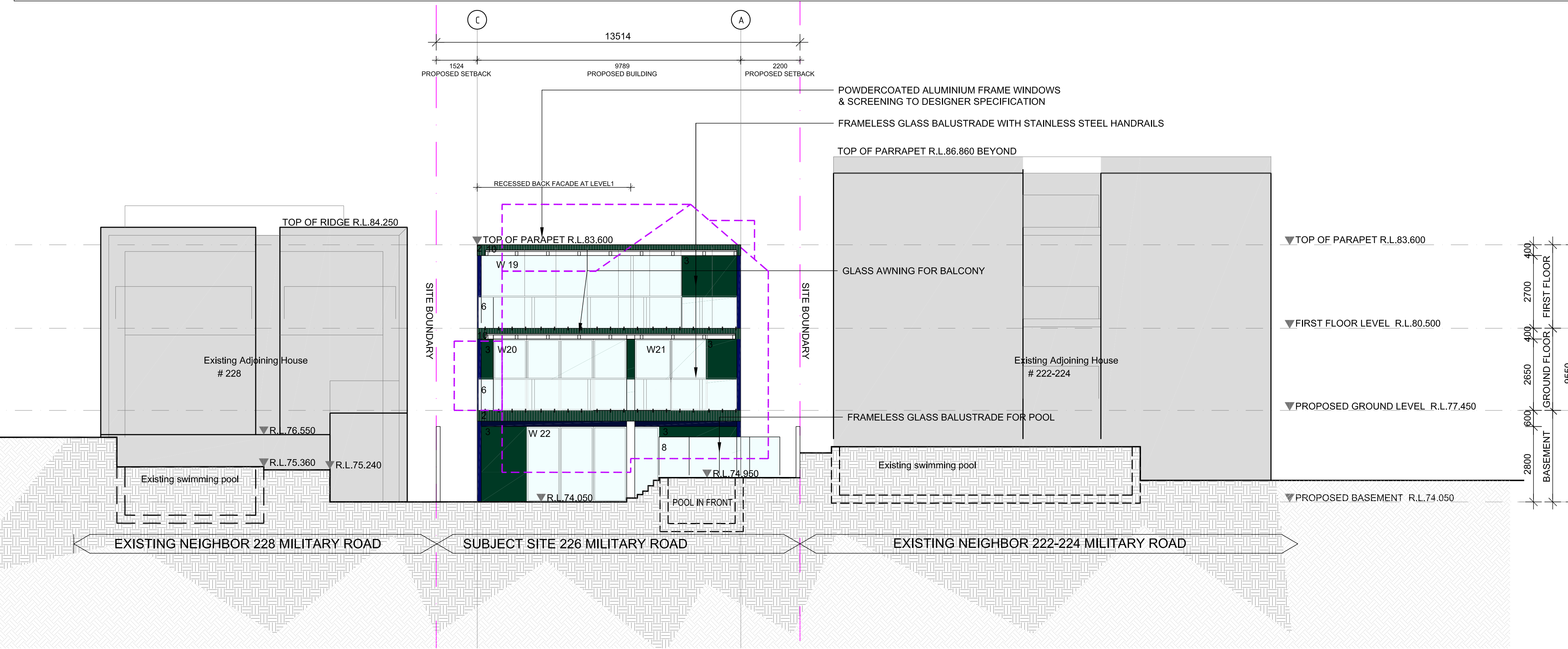
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226 MILITARY RD,DOVER HEIGHTS,2030

NORTH ELEVATION

SCALE
SIZE
A2
REVISION
Design Ref./Project Ref./Attribute/Discipline/Sub-Number
Drg. No. / / / / DA301

<div>BASIX Information</div> <div>Thermal Comfort Specification</div> <div>-R.1.2 insulation to cavity brick (brick/block) walls to ground and lower ground external walls</div> <div>-R 2.5 insulation plus sarking to upper level brick veneer walls</div> <div>-R.1.0 insulation under slab to lower ground and ground floors.</div> <div>-R 2.5 insulation to suspended ceiling under concrete roof areas of ground floor level (excluding garage).</div> <div>-R.1.0 insulation on top of roof slabs of ground level (under planting)</div> <div>-R 4.0 insulation to plasterboard ceilings of upper level.</div> <div>-R.1.5 foil backed blanket under metal (zinc) sheeting (dark color range simulated)</div> <div>-Glazing to meet the following performance (glass and frame): Uw equal or lower than 4.3, and SHGCw within 10% of 0.53 (sliding, fixed, double hung, louvres).</div> <div>-Default targets for double glazed low e clear, in aluminium frames.</div> <div>-External shading as per plan details.</div>	<div>Energy Saving Commitment</div> <div>-Draft seals to all external doors and windows</div> <div>-All downlights to be IC rated (abut and cover approved)</div> <div>-Exhaust fans throughout to be sealed units (ie, self-closing dampers included)</div> <div>-6star gas instantaneous hot water system</div> <div>-Single phased air conditioning system installed to at least one bedroom and one living space. EER min 3.0 (cooling) EER min 3.0 (heating).</div>	<div>-Mechanical exhausts to kitchen rangehood exhaust, laundry and bathroom exhausts ducted to façade/roof, with manual on/off controls.</div> <div>-Gas cooktop & electric oven as per checklist.</div> <div>-LED or fluorescent lighting throughout dwelling</div> <div>-Install an unshaded, external clothes line.</div> <div>-Install an additional, internal or sheltered clothes line</div> <div>-Timer to pool pump installed.</div> <div>-Solar gas boosted pool heating installed</div>	<div>-Install a photovoltaic cell solar system, with a peak output of at least R4.1kW</div> <div><div>Water Savings Commitment</div><div>-315m2 nominated garden area, of which at lease 300m2 is to be low water use/ indigenous plantings.</div><div>-10,000L rainwater tank with minimum of 130 m2 roof catchment</div><div>-Collected rainwater for reuse in garden laundry tap and pool top up</div><div>-3 star rated, high flow rate showerheads throughout (flow rate >7.5/min & <=9L/min)</div></div>	<div>-4star rated toilets</div> <div>-5star rated kitchen tap</div> <div>-5star rated basin tap</div> <div>Maximum Pool capacity of 85KI (solar gas pool heating applied)</div>
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1 WEST ELEVATION
1:100@A2

MATERIAL COLOR CODE	
<div></div>	TIMBER
<div></div>	TILES & PAVING
<div></div>	INTERNAL TILES
<div></div>	BRICK
<div></div>	GLASS
<div></div>	CONCRETE
<div></div>	STEEL
<div></div>	EARTH
<div></div>	ALUMINIUM

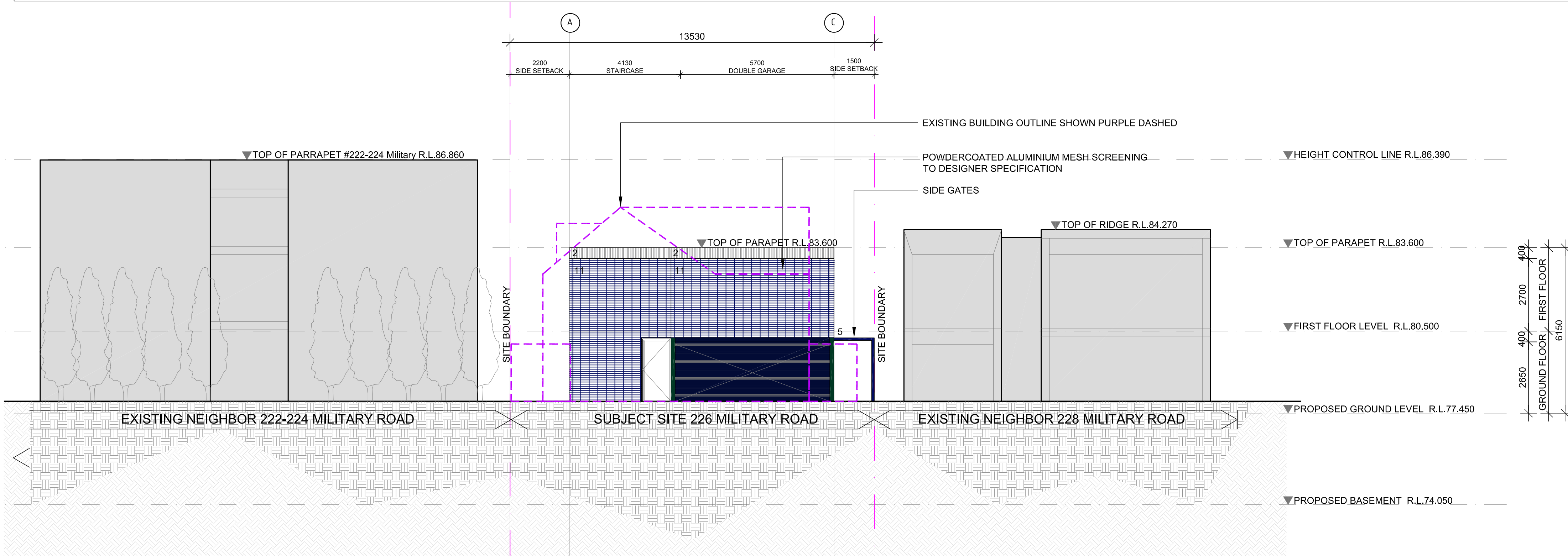
1. CLEAR GLAZING
2. CONCRETE PANEL 1
3. CONCRETE PANEL 2
4. ADJUSTABLE EXTERNAL BLIND
5. SOLID TIMBER
6. FRAMELESS GLASS BALUSTRADE
7. METAL FENCE/GATE
8. FRAMELESS GLASS POOL FENCE
9. POWDER COATED ALUMINIUM CLADDING
10. CLEAR GLASS AWNING
11. POWDER COATED ALUMINIUM SCREENING

W XX : BASIX.CERTIFICATE WINDOW REFERENCE

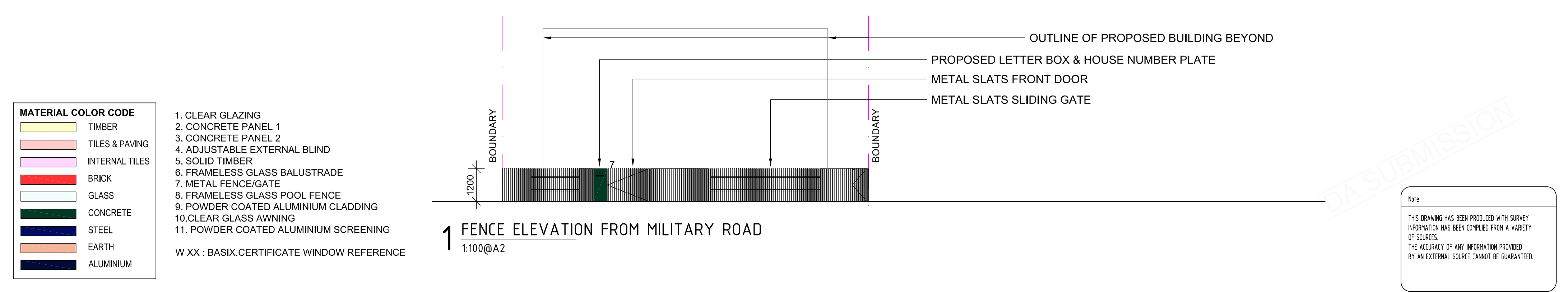
Note

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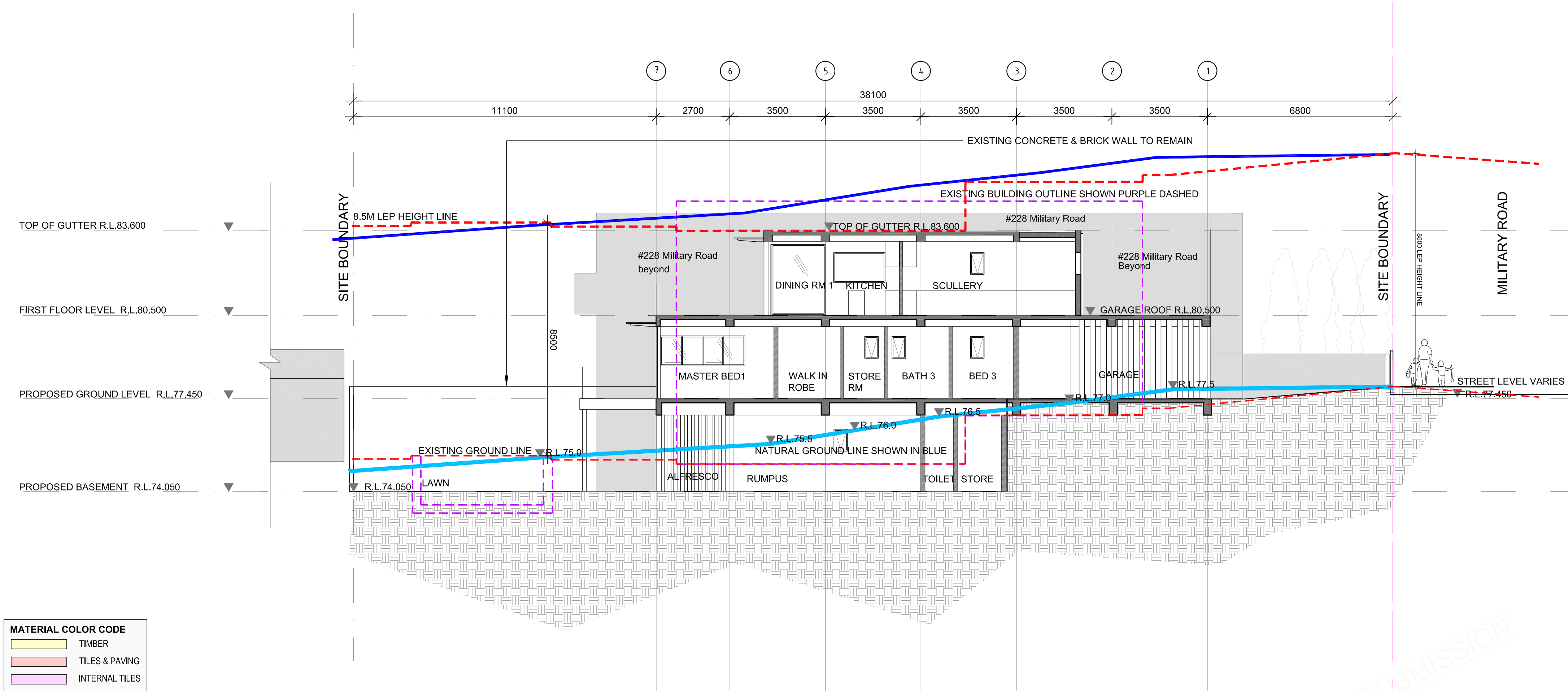
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2 EAST ELEVATION
1:100@A2



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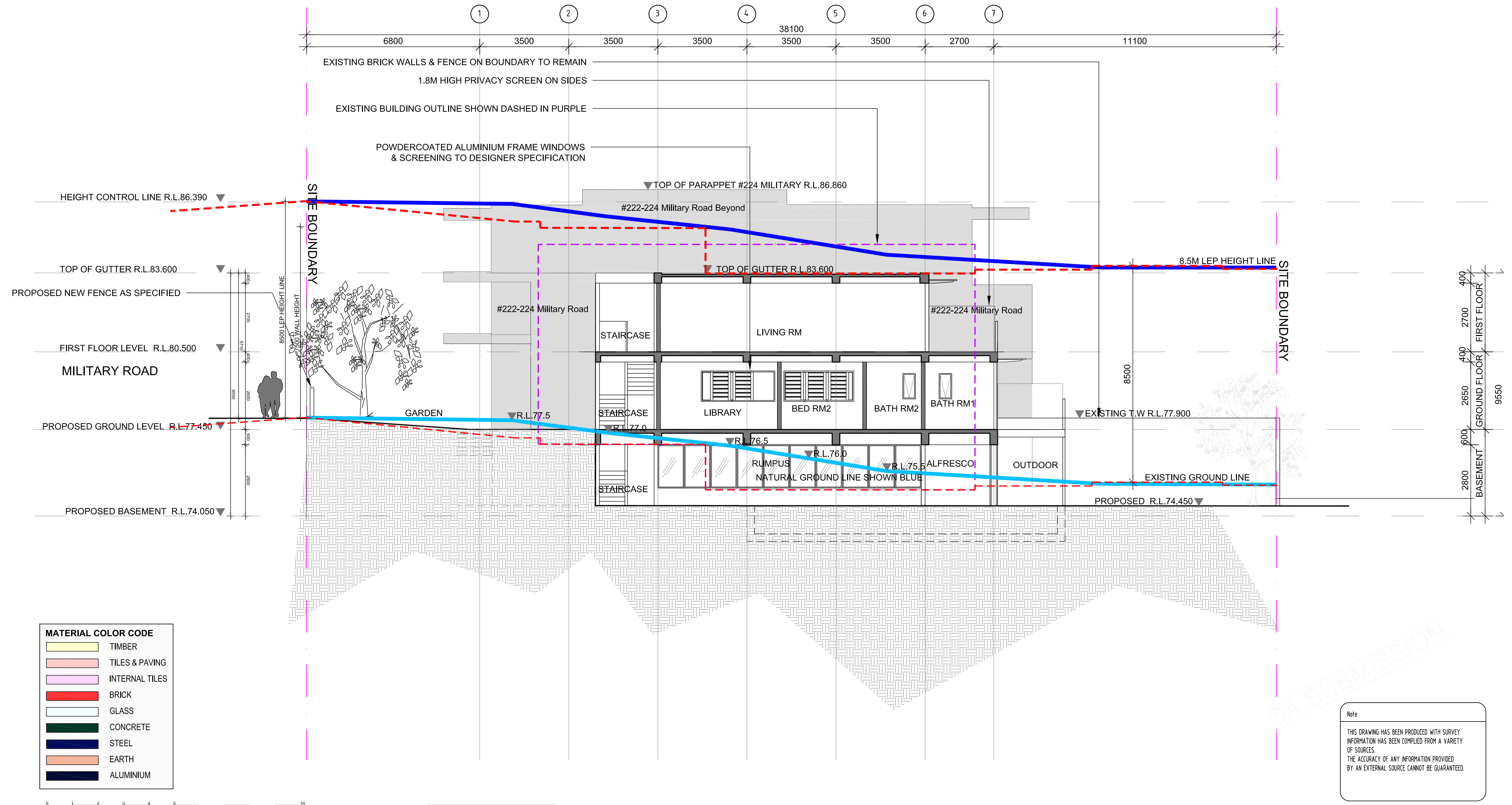
MATERIAL COLOR CODE	
	TIMBER
	TILES & PAVING
	INTERNAL TILES
	BRICK
	GLASS
	CONCRETE
	STEEL
	EARTH
	ALUMINIUM

Note

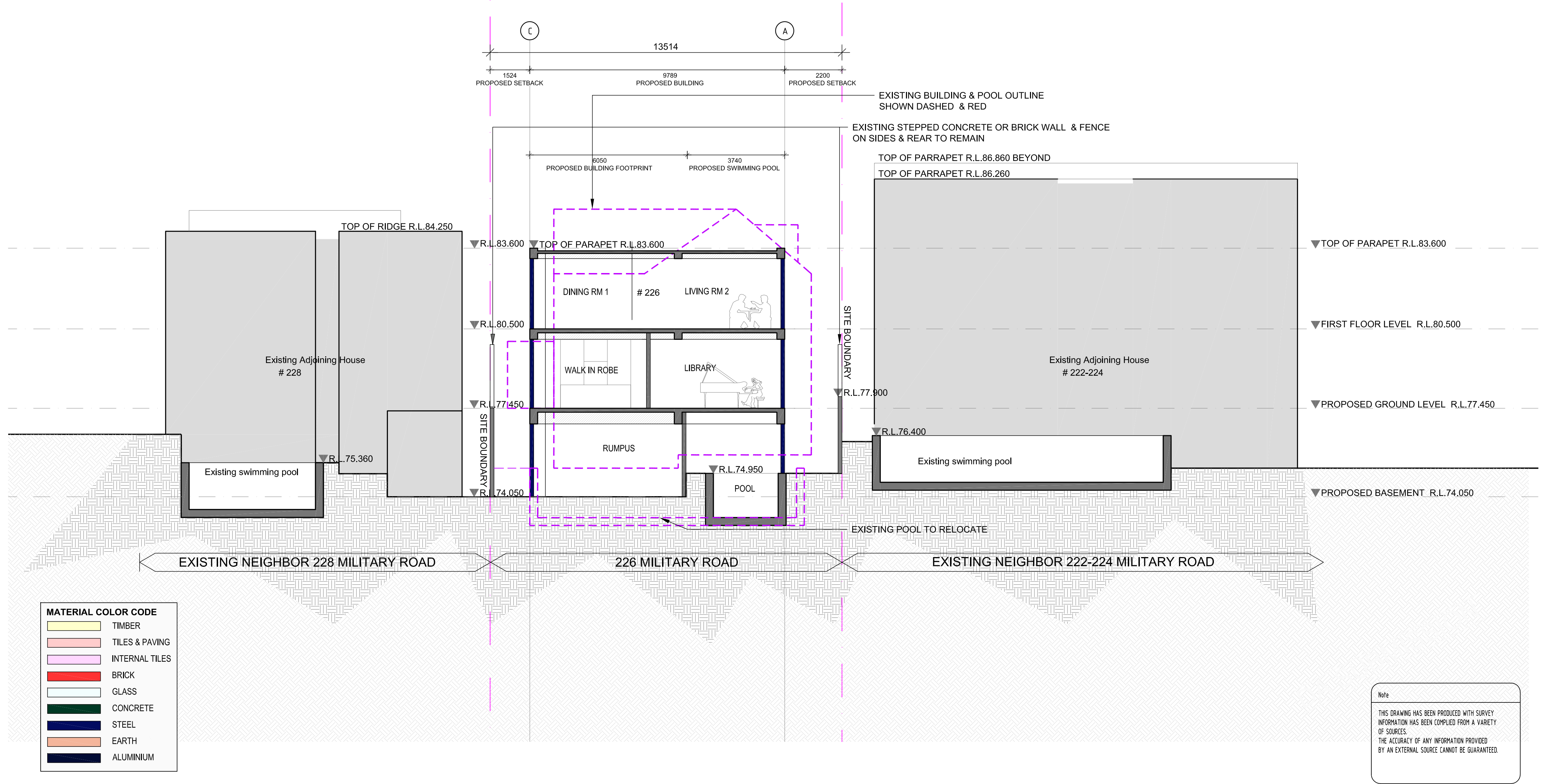
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<div>BASIX Information</div> <div>Thermal Comfort Specification</div> <div>-R.1.2 insulation to cavity brick (brick/block) walls to ground and lower ground external walls</div> <div>-R 2.5 insulation plus sarking to upper level brick veneer walls</div> <div>-R.1.0 insulation under slab to lower ground and ground floors.</div> <div>-R 2.5 insulation to suspended ceiling under concrete roof areas of ground floor level (excluding garage).</div>	<div>-R.1.0 insulation on top of roof slabs of ground level (under planting)</div> <div>-R 4.0 insulation to plasterboard ceilings of upper level.</div> <div>-R.1.5 foil backed blanket under metal (zinc) sheeting (dark color range simulated)</div> <div>-Glazing to meet the following performance (glass and frame): Uw equal or lower than 4.3, and SHGCw within 10% of 0.53 (sliding, fixed, double hung, louvres).</div> <div>-Default targets for double glazed low e clear, in aluminium frames.</div> <div>-External shading as per plan details.</div>	<div>Energy Saving Commitment</div> <div>-6star gas instantaneous hot water system</div> <div>-Single phased air conditioning system installed to at least one bedroom and one living space. EER min 3.0 (cooling) EER min 3.0 (heating).</div> <div>-Draft seals to all external doors and windows</div> <div>-All downlights to be IC rated (abut and cover approved)</div> <div>-Exhaust fans throughout to be sealed units (ie, self-closing dampers included)</div>	<div>-Mechanical exhausts to kitchen rangehood exhaust, laundry and bathroom exhausts ducted to façade/roof, with manual on/off controls.</div> <div>-Gas cooktop & electric oven as per checklist.</div> <div>-LED or fluorescent lighting throughout dwelling</div> <div>-Install an unshaded, external clothes line.</div> <div>-Install an additional, internal or sheltered clothes line</div> <div>-Timer to pool pump installed.</div> <div>-Solar gas boosted pool heating installed</div>	<div>-Install a photovoltaic cell solar system, with a peak output of at least R4.1kW</div> <div>Water Savings Commitment</div> <div>-315m2 nominated garden area, of which at lease 300m2 is to be low water use/ indigenous plantings.</div> <div>-10,000L rainwater tank with minimum of 130 m2 roof catchment</div> <div>-Collected rainwater for reuse in garden laundry tap and pool tap up</div> <div>-3 star rated, high flow rate showerheads throughout (flow rate >7.5/min & <=9L/min)</div>	<div>-4star rated toilets</div> <div>-5star rated kitchen tap</div> <div>-5star rated basin tap</div> <div>Maximum Pool capacity of 85Kl (solar gas pool heating applied)</div>
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<div>BASiX Information</div> <div>Thermal Comfort Specification</div> <div>-R.1.2 insulation to cavity brick (brick/block) walls to ground and lower ground external walls</div> <div>-R 2.5 insulation plus sarking to upper level brick veneer walls</div> <div>-R.1.0 insulation under slab to lower ground and ground floors.</div> <div>-R 2.5 insulation to suspended ceiling under concrete roof areas of ground floor level (excluding garage).</div> <div>-R.1.0 insulation on top of roof slabs of ground level (under planting)</div> <div>-R 4.0 insulation to plasterboard ceilings of upper level.</div> <div>-R.1.5 foil backed blanket under metal (zinc) sheeting (dark color range simulated)</div> <div>-Glazing to meet the following performance (glass and frame): U_w equal or lower than 4.3, and SHGC_w within 10% of 0.53 (sliding, fixed, double hung, louvres).</div> <div>-Default targets for double glazed low e clear, in aluminium frames.</div> <div>-External shading as per plan details.</div>	<div>-Draft seals to all external doors and windows</div> <div>-All downlights to be IC rated (abut and cover approved)</div> <div>-Exhaust fans throughout to be sealed units (ie, self-closing dampers included)</div> <div>Energy Saving Commitment</div> <div>-6star gas instantaneous hot water system</div> <div>-Single phased air conditioning system installed to at least one bedroom and one living space. EER min 3.0 (cooling) EER min 3.0 (heating).</div>	<div>-Mechanical exhausts to kitchen rangehood exhaust, laundry and bathroom exhausts ducted to façade/roof, with manual on/off controls.</div> <div>-Gas cooktop & electric oven as per checklist.</div> <div>-LED or fluorescent lighting throughout dwelling</div> <div>-Install an unshaded, external clothes line.</div> <div>-Install an additional, internal or sheltered clothes line</div> <div>-Timer to pool pump installed.</div> <div>-Solar gas boosted pool heating installed</div>	<div>-Install a photovoltaic cell solar system, with a peak output of at least R4.1kW</div> <div>Water Savings Commitment</div> <div>-315m2 nominated garden area, of which at lease 300m2 is to be low water use/ indigenous plantings.</div> <div>-10,000L rainwater tank with minimum of 130 m2 roof catchment</div> <div>-Collected rainwater for reuse in garden laundry tap and pool top up</div> <div>-3 star rated, high flow rate showerheads throughout (flow rate >7.5/min & <=9L/min)</div>	<div>-4star rated toilets</div> <div>-5star rated kitchen tap</div> <div>-5star rated basin tap</div> <div>Maximum Pool capacity of 85Kl (solar gas pool heating applied)</div>
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ROOFING

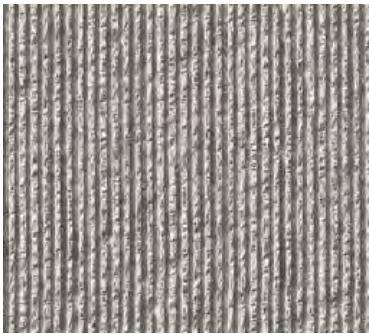
CONCRETE ROOF

GUTTER,FASCIA& DOWNPIPE
COLORBOND SURFMIST, DULUX COLOR MATCHED



GLASS BALUSTRADE

FRAMELESS GLASS BALUSTRADE TO MASTER SUITE TERRACE AND BALCONY



WALL

PRECAST CONCRETE PANEL

PRECAST CONCRETE PANEL - CUSTOMISED PATTERN

POWDER COATED COLORBOND SHEET CLADDING MATCH WITH WINDOW FRAME



SCREEN

MARINE GRADE STAINLESS STEEL MESH FROM LOCKERS OR SIMILAR



METAL BLADE FENCE

PAINTED METAL BLADE FENCE TO STREET MUROBOND BRIDGE PAINT FLINT OR SIMILAR



WINDOW & DOOR FRAME

ALUMINIUM WITH POWDER COATINGS

COLORBOND MONUMNETS MATT



POOL

QUARTZON FINISHED CONCRETE POOL- ROYAL BLUE

POOL FENCE

FRAMELESS GLASS BALUSTRADE(RECESSED CHANNEL OR SPIGOTS)POOOL FENCE TO LAWN VERTICAL



LANDSCAPING

CONCRETE FLOATING TREADS AND PAVERS IN LANDSCAPE

PROPOSED FINISH SCHEDULE

DA SUBMISSION

Note

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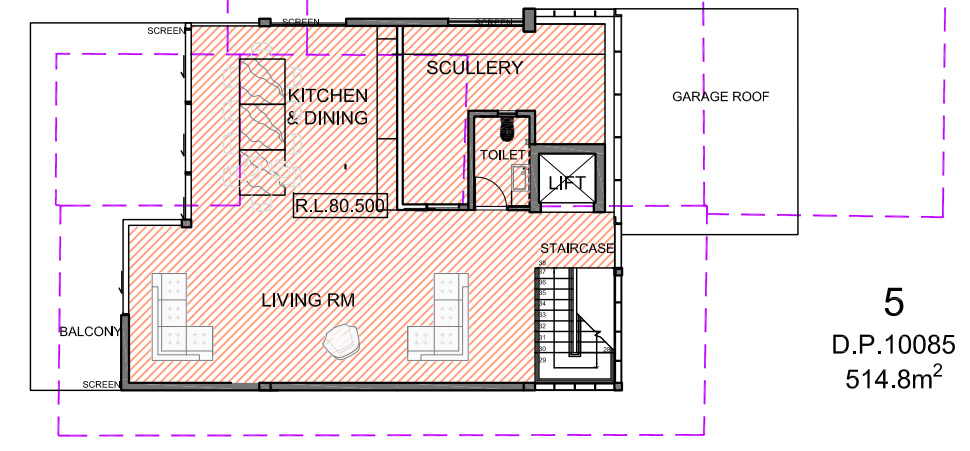
AMENDED PLANS

RECEIVED
Waverley Council

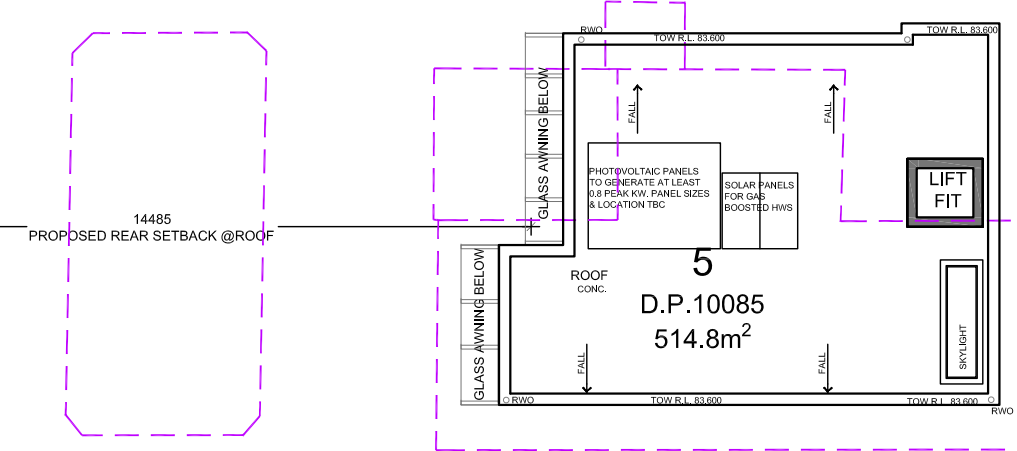
Application No: DA-282/2022

Date Received: 11/11/2022

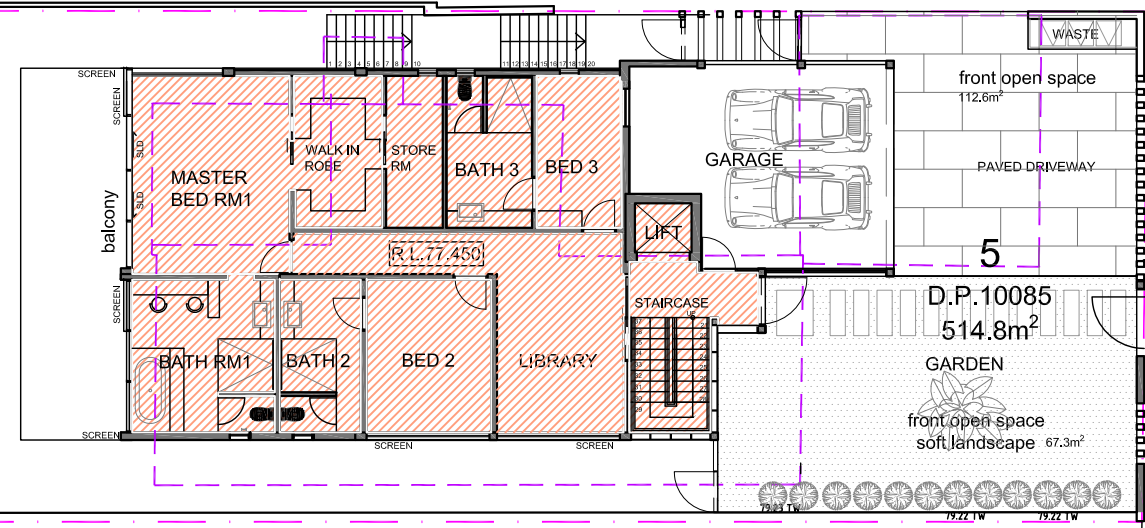
3 FIRST FLOOR PLAN
1:200@A3



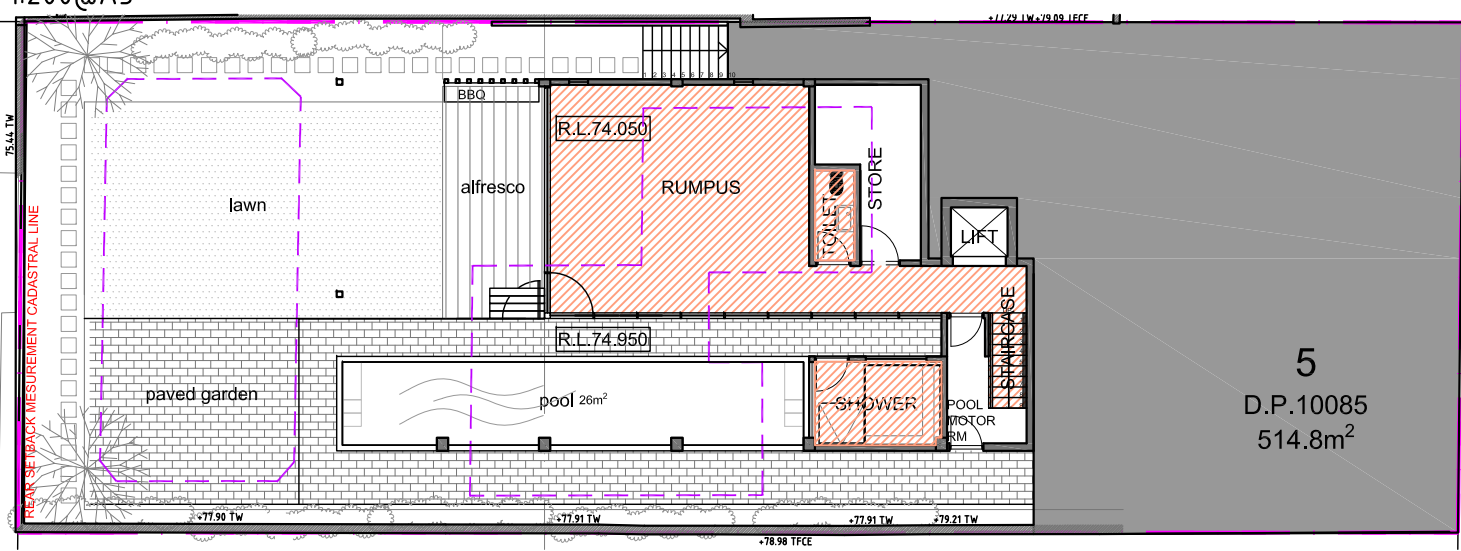
4 ROOF PLAN
1:200@A3



2 GROUND FLOOR PLAN
1:200@A3



1 BASEMENT PLAN
1:200@A3



Floor Area calculation;

Level	Existing	Proposed
Basement	50m²	59.7m²
Ground Floor	128m²	128.1m²
First Floor	128m²	97.5m²
Roof	0m²	0m²
Total	306m²	285.3m²

*excl.store room,plant room &
*incl.stair & lift area

Site Area	514.8 sqm
Existing Area	306 sqm
Proposed Area	285.3 sqm

FSR existing	0.59:1
FSR proposed	0.554:1
FSR [LEP]	0.53872:1

Note
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DRN	AMENDMENTS	DATE	REV	NOTES
				1. DO NOT SCALE DRAWINGS. WRITTEN DIMENSIONS GOVERN.
				2. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS NOTED OTHERWISE.
				3. ALL DIMENSIONS SHALL BE VERIFIED ON SITE BEFORE PROCEEDING WITH THE WORK. C/M&CO SHALL BE NOTIFIED IN WRITING OF ANY DISCREPANCIES.
				4. THIS DRAWING MUST BE READ IN CONJUNCTION WITH ALL RELEVANT CONTRACTS, SPECIFICATIONS, REPORTS AND DRAWINGS.
				5. ALL DIMENSIONS MUST BE CHECKED AND COORDINATED ON SITE PRIOR TO BE MANUFACTURED.
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226 MILITARY RD,DOVER HEIGHTS,2030

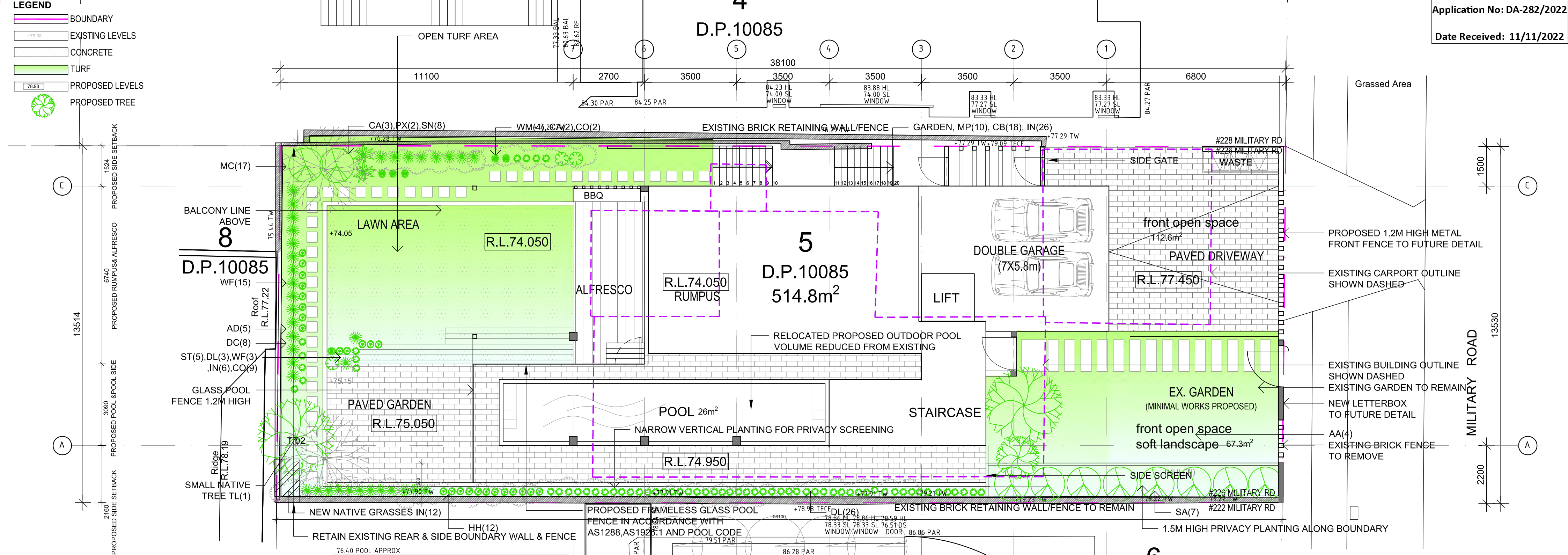
GFA CALCULATION

Design Ref.	Project Ref.	Attribute	Discipline	Sub-Number
DA110				

SCALE
1:200@A3
SIZE
REVISION
A

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-282/2022
Date Received: 11/11/2022



existing pool

LANDSCAPE SPECIFICATION NOTES

SITE PREPARATION
Locate any underground and over ground services & ensure no damage occurs. Levels on plan are nominal only & all dimensions to be checked on site prior to commencement. Final structural integrity of all items shall be the sole responsibility of landscape contractor.

WORKMANSHIP AND MATERIAL QUALITY
Materials and workmanship are to conform to the current applicable Australian Standard Specifications and Codes. Any work or materials, which, in the opinion of the Site Manager do not meet appropriate industry standards should be rejected. Rejected work shall be removed and reinstated to an acceptable standard at no additional cost to the Client.
Where works are adjacent to existing works, make proper junctions between new and existing works and make good any damage caused to adjoining existing and retained works.

PROTECTION OF EXISTING TREES:
Protect all trees affected by demolition & construction. Take necessary precautions to protect the Structural Root Zone(SRZ) as per AS 4970-2009 Australian Standard for protection of Trees on Development Sites. Tree protection measures shall remain intact until the completion of all construction works.
Prohibited Works or material storage within the TPZ as per AS 4970 -2009 except with approval of council:
-entry of machinery or storage of building materials, parking of any kind of vehicles, erection or placement of site facilities, removal or stockpiling of soil or site debris, disposal of liquid waste including paint & concrete wash
-excavation or trenching of any kind (including irrigation or electrical connections, -attaching any signs or any other objects to the tree, placement of waste disposal or skip bins
-pruning and removal of branches, other than those by a qualified Arborist
Compacted Ground/Coring: Avoid compaction of the ground under trees. If compaction nevertheless occurs loosen the soil by Coring. Coring to be carried out by a qualified Arborist.

REMOVAL OF EXISTING TREES
All trees to be removed shall be carried out by a qualified arborist and work shall conform to the provisions of AS 4373-2007 Australian Standards for The Pruning of Amenity Trees.

ELIMINATE WEEDS
Remove all existing weeds by hand, wiping or spraying with a glyphosate based herbicide. Weed control shall never be performed by mechanical cultivation or by scraping.
Herbicide spraying is to be used to eliminate all existing weeds 30days prior to planting.

EXCAVATION & SUB SOIL PREPARATION
Excavation garden beds to the depth required and rip or scarify base & sides of pit to a minimum depth of 150mm.

SUBSOIL DRAINAGE
Install drainage layer where there is surface water runoff draining into garden bed areas & where the existing sub-soil has more than 50% clay composition there is a risk of subsurface water ponding. Install perforated corrugated ag. line 75-100mm Dia. with geotextile filter sock & backfill to a minimum 200mm using free draining material, reclaimed/recycled where available. Direct flows at a minimum 0.5% fall to SW system. In areas isolated from stormwater system excavation & backfill an appropriate water dispersion pit.

REUSE EXISTING TOPSOIL
Existing site topsoil should be salvaged & appropriately stockpiled where possible.

IMPORTED TOPSOIL
All construction must comply with AS 4419-2003 Soils for Landscaping and Garden Use. Turf Area: 'Turf Underlay' Tree Pit and Shrub Planting: 'Premium Garden Mix' as supplied by approved contractor or alternative. Planting in Planter Boxes: 'Soil mix A- 'Planter Box Mix' as supplied by approved contractor or alternative.

TREE STOCK
Tree stock to be supplied by production nurseries in accordance with AS 2303:2018 Tree Stock for Landscape Use.
Health and Vigour: Supply plants with foliage size, texture & color consistent with that shown in healthy specimens of the species. Balance of Crown: Supply plants with max. variation in crown bulk on opposite sides of stem aslx. +/- 20%. Stock selection should also be based on NATSPEC Guide Specifying Trees: a Guide to Assessment of Tree Quality.

STACKING
Install 2x2400mm x 50mm x 50mm hardwood timber stakes with hessian ties to all trees. Provide appropriate support considering exposure to prevailing winds and hessian ties to be removed as soon as the tree is self supporting.

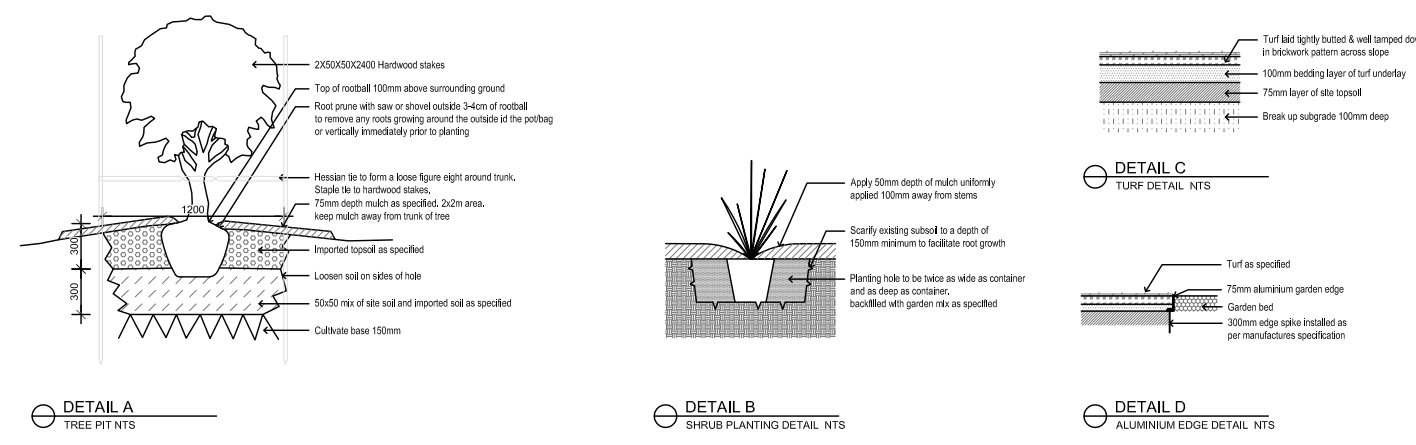
ALUMINIUM GARDEN EDGING
Supply and install Link Edge 75mm as per Landscape Plan. Compact and level the base in the required area as indicated on Landscape Plan. Half hammer spikes into prepunched holes (approx. 4 spikes every 3m length) starting from the first hole in the end of the Link Edge. Use spike washers supplied by manufacturer. Half hammer subsequent spikes in pivotal areas along length. (Especially at points where a curve is required). Connect length together by using fish-plate connector supplied by manufacturer. Check position of Link Edge is correct before hammering spikes firmly into ground.

MULCHING
All construction must comply with AS 4454-2003 Compost, soil conditioners and mulches. All planting area impacted by building works to receive 50-75mm of garden Mulch. (per mulch 100mm away from plant stem & form a well to stop excessive water runoff. Finish flush with adjacent surfaces.

TURFING
New turf - Sir Walter Softed Leafed Buffalo. Excavate / grade all areas to be turfed to 120mm below finished levels. Ensure that all surface runoff is directed away from buildings. Ensure that no pooling or ponding will occur. Further rip the subgrade to 150mm. Install 100mm of imported turf underlay. Rolls to be closely butted and laid in a brickwork pattern. Fill any small gaps with top soil and water thoroughly.

WATERING
Water in immediately after plant installation & allow for soil settlement. For the first 2 to 4 weeks after planting, the root zone & immediate surrounding area must be kept moist. Continue watering until plants have established.

STEPPING STONES
Install each stepping stone on a 75mm thick mortar bed and space according to plan. Stones to finish 20mm above adjacent surface. Fill gaps as specified.



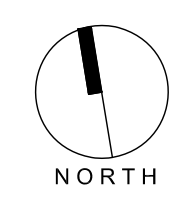
FRONTYARD
OPEN SPACE AREA: 112.2m²
(SCOT LANDSCAPES: 67.3m²)

OPEN SPACE AREA TOTAL: 385m²
74% of the site area

LANDSCAPE AREA TOTAL: 193.3m²
37.5% of the site area

NOTES
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DATE
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226 MILITARY RD, DOVER HEIGHTS, 2030

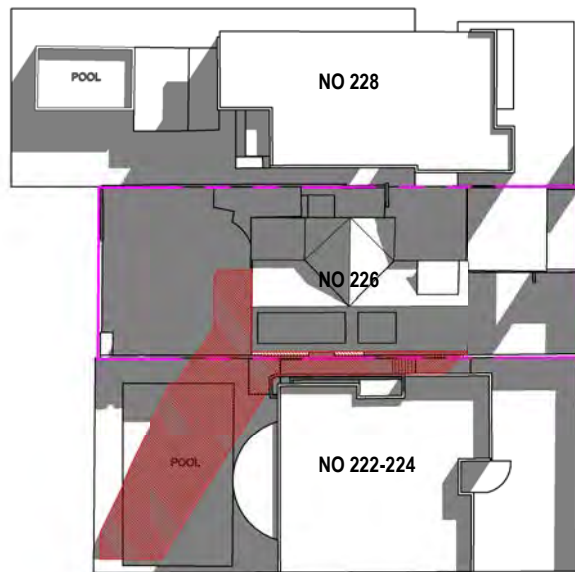
LANDSCAPE PLAN

Note

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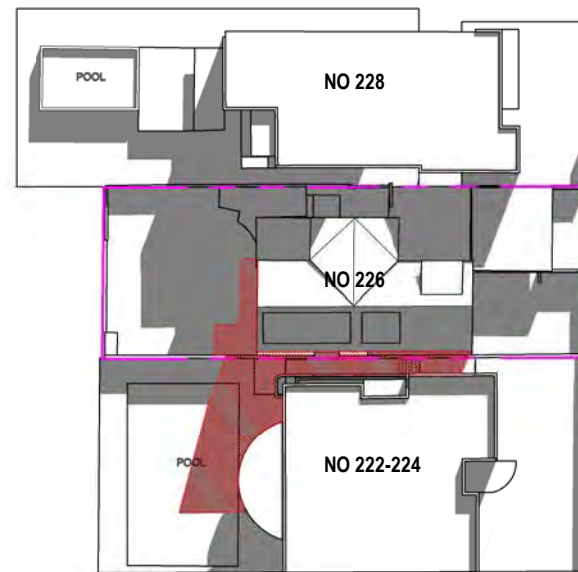
Design Ref.	Project Ref.	Attribute	Discipline	Sub-Number
Drg. No.	/	/	/	DA102

SCALE
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SIZE
A2
REVISION
A



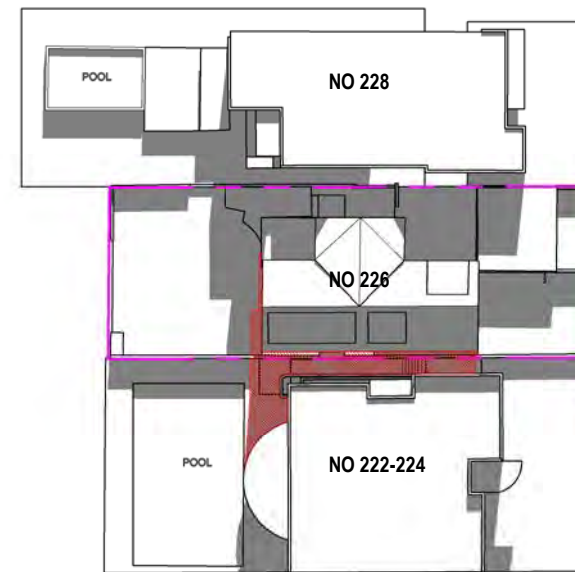
21 JUN-9am

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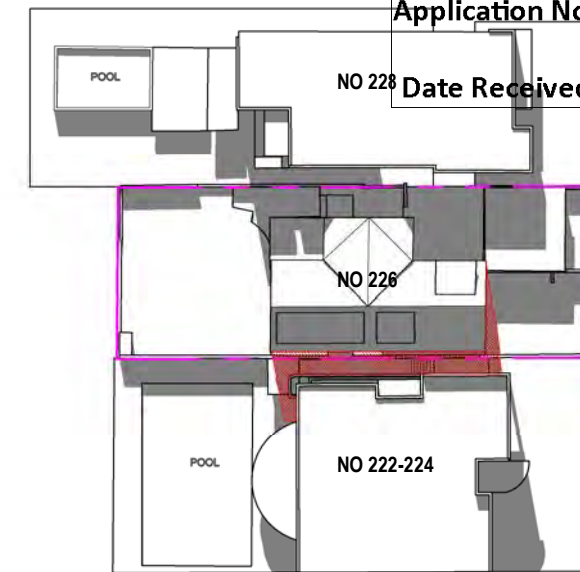
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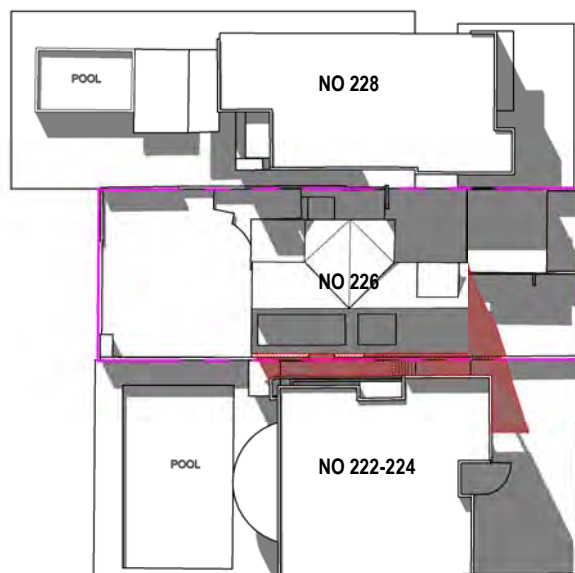
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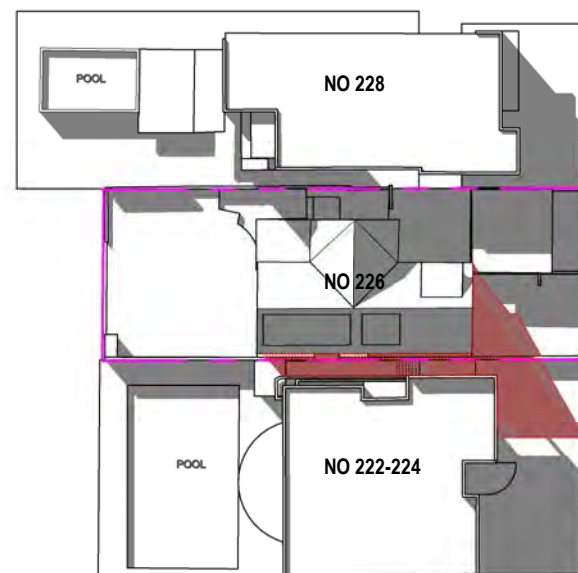
21 JUN-12 noon

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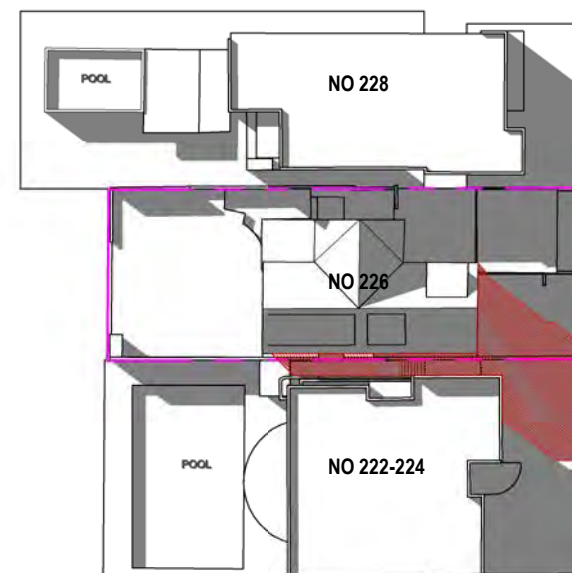
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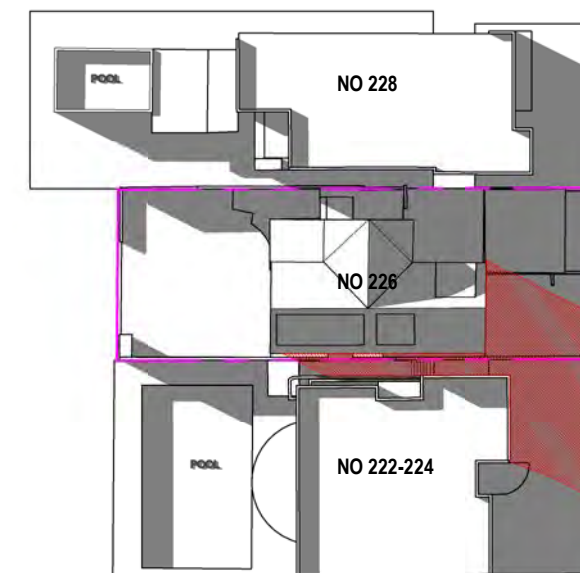
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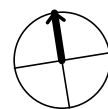
21 JUN-3pm

1 : 600



21 JUN-4pm

1 : 600



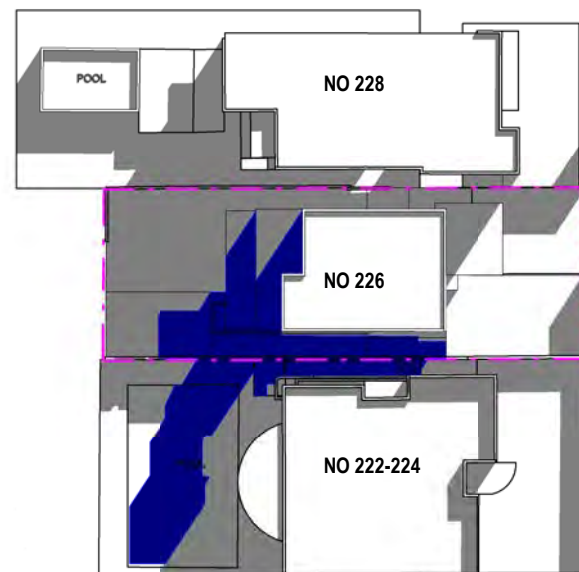
- EXISTING BUILDING SHADOW
- PROPOSED BUILDING SHADOW
- BUILDING BOUNDRY LINE

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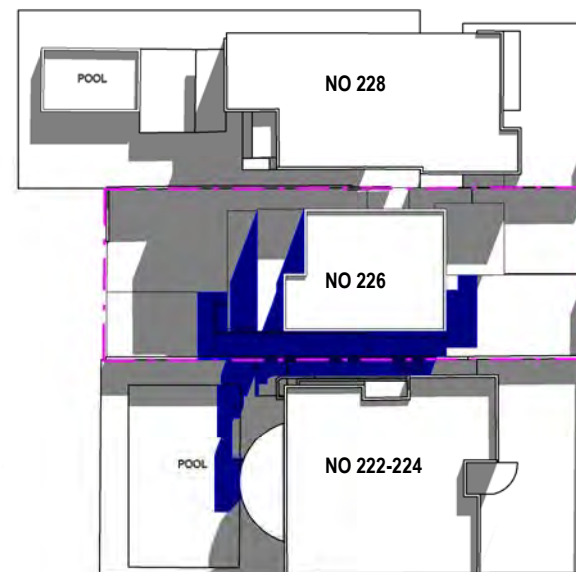
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PROJECT:	226 Military Road, Dover Height, 2030	DRAWN:	NZ	CHECKED:	CL
CLIENT:	CJY & CO	SCALE:	As indicated	DATE:	11/11/22
TITLE:	Shadow Diagram- Existing Building	PROJECT No.	21274A	ISSUE:	2
		DRAWING No.	CMS-SH-01		



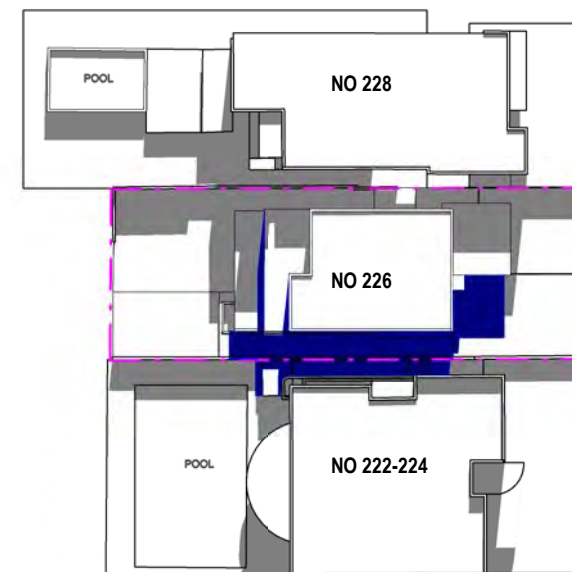
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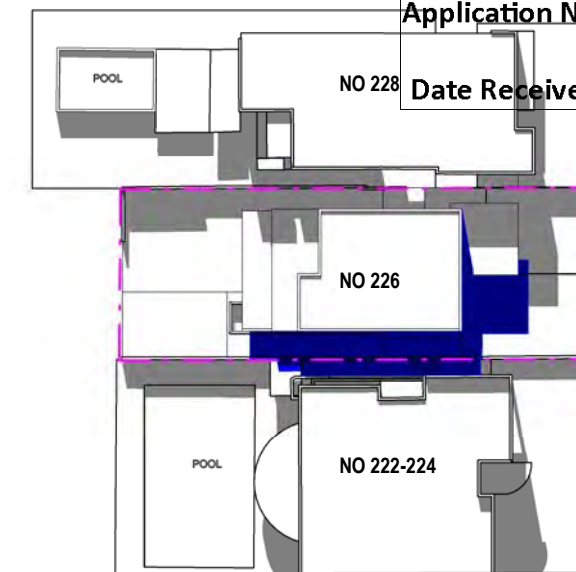
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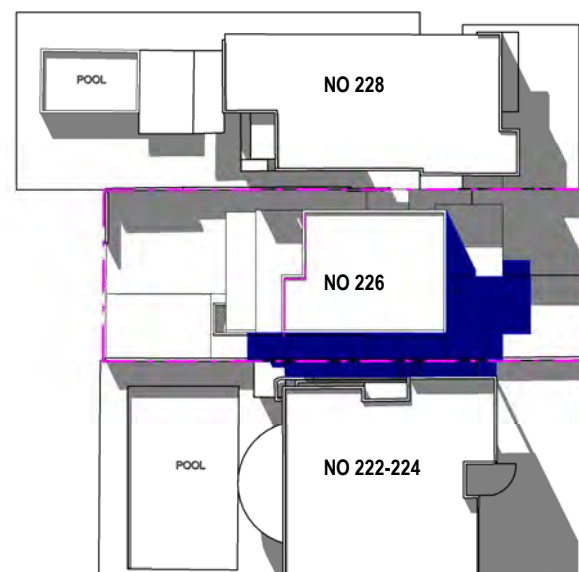
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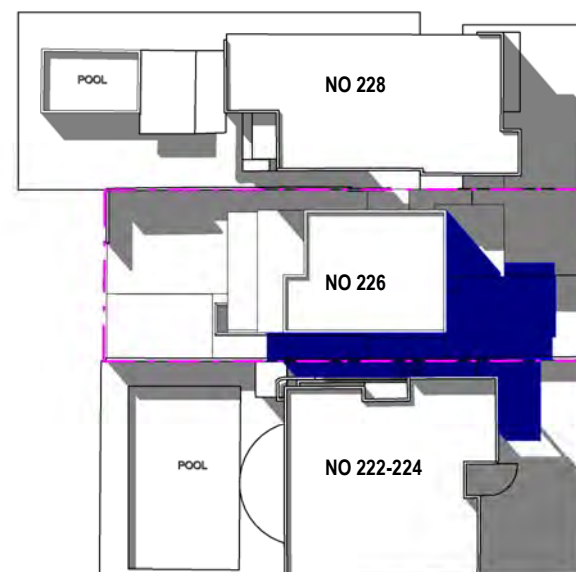
21 JUN-12 noon

1 : 600



21 JUN-1pm

1 : 600



21 JUN-2pm

1 : 600



21 JUN-3pm

1 : 600



21 JUN-4pm

1 : 600



- EXISTING BUILDING SHADOW
- PROPOSED BUILDING SHADOW
- BUILDING BOUNDRY LINE

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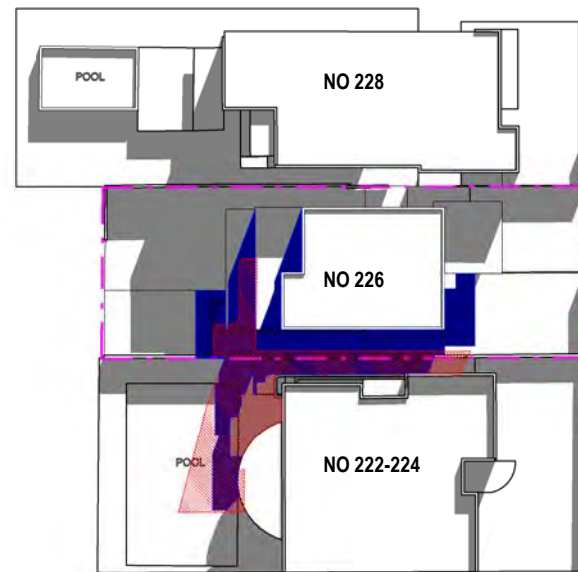
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PROJECT:	226 Military Road, Dover Height, 2030	DRAWN:	NZ	CHECKED:	CL
CLIENT:	CJY & CO	SCALE:	As indicated	DATE:	11/11/22
TITLE:	Shadow Diagram- Proposed Building	PROJECT No.	21274A	ISSUE:	2
		DRAWING No.	CMS-SH-02		



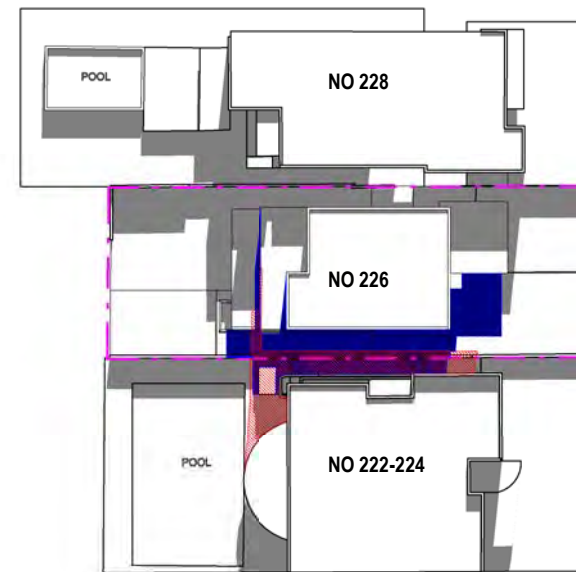
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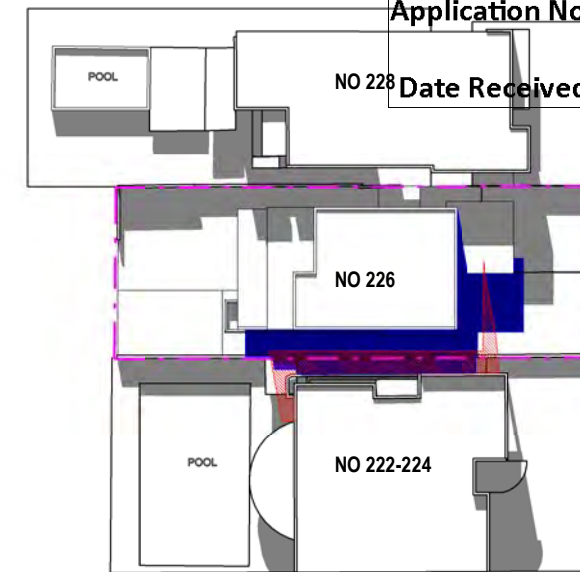
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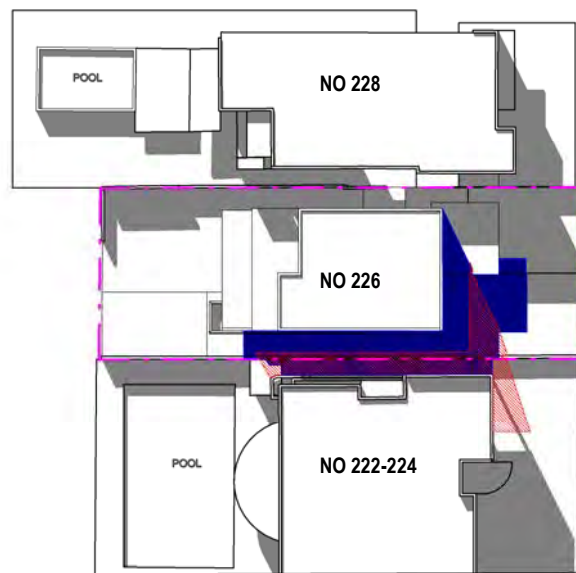
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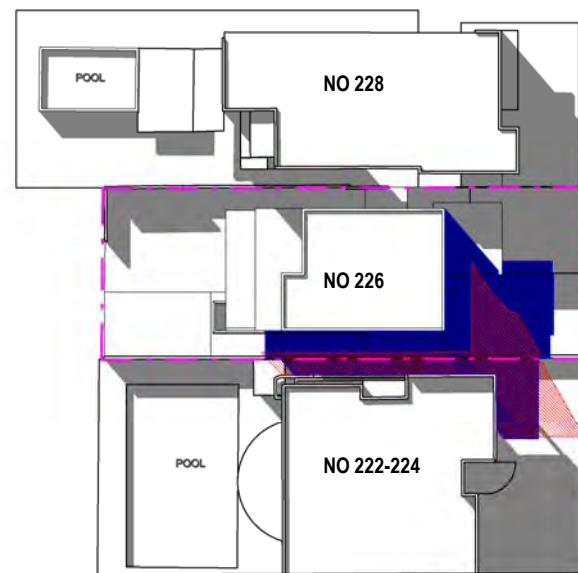
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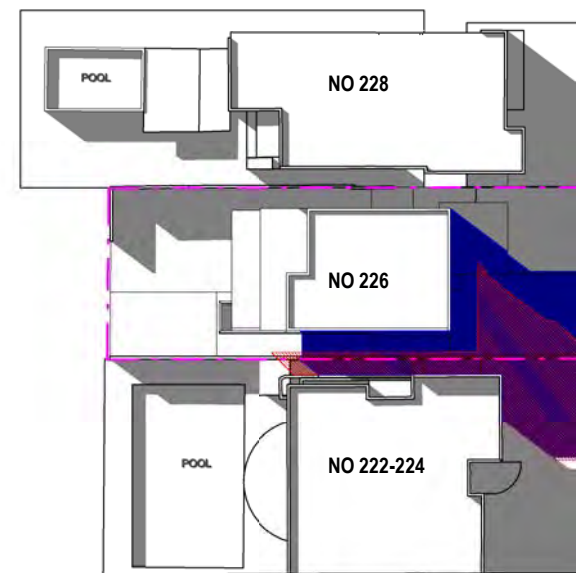
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21 JUN-2pm

1 : 600



21 JUN-3pm

1 : 600



21 JUN-4pm

1 : 600



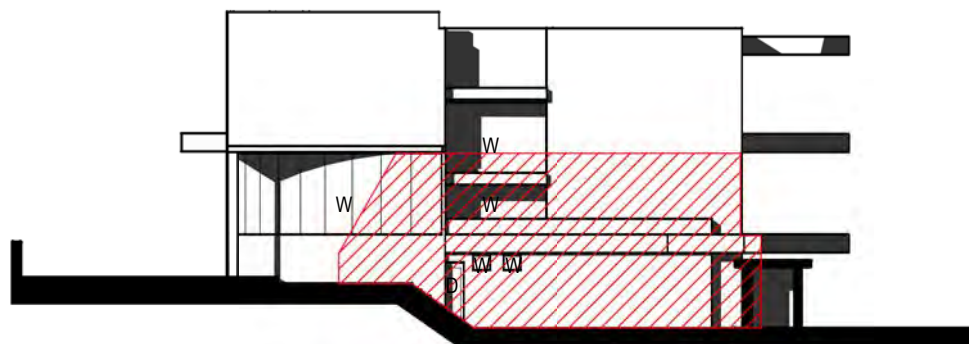
- EXISTING BUILDING SHADOW
- PROPOSED BUILDING SHADOW
- BUILDING BOUNDRY LINE

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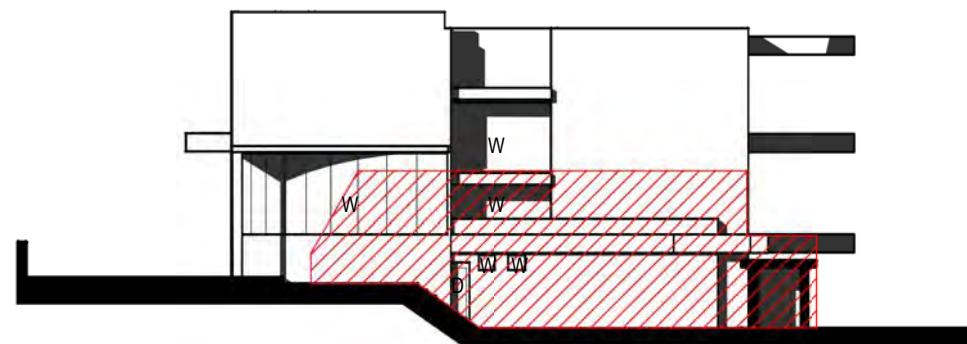
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PROJECT:	226 Military Road, Dover Height, 2030	DRAWN:	NZ	CHECKED:	CL
CLIENT:	CJY & CO	SCALE:	As indicated	DATE:	11/11/22
TITLE:	Shadow Diagram- Comparison	PROJECT No.	21274A	ISSUE:	2
		DRAWING No.	CMS-SH-03		



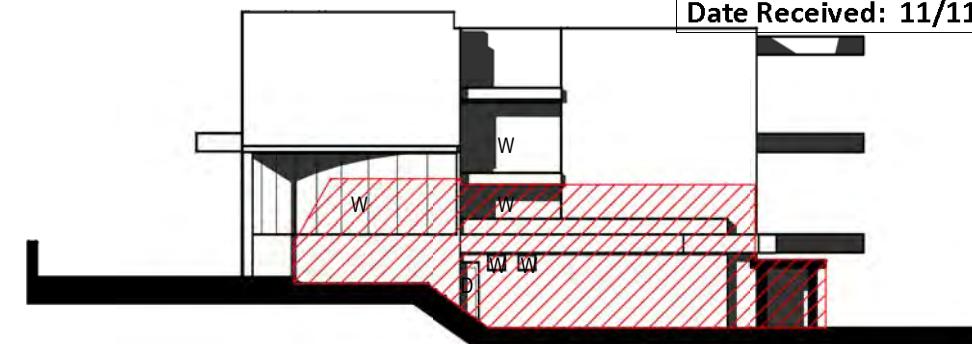
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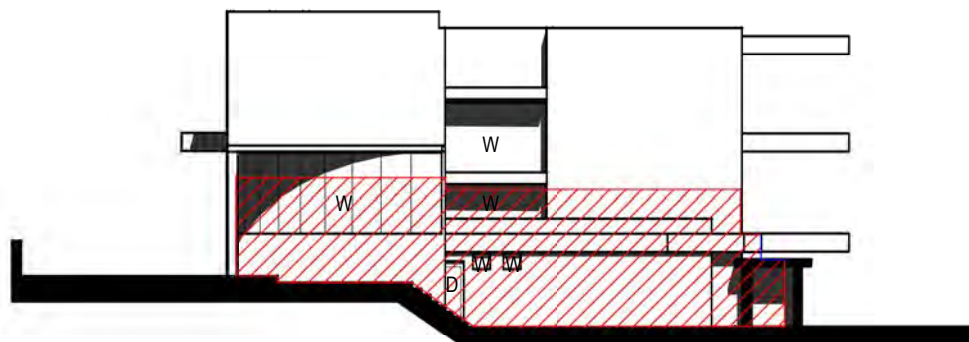
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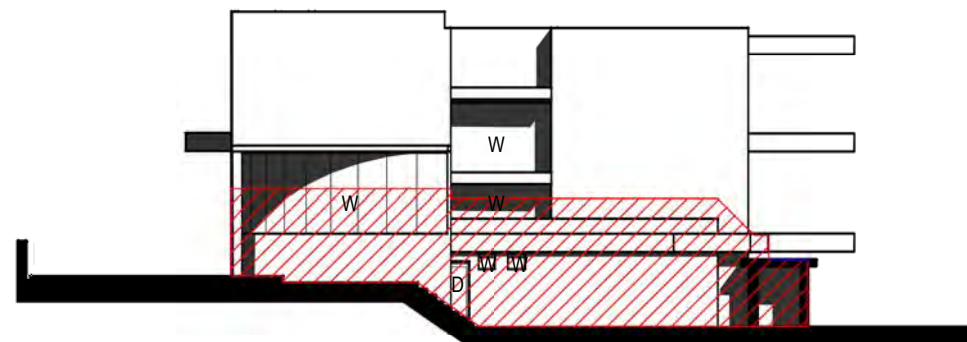
21 JUN-11am

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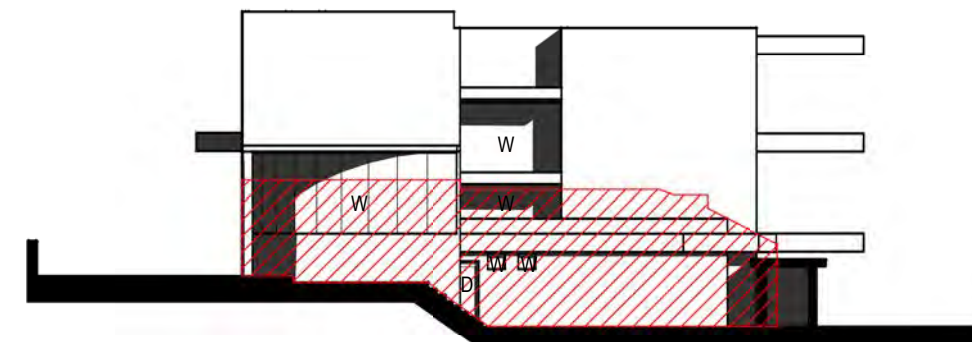
21 JUN-12 noon

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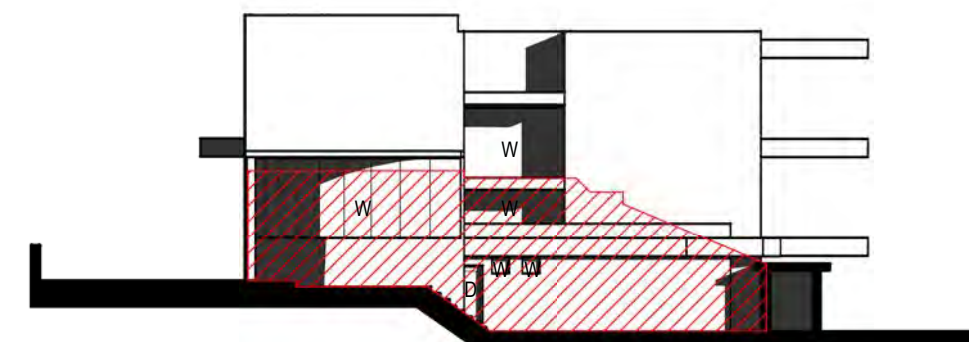
21 JUN-1pm

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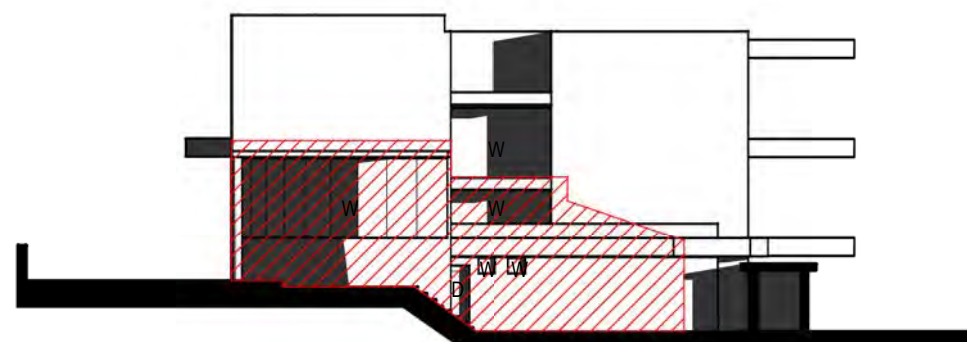
21 JUN-2pm

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21 JUN-3pm

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21 JUN-4pm

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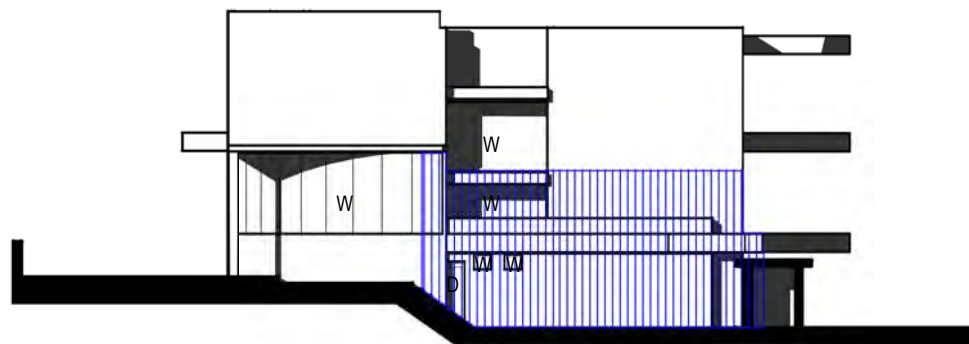
EXISTING BUILDING SHADOW
PROPOSED BUILDING SHADOW
SELF CASTING SHADOW

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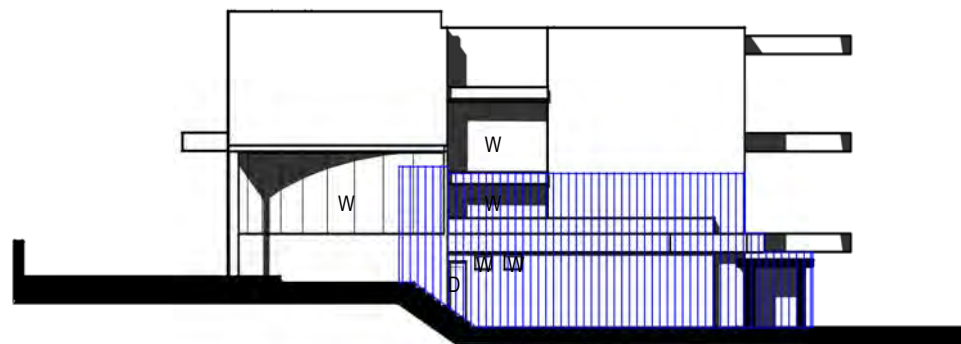
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PROJECT:	226 Military Road, Dover Height, 2030	DRAWN: NZ	CHECKED: CL
CLIENT:	CJY & CO	SCALE: As indicated	DATE: 11/11/22
TITLE:	Shadow Diagram-Elevation NO 222-Existing Building	PROJECT No. 21274A	ISSUE: 2
		DRAWING No. CMS-SH-04	



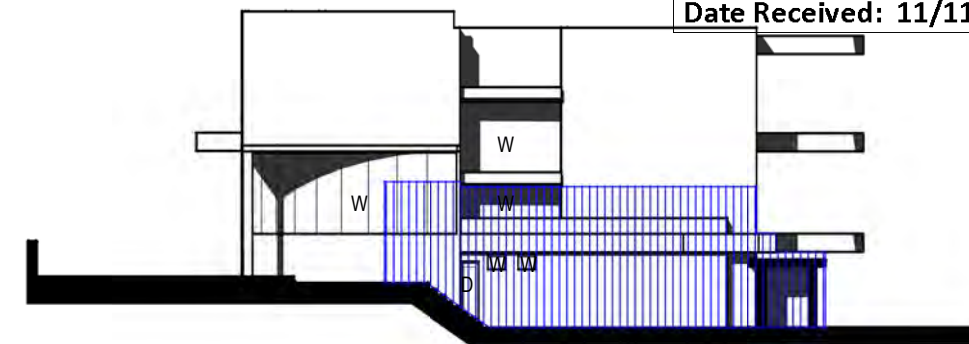
21 JUN-9am

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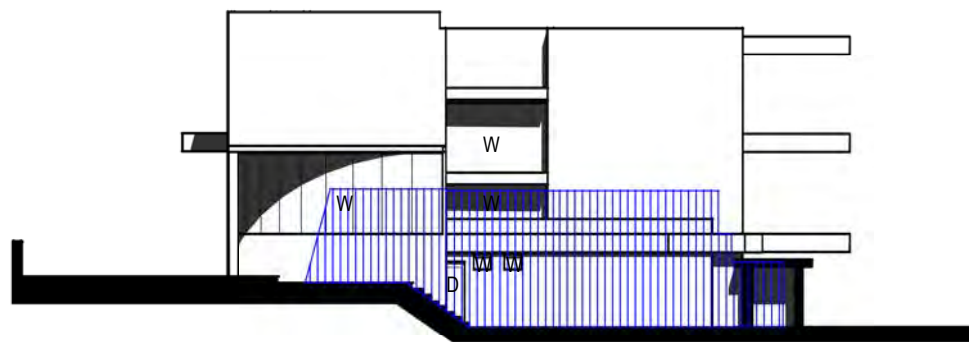
21 JUN-10am

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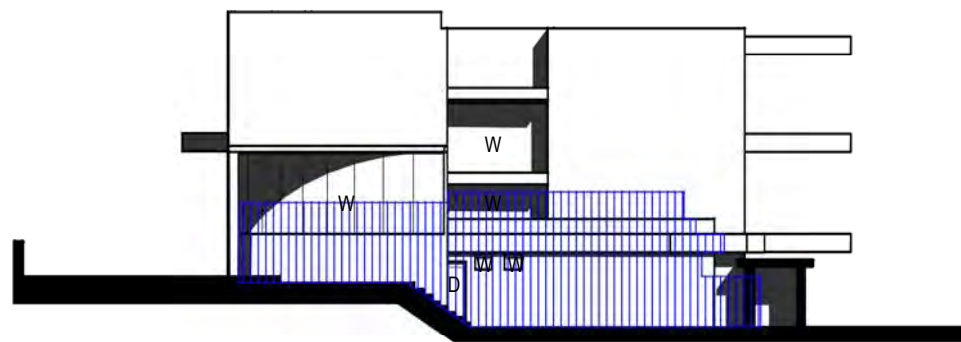
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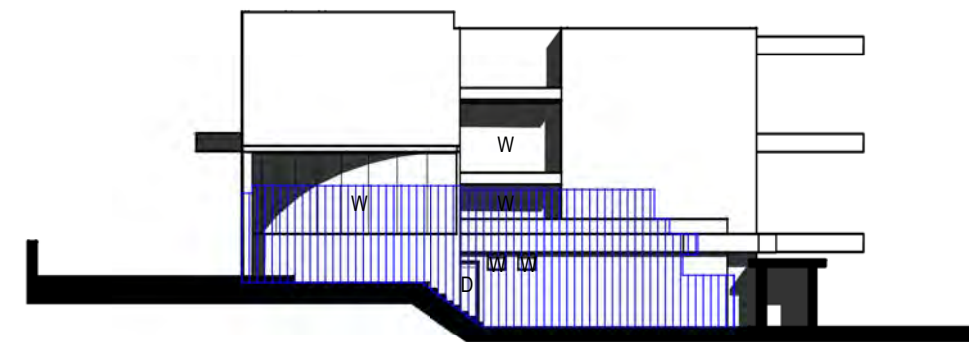
21 JUN-12 noon

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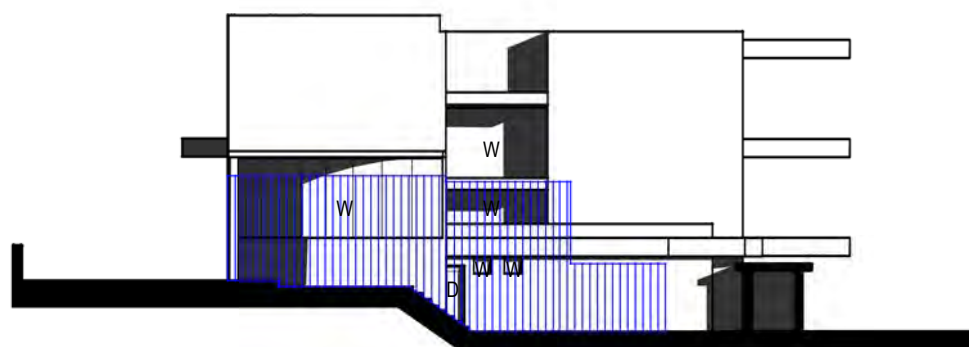
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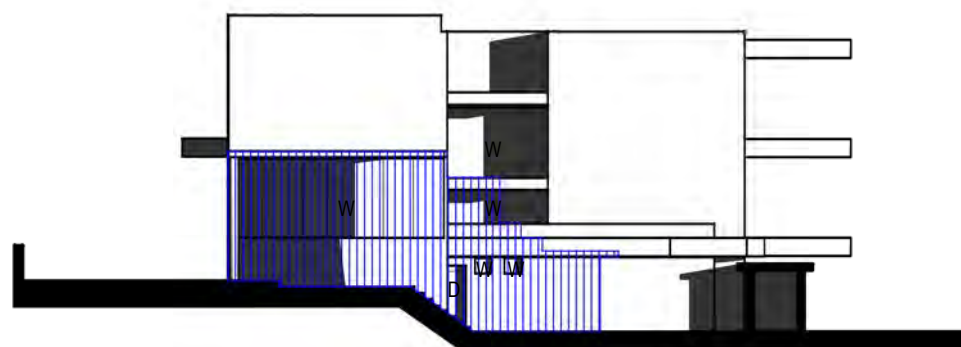
21 JUN-2pm

1 : 250



21 JUN-3pm

1 : 250



21 JUN-4pm

1 : 250

EXISTING BUILDING SHADOW
PROPOSED BUILDING SHADOW
SELF CASTING SHADOW

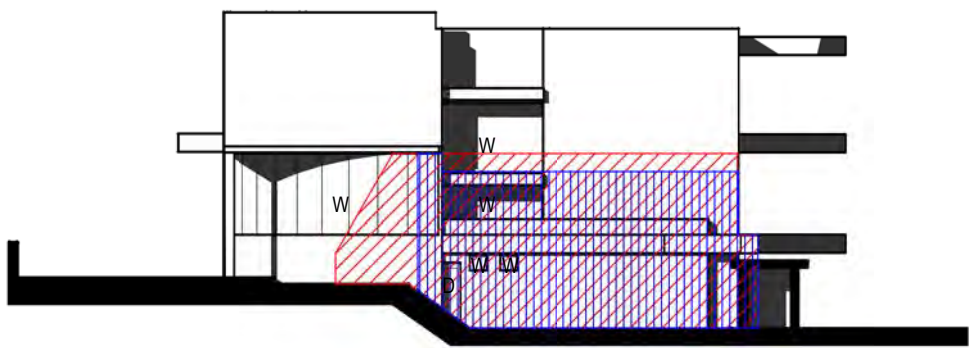
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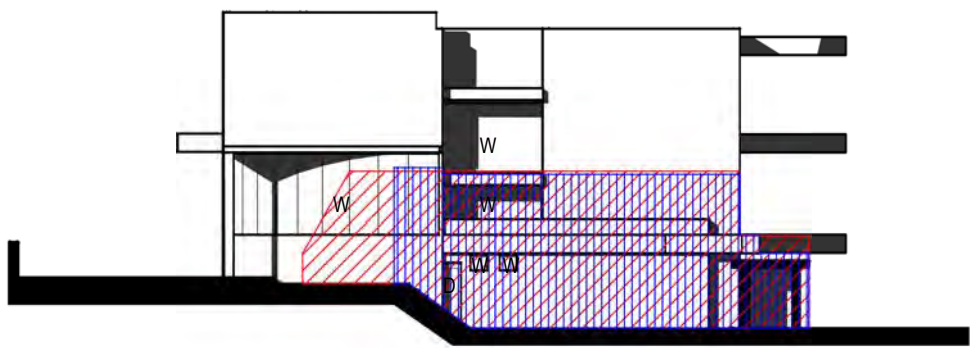
PROJECT: 226 Military Road, Dover Height, 2030
CLIENT: CJY & CO
TITLE: Shadow Diagram-Elevation NO 222-Proposed Building

DRAWN: NZ
SCALE: As indicated
PROJECT No. 21274A
DRAWING No. CMS-SH-05
CHECKED: CL
DATE: 11/11/22
ISSUE: 2



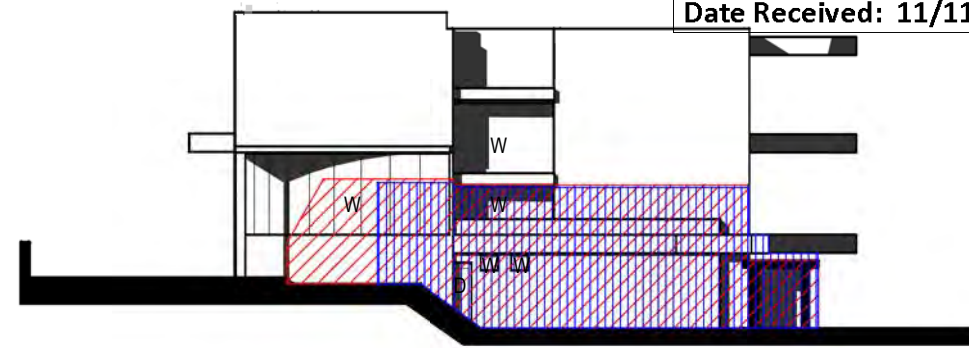
21 JUN- 9am

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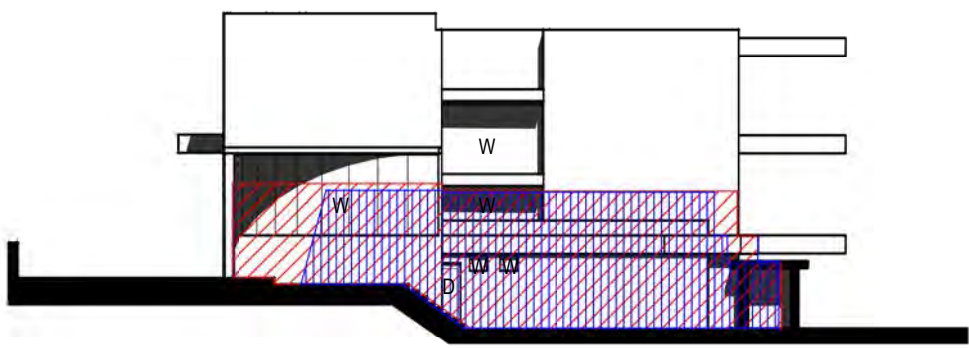
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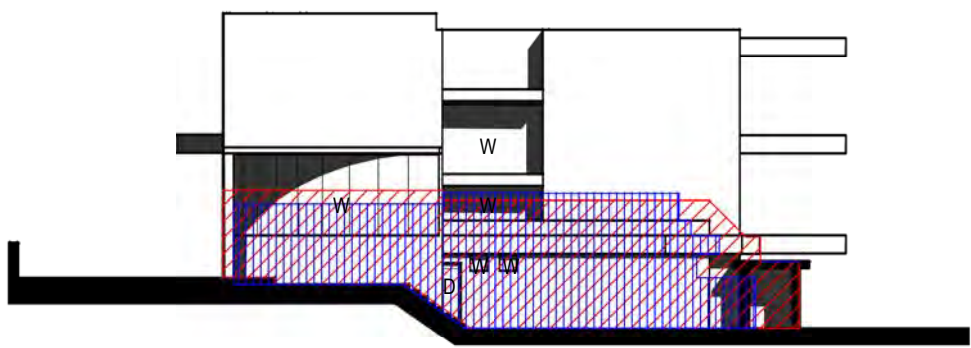
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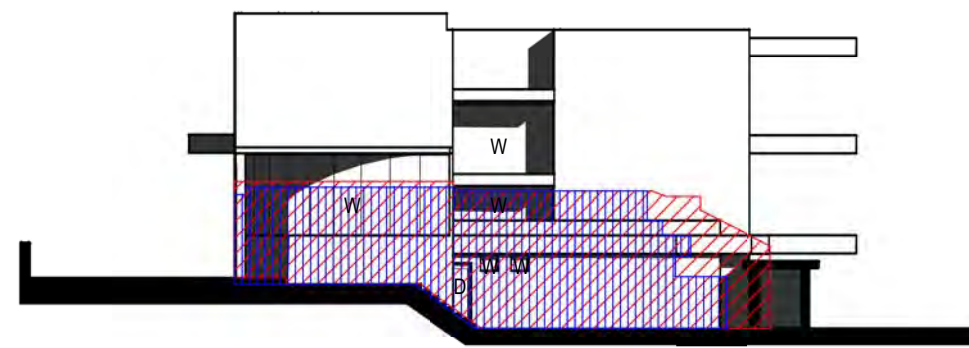
21 JUN- 12 noon

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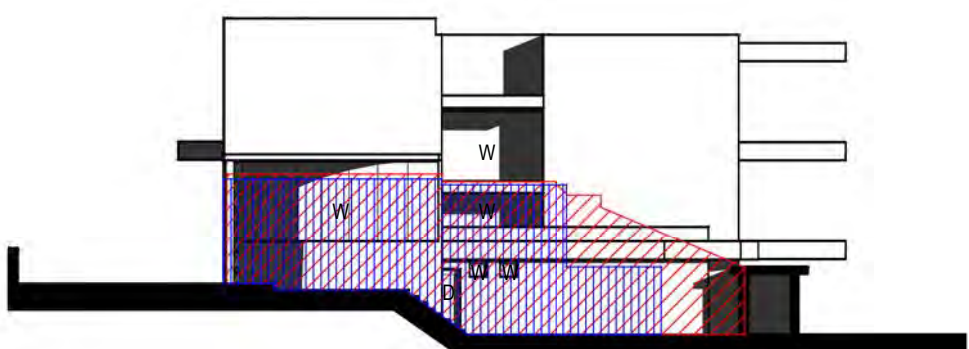
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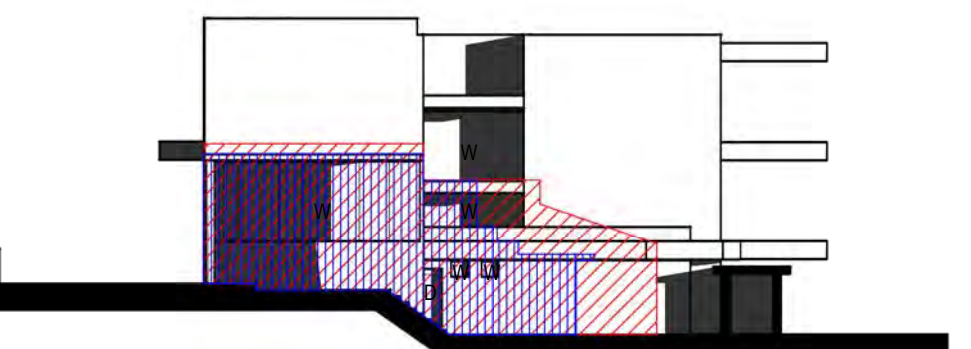
21 JUN-2pm

1 : 250



21 JUN- 3pm

1 : 250




21 JUN-4pm

1 : 250

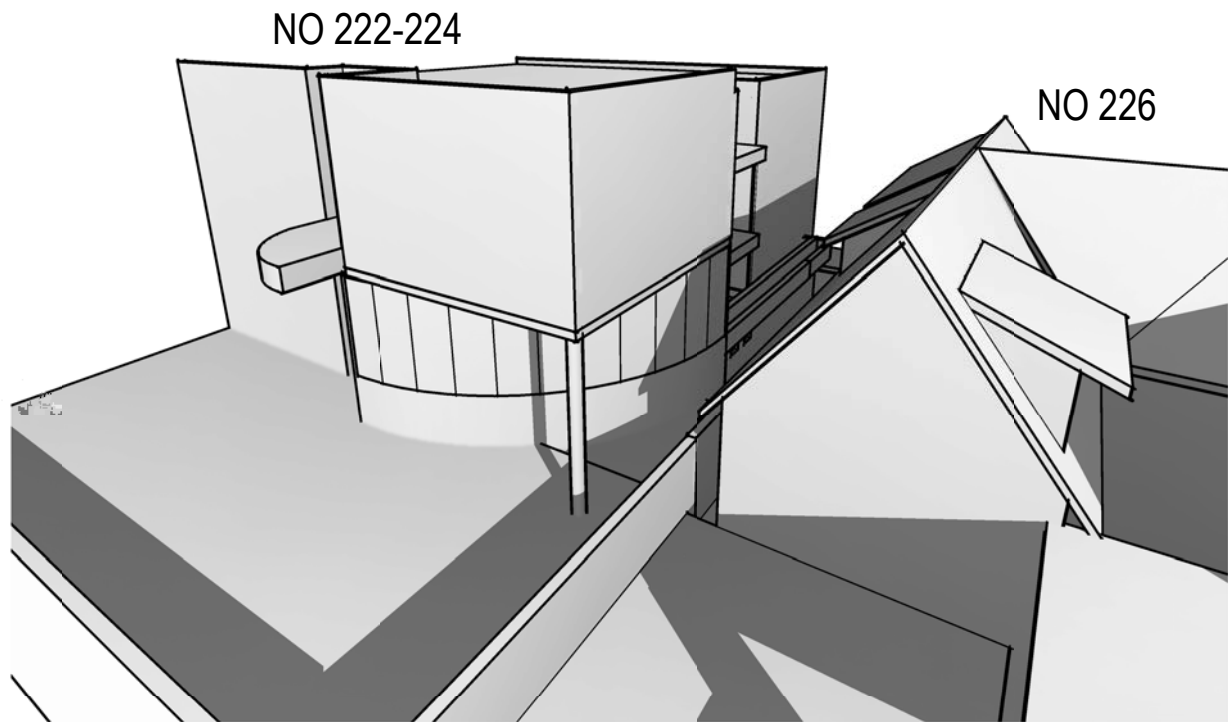
- EXISTING BUILDING SHADOW
- PROPOSED BUILDING SHADOW
- SELF CASTING SHADOW

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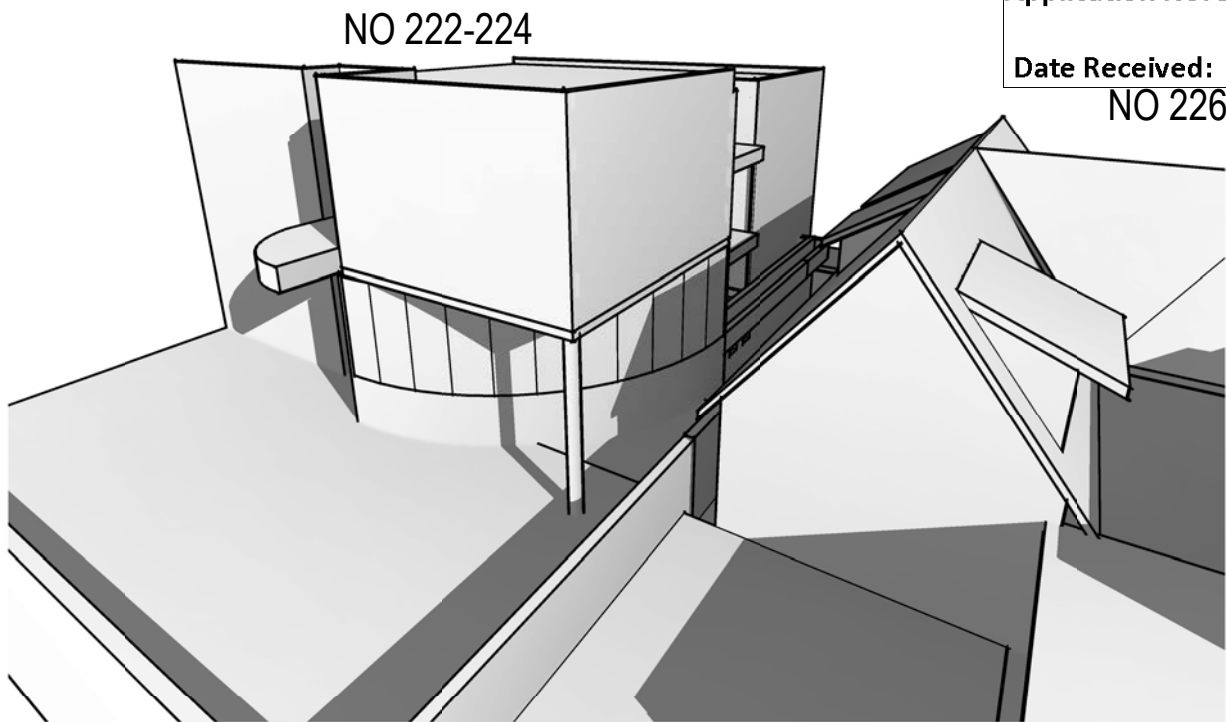


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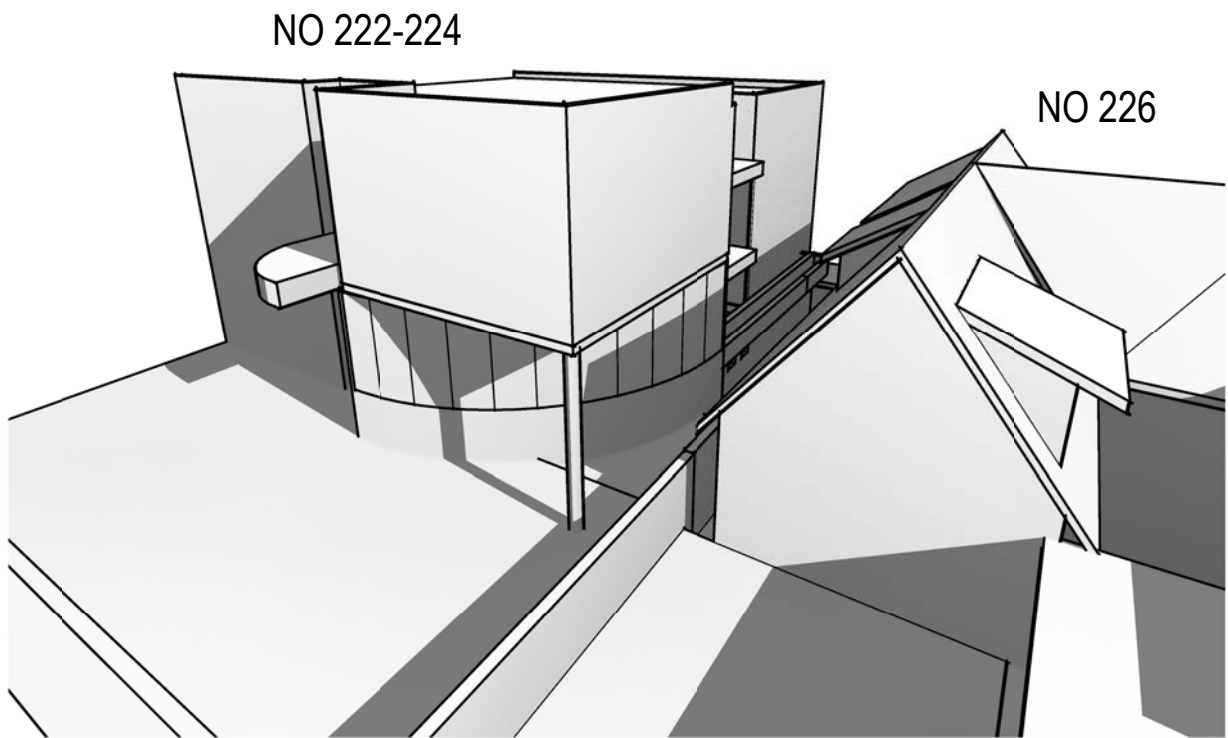
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CLIENT:	CJY & CO	SCALE:	As indicated	DATE:	11/11/22
TITLE:	Shadow Diagram- Elevation NO 222-Comarison	PROJECT No.	21274A	ISSUE:	2
		DRAWING No.	CMS-SH-06		



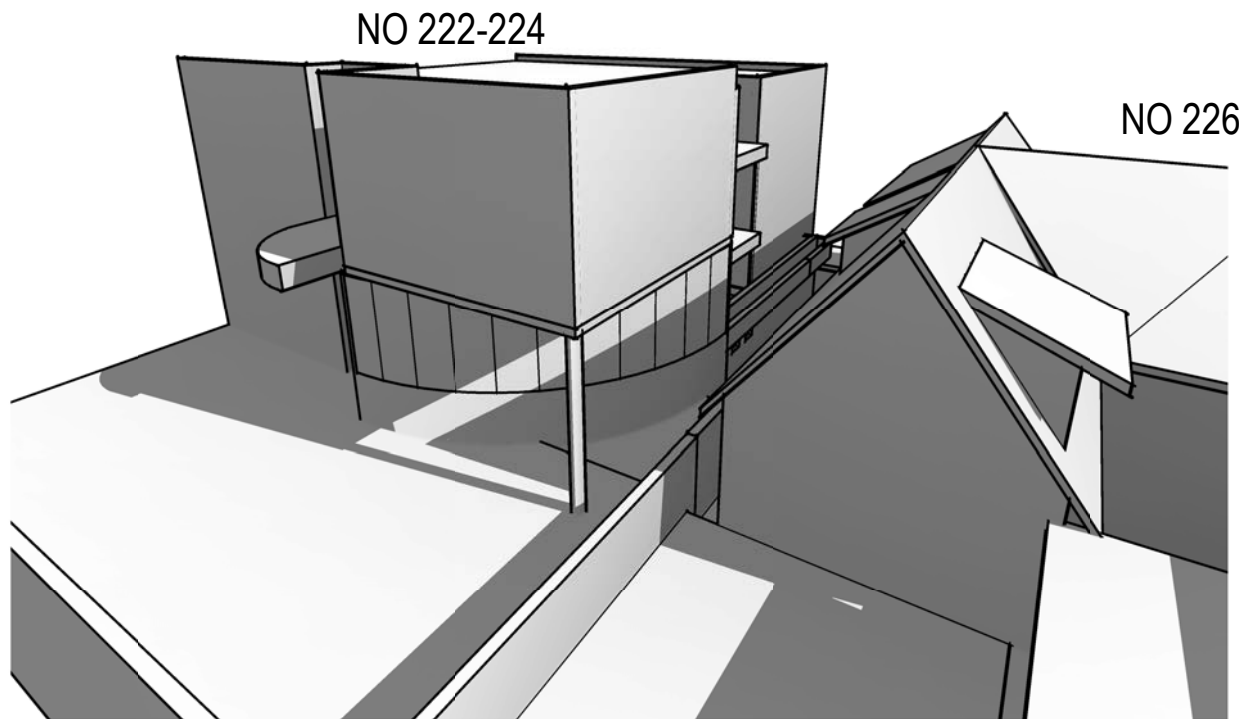
21 JUN-9am- Existing Building



21 JUN-10am- Existing Building



21 JUN-11am- Existing Building



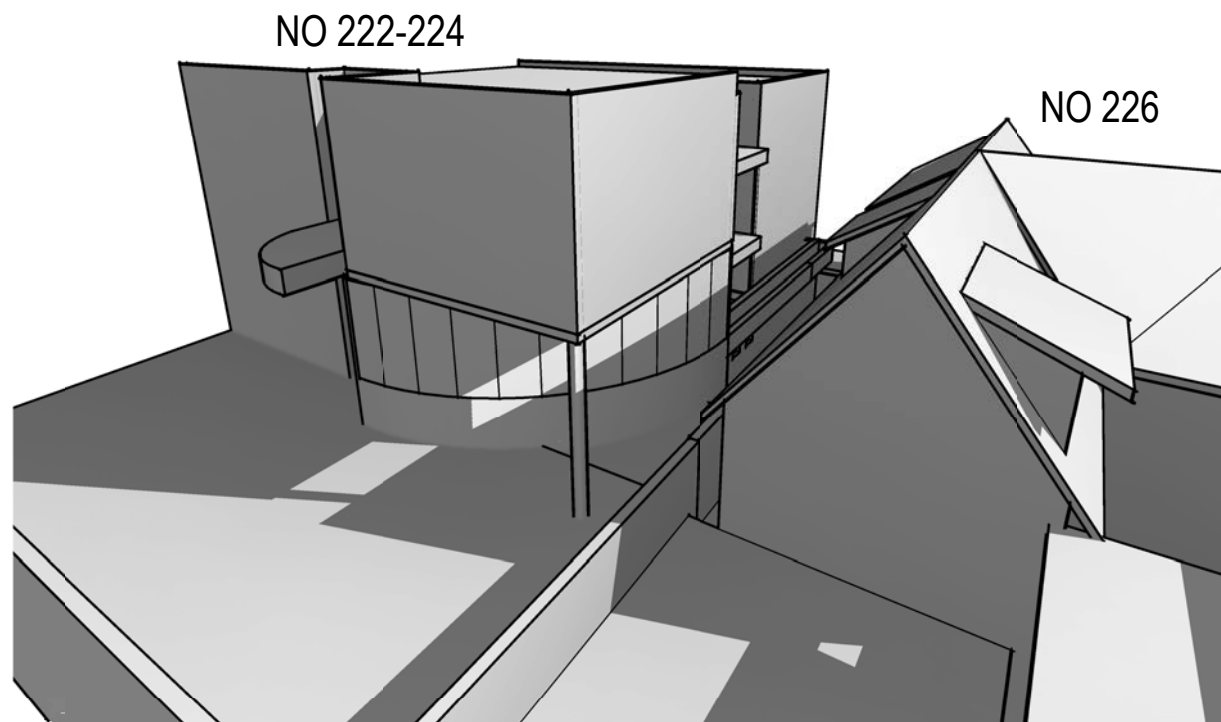
21 JUN-12noon-Existing Building

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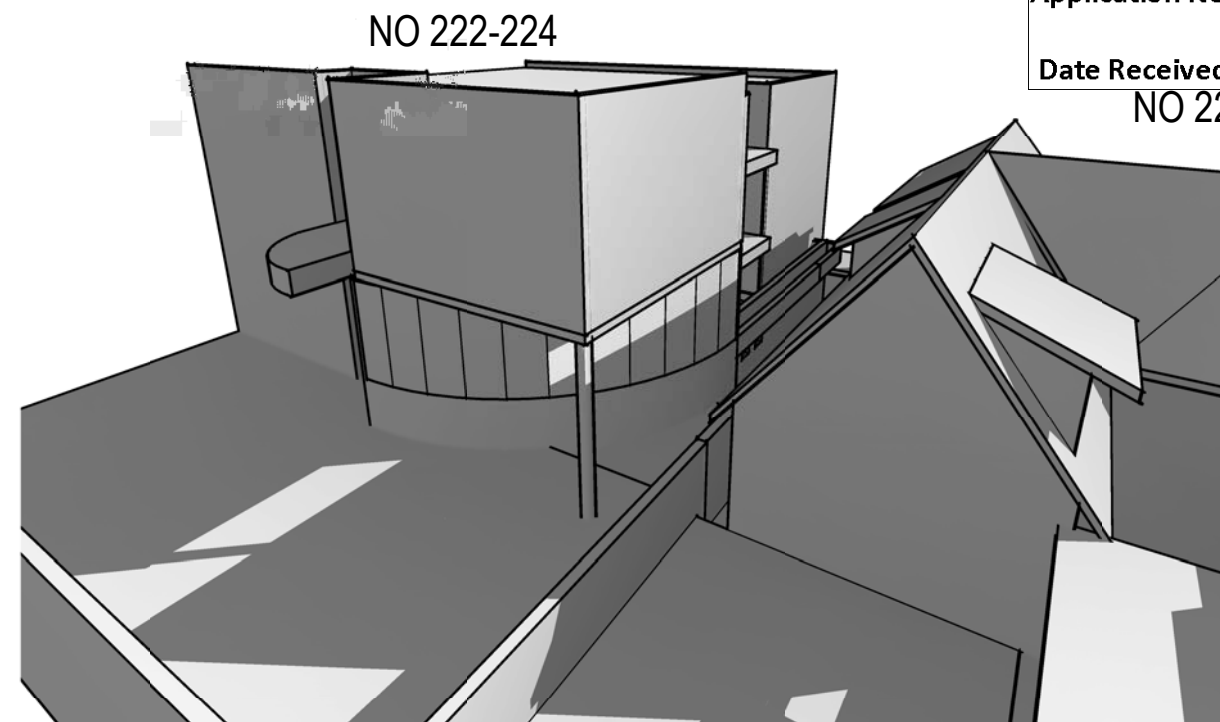


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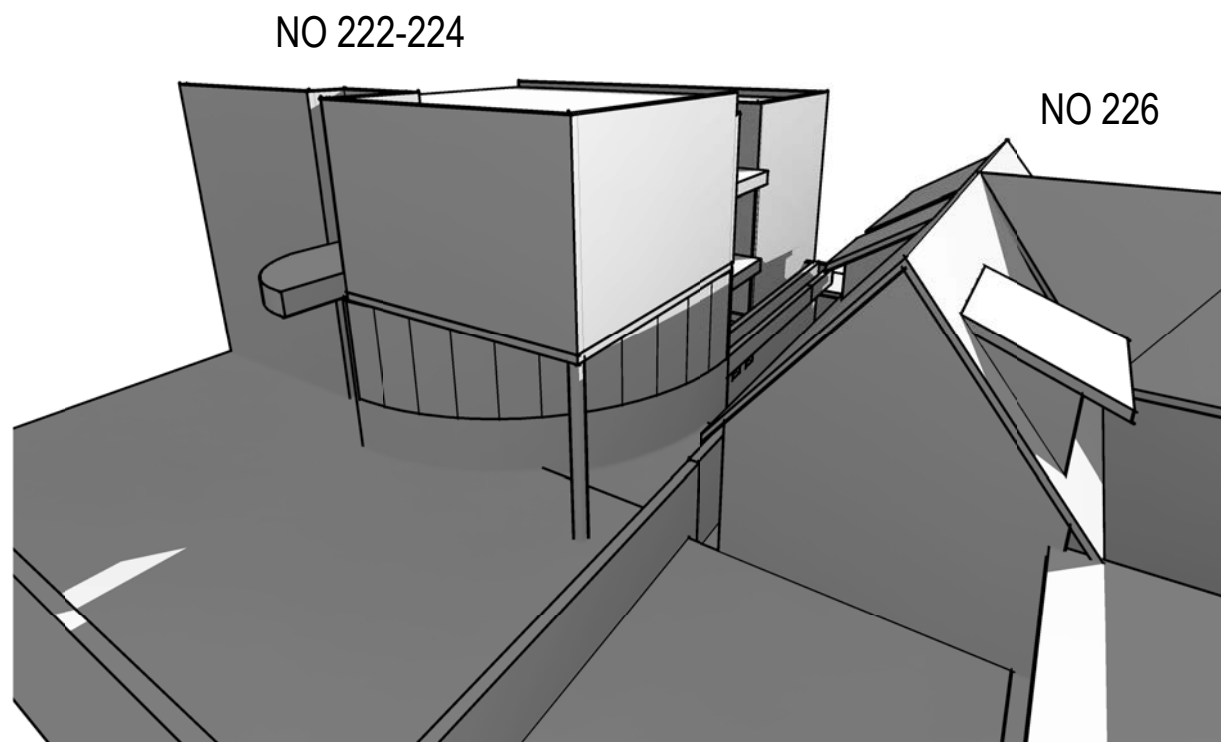
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CLIENT:	CJY & CO	SCALE:	DATE: 11/11/22
TITLE:	3D Shadow Diagram1 NO 222- Existing Building- 9am to 12noon	PROJECT No. 21274A	ISSUE: 2
		DRAWING No. CMS-SH-07	



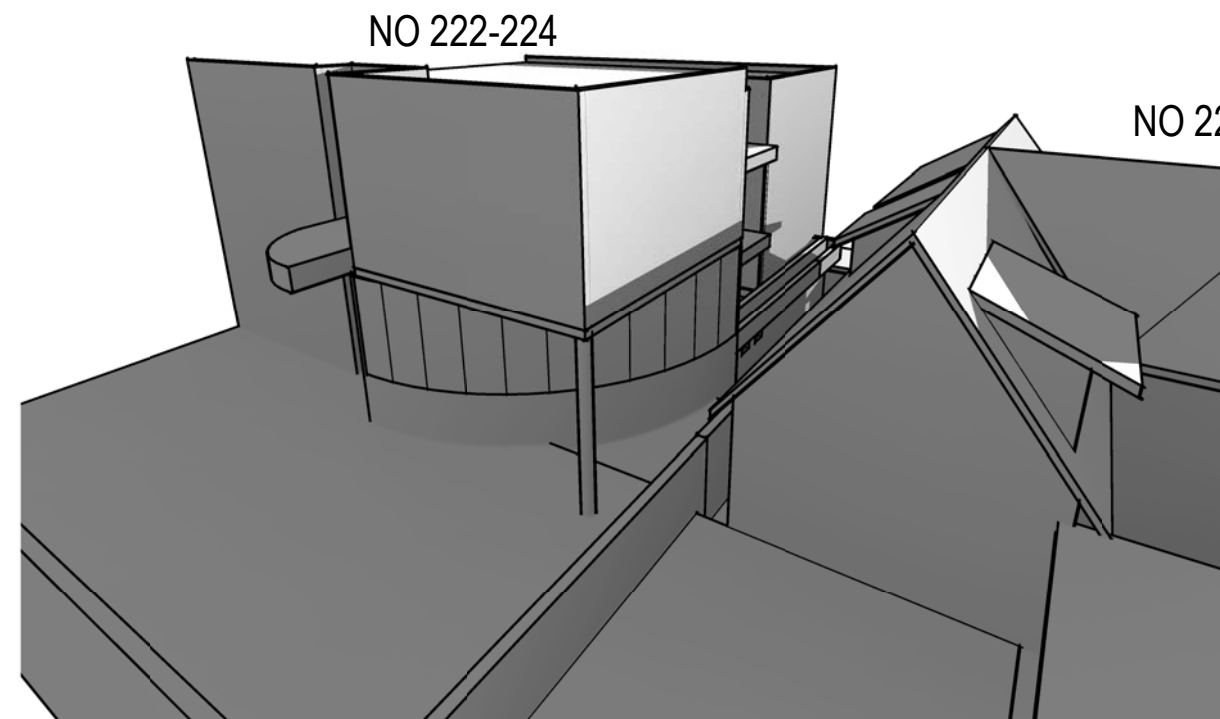
21 JUN-1pm- Existing Building



21 JUN-2pm- Existing Building



21 JUN-3pm- Existing Building



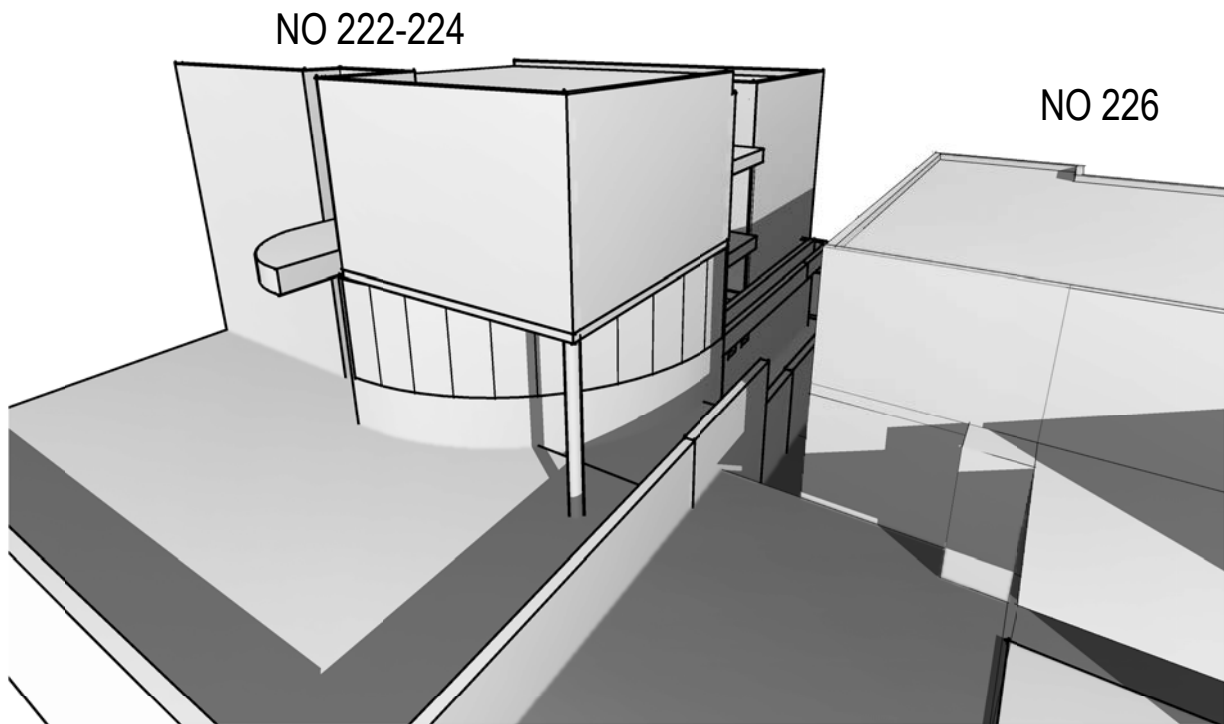
21 JUN-4pm- Existing Building

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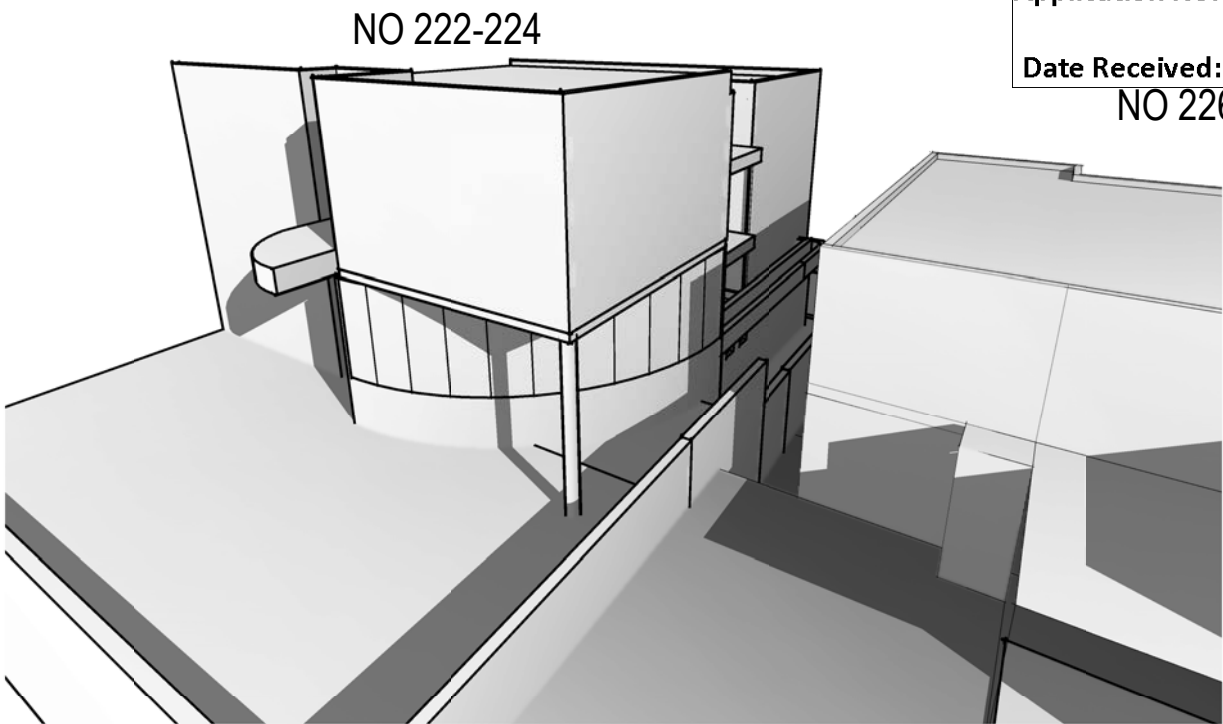


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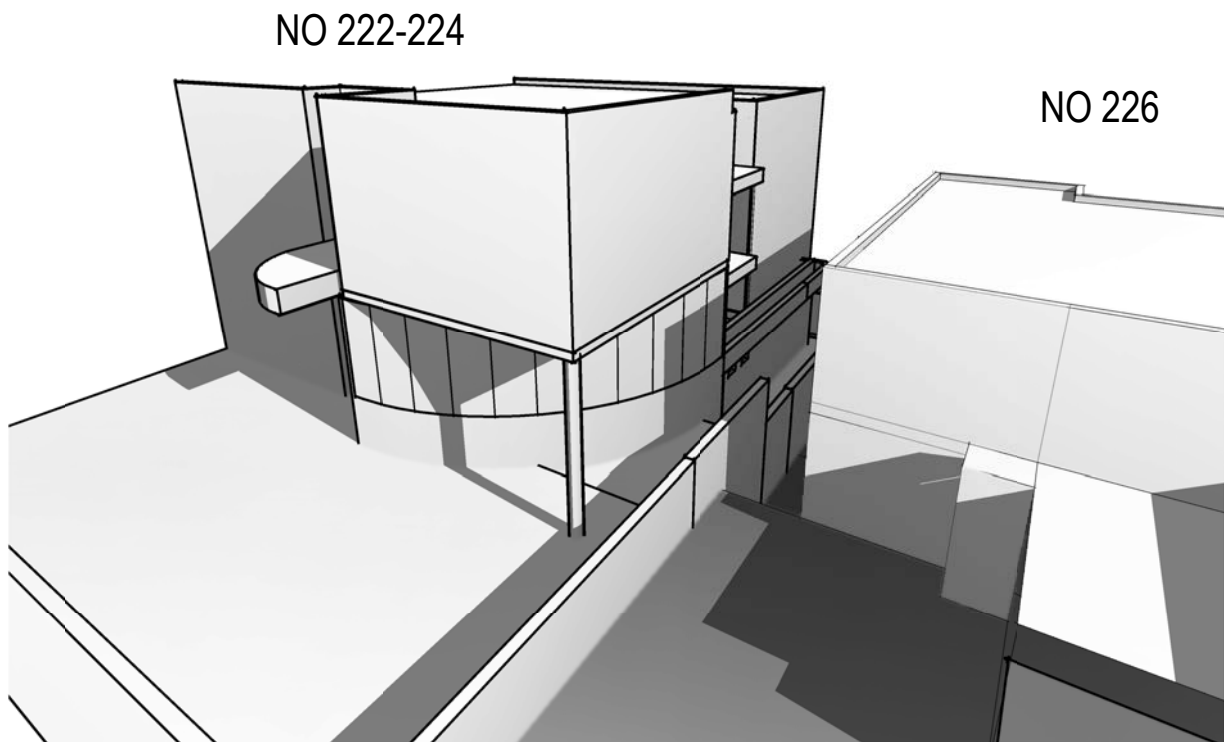
PROJECT:	226 Military Road, Dover Height, 2030	DRAWN:	NZ	CHECKED:	CL
CLIENT:	CJY & CO	SCALE:		DATE:	11/11/22
TITLE:	3D Shadow Diagram1 NO 222- Existing Building- 1pm to 4pm	PROJECT No.	21274A	ISSUE:	2
		DRAWING No.	CMS-SH-08		



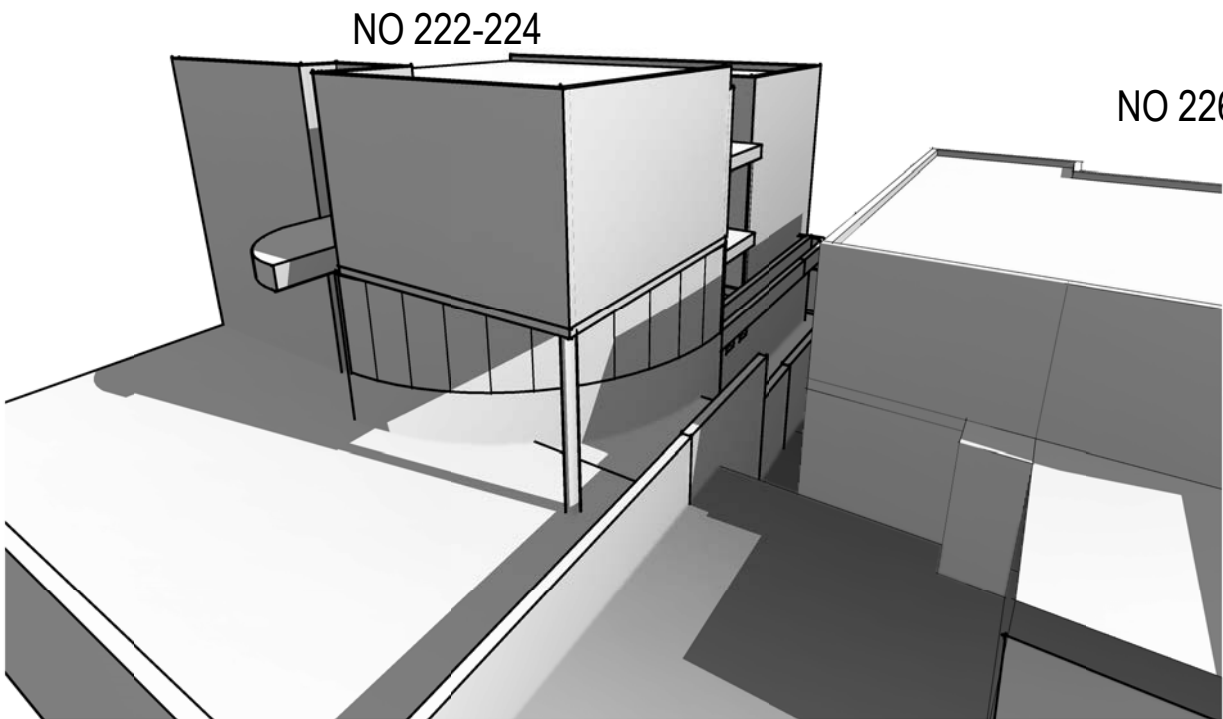
21 JUN-9am- Proposed Building



21 JUN-10am- Proposed Building



21 JUN-11am- Proposed Building



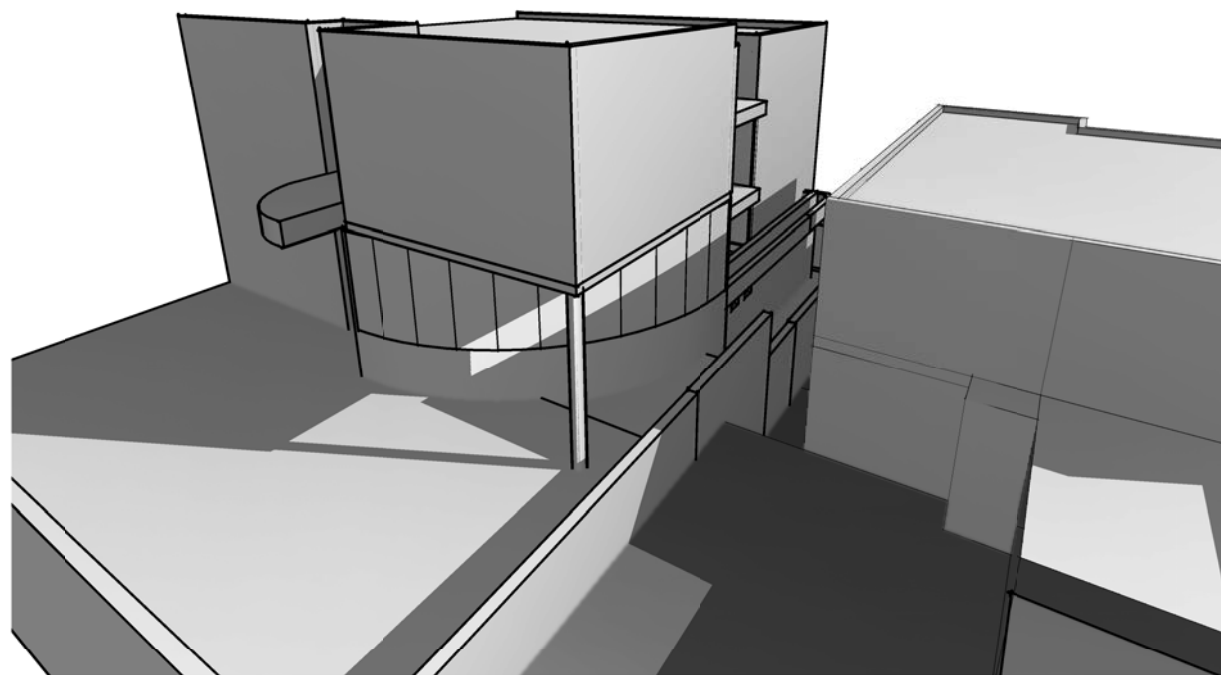
21 JUN-12noon- Proposed Building

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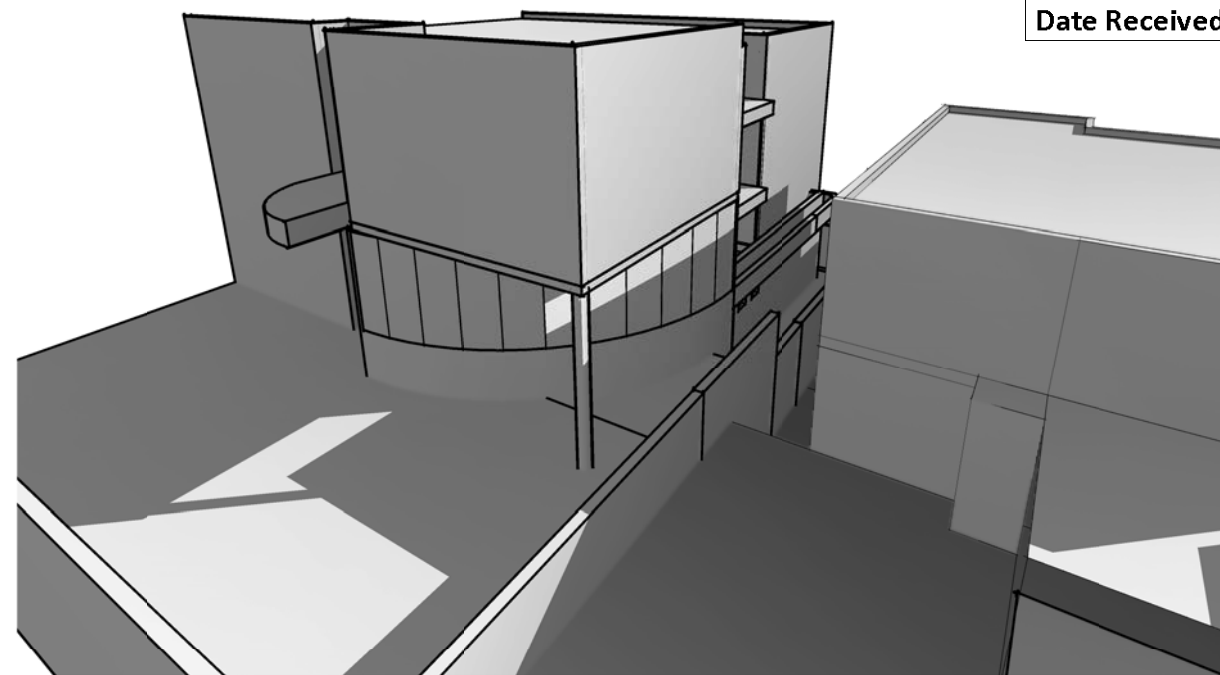


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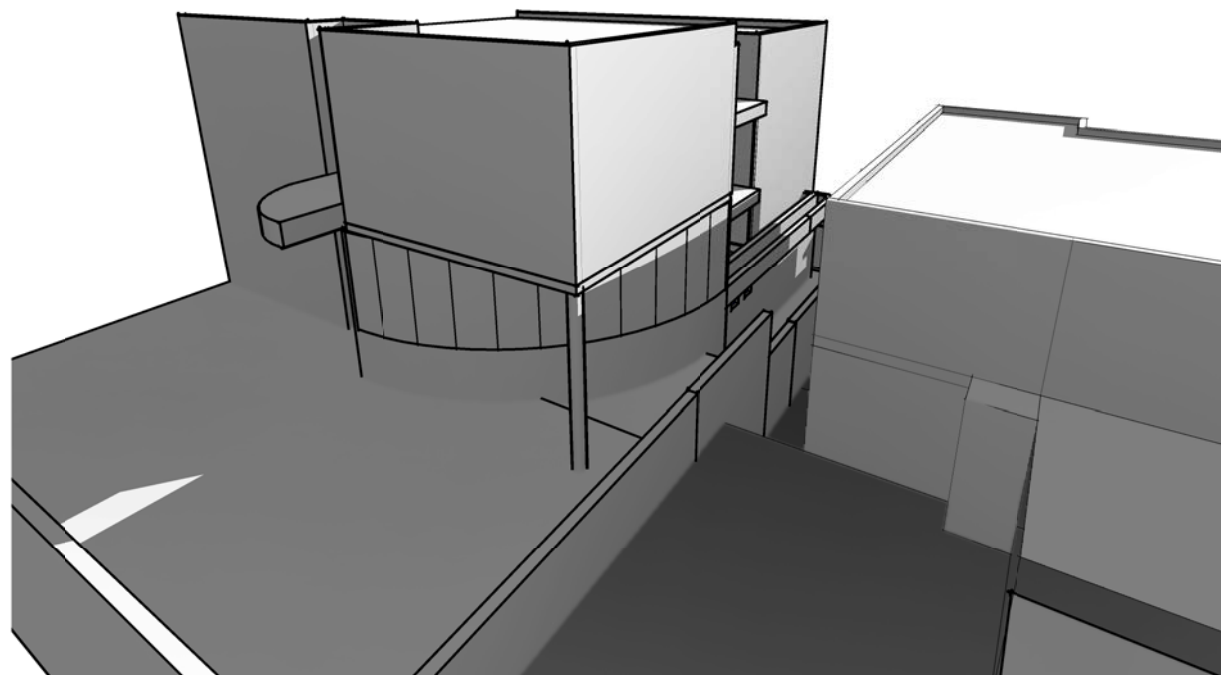
PROJECT:	226 Military Road, Dover Height, 2030	DRAWN: NZ	CHECKED: CL
CLIENT:	CJY & CO	SCALE:	DATE: 11/11/22
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		DRAWING No. CMS-SH-09	



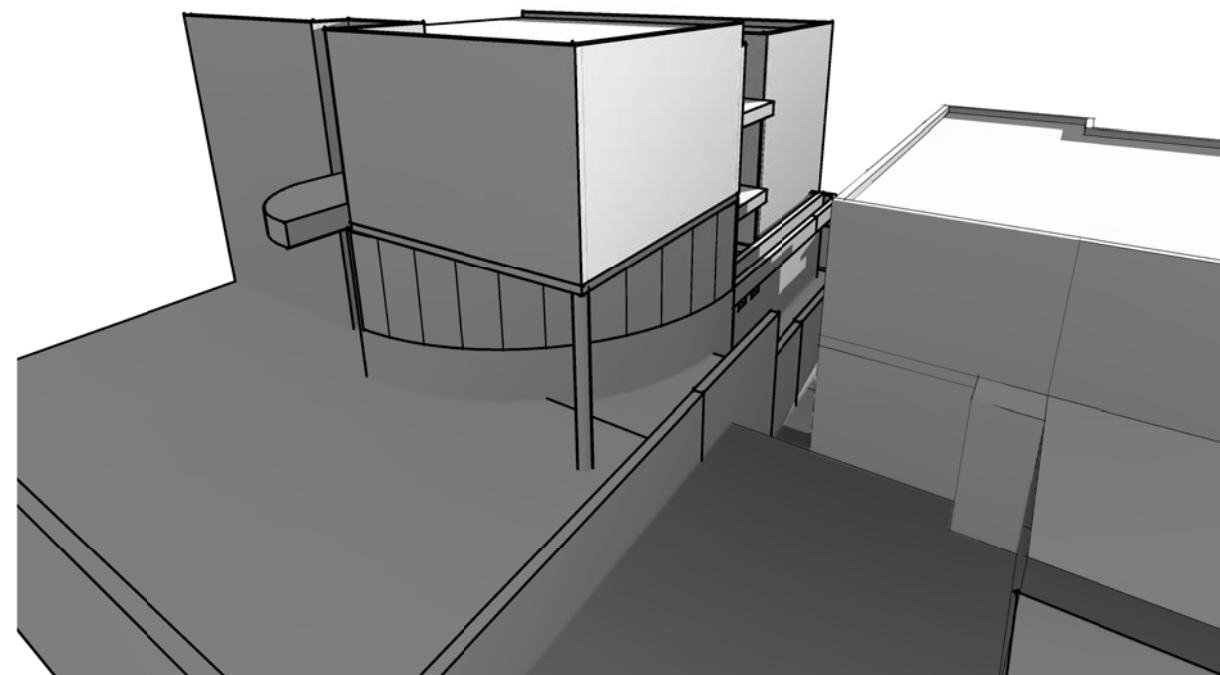
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21 JUN-2pm- Proposed Building



21 JUN-3pm-Proposed Building



21 JUN-4pm-Proposed Building

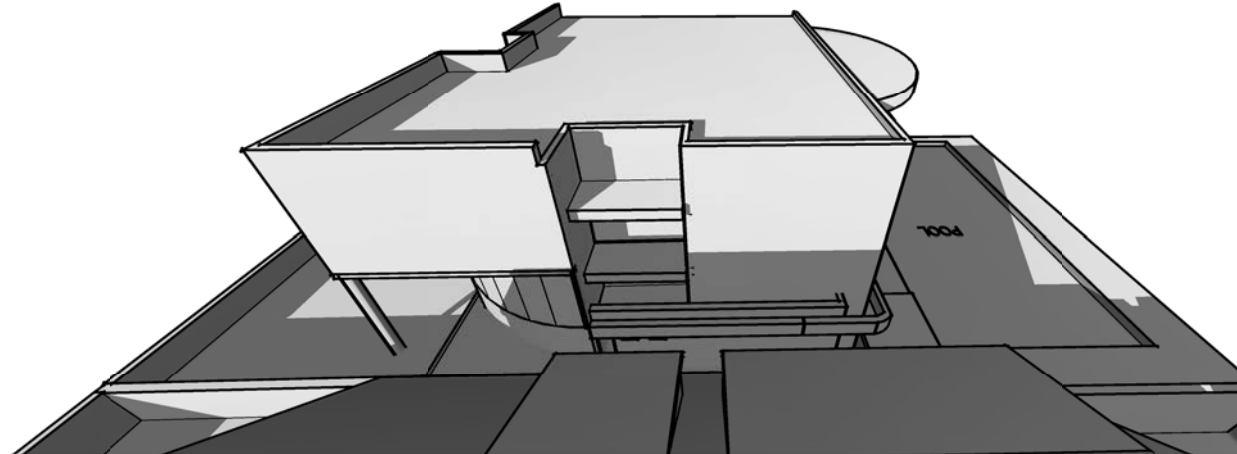
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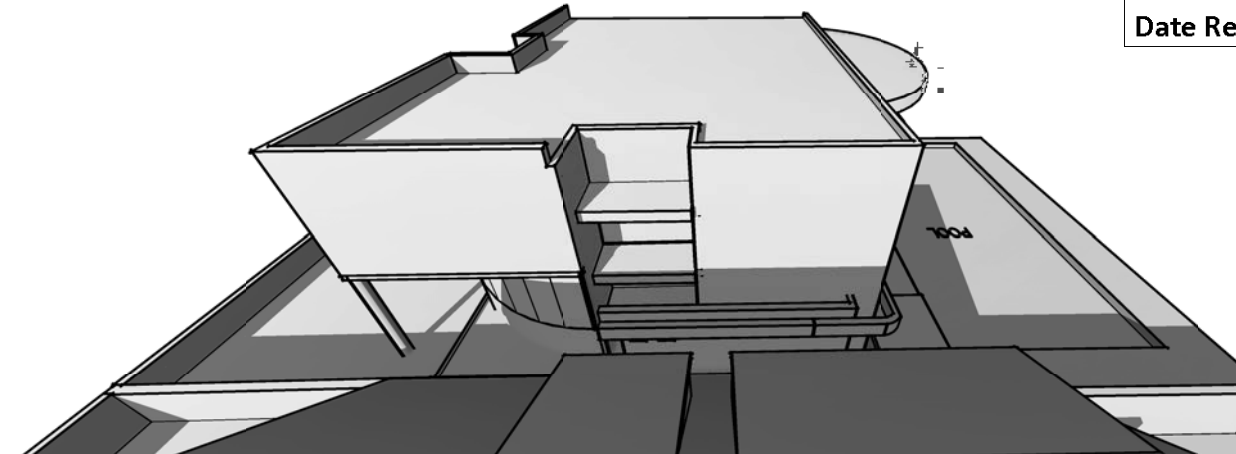
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NO 222-224



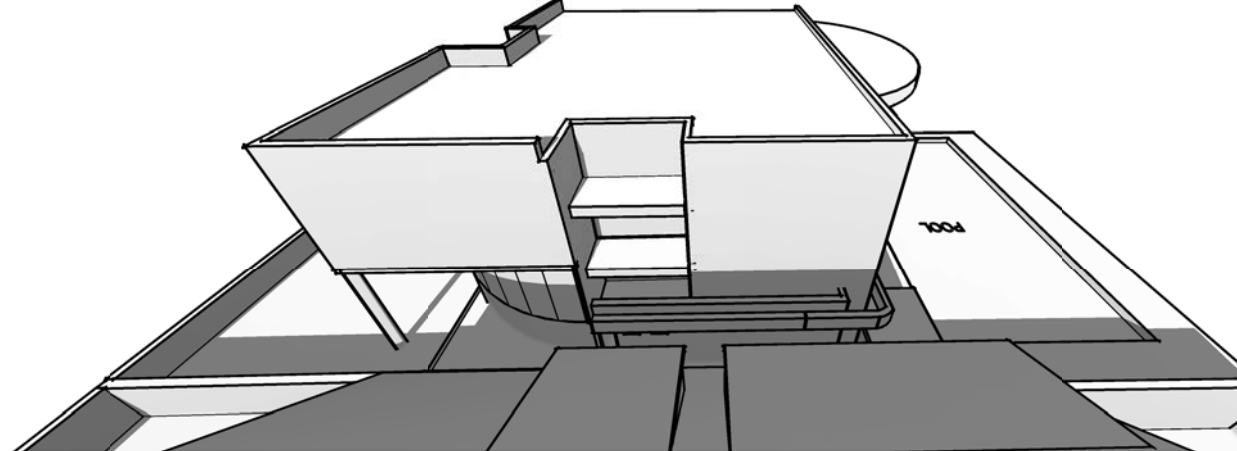
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NO 222-224



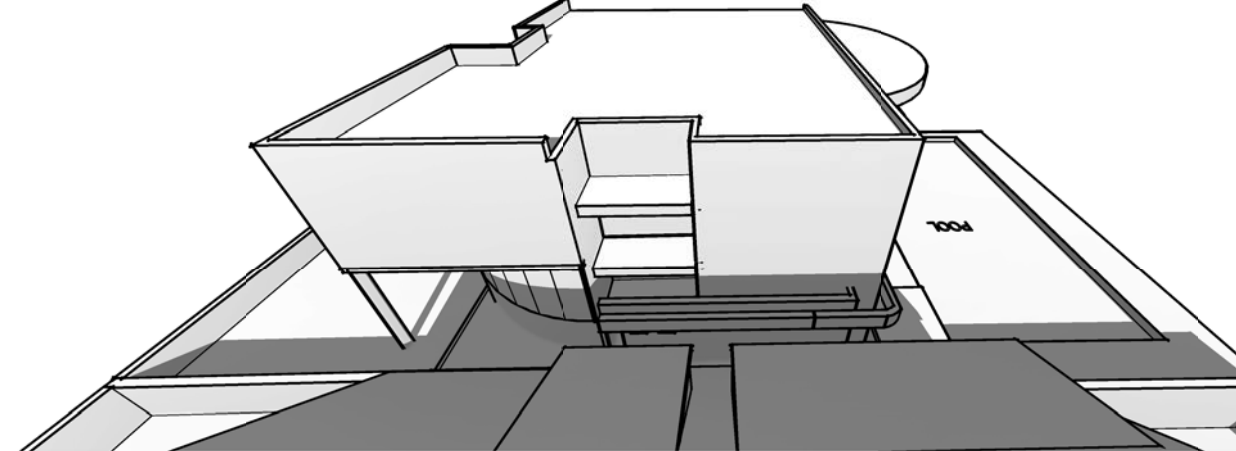
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21 JUN-11am- Existing Building

NO 222-224



21 JUN-12 noon- Existing Building

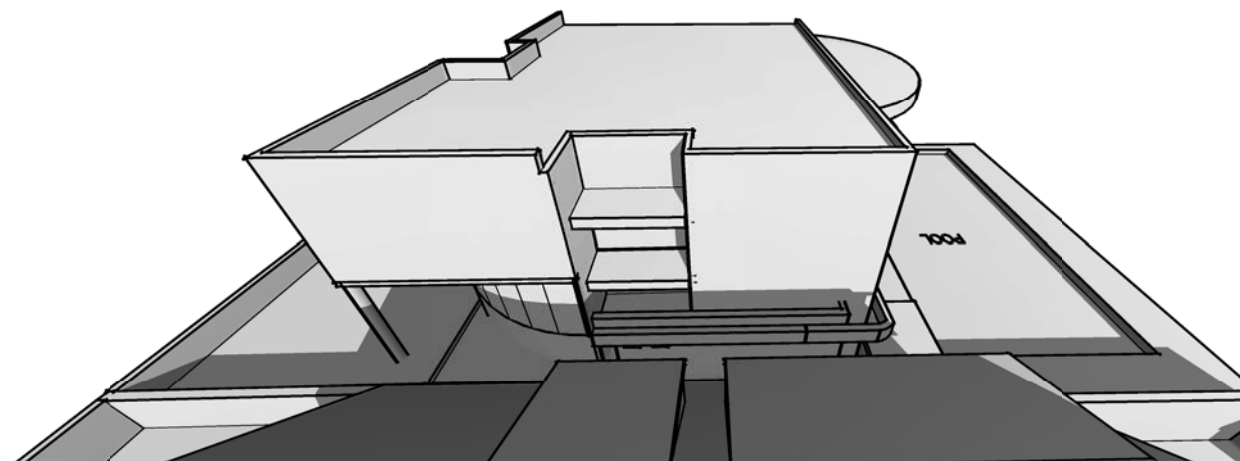
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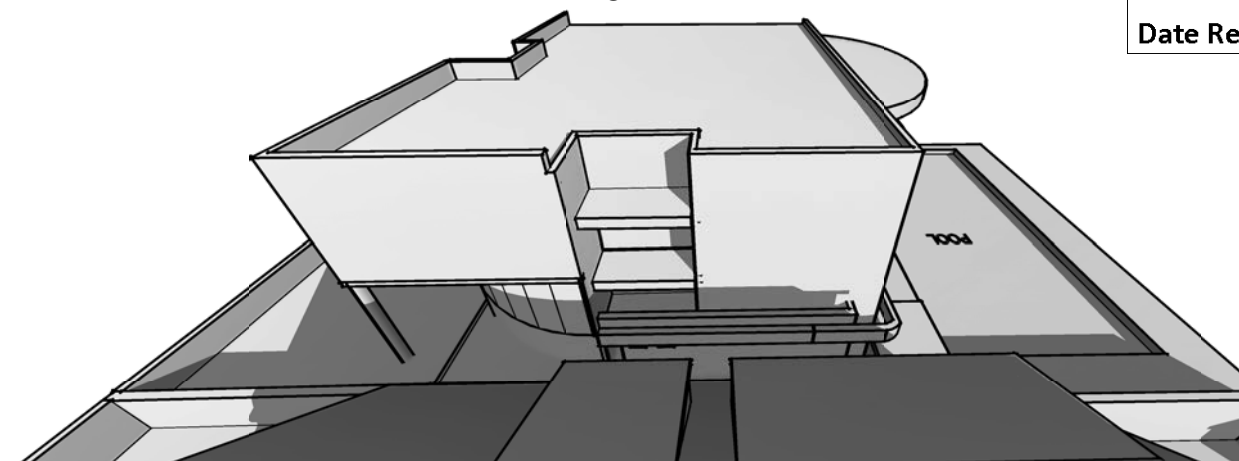
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		DRAWING No. CMS-SH-11	

NO 222-224



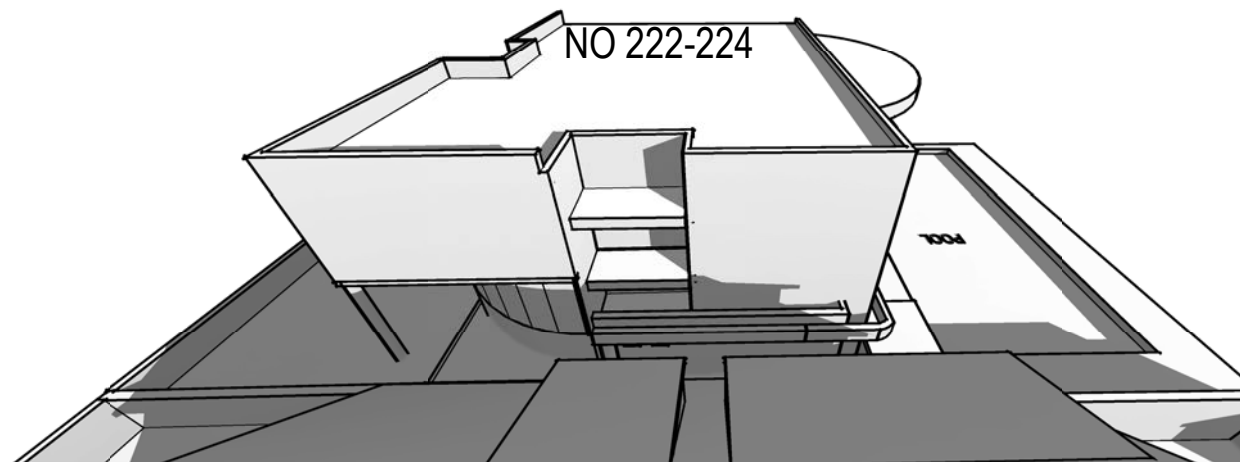
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NO 222-224



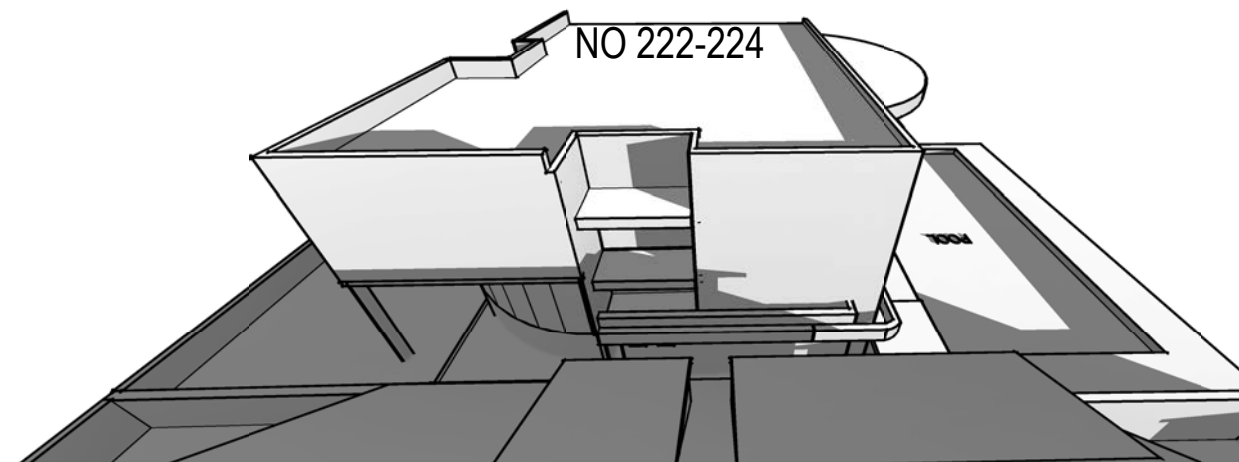
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21 JUN-4pm- Existing Building

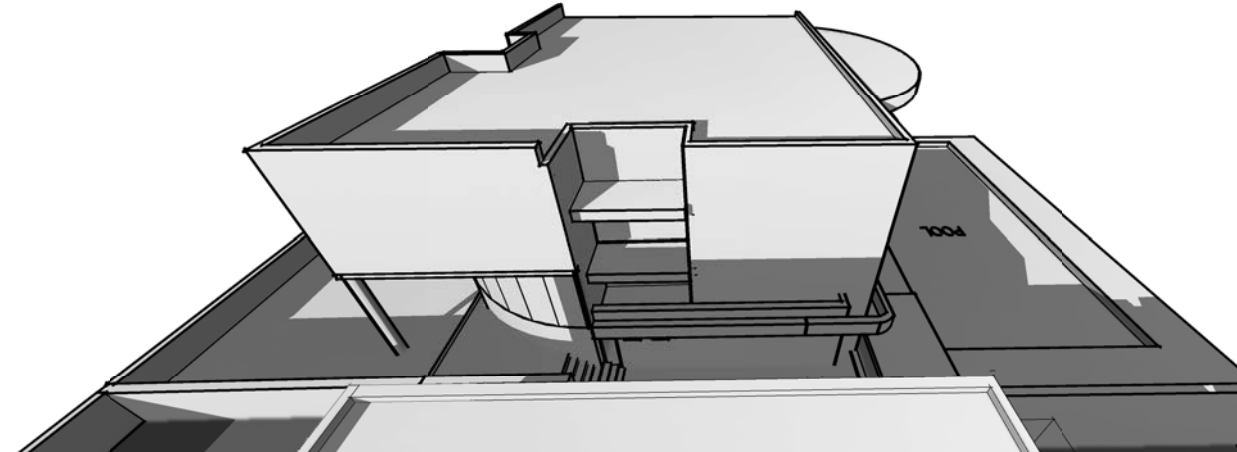
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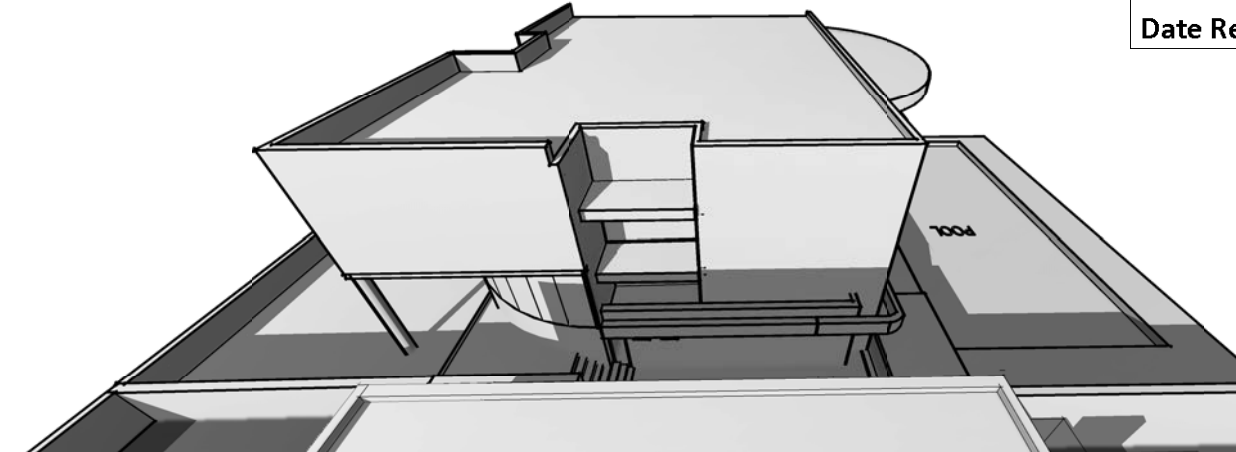
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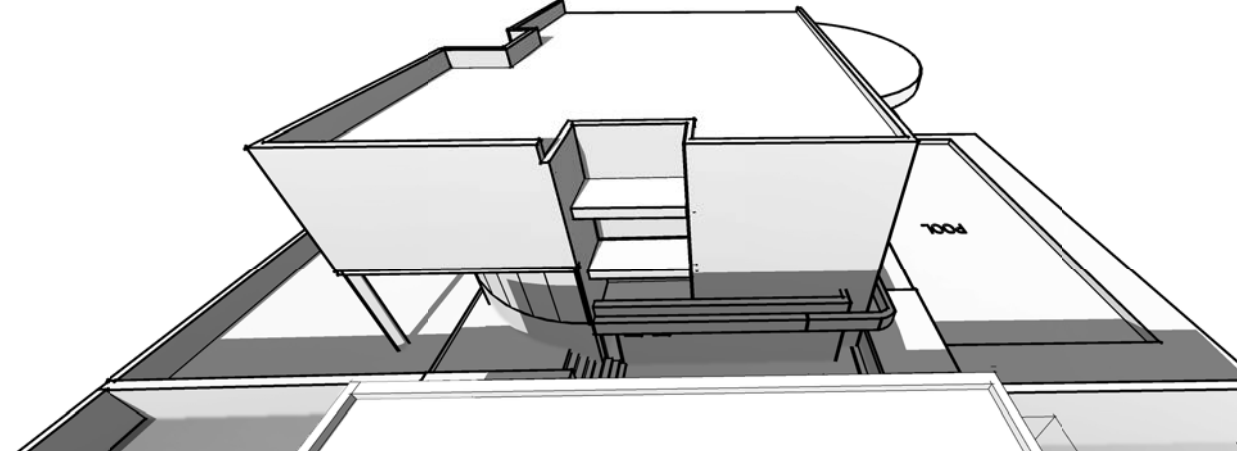
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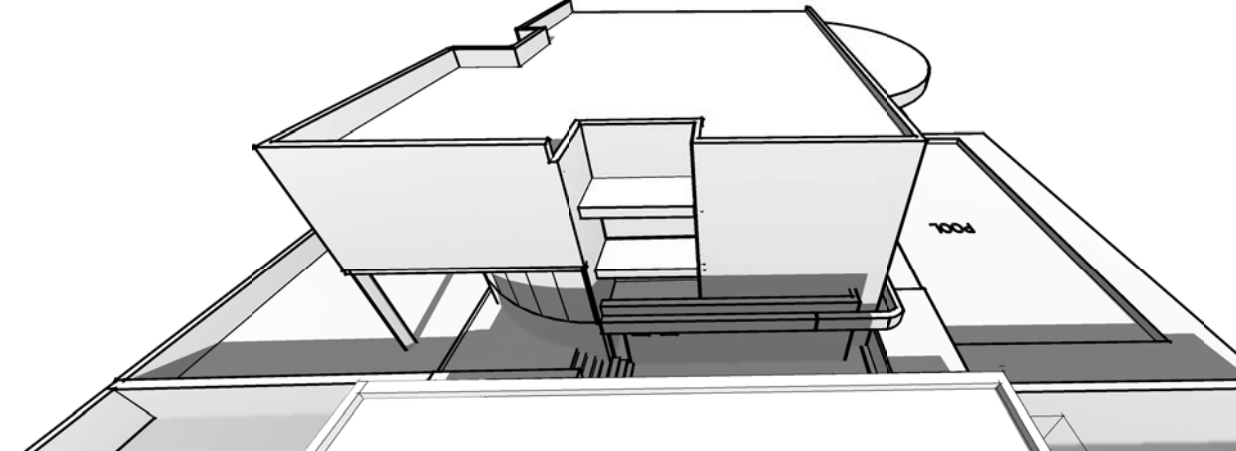
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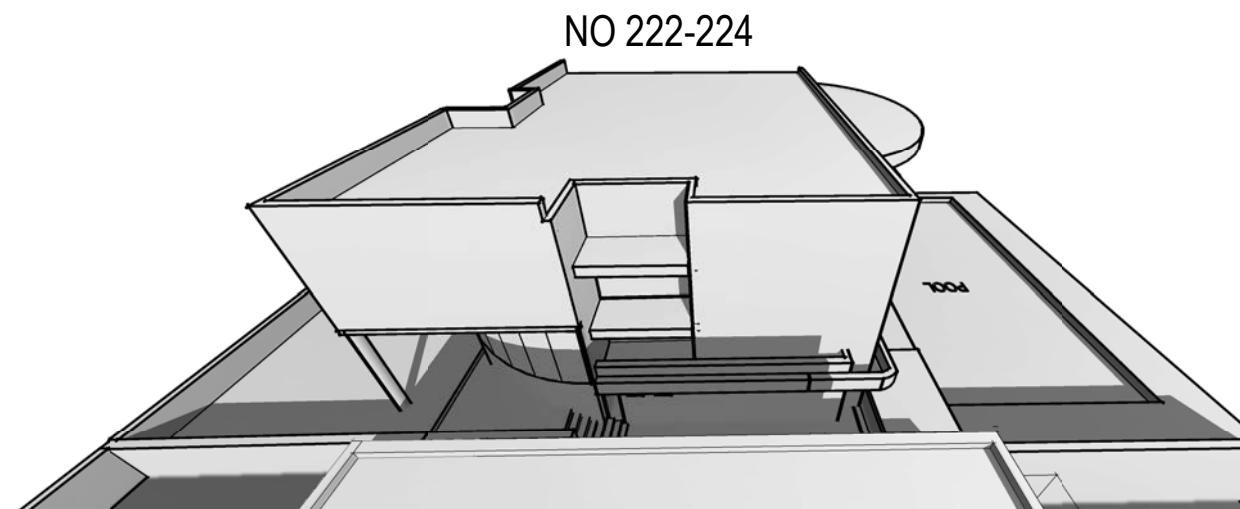
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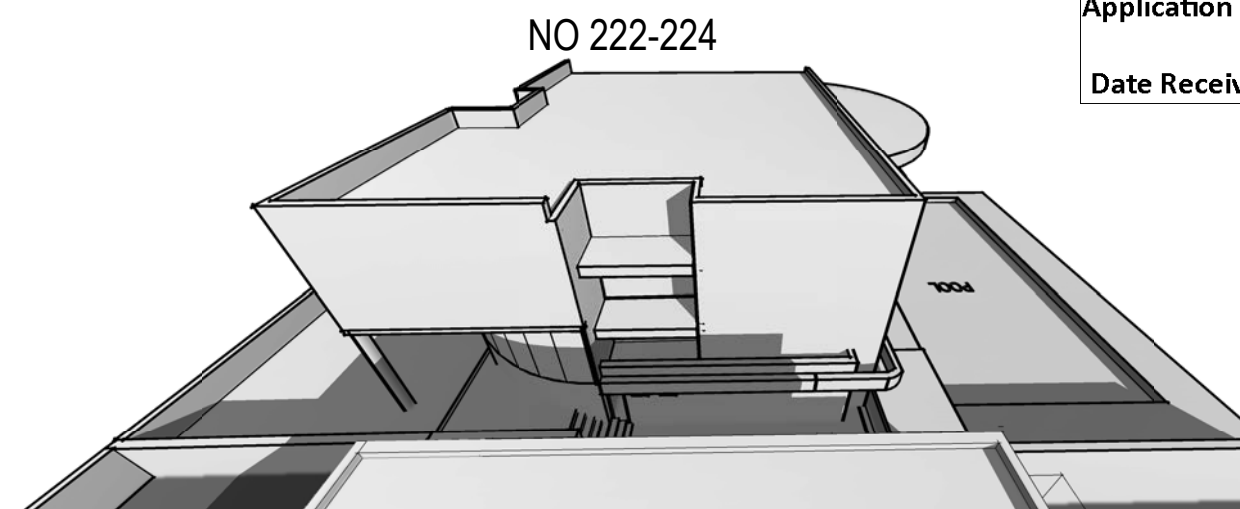


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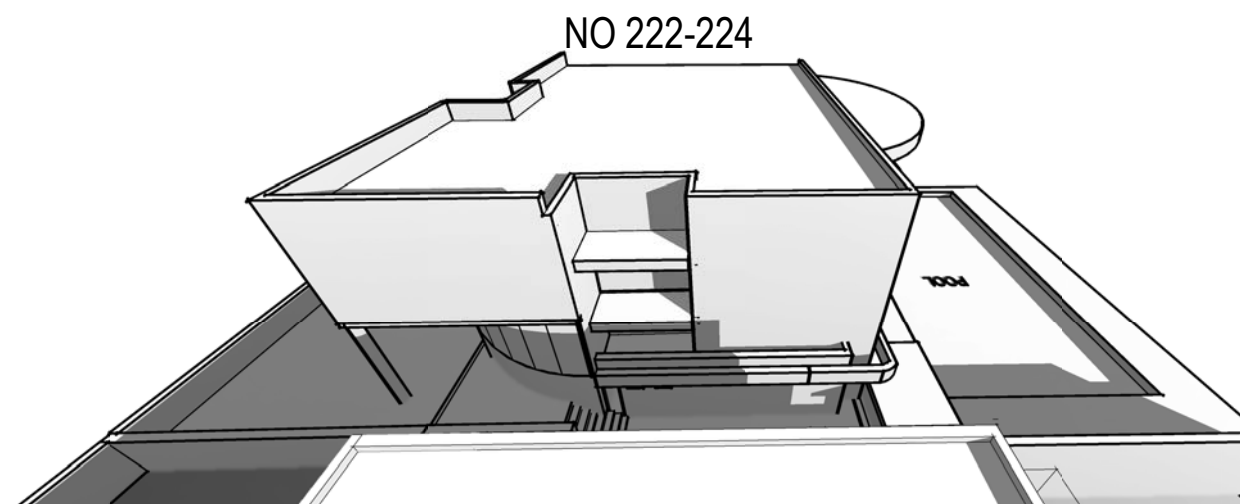
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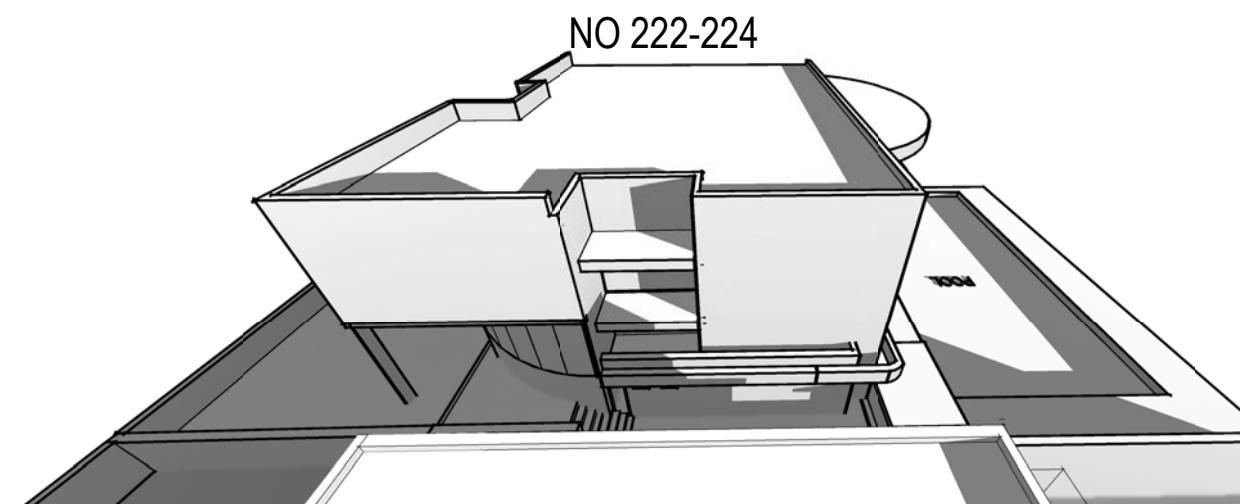
21 JUN-1pm- Proposed Building



21 JUN-2pm- Proposed Building



21 JUN-3pm-Proposed Building



21 JUN-4pm-Proposed Building

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Report to the Waverley Local Planning Panel

Application number	DA-321/2022
Site address	Unit 1, 4-12 Cadigal Place, Dover Heights
Proposal	Alterations and additions to an existing seniors living unit to enclose a section of the terrace and extend the internal living area.
Date of lodgement	29 July 2022
Owner	Mrs C and Mr I Ossher
Applicant	Myriad Consulting
Submissions	Nil
Cost of works	\$44,000
Principal Issues	<ul style="list-style-type: none"> • Floor Space Ratio (FSR) exceedance; and • Maximum unit depth.
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for the alterations and additions to an existing seniors living unit to enclose a section of the terrace and extend the internal living area at the site known as Unit 1, 4-12 Cadigal Place, Dover Heights.

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

- Floor Space Ratio (FSR) exceedance.
- Maximum unit depth.

The assessment finds these issues acceptable because the Clause 4.6 variation to the maximum FSR development standard provides sound justification as the proposal complies with the height development standard and is consistent with the objectives of the FSR development standard and the R2 zone. The FSR breach itself does not cause any view loss to neighbouring buildings or from the public domain and does not introduce adverse privacy or overshadowing impacts. The proposed building envelope and floor space is an appropriate correlation with the size of the site and the extent of the development as it is consistent with the overall building envelope and setbacks in the locality. The proposed unit depth of 18.5m is considered acceptable as it improves the amenity for occupants using the larger living space.

No submissions were received during the notification period.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 13 September 2022.

The site is identified as Lot 6 in SP 82193, known as Unit 1, 4-12 Cadigal Place, Dover Heights.

The site is irregular in shape with a primary frontage to Cadigal Place and secondary access to the site from the intersection of Loombah Road and Military Road. It has an area of 2,534m² and it falls from the northern boundary on Military Road towards the southern boundary on Cadigal Place by approximately 13.4m. Unit 1 is located to the northern end of the site, directly above the communal rooms and swimming pool and to the west of the pedestrian bridge.

The site currently contains a seniors housing development comprising of 16 dwellings, 31 carparking spaces with basement access via Cadigal Place, communal areas, community facilities and a communal swimming pool. The development comprises four, three storey buildings and internal open walkways.

Each unit has access to south facing private open space in the form of balconies on the upper floors and terraces on ground level. Unit 1 is a two bedroom with a 19m² open terrace located off the living room.

The site is adjoined by three storey dwellings on either side. The locality is characterised by a variety of low and medium residential development.

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



Figure 1: Northerly view of Unit 1's balcony and location of the addition.



Figure 2: Westerly view across the balcony and of the adjoining dwelling at 2 Loombah Road.



Figure 3: Southerly view from the subject site of Bondi Beach and surrounds.



Figure 4: Westerly view of the driveway access to the basement car park.



Figure 5: Southerly view of the pedestrian access into the site from the intersection of Military Road and Loombah Road.



Figure 6: Northerly view of the seniors housing fronting Cadigal Place.

1.3. Relevant Development History

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

- DA-332/2000: Development Consent was first granted by the Land and Environment Court (the Court) on 12 April 2002 for the construction of 19 residential dwellings, community room, community shop, pool and two levels of carparking. A subsequent modification application was approved by the Court to reduce the number of residential dwellings to 16 on 8 March 2004 (Emmanuel Solomovic (formerly Cyril Smith & Associates Pty Ltd) v Waverley Council [2004] NSWLEC 501).
- DA-332/2000/A: Modification application of approved plans including lift shaft roof shape, perimeter fence and roofing material was approved on 27 February 2003;
- DA-332/2000/B: Modification application to modify the Development Consent in respect to the residential flat building (SEPP No 5) containing 16 dwellings, community facilities and carparking, approved on 28 February 2007;
- DA-360/2008: Development Application to Strata subdivide 16 units, approved on 5 September 2008; and
- DA-418/2010: Development Application to enclose part of the ground floor balcony to unit, approved on 27 October 2010.

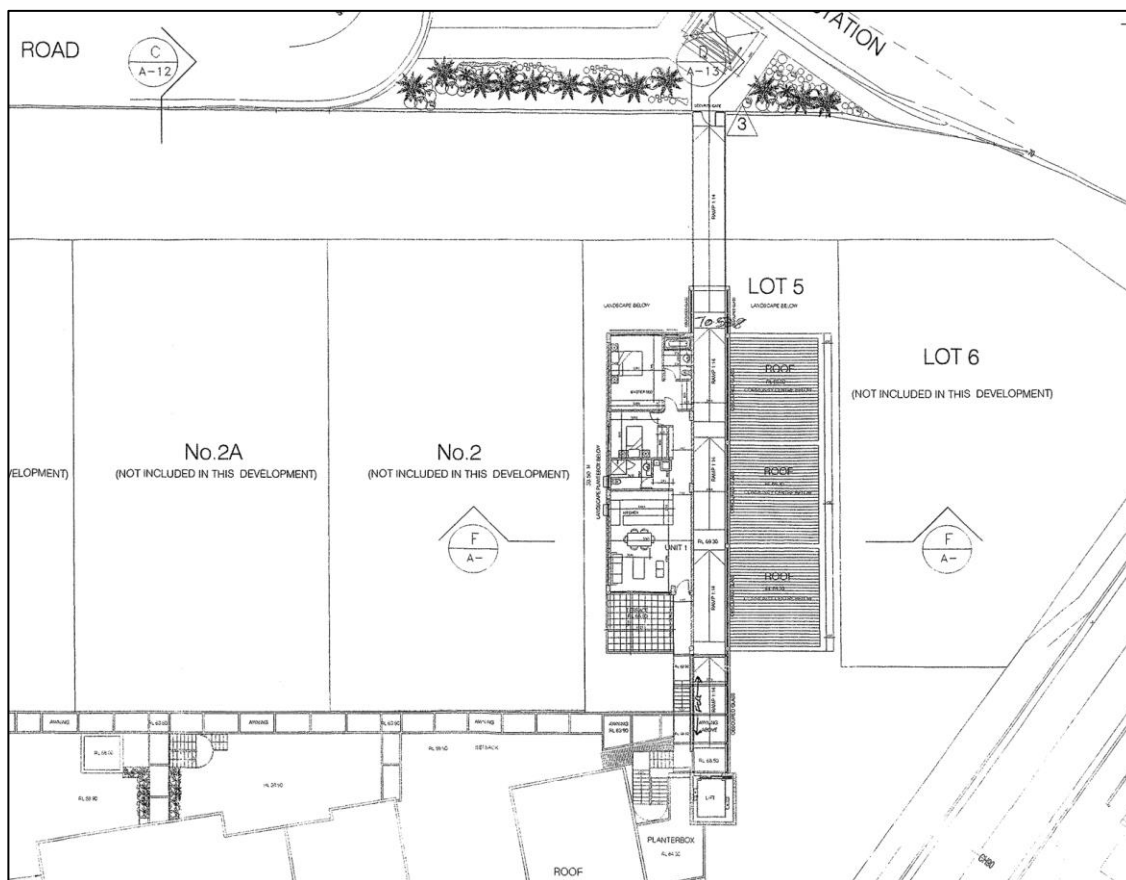


Figure 7: Approved floor plan of unit 1 under DA-332/2000.

1.4. Proposal

The development application seeks consent for alterations and additions to a seniors living residential unit, specifically the following:

- Removal of the existing sliding door to the terrace, extending the internal living area by 1.32m out into the terrace, as well as extending the existing walls and roof.
- The existing apartment is two-bedroom unit with a floor area of 83.36m² and a terrace area of 19m². The proposal will result in an additional 5.09m² of floor area, with a total unit size of 88.45m² and a terrace area of 14.91m².

1.5. Background

The development application was lodged on 29 July 2022 and deferred on 7 September 2022 for the following reasons:

1. Calculation of the gross floor area (GFA): The submitted GFA calculation showing the Strata Plan is not sufficient to calculate the GFA as the floor plans and room uses are not identified. According to the WLEP definition of GFA, certain rooms are included or excluded from the calculation. Without a proper calculation of the existing GFA across the building, the Clause 4.6 variation request is not valid and does not meet the requirements of the NSW legislation.

Amended GFA calculations, SEE and Clause 4.6 variation to the FSR development standard were lodged on the 12 October 2022 which addressed the above issue. These form the basis of the assessment of this DA.

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 (Housing) 2021
- SEPP (Building Sustainability Index – BASIX) 2004.

While the form of the existing building is configured as a residential flat building, given the proposal does not result in substantial refurbishment of the building, SEPP 65 (Design Quality of Apartment Development) does not apply to the assessment of this DA.

A detailed discussion is provided for relevant SEPPs as follows:

SEPP (Housing) 2021.

The following table provides a summary of compliance of the applicable controls within the SEPP (Housing) 2021. This assessment table addresses the applicable provisions related to changes to the subject apartment and any directly related matters.

Table 1: SEPP (Housing) 2021, Part 5 Housing for seniors and people with a disability - Compliance table

Provision	Compliance	Comment
Division 1 Land to which Part applies		
Clause 79 - Land to which this Policy applies	Yes	The land is zoned R2 for low density residential purposes and seniors housing are permitted on the land, with consent.
Clause 81 - Seniors housing permitted with consent	Yes	
Division 3 Development standards		
Clause 84 - Development standards—general	Yes	The proposed development relates to minor alterations to one apartment within an existing seniors housing development.
Clause 85 - Development standards for hostels and independent living units (1) Development consent must not be granted for development for the purposes of a hostel or an independent living unit unless the hostel or independent living unit complies with the relevant standards specified in Schedule 4.	Yes	The proposed development is consistent with the relevant standards in Schedule 4 in that: <ul style="list-style-type: none">• The proposal is for self-contained dwellings, which serviced self-care housing is a subset of.• There are no proposed changes to the general access into or within the site.• There are no proposed changes to the existing security and pathway lighting provisions.• There are no proposed changes to the existing letterboxes.• There are no proposed changes to the existing private car accommodate arrangements.• There are no proposed changes to the accessible entry arrangements to Unit 1.• The proposed alterations will provide a larger internal living area, providing improved circulation space and areas for manoeuvring in accordance with AS 1428.1.
	Yes	

Provision	Compliance	Comment
<p>i. <i>the location's current character, or</i></p> <p>ii. <i>for precincts undergoing a transition—the future character of the location so new buildings contribute to the quality and identity of the area, and</i></p> <p>(c) <i>complement heritage conservation areas and heritage items in the area, and</i></p> <p>(d) <i>maintain reasonable neighbourhood amenity and appropriate residential character;</i></p> <p>(e) <i>set back the front building on the site generally in line with the existing building line.</i></p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The minor alterations will not alter the existing building shape, character or general form.</p> <p>The site is not a heritage, is not located within a heritage conservation area and is not located in close proximity to a heritage item.</p> <p>The proposed minor alterations will not alter the neighbourhood amenity or residential character of the building and its contribution to the established streetscape.</p> <p>The existing front building setback will be retained.</p>
<p>Clause 101 - Solar access and design for climate</p> <p><i>The design of seniors housing should—</i></p> <p><i>(a) for development involving the erection of a new building—provide residents of the building with adequate daylight in a way that does not adversely impact the amount of daylight in neighbouring buildings, and</i></p> <p><i>(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation, solar heating and lighting by locating the windows of living and dining areas in a northerly direction.</i></p>	<p>Yes</p>	<p>The proposed development relates to minor alterations to Unit 1 and will not adversely impact on the amount of daylight in neighbouring dwellings.</p> <p>Unit 1 will maintain a high level of solar access and amenity to the terrace and larger living area.</p>
<p>Clause 102 - Stormwater</p>	<p>Yes</p>	<p>There are no proposed changes to the existing stormwater system.</p>
<p>Clause 103 - Crime prevention</p>	<p>Yes</p>	<p>The proposed development relates to the terrace area of Unit 1 only.</p>

Provision	Compliance	Comment
(g) <i>at least 70% of the dwellings receive at least 2 hours of direct solar access between 9am and 3pm at mid-winter in living rooms and private open spaces,</i>	N/A	The proposed development will not impact on the existing solar access to the subject unit or any other units in the complex.
(h) <i>for a dwelling in a single storey building or a dwelling located, wholly or in part, on the ground floor of a multi-storey building— (i) at least 15m² of private open space per dwelling, and (ii) at least 1 private open space with minimum dimensions of 3m accessible from a living area located on the ground floor,</i>	N/A	The dwelling is located within a multi-storey building.
(i) <i>or a dwelling in a multi-storey building not located on the ground floor—a balcony accessible from a living area with minimum dimensions of 2m and— (i) an area of at least 10m², or (ii) for each dwelling containing 1 bedroom— an area of at least 6m²,</i>	Yes	The proposed terrace size will be 14.09m ² .
(j) <i>for a development application made by, or made by a person jointly with, a social housing provider—at least 1 parking space for every 5 dwellings,</i>	N/A	There are no proposed changes to the existing carparking arrangements.
(k) <i>if paragraph (j) does not apply—at least 0.5 parking spaces for each bedroom.</i>	N/A	

Seniors Living Policy: Urban Design Guidelines for Infill Development

This section addresses the applicable provisions of the Seniors Living Policy.

Responding to Context

The proposed minor alterations to extend a single wall to a terrace out by 1.32m is considered very minor works, especially in the context of the overall existing multi-storey development. The proposed development will not be highly visible from the street or any other public domain area and will not impact on existing streetscape.

Site Planning and Design

The proposed minor alterations will not impact on the existing built form. The existing height, landscaped area, carparking, communal open space and community facilities and general building bulk will be maintained. The minor increase in floor area of 5.03m² will not be discernible from the street and will not present any impacts on the other apartments within the site or on the neighbouring properties.

Impacts on Streetscape

The proposed minor development will not be visible or have any discernible impacts on the existing streetscape.

Impacts on Neighbours

The proposed development will not have any impacts on the neighbouring apartments and properties in relation to privacy or overshadowing.

Internal Site Amenity

The proposed development will provide improved internal living space while still maintaining a suitable amount of private open space for the apartment.

SEPP (Building Sustainability Index: BASIX) 2004

The proposed works are less than \$50,000 and there does not require a BASIX Assessment.

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

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

Table 2: 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 R2 Low Density Residential Zone	Yes	The proposal is defined as 'Seniors Housing', which is permitted with consent in the R2 zone.

Provision	Compliance	Comment
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	Yes	The enclosed roof (RL 70.01) has a height of 8.41m above existing ground level. The existing carpark and plant storage room directly below has a level of RL 61.60. There is no proposed change to the existing overall building height of the building.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> 0.5:1 (1267m²) 	No	The proposal will result in an additional 5.09m ² of gross floor area (GFA) and the site has an existing FSR of 0.995:1 (2,521.35m ²). Therefore, the total proposed GFA will be 2,526.43m ² and a FSR of 0.997:1, resulting in a FSR exceedance of 99.4%.
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 FSR development standard. A detailed discussion of the variation to the development standard is presented below this table.

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

Clause 4.6 Exceptions to Development Standards

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

The site is subject to a maximum FSR development standard of 0.5:1 (1267m²). The proposed development has a FSR of 0.997:1 (2,526.43m²), exceeding the standard by 1259.43m² equating to a 99.4% variation. The proposal specifically adds 5.09m² to the building, which accounts for approximately 0.4% of the overall variation of the FSR development standard.

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

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

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

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

The applicant seeks to justify the contravention of the 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 has been designed to integrate into the existing building. The proposed minor works will not be visible from the street and will not impact on the presentation of the building on the Loombah Street or Cadigal Place streetscape.*
 - (ii) The proposed development is consistent with other recent minor works in the complex, including a DA for to 'enclose part of the ground floor balcony to unit' of Unit 17 (Lot 13) approved on 27 October 2010 (DA-418/2010). The proposed minor increase in FSR facilitates with improve the useable liveable area within the unit and enhance the amenity for the residents, consistent with the area's planning objectives. The proposal will maintain the existing bulk and scale of the building and its setting within the low density residential streetscape and maintain the amenity of neighbouring properties in terms of privacy, solar access and views. Therefore, it is considered that the proposed FSR provides a better planning outcome for the site.*
 - (iii) The applicant seeks a variation to the FSR development standard, which is considered unreasonable and unnecessary in the circumstances of the case on the basis of Wehbe reasons 1 and 3, as explained in detail below.*
 - (iv) Despite the non-compliance, the proposal relates to a minor extension of only 5.09m² across a site with an area of 2,534m², representing an increase in the total floor area of 0.24%. The additional floor area will provide more useable internal space and a significant improvement to the internal amenity of the apartment, while still maintaining a large outdoor private open space area.*
 - (v) The replacement of the existing sliding doors are required as the original doors were poorly installed and have resulted in water ingress and damage to beneath the internal floorboards. The new sliding doors will be of a commercial grade with thickest glass to improve the internal climate in both summer and winter.*
 - (vi) The overall FSR of the development is consistent with the emerging densities along Military Road and in Dover Heights in general. The overall building envelopes and floor areas are consistent with general larger dwellings characteristic of the locality.*
 - (vii) The following table and figures provide a summary of the recent developments, predominantly dual occupancy developments, and associated floor areas in the locality, highlighting the consistency of the existing building and proposed minor increase in GFA within the context of the locality.*

Address	DA Number	Development Description	FSR
113 Military Road	DA-323/2012	Demolition of the existing dwelling and construct new dual occupancy development, strata subdivision into two lots	0.78:1
131 Military Road	DA-259/2020	Demolition of dwelling and construction of a two-storey attached dual occupancy with integrated basement parking, swimming pool at rear and strata subdivision	0.8:1
137 Military Road	DA-24/2013	Demolition of dwelling, construction of dual occupancy with basement parking and strata subdivision	0.68:1
141 Military Road	DA-149/2017	Demolition of existing structures and construction of new dual occupancy with strata subdivision	0.74:1
145 Military Road	DA-321/2014	Demolish existing dwelling and construct new dual occupancy with swimming pools, double garages, new fencing and landscaping works	0.65:1
147 Military Road	DA-167/2012	Demolition of dwelling and Construct new dual occupancy with garage, swimming pool and strata subdivision	0.66:1
2 Lyons Street	DA-387/2013	Demolition of dwelling & construction of dual occupancy with basement parking & swimming pool including strata subdivision	0.67:1
52 Gilbert Street	DA-397/2012	Demolition of dwelling, construction of a two storey dual occupancy with basement garage and storage	0.66:1

Figure 8: Summary of the recent developments and associated floor areas in the locality.

- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *The proposed minor increase in floor area and the retention of the general building envelope and bulk is compatible with the existing scale and character of the Seniors Housing building and the locality in general. The additional FSR will not result in substantial bulk as it is well below the building height limit. The proposed GFA is compatible with the surrounding developments' bulk and scale and general built environment.*
 - (ii) *The FSR exceedance will not be easily discernible from the public domain and will not impact neighbours' amenity, as demonstrated in the SEE. It is considered that the proposed building envelope will not result in any unacceptable adverse impacts on the surrounding urban environment in terms of urban design, built form, residential amenity, wind impacts or impacts on utilities infrastructure.*
 - (iii) *Further, a lack of environmental impact does not in itself provide for sufficient environmental planning grounds to vary a standard. It is however noteworthy that the FSR breach itself does not cause any view loss to neighbouring buildings or from the public domain and does not introduce adverse privacy or overshadowing impacts.*
 - (iv) *As noted above and throughout this Clause 4.6 Variation Request, the scale of the minor development is compatible with the characteristics of the site and the locality in general. The proposed minor extension is an appropriate correlation with the size of the site and the extent of the development as it is consistent with the overall building envelope and setbacks in the locality. It maintains the existing presentation to the street.*
 - (v) *The proposed development will maintain the existing front, side and rear setbacks, provide sufficient private open space and landscaped areas and will not present significant or unreasonable privacy or amenity impacts on the neighbouring properties and will not impact on the streetscape presentation, there would be no utility in strictly enforcement of the FSR development standard.*

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

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

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

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

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

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

The applicant specifically relies upon justification (a) and (c) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. This is sound justification as the proposal complies with the height development standard and is consistent with the objectives of the FSR development standard and R2 zone. The existing seniors housing development is over the FSR development standard at 0.995:1 (2,521.35m²) and the minor addition of 5.09m² is considered reasonable to allow an improved amenity to the resident while resulting in negligible environmental amenity impacts upon neighbouring properties and the locality.

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, particularly as the minor contravention will help improve and optimise the amenity for future occupants. The FSR breach itself does not cause any view loss to neighbouring buildings or from the public domain and does not introduce adverse privacy or overshadowing impacts. The proposed building envelope and floor space are an appropriate correlation with the size of the site and the extent of the development as it is consistent with the overall building envelope and setbacks in 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.

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

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

Comment: The proposed enclosed balcony space which exceeds the FSR maximum development standard does not have an impact on environmental amenity of neighbouring properties. The non-compliance represents an increase in the total floor area of the building by 0.24% (accounting for 0.4% of the overall variation to the FSR development standard) and is not visible from both streetscapes. The height of unit 1 is kept the same at a compliant level and preserves the surrounding view, solar access and privacy. Therefore, the proposed development is deemed to preserve the environmental amenity of neighbouring properties and public spaces.

The relevant 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.*

Comment: The proposal will provide for the housing needs of the community by providing a seniors housing development within the locality. All residents will have access to on-site support services and communal facilities including reading room, gym, sauna, lounge and pool.

Conclusion

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

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

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

Table 3: Waverley DCP 2012 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory.
6. Stormwater	Yes	Satisfactory. Refer to section 3 of this report on referral commentary in relation to stormwater.
12. Design Excellence	Yes	Satisfactory.

Table 4: Waverley DCP 2012 – Part C3 Other Density Residential Development Compliance Table

Development Control	Compliance	Comment
3.2 Height		
<ul style="list-style-type: none">Maximum external wall height: R2/9.5m – 7m	Yes	The proposed wall height is maintained at the existing height as the new roof slopes away from the existing flat roof.
3.4 Length and depth of buildings		
<ul style="list-style-type: none">Maximum unit depth: 18m	No	The proposed unit depth is increase to approximately 18.4m. The extension to unit 1 will provide more useable internal space and a significant improvement to the internal amenity of the apartment, while still maintaining a large outdoor private open space area.
3.5 Building design and streetscape		
<ul style="list-style-type: none">Respond to streetscapeSympathetic external finishes	N/A Yes	The unit is not visible from either street and the development is cohesive with the surrounding seniors living built form. The finishes are sympathetic with the external finishes.
3.13 Solar access and overshadowing		
<ul style="list-style-type: none">Minimum of three hours of sunlight to a minimum of 70% of units in the development on 21 June	Yes	There is a small amount of additional shadow added at 12pm which falls across the existing terrace to unit 1.

Development Control	Compliance	Comment
3.15 Visual privacy and security		
<ul style="list-style-type: none"> Privacy be considered in relation to context density, separation use and design. 	Yes	Visual privacy from the site is improved from the extended wall along the western side of the terrace.

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 from 30 August to the 13 September 2022 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 GFA calculation plan and the updated Clause 4.6 request and SEE were strengthened with additional information.

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. Fire Safety

The application was referred to Council's Building Surveyor due to the proposed alterations and additions to existing building classed between 1b to 9 under the Building Code of Australia. All new building works must comply with the BCA, in particular, protection of openings and fire resistance levels

of building elements. Standard conditions to ensure the subject works comply with the BCA have been recommenced.

3.2. Stormwater

The proposed alterations are minor from a stormwater perspective. No conditions need to be imposed.

4. CONCLUSION

The development application seeks consent for the alterations and additions to an existing seniors living unit to enclose a section of the terrace and extend the internal living area at the site known as Unit 1, 4-12 Cadigal Place, Dover Heights.

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

- Floor Space Ratio (FSR) exceedance; and
- Maximum unit depth.

The assessment finds these issues acceptable because the Clause 4.6 variation to the maximum FSR provides sound justification as the proposal complies with the objectives of the FSR development standard and R2 zone. The FSR breach does not cause any adverse privacy, view loss or overshadowing impacts. The proposed unit depth of 18.5m is considered acceptable as it improves the amenity for occupants using the larger living space.

No submissions were received and no declarations of interest were made throughout the assessment of this application.

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

Development and Building Unit (DBU) Decision:


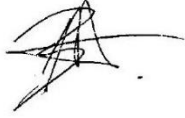
The application was reviewed by the DBU at the meeting on 18 October 2022 and the DBU determined:

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

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

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Edwina Ross	Ben Magistrale
Development Assessment Planner	Manager, Development Assessment (Area 2) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 15/11/2022	Date: 16 November 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 MOWA Studio of Project No: 2124 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
Drawing No. DA02, rev 1	Proposed Plan	17/08/2022	22/08/2022
Drawing No. DA03, rev 1	Proposed Elevation	17/08/2022	22/08/2022
Drawing No. DA04, rev 1	Proposed Section	17/08/2022	22/08/2022
Drawing No. DA05, rev 1	Site Plan	17/08/2022	22/08/2022
Drawing No. DA09, rev 1	Finishes Schedule	17/08/2022	22/08/2022

- (b) The Site Waste and Recycling Management Plan (SWRMP) Part 1 (28/07/2022);

Except where amended by the following conditions of consent.

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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.

CONTRIBUTIONS, FEES & BONDS

3. 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.

4. SECURITY DEPOSIT

A deposit (cash or cheque) for the amount of **\$2350** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

5. LONG SERVICE LEVY

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

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

CONSTRUCTION & SITE MATTERS

6. HOARDING

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

7. 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.

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.

9. 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.

FIRE SAFETY

10. 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.

11. FIRE SAFETY UPGRADING WORKS

- a) In addition to all new works fully comply with the Building Code of Australia, pursuant to Section 64 of the Environmental Planning and Assessment Regulations 2021, **UNIT 1** must be upgraded to comply with the following provisions of the Building Code of Australia 2019 (BCA):
 - (i) Vertical fire separation of windows or other openings in the external wall must be provided to protect the spread of fire between sole occupancy units in accordance with Clause C2.6 of the Building Code of Australia; and
 - (ii) Smoke hazard management - Part E2.
- 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 any 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 Section 64 of the Environmental Planning and Assessment Regulations 2021 have been considered in the assessment of the proposed development.

WASTE

12. 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

13. 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

14. 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.

15. 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

16. 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*.

17. 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.

18. CONSTRUCTION INSPECTIONS

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the *Building Legislation Amendment (Quality of Construction) Act 2002*, clause 162A of the *Environmental Planning and Assessment Regulation 2000* and the requirements of any other applicable legislation or instruments.

19. 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.

20. 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.

21. 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.

CERTIFICATES, LICENCES, EASEMENTS AND RESTRICTIONS

22. 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.

23. FIRE SAFETY UPGRADE WORKS

The Occupation Certificate shall not be issued until all fire safety works specified in condition 11 of this development consent are completed and a Final Fire Safety Certificate has been 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. 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.

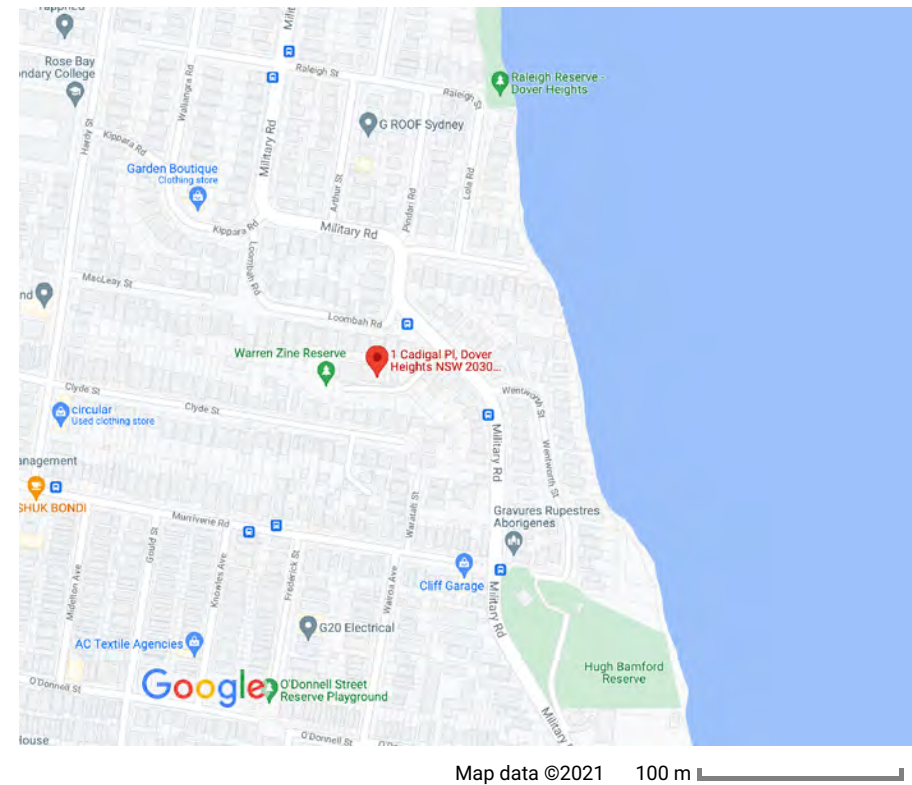
ALTERATIONS AND ADDITIONS

Unit Unit 1-4 Cadigal Place Dover Heights NSW

DESCRIPTION OF PROPOSAL

REMOVE EXISTING WINDOW/DOOR TO TERRACE AND REPLACE WITH NEW WINDOW/DOOR, RE-POSITION 1320MM[COS] OUT INTO TERRACE, EXTEND EX. WALL AND ADD NEW GLASS PANEL ON DOOR SIDE. EXTEND LIGHTWEIGHT ROOF OVER.

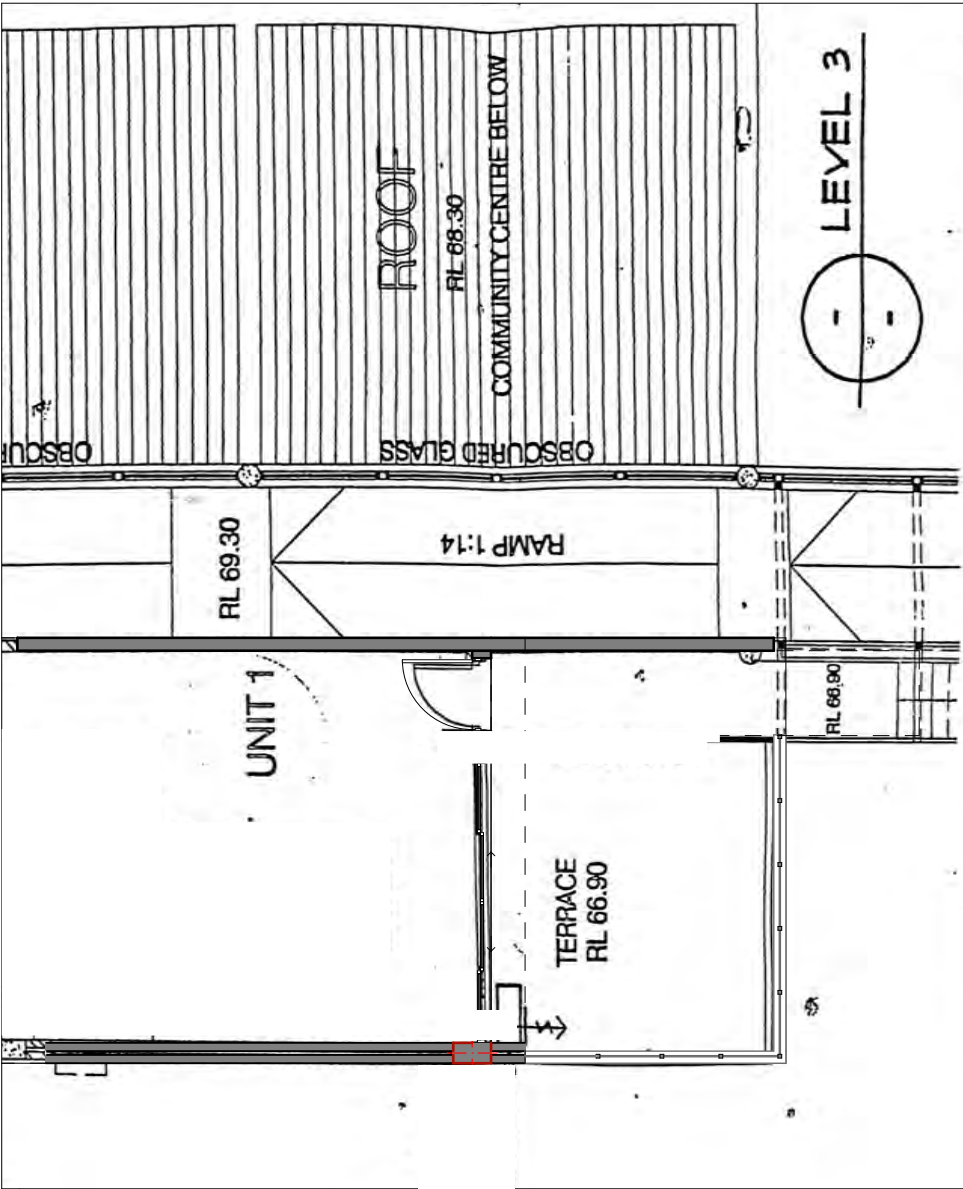
All dimensions to be confirmed on site.
COS = Confirm on site



1 1 Cadigal PI - Google Maps

CALCULATIONS

Existing Total GFA= 2376.77m2
Proposed Total GFA = 2381.86m2
Site area: 2534m2
Existing FSR 0.937:1
Proposed FSR 0.939:1
Increase of FSR by percentage = 0.21%

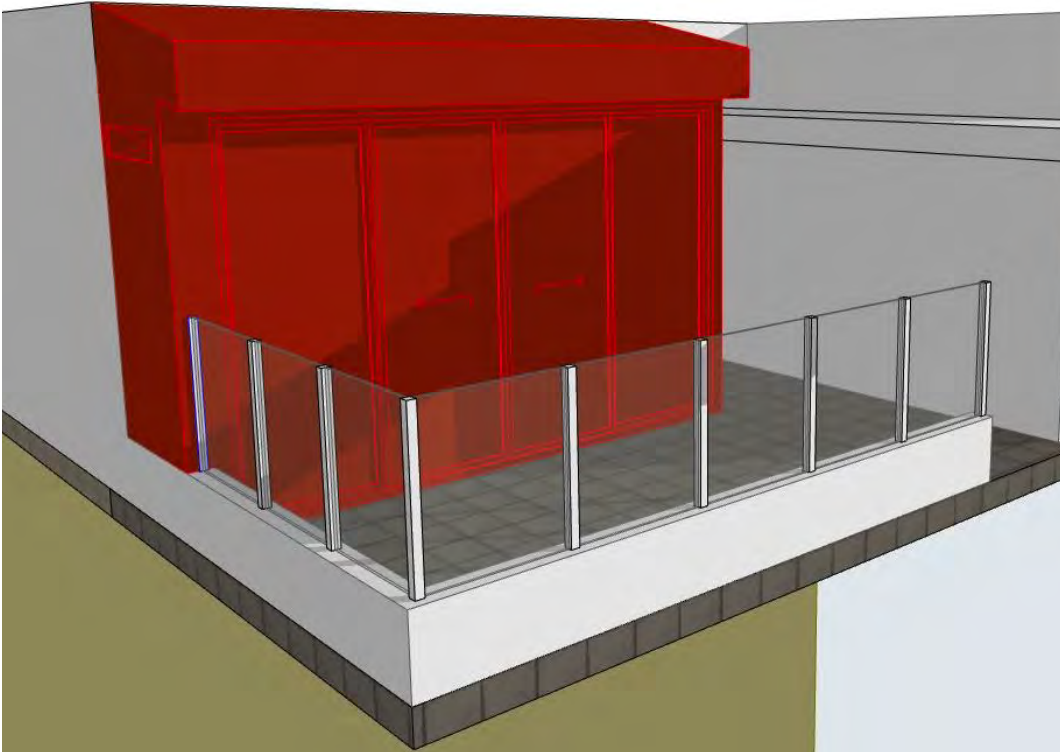


2 EXISTING PLAN 1:100



3

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PHOTO OF EXISTING
Application No: DA-321/2022
Date Received: 22/08/2022



4 MODEL OF PROPOSED

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---	--	--	-----------------------------	--	--	-------------------------	--	---

NOTE:

All new work to comply with Structural Engineer's future details

NOTE:

All removal works are to be carried out in accordance with AS 2601-2001.

Any essential service must be disconnected from the structure being removed or removed in accordance with the requirements of the relevant authority.

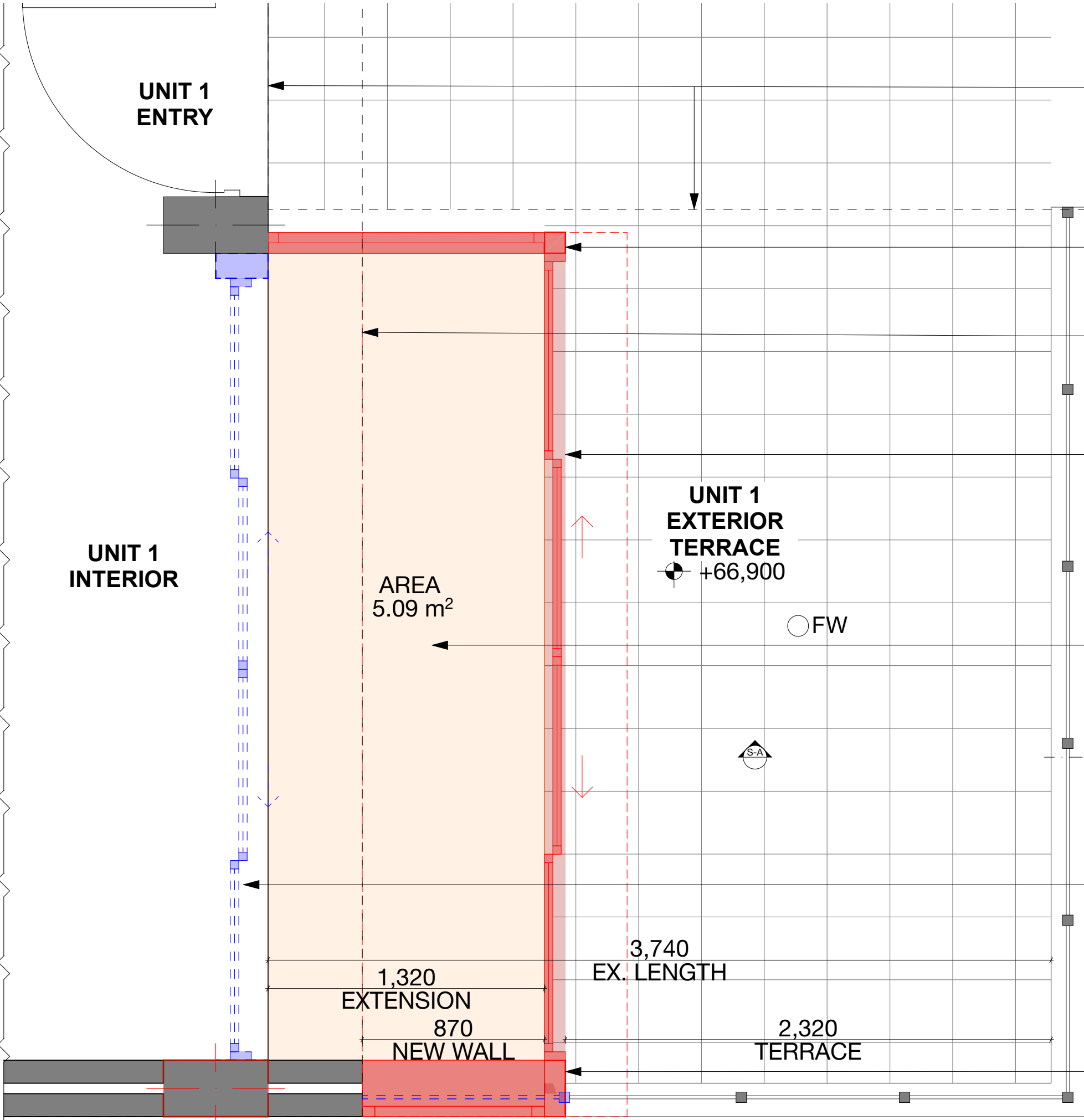
NOTE: ALL DIMENSIONS TO BE CONFIRMED ON SITE.

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Date Received: 22/08/2022

1 PROPOSED FLOOR PLAN
1:20



EXISTING
DOOR AND
AWNING
ABOVE
TO REMAIN

NEW
GLASS
PARTITION
EX.
AWNING
TO REMAIN

NEW SLIDING
DOOR/WINDOW
SHOWN RED.

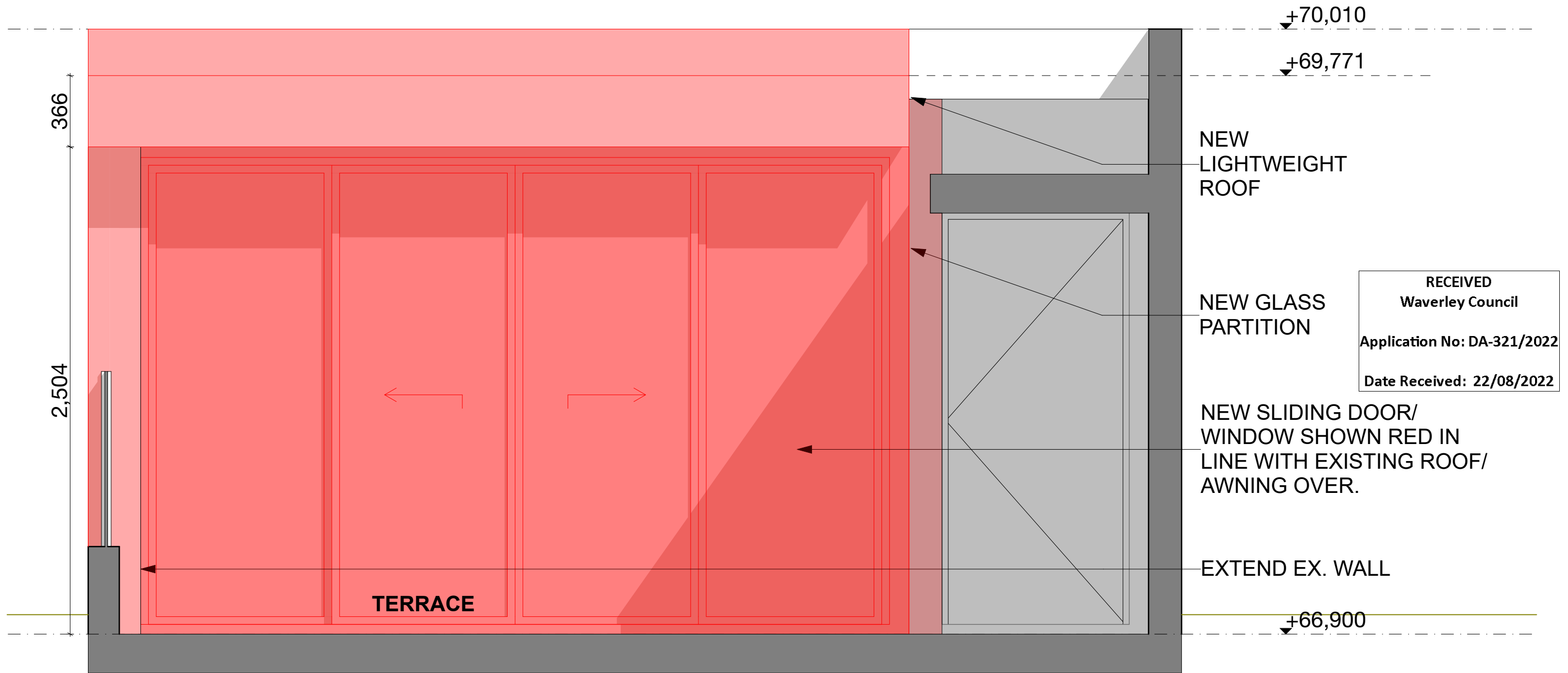
ENCLOSED AREA
OF TERRACE
5.09M2 SHOWN
SHADED ORANGE.
DOOR SILL/
THRESHOLD 50MM
RAISED FROM
EXTERNAL FFL AS
HOB

REMOVE
EXISTING LINTEL
AND EXISTING
SLIDING DOOR/
WINDOW
SHOWN DASHED
BLUE

EXTEND EX. WALL
AND ADD 870MM X
300MM HIGHLIGHT
FROSTED WINDOW

FOR DA PURPOSES - NOT FOR CONSTRUCTION

<div>General Notes</div> <div>DO NOT SCALE FROM DRAWING. USE FIGURED DIMENSIONS ONLY. CHECK ALL DIMENSIONS ON SITE BEFORE ANY MANUFACTURE OR CONSTRUCTION</div> <div>All dimensions are in millimetres unless stated otherwise.</div> <div>All architectural drawings are to be read in conjunction with the relevant consultant documents. All dimensions and levels are to be checked and verified on site prior to the commencement of work, shop drawings or fabrication of any components. Refer all discrepancies to the Architect for determination. Drawings are not to be scaled, use only figured dimensions. This drawing is copyright and must not be retained, copied or used without the permission of MOWA STUDIO. This document has been prepared for and on behalf of the clients noted on the drawing. MOWA STUDIO'S responsibility is to these clients only and not to any third party who may rely on these documents.</div>	<div></div>	<div></div> EXISTING WORK TO REMAIN	<div>Client</div> <div>IAN OSSHER</div>	<div>Architect</div> <div>mowa studio</div> <div>SYDNEY</div> <div>T: +61 4 32 422 209</div> <div>E: info@mowa.co</div> <div>W: www.mowa.co</div>	<div>Drawn</div> <div>MOWA</div>	<div></div>	<div>Project Address</div> <div>Unit 1-4 Cadigal Place</div> <div>Dover Heights NSW</div>	<div>Drawing</div> <div>PROPOSED PLAN</div>		
		<div></div> PROPOSED WORK								
		<div></div> TO BE REMOVED								
			<div>Checked</div> <div>IS</div>		<div>Status</div> <div>DA</div>	<div>Scale at A3</div> <div>1:20</div>	<div>Date</div> <div>17/8/22</div>	<div>Project No.</div> <div>2124</div>	<div>Revision</div> <div>I</div>	<div>Drawing No.</div> <div>DA02</div>



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Date Received: 22/08/2022

NOTE: ALL DIMENSIONS TO BE CONFIRMED ON SITE.

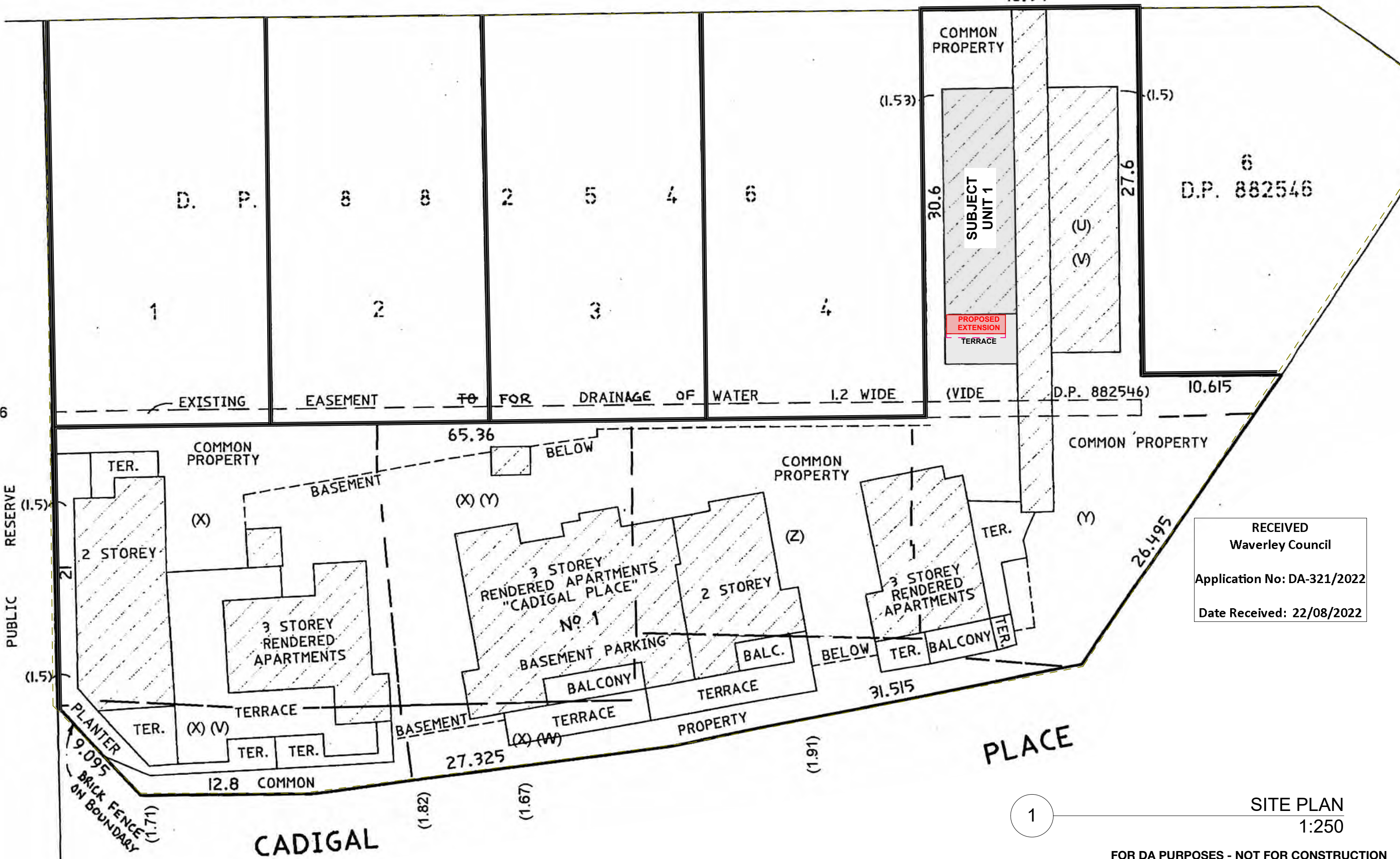
1 PROPOSED ELEVATION
1:20

FOR DA PURPOSES - NOT FOR CONSTRUCTION

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---	---	--	--	--

LOOMBAH

ROAD



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Waverley Council
Application No: DA-321/2022
Date Received: 22/08/2022

SITE PLAN
1:250

FOR DA PURPOSES - NOT FOR CONSTRUCTION

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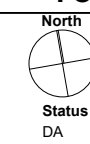


EXISTING WORK TO REMAIN
PROPOSED WORK
TO BE REMOVED

Client
IAN OSSHER

Architect
mowa studio
SYDNEY
T: +61 4 32 422 209
E: info@mowa.co
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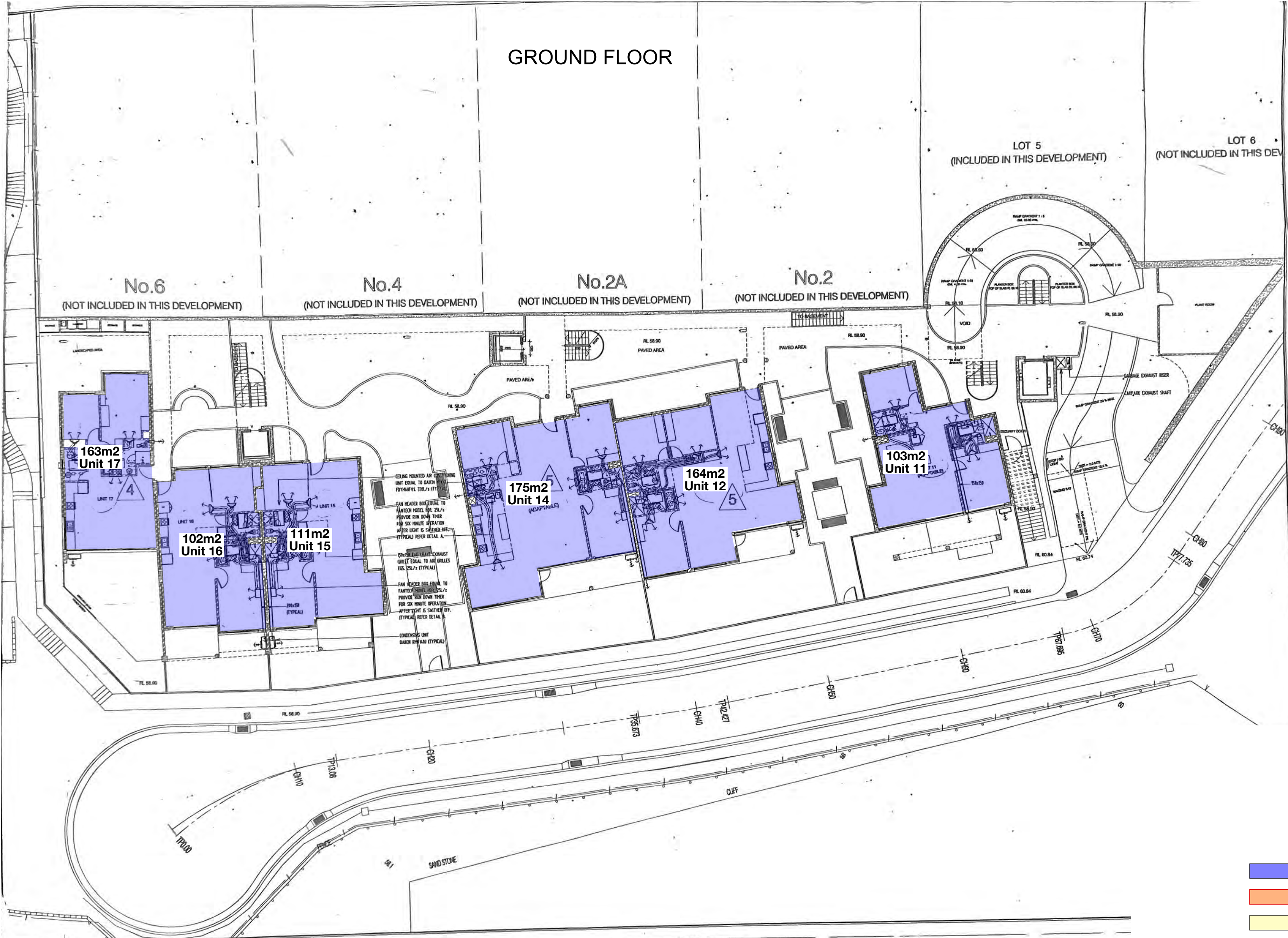
Drawn
MOWA
Checked
IS



Project Address
Unit 1-4 Cadigal Place
Dover Heights NSW
Scale at A3
1:250
Date
17/8/22

Drawing
SITE PLAN

Project No. Revision
2124 I
Drawing No.
DA05



1 GROUND FLOOR_GFA DIAGRAMS

- EXISTING GFA
- PROPOSED GFA
- BREEZEWAY/OUTDOOR

Note: Most circulation is breezeway between apartments

Site area: 2534m2
Existing FSR 0.995:1
Proposed FSR 0.997:1
Increase of FSR by percentage = 0.20%

GFA TABLE	
GFA GF	826m2
GFA L1	691m2
GFA L2+COMMON	838.34m2
GFA L3	ex.166m2 + new 5.09m2
EX. TOTAL	2521.35m2
PROPOSED TOTAL	2526.43m2

General Notes
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EXISTING WORK TO REMAIN

PROPOSED WORK

TO BE REMOVED

Client
IAN OSSHER

Architect
mowa studio
SYDNEY
T: +61 4 32 422 209
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W: www.mowa.co

Drawn
MOWA

Checked
IS

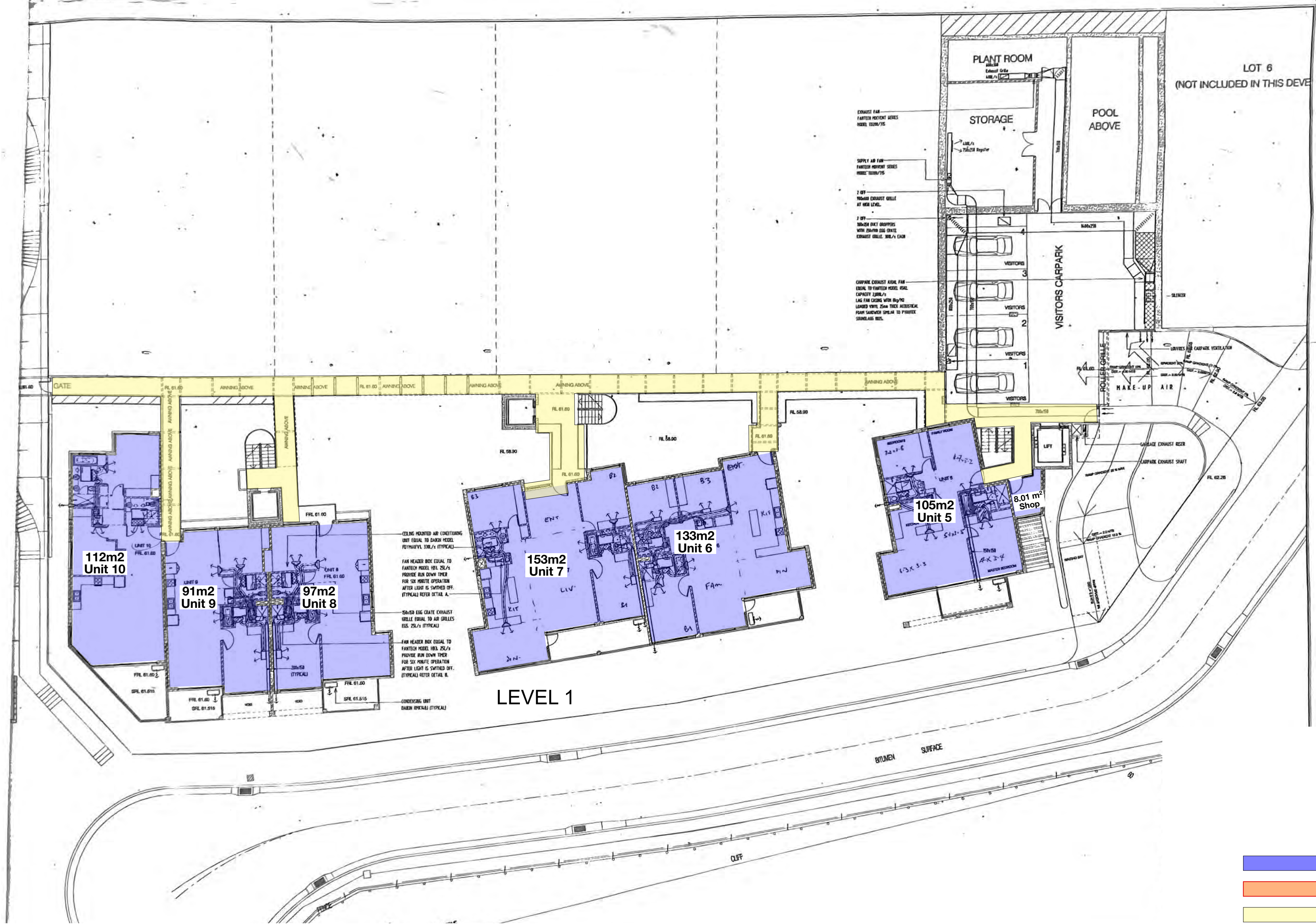
North
Status
DA

Project Address
Unit 1-4 Cadigal Place
Dover Heights NSW

Scale at A2

Date
29/9/22

Drawing GFA DIAGRAMS GF	
Project No. 2124	Revision 1
Drawing No. DA06	



1 LEVEL 1_GFA DIAGRAMS

- EXISTING GFA
- PROPOSED GFA
- BREEZEWAY/OUTDOOR

Note: Most circulation is breezeway between apartments

Site area: 2534m2
Existing FSR 0.995:1
Proposed FSR 0.997:1
Increase of FSR by percentage = 0.20%

GFA TABLE	
GFA GF	826m2
GFA L1	691m2
GFA L2+COMMON	838.34m2
GFA L3	ex.166m2 + new 5.09m2
EX. TOTAL	2521.35m2
PROPOSED TOTAL	2526.43m2

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EXISTING WORK TO REMAIN

PROPOSED WORK

TO BE REMOVED

Client

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Drawn

MOWA

Checked

IS

North

Status

DA

Project Address

Unit 1-4 Cadigal Place
Dover Heights NSW

Scale at A2

Date

29/9/22

Drawing

GFA DIAGRAMS L1

Project No.

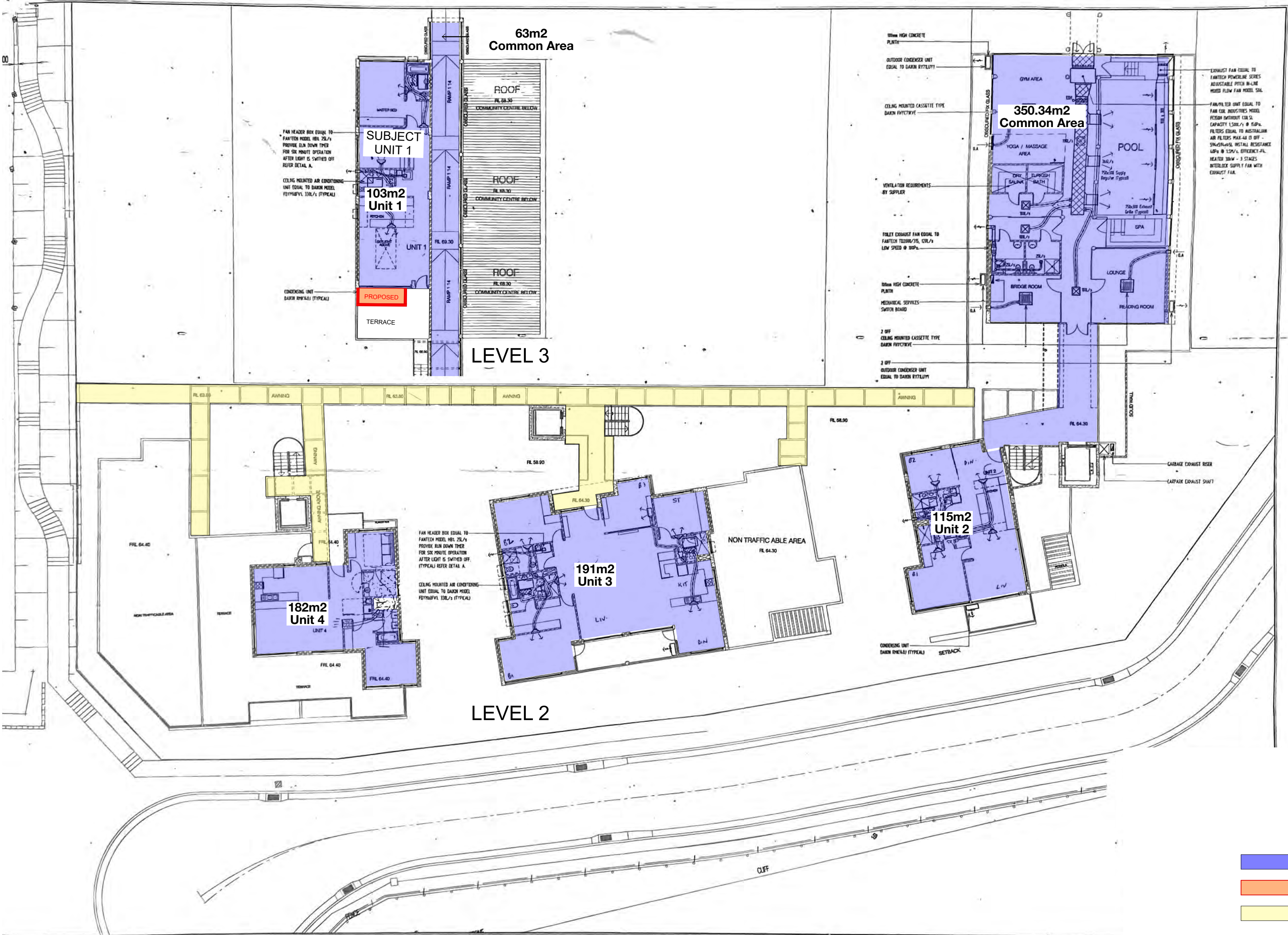
2124

Revision

I

Drawing No.

DA07



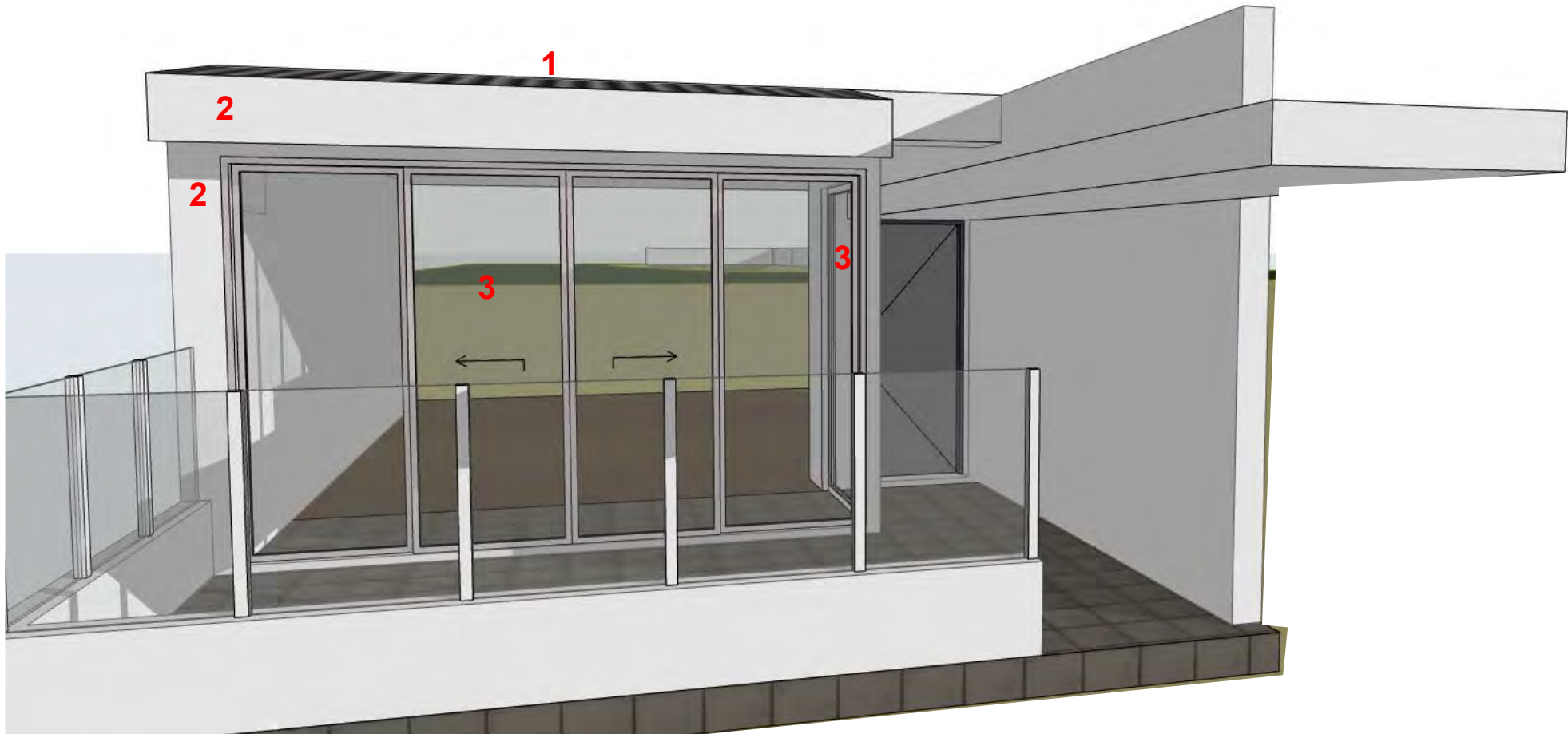
1 LEVEL 2 & 3_GFA DIAGRAMS

- EXISTING GFA
- PROPOSED GFA
- BREEZEWAY/OUTDOOR

Note: Most circulation is breezeway between apartments

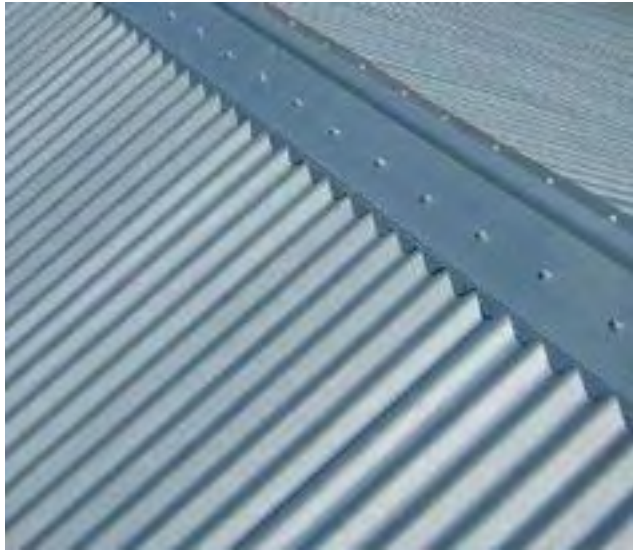
Site area: 2534m2
Existing FSR 0.995:1
Proposed FSR 0.997:1
Increase of FSR by percentage = 0.20%

GFA TABLE	
GFA GF	826m2
GFA L1	691m2
GFA L2+COMMON	838.34m2
GFA L3	ex.166m2 + new 5.09m2
EX. TOTAL	2521.35m2
PROPOSED TOTAL	2526.43m2

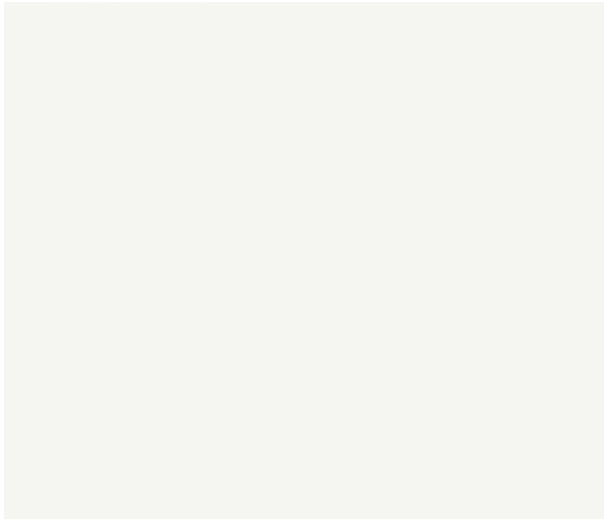


3D VIEW

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Date Received: 22/08/2022



1 NEW COLORBOND METAL ROOF



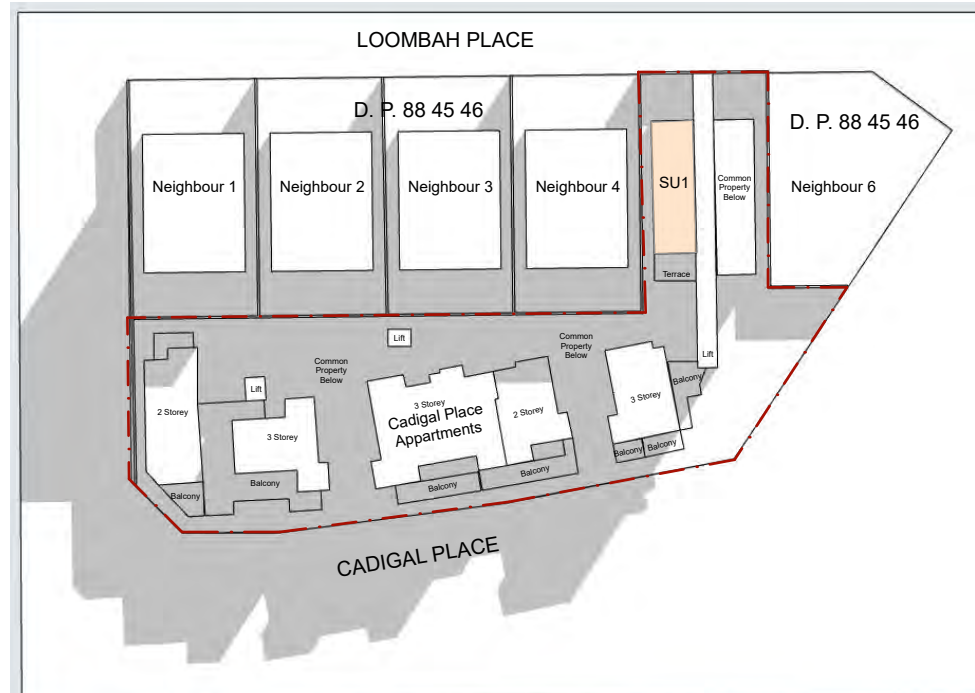
2 NEW CEMENT RENDER PAINT FINISH TO MATCH EXISTING



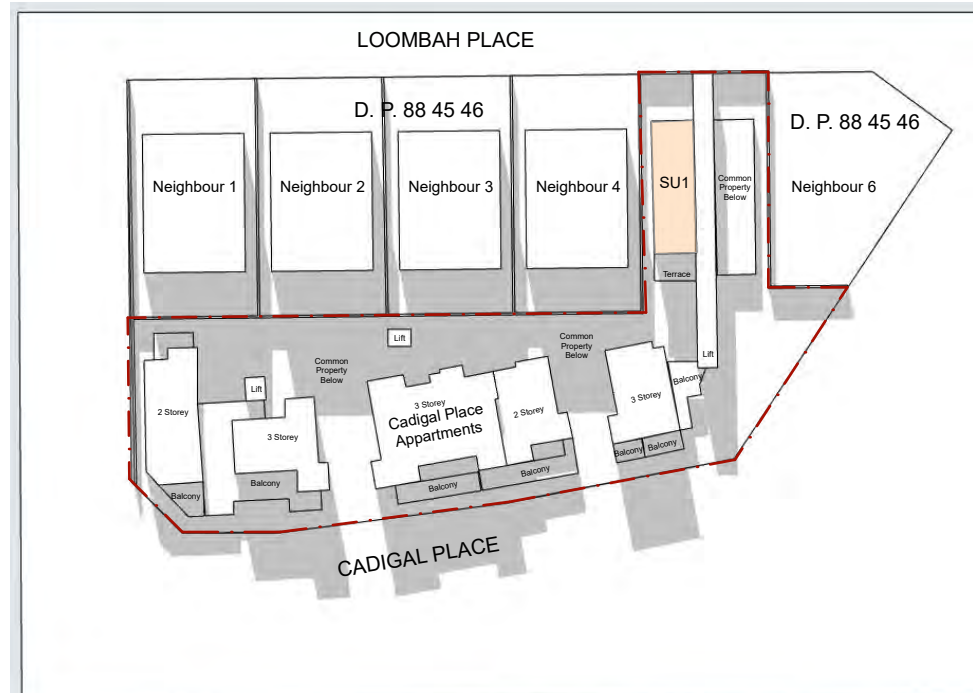
3 NEW ALUMINIUM FRAMED GLASS DOOR

FOR DA PURPOSES - NOT FOR CONSTRUCTION

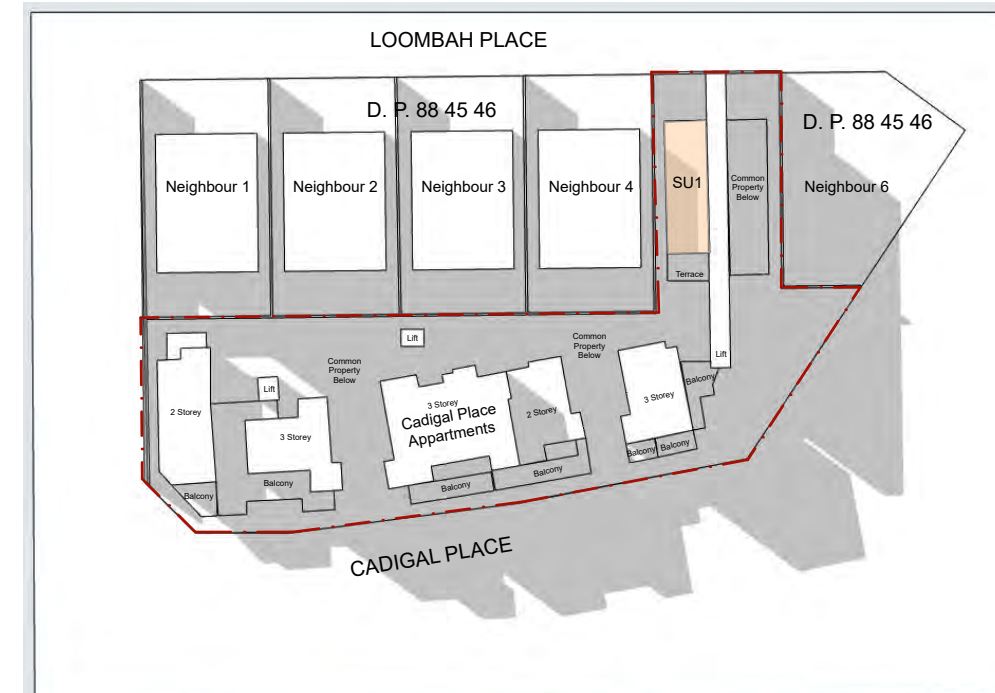
<p>General Notes DO NOT SCALE FROM DRAWING. USE FIGURED DIMENSIONS ONLY. CHECK ALL DIMENSIONS ON SITE BEFORE ANY MANUFACTURE OR CONSTRUCTION. All dimensions are in millimetres unless stated otherwise. All architectural drawings are to be read in conjunction with the relevant consultant documents. All dimensions and levels are to be checked and verified on site prior to the commencement of work, shop drawings or fabrication of any components. Refer all discrepancies to the Architect for determination. Drawings are not to be scaled, use only figured dimensions. This drawing is copyright and must not be retained, copied or used without the permission of MOWA STUDIO. This document has been prepared for and on behalf of the clients noted on the drawing. MOWA STUDIO'S responsibility is to these clients only and not to any third party who may rely on these documents.</p>		<p>EXISTING WORK TO REMAIN PROPOSED WORK TO BE REMOVED</p>	<p>Client IAN OSSHER</p> <p>Architect mowa studio SYDNEY T: +61 4 32 422 209 E: info@mowa.co W: www.mowa.co</p> <p>Drawn MOWA</p> <p>Checked IS</p> <p>Status DA</p> <p>Project Address Unit 1-4 Cadigal Place Dover Heights NSW</p> <p>Scale at A3 Date 17/8/22</p> <p>Drawing FINISHES SCHEDULE</p> <p>Project No. 2124 Revision I Drawing No. DA09</p>
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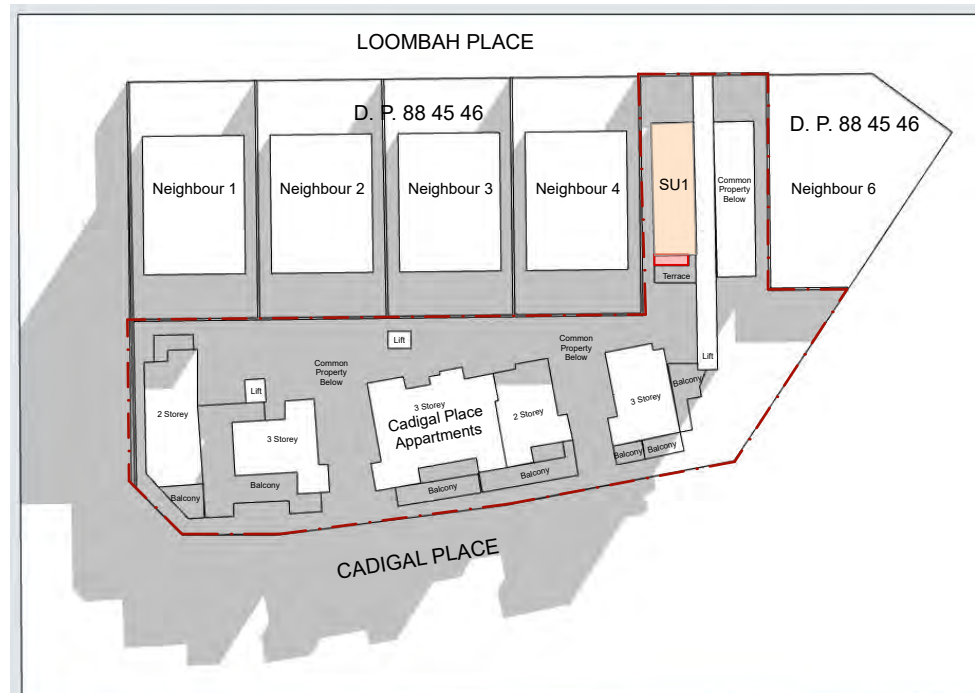
1 EX.SHADOW 9AM JUNE



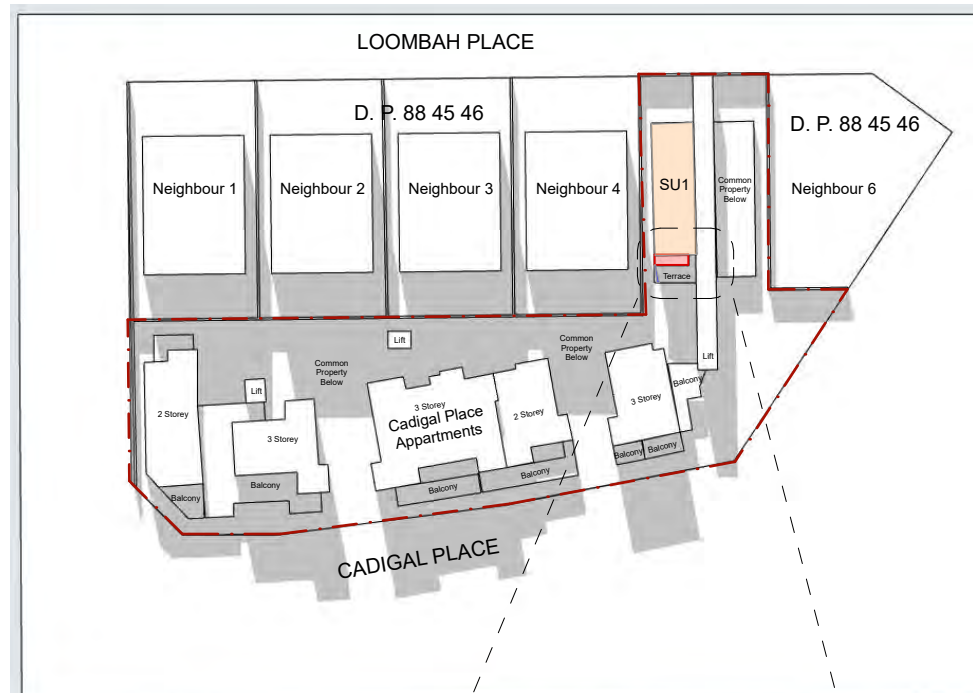
2 EX.SHADOW 12PM JUNE



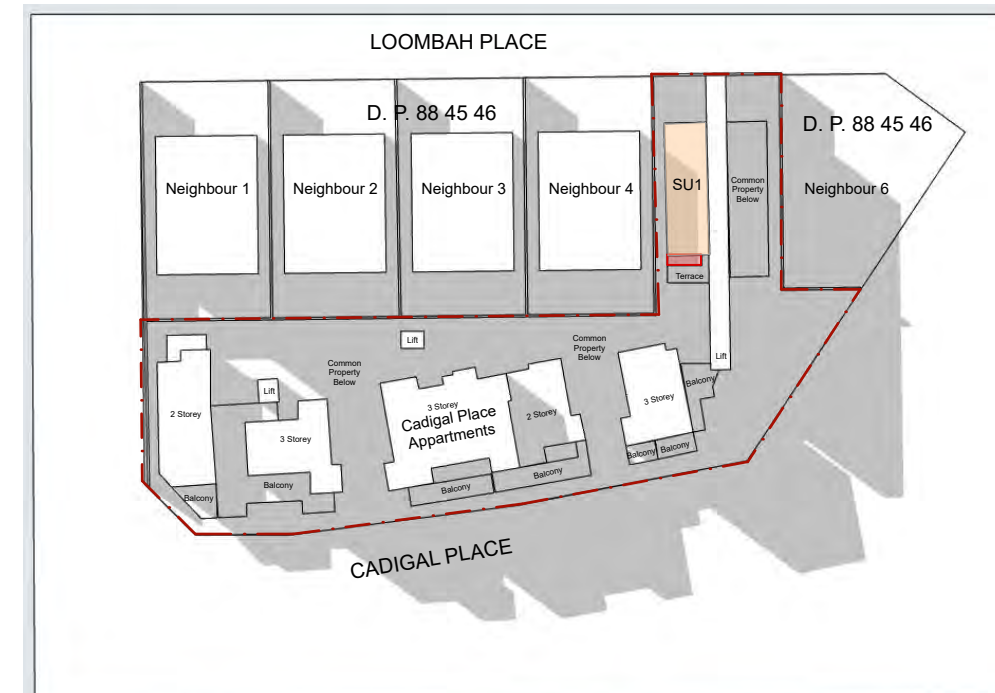
3 EX.SHADOW 3PM JUNE



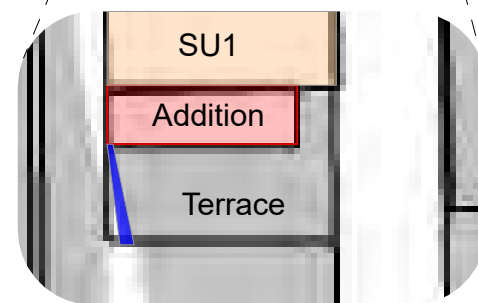
4 PROPOSED SHADOW 9AM JUNE



5 PROPOSED SHADOW 12PM JUNE



6 PROPOSED SHADOW 3PM JUNE



5A CLOSE UP OF PROPOSED SHADOW 12PM JUNE

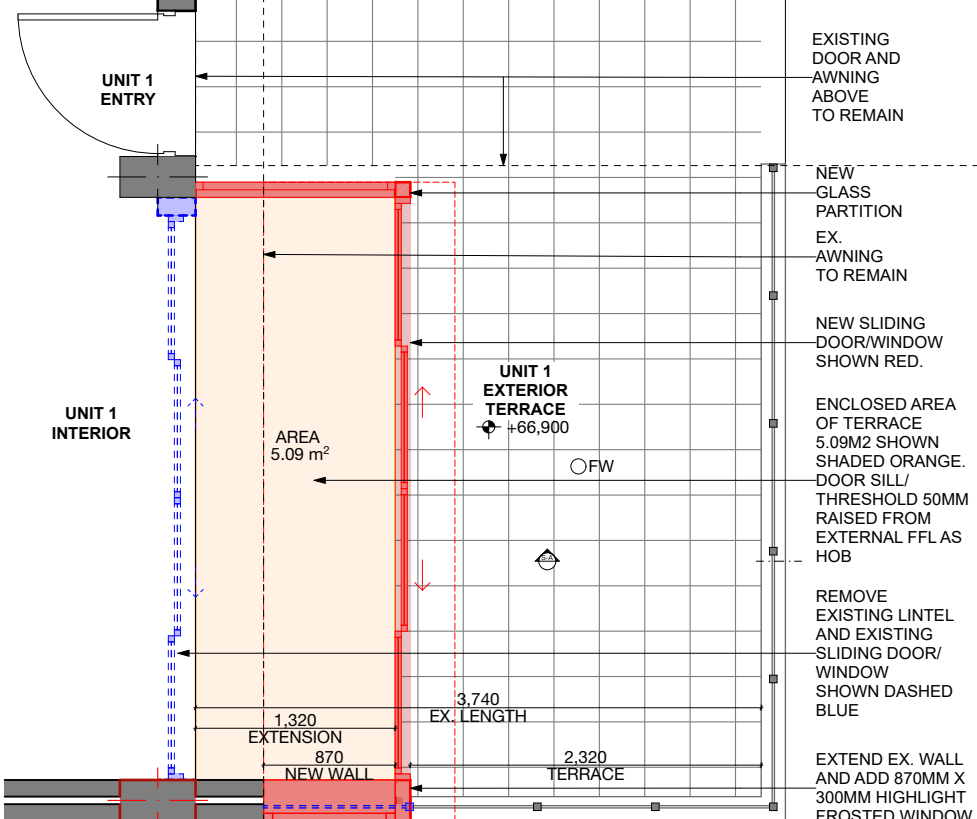
- EXISTING BUILDINGS
- PROPOSED ADDITION
- EXISTING SHADOW
- ADDITIONAL SHADOW
- SUBJECT UNIT

NOTE: NEGLIGIBLE ADDITIONAL SHADOW AT 12PM ON JUNE 21
CAST ON SUBJECT'S UNIT TERRACE AS A RESULT OF THE
PROPOSED ADDITION

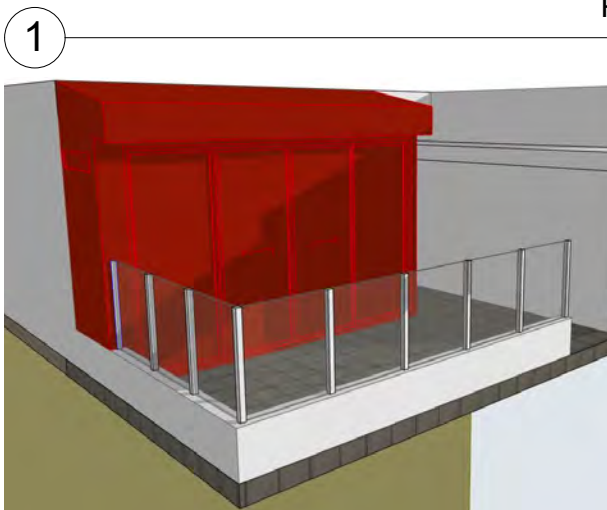
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PROPOSED FLOOR PLAN
1:50

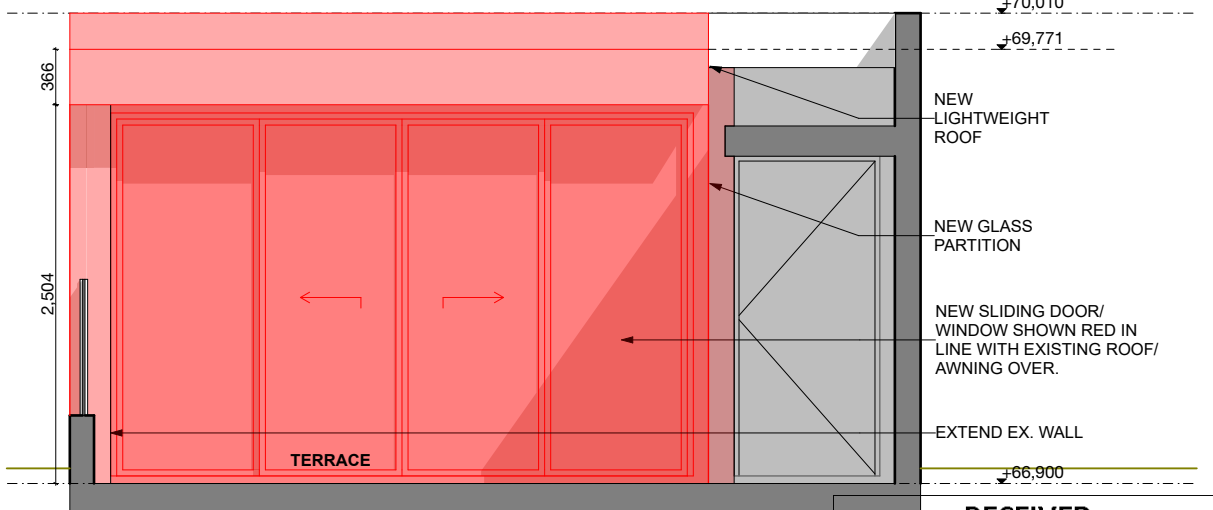


MODEL OF PROPOSED

DESCRIPTION OF PROPOSAL

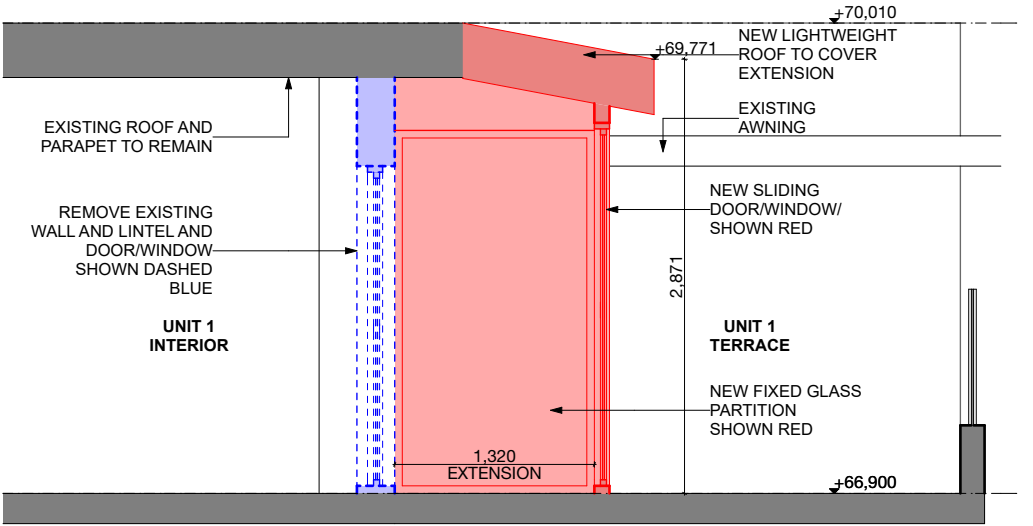
REMOVE EXISTING WINDOW/ DOOR TO TERRACE AND REPLACE WITH NEW WINDOW/ DOOR, RE-POSITION 1320MM[COS] OUT INTO TERRACE, EXTEND EX. WALL AND ADD NEW GLASS PANEL ON DOOR SIDE. EXTEND LIGHTWEIGHT ROOF OVER.

2



PROPOSED ELEVATION
1:50

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Application No: DA-321/2022
Date Received: 22/08/2022



PROPOSED SECTION A

4

1:50
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EXISTING WORK TO REMAIN
PROPOSED WORK
TO BE REMOVED

mowa studio

Client
IAN OSSHER

Architect
mowa studio
SYDNEY
T: +61 4 32 422 209
E: info@mowa.co
W: www.mowa.co

Drawn
MOWA

Checked
IS

Status
DA

Project Address
Unit 1-4 Cadigal Place
Dover Heights NSW

Scale at A3
1:50, 1:400

Date
17/8/22

Drawing
NOTIFICATION PLANS

Project No. Revision
2124 H

Drawing No.
DA11



Report to the Waverley Local Planning Panel

Application number	DA-335/2022
Site address	154 Brighton Boulevard, North Bondi
Proposal	Substantial demolition and alterations and additions to a Residential Flat Building (RFB) including internal reconfiguration, new lift and two basement parking levels.
Date of lodgement	17 August 2022
Owner	Proprietors of Strata Plan 30225
Applicant	Shelco Air Con Pty Ltd aft Shelco Air Con Trust
Submissions	Six submissions received
Cost of works	\$5,075,708
Principal Issues	<ul style="list-style-type: none"> Unclear how the retained portions of the development will be structurally supported during construction. The proposal is increasing height and Floor Space Ratio (FSR) of a building that already exceeds its maximum development capacity. View loss and solar access impacts from enlarged balconies (attributes to increased bulk and scale) Excessive excavation.
Recommendation	That the application be REFUSED for the reasons contained in the report.

SITE MAP



(Source: Nearmap, 2022)

1. PREAMBLE

1.1. Executive Summary

The Development Application (DA) seeks consent for substantial demolition and alterations and additions to an RFB, including internal reconfiguration, new lift and two basement parking levels at the site known as 154 Brighton Boulevard, North Bondi.

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

- Unclear how the retained portions of the development will be structurally supported during construction.
- The proposal is increasing building height and FSR of a building that already exceeds its maximum development capacity.
- View loss and solar access impacts from enlarged balconies (attributes to increased bulk and scale)
- Excessive excavation.

The assessment finds these issues unacceptable as the works contribute additional bulk and scale to a building that has reached its maximum development capacity resulting in amenity impacts on neighbouring properties.

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 refusal.

1.2. Site and Surrounding Locality

A site visit was carried out on 10 October 2022.

The site is identified as SP30225, known as 154 Brighton Boulevard, North Bondi.

The site is rectangular in shape with a western frontage to Brighton Boulevard, measuring 12.19m. It has an area of 477.4m² and falls from the east to the west by approximately 0.88m.

The site is occupied by a four storey RFB. The ground floor of the RFB is occupied by parking that is accessed via Brighton Boulevard.

The site is adjoined by a four storey RFB with a small fifth storey addition to the north at 152 Brighton Boulevard and a two storey dual-occupancy to the south at 156 Brighton Boulevard. However, under DA-33/2022 it was approved to be converted into a single detached dwelling.

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

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



Figure 1. Subject site in context with the surrounding streetscape.



Figure 2. Front of the subject site, fronting Brighton Boulevard (Source: Realestate.com, 2021)



Figure 3. Rear of the subject site (outlined yellow), and surrounding neighbourhood (Source: Realestate.com, 2021)

1.3. Relevant Development History

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

However, relevant development history of neighbouring properties include:

152 Brighton Boulevard, North Bondi

DA-312/2009 was approved on 13 October 2009 for the refurbishment of RFB, rooftop terraces and strata subdivision into 6 lots.

156 Brighton Boulevard, North Bondi

DA-33/2022 was approved on 12 August 2022 for substantial demolition of the existing structures, and alterations and additions, to create a single dwelling house with integrated car parking and pool to the rear.

1.4. Proposal

The DA seeks consent for substantial demolition and alterations and additions to an RFB including internal reconfiguration, new lift and two basement parking levels, specifically the following:

Demolition

- Demolition of internal and external walls to the ground floor, level 1, level 2, level 3 with retention of the existing roof.

Construction

- Basement 2
 - Car lift from ground floor to provide vehicular access.
 - 3 residential parking spaces.
 - 1 motorcycle parking space.
 - Store room.
 - Elevator access.
 - Stair access.
- Basement 1
 - Car lift from ground floor to provide vehicular access.
 - 3 residential parking spaces.
 - 1 motorcycle parking space.
 - 4 bicycle parking spaces.
 - Store room.
 - Elevator access.
 - Stair access.
- Ground Floor
 - Turntable and car lift to access basement garages.
 - Common foyer with elevator and stair access.
 - Gym.
 - Bin storage.
 - Apartment 1 (studio).
 - Bedroom with ensuite.
 - Open plan kitchen and living area.
 - Outdoor area with exclusive use of pool and spa.
- First Floor
 - Common foyer.
 - Garbage shoot.
 - Private entry for apartment 4.
 - Apartment 2 and 3 (each 1 bedroom)
 - Open plan living, kitchen and dining area.
 - Bedroom with associated walk-in-robe and ensuite.
 - Balcony.

- Second Floor
 - Apartment 4 (3 bedroom)
 - Primary bedroom with associated walk-in-robe ensuite and balcony.
 - Two secondary bedrooms each with own walk-in-robe and shared balcony.
 - Balcony.
 - Exclusive use of stairs and elevator to level above.
 - Garbage shoot.
- Third floor
 - Apartment 4 (3 bedroom)
 - Open plan living, kitchen and dining areas.
 - Powder room.
 - Garbage Shoot.
 - Scullery.
 - Balconies to front and rear.



Figure 4. Photomontage of the proposed development (Source: Stafford Architecture, 2022)

1.5. Background

The DA was recommended to be withdrawn on 19 October 2022, for the following reasons:

- The current proposal results in substantial demolition works and it was unclear how the retained elements would be structurally supported during construction.
- The proposed works incorporate additional bulk and scale from the lift shaft, lobby and chimney to the northern elevation which contribute to the bulk and scale of an RFB that has already

reached its maximum development potential and it leads to additional environmental impacts to neighbouring properties.

- If the development was approved and a Section 4.55 was lodged in the future to rebuild retained walls, then it may not pass the '*substantially the same development test*' and a new DA would have to be lodged and assessed.

The applicant advised on 27 October 2022 to proceed with the assessment.

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 1 March 2022 and have been considered as part of the assessment of this DA. They will be discussed in detail below:

- SEPP (Building Sustainability Index – BASIX) 2004
- SEPP 65 (Design Quality of Residential Apartment Development) 2002
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021

A detailed discussion is provided for relevant SEPPs as follows:

SEPP (Design Quality of Residential Apartment Design)

The application was referred to the Waverley Design Advisory Excellence Panel (DEAP) on 7 September 2022. 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
Principle 1: Context and Neighbourhood
<i>The proposal does achieve this principle in the following ways:</i>

Principle
<ul style="list-style-type: none"> • <i>The proposal maintains the existing envelope to avoid any additional impacts with the exception of the additions to balconies. These additions need to be tested against any increase in impacts and be clearly demonstrated.</i> • <i>The context is transitioning into high quality residential projects. The refurbishment of this site is consistent with this and highly supported.</i> <p><i>The proposal does not achieve this principle in the following ways:</i></p> <ul style="list-style-type: none"> • <i>The materiality must be a high quality to support the transition of this area into excellently designed residential projects. Render and paint is not supported. Materials and detailing must be natural, long wearing and durable. Detailing must also be highly considered and consistent with design excellence. A couple of examples of options to consider include Zinc cladding and Sandstone cladding.</i> <p>Council's Planner's Comment: The proposal makes the building further exceed the height of buildings and floor space ratio development standard under <i>Waverley Local Environment Plan 2012</i> (Waverley LEP 2012), contrary to the existing and desired urban form and built form qualities of the surrounding neighbourhood.</p>
Principle 2: Built form and Scale
<p><i>The proposal does achieve this principle in the following ways:</i></p> <ul style="list-style-type: none"> • <i>The proposal largely maintains the existing envelope.</i> <p>Council's Planner's Comment: The building envelope of the proposed development is excessive and constitutes overdevelopment of the site.</p>
Principle 3: Density
<p><i>The proposal does achieve this principle in the following ways:</i></p> <ul style="list-style-type: none"> • <i>The proposal largely maintains the existing envelope which supports the proposed Gross Floor Area (GFA).</i> <p>Council's Planner's Comment: The density of the proposed development is greater than what can be suitably and reasonably achieved based on the site's area and dimensions.</p>
Principle 4: Sustainability
<p><i>The proposal does not achieve this principle in the following ways:</i></p> <ul style="list-style-type: none"> • <i>There are currently no clear sustainable measures shown on the drawings. The panel would suggest at a minimum that the following measures be integrated. Passive ventilation / ceiling fans, solar panels, providing Electric Vehicle charging points, sustainable material choices, endemic landscape selection, amongst others. A clear strategy for sustainability should be provided with the application.</i> • <i>No solar shading to windows is demonstrated to minimize heat loads and energy usage.</i> <p>Council's Planner's Comment: No comment.</p>
Principle 5: Landscape
<p><i>The proposal does not achieve this principle in the following ways:</i></p> <ul style="list-style-type: none"> • <i>Exotic species (noted on drawings) are not supported.</i> • <i>The shared driveway does not really contribute to soft landscape area. These areas should be re-measured.</i> • <i>Deep soil landscape areas usually have minimum dimensions. Please confirm that the areas shown comply and re-measure if not.</i> <p>Council's Planner's Comment: No comment.</p>

Principle

Principle 6: Amenity

The proposal does not achieve this principle in the following ways:

- *No communal amenity is shown or communal spaces look into Unit 1.*
- *Apartments do not seem to address ADG requirements generally.*
- *Apartment layouts are generally poorly considered.*
- *Unit 1 bedroom is against driveway.*
- *Apartment 4 entry looks inadequate for apartment scale.*
- *Floor to floor heights are not supportive of a compliant ADG outcome or a high quality residential outcome.*
- *Stacked car spaces in front of a car lift will not work.*

Council's Planner's Comment: The proposal will not result in optimal amenity.

Principle 7: Safety

The proposal does not achieve this principle in the following ways:

- *Communal area and unit 1 appear to conflict.*
- *Entry is poorly defined.*
- *Unit 1 bedroom is against driveway.*
- *Lift access into Unit 4 is not meditated for security or privacy.*
- *The architect should confirm if the fireplaces shown are possible.*

Council's Planner's Comment: No comment.

Principle 8: Housing Diversity and Social Interaction

The proposal does achieve this principle in the following ways:

- *A mix of units type in the 4x units proposed is provided.*

Council's Planner's Comment: No comment.

Principle 9: Aesthetics

The proposal does not achieve this principle in the following ways:

- *The materials that have been proposed do not ensure that the proposal will achieve a design excellence outcome.*
- *The proposal is limited by compliance with the existing envelope however this opportunity for refurbishment should be focused on improving the architecture further.*
- *There is no usage of required shading control to create solar protection, articulation, or visual interest.*
- *Render and paint for the vast majority of the facade is not supported.*
- *The existing roof tile will unlikely be retained and the proposal should consider improvement.*
- *A more detailed material design should be communicated to ensure high quality architectural outcome. This should include blown up details or key elements of the facades or communal spaces.*

Council's Planner's Comment: The materials and finishes are considered unsatisfactory.

The proposal does not satisfy all key design quality principles of SEPP 65 as outlined in **Table 1** of this report.

Apartment Design Guide (ADG)

Clause 6A of SEPP 65 requires that development control plans cannot be inconsistent with the ADG in respect of the following:

- (a) visual privacy,
- (b) solar and daylight access,
- (c) common circulation and spaces,
- (d) apartment size and layout,
- (e) ceiling heights,
- (f) private open space and balconies,
- (g) natural ventilation,
- (h) storage.

If a 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: ADG

Design Criteria	Compliance	Comment
3D Communal and public open space		
<ul style="list-style-type: none"> Communal open space has a minimum area equal to 25% of the site Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter) 	No	The development provides no communal open space on the site.
3E Deep soil zones		
<ul style="list-style-type: none"> 7% of site 	Yes	Over 7% of deep soil is proposed.
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 	<p>Acceptable on merit.</p> <p>Refer to discussion</p>	<p><u>Side</u> The proposed windows across the side elevations are set back from the side boundaries by the same distance as the existing RFB.</p> <p><u>Rear</u> The rear setback will be discussed in more detail below.</p>

Design Criteria	Compliance	Comment
<ul style="list-style-type: none">Increased separation of 3m where adjoins a lower density zone		
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-winterA maximum of 15% receive no direct sunlight between 9am-3pm mid-winter.	Additional Information Required	Solar and daylight access plans are not provided to assess solar access to the internal apartments.
4B Natural ventilation		
<ul style="list-style-type: none">All habitable rooms are naturally ventilatedNumber of units with natural cross ventilation is maximised:<ul style="list-style-type: none">At least 60% of units naturally ventilated	Additional Information Required	Cross-ventilation diagrams are not provided to assess-cross ventilation.
4C Ceiling heights		
<ul style="list-style-type: none">Habitable rooms – 2.7mNon-habitable rooms – 2.4m2 storey units – 2.7m main level (living) & 2.4m upper floor where its area does not exceed 50% of the unit area	No	Level 1 through 3 have floor-to-ceiling heights that are less than 2.7m.
4D Apartment size and layout		
The following minimum internal areas apply: <ul style="list-style-type: none">Studio = 35 m²1 Bed = 50 m²2 Bed = 70 m²3 Bed = 90 m²Add 5m² for each additional bathroom (above 1)Add 12m² for each additional bedroom	Refer to Compliance Table →	Apartment
		Internal Area
		Complies?
		1
		2
3		
4		
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.	Yes	Each habitable room has windows of an appropriate size.

Design Criteria	Compliance	Comment															
<ul style="list-style-type: none">• In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window• Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space)• Bedrooms have a minimum dimension of 3m (excluding wardrobe space)• Living rooms or combined living/dining rooms have a minimum width of:<ul style="list-style-type: none">○ 3.6m for studio and 1 bedroom apartments○ 4m for 2 and 3 bedroom apartments	<div>Yes</div> <div>Yes</div> <div>No</div>	<p>The habitable room depth is not more than 8m from a window.</p> <p>Each bedroom has a compliant area and dimensions.</p> <p>The living area of apartments 2 and 3 have a width of 3m. This does not meet the minimum requirement of 3.6m, resulting in a long and narrow living area creating poor internal amenity.</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	<p>Refer to Compliance Table →</p>	<table><tr><th>Apartment</th><th>Area and Depth</th><th>Complies?</th></tr><tr><td>1</td><td>Area: 34m² Depth: 4m</td><td>Yes</td></tr><tr><td>2</td><td>Area: 8.4m² Depth: 1.3</td><td>No</td></tr><tr><td>3</td><td>Area: 13.5m² Depth: 2.2m</td><td>Yes</td></tr><tr><td>4</td><td>Area: Multiple balconies Depth: Multiple balconies</td><td>Each balcony has a compliant area but not a compliant depth.</td></tr></table>	Apartment	Area and Depth	Complies?	1	Area: 34m ² Depth: 4m	Yes	2	Area: 8.4m ² Depth: 1.3	No	3	Area: 13.5m ² Depth: 2.2m	Yes	4	Area: Multiple balconies Depth: Multiple balconies	Each balcony has a compliant area but not a compliant depth.
		Apartment	Area and Depth	Complies?													
		1	Area: 34m ² Depth: 4m	Yes													
		2	Area: 8.4m ² Depth: 1.3	No													
		3	Area: 13.5m ² Depth: 2.2m	Yes													
		4	Area: Multiple balconies Depth: Multiple balconies	Each balcony has a compliant area but not a compliant depth.													
<p>The development proposes to increase the size of the existing balconies to make these more consistent with the ADG. However, this enlarges the bulk and scale of the building, which is not supported due to the environmental amenity impacts it creates to neighbouring properties..</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	<div>Yes</div>	<p>No more than 8 apartments are accessed from a circulation core.</p>															

Design Criteria	Compliance	Comment
4G Storage		
In addition to kitchens, bathrooms and bedrooms, the following is provided: <ul style="list-style-type: none"> • 1-bed – 6m³ • 2-bed – 8m³ • 3+bed – 10m³ 	Additional Information Required.	Storage calculations are required.

SEPP (Biodiversity and Conservation) 2021

The property adjoins remnant vegetation.

The relevant biodiversity control is Part B3, Section 3.2, control (a) of the Waverley Development Control Plan 2012 (Waverley DCP 2012).

The requirement is that a minimum of 90% of the proposed trees, 90% of the shrubs and 90% of the grasses and groundcovers (not including turfed areas) are to be indigenous local native plants that are listed in Annexure B2-1 of the Waverley DCP 2012.

The submitted landscape plans satisfy the shrubs, grass and groundcover quota but not the tree quota. Adjusting the plans by replacing the proposed tree species *Pandanus pedunculatus* with suitable tree species from listed Annexure B2-1 of the Waverley DCP 2012 would qualify compliance. In this instance, the non-compliance against the SEPP will form part of the reasons for refusal.

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 Division 3) and a Coastal Use Area (i.e. defined by Division 4).

Division 4 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 3** of this report.

Table 3: Division 4 of SEPP (Resilience and Hazards) 2021 Matters for Consideration Table

Matter for Consideration	Compliance	Comment
(a) ...the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—		
(i) existing, safe access to and along the foreshore, beach, headland or rock 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 the public, including persons with a disability.

Matter for Consideration	Compliance	Comment
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 impacts to public places or the foreshores.
(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,	No	The proposal is not anticipated to cause impact to the visual amenity and scenic qualities of 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 appropriate in terms of avoiding adverse impacts referred to in paragraph (a) above.
(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.		
	No	The proposed development is increasing the bulk and scale of a building that has already exceeded its maximum development capacity.

The non-compliance identified above against this SEPP will form part of the reasons for refusal.

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 4: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	No	The proposed development does not meet the aims of the Waverley LEP 2012 as it fails to enhance and preserve the natural environment through appropriate planning.
Part 2 Permitted or prohibited development		
Land Use Table <i>Medium Density Residential 'R3' Zone</i>	Yes	The proposal is defined as an RFB, which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 9.5m 	No	<p>The proposal has an overall building height of 10.8m, measured to the top of the new lift shaft. This is below the existing roof form of the development.</p> <p>The proposal breaches the development standard by 1.3m or 13.7%.</p> <p>Note: Chimneys are excluded from the calculation of height in accordance with the definition of height of building in the Waverley LEP 2012.</p>
4.4 Floor Space Ratio (FSR) <ul style="list-style-type: none"> Lot Size: 477.4m² Max FSR: 0.6:1 Max GFA: 286.44m² 	No	<p><u>Gross Floor Area (GFA) Calculation Plan:</u></p> <p>Basement 2: 0m²</p> <p>Basement 1: 25.9m² (includes 2 parking spaces)</p> <p>Ground Floor: 110m²</p> <p>Level 1: 155.6m²</p> <p>Level 2: 157.1m²</p> <p>Level 3: 148.1m²</p> <p>Total GFA: 596.7m²</p> <p>Total FSR: 1.25:1</p> <p>The proposal exceeds the development standard by 310.26m² or 108.3%.</p>
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height and FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.

Provision	Compliance	Comment
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The development is located within acid sulfate soils class 5. However, the development is not situated on land that is 5 metres below the Australian Height Datum.
6.2 Earthworks	See discussion	Excavation is proposed for a two level basement garage. This will be discussed in more detail below.

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

Clause 4.6 Exceptions to Development Standards - Height

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

The site is subject to a maximum height of buildings development standard of 9.5m. The proposal has an overall building height of 10.8m, exceeding the standard by 1.3m equating to a 13.7% 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 height of building development standard on the following basis:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) The proposal meets the aims of the height:
 - a. Objective (a): to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views.***

- *The variation relates to an existing non-compliance, which will not be increased by the proposal. With the exception of the lift addition, the external building envelope above the height plane will be retained and will remain unaltered.*
- *The proposed lift addition will have no side-facing windows and will be occupied by non-habitable spaces. Therefore, the amenity of No. 152 Brighton Boulevard will be preserved.*
- *The windows above the height line have been carefully located and designed to preserve the amenity of neighbouring properties. The windows at the front and rear elevations will overlook the street and cliff. At the north elevation, only one habitable room window is proposed and will be in a similar position to the existing window, to preserve existing levels of privacy. At the south elevation, views from the new living room windows will look beyond the roof forms of the two storey buildings at Nos. 156 and 158 Brighton Boulevard, towards the ocean.*
- *The additional height will have no impact on existing solar access to adjacent properties, with all additional shadows resulting from a compliant building height. The existing external building envelope will be largely retained. The lift addition is situated at the north elevation, which prevents additional overshadowing to neighbouring sites.*
- *Therefore, there are not likely to be any view impacts arising from the proposed works.*

b. Objectives (b) and (c) are not relevant.

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

- *'Desired future character' is not defined in the LEP. In Woollahra Municipal Council v SJD DB2 Pty Limited [2020] NSWLEC 115 [63] ('SJD'), Preston CJ states, inter alia: '...the desired future character of the neighbourhood or area can be shaped not only by the provisions of WLEP, including the development standards themselves, but also other factors, including approved development that contravenes the development standard.'*
- *Accordingly, the desired future character is shaped by the text and context of the LEP and recent approvals in the vicinity. Each of these will now be discussed.*
- *The proposal is consistent with the development envisaged by Council for the R3 Zone. It will maintain the site's use as a residential flat building. The existing maximum building height and four storey form of the building will be retained, without any alteration. The external envelope will be maintained. The proposed lift addition will have compliant building setbacks and will be situated below the existing ridge line. The height variation will also facilitate external upgrades to the existing building facades, which will enhance its appearance when viewed from surrounding sites and the public domain. Therefore, the building will remain*

compatible with the height, bulk and scale of the area and will maintain and enhance its contribution to the physical definition of the street network and public space.

- *The proposal will also be compatible with the bulk, scale, envelope and character of development along Brighton Boulevard and the locality.*
- *The additional height is a function of an existing non-compliance. The height, bulk and scale of the existing built form will be retained and the new addition will be compatible with the streetscape. The variation is similar to recent approvals in the locality.*

(ii) The proposal meets the aims of the zone:

a. Objective: To provide for the housing needs of the community within a medium density residential environment.

Response: *The proposal will maintain the site's use as a residential flat building. The height variation will increase the building's accessibility through the provision of a lift. It will provide for improved amenity through the updated internal layouts and changes to windows. Therefore, the proposal provides for the housing needs of the community.*

b. Objective: To provide a variety of housing types within a medium density residential environment.

Response: *The proposed variation facilitates the uplift of the existing residential flat building. The building will comprise four apartments with a mix of dwelling sizes and the works will provide improved internal layouts. This provides for a variety of housing types within a medium density residential environment.*

c. Objective: To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Response: *Not applicable.*

d. Objective: To maximise public transport patronage and encourage walking and cycling.

Response: *The subject site is in proximity to public transport services. The proposal complies with Council's car parking rates and provides bicycle storage for each apartment. This maximises public transport patronage and encourages walking and cycling.*

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

- *The works above the height plane relate to the lift shaft, lift foyers and services addition. The existing building does not have lift access and therefore, the addition is necessary to provide equitable access to every level of the existing building in accordance with the Disability Discrimination Act 1992. The existing Level 3 is above the height plane. Therefore, to ensure*

lift access can be provided to the existing building, a variation to the height standard is inevitable.

- If strict compliance with the development standard were enforced, it would preclude lift access to Level 3. This would not facilitate equitable access and would be a detrimental planning outcome. Given the lift addition preserves the amenity of neighbouring properties, enforcing compliance would serve no benefit.*
- This proposed addition is located to the northern side of the building and has compliant building setbacks, which ensures that it is visually compatible with the streetscape and surrounding properties. The materiality and design of the lift addition below the existing ridge line and with increased front and rear setbacks ensures it remains a recessive element of the proposal.*
- The existing four storey built form will be retained and not altered by the proposal. The height variation will facilitate upgrades to the existing Level 3, consistent with the character and design of the proposed changes to the level below. This will facilitate a cohesive, contemporary presentation which will be compatible with the existing and desired future character of the locality.*
- The proposed works will improve the design quality of the existing residential flat building, by upgrading its presentation when viewed in the streetscape and from surrounding sites. The works will also improve the residential amenity of the apartments, while preserving the amenity of adjoining properties. Therefore, the proposed height variation will ensure the development promotes good design and amenity of the built environment, consistent with Objective (g) of the EPA Act.*

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. .

The additional building height, attributed to the lift overrun is not consistent with the desired future character of the area.

Although the written request argues that the additional height does not result in any loss of environmental amenity in terms of visual privacy, solar access or views, the existing building already exceeds the height of buildings development standard and any additions to the building that exceed the development standard would not achieve an appropriate bulk and scale in the locality. The increased bulk, scale and portions of the development that exceed the height of buildings development standard are not considered to be consistent with the desired future character of the area. The proposal is therefore inconsistent with objective (d).

In addition, the height of buildings development standard should be considered in conjunction with the FSR development standard as these development standards work together to provide an appropriate correlation between height and density. The additional bulk to the northern elevation further increases FSR, therefore further supporting the reason why the height non-compliant additions to the building are not acceptable.

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 lift shaft and lobby area are a 'tack on' to a building that already exceeds the maximum development capacity. It was recommended to the applicant that they demolish the existing building and reconstruct a new RFB, as they could provide improved layouts to the apartment building whilst providing the lift shaft within the area that was already occupied by the existing RFB, avoiding expansions of the building envelope of the existing RFB. This 'tack-on' design enlarges the size of the existing RFB, resulting in a building that does not meet the desired future character of the area.

Is the development in the public interest?

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

The objectives of the R3 zone are as follows:

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

The development has reached its maximum capacity as an RFB within an R3 zone and the additional bulk would not be appropriate within an R3 zone.

Conclusion

For the reasons provided above the requested variation to the height is not supported as the applicant's written request has not adequately addressed the matters required to be addressed by clause 4.6(3) of the Waverley LEP 2012. In addition, the proposed development is not in the public interest because it is inconsistent with the objectives of height and the R3 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 0.6:1. The proposed development has a FSR of 1.25:1, exceeding the standard by 310.26m² equating to a 108.3% variation.

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

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

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

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

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

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

- (i) The proposal meets the aims of the height:

- a. Objective (a) is not relevant.**

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

- *The proposal will retain the maximum height of the existing building and will continue to be four storeys plus a roof. In addition, with the exception of the new lift addition, the external envelope will be retained. Therefore, the proposal will maintain the existing correlation between the maximum building heights and density controls and the building will remain consistent with the streetscape.*
 - *It is noted that the additional GFA does not result in an intensification of the existing use. In fact, the proposal will reduce the existing density of the site from six apartments to four apartments. The additional GFA will facilitate improvements to the internal layouts of each apartment, the provision of lift access and upgraded building amenities.*

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

- *'Desired future character' is not defined in the LEP. In Woollahra Municipal Council v SJD DB2 Pty Limited [2020] NSWLEC 115 [63] ('SJD'), Preston CJ states, inter alia: '...the desired future character of the neighbourhood or area can be shaped not only by the provisions of WLEP, including the development standards themselves,*

but also other factors, including approved development that contravenes the development standard.'

- *Accordingly, the desired future character is shaped by the text and context of the LEP and recent approvals in the vicinity. Each of these will now be discussed.*
- *The proposal is consistent with the development envisaged by Council for the R3 Zone. It will maintain the site's use as a residential flat building. The majority of the proposed works are internal and will have no impact on the bulk and scale of the existing built form. Therefore, the building will remain compatible with the locality.*
- *The proposed lift addition will have compliant building setbacks, including increased setbacks from the front and rear boundaries. It will also be situated below the building's existing ridge line. This ensures that the perceived bulk and scale of the new works are minimised.*
- *The proposal will also be compatible with the bulk, scale, envelope and character of development along Brighton Boulevard and the locality.*

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

- *The proposed development will preserve the environmental amenity of neighbouring properties and the locality. The variation is largely due to the existing situation, and the additional GFA is primarily within the existing envelope. The proposed addition is restrained in scale and has been carefully located to ensure there is no effect on neighbouring properties.*
- *The proposed windows at the ground floor level will incorporate screening where appropriate, to ensure that privacy is preserved.*
- *The additional GFA for the proposed addition will be associated with non-habitable areas only. The addition will have no side-facing windows.*
- *The proposal will reduce the intensity of the existing development on the site. The proposed variation will enable the existing vehicular access areas and car parking areas to be relocated from the ground floor level to the basement level. These works may provide an improvement in terms of aural privacy.*
- *The majority of the additional GFA is within the existing building envelope, which ensures the overall scale of development is limited. Additional shadows from the proposed development are from external areas including the balconies and fencing, which do not contribute to GFA. In other words, the proposed FSR variation does not result in additional overshadowing and preserves the environmental amenity of neighbouring properties and the locality.*
- *Therefore, the proposed lift addition is not likely to have any impact on public or private views.*

(ii) The proposal meets the aims of the zone:

a. Objective: To provide for the housing needs of the community within a medium density residential environment.

Response: *The proposal will maintain the site's use as a residential flat building. The height variation will increase the building's accessibility through the provision of a lift. It will provide for improved amenity through the updated internal layouts and changes to windows. Therefore, the proposal provides for the housing needs of the community.*

b. Objective: To provide a variety of housing types within a medium density residential environment.

Response: *The proposed variation facilitates the uplift of the existing residential flat building. The building will comprise four apartments with a mix of dwelling sizes and the works will provide improved internal layouts. This provides for a variety of housing types within a medium density residential environment.*

c. Objective: To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Response: *Not applicable.*

d. Objective: To maximise public transport patronage and encourage walking and cycling.

Response: *The subject site is in proximity to public transport services. The proposal complies with Council's car parking rates and provides bicycle storage for each apartment. This maximises public transport patronage and encourages walking and cycling.*

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

(i) *The proposed FSR variation will facilitate the uplift of the existing residential flat building, in terms of appearance, amenity and functionality. This will maintain and improve its compatibility with the existing and desired future character of the context.*

(ii) *Part of the additional GFA relates to the lift foyer areas and non-habitable services within this addition. Therefore, the proposed variation is essential in order to provide lift access, in accordance with the Disability Discrimination Act 1992.*

(iii) *The additional GFA will facilitate improvements to the existing building's residential amenity, in a number of areas. It will allow for car parking to be relocated to the basement levels, which will improve the ease of on-site vehicular access and parking. In turn, it will allow for the ground floor level to be converted to habitable space, including a communal gym for the use and enjoyment of the future residents. It will also enable part of the ground floor to be utilised as an apartment, which will have high levels of residential amenity. At the upper floors, the additional GFA will provide easily accessible storage areas and powder rooms. This will provide for the amenity of future residents. The additional GFA will allow for Apartment 4 to be located across two floors, which will provide a high-quality internal configuration.*

- (iv) The proposed increase from the existing FSR is mostly from the conversion of garaging at the ground floor to habitable space, within the existing building envelope. This will activate the use of the existing ground floor. It will also increase opportunities for the casual surveillance of both communal and private areas of the subject site, through the introduction of new habitable room windows and openings.*

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.

The additional FSR provides additional bulk and scale that are situated above the maximum height development standard. This is not supported as it increases the bulk and scale of a building that has

already exceeded its maximum development capacity and results in a poor correlation between height and density.

This large breach to FSR does not meet the desired future character of the area of limiting the bulk and scale of buildings to an appropriate size for residential zones. The additional bulk attributed to the proposed lift shaft and chimney that appear as 'add on' elements that increase the bulk of the building, which already significantly exceeds the FSR 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. The lift shaft and lobby area are a 'tack on' to a building that already exceeds the maximum development capacity. It was recommended to the applicant that they demolish the existing building and reconstruct a new RFB, as they could provide improved layouts to the apartment building whilst providing the lift shaft within the area that was already occupied by the existing RFB, avoiding expansions of the building envelope of the existing RFB. This 'tack on' design enlarges the size of the existing RFB, resulting in a building that does not meet the desired future character of the area.

Is the development in the public interest?

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

The objectives of the R3 zone are as follows:

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

The development has reached its maximum capacity as a RFB within and R3 zone and the additional bulk would not be appropriate within an R3 zone.

Conclusion

For the reasons provided above the requested variation to the height is not supported as the applicant's written request has not adequately addressed the matters required to be addressed by clause 4.6(3) of the Waverley LEP 2012. In addition, the proposed development is not in the public interest because it is inconsistent with the objectives of FSR and the R3 zone.

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

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

Table 5: Waverley DCP 2012 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste	No	<p>Council's Waste Officer reviewed the application and did not support the current proposal. They stated:</p> <p><i>The Site Waste and Recycling Management Plan is not sufficient.</i></p> <p><i>It is unclear how residents or a cleaner / building manager will access the bin room as there is no door demonstrated on the Architectural plans. The applicant should also indicate the transport route from bin storage to bin collection point on the Architectural Plans to ensure this path is free of steps and kerbs.</i></p> <p><i>The applicant needs to provide in words, how the waste will be managed on this property in the Site Waste and Recycling Management Plan. Referring to the plans is not sufficient. More details about the Amenity and Access and Collection on page 6 is required as there is not sufficient information on the Architectural Plans. It is worth informing the applicant that prior to receiving a construction certificate, they need to provide the operational plan for waste management, that includes detail in words about how waste is managed at this development post construction (see S1 below).</i></p> <p><i>The applicant must ensure that all bulky household items are stored within the development. It is recommended that a designated area is allocated for this purpose.</i></p>
2. Ecologically Sustainable Development	Yes	<p>The development has met the energy, thermal comfort and water efficiency minimum requirements under SEPP BASIX, and has provided four accurate and up-to-date BASIX alterations and additions Certificates.</p> <p>The applicant has marked the required BASIX commitments on the architectural plans.</p>

Development Control	Compliance	Comment
3. Landscaping and Biodiversity	No	This is discussed in detail above.
4. Coastal Risk Management	Conditional.	The subject site is identified as a geotechnical hazard. Council's Public Domain Engineer has reviewed the application and recommended conditions.
5. Vegetation Preservation	N/A	Tree removal is not proposed.
6. Stormwater	Conditional.	Council's Stormwater Engineer recommended conditions.
7. Accessibility and Adaptability	Yes	An access report is provided. Adaptable dwellings are not required as less than 10 apartments are proposed.

8. Transport																							
8.1 Streetscape	Yes	Parking accessed to the front of the RFB is acceptable due to examples of car parking forward or in the front of other RFBs in the street.																					
8.2 On-Site Parking	-	The subject site is located within parking zone 2.																					
8.2.1 Vehicle Access	Yes																						
8.2.2 Parking Rates 8.2.5 Motorcycle Parking 8.2.6 Bicycle Parking 8.8 Electric Vehicle (EV) Charging Points	Refer to Compliance Table →	<table border="1"> <thead> <tr> <th>Parking Rate</th><th>Parking Proposed</th><th>Complies</th></tr> </thead> <tbody> <tr> <td>Max Residential Parking Rate: 3.5 (rounded to 4)</td><td>5</td><td>No. Exceeds standard by 1 space.</td></tr> <tr> <td>Visitor Parking: 0</td><td>1</td><td>No. Exceeds standard by 1 space.</td></tr> <tr> <td>Motorcycle Residential Parking: 1</td><td>2</td><td>No. Exceeds standard by 1 space.</td></tr> <tr> <td>Bicycle Residential Parking: 4</td><td>4</td><td>Yes</td></tr> <tr> <td>Bicycle Visitor Parking: 1</td><td>0</td><td>No. 1 Visitor Bicycle space required.</td></tr> <tr> <td>Accessible Parking: 10% of parking</td><td>0</td><td>As the maximum amount of parking on site is 4 residential spaces, accessible parking is not required.</td></tr> </tbody> </table> <p>The excess car parking has been included in FSR calculations.</p>	Parking Rate	Parking Proposed	Complies	Max Residential Parking Rate: 3.5 (rounded to 4)	5	No. Exceeds standard by 1 space.	Visitor Parking: 0	1	No. Exceeds standard by 1 space.	Motorcycle Residential Parking: 1	2	No. Exceeds standard by 1 space.	Bicycle Residential Parking: 4	4	Yes	Bicycle Visitor Parking: 1	0	No. 1 Visitor Bicycle space required.	Accessible Parking: 10% of parking	0	As the maximum amount of parking on site is 4 residential spaces, accessible parking is not required.
Parking Rate	Parking Proposed	Complies																					
Max Residential Parking Rate: 3.5 (rounded to 4)	5	No. Exceeds standard by 1 space.																					
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Bicycle Residential Parking: 4	4	Yes																					
Bicycle Visitor Parking: 1	0	No. 1 Visitor Bicycle space required.																					
Accessible Parking: 10% of parking	0	As the maximum amount of parking on site is 4 residential spaces, accessible parking is not required.																					
12. Design Excellence	No	The proposal does not achieve design excellence as the proposed balconies do not retain view corridors and, together with the lift shaft and chimney increase bulk and scale to a building that has already exceeded its development capacity.																					
14. Excavation	No	The two levels of excavation for the basement are excessive. One basement level could																					

		adequately cater to the maximum permitted parking of: <ul style="list-style-type: none"> • 4 residential parking spaces. • 1 motorcycle space. • 5 bicycle spaces.
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Table 6: 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"> • Allow ocean glimpses through side setbacks • View Sharing 	No	The proposed balconies increase bulk of the RFB, reducing view sharing and view corridors.
Controls <ul style="list-style-type: none"> • Side setbacks are to be clear of obstructions to allow views between buildings to the beach. 	No	The development increases bulk reducing view sharing and view corridors.

Table 7: 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"> • Minimum frontage: 15m – R3 zone 	No	The site has frontage of 12.19m. However, given the historical subdivision pattern, existing use as an RFB and the objectives of the R3 zone encouraging this type of development, it is acceptable on merit. However, the proposed FSR cannot be accommodated on the site, contrary to objectives (a) and (d) under section 3.1 of Part C3 of the DCP.
3.2 Height		
<ul style="list-style-type: none"> • Maximum external wall height: 7m 	No	The development has a wall height of 10.8m
3.3 Setbacks		
3.3.1 - Street setbacks <ul style="list-style-type: none"> • Consistent street setback 	No	The development is currently at its maximum development capacity. The enlarged balconies creating a smaller front setback is not supported as it is increasing bulk to a building that has already exceeded its maximum development potential. In addition, these front balconies extend beyond the front balconies of 152 Brighton Boulevard, impacting views from this neighbouring property.

Development Control	Compliance	Comment
3.3.2- Side and rear setbacks <ul style="list-style-type: none"> Minimum side setback: Up to 4.5m - 0.9m Up to 12.5m – 1.5m Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback 	<p>No</p> <p>No</p>	<p>The reduced side setbacks are not supported as it increases bulk to the RFB, which has already exceeded its development capacity.</p> <p>The current RFB has a rear setback of 6m. The proposed development proposes to reduce this setback to 5.1m. This is not supported as it is increasing bulk to a maxed-out building, impacting views to 152 Brighton Boulevard.</p>
3.4 Length and depth of buildings		
<ul style="list-style-type: none"> Maximum building length: 24m Façade to be articulated Maximum unit depth: 18m 	No	The proposed development further breaches the maximum building length through increasing the length of the balconies. This is contrary to objective (a), which ensures development responds to the existing subdivision pattern and the scales of surrounding buildings.
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>	The proposal seeks to contemporise the building. However, the increased bulk and scale are not supported as previously discussed.
3.6 Attic and roof design		
	Yes	The development proposes to maintain its original roof form.
3.7 Fences and walls		
<i>Front fence:</i> <ul style="list-style-type: none"> Maximum height 1.2m <i>Side fence:</i> <ul style="list-style-type: none"> Maximum height: 1.8m <i>Rear fence:</i> <ul style="list-style-type: none"> Maximum height: 1.8m 	<p>Acceptable on merit.</p> <p>Yes</p>	<p>A 1.6m fence is proposed to a small portion of the front boundary. As it occupies such a small width of the overall frontage, it is acceptable on merit.</p> <p>A 1.8m side boundary fence is proposed.</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 	Acceptable on merit	Due to the precedents set by other RFBs for entries to the side of the building, the proposed location of the entry is supported.

Development Control	Compliance	Comment
dwellings in same development <ul style="list-style-type: none"> Roof tops are to be non-trafficable, unless there is a predominance of roof terraces in the immediate vicinity of the site. 		
3.16 Dwelling size and layout – REFER TO ADG		
3.17 Ceiling Heights – REFER TO ADG		
3.18 Storage – REFER TO ADG		
3.19 Acoustic privacy		
<ul style="list-style-type: none"> Internal amenity by locating noisy areas away from quiet areas 	Yes	Layout of apartments are appropriate in terms of acoustic privacy.
3.20 Natural Ventilation – REFER TO ADG		
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) 	No	The proposed building services contribute to additional bulk from the existing building.

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

Planning Principle – View Loss Assessment Tests (Tenacity)

In accordance with 2.7 of the Waverley DCP 2012 – Views, it is generally accepted that views do not ‘belong’ to anyone or any property, nor is a view the exclusive right to any one property or to certain individuals. ‘View sharing’ is an important principle to consider when developing a property.

The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment.

In order to make a planning decision regarding the potential view loss, the judgment in *Tenacity Consulting v Warringah Council [2004] NSWLEC 140*, sets down four (4) steps that should be undertaken to reach a decision on whether a view impact is reasonable.

Below are images of views from certain units within 152 Brighton Boulevard, North Bondi:

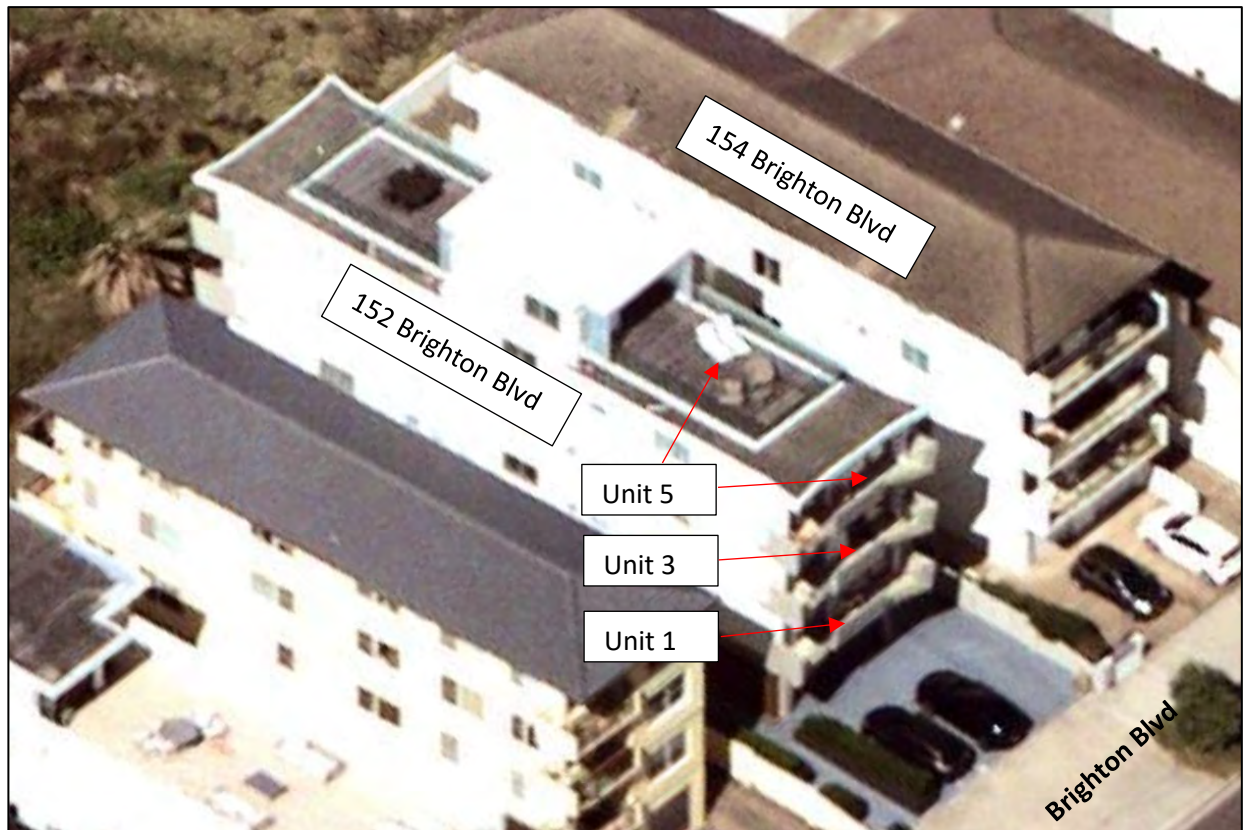


Figure 5. Oblique satellite image of 152 Brighton Boulevard (front). (Source: Nearmap, 2022)

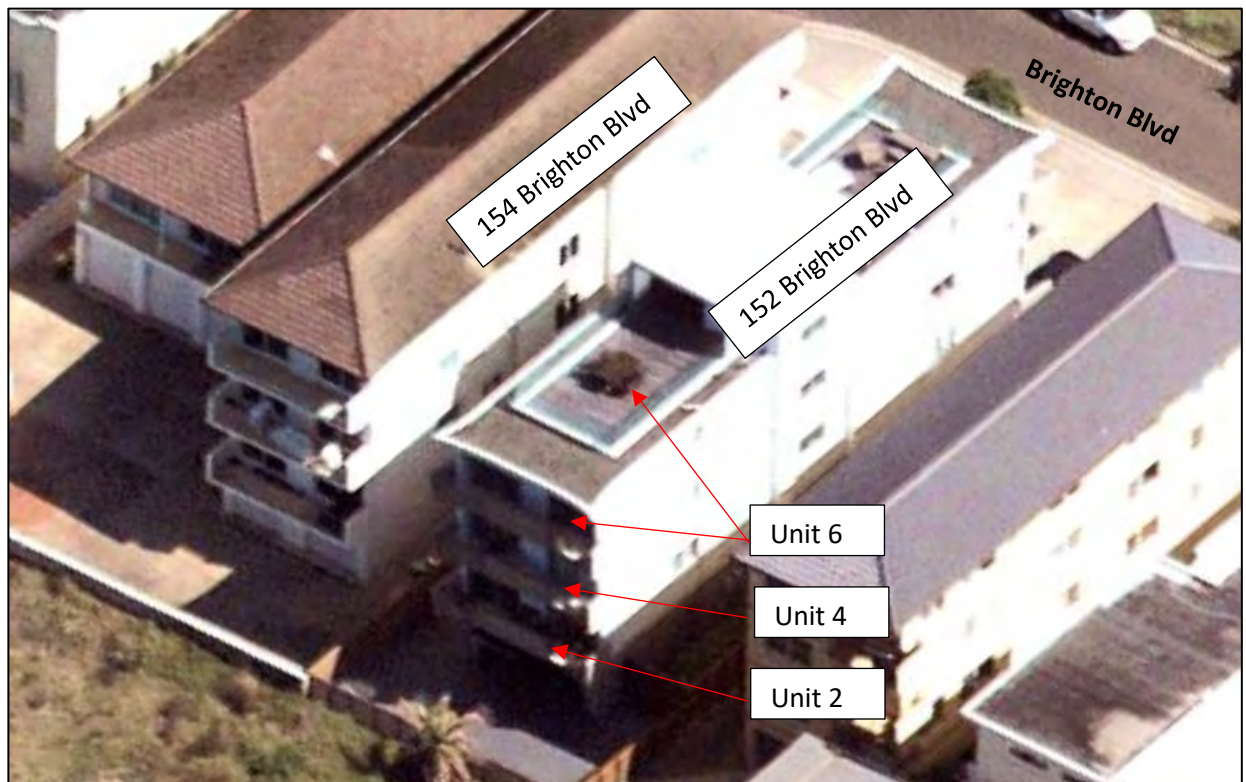


Figure 6. Oblique satellite image of 152 Brighton Boulevard (rear). (Source: Nearmap, 2022)



Figure 7. View from unit 1/152 balcony, looking south towards the Pacific Ocean (Source SJB Planning, 2022).



Figure 8. View from unit 3/152 balcony, looking south towards the Pacific Ocean (Source SJB Planning, 2022).



Figure 9. View from unit 4/152 balcony, looking south towards the Pacific Ocean (Source SJB Planning, 2022).



Figure 10. View from unit 5/152 balcony, looking south towards the Pacific Ocean (Source SJB Planning, 2022).

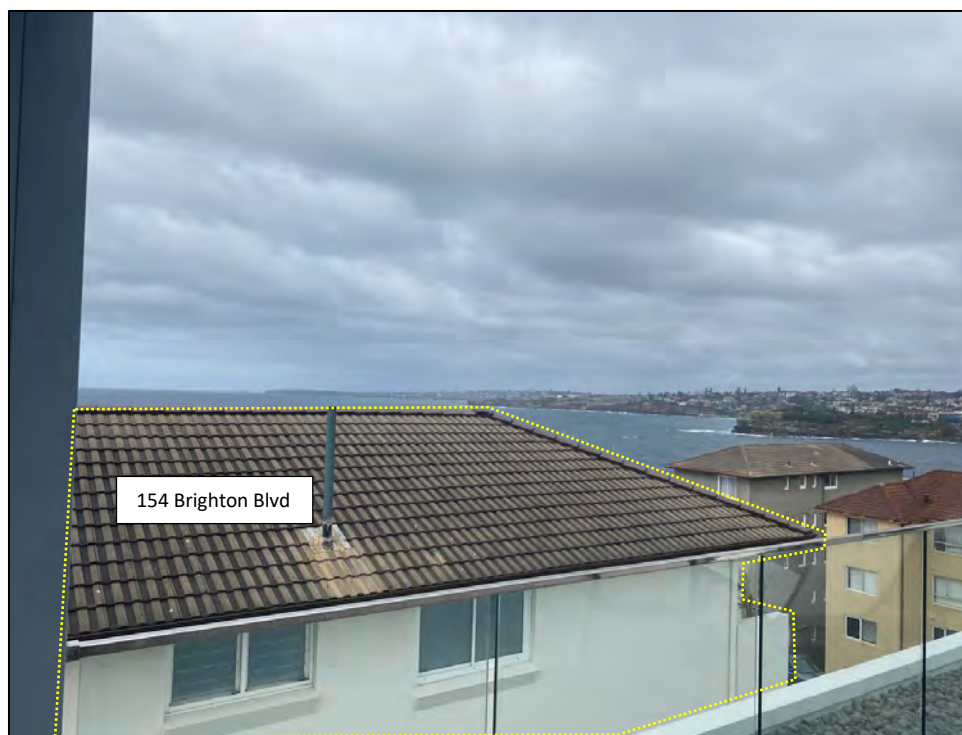


Figure 11. View from unit 5/152 roof terrace, looking south towards the Pacific Ocean (Source SJB Planning, 2022).



Figure 12. View from unit 6/152 balcony, looking south towards the Pacific Ocean (Source SJB Planning, 2022).

Table 8: Tenacity Assessment

P26 – Test 1 - Assessment of Views		
<i>26 The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.</i>		
Description	Pacific Ocean	
Value	Water	
Amount	Partial	
P27 – Test 2 – Location of View		
<i>The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.</i>		
Floor	Varies from first, second, third floors and roof terrace.	
Boundary/Elevation	The view is accessed from the southern side of the balconies and roof terrace.	
View Level	Both standing and sitting.	
P28 – Test 3 – Extent of Impact		
<i>28 The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas. The impact may be assessed quantitatively, but in many cases this can be meaningless. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.</i>		
Use Area	Balconies accessed from living areas and roof terraces.	
Quantitative Loss	N/A	
Qualitative Loss	Due to no view loss diagrams being submitted the amount of ocean views that will be obstructed from the proposed development is not unclear.	

P29 – Test 4– Reasonableness of Impact

29 A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours.

Height Compliance	No	
FSR Compliance	No	
DCP Compliance	No <ul style="list-style-type: none"> • Setbacks • Wall height 	
Alternative design	A more skilful design can be achieved by maintaining the balcony sizes as existing and deletion of the chimney and lift overrun.	

The proposal significantly and unreasonably reduces the amenity enjoyed by the occupants of adjoining residential land.

The proposal fails to achieve equitable access to views from private dwellings, and does not minimise impact on existing views and vistas enjoyed from existing residential development and from the public domain.

The impact to views and view sharing created by the proposal not supportable as the proposal is not in accordance with section 3.14 of Part C3 of the Waverley DCP 2012 and NSW Land and Environment Court Planning Principle based on *Tenacity Consulting v Warringah [2004] NSWLEC 140*.

Structural retention of retained elements of building

The DA proposes to retain portions of the external walls and the roof, whilst demolishing majority of the external walls and internal walls.

A structural certificate has been submitted with the application, which states:

To confirm the structural feasibility we are currently preparing a concept structural design, ad a potential propping, excavation and construction methodology to confirm the structural feasibility.

Following the completion of the structural feasibility design Partridge will issue a structural methodology report to support the Development Application.

This structural methodology has not been provided and therefore it is unclear how the retained portions of the development will be retained.

Given the scale of the demolition of the existing fabric of the building, the applicant should have explored opportunities to completely rebuild the RFB to integrate the proposed additions, especially the lift shaft, into the current building envelope rather than ‘tacking’ these on and expanding the perceived building envelope, which as this report has demonstrated, will result in unacceptable and unreasonable impacts. The Assessment Officer relayed this point to the applicant when encouraging them to withdraw this DA, however, the applicant chose to pursue the current design presented in this DA.

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 from 30 August – 22 September 2022 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

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

Table 8: Number of and where submissions were received from.

Count	Property Address
1.	1/152 Brighton Blvd, North Bondi (Council records show the objector resides at 2/152 Brighton Blvd, North Bondi
2.	4/152 Brighton Blvd, North Bondi
3.	5/152 Brighton Blvd, North Bondi
4.	6/152 Brighton Blvd, North Bondi
5.	156 Brighton Blvd, North Bondi
6.	126 Ramsgate Ave, North Bondi

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

- Increased bulk and scale to a building that already exceeds height and FSR.
- Non-compliant front setback from the balconies, side and rear setbacks.
- View impacts.
- ‘The northern addition is not compliant with SEPP 65, ADG and side setback controls under the Waverley DCP 2012.’
- Inadequate geotechnical information for the proposed excavation near the cliff.

- Insufficient information has been submitted in regard to how the retention of the building could be structurally completed.
- Chimney addition.
- Visual privacy.
- Shadowing.
- Lack of landscaping.

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

Issue: Letter of support.

Response: This is acknowledged.

Issue: *This application does not satisfy the planning principals outlined in Coorey v Municipality of Hunters Hill and should be assessed as a new building.*

Response: Council considers the proposal to be described as substantial demolition and alterations and additions given the retained elements of the development. Notwithstanding, the issue of the expansive demolition of the building was carefully examined from a practicality/constructability perspective, and due to the inadequate response from the applicant on this issue, Council was not satisfied of the methodology of retention of some of the existing fabric of the building for the proposal to be genuinely considered 'alterations and additions'.

2.5. Public Interest

The proposal is considered to have a 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. Tree Management

An internal referral was sought from Council's Tree Officer who did not object to the proposal.

3.2. Stormwater

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

3.3. Traffic

An internal referral was sought from Council's Traffic Engineer who recommended conditions.

3.4. Waste

An internal referral was sought from Council's Waste Officer who requested additional information as detailed within the report.

3.5. Biodiversity

An internal referral was sought from Council's Biodiversity Officer who requested additional information as detailed within the report.

3.6. Fire Safety

An internal referral was sought from Council's Fire Safety Officer who required additional information.

3.7. Sustainability

An internal referral was sought from Council's Sustainability Officer who recommended conditions.

3.8. GIS

An internal referral was sought from Council's GIS Officer who recommended conditions.

3.9. Strategic

An internal referral was sought from Council's Strategic Planner who did not object to the proposal.

3.10. Public Domain

An internal referral was sought from Council's Public Domain Engineer who recommended conditions.

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 refusal.

Development and Building Unit (DBU) Decision:

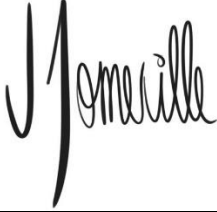
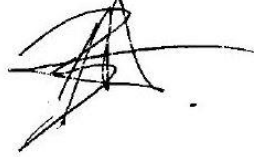
The application was reviewed by the DBU at the meeting on 13 October 2022 and the DBU determined:

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

DBU members: *A Rossi, B McNamara, E Finnegan, B Magistrale and T Sneesby*

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Joseph Somerville	Ben Magistrale
Senior Development Assessment Planner	Manager, Development Assessment (Area 2) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 9 November 2022	Date: 15 November 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 9.5m and the applicant's written request under clause 4.6 of WLEP has failed to adequately address the required matters under subclauses 4.6 (3)(a) and (b) of WLEP.

Details: The proposed height is not considered compatible with the height, bulk and scale of the desired future character of the locality as it increases the bulk and scale to a building that has already reached its maximum development potential contrary to clause 4.3 (1)(d) of WLEP.

- b. *Clause 4.4 Floor Space Ratio*

The application exceeds the maximum allowable Floor Space Ratio (FSR) of 0.6:1 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 proposed FSR is not considered compatible with the height, bulk and scale of the desired future character of the locality as it increases the bulk and scale to a building that has already reached its maximum development potential contrary to clause 4.4 (1)(c) of WLEP

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

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

- i. *Principle 1 – Context and neighbourhood* as the proposed development exceeds the height of buildings and FSR development standards under WLEP, 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 greater than what can be suitably and reasonably achieved based on the site's area and dimensions.

- iv. *Principle 6 – Amenity* as the proposed development does not afford optimal and adequate residential amenity for future occupants of the development, given it does not adequately meet the design criteria of the Apartment Design Guide (ADG) for the following aspects:
 - Lack of communal open space in Part 3D;
 - Lack of adequate floor-to-ceiling heights outlined in Part 4C; and
 - Non-compliant apartment widths outlined in Part 4D.
- v. *Principle 9 – Aesthetics* as the proposed materials and finishes are unsatisfactory.

- b. *State Environmental Planning Policy (Biodiversity and Conservation) 2021* as the application fails to satisfy Part B3, Section 3.2, control (a) of the Waverley Development Control Plan 2012 (WDCP). as it does not meet the minimum requirement of 90% of the proposed trees, 90% of the shrubs and 90% of the grasses and groundcovers (not including turfed areas) to be indigenous local native plants that are listed in Annexure B2-1 of the WDCP.

State Environmental Planning Policy (Resilience and Hazards) 2021 as the application fails to satisfy Division 4, Clause (c). As the bulk and scale of the proposed development is not appropriate.

- c. *WLEP* as the application is contrary to the following provisions:
 - i. *Clause 1.2 Aims of Plan*, specifically the aims expressed under clause 1.2(2)(f) as it does not preserve the natural environment through appropriate planning.
3. The application does not satisfy section 4.15 (1)(a)(iii) of the Act as it is contrary to WDCP, in respect to the following provisions:

Part B8 Transport

- a. *Section 8.2.2 Car Parking Provision rates, Section 8.2.5 Motorcycle Parking and Section 8.2.6 Bicycle Parking* as the proposed development provides insufficient bicycle visitor parking and excessive off-street car and motorcycle parking spaces.

Part B12 Design Excellence

- a. *Section 12.1 Design*, specifically controls (c) and (e)(v) as the proposed development does not achieve design excellence as it does not retain view corridors and increases bulk and scale to a building that has reached its current development capacity.

Part B14 Excavation

- a. Specifically objectives (a), (b), (f) and control (d) as the two levels of excavation for the basement are excessive.

Part C1 Special Character Areas

- a. *Section 1.3 Ben Buckler*, specifically objectives (c) and (e) and control (b) as the increased bulk and scale to the building will reduce view sharing.

Part C3 Other Residential Development

- b. *Section 3.1 Site, scale and frontage*, specifically objectives (a) and (d), as the proposed FSR cannot be accommodated on the site.
 - c. *Section 3.2 Height*, specifically control (a) and (b) as the proposed development exceeds the maximum building height and maximum wall height permitted.
 - d. *Section 3.3.1 Street Setbacks*, specifically (a) as the proposed enlarged balconies extend beyond the existing balconies at 152 Brighton Boulevard, impacting their views.
 - e. *Section 3.3.2 Side and Rear Setbacks*, specifically objective (b) and control (a) as the proposed side and rear setbacks impacts views enjoyed by 152 Brighton Boulevard.
 - f. *Section 3.4 Length and Depth of Buildings*, specifically objective (a) as the proposal does not respond to the existing subdivision pattern and the scale of surrounding buildings.
 - g. *Section 3.5 Building Design and Streetscape*, specifically objective (a) as the scale of the development is too large.
 - h. *Section 3.11 Private Open Space*, specifically objective (d) as the proposed balconies add unreasonable bulk and scale to a building that already exceeds its current development capacity.
 - i. *Section 3.13 Solar access and overshadowing*, specifically objective (c) and (d) as the proposed enlarged balconies create unreasonable additional shadowing to the private open space of 156 Brighton Boulevard.
 - j. *Section 3.14 Views and view sharing*, specifically objective (a) and control (a) as the increased bulk of the development impacts views enjoyed by 152 Brighton Boulevard.
 - k. *Section 3.21 Building Services*, specifically control (a) as the building services are not integrated into the design of the building.
4. The application does not satisfy section 4.15 (1)(a)(iv) of the Act with respect to the *Environmental Planning and Assessment Regulation 2021* (the Regulations), as insufficient documentation has been provided to properly assess the application with respect to the Regulations, including but not limited to:
- a. The proposed method of demolition and retention of existing fabric is unclear.
 - b. Solar and daylight access plans for the internal amenity need to be shown to undertake an assessment against *Part 4A Natural Ventilation* of the Apartment Design Guide.
 - c. Cross Ventilation plans for the internal amenity need to be shown to undertake an assessment against *Part 4B Natural ventilation* of the Apartment Design Guide.
 - d. Storage calculations need to be shown to undertake an assessment against *Part 4G Storage* of the Apartment Design Guide.
 - e. The Site Waste and Recycling Management Plan is not sufficient.
 - f. Window locations of adjoining buildings need to be shown on the architectural plans to adequately assess visual privacy.

- g. The approved dwelling at 156 Brighton Boulevard needs to be shown on the architectural plans.
 - h. A Fire Safety Upgrade and Building Code of Australia Report is required.
- 5. The application does not satisfy section 4.15 (1)(b) of the Act as the proposed development is excessive in terms of its building massing, bulk and scale relative to the site area and dimensions, and consequently results in unacceptable amenity and streetscape impacts upon the locality and surrounding built environment.
- 6. The application is contrary to section 4.15 (1)(c) of the Act due to the site being unsuitable to accommodate the proposed development. The standalone redevelopment of the subject site (to the scale and density proposed) could consequently affect orderly future redevelopment of adjoining sites.
- 7. The application is contrary to section 4.15 (1)(d) of the Act in relation to matters raised in the public submissions received that object to the proposed development.
- 8. The application is contrary to section 4.15 (1)(e) of the Act in relation to the public interest as it is not compatible with the existing and desired future character of the locality and the broader Waverley local government area.

DRAWING LIST

NO.	REV	NAME
DA000		TITLE PAGE
DA001		SETBACK DIAGRAM
DA002		DEEP SOIL PLAN
DA003		FLOOR SPACE RATIO DIAGRAM
DA004		HEIGHT BLANKET DIAGRAM
DA101		SITE PLAN / ROOF PLAN
DA102		SITE ANALYSIS
DA110		GROUND FLOOR - DEMOLITION
DA111		LEVEL 1 - DEMOLITION
DA112		LEVEL 2 - DEMOLITION
DA113		LEVEL 3 - DEMOLITION
DA120		MATERIAL BOARD
DA121		PHOTO MONTAGE
DA200		BASEMENT 2 - FLOOR PLAN
DA201		BASEMENT 1 - FLOOR PLAN
DA202		GROUND FLOOR - FLOOR PLAN
DA203		LEVEL 1 - FLOOR PLAN
DA204		LEVEL 2 - FLOOR PLAN
DA205		LEVEL 3 - FLOOR PLAN
DA301		NORTH ELEVATION
DA302		SOUTH ELEVATION
DA303		WEST ELEVATION
DA304		EAST ELEVATION
DA320		EXISTING SECTION
DA321		SECTION - AA
DA322		SECTION - BB



154 BRIGHTON BOULEVARD, NORTH BONDI

DEVELOPMENT APPLICATION

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TITLE PAGE

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PROJECT

154 BRIGHTON BOULEVARD, NORTH
BONDI

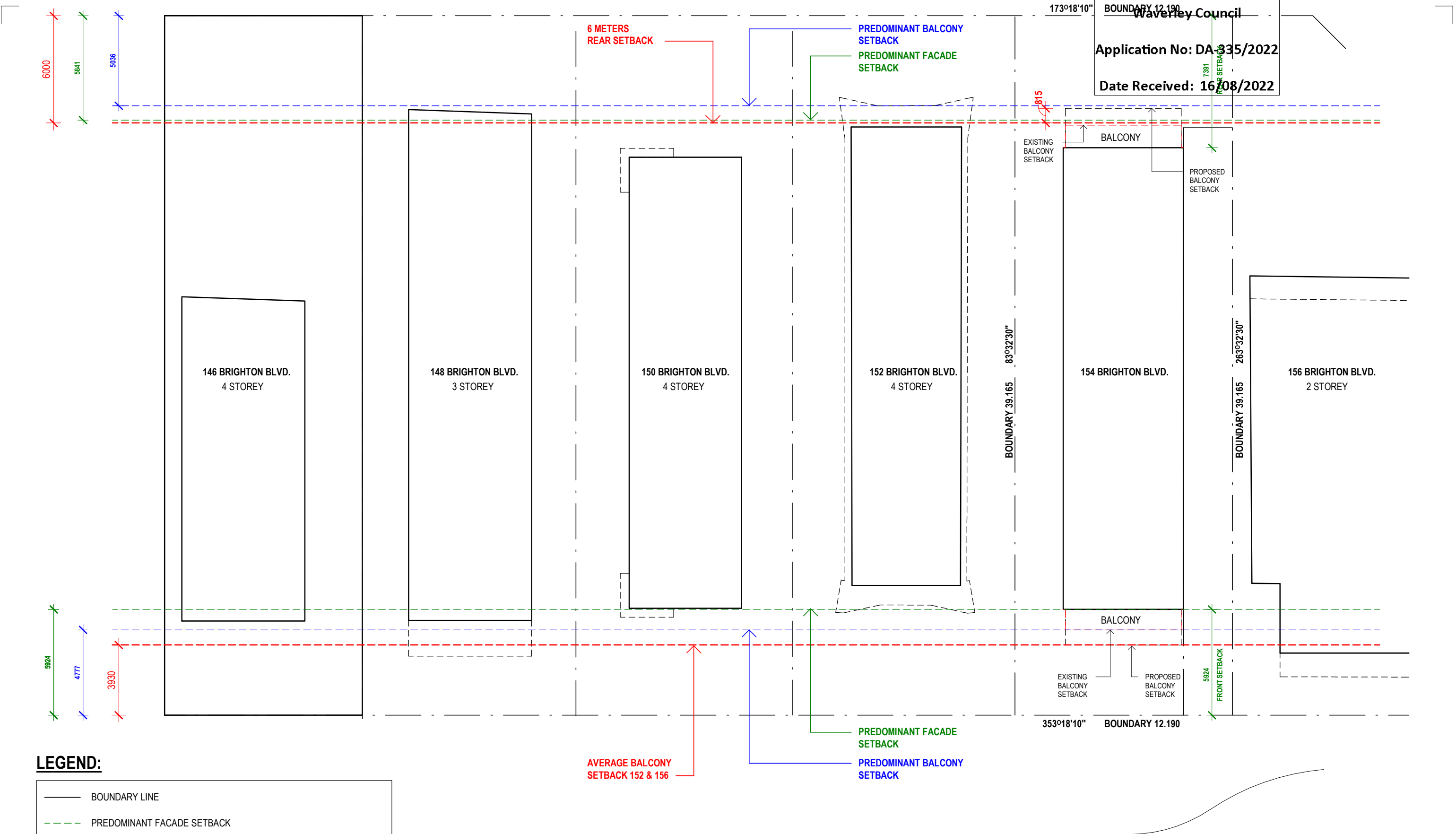
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TITLE PAGE

PROJECT NO. STAGE DWG NO. REV

205 DA000

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Checked: Checker Date: 25.05.2022



LEGEND:

- BOUNDARY LINE
- PREDOMINANT FACADE SETBACK
- PREDOMINANT BALCONY SETBACK
- 6 m REAR SETBACK / 152 & 156 AVERAGE FRONT BALCONY SETBACK

1 SETBACK DIAGRAM

1:200

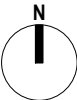
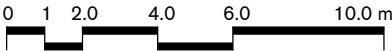
BRIGHTON BLVD.

BRIGHTON BLVD.

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SETBACK DIAGRAM



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DRAWING

SETBACK DIAGRAM

PROJECT NO. STAGE DWG NO. REV

205 DA001

Drawn: FL Scale: 1:200 @A3
Checked: JM Date: 25.05.2022

EXISTING LANDSCAPING

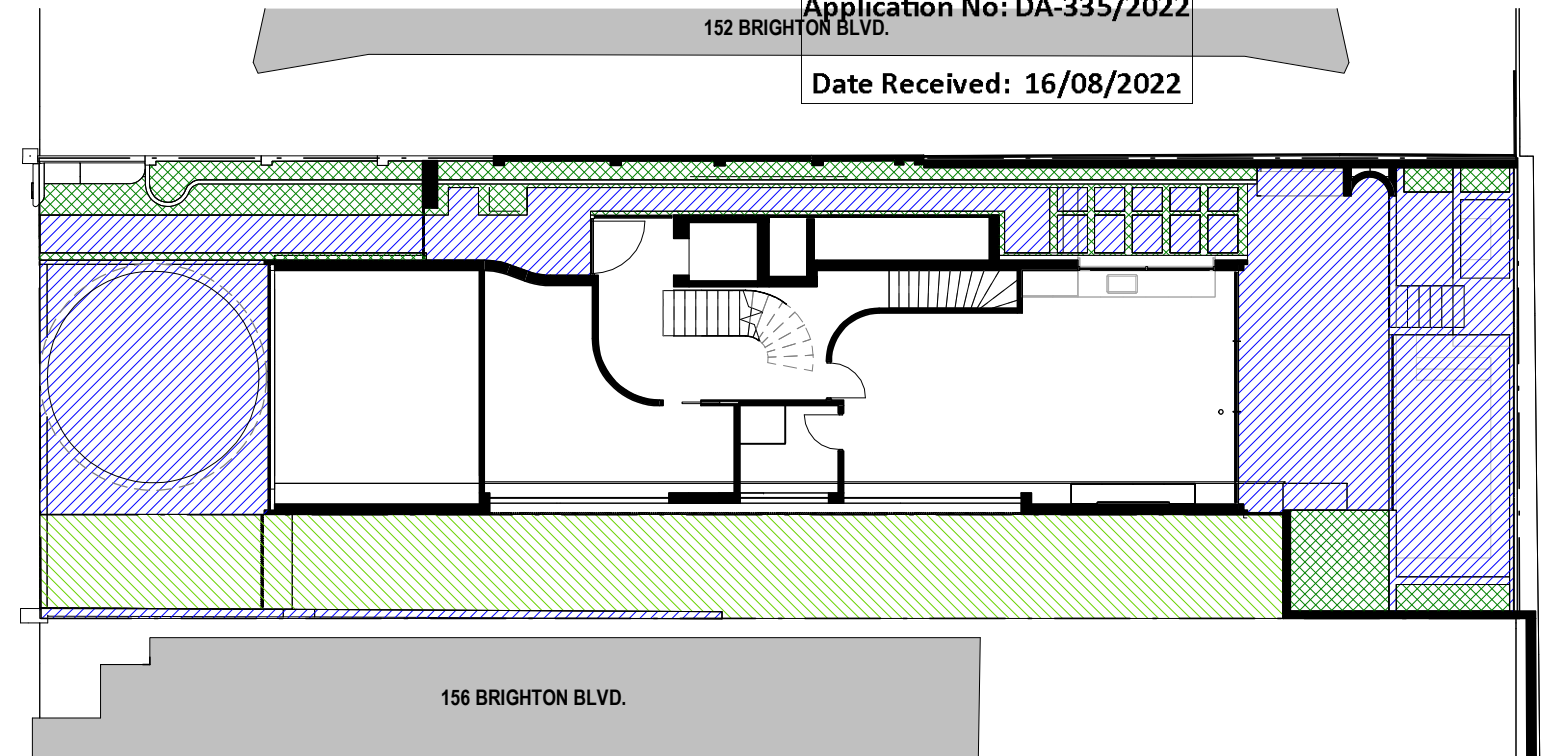
SITE AREA: 477.40 m²
LANDSCAPED AREA: 28.92 m² = 6% OF SITE AREA
DEEP SOIL ZONE: 28.92 m² = 100% OF LANDSCAPED AREA
HARD PAVED SURFACE : 270.73 m²

PROPOSED LANDSCAPING

SITE AREA: 477.40 m²
LANDSCAPED AREA: 130.78m² = 27.39% OF SITE AREA
DEEP SOIL ZONE: 41.18 m² = 31.48% OF LANDSCAPED AREA
HARD PAVED SURFACE: 147.96 m²

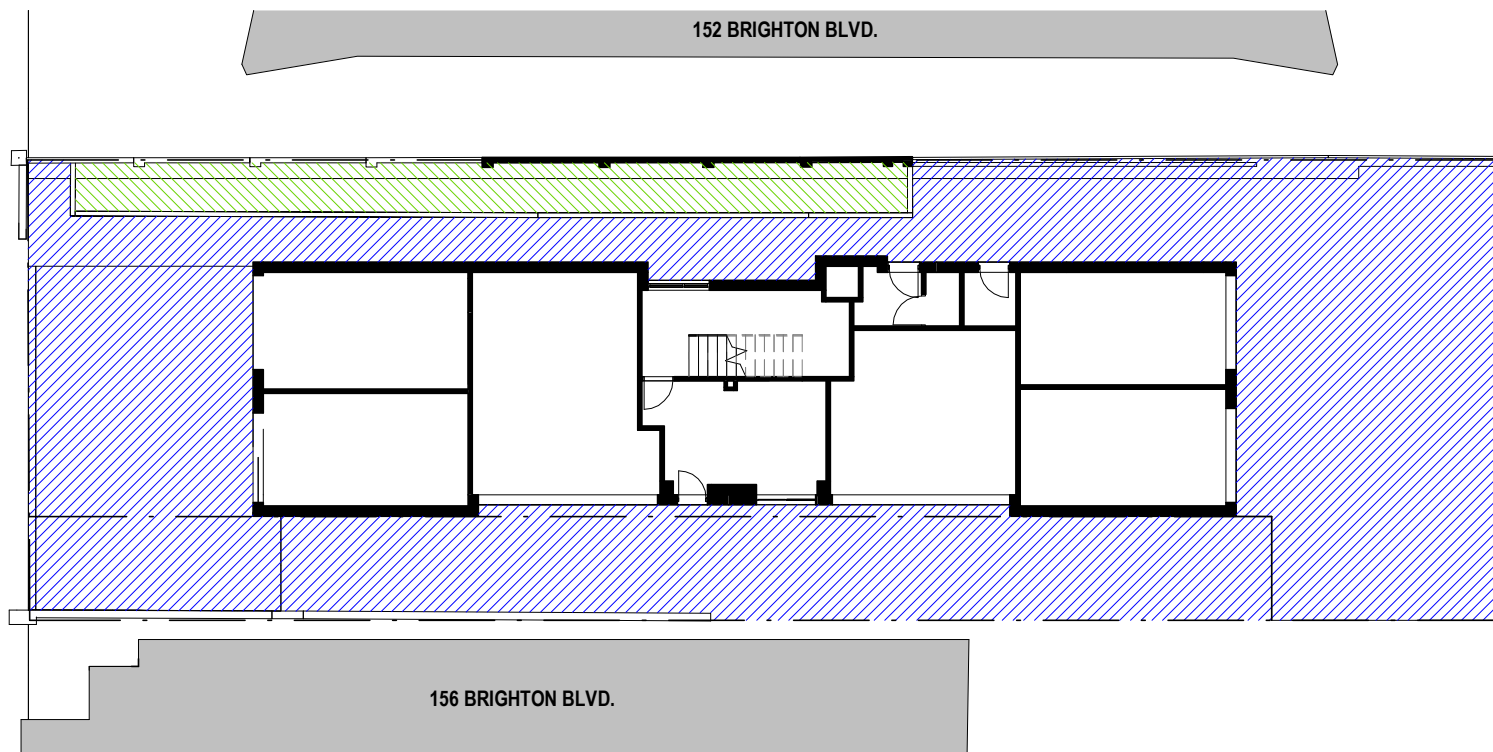
DEEP SOIL KEY

- SOFT LANDSCAPING
- DEEP SOIL LANDSCAPING
- HARD LANDSCAPING



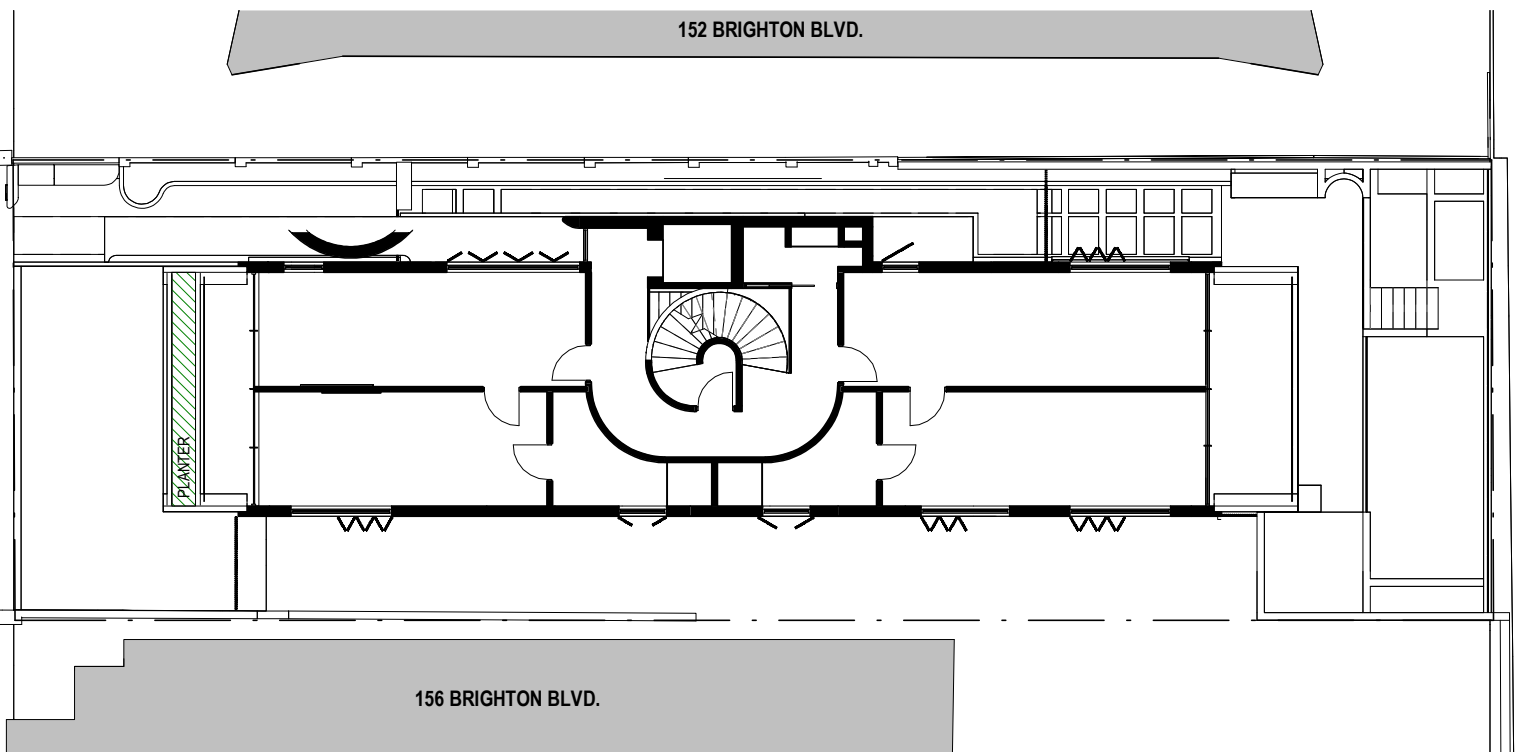
1 PROPOSED GROUND FLOOR - LANDSCAPE
1 : 200

LANDSCAPED AREA 126.92m²
DEEP SOIL ZONE 41.18 m²
HARD PAVED SURFACE 147.96 m²



3 EXISTING GROUND FLOOR - LANDSCAPE
1 : 200

SOFT LANDSCAPING (DEEP SOIL) 28.92 m²
HARD LANDSCAPING 270.73 m²
LANDSCAPING (ABOVE SLAB) -



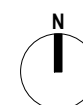
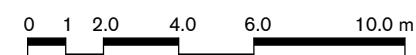
2 PROPOSED LEVEL 1 - LANDSCAPE
1 : 200

LANDSCAPED AREA 3.86 m²

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DEEP SOIL PLAN



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DRAWING

DEEP SOIL PLAN

PROJECT NO. STAGE DWG NO. REV

205 DA002





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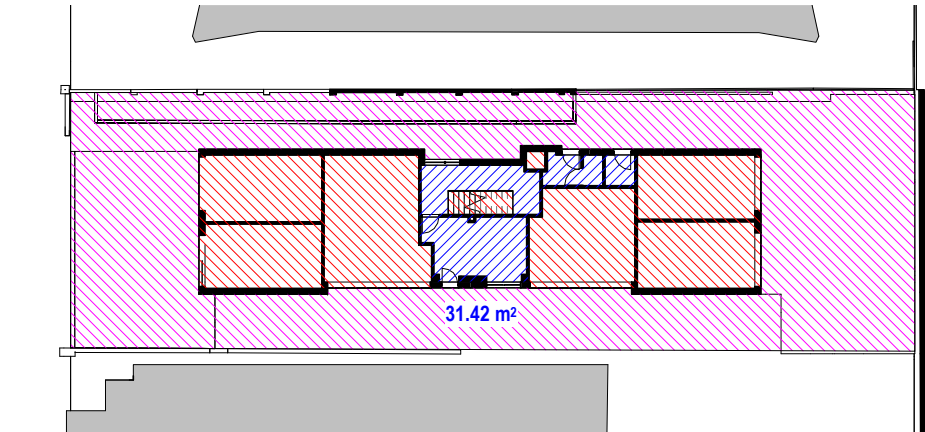
FLOOR SPACE RATIO CALCULATION

	EXISTING FSR
BASEMENT 2 =	-
BASEMENT 1 =	-
GROUND FLOOR =	31.42m ²
LEVEL 1 =	148.34m ²
LEVEL 2 =	148.34m ²
LEVEL 3 =	148.34m ²
TOTAL EXISTING =	476.44m ²

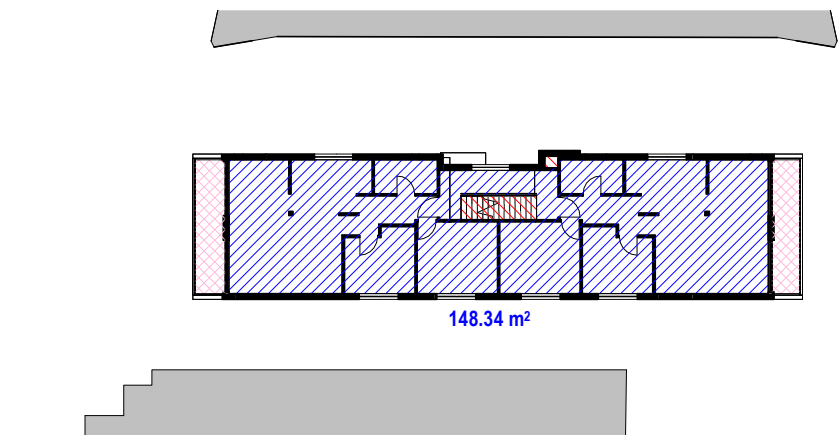
	PROPOSED FSR
BASEMENT 2 =	-
BASEMENT 1 =	-
GROUND FLOOR =	111.29m ²
LEVEL 1 =	153.20m ²
LEVEL 2 =	157.70m ²
LEVEL 3 =	151.25m ²
TOTAL PROPOSED =	573.44m ²

FLOOR PLATE KEY

	FLOOR SPACE (FSR)
	EXCLUDED SERVICE, GARAGE & STORE
	OPEN SPACE
	PRIVATE OPEN SPACE



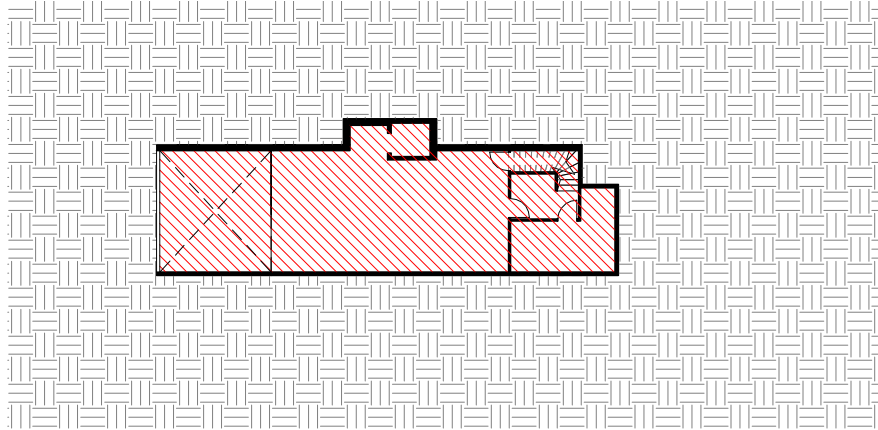
7 EXISTING GROUND FLOOR - FSR
1 : 350



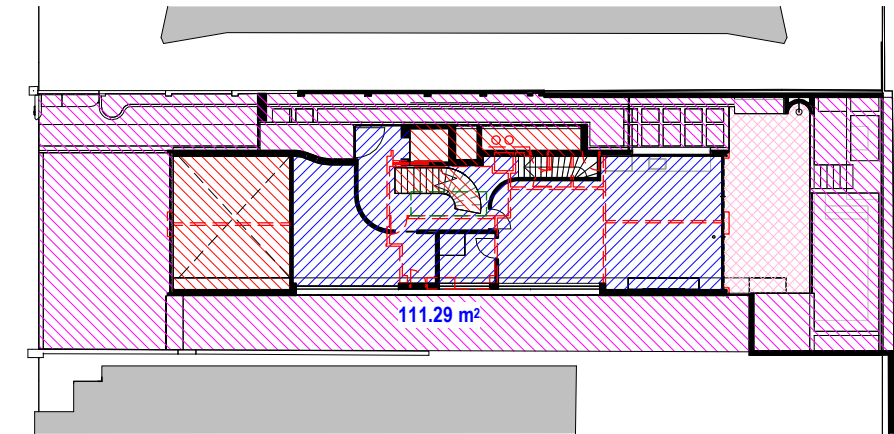
8 EXISTING LEVELS 1-3 - FSR
1 : 350

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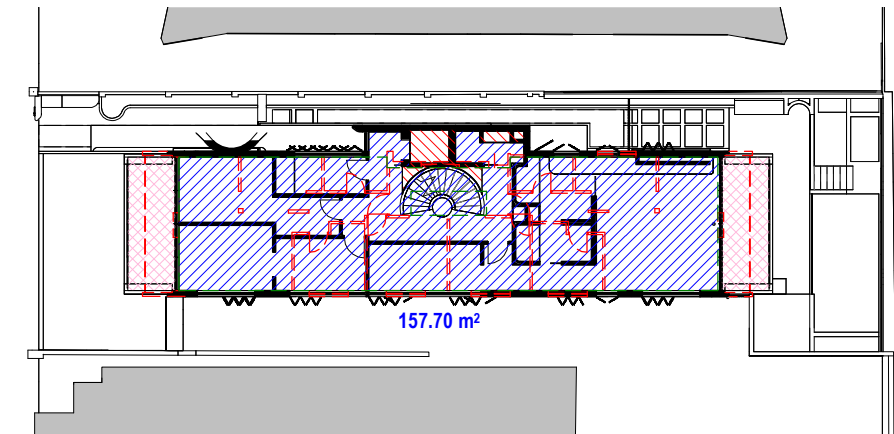
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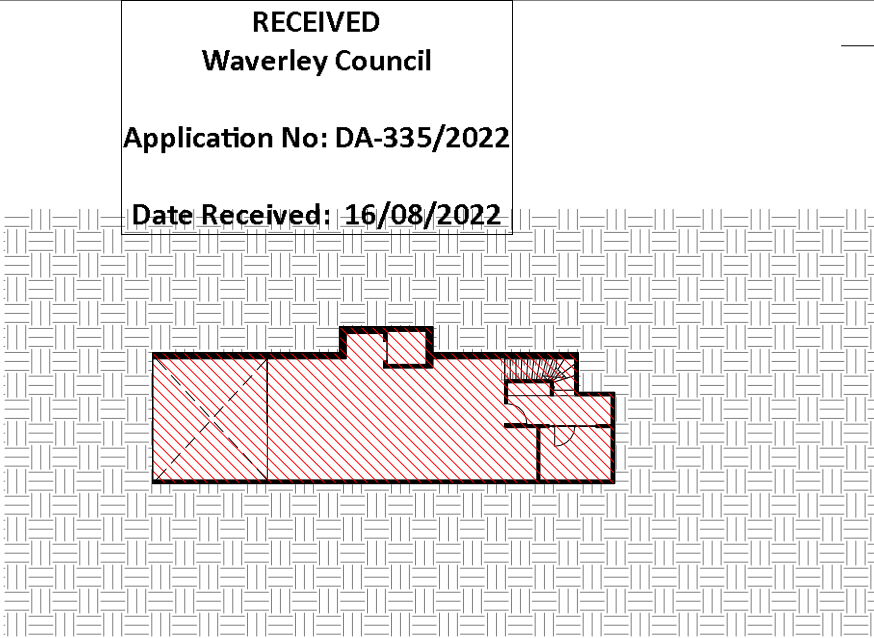
1 BASEMENT 2 - FSR
1 : 350



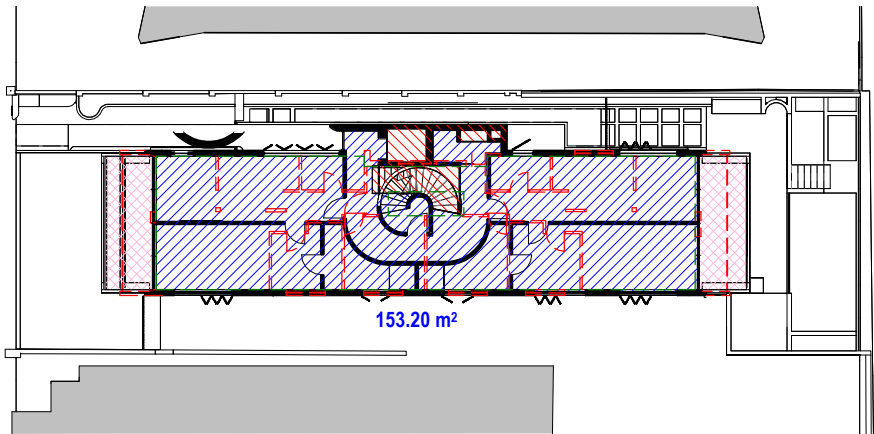
3 GROUND FLOOR - FSR
1 : 350



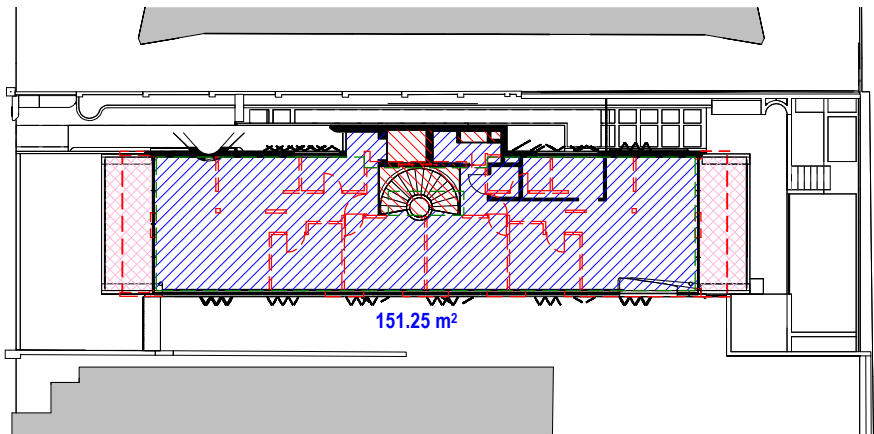
5 LEVEL 2 - FSR
1 : 350



2 BASEMENT 1 - FSR
1 : 350

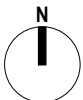
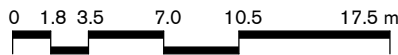


4 LEVEL 1 - FSR
1 : 350



6 LEVEL 3 - FSR
1 : 350

FLOOR SPACE RATIO DIAGRAM



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PROJECT

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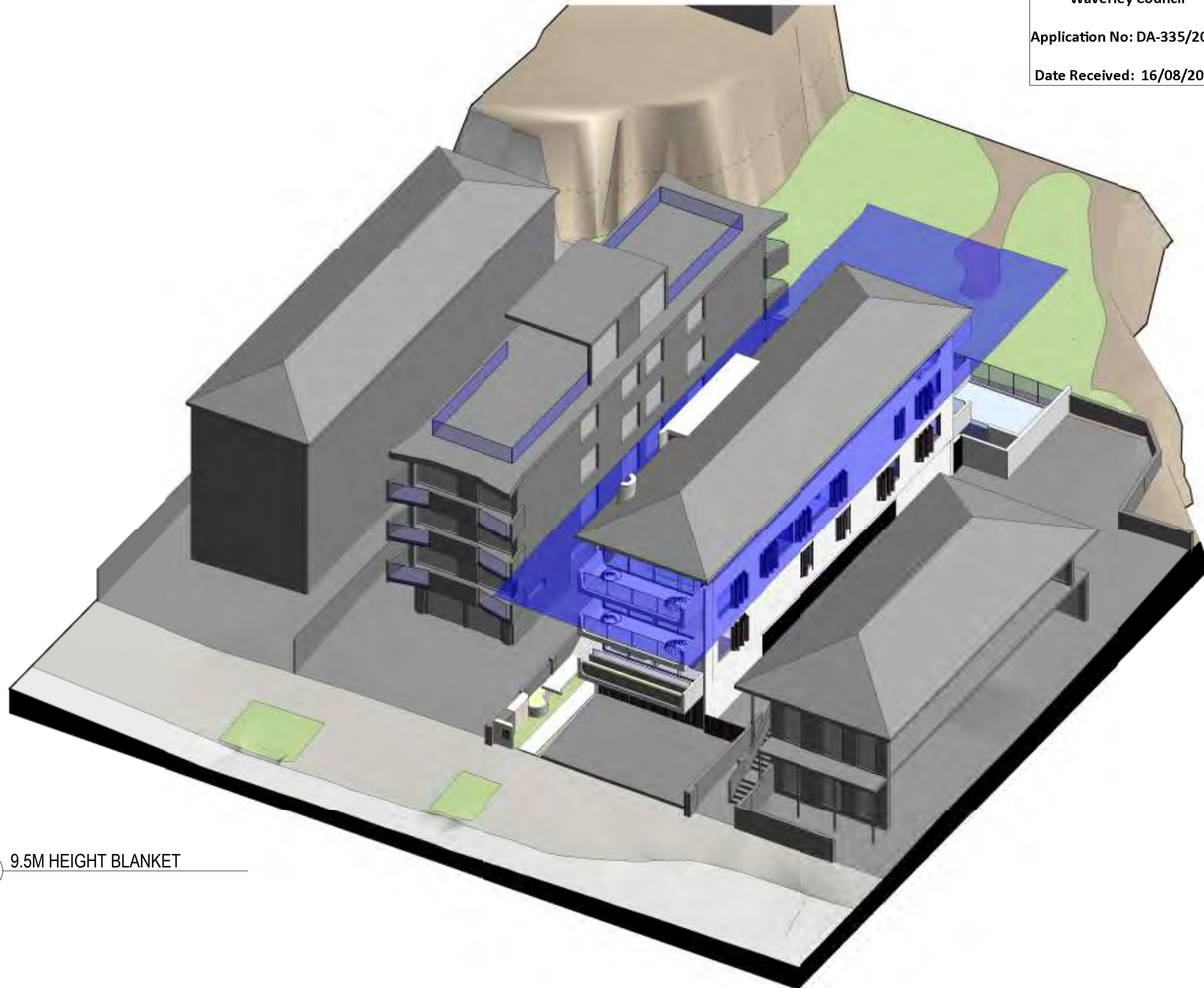
DRAWING

FLOOR SPACE RATIO DIAGRAM

PROJECT NO. STAGE DWG NO. REV

205 DA003

Drawn: FL Scale: As indicated @A3
Checked: JM Date: 25.05.2022



1 9.5M HEIGHT BLANKET

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HEIGHT BLANKET DIAGRAM

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PROJECT

154 BRIGHTON BOULEVARD, NORTH
BONDI

DRAWING

HEIGHT BLANKET DIAGRAM

PROJECT NO. STAGE DWG NO. REV

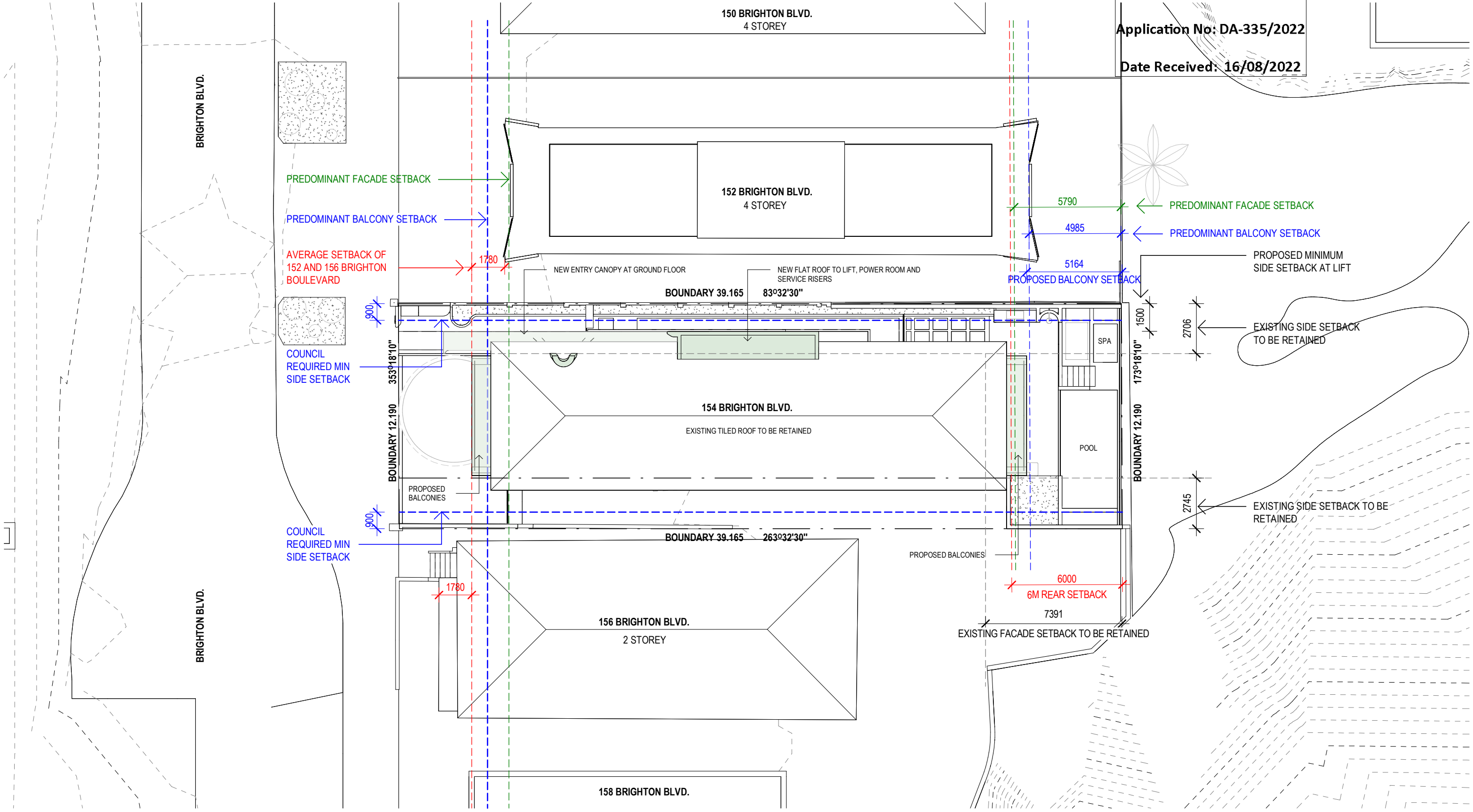
205 DA004

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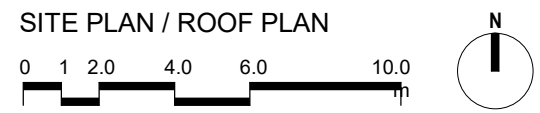
Checked: JM

Scale:

Date: 02.06.2022



1 SITE PLAN
1 : 200



BASIX COMMITMENTS
THE PROPOSED DEVELOPMENT WILL MEET THE GOVERNMENTS REQUIREMENTS FOR SUSTAINABILITY AND WILL BE BUILT IN ACCORDANCE WITH THE COMMITMENTS SETOUT IN THE FOLLOWING
BASIX CERTIFICATES:
CERTIFICATE NUMBER: A463699
CERTIFICATE NUMBER: A461278
CERTIFICATE NUMBER: A461282
CERTIFICATE NUMBER: A461290

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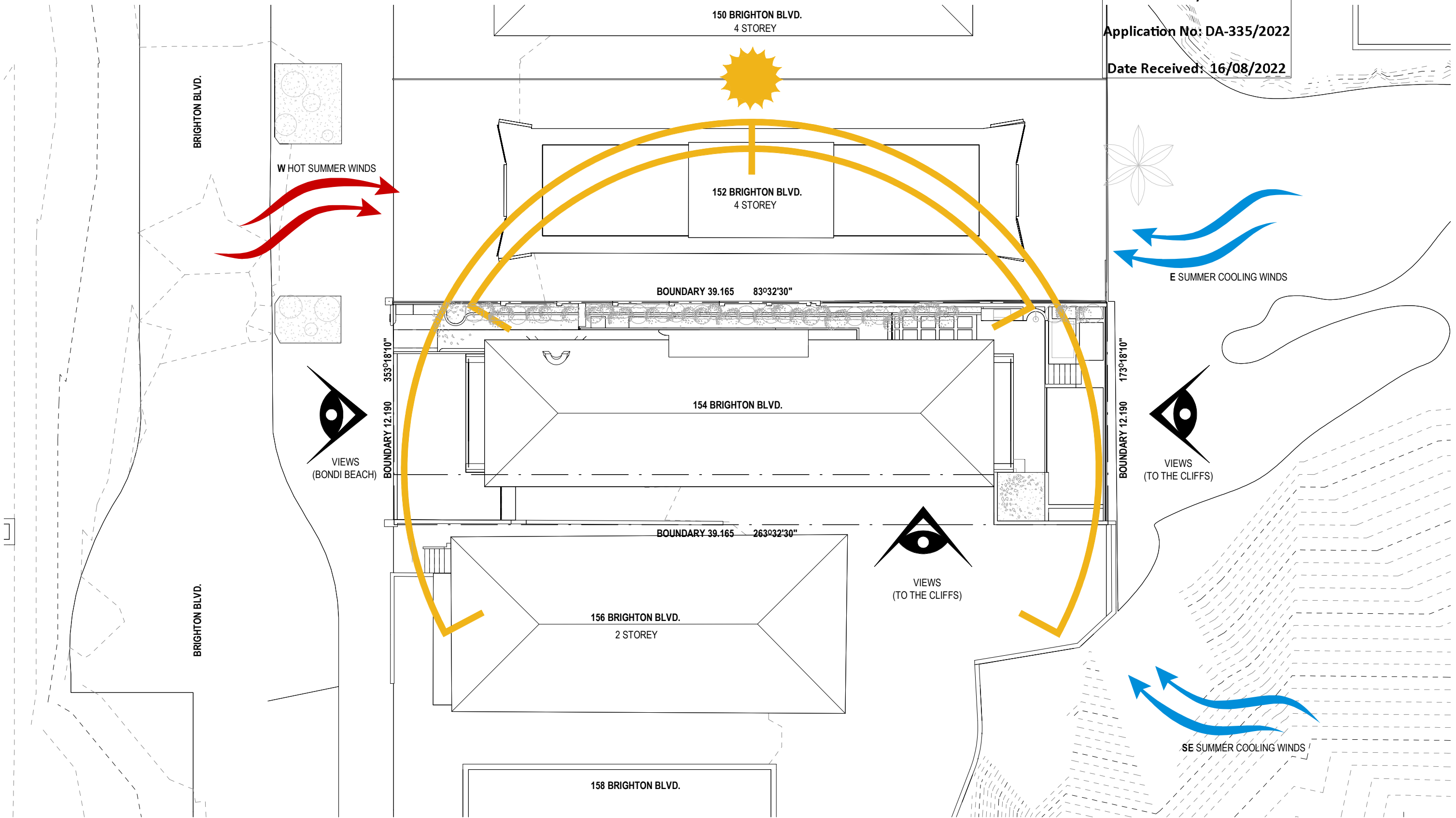
PROJECT	154 BRIGHTON BOULEVARD, NORTH BONDI	PROJECT NO.	205	STAGE	DA101	DWG NO.	REV
DRAWING	SITE PLAN / ROOF PLAN	Drawn:	FL	Scale:	1 : 200 @A3	Checked:	JM
				Date:	25.05.2022		

KEY

BOUNDARY

BUILDING ENVELOPE

DEMOLITION OF EXISTING



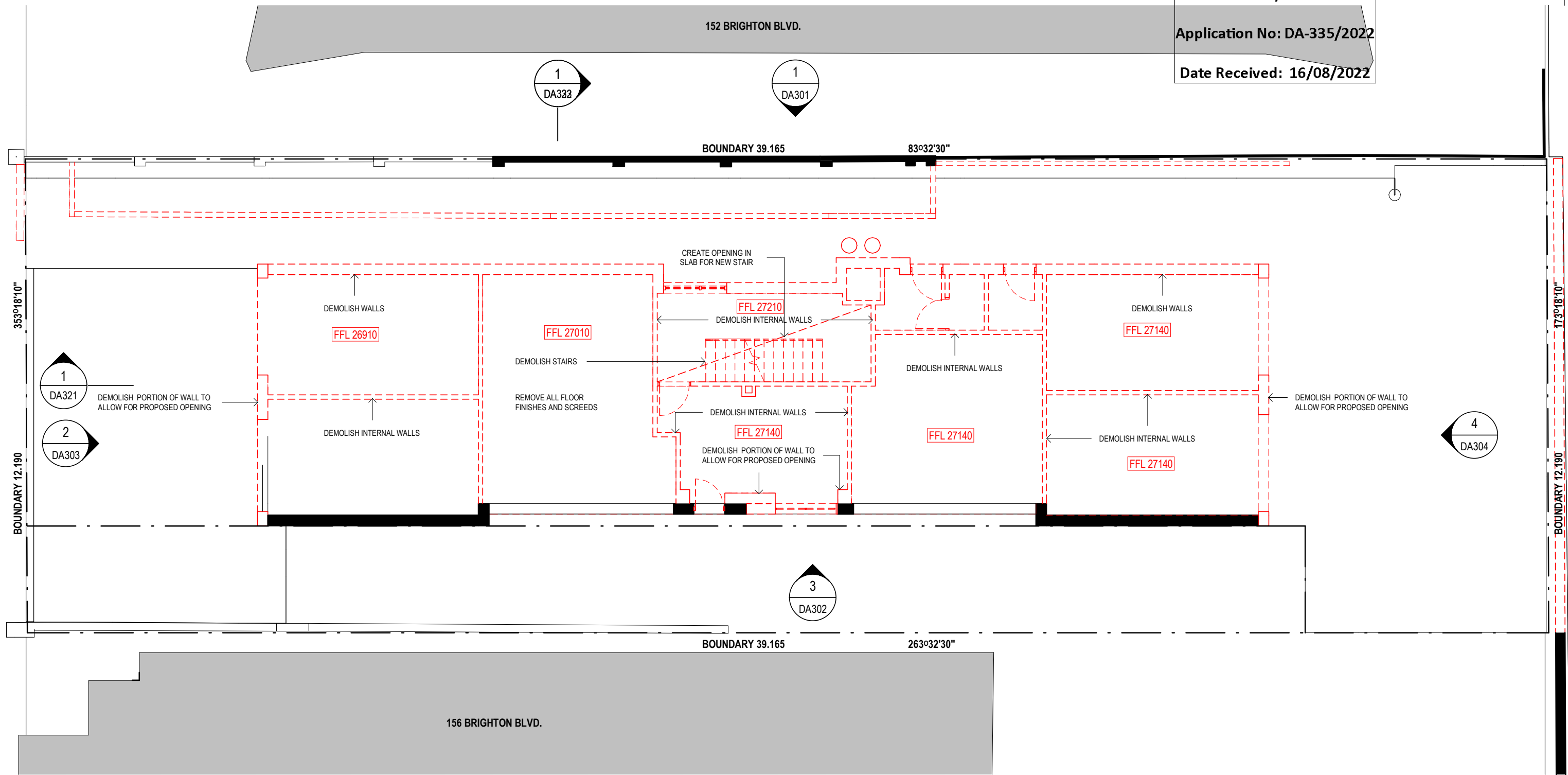
2 SITE ANALYSIS 1:200

GENERAL NOTES

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PROJECT
154 BRIGHTON BOULEVARD, NORTH
BONDI
DRAWING
SITE ANALYSIS

PROJECT NO. STAGE DWG NO. REV
205 DA102
Drawn: FL Scale: 1:200 @A3
Checked: JM Date: 25.05.2022



1 GROUND FLOOR - DEMOLITION

1 : 100

KEY

—

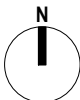
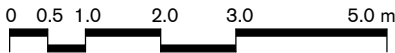
BOUNDARY

- - -

TREE REMOVED

- - -

DEMOLISHED



GENERAL NOTES

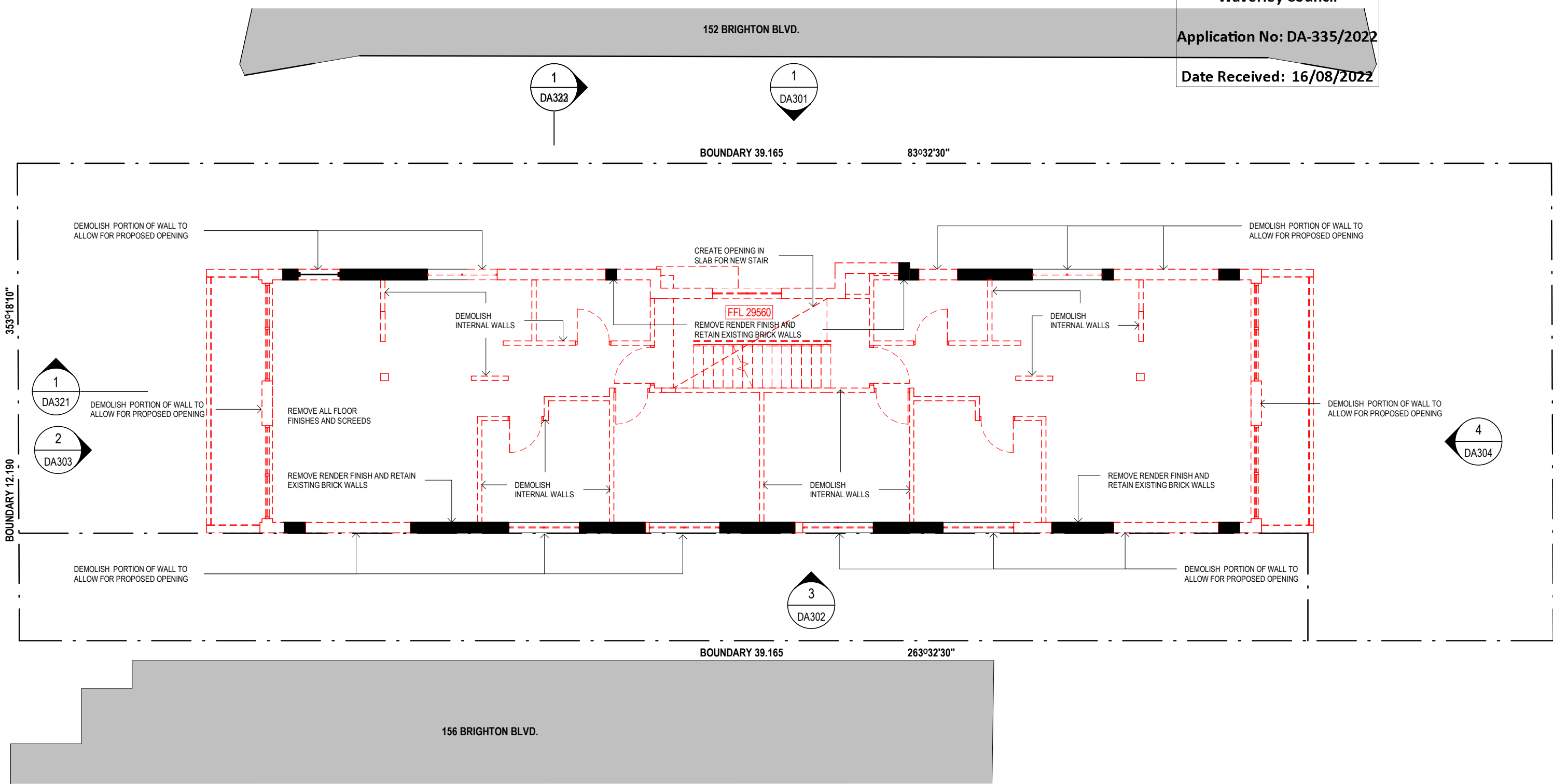
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PROJECT
154 BRIGHTON BOULEVARD, NORTH
BONDI

DRAWING
GROUND FLOOR - DEMOLITION

PROJECT NO. STAGE DWG NO. REV
205 DA110

Drawn: FL Scale: As indicated @A3
Checked: JM Date: 25.05.2022



1 LEVEL 1 - DEMOLITION 1 : 100

KEY

—

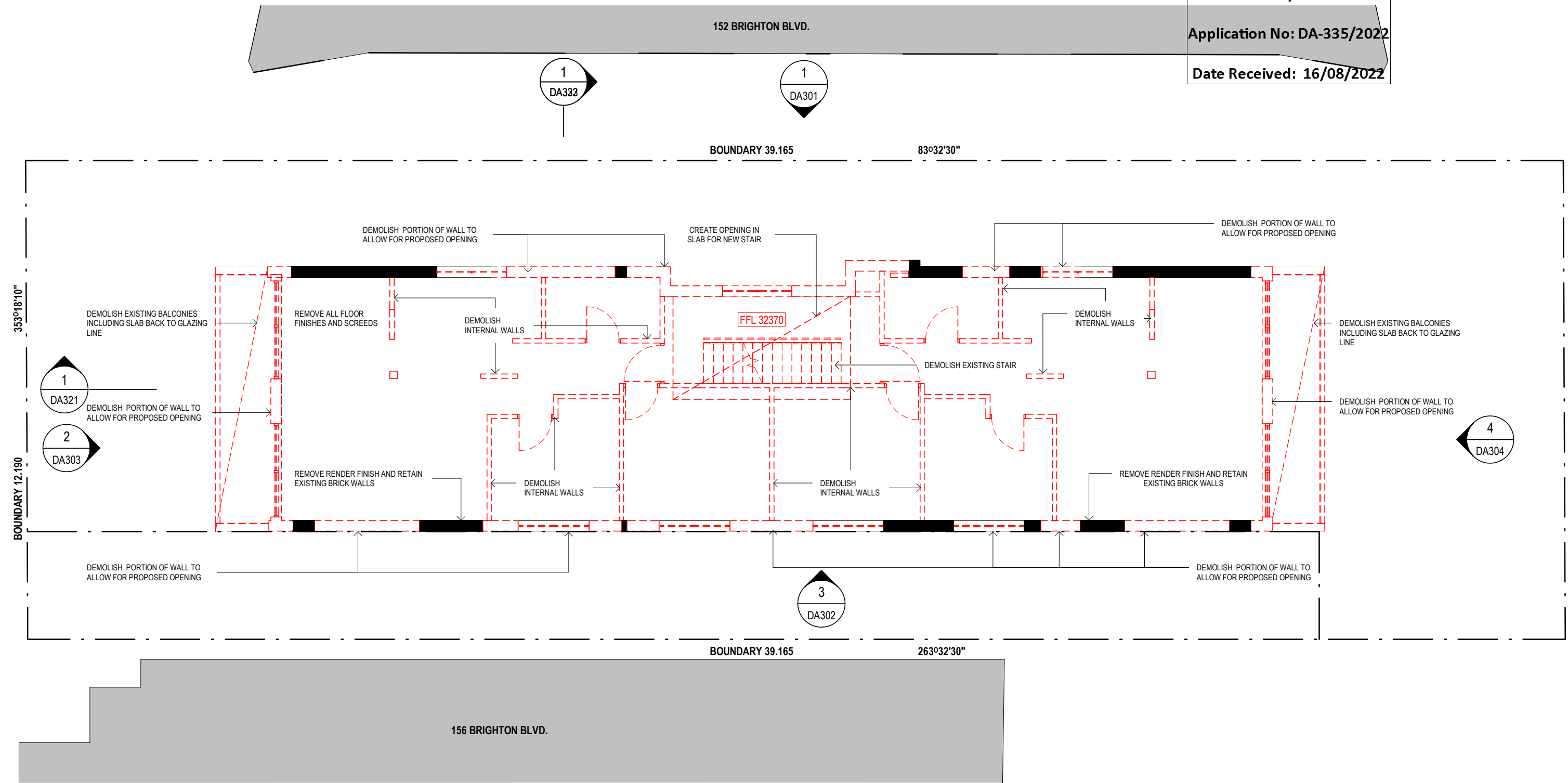
BOUNDARY

- - -

TREE REMOVED

- - -

DEMOLISHED



1

LEVEL 2 - DEMOLITION

1 : 100

KEY

—

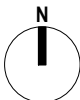
BOUNDARY

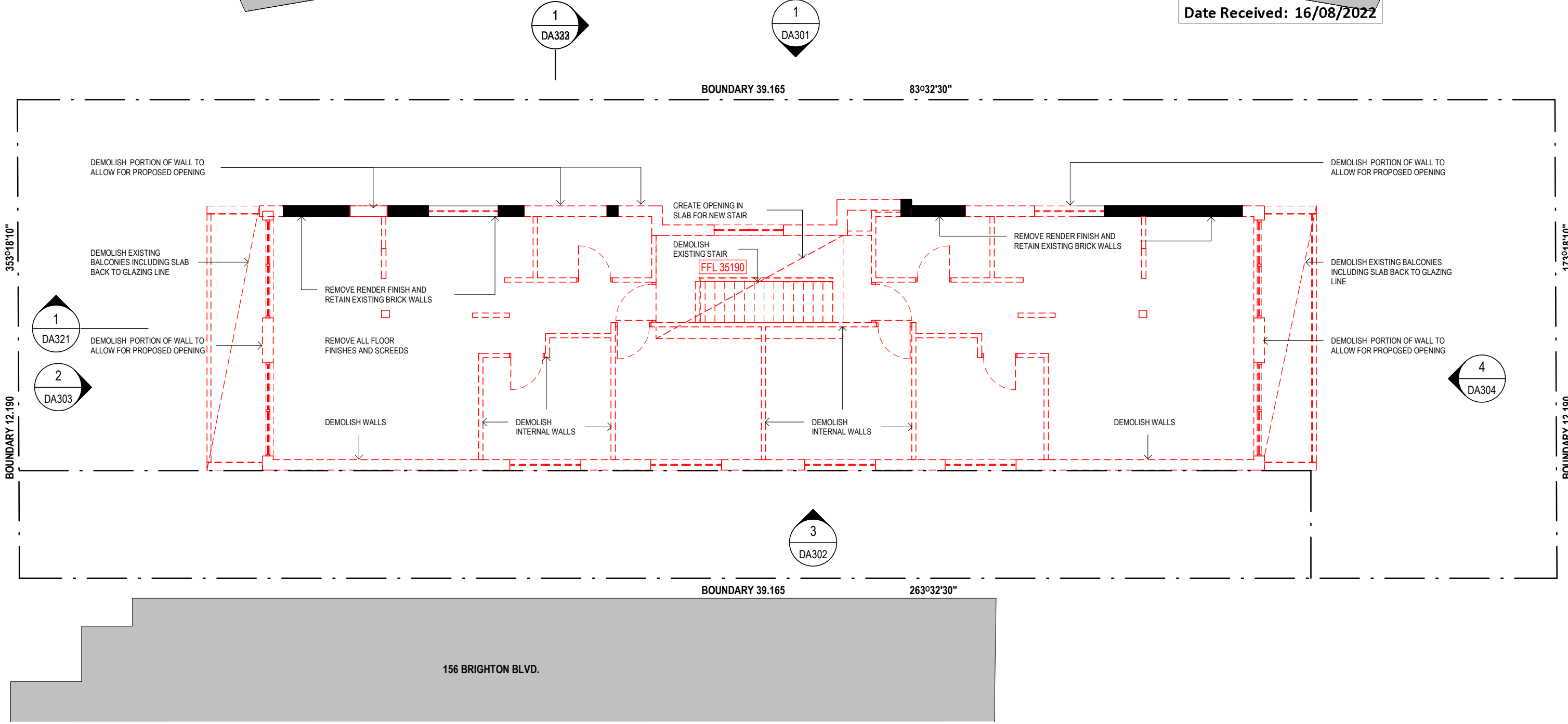
- - -

TREE REMOVED

- - -

DEMOLISHED

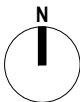




1 LEVEL 3 - DEMOLITION
1 : 100

KEY

- BOUNDARY
- - - TREE REMOVED
- - - DEMOLISHED





WHITE RENDERED WALLS
ALL EXTERNAL WALLS



CONCRETE TEXTURE :
ALL BALCONIES, ENTRY CANOPY AND
FLOORS



GRASS BLOCKS:
DRIVEWAY



TERRACOTTA ROOF TILE:
ROOF



POWDER COAT WHITE :
WINDOW FRAMES



TIMBER:
GARAGE DOOR + LOUVERS



JERUSALEM STONE:
FRONT BOUNDARY WALL AND ENTRY
GATE



LANDSCAPING:
TO LANDSCAPE ARCHITECTS DETAILS

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PROJECT

154 BRIGHTON BOULEVARD, NORTH
BONDI

DRAWING

MATERIAL BOARD

PROJECT NO. STAGE DWG NO. REV

205 DA120

Drawn: JM Scale:
Checked: JM Date: 25.05.2022



BRIGHTON BLVD - SOUTH VIEW - EXISTING



EXISTING



BRIGHTON BLVD - SOUTH VIEW - PROPOSED



PROPOSED

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PHOTO MONTAGE

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PROJECT

**154 BRIGHTON BOULEVARD, NORTH
BONDI**

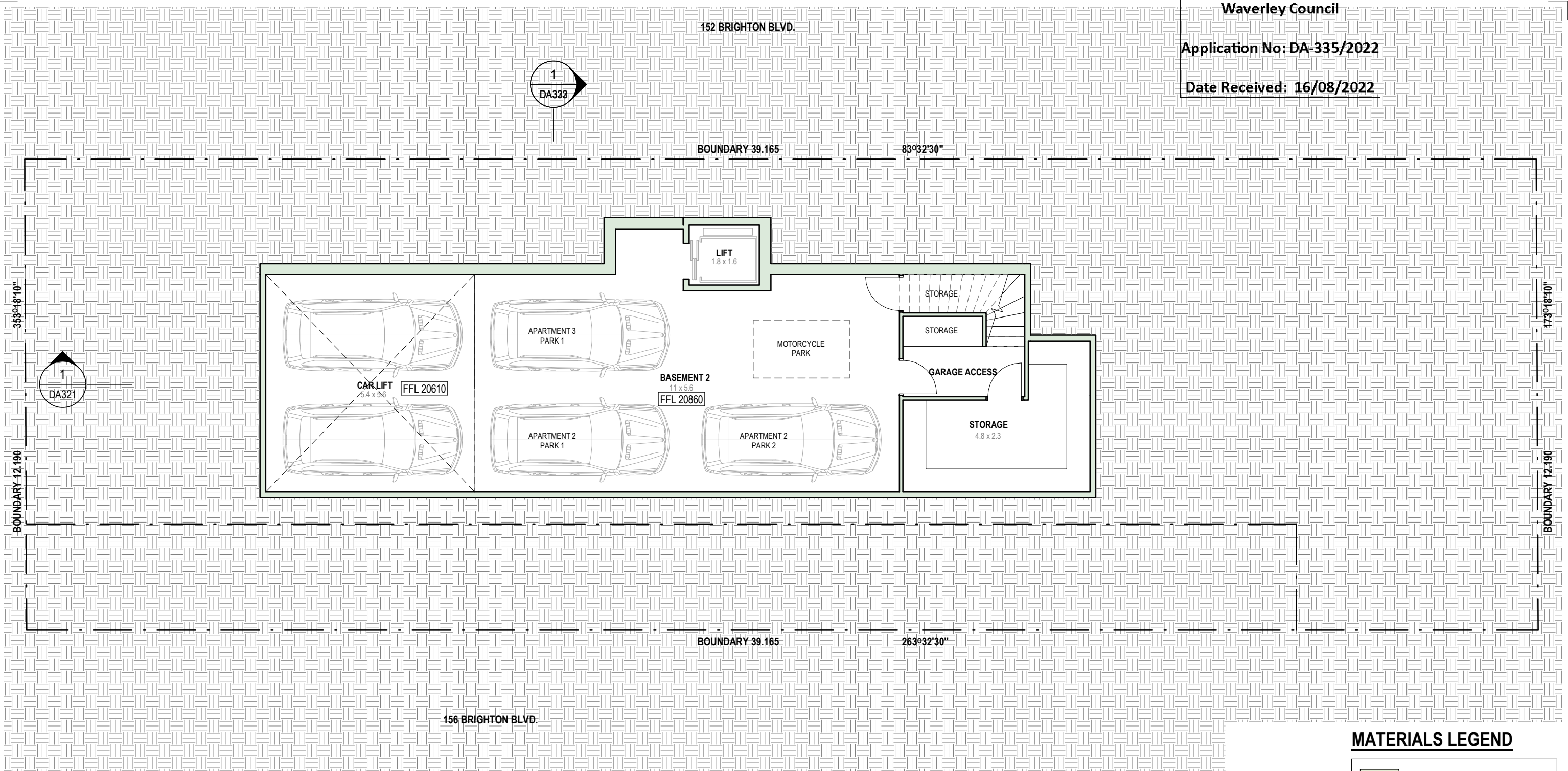
DRAWING

PHOTO MONTAGE

PROJECT NO. STAGE DWG NO. REV

205 DA121

Drawn: FL Scale: @A3
Checked: JM Date: 25.05.2022



1 BASEMENT 2 - FLOOR PLAN 1 : 100

MATERIALS LEGEND

01 - CONCRETE
02 - GLASS
03 - TIMBER
04 - BRICK

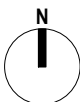
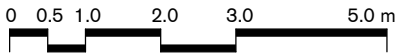
KEY

BOUNDARY
EXISTING
PROPOSED

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BASEMENT 2 - FLOOR PLAN



GENERAL NOTES

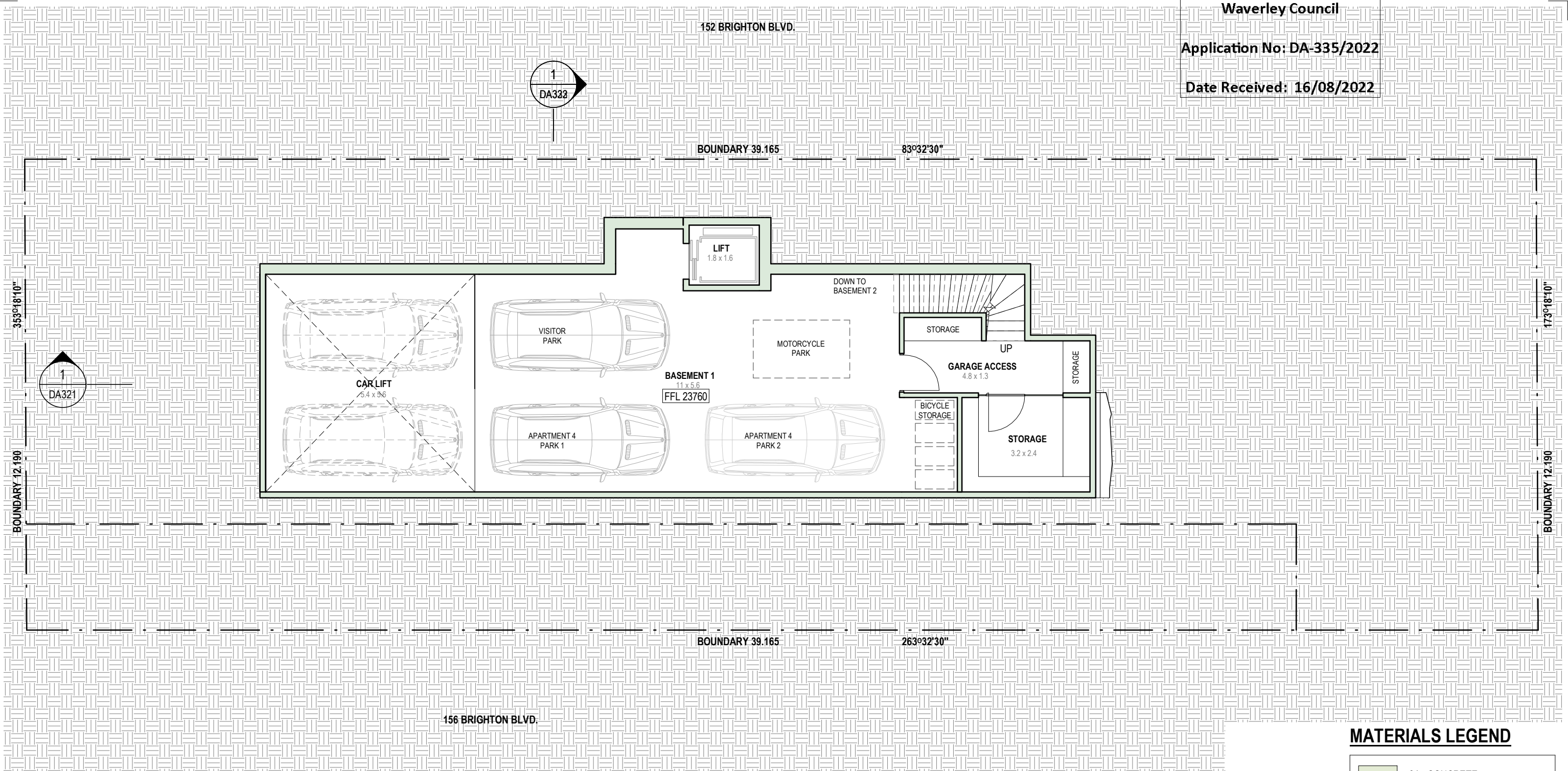
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PROJECT
154 BRIGHTON BOULEVARD, NORTH
BONDI

DRAWING
BASEMENT 2 - FLOOR PLAN

PROJECT NO. STAGE DWG NO. REV
205 DA200

Drawn: FL Scale: As indicated @A3
Checked: JM Date: 25.05.2022



1 BASEMENT 1 - FLOOR PLAN
1 : 100

MATERIALS LEGEND

01 - CONCRETE
02 - GLASS
03 - TIMBER
04 - BRICK

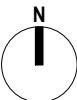
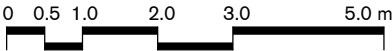
KEY

BOUNDARY
EXISTING
PROPOSED

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BASEMENT 1 - FLOOR PLAN



GENERAL NOTES

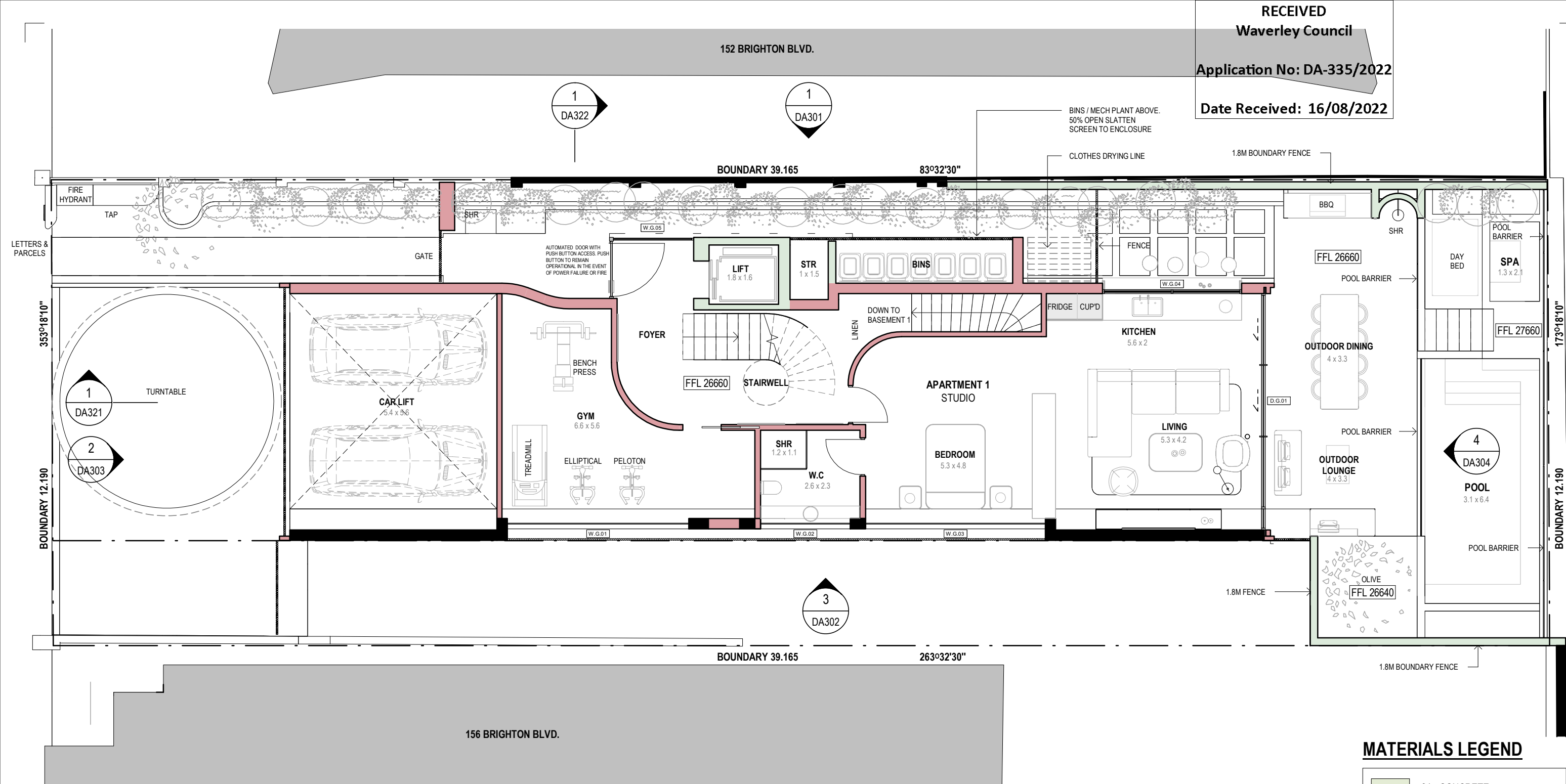
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PROJECT
154 BRIGHTON BOULEVARD, NORTH
BONDI

DRAWING
BASEMENT 1 - FLOOR PLAN

PROJECT NO. STAGE DWG NO. REV
205 DA201

Drawn: FL Scale: As indicated @A3
Checked: JM Date: 25.05.2022



1 GROUND FLOOR - FLOOR PLAN
1 : 100

WINDOW	H (mm)	W (mm)	Area
W.G.01	1790	4752	9 m ²
W.G.02	1950	2346	5 m ²
W.G.03	1790	4701	8 m ²
W.G.04	1250	1746	2 m ²
W.G.04	1250	1746	2 m ²
W.G.05	2640	2054	5 m ²

DOOR	H (mm)	W (mm)	Area
D.G.01	2545	1809	5 m ²
D.G.01	2545	1834	5 m ²
D.G.01	2545	1847	5 m ²
D.G.01			1 m ²

MATERIALS LEGEND

01 - CONCRETE
02 - GLASS
03 - TIMBER
04 - BRICK

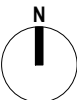
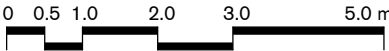
KEY

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EXISTING
PROPOSED

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GROUND FLOOR - FLOOR PLAN



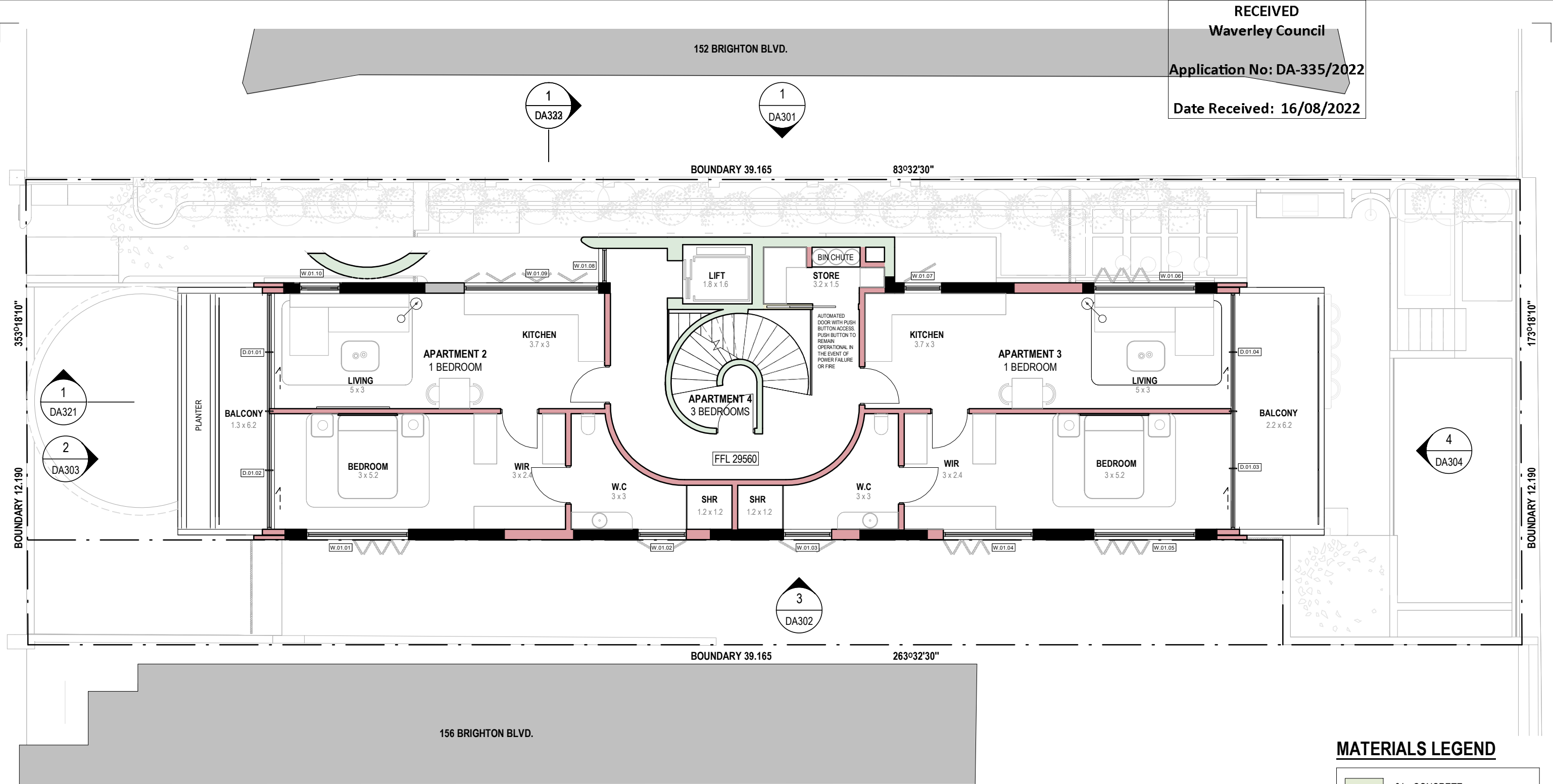
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PROJECT
154 BRIGHTON BOULEVARD, NORTH
BONDI
DRAWING
GROUND FLOOR - FLOOR PLAN

PROJECT NO. STAGE DWG NO. REV
205 DA202

Drawn: FL Scale: As indicated @A3
Checked: JM Date: 25.05.2022



1

LEVEL 1 - FLOOR PLAN

1 : 100

WINDOW	H (mm)	W (mm)	Area
--------	--------	--------	------

W.01.01	1400	2568	4 m ²
W.01.02	1400	1163	2 m ²
W.01.03	1400	1163	2 m ²
W.01.04	1400	2251	3 m ²
W.01.05	1400	2570	4 m ²

WINDOW	H (mm)	W (mm)	Area
--------	--------	--------	------

W.01.06	1400	2570	4 m ²
W.01.07	1400	880	1 m ²
W.01.08	2660	800	2 m ²
W.01.09	1400	3425	5 m ²
W.01.09	1400	3425	5 m ²

DOOR	H (mm)	W (mm)	Area
------	--------	--------	------

D.01.01	2420	1485	4 m ²
D.01.01	2420	1523	4 m ²
D.01.02	2420	1523	4 m ²
D.01.02	2420	1485	4 m ²
D.01.03	2410	1534	4 m ²

DOOR	H (mm)	W (mm)	Area
------	--------	--------	------

D.01.03	2410	1475	4 m ²
D.01.04	2410	1523	4 m ²
D.01.04	2410	1485	4 m ²

MATERIALS LEGEND

01 - CONCRETE
02 - GLASS
03 - TIMBER
04 - BRICK

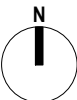
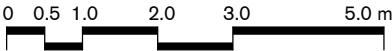
KEY

BOUNDARY
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LEVEL 1 - FLOOR PLAN



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PROJECT

154 BRIGHTON BOULEVARD, NORTH
BONDI

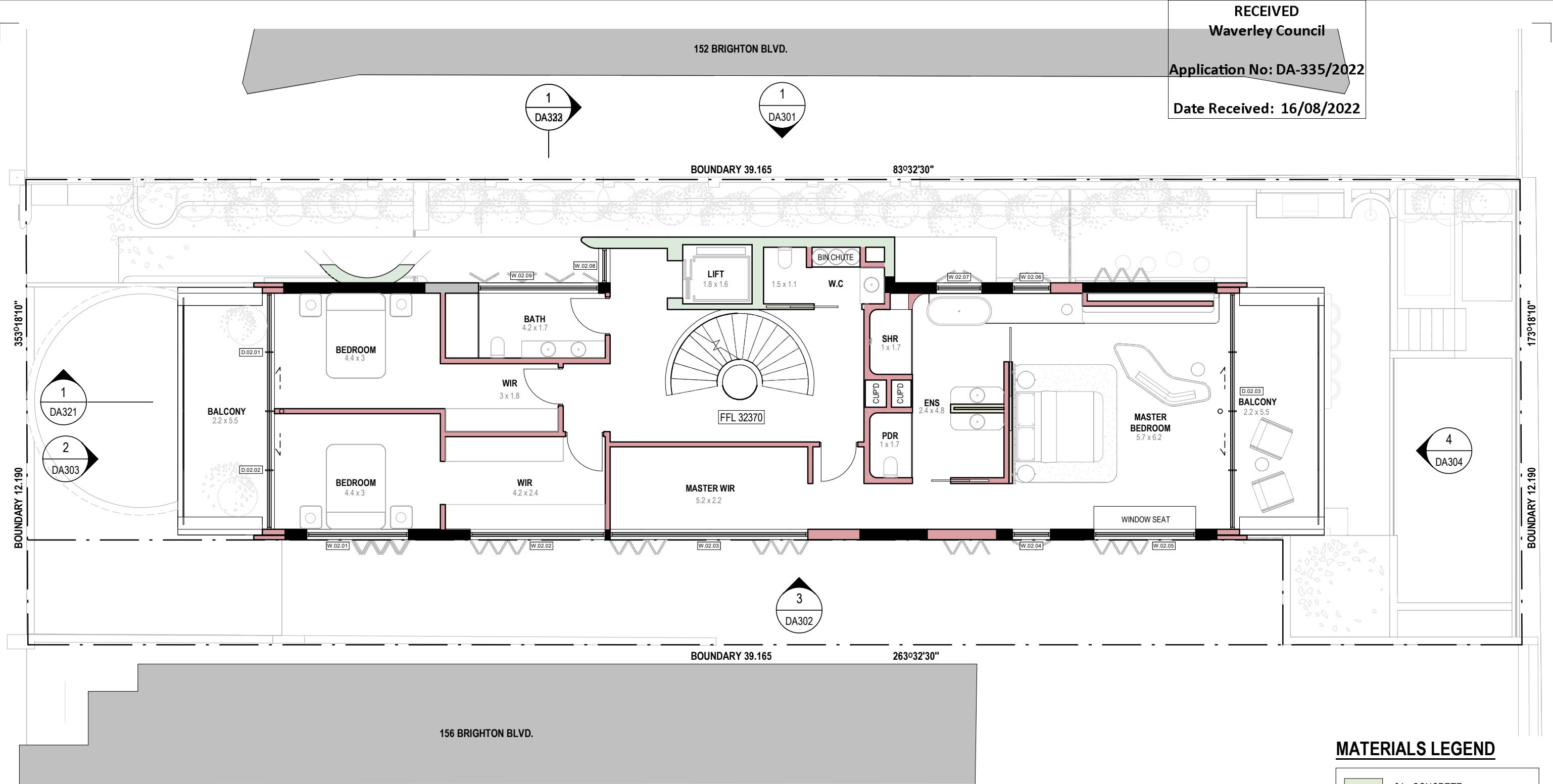
DRAWING

LEVEL 1 - FLOOR PLAN

PROJECT NO. STAGE DWG NO. REV

205 DA203

Drawn: FL Scale: As indicated @A3
Checked: JM Date: 25.05.2022



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Waverley Council
Application No: DA-335/2022
Date Received: 16/08/2022

1 LEVEL 2 - FLOOR PLAN
1 : 100

WINDOW	H (mm)	W (mm)	Area
W.02.01	1440	2568	4 m ²
W.02.02	1440	3440	5 m ²
W.02.03	1440	5082	7 m ²
W.02.04	1440	900	1 m ²
W.02.05	1440	2570	4 m ²

WINDOW	H (mm)	W (mm)	Area
W.02.06	1440	900	1 m ²
W.02.07	1440	1100	2 m ²
W.02.08	2720	800	2 m ²
W.02.09	2620	3050	8 m ²

DOOR	H (mm)	W (mm)	Area
D.02.01	2420	1485	4 m ²
D.02.01	2420	1523	4 m ²
D.02.02	2420	1523	4 m ²
D.02.02	2420	1485	4 m ²

DOOR	H (mm)	W (mm)	Area
D.02.03	2420	1485	4 m ²
D.02.03	2420	1523	4 m ²
D.02.03	2420	1523	4 m ²
D.02.03	2420	1485	4 m ²

MATERIALS LEGEND

01 - CONCRETE
02 - GLASS
03 - TIMBER
04 - BRICK

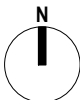
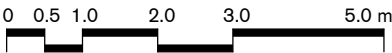
KEY

BOUNDARY
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LEVEL 2 - FLOOR PLAN



GENERAL NOTES

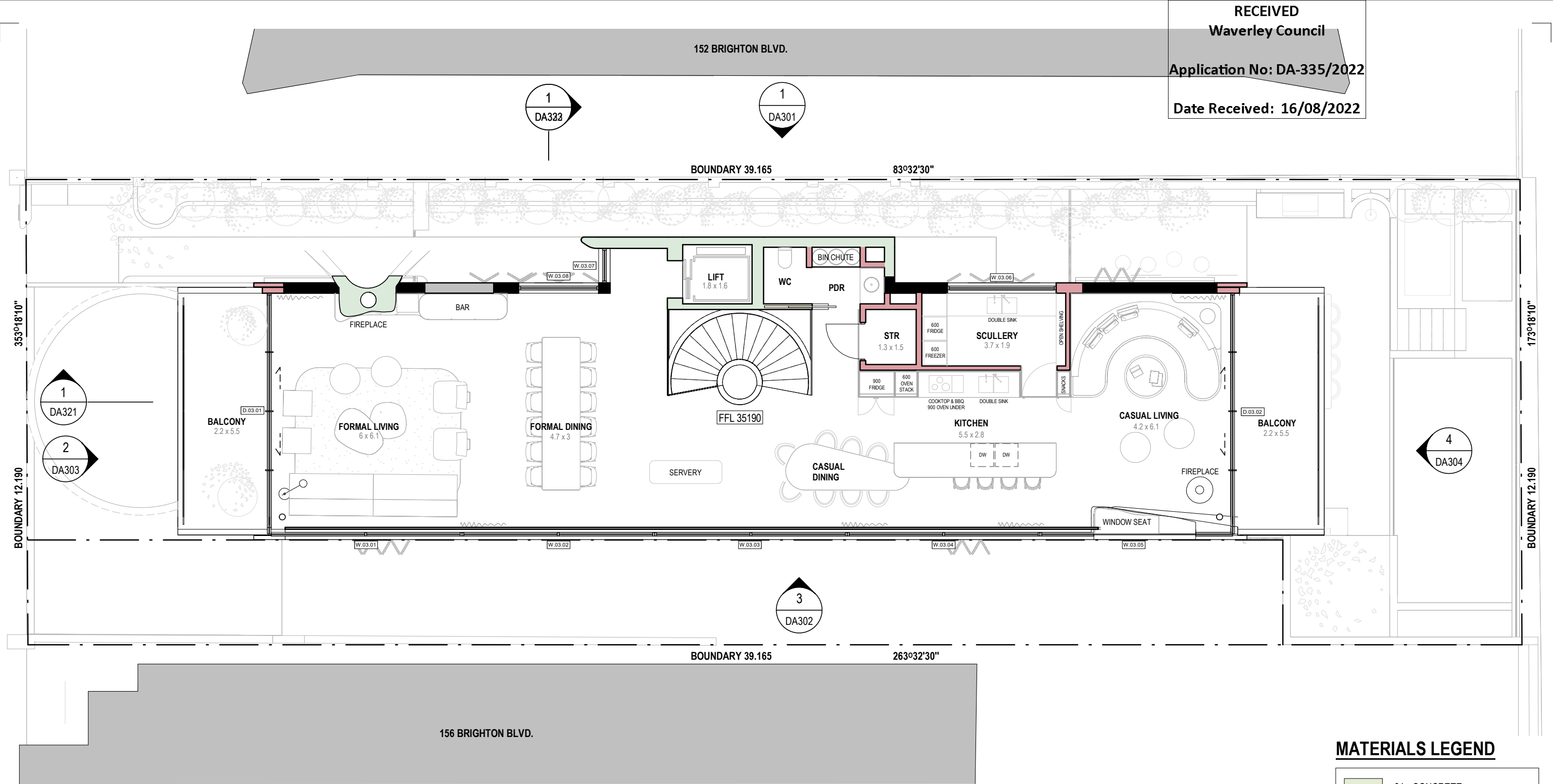
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PROJECT
154 BRIGHTON BOULEVARD, NORTH
BONDI

DRAWING
LEVEL 2 - FLOOR PLAN

PROJECT NO. STAGE DWG NO. REV
205 DA204

Drawn: FL Scale: As indicated A3
Checked: JM Date: 25.05.2022



1 LEVEL 3 - FLOOR PLAN

1 : 100

WINDOW	H (mm)	W (mm)	Area
--------	--------	--------	------

W.03.01	1190	2450	3 m ²
W.03.01	1190	2450	3 m ²
W.03.02	1190	2450	3 m ²
W.03.02	1190	2450	3 m ²
W.03.03	1190	2450	3 m ²
W.03.03	1190	2450	3 m ²

WINDOW	H (mm)	W (mm)	Area
--------	--------	--------	------

W.03.04	1190	2450	3 m ²
W.03.04	1190	2450	3 m ²
W.03.05	1190	1365	2 m ²
W.03.05			1 m ²
W.03.05	1190	965	1 m ²
W.03.05	1240	2670	3 m ²

WINDOW	H (mm)	W (mm)	Area
--------	--------	--------	------

W.03.06	800	2750	2 m ²
W.03.07	2240	800	2 m ²
W.03.08	2190	2000	4 m ²

DOOR	H (mm)	W (mm)	Area
------	--------	--------	------

D.03.01	2190	1485	3 m ²
D.03.01	2190	1523	3 m ²
D.03.01	2190	1523	3 m ²
D.03.01			3 m ²

DOOR	H (mm)	W (mm)	Area
------	--------	--------	------

D.03.02	2190	1485	3 m ²
D.03.02	2190	1523	3 m ²
D.03.02	2190	1523	3 m ²
D.03.02			3 m ²

MATERIALS LEGEND

- 01 - CONCRETE
- 02 - GLASS
- 03 - TIMBER
- 04 - BRICK

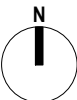
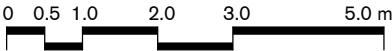
KEY

- BOUNDARY
- EXISTING
- PROPOSED

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LEVEL 3 - FLOOR PLAN



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PROJECT

154 BRIGHTON BOULEVARD, NORTH
BONDI

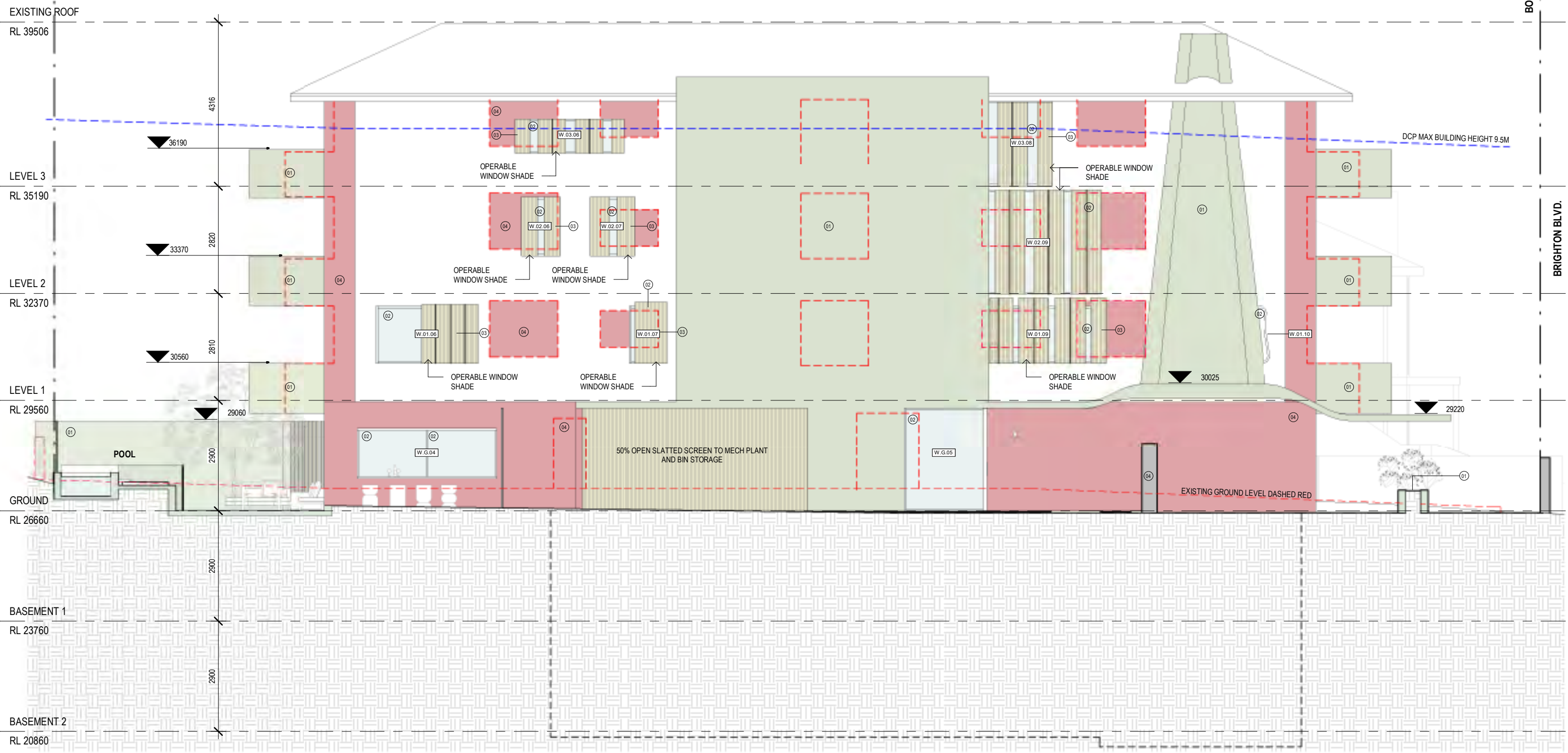
DRAWING

LEVEL 3 - FLOOR PLAN

PROJECT NO. STAGE DWG NO. REV

205 DA205

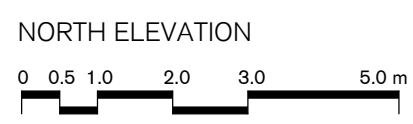
Drawn: FL Scale: As indicated @A3
Checked: JM Date: 25.05.2022



1 NORTH ELEVATION
1 : 100

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—

BOUNDARY

BUILDING ENVELOPE

OUTLINE OF EXISTING

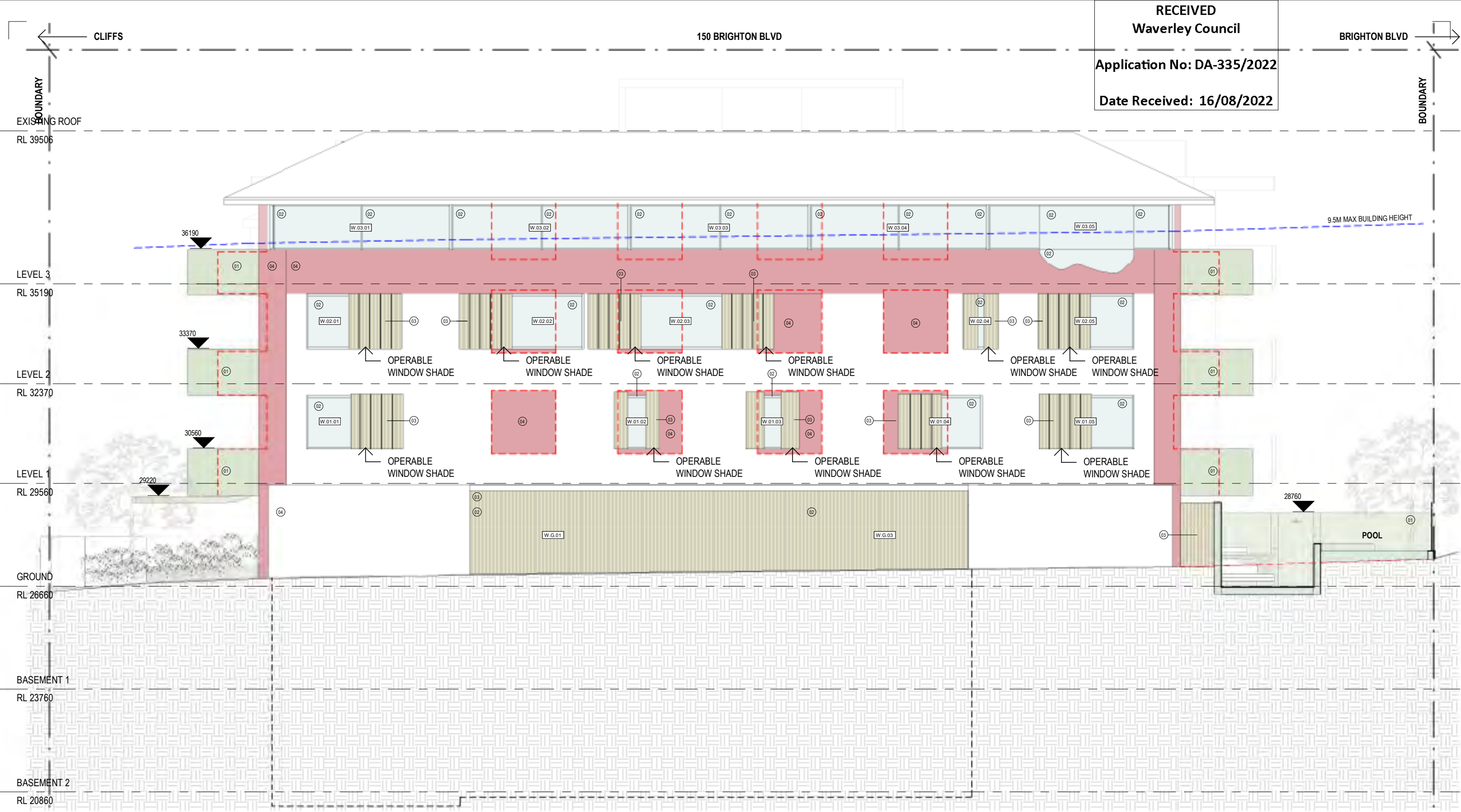
01 - CONCRETE

02 - GLASS

03 - TIMBER

04 - BRICK

PROJECT	154 BRIGHTON BOULEVARD, NORTH BOND	PROJECT NO.	205	STAGE	DA301	DWG NO.	REV
DRAWING	NORTH ELEVATION	Drawn:	FL	Scale:	As indicated @A3	Checked:	JM
		Date:	25.05.2022				



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Waverley Council
Application No: DA-335/2022
Date Received: 16/08/2022

3 SOUTH ELEVATION
1 : 100

—	BOUNDARY	01 - CONCRETE
- - -	BUILDING ENVELOPE	02 - GLASS
- - -	OUTLINE OF EXISTING	03 - TIMBER
		04 - BRICK

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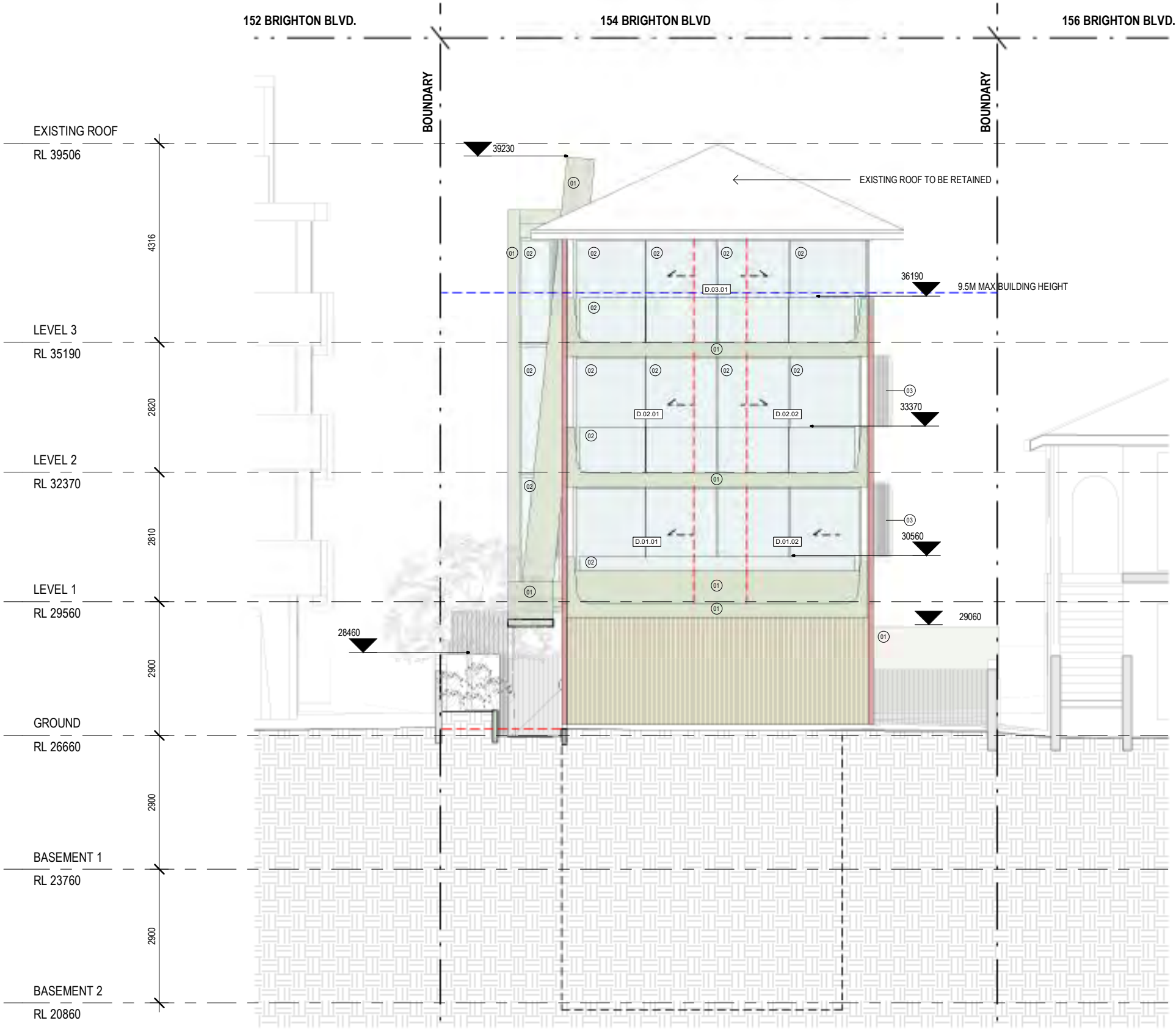


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PROJECT
154 BRIGHTON BOULEVARD, NORTH
BONDI
DRAWING
SOUTH ELEVATION

PROJECT NO. STAGE DWG NO. REV
205 DA302
Drawn: FL Scale: As indicated @A3
Checked: JM Date: 25.05.2022

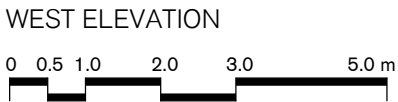


2 WEST ELEVATION
1:100

—	BOUNDARY		01 - CONCRETE
- - -	BUILDING ENVELOPE		02 - GLASS
- - -	OUTLINE OF EXISTING		03 - TIMBER
			04 - BRICK

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PROJECT
154 BRIGHTON BOULEVARD, NORTH
BONDI

DRAWING
WEST ELEVATION

PROJECT NO. STAGE DWG NO. REV
205 DA303

Drawn: FL Scale: As indicated @A3
Checked: JM Date: 25.05.2022

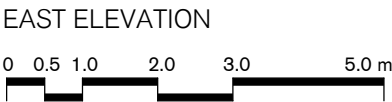


4 EAST ELEVATION
1:100

—	BOUNDARY	01 - CONCRETE
- - -	BUILDING ENVELOPE	02 - GLASS
- - -	OUTLINE OF EXISTING	03 - TIMBER
		04 - BRICK

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GENERAL NOTES

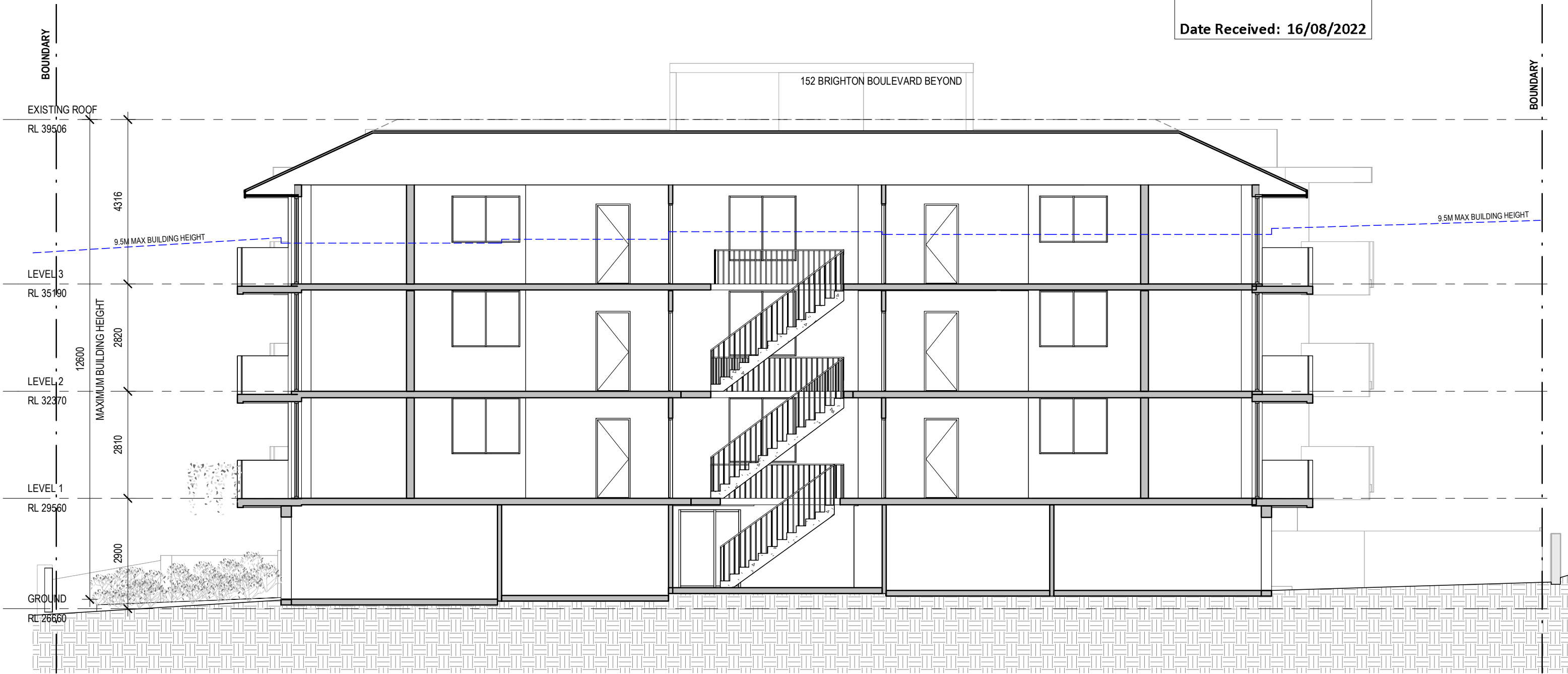
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PROJECT
154 BRIGHTON BOULEVARD, NORTH
BONDI

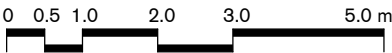
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EAST ELEVATION

PROJECT NO. STAGE DWG NO. REV
205 DA304

Drawn: FL Scale: As indicated @A3
Checked: JM Date: 25.05.2022



EXISTING SECTION



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PROJECT
154 BRIGHTON BOULEVARD, NORTH
BONDI

DRAWING
EXISTING SECTION

PROJECT NO. STAGE DWG NO. REV
205 DA320

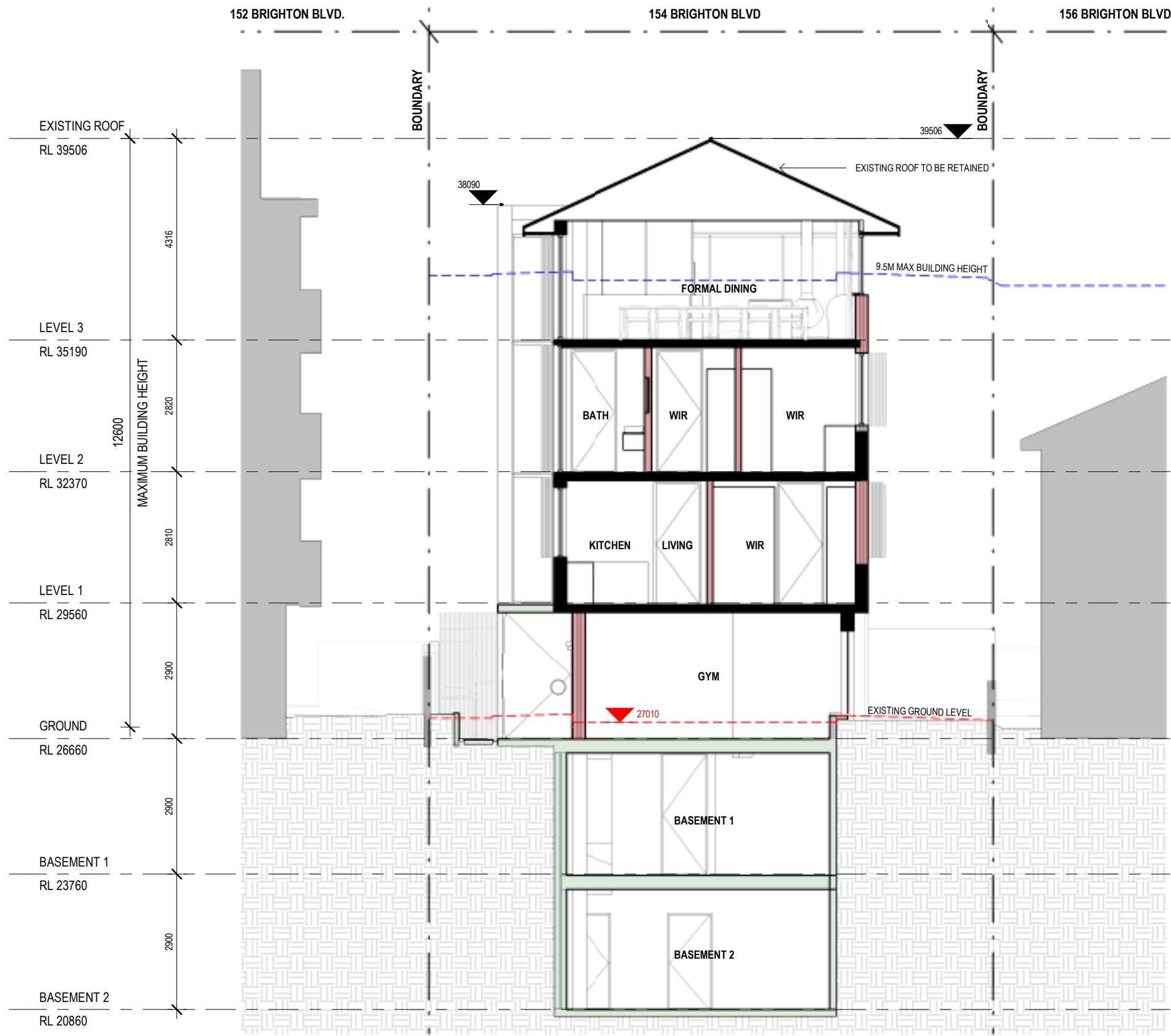
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Checked: JM Date:



1 : 100



Drawn: FL Scale: As indicated @A3
Checked: JMG Date: 25.05.2022



1 SECTION - BB

1 : 100

BOUNDARY

BUILDING ENVELOPE

OUTLINE OF EXISTING

EXISTING WALLS

01 - CONCRETE

02 - GLASS

03 - TIMBER

04 - BRICK

GENERAL NOTES

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PROJECT
154 BRIGHTON BOULEVARD, NORTH
BONDI
DRAWING
SECTION - BB

PROJECT NO. STAGE DWG NO. REV
205 DA322
Drawn: FL Scale: As indicated @A3
Checked: JM Date: 25.05.2022

154 BRIGHTON BOULEVARD,
NORTH BONDI, NSW 2026

COUNCIL REQUIREMENTS - WAVERLEY DEVELOPMENT APPLICATION

- THE LANDSCAPE PLAN IS IN GENERAL ACCORDANCE WITH COUNCIL PLANNING CONTROLS:
- DCP (WAVERLEY DEVELOPMENT CONTROL PLAN 2020) PART B - GENERAL PROVISIONS.
 - DCP (WAVERLEY DEVELOPMENT CONTROL PLAN 2020) PART C - RESIDENTIAL DEVELOPMENTS.

LANDSCAPE INSTALLATION SPECIFICATION

TREE REMOVAL

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

TREES TO BE RETAINED

- Refer to arborist report for recommended tree protection.

PLANTER BEDS

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

MULCHING

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

TREE PLANTING

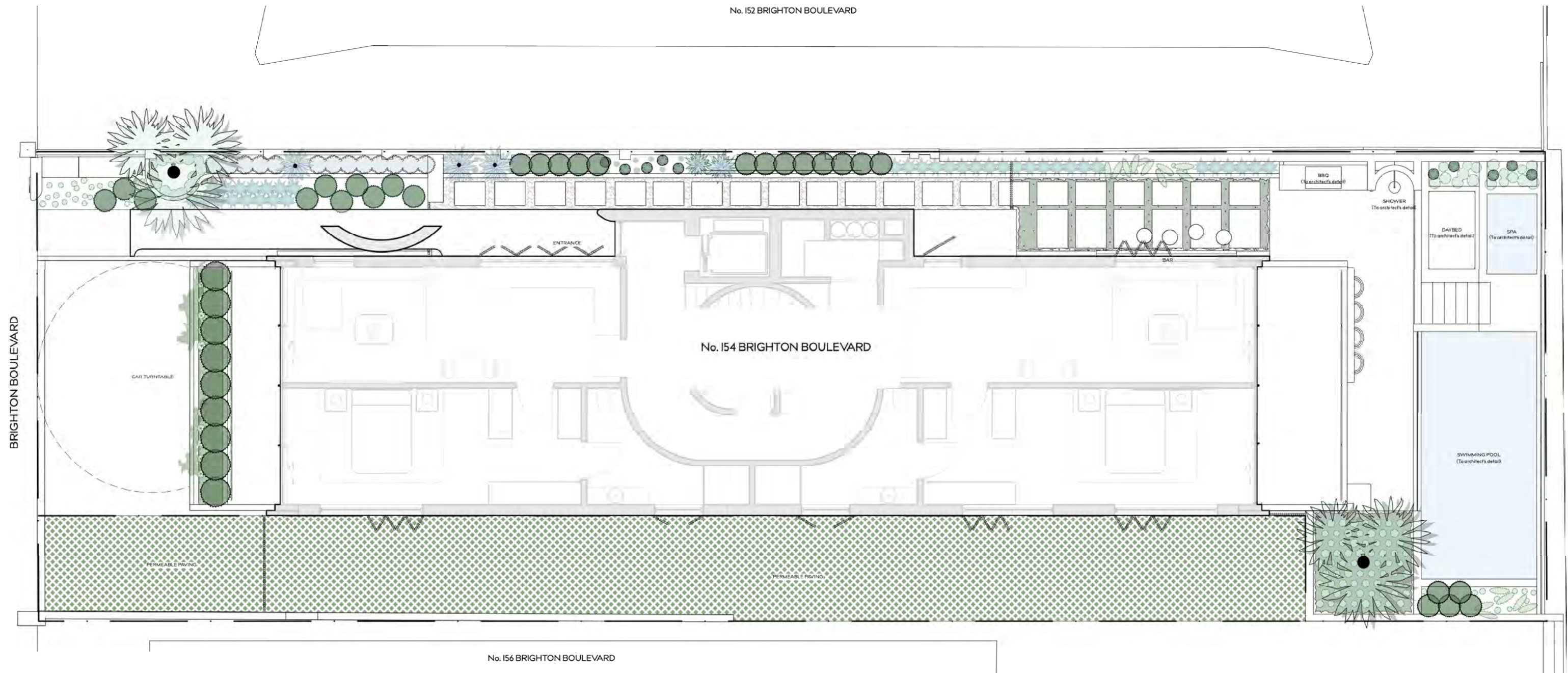
- Excavate holes in accordance with dimension of container. The depth of the holes is to be equivalent to the container height plus 100mm and the width of the hole is to be twice that of the container.
- Locate tree to center of hole and backfill with soil. Firm about rootball.
- All plant material,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

IRRIGATION

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

PLANT SCHEDULE

ID	QTY	BOTANICAL NAME	COMMON NAME	SCHEDULED SIZE	MATURE SPREAD	MATURE HEIGHT	REMARKS
Trees							
Pa	2	Pandanus pedunculatus	Screwpine	100 Ltr	2.0 - 2.5 m	2.0 - 3.0 m	NA
Shrubs							
Wst	37	Westringia fruticosa	Coastal Rosemary	200 mm	0.6 - 0.8 m	0.8 - 1.0 m	I
Grasses							
Dia	37	Dianella caerulea	Blue Flax Lilly	140 mm	0.4 - 0.6 m	0.4 - 0.6 m	I
Lol	13	Lomandra longifolia	Spiny-headed Mat rush	140 mm	0.6 - 0.8 m	0.6 - 0.8 m	I
Xant	3	Xanthorrhoea resinosa	Grass Tree	300 mm	1.0 - 1.5 m	1.0 - 1.8 m	NA
Groundcovers							
Carp	157	Carpobrotus glaucenses	Pig Face	140 mm	1.2 - 2.0 m	0.2 - 0.3 m	I
Dr	77	Dichondra repens	Kidney Weed	140 mm	0.9 - 1.2 m	0.1 - 0.3 m	NA
Vh	16	Viola hederacea	Native Violet	140 mm	1.2 - 2.0 m	0.1 - 0.3 m	NA
Succulents							
Eu in	10	Euphorbia ingens	Candelabra Tree	300 mm	0.5 - 0.6 m	1.2 - 2.0 m	
Ofi	8	Opuntia ficus-indica 'Burbank Spineless'	Mexican Pear	300 mm	1.0 - 2.0 m	1.0 - 1.5 m	
Total:	360						
REMARKS KEY		I: Indigenous Local Native Plants		NA: Australian Native			
% Indigenous Local Native Plants proposed: 67.7%							
% Australian Native proposed: 95.0%							



PROJECT

KALINKO RESIDENCE

154 BRIGHTON BVLD, NTH BONDI

DRAWING TITLE:

DEVELOPMENT APPLICATION

Site Plan

DRAWN BY

AS / YC

REVISION

02

DATE

25.07.2022

SCALE

1:100 @ A3

JOB NUMBER

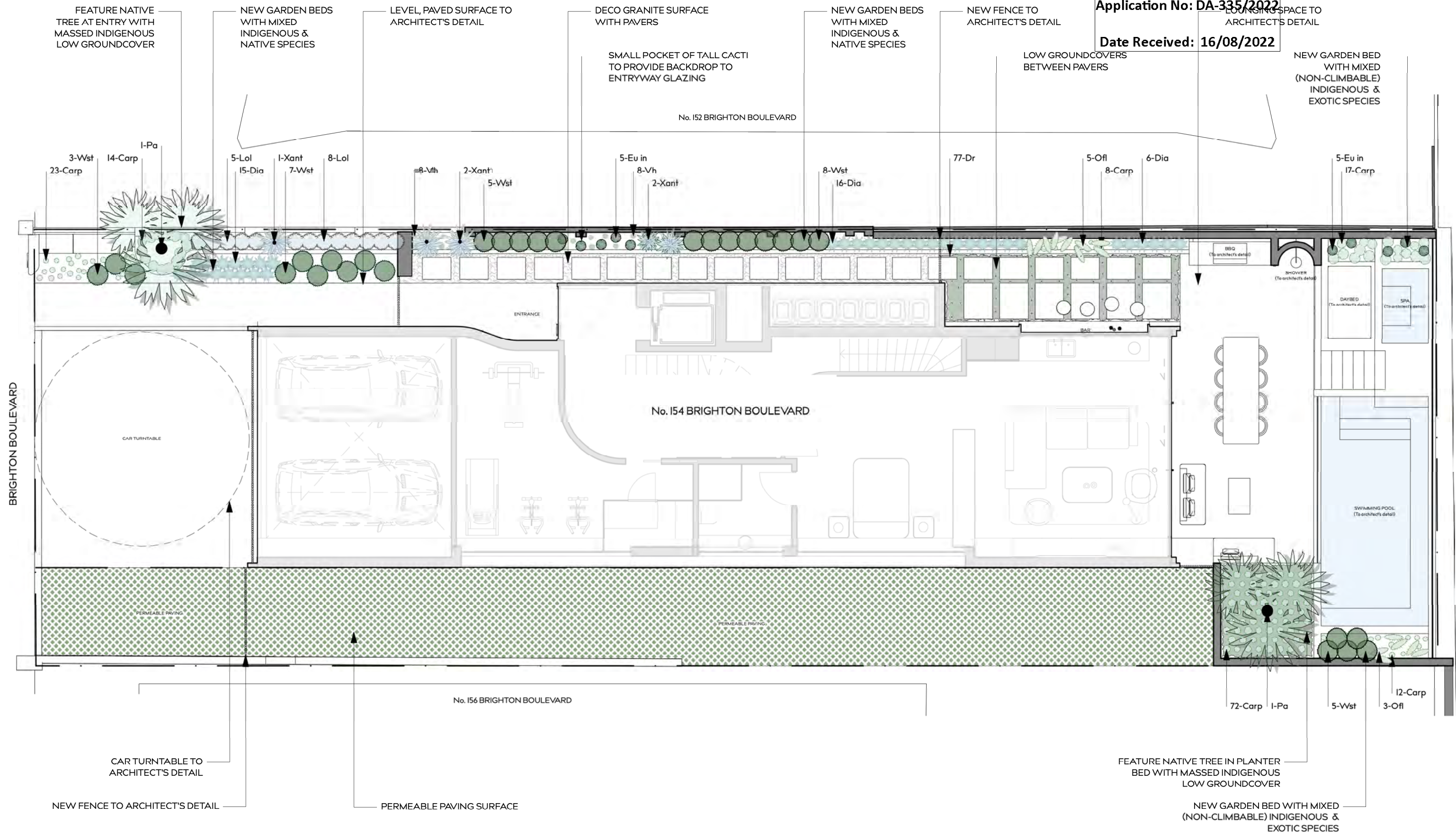
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DRAWING NUMBER

DA_01

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PROJECT
KALINKO RESIDENCE
154 BRIGHTON BVLD, NTH BONDI

DRAWING TITLE:
DEVELOPMENT APPLICATION
Ground Floor Plan

DRAWN BY
AS / YC
REVISION
02

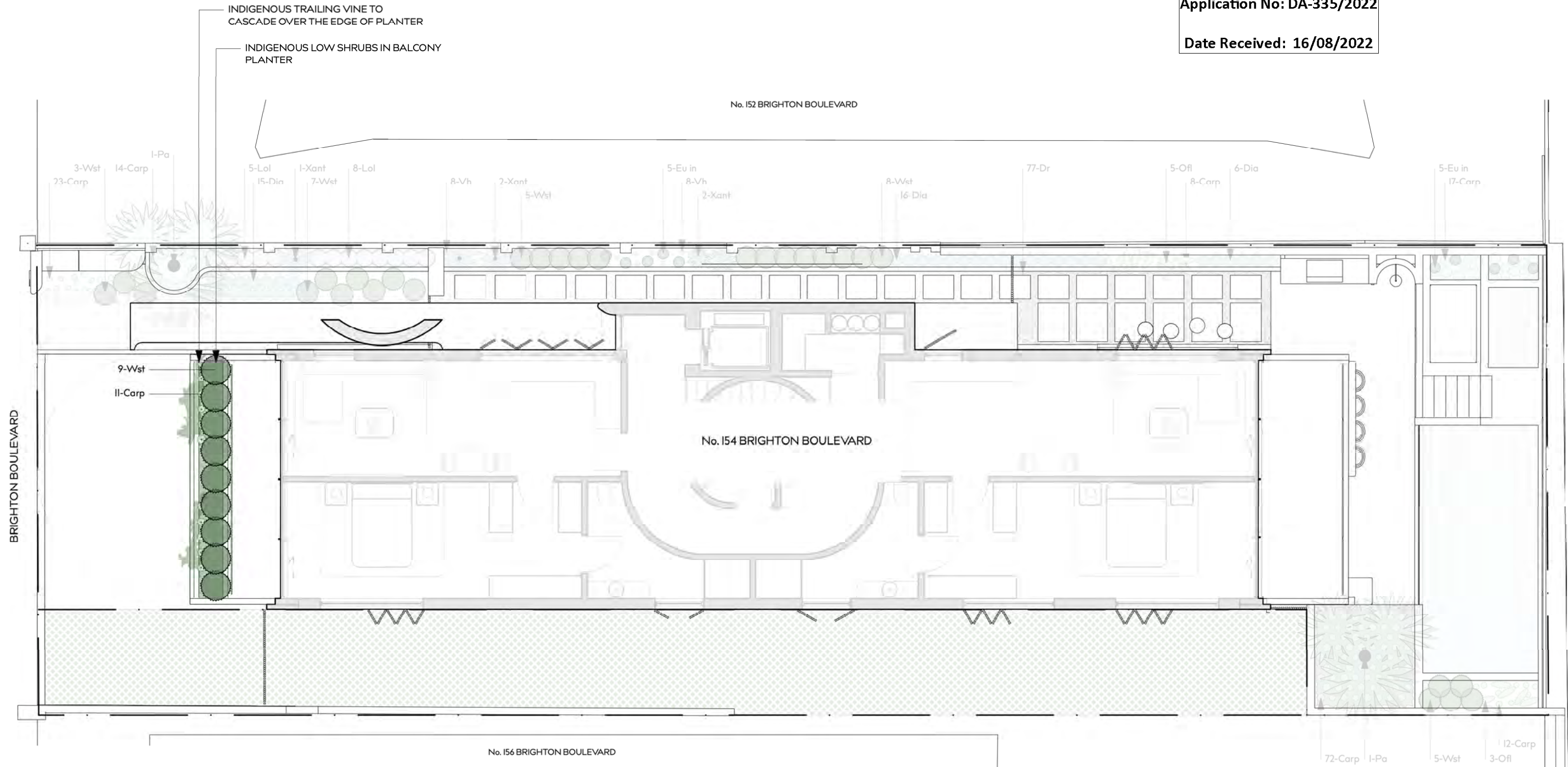
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JOB NUMBER
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PROJECT

KALINKO RESIDENCE
154 BRIGHTON BVLD, NTH BONDI

DRAWING TITLE:

DEVELOPMENT APPLICATION
First Floor Plan

DRAWN BY

AS / YC

REVISION

02

DATE

25.07.2022

SCALE

1:100 @ A3

JOB NUMBER

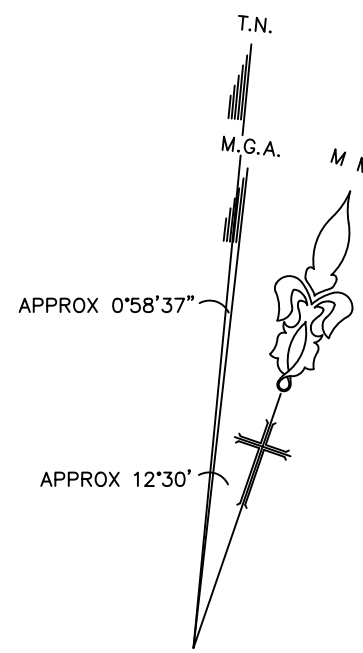
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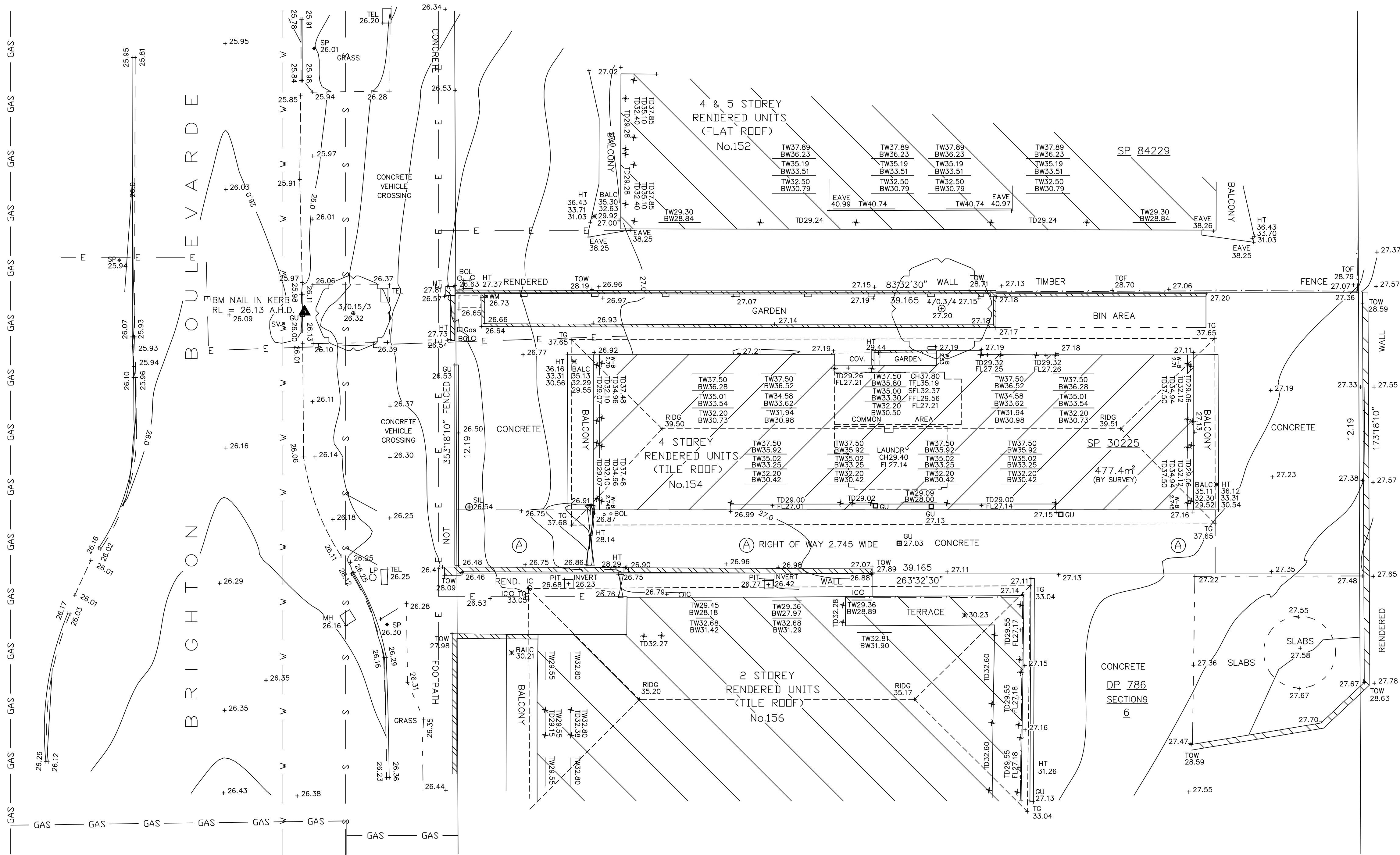
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DATUM : A.H.D.
0 1 2 3 4 5 10



CAUTION
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IF ACCURATE LOCATION IS REQUIRED, A SERVICE LOCATOR SHOULD BE USED TO DETERMINE WHERE EXACTLY THESE SERVICES ARE.

— E — DENOTES ELECTRICITY
— GAS — DENOTES GAS
— W — DENOTES WATER
— S — DENOTES SEWER

LEGEND

Building	BALC	Balcony Height
Walls	BOL	Bollard
Kerb Bottom	BS	Bus Stop
Concrete edge	BW	Bottom of Window
Kerb top	CHIM	Chimney Height
Barrier	DP	Down Pipe
Hedge	EC	Electric
Fence	FL	Floor Level
Overhead Powerline	GU	Gully
Manholes	GFL	Ground Floor Level
Survey Station & Name	GM	Gas Meter
Bench Mark	GV	Gas Valve
Sapling	HT	Height
Tree, 12/0.5/10 (Spread/Trunk/Height)	IC	Inspection Cover
Area Of Undergrowth	LB	Letter Box
Gate	MH	Manhole
CL	PARA	Parapet Height
IL	PP	Power Pole
Inv #0.25	SFL	Second Floor Level
GU	SIL	Sill Height
—KO	SP	Sign Post
MH	SV	Stop Valve
	SVP	Sewer Vent Pipe
	TD	Top of Door
	TDW	Top of Door/Window
	TEL	Telstra
	TG	Top of Gutter
	TL	Traffic Light
	TW	Top of Window
	TOF	Top of Fence
	TOW	Top of Wall
	UND	Underside Height
	WM	Water Meter
	WL	Washing Line
	WHT	Wire Height

NOTES:

1. ALL DIMENSIONS AND LEVELS SHOULD BE CHECKED ON SITE PRIOR TO DESIGN AND CONSTRUCTION.
2. THE INFORMATION ON THIS SURVEY IS TO BE USED FOR DA PURPOSES ONLY.
3. IF THERE IS ANY POINT OR FEATURE (e.g. FLOOR LEVEL, WALL POSITION, ROOF OR RIDGE HEIGHT ETC) CRITICAL TO THE PREPARATION OF DESIGN PLANS OR CONSTRUCTION, THAT POINT OR FEATURE SHOULD BE MADE KNOWN TO US SO ITS ACCURACY CAN BE CONFIRMED PRIOR TO THE COMPLETION OF DESIGN PLANS OF COMMENCEMENT OF CONSTRUCTION.
4. SOME STRUCTURES AND FEATURES ARE APPROXIMATE ONLY. IF USED FOR DESIGN CONFIRMATION OF ACCURACY SHOULD BE CONFIRMED.
5. FENCES ARE APPROXIMATE ONLY UNLESS SPECIFICALLY DIMENSIONED TO BOUNDARY.
6. SURVEY MARKS MUST BE PLACED PRIOR TO CONSTRUCTION OR ERECTION OF FENCES.
7. TREE INFORMATION HAS BEEN SURVEYED FROM GROUND LEVEL AND THEREFORE SHOULD BE TREATED AS APPROXIMATE ONLY. THE EXTENT OF THE CANOPY IS APPROXIMATE AND DIAGRAMMATIC ONLY.
8. STAIR RISES, STEPS AND LANDINGS HAVE NOT BEEN INDIVIDUALLY LOCATED AND ARE DIAGRAMMATIC ONLY.
9. THE RECORDS OF THE SERVICE PROVIDERS HAVE NOT BEEN INVESTIGATED, ONLY THOSE SERVICES THAT ARE VISIBLE AND ACCESSIBLE AT THE DATE OF SURVEY HAVE BEEN SHOWN.
10. SERVICES SHOWN ARE INDICATIVE ONLY. OTHER SERVICES MAY EXIST THAT ARE NOT SHOWN. THEREFORE FIELD CONFIRMATION SERVICE LOCATORS SHOULD BE OBTAINED TO CONFIRM EXACT POSITION AND DEPTH.
11. SITE AREA SHOWN HAS BEEN CALCULATED BY SURVEY.
12. A SITE AND BOUNDARY SURVEY HAS BEEN CARRIED OUT.
13. ORIGIN OF LEVELS IS PM 57506, RL24.676 TO A.H.D.
14. BEARINGS ARE ON MGA.

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PROJECT

SHOWING SELECTED LEVELS &
BOUNDARY IDENTIFICATION & DETAIL
OVER IN SP 30225 BEING
154 BRIGHON BOULEVARDE, NORTH BONDI

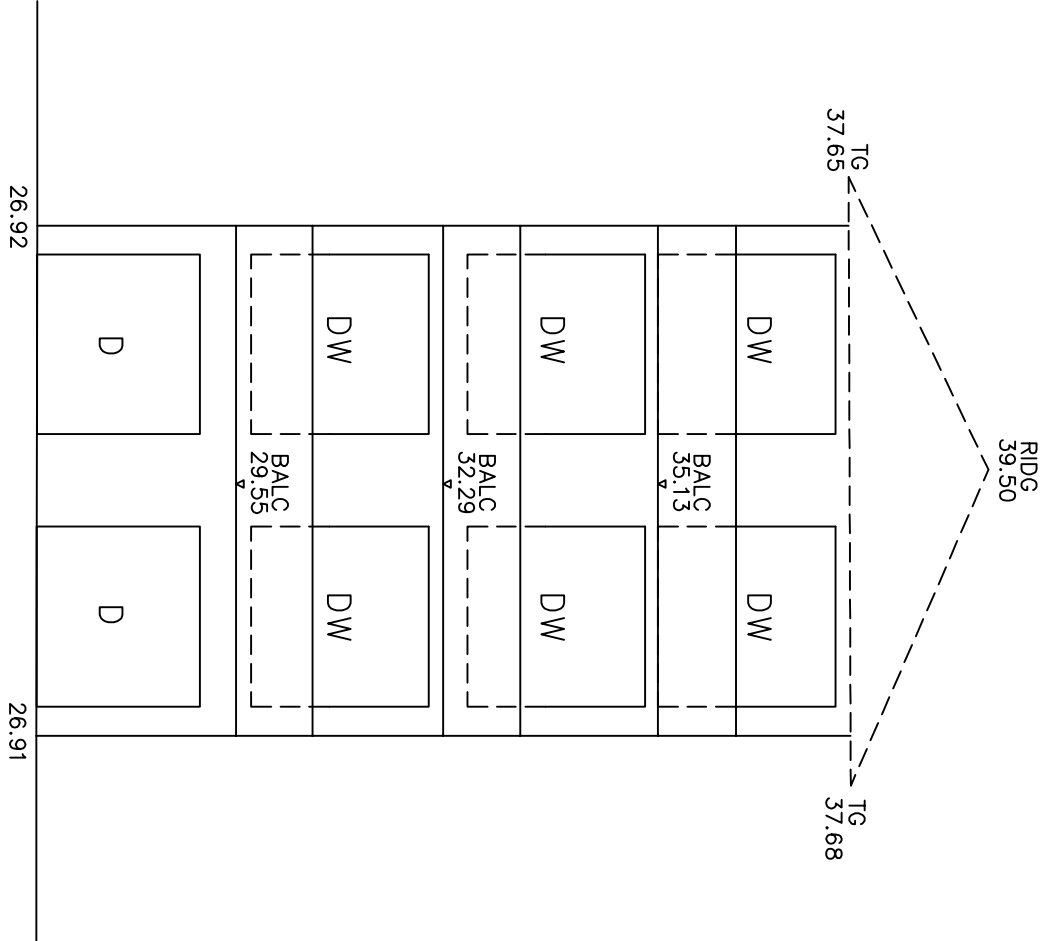
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CLIENT NAME K & M KALINKO

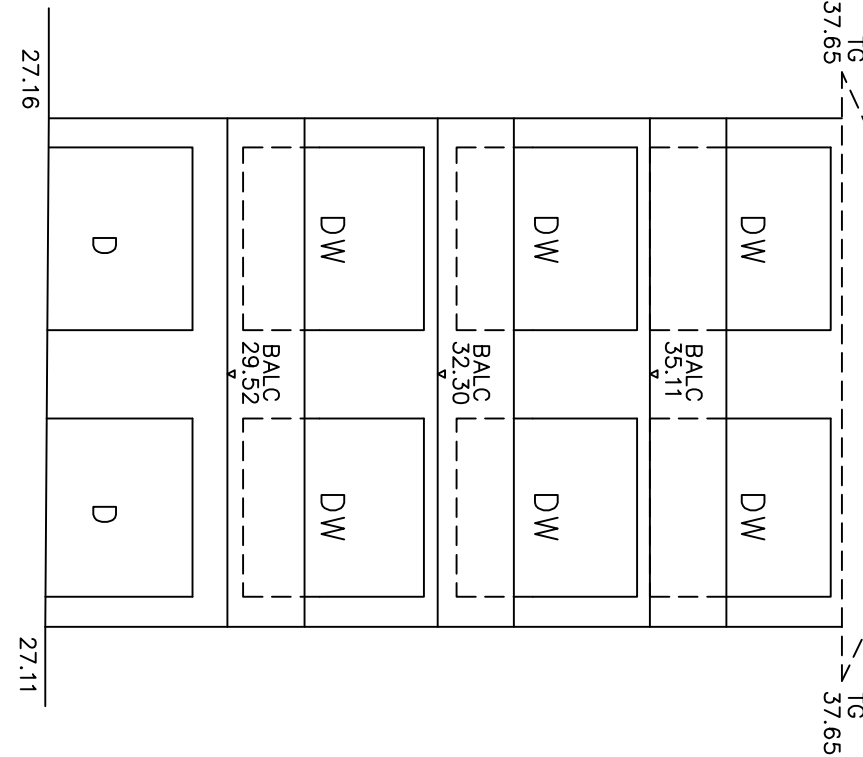
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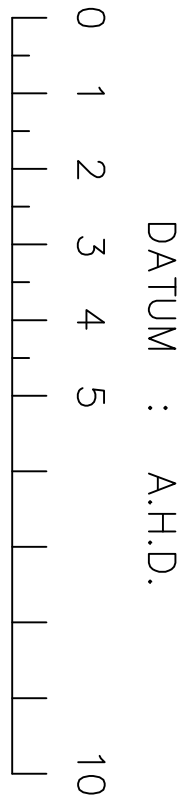
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08/11/21	'A'	SECOND ISSUE
24/06/22	'A'	THIRD ISSUE



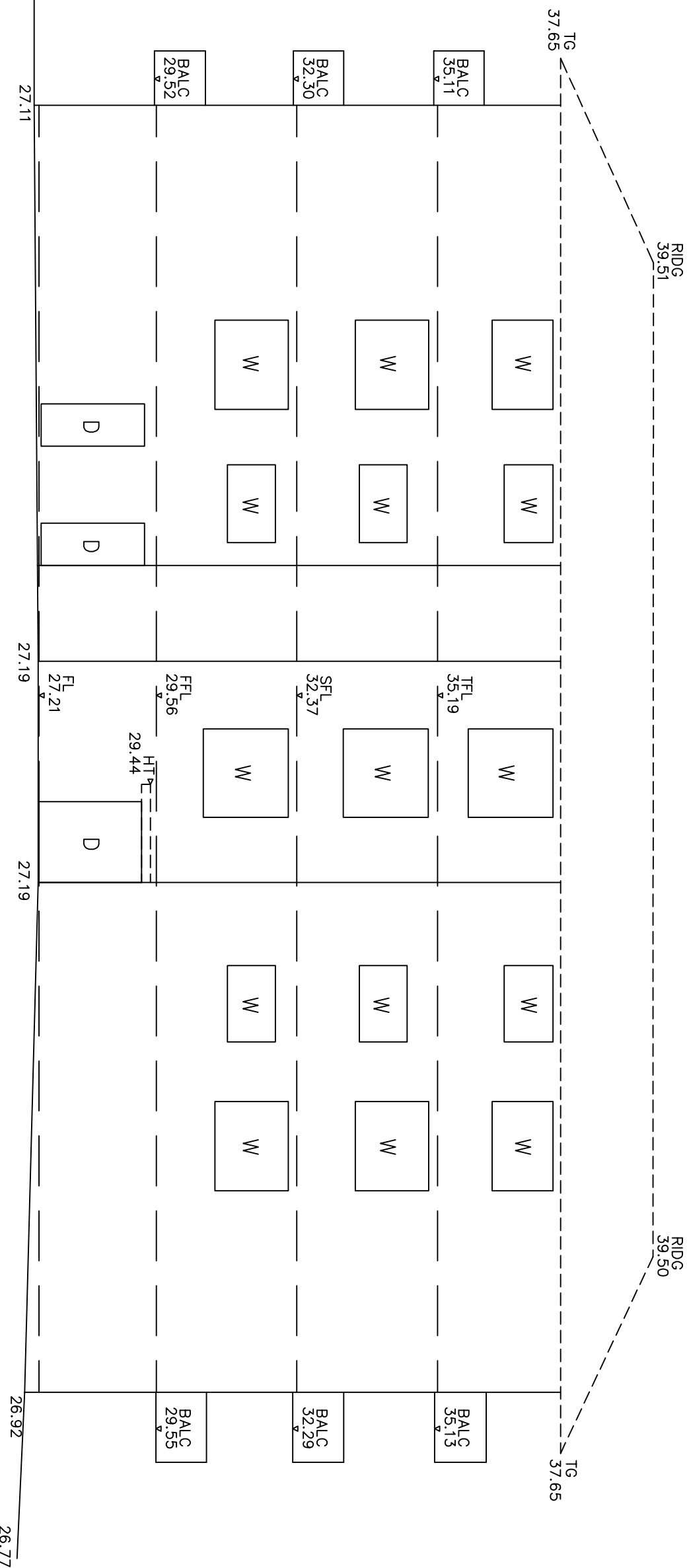
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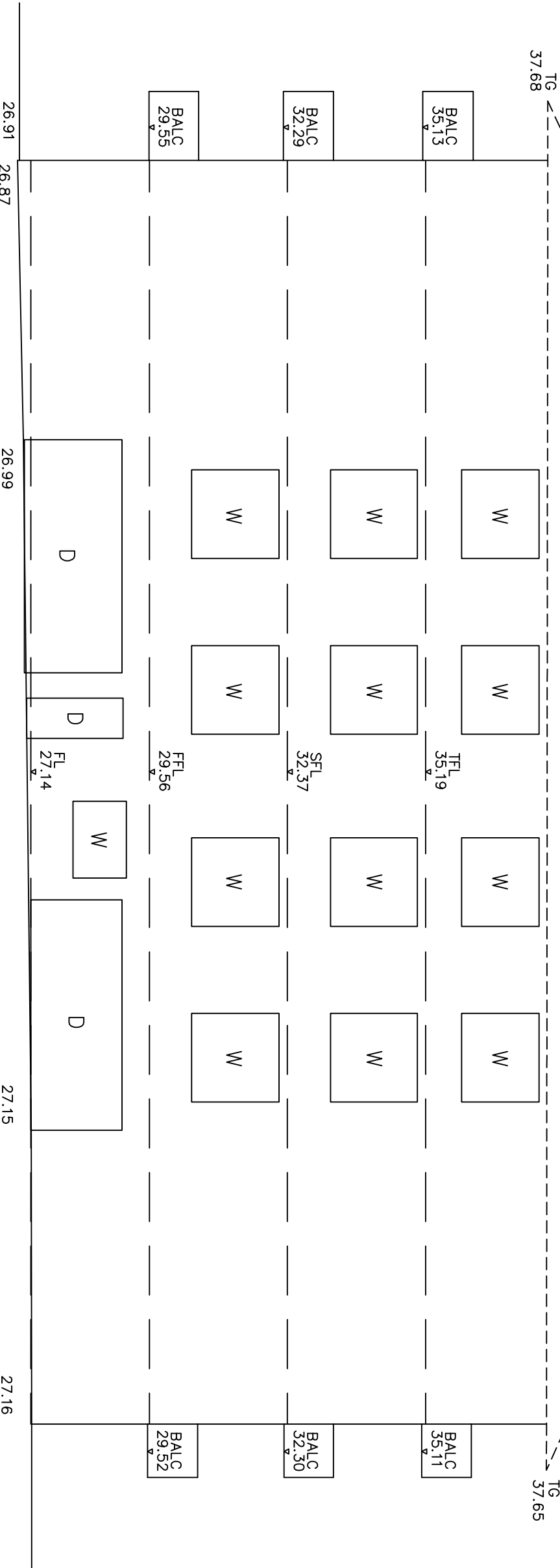


DATUM : A.H.D.



DATUM: 20.0 A.H.D.

No.154 BRIGHTON BLV, NORTH BONDI – NORTHERN ELEVATION



DATUM: 20.0 A.H.D.

No.154 BRIGHTON BLV, NORTH BONDI – SOUTHERN ELEVATION


LEGEND	
Building	B.A.L.C. Balcony Height
Walls	B.O.L. Boland
Concrete edge	B.S. Bus Stop
Keel top	B.W. Bottom of Window
Keel top	CH.M. Chimney Height
Down Pipe	D.P. Down Pipe
Electric	E.C. Electric
Overhead Powerline	F.L. Floor Level
Monholes	G.U. Gully
Survey Station & Name	G.F.L. Ground Floor Level
Survey Station & Name	G.M. Gas Meter
Survey Station & Name	G.V. Gas Valve
Survey Station & Name	H.T. Height
Survey Station & Name	I.C. Inspection Cover
Survey Station & Name	L.B. Letter Box
Survey Station & Name	M.H. Monhole
Survey Station & Name	P.A.R.A. Parapet Height
Survey Station & Name	P.P. Power Pole
Survey Station & Name	S.F.L. Second Floor Level
Survey Station & Name	S.L. Sill Height
Survey Station & Name	S.P. Sign Post
Survey Station & Name	S.V. Stop Valve
Survey Station & Name	S.V.P. Sewer Vent Pipe
Survey Station & Name	T.D. Top of Door
Survey Station & Name	T.D.W. Top of Door/Window
Survey Station & Name	T.E.L. Telesio
Survey Station & Name	T.G. Top of Gutter
Survey Station & Name	T.L. Traffic Light
Survey Station & Name	T.W. Top of Window
Survey Station & Name	T.O.F. Top of Fence
Survey Station & Name	T.O.W. Top of Wall
Survey Station & Name	U.N.D. Underde Height
Survey Station & Name	W.M. Water Meter
Survey Station & Name	W.L. Washing Line
Survey Station & Name	W.H.T. Wire Height

NOTES:

1. ALL DIMENSIONS AND LEVELS SHOULD BE CHECKED ON SITE PRIOR TO DESIGN AND CONSTRUCTION.
2. IF THERE IS ANY POINT OR FEATURE (FLOOR LEVEL, WALL POSITION, ROOF OR RIDGE HEIGHT ETC) CONTRARY TO THE PREPARATION OF DESIGN PLANS OR CONSTRUCTION, THAT POINT OR FEATURE SHOULD BE NOTED AND REPORTED TO THE SURVEYOR PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
3. SOME STRUCTURES AND FEATURES ARE APPROXIMATE ONLY, IF USED FOR DESIGN CONSTRUCTION.
4. SURVEY MARKS MUST BE PLACED PRIOR TO CONSTRUCTION OR DESTRUCTION OF FENCES, AS APPROXIMATE ONLY. THE EXTENT OF THE CANOPY IS APPROXIMATE AND DIAGRAMATIC ONLY.
5. STAIN RESIST STEPS AND LANDINGS HAVE NOT BEEN INDIVIDUALLY LOCATED AND ARE APPROXIMATE ONLY.
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9. BEARINGS ARE ON MGA.
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PROJECT

SHOWING SELECTED LEVELS & BOUNDARY IDENTIFICATION & DETAIL OVER IN SP 30225 BEING 154 BRIGHON BOULEVARDE, NORTH BONDI

154 BRIGHON BOULEVARDE, NORTH BONDI

REGISTERED SURVEYOR

PAUL CECHELLERO

757

K & M KALINKO

1:100

63411001A

28/09/21

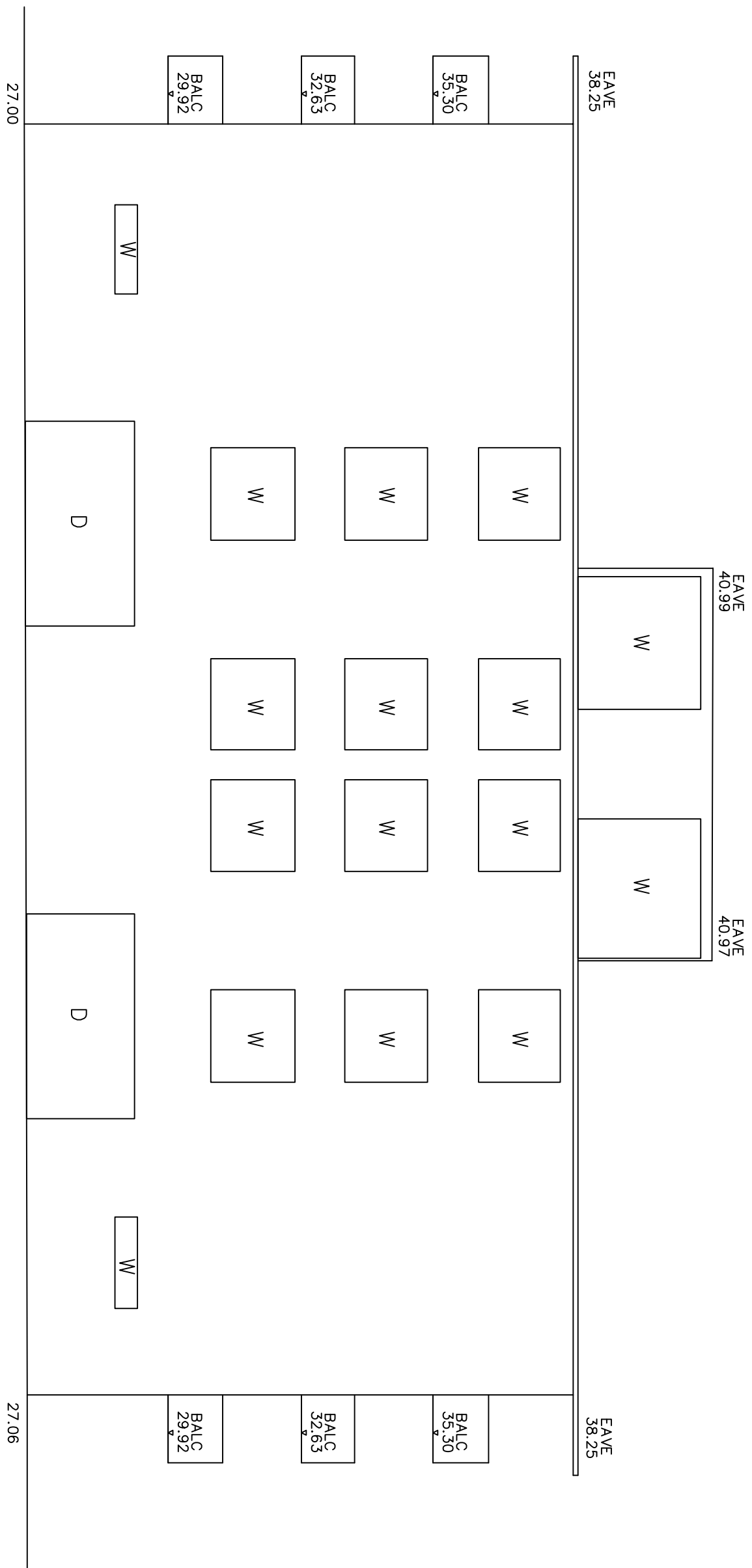
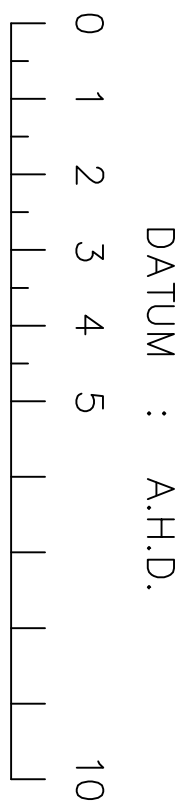
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AMENDMENTS

DATE

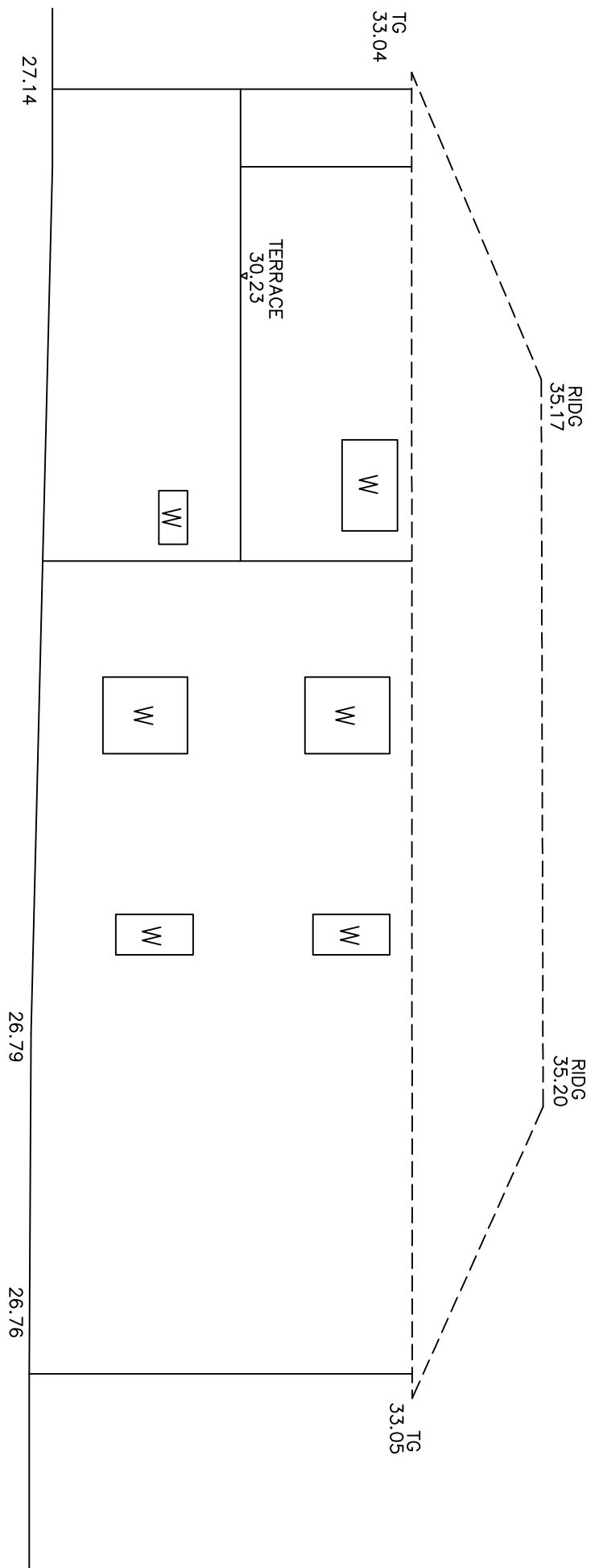
ISSUE

28/09/21


































DATUM: 23.0 A.H.D.

NO.152 BRIGHTON BLV, NORTH BONDI - SOUTHERN ELEVATION



DATUM: 23.0 A.H.D.

NO.156 BRIGHTON BLV, NORTH BONDI - NORTHERN ELEVATION

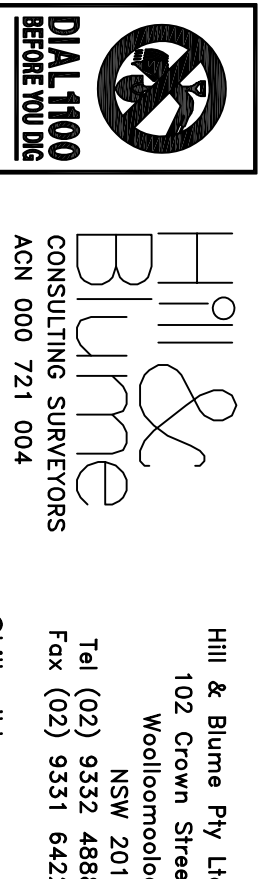
LEGEND	
	Building
	Walls
	Kerb Bottom
	Concrete edge
	Kerb top
	Barrier
	Hedge
	Fence
	Overhead Powerline
	Manholes
	Survey Station & Name
	Bench Mark
	Soping
	Tree, 12.0/5.0 (Spread/Trunk/Height)
	Area of Undergrowth
	Gate
	Inspection chamber
	Cover level
	Invert level
	Pipe invert (diameter)
	Gully
	Gully
	Manhole
	Balc.
	Balcony Height
	BOL
	Bus Stop
	Bottom of Window
	CHM
	Chimney Height
	Down Pipe
	Electric
	Floor Level
	Gully
	Ground Floor Level
	Gas Meter
	Gas Valve
	Height
	Height
	Inspection Cover
	Letter Box
	Manhole
	Parapet Height
	Power Pole
	SFL
	Second Floor Level
	Sill Height
	Sign Post
	Stop Valve
	SVP
	Sewer Vent Pipe
	Top of Door
	Top of Door/Window
	Tel.
	Tel.
	Top of Gutter
	Traffic Light
	Top of Window
	Top of Fence
	Top of Wall
	UMD
	Underwater Height
	Water Meter
	Washing Line
	Wire Height

NOTES:

- [illegible]

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PROJECT

BOUNDARY IDENTIFICATION & DETAIL

OVER IN SP 30225 BEING

154 BRIGHON BOULEVARD, NORTH BOND

REGISTERED SURVEYOR

Waverley Paul Cechellero

D NUMBER 7777

SIGNATURE 00

101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	524	525	526	527	528	529	530	531	532	533	534	535	536	537	538	539	540	541	542	543	544	545	546	547	548	549	550	551	552	553	554
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CLIENT NAME K & M KALINKO

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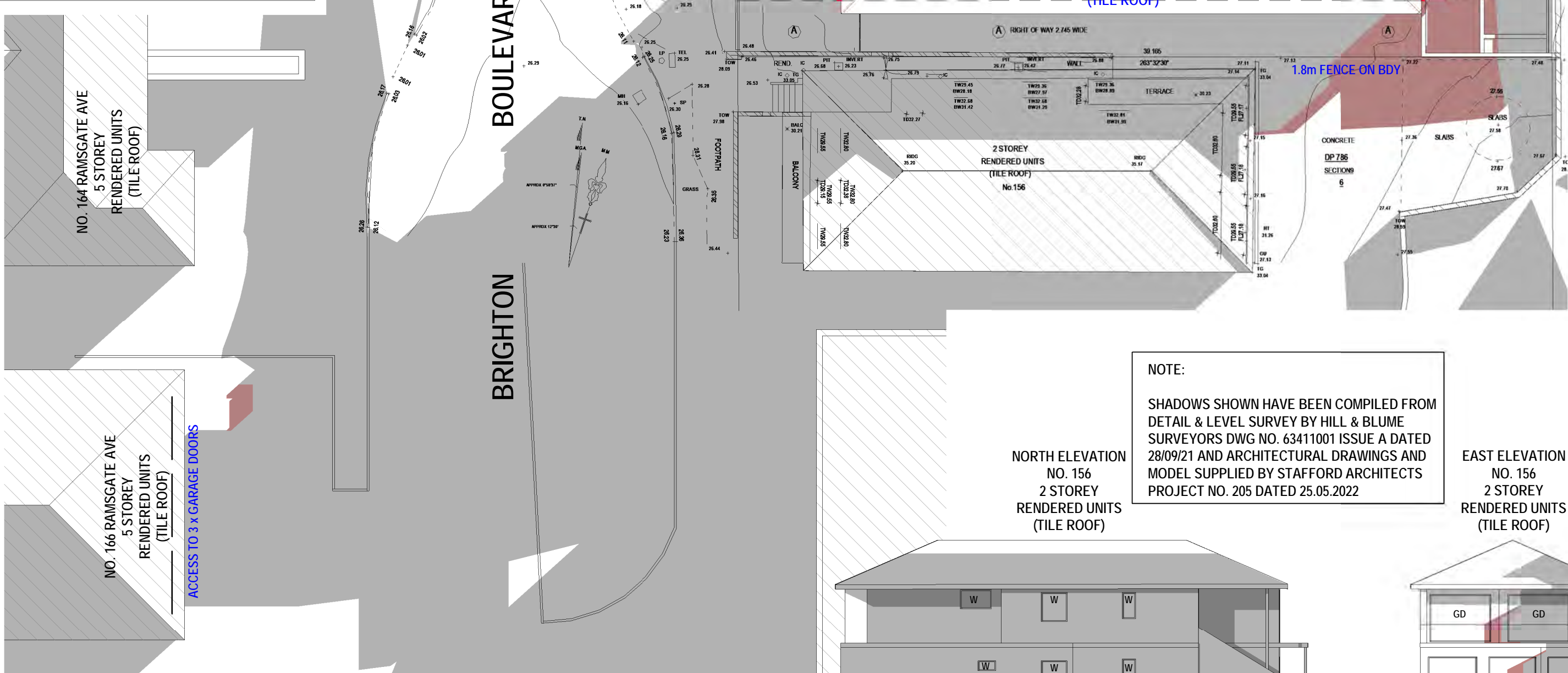
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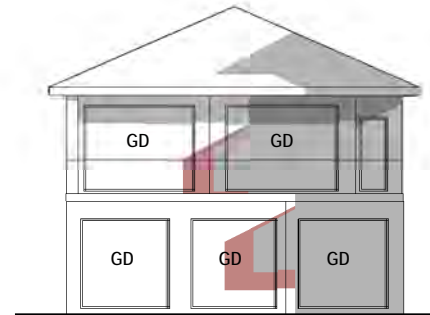
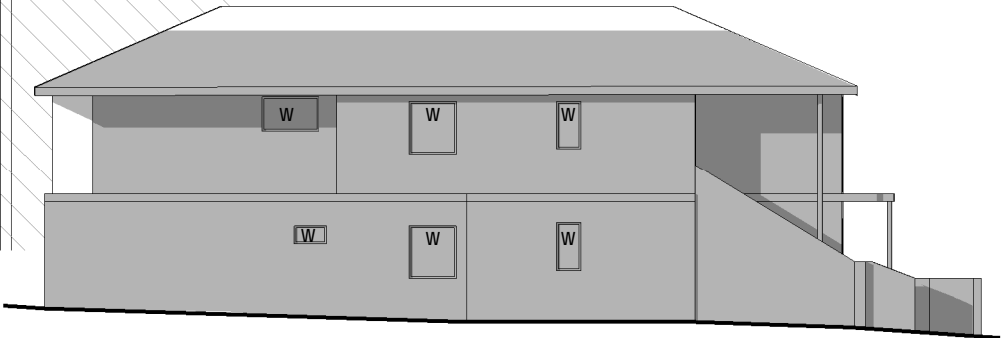
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- DENOTES AREA OF EXISTING & SURROUNDING BUILDING SHADOW
- DENOTES AREAS OF PROPOSED ALTERATIONS TO BUILDING
- DENOTES AREA OF PROPOSED ADDITIONAL BUILDING SHADOW



NOTE:
SHADOWS SHOWN HAVE BEEN COMPILED FROM
DETAIL & LEVEL SURVEY BY HILL & BLUME
SURVEYORS DWG NO. 63411001 ISSUE A DATED
28/09/21 AND ARCHITECTURAL DRAWINGS AND
MODEL SUPPLIED BY STAFFORD ARCHITECTS
PROJECT NO. 205 DATED 25.05.2022

NORTH ELEVATION
NO. 156
2 STOREY
RENDERED UNITS
(TILE ROOF)

EAST ELEVATION
NO. 156
2 STOREY
RENDERED UNITS
(TILE ROOF)



NO ADDITIONAL OVERSHADOWING

1 Shadowing June 21st 9.00am
1 : 200

Cad Draft P/L

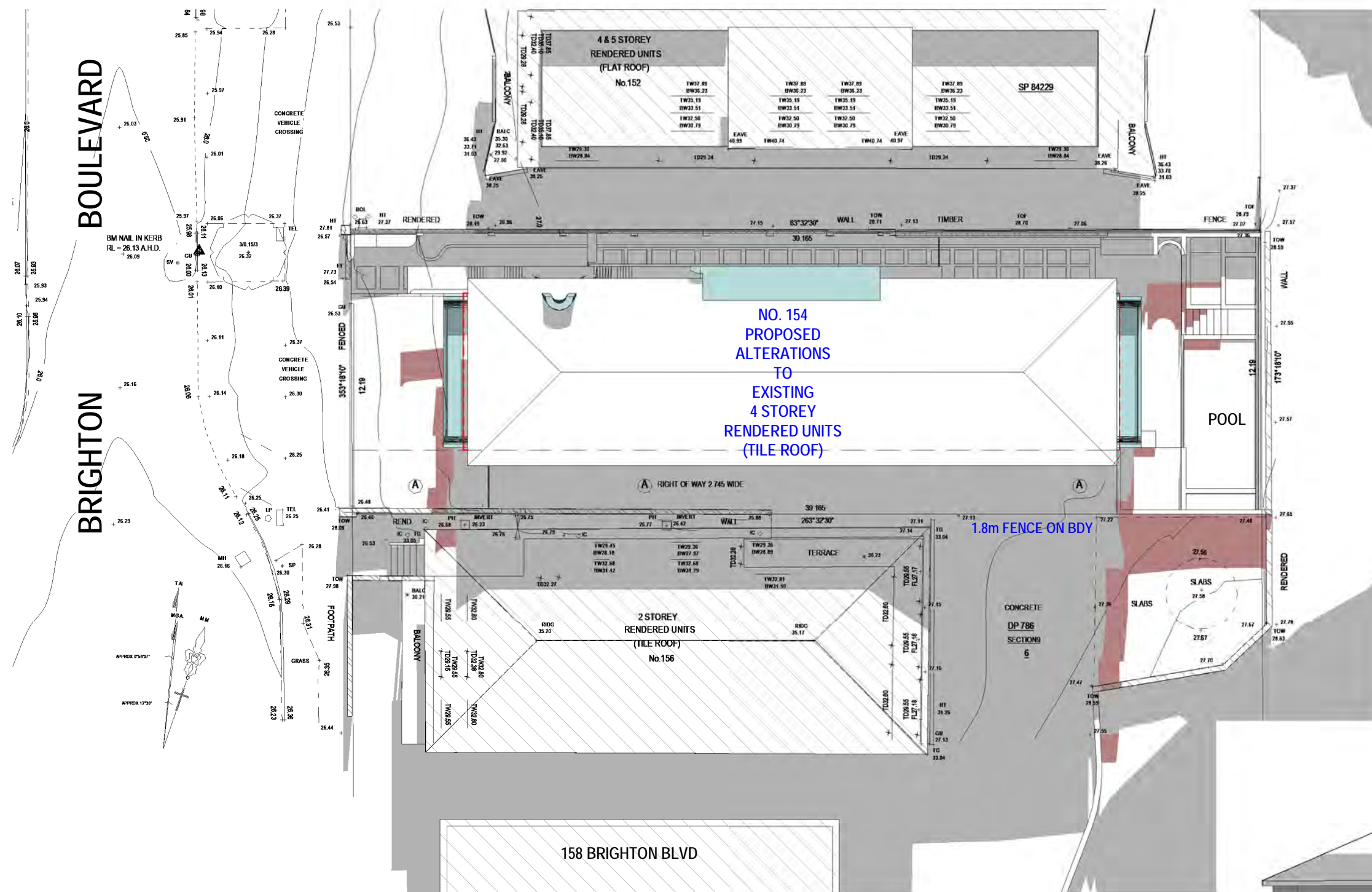
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SUITE 1, 505 BALMAIN ROAD,
LILYFIELD, NSW
P.O.BOX 446 GLADESVILLE 2111

SHADOW ANALYSIS CONSULTANTS
MOBILE: 0410 699919
info@caddraftnsw.com.au

No.	Description	Date
B	NO. 166 RAMSGATE AVE ADDED	22-08-22

SHADOW DIAGRAMS
No. 154 BRIGHTON BOULEVARD
NORTH BONDI
CLIENT: KEVIN & MICHELLE KALINKO

Shadowing June 21st 9.00am		
Project number	22-82	A100
Date	31-05-2022	
Drawn by	KP	
Checked by	JD	
Scale		1 : 200



LEGEND:

- DENOTES OUTLINE OF EXISTING STRUCTURES TO BE DEMOLISHED
- DENOTES AREA OF EXISTING & SURROUNDING BUILDING SHADOW
- DENOTES AREAS OF PROPOSED ALTERATIONS TO BUILDING
- DENOTES AREA OF PROPOSED ADDITIONAL BUILDING SHADOW

NOTE:

SHADOWS SHOWN HAVE BEEN COMPILED FROM
DETAIL & LEVEL SURVEY BY HILL & BLUME
SURVEYORS DWG NO. 63411001 ISSUE A DATED
28/09/21 AND ARCHITECTURAL DRAWINGS AND
MODEL SUPPLIED BY STAFFORD ARCHITECTS
PROJECT NO. 205 DATED 25.05.2022

NORTH ELEVATION
NO. 156
2 STOREY
RENDERED UNITS
(TILE ROOF)



1 Shadowing June 21st 12.00pm
1 : 200

Cad Draft P/L

ABN 27 083 288 153
SUITE 1, 505 BALMAIN ROAD,
LILYFIELD, NSW
P.O.BOX 446 GLADESVILLE 2111

SHADOW ANALYSIS CONSULTANTS
MOBILE: 0410 699919
info@cadraftnsw.com.au

No.	Description	Date
B	NO. 166 RAMSGATE AVE ADDED	22-08-22

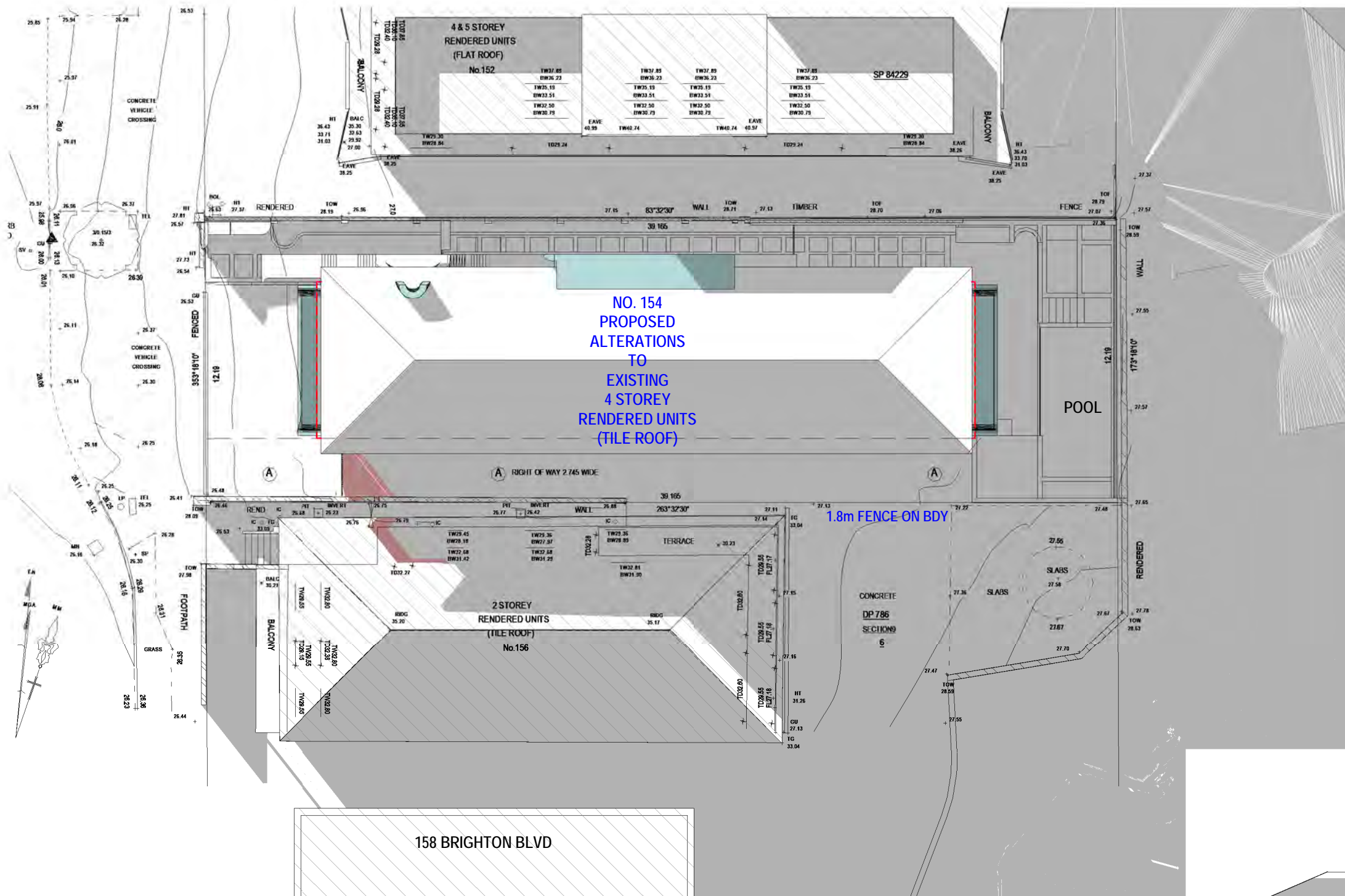
SHADOW DIAGRAMS
No. 154 BRIGHTON BOULEVARD
NORTH BONDI

CLIENT: KEVIN & MICHELLE KALINKO

Shadowing June 21st 12.00pm		
Project number	22-82	A101
Date	31-05-2022	
Drawn by	KP	
Checked by	JD	
Scale		1 : 200

BOULEVARD

BRIGHTON



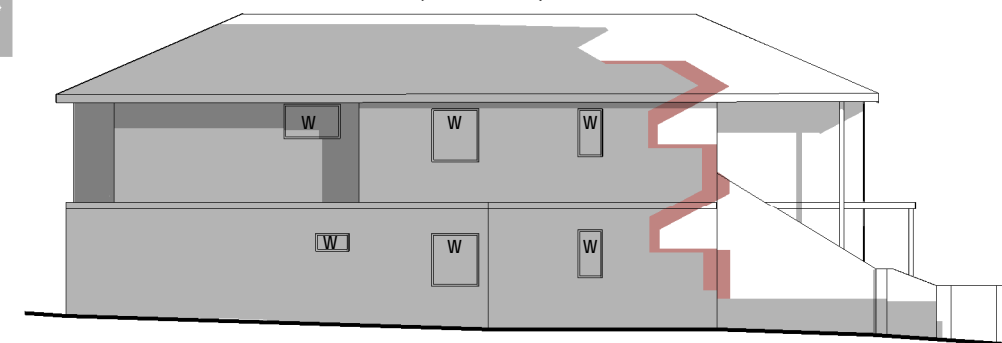
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- DENOTES AREA OF EXISTING & SURROUNDING BUILDING SHADOW
- DENOTES AREAS OF PROPOSED ALTERATIONS TO BUILDING
- DENOTES AREA OF PROPOSED ADDITIONAL BUILDING SHADOW

NOTE:

SHADOWS SHOWN HAVE BEEN COMPILED FROM
DETAIL & LEVEL SURVEY BY HILL & BLUME
SURVEYORS DWG NO. 63411001 ISSUE A DATED
28/09/21 AND ARCHITECTURAL DRAWINGS AND
MODEL SUPPLIED BY STAFFORD ARCHITECTS
PROJECT NO. 205 DATED 25.05.2022

NORTH ELEVATION
NO. 156
2 STOREY
RENDERED UNITS
(TILE ROOF)



1

Shadowing June 21st 3.00pm

1 : 200

Cad Draft P/L

ABN 27 083 288 153

SUITE 1, 505 BALMAIN ROAD,
LILYFIELD, NSW
P.O.BOX 446 GLADESVILLE 2111

SHADOW ANALYSIS CONSULTANTS

MOBILE: 0410 699919

info@cadraftnsw.com.au

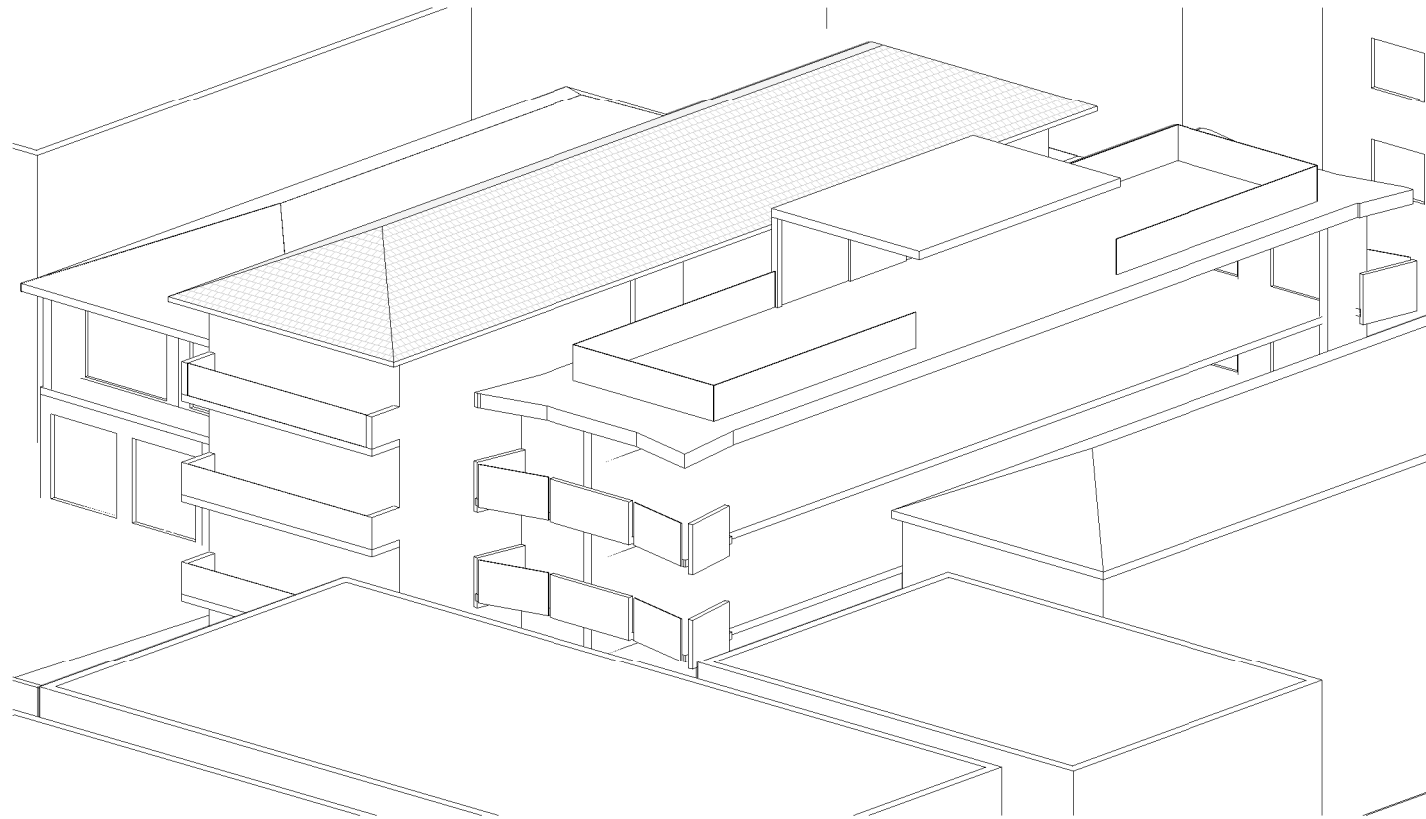
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SHADOW DIAGRAMS
No. 154 BRIGHTON BOULEVARD
NORTH BONDI

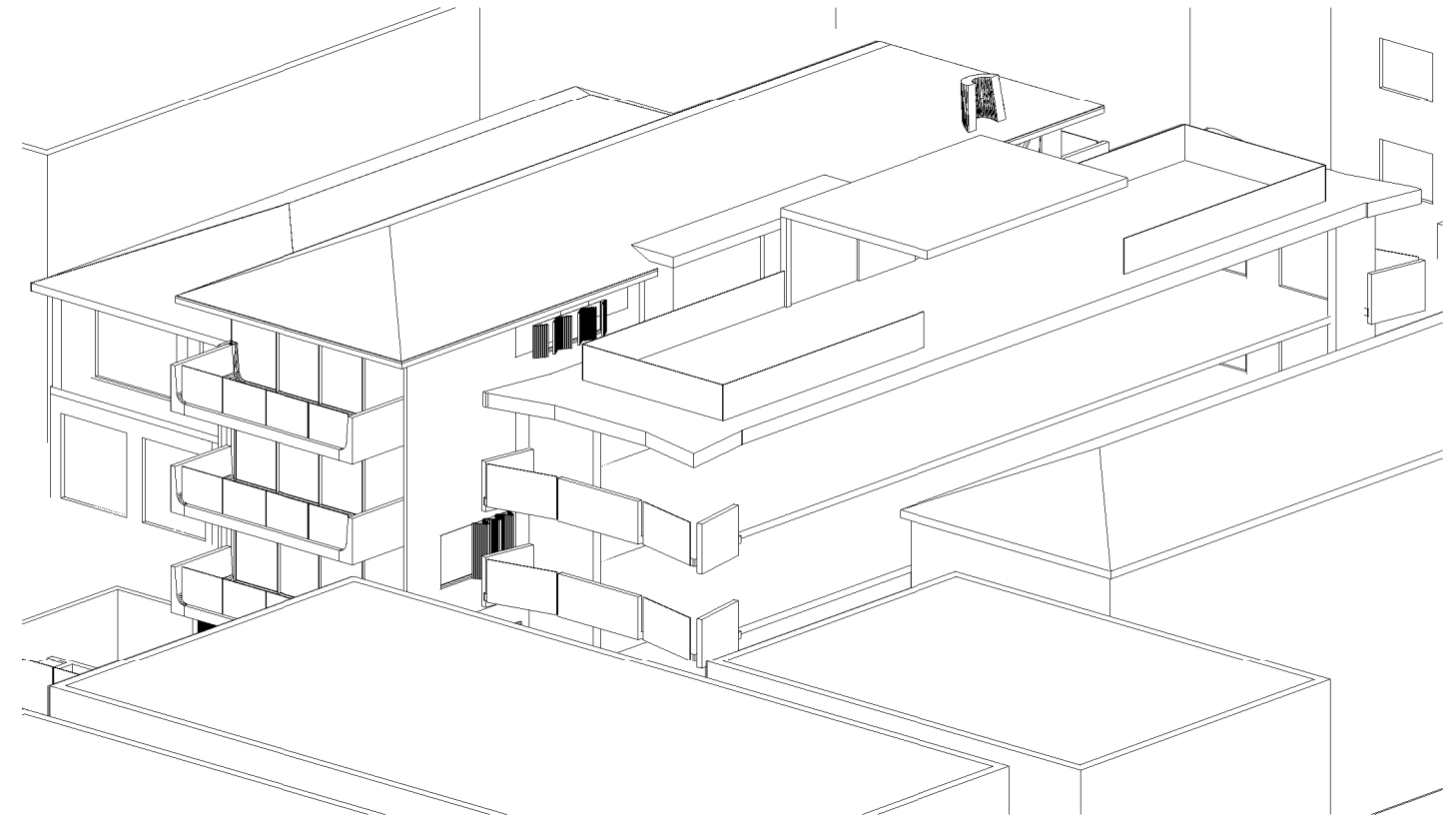
CLIENT: KEVIN & MICHELLE KALINKO

Shadowing June 21st 3.00pm

Project number	22-82	A102
Date	31-05-2022	
Drawn by	KP	
Checked by	JD	
Scale		1 : 200



1 June 9.00am Existing



2 June 9.00am Proposed

Cad Draft P/L

ABN 27 083 288 153

SUITE 1, 505 BALMAIN ROAD,
LILYFIELD, NSW
P.O.BOX 446 GLADESVILLE 2111

SHADOW ANALYSIS CONSULTANTS

MOBILE: 0410 699919

info@caddraftnsw.com.au

No.	Description	Date
B	NO. 166 RAMSGATE AVE ADDED	22-08-22

SHADOW DIAGRAMS
No. 154 BRIGHTON BOULEVARD
NORTH BONDI

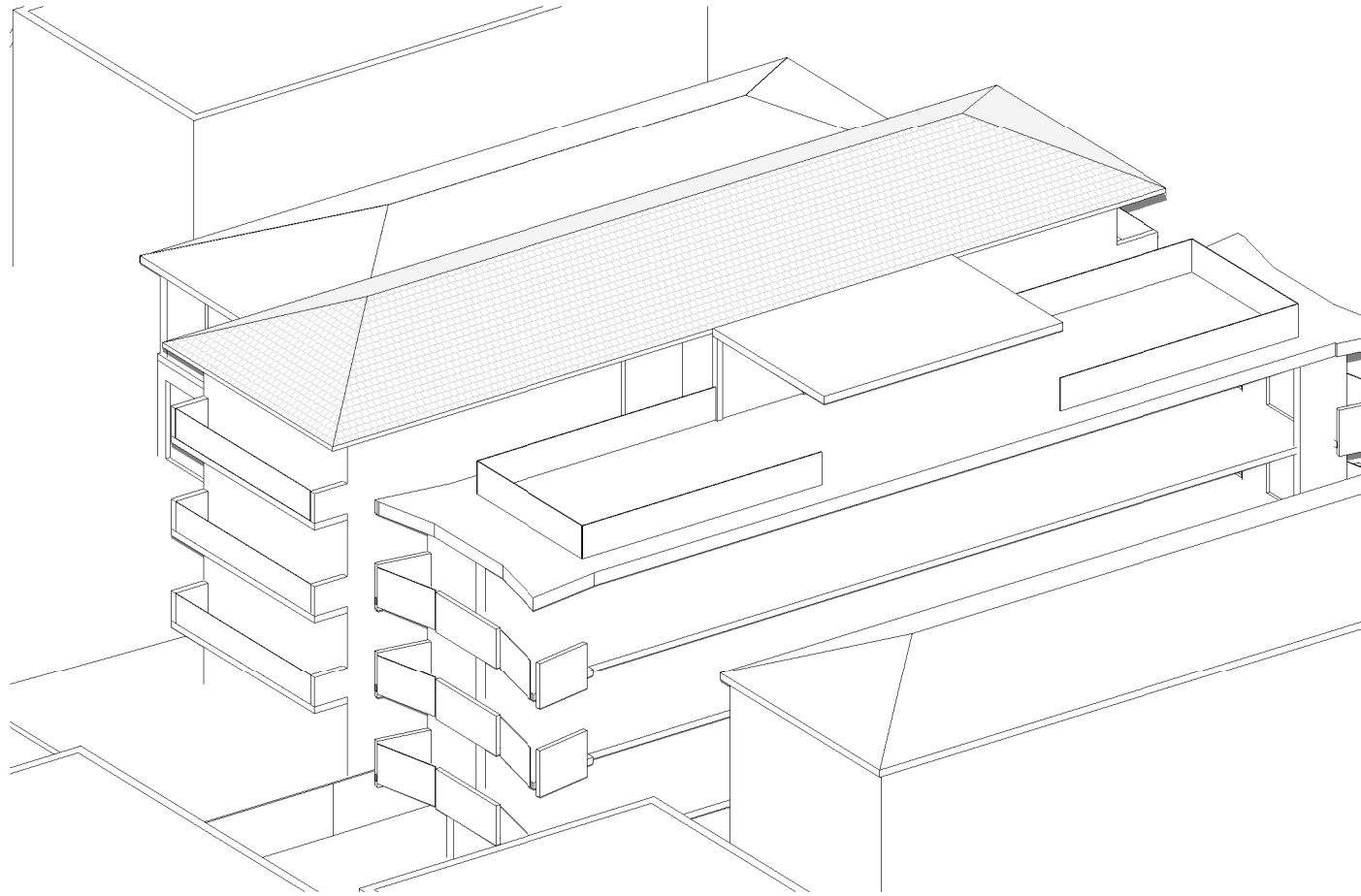
CLIENT: KEVIN & MICHELLE KALINKO

3D Sun Views June 9.00am

Project number	22-82
Date	31-05-2022
Drawn by	KP
Checked by	JD

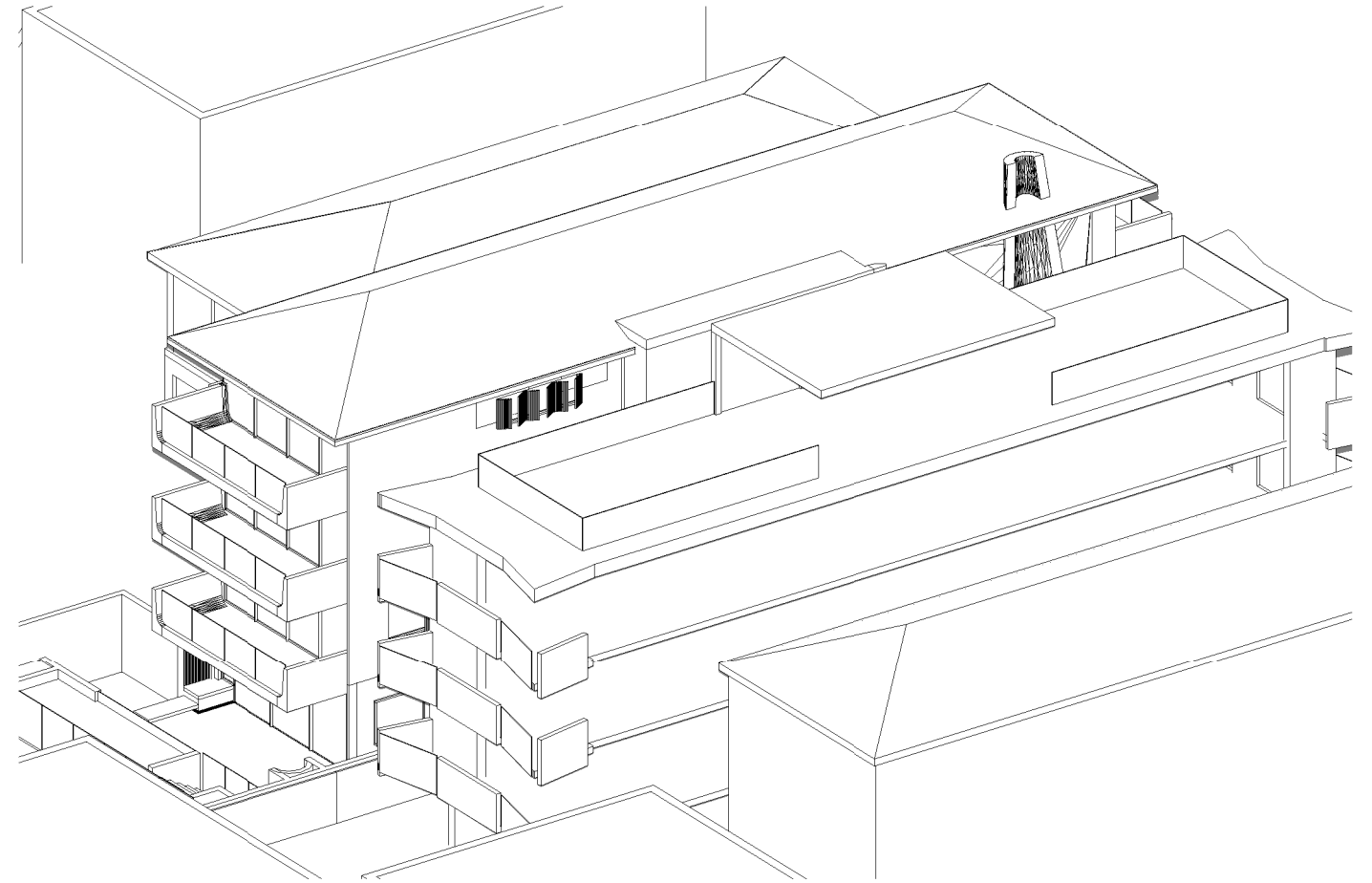
A106

Scale



1

June 10.00am Existing



2

June 10.00am Proposed

Cad Draft P/L

ABN 27 083 288 153

SUITE 1, 505 BALMAIN ROAD,
LILYFIELD, NSW
P.O.BOX 446 GLADESVILLE 2111

SHADOW ANALYSIS CONSULTANTS

MOBILE: 0410 699919

info@caddraftnsw.com.au

No.	Description	Date
B	NO. 166 RAMSGATE AVE ADDED	22-08-22

SHADOW DIAGRAMS
No. 154 BRIGHTON BOULEVARD
NORTH BONDI

CLIENT: KEVIN & MICHELLE KALINKO

3D Sun Views June 10.00am

Project number 22-82

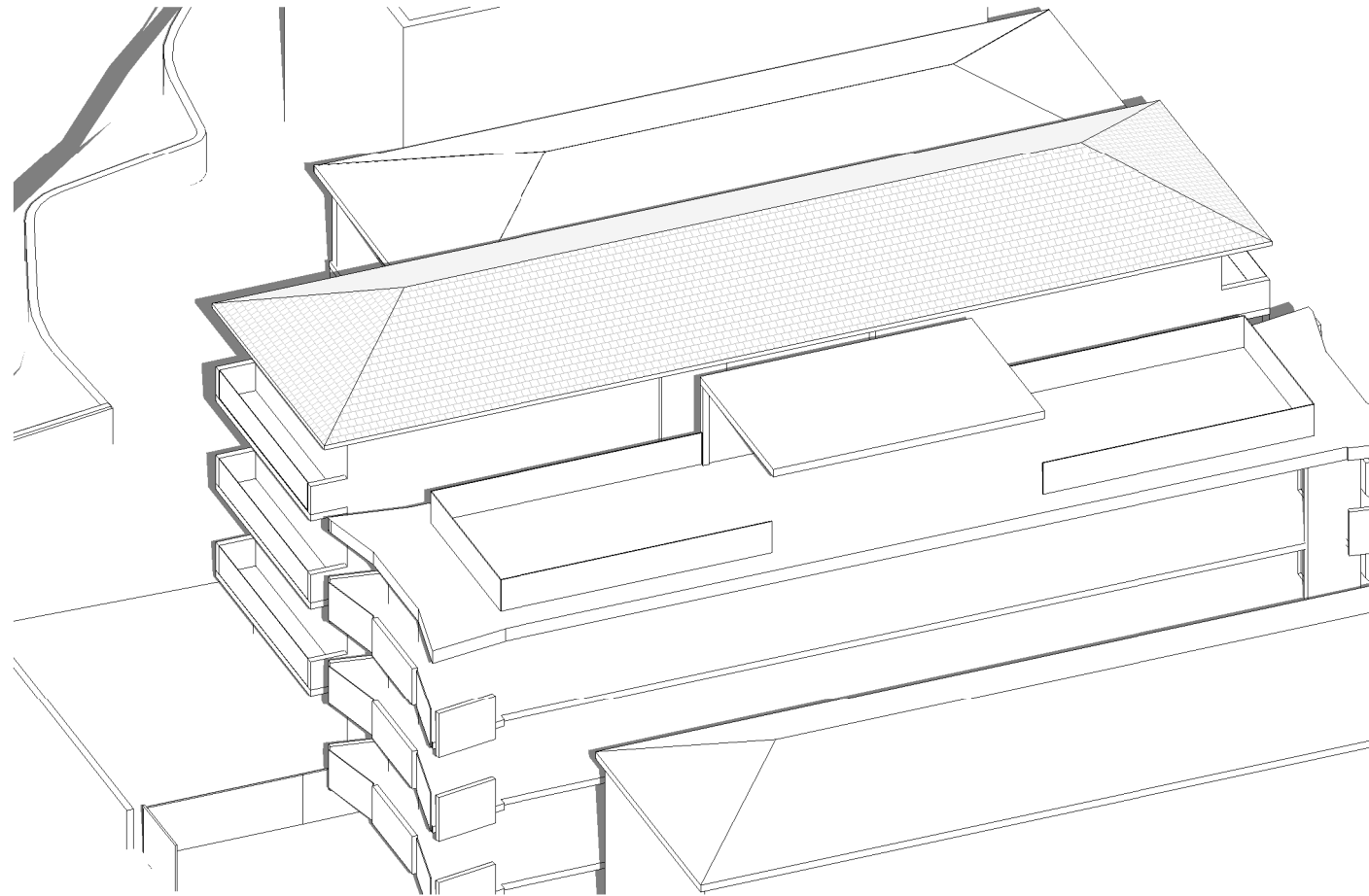
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Drawn by KP

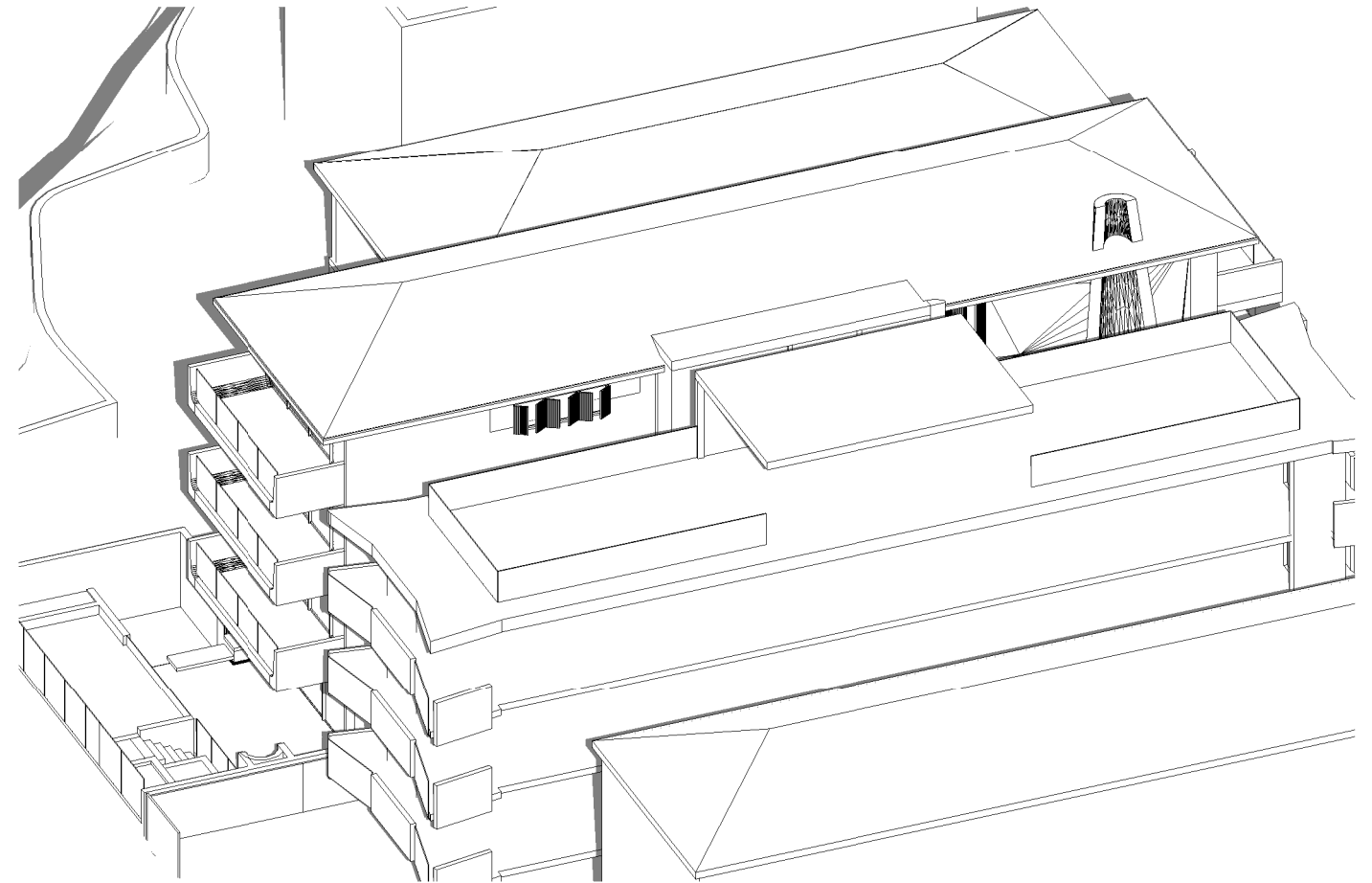
Checked by JD

Scale

A107



1 June 11.00am Existing



2 June 11.00am Proposed

Cad Draft P/L

ABN 27 083 288 153

SUITE 1, 505 BALMAIN ROAD,
LILYFIELD, NSW
P.O.BOX 446 GLADESVILLE 2111

SHADOW ANALYSIS CONSULTANTS

MOBILE: 0410 699919

info@caddraftnsw.com.au

No.	Description	Date
B	NO. 166 RAMSGATE AVE ADDED	22-08-22

SHADOW DIAGRAMS
No. 154 BRIGHTON BOULEVARD
NORTH BONDI

CLIENT: KEVIN & MICHELLE KALINKO

3D Sun Views June 11.00am

Project number 22-82

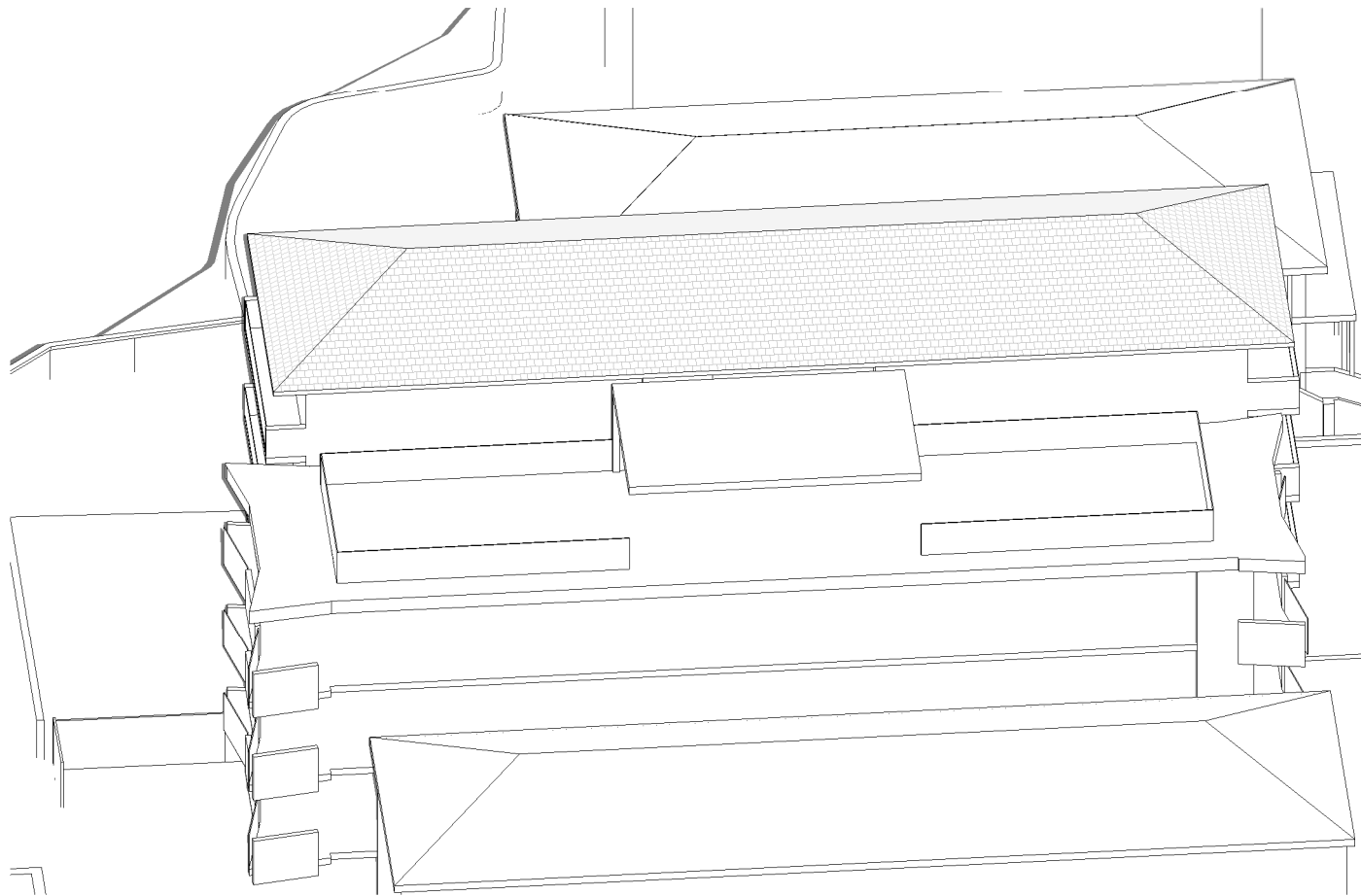
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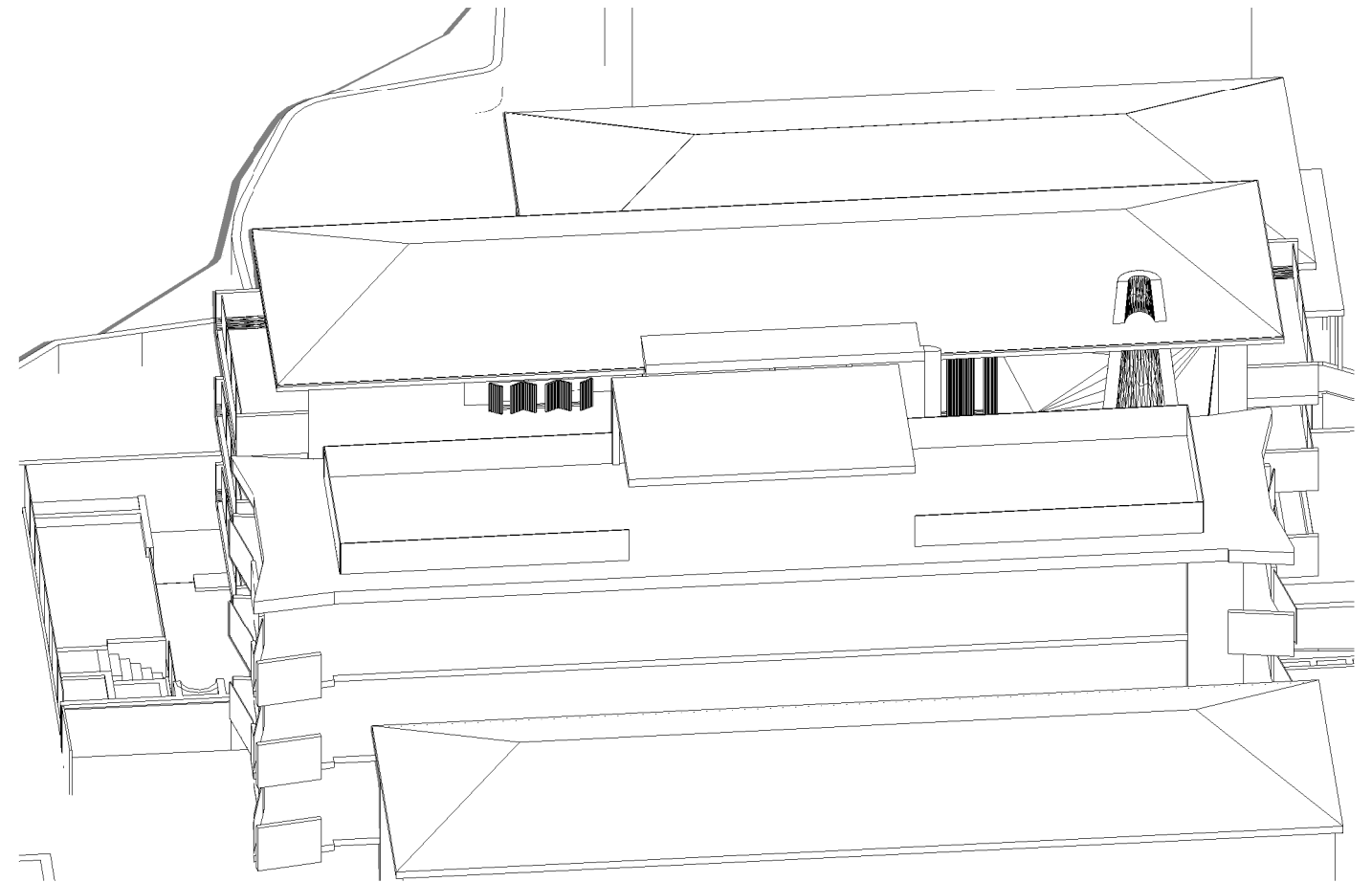
Checked by JD

Scale

A108



1 June 12.00pm Existing



2 June 12.00pm Proposed

Cad Draft P/L

ABN 27 083 288 153

SUITE 1, 505 BALMAIN ROAD,
LILYFIELD, NSW
P.O.BOX 446 GLADESVILLE 2111

SHADOW ANALYSIS CONSULTANTS

MOBILE: 0410 699919

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No.	Description	Date
B	NO. 166 RAMSGATE AVE ADDED	22-08-22

SHADOW DIAGRAMS
No. 154 BRIGHTON BOULEVARD
NORTH BONDI

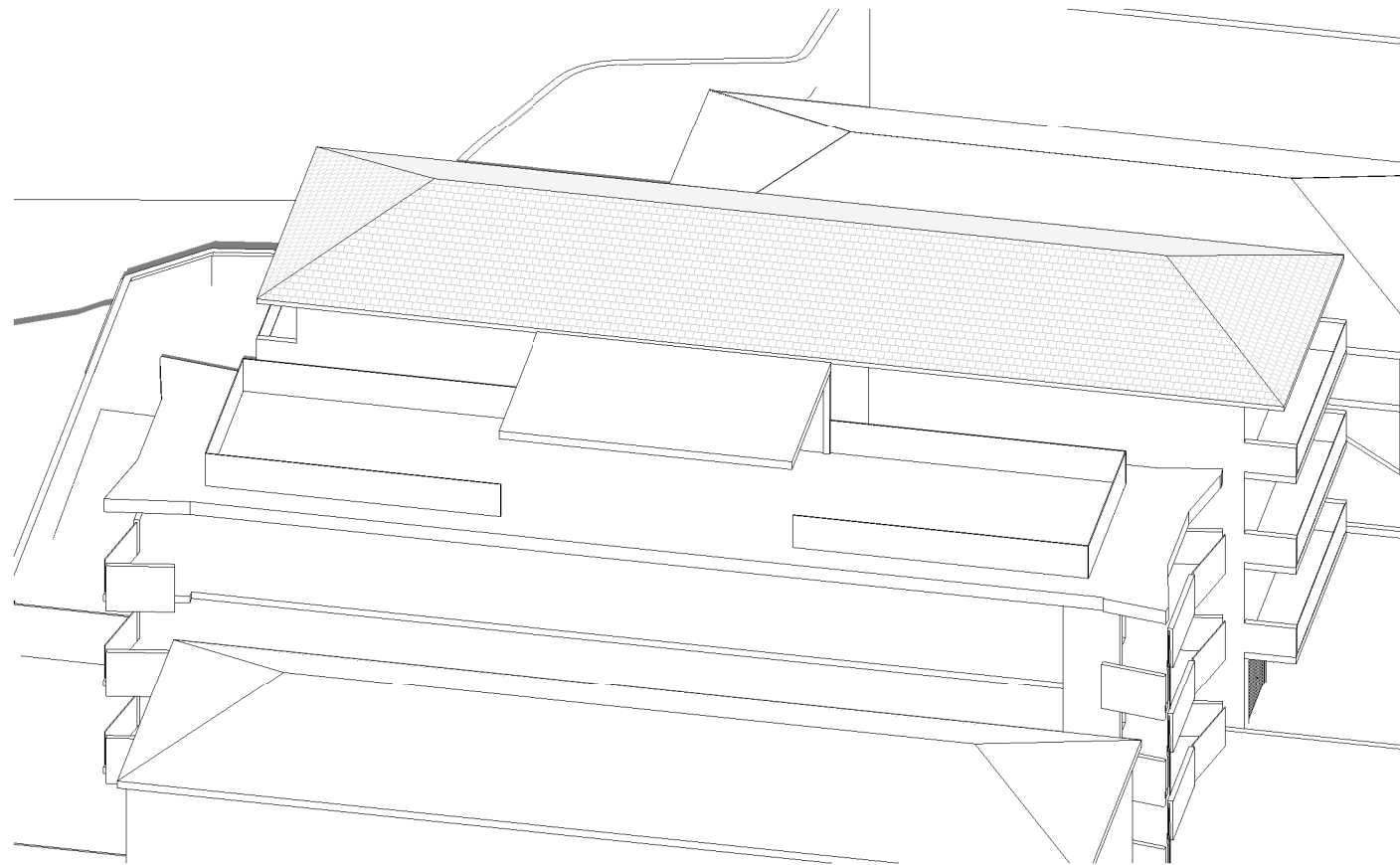
CLIENT: KEVIN & MICHELLE KALINKO

3D Sun Views June 12.00pm

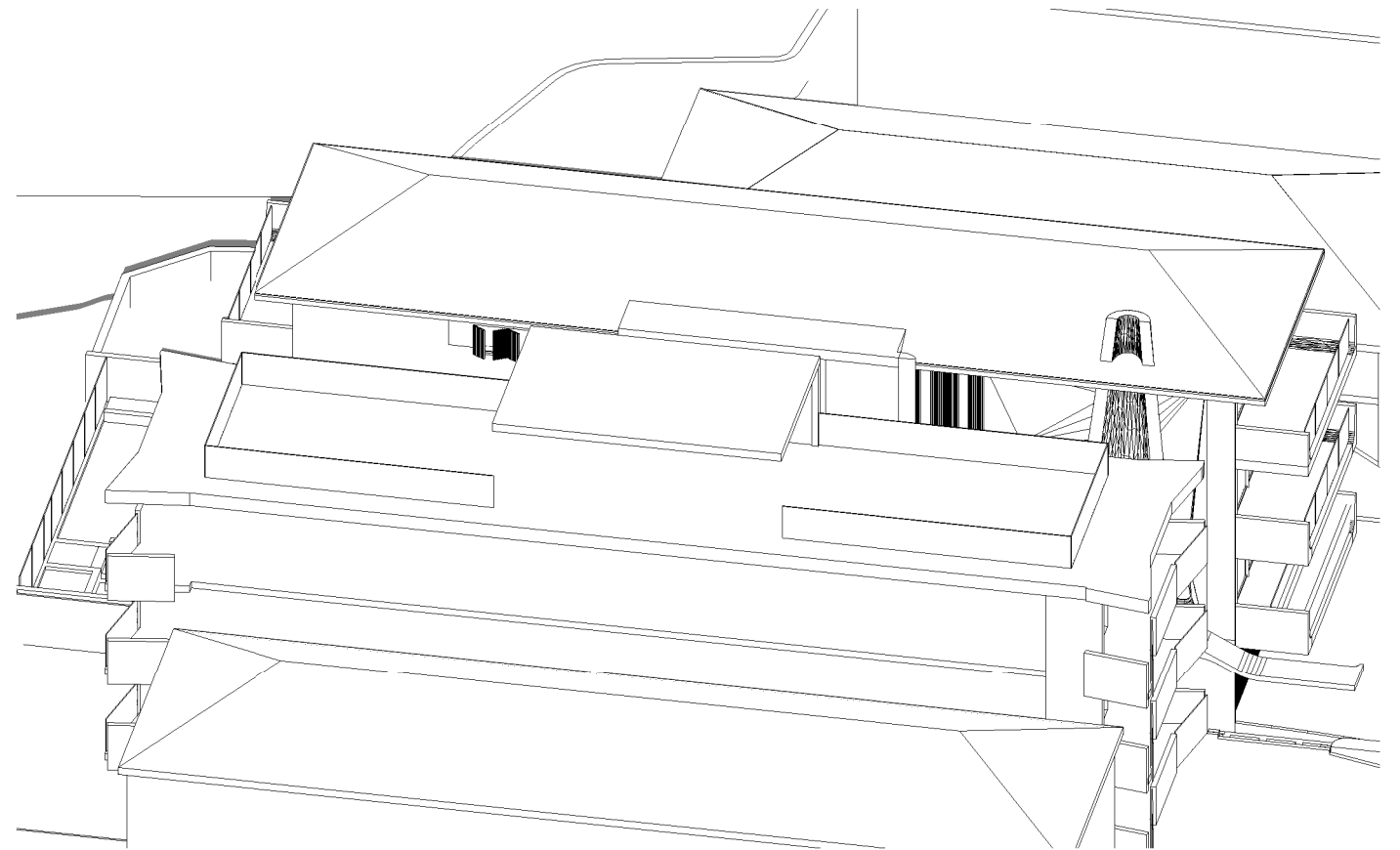
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Date	31-05-2022
Drawn by	KP
Checked by	JD

A109

Scale



1 June 1.00pm Existing



2 June 1.00pm Proposed

Cad Draft P/L

ABN 27 083 288 153

SUITE 1, 505 BALMAIN ROAD,
LILYFIELD, NSW
P.O.BOX 446 GLADESVILLE 2111

SHADOW ANALYSIS CONSULTANTS

MOBILE: 0410 699919

info@caddraftnsw.com.au

No.	Description	Date
B	NO. 166 RAMSGATE AVE ADDED	22-08-22

SHADOW DIAGRAMS
No. 154 BRIGHTON BOULEVARD
NORTH BONDI

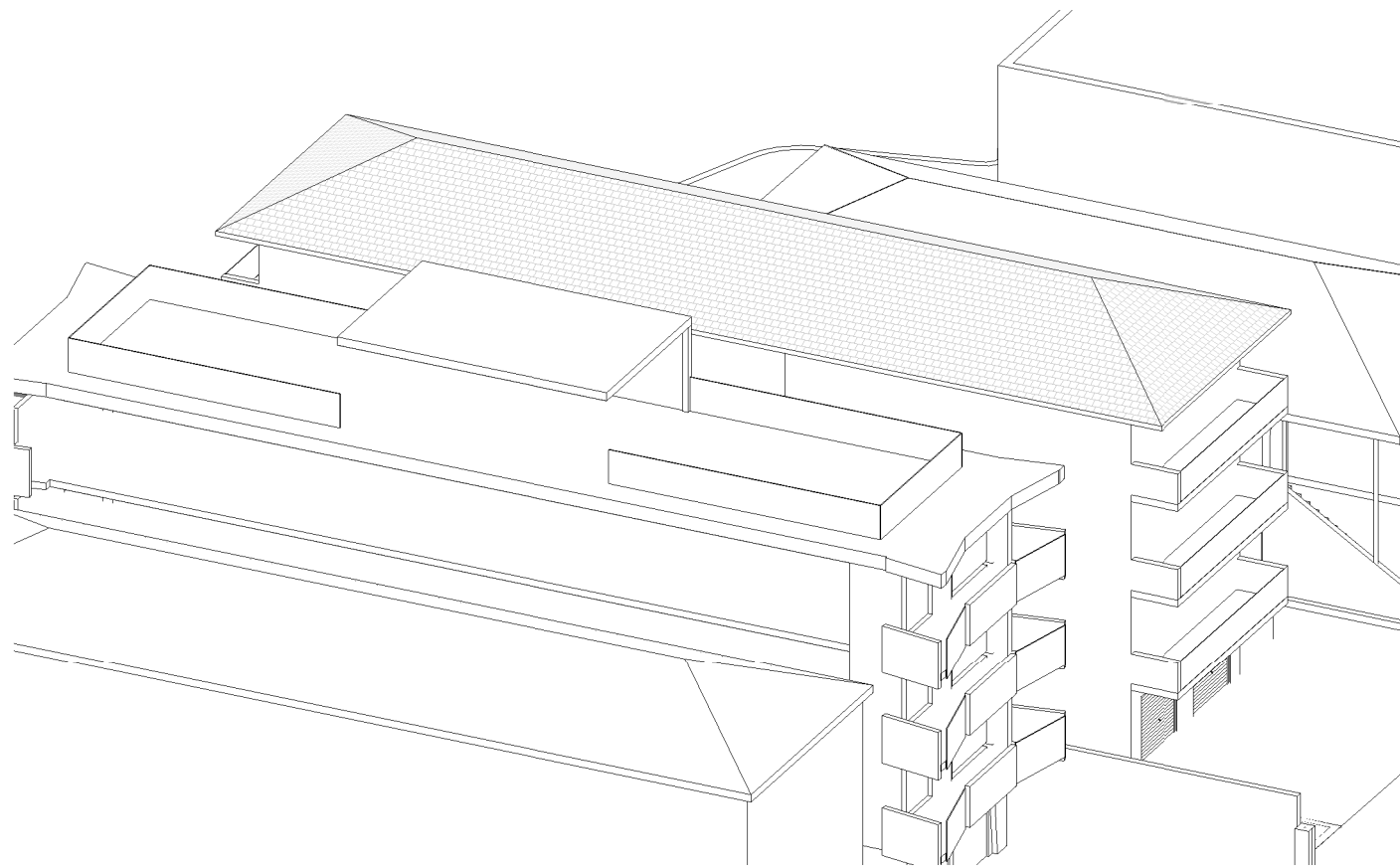
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3D Sun Views June 1.00pm

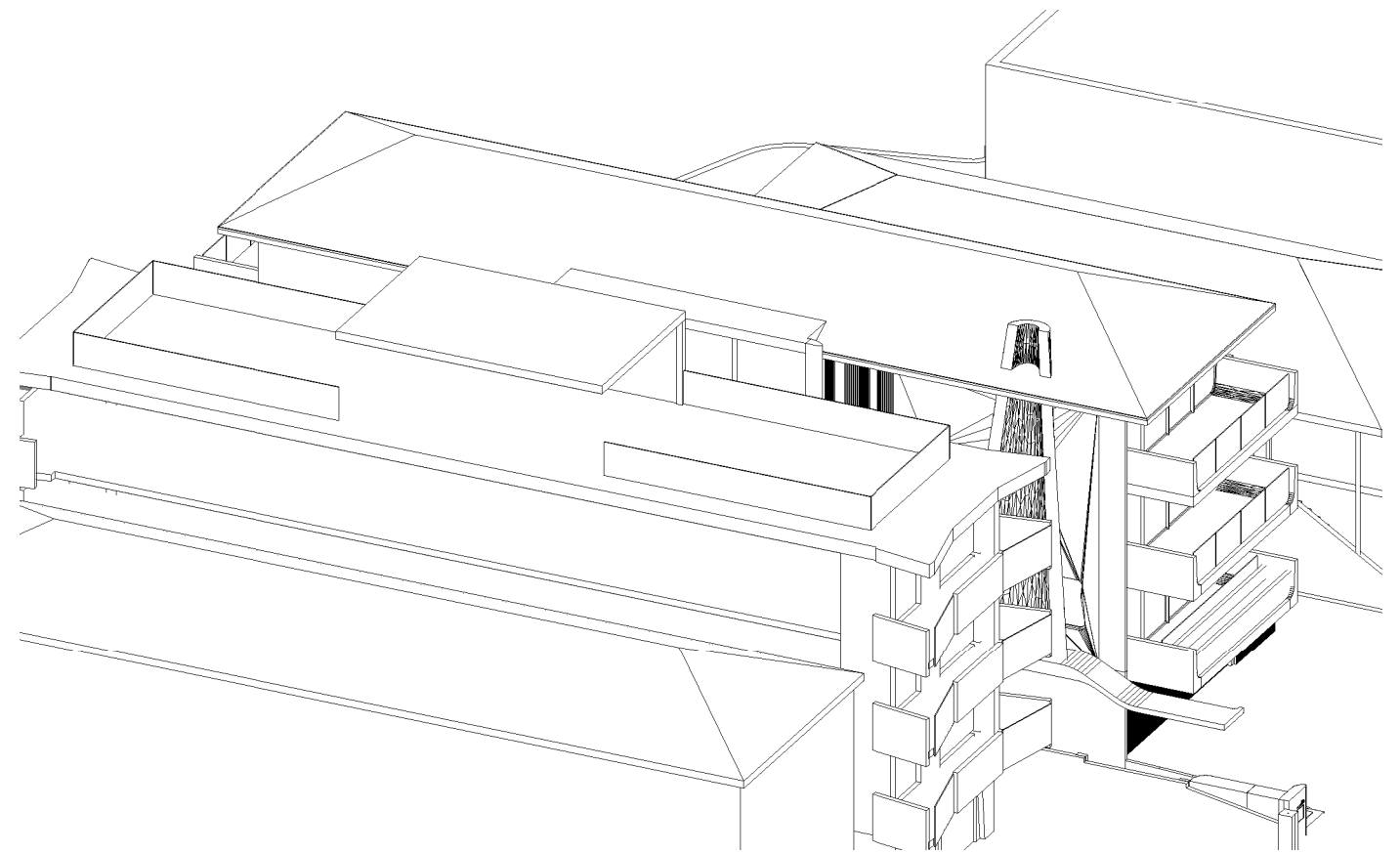
Project number	22-82
Date	31-05-2022
Drawn by	KP
Checked by	JD

A110

Scale



1 June 2.00pm Existing



2 June 2.00pm Proposed

Cad Draft P/L

ABN 27 083 288 153

SUITE 1, 505 BALMAIN ROAD,
LILYFIELD, NSW
P.O.BOX 446 GLADESVILLE 2111

SHADOW ANALYSIS CONSULTANTS

MOBILE: 0410 699919

info@caddraftnsw.com.au

No.	Description	Date
B	NO. 166 RAMSGATE AVE ADDED	22-08-22

SHADOW DIAGRAMS
No. 154 BRIGHTON BOULEVARD
NORTH BONDI

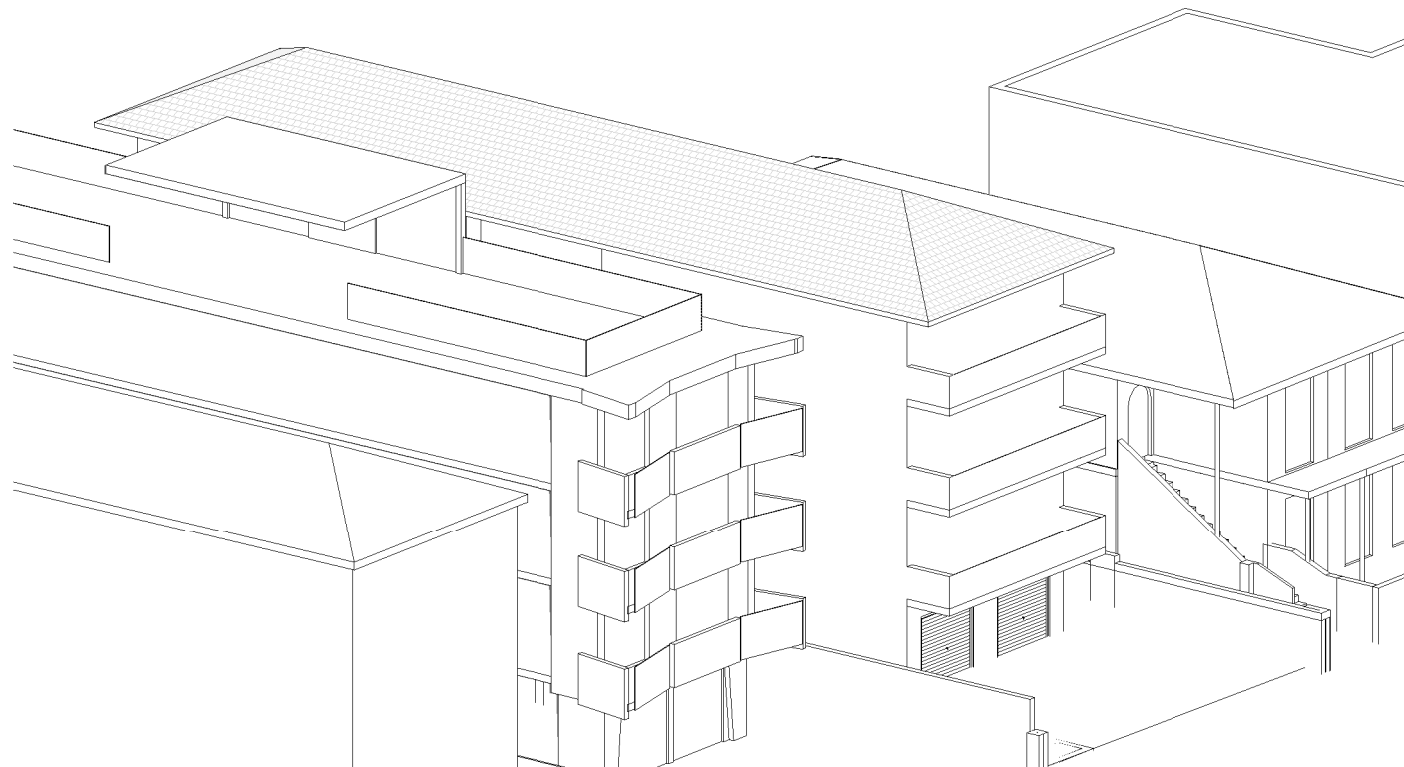
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3D Sun Views June 2.00pm

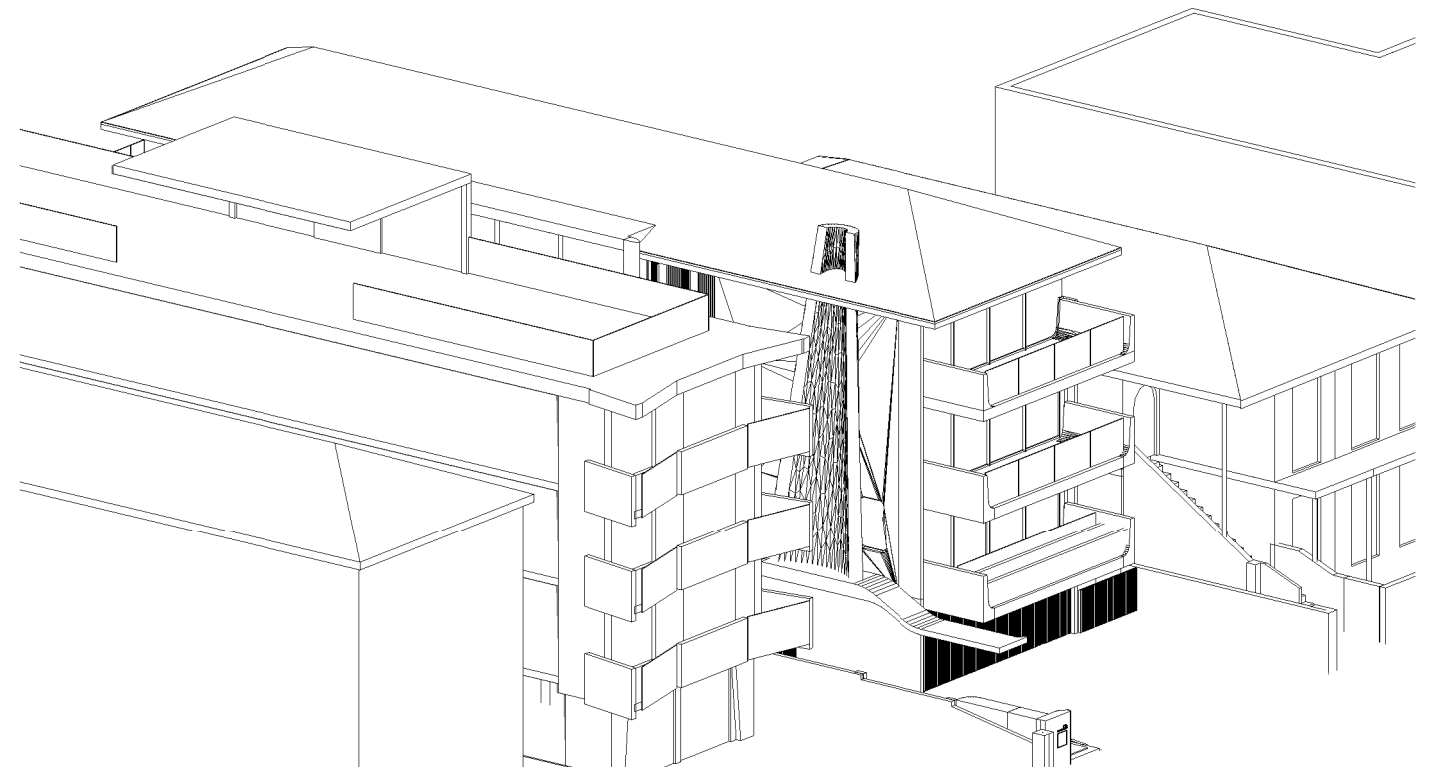
Project number	22-82
Date	31-05-2022
Drawn by	KP
Checked by	JD

A111

Scale



1 June 3.00pm Existing



2 June 3.00pm Proposed

Cad Draft P/L

ABN 27 083 288 153

SUITE 1, 505 BALMAIN ROAD,
LILYFIELD, NSW
P.O.BOX 446 GLADESVILLE 2111

SHADOW ANALYSIS CONSULTANTS

MOBILE: 0410 699919

info@caddraftnsw.com.au

No.	Description	Date
B	NO. 166 RAMSGATE AVE ADDED	22-08-22

SHADOW DIAGRAMS
No. 154 BRIGHTON BOULEVARD
NORTH BONDI

CLIENT: KEVIN & MICHELLE KALINKO

3D Sun Views June 3.00pm

Project number 22-82

Date 31-05-2022

Drawn by KP

Checked by JD

Scale

A112

4th August 2022



Shelco Air Con Pty Ltd off Shelco Air Con Trust
c/- Centurion Group
Level 25
88 Phillip Street
Sydney NSW 2000

Attention: Mr Richard Pajor

STATEMENT OF STRUCTURAL DESIGN INTENT

Project Description: Alterations and Additions

Site Address: 154 Brighton Boulevard, North Bondi

We, Partridge Structural Pty Limited, being professional Structural Engineers within the meaning of the National Construction Code, hereby confirm that we have been appointed structural engineers for the above project and we have attended site to visually assess the existing structure. We have undertaken a cursory review of the proposed alterations and additions as shown on the architectural drawings and consider the proposal to be structurally feasible. To confirm the structural feasibility we are currently preparing a concept structural design, and a potential propping, excavation and construction methodology to confirm the structural feasibility. The structural design of the building work will be carried out under the supervision of a structural engineer certified under NER. We also confirm that this work will be designed in accordance with the relevant provisions of the Standard Building Codes, in accordance with accepted engineering practice and principles.

Following the completion of the structural feasibility design Partridge will issue a structural methodology report to support the Development Application.

Following the DA Consent Partridge will prepare and issue certified structural drawings detailing the construction requirements to give assurance of the building's safety and performance.

This design statement shall not be construed as relieving any other party of their responsibilities, liabilities or contractual obligations.

A handwritten signature in black ink, appearing to read 'P. Standen'.

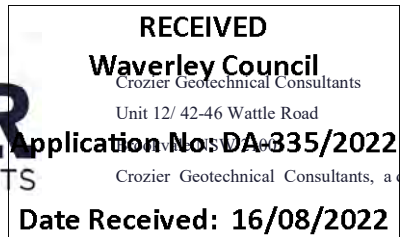
Peter Standen

BE (Hons1) BSc MIEAust CPEng NER (Structural & Civil)
RPEQ RBP(EC60272)

Managing Director

For and on Behalf of:

Partridge Structural Pty Ltd



ABN: 96 113 453 624
Phone: (02) 9939 1882
Email: info@croziergeotech.com.au

GEOTECHNICAL REPORT

for

PROPOSED ALTERATIONS AND ADDITIONS

at

154 BRIGHTON BOULEVARDE, NORTH BONDI, NSW

Prepared For

Kevin and Michelle Kalinko

Project No.: 2022-137

June, 2022

Document Revision Record

Issue No	Date	Details of Revisions
0	4 th July, 2022	Original issue

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APPENDICES

1	Notes Relating to this Report
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Date: 04 July 2022

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**GEOTECHNICAL REPORT FOR PROPOSED ALTERATIONS AND ADDITIONS
154 BRIGHTON BOULEVARD, NORTH BONDI, NSW.**

1. INTRODUCTION:

This report details the results of a geotechnical inspection and assessment carried out for proposed alterations and additions to an existing residential apartment building at 154 Brighton Boulevard, North Bondi, NSW (SP30225). The assessment was undertaken by Crozier Geotechnical Consultants (CGC) at the written request of Centurion Project Management.

The proposed works involve modernization of the existing three level masonry apartment building including the construction of two new basements for car parking and storage. The basements are proposed below the existing structure footprint and appear to require bulk excavation to an approximate maximum of 7.00 depth.

Waverley Councils – “DCP 2012 – Part C Residential Development” details that proposed development including where excavation is proposed to exceed 3m in depth, is at or near cliff faces or on sloping sites that have a slope of 25% or more requires a geotechnical report as part of the DA process.

The site is located with Acid Sulfate Soils Hazard Class 5 land as per Waverley LEP 2012 and is also classified within the Coastal Risk Management Policy 2012 as a ‘Geotechnical Risk Lot’.

This report is supplied in support of the Development Application and includes a description of the existing site along with expected sub-surface conditions including groundwater, a geotechnical assessment of the proposed works and preliminary recommendations for the design of works.

The assessment and reporting were undertaken as per the Proposal No.: P22-286.1, Dated: 30 May 2022. The assessment comprised:

- a) A detailed geotechnical inspection and mapping of the site and inspection of adjacent properties by an Engineering Geologist.
- b) A photographic record of conditions inspected
- c) Review of available data from CGC and NSW Government databases

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The following plans and drawings were supplied and relied upon for the assessment and reporting;

- Architectural Drawings – Stafford Architects, Project: 205, Drawing No.: DA000, DA121, DA200, DA201, DA202, DA203, DA204, DA205, DA206, DA301, DA302, DA303, DA304, DA321, DA322, Revision: -; Dated: 20/04/2022
- Survey Drawing - Hill & Blume Consulting Surveyors, ID No.: 757, Drawing No.: 63411001A; Dated: 28/09/2021

2. PROPOSED WORKS

The proposed works involve alterations and additions to the existing building to result in four levels of residential apartments over two levels of basement carparking and storage. The works will involve internal and external wall modifications to result in above ground residential apartments at all existing levels with a car lift at the front western end of the Ground Floor level. The lift will provide access to two levels of sub-surface basement car parking and storage formed below the existing building.

The majority of the works are within the footprint of the existing structure with a small extension on the northern side, at the building centre point. The lower Basement 2 is proposed with a Finished Floor Level (FFL) at RL 20. 460 therefore a bulk excavation to approximately 7.0m depth below existing surface levels will be required to allow construction.

The excavation appears generally within the footprint of the development. Therefore will be located 2.50m from the northern side boundary, except for a 5.0m length of extension works and lift where it will be within 1.30m. The excavation will be 3.20m from the southern property boundary but within 0.50m of a “Right of Access” easement along this boundary and will be $\geq 6.0\text{m}$ from the front western and rear eastern boundaries.

3. SITE FEATURES:

3.1. Description:

The site is a broadly rectangular shaped block located on the eastern side of Brighton Boulevard, situated within gently ($\approx 3^\circ$) south west dipping topography adjacent to the crest of a series of cliffs related to the foreshore.

The site has front and rear boundaries of 12.19m length and north and south boundaries of 39.16m length and varies between a high of RL27.48 at the rear south-east corner to a low of RL26.48 at the front south-west corner, as referenced from the supplied survey drawing. An aerial photograph of the site and its surrounds is provided below (Photograph 1), as sourced from NSW Government Six Map spatial data.

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The site contains a four storey rendered brick apartment building, positioned within the centre of the block with concrete pavements around the perimeters. The lower Ground Floor level contains a series of garages with concrete pathways and driveways around the perimeter and a narrow garden bed along part of the northern boundary. The upper three levels are formed as residential apartments. General views of the front and rear of the site are shown in Photographs 2 to 5.



Photograph: 2 – site as viewed from Brighton Boulevard – looking east

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Photograph: 3 – southern side boundary and adjacent neighbouring property – looking west



Photograph: 4 – northern side boundary and adjacent neighbouring property – looking west



Photograph: 5 – rear eastern boundary and adjacent Council reserve – looking north

3.2. Geology:

Reference to the Sydney 1: 100,000 Geological Series sheet (9130) indicates that the site is underlain by the Hawkesbury Sandstone bedrock (Rh). The Hawkesbury Sandstone which is of Triassic Age typically comprises medium to coarse grained quartz sandstone with minor lenses of shale and laminite. This rock unit was identified in surface exposures within the adjacent sites and se cliffs.

Morphological features often associated with the weathering of Hawkesbury Sandstone are the formation of near flat ridge tops with steep angular side slopes that consist of sandstone terraces and cliffs in part covered with sandy colluvium. The terraced areas often contain thin sandy clay to clayey sand residual soil profiles with intervening rock (ledge) outcrops.

The outline of the cliff areas are often rectilinear in plan view, controlled by large bed thickness and wide spaced near vertical joint patterns. The dominant defect orientations being south-east and north-east. Many cliff areas are undercut by differential weathering along sub-horizontal to gently west dipping bedding defects or weaker sandstone/siltstone/shale horizons.



The site is classified as being with a Geotechnical Risk Lot as per Waverley Councils – Coastal Risk Management Policy 2012.



4. FIELD WORK:

4.1. Inspection:

The field investigation comprised a geotechnical inspection of the site and adjacent land on the 9 June 2022. It involved a photographic record of site conditions as well as a geotechnical assessment of the site and adjacent land with examination of soil slopes/bedrock outcrops/conditions and existing structures. Explanatory notes are included in Appendix: 1.

4.2. Field Observations:

The site is situated on the high eastern side of Brighton Boulevard, close to the southern end of the street, and is formed as a near level block of land within generally gently west to south-west dipping topography that extends from nearby sea cliffs in the east towards Bondi Beach.

The road reserve consists of a near level to gently dipping bitumen pavement with concrete kerb and gutters either side. On the eastern side, adjacent to the site, the road reserve contains a wide concrete cross-over driveway and pedestrian pathway with small lawn reserve to the north-west of the site. To the south-west of the site and across the road reserve, sandstone bedrock outcrop was observed extending from below a low (<1.0) masonry wall at the road reserve boundary into the property No. 162-164. There were no signs of excessive cracking or deformation within the road reserve to suggest any underlying geological/geotechnical movement.

The main site structure is a four storey rendered brick apartment building of approximately 60 years of age which is formed with garages at the Ground Floor level accessed via concrete driveways along the west, south and east sides with a concrete footpath leading to stair entry on the northern side. The structure is entirely formed above ground surface and appears in good condition with no significant cracking or excess deterioration noted on external walls.

The neighbouring property to the north (No.152 Brighton Blvd) contains a four-storey masonry apartment building with small addition above the upper level. The structure appears of around 60 years of age however it appears more recently modernized. The structure is entirely formed above ground surface levels with a concrete driveway along the southern side boundary providing access to garages at Ground Floor level. The building structure is located approximately 2.70m off the common boundary with the site with the ground surface at similar elevation to the site.

The neighbouring property to the south (No.156 Brighton Blvd) contains a two-storey masonry dwelling/apartment structure with narrow concrete pathway along the northern side. Garages and an open concrete carparking area at the rear of the dwelling are accessed via the “Right of Way” concrete driveway along the southern side of the site. The structure appears entirely formed above ground surface levels and is located approximately 0.90m off the common boundary with the site.

The neighbouring land to the east is an open/vacant, near level terrace Council reserve. It is at similar levels to the site and formed at the crest of the sea cliffs, which form its eastern and southern sides, striking south-west before intersecting the south-east corner of No. 156. The sea cliffs are approximately 20.0m in height. Another cliff face/old quarry face of up to 6.0m in height extends east along the reserves northern side boundary, see Photograph: 5.

4.3. Ground Conditions:

Sub-surface investigation was not part of the scope of works, however, based on observable ground conditions and outcrops along with Crozier Geotechnical Consultants experience in the local area, the sub-surface conditions at the project site are expected to be as follows:

- **FILL/SAND** – This layer is expected below pavements and may increase in thickness towards the western end of the block, though is not expected at >1.0m depth. It is anticipated to comprise silty sand and/or dune sand with potential building fragments/refuse.
- **SANDSTONE BEDROCK** – Sandstone bedrock of at least low strength and grading quickly to medium strength will be located below the surficial soils. A thin profile of extremely low strength (clayey sand) sandstone may overlie the harder bedrock in parts, which may also contain thin, discontinuous shale beds. Defects in the bedrock are expected to be dominated by sub-horizontal bedding with occasional sub-vertical jointing.

A freestanding groundwater table or significant seepage are not expected above approximately RL 5.0 due to the adjacent cliff topography however minor seepage may occur along the upper bedrock surface and defects with in the bedrock.

5. COMMENTS:

5.1. Geotechnical Assessment:

The assessment indicates that the site will be underlain by limited thickness of sandy fill/natural sand soils over sandstone bedrock of generally low to medium strength. There were no indications of instability within the site or adjacent residential developments and all structures appeared in good condition.

The sea cliffs located to the east and south of the site are at separations of >7.0m from the properties south-east corner and >10.0m from the existing building. As such, cliff line erosion will not impact the site within a 100 year timeline. A review of publicly available aerial photos was not able to identify any significant changes in cliff crest alignment to indicate any recent (<90 years) significant instability, whilst the inspection did not identify any undercuts below the cliff crest that may impact site stability in the near future (≥ 100 years).

It is understood that the proposed works involve alterations and additions to the existing four storey apartment building, the main geotechnical component of which will be bulk excavation for the construction of two basement levels and a car lift. Bulk excavation within the footprint of the existing building to approximately 7.0m depth below existing surface levels will be required to achieve the basement floor slab at RL 20.46. The bulk excavation is proposed below the existing building footprint and will intersect minor surficial soils over generally medium strength sandstone bedrock.

Based on the site conditions and the proposed development the following critical geotechnical aspects of the development are considered to need address:

- Existing footings and foundation conditions upon medium strength bedrock suitable to support the development at the excavation crest
- Existence of soils above the bedrock surface and the formation of support or stable batter slopes prior to bulk excavation
- Steeply dipping defects within the bedrock resulting in instability within bedrock excavation and undermining of existing building footings or pavements external to footprint
- Sub-horizontal seams near the bedrock surface below existing footings and within the bulk excavation that may allow bearing failure of existing footings at excavation crest or topple failure of detached sections of bedrock within the excavation perimeter.
- Excavation equipment resulting vibration damage to existing building to remain on site, neighbouring residential buildings or inducing cliff face instability.
- Seepage inflow to bulk excavation and its removal

Safe soil batter slopes (fill/sand: 1.0V:2.0H) appear to be achievable around the perimeter of the excavation with respect to property boundaries. However, this needs to be confirmed based on actual soils depths and with respect to the existing building to remain during the works. As such, investigation into existing footing style and its foundation conditions is required along with sub-surface investigation.

This investigation is expected to require a series of test pits through the existing driveway pavements along with geotechnical drilling and coring of the bedrock in at least 3 locations to minimum 2.0m depth below base excavation level.

Due to the free-flowing nature of sandy soils any footing underpinning/surficial excavation support will need to be installed prior to excavation to ensure stability and in a contiguous manner.

The low to medium strength bedrock that is expected to be encountered at relatively shallow depth within the proposed excavation will be self-supporting, provided it is unfractured by the excavation works and does not contain unfavourable defects. Where low to medium strength bedrock is excavated at steep (0.25H:1.0V) to vertical batter slopes, it will require geotechnical inspection at regular intervals to allow identification of any variations to the expected conditions and/or areas of poor quality bedrock and the application of suitable support systems.

It must be noted that where open excavation is proposed, even in bedrock, that defects can be encountered or exist unseen adjacent to the excavation resulting in sudden instability. Whilst rare, these conditions can only be mitigated against through installation of pre-excavation support systems (i.e. piling), which will be very difficult to implement in this site around the perimeter of the proposed excavation and where medium to high strength bedrock exists, as expected. As such, investigation prior to excavation and regular geotechnical inspection are required during the site works to reduce the likelihood of failures.

Excavation of the bedrock will result in rock mass de-stressing regardless of defects and support systems installed. This de-stressing could result in minor damage to the existing building on site, however it is not expected to impact the road reserve or adjacent neighbouring properties or structures due to the separation distances.

Any fill, sand and extremely low to very low strength bedrock can be excavated using conventional earthmoving equipment (i.e. bucket), however low to medium and high strength bedrock will require the use of the rock breaking equipment (e.g. rock hammers). The use of rock hammers can create ground vibrations which could damage the neighbouring and adjacent structures. Care will be required during the excavation works to ensure the neighbouring properties, structures, services (i.e. sewer) and the cliff line are not adversely impacted by ground vibrations.

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Small scale equipment (i.e. rock hammer <200kg) along with rock saw and a good excavation methodology can be used to maintain low vibration levels and avoid the need for full time vibration monitoring. However, this will result in slow excavation progress and it is anticipated that larger scale rock hammers will be preferred, though access restrictions may prevent this from occurring. The strength of the bedrock will be critical in determining the excavation methodology and associated costs therefore geotechnical drilling and testing of the bedrock quality should occur prior to any contract assessment and site works.

Crozier Geotechnical Consultants (CGC) should be consulted regarding the size and type of demolition/excavation equipment and demolition/excavation methodology proposed by the contractor prior to works.

All footings for the existing building should be confirmed as founded to medium strength bedrock whilst new footings for the proposed works should also bear onto sandstone bedrock of at least low strength with the majority expected at base excavation level. This will significantly reduce the risk of differential settlement.

The groundwater table will not be intersected during excavation and is not expected within the site works based on site location/topography. As such, the water table will not be lowered and Acid Sulfate soils will not be impacted by the proposed works.

The proposed works are considered suitable for the site and may be completed with negligible impact to the adjacent properties provided the recommendations of this report are implemented in the design and construction phases.

The recommendations and conclusions in this report are based on an investigation utilising only surface observations and several boreholes. This test equipment provides limited data from small, isolated test points across the entire site with limited penetration into rock, therefore some minor variation to the interpreted sub-surface conditions is possible, especially where tests were not conducted. The results of the investigation provide a reasonable basis for the analysis and preliminary design of the proposed works.

5.2 Conditions Relating to Design and Construction Monitoring

To allow certification as part of construction, building and post-construction activity for this project, it will be necessary for Crozier Geotechnical Consultants to:

1. Conduct geotechnical investigation into existing footings and sub-surface geological/geotechnical conditions and report
2. Review and approve of structural design and excavation methodologies including retention systems and equipment against the recommendations of the geotechnical investigation report.
3. Inspect works during installation of support systems - where determined necessary or batter slopes
4. Inspect any unsupported bedrock excavation at 1.5m depth excavation intervals.
5. Inspect all new footings to confirm compliance to design assumptions with respect to allowable bearing pressure and stability prior to the placement of steel or concrete.
6. Where ground conditions vary from those anticipated and outlined in this report are encountered.

The development is classified as Class 2 under the NSW Governments Design and Building Practitioner Act. Therefore, Crozier Geotechnical Consultants cannot provide certification for the Construction Certificate or Occupation Certificate if it has not been requested to undertake the required works detailed above.

6. CONCLUSION:

The assessment determined that the site is likely underlain by limited depth of soils over sandstone bedrock that will extend well below surface levels. The existing building appears of approximately 60 years of age and appears in good condition and therefore likely founded to the bedrock surface.

The sea cliffs are located >7.0m from the nearest property boundary and >10.0m from the existing building and show no signs of likely instability or erosion that may impact the site within the next 100 year timeframe.

The proposed works involve alterations and additions with the principal geotechnical component being excavation below the building for two basement levels. The works involve excavation to approximately 7.0m depth below surface that will be located within the building footprint.

The proposed works are considered suitable for the site and can be completed with negligible impact on adjacent properties or the sea cliffs provided the recommendations of this report are implemented including additional geotechnical investigation and reporting.

Prepared by:



Troy Crozier
Principal
MIE Aust. MAIG.

Appendix 1

NOTES RELATING TO THIS REPORT

Introduction

These notes have been provided to amplify the geotechnical report in regard to classification methods, specialist field procedures and certain matters relating to the Discussion and Comments section. Not all, of course, are necessarily relevant to all reports.

Geotechnical reports are based on information gained from limited subsurface test boring and sampling, supplemented by knowledge of local geology and experience. For this reason, they must be regarded as interpretive rather than factual documents, limited to some extent by the scope of information on which they rely.

Description and classification Methods

The methods of description and classification of soils and rocks used in this report are based on Australian Standard 1726, Geotechnical Site Investigation Code. In general, descriptions cover the following properties - strength or density, colour, structure, soil or rock type and inclusions.

Soil types are described according to the predominating particle size, qualified by the grading of other particles present (eg. Sandy clay) on the following bases:

<u>Soil Classification</u>	<u>Particle Size</u>
Clay	less than 0.002 mm
Silt	0.002 to 0.06 mm
Sand	0.06 to 2.00 mm
Gravel	2.00 to 60.00mm

Cohesive soils are classified on the basis of strength either by laboratory testing or engineering examination. The strength terms are defined as follows:

<u>Classification</u>	<u>Undrained Shear Strength kPa</u>
Very soft	Less than 12
Soft	12 - 25
Firm	25 - 50
Stiff	50 - 100
Very stiff	100 - 200
Hard	Greater than 200

Non-cohesive soils are classified on the basis of relative density, generally from the results of standard penetration tests (SPT) or Dutch cone penetrometer tests (CPT) as below:

<u>Relative Density</u>	<u>SPT</u> "N" Value (blows/300mm)	<u>CPT</u> Cone Value (Qc - MPa)
Very loose	less than 5	less than 2
Loose	5 - 10	2 - 5
Medium dense	10 - 30	5 - 15
Dense	30 - 50	15 - 25
Very dense	greater than 50	greater than 25

Rock types are classified by their geological names. Where relevant, further information regarding rock classification is given on the following sheet.

Sampling

Sampling is carried out during drilling to allow engineering examination (and laboratory testing where required) of the soil or rock.

Disturbed samples taken during drilling to allow information on colour, type, inclusions and, depending upon the degree of disturbance, some information on strength and structure.

Undisturbed samples are taken by pushing a thin-walled sample tube into the soil and withdrawing a sample of the soil in a relatively undisturbed state. Such samples yield information on structure and strength, and are necessary for laboratory determination of shear strength and compressibility. Undisturbed sampling is generally effective only in cohesive soils.

Drilling Methods

The following is a brief summary of drilling methods currently adopted by the company and some comments on their use and application.

Test Pits – these are excavated with a backhoe or a tracked excavator, allowing close examination of the insitu soils if it is safe to descent into the pit. The depth of penetration is limited to about 3m for a backhoe and up to 6m for an excavator. A potential disadvantage is the disturbance caused by the excavation.

Large Diameter Auger (eg. Pengo) – the hole is advanced by a rotating plate or short spiral auger, generally 300mm or larger in diameter. The cuttings are returned to the surface at intervals (generally of not more than 0.5m) and are disturbed but usually unchanged in moisture content. Identification of soil strata is generally much more reliable than with continuous spiral flight augers, and is usually supplemented by occasional undisturbed tube sampling.

Continuous Sample Drilling – the hole is advanced by pushing a 100mm diameter socket into the ground and withdrawing it at intervals to extrude the sample. This is the most reliable method of drilling soils, since moisture content is unchanged and soil structure, strength, etc. is only marginally affected.

Continuous Spiral Flight Augers – the hole is advanced using 90 – 115mm diameter continuous spiral flight augers which are withdrawn at intervals to allow sampling or insitu testing. This is a relatively economical means of drilling in clays and in sands above the water table. Samples are returned to the surface, or may be collected after withdrawal of the auger flights, but they are very disturbed and may be contaminated. Information from the drilling (as distinct from specific sampling by SPT's or undisturbed samples) is of relatively lower reliability, due to remoulding, contamination or softening of samples by ground water.

Non-core Rotary Drilling - the hole is advanced by a rotary bit, with water being pumped down the drill rods and returned up the annulus, carrying the drill cuttings. Only major changes in stratification can be determined from the cuttings, together with some information from 'feel' and rate of penetration.

Rotary Mud Drilling – similar to rotary drilling, but using drilling mud as a circulating fluid. The mud tends to mask the cuttings and reliable identification is again only possible from separate intact sampling (eg. From SPT).

Continuous Core Drilling – a continuous core sample is obtained using a diamond-tipped core barrel, usually 50mm internal diameter. Provided full core recovery is achieved (which is not always possible in very weak rocks and granular soils), this technique provides a very reliable (but relatively expensive) method of investigation.

Standard Penetration Tests

Standard penetration tests (abbreviated as SPT) are used mainly in non-cohesive soils, but occasionally also in cohesive soils as a means of determining density or strength and also of obtaining a relatively undisturbed sample. The test procedures is described in Australian Standard 1289, "Methods of Testing Soils for Engineering Purposes" – Test 6.3.1.

The test is carried out in a borehole by driving a 50mm diameter split sample tube under the impact of a 63kg hammer with a free fall of 760mm. It is normal for the tube to be driven in three successive 150mm increments and the 'N' value is taken

as the number of blows for the last 300mm. In dense sands, very hard clays or weak rock, the full 450mm penetration may not be practicable and the test is discontinued.

The test results are reported in the following form.

- In the case where full penetration is obtained with successive blow counts for each 150mm of say 4, 6 and 7 as 4, 6, 7 then $N = 13$
- In the case where the test is discontinued short of full penetration, say after 15 blows for the first 150mm and 30 blows for the next 40mm then as 15, 30/40mm.

The results of the test can be related empirically to the engineering properties of the soil. Occasionally, the test method is used to obtain samples in 50mm diameter thin wall sample tubes in clay. In such circumstances, the test results are shown on the borelogs in brackets.

Cone Penetrometer Testing and Interpretation

Cone penetrometer testing (sometimes referred to as Dutch Cone – abbreviated as CPT) described in this report has been carried out using an electrical friction cone penetrometer. The test is described in Australia Standard 1289, Test 6.4.1.

In tests, a 35mm diameter rod with a cone-tipped end is pushed continually into the soil, the reaction being provided by a specially designed truck or rig which is fitted with an hydraulic ram system. Measurements are made of the end bearing resistance on the cone and the friction resistance on a separate 130mm long sleeve, immediately behind the cone. Transducers in the tip of the assembly are connected by electrical wires passing through the centre of the push rods to an amplifier and recorder unit mounted on the control truck.

As penetration occurs (at a rate of approximately 20mm per second) their information is plotted on a computer screen and at the end of the test is stored on the computer for later plotting of the results.

The information provided on the plotted results comprises: -

- Cone resistance – the actual end bearing force divided by the cross-sectional area of the cone – expressed in MPa.
- Sleeve friction – the frictional force on the sleeve divided by the surface area – expressed in kPa.
- Friction ratio - the ratio of sleeve friction to cone resistance, expressed in percent.

There are two scales available for measurement of cone resistance. The lower scale (0 – 5 MPa) is used in very soft soils where increased sensitivity is required and is shown in the graphs as a dotted line. The main scale (0 – 50 MPa) is less sensitive and is shown as a full line. The ratios of the sleeve friction to cone resistance will vary with the type of soil encountered, with higher relative friction in clays than in sands. Friction ratios 1% - 2% are commonly encountered in sands and very soft clays rising to 4% - 10% in stiff clays.

In sands, the relationship between cone resistance and SPT value is commonly in the range: -

$$Q_c \text{ (MPa)} = (0.4 \text{ to } 0.6) N \text{ blows (blows per 300mm)}$$

In clays, the relationship between undrained shear strength and cone resistance is commonly in the range: -

$$Q_c = (12 \text{ to } 18) C_u$$

Interpretation of CPT values can also be made to allow estimation of modulus or compressibility values to allow calculations of foundation settlements.

Inferred stratification as shown on the attached reports is assessed from the cone and friction traces and from experience and information from nearby boreholes, etc. This information is presented for general guidance, but must be regarded as being to some extent interpretive. The test method provides a continuous profile of engineering properties, and where precise information on soil classification is required, direct drilling and sampling may be preferable.

Dynamic Penetrometers

Dynamic penetrometer tests are carried out by driving a rod into the ground with a falling weight hammer and measuring the blows for successive 150mm increments of penetration. Normally, there is a depth limitation of 1.2m but this may be extended in certain conditions by the use of extension rods.

Two relatively similar tests are used.

- Perth sand penetrometer – a 16mm diameter flattened rod is driven with a 9kg hammer, dropping 600mm (AS1289, Test 6.3.3). The test was developed for testing the density of sands (originating in Perth) and is mainly used in granular soils and filling.
- Cone penetrometer (sometimes known as Scala Penetrometer) – a 16mm rod with a 20mm diameter cone end is driven with a 9kg hammer dropping 510mm (AS 1289, Test 6.3.2). The test was developed initially for pavement sub-grade investigations, and published correlations of the test results with California bearing ratio have been published by various Road Authorities.

Laboratory Testing

Laboratory testing is generally carried out in accordance with Australian Standard 1289 “Methods of Testing Soil for Engineering Purposes”. Details of the test procedure used are given on the individual report forms.

Borehole Logs

The bore logs presented herein are an engineering and/or geological interpretation of the subsurface conditions, and their reliability will depend to some extent on frequency of sampling and the method of drilling. Ideally, continuous undisturbed sampling or core drilling will provide the most reliable assessment, but this is not always practicable, or possible to justify on economic grounds. In any case, the boreholes represent only a very small sample of the total subsurface profile.

Interpretation of the information and its application to design and construction should therefore take into account the spacing of boreholes, the frequency of sampling and the possibility of other than ‘straight line’ variations between the boreholes.

Details of the type and method of sampling are given in the report and the following sample codes are on the borehole logs where applicable:

D	Disturbed Sample	E	Environmental sample	DT	Diatube
B	Bulk Sample	PP	Pocket Penetrometer Test		
U50	50mm Undisturbed Tube Sample	SPT	Standard Penetration Test		
U63	63mm “ “ “ “ “	C	Core		

Ground Water

Where ground water levels are measured in boreholes there are several potential problems:

- In low permeability soils, ground water although present, may enter the hole slowly or perhaps not at all during the time it is left open.
- A localised perched water table may lead to an erroneous indication of the true water table.
- Water table levels will vary from time to time with seasons or recent weather changes. They may not be the same at the time of construction as are indicated in the report.
- The use of water or mud as a drilling fluid will mask any ground water inflow. Water has to be blown out of the hole and drilling mud must first be washed out of the hole if water observations are to be made. More reliable measurements can be made by installing standpipes which are read at intervals over several days, or perhaps weeks for low permeability soils. Piezometers, sealed in a particular stratum, may be interference from a perched water table.

Engineering Reports

Engineering reports are prepared by qualified personnel and are based on the information obtained and on current engineering standards of interpretation and analysis. Where the report has been prepared for a specific design proposal (eg. A three-storey building), the information and interpretation may not be relevant if the design proposal is changed (eg. to a twenty-storey building). If this happens, the Company will be pleased to review the report and the sufficiency of the investigation work.

Every care is taken with the report as it relates to interpretation of subsurface condition, discussion of geotechnical aspects and recommendations or suggestions for design and construction. However, the Company cannot always anticipate or assume responsibility for:

- unexpected variations in ground conditions – the potential for this will depend partly on bore spacing and sampling frequency,
- changes in policy or interpretation of policy by statutory authorities,
- the actions of contractors responding to commercial pressures,

If these occur, the Company will be pleased to assist with investigation or advice to resolve the matter.

Site Anomalies

In the event that conditions encountered on site during construction appear to vary from those which were expected from the information contained in the report, the Company requests that it immediately be notified. Most problems are much more readily resolved when conditions are exposed than at some later stage, well after the event.

Reproduction of Information for Contractual Purposes

Attention is drawn to the document “Guidelines for the Provision of Geotechnical Information in Tender Documents”, published by the Institution of Engineers Australia. Where information obtained from this investigation is provided for tendering purposes, it is recommended that all information, including the written report and discussion, be made available. In circumstances where the discussion or comments section is not relevant to the contractual situation, it may be appropriate to prepare a special ally edited document. The Company would be pleased to assist in this regard and/or to make additional report copies available for contract purposes at a nominal charge.

Site Inspection

The Company will always be pleased to provide engineering inspection services for geotechnical aspects of work to which this report is related. This could range from a site visit to confirm that conditions exposed are as expected, to full time engineering presence on site.



Report to the Waverley Local Planning Panel

Application number	DA-179/2022
Site address	35 Chesterfield Parade, Bronte
Proposal	Alterations and additions to dwelling house including new double garage and studio above facing Busby Lane, swimming pool and associated landscaping works.
Date of lodgement	9 May 2022
Owner	Mrs C Borthwick and Mr F Borthwick and Mr A Rule
Applicant	JKM Architects Pty Ltd
Submissions	One (1)
Cost of works	\$668,202.39
Principal Issues	<ul style="list-style-type: none"> • Building height exceedance and wall height; • Semi-detached dwelling built form; and • Pool excavation.
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for the alterations and additions to the semi-detached dwelling house including new double garage and studio above facing Busby Lane, swimming pool and associated landscaping works at the site known as 37 Chesterfield Parade, Bronte.

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

- Building height exceedance and wall height;
- Semi-detached dwelling built form; and
- Pool excavation.

The assessment finds these issues acceptable as the applicant's written height variation request has adequately addressed the matters required to be addressed by clause 4.6 of the Waverley LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of height of building and the R2 zone. Given the slope of the site, the non-complying wall height is considered acceptable on merit as it preserves the amenity of surrounding properties. The front half of the first floor side setback has been conditioned to be increased to 1.38m from the western boundary so bedroom 01 is in line with the ground floor and reduces the apparent bulk from the streetscape and is consistent with the approved adjoining semi-detached dwelling development. The pool is recommended to be conditioned to have a 0.9m side setback to the eastern boundary.

A total number of 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.

1.2. Site and Surrounding Locality

A site visit was carried out on 22 June 2022.

The site is identified as Lot B DP 157979, known as 35 Chesterfield Parade, Bronte.

The site is rectangular in shape with a primary frontage to Chesterfield Parade, measuring 7.545m and a secondary frontage to Busby Lane. It has an area of 418.5m² and it falls from the front northern boundary towards the rear southern boundary by approximately 5.73m.

The site is occupied by a three storey semi-detached dwelling with vehicular access provided from Busby Lane to a single garage. There are trees and shrubs in the yard and a sauna is adjacent the garage.

The site is adjoined by a two story semi-detached dwelling and a detached dwelling on either side. The locality is characterised by a variety of low residential development.

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



Figure 1: View of the front façade of the subject site from Chesterfield Parade.



Figure 2: View of the rear façade of the dwelling and the adjoining semi-detached dwelling at 37 Chesterfield Parade to the left.



Figure 3: View of the rear yard looking south.



Figure 4: View of the rear yard and view from the first floor looking south.



Figure 5: View of the rear garage off Busby Lane.



Figure 6: View of the adjoining garages off Busby Lane (37 and 39 Chesterfield Parade).

1.3. Relevant Development History

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

- DA-126/1982: Development Application for the alterations and additions to erect a third storey to the existing dwelling, approved on 9 December 2022.
- LD-61/2001: Local Development to construct alterations and additions including a balcony at the rear, approved 1 May 2001.

The adjoining semi-detached dwelling at 37 Chesterfield Parade, Bronte gained recent approval on 6 October 2021 (DA-303/2021) for alterations and additions to semi-detached dwelling including new first floor addition, double garage with studio above. The subject proposal is designed by the same Architect and has kept a similar design. The following conditions from the notice of determination have relevance to this proposal:

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

(a) Increase the front half of the first floor side setback to 1.4m from the eastern boundary so bedroom 03 is in line with the ground floor and reduces the apparent bulk from the streetscape.

(b) Reduce the ground floor rear balcony size to 1.5m deep and maintain the 1.7m privacy screens on either side of the balcony.

1.4. Proposal

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

Lower Ground Floor:

- Proposed conversion of existing bedroom on Lower Ground Level to include an internal staircase to connect to above levels.

Ground Floor:

- Proposed alteration of existing ground floor living, dining, and kitchen spaces into an open plan layout with an extension to the balcony to match adjacent development (approved DA-303/2021)

First Floor:

- Proposed alteration of existing level 01 bedrooms into larger rooms facing north and south; including a larger bedroom with walk-in-robe and ensuite;
- A new main bathroom and a void space to enhance the sense of space for the living room below by providing a double height volume and a rounded skylight above.

External:

- New landscape planting, reduced lawn area and a new swimming pool on the courtyard level.
- Demolition of existing rear part of the property consisting of the Garage on a sloped gradient facing Busby Lane.
- Proposed new double car garage facing Busby Lane and a new studio space citing above.

1.5. Background

The development application was lodged on 9 May 2022 and deferred on 8 July 2022 for the following reasons:

1. Shadow Diagrams did not show the full extent of the shadow from the rear extension;
2. Predominant rear building line of the ground floor balcony;
3. Semi-detached dwelling form to match the approved dwelling at 37 Chesterfield Pde and consider condition 2 of DA-303/2021 regarding rear balcony depth and first floor side setback;
4. Inclusion of the storage area on the lower ground level as the floor is above 1m;
5. Concerns over the Lower ground level being used as a secondary dwelling;
6. Garage and driveway width;
7. Biodiversity.

The applicant lodged amended Architectural Plans, Landscape Plan and updated Shadow Diagrams. The rear balcony depth and first floor side setback has not been changed and a planning statement has justified both the built forms. An additional door from the lower ground lounge room has been added to connect this room to the internal stairs and remove concerns for the area being used as a secondary dwelling. The garage width is reduced to 5m.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

- SEPP (Building Sustainability Index – BASIX) 2004

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

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The development does not contravene the aims of this 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 semi-detached dwelling, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	No	The proposed first floor addition has an overall building height of 9.575m. The proposal varies the height development standard by 1.075m or 12.6%.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> 0.64:1 (267.9m²) 	Yes – conditioned	The proposed extension proposes a compliant FSR of 0.636:1 (265.9m ²).
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of building development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 6 Additional local provisions		
6.2 Earthworks	Yes	Some excavation and fill works are proposed, notably to accommodate the swimming pool and garage. The extent of excavation is not deemed excessive. Notwithstanding, conditions of consent are recommended to control disturbances to neighbouring properties that could be encountered by the excavation and fill works in the rear yard of the site. Dilapidation reports will be required to be prepared in this regard.

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 FSR Development Standard

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 height of building development standard of 8.5m. The proposed development has a height of 9.575m, exceeding the standard by 1.075m equating to a 12.6% variation. A written request has been submitted to Council in accordance with clause 4.6(3)(a) and (b) of Waverley LEP 2012 seeking to justify the contravention of the development standard by demonstrating:

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

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

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

The applicant seeks to justify the contravention of the height of building 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 development standard are achieved notwithstanding non-compliance with the standard;*
 - (ii) *The building height is compliant for 86.8% (53.3m² out of 61.4m²) of the entire level 01 building volume when viewed from the west elevation. Amenity impacts caused by the additional bulk from the area of non-compliance will not be noticeable compared to that of a fully compliant design.*
 - (iii) *The proposed height encroachment does not result in any view loss to surrounding dwellings.*
 - (iv) *In addition, the shadow impacts on neighbouring properties caused by the non-compliant section of this height encroachment are negligible. Refer to the Sun's Eye View diagrams taken during mid-winter.*
 - (v) *The proposed alteration on the first level has a maximum roof level of RL 68.40m, which is aligned to the proposed alteration and addition of the 37 Chesterfield Parade approved DA.*
 - (vi) *The perceived bulk and scale of the proposal is consistent with that from the approved DA of 37 Chesterfield Parade. The southern most building elevation of the new addition is proposed to be constructed 5.59m back from the pre-dominant rear building line which serves to significantly reduce the bulk and scale at the rear of the proposed dwelling.*
 - (vii) *The objective of the standard is important in keeping with its context, and to ensure that view sharing and amenity impacts is kept to a minimum. The proposal, as described in the Statement of Environmental Effects, demonstrates that this is achieved despite being a minor encroachment into the maximum allowable height. We understand that the minor height encroachment does not give rise to any view loss in neighbouring dwellings given the sloping sight, the proximity to neighbouring structures of similar dimensions and the existence of the large fig trees on Chesterfield Parade.*
 - (viii) *In our opinion, the requirements to comply with the maximum height of buildings control is not necessary in this circumstance as the roof height of the proposal is equal to or less than*

the adjacent neighbouring buildings to ensure that the view sharing and amenity impacts are kept to the minimum.

- (ix) The sloping nature of the site from north to south makes compliance with the height controls difficult. Note that to the northern or highest point of the site the proposal is significantly below the maximum permissible height, the encroachment occurs to the rear of the dwelling where the site reaches its lowest point toward the pre-dominant rear building line. In our opinion, compliance with the Height of Buildings Control is unreasonable in the context of the site, such that it prevents the orderly and economic use and development of the subject land.*
 - (x) While the standard has not been virtually abandoned or destroyed, there are various examples of developments under the Waverley LGA which have been approved with similar non-compliances to the Height of Buildings development standard, an example of which can be seen in the adjacent approved development on 39 Chesterfield Parade (DA-162/2020) and 37 Chesterfield Parade (DA-303/2021).*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:*
- (i) The proposal is consistent with the physical definition of the main street at Chesterfield Parade and proposes a first floor addition that sits at least 1m behind the existing gable roof to ensure that the existing house retains to be the dominant frontage. This is in keeping with the requirements of section 2.13.2 of the Waverley DCP. The first floor addition has been intentionally finished in timber cladding, such that it contributes to the physical definition of the street network by positively complimenting the tree line of Chesterfield Parade.*
 - (ii) The proposed design is significantly set back from the predominant rear boundary line and back from the adjacent approved building on 39 Chesterfield Parade by 5.59m. By electing to not extend as far back as the controls permit, the proposal bulk and scale is significantly reduced when perceived from the rear end of the property or from any of the adjacent properties.*
 - (iii) The consistency of the development with the zone objectives and the objectives of the Height of Building development standard and the lack of impact arising is sufficient grounds to support that breach in height and confirms the lack of necessity for the development to comply. This therefore demonstrates sufficient environmental planning grounds to justify contravening the standard.*

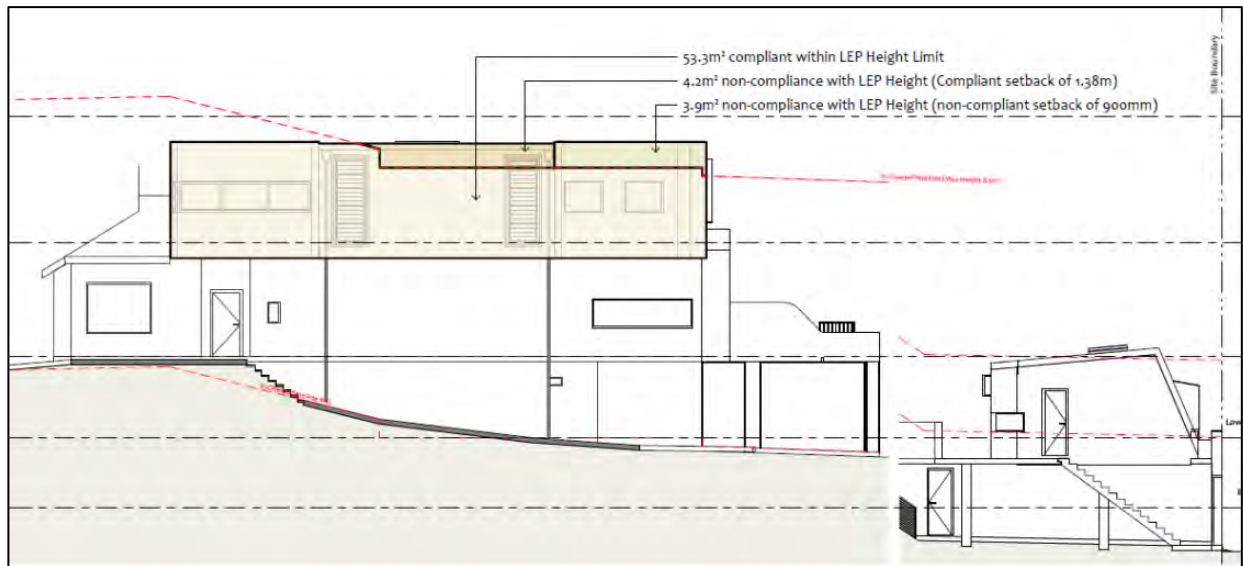


Figure 7: Easterly elevation of the proposed addition and the height exceedance above the 9.5m height limit.

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), (c) and (d) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. The Clause 4.6 variation request provides a sound justification through referencing the recently approved developments next door at No. 37 Chesterfield Parade (DA-303/2021) with an approved height of 9.08m and 39 Chesterfield Parade (DA-162/2020) with an approved height of 9m. It would be inconsistent with the existing and future character of the streetscape, considering the neighbouring property was deemed acceptable within its context. The proposal is consistent with or less than the height, bulk and scale of the neighbouring structure at 37 Chesterfield Parade. The proposed development achieves the objectives of the height development standard and the R2 zone.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. The non-compliance to the development standard is encountered in a small portion of the roof area of the proposed first floor addition located above the existing lower ground floor lounge room, therefore, amenity impacts caused by the non-compliance will be indistinguishable from that of a fully compliant design. The design of the first floor extension matches the recent approved development roof height of RL 68.40 at No. 37 Chesterfield Parade which is considered reasonable. Due to the north-south orientation and topography of the site, any first floor addition is expected to overshadow rear private open spaces. The additional shadows cast from the height exceedance is considered reasonable as it preserves solar access to neighbouring windows and maintains 3 hours of sunlight to neighbouring yards. There are sufficient environmental planning grounds that the proposed height and setback can be achieved without adverse impacts including view loss, overshadowing and privacy loss.

Is the development in the public interest?

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

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

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

Planning Comment: The proposal enables view sharing and preserves the surrounding environmental amenity from Chesterfield Parade and Busby Lane. The roof level of the proposed first floor addition is to match the approved height (RL 68.40) of the adjoining semi-detached dwelling to the east of the site at 37 Chesterfield Avenue. Notwithstanding, the perceived overall building height of the proposal will be similar to that of the adjoining semi-detached dwelling when viewed from Chesterfield Parade. The areas where the proposal exceeds the height of buildings development standard do not overly accentuate the perceived building height, bulk and scale of the proposal and will not be discerned from both Chesterfield Parade and Busby Lane.

Further, the proposal complies with the FSR development standard under Waverley LEP 2012 and is set back sufficiently from front, rear and side boundaries of the site. Therefore, the proposal results in a building envelope that is compatible with the height, bulk and scale of the desired future character of the locality. Given the proposal's consistency with the overall building height of the first floor level of the adjoining semi at 37 Chesterfield Parade and that it maintains the integrity of the semi-detached dwelling on the site by having the first floor addition set back from the front ridgeline of the roof of the semi, the proposal will positively complement and contribute to the physical definition of the street network of Chesterfield Parade. Therefore, the proposal achieves and is consistent with objective (d). Points (b) and (c) are not applicable.

The relevant objectives of the Low Density Residential 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.*

Planning Comment: The proposal is consistent with the objectives of the R2 zone, in that it contemporises the existing dwelling house with modern and flexible internal layouts and designs that meet the housing needs of the community within a low density residential environment. The height non-compliance is encountered by improving the internal amenity of the existing dwelling.

Conclusion

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

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory.
2. Ecologically Sustainable Development	Yes	Satisfactory.
3. Landscaping and Biodiversity	No, to be conditioned	The landscape plan has been reviewed and is not acceptable by Council's Biodiversity Officer. The site is within a biodiversity habitat corridor and has been conditioned to comply with the 50% of the plants chosen are indigenous.
5. Vegetation Preservation	Yes	Six trees are proposed to be removed as per the Arborist Report which is supported by Council. Refer to section 3 of this report on referral commentary in relation to tree management.
6. Stormwater	Yes	Satisfactory. Refer to section 3 of this report on referral commentary in relation to stormwater.
8. Transport Maximum parking rate: <ul style="list-style-type: none"> 2 spaces for 3 or more bedrooms. 	Partial - conditioned	The proposal provides for two car spaces in the garage located off Busby Lane for the four bedroom dwelling. Its design and location are satisfactory and maintain the existing driveway. The proposed double garage has an entry width of 5.3m and headroom of 1.95m. This does not comply with Council's requirement that the maximum entry width for a double garage is 5m at the property boundary and the head room to be 2.2m. A condition of consent requires the garage door to be reduced in width by 0.3m and increase the headroom by 0.25m.
9. Heritage	Yes	The site borders the Busby Heritage Conservation Area and the Chesterfield Landscape Conservation Areas but is not an item or a part of a Heritage Conservation Area. Council's Heritage Architect has reviewed the proposal and provided recommended design changes to the front of the semi-detached dwelling to increase cohesion with the adjoining semi-detached dwelling at 37 Chesterfield Parade. The side eastern wall of bedroom 01 is conditioned to be set in 1.38m from the shared boundary and be inline with the ground floor side wall.
12. Design Excellence	Yes	The proposal is architecturally designed and is deemed a suitable response to the site and streetscape.
14. Excavation	No	The proposed swimming pool is 0.6m from the eastern boundary and a recommended condition of consent requires the pool edge to have a 0.9m setback to the boundary.

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

Development Control	Compliance	Comment
2.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
2.1 Height		
Flat roof dwelling house <ul style="list-style-type: none"> Maximum wall height of 7.5m 	No (acceptable on merit)	<p>The overall external wall height of the proposal is defined by the uppermost level of the pop-out master bedroom at the rear of the first floor addition, which is RL68.40. It measures 9.5m above existing lower ground level which significantly slopes to the rear. Despite the non-compliance, this section of the addition is set back sufficiently from the western side boundary of the site and its western elevation is sufficiently articulated by a range of fenestration and differing materials and finishes.</p> <p>Further, the overall wall height does not result in undue and unreasonable overshadowing impact, particularly at 9am and 3pm on 21 June on surrounding properties. The non-compliance will not be discernible from Chesterfield Parade given the first floor addition is neatly located behind the front slope of the existing roof of the semi-detached dwelling. As explained earlier, the proposal is not expected to affect iconic views and water views. Therefore, the non-compliance is deemed acceptable with regard to how the proposal performs against relevant objectives under section 2.1 of Part C2 of the DCP that have informed the wall height control.</p>
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 front ground floor building line is preserved. The proposed first floor addition is set 1m behind the uppermost ridgeline of the front section of the roof and is inline with the approved first floor level at 37 Chesterfield Parade.</p> <p>The lower ground floor rear building line is kept inline with the existing building foundations.</p> <p>The ground floor rear building line to the balcony balustrade (not including the planter) is extended 1.57m past the existing balcony and the approved adjoining balcony at 37 Chesterfield Pde. This extension to the ground floor is within the predominant rear building line established along the southern side of Chesterfield Pde and is considered acceptable.</p>

Development Control	Compliance	Comment
		<p>The rear first floor building line is set 0.8m in from the ground floor and aligns with the adjoining approved first floor of 37 Chesterfield Pde, which is considered acceptable.</p> <p>The front and rear setbacks of the laneway development are considered against separate set of controls.</p>
<p>2.2.2 Side setbacks</p> <ul style="list-style-type: none"> Minimum of 0.9m (for height up to 8.5m) or 1.2m (height non-compliant 2 storey dwelling) 	<p>Yes</p> <p>Partial compliance</p>	<p>The lower ground and ground floor levels are both set back by a minimum of 1.3m from the eastern side boundary of the site.</p> <p>The first floor addition is set back between 0.9m and 1.4m from the eastern side boundary of the site. Given the non-compliance with the height of buildings development standard of 8.5m, the DCP recommends that the proposed first floor level should have a minimum side setback of 1.2m.</p> <p>The front section of the first floor is recommended to be conditioned to increase the side setback to 1.38m so bedroom 01 is in line with the ground floor and reduces the apparent bulk from the streetscape. The same condition was applied to the recently approved development at 37 Chesterfield Parade (DA-303/2021) which will increase symmetry between the semi-detached pair. setback and over the maximum height limit acting as precedent. The proposed western side setbacks of the master bedroom at the rear is deemed reasonable and will not result in undue amenity impacts upon the eastern neighbouring property at 33 Chesterfield Parade and allows the majority of the block to remain at the rear of the dwelling.</p>
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context Replacement windows to complement the style and proportions of existing dwelling Significant landscaping to be maintained. 	<p>Yes</p> <p>Yes</p>	<p>The proposed alterations and additions are well concealed behind the front section of the semi-detached dwelling on the site.</p> <p>The new windows are deemed suitable with the proportions and style of the existing window opening. The front roof slope of the semi will be retained. Therefore, the alterations and additions will have a limited and acceptable impact on the streetscape of Chesterfield Parade.</p> <p>The proposed laneway development is compatible with the varied styles of such development in Busby Lane.</p>
2.5 Visual and acoustic privacy		

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> 	<p>Yes</p> <p>No</p>	<p>New windows to the first floor rooms along the western elevation do not result in adverse privacy issues as 33 Chesterfield Parade is single story. The new window (W-08) from the kitchen directly overlooks existing windows on No. 33 and appears to be associated with the kitchen splashback. To mitigate privacy given the high use activity of a kitchen, it is recommended this window be fixed and translucent glazing. A condition to this effect is recommended for imposition.</p> <p>A balcony measuring 3.5m x 5.7m is proposed off the ground floor living room with an area of 20m², which is non-compliant. Privacy screens are proposed either end to the balcony and no privacy impacts are expected to result from the construction of the balcony. There are pre-existing patterns of development in the vicinity of elevated decks and balconies at No. 23, 25 and 41 Chesterfield Parade and the adjoining balcony at 37 Chesterfield Parade intend to match the size of the balcony at the subject site which is considered acceptable on merit.</p>
2.6 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June Minimum of three hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June. Avoid unreasonably overshadowing of solar collectors (including habitable windows). 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The site has a north-south orientation and maintains living areas and private open space to the southern end of the site. Three hours of solar access is not able to be achieved to southern facing living areas but this is an existing non-compliance.</p> <p>The first floor will result in the loss of solar access to the rear yards of 33 Chesterfield Pde from 9am to 12pm but three hours of solar access is maintained in the afternoon. Overshadowing to 37 and 39 Chesterfield Pde occurs from 12pm onwards but provides solar access to the windows along the western elevation.</p> <p>Additional shadows from the studio garage fall across Busby Laneway and over the rear yard and studio roof at 24 and 26 Busby Parade. However, 3 hours of solar access is maintained and is considered acceptable.</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 	<p>Yes</p>	<p>The proposal maintains the existing arrangement of the driveway off Busby Lane to a new double garage. The location and design approach are accepted on this basis.</p>

Development Control	Compliance	Comment
<p>2.13.1 - Built form</p> <ul style="list-style-type: none"> Additions to match the style of the original semi-detached dwelling Existing roof form maintained forward of principal ridgeline 	Yes	The proposed alterations and additions to the semi-detached dwelling are cohesive and are located behind the principal ridgeline of the roof of the semi-detached dwelling.
<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 Flat roofs should be only used when not seen in a Heritage Conservation Area First floor additions should match the style of the additions on the adjoining semi (if relevant). 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The proposed first floor addition is set back 300mm from the principal ridgeline of the roof of the semi.</p> <p>Council's Heritage Advisor did not object to the flat roof form of the first floor addition, provided it was sufficiently set back from the principal ridgeline. A recommended condition of consent to increase the front half of the first floor side setback to 1.38m from the western boundary so bedroom 01 is in line with the ground floor, reduces the apparent bulk from the streetscape and maintains symmetry between the semi-detached pair.</p> <p>The first floor addition does match the approved first floor built form on 37 Chesterfield Parade which has been designed by the same Architect.</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 Historic features of the roofscape are to be incorporated into the addition Dorms roof forms are to match the style of the original dwelling New windows to have a similar proportion to the existing Upper wall finishes to reflect the style and character of the original building. 	Yes	The contemporary palette and use of materials and finishes of the first floor addition are considered suitable in that the addition is well concealed behind the original component of the semi-detached dwelling, and therefore, will not unacceptably impact on the original features and integrity of the semi-detached dwelling when viewed from Chesterfield Parade.
2.14 Dual Frontage Development		

Development Control	Compliance	Comment
<p>2.14.1 - General Controls</p> <ul style="list-style-type: none"> • Primary and secondary frontage to be defined • Appropriate forms to be provided to each street • Dormer or roof projections: <ul style="list-style-type: none"> ○ set a minimum of 0.6m from outer garage walls; ○ set a minimum of 0.3m below the garage ridgeline; and ○ not have a maximum combined width exceeding 50% of associated roof width. ○ be detailed to address overlooking • Privacy treatments to be provided for first floors above garages • Pedestrian pass door provided for single width garage doors • Garage studios and rear lane garage develops are to be provided with landscaping 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The site is double fronted with its primary street frontage to Chesterfield Parade and its rear frontage to Busby Lane. The proposal responds well to both frontages, preserving the original character of the semi-detached dwelling when viewed from Chesterfield Parade, while providing a contemporary garage and studio above which appropriately responds to the rear of the site. No approval is granted for the studio to be used as a domicile and is a recommended condition.</p> <p>Windows from the studio garage face towards Busby Lane and the rear yard. The southern dormer window is compliant with the controls.</p> <p>A 1.8m timber fence is maintained along the western boundary which will provide privacy from the studio garage.</p> <p>A single pedestrian pass door is provided.</p> <p>No landscaping is provided to the lane way and isn't a common form along Busby Lane.</p>
<p>2.14.2 - Laneway Design Provisions</p> <ul style="list-style-type: none"> • Maximum external wall height of 3.6m • Maximum overall height of 6m to the roof ridge • Gable ends not encouraged • Pitched roof form required • Landscape character of the lane maintained 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The garage presents a 3.26m wall to Busby Lane which is considered acceptable due to the slope of the land.</p> <p>The studio garage proposes a compliant 5.7m overall height.</p> <p>Two trees are removed for the garage and which is acceptable as landscaping along Busby Lane isn't a common form.</p>
<p>2.14.3 Development in Heritage Conservation areas</p>	<p>Yes</p>	<p>The site is not within a heritage conservation area, but it borders the Busby Lane Conservation Area. Given the mix of contemporary laneway developments and rear garage structures that front Busby Lane, the proposed laneway development is considered suitable within the Busby Lane context.</p>

2.2. Other Impacts of the Development

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

2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.4. Any Submissions

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

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:

- Shadow Diagrams showed the full extent of the shadow from the rear extension;
- The storage area on the lower ground level was included in the GFA calculation;
- The Lower ground level has included a door to the staircase so it is not used as a secondary dwelling; and
- Garage and driveway width now comply with the controls.

One unique submissions were received from the following properties:

- 33 Chesterfield Parade, Bronte

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

- Visual Privacy from the studio and side has been improved with the addition of a 1.8m boundary timber fence.

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

Issue: *On the upper level of the development in the north western corner there are 3 windows which overlook our front garden. We request that the windows are set further south or reduced in number and or louvered to retain our privacy.*

Response: The windows (W-13 and W-14) are located off a bedroom, which is a low use room where privacy mitigation is also necessary for the occupants of the room. Further, these windows are orientated towards the front of the dwelling and primarily overlook the public domain. Notwithstanding this, the window, W13 on the western elevation is expansive and is recommended to be reduced to 50% of its width to provide adequate amenity for the occupier, whilst minimising overlooking to next door. A condition to this effect is recommended for imposition.

2.5. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Traffic and Development

Council's Traffic Engineer reviewed the Architectural Plans and raised an issue with the garage door width at the property boundary. Amended plans have addressed these issues.

3.2. Stormwater

Council's Stormwater Engineer reviewed the stormwater plans and found them acceptable subject to conditions.

3.3. Tree Management

Council's Tree Management Officer did not raise any objection to the application.

3.4. Biodiversity

The property lies within the identified coastal biodiversity corridor and the application was referred to Council's Biodiversity Officer. The landscape plans received on 6 May 2022 did not comply with the abovementioned control and amended plans were requested. The amended plans at D22/69831 do not comply with this control as the percentage of native trees is less than 50%. It is also noted that the trees that are proposed are unlikely to provide as much canopy cover as those proposed to be removed. Landscape plans must be conditioned to include at least 50% locally indigenous trees and then resubmitted to ensure compliance with these controls.

3.5. Heritage Conservation

The building is situated in a Landscape Conservation Area and borders the Busby Heritage Conservation Area and was referred to Council's Heritage Adviser for comment. Verbal confirmation was received to increase the front half of the first floor side setback to 1.38m from the eastern boundary, so bedroom 01 is in line with the ground floor side wall and reduces the apparent bulk from the streetscape and match the condition included in the adjoining approved first floor extension in DA-303/2021. Conditions to this effect are recommended for imposition.

4. CONCLUSION

The development application seeks consent for the alterations and additions to dwelling house including new double garage and studio above facing Busby Lane, swimming pool and associated landscaping works at the site known as 35 Chesterfield Parade, Bronte.

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

- Building height exceedance and wall height;
- Semi-detached dwelling built form; and
- Excavation near side boundary.

The assessment finds these issues acceptable as the applicant's written height variation request has adequately addressed the matters required to be addressed by clause 4.6 of the Waverley LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of height of building and the R2 zone. Given the slope of the site, the non-complying wall height is considered acceptable on merit as it preserves the amenity of surrounding properties. The front half of the first floor side setback has been conditioned to be increased to 1.38m from the western boundary so bedroom 01 is in line with the ground floor and reduces the apparent bulk from the streetscape and is consistent with the approved adjoining semi-detached dwelling development. The pool is recommended to be conditioned to have a 0.9m side setback to the eastern boundary.

One submission was received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation. There were no declared conflicts of interests made during the assessment.

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 8/11/2022 and the DBU determined:

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

DBU members: A Rossi, B McNamara, E Finnegan, B Magistrale and T Sneesby

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Edwina Ross	Angela Rossi
Development Assessment Planner	Manager, Development Assessment (Area 1) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 11/11/2022	Date: 15/11/22

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 JKM Architects of Project No: 2101 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA00.20, revision D	Site Plan	10/11/2022	10/11/2022
DA02.00, revision E	Proposed Busby Lane Level Plan	10/11/2022	10/11/2022
DA02.01, revision D	Proposed Busby Lane Studio Plan	10/11/2022	10/11/2022
DA02.02, revision D	Proposed Busby Lane Studio Roof Plan	10/11/2022	10/11/2022
DA02.03, revision D	Proposed Lower Ground Plan	10/11/2022	10/11/2022
DA02.04, revision D	Proposed Ground Plan	10/11/2022	10/11/2022
DA02.05, revision D	Proposed Level 01 Plan	10/11/2022	10/11/2022
DA02.06, revision D	Proposed Roof Plan	10/11/2022	10/11/2022
DA03.10, revision D	Proposed Elevations 01	10/11/2022	10/11/2022
DA03.11, revision D	Proposed Elevations 02	10/11/2022	10/11/2022
DA03.12, revision D	Proposed Elevations 03	10/11/2022	10/11/2022
DA04.10, revision D	Proposed Sections 01	10/11/2022	10/11/2022
DA04.11, revision D	Proposed Section 02	10/11/2022	10/11/2022
DA20.30, revision B	Materials and Finishes	10/11/2022	10/11/2022

(b) Landscape Plan No.s L001, L002, L101, L102 and L200 and documentation prepared by Westlake Landscape Architecture, dated (20/07/2022) and received by Council on (22/07/2022);

(c) BASIX Certificate

(d) Stormwater Details and documentation prepared by Rise Consulting Engineers Pty Ltd, Job No. 22010, Drawing No. D.010, D.020, and D.030, Issue A, dated 12/04/2022, and received by Council on 06/05/2022;

(e) The Site Waste and Recycling Management Plan (SWRMP) Part 1 (06/05/2022):

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) The first floor western side setback to the front section of the dwelling addition (that is, the addition forward of the stairwell, including Bedroom 01) shall be increased to align with the western wall of the existing ground floor level below (setback of approximately 1.38m) to enhance the visual presentation of the new works with existing, upon the streetscape.
- (b) The pool edge to have a 0.9m setback to the boundary so the excavation is appropriately setback from the shared boundary.
- (c) The new window (W-08) off the kitchen shall be amended to be fixed and translucent glazing to mitigate privacy impacts.
- (d) Window W13 on the western elevation of the first floor level is to be reduced in size, so as to be 50% of its proposed width to mitigate privacy.
- (e) Replacement windows to the original section of the dwelling on the front façade (that is, the ground floor and gable windows above on the northern elevation) shall be timber framed. At ground level the replacement windows are to be replaced like for like (in terms of operability).
- (f) Window operation including materiality for all openings is to be clearly shown on the plans.

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

3. APPROVED USE - DWELLING HOUSE WITH STUDIO

This application approves the use of the principle dwelling on site as a single unit dwelling house only, with a studio above the garage at the rear.

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

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

GENERAL REQUIREMENTS

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

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

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

5. HOME BUILDING ACT

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

CONTRIBUTIONS, FEES & BONDS

6. SECTION 7.12 CONTRIBUTION

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

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

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

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

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

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

7. SECURITY DEPOSIT

A deposit (cash or cheque) for the amount of \$ **17,250** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

8. LONG SERVICE LEVY

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

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

CONSTRUCTION MATTERS

9. HOARDING

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

10. EROSION & SEDIMENT CONTROL

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

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

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

11. 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.

12. ENGINEERING DETAILS

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

13. ENGINEERING CERTIFICATE OF ADEQUACY

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

14. EXISTING PARTY WALL IS TO BE EXTENDED

The existing separating wall is to be extended to the underside of the roof in accordance with the requirements of the National Construction Code. All work to the separating wall must be contained within the boundaries of the subject site only, unless agreement between neighbours for work affecting both sides of a separating wall, including written consent of all owners of all properties upon which work will take place has been obtained.

15. STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS

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

STORMWATER & FLOODING

16. 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 Rise Consulting Engineers Pty Ltd, Job No. 22010, Drawing No. D.010, D.020, and D.030, Issue A, dated 12/04/2022 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 a complete and detailed OSD design including multiple cross-sections (drawn to a suitable scale), proposed construction materials, and full orifice details. The 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) A certificate from a registered structural engineer certifying the structural adequacy of the OSD tank structure is to be provided. Any below ground OSD tank structure shall be a cast in-situ concrete based.
- d) Detail the location of the existing stormwater drainage system including all pipes, inspection openings, surface drains, pits and their discharge location as well as any new stormwater drainage system.
- e) Seepage water must not be directly or indirectly discharged to Council's street gutter.
- f) A sediment control stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- g) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- h) Any new downpipes are to be located wholly within the property's boundary.
- i) The proposed OSD tank shall be located outside of the swimming pool and its coping.
- j) A grated trench drain shall be provided across the (garage entrance/driveway/street boundary) within private property. Unless otherwise sized by a suitably qualified and practising Engineer, the dimensions of the trench grate shall be no less than 300mm wide by 100mm deep at the shallow end and have a "bottom" slope of 2%. This trench drain shall be connected to an approved drainage system.
- k) 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).

17. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

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

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

ENERGY EFFICIENCY & SUSTAINABILITY

18. BASIX

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

WASTE

19. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

LANDSCAPING & TREES

20. LANDSCAPE WORKS IN A HABITAT CORRIDOR

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

TRAFFIC MANAGEMENT

21. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

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

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

22. DILAPIDATION REPORT

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

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

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

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

23. CONSTRUCTION SIGNS

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

DEMOLITION & EXCAVATION

24. 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.

25. 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.

26. 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.

27. 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

28. 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*.

29. 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.

30. 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.

31. 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.

32. 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.

33. WORK OUTSIDE PROPERTY BOUNDARY

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

34. 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.

35. 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

36. TREE PROTECTION

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

37. STREET TREES TO BE RETAINED/TREE PROTECTION

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

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

D. PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

38. 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.

39. CERTIFICATION OF BASIX COMMITMENTS

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

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

- a. A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared by a Registered Surveyor. This drawing must detail the alignment of all pipelines, pits, 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.

41. 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.

42. 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.

43. CERTIFICATION OF SWIMMING POOL/OUTDOOR SPA

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

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

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

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

E. OPERATION AND SPECIAL CONDITIONS

45. 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.

AD8. SITE RECTIFICATION WORKS

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

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

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



BUILDING SPECIFICATIONS

All works are to be carried out in accordance with the relevant requirements of the National Construction Code , the Home Building Act and relevant Australian Standards.

STRUCTURE / FINISH

BRICKWORK / MASONRY

All Masonry work to comply with relevant australian standards including AS3700, AS2699, and AS/NZS 2904. Bricks selection to Structural Engineer's specification.

CONCRETE

All concrete to be poured and set to comply with relevant australian standards including AS3600. Footings and slabs to be poured in compliance with AS2870.

TIMBER

All Timber work to comply with AS1684.

DRAWING LIST

Sheet Number	Sheet Name	Current Revision
DA00.00	Cover Sheet	E
DA00.01	BASIX Compliance Table	B
DA00.10	Site Analysis	D
DA00.20	Site Plan	D
DA02.00	Proposed Busby Lane Level Plan	E
DA02.01	Proposed Busby Lane Studio Plan	D
DA02.02	Proposed Busby Lane Studio Roof Plan	D
DA02.03	Proposed Lower Ground Plan	D
DA02.04	Proposed Ground FLOOR Plan	D
DA02.05	Proposed Level 01 Plan	D
DA02.06	Proposed Roof Plan	D
DA03.10	Proposed Elevations 01	D
DA03.11	Proposed Elevations 02	D
DA03.12	Proposed Elevations 03	E
DA04.10	Proposed Sections 01	D
DA04.11	Proposed Sections 02	D
DA20.10	Shadow Diagram 9am	C
DA20.11	Shadow Diagram 12pm	C
DA20.12	Shadow Diagram 3pm	C
DA20.13	Sun-Eye View Diagram	C
DA20.20	Area Plans	C
DA20.30	Materials and Finishes	B

LEGEND

- MDR - Metal Deck Roofing
- BWK - Brickwork
- GU - Gutter
- TMB - Timber Cladding
- OW - Operable Window
- FW - Fixed Window
- REN - Rendered Wall
- BAL - Balustrade
- DP - Downpipe
- SL - Skylight
- AF - Aluminium Frame

DEVELOPMENT SUMMARY

Site Area: 417.8m²

FSR: 0.64 : 1
Permissible GFA: 267.4m²

Existing GFA: 218m²

Proposed Level 01: 76.7m²
Proposed Ground: 112.3m²
Proposed Lower Ground: 46.2m²
Busby Lane studio: 30.7m²

Total Proposed GFA: **265.9m²**
Proposed FSR: **0.636 : 1**

FINISHES

STEEL STRUCTURE / METALWORK

All steel structure and non-structural members are to comply with AS4100, AS3623 and AS/NZA4600 and to Structural Engineers design and specification.

METAL CLADDING / ROOF SHEETING

All walls and roofing work to comply with AS1562.

MANAGEMENT

TERMITE PROTECTION

All Termite Management and protection work and measures are to comply with AS3660.1

TREE PROTECTION AND MANAGEMENT

All site work and tree protection measures and management must be carried out in accordance with the Arborist's report and detail.

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Waverley Council

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			<div>B</div>	<div>2022.03.10</div>	<div>For Client Approval</div>		<div>Project Address</div> <div>35 Chesterfield Parade, Bronte</div>	<div>Sheet Name</div> <div>Cover Sheet</div>	<div>Scale</div> <div>@ A3</div>	
			<div>C</div>	<div>2022.04.20</div>	<div>Development Application</div>			<div>Drawing no.</div> <div>DA00.00</div>	<div>Revision</div> <div>E</div>	
			<div>D</div>	<div>2022.07.21</div>	<div>DA - Additional Information</div>					
<div>E</div>	<div>2022.11.10</div>	<div>DA - Additional Information</div>								

BASIX COMPLIANCE TABLE

POOL AND SPA

Rainwater Tank:

Rainwater tank of at least 858 litres on the site must be installed. The rainwater tank must meet, and be installed in accordance with the requirements of all applicable regulatory authorities.

Outdoor Swimming Pool:

Swimming Pool must be outdoors; Swimming pool must not have a capacity greater than 15.1 kilolitres.

CONSTRUCTION

Insulation Requirements:

New or altered construction (floors(s), walls and ceiling/roofs) to be constructed in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m2, b) insulation specified is not required for parts of altered construction where insulation already exists.

Construction	Additional Insulation required (R-Value)	Other specifications
Concrete slab on Ground floor	Nil	
Suspended floor above garage: framed (R0.7)	Nil	
Floor above existing dwelling or building.	Nil	
External wall: Brick Veneer	R1.16 (or R1.70 including construction)	
External wall: framed (weatherboard, fibro, metalclad)	R1.30 (or R1.70 including construction)	
Flat Ceiling, flat roof: framed	Ceiling: R1.08 (up) roof: foil backed blanket (75mm)	Light (solar absorptance 0.475 - 0.70)

Glazing Requirements

Windows and Glazed Doors

Windows, glazed doors and shading devices to be installed in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.

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 below:

Overshadowing buildings or vegetation must be of the height and distance from the centre and the base of the window and glazed door, as specified in the ‘overshadowing’ column in the table below.

Window / door no.	Orientation	Area of glass including frame (m2)	Overshadowing Height (m)	Overshadowing Distance (m)	Shading Device	Frame and glass type
W-01	S	3.17	0	0	Projection / height above sill ratio >=0.23	Standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W-02	N	2.01	0	0	Projection / height above sill ratio >=0.29	Standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W-03	N	0.37	0	0	Projection / height above sill ratio >=0.43	Standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W-04	N	1.76	0	0	Projection / height above sill ratio >=0.43	Standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W-05	S	8.28	0.5	3	none	Standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W-06	S	10.35	0	0	none	Standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W-07	S	2.88	0	0	none	Standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W-08	W	2.88	0	0	Projection / height above sill ratio >=0.23	Aluminium, single Lo-Tsol low-e (U-value: 5.6, SHGC: 0.36)
W-09	S	2.4	0	0	none	Standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W-10	S	5.17	0	0	none	Standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)
W-11	E	1.2	0	0	Projection / height above sill ratio >=0.23	Aluminium, single Lo-Tsol low-e (U-value: 5.6, SHGC: 0.36)
W-11	E	1.2	0	0	Projection / height above sill ratio >=0.23	Aluminium, single Lo-Tsol low-e (U-value: 5.6, SHGC: 0.36)
W-12	S	2.34	0	0	Projection / height above sill ratio >=0.23	Aluminium, single Lo-Tsol low-e (U-value: 5.6, SHGC: 0.36)
W-12	S	2.34	0	0	Projection / height above sill ratio >=0.23	Aluminium, single Lo-Tsol low-e (U-value: 5.6, SHGC: 0.36)
W-13	N	4.22	0	0	Projection / height above sill ratio >=0.23	Aluminium, single Lo-Tsol low-e (U-value: 5.6, SHGC: 0.36)
W-14	E	1.68	0	0	Projection / height above sill ratio >=0.23	Aluminium, single Lo-Tsol low-e (U-value: 5.6, SHGC: 0.36)

GLAZED ROOFS

Glazed roofs must be installed accordance with the specifications described in the table below.

Glazed roof number	Area of glazing (m2)	Shading Device	Glass Type
SL-01	0.81	none	Aluminium, moulded plastic single clear, (or U-value:6.21, SHGC: 0.808)
SL-02	3.14	none	Timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)

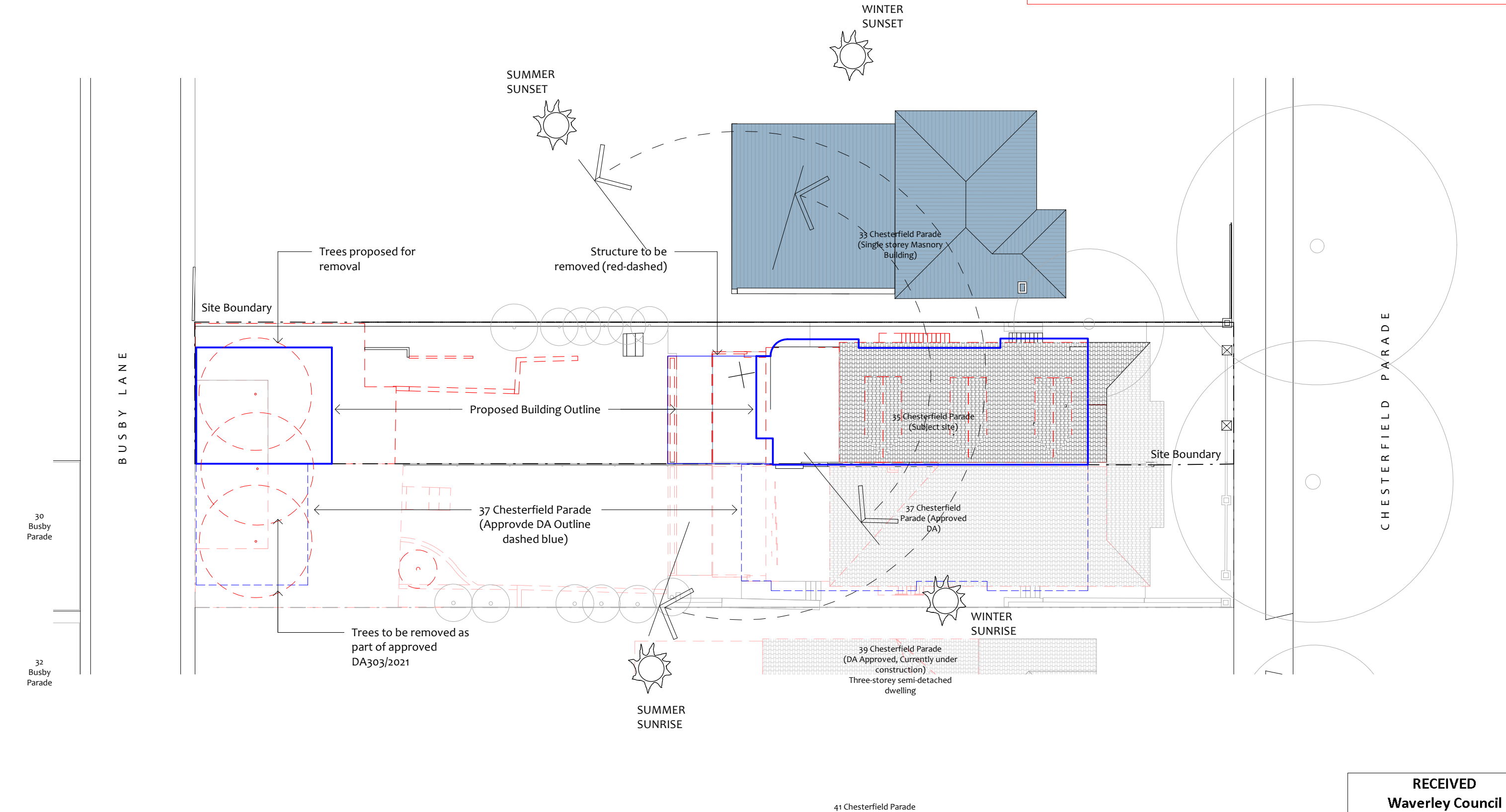
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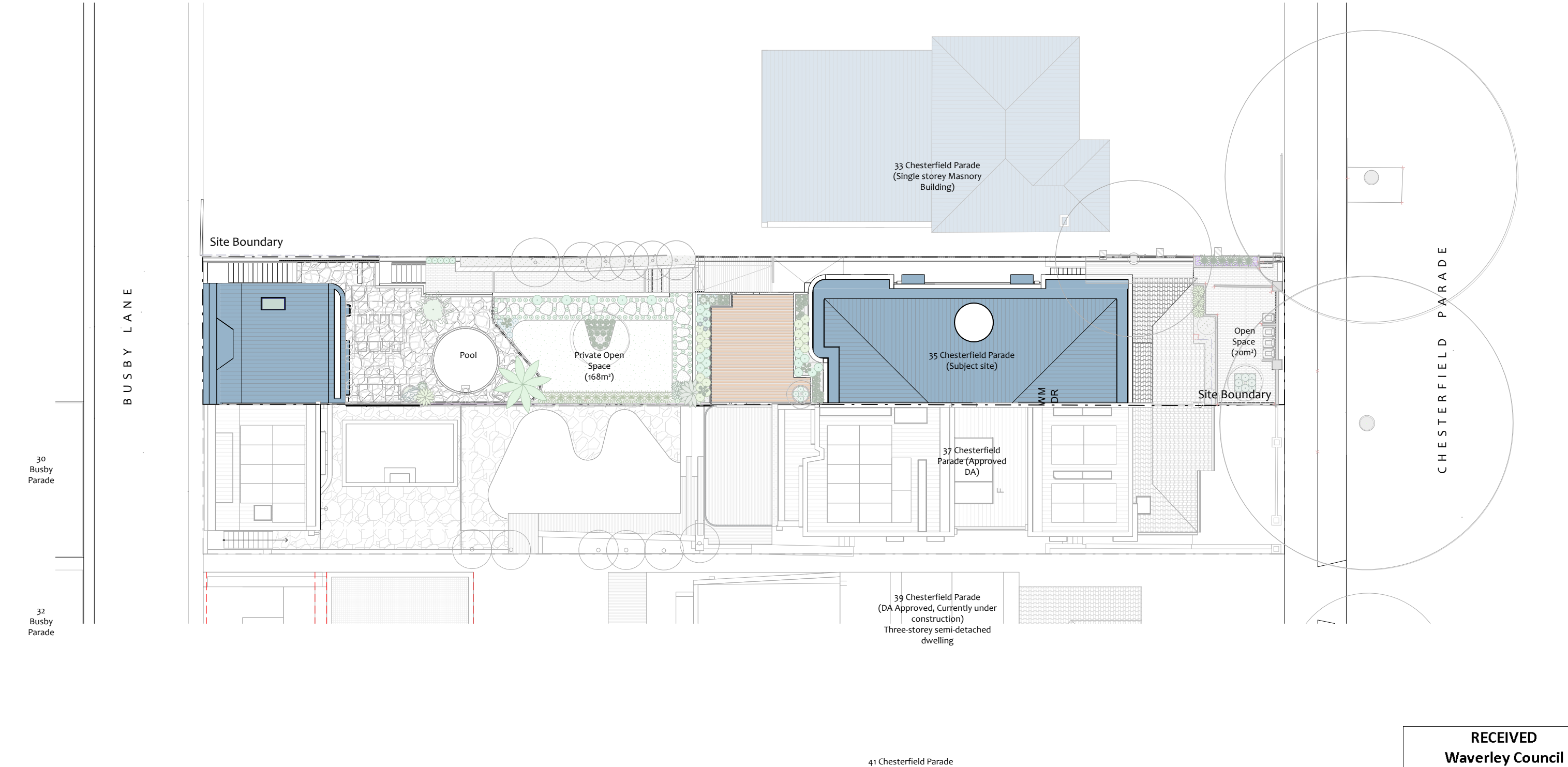
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						Project Address 35 Chesterfield Parade, Bronte	Sheet Name BASIX Compliance Table	Scale @ A3
							Drawing no. DA00.01	
						Revision B		



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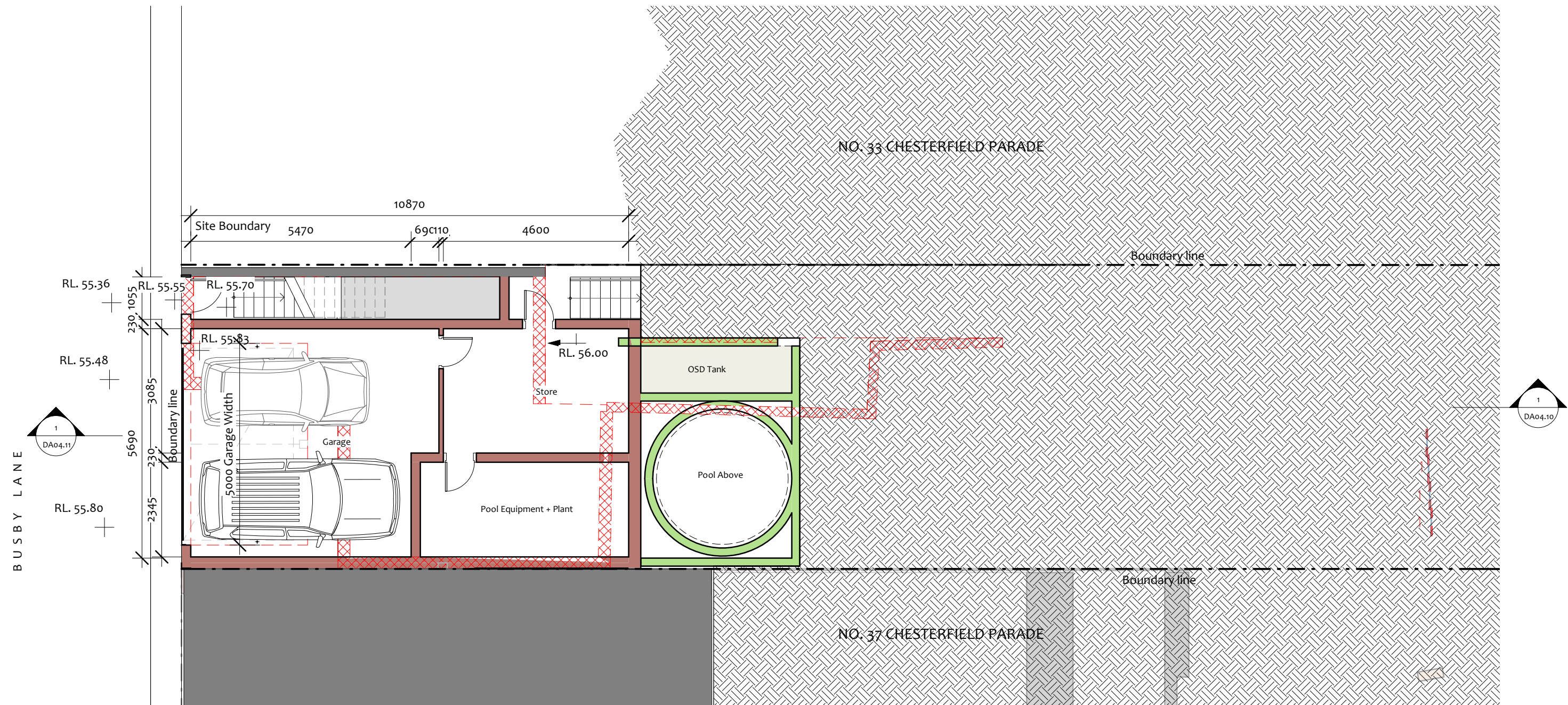
Application No: DA-179/2022

Date Received: 10/11/2022

DESIGN INTENT DRAWINGS
NOT FOR CONSTRUCTION

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A	2022.02.18	For Coordination																					
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<p>Sheet Name</p> <p>Site Plan</p> <p>Drawing no.</p> <p>DA00.20</p>	<p>Scale</p> <p>1: 200 @ A3</p> <div></div> <p>Revision</p> <p>D</p>																						

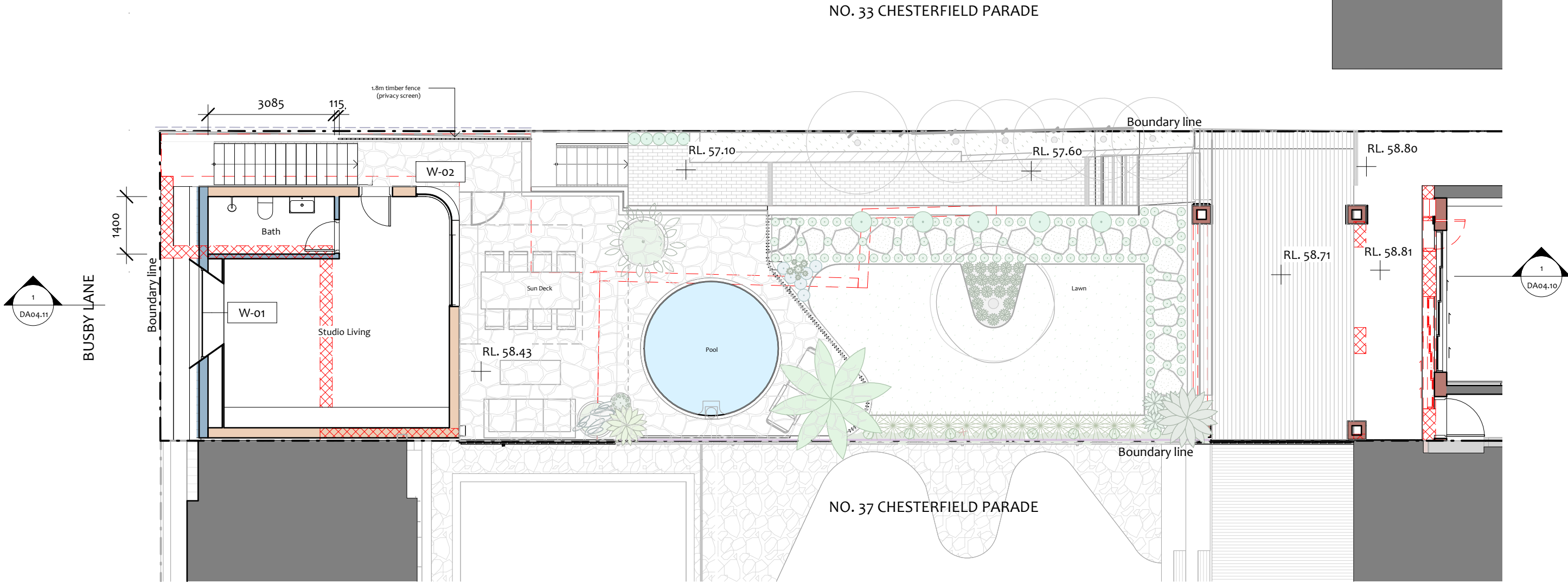
AMENDED PLANS



Application No: DA-179/2022

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						<p>Project Address</p> <p>35 Chesterfield Parade, Bronte</p>	<p>Sheet Name</p> <p>Proposed Busby Lane Level Plan</p>	<p>Scale</p> <p>1: 100 @ A3</p>



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Legend	
---	Site Boundary
---	DA Gross Floor Area
---	DEMOLITION
---	EXISTING CONSTRUCTION
---	NEW CONSTRUCTION
---	NEW FRAMED CONSTRUCTION
---	NEW MASONRY CONSTRUCTION
---	NEW CONCRETE CONSTRUCTION
---	NEW METAL CONSTRUCTION
---	NEW GLAZING
---	ROOF TILE
---	METAL DECK ROOFING
---	BRICK WORK (BRICKS)
---	CLUTTER
---	TIMBER DECK
---	TIMBER CLADDING
---	CERAMIC RENDER
---	PAVING/DRIVEWAY
---	RAILWAY
---	DOWNPIPE
---	SKELGAT

Revision	Date	Description
A	2022.02.18	For Coordination
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D	2022.11.10	DA - Additional Information

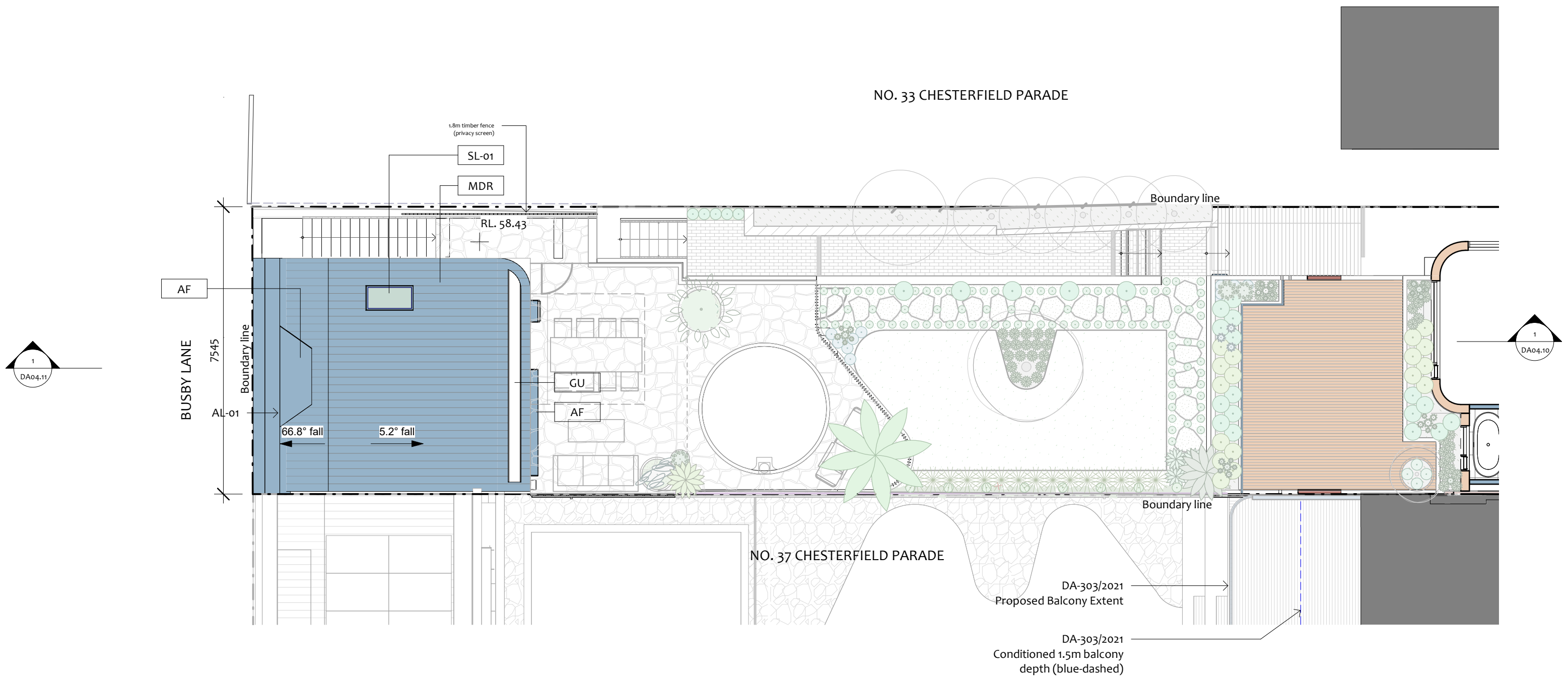
Architect
jkm
architects
JKMarchitects Pty Ltd
Suite 6.13 / 55 Miller Street,
Pyrmont, NSW 2009.
ABN 98 651 373 483
Nominated Architect Tai Kei Keith Ma NSW 9247

Client.
Francis Borthwick
Chrissy Borthwick

Project Name.
Bronte House II
Project Address
35 Chesterfield Parade,
Bronte

Project No.
2101
Sheet Name
Proposed Busby Lane Studio Plan
Drawing no.
DA02.01

Status
Development Application
Scale
1: 100 @ A3
0 1000 2000 3000 mm
Revision
D



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Legend	
	Site Boundary
	SEA - Gross Floor Area
	DEMOLITION
	EXISTING CONSTRUCTION
	NEW CONSTRUCTION
	NEW FRAMED CONSTRUCTION
	NEW WALLS CONSTRUCTION
	NEW CONCRETE CONSTRUCTION
	NEW METAL CONSTRUCTION
	NEW GLAZING
	ROOF TILE
	METAL DECK ROOFING
	BRICK WORK (BRICKS)
	CUTTING
	TIMBER DECK
	TIMBER CLADDING
	CERAMIC RENDER
	ALUMINIUM FRAMES
	BALUSTRADE
	DOWNPIPE
	SKELGATE

Revision	Date	Description
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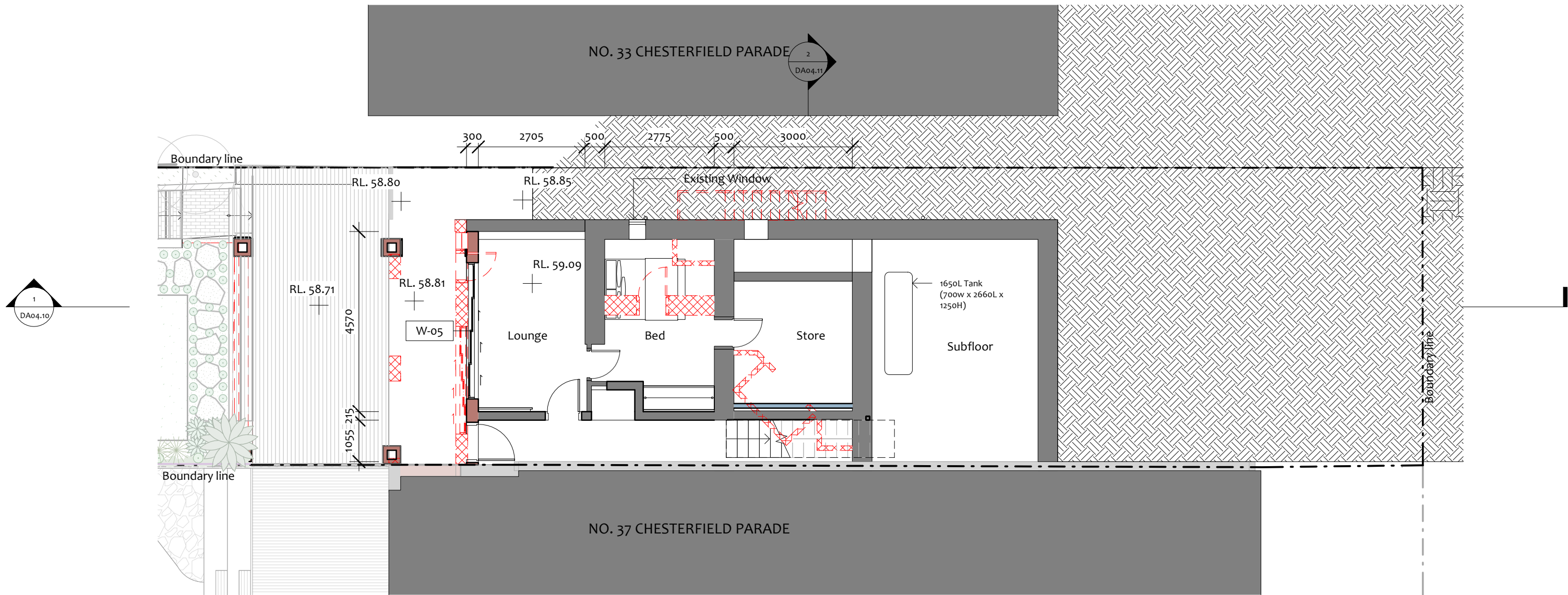
Architect
jkm architects
JKMarchitects Pty Ltd
Suite 6.13 / 55 Miller Street,
Pyrmont, NSW 2009.
ABN 98 651 373 483
Nominated Architect Tai Kei Keith Ma NSW 9247

Client.
Francis Borthwick
Chrissy Borthwick

Project Name.
Bronte House II
Project Address
35 Chesterfield Parade,
Bronte

Project No.
2101
Sheet Name
Proposed Busby Lane Studio Roof Plan
Drawing no.
DA02.02

Status
Development Application
Scale
1: 100 @ A3
0 1000 2000 3000 mm
Revision
D



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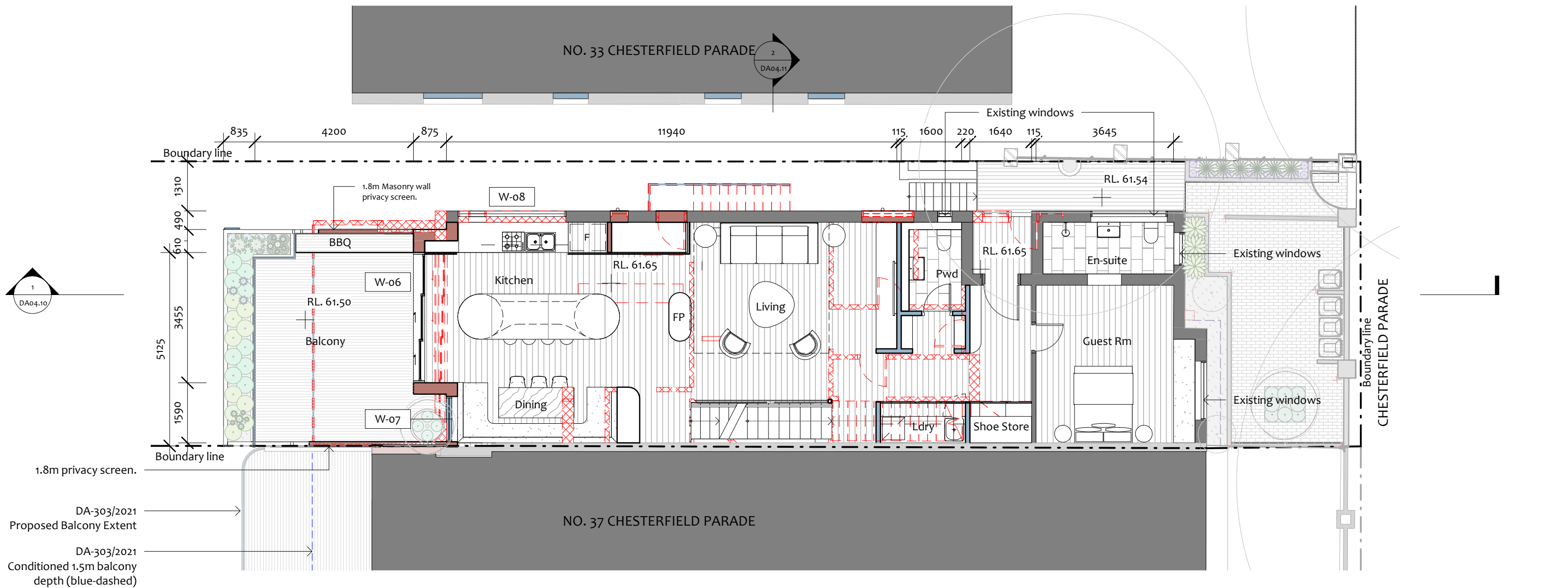
Architect
jkm
architects
JKMarchitects Pty Ltd
Suite 6.13 / 55 Miller Street,
Pyrmont, NSW 2009.
ABN 98 651 373 483
Nominated Architect Tai Kei Keith Ma NSW 9247

Client.
Francis Borthwick
Chrissy Borthwick

Project Name.
Bronte House II
Project Address
35 Chesterfield Parade,
Bronte

Project No.
2101
Sheet Name
Proposed Lower Ground Plan
Drawing no.
DA02.03

Status
Construction Certificate
Scale
1: 100 @ A3
0 1000 2000 3000 mm
Revision
D



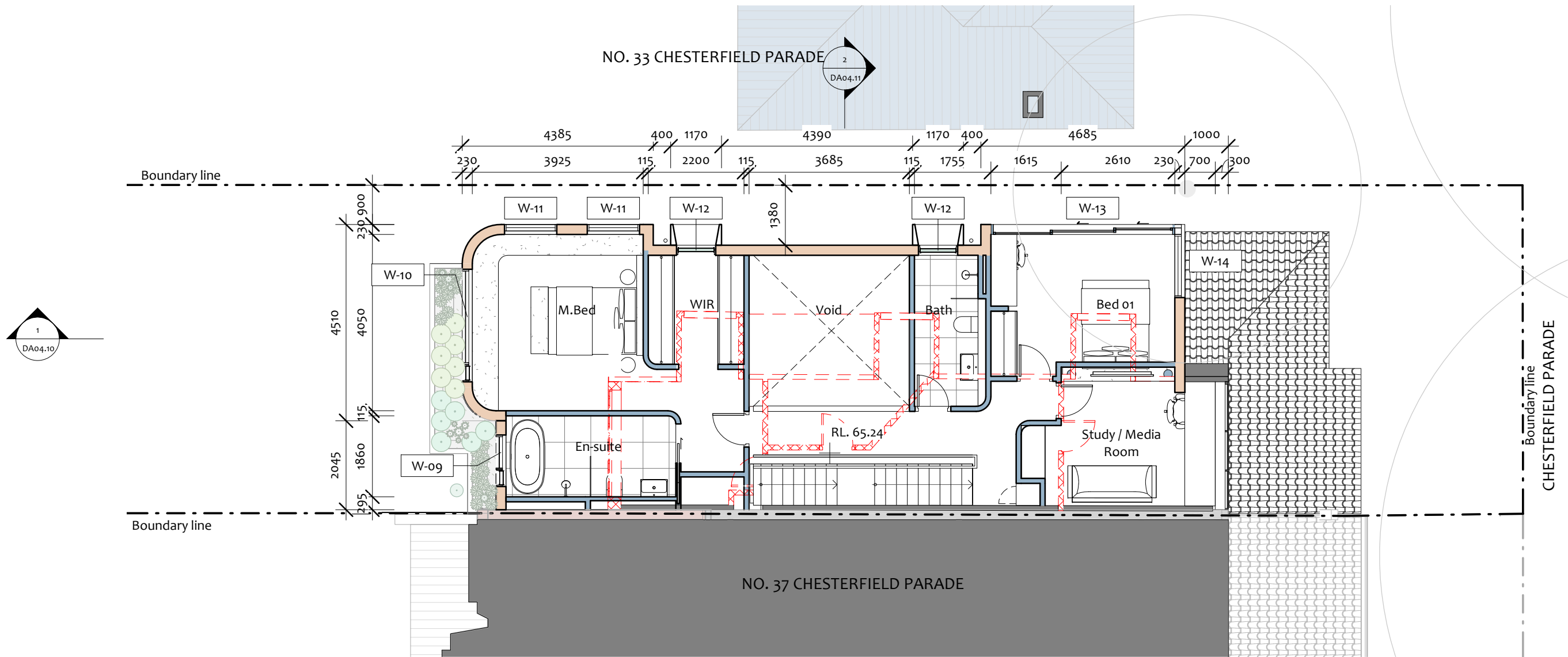
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	DEMOLITION
	EXISTING CONSTRUCTION
	NEW FRAMED CONSTRUCTION
	NEW MASONRY CONSTRUCTION
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	NEW METAL CONSTRUCTION
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	ROOF TILE
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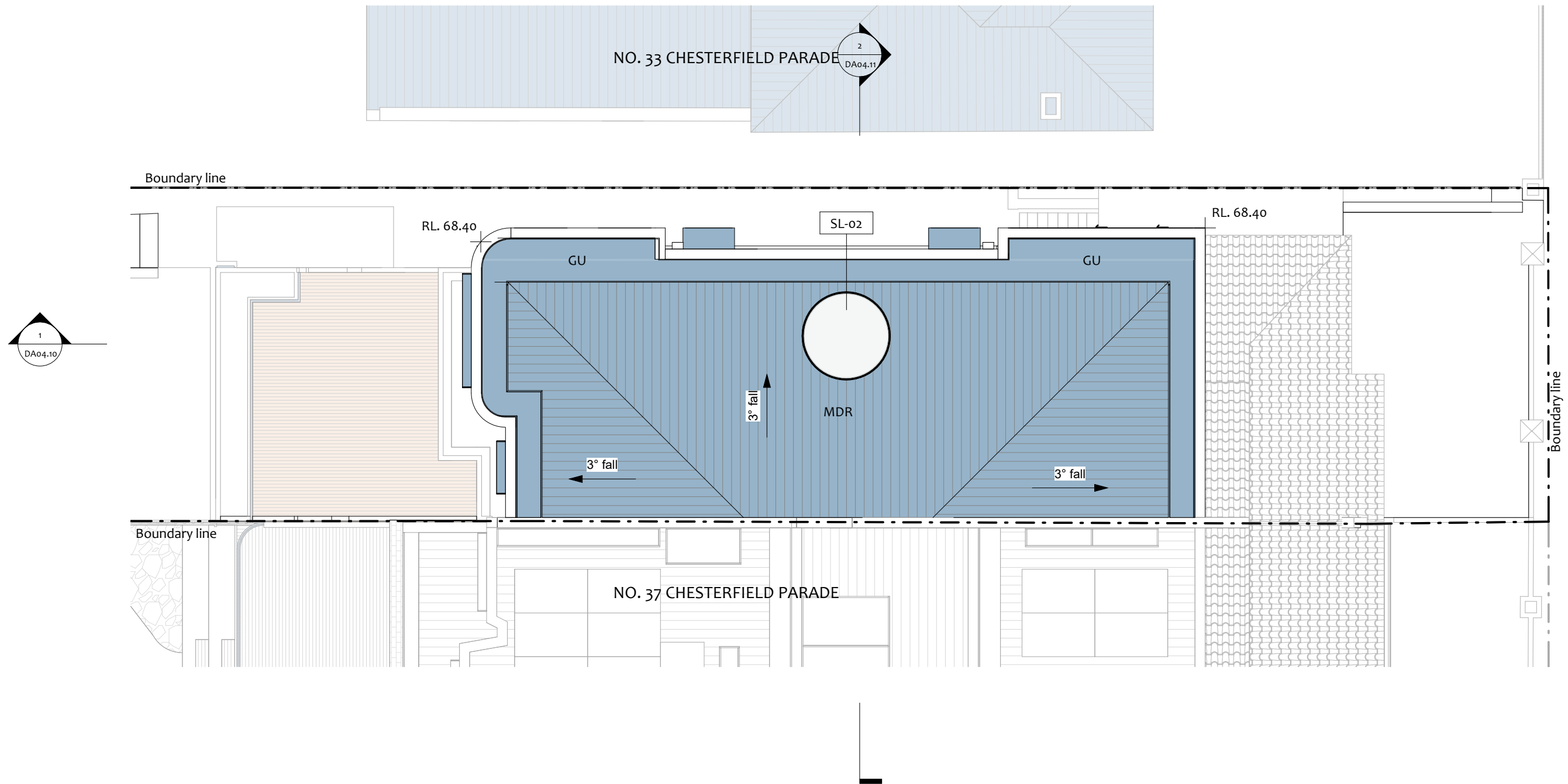
Architect
jkm architects
JKMarchitects Pty Ltd
Suite 6.13 / 55 Miller Street,
Pyrmont, NSW 2009.
ABN 98 651 373 483
Nominated Architect Tai Kei Keith Ma NSW 9247

Client.
Francis Borthwick
Chrissy Borthwick

Project Name.
Bronte House II
Project Address
35 Chesterfield Parade,
Bronte

Project No.
2101
Sheet Name
Proposed Level 01 Plan
Drawing no.
DA02.05

Status
Development Application
Scale
1: 100 @ A3
0 1000 2000 3000 mm
Revision
D



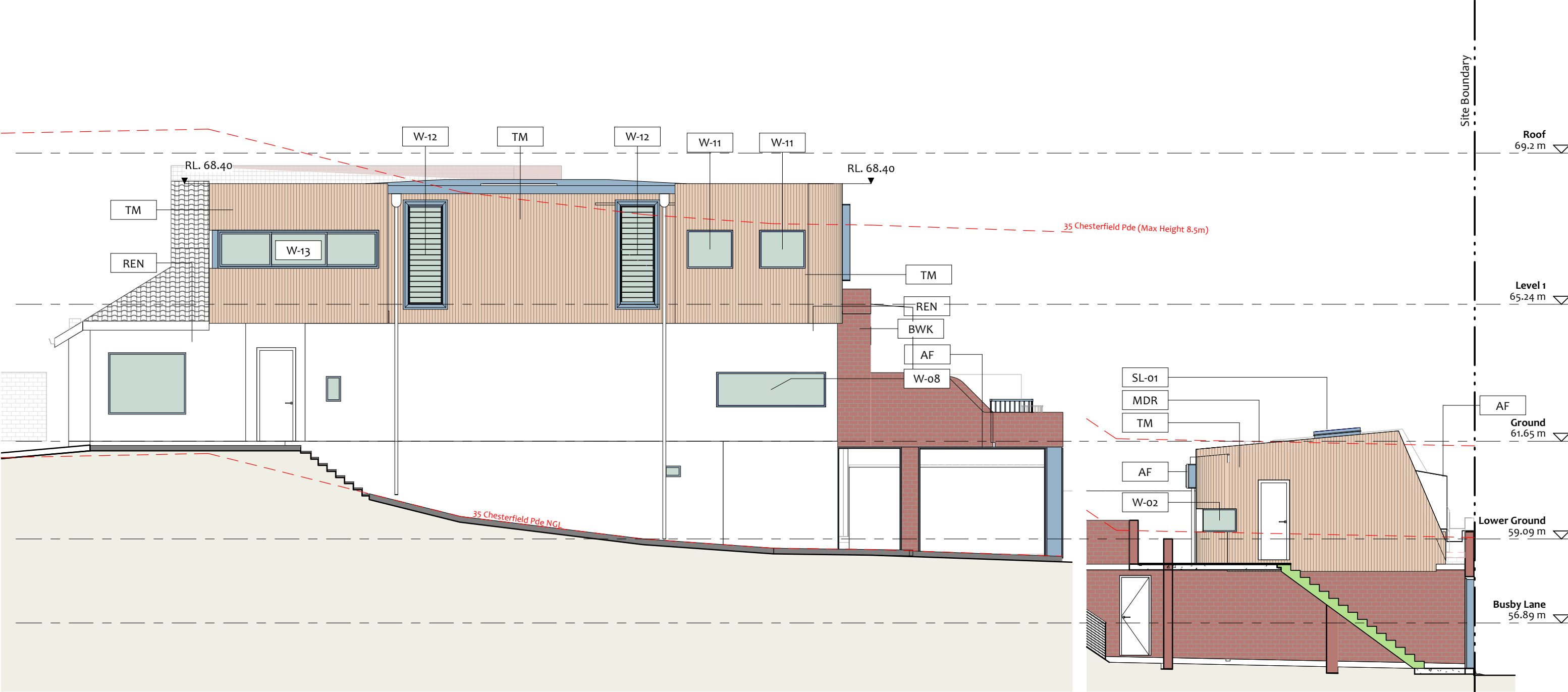
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<div><div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></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Application No: DA-179/2022
Date Received: 10/11/2022

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Legend

- SITE BOUNDARY
- GEA - GROUND FLOOR AREA
- EXISTING CONSTRUCTION
- NEW CONSTRUCTION
- NEW FRAMED CONSTRUCTION
- NEW WALL/DAMP CONSTRUCTION
- NEW CONCRETE CONSTRUCTION
- NEW METAL CONSTRUCTION
- NEW GLAZING
- ROOF TILE

- REN - METAL DECK ROOFING
- BWK - BRICKWORK (BRICKS)
- GL - GLAZING
- TD - TIMBER DECK
- TM - TIMBER CLADDING
- CR - CERAMIC RENDER
- AF - ALUMINUM FRAME
- MDR - METAL DECK ROOFING
- DP - DOWNPIPE
- SL - SLAB

Revision	Date	Description
A	2022.02.18	For Coordination
B	2022.03.10	For Client Approval
C	2022.04.20	Development Application
D	2022.11.10	DA - Additional Information

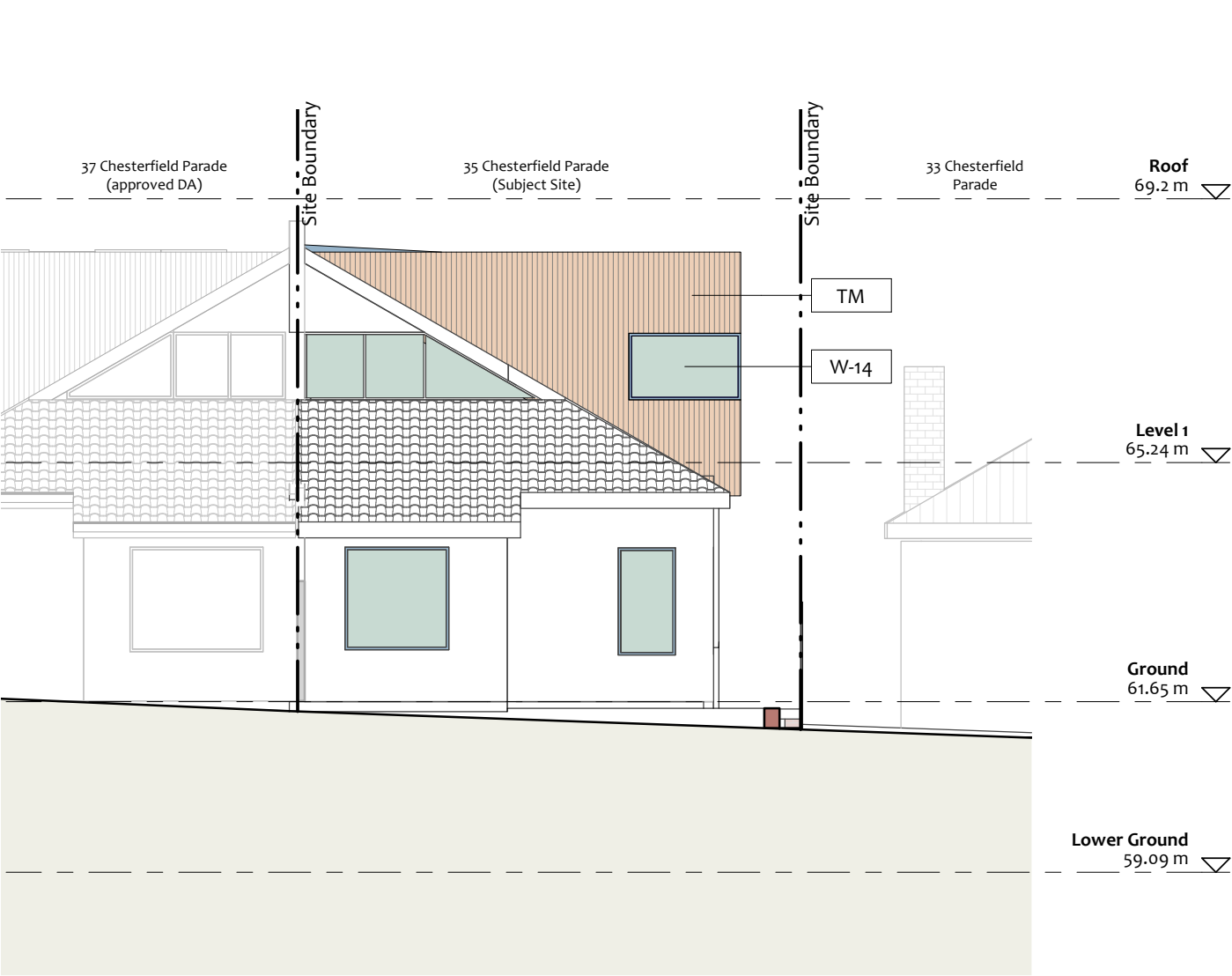
Architect
jkm
architects
JKMarchitects Pty Ltd
Suite 6.13 / 55 Miller Street,
Pyrmont, NSW 2009.
ABN 98 651 373 483
Nominated Architect Tai Kei Keith Ma NSW 9247

Client.
Francis Borthwick
Chrissy Borthwick

Project Name.
Bronte House II
Project Address
35 Chesterfield Parade,
Bronte

Project No.
2101
Sheet Name
Proposed Elevations 01
Drawing no.
DA03.10

Status
Development Application
Scale
1: 100 @ A3
0 1000 2000 3000 mm
Revision
D



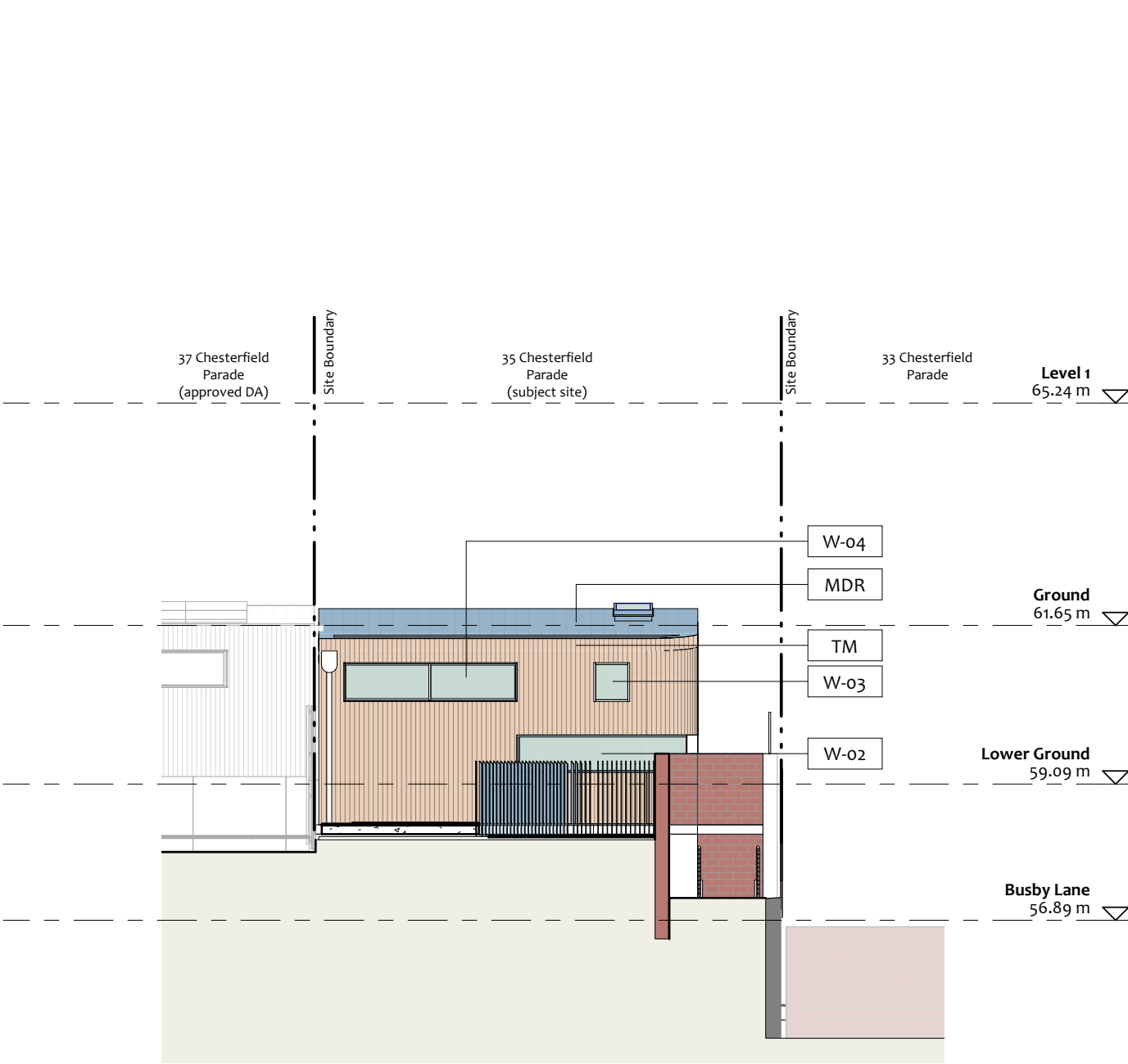
1 North Elevation (Chesterfield Parade)
1 : 100

2 South Elevation (Main Dwelling)
1 : 100

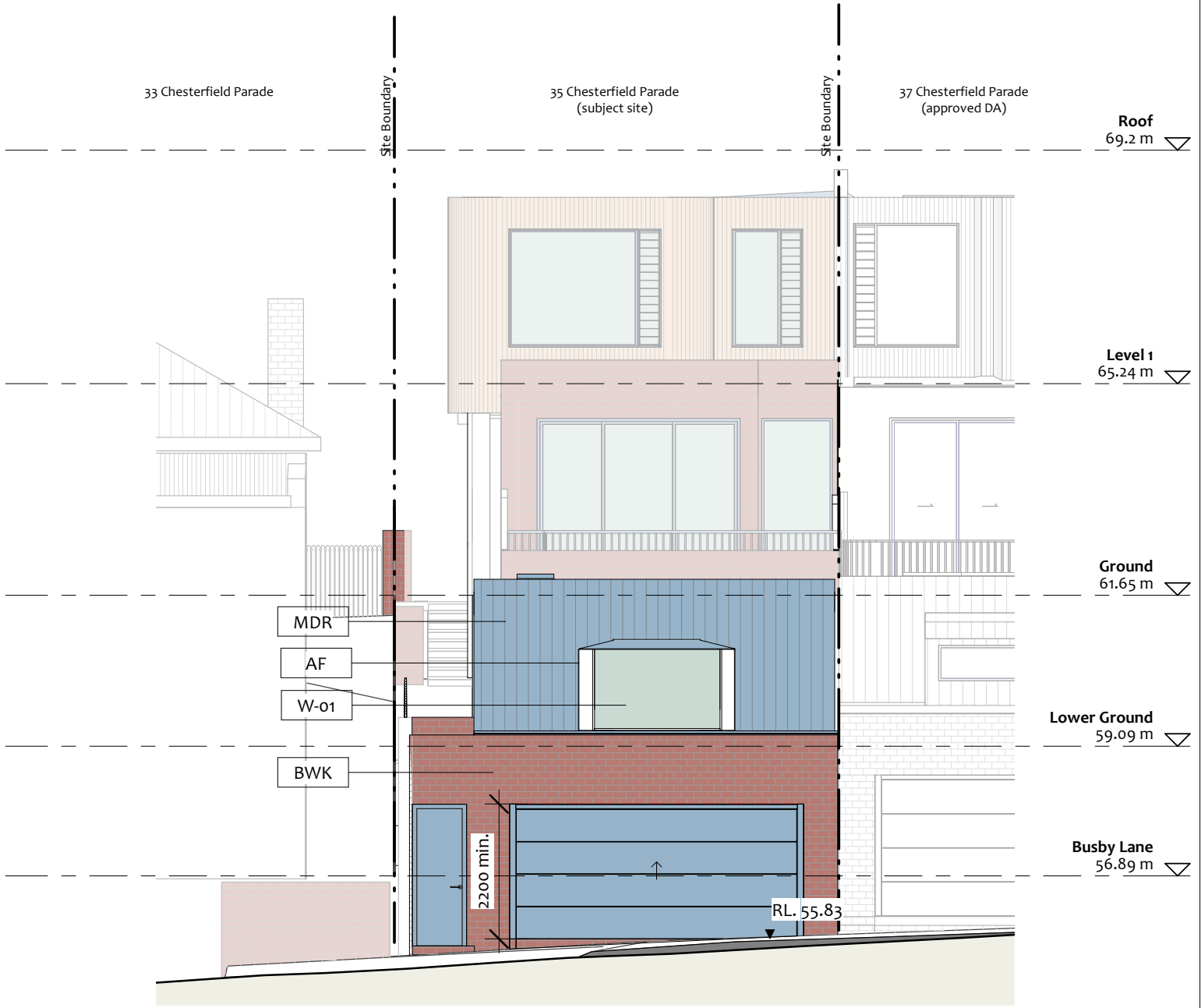
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Date Received: 10/11/2022

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1 North Elevation (Studio)
1 : 100



2 Busby Lane Elevation
1 : 100

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Legend	
	SITE BOUNDARY
	SEA CROSS FLOOR AREA
	DEMOLITION
	EXISTING CONSTRUCTION
	NEW CONSTRUCTION
	NEW FRAMED CONSTRUCTION
	NEW WOODWORK CONSTRUCTION
	NEW CONCRETE CONSTRUCTION
	NEW METAL CONSTRUCTION
	NEW GLAZING
	ROOF TILE
	MDR - METAL DECK ROOFING
	BWK - BRICKWORK (RACQO)
	GF - GUTTER
	TD - TIMBER DECK
	TM - TIMBER CLADDING
	LR - CERAMIC RENDER
	AF - ALUMINIUM FRAME
	RL - RAILING/RAILINGS
	DF - DOWNPIPE
	SL - SKELGATE

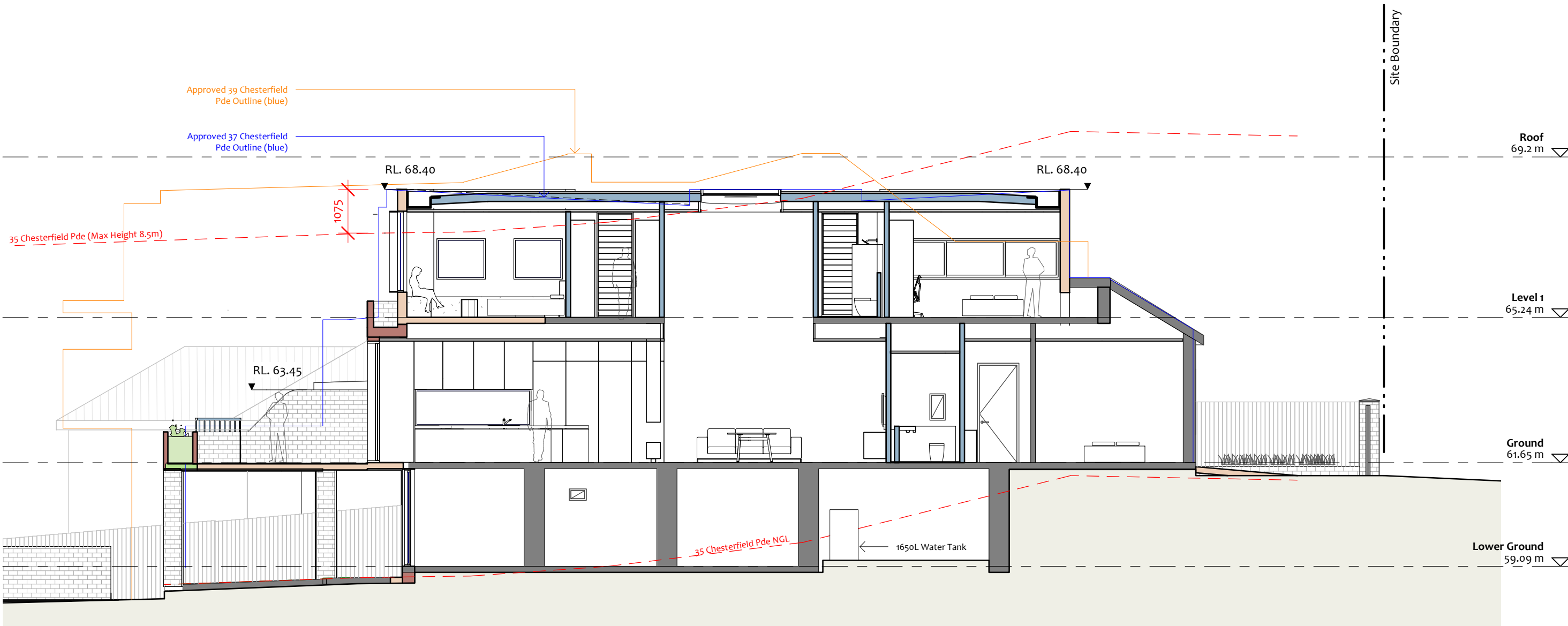
Revision	Date	Description
A	2022.02.18	For Coordination
B	2022.03.10	For Client Approval
C	2022.04.20	Development Application
D	2022.07.21	DA - Additional Information
E	2022.11.10	DA - Additional Information

Architect	Client
	Francis Borthwick Chrissy Borthwick
JKMarchitects Pty Ltd Suite 6.13 / 55 Miller Street, Pyrmont, NSW 2009. ABN 98 651 373 483	
Nominated Architect Tai Kei Keith Ma NSW 9247	

Project Name
Bronte House II
Project Address
35 Chesterfield Parade, Bronte

Project No.
2101
Sheet Name
Proposed Elevations 03
Drawing no.
DA03.12

Status
Development Application
Scale
1: 100 @ A3
0 1000 2000 3000 mm
Revision
E



1 Long Section_Main Dwelling
1 : 100

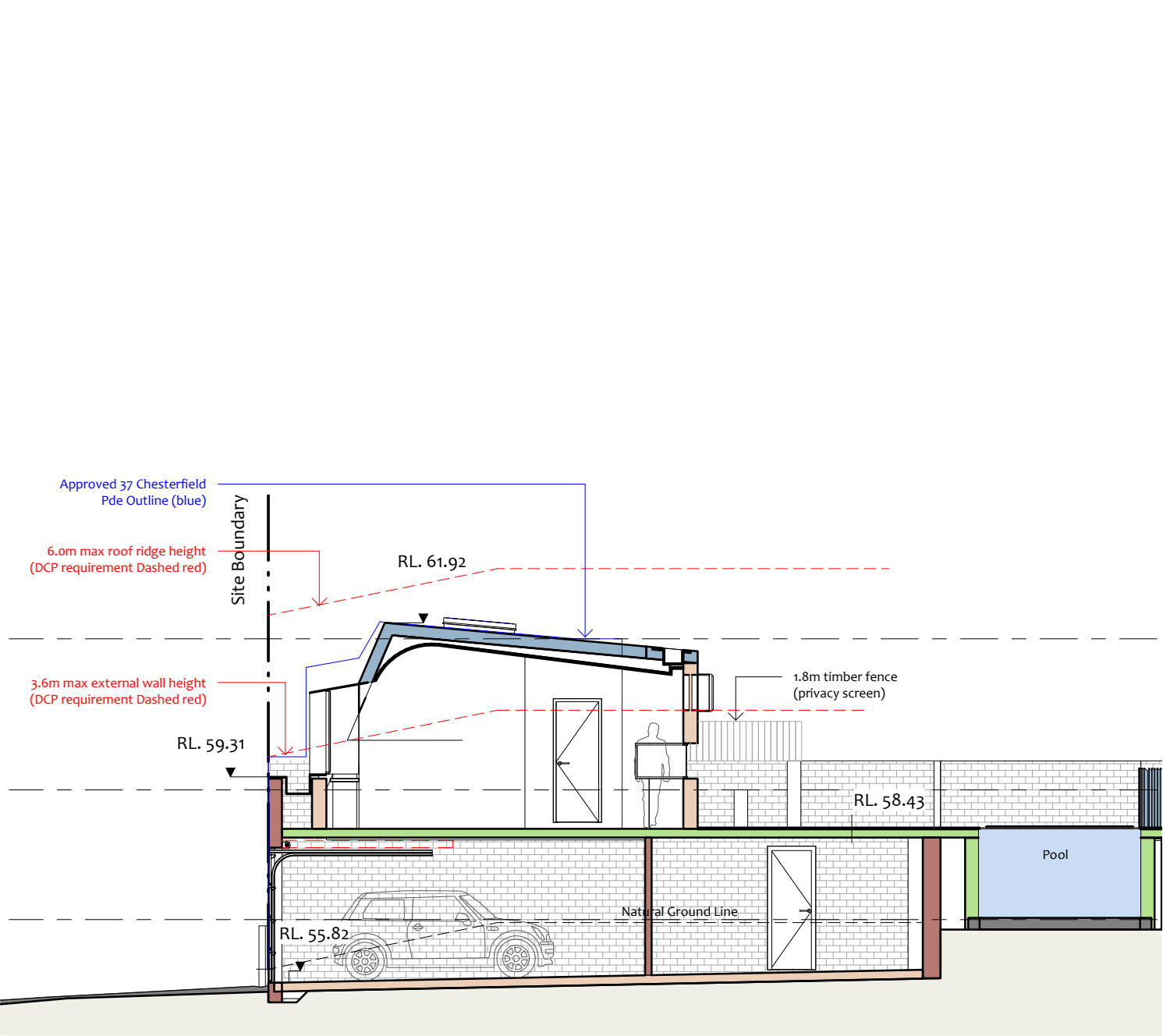
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Application No: DA-179/2022

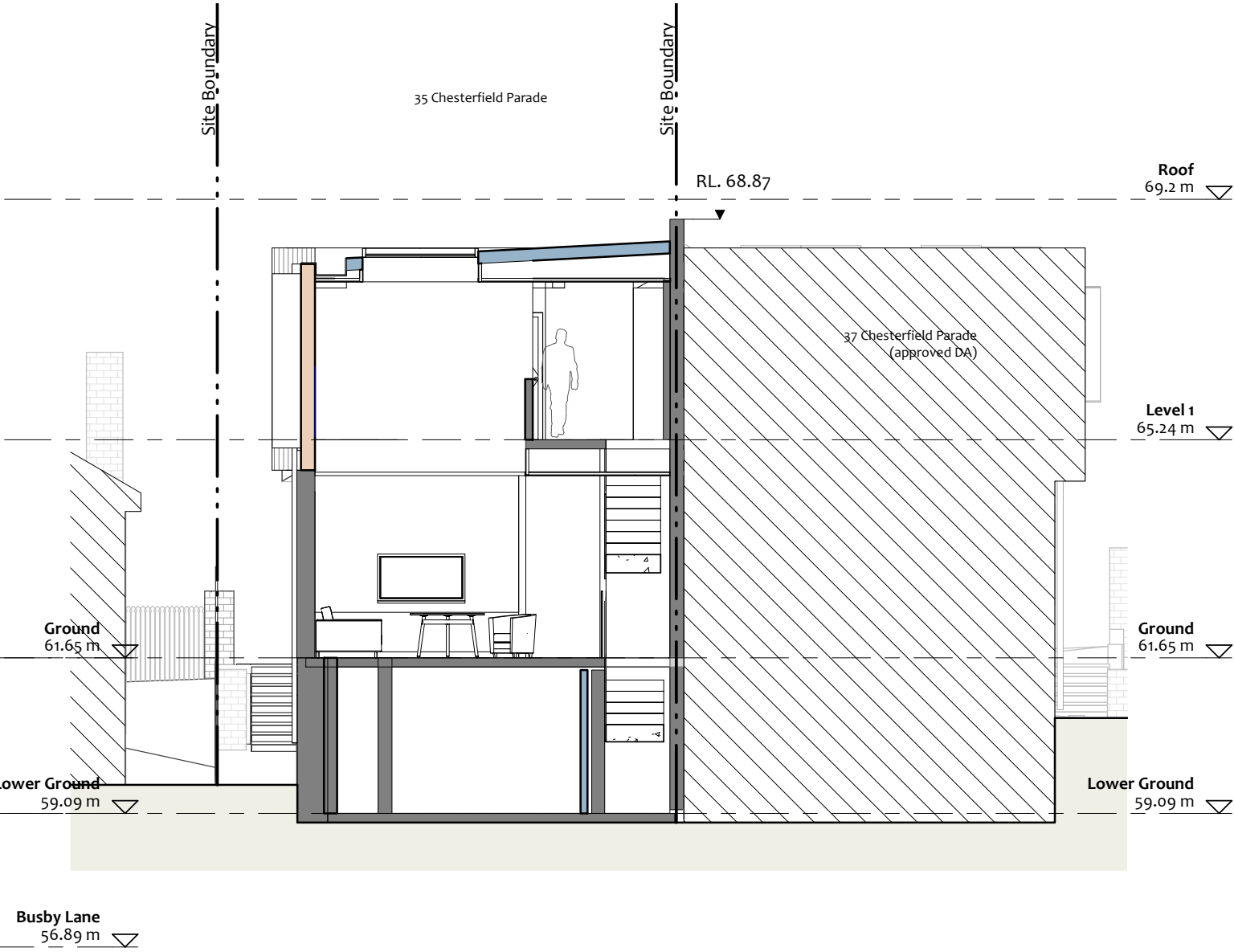
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1 Long Section_Busby Lane Garage / Studio
1 : 100



2 Short Section_Main Dwelling
1 : 100

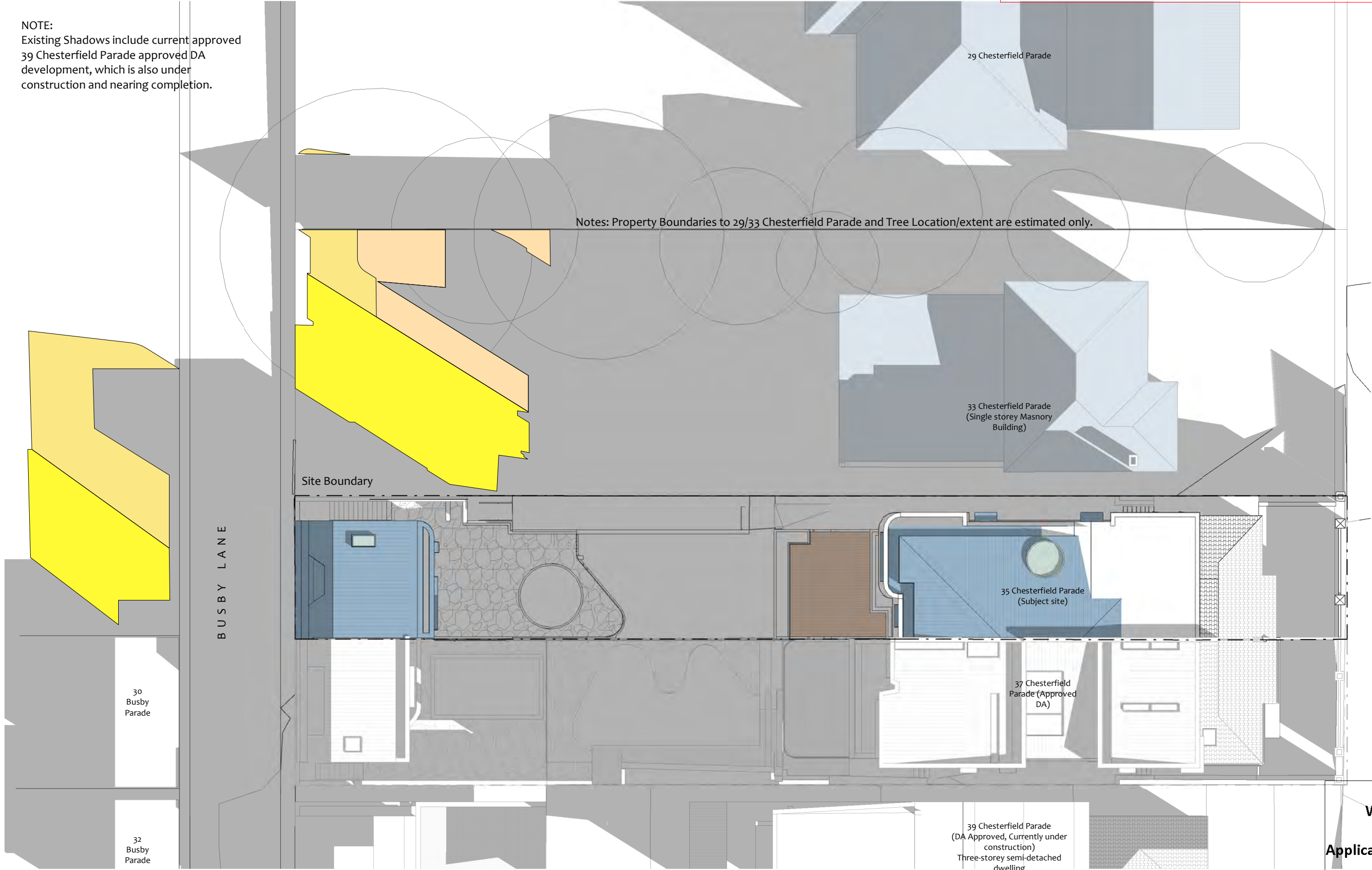
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NOTE:
Existing Shadows include current approved
39 Chesterfield Parade approved DA
development, which is also under
construction and nearing completion.

Notes: Property Boundaries to 29/33 Chesterfield Parade and Tree Location/extent are estimated only.



1 Winter 9am Shadows
1 : 200

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Legend

- Existing Shadows
- Proposed Shadows
- Proposed Shadows (cast by approved DA at 37 Chesterfield Parade)
- Proposed Shadow (compliant height)

Revision	Date	Description
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Architect

jkm
architects

JKMarchitects Pty Ltd
Suite 6.13 / 55 Miller Street,
Pyrmont, NSW 2009.
ABN 98 651 373 483

Nominated Architect Tai Kei Keith Ma NSW 9247

Client.
Francis Borthwick
Chrissy Borthwick

Project Name.
Bronte House II

Project Address
35 Chesterfield Parade,
Bronte

Project No.
2101

Sheet Name
Shadow Diagram 9am

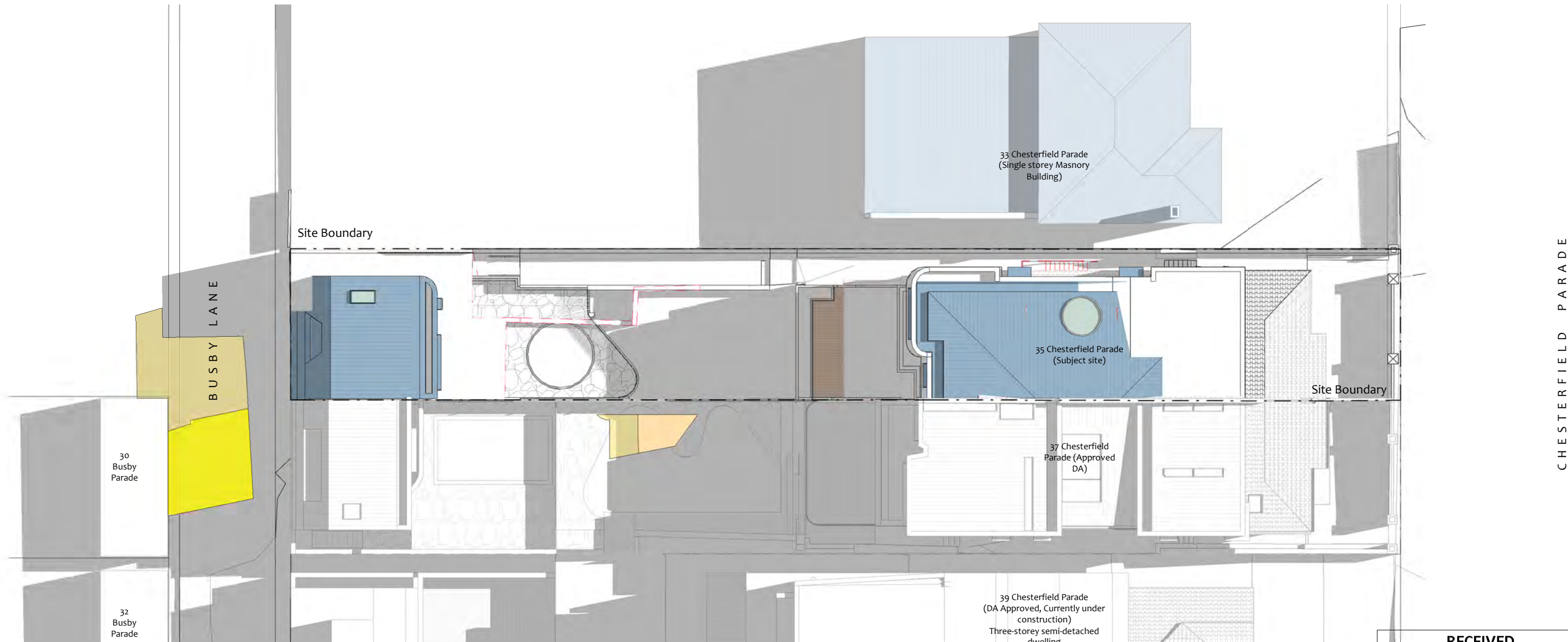
Drawing no.
DA20.10

Status
Development Application

Scale
1: 200 @ A3

Revision
C

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39 Chesterfield Parade approved DA
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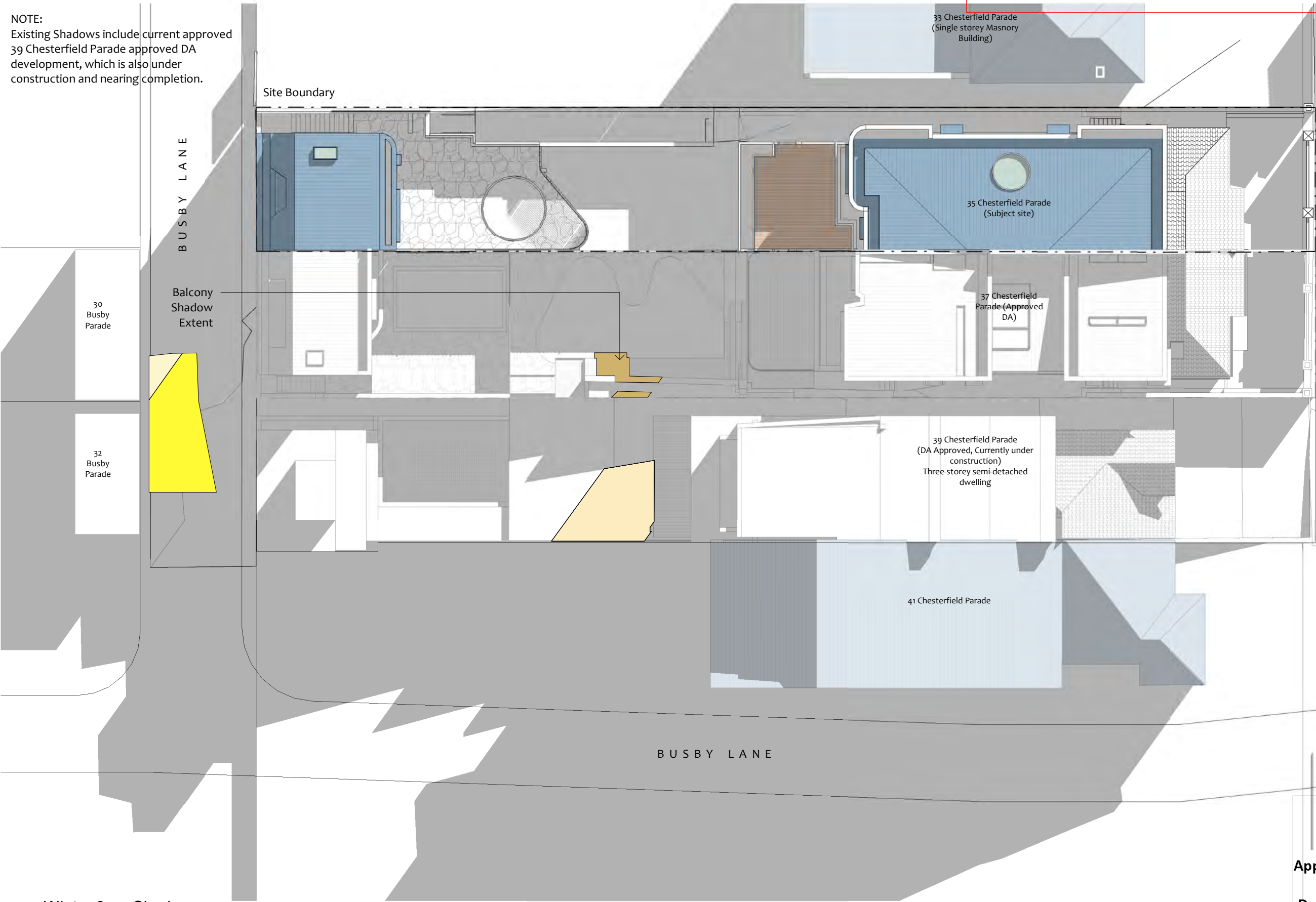
1 Winter 12pm Shadows
1 : 200

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1 Winter 3pm Shadows
1 : 200

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- Proposed Shadows (cast by approved DA at 37 Chesterfield Parade)
- Proposed Shadow (compliant height)

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jkm
architects

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ABN 98 651 373 483

Nominated Architect Tai Kei Keith Ma NSW 9247

Client.
Francis Borthwick
Chrissy Borthwick

Project Name.
Bronte House II

Project Address
35 Chesterfield Parade,
Bronte

Project No.
2101

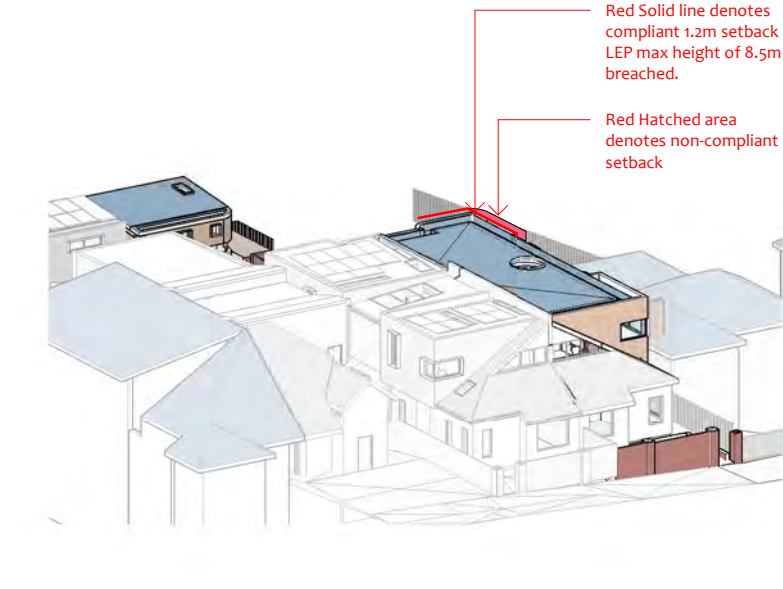
Sheet Name
Shadow Diagram 3pm

Drawing no.
DA20.12

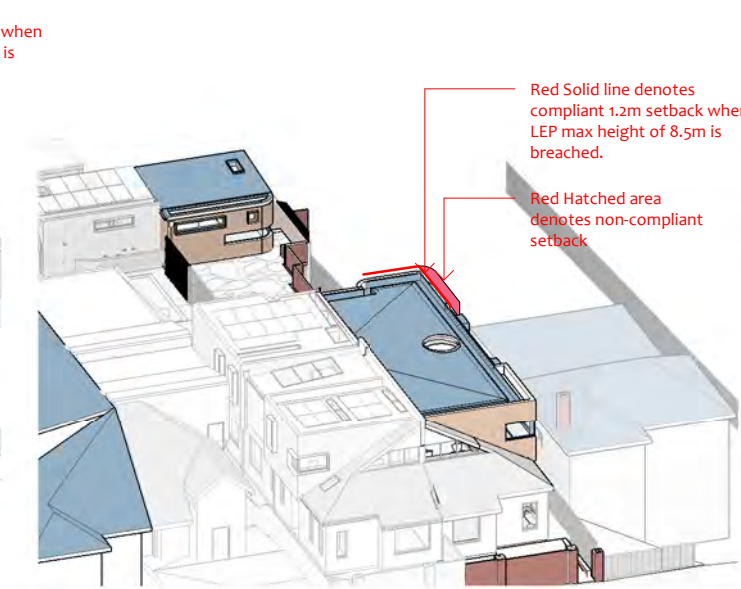
Status
Development Application

Scale
1: 200 @ A3

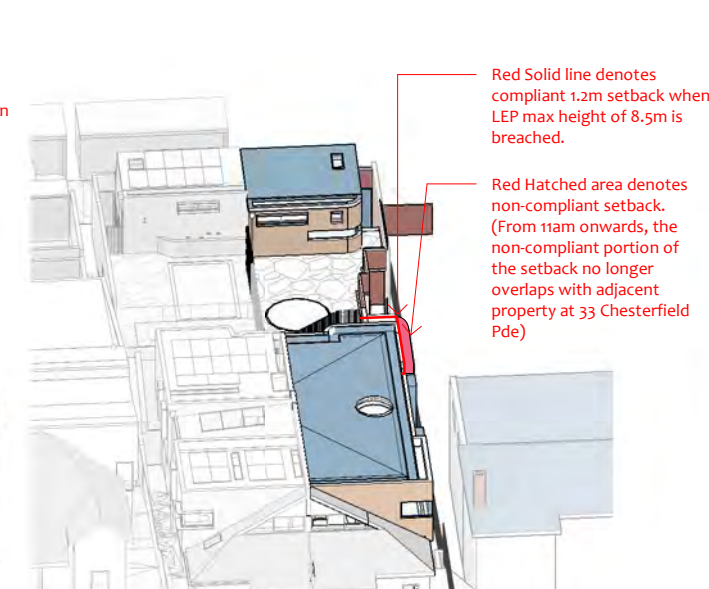
Revision
C



1 June 21st - SunView at 9am



2 June 21st - SunView at 10am



3 June 21st - SunView at 11am



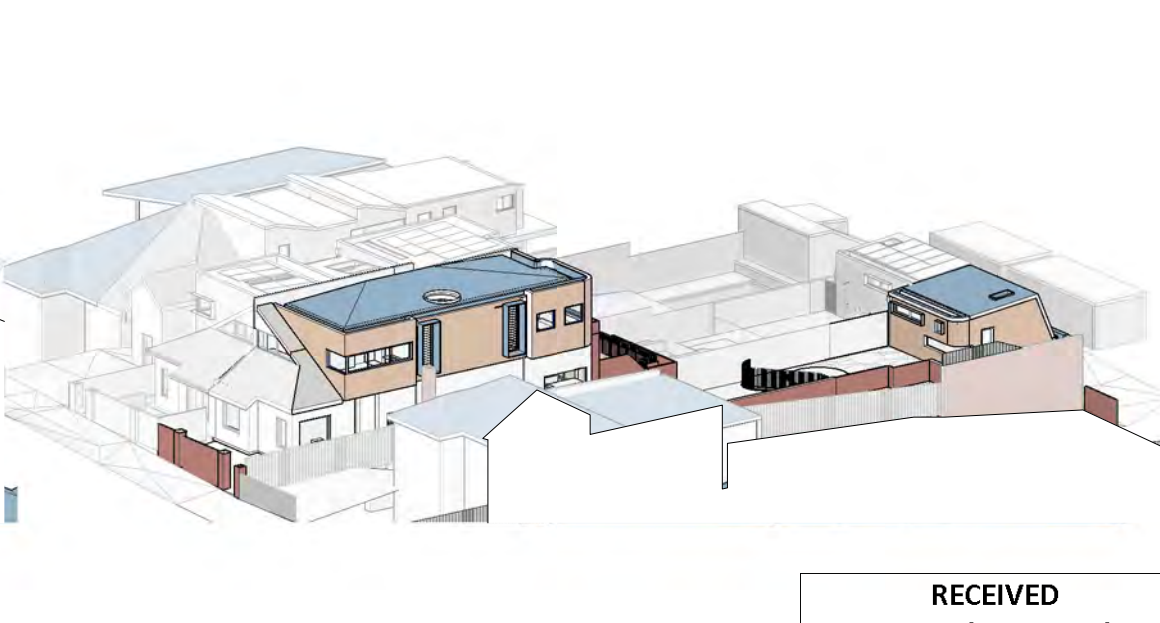
4 June 21st - SunView at 12pm



5 June 21st - SunView at 1pm



6 June 21st - SunView at 2pm



7 June 21st - SunView-3pm

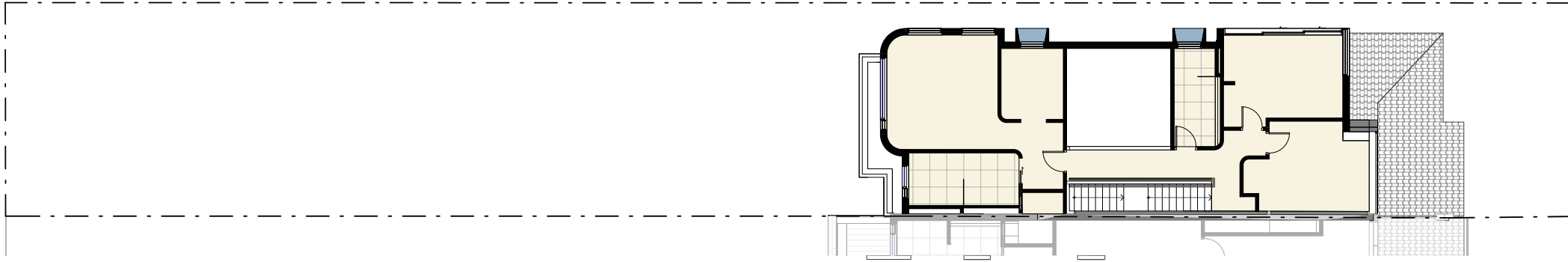
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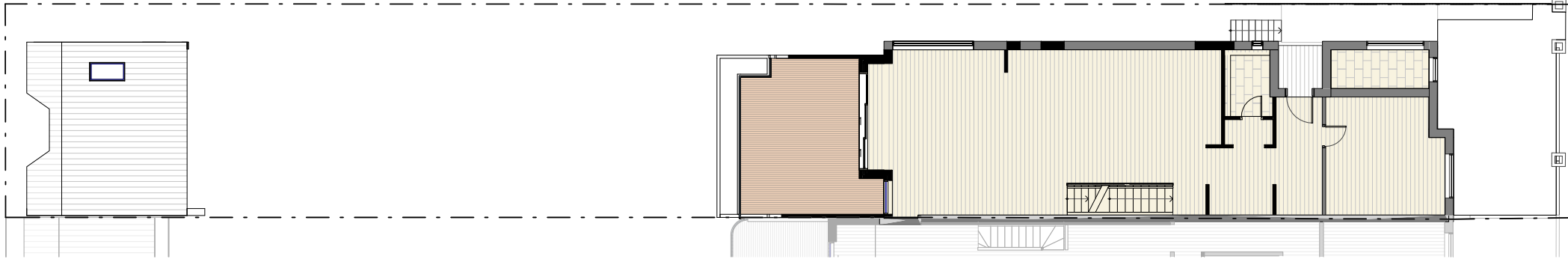
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AMENDED PLANS

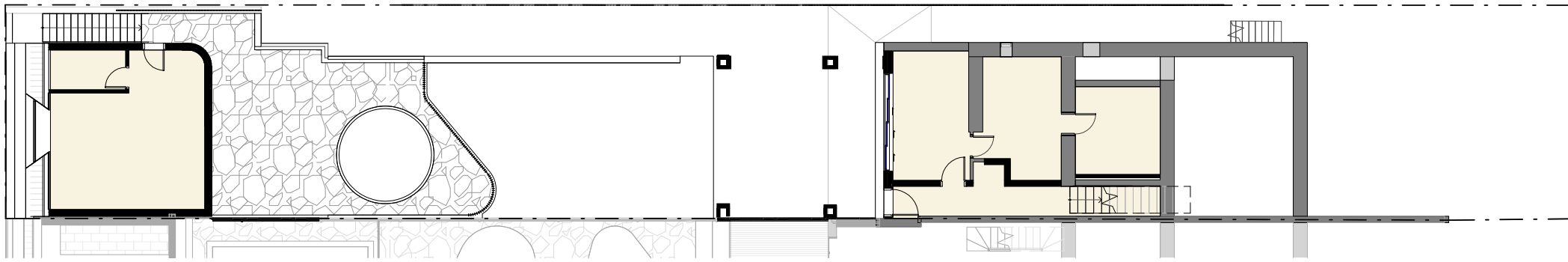
4 Area - Level 01
1 : 200



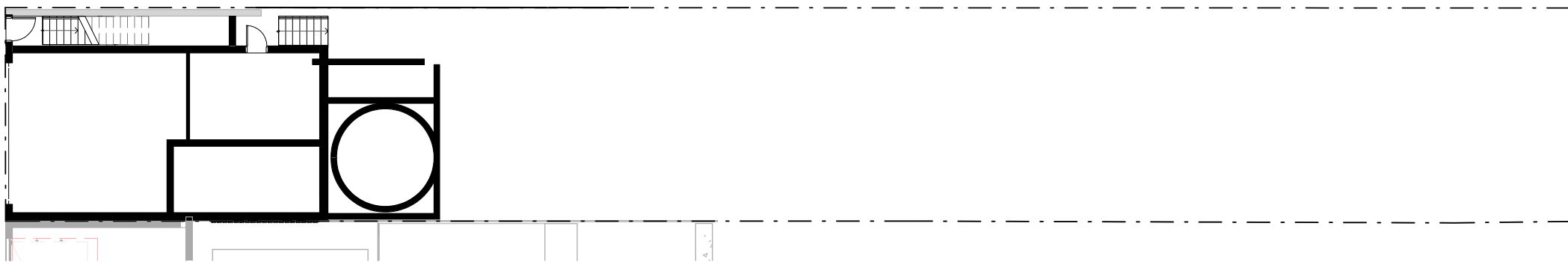
3 Area - Ground Floor
1 : 200



2 Area - Lower Ground
1 : 200



1 Area - Busby Lane
1 : 200



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Area (GFA)	
Level	Area
Level 01	76.7 m ²
Ground Level	112.3 m ²
Lower Ground	46.2 m ²
Studio	30.7 m ²
265.9 m ²	

DESIGN INTENT DRAWINGS
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TM - Timber Cladding



REN - Rendered Finish



BWK - Bagged Brick



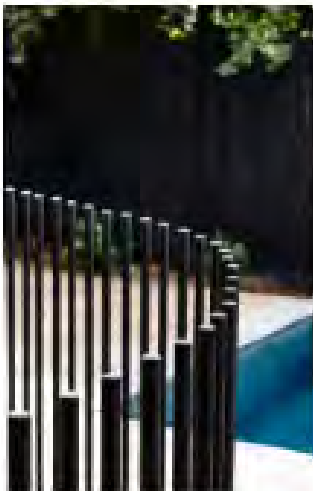
MDR - Metal Deck Roof (medium grey) (studio)



MDR - Metal Deck Roof (off-white) (main building)



MF - Metal Frame (dark bronze / charcoal)



BAL - Balustrade



OW - Operable Window (louvres)

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Legend

Revision	Date	Description
A	2022.04.20	Development Application
B	2022.11.10	DA - Additional Information

Architect	Client
jkm architects JKMarchitects Pty Ltd Suite 6.13 / 55 Miller Street, Pyrmont, NSW 2009. ABN 98 651 373 483 Nominated Architect Tai Kei Keith Ma NSW 9247	Francis Borthwick Chrissy Borthwick

Project Name
Bronte House II
Project Address
35 Chesterfield Parade, Bronte

Project No.
2101
Sheet Name
Materials and Finishes
Drawing no.
DA20.30

Status
Development Application
Scale
@ A3
Revision
B



Report to the Waverley Local Planning Panel

Application number	DA-251/2022
Site address	395 Bronte Road, Bronte
Proposal	Demolition of existing structures, and construction of a part two/three storey dwelling house with a basement garage, new swimming pool and a terrace at the rear.
Date of lodgement	20 June 2022
Owner	Mr G E Attard and Mrs L E Knoblauch
Applicant	Corona Projects Pty Ltd
Submissions	Five (5)
Cost of works	\$1,515,650.98
Principal Issues	<ul style="list-style-type: none"> • Breach of FSR • Breach of building height • Excessive excavation • Inadequate plan details and documentation
Recommendation	That the application be REFUSED for the reasons contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for the demolition of existing structures, and construction of a part two / three storey dwelling house with a basement garage, with a new swimming pool and a terrace at the rear of the site known as 395 Bronte Road, Bronte.

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

- Breach of FSR
- Building height breach
- Excessive excavation
- Inadequate plan details and documentation

The assessment finds these issues unacceptable for the reasons outline within this report.

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

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 31 October 2022.

The site is identified as Lot 4 in DP 985138, known as 395 Bronte Road, Bronte.

The site is irregular in shape with a frontage of 16.33m to Bronte Road. It has an area of 496.5m² and falls north from the rear towards the front by approximately 8.6m.

The site is occupied by a part one, part two storey semi-detached dwelling with vehicular access provided from Bronte Road.

Neighbouring to the west of the site is the adjoining part one, part two storey semi-detached dwelling. To the east, the site is adjoined by a part one, part two storey dwelling house. The locality is characterised by a variety of low density residential developments.

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



Figure 1: View of the site facing south.



Figure 2: View of the site and neighbouring properties for context, facing southwest.



Figure 3: View of the site and neighbouring properties for context, facing east.



Figure 4: Front of the site facing northeast.



Figure 5: Front of the site facing southwest.



Figure 6: Front of the site facing west.



Figure 7: Rear of the site facing west.



Figure 8: View from the elevated terrace facing southeast.



Figure 9: View from elevation terrace facing northeast.



Figure 10: View of the site from the lower section of Bronte Road.

1.3. Proposal

The proposal comprises:

- demolition of existing structures including the existing dwelling, swimming pool, elevated rear terrace, retaining wall along the northern (front) boundary, and basement;
- removal of three trees;
- retention of the existing garage slab;
- construction of a three storey dwelling house comprising:
 - Basement: car parking, 5 x storage areas, bicycle parking, bin storage room, mud room, plant room, mechanical services room, stormwater tank storage, foyer, internal stairs, planter box and pond, side access to external stairs;
 - Ground floor: open plan kitchen/living/dining area, entry, family room, pantry, powder room, study, stairs and void;
 - First floor: 4 x bedrooms with built-in/walk-in robes and en suites, 2 x voids, 2 x front terraces, and 2 x rear terraces; and
 - Roof: 6 x skylights, solar panels.
- front and rear ground floor terraces,

- new side entry steps;
- barbecue area;
- swimming pool and balustrade;
- boundary fencing within the front setback of the site;
- new raised terrace, stairs and walkways at the rear;
- privacy screens, new larger garage door and entry gate; and
- landscaping and retaining walls.

1.4. Background

The following background is relevant to the application:

- On 1 July 2002, Building Application BA-488/1996, was issued for alterations and additions to an existing dwelling.
- On 1 February 2011, Complying Development Certificate CD-14/2011 was issued by 'MGP Building and Infrastructure Services' for retaining walls to the rear and a new planter box.
- On 1 February 2011, Complying Development Certificate CD-28/2011 was issued by 'MGP Building and Infrastructure Services' for an in-ground swimming pool.
- On 25 August 2009, Development Application DA-399/2008 was granted consent for alterations and additions to an existing dwelling house including construction of a garage, workshop and storage areas, and a landscaped terrace over. On 23 April 2010, Construction Certificate CCB-164/2010 was issued for the works.
- On 31 August 2010, Modification Application DA-399/2008/A was granted consent for modification of the front entry, demolition of part of the rear roof, installation of a solar system and new retaining walls.
- On 20 June 2022, the subject Development Application (DA-251/2022) was lodged with Council.
- On 14 July 2022, a 'Stop the Clock' letter was issued to the applicant requested additional information in relation to existing ground levels and structures, building height, Floor Space Ratio (FSR), excessive basement, shadow diagrams, setbacks, landscaping, section diagrams, inadequate plan details and documentation.
- On 10 August 2022, the applicant submitted amended plans.
- On 11 August 2022, as the amended plans did not adequately address the items in the Stop the Clock letter, the applicant was provided another opportunity to address the requests.
- 16 August 2022, the applicant submitted further amended plans and documentation.
- On 18 August 2022, as the amended plans did not adequately address the items in the Stop the Clock letter, the applicant was provided another opportunity to address the requests.
- On 29 August 2022, the applicant submitted a further revision of amended plans and documentation. The amended plans submitted provided sufficient information for the assessment to progress and form the basis for this assessment.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

- SEPP (Building Sustainability Index – BASIX) 2004
- SEPP (Transport and Infrastructure) 2021
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021.

The application was referred to Ausgrid for comment in accordance with Clause 2.48 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* as the proposal includes development within 5m of an exposed overhead electricity power line.

Ausgrid raised no objection to the proposal. Refer to section 3.4 for Ausgrid's comments.

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

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	No	The proposal would not satisfy aim (f), as it would not enhance or preserve the natural environment through appropriate planning, or demonstrate that it would protect existing trees.

Provision	Compliance	Comment
Part 2 Permitted or prohibited development		
<p>Land Use Table</p> <p>R2 Low Density Residential Zone</p> <p><u>Note:</u> The application was lodged prior to the WLEP 2012 amendments to the R2 zone objectives on 30 September and 21 October 2022. The objectives prior to 30 September have therefore been relied on for this assessment.</p>	No	<p>The proposal is defined as <i>dwelling house</i>, and is permitted with consent in the R2 zone.</p> <p>The proposal however would not satisfy the following objective of the R2 zone:</p> <ul style="list-style-type: none"> <i>To provide for the housing needs of the community within a low density residential environment.</i> <p>The proposal would not provide for the housing needs (good amenity) of the community as it would result in impacts on the amenity of the neighbouring properties.</p>
Part 4 Principal development standards		
<p>4.3 Height of buildings</p> <ul style="list-style-type: none"> 8.5m 	No (see Clause 4.6 discussion)	A building height of 10.73m (breach of 2.23m or 26.23%) is proposed
<p>4.4 Floor space ratio and 4.4A Exceptions to floor space ratio</p> <ul style="list-style-type: none"> 0.558:1 (277.46m²) 	No (see Clause 4.6 discussion)	An FSR of 0.778:1 (breach of 109.14m ² or 39.33%)
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of buildings and Floor Space Ratio development standards. A detailed discussion of the variation to the development standards is provided below.
Part 5 Miscellaneous provisions		
5.6 Architectural roof features	No	Unsatisfactory. The architectural roof feature at the front of the dwelling would exceed the building height development standard and result in additional overshadowing of the neighbouring property's windows. The proposal therefore would not satisfy objective (d) which requires roof features to have minimal visual and amenity impact, in particular with regard to solar access.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site is identified to be within a Class 5 Acid Sulfate Soils area. The Geotechnical Investigation Report submitted includes an Acid Sulfate Soils assessment which confirms that the proposal would not result in the exposure or disturbance of Acid Sulfate Soils.
6.2 Earthworks	No	The extent of excavation proposed is considered to be excessive and would not demonstrate a

Provision	Compliance	Comment
		<p>satisfactory design response in order to prevent disruption and/or detrimental effects on drainage patterns, soil stability, and the structural integrity of the adjoining properties in particular with regard to the large Weeping Fig tree adjacent the rear boundary.</p> <p>The proposal has not demonstrated that appropriate measure would be implemented to avoid or minimise impacts as a result of the proposed works.</p> <p>The proposal therefore would not satisfy clause 6.2(3)(a), (d), and (h) of WLEP 2012.</p>

Clause 4.6 Exceptions to Development Standards

The application seeks to vary the height of buildings development standard in clause 4.3 and the Floor Space Ratio (FSR) development standard in clause 4.4 under Waverley LEP 2012. An assessment against each development standard is provided below.

Clause 4.3 Height of Buildings

The site is subject to a maximum building height development standard of 8.5m. The proposed development has a building height of 10.73m, exceeding the standard by 2.23m equating to a 26.23% variation.

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

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case for the following reasons:
 - (i) *The proposal will be consistent with the objectives of the R2 zone as the proposal will maintain the existing permissible land use, and has been designed to respect the locality in terms of its*

- bulk, scale, and building location evidenced by its compliance with the relevant objectives and controls of the WDCP 2012.*
- (ii) The proposal will be consistent with building height objective (a) as the proposal will comply with the minimum setback requirements and the maximum wall height control, and will not result in adverse impacts on the streetscape or neighbouring properties with regard to bulk and overshadowing.*
 - (iii) The proposal will be consistent with building height objective (d) as the area of building height non-compliance will not be visible when viewed from the street or adjoining properties, and will not present as an overdevelopment of the site. Rather, the proposal will assimilate with the apparent height and bulk of the neighbouring properties and blend into the established residential fabric of the street.*
 - (iv) The 26.2% proposed variation is consistent with the following recently approved developments located on the southern side of Bronte Road:*
 - a. DA-171/2020 – 453 Bronte Road, Bronte (15.3% variation)*
 - b. DA-477/2018 – 455A Bronte Road, Bronte (24% variation)*
 - c. DA-480/2018 – 435 Bronte Road, Bronte (37% variation)*
 - (v) A compliant proposal would not allow the substantial upgrade in residential amenity in the manner intended.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard, including:
- (i) The breach is attributed to the existing floor level being taken from the previously excavated basement which creates a distorted height and does not reflect the natural topography of the site.*
 - (ii) Notwithstanding the building height exceedance, the proposal is compliant with Waverly DCP controls regarding wall height, visual and acoustic amenity, setbacks, and solar access requirements and is anticipated to have a negligible impact on the existing amenity of adjoining properties.*
 - (iii) The numerical height exceedance does not directly contribute to the bulk of the building as 4.08m of this non-compliant height is located within the basement garage, not visible from the street nor the adjoining sites.*
 - (iv) The proposal will maintain and reinforce the established residential character of dwellings located on the southern side of Bronte Road.*
 - (v) The proposed variation does not result in any unreasonable adverse environmental impacts on surrounding properties.*
 - (vi) The development achieves a minimum of 3 hours of solar access to the adjoining sites as stipulated in the Waverly DCP 2012.*
 - (vii) The proposed building setbacks are compliant with Waverly DCP controls and consistent with the setbacks of surrounding properties.*

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

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

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

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

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

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

It is considered that the applicant has 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.

The assessment has found that the proposal would not adequately address clause 4.6(3)(a) for the following reasons:

- (a) The proposal would not satisfy the building height or R2 zone objectives for the reasons outlined below.
- (b) The proposal would not satisfy the WDCP 2012 controls and objectives and would not be of a bulk and scale which is in keeping with the neighbouring properties.
- (c) The examples of nearby properties which were approved with breaches to the building height development standard are not comparable to the subject site with regard to context, siting, built form or topography.
- (d) Breaching a development standard to enable private gain (substantial upgrade to residential amenity) is not a sound justification.
- (e) The proposal is a concept which is capable of being amended to respond to site constraints.

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

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

- (a) The proposal would not be consistent with the objectives of the R2 zone or the building height development standard as outlined below.
- (b) The proposal would not comply with the relevant Waverly DCP controls including with regard to wall height and setbacks and would not have a negligible impact on the existing amenity of adjoining properties.
- (c) The proposal includes generous floor to ceiling and floor to floor thicknesses which contribute the bulk of the development and the breach of the development standard and therefore the exceedance is not directly relating to the existing ground level within the basement.
- (d) The building height non-compliance would result in additional overshadowing of the neighbouring property at 397 Bronte Road and would not preserve amenity.

Is the development in the public interest?

The proposed development would 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.

Note: The application and the Clause 4.6 were submitted prior to recent WLEP 2012 updates and therefore rely on the objectives in force prior to the 30 September 2022 and 21 October 2022 revisions.

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

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

Objective (a) would not be satisfied as the area of building height non-compliance would result in overshadowing of the neighbouring property at 397 Bronte Road located to the east, and accordingly would not demonstrate that the amenity of the neighbouring property would be preserved.

Objective (d) would not be satisfied as the breach of the building height and FSR development standards would result in overshadowing of the neighbouring properties, and therefore would not be of a height and scale which would not be in keeping with desired future character of the locality.

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

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

The proposal would not provide for the housing needs (amenity) of the community as it would diminish the amenity of neighbouring properties for private gain.

Conclusion

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

Clause 4.4. Floor Space Ratio (FSR)

The site is subject to a maximum floor space ratio (FSR) development standard of 0.55885:1 (277.46m²). The proposed development has an FSR of 0.778:1, exceeding the standard by 109.14m² equating to a 39.33% 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 for the following reasons:
- (i) *The proposal will be consistent with the objectives of the R2 zone as the proposal will maintain the existing permissible land use, has been designed to respect the locality in terms of its bulk, scale, and building location, and will not dominate the streetscape as the majority of the GFA is situated below ground and will not be visible from the street or adjoining properties.*
 - (ii) *The proposal will be consistent with FSR objective (b) as the proposal does not exceed the building height development standard, complies with the setback requirements and would not be inconsistent with the R2 zone objectives.*
 - (iii) *The proposal will be consistent with FSR objective (c) as the FSR non-compliance does not jeopardise the desired character of this low density residential locality as the excess GFA is located in the basement foyer area and will not be visible from the street.*
 - (iv) *The proposal will be consistent with FSR objective (d) as the FSR exceedance does not compromise the environmental amenity of the proposal in terms of setbacks, landscaped area and private open space, and would not impact on neighbouring amenity with regard to overshadowing and privacy.*
 - (v) *The proposal would not alter the established character of the area or set an undesirable precedent as the 13.8% proposed variation is consistent with recently approved developments in the locality (refer to C4.6 for examples).*
 - (vi) *The FSR exceedance allows for increased amenity and improved internal connectivity and functionality to suit the day to day needs of the occupants, and compliance with the development standard would not allow the substantial upgrade in residential amenity in the manner intended.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard as outline below:
- (i) *The development seamlessly integrates with the surrounding low-density locality. The FSR exceedance only relates to the foyer area which is situated below ground, behind the existing garage. The FSR exceedance does not result in additional bulk and scale impacts as the additional GFA does not contribute to the height of the building. The proposal not detract from the low-density character of the area and complies with the objectives of the R2 zone.*
 - (ii) *The proposal is compliant with WDCP controls in relation to visual and acoustic amenity, setbacks, and solar access, and will have a negligible impact on the existing amenity of adjoining properties.*
 - (iii) *A compliant proposal would unreasonably prevent the expansion of the dwelling to be able to take advantage of accessing basement level garage and storage areas.*

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

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

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

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

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

It is considered that the applicant has 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.

The assessment has found that the proposal would not adequately address clause 4.6(3)(a) for the following reasons:

- (a) The proposal would not satisfy the FSR and R2 zone objectives for the reasons outlined below.
- (b) The examples of nearby properties which were approved with breaches to the FSR development standard are for alterations and additions and are largely not comparable to the subject site with regard to context, siting, built form or topography.
- (c) The breach of the FSR development standard encompasses the entire development and cannot solely be attributed to the GFA located at the basement level.
- (d) The proposal includes a number of voids which add to the bulk of the building, would result in additional overshadowing of the neighbouring properties as a result of the bulk and scale of the development, and would not be in keeping with the desired future character of the locality.
- (e) The Clause 4.6 is inconsistent with the proposal with regard to the extent of the non-compliance sought and the proposals breach of the building height development standard and therefore is

inaccurate and cannot be relied upon. The proposal furthermore does not comply with the minimum side setback or landscaped area requirements.

- (f) Breaching a development standard to enable private gain (substantial update to residential amenity, improve functionality) is not a sound justification.

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

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

- (a) The breach of the FSR development standard encompasses the entire development and cannot solely be attributed to the GFA located at the basement level.
- (b) The breach of the FSR development standard would result in impacts on the neighbouring properties with regard to bulk and scale and overshadowing.
- (c) The proposal would not satisfy the R2 zone objectives for the reasons outlined below.
- (d) The proposal would not comply with the DCP controls including in relation to minimum side setbacks and landscaped area requirements, and would result in additional overshadowing of the neighbouring properties.

Is the development in the public interest?

The proposed development would 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 objectives of the Floor Space Ratio (FSR) development standard are as follows:

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

Objective (b) would not be satisfied as the proposal would exceed the building height and FSR development standards and would not comply with the setback requirements.

Objective (c) would not be satisfied as the proposal would not be of a bulk and scale which is in keeping with the desired future character of the locality.

Objective (d) would not be satisfied as the proposal would not preserve the amenity of the neighbouring properties.

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 would not provide for the housing needs (amenity) of the community as it would diminish the amenity of neighbouring properties for private gain.

Note: The application and the Clause 4.6 were submitted prior to recent WLEP 2012 updates and therefore reply on the objectives prior to the 30 September 2022 and 21 October 2022 revisions.

Conclusion

For the reasons provided above the requested variation to the Floor Space Ratio (FSR) is not supported as the applicant's written request has not adequately addressed the matters required to be addressed by clause 4.6(3) of the Waverley LEP 2012. In addition, the proposed development is not in the public interest because it is inconsistent with the objectives of FSR development standard and the R2 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. A valid BASIX Certificate was lodged with the application.
3. Landscaping and Biodiversity	No	Unsatisfactory. The proposal does not comply with the minimum landscaped area requirement and would not maximise on site stormwater infiltration and minimise hard surfaces and off-site stormwater runoff. Insufficient information has been provided to confirm whether the new stone finish to the wall along the front boundary would be in keeping with

Development Control	Compliance	Comment
		<p>the traditional pattern and style within the locality.</p> <p>Insufficient information has been provided in relation to the extent of works proposed along the rear boundary and how they would be undertaken, in order to demonstrate that the proposal would not result in adverse impacts on the large Weeping Fig tree located within the neighbouring property (adjacent the rear boundary), with regard to soil stability, health and integrity.</p> <p>The proposal would not satisfy objective (d), or controls (e), (f), (i) under section 3.1.1 of WDCP 2012.</p>
5. Vegetation Preservation	No	<p>Unsatisfactory. Insufficient information has been provided to demonstrate that the proposal would not result in adverse impacts on the large Weeping Fig tree located within the adjoining property (adjacent the rear boundary).</p> <p>The plans show that the terrace at the rear of the site, including the stone retaining wall are proposed to be demolished with construction of a new smaller terrace proposed in the same location. The extent of excavation proposed to facilitate the construction of the proposed terrace, and extent of existing structures to be retained is unclear (section 3 details an open space between the new retaining wall and a retaining wall on the boundary, which is inconsistent with the assumptions made in the Arborist Report that this area will be maintained as existing fill), and a detailed discussion/assessment in relation to maintaining the stability of the tree/soil have not been provided.</p>
6. Stormwater	No	<p>Unsatisfactory. The proposal does not comply with the minimum landscaped area requirement and would not provide sufficient permeable area in order to minimise stormwater run-off in accordance with objectives (f) and (k).</p> <p>The design of the proposal, including the extent of excavation proposed at the basement level and lack of permeable surfaces would not minimise disturbance of the natural drainage system in accordance with control (d).</p>

Development Control	Compliance	Comment
<p>8. Transport</p> <p>Maximum parking rate:</p> <ul style="list-style-type: none"> 1 space for 2 or less bedrooms 2 spaces for 3 or more bedrooms. 	Yes	The proposal provides for two car spaces integrated into the design of the proposal in the same location as the existing parking area. The size of the basement and area nominated for car parking is however considered to be excessive.
10. Safety	Yes	Satisfactory.
12. Design Excellence	No	<p>Unsatisfactory. The proposal exceeds the building height and FSR development standards and would result in additional overshadowing of the neighbouring properties.</p> <p>The proposal has not demonstrated that adequate consideration has been given to amenity of the neighbouring properties or the visual dominance of the street wall (new front wall proposed higher than the existing) and would not be a suitable development for the site.</p> <p>The proposal would not demonstrate design excellence and would not satisfy controls (e)(iv), (v), (vi), (vii), and (x) under section 12.1 of WDCP 2012.</p> <p>Insufficient information has been provided to demonstrate that adequate consideration has been given to the site constraints (e.g. impacts on the Weeping Fig tree, treatment of the adjoining properties common boundary wall, amending structures currently located beyond the property boundary (front entry steps), compliance with planning requirements), and would not satisfy objectives (b), (c), and (d) under section 12.2 of WDCP 2012.</p>
14. Excavation	No	<p>Unsatisfactory. The proposal includes excavation to extend the large existing basement by approximately 140m².</p> <p>The size of the basement and provision of areas nominated for storage and plant are excessive for a residential dwelling and are not considered to be the genuine intended use.</p> <p>Insufficient information has been provided to give assurance that the works proposed along the rear boundary would not result in adverse impacts on the structural stability of the large Weeping Fig tree and the surrounding soil.</p>

Development Control	Compliance	Comment
		The proposal would not minimise excavation or site disturbance, and would not satisfy objectives (b), (c), (g), (h), and control (d) under section B14 of WDCP 2012.
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		
	No	<p>The proposal would not be of a scale which is appropriate to the size of the allotment, and accordingly would result in impacts on the amenity of the neighbouring properties. The proposal would not satisfy a number of planning controls and objectives and would not be in keeping with the desired future character of the locality.</p> <p>The proposal would not satisfy objectives (a), (b), (d) and (e) under part C2 of WDCP 2012.</p>
2.1 Height		
Flat roof dwelling house <ul style="list-style-type: none"> Maximum wall height of 7.5m 	No	The proposal comprises a wall height of 10.43m and 10.72m on the northern elevation and part of the eastern elevation and therefore exceeds the 7.5m wall height control by 2.93m (39.06%) 3.23m (43.06%) respectively. The proposal therefore would not satisfy control (b).
2.2 Setbacks		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	No	<p>As detailed below, the information provided throughout the architectural plans and streetscape analysis have been found to include inaccurate and misleading information. An accurate and detailed assessment of the proposed front and rear setbacks is therefore not able to be undertaken.</p> <p>The assessment has however found that the proposal would not provide a greater rear setback at the upper level in order to minimise impacts on the neighbouring properties, and that compatibility with neighbouring properties has not been demonstrated. The proposal would not satisfy objectives (f) and (h), or controls (a), (b) under section 2.2 of WDCP 2012.</p>
2.2.2 Side setbacks	No	The proposal exceeds the 8.5m building height development standard at the front of the site and

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Minimum of 0.9m (for height up to 8.5m) or 1.2m (height non-compliant 2 storey dwelling) or 1.5m (up to 12.5m) or 3m (greater than 12.5m) 		<p>a 1.5m side setback has not been provided in accordance with control (a).</p> <p>Insufficient information has been provided to establish whether the setback proposed from the western boundary is appropriate given the siting of the neighbouring property in close proximity to the common boundary.</p>
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context Development not to dominate or erode streetscape character. Significant landscaping to be maintained. 	No	<p>The increase to the height of the front boundary wall and removal of landscaping along the street frontage, in conjunction with the height and projection of the roof form, would not minimise the visual bulk and scale or dominance of the proposal within the streetscape.</p> <p>The proposal therefore would not satisfy control (d) under section 2.3 of WDCP 2012.</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 <p><i>Side and Rear:</i></p> <ul style="list-style-type: none"> Maximum height of 1.8m 	No	<p>The proposal includes demolition of the existing (approximately 4m high with a balustrade set behind landscaping on top) wall along the front boundary and construction of a new wall with an external stone finish. In accordance with the details provided on the long sections, the height of the new wall is proposed to be increased by approximately 300mm, with a 1m balustrade set in front of landscaping above.</p> <p>The details provided on the sections and elevations in relation the height of the wall are inconsistent and insufficient detail has been provided to confirm how the wall relates to the neighbouring properties, and what type of stone finish is proposed (plan currently note 'compliant with Council requirements').</p> <p>The proposal has not been designed to minimise visual bulk and scale or the visual dominance of structures within the streetscape, and a setback for the pedestrian entry has not been provided.</p> <p>It is unclear whether fencing is proposed for the full length of the western boundary following detachment from the adjoining semi.</p> <p>The proposal would not satisfy objective (b), or controls (a), (d), (i), and (m) under section 2.4 of WDCP 2012.</p>
2.5 Visual and acoustic privacy		

Development Control	Compliance	Comment
<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 	Yes	The proposal would not result in adverse impacts on the neighbouring properties with regard to privacy.
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). 	No	<p>As detailed on the elevational shadow diagrams, the proposal (in particular the areas which exceed the 8.5m building height control) would result in additional overshadowing of windows to 395 Bronte Road located to the east of the site. The proposal therefore does not demonstrate that it would preserve amenity or maximise solar access to surrounding properties. In accordance with control (c) the overshadowing resulting from the breaches of the building height and FSR development standards is found to be unreasonable.</p> <p>The solar access diagrams do not appear to provide an accurate representation of the shadows cast by the existing and proposed development, and it is unclear whether consideration has been given to proposed privacy screens which would contribute to overshadowing.</p> <p>Insufficient information has been provided (e.g. a northern elevational shadow diagram) to enable a detail assessment of the extent of overshadowing of 393 Bronte Road located to the west of the site.</p> <p>The proposal would not satisfy objectives (a), (c), and (d), and control (e) under section 2.6 of WDP2012.</p>
2.7 Views		

Development Control	Compliance	Comment
<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>A submission was received from 397 Bronte Road, Bronte raising concerns that the proposal would result in a loss of views/outlook as a result of building height, FSR and setback non-compliances.</p> <p>An assessment of the view/outlook is provided below.</p>
2.8 Car parking		
<p>2.8.1 Design Approach</p> <ul style="list-style-type: none"> Parking only allowed where site conditions permit Designed to complement the building and streetscape Car parking structures to be behind the front building line Driveways are to be located to minimise the loss of on street parking Parking to be provided from secondary streets or lanes where possible. 	Yes	The proposal seeks to maintain the existing on-site parking arrangement with parking provided in a basement garage.
2.8.2 Parking rates	Yes	The proposal includes parking for two cars within a basement garage. The size of the garage is considered to be excessive.
<p>2.8.3 Location</p> <ul style="list-style-type: none"> Behind front building line for new dwellings Existing development to be in accordance with the hierarchy of preferred car parking locations 	Yes	The proposal does not comply with the stipulated controls, however seeks to maintain the existing on-site parking arrangement with parking provided in the basement garage at the front of the site.
<p>2.8.4 Design</p> <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 	No	<p>The proposal includes a new garage door which is to be larger than the existing garage door. Whilst it was requested from the applicant on more than one occasion to detail the existing garage door to be demolished, these details, and details of the proposed garage door dimensions have not been provided on the elevation.</p> <p>The new garage door is proposed with a width of 6m, which exceeds Council's requirements by 1m.</p> <p>The extent at which the pedestrian entry gate is open in order to maintain surveillance is unclear.</p>

Development Control	Compliance	Comment
		Insufficient information has been provided to demonstrate compliance with controls (a), (b), and (i) under section 2.8.4.
2.8.5 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes	The proposal satisfies the requirement under section 2.8.5.
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 	No	The Statement of Environmental Effects notes that the existing driveway will be maintained, however no details have been provided on the plans.
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area Minimum area of 25m² for private open space Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided Outdoor clothes drying area to be provided 	No	<p>Landscaping over structures (e.g. basement garage, plant boxes etc) are not calculable as landscaped area in accordance with the WDCP 2012 landscaped area definition.</p> <p>The proposal comprises a landscape area of 32.9m², comprising 6.62% of the site and does not comply with the 15% or 74.475m² minimum landscaped area requirement in accordance with control (c).</p> <p>The proposal would not maximise on site stormwater infiltration in order to minimise stormwater runoff in accordance with objective (d).</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 	Yes	The new swimming pool is proposed to be located at the rear of the site and would not result in adverse impacts on the amenity of the neighbouring properties.
2.13 Semi-detached dwellings and terrace style development		
2.13.1 - Built form <ul style="list-style-type: none"> Additions to match the style of the original semi-detached dwelling Existing roof form maintained forward of principal ridgeline Use of roof as an attic permitted provided Front verandahs to be maintained. 	No	<p>The existing development comprises a semi-detached dwelling with the adjoining semi located to the west at 393 Bronte Road.</p> <p>The proposal seeks to detach from the adjoining property to create a new free standing dwelling house. The proposal is considered acceptable within the context of the site.</p> <p>As detailed on the Survey Plan, the existing dwelling, entry steps and structures at the rear of</p>

Development Control	Compliance	Comment
		<p>the site are located beyond the boundary, within 353 Bronte Road.</p> <p>It is unclear from the information provided on the plans whether the existing front entry steps are to be retained (plans note 'existing staircase below'), how the boundary/common boundary walls will be treated/structurally supported as a result of the works and whether any works are proposed beyond the boundary (e.g. new front entry steps are detailed beyond the boundary).</p>

Section 2.7 - View Sharing

A submission was received from 397 Bronte Road, Bronte raising concerns that the proposal would result in a loss of their views as a result of building height, FSR and setback non-compliances.

An inspection of 397 Bronte Road was undertaken on 11 November 2022.

The assessment has found that the view in question does not comprise a city skyline, ocean, a land water interface, or a park or district view, and therefore would be best characterised as an outlook.

The outlook is obtained over a side boundary towards trees/bush and a residential flat building located to the north-west and west and is enjoyed from the first floor west facing kitchen window and the first floor balcony. The property benefits from outlook to trees and bushland to the north which would not be impacted by the proposal.

The area of the development which exceeds the building height development standard would result in some obstruction of the outlook. However, as it is not classified as an iconic view and the outlook to the north is not impacted by the proposal, the impacts on the outlook to the west and north-west are not considered to be unreasonable.



Image 1. Outlook from floor kitchen window facing west. Photo taken from a standing position.



Image 2. Outlook from the first floor kitchen window facing north-west. Photo taken from a standing position.



Image 3. Outlook from the front balcony of 397 Bronte Road facing west. Photo taken from a standing position.

2.2. Plan Details and Documentation

Whilst corrections to the plan details were requested on more than one occasion during the Stop the Clock phase, the architectural plans continue to contain various inconsistencies and do not provide adequate information to enable an accurate and detailed assessment. In addition to the items mentioned throughout this report, items include but are not limited to:

- Existing and proposed works (including demolition) have not been detailed in a consistent fashion throughout the plans and therefore the architectural plans do not provide a clear picture of the true extent of works proposed.
- Inconsistencies have been identified between the plans and supporting documentation.
- The red outline on the east and west elevations indicating the existing development is inconsistent with the details provided on the Survey Plan and provide a misleading representation.
- The plans detail existing retaining walls to be retained within the rear setback of the site on plan, however in section, these are annotated for demolition with new retaining walls proposed.
- Boundary lengths have not been detailed throughout the plans to confirm the accuracy of the proportions, and the front and rear boundary details of the adjoining properties are either omitted or incorrectly detailed when compared to the details on the Survey Plan.
- Due to the discrepancy identified on the streetscape analysis plan (setbacks not detailed from the boundary and are inconsistent with architectural plans), as detailed in section 2.5 below, it is unclear whether the front and rear setback measurements detailed area accurate.

- The architectural plans do not accurately detail the existing ground levels throughout the site (e.g. subfloor area below the north-eastern corner of the existing dwelling).

2.3. Other Impacts of the Development

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

2.4. Suitability of the Site for the Development

The site is not considered suitable for the proposal.

2.5. Any Submissions

The application was notified for 14 days between 8 and 22 July 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 plans did not include any new or additional impacts on the streetscape or neighbouring properties.

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

- 393 Bronte Road, Bronte
- 397 Bronte Road, Bronte
- 401 Bronte Road, Bronte
- 16A Gardyne Street, Bronte
- 18 Gardyne Street, Bronte

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

- Exceedance of building height development standard.
- Bulk and scale and breach of the FSR development standard.
- Inadequate Clause 4.6 justification.
- Excessive excavation.
- Breach of wall height control.
- Visual and amenity impact of building height non-compliance.
- Front and rear building alignment.
- Inadequate comparable property examples in FSR Clause 4.6.
- Inaccurate and misleading documentation.
- Privacy
- Impacts on the Weeping Fig within 16A Gardyne Street to the south.

- Lack of landscaped area.
- View sharing.

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

Issue: Neighbouring Property Details

Response: Concerns were raised that the information submitted did not provide sufficient information in relation to the neighbouring properties in order to enable a detailed assessment. As part of the additional information requested via the Stop the Clock letter at the preliminary stages of the assessment, additional information in relation to the neighbouring properties was requested. The amended plans included additional information in relation to the neighbouring properties, however the level of detail continues to be limited.

Issue: FSR Calculations

Response: Concerns were raised that the FSR calculation sheet did not appear to detail an accurate calculation as it excluded areas which are to be included, by definition, in the calculation. Council has undertaken an independent calculation of the GFA and FSR of the proposal, which is found to differ from the applicant's calculation despite amendments to the calculation being sought from the applicant on more than one occasion.

Issue: Neighbours Front and Rear Setbacks

Response: Concerns were raised that the front setbacks detailed for the neighbouring properties on the streetscape analysis plans were incorrect and depicted a misleading relationship with the proposed development. This concern was raised with the applicant as part of the information requested in the Stop the Clock letter. The revised setback analysis included amended measurements, however the analysis continues to be inaccurate as the measurements have not been taken from the boundary. The assessment has found that the details on the analysis and the architectural floor plans are not able to be relied upon due to incorrect and inconsistent information.

Issue: Disruption and Safety

Response: Concern was raised that the construction of the proposed development, including the extent of excavation proposed would result in disruption and safety risks due to the narrowness of Bronte Road. In the event of an approval, a condition of consent would be included which requires a Construction Traffic Management Plan to be submitted prior to the release of the Construction Certificate.

Issue: Acoustic Amenity

Response: Concern was raised that the proposal would result in impacts on the acoustic amenity on the neighbouring property at 18 Gardyne Street. The proposal would not result in any acoustic impacts beyond which would reasonably be expected within an urban environment.

Issue: Incorrect Shadow Diagrams

Response: Concerns were raised that the information provided on the shadow diagrams did not appear to be accurate as they detail existing shadows where no existing shadows are cast due to the existing dwelling being single storey. The assessment has found that the shadow diagrams do not appear to be accurate.

2.6. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Traffic and Development

Council's Traffic Engineer did not raise objection to the proposal.

3.2. Stormwater

Council's Stormwater Engineer did not raise objection to the proposal.

3.3. Biodiversity and Environmental Sustainability

Council's Biodiversity and Environmental Sustainability Department raised no objection to the proposal.

3.4. Tree Management

Council's Tree Management Officer did not raise objection to the proposal.

3.5. Ausgrid

The application was referred to Ausgrid for comment in accordance with Clause 2.48 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* as the proposal includes development within 5m of an exposed overhead electricity power line.

Ausgrid raised no objection to the proposal and provided the following comment:

Ausgrid does not object to the proposed development.

The applicant/developer should note the following comments below regarding any proposal within the proximity of existing electrical network assets.

Ausgrid Underground Cables are in the vicinity of the development

Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.

It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Dial Before You Dig (DBYD).

In addition to DBYD the proponent should refer to the following documents to support safety in design and construction:

SafeWork Australia – Excavation Code of Practice.

Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables.

The following points should also be taken into consideration.

Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

Ausgrid Overhead Powerlines are in the vicinity of the development

The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.

Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.

The "as constructed" minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website at www.ausgrid.com.au.

It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer's cost.

Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can be found by visiting the following Ausgrid website: www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

Should you have any enquiries, please contact Ausgrid at development@ausgrid.com.au.

4. CONCLUSION

The development application seeks consent for demolition of existing structures and construction of a part two storey, part three storey dwelling with basement parking and a swimming pool and terrace at the rear of the site known as 395 Bronte Road, Bronte.

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

- Breach of FSR control
- Breach of building height control
- Excessive excavation
- Inadequate plan details and documentation

The assessment finds these issues unacceptable for the reasons outlined within this report.

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

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

Development and Building Unit (DBU) Decision:


The application was reviewed by the DBU at the meeting on 1 November 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, A Rossi, B McNamara, B Magistrale, E Finnegan, and T Sneesby.*

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:
	
Karis Keenan	Angela Rossi
Senior Development Assessment Planner	Manager, Development Assessment (Reviewed and agreed on behalf of the Development and Building Unit)

Date: 14 November 2022	Date: 18 November 2022
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Reason for WLPP referral:

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

APPENDIX A – REASONS FOR REFUSAL

Having regard to section 4.55 (2) and section 4.15 (1) of the *Environmental Planning and Assessment Act 1979 (the Act)* the development application (the application) is refused for the following reasons:

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

- a. *Clause 4.3 Height of Buildings*

The application exceeds the 8.5m development standard 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.

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 as it would result in overshadowing and is contrary to clause 4.3 (1) (a) and (d) of WLEP.

- b. *Clause 4.4 Floor Space Ratio*

The application exceeds the 0.558:1 Floor Space Ratio (FSR) development standard and the applicant's written request under clause 4.6 of WLEP has failed to adequately address the required matters under subclauses 4.6 (3)(a) and (b) of Waverley LEP

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

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

- a. *Waverley Local Environmental Plan 2012* (or WLEP) as the application is contrary to the following provisions:

- i. *Clause 1.2 Aims of Plan*, specifically the aims under clause 1.2(2)(f) as the proposal would not enhance or preserve the natural environment through appropriate planning, or demonstrate that it would protect existing trees.
 - ii. *R2 Low Density Residential zone objectives* as the proposal as it would result in impacts on the amenity of the neighbouring properties and would not provide for the housing needs of the community.
 - iii. *Clause 5.6 Architectural Roof Features*, specifically objective (d) as the roof feature would not have minimal visual and amenity impacts, in particular with regard to solar access.
 - iv. *Clause 6.2 Earthworks*, specifically clause (3)(a),(d) and (h) as the proposal would not demonstrate a satisfactory design response in order to prevent disruption

and/or detrimental effects on drainage patterns, soil stability, and the structural integrity of the adjoining properties, and has not demonstrated that appropriate measure would be implemented to avoid or minimise impacts as a result of the proposed works.

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 B3 Landscaping and Biodiversity

- a. Objective (d) and controls (e), (f), and (i) under this part as the proposal would not comply with the minimum landscaped area requirement and would not maximise on site stormwater infiltration or minimise hard surfaces and stormwater runoff. Insufficient information has been provided to demonstrate that the proposal would not result in impacts on existing mature vegetation within the vicinity.

Part B6 Stormwater

- b. Objectives (f), (k) and control (d) under this Part, as proposal does not comply with the minimum landscaped area requirement and would not provide sufficient permeable area in order to minimise stormwater run-off, or minimise disturbance of natural drainage systems.

Part B12 Design Excellence

- c. Objectives (b), (c), and (d), and controls (e)(iv), (v), (vi), (vii), and (x) under this Part, as the proposal has not demonstrated that adequate consideration has been given to amenity of the neighbouring properties or the visual dominance of the street wall, and insufficient information has been provided to demonstrate that adequate consideration has been given to the site constraints.

Part B14 Excavation

- d. Objectives (b), (c), (g), (h) and control (d) as the proposal would not minimise excavation or site disturbance, and insufficient information has been provided to demonstrate that the proposal would not result in adverse impacts.

Part C2 Low Density Residential Development

- e. *Section 2.0 General Objectives* as the proposal would not satisfy objectives (a), (b), (d) and (e), as the proposal would not satisfy a number of planning controls and objectives or be of a scale which is appropriate to the size of the allotment, and would result in impacts on the amenity of the neighbouring properties. The proposal would and would not be in keeping with the desired future character of the locality.
- f. *Section 2.1 Height* as the proposal would not satisfy control (b) as it comprises a wall height of 10.43m and 10.72m on the northern elevation and part of the eastern

elevation and exceeds the 7.5m wall height control by 2.93m (39.06%) 3.23m (43.06%) respectively.

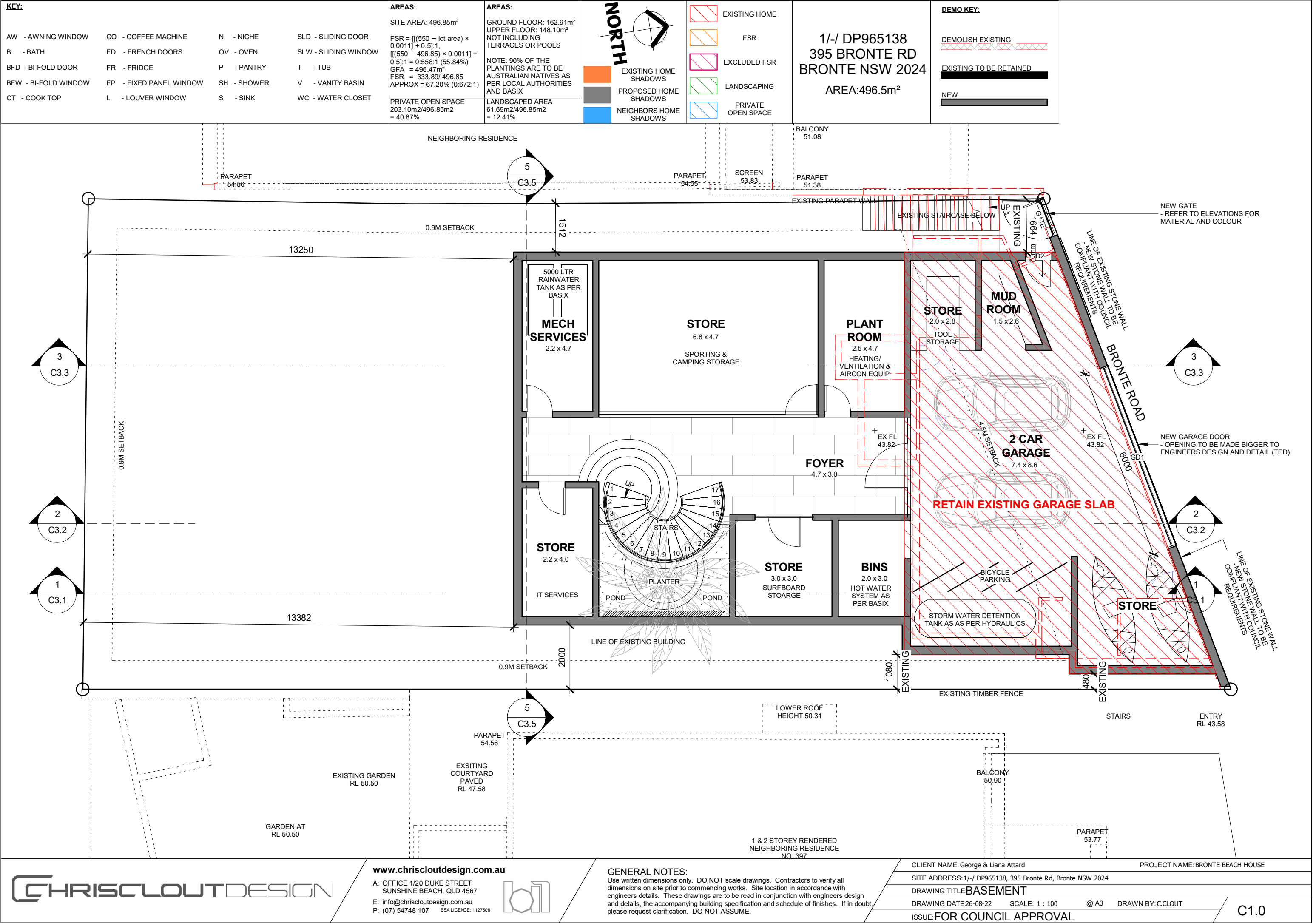
- g. *Section 2.2.1 Setbacks* as the proposal would not satisfy objectives (f) and (h) or controls (a) and (b) as the proposal would not provide a greater rear setback at the upper level in order to minimise impacts on the neighbouring properties, or demonstrate compatibility with neighbouring properties.
 - h. *Section 2.2.2 Side Setbacks* as the proposal would not satisfy control (a) as the proposal would not comply with the minimum side setback requirements.
 - i. *Section 2.3 Streetscape and Visual Impact* as the proposal would not satisfy control (d) as the proposal would not minimise the visual bulk and scale or dominance of the proposal within the streetscape.
 - j. *Section 2.4 Fences* as the proposal would not satisfy objective (b) or controls (a), (d), (i), and (m) as the proposal would not minimise the visual impact of structures within the streetscape, a setback has not been provided for the pedestrian entry and insufficient information has been provided in relation to external finishes and side boundary fencing to demonstrate compliance.
 - k. *Section 2.6 Solar Access* as the proposal would not satisfy objectives (a), (c) and (d), and control (e) as the development exceeds the building height and FSR development standards and would result in overshadowing of the neighbouring property at 393 Bronte Road.
 - l. *Section 2.8.4 Car Parking – Design* as insufficient information has been provided to demonstrate that controls (a), (b), and (i) would be satisfied.
 - m. *Section 2.9 Landscaping and Open Space* as the proposal would not satisfy objective (d) or control (c) as it would not comply with the 15% minimum landscaped area requirement and would not maximise on site stormwater infiltration in order to minimise stormwater runoff.
4. The application does not satisfy section 4.15 (1)(a)(iv) of the Act with respect to the *Environmental Planning and Assessment Regulation 2000* (the Regulations), as insufficient documentation has been provided to properly assess the application.
5. The application does not satisfy section 4.15 (1)(b) of the Act as the proposed development is excessive in terms of its building massing, bulk and scale relative to the site area and dimensions, and consequently results in unacceptable amenity and streetscape impacts upon the locality and surrounding built environment.

6. The application is contrary to section 4.15 (1)(c) of the Act due to the site being unsuitable to accommodate the proposed development.
7. The application is contrary to section 4.15 (1)(d) of the Act in relation to matters raised in the public submissions received that object to the proposed development.
8. The application is contrary to section 4.15 (1)(e) of the Act in relation to the public interest as it is not compatible with the existing and desired future character of the locality and the broader Waverley local government area.



CHRIS CLOUD DESIGN

BRONTE BEACH HOUSE



KEY:

AW - AWNING WINDOW

CO - COFFEE MACHINE

N - NICHE

SLD - SLIDING DOOR

B - BATH

FD - FRENCH DOORS

OV - OVEN

SLW - SLIDING WINDOW

BFD - BI-FOLD DOOR

FR - FRIDGE

P - PANTRY

T - TUB

BFW - BI-FOLD WINDOW

FP - FIXED PANEL WINDOW

SH - SHOWER

V - VANITY BASIN

CT - COOK TOP

L - LOUVER WINDOW

S - SINK

WC - WATER CLOSET

AREAS:

SITE AREA: 496.85m²

FSR = $\frac{[(550 - \text{lot area}) \times 0.0011] + 0.5}{1}$
 $\frac{[(550 - 496.85) \times 0.0011] + 0.5}{1} = 0.558:1$ (55.84%)
GFA = 496.47m²
FSR = 333.89/496.85
APPROX = 67.20% (0.672:1)

PRIVATE OPEN SPACE
203.10m²/496.85m²
= 40.87%

AREAS:

GROUND FLOOR: 162.91m²

UPPER FLOOR: 148.10m²

NOT INCLUDING TERRACES OR POOLS

NOTE: 90% OF THE PLANTINGS ARE TO BE AUSTRALIAN NATIVES AS PER LOCAL AUTHORITIES AND BASIX

LANDSCAPED AREA
61.69m²/496.85m²
= 12.41%

NORTH

EXISTING HOME SHADOWS

PROPOSED HOME SHADOWS

NEIGHBORS HOME SHADOWS

EXISTING HOME

FSR

EXCLUDED FSR

LANDSCAPING

PRIVATE OPEN SPACE

1/- DP965138

395 BRONTE RD

BRONTE NSW 2024

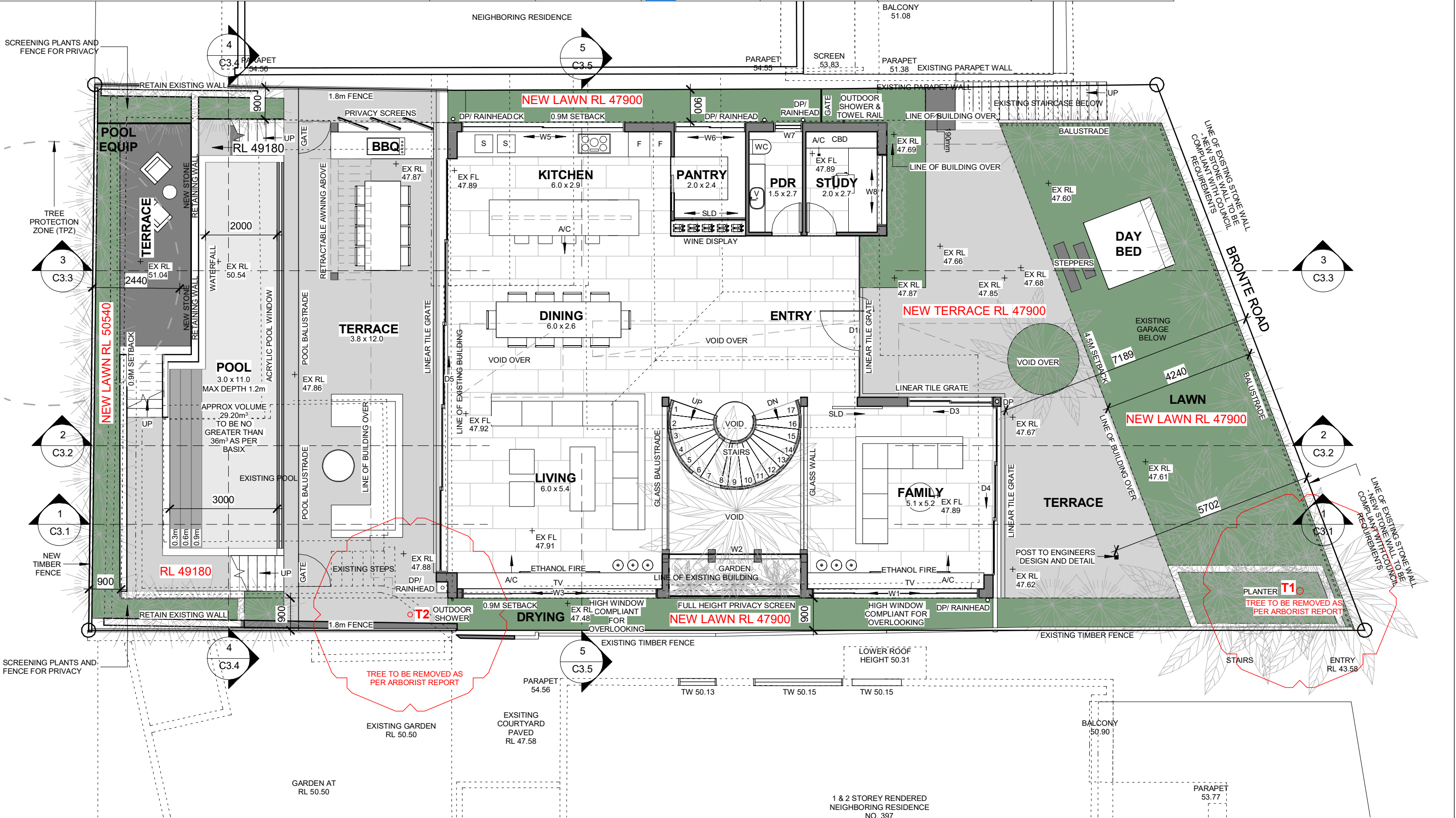
AREA:496.5m²

DEMO KEY:

DEMOLISH EXISTING

EXISTING TO BE RETAINED

NEW



CHRIS CLOUD DESIGN

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2

1

0

GENERAL NOTES:

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CLIENT NAME: George & Liana Attard

SITE ADDRESS: 1/- DP965138, 395 Bronte Rd, Bronte NSW 2024

DRAWING TITLE: GROUND FLOOR

DRAWING DATE: 26-08-22

SCALE: 1 : 100

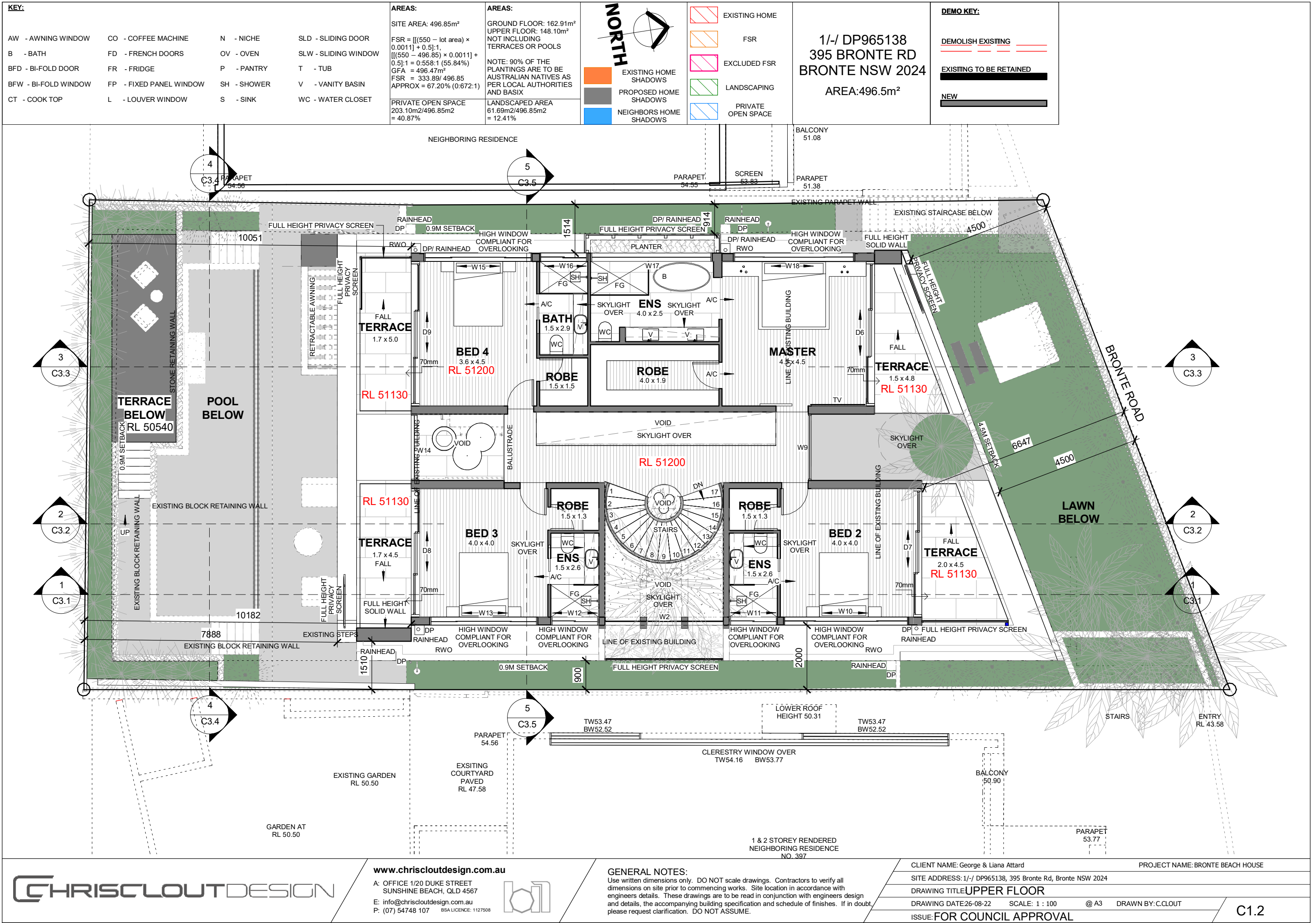
@ A3

DRAWN BY: C.CLOUD

ISSUE: FOR COUNCIL APPROVAL

PROJECT NAME: BRONTE BEACH HOUSE

C1.1



KEY:

AW - AWNING WINDOW

CO - COFFEE MACHINE

N - NICHE

SLD - SLIDING DOOR

B - BATH

FD - FRENCH DOORS

OV - OVEN

SLW - SLIDING WINDOW

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FR - FRIDGE

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CT - COOK TOP

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S - SINK

WC - WATER CLOSET

AREAS:

SITE AREA: 496.85m²

FSR = $\frac{[(550 - \text{lot area}) \times 0.0011] + 0.5}{1}$

$\frac{[(550 - 496.85) \times 0.0011] + 0.5}{1} = 0.558:1$ (55.84%)

GFA = 496.47m²

FSR = 333.89/ 496.85

APPROX = 67.20% (0.672:1)

PRIVATE OPEN SPACE

203.10m²/496.85m²

= 40.87%

AREAS:

GROUND FLOOR: 162.91m²

UPPER FLOOR: 148.10m²

NOT INCLUDING TERRACES OR POOLS

NOTE: 90% OF THE PLANTINGS ARE TO BE AUSTRALIAN NATIVES AS PER LOCAL AUTHORITIES AND BASIX

LANDSCAPED AREA

61.69m²/496.85m²

= 12.41%

NORTH

EXISTING HOME SHADOWS

PROPOSED HOME SHADOWS

NEIGHBORS HOME SHADOWS

EXISTING HOME

FSR

EXCLUDED FSR

LANDSCAPING

PRIVATE OPEN SPACE

1/-/ DP965138

395 BRONTE RD

BRONTE NSW 2024

AREA:496.5m²

DEMO KEY:

DEMOLISH EXISTING

EXISTING TO BE RETAINED

NEW

The site plan illustrates the layout of the property at 395 Bronte Rd, Bronte NSW 2024. It shows the existing home, proposed additions, and various setbacks. Key features include:

- Setbacks:** 0.9M SETBACK on the left, 4.5M SETBACK on the right, and 900mm setbacks at the bottom.
- Existing Features:** EXISTING HOME, EXISTING PARAPET WALL, EXISTING STAIRCASE BELOW, EXISTING TIMBER FENCE, EXISTING GARDEN (RL 50.50), EXISTING COURTYARD PAVED (RL 47.58), and EXISTING HOME SHADOWS.
- Proposed Features:** PROPOSED SOLAR LOCATION AS PER BASIX REQUIREMENTS, SKYLIGHT, RETRACTABLE AWNING, and LOWER ROOF HEIGHT 50.31.
- Landscaping:** LANDSCAPING areas are indicated with green hatching.
- Annotations:** "TREE TO BE REMOVED AS PER ARBORIST REPORT" is noted in two locations. "PENETRATION IN ROOF SLAB FOR CONNECTION TO DP BELOW" is noted in several places.
- Boundaries:** NEIGHBORING RESIDENCE to the north, BRONTE ROAD to the east, and NEIGHBOURS WINDOW LOCATION FROM GOOGLE IMAGES/ SURVEYING to the south.

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P: (07) 54748 107 BSA LICENCE: 1127508

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CLIENT NAME: George & Liana Attard

SITE ADDRESS: 1/-/ DP965138, 395 Bronte Rd, Bronte NSW 2024

DRAWING TITLE: SITE PLAN

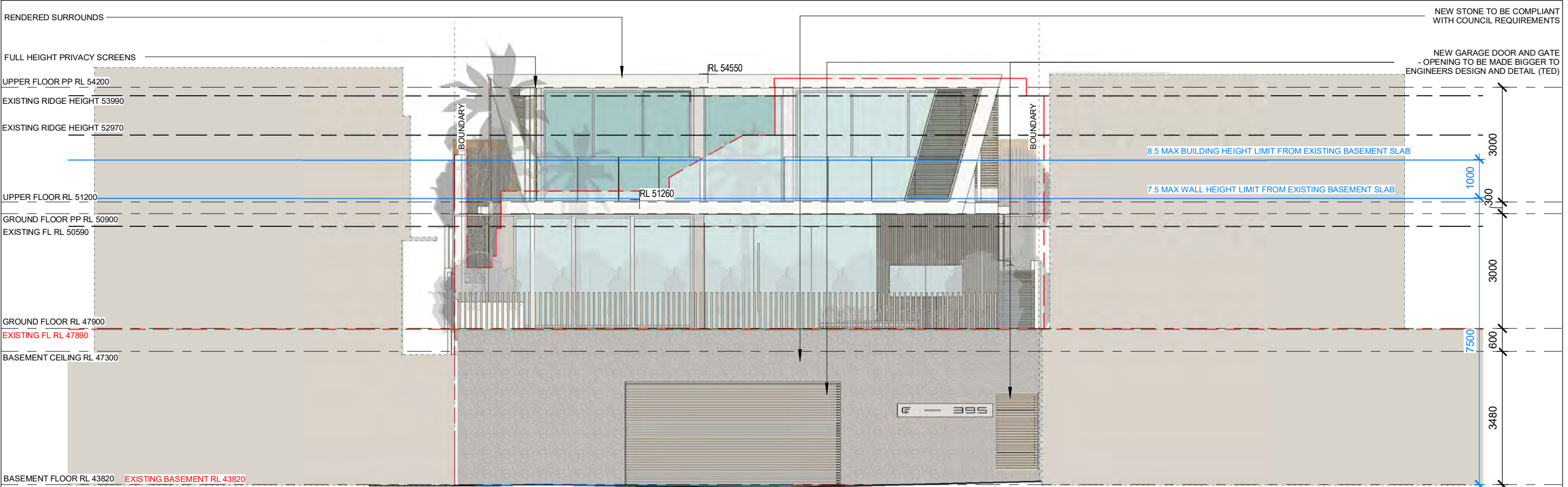
DRAWING DATE: 26-08-22 SCALE: 1 : 100 @ A3 DRAWN BY: C.CLOUT

ISSUE: FOR COUNCIL APPROVAL

PROJECT NAME: BRONTE BEACH HOUSE

C1.3

Page 566 of 595



LEGEND

MAIN WALL COLOUR
PAINT: RESENE 'HALF RICE CAKE 'N95-007-092'

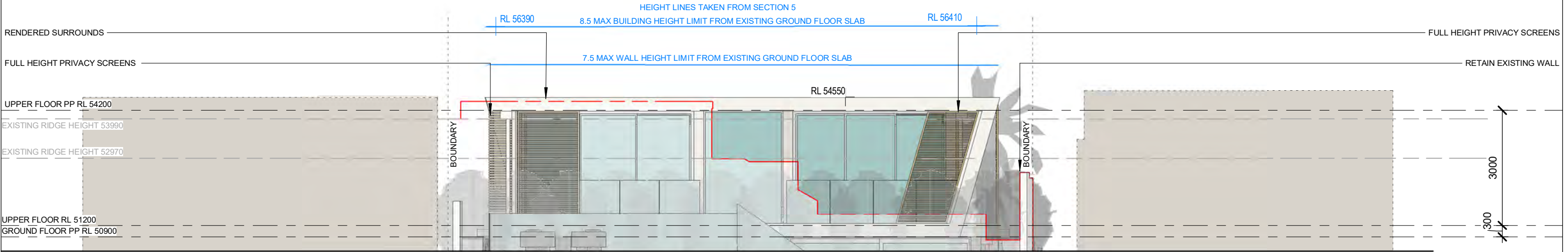
MAIN WALL COLOUR
PAINT: RESENE 'TRIPLE TRUFFLE 'Y69-012-082'

ACCENT COLOUR
PAINT: RESENE 'DOUBLE ALABASTER
N95-004-106'

ALUMINIUM DECO WOOD
NATURAL CURLY BIRCH

NEW STONE CLADDING
TYPE TO BE COMPLIANT WITH COUNCIL
REQUIREMENTS

WINDOW AND DOOR FRAMES
CLEAR ANODISED



CHRICLOUDDESIGN

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CLIENT NAME: George & Liana Attard

SITE ADDRESS: 1/-/ DP965138, 395 Bronte Rd, Bronte NSW 2024

DRAWING TITLE: ELEVATIONS

DRAWING DATE: 26-08-22 SCALE: As indicated @ A3 DRAWN BY: C.CLOUT

ISSUE: FOR COUNCIL APPROVAL

PROJECT NAME: BRONTE BEACH HOUSE

C2.0

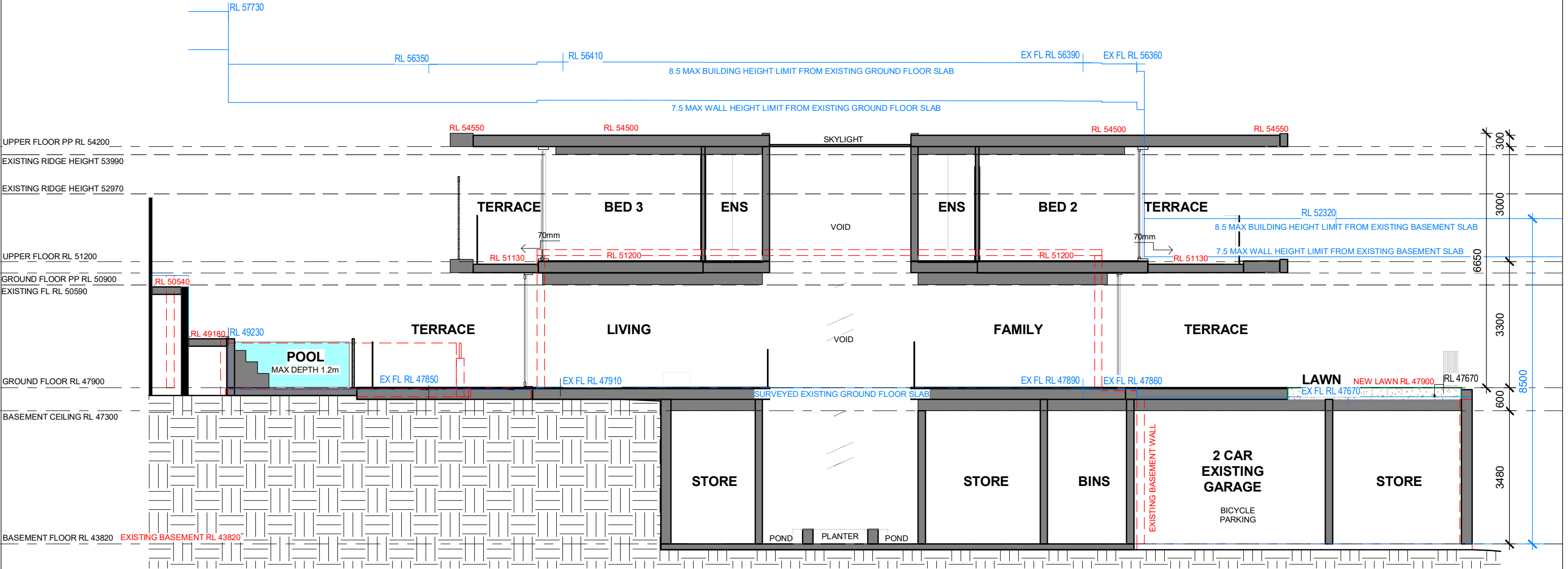
Page 567 of 595

DEMO KEY:

DEMOLISH EXISITNG

EXISITNG TO BE RETAINED

NEW



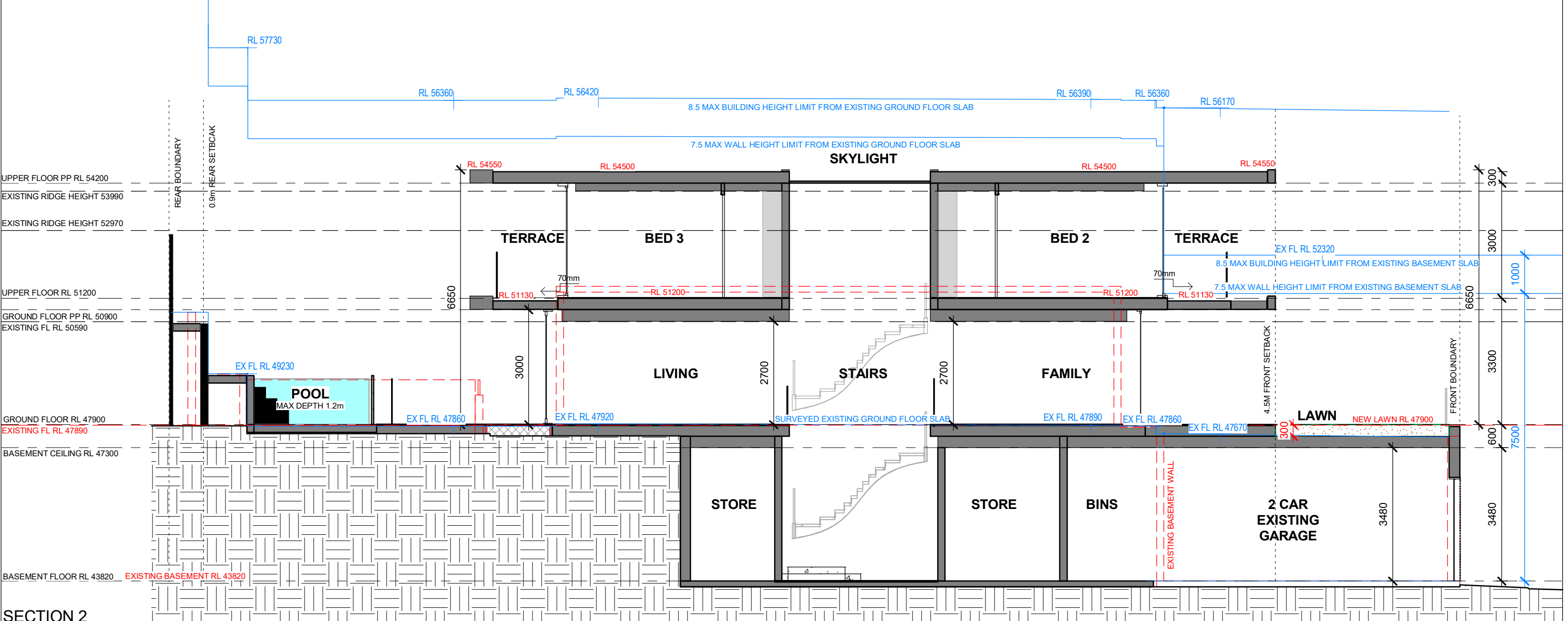
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SCALE: 1 : 100

DEMO KEY:

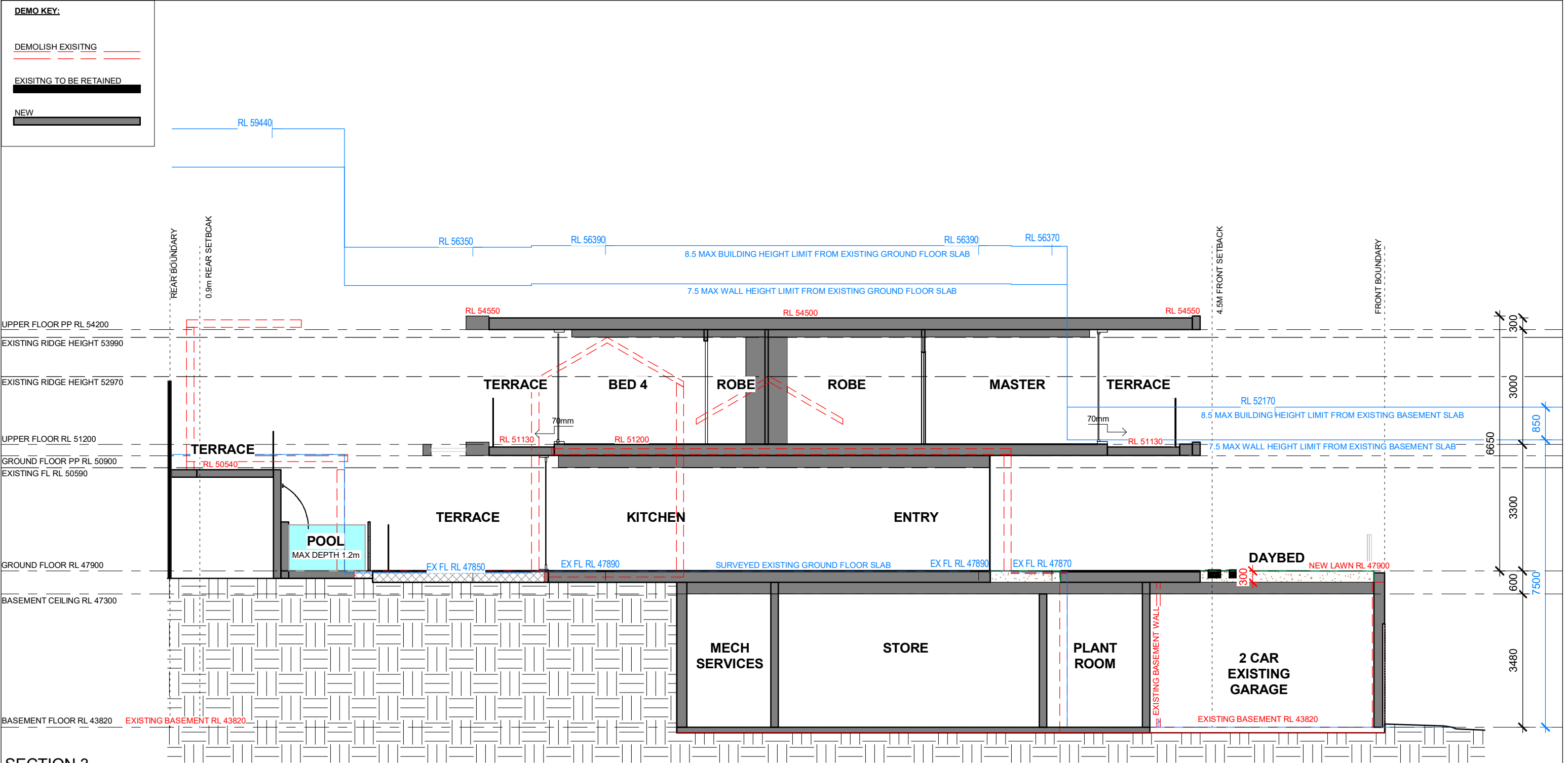
DEMOLISH EXISITNG

EXISITNG TO BE RETAINED

NEW



SECTION 2
SCALE: 1 : 100



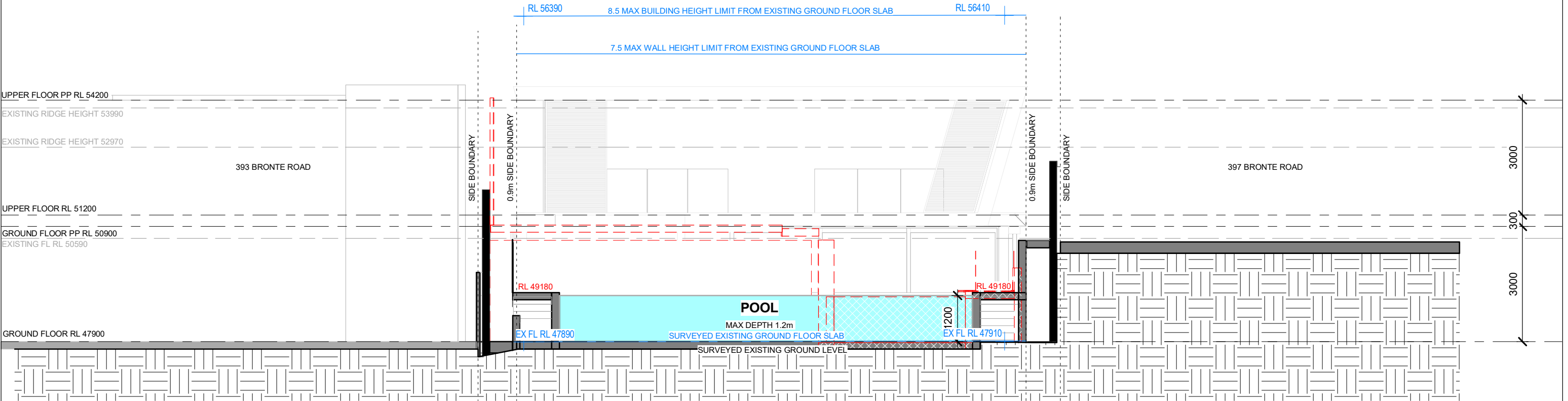
SECTION 3
SCALE: 1 : 100

DEMO KEY:

DEMOLISH EXISITNG

EXISITNG TO BE RETAINED

NEW



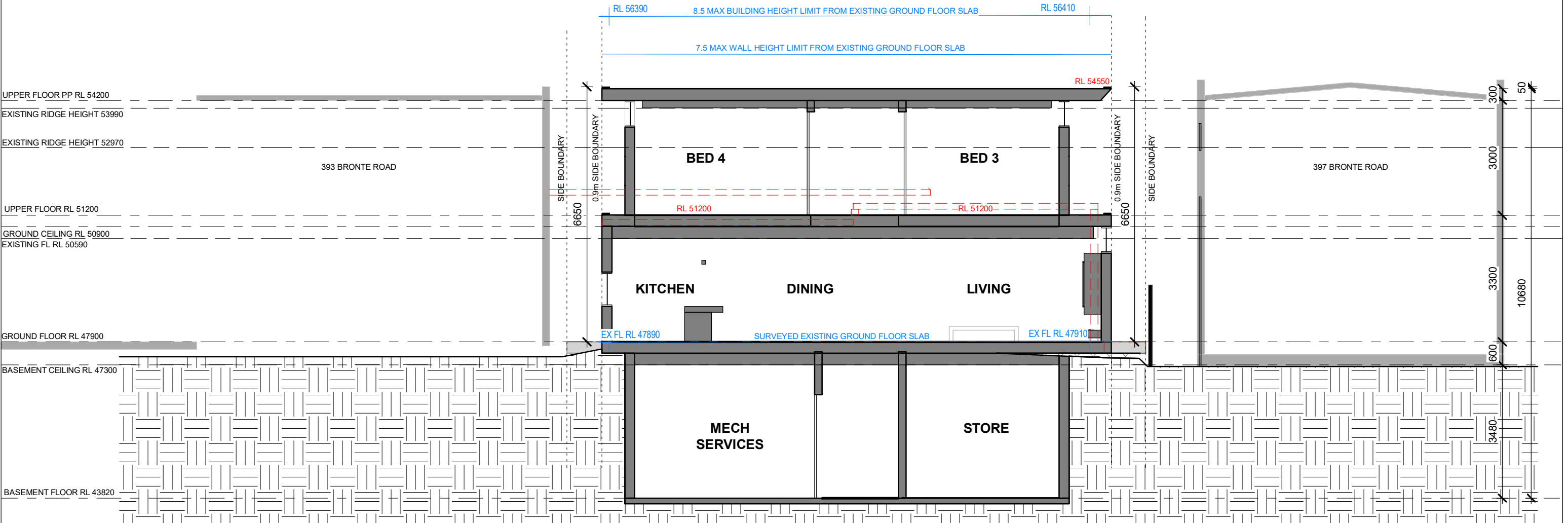
SECTION 4
SCALE: 1 : 100

DEMO KEY:

DEMOLISH EXISITNG

EXISITNG TO BE RETAINED

NEW



SECTION 5
SCALE: 1 : 100

KEY:

AW - AWNING WINDOW

CO - COFFEE MACHINE

N - NICHE

SLD - SLIDING DOOR

B - BATH

FD - FRENCH DOORS

OV - OVEN

SLW - SLIDING WINDOW

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FP - FIXED PANEL WINDOW

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V - VANITY BASIN

CT - COOK TOP

L - LOUVER WINDOW

S - SINK

WC - WATER CLOSET

AREAS:

SITE AREA: 496.85m²

FSR = $\frac{[(550 - \text{lot area}) \times 0.0011] + 0.5}{1}$
 $\frac{[(550 - 496.85) \times 0.0011] + 0.5}{1} = 0.558:1$ (55.84%)
GFA = 496.47m²
FSR = 333.89/ 496.85
APPROX = 67.20% (0.672:1)

PRIVATE OPEN SPACE
203.10m²/496.85m²
= 40.87%

AREAS:

GROUND FLOOR: 162.91m²
UPPER FLOOR: 148.10m²
NOT INCLUDING TERRACES OR POOLS

NOTE: 90% OF THE PLANTINGS ARE TO BE AUSTRALIAN NATIVES AS PER LOCAL AUTHORITIES AND BASIX

LANDSCAPED AREA
61.69m²/496.85m²
= 12.41%

NORTH

EXISTING HOME SHADOWS

PROPOSED HOME SHADOWS

NEIGHBORS HOME SHADOWS

EXISTING HOME

FSR

EXCLUDED FSR

LANDSCAPING

PRIVATE OPEN SPACE

1/-/ DP965138

395 BRONTE RD

BRONTE NSW 2024

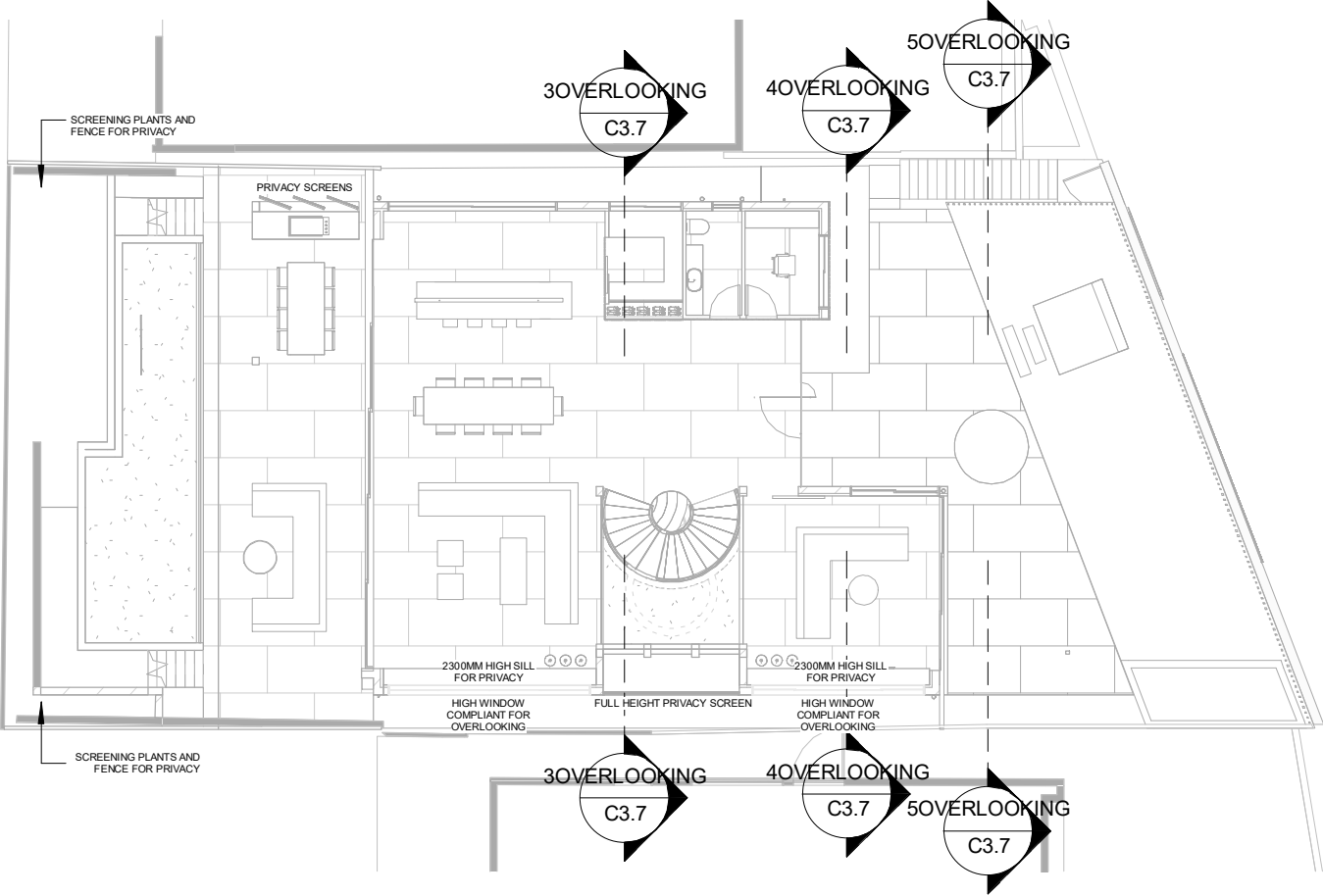
AREA:496.5m²

DEMO KEY:

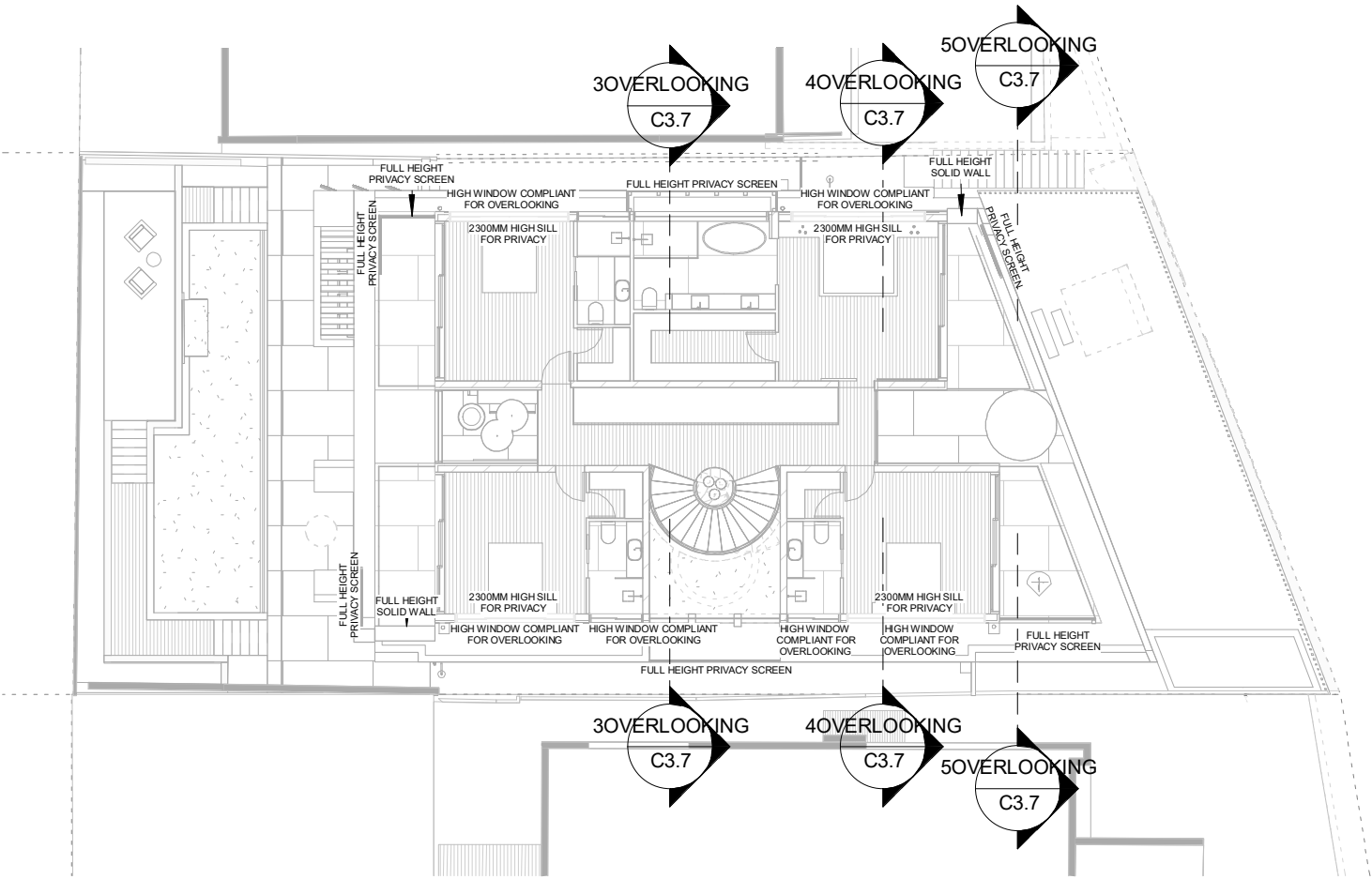
DEMOLISH EXISTING

EXISTING TO BE RETAINED

NEW



GROUND FLOOR OVERLOOKING
SCALE: 1 : 200



UPPER FLOOR OVERLOOKING
SCALE: 1 : 200

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61.69m²/496.85m²
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NORTH

EXISTING HOME SHADOWS

PROPOSED HOME SHADOWS

NEIGHBORS HOME SHADOWS

EXISTING HOME

FSR

EXCLUDED FSR

LANDSCAPING

PRIVATE OPEN SPACE

1/-/ DP965138

395 BRONTE RD

BRONTE NSW 2024

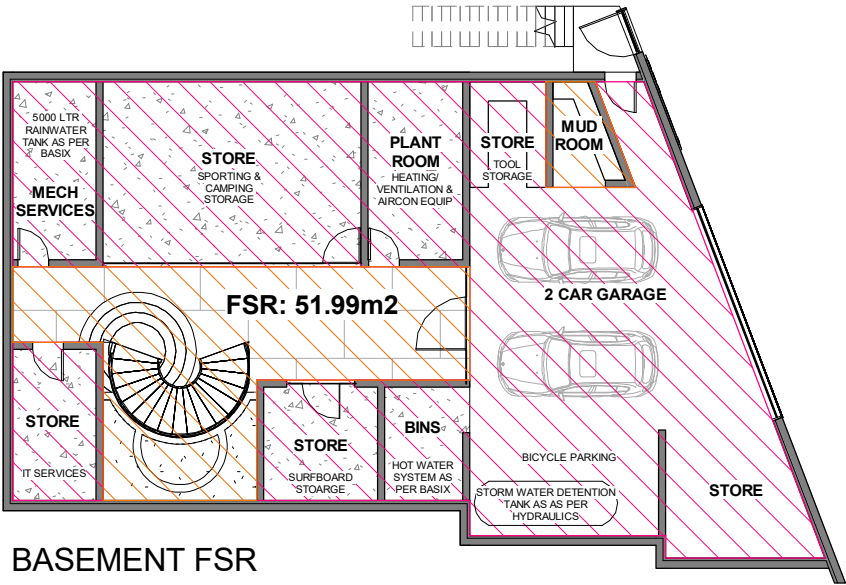
AREA:496.5m²

DEMO KEY:

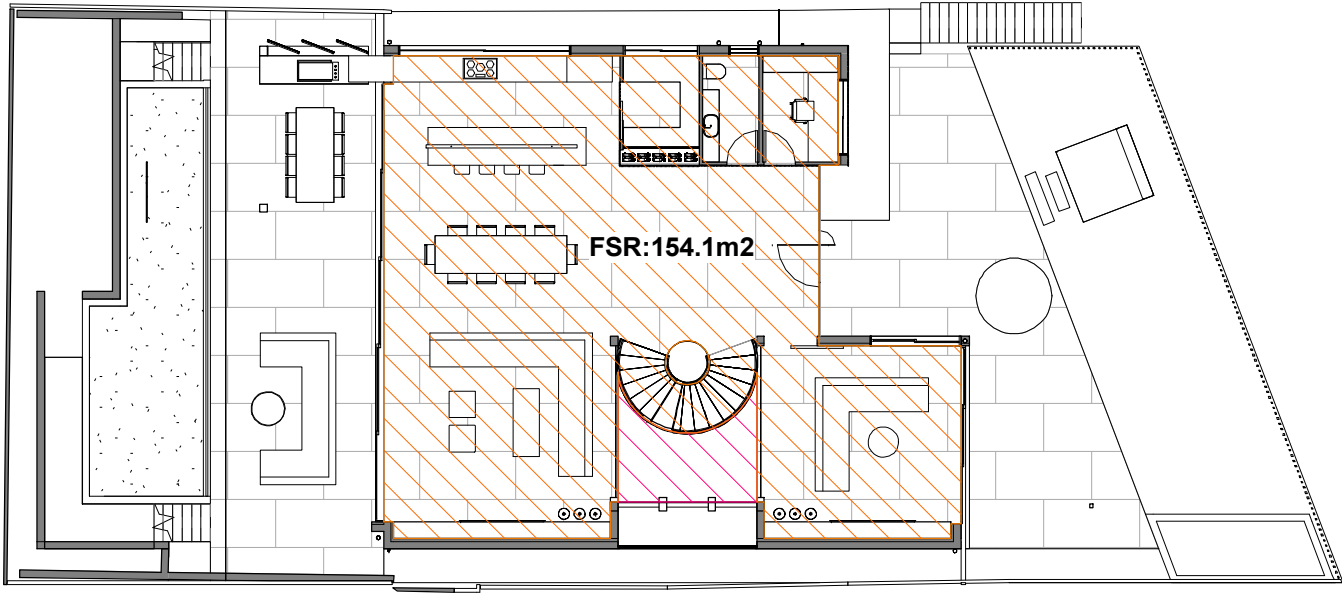
DEMOLISH EXISTING

EXISTING TO BE RETAINED

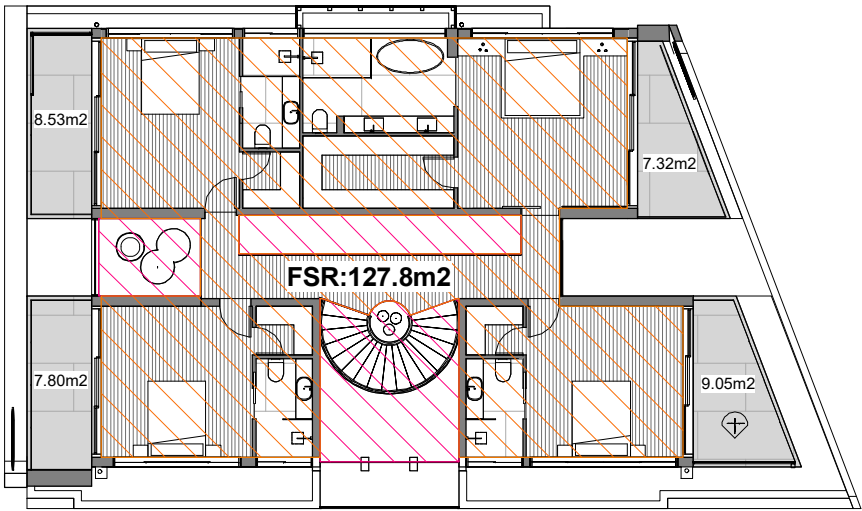
NEW



BASEMENT FSR
SCALE: 1 : 200



GROUND FLOOR FSR
SCALE: 1 : 200



UPPER FLOOR FSR
SCALE: 1 : 200

KEY:

AW - AWNING WINDOW

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WC - WATER CLOSET

AREAS:

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NORTH

EXISTING HOME SHADOWS

PROPOSED HOME SHADOWS

NEIGHBORS HOME SHADOWS

EXISTING HOME

FSR

EXCLUDED FSR

LANDSCAPING

PRIVATE OPEN SPACE

1/-/ DP965138

395 BRONTE RD

BRONTE NSW 2024

AREA:496.5m²

DEMO KEY:

DEMOLISH EXISTING

EXISTING TO BE RETAINED

NEW

CHRIS CLOUD DESIGN

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SUNSHINE BEACH, QLD 4567

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P: (07) 54748 107

BSA LICENCE: 1127508

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CLIENT NAME: George & Liana Attard

SITE ADDRESS: 1/-/ DP965138, 395 Bronte Rd, Bronte NSW 2024

DRAWING TITLE: SHADOWS - JUNE 9AM

DRAWING DATE: 26-08-22

SCALE: As indicated

@ A3

DRAWN BY: C.CLOUD

ISSUE: FOR COUNCIL APPROVAL

PROJECT NAME: BRONTE BEACH HOUSE

C6.0

Page 578 of 595

KEY:

AW - AWNING WINDOW

CO - COFFEE MACHINE

N - NICHE

SLD - SLIDING DOOR

B - BATH

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AREAS:

SITE AREA: 496.85m²

FSR = $\frac{[(550 - \text{lot area}) \times 0.0011] + 0.5}{1}$

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61.69m²/496.85m²

= 12.41%

NORTH

EXISTING HOME SHADOWS

PROPOSED HOME SHADOWS

NEIGHBORS HOME SHADOWS

EXISTING HOME

FSR

EXCLUDED FSR

LANDSCAPING

PRIVATE OPEN SPACE

1/-/ DP965138

395 BRONTE RD

BRONTE NSW 2024

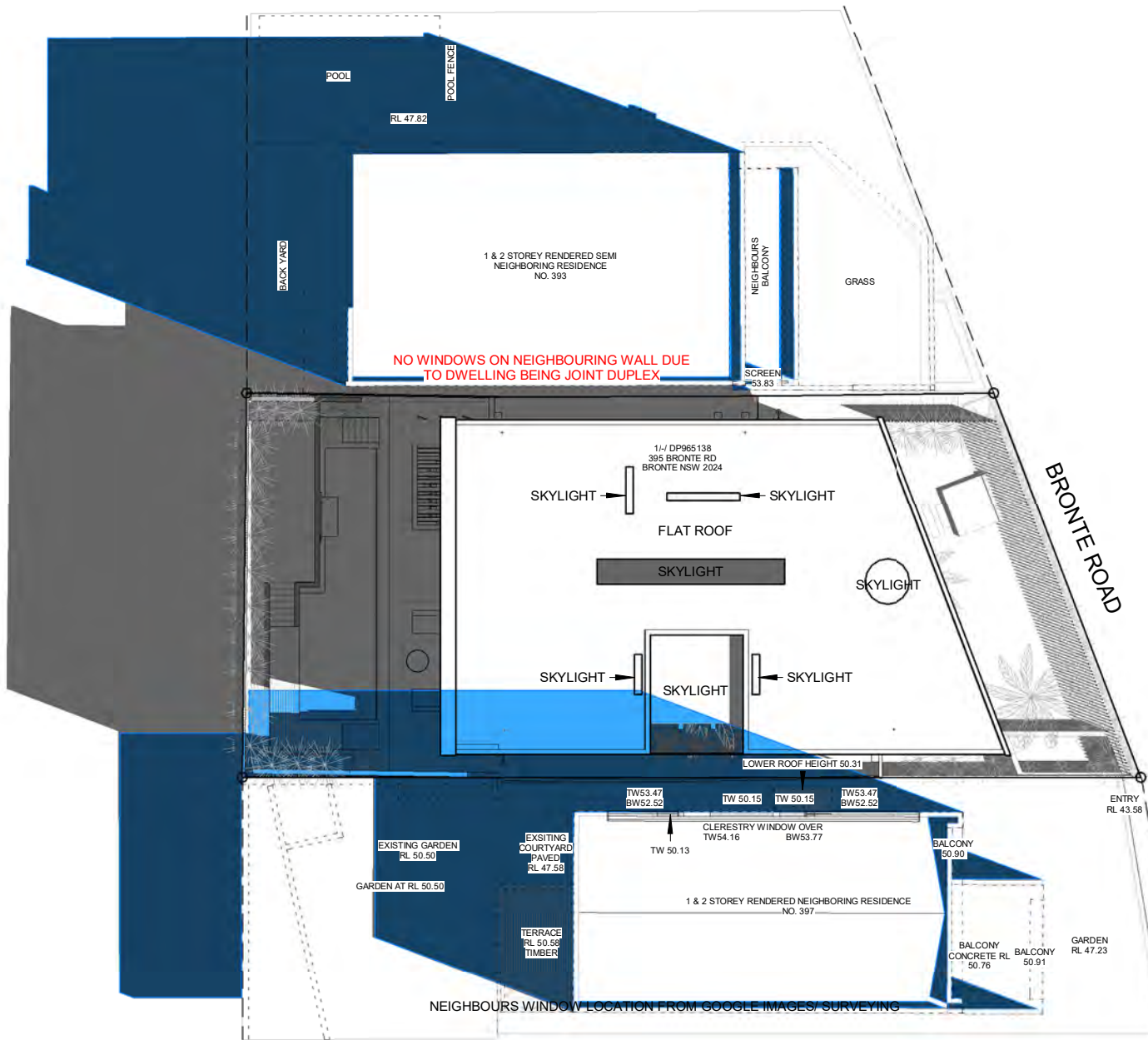
AREA:496.5m²

DEMO KEY:

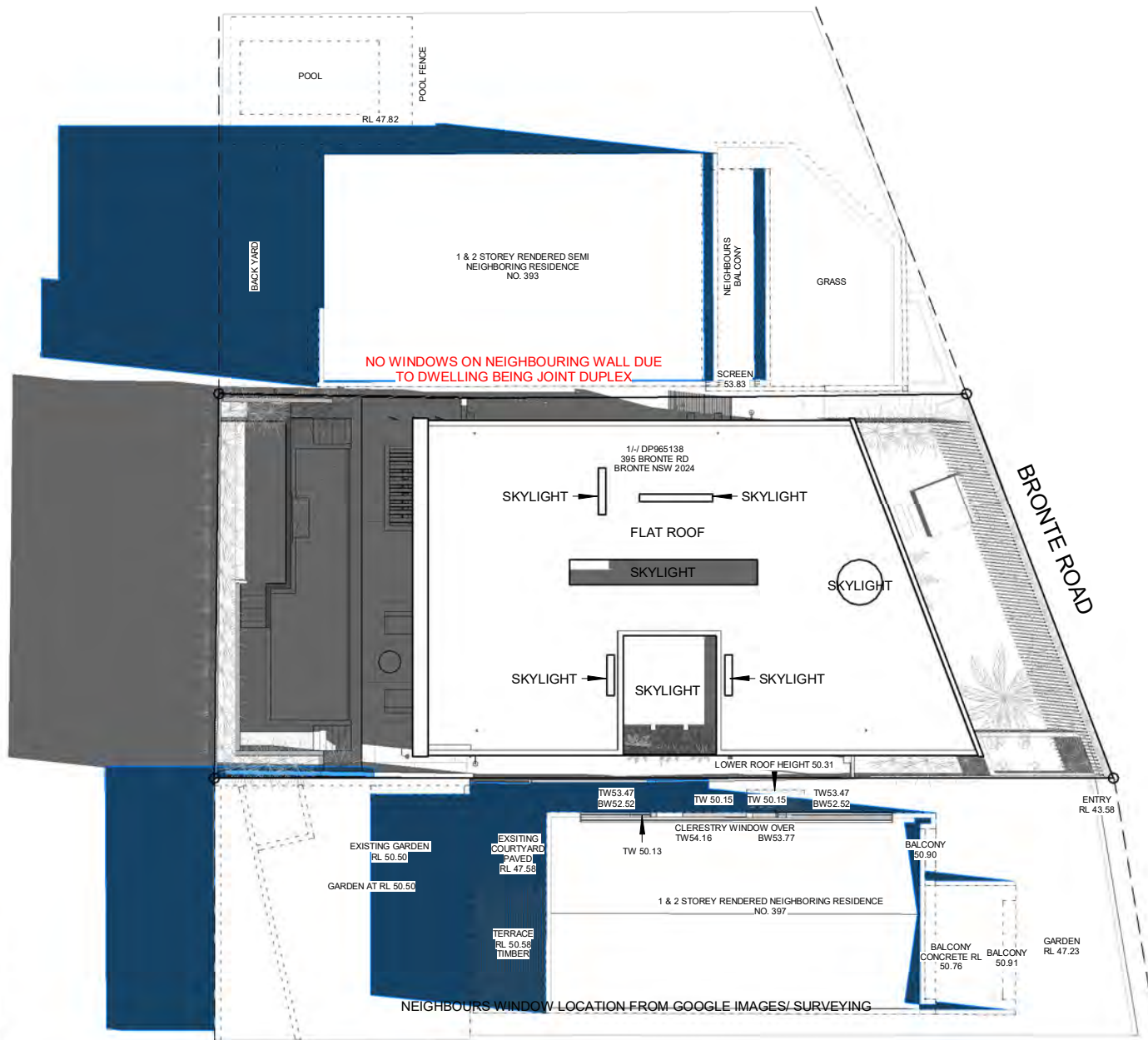
DEMOLISH EXISTING

EXISTING TO BE RETAINED

NEW



10AM JUNE 21ST PROPOSED HOME
SCALE: 1 : 250



11AM JUNE 21ST PROPOSED HOME
SCALE: 1 : 250

KEY:

AW - AWNING WINDOW

CO - COFFEE MACHINE

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S - SINK

WC - WATER CLOSET

AREAS:

SITE AREA: 496.85m²

FSR = $\frac{[(550 - \text{lot area}) \times 0.0011] + 0.5}{1}$

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LANDSCAPED AREA

61.69m²/496.85m²

= 12.41%

NORTH

EXISTING HOME SHADOWS

PROPOSED HOME SHADOWS

NEIGHBORS HOME SHADOWS

EXISTING HOME

FSR

EXCLUDED FSR

LANDSCAPING

PRIVATE OPEN SPACE

1/-/ DP965138

395 BRONTE RD

BRONTE NSW 2024

AREA:496.5m²

DEMO KEY:

DEMOLISH EXISTING

EXISTING TO BE RETAINED

NEW

12PM JUNE 21ST PROPOSED HOME
SCALE: 1 : 250

12PM JUNE 21ST EXSITING HOME
SCALE: 1 : 250

CHRIS CLOUD DESIGN

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P: (07) 54748 107

F: (07) 54748 108

QBCC LICENCE: 1127508

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CLIENT NAME: George & Liana Attard

SITE ADDRESS: 1/-/ DP965138, 395 Bronte Rd, Bronte NSW 2024

DRAWING TITLE: SHADOWS - JUNE 12PM

DRAWING DATE: 26-08-22

SCALE: As indicated

@ A3

DRAWN BY: C.CLOUT

ISSUE: FOR COUNCIL APPROVAL

PROJECT NAME: BRONTE BEACH HOUSE

C6.2

Page 580 of 595

KEY:

AW - AWNING WINDOW

CO - COFFEE MACHINE

N - NICHE

SLD - SLIDING DOOR

B - BATH

FD - FRENCH DOORS

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AREAS:

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LANDSCAPED AREA

61.69m²/496.85m²

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NORTH

EXISTING HOME SHADOWS

PROPOSED HOME SHADOWS

NEIGHBORS HOME SHADOWS

EXISTING HOME

FSR

EXCLUDED FSR

LANDSCAPING

PRIVATE OPEN SPACE

1/-/ DP965138

395 BRONTE RD

BRONTE NSW 2024

AREA:496.5m²

DEMO KEY:

DEMOLISH EXISTING

EXISTING TO BE RETAINED

NEW

The figure consists of two side-by-side architectural drawings of a residential site at 395 Bronte Rd, Bronte NSW 2024. Both drawings show the same site context, including a pool, back yard, and neighboring residences. The main building footprint is shown with various skylights and roof features. The drawings illustrate the proposed home shadows at two different times of day: 1PM and 2PM on June 21st. The shadows are cast from the building and surrounding structures, showing the impact of the proposed design on the site. The drawings include detailed annotations for various features, such as skylights, roof heights, and garden areas. The scale for both drawings is 1:250.

CHRIS CLOUD DESIGN

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QBCC LICENCE: 1127508

GENERAL NOTES:

Use written dimensions only. DO NOT scale drawings. Contractors to verify all dimensions on site prior to commencing works. Site location in accordance with engineers details. These drawings are to be read in conjunction with engineers design and details, the accompanying building specification and schedule of finishes. If in doubt, please request clarification. DO NOT ASSUME.

CLIENT NAME: George & Liana Attard

SITE ADDRESS: 1/-/ DP965138, 395 Bronte Rd, Bronte NSW 2024

DRAWING TITLE: SHADOWS - JUNE 1PM, 2PM

DRAWING DATE: 26-08-22

SCALE: As indicated

@ A3


DRAWN BY: C.CLOUT

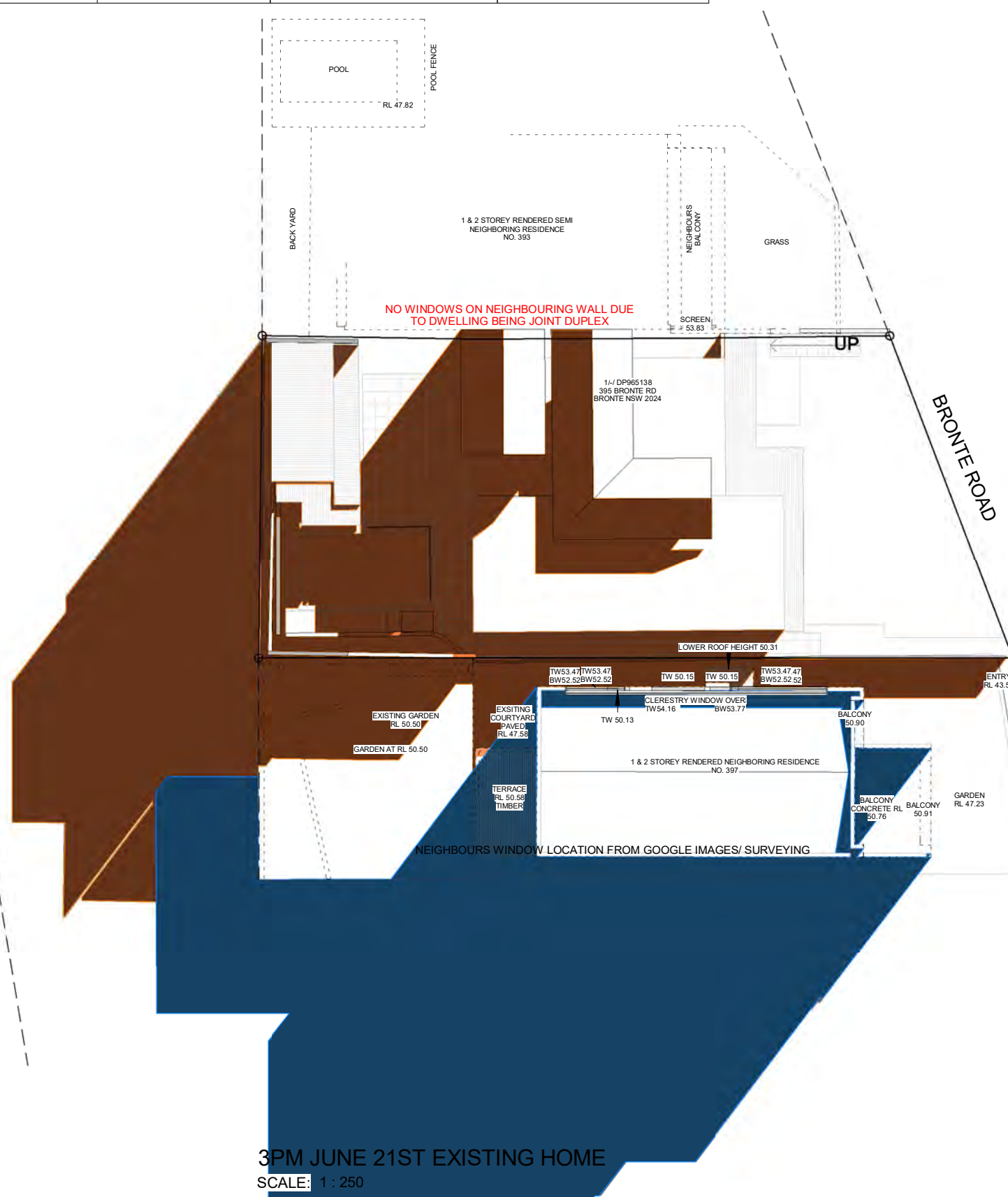
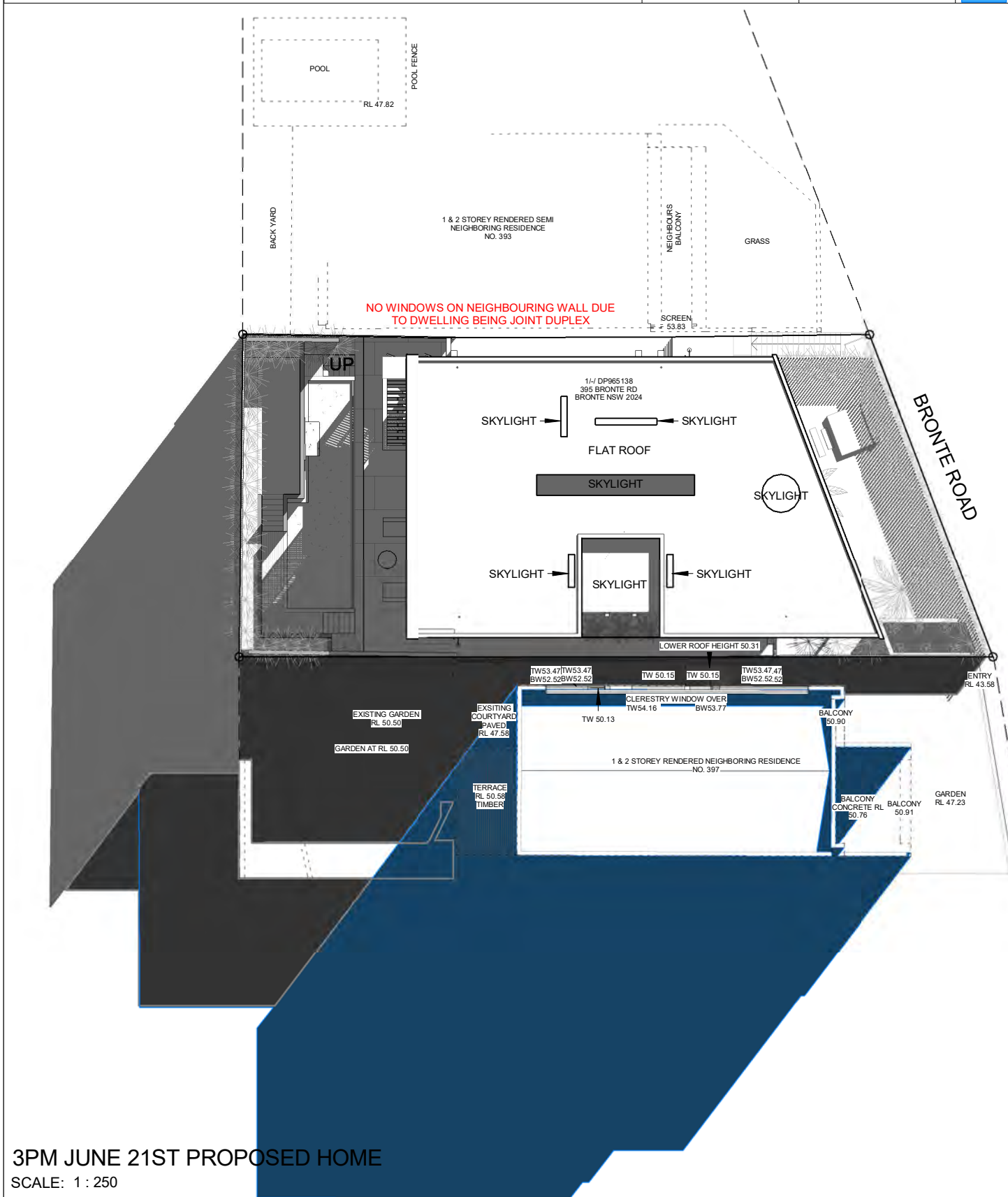
ISSUE: FOR COUNCIL APPROVAL

PROJECT NAME: BRONTE BEACH HOUSE

C6.3

Page 581 of 595

KEY: <div> <div>AW - AWNING WINDOW</div> <div>CO - COFFEE MACHINE</div> <div>N - NICHE</div> <div>SLD - SLIDING DOOR</div> </div> <div> <div>B - BATH</div> <div>FD - FRENCH DOORS</div> <div>OV - OVEN</div> <div>SLW - SLIDING WINDOW</div> </div> <div> <div>BFD - BI-FOLD DOOR</div> <div>FR - FRIDGE</div> <div>P - PANTRY</div> <div>T - TUB</div> </div> <div> <div>BFW - BI-FOLD WINDOW</div> <div>FP - FIXED PANEL WINDOW</div> <div>SH - SHOWER</div> <div>V - VANITY BASIN</div> </div> <div> <div>CT - COOK TOP</div> <div>L - LOUVER WINDOW</div> <div>S - SINK</div> <div>WC - WATER CLOSET</div> </div>				AREAS: SITE AREA: 496.85m² $FSR = \frac{[[(550 - \text{lot area}) \times 0.0011] + 0.5]:1, [[(550 - 496.85) \times 0.0011] + 0.5]:1 = 0.558:1 (55.84\%)]}{GFA = 496.47m^2}$ $FSR = 333.89/496.85$ $APPROX = 67.20\% (0.672:1)$ PRIVATE OPEN SPACE 203.10m2/496.85m2 = 40.87%		AREAS: GROUND FLOOR: 162.91m² UPPER FLOOR: 148.10m² NOT INCLUDING TERRACES OR POOLS NOTE: 90% OF THE PLANTINGS ARE TO BE AUSTRALIAN NATIVES AS PER LOCAL AUTHORITIES AND BASIX LANDSCAPED AREA 61.69m2/496.85m2 = 12.41%		<div> <div>  <div>NORTH</div> </div> <div> <div>EXISTING HOME SHADOWS</div> <div>PROPOSED HOME SHADOWS</div> <div>NEIGHBORS HOME SHADOWS</div> </div> </div> <div> <div>EXISTING HOME</div> <div>FSR</div> <div>EXCLUDED FSR</div> <div>LANDSCAPING</div> <div>PRIVATE OPEN SPACE</div> </div>		<div> <div>1/-/ DP965138</div> <div>395 BRONTE RD</div> <div>BRONTE NSW 2024</div> <div>AREA:496.5m²</div> </div>		DEMO KEY: <div> <div>DEMOLISH EXISTING</div> <div>EXISTING TO BE RETAINED</div> <div>NEW</div> </div>	
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KEY:

AW - AWNING WINDOW

CO - COFFEE MACHINE

N - NICHE

SLD - SLIDING DOOR

B - BATH

FD - FRENCH DOORS

OV - OVEN

SLW - SLIDING WINDOW

BFD - BI-FOLD DOOR

FR - FRIDGE

P - PANTRY

T - TUB

BFW - BI-FOLD WINDOW

FP - FIXED PANEL WINDOW

SH - SHOWER

V - VANITY BASIN

CT - COOK TOP

L - LOUVER WINDOW

S - SINK

WC - WATER CLOSET

AREAS:

SITE AREA: 496.85m²

FSR = $\frac{[(550 - \text{lot area}) \times 0.0011] + 0.5}{1}$;
 $\frac{[(550 - 496.85) \times 0.0011] + 0.5}{1} = 0.558:1$ (55.84%)
GFA = 496.47m²
FSR = 333.89/ 496.85
APPROX = 67.20% (0.672:1)

PRIVATE OPEN SPACE
203.10m²/496.85m²
= 40.87%

AREAS:

GROUND FLOOR: 162.91m²
UPPER FLOOR: 148.10m²
NOT INCLUDING TERRACES OR POOLS

NOTE: 90% OF THE PLANTINGS ARE TO BE AUSTRALIAN NATIVES AS PER LOCAL AUTHORITIES AND BASIX

LANDSCAPED AREA
61.69m²/496.85m²
= 12.41%

NORTH

EXISTING HOME SHADOWS

PROPOSED HOME SHADOWS

NEIGHBORS HOME SHADOWS

EXISTING HOME

FSR

EXCLUDED FSR

LANDSCAPING

PRIVATE OPEN SPACE

1/-/ DP965138

395 BRONTE RD

BRONTE NSW 2024

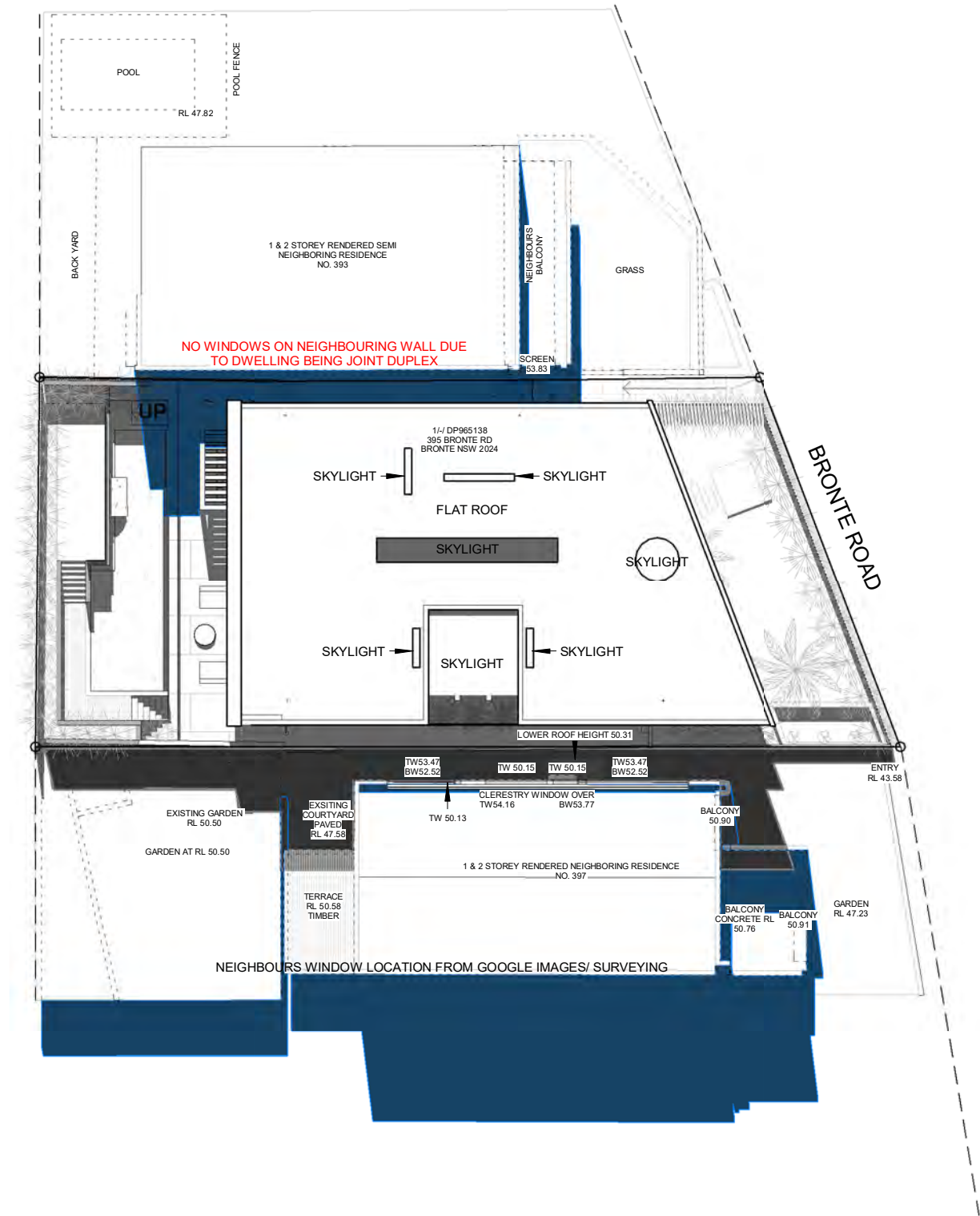
AREA:496.5m²

DEMO KEY:

DEMOLISH EXISTING

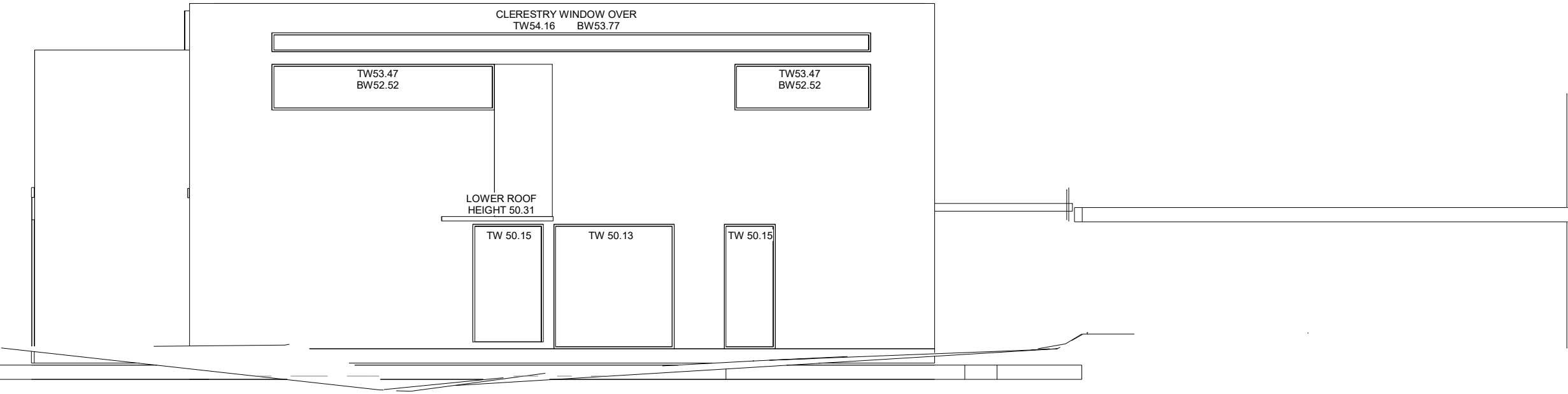
EXISTING TO BE RETAINED

NEW



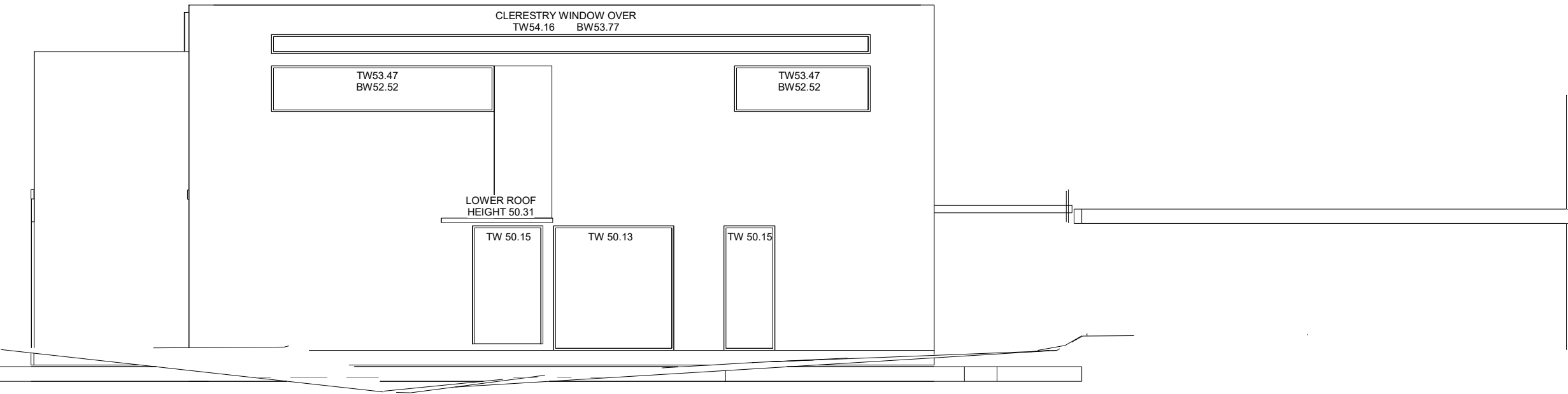
3PM DEC 21ST PROPOSED HOME
SCALE: 1 : 250

1 & 2 STOREY RENDERED
NEIGHBORING RESIDENCE
NO. 397



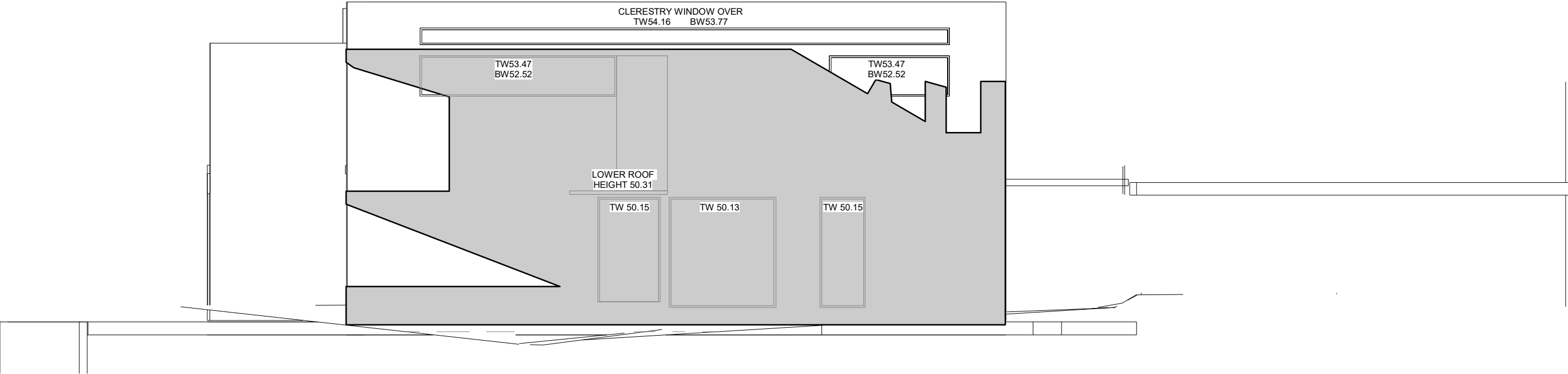
PROPOSED NEIGHBOURS ELEVATION JUNE 9AM
SCALE:

1 & 2 STOREY RENDERED
NEIGHBORING RESIDENCE
NO. 397



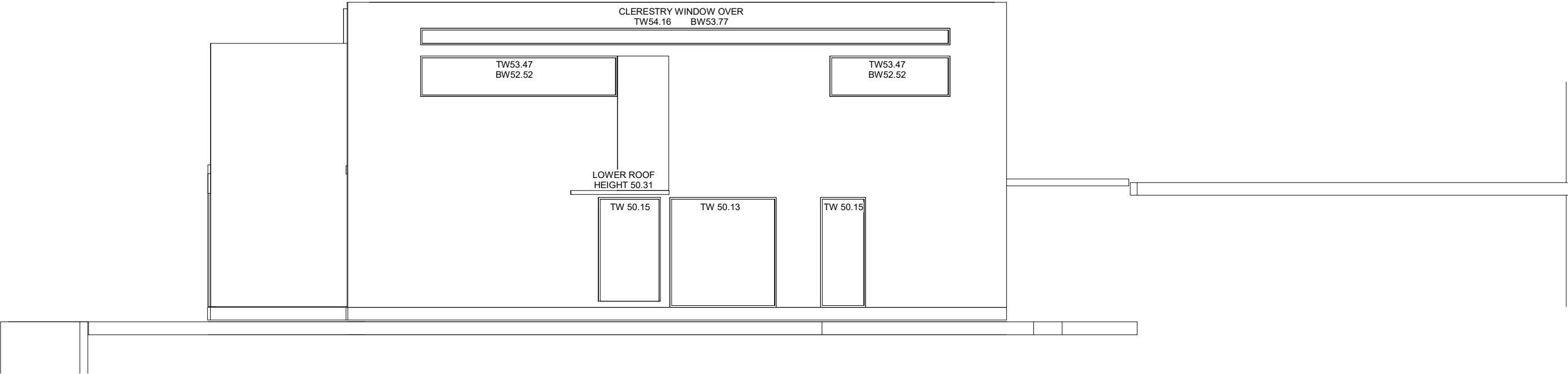
PROPOSED NEIGHBOURS ELEVATION JUNE 12PM
SCALE:

1 & 2 STOREY RENDERED
NEIGHBORING RESIDENCE
NO. 397



PROPOSED NEIGHBOURS ELEVATION JUNE 3PM
SCALE:

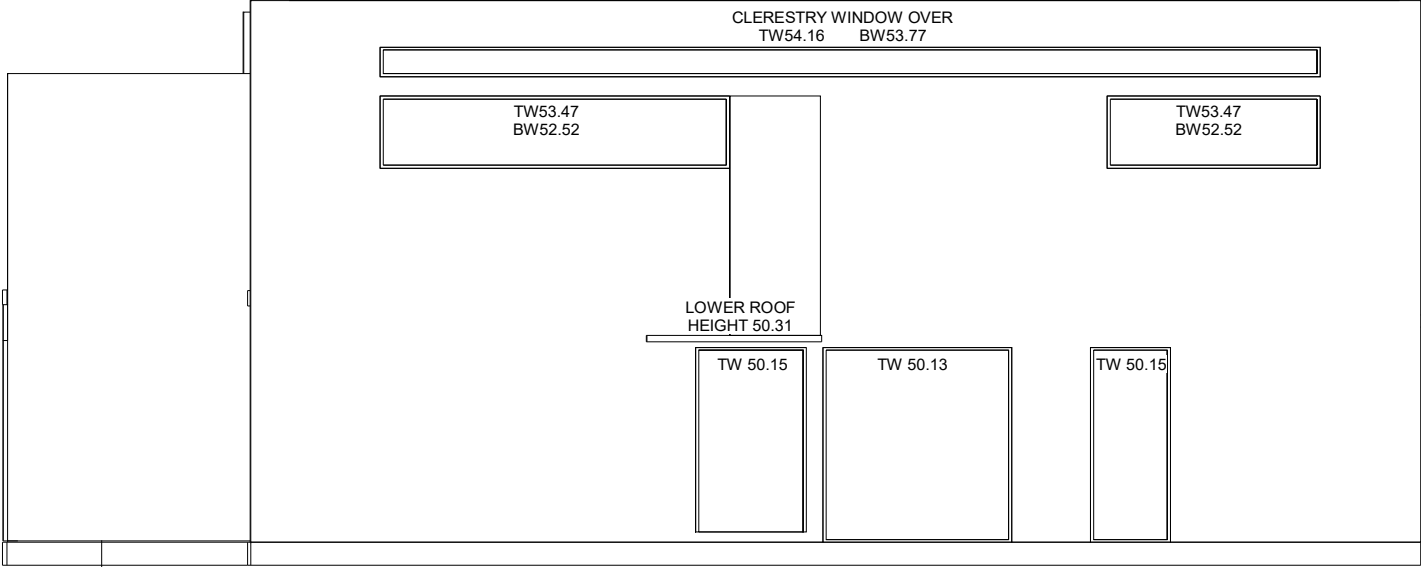
1 & 2 STOREY RENDERED
NEIGHBORING RESIDENCE
NO. 397



EXISTING NEIGHBOURS ELEVATION JUNE 9AM
SCALE:

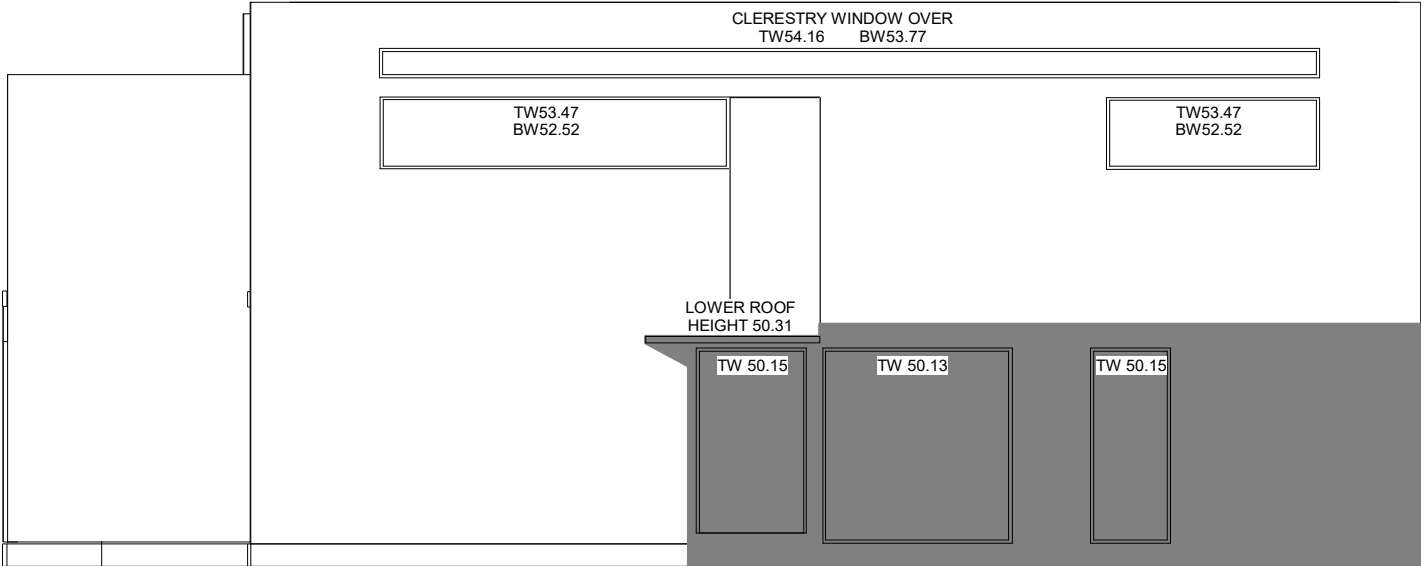


1 & 2 STOREY RENDERED
NEIGHBORING RESIDENCE
NO. 397



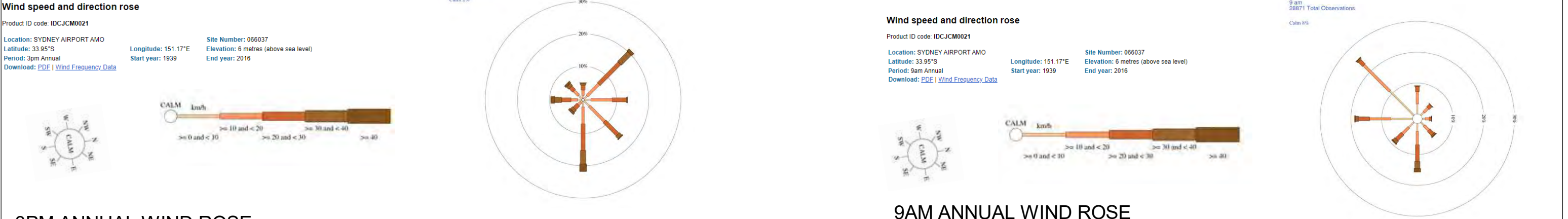
EXISTING NEIGHBOURS ELEVATION JUNE 12PM
SCALE:

1 & 2 STOREY RENDERED
NEIGHBORING RESIDENCE
NO. 397



EXISTING NEIGHBOURS ELEVATION JUNE 3PM
SCALE:

KEY: AW - AWNING WINDOW CO - COFFEE MACHINE N - NICHE SLD - SLIDING DOOR B - BATH FD - FRENCH DOORS OV - OVEN SLW - SLIDING WINDOW BFD - BI-FOLD DOOR FR - FRIDGE P - PANTRY T - TUB BFW - BI-FOLD WINDOW FP - FIXED PANEL WINDOW SH - SHOWER V - VANITY BASIN CT - COOK TOP L - LOUVER WINDOW S - SINK WC - WATER CLOSET				AREAS: SITE AREA: 496.85m ² FSR = $\frac{[(550 - \text{lot area}) \times 0.0011] + 0.5}{1}$ $\frac{[(550 - 496.85) \times 0.0011] + 0.5}{1} = 0.558:1$ (55.84%) GFA = 496.47m ² FSR = 333.89/ 496.85 APPROX = 67.20% (0.672:1) PRIVATE OPEN SPACE 203.10m ² /496.85m ² = 40.87%		AREAS: GROUND FLOOR: 162.91m ² UPPER FLOOR: 148.10m ² NOT INCLUDING TERRACES OR POOLS NOTE: 90% OF THE PLANTINGS ARE TO BE AUSTRALIAN NATIVES AS PER LOCAL AUTHORITIES AND BASIX LANDSCAPED AREA 61.69m ² /496.85m ² = 12.41%		<div><div>NORTH</div><div></div><div><div>EXISTING HOME SHADOWS</div><div>PROPOSED HOME SHADOWS</div><div>NEIGHBORS HOME SHADOWS</div></div></div>		<div><div>EXISTING HOME</div><div>FSR</div><div>EXCLUDED FSR</div><div>LANDSCAPING</div><div>PRIVATE OPEN SPACE</div></div>		1/-/ DP965138 395 BRONTE RD BRONTE NSW 2024 AREA:496.5m ²		DEMO KEY: DEMOLISH EXISTING EXISTING TO BE RETAINED NEW 	
--	--	--	--	---	--	---	--	--	--	---	--	---	--	---	--



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NORTH

EXISTING HOME SHADOWS

PROPOSED HOME SHADOWS

NEIGHBORS HOME SHADOWS

EXISTING HOME

FSR

EXCLUDED FSR

LANDSCAPING

PRIVATE OPEN SPACE

1/-/ DP965138

395 BRONTE RD

BRONTE NSW 2024

AREA:496.5m²

DEMO KEY:

DEMOLISH EXISTING

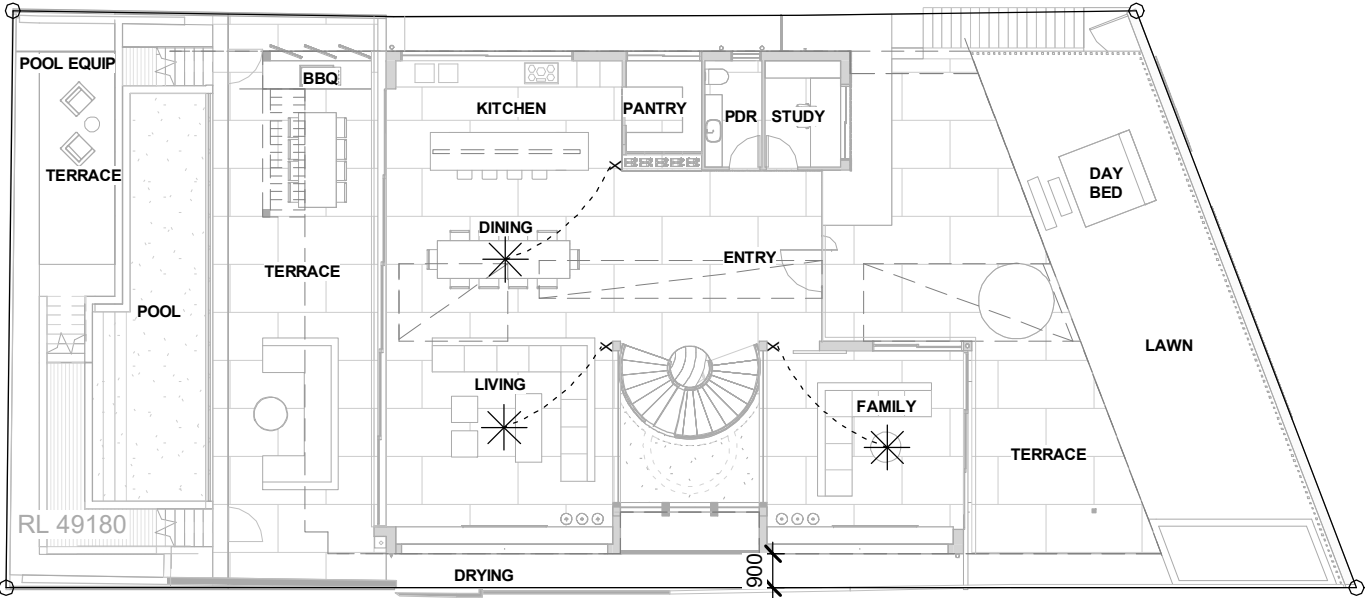
EXISTING TO BE RETAINED

NEW

KEY:

- CEILING FAN
- SWITCH
- SWITCHWIRE

CEILING FANS REQUIRED
AS PER BASIX



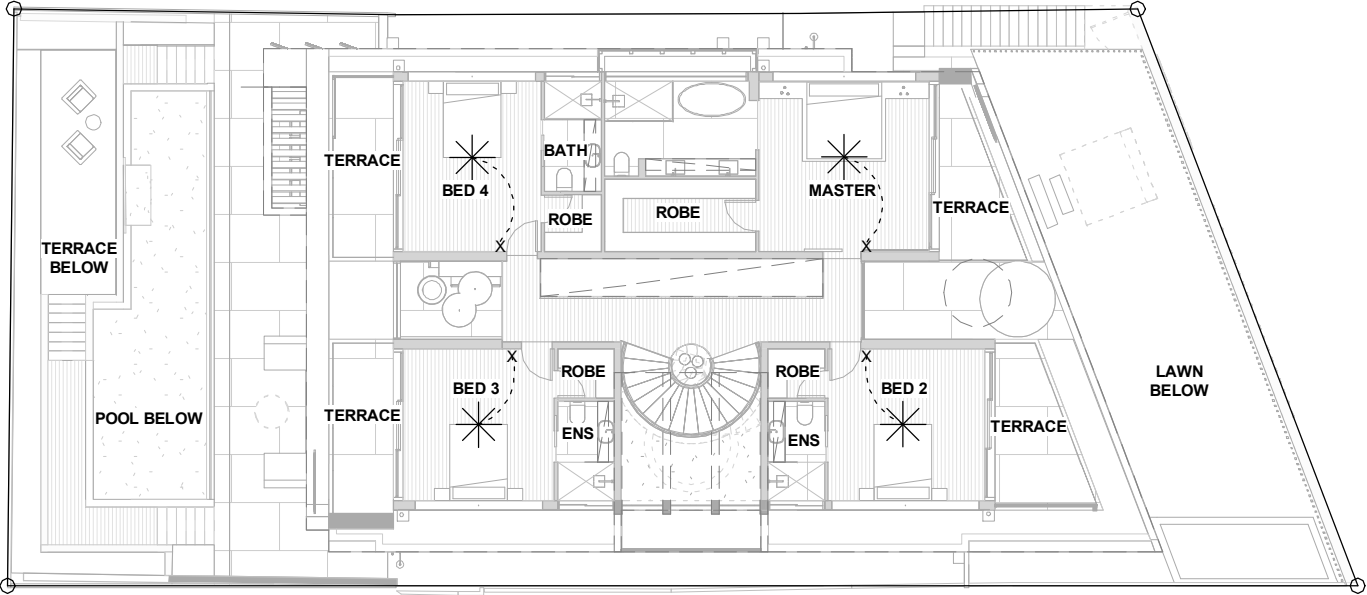
GROUND FLOOR FANS

SCALE: 1 : 200

KEY:

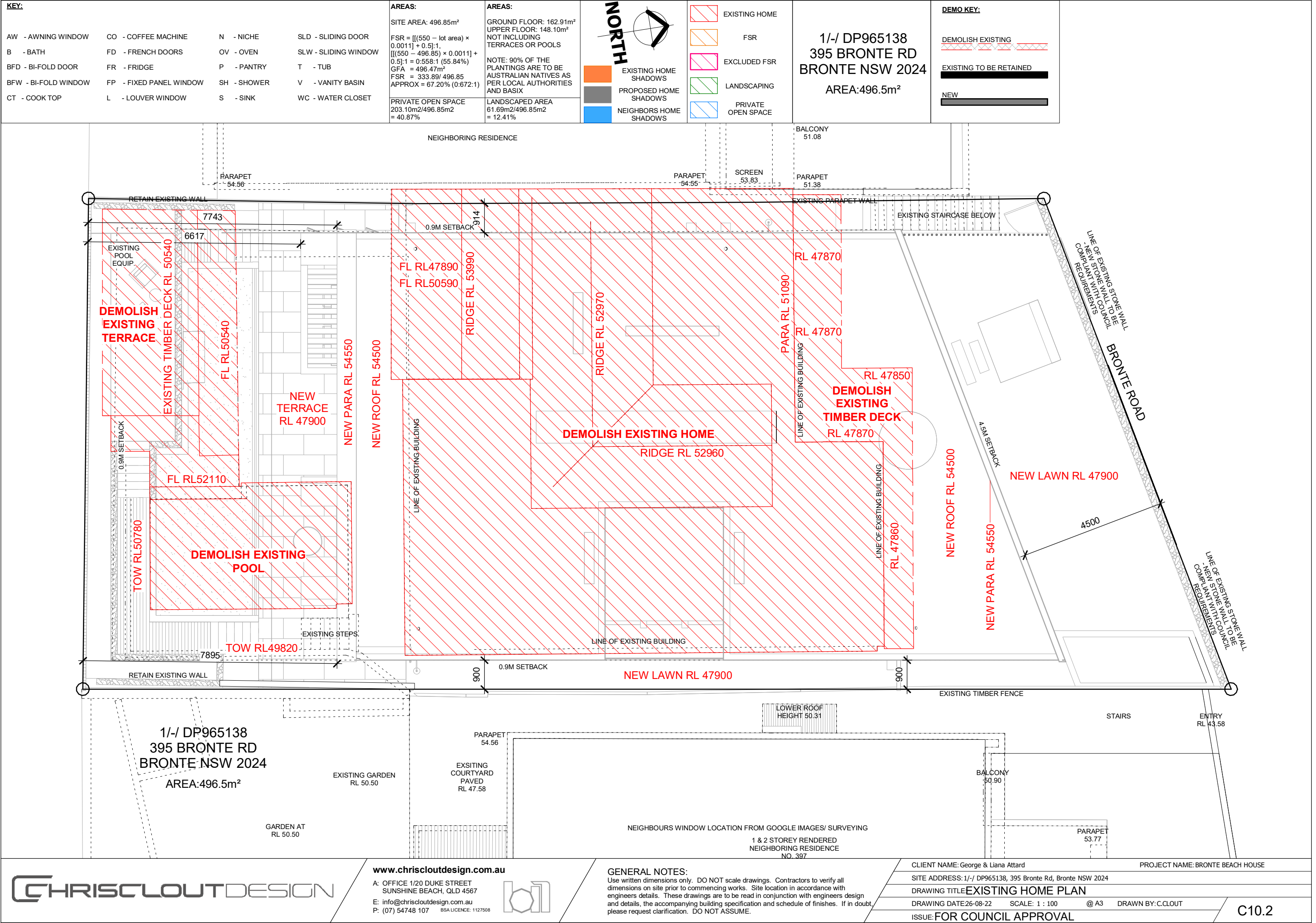
- CEILING FAN
- SWITCH
- SWITCHWIRE

CEILING FANS REQUIRED
AS PER BASIX



UPPER FLOOR FANS

SCALE: 1 : 200



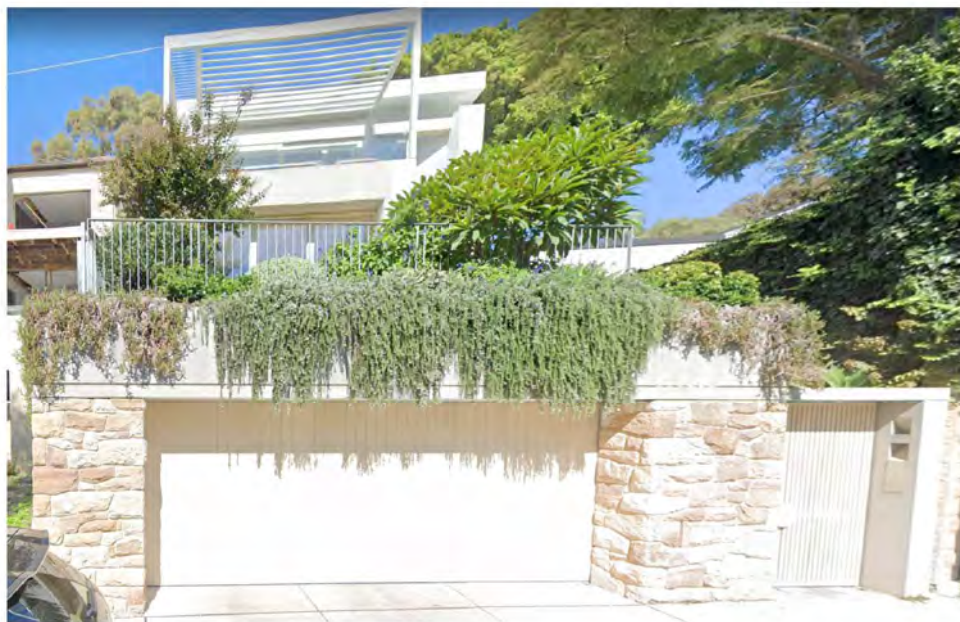
WINDOW SCHEDULE										
LOCATION	MARK	QTY	PANELS	HEIGHT	WIDTH	TYPE	GLAZING	FRAME MATERIAL	FRAME FINISH	COMMENTS
FAMILY	W1	1	4	700	4660	SASHLESS HORIZONTAL SLIDER XXXX	CLEAR LOW E	ALUMINIUM	ANODISED	
STAIR VOID	W2	1	3	6300	3665	FIXED PANEL	CLEAR LOW E	ALUMINIUM	ANODISED	
LIVING	W3	1	4	700	5460	SASHLESS HORIZONTAL SLIDER XXXX	CLEAR LOW E	ALUMINIUM	ANODISED	
KITCHEN	W5	1	2	900	4565	SASHLESS HORIZONTAL SLIDER XX	CLEAR LOW E	ALUMINIUM	ANODISED	
PANTRY	W6	1	2	900	2000	SASHLESS HORIZONTAL SLIDER XX	CLEAR LOW E	ALUMINIUM	ANODISED	
POWDER	W7	1	1	3000	800	LOUVRE	CLEAR LOW E	ALUMINIUM	ANODISED	
STUDY	W8	1	2	900	2000	SASHLESS HORIZONTAL SLIDER XX	CLEAR LOW E	ALUMINIUM	ANODISED	
UPPER HALL	W9	1	1	3000	2059	FIXED PANEL	CLEAR LOW E	ALUMINIUM	ANODISED	
BED 2	W10	1	4	700	3900	SASHLESS HORIZONTAL SLIDER XXXX	CLEAR LOW E	ALUMINIUM	ANODISED	
BED 2 ENSUITE	W11	1	2	700	1500	SASHLESS HORIZONTAL SLIDER XX	CLEAR LOW E	ALUMINIUM	ANODISED	
BED 3 ENSUITE	W12	1	2	700	1500	SASHLESS HORIZONTAL SLIDER XX	CLEAR LOW E	ALUMINIUM	ANODISED	
W13	W13	1	4	700	3371	SASHLESS HORIZONTAL SLIDER XXXX	CLEAR LOW E	ALUMINIUM	ANODISED	
UPPER VOID	W14	1	1	3000	2059	FIXED PANEL	CLEAR LOW E	ALUMINIUM	ANODISED	
BED 4	W15	1	4	700	3371	SLIDING XXXX	CLEAR LOW E	ALUMINIUM	ANODISED	
BED 4 BATH	W16	1	2	700	1500	SLIDING XX	CLEAR LOW E	ALUMINIUM	ANODISED	
MASTER ENSUITE	W17	1	1	2600	3790	FIXED PANEL	CLEAR LOW E	ALUMINIUM	ANODISED	
MASTER	W18	1	4	700	3780	SLIDING XXXX	CLEAR LOW E	ALUMINIUM	ANODISED	
EXTERNAL DOOR SCHEDULE										
LOCATION	MARK	QTY	PANELS	HEIGHT	WIDTH	TYPE	GLAZING	FRAME MATERIAL	FRAME FINISH	COMMENTS
ENTRY	D1	1	1	2700	1500	GLASS PIVOT	CLEAR LOW E	ALUMINIUM	ANODISED	
GARAGE	D2	1	1	2700	820	HOLLOW CORE OPEN OUT	CLEAR LOW E	ALUMINIUM	ANODISED	
FAMILY	D3	1	2	3000	2400	SLIDING XF	CLEAR LOW E	ALUMINIUM	ANODISED	
FAMILY	D4	1	3	3000	4709	EXTENDED TRACK SLIDING XXX	CLEAR LOW E	ALUMINIUM	ANODISED	
LIVING DINING KITCHEN	D5	1	5	3000	11579	EXTENDED TRACK SLIDING XXXXX	CLEAR LOW E	ALUMINIUM	ANODISED	
MASTER	D6	1	3	3000	4500	SLIDING XXX	CLEAR LOW E	ALUMINIUM	ANODISED	
BED 2	D7	1	3	3000	4000	SLIDING XXX	CLEAR LOW E	ALUMINIUM	ANODISED	
BED 3	D8	1	3	3000	4000	SLIDING XXX	CLEAR LOW E	ALUMINIUM	ANODISED	
BED 4	D9	1	3	3000	4500	SLIDING XXX	CLEAR LOW E	ALUMINIUM	ANODISED	
GARAGE DOOR SCHEDULE										
LOCATION	MARK	QTY	PANELS	HEIGHT	WIDTH	TYPE	GLAZING	FRAME MATERIAL	FRAME FINISH	COMMENTS
GARAGE	GD1	1	4	2700	6000	PANEL LIFT	N/A	ALUMINIUM	TIMBER LOOK POWDER COAT	







NORTHERN ELEVATION MONTAGE
SCALE: 1 : 100



397 BRONTE ROAD



395 BRONTE ROAD



393 BRONTE ROAD