

DATE: 15 November 2022

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

# 12.00PM WEDNESDAY, 23 NOVEMBER 2022

**QUORUM:** Three Panel members.

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

# AGENDA

WLPP-22111.A Apologies

#### WLPP-22111.DI Declarations of Interest

The Chair will call for any declarations of interest.

#### WLPP-22111.1

PAGE 4

105 Hewlett Street, BRONTE NSW 2024 - Modification to increase floor levels, overall height, reconfiguration of gross floor area and reduction in setbacks. (DA-265/2019/C)

Report dated 9 November 2022 from the Development and Building Unit.

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

#### WLPP-22111.2

PAGE 78

16A and 16B Llandaff Street, BONDI JUNCTION NSW 2022 - Modification to approved residential flat building, including additional excavation to basement levels, internal reconfiguration, additional lift to service the building, increase height of lift overrun, new communal open space at the roof level and external amendments to facade and landscaping. (DA-68/2017/A)

Report dated 9 November 2022 from the Development and Building Unit.

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

#### WLPP-22111.3

PAGE 231

51 Llandaff Street, BONDI JUNCTION NSW 2022 Demolition and construction of two x new threestorey semi-detached dwellings with garage, pool, Torrens title subdivision and tree removal. (DA-66/2022)

Report dated 10 November 2022 from the Development and Building Unit.

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

#### WLPP-22111.4 79 Wellington Street, BONDI BEACH NSW 2026 - Modifications including design refinement, services, apartment reconfiguration and new roof terraces. (DA-268/2020/A)

Report dated 8 November 2022 from the Development and Building Unit.

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

#### WLPP-22111.5

80-82 Hall Street, BONDI BEACH NSW 2026 - Change of use to gymnasium, fitout, signage and extended trading hours. (DA-274/2022)

Report dated 9 November 2022 from the Development and Building Unit.

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

#### WLPP-22111.6

24 Jensen Avenue, VAUCLUSE NSW 2030 - Demolition of semi-detached dwelling and construction of a new two-storey dwelling. (DA-358/2022)

Report dated 9 November 2022 from the Development and Building Unit.

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

#### WLPP-22111.7

30 Tower Street, VAUCLUSE NSW 2030 - Demolition and construction of a two-storey semidetached dwelling including integrated garage and swimming pool at rear. (DA-130/2022)

Report dated 9 November 2022 from the Development and Building Unit.

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

#### WLPP-22111.8

32 Tower Street, VAUCLUSE NSW 2030 - Demolition of the existing semi-detached dwelling and construction of a new three-storey dwelling, swimming pool and landscaping.(DA-154/2022)

Report dated 9 November 2022 from the Development and Building Unit.

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

#### PAGE 305 ent,

**PAGE 393** 

**PAGE 421** 

PAGE 456

**PAGE 511** 





# Report to the Waverley Local Planning Panel

Application number	DA-265/2019/C
Site address	105 Hewlett Street, Bronte
Proposal	Modification to increase floor levels, overall height, reconfiguration of gross floor area and reduction in setbacks
Description of Approved Development	Demolition of existing dwelling and construction of a part three and part four storey dwelling-house including swimming pool
Date of lodgement	4 July 2022
Owner	Mr T and Mrs B Williams
Applicant	Mr T Williams
Submissions	Two (2) (one objection and one in support)
Amended cost of works	\$2,500,000
Principal Issues	<ul> <li>Non-compliant FSR</li> <li>Non-compliant height</li> <li>Unauthorised works</li> </ul>
Recommendation	That the application be <b>APPROVED</b>

SITE MAP



# 1. PREAMBLE

# 1.1. Executive Summary

The modification application seeks to modify development consent, known as DA-265/2019 for the demolition of the existing dwelling and construction of a part three and part four-storey dwelling-house including swimming pool at the site known as 105 Hewlett Street, Bronte. In summary, the proposed modifications are for the changes to the floor space ratio (FSR), increased height and floor levels and changes to setbacks. The works have already been partially completed and this application seeks to legalise these works.

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

- Non-compliance in overall building height;
- Non-compliance with FSR;
- Non-compliant setbacks.

The assessment finds these issues acceptable as works do not result in additional amenity impacts relating to overlooking, overshadowing or view impacts.

A total number of two (2) submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation.

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

# 1.2. Site and Surrounding Locality

A site visit was carried out on 9 September 2022.

The site is identified as Lot 1 in DP541458, known as 105 Hewlett Street, Bronte. The site is generally regular in shape with a northern front boundary to Hewlett Street measuring 12.19m in length, an eastern side boundary of 19.375m, a southern rear boundary of 10.165m and a west side boundary of 25.315m. The site has a total area of 232.2m<sup>2</sup> and is relatively steep with a significant fall from the front boundary to the rear boundary of 8.04m. Along Hewlett Street, the subject site has a cross-fall (west to east) of 1.67m.

The site was occupied by a part three, part four-storey dwelling house with off-street car parking with integrated garage accessed from Hewlett Street. The height of the existing pitched roof dwelling was to RL37.78. This dwelling has since been demolished and the proposed dwelling-house is currently under construction.

The subject site is adjoined to the east by a part two, part three-storey dwelling known as 107 Hewlett Street; to the west of the subject site is a part three, part four-storey brick dwelling with pitched roof; and to the rear, at 8 Bronte Marine Drive, is a three-storey dwelling.

The locality is characterised by predominantly residential dwellings of varying architectural styles and heights. This southern side of Hewlett Street is characterised by dwellings that present as one to two storeys to Hewlett Street and four storeys at the rear. To the south of the site and within walking distance is Bronte Park and Beach.

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



# 1.3. Details of Approved Development

The original development application, known as DA-265/2019 for the demolition of the existing dwelling and construction of a part three and part four-storey dwelling house including swimming pool, was granted deferred commencement consent on 27 November 2019 by the Waverley Local Planning Panel (WLPP). The development is currently mid-way through construction.

A previous modification application has been determined as follows:

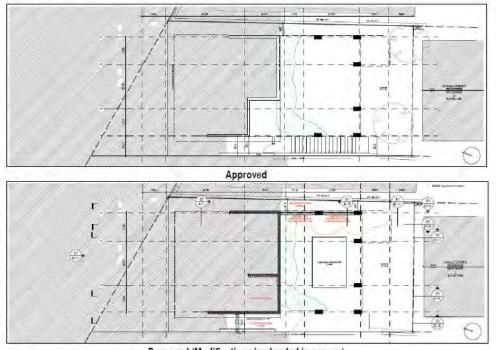
- DA-265/2019/A for internal and external modifications, change in driveway levels and increased building height by 273mm was approved by the WLPP on 23 March 2022.
- DA-265/2019/B for similar works to the current proposal was withdrawn by the applicant (at their request) on 20 June 2022.

# 1.4. Proposal

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

# Garden Level (Lower Ground Floor Level)

- Reduced north-east side setback from 963mm to 878mm, being a total reduction of 85mm.
- Reduced south-east side setback from 828mm to 690mm, being a total reduction of 138mm.
- Reduced north-west side setback from 1,500mm to 1,380mm, being a total reduction of 120mm.
- Adjusted footings.



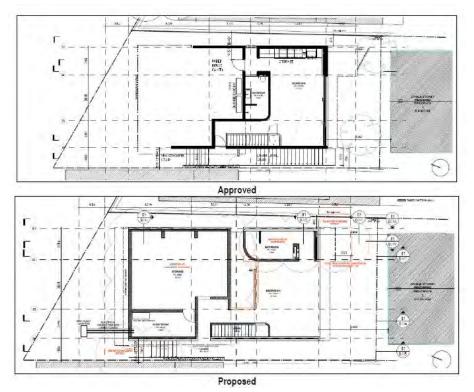
Proposed (Modifications in clouded in orange)

**Figure 5:** Comparison Plans between the Approved and Proposed Development at Garden Level (Source: GSA Statement of Environmental Effects)

# Lower Level

- Reduced south-east side setback from 826mm to 690m, being a total reduction of 138mm.
- Reduced north-west side setback from 1,500mm to 1,380mm, being a total reduction of 120mm.

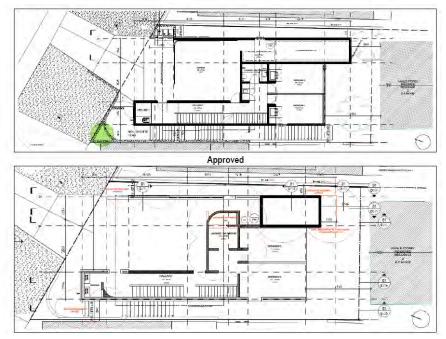
- Relocation of the bathroom.
- Additional basement storage space which increases the overall GFA by 36.2m<sup>2</sup>.
- Deletion of the kitchenette.
- The finished floor level (FFL) is increased from RL24.942 to RL25.87, being a total increase of 0.928m.



**Figure 6:** Comparison Plans between the Approved and Proposed Development at Lower Ground Floor Level (Source: GSA Statement of Environmental Effects)

# Garage Level

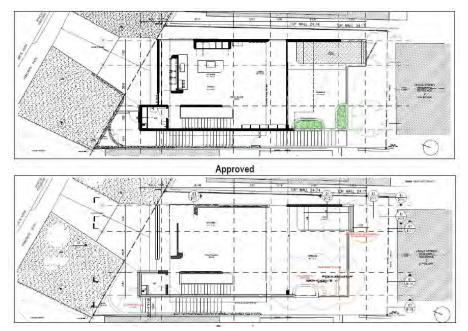
- Reduced south-east side setback from 817mm to 690mm, being a total reduction of 127mm.
- Reduced north-east side setback from 1,100mm to 1,020mm, being a total reduction of 80mm.
- Reduced north-west side setback from 1,500mm to 1,380mm, being a total reduction of 120mm.
- Increase in the bathroom size.
- FFL increased from RL27.742 to RL28.48. With a total increase of 0.738m.



**Figure 7:** Comparison Plans between the Approved and Proposed Development at Garage Floor Level (Source: GSA Statement of Environmental Effects)

First Floor Level

- Deletion of the southern planter box on balcony and adjustment of an adjoining planter.
- FFL increased from RL30.472 to RL31.23, being a total increase of 0.758m.
- Reduced north-west side setback from 1,500mm to 1,380mm, being a total reduction of 120mm.

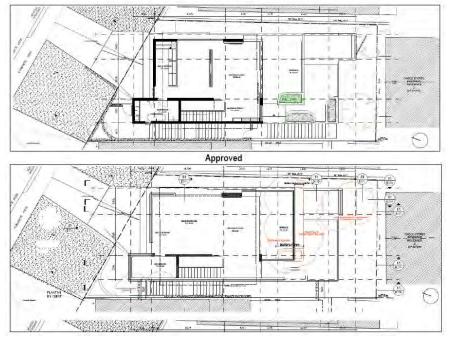


**Figure 8:** Comparison Plans between the Approved and Proposed Development at First Floor Level (Source: GSA Statement of Environmental Effects)

# Second Floor Level

• Deletion of the planter box and reduction in balcony projection.

- FFL increased from RL33.357 to RL33.950, being a total increase of 0.597m.
- Reduced north-west side setback from 1,500mm to 1,380mm, being a total reduction of 120mm.



**Figure 9:** Comparison Plans between the Approved and Proposed Development at Second Floor Level (Source: GSA Statement of Environmental Effects)

# Roof Level

• Increased roof apex from approved FRL 36.430 to FRL 36.641, resulting in a maximum building height of 12.524m. This equates to a 0.211m difference from the most recent approval of 12.313m under DA-265/2019/A and is located toward the centre of the dwelling.

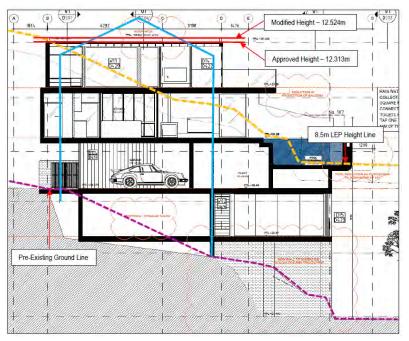


Figure 10: Section through dwelling (source: GSA Statement of Environmental Effects)

Additional modifications sought are as follows:

- A new wall adjacent to the eastern side boundary to the underside of the slab for fire protection at Garden level;
- A reduction in pool length by 1.2m.

The proposal requires an amendment to Condition 1 of the development consent to update the plan numbering.

# 1.5. Background

Unauthorised works were conducted on site during the construction phase and a 'Stop Works' Notice has been issued for the site. A Building Certificate under BC-55/2021 had been submitted to Council for the retrospective approval of all unauthorised works. These works included reduced side setbacks, increased FFL's and height, reduction in balcony size and removal of planter boxes. The applicant was advised to lodge a Section 4.55 modification application for assessment of these changes sought. Retrospective approval can be granted under a Section 4.55 modification application, which is the basis of this assessment report. It is anticipated that upon this modification application being determined, the Building Certificate will be finalised, pending the outcome of this application.

According to the applicant, 'the works which seek retrospective approval are as a result of a series of events that occurred at construction stage. This included when the existing building on site was demolished, asbestos was found in the fill of the foundations. As a result, the civil engineers required the dwelling to build foundations directly on the rock, so any loose material was removed. When this was removed, natural rock was found underneath which was much lower than expected and allowed the owner to gain some additional storage space at the lower level.

The additional storage area did result in level changes which increased the building height. The initial building height has been approved separately under DA No.265/2019/A however, this Modification also seeks to ensure all the floor levels are approved. Other additional works which seek retrospective approval include reduced side setbacks, adjusted footings, relocation of bathroom, deletion of kitchenette, increased bathroom sizes, deletion of planter box and reduction of balcony projection'.

Some additional modifications are also sought which include a new wall on the garden level for fire protection, a privacy screen to the pool for neighbouring amenity, decreased pool length and a minor increase in the building height by 0.211m to facilitate compliant floor to ceiling height. This increase is to be located towards the centre of the roof and forms the 'apex'. The outer edge of the roof will remain at FRL 36.430 AHD previously approved under DA No.265/2019/A.

The modification application was lodged on 4 July 2022 and notified from 18 July 2022 until 4 August 2022 in accordance with the *Waverley Community Participation Plan*.

# 2. ASSESSMENT

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

# 2.1. Section 4.55 – Modification of consents – generally

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

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

The application was publicly notified and two (2) submissions were received. The issues and matters raised in public submissions are discussed in section 2.3.4 of this report.

# 2.2. Evaluation of Matters for Consideration under Section 4.15

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

# 2.2.1. Planning Instruments and Development Control Plans

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

# State Environmental Planning Policies (SEPPs)

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

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

# Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

The land use definition of the approved development as a *dwelling-house* remains unchanged and continues to be permitted development in the R2 Low Density Residential zone under Waverley LEP 2012.

The quantities of the approved development, as proposed to be modified, have changed as outlined in **Table 1** of this report in relation to principal development standards under Waverley LEP 2012. All other relevant provisions of Waverley LEP 2012 remain compliant.

Table 1: Waverley LEP 2012 Compliance Table

Provision	Approved	Proposed Modified	Compliance
<ul><li>4.3 Height of buildings</li><li>8.5m</li></ul>	12.313m	12.524m	No
<ul> <li>4.4 Floor space ratio and</li> <li>4.4A Exceptions to floor space ratio</li> <li>0.85:1 or 197m<sup>2</sup></li> </ul>	0.9:1 or 209.8m <sup>2</sup>	1.06:1 or 245.4m <sup>2</sup>	No

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

# Clause 4.3 - Height of Buildings

The proposed modifications result in a net increase of the building height by 0.211m, resulting in an overall building height of 12.524m. This culminates in an overall exceedance of the height of buildings development standard by 4.024m or 47%. The net increase of building height due to the proposed modifications represents 5.2% of the overall exceedance of the standard.

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

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

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

- As part of this modification, a slight increase in dwelling height is proposed this will consist of an additional 0.211m from the approved 12.313m establishing a dwelling height of 12.524m. This very minor increase is a result of a slight increase to the roof apex which is setback from the side parapet of the dwelling and would not dominate the approved built form or be directly visible from the street. The 0.211m increase is required to ensure internal ceiling height standards can be met.
- Despite the height exceedance, the proposal will preserve the environmental amenity of neighbouring properties. The proposal will have a maximum height of 12.524m which is only 0.211m above the approved height.
- Privacy to neighbouring properties will be maintained as additional screening will be provided along the pool on the first floor will act as a privacy buffer and the reduction in terrace size on the second floor will limit any potential overlooking.
- As the apex of the roof is to be increased by only 0.211m and is to be setback from the dwelling parapet additional overshadowing is to be negligible and maintaining solar access as approved under **DA No.265/2019/A** which also previously addressed increased building height.
- As illustrated in the figure below the apex of the roof is setback from the roof parapet and maintains the previously approved building height of 12.313m (FRL 36.430) on the outer edge of the dwelling. Therefore, when viewed from the street, the proposal would maintain the height, bulk, and scale of nearby residential dwellings. The development is surrounded by low density residential dwellings typically of two to three storeys at the street and up to four storeys at the rear. Accordingly, the design as modified will keep with the character of the streetscape.
- The modified design will have no materialistic changes to the external façade and will continue to maintain the pre-existing pattern of buildings within the area. The development will retain the contemporary approved design, of high architectural quality, and will continue to respond to the emerging development and desired future character of the locality.
- The proposed building height will continue to provide a dwelling house that is of contemporary design and will continue to contribute to the housing stock within the low density residential zone.

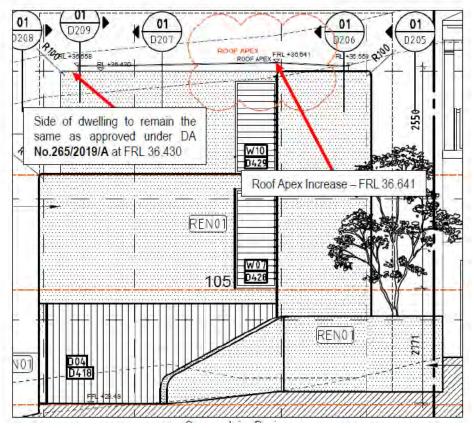


Figure 11: Location of roof apex (source: GSA Statement of Environmental Effects)

The proposed additional breach in height is considered to be minor. Consideration should also be given to the view and shadow impact analysis provided elsewhere in this report, which demonstrates that the amenity of neighbouring properties will be preserved. The height will not be discernible from the streetscape compared to what is currently approved on site when viewing the built form as a whole. Overall, the breach in height is considered to be acceptable in this context and location.

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

# Clause 4.4A - Floor Space Ratio (FSR)

The proposed modifications result in a net increase of gross floor area (GFA) of 35.6m<sup>2</sup>, resulting in an overall FSR of 1.06:1 This culminates in an overall exceedance of the FSR development standard by 48.4m<sup>2</sup> or 24.6%. The net increase of FSR due to the proposed modifications represents 73.6% of the overall exceedance of the standard.

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

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

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

- The modified design comprises a maximum building height of 12.524m this is only an increase of 0.211m from the approved design. Given the location and topography of the site the density, bulk, and scale of the dwelling correlate's positively with the maximum FSR and building height proposed keeping with the 3-4 storey character of the area and designed to complement neighbouring properties by complying with the front and rear setback controls.
- The proposal as modified will not change the landscape design or material design as previously approved. Given the extent of the additional GFA and height, the proposal continues to remain compatible with the bulk and scale of surrounding developments, and the correlations between density and building height is considered appropriate.
- The additional GFA proposed is predominantly located within the lower level where additional storage is located. This modified design will continue to adhere to the front and rear setbacks and will not alter the approved landscaping at the site. This complements the bulk and scale of the surrounding developments and would not change to appearance or character of the dwelling as previously approved. The modified design will maintain consistency with the streetscape and desired future character of the locality.
- The surrounding area is characterised by low density residential development which consists of 3-4 storeys and a mixture of architectural styles. The desired future character is evident in new developments in the locality with many older buildings being replaced by multi-storey contemporary dwellings. The proposal will present as 2 storeys from the street front with a below street level garage, this is contextually compatible with the immediate area. Particularly Nos. 142 and 144 Hewlett Street present contemporary dwellings which consist of similar bulk and scale as the proposed development.
- The dwelling as modified will continue to be a positive contribution to the area, continuing to provide a contemporary dwelling that complements the character of the streetscape. The dwelling will continue to feature a well-selected palette of materials and appropriate setbacks to articulate the built form.

- As the increased building height is only an additional 0.211m and the FSR proposed is predominantly located within the lower level and therefore would negligible additional overshadowing (refer to shadow diagrams separately submitted).
- As previously mentioned, the additional storage area located within the lower level is where most of the additional GFA is comprised. Given the location of the lower level and louvred windows in this portion of the dwelling, privacy would be maintained to adjoining properties.
- Additionally, the following second floor design changes have been undertaken to improve and maintain the neighbouring site's visual amenity:
  - Reduction in balcony projection; and
  - Deleted planter box.

The location of the additional floor space is sited below street level and within an excavated part of the site which will not be discernible from neighbouring properties or public spaces including the coastal walk. The proposed FSR is considered appropriate within the locality providing a building which fits within the context of surrounding building forms and residential uses and is consistent with the desired future character of the locality. Consideration should also be given to the view and shadow impact analysis provided elsewhere in this report, which demonstrates that the amenity of neighbouring properties will be preserved. The proposed built form is of a high architectural aesthetic which is consistent with the emerging character of the area.

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

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

The approved development, as proposed to be modified, does not comply with the relevant parts and sections of Waverley DCP 2012. Only the following parts and sections of Waverley DCP 2012 that apply to the proposed modifications are outlined in **Tables 2** and **3** of this report and detailed discussion below these tables.

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		
<ul><li>Flat roof dwelling house</li><li>Maximum wall height of 7.5m</li></ul>	No	The proposal achieves a wall height of 7.3m at the front and 12.524m at the rear. The non- compliances are primarily as a result of the steep, sloping nature of the site towards the rear. The

# Table 2: Waverley DCP 2012 – Part C2 Low Density Residential Development Compliance Table

Development Control	Compliance	Comment
		extent of the breach beyond the existing building envelope is not considered to result in unreasonable impacts on the adjoining properties, as discussed above and below.
2.3 Streetscape and visual imp	bact	
<ul> <li>New development to be compatible with streetscape context</li> <li>Significant landscaping to be maintained.</li> </ul>	Yes	No changes are proposed to the design of the dwelling as viewed from the street with the exception of the proposed change to the roof apex which is considered to be satisfactory.
2.5 Visual and acoustic privacy	/	
	Yes	The modified proposal results in each floor level being raised which consequently results in the balconies to the rear of the property being at higher elevated positions compared to the original approval. See further discussion below this table.
		It is proposed to reduce the size of the second floor terrace from $22m^2$ to $18m^2$ which is considered to be acceptable.
2.6 Solar access		
<ul> <li>Minimum of three hours of sunlight to living areas and principal open space areas on 21 June</li> <li>Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June</li> </ul>	Yes	Shadow diagrams have been provided demonstrating that the additional height proposed as part of this application will not result in a non-compliance to this control.
2.7 Views		
<ul> <li>Views from the public domain are to be maintained</li> <li>Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks.</li> </ul>	Yes	Refer to detailed discussion following this table.

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

#### View Impact Analysis

The objectives and strategies for views and view sharing of the DCP 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 applicant has submitted their own view photomontages demonstrating the as approved built form, as built form and the modified proposal under the subject application. Photomontages from various

levels of the neighbouring property to the west at 103 Hewlett Street were submitted as part of this report as shown in the figures below:



Figure 12: Mid level balcony of 103 Hewlett Street

Figure 13: Streeet level area of 103 Hewlett Street



Figure 14: Streeet level area of 103 Hewlett Street

AS BUILT FOR APPROVAL

AS APPROVED

Figure 15: Upper Level balcony of 103 Hewlett Street

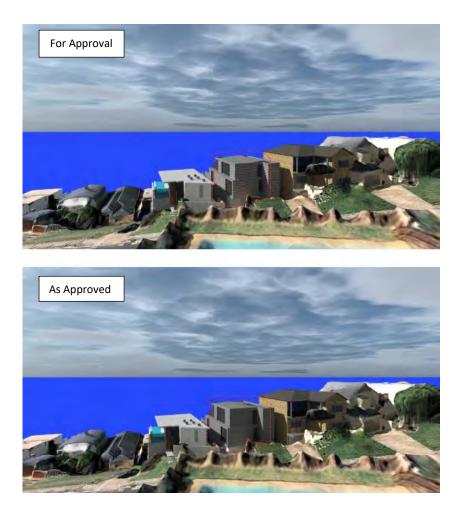


As shown in the figures above, the removal of the planter boxes and reduction in balcony areas will improve the views from parts of No. 103 Hewlett Street. Furthermore, the additional height will have

no unreasonable impact on the views from the originally approved design. The stepped form approach will allow for more ocean views when looking south-east from all three levels on the neighbouring site.

Additional view impact analysis was requested from the applicant to assess potential impacts on the property to the west at 101 Hewlett Street and properties to the north at 140, 142, 144 and 144a Hewlett Street and 9, 10, 11, 12 and 14 Mirimar Avenue.

As the overall height of the dwelling (flat roof) will sit lower than the height of the previous dwelling (pitched roof) on site, any views from the northern side of Hewlett Street will be improved from what was existing on site. Therefore, no issues are raised regarding view impacts from these properties, with the amenity of these properties being preserved as a result of the additional height sought (*View Impact Analysis prepared by Certified Energy dated 31 October 2022 with levels confirmed by CMS Surveyors Pty Limited dated 25 October 2022*).



**Figure 16**: View captured from 11 Mirimar Avenue looking towards the subject site showing the roof ridge line in red of the demolished dwelling in comparison to the approved and requested built form (source: Shadow Study and View Impact Analysis Report prepared by Certified Energy dated 31 October 2022)



**Figure 17**: View captured from 144A Hewlett Street looking towards the subject site showing the roof ridge line in red of the demolished dwelling in comparison to the approved and requested built form (source: Shadow Study and View Impact Analysis Report prepared by Certified Energy dated 31 October 2022)

The proposed development and corresponding view sharing arrangements are considered reasonable and are an appropriate response to the view loss controls in the Waverley DCP 2012 and NSW Land and Environment Court Tenacity view loss planning principle. The proposed increase in building height does not result in any unreasonable impacts on views obtained from neighbouring or nearby properties. The amenity of neighbouring and nearby properties is preserved and as such, the modification application can be supported

# Side Setbacks

The proposal includes a reduction in the side setbacks from that originally approved. Waverley DCP requires a side setback of 1.2m. The proposed setbacks now range from 0.69m up to 1.02m from the eastern side boundary and 1.38m from the western side boundary. It is noted that other dwellings along

this Hewlett Street frontage have non-compliant side setbacks including the neighbouring property to the west at 103 Hewlett Street.

The breach at the eastern side of the development has regard to the adjoining property to the east at 107 Hewlett Street whose high wall is sited 900mm from the shared side boundary. The site boundary is slightly angled along the eastern side and as such, the side setback at the front is 1,020mm decreasing to 690mm at the rear. The resulting non-compliant setback does not result in any unreasonable impacts on the amenity of the adjoining property to the east, and given the greater setback at the street frontage, does not present inappropriately within the street. The variation to the setback control is considered reasonable.

A shadow impact analysis prepared by Certified Energy has been submitted with the application. The analysis concluded that the development, as proposed to be modified with the new apex roof at 0.211m higher and reduced setbacks made no visible difference to the neighbouring dwellings at 103 and 107 Hewlett Street and 8 Bronte Marine Drive. The amenity of neighbouring properties is preserved having regard to solar access arrangements, and as such, the modification application can be supported.

# Visual and Acoustic Privacy

The modified proposal results in each floor level being raised which consequently results in the balconies to the rear of the property being at higher elevated positions compared to the original approval. Due to the slope of the site, there is a mutual degree of overlooking between sites in exchange for significant views in this part of Bronte. The existing dwellings along this southern section of Hewlett Street with their large terraces and windows, already overlook the rear private open space areas of the adjoining dwellings to the rear that have their frontages to Bronte Marine Drive. The modified design of the terraces do not exacerbate this issue and are considered to be satisfactory in the context of the site and surrounding development.

Furthermore, it is proposed to reduce the extent of the pool overhang, which has been in consultation with the adjoining neighbour to the east at 107 Hewlett Street. This reduction will alleviate concerns with overlooking for the proposed pool area, which is considered to be satisfactory.

# 2.2.2. Other Impacts of the Development

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

# 2.2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

# 2.2.4. Any Submissions

The application was notified for 14 days between 18 July 2022 and 4 August 2022 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

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

#### Table 3: Number of and where submissions were received from.

Count	Property Address
1.	11 Mirimar Avenue, Bronte
2.	107 Hewlett Street, Bronte (in support)

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

- Height exceedance
- Unauthorised works

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

Issue: Anomolies on architectural drawings

**Response:** The applicant has submitted amended plans which have addressed the anomalies.

# Issue: Awning over second floor rear balcony

**Response:** The plans do not propose the provision of an awning over the second floor rear balcony. Notwithstanding this, a condition is recommended to ensure that an awning cannot be erected in the future without Council's consent.

# 2.2.5. Public Interest

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

# 3. REFERRALS

The following internal referral comments were sought:

# 3.1. Stormwater

The application was referred to Council's Stormwater Engineer who raised no objections.

# 4. CONCLUSION

The modification application seeks to modify development consent, known as DA-265/2019 for demolition of the existing dwelling and construction of a part three, part four storey dwelling at the site known as 105 Hewlett Street, Bronte. In summary, the proposed modifications are for increased building height, reduced setbacks, increased floor levels, additional floor space and changes to balconies.

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

- Non-compliant FSR
- Non-compliant height
- Unauthorised works

The assessment finds these issues acceptable resulting in no unreasonable impacts on the amenity of neighbouring properties or the locality.

A total number of two (2) submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation.

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

# Development and Building Unit (DBU) Decision:

The application was reviewed by the DBU at the meeting on 18 October 2022 and the DBU determined that the application should be deferred and additional information be provided on view impacts which demonstrates the location of the previous dwelling on site being lower in height than that being sought under this modification application. This information has since been provided by the applicant, which has been discussed above under Section 2.2.1 of this report.

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

# 5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
JZancanaw	R.
Jo Zancanaro	Angela Rossi
Senior Development Assessment Planner	Manager, Development Assessment (Area 1)
	(Reviewed and agreed on behalf of the
	Development and Building Unit)
Date: 2/11/22	Date: 9/11/22

# Reason for WLPP referral:

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

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

# <u>APPENDIX A – CONDITIONS OF CONSENT TO BE MODIFIED</u>

# A. Amended/Deleted Conditions

#### 1. APPROVED DEVELOPMENT

The development must be in accordance with:

(a) The following architectural plans prepared by Juicy Design as follows;

Drawing No.	Dated	Stamp Date Received
D100 Garden Level	15/03/2019	16/08/2019
D101 Lower Level	15/03/2019	16/08/2019
D102 Garage Level	15/03/2019	16/08/2019
D103 First Floor	15/03/2019	16/08/2019
D104 Second Floor	15/03/2019	16/08/2019
D200 Front Elevation	15/03/2019	16/08/2019
D201 Cross Section	15/03/2019	16/08/2019
D202 Rear Elevation	15/03/2019	16/08/2019
D203 Cross Section	15/03/2019	16/08/2019
D204 Cross Section	15/03/2019	16/08/2019
D205 West Elevation	15/03/2019	16/08/2019
D206 Cross Section	15/03/2019	16/08/2019
D207 Cross Section	15/03/2019	16/08/2019
D208 East Elevation	15/03/2019	16/08/2019
D209 Cross Section	15/03/2019	16/08/2019
D107 Landscaping	15/03/2019	16/08/2019

As amended by the following modifications shown shaded in orange only:

Drawing No.	Dated	Stamp Date Received
D102 Garage Level	20/10/2021	01/12/2021
D104 Second Floor	20/10/2021	01/12/2021
D200 Front Elevation	20/10/2021	01/12/2021
D202 Rear Elevation	20/10/2021	01/12/2021
D205 West Elevation	20/10/2021	01/12/2021
D208 East Elevation	20/10/2021	01/12/2021

As amended by the following modifications shown clouded in orange only:

Drawing No.	Dated	Stamp Date Received
D100 Garden Level Rev.B	19/05/2022	12/10/2022
D101 Lower Level Rev.B	19/05/2022	12/10/2022
D102 Garage Level Rev.B	19/05/2022	12/10/2022
D103 First Floor Rev.B	19/05/2022	12/10/2022
D104 Second Floor Rev.B	19/05/2022	12/10/2022
D105 Roof Level Rev.B	19/05/2022	12/10/2022
D200 Front Elevation Rev.A	19/05/2022	12/10/2022

D201 Cross Section Rev.B	19/05/2022	13/10/2022
D202 Rear Elevation Rev.A	19/05/2022	12/10/2022
D203 Cross Section Rev.B	19/05/2022	12/10/2022
D204 Cross Section Rev.A	19/05/2022	12/10/2022
D205 West Elevation Rev.A	19/05/2022	12/10/2022
D206 Cross Section Rev.A	19/05/2022	12/10/2022
D207 Cross Section Rev.B	19/05/2022	12/10/2022
D208 East Elevation Rev.A	19/05/2022	12/10/2022
D209 Cross section Rev.A	19/05/2022	12/10/2022

- (b) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012;
- (c) The stormwater plans prepared by ISTRUCT Consulting Engineers Pty Ltd, Project No. 190317, DWG No. D01 (Rev C), dated 1 October 2019 and received by Council on 01/10/2019 as amended by stormwater plans prepared by ISTRUCT Consulting Engineers Pty Ltd Project No. 190317, DWG No. D01 (Rev E), dated 8 March 2021 and received by Council on 04/07/2022;
- (d) BASIX Certificate;
- (e) Drawing named 'Driveway Crossover & Footpath Excavation Plans & Civil Sections' numbered C01, 190317, Revision D, dated 22/02/2022 drawn by 'iSTRUCT Consulting Engineers and date stamped received by Council on 22/02/2022;

Except where amended by the following conditions of consent

(AMENDED BY DA-265/2019/A) (AMENDED BY DA-265/2019/C)

#### B. New Conditions

#### 6A. SECOND FLOOR REAR TERRACE (SOUTH ELEVATION)

To ensure that there is no impact on view corridors from surrounding properties, no awning or other shade structure (retractable or non-retractable) is to be erected over the rear second floor terrace.

(ADDED BY DA-265/2019/C)

# APPENDIX B – FULL SET OF CONDITIONS

# DA-265/2019/C Conditions of the development consent

#### 1. APPROVED DEVELOPMENT

The development must be in accordance with:

(a) The following architectural plans prepared by Juicy Design as follows;

Drawing No.	Dated	Stamp Date Received
D100 Garden Level	15/03/2019	16/08/2019
D101 Lower Level	15/03/2019	16/08/2019
D102 Garage Level	15/03/2019	16/08/2019
D103 First Floor	15/03/2019	16/08/2019
D104 Second Floor	15/03/2019	16/08/2019
D200 Front Elevation	15/03/2019	16/08/2019
D201 Cross Section	15/03/2019	16/08/2019
D202 Rear Elevation	15/03/2019	16/08/2019
D203 Cross Section	15/03/2019	16/08/2019
D204 Cross Section	15/03/2019	16/08/2019
D205 West Elevation	15/03/2019	16/08/2019
D206 Cross Section	15/03/2019	16/08/2019
D207 Cross Section	15/03/2019	16/08/2019
D208 East Elevation	15/03/2019	16/08/2019
D209 Cross Section	15/03/2019	16/08/2019
D107 Landscaping	15/03/2019	16/08/2019

As amended by the following modifications shown shaded in orange only:

Drawing No.	Dated	Stamp Date Received
D102 Garage Level	20/10/2021	01/12/2021
D104 Second Floor	20/10/2021	01/12/2021
D200 Front Elevation	20/10/2021	01/12/2021
D202 Rear Elevation	20/10/2021	01/12/2021
D205 West Elevation	20/10/2021	01/12/2021
D208 East Elevation	20/10/2021	01/12/2021

As amended by the following modifications shown clouded in orange only:

Drawing No.	Dated	Stamp Date Received
D100 Garden Level Rev.B	19/05/2022	12/10/2022
D101 Lower Level Rev.B	19/05/2022	12/10/2022
D102 Garage Level Rev.B	19/05/2022	12/10/2022
D103 First Floor Rev.B	19/05/2022	12/10/2022
D104 Second Floor Rev.B	19/05/2022	12/10/2022

D105 Roof Level Rev.B	19/05/2022	12/10/2022
D200 Front Elevation Rev.A	19/05/2022	12/10/2022
D201 Cross Section Rev.B	19/05/2022	13/10/2022
D202 Rear Elevation Rev.A	19/05/2022	12/10/2022
D203 Cross Section Rev.B	19/05/2022	12/10/2022
D204 Cross Section Rev.A	19/05/2022	12/10/2022
D205 West Elevation Rev.A	19/05/2022	12/10/2022
D206 Cross Section Rev.A	19/05/2022	12/10/2022
D207 Cross Section Rev.B	19/05/2022	12/10/2022
D208 East Elevation Rev.A	19/05/2022	12/10/2022
D209 Cross section Rev.A	19/05/2022	12/10/2022

- (b) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012;
- (c) The stormwater plans prepared by ISTRUCT Consulting Engineers Pty Ltd, Project No. 190317, DWG No. D01 (Rev C), dated 1 October 2019 and received by Council on 01/10/2019 as amended by stormwater plans prepared by ISTRUCT Consulting Engineers Pty Ltd Project No. 190317, DWG No. D01 (Rev E), dated 8 March 2021 and received by Council on 04/07/2022;
- (d) BASIX Certificate;
- (e) Drawing named 'Driveway Crossover & Footpath Excavation Plans & Civil Sections' numbered C01, 190317, Revision D, dated 22/02/2022 drawn by 'iSTRUCT Consulting Engineers and date stamped received by Council on 22/02/2022;

Except where amended by the following conditions of consent

(AMENDED BY DA-265/2019/A) (AMENDED BY DA-265/2019/C)

# 2. ADDITIONAL DA FEE REQUIRED

Council considers the estimated cost of the proposed building work to be \$2,500,000 in lieu of \$1,200,000 as indicated on the development application form. In this regard, an additional development application fee of \$1,852 is to be paid, prior to the issue of any Construction Certificate.

#### 3. APPROVED USE -DWELLING HOUSE

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

#### 4. NOISE FROM BUILDING WORKS - RESTRICTED ACTIVITIES

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

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

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

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

#### 5. SOLID FUEL HEATING

In accordance with the Part B2 of the Waverley DCP 2012 – Amendment 6 the use of solid fuel heating is not permitted to ensure that the renewable energy and energy efficiency targets of the Council are met.

# 6. EXCAVATION TO BE LIMITED

Excavation shall be limited to that shown in the approved plans. Excavation, proposed or undertaken in the certification or construction of the development, that results in additional habitable or non-habitable floor space (including storage) shall require the submission of a new development application or Section 96 application to modify the approved development. During consideration of this application construction work on site shall cease without prior agreement of Council. Failure to comply with this condition may lead to Council prosecuting or taking a compliance action against the development for breach of its consent.

#### 6A. SECOND FLOOR REAR TERRACE (SOUTH ELEVATION)

To ensure that there is no impact on view corridors from surrounding properties, no awning or other shade structure (retractable or non-retractable) is to be erected over the rear second floor terrace.

(ADDED BY DA-265/2019/C)

# **B.** COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

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

- a. A Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with Section 81A(2) of the Environmental Planning & Assessment Act, 1979; and
- A Principal Certifying Authority has been appointed and Council has been notified of appointment in accordance with Section 81(A)(2)(b) of the Environmental Planning & Assessment Act, 1979 and Form 7 of Schedule 1 of the Regulations; and
- c. Council is given at least two days notice in writing of the intention to commence the building works.

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

#### 8. SECTION 7.12 CONTRIBUTION

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

- (a) A cost report indicating the itemised cost of the development shall be completed and submitted to Council:
- (1) Where the total development cost is less than \$500,000: "Waverley Council Cost Summary Report"; or,
- 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 <u>full</u> 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 <u>revised</u> levy has been paid to Council in accordance with this condition OR that the cost of works is less than \$100,000.

#### 9. SECURITY DEPOSIT

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

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

#### 10. LONG SERVICE LEVY

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

<u>Note</u>: 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.

#### 11. STREET TREES

To ensure maximum street tree canopy and continuity of the streetscape the applicant is to plant <u>Two</u> (2) Hibiscus tiliaceus rubra trees on the nature strip, each side of the driveway in Hewlett Street.

The following conditions will apply:

- (a) Two (2) Hibiscus tiliaceus rubra trees are planted on the nature strip, each side of the driveway in Hewlett Street. The trees are to be planted prior to the issue of an occupation certificate.
- (b) The trees are to be a Hibiscus tiliaceus rubra of minimum container size of 75 litres and grown to AS-2303:2018 Tree Stock for Landscape use.
- (c) The tree must be planted by a qualified horticulturist experienced in planting trees.
- (d) A bond of \$2000 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 newly planted Hibiscus tiliaceus rubra trees on the nature strip, each side of the driveway in Hewlett Street.
- (e) The bond is to be lodged prior to the issue of a Construction Certificate. The bond will be refunded after 12 months on condition that the two Hibiscus tiliaceus rubra trees are maintained in good condition as determined by Council's Tree Officer. If the tree requires replacing within the bond period, the tree must be replaced within one month of notification from Council and not at the end of the bond period.

#### 12. HOARDING REQUIRED

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

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

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

# 13. EROSION & SEDIMENT CONTROL

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

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

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

#### 14. SITE WASTE AND RECYCLING MANAGEMENT PLAN

Demolition and excavated material to be reused and/or recycled wherever possible and detailed in a Site Waste and Recycling Management Plan (SWRMP) Checklist 2 which is to be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 prior to the issue of the Construction Certificate.

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

#### 15. GEOTECHNICAL ENGINEERS REPORT

A 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.

#### 16. DETAILS OF 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.

#### **17.** ENGINEERING DETAILS

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

#### 18. BASIX

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

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

The above condition is a prescribed condition under the Environmental Planning and Assessment Act Regulations clause 97A and the above BASIX commitments are mandatory and cannot be modified under Section 96 of the *Environmental Planning and Assessment Act 1979*.

# **19.** CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

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

#### The CVPPM shall:

- a. Show the size and number of trucks to be used during the various stages of the development.
- b. Show the route to be taken by trucks in (a) above within the Waverley Council area when gaining access to and from the site. Note, if it is considered with the information submitted that such vehicles cannot adequately and safely gain access to and from the site or where access into or out of the site may not be not possible without the need to remove an unsatisfactory number of vehicles parked on the roadway in the vicinity of the site, the trucks may not be approved for use.
- c. Show the location and length of any proposed Works/Construction Zones.

#### Note:

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

#### 20. NEW VEHICLE CROSSING

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

#### 21. DRIVEWAY PAVING

The paving on Council land shall be plain concrete rather than the cobblestones shown on the driveway plans.

### C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

### 22. PRIOR TO SITE WORKS

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

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

### 23. HOME BUILDING ACT

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

### 24. 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.

### 25. OBSTRUCTION TO PUBLIC AREAS

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

### 26. COMPLIANCE WITH SAFE WORK NSW

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

### 27. CONTAMINATING MATERIAL REQUIRED TO BE REMOVED

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 (eg: 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. They shall also adopt work practices in accordance with the requirements of Safe Work Australia's National Standard for the Control of Inorganic Lead at Work (NOHSC: 1012 (1994) and NOHSC: 2015(1994).
- (c) All lead-contaminated materials being disposed of in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines 2009 and the Protection of the Environment Operations Act 1997 (NSW).

### 28. DEMOLITION & SITE PREPARATION

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

- (a) Work Health & Safety Act 2011;
- (b) Work Health & Safety Regulation 2017;
- (c) Protection of the Environment Operations Act 1997 (NSW) and
- (d) NSW EPA Waste Classification Guidelines 2014;

### 29. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

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

### **30. ASBESTOS REMOVAL**

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a Licence in accordance with the requirements of SafeWork NSW. Fire damaged asbestos materials can only be cleaned up by licensed asbestos removalists with a Class A (friable) asbestos removal licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by SafeWork NSW and Waverley's Asbestos Policy.
- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the

licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.

- (c) No asbestos products are to be reused on site.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400m x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.
- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

### **31. EXCAVATION TO BE LIMITED**

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

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

### 32. 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.

### 33. EXCAVATION BELOW FOOTINGS

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

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

### 34. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

That 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. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the NSW EPA.

### 35. MANAGEMENT OF ACIDIC SOIL

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.

### 36. EXCAVATION TO BE MANAGED BY STRUCTURAL ENGINEER

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

### 37. ALL BUILDING MATERIALS STORED ON SITE

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

### **38.** CONSTRUCTION HOURS

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

- (a) The Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which form part of public holiday weekends; and
- (b) Sundays and public holidays
- (c) Excavation works involving the use of heavy earth movement equipment including rock breakers and the like must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays with no such work to be carried out on Saturday, Sunday or a public holiday.

Noise from construction activities shall comply with the Protection of the Environmental Operations (Noise Control) Regulation 2000.

### 39. STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS

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

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

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

### 40. TEMPORARY DIVERSION OF ROOF WATERS

Stormwater from roof areas shall be linked via a temporary downpipe to Council's stormwater system immediately after completion of the roof area. Inspection of the building frame will not occur until this is completed.

### 41. NATIONAL CONSTRUCTION CODE (NCC)

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

### 42. CONSTRUCTION INSPECTIONS

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

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

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

- (a) at the commencement of building work;
- (b) after excavation for, and prior to the placement of, any footings;
- (c) prior to pouring any in-situ reinforced concrete building element;
- (d) prior to covering of the framework for any floor, roof or other building element;
- (e) prior to covering any waterproofing in any wet areas;
- (f) prior to covering any stormwater drainage connections; and
- (g) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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

- (a) sediment control measures prior to the commencement of building work;
- (b) foundation material prior to undertaking building work;
- (c) shoring of excavation works, retaining walls, piers, piling or underpinning works;

- (d) steel reinforcement, prior to pouring concrete;
- (e) prior to covering timber or steel framework for floors, walls and roofing, including beams and columns;
- (f) prior to installation of fire resisting construction systems (ie fire rated ceilings and walls); and
- (g) swimming pool fencing prior to filling pool.

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

### 43. CERTIFICATE OF SURVEY – LEVELS

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

### 44. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

### 45. SERVICE PIPES

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

### 46. DILAPIDATION REPORTS

Dilapidation surveys must be conducted and dilapidation reports prepared by a practising professional engineer (structural) of all buildings, (both internal and external), including ancillary structures located on land adjoining the site and of such further buildings located within the likely "zone of influence" of any excavation, dewatering and/or construction induced vibration. The survey must identify which properties are within the likely 'zone of influence'.

These properties must include any properties identified to be in the zone of influence in the Dilapidation Survey.

The dilapidation reports must be completed and submitted to Council and the Principal Certifying Authority with or prior to the Notice of Commencement and prior to the commencement of any development work. The adjoining building owner(s) must be given a copy of the dilapidation report for their building(s) prior to the commencement of any work.

Please note the following:

(a) The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.

- (b) This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development.
- (c) Council will not be held responsible for any damage which may be caused to adjoining buildings as a consequence of the development being carried out.
- (d) Council will not become directly involved in disputes between the Developer, its contractors and the owners of neighbouring buildings.
- (e) In the event that access for undertaking the dilapidation survey is denied the applicant is to demonstrate in writing to the satisfaction of the Council that all reasonable steps were taken to obtain access to the adjoining property. The dilapidation report will need to be based on a survey of what can be observed externally.

### 47. WORK OUTSIDE PROPERTY BOUNDARY

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

### 48. 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.

### 49. TREE PROTECTION

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

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

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

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

### 50. 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.

### 51. CONSTRUCTION OF SWIMMING POOLS

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) The finished level of the proposed pool/spa is not to exceed a maximum height of RL 30.472;
- (f) 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 fourteen **(14) days prior** to commencement of building operations.

### 52. NO WORKS BEYOND BOUNDARIES

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

### 53. SIDE FENCE HEIGHT

The proposed new side and/or rear boundary fencing around the site is not to exceed a maximum height of 1.8m above the existing ground level of the adjoining property, unless otherwise agreed by the affected neighbour.

### D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

### 54. FINAL 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.

### 55. STORMWATER MANAGEMENT

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

Under the current design, the capacity of both the duty and standby pumps to be 9 L/s.

### 56. SWIMMING POOL/OUTDOOR SPA CERTIFICATION

The following must be provided to the Principal Certifying Authority prior to the swimming pool/outdoor spa being filled with water and prior to use;

- (a) The swimming pool/outdoor spa is to be constructed in accordance with the Consulting Engineer's design as shown on the approved plans and is not to be filled with water until a Certificate has been submitted by the construction or consulting engineers design.
- (b) The swimming pool/outdoor spa equipment is to be enclosed in a sound proof enclosure to prevent adverse impacts to adjoining properties.
- (c) An approved sign outlining details of resuscitation techniques for adults, children and infants must be placed in a prominent position, close to the pool/outdoor spa, prior it being filling with water. Signs are available from Council.
- (d) Swimming/spa pool pumps are restricted from being used and operated 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 2008. On the spot fines may be imposed should breaches occur.
- (e) The swimming pool/outdoor spa is to be registered on the State Government Swimming Pool Register (http://www.swimmingpoolregister.gov.au) and a Certificate of Compliance obtained for the pool barrier is required to be submitted to Council prior to the issue of an Occupation Certificate.
- (f) The swimming pool/outdoor spa is to be fitted with a cover that shall be fitted when the swimming pool/outdoor spa is not in use to minimise evaporation and conserve water.
- (g) A final inspection of the completed pool is to be carried out by the Principal Certifying Authority to ensure all the above is complied with.

### 57. LANDSCAPE PLAN

The site is to be landscaped and turfed in accordance with the approved landscaped plan with the landscape works completed prior to the issue of the Occupation Certificate.

### 58. LIGHTING

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

### 59. 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.

### 60. PUBLIC DOMAIN WORKS COMPLETED

All footpath upgrades and public domain works are to be completed to the agreed design and standard for the satisfaction of the Executive Manager, Creating Waverley prior to the issue of an Occupation Certificate.

### **Advice to Applicant**

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

### **Sydney Water Requirements**

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

### **Dial Before You Dig**

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

### **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.

## MA - DA 265/2019

### PROJECT ADDRESS

PROJECT NAME	BRONTE HOUSE
STREET ADDRESS	105 HEWLETT STREET BRONTE
LOCAL GOVERNMENT AREA	WAVERLY COUNCIL
PLAN TYPE AND PLAN NUMBER	DEPOSITED PLAN 541458
LOT NO.	1
SECTION NO.	-

### PROJECT TYPE

PROJECT TYPE	SEPARATE SWELLING HOUSE
NO OF BEDROOMS	4

### SITE DETAILS

SITE AREA (m2)	232
ROOF AREA (m2)	89
CONDITIONED FLOOR AREA (m2)	245
UNCONDITIONED FLOOR AREA	46
TOTAL AREA OD GARDEN/LAWN	80

### ASSESSOR DETAILS AND THERMAL LOADS

ASSESSOR NUMBER	BDAV/12/1454
CERTIFICATE NUMBER	12345678
CLIMATE ZONE	56
AREA ADJUSTED COOLING LOAD (MJ/m2 YEAR)	29
AREA ADJUSTED HEATING LOAD (MJ/m2 YEAR)	52

### PROJECT SCORE

WATER	40	TARGET 40
THERMAL COMFORT	PASS	TARGET PASS
ENERGY	42	TARGET 40

NOS	NAME	REVISION
D001	DRAWING SCHEDULE	В
D002	SITE LOCATION	A
D003	SITE LOCATION	A
D004	SITE LOCATION	A
D005	PHOTOMONTAGE	A
D006	PHOTOMONTAGE	A
D007	CURRENT SITE PHOTOS	A
D008	2ND FLOOR SITE PHOTOS	A
D009	1ST FLOOR SITE PHOTOS	A
D010	ATRIUM SITE PHOTOS	A
D011	GARAGE SITE PHOTOS	A
D012	LOWER FLOOR SITE PHOTOS	A
D100	GARDEN LEVEL - AS APPROVED/ASBUILT/MA	В
D101	LOWER LEVEL – AS APPROVED/ASBUILT/MA	В
D102	GARAGE LEVEL - AS APPROVED/ASBUILT/MA	В
D103	FIRST FLOOR - AS APPROVED/ASBUILT/MA	В
D104	SECOND FLOOR - AS APPROVED/ASBUILT/MA	В
D105	ROOF - AS APPROVED/FOR APPROVAL/MA	В
D200	FRONT ELEVATION	A
D201	CROSS SECTION	A
D202	REAR ELEVATION	A
D203	CROSS SECTION	В
D204	CROSS SECTION	A
D205	WEST ELEVATION	A
D206	CROSS SECTION	A
D207	CROSS SECTION	В
D208	EAST ELEVATION	A
D209	CROSS SECTION	A
D106	AREA SCHEDULE	Α

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Application No: DA-265/2019/C

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Application No: DA-265/2019/C

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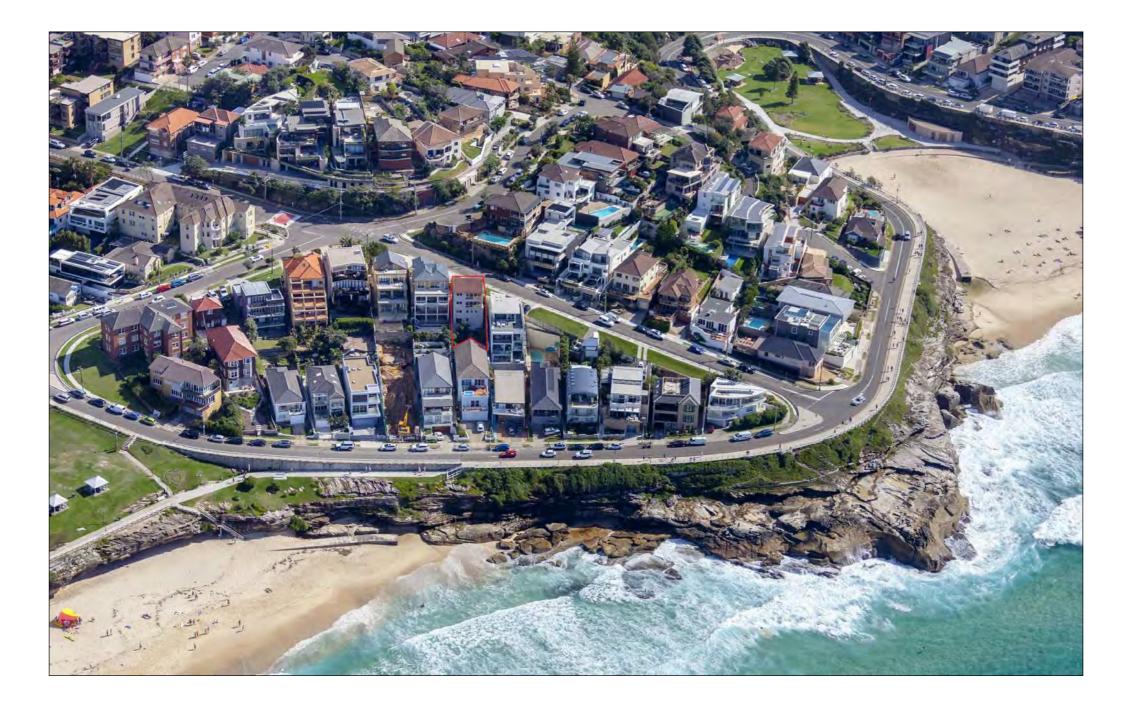


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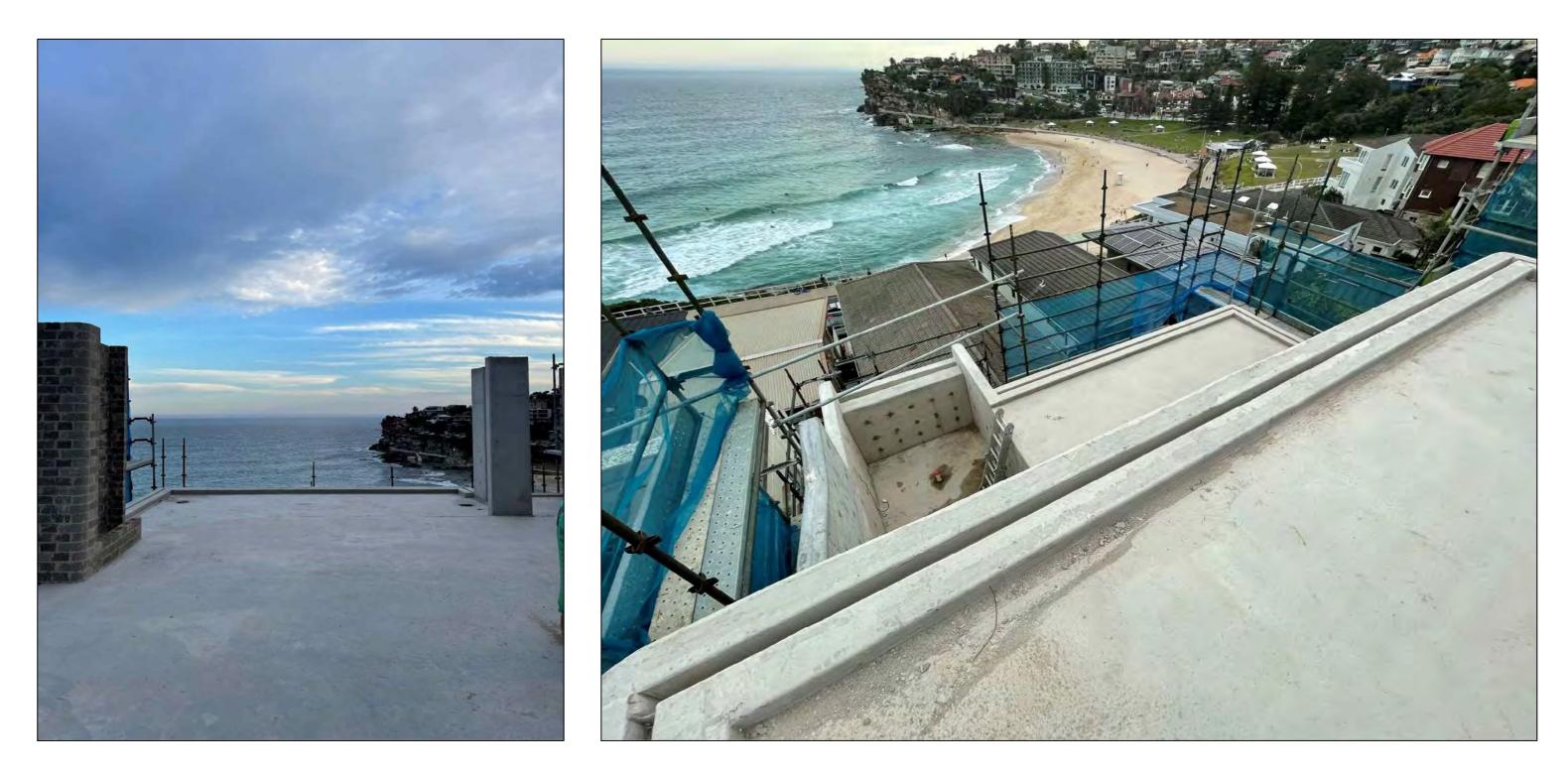
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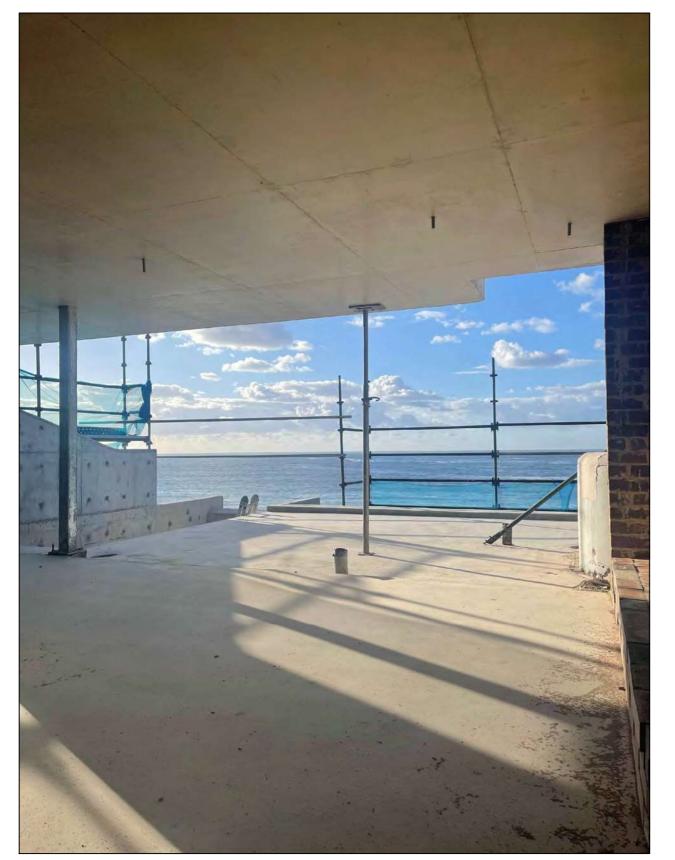
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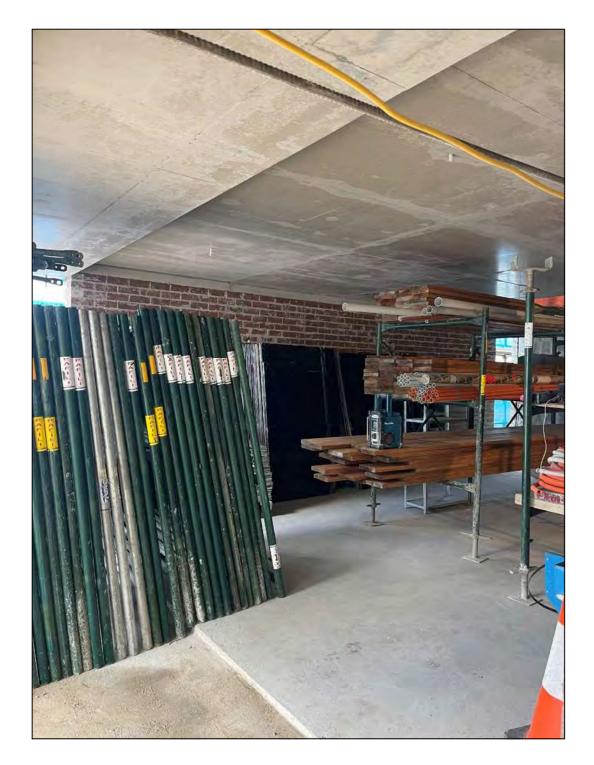
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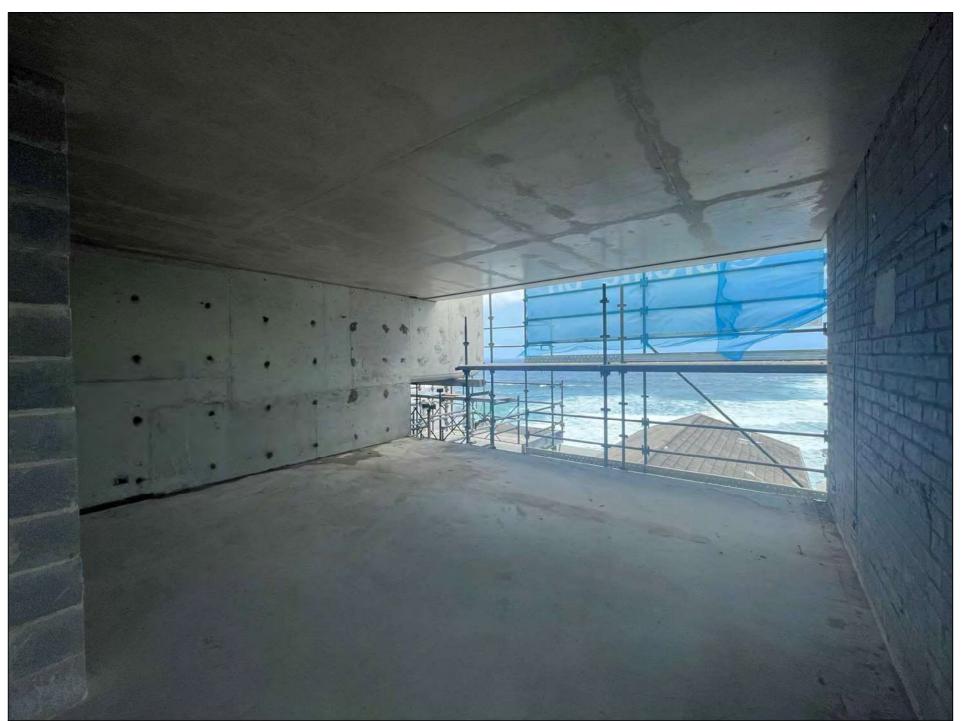






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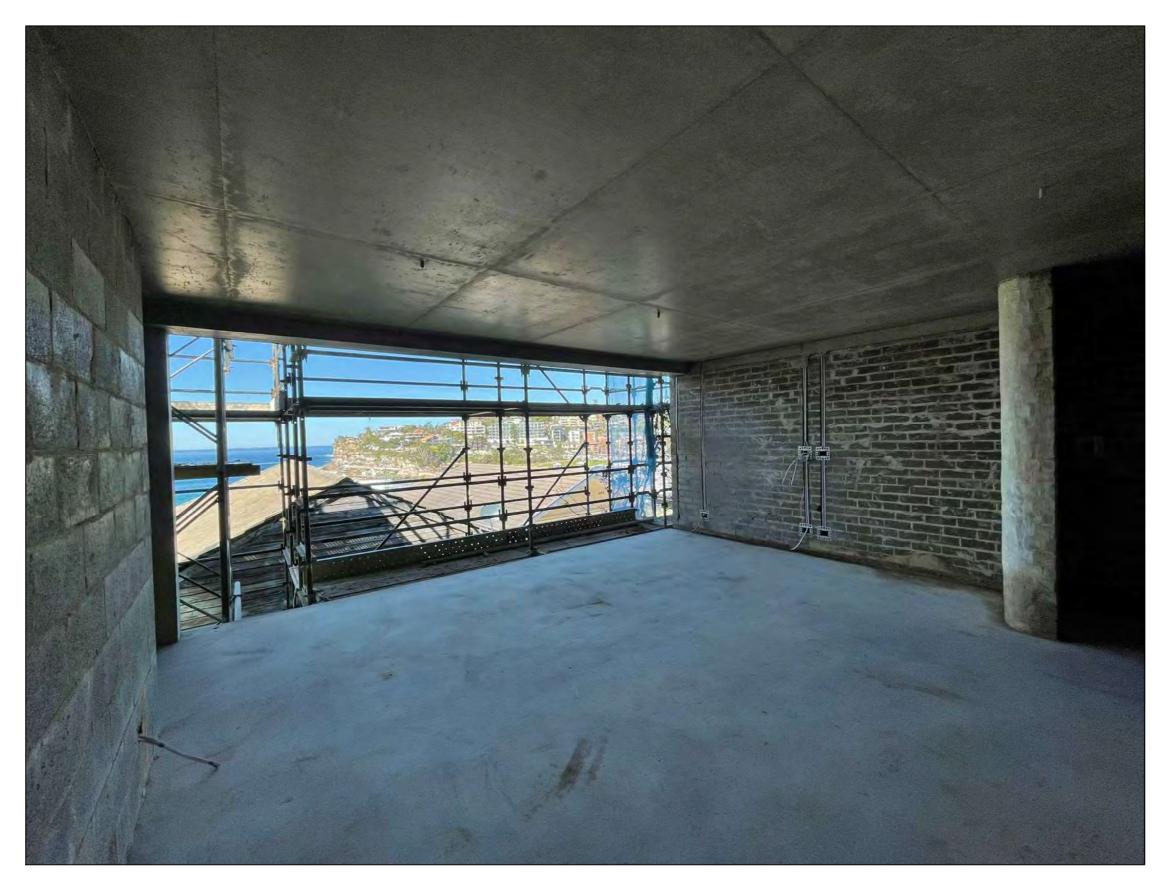
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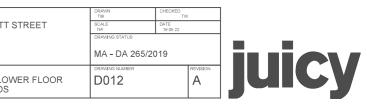
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-SETBACH 1380

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EXISTING HOUSE OUTLINE

/3255/

ADJUSTED BUILDING OFFSET

4430

OSD AND RAINWATER TANK

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ADJUSTED BUILDING OFFSET

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ON - KITCHEN - INDIVIDUAL FAN DUCTED TO DR ROOF -MANUAL SWITCH ON/OF ION - LAUNDRY - INDIVIDUAL FAN DUCTED TO - LAONDRY - INDIVIDUAL FAIN DUCIED TO ROOF --MANUAL SWICH ON/OF IGHTING - PRIMARY LIGHTING TYPE TO BE LED IHT - INSTALL A WINDOW/SKYLIGHT IN AT BATHROOM DOL - GAS HEATING SYSTEM AND TIMER FOR

Certificate no. 0006/718514 Assessó Name: Alim Zhang Accreditation no. DINN 10/1804 Cettificate date: 27 Oct 2021 Deviling Address

time 105 Heindelt Street

4.9

HOUSE

68.5 .....

NERGY COMMITMENTS LR - 5 SIAR HEATING 25 - 3.0 AND DAY/NIGHT ZONING ON - AT LEAST ONE BATHROOM - INDIVIE TED TO FACADE OR ROOF -MANUAL SWITCH

THERMAL COMMITMENTS ASSESSOR CONSTRUCTION SUMMERY EXTERNAL WALLS – DOUBLE BRICK – INSULATION R1.5 INTERNAL WALLS – SINGLE BRICK – INSULLATION R2 COLINGS – CONCRETE/SUSPENDED PLASTERBOARD ROOF – TIMBER – INSULATION R4 WINDOWS – DOUBLE GLAZED MIMBER FRAME SKYLIGHTS – DOUBLE GLAZED ALUMINUM FRAME

WATER - SWIMMING POOL NOT TO HAVE GREATER VOLUME THAN 16 KILOLITRES TO HAVE POOL COVER OUTDOOR POOL ONLY

INSTALL RAIN WATER TANK (MIN 1700LITRES) RAIN WATER TANK TO COLLECT RUN OFF FROM AT LEAST JOSGM OF ROGF AREA CONNECT RAIN WATER TANK TO ALL TOILETS, IX OUTDOO TAP, A TAP LOCATED WITHIN 10M OF SWMMING POOL

WATER - FIXTURES SHOWER HEAD-MINIMUM 3 STAR TOILET FLUSH-MINIMUM 4 STAR TAPS-MINIMUM 5 STAR WATER - ALTERNATIVE WATER

WATER – 40 – TARGET PASS THERMAL COMFORT – PASS – TARGET PASS ENERGY – 41 – TARGET 40

PROJECT SCORE



**BUILT/MA** 

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### INDUCTION COOK TOP FIXED OUTDOOR CLOTHES LINE

TICN - KITCHEN - INDIVIDUAL FAN DUCTED TO COR ROOF -MANUAL SWITCH ON/OF NICH - LAUNDRY - INDIVIDUAL FAN DUCTED TO COR ROOF -MANUAL SWITCH ON/OF IAL LICHTING - PRIMARY LICHTING TYPE TO BE LED AL LICHT - INSTALL A WINDOW/SKYLIGHT IN AT ONE BATHEROM NG POOL - GAS HEATING SYSTEM AND TIMER FOR UMP

ENERGY COMMITMENTS HOT WATER - 5 STAR COOLING/HEATING SYSTEM - 3PHASE AIRCONDITIONING V ENERGY RATING 2.5 - 3.0 AND DAY/NICHT ZONING VENTLLATON - AT LEAST ONE BATHROOM - INDIVIDUAI FAN DUCTED TO FACADE OR ROOF -MANUAL SWITCH

THERMAL COMMITMENTS ASSESSOR CONSTRUCTION SUMMERY EXTERNAL WALLS – DOUBLE BRICK – INSULATION R1.5 INTERNAL WALLS – SINGLE BRICK – INSULLATION R2 CELINICS – CONCRETE/SUSPENDED PLASTEBOARD ROOF – TIMBER – INSULATION R4 WINDOWS – DOUBLE GLAZED TIMBER FRAME SKYLIGHTS – DOUBLE GLAZED ALUMINUM FRAME

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WATER - ALTERNATIVE WATER

WATER — FIXTURES SHOWER HEAD-MINIMUM 3 STAR TOILET FLUSH-MINIMUM 4 STAR TAPS-MINIMUM 5 STAR

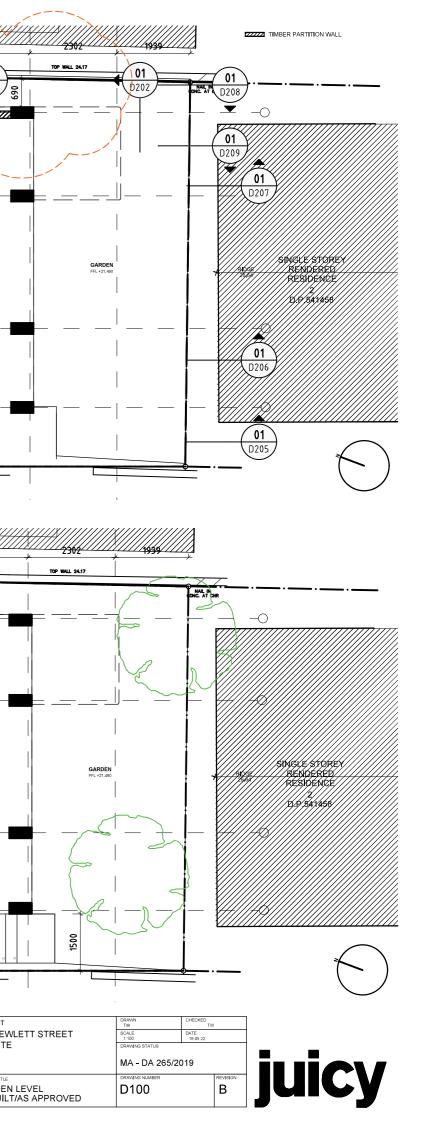


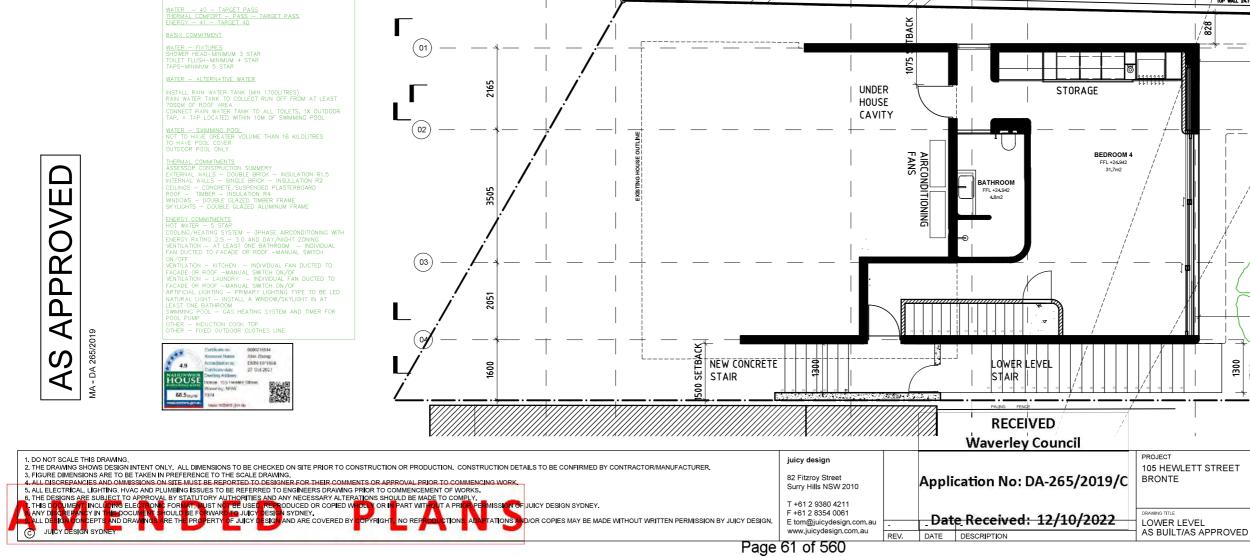












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ADDITION OF BASEMENT STORAGE

STORAGE FFL +25.87 36.2m2

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OLAR BATTERIES

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PLANT ROOM

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EXISTING HOUSE OUTLINE

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FFL +25.729

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RELOCATION OF BATHROOM

BATHROOM FFL +25.87 4.8m2

BEDROOM 4 FFL +25.87 31.7m2

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MAIN RISER

LOCATION

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ELECTRICAL CONNECTION INTO LOWER FLOORS

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NDUCTION COOK TOP FIXED OUTDOOR CLOTHES LINE 0000718534 Alian 20ung DMN-10/1854 27 Oct 2021 4.9 Conficate no. sasson Nama cieddaton re: al licale dide. w krg Address HOUSE

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## TICN - KITCHEN - INDIVIDUAL FAN DUCTED TO C OR ROOF -MANUAL SWITCH ON/OF TICN - LAUNDRY - INDIVIDUAL FAN DUCTED TO C OR ROOF -MANUAL SWITCH ON/OF IAL LIGHTING - PRIMARY LIGHTING TYPE TO BE LED LI LIGHT - INSTALL A WINDOW/SKYLIGHT IN AT OME BATHROOM GD POOL - GAS HEATING SYSTEM AND TIMER FOR UMP

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INSTALL RAIN WATER TANK (MIN 1700LITRES) RAIN WATER TANK TO COLLECT RUN OFF FROM AT LEAST 7050M OF ROOF AFEA CONNECT RAIN WATER TANK TO ALL TOILETS, IX OUTDOOR TAP, A TAP LOCATED WITHIN 10M OF SWMMING POOL

<u>WATER — FIXTURES</u> SHOWER HEAD-MINIMUM 3 STAR TOILET FLUSH-MINIMUM 4 STAR TAPS-MINIMUM 5 STAR

WATER - ALTERNATIVE WATER

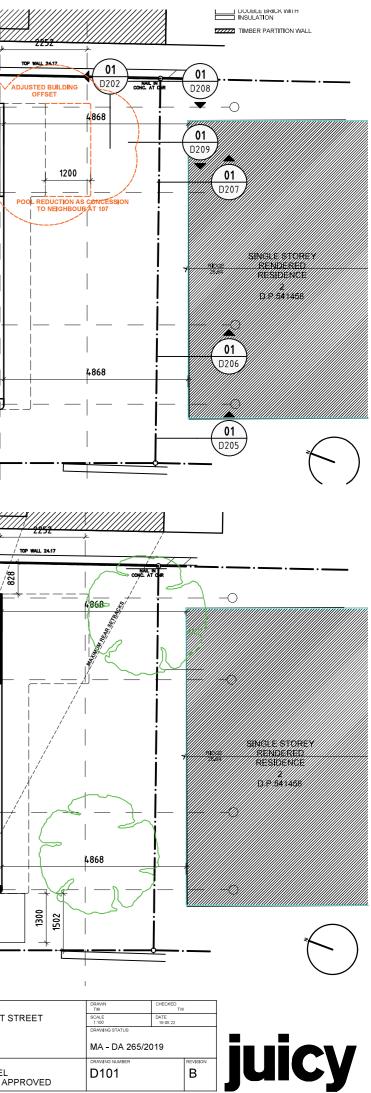
<u>WATER – 40 – TARGET PASS</u> THERMAL COMFORT – PASS – TARGET PASS ENERGY – 41 – TARGET 40

WATER - SWIMMING POOL NOT TO HAVE GREATER VOLUME THAN 16 KILOLITRES TO HAVE POOL COVER OUTDOOR POOL ONLY





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- GAS HEATING SYSTEM AND TIMER FOR

– KITCHEN – INDIVIDUAL FAN DUCTED TO ROOF – MANUAL SWITCH ON/OF – LAUNORY – INDIVIDUAL FAN DUCTED TO ROOF – MANUAL SWITCH ON/OF GOTING – PRIMARY LIGHTING TYPE TO BE LED HT – NSTALL A WINDOW/SKYLIGHT IN AT ATTERCAN

0006718514 Alin Zhang DMN/19/1894 27 Oct 2021

NERGY COMMITMENTS OT WATER - 5 STAR HEATING SYSTEM - 3PHASE AIRCONDITIONING WIT RATING 2.5 - 3.0 AND DAY/NIGHT ZONING ION - AT LEAST ONE BATHROOM - INDIVIDUAL TED TO FACADE OR ROOF -MANUAL SWITCH

THERMAL COMMITMENTS ASSESSOR CONSTRUCTION SUMMERY EXTERNAL WALLS – DOUBLE BRICK – INSULATION R1.5 INTERNAL WALLS – SINGLE BRICK – INSULLATION R2 CELINICS – CONCRETE/SUSPENDED PLASTEBOARD ROOF – TIMBER – INSULATION R4 WINDOWS – DOUBLE GLAZED TIMBER FRAME SKYLIGHTS – DOUBLE GLAZED ALUMINUM FRAME

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WATER - ALTERNATIVE WATER

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INDUCTION COOK TOP FIXED OUTDOOR CLOTHES LINE

<u>WATER – 40 – TARGET PASS</u> <u>THERMAL COMFORT – PASS – TARGET PASS</u> ENERGY – 41 – TARGET 40

WATER — FIXTURES SHOWER HEAD-MINIMUM 3 STAR TOILET FLUSH-MINIMUM 4 STAR TAPS-MINIMUM 5 STAR

WATER - ALTERNATIVE WATER

ENERGY COMMITMENTS HOT WATER - 5 STAR COOLING-HEATING SYSTM - 3PHASE AIRCONDITIONING W ENERGY RATING 2.5 - 3.0 AND DAY/NIGHT ZONING VENTLATION - AT LEAST ONE BATHROOM - INDIVIDUAL FAN DUCTED TO FACADE OR ROOF -MANUAL SWITCH

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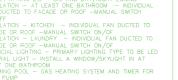








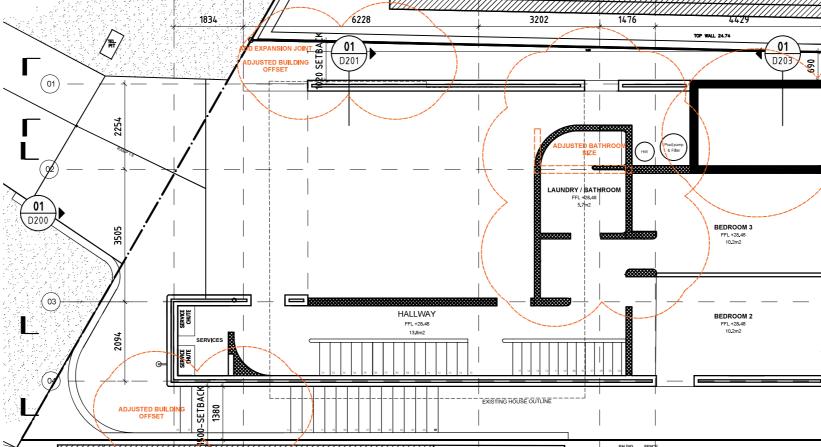


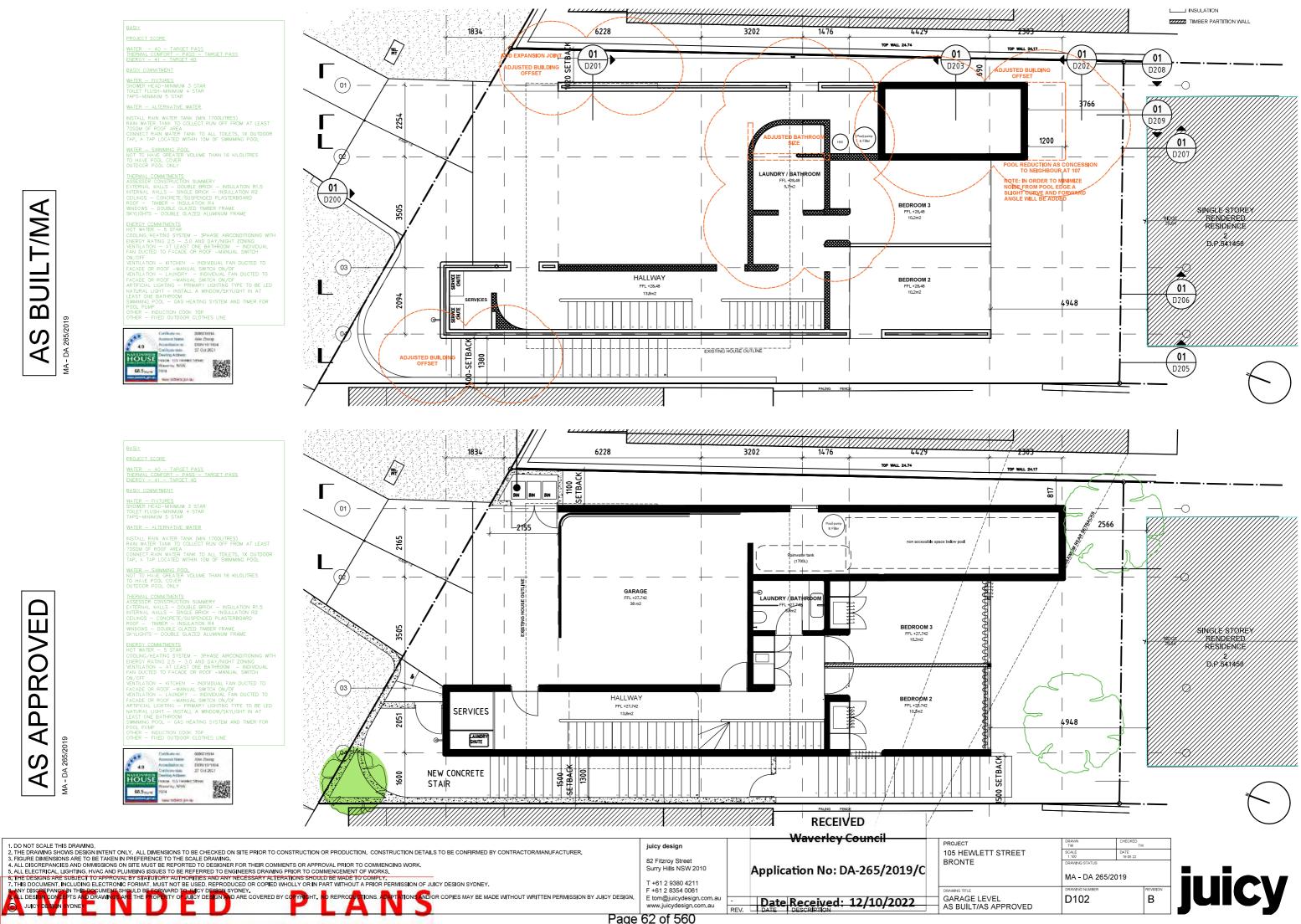












Page 62 of 560

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### Curtificate oc. 0000718514 Assessor Name: Alin Zhang Acceditation np. DAN/1974604 Cettificate date: 27 Oct 2021 Deviling Address 4.9 HOUSE

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TICN - KITCHEN - INDIVIDUAL FAN DUCTED TO OR ROOF -MANUAL SWITCH ON/OF TICN - LAUNDRY - INDIVIDUAL FAN DUCTED TO OR ROOF -MANUAL SWITCH ON/OF IAL LIGHTING - PRIMARY LIGHTING TYPE TO BE LED LI LIGHT - INSTALL A WINDOW/SKYLIGHT IN AT OME BATHROOM GE POOL - GAS HEATING SYSTEM AND TIMER FOR UMP

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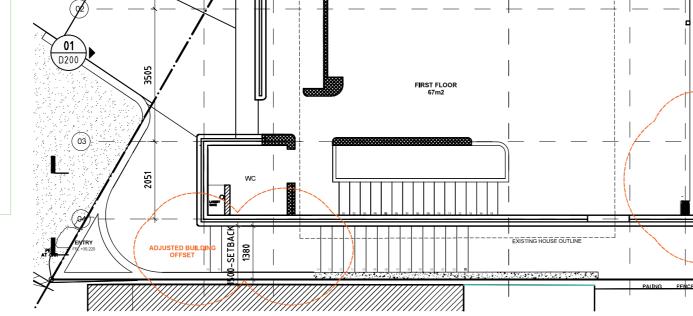
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WATER – 40 – TARGET PASS THERMAL COMFORT – PASS – TARGET PASS ENERGY – 41 – TARGET 40



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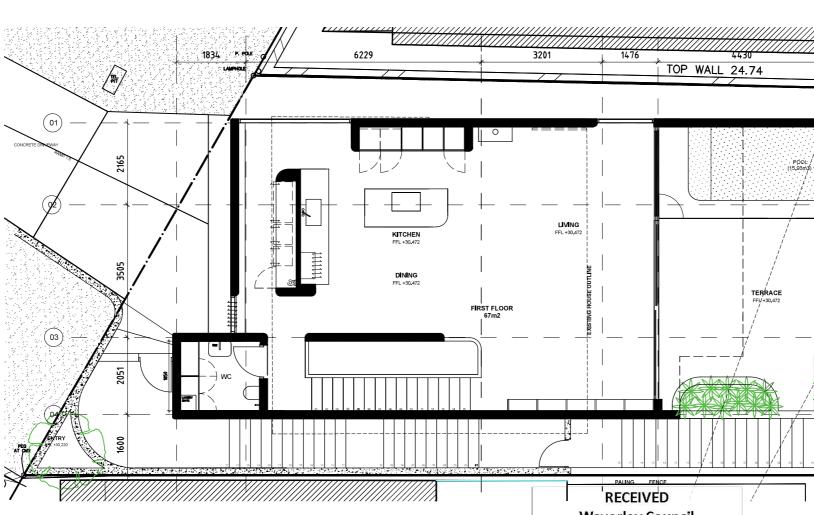
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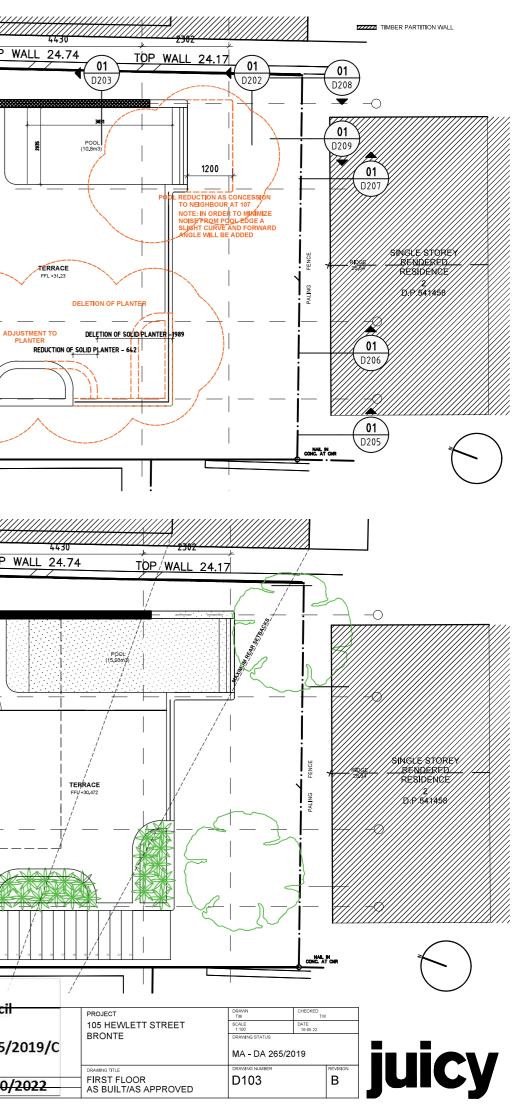
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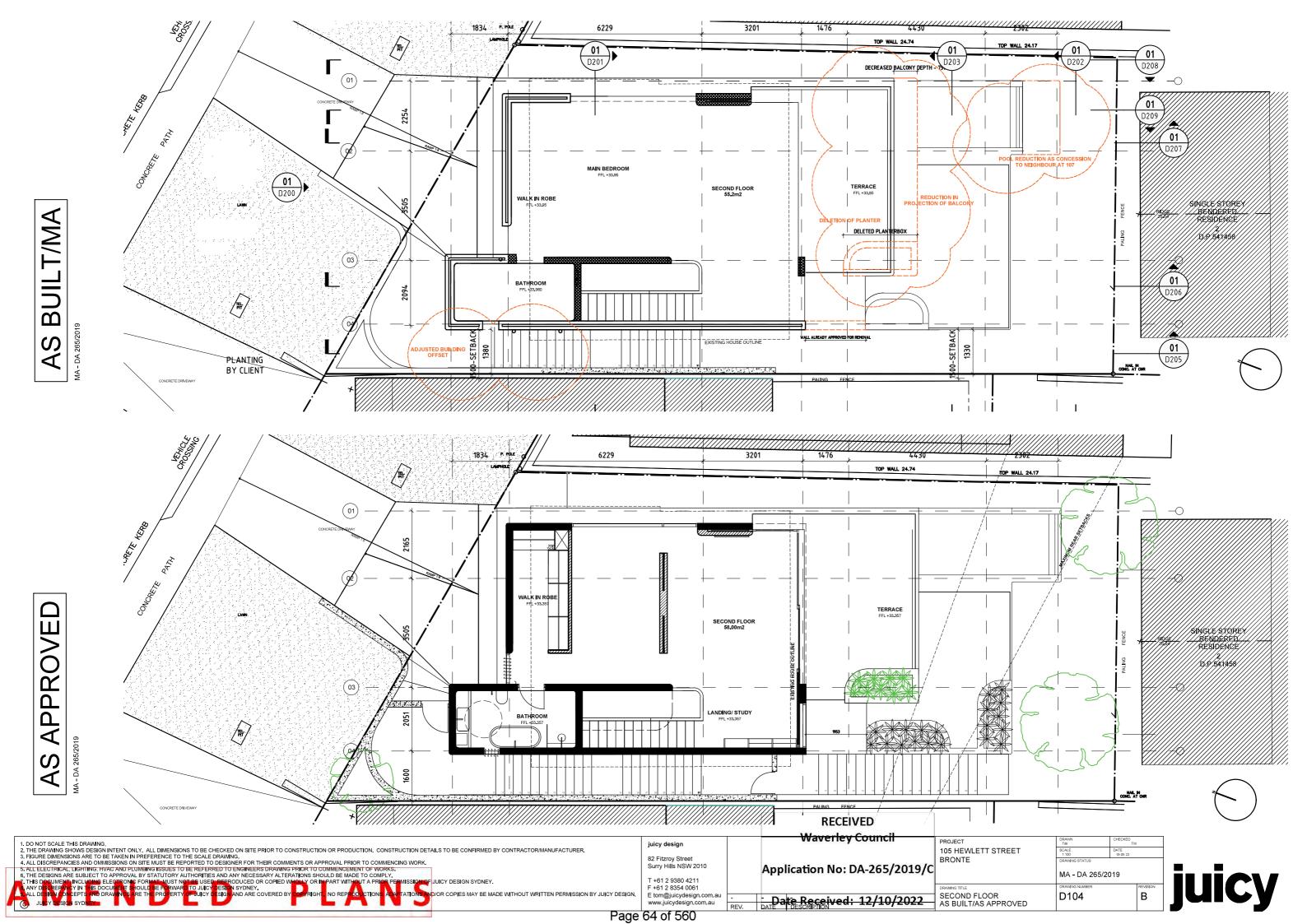


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- GAS HEATING SYSTEM AND TIMER FOR

0006718514 Alin Zhang DMN/19/1894 27 Oct 2021

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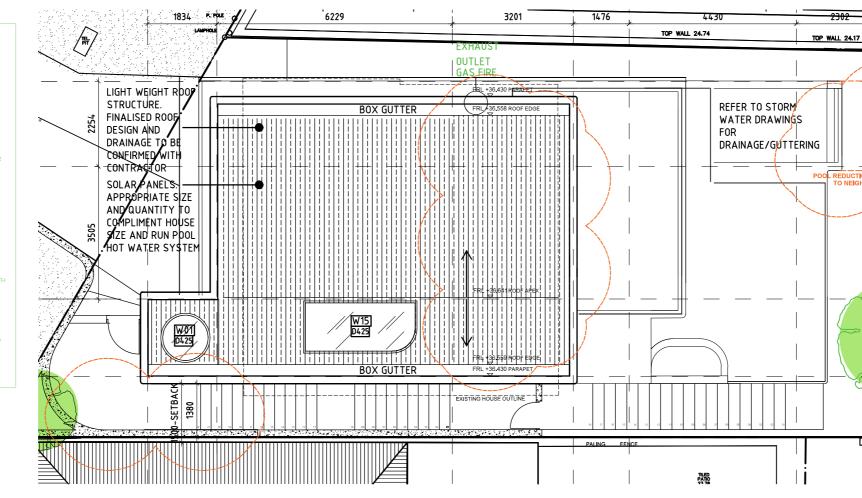
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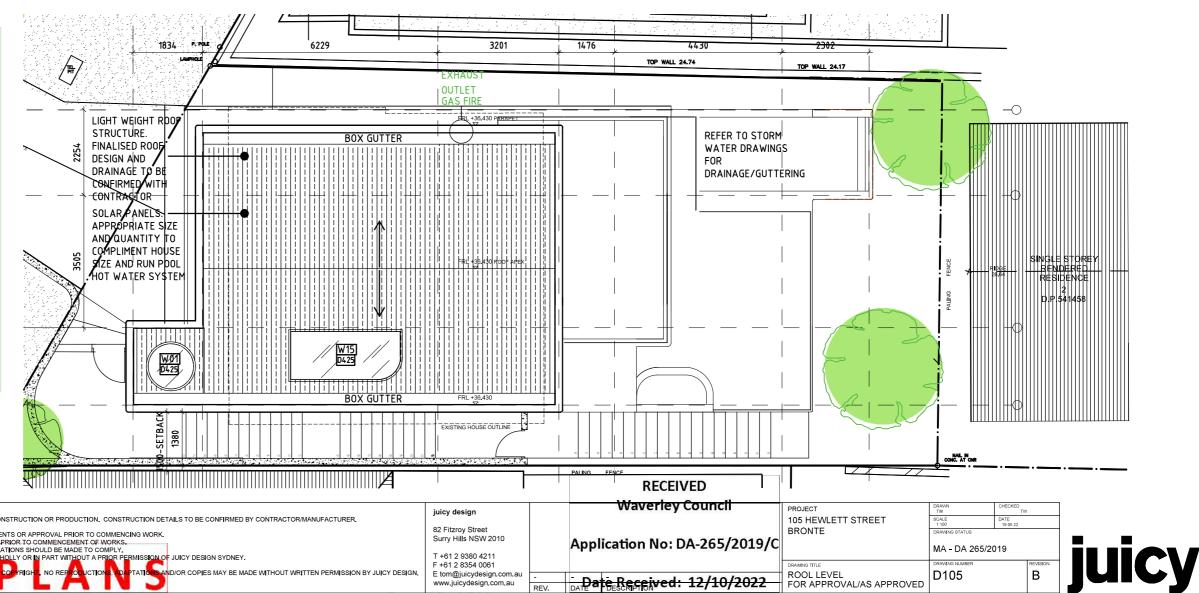
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INDUCTION COOK TOP FIXED OUTDOOR CLOTHES LINE

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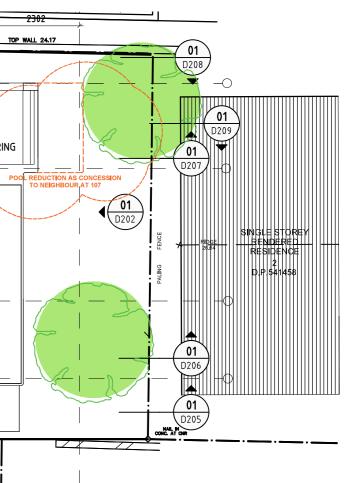
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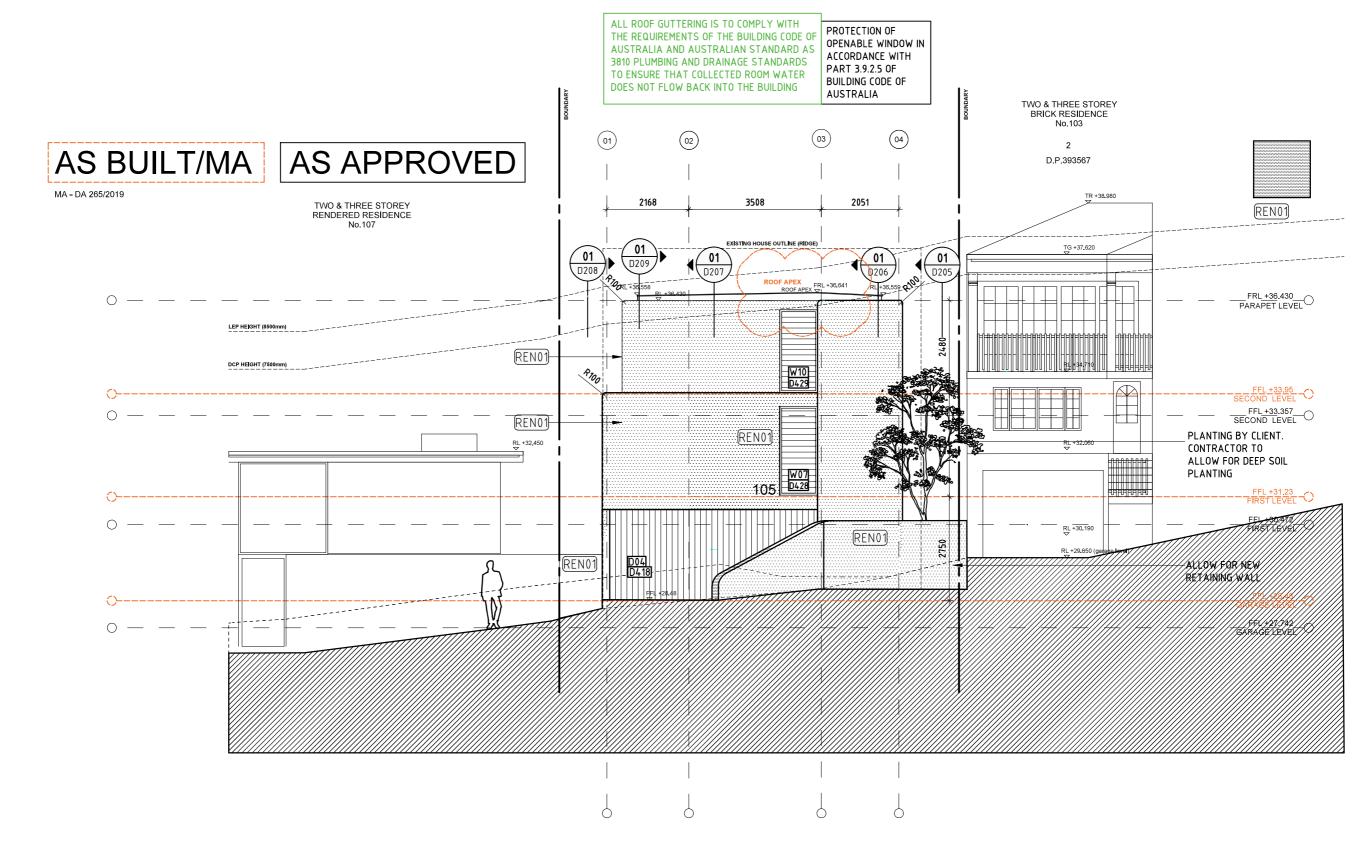
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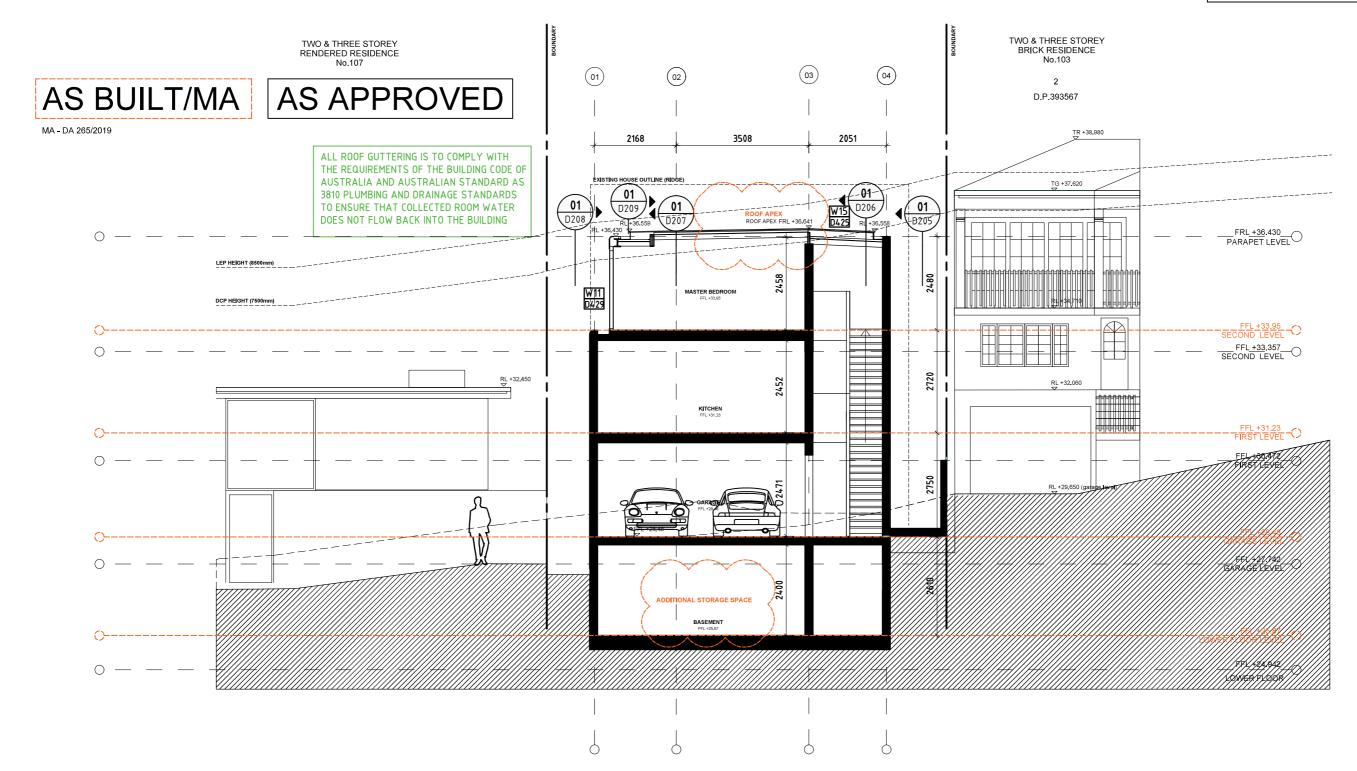


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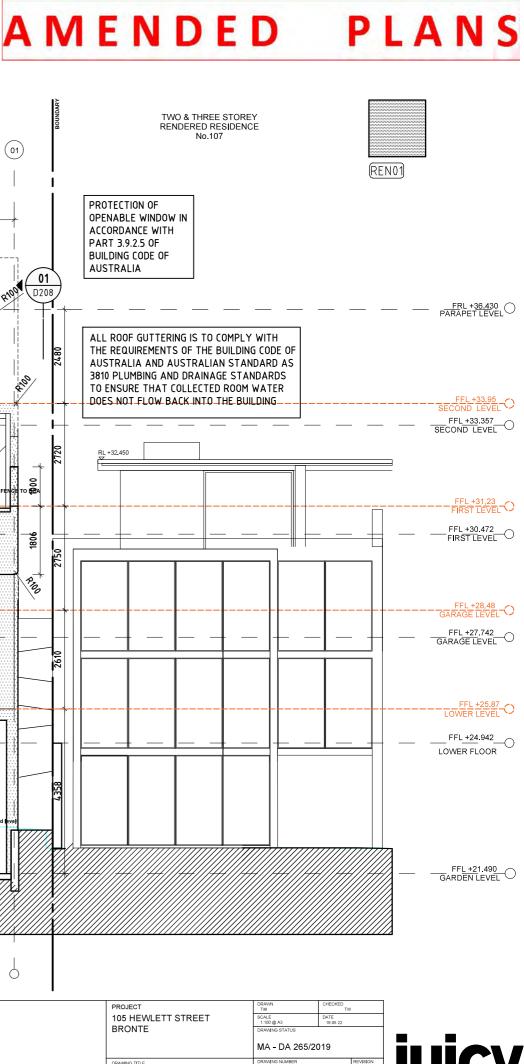


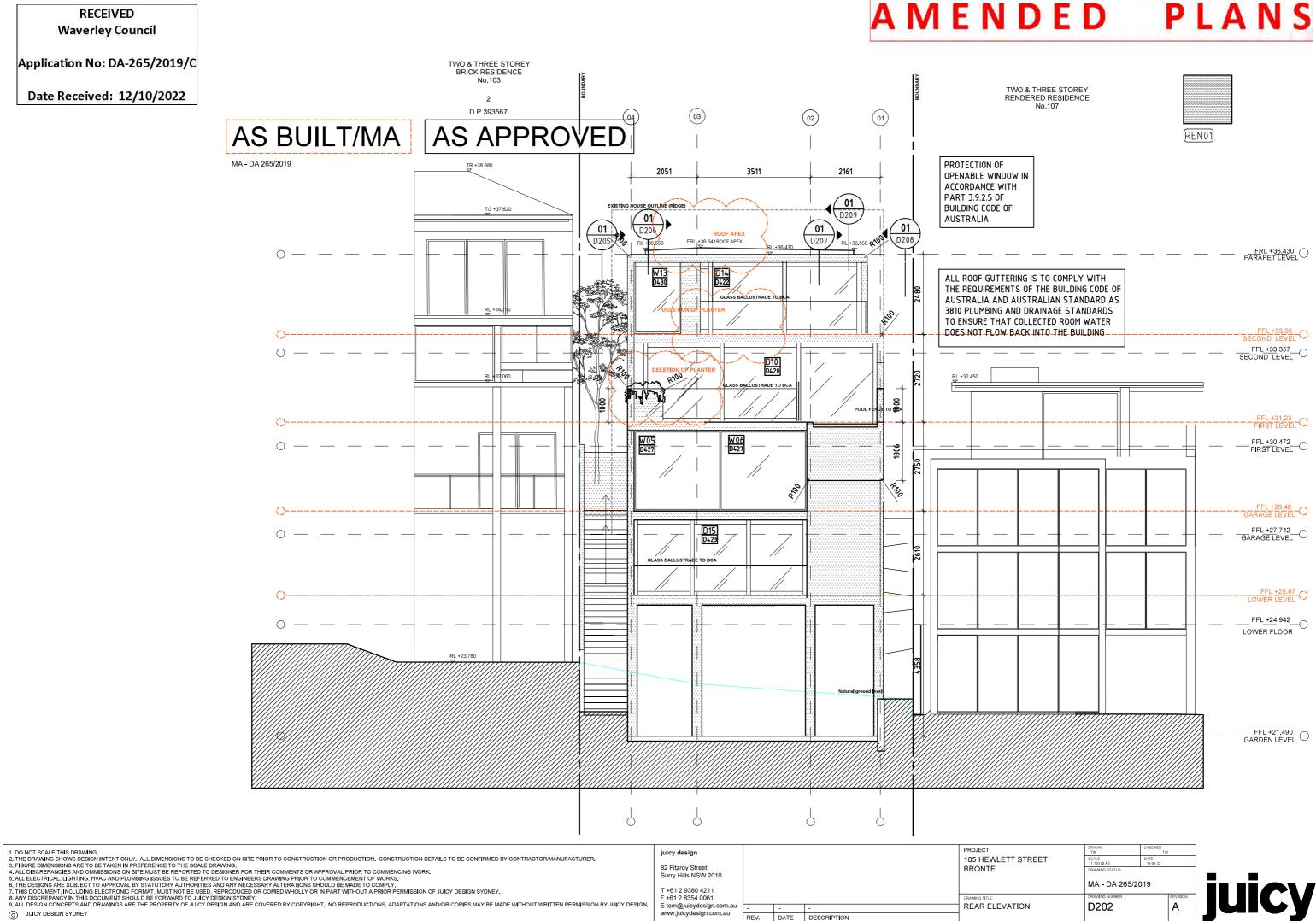


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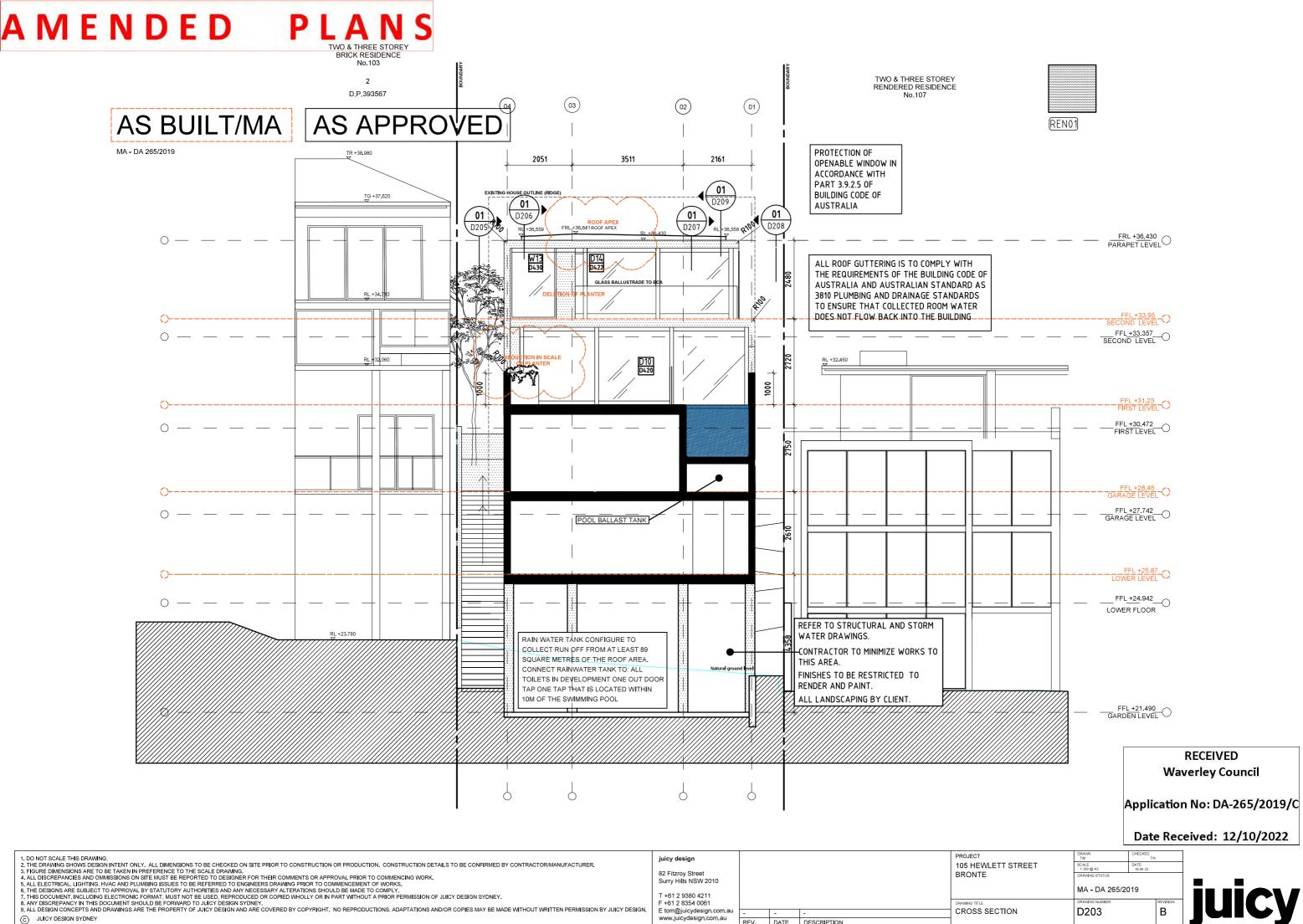
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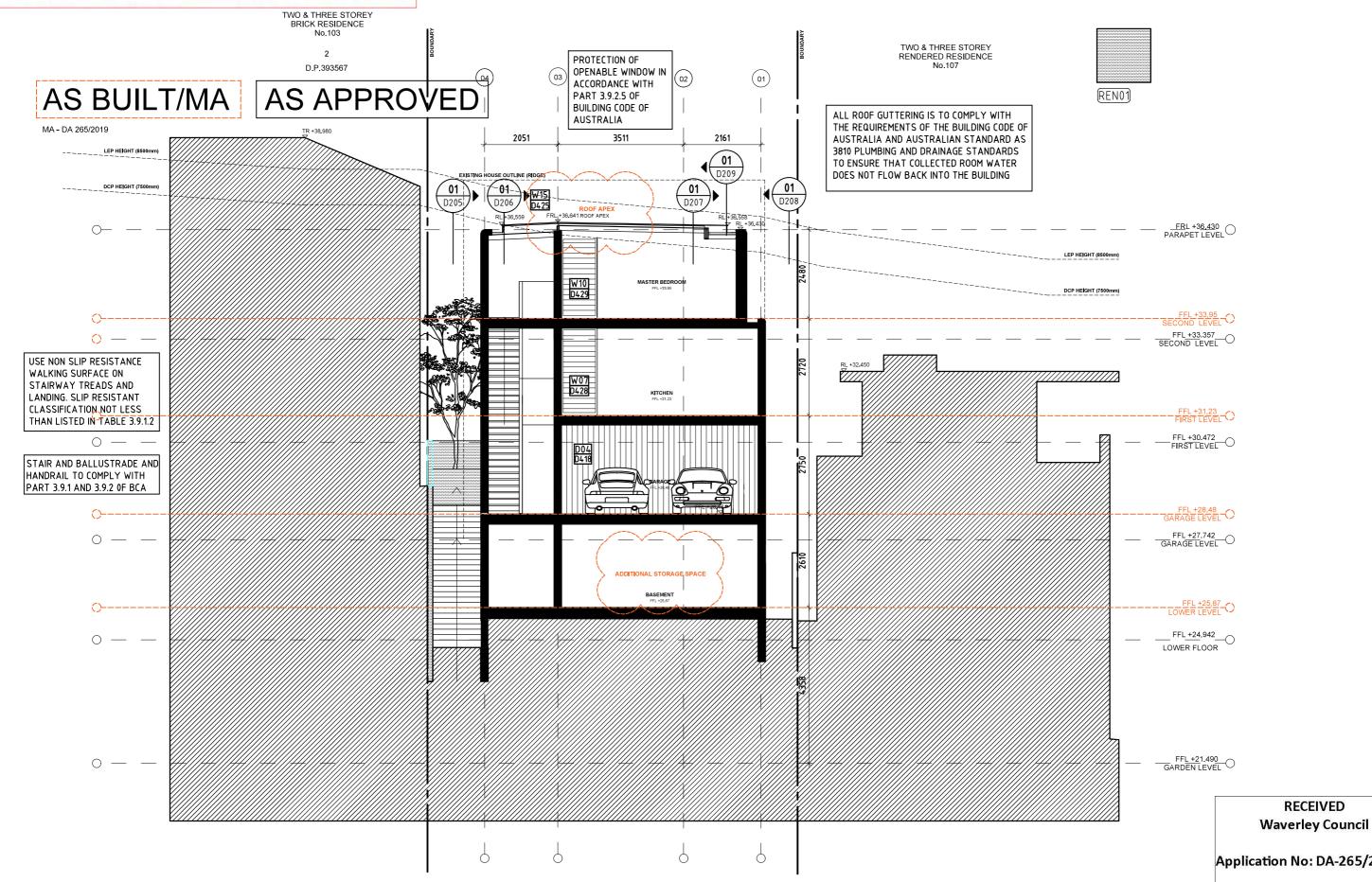


Page 68 of 560



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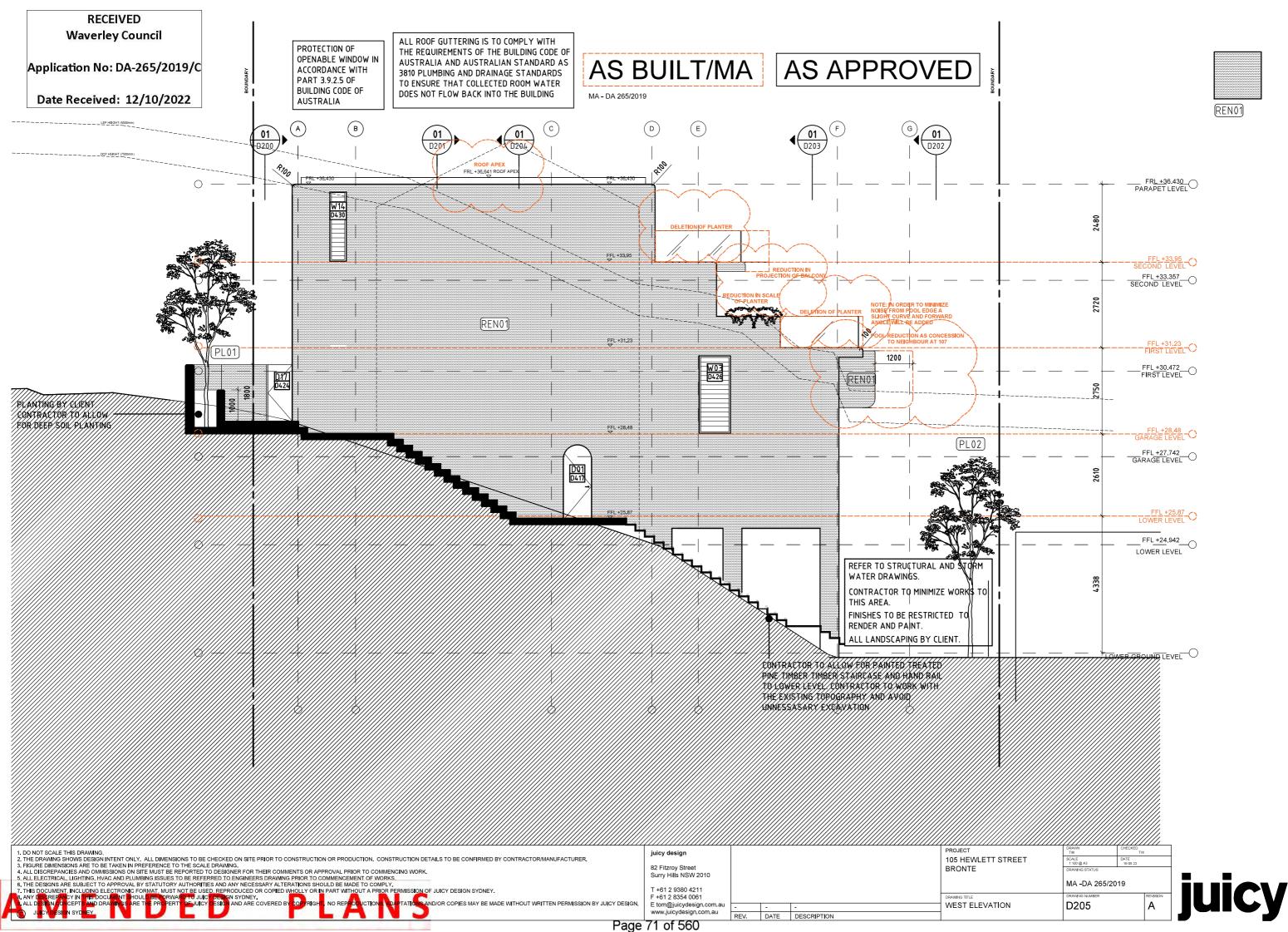




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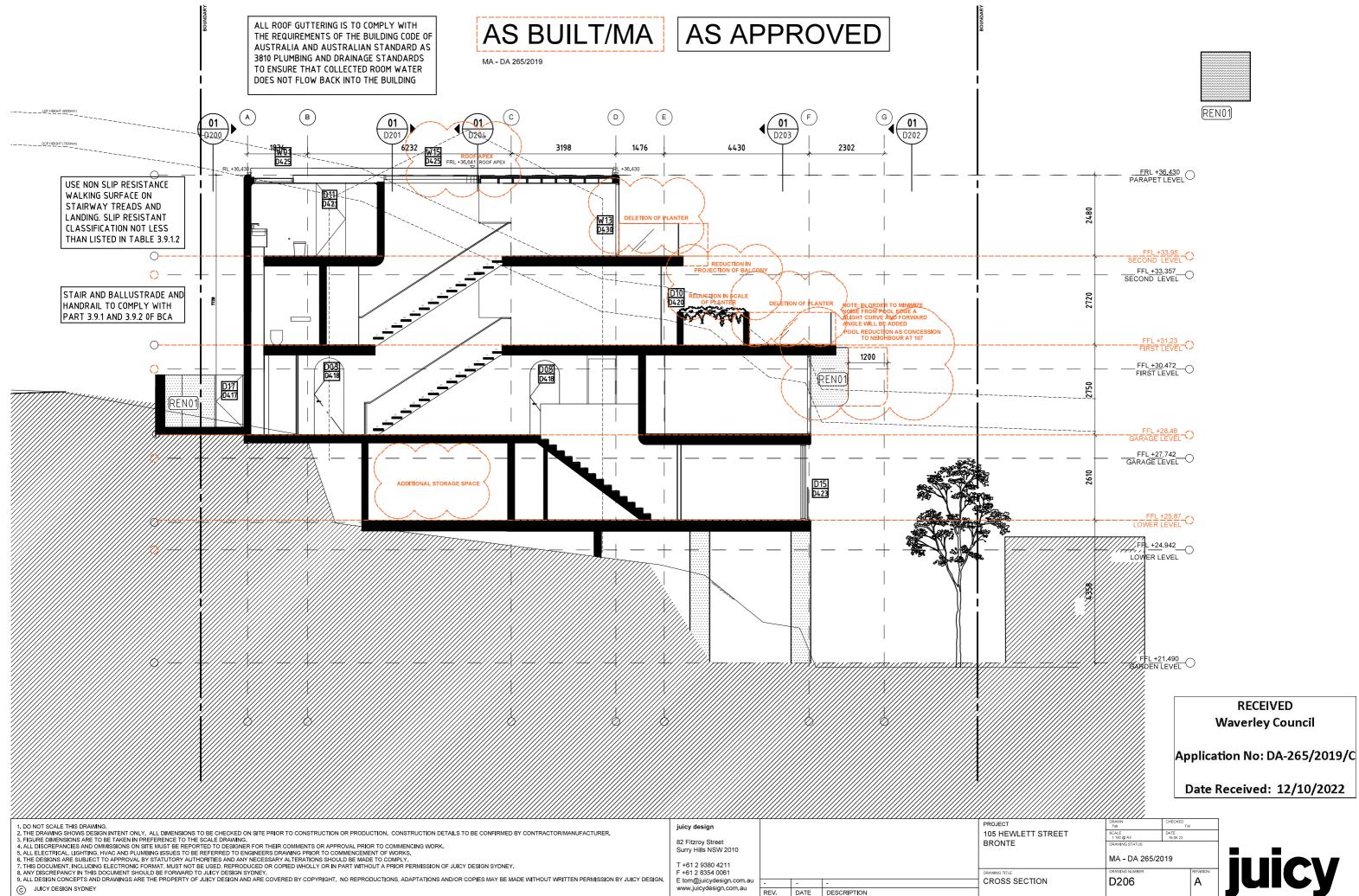




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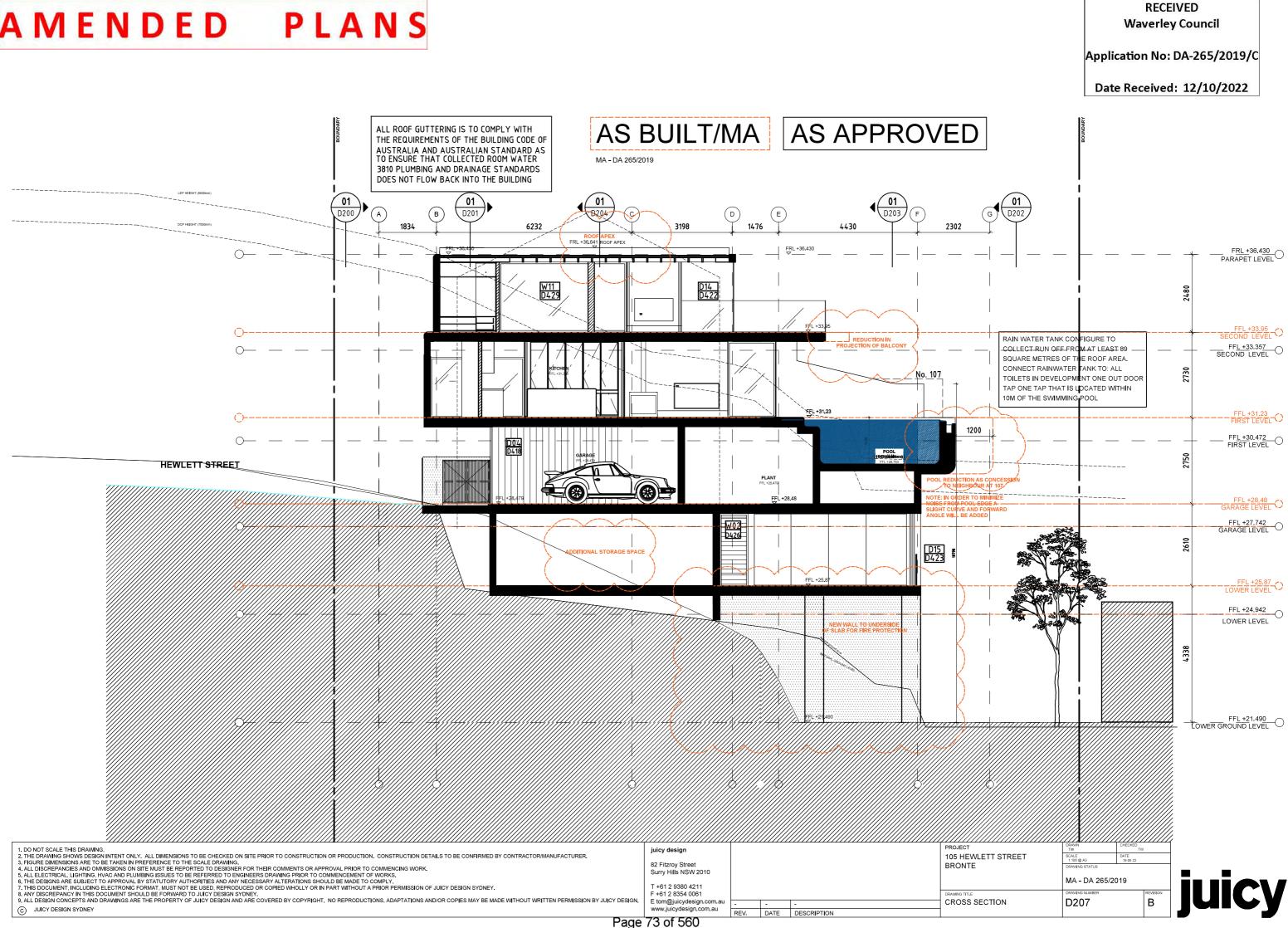
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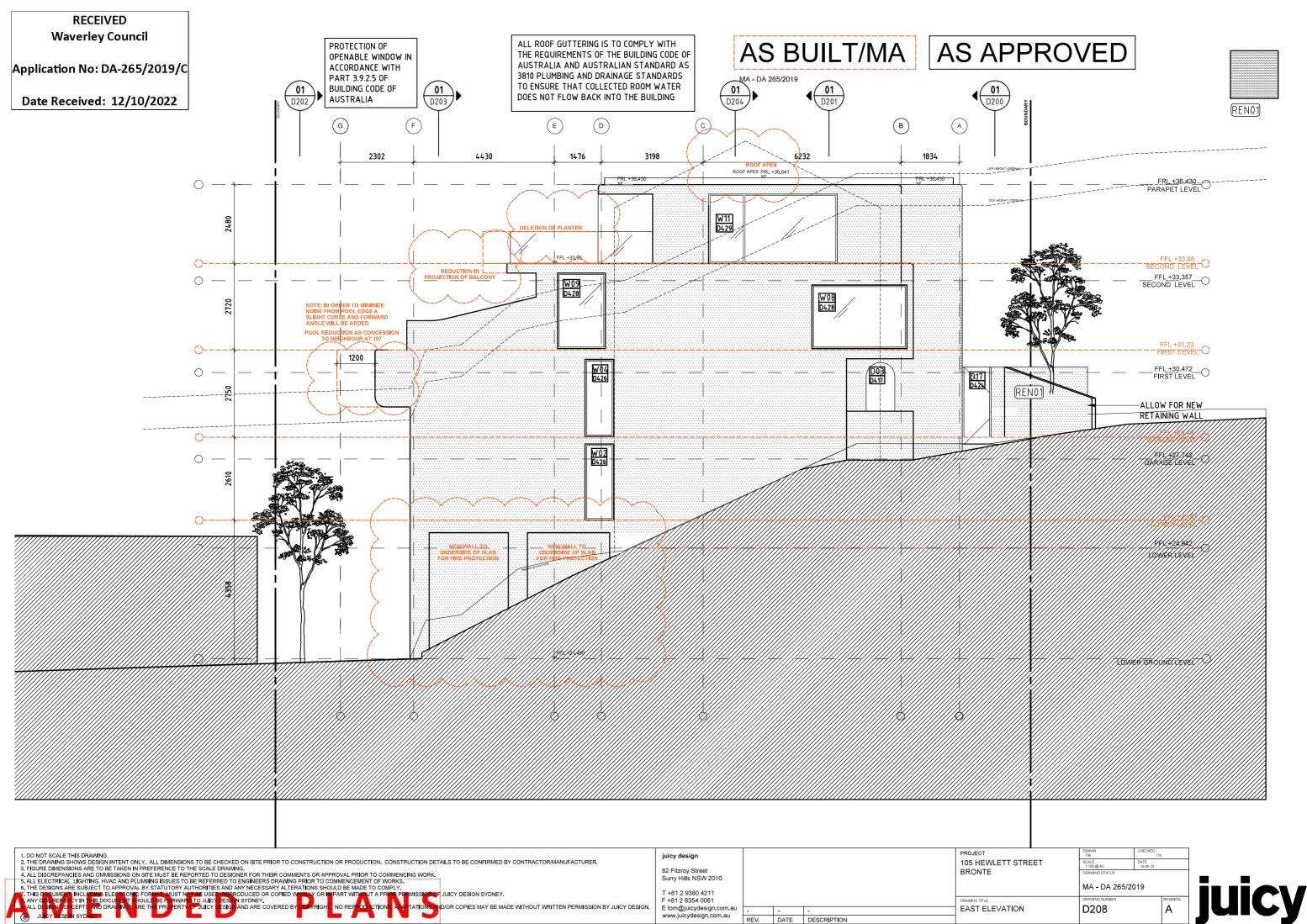




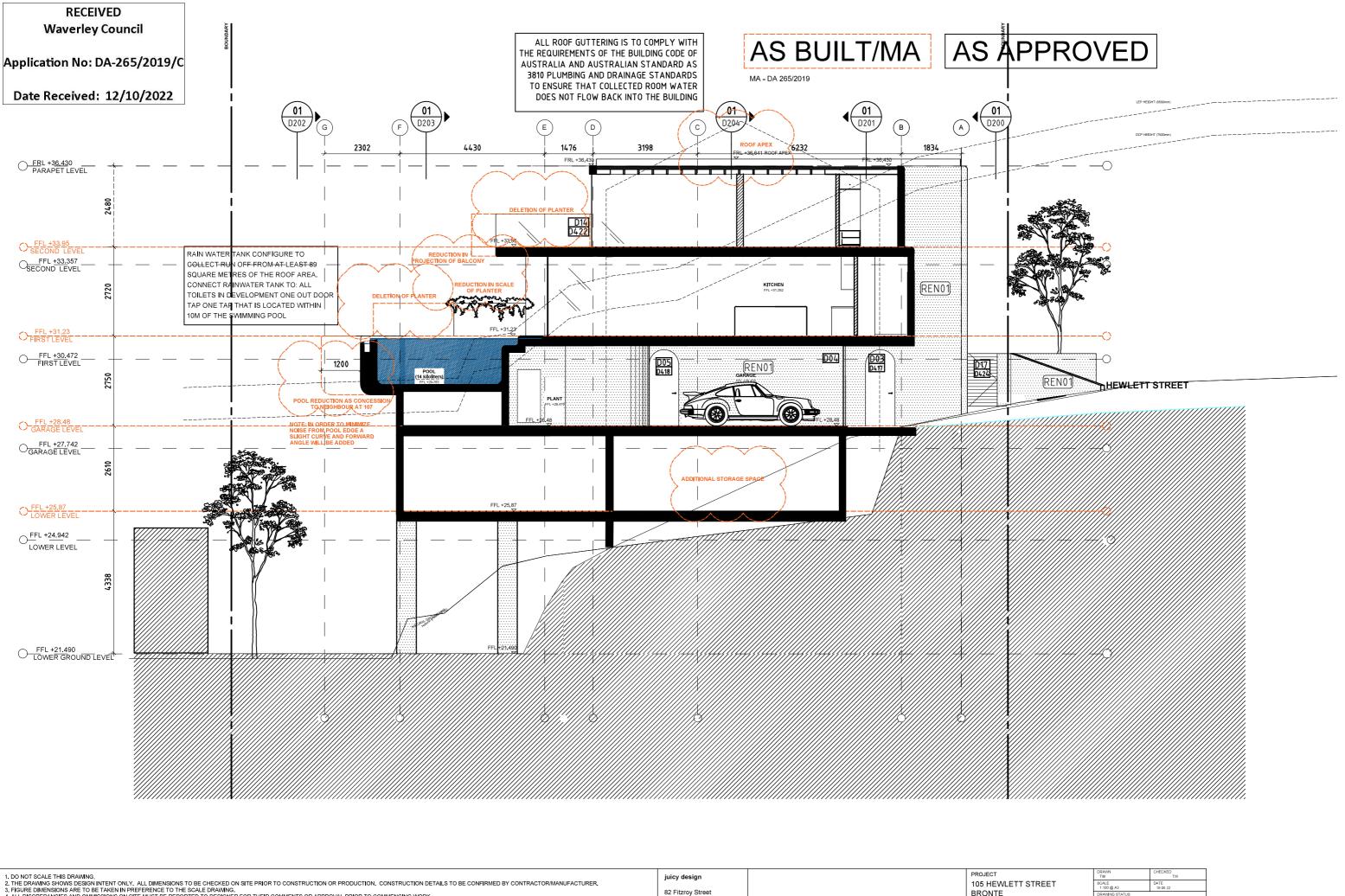


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Page 74 of 560



Page	75 of 560	REV.	DATE	DESCRIPTION				
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#### AREA CALCULATION:

AREA CALCULATION:

SITE AREA LOWER GROUND COURTYARD

232.3m2

-----m2

36.50m2

47.90m2

67.40m2 58.00m2

209.8m2

0.90:1

40m2

62m2

102m2 43.9%

40%

BUILDING:

LOWER GROUND

GARAGE / PLANT

FIRST FLOOR SECOND FLOOR

TOTAL (GFA)

LANDSCAPE

RATIO (DEEP SOIL VS LANDSCAPE)

RECEIVED Waverley Council

Application No: DA-265/2019/C

Date Received: 12/10/2022

FSR

HARD

TOTAL RATIO

BUILDING:	PROPOSED GFA
SITE AREA LOWER GROUND COURTYARD	232.3m2 m2
LOWER GROUND	76.1m2
GARAGE / PLANT FIRST FLOOR	47.1m2 67.40m2
SECOND FLOOR	54.80m2
TOTAL (GFA)	245.4m2
FSR	1.06:1
LANDSCAPE:	
DEEP SOIL	40m2
HARD	62m2 102m2
TOTAL RATIO	43.9%
NATIO	+5.370
RATIO (DEEP SOIL vs LANDSCAPE)	40%



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Page 76 of 560

DATE DESCRIPTION

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PROJECT

BRONTE

S.J. DIXON SURVEYORS PTY LTD A.B.N. 21 160 591 275 SUITE 16, 17 SURF ROAD, CRONULLA 2230 P.O. BOX 59, CRONULLA 2230 PHONE:(02) 9523 3586 (02) 9544 0666 EMAIL: sjd@dixonsurvey.com.au

S.J. DIXON B.Surv. (UNSW), M.I.S., AUST. REGISTERED SURVEYORS

#### SURVEYOR'S REPORT

**Tom Williams 123 Reservoir Street** Surry Hills NSW 2021 Our ref: 53793.1 Your ref:

We have surveyed part of the land edged red on the sketch adjoining for identification purposes only, being that comprised in the Certificate of Title registered Folio Identifier 1/541458 being Lot 1 in Deposited Plan Number 541458 having a frontage of 12.19 metres to Hewlett Street at Bronte in the Local Government Area of Waverley.

The survey reveals that the concrete residence under construction, known as Number 105 Hewlett Street, is erected thereon.

The said building stands in relation to the boundaries of the land as shown on the adjoining sketch.

Part of the concrete stairs and landing erected adjacent to the western boundary stand up to 150mm upon the adjoining land (No103).

Apart from fencing irregularities, there are no further apparent encroachments by or upon the subject property.

Full details in relation thereto are shown on the adjoining sketch together with sufficient information for identification purposes.

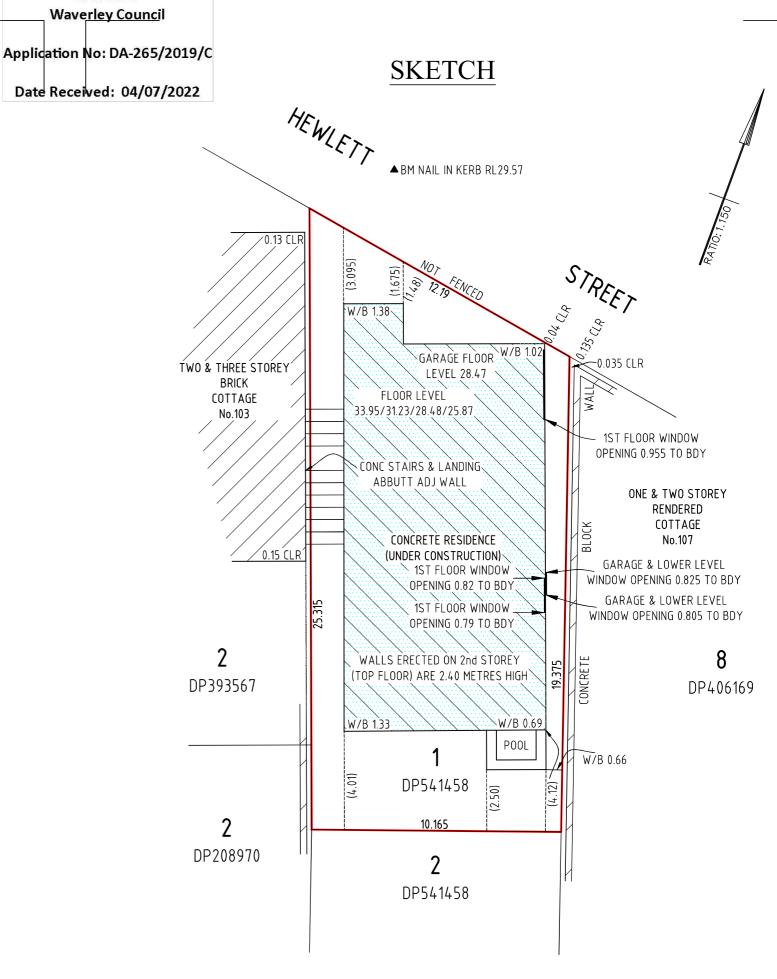
This survey has been made for identification purposes only. If it is intended to erect any improvements along or near the boundaries of the subject land, those boundaries should be marked.

2 June, 2022

#### S.J.DIXON SURVEYORS PTY.LTD

Per: .....

Surveyor registered under the Surveying and Spatial Information Act, 2002





Page 77 of 560

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WE, S.J.DIXON SURVEYORS PTY LTD, HEREBY CERTIFY THAT THE SURVEY REPRESENTED IN THIS PLAN WAS MADE BY US IN ACCORDANCE WITH THE SURVEYING AND SPATIAL **INFORMATION ACT, 2002.** 

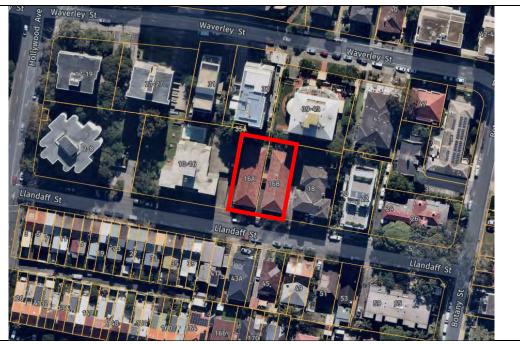




# Report to the Waverley Local Planning Panel

Application number	DA-68/2017/A		
Site address	16A and 16B Llandaff Street, Bondi Junction		
Proposal	Modification to approved residential flat building, including additional excavation to basement levels, internal reconfiguration, additional lift to service the building, increase height of lift overrun, new communal open space at the roof level and external amendments to facade and landscaping.		
Description of Approved Development	Demolition of existing buildings and construction of a 9 storey residential flat building with basement parking and offer to enter a Planning Agreement.		
Date of lodgement	5 April 2022		
Owner	Dr L Brenner		
Applicant	Llandaff Development Pty Ltd		
Submissions	Three submissions		
Amended cost of works	\$10,890,000		
Principal Issues	Building height		
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-68/2017 for demolition of existing buildings and construction of a nine storey residential flat building with basement car parking and an offer to enter into a Planning Agreement at the site known as 16A and 16B Llandaff Street, Bondi Junction. In summary, the proposed modifications are for additional excavation to extend basement car parking levels to the eastern boundary, reconfiguration of ground floor level entry and private open space of apartments, an additional lift, alterations to the façade, new communal open space at the roof level and landscape works.

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

• Building height standard exceedance.

The assessment finds the proposed building height acceptable as the extent of the variation to the height of buildings development standard is limited to part of the lift overrun and stairs for access to the roof top communal open space, screening to the plant room and the top of parapet on the south-western corner of the building. The proposed modifications result in a built form that is compatible with the built form and scale of surrounding developments and will not detract from the desired future character of the streetscape along the northern side of Llandaff Street. The proposed modifications are considered acceptable as it will not result in any unreasonable visual or acoustic impacts, or additional overshadowing that will adversely impact the amenity of surrounding properties.

A total number of three submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation. No Councillor submissions have been received.

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

# 1.2. Site and Surrounding Locality

A site visit was carried out on 17 May 2022.

The site is identified as Lots 1 and 2 in DP 181757, known as 16A and 16B Llandaff Street, Bondi Junction.

The site is located on the northern side of Llandaff Street, is rectangular in shape with a primary frontage to Llandaff Street measuring 25.6m and an area of 939.7m<sup>2</sup>. The site has a fall of 1.43 metres along the Llandaff Street frontage from east to west and a fall of 0.6m from north to south. The site is occupied by two x two storey residential flat buildings containing a total of 16 apartments. The site does not have on site car parking or vehicular access.

The site is adjoined by a nine-storey residential flat buildings (RFB) to the north at 33-37 Waverley Street; a three-storey building with ground level garages to the east at 18 Llandaff Street; and a nine-storey

building to the west at 10-16 Llandaff Street. A nine-storey RFB was recently constructed at No. 20 Llandaff Street further to the east of the site. On the southern side of Llandaff Street are a mix of one and two storey dwellings and rows of terrace houses.

The site is within a residential area with a mix of low and medium density residential developments.

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



Figure 1: View of site looking north from Llandaff Street



Figure 2: View of site and surrounding developments, looking north-west from Llandaff Street



**Figure 3:** View of adjoining development to the east of site, looking north-west from Llandaff Street



**Figure 4:** View of No. 20 Llandaff Street, looking north from Llandaff Street



**Figure 5:** Existing developments to the south of the site, looking west along Llandaff Street

1.3. Details of Approved Development

The original development application, known as DA-68/2017 for demolition of existing buildings and construction of a nine storey residential flat building with basement car parking and offer to enter a Planning Agreement was approved on 13 June 2018 by the Waverley Local Planning Panel.

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

# 2. GENERAL MODIFICATIONS

*The development is approved, subject to the following plan amendments;* 

- (a) The skylights on the roof are to be ventilating.
- (b) The ear windows are to be operable to allow natural ventilation.

(c) The floor to ceiling heights in all apartments must achieve 2.7m and shall be demonstrated on the plans.

(d) Mail boxes are to be provided within the site.

(e) Privacy treatments are to be provided in between the balconies on the building on the front and rear of elevations to ensure visual privacy and prevent overlooking between the balconies of the development. Such treatments are to be incorporated into the architectural design of the building to avoid ad-hoc additions in the future.

(f) The parts of the balcony on Level 8 which extend around the side elevations of the building to be nominated as non-trafficable area and a landscape treatment or the like be provided to ensure this is not used as balcony area to address privacy.

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

# 1.4. Proposal

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

- Additional excavation to the eastern side boundary with relocation of fire stairs and storage cages;
- Additional lift adjacent to approved lift providing access from basement levels to roof top communal open space;
- Reduction in car parking spaces from 30 to 27 spaces;
- Increase front setback of car park entry, lightweight materials and landscaping to reduce visual bulk;
- Reconfigure fire stairs 1 and 2, and access to lift lobby at ground floor level;
- Reconfigure ground floor layout to increase the area of Unit 001 from 52m<sup>2</sup> to 53m<sup>2</sup>, and reduce the area of Unit 002 from 52m<sup>2</sup> to 50m<sup>2</sup> and Unit 003 from 101m<sup>2</sup> to 93m<sup>2</sup>;
- Reconfigure and increase area of ground floor private terraces from 11m<sup>2</sup> to 17m<sup>2</sup> (Unit 001), 9m<sup>2</sup> to 39m<sup>2</sup> (Unit 002) and 33m<sup>2</sup> to 57m<sup>2</sup> (Unit 003);
- Relocation of bin storage area adjacent to fire stairs along the eastern side boundary;
- Relocation of booster, gas and water meters adjacent to the eastern side boundary;
- Reconfiguration of window hoods and new window openings on the east and west elevations;
- New planters adjacent to window openings on east and west elevations, and new planters separating balconies on the north and south elevation on Level 8;
- New communal open space, stair access and lift, and air condition plant area on roof level;
- Increase height of lift overrun by 300mm with a total building height of 31.7m;
- Delete condition 2(a) requiring skylights on the roof to be ventilating; and

• Design amendments to satisfy conditions 2(b) to (f) inclusive.



**Figure 6:** Photomontage of originally approved (left) and proposed (right) development viewed from Llandaff Street

The proposal seeks to delete Condition 2 as the proposal does not contain skylights on the roof (Condition 2(a)) and design amendments required under (b-f) have been incorporated into the amended design.

#### 1.5. Background

The modification application was lodged on 5 April 2022 and deferred on 18 July 2022 for the following reasons:

- 1. Excessive excavation to the side boundaries will impact of amendments to deep soil areas.
- 2. Reconfiguration of basement required to better arrange access, services, car parking and storage areas.
- 3. The proposed ground floor layout reduces landscaped areas at ground level and visual connectivity between the lobby area and communal open space and does not result in a better design outcome.
- 4. The roof over the ramp to the basement carpark contributes to excessive bulk and scale. Any roof structure should consist of a lightweight structure.
- 5. Insufficient landscape plans showing details of planters and plant species have been submitted.
- 6. The relocation of the bin storage area and reconfiguration of the ground floor layout removes direct path of travel for the waste removal and is likely to impact the amenity of future occupants and the public domain.
- 7. Additional shadow diagrams, at hourly intervals between 9am and 3pm, on 21 June required to show additional shadow impacts to window openings of surrounding properties.

Amended plans and supporting documentation were submitted on 26 August 2022 to address the matters raised in Council's deferral letter dated 18 July 2022. The amended plans have been accepted and form the basis of the assessment in this report.

# 2. ASSESSMENT

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

# 2.1. Section 4.55 – Modification of consents – generally

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

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

The application was publicly notified and three submissions were received. The issues and matters raised in public submissions are discussed in section 2.3.4 of this report.

# 2.2. Evaluation of Matters for Consideration under Section 4.15

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

# 2.2.1. Planning Instruments and Development Control Plans

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

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

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

A detailed discussion is provided for relevant SEPPs as follows:

# SEPP 65 (Design Quality of Residential Apartment Development)

The application was referred to the Waverley Design Advisory Excellence Panel (DEAP) on 8 June 2022. The DEAP's comment of the proposed amended 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.

Principle	Panel's Comment	Planning Comment
1. Context and Neighbourhood	The inclusion of a communal roof terrace was noted as a worthwhile addition to benefit the future residents, but subject to further view analysis to ensure that any height breaches or view impacts do not conflict with expectations for the amenity of surrounding properties of desired future character.	Support for the communal roof terrace is noted. The applicant has submitted additional elevation shadow diagrams and view from the sun diagrams demonstrating that the proposal does not result in any unreasonable amenity impacts on surrounding properties as additional shadows between 9am and 3pm on 21 June. See further discussion in the report below.
2. Built form and Scale	There are changes to the basement and a fire egress stair that results in an unfortunate loss of deep soil and communal open space in the north- west corner of the site. It is recommended that alternative solutions be considered that do not increase the basement footprint and achieve a better resolution for the landscaped space around the ground floor. The Panel suggested reconfiguration of basement parking to enable the fire stair be integrated in a less obtrusive way to offer improved open space and circulation. Inclusion of the sloped landscape roof over the carpark entry was noted but should be further amended with a pergola with planting to reduce the visual impact of the ramp opening. A revised configuration of the bin storage area appears to be a difficult layout for both resident access and management handling, and a more workable alternative is recommended.	Amended plans were submitted with a reduction to the extent of additional excavation along the eastern side boundary, deletion of the fire stairs from the basement at the north-west corner and reconfiguration of private open space to ground floor apartments to optimise landscaped areas at the ground level. The applicant has not amended the proposal to incorporate a pergola structure over the car park ramp. The applicant submits that the proposed planter over the roof of the car park ramp will be of sufficient depth to accommodate dense planting that will contribute to the landscaped character of the site. No amendments have been made to the location of the bin storage area behind the front building setback. To minimise impact on the amenity of residents, bins will be transported from the basement to the bin storage area via the driveway and not through the residential lobby. The proposal will

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

Principle	Panel's Comment	Planning Comment
		improve the amenity of future residents and is acceptable.
3. Density	It was understood that a VPA was applied to the previous DA to allow for the FSR excess, and this should also be applied to any increase in GFA on the roof terrace.	The proposal has a GFA of 2,161m <sup>2</sup> equating to a FSR of 2.3:1 which does not exceed the maximum approved FSR of 2.3:1 under the original development consent. The roof top communal area does not comprise of additional GFA.
4. Sustainability	It is recommended that there be solar p/v panels installed on the roof and could be integrated into a pergola framework associated with the provision of weather protection.	No pergola structure is proposed within the roof top communal open space that could accommodate the installation of solar panels above.
5. Landscape	With relocation of the fire stair in the north-west corner of the site, scope for a large tree should be considered	A car park intake is proposed within the north-western corner of the site, within the landscaped setback.
	for that location. Inclusion of the roof terrace is agreed as a worthwhile initiative and should include an accessible unisex toilet and BBQ space subject to any GFA impacts being acceptable. The inclusion of the play amenity is	The proposed landscape plan seeks to provide additional trees and screen planting at the north-western corner with greater canopy cover compared to the originally approved development and is considered to enhance the landscaped character of the development.
	supported, suitable shade should be provided over equipment required based on shade smart principles.	No amenities, pergolas or shade structures are proposed as it would contribute to additional GFA and building bulk at the roof level. A variety of trees, with mature heights between 4m to 12m, are proposed within the communal open space to provide shade and visual amenity.
6. Amenity	As noted above, provide toilet amenities and weather protection to the roof terrace. It is recommended that less open balustrades be provided to first floor units that appear to have living spaces highly visible and exposed from the street.	The proposal provides landscaped planters within the front building setback comprising 4 x <i>Tristaniopsis</i> <i>laurina</i> 'Luscious' (Water Gum) and 2 x <i>Dracaena draco</i> (Dragon Tree) which have mature heights and widths of 12m x 4m and 4m-7m x 4m-7m, respectively. The canopy of the proposed tree plantings will provide adequate screening to Level 1 balconies and glazed openings fronting Llandaff Street.

Principle	Panel's Comment	Planning Comment
7. Safety	<ul> <li>Provision of a play area on the roof terrace should include suitable perimeter enclosure to ensure safety from fall risks associated with the location.</li> <li>Security to ground floor units facing the street requires further analysis to ensure that there is an adequate security buffer within the landscape planter.</li> <li>A secure entry gate close to the front boundary should be included together with mailboxes and parcel delivery storage.</li> <li>The connection between Entry – Lobby – Ground floor communal amenity is not good. This should be addressed to make a more visible connection.</li> </ul>	The play area on the roof is setback 1m from the eastern and southern boundaries with non-trafficable perimeter planting and a parapet wall measuring 1m above the finished floor level of the communal open space. The design and construction of the play area is required to satisfy relevant building requirements under the BCA. Design amendment conditions have been included in the recommendation to require details of privacy and security treatments at the interface of the pedestrian entry ramp from Llandaff Street and the private open space of Unit Nos. 001 and 002 on the ground floor. The design is required to prevent direct overlooking and provide adequate physical separation and security between the pedestrian ramp and private open space. The amended proposal has provided a more direct physical and visual link between the ground floor lobby and the communal open space along the western side boundary and has adequately addressed the comments
8. Housing Diversity and Social Interaction	The front entry is quite tight with limited scope for social interaction, and bump space could be created with provision of a recessed bench in the front landscaped planter.	provided by the Panel. No change is proposed to the approved location and design of the primary pedestrian entry to the building. However, additional circulation space is proposed within the ground floor lobby area and the communal outdoor area adjacent to the western side boundary.
9. Aesthetics	Further analysis will be required for any potential visual impacts related to the recommendations for the addition of amenities, weather protection and solar p/v panels to the roof terrace.	As discussed above, provision of additional amenities or shade structures on the roof level is not considered appropriate as it will contribute to building bulk and likely result in unreasonable additional amenity impacts on surrounding properties.

Apartment Design Guide

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

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

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

#### **Table 2: Apartment Design Guide**

Design Criteria	Compliance	Comment			
3F Visual privacy					
<ul> <li>Min separation distances from buildings to side and rear boundaries:</li> <li>Up to 12m (4 storey) – 6m habitable &amp; 3m non- habitable</li> </ul>	Yes	The proposal seeks to increase the rear setback of the ground floor to 6m. No change is proposed to the rear setbacks on Levels 1 to 8, inclusive. No change is proposed to the approved front or side setbacks.			
4A Solar and daylight access					
<ul> <li>Living rooms and private open spaces of at least 70% of units receive minimum of</li> </ul>	Yes	77% of units receive at least 2 hours to living rooms and private open space between 9am and 3pm on 21 June.			
<ul> <li>2 hours direct sunlight between 9am-3pm mid- winter</li> <li>A maximum of 15% receive</li> </ul>		Three apartments (10%) receive no direct sunlight between 9am and 3pm on 21 June, comprising the south facing apartments on the ground floor (Unit Nos. 001 and 002) and Unit 102 on Level 1.			
no direct sunlight between 9am-3pm mid-winter.		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.			
4B Natural ventilation					
<ul> <li>All habitable rooms are naturally ventilated</li> </ul>	Yes	All habitable rooms are provided with at least one window for natural ventilation.			
<ul> <li>Number of units with natural cross ventilation is maximised:         <ul> <li>At least 60% of units naturally ventilated</li> </ul> </li> </ul>	Yes	All units have dual aspects, except for Unit 001 which seeks to delete the rear window on the western elevation to facilitate the proposed roof and landscape planter above the car park ramp. The proposal maintains compliance with the required number of naturally cross ventilated units.			

Design Criteria	Compliance	Comment
4C Ceiling heights		
Habitable rooms – 2.7m	Yes	The ceiling heights within all units comply with the
• Non-habitable rooms – 2.4m		minimum requirement.
4D Apartment size and layout		
<ul> <li>The following minimum internal areas apply:</li> <li>1 Bed = 50 m<sup>2</sup></li> <li>2 Bed = 70 m<sup>2</sup></li> <li>3 Bed = 90 m<sup>2</sup></li> <li>Add 5m<sup>2</sup> for each additional bathroom (above 1)</li> <li>Add 12m<sup>2</sup> for each additional bedroom</li> <li>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.</li> </ul>	Yes	All units have internal areas that achieve the minimum ADG requirements, except for Unit 003 (93m <sup>2</sup> ) comprising a 3-bedroom unit with a bathroom and ensuite, which under the ADG is required to have a minimum area of 95m <sup>2</sup> . Notwithstanding the variation of 2m <sup>2</sup> , the layout of Unit 003 satisfies the objectives of the ADG as it will be functional and provide future occupants with good internal amenity. Unit 003 is also provided with north facing private open space. The Applicant states the proposal achieves compliance with the minimum glazed area to each habitable room. All bedrooms meet the minimum requirements in terms of dimensions and area. All kitchens are separate to the circulation spaces within larger apartments. All robes are a minimum of 1.5m. The proposal is consistent with the objectives of this part of the ADG.
4E Private open space and balco	nies	
All apartments provide primary balcony as follows: • 1-bed – 8m <sup>2</sup> & 2m depth • 2-bed - 10m <sup>2</sup> & 2m depth • 3+bed - 12m <sup>2</sup> & 2.4m depth • Ground level, min 15m <sup>2</sup> & 3m depth	Yes	<ul> <li>100% of the units are provided with a balcony or courtyard accessed from the main living areas that meets the minimum requirements of the ADG in terms of area and depth.</li> <li>No change is proposed to the number of north facing balconies and courtyards. South facing balconies will retain their outlook to the east and west to enhance provide amenity for future occupants.</li> <li>The proposal seeks to increase the size of the ground floor terraces, exceeding the minimum requirement of 15m<sup>2</sup>, as follows:</li> </ul>
		<ul> <li>Unit 001 –17m<sup>2</sup></li> <li>Unit 002 –39m<sup>2</sup></li> <li>Unit 003 –57m<sup>2</sup></li> </ul> The proposal seeks to reduce the size of balconies on Levels 5-8 as follows: <ul> <li>Unit Nos. 503, 603 and 703 –18m<sup>2</sup></li> <li>Unit 801 –26m<sup>2</sup></li> </ul>

Design Criteria	Compliance	Comment
		• Unit 802 –24m <sup>2</sup>
		The proposed reduction in overall private open space for Unit Nos. 503, 603 and 703 is acceptable as a principal area measuring $16m^2$ is provided from the main living space and exceeds the minimum requirement of $10m^2$ for a two-bedroom apartment under the ADG.
		The reduction in area of private open space for Unit Nos. 801 and 802 is a result of satisfying condition 2(f) of the original consent, requiring the area of balconies extending around the side elevations to be landscaped and non-trafficable.
		The proposed planters satisfy the design requirement under condition 2(f) and will contribute positively to the appearance of the building, streetscape and amenity for surrounding properties.
		The translucent glazed balustrades to balconies on the north and south elevations are to be replaced with palisade style balustrades in grey. The proposed balustrade contributes to the articulation of the building and is acceptable. The palisade style balustrade also complements the materials and finishes of surrounding developments within the streetscape and responds appropriately to the character of the adjacent conservation area on the southern side of Llandaff Street.
4F Common circulation and space	es	
<ul> <li>Max of 8 units accessed off a circulation core on a single level</li> </ul>	Yes	The approved development has 4 apartments per level. No change is proposed to the number of apartments per level accessed from the circulation core. However, an additional lift is proposed to enhance accessibility for future residents and visitors.
4G Storage		
In addition to kitchens, bathrooms and bedrooms, the following is provided: • 1-bed – 6m <sup>3</sup> • 2-bed – 8m <sup>3</sup> • 3+bed – 10m <sup>3</sup>	Yes	The proposal provides the required volume of storage per apartment consisting of storage within each apartment and storage cages in the basement. A condition was imposed on the original development consent to ensure compliance and remains relevant.

# Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

The land use definition of the approved development as a residential flat building remains unchanged and continues to be permitted development in the R4 High Density Residential zone under Waverley LEP 2012.

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

# Table 3: Waverley LEP 2012 Compliance Table

Provision	Approved	Proposed Modified	Compliance
<ul><li>4.3 Height of buildings</li><li>28m</li></ul>	27.8m (RL122.45) to the top of the lift overrun	31.7m (RL126.1) – increase of 3.9m to the top of the lift overrun	No
<ul> <li>4.4 Floor space ratio and</li> <li>4.4A Exceptions to floor space ratio</li> <li>2:1 (1,879.4m<sup>2</sup>)</li> </ul>	2.3:1 (2,161m²)	No change	No change

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

# Height of Buildings

The proposed modification results in a net increase of building height of 3.9m, resulting in an overall building height of 31.7m. This culminates in an overall exceedance of the height of buildings development standard by 3.7m or 13%.

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

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

(b) to increase development capacity within the Bondi Junction Centre to accommodate future retail and commercial floor space growth,

(c) to accommodate taller buildings on land in Zone B3 Commercial Core of the Bondi Junction Centre and provide an appropriate transition in building heights surrounding that land, (d) to ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality and positively complement and contribute to the physical definition of the street network and public space.

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

- The exceedance in height result of accommodating mechanical services and the lift overrun to provide access to the communal open space at the roof level. The proposed use of the roof top is consistent with existing surrounding developments located within the surrounding area.
- The building measured to the top of the roof slab is compliant with the maximum 28m height control.
- The proposed built form is consistent with recently approved and constructed residential flat building developments in the vicinity also containing communal areas on the roof level that exceeds the height of building development standard.
- No views from surrounding properties or the public domain will be impacted by the extent of the variation.
- The proposal does not result in unreasonable overshadowing impacts on surrounding properties and continues to preserve the amenity of surrounding properties and the public domain.
- The proposal will not detract from the character of the area with vegetation around the perimeter of the roof and on the east, south and west elevations to soften the edge of the building as viewed from the public domain.
- The proposal is consistent with the objectives of the R4 zone as it retains the approved residential flat building and continues to meet the housing needs of the community as originally approved, does not change the approved land use and no change is proposed to walking or cycling attributes of the development.

The proposed extension of the parapet to accommodate a communal open space at the roof level is generally compliant with the height of building development standard except for a minor variation at the south-western portion of the site along the front building setback as a result of the topography of the site.

The stairs and lift overrun which provide access to the roof top communal area is setback 17m from the Llandaff Street boundary and has been designed to not appear visually prominent when viewed from the public domain. The proposed variation to the height of buildings development standard does not result in any additional habitable floor space and therefore does not change the approved GFA and FSR for the development.

The proposal is sufficiently separated from adjoining residential flat buildings, comprises substantial landscaping and will not result in unreasonable overshadowing or loss of privacy impacts on surrounding properties.

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

# 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.

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory.
2. Ecologically Sustainable Development	Yes	Satisfactory.
5. Vegetation Preservation	Yes	No change is proposed to the number of trees approved for removal.
6. Stormwater	Yes	Satisfactory.
7. Accessibility and Adaptability	Yes	Satisfactory.
8. Transport		The original consent granted approval for 30 car spaces consisting of 24 residential car spaces and
Zone 1 - RFB		6 visitor spaces. The approved number of car
Minimum parking rate: • Nil		spaces was consistent with the maximum car parking rates applicable to the development at the time of the determination.
<ul> <li>Maximum parking rate:</li> <li>0.4 spaces per 1 bed x 14</li> <li>0.7 spaces per 2 bed x 14</li> <li>1.2 spaces per 3 bed x 2</li> </ul>	No –	The proposal seeks to reduce the number of car parking spaces from 30 car spaces to 27 car spaces.
Total: 18 spaces	acceptable on merit	The proposed number of car parking spaces
Visitor parking: • 1 space per 7 units Total: 4 spaces	ment	exceeds the maximum car parking rate of 25 car spaces for the development; however, the proposal results in a net reduction of car parking spaces, which is consistent with the objectives of
Accessible car spaces: 3		the DCP, whilst maintaining s the required number
Motorcycle spaces:		of visitor and accessible car spaces.
<ul> <li>1 space per 3 car parking bays</li> </ul>		Amendment to Condition 93 has been included in the recommendation to restrict the number of
Total: 9 spaces		allocated car spaces for residents and visitors.
<ul><li>Bicycle spaces:</li><li>Resident: 30</li><li>Visitor: 3</li></ul>		The original approval provided six motorcycle parking spaces within the basement levels. Whilst the current motorcycle parking rates under the DCP require nine spaces, no change is proposed to

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

Development Control	Compliance	Comment
		the number of apartments and any further extension of the basement levels to accommodate additional motorcycle parking spaces would be undesirable as it will reduce available deep soil areas.
		The originally approved development contained 33 bicycle parking spaces which complies with the DCP requirements. No change is proposed to the total number of bicycle parking spaces.
10. Safety	Yes	Satisfactory.
12. Design Excellence	Yes	Satisfactory.
14. Excavation	No – acceptable on merit	The proposal seeks to increase excavation along the eastern side boundary by $4.2m^2$ to the north on each basement level to accommodate required services. The extent of excavation will not result in any significant loss of deep soil and landscaped areas at ground level and is unlikely to result in any additional environmental or amenity impacts on adjoining properties of the locality, subject to compliance with approved conditions of consent.

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

Development Control	Compliance	Comment
3.1 Site, scale and frontage		
<ul> <li>Minimum frontage: 20m – R4 zone</li> </ul>	Yes	No change to existing frontage measuring 25.6m.
3.2 Height		
<ul> <li>Maximum external wall height: R4 - 25m</li> </ul>	Yes	No change is proposed to the originally approved wall height. The proposed parapet of the roof level communal open space is predominantly contained within the 28m height control, except for part of the south-western corner as discussed in the report above.
3.3 Setbacks		
3.3.1 - Street setbacks		No change is proposed to the front setback to
Consistent street setback	No	Llandaff Street.
3.3.2- Side and rear setbacks		No change to approved 6m side setbacks.
<ul> <li>Minimum side setback: 6m</li> <li>Minimum rear setback: 6m or predominant rear</li> </ul>	Yes Yes	No change to the approved 6m rear setback at ground floor and rear setbacks between 5.3m and 6m on the levels above. The roof top communal

Compliance	Comment
No	open space is setback 7.8m from the rear boundary. Given the footprint of the originally approved basement levels, 2m wide deep soil cannot be provided along the side boundaries. The proposed additional excavation along part of the eastern side boundary will reduce the total area of deep soil however, the proposal maintains 100m <sup>2</sup> of deep soil (excluding planters) and exceeds the minimum required 65.8m <sup>2</sup> under the ADG.
ings	
Yes	No change to approved 14m building width fronting Llandaff Street.
Yes	The façade is appropriately articulated and is considered to be substantially the same as originally approved.
Yes	No unit has a depth greater than 18m.
-	The prepared emergine state the easy work years
Yes	The proposed amendments to the car park ramp, articulation of the facades and landscape works contributes to the aesthetics of the development and complements the character of the streetscape.
	The proposed use of palisade style balustrades is sympathetic to the architectural character of the approved development and surrounding properties.
У	
Yes Yes Yes Able to comply	No change is proposed to the location of pedestrian and vehicular entries from Llandaff Street.
Yes Refer to ADG	The proposal provides 337m <sup>2</sup> of landscaped area equating to 35.9% and exceeds the minimum DCP requirement. The site provides 100m <sup>2</sup> of deep soil planting and complies with the requirement of 65.8m <sup>2</sup> (7%) required under the ADG.
	No No ings Yes Yes Yes Yes Yes Yes Yes Yes Able to comply Yes

Development Control	Compliance	Comment
3.10 Communal open space		
Minimum 25% communal (R4 zone): 234.9m <sup>2</sup>	Yes	The proposal provides 252m <sup>2</sup> of communal open space contained at ground level adjacent to the
Minimum dimensions: 6m     x 6m	Yes	western side boundary and on the roof top. The total area of communal open space equates to 26.8% of the site and has minimum dimensions of
<ul> <li>Minimum of 30% of communal area must receive three hours of sunlight</li> </ul>	Yes	6m. Sufficient sunlight to communal open space is provided, particularly at the roof top level.
Accessible	Yes	The proposed communal open spaces at ground and roof top levels are accessible from the entry lobby and via lifts, respectively.
3.11 Private Open Space		
<ul> <li>3.11.1 - Courtyards</li> <li>Private Courtyards - min 25m<sup>2</sup> area and 3m width and depth</li> <li>Planting to be provided</li> <li>Private open space not to be provided at the front, unless a buffer it provided</li> <li>Max gradient 1 in 10</li> <li>3.11.2 - Balconies/decks</li> <li>Should not dominate the façade</li> <li>No wrap around balconies</li> <li>Located to maximise solar access and privacy</li> <li>Balustrades to allow views and casual surveillance of the street</li> </ul>	Refer to the ADG	The proposal provides adequate private open space to all apartments in accordance with the minimum area and dimensions under the ADG and is acceptable.
& privacy		
3.12 Vehicular access and park		
Car parking to be integrated into the design of the development	Yes	No change is proposed to the approved vehicular access or use of basement for carparking.
<ul> <li>Max 1 x 2 way vehicle access point</li> <li>Pedestrian safety</li> </ul>	Yes Yes	
<ul> <li>Pedestrial safety considered</li> <li>Basement parking should not contravene deep soil zone controls</li> </ul>	Refer to ADG	

Development Control	Compliance	Comment
3.13 Solar access and overshad	dowing	
• Minimum of three hours of sunlight to a minimum of 70% of units in the development on 21 June	Refer to ADG	The proposal will result in some additional overshadowing of surrounding properties, however, as discussed above, the proposal satisfies the solar access requirements under the
<ul> <li>New development should maintain at least two hours of sunlight to solar collectors on adjoining properties in mid winter.</li> </ul>		ADG and will not result in any adverse amenity impacts on surrounding properties.
• Direct sunlight to north facing windows of habitable rooms on all private open space areas of adjacent dwellings to less than three hours of sunlight on 21 June.		
3.14 Views and view sharing		
Minimise view loss     through design	Yes	The proposal does not result in any additional loss of significant views from surrounding properties or the public domain compared to the originally
• Views from public spaces to be maintained.	Yes	approved development.
		The proposed roof top communal open space, lift overrun, and plant area are contained within the approved building footprint and do not project beyond the approved western side setback or rear setback and are considered to provide adequate separation for non-habitable areas in accordance with the ADG.
3.15 Visual privacy and securit		
<ul> <li>Dwellings to be orientated to the street with entrances and street</li> </ul>	Yes	No change is proposed to the orientation of apartments and the location of pedestrian entries to the building.
<ul> <li>numbering visible</li> <li>Above ground open space must not overlook rooms</li> </ul>	Yes	No change is proposed to the location and configuration of approved above ground private open spaces on Levels 1 to 7, inclusive.
and private landscaped areas of adjoining properties or be screened		On Level 8, the private open space on the eastern and western elevations are to be replaced with planters and landscaping as required by Condition
<ul> <li>Privacy be considered in relation to context density, separation use</li> </ul>	Yes	2 of the development consent to minimise privacy impacts on adjoining properties.
<ul> <li>and design.</li> <li>Prevent overlooking of</li> </ul>	Yes	The proposed roof top communal open space will enhance amenity for future residents and visitors, and is similar to the recently constructed
more than 50% of private open space of lower level		communal roof top open space at 20 Llandaff Street to the east of the site. The design of the

De	velopment Control	Compliance	Comment
•	dwellings in same development Roof tops are to be non- trafficable, unless there is a predominance of roof terraces in the immediate vicinity of the site.	Acceptable on merit	roof top communal area comprises trees and screen plantings around the perimeter of the trafficable open space to mitigate amenity impacts on adjoining properties and contribute to the landscaped character of the street and locality.
3.1	6 Dwelling size and layout		
•	Max habitable room depth for single aspect dwelling is 8m from a window	Refer to ADG	The proposed apartments comply with the minimum apartment sizes under the ADG and is acceptable.
•	Max with of dwelling over 15m deep is min 4m		
•	All habitable rooms to have a window		
•	Provide a range of dwelling types and sizes		
•	Min sizes 1 bedroom = $50m^2$ 2 bedroom = $80m^2$ 3 bedroom = $100m^2$		
•	Flexible design		
•	Accessible and Adaptable		
3.1	7 Ceiling Heights		
•	Min 2.7m floor to ceiling height residential floors	Yes	No change is proposed to the approved ceiling heights for the development.
•	Min 2.4m floor to ceiling height attic levels	Yes	
3.1	.8 Storage		
In a cup wa	addition to kitchen oboards and bedroom rdrobes, min storage quired is:	Refer to ADG	The proposed storage per apartment achieves the minimum requirement under the ADG and is acceptable.
•	Studio and 1 bed = 6m <sup>3</sup> 2 bed = 8m <sup>3</sup> 3 or more bed = 10m <sup>3</sup> All to provide bulk storage are in basement or ancillary structure		

Development Control	Compliance	Comment
3.19 Acoustic privacy		
<ul> <li>Internal amenity by locating noisy areas away from quiet areas</li> </ul>	Yes	No change is proposed to the configuration of living areas and quiet areas within apartments.
3.20 Natural Ventilation		
<ul> <li>All dwellings to be naturally cross- ventilated</li> <li>Building to be orientated</li> </ul>	Refer to ADG	Natural ventilation is provided to all apartments and the proposal achieves the requirements for natural cross ventilation under the ADG.
to maximise breezes		
<ul> <li>Ceiling fans are to be provided in all habitable rooms.</li> </ul>		
3.21 Building services		
<ul> <li>Services are to be integrated into the design of buildings (garbage rooms, mail boxes, fire hydrants boosters, electrical substations, down pipes, plant rooms, satellite/communications structures</li> </ul>	Yes	The amended basement car park levels accommodate the majority of the plant and service areas for the development and will not impact on the appearance of the building or amenity of adjoining properties. The water and gas meters, and fire booster cupboard are located adjacent to the eastern side boundary within the front building setback and is capable of satisfying the requirements for access for relevant authorities.
<ul> <li>Outdoor Communal clothes drying area to be provided</li> <li>Plant rooms away from</li> </ul>	No	As required by the originally approved development, the proposal provides mailboxes and a mail room near the entry lobby of the building.
<ul> <li>entry communal and private open spaces and bedrooms.</li> <li>Services on roof not to be seen from street or</li> </ul>	Yes No –	No communal outdoor clothes drying areas are provided within the development. This is consistent with the originally approved development and is considered acceptable
impact public or private views and be min 2m from the building edge	acceptable on merit	The proposed air conditioning and hot water plant areas on the roof level comprise of 2.6m screening around the perimeter. The plant is setback 1.6m from the western facade and 2.8m from the northern façade. Along the western façade, the screened plant area is setback behind a landscape planter which will minimise any visual impact of the plant area when viewed from the public domain or adjoining properties.
		The lift overrun is built to the approved western façade and 6m from the western side boundary. Whilst the western façade of the lift overrun will be visible from Llandaff Street, it is setback from the front façade and is not visually prominent and

mpliance	Comment
	will not detract from the character of the streetscape or amenity of adjoining properties.

# 2.2.2. Other Impacts of the Development

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

# 2.2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

# 2.2.4. Any Submissions

The application was notified for 14 days between 22 April and 6 May 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.

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

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

Count	Property Address
1.	Unit 10, 10-16 Llandaff Street, Bondi Junction
2.	11 Llandaff Street, Bondi Junction
3.	168 Ebley Street, Bondi Junction

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

- Exceedance of building height development standard
- Loss of solar access
- Insufficient details on shadow diagrams
- Rooftop communal open space and noise impacts on adjoining properties
- Noise impacts of roof top plant
- Reduction of car parking spaces will impact available street parking
- Impacts on adjacent heritage items

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

Issue: Loss of views of the sky from east facing apartments at No. 10-16 Llandaff Street.

**Response:** The impact on the views of the sky from east facing apartments will be reduced by the stairs and lift overrun and screening to the plant area on the roof level, however the impact is not

unreasonable as the width of the stairs and lift overrun measures 6.4m and is separated from the window openings at No. 10-16 Llandaff Street by 20.5m, is setback 6m from the western side boundary and views of the sky to the north and south of the lift overrun will be substantially maintained.

*Issue:* Planting of trees will impact solar access of adjoining properties.

**Response:** The proposed tree plantings on the roof level will be setback from the front boundary by approximately 9m and 10m from the western side boundary. Having regard to the shadow impacts of the proposed building on surrounding properties as shown on the shadow diagrams, it is expected that any additional overshadowing resulting from proposed tree plantings on the roof level will also fall across rooftops of surrounding properties and not result in any adverse amenity impacts to habitable windows or private open spaces.

*Issue:* Visual bulk of western wall will be visible from Bondi Road.

**Response:** The western elevation of the proposed development will not be visually prominent when viewed from Bondi Road as existing multi storey mixed use and residential flat buildings in the vicinity of the site with frontages to Waverley Street, Waverley Crescent, Oxford Street and Hollywood Avenue.

*Issue:* Reduction in basement car parking spaces will increase pressure on car parking spaces in the street.

**Response:** The DCP car parking provisions have no minimum car parking spaces but has a maximum of 25 car parking spaces for the development. The proposed 27 car spaces are a reduction from the originally approved 30 car spaces and is acceptable in this instance a reduction in car spaces is closer to compliance with the DCP controls and is consistent with the objectives of the DCP to promote use of public transport. The proposal is not considered to have detrimental impacts on on-street car parking spaces as surrounding streets accommodate parking for residents with parking permits.

# 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 has reviewed the proposal and raised no objection to the amendments to the number of car parking spaces and configuration of the basement car parking, subject to amendment to Condition 93 – Line Marking of Car, Motorcycle and Bicycle Spaces, which have been included in the recommendation.

# 3.2. Stormwater

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

#### 3.3. Tree Management

Council's Tree Management Officer has reviewed the proposal and raised no objection, subject to retention of approved conditions relating to tree removal and protection. No additional conditions or amendments to existing conditions have been recommended.

#### 3.4. Waste Management

Council's Waste Management Officer has reviewed the proposal and raised no objection to the proposal subject to retaining approved waste management conditions.

#### 3.5. Heritage Advisor

The proposal was referred to Council's Heritage Advisor for review as the site is adjacent to the Botany Street Conservation Area (C3) and is in the vicinity of a row of heritage listed terraces (Nos. 3-39 Llandaff Street) located to the south-west of the site. At the time of preparing this report, no comments have been received from Council's Heritage Advisor therefore it is taken that no objection is raised to the proposal.

# 4. CONCLUSION

The modification application seeks to modify development consent, known as DA-68/2017 for demolition of existing buildings and construction of a 9 storey residential flat building with basement car parking and an offer to enter into a Planning Agreement at the site known as 16A and 16B Llandaff Street, Bondi Junction. In summary, the proposed modifications are for additional excavation to extend basement car parking levels to the eastern boundary, reconfiguration of ground floor level entry and private open space of apartments, an additional lift, alterations to the façade, new communal open space at the roof level and landscape works.

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

- Building height

The assessment finds the proposed building height acceptable as the built form that is compatible with the scale of surrounding developments, will not have unreasonable impacts on the amenity of surrounding properties and will not detract from the desired future character of the streetscape along the northern side of Llandaff Street.

A total number of three submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation. No Councillor submissions have been received.

There are no declared conflicts of interest for this application.

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

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

The application was reviewed by the DBU at the meeting on 7 June 2022 and the DBU determined:

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

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

# 5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
P. Darg	£M.
Peggy Wong	Bridget McNamara
Senior Development Assessment Planner	Manager, Development Assessment (Area 3 –
	Bondi Beach, Bondi Junction, Rose Bay)
	(Reviewed and agreed on behalf of the
	Development and Building Unit)
Date: 2 November 2022	Date: 9 November 2022

#### Reason for WLPP referral:

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

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

# <u>APPENDIX A – CONDITIONS OF CONSENT TO BE MODIFIED</u>

# A. Amended/Deleted Conditions

#### 1. APPROVED DEVELOPMENT

The development must be in accordance with:

(a) Architectural Plans noted in the table below prepared by MHNDU;

Drawing description and No.	Revision No.	Dated	Date Received by Council
Cover Page DA 000	Revision <b>B</b> D	<del>27.10.17</del> 17.08.2022	26.08.2022
Site Plan DA1006	Revision <b>B</b> D	<del>27.10.17</del> 17.08.2022	26.08.2022
Landscape Buffer Section DA 1007	Revision <b>B</b> D	<del>27.10.17</del> 17.08.2022	26.08.2022
Basement 02 Floor Plan DA 2000	Revision <b>B</b> D	<del>27.10.17</del> 17.08.2022	26.08.2022
Basement 02 Floor Plan DA 2001	Revision <b>B</b> D	<del>27.10.17</del> 17.08.2022	26.08.2022
Ground Floor Plan DA 2002	Revision <b>B</b> D	<del>27.10.17</del> 17.08.2022	26.08.2022
Level 1 Floor Plan 2003	Revision <b>B</b> D	<del>27.10.17</del> 17.08.2022	26.08.2022
Level 2-4 Typical Floor Plan DA 200 <b>34</b>	Revision <b>B</b> D	<del>27.10.17</del> 17.08.2022	26.08.2022
Levels 5-7 Typical Floor Plan DA 200 <b>4-5</b>	Revision <b>B</b> D	<del>27.10.17</del> 17.08.2022	26.08.2022
Level 8 Floor Plan DA 200 <b>56</b>	Revision <b>B</b> D	<del>27.10.17</del> 17.08.2022	26.08.2022
<b>Communal</b> Roof <b>Terrace</b> Plan DA 200 <b>67</b>	Revision <b>B</b> D	<del>27.10.17</del> 17.08.2022	26.08.2022
Roof Plan DA 2008	Revision D	17.08.2022	26.08.2022
Elevation East DA 2400	Revision <b>B</b> D	<del>27.10.17</del> 17.08.2022	26.08.2022
Elevation West DA 2401	Revision D	<del>27.10.17</del> 17.08.2022	26.08.2022

Revision <b>B</b> D	<del>27.10.17</del>	26.08.2022
	17.08.2022	
Revision <b>B</b> D	27.10.17	26.08.2022
	17.08.2022	
Revision <b>B</b> D	27.10.17	26.08.2022
	17.08.2022	
Revision B	27.10.17	
Revision <b>B</b> D	27.10.17	26.08.2022
	17.08.2022	
Revision <b>B</b> D	<del>27.10.17</del>	26.08.2022
	17.08.2022	
Revision B	27.10.17	
Revision <b>B</b> D	<del>27.10.17</del>	26.08.2022
	17.08.2022	
Revision <b>B</b> D	27.10.17	26.08.2022
	17.08.2022	
Revision D	17.08.2022	26.08.2022
Revision D	17.08.2022	26.08.2022
	Revision <b>B D</b> Revision <b>B D</b>	17.08.2022         Revision & D       27.10.17         17.08.2022         Revision & D       27.10.17         17.08.2022         Revision B       27.10.17         IT.08.2022       Revision B         Revision B       27.10.17         IT.08.2022       Revision D         IT.08.2022       IT.08.2022

- Landscape Plan prepared by Arcadia Landscape Architecture, *Issue B Revision 7*, dated *November 2017 25 August 2022* and received by Council on *14 November 2017 26 August 2022*;
- (c) BASIX Certificate;
- (d) Stormwater plans prepared by Green Arrow, Project No. 216/1575, Drawing No. H-01 to H-06 (Rev A), dated Nov 2016 and received by Council on 7 March 2017;
- Schedule of external finishes and colours on drawing DA 6000, Revision *B D*, dated
   27.10.17 17 August 2022 and received by Council on 14 November 2017 26 August 2022;
- (f) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012;

except where amended by the following conditions of consent. (Amended by DA-68/2017/A)

#### 2. GENERAL MODIFICATIONS

#### The development is approved, subject to the following plan amendments;

(a) The skylights on the roof are to be ventilating.

- (b) The ear windows are to be operable to allow natural ventilation.
- (c) The floor to ceiling heights in all apartments must achieve 2.7m and shall be demonstrated on the plans.
- (d) Mail boxes are to be provided within the site.
- (e) Privacy treatments are to be provided in between the balconies on the building on the front and rear of elevations to ensure visual privacy and prevent overlooking between the balconies of the development. Such treatments are to be incorporated into the architectural design of the building to avoid ad hoc additions in the future.
- (f) The parts of the balcony on Level 8 which extend around the side elevations of the building to be nominated as non-trafficable area and a landscape treatment or the like be provided to ensure this is not used as balcony area to address privacy.

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

#### (Deleted by DA-68/2017/A)

#### 93. LINE MARKING OF CAR, MOTORCYCLE AND BICYCLE SPACES

The following number of car spaces are to be provided for each component of the development;

- **24 21** resident car parking spaces (no apartments are to be allocated more than 1 car parking space)
- 6 resident visitor car parking spaces
- 6 Motorcycle spaces
- 33 Bicycle spaces (30 resident and 3 visitor in lobby area)

All disabled persons car parking spaces and shared bays are to designed, constructed and marked in accordance with Australian Standards AS2890.6:2009 Off-Street Parking for People with Disabilities.

The resident, resident visitor, retail, commercial/office, disabled parking spaces, bicycle and motorcycle parking spaces are to be clearly line marked, numbered and signposted prior to the issue of an Occupation Certificate for use of those relevant areas.

#### (Amended by DA-68/2017/A)

#### B. New Conditions

#### 14A. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT

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

The applicant must submit amended plans and specifications to comply with the current Waverley Council Water Management Technical Manual and Development Control Plan (DCP)

at the time of engineering plan approval. The submitted plans shall be prepared by a suitably qualified and practising Civil Engineer and:

- (a) The plans shall provide a complete and detailed On-Site Detention System (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) 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 roof guttering and internal drainage system shall be designed to cater for all storms up to and including the 1% Annual Exceedance Probability (AEP) event.
- (d) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location shall be provided. Calculations demonstrating that the proposed stormwater drainage system can cater for the relevant design storm event shall be provided.
- (e) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system (independent of any OSD system).
- (f) Details of any rainwater reuse system required by BASIX commitments or as nominated on the architectural plan, including the overflow connection to the approved stormwater drainage system are to be submitted.
- (g) Show sub-soil drainage restricted from entering the basement areas of the building and the stormwater drainage system by waterproofing and tanking the basement areas of the building.
- (h) Any underground basement shall be protected from possible inundation by surface waters from the street.
- (i) Show an alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure. A minimum freeboard of 150 mm from the pump out system to all parking spaces and full hydraulic details and pump manufacturers specification are to be provided.
- (j) The pump out system must be connected to a stilling pit and gravity line before discharged to Council's street gutter.
- (k) Seepage water must not be directly or indirectly discharged to Council's street gutter.
- (1) A sediment control stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- (m) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- (n) 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.

(o) 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.

Notes

- The checklist as set out on pages 68-76 on Council's Water Management Technical Manual (Oct 2021) available online shall be completed and submitted with any revision of Construction Certificate Plan Submission.
- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated.
- Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- Council's contact for infrastructure assessment: E-mail: <u>assets@waverley.nsw.gov.au</u> 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.

# 14B. 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.

#### 14C. STORMWATER QUALITY

The development must at all times maintain the water quality system to achieve the following minimum pollutant removal targets for the entire site in perpetuity as per Council's Water Management Manual 2021:

Required percentage reductions in post development average annual load of pollutants

Pollutant	% post development pollutant reduction targets
Gross Pollutants	90
Total Suspended Solids	80
Total Phosphorous	55
Total Nitrogen	40

The applicant must submit plans and specifications for the proposed Stormwater Quality Improvement device (SQID). The submitted plans shall be prepared by a suitably qualified and practising Civil Engineer showing complete and detailed SQID design including with crosssections. The practising Civil Engineer to demonstrate the hydraulics for proposed SQID. MUSIC model to be provided to Council for assessment.

#### 82A. 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.

# 82B. 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 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.
- (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.

# 82C. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR WATER QUALITY AND RAINWATER

Prior to the issue of an Occupation Certificate, a "Positive Covenant" and "Restriction on the Use of Land" shall be created for the Stormwater Quality Improvement Devices in accordance

with the requirements of Council's Water Management Manual 2021. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services prior to the Final Occupation Certificate.

# 82D. 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.

# E. OPERATIONAL MATTERS

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

# 100. ONGOING MAINTENANCE – STORMWATER DRAINAGE SYSTEM

*Council will need to be provided with an OSD and Stormwater Quality Improvement Devices 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.

# APPENDIX B – FULL SET OF CONDITIONS

# A. APPROVED DEVELOPMENT

# 1. APPROVED DEVELOPMENT

The development must be in accordance with:

# (a) Architectural Plans noted in the table below prepared by MHNDU;

Drawing description and No.	Revision No.	Dated	Date Received by Council
Cover Page DA 000	Revision D	17.08.2022	26.08.2022
Site Plan DA1006	Revision D	17.08.2022	26.08.2022
Landscape Buffer Section DA 1007	Revision D	17.08.2022	26.08.2022
Basement 02 Floor Plan DA 2000	Revision D	17.08.2022	26.08.2022
Basement 02 Floor Plan DA 2001	Revision D	17.08.2022	26.08.2022
Ground Floor Plan DA 2002	Revision D	17.08.2022	26.08.2022
Level 1 Floor Plan 2003	Revision D	17.08.2022	26.08.2022
Level 2-4 Typical Floor Plan DA 2004	Revision D	17.08.2022	26.08.2022
Levels 5-7 Typical Floor Plan DA 2005	Revision D	17.08.2022	26.08.2022
Level 8 Floor Plan DA 2006	Revision D	17.08.2022	26.08.2022
Communal Roof Terrace Plan DA 2007	Revision D	17.08.2022	26.08.2022
Roof Plan DA 2008	Revision D	17.08.2022	26.08.2022
Elevation East DA 2400	Revision D	17.08.2022	26.08.2022
Elevation West DA 2401	Revision D	27.10.17 17.08.2022	26.08.2022
Elevation North DA 2402	Revision D	17.08.2022	26.08.2022
Elevation South DA 2403	Revision D	17.08.2022	26.08.2022
Section A DA 2500	Revision D	17.08.2022	26.08.2022
Section DA 2501	Revision B	27.10.17	
Ramp Section: Clearances DA 2502	Revision D	17.08.2022	26.08.2022
Adaptable Layout DA 9003	Revision D	17.08.2022	26.08.2022

Elevation West- Fixed Louvres DA 9206	Revision B	27.10.17	
Façade Section DA 9410	Revision D	17.08.2022	26.08.2022
Façade Section DA 9411	Revision D	17.08.2022	26.08.2022
Privacy Between Balconies – South DA 9502	Revision D	17.08.2022	26.08.2022
Privacy Between Balconies – North DA 9503	Revision D	17.08.2022	26.08.2022

- (b) Landscape Plan prepared by Arcadia Landscape Architecture, Revision 7, dated 25 August 2022 and received by Council on 26 August 2022;
- (c) BASIX Certificate;
- (d) Stormwater plans prepared by Green Arrow, Project No. 216/1575, Drawing No. H-01 to H-06 (Rev A), dated Nov 2016 and received by Council on 7 March 2017;
- (e) Schedule of external finishes and colours on drawing DA 6000, Revision D, dated 17 August 2022 and received by Council on 26 August 2022;
- (f) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012;

except where amended by the following conditions of consent.

(Amended by DA-68/2017/A)

# 2. (Deleted by DA-68/2017/A)

# 3. 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.

# 4. EXCAVATION TO BE LIMITED

Excavation shall be limited to that shown in the approved plans. Excavation, proposed or undertaken in the certification or construction of the development, that results in additional habitable or non-habitable floor space (including storage) shall require the submission of a new development application or Section 96 application to modify the approved development. During consideration of this application construction work on site shall cease without prior agreement of Council. Failure to comply with this condition may lead to Council prosecuting or taking a compliance action against the development for breach of its consent.

# 5. TREE PRESERVATION

A tree preservation order exists in the Waverley Local Government Area. Before any site can be developed, an application must be made in writing to Council prior to removal of tree/trees. Should permission be granted, the applicant will receive a permit to proceed.

# 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 that the approval of Council or a Council Officer is required.

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

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

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with Section 81A(2) of the Environmental Planning & Assessment Act, 1979; and
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with Section 81(A)(2)(b) of the Environmental Planning & Assessment Act, 1979 and Form 7 of Schedule 1 of the Regulations; and
- (c) Council is given at least two days' notice in writing of the intention to commence the building works.

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

# 7. SECTION 94A CONTRIBUTION

A cash contribution is payable to Waverley Council pursuant to section 94A of the *Environmental Planning and Assessment Act 1979* and Waverley Council Development Contributions Plan 2006 in accordance with the following:

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

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

- (b) Prior to the issue of the Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.
- (c) Should a section 96 modification result in any change to the total cost of the work, the Section 94A contribution is to be revised and amended. Prior to the issue of the Construction Certificate, evidence must be provided that the revised levy has been paid to Council in accordance with this condition.

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

# Advisory Note

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

# 8. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of \$80,000 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.

# 9. LONG SERVICE LEVY

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

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

# 10. AFFORDABLE HOUSING CONTRIBUTION – PAYMENT IN ACCORDANCE WITH STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009

- (a) Pursuant to clause 51(2) of State Environmental Planning Policy (Affordable Rental Housing) 2009, the applicant must provide a monetary contribution towards the provision of affordable housing as the proposed development will or is likely to reduce the availability of affordable housing within the area.
- (b) The contribution of \$594,375 payable for the provision of affordable housing under s94G(3)(b) of the Environmental Planning and Assessment Act 1979 for the purpose of mitigating the loss of low-rental accommodation proposed by the subject DA, shall be paid in one complete payment to Waverley Council prior to the issue of a Construction Certificate.

# 11. PLANNING AGREEMENT

1. 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-68/2017; and
- (ii) Pay a monetary contribution amount of \$727,168 prior to the issue of any Occupation certificate for the Development
- (iii) A Planning Agreement will be entered into under Section 93F of the Environment Planning and Assessment Act 1979 between the owner of the land the subject of the Development and Council.
- 2. In accordance with the said offer, the Planning Agreement shall make provision in respect to the following:
  - (i) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate for the Development
  - (ii) The owner/ applicant shall provide Council with a Bank Guarantee to secure the payment of the Monetary Contribution prior to the issue of any Construction Certificate for the Development which is:
    - In a form acceptable to Council and from an institution acceptable to Council
    - Irrevocable
    - Unconditional
    - With no end date
- 3. 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 (specific work can be included here if relevant).

# 12. STREET TREES & BOND

Situated on the naturestrip in front of the development site at 16A-16B Llandaff Street are three Crepe Myrtle trees (Lagerstroemia indica). Permission is granted to remove the tree closest to 10 Llandaff Street, provided that a replacement tree is planted prior to the issue of any Occupation Certificate for the development.

A replacement Crepe Myrtle tree (Lagerstroemia indica 'Tuscarora'), with a minimum pot size of 200 litres is to be planted prior to the issue of an Occupation Certificate (please refer to relevant conditions later in this consent). The replacement tree is to be purchased prior to construction commencing and a bill of sale for the replacement tree is to be presented to the PCA prior to the issue of a Construction Certificate.

A bond of \$5000 is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection of the existing street trees. The bond will also be held to ensure the health of the newly planted replacement street tree. 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 existing or new 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.

# 13. SYDNEY TRAINS CONDITIONS

- **A1.** All excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations detailed in the following documents:
  - Geotechnical Report prepared by **Asset Geotechnical Engineering** dated 2 August 2017 (Ref: 4394-1-R1) supported by:
  - Jeffery and Katauskas dated 19 February 2003 (Ref: 17443WZrpt)
  - Golder Associates dated 8 January 1997 (Ref: 96621181.A)
  - Geotechnical Statement prepared by Asset Geotechnical Engineering dated 18 April 2018, reference 4394-1-L1-Rev1
  - Structural Design Report prepared by Demlakian Engineering dated 13 December 2017, Reference 217090rpt20171213\_DW\_Structural Design Report\_Rev 2
  - Plans prepared by **Demlakian Engineering**:
  - SK-01 Rev P2 dated 06.09.17
  - SK-02 Rev P2 dated 06.09.17
  - SK-03 Rev P1 dated 04.07.17
  - Drawings prepares by **MHNDU**:
  - DA2000 dated 31.10.2017 Rev B
  - DA2001 dated 27.10.2017 Rev B
  - DA2002 dated 27.10.2017 Rev B
  - DA Acoustic Assessment prepares by Acoustic Logic dated 19 April 2018, Revision 2, Reference 20131737.1/1904A/R2/BW

The Principal Certifying Authority is not to issue the Construction Certificate until the measures detailed in the documents approved/certified by Sydney Trains under this Condition are incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate (unless amended and subsequently endorsed by Sydney Trains in order to comply with the requirements of Condition A2). Prior to the commencement of works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

- **A2.** Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains for review and endorsement the following items:
  - a. Final loading and un-loading assessment with FEM modelling

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied. In the event that the above documentation requires the amended of the documentation provided in Condition A1 then the Construction Certificate shall be based on the amended documentation

#### endorsed by Sydney Trains.

- A3. If required by Sydney Trains, prior to the commencement of works, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
- A4. Prior to the issuing of a Construction Certificate the applicant is to submit to Sydney Trains for review and endorsement a report detailing all Machinery to be used during excavation/construction.

The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

- **A5.** An acoustic assessment is to be submitted to Council prior to the commencement of works demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".
- **A6.** Prior to the commencement of works the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk.
- **A7.** If required by Sydney Trains, prior to the commencement of works a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor.
- **A8.** Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.
- **A9.** No rock anchors/bolts are to be installed into Sydney Trains property or easements.
- **A10.** Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easements, unless agreed to be these authorities. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied
- A11. If required, prior to the commencement of works the Applicant is to contact Sydney Trains Engineering Management Interfaces to determine the need for public liability insurance cover. If insurance cover is deemed necessary this insurance be for sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Engineering Management Interfaces to obtain the level of insurance required for this

particular proposal.

- **A12.** If required, prior to the commencement of works the Applicant is to contact Sydney Trains Engineering Management Interfaces to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works.
- **A13.** Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, are entitled to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and these conditions of consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
- A14. Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains must be submitted to Council for its records prior to the issuing of a Construction Certificate.
- A15. No work is permitted within the Sydney Trains land, or its easements, at any time unless prior approval or an Agreement has been entered into with Sydney Trains and/or Transport for NSW. Where the Applicant proposes to enter the rail corridor, the Principal Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from those entities confirming that its approval has been granted.
- **A16.** Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.
- **A17.** Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant conditions applies.

# 14. 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.

#### 14A. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT

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

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

- (a) The plans shall provide a complete and detailed On-Site Detention System (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) 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 roof guttering and internal drainage system shall be designed to cater for all storms up to and including the 1% Annual Exceedance Probability (AEP) event.
- (d) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location shall be provided. Calculations demonstrating that the proposed stormwater drainage system can cater for the relevant design storm event shall be provided.
- (e) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system (independent of any OSD system).
- (f) Details of any rainwater reuse system required by BASIX commitments or as nominated on the architectural plan, including the overflow connection to the approved stormwater drainage system are to be submitted.
- (g) Show sub-soil drainage restricted from entering the basement areas of the building and the stormwater drainage system by waterproofing and tanking the basement areas of the building.
- (h) Any underground basement shall be protected from possible inundation by surface waters from the street.
- (i) Show an alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure. A minimum freeboard of 150 mm from the pump out system to all parking spaces and full hydraulic details and pump manufacturers specification are to be provided.

- (j) The pump out system must be connected to a stilling pit and gravity line before discharged to Council's street gutter.
- (k) Seepage water must not be directly or indirectly discharged to Council's street gutter.
- (I) A sediment control stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- (m) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- (n) 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.
- (o) 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.

# Notes

- The checklist as set out on pages 68-76 on Council's Water Management Technical Manual (Oct 2021) available online shall be completed and submitted with any revision of Construction Certificate Plan Submission.
- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated.
- Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- Council's contact for infrastructure assessment: E-mail: <u>assets@waverley.nsw.gov.au</u> 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.

# (Added by DA-68/2017/A)

# 14B. 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.

# (Added by DA-68/2017/A)

# 14C. STORMWATER QUALITY

The development must at all times maintain the water quality system to achieve the following minimum pollutant removal targets for the entire site in perpetuity as per Council's Water Management Manual 2021:

Required percentage reductions in post development average annual load of pollutants

Pollutant	% post development pollutant reduction targets
Gross Pollutants	90
Total Suspended Solids	80
Total Phosphorous	55
Total Nitrogen	40

The applicant must submit plans and specifications for the proposed Stormwater Quality Improvement device (SQID). The submitted plans shall be prepared by a suitably qualified and practising Civil Engineer showing complete and detailed SQID design including with cross-sections. The practising Civil Engineer to demonstrate the hydraulics for proposed SQID. MUSIC model to be provided to Council for assessment.

# (Added by DA-68/2017/A)

# 15. NOISE ATTENUATION IN RESIDENTIAL FLAT BUILDINGS

Noise attenuation is to be achieved in all residential units within the building by a minimum of the following standards:

- (a) A wall shall have a Field Sound Transmission Class (FSTC) of not less than 50 if it separates sole occupancy units or a sole occupancy unit from a stairway, public corridor, hallway or the like;
- (b) A wall separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have a FSTC of not less than 55;
- (c) A wall or floor shall have a FSTC of not less than 55 if it separates a sole occupancy unit from a plant room;
- (d) A floor separating sole occupancy units must not have a FSTC of less than 50; and
- (e) A floor separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have an Impact Isolation Class of not less than 55.

Details are to be provided on the plans to the satisfaction of the Principal Certifying Authority prior to the issue of the Construction Certificate relating to any works above the existing ground level.

# **16. 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 prior to the issue of any Construction Certificate.

# 17. ARCHITECT TO SUPERVISE DESIGN - CONSTRUCTION CERTIFICATE DOCUMENTATION

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.

In accordance with clause 143a of the Environmental Planning and Assessment Regulations 2000, the Principal Certifying Authority must not issue a construction certificate unless it has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted.

# 18. HOARDING REQUIRED

A hoarding designed and constructed in accordance with the requirements of the Work Cover Authority is to be erected on the street alignments of the property, prior to the commencement of building operations, and such hoardings to be maintained during the course of building operations. Details of the hoarding are to be provided to Council prior to issue of the Construction Certificate.

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

# **19. GEOTECHNICAL ENGINEERS REPORT**

A geotechnical report, regarding the stability of the subject site and stating that damage should not occur to any adjoining premises as a result of the proposed bulk excavation, driven type piles and shoring works, is to be submitted to the Principal Certifying Authority, Council and the owners of adjoining premises. The report is to be submitted prior to the issue of a Construction Certificate and commencement of any such works on the site.

# 20. 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 any 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.

# 21. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A Site Waste and Recycling Management Plan (SWRMP) Checklist 2 shall be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 prior to the

issue of the Construction Certificate. In this regard, Council expects demolition and excavated material to be reused and/or recycled wherever possible.

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

# 22. DEMOLITION AND CONSTRUCTION WASTE MANAGEMENT

The applicant must ensure that the waste generated during the demolition and construction phase complies with the following;

- (a) Separate collection bins or areas for the storage of waste is to be provided (giving consideration to slope, drainage, vegetation, access and handling requirements including:
  - (i) Landfill waste;
  - (ii) Recyclable waste;
  - (iii) Materials to be re-used on-site; and / or
  - (iv) Excavation materials.

See Annexure B1-1 of the Waverley DCP for common building materials re-use and recycling potential.

- (b) A 100% re-use of sandstone is required.
- (c) All storage areas/ containers are to be located within the property boundary and indicated on the site plans / drawings as part of the SWRMP.
- (d) Where space on a development is limited, approval may be granted by Council to place a skip on a footpath or other public area in line with Part B of Waverley DCP 2012.
- (e) Waste and recycling containers/skips may only be provided by persons/companies holding a current permit granted by Council.
- (f) Asbestos and other hazardous material is to be managed under the Protection of the Environment Operations Act. For further information go to Councils Asbestos Policy 2005 and www.nsw.gov.au/fibro and www.workcover.nsw.gov.au.
- (g) Materials that cannot be reused or recycled should be disposed of at an 'approved' landfill and specified in the SWRMP.
- (h) Records are to be retained on-site demonstrating lawful disposal of waste.
- (i) Easy vehicular access to waste and recycling material storage areas must be provided.
- (j) Construction materials are to be stored away from waste and recycling materials to enable easy access for waste collectors.
- (k) All waste and recycling is to be is to be stored to prevent damage by the elements, odour, health risks and windborne litter.

# 23. EROSION, SEDIMENT AND POLLUTION CONTROL

Erosion, sediment and pollution control measures are to be implemented on this site. These measures are to be in accordance with Council's Stormwater Policy and are to be implemented prior to commencement of any work or activities on or around the site. Details of these measures

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

# 24. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

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

The CVPPM shall provide, but not be limited to, details of the following:

- (a) The proposed route to be taken by demolition/construction vehicles in the Council area when accessing and exiting the site.
- (b) The type, size and number of demolition/construction vehicles for each of the separate phases of the development. Trucks with dog trailers and semi-trailers may not be approved for use if it is considered with the information provided that:
  - such vehicles cannot adequately and safely gain access to and from the site or
  - access into or out of the site may not be not possible without the need to remove an unsatisfactory number of vehicles parked on the roadway adjacent to or opposite the site.
- (c) The location of truck holding areas remote from the site should Council not give approval for demolition/construction vehicles to stand on the roadway in the vicinity of the site.
- (d) Traffic control measures to be put in place when trucks, manoeuvring in the vicinity of the site, will interfere with the free flow of traffic.
- (e) The location and materials of construction of temporary driveways providing access into and out of the site.
- (f) The location and length of any proposed Works/Construction Zones. Note:
  - Works/Construction zones require the approval of the Waverley Traffic Committee and Council prior to installation.
  - It is illegal to:
    - i. Park a vehicle exceeding 4.5 tonnes on a roadway for more than one (1) hour unless signs are installed to the contrary
    - ii. Barricade/reserve a section of roadway without the prior approval of Council
- (g) The hours of operation of demolition/construction vehicles.
- (h) The number of and where it is proposed to park light vehicles associated with staff/employees/contractors working on the site.
- (i) How it is proposed to cater for the safe passage of pedestrians past the site. The details shall include:
  - The route required to be taken by pedestrians including signage and any other control measures that will need to be put in place to direct and keep pedestrians on the required route
  - Any obstructions such as street furniture, trees and bollards etc., that may interfere with the safe passage of pedestrians
  - The type(s) of material on which pedestrians will be required to walk
  - The width of the pathway on the route

- The location and type of proposed hoardings
- The location of existing street lighting

**NOTE: PRIOR TO THE PREPARATION OF THE CVPPM**, the applicant or his or her representative shall:

- Make contact with Council's Senior Traffic Engineer to discuss information required at (a) to (j) above.
- Make contact with the operators of bus and taxi services whose zones may be affected/require temporary relocation as a result of development works
- Be aware that the full length of Oxford Street may not be approved as a route for trucks when travelling to or from the site
- Be aware swept wheel path drawings, prepared by a suitably qualified and experienced traffic engineering consultant, may need to be submitted to Council for all truck movements that are to take place within the Council area prior to an approval being issued for the CVPPM.
- Be aware of and take into account the cumulative effect that truck movement from the development site and other development sites in the vicinity that are either under construction or have development approval will have on roads leading to and from the site.

# 25. UNDERGROUND ANCHORS

Prior to works commencing on site, a plan, showing the location and type of all ground anchors that will be required to extend beyond any of the existing or proposed boundaries of the site shall be submitted to Council for the approval of the Executive Manager, Creating Waverley. Please note, written owner's consent is required for any encroachments beyond the property boundary.

**Note**: Council charges a fee for each anchor approved to extend into a road reserve.

# 26. STORMWATER CERTIFICATION

Certification is to be provided from a suitably qualified professional, that the stormwater system has been designed in accordance with the Water Management Technical Guidelines. Stormwater system details are to be submitted in accordance with the Waverley Development Control Plan 2012 - Part B prior to the issue of the relevant Construction Certificate.

The contractor is to apply for relevant Road Opening Permit prior to commencement of drainage works.

# 27. 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 the relevant Construction Certificate.

# 28. BASIX

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

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

The above condition is a prescribed condition under the Environmental Planning and Assessment Act Regulations clause 97A and the above BASIX commitments are mandatory and cannot be modified under Section 96 of the *Environmental Planning and Assessment Act 1979*.

# 29. ADAPTABLE HOUSING

At least 3 apartments are to be provided as adaptable housing within the development, with at least 1 car space is to be allocated to each of these apartments, of 1 and 2 bedroom apartments. Adaptable apartments must be certified as 'adaptable housing units' by an independent suitably qualified person, confirming compliance with the relevant Australian Standards and the BCA. Six (6) units (20%) are to have universal design features as detailed in the Apartment Design Guidelines.

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

# **30. DISABLED CAR PARKING**

All disabled car parking space dimensions and head clearances are to be in accordance with Australian Standards AS2890.6:2009 Off-street Parking for People with Disabilities.

# 31. WASTE STORAGE AREAS

- (a) The development must have a bin storage area for a minimum with enough space to accommodate the following bins for the development;
  - 10 x 240L Mobile Garbage Bins (MGBs) for general waste or 5 x 240L bins with a 2:1 compaction ratio;
    - 8 x 240 MGBs for recycling materials:
  - 4x 240L MGBs for recyclables, and
  - 4 x 240L MGBs for paper and cardboard.
  - Additional space is to be made available for 3 x 240L bins for an extra 240L
     MGB for general waste; and extra 240L MGB for recycling and an extra MGB for garden organic waste should this type of waste be generated
- (b) All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B, Section 1.2.1, Section 1.2.3 and Section 1.2.4 of Waverley Council Development Control Plan 2012.

- (c) All new developments are to provide adequate storage for waste to accommodate future change of uses.
- (d) All waste and recycling must be inside Council approved bins/skips with lids closed to reduce littering, stormwater pollution, odour and vermin. Waste and recycling not presented in the correct manner will not be collected.
- (e) Composting facilities which meet all design requirements set in Annexure B1-5 of the Waverley Council Development Control Plan must be provided at this development.
- (f) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of waste receptacles, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.
- (g) Clear and easy signs identifying the different types of MGB and where the MGBs should be stored in the storage area(s) must be displayed.
- (h) The storage of bins on the kerbside, laneway, or any other public land is not permitted at any time. Bins must be presented for collection the night before, and brought back into the property immediately following collection.

The above matters are to be shown in the Construction Certificate drawings and submitted to the satisfaction of Council's Executive Manager Sustainable Waverley prior to the issue of relevant Construction Certificate.

# 32. NOISE MANAGEMENT PLAN - DEMOLITION, EXCAVATION AND CONSTRUCTION

A site specific noise management plan must be submitted to the Council's Executive Manager, Health and Compliance for approval and comment prior to the issue of any 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 the level of community consultation that has, is and will be undertaken with Building Managers/occupiers/residents of noise sensitive properties likely to be affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (b) 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.
- (c) What course of action will be undertaken following receipt of a complaint concerning site noise emissions?
- (d) 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.
- (e) 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.

# 33. VERMIN AND RAT CONTROL

Significant work has gone into reducing vermin and rat population in the Bondi Junction area, which is a historical problem. One of the main contributing factors is the demolition of premises that have been harbouring vermin. Therefore, it is necessary that a pest control management program be implemented prior to demolition as follows:

A Pest and Vermin Control Management Plan prepared by a suitable qualified person outlining and describing measures to be taken to reduce rat/vermin populations is to be submitted for the approval of Council's Manager of Health and Compliance prior to the issue of a Construction Certificate for the demolition of existing buildings.

# 34. DILAPIDATION REPORTS

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

Please note the following:

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

# **35. TREE PROTECTION**

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

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

- (f) Do not mix or dispose of liquids within the drip line of the tree; and
- (g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter.

# 36. SIDE AND REAR BOUNDARY FENCING

The fencing on the boundaries of the site must not exceed 1.8m from the exiting ground level of the adjoining property. In this regard, boundary fences are not to be constructed on top of retaining walls and present a high fence to the adjoining property.

# 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 that the approval of Council or a Council Officer is required.

# 37. PRIOR TO SITE WORKS

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

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

# **38. 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.

# **39. 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.

# 40. EXCAVATION BELOW FOOTINGS

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

- (a) preserve and protect the building from damage; and
- (b) if necessary, must underpin and support the building in an approved manner; and

(c) must, at least seven days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

# 41. OBSTRUCTION TO PUBLIC AREAS

If a public place or pedestrian vehicular traffic may be obstructed because of the carrying out of work involved in the erection or demolition of a building; or a public place is required to be enclosed in connection with the erection or demolition of a building; then:

- (a) a hoarding fence must be erected between the building site and the public place of the proposed building and the public place. If necessary, an awning sufficient to prevent any substance from, or in connection with, the work falling into the public place, is also to be erected;
- (b) the work is to be kept lit during the time between sunset and sunrise if the work may be of a sort of danger to persons using the public place; and
- (c) a hoarding, fence or awning is to be removed when it is no longer required for the purpose it was provided.

# 42. TOILET FACILITIES

Toilet facilities being provided on the work site in accordance with the requirements of Sydney Water.

# 43. NO USE OF ORGANOCHLORIN PESTICIDES

The use of organochlorin pesticides as termite barriers in new development is prohibited pursuant to Council Policy. Only physical barriers are to be used for termite control. The building shall comply with Australian Standard 3660: Protection of building from subterranean termites - prevention, detection and treatment of infestation.

# 44. CONTAMINATING MATERIAL REQUIRED TO BE REMOVED

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 (eg: 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. They shall also adopt work practices in accordance with the requirements of Safe Work Australia's National Standard for the Control of Inorganic Lead at Work (NOHSC: 1012 (1994) and NOHSC: 2015(1994).

(c) All lead-contaminated materials being disposed of in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines 2009 and the Protection of the Environment Operations Act 1997 (NSW).

# 45. DEMOLITION REQUIREMENTS

Where unacceptably high levels of lead are found following demolition activities, the soil must be tested by a person with suitable expertise, to ensure the soil lead levels are below acceptable health criteria for residential areas. The soil investigation being carried out in accordance with the NSW Environment Protection Authority (EPA) "Guidelines for Consultants Reporting on Contaminated Sites". An approved NSW Environment Protection Authority (EPA) Auditor, in accordance with the NSW EPA's "Guidelines" shall issue a Site Audit Statement at the completion of the investigation, for the NSW Site Auditor Scheme.

# 46. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

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

# 47. SITE HEALTH & SAFETY PLAN

A Site Health & Safety Plan is to be prepared prior to the commencement of remediation works by a person competent to do such Plan. All works are to be carried out in accordance with this Plan. This Plan shall include:

- (a) hazard identification and control
- (b) site security
- (c) personal protective equipment
- (d) work zones and decontamination procedures
- (e) contingency plans and incident reporting
- (f) environmental monitoring

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.

# 48. DEMOLITION & SITE PREPARATION

Hazardous or intractable wastes arising from the demolition process being removed and disposed of in accordance with the requirements NSW WorkCover Authority and the NSW Environment Protection Authority (EPA), and with the provisions of:

- (a) Work Health & Safety Act 2011;
- (b) Work Health & Safety Regulation 2011;
- (c) Protection of the Environment Operations Act 1997 (NSW) and
- (d) NSW EPA Waste Classification Guidelines 2009.

# 49. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

All site works complying with the occupational health and safety requirements of WorkCover NSW.

# 50. SOIL AND WATER MANAGEMENT PLAN

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared according to SSROC's Soil and Water Management Brochure and the NSW Environment Protection Authority (EPA) Managing Urban Stormwater: Soils and Construction. This Plan shall be implemented prior to commencement of any works or activities. All controls in the Plan shall be maintained at all time. A copy of the Soil and Water Management Plan must be kept on site at all times and made available to Council officers on request.

# 51. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

That 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 2009. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the NSW EPA.

# 52. 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. DWE and possibly DECC throughout construction;
- (j) Inform Council of unexpected site conditions (such as water tables or high seepage rates) and subsidence issues.

# 53. ASBESTOS REMOVAL

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover NSW Friable Class A Asbestos Removal Licence or where applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by WorkCover NSW (catalogue no.WC03561) and Waverley's Asbestos Policy.
- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.
- (c) No asbestos products are to be reused on site.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400m x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.
- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

# 54. STOCKPILES

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

# 55. LOCATION OF BUILDING OPERATIONS

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

# 56. SEDIMENT REMOVAL FROM VEHICLE WHEELS

A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed in accordance with the approved Soil and Water Management Plan for the site prior to the commencement of any site works or activities.

# 57. ALL BUILDING MATERIALS STORED ON SITE

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

# 58. CONSTRUCTION HOURS

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

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

Noise from construction activities shall comply with the Protection of the Environmental Operations (Noise Control) Regulation 2000.

# 59. USE OF HEAVY EARTH MOVEMENT EQUIPMENT

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

# 60. NOISE FROM BUILDING WORKS - RESTRICTED ACTIVITIES

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

Council will take into account:

- Times identified by the community when they are less sensitive to noise
- If the community is prepared to accept a longer period of construction in exchange for restrictions on construction times.

# 61. NATIONAL CONSTRUCTION CODE

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

# 62. BUILDING LEGISLATION AMENDMENT (QUALITY OF CONSTRUCTION) ACT - INSPECTIONS

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

2002 and the Environmental Planning and Assessment Regulations. Also, documentary evidence of compliance with the relevant terms of conditions of development consent and standards of construction detailed in the National Construction Code is to be obtained prior to proceeding to the subsequent stages of construction and/or issue of an Occupation Certification.

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

The specified **MANDATORY** inspections are:

In the case of a Class 2 building:

- (a) at the commencement of the building work;
- (b) prior to covering of waterproofing in any wet area for a minimum of 10% of rooms with wet area within a building;
- (c) prior to covering any stormwater drainage connections; and
- (d) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The following additional inspections are required to be undertaken by the PCA:

- (a) sediment control measures prior to the commencement of building work;
- (b) foundation material prior to undertaking building work;
- (c) shoring of excavation works, retaining walls, piers, piling or underpinning works;
- (d) steel reinforcement, prior to pouring concrete;
- (e) prior to covering timber or steel framework for floors, walls and roofing, including beams and columns;
- (f) prior to installation of fire resisting construction systems (ie fire rated ceilings and walls).
- **Note**: Certification may be required from a suitably qualified person, in relation to specialist matters, verifying that particular works satisfy the relevant requirements of the National Construction Code and standards of construction.

# 63. CERTIFICATE OF SURVEY - LEVELS

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

# 64. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

#### 65. IN-SINK WASTE DISPOSAL SYSTEMS

The installation of in-sink waste disposal systems are not permitted.

#### 66. WATER PROOFING

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

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

# 67. HOT TAP WATER SCALDING

To reduce the incidence of hot tap water scalding and, for the purpose of energy efficiency, all new or replacement hot water systems shall deliver hot water to a maximum 50 degrees Celsius at the outlet of all sanitary fixtures used for personal hygiene.

#### 68. SERVICE PIPES

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

#### 69. 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.

# 70. 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.

# 71. ADJUSTMENTS TO STREET SIGNS

Any changes to the type and location of street/parking control signs required as a result of the works shall be undertaken at the applicant's expense in accordance with Council's requirements.

# 72. NEW VEHICLE CROSSING

A new vehicle crossing is to be provided to access the proposed **basement car park**. A separate application is required for the vehicle crossing, with all work to be carried out with the approval of and in accordance with the requirements of Council.

# 73. VEHICULAR ACCESS - FINISHED LEVEL

The finished level at the property boundary on **both** sides of the vehicle crossing is to match the level of the existing concrete footpath.

# 74. TREE PROTECTION

A protective fence is to be installed around the perimeter of the two other street trees in accordance with Australian Standard 4970: Protection of Trees on Development Sites. The fence is to be positioned so as not to intrude onto the footpath. The fence must be installed prior to demolition and maintained until the issue of the Occupation Certificate.

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.

# 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 that the approval of Council or a Council Officer is required, prior to the issue of an Occupation Certificate or Subdivision Certificate, whichever applies.

# 75. FINAL 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.

# 76. 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** <u>www.sydneywater.com.au\customer\urban\index</u> 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.

# 77. ARCHITECT TO SUPERVISE DESIGN - OCCUPATION CERTIFICATE DOCUMENTATION

In accordance with clause 154A of 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 from a qualified designer, being a statement in which the qualified designer verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued.

# 78. NOISE ATTENUATION CERTIFICATE

On completion of any building containing residential units and prior to the issue of the Occupation Certificate the applicant shall:

- (a) Engage and an Australian Association Acoustic Consultant to conduct a test for noise attenuation to classify the buildings performance on the National Star Rating Table and to confirm compliance with Condition; and
- (b) Lodge with Council for public record, the noise attenuation star rating results.

# 79. NOISE – PLANT AND EQUIPMENT

A Certificate is to be submitted to Council 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 including mechanical supply and exhaust ventilation systems (including the car park) and lift motors comply with the terms of approval in relation to noise.

# 80. 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 ay 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.

# 81. NOISE EMISSIONS

The use of the property 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.

#### 82. STORMWATER

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

# 82A. 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-68/2017/A)

# 82B. 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 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.

(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.

# (Added by DA-68/2017/A)

# 82C. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR WATER QUALITY AND RAINWATER

Prior to the issue of an Occupation Certificate, a "Positive Covenant" and "Restriction on the Use of Land" shall be created for the Stormwater Quality Improvement Devices in accordance with the requirements of Council's Water Management Manual 2021. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services prior to the Final Occupation Certificate.

# (Added by DA-68/2017/A)

# 83. TELECOMMUNICATIONS

Notification of arrangement for the provision of a telephone supply to each apartment of commercial/retail spaces is to be submitted to the satisfaction of the Principle Certifying Authority prior to the release of the Occupation Certificate.

# 84. STREETSCAPE WORKS & REPLACEMENT TREE

A replacement Crepe Myrtle tree (Lagerstroemia indica 'Tuscarora') is to be planted by a qualified horticulturist (AQF Level 3) on the naturestrip two metres from the eastern edge of the driveway prior to the issue of any Occupation Certificate. As noted in this consent, the tree is to be a minimum pot size of 200 litres.

The footpaths at the front of the site re to be upgraded in accordance with Council's Bondi Junction Technical Manual. In this regard, the applicant is to confer with Council prior to commencement of the works.

# 85. WAVERLEY DIGITAL MODEL

Prior to the issue of any Occupation Certificate an accurate 'as built' digital model of the building must be submitted to Council's Shaping Waverley sub-program 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, Waverley Futures.

# 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.

# 86. WASTE AND RECYCLING STORAGE AND COLLECTION - USE

- (a) A waste management plan is to be submitted to Council for approval outlining the procedures/processes for the ongoing management the residential waste for the building and is to include the requirements contained in this consent. The document, once approved by Council is to form an approved document to be complied with during the operation of the building.
- (b) Sufficient space must be allocated on-site for the storage of reusable items such as crates and pallets.
- (c) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of waste receptacles, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.
- (d) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.
- (e) All waste and recycling must be inside Council approved bins/skips with lids closed to reduce littering, stormwater pollution, odour and vermin. Waste and recycling not presented in the approved manner will not be collected.
- (f) Composting facilities which meet all design requirements set in Annexure B1-5 of the Waverley Council Development Control Plan must be provided at this development.
- (g) The storage of bins on the kerbside on public land and kerbside is not permitted at any time, apart from when presented for collection on the nominated collection day. Bins must be presented for collection the night before, and brought back into the approved bin storage area within the property boundary immediately after collection.

The waste management plan and evidence of compliance with the above matters are to be submitted to the satisfaction of the Council's Executive Manager, Sustainable Waverley prior to the issue of an Occupation Certificate.

# 87. BONDI JUNCTION FSR AND MAPPING MODEL

In order to update Council's live floor space model and mapping system, prior the issue of a <u>Final</u> Occupation Certificate the following information is to be provided to the satisfaction of Council's Shaping Waverley sub-program, reflecting the final constructed building. The information is to be submitted in a table and include the following:

- (i) DP/Lot/Strata Plan,
- (ii) Address,

- (iii) Building footprint (m<sup>2</sup>)
- (iv) Gross Floor area (m<sup>2</sup>)
- (v) total residential floor space (m<sup>2</sup>)
- (vi) total office space (m<sup>2</sup>)
- (vii) total retail space (m<sup>2</sup>)
- (viii) total no. of levels (m<sup>2</sup>)
- (ix) No. levels above ground
- (x) No. levels below ground
- (xi) No. of residential levels
- (xii) No. of dwellings
- (xiii) No. of commercial levels
- (xiv) No. of parking spaces
- (xv) Parking location (above or below ground)
- (xvi) Ground floor use (commercial, retail or residential)

This information is required for any development consent within Bondi Junction Centre (as defined in Part E1 of the Waverley DCP 2012) that results in a change in gross floor area.

# 88. LANDSCAPING

The Landscaping Consultant engaged for the development shall submit to the Principal Certifying Authority a Certificate of Practical Completion stating the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established. The Certificate shall be lodged upon satisfactory completion of the landscaping works and prior to the issue of the Occupation Certificate.

# 89. ALLOCATION OF STREET NUMBERS – Multi level Residential Flat Building

The redevelopment of the property has led to the following allocation of primary and subpremises numbering for a Multi-Level Residential Flat Building:

- No. 16A primary address number
- Llandaff Street primary address site

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 Llandaff Street.

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

- Nos. G01, G02, G03 for the sub-addresses within the building correlating with Nos. 001-003 on the floor plans for the building,
- Nos. 101-104 for the sub-addresses within the building correlating with Nos. 101-104 on the floor plans for the building,
- Nos. 201-204 for the sub-addresses within the building correlating with Nos. 201-204 on the floor plans for the building,
- Nos. 301-304 for the sub-addresses within the building correlating with 301-304 on the floor plans for the building,
- Nos. 401-404 for the sub-addresses within the building correlating with 401-404 on the floor plans for the building,

- Nos. 501-503 for the sub-addresses within the building correlating with Nos. 501-503 on the floor plans for the building,
- Nos. 601-603 for the sub-addresses within the building correlating with Nos. 601-603 on the floor plans for the building,
- Nos.701-703 for the sub-addresses within the building correlating with Nos. 701-703-17 on the floor plans for the building,

Nos. 801-802 for the sub-addresses within the building correlating with Nos. 801-802 on the floor plans for the building,

The address number for a sub-address site shall consist of the sub-address followed by the number of the primary address site.

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

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

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

Should the property be strata subdivide Council must notified of the corresponding subaddress numbers to Strata lot number prior to the issue of the Subdivision Certificate.

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

# 90. SLIP TESTS OF COMMON AREAS

Common area tiles should not have slippery finishes. Slip tests should be undertaken in wet conditions.

# 91. TACTILE NUMBER IN LIFT

The applicant is advised that with regard to the provision of the lift in the building, it will be necessary for tactile numbers to be placed on each level of the building and within the lift to assist visually impaired people.

# 92. STRATA SUBDIVISION OR LAND CONSOLIDATION

Consent is required for strata subdivision of the development. Should the development not be strata subdivided, the lots are to be consolidated.

Note: In respect to the allocation of car parking, bicycle spaces and storage spaces for any future strata subdivision, those spaces are not permitted to be subdivided as individual allotments and are to be part lots allocated to individual residential 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 or the rates in the Apartment Design Guide. In this regard, no one apartment shall be allotted more than 2 car parking spaces.

The disabled parking spaces are to be allocated to adaptable units as a first preference. If there are surplus disabled spaces, they are to be allocated to the lower level units as a preference.

# 93. LINE MARKING OF CAR, MOTORCYCLE AND BICYCLE SPACES

The following number of car spaces are to be provided for each component of the development;

- 21 resident car parking spaces (no apartments are to be allocated more than 1 car parking space)
- 6 resident visitor car parking spaces
- 6 Motorcycle spaces
- 33 Bicycle spaces (30 resident and 3 visitor in lobby area)

All disabled persons car parking spaces and shared bays are to designed, constructed and marked in accordance with Australian Standards AS2890.6:2009 Off-Street Parking for People with Disabilities.

The resident, resident visitor, retail, commercial/office, disabled parking spaces, bicycle and motorcycle parking spaces are to be clearly line marked, numbered and signposted prior to the issue of an Occupation Certificate for use of those relevant areas.

# (Amended by DA-68/2017/A)

# 94. APARTMENT STORAGE

Prior to the issue of an Occupation Certificate for the residential apartments, the PCA must be satisfied that the general storage for each apartment has been provided in accordance with the approved plans and Apartment Design Guide providing the following;

- 6m<sup>3</sup> of storage for the 1 bedroom apartments;
- 8m<sup>3</sup> of storage for the 2 bedroom apartments;
- 10m<sup>3</sup> of storage for 3 bedroom apartments;

# 95. VEHICLE ACCESS

All vehicles including service vehicles entering and exiting the basement garage to shall do so in a forward direction at all times.

# 96. ACCESS RAMP

Prior to the issue of an Occupation Certificate the following must be installed;

- (a) a speed hump shall be installed inside the site adjacent to the Llandaff Street property boundary.
- (b) the access ramp shall be fitted with an electronically controlled system that permits only one vehicle to be on the ramp at any one time with priority being given to vehicles entering the site.

#### 97. LIGHTING

- (a) Lighting is to be provided to the pedestrian entrance of the building, to provide safety for residents of the building.
- (b) Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting.
- (c) All external lighting fixtures should be vandal resistant.
- (d) Lighting should be carefully considered in areas covered by CCTV to allow for optimum viewing.
- (e) Lighting should be free of obstructions, such as tree branches, pipes, etc.
- (f) Transition lighting should also be used throughout the site to reduce vision impairment, i.e. impairment caused by walking from dark to light places and light to dark places.
- (g) All external area lights and car parks to multi-unit dwellings shall be on sensor switches to save energy and reduce light spill to the sky; low voltage solar powered lights to front entry footpaths are acceptable for continuously illuminated lighting.

#### 98. PEST CONTROL

A Pest and Vermin Control Management Plan is to be implemented for the ongoing occupation of the uses within the development. Prior to the implementation of the plan, details are to be provided and be to the satisfaction of Council's Executive Manager Health and Compliance prior to the issue of the relevant occupation certificate.

#### 99. BALCONIES AND AIR CONDITIONING

The private open balconies on the building are not to be enclosed at any future time, nor air conditioning plant be erected on the balconies, to ensure the architectural integrity of the building is retained.

#### E. OPERATIONAL MATTERS

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

#### 101. ONGOING MAINTENANCE – STORMWATER DRAINAGE SYSTEM

Council will need to be provided with an OSD and Stormwater Quality Improvement Devices 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-68/2017/A)

#### **Advice to Applicant**

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

#### Sydney Water Requirements

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

#### **Dial Before You Dig**

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

#### **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.

RECEIVED Waverley Council

Application No: DA-68/2017/A

**BONDI JUNCTION, NSW** WAVERLEY COUNCIL

16A&16B LLANDAFF STREET,

PROJECT

Date Received: 26/08/2022 - AMENDED DRAWING LAYOUTS ARE CLOUDED IN INDEX BELOW:

Layout No:	Layout Name	REV	DATE
DA 0000	COVERPAGE	D	17/08/2022
DA 1000	SURROUNDING CONTEXT PLAN	D	17/08/2022
DA 1001	SITE ANALYSIS PLAN	D	17/08/2022
DA 1002	SITE SURVEY PLAN	D	17/08/2022
DA 1003	CONTEXT PHOTOGRAPHS	D	17/08/2022
DA 1004	NORTH / SOUTH STREETSCAPE	D	17/08/2022
DA 1005	EAST / WEST STREETSCAPE	D	17/08/2022
DA 1006	SITE & ROOF PLAN	D	17/08/2022
DA 1007	LANDSCAPE BUFFER SECTION	D	17/08/2022
DA 2000	BASEMENT 02 FLOOR PLAN	D	17/08/2022
DA 2001	BASEMENT 01 FLOOR PLAN	D	17/08/2022
DA 2002	GROUND FLOOR PLAN	D	17/08/2022
DA 2003	LEVEL 1 FLOOR PLAN	D	17/08/2022
DA 2004	LEVELS 2-4 TYPICAL FLOOR PLAN	D	17/08/2022
DA 2005	LEVELS 5-7 TYPICAL FLOOR PLAN	D	17/08/2022
DA 2006	LEVEL 8 FLOOR PLAN	D	17/08/2022
DA 2007	COMMUNAL ROOF TERRACE PLAN	D	17/08/2022
DA 2008	ROOF PLAN	D	17/08/2022
DA 2400	ELEVATION EAST	D	17/08/2022
DA 2401	ELEVATION WEST	D	17/08/2022
DA 2402	ELEVATION NORTH	D	17/08/2022
DA 2403	ELEVATION SOUTH	D	17/08/2022
DA 2500	SECTION A	D	17/08/2022
DA 2501	SECTION B	D	17/08/2022
DA 2502	RAMP SECTION : CLEARANCES	D	17/08/2022
DA 6000	EXTERNAL FINISHES	D	17/08/2022
DA 9000	GFA COMPLIANCE	D	17/08/2022
DA 9001	SOLAR COMPLIANCE	D	17/08/2022
DA 9002	CROSS VENT. COMPLIANCE	D	17/08/2022
DA 9003	ADAPTABLE LAYOUT	D	17/08/2022
DA 9004	STORAGE COMPLIANCE	D	17/08/2022
DA 9005	COMMUNAL OPEN SPACE	D	17/08/2022
DA 9006	LANDSCAPED AREA	D	17/08/2022
DA 9007	DEEP SOIL	D	17/08/2022
DA 9100	SOLAR ACCESS 21 JUNE	D	17/08/2022
DA 9200	NOTIFICATION PLAN	D	17/08/2022
DA 9201	PHOTOMONTAGE	D	17/08/2022
DA 9202	WASTE MANAGEMENT PLAN	D	17/08/2022
DA 9203	WASTE MANAGEMENT PLAN	D	17/08/2022
DA 9204	EXISTING + PROPOSED BOUNDARY FEN	D	17/08/2022
DA 9205	EXISTING BOUNDARY FENCING	D	17/08/2022
DA 9410	FACADE SECTION	D	17/08/2022
DA 9411	FACADE SECTION	D	17/08/2022
DA 9500	PERSPECTIVE SKETCHES	D	17/08/2022
DA 9501	PERSPECTIVE SKETCHES	D	17/08/2022
DA 9502	PRIVACY BETWEEN BALCONIES - SOUTH	D	17/08/2022
DA 9503	PRIVACY BETWEEN BALCONIES - NORTH	D	17/08/2022
DA 9503	PRIVACY BETWEEN BALCONIES - NORTH	D	17/08/2022

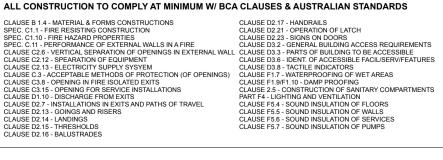
REVISIONS

DEVELOPMENT APPLICATION ADDITIONAL INFORMATION FOR COUNCIL S4.55 SUBMISSION S4.55 RE-SUBMISSION

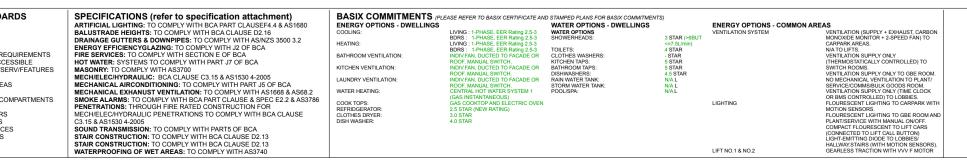
MHNDU A1 Landscape.pmk CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORK. MHNDU IS TO BE NOTIFIED OF ANY DISCREPANCIES IN THE DIMENSION AND SETTING OUT OF THE WORK. COPYRIGHT OF DESIGNS SHOWN HEREON IS RETAINED BY MHNDU. AUTHORITY IS REQUIRED FOR ANY REPRODUCTION

GENERAL NOTES 1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA AUSTRALIAN STANDARDS STATUTORY REGULATIONS AND LOCAL AUTHORITY REQ. 2. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN









#### **S4.55 LIST OF AMENDMENTS**

### **RESPONSE TO DEFERRAL:**

**1A** REDUCTION OF BASEMENT FOOTPRINT TO NE CORNER AND SUBSEQUENT MINOR ADJUSTMENT TO LOCATION OF FIRE STAIRS 03 AND STORAGE CAGES TO ALLOW ADDITIONAL DEEP SOIL.

**1B** GROUND FLOOR TERRACE AND LANDSCAPE DESIGN MODIFICATIONS TO INCREASE LANDSCAPE AREA.

**1C** AMENDMENT TO FIRE STAIRS 01 & 02 TO PROVIDE VISUAL CONNECTION FROM LOBBY TO GROUND FLOOR COMMUNAL SPACES AND ALLOW FOR SERVICES.

**1D** INCREASED FRONT SETBACK OF CARPARK ENTRY POINT FROM FRONT BOUNDARY TO REDUCE PERCEIVED BULK AS VIEWED FROM THE STREET AND PROVIDE VISUAL INTEREST. CAR PARK ENTRY DESIGN INCORPORATES A LIGHTWEIGHT FEEL ROOF STRUCTURE WITH ENHANCED ARTICULATION, LANDSCAPING AND ARCHITECTURAL DETAIL. THIS DESIGN AESTHETIC IS TRANSLATED TO FIRE STAIRS 03. REFER TO LANDSCAPE DRAWINGS FOR FURTHER PLANTING DETAILS.

**1E** WASTE MANAGEMENT PATH AMENDED TO TRAVEL VIA CAR PARK RAMP WITH TUG IN LIEU OF LOBBY.

#### **OTHERS AMENDMENTS (SERVICES):**

2A MINOR RECONFIGURATION OF FLOOR PLANS INCLUDING: - INCLUSION OF CAR PARK AIR INTAKE IN LANDSCAPE: - MINOR RECONFIGURATION TO BASEMENT LAYOUT; AND - RELOCATION OF BOOSTER, GAS METER AND WATER METERS;

**2B** MINOR RECONFIGURATION OF EAR WINDOWS AND ASSOCIATED

APARTMENT LAYOUT TO COMPLY WITH NCC.

**2C** ADDITIONAL ROOF TOP SERVICE/PLANT AREA TO THE NORTHERN SIDE AND TOP OF FIRE STAIRS & LIFT. ADDITIONAL HEIGHT TO SCREENING OF ROOF TOP PLANT

**2D** MINOR AMENDMENT TO LEVEL 8 FFL LEVEL TO ALLOW FOR STRUCTURES AND ACCOMMODATE ADG FLOOR TO CEILING HEIGHT. REFER SECTIONS AND ELEVATIONS.

**2E** ADDITIONAL PARCEL ROOM AND SUBSEQUENT MINOR ADJUSTMENT TO APARTMENT LAYOUT.

### 0007042710 18 Aug 2022

Assessor Fonda Armagos Accreditation No. 10045 Address

16a 16b Llandaff St, Bondi Junction NSW, NSW, 2022



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**PROJECT NO: 16-026** DRAWN BY: MHNDU TO SCALE:NTS@A1+A3 DRAWING NO: REV: D

MHNDU 29 HUTCHINSON STREET SURRY HILLS SYDNEY NSW 2010 T +61 2 9101 1111 F +61 2 9101 1100 www.mhndu.com

6.4

Average

star rating

HOUSE INERGY RATING SCHEM www.nathers.gov.au

> 16A & 16B LLANDAFF ST BONDI JUNCTION NSW

Nominated Architect **DRAWING:** Brian Meyerson COVERPAGE MHN Design Union Pty Ltd. ABN 94 003 717 682 NSW Registration Number 4907

PROJECT:



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Application No: DA-68/2017/A

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Waverley Council

Date Received: 26/08/2022



RE	EVISIONS		GENERAL NOTES	ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BC	A CLAUSES & AUSTRALIAN
B C D MHN CON		07-02-2017 27-10-2017 21-03-2022 17-08-2022 TO COMMENCING WORK. MHNDU IS TO BE NOTIFIED OF ANY DISCREPANCIES IN THE DIMENSION S SHOWN HEREON IS RETAINED BY MHNDU. AUTHORITY IS REQUIRED FOR ANY REPRODUCTION.	1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA AUSTRALIAN STANDARDS STATUTORY REGULATIONS AND LOCAL AUTHORITY REQ.     2. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED     3. CONTRACTOR TO NOTIFY MHN OF ANY DISCREPENCIES, DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING 4. MHN TO REVIEW AUL CONTRACTORS DETAILED DRAWINGS / SETTING OUT PRIOR TO CONSTRUCTION.     5. CONTRACTOR TO LIAISE WITH ELECTRICAL CONTRACTORS TO ENSURE ALL POWER/DATA/COMMUNICATION REQUIREMENTS ARE ACCESSIBLE.     6. ALL DIMENSIONS TO BE VERIFIED ON SITE - DO NOT SCALE     7. ALL WORKS TO BE VERIFIED AGAINST DRAWINGS FOLLOWING CONSTRUCTION ND ARCHTECT TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH NEXT TRADE	CLAUSE B 1.4 - MATERIAL & FORMS CONSTRUCTIONS SPEC. C1.1 - FIRE RESISTING CONSTRUCTION SPEC. C1.10 - FIRE HAZARD PROPERTIES SPEC. C.11 - PERFORMANCE OF EXTERNAL WALLS IN A FIRE CLAUSE C2.6 - VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL CLAUSE C2.12 - SPEARATION OF EQUIPMENT CLAUSE C2.13 - ELECTRICITY SUPPLY SYSYEM CLAUSE C.13 - ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS) CLAUSE C.38 - OPENING IN FIRE ISOLATED EXITS CLAUSE C.38 - OPENING IN FIRE ISOLATED EXITS CLAUSE C.31 - GOINGS AND RISERS CLAUSE D2.13 - GOINGS AND RISERS CLAUSE D2.14 - LANDINGS CLAUSE D2.15 - THRESHOLDS CLAUSE D2.16 - BALUSTRADES	CLAUSE D2.17 - HANDRAILS CLAUSE D2.21 - OPERATION OF LAS CLAUSE D2.23 - SIGNS ON DOORS CLAUSE D3.2 - GENERAL BUILDING CLAUSE D3.8 - IDENT. OF BUILDING CLAUSE D3.8 - IDENT. OF ACCESSI CLAUSE D3.8 - TACTLE INDICATOR CLAUSE F1.7 - WATERPROOFING O CLAUSE F1.9/F1.10 - DAMP PROOFI CLAUSE F3.4 - SOUND INSULATION CLAUSE F5.4 - SOUND INSULATION CLAUSE F5.4 - SOUND INSULATION CLAUSE F5.6 - SOUND INSULATION CLAUSE F5.7 - SOUND INSULATION



MHNDU 29 HUTCHINSON STREET SURRY HILLS SYDNEY NSW 2010 T +61 2 9101 1111 Nominated Architect **DRAWING:** F +61 2 9101 1100 Brian Meyerson SURROUNDING CONTEXT www.mhndu.com

MHN Design Union Pty Ltd. ABN 94 003 717 682 NSW Registration Number 4907 PLAN

| PROJECT: | 16A & 16B LLANDAFF ST BONDI JUNCTION NSW

PROJECT NO: 16-026 DRAWN BY: MHNDU TO SCALE:NTS@A1+A3 DRAWING NO: REV: D



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Assessor Fonda Armagos Accreditation No. 10045 Address

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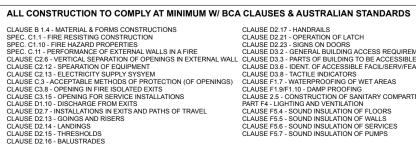
Date Received: 26/08/2022

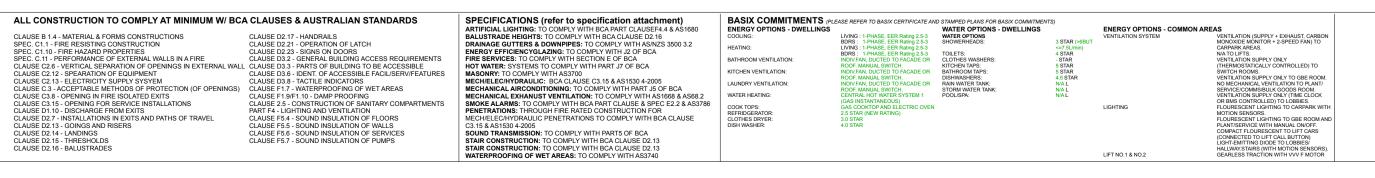
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R	EVISIONS		GENERAL NOTES
A B C D	DEVELOPMENT APPLICATION ADDITIONAL INFORMATION FOR COUNCIL S4.55 SUBMISSION S4.55 RE-SUBMISSION	07-02-2017 27-10-2017 21-03-2022 17-08-2022	1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA AUSTRALIAN STANDARDS STATUTORY REGULATIONS AND LOCAL AUTHORITY REG.     2. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED     3. CONTRACTOR TO NOTIFY MHN OF ANY DISCREPENCIES, DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING     4. MHN TO REVIEW ALL CONTRACTORS DETAILED DRAWINGS / SETTING QUIT PRIOR TO CONSTRUCTION
co		OR TO COMMENCING WORK. MHNDU IS TO BE NOTIFIED OF ANY DISCREPANCIES IN THE DIMENSION SNS SHOWN HEREON IS RETAINED BY MHNDU. AUTHORITY IS REQUIRED FOR ANY REPRODUCTION.	<ul> <li>SETING SOLUTION TO LIAISE WITH ELECTRICAL CONTRACTORS TO ENSURE ALL POWER/DATA/COMMUNICATION REQUIREMENTS ARE ACCESSIBLE.</li> <li>ALL DIMENSIONS TO BE VERIFIED AGAINST DRAWINGS FOLLOWING CONSTRUCTION AND ARCHITECT TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH NEXT TRADE</li> </ul>

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PROJECT: 16A & 16B LLANDAFF ST BONDI JUNCTION NSW

**PROJECT NO:** 16-026 DRAWN BY: MHNDU TO SCALE:NTS@A1+A3 DRAWING NO: REV: D

Nominated Architect **DRAWING:** MHN Design Union Pty Ltd. ABN 94 003 717 682 NSW Registration Number 4907

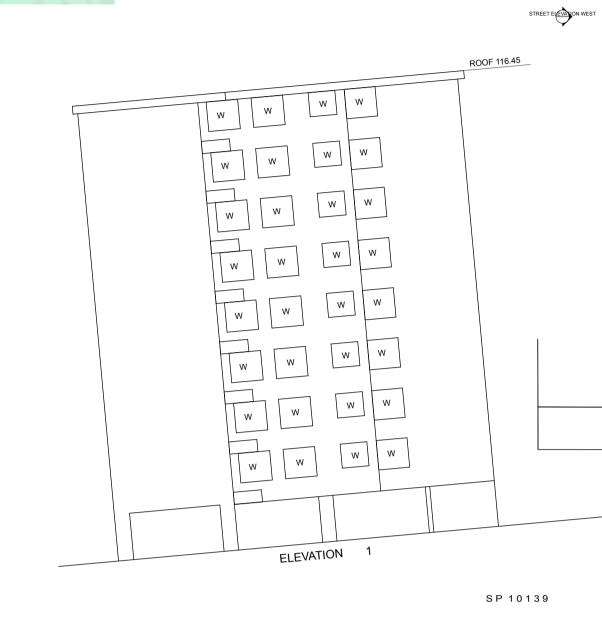
Brian Meyerson SITE ANALYSIS PLAN



Assessor Fonda Armagos Accreditation No. 10045 Address 16a 16b Llandaff St, Bondi

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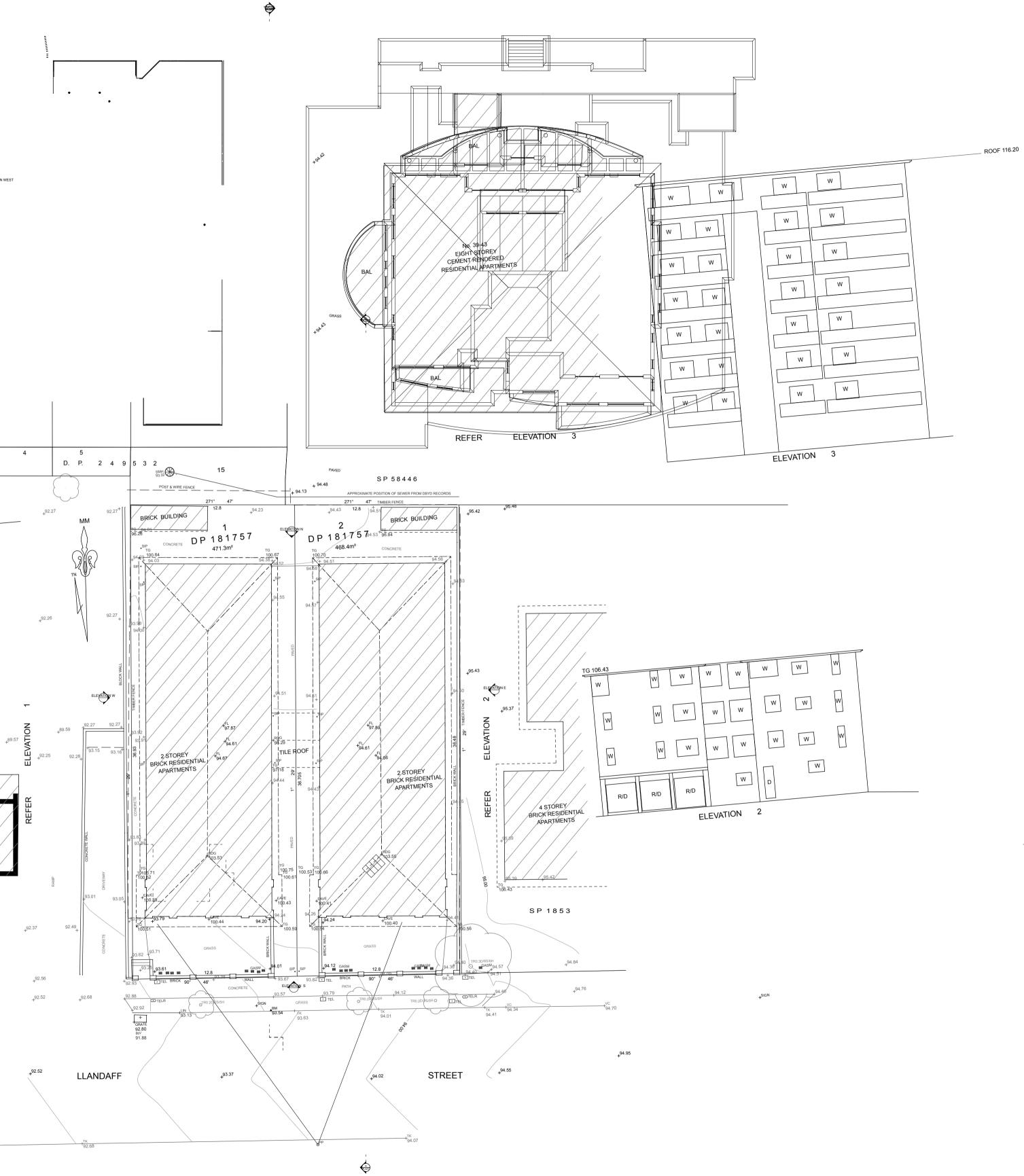
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NO. 10-16 LLANDAFF STREET NINE STOREY BRICK RESIDENTIAL APARTMENTS /bal/ 8 34250 -

+<sup>SIGN</sup>

+TK +02.24





### 0007042710 18 Aug 2022 Assessor Fonda Armagos

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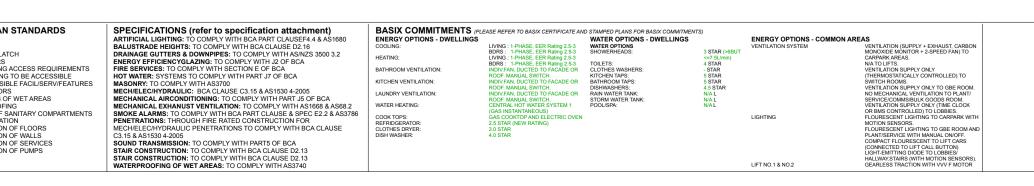




REVISIONS		GENERAL NOTES	ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BC/	A CLAUSES & AUSTRALIAN
A DEVELOPMENT APPLICATION	07-02-2017	1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA AUSTRALIAN STANDARDS STATUTORY REGULATIONS AND LOCAL AUTHORITY REQ.	CLAUSE B 1.4 - MATERIAL & FORMS CONSTRUCTIONS SPEC. C1.1 - FIRE RESISTING CONSTRUCTION SPEC. C1.10 - FIRE HAZARD PROPERTIES	CLAUSE D2.17 - HANDRAILS CLAUSE D2.21 - OPERATION OF LAT CLAUSE D2.23 - SIGNS ON DOORS
B ADDITIONAL INFORMATION FOR COUNCIL	27-10-2017	CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED     CONTRACTOR TO NOTIFY MHN OF ANY DISCREPENCIES,	SPEC. C.11 - PERFORMANCE OF EXTERNAL WALLS IN A FIRE CLAUSE C2.6 - VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL CLAUSE C2.12 - SPEARATION OF EQUIPMENT	CLAUSE D3.2 - GENERAL BUILDING CLAUSE D3.3 - PARTS OF BUILDING CLAUSE D3.6 - IDENT. OF ACCESSIE
C S4.55 SUBMISSION D S4.55 RE-SUBMISSION	21-03-2022 17-08-2022	DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING	CLAUSE C2.13 - ELECTRICITY SUPPLY SYSYEM CLAUSE C.3 - ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)	CLAUSE D3.8 - TACTILE INDICATOR CLAUSE F1.7 - WATERPROOFING O
U 54.30 RE-SUBMISSION	17-06-2022	MHN TO REVIEW ALL CONTRACTORS DETAILED DRAWINGS / SETTING OUT PRIOR TO CONSTRUCTION.     CONTRACTOR TO LIAISE WITH ELECTRICAL CONTRACTORS TO ENSURE ALL POWER/DATA/COMMUNICATION REQUIREMENTS ARE ACCESSIBLE.     ALL DIMENSIONS TO BE VERIFED ON SITE - DO NOT SCALE	CLAUSE C3.8 - OPENING IN FIRE ISOLATED EXITS CLAUSE C3.15 - OPENING FOR SERVICE INSTALLATIONS CLAUSE D1.10 - DISCHARGE FROM EXITS CLAUSE D2.7 - INSTALLATIONS IN EXITS AND PATHS OF TRAVEL CLAUSE D2.13 - GOINGS AND RISERS CLAUSE D2.14 - IANDINGS	CLAUSE F1.9/F1.10 - DAMP PROOFI CLAUSE 2.5 - CONSTRUCTION OF S PART F4 - LIGHTING AND VENTILAT CLAUSE F5.4 - SOUND INSULATION CLAUSE F5.6 - SOUND INSULATION CLAUSE F5.6 - SOUND INSULATION
	O COMMENCING WORK. MHNDU IS TO BE NOTIFIED OF ANY DISCREPANCIES IN THE DIMENSION SHOWN HEREON IS RETAINED BY MHNDU. AUTHORITY IS REQUIRED FOR ANY REPRODUCTION.	7. ALL WORKS TO BE VERIFIED AGAINST DRAWINGS FOLLOWING CONSTRUCTION AND ARCHITECT TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH NEXT TRADE	CLAUSE D2.15 - THRESHOLDS CLAUSE D2.16 - BALUSTRADES	CLAUSE F5.7 - SOUND INSULATION









MHNDU

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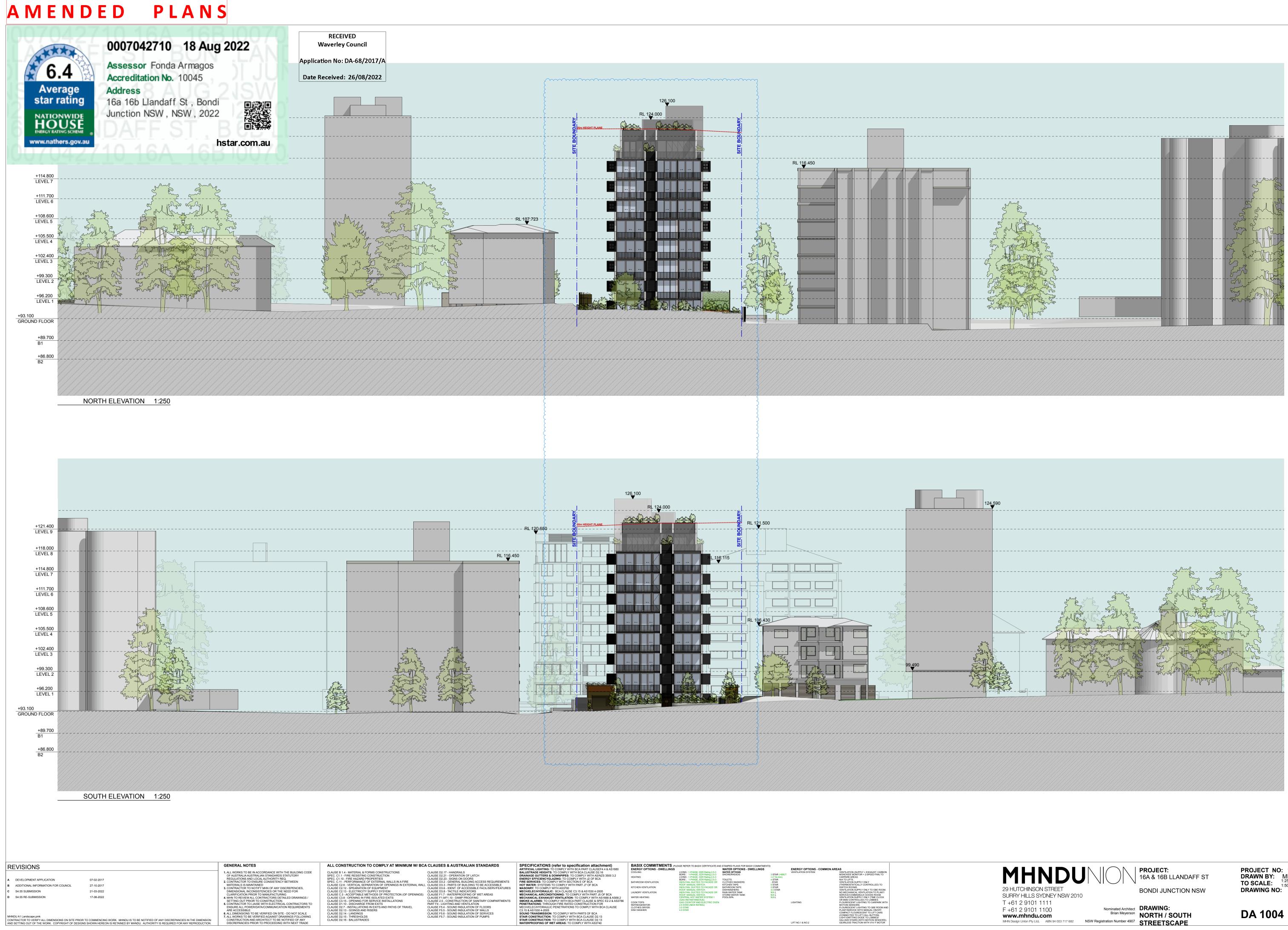
1 Existing building on proposed site Intersection of Botany Street and Llandaff Street View towards Westfield Bondi from Llandaff 4 View towards Llandaff from Hollywood Avenue

> PROJECT: 16A & 16B LLANDAFF ST BONDI JUNCTION NSW

PROJECT NO: 16-026 DRAWN BY: MHNDU TO SCALE:NTS@A1+A3 DRAWING NO: REV: D

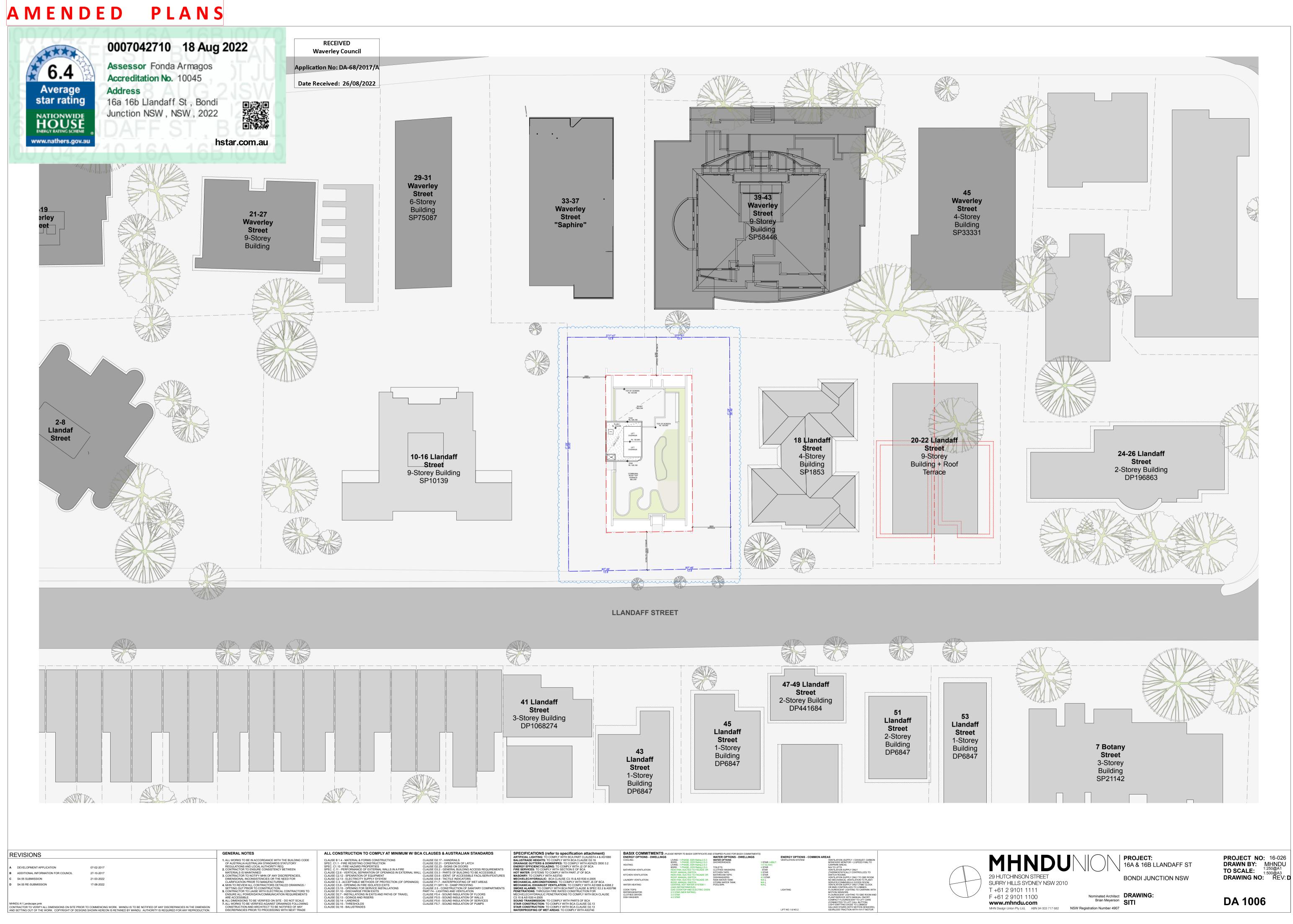
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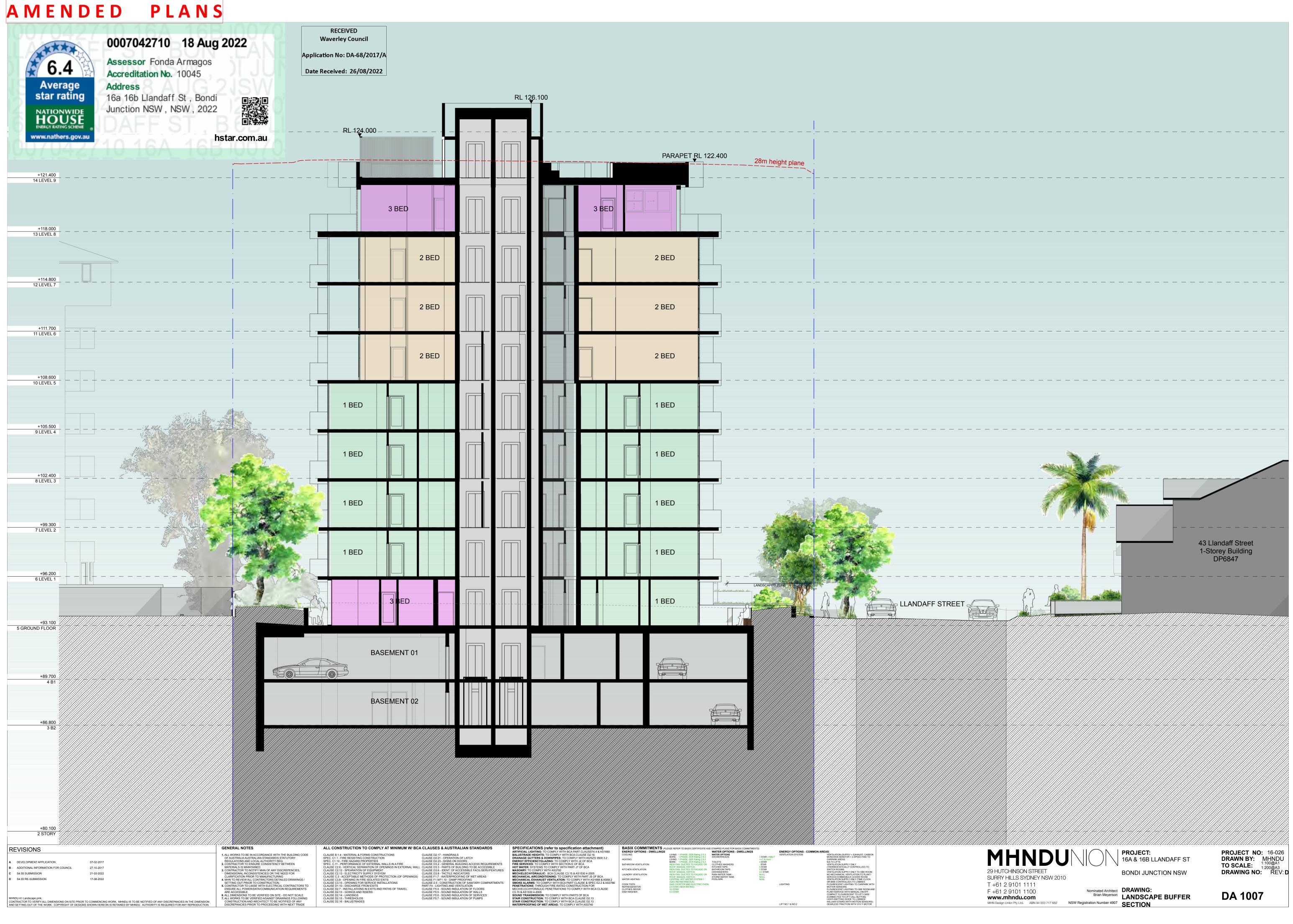
Nominated Architect **DRAWING:** Brian Meyerson CONTEXT PHOTOGRAPHS



**PROJECT NO:** 16-026 DRAWN BY: MHNDU TO SCALE: 1:250@A1 DRAWING NO: REV: D









## 0007042710 18 Aug 2022

Assessor Fonda Armagos Accreditation No. 10045 Address

16a 16b Llandaff St, Bondi Junction NSW, NSW, 2022

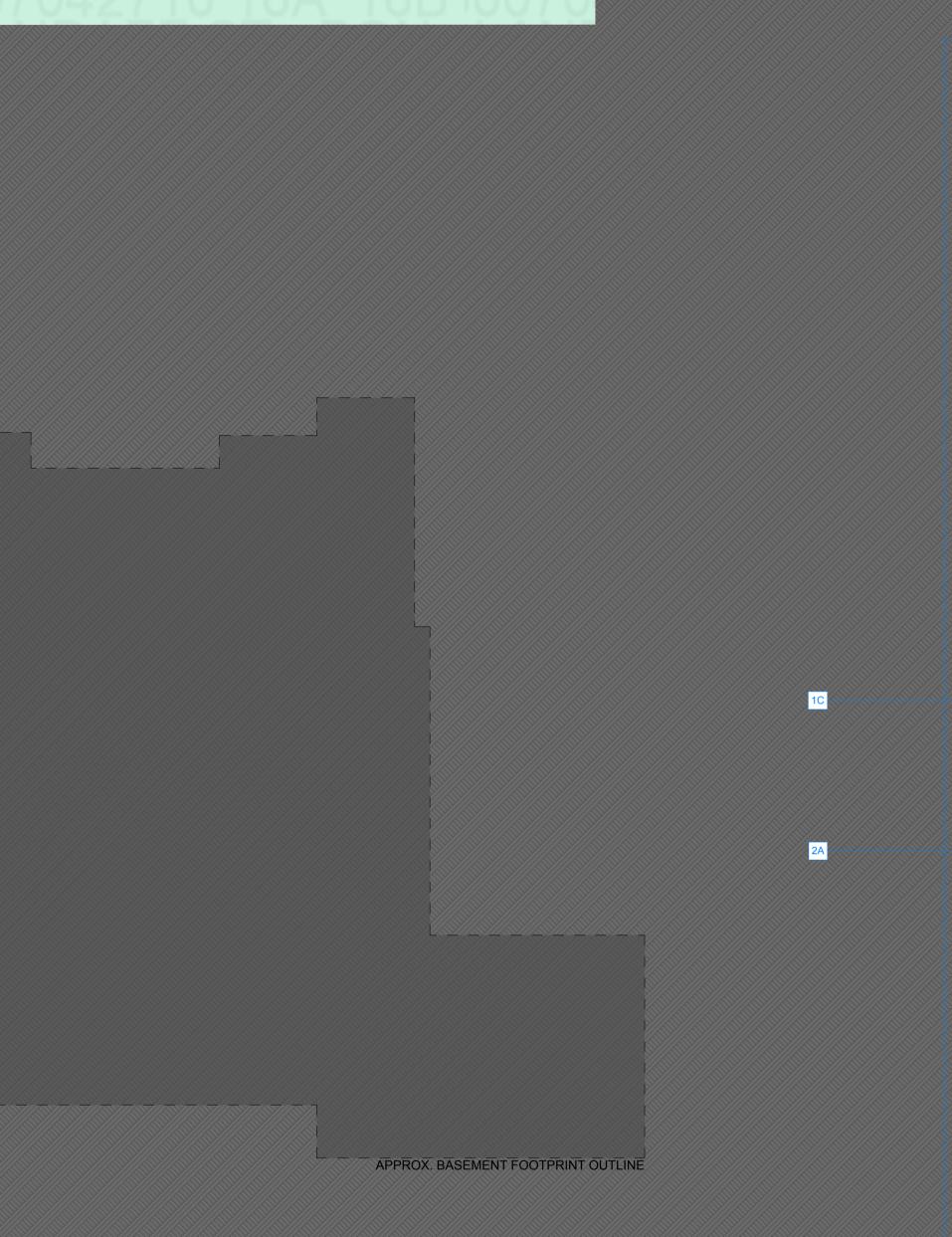


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Application No: DA-68/2017/A

Date Received: 26/08/2022



GENERAL NOTES ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS REVISIONS 

 CLAUSE B 1.4 - MATERIAL & FORMS CONSTRUCTIONS
 CLAUSE D2.17 - HANDRALS

 SPEC. C.11 - FIRE RESISTING CONSTRUCTION
 CLAUSE D2.21 - OPERATION OF LATCH

 SPEC. C.11 - PERFORMANCE OF EXTERNAL WALLS IN A FIRE
 CLAUSE D2.21 - OPERATION OF CLAUSE

 CLAUSE C2.1 - SPEARATION OF COUPENINGS IN EXTERNAL WALL
 CLAUSE D2.23 - SIGNS ON DOORS

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 CLAUSE D2.23 - SIGNS ON DOORS

 CLAUSE C2.1 - SPEARATION OF EQUIPMENT
 CLAUSE D3.3 - PARTS OF BUILDING ACCESS REQUIREMENTS

 CLAUSE C3.3 - ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)
 CLAUSE D3.6 - IDENT. OF ACCESSIBLE FACIUSERW/FEATURES

 CLAUSE C3.8 - OPENING IN FIRE ISOLATED EXTIS
 CLAUSE C3.4 - OPENING IN FIRE ISOLATED EXTIS

 CLAUSE C3.1 - OPENING FOR SERVICE INSTALLATIONS
 CLAUSE F1.9 - TI.1 - DAMP PROFING

 CLAUSE D2.1 - INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
 CLAUSE F5.4 - SOUND INSULATION OF FLOORS

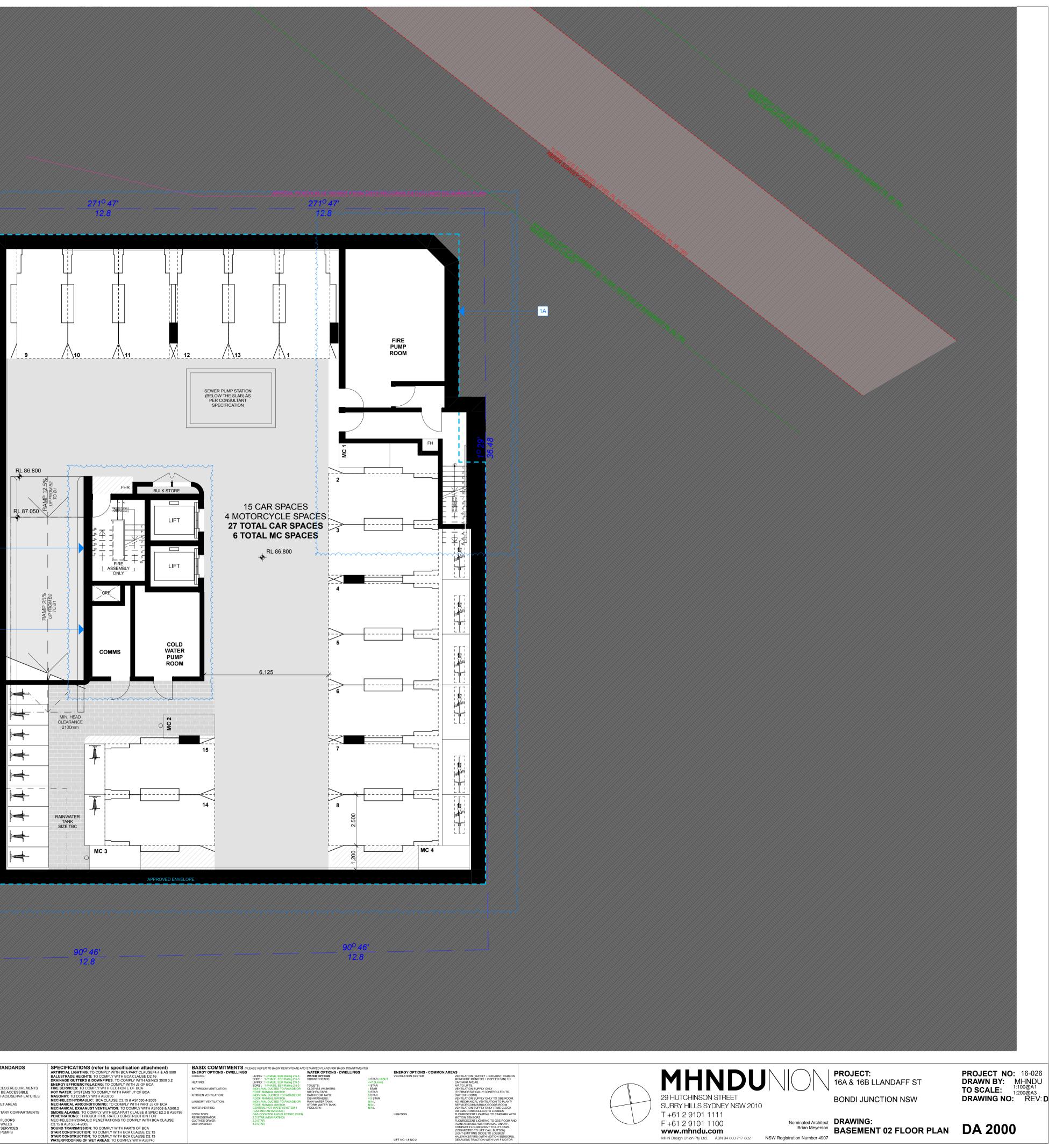
 CLAUSE D2.15 - GOINGS AND RISERS
 CLAUSE F5.5 - SOUND INSULATION OF WALLS

 CLAUSE D2.16 - THRESHOLDS
 CLAUSE F5.7 - SOUND INSULATION OF PUMPS

 CLAUSE D2.16 - BALUSTRADES
 CLAUSE F5.7 - SOUND INSULATION OF PUMPS

 SERVERAEL NOTES
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 ALL WORKS TO BE VERIFIED TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH NEXT TRADE DEVELOPMENT APPLICATION 07-02-2017 B ADDITIONAL INFORMATION FOR COUNCIL 27-10-2017 S4.55 SUBMISSION 21-03-2022 S4.55 RE-SUBMISSION 17-08-2022 MHNDU A1 Landscape.pmk CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORK. MHNDU IS TO BE NOTIFIED OF ANY DISCREPANCIES IN THE DIMENSION AND SETTING OUT OF THE WORK. COPYRIGHT OF DESIGNS SHOWN HEREON IS RETAINED BY MHNDU. AUTHORITY IS REQUIRED FOR ANY REPRODUCTION.

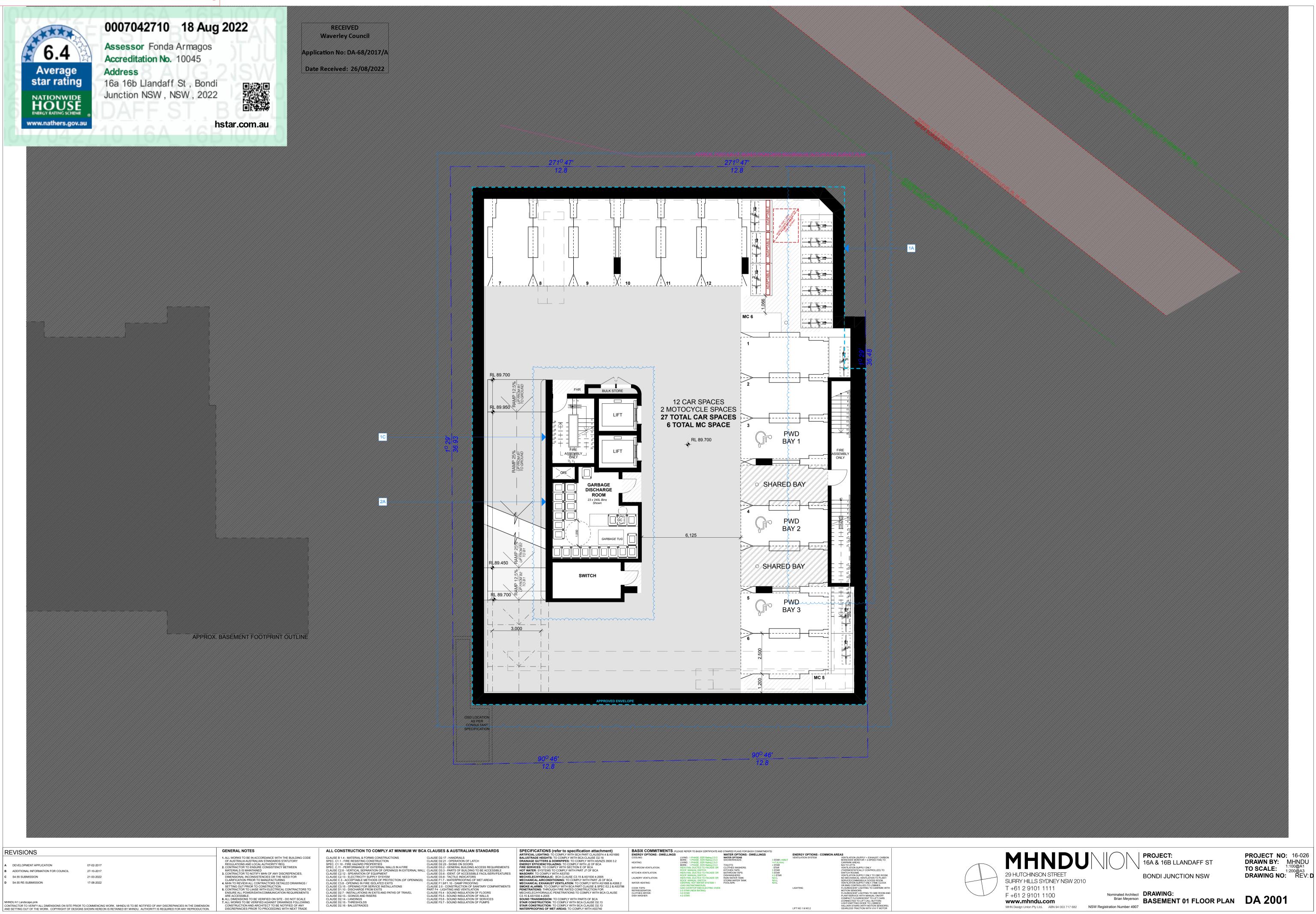




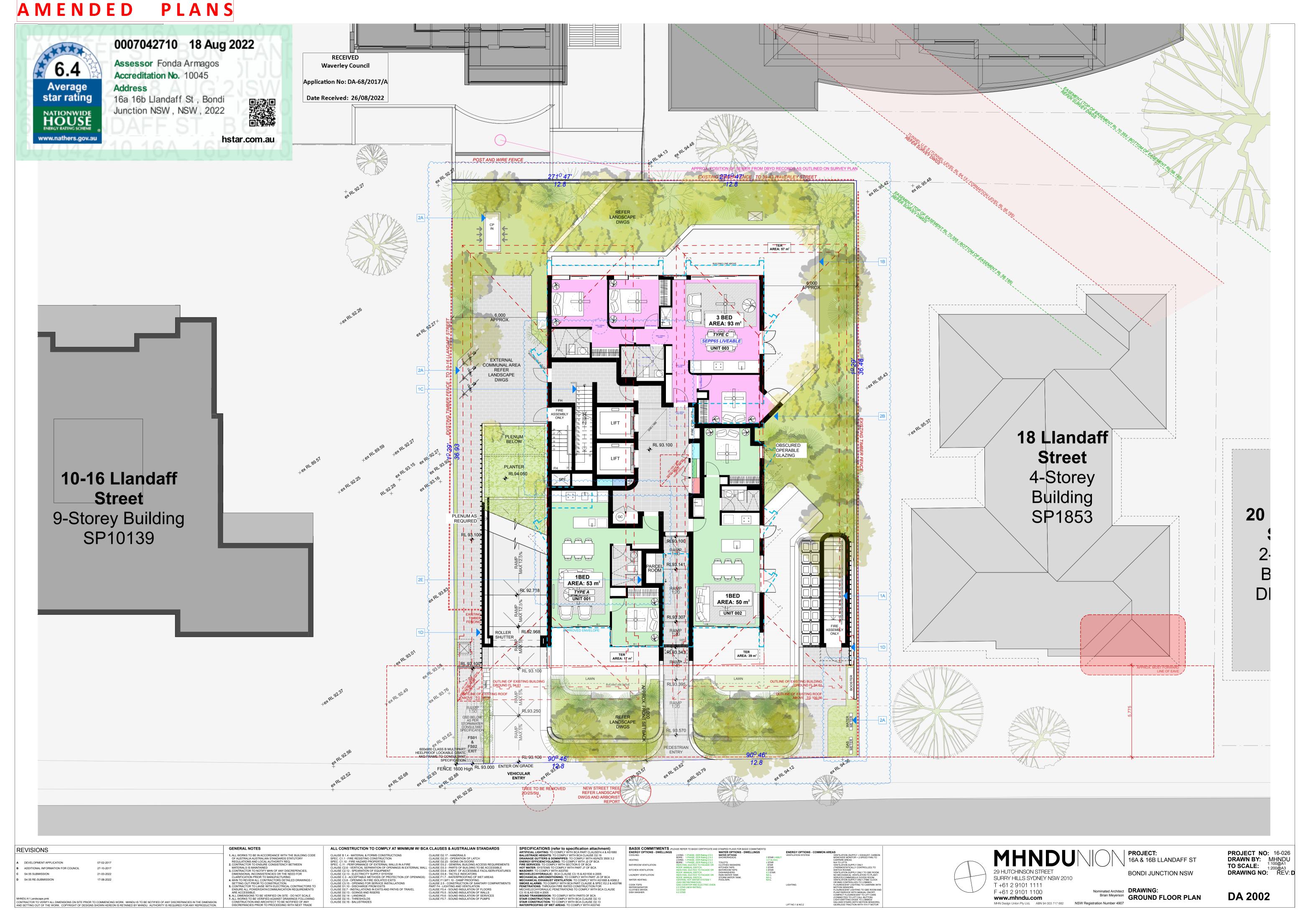


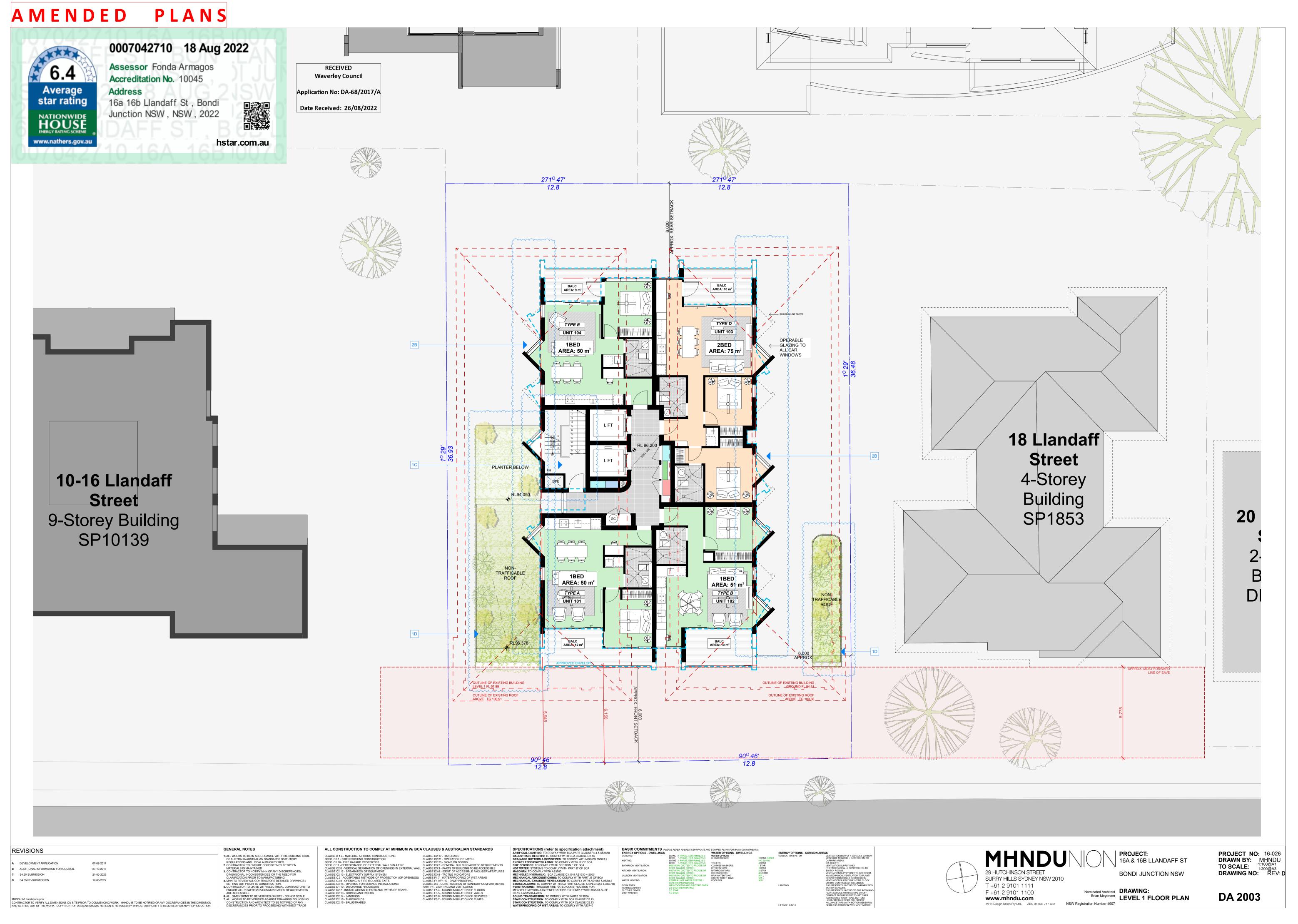


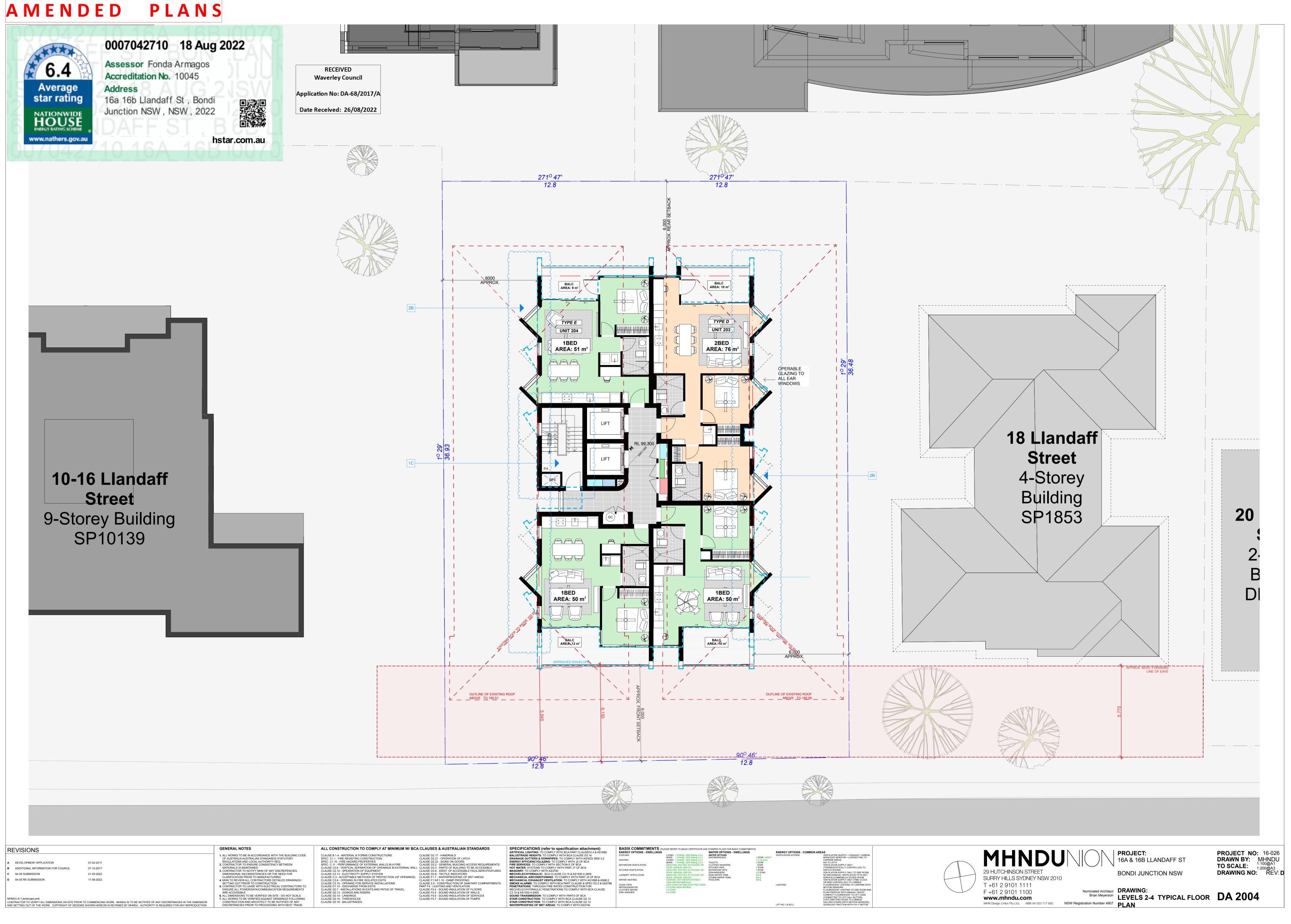
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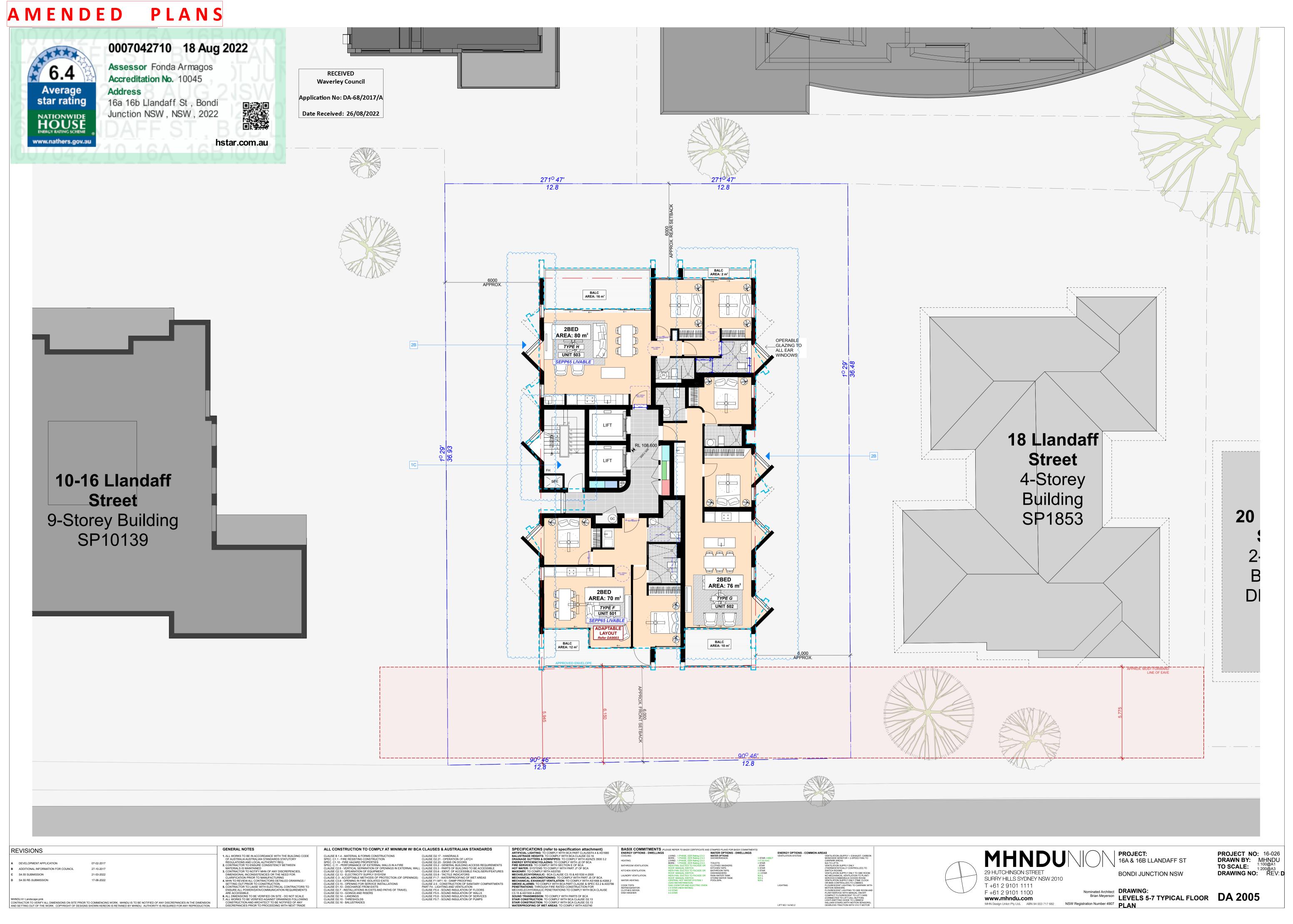


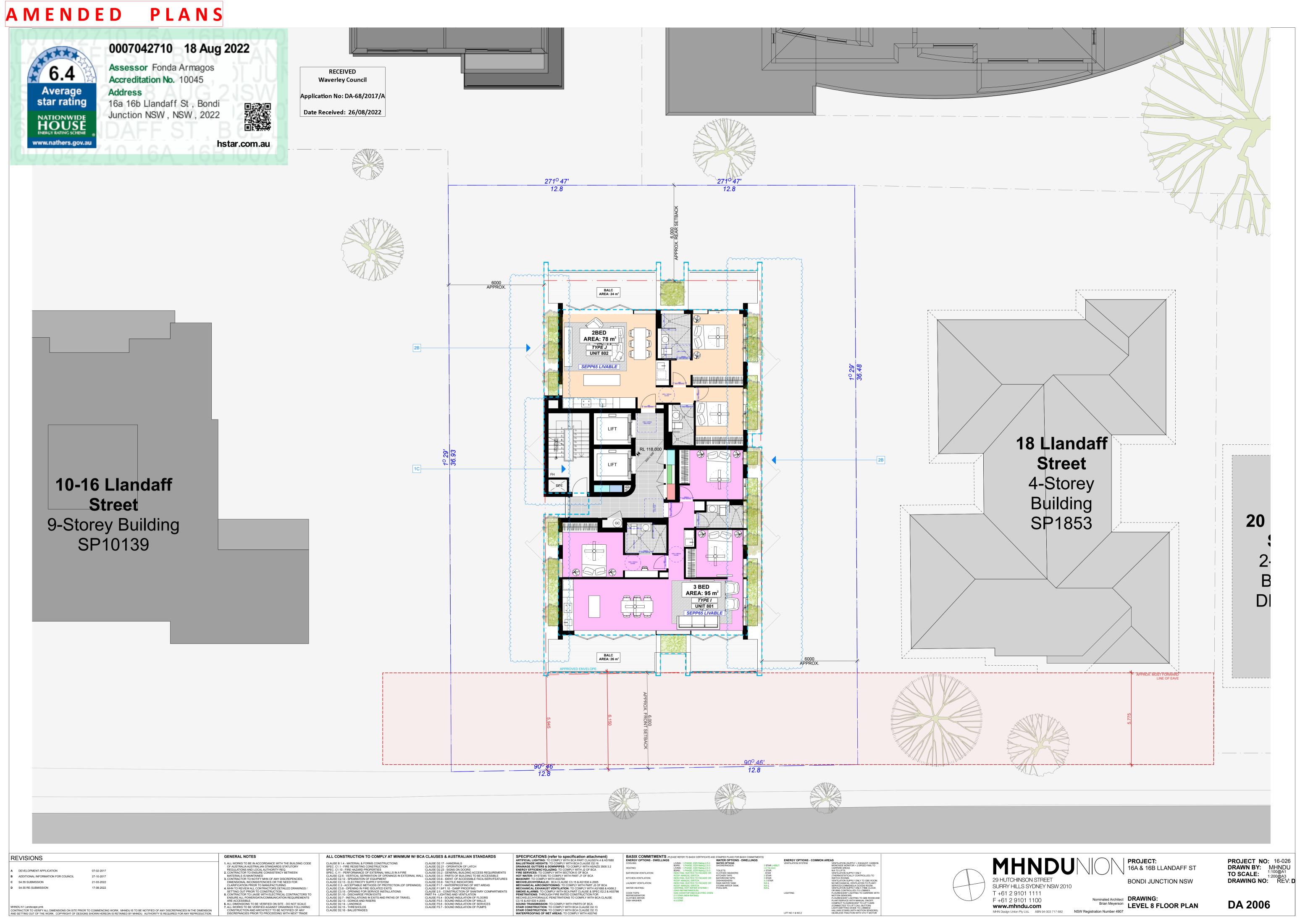
SPECIFICATIONS (refer to specification attachment)	BASIX COMMITMENTS (PL	EASE REFER TO BASIX CERTIFICATE AND	D STAMPED PLANS FOR BASIX COMMITMENTS	S)		
RTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSEF4.4 & AS1680	ENERGY OPTIONS - DWELLINGS		WATER OPTIONS - DWELLINGS		ENERGY OPTIONS - COMMON ARE	AS
ALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2.16	COOLING:	LIVING : 1-PHASE, EER Rating 2.5-3	WATER OPTIONS		VENTILATION SYSTEM	VENTILATION (SUPPLY + EXHAUST, CARBON
RAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500 3.2	HEATING:	BDRS: 1-PHASE, EER Rating 2.5-3 LIVING: 1-PHASE, EER Rating 2.5-3	SHOWERHEADS:	3 STAR (>6BUT <=7.5L/min)		MONOXIDE MÓNITOR + 2-SPEED FAN) TO CARPARK AREAS.
NERGY EFFICIENCYGLAZING: TO COMPLY WITH J2 OF BCA	HEATING.	BDRS : 1-PHASE, EER Rating 2.5-3	TOILETS:	4 STAR		N/A TO LIFTS.
IRE SERVICES: TO COMPLY WITH SECTION E OF BCA	BATHROOM VENTILATION:	INDIV.FAN, DUCTED TO FACADE OR	CLOTHES WASHERS:	- STAR		VENTILATION SUPPLY ONLY
IOT WATER: SYSTEMS TO COMPLY WITH PART J7 OF BCA		ROOF. MANUAL SWITCH.	KITCHEN TAPS:	5 STAR		(THERMOSTATICALLY CONTROLLED) TO
MASONRY: TO COMPLY WITH AS3700	KITCHEN VENTILATION:	INDIV.FAN, DUCTED TO FACADE OR ROOF, MANUAL SWITCH.	BATHROOM TAPS: DISHWASHERS:	5 STAR 4.5 STAR		SWITCH ROOMS. VENTILATION SUPPLY ONLY TO GBE ROOM.
IECH/ELEC/HYDRAULIC: BCA CLAUSE C3.15 & AS1530 4-2005	LAUNDRY VENTILATION:	INDIV FAN DUCTED TO FACADE OR	RAIN WATER TANK:	N/A L		NO MECHANICAL VENTILATION TO PLANT/
IECHANICAL AIRCONDITIONING: TO COMPLY WITH PART J5 OF BCA		ROOF. MANUAL SWITCH.	STORM WATER TANK:	N/A L		SERVICE/COMMS/BULK GOODS ROOM.
IECHANICAL EXHANUST VENTILATION: TO COMPLY WITH AS1668 & AS68.2	WATER HEATING:	CENTRAL HOT WATER SYSTEM 1	POOL/SPA:	N/A L		VENTILATION SUPPLY ONLY (TIME CLOCK
MOKE ALARMS: TO COMPLY WITH BCA PART CLAUSE & SPEC E2.2 & AS3786	COOK TOPS:	(GAS INSTANTANEOUS) GAS COOKTOP AND ELECTRIC OVEN			LIGHTING	OR BMS CONTROLLED) TO LOBBIES. FLOURESCENT LIGHTING TO CARPARK WITH
PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR	REFRIDGERATOR:	2.5 STAR (NEW RATING)			LIGHTING	MOTION SENSORS.
IECH/ELEC/HYDRAULIC PENETRATIONS TO COMPLY WITH BCA CLAUSE	CLOTHES DRYER:	3.0 STAR				FLOURESCENT LIGHTING TO GBE ROOM AND
C3.15 & AS1530 4-2005	DISH WASHER:	4.0 STAR				PLANT/SERVICE WITH MANUAL ON/OFF.
SOUND TRANSMISSION: TO COMPLY WITH PART5 OF BCA						COMPACT FLOURESCENT TO LIFT CARS (CONNECTED TO LIFT CALL BUTTON)
STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13						LIGHT-EMITTING DIODE TO LOBBIES/
TAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13						HALLWAY.STAIRS (WITH MOTION SENSORS).
VATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740					LIFT NO.1 & NO.2	GEARLESS TRACTION WITH VVV F MOTOR



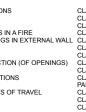


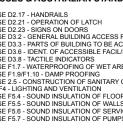






APPLICATION	
FORMATION FOR COUNCIL	
ION	







### AMENDED **PLANS** RECEIVED 0007042710 18 Aug 2022 Waverley Council Assessor Fonda Armagos Application No: DA-68/2017/A 6.4 Accreditation No. 10045 Date Received: 26/08/2022 Average star rating Address 16a 16b Llandaff St, Bondi Junction NSW, NSW, 2022 NATIONWIDE HOUSE ENERGY RATING SCHEME www.nathers.gov.au hstar.com.au

**10-16 Llandaff** Street 9-Storey Building SP10139

GENERAL NOTES
1. ALL WORKS TO BE IN ACCORDANCE WITH THE OF AUSTRALIA AUSTRALIAN STANDARDS STAT
REGULATIONS AND LOCAL AUTHORITY REQ. 2. CONTRACTOR TO ENSURE CONSISTENCY BE

E BUILDING CODE TUTORY BETWEEN CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED
 S. CONTRACTOR TO NOTIFY MIH OF ANY DISCREPENCIES, DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING
 MIHN TO REVIEW ALL CONTRACTORS DETAILED DRAWINGS / SETTING OUT PRIOR TO CONSTRUCTION. CONTRACTOR TO LIAISE WITH ELECTRICAL CONTRACTORS TO ENSURE ALL POWER/DATA/COMMUNICATION REQUIREMENTS ARE ACCESSIBLE. ALL DIMENSIONS TO BE VERIFIED ON SITE - DO NOT SCALE ALL DIMENSIONS TO BE VERIFIED ON SITE - DO NOT SCALE ALL DIMENSIONS TO BE VERIFIED ON SITE - DO NOT SCALE ALL DIMENSIONS TO BE VERIFIED ON SITE - DO NOT SCALE ALL DIMENSIONS TO BE VERIFIED OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH NEXT TRADE

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS 

 CLAUSE B 1.4 - MATERIAL & FORMS CONSTRUCTIONS
 CLAUSE D2.17 - HANDRAILS

 SPEC. C1.1 - FIRE FASZRD PROPERTIES
 CLAUSE D2.21 - OPERATION OF LATCH

 SPEC. C1.1 - FIRE FASZRD PROPERTIES
 CLAUSE D2.23 - SIGNS ON DOORS

 CLAUSE D2.21 - OPERATION OF LATCH
 CLAUSE D2.23 - SIGNS ON DOORS

 CLAUSE C2.6 - VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL
 CLAUSE D3.2 - GENERAL BUILDING ACCESS REQUIREMENTS

 CLAUSE C2.13 - ELECTICAT SEPARATION OF OPENINGS IN EXTERNAL WALL
 CLAUSE D3.3 - ARTS OF BUILDING TO BE ACCESSIBLE

 CLAUSE C2.3 - OPENING FOR SERVICE INSTRUCTION OF OPENINGS IN EXTERNAL WALL
 CLAUSE D3.3 - ACTLE INDICATORS

 CLAUSE C2.13 - ELECTICITY SUPPLY SYSYEM
 CLAUSE D3.8 - TACTLE INDICATORS

 CLAUSE C3.8 - OPENING IN FIRE ISOLATED EXTS
 CLAUSE C3.6 - OPENING FOR SERVICE INSTALLATIONS

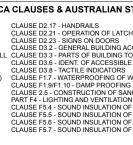
 CLAUSE C3.10 - DISCHARGE FROM EXITS
 CLAUSE D2.7 - INSTALLATIONS IN EXITS AND PATHS OF TRAVEL

 CLAUSE D2.7 - INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
 CLAUSE F5.4 - SOUND INSULATION OF FLOORS

 CLAUSE D2.14 - LANDINGS
 CLAUSE F5.6 - SOUND INSULATION OF PUMPS

 CLAUSE D2.15 - THRESHOLDS
 CLAUSE F5.7 - SOUND INSULATION OF PUMPS

 CLAUSE D2.16 - BALUSTRADES
 CLAUSE F5.7 - SOUND INSULATION OF PUMPS



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1<sup>0</sup> 29 36.93

ADDITIONAL INFORMATION FOR COUNCIL S4.55 SUBMISSION S4.55 RE-SUBMISSION

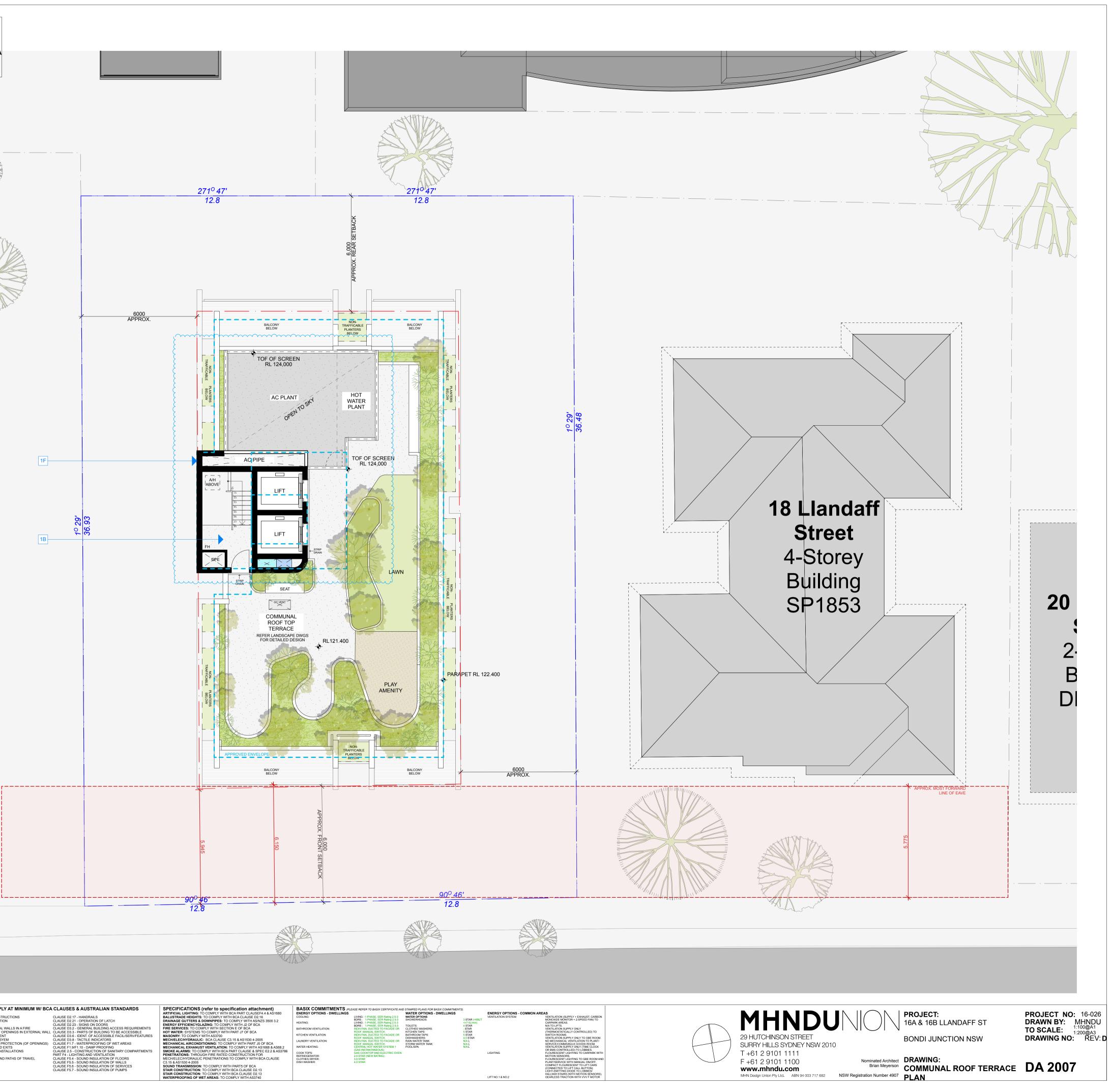
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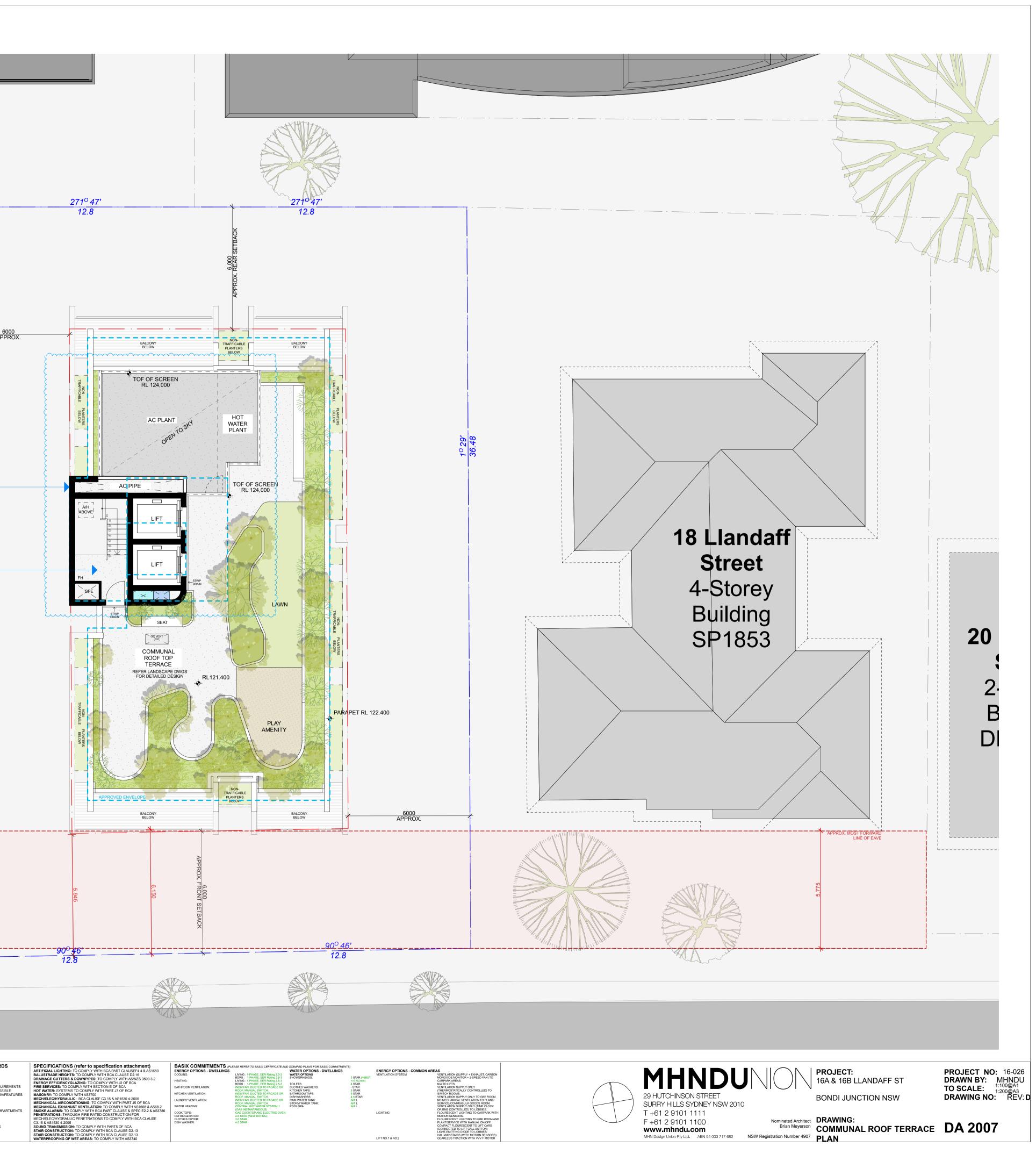
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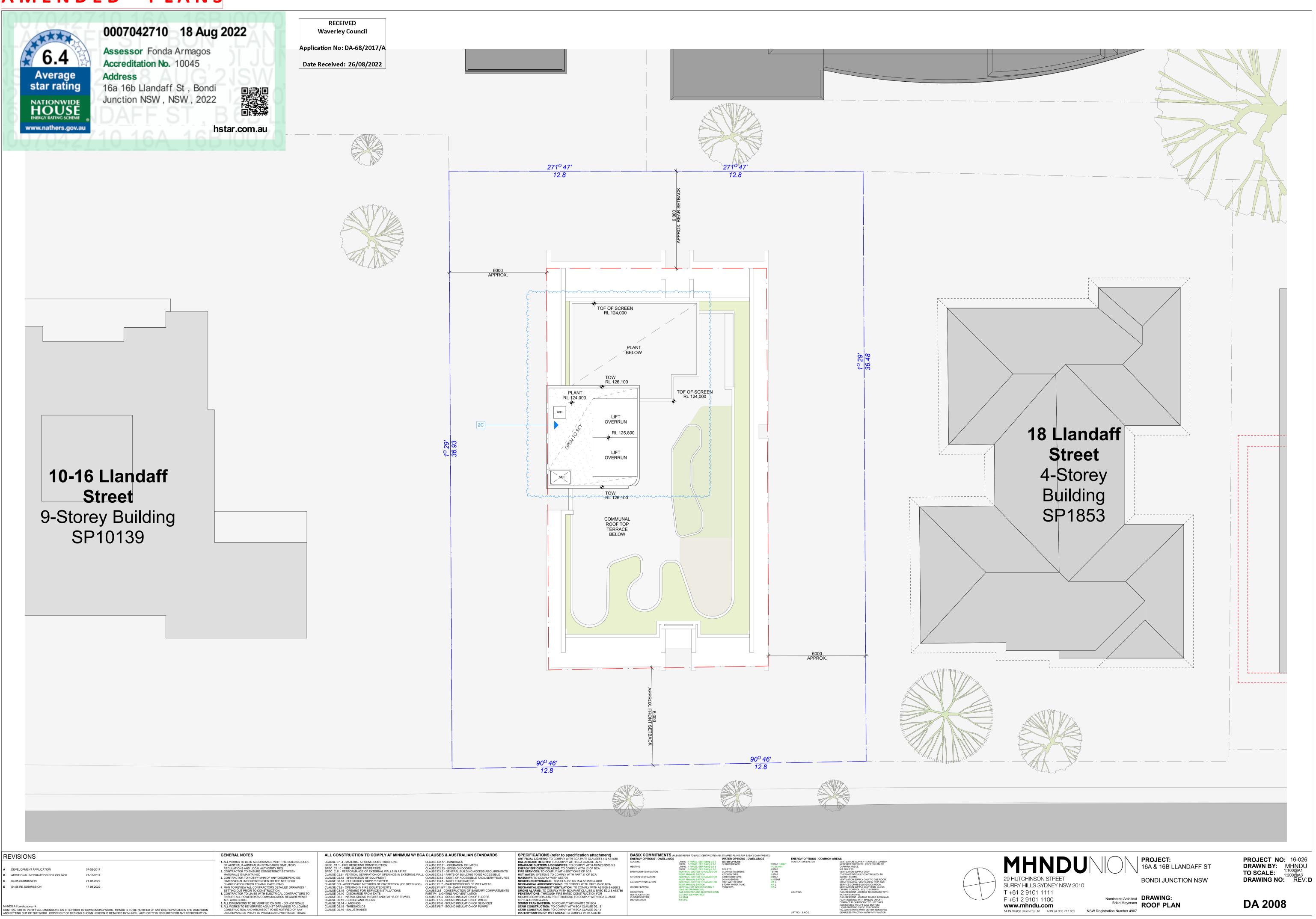
07-02-2017 27-10-2017 21-03-2022

MHNDU A1 Landscape.pmk CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORK. MHNDU IS TO BE NOTIFIED OF ANY DISCREPANCIES IN THE DIMENSION AND SETTING OUT OF THE WORK. COPYRIGHT OF DESIGNS SHOWN HEREON IS RETAINED BY MHNDU. AUTHORITY IS REQUIRED FOR ANY REPRODUCTION.

17-08-2022















## 0007042710 18 Aug 2022

Assessor Fonda Armagos Accreditation No. 10045 Address

16a 16b Llandaff St, Bondi Junction NSW, NSW, 2022

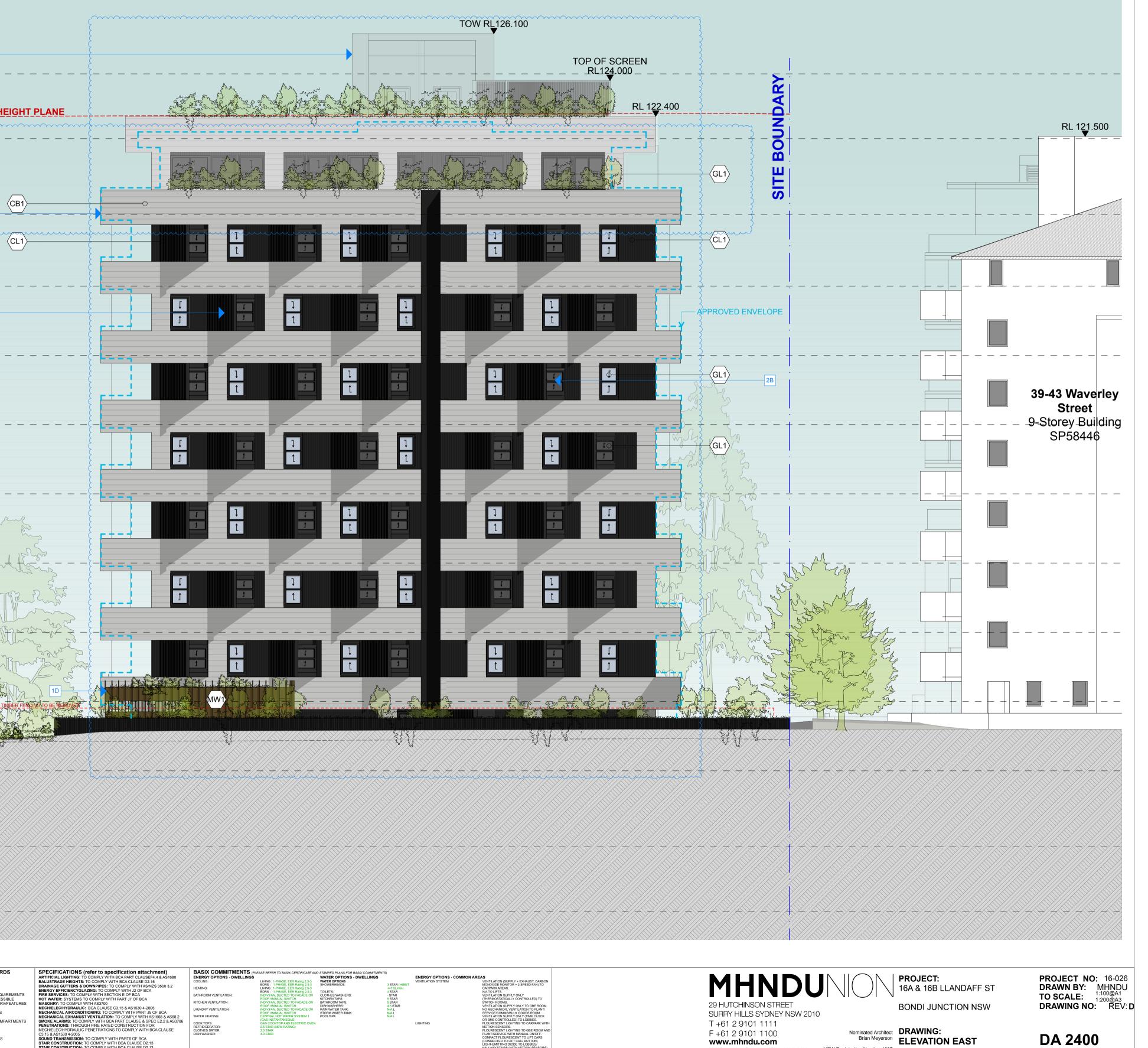
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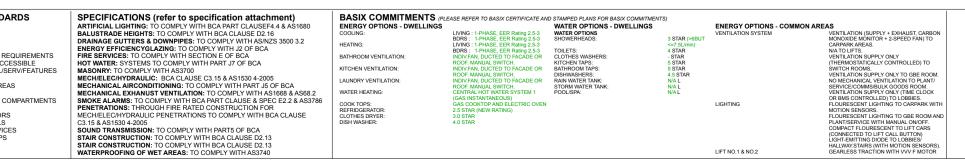
Application No: DA-68/2017/A

Date Received: 26/08/2022

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J	+118.000 13 LEVEL 8			_2D= 
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	+96.200 6 LEVEL 1	Llandaff Street		
	+93.100 GROUND FLOOR			
	+89.700 4 B1			
	+86.800 3 B2			
	REVISIONS	GENERAL NOTES ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BC	A CLAUSES & AUSTRALIAN	I STANDAI
	A DEVELOPMENT APPLICATION     B ADDITIONAL INFORMATION FO     S4.55 SUBMISSION     S4.55 RE-SUBMISSION     WHNDU A1 Landscape.pmk CONTRACTOR TO VERIFY ALL DIMENSION	2. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN SPEC. C.I PERFORMANCE OF EXTERNAL WALLS IN A FIRE	CLAUSE D3.6 - IDENT. OF ACCESSII CLAUSE D3.8 - TACTILE INDICATOR	ACCESS REC TO BE ACCE BLE FACIL/SEI S F WET AREAS ING SANITARY COI TON I OF FLOORS I OF FLOORS I OF WALLS I OF SERVICE





MHN Design Union Pty Ltd. ABN 94 003 717 682 NSW Registration Number 4907



### 0007042710 18 Aug 2022 Assessor Fonda Armagos

Accreditation No. 10045 Address

16a 16b Llandaff St , Bondi Junction NSW, NSW, 2022 Waverley Council

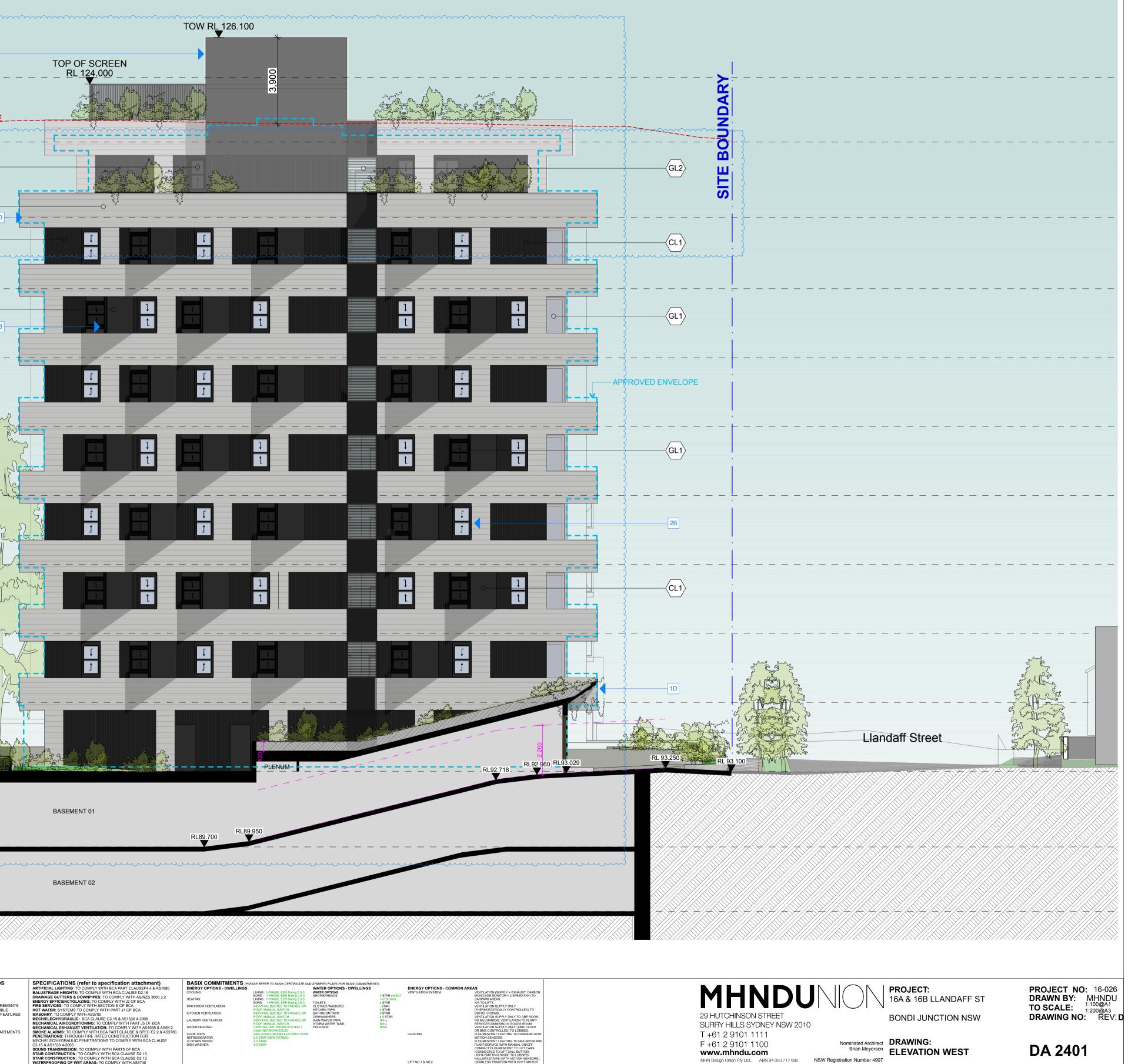
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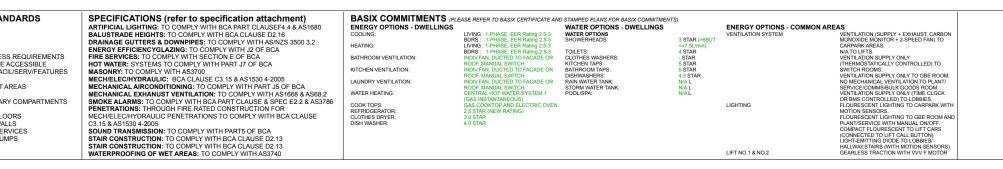
Application No: DA-68/2017/A

RECEIVED

Date Received: 26/08/2022

+124.300 		
+121.400 14 LEVEL 9	RL 120.650	
+118.000 13 LEVEL 8		
+114.800 12 LEVEL 7		
+111.700 11 LEVEL 6		
+108.600 10 LEVEL 5		
+105.500 9 LEVEL 4		
+102.400 8 LEVEL 3		
+99.300 7 LEVEL 2		
+96.200		
6 LEVEL 1		
+93.100 3 GROUND FLOOR		
+89.700 4 B1		
+86.800		
3 B2		
A         DEVELOPMENT APPLICATION         07-02-2017           B         ADDITIONAL INFORMATION FOR COUNCIL         27-10-2017           C         S4.55 SUBMISSION         21-03-2022           D         S4.55 RE-SUBMISSION         17-08-2022	GENERAL NOTES  1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA AUSTRALIAN STANDARDS STATUTORY REGULATIONS AND LOCAL AUTHORITY REO. 2. CONTRACTOR TO ENSUBLE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED 3. CONTRACTOR TO NOTIFY MHN OF ANY DISCREPENCIES, DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING 4. MHN TO REVIEW ALL CONTRACTORS DETAILED DRAWINGS / SETTING OUT PRIOR TO CONSTRUCTION. 5. CONTRACTOR TO INDUCED WITH ELECTRICAL CONTRACTORS TO ENSURE AL NOVERPORTACIONMUNICATIONED	ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDA           CLAUSE B 1.4 - MATERIAL & FORMS CONSTRUCTIONS         CLAUSE D2.17 - HANDRAILS           SPEC. C1.1 - FIRE RESISTING CONSTRUCTION         CLAUSE D2.21 - OPERATION OF LATCH           SPEC. C.1.1 - FIRE HAZARD PROPERTIES         CLAUSE D2.21 - OPERATION OF LATCH           CLAUSE C2.6 - VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALLS IN A FIRE         CLAUSE D2.2 - GENERAL BUILDING ACCESS RE           CLAUSE C2.12 - SPEARATION OF EQUIPMENT         CLAUSE D3.2 - GENERAL BUILDING ACCESS RE           CLAUSE C3 - ACEDTABLE METHODS OF PROTECTION (OF OPENINGS)         CLAUSE D3.8 - IDENT. OF ACCESSIBLE FACIL/SI           CLAUSE C3 - OPENING FOR SERVICE INSTALLATIONS         CLAUSE C1.1 - FIRE HOLSOF REVICE INSTALLATIONS         CLAUSE C1.1 - FIRE HOLSOF ROM EXITS           CLAUSE D1.1 - DISCHARGE FROM EXITS         CLAUSE D2.1 - ODENING FOR MEXITS         CLAUSE D2.1 - ODORS
MHNDU A1 Landscape.pmk CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORK. MHNDU IS TO E AND SETTING OUT OF THE WORK. COPYRIGHT OF DESIGNS SHOWN HEREON IS RETAINED BY MHND	ENSURE ALL POWER/DATA/COMMUNICATION REQUIREMENTS ARE ACCESSIBLE. 6. ALL DIMENSIONS TO BE VERIFIED ON SITE - DO NOT SCALE 7. ALL WORKS TO BE VERIFIED AGAINST DRAWINGS FOLLOWING CONSTRUCTION AND ARCHITECT TO BE NOTIFIED OF ANY J. AUTHORITY IS REQUIRED FOR ANY REPRODUCTION.	CLAUSE D2.13 - GIOINGS AND RISITS AND PATHS OF TRAVEL CLAUSE D2.13 - GOINGS AND RISERS CLAUSE D2.14 - LANDINGS CLAUSE D2.14 - LANDINGS CLAUSE D2.15 - THRESHOLDS CLAUSE D2.16 - BALUSTRADES CLAUSE D2.16 - BALUSTRADES







### 0007042710 18 Aug 2022

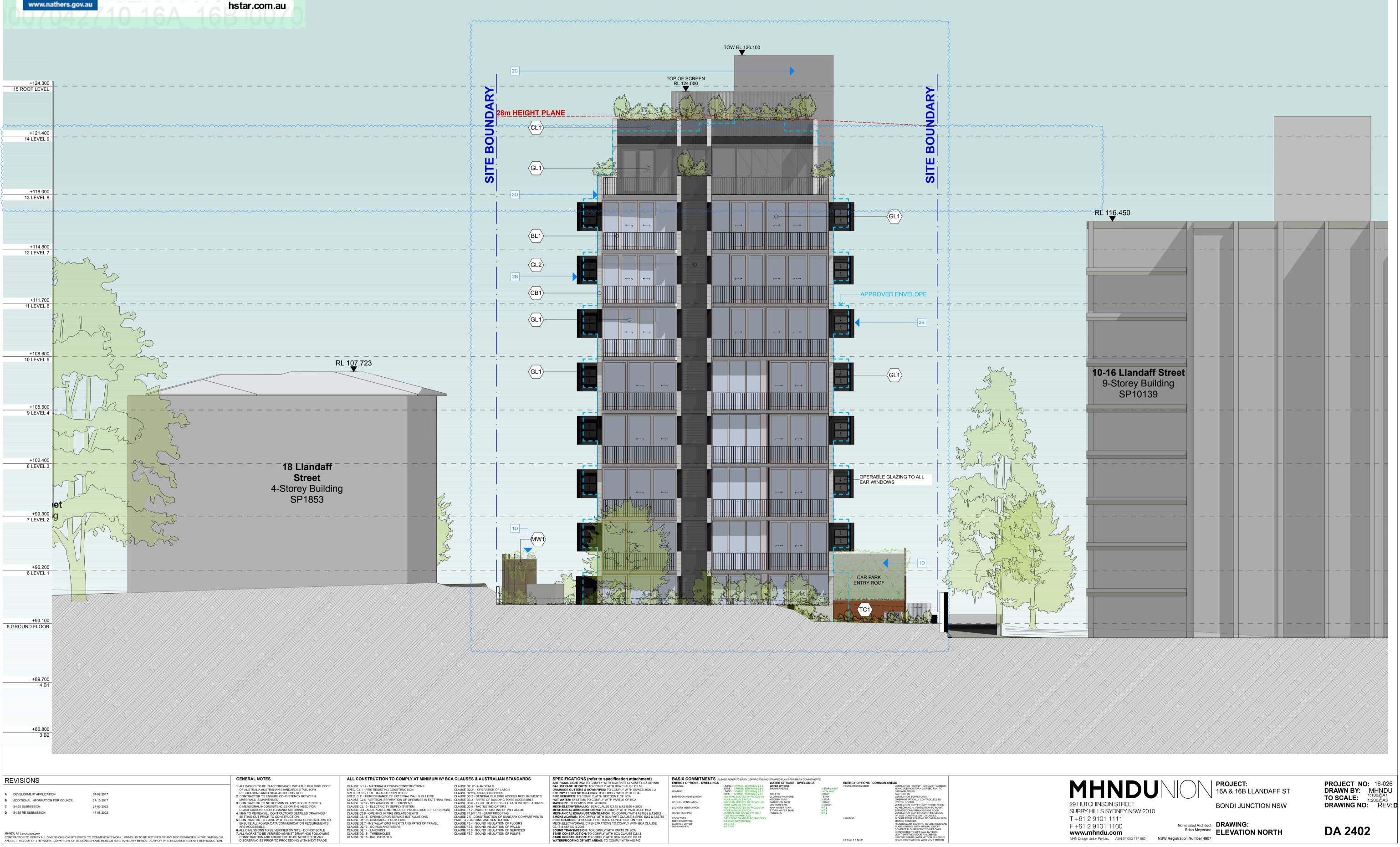
Assessor Fonda Armagos Accreditation No. 10045 Address

16a 16b Llandaff St, Bondi Junction NSW, NSW, 2022

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Application No: DA-68/2017/A

Date Received: 26/08/2022





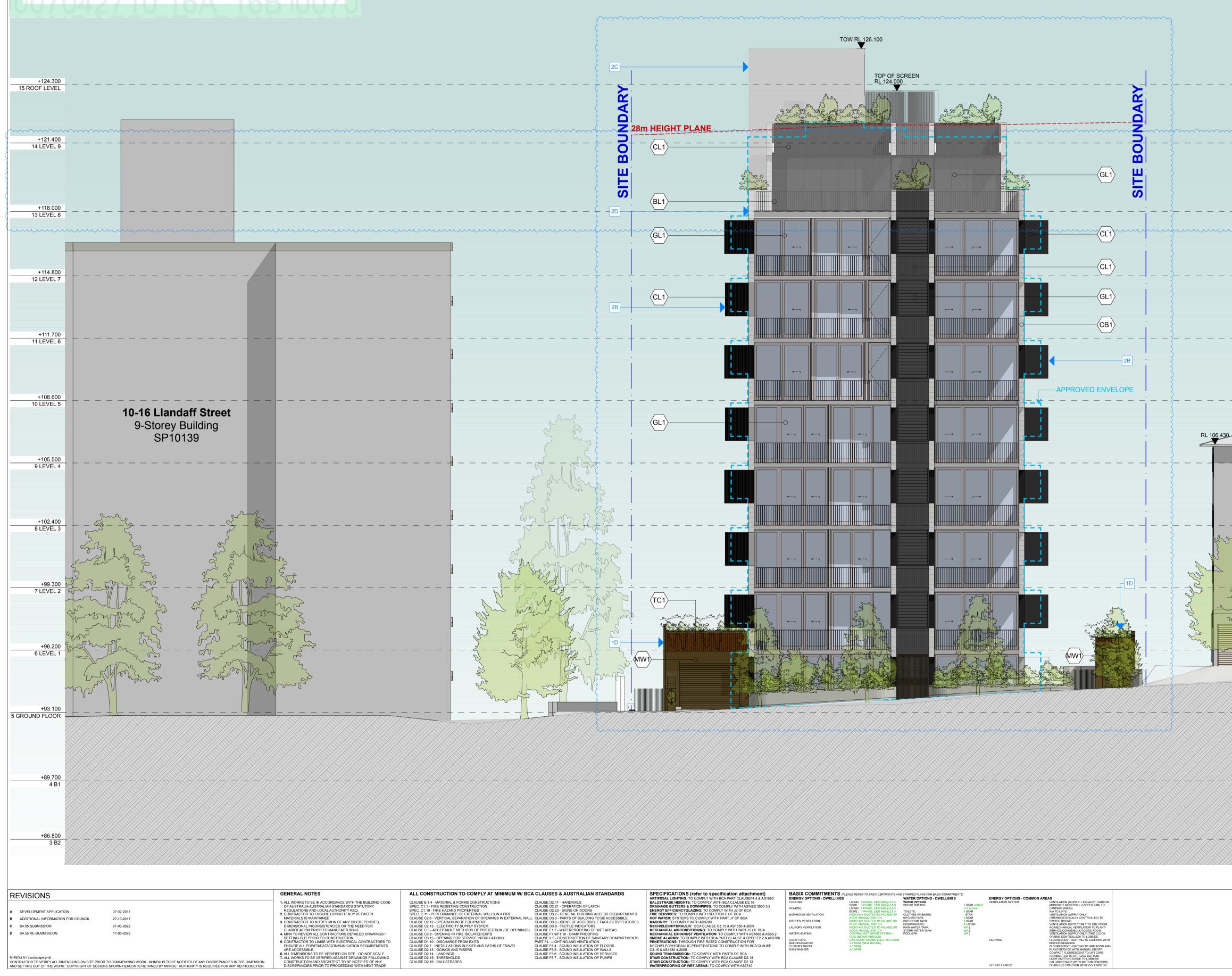
0007042710 18 Aug 2022 Assessor Fonda Armagos Accreditation No. 10045

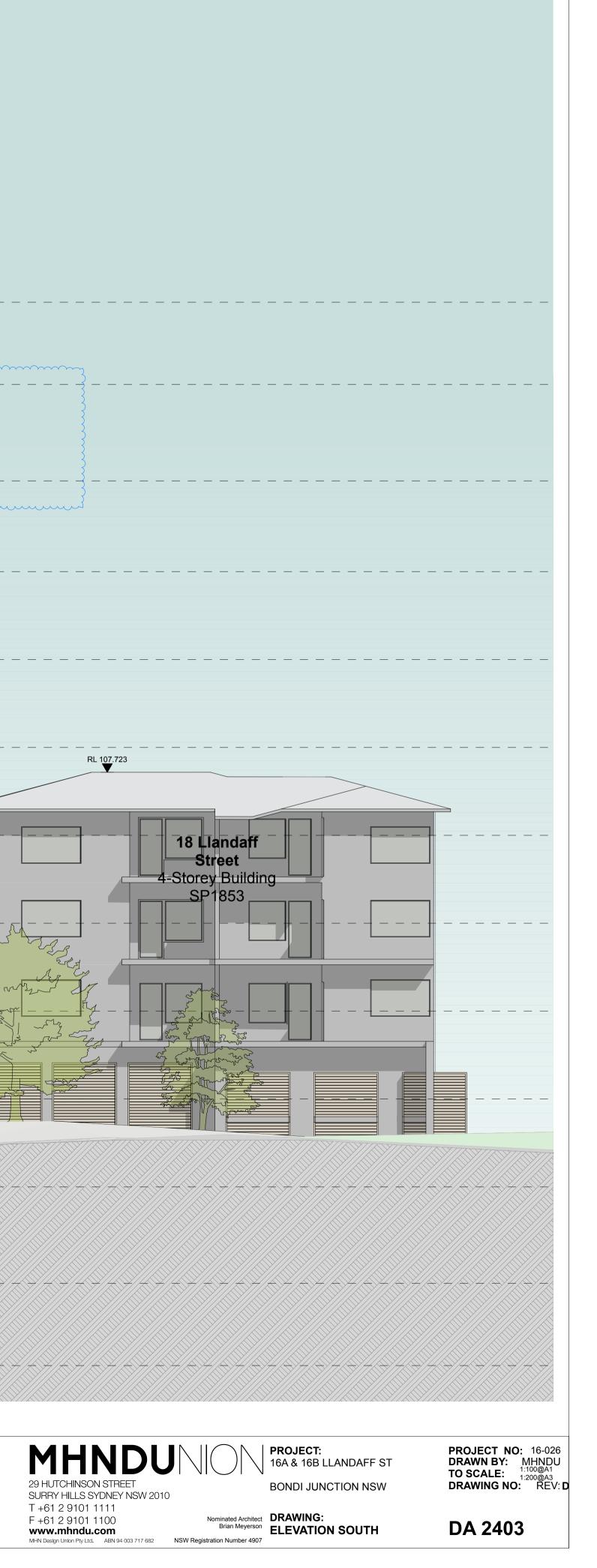
Address 16a 16b Llandaff St , Bondi Junction NSW , NSW , 2022 RECEIVED Waverley Council

Application No: DA-68/2017/A

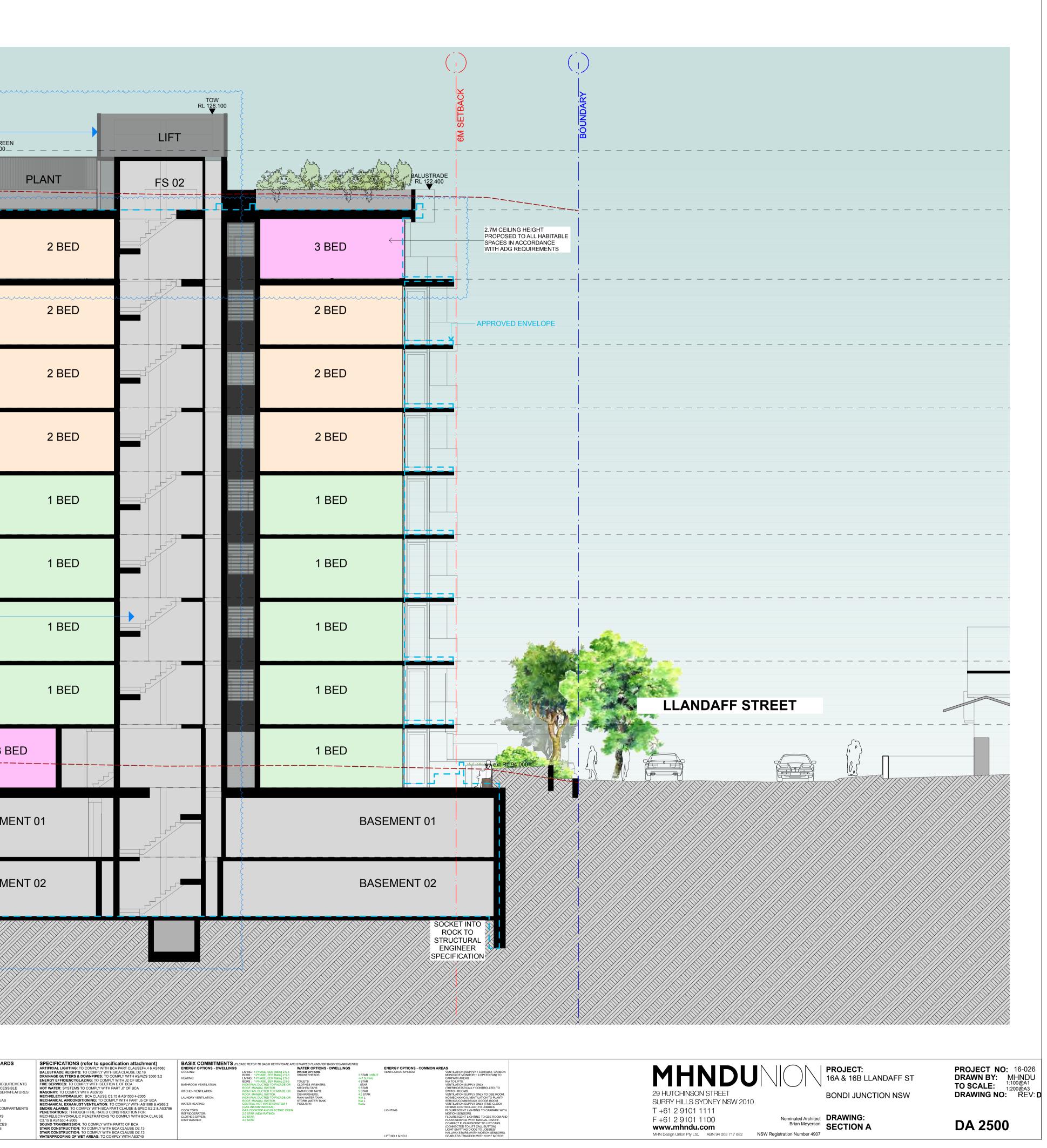
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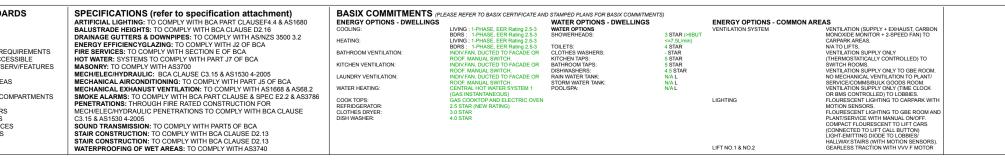
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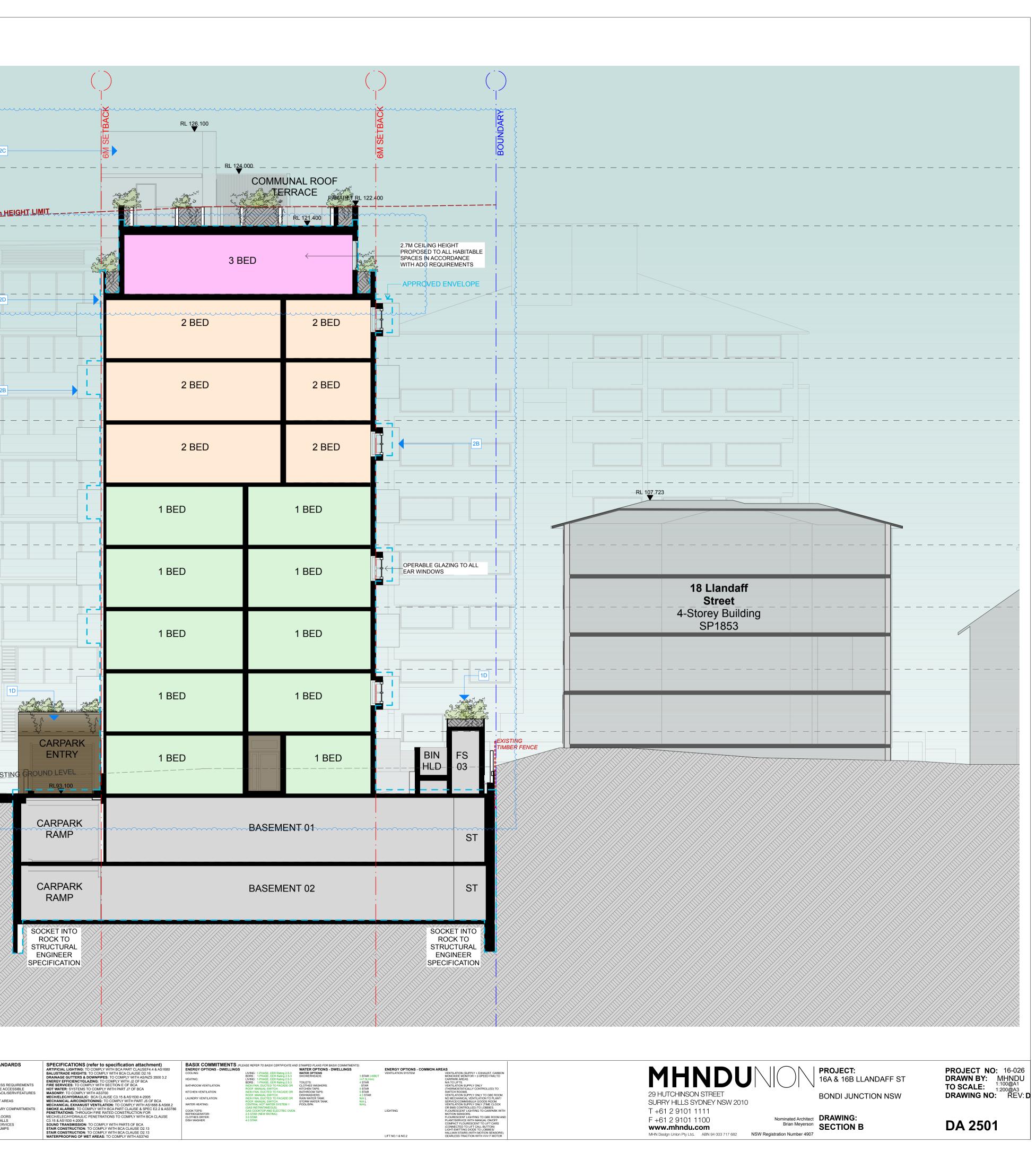


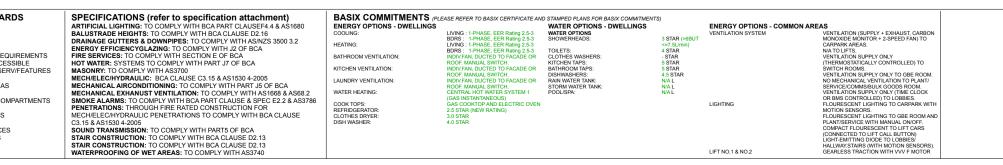
*****	0007042710 18 Aug 2022	Waverley Council Application No: DA-68/2017/A
6.4 Average star rating NATIONWIDE HOUSE NERCY RATING SCHEME	Assessor Fonda Armagos Accreditation No. 10045 Address 16a 16b Llandaff St , Bondi Junction NSW , NSW , 2022	Date Received: 26/08/2022
+121.400 14 LEVEL 9		28M HEIGHT LIMIT
+118.000 13 LEVEL 8		2D
+114.800 12 LEVEL 7		
+111.700 11 LEVEL 6		
+108.600 10 LEVEL 5		
+105.500 9 LEVEL 4	33-37 WAVERLEY STREET	
+102.400 8 LEVEL 3		
+99.300 7 LEVEL 2		
+96.200 6 LEVEL 1		EXISTING TIMBER FENCE 39-43 WAVERLEY STREET EXISTING GROUND LEVEL
+93.100 5 GROUND FLOOR		
<u>+89.700</u> 4 B1		
+86.800 3 B2		SOCKET INTO ROCK TO STRUCTURAL
		STRUCTURAL ENGINEER SPECIFICATION
IS TAPPLICATION 07-02-2	007 OF AUSTRALIA AUSTRALI REGULATIONS AND LOCA	ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & A CORDANCE WITH THE BUILDING CODE AN STANDARDS STATUTORY LAUTHORITY REQ. IS CONSISTENCY BETWEEN SPEC. C1.1 - FIRE RESISTING CONSTRUCTION SPEC. C1.1 - FIRE HAZARD PROPERTIES SPEC. C1.1 - FIRE FORMANCE OF EXTERNAL WALLS IN A FIRE CLAUSE D 2.2 - GE

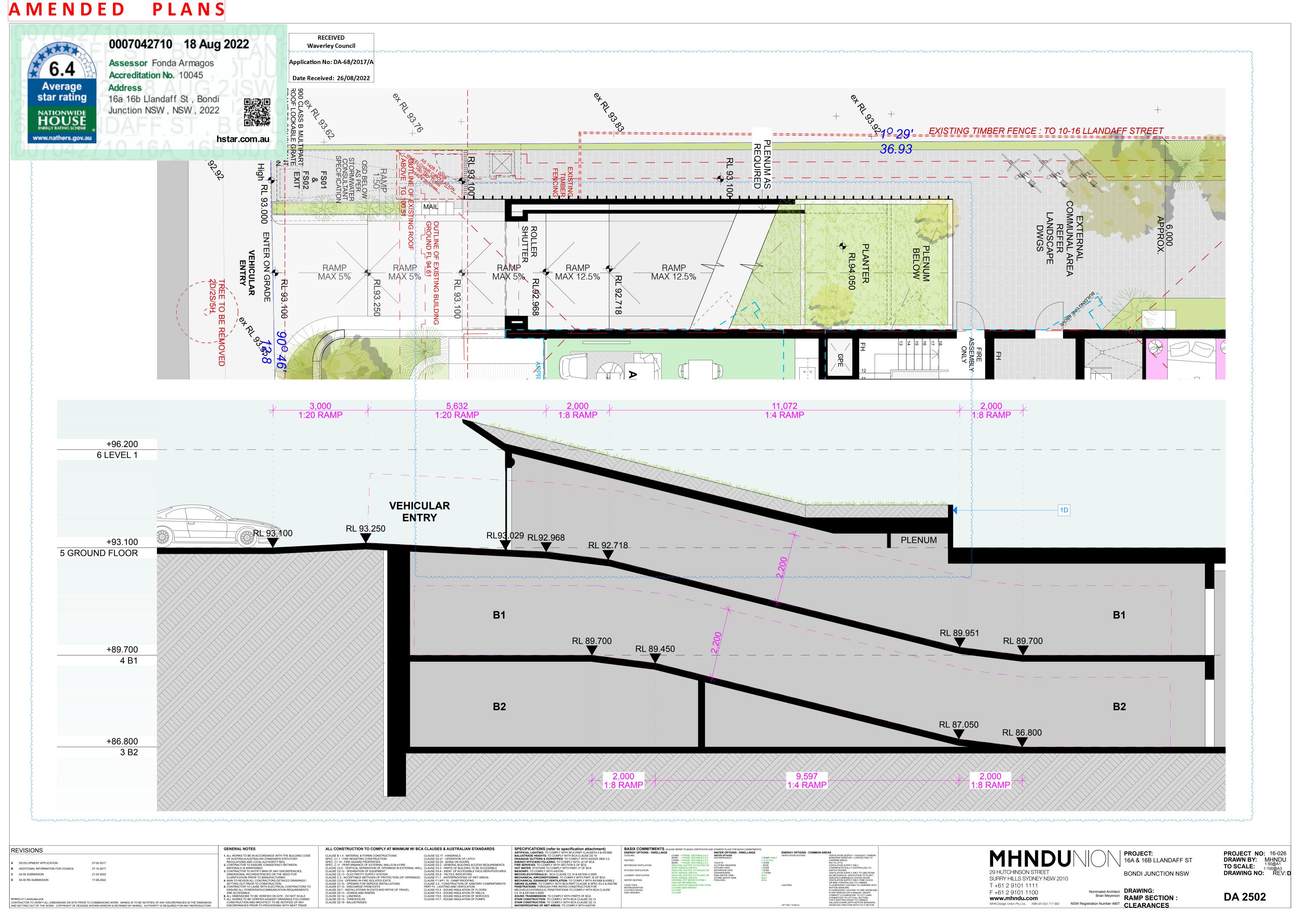




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6.4	Assessor Fonda Armagos Accreditation No. 10045	Application No: DA-68/2017/A Date Received: 26/08/2022	
Average tar rating ATIONWIDE HOUSE ERGY RATING SCHEME w.nathers.gov.au	Address 16a 16b Llandaff St , Bondi Junction NSW , NSW , 2022		
+121.400 14 LEVEL 9			
+118.000 13 LEVEL 8			
+114.800 12 LEVEL 7		RL 116.250	
+111.700 11 LEVEL 6			
+108.600 10 LEVEL 5	<b>10-16 Llandaff Street</b> 9-Storey Building		
+105.500 9 LEVEL 4	SP10139		
+102.400 8 LEVEL 3			
+99.300 7 LEVEL 2			
+96.200 6 LEVEL 1			EXISTING TIMBER FENCE : 10-16 ANDAFF STREET
+93.100 5 GROUND FLOOR			
+89.700 4 B1			
+86.800 3 B2			
NS INT APPLICATION 07-02-2	017 MAINTAINED MAINTAINED	STATUTORY SPEC. C1.1 - FIRE RESISTING CONSTRUCTION EQ. SPEC. C1.10 - FIRE HAZARD PROPERTIES	CLAUSE D2.17 - HANDRAILS CLAUSE D2.21 - OPERATION OF L CLAUSE D2.23 - SIGNS ON DOOR CLAUSE D3.2 - GENERAL BUILDIN

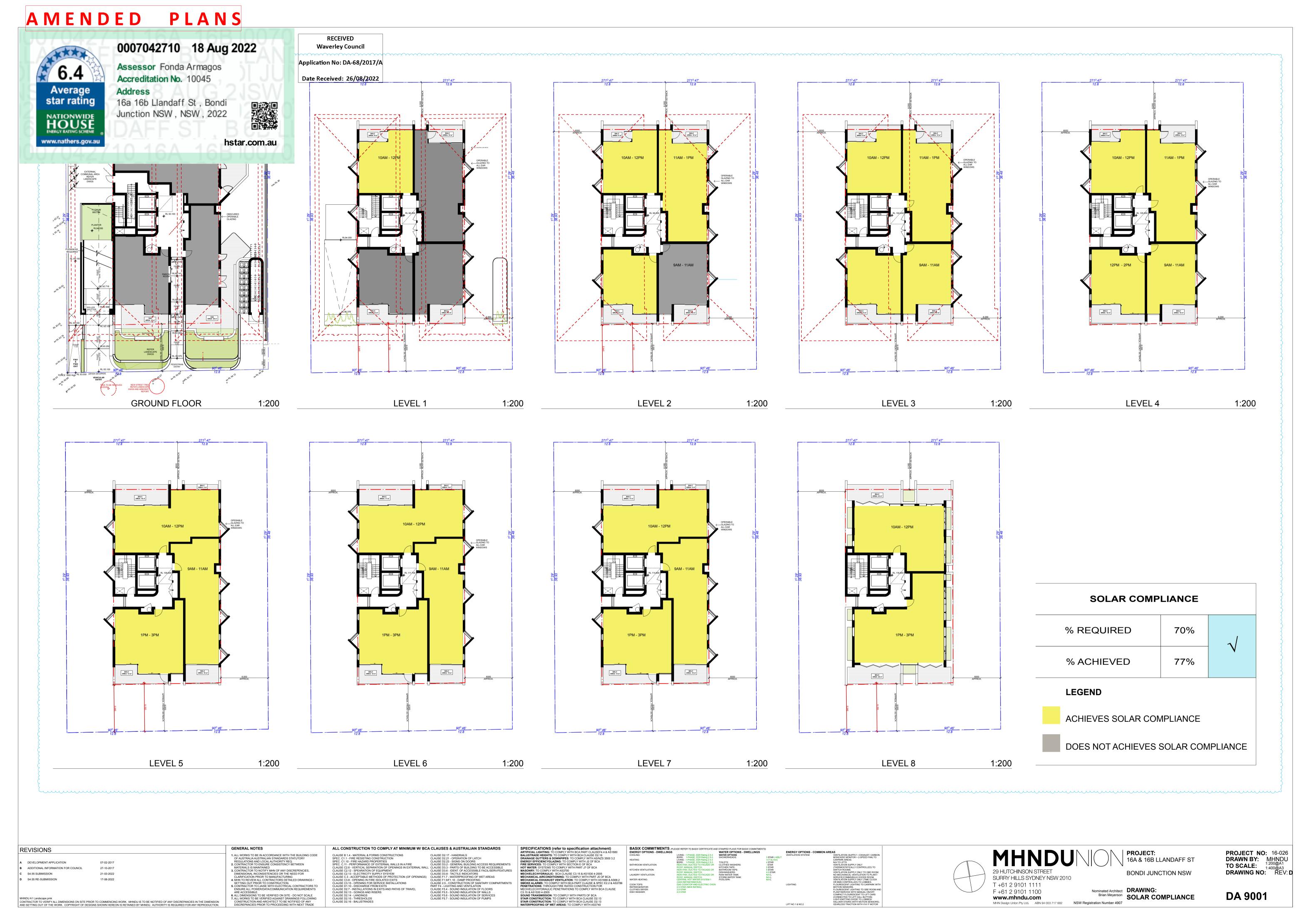


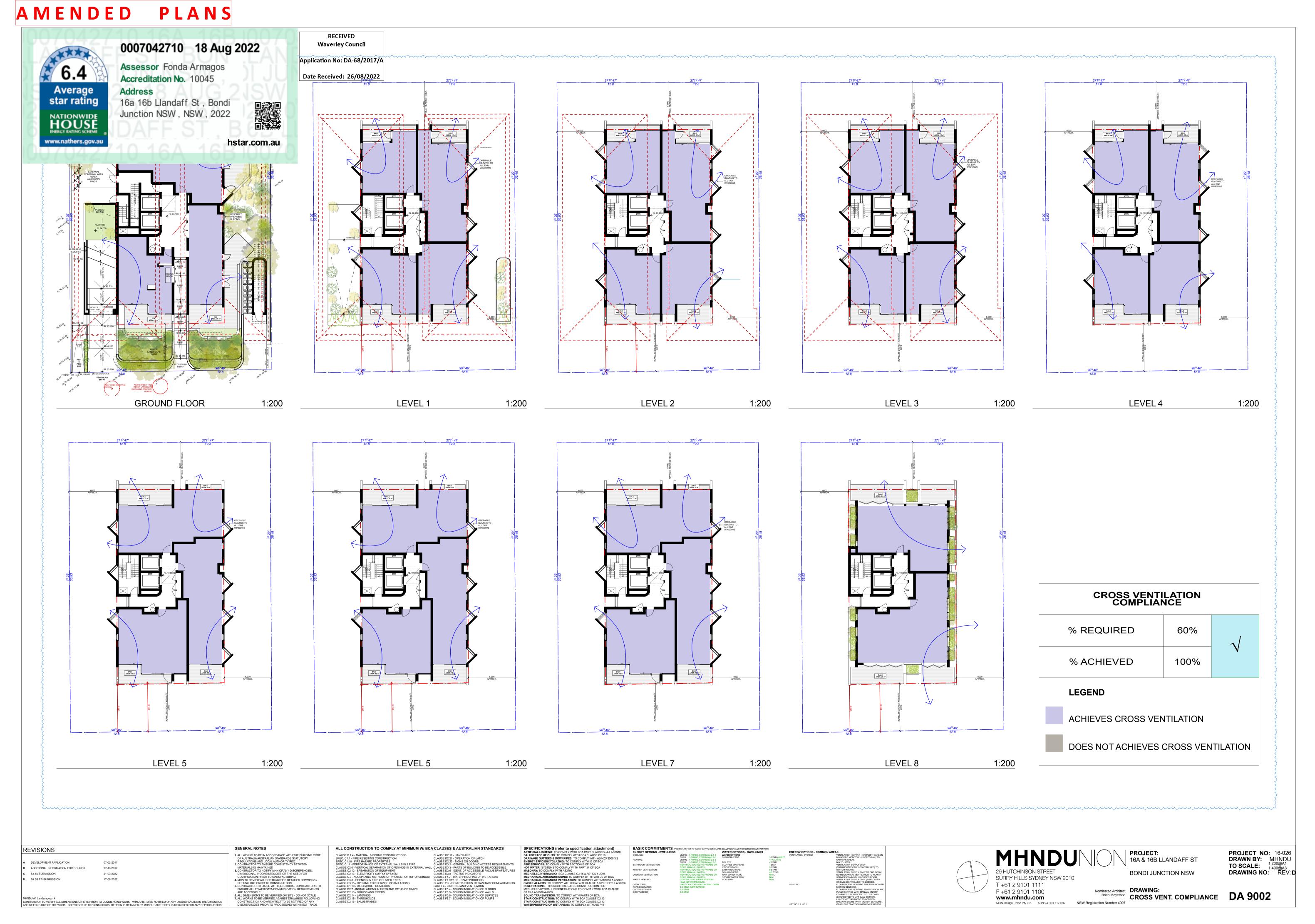














### 0007042710 18 Aug 2022 Assessor Fonda Armagos Accreditation No. 10045 Address

16a 16b Llandaff St , Bondi Junction NSW, NSW, 2022

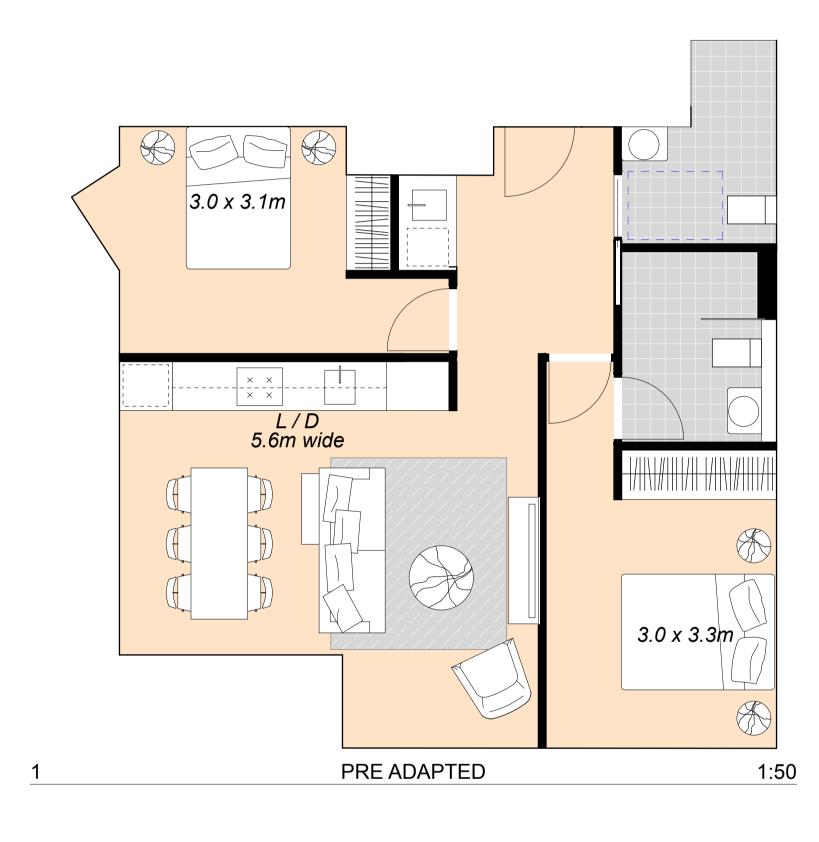


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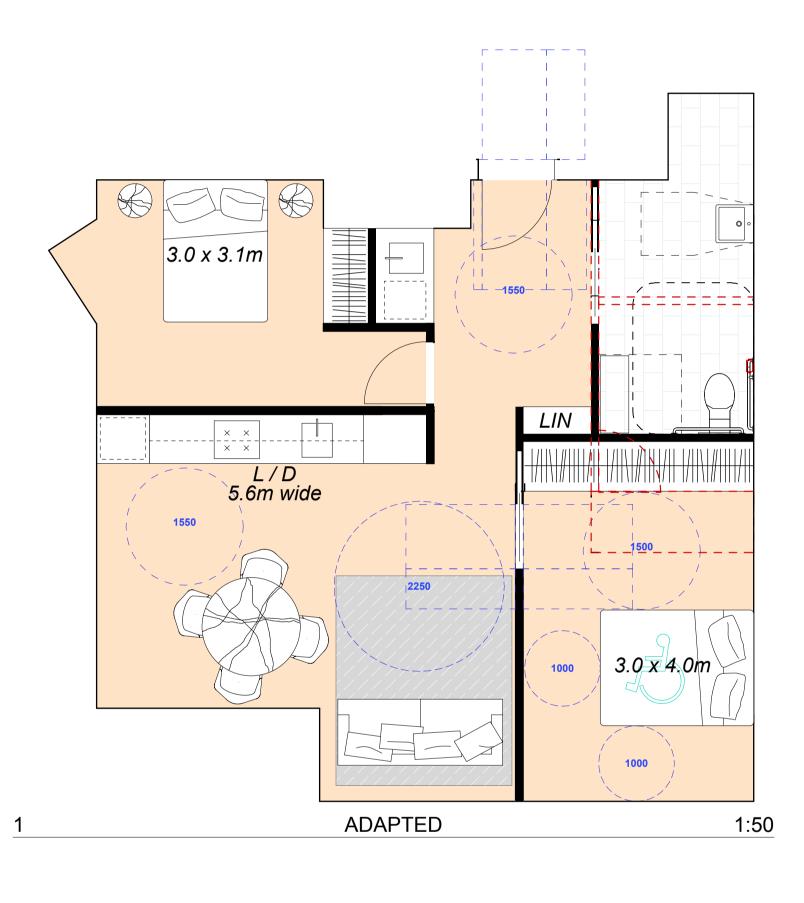
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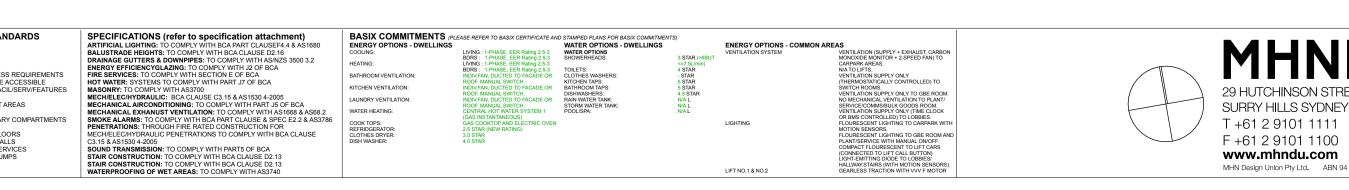
Application No: DA-68/2017/A

Date Received: 26/08/2022



REVISIONS	GENERAL NOTES	ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STAN
A         DEVELOPMENT APPLICATION         07-02-2017           B         ADDITIONAL INFORMATION FOR COUNCIL         27-10-2017           C         S4.55 SUBMISSION         21-03-2022           D         S4.55 RE-SUBMISSION         17-08-2022           D         S4.55 RE-SUBMISSION         17-08-2022           MHNDU A1 Landscape.pmk         CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORK. MHNDU IS TO BE NOTIFIED OF ANY DISCREPANCIES IN THE DIMENSION AND SETTING OUT OF THE WORK. COPYRIGHT OF DESIGNS SHOWN HEREON IS RETAINED BY MHNDU. AUTHORITY IS REQUIRED FOR ANY REPRODUCTION.	1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA AUSTRALIAN STANDARDS STATUTORY REGULATIONS AND LOCAL AUTHORITY RED.     2. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED     3. CONTRACTOR TO NOTIFY MHN OF ANY DISCREPENCIES, DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING     4. MHN TO REVIEW ALL CONTRACTORS DETAILED DRAWINGS / SETTING OUT PRIOR TO CONSTRUCTION.     5. CONTRACTOR TO LIAISE WITH ELECTRICAL CONTRACTORS TO ENSURE ALL POWER/DATA/COMMUNICATION REQUIREMENTS ARE ACCESSIBLE.     6. ALL DIMENSIONS TO BE VERIFIED ON SITE - DO NOT SCALE     7. ALL WORKS TO BE VERIFIED AGAINST DRAWINGS FOLLOWING CONSTRUCTION AND ARCHITECT TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH NEXT TRADE	CLAUSE B 14 - MATERIAL & FORMS CONSTRUCTIONS       CLAUSE D 217 - HANDRALS         SPEC. C1.1 - FIRE RESISTING CONSTRUCTION       CLAUSE D 217 - OPERATION OF LATCH         SPEC. C1.10 - FIRE HAZARD PROPERTIES       CLAUSE D 22 - SIGNS ON DOORS         SPEC. C1.10 - FIRE HAZARD PROPERTIES       CLAUSE D 22 - SIGNS ON DOORS         SPEC. C1.10 - FIRE HAZARD PROPERTIES       CLAUSE D 22 - SIGNS ON DOORS         CLAUSE C2 - VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL       CLAUSE D 23 - GENERAL BUILDING ACCES         CLAUSE C2 - VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL       CLAUSE D 33 - DENT: OF ACCESSIBLE FAC         CLAUSE C2 13 - ELECTRICITY SUPPLY SYSYEM       CLAUSE D 36 - IDENT: OF ACCESSIBLE FAC         CLAUSE C3 - OPENING IN FIRE ISOLATED EXTS       CLAUSE C3 - OPENING IN FIRE ISOLATED EXTS         CLAUSE C3 - OPENING FOR SERVICE INSTALLATIONS       CLAUSE E 19.6° - LOOND INSULATION OF SANITAR         CLAUSE D 21 - INSTALATIONS IN EXITS AND PATHS OF TRAVEL       CLAUSE F5.5 - SOUND INSULATION OF WAIT         CLAUSE D 21 - OINGS AND RISERS       CLAUSE F5.5 - SOUND INSULATION OF WAIT         CLAUSE D 21 - THRESHOLDS       CLAUSE F5.6 - SOUND INSULATION OF FUNCLAUSE D 21.6 - LAUSINGS



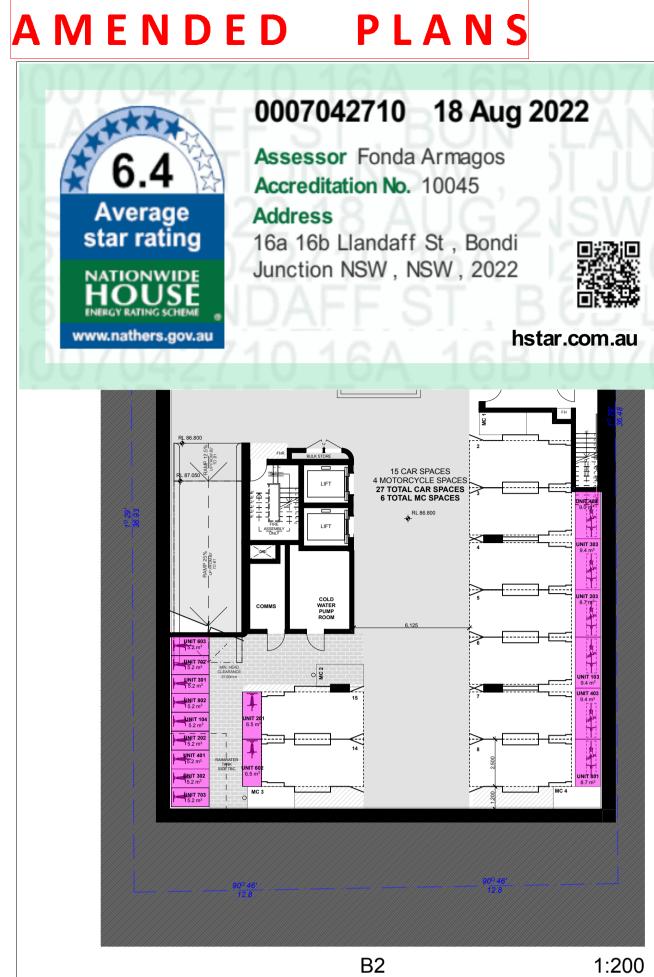


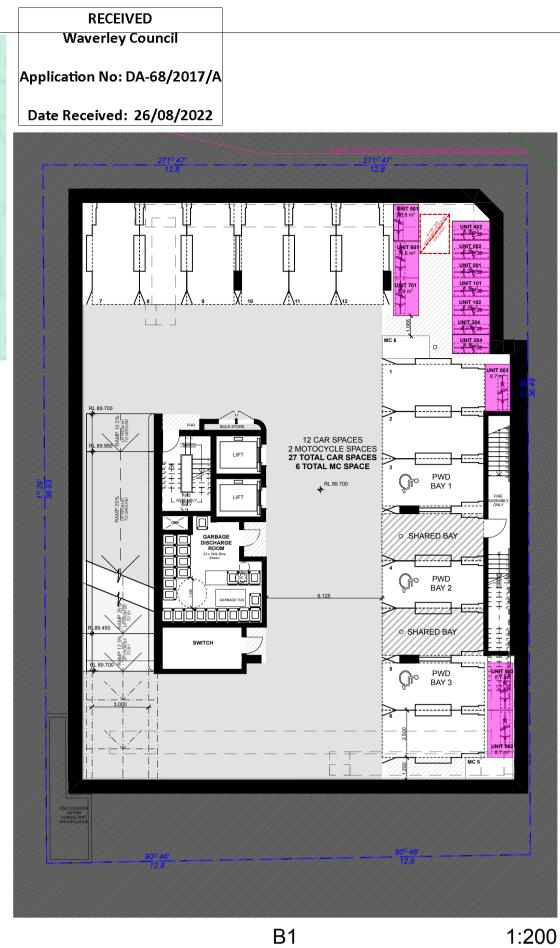


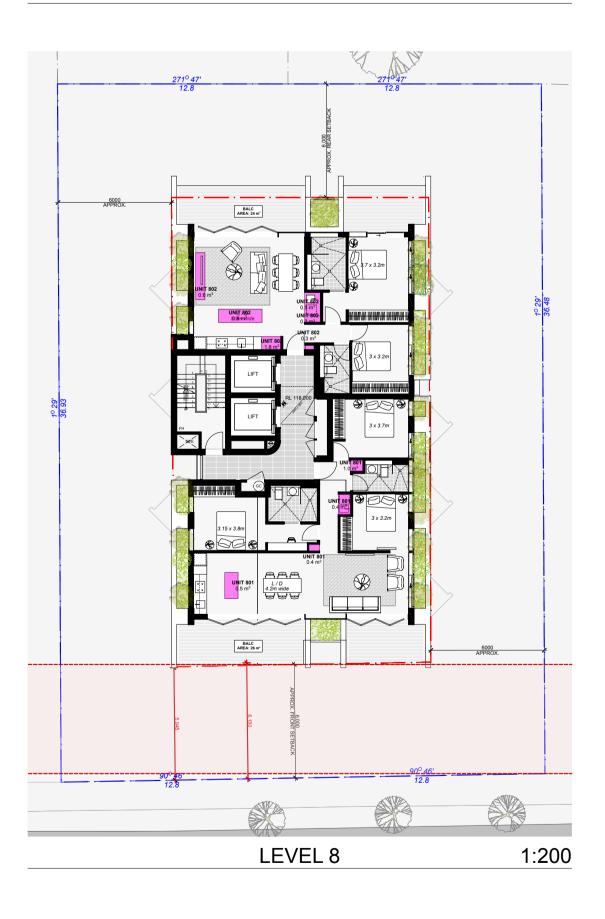
PROJECT: 16A & 16B LLANDAFF ST BONDI JUNCTION NSW

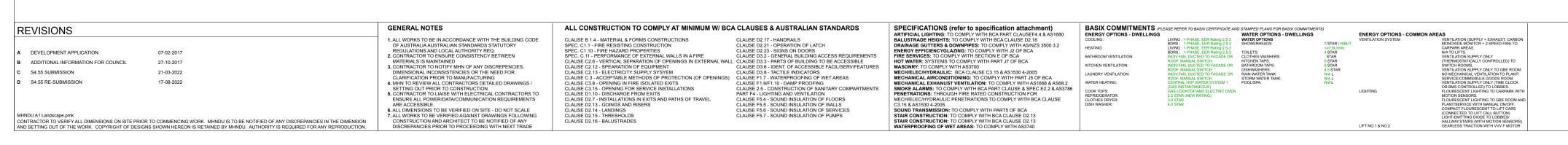
Nominated Architect Brian Meyerson ADAPTABLE LAYOUT MHN Design Union Pty Ltd. ABN 94 003 717 682 NSW Registration Number 4907

PROJECT NO: 16-026 DRAWN BY: MHNDU TO SCALE: 1:50@A1 DRAWING NO: REV: D

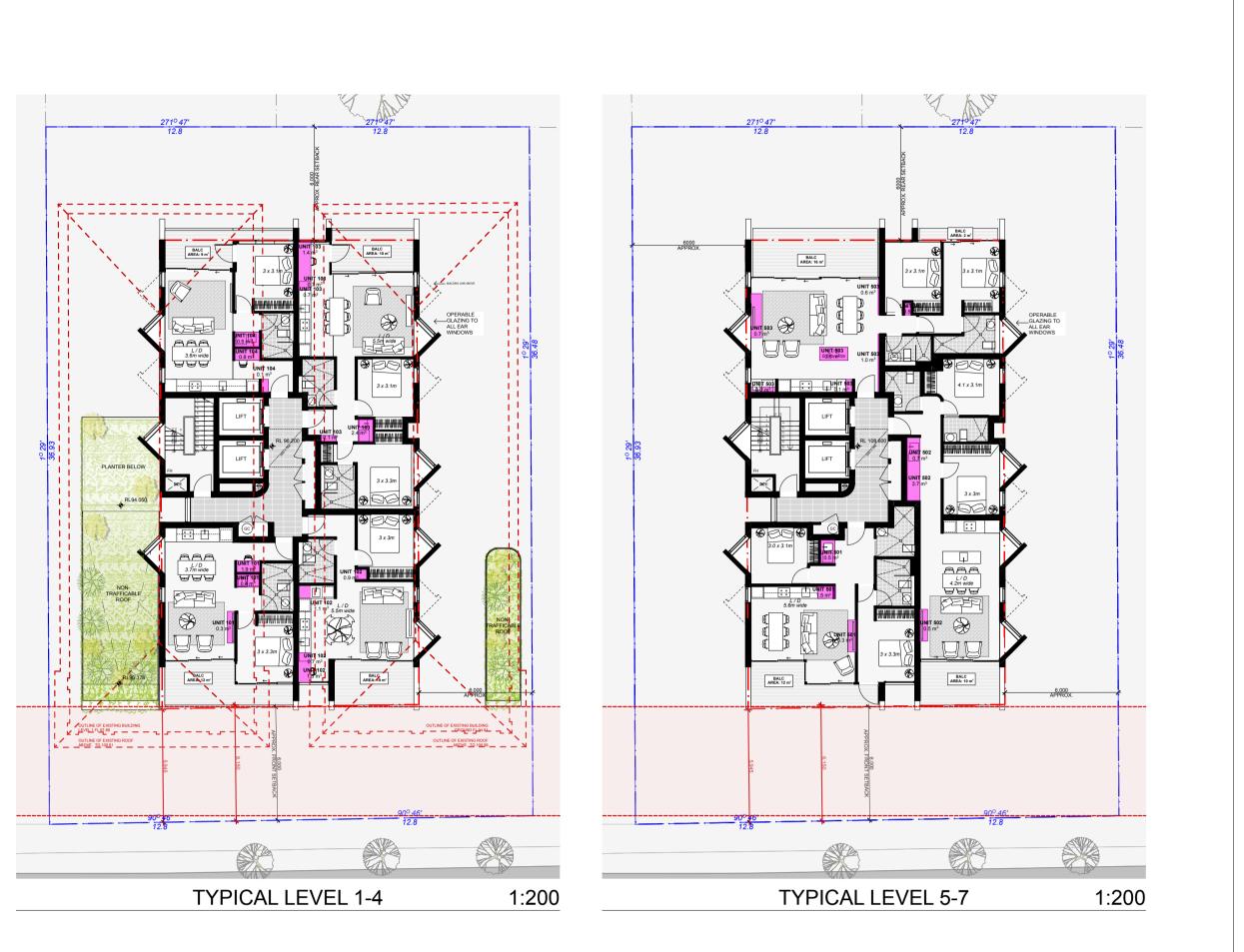












Total Storage Schedule				Total Storage Schedule					
Unit Number		Req (m3)	Volume	Complies	Unit Number		Req (m3)	Volume	Complies
001	1 BED	6m3	8.6		501	2 BED	8m3	9.1	
002	1 BED	6m3	6.5		502	2 BED	8m3	13.1	
003	3 BED	10m3	13.8		503	2 BED	8m3	12.3	
101	1 BED	6m3	6.2		601	2 BED	8m3	9.1	
102	1 BED	6m3	8.5		602	2 BED	8m3	10.9	
103	2 BED	8m3	12.8		603	2 BED	8m3	8.8	
104	1 BED	6m3	7.2		701	2 BED	8m3	9.2	
201	1 BED	6m3	7.9		702	2 BED	8m3	9.8	
202	1 BED	6m3	7.8		703	2 BED	8m3	8.8	
203	2 BED	8m3	12.1		801	3 BED	10m3	11.0	
204	1 BED	6m3	7.2		802	2 BED	8m3	9.9	
301	1 BED	6m3	6.6						
302	1 BED	6m3	7.8						
303	2 BED	8m3	12.8						
304	1 BED	6m3	7.2						
401	1 BED	6m3	6.6						
402	1 BED	6m3	7.8						
403	2 BED	8m3	12.8						
404	1 BED	6m3	11.0						

MHNDU

SURRY HILLS SYDNEY NSW 2010

29 HUTCHINSON STREET

T +61 2 9101 1111

F +61 2 9101 1100

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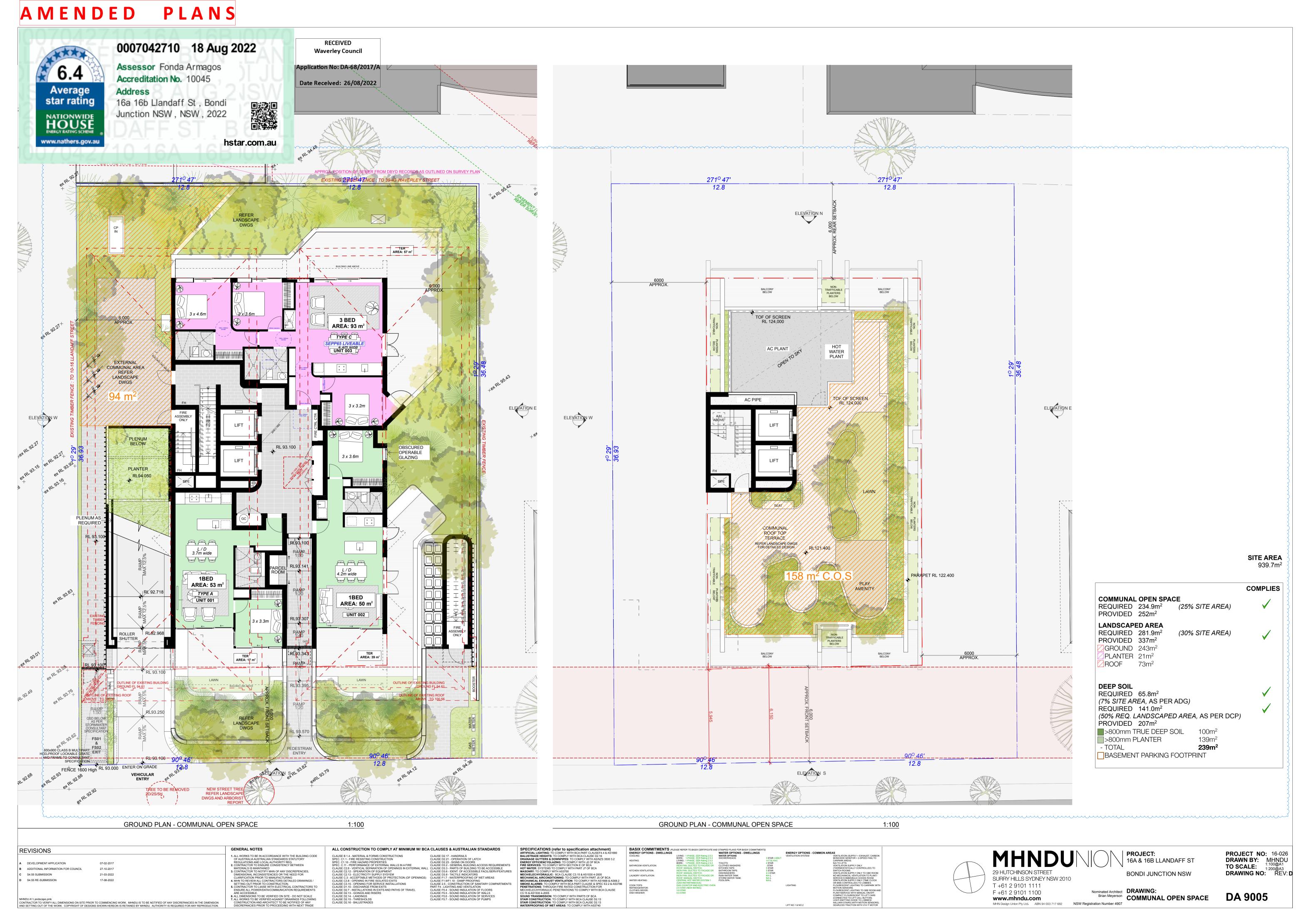
16A & 16B LLANDAFF ST BONDI JUNCTION NSW

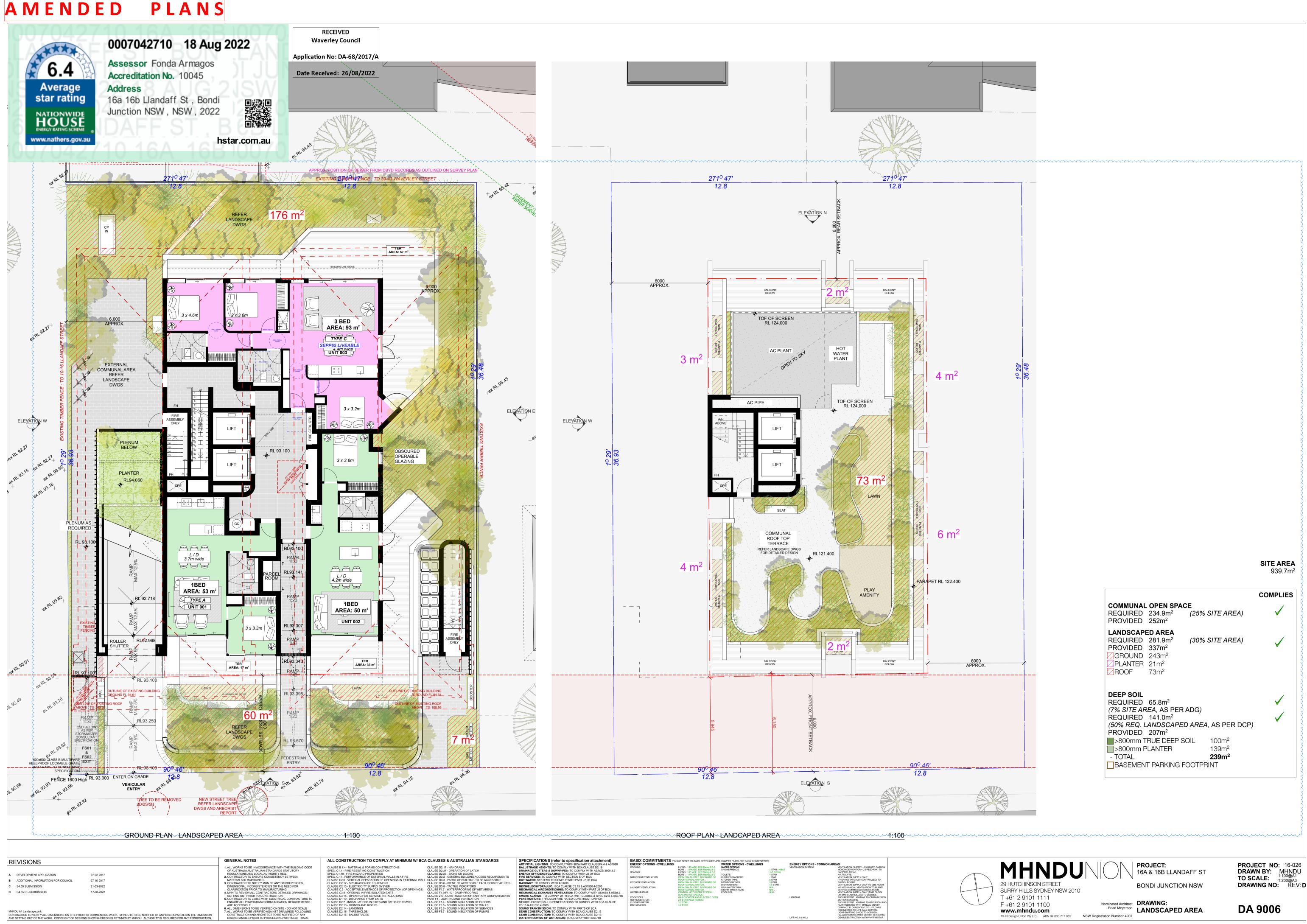
| PROJECT:

DRAWN BY: MHNDU TO SCALE: 1:200@A1 DRAWING NO: REV: D

**PROJECT NO:** 16-026

Nominated Architect **DRAWING:** Brian Meyerson STORAGE COMPLIANCE MHN Design Union Pty Ltd. ABN 94 003 717 682 NSW Registration Number 4907







**SITE AREA** 939.7m<sup>2</sup>

	COMPLIES
COMMUNAL OPEN SPACEREQUIRED234.9m²(25% SITE AREA)PROVIDED252m²	$\checkmark$
LANDSCAPED AREA REQUIRED 281.9m <sup>2</sup> PROVIDED 337m <sup>2</sup> GROUND 243m <sup>2</sup> PLANTER 21m <sup>2</sup> ROOF 73m <sup>2</sup>	<b>~</b>
DEEP SOIL REQUIRED 65.8m <sup>2</sup> (7% SITE AREA, AS PER ADG) REQUIRED 141.0m <sup>2</sup> (50% REQ. LANDSCAPED AREA, AS PER DC PROVIDED 207m <sup>2</sup> >800mm TRUE DEEP SOIL 100m <sup>2</sup> >800mm PLANTER 139m <sup>2</sup> - TOTAL 239m <sup>2</sup> BASEMENT PARKING FOOTPRINT	P)

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 PROJECT: 16A & 16B LLANDAFF ST
 PROJECT NO: 16-026 DRAWN BY: MHNDU 100@A1

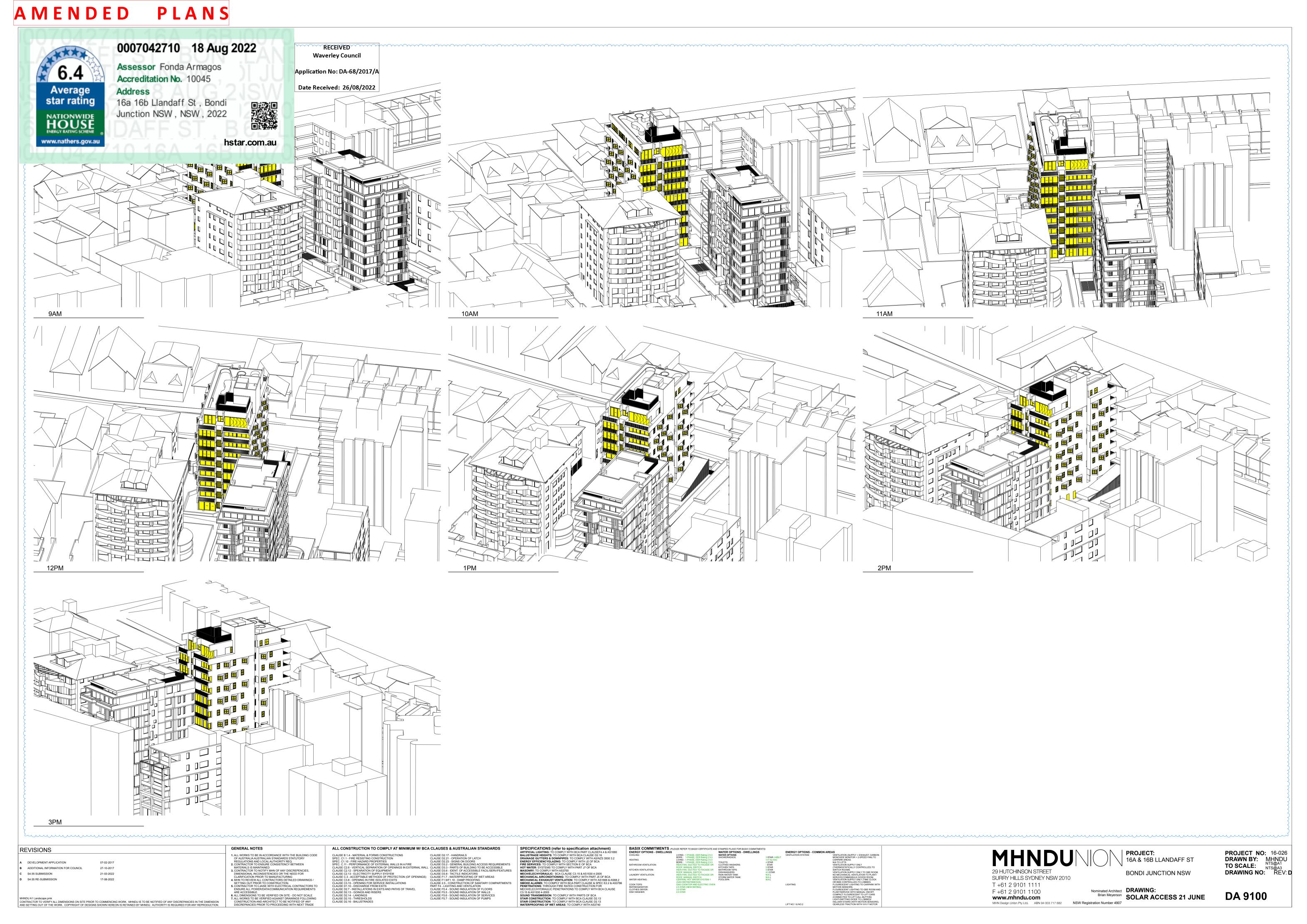
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 ABN 94 003 717 68





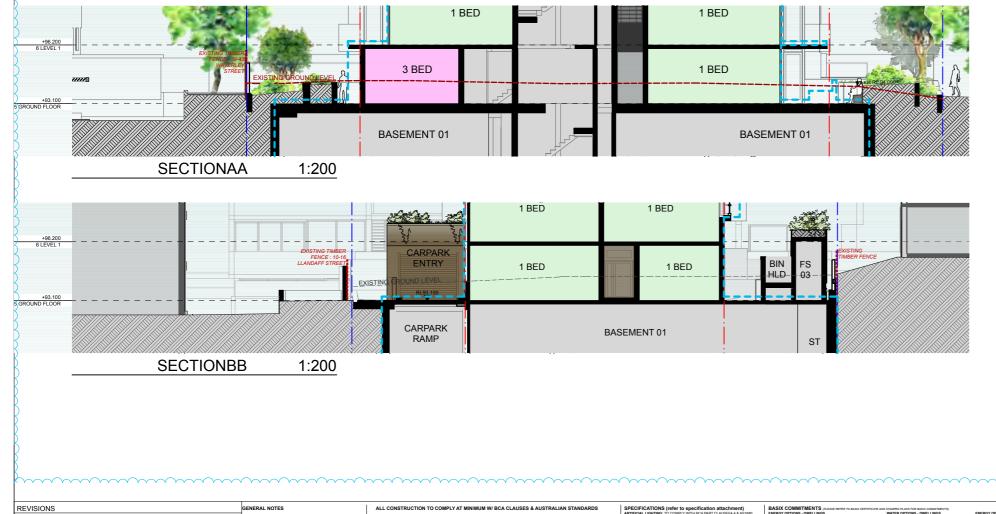


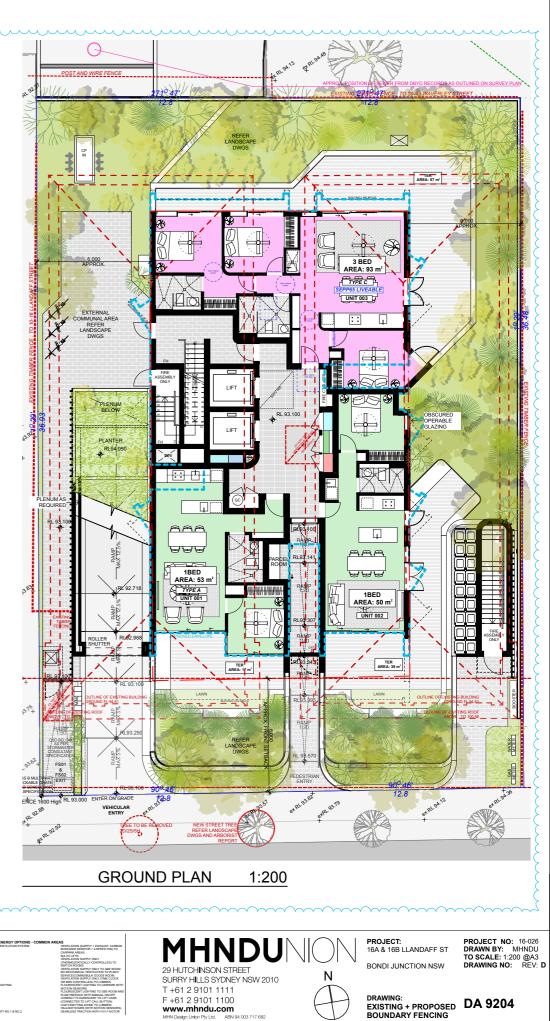














Page 183 of 560



Assessor Fonda Armagos Accreditation No. 10045 Address 16a 16b Llandaff St , Bondi Junction NSW , NSW , 2022

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EXISTING FENCING TO BE REINSTATED/REMOVED WHERE

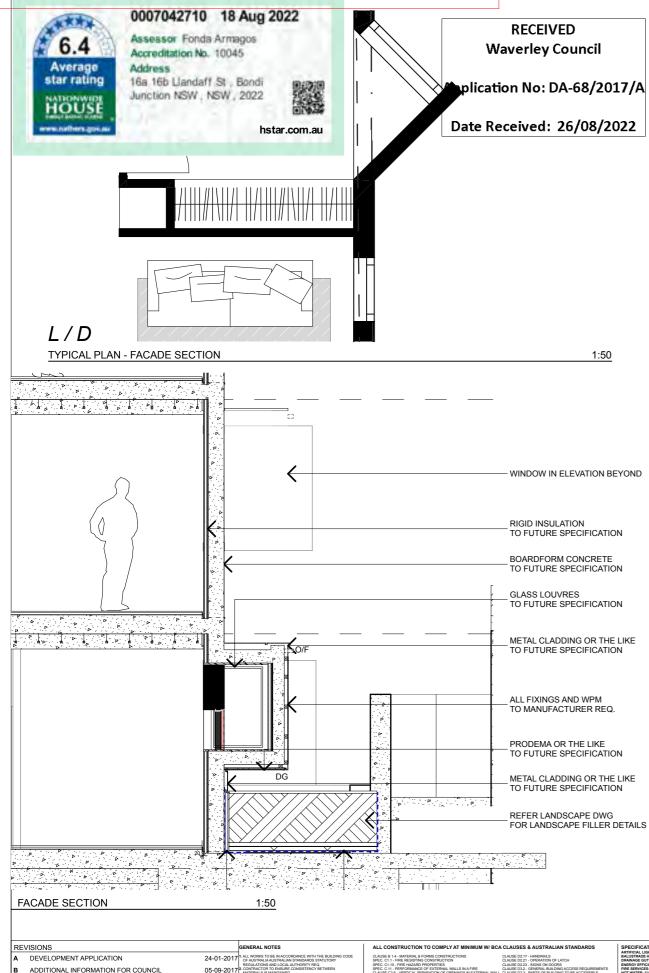
Date Received: 26/08/2022



PROJECT: 16A & 16B LLANDAFF ST BONDI JUNCTION NSW

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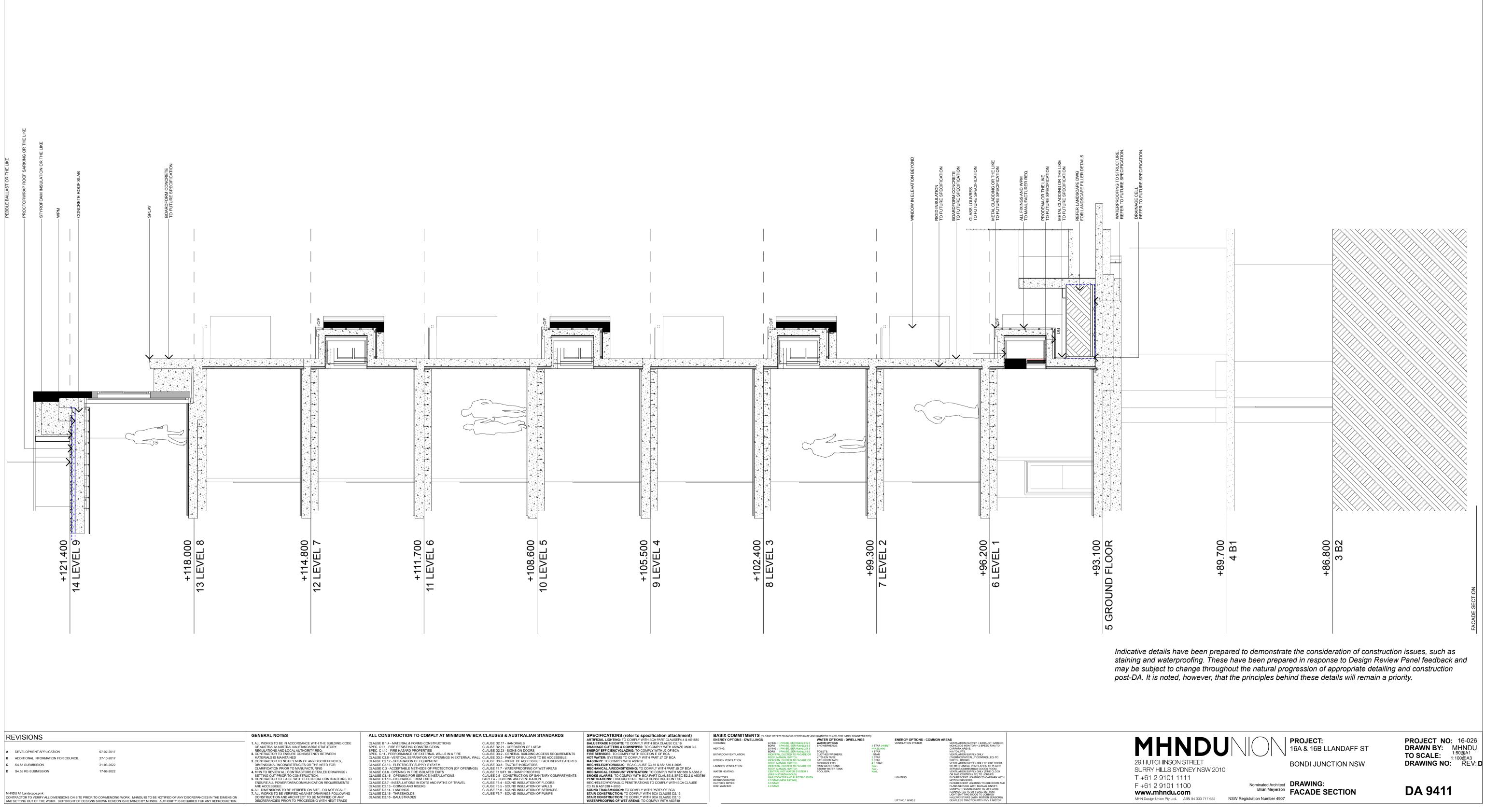




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A         DEVELOPMENT APPLICATION         24-01-2017           B         ADDITIONAL INFORMATION FOR COUNCIL         05-09-2017           C         S4.55 SUBMISSION         21-03-2022           D         S4.55 RE-SUBMISSION         17-08-2022           MINDU A3 Landscape pmk         PK	LOWING/COTO TO NOTIFY LIMA OF ANY DISCREPENDES, DIMENSION, LOOSSTENCES OF HIR NEED FOR DIMENSION, LOOSSTENCES OF HIR NEED FOR STITUS OUT PRODUCTIONS DEVELOPMENT LIMAN TO REFERENT LL CONTRACTORS DE DIALED DRIVINGS I CONTRACTOR TO LAISE WITH ELECTRICAL CONTRACTORS TO CONTRACTOR TO LAISE WITH ELECTRICAL CONTRACTORS TO LOWING TO CONSTRUCTION REQUIREMENTS ARE ACCESSIBLE. ALL DIMENSIONE TO BE VERIFIED ON STIE - ON NOT SCALE ALL VERIFICIONE DEVELOPMENTS ON LIMANGES TO LLIMAN	ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BC CAURE 1.4. MATERIAL & FORMS CONSTRUCTION SPEC. C.1. FREE RESISTING CONSTRUCTION SPEC. C.1. FREE RESISTING CONSTRUCTION SPEC. C.1. FREE RESISTING CONSTRUCTION CAURE C.2. * VETTICAL SERVATION CF OPENDOS CAURE C.2. * CEETICAL SERVATION CF OPENDOS CAURE C.3. * CEETICAL SERVATION CF OPENDOS CAURE C.3. * CEETICAL SERVATION CF OPENDOS CAURE C.3. * CONSTRUCTION CF OPENDOS CAURE C.3. * AUGUSTANCE CAURE C.3. *	CLAUSES & AUSTRALIAN STANDARDS CLAUSE D21-OFENDION CLAUDI CLAUSE D21-OFENDION CLAUDI CLAUSE D21-OFENDION CLAUDI CLAUSE D21-OFENDION COCESS RECURRENTS LI CLAUSE D3-PRITS OF BILDIONE TO BE ACCESSIBLE CLAUSE D3-PRITS OF BILDIONE OF BILDIONE CLAUSE D3-PRITS COMPANY RET F1-VIETER PROCIDES CLAUSE D3-ORDER DICTIONE OF BILDIONE CLAUSE D3-ORDER DICTIONE OF BILDIONE CLAUSE D3-ORDER DISLIDION OF VIELS CLAUSE D3-ORDER BILDIONE OF VIELS CLAUSE D3-ORDER BILDIONE OF VIELS CLAUSE D3-ORDER BILDIONE OF VIELS	SPECIFICATIONS (refer to specification attachment) ATTIFICAL Destines: To COMPLY WITHER A AVEC CLOSERY 4 ANNO DRAMAGE GUTTERS 8 DOWERPES: TO COMPLY WITH A DRE 200 BRANCE SPECIFICATIONS TO COMPLY WITH A DRE 200 WITH A DRESS TO COMPLY WITH A DRE 200 SOURCE A DRESS TO COMPLY WITH A DRE 200 SOURCE TRANSMISSIONE TO COMPLY WITH A DRE 200 SOURCE	BASIX COMMITMENTS () ENERGY OFFICION - DWELLING MERCIN MER	LIWING: 1-PHASE, EER Rating 2:5-3 BORS: 1-PHASE, EER Rating 2:5-3 LIWING: 1-PHASE, EER Rating 2:5-3 BORS: 1-PHASE, EER Rating 2:5-3 INDIV/FAN, DUCTED TO FACADE OR BOOK MARKING TO FACADE OR	KITCHEN TAPS: BATHROOM TAPS: DISHMASHERS: RAIN WATER TANK: STORM WATER TANK: POOLISPA:	3 STAR (+GELT +-7.51/mm) 4 STAR - STAR 5 STAR 5 STAR 5 STAR 4 S STAR NAL NAL NAL NAL	ENERGY OFTIONS - COMBON AR Visitilation sistem	Verification (pumps - power) call called to (conservation of the called to (conservation ot	29 HUTCHI SURRY HIL T +61 2 9 F +61 2 9
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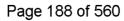


Precedent Draping plants over cantilever roof



Precedent Chamfered roof

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STAIR CONSTRUCTION: TO STAIR CONSTRUCTION: TO

DOK TOPS EFRIDGERATO LOTHES DRYEI





Precedent Screening & battened cladding



Precedent Bronze colour battened garage door

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DRAWING: PERSPECTIVE SKETCHES





0007042710 18 Aug 2022 Assessor Fonda Armagos Accreditation No. 10045 Address

16a 16b Llandaff St, Bondi Junction NSW, NSW, 2022

Waverley Council Application No: DA-68/2017/A

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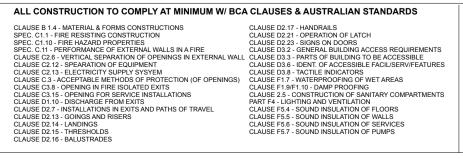
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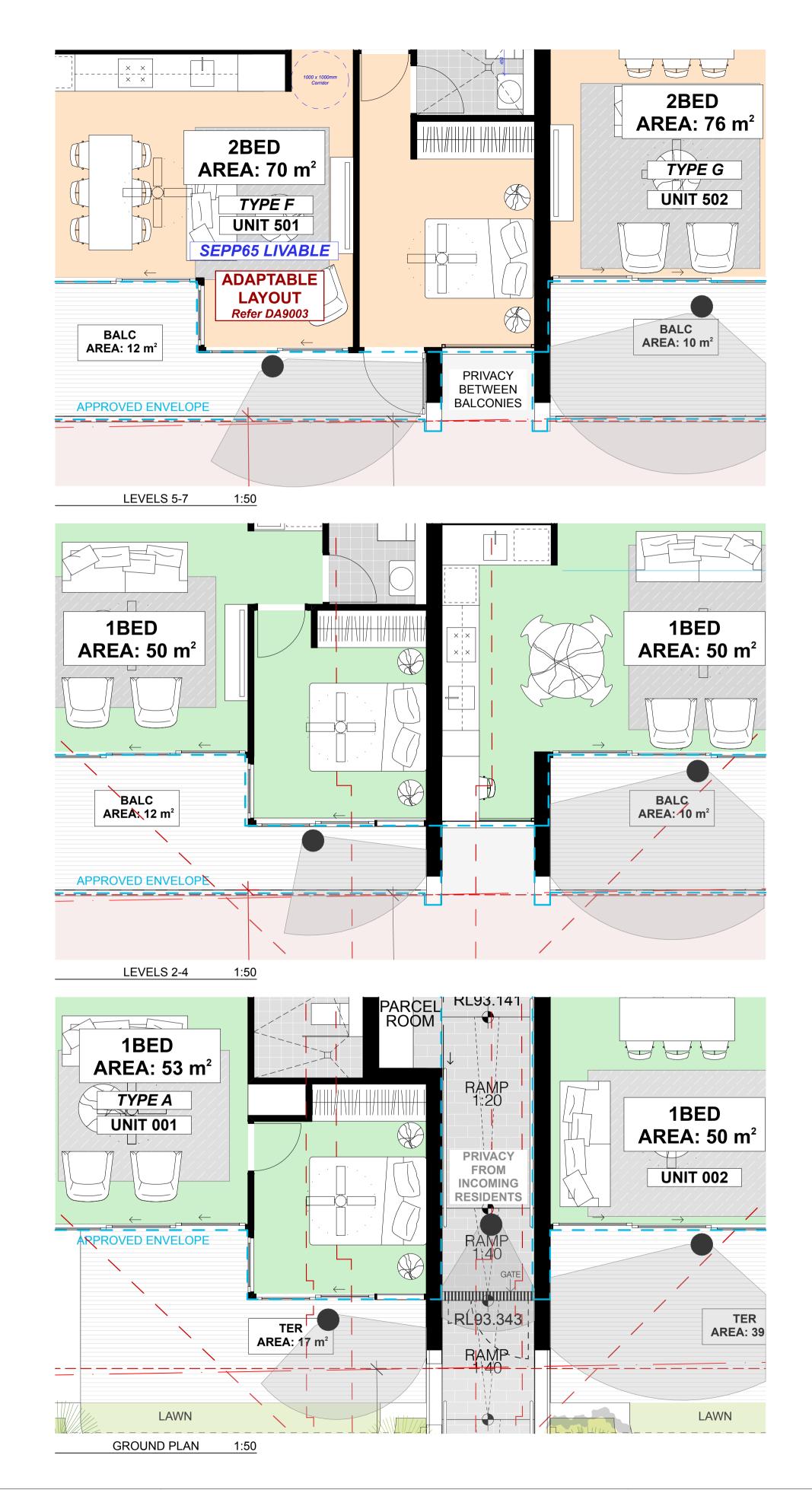
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07-02-2017 27-10-2017 21-03-2022 17-08-2022 GENERAL NOTES

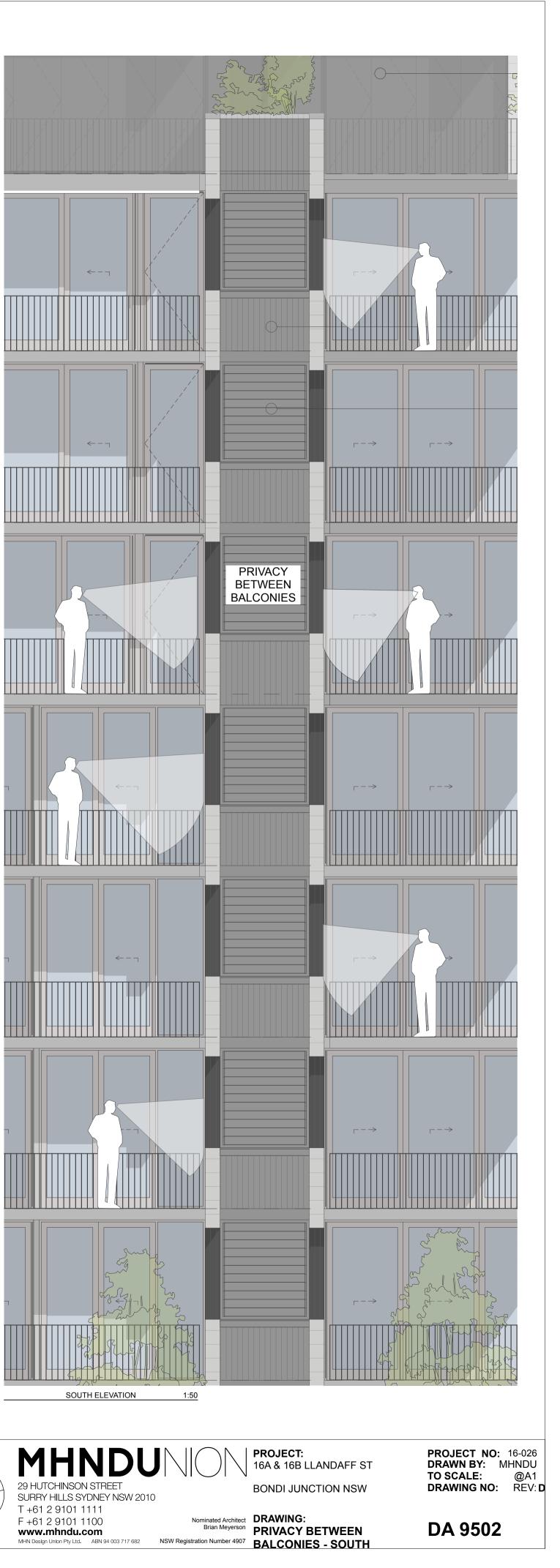
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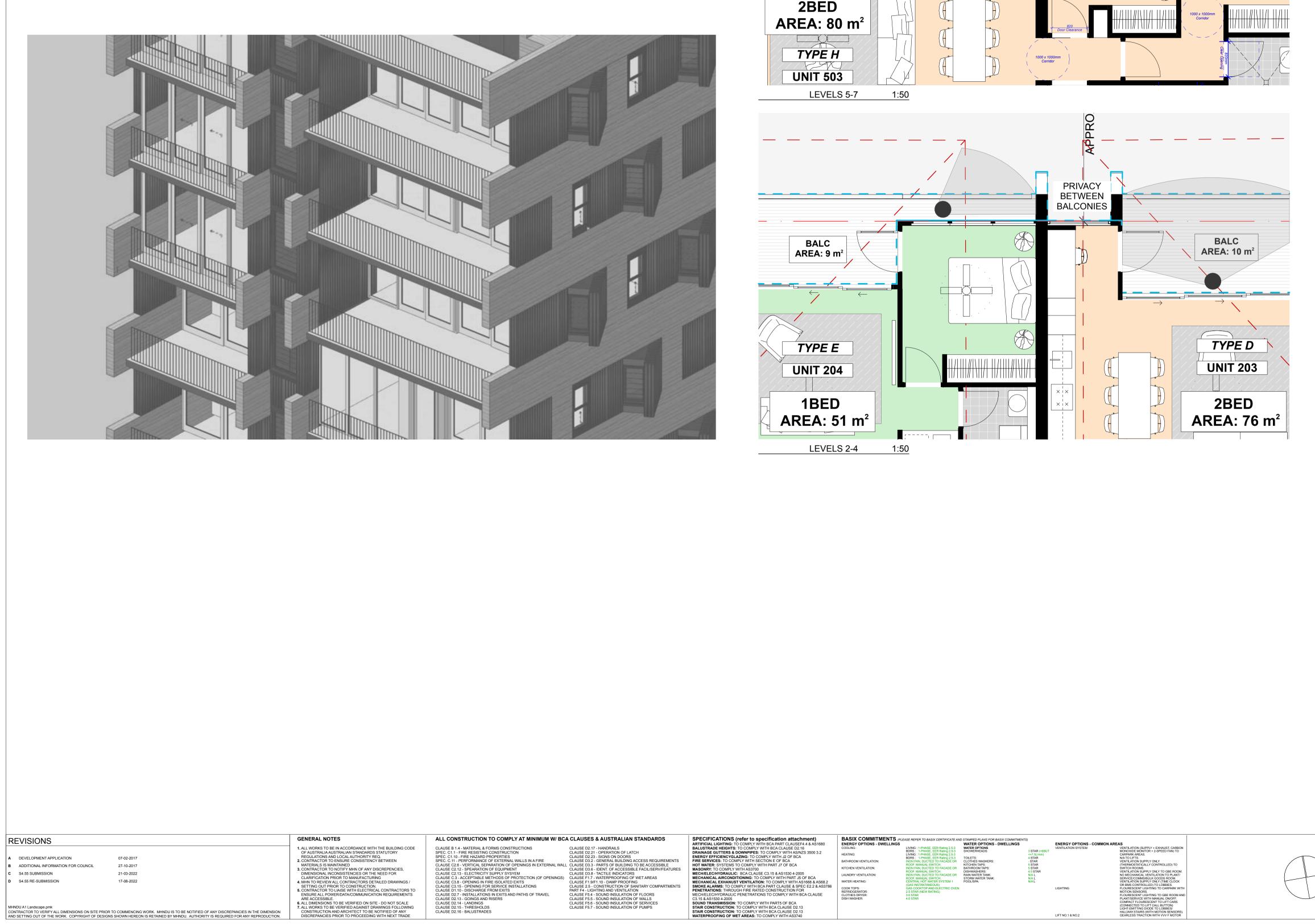
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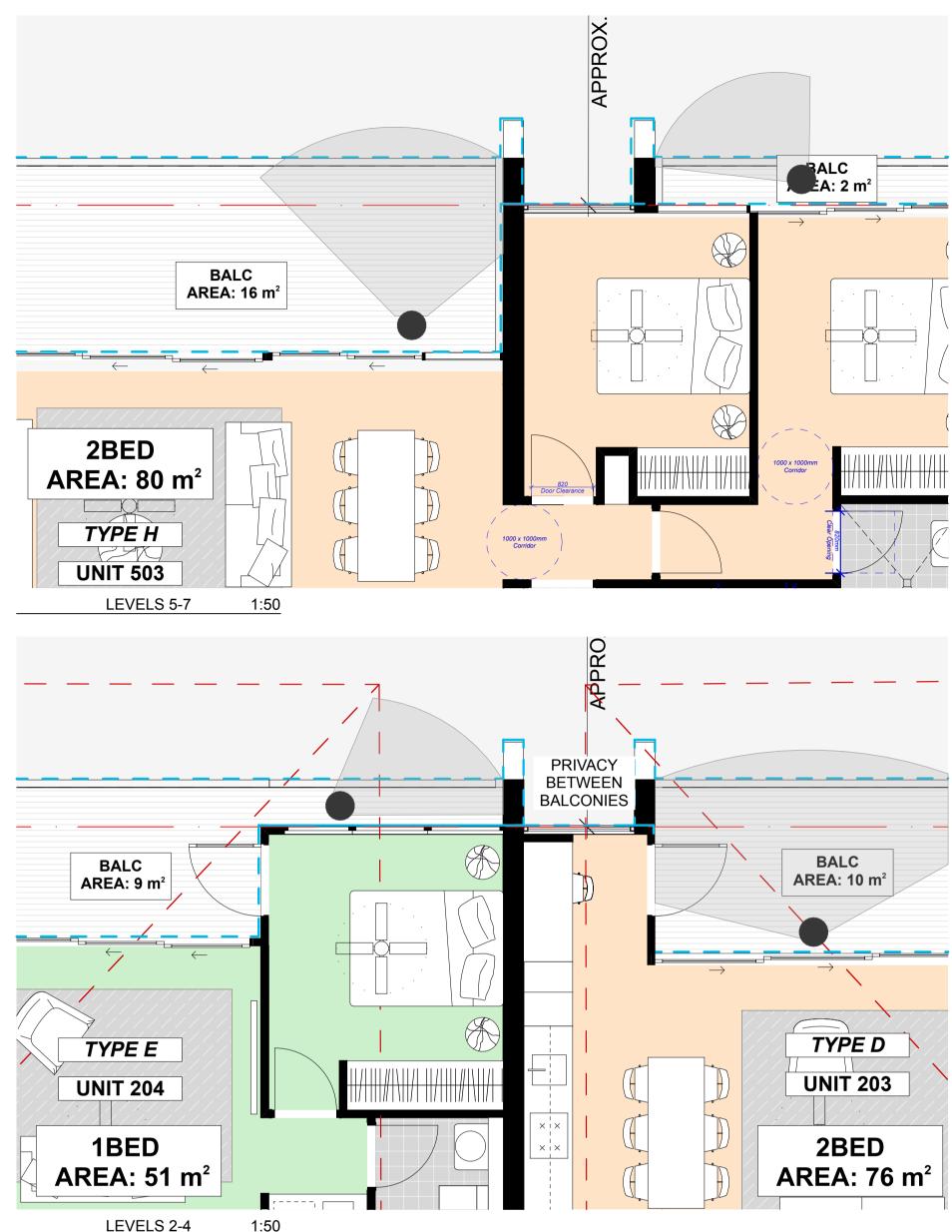
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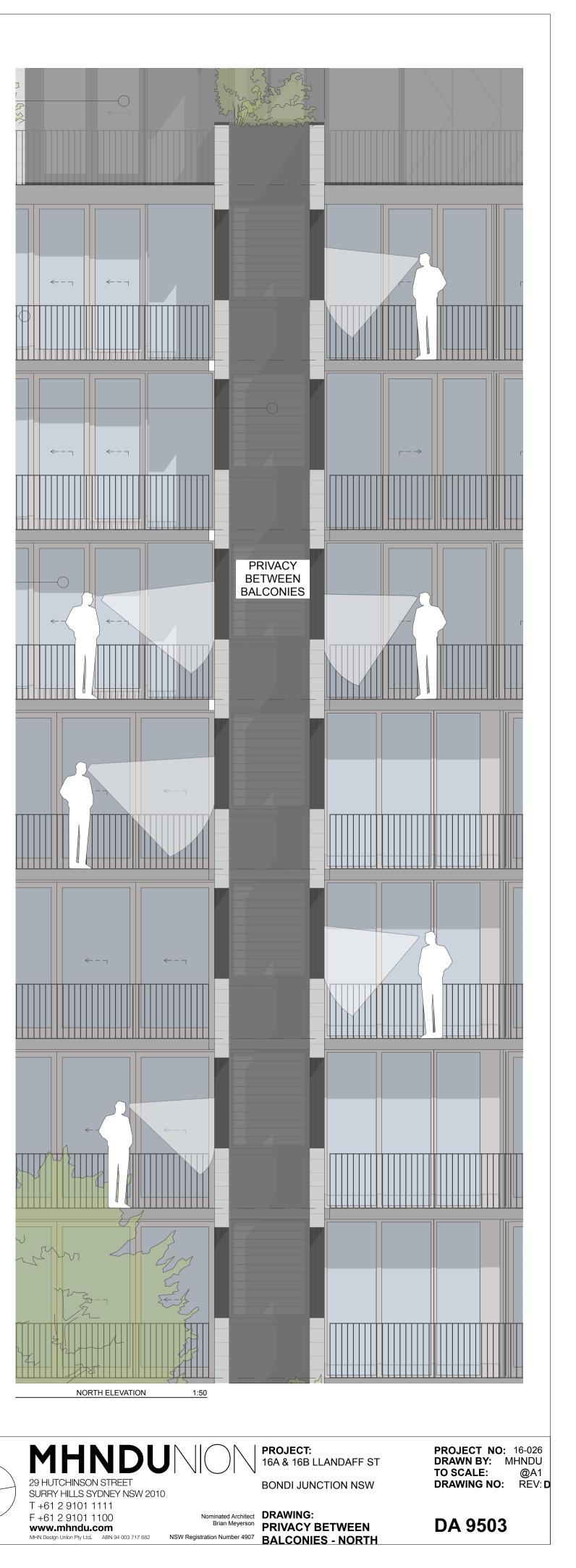
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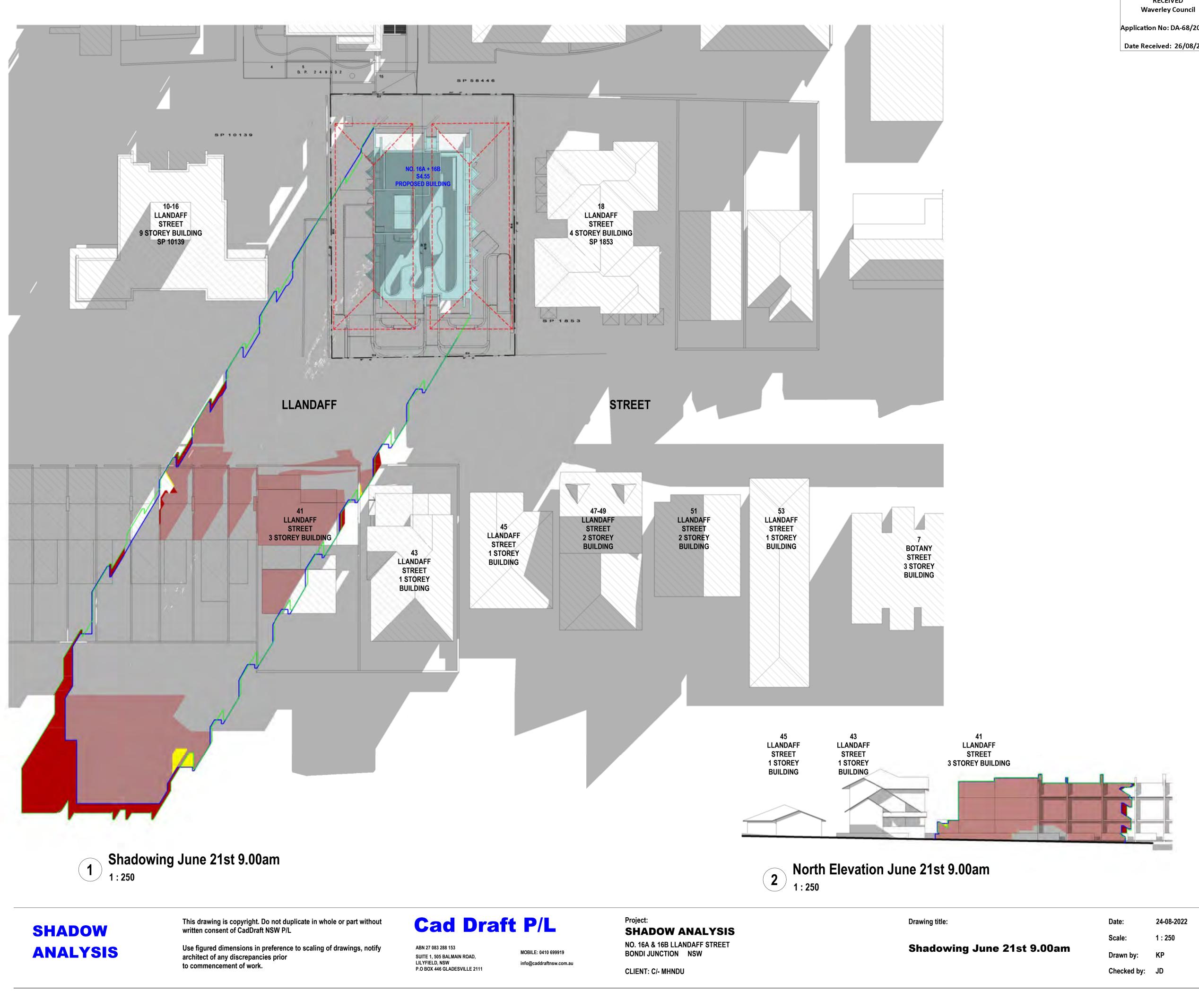
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Page 191 of 560

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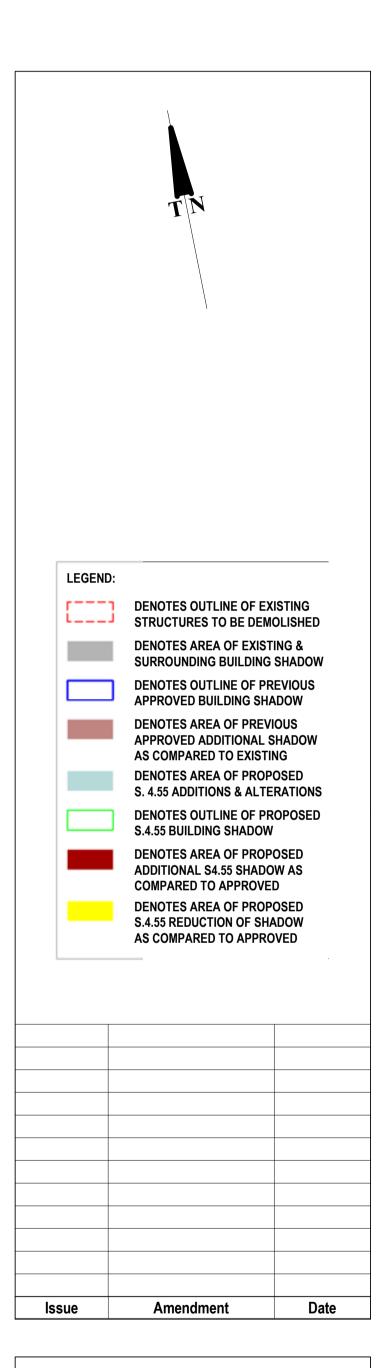
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NOTE:

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### **SHADOW ANALYSIS**

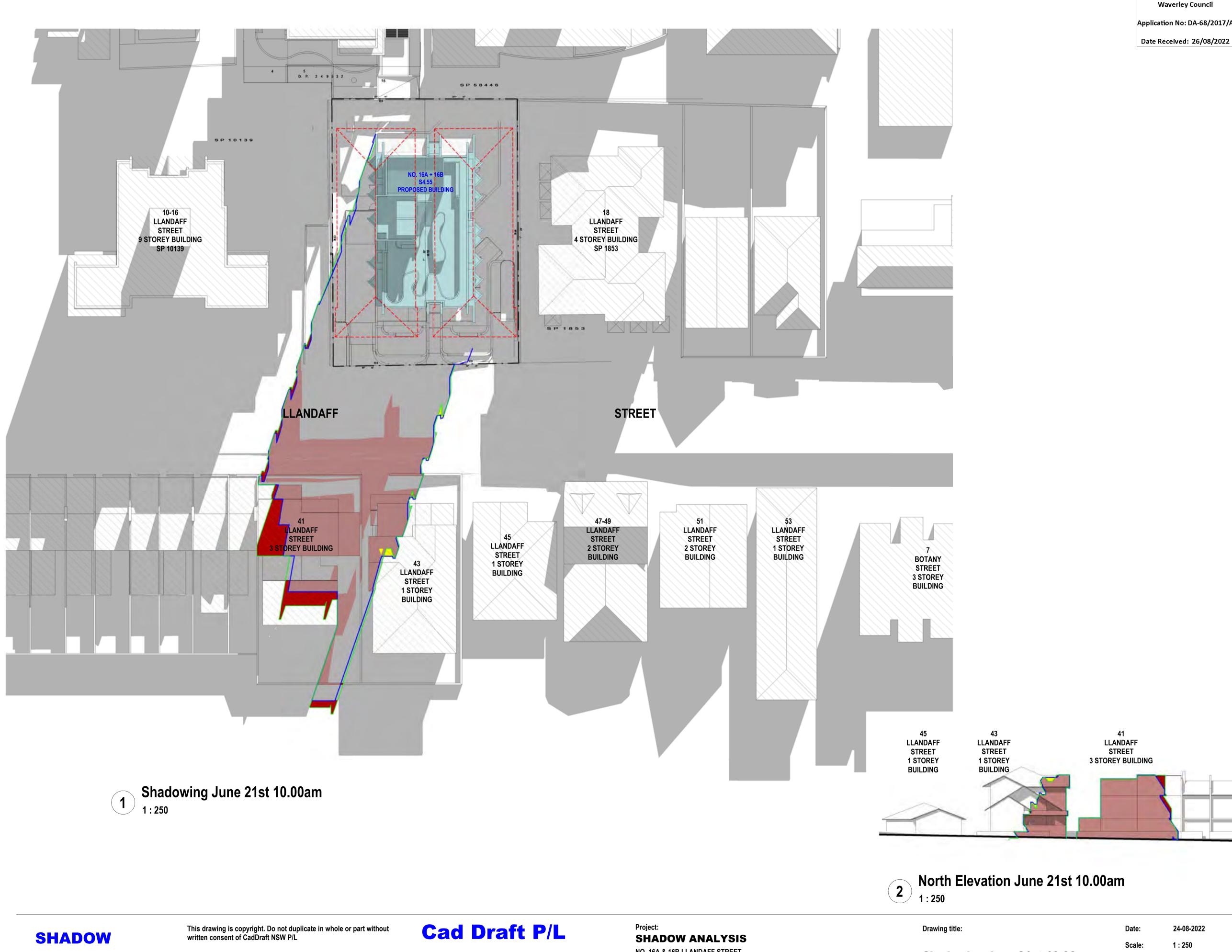
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24-08-2022

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Project number 6819-16 A100







**ANALYSIS** 

Use figured dimensions in preference to scaling of drawings, notify architect of any discrepancies prior to commencement of work.

ABN 27 083 288 153 SUITE 1, 505 BALMAIN ROAD, LILYFIELD, NSW P.O BOX 446 GLADESVILLE 2111

MOBILE: 0410 699919 info@caddraftnsw.com.au NO. 16A & 16B LLANDAFF STREET BONDI JUNCTION NSW CLIENT: C/- MHNDU

Shadowing June 21st 10.00am

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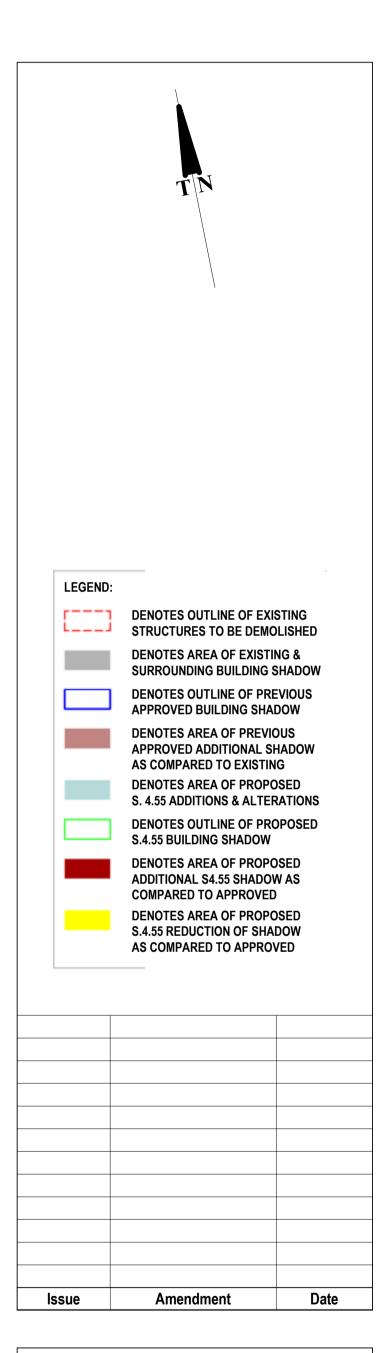
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### SHADOW ANALYSIS

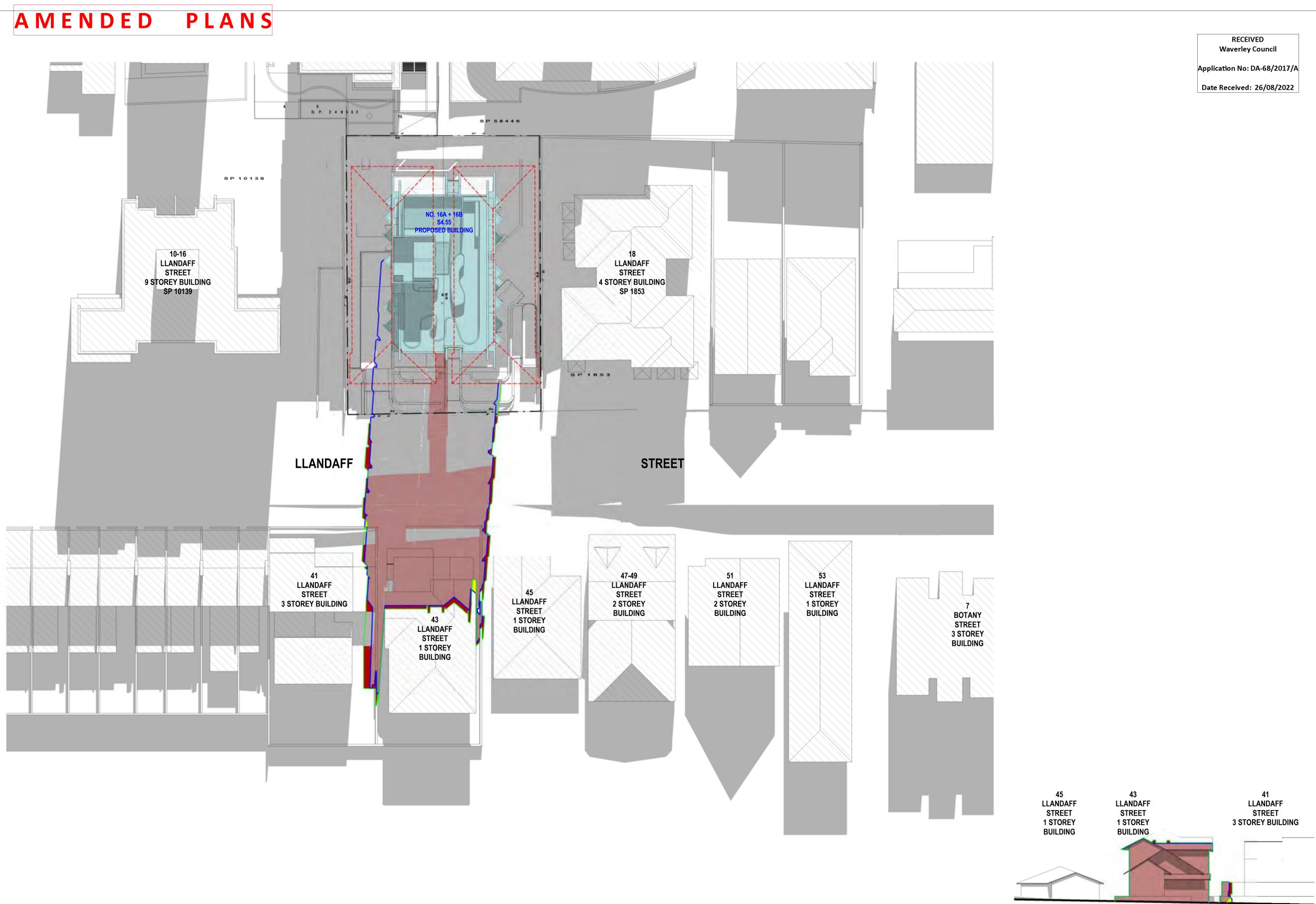
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SHADOW

**ANALYSIS** 

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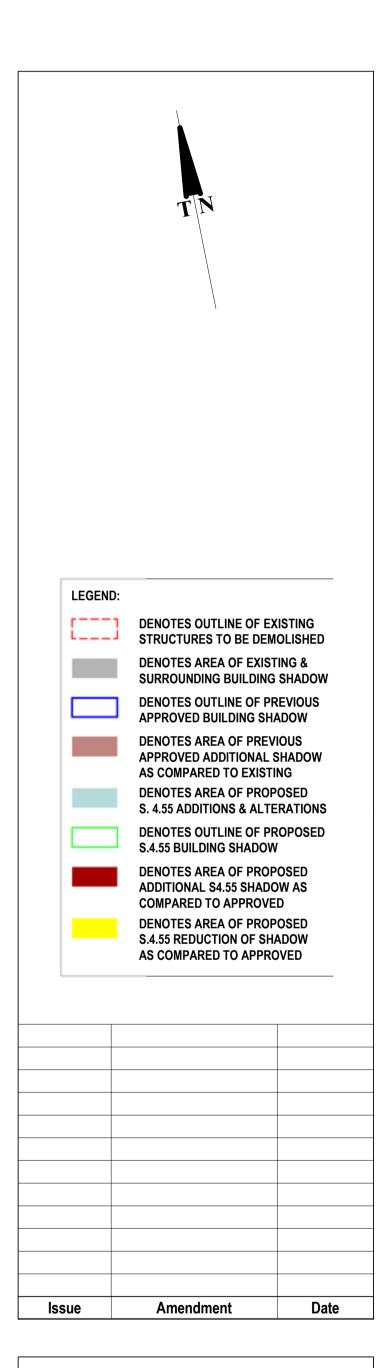
Page 193 of 560

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### SHADOW ANALYSIS

NO. 16A & 16B LLANDAFF STREET BONDI JUNCTION NSW



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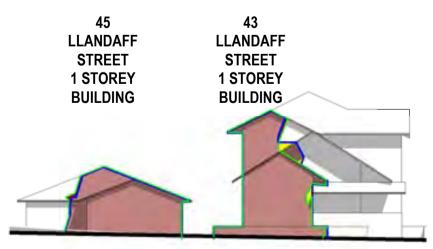
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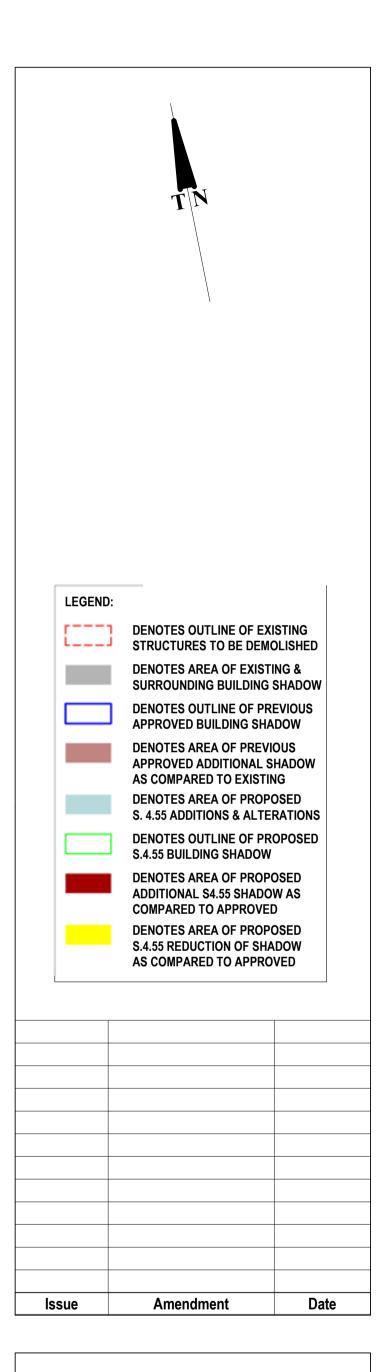
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Page 194 of 560

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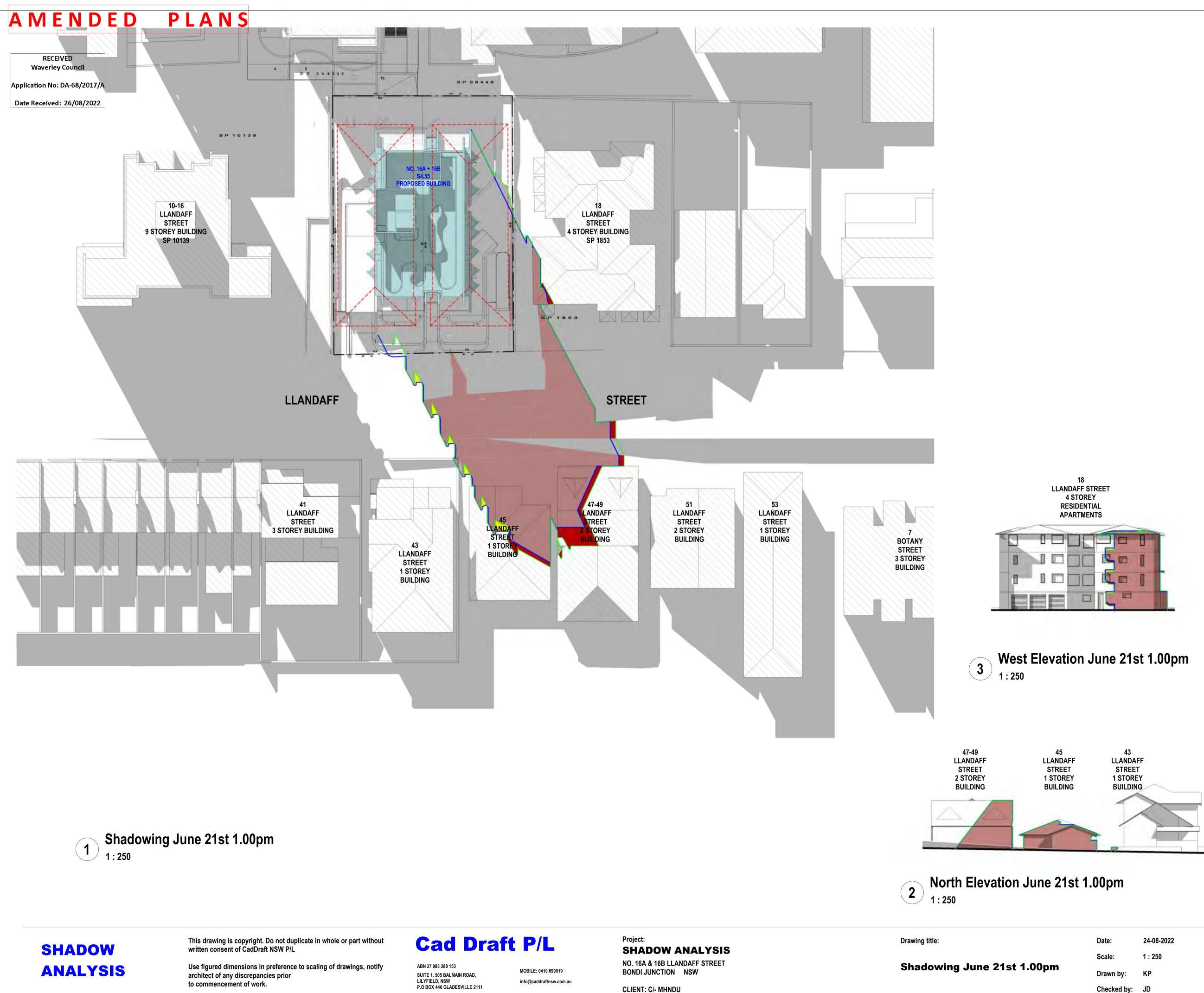
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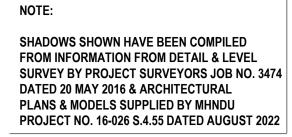
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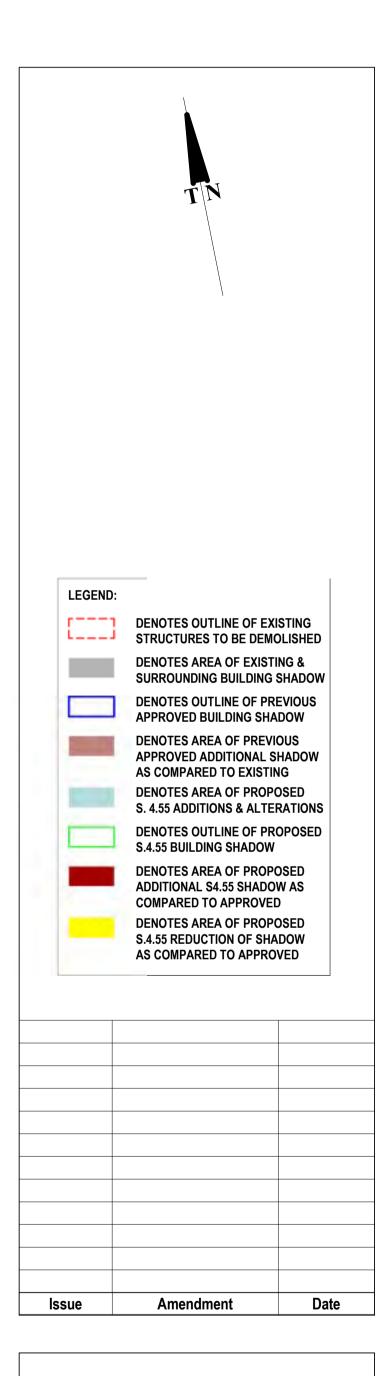
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Page 195 of 560



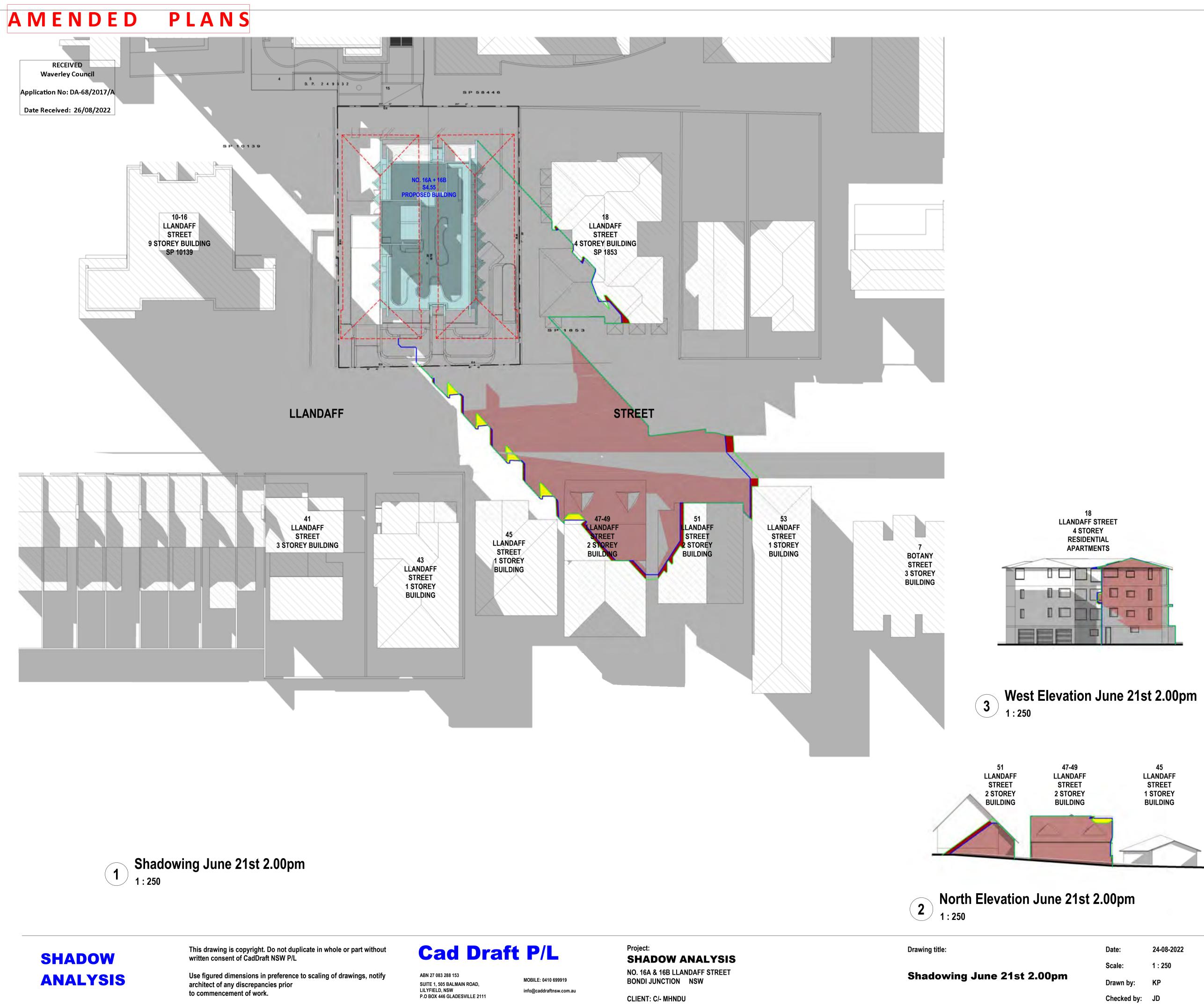
### SHADOW ANALYSIS





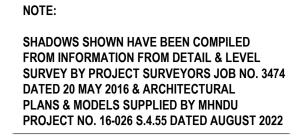
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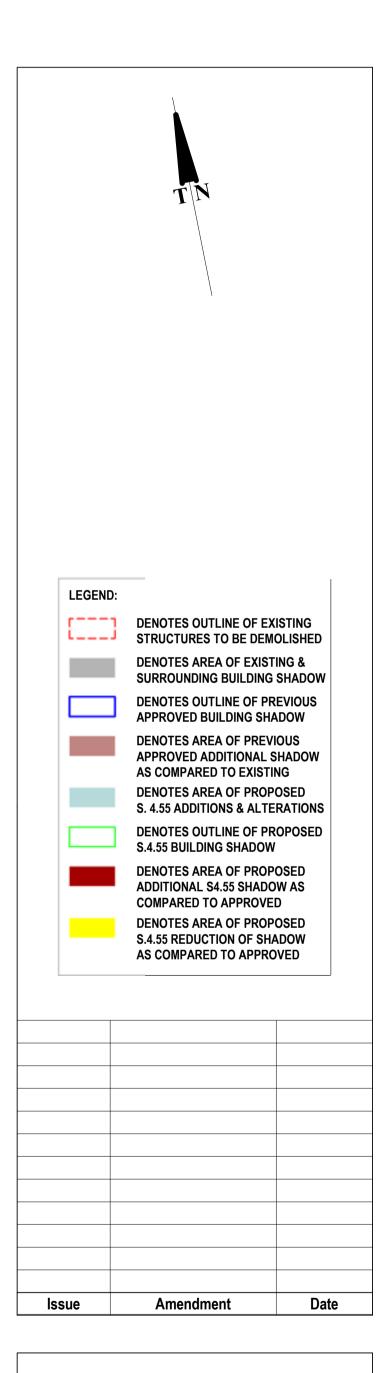


Page 196 of 560



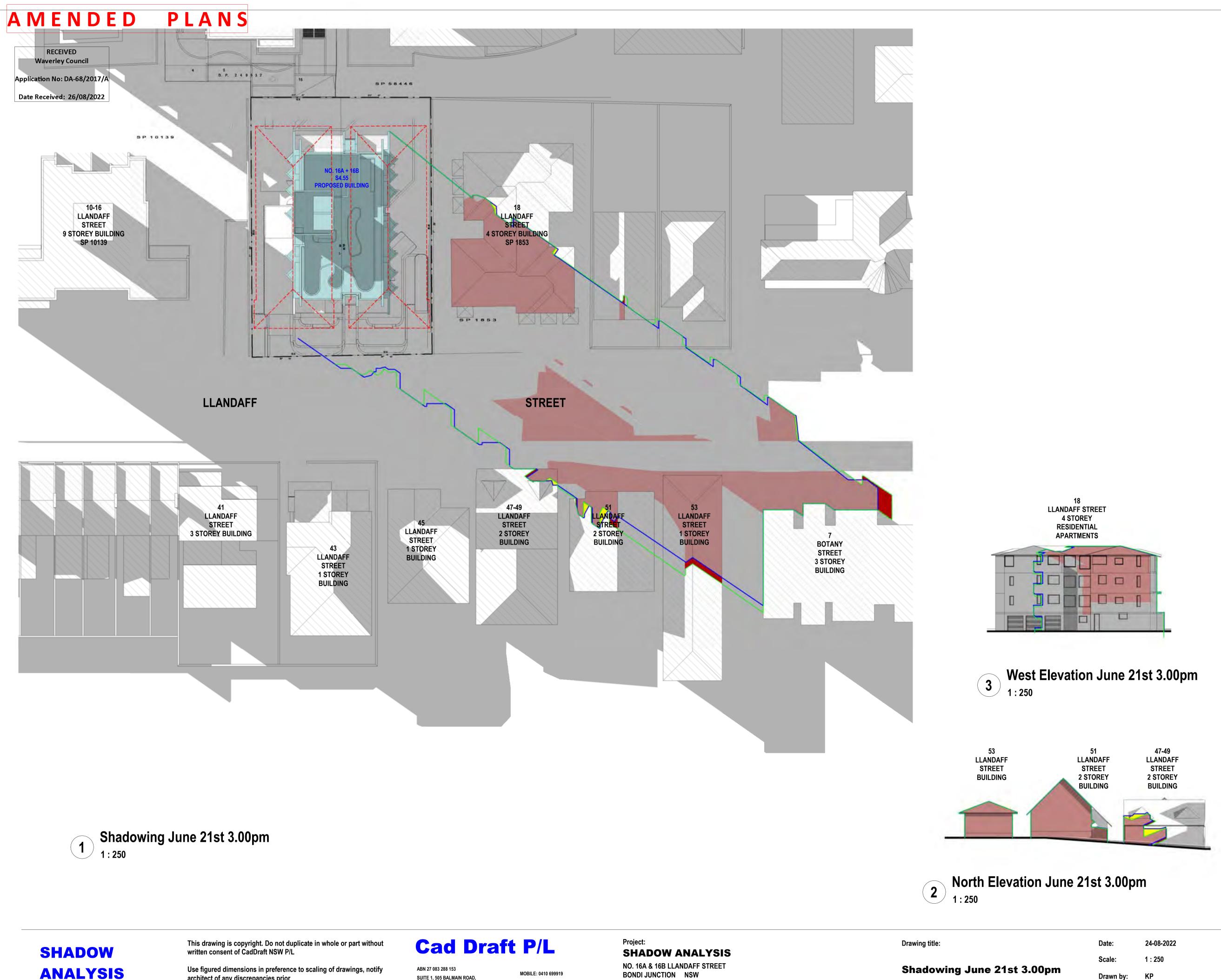
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NO. 16A & 16B LLANDAFF STREET BONDI JUNCTION NSW



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architect of any discrepancies prior to commencement of work.

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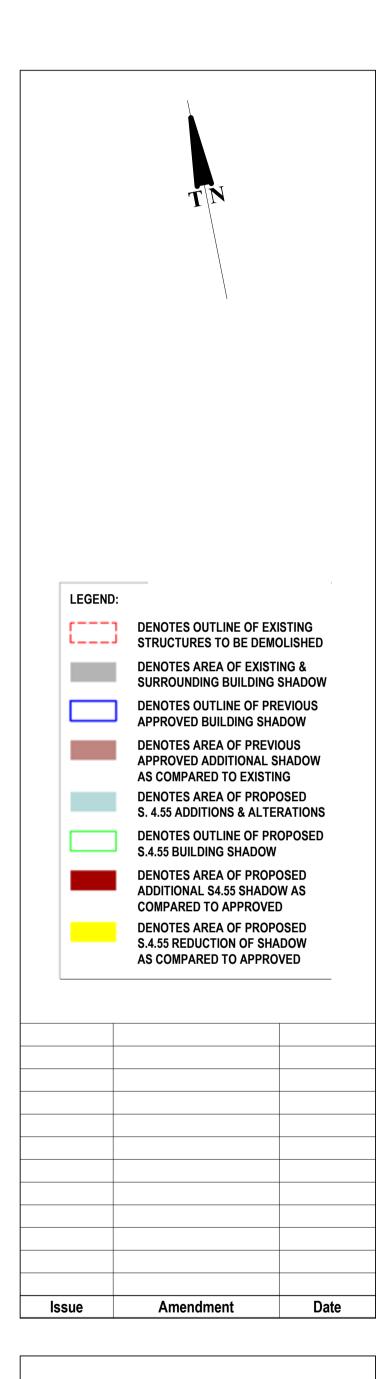
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### SHADOW ANALYSIS

NO. 16A & 16B LLANDAFF STREET BONDI JUNCTION NSW



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Application No: DA-68/2017/A

Date Received: 26/08/2022

## **16A & 16B Llandaff St** Development Application

Prepared for MHNDU August 2022

Page 198 of 560

ATT IN THE



# A M E N D E D P L A N S

Waverley Council

### Contents

Application No: DA-68/2017/A

Date Received: 26/08/2022

#### SECTION 01 // site understanding

Site Context	03
Landscape Character	04
Site Analysis	05
Landscape Narrative	06
SECTION 02 // landscape plan	07
Vision	08
Principles	09
Ground Floor Plan	10
Ground Floor // Front Terrace	11
Ground Floor // PRIVATE TERRACES	12
Level 1 Plan	13
Communal Rooftop Plan	14
Communal Rooftop // Landscape Strategy	15
Communal Rooftop // Flexible outdoor WFH	16
Communal Rooftop // Play area	17
Communal Rooftop // Outdoor Dinning 18	8-19

### SECTION 03 // materials and planting strategies

Suaregies	20
Material Palette	21
Planting Character	22
Planting Palette	23
Typology // Ground Floor / Trees	23
Typology // Ground Floor / Layers	24
Typology // Ground Floor / Shrubs Accents	25
Typologies // Rooftop & Level 8 Balcony	
Planting	26
Plant Schedule	27

Rev 1	28 October 2021	KP,
Rev 2	16 November 2021	KP,
Rev 3	24 November 2021	KP,
Rev 4	14 December 2021	KP,
Rev 5	17 March 2022	CL,
Rev 6	29 March 2022	KP,

We respectfully acknowledge the Traditional Custodians of the lands where we live and work. We acknowledge their unique ability to care for Country and deep spiritual connection to it. We honour Elders past, present and emerging whose knowledge and wisdom has and will ensure the continuation of cultures and traditional practices.

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Application No: DA-68/2017/A

Date Received: 26/08/2022

### Site Context

The site is located in the center of Llandaff St, Bondi Junction it is only 8km away from the city CBD and 4km away from a plethora of beaches including Bondi Beach, Rushcutters Bay and Rose Bay.

The site is located within 500m and walking distance to the popular Bondi Junction transport hub and Bondi's Westfield shopping mall and within 300m of the Eastgate Shopping Centre with local supermarkets.

Oxford Street, Spring Street and Bronte Rd all have active street frontages. Directly opposite the site sits Westfield Bondi Junction with numerous retail stores, cafes and resturants within easy walking distance.



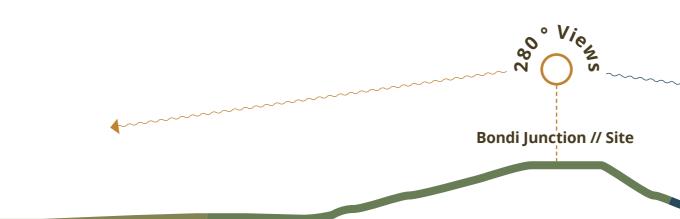


Landscape Character

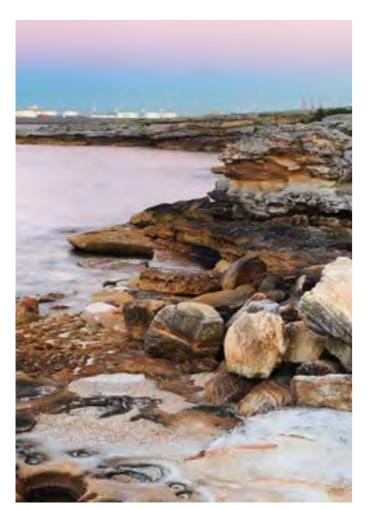
The site sits within a unique landscape context. With Sydney Harbour to the North, and Bondi Beach to the East make for a varied, coastal and vibrant landscape setting.

We aim to draw upon the influence of these unique environments through the landscape design in terms of materials, planting and the character which the environment instill. Application No: DA-68/2017/A

Date Received: 26/08/2022



#### **Botany bay**



#### **Coastal Fringe**







#### **Bondi Beach**





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#### Application No: DA-68/2017/A

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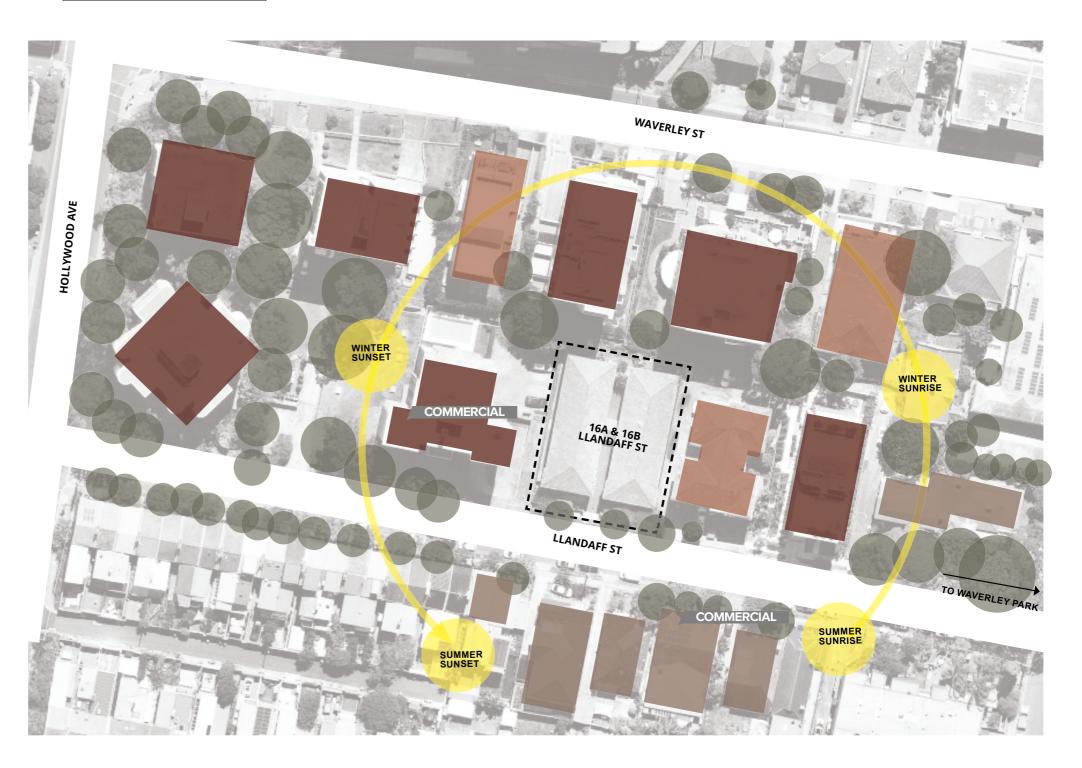
### **Site Analysis**

Eastern Suburbs Banksia Scrub is the indigenous ecological community of the area where the project site is located. There is now less than 3% of the original extent remaining. It is currently classified as a critically endangered ecological community. Common species include: Banksia sp., Lepidosperma laterale, Leptospermum laevigatum, Xanthorrhoea resinifera etc.

There are opportunities for the site to form new connection to the surrounding canopy and green open space network including Waverley Park within close proximity of the site.



- BUILDING: 1-2 STOREYS
  BUILDING: 4-6 STOREYS
- BUILDING: 9 STOREYS
- SUN PATH
- EXISTING TREES
- - SITE BOUNDARY





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Application No: DA-68/2017/A

Date Received: 26/08/2022

### Landscape Narrative



#### "Bondi" or "Boondi"

"Bondi" or "Boondi" is an aboriginal word meaning "water breaking over rocks" or "noise of water breaking over rocks." It has been spelt a number of different ways over time: for example, Boondi, Bundi and Bundye.



#### Eastern Sydney Banksia Scrub

The area was once covered with the Eastern Suburbs Banksia Scrub (ESBS). It generally formed a sclerophyllous heath or scrub community. Common species of ESBS include *Banksia aemula, B. ericifolia, B. serrata,Eriostemon australasius, Lepidosperma laterale, Leptospermum laevigatum, Monotoca elliptica* and *Xanthorrhoea resinifera*.



### Site History

The term Bondi Junction was named with the extension of the tram lines to Bondi Beach, Charing Cross and Bronte later in the decade, . It referred to the junction of the Bondi and Bronte tram lines at the corner of the now Oxford Street and Bronte Road.





### **Bondi Junction Character**

The "Junction" is a meeting place for people to come together in the wider community. With the subdivision of surrounding suburbs complete by 1930, Bondi Junction quickly grew into a major entertainment and commercial centre. It is made up of a mix of commercial, retail, residential, and community gardens and parks.





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Date Received: 26/08/2022





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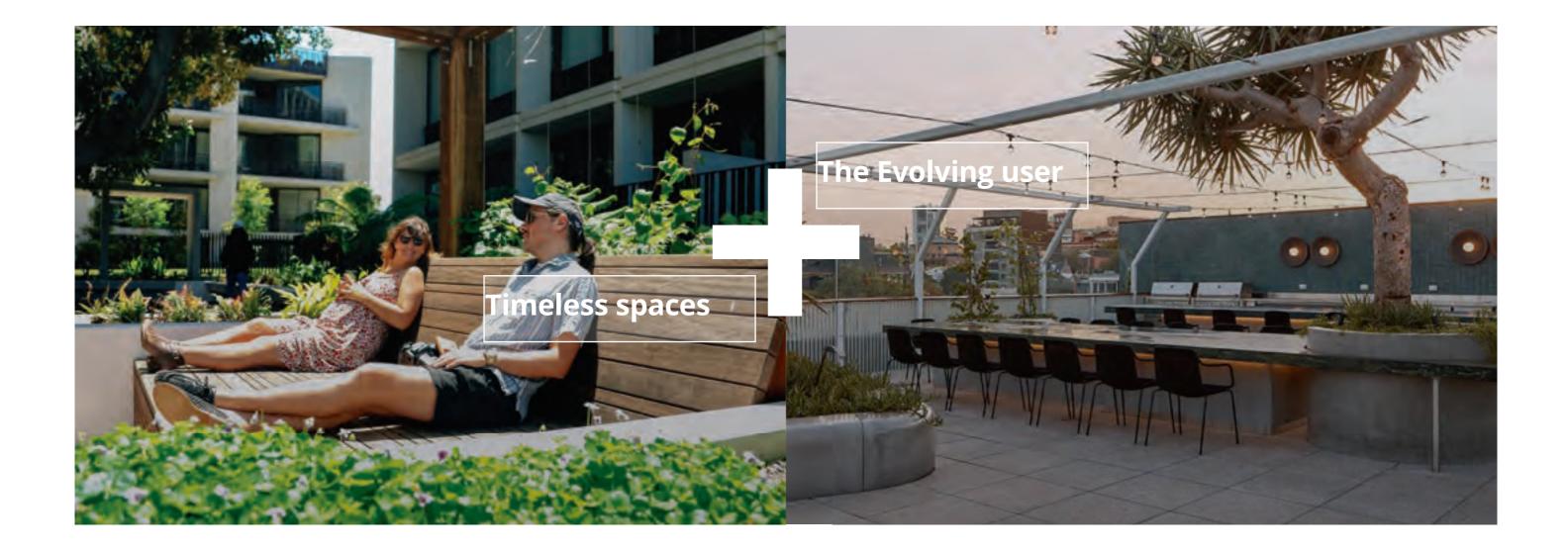
Application No: DA-68/2017/A

Date Received: 26/08/2022

### Vision

Build to Rent Housing will be a building or place that:

- contains at least 50 self-contained dwellings
   that are offered for long term private rent
- Designing for the ultimate multiuser



### Capturing an audience that is ever evolving and a development that is flexible in its use



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### **Principles**



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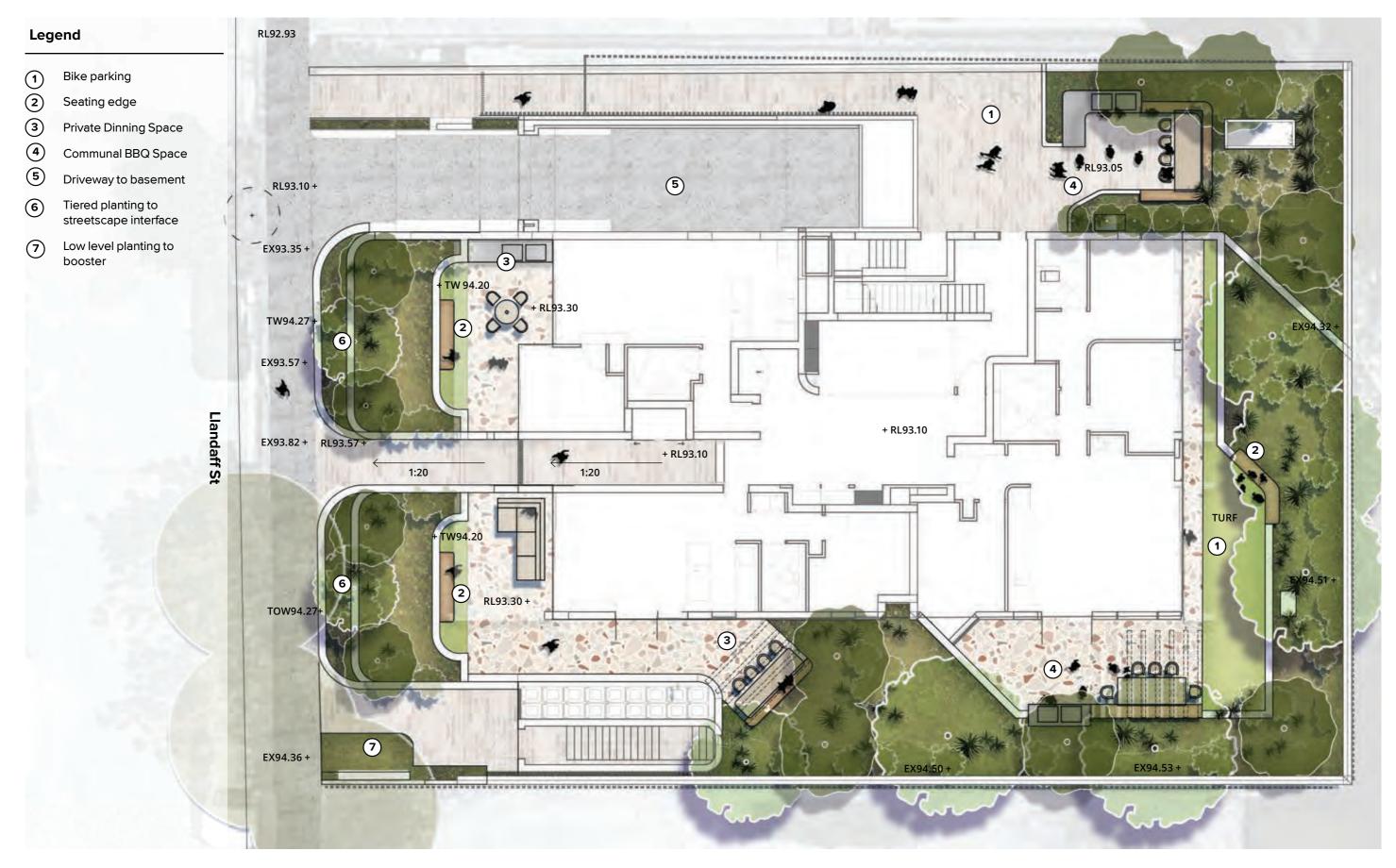


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### **Ground Floor Plan**





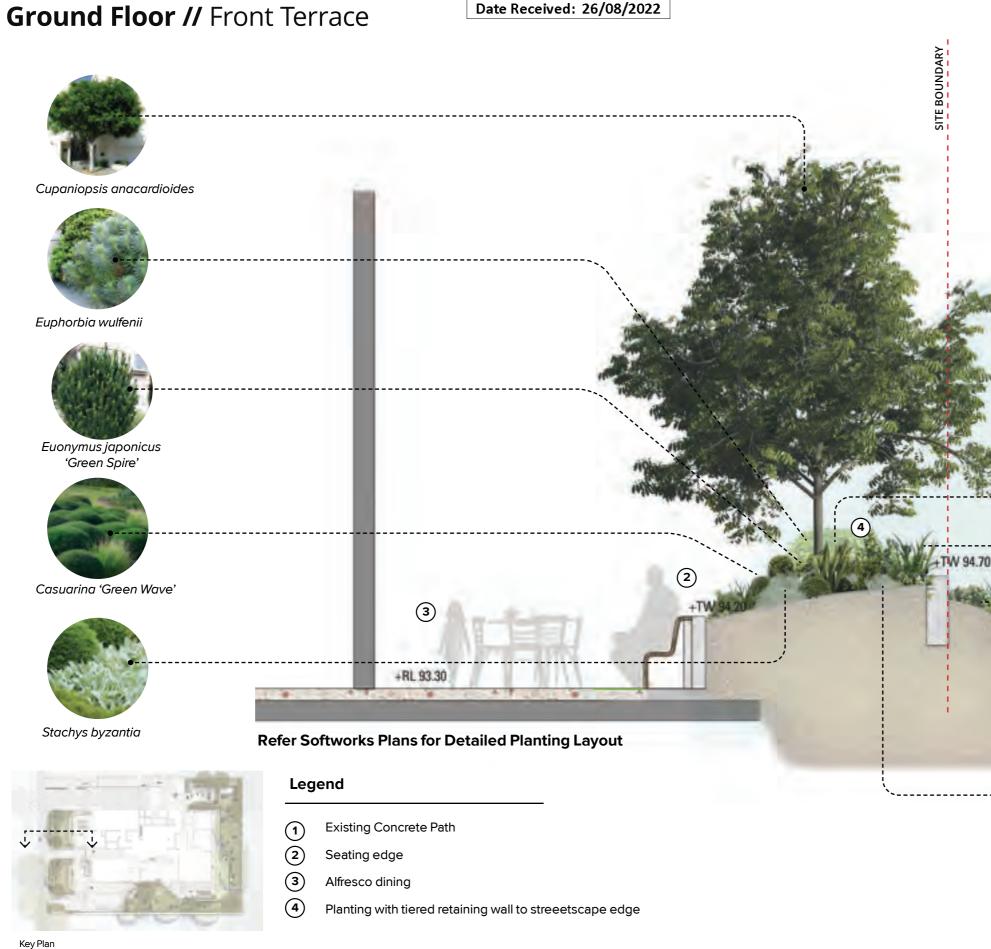


#### AMENDED P L A N S

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Application No: DA-68/2017/A

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16A & 16B Llandaff St | Development Application

11

+EX 93.67



Tristaniopsis laurina



Leucophyta brownii

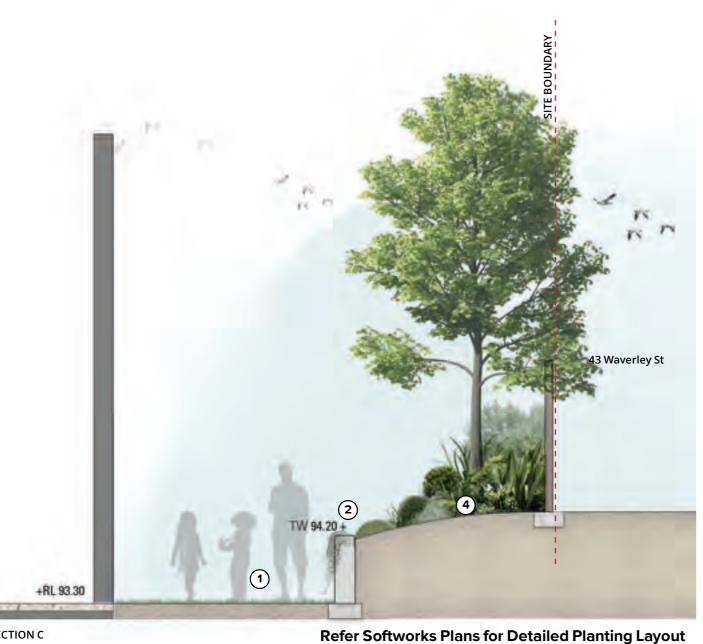


**Ground Floor //** Private Terraces

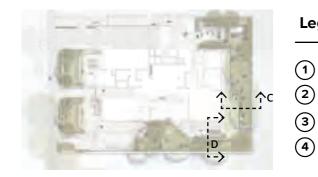
RECEIVED Waverley Council

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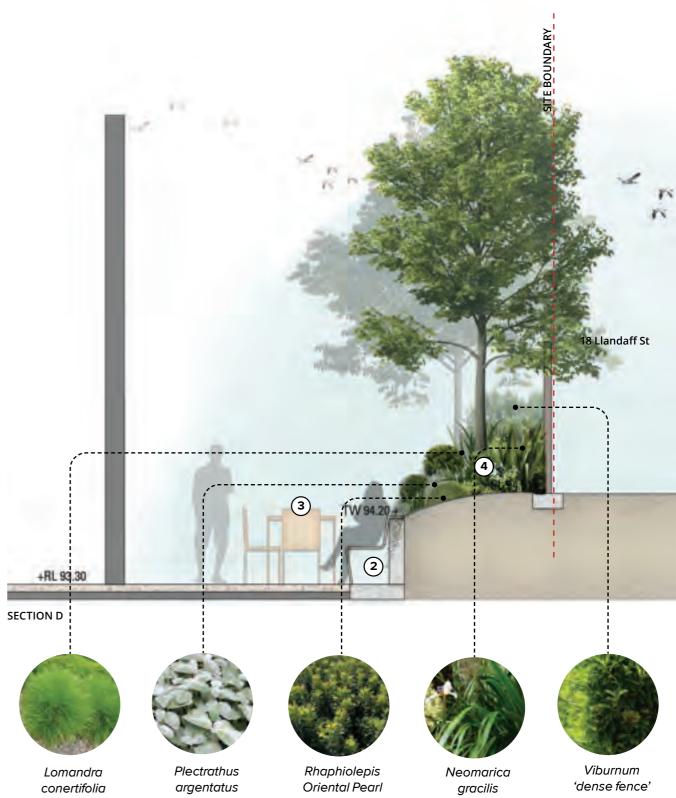
egend
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Private lawn

Retaining wall or seating to garden edge

Alfesco dining

Planting to max 1:4 fall









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Application No: DA-68/2017/A

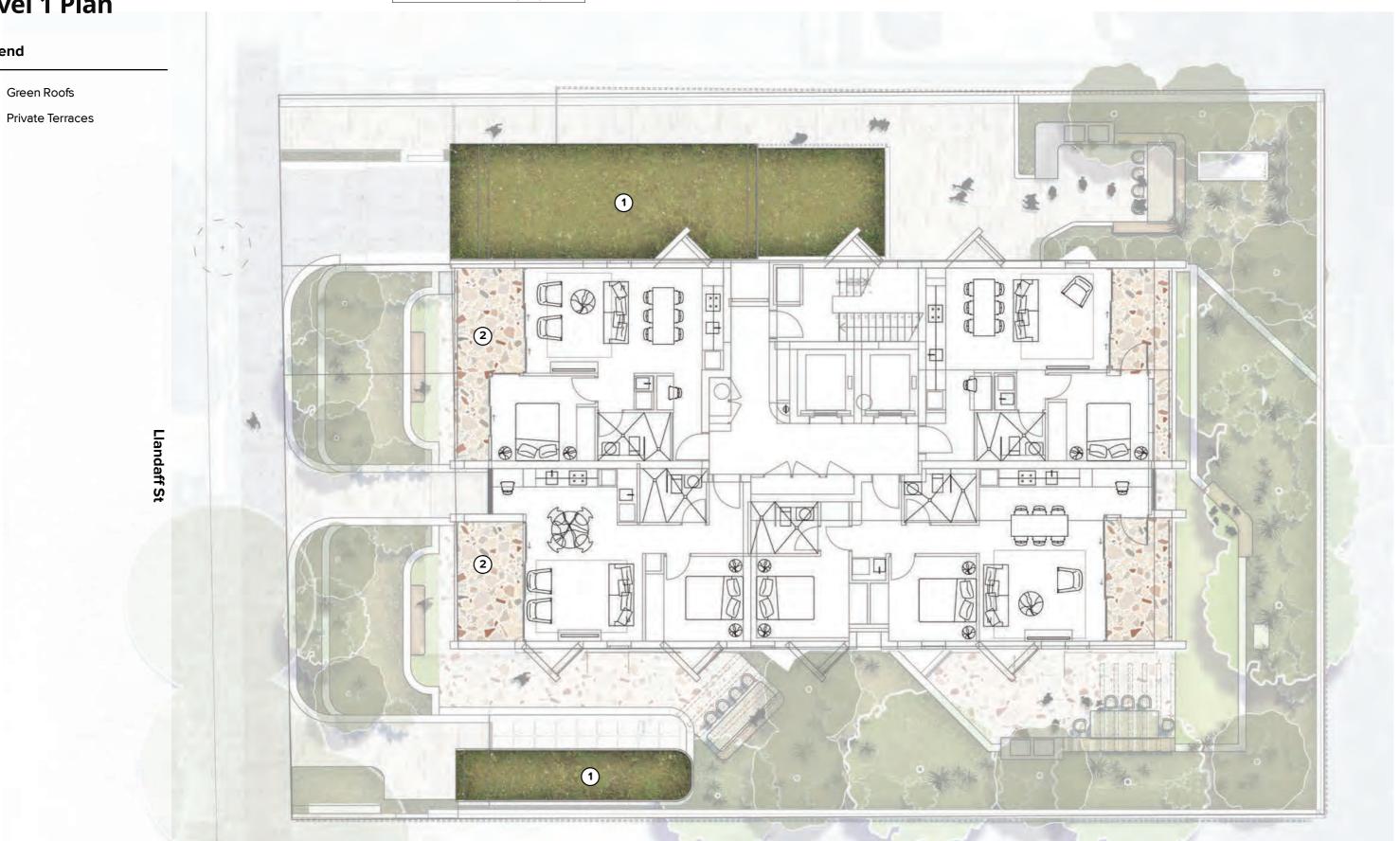
Date Received: 26/08/2022

### Level 1 Plan

Legend

1

2





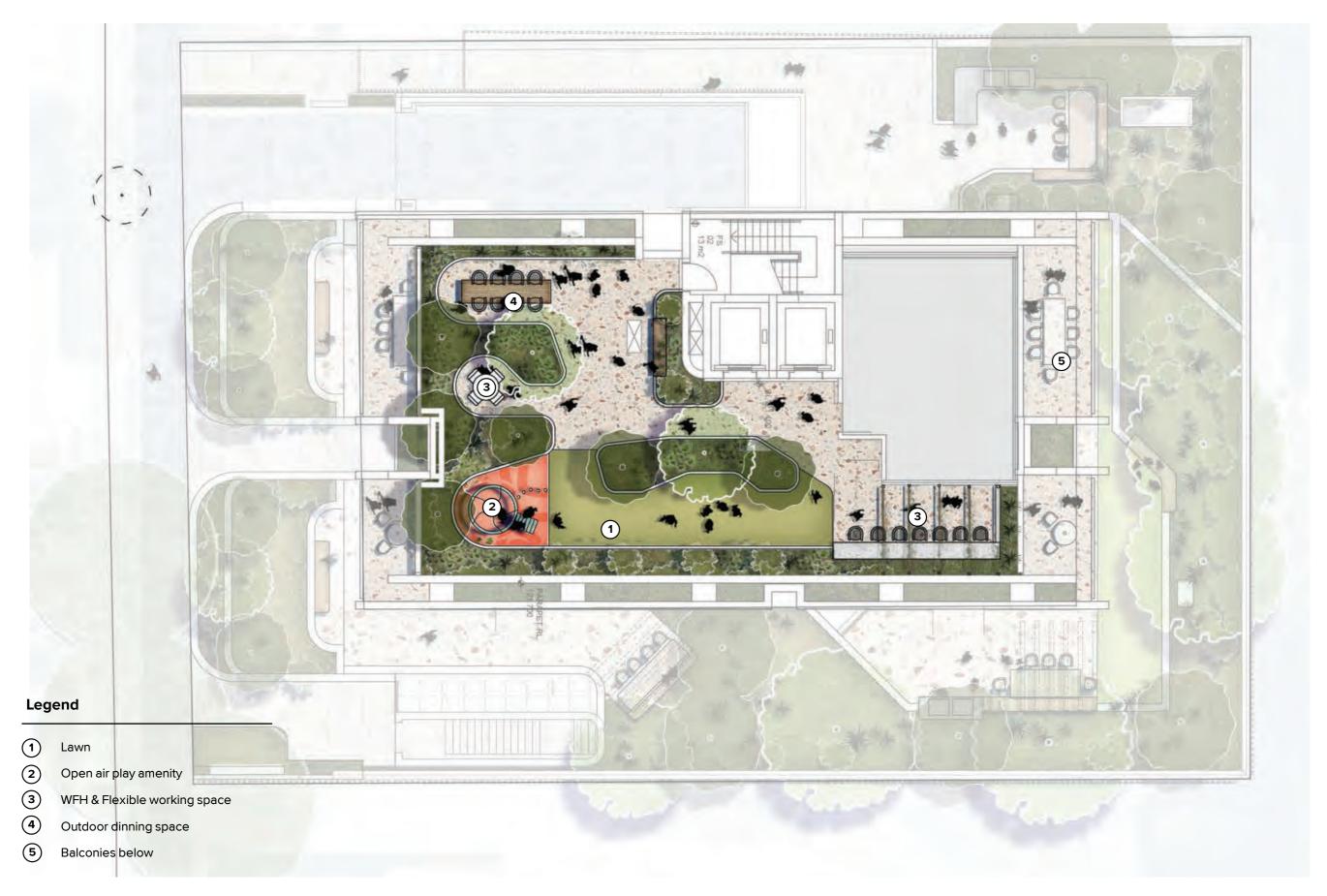


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Application No: DA-68/2017/A

Date Received: 26/08/2022

### **Communal Rooftop Plan**



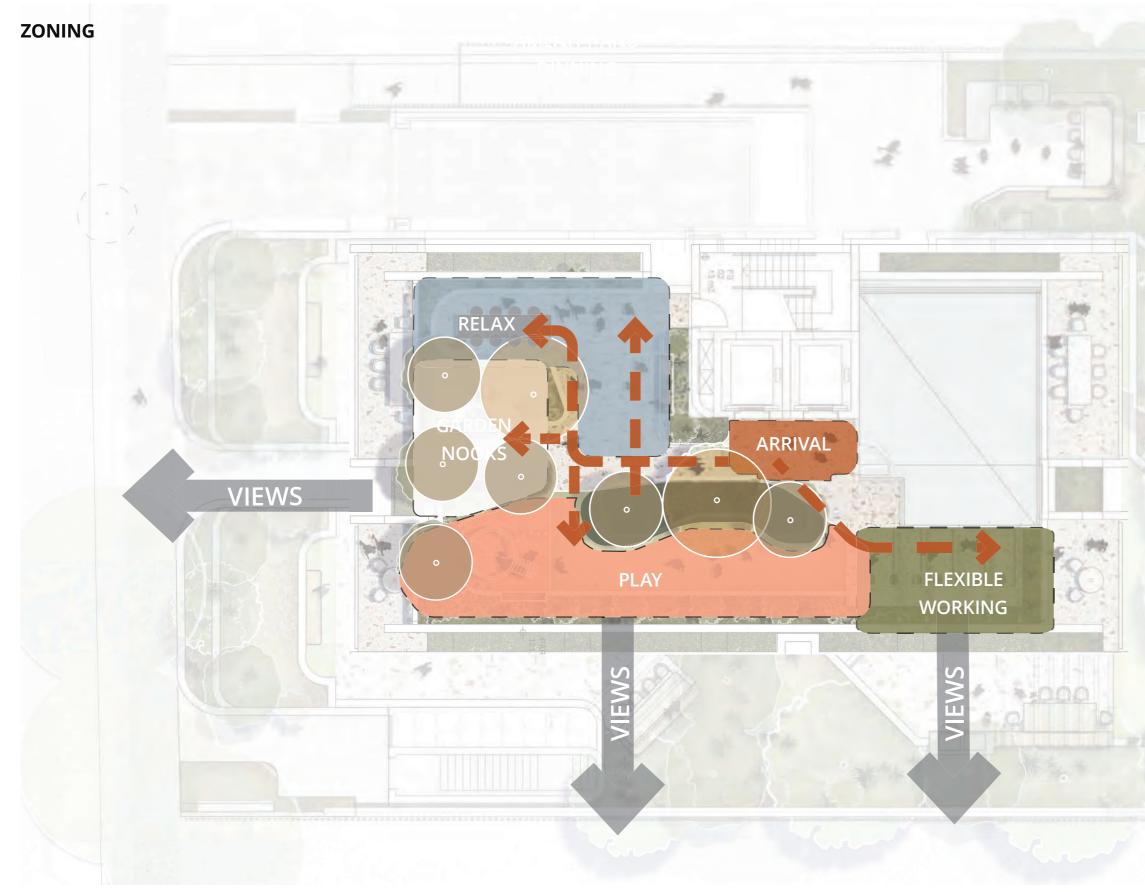






Application No: DA-68/2017/A

### Communal Rooftop // Landscape Strategy











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Application No: DA-68/2017/A

Communal Rooftop // Flexible outdoor WFH





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Communal Rooftop // Play area

Application No: DA-68/2017/A

Date Received: 26/08/2022







#### Legend

2

3

4

- (1) Open Air Play area
  - Lawn
  - Screening planting for privacy
  - Seating nooks
- 5 Building entry









( )

#### AMENDED P L A N S

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Application No: DA-68/2017/A

# **Communal Rooftop //** Outdoor Dinning





#### Legend

3

- (1) Flexible outdoor dinning seating
  - Seating edge
  - Screening planting for privacy
  - Seating nooks
- 5 Building entry







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Application No: DA-68/2017/A

# Communal Rooftop // Outdoor Dinning & Play Area





#### Legend

Softfall

Semi transparent open air play amenity

- Seating edge
- Planter
- Flexible seating for outdoor dining



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Application No: DA-68/2017/A

Date Received: 26/08/2022



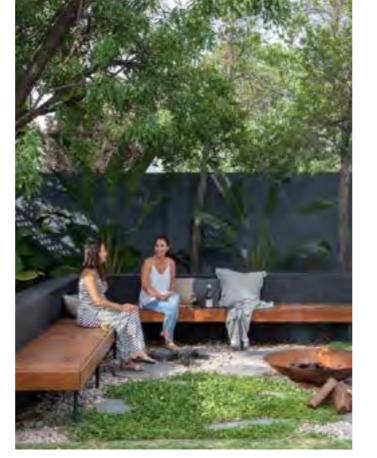


### **Material Palette**

Application No: DA-68/2017/A

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Planting Character Application No: DA-68/2017/A

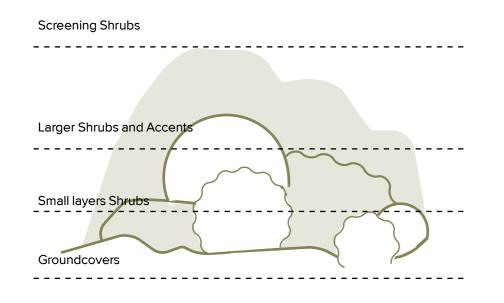
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Application No: DA-68/2017/A

Date Received: 26/08/2022

**Planting Palette** Typology // Ground Floor / Trees



laeocarpus eumundi

16A & 16B Llandaff St | Development Application 23

ervana (Deciduous





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Application No: DA-68/2017/A

Date Received: 26/08/2022

**Planting Palette** Typology // Ground Floor / ayers



arge Shrubs

Vihurnum "dense fence





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Application No: DA-68/2017/A

Date Received: 26/08/2022

### **Planting Palette**

Typology // Ground Floor / Shrubs and Accents







Euonymus japonicus green spire















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Application No: DA-68/2017/A

Date Received: 26/08/2022

### **Planting Palette**

Typologies // Rooftop & Level 8 Balcony Planting















Agave victoriae reginae



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#### Application No: DA-68/2017/A

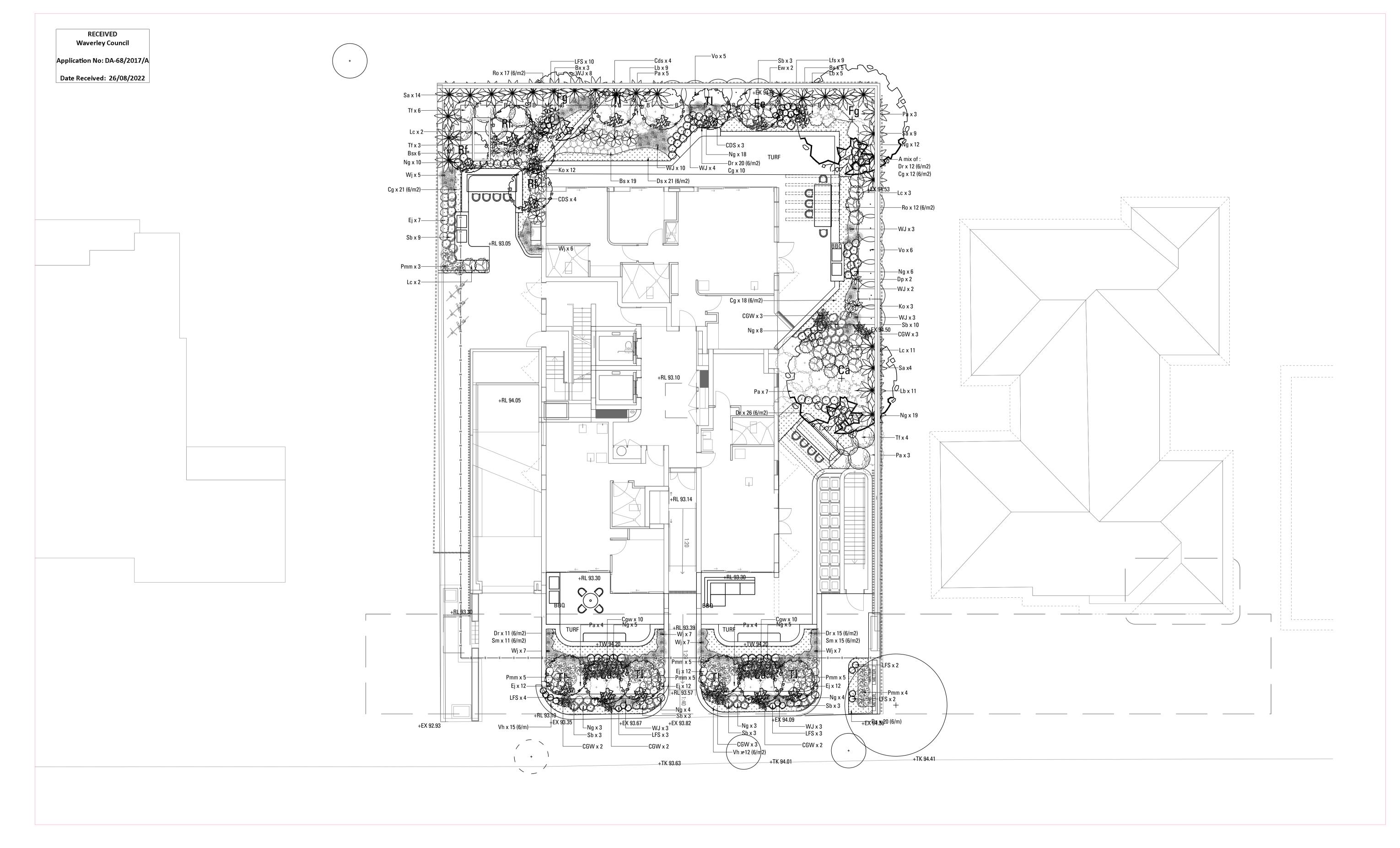
#### Date Received: 26/08/2022

OW WATER	CODE	BOTANIC NAME	COMMON NAME	MATURE SIZE (h x w) (m)	POT SIZE	G FLOOR	Level 1	LEVL 8 TERRAC
		TREES	•	• • • • •	•			
	Ca	Cupaniopsis anacardioides	Tuckeroo	10 x 8	100L, Clear trunk	3		
	Dd	Dracaena draco	Dragon Tree	4-7 x 4-7	100L			3
	Ee	Elaeocarpus eumindii	Quandong	10 x 6	100L, Clear trunk	1		
	Fg	Fraxinus griffithii	Evergreen Ash	7 x 5	100L, Clear trunk	3		
	Rf	Randia Fitzalanii	Native Gardenia	6 x 3	100L, Clear trunk	4		3
	ТІ	Tristaniopsis laurina 'Luscious'	Water Gum	12 x 4	100L, Clear trunk	7		2
		SCREENING/ TALL SHRUBS						
	Ac	Arthropodium cirratum	Renga Lily	1.1 x 0.6	300mm			
	Ca	Correa alba	Coastal pink	2 x 1.2	300mm			
	Ко	Kalanchoe hildebrandtii	Silver Tea Spoons	1.2 x 1.2	300mm	18		31
	Pa	Plectranthus argentatus	Silver Shield	1.5 x 1	300mm	27		
	Sa	Syzgium australe	Brush Cherry	4 × 2	300mm	27		
	Vo	Viburnum odoratissimum	Dense Fence	4 x 2	300mm	11		
		SHRUBS						
	Bs	Buxus sempervirens	European Box	0.6 x 0.6	200mm, Ball pruned	25		
	CGW	Casuarina 'Green Wave	Green wave	0.8 x 0.8	200mm, Ball pruned	34		
	Lb	Leucophyta brownii	Cushion Bush	1 x 1	200mm	25		
	Lc	Lomandra confertifolia "Little con"	Little Con Mat Rush	0.5 × 0.5	200mm	23		
	LFS	Leptospermum laevigatum "Fore shore"	Tea Tree	0.5 x 0.5	200mm, Ball pruned	29		
	PMM	Pittosporum tobira "miss muffet"	Miss Muffet	1 x 1	200mm	25		4
	Rs	Rhagodia spinescens 'Flatbush'	Aussie Flatbush	0.4 x 1	200mm	27		-
	Tf	Teucrium fruticans	Tree germander	0.7 x 1.5	200mm, Ball pruned	12		
	То	Thuja occidentalis "Little Champion"	Little Champion	0.7 x 1.5 0.8 x 0.8	200mm, Ball pruned	12		
	WJ	Westringia fruticosa 'Jervis Gem '	Aussie Box Hedge	0.8 x 0.8	200mm 200mm	75		23
	ABG	ACCENTS Agave Blue Glow	Blue Glow Agave	0.3-0.6 x 0.6-0.9	200mm			7
	ABG	Alcantarea extensa	Bromeliad	1 x 1	300mm			8
	Ae	Aloe 'Outback Orange'	Aloe vera plant	1 x 0.8	200mm			13
	By	Beschorneria yuccoides	Mexican Lily	1 x 2	200mm			13
	-	Crassula arborescens	,	0.6 x 0.8	300mm			
	Ca CB		Money Plant	0.6 x 0.8	200mm			17
		Crassula 'Blue Bird'	Jade Plant		200mm			1/
	CDS	Carissa macrocarpa 'Desert Star'	Desert Star	1.2x1.2		11		
	Dp	Doryanthes palmeri	Spear Lily	1.2 x 1	300mm			
	-	Euonymus japonicus green spire	Japanese euonymus	2 x 0.8	300mm	57		5
	Ew	Euphorbia wulfenii	Mediterranean Spurge	2 x 1	300mm	21		7
	Ng Sb	Neomarica gracilis Stachys byzantia	Walking Iris Lambs ear	0.6 × 0.6 0.4 × 0.6	300mm 300mm	98 35		37
	55		Lambs ear	0.4 × 0.0	3001111			
	6	GROUNDCOVERS & CLIMBERS Carpobrotus glaucescens	Pig Face	0.2 x spreading	150mm	61		22
	Cg	Carpobrotus glaucescens Dichondra repens		0.2 x spreading 0.3 x spreading	150mm	61 84		22
		Dichondra repens Dichondra repens 'Silver Falls'	Repens Silver Follo	0.3 x spreading	150mm			
		Eremophila glabra prostrate	Silver Falls Blue Horizon	0.3 x spreading 0.4 x 1	150mm	41		44
	-			0.4 x 1 0.2 x spreading	150mm			110
		Myoporum parvifolium	Yareena Mistlataa Castus					110
	Rc	Rhipsalis capiliformis	Mistletoe Cactus	0.3 x spreading	150mm	20		40
	Ro	Rosemarinus officinalis 'Prostratus'	Creeping Rosemary	0.6 x 0.6-0.9	150mm	29		
	Sm Vh	Senecio mandraliscae Viola hederacea	silver Falls Native Violet	0.3 × 0.6 0.1-0.2 × 0.3-1	150mm 150mm	27		107
	VII	Matrix 1 - Green Roof		0.1-0.2 X 0.3-1		21		
	Ab	Aloe 'Bush Baby Yellow'	Bush Baby Yellow	0.3 x 1.2	140mm	76		
	Cg	Casurina glauca	Cousin it	0.5 x 1.2 0.6 x 0.6	140mm	76		
		Lomandra longifolia 'Tanika'			140mm			
	Lt Mp	5	Tanika Mat Rush	0.6 x 0.6	140mm	76 76		
	Мр	Myoporum parvifolium Sempervivum 'Hens and Chicks'	Creeping boobialla Hens & Chicks	0.1 × 0.4 0.6 × 0.6	140000	76 76		

Rev 7 // 25 August 2022



# AMENDED PLANS **SOFTWORKS / GROUND FLOOR**







CLIENT

Page 225 of 560

## 401

# ARCHITECT

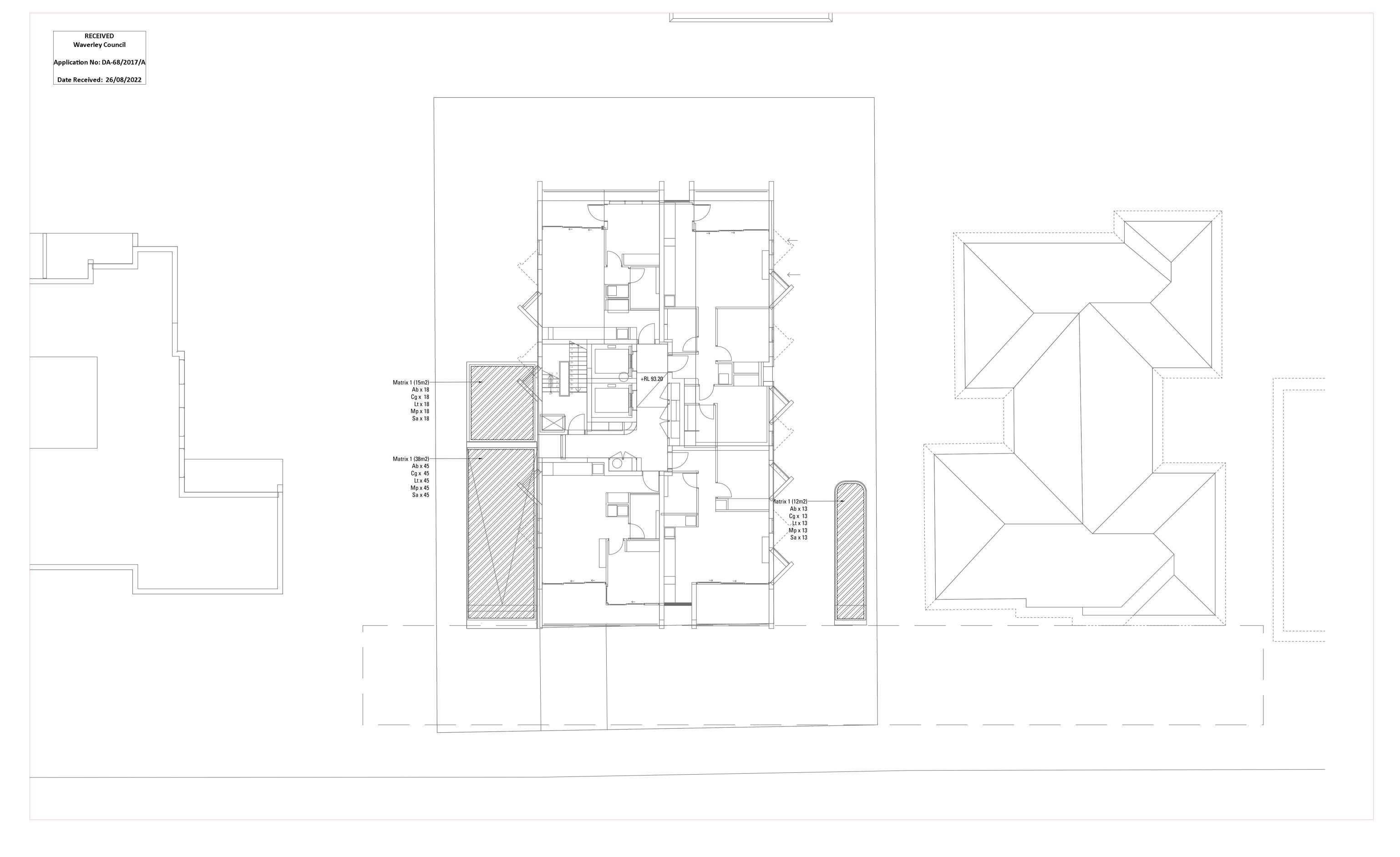
**PREPARED BY** Arcadia Landscape Architecture Phillip Brenner MHNDU



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# AMENDED PLANS **SOFTWORKS / Level 1**







CLIENT

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Page 226 of 560

## 401

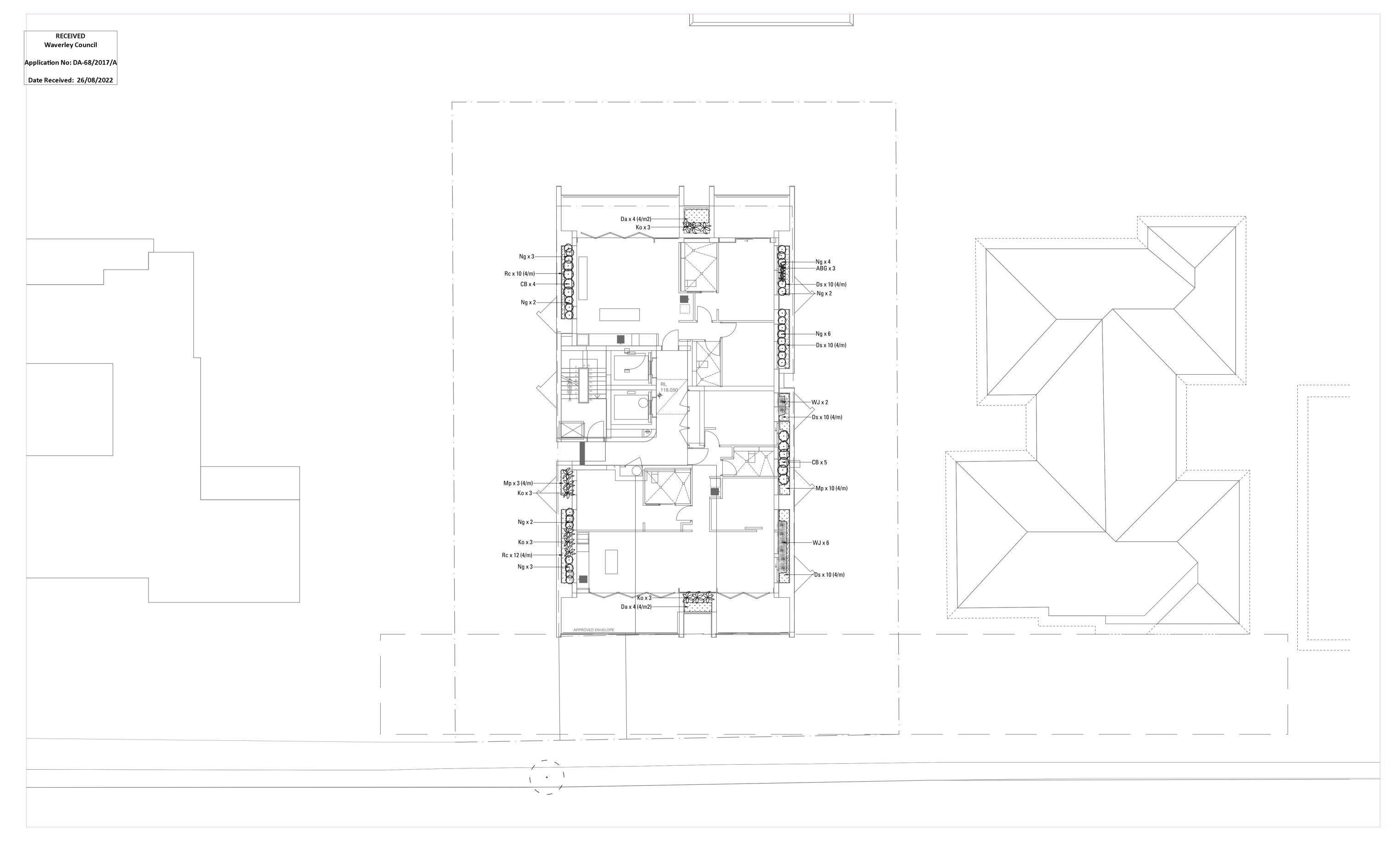
# ARCHITECT

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**DATE** 25.08.22

## AMENDED PLANS **SOFTWORKS / LEVEL 8**







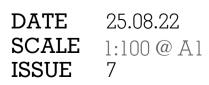
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Page 227 of 560

# 403

ARCHITECT

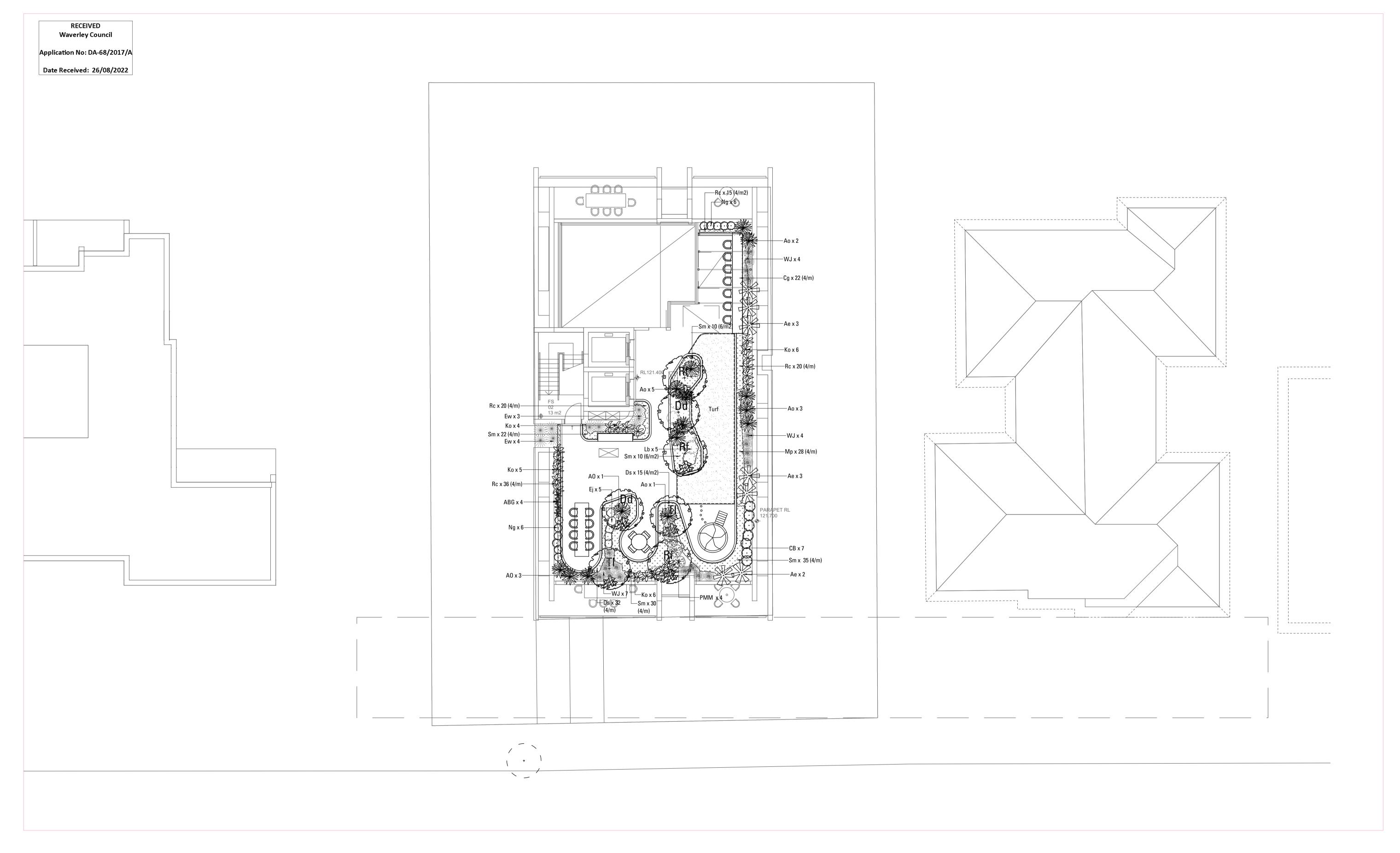
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# AMENDED PLANS **SOFTWORKS / ROOFTOP**







CLIENT



# ARCHITECT

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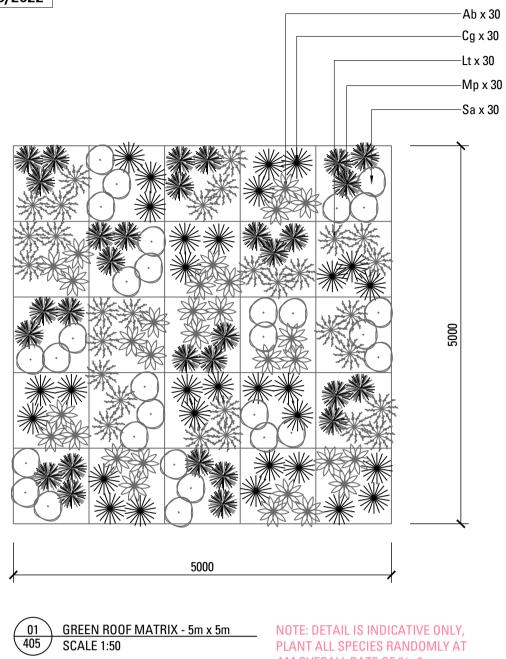
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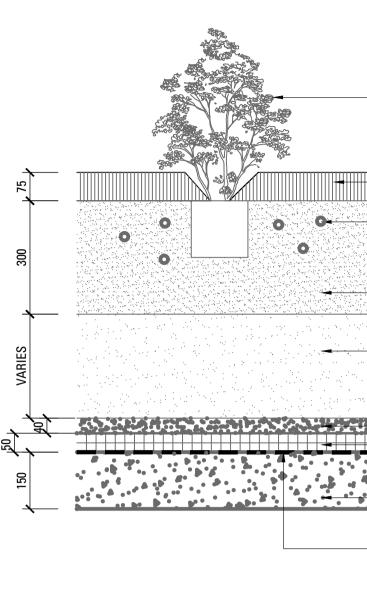
## AMENDED PLANS LANDSCAPE DETAILS

RECEIVED Waverley Council Application No: DA-68/2017/A

Date Received: 26/08/2022



AM OVERALL RATE OF 6/m2



02 150MM-25L SHRUB PLANTING ON SLAB 405 SCALE 1:10



	Refer Plan and Schedule			
	— MULCH Refer Specification			
	— FERTILISER Refer Specification			
a de desis Sectores La de des La de de des La de de des La de de de des La de	— TOPSOIL TYPE A Refer Specification			
n - Al <u>An An</u> An An An An	— TOPSOIL TYPE B Refer Specification			— PROPOSED TURF Refer Specification
		150 MIN.	<u>/</u>	— TOPSOIL Refer Specification
	Refer Specification — SUSPENDED CONCRETE SLAB To Engineers Specification	1040×		<ul> <li>COARSE WASHED RIVER SAND</li> <li>DRAINAGE CELL AND GEOTEXTILE</li> <li>FILTER CLOTH</li> <li>Refer Specification</li> </ul>
	— WATERPROOF MEMBRANE To Architects Specification			<ul> <li>SUSPENDED CONCRETE SLAB To Engineers Specification</li> <li>WATERPROOF MEMBRANE To Architects Specification</li> </ul>

03 TURF ON SLAB 405 SCALE 1:10

– PLANTING



**PREPARED BY** Arcadia Landscape Architecture CLIENT Phillip Brenner ARCHITECT MHNDU

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Page 229 of 560

## 405



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### Report to the Waverley Local Planning Panel

Application number	DA-66/2022		
Site address	51 Llandaff Street BONDI JUNCTION		
Proposal	Demolition and construction of two x new three-storey semi-detached dwellings with garage, pool, Torrens title subdivision and tree removal		
Date of lodgement	18/02/2022		
Owner	Z Shen, Mr M Ni and Ms Y Li		
Applicant	Geoform Architects		
Submissions	14 submissions		
Cost of works	\$1,715,000		
Principal Issues	<ul> <li>Minimum subdivision lot size</li> <li>FSR</li> <li>Heritage conservation</li> </ul>		
Recommendation	That the application be granted DEFERRED COMMENCEMENT CONSENT in accordance with the conditions contained in the report.		

#### SITE MAP



#### 1. PREAMBLE

#### 1.1. Executive Summary

The development application seeks consent for demolition of the existing dwelling and construction of two x three-storey semi-detached dwellings with garage, pool, Torrens title subdivision and tree removal at 51 Llandaff Street, Bondi Junction.

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

- The proposed development seeks to vary the minimum subdivision lot size development standard of the Waverley Local Environmental Plan 2012 (Waverley LEP 2012) by 9.9%.
- The proposal seeks to vary the maximum floor space ratio (FSR) development standard of the Waverley LEP 2012 by 54m<sup>2</sup> or 20%.
- The design of the proposal is not consistent with the heritage conservation area.

The assessment finds these issues acceptable. The proposal adequately demonstrates that compliance with the key built form controls of both the Waverley LEP 2012 (upon subdivision) and Waverley Development Control Plan 2012 (WDCP 2012) can be provided on each site. The lot size is consistent with the predominant subdivision pattern of the area and the resultant semi-detached dwellings will not result in unreasonable amenity impacts upon surrounding properties. Upon subdivision both dwellings will have an FSR that is substantially less than the maximum that would be permitted. In this regard, the non-compliance with the FSR development standard is a technical non-compliance in that the lots have not yet been subdivided.

In terms of the heritage conservation area, deferred commencement conditions are recommended by Council's Heritage Architect to ensure that the proposal is compatible with the setting and the heritage conservation area. These are included in Appendix A of this report.

A total number of 14 submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation.

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 deferred commencement consent.

#### 1.2. Site and Surrounding Locality

A site visit was carried out on 05/04/2022.

The site is identified as Lot 4 in DP 6847, known as 51 Llandaff Street, Bondi Junction.

The site is rectangular in shape with a northern frontage to Llandaff Street measuring 13.715m. It has an area of 418m<sup>2</sup> and is generally flat.

The site is occupied by a two-storey detached dwelling with vehicular access provided from Llandaff Street along the western boundary of the site.

The site is adjoined by a single storey detached dwelling to the east, No. 53 Llandaff Street, and a single storey semi-detached dwelling to the west, No. 49 Llandaff Street. Llandaff Street is characterised by low and medium density development on the southern side of the street and high-density development on the northern side of the street with residential flat buildings up to nine storeys in height.

Figures 1 to 8 are photos of the site and its context.



Figure 1: Site viewed from Llandaff Street



**Figure 3:** Rear boundary (south) of the site (building in the background is located on Ebley Street)



**Figure 2:** Front and western side elevation of the existing dwelling



**Figure 4:** Rear yard looking toward the southeast (buildings in the background are located on Botany Street)



**Figure 5:** Streetscape to the west of the site on the southern side of Llandaff Street



Figure 7: Heritage listed terraces at the western end of Llandaff Street



Figure 6: Streetscape to the east on the southern side of Llandaff Street

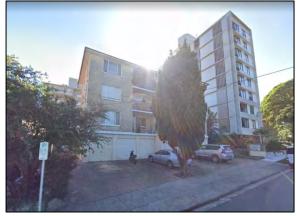


Figure 8: Buildings opposite the site on the northern side of Llandaff Street

#### 1.3. Relevant Development History

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

• DA-39/2014 for the use of the premises as a boarding house was approved on 23 July 2014.

#### 1.4. Proposal

The development application seeks consent for demolition of all structures on the site and construction of a pair of semi-detached dwellings with Torrens title subdivision into two allotments.

Each dwelling will provide living areas, laundry, entry and a single garage at the ground level, three bedrooms with two bathrooms at the first floor level and the main bedroom with ensuite bathroom and study at the second floor level contained within a pitched roof form.

Both dwellings will have balconies on the front and rear elevations at the first and second floor levels accessed via bedrooms/studies. Lot B, the eastern allotment, will contain a swimming pool within the rear yard.

The proposed Torrens title subdivision will result in two allotments both with frontage to Llandaff Street measuring 6.86m and a depth of 30.48m with an area of 209m<sup>2</sup>.

#### 1.5. Background

The development application was lodged on 18 Februaryn2022 and a request for further information (stop the clock) was sent on 23 February 2022 for the following:

- 1. Correct the gross floor area (GFA) and floor space ratio (FSR) calculations to include the bin storage rooms and the void over the stairs.
- 2. Correct the clause 4.6 objection to vary the FSR development standard in accordance with the above.

This information was provided to Council on 09 March 2022 along with amended architectural plans. After preliminary assessment of the application, it was deferred on 28 July 2022 for the following reasons (summarised):

- 1. Address State Environmental Planning Policy (Housing) 2021 as the dwelling may be used, or have been used, as a boarding house.
- 2. Address State Environmental Planning Policy (Transport and Infrastructure) 2021, Subdivision 2 Development in or adjacent to rail corridors and interim rail corridors and Clause 2.100 Impact of rail noise or vibration on non-rail development by providing an Acoustic and Vibration assessment addressing the rail tunnel located beneath part of the site.
- 3. Inconsistent with the conservation area.
- 4. Design changes:
  - The proposal is out of context with the scale and proportion of surrounding buildings and the conservation area. The proposal should provide a more domestic scale, presenting to the street with two storeys with the third storey set back. This could be accommodated by providing the garages on the outer edges of both dwellings (see point below) and relocating the stairways. The location of the stairways on the outside edges of the dwellings increases the height and bulk of the structure at the street. To accommodate a two-storey appearance at the street front these should be more appropriately positioned.
  - Removal of the street tree to accommodate the driveway is not acceptable. The proposal is to provide two separate driveways on the outside edge of each dwelling to retain the tree.
  - WDCP 2012 requires that new dwellings with a height exceeding 8.5m, are to provide 1.5m side setbacks for all levels. The proposal has varying setbacks from 1m to the lower two storeys setting back to 1.355m at the third storey at the front (stairs) and 2.23m at the rear. The reduced setback to the garages may be appropriate provided that the minimum setback is met at the upper levels of the building.
  - The balconies to the main bedrooms at the rear are overly large and exceed the controls of WDCP 2012. The subsequent screening of these balconies adds to the bulk of the building at the rear. The balconies should be reduced to comply with the DCP, with an area no greater than 10m<sup>2</sup> and maximum depth of 1.5m.

- Front fencing should not exceed 1.2m as the street is characterised by low fencing.
- The landscaped area within the front setback is to be increased with the relocated driveways/garages, noting that the DCP requires that 50% of the open space within the front setback is to be landscaped area.

#### 5. Stormwater matters.

Amended plans were provided to Council on 1 September and 1 November 2022 and form the subject of the assessment within 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 1 March 2022 and have been considered acceptable in the assessment of this development application:

- SEPP (Building Sustainability Index BASIX) 2004
- SEPP (Housing) 2021
- SEPP (Transport and Infrastructure) 2021
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021

A detailed discussion is provided for relevant SEPPs as follows:

#### SEPP (Housing) 2021.

DA-39/2014 for the use of the premises as a boarding house was approved on 23 July 2014; however there is no record of a Construction Certificate or Occupation Certificate associated with this application ever being issued. In this regard, this consent was not enacted and has now lapsed. Furthermore, the applicant provided a letter from the Leasing Agent to state that the property was leased for residential purposes and not as a boarding house. The following statement was provided by the Applicant regarding this matter:

'... Condition 2 of DA-39/2014 provided a time limited consent to operate as a boarding house for a 12 month trial period. We are briefed that the boarding house was never registered with Council and therefore the trial period never commenced. This is confirmed by the fact that a boarding house is not registered at the site on the NSW Fair Trading website. The property has been used as a single dwelling since the new owners purchased the property in July 2021 and there was a Tenancy Agreement for a freestanding house with a 12 month lease from 4 January 2021 to 4 January 2022 prior to that. As the consent was never enacted and the boarding house not registered there is no loss of affordable housing and therefore no requirement to undertake any assessment under SEPP (Housing) 2021.'

Accordingly, the Housing SEPP does not apply.

#### SEPP (Transport and Infrastructure) 2021

#### 2.100 Impact of rail noise or vibration on non-rail development

The site is partially located within a rail corridor as demonstrated in **Figure 9** below:



Figure 9: Rail corridor as it relates to the subject site

This section applies to development for any of the following purposes that is on land in or adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration—

- (a) residential accommodation,
- (b) a place of public worship,
- (c) a hospital,
- (d) an educational establishment or centre-based child care facility.

Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this section and published in the Gazette and if the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am,
- (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

*Development near rail corridors and busy roads* – *Interim Guideline* requires design to minimise adverse vibration and ground-borne noise impacts. An Acoustic and Vibration Monitoring Report was submitted by the applicant to address this issue. The report concludes that:

- Minimum acoustic performances and associated indicative constructions for the building envelope have been provided in section 4.1 of this report. The recommended treatments have been provided to ensure compliance with the objectives presented in 3.1.
- An assessment of vibration levels upon the future development have been reviewed. Based on our survey and modelling, vibration levels will be within acceptable levels from the operation of the T4 Eastern Suburbs rail corridor without any vibration isolation required.

As such, we believe the proposal is acoustically acceptable and meets all the detailed acoustic criteria listed above.

The Acoustic and Vibration Monitoring Report is referenced in the consent conditions. The proposal is considered to appropriately address the requirements of the Transport and Infrastructure SEPP.

#### 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:

Provision	Compliance	Comment			
Part 1 Preliminary	Part 1 Preliminary				
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the LEP.			
Part 2 Permitted or prohibited de	velopment				
2.6 Subdivision – consent requirements	Yes	The proposal seeks consent for Torrens title subdivision into two allotments.			
Land Use Table R3 Medium Density Residential Zone	Yes	The proposal, before Torrens title subdivision, is defined as a 'dual occupancy' development. A semi-detached dwelling is defined as 'a dwelling that is on its own lot of land and is attached to only one other dwelling.' Should this application be approved, and the land formally subdivided, then the development would be defined as 'semi-			

#### Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment		
		<i>detached dwellings</i> '. Both land uses are permitted with consent in the R3 zone.		
Part 4 Principal development stan	dards			
<ul> <li>4.1 Minimum subdivision lot size</li> <li>232m<sup>2</sup></li> </ul>	No	Each lot will have an area of 209m <sup>2</sup> varying the development standard by 23m <sup>2</sup> or 9.9%.		
<ul><li>4.3 Height of buildings</li><li>12.5m</li></ul>	Yes	The proposal has a maximum height of 10.6m complying with the development standard.		
<ul><li>4.4 Floor space ratio and</li><li>4.4A Exceptions to floor space ratio</li></ul>		The proposal has an FSR of 0.78:1 exceeding the FSR development standard by 54m <sup>2</sup> or 20%.		
<ul> <li>Parent lot:         <ul> <li>Site Area - 418m<sup>2</sup></li> <li>FSR - 0.65:1 (272m<sup>2</sup>)</li> </ul> </li> <li>Subdivided lots:         <ul> <li>Site area - 209m<sup>2</sup></li> <li>FSR - 0.88:1 (183m<sup>2</sup>)</li> </ul> </li> </ul>	No	It should be noted that once subdivided into two allotments an FSR of 0.88:1 will apply to each lot. Each dwelling will have a gross floor area of 162.9m <sup>2</sup> and FSR of 0.78:1.		
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 and minimum lot subdivision development standards. A detailed discussion of the variation to the development standards is presented below this table.		
Part 5 Miscellaneous provisions				
5.10 Heritage conservation	No	This issue is discussed in detail below this table.		
Part 6 Additional local provisions				
6.2 Earthworks	Yes	The proposal includes minor excavation works including excavation for a swimming pool. All standard conditions are recommended in Appendix B to ensure the protection of adjoining properties.		

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

*Clause 4.6 Exceptions to Development Standards (minimum subdivision lot size)* 

The application seeks to vary the minimum subdivision lot size development standard in clause 4.1 under Waverley LEP 2012.

The site is subject to a minimum subdivision lot size development standard of 232m<sup>2</sup>. The proposed development seeks lot sizes of 209m<sup>2</sup> per lot varying the development standard by 23m<sup>2</sup> equating to a 9.9% variation.

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

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

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

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

The applicant seeks to justify the contravention of the minimum subdivision lot size development standard on the following basis:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
  - (i) The proposed subdivision will both reflect and reinforce the subdivision pattern in the area, which is varied but includes a number of lots of a similar size, shape and configuration to the proposed lots. On the southern side of the Llandaff Street, lower density housing exists in the form of detached dwelling houses, terraces, semi-detached dwellings and dual occupancies. This results a general lot pattern of narrower lots, being around 7m in width or less. Accordingly, the proposed lots, being 6.86m in width are entirely consistent with the narrow lot subdivision pattern. In addition, the vast majority of lots along the southern side of L1andaff Street due west of the site have areas that are on average 110m<sup>2</sup> which is less than half the minimum lot size of 232m<sup>2</sup>. The proposed non-compliance is therefore entirely compatible with the predominant subdivision pattern of this part of the Botany Street Heritage Conservation Area.
  - (ii) The proposed subdivision enables a three-storey semi-detached dwelling development that is permissible with consent in the R3 zone and compatible with the character and appearance of the streetscape. Importantly, the permissible building envelope under WOCP 2012 is not altered irrespective of the Torrens Title subdivision.
  - (iii) Despite the numerical non-compliance with tile minimum lot size, the proposed development achieves a high level of compliance with the applicable core building envelope controls, including building height, FSR, front and rear setbacks, and landscaped area. Thus, the scale and form of development proposed on site is anticipated by the controls that apply and will therefore not result in an unreasonable or unexpected intensity of development on the site.

- (iv) In terms of neighbouring amenity, the proposed development will not give rise to adverse acoustic or visual privacy impacts on neighbouring properties. Where upper level windows and balconies are proposed, they are either orientated towards the street or proposed rear yards, or incorporate privacy treatments such as high sills and privacy louvres/screening.
- (v) No iconic or significant views are available through the site and the proposed development will not prejudice any private or public views available in the locality. Furthermore, the scale of the development will create any undue visual bulk when viewed from neighbouring properties.
- (vi) With regards to solar access, the proposed development will give rise to some overshadowing of neighbouring properties. However, as illustrated in the accompanying shadow diagrams this level of overshadowing will be compliant with the solar access controls in WDCP 2012. The level of overshadowing is therefore reasonable in this context and in respect of the existing building on site where overshadowing of adjoining properties to the west and east will be no worse than the existing situation.
- (vii) As such, there will be no adverse impact on the amenity of neighbouring properties in terms of overshadowing, privacy and view loss that is caused by the proposed semi-detached dwelling development which is enabled by the subdivision, despite the non-compliance with the minimum lot size.
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
  - (i) The two Torrens Title allotments will be compatible with the eclectic subdivision pattern within the immediate locality. The lot size, shape and configuration of proposed lots are consistent with a number of other lots in the locality, many of which are approximately 7m in width and contain semi-detached or attached dwellings with one dwelling on each lot.
  - (ii) The subject site is the widest site in the immediate vicinity (along with No. 43 Llandaff Street) with a frontage of 13.7m which does not reflect the narrow allotments widths of other properties in the locality which is typically 7m.
  - (iii) Despite the variation, the proposed development achieves a high level of compliance with the core building envelope controls that area applicable to the subject site and the development. The proposed semi-detached dwellings are compliant with the applicable FSR development standard and significantly below the height of buildings development standard under WLEP 2012. Furthermore, the proposed development is compliant with the front and rear setbacks, landscaped area and deep soil controls in WDCP 2012. Accordingly, the scale and form of development achieved on site is consistent with that anticipated by the planning controls that area applicable to the site, despite the variation to the lot sizes proposed.
  - (iv) The proposed subdivision enables a semi-detached dwelling development that is compatible with the character and appearance of the streetscape and will not give rise to any adverse impacts on the heritage significance of the Botany Street Heritage Conservation Area. That is, the subject site is capable of accommodating the additional density.

- (v) There is an absence of any significant material impacts of the proposed non-compliance on the amenity of the environmental values of the locality, the amenity of future building occupants and on area character. Specifically, the extent of non-compliance with the minimum lot size development standard creates no adverse overshadowing, visual or acoustic privacy or view loss impacts on neighbouring properties and does not affect public views. The extent of additional impacts when compared to a compliant development is negligible.
- (vi) The provision of additional housing diversity through the semi-detached dwelling houses can be achieved without adversely impacting on the amenity of adjoining properties.
- (vii) The proposed development meets the objectives of the development standard and meets the objectives of the R3 zone.
- (viii) The proposed development achieves the objects in Section 1.3 of the EPA Act as it promotes the orderly and economic use of the land through the redevelopment of an underutilised site for two family sixed dwellings and promotes good design and amenity of the built environment through a well-considered design which is responsive to the setting and context.
- (ix) The burden placed on the landowner and the wider community by requiring strict compliance with the standard would be disproportionate to the (non-existent or negligible) adverse consequences attributable to the proposed non-compliant development.

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

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

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

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

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

- (a) the objectives of the development standard are achieved notwithstanding non-compliance with the standard;
- (b) to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;

- (c) to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;
- (d) to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; and
- (e) to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary.

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

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

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

#### Is the development in the public interest?

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

The objectives of the minimum subdivision lot size development standard are as follows:

- (a) to ensure that subdivisions reflect and reinforce the predominant subdivision pattern of the area,
- (b) to minimise the likely impact of subdivision and development on the amenity of neighbouring properties.

**Figure 10** below indicates the size of surrounding allotments taken from Council's GIS Mapping. It is clear from this image that the surrounding area is a mix of allotment sizes. Larger lot sizes are contained to the north of the site, however these sites are zoned R4 for high density development, with many containing nine-storey development. Upon discounting the larger allotments to the north of the site, the proposal is consistent with the smaller lot sizes on the southern side Llandaff Street and to the south on Ebley Street. The area and width of each proposed lot is consistent with the predominant subdivision pattern of the area, consistent with objective (a).

11

Figure 10: Pattern of subdivision surrounding the site

The proposal will not adversely affect the amenity of surrounding properties, including unreasonable overshadowing, privacy or view impacts nor will it have a detrimental or unacceptable impact upon the streetscape subject to conditions as outlined in this report. The proposal has adequately demonstrated compliance with the key built form controls of the DCP and provides compliant setbacks, wall height, landscaping and is well below the maximum height development standard of the LEP. The zoning allows medium density development typically in the form of residential flat buildings with a height up to 12.5m. The subject development is substantially smaller than the maximum permitted, particularly the height, and as such, results in reduced impacts in terms of overshadowing, privacy and streetscape context than would reasonably occur if the site was developed to its full potential. In this regard, the proposal is considered consistent with objective (b).

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 proposal provides two dwellings, an increase from the existing single dwelling currently on the site. Semi-detached dwellings are permitted uses within the R3 zone and as such, the proposal is consistent with the objective to provide for the housing needs of the community within a medium density residential environment. Council's development standards contain FSR provisions as a means of controlling density, rather than bedrooms or people per hectare. Upon subdivision, each site will contain a semi-detached dwelling with four-bedrooms, being more likely to be utilised by large families and/or extended families. Given that most new medium density development within the LGA is comprised predominantly of one and two-bedroom apartments, the proposal to provide four-bedroom dwellings targeting larger family groups clearly contributes to the variety of housing types being offered within the area.

The subject site is within walking distance of Bondi Junction centre and public transport. Maximisation of public transport use, walking and cycling will be encouraged by the provision of compliant parking spaces on site.

The proposal is considered to be consistent with the relevant objectives of the R3 zone.

#### **Conclusion**

For the reasons provided above the requested variation to the minimum subdivision lot size 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 minimum subdivision lot size development standard 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 0.65:1. The proposed development has an FSR of 0.78:1, exceeding the standard by 162.9m<sup>2</sup> equating to a 20% variation. It should be noted that once subdivided into two allotments an FSR of 0.88:1 will apply to each lot. Each dwelling will have a gross floor area of 162.9m<sup>2</sup> and FSR of 0.78:1.

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) Each proposed dwelling on the proposed subdivided lots will comply with the maximum permitted 0.875:1 FSR pursuant to Clause 4.4A(b) of WLEP. Therefore, once the development is constructed and the 'parent' lot is subdivided (prior to occupation of the dwellings) the development will comply with Clause 4.4A of WLEP and the subject variation relating to the 'parent' lot is therefore a technical variation only.
  - (ii) The subject site is zoned R3 Medium Density Residential which anticipates a medium density form reflected by the height of buildings and FSR development standards. Based on the composition of the proposed development, there are three (3) potential FSR development standards applicable for the site. The proposed development complies with the FSR development standard that is applicable once the development is constructed, postsubdivision. The two FSR development standards that are applicable to the 'parent' lot are

the least important as once constructed and subdivided, these FSR development standards will cease to have any effect.

- (iii) The proposed development achieves a high level of compliance with the applicable core building envelope controls, including building height, front and rear setbacks, and landscaped area. Thus, the scale and form of development proposed on site is anticipated by the controls that apply and will therefore not result in an unreasonable or unexpected intensity of development on the site, despite the technical variation.
- (iv) The FSR variation enables the provision of two family-sized semi-detached dwellings on the site that are compatible with the scale and form of similar developments along the street. The proposal will also allow for new planting to be provided on the site to soften the overall appearance of the proposed development and ensure the built form is entirely compatible with that anticipated on the subject site.
- (v) The technical FSR variation will create no additional impacts on the amenity of adjoining properties in terms of visual and acoustic privacy, view loss and overshadowing when compared to the compliant FSR established under Clauses 4.4 and 4.4A for the semidetached dwellings. That is, the level of amenity impact created by a FSR variation will match the amenity impact created by a compliant FSR development and is entirely reasonable in this instance.
- (vi) The proposed variation facilitates a semi-detached dwelling on each allotment that is permissible in the zone and will provide appropriate form of housing that is compatible with the zone and the locality. The proposal will result in a net increase of one (1) dwelling on the site which will assist in providing for the housing needs of Waverley LGA.
- (vii) The subject site is in a highly accessible location, being within 600m of Bondi Junction Train Station and 200m walking distance of Westfield Bondi Junction, providing convenient access to public transport, shops and services. Each dwelling also includes a garage with space for storage of bicycles on site. Therefore, the maximisation of family sized housing on the site, which is enabled by the proposed floor space ratio, will encourage future occupants to utilise public and active forms of transport in the locality.
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
  - (i) The FSR variation for the 'parent' lot is a technical variation and only applicable until approval and subdivision of each of the semi-detached dwellings. Once subdivided, each of the semi-detached dwellings will easily comply with the maximum permitted FSR of 0.875:1. Accordingly, the semi-detached dwellings provide a density that is entirely consistent with and anticipated by the controls within WLEP 2012.
  - (ii) Despite the technical variation to the FSR development standard, the proposed development achieves a high level of compliance with the core building envelope controls that are applicable to the subject site and the development. The proposed semi-detached dwellings are significantly below the height of buildings development standard under WLEP 2012, compliant with the front and rear setbacks, landscaped area and deep soil controls in WDCP 2012. Accordingly, the scale and form of development achieved on site is consistent with

that anticipated by the planning controls that are applicable to the site, despite the technical variation to the FSR for the 'parent' lot.

- (iii) The proposed technical FSR variation enables a semi-detached dwelling development on the site that is compatible with the character and appearance of the streetscape and will not give rise to any adverse impacts on the heritage significance of the Botany Street Heritage Conservation Area. That is, the subject site is capable of accommodating the additional density.
- (iv) The breach to the FSR for the 'parent' lot creates no adverse overshadowing to neighbouring properties given the proposed development complies with the solar access control in WDCP 2012. The extent of additional overshadowing created by the FSR breach for the 'parent' lot will match the overshadowing created by the subdivided semi-detached dwellings which comply with the FSR development standard. Therefore, the additional overshadowing when compared to a compliant development is nil.
- (v) The breach to the FSR for the 'parent' lot does not give rise to any adverse visual or acoustic privacy impacts on neighbouring properties. The visual and acoustic privacy created by the FSR breach for the 'parent' lot will match that of the subdivided semi-detached dwellings which comply with the FSR development standard. Therefore, the additional visual and acoustic privacy issue when compared to a compliant development is nil.
- (vi) The breach to the FSR for the 'parent' lot does not have any adverse impacts on public or private views. No significant or iconic views are available through the site and the development will not adversely impact the outlook of neighbouring properties.
- (vii) The proposed development achieves the objects in Section 1.3 of the EPA Act, specifically the proposal promotes the orderly and economic use and development of land through the redevelopment of an underutilised site for two family sized residential semi-detached dwellings and the proposed developed promotes good design and amenity of the built environment through a well considered design which is responsive to its setting and context.
- (viii) It is also considered that there is an absence of any material impacts of the proposed variation on the amenity or the environmental values of the locality, the amenity of future building occupants and the character of the area. The proposal allows for a high quality development providing a semi-detached dwelling on each allotment in a highly accessible location, with a density that is anticipated by the zoning applicable to the site.

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

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

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

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

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

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

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

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

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

#### Is the development in the public interest?

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

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

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

- (d) to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality,
- (e) to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and the locality.

The site area of each lot, when subdivided, will be 209m<sup>2</sup> with a maximum FSR development standard of 0.88:1. Upon subdivision, both semi-detached dwellings will have an FSR of 0.78:1 complying with the applicable development standard. In this regard, the non-compliance is a technical non-compliance in that the lots have not yet been subdivided.

The proposal provides a dwelling on each future allotment that will be an appropriate bulk and scale each presenting to the Llandaff Street with a domestic scale. Neither dwelling will dominate the streetscape, providing a well-designed contemporary dwelling with appropriate materials and finishes subject to deferred commencement conditions detailed in the subsequent section of this report (refer to 'Heritage Conservation' below). Each dwelling will be largely consistent with the built form controls of the LEP and DCP including height, FSR, setbacks and landscaped area. The site is zoned R3 for medium density development with the highest density land use being a residential flat building. The scale of the proposal is more akin to a low density development than that anticipated by the R3 zone for medium density development and is generally reflective of the character of surrounding properties. In this regard, the proposal is consistent with the desired future character of the locality.

As detailed throughout this report, the proposal will not have unreasonable impacts upon the amenity of surrounding properties particularly in regard to view impacts, overshadowing and privacy.

Accordingly, the proposal is considered appropriate for the site. The proposal is considered consistent with objectives (b), (c) and (d) of the FSR development standard.

The compatibility of the proposal with the zone objectives is considered above in the previous discussion regarding minimum subdivision lot size development standard and the proposal is considered consistent with the relevant objectives of the R3 zone.

#### **Conclusion**

For the reasons provided above the requested variation to the FSR development standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6 of the Waverley LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of FSR development standard and the R3 zone.

#### Heritage Conservation

The site is occupied by a freestanding two-storey Inter War residence situated between single storey Inter War residences constructed on a 1912 subdivision of the grounds to *Llandaff/Kioto*, a former grand residence erected in 1876 for photographer John Herbert Newman who named the residence *Llandaff*. The building is in, and is contributory in form and scale to, the Botany Conservation Area. Later alterations have detracted from the buildings detailing externally.

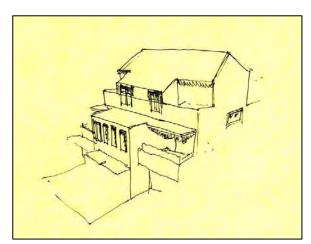
The original plans were referred to Council's Heritage Architect and issues were identified in relation to the following with amendments requested in relation to these matters by deferral letter:

- Provide forms reflecting the scale, proportion, and material finishes, of this and adjacent residences.
- Provide roof forms maintaining the symmetry of gable roof slopes, evident in the established grouping of hipped and gable tile roofs to this and adjacent residences.
- Incorporate an interpretive plaque/ panel enabling public understanding of the history of the site and its relationship to the former grand residence Llandaff/Kioto and its notable owners and occupants.

Amended plans were received and again referred to Council's Heritage Architect who advised that the previous matters raised had not been adequately resolved particularly in regard to the roof structure. A condition of deferred commencement has been formulated in order to address the remaining issues of the Heritage Architect requiring the following specific amendments to the design:

- 1. The principal roof form at the second floor level is to have the same pitch to the front and rear or alternatively provide a flat roof.
- 2. The roof over the stairs at the second floor level is to start from the balcony balustrade and can be either sloping or flat.
- 3. The northern windows at first floor level to the stair void are to be reduced to vertically proportioned openings no greater than half the width of the current glazing and aligned with the window openings to the ground floor immediately below.
- 4. The roof colour is to be amended to mid or slate grey and the white bricks replaced with midred or brown face brick matched to the adjacent Federation houses within the vicinity. These details to be approved by Council's Heritage Architect.

Council's Heritage Architect provided sketches that demonstrate an acceptable roof form and window changes to be used as a guide shown in **Figures 11** and **12** below:



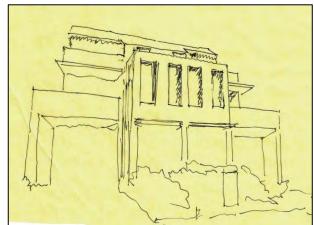


Figure 11: Recommended amended roof form

Figure 12: Recommended design of window opening to projecting bay

Subject to the amendments detailed above, the proposal will not harm the character or significance of the conservation area.

#### 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:

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory
2. Ecologically Sustainable Development	Yes	Satisfactory
3. Landscaping and Biodiversity	Yes	Satisfactory
		The proposal was amended to retain an existing street tree by separating the driveway crossings that were previously located central to the two sites. The street tree will be retained under the proposed amendments.
5. Vegetation Preservation	Yes	There are six trees to be removed from the rear yard of the site; however these were inspected by Council's Tree Management Officer and found to possess no outstanding attributes worthy of retention and their removal is supported.
		The landscape plan indicates that three new replacement trees will be planted on each allotment replacing the six removed trees. Each lot will provide two of the three trees within the front setback of the site, contributing to the streetscape.
6. Stormwater	Yes	Satisfactory subject to conditions in Appendix B.
		The proposal provides for two tandem car spaces for each dwelling with each having a garage and enough space on the driveway for a hardstand in front. The design and location are satisfactory.
<ul> <li>8. Transport</li> <li>Minimum parking rate: <ul> <li>Nil</li> </ul> </li> <li>Maximum parking rate: <ul> <li>2 spaces for 3 or more bedrooms.</li> </ul> </li> </ul>	Yes	The amended proposal has altered the central shared driveway crossing to two separate driveway crossings on either side of an existing street tree. The retention of the street tree is considered important to the streetscape and as such the relocated driveway is considered acceptable.
		As there is an existing driveway crossing already at the site, the provision of another driveway crossing will result in the loss of one on-street space. As each site will provide two parking

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

Development Control	Compliance	Comment
		spaces per site, there will be no net loss of on- street parking due to the development.
		The proposal has been reviewed by Council's Traffic Engineer and no issues were raised subject to conditions.
		The amended driveway and garage location and design is considered satisfactory.
9. Heritage	Yes	Satisfactory subject to conditions of deferred commencement as detailed previously.
10. Safety	Yes	Satisfactory
12. Design Excellence	Yes	Satisfactory subject to conditions of deferred commencement as detailed previously.
13. Subdivision	Yes	Satisfactory
14. Excavation	Yes	Satisfactory

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

Development Control	Compliance	Comment		
2.0 General Objectives				
	Yes	The proposal does not contravene the general objectives of this part of the DCP.		
2.1 Height				
<ul> <li>Pitched roof dwelling house</li> <li>Maximum external wall height of 7m</li> </ul>	Yes	The proposal provides setbacks at various levels of the building to achieve a maximum of 7m wall height.		
2.2 Setbacks				
2.2.1 Front and rear building lines	Yes	The proposal does not exceed the predominant front or rear setbacks.		
<ul> <li>Predominant front building line</li> </ul>				
<ul> <li>Predominant rear building line at each floor level</li> </ul>				
2.2.2 Side setbacks	No	The proposal has varying setbacks from 1m		
• Minimum of 1.5m (height up to 12.5m)		ground level setting back to 1.5m (front) to 2.23m (rear) at the first and second floor levels.		
• For new dwellings, the relevant minimum setback control shall apply for all levels.		Only the ground floor level is not compliant with the 1.5m side setback control of the DCP providing 1m at this level. The two upper levels predominantly exceed the minimum setback requirement providing 1.5m at the front and 2.23m at the rear.		

De	velopment Control	Compliance	Comment
			The ground floor setback accommodates the garages and entry at the front of each dwelling. The variation at the ground floor level will not result in increased amenity impact upon surrounding properties such as overshadowing and privacy impacts. The variation to the setback at ground level will not have an unacceptable impact upon the streetscape.
2.3	Streetscape and visual imp	pact	
•	New development to be compatible with streetscape context Significant landscaping to	Yes	As detailed previously under 'Heritage Conservation' in Section 2.1.2, the proposal will have an acceptable design subject to deferred commencement conditions as recommended.
	be maintained.		The amended plans retain the street tree at the front which contributes to the street and will provide increased area for landscaping at the front.
2.4	Fences		
Fro •	nt: Maximum height of 1.2m Solid section no more than 0.6m high	Yes	The street is characterised by low front fencing. The amended proposal provides fence heights at the front up to 1.2m consistent with the streetscape.
Sid •	<i>e and Rear:</i> Maximum height of 1.8m		The side and rear boundary fencing will be 1.8m stepping down within the side returns at the front of the site.
2.5	Visual and acoustic privacy	/	
•	Habitable windows are not to directly face habitable windows or	Yes	Windows are predominantly orientated to the front and rear where separation distances ensure reasonable privacy for surrounding properties.
	open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the		Windows on the side boundaries are limited and are to rooms of low use with no unreasonable privacy impacts. Notwithstanding, the side windows will have raised sills to inhibit overlooking.
•	are incorporated into the design External stairs are not acceptable. Maximum size of balconies: 10m <sup>2</sup> in area		The proposal includes balconies on the front and rear elevations at the first and second floor levels. All balconies are accessed from bedrooms or studies which are rooms of low use. The front balconies overlook the street where privacy levels are low and comply with the DCP in terms of depth and area. The rear balconies at first floor
	1.5m deep		level marginally exceed the depth control at 1.8m however comply with the area control at 6.5m <sup>2</sup> .

Development Control	Compliance	Comment
<ul> <li>Roof tops to be non- trafficable unless predominant in the immediate vicinity</li> </ul>		Given these balconies will be accessed from low use rooms (bedrooms) and will have planters on the side and rear boundaries to inhibit overlooking, they are considered to not result in unreasonable privacy impacts.
		The amended proposal substantially reduces the size of the balconies at the second floor level accessed via the main bedrooms. These balconies will have a depth of 1.5m and area of 5m <sup>2</sup> complying with the DCP control. As with the lower level, these balconies are accessed only from bedrooms which are low use rooms with fewer privacy impacts. No detrimental privacy impacts are expected due to these balconies.
		The amended proposal has been well designed to respond to the privacy of adjoining properties and will not result in unreasonable additional privacy impacts.
2.6 Solar access		
<ul> <li>Minimum of three hours of sunlight to living areas and principal open space areas on 21 June</li> <li>Minimum of three hours of sunlight maintained to at least 50% of principal open space of</li> </ul>	Yes	Due to the orientation of the site with the rear elevations facing south, the living areas receive limited solar access. Notwithstanding, skylights have been included on the side boundaries to the kitchen areas to improve solar access. The orientation is a constraint of the site and is an accepted impact. The proposal will result in additional
<ul> <li>open space areas of adjoining properties on 21 June.</li> <li>Avoid unreasonably</li> </ul>		overshadowing of adjoining properties, particularly those south of the site (at the rear). Notwithstanding sufficient solar access will be
overshadowing of solar collectors (including habitable windows).		retained throughout the day to these sites. Despite this, the reasonableness of the overshadowing impact is considered based on the performance and compliance of the development with relevant built form development standards and controls as well as the site's orientation. As demonstrated in this report, the development complies with the building height and FSR development standards under the LEP (upon subdivision), and generally with wall height, setbacks and open space/landscaped area controls under the DCP. Based on the proposal's compliance with the key built form controls, any additional overshadowing impact caused by the proposed development is deemed reasonable and non- adverse and anticipated for any compliant

Development Control	Compliance	Comment
		redevelopment of the subject site particularly noting that the height control for the site anticipates a four-storey building.
2.7 Views		
<ul> <li>Views from the public domain are to be maintained</li> <li>Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks.</li> </ul>	N/A	No known significant public or private views will be affected.
2.8 Car parking		
<ul> <li>2.8.1 Design Approach</li> <li>Parking only allowed where site conditions permit</li> <li>Designed to complement the building and streetscape</li> <li>Car parking structures to be behind the front building line</li> <li>Driveways are to be located to minimise the loss of on street parking</li> <li>Darking to be provided</li> </ul>	Yes	The garages have been designed to be integrated into, and complement, the building design. The garages are set back in line with the dwellings and will not extend forward of the front building line. To retain a street tree at the front of the site, the amended design provides two driveway crossings, one to each allotment. The proposed two driveways will result in the loss of one on- street space however a tree that contributes to the public domain will be retained. Given that there is already one driveway crossing onto the site, and each site will provide two off-street spaces, the proposal will not result in a net loss of parking in the street.
<ul> <li>Parking to be provided from secondary streets or lanes where possible.</li> </ul>		
2.8.2 Parking rates	Yes	The proposal provides one garage space per dwelling and there is also sufficient area for a tandem hard stand space on the driveway in front of each dwelling. The DCP allows a maximum of two spaces per dwelling and as such, the proposal is compliant in this respect.
2.8.3 Location	Yes	The proposal provides integrated garages behind
Behind front building line     for new dwellings		the front building line.
• Existing development to be in accordance with the hierarchy of		

Development Control	Compliance	Comment
preferred car parking locations		
<ul> <li>2.8.4 Design</li> <li>Complement the style, massing and detail of the dwelling</li> <li>Secondary in area and appearance to the design of the residences</li> <li>Gates to have an open design</li> </ul>	Yes	The garages have been designed to be integrated into, and complement, the building design. The garages are secondary in area and appearance to the design of the dwellings. No gates are proposed for the vehicular entry.
<ul><li>2.8.5 Dimensions</li><li>5.4m x 2.4m per vehicle</li></ul>	Yes	Each garage has internal dimensions of 5.5m x 3m (garage opening).
<ul> <li>2.8.6 Driveways</li> <li>Maximum of one per property</li> <li>Maximum width of 3m at the gutter (excluding splay)</li> <li>Crossings not permitted where 2 on street spaces are lost</li> </ul>	Yes	Each semi-detached dwelling will be contained on its own allotment post-subdivision and will contain one driveway crossing. Each driveway crossing is 3m at the gutter. The driveway crossings will result in the loss of one on-street space.
2.9 Landscaping and open spa	ce	
Overall open space: 40%     of site area	Yes	Each dwelling will provide 50% open space area. Lot A will provide 20% and Lot B, 18% of the site
<ul> <li>Overall landscaped area: 15% of site area</li> </ul>	Yes	as landscaped area. Overall, the combined sites provide 19% as landscaped area.
• Minimum area of 25m <sup>2</sup> for private open space	Yes	Each dwelling will have a principal area of private space (rear yard) 53m <sup>2</sup> in area.
<ul> <li>Front open space: 50% of front building setback area</li> </ul>	Yes	100% of the front setback is open space as there are no structures forward of the building.
<ul> <li>Front landscaped area: 50% of front open space provided</li> </ul>	Yes	37% of the front will be landscaped area. Although this is slightly substandard by 2.8m <sup>2</sup> per lot, the proposal will provide a suitable amount of landscaping within the front setback, where possible. Each lot will provide two new trees in
<ul> <li>Outdoor clothes drying area to be provided</li> </ul>	Yes	possible. Each lot will provide two new trees in the front setback to ensure that the proposal contributes to the streetscape.
		Outdoor clothes drying areas provided in each rear/side yard as per the landscape plan.
2.10 Swimming pools and spa	pools	

Development Control	Compliance	Comment
<ul> <li>Located in the rear of property</li> <li>Pool decks on side boundaries must consider visual privacy</li> </ul>	Yes	Lot B contains a swimming pool within the rear yard at ground level. The surrounding decking will not cause privacy impacts to surrounding properties given it is generally level with the ground.
2.15 Dual Occupancy Develop	ment	
Min 450m <sup>2</sup> attached dwellings	No	The proposed development is technically a dual occupancy development until subdivided into
<ul> <li>Attached dual occupancy development should be designed so as to have the appearance from the street of a single dwelling.</li> </ul>		two allotments, upon which time it will be a pair of semi-detached dwellings. As such, the minimum site area for a dual occupancy is not particularly relevant.
		Notwithstanding, the site is substandard in size however as detailed throughout this report, the
<ul> <li>Dual occupancy development must provide a single vehicle crossing to the street.</li> </ul>		proposal demonstrates that two dwellings that meet the controls of the LEP and DCP can be accommodated on each allotment. Given that both dwellings are largely compliant, particularly with regard to the key development controls of height, FSR (upon subdivision) and setbacks, the site area is considered acceptable.
		The driveways are separated as the proposal is for two semi-detached dwellings each on their own allotment. Additionally, the separation of the driveways allows the retention of a street tree as previously discussed in this report.

# 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 over 14 days from 14 to 30 March 2022 in accordance with the *Waverley Community Development Participation and Consultation Plan.* 11 submissions were received from ten properties.

Following receipt of amended plans and additional information, the application was re-notified for 14 days from 5 to 19 September 2022 in accordance with the *Waverley Community Development Participation and Consultation*. Three submissions were received.

A total of 14 unique submissions were received from the following properties:

Count	Property Address
1.	11 Llandaff Street, Bondi Junction (2 submissions)
2.	19 Llandaff Street, Bondi Junction (2 submissions)
3.	47 Llandaff Street, Bondi Junction
4.	49 Llandaff Street, Bondi Junction
5.	53 Llandaff Street, Bondi Junction
6.	174 Ebley Street, Bondi Junction (2 submissions)
7.	176 Ebley Street, Bondi Junction (2 submissions)
8.	4 Botany Street, Bondi Junction
9.	11 Henry Street, Queens Park
10.	171 Newland Street, Queens Park

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

- Exceeds the minimum site area
- FSR and height
- Privacy
- Overshadowing
- Swimming pool
- Loss of boarding house
- Site too small for dual occupancy development
- Out of context with the streetscape and conservation area
- Front fence height
- Parking and loss of on-street parking
- Landscaping
- Setbacks
- Loss of trees

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

*Issue:* Overdevelopment of the site.

**Response:** The proposal is for a pair of semi-detached dwellings which are permitted in the zone. The site is zoned for medium density development (ie, residential flat buildings) up to four-storeys in height (12.5m). The proposal is for a three-storey low density development. Upon enacting the subdivision, the height and FSR will be under the development standards. This is not an overdevelopment of this site.

The proposal also includes subdivision that varies the minimum subdivision lot size. The proposal demonstrates that an LEP and DCP compliant pair of semi-detached dwellings can be accommodated on each site despite the lot size variation. Again, this is not an overdevelopment of the site.

*Issue:* The rear fence and plants should remain low to prevent overshadowing of the property at the rear.

**Response:** State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 allows rear and side fences to a height of 1.8m without consent. A 1.8m high fence is a standard fence height applicable to all surrounding sites that allows for privacy in rear yards and there is no justifiable reason to limit the fence on this site.

In terms of vegetation, there is a large weed tree in the rear corner of the site with a height and spread of approximately 7m. This tree is to be removed and replaced with a fruit tree and small hedges to a height of 1.2m. This will effectively improve solar access to the rear yard of the property at the rear through the removal of the large tree. Council does not generally limit the height of plantings within the private yards of dwellings.

Issue: Garbage bins need to be in the front, not the rear of the property.

**Response:** Council's controls require storage of bins at the rear, not the front due to streetscape impacts. However, the proposal includes bin storage within the garage.

Issue: Construction issues (swimming pool, excavation etc).

**Response:** The consent authority cannot refuse an application due to potential impacts and disturbance due to construction. All standard conditions are included on the consent in relation to this matter in addition to prescribed conditions under the Act and applicable construction and property laws.

*Issue:* The lot is too narrow for dual occupancy development and is not in accordance with the controls of other Council areas.

**Response:** The controls of other Council areas are not relevant to the assessment of an application in the Waverley area. Waverley LEP 2012 and DCP 2012 contain the relevant controls and have been discussed in detail in this report.

#### 2.5. Public Interest

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

#### 3. REFERRALS

The following internal and external referral comments were sought:

#### 3.1. Traffic and Development

Council's Traffic Manager is satisfied with the amended proposal and conditions were provided which are included in Appendix B.

#### 3.2. Stormwater

At the time of writing of this report, comments in regard to the amended stormwater plans had not been provided. Notwithstanding, conditions recommended in the previous referral have been included in Appendix B.

#### 3.3. Tree Management

The original proposal which provided a single shared driveway crossing that required the removal of a street tree was referred to Council's Tree Management Officer (TMO) who required that the street tree in front of the site be retained. The amended plans provide two separate driveways retaining the street tree. Conditions were provided by the TMO which are included in Appendix B.

#### 3.4. Land Information (GIS and street numbering)

A condition was provided in regard to street numbering which is included in Appendix B.

#### 3.5. Heritage Conservation

The following comments were provided regarding the original proposal:

#### <u>Comments:</u>

- The heritage Impact report for the site is limited in its history of the site and assessment of the impact of proposed works on the Conservation Area and adjacent residences.
- The bulk and scale of the proposed semi- detached residences is not supported on the basis of impact on the Conservation Area and adjacent contributory buildings.
- Aspects of the proposed development that appear to add to the bulk and lack of cohesion of the proposed development with the Conservation Area and adjacent residences include.
  - Location of carparking forward of the building line.
  - Floor plans that incorporate excessive deck areas and circulation space limiting opportunity for provision of cohesive development with the Conservation Area and adjacent buildings.
  - Construction in external materials unrelated to the adjacent contributory residences [painted concrete, glass balustrade, metal framed windows].
  - Roof form and treatment of elevations

#### Recommendations:

To maintain cohesion with the Conservation Area and adjacent contributory buildings it is recommended that the application is amended to address the above issues. Amendments should:

- Provide forms reflecting the scale, proportion, and material finishes, of this and adjacent residences.
- Provide setback of all vehicle parking to the line of adjacent residences.

- Provide roof forms cohesive with the established grouping of hipped and gable tile roofs to this and adjacent residences.
- Incorporate an interpretive plaque/ panel enabling public understanding of the history of the site and its relationship to the former grand residence Llandaff/Kioto and its notable owners and occupants.

Amended plans were subsequently received and also referred to the Heritage Architect and the following response was provided:

#### Comments:

- The heritage Impact report for the site is limited in its history of the site and assessment of the impact of proposed works on the Conservation Area and adjacent residences.
- The amended drawings provide limited reduction in the bulk and scale of the proposed semidetached residences and continue to have an overbearing impact on the setting and adjacent residences, these being contributory to the Conservation Area.
- Aspects of the proposed development that add to the bulk and lack of cohesion of the proposed development with the Conservation Area and adjacent residences remain:
  - The central bay facing the street and articulated as a continuation of the main roof slope down to oversized windows enclosing a two- storey void in both residences. The impact of this element is exacerbated by the dark metal roof and wall cladding. The roof form, articulation of openings, and cladding need to be amended to address issues of scale and cohesion with the adjacent contributory buildings and the Conservation Area. Windows to the voids are recommended to be of proportions reflecting those of the related residential group (i.e. narrow, vertically emphasised openings rather than the large unrelieved glazed opening proposed).
  - The articulation of the main roof having differing roof slopes to front and back of this prominent element in the setting needs to be amended to a roof form of common front and rear slope clad in materials of cohesive finish and colour to the Conservation Area.
  - The use of dark coloured metal cladding to the main roof and top floor exterior has a substantial impact on the perceived scale and form of the building. This fashionable treatment of upper structures provides an overbearing element rather than a recessive and cohesive upper level.
  - The reliance on skylights for much of the natural light to ground floor and areas of the upper floors indicates deficiencies in the floor planning that could readily be rectified by provision of inset sections to the side walls or a central court to each residence. This would in turn reduce the extent of planter beds set above floor slabs with the associated risk of failure in waterproofing.

#### <u>Recommendations:</u>

To maintain cohesion with the Conservation Area and adjacent contributory buildings it is recommended that the application is further amended to address the above issues. In addition to the above comments, amendments should:

- Provide forms reflecting the scale, proportion, and material finishes, of this and adjacent residences.
- Provide roof forms maintaining the symmetry of gable roof slopes, evident in the established grouping of hipped and gable tile roofs to this and adjacent residences.
- Incorporate an interpretive plaque/ panel enabling public understanding of the history of the site and its relationship to the former grand residence Llandaff/Kioto and its notable owners and occupants.

Upon further consultation between the Heritage Architect and Assessment Planner, it was recommended that these matters to be addressed by deferred commencement condition detail below which are included in Appendix A:

- 1. The principal roof form at the second floor level is to have the same pitch to the front and rear or alternatively provide a flat roof.
- 2. The roof over the stairs at the second floor level is to start from the balcony balustrade and can be either sloping or flat.
- 3. The northern windows at first floor level to the stair void are to be reduced to vertically proportioned openings no greater than half the width of the current glazing and aligned with the window openings to the ground floor immediately below.
- 4. The roof colour is to be amended to mid or slate grey and the white bricks replaced with mid-red or brown face brick matched to the adjacent Federation houses within the vicinity. These details to be approved by Council's Heritage Architect.

# 4. CONCLUSION

The application has been assessed against the relevant matters for consideration under section 4.15(1) of the Act. It is recommended for approval subject to conditions of deferred commencement 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 deferred commencement conditions in Appendix A and B.

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 GRANTED DEFFERED COMMENCMENT CONSENT by the Waverley Local Planning Panel subject to the conditions in Appendix A and B.

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
Huce	AN
Kylie Lucas	Bridget McNamara
Senior Development Assessment Planner	Manager, Development Assessment (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 01/11/2022	Date: 10 November 2022

#### Reason for WLPP referral:

- 1. Contentious development (10 or more objections)
- 2. Departure from any development standard in an EPI by more than 10%

# <u>APPENDIX A – DEFERRED COMMENCEMENT CONDITIONS</u>

#### The consent authority must be satisfied as to the following matters before the consent can operate.

# **DEFERRED COMMENCEMENT**

That the Council grant deferred commencement consent in accordance with the provisions of Section 4.16 (3) of the Environmental Planning and Assessment Act 1979.

The consent is not to operate until the applicant has satisfied Council as to the following matters:

- 1. The principal roof form at the second floor level is to have the same pitch to the front and rear or alternatively provide a flat roof.
- 2. The roof over the stairs at the second floor level is to start from the balcony balustrade and can be either sloping or flat.
- 3. The northern windows at first floor level to the stair void are to be reduced to vertically proportioned openings no greater than half the width of the current glazing and aligned with the window openings to the ground floor immediately below.
- 4. The roof colour is to be amended to mid or slate grey and the white bricks replaced with mid-red or brown face brick matched to the adjacent Federation houses within the vicinity.

These details to be approved by Council's Heritage Architect.

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 – CONDITIONS OF CONSENT

# A. APPROVED DEVELOPMENT

#### 1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by Geoform Architects including the following:

Plan Number	Plan description	Plan Date	Date received by
and Revision			Council
1.01 Issue B	SITE PLAN/SITE ANALYSIS	30/08/2022	31/08/2022
2.01 Issue B	GROUND FLOOR	30/08/2022	31/08/2022
2.02 Issue B	FIRST FLOOR PLAN	30/08/2022	31/08/2022
2.03 Issue B	SECOND FLOOR PLAN	30/08/2022	31/08/2022
2.04 Issue B	ROOF PLAN	30/08/2022	31/08/2022
3.01 Issue B	ELEVATIONS	30/08/2022	31/08/2022
3.02 Issue B	ELEVATIONS	30/08/2022	31/08/2022
3.03 Issue B	ELEVATIONS	30/08/2022	31/08/2022
4.01 Issue B	SECTIONS	30/08/2022	31/08/2022
4.02 Issue B	SECTIONS	30/08/2022	31/08/2022
4.03 Issue B	SECTIONS	30/08/2022	31/08/2022
0.04 Issue B	STREETSCAPE ANALYSIS	30/08/2022	31/08/2022
1.03 Issue B	SUBDIVISION PLAN	28/10/2022	01/11/2022
6.01 Issue B	MATERIAL BOARD	30/08/2022	01/09/2022

- (b) Landscape Plan No. LP01, LP02, LP03, all Issue D and documentation prepared by R+M Landscape Architectural dated 26/10/2022 and received by Council on 01/11/2022
- (c) BASIX and NatHERs Certificates
- (d) Arborist Report prepared by Naturally Trees dated 02/08/2022 and received by Council on 18/02/2022
- (e) Acoustic Report prepared by Pulse White Noise Acoustics dated 08/09/2022 and received by Council on 09/09/2022
- (f) The Site Waste and Recycling Management Plan (SWRMP) Part 1

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 <u>full</u> 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. TREE PRESERVATION BOND

A bond of \$2000 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 street tree at the front of the property. The bond is to be lodged prior to the issue of any Construction Certificate.

The sum will be forfeited to the Council at its discretion for a breach of these requirements and will be refunded twelve (12) months from the issue of the Final Occupation Certificate subject to the satisfaction of Council.

#### 6. SECURITY DEPOSIT

A deposit (cash or cheque) for the amount of \$34,300 must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

# 7. LONG SERVICE LEVY

A long service levy, as required under section 34 of the *Building and Construction Industry Long Service Payments Act, 1986,* is to be paid in respect of this building work. Evidence that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate. <u>Note</u>: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.35% of building work costing \$25,000 or more.

#### HERITAGE MATTERS

## 8. ARCHIVAL RECORDING OF EXISTING HERITAGE BUILDING/S

An archival record (at a minimum the front and rear elevations, details of notable elements of each building e.g. the awning and foyers) shall be prepared of the existing building for deposit in Waverley Council's Archive. This record must be carried out prior to the removal of any significant building fabric or furnishings from the site and must be submitted to Council prior to the commencement of any demolition work. The record is to comply with the NSW Heritage Office Guidelines for digital archival recording.

## **CONSTRUCTION & SITE MATTERS**

## 9. HOARDING

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

#### 10. EROSION & SEDIMENT CONTROL

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

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

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

# 11. 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. SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE APPLICATION

An application to obtain a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be made prior to the issue of the relevant Construction Certificate. The application must be made through an authorised Water Servicing Coordinator.

For more information about making an application to obtain a Section 73 Compliance Certificate, please consult Sydney Water's website.

Following this application, a "Notice of Requirements" will be provided by Sydney Water that outlines any requirements of works to be completed prior to the issue of the Section 73 Compliance Certificate. Please make early contact **with the Coordinator**, as building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

A Section 73 Compliance Certificate must be issued from Sydney Water prior to the issue of an occupation certificate.

# TRAFFIC MANAGEMENT

# 14. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

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

<u>https://www.waverley.nsw.gov.au/building/development\_applications/post\_determination/developm</u> <u>ent\_applications\_-\_conditions\_of\_consent</u>

# STORMWATER & FLOODING

# 15. STORMWATER MANAGEMENT

To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream systems, a detailed plan and certification of the

development's stormwater management system must be submitted and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.

The submitted stormwater management plan prepared by Portes Project & Services Pty Ltd, Project No. 21-252, Drawing No. D1, D2, D3, D4, D5 & D6, Issue B, dated 21/102/2021 is considered <u>unsatisfactory</u>.

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) 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.
- (c) The building works appear to be located within the path of the natural runoff caused by the localised upstream catchment from the rear. Given that the site incorporates OSD, the engineer shall demonstrate that the water caused from the upstream catchment can be captured and redirected to the kerb and gutter via a swale and pipe or pit and pipe system along the boundaries (independent of the OSD system). Calculations in relation to the upstream catchment and the proposed system shall be submitted to Council demonstrating that the proposed system has sufficient capacity to capture and discharge the flows generated during the design storm event.
- (d) Details of any rainwater tank required by BASIX commitments or as nominated on the architectural plan, including the overflow connection to the approved stormwater drainage system are to be submitted.
- (e) Seepage water must not be directly or indirectly discharged to Council's street gutter.
- (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) A sediment control pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- (h) Any proposed pipeline within the footpath verge of Llandaff Street must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres and fall by gravity at 1% minimum.

- (i) A grated trench drain shall be provided across the (garage entrance/driveway/street boundary) within private property. Unless otherwise sized by a suitably qualified and practising Engineer, the dimensions of the trench grate shall be no less than 300 mm wide by 100 mm deep at the shallow end and have a "bottom" slope of 2%. This trench drain shall be connected to an approved drainage system.
- (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<sup>™</sup> 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: <u>assets@waverley.nsw.gov.au</u> 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.

#### 16. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

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

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

#### ENERGY EFFICIENCY & SUSTAINABILITY

#### 17. BASIX

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

#### WASTE

#### 18. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

# C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

#### PRIOR TO ANY WORKS

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

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

#### 20. DILAPIDATION REPORT

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

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

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

#### **DEMOLITION & EXCAVATION**

#### 21. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

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

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

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

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

#### 22. CONTROL OF DUST ON CONSTRUCTION SITES

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

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

#### 23. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVateD SOILS

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

#### 24. EXCAVATION AND BACKFILLING

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

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

## CONSTRUCTION MATTERS

#### 25. CONSTRUCTION HOURS

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

- (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.

#### 26. STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS

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

#### 27. CONSTRUCTION INSPECTIONS

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the *Building Legislation Amendment (Quality of Construction) Act 2002,* clause 162A of the *Environmental Planning and Assessment Regulation 2000* and the requirements of any other applicable legislation or instruments.

#### 28. CERTIFICATE OF SURVEY - LEVELS

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

#### 29. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

#### **30.** 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.

#### 31. WORK OUTSIDE PROPERTY BOUNDARY

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

#### TREE PROTECTION AND REMOVAL

#### **32. TREE PROTECTION**

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

#### **33.** TREES PERMITTED TO BE REMOVED

The following trees are permitted to be removed as per the Arboricultural Impact Assessment Report prepared by Andrew Scales Naturally trees dated 02/08/2021:

Tree No.	Species	Location	Action
Т2	Howea forsteriana (Kentia Palm)	On site	Remove as per arborist report
Т 3	Cordyline sp	On site	Remove as per arborist report
Т4	Celtis sinensis (Hackberry) Weed species	On site	Remove as per arborist report
Т 5	Celtis sinensis (Hackberry) Weed species	On site	Remove as per arborist report
Т 6	Celtis sinensis (Hackberry) Weed species	On site	Remove as per arborist report
Т7	Celtis sinensis (Hackberry) Weed species	On site	Remove as per arborist report

#### 34. STREET TREES TO BE RETAINED/TREE PROTECTION

The existing *Callistemon viminalis* (weeping bottlebrush) tree on the naturestrip at the front of the property in Llandaff Street 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 in accordance with AS4970-2009 "Protection of trees on construction sites.

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

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

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

## VEHICLE ACCESS & PUBLIC DOMAIN WORKS

#### 35. RECONSTRUCT VEHICLE CROSSING

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

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

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

#### 36. HARDSTAND CAR PARKING AREA IS TO BE GRADED

The hardstand car parking area is to be graded and drained and all surface waters are to be collected and conveyed to the street gutter via underground pipes. A grate drain is to be provided across the front alignment of the hardstand car space.

#### 37. EXISTING VEHICLE CROSSING IS TO BE CLOSED

The existing vehicle crossing is to be closed and all work associated with the closure is to be carried out with the approval of, and in accordance with, the requirements of Council

#### 38. VEHICULAR ACCESS - FINISHED LEVEL TO VEHICLE CROSSING

The finished level at the property boundary on **both** sides of the vehicle crossing is to match the level of the footpath.

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

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

## CERTIFICATES, LICENCES, EASEMENTS AND RESTRICTIONS

## **39.** 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.

#### 40. SUBDIVISION CERTIFICATE

A Subdivision Certificate must be obtained from Council in accordance with of the *Environmental Planning and Assessment Act 1979* prior to the registration of the subdivision plans.

#### 41. CERTIFICATION OF BASIX COMMITMENTS

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

#### 42. CERTIFICATION of STORMWATER SYSTEM

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

#### 43. WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE

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, 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. 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.

#### 44. 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.

#### 45. 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 (<u>http://www.swimmingpoolregister.gov.au</u>);
- (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.

#### 46. SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE

A Section 73 Compliance Certificate must be issued from Sydney Water prior to the issue of an occupation certificate.

#### **OTHER MATTERS**

#### 47. ALLOCATION OF STREET NUMBER

The subdivision of the properties has led to the following allocation of primary address numbers:

- No. 51 Llandaff Street for the west allotment
- No. 51A Llandaff Street for the east allotment.

The primary address numbers for the properties shall be a minimum of 75mm high, shall be positioned 600mm-1500mm above ground level on the site boundaries, located near the entry points and clearly visible from Llandaff Street. The primary address numbers are to be positioned on the site prior to the issue of the Occupation Certificate.

Any variation to the above premises numbering requires a new application for a Change of street number and/or location to be lodged with Council.

# E. 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 <u>info@waverley.nsw.gov.au</u> or via the NSW Planning Portal (if required).
- Attention the documentation to the relevant officer/position of Council (where known/specified in condition).
- Include DA reference number.
- Include condition number/s seeking to be addressed.
- Where multiple conditions need Council input, please try to group the documentation / email/s into relevant subjects (multiple emails for various officers may be necessary, for example).
- Information to be submitted in digital format refer to 'Electronic lodgement guidelines' on Council's website. Failure to adhere to Council's naming convention may result in documentation being rejected.

- Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information.
- Please note, in some circumstances, additional fees and/or additional documents (hard copy) may be required.
- Council's standard for review (from date the relevant officer receives documentation) is 14 days. Times may vary or be delayed if information is not received in this required manner.

#### AD2. SYDNEY WATER REQUIREMENTS

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

#### AD3. DIAL BEFORE YOU DIG

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

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

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

#### AD5. EXCAVATION TO BE LIMITED

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

#### AD6. TREE REMOVAL/PRESERVATION

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

#### AD7. WORK OUTSIDE PROPERTY BOUNDARY

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

#### AD8. SITE RECTIFICATION WORKS

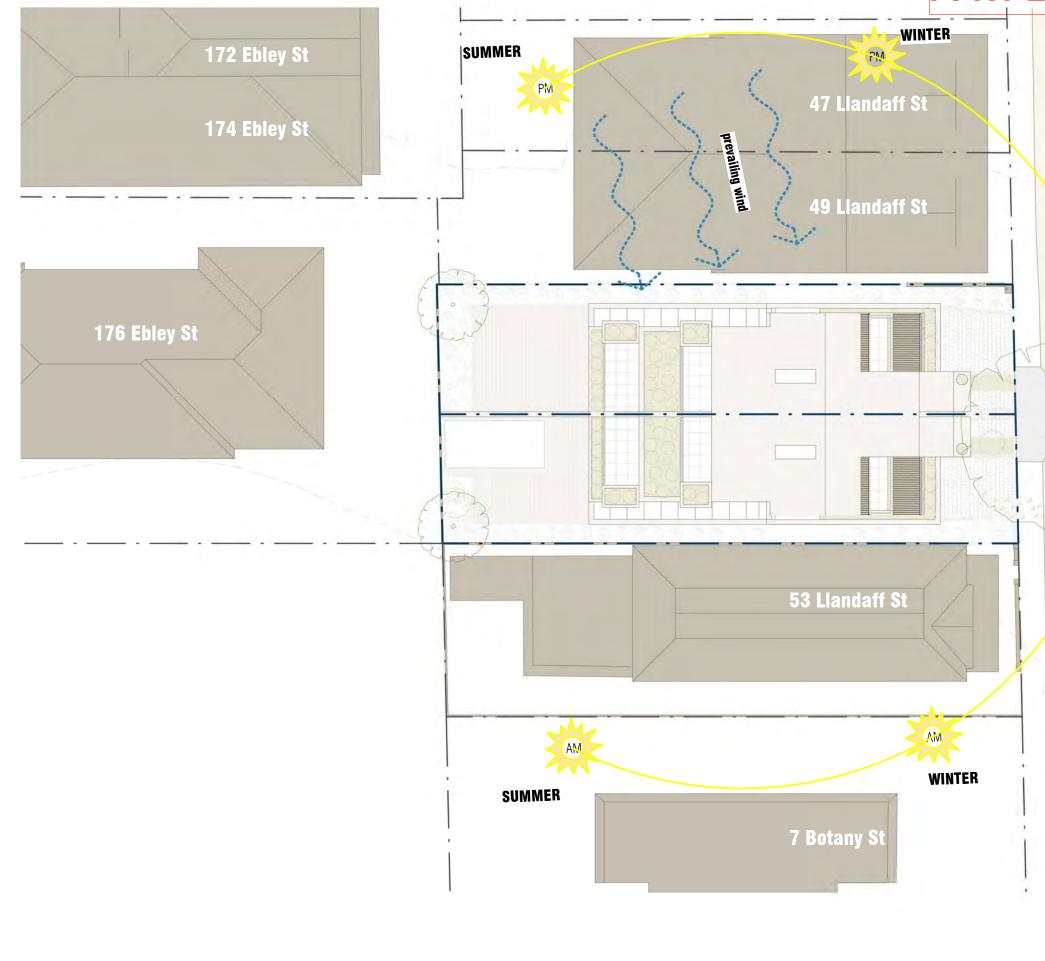
The vacant site is to be maintained in a safe and secure manner. Fencing is to be erected around the permitter of the site once demolition has been completed to secure the site. The site is to be protected from windblown soil loss and stormwater erosion at all times.

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.

#### AD9. RAINWATER HARVESTING AND REUSE

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





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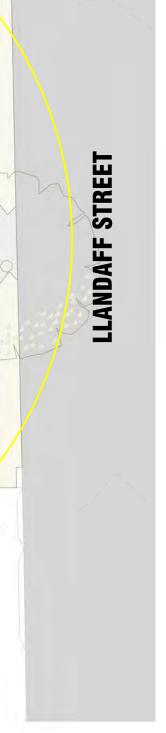
	CLIENT Yuchao Li + Zhengyu Shen
A 02/11/2021 For DA submission B 30/08/2022 DA amendment	DATE <b>10/2021</b> 0 0.5 1 2.5 1:200@/ SCALE <b>1:200 @ A3</b>
Page 283 of 560	



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Application No: DA-66/2022

Date Received: 31/08/2022



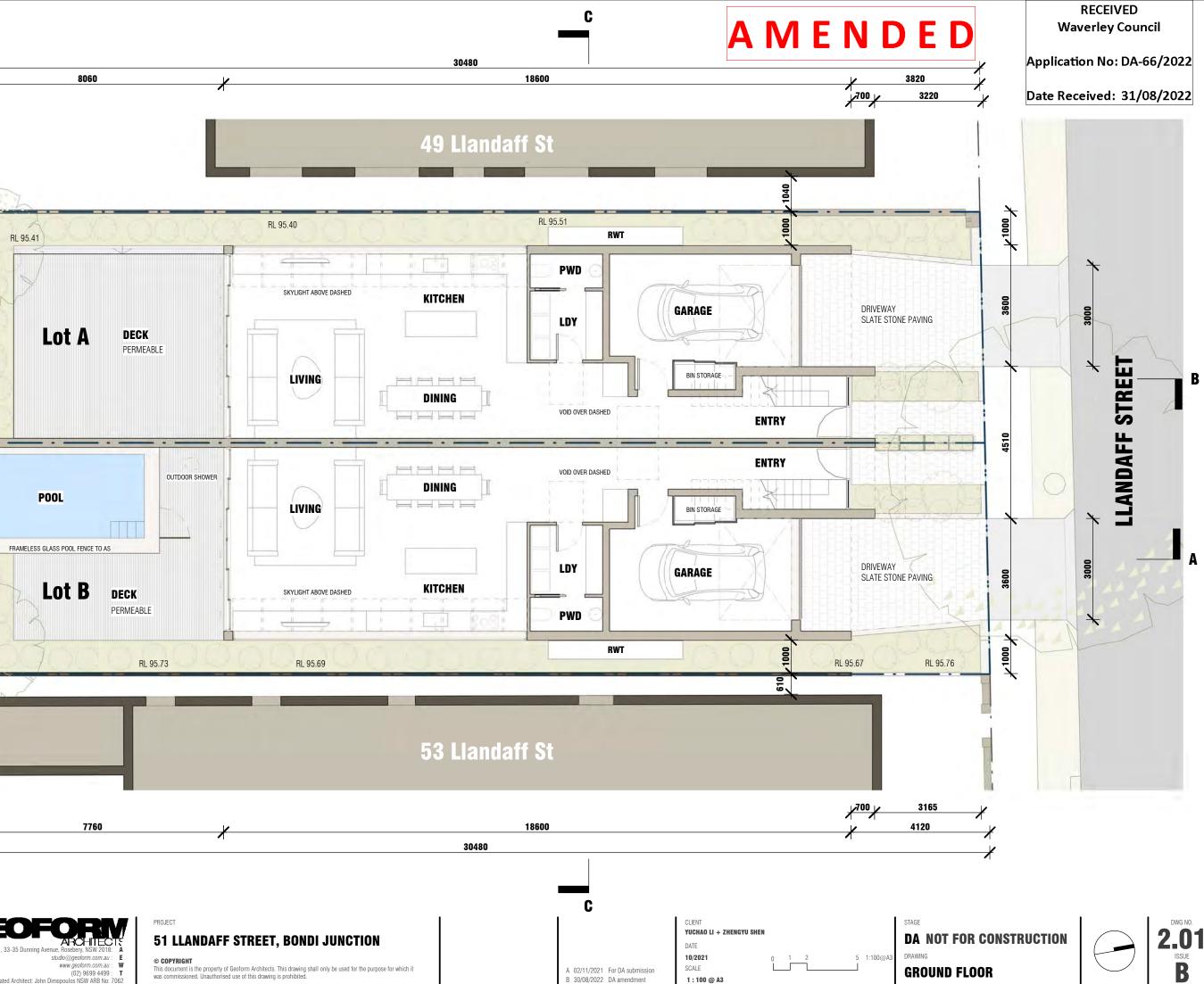
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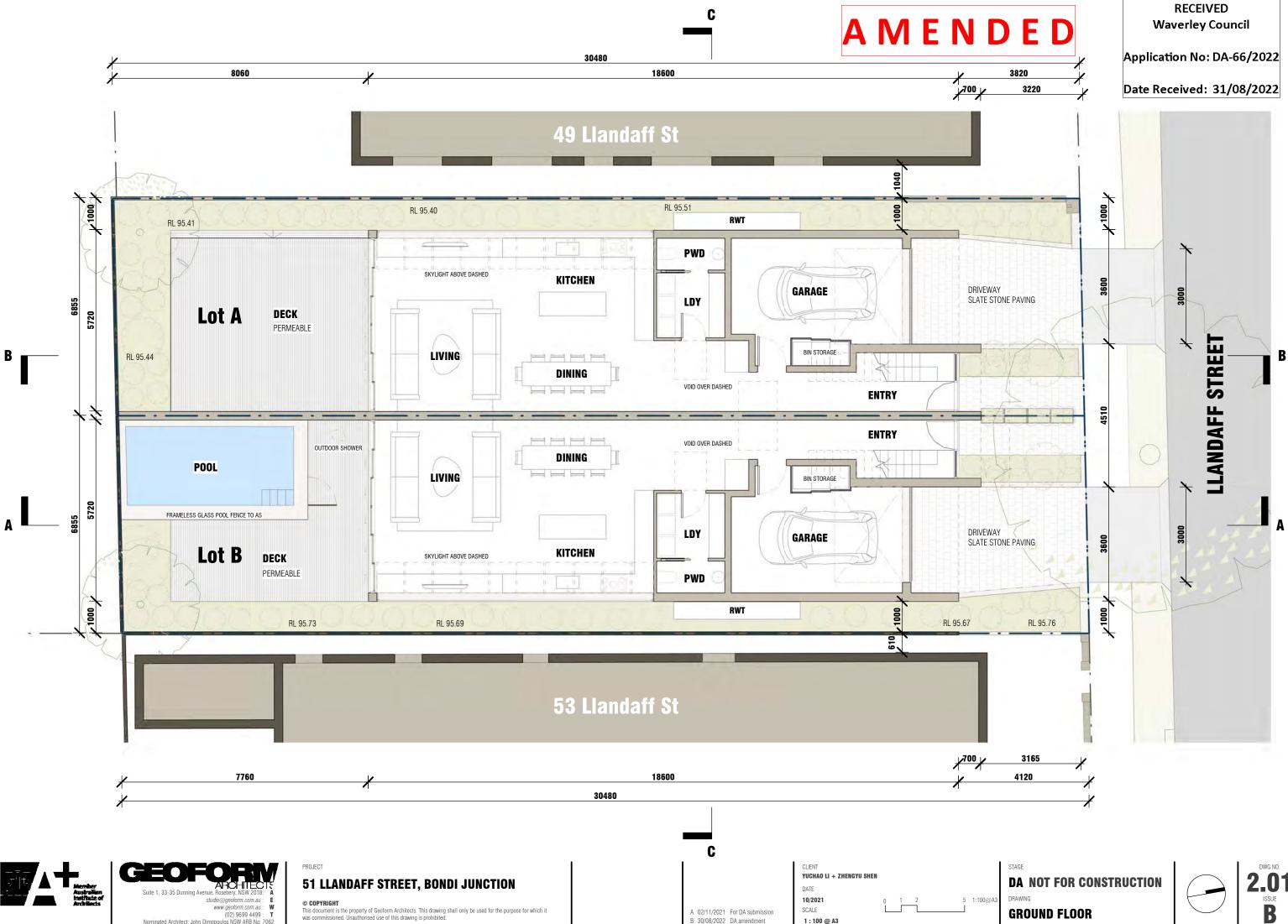




SITE PLAN / SITE ANALYSIS

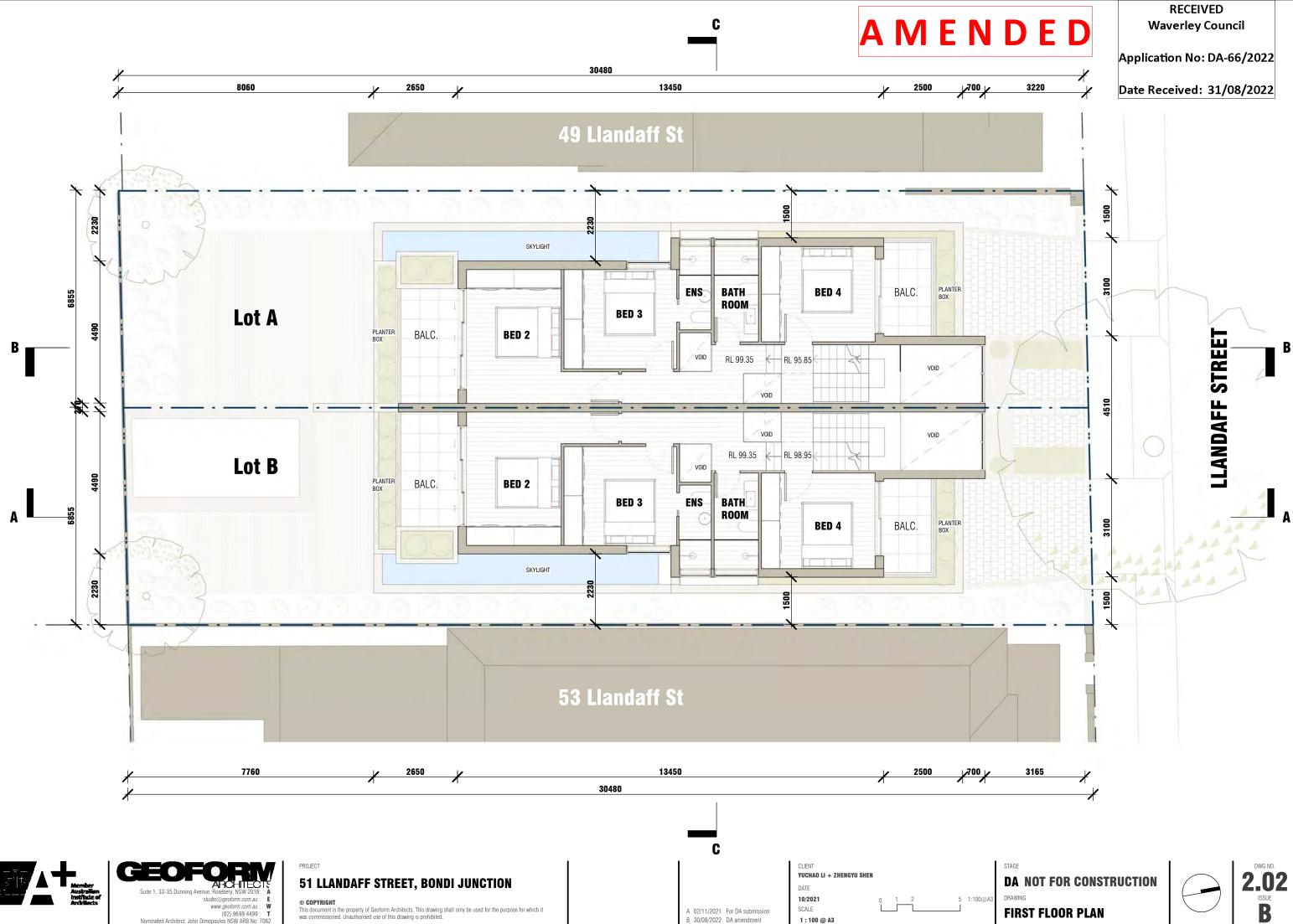
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Page 284 of 560

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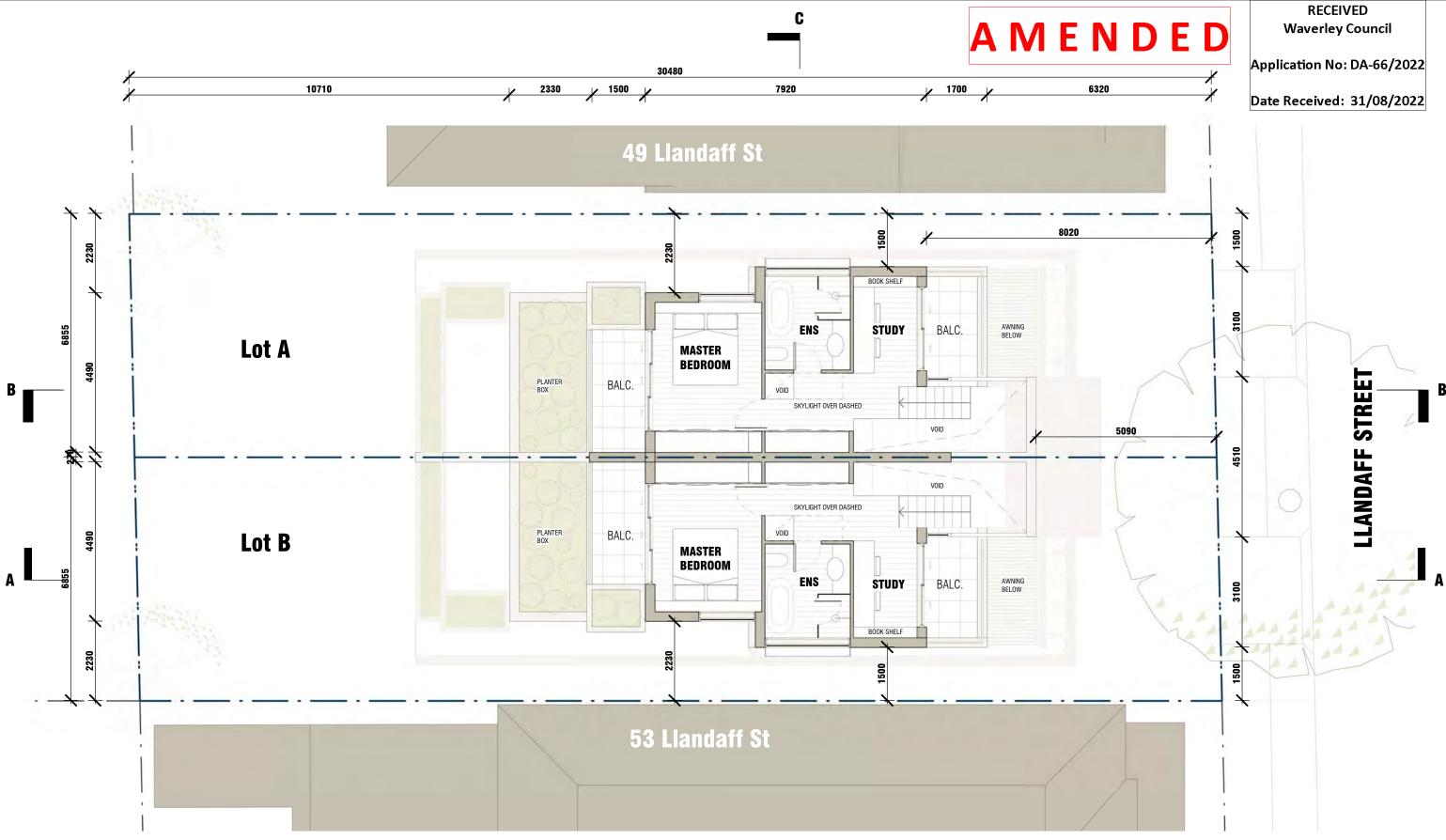
Page 285 of 560

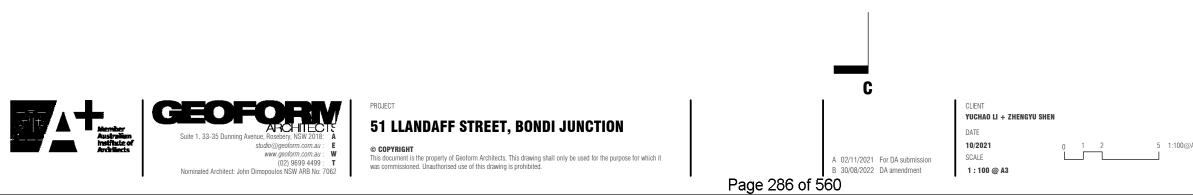
Nominated Architect: John Dimopoulos NSW ARB No: 7062

FIRST FLOOR PLAN

1 : 100 @ A3





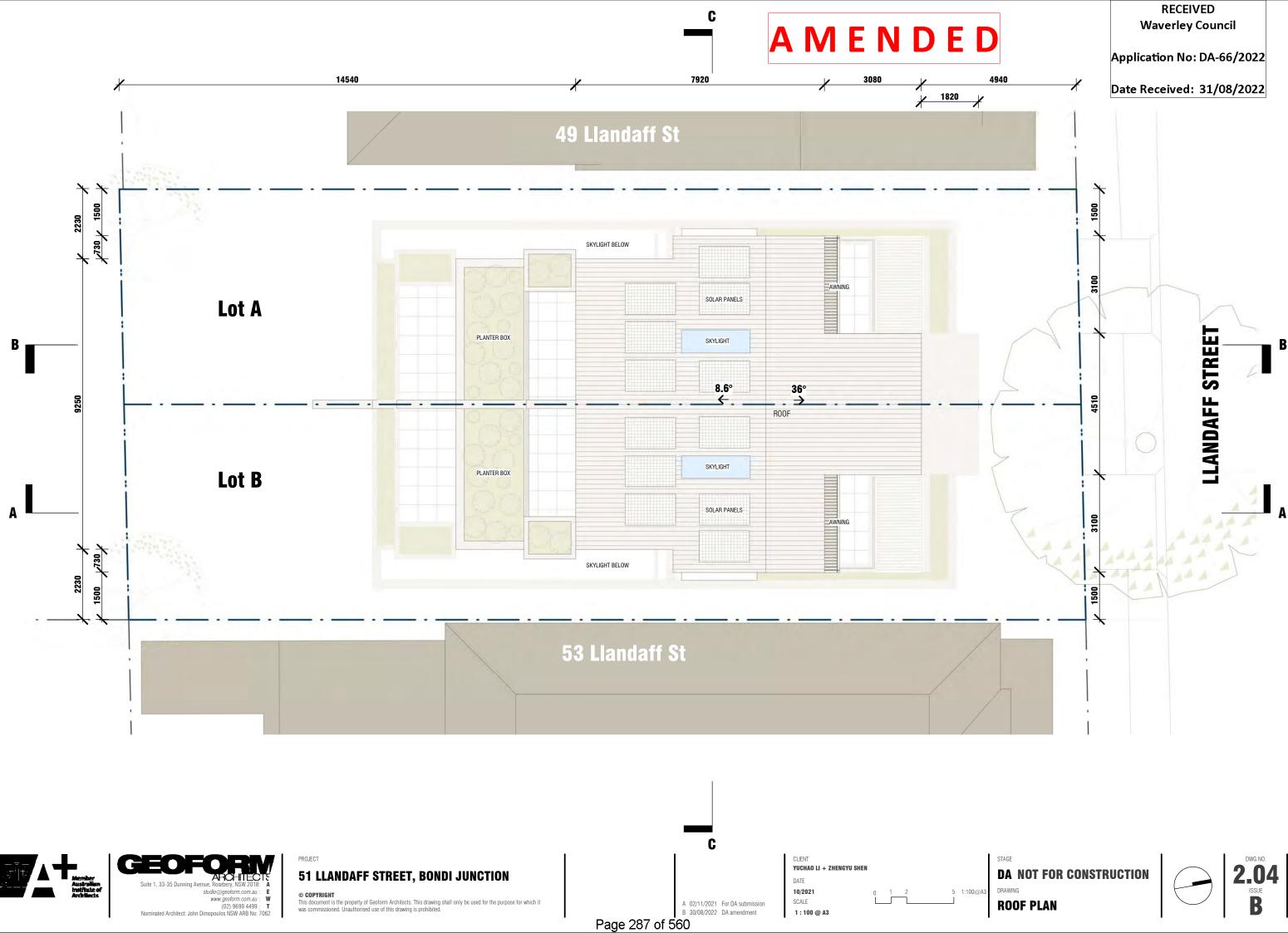


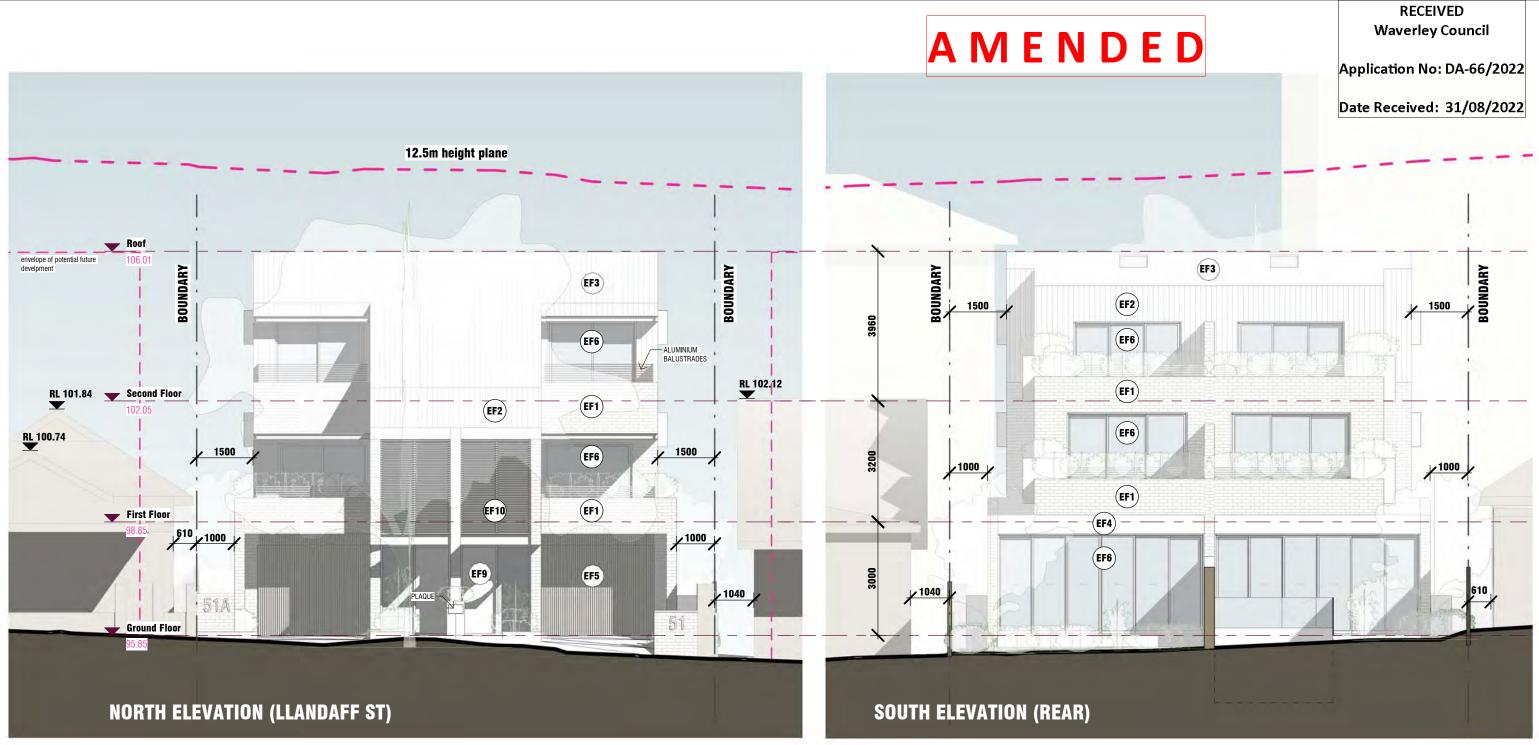
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**SECOND FLOOR PLAN** 

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Page 288 of 5	0	

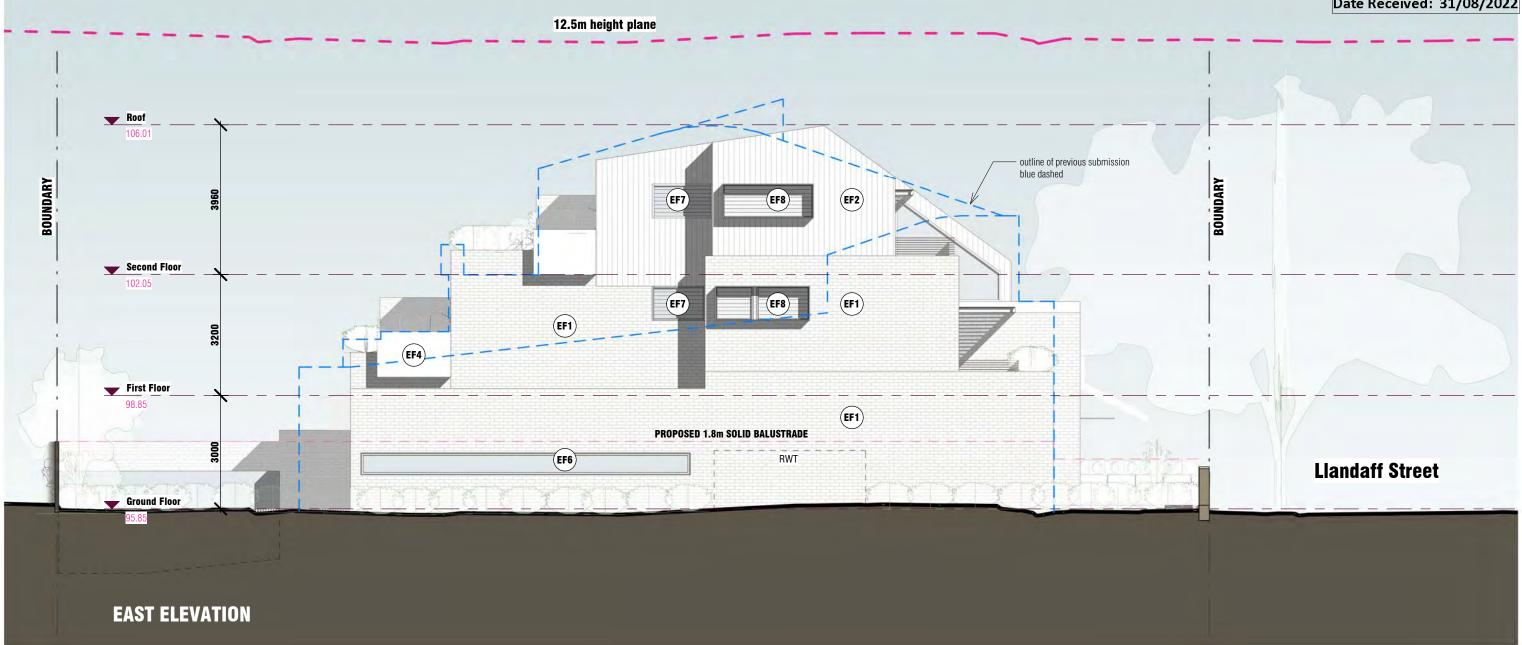
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ELEVATIONS

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Page 289 of 5	60	

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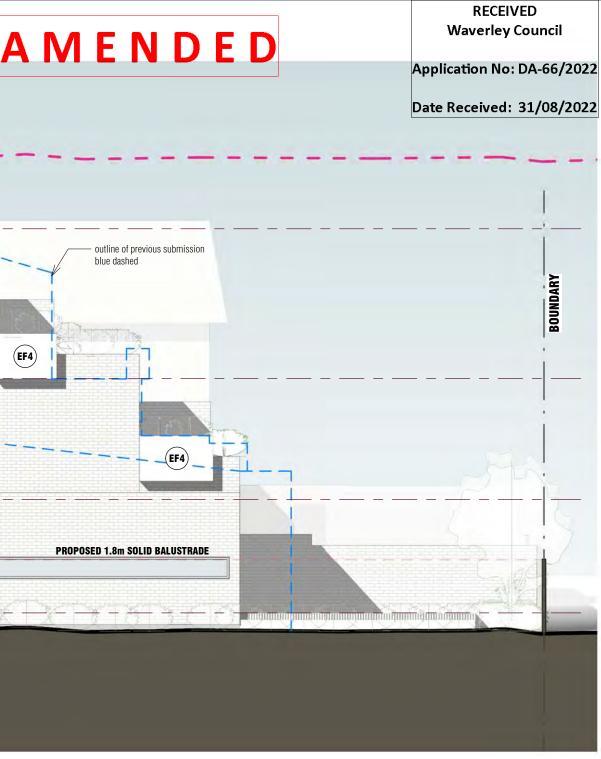
Application No: DA-66/2022

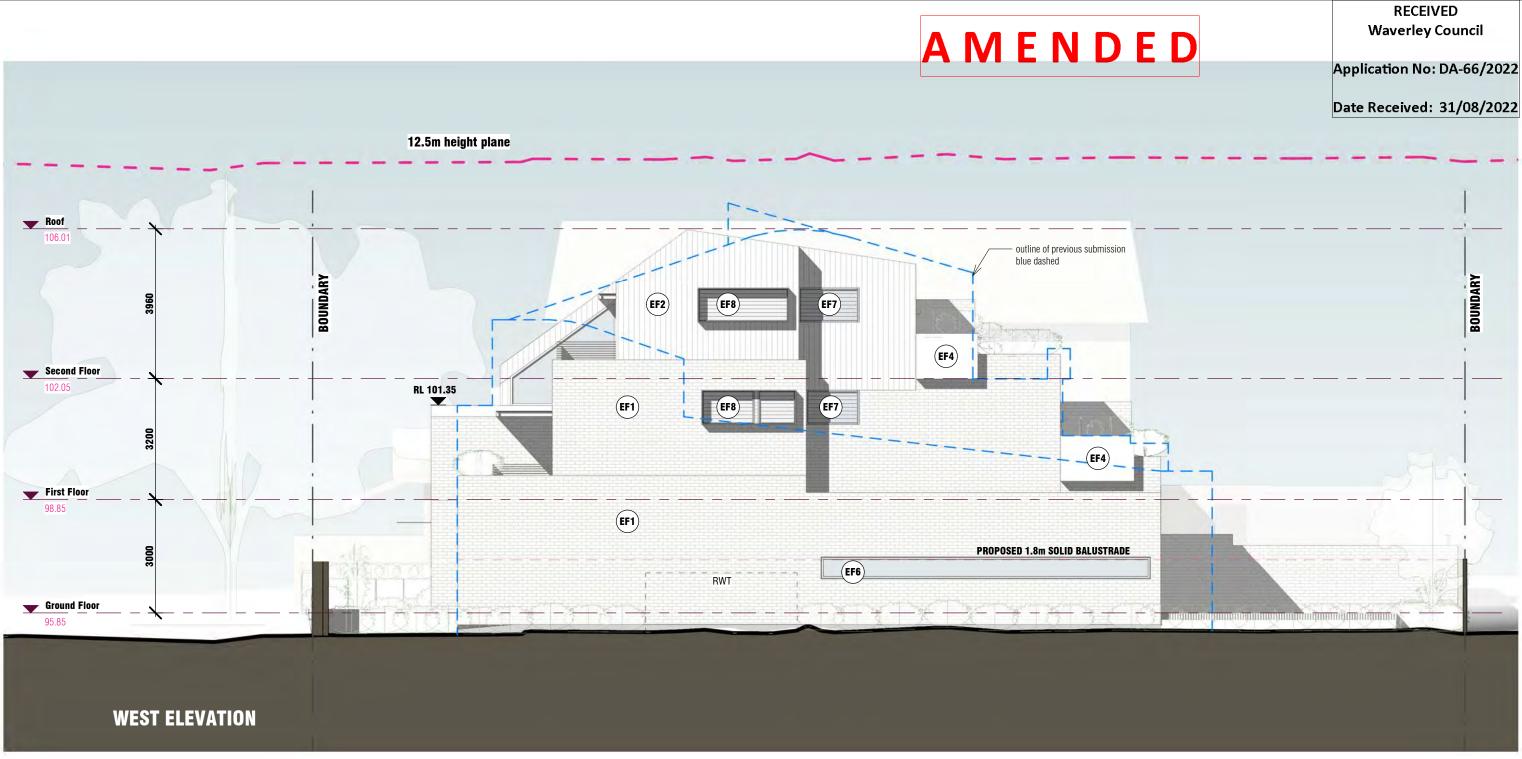
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ELEVATIONS







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Page 290 of 5	60	)		•

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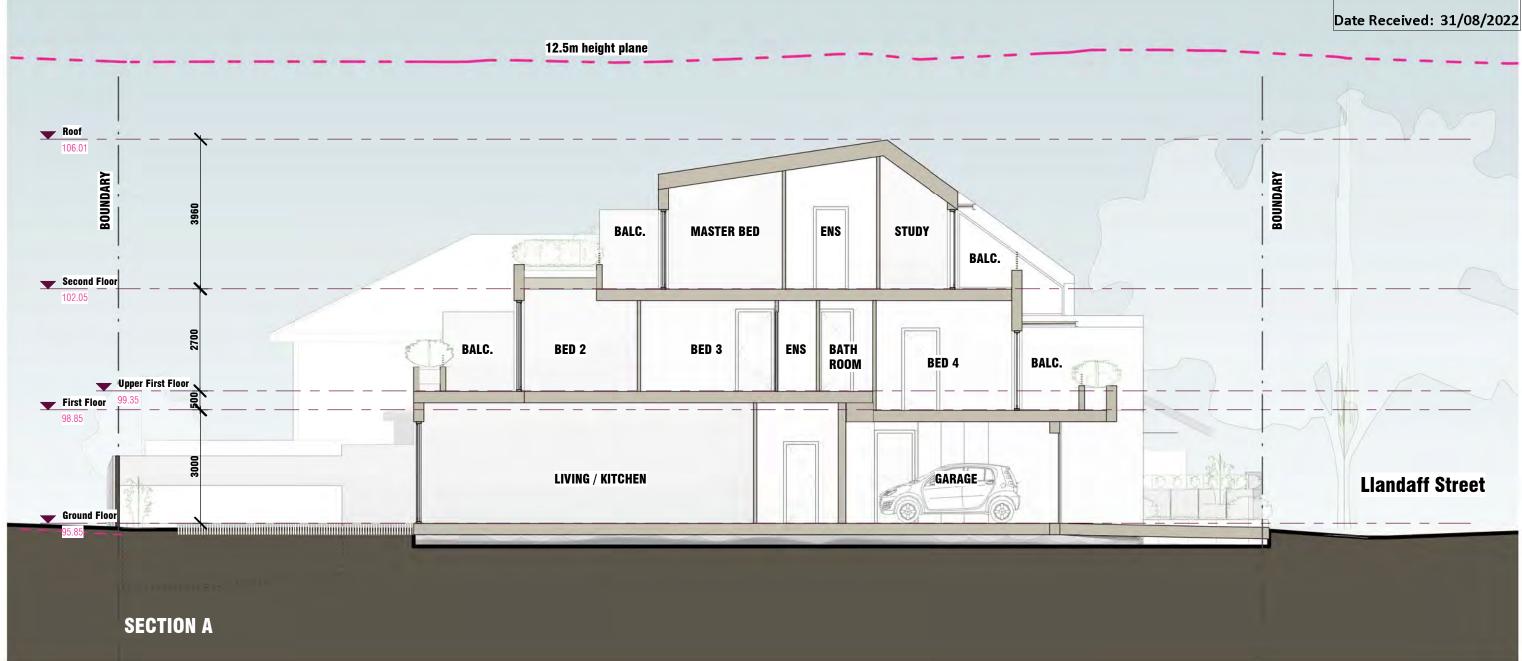
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ELEVATIONS

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## AMENDED





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Page 291 of 5		

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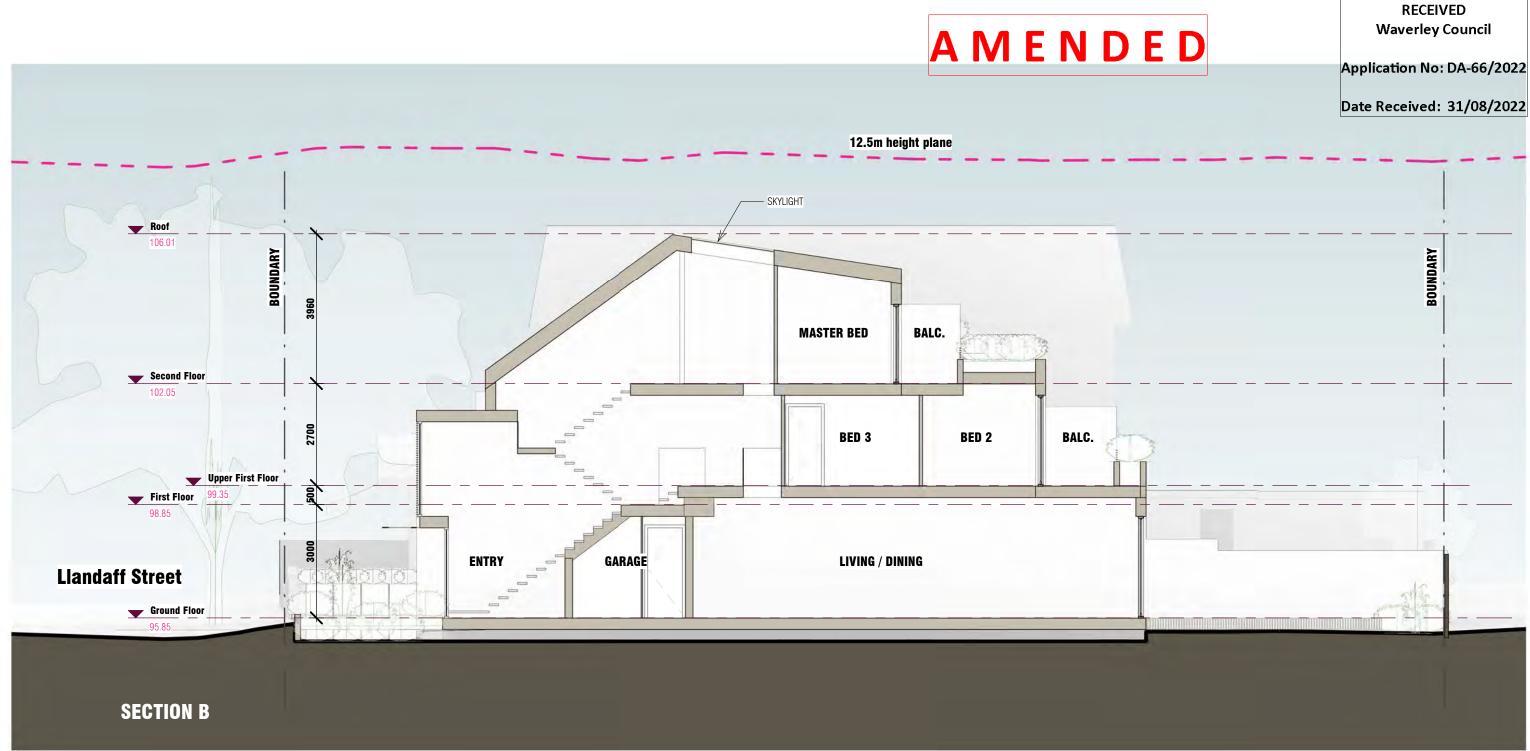
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Page 293 of 5	60	•

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Application No: DA-66/2022

Date Received: 31/08/2022

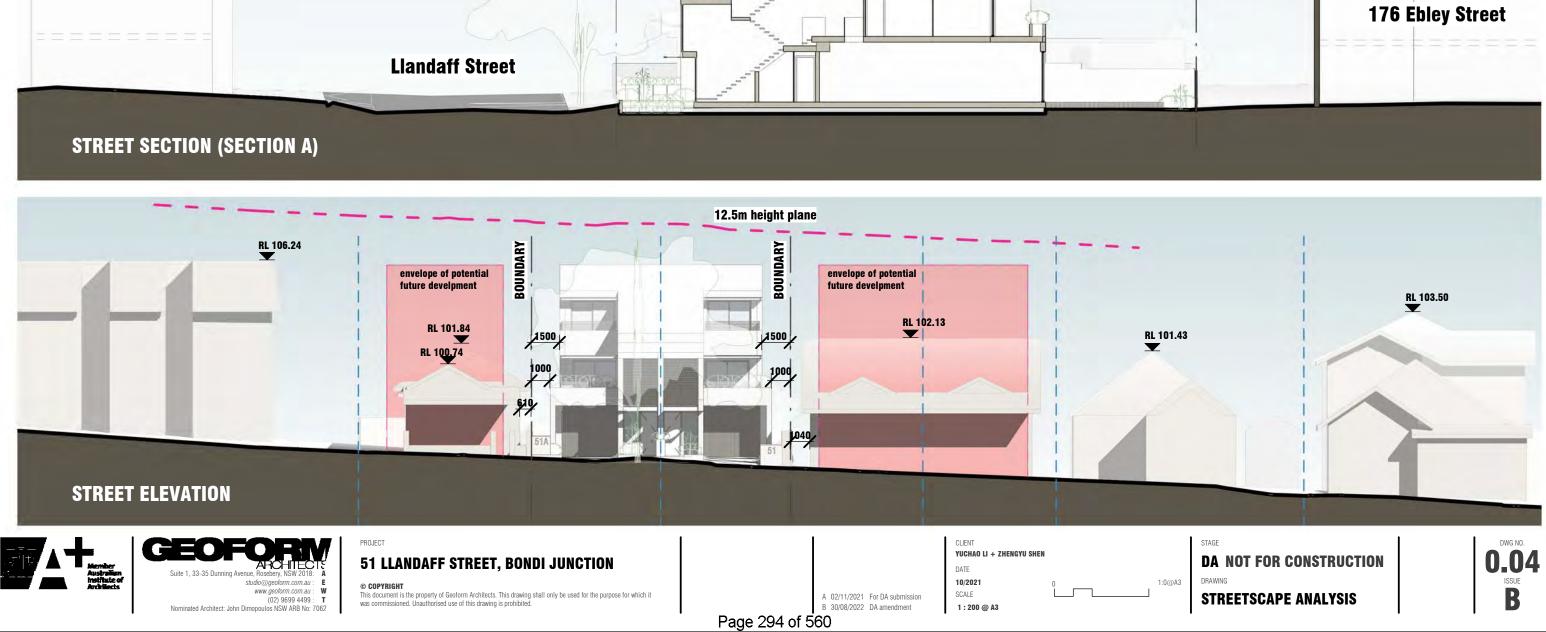


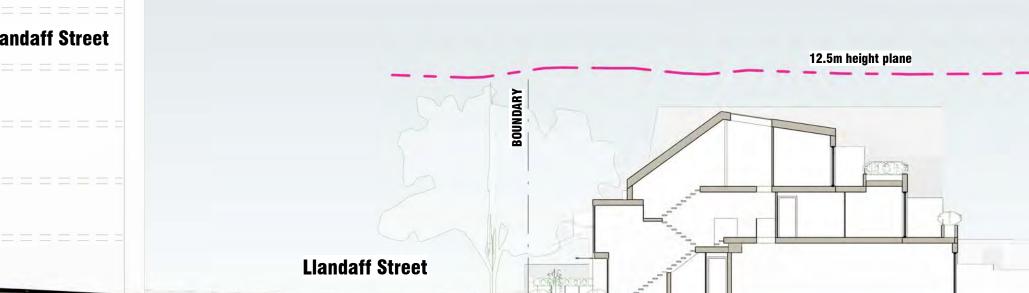
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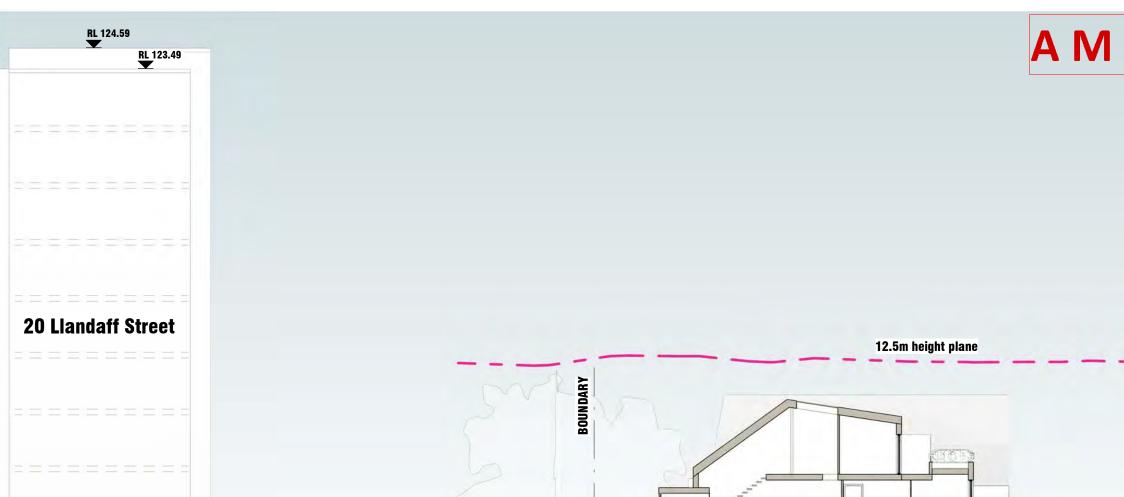
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SECTIONS









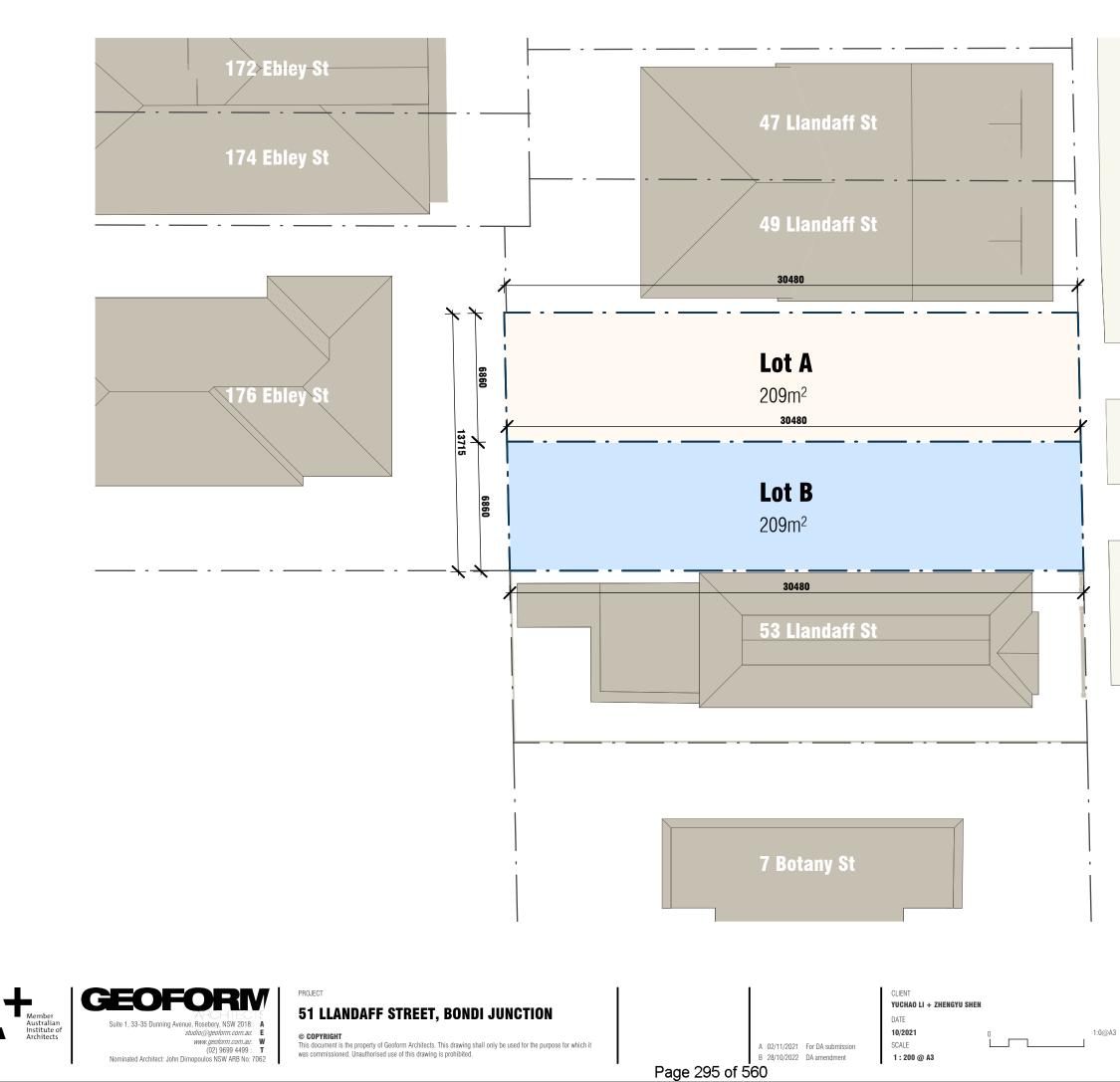


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Date Received: 31/08/2022



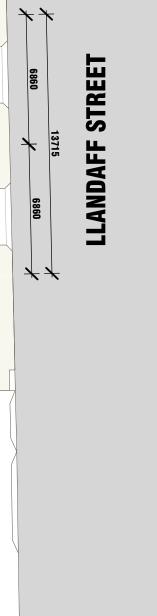




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Date Received: 01/11/2022



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SUBDIVISION PLAN

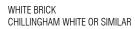




STAGE









BLACK ZINC WALL CLADDING SHARPLINE OR SIMILAR EF2



ROOF BLACK ZINC STANDING SEAM EF3



EF4 VENETIAN PLASTER RENDER



TRANSPARENT GLAZING W/ FRAME WTHIE (BLACK FOR SECOND FLOOR) EF6



TRANSPARENT GLASS LOUVERS W/ FRAME WTHIE (BLACK FOR SECOND FLOOR) EF7



TRANSLUCENT GLASS LOUVERS W/ FRAME WTHIE EF8



EF9 FLUTED GLASS



EF11 STEEL BLANTER BOX WHITE



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CLIENT YUCHAO LI + ZHENGYU SHEN DATE 10/2021



Application No: DA-66/2022

Date Received: 01/09/2022

NOTE: Images are indicative only

STAGE **DA NOT FOR CONSTRUCTION** DRAWING **MATERIAL BOARD** 



# Landscape Development Application

## 51 Llandaff Street Bondi Junction, NSW







Issue	Comments	Date	scale: 1:100 @ A1	
А	draft for client / architect review	05.10.21	0 1 2 5m Cli	ient
В	FOR DA APPROVAL	18.10.21		
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			<u>─</u> ───────────────────────────────────	
			Location of all services is to be carried out by all contractors prior to commencement of works. Phone Dial-Before-You-Dig Ph: 1100. Refer plans by Architect,	
			Engineers & Surveyors for other working drawings. These drawings are to be read in conjunction with relevant specifications & details. It is the responsibility of the contractor to notify R+M Landscape Architecture of any contradiction within the plans & receive appropriate direction prior to construction works. Final setout	
			is to be determined on site and at the direction of the superintendent or site supervisor. Plans are copyright to R+M Landscape Architecture	

## LANDSCAPE DRAWING REGISTRY

DRAWING NUMBER

DRAWING TITLE

LP01	LANDSCAPE TITLESHEET	D	NTS
LP02	LANDSCAPE PLAN	D	1:100
LP03	LANDSCAPE DETAILS	D	AS SHOWN

PROTECTION OF EXISTING TREES

Existing trees marked for retention are to be protected and maintained during the course of construction. The contractor is to abide by AS 4970-2009 (Protection of Trees on Development Sites) and council regulations relating to any trees nominated in DA approval, which will require all on-site trees to be provided with a 1800mm high fully supported chainmesh to minimise disturbance to existing ground conditions within the canopy drip line for the duration of construction works. "Tree Protection Zone" is to be attached to the protective fence.

PLANTS

All plants which have been declared, pursuant to section 7 & 8 of the Noxious Weed Act 1993, to be Noxious Weeds within the area of Waverly Council shall be removed on site and replaced with appropriate indigenous or native species.

All labels are to remain on plants and delivery receipts or copies of plant purchases, stating the species, amount, and container sizes of plants, shall be made available to Council's Construction Services or Private Certifier to facilitate certification that the landscape plan and conditions of consent have been implemented.

STREET NUMBER

A street number is to be placed on site in a readily visible location, (numbers having a height of not less than 75mm) prior to occupation of the building.

#### MAINTENANCE SCHEDULE

The consolidation program shall include, but not limited to, the following items:

ISSUE

Routine Maintenance. Provide routine maintenance for a period of six months after practical completion. Program to include but not limited to plant establishment, watering, mowing, fertilising, weeding, staking, pruning, mulching, pest and disease control and generally maintaining the site in a neat and tidy condition.

Watering: Watering of plants and turf should be done in conjunction with current Sydney Water watering restrictions.

Fertilising. Apply an appropriate lawn fertiliser, at manufacturer's rates, after 6 weeks of installation. Ensure fertiliser is adequately watered and evenly dispersed for healthy even lawn growth.

Mulch of garden beds must adhere to Australian Standard AS4454.



Yuchao Li & Zhengyu Shen

Architect:

Page 297 of 560

Geoform Architects

Landscape Architect:

**R+M Landscape Architecture** p. 0405 122 234

e. <u>landscapearchitecture@rebekahandmark.com.au</u> c. mark santangelo RLA AILA



RECEIVED Waverley Council Application No: DA-66/2022 Date Received: 01/11/2022

## SCALE

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	1 OF 3
	2 OF 3

3 OF 3

Lawns. Repair lawns in all failed areas.

Disease and Pest Control. If pathological disease or insect pests appear, they are to be controlled using organic methods or pest and disease control. Failing this, chemical sprays may be used, at manufacturer's rates, with prior consent of client.

Replacement.

Defects including any dead or unhealthy plant must be replaced or treated within 3 weeks. Missing, dead or unhealthy plants are to replaced with plants of similar size and quality and identical species/variety, unless a substitution has been approved by Council.

Any Pruning must be carried out to meet Australian Standards AS4373 'Pruning of Amenity Trees' and shall comply with Councils Tree Preservation Order.

Making Good. The contractor shall make good erosion of soil or subsidence which may occur, at no contract variation.

> Project: 51 LLANDAFF STREET BONDI JUNCTION NSW Drawing Title: LANDSCAPE TITLESHEET

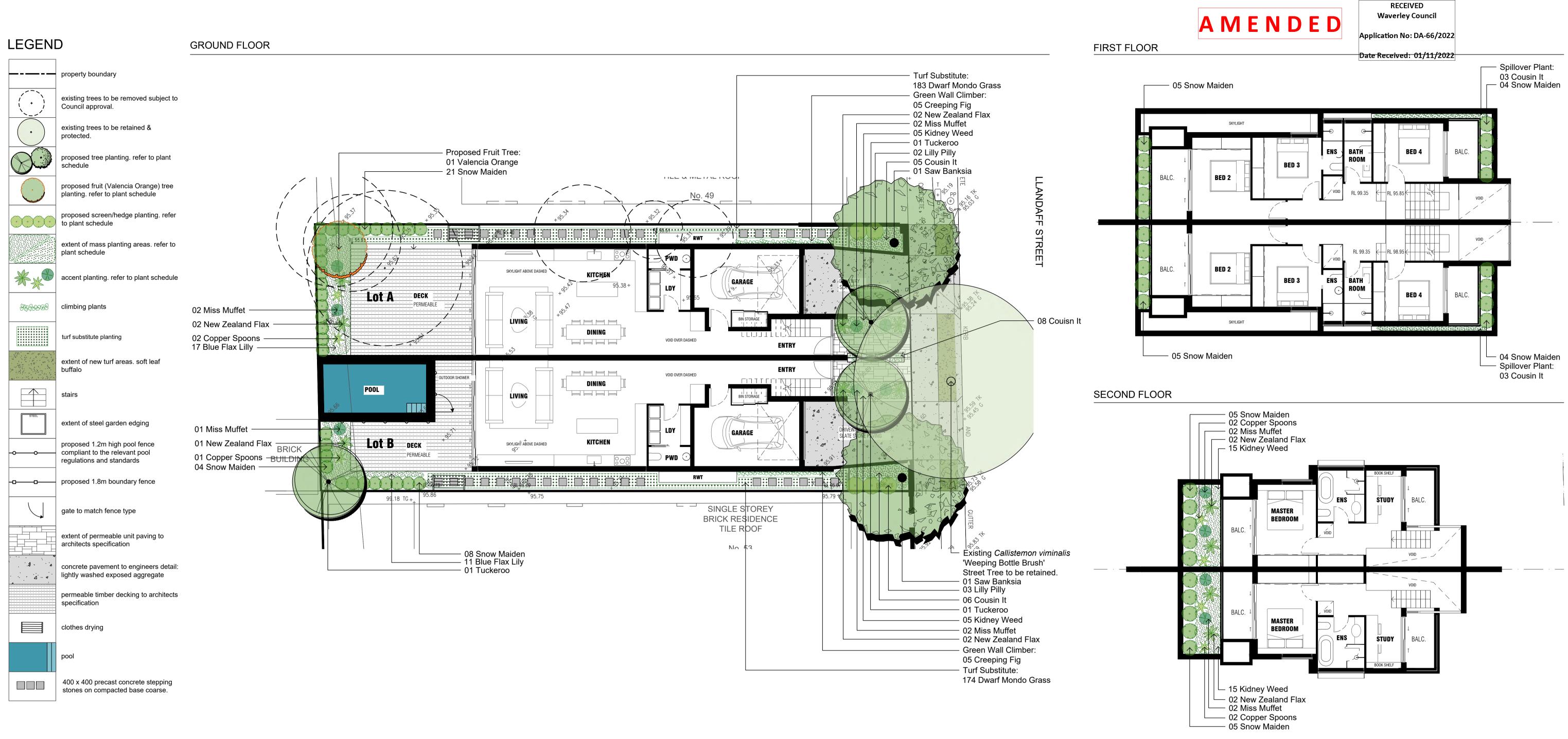
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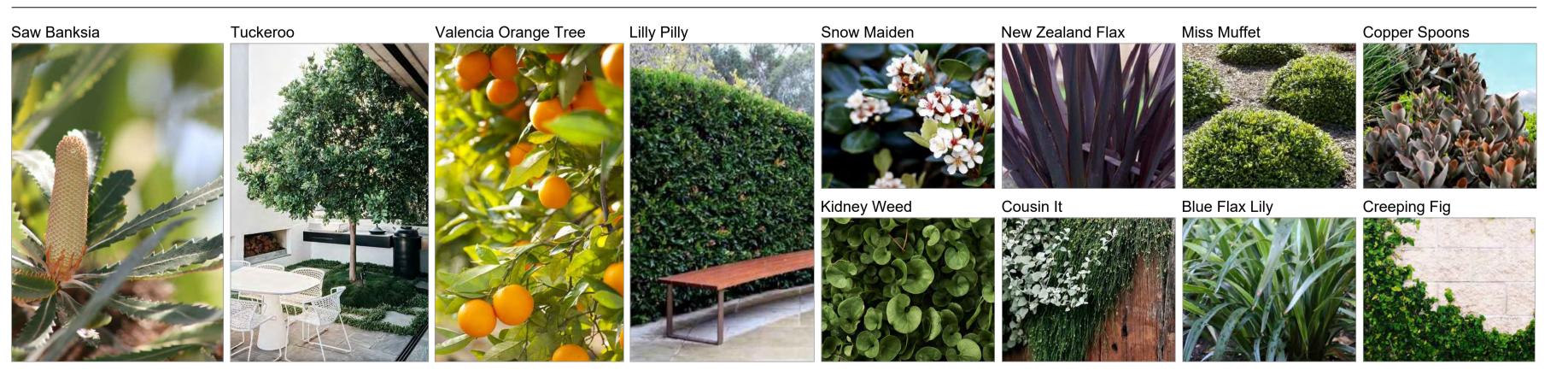
LP01

Issue:





#### PLANT PALETTE



	Issue	Comments	Date		scale: 1:100 @ A1		
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					contractors prior to commencement of works. Phone Dia		
LANDSCAPE ARCHITECTURE				the contractor to notify R+M Landscape Architect	is. These drawings are to be read in conjunction with rele ure of any contradiction within the plans & receive appropriate	iate direction prior to construction works. Final setout	
ANCHITECTUNE				is to be determined on site and at the direction of	the superintendent or site supervisor. Plans are copyright	to R+M Landscape Architecture	



			Plant Sc
Code	Botanical Name	Hybrids/ Cultivars	Common Name
Trees			
Ba se	Banksia serrata		Saw Banksia
Cu an	Cuapniopsis anacardiodes		Tuckeroo
Ci si	Citrus sinensis	Valencia	Valencia Orange
Screen	ing & Hedge		
Ac sm	Acmena smithii	Minor	Lilly Pilly
Rh in	Rhapiolepsis indica	Snow Maiden	Indian Hawthorn
Acccer	nt		
Ka CS	Kalanchoe orgyalis	Copper Spoons	Copper Spoons
Ph PB	Phormium tenax	Patts Black	New Zealand Flax
Pi MM	Pittosporum tobira	Miss Muffet	Miss Muffet
Ground	Icovers & Grasses		
Ca IT	Casurina glauca		Cousin It
Di ca	Dianella caerulea		Blue Flax Lilly
Di re	Dicondra repens		Kidney Weed
Climbe	rs		
Fi pu	Ficus pumila		Creeping Fig
Turf			
Op ja	Ophiopogon japonicus	Nana	Dwarf Mondo Grass
St se	Stenotaphrum secundatum	Sir Water	Sir Walter Soft Leaf

Yuchao Li & Zhengyu Shen

Architect:

**Geoform Architects** 

Landscape Architect:

R+M Landscape Architecture 0405 122 234

landscapearchite handmark.com.au mark santangelo RLA AILA C.



#### chedule Height Spread (m) (m) Spacing Qty Pot Size ndigenous refer street tree planting detail 4.0 2.0 Y 45 L as shown 2 7.0 4.0 Y 45 L as shown 3 3.0 4.0 45 L as shown 1 2.0 1.0 300mm 0.9 centres 5 300mm 1.0 centres 61 1.2 1.2 0.8 0.8 140mm as shown 7 0.8 0.8 200mm as shown 11 0.8 1.0 200mm 11 as shown 0.2 0.2 Virotube 3 /m² 25 0.6 0.6 Virotube 4 /m² 28 0.1 2.0 6 /m² 40 Virotube 4 /m² 5.0 5.0 150mm 10 Turf plug 0.1 12 /m² 357 f Buffalo 0.1 -Turf roll -

Project: **51 LLANDAFF STREET BONDI JUNCTION NSW** Drawing Title: LANDSCAPE PLAN

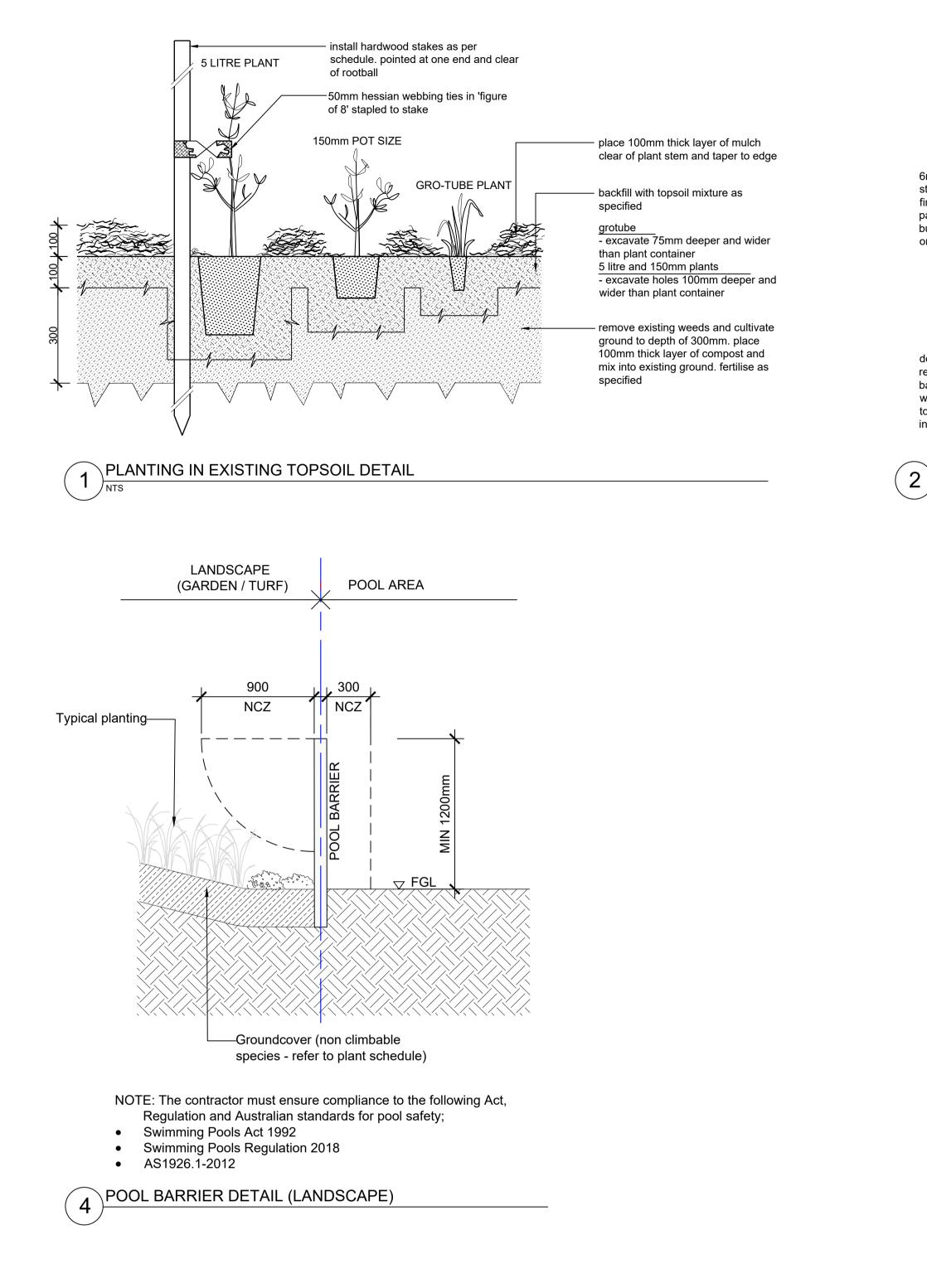
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LP02

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#### MATERIAL PALETTE





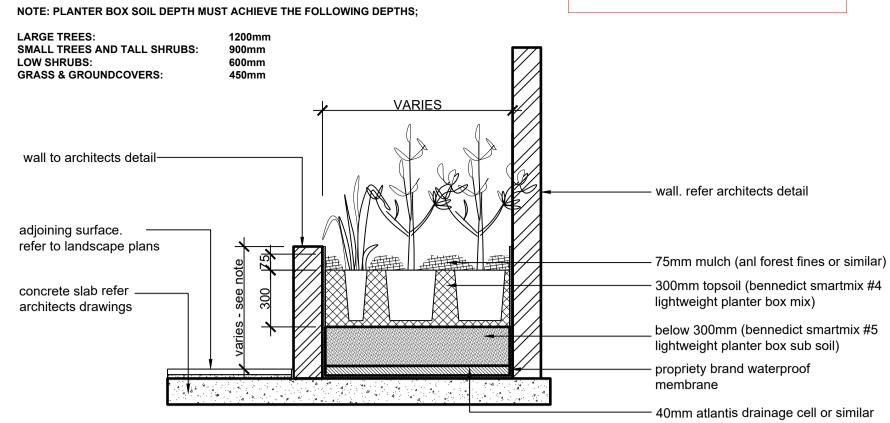




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С	FOR DA APPROVAL	26.11.21	scale: 1:200 @ A3	•
D	FOR DA APPROVAL	26.10.22		
			Location of all services is to be carried out by all contractors prior to commencement of works. Phone Dial-Before-You-Dig Ph: 1100. Refer plans by Architect, Engineers & Surveyors for other working drawings. These drawings are to be read in conjunction with relevant specifications & details. It is the responsibility of the contractor to notify R+M Landscape Architecture of any contradiction within the plans & receive appropriate direction prior to construction works. Final setout	
			is to be determined on site and at the direction of the superintendent or site supervisor. Plans are copyright to R+M Landscape Architecture	

	GARDEN BED / TURF	GARDEN BED
6mm x 100mm galvanised steel edge. finish steel edge flush with paving and butt jointed at ends or junctions	WI YY 7YY AMA A <i>I CHI MUTANI</i> WAAR YA AA AMI'MAA AA AMAA AA	
deformed galvanised steel reinforcing bar 12mmØ x 400mm length welded to steel edge at 600mm min. intervals		

STEEL GARDEN EDGING





Yuchao Li & Zhengyu Shen

Architect:

**Geoform Architects** 

Landscape Architect:

C.

 R+M Landscape Architecture

 p.
 0405 122 234

0405 122 234 landscapearchitecture@rebekahandmark.com.au mark santangelo RLA AILA





RECEIVED Waverley Council Application No: DA-66/2022 Date Received: 01/11/2022

connected to existing drainage system

0 100 200 500 1000mm

## PLANT MAINTENANCE REGIMES & REPLACEMENT

#### Generally

Maintenance work should be executed by suitably qualified tradespersons (horticulturists), plumber and the like.

Inspect the garden areas regularly (every 2 weeks min.) and carry out works of a recurrent maintenance nature, including but not limited to weeding, fertilising, pest and disease control, plant replacement and the like. Maintenance shall include the following items as a minimum requirement.

Maintain a monthly log of routine activities as well as pest and disease occurrences, replacements made, problem areas and occurrences of vandalism.

#### Watering

Planted areas shall be watered when necessary to ensure continuous healthy growth. The roof gardens will not have an automatic watering system therefore hand watering is essential.

Water by manual means using hose cocks supplied from potable supply.

Fertilisers-

- 1. 8-9 month slow release fertilizer such as Osmocote spread in early spring for all garden beds at
- ground level
  Complete lawn fertilizer spread to manufacturer's recommendations annually in spring.
  Fertilize roof gardens with complete liquid fertilizer every 6 months (spring and autumn)
- It is recommended that community garden areas incorporate worm farms to recycle garden green waste and select kitchen organics and reused annually on the gardens as compost/ fertilizer.

#### Weeding and Rubbish Removal

Remove by hand rubbish and weed growth that occurs throughout garden areas. This shall be executed regularly so that at weekly intervals, at least, the garden area may be observed in a completely clean and tidy condition.

#### Replacements

Immediately replace plants that die or fail to thrive or are damaged or stolen, with plants of same size and quality as existing unless otherwise directed.

Pest & Disease Control

Inspect plants regularly for pests and diseases. Inspections shall be made regularly at monthly intervals.

Keep a record of all incidence of pest or disease attack on plants. Insecticide and fungicide spraying, if considered necessary notify City of Sydney Council and shall be carried out in accordance to the manufacturer's instructions, by licensed personnel and to statutory and best industry practice requirements.

#### Pruning/Thinning & Dividing

Generally pruning work shall be implemented to maintain dense foliage growth and encourage suitable growth habits. Pruning shall be to AS 4373.

Green waste from pruning and gardening activities shall be composed fro reuse in garden activities.

#### Mulch

Maintain mulched surfaces in a clean and tidy condition. Reinstate mulch to match existing 100mm depths and full extent of garden bed.

Project: 51 LLANDAFF STREET BONDI JUNCTION NSW Drawing Title: LANDSCAPE DETAILS Date: Oct 2021

as shown

Scale:

Drawing Number:

LP03

Issue:

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Application No: DA-66/2022

Date Received: 31/08/2022

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**ARTISTS RENDERING** 

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STAGE









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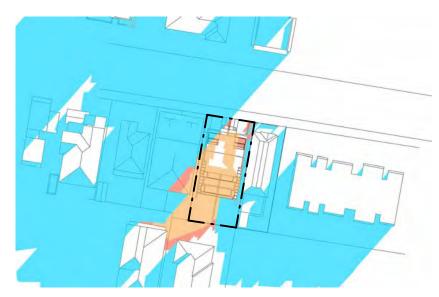
#### **ARTISTS RENDERING**

DA NOT FOR CONSTRUCTION

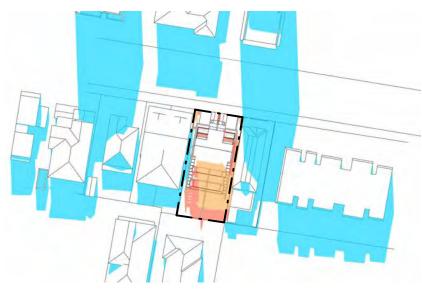
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WINTER SOLSTICE (JUNE 21) 9:00 AM



WINTER SOLSTICE (JUNE 21) 12:00 PM

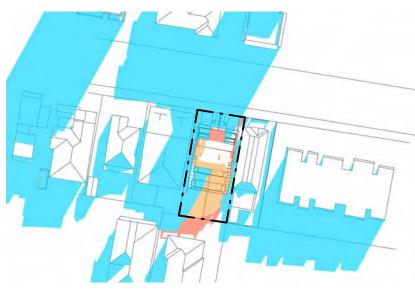


WINTER SOLSTICE (JUNE 21) 3:00 PM



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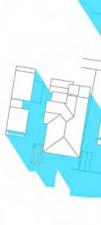
WINTER SOLSTICE (JUNE 21) 10:00 AM



WINTER SOLSTICE (JUNE 21) 1:00 PM



WINTER SOLSTICE (JUNE 21) 11:00 AM



WINTER SOLSTICE (JUNE 21) 2:00 PM

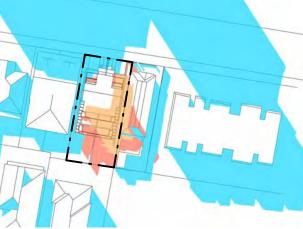
LEGEND

CLIENT YUCHAO LI + ZHENGYU SHEN DATE 10/2021

A 02/11/2021 For DA submission

B 28/10/2022 DA amendment

Page 302 of 560



SHADOW CAST BY NEIGHBOURING BUILDINGS

SHADOW CAST BY EXISTING BUILDING ON SITE

ADDITIONAL SHADOW CAST BY PROPOSED DEVELOPMENT





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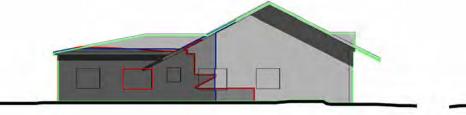
Date Received: 01/11/2022

AMENDED







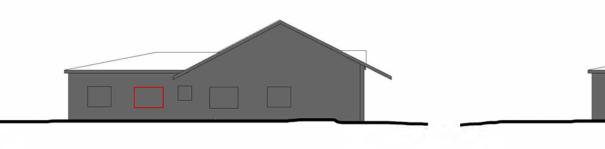


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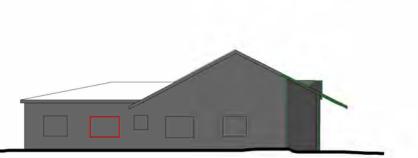




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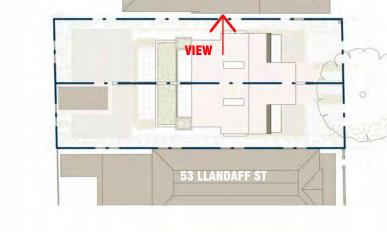
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49 LLANDAFF ST

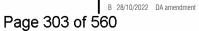
**ELEVATION SHADOW DIAGRAMS** (49 LLANDAFF STREET)

LEGEND





LLANDAFF STREET



DRAWING SHADOW ANALYSIS-ELEV.

**DA NOT FOR CONSTRUCTION** 



RECEIVED

**Waverley** Council

Application No: DA-66/2022

Date Received: 01/11/2022

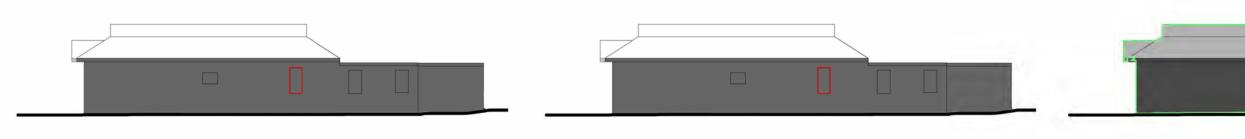
SHADOW CAST BY PROPOSED DEVELOPMENT

STAGE

- SHADOW CAST BY POTENTIAL BUILDING ENVELOPE COMPLIANT WITH THE DCP
- SHADOW CAST BY EXISTING BUILDING ON SITE (51 LLANDAFF STREET)
- SHADOW CAST BY NEIGHBOURING BUILDINGS

- SHADOW CAST BY 49 LLANDAFF STREET ITSELF

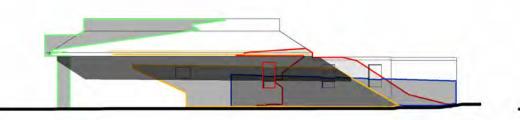
## AMENDED

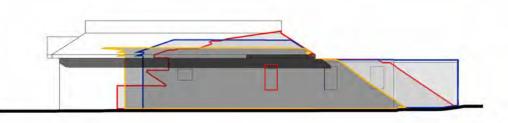


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WINTER SOLSTICE (JUNE 21) 11:00 AM

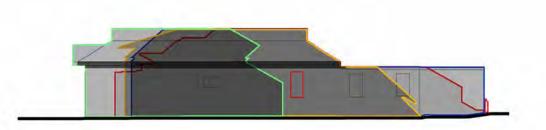




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WINTER SOLSTICE (JUNE 21) 2:00 PM



WINTER SOLSTICE (JUNE 21) 3:00 PM



PROJECT **51 LLANDAFF STREET, BONDI JUNCTION** © COPYRIGHT This document is the property of Geoform Architects. This drawing shall only be used for the purpose for which it was commissioned. Unauthorised use of this drawing is prohibited.



Page 304 of 560

A 02/11/2021 For DA submission

B 28/10/2022 DA amendment

**ELEVATION SHADOW DIAGRAMS** (53 LLANDAFF STREET)

LEGEND





DRAWING SHADOW ANALYSIS-ELEV.

**DA NOT FOR CONSTRUCTION** 



RECEIVED

**Waverley** Council

Application No: DA-66/2022

Date Received: 01/11/2022

SHADOW CAST BY PROPOSED DEVELOPMENT

STAGE

SHADOW CAST BY POTENTIAL BUILDING ENVELOPE COMPLIANT WITH THE DCP

SHADOW CAST BY EXISTING BUILDING ON SITE (51 LLANDAFF STREET)





### Report to the Waverley Local Planning Panel

Application number	DA-268/2020/A	
Site address	79-103 Wellington Street BONDI BEACH	
Proposal	Modifications including design refinement, services, apartment reconfiguration and new roof terraces.	
Description of Approved Development	Demolition of all structures and construction of two x four-storey residential flat buildings containing 52 apartments, including infill affordable housing units and two-levels of basement parking.	
Date of lodgement	25 May 2022	
Owner / Applicant	Careless Whisper P/L and Bond@I P/L	
Submissions	Nine unique submissions including a petition	
Principal Issues	<ul><li>Height</li><li>Roof terraces</li></ul>	
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 DA-268/2020 for the demolition of all structures and construction of two x four-storey residential flat buildings containing 52 apartments, including infill affordable housing units and two-levels of basement parking at the site known as 79-103 Wellington Street, Bondi Beach. In summary, the proposed modifications are for design refinement and extension toward the rear, services, apartment reconfiguration and new roof terraces.

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

- The proposed modifications further increase the variation to the height development standard previously approved at 13.857m by 13mm, resulting in an overall building height of 13.87m. This culminates in an overall exceedance of the height of buildings development standard of 12.5m by 1.37m or 11%. The net increase of building height due to the proposed modifications represents 1% of the overall exceedance of the standard.
- The proposed modifications include four new private roof terraces on the Wellington Street frontage, which exceed the maximum area requirements of Waverley Development Control Plan 2012 (Waverley DCP 2012).

The assessment finds these issues acceptable, as the proposed modifications will not result in unreasonable additional amenity impacts upon surrounding properties, will not affect the streetscape presentation of the two buildings and will continue to comply with the provisions of the Apartment Design Guide in relation to separation distances. The roof terraces are considered acceptable given their location on the building, which will not result in overlooking of adjoining sites. The roof terraces are subject to a condition limiting the area of each to  $15m^2$  in accordance with the provisions of the Waverley DCP 2012 to limit acoustic privacy impacts.

A total number of nine unique submissions (including a petition) were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation.

A Notice of Motion regarding the site was issued on 20 September 2022 by Councillors that notes the contents of the petition and associated submission and that Officers actively monitor the construction site to ensure that it is compliant with any dust, noise and parking regulations at all times.

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

#### 1.2. Site and Surrounding Locality

A site visit was carried out during the assessment of the original development application.

The sites are identified as:

- 79 Wellington Street (Lot 19 in DP 130484)
- 81 and 83 Wellington Street (Lots A and B in DP 405463)
- 85 and 87 Wellington Street (Lots B and A in DP 442995)
- 89 Wellington Street (Lots 12 and 13 in DP 130497)
- 91 Wellington Street (Lots 1 and 2 in DP 129007)
- 93 Wellington Street (Lot 1 in DP 957235)
- 95-97 Wellington Street (Lot 2 in DP 984970)
- 99 Wellington Street (Lot 1 in DP 984970)
- 101-103 Wellington Street (Lots 10 and 11 in DP 130497).

The combined site previously contained dwelling houses and residential flat buildings; however these structures have now been demolished and the site is under construction.

The site is irregular in shape, comprised of the previously listed 11 allotments, with a western frontage to Wellington Street measuring 86.76m and southern frontage to O'Brien Street measuring approximately 25m. It has an area of 3,493m<sup>2</sup> with various falls across the site of approximately 2.38m from south to north along the Wellington Street frontage and a fall from the street frontage toward the rear of the property in an easterly direction up to 2.5m.

The site is adjoined by 105 Wellington Street to the north where a mixed use development, containing a synagogue with four-storey resident flat buildings to the rear, has recently been constructed. Adjoining to the east (rear) of the site, for a length of 59.94m (the majority of the boundary) is a serviced apartment block at 59-61 O'Brien Street, the remainder of the eastern boundary is shared with a pair of semi-detached dwellings at 63-65 O'Brien Street.

Adjoining to the south (side) of the site at 65A O'Brien Street is a two-storey detached dwelling with swimming pool.

#### 1.3. Details of Approved Development

The original development application, DA-268/2020 for demolition of all structures and construction of two x four-storey residential flat buildings containing 52 apartments including infill affordable housing units and two-levels of basement parking, was approved on 8 December2021 by the Waverley Local Planning Panel (WLPP).

#### 1.4. Proposal

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

- Modification to the basement level layouts, interconnecting ramps and reduction in excavation along the south-western boundary to accommodate the substation and easement. Associated changes to ramps, basement RL levels, carpark, motorbike and storage layouts.
- Addition of an electricity substation at ground level adjacent to the south-western boundary to authority requirements. Associated changes to basement envelope, pedestrian entry ramp, façade articulation and location of bedroom window opening at the southern corner (O'Brien Street).
- Adjustment to apartment layouts and sizing. Associated changes to fire stair and waste chute locations.
- Fire booster assembly and gas meter cupboards added at street level, near carpark entry. Hydraulic pump room relocated to be in proximity to booster assembly.
- Access provision to terrace areas.
- Envelope of Building B extended towards south-eastern (rear) boundary with an increase to the size of apartment B.06.
- Apartment A.06 inter-tenancy wall adjusted to meet requirements for housing adaptability. Associated changes to façade articulation.
- Extension of the level 2 apartments (A.201, A.202 and B.204) into the approved balcony by providing
  a consistent glass-line (infilling of recess). The internal layouts of these apartments are to be
  reconfigured and new window openings and privacy screens added to the revised bedroom
  locations. Awnings extended for shading and weather protection to balconies. Associated extension
  of the balconies over the approved roof area (approved as non-trafficable).
- Provision of private roof terraces for apartments A.201, A.202, B.202 and B.204 via internal stairs.
- Revisions to building service risers and roof plant area to accommodate mechanical, hydraulic and fire and electrical equipment.
- Addition of spandrel sections for vertical fire separation between apartments.

#### 1.5. Background

The modification application was lodged on 25 May 2022 and the following additional information was requested on 1 June 2022:

1. An amended landscape plan to reflect the modifications sought.

The landscape plan was provided on 20 June 2022. After preliminary assessment of the modification the following additional information was requested on 12 October 2022:

1. Shadow diagrams that show the additional overshadowing as a direct result of the height noncompliances being sought under this modification application. I have diagrams that show me the additional overshadowing from the modifications however I need to specifically see what the height variations cause.

- 2. SEPP 65 compliance statement.
- 3. Update Plan DA001 Issue C to reflect the amended number of affordable housing apartments in relation to car parking.

This information was provided to Council on 17 October 2022.

#### 2. ASSESSMENT

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

2.1. Section 4.55 – Modification of consents – generally

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

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

The application was publicly notified and nine unique submissions and a petition were received. The issues and matters raised in public submissions are discussed in section 2.3.4 of this report.

#### 2.2. Evaluation of Matters for Consideration under Section 4.15

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

#### 2.2.1. Planning Instruments and Development Control Plans

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

#### State Environmental Planning Policies (SEPPs)

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

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

A detailed discussion is provided for relevant SEPPs as follows:

#### SEPP (Housing) 2021

#### **Chapter 2 Affordable housing**

Part 2 division 1 of the Housing SEPP relates to development for the purposes of in-fill affordable housing. Accordingly, this Division, and the following clauses, apply to the development application.

Development Standard	Compliance	Planning Comment
16 – Development to which Division	applies	
<ul> <li>(a) the development is permitted with consent under another environmental planning instrument, and</li> <li>(b) at least 20% of the gross floor area of the building resulting from the development will be used for the purposes of affordable housing, and</li> <li>(c) for development on land in the Greater Sydney region, Newcastle region or Wollongong region—all or part of the development is within an accessible area, and</li> <li>(d) for development on other land—all or part of the development is within 400m walking distance of land within 1 or more of the following zones or an equivalent land use zone— N/A</li> </ul>	Yes	The subject site is zoned R4 High Density Residential and residential flat buildings are permissible with development consent. The original approval provided 939m <sup>2</sup> or 23% of the development as affordable housing (14 apartments) with an FSR bonus of 0.23:1 (1.13:1). The modified application increases the affordable housing provision to 1,067m <sup>2</sup> equating to 26.6% of the development (16 apartments).
17 - Floor space ratios		
<ul><li>(1) (a) if the existing maximum</li><li>floor space ratio is 2.5:1 or</li></ul>	Yes	The maximum FSR for the site is 0.9:1 under LEP 2012.
less: (i) 0.5:1—if the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher, or (ii) Y:1—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50		The modified proposal provides 26.6% of the floor space as affordable housing and therefore the bonus allowable equates to 0.266:1. Given the applicable FSR under the LEP is 0.9:1, the maximum FSR with bonus under the SEPP is 1.166:1. The proposed development has an FSR of 1.163:1 complying with the development standard.

Development Standard	Compliance	Planning Comment
per cent, where:		
<b>AH</b> is the percentage of the gross floor area of the development that is used for affordable housing.		
<b>Y</b> = AH ÷ 100		
18 - Non-discretionary developmen	1	
Site area:	Yes	The site is 3,493m <sup>2</sup>
Minimum of 450m <sup>2</sup>		
Landscaped area:	Yes	The modified proposal provides 38% of the
• At least 30% of the site		site as landscaped area, increased from 34% (approved development).
Deep soil zone:	Yes	The modified proposal does not alter the
• At least 15% of site area;		deep soil approved at 16%.
• Min dimension of 3m;		
• If practicable, at least 65% at rear.		
<ul> <li>Solar access:</li> <li>Living rooms and POS of at least 70% of units receive a minimum of 3 hours direct</li> </ul>	No	The development provides 63% (10 of 16) of affordable housing apartments with a minimum of 3 hours direct sunlight between 9am and 3pm mid-winter.
sunlight between 9am and 3pm in mid-winter		The approved development provides 57% of the apartments with the required level of solar access. Given the modification represents an improvement upon the approved solar access, the variation is minor and that the development overall meets the requirements of the ADG in terms of solar access, the variation is accepted.
Parking:	Yes	The minimum parking under the Housing
<ul> <li>(i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces, or</li> </ul>		<ul> <li>SEPP based on the affordable housing apartments is:</li> <li>8 x 1-bed: 8 x 0.5 = 4</li> <li>8 x 2-bed: 8 x 1 = 8</li> </ul>
<ul> <li>(ii) for each dwelling containing 2 bedrooms—at least 1 parking space, or</li> </ul>		A total of 12 spaces are required for the affordable housing units. A condition to this effect is provided in Appendix A.
<ul> <li>(iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,</li> </ul>		
Dwelling size: for development for the purposes of residential flat buildings—the	Yes	The affordable housing units comply with these requirements as detailed in <b>Table 2</b> .

Development Standard	Compliance	Planning Comment
minimum internal area specified in the Apartment Design Guide for each type of apartment		
19 – Design requirements		
Development consent must not be granted to development to which this Division applies unless the consent authority has considered whether the design of the residential development is compatible with— (a) the desirable elements of the character of the local area, or (b) for precincts undergoing transition—the desired future character of the precinct.	Yes	The modified proposal is considered to continue to appropriately respond to the emerging character of the local area. The amended proposal is consistent with the height, bulk and scale of surrounding recent development continuing to present to Wellington and O'Brien Streets with a three-storey built form (four-storeys are contained to the rear). This is consistent with the desired future character of the area given the zoning of the site for medium density development.
<b>20 – Continued application of SEPP</b> Continued application of SEPP 65	Yes	SEPP 65 applies and is discussed in detail in <b>Table 2</b> of this report.
21 – Must be used for affordable ho	ousing for at least	15 years
<ul> <li>Development consent must not be granted under this Division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued—</li> <li>(a) the affordable housing component of the residential development will be used for affordable housing, and</li> <li>(b) the affordable housing component will be managed by a registered community housing provider.</li> </ul>	Yes	The original application includeded 14 affordable housing apartments and was assessed under the Affordable Housing SEPP. Under that instrument the affordable housing was required for 10 years and a condition to this effect is included on the consent. The modification includes an additional two affordable housing apartments and the provisions of the Housing SEPP now apply which has increased the requirement to retain the affordable housing apartments for 15 years. In this regard, another condition is recommended in relation to the affordable housing which retains the additional two apartments under this modification as affordable housing for 15 years.
22 – Subdivision permitted with cor	nsent	
Land on which development has been carried out under this Division may be subdivided with development consent.	N/A	No subdivision is proposed

#### SEPP 65 (Design Quality of Residential Apartment Development)

SEPP 65 applies to the development however the modification involves only minor changes to the previously approved development. In this regard, the modification was not referred to the Waverley Design Excellence Advisory Panel (DEAP). Discussion regarding SEPP 65, and in particular the Apartment Design Guide, is provided in the following section of this report.

#### Apartment Design Guide

The approved development, as proposed to be modified, continues to comply with the relevant parts and sections of the Apartment Design Guide (ADG). Only the following parts and sections of the ADG that apply to the proposed modifications are outlined in **Tables 2** below.

#### Table 2: Apartment Design Guide

Design Criteria	Compliance	Comment		
Part 3 Siting the developme	ent			
3C Public domain interface	Yes	The modified proposal continues to provide a successful interface with the public domain and will improve the character and quality of the streetscape. Extensive planting and landscape treatment along the street frontages will contribute to the streetscape and the pedestrian environment.		
<b>3F Visual privacy</b> Min separation distances from buildings (windows and balconies) to side and rear boundaries:	Yes	The proposed modifications increase Building B toward the rear boundary; however the setback remains within the 6m separation distances required by the ADG.		
<ul> <li>Up to 12m (4 storey)</li> <li>6m habitable &amp; 3m</li> <li>non-habitable</li> </ul>				
3G Pedestrian access and entries	Yes	All pedestrian access points and entries continue to be connected to, and address, the public domain, are easily identifiable and provide a strong connection with the streetscape.		
3J Bicycle and car parking	Yes	The numerical controls of the DCP apply in terms of parking and bicycle rates – refer to <b>Table 4</b> for further details.		
Part 4 – Designing the building				
<ul> <li>4B Natural ventilation</li> <li>All habitable rooms are naturally ventilated</li> </ul>	Yes	• All habitable rooms within the development are provided with at least one window for natural ventilation.		
Number of units with natural cross		<ul> <li>61.5% of apartments (32 of the 52 apartments) are naturally cross-ventilated.</li> </ul>		

Design Criteria	Compliance	Comment
ventilation is maximised:		• The majority of the units have dual aspects in order to achieve cross ventilation.
<ul> <li>At least 60% of units naturally ventilated in the first 9 storeys of the development.</li> </ul>		None of the apartments rely on the internal corridors for natural ventilation.
<ul> <li>4D Apartment size and layout The following minimum internal areas apply: <ul> <li>Studio = 35 m<sup>2</sup></li> <li>1 Bed = 50 m<sup>2</sup></li> <li>2 Bed = 70 m<sup>2</sup></li> <li>3 Bed = 90 m<sup>2</sup></li> <li>Add 5m<sup>2</sup> for each additional bathroom (above 1)</li> </ul> Every habitable room must have a window in an external wall with a total minimum glass area of</li></ul>	Yes	All units continue to have internal areas in excess of the minimum ADG requirements. In this regard, the proposed unit sizes and layout are acceptable. The modified proposal is consistent with the objectives of this part of the ADG.
not less than 10% of the floor area of the room. Maximum depth of open plan living layouts is 8m.		
<ul> <li>4E Private open space and balconies</li> <li>All apartments provide primary balcony as follows:</li> <li>1-bed – 8m<sup>2</sup> &amp; 2m depth</li> <li>2-bed - 10m<sup>2</sup> &amp; 2m</li> </ul>	Yes	All apartments continue to be provided with a balcony or courtyard accessed from the main living areas which generally meet the minimum requirements of the ADG in terms of area and depth. The design of the balconies and courtyards continues to be integrated into the architectural
<ul> <li>depth</li> <li>3+bed - 12m<sup>2</sup> &amp; 2.4m depth</li> <li>Ground level, min 15m<sup>2</sup> &amp; 3m depth</li> </ul>		form, providing articulation to the building, as well as providing casual surveillance to Wellington Street and O'Brien Street.
<ul> <li>4G Storage</li> <li>In addition to kitchens, bathrooms and bedrooms, the following is provided:</li> <li>1-bed – 6m<sup>3</sup></li> <li>2-bed – 8m<sup>3</sup></li> <li>3+bed – 10m<sup>3</sup></li> </ul>	Yes	The proposal provides separate storage within each apartment and 52 storage cages (for each apartment) at the ground level within the services area. The storage provided generally meets the requirements and objectives of the ADG.

Design Criteria	Compliance	Comment
4N Roof design	Yes	The roof incorporates screened services areas and has a cohesive relationship with the overall building design.
		The roof terraces are discussed in detail later in this report.

Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

The land use definition of the approved development as a residential flat building remains unchanged and continues to be permitted development in the R3 Medium Density Residential zone under Waverley LEP 2012.

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

#### Table 3: Waverley LEP 2012 Compliance Table

Provision	Approved	Proposed Modified	Compliance
<ul><li>4.3 Height of buildings</li><li>12.5m</li></ul>	13.857m	13.87m (increase of 13mm)	No
<ul> <li>4.4 Floor space ratio and</li> <li>4.4A Exceptions to floor space ratio <ul> <li>0.9:1</li> <li>1.166 with bonus of</li> <li>0.266 under the Housing SEPP</li> </ul> </li> </ul>	1.13:1	1.16:1 (additional 99m²)	Yes

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

#### Height of Buildings

The proposed modifications result in a net increase of building height of 13mm, resulting in an overall building height of 13.87m. This culminates in an overall exceedance of the height of buildings development standard by 1.37m or 11%. The net increase of building height due to the proposed modifications represents 1% of the overall exceedance of the standard.

The applicant has provided some written justification for the non-compliance with the height of buildings development standard and has based the justification on the performance of the proposal against the objectives of the development standard. The relevant objectives of the development standard, that applied at the lodgement of the application, are as follows:

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

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

- The 13mm difference in the maximum overall building height is a result of increasing the roof services area and its expansion to the north. The repositioning of plant on the roof has caused the screening to shift to the north by 3 metres. As the site's topography below alters by 13mm, so too does the extent of non-compliance.
- There are no material consequences from the altered arrangement of height variations at the roof level. The variations cause no further solar access impacts on adjoining properties, do not cause any view loss and do not alter the building's appearance from the street.
- The development as proposed to be modified continues to meet the relevant objectives of the height standard. The environmental amenity of neighbouring properties and public spaces is entirely preserved (objective a) and the buildings remain compatible with the height, bulk and scale of the desired future character of the locality (objective d) to the same extent as originally approved.

Although the overall additional height is a maximum of 13mm, there are other changes across the roof space that vary the development standard to different degrees as demonstrated in **Figure 2** below. **Figure 1** indicates the extent of the approved height variation and **Figure 2** indicates the proposed height variation.



**Figure 1:** Height variations approved as per the original development. The height variations are shown coloured above the blue height blanket.



Figure 2: Height variations proposed under current modification

The streetscape presentation of the building will remain predominantly as approved as a result of the proposed modifications. The height variation is contained to the roof plant, roof terrace balustrading

and the rear parapet of the extended building form. These elements are set back from the front elevation and the street ensuring limited visibility that will not impact upon the streetscape presentation of the development. In this regard, the building will continue to present to the street with an appropriate bulk and scale that is consistent with the desired future character.

The proposed modifications will not result in additional unreasonable impacts upon surrounding properties by way of visual or acoustic privacy as Building B will be contained beyond a 6m setback zone from the rear boundary. The ADG requires a 6m separation distance for four-storey buildings to reasonably protect the privacy of adjoining properties, which the modified proposal achieves.

Overshadowing as a result of a compliant development is considered reasonable. The proposal complies with the key built form controls of the LEP and DCP such as FSR, setbacks, separation distances, landscaped area and deep soil zones however marginally exceeds the height development standard. Therefore, any additional impact upon the amenity of surrounding properties as a result of the variation to the height is heavily scrutinised.

The variations to the height development standard are contained to small areas on the roof involving a small portion of the roof at the rear including that part of Building B to be extended under this modification. The proposed extension to Building B complies with the FSR development standard (with the bonus under the Housing SEPP) and the separation distance requirements of the ADG; however exceeds the height development standard by 675mm or 5.4%.

Shadow diagrams were provided to demonstrate the impact of that part of the building which exceeds the height development standard. The additional shadows as a result of the non-compliance fall onto the roof of Nos. 63 and 65 O'Brien Street from 12pm as demonstrated in **Figures 3** to **6** below and does not impact windows or the principal area of private open space of the adjoining properties. Nos. 63 and 65 O'Brien Street will continue to receive adequate solar access during the morning hours to the rear elevation windows and rear yards.



Figure 3: Proposed additional overshadowing at 12pm



Figure 4: Proposed additional overshadowing at 1pm



Figure 5: Proposed additional overshadowing at 2pm



Figure 6: Proposed additional overshadowing at 3pm

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

#### 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.

Development Control	Compliance	Comment
1. Waste	Yes	The proposal modifies the waste arrangement only through the relocation of the waste chutes. This is considered acceptable.
2. Ecologically Sustainable Development	Yes	Satisfactory
3. Landscaping and Biodiversity	Yes	The proposed roof terraces include additional landscaping to the perimeter of each terrace. This increases the overall landscaping on site, improves the thermal properties of the building and provides visual interest to the roof space.
6. Stormwater	Yes	Satisfactory
7. Accessibility and Adaptability	Yes	Satisfactory
8. Transport	Yes	The number of car parking spaces is unchanged as part of this modification. Notwithstanding, the number of affordable housing apartments has increased and as such the allocation of parking to the affordable housing apartments required by condition is to be modified. This is included in Appendix A.
		The application has been reviewed by Council's Transport Engineers who advised that the proposed modifications will not have an adverse impact on traffic and parking requirements.
10. Safety	Yes	Satisfactory
12. Design Excellence	Yes	Satisfactory
14. Excavation	Yes	Satisfactory as the proposed modifications marginally reduce the amount of excavation.

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

Part C3 of the DCP applies to residential flat buildings. Development that is subject to SEPP 65 is required to address the provisions of the ADG, in addition to this Part of the DCP. As per Clause 6A of SEPP 65, if a DCP contains provisions that specify requirements, standards, or controls in relation to the following, those provisions are of no effect:

- (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.

finishes

As the development is subject to SEPP 65, those provisions that conflict with the assessment in relation to the ADG (**Table 2**) are not considered in the table below.

#### **Development Control** Compliance Comment **3.3 Setbacks** 3.3.2- Side and rear setbacks The modification application retains the Yes approved side boundary setbacks. Minimum rear setback: There is no predominant rear setback on this side 6m or predominant rear of Wellington Street as the adjoining Synagogue building line, whichever site extends well beyond the rear boundary of is the greater setback the subject property. As previously discussed, the proposal incorporates appropriate separation distances from adjoining properties which establishes the rear setback. The modification application includes extension of Building B to within 6m of the rear boundary. This is considered acceptable in the context of the site. 3.4 Length and depth of buildings Yes The modification application retains the • Façade to be articulated articulated facades of the approved building. Yes Maximum unit depth: The proposed extension of Building B toward the 18m rear boundary increases the depth of the apartments at the rear to a maximum of 9m complying with the maximum unit depth control. 3.5 Building design and streetscape Yes The proposed modifications do not result in Respond to streetscape • significant alteration of the facades of the Sympathetic external •

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

building. The building continues to present to

both Wellington and O'Brien Street as a primary

Development Control	Compliance	Comment
<ul> <li>Corner sites to address both streets as primary frontages</li> </ul>		frontage, being designed appropriately to address the corner.
3.8 Pedestrian access and entry	y	
<ul> <li>Entry at street level and respond to pattern within the street</li> <li>Accessible entry</li> <li>Separate to vehicular entry</li> <li>Legible, safe, well-lit</li> </ul>	Yes	Refer to discussion in <b>Table 2.</b>
3.9 Landscaping		
Comply with part B3-	Yes	Refer to <b>Table 4</b> .
<ul> <li>Landscaping and Biodiversity</li> <li>Minimum of 30% of site area landscaped: 1048m<sup>2</sup></li> <li>50% of the above is to be deep soil: 524m<sup>2</sup></li> </ul>		The amended proposal provides 38% (1332m <sup>2</sup> ) of the site as landscaped area (increased from 34% as approved). The proposal provides (543m <sup>2</sup> ) which is 52% of the required deep soil.
3.10 Communal open space		
<ul> <li>Minimum 15% communal (R3 zone): 524m<sup>2</sup></li> <li>Minimum dimensions: 6m x 6m</li> <li>Minimum of 30% of communal area must receive three hours of sunlight</li> <li>Accessible</li> </ul>	Yes	The modified proposal retains the approved communal open space with the majority being contained within the rear setback. The amended proposal increases the communal space on site by 5m <sup>2</sup> which continues to equate to 31% (1,085m <sup>2</sup> ) of the site.
<ul> <li>3.12 Vehicular access and park</li> <li>Car parking to be integrated into the design of the development</li> <li>Max 1 x 2 way vehicle access point</li> <li>Provided from secondary street or lane</li> <li>Pedestrian safety considered</li> <li>Basement parking should not contravene deep soil zone controls</li> </ul>	Yes	The carpark remains in the approved location below ground accessed from the centrally located driveway from Wellington Street. The modifications to the carpark have been reviewed by Council's Traffic Manager who has advised that the modifications have no adverse impact upon traffic and parking requirements.

Development Control	Compliance	Comment
3.14 Views and view sharing		
<ul> <li>Minimise view loss through design</li> <li>Views from public spaces to be maintained.</li> </ul>	N/A	No known significant private or public views will be impacted by the proposed modifications.
3.15 Visual privacy and security	V	
<ul> <li>Above ground open space must not overlook rooms and private landscaped areas of adjoining properties or be screened</li> <li>Privacy be considered in relation to context density, separation use and design.</li> <li>Prevent overlooking of more than 50% of private open space of lower level dwellings in same development</li> <li>Roof tops are to be non-</li> </ul>	Yes	The modifications include increasing part of Building B further toward the rear boundary. As previously discussed, the building will be set back from the boundary by 6m which complies with the separation distances applicable under the ADG to ensure no unreasonable acoustic and visual privacy impacts to the properties at the rear. The modification application also includes private roof terraces which are discussed in detail following this table.
trafficable, unless there is a predominance of roof terraces in the immediate vicinity of the site.		
3.19 Acoustic privacy		
<ul> <li>Internal amenity by locating noisy areas away from quiet areas</li> </ul>	Yes	As previously discussed, the modified proposal incorporates sufficient separation distances from adjoining properties as required by the ADG to ensure that acoustic privacy impacts are not unreasonable. The proposal has been designed to ensure
		acoustic privacy to each apartment for enhanced internal amenity.
3.21 Building services		
<ul> <li>Services are to be integrated into the design of buildings (garbage rooms, mail boxes, fire hydrants boosters, electrical substations, down pipes, plant rooms, satellite/communications structures</li> </ul>	Yes	The modified proposal incorporates the electrical substation and booster assembly (gas) into the building as much as possible. These need to be located on the street frontages. The plant areas on the roof of each building continue to be set back from the edges of the building to ensure limited visibility from the street and surrounding properties.

Development Control	Compliance	Comment
<ul> <li>Plant rooms away from entry communal and private open spaces and bedrooms.</li> </ul>		
<ul> <li>Services on roof not to be seen from street or impact public or private views and be min 2m from the building edge</li> </ul>		

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

#### Roof terraces

The proposal includes four additional private roof terraces for the use of the apartments immediately below. These roof terrace range in size from 65.3m<sup>2</sup> to 68.8m<sup>2</sup>. The use of the roof for open space, subject to acceptable visual and acoustic privacy, comfort level, safety and security is encouraged within the ADG. However, the DCP seeks to limit roof terraces, except in certain circumstances as detailed below:

- (i) There is a predominance of roof terraces in the immediate vicinity of the site;
- (ii) They will not result in unreasonable amenity impacts such as overlooking and loss of privacy and acceptable noise;
- (iii) They must not exceed 15m<sup>2</sup> in area;
- (iv) They satisfy the considerations of the Privacy Planning Principle from Super Studio v Waverley Council [2004] NSWLEC 91 at 5-7;
- (v) They are provided for casual and infrequent activity and not as an extension of private open space or entertaining areas; and
- (vi) Any access must be provided within the envelope of the main building and there are to be no access hoods or lift overruns proposed above the main roof level. Operable skylights and hydraulic lifts are acceptable where they finish generally flush with the roof level.

The proposed roof terraces will be located on the north-western side of the building along the Wellington Street frontage. They will be surrounded by planters on all sides and set back from the edges of the building to prevent overlooking directly down into balconies/courtyards within the development itself and surrounding properties. The proposed roof terraces are positioned to ensure that there will be no direct overlooking of the rear yards of surrounding properties and minimal overlooking of the street and front yards of the properties opposite the site given the setback of these from the front edge of the building (approximately 5m). The roof terraces are to be surrounded by planters and landscaping which contributes to the local ecosystem and streetscape, provides visual interest to the roof when viewed from the street and above and promotes the sustainability performance of buildings.

The proposed roof terraces are to be accessed via stairs without housing or hood above in accordance with the height development standard and to ensure limited visibility from the street.

Notwithstanding the above, the proposed roof terraces are associated with apartments that provide more than that required under the ADG for private open space at the level below that is directly accessed from living areas. Therefore, the excessive size of these roof terraces is considered inappropriate due to the large gatherings that these structures could accommodate and the potential for acoustic privacy impacts of five large terraces. In this regard it is considered that they should be limited to no more than  $15m^2$  as per the requirements of the DCP and the area beyond should be landscaped planters to aid in the environmental sustainability of the building and contribute to the streetscape. A condition to this effect is included in Appendix A.

It should be noted that the condition will apply only to the four new roof terraces as the corner terrace was previously approved under the original consent.

# 2.2.2. Other Impacts of the Development

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

# 2.2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

# 2.2.4. Any Submissions

The application was notified for 14 days between 6 to 20 June 2022 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

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

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

Count	Property Address
1.	63 O'Brien Street BONDI BEACH
2.	65 O'Brien Street BONDI BEACH
3.	100 O'Brien Street BONDI BEACH
4.	130 Wellington Street BONDI BEACH
5.	134 Wellington Street BONDI BEACH
6.	1/140 Hall Street BONDI BEACH
7.	Bondi Precinct
8.	Letter from Wellington Street residents (containing 8 names)
9.	Petition (17 signatures)

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

- Visual and acoustic privacy impacts
- Roof top terraces exceed the DCP maximum area requirements
- Height and FSR (bulk and scale)
- Traffic and parking
- Streetscape

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

*Issue:* The application was lodged late which seriously disadvantages the community and its ability to reasonably and fully respond.

**Response:** It is not clear what is meant by this objection as the modification application was lodged in May 2022. Notwithstanding, the modification was notified in accordance with the *Waverley Community Development Participation and Consultation Plan*.

*Issue:* Construction issues including disturbance, parking, noise etc. Residents should be paid compensation for the impact upon their quality of life.

**Response:** The consent authority cannot refuse an application due to potential impacts and disturbance due to construction. All standard conditions are included on the consent in relation to this matter in addition to prescribed conditions under the Act and applicable construction and property laws. There is no ability for Council to impose conditions that developers compensate surrounding properties.

### 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 Manager advised that the proposed modifications have no adverse impact on traffic and parking requirements and the existing conditions will continue to apply.

### 3.2. Stormwater

Council's Stormwater Engineers advised that the modifications have no effect upon the stormwater and the original conditions will continue to apply.

### 3.3. Strategic Planning

The following comments (in part) were provided in relation to the modifications:

Clause 21 of the Housing SEPP states that nominated affordable housing should be dedicated for 15 years. In this unique situation, wherein the original DA was approved under the ARH SEPP 2009 which only required a 10-year dedication, a 10-year dedication is accepted for the 14 apartments originally dedicated (A.UG01, A.UG02, A.UG03, A.UG04, A.UG05, A.UG06, A.UG07, A.UG08, A.UG09, A.101, A.106, A.107, A.108, A.109) and 15-year dedication is required for the additional 2 units (A.103 and A.104) dedicated under this modification.

Conditions were recommended which are included in Appendix A.

# 4. CONCLUSION

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

# Development and Building Unit (DBU) Decision:

The application was reviewed by the DBU at the meeting on 11/10/2022 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 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:	
Huce	M	
Kylie Lucas	Bridget McNamara	
Senior Development Assessment Planner	Manager, Development Assessment	
	(Reviewed and agreed on behalf of the	
	Development and Building Unit)	
Date: 07/11/2022	Date: 8 November 2022	

### Reason for WLPP referral:

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

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

# <u>APPENDIX A – CONDITIONS OF CONSENT TO BE MODIFIED</u>

# A. Amended/Deleted Conditions

# 1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by PBD Architects of Project No: 2015 including the following:

Plan Number and	Plan description	Plan Date	Date received by
Revision			Council
DA101 Issue C-G	BASEMENT LEVEL 2 PLAN	<del>19/11/2021</del>	<del>24/11/2021</del>
		27/04/2022	25/05/2022
DA102 Issue <b>E G</b>	BASEMENT LEVEL 1 PLAN	<del>19/11/2021</del>	<del>24/11/2021</del>
		27/04/2022	25/05/2022
DA103 Issue <b>Đ</b> G	GROUND FLOOR PLAN	<del>19/11/2021</del>	<del>24/11/2021</del>
		27/04/2022	25/05/2022
DA104 Issue <b>Đ G</b>	UPPER GROUND FLOOR PLAN	<del>19/11/2021</del>	<del>24/11/2021</del>
		27/04/2022	25/05/2022
DA105 Issue <b>E G</b>	LEVEL 1 PLAN	<del>19/11/2021</del>	<del>24/11/2021</del>
		27/04/2022	25/05/2022
DA106 Issue <b>E G</b>	LEVEL 2 PLAN	<del>19/11/2021</del>	<del>24/11/2021</del>
		27/04/2022	25/05/2022
DA107 Issue <b>E G</b>	ROOF PLAN	<del>19/11/2021</del>	<del>24/11/2021</del>
		27/04/2022	25/05/2022
DA201 Issue <b>Đ G</b>	NORTH WEST ELEVATION	<del>19/11/2021</del>	<del>24/11/2021</del>
		27/04/2022	25/05/2022
DA202 Issue <b>E G</b>	SOUTH WEST ELEVATION	<del>19/11/2021</del>	<del>24/11/2021</del>
		27/04/2022	25/05/2022
DA203 Issue <b>Đ G</b>	NORTH EAST ELEVATION	<del>19/11/2021</del>	<del>24/11/2021</del>
		27/04/2022	25/05/2022
DA204 Issue <b>E G</b>	SOUTH EAST ELEVATION	<del>19/11/2021</del>	<del>24/11/2021</del>
		27/04/2022	25/05/2022
DA301 Issue <b>E G</b>	SECTION A & B	<del>19/11/2021</del>	<del>24/11/2021</del>
		27/04/2022	25/05/2022
DA302 Issue <b>Ð G</b>	SECTION C	<del>19/11/2021</del>	<del>24/11/2021</del>
		27/04/2022	25/05/2022
DA303 Issue C	DRIVEWAY SECTION	19/11/2021	24/11/2021
DA401 Issue B	MATERIAL SCHEDULE	02/06/2021	08/06/2021

- (b) Landscape Plan No. LP01-D5820, LP02-D5820, LP03-D5820, LP04-D5820, LP05-D5820, LP06-D5820, LP07-D5820, LP08-D5820, LP09-D5820, LP10-D5820, all Revision C, and documentation prepared by Landscape Design Sydney, dated 23/11/2021 14/06/2022 and received by Council on 24/11/2021 20/06/2022.
- (c) BASIX and NatHERs Certificate/s.
- (d) Arborist Report titled Arboricultual Impact Appraisal and Method Statement prepared by Ezigrow dated 10/08/2020, and received by Council on 25/08/2020.

- (e) Geotechnical Desktop Study (Reference No. E24715.G01), prepared by El Australia, dated 12 June 2020 and received by Council on 25 August 2020.
- (f) Approved stormwater plans and documentation in accordance with condition 21 of this development consent.

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- (g) Waste Management Plan prepared by AusWide Consulting, dated July 2021 and received by Council on 24 November 2021.
- (h) The Site Waste and Recycling Management Plan (SWRMP) Part 1.

Except where amended by the following conditions of consent.

(AMENDED DA-268/2020/A)

### 3. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) Five visitor bicycle parking spaces are to be located near the entries of the building for ease of use for visitors.
- (b) Ceiling fans are to be provided in all habitable rooms.
- (c) Signposting shall be erected in a visible location at the O'Brien Street entry directing visitors to the main entries on Wellington Street.
- (d) The side and rear boundary fencing behind the building line shall be no higher than 1800mm, as measured from the ground level of adjoining property at boundary line.
- (e) Boundary/front fencing to the Wellington Street and O'Brien Street frontages shall be a maximum height of 1.2m measured above footpath level.
- (f) The windows on the north-east elevation of the building shall be provided with acoustic glazing to ensure the acoustic privacy of these apartments.
- (g) An outdoor communal clothes drying area shall be provided within the rear setback of the site, in a location not visible from the street frontages.
- (h) Window / door opening details to be provided on all elevations.
- (i) Letterboxes to be clearly notated on plans.
- (j) An amended BASIX Certificate shall be obtained, having regard to the approved scheme. Details of BASIX Commitments should be clearly shown on the architectural plans.
- (k) The four roof terraces proposed under DA-268/2020/A are required to be no more than 15m<sup>2</sup> in area each to limit impact upon surrounding properties. The remaining surrounding area is to be converted to landscaped planters that are to be accessed only for maintenance of plants and are not to be used for private open space. (ADDED DA-268/2020/A)

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

### 54. CAR PARKING

A total of 56 car vehicle parking spaces are to be provided within the development, allocated in the following manner:

- a) **34 33** residential parking spaces for the non-affordable residential apartments
- b) **11** 12 residential parking spaces for the affordable residential apartments
- c) 10 residential visitor parking spaces
- d) 1 loading space clearly marked and signposted
- e) At least 10% of all the car parking spaces are to be allocated as accessible parking spaces and be shared amongst the residential, visitor and commercial spaces where applicable.

5 'Level 2' AC fast electric vehicle charging points and 1 electric charging point and parking space for bicycles and motor scooters is to be provided.

Accessible parking spaces are to be designed in accordance with Australian Standard AS2890.6 - 2009 Off Street Parking for People with Disabilities.

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

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

(AMENDED DA-268/2020/A)

### B. New Conditions

### 5A. AFFORDABLE HOUSING (A.103 AND A.104)

The following condition is imposed in accordance with Clause 21 of State Environmental Planning Policy (Housing) 2021:

For 15 years, commencing from the date of issue of an Occupation Certificate;

- (a) Units A.103 and A.104 as nominated on the approved plans contained in condition 1 of this consent is to be used for the purposes of 'affordable housing', as defined in Clause 13 of the State Environmental Planning Policy (Housing) 2021,
- (b) All accommodation that is used for affordable housing must be managed by a registered community housing provider,

A restriction as to user must be registered against the title of the property in accordance with section 88E of the Conveyancing Act 1919 which restricts the use of any accommodation to which this development consent relates.

(ADDED DA-268/2020/A)

# APPENDIX B – FULL SET OF CONDITIONS

# A. APPROVED DEVELOPMENT

# 1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by PBD Architects of Project No: 2015 including the following:

Plan Number and	Plan description	Plan Date	Date received by	
Revision			Council	
DA101 Issue G	BASEMENT LEVEL 2 PLAN	27/04/2022	25/05/2022	
DA102 Issue G	BASEMENT LEVEL 1 PLAN	27/04/2022	25/05/2022	
DA103 Issue G	GROUND FLOOR PLAN	27/04/2022	25/05/2022	
DA104 Issue G	UPPER GROUND FLOOR PLAN	27/04/2022	25/05/2022	
DA105 Issue G	LEVEL 1 PLAN	27/04/2022	25/05/2022	
DA106 Issue G	LEVEL 2 PLAN	27/04/2022	25/05/2022	
DA107 Issue G	ROOF PLAN	27/04/2022	25/05/2022	
DA201 Issue G	NORTH WEST ELEVATION	27/04/2022	25/05/2022	
DA202 Issue G	SOUTH WEST ELEVATION	27/04/2022	25/05/2022	
DA203 Issue G	NORTH EAST ELEVATION	27/04/2022	25/05/2022	
DA204 Issue G	SOUTH EAST ELEVATION	27/04/2022	25/05/2022	
DA301 Issue G	SECTION A & B	27/04/2022	25/05/2022	
DA302 Issue G	SECTION C	27/04/2022	25/05/2022	
DA303 Issue C	DRIVEWAY SECTION	19/11/2021	24/11/2021	
DA401 Issue B	MATERIAL SCHEDULE	02/06/2021	08/06/2021	

- (b) Landscape Plan No. LP01-D5820, LP02-D5820, LP03-D5820, LP04-D5820, LP05-D5820, LP06-D5820, LP07-D5820, LP08-D5820, LP09-D5820, LP10-D5820, all Revision C, and documentation prepared by Landscape Design Sydney, dated 14/06/2022 and received by Council on 20/06/2022.
- (c) BASIX and NatHERs Certificate/s.
- (d) Arborist Report titled Arboricultual Impact Appraisal and Method Statement prepared by Ezigrow dated 10/08/2020, and received by Council on 25/08/2020.
- (e) Geotechnical Desktop Study (Reference No. E24715.G01), prepared by El Australia, dated 12 June 2020 and received by Council on 25 August 2020.
- (f) Approved stormwater plans and documentation in accordance with condition 21 of this development consent.
- (g) Waste Management Plan prepared by AusWide Consulting, dated July 2021 and received by Council on 24 November 2021.
- (h) The Site Waste and Recycling Management Plan (SWRMP) Part 1.

Except where amended by the following conditions of consent.

(AMENDED DA-268/2020/A)

# 2. CONSULTANTS 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 Principle Certifying Authority may determine which is to apply.

### 3. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) Five visitor bicycle parking spaces are to be located near the entries of the building for ease of use for visitors.
- (b) Ceiling fans are to be provided in all habitable rooms.
- (c) Signposting shall be erected in a visible location at the O'Brien Street entry directing visitors to the main entries on Wellington Street.
- (d) The side and rear boundary fencing behind the building line shall be no higher than 1800mm, as measured from the ground level of adjoining property at boundary line.
- (e) Boundary/front fencing to the Wellington Street and O'Brien Street frontages shall be a maximum height of 1.2m measured above footpath level.
- (f) The windows on the north-east elevation of the building shall be provided with acoustic glazing to ensure the acoustic privacy of these apartments.
- (g) An outdoor communal clothes drying area shall be provided within the rear setback of the site, in a location not visible from the street frontages.
- (h) Window / door opening details to be provided on all elevations.
- (i) Letterboxes to be clearly notated on plans.
- (j) An amended BASIX Certificate shall be obtained, having regard to the approved scheme. Details of BASIX Commitments should be clearly shown on the architectural plans.
- (k) The four roof terraces proposed under DA-268/2020/A are required to be no more than 15m2 in area each to limit impact upon surrounding properties. The remaining surrounding area is to be converted to landscaped planters that are to be accessed only for maintenance of plants and are not to be used for private open space. (ADDED DA-268/2020/A)

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

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

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

### 5. AFFORDABLE HOUSING

The following condition is imposed in accordance with Clause 17 of *State Environmental Planning Policy* (*Affordable Rental Housing*) 2009:

For 10 years, commencing from the date of issue of an Occupation Certificate;

- (a) A minimum of 23% of the floor space of the development shall be allocated for affordable housing. In this regard, Units A.UG01, A.UG02, A.UG03, A.UG04, A.UG05, A.UG06, A.UG07, A.UG08, A.UG09, A.101, A.106, A.107, A.108, A.109 as nominated on the approved plans contained in condition 1 of this consent is to be used for the purposes of 'affordable housing', as defined in the *State Environmental Planning Policy (Affordable Rental Housing) 2009*,
- (b) All accommodation that is used for affordable housing must be managed by a registered community housing provider,

A restriction as to user must be registered against the title of the property in accordance with section 88E of the *Conveyancing Act 1919* which restricts the use of any accommodation to which this development consent relates. The cost of preparation and registration of any legal agreement(s) and all other documentation is to be met by the Registered Proprietor.

### 5A. AFFORDABLE HOUSING (A.103 AND A.104)

The following condition is imposed in accordance with Clause 21 of State Environmental Planning Policy (Housing) 2021:

For 15 years, commencing from the date of issue of an Occupation Certificate;

- (a) Units A.103 and A.104 as nominated on the approved plans contained in condition 1 of this consent is to be used for the purposes of 'affordable housing', as defined in Clause 13 of the State Environmental Planning Policy (Housing) 2021,
- (b) All accommodation that is used for affordable housing must be managed by a registered community housing provider,

A restriction as to user must be registered against the title of the property in accordance with section 88E of the *Conveyancing Act 1919* which restricts the use of any accommodation to which this development consent relates.

(ADDED DA-268/2020/A)

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

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

### **GENERAL REQUIREMENTS**

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

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

(a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the *Environmental Planning 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**

### 7. 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.

### 8. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of **\$470 000.00** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

# 9. LONG SERVICE LEVY

A long service levy, as required under section 34 of the *Building and Construction Industry Long Service Payments Act, 1986,* is to be paid in respect 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.

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

# **10. TREE PRESERVATION BOND**

A bond of \$10,000 for each street tree (6 trees being \$60,000 total) 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 street trees along the frontage of Wellington Street. The bond is to be lodged prior to the issue of any Construction Certificate.

The sum will be forfeited to the Council at its discretion for a breach of these requirements, and will be refunded twelve (12) months from the issue of the Final Occupation Certificate subject to the satisfaction of Council and on condition that the trees are maintained in good condition as determined by Council's Tree Officer.

### PLAN DETAILS

### 11. 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*.

### **12. BASEMENT STORAGE**

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

- a) 1 bedroom and studio units 6m<sup>3</sup> of storage; and
- b) 2 bedroom unit 8m<sup>3</sup> of storage.
- c) 3+ bedroom unit 10m<sup>3</sup> of storage.

This is to be shown on plans to be submitted to the Principal Certifying Authority with the plans for the Construction Certificate.

# **13. ADAPTABLE HOUSING**

A minimum of 20% of the apartments in the development are to be provided as 'adaptable housing' within the development, with at least 1 car space allocated to each of these apartments. Adaptable apartments must be certified as 'adaptable housing units' by an independent suitably qualified person, confirming compliance with the relevant Australian Standards.

#### 14. 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 occupants over their lifetimes in accordance with Part B7 of the *Waverley Development Control Plan 2012*.

### **CONSTRUCTION & SITE MATTERS**

### 15. 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.

### 16. 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.

### 17. 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.

### **18. 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.

# **19. GEOTECHNICAL ENGINEERS REPORT**

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

### 20. 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 <u>assets@waverley.nsw.gov.au</u> on 9083 8886.

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

### 21. 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.

# 22. TELECOMMUNICATIONS IN NEW RESIDENTIAL FLAT BUILDING AND MIXED USE DEVELOPMENTS

Evidence is to be provided to the Principal Certifying Authority 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.

# 23. SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE APPLICATION

An application to obtain a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be made prior to the issue of the relevant Construction Certificate. The application must be made through an authorised Water Servicing Coordinator.

For more information about making an application to obtain a Section 73 Compliance Certificate, please consult Sydney Water's website.

Following this application, a "Notice of Requirements" will be provided by Sydney Water that outlines any requirements of works to be completed prior to the issue of the Section 73 Compliance Certificate. Please make early contact **with the Coordinator**, as building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

A Section 73 Compliance Certificate must be issued from Sydney Water prior to the issue of an occupation certificate.

### TRAFFIC MANAGEMENT

### 24. 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/developme\_ nt\_applications\_-\_conditions\_of\_consent\_

### **STORMWATER & FLOODING**

# 25. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT

To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream systems, 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 Greenarrow Hydraulics Pty Ltd, Project No. 219-1824, Drawing No. STW-000 (Revision C), STW-001 (Revision C), STW-002 (Revision C), STW-003 (Revision C), STW-004 (Revision C), STW-005 (Revision C), STW-006 (Revision C), STW-007 (Revision C), STW-008 (Revision C), STW-009 (Revision C), STW-010 (Revision C) & STW-011 (Revision B), dated 17/09/2021 is considered concept only.

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

a) The stormwater management plan, architectural drawings and other relevant documentation shall be revised as necessary to be consistent.

b) You are advised that Council's records indicate an existing stormwater conduit owned by Sydney Water traverses the property directly adjacent to the subject development site (105 Wellington Street, Bondi Beach). In addition, the property at 105 Wellington Street is burdened by a drainage easement. The applicant is required to engage a Registered Surveyor or a suitably qualified and practising professional to investigate the exact location of the existing stormwater pipe within the existing easement (this shall include the pipe size, invert, any necessary levels needed as part of this proposal).

The existing pipeline and easement are to be overlayed onto the stormwater management plan and resubmitted to Council. Detailed sections are to be provided to demonstrate that all structural support elements are located away from the zone of influence of the existing stormwater pipe. A Registered Structural Engineer is to provide certification certifying the aforementioned requirements.

- c) The discharge of stormwater into Sydney Water's stormwater conduit (including any required hydrological or hydraulic calculations and the connection into it) shall be review and approved by Sydney Water. Prior to Council approving the stormwater management plan, correspondence shall be submitted to Council confirming approval from Sydney Water. The applicant will need to acquire an easement to allow for the connection between the property boundary and Sydney Water's stormwater conduit.
- d) Prior to Council approving the stormwater management plan, submission to Council of suitable documentary evidence issued by the NSW Land Registry Services confirming the creation of a drainage easement to drain water over the adjacent property, benefiting the subject lot known as 79-103 Wellington Street, and burdening the adjacent property known as 105 Wellington Street has been registered with the NSW Land Registry Services is to be undertaken.
- e) The plans shall provide a complete and detailed OSD design including multiple cross-sections, proposed construction materials, and full orifice details. The checklist as set out in Council's Water Management Technical Manual shall be completed and submitted.
- f) A certificate from a registered structural engineer certifying the structural adequacy of any OSD tank structure shall be provided. Any OSD tank structure shall be cast in-situ concrete based.
- g) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system (independent of any OSD system).
- h) Details of any rainwater reuse system required by BASIX commitments, as nominated on the architectural plan or for water quality purposes including the overflow connection to the approved stormwater drainage system are to be submitted.
- i) Seepage water must not be directly or indirectly discharged to Council's street gutter.
- j) The underground basement shall be protected from possible inundation by surface waters from the street.
- k) Show an alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure. A 150 mm freeboard from the pump out system to all parking spaces and full hydraulic details and pump manufacturers specification are to be provided.

- Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location shall be provided. Calculations demonstrating the proposed stormwater drainage system can cater for the relevant storm event shall be provided.
- m) A long section of the connection to Sydney Water's stormwater conduit shall be provided and its details must be included (e.g. the location of existing services crossing and the clearances, existing surface levels, obvert and invert of existing pipe and invert level of the outlet pipe).
- n) Must achieve a minimum of 90% reduction in the post development mean annual load of total gross pollutants (greater than 5 mm); 80% reduction in the post development mean annual load of total suspended solids (SS); 55% reduction in the post development mean annual load of total phosphorus (TP) and 40% reduction in the post development mean annual load of total nitrogen (TN). Access for a suitably qualified professional to conduct routine maintenance activities of any proposed water quality treatment system shall be provided.
- o) 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<sup>™</sup> 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: <a href="mailto:assets@waverley.nsw.gov.au">assets@waverley.nsw.gov.au</a> or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday).

# 26. STORMWATER: 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

### PUBLIC DOMAIN

### 27. PUBLIC DOMAIN IMPROVEMENTS

The public domain is to be upgraded along Wellington Street and O'Brien Street frontages of the development site in accordance with the current Waverley Council Development Control Plan (DCP) and

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

- Road pavement
- Pedestrian footpath
- Vehicular crossing
- Kerb and gutter
- Stormwater infrastructure located within the Council road reserve
- Street lighting
- Street tree plantings and landscape

# 28. PUBLIC INFRASTRUCTURE WORKS

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

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

The applicant must submit plans and specifications for the following infrastructure works to Councils Public Domain Engineer:

- a) <u>Road Pavement:</u> The full renewal and reconstruction of asphalt pavement for half road width in Wellington Street and O'Brien Street full frontage of the development site. Details of the road pavement treatments and sub-grade details to be advised by Council.
- b) <u>Footpath, Kerb and Gutter</u>: Replace all footpath, kerb and gutter and grassed verge traversing Wellington Street and O'Brien Street full frontage of the site in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval.

Proposed kerb profiles are to be provided to ensure proper connections to existing kerb and gutter along the street frontage. The proposed footpath material, profile and street furniture details traversing the frontage to be advised by Council. Any stormwater kerb lintel infrastructure within the extent of kerb and gutter works shall be replaced.

- c) <u>Street Trees:</u> The following street trees shall be planted along Wellington Street and O'Brien Street site frontages:
  - Four (4) *Banksia integrifolia* (coast Banksia) evenly spaced along O'Brien Street (from Wellington Street east to the end of the property line).
  - One (1) *Eucalyptus haemastoma* at 85 Wellington Street
  - Three (3) *Eucalyptus haemastoma between* 91 and 99 Wellington Street
  - Two (2) Eucalyptus haemastoma between 99 to 101 Wellington Street

The following shall comply with:

i. All trees to evenly spaced along the naturestrip and planted as per the Public Domain Technical Manual I.05 New Street Tree - Nature Strip. All trees proposed within the Council verge will require installation of the suitable tree pits, surrounds and root barriers.

- ii. The trees must be a minimum pot size of 100 liters when planted. The trees are to be planted by a horticulturist (Min qualification AQF Level 3).
- iii. The tree species and location shall not interfere with the local pedestrian and/or traffic activities. All the proposed tree species, locations and sizes are to be approved by Council's Public Domain Engineer prior to commencement of public domain works.
- iv. A bond of <u>\$ 1000 for each tree</u> (total amount of \$10,000) is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection of the newly planted *Banksia integrifolia and the Eucalyptus haemastoma* trees on the naturestrip. The bond is to be lodged prior to the issue of a Construction Certificate.
- d) <u>Street lights</u>: Make provision for new street lights serviced by metered underground power and on multifunction poles (MFPs). The consultant shall liaise with Council in obtaining Councils requirements and specifications for the street columns and components, including the appropriate LED luminaire. LED luminaire columns shall be supplied and installed to meet pedestrian compliance standards.

New lighting shall be designed and installed to Australian Standard AS1158:2010 - Lighting for Roads and Public Spaces. Plans shall be prepared and certified by a suitably qualified Electrical Design Consultant and submitted to Councils Public Domain Engineer for approval prior to lodgement of the scheme with Ausgrid for their approval.

- e) Any existing or proposed utility pillars on the site frontages to be either underground or inside the property boundary of the proposed development. Applicant must liaise with the relevant authorities for their approval and communicate to Council with written confirmation, before executing any works.
- f) All mains electrical connections to the development must be routed underground. Council will not accept the erection of newly placed electricity columns within the Council's public domain to support the new development.

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

# 29. PUBLIC DOMAIN: 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.

### **ENERGY EFFICIENCY & SUSTAINABILITY**

### 30. BASIX

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

The rainwater tank location, size and tank(s) are to be drawn to scale. If an underground tank is proposed, then this must be clearly stated. Plans should show and state the roof area draining to rain tank(s) and match the BASIX certificate.

### <u>WASTE</u>

### 31. 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.

### 32. 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. There must also be a waste holding area for MGBs and bulky waste of sufficient size for the weekly collection of waste off-street by Council's waste collection vehicles.

- **Residential** (20 x 1-bed, 23 x 2-bed and 9 x 3-bed units)
  - o 8 x 660L Mobile Garbage Bins (MGBs) for general waste for weekly collection
  - o 8 x 660L MGBs for paper and cardboard recycling for fortnightly collection
  - 8 x 660L MGBs for container recycling for fortnightly collection
  - A minimum of 10m<sup>2</sup> floor space for household bulky waste waiting for collection
  - A minimum of 2m<sup>2</sup> floor space for problem waste storage (e.g. electronic waste or textile waste) waiting for collection
  - All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B1 of the *Waverley Council Development Control Plan 2012* to the satisfaction of the Principal Certifying Authority.

### NOISE

### 33. NOISE MANAGEMENT PLAN - DEMOLITION, EXCAVATION AND CONSTRUCTION

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

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

https://www.waverley.nsw.gov.au/building/development\_applications/post\_determination/developme nt\_applications\_-\_conditions\_of\_consent

#### TREE PROTECTION AND REMOVAL

#### **34. TREE PROTECTION**

- (a) Approval is given under this development consent for the following tree works to be undertaken to trees within the subject property:
  - Trees to be removed in red
  - Trees to be retained and protected in green
  - Street trees to be Retain & Protect in blue

Tree No.	Species	Location	Action
1	Melaleuca quinquenervia	Street tree	Retain & Protect
2	Cupressus sempervirens	On site	Remove as per Arborist report.
3	Callistemon sp.	On site	Retain & Protect
4	Melaleuca styphelioides	On site	Remove as per Arborist report.
5	Morus sp.	On site	Remove as per Arborist report.
6	Melaleuca quinquenervia	On site	Retain & Protect
7	Schefflera actinophylla	On site	Remove as per Arborist report.
8	Mangifera indica	On site	Retain & Protect
9	Syzigium sp	On site	Retain & Protect
10	Lagerstroemia indica	On site	Retain & Protect
11	Eucalyptus botryoides	Street tree	Retain & Protect
12	Plumeria sp	On site	Remove as per Arborist report.
13	Melaleuca quinquenervia	Street tree	Retain & Protect
14	Cupressus sempervirens	On site	Remove as per Arborist report.
15	Melaleuca quinquenervia	Street tree	Retain & Protect
16	Melaleuca quinquenervia	Street tree	Retain & Protect
17	Melaleuca quinquenervia	Street tree	Retain & Protect
18	Archontophoenix alexandrae	On site	Remove as per Arborist report.
19	Archontophoenix alexandrae	On site	Remove as per Arborist report.
20	Archontophoenix alexandrae	On site	Retain & Protect
21	Archontophoenix alexandrae	On site	Retain & Protect
22	Schefflera sp	On site	Remove as per Arborist report.
23	Archontophoenix alexandrae	On site	Retain & Protect
24	Howea forsteriana	On site	Retain & Protect
25	Melaleuca styphelioides	On site	Retain & Protect

(b) The six (6) street trees to be retained and protected for the duration of works.

- (c) Tree protection is to be installed around the trunk of the trees in accordance with Australian Standards AS 4970 Protection of Trees on Development Sites prior to construction works.
- (d) 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.

# C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

#### PRIOR TO ANY WORKS

#### **35. 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.

### **36. 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 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.

### 37. USE OF FILL ON SITE

All fill imported on to the site shall be free of building and other demolition waste, and contain virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 of the Protection of the Environment Operations Act, 1997 and

Sampling and analysis of the fill material should be conducted in accordance with the NSW EPA Sampling Design Guidelines (1995) to ensure that the material is not contaminated.

Any other waste derived material the subject of a resource recovery exemption under cl. 51A of the *Protection of the Environmental Operations (Waste) Regulations 2014* that is permitted to be used as fill material.

Any waste derived material the subject of resource exemption received at the development site must be accompanied by documentation as to the materials compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

### **DEMOLITION & EXCAVATION**

### 38. 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.

### **39.** 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.

# 40. 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.

# 41. 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 or 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**

### 42. 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.

# 43. 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.

# 44. 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.

### 45. CERTIFICATE OF SURVEY - LEVELS

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

# 46. 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.

### 47. TREATMENT OF BOUNDARY WALLS

Any wall/s approved on the boundary with the neighbouring property are to be finished to the same standard as the remaining building and not left unfinished to ensure a consistent visual appearance.

### 48. WORK OUTSIDE PROPERTY BOUNDARY

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

### TREE PROTECTION

### 49. TREE PROTECTION

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

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

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

Soil levels are not to be changed around any trees.

To prevent compaction within the root zone, excavation undertaken within the specified radius of the trunks of the following trees must be hand dug. Beyond this radius, mechanical excavation is permitted, when root pruning by hand along the perimeter line of such works is completed. Any hand excavation must be carried out in the presence of experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

If any tree roots are exposed during any approved works then roots smaller than 30mm are to be pruned as per the specifications below. Any roots greater than 30mm are to be assessed by a qualified arborist before any pruning is undertaken.

If tree roots are required to be removed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

It is the arborist's responsibility to determine if such root pruning is suitable. If there are any concerns regarding this process, then Waverley Council's Tree Management Officer is to be contacted to make final determination.

If any trees on neighboring properties require pruning, then permission must be gained from the owner of the tree(s) and an 'Application to Prune or Remove Trees on Private Property' is then to be presented to Council for processing.

### 50. 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

#### 51. NEW VEHICLE CROSSINGS

New vehicle crossings are to be provided to access the proposed basement car park. A separate application is required for the vehicle crossing, with all work to be carried out with the approval of and in accordance with the requirements of Council.

### 52. EXISTING VEHICLE CROSSINGS ARE TO BE CLOSED

The existing vehicle crossings are to be closed and all work associated with the closures is to be carried out with the approval of, and in accordance with, the requirements of Council

### 53. VEHICULAR ACCESS - FINISHED LEVEL

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

### 54. CAR PARKING

A total of 56 car vehicle parking spaces are to be provided within the development, allocated in the following manner:

- a) 33 residential parking spaces for the non-affordable residential apartments
- b) 12 residential parking spaces for the affordable residential apartments
- c) 10 residential visitor parking spaces
- d) 1 loading space clearly marked and signposted
- e) At least 10% of all the car parking spaces are to be allocated as accessible parking spaces and be shared amongst the residential, visitor and commercial spaces where applicable.

5 'Level 2' AC fast electric vehicle charging points and 1 electric charging point and parking space for bicycles and motor scooters is to be provided.

Accessible parking spaces are to be designed in accordance with Australian Standard AS2890.6 - 2009 Off Street Parking for People with Disabilities.

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

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

(AMENDED DA-268/2020/A)

### 55. MOTORCYCLE PARKING

A total of **19** 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.

### 56. BICYCLE PARKING

A minimum of 57 bicycle parking spaces/racks are to be provided within the development, allocated in the following manner:

- a) 52 residential bicycle spaces
- b) 5 visitor bicycle spaces

The bicycle spaces are to be designed in accordance with Australian Standard AS2890.3 - 2015 Parking Facilities - Bicycle Parking. Details are to be shown in documentation and on plans to be submitted to Council for the approval of the Executive Manager, Infrastructure Services, or delegate prior to the issue of the Construction Certificate.

The resident bicycle spaces are to be provided by way of suitable bicycle racks. Details of this are to be submitted to Council for the approval of the Executive Manager, Infrastructure Services, or delegate.

### 57. VEHICLE PRIORITY/TRAFFIC LIGHT SYSTEM

A vehicle priority system (mirrors etc.) or traffic light system shall be provided for driveways and ramps which have access via a single lane to or from car parking spaces. Details are to be shown in documentation and on plans to be submitted to Council for the approval of the Executive Manager, Infrastructure Services, or delegate prior to the issue of the Construction Certificate.

### 58. PRE-CONSTRUCTION DILAPIDATION REPORT

To ensure Council's infrastructure is adequately protected a pre-construction dilapidation report on the existing public infrastructure within the vicinity of the proposed development and along the travel routes of all construction vehicles is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record (in colour) of any observable defects to the following infrastructure where applicable:

- Road pavement
- Kerb and gutter
- Footpath

- Drainage pits and lintels
- Traffic signs
- Any other relevant infrastructure

The report is to be dated, submitted to, and accepted by Council's Public Domain Engineer, prior to any work commencing on the site. All fees and charges associated with the collation of this report shall be at the cost of the Applicant.

# 59. PUBLIC DOMAIN ENGINEERING INSPECTIONS

To ensure all public infrastructure engineering works required by Council under this consent will be constructed to Council satisfaction, inspection(s) will be required and compliance certificates must be obtained from Council's Public Domain Engineer for the road pavement, kerb and gutter, stormwater, footpath paving, street furniture, street trees and landscape hold points.

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

# **STORMWATER**

# 60. PRE-CONSTRUCTION STORMWATER PIPE CCTV DILAPIDATION REPORT

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

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

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

# **CERTIFICATES, LICENCES, EASEMENTS AND RESTRICTIONS**

### 61. 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.

# 62. CERTIFICATION OF ALL MECHANICAL PLANT

A Certificate of Test of all mechanical plant together with a copy of the final test figures, conducted by a suitably qualified person, certifying that the system complies with the conditions of this consent, National Construction Code (NCC) and relevant Australian Standards.

# 63. CERTIFICATION OF BASIX COMMITMENTS

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

# 64. CERTIFICATION OF APPROVED DESIGN (SEPP 65 BUILDINGS)

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.

### 65. 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.

# 66. RESTRICTION AS TO USER (AFFORDABLE HOUSING)

A restriction as to user must be registered prior to the issue of an Occupation Certificate, in accordance with section 88E of the Conveyancing Act 1919 on the title which restricts the use of any accommodation to which this development consent relates.

The terms of the restriction as to user are to be approved by Council in writing prior to registration. The Council shall be the party who has the right to modify or extinguish the restriction. All legal costs associated with the registration of the restriction is to be borne by the owner.

# 67. 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.

## PUBLIC DOMAIN

### 68. SUPERVISING ENGINEER FINAL CERTIFICATE – PUBLIC DOMIAN

Prior to the issue of any Occupation Certificate for the works, the Applicant shall submit to Council, a Final Certificate from the Supervising Engineer confirming that the public domain works have been constructed in accordance with the Council approved plans and Waverley Council standards and specifications. The certificate shall include commentary to support any variations from the approved drawings.

### 69. WORK-AS-EXECUTED PLAN – PUBLIC DOMIAN

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

The W.A.E plans are to note all departures clearly in red on a copy of the approved Construction Certificate plans and certification from an experienced chartered civil engineer shall be submitted to support all variations from approved plans.

### 70. CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS

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

### STORMWATER

### 71. 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, any basement pump-out facility, any detention facility, any rainwater harvesting facility, any stormwater treatment device 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.

### 72. ON-SITE STORMWATER DETENTION CERTIFICATION

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

# 73. 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.

### 74. PLANNED PREVENTATIVE MAINTENANCE SCHEDULE FOR PUMP OUT SYSTEM

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

### 75. POST-CONSTRUCTION STORMWATER PIPE CCTV DILAPIDATION REPORT

Prior to the issue of the Occupation Certificate, a post-construction CCTV report shall be submitted to Council on the existing stormwater conduit at least up to the next pit downstream of the proposed works. This is to ensure that Sydney Water's stormwater infrastructure is adequately protected and there are no damages due to proposed construction activities and property drainage connections.

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

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

#### MANAGEMENT PLANS

#### 76. PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE

A Waste Management Plan must be submitted to Council's Executive Manager, Environmental Sustainability (or delegate) and include including the following where relevant;

- (a) All arrangements including relevant and current contracts for recyclables and all other waste (collection and disposal)
- (b) The waste storage area and bins must be cleaned and maintained regularly with appropriate lighting.
- (c) The role and responsibility of managing composting facilities (if provided);
- (d) Clear signage identifying the different bin types, space for reusable items such as crates and pallets, bulky household waste and problem waste must be displayed.
- (e) The recycling bins must be placed alongside the general waste bins for ease of access and to encourage recycling habits.
- (f) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of bins, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.
- (g) All waste and recycling bins must only be collected onsite.
- (h) The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan is be available on site when requested.
- (i) At no times shall bins be stored on the public domain (e.g. footpaths).

### **OTHER MATTERS**

### 77. SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE

A Section 73 Compliance Certificate must be issued from Sydney Water prior to the issue of an occupation certificate.

### 78. WAVERLEY DIGITAL MODEL

An accurate 'as built' 3D digital model of the building must be submitted to be used in the Waverley Digital Model, to the satisfaction of Council's Digital Urban Designer which complies with the requirements outlined in on Council's website at:

https://www.waverley.nsw.gov.au/building/development\_applications/decision\_makers/3d\_modelling

### 79. ALLOCATION OF STREET NUMBER

The redevelopment of the property has led to the following allocation of premises numbers:

- No. 81 primary address site number and
- Wellington Street primary address location.

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

As the redevelopment has multiple building and multi-level sub addressing the following sub addressing will apply;

- Each building within the development should be assigned a unique alphanumeric suffix,
- Within the whole site, the apartment/units should all be allocated a unique sub-address number, numeric numbers shall not be repeated regardless of the alpha prefix.
- The floor/level number will represent the first number of the sub address and the last two digits in the sub address shall be unique on each level,
- For clarity, a zero will be interposed in the number of the first nine sub address levels ie Level 3 unit 7 = 307,
- Level at ground and below ground shall also be identified by prefixes to distinguish these levels ie Ground =G, Lower Ground = LG Basement = B, B1 Etc

The primary and sub-address numbers are to be positioned on the site prior to the issue of the Occupation Certificate and Council notified of the corresponding sub-address numbers to lot number prior to the issue of the Occupation Certificate.

Any variation to the above premises numbering requires a new application for a Change of street number and/or location to be lodged with Council.

### 80. AMALGAMATION OF LOTS

All lots forming the site, that is, being Nos. 79, 81, 85, 87, 91, 93, 95-97, 99, 101-103 Wellington Street BONDI BEACH shall be amalgamated into one lot prior to the issue of an Occupation Certificate.

# E. OPERATIONAL MATTERS

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

### PARKING AND ACCESS

### 81. VEHICLE ACCESS

All vehicles including service vehicles entering and exiting the building are to do so in a forward direction.

Any vehicle utilising a car, motorcycle or bicycle space is to be parked fully within the confines of the site and is not to park over the public footway at any time.

### 82. PARKING PERMITS

In accordance with Council's Policy, Residents Preferred Parking permits will **not** be issued for this development when completed.

### 83. ADJUSTMENTS TO STREET SIGNS

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

### 84. ON SITE GARBAGE COLLECTION

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

# 85. DELIVERY OF GOODS

Loading and unloading of vehicles and delivery of goods to the building are to be carried out within the site.

### STORMWATER

#### 86. 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.

#### 87. ONGOING MAINTENANCE – STORMWATER TREATMENT SYSTEM

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

#### **AMENITY & SAFETY**

#### 88. WASTE MANAGEMENT PLAN REVIEW

After 5 years of operation under this development consent, the Approved Waste Management Plan is to be reviewed to ensure that the details including contracts, roles and responsibilities, commercial tenants (if relevant) are current. The updated plan is to supersede the previous plan.

# **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 <u>info@waverley.nsw.gov.au</u> 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 1800 810 443.

# 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. BUILDING TO BE WRAPPED

The applicant is encouraged to investigate possibilities of extracting an image of the completed building onto the hoarding and mesh surrounding the site during the demolition and construction stages of the development to minimise the visual intrusion of what is otherwise a large single coloured mesh 'block' during this time. Any advertising on the hoarding requires Council's written approval.

### AD8. WAVERLEY LGA FLOOD STUDY 2021

The subject development site is on land identified as flood affected under the Council endorsed Waverley LGA Flood Study 2021. The registered proprietor's attention is drawn to the likelihood that the development may be inundated by flood waters during a 1% Annual Exceedance Probability (AEP) storm event.

As flood events can cause significant damage to property and pose risk to life, it is advised that the following measures are undertaken:

- The minimum habitable finished floor level shall be set at or above the 1% AEP flood level + 300 mm freeboard.
- All new building material shall be flood resistant or flood compatible to a height of 1% AEP flood level + 300 mm freeboard.
- All new internal electrical switches, power points or similar utilities liable to flood damage shall be set at or above the 1% AEP flood level + 300 mm freeboard.
- A suitably qualified engineer certifies that any new structure can withstand the forces of floodwater, scour debris and buoyancy up to and including the 1% AEP flood level + 300 mm freeboard.
- A storage area is to be provided at or above the 1% AEP flood level + 300 mm freeboard for the storage of goods that can be damaged or mobilised by flooding, or goods that have potential to cause pollution during flooding.
- Any basement area shall be protected to ensure no flood waters can enter inside.
- Any proposed fencing must be built using flood compatible material.

In addition, it is recommended that before occupation or prior to the issue of any Occupation Certificate, a site flood emergency response plan is prepared, and any required flood warning system are installed and fully tested. If a plan is created, a copy of this plan shall be submitted to the Private Certifier and to Waverley Council.

Certification from a suitably qualified engineer to the effect that the plan has been prepared and where required, the flood warning system have been installed and tested, shall be included with the Occupation Certificate.

The site flood emergency response warning systems and plan shall be regularly maintained, reviewed and/or updated and should be in good working order at all times.

# AD9. 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.

### AD10. NOTICE OF INTENTION TO COMMENCE PUBLIC DOMAIN WORKS

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

### AD11. 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.

### AD12. CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS

The issue of a final Compliance Certificate from the Council Engineer will be withheld should there be any outstanding fees and charges applicable to the development. This includes but not limited to fees applicable for engineering plans assessment and work inspection fees.

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

### AD13. STRATA SUBDIVISION

No approval is granted or implied for the strata subdivision of the development in this development consent.

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

### AD14. 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.



- ALL WORKS TO COMPLY WITH BUILDING CODE OF AUSTRALIA, REQUIREMENT RELEVANT STATUTORY AUTHORITIES/ LOCAL GOVERNMENT & RELEVANT PELEVANT STATUTORY AUXIMIORITES/LOCAL GOVERNMENT & RELEVANT AUSTRALIAN BULIONS STANDARDS DRAWINGS FOR THE PURPOSES OF <u>DA DWLY</u> - FURTHER CONSULTANT/ AUTHORITY COORDINATION KUL BE REQUIRED AT CC STAGE WHICH MAY IMPACT ON DESIGN AND PLANNEL LAYOUTS ARCHTECTURAL PLANS TO BE GRAD IN CONJUNCTION WITH CONSULTANT'S DRAWINGS, SPECIFICATIONS & REPORTS COPYRIGHT OF DESIGN SHOWN HEREIN SERTAINED BY PBD ARCHTECTS AND AUTHORTY IS REQUIRED FOR ANY REPRODUCTION AREA SCHEDULS SUPPLEA DRA EAPROXIMATE ONLY - FUTURE ALLOWANCE FOR YWITICAL SERVICE DUCTS, STRUCTURAL WALL SYSTEMS AND CONSULTANT INPUT WITTER DESIGNED

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LEGEND:

Basement ( notorbike, Addition of







# 79-103 WELLINGTON STREET | BONDI S4.55 APPLICATION | 27 APRIL 2022

DA 201 DA 202

DA 203

DA 204

DA 206

DA 301

DA 302 DA 303

NORTHWEST ELEVATION SOUTHWEST ELEVATION

NORTHEAST FLEVATION

SECTION A & B

SECTION A & B SECTION C DRIVEWAY SECTION

SOUTHEAST ELEVATION

INTERNAL NORTHEAST ELEVATION

VEST ELEVATION

ISSUE

DATE



#### DRAWING SCHEDULE

- DA 000 DA 001 COVER PAGE AREA SCHEDULE & PROJECT SUMMARY
- SURVEY PLAN DEMOLITION PLAN SITE ANALYSIS DA 003 DA 004

#### DA 100 DA 101 BASEMENT 2 PLAN DA 101 DA 102 DA 103 DA 104 DA 105 DA 106 BASEMENT 1 PLAN GROUND FLOOR PLAN LIPPER GROUND FLOOR PLAN

- LEVEL 1 PLAN LEVEL 2 PLAN DA 107 ROOF PLAN

AMENDMENTS

DATE

ISSUE

 DATE
 DESCRIPTION

 14.08.2020
 ISSUE FOR DA

 102.06.2021
 ISSUE FOR RAVISED DA

 17.08.2021
 ARINDRED DRAWINGS FOR DA ISSUE

 19.11.2021
 ISSUED FOR REVISED DA

 102.06.2022
 ISSUED FOR REVISED DA

 25.03.2022
 DRAFT 54.55 ISSUE

 27.04.2022
 ISSUED FOR S4.55 APPLICATION

- PROJECT PROPOSED RESIDENTIAL DEVELOPMENT
- 79-103 WELLINGTON STREET, BONDI

CLIENT: STARGATE PROPERTY GROUP

Page 361 of 560

MATERIAL SCHEDULE

APARTMENT MIX DIAGRAM STORAGE DIAGRAM PRIVATE OPEN SPACE DIAGRAM COMMUNAL OPEN SPACE DIAGRAM

LANDSCAPE AREA DIAGRA

SOLAR ACCESS DIAGRAM

HEIGHT PLANE DIAGRAM

SOLAR STUDY (21st June 9AM

SOLAR STUDY (21st June 10A

DEEP SOIL DIAGRAM CROSS VENTILATION DIAGRAM

GFA DIAGRAM

DA 401

DA 50

DA 510 DA 520

DA 520 DA 530 DA 540 DA 550 DA 560 DA 560 DA 570 DA 580 DA 590 DA 601

DA 602

DESCRIPTION



#### RECEIVED Waverley Council

Application No: DA-268/2020/A

Date Received: 25/05/2022



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### DA000

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**COVER PAGE** 

ABN 36 147 035 550, Nominated Architect Paul Bullevic, Registration Number 7768 Level 2, 52 Albion Street, Surry Hills NSW 2010 P - (02) 9698 8140 E - info@pbdarchitects.com.au W - www.pbdarchitects.com.au

- GEINERKAL NOTES: ALL VORKS TO COMPLY WITH BUILDING CODE OF AUSTRALIA, REQUIREMENTS OF RELEVANT TATUTORY AUTHORITES / LOCAL GOVERNMENT & RELEVANT AUSTRALIAN BUILDING STANDARDS DRAWINGS FOR THE PURPOSES OF <u>DA ONLY</u> VIRTHER CONSUL TANT / AUTHORITY COORDNATION WILL BE REQUIRED AT CC STAGE WHICH MAY IMPACT ON DESIGN AND PLANNIG LAYOUTS RACHTECTURAL, PLANS TO BE READ IN CONJUNCTION WITH CONSULTANT'S TRAWINGS, SPECIFICATIONS & REPORTS COPYRIGHT OF DESIGN SHOWN HEREONIS RETAINED BY PBD ARCHTECTS AND AUTHORITY IS REQUIRED FOR ANY REPRODUCTION RAE SCHEDULSS SUPPLED ARE APPROXIMATE ONLY FUTURE ALLOWANCE FOR VERTICAL SERVICE DUCTS, STRUCTURAL WALL SYSTEMS AND CONSULTANT INPUT WILL BE REQUIRED

LEGEND:

LEGEND: B BOLLARD HW HIGHLIGHT WINDOW CU A/C CONDENSER UNITS FH FIRE HVDRANT FHR FIRE HVDRANT FFR FIXE STAIRS GC GARBAGE CHUTE MB MALBOX TO FUTURE DETAIL SK-PP OPCRABLE SKYLIGHT ST STORAGE

#### AMENDMENT LEGEND: PROPOSED AMENDMENT I (REFER TO LIST BELOW) AMENDMENT LIST: Baseneri deijo udates consistin notrobie, kirjute 5 traga layou "Addino of strete lens Gubstain artitudation and location of hedros Adjustnost in apartmeti layout Fire Booster Assembly & Gas Mete assmbly. Access provision to terzee areas, Erweigo ef Suding-8 acheded provided to apartmeti Jako Associ Agartmeth AS inter-tenany vali (Gazing line to Level 2 Apartmeths uindow genings 1 privars correct ent RL levels, carpark, ano, facade well adjusted to meet requirements for housing a ents (A.201, A.202 & B.204) extended. Balcony are eens added to revised bedroom locations. Awnings ccess provided via internal stair. Stair over-runs ssociated changes to facade artico o internal space. Internal layouts shading and weather protection to



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79-103 Wellington Street, BONDI		
Address	79-103 Wellington Street, Bondi	
Site Area	3480 m²	
Zoning	R3 - Medium Density Residential	
Height Control	12.5m	

#### UNIT MO

Level	1 Bed	2 Bed	3 Bed	Total	
Building A					
Ground Roor	3	2	0	5	
Upper Ground	5	4	0	9	
Level 1	5	4	0	9	
Level 2	3	2	2	7	
TOTAL	16	12	2	30	
	83%	40%	7%		
Building B					
Ground Roar	1	1	0	2	
Upper Ground	1	3	3	7	
Level 1	1	3	3 🔨	7	
Level 2	1	$\sim$	$\sim G$	6	
TOTAL	4		10	12	
	18%	36%	40%		
Building A+B					
GRAND TOTAL	20	20	12	52	
	38%	Lan .	23%		

#### CAR PARKING REQUIREMENTS

	rate per unit (DCP)	No. of Units	Maximum allowed	Proposed
Building A				
1 Bed	0.6	15	10	10
2 Bod	0.9	12	51	15
3 Bod	1.4	2	3	3
TOTAL		30	24	24
Building B				
1 Bed	0.6	$\sim$	$\sim$	$\sim \sim \sqrt{G}$
2 Bed	0.9		7	L. J.
3 Bed	1.4	10	Ann	<u> </u>
TOTAL		22	24	22
	rate per unit (DCP)			Proposed
Visitor	1 space per 5-unit		10	10
Rasidential Accessible car space	20% of unit total	* (forms part of tutal)	10	10
Visitor Accessible car space	10% visitor numbers	* (forms part of total)	1	1
Car wash bity				1
GRAND TOTAL			54	56

#### OTHER PARKING REQUIREMENTS.

DCP req	Rate	Required	Proposed
Bicycle (residential)	1 per unit	52	52
Bicycle (Visitor)	1 per 10 unit	5	6
Motorbile	1 per 3 car spaces	19	19

#### CAR PARKING REQUIRIMENTS TO AFFORDABLE HOUSING RATES

	rate per unit	No. of Units	Miniumum	Proposed
1 Bed	0.5	7	4	
2 Bed	1.0	7	7	
3 Bed	1.5	0		complies as per table above
TOTAL	L		11	

Level	Building A	Building B	Building A+B
round Floor	325	216	641
oper Ground	507	600	1197
evel 1	597	600	1197
evel 2	567	560	1126
TOTAL	2076	1965	4061
Proposed FSR			1.1626
Attundable Housing Area	1067,0	26.28%	1006.5

	Council:ADG Reg	Required	
Communal Open Spece (ADG)	25% (min)	673	G
Adaptable (DCP)	20% (min)	19	10
Livable Heusing (ADG)	20% (slopr)	19	10
Solar Access (ADG)	70% (min)	36.4	37
Units with no sun (ADG)	15% (nan)	7.8	
Cross Ventilation (ADG)	60% (nin)	31.2	
Landscape area (DOP)	30% (nin)	1048	G
Deep Soil area (DCP)	15% (min)	524	G

#### BASIX Commitments Summary

#### Project: 79-103 Wellington Street, Bondi

Certificate number: 1115697M 04 A summary of commitments is shown below

Please refer to the latest BASIX certificate for full details. Further information is available at basix.nsw.gov.au

#### Water Commit

#### Water fixtures:

Shower heads: 4 star (> 6 but <= 7.5 L/min)</li>
 Toilets: 4 star; Kitchen taps: 5 star; Bathroom taps: 5 star

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- Common area toilets and taps: 4 star

#### Appliances: Dishwashers: 4.5 star (water rating)

Rainwater tank:

- Tank size: 15,000 litresRoof run-off: 900 sqm
- Water re-use for:
  - Irrigation of common landscaped areas o Irrigation of private landscaping for units: A.201, A.202

#### Energy Commitments

Hot water: Central system: Gas instantaneous

- Ventilation
- Kitchens: individual fan, not ducted; operation: manual switch Bathrooms and laundry: individual fan, ducted to facade or roof; operation: manual switch
- Space cooling for living and bedroom areas 1-phase air-conditioning – EER 3.4 – 4.0
- Space heating for living and bedroom areas: 1-phase air-conditioning EER 3.5 4.0

#### Artificial lighting - fluoro/ LED lighting to:

All areas

#### Appliances

- Cooktop/ oven: gas cooktop & electric oven
- Refrigerator: 3.0 star
- Dishwashers: 4.5 star
- Clothes dryers: 5.0 star

#### Thermal Comfort Commitments See NatHERS specification attached to drawings (NatHERS certificate no: 000685750)

#### Central systems and common areas

- Common area ventilation systems: refer to table on page 21 and 23 of BASIX certificate.
- Common area lighting: refer to table on page 21 and 23 of BASIX certificate.
- Lifts: gearless traction with VVVF motor

#### AUG01 AUG02

SHARE

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A.002 A.G03 A.G04 A.G05

Level

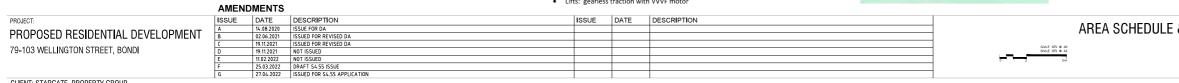
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	A.105
	A 106
	A.107
	A,108
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12	A.201
	A.202
	A.203

## A.204 A.205 A 206 A.207

#### Area Schedule - Suiking B

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	8.0005	2 8ED	1		77	12.5	5	-4	0
	8.0006	3 8ED	1		103	13.6	- 0	5	
	8.0007	2 8ED			98	12.7	5	4	
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	8.34	2 8ED	× 1	1	82	13.2	4	-4	8
	8.141	2 8ED			77	11.2	5	-4	0
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	8.10	2 8ED	1		77	12.5	8	-4	
	6.118	3 8ED	1		103	13.6	0	5	
	8.107	2 8ED			98	12.7	5	4	9
2	¥20	3.8ED			107	28.7 + 64.9	- 0	5	54
-	0.202	2 8ED	1 Y	× 1	97	13.2 + 68.4	4	4	8
	8.203	1 8ED	1		66	12.6	8	3	8
	8.204	3 8ED	1	1	118	27.3 + 65.3	9	5	34
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	8.206	2 8ED	1		98	12.6	5	4	

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6.3	Address and the DMAY (2118)
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#### RECEIVED Waverley Council

#### Application No: DA-268/2020/A

### Date Received: 25/05/2022

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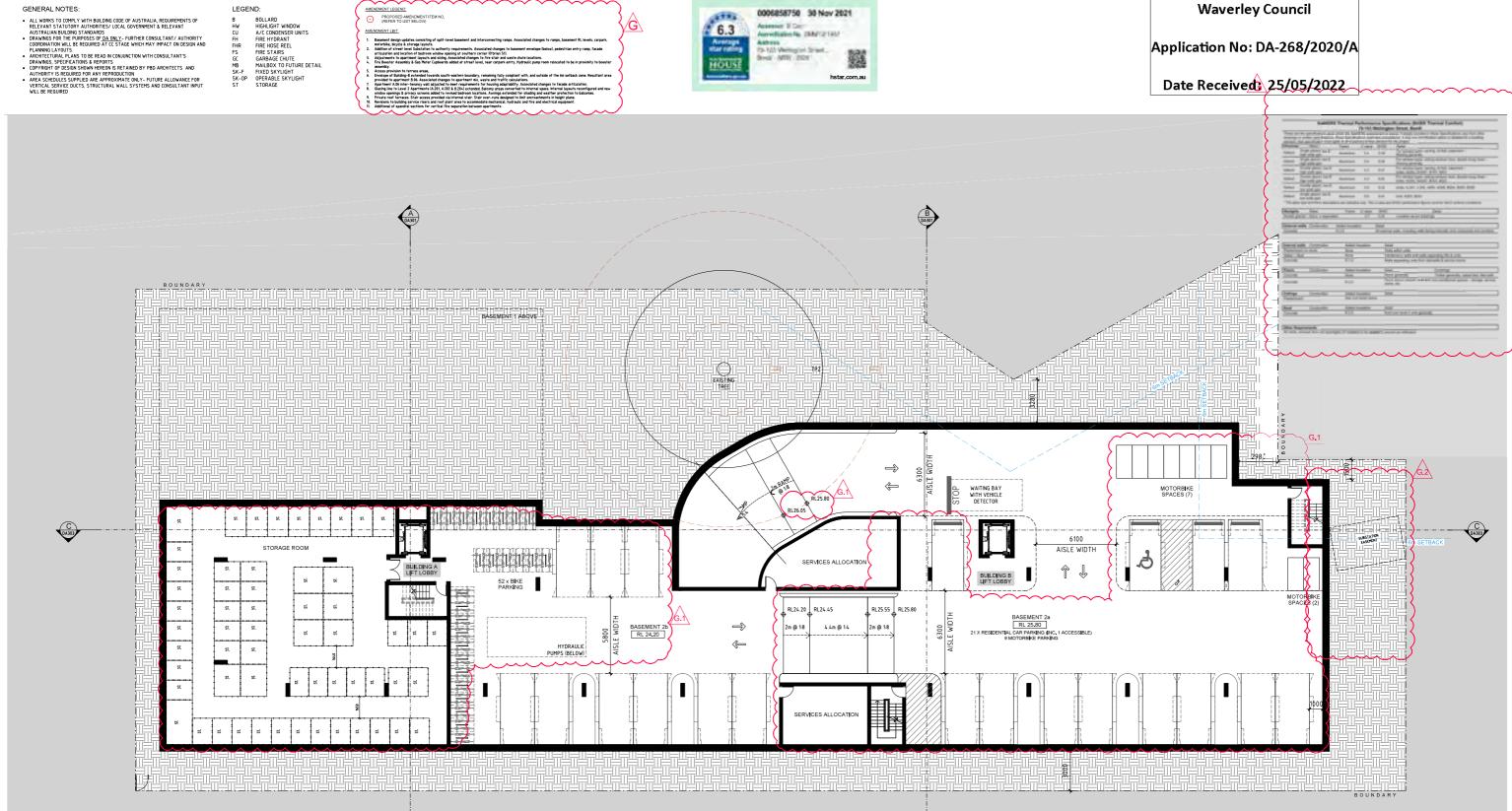


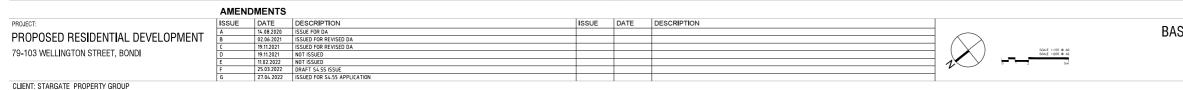
#### DA001

ISSUE: G

#### **AREA SCHEDULE & PROJECT SUMMARY**

ABN 36 147 035 550, Nominated Architect Paul Bullevic, Registration Number 7768 Level 2, 52 Albion Street, Surry Hills NSW 2010 P - (02) 9698 8140 E - info@pbdarchitects.com.au W - www.pbdarchitects.com.au





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### DA101

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**BASEMENT LEVEL 2 PLAN** 

ABN 36 147 035 550, Nominated Architect Paul Bullevic, Registration Number 7763 Level 2, 52 Albion Street, Surry Hills NSW 2010 P - (02) 9698 8140 E - info@pbdarchitects.com.au W - www.pbdarchitects.com.au

#### ALL WORKS TO COMPLY WITH BUILDING CODE OF AUSTRALIA, REQUIREMENTS RELEVANT STATUTORY AUTHORITIES/ LOCAL GOVERNMENT & RELEVANT

- RELEVANT STATUTORY AUTHORTES/ LOCAL GOVERNMENT & RELEVANT AUSTRALIN BOULDING STANDARDS DRAWINGS FOR THE PURPOSES OF <u>DA ONLY</u> FURTHER CONSULTANT AUTHORITY COROMATION WILL BE REQUIRED AT CC STAGE WHICH MAY HIPACT ON DESIGN AND PLANNIG LAYOUTS ARCHTECTURAR LANS TO BE READ IN CONJUNCTION WITH CONSULTANTS DRAWINGS, SPECIFICATIONS & REPORTS COPYRIGHT OF DESIGN SHOWN HERON IS RETAINED BY DA DRCHTECTS AND AUTHORTHY IS REQUIRED FOR ANY REPORDUTION ARE SCHEDULES SUPPLE ARE ARE PRODUKTION VERTICAL SERVICE DUCTS, STRUCTURAL WALL SYSTEMS AND CONSULTANT INPUT WILL BE REQUIRED FOR

- WILL BE REQUIRED
- LEGEND: END: BOLLARD HIGHLIGHT WINDOW A/C CONDENSER UNTS FIRE HYDRANT FIRE HOSE REEL FIRE STAIRS GARBAGE CHUTE MAILBOX TO FUTURE DETAIL FIXED SKYLIGHT OPERABLE SKYLIGHT STORAGE HW CU FH FS GC MB SK-F SK-OP ST

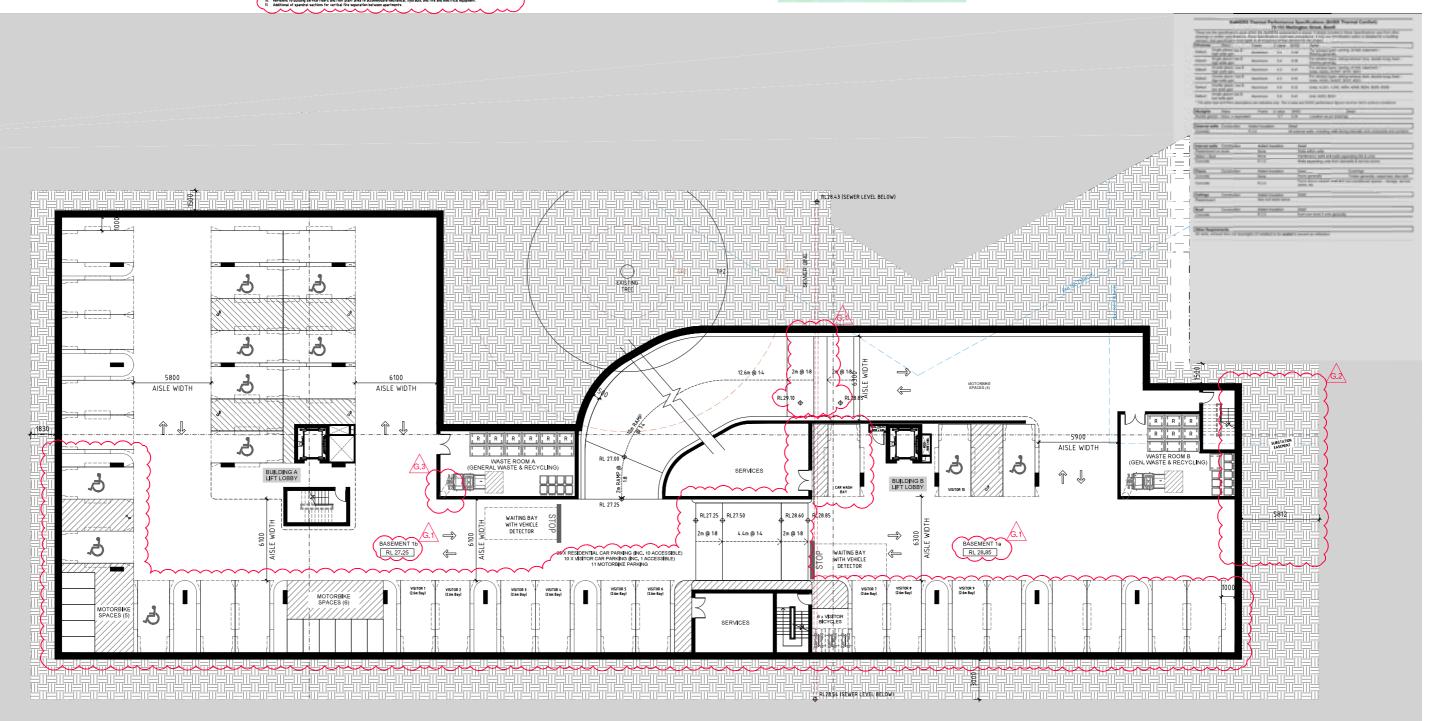


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Page 364 of 560

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	E	11.02.2022	NOT ISSUED					0 1 2 5m	
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	G	27.04.2022	ISSUED FOR \$4.55 APPLICATION						
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#### RECEIVED Waverley Council

Application No: DA-268/2020/A

Date Received: 25/05/2022

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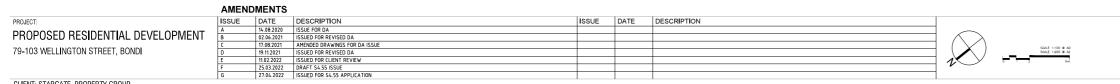
DA102

EMENT LEVEL 1 PLAN

SSUE: G

ABN 36 147 035 550, Nominated Architect Paul Bullevic, Registration Number 7768 Level 2, 52 Albion Street, Surry Hills NSW 2010 9698 8140 E - info@pbdarchitects.com.au W - www.pbdarchitects.com.au P - (02) 9698 8140 E - info@pbda





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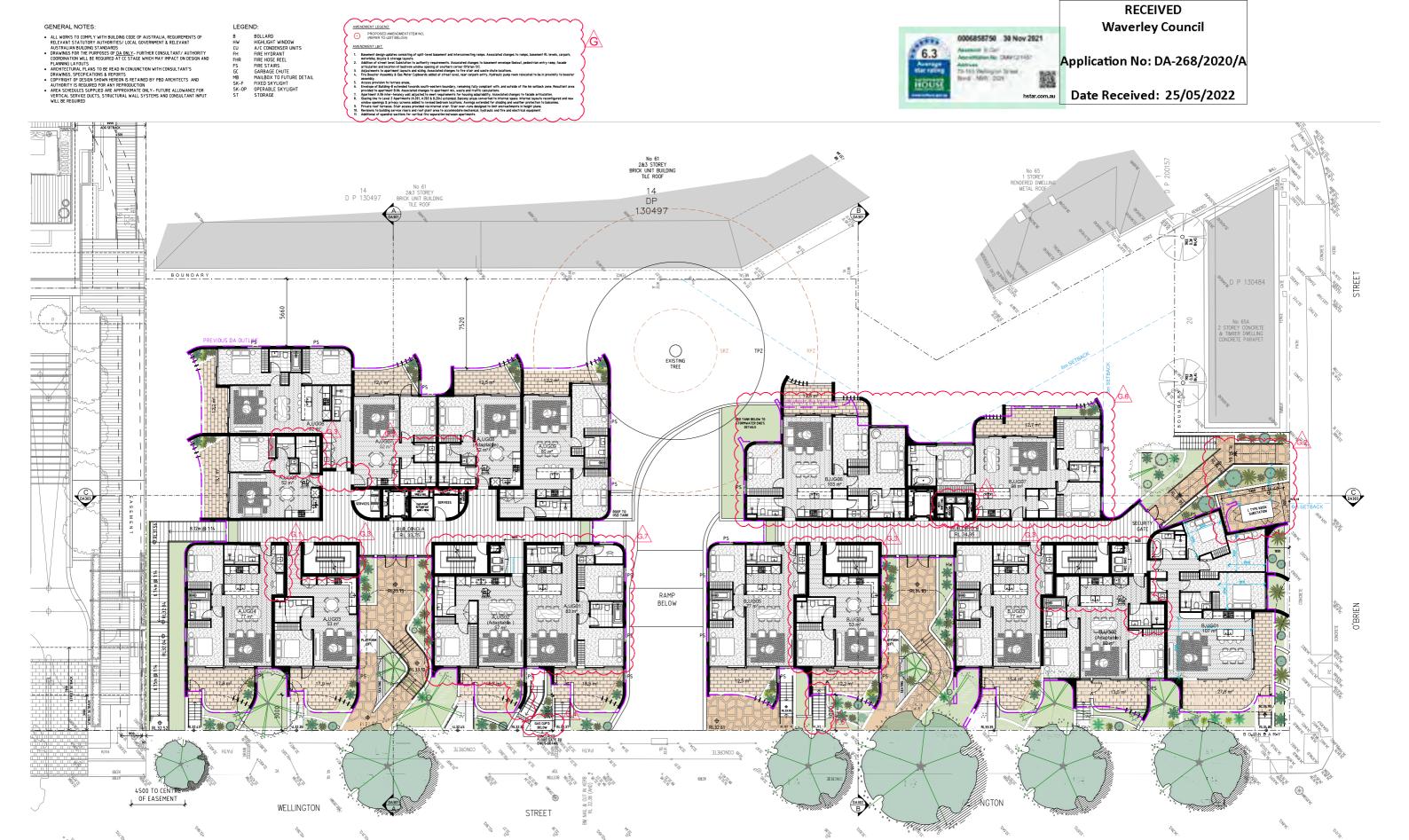
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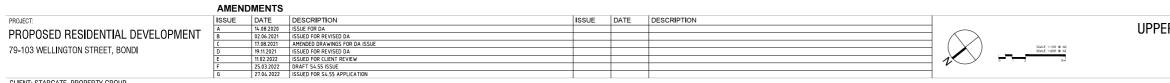
#### DA103

**GROUND FLOOR PLAN** 

ABN 36 147 035 550, Nominated Architect Paul Bullevic, Registration Number 7768 Level 2, 52 Albion Street, Surry Hills NSW 2010 P - (02) 9698 8140 E - info@pbdarchitects.com.au W - www.pbdarchitects.com.au

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Page 366 of 560

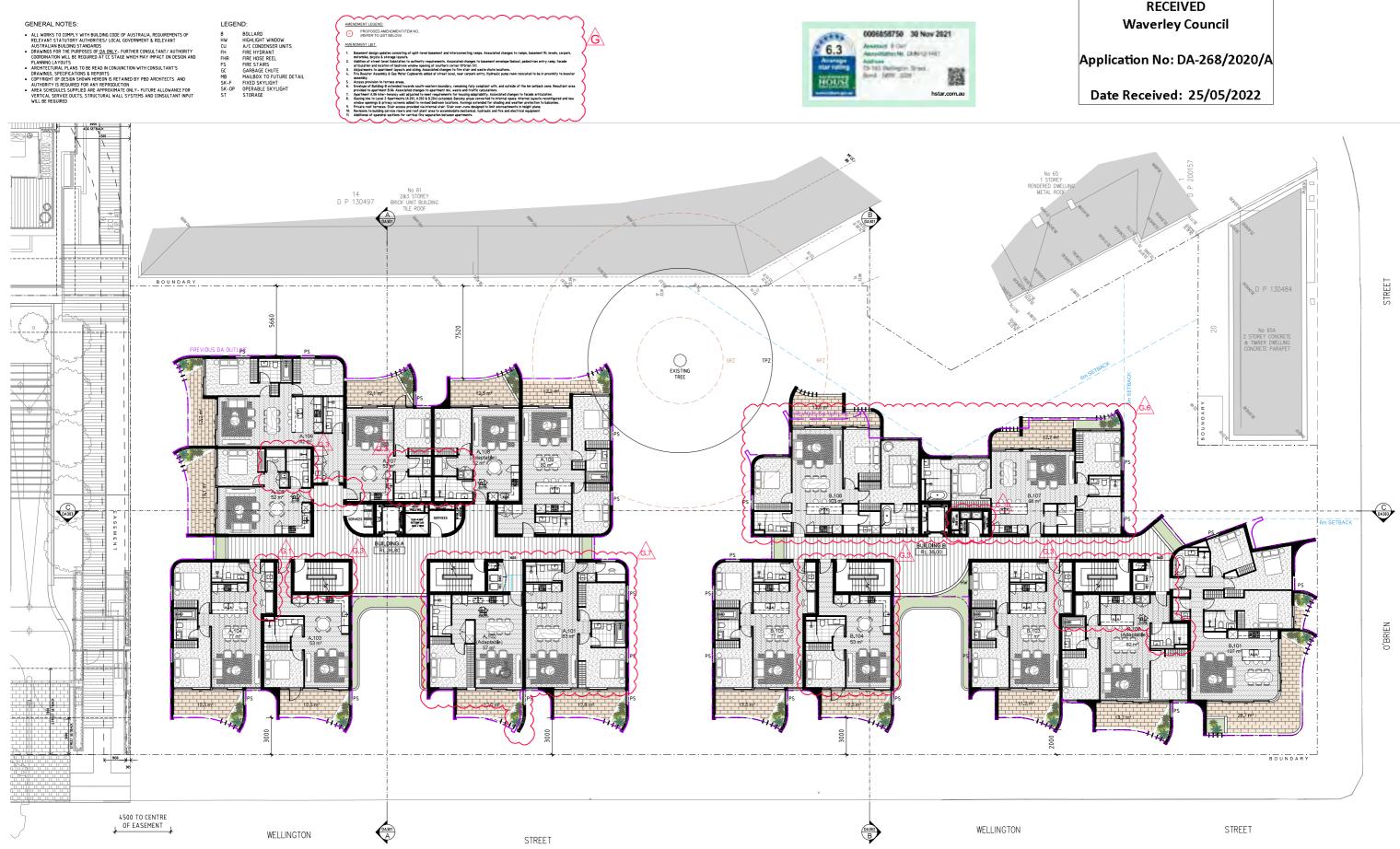
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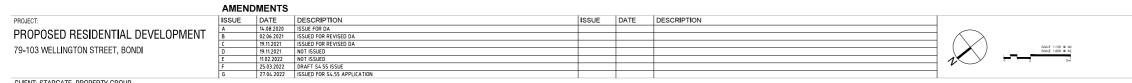
#### **DA104**

UPPER GROUND FLOOR PLAN

ABN 36 147 035 550, Nominated Architect Paul Bullevic, Registration Number 7768 Level 2, 52 Albion Street, Surry Hills NSW 2010 P - (02) 9698 8140 E - info@pbdarchitects.com.au W - www.pbdarchitects.com.au

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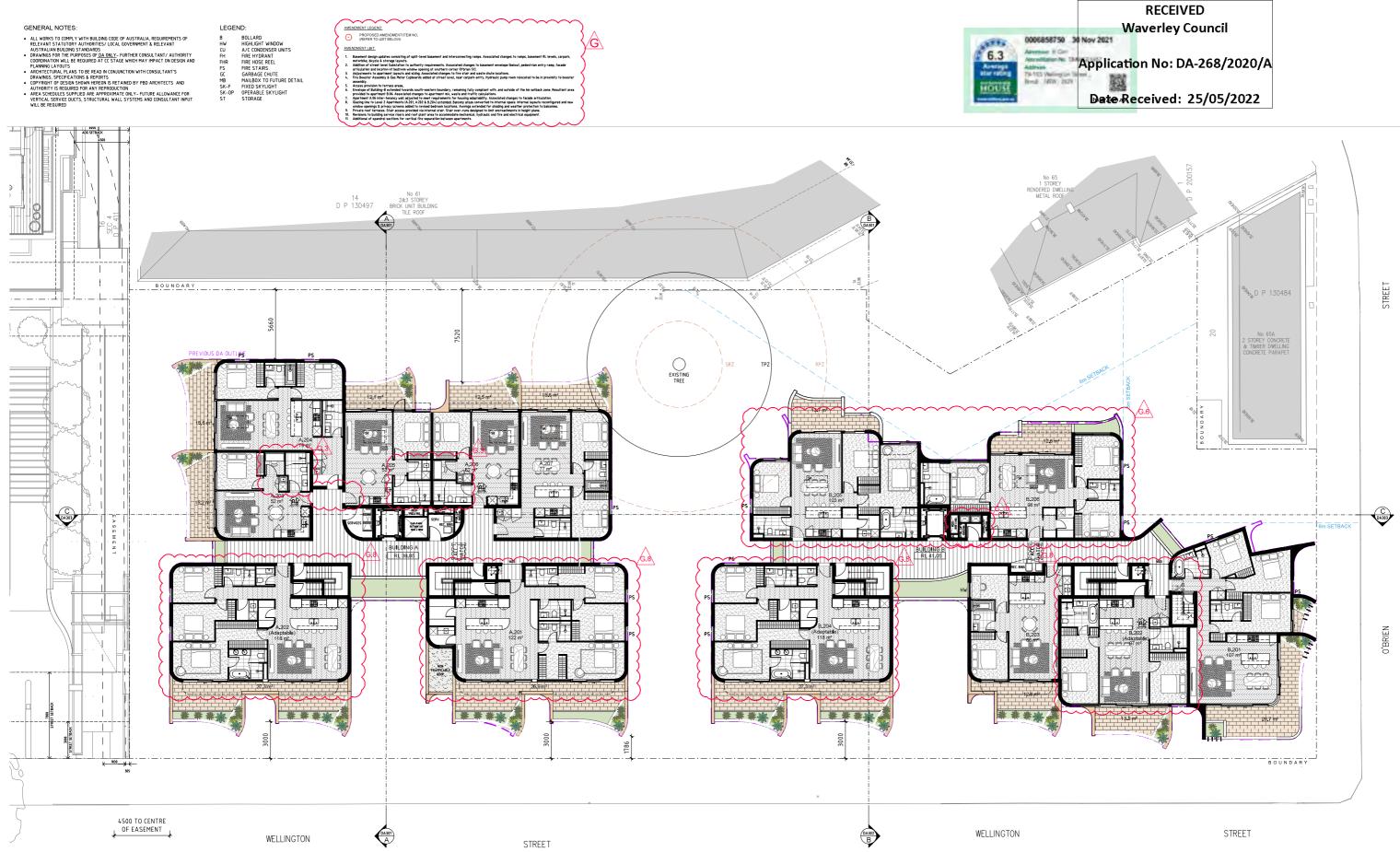


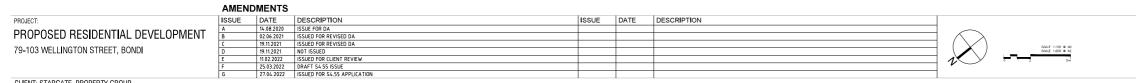
DA105

LEVEL 1 PLAN

SSUE: G

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Page 368 of 560



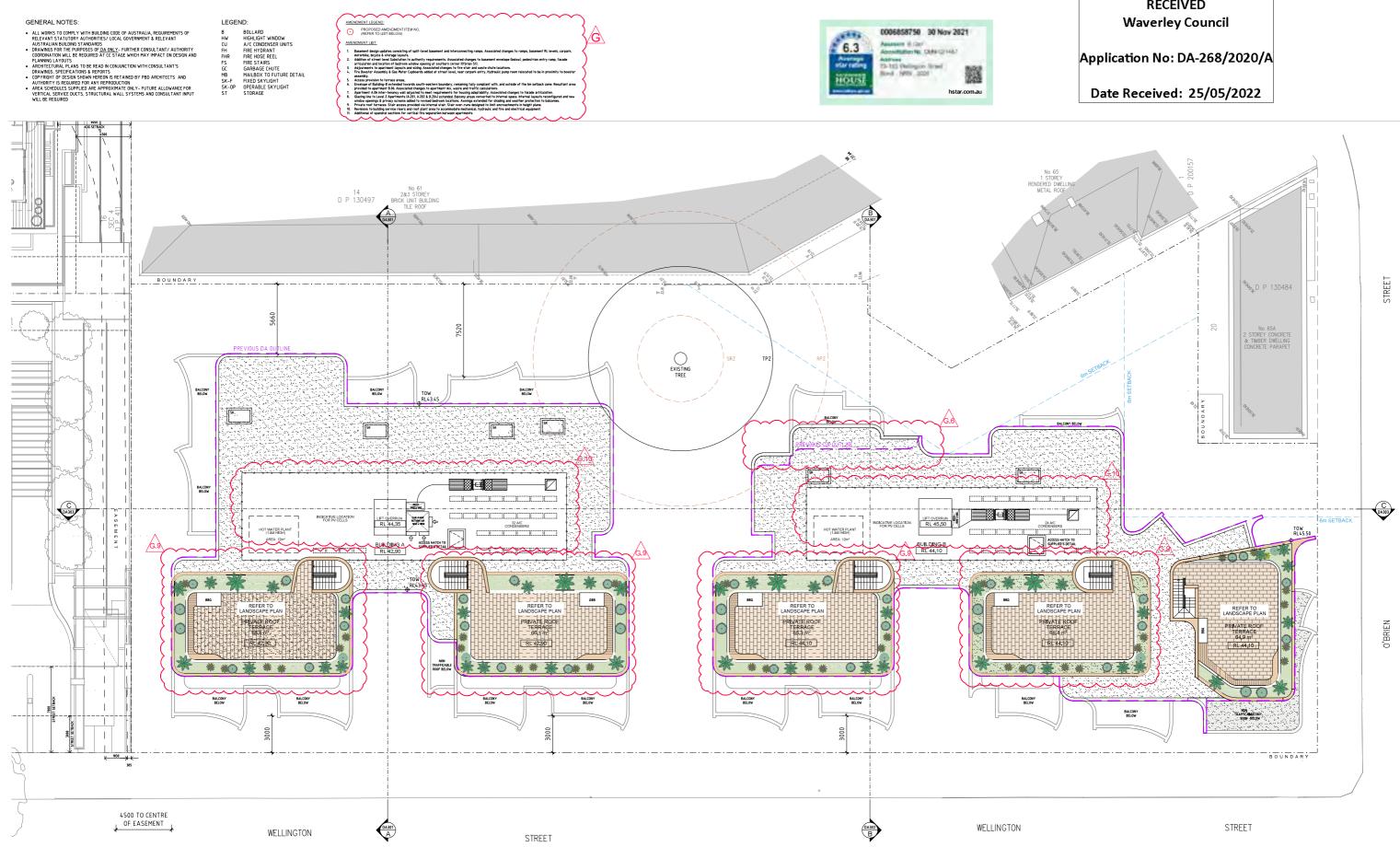
DA106

LEVEL 2 PLAN

ISSUE: G

DATE: AUGUST 2020 JOB No. 2015

ABN 36 147 035 550, Nominated Architect Paul Bullevic, Registration Number 7768 Level 2, 52 Albion Street, Surry Hills NSW 2010 P - (02) 9698 8140 E - info@pbdarchitects.com.au W - www.pbdarchitects.com.au



	AMEND	MENTS					
PROJECT:	ISSUE	DATE	DESCRIPTION	ISSUE	DATE	DESCRIPTION	
	A	14.08.2020	ISSUE FOR DA				
PROPOSED RESIDENTIAL DEVELOPMENT	В	02.06.2021	ISSUED FOR REVISED DA				$\wedge \rangle$
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79-103 WELLINGTON STREET, BONDI	D	19.11.2021	NOT ISSUED				SCALE 1:100 @ AD SCALE 1:200 @ A2
	E	11.02.2022	ISSUED FOR CLIENT REVIEW				
	F	25.03.2022	DRAFT S4.55 ISSUE				$\nu \subset$
	G	27.04.2022	ISSUED FOR \$4.55 APPLICATION				
CLIENT: STARCATE DRODERTY CROUD							

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DA107

**ROOF PLAN** 

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PROJECT:	ISSUE	DATE	DESCRIPTION	ISSUE	DATE	DESCRIPTION			
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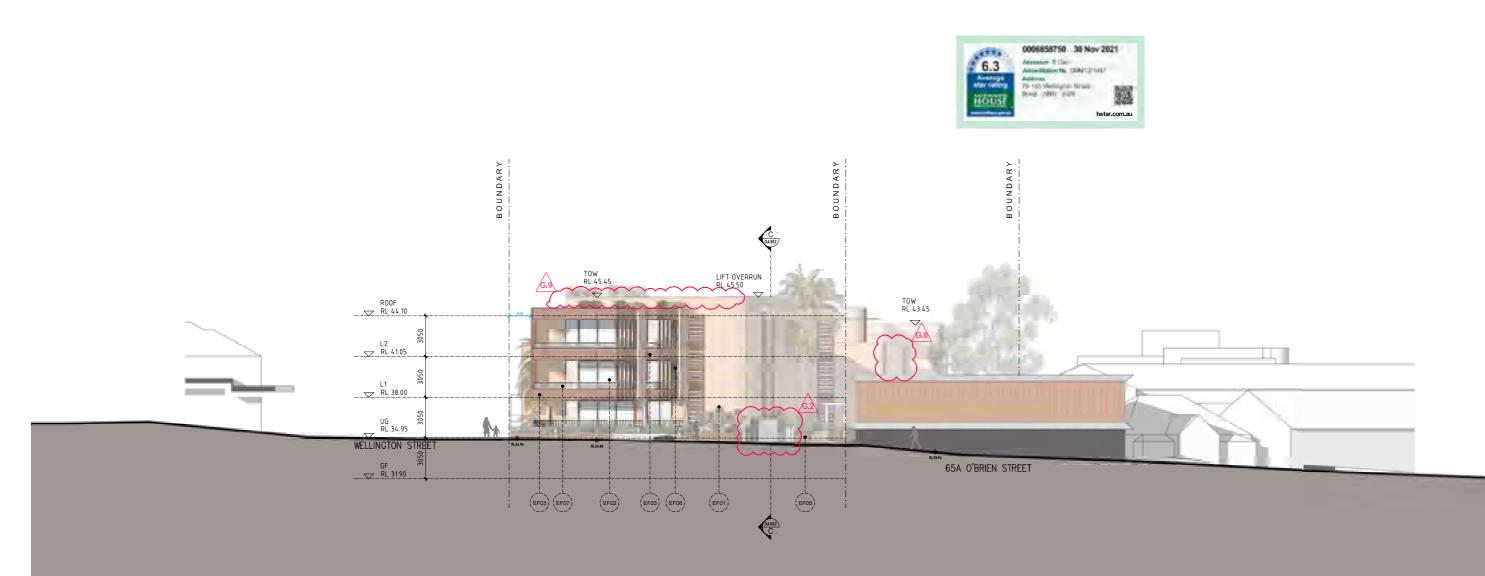
#### RECEIVED Waverley Council

Application No: DA-268/2020/A

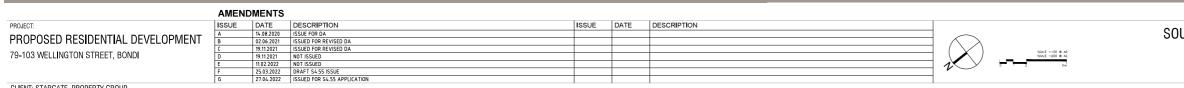
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ABN 36 147 035 550, Nominated Architect Paul Bulevic, Registration Number 7768 Level 2, 52 Albion Street, Surry Hills NSW 2010 ) 9698 8140 E - info@pbdarchitects.com.au W -www.pbdarchitects.com.au P - (02) 9698 8140 E - info@pbda





Page 371 of 560



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## **PBD** | ARCHITECTS

#### DA202

SSUE: G

SOUTH WEST ELEVATION

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CLIENT: STARGATE PROPERTY GROUP						Page 372 of 560		

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Application No: DA-268/2020/A

Date Received: 25/05/2022

## **PBD** | ARCHITECTS

DA203

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Page 373 of 560

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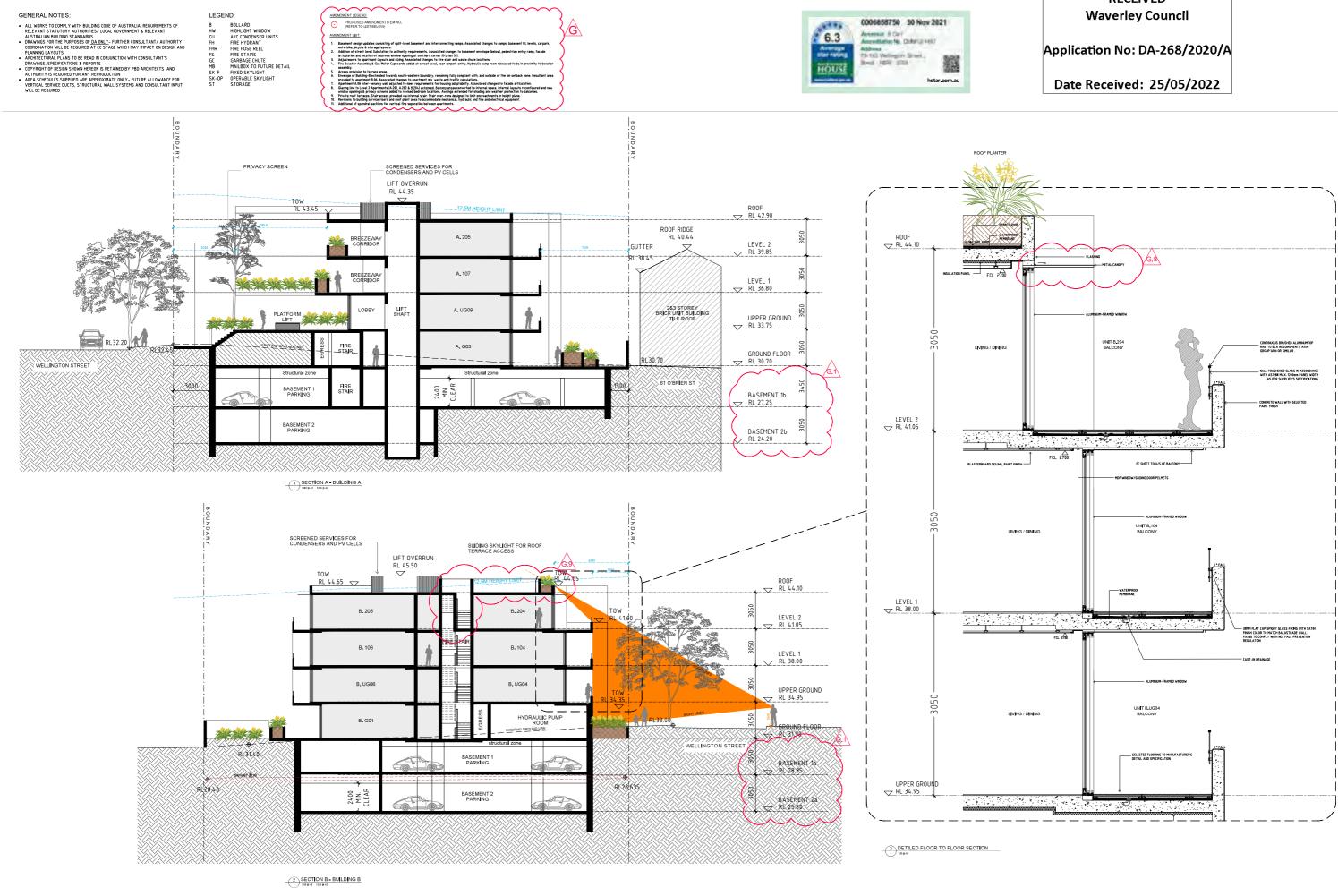
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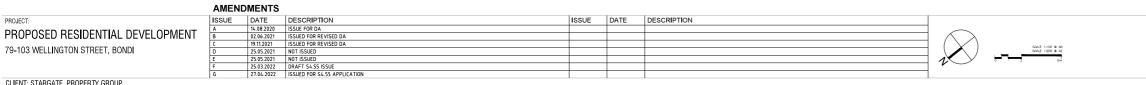
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SOUTH EAST ELEVATION

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Page 374 of 560

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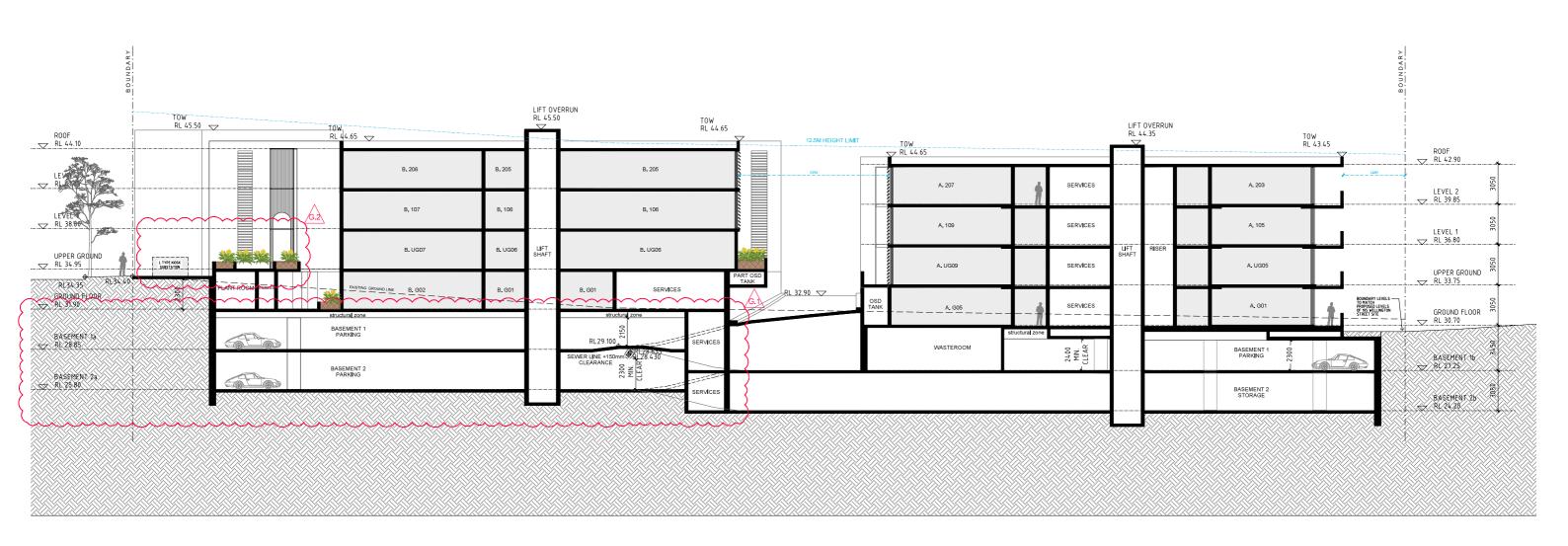
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inated Architect Paul Bullevic, Registration Number 7768 Level 2, 52 Albion Street, Surry Hills NSW 2010 architects.com.au W - www.pbdarchitects.com.au ABN 36 147 035 550, Nomi

P - (02) 9698 8140 E - info@pbda

GENERAL NOTES: ALL WORKS TO COMPLY WITH BUILDING CODE OF AUSTRALIA, REQUIREMENTS OF RELEVANT STATUTORY AUTHORITES/LOCAL GOVERNMENT & RELEVANT AUSTRALIANA BUILDING STANADADS DRAWINGS FOR THE PURPOSES OF <u>DA ONLY</u> - RUTHER CONSULTANT'A UTHORITY CORONIATION ULL BE REQUIRED AT CC STAGE WHICH MAY IMPACT ON DESIGN AND PLANNING LAYOUTS DRAWINGS, SPECIFICATIONS & REPORTS OR AVAINTOS, SPECIFICATIONS & REPORTS COPYIGHT OF DESIGN SHOW HEREON IS RETAINED BY PBD ARCHITECTS AND AUTHORITY IS REQUIRED FOR ANY REPORDUCTION AREA SCHEDUES SUPPLED ALE APPROXIMATE ONLY - FUTURE ALLOWANCE FOR VERTICAL SERVICE DUCTS, STRUCTURAL WALL SYSTEMS AND CONSULTANT INPUT WILL BE REQUIRED	LEGEND: B BOLLARD HW HIGHLIGHT WINDOW CU A/C CONDENSER UNITS FH FIRE HYDRANT FHR FIRE HOSE REEL FFR STARES GC GARBAGE CHUTE MALBOX TO FUTURE DETAIL SK-OP OPERABLE SKYLIGHT ST STORAGE	AMEXAMENT LEGENCE     PROPOSED AMEGAMENT ITEM NO.     mETERS TO USE TREACION:     METERS     ME	<u>}</u>
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Page 375 of 560

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Application No: DA-268/2020/A

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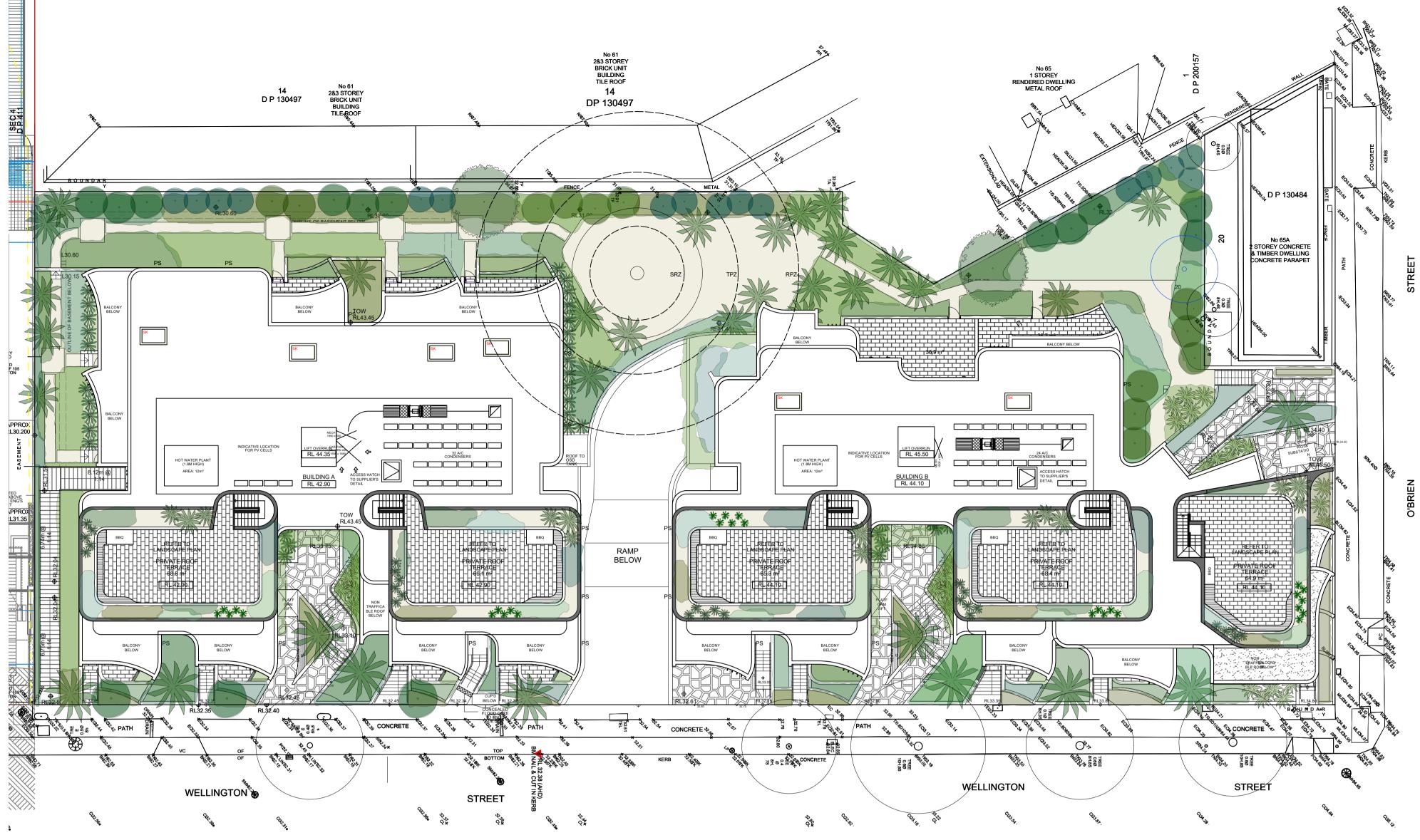


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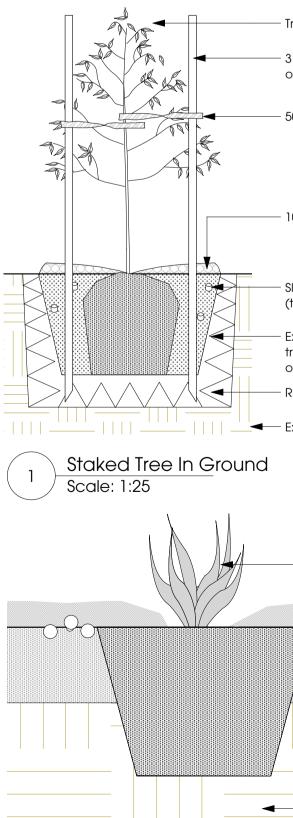
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## ISSUE: G

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PLANT SCHEDULE				
Botanic Name	Common Name	Mature Height(m	Pot Size	Qty
Plant Species				
Agave americana	Century Plant	1.5m	300mm	14
Agave weberi	Maguey Liso	1.5m	300mm	9
Banksia integrifolia	Coastal Banksia	5-10m	200L	8
Banksia serrata	Old Man Banksia	5-10m	200L	3
Calibanus hookeri	Mexican Boulder	0.5m	200mm	47
Cissus antarctica	Kangaroo Vine	0.3m	140mm	807
Cordyline australis	Cabbage Tree	10-15m	500mm	33
Crassula ovata	Jade	0.6-1m	200mm	39
Cupaniopsis anacardioides	Tuckeroo	5-10m	400L	2
Epipremnum aureum	Devil's Ivy	Climber	140mm	101
Euphorbia tirucalli	Pencil Cactus	2-3m	300mm	145
Hibbertia scandens	Guinea Flower	Climber	140mm	55
Hibiscus tiliaceus 'Rubra'	Red Cottonwood	4-10m	200L	16
Kalanchoe 'Copper Spoons'	Copper Spoons	lm	200mm	46
Kalanchoe 'Silver Spoons'	Silver Spoons	lm	200mm	40
Kalanchoe tomentosa	Chocolate Soldiers	0.5m	200mm	104
Livistona australis	Cabbage Tree Palm	25m	adv.	32
Lomandra 'Katrinus'	Matt Grass	0.8m	200mm	103
Lomandra 'Tanika'	Fine Matt Grass	0.7m	200mm	121
Muehlenbeckia axillaris	Wire Vine	Climber	300mm	17
Monstera deliciosa	Fruit Salad Plant	Climber	300mm	18
Nandina domestica	Heavenly Bamboo	1.2-2m	300mm	32
Ophiopogon jaburan	Giant Mondo Grass	0.6m	140mm	107
Pandorea jasminoides	Bower Vine	Climber	140mm	91
Pandorea pandorana	Wonga Wonga Vine	Climber	200mm	68
Pennisetum 'Nafray'	Dwarf Fountain Grass	0.7m	140mm	30
Philodendron compacta	Compact Philodendron	lm	200mm	66
Philodendron 'Rojo Congo'	Rojo Congo Philodendron	0.7m	200mm	56
Philodendron Xanadu	Xanadu	0.7m	200mm	134
Rhaphiolepis indica	Indian Hawthorn	2-3m	300mm	27
Rhapis excelsa	Lady Palm	4-5m	400mm	69
Sanseveria 'Uganda'	Snake Plant	1-2m	140mm	115
Senecio serpens	Blue Chalksticks	Groundcover	200mm	90
Syzygium 'Resilience'	Resilient Lilly Pilly	3-4m	400mm	15
Thunbergia grandiflora	Blue Skyflower	Climber	300mm	20
Trachelospermum asiaticum	Asiatic Jasmine	Groudncover	140mm	20
Trachelospermum sassy	Star Jasmine	Groundcover	200mm	74
Tristaniopsis 'Luscious'	Luscious Water Gum	3-5m	200L	15
Viburnum 'Emerald Lustre'	Sweet Viburnum	3-4m	300mm	29
Yucca desmetiana	Soft Leaf Yucca	lm	300mm	27



Shrub In Ground

Scale: 1:10

2

Native Species NOTE: 50.12% of proposed plants are native Tree as per Landscape Plan

- 3 - 50x50x2000mm hardwood stakes installed outside rootball

– 50mm hessian ties in figure 8 style

- 100mm deep mulch dished around base of trunk

- Slow release fertiliser tablets. (tree tabs) 5tabs/100L pot

- Excavate hole twice the size of rootball. Install tree & backfill with excavated site soil & 30%

organic composted matter - Rip existing base walls to 200mm depth

Existing subgrade

– Plant as per Landscape Plan

Slow release fertiliser pellets to edge of planting 300mm deep organic topsoil

 Rip existing subgrade to depth of 200mm

## **GENERAL NOTES:**

## GRAPHIC ILLUSTRATION

Please note that the plant graphics are indicative sizes only and not an accurate representation at time of purchase

SITE PREPARATION

All existing plants marked for retention shall be protected for the duration of works. Remove from site all perennial weeds and rubbish before commencing landscape works.

### SOILWORKS

Thoroughly cultivate the subsoil to a depth of 200mm. Supply and install to a depth of 300mm quality garden soil mix to all planting beds and 150mm turf underlay to lawn areas.

#### MULCH

Supply and install a 75mm layer of hardwood horticultural grade mulch to all planting beds set down 25mm from adjacent paving or garden edge.

### MAINTENANCE

All failed or defective plant species to be replaced by landscaper for a 3 months period following completion of work.

Further maintenance during and after this period should include watering, weeding, fertilising, pest and disease control, pruning and hedging, reinstatement of mulch and keeping the site neat and tidy.

### GENERAL PLANTING NOTES:

**NOTE:** It is recommended that all plants used be subject to an establishment period. During this period maintenance work carried out will include; watering, mowing, weeding, fertilising, pest and disease control, reseeding, returfing, staking and tying, replanting, cultivating, pruning, hedge clipping, aerating, reinstatement of mulch, top dressing and keeping the site neat and tidy.

NOTE: Plants shall be vigorous, well established, of good form consistent with species or variety, not soft or forced, free from disease and insect pests, with large healthy root systems and no evidence of having been restricted in growth or damaged. Root system shall be well balanced in relation to the size of the plant.

**NOTE:** install 'root barrier' or equivalent to manufacturers specifications to protect nearby structures and services.

NOTE: Install temporary drip irrigation system under mulch in tree protection zones and water on allotted days.

> Project: 79-103 Wellington St, Bondi NSW 2026 Client: K Stargate Properties Group



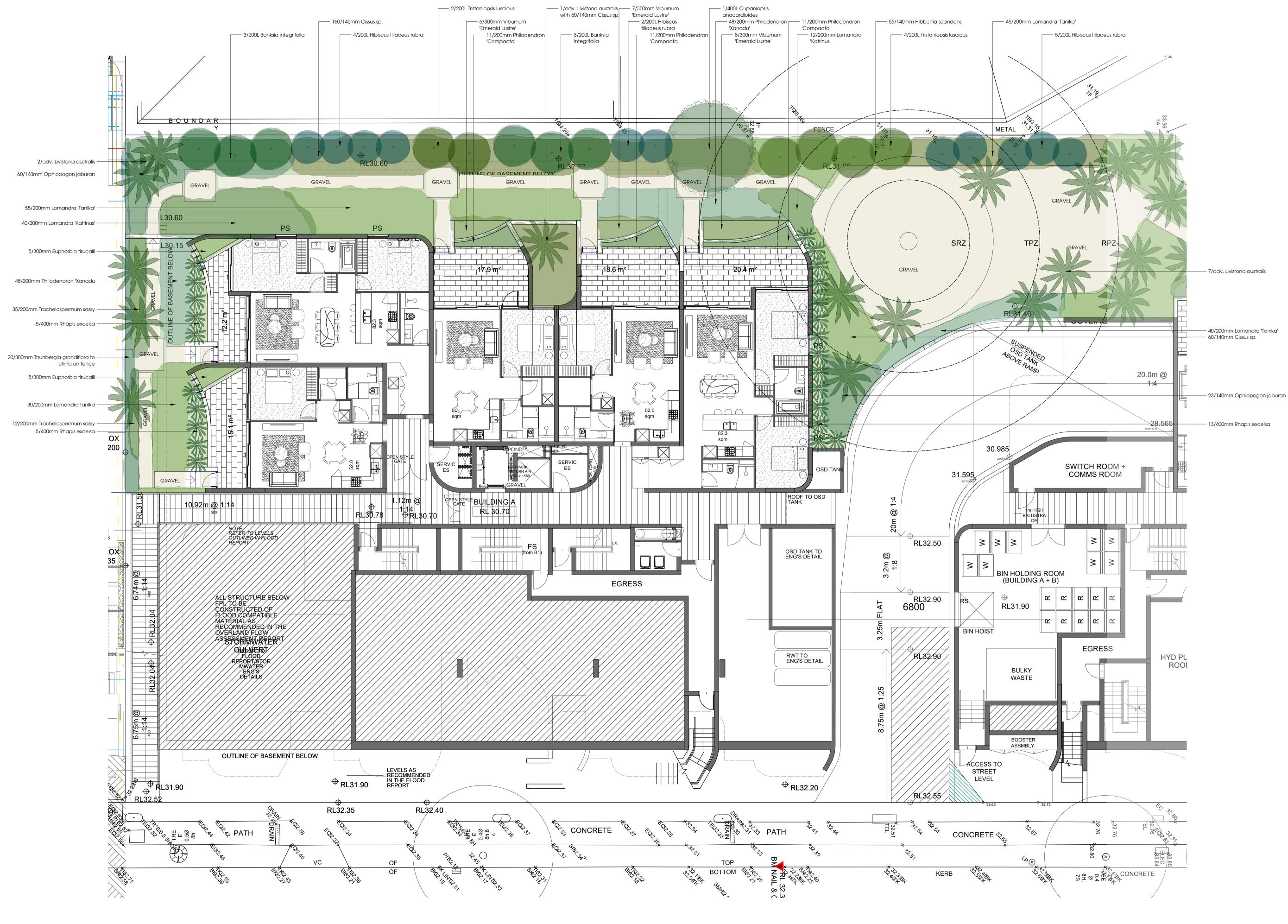
LOCATION MAP

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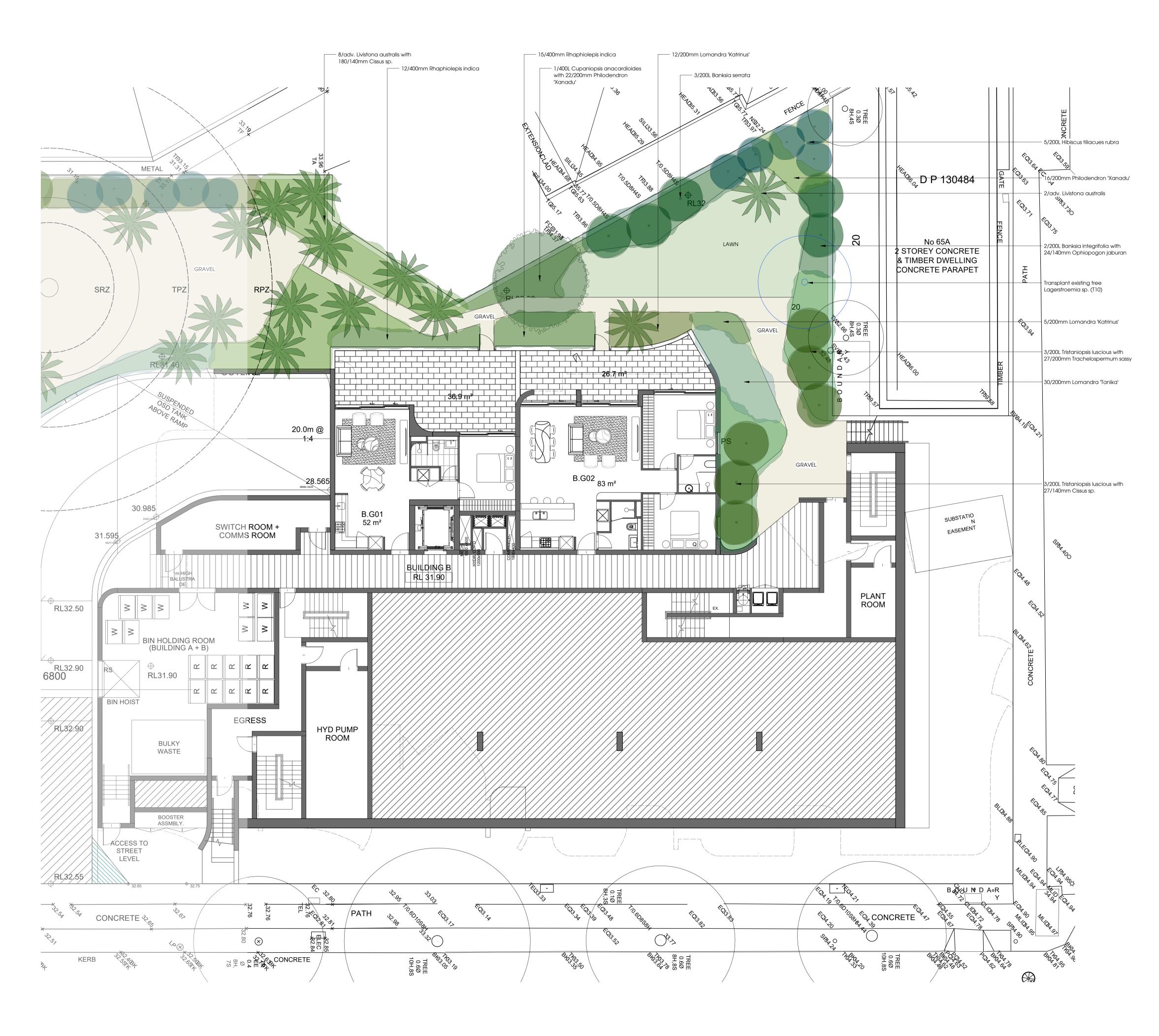
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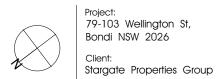






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- 8/200mm Philodendron 'Rojo Congo'

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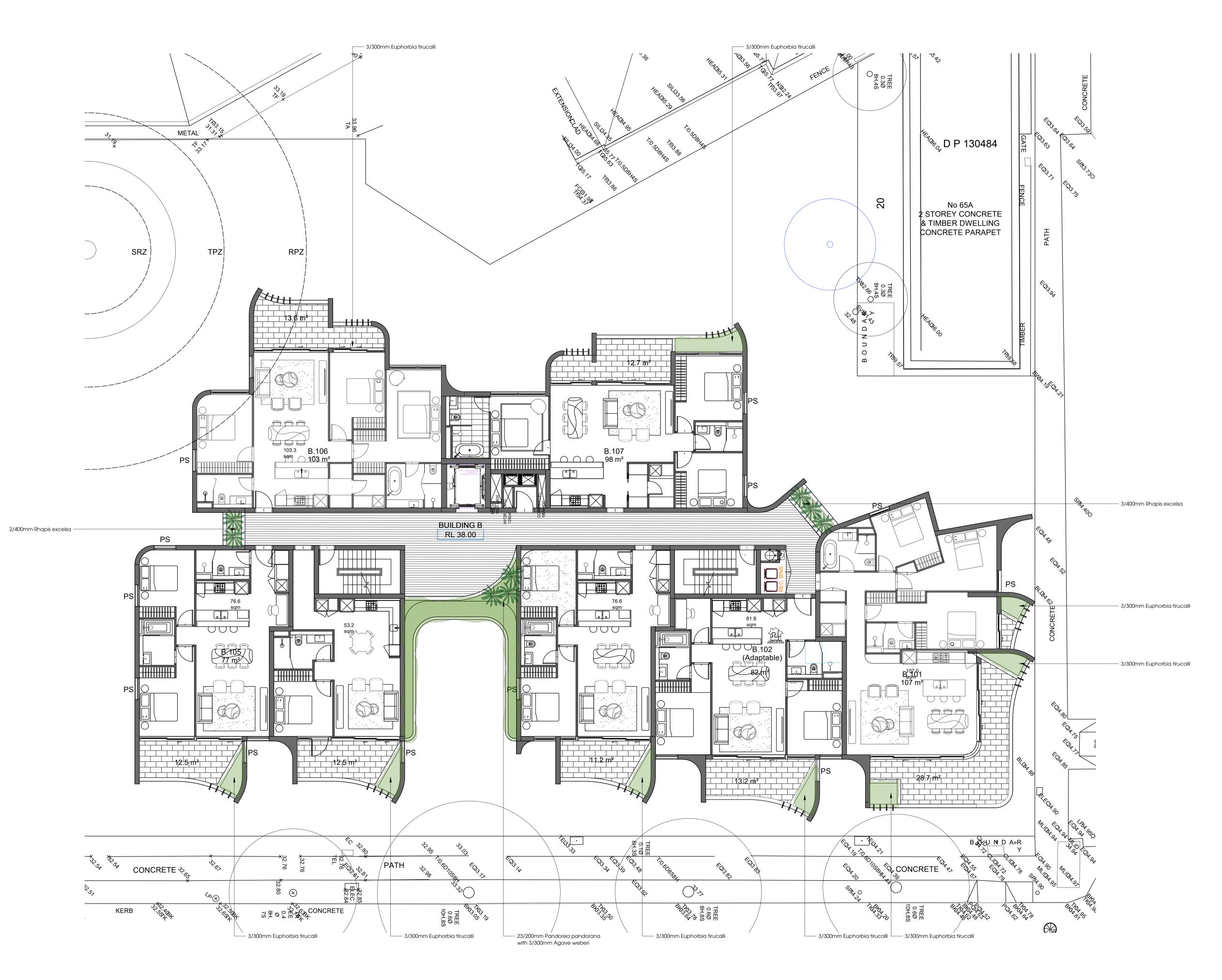
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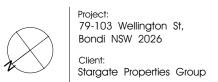
 
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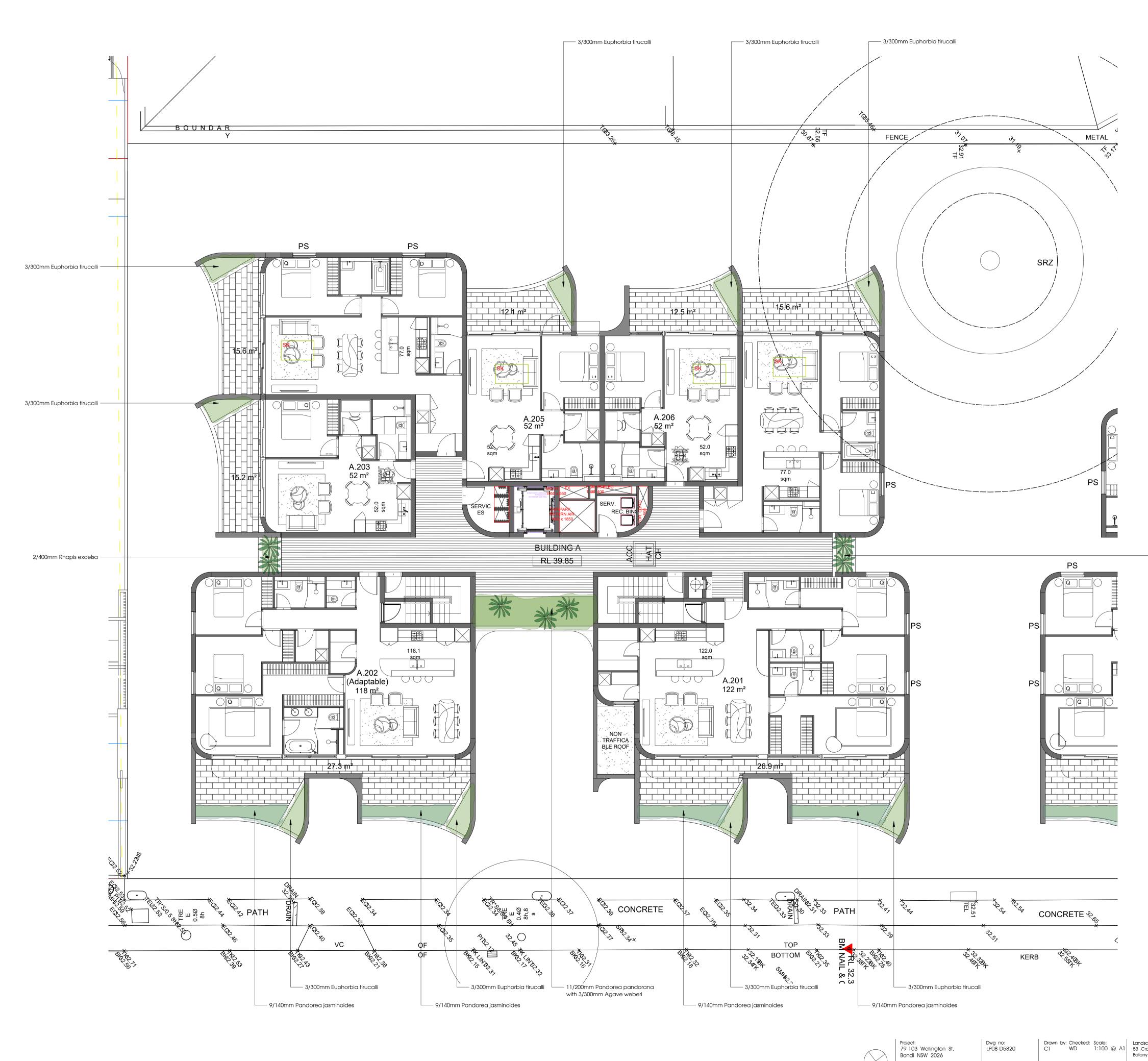
 
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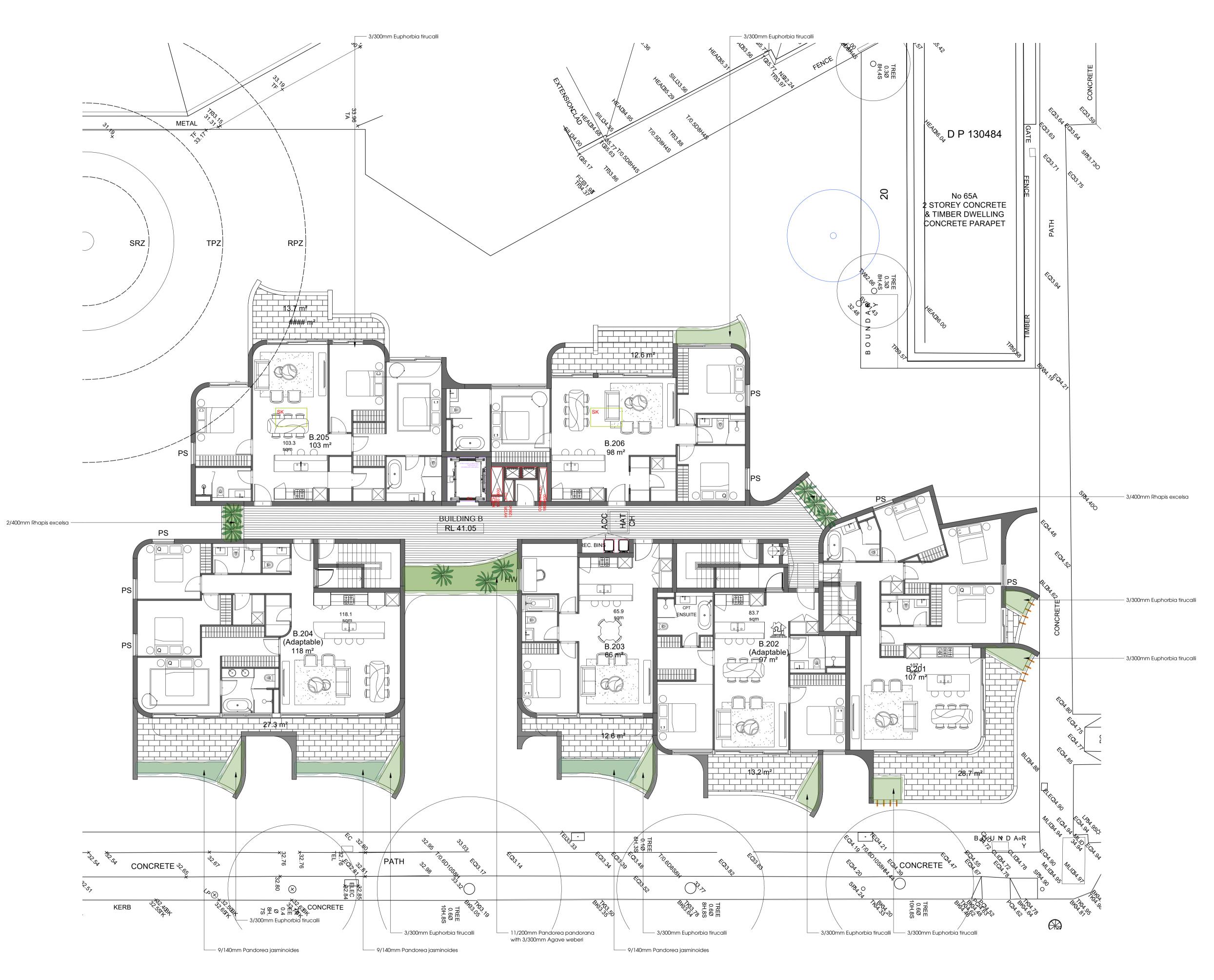
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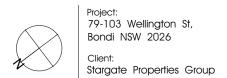
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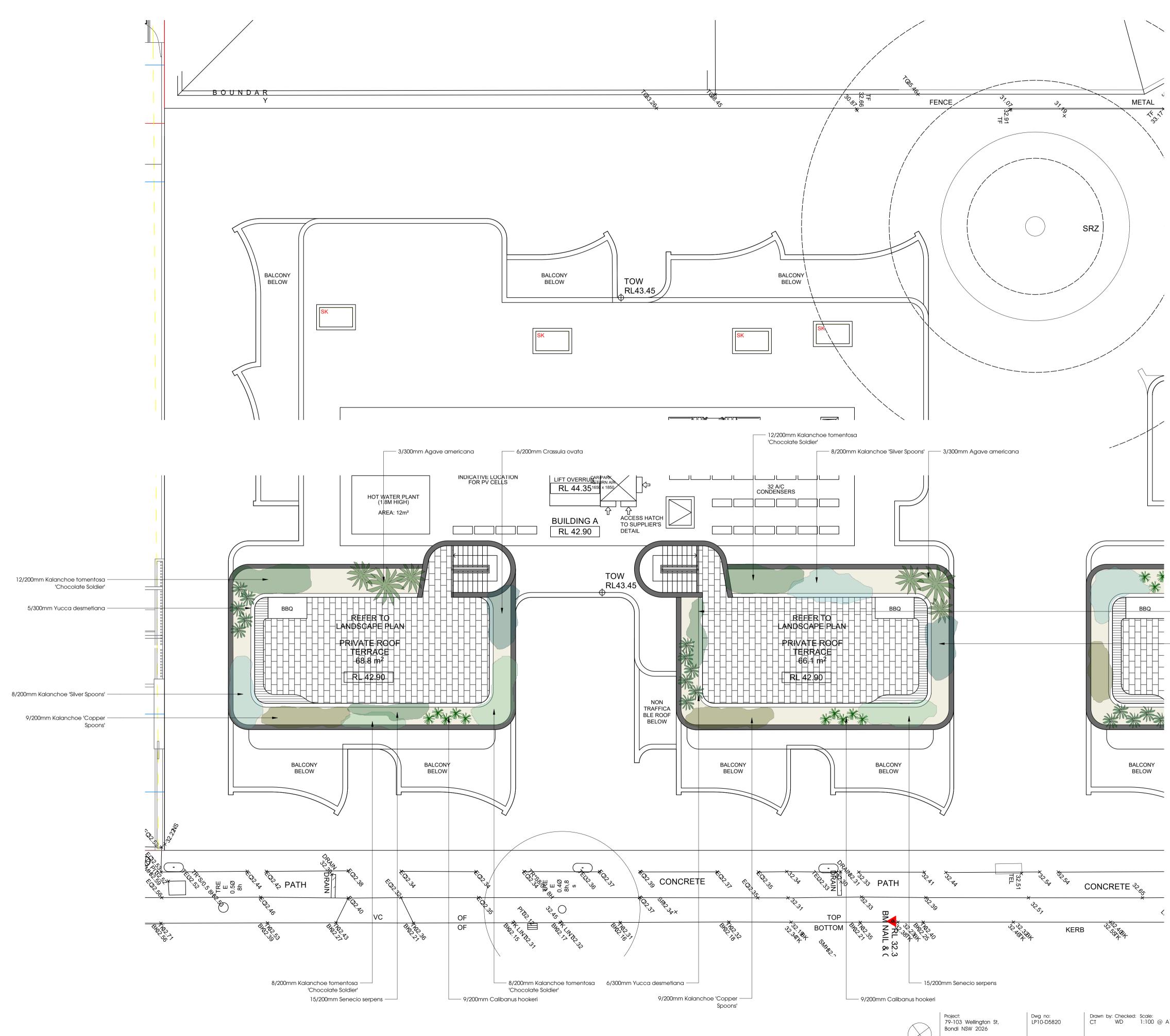
 
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#### - 8/200mm Kalanchoe tomentosa 'Chocolate Soldier'

- 6/200mm Crassula ovata

 
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WILL BE REQUIRED

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- AUSTRALIAN BUILDING STANDARDS DRAWINGS FOR THE PURPOSES OF <u>DA ONLY</u> – FURTHER CONSULTANT/ AUTHORITY COORDINATION WILL BE REQUIRED AT CC STAGE WHICH MAY IMPACT ON DESIGN AND
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- DRAWINGS, SPECIFICATIONS & REPORTS COPYRIGHT OF DESIGN SHOWN HEREON IS RETAINED BY PBD ARCHITECTS AND
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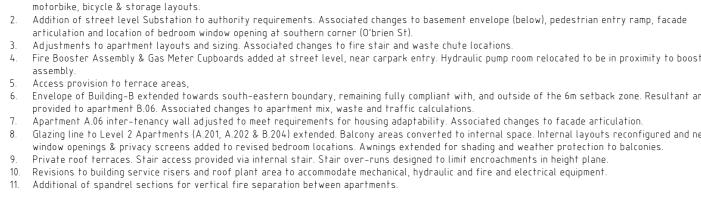
## LEGEND:

B BOLLARD

HW HIGHLIGHT WINDOW CU A/C CONDENSER UNITS FH FIRE HYDRANT

FHR FIRE HOSE REEL FS FIRE STAIRS

- GC GARBAGE CHUTE MB MAILBOX TO FUTURE DETAIL
- SK-F FIXED SKYLIGHT
- ST STORAGE
- SK-OP OPERABLE SKYLIGHT



AMENDMENT LIST:



APPROVED - SOLAR EYE VIEWS - 9AM



3 APPROVED - SHADOW DIAGRAM - 9AM

PROJECT: PROPOSED RESIDENTIAL DEVELOPMENT 79-103 WELLINGTON STREET, BONDI

ISSUE	DATE	DESCRIPTION
А	14.08.2020	ISSUE FOR DA
В	02.06.2021	ISSUED FOR REVISED DA
C	17.08.2021	NOT ISSUED
D	19.11.2021	ISSUED FOR REVISED DA
E	11.02.2022	NOT ISSUED
F	25.03.2022	DRAFT S4.55 ISSUE
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ISSUE	DATE	DESCRIPTION
Н	14.10.2022	ISSUED FOR COUNCIL RFI







SCALE 1:250 @ A0 1:500 @ A2

PROPOSED- SOLAR EYE VIEWS - 9AM





3. Adjustments to apartment layouts and sizing. Associated changes to fire stair and waste chute locations. 4. Fire Booster Assembly & Gas Meter Cupboards added at street level, near carpark entry. Hydraulic pump room relocated to be in proximity to booster 5. Access provision to terrace areas, 6. Envelope of Building-B extended towards south-eastern boundary, remaining fully compliant with, and outside of the 6m setback zone. Resultant area provided to apartment B.06. Associated changes to apartment mix, waste and traffic calculations. 7. Apartment A.06 inter-tenancy wall adjusted to meet requirements for housing adaptability. Associated changes to facade articulation. 8. Glazing line to Level 2 Apartments (A.201, A.202 & B.204) extended. Balcony areas converted to internal space. Internal layouts reconfigured and new window openings & privacy screens added to revised bedroom locations. Awnings extended for shading and weather protection to balconies. 9. Private roof terraces. Stair access provided via internal stair. Stair over-runs designed to limit encroachments in height plane.

1. Basement design updates consisting of split-level basement and interconnecting ramps. Associated changes to ramps, basement RL levels, carpark,

# SOLAR STUDY (21st June 9AM)

RECEIVED Waverley Council Receipt No: DA-268/2020/A Date Received: 18/10/2022

LEGEND S4.55 REVISED SHADOWS CAST BY BUILDING ELEMENTS ABOVE 12.5M S4.55 REVISED SHADOW APPROVED DA SHADOW 



ISSUE: H

DATE: AUGUST 2020 JOB No. 2015

**PBD** | ARCHITECTS

ABN 36 147 035 550, Nominated Architect Paul Buljevic, Registration Number 7768 Level 2, 52 Albion Street, Surry Hills NSW 2010 P - (02) 9698 8140 E - info@pbdarchitects.com.au W - www.pbdarchitects.com.au

WILL BE REQUIRED

- ALL WORKS TO COMPLY WITH BUILDING CODE OF AUSTRALIA, REQUIREMENTS OF RELEVANT STATUTORY AUTHORITIES/ LOCAL GOVERNMENT & RELEVANT
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## LEGEND:

B BOLLARD

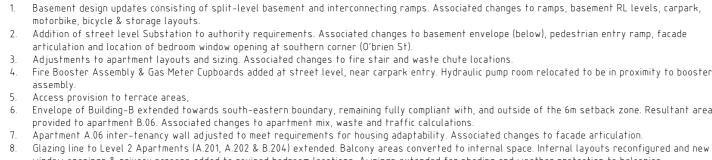
ΗW	HIGHI IGHT WINDOW
I I VV	
CU	A/C CONDENSER UNITS
FH	FIRE HYDRANT
FHR	FIRE HOSE REEL
FS	FIRE STAIRS
GC	GARBAGE CHUTE
MB	MAILBOX TO FUTURE DE
SK_F	FIXED SKYLIGHT

FIRE STAIRS GARBAGE CHUTE MAILBOX TO FUTURE DETAIL

SK-F FIXED SKYLIGHT

SK-OP OPERABLE SKYLIGHT





AMENDMENT LIST:



APPROVED - SOLAR EYE VIEW - 10AM



3 APPROVED - SHADOW DIAGRAM - 10AM

PROJECT: PROPOSED RESIDENTIAL DEVELOPMENT 79-103 WELLINGTON STREET, BONDI

		DMENTS					
	ISSUE	DATE	DESCRIPTION	ISSUE	DATE	DESCRIPTION	
-	А	14.08.2020	ISSUE FOR DA	Н	14.10.2022	ISSUED FOR COUNCIL RFI	
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PROPOSED- SOLAR EYE VIEW - 10AM





 Adjustments to apartment layouts and sizing. Associated changes to fire stair and waste chute locations.
 Fire Booster Assembly & Gas Meter Cupboards added at street level, near carpark entry. Hydraulic pump room relocated to be in proximity to booster Access provision to terrace areas, 6. Envelope of Building-B extended towards south-eastern boundary, remaining fully compliant with, and outside of the 6m setback zone. Resultant area provided to apartment B.06. Associated changes to apartment mix, waste and traffic calculations. Apartment A.06 inter-tenancy wall adjusted to meet requirements for housing adaptability. Associated changes to facade articulation.
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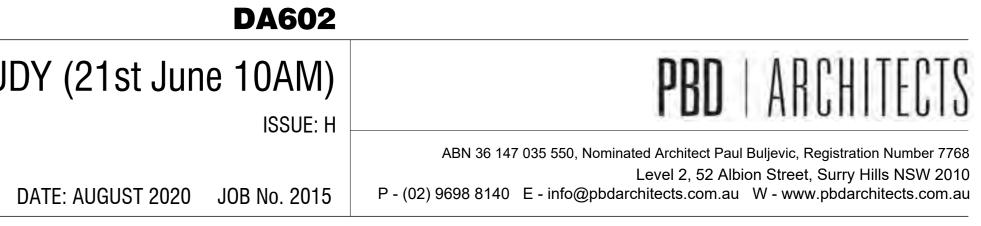
AMENDMENT LEGEND: PROPOSED AMENDMENT ITEM NO. (REFER TO LIST BELOW)

11. Additional of spandrel sections for vertical fire separation between apartments.

# SOLAR STUDY (21st June 10AM)

SCALE 1:250 @ A0 1:500 @ A2

LEGEND S4.55 REVISED SHADOWS CAST BY BUILDING ELEMENTS ABOVE 12.5M S4.55 REVISED SHADOW APPROVED DA SHADOW 



WILL BE REQUIRED

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В	BOLLARD
ΗW	HIGHLIGHT WINDO
CU	A/C CONDENSER
FH	FIRE HYDRANT
FHR	FIRE HOSE REEL
FS	FIRE STAIRS
GC	GARBAGE CHUTE

FIRE HOSE REEL FIRE STAIRS GARBAGE CHUTE MB MAILBOX TO FUTURE DETAIL

HIGHLIGHT WINDOW

A/C CONDENSER UNITS

SK-F FIXED SKYLIGHT SK-OP OPERABLE SKYLIGHT

ST STORAGE



APPROVED - SOLAR EYE VIEW - 11AM



APPROVED - SHADOW DIAGRAM - 11AM

PROJECT: PROPOSED RESIDENTIAL DEVELOPMENT 79-103 WELLINGTON STREET, BONDI

	AMEN	DMENTS					
	ISSUE	DATE	DESCRIPTION	ISSUE	DATE	DESCRIPTION	
-	А	14.08.2020	ISSUE FOR DA	Н	14.10.2022	ISSUED FOR COUNCIL RFI	
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PROPOSED- SOLAR EYE VIEW - 11AM



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10. Revisions to building service risers and roof plant area to accommodate mechanical, hydraulic and fire and electrical equipment.

11. Additional of spandrel sections for vertical fire separation between apartments.

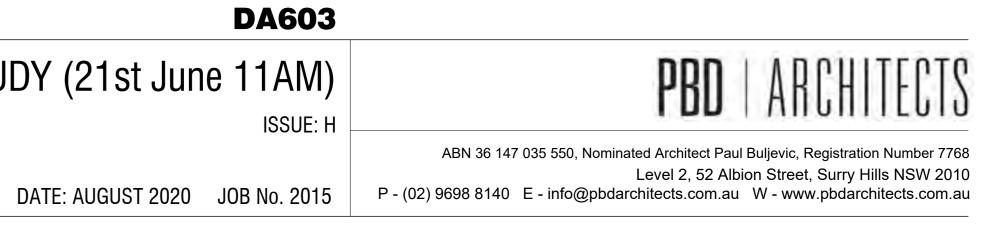
AMENDMENT LIST: 1. Basement design updates consisting of split-level basement and interconnecting ramps. Associated changes to ramps, basement RL levels, carpark, motorbike, bicycle & storage layouts. 2. Addition of street level Substation to authority requirements. Associated changes to basement envelope (below), pedestrian entry ramp, facade articulation and location of bedroom window opening at southern corner (O'brien St).

assembly.

# SOLAR STUDY (21st June 11AM)

SCALE 1:250 @ A0 1:500 @ A2

LEGEND S4.55 REVISED SHADOWS CAST BY BUILDING ELEMENTS ABOVE 12.5M S4.55 REVISED SHADOW APPROVED DA SHADOW 



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## LEGEND:

B BOLLARD

HW HIGHLIGHT WINDOW CU A/C CONDENSER UNITS FH FIRE HYDRANT

FHR FIRE HOSE REEL FS FIRE STAIRS GC GARBAGE CHUTE MB MAILBOX TO FUTURE DETAIL

SK-F FIXED SKYLIGHT SK-OP OPERABLE SKYLIGHT

ST STORAGE



APPROVED - SOLAR EYE VIEW - 12PM



APPROVED - SHADOW DIAGRAM - 12PM

PROJECT: PROPOSED RESIDENTIAL DEVELOPMENT 79-103 WELLINGTON STREET, BONDI

	AMEN	DMENTS					
	ISSUE	DATE	DESCRIPTION	ISSUE	DATE	DESCRIPTION	
-	A	14.08.2020	ISSUE FOR DA	Н	14.10.2022	ISSUED FOR COUNCIL RFI	
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PROPOSED- SOLAR EYE VIEW - 12PM



articulation and location of bedroom window opening at southern corner (O'brien St).

11. Additional of spandrel sections for vertical fire separation between apartments.

provided to apartment B.06. Associated changes to apartment mix, waste and traffic calculations.

1. Basement design updates consisting of split-level basement and interconnecting ramps. Associated changes to ramps, basement RL levels, carpark,

2. Addition of street level Substation to authority requirements. Associated changes to basement envelope (below), pedestrian entry ramp, facade

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6. Envelope of Building-B extended towards south-eastern boundary, remaining fully compliant with, and outside of the 6m setback zone. Resultant area

Apartment A.06 inter-tenancy wall adjusted to meet requirements for housing adaptability. Associated changes to facade articulation.
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motorbike, bicycle & storage layouts.

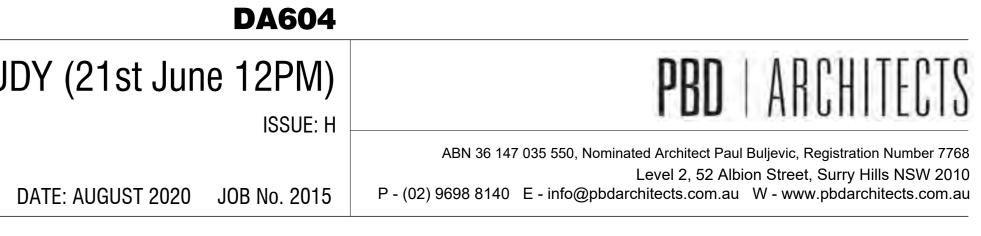
5. Access provision to terrace areas,

assembly.

# SOLAR STUDY (21st June 12PM)

SCALE 1:250 @ A0 1:500 @ A2

LEGEND S4.55 REVISED SHADOWS CAST BY BUILDING ELEMENTS ABOVE 12.5M S4.55 REVISED SHADOW APPROVED DA SHADOW 



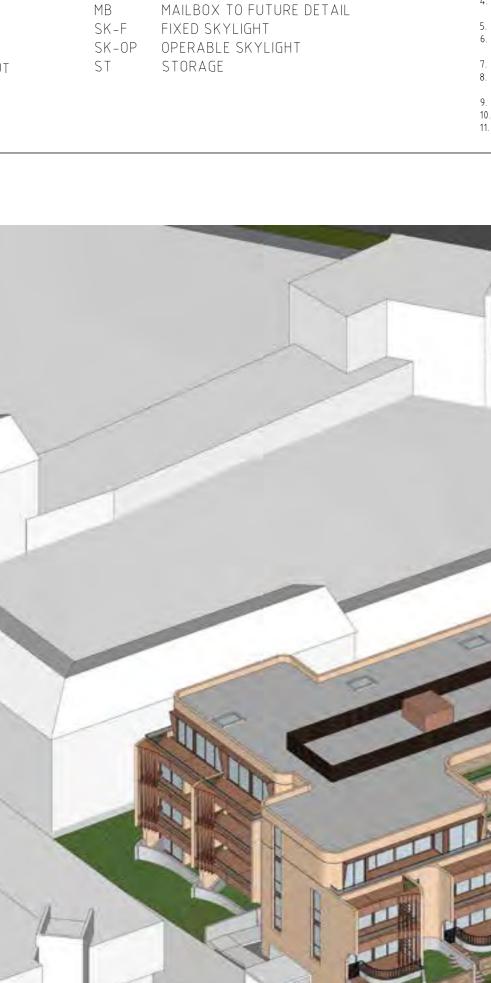
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_	E	G	E	N	D	

В	BOLLARD
ΗW	HIGHLIGHT WINDOW
CU	A/C CONDENSER UNITS
FH	FIRE HYDRANT
FHR	FIRE HOSE REEL
FS	FIRE STAIRS
GC	GARBAGE CHUTE
MD	MAIL DOV TO ELITUDE DE

FIRE STAIRS GARBAGE CHUTE







APPROVED - SHADOW DIAGRAM - 1PM

PROJECT: PROPOSED RESIDENTIAL DEVELOPMENT 79-103 WELLINGTON STREET, BONDI

	<b>IDMENTS</b>					
ISSUE	DATE	DESCRIPTION	ISSUE	DATE	DESCRIPTION	
А	14.08.2020	ISSUE FOR DA	Н	14.10.2022	ISSUED FOR COUNCIL RFI	
В	02.06.2021	ISSUED FOR REVISED DA				
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1			·	•		







PROPOSED- SOLAR EYE VIEW - 1PM





5. Access provision to terrace areas, 6. Envelope of Building-B extended towards south-eastern boundary, remaining fully compliant with, and outside of the 6m setback zone. Resultant area provided to apartment B.06. Associated changes to apartment mix, waste and traffic calculations. Apartment A.06 inter-tenancy wall adjusted to meet requirements for housing adaptability. Associated changes to facade articulation.
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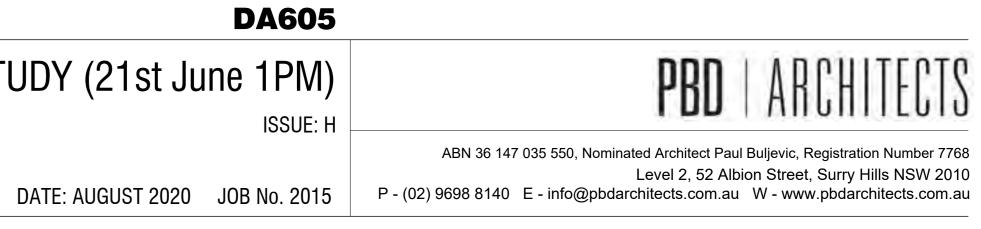
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assembly.

SOLAR STUDY (21st June 1PM)

SCALE 1:250 @ A0 1:500 @ A2

LEGEND S4.55 REVISED SHADOWS CAST BY BUILDING ELEMENTS ABOVE 12.5M S4.55 REVISED SHADOW APPROVED DA SHADOW 



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## LEGEND:

В	BOLLARD
ΗW	HIGHLIGHT WINDOW
CU	A/C CONDENSER UNITS
FH	FIRE HYDRANT
FHR	FIRE HOSE REEL
FS	FIRE STAIRS
GC	GARBAGE CHUTE
MB	MAILBOX TO FUTURE DE

MAILBOX TO FUTURE DETAIL SK-F FIXED SKYLIGHT SK-OP OPERABLE SKYLIGHT

ST STORAGE



APPROVED - SOLAR EYE VIEW - 2PM



3 APPROVED - SHADOW DIAGRAM - 2PM

PROJECT: PROPOSED RESIDENTIAL DEVELOPMENT 79-103 WELLINGTON STREET, BONDI

AMEN	DMENTS				
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PROPOSED- SOLAR EYE VIEW - 2PM



AMENDMENT LEGEND: PROPOSED AMENDMENT ITEM NO. (REFER TO LIST BELOW)

assembly.

5. Access provision to terrace areas,

AMENDMENT LIST:

provided to apartment B.06. Associated changes to apartment mix, waste and traffic calculations.

motorbike, bicycle & storage layouts.

1. Basement design updates consisting of split-level basement and interconnecting ramps. Associated changes to ramps, basement RL levels, carpark, 2. Addition of street level Substation to authority requirements. Associated changes to basement envelope (below), pedestrian entry ramp, facade

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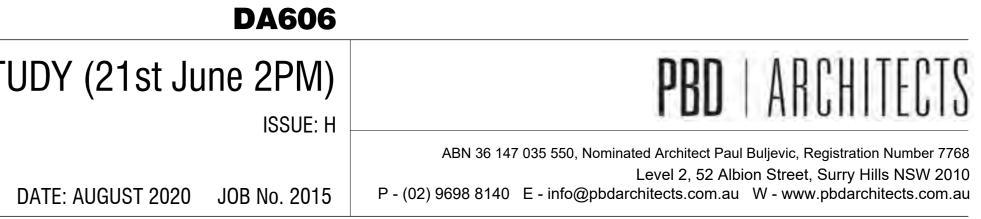
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SOLAR STUDY (21st June 2PM)

SCALE 1:250 @ A0 1:500 @ A2

LEGEND S4.55 REVISED SHADOWS CAST BY BUILDING ELEMENTS ABOVE 12.5M S4.55 REVISED SHADOW APPROVED DA SHADOW 



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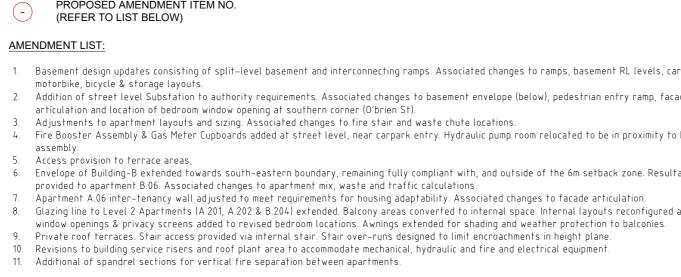
E	G	Е	Ν	D	:

ΗW	HIGHLIGHT WINDOW
CU	A/C CONDENSER UNITS
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GARBAGE CHUTE MB MAILBOX TO FUTURE DETAIL SK-F FIXED SKYLIGHT

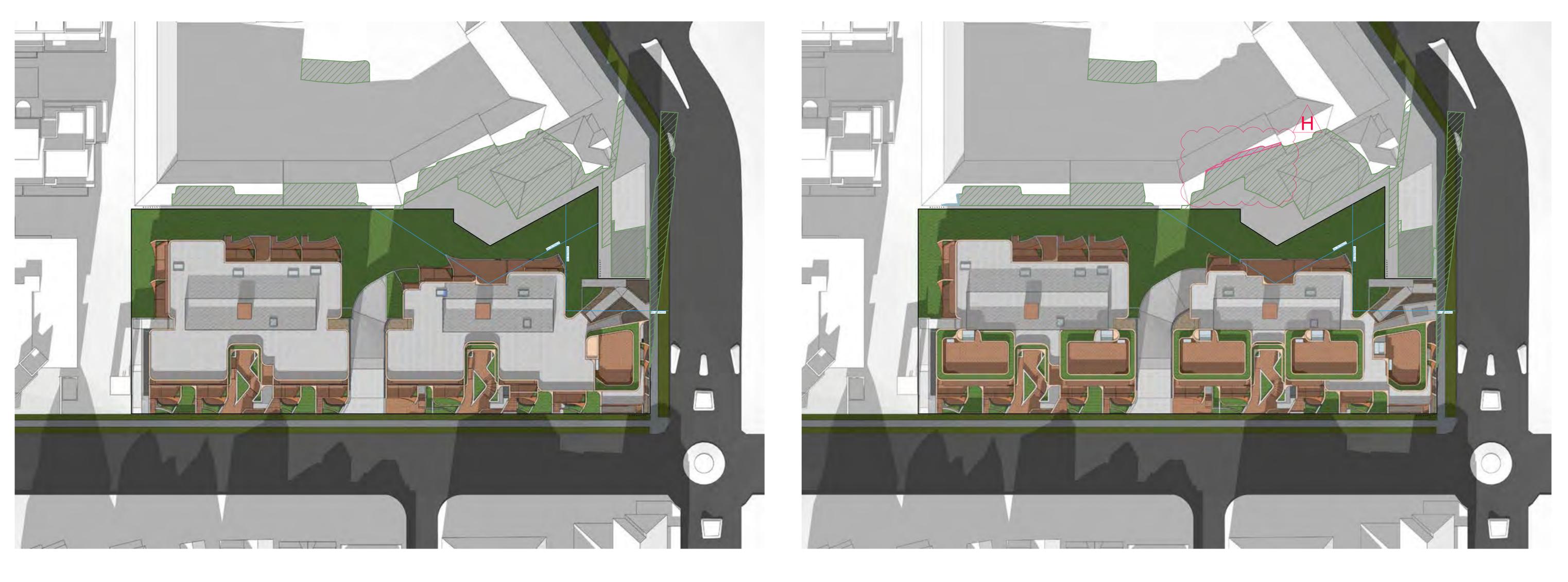
BOLLARD

SK-OP OPERABLE SKYLIGHT ST STORAGE





APPROVED - SOLAR EYE VIEW - 3PM



ISSUE

Н

DATE

DESCRIPTION

14.10.2022 ISSUED FOR COUNCIL RFI

APPROVED - SHADOW DIAGRAM - 3PM

PROJECT: PROPOSED RESIDENTIAL DEVELOPMENT 79-103 WELLINGTON STREET, BONDI

AMENDMENTS		
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PROPOSED- SOLAR EYE VIEW - 3PM



AMENDMENT LEGEND: PROPOSED AMENDMENT ITEM NO. (REFER TO LIST BELOW) AMENDMENT LIST:

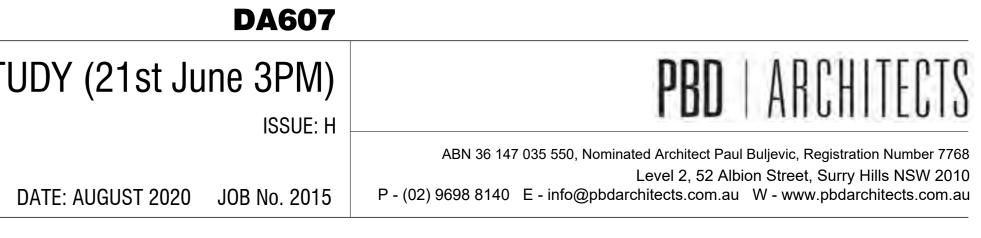
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 Glazing line to Level 2 Apartments (A.201, A.202 & B.204) extended. Balcony areas converted to internal space. Internal layouts reconfigured and new

SOLAR STUDY (21st June 3PM)

SCALE 1:250 @ A0 1:500 @ A2

LEGEND S4.55 REVISED SHADOWS CAST BY BUILDING ELEMENTS ABOVE 12.5M S4.55 REVISED SHADOW APPROVED DA SHADOW 







## Report to the Waverley Local Planning Panel

Application number	DA-274/2022	
Site address	Ground Floor Level, 80-82 Hall Street, Bondi Beach	
Proposal	Change of use to gymnasium, fitout, signage and extended trading hours	
Date of lodgement	5 July 2022	
Owner	Mr D Aron and Mr T and Ms M Orden	
Applicant	Mr M Bednarczyk, Archispectrum	
Submissions	27 unique objections, one petition (objection) with 31 signatures, nine letters of support and one petition in support with 26 signatures	
Cost of works	\$200,000	
Principal Issues	<ul> <li>Traffic and parking</li> <li>Hours of operation</li> <li>Noise</li> <li>Number of submissions</li> </ul>	
Recommendation	That the application be <b>APPROVED</b> in accordance with the conditions contained in the report	

SITE MAP



#### 1. PREAMBLE

#### 1.1. Executive Summary

The development application seeks consent for the change of use of the premises to a gymnasium (recreation facility (indoor)), internal fitout, signage and extended trading hours at the site known as 80-82 Hall Street, Bondi Beach.

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

- Traffic and parking
- Hours of operation
- Noise
- Number of submissions

The assessment finds these issues acceptable.

A total number of 27 unique objections, one petition (objection) with 31 signatures, nine letters in support and a petition with 26 signatures in support were received. One Councillor Submission was received. 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 20 September 2022.

The site is identified as Lot 78 in DP5953, known as 80-82 Hall Street, Bondi Beach. The subject tenancy is located on the ground floor level of the shop top housing development.

The site is rectangular in shape with a frontage to Hall Street measuring 12.19m and a frontage to Cox Avenue measuring 36.575m. It has an area of 445.8m<sup>2</sup> and is generally flat. The subject tenancy is located on the ground floor level of the recently approved four storey shop top housing development. The ground floor level tenancy has a total area of 170m<sup>2</sup> and was approved for retail purposes under the original development consent (DA-12/2018). The subject building is currently under construction and comprises basement level parking, ground level retail tenancy and ten residential apartments above. Vehicular access is provided from Cox Avenue. The subject tenancy has access to one off street car parking space.

The site is adjoined by semi-detached dwellings to the south-west on Cox Avenue and shop top housing development to the south-east with frontage to Hall Street. The locality is characterised by a variety of land uses including low density residential development to the south-west on Cox Avenue and the commercial shopping strips of Hall Street and Glenayr Avenue to the north, north-east and south-east.

A four storey shop top housing development is located opposite the subject site at the corner of Cox Avenue and O'Brien Street.

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



Figure 1: The subject site viewed from Hall Street looking south-east



Figure 2: The subject site viewed from Cox Avenue



Figure 3: The subject tenancy located at Ground Floor level



**Figure 4:** The subject tenancy at ground floor level viewed from Cox Avenue

#### 1.3. Relevant Development History

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

- **DA-12/2018** for the demolition of the existing building and the construction of a four storey shop top housing development containing two levels of basement car parking, ground level retail and 10 apartments above was approved by the Waverley Local Planning Panel (WLPP) on 28 November 2018.
- **DA-12/2018/A** for the deletion of condition 14 relating to the affordable housing contribution was approved by the Development and Building Unit (DBU) on 11 April 2019.
- **DA-12/2018/B** for modification including minor extension into approved balconies and changes to windows was approved by the DBU on 24 November 2021.

• **DA-12/2018/C** for modification to concrete the north-eastern corner of the basement and deletion of one visitor car space was approved by the DBU on 22 July 2022.

#### 1.4. Proposal

The development application seeks consent for the change of use of the ground floor level tenancy from retail to a gymnasium (recreation facility (indoor)), internal fitout, signage and extended hours of operation, specifically the following:

#### Physical works

#### Internal:

- Provision of studio area with an instructor stage at 98m<sup>2</sup>
- o Reception and lobby fitout
- o New lockers
- o Utility and glove storage area
- Reconfiguration of bathrooms with the addition of two showers

#### External:

- o Sign 1 illuminated window sign (855mm x 1,200mm)
- o Signs 2 & 3 door vinyl (200mm x 475mm and 425mm x 435mm)
- o Sign 4 illuminated top hamper sign (425mm x 3,050mm)
- Sign 5 illuminated hanging blade wall sign (300mm x 400mm)
- Sign 6 window vinyl (1,800mm x 2,300mm)
- Sign 7 Graphic window sign (2,500mm x 3,800mm)

#### Nature of Operation

- Proposed operating hours are 5.30am to 8.00pm Monday to Friday, 7.00am to 12 noon on Saturday and 8.00am to 12 noon on Sunday.
- Proposed maximum capacity is 20 patrons and two staff.
- Proposed fitness studio activities will operate as 45-minute group classes seven days per week. These classes will operate on a bookings' only system.
- Amplified music will be played.

#### 1.5. Background

The development application was lodged on 5 July 2022 and notified from 8 July 2022 until 1 August 2022. An updated Traffic and Parking Impact Assessment Report was requested on 19 September 2022 and submitted by the applicant on 19 October 2022.

#### 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)

There are no relevant SEPPs.

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

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

#### Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment	
Part 1 Preliminary			
1.2 Aims of plan Yes		The proposal is consistent with the aims of the Waverley LEP 2012	
Part 2 Permitted or prohibited development			
Land Use Table B4 Mixed Use Zone	Yes	The proposal is defined as a <i>Recreational Facility (Indoor)</i> , which is permitted with consent in the B4 Mixed Use zone.	

It is noted that the subject site has recently been rezoned to B2 Local Centre under Amendment No.24 of the Waverley LEP 2012 which was gazetted on 30 September 2022. As the DA was lodged prior to this date, savings provisions are applicable and Amendment No.24 does not apply to the subject proposal. It is noted, however, that *Recreation Facilities (indoor)* are still permitted with development consent in the B2 Local Centre 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
7. Accessibility and Adaptability	Yes	Satisfactory
		Satisfactory. See discussion below this table
8. Transport		
Zone 2		
Minimum parking rate:	Yes	

Development Control	Compliance	Comment
<ul> <li>Business and office premises: Nil</li> </ul>		
Maximum parking rate: • Business and office premises: 1.0/100m <sup>2</sup> GFA		
10. Safety	Yes	Satisfactory
12. Design Excellence	Yes	Satisfactory
15. Advertising and Signage	Condition	Satisfactory subject to conditions. See discussion below this table

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

Development Control	Compliance	Comment			
1.1 Other Policies, Strategies a	1.1 Other Policies, Strategies and Standards				
1.2 Design					
1.2.3 General Amenity	Yes	The subject building was approved by the WLPP on 28 November 2018 and enabled the construction of a shop top housing development which includes retail floor space at ground floor level.			
		That development application has already gone through an assessment of the impacts associated with the provision of a retail component at ground floor level in this location and found those impacts to not be unreasonable.			
		The subject premises could operate as a café or restaurant without the need for further development consent.			
		The change of use from retail to a recreation facility (indoor) is a use that is permissible with consent in the zone. The issue of noise has been addressed with the submission of an Acoustic Report and accompanying recommendations.			
		Conditions are also recommended be imposed in regards to hours of operation and noise attenuation. It is considered that the subject use is an appropriate use for the site.			
1.2.4 Noise	Yes	During the notification period, submissions were received which raise concern about noise and vibrations from the use of the site as a gymnasium.			
		The application has been reviewed by Council's Environmental Health Officer and suitable			

Development Control	Compliance	Comment
		conditions of consent are recommended to ensure that the premises does not give rise to unacceptable noise impacts. Discussion of the proposed hours of operation for the premises is set out in detail below.
1.3 Hours of operation		
B4 Mixed Use Zone	Merit	The application seeks consent to operate from
General base trading hours: Mon-Sat: 7am to 11pm Sun: 7am to 10pm	Assessment	5.30am to 8.00pm Monday to Friday and from 7.00am to 12 noon on Saturday and 8.00am to 12 noon on Sunday.
Extended trading hours on a 1 year trial basis will be considered up to Mon– Sun 6am to midnight.		The proposal for a 5.30am opening time Monday to Friday is beyond the permitted trading hours of operation stipulated under the Waverley DCP. Refer to further discussion below.

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

Development Control	Compliance	Comment
3.1 Specific controls		
Neighbourhood Centre 3.1.7 - Hall Street Town Centre	Yes	The subject site is located within the Hall Street Town Centre. The proposed use is consistent with the desired future character objectives of providing a business service.
3.2 Generic controls		
3.2.1 Land uses	Yes	The proposed use of the ground floor level for a gymnasium is consistent with the objectives and controls of this part of the Waverley DCP.

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

## Traffic and Parking

The Waverley DCP 2012 does not provide specific rates for the use of a premises as a recreation facility (indoor). Rates are provided for Business and Office premises, with a nil minimum specified. The subject tenancy has access to one off street car parking space at Basement level, which was provided as part of the development of the site for shop top housing approved under DA-12/2018.

A number of the submissions received during notification of the application raised concerns with the potential traffic to be generated by the proposed use and the impact on parking supply and demand in nearby streets, particularly the adjoining Cox Avenue, which is a local residential street. The submitted Traffic and Parking Assessment Report submitted with the original application documentation did not provide survey data on parking supply in Cox Avenue. This report has since been updated to include the

survey data for Cox Avenue (*Traffic and Parking Assessment Report prepared by Motion Traffic dated October 2022*).

The Report states that the proposed gym will rely on public parking. A parking survey has been undertaken of the supply of car parking in surrounding streets during peak operating times of the gym. The Report has demonstrated that there is sufficient supply of car parking in the surrounding streets to accommodate the proposed use. It is likely that the gym will be frequented by local clientele who may walk or cycle to the studio with the Report concluding that the *proposed gym is expected to generate a low number of additional trips in the weekday and Saturday peak hours where the gym attendance is at the highest*. The studio will experience peak operating times during the early morning and afternoon periods which can be accommodated from the parking survey data presented in the submitted Traffic report.

The development application was also referred to Council's Traffic Engineer who raised no objections.

Given the nil requirement for car parking under the Waverley DCP 2012 and the results of the Traffic report submitted, it is considered that this does not provide a reason for refusal of the application.

### Hours of Operation and Noise

The application seeks consent for extended trading hours to operate from 5.30am, Monday-Friday. Section 1.3 of Part D1 of Waverley DCP 2012 allows the following base trading hours within the B4 Mixed Use Zone:

- a) General base trading hours:
  - (i) Monday to Saturday: 7.00am to 11.00pm; and
  - (ii) Sunday: 7.00am to 10.00pm.
- b) Extended trading hours on a 1 year trial basis will be considered up to:
  - (i) Monday Sunday: 6am to midnight.

The Waverley DCP 2012 states that 'Council recognises that a number of uses may require longer trading hours' which will be subject to an additional merit assessment. The proposal will trade beyond the permitted hours, requesting consent to operate from 5.30am Monday to Friday.

Council has previously approved this type of use (ie. gymnasium) in the immediate vicinity with operations only commencing at 6:00am. Nearby fitness studios and their approved hours of operation are detailed in the table below:

Address	DA No. & Proposal	Approved Hours
151 Curlewis Street	DA-214/2015	4 August 2015
Yoga Studio (Yoga	Change of use to a Yoga Studio and	7am-9pm Mon-Sun
Bar)	Fitout	6am-9pm Mon-Sun (1 year trial
		period)
155 Curlewis Street	DA-506/2017	7 February 2018
F45 Training Studio		6am-8pm Mon-Fri
(gym)		7am-6pm Sat-Sun

#### Table 5: Approved Hours of Operation of Nearby Fitness Studios

	Proposed alterations and change of use of premises to a gymnasium (F45 Training)	
<b>40 Hall Street</b> BodyMindLife Bondi	<b>DA-243/2018</b> Fitout of yoga studio with associated retail area and juice/coffee bar	<b>25 June 2009</b> 6am-10pm Mon-Sun
145-149 Curlewis	DA-337/2013/A	26 February 2019
<b>Street</b> Beachfit	Modification to change opening hours of gymnasium from 7am to 6am	6am-11pm Monday to Saturday and 6am to 10pm on Sunday (two year trial period)
178 Campbell	DA-95/2019	15 July 2019
Parade	Change of use to a fitness studio	7.00am-7.30pm (Monday- Sunday)
Lean Bean Fitness	and associated signage	6.00am–7.00am (Monday–Sunday) (1 year trial period)
178 Campbell	DA-163/2020	5 August 2020
Parade	Change of use to an Indoor	7.00am-7.30pm Monday-Sunday
Befit Training	Recreational Facility and associated fit out works to shop 15	6.00am-7.00am Monday to Sunday (1 year trial period)
	DA-163/2020/A	4 May 2022
	Modification to enable extended trading hours	7.00am-7.30pm Monday-Sunday
		5.30am-7.00am Monday to Sunday (1 year trial period)

The Waverley DCP 2012 allows an extension of trading hours on a trial basis only, which is renewed at the expiration of each trial period. Notwithstanding, extending trading to commence at 5.30am, beyond the permitted hours of the DCP, is not considered acceptable as no other gym in the *immediate* vicinity has been granted to operate this early.

It is acknowledged that there has been a recent approval for trial period for Befit at 178 Campbell Parade to operate from 5.30am (DA-163/2020/A). This business has been operating for a few years under a 6am trial period and is located along the Campbell Parade strip. It is also acknowledged that Council has granted extended hours, including a trial 24-hour operation, to other fitness centres in the Local Government Area (LGA); however, this is in circumstances where the business model is one where patrons work out individually on equipment in isolation, rather than a class-led type of environment.

An Acoustical Report prepared by Koikas Acoustics was submitted with the DA, which provided operational recommendations. This Acoustic Report has also since been amended to provide additional recommendations to address potential noise impacts. The application was referred to Council's Environmental Health officer who raised no objection, subject to conditions.

In addition, the required Plan of Management (POM) includes reference to noise and complaint management. The following management measures are also recommended to be included:

- Restricting the use of amplified music.
- Additional measures as detailed in the Acoustic Report including the dedicated free wights area being provided with a flooring system which is constructed with one layer of 15mm impact tile over two layers of 30mm Olympact, boxing bags and the floor mounted structure being suitably isolated such that their use does not result in structure borne noise transmission.
- It is recommended that a condition be imposed restricting window/door openings to after 7am daily.

Subject to conditions on noise attenuation measures being implemented, it is recommended that a oneyear trial period be granted for the gymnasium to operate from 6:00am Monday to Friday. This will provide the applicant with the opportunity to demonstrate that operation of the gym would not result in amenity impacts within the locality. The approval recommendation is conditioned accordingly.

It is also recommended that although the gym proposes an 12 noon closing time on Saturday and Sunday, that the weekend operation be allowed to trade until 5pm given its location in this commercial strip, to enable the applicant to operate without further need for a modification application.

#### Advertising and Signage

The development application includes the installation of seven business identification signs, which include as follows:

#### Hall Street

- Sign 1 illuminated window sign (855mm x 1,200mm) red in colour reading 'Rumble'
- Signs 2 & 3 door vinyl (200mm x 475mm and 425mm x 435mm) red in colour reading "Rumble'.
- Sign 4 illuminated top hamper sign (425mm x 3,050mm) red in colour with white background reading 'Rumble Boxing'.
- Sign 5 illuminated hanging blade wall sign (300mm x 400mm) red in colour reading 'Rumble' in the shape of a teardrop shaped boxing bag.

#### Cox Avenue

- Sign 6 window vinyl (1,800mm x 2,300mm) red in colour reading 'Rumble' in the shape of a teardrop shaped boxing bag.
- Sign 7 Graphic window sign (2,500mm x 3,800mm) floor to ceiling red sign reading 'Do you Rumble' (non-illuminated)

Part B15 of Waverley DCP 2012 outlines the objectives and controls for the erection and display of advertising signage. The objectives seek to, amongst other things, *promote innovative, unique and creative signs that support retailers and businesses, to ensure signage respects the architectural style of the building, contributes to the character of streetscape and is consistent with land uses and to ensure the amenity of any adjacent non-commercial or residential uses.* Controls seek to ensure that signage does not dominate the façade of buildings, is integrated into the design of the building, the colour used reflects the colour scheme of the building with corporate colours being limited to the sign or structure. Careful consideration is to be given to the use of red, green or amber near signalised intersections. Part B15.2.5 outlines specific controls for signage in areas located within local village centres such as the subject site, which is located within the Hall Street Town Centre under the Waverley DCP 2012.

It is considered that the proposed signage to the Hall Street frontage of the building is compatible with the commercial use of this ground floor tenancy in this Bondi location. The signage is innovative and interesting denoting the business identification in its corporate colours. The use of red in this location is acceptable as there is no signalised traffic lights within proximity of the site. It is considered, however, that the proposed size of the window signs to the Cox Avenue frontage (signs 6 and 7) are excessive in this location and are not supported. Any approval recommendation is conditioned accordingly. Any signage to this frontage should be kept to a minimum given its proximity to the neighbouring Cox Avenue residential area.

#### 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.

#### Patron Capacity

In accordance with the Part D1.13 of the National Construction Code (NCC) a gym is permitted 1 person for every 3m<sup>2</sup> of floor area. With a floor area (excluding toilets/ lobby/ hallway) of 140m<sup>2</sup>, the use can have a maximum capacity of 46 persons. Therefore, a capacity of 22 persons (including staff) is acceptable.

#### 2.4. Any Submissions

The application was notified for over 14 days from 8 July to 1 August 2022 in accordance with the *Waverley Community Development Participation and Consultation Plan*. A total of 27 unique objections were received from the following properties:

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

Count	Property Address
1.	2 Cox Avenue, Bondi Beach
2.	9 Cox Avenue, Bondi Beach
3.	10 Cox Avenue, Bondi Beach
4.	13 Cox Avenue, Bondi Beach
5.	14 Cox Avenue, Bondi Beach
6.	15 Cox Avenue, Bondi Beach
7.	16 Cox Avenue, Bondi Beach
8.	17 Cox Avenue, Bondi Beach
9.	18 Cox Avenue, Bondi Beach
10.	19 Cox Avenue, Bondi Beach
11.	Unit 4/ 20 Cox Avenue, Bondi Beach
12.	21 Cox Avenue, Bondi Beach
13.	23 Cox Avenue, Bondi Beach
14.	25 Cox Avenue, Bondi Beach
15.	26 Cox Avenue, Bondi Beach

16.	27 Cox Avenue, Bondi Beach
17.	31 Cox Avenue, Bondi Beach
18.	33 Cox Avenue, Bondi Beach
19.	39 Cox Avenue, Bondi Beach
20.	41 Cox Avenue, Bondi Beach
21.	45 Cox Avenue, Bondi Beach
22.	14 O'Brien Street, Bondi Beach
23.	Unit 10/ 14 O'Brien Street, Bondi Beach
24.	Unit 36/ 14 O'Brien Street, Bondi Beach
25.	No address given x 3

A petition containing 31 signatures objecting to the development application was also submitted. One Councillor submission was received concurring with as residents objection.

Nine written submissions were provided in support of the application and a petition signed by 26 people was also submitted in support. The submissions in support appear to have been received from some properties within the LGA however, not from properties adjoining the subject premises.

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

- Traffic and parking
- Hours of operation
- Noise
- Advertising signage is uncharacteristic of the area

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

#### Issue: The proposal for a boxing gym promotes violence

**Response:** There is no evidence to suggest that the use as a boxing gym would promote violence. The use seeks to promote the benefits of fitness and wellbeing in a structured class base environment which is similar to other class based gyms in vicinity of the subject site.

#### Issue: Cox Avenue not included and inaccuracies in the Traffic Report

**Response:** The Traffic report has since been updated to include the survey data for Cox Avenue and to correct the inaccuracies (*Traffic and Parking Assessment Report prepared by Motion Traffic dated October 2022*).

#### 2.5. Public Interest

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

#### 3. REFERRALS

The following internal and external referral comments were sought:

#### 3.1. Traffic and Development

The application was referred to Council's Traffic Engineer who raised no objections.

#### 3.2. Environmental Health

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

#### 3.3. Waste

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

#### 4. CONCLUSION

The development application seeks consent for a change of use to gymnasium, fitout, signage and extended trading hours at the site known as Ground Floor Level, 80-82 Hall Street, Bondi Beach.

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

- Traffic and parking
- Hours of operation
- Noise
- Number of submissions

The assessment finds these issues acceptable.

A total number of 27 unique submissions were received and one Councillor submission was recieved and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation.

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

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

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

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

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

## 5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the 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:
JZancanaw	SM
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: 1 November 2022	Date: 9 November 2022

Reason for WLPP referral:

1. Contentious development (10 or more objections)

# APPENDIX A – CONDITIONS OF CONSENT

## A. APPROVED DEVELOPMENT

#### **1. APPROVED PLANS AND DOCUMENTATION**

The development must be in accordance with:

(a) Architectural Plans prepared by Archispectrum including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
A3 DA01 Rev.a	Existing Tenancy Plan	19/08/2022	19/10/2022
A3 DA02 Rev.a	Proposed Tenancy Plan	19/08/2022	19/10/2022
A3 DA04 Rev.a	East Elevation & Signage Details	19/08/2022	19/10/2022
A3 DA05 Rev.a	North Elevation & Signage Details	19/08/2022	19/10/2022

- (b) Plan of Management prepared by Archispectrum dated May 2022 and received by Council on 05/07/2022.
- (c) Acoustical Report prepared by Koikas Acoustics Pty Ltd Reference No:3693R2022060lm80-82HallStBondi\_DA dated 10 June 2022 and received by Council on 5 July 2022, as amended by updated Acoustical Report prepared by Koikas Acoustics Pty Ltd Reference No:3693R20221017lm80-82HallStBondi\_DA dated 18 October 2022 and received by Council on 19 October 2022.
- (d) The Site Waste and Recycling Management Plan (SWRMP) Part 1 (05/07/2022).

Except where amended by the following conditions of consent.

#### 2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

(a) Deletion of the proposed Sign 6 and Sign 7 from the Cox Avenue elevation of the subject Ground Floor level tenancy.

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

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

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

#### **GENERAL REQUIREMENTS**

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

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

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

#### **CONTRIBUTIONS, FEES & BONDS**

#### 4. 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 <u>full</u> 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 **\$7,050** 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.

<u>Note</u>: 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.

#### NOISE

#### 7. NOISE – ACOUSTIC REPORT

Implementation of all the recommendations and measures as outlined in the Acoustical Report prepared by Koikas Acoustics Pty Ltd Reference No:3693R2022060lm80-82HallStBondi\_DA dated 10 June 2022 and received by Council on 5 July 2022, as amended by updated Acoustical Report prepared by Koikas Acoustics Pty Ltd Reference No:3693R20221017lm80-82HallStBondi\_DA dated 18 October 2022 and received by Council on 19 October 2022. Any recommendations contained within these Acoustic reports relating to construction matters are to be included as part of the Construction Certificate.

## 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

#### 8. 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.

#### 9. 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**

#### **10. 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*.

#### **11. 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.

#### **12. 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.

#### **13. WORK OUTSIDE PROPERTY BOUNDARY**

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

## 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.

#### **CERTIFICATION AND LICENCES**

#### **14. 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.

#### **15. ACOUSTIC REPORT RECOMMENDATIONS**

Implementation of all the recommendations and measures as outlined in the Acoustical Report prepared by Koikas Acoustics Pty Ltd Reference No:3693R2022060lm80-82HallStBondi\_DA dated 10 June 2022 and received by Council on 5 July 2022, as amended by updated Acoustical Report prepared by Koikas Acoustics Pty Ltd Reference No:3693R20221017lm80-82HallStBondi\_DA dated 18 October 2022 and received by Council on 19 October 2022.

A Certificate of Compliance prepared by a suitably qualified acoustic consultant is to be submitted to the Principal Certifying Authority and Council certifying that the recommendations made in the Acoustical Report have been satisfied and Council's noise criteria has been met prior to the issue of an Occupation Certificate.

#### 16. AMENDED PLAN OF MANAGEMENT – GENERAL USE

An amended Plan of Management (PoM) is to be submitted for the operation of the premises and is to be amended to include details of the operational and management procedures as well as pro-active measures to control the following:

- (a) Amenity impacts to the surrounding neighbourhood of the premises;
- (b) Compliance with conditions (relating to patron capacity, approved hours of operation, any trial periods, noise conditions, handling of complaints);
- (c) The behaviour of patrons;
- (d) Other such operational matters to ensure compliance with relevant regulatory requirements.

The amended PoM shall be submitted to and approved by Council's Executive Manager, Development Assessment (or delegate) prior to the issue of any Occupation Certificate.

## E. OPERATIONAL MATTERS

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

#### **17. HOURS OF OPERATION**

#### (a) Hours of Operation

The hours of operation are restricted to:

Monday to Friday: 7.00am to 8.00pm Saturday and Sunday: 7.00am to 5.00pm

#### (b) Trial Period

Irrespective of sub clause (a), the hours of operation for the premises may operate for a one (1) year trial period as follows:

Monday to Friday: 6.00am to 7.00am

The trial period starts from the date of approval and ceases on the anniversary of that date. A further development application or Section 4.55 application may be lodged before the expiration date for Council's consideration for the continuation of the use.

Council's consideration of this further application will take into account the:

- i. compliance of the premises in terms of security and its general management;
- ii. number and nature of substantiated complaints regarding the operation of the premises;
- iii. compliance with conditions of consent; and
- iv. any other matters considered relevant to the environmental evaluation of the premises.

#### **18. SIGNAGE TO BE DISPLAYED**

(a) Signage (in lettering not less than 25mm in height on a contrasting background) is to be erected in a prominent position near the main entry to the premises. The signage shall state:

Approved hours of operation

Monday to Friday: 6.00am to 8.00pm Saturday and Sunday: 7.00am to 5.00pm (Trial Period)

Approved patron capacity 22 persons

#### 19. OPERATION IN ACCORDANCE WITH PLAN OF MANAGEMENT (PoM)

- (a) The operation and management of the premises shall be in accordance with a Council approved Plan of Management (PoM) at all times.
- (b) The approved PoM shall be adopted by the Management of the premises.
- (c) The plan shall be reviewed (at minimum) on an annual basis, and at any time there is a change in business ownership of the premises.

#### 20. COPIES OF CONSENTS AND MANAGEMENT PLANS

A full copy of all current development consents (including approved plans) for the operation of the premises, any Registers required and any required Plan of Managements must be kept on the premises and made available for inspection immediately upon request by Council Officers.

#### 21. MAXIMUM PATRON CAPACITY

(a) The approved patron capacity for the premises is limited to:

20 patrons and 2 staff at any one time Total of 22 persons

- (b) Management are responsible for ensuring the number of patrons in the premises does not exceed the approved capacity specified in sub clause (a).
- (c) The patron numbers are limited to the gymnasium use only. If at any time in the future, the use of the premises is changed from a gymnasium, the maximum patron capacity specified within sub clause (a) will apply to the new use.

#### AMENITY & SAFETY

#### 22. USE OF PREMISES

- (a) The premises are to be used as a gymnasium only.
- (b) The gym is to be staffed at all times when open to members.
- (c) No alcohol or prohibited substances are to be consumed at the premises at any time and members are to be advised that attending the premises intoxicated will lead to the cancellation of their membership.
- (d) No amplified noise/music is to occur between the trial period hours of 6.00am and 7.00am, daily.

#### 23. CLOSURE OF WINDOW/ DOOR OPENINGS

To minimize any transmission of noise from the premises to nearby residential buildings:

- (a) The window/ door openings on all frontages shall not be opened until 7.00am each day and be closed by 8.00pm each day (excluding the main doorway to Hall Street which may be opened when being utilized for entry and exit purposes).
- (b) The doors and windows on all frontages leading to and from internal areas of the premises shall be acoustically treated.

#### 24. AMENITY

The management of the premises is to:

- (a) Ensure that the manner in which the business of the premises is conducted and/or the behaviour of persons entering and leaving the premises does not cause undue disturbance to the amenity of the neighbourhood.
- (b) Record in a formal register full details of any disturbance complaint/s made by a person to management or staff in respect to the manner in which the business of the premises is conducted and/or the behaviour of persons entering or leaving the premises. Such recording will include time, date, nature of the complaint/s and any complainant details if provided.
- (c) Respond to any disturbance complaint/s in a timely and effective manner. All actions undertaken by management / staff to resolve such complaint/s shall be recorded in the register.

#### 25. NOISE EMISSIONS

The use of the premises shall not give rise to the transmission of "Offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.

#### 26. NOISE FROM SPEAKERS

All speakers shall:

- (a) be placed on anti-vibration mountings;
- (b) be completely independent of the building structure (particularly where there is a residential portion in the building); and
- (c) be positioned so noise does not emanate in the direction of residential premises.

#### 27. NOISE COMPLAINTS

If, during on-going use of the premises, substantiated complaints of breaches of noise emission conditions and/or the Protection of the Environment Operations Act, 1997 occur, an acoustic report assessing the impact of the operation will be required to be carried out by a suitably qualified acoustic consultant. The report is to be submitted to the satisfaction of Council's Health Compliance Unit within 60 days of written request. The investigation shall include, but not be limited to:

- (a) The identification of sensitive noise receivers potentially impacted by the proposal;
- (b) The quantification of the existing acoustic environment at the receiver locations (measurement techniques and assessment period should be fully justified and accordance with relevant Australian Standards and NSW Environment Protection Authority (EPA) requirements);
- (c) The 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 use and the subsequent predictions of resultant noise at the identified sensitive receiver locations from the operation of the use. Where appropriate the predication procedures must be justified and include an evaluation of prevailing atmospheric conditions that may promote noise propagation;
- (e) A statement indicating that the operation of the premises complies with the relevant criteria together with details of acoustic control measures that will be incorporated into the development/use, will not create adverse noise impacts to surrounding development.

#### 28. SURVEILLANCE CAMERAS TO BE MAINTAINED ON THE PREMISES

The Management must maintain a closed-circuit television (CCTV) system on the premises. The CCTV system must comply with the following requirements:

(a) It must record continuously from opening time until one hour after the premises are required to close (or, in the case of premises that are not required to cease trading, continuously at all times),

- (b) It must record in digital format and at a minimum of 15 frames per second,
- (c) Any recorded image must specify the time and date of the image;
- (d) The system's cameras must cover:
  - i. all entry and exit points of the premises,
  - ii. the footpath immediately adjacent to the premises,
  - iii. all publicly accessible areas (other than toilets) on the premises.
- (e) CCTV recordings must be retained for at least 30 days.
- (f) Signage shall be clearly displayed adjacent to the principal entry alerting persons entering the premises that CCTV is in operation.
- (g) Ensure that at least one member of staff is on the premises at all times the premises is trading who is able to access and fully operate the system, including downloading and producing recordings of CCTV footage.
- (h) Provide any recordings made by the system to an Authorised Council or Police Officer within 24 hours of any request by an Authorised Council or Police Officer to provide such recordings.
- (i) An internal monitor shall be positioned within the premises in such a position that patrons attending the premises will be alerted to the images depicted. The monitor will stream respective images from the CCTV system making it clear that patrons on the premises are under CCTV surveillance. Appropriate signage will further advise that patrons actions are being recorded

## **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 <u>info@waverley.nsw.gov.au</u> 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.

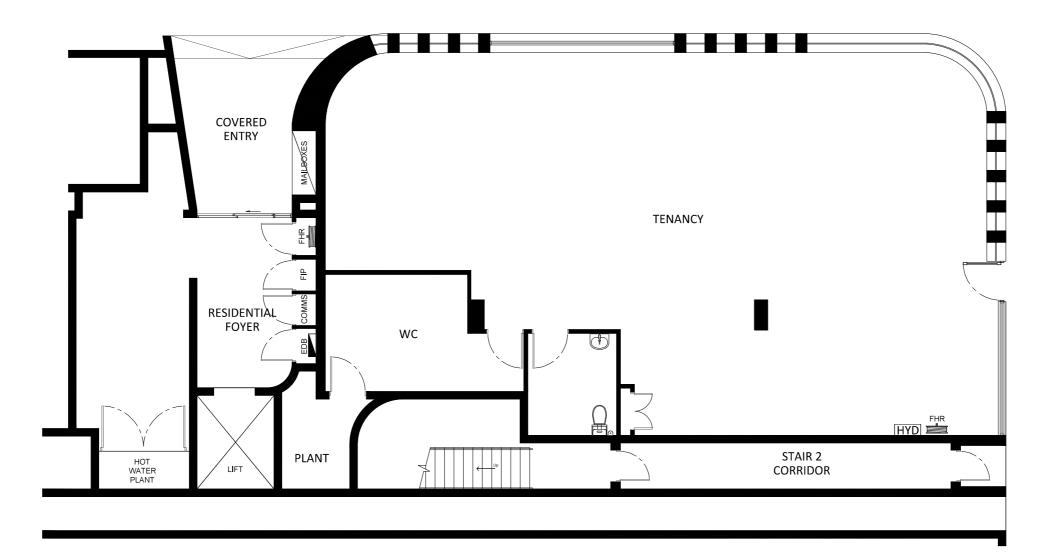
#### AD2. SIGNS/GOODS IN THE PUBLIC WAY

No signs or goods are to be placed on the footway or roadway adjacent to the property.

#### AD3. 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.

RECEIVED Waverley Council









DESCRIPTION DATE ISSUE

А В 17.06.2022 DA Issue to Council 19.08.2022 Revised Issue to Council

PROJECT **BFS Rumble Bondi NSW** 80-82 Hall Street, Bondi Beach NSW

CLIENT **BFS Rumble Bondi NSW** 80-82 Hall Street, Bondi Beach NSW

Page 417 of 560

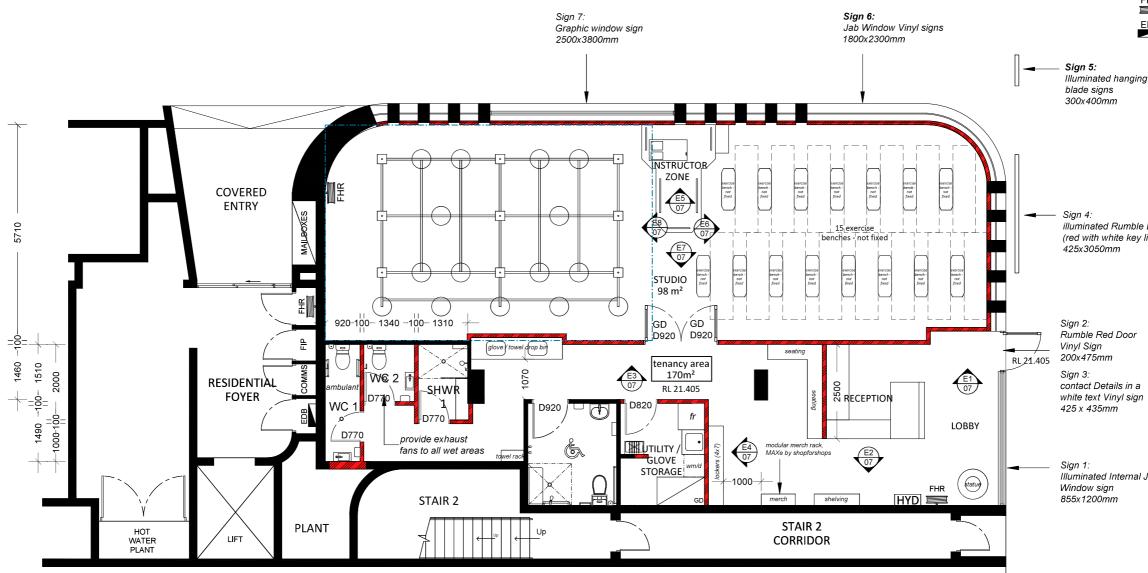
Application No: DA-274/2022

Date Received: 19/10/2022

## SHEET TITLE: **Existing Tenancy Plan**

SCALE: 1:100 @ A3 DRAWN: T.B.A





-100-4550 3020



SCALE: 1:100



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DATE DESCRIPTION ISSUE

А

В

17.06.2022 DA Issue to Council 19.08.2022 Revised Issue to Council

PRO IEC **BFS Rumble Bondi NSW** 80-82 Hall Street, Bondi Beach NSW



Page 418 of 560

## RECEIVED Waverley Council

# Application No: DA-274/2022

## Date Received: 19/10/2022



LEGEND:

existing wall to remain new 13mm plasterboard wall glazed wall glazed door denotes width of doorleaf Tap + waste (hose point) fire hose reel

electrical distribution board

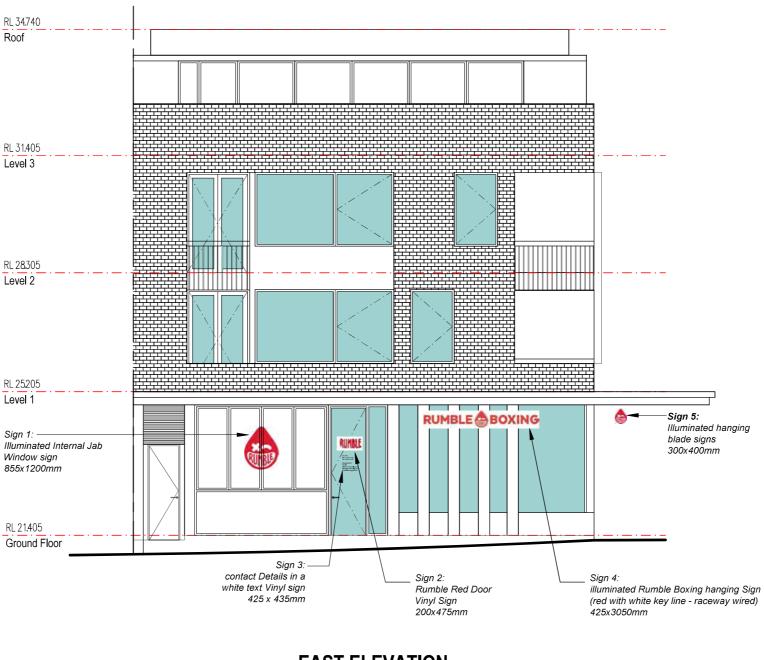
illuminated Rumble Boxing hanging Sign (red with white key line - raceway wired)

Rumble Red Door contact Details in a white text Vinyl sign

Illuminated Internal Jab

#### SHEET TITLE: **Proposed Tenancy Plan**









DESCRIPTION ISSUE DATE 17.06.2022 DA Issue to Council А В

19.08.2022 Revised Issue to Council

PROJECT **BFS Rumble Bondi NSW** 80-82 Hall Street, Bondi Beach NSW

#### CLIENT **BFS Rumble Bondi NSW** 80-82 Hall Street, Bondi Beach NSW

Page 419 of 560

## RECEIVED Waverley Council

Application No: DA-274/2022

Date Received: 19/10/2022

#### SHEET TITLE: East Elevation & Signage Details











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DESCRIPTION ISSUE DATE

17.06.2022 DA Issue to Council А В

19.08.2022 Revised Issue to Council

PROJECT **BFS Rumble Bondi NSW** 80-82 Hall Street, Bondi Beach NSW

CLIENT **BFS Rumble Bondi NSW** 80-82 Hall Street, Bondi Beach NSW

Page 420 of 560

#### SHEET TITLE: North Elevation & Signage Details

SCALE: 1:100 @ A3 DRAWN: T.B.A

SHEET SIZE: DWG NO: A3 DA05 a

REVISION:





# Report to the Waverley Local Planning Panel

Application number	DA-358/2022		
Site address	24 Jensen Avenue, VAUCLUSE		
Proposal	Demolition of semi-detached dwelling and construction of a new two- storey dwelling		
Date of lodgement	29 August 2022		
Owner	Doctor M A Skopek		
Applicant	Wincrest Group Pty Ltd		
Submissions	19 submissions		
Cost of works	\$772,342.00		
Principal Issues	<ul> <li>Biodiversity</li> <li>Design Excellence</li> <li>Setbacks</li> <li>Streetscape and visual impacts</li> <li>Fences</li> <li>Semi-detached controls.</li> </ul>		
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 to demolish a semi-detcahed dwelling and construct a new two-storey detached dwelling house at the site known as 24 Jensen Avenue, Vaucluse.

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

- Biodiversity
- Design Excellence
- Setbacks
- Streetscape and visual impacts
- Fences
- Solar access
- Semi-detached controls non-compliance.

The assessment finds these issues unacceptable as the proposed development would set a dangerous precedent for all adjacent semi-detached dwellings in terms of damage to the streetscape and the dissociation of semi-detached pairs from each other.

A total number of 19 unique submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation.

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

#### 1.2. Site and Surrounding Locality

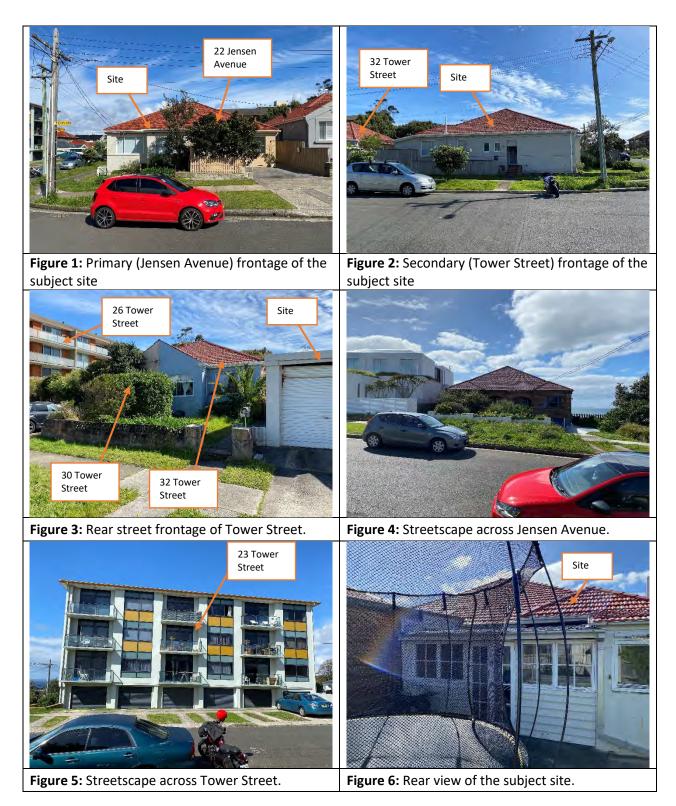
A site visit was carried out on 13 October 2022.

The site is identified as Lot 2 in DP 225535, known as 24 Jensen Avenue, Vaucluse.

The site is irregular in shape, with a primary frontage to Jensen Avenue, measuring 4.57m and a secondary frontage to Tower Street, measuring 27.43m. It has an area of 234.9m<sup>2</sup> and is generally flat.

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

The site is adjoined by a row of one to two-storey semi-detached dwellings along Jensen Avenue. To the rear of the site is a pair of semi-detached dwellings with a residential flat building (RFB) further behind. Across Tower Street is another RFB. Across Jensen Avenue are some semi-detached and detached dwellings. 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.

#### 1.3. Relevant Development History

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

- **DA-528/2021 Withdrawn** 17 February 2022; Demolition of a single-storey semi-detached dwelling.
- L-748/2000 Refused 26 June 2011; Alteration and addition to existing residential building.

#### 1.4. Proposal

The development application seeks consent for a new dwelling house, specifically the following:

- Demolition of existing semi-detached dwelling; and
- The new detached dwelling including the following:
  - Ground floor: Media room; Bathroom; Kitchen, living and dining room; Front verandah; Rear alfresco
  - First Floor: Three bedrooms; One bathroom and one ensuite; Front balcony.

#### 1.5. Background

The development application (DA) was lodged on 29 August 2022.

Following Council's Development and Building Unit consideration and resolution to not support the DA, the applicant was given the chance to withdraw the DA on 18 October 2022. The applicant chose not to withdraw the 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 1 March 2022 and have been considered acceptable in the assessment of this development application:

- SEPP (Building Sustainability Index BASIX) 2004
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021.

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

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

Table 1: Waverley L	EP 2012	Compliance Table
---------------------	---------	------------------

Provision	Compliance	Comment		
Part 1 Preliminary				
1.2 Aims of plan	Yes	The proposal is considered consistent with the aims of the plan.		
Part 2 Permitted or prohibited de	velopment			
Land Use Table R2 Low residential Zone	Yes	The proposal is defined as a new detached 'dwelling house' permitted with consent in the R2 zone.		
Part 4 Principal development star	Part 4 Principal development standards			
<ul><li>4.3 Height of buildings</li><li>8.5m</li></ul>	Yes	The overall building height of the proposal is6.78m, measured to the parapet ridge at RL 82.435 above the existing ground level.		
<ul> <li>4.4 Floor space ratio (FSR) and</li> <li>4.4A Exceptions to floor space ratio</li> <li>0.85:1 (198.87m<sup>2</sup>)</li> </ul>	Yes	The proposal has a gross floor area of 160.97m <sup>2</sup> or an FSR of 0.69:1 and complies.		

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, a Site Waste and Recycling Plan was submitted. The architectural plans show the bin storage area being along the front passage along the southern property boundary.
2. Ecologically Sustainable Development	Yes	Satisfactory, a BASIX certificate was submitted.
3. Landscaping and Biodiversity	No	The proposal was reviewed by Council's Environmental Sustainability Officer, who found the landscape plan unsatisfactory. Refer to section 3 of this report on referral commentary in relation to Biodiversity.
5. Vegetation Preservation	Yes	The Council's Tree Management Officer has reviewed the proposal and raised no objection, subject to conditions. Refer to section 3 of this report on referral commentary and recommended conditions.

Development Control	Compliance	Comment
6. Stormwater	Yes	Council's Stormwater Design Engineers raise no objection to the proposal, subject to conditions. Refer to section 3 of this report on referral commentary and recommended conditions.
<ul> <li>8. Transport</li> <li>Minimum parking rate: <ul> <li>Nil</li> </ul> </li> <li>Maximum parking rate: <ul> <li>1 space for 2 or less bedrooms</li> <li>2 spaces for 3 or more bedrooms.</li> </ul> </li> </ul>	Yes	Council's Traffic Engineers have reviewed the proposal to maintain the existing car spaces. Refer to Table 3 of this report on referral commentary and conditions.
12. Design Excellence	No	Unsatisfactory, the design of the detached dwelling has not achieved a high standard of architectural design, materials and detailing appropriate to the building's location. The form and external appearance of the proposal are detrimental to the quality and amenity of neighbouring propertiesand the public domain. The proposal destroys the relationship of the existing development with its adjoining semi- detached dwelling at 22 Jensen Avnue by ignoring the streetscape bulk, massing and modulation of the building within the visual catchment. The proposed detached dwelling is detrimental to the overall urban design quality and is a poor design response to the context, and is therefore, strongly not supported.

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

Development Control	Compliance	Comment
2.0 General Objectives		
	No	The proposed development significantly detracts from the amenity of other dwellings and public views. The proposal is not sympathetic in its bulk, scale and character. Furthermore, the proposal contravenes several DCP controls, as further discussed below.

Development Control	Compliance	Comment
2.1 Height		
<ul><li>Flat roof dwelling house</li><li>Maximum wall height of 7.5m</li></ul>	Yes	The proposal utilises a skillion roof with a very shallow pitch, less than 10 degrees from a horizontal base. The external wall height is approximately 7.1m above the existing ground level.
2.2 Setbacks		
<ul> <li>2.2.1 Front and rear building lines</li> <li>Predominant front building line</li> <li>Predominant rear building line at each floor level</li> </ul>	No Partial	The proposal's front (eastern) building line sits in line with the ground floor building line of its adjoining semi-detached dwelling at22 Jensen Avenue. However, the introduction of the front terrace and balcony pushes the front building line forward by 1.5m, establishing a new predominant front setback. This proposed new front setback is an unsatisfactory outcome. The proposal's rear (western) building line sits forward by 0.4m on the ground floor compared
		to 22 Jensen Street. This is an unsatisfactory outcome. Regarding the first floor, no predominant rear building line has been established within the proximity of the subject site. As such, this is a satisfactory outcome.
<ul> <li>2.2.2 Side setbacks</li> <li>Minimum of 0.9m (for height up to 8.5m)</li> </ul>	No	The proposal seeks a northern side setback of a minimum of 0.312m. As the proposal is for a detached dwelling, the minimum requirement of 0.9m side setback is not met, resulting in non- compliance. The northern external wall of the first floor is satisfactory, with a 1.14m side setback.
		The southern external walls comply with a 1.24m ground floor side setback and a 1.95m first floor side setback.
2.3 Streetscape and visual imp		
<ul> <li>New development to be compatible with streetscape context</li> <li>Replacement windows to complement the style and proportions of existing dwelling</li> <li>Significant landscaping to be maintained.</li> </ul>	No	The proposed demolition and construction of a detached dwelling contradicts the established semi-detached dwelling row of which the development is part of. The proposal does not respond, nor is it compatible with the essential elements that make up the surrounding area's character, a series of semi-detached pairs. The proposed demolition of part of a semi- detached dwelling pair for the development of a detached dwelling will erode and dominate the character of the streetscape when viewed from a

Development Control	Compliance	Comment
<ul> <li>Porticos only permitted where a character of the streetscape</li> </ul>		<ul> <li>public place, particularly as it is on a corner site,</li> <li>due to its lack of response to the site and</li> <li>surrounding context.</li> <li>The proposed front verandah significantly</li> <li>reduces the amount of front landscaping</li> <li>established by the site's existing semi-detached</li> </ul>
2.4 Fences		dwelling and its pair.
Front:	No	Unsatisfactory, no information has been provided
<ul> <li>Maximum height of 1.2m</li> <li>Solid section no more than 0.6m high</li> </ul>	NO	regarding the proposed front fences.
Side and Rear: <ul> <li>Maximum height of 1.8m</li> </ul>	No	Unsatisfactory, no information has been provided regarding the side and rear fences
2.5 Visual and acoustic privacy	y	
Habitable windows are not to directly face habitable windows or open space of	Yes	The proposed ground floor windows do not directly face habitable windows or open spaces of neighbouring dwellings.
neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the		An objection has been made regarding potentially overlooking from W18 and W17 on the first floor. However, due to the location of these windows not directly facing habitable windows or open space of neighbouring
<ul> <li>design</li> <li>External stairs are not acceptable.</li> </ul>	N/A	dwellings, these would not result in unreasonable privacy impacts upon the adjoining semi- detached dwelling.
<ul> <li>Maximum size of balconies:</li> <li>10m<sup>2</sup> in area</li> <li>1.5m deep</li> </ul>	Yes	Satisfactory, the first-floor balcony measures approximately 6m <sup>2</sup> and has a maximum depth of 1.5m.
<ul> <li>Roof tops to be non- trafficable unless predominant in the immediate vicinity</li> </ul>	N/A	
2.6 Solar access		
<ul> <li>Minimum of three hours of sunlight to living areas and principal open space areas on 21 June</li> </ul>	No	The proposal's design layout, with the primary living area at the front, means that due to the site's orientation, it will experience less than 3 hours of direct sunlight to 50% of its private open space and living space areas.
<ul> <li>Minimum of three hours of sunlight maintained to at least 50% I of principal open space areas of adjoining properties on 21 June.</li> </ul>	Yes	The proposal is not expected to reduce solar access to either open space or windows of the adjacent windows to less than 3 hours.

Development Control	Compliance	Comment
<ul> <li>Avoid unreasonably overshadowing of solar collectors (including habitable windows).</li> </ul>	Yes	The development is not expected to result in unreasonable overshadowing of solar collectors due to it complying with principal built form development standards, such as FSR and building height.
2.7 Views		
<ul> <li>Views from the public domain are to be maintained</li> <li>Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks.</li> </ul>	Yes No	No impacts on views have been identified from the public domain. The proposal is expected to affect views in the private domain, however, the public objections to the DA did not claim that the proposal would affect their views. In this regard, impacts of the proposal on private views will not form part as a reason for refusal.
2.9 Landscaping and open spa	ce	
Overall open space: 40%     of site area	Yes	Satisfactory, the proposal includes approximately 100.6m <sup>2</sup> or 43% of open space.
<ul> <li>Overall landscaped area: 15% of site area</li> </ul>	Yes	Satisfactory, the proposal includes approximately 66.8m <sup>2</sup> or 28% of landscaped area.
<ul> <li>Minimum area of 25m<sup>2</sup> for private open space</li> <li>Event open space</li> </ul>	Yes	Satisfactory, the proposal includes 27m <sup>2</sup> of rear private open space.
<ul> <li>Front open space: 50% of front building setback area</li> </ul>	Yes	The entire front building setback of the proposal is open space.
<ul> <li>Front landscaped area: 50% of front open space provided</li> </ul>	Yes	Satisfactory, 81% of the front building setback area is proposed to be landscaped.
<ul> <li>Outdoor clothes drying area to be provided</li> </ul>	Yes	An outdoor clothesline is proposed within the rear yard of the development.
2.13 Semi-detached dwellings	and terrace style	e development
<ul> <li>2.13.1 - Built form</li> <li>Additions to match the style of the original semi-detached dwelling</li> </ul>	No	The proposal does not protect the street frontage of the pair of semi-detached dwellings. Nor is the demolition of one semi-detached dwelling of the semi-detached dwelling pair supported.
<ul> <li>Existing roof form maintained forward of principal ridgeline</li> </ul>	No	Furthermore, the proposed replacement building does not complement or protect the pair's character and street frontage.
• Use of roof as an attic	No	-
<ul><li>permitted provided</li><li>Front verandahs to be maintained.</li></ul>	N/A	This new proposed detached dwelling does not match the style of the original semi-detached dwelling. It does not aim to preserve the language across its pair but rather is completely disassociated from it. It disregards the history of the site and the streetscape.

Development Control	Compliance	Comment
<ul> <li>2.13.2 - First floor additions to semi-detached dwellings</li> <li>First floor addition to be setback from the principal street frontage and maintain the existing front roof slope</li> <li>Additions to be located a minimum of 1m behind the front main gable</li> <li>Flat roofs should be only used when not seen in a Heritage Conservation Area</li> <li>Limit the rise of the interface with adjoining semi-detached dwelling to 600mm</li> <li>First floor additions should match the style of the additions on the adjoining semi (if relevant).</li> </ul>	No	Unsatisfactory, the front setback of the first-floor addition of the proposal matches that of the ground floor leading to the complete removal of the front roof slope. The proposed bulk and first-floor roof form are uncharacteristic and inappropriate regarding the streetscape, its existing adjoining pair, and other nearby semi-detached dwellings in its visual catchment.
<ul> <li>2.13.3 - Material finishes and detail for semi-detached dwellings</li> <li>Finishes and detailing are to be cohesive with the existing dwelling</li> <li>Historic features of the roofscape are to be incorporated into the addition</li> <li>Dorms roof forms are to match the style of the original dwelling</li> <li>New windows to have a similar proportion to the existing</li> <li>Upper wall finishes to reflect the style and character of the original building.</li> </ul>	No	The proposed development is not cohesively integrated with the existing dwelling due to its proposed demolition. Furthermore, the proportions of the new windows and the materiality of the wall finishes do not reflect the style and character of the original building
2.14 Dual Frontage Developme		
<ul> <li>2.14.1 - General Controls</li> <li>Primary and secondary frontage to be defined</li> </ul>	No	The proposal's design makes it difficult to read which frontage of the development is the primary frontage. This stems from the side entrances porch and roof cover providing a

De	evelopment Control	Compliance	Comment
•	Appropriate forms to be provided to each street		prominent frontage to what is the site's secondary frontage, detracting from the site's primary frontage, which includes a front verandah.

#### 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 considered suitable for the proposal.

#### 2.4. Any Submissions

The application was notified for 14 days from 9 September 2022 to 23 September 2022 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

A total of 19 unique submissions were received from the following properties:

- 22 Jensen Avenue, Vaucluse x nine submissions
- 1A/5-7 Girilang Avenue, Vaucluse
- 5-7 Girilang Avenue, Vaucluse
- 30/28 Clarke Street, Vaucluse
- 28 Ray Avenue, Vaucluse
- 2a/5-7 Girilang Avenue, Vaucluse
- 67 New South Head Road, Vaucluse
- 9 Jensen Avenue, Vaucluse
- 24 Clarke street, Vaucluse
- 11 Jensen Avenue, Vaucluse
- 204/161 New South Head Road, Edgecliff.

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

- Semi-detached dwelling controls
- Inappropriate size and bulk
- Excessive overshadowing
- Floor space ratio
- The character of the streetscape
- Side setback
- Solar impacts.

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

#### Issue: Structural integrity of 22 Jensen Avenue

**Response:** A Structural Engineers Report has been submitted as part of this application, outlining a construction methodology for which the works to maintain the structural stability of 22 Jensen Avenue. This report further states that the proposed works could result in the formation of minor displacement cracks in the existing ceiling, wall and floor claddings.

As highlighted by the objector located at No 22 Jensen Avenue in the Engineers Report , serious issues were raised regarding the validity and thoroughness of the suggested construction methodology. Issues from:

- No specific information on how to ensure and maintain adequate structural support is provided and achieved.
- The proposed method of proposed excavation of shared footings will likely cause damage to the party wall.
- The roof member severing and the effects of such modifications is missing from the report.
- The common wall is assumed to be a cavity brick wall, while photographic proof submitted shows it as a solid brick wall.

Council considers the applicant's submitted demolition methodology report does not adequately address the concerns of the common wall and roof with No 22 Jensen Avenue. Therefore, there is a degree of doubt on the constructability of the proposal, which should be a reason to refuse consent to the DA.

Issue: Dust, waste control management, noise pollution and traffic management

**Response:** Council has standard conditions addressing all of these concerns, which are applied to all applications involving construction work. If the application were recommended for approval, relevant conditions would have been included to address these matters.

#### Issue: Parking Issues

**Response:** The development does not seek to modify the existing site parking conditions and will not lead to the loss of off-street parking.

#### Issue: Works likely to occur on 22 Jensen Avenue

**Response:** Council can only assess and approve a development application made by the owner of the land to which the development application relates or any other person with the consent of the owner of that land. As such, Council cannot assess and approve any works to No 22 Jensen Avenue as part of this application. Said work would need the consent of the owners of that land; and this would include

works to the common roof and common brick wall, and any works as part of this application can only be done within the property boundary of 24 Jensen Avenue.

Issue: Adequacy of the Statement of Environmental Effects

**Response:** Council acknowledges the following point raised by the objectors:

- No mention or consideration is made of the semi-detached dwelling on 22 Jensen Avenue.
- Has not addressed the semi-detached dwelling controls
- The statement that all relevant planning instruments and development controls are satisfied is incorrect due to the breaches outlined within this report.

Council agrees that due to the number of inconsistencies and parts of the DCP not being addressed by the applicant's Statement of Environmental Effects, it inadequately addresses and assesses the proposed application..

### Issue: Dangerous precedent

**Response:** Council acknowledges and agrees that the approval of this type of development will set an unreasonable and undesirable precedent for sites that are currently comprised of semi-detached dwellings in the area. On this basis, the DA is recommended for refusal

Issue: Driving view line down Jensen Avenue impacts

**Response:** This issue is irrelevant to the assessment of this DA.

Issue: Damage and waterproofing issues from similar developments on Girilang Avenue

**Response:** In terms of damage, a dilapidation report would be required by a condition of consent, should approval be granted to this DA. However, regarding the waterproofing issues and its quality is not a matter for consideration for the assessment of this DA.

### 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. Biodiversity

Council's Environmental Sustainability Officer reviewed the submitted proposal and found:

*This property lies within the identified coastal biodiversity corridor identified in DCP section 3.2 of Part B3 of Waverley Development Control Plan 2012 (Amendment No.9).* 

- A minimum of 50% of the proposed trees, 50% of the shrubs and 50% of the grasses and groundcovers (not including turfed areas) are to be indigenous or local native plants listed in Annexure B2-1.
- The submitted landscape plans do not comply with the above landscaping controls.
- Cultivars e.g. Westringia' Jervis Gem, are not considered to be indigenous or local native and are not counted towards the DCP requirement.

This will form part of a reason for refusal.

### 3.2. Traffic and Development

Council's Traffic and Development officer did not object to the retainment of the existing garage and driveway. A condition for the submission of a construction traffic management plan along with stockpile and material storage was recommended if the DA is approved.

### 3.3. Stormwater

Council's Stormwater Design and Flooding (Infrastructure Services) officer did not object to the proposal, subject to stormwater and OSD conditions if the DA is approved.

### 3.4. Tree Management

Council's Tree Management Officer did not object to the proposed removal of trees and other vegetation. However, it was noted two existing street trees. A tree protection condition was recommended to protect the street trees throughout the construction works if the DA is approved.

### 4. CONCLUSION

The development application seeks consent to demolish a semi-detached dwelling and construct a new two-storey detached dwelling at the site known as 24 Jensen Avenue, Vaucluse.

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

- Biodiversity
- Design Excellence
- Setbacks
- Streetscape and visual impacts
- Fences
- Solar access
- Semi-detached controls non-compliance

The assessment finds these issues unacceptable as the design proposal would lead to unacceptable precedent and would lead to a significant erosion of the streetscape.

A total number of 19 submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation.

No declared conflict of interest on the application.

The application has been assessed against the relevant matters for consideration under section 4.15(1) of the 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:
(b) 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:
P.Wilmoth	A.
Damien Wilmotte	Ben Magistrale
Development Assessment Planner	Manager, Development Assessment (Area 2)
	(Reviewed and agreed on behalf of the
	Development and Building Unit)
Date: 27/10/2022	Date: 4 November 2022

Reason for WLPP referral:

1. Contentious development (10 or more objections)

### APPENDIX A - REASONS FOR REFUSAL

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

1. The 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. Section 3.2.2 *Habitat Corridors and Recognised Habitat*, specifically objectives (a)-(c) and controls (a) and (h), as the proposed development provides insufficient indigenous or local native plants listed in Annexure B2-1.

### Part B12 Design Excellence

- b. Section 12.1 *Design*, specifically objectives (a), (c) and (d) and controls (a), (b), (d) and (e), as the proposed development is of low standard of architectural design that is detrimental to the amenity of the public and neighbours. Further, the proposed bulk, massing and modulation of the building does not bear any relationship with other existing development on neighbouring sites in terms of setbacks, amenities and urban form.
- c. Section 12.2 *Context Analysis,* specifically objectives (a)-(d) and controls (a), as the proposed development has not followed the established urban structure, building type and streetscape of the surrounding environment.

### Part C2 Low Density Residential Development

- d. Section 2.0 *General Objectives*, specifically objectives (a)-(e) as the proposed development is inappropriate in scale and detracts from the amenity of other dwellings. Furthermore, the proposal is unsympathetic in bulk, scale and character with the desired future of the character of the area resulting in a low-quality design.
- e. Section 2.2 *Setbacks*, specifically objective (a), (b), (d), (f)-(h) and *Sub*-Section 2.2 *Front and rear building lines*, specifically controls (a)-(d) as the proposed development is inconsistent with the predominant front and rear building lines established by surrounding development to the north of the site.
- f. Section 2.2 *Setbacks*, specifically objective (a), (b), (d), (f)-(h) and *Sub*-Section 2.2.2 *Side setbacks*, specifically controls (a)-(d) as the proposed development is set back 0.312m from the northern side boundary, which falls short of the minimum setback requirement of 0.9m.
- g. Section 2.3 Streetscape and visual impact, specifically objectives (a)-(b) and controls (a),
  (d)-(h) as the proposal is of a poor design quality that is detrimental and inharmonious with its surroundings, eroding the character of the streetscape.
- h. Section 2.4 *Fences*, specifically objectives (a)-(f) and controls (a)-(k), as the proposal provides no information on the existing and proposed fence.

- i. Section 2.6 *Solar access*, specifically objectives (a)-(c) and control (a) as the proposal's design layout will experience less than 3 hours of direct sunlight to 50% of its living space areas.
- j. Section 2.13.1 *Semi-detached dwellings & terrace developments*, objectives (c)-(e) and (g) and controls 2.13.1 *Built Form* (a)-(e), 2.13.1 *First floor addition to semi-detached dwellings* (a)-(b), (d)-(f), (h)-(i), 2.13.3 *Materials finishes and detail for semi-detached dwellings* (a)-(c), (e), (g), as the proposal seeks the complete demolition of a semi-detached pair and replacement with a detached dwelling destroying the street frontage of the existing pair. Furthermore, the bulk scale and materiality of the proposal are disrespectful to the existing development and its pair.
- k. Section 2.14 Dual frontage development, objectives (a), (c)and controls 2.14.1 General controls (a), as the design of the development does not have a clear relationship to the primary and secondary frontages of the site. Furthermore the design does not maintain or improve but rather is detrimental to the amenity of surrounding properties.
- 2. The application does not satisfy section 4.15 (1)(b) of the Act as the proposed development results in unacceptable amenity and streetscape impacts upon the locality and surrounding built environment.
- 3. 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 type of dwelling, scale and bulk proposed could consequently affect the orderly future redevelopment of adjoining sites.
- 4. 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.
- 5. 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.



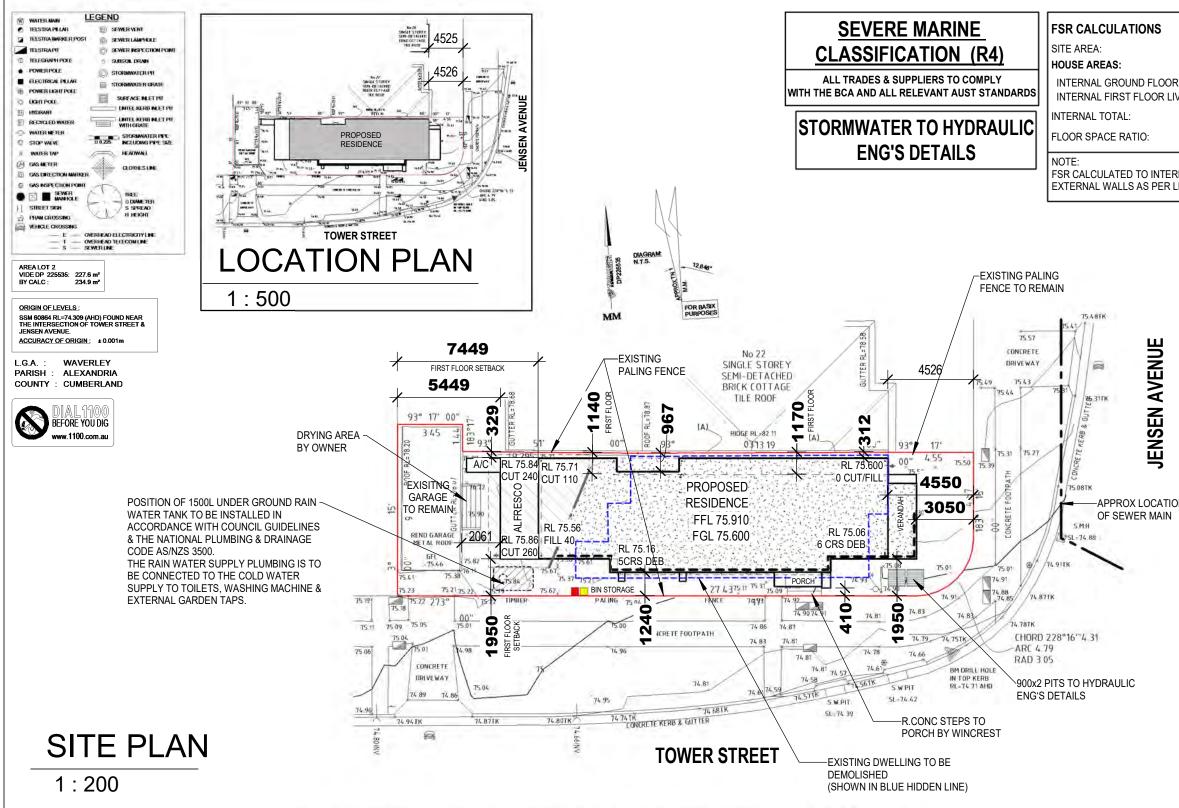


# **MR & MRS SKOPEK** LOT 2, 24 JENSEN AVENUE VAUCLUSE WAVERLEY COUNCIL

Date Received: 07/09/2022

Application No: DA-358/2022

RECEIVED Waverley Council



#### <u>NOTE:</u>

THE SUBJECT PROPERTY IS AFFECTED BY THE FOLLOWING

- RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- COVENANT VIDE DEALING No. A572949;
- CROSS EASEMENTS FOR SUPPORT OVER THE CENTRE OF THE BRICK PARTY WALL 0.23 WIDE VIDE DEALING No. K92152 (AS SHOWN DEALING No. K92152 (AS SHOWN IN DP225535).

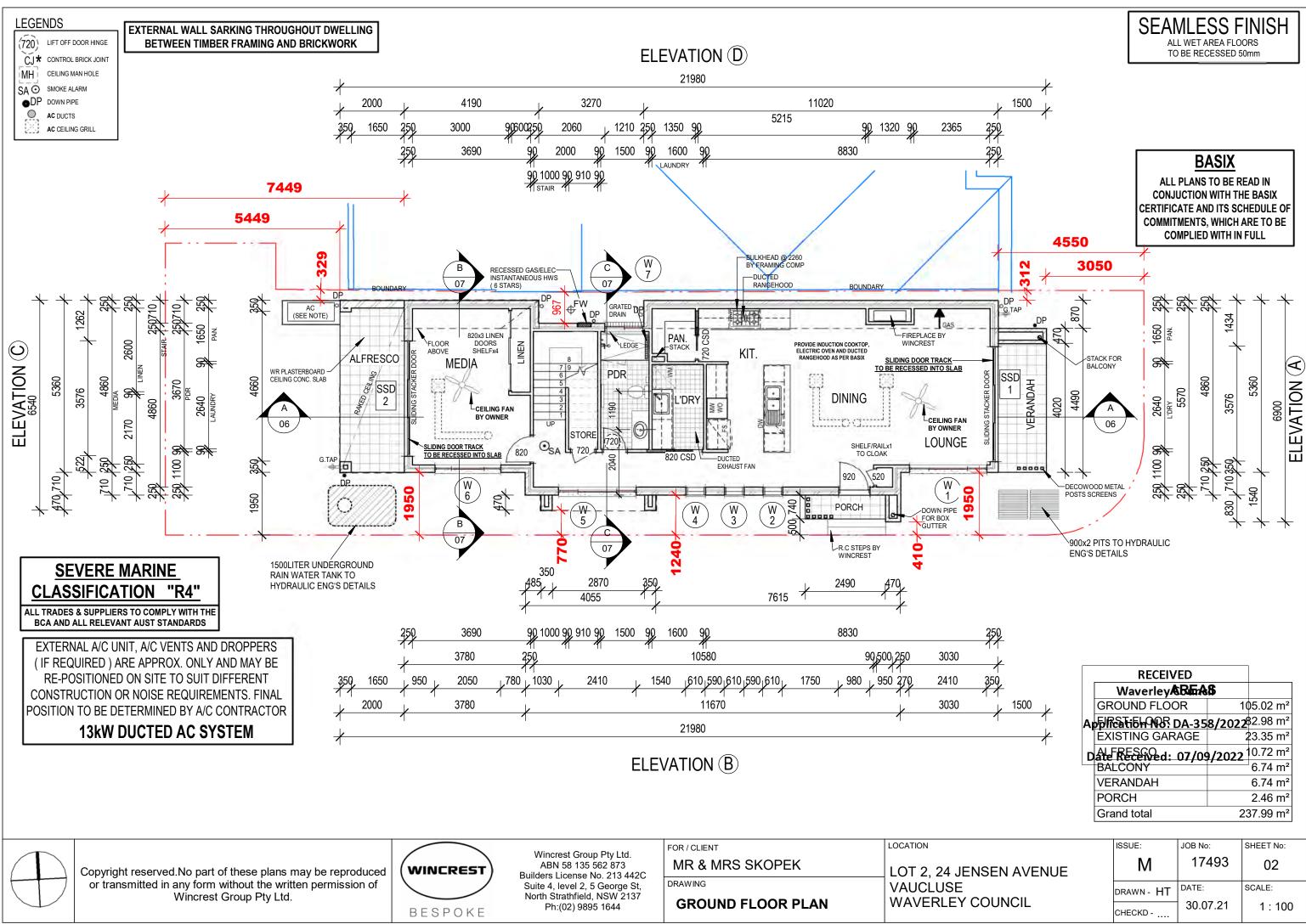
THE SUBJECT PROPERTY IS BENEFITED BY THE FOLLOWING

- CROSS EASEMENTS FOR SUPPORT OVER THE CENTRE OF THE BRICK PARTY WALL 0.23 WIDE VIDE DEALING No. K92152 (AS SHOWN DEALING No. K92152 (AS SHOWN IN DP225535).

	Copyright reserved.No part of these plans may be reproduced or transmitted in any form without the written permission of Wincrest Group Pty Ltd.	BESPOKE	Wincrest Group Pty Ltd. ABN 58 135 562 873 Builders License No. 213 442C Suite 4, level 2, 5 George St, North Strathfield, NSW 2137 Ph:(02) 9895 1644	MR & MRS SKOPEK	LOT 2, 24 JENSEI VAUCLUSE WAVERLEY COU
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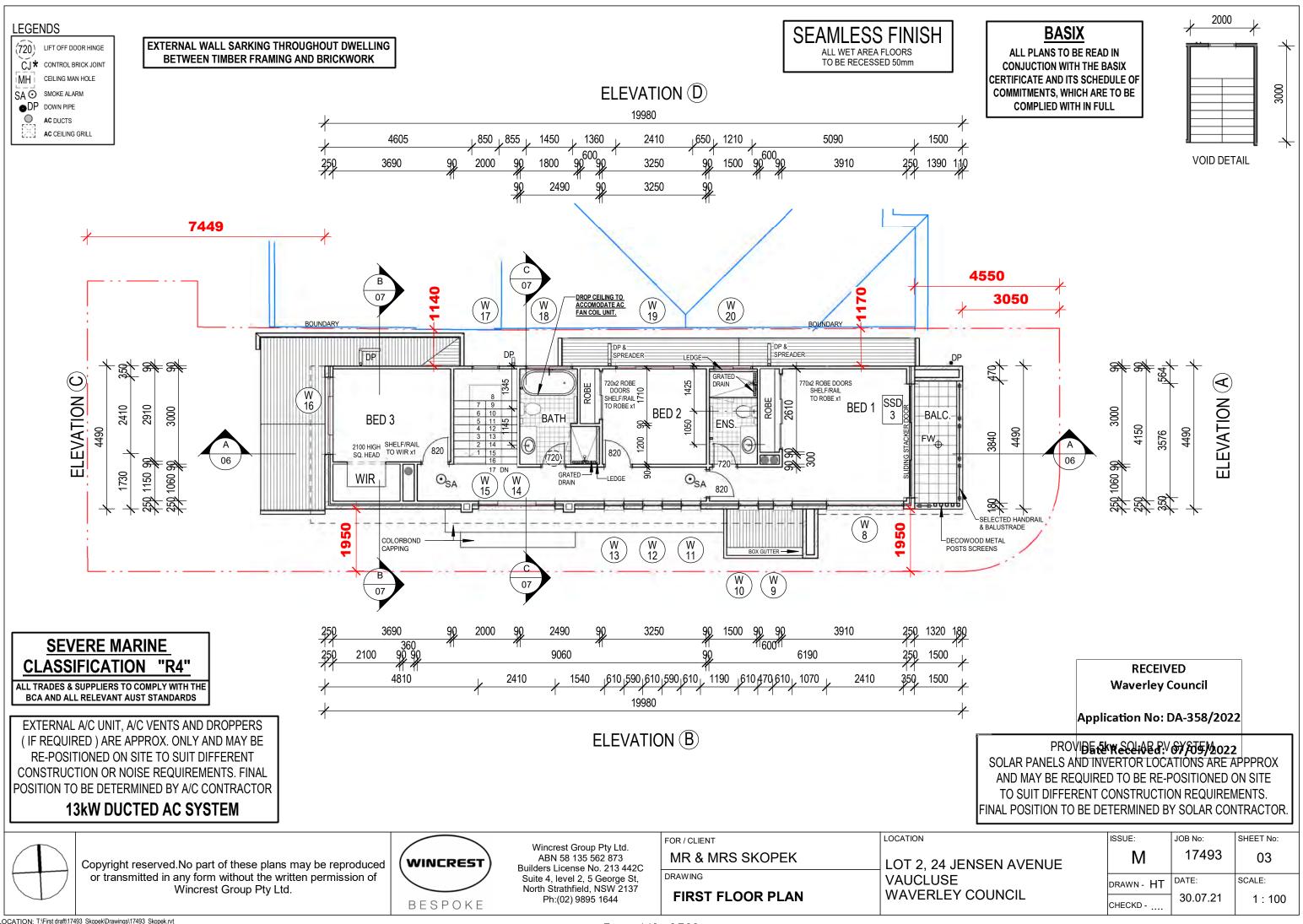
Page 440 of 560

			E DETAILS			2	
	234.90m2		NUMBER:			225535	
r living: Ving:	92.63m2 68.34m2	SITE	AREA:			234.9m2	
	160.97m2		A	REA	S		
	0.68:1	GF	ROUND FLOC	)R		105.02 m <sup>2</sup>	
	0.68:1	FI	RST FLOOR			82.98 m <sup>2</sup>	
		EX	ISTING GAR	AGE		23.35 m <sup>2</sup>	
RNAL FACE ( LEP DEFINIT		AL	FRESCO			10.72 m <sup>2</sup>	
		BA	LCONY			6.74 m <sup>2</sup>	
			RANDAH			6.74 m <sup>2</sup>	
		PC	DRCH			2.46 m <sup>2</sup>	
			and total			237.99 m <sup>2</sup>	
		LAND	SCAPE AREA		40.00	m2 = 34.32%	
		PRIV	ATE OPEN SPACE			62.00m2	
		PRO	JECT DETAILS:				
		GRO	UND & FIRST FLOO	OR LIVIN	G TOTAL:	152.00m2	
			F AREA:			114.00m2	
			OF BEDROOMS:			3	
		STC	RMWATER TO	HYDRA	ULIC EN	GINEER:	
		UND	ERGROUND RAIN	WATER <sup>-</sup>	TANK:	= 1500litre	
		ROC	OF AREA CONNEC	TED TO F	RAINWAT	ER	
			K:()%MIN N		•	<b>o</b> ,	
			RAINWATER USES: GARDEN/TOILET/LAUNDRY				
			SITE NOTES & CONDITIONS: -HOUSE LEVELS ARE APPROXIMATE ONLY & WILL BE DETERMINED ON SITE				
N		BY SUP	ERVISOR PRIOR TO CON	STRUCTION.			
		REMO	-EXISTING STRUCTURES IN THE PROPOSED BUILDING AREA, TO BE REMOVED BY OWNER UNLESS NOTED OTHERWISE				
		OTHER	-EXISTING FENCING TO BE SECURED BY OWNER, UNLESS NOTED OTHERWISE PRIOR TO CONSTRUCTION AND TO REMAIN OUTSIDE OF				
		-EXISTI	NG PLATFORM. NG TREES & VEGETATION			FROM BUILDING	
			RIOR TO CONSTRUCTION SNOTED OTHERWISE	I, BY OWNEF	२.		
			EN DIMENSIONS TO TAKE ED OUTLINE OF EXCAVAT				
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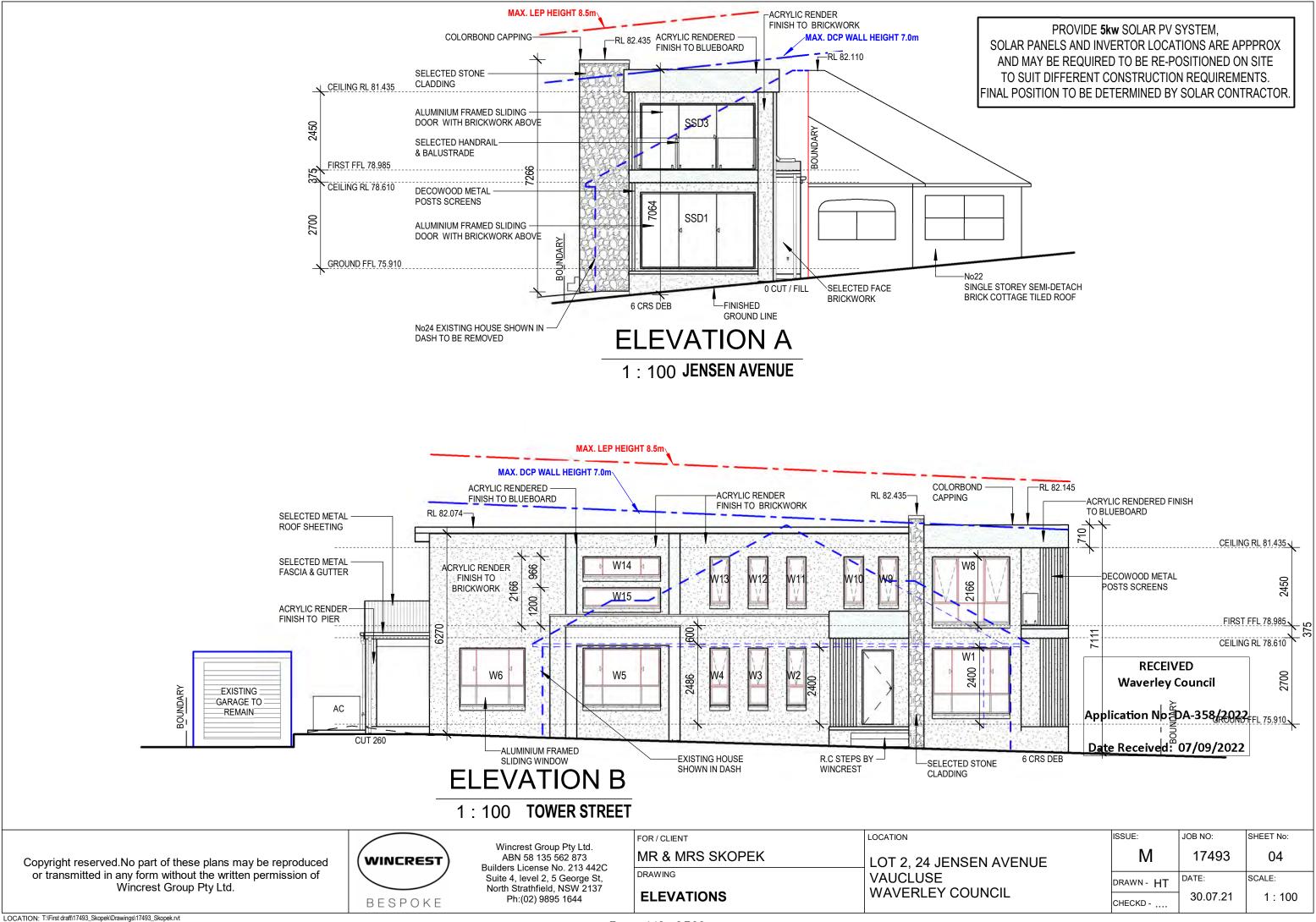
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Page 441 of 560



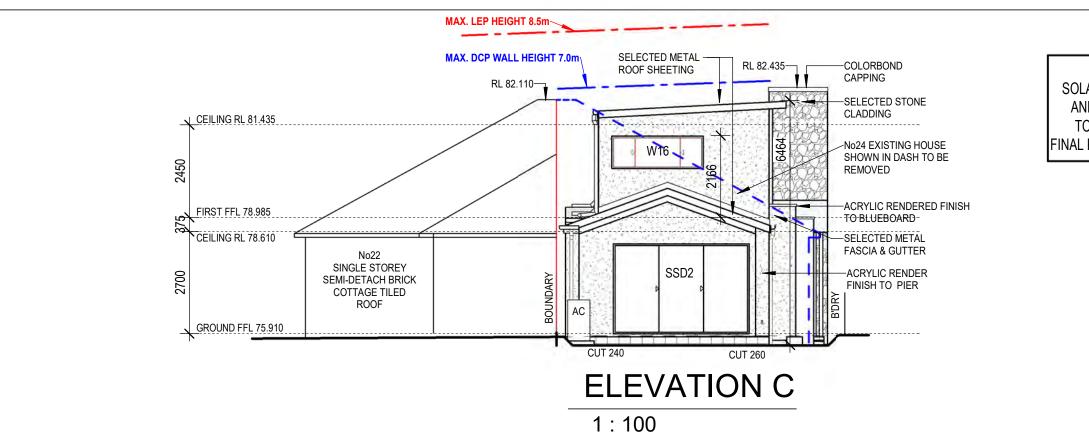
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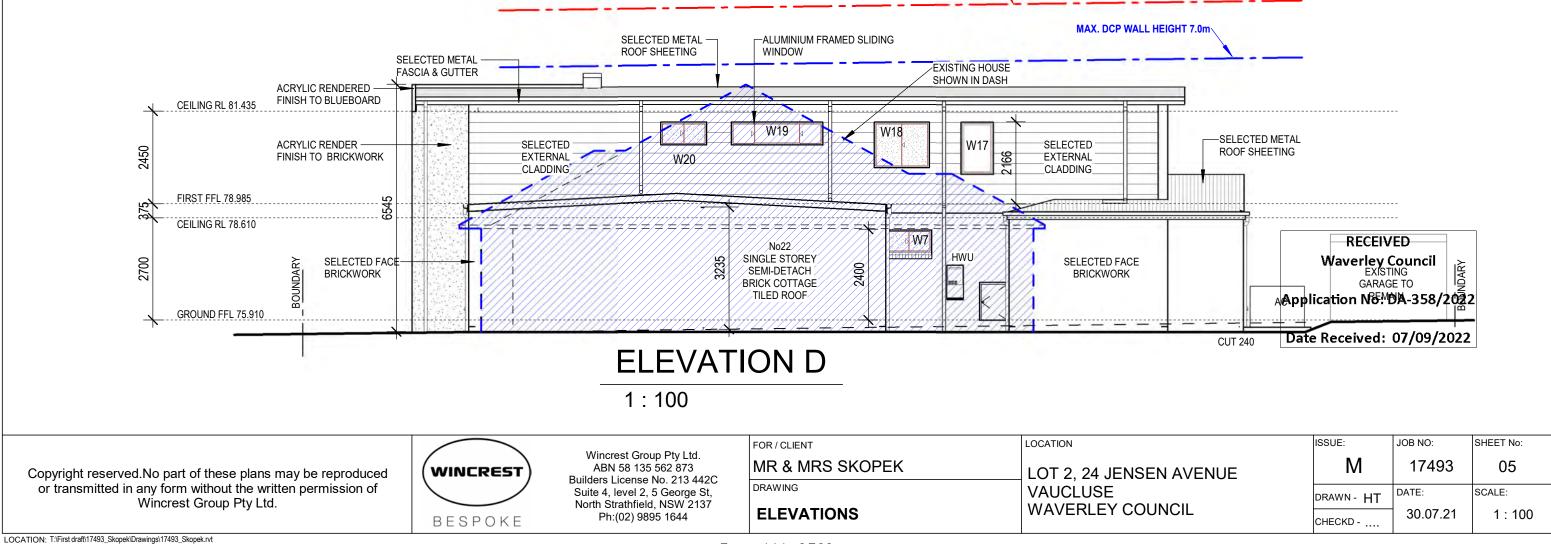
Page 442 of 560



Page 443 of 560





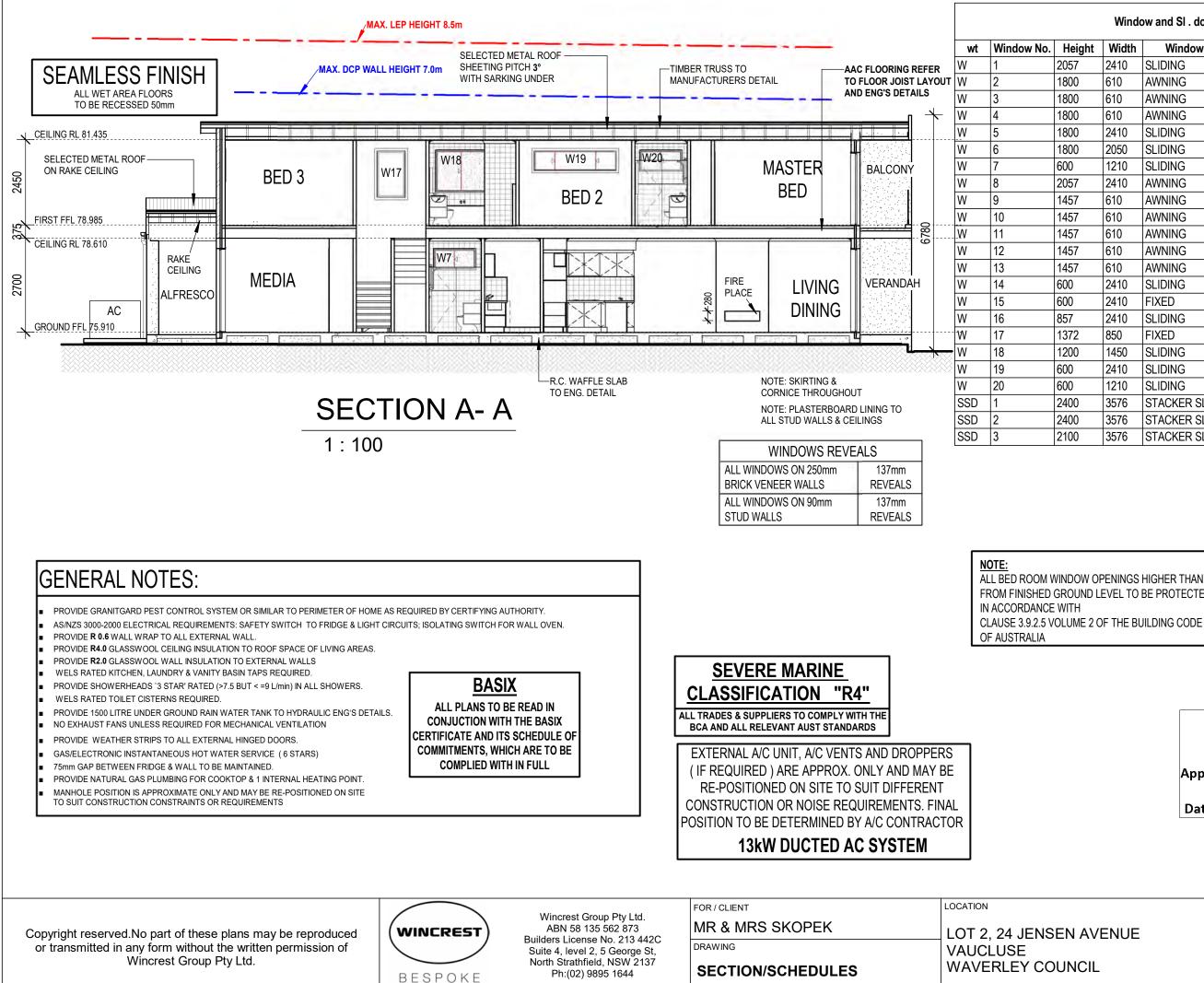


MAX. LEP HEIGHT 8.5m

Page 444 of 560

### PROVIDE 5kw SOLAR PV SYSTEM, SOLAR PANELS AND INVERTOR LOCATIONS ARE APPPROX AND MAY BE REQUIRED TO BE RE-POSITIONED ON SITE TO SUIT DIFFERENT CONSTRUCTION REQUIREMENTS. FINAL POSITION TO BE DETERMINED BY SOLAR CONTRACTOR.

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Page 445 of 560

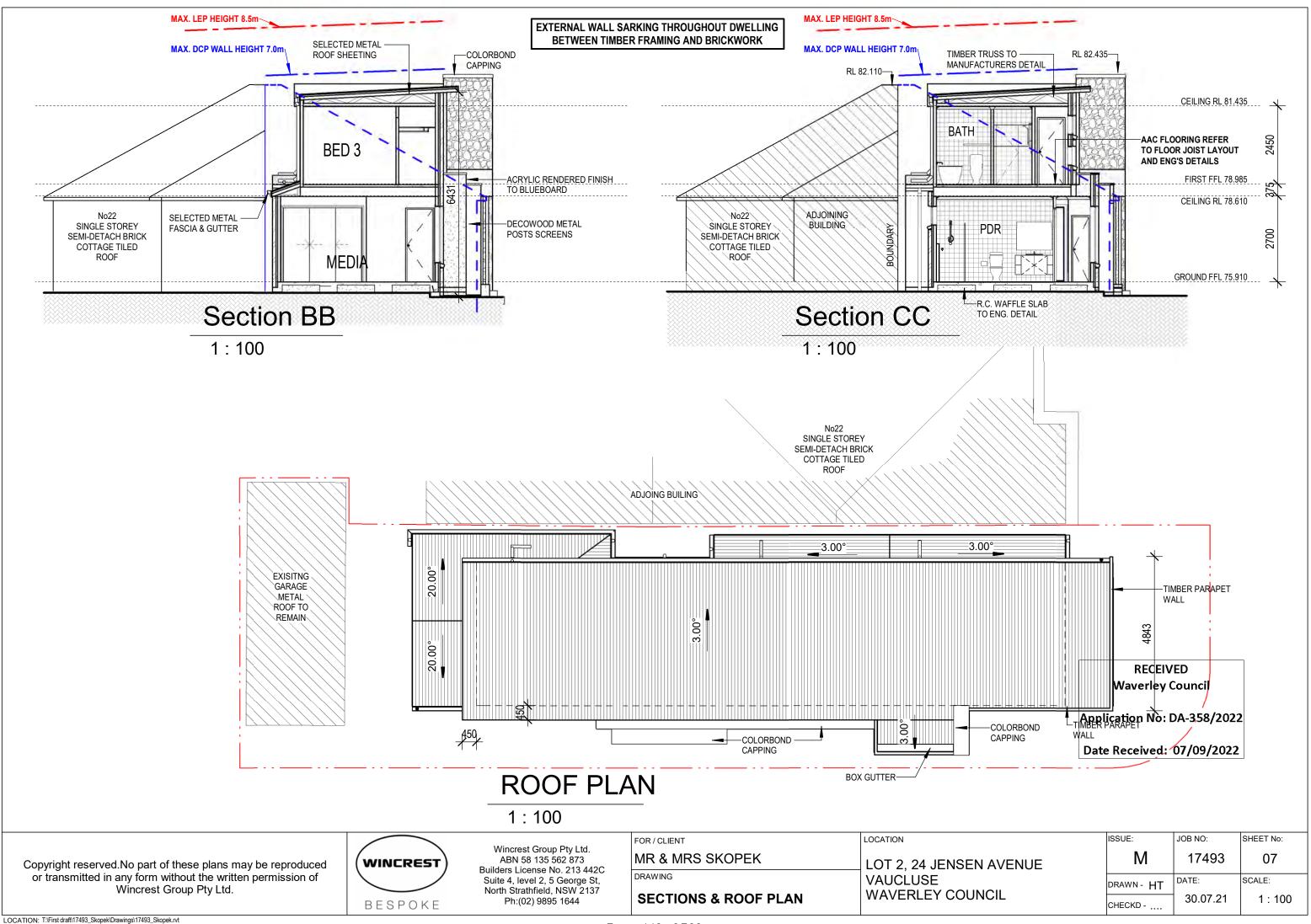
	Windo	ow and SI . door Sched	ule
ht	Width	Window Style	Glazing
	2410	SLIDING	CLEAR-DBL GLAZE
	610	AWNING	CLEAR-6mm Smartglass
	610	AWNING	CLEAR-6mm Smartglass
	610	AWNING	CLEAR-6mm Smartglass
	2410	SLIDING	CLEAR-6mm Smartglass
	2050	SLIDING	CLEAR-DBL GLAZE
	1210	SLIDING	OBSC.TG
	2410	AWNING	CLEAR-DBL GLAZE
	610	AWNING	CLEAR-6mm Smartglass
	610	AWNING	CLEAR-6mm Smartglass
	610	AWNING	CLEAR-6mm Smartglass
	610	AWNING	CLEAR-6mm Smartglass
	610	AWNING	CLEAR-6mm Smartglass
	2410	SLIDING	CLEAR-6mm Smartglass
	2410	FIXED	CLEAR-6mm Smartglass
	2410	SLIDING	CLEAR-DBL GLAZE
	850	FIXED	CLEAR TG-6mm Smartglass
	1450	SLIDING	OBSC.TG
	2410	SLIDING	CLEAR-DBL GLAZE
	1210	SLIDING	OBSC.TG
	3576	STACKER SL.DOOR	CLEAR ENERGYTECH-DBL.GLAZE
	3576	STACKER SL.DOOR	CLEAR ENERGYTECH-DBL.GLAZE
	3576	STACKER SL.DOOR	CLEAR ENERGYTECH-DBL.GLAZE

ALL BED ROOM WINDOW OPENINGS HIGHER THAN 2.0m FROM FINISHED GROUND LEVEL TO BE PROTECTED

### RECEIVED Waverley Council

Application No: DA-358/2022

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Page 446 of 560

	BASIX® con	nmitments		
Assessor		Mr. Daniel Warda	Shower Heads	3 star (> 7.5 but <= 9 L/min)
Date		04 / 02 / 22	Basin Taps	3 star
BASIX Certificate	No	1264292S	Alternative Water	1500L Rainwater Tank
NatHERS Certific		0007016710	Roof Water to Tank	60m²
			Alt. Water Uses	Garden, WC & Laundry
	Project	details		
Site Address		Avenue, Vaucluse NSW 2030	Phone: 0488 2	03 606 Email: giuseppe@er
Municipality	Waverly			
eference	17493			
	Thermal	Comfort		
		1.00		
Floors	300mm Waffle po	DO SIAD		
Floors Ceiling Between Floors	300mm Waffle po N/A	od siao		
	N/A	ion + Sarking to all external Walls   Dark		
Ceiling Between Floors	N/A R2.5 Bulk Insulat			
Ceiling Between Floors External Walls	N/A R2.5 Bulk Insulat R2.5 High Densit	ion + Sarking to all external Walls   Dark		
Ceiling Between Floors External Walls Internal Walls	N/A R2.5 Bulk Insulat R2.5 High Densit	ion + Sarking to all external Walls   Dark y Insulation to Garage internal walls ion to all trussed ceilings over living areas   Dark		

 Wideline Sliding Door (Aluminium Framed - Double Glazed 4mm/12mm/4mm U-Value: 4.40
 SHGC: 0.6

 Wideline Awning Windows (Aluminium Framed - 6mm Smart Glass Clear)
 U-Value: 6.32
 SHGC: 0.56

 Wideline Sliding Windows (Aluminium Framed - 6mm Smart Glass Clear)
 U-Value: 6.32
 SHGC: 0.62

 Wideline Sliding Windows (Aluminium Framed - 6mm Smart Glass Clear)
 U-Value: 4.92
 SHGC: 0.62

 Wideline Sliding Windows (Aluminium Framed - 6mm Smart Glass Clear)
 U-Value: 6.42
 SHGC: 0.76

 Wideline Awning Windows (Aluminium Framed - Double Glazed 3mm/6mm/3r U-Value: 4.82
 SHGC: 0.51

 \*Refer to NatHERs Certificate for location and dimensions of windows.
 SHGC: 0.51

S	Velux - Double Glazed	
Water		Energy
81m²	Hot Water	Gas Instantaneous   6 star
4 star	Air-Con (Heating)	1-Phase Ducted A/C   3.0 - 3.5
4 star	Air-Con (Cooling)	1-Phase Ducted A/C   3.0 - 3.5
	Water 81m² 4 star	Water       81m²     Hot Water       4 star     Air-Con (Heating)

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BASIX COMMITMENTS	WAVERLEY COUNCIL	CHECKD	30.07.21	

Page 447 of 560

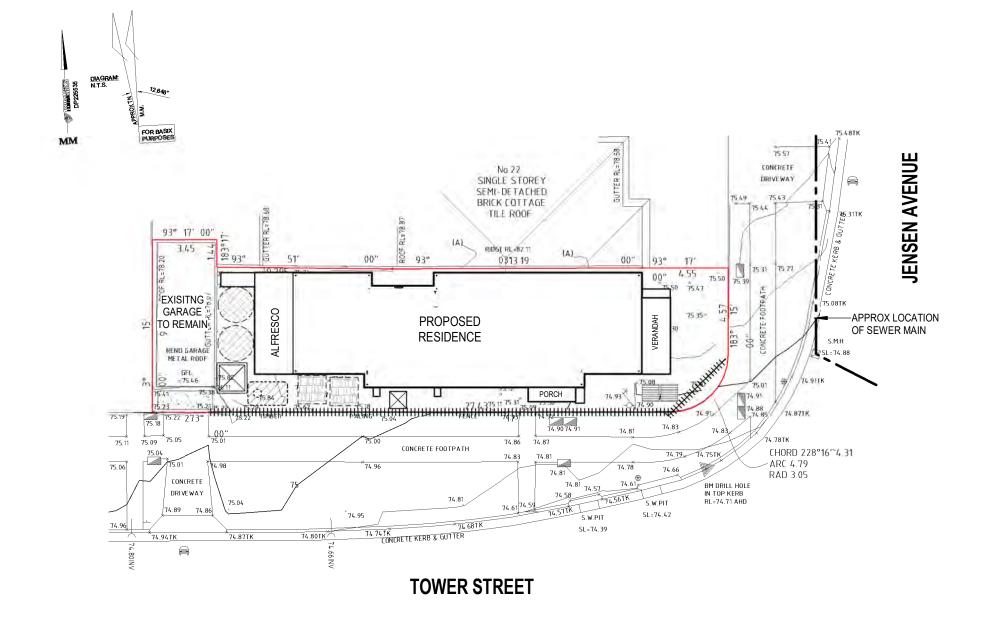
Ventilation	As Per Basix Assessment
PV System	N/A
Cooking	Induction Cooktop & Electric Ove
Drying	Outdoor Clothesline
Lighting	Primary LED

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### RECEIVED Waverley Council

### Application No: DA-358/2022



NOTE:

THE SUBJECT PROPERTY IS AFFECTED BY THE FOLLOWING:

- RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- COVENANT VIDE DEALING No. A572949;
- CROSS EASEMENTS FOR SUPPORT OVER THE CENTRE OF THE BRICK PARTY WALL 0.23 WIDE VIDE DEALING No. K92152 (AS SHOWN DEALING No. K92152 (AS SHOWN IN DP225535).

THE SUBJECT PROPERTY IS BENEFITED BY THE FOLLOWING:

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Page 448 of 560



# LEGEND

Material Stockpile area.

Waste stockpile & material sorting area.





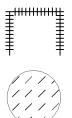
Storage recycling bins for segregated waste.



Chemical toilets.



Temporary builders d/way to E.P.A. requirements.



Fit standard 600 high green silt fence (refer to detail).

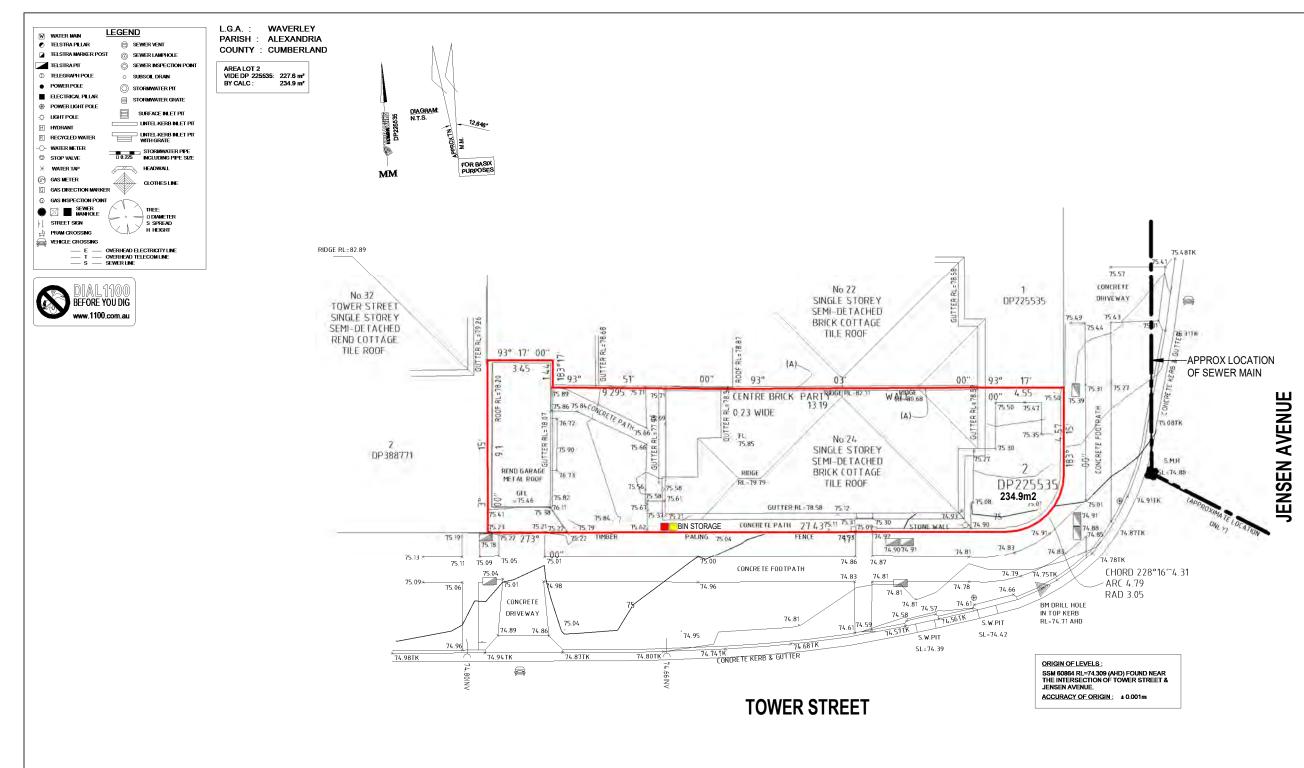
Trees to be removed.

**NOTE:** All waste materials to be taken to an approved waste disposal site.

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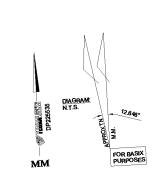
Page 449 of 560

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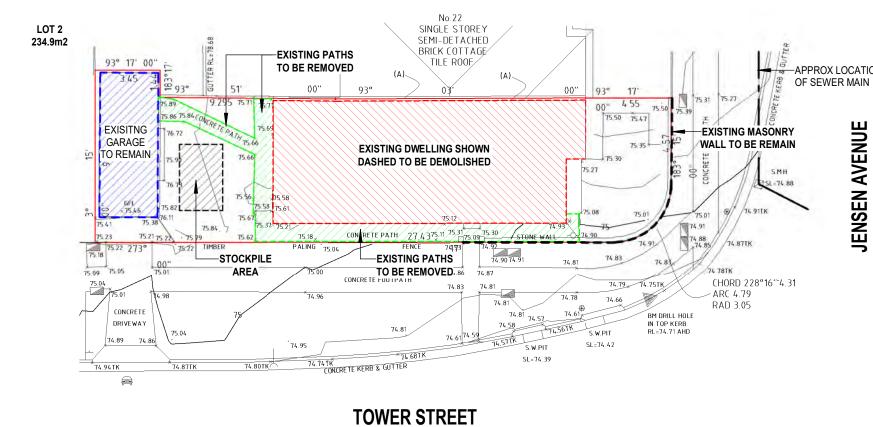
Application No: DA-358/2022

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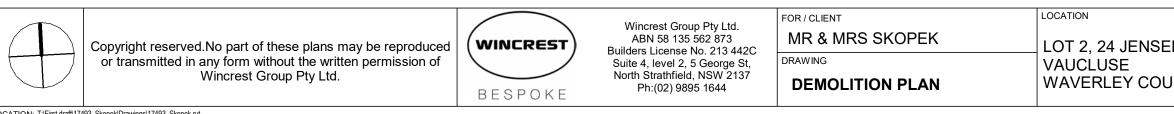
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Page 450 of 560

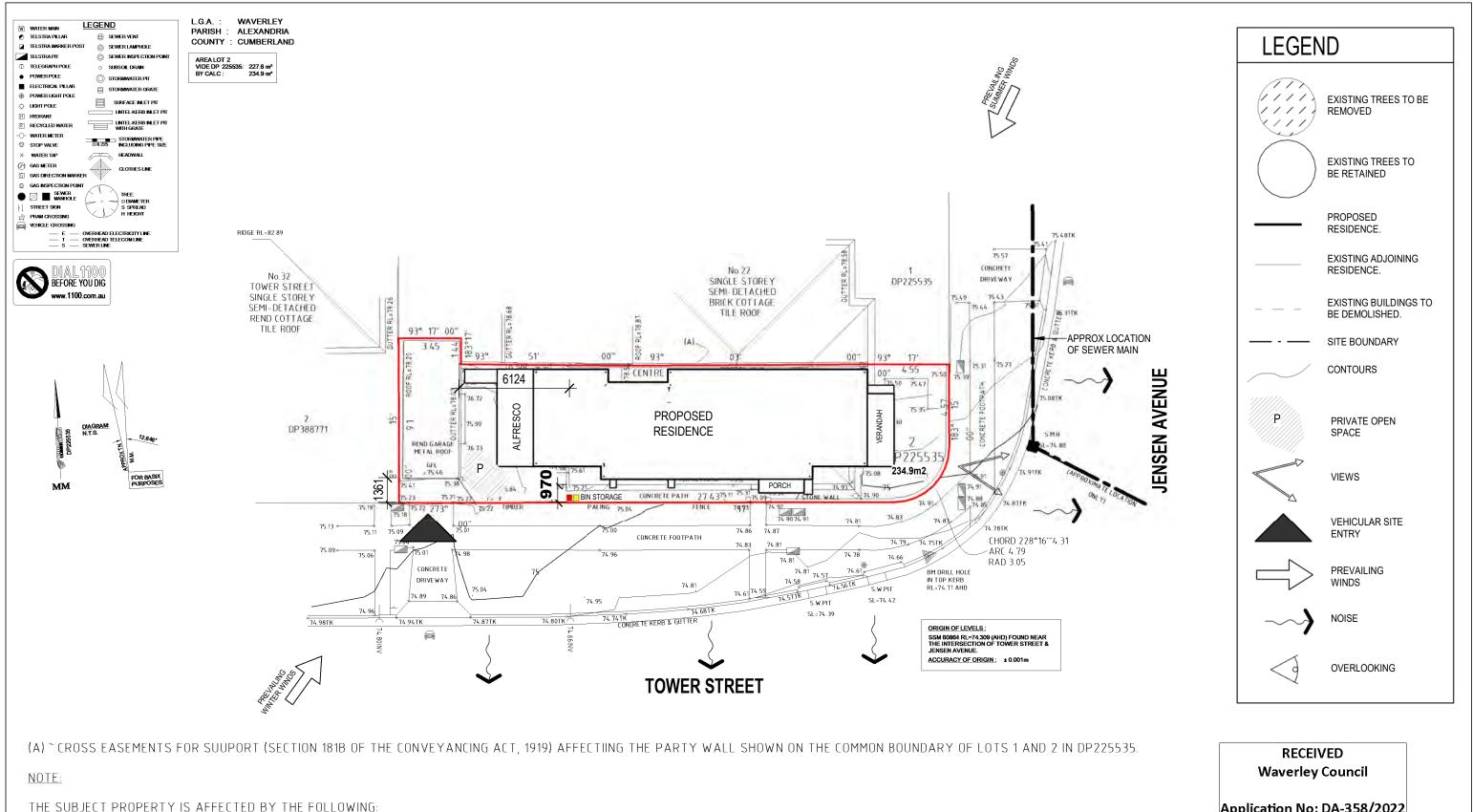
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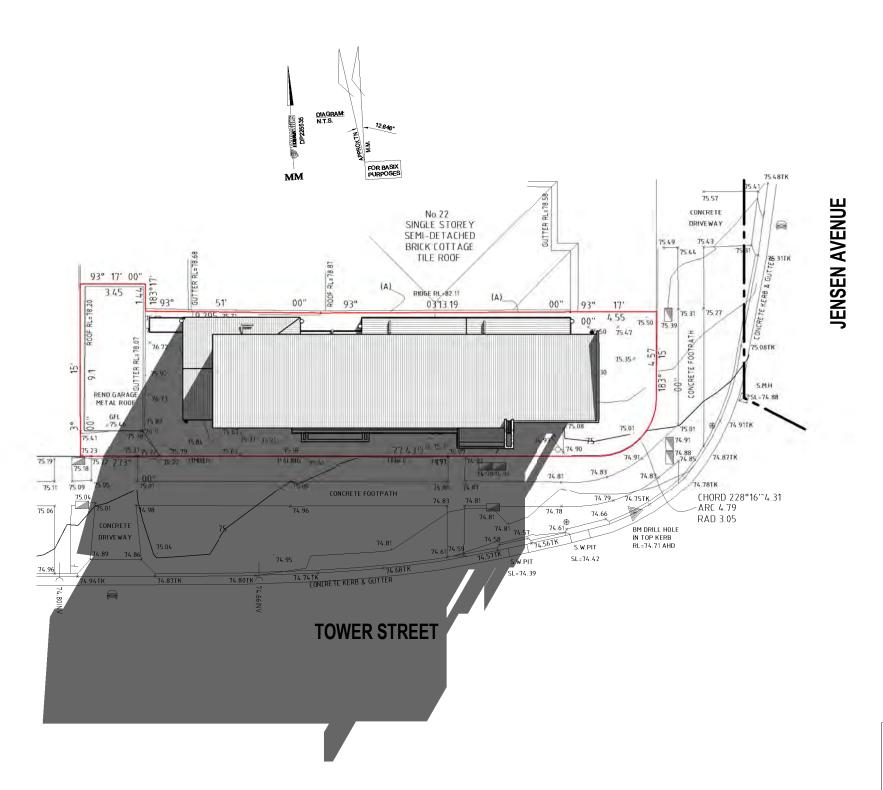
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& MRS SKOPEK	LOT 2, 24 JENSEN
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Page 451 of 560

Application No: DA-358/2022

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## 21st JUNE - 9am

1:200



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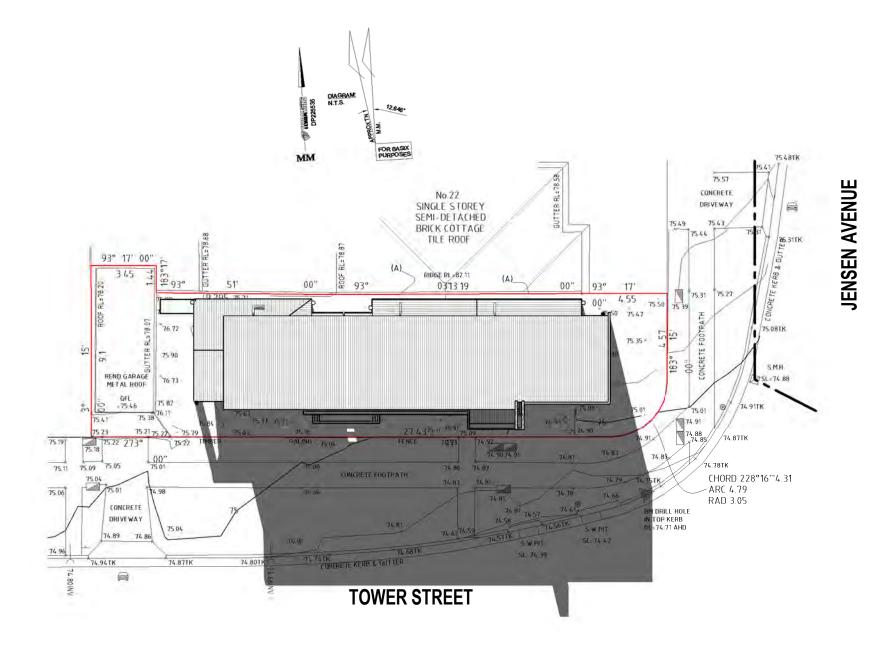
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Page 452 of 560

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Application No: DA-358/2022



# 21st JUNE - 12 noon

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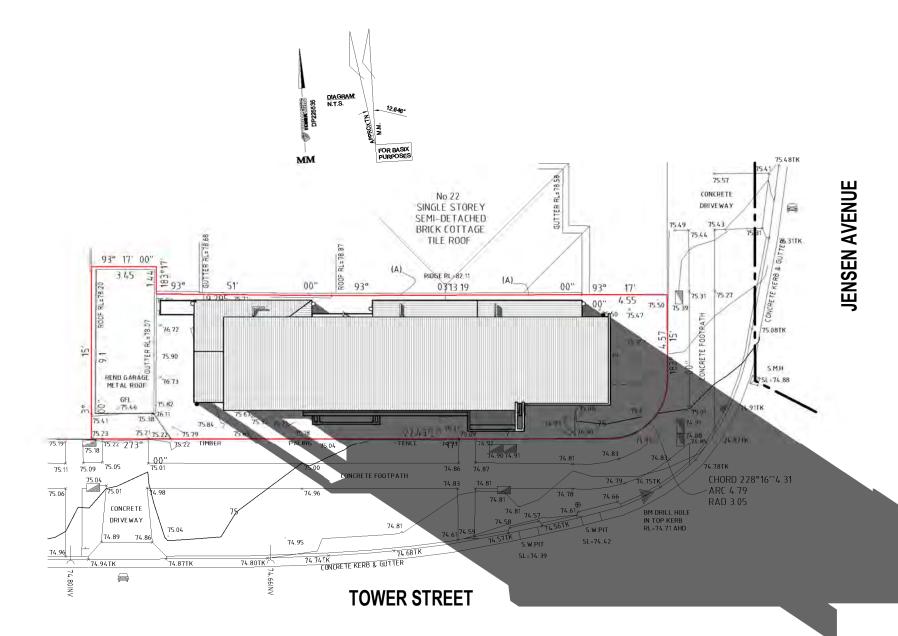
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Page 453 of 560

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Application No: DA-358/2022



## 21st JUNE - 3pm

1:200



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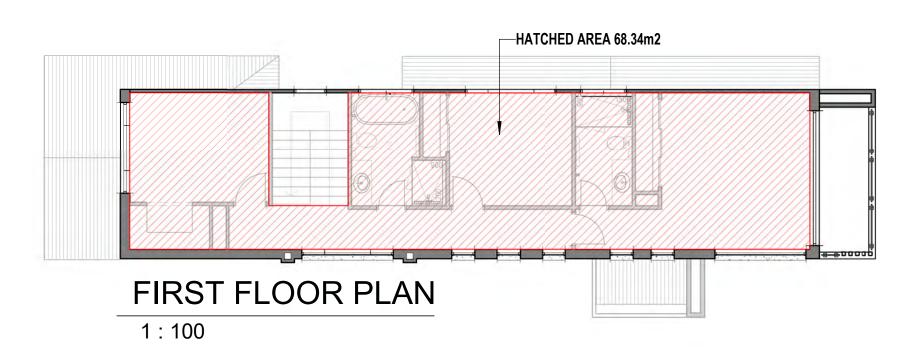
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Page 454 of 560

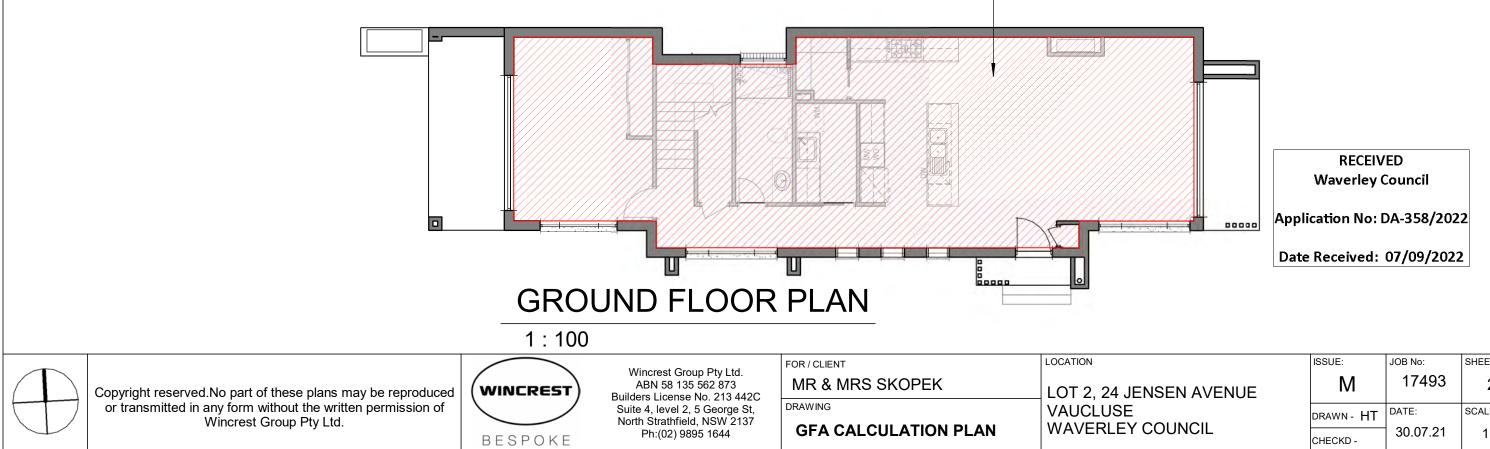
### RECEIVED Waverley Council

Application No: DA-358/2022

FSR CALCULATIONS	
SITE AREA:	234.90m2
HOUSE AREAS:	
INTERNAL GROUND FLOOR:	92.63m2
INTERNAL FIRST FLOOR:	68.34m2
INTERNAL TOTAL:	160.97m2
FLOOR SPACE RATIO:	0.68:1
NOTE: FSR CALCULATED TO INTERNAL FACE OF EXTERNAL WALLS AS PER LEP DEFINITION	



-HATCHED AREA 92.63m2



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Page 455 of 560

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### Report to the Waverley Local Planning Panel

Application number	DA-130/2022		
Site address	30 Tower Street VAUCLUSE		
Proposal	Demolition and construction of a two-storey semi-detached dwelling including integrated garage and swimming pool at rear.		
Date of lodgement	07/04/2022		
Owner	Ms N Saltman and Mr D Friske		
Applicant	Mr D Friske		
Submissions	Five objections		
Cost of works	\$1 174 261		
Principal Issues	<ul> <li>View impacts</li> <li>Semi-detached dwellings</li> <li>Driveway location</li> </ul>		
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.		

### SITE MAP



### 1. PREAMBLE

### 1.1. Executive Summary

The development application seeks consent for demolition and construction of a two-storey semidetached dwelling including an integrated garage and swimming pool at the rear at 30 Tower Street, Vaucluse.

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

- The proposal will impact upon views from an adjoining residential flat building. Notwithstanding, the views impacted are over a side boundary of an underdeveloped site. The subject proposal is below both the height and FSR development standards and complies with the built form controls of the DCP. The proposal is therefore considered a reasonable development and the view impacts considered to be a reasonable consequence of the redevelopment of the site.
- The location of the driveway crossing is not perpendicular to the garage. A condition rectifying this issue is recommended.
- The proposal includes demolition of one of a pair of semi-detached dwellings. The application has been submitted in conjunction with a similar proposal on the adjoining semi-detached dwelling in the pair at 32 Tower Street (DA-154/2022). These applications are being considered concurrently. The two proposals will result in a pair of semi-detached dwellings of similar appearance providing cohesion between the pair at the street front, consistent with the built form objectives of the DCP.

The assessment finds these issues acceptable as outlined above.

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

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

### 1.2. Site and Surrounding Locality

A site visit was carried out on 26 July 2022.

The site is identified as Lot 1 DP 388771, known as 30 Tower Street, Vaucluse. The site is rectangular in shape with north (rear) and south (front) boundaries measuring 7.488m and 7.62m respectively, and east and west side boundaries measuring 45.79m. The site has an area of 346.5m<sup>2</sup> and is generally flat.

The site is occupied by a single storey semi-detached dwelling with vehicular access provided from Tower Street to a hard stand car space within the front setback.

The subject site is adjoined by the attached single storey semi-detached dwelling in the pair to the east and a four-storey residential flat building to the west. The locality is characterised by a variety of residential developments including semi-detached dwellings and residential flat buildings.

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



Figure 1: Front elevation from Tower Street



Figure 2: Pair of semi-detached dwellings (adjoining semi at 32 Tower Street) as viewed from Tower Street



Figure 3: Streetscape to the west comprised of four-storey residential flat buildings

### 1.3. Relevant Development History



Figure 4: Streetscape to the east comprised of dwellings

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

- **DA-118/2017** for alterations and additions to the existing semi-detached dwelling including ground floor alterations and first floor addition was approved by the former Waverley Development Assessment Panel (WDAP) on 25 October 2017.
- DA-118/2017/A for modification of approved alterations and additions to semi-detached dwelling to include changes to first floor window size was approved by the former WDAP on 27/06/2018. This application sought the deletion of conditions 2(a) and (b) that required that the front roof and ground floor window be retained to ensure the symmetry of the pair of semi-

detached dwellings. The deletion of the conditions was not supported by the WDAP and the conditions remained on the consent.

The adjoining semi-detached dwelling in the pair at No. 32 Tower Street has also lodged a development application which is being considered concurrently. **DA-154/2022** for demolition and construction of a new three-storey dwelling, swimming pool and landscaping was lodged on 22/04/2022 and is reported separately. This DA was deferred during the assessment process to address the location of the third level requiring that it be set to the rear of the main roof ridge to ensure that the pair or semi-detached dwellings present to the street as a pair. DA-154/2022 is referred to the Waverley Local Planning Panel concurrently with the subject DA for a coordinated determination of the two DAs.

### 1.4. Proposal

The development application seeks consent for the demolition of the existing semi-detached dwelling and construction of a new two-storey semi-detached dwelling with a pitched roof, integrated garage and swimming pool.

The proposed semi-detached dwelling will contain living areas, garage, bin storage and study at the ground level and three bedrooms, a study, two bathrooms and a living area at the first floor level. Balconies will be provided on the front and rear elevations at the first floor level.

The proposal includes a pergola at ground level at the rear and a swimming pool with surrounding decking in the rear yard along the rear boundary of the site.

### 1.5. Background

The development application was lodged on 08/04/2022 and deferred on 17/08/2022 for the following reasons:

- 1. **Driveway:** The proposal includes the retention of the existing driveway however this does not align with the proposed garage. In this regard, the existing driveway must be removed and a new driveway aligning with the garage provided instead. The crossing is to be 3m wide at the property boundary and 3m wide plus 0.45m splays at the street. It is to be perpendicular to the property boundary.
- 2. **Front Landscaping:** The front landscaped area is to be increased extending to the front fence on the western side of the front setback area. This can be accommodated by moving the driveway location as per the requirements outlined above (in 1).
- 3. **Swimming Pool:** Please demonstrate how the swimming pool fencing will comply with the Swimming Pools Act 1992 by utilising the existing boundary fence height. Please note that Council is unlikely to support an increase in the 1800mm standard fence height in order to accommodate the swimming pool and as such, there may be a need to lower the pool or provide other internal fencing.

Amended plans lowering the swimming pool were provided to Council on 26/09/2022. The applicant advised that they would accept a condition of consent for the remaining two matters.

### 2. ASSESSMENT

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

### 2.1. Planning Instruments and Development Control Plans

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

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

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

- SEPP (Building Sustainability Index BASIX) 2004
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021.

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

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

### Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the LEP.
Part 2 Permitted or prohibited de	velopment	
Land Use Table R3 Medium Density Residential Zone	Yes	The land use is defined as a dwelling house, which is permitted with consent in the R3 zone.
Part 4 Principal development stan	dards	
<ul><li>4.3 Height of buildings</li><li>12.5m</li></ul>	Yes	The proposal has a maximum height of 8.07m.
<ul> <li>4.4 Floor space ratio and</li> <li>4.4A Exceptions to floor space ratio <ul> <li>0.72:1</li> <li>Site Area: 346.5m<sup>2</sup></li> </ul> </li> </ul>	Yes	The proposal has an FSR of 0.69:1.

Provision	Compliance	Comment
Part 6 Additional local provisions		
6.2 Earthworks	Yes	The proposal includes minor excavation at the ground level and in the rear yard to provide a swimming pool. The excavation is minor and unlikely to result in impacts upon surrounding properties. All standard excavation conditions are included in the consent conditions.

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory
2. Ecologically Sustainable Development	Yes	Satisfactory
3. Landscaping and Biodiversity	Yes	Satisfactory as the landscape plan prioritises Australian native low water species.
4. Coastal Risk Management	Yes	Satisfactory
5. Vegetation Preservation	Yes	The proposal includes the retention of a large tree (willow myrtle) within the rear yard. The remaining trees were inspected by Council's Tree Management Officer who advised that, with the exception of the willow myrtle, the trees on site possess no outstanding attributes worthy of retention due to being under 5m and their removal is supported.
6. Stormwater	Yes	Satisfactory
<ul> <li>8. Transport</li> <li>Minimum parking rate: <ul> <li>Nil</li> </ul> </li> <li>Maximum parking rate: <ul> <li>1 space for 2 or less bedrooms</li> <li>2 spaces for 3 or more bedrooms.</li> </ul> </li> </ul>	Yes	The proposal provides for one car space within a single garage integrated into the design of the building behind the front building alignment. The garage design and location are satisfactory. The proposal also provides a storage area for bicycle parking.
10. Safety	Yes	Satisfactory
12. Design Excellence	Yes	Satisfactory
14. Excavation	Yes	Satisfactory

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

Development Control	Compliance	Comment
2.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
2.1 Height		
<ul> <li>Pitched roof dwelling house</li> <li>Maximum external wall height of 7m</li> </ul>	Yes	The proposal has a wall height of 6.46m on the western side. On the shared boundary with the adjoining semi- detached dwelling, the wall height will be a maximum of 8.7m however this is the shared boundary wall where a party wall can reasonably be expected. The proposal has been designed to respond to that proposed at the adjoining semi with a shared roof. The wall height of the shared party wall is considered acceptable.
2.2 Setbacks		
<ul> <li>2.2.1 Front and rear building lines</li> <li>Predominant front building line</li> <li>Predominant rear building line at each floor level</li> </ul>	Yes	The front setback will align with the predominant front building line within the street and the adjoining proposed development at the adjoining semi-detached dwelling in the pair. The rear setback is considered appropriate generally aligning with the ground floor level of the adjoining semi-detached dwelling in the pair. It should be noted however that the adjoining semi is providing a greater setback at the first floor level in order to provide a third floor level that the subject proposal does not seek in this application. No. 32 Tower Street has substantially reduced the size and extent of the first floor level to provide floor space at the second floor level and comply with the FSR development standard. The subject application has opted not to provide a third storey and therefore extends further to the rear at the first floor level, whilst still complying with the FSR development standard.
<ul><li>2.2.2 Side setbacks</li><li>Minimum of 0.9m</li></ul>	Yes	The proposal provides 900mm from the western side boundary and nil to the adjoining semi- detached dwelling in the pair on the eastern side.

Development Control	Compliance	Comment
2.3 Streetscape and visual imp	pact	
<ul> <li>New development to be compatible with streetscape context</li> <li>Replacement windows to complement the style and proportions of existing dwelling</li> <li>Significant landscaping to be maintained.</li> </ul>	Yes	The subject site, and adjoining semi-detached dwelling, are located in the R3 zone with a height development standard of 12.5m. The R2 <i>Low</i> <i>Density Residential</i> zone adjoins the pair of semi- detached to the east where a height of 8.5m applies. In this regard, the proposal, at two- storeys, provides a bulk and scale commensurate with the low density zone to the east rather than the four-storey residential flat buildings to the west. The height of the proposal is significantly below the maximum allowable in the zone and for this site. The proposal has been designed to be consistent with the proposed new semi-detached dwelling at No. 32 Tower Street (reported separately). Although, not identical, the pair of dwellings will have a consistent appearance from the street having been designed to be complementary to each other. The ground and first floor levels generally align at the front at the ground and first floor levels and the pair of dwellings will have a shared roof with the third storey at No. 32 set back behind the front ridge. A condition will require that the landscaping at the front of the site is increased, contributing to the streetscape.
2.4 Fences		
<ul> <li>Front:</li> <li>Maximum height of 1.2m</li> <li>Solid section no more than 0.6m high</li> <li>Side and Rear:</li> <li>Maximum height of 1.8m</li> </ul>	Yes (condition)	The proposal provides low fencing across the front boundary not exceeding a height of 1165mm. However, the side returns will have higher fencing up to 1.8m high. Fencing at the front of the site should be low to allow views into, and out of the site. As such, a condition to this effect is included in Appendix A. The side and rear boundary fencing is a standard height of 1.8m. The swimming pool has been amended to ensure that the fence does not exceed 1.8m by lowering the pool to be consistent with the existing ground level.
2.5 Visual and acoustic privacy	/	
<ul> <li>Habitable windows are not to directly face habitable windows or open space of</li> </ul>	Yes	The proposal includes a rear balcony with an area of approximately 7m <sup>2</sup> and width of 1.4m complying with the DCP controls. The balcony is small in size and is accessed from a bedroom

Development Control	Compliance	Comment
<ul> <li>neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design</li> <li>External stairs are not acceptable.</li> <li>Maximum size of balconies: 10m<sup>2</sup> in area 1.5m deep</li> <li>Roof tops to be non- trafficable unless predominant in the immediate vicinity</li> </ul>		<ul> <li>which is a room of low use without high privacy impacts. Additionally, privacy screening and a solid wall is to be provided on the side boundaries minimising direct viewing into adjoining properties. Accordingly, the balcony, and associated windows on the rear elevation, are unlikely to result in unreasonable privacy impacts upon adjoining properties.</li> <li>The proposal also includes a front balcony with depth of 800mm and an area of 5m<sup>2</sup> also complying with the maximum size provisions of the DCP. This will overlook the street and will not have unreasonable privacy impacts upon adjoining properties.</li> <li>The proposal includes new windows on the western side elevation however these windows are highlight windows restricting overlooking of the adjoining western property or are to rooms of low use (bedrooms) where privacy impacts are not considered unreasonable.</li> <li>All other windows are located on the front elevation overlooking the street and at the ground floor level where existing fencing obscures views into neighbouring properties.</li> <li>Noise from the use of a residential property as a dwelling within a residential zone is not unrealistic or unreasonable, particularly given the medium density zoning of the site.</li> <li>Given the above analysis, it is considered that the proposal will not have unreasonable visual or acoustic privacy impacts.</li> </ul>
2.6 Solar access	N a a	The Division energy of the sheet Division is to study at the
<ul> <li>Minimum of three hours of sunlight to living areas and principal open space areas on 21 June</li> <li>Minimum of three hours of sunlight maintained to at least 50% l of principal open space areas of adjoining properties on 21 June.</li> <li>Avoid unreasonably overshadowing of solar</li> </ul>	Yes	The living areas of the dwelling are located at the rear of the property which has a northerly aspect. As such, the living area windows and private open space are ideally positioned for optimal solar access. Shadow diagrams submitted with the application indicate that there will be additional shadows cast upon the adjoining western property in the morning hours, over the street at noon and a small amount of additional shadow on the

Development Control	Compliance	Comment
collectors (including habitable windows).		<ul> <li>adjoining eastern property in the afternoon hours.</li> <li>Any development above a single storey would result in overshadowing of the adjoining sites so therefore the test becomes whether the development is a reasonable expectation for the site.</li> <li>The proposal complies with the controls of the LEP and DCP. Given that the site is zoned R3 with a height control of 12.5m, a two-storey dwelling with a maximum height of 8.07m has considerably less height than the zoning anticipates for the area. A two-storey dwelling within the controls is not unreasonable and accordingly the overshadowing impacts of the development are considered acceptable.</li> </ul>
2.7 Views		
<ul> <li>Views from the public domain are to be maintained</li> <li>Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks.</li> </ul>	Yes	Refer to detailed discussion following this table.
2.8 Car parking		
<ul> <li>2.8.1 Design Approach</li> <li>Parking only allowed where site conditions permit</li> <li>Designed to complement the building and streetscape</li> <li>Car parking structures to be behind the front building line</li> <li>Driveways are to be located to minimise the loss of on street parking</li> <li>Parking to be provided from secondary streets or lanes where possible.</li> </ul>	Yes	The proposal provides an internal garage set behind the front building alignment and integrated into the design of the dwelling. The proposal retains the existing driveway crossing however this does not align with the location of the garage. This will result in a large proportion of the front setback being paved to allow a vehicle to access the garage. It also has implications for the manoeuvrability of vehicles into and out of the site and may impact upon the safety of pedestrians. As such a condition will require that the driveway and crossing are perpendicular to the garage location and that the landscaping in front of the site is increased.

Development Control	Compliance	Comment
2.8.2 Parking rates	Yes	The proposal provides one car space with potential for a tandem space in front of the garage which complies with the maximum rate of two spaces.
<ul><li>2.8.3 Location</li><li>Behind front building line for new dwellings</li></ul>	Yes	The garage will be integrated into the design of the dwelling behind the front building line.
<ul> <li>2.8.4 Design</li> <li>Complement the style, massing and detail of the dwelling</li> <li>Secondary in area and appearance to the design of the residences</li> <li>Gates to have an open design</li> </ul>	Yes	The garage complements the style, massing and detail of the dwelling and is secondary in appearance to the main dwelling. The proposed front gates will have a height of 1165mm and will have an open appearance.
<ul> <li>2.8.5 Dimensions</li> <li>5.4m x 2.4m per vehicle</li> </ul>	Yes	The garage space has dimensions of 6.4m x 3.3m. There is also the potential for the use of the driveway in the front setback as a tandem space which will also comply with the minimum dimensions at 5.5m x 3m.
<ul> <li>2.8.6 Driveways</li> <li>Maximum of one per property</li> <li>Maximum width of 3m at the gutter (excluding splay)</li> <li>Crossings not permitted where 2 on street spaces are lost</li> </ul>	Yes	As detailed previously, a condition will require that the driveway and crossing are perpendicular to the garage location and that the landscaping in front of the site is increased. A further condition will require that the driveway crossing does not exceed 3m wide at the property boundary. The relocation of the driveway to be perpendicular to the garage will result in the driveway crossing adjoining the new driveway crossing at the proposed development at No. 32 Tower Street (adjoining semi). The relocation will potentially result in a further on-street space to the west with approximately 10m provided to the next driveway crossing. Regardless, the proposal will result in the loss of one on-street parking space and no net loss of parking (provides two off-street spaces for the loss of one on-street space).
2.9 Landscaping and open spa		5 497 (4 00 - <sup>2</sup> )
Overall open space: 40%     of site area	Yes	• 54% (188m <sup>2</sup> ) open space.

Development Control	Compliance	Comment
<ul> <li>Overall landscaped area: 15% of site area</li> <li>Minimum area of 25m<sup>2</sup> for private open space</li> <li>Front open space: 50% of front building setback area</li> <li>Front landscaped area: 50% of front open space provided</li> </ul>	(subject to condition)	<ul> <li>23% (80.5m<sup>2</sup>) landscaped area.</li> <li>Rear yard is 110m<sup>2</sup>.</li> <li>100% of front setback is open space</li> <li>The proposal provides 15% of the front setback as landscaped area due to the location of the driveway. As previously discussed, a condition will require that the driveway is relocated and is to be reduced in width to 3m. The remaining area of the front setback is to be landscaped area improving the streetscape appearance of the dwelling.</li> </ul>
<ul> <li>Outdoor clothes drying area to be provided</li> </ul>		<ul> <li>There is sufficient area for outdoor clothes drying.</li> </ul>
2.10 Swimming pools and spa	pools	
<ul> <li>Located in the rear of property</li> <li>Pool decks on side boundaries must consider visual privacy</li> </ul>	Yes	The proposed swimming pool is located within the rear yard. The swimming pool has been amended since it was first submitted to lower the pool and ensure that the boundary fencing to comply with the Swimming Pools Act does not exceed 1800mm on the boundary. The decking is level with the existing rear yard and will not result in privacy impacts.
2.13 Semi-detached dwellings	and terrace styl	e development
<ul> <li>2.13.1 - Built form</li> <li>To maintain the appearance of semi-detached development as one of a pair, demonstrating consistent scale, character and established streetscape values.</li> <li>To protect the street frontage of the pair of semi-detached dwellings, demolition of one semi-detached dwelling of a semi-detached dwelling pair is not supported.</li> <li>Existing roof form maintained forward of principal ridgeline</li> </ul>	Yes	Refer to detailed discussion below this table.

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

### View Impacts

The NSW Land and Environment Court has articulated general principles with regard to views (see *Tenacity Consulting v Warringah Council [2004] NSWLEC 140*). This case states:

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. (Taking it all away cannot be called view sharing, although it may, in some circumstances, be quite reasonable.) To decide whether or not view sharing is reasonable, a four-step assessment should be used:

- 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.

There is a residential flat building to the west of the site, 26-28 Tower Street, which has side balconies orientated toward the subject site to achieve views of the Pacific Ocean to the east (refer to **Figures 2 and 3** previously in this report and **Figure 4** below).



Figure 5: Subject site and adjoining residential flat building with side balconies in the background

During the assessment of the previous application for this site, site visits were carried out to a number of units within 26-28 Tower Street at the first, second and third floor levels, including Units 2, 6, 7, 8, 10, 11 and 13. These views are considered to still be relevant to the subject application particularly given that the previous consent is still active for this site.

It is noted that a number of units have views to the east over the side boundary of the subject site which would be lost or reduced as a result of the subject proposal. These views are from balconies and living area windows and are partial views of the ocean. However, given that the views are obtained over the side boundary and will be lost or reduced as a result of a two-storey dwelling that is fully compliant with the height and FSR controls of the LEP, the view loss directly to the east is not considered to be unreasonable. This is especially evident given that the R3 zoning and 12.5m height control of the site anticipates a much higher density and scale than the proposal seeks to provide.

It was also noted that a number of apartments within 26-28 Tower Street have views to the south-east angled over the front setback of the subject site. A portion of these views will be retained.

DA-118/2017 for alterations and additions to the existing semi-detached dwelling including ground floor alterations and first floor addition was approved on 25/10/2017. Extensions to consents under COVID-19 provisions enable an additional two years to the expiration period for consents that would otherwise have expired during the prescribed period under the Act. This means that DA-118/2017, and the associated view impacts of that approved development, are still current. In this regard, the majority of the view loss over the subject site already occurs due to the approval of this development. Notwithstanding a further view assessment has been carried out in relation to the current proposal on this, and the adjoining semi-detached dwelling at No. 32, as detailed following.

**Figures 6 to 11** below are indicative of the views from the adjoining apartments taken during the assessment of the previous application for this site noting that since these photographs were taken the views have been further eroded by two-storey buildings on Jensen Avenue.



Figure 6: Affected view from balcony of Unit 6 (level 2)



Figure 8: Affected view from balcony of Unit 8 (level 2)



Figure 7: Affected view from balcony of Unit 7 (level 2)



Figure 9: Affected view from dining and kitchen of Unit 10 (level 2)



Figure 10: Affected view from balcony of Unit 11 (level 3)



Figure 11: Affected view from balcony of Unit 13 (level 3)

Some of these images were used by the Applicant for the adjoining proposal at No. 32 Tower Street to provide view analysis diagrams that demonstrate the view impacts of the subject site and the proposal on the adjoining semi-detached dwelling at No. 32 Tower Street. These images are considered relevant to this application also and demonstrated in **Figures 12 to 15** below.



Figure 12: View analysis diagram – Unit 2 (level 1) looking directly east



Figure 14: View analysis diagram – Unit 6 (level 2) looking east



Figure 13: View analysis diagram – Unit 2 (level 1) looking to the south-east



Figure 15: View analysis diagram – Unit 11 (level 3) looking east

The views from the adjoining residential flat building are directly across a side boundary. It is unrealistic to expect to maintain views directly over a side boundary of a site which would limit the development potential of that site to a single storey building. A two-storey dwelling which is significantly less in height that the 12.5m height control is not unreasonable for this site, nor should it be unexpected given the R3 zoning.

The photographs indicate that the views that will be impacted are partial views mostly obscured by existing structures and vegetation. Additionally, the views are obtained over an underdeveloped site. The subject proposal is below both the height and FSR development standards and complies with the built form controls of the DCP. The proposal is therefore considered a reasonable development. In this regard, although unfortunate, the view loss from units within the adjoining building is not considered unreasonable.

### Semi-detached dwellings

The majority of the objectives and controls in this section of the DCP are relevant to alterations and additions to a semi-detached dwelling, where only one of the pair of semi-detached dwellings are

undergoing works. One of the objectives of particular relevance to the subject application is to maintain the appearance of semi-detached development as one of a pair, demonstrating consistent scale, character and established streetscape values. Control (a) of 2.13.1 *Built Form* is to protect the street frontage of the pair of semi-detached dwellings, demolition of one semi-detached dwelling of a semi-detached dwelling pair is not supported.

The subject proposal is for the demolition of the existing semi and construction of a two-storey dwelling that does not maintain the original style, form and detail of the original dwelling. Notwithstanding, the proposal has been submitted in conjunction with a similar proposal on the adjoining semi in the pair at 32 Tower Street. These applications are being considered concurrently. The proposals together, are consistent with the DCP control that prohibits the demolition of only one of the pair of semi-detached dwellings. In this regard, the proposals can be considered together and the requirement to retain the original style of the building is not relevant.

The two proposals will result in a pair of semi-detached dwellings of similar appearance at the street front providing cohesion between the pair, consistent with the relevant built form objectives. It is noted that No. 32 proposes a three-storey building however amendments have been made to this building to set back the third storey behind the main ridge of the pair of dwellings. This provides a similar appearance, bulk, scale and setback at the street frontage with the third level set back so as to read as recessive within the streetscape.

Tower Street has a mixture of building types including four-storey residential flat buildings and single storey semi-detached dwelling pairs. Nos. 30 and 32 Tower Street sit between a four-storey residential flat building and one and two-storey pairs of semi-detached dwellings fronting Jensen Avenue. The existing pair of semi-detached dwellings are on the edge of the R3 zone where higher density development is anticipated. The scale of the subject proposal and the adjoining three-storey building proposed at No. 32 Tower Street provides an appropriate transition to the properties on Jensen Avenue located in the low density R2 zone.

Given the above analysis, it is considered that the similar appearance of the pair of semi-detached dwellings as a result of the submission of concurrent applications will result in a development which is consistent with the objectives of this part of the DCP.

### 2.2. Other Impacts of the Development

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

### 2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

### 2.4. Any Submissions

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

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

• The swimming pool in the rear yard is lowered.

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

Count	Property Address
1.	1/26-28 Tower Street VAUCLUSE
2.	2/26-28 Tower Street VAUCLUSE
3.	12/26-28 Tower Street VAUCLUSE
4.	14/26-28 Tower Street VAUCLUSE
5.	Unidentified Unit of 26-28 Tower Street VAUCLUSE i

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

- Overshadowing and solar access
- Visual and acoustic privacy
- View impacts.

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

### Issue: Visual outlook

**Response:** The proposed dwelling provides appropriate setbacks including from the side boundary. The adjoining residential flat building at 26-28 Tower Street is significantly set back from the shared side boundary and as such there will be no unreasonable loss of visual outlook. The proposal presents an appropriate bulk and scale within the streetscape particularly given the zoning of the site. Loss of significant views has been previously discussed in this report.

*Issue:* Loss of property value

**Response:** This is not a planning matter under the Act.

### 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

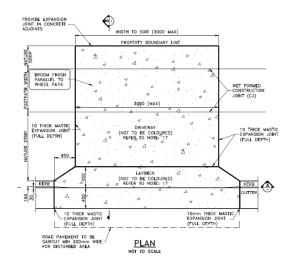
Concerns were raised by Council's Traffic Engineer in relation to the driveway location as follows:

The SoEE advises that the existing driveway retained is to be retained. The existing driveway does not align with the proposed garage. The driveway crossing at the boundary has been widened to 5.9 metres to accommodate the manoeuvre to and from the garage. This is not acceptable.

The existing driveway must be removed and a new driveway aligning with the garage provide instead. This has been conditioned.

*The new driveway is to be 3.0 metres wide at the property boundary and 3.0 metres with 0.45 metre splays at the street.* 

*The driveway is to be constructed as per Council's standard drawing for a single parking space* (*R2 – single driveway crossing and layback*), as shown below.



Conditions were recommended which are included in Appendix A including a condition that the driveway is perpendicular to the garage space.

### 3.2. Stormwater

Conditions were recommended which are included in the consent conditions.

### 3.3. Tree Management

The following comments were provided and recommended conditions are including in the consent conditions:

On inspection, it was noted that on site there were no trees of any significance, the trees possess no outstanding attributes worthy of retention due to being under 5m and their removal is supported.

On inspection, it was noted that on site there is one (1) Agonis flexuosas (willow myrtle) - tree to be retained and protected.

### 4. CONCLUSION

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

Development and Building Unit (DBU) Decision:

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

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

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

### 5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:	
Huc	A.	
Kylie Lucas	Ben Magistrale	
Senior Development Assessment Planner	Manager, Development Assessment (Area 2) (Reviewed and agreed on behalf of the Development and Building Unit)	
Date: 25/10/2022	Date: 9 November 2022	

Reason for WLPP referral:

Concurrent determination with DA-154/2022 that triggers Referral Reason No. 2 – Contentious development (10 or more objections)

## APPENDIX A – CONDITIONS OF CONSENT

### A. APPROVED DEVELOPMENT

### 1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by Vandelay Studios including the following:

Plan Number	Plan description	Plan Date	Date received by
and Revision			Council
DA1001A	SITE PLAN	31/03/2022	05/04/2022
DA2000A	GROUND FLOOR	31/03/2022	05/04/2022
DA2001B	GROUND FLOOR GARDEN	28/08/2022	26/09/2022
DA2002A	FIRST FLOOR	31/03/2022	05/04/2022
DA2003A	ROOF PLAN	31/03/2022	05/04/2022
DA2300A	SECTION A	31/03/2022	05/04/2022
DA2301B	SECTION A – GARDEN AND POOL	28/08/2022	26/09/2022
DA2302A	SECTION B	31/03/2022	05/04/2022
DA2400A	SOUTH ELEVATION	31/03/2022	05/04/2022
DA2401A	NORTH ELEVATION	31/03/2022	05/04/2022
DA2402A	WEST ELEVATION	31/03/2022	05/04/2022
DA2403A	EAST ELEVATION	31/03/2022	05/04/2022
DA2404A	FINISHES SCHEDULE	31/03/2022	05/04/2022
DA9003B	POOL FENCE PLAN	28/08/2022	26/09/2022
DA9002A	LANDSCAPE PLAN	30/03/2022	05/04/2022

- (b) BASIX Certificate
- (c) The Site Waste and Recycling Management Plan (SWRMP) Part 1

Except where amended by the following conditions of consent.

### 2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments:

- (a) The existing driveway is required to be removed and a new driveway aligning with the garage provided. The crossing is to be 3m wide at the property boundary and 3m wide plus 0.45m splays at the street. It is to be perpendicular to the property boundary.
- (b) The front landscaped area is to be increased extending to the front fence on the western side of the front setback area. This can be accommodated by moving the driveway location as per the requirements outlined in (a) above.
- (c) Fencing forward of the building, including the side returns, is not to exceed a height of 1.2m.

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

### 3. DOMESTIC HEATERS

The provision of solid fuel heating is prohibited.

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

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

### **GENERAL REQUIREMENTS**

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

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

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

### 5. HOME BUILDING ACT

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

### **CONTRIBUTIONS, FEES & BONDS**

### 6. SECTION 7.12 CONTRIBUTION

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

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

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

- (b) As legislated in section 25K of the Environmental Planning and Assessment Regulation 2000, the levy must be paid in accordance with the following;
  - (i) A development valued at \$100,000 or less will be exempt from the levy;
  - (ii) A development valued at \$100,001 \$200,000 will attract a levy of 0.5% of the full cost of the development; or
  - (iii) A development valued at \$200,001 or more will attract a levy of 1% of the <u>full</u> 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 \$23 485 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.

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

### 9. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

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

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

### **CONSTRUCTION MATTERS**

### 10. HOARDING

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

### 11. EROSION & SEDIMENT CONTROL

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

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

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

### 12. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

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

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

### **13.** ENGINEERING DETAILS

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

### **STORMWATER & FLOODING**

### 14. STORMWATER MANAGEMENT

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

The submitted stormwater management plan prepared by itm design Pty Ltd, Job No. 21/172, Drawing No. H-DA-00, H-DA-01, and H-DA-02, Issue A, dated 18/03/2022 are considered <u>conceptual only.</u>

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) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location shall be provided. Calculations demonstrating the proposed stormwater drainage system can cater for the relevant design storm event shall be provided.
- e) 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.
- f) Seepage water must not be directly or indirectly discharged to Council's street gutter.
- g) A sediment control stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- h) The proposed OSD tank shall be located outside of the proposed swimming pool and its coping.
- 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: <u>assets@waverley.nsw.gov.au</u> or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday).

### **ENERGY EFFICIENCY & SUSTAINABILITY**

### 15. BASIX

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

### <u>WASTE</u>

### 16. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

### 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/developm ent\_applications - conditions of consent

### 18. DILAPIDATION REPORT

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

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

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

# C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

### PRIOR TO ANY WORKS

### **19. CONSTRUCTION SIGNS**

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

### **DEMOLITION & EXCAVATION**

### 20. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

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

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

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

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

### 21. CONTROL OF DUST ON CONSTRUCTION SITES

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

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

### 22. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

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

### 23. EXCAVATION AND BACKFILLING

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

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

### **CONSTRUCTION MATTERS**

### 24. CONSTRUCTION HOURS

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

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

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

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

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

### 26. CONSTRUCTION INSPECTIONS

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

### 27. CERTIFICATE OF SURVEY - LEVELS

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

### 28. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

### 29. WORK OUTSIDE PROPERTY BOUNDARY

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

### 30. 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.

### **31. TREATMENT OF BOUNDARY WALLS**

The walls approved on the eastern boundary with the neighbouring property are to be finished to the same standard as the remaining building and not left unfinished to ensure a consistent visual appearance.

### 32. CONSTRUCTION OF SWIMMING POOLS AND OUTDOOR SPAS

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

- (a) Reinforcement of the swimming pool/outdoor spa is to be inspected by an Accredited Officer or other suitably qualified person prior to the pouring of concrete
- (b) The electrical wiring system for any proposed underwater artificial lighting installation to the pool/spa is to be installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules

- (c) The swimming pool/outdoor spa water is to be treated by an approved water treatment and filtration unit
- (d) To prevent noise nuisance to surrounding properties, the swimming pool/outdoor spa filtration motor and pump unit is to be housed within a ventilated soundproof enclosure
- (e) Waste waters from the swimming pool/outdoor spa are to be discharged into Sydney Water's sewerage system and in this regard, approved plans MUST be submitted to Sydney Water at least 14 days prior to commencement of building operations.

### TREE PROTECTION AND REMOVAL

### **33.** TREE PROTECTION

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

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

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

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

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

- TPZ A 1.8m chain link wire fence or the like shall be erected around the above trees to be retained to protect them from damage during construction. Fencing is not to be removed until all building work has been completed. Fencing to be installed to the dimensions outlined in the table above.
- If any tree roots are exposed during any approved works then roots smaller than 30mm are to be pruned as per the specifications below. Any roots greater than 30mm are to be assessed by a qualified arborist before any pruning is undertaken.
- If tree roots are required to be removed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).
- It is the arborist's responsibility to determine if such root pruning is suitable. If there are any concerns regarding this process, then Waverley Council's Tree Management Officer is to be contacted to make final determination.

• If any trees on neighbouring properties require pruning, then an 'Application to Prune or Remove Trees on Private Property' is then to be presented to Council for processing.

### VEHICLE ACCESS & PUBLIC DOMAIN WORKS

### 34. NEW/RECONSTRUCTED VEHICLE CROSSING

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

The crossing is to be 3.0 metres wide at the property boundary and 3.0 metres wide plus 0.45 metre splays at the street. It is too be perpendicular to the property boundary.

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

### 35. VEHICULAR ACCESS - FINISHED LEVEL TO FOOTPATH

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

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

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

### **36.** FINAL OCCUPATION CERTIFICATE

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

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

### 37. CERTIFICATION OF BASIX COMMITMENTS

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

### **38.** CERTIFICATION OF STORMWATER SYSTEM

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

### **39. 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 (<u>http://www.swimmingpoolregister.gov.au</u>);
- (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.

### 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 pumpout 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 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.

### 43. STREET NUMBER

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.

### **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 <u>info@waverley.nsw.gov.au</u> 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. CONCURRENT WORKS TO ADJOINING SEMI-DETACHED DWELLING

The approved works for the site shall be constructed concurrently with those for the adjoining semidetached dwelling.

### AD3. 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.

### AD4. 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.

### AD5. 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.

### 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. 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. SITE RECTIFICATION WORKS

The vacant site is to be maintained in a safe and secure manner. Fencing is to be erected around the permitter 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 6months (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.

Date Rece

PROPOSED NEW SEMI DETACHED DWELLING

# **30 Tower Street Vaucluse NSW 2030** Australia

DRAWING No	DRAWING NAME	SCALE	REV
DA0000	COVERPAGE		А
DA1000	SITE LOCATION PLAN	1:1.15	А
DA1001	SITE PLAN	1:200	А
DA2000	GROUND FLOOR	1:100	А
DA2001	GROUND FLOOR GARDEN PLAN	1:100	А
DA2002	FIRST FLOOR	1:100	А
DA2003	ROOF PLAN	1:100	А
DA2300	SECTION A	1:100	А
DA2301	SECTION A - GARDEN AND POOL	1:100	A
DA2302	SECTION B	1:100	А
DA2400	SOUTH ELEVATION	1:100	А
DA2401	NORTH ELEVATION	1:100	А
DA2402	WEST ELEVATION	1:100	A
DA2403	EAST ELEVATION	1:100	A
DA2404	FINISHES SCHEDULE	1:100	A
DA9000	GFA PLANS	1:200	A
DA9001	LANDSCAPE AND OPEN SPACE	1:200, 1:1	A
DA9002	LANDSCAPE PLAN	1:200, 1	A
DA9100	SHADOW DIAGRAMS	1:400	A
DA9300	PHOTOMONTAGE	1:0.36	A



# VANDELAYSTUDIC

ww.vandelaystudios.com.au esse@vandelaystudio ABN: 69637848934

FILE: 30 - 32 Tower Street FEB 2022.pln

SSUE DATE

REVISION

BASIX (ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE 12828795

TEP PEOLIPEMENTS

ed 300 square metres le attic room. city to generate at least

I clad) R2.00 (or 2.40 inclu ng: 4 (up), roof: foil/sarking - gable end vent

SIX Certificate - All skylights as per BASIX Certificate

Page 491 of 560

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verley Council	
on No: DA-130/2022	
eived: 05/04/2022	

# **APPLICATION** DEVELOPMENT



PROJECT: Tower St 30 Tower Street Vaucluse NSW 2030 DRAWING: COVERPAGE

PROJECT NO: #PIn SCALE: @A3 DRAWING NO: REV: PLOTTED: 31/3/22





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### COPYRIGHT OF THI DRAWING IS RETAINED E VANDELAY STUDIOS VANDELAYSTUDIO

ww.vandelaystudios.com.au ABN: 69637848934

FILE: 30 - 32 Tower Street FEB 2022.pln

SSUE DATE REVISION BASIX (ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE 1282879S

r tank of at least 1000 litres on the site. ter tank with a capacity of at least 2000 litres on the site volume greater than 14 kilolitres and must be outdoors

MENTS: of have more than 2 storeys. r area of the dwelling must not exceed 300 square metres. at contain onen mezzanine area exceeding 25 square metre ) open mezzanine area ovocouring and an on open mezzanine area ovocouring and a second to the second

construction) etal clad) R2.00 (or 2.40 includin ceiling: 4 (up), roof: foil/sarking - gable end vents; m

ertificate ه as per BASIX Certificate - All skylights as per BASIX Certificate

Page 492 of 560

### RECEIVED Waverley Council

Application No: DA-130/2022

Date Received: 05/04/2022

**Clarke Reserve** 

THE SITE **30 TOWER STREET** 

Jensen Avenue Reserve

Tower Street Reserve

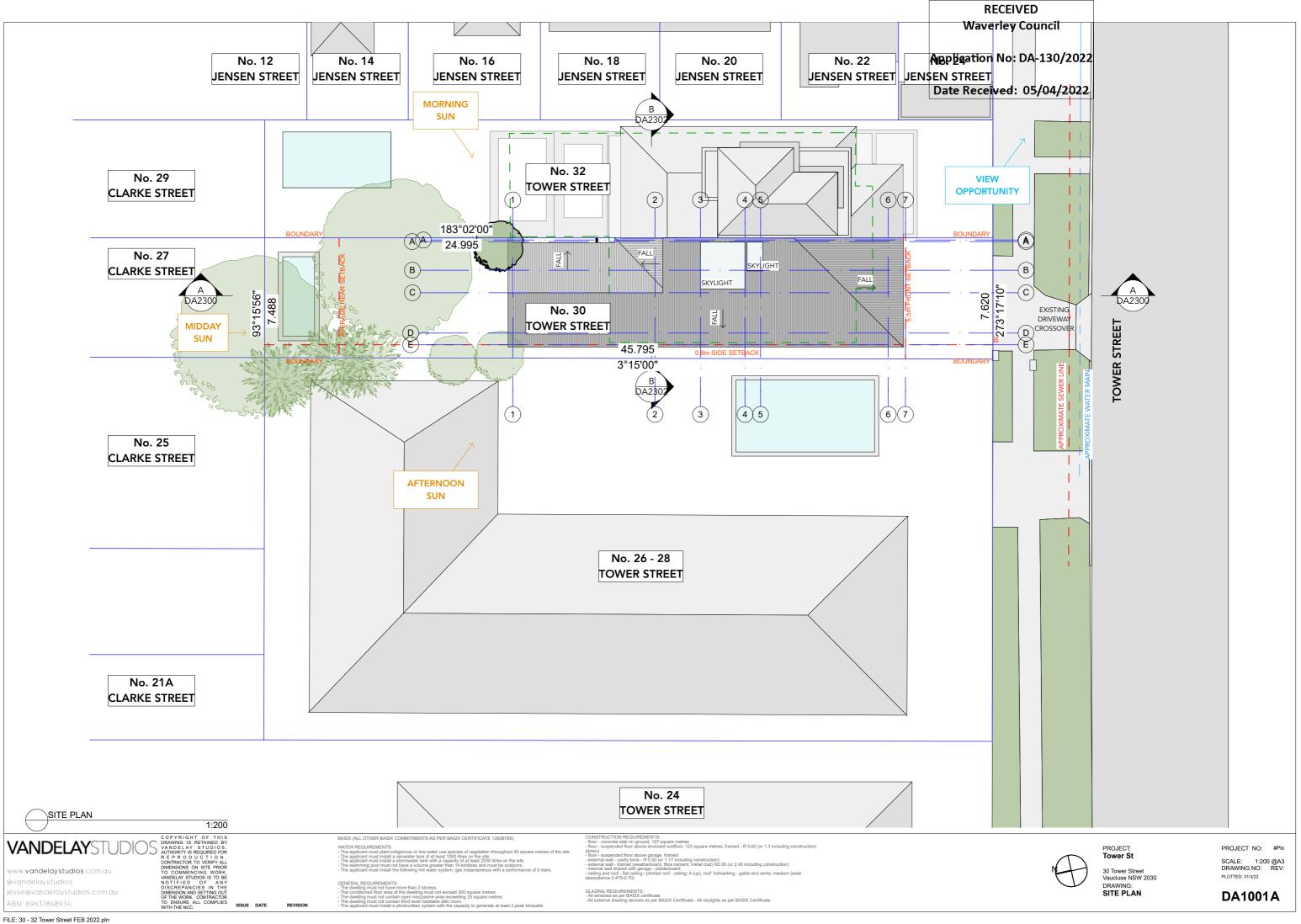


PROJECT: Tower St

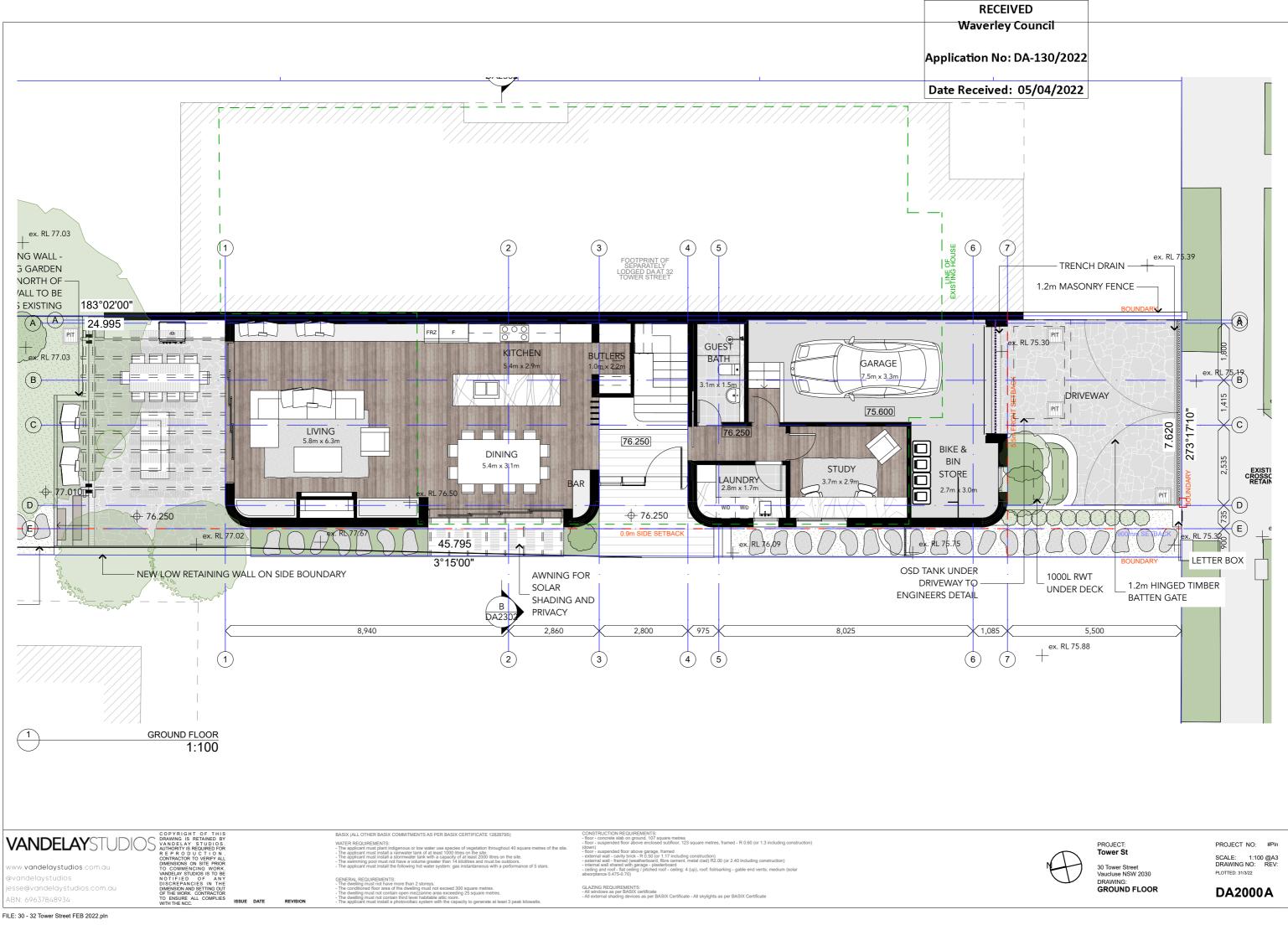
30 Tower Street Vaucluse NSW 2030 DRAWING: SITE LOCATION PLAN

PROJECT NO: #Pln SCALE: 1:1.15@A3 DRAWING NO: REV: PLOTTED: 31/3/22

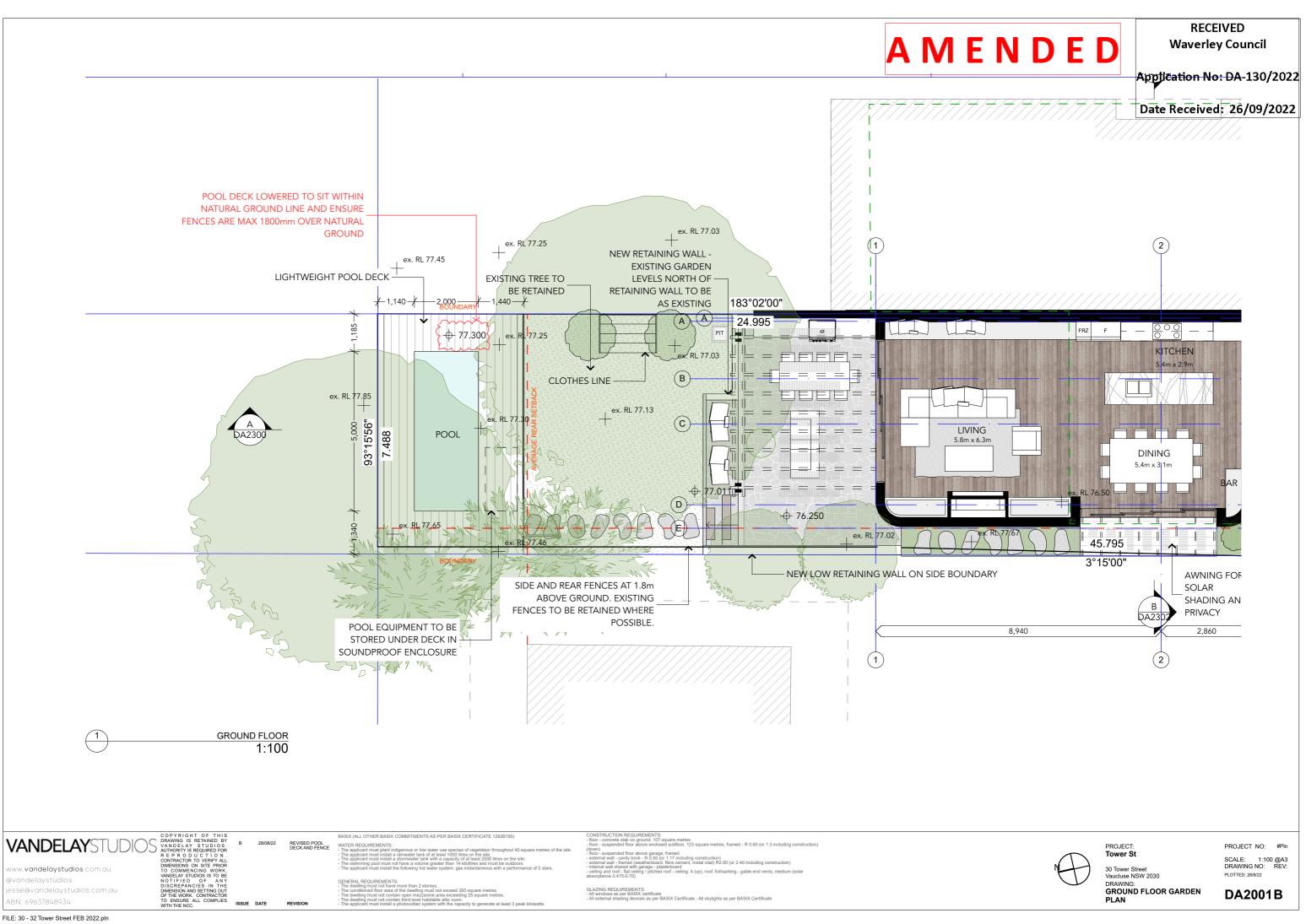




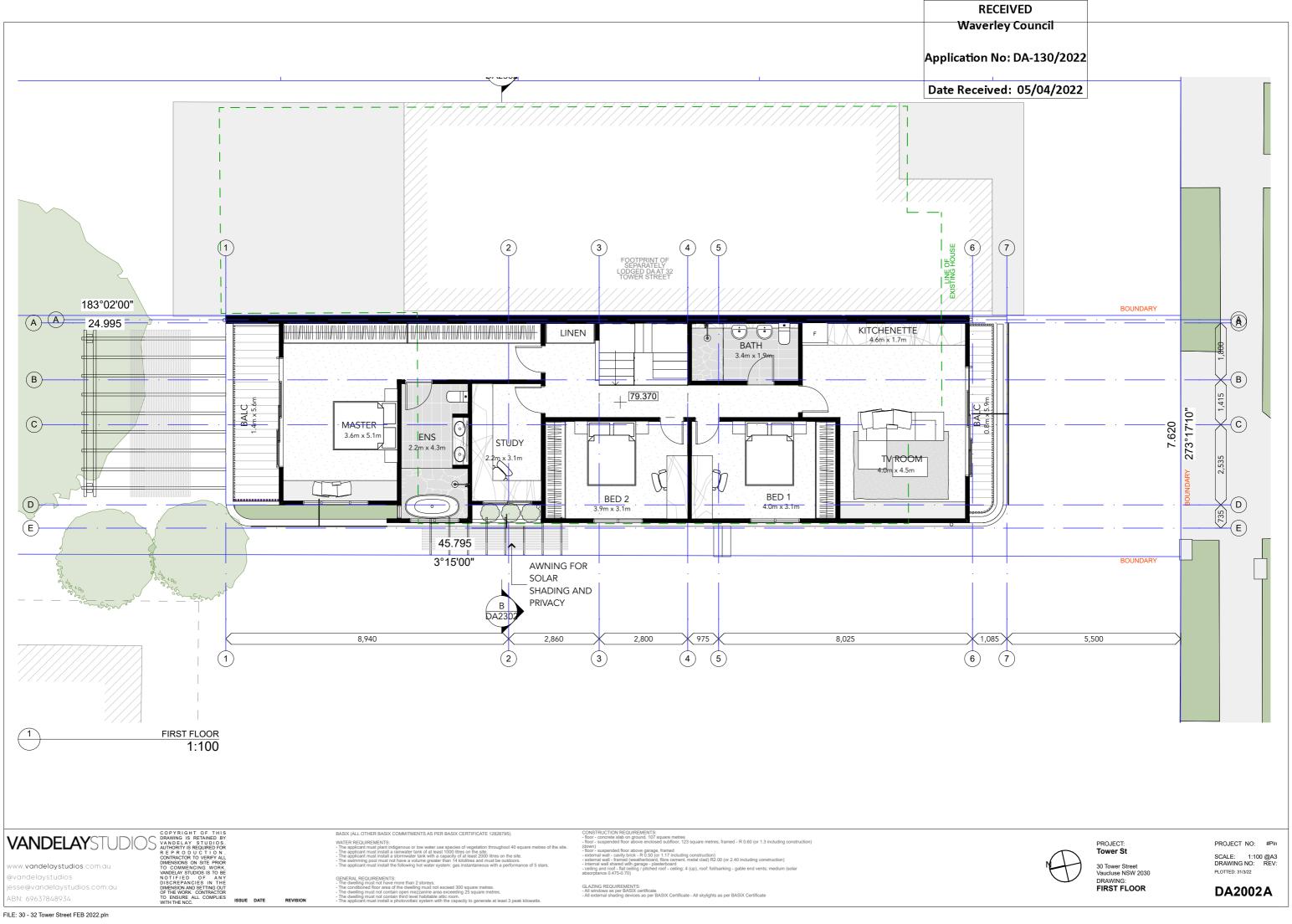
Page 493 of 560



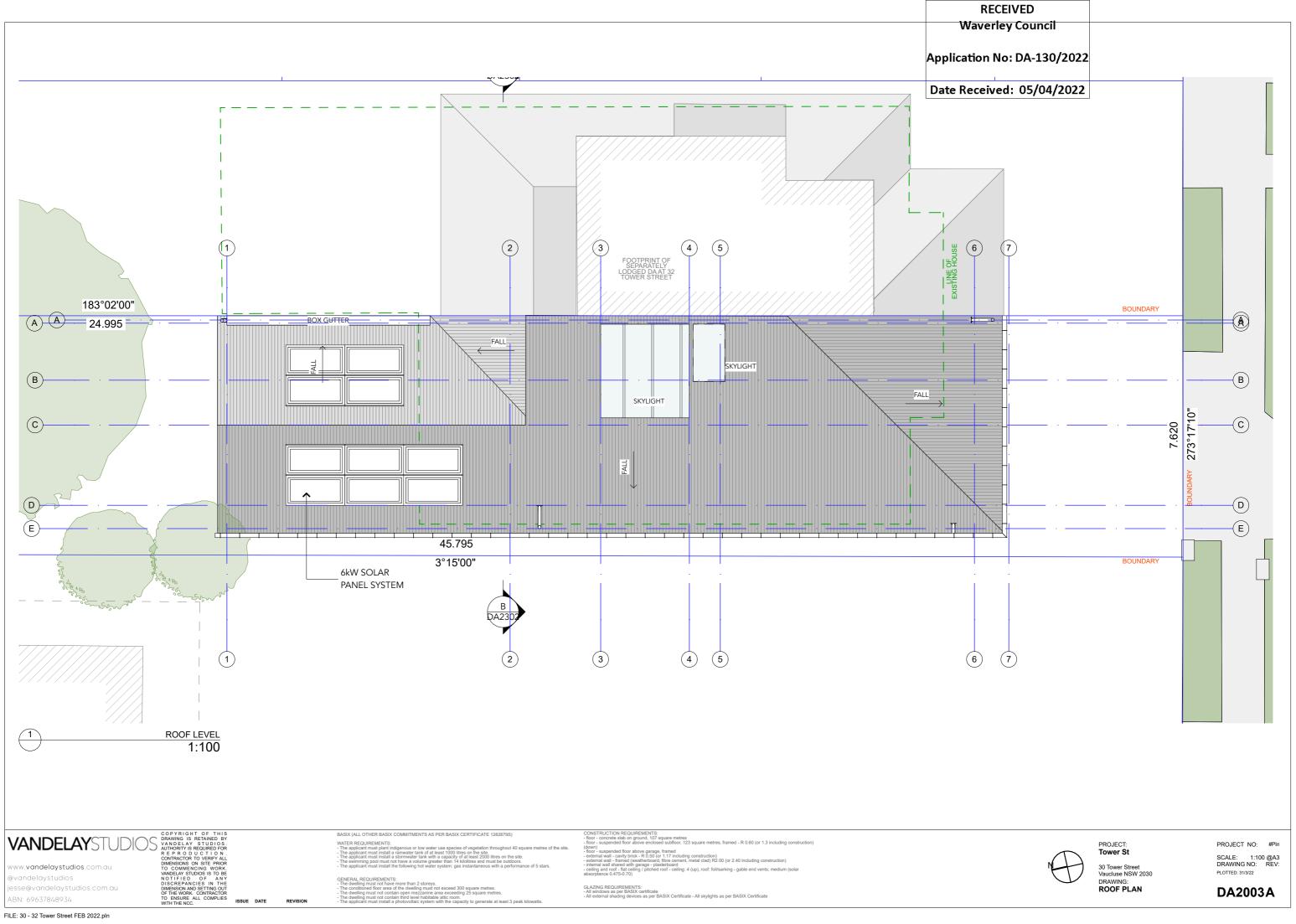
Page 494 of 560



Page 495 of 560

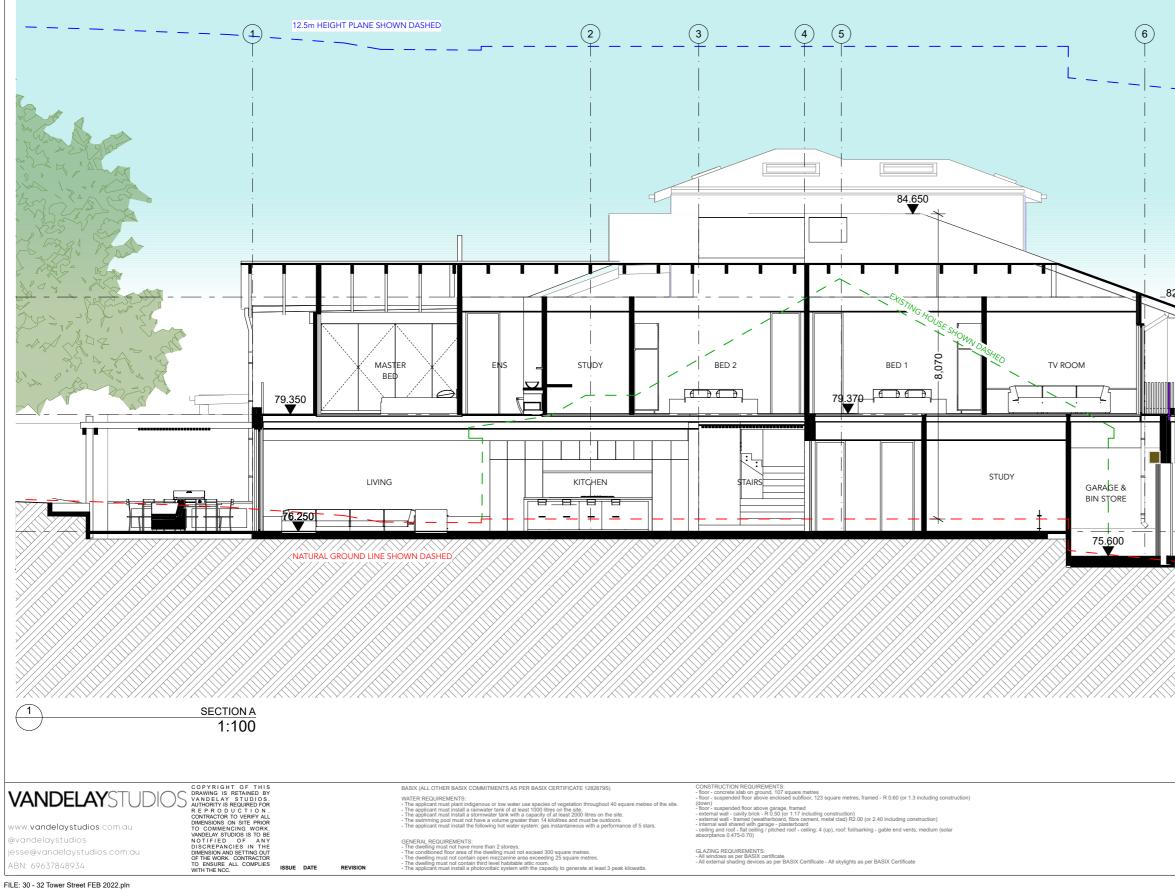


Page 496 of 560



Page 497 of 560

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Page 498 of 560

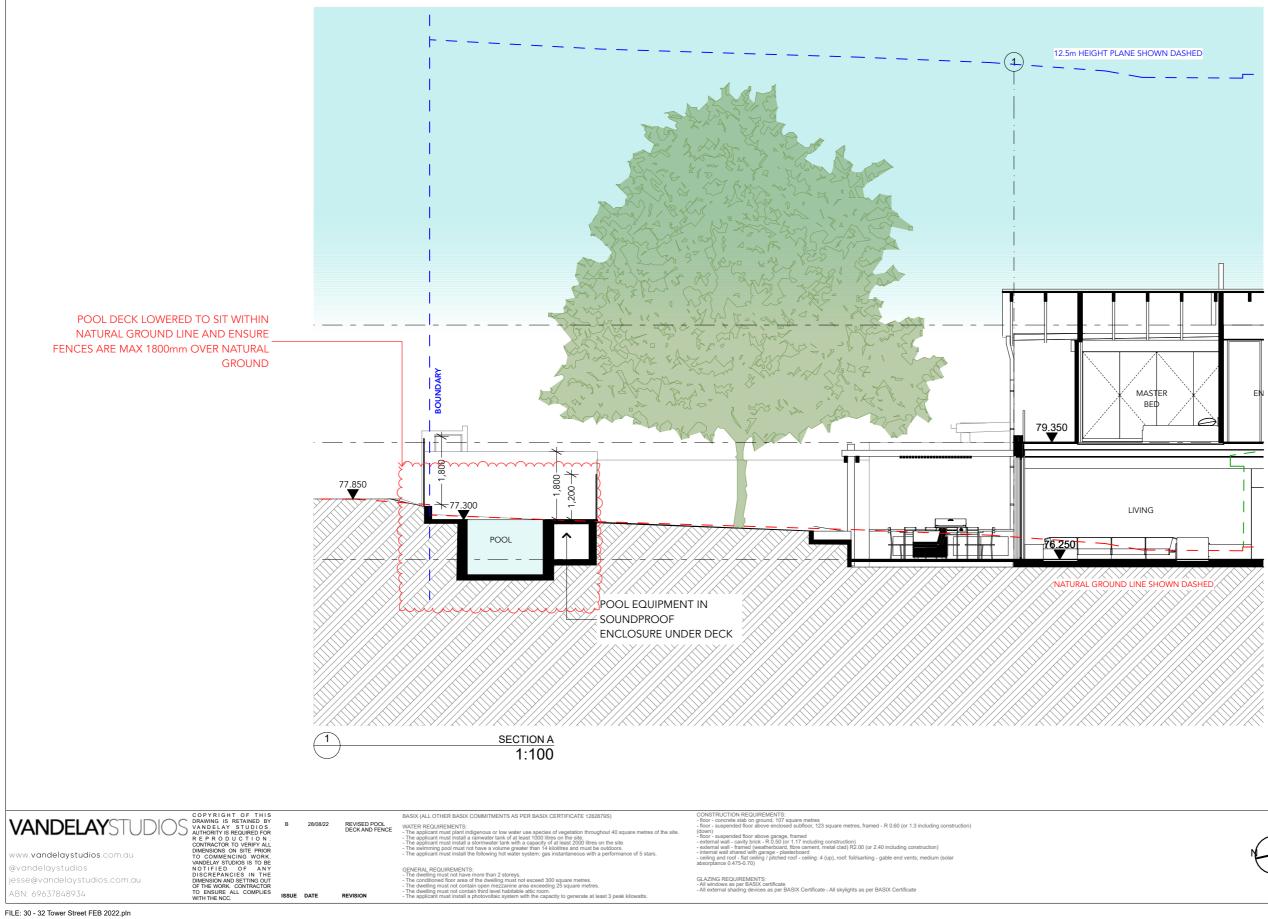
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PROJECT: Tower St 30 Tower Street Vaucluse NSW 2030 DRAWING: SECTION A

PROJECT NO: #Pln SCALE: 1:100 @A3 DRAWING NO: REV: PLOTTED: 31/3/22





### Page 499 of 560



### RECEIVED Waverley Council

Application No: DA-130/2022

Date Received: 26/09/2022

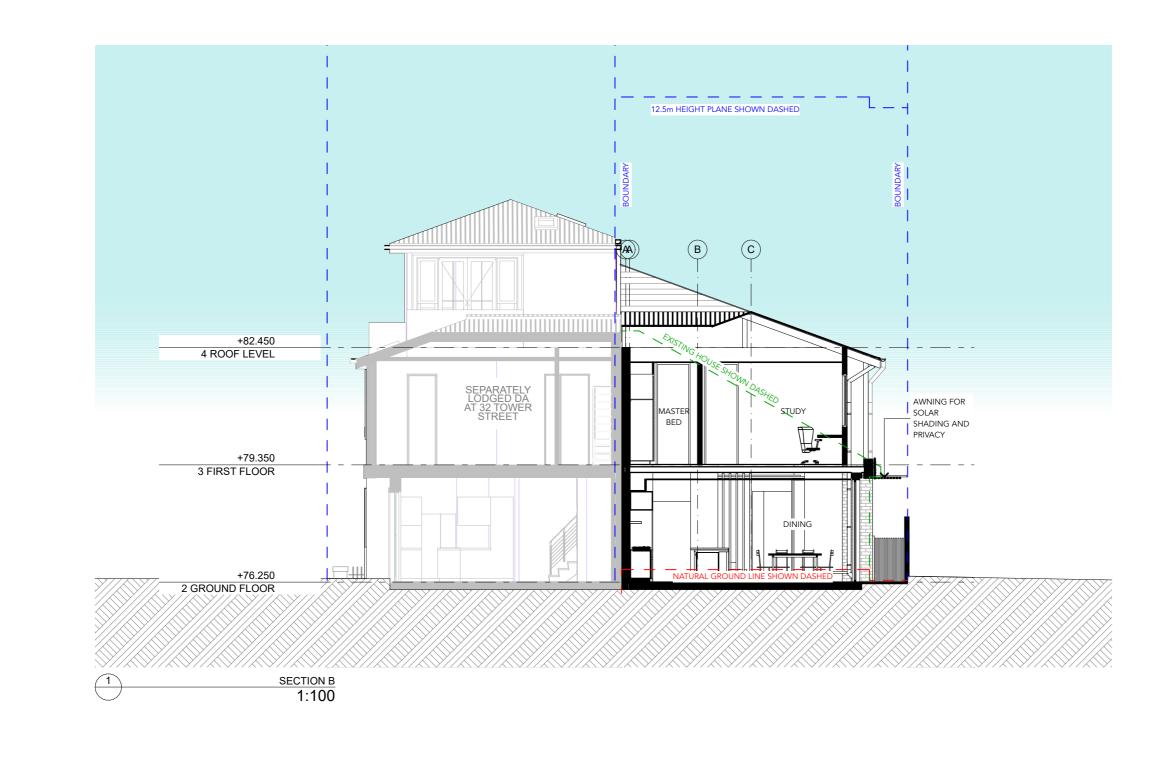
PROJECT: Tower St

30 Tower Street Vaucluse NSW 2030 DRAWING: SECTION A - GARDEN AND POOL

PROJECT NO: #PIn SCALE: 1:100 @A3 DRAWING NO: REV: PLOTTED: 28/8/22



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PROJECT: Tower St 30 Tower Stree

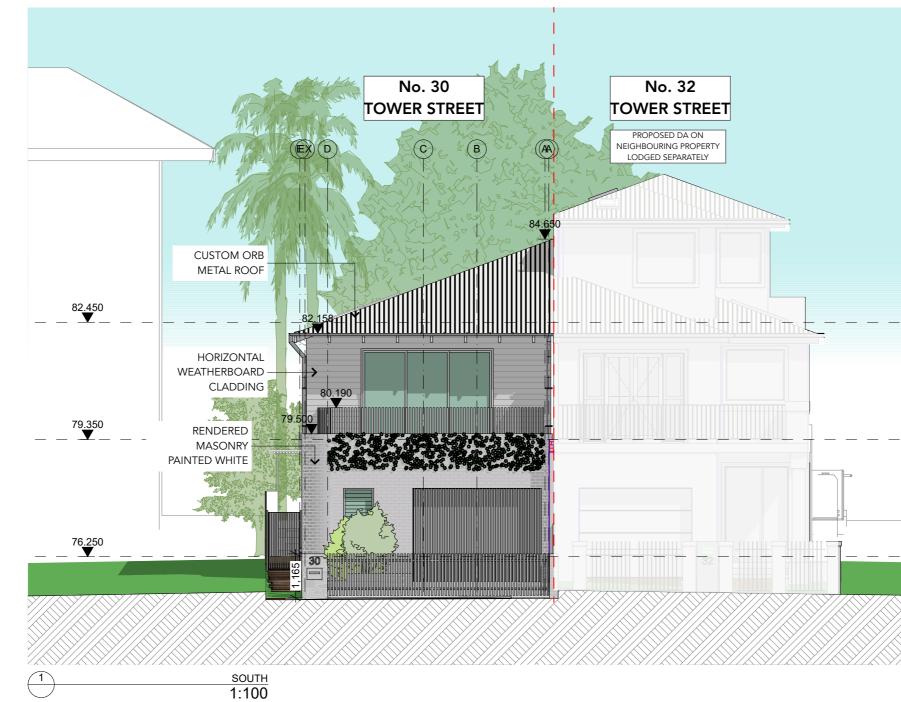
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DIMENSION

TO ENSURE ALL COMPLIES WITH THE NCC.

ISSUE DATE

REVISION

ww.vandelaystudios.com.au vandelaystudios esse@vandelaystudios.com.a ABN: 69637848934

FILE: 30 - 32 Tower Street FEB 2022.pln

BASIX (ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE 12828795)

-, ..., www.water use species of vegetation throughout 40 sq tert tank of at least 1000 litres on the site. valer tank with a capacity of at least 2000 litres on the site. a volume greater than if Aliothes and must be deutoors, ting hot water system; gas instantaneous with -WATER REQUIREMENTS: - The applicant must plant indig - The applicant must install a ra - The applicant must install a st throughout 40 squar

GENERAL REQUIREMENTS: - The dwelling must not have more than 2 storeys. - The conditioned floor area of the dwelling must not exceed 300 square metres. The dwelling must not ennitian none mezzamine area exceeding 25 square metres contain open mezzanine area exceeding 20 square mesos. contain third level habitable attic room. fall a bhotovoltaic system with the capacity to generate at least 3 The

CONSTRUCTION REQUIREMENTS: - floor - concrete slab on ground, 107 square metres - floor - suspended floor above enclosed subfloor, 123 square metres, f (down) - floor -- suspended floor above garage, framed all wall - cavity brick - R 0.50 (or 1.17 including construction) nal wall - framed (weatherboard, fibre cement, metal clad) R2.00 (or 2.40 includin I wall - cannol (weatherboard, fibre cement, mean weat, . J wall shared with garage - plasterboard I wall shared with garage - plasterboard wan 0.475-0.70)

; REQUIREMENTS: ows as per BASIX certificate rnal shading devices as per BASIX Certificate - All skylights as per BASIX Certificate

Page 501 of 560

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PROJECT: Tower St 30 Tower Street Vaucluse NSW 2030 DRAWING: SOUTH ELEVATION

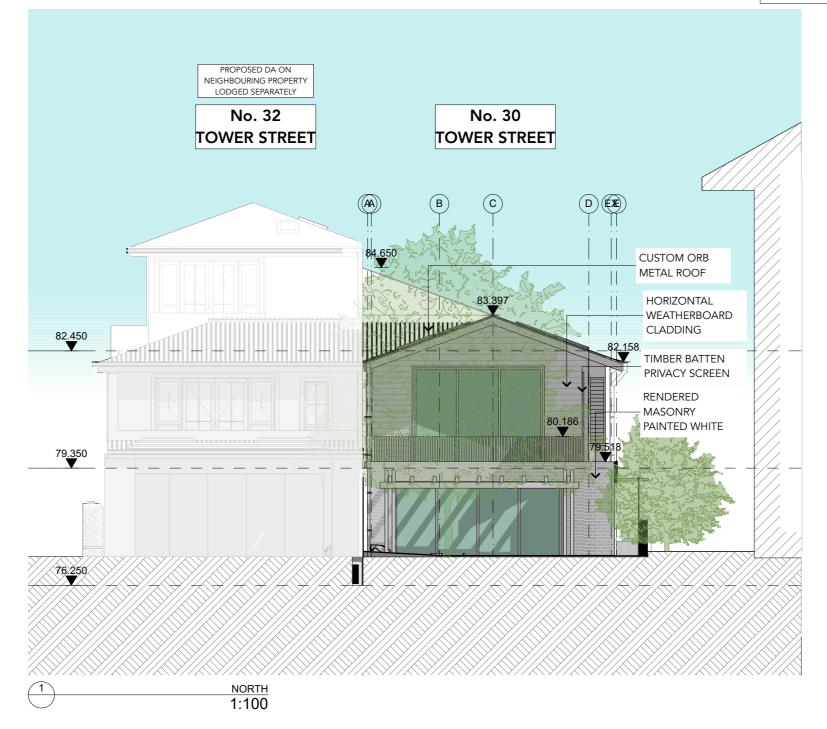
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R Wave

Application

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Page 502 of 560

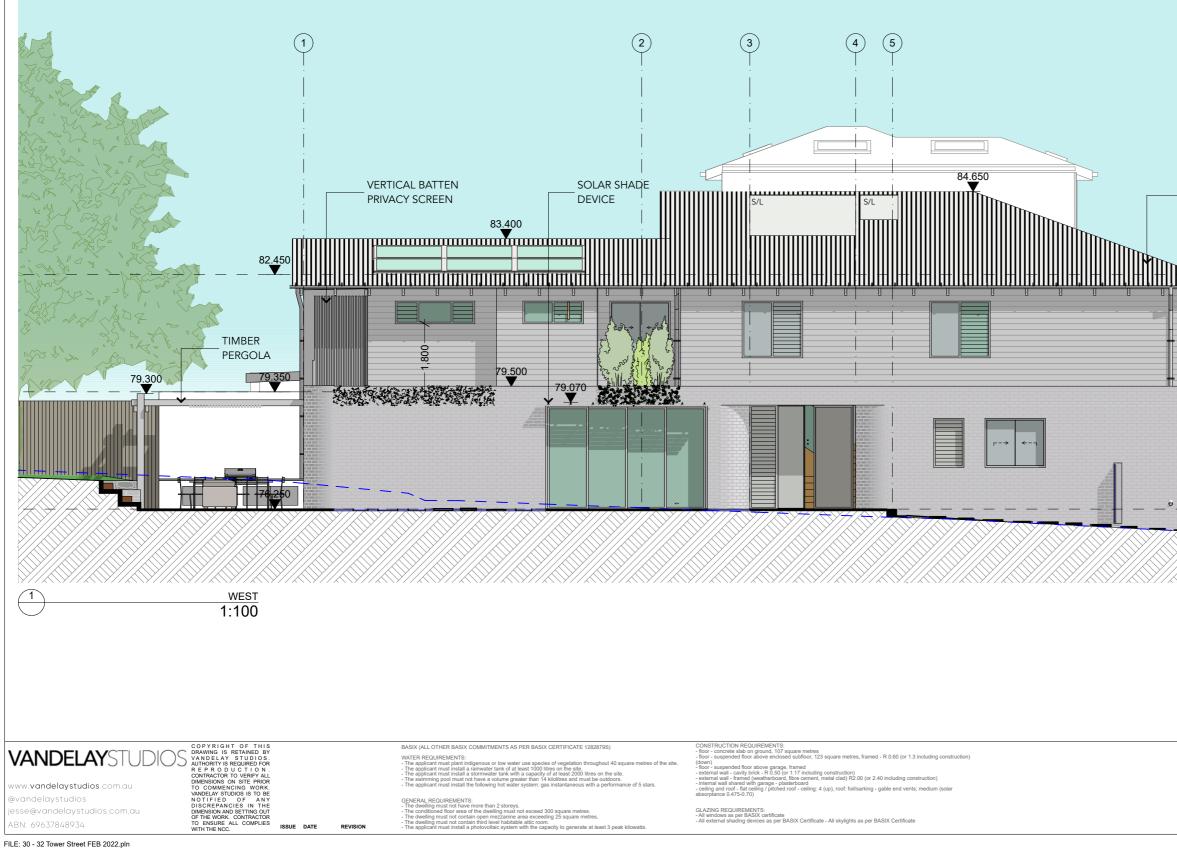
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PROJECT: Tower St 30 Tower Street Vaucluse NSW 2030 DRAWING: NORTH ELEVATION

PROJECT NO: #PIn SCALE: 1:100 @A3 DRAWING NO: REV: PLOTTED: 31/3/22



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### Page 503 of 560

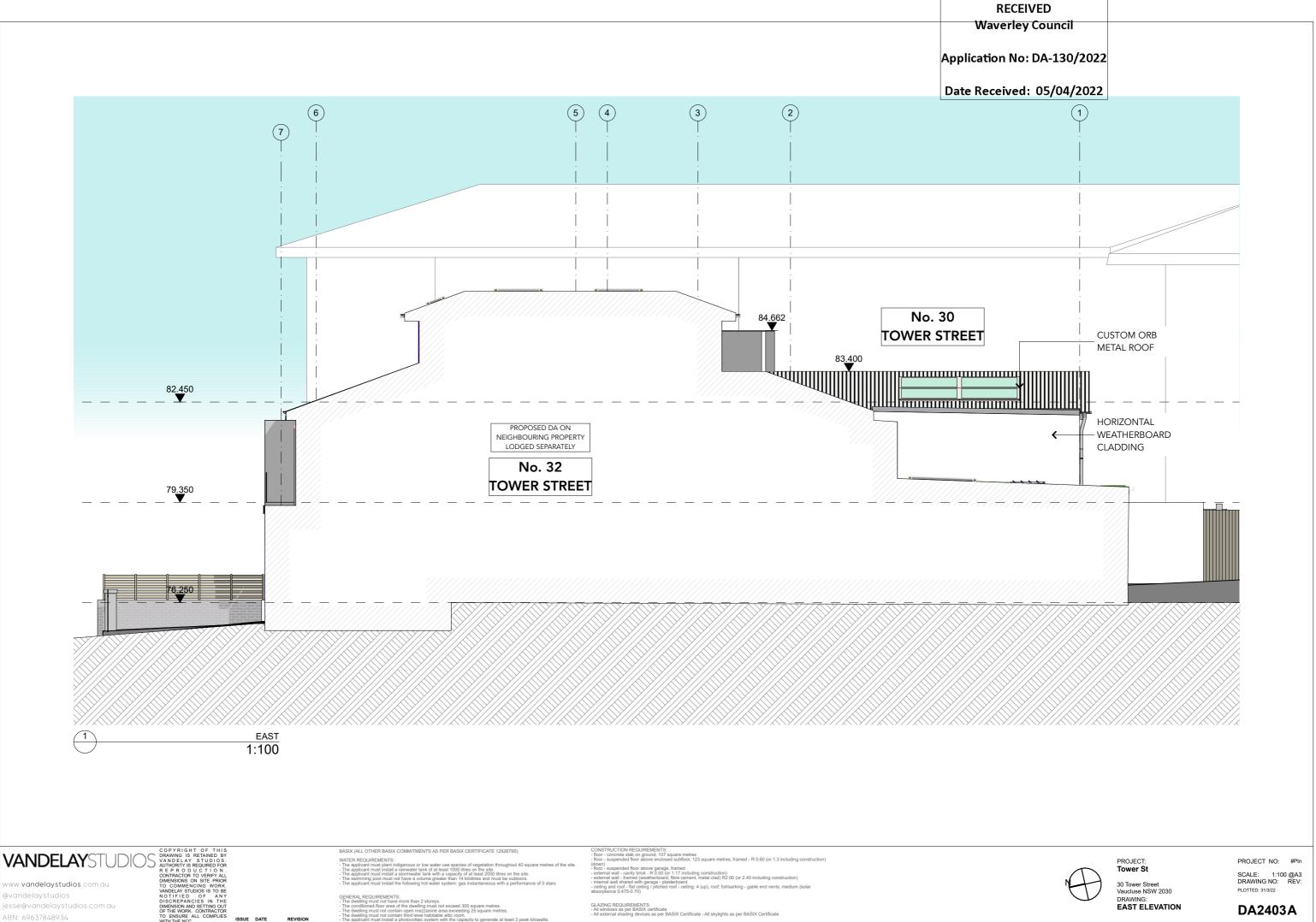
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PROJECT: Tower St

30 Tower Street Vaucluse NSW 2030 DRAWING: WEST ELEVATION

PROJECT NO: #PIn SCALE: 1:100 @A3 DRAWING NO: REV: PLOTTED: 31/3/22





FILE: 30 - 32 Tower Street FEB 2022.pln

ABN: 69637848934

SURE ALL COMPLIES

ISSUE DATE

REVISION

Page 504 of 560

contain open mezzanine area exceeding 23 square management contain third level habitable attic room. In a nhotovoltaic system with the capacity to generate at least 3 peak.





1. CUSTOM ORB METAL ROOM - SURFMIST OR SIMILAR



2. RENDERED MASONRY -WHITE PAINT





3. HORIZONTAL WEATHERBOARD CLADDING



# RECEIVED Waverley Council

Application No: DA-130/2022

Date Received: 05/04/2022



4. CRAZY PAVING



5. VERTICAL TIMBER BATTENS



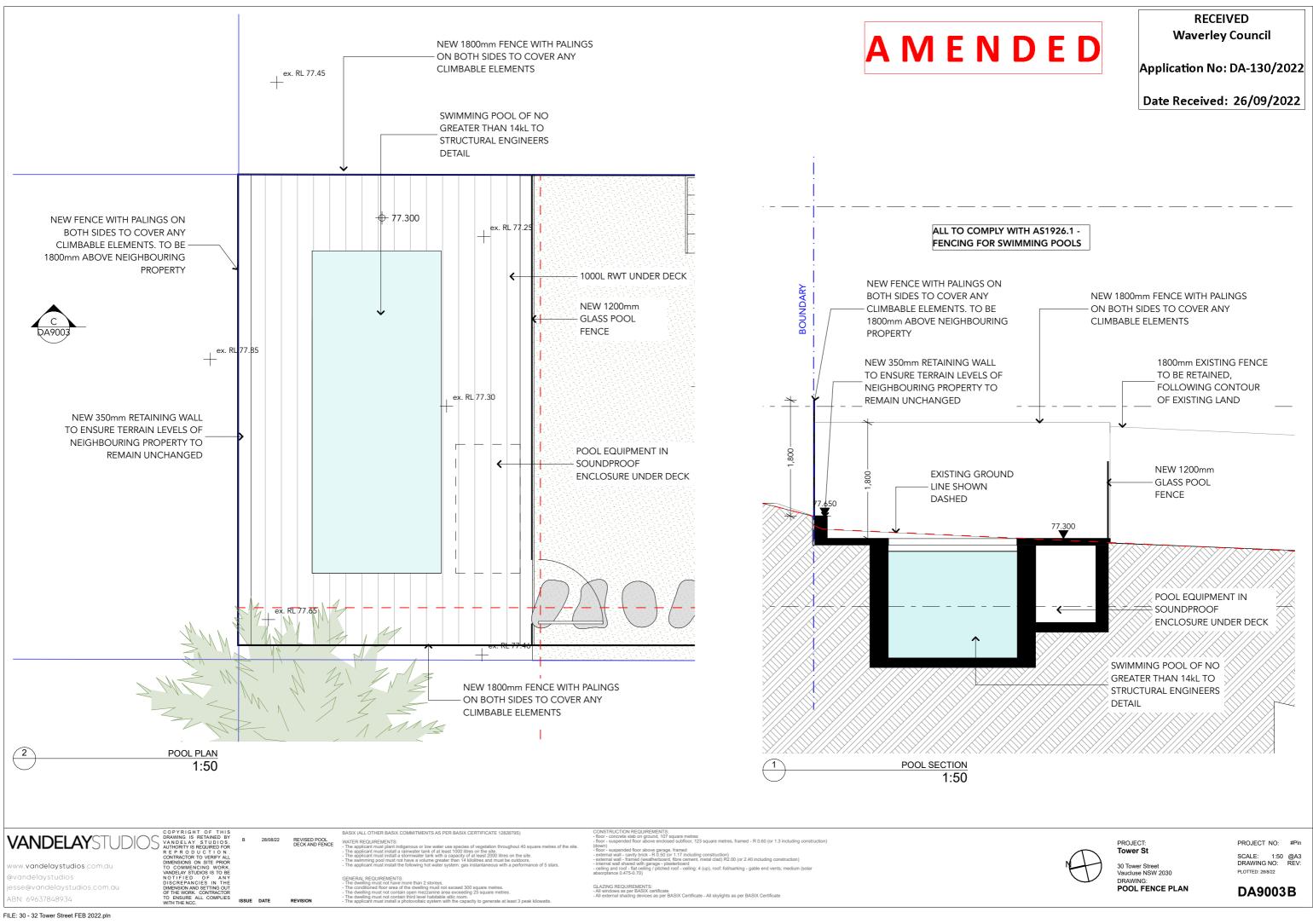
6. CLIMBING PLANTING



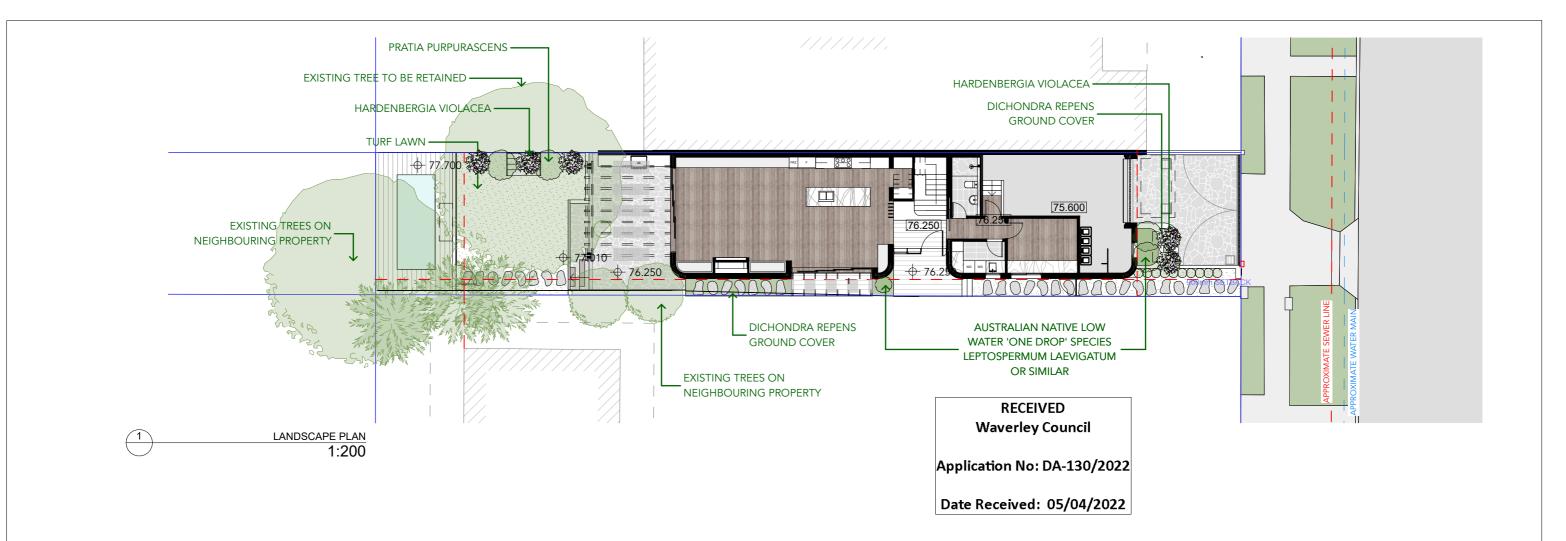
PROJECT: Tower St 30 Tower Street Vaucluse NSW 2030 DRAWING: FINISHES SCHEDULE

PROJECT NO: #PIn SCALE: 1:100 @A3 DRAWING NO: REV: PLOTTED: 31/3/22





Page 506 of 560



LANDSCAPER TO PRIORITISE AUSTRALIAN NATIVE LOW WATER 'ONE DROP' SPECIES AS PER WAVERLEY COUNCIL SCHEDULE OF LOW WATER INDIGENOUS PLANTS



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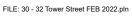
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# VANDELAYSTUDIC

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#### WESTRINGIA FRUTICOSA



PROJECT: Tower St 30 Tower Street Vaucluse NSW 2030

DRAWING: LANDSCAPE PLAN

PROJECT NO: #PIn SCALE: 1:200,@A31:3.67 DRAWING NO: REV: PLOTTED: 30/3/22





FILE: 30 - 32 Tower Street FEB 2022.pln

Page 508 of 560

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verley Council	
on No: DA-130/2022	
ceived: 05/04/2022	346.5m <sup>2</sup>
E FSR For lots with an me	area of 100 square metres to 550 square etres—[[(550 - lot area) × 0.0011] + 0.5]:1 0.72:1
E GFA	249.48m <sup>2</sup>
GFA	238.21m <sup>2</sup>
Æ	YES

SS FLOOR AREA (GFA)		
UND FLOOR	114.38	
T FLOOR	123.83	
	238.21 m <sup>2</sup>	

30 Tower Street Vaucluse NSW 2030 DRAWING: GFA PLANS

PROJECT: Tower St

PROJECT NO: #PIn SCALE: 1:200 @A3 DRAWING NO: REV: PLOTTED: 31/3/22





# Application

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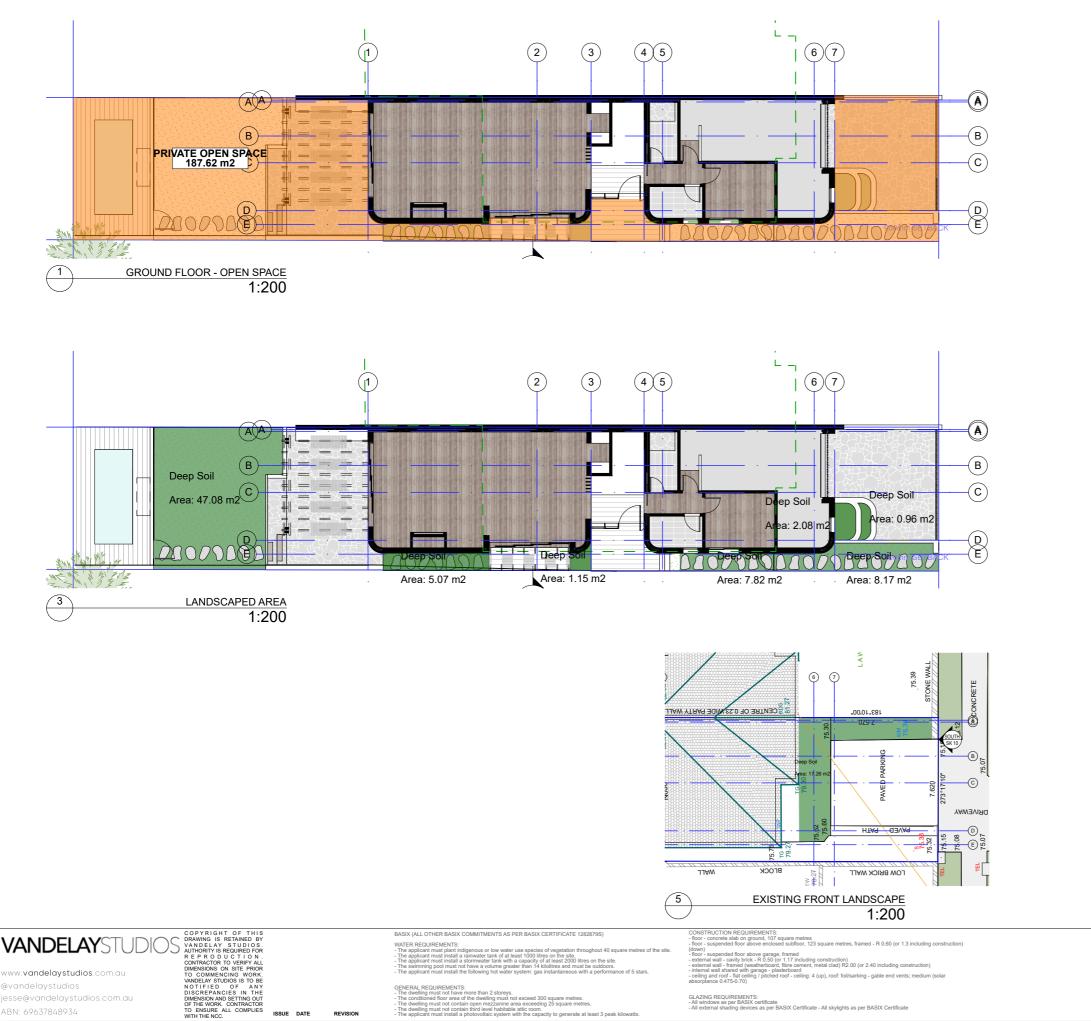
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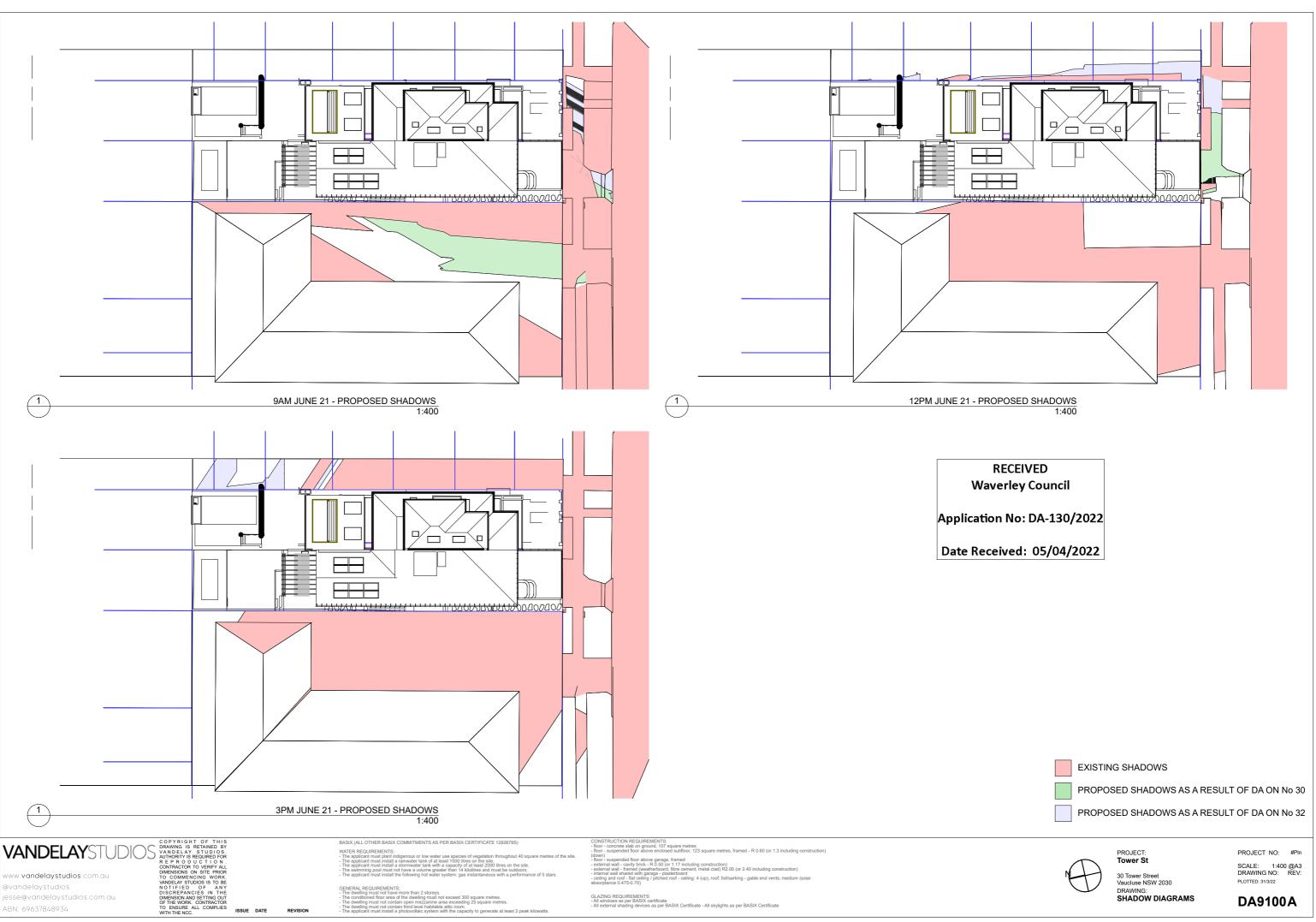
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FILE: 30 - 32 Tower Street FEB 2022.pln

Page 509 of 560

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erley Council		
n No: DA-130/2022		
ived: 05/04/2022 REA	346.5m <sup>2</sup>	
<b>ROL</b> n of 40% of the total site ar	rea is to be provided as open space.	
SPACE REQUIRE	<b>MENT</b> 138.6m <sup>2</sup>	
DSED OPEN SPA	<b>CE</b> 187.62m <sup>2</sup>	
LIANCE	YES	
ROL n of 15% of the total site an	ea is to be provided as landscaped area.	
CAPED AREA RE	EQUIREMENT 52m <sup>2</sup>	
DSED LANDSCAF	<b>PED AREA</b> 80.55m <sup>2</sup>	
LIANCE	YES	
ROL of 50% of the area betwe alignment is to be open spa	en the front of the primary building and ace.	
LIANCE	YES	
ROL n of 50% of the open space d area.	e provided at the front of the site is to be	
SETBACK AREA	<b>4</b> 1.9m <sup>2</sup>	
CAPED AREA RE	EQUIREMENT 20.95m <sup>2</sup>	
NG LANDSCAPE	<b>D AREA</b> 17.26m <sup>2</sup>	
OSED LANDSCAF	PED AREA 11.21m <sup>2</sup>	
LIANCE	NO	
r D	PROJECT: PROJECT NO Tower St SCALE: 1 30 Tower Street DRAWING NO Vaucluse NSW 2030 PLOTTED: 31/3/22 DRAWING: LANDSCAPE AND OPEN SPACE DA900	:200,@ <b>A</b> 3 D: REV:



FILE: 30 - 32 Tower Street FEB 2022.pln

Page 510 of 560





# Report to the Waverley Local Planning Panel

Application number	DA-154/2022	
Site address	32 Tower Street VAUCLUSE	
Proposal	Demolition of the existing semi-detached dwelling and construction of a new three-storey dwelling, swimming pool and landscaping.	
Date of lodgement	22/04/2022	
Owner	Ms E K Pongrass	
Applicant	Bensen and Partners Pty Ltd	
Submissions	20 submissions	
Cost of works	\$1 157 890	
Principal Issues	<ul> <li>View impacts</li> <li>Semi-detached dwellings</li> <li>Side setback</li> </ul>	
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 demolition of the existing semi-detached dwelling and construction of a new three-storey semi-detached dwelling and swimming pool at 32 Tower Street, Vaucluse.

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

- The proposal will impact upon views from a nearby residential flat building. Notwithstanding, the views impacted are over a side boundary of an underdeveloped site. The subject proposal is below both the height and FSR development standards and complies with the built form controls of the DCP. The proposal is therefore a reasonable development for the site and the view impacts considered to be a reasonable consequence of the redevelopment of the site.
- The proposal includes demolition of one of a pair of semi-detached dwellings. The application has been submitted in conjunction with a similar proposal on the adjoining semi-detached dwelling in the pair at 30 Tower Street (DA-130/2022). These applications are being considered concurrently. The two proposals will result in a pair of semi-detached dwellings of similar appearance providing cohesion between the pair at the street front, consistent with the built form objectives of the DCP.
- The proposal provides a 950mm side setback from the eastern boundary rather than 1.5m required by the DCP. The proposal is being considered concurrently with the adjoining semi-detached dwelling at No. 30 Tower Street and they have been designed to present to the street with a similar built form and shared hipped roof. No. 30 provides a two-storey dwelling with 900mm setbacks and in order to provide symmetry to the built form of the pair at the front, the subject development should provide a similar setback for the first two levels. The increased setback of the second floor level at 2.8m is considered to offset the variation at the lower levels.

The assessment finds these issues acceptable as outlined above.

A total number of 20 submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation.

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

#### 1.2. Site and Surrounding Locality

A site visit was carried out on 26 July 2022.

The site is identified as Lot 2 in DP 388771, known as 32 Tower Street, Vaucluse. The site is rectangular in shape with a frontage to Tower Street measuring 7.62m. It has an area of 351.5m<sup>2</sup> and falls from the rear towards the front by approximately 1.9m.

The site is occupied by a single storey semi-detached dwelling with no vehicular access.

The subject site is adjoined by the attached single storey semi-detached dwelling in the pair to the west and the rear of dwellings fronting Jensen Avenue to the east. The locality is characterised by a variety of residential developments including semi-detached dwellings and residential flat buildings.

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



Figure 1: Front elevation from Tower Street



Figure 3: Rear boundary of the site



Figure 2: Rear elevation of subject site





Figure 5: Pair of semi-detached dwellings (adjoining semi at 30 Tower Street) as viewed from Tower Street

Figure 4: Streetscape to the west comprised of four-storey residential flat buildings



Figure 6: Streetscape to the east comprised of dwellings

#### 1.3. Relevant Development History

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

The adjoining semi-detached dwelling in the pair at No. 30 Tower Street has also lodged a development application which is being considered concurrently. **DA-130/2022** for demolition and construction of a two-storey semi-detached dwelling including integrated garage and swimming pool at the rear was lodged on 07/04/2022 and is reported separately to the Waverley Local Planning Panel (the WLPP).DA-130/2022 is referred to the WLPP concurrently with the subject DA for a coordinated determination of the two DAs.

#### 1.4. Proposal

The development application seeks consent for the demolition of the existing semi-detached dwelling and construction of a new three-storey semi-detached dwelling with an integrated garage at the front accessed from a new driveway crossing from Tower Street and a new swimming pool at the rear.

The proposed semi-detached dwelling will contain living areas, garage and an alfresco covered outdoor space at the ground level, three bedrooms and two bathrooms at the first floor level, and the main bedroom with ensuite bathroom at the second floor level. Balconies will be provided on the front and rear elevations at the first floor level.

The proposal includes a covered outdoor space accessed directly from the living area at ground level at the rear and a swimming pool with surrounding decking in the rear yard.

#### 1.5. Background

The development application was lodged on 22/04/2022 and deferred on 17/08/2022 for the following reasons:

- 1. **Streetscape**: The pair of semi-detached dwellings are to have a consistent appearance and appear as a pair of dwellings from the street. The design of the proposal is required to be amended to provide a better relationship with the proposed development to the adjoining semi-detached dwelling in the pair at No. 30. In this regard the following modifications are required:
  - The front roof ridgeline is to match that of the proposed semi at No. 30. The second floor level is to then be set back behind that ridgeline to ensure that the proposal presents to the street as a two-storey dwelling with a consistent appearance with the adjoining semi-detached dwelling. The second floor level must be recessive in the streetscape and consider/address view impacts upon surrounding properties. A view analysis is to be provided in this regard.
  - The front setback (including the balcony) is to align with the proposed front setback at No. 32.
  - The materials and finishes should be consistent across the pair of dwellings on the front elevation, including balustrade and garage door heights. Review the finishes to be consistent with, or complementary to No. 32.

- 2. **Privacy:** The proposal will result in privacy impacts upon the adjoining properties to the east with clear views from balconies and windows into the rear yards and elevations of these properties. Main windows should be contained to the front and rear elevations with smaller secondary windows on the side elevation.
- 3. **Driveway:** A new 2.5m wide driveway is proposed as part of this development. A wider driveway is recommended in order to facilitate turns to and from the street. The new driveway is to be 3m wide at the property boundary and 3m with 0.45m splays at the street.
- 4. **Swimming pool:** Please demonstrate how the swimming pool fencing will comply with the Swimming Pools Act 1992 by utilising the existing boundary fence height. Please note that Council is unlikely to support an increase in the 1800mm standard fence height in order to accommodate the swimming pool and as such, there may be a need to lower the pool or provide other internal fencing. Additionally, the plant enclosure is to be no higher than the 1800mm fence height above **existing** ground level.

Amended plans were received on 24/09/2022 and form the subject of the assessment within 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 1 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).

## 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:

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the LEP.
Part 2 Permitted or prohibited de	velopment	
Land Use Table R3 Medium Density Residential Zone	Yes	The land use is defined as a dwelling house, which is permitted with consent in the R3 zone.
Part 4 Principal development star	dards	
<ul><li>4.3 Height of buildings</li><li>12.5m</li></ul>	Yes	The proposal has a maximum height of 10.45m.
<ul> <li>4.4 Floor space ratio and</li> <li>4.4A Exceptions to floor space ratio</li> <li>0.72:1</li> </ul>	Yes	The proposal has an FSR of 0.65:1.
Part 6 Additional local provisions		
6.2 Earthworks	Yes	The proposal includes minor excavation at the ground level and in the rear yard to provide a swimming pool. The excavation is minor and unlikely to result in impact upon surrounding properties. All standard excavation conditions are included in the consent conditions.

#### Table 1: Waverley LEP 2012 Compliance Table

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

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

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

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

Development Control	Compliance	Comment
6. Stormwater	Yes	Satisfactory
<ul> <li>8. Transport</li> <li>Minimum parking rate: <ul> <li>Nil</li> </ul> </li> <li>Maximum parking rate: <ul> <li>1 space for 2 or less bedrooms</li> <li>2 spaces for 3 or more bedrooms.</li> </ul> </li> </ul>	Yes	The proposal provides for one car space within a single garage integrated into the design of the building behind the front building alignment. The garage design and location are satisfactory.
10. Safety	Yes	Satisfactory
12. Design Excellence	Yes	Satisfactory
14. Excavation	Yes	Satisfactory

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

Development Control	Compliance	Comment			
2.0 General Objectives	2.0 General Objectives				
	Yes	The proposal does not contravene the general objectives of this part of the DCP.			
2.1 Height					
<ul> <li>Pitched roof dwelling house</li> <li>Maximum external wall height of 7m</li> <li>Where it is permissible for buildings to be built to a height greater than 9.5m under WLEP 2012, the wall height will be determined by a merit assessment of the design of the building and its relationship to adjoining dwellings.</li> </ul>	Yes	The wall height is a maximum of 6.5m to the underside of the eaves at the second floor level. The upper level is set in from the level below and as such does not form part of the wall height. On the shared boundary with the adjoining semi- detached dwelling, the wall height will be 9.3m however this is the shared boundary wall where a party wall can reasonably be expected. The amended proposal sets back the upper floor level to behind the front ridge to ensure that the wall is not visible within the streetscape. The wall height of the shared party wall is considered acceptable.			
2.2 Setbacks					
<ul> <li>2.2.1 Front and rear building lines</li> <li>Predominant front building line</li> <li>Predominant rear building line at each floor level</li> </ul>	Yes	The front setback will align with the predominant front building line within the street and the adjoining proposed development at the adjoining semi-detached dwelling in the pair. The rear building line at the ground, first and second floor levels is less than the adjoining semi in the pair and the predominant building alignment further to the west set by a row of four-storey residential flat buildings.			

Development Control	Compliance	Comment
<ul> <li>2.2.2 Side setbacks</li> <li>Minimum of 1.5m for all levels</li> </ul>	No	The proposal is set back 950mm from the eastern side boundary at the ground and first floor level and 2.8m at the second floor level. This issue is discussed following this table. The proposal has a nil side boundary setback from the western side however this is the shared party wall with the adjoining semi which is appropriate.
2.3 Streetscape and visual imp	pact	
<ul> <li>New development to be compatible with streetscape context</li> <li>Replacement windows to complement the style and proportions of existing dwelling</li> <li>Significant landscaping to be maintained.</li> <li>Porticos only permitted where a character of the streetscape</li> </ul>	Yes	The subject site, and adjoining semi-detached dwelling, are located in the R3 zone with a height development standard of 12.5m. The R2 <i>Low</i> <i>Density Residential</i> zone adjoins the pair of semi- detached dwellings to the east where a height of 8.5m applies. In this regard, the proposal, at three-storeys with the third storey set back from the front and small in size, provides a bulk and scale commensurate with the low density zone to the east rather than the four-storey residential flat buildings to the west. The height of the proposal is significantly below the maximum allowable in the zone and for this site. The proposal has been designed to be consistent with the proposed new semi-detached dwelling at No. 30 Tower Street (reported separately). Although, not identical, the pair of dwellings will have a consistent appearance from the street having been designed to be complementary to each other. The ground and first floor levels align at the front at the ground and first floor levels and the pair of dwellings will have a shared roof with the third storey at the upper floor level set back behind the front ridge.
2.4 Fences		
<ul> <li><i>Front:</i></li> <li>Maximum height of 1.2m</li> <li>Solid section no more than 0.6m high</li> <li><i>Side and Rear:</i></li> <li>Maximum height of 1.8m</li> </ul>	Yes (condition)	The proposal provides open style fencing across the front boundary to a height of 1.6m. The side returns also exceed the DCP control of 1.2m. Fencing at the front of the site should be low to allow views into, and out of the site and the height should be generally consistent with the adjoining semi-detached dwelling. As such, a condition requiring that the fence height forward of the building is to not exceed 1.2m is included in Appendix A.

De	velopment Control	Compliance	Comment
			The side and rear boundary fencing is a standard height of 1.8m. The swimming pool has been amended to be lowered to ensure that the standard 1.8m high fencing and/or existing fencing prevents overlooking of adjoining properties.
2.5	Visual and acoustic privacy	/	
•	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 External stairs are not acceptable. Maximum size of balconies: 10m <sup>2</sup> in area 1.5m deep Roof tops to be non- trafficable unless predominant in the immediate vicinity	Yes	Refer to detailed discussion below this table.
2.6	Solar access		
•	Minimum of three hours of sunlight to living areas and principal open space areas on 21 June Minimum of three hours of sunlight maintained to at least 50% l of principal open space areas of adjoining properties on 21 June. Avoid unreasonably overshadowing of solar collectors (including	Yes	The living areas of the dwelling are located at the rear of the property which has a northerly aspect. As such, the living area windows and private open space are ideally positioned for optimal solar access. Shadow diagrams submitted with the application indicate that there will be additional shadows cast upon the adjoining eastern properties in the afternoon hours however the rear yards are already heavily overshadowed by existing structures.
	habitable windows).		Any development above a single storey would result in overshadowing of the adjoining sites so therefore the test becomes whether the development is a reasonable expectation for the site.

Development Control	Compliance	Comment
		The proposal complies with the built form controls of the LEP and DCP. Given that the site is zoned R3 with a height control of 12.5m, a part two and three-storey dwelling with a maximum height of 10.45m has considerably less height than the zoning anticipates for the area. A three- storey dwelling within the controls is not unreasonable and accordingly the overshadowing impacts of the development are considered acceptable, particular given that if the site were developed to the maximum potential, there would be a much greater overshadowing impact.
2.7 Views		
<ul> <li>Views from the public domain are to be maintained</li> <li>Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks.</li> </ul>	Yes	Refer to detailed discussion following this table.
2.8 Car parking		
<ul> <li>2.8.1 Design Approach</li> <li>Parking only allowed where site conditions permit</li> <li>Designed to complement the building and streetscape</li> <li>Car parking structures to be behind the front building line</li> <li>Driveways are to be located to minimise the loss of on street parking</li> <li>Parking to be provided from secondary streets or lanes where possible.</li> </ul>	Yes	The proposal provides an internal garage set behind the front building alignment and integrated into the design of the dwelling. The proposed new driveway crossing will be adjoining the new crossing for the adjoining semi in the pair. The driveway crossing will result in the loss of one on-street parking space however this is considered reasonable particularly as two on-site spaces will be provided (tandem). In this regard, the proposal will not result in a net loss of parking in the area.
2.8.2 Parking rates	Yes	The proposal provides one car space with potential for a tandem space in front of the garage which complies with the maximum rate of 2 spaces.

Development Control	Compliance	Comment
<ul><li>2.8.3 Location</li><li>Behind front building line for new dwellings</li></ul>	Yes	The garage will be integrated into the design of the dwelling behind the front building line.
<ul> <li>2.8.4 Design</li> <li>Complement the style, massing and detail of the dwelling</li> <li>Secondary in area and appearance to the design of the residences</li> <li>Gates to have an open design</li> </ul>	Yes	The garage complements the style, massing and detail of the dwelling and is secondary in appearance to the main dwelling. The proposed front gates will an open design.
<ul><li>2.8.5 Dimensions</li><li>5.4m x 2.4m per vehicle</li></ul>	Yes	The garage has internal dimensions of 5.5m x 3.8m. There is also the potential for the use of the driveway in the front setback as a tandem space which also complies with the minimum dimensions at 5.5m x 3.05m.
<ul> <li>2.8.6 Driveways</li> <li>Maximum of one per property</li> <li>Maximum width of 3m at the gutter (excluding splay)</li> <li>Crossings not permitted where 2 on street spaces are lost</li> </ul>	Yes	The proposal provides one driveway crossing that Council's Traffic Engineer has required be wider in order to facilitate turns to and from the street. The new driveway is 3m wide at the property boundary and 3m with 0.45m splays at the street. The driveway crossing will result in the loss of one on-street parking space however this is considered reasonable particularly as two on-site spaces will be provided (tandem). In this regard, the proposal will not result in a net loss of parking in the area.
2.9 Landscaping and open spa	се	
<ul> <li>Open space: 40% of site area</li> <li>Landscaped area: 15% of site area</li> <li>Minimum area of 25m<sup>2</sup> for private open space</li> <li>Front open space: 50% of front building setback area</li> <li>Front landscaped area: 50% of front open space provided</li> <li>Outdoor clothes drying area to be provided</li> </ul>	Yes (on merit)	<ul> <li>58% (203m<sup>2</sup>) open space.</li> <li>17% (61m<sup>2</sup>) landscaped area.</li> <li>Rear yard is 88m<sup>2</sup>.</li> <li>100% of front setback is open space</li> <li>The proposal provides 40% of the front as landscaped area. The landscaping within the front setback is considered sufficient when taking into account the driveway and pedestrian entry. The remaining space is being utilised for landscaping and the non-compliance is due to the small width of the site.</li> </ul>

Development Control	Compliance	Comment			
		<ul> <li>There is sufficient area for outdoor clothes drying.</li> </ul>			
2.10 Swimming pools and spa pools					
<ul> <li>Located in the rear of property</li> <li>Pool decks on side boundaries must consider visual privacy</li> </ul>	Yes	The proposed swimming pool is located within the rear yard. The decking is raised however is predominantly below the level of the existing ground (excavated). Existing boundary fencing will ensure privacy impacts are minimised.			
	2.13 Semi-detached dwellings and terrace style development				
<ul> <li>2.13.1 - Built form</li> <li>To protect the street frontage of the pair of semi-detached dwellings, demolition of one semi- detached dwelling of a semi-detached dwelling pair is not supported.</li> <li>The style of the built form must be identified and maintained across the pair or group of buildings.</li> </ul>	Yes	Refer to detailed discussion following this table.			

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

#### Side Setback

The DCP requires that for new dwellings up to 12.5m in height a 1.5m setback is required for all levels. The proposal is set back 950mm from the eastern side boundary at the ground and first floor level and 2.8m at the second floor level.

The proposal is being considered concurrently with the adjoining semi-detached dwelling at No. 30 Tower Street and they have been designed to present to the street with a similar built form and shared hipped roof. No. 30 provides a two-storey dwelling with 900mm western side setbacks and in order to provide symmetry to the built form of the pair at the front, the subject development provides a similar setback for the first two levels. The increased setback of the second floor level at 2.8m is considered to offset the variation at the lower levels. Accordingly, the side setbacks are considered appropriate.

#### Privacy

The side boundary of the site adjoins the rear boundaries of a number of properties fronting Jensen Avenue. The proposal has been amended to minimise privacy impacts upon the adjoining properties to the east.

The first floor windows on the eastern elevation are opaque glazed to a height of 1.6m above the finished floor level (FFL). The intent of privacy controls is not to remove all possibility of overlooking, but rather to control it to an extent that during the normal use of the room, privacy impacts are minimised. In this regard, although the windows are openable, the overlooking is reasonably inhibited by the obscure glazing. Additionally, the rooms at the first floor level are low use rooms (bathrooms and bedrooms) with fewer privacy impacts than high use rooms such as living areas.

The proposed second floor level has been amended to have an increased side setback from the western boundary and remove the proposed rear balcony. The windows at this level are large and a condition will require that the windows are obscure glazed to a height of 1.3m above the FFL. There are no opposing windows at this level and coupled with the setback from the eastern boundary, the 1.3m height will allow outlook to the east whilst minimising the ability to look down into the rear yards of adjoining properties. It should be noted that upper floor additions on the adjoining properties to the east have clear views into the rear yard and side elevation of the subject site as demonstrated by the image below. In this regard, there is a degree of mutual overlooking between these sites, simply due to their orientation.





**Figure 7:** Upper floor additions to properties on Jensen Avenue which overlook the subject site

Figure 8: Two storey buildings to the rear and north-east

The proposal includes a balcony at the rear at first floor level which is small in size and width and accessed from a bedroom which is a room of low use. The proposed balcony has solid side boundary walls to prevent direct overlooking of the properties to the east and there is sufficient separation distance from the rear to ensure no unreasonable privacy impacts upon adjoining properties.

The front balcony is set back from the edge with planters along the side boundary. This balcony has an area of 8m<sup>2</sup> and is accessed via a bedroom which is a room of low use. The balcony is located at the front and provides articulation to the front façade. This balcony is considered acceptable and unlikely to result in unreasonable privacy impacts.

#### View Impacts

The NSW Land and Environment Court has articulated general principles with regard to views (see <u>Tenacity Consulting v Warringah Council [2004] NSWLEC 140</u>). This case states:

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. (Taking it all away cannot be called view sharing, although it may, in some circumstances, be quite reasonable.) To decide whether or not view sharing is reasonable, a four-step assessment should be used:

- 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.

There is a residential flat building to the west of the pair of semi-detached dwellings at 26-28 Tower Street, which has side balconies orientated toward the subject site to achieve views of the Pacific Ocean to the east (refer to **Figures 4 and 5** previously in this report and **Figure 9** below).



Figure 9: Subject site and adjoining semi-detached dwelling with a residential flat building with side balconies in the background

During the assessment of the previous application for the adjoining semi-detached dwelling at No. 30 Tower Street, site visits were carried out at a number of units within 26-28 Tower Street at the first, second and third floor levels, including Units 2, 6, 7, 8, 10, 11 and 13. These views are considered to be relevant to the subject application.

DA-118/2017 for alterations and additions to the adjoining semi-detached dwelling at No. 30 Tower Street including ground floor alterations and first floor addition was approved on 25/10/2017. Extensions to consents under COVID-19 provisions enable an additional two years to the expiration period for consents that would otherwise have expired during the prescribed period under the Act. This means that DA-118/2017, and the associated view impacts of that approved development, are still current. In this regard, the majority of the view loss over the subject site already occurs due to the approval of this development. Notwithstanding a further view assessment has been carried out in relation to the current proposal on this, and the adjoining semi-detached dwelling at No. 30, as detailed following.

It is noted that a number of units have views to the east over the side boundary of the subject site which would be lost or reduced as a result of the subject proposal. These views are from balconies and living area windows and are partial views of the ocean. However, given that the views are obtained over the side boundary and will be lost or reduced as a result of a two-storey dwelling that is fully compliant with the height and FSR controls of the LEP already approved previously at No. 30 Tower Street, the view loss directly to the east is not considered to be unreasonable. This is especially evident given that the R3 zoning and 12.5m height control of the site anticipates a much higher density and scale than the proposal seeks to provide.

It was also noted that a number of apartments within 26-28 Tower Street have views to the south-east angled over the front setback of the subject site. A portion of these views will be retained.

**Figures 10 to 15** below are indicative of the views from the adjoining apartments taken during the assessment of the previous application for No. 30 Tower Street noting that since these photographs were taken the views have been further eroded by two-storey buildings constructed on Jensen Avenue.



Figure 10: Affected view from balcony of Unit 6 (level 2)



Figure 11: Affected view from balcony of Unit 7 (level 2)



Figure 12: Affected view from balcony of Unit 8 (level 2)



Figure 13: Affected view from dining and kitchen of Unit 10 (level 2)



Figure 14: Affected view from balcony of Unit 11 (level 3)



Figure 15: Affected view from balcony of Unit 13 (level 3)

These images were used by the Applicant to provide view analysis diagrams that demonstrate the view impacts of the subject site and the proposal on the adjoining semi-detached dwelling at No. 30 Tower Street which are shown in **Figures 16 to 19** below.



Figure 16: View analysis diagram – Unit 2 (level 1) looking directly east





Figure 17: View analysis diagram – Unit 2 (level 1) looking to the south-east



Figure 18: View analysis diagram – Unit 6 (level 2) looking east

Figure 19: View analysis diagram – Unit 11 (level 3) looking east

The views from the adjoining residential flat building are directly across a side boundary. It is unrealistic to expect to maintain views directly over a side boundary of a site which would limit the development potential of that site to a single storey building. A two-storey dwelling and a three-storey dwelling which are significantly less in height that the 12.5m height control is not unreasonable for this site or the adjoining semi-detached dwelling, nor should it be unexpected given the R3 zoning.

The photographs indicate that the views that will be impacted are partial views mostly obscured by existing structures and vegetation. Additionally, the views are obtained over two underdeveloped sites and over one-storey dwellings on Jenson Avenue. The subject proposal is below both the height and FSR development standards and complies with the built form controls of the DCP. The proposal is therefore considered a reasonable development. In this regard, although unfortunate, the view loss from units within the adjoining building is not considered unreasonable.

#### Semi-detached dwellings

The majority of the objectives and controls in this section of the DCP are relevant to alterations and additions to a semi-detached dwelling, where only one of the pair of semi-detached dwellings are undergoing works. One of the objectives of particular relevance to the subject application is to maintain the appearance of semi-detached development as one of a pair, demonstrating consistent scale, character and established streetscape values. Control (a) of 2.13.1 *Built Form* is to protect the street frontage of the pair of semi-detached dwellings, demolition of one semi-detached dwelling of a semi-detached dwelling pair is not supported.

The subject proposal is for the demolition of the existing semi and construction of a part two and threestorey dwelling that does not maintain the original style, form and detail of the original dwelling. Notwithstanding, the proposal has been submitted in conjunction with a similar proposal on the adjoining semi in the pair at 30 Tower Street that also proposes demolition of the existing dwelling. These applications are being considered and determined concurrently. The proposals together, are consistent with the DCP control that prohibits the demolition of only one of the pair of semi-detached dwellings. In this regard, the proposals can be considered together and the requirement to retain the original style of the building is not relevant.

The two proposals will result in a pair of semi-detached dwellings of similar appearance at the street front providing cohesion between the pair, consistent with the relevant built form objectives. The proposal at the subject site has been amended since it was first submitted to set back the third storey behind the main ridge of the pair of dwellings. This provides a similar appearance, bulk, scale and setback at the street frontage with the third level set back so as to read as recessive within the streetscape.

Tower Street has a mixture of building types including four-storey residential flat buildings and single storey semi-detached dwelling pairs. Nos. 30 and 32 Tower Street sit between a four-storey residential flat building and one and two-storey pairs of semi-detached dwellings fronting Jensen Avenue. The existing pair of semi-detached dwellings are on the edge of the R3 zone where higher density development is anticipated. The scale of the subject proposal provides an appropriate transition to the properties on Jensen Avenue located in the low density R2 zone.

Given the above analysis, it is considered that the similar appearance of the pair of semi-detached dwellings as a result of the submission of concurrent applications will result in a development which is consistent with the objectives of this part of the DCP.

#### 2.2. Other Impacts of the Development

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

## 2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

#### 2.4. Any Submissions

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

Following receipt of amended plans and additional information, the application was re-notified for 14 days in accordance with the *Waverley Community Development Participation and Consultation Plan*. Ten submissions were received.

In all, a total of 20 unique submissions were received from the following properties:

Count	Property Address
1.	Unidentified Unit of 26-28 Tower Street, Vaucluse
2.	Unidentified Unit of 26-28 Tower Street, Vaucluse
3.	1/26-28 Tower Street, Vaucluse
4.	2/26-28 Tower Street, Vaucluse
5.	12/26-28 Tower Street, Vaucluse
6.	14/26-28 Tower Street, Vaucluse
7.	11/26-28 Tower Street, Vaucluse (2 submissions)
8.	20 Jensen Avenue, Vaucluse
9.	22 Jensen Avenue, Vaucluse (4 submissions)
10.	24 Jensen Avenue, Vaucluse (2 submissions)
11.	
12.	25 Clarke Street, Vaucluse (2 submissions)
13.	28 Ray Avenue, Vaucluse

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

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

- View impacts
- Overshadowing and solar access
- Privacy
- Side setback
- Three-storeys is out of character with surroundings and contrary to planning controls.
- The design is not complementary to the adjoining semi pair.
- Demolition of a semi-detached dwelling.
- FSR, bulk, scale (overdevelopment).
- Not compliant with LEP and DCP.

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

Issue: Loss of property value.

**Response:** This is not a planning issue.

*Issue:* Street lights will not be visible which is a security and safety issue.

**Response:** Street lights are to light the street and footpath for the safety of pedestrians and for visibility when driving, not in order to light up private residences. The proposal will not affect the street lighting. Security lighting on private property is a matter for the owner of that property.

*Issue:* Construction issues including disturbance, structural stability of the works and potential damage to adjoining properties etc.

**Response:** The consent authority cannot refuse an application due to potential impacts and disturbance due to construction. All standard conditions are included on the consent in relation to this matter in addition to prescribed conditions under the Act and applicable construction and property laws.

*Issue:* The properties in Jensen Avenue and surrounding dwellings have been restricted to only twostoreys and this development is out of character with this.

**Response:** The properties in Jensen Avenue and surrounding are zoned R2 for low density development and have a height development standard of 8.5m which typically allows two-storey development. The subject site is zoned R3 for medium density development with a height development standard of 12.5m which typically allows four-storey development. Residential flat buildings with a height of 12.5m and FSR of 0.9:1 are permitted in this zone subject to development consent. The subject proposal with a height of 10.45m and FSR of 0.65:1 is substantially smaller with much less impact than that which is potentially able to be accommodated on this site and the adjoining at No. 30 Tower Street.

*Issue:* A three-storey apartment complex is not consistent with the adjoining semi-detached dwelling in the pair. Council's controls don't allow the demolition of semi-detached dwellings.

**Response:** The proposal is for a dwelling, not an apartment complex. As detailed throughout this report, the DCP restricts the demolition of one semi within a pair of semi-detached dwellings however the proposal has been submitted in conjunction with a similar development at the adjoining semi and as such, the demolition of both semis is proposed. The design of the proposals complements each other and the pair of dwellings will continue to present to the street with consistent setbacks, bulk and scale ensuring an appropriate streetscape appearance.

Issue: Moral and community expectations.

**Response:** It is not clear what is meant by this statement in regard to morals. The proposal has been assessed against the relevant controls applicable to the site. A development which is consistent with the applicable controls is a reasonable expectation for the site and there is no relevant moral assessment that would apply. Assessment of development applications is directly related to structures only and not to the personality of surrounding owners or applicants.

In regard to community expectations, the fact that there are objections from surrounding properties is not a reason in itself to refuse the application. As discussed throughout this report, the proposal is consistent with the development standards and controls applicable to the site and does not result in unreasonable amenity impacts upon surrounding properties. The design has been amended to respond to the streetscape and privacy of adjoining properties and is considered to be a reasonable development for this site, irrespective of the amount of objection received.

#### 2.5. Public Interest

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

#### 3. REFERRALS

The following internal and external referral comments were sought:

#### 3.1. Traffic and Development

Conditions were recommended which are included in the consent conditions. However, one condition requires the following:

The crossing is to be 3.0 metres wide at the property boundary and 3.0 metres wide plus 0.45 metre splays at the street. No structures above 1.15 metres are to be within 2 x 2.5 metre sight triangles both measured from a point 2.5 metres into the property at the centre of the driveway.

The requirement for sightlines as described above would mean that there could be no boundary fencing above 1.15m in height and the 'triangles' would extend beyond the subject site. Council's DCP and State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 restrict front fencing to 1.2m in height. The site is located on a quiet street and provides parking for a single dwelling. In this regard, the fencing at the DCP height of 1.2m is considered appropriate and this part of the condition is not included in the consent conditions.

#### 3.2. Stormwater

Conditions were recommended which are included in the consent conditions.

#### 3.3. Tree Management

The following comments were provided and recommended conditions are including in the consent conditions:

#### Impacts on Existing Trees and Vegetation.

On inspection, it was noted that on site there were no trees of any significance, the trees possess no outstanding attributes worthy of retention <u>and their removal is supported</u>.

On inspection, it was noted that in the rear yard of 30 Tower Street Vaucluse is one (1) Agonis flexuosas (willow myrtle) is to be protected for the duration of the construction works.

Landscape plan prepared by Ari Anderson, DWG: LP-T01. Date: March 2022 is satisfactory and <u>should be</u> <u>used.</u>

#### 4. CONCLUSION

(a)

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

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

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

- The application should be deferred and amendments required as follows:
  - Set back the second floor level to be recessive in the streetscape;
  - Align the front setback;
  - Improve design to present to the street as a pair of dwellings.

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

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

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

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:	
Huca	A.	
Kylie Lucas	Ben Magistrale	
Senior Development Assessment Planner	Manager, Development Assessment (Area 2) (Reviewed and agreed on behalf of the Development and Building Unit)	
Date: 31 October 2022	Date: 9 November 2022	

#### *Reason for WLPP referral:*

2. Contentious development (10 or more objections)

# APPENDIX A – CONDITIONS OF CONSENT

# A. APPROVED DEVELOPMENT

### 1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by Bensen Partners Architects including the following:

Plan Number	Plan description	Plan Date	Date received by
and Revision			Council
2.2.1 Rev. I	SITE ANALYSIS PLAN	12/09/2022	24/09/2022
2.5.1 Rev. I	<b>GROUND FLOOR &amp; POOL PLAN</b>	12/09/2022	24/09/2022
2.5.2 Rev. I	FIRST & SECOND FLOOR PLAN	12/09/2022	24/09/2022
2.5.3 Rev. I	ROOF PLAN	12/09/2022	24/09/2022
2.6.1 Rev. I	ELEVATION - 1	12/09/2022	24/09/2022
2.6.2 Rev. I	ELEVATION - 2	12/09/2022	24/09/2022
2.6.3 Rev. I	ELEVATION - 3	12/09/2022	24/09/2022
2.7.1 Rev. I	SECTION 01	12/09/2022	24/09/2022
2.9.1 Rev. H	MATERIAL AND FINISHES	28/03/2022	21/04/2022
2.10.1 Rev. I	<b>EXTERNAL DOORS &amp; WINDOWS</b>	12/09/2022	24/09/2022

- (b) BASIX Certificate
- (c) Landscape plan No. LP-T01 dated March 2022 prepared by Ari Anderson and received by Council on 21/04/2022
- (d) The Site Waste and Recycling Management Plan (SWRMP) Part 1

Except where amended by the following conditions of consent.

#### 2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments:

- (a) Fencing forward of the building, including the side returns, is not to exceed a height of 1.2m.
- (b) The windows on the eastern elevation at the second floor level are to be opaque to a height of 1.3m above the finished floor level of the room.

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

#### 3. DOMESTIC HEATERS

The provision of solid fuel heating is prohibited.

# B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

#### **GENERAL REQUIREMENTS**

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

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

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

#### 5. HOME BUILDING ACT

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

#### **CONTRIBUTIONS, FEES & BONDS**

#### 6. SECTION 7.12 CONTRIBUTION

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

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

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

- (b) As legislated in section 25K of the Environmental Planning and Assessment Regulation 2000, the levy must be paid in accordance with the following;
  - (i) A development valued at \$100,000 or less will be exempt from the levy;
  - (ii) A development valued at \$100,001 \$200,000 will attract a levy of 0.5% of the full cost of the development; or
  - (iii) A development valued at \$200,001 or more will attract a levy of 1% of the <u>full</u> 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 \$23,158 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.

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

#### 9. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

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

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

#### **CONSTRUCTION MATTERS**

#### 10. HOARDING

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

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

#### 11. EROSION & SEDIMENT CONTROL

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

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

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

#### 12. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

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

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

#### **13.** ENGINEERING DETAILS

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

#### **STORMWATER & FLOODING**

#### 14. STORMWATER MANAGEMENT

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

The submitted stormwater management plan prepared by itm design Pty Ltd, Job No. 21/172, Drawing No. H-DA-00, H-DA-01, and H-DA-02, Issue A, dated 18/03/2022 are considered <u>conceptual only.</u>

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) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location shall be provided. Calculations demonstrating the proposed stormwater drainage system can cater for the relevant design storm event shall be provided.
- e) 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.
- f) Seepage water must not be directly or indirectly discharged to Council's street gutter.
- g) A sediment control stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- h) The proposed OSD tank shall be located outside of the proposed swimming pool and its coping.
- 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: <u>assets@waverley.nsw.gov.au</u> or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday).

#### **ENERGY EFFICIENCY & SUSTAINABILITY**

#### 15. BASIX

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

#### <u>WASTE</u>

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

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

#### 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/developm ent\_applications - conditions of consent

#### 18. DILAPIDATION REPORT

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

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

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

# C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

#### PRIOR TO ANY WORKS

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

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

#### **DEMOLITION & EXCAVATION**

#### 20. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

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

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

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

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

#### 21. CONTROL OF DUST ON CONSTRUCTION SITES

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

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

#### 22. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

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

#### 23. EXCAVATION AND BACKFILLING

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

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

#### **CONSTRUCTION MATTERS**

#### 24. CONSTRUCTION HOURS

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

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

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

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

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

#### 26. CONSTRUCTION INSPECTIONS

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

#### 27. CERTIFICATE OF SURVEY - LEVELS

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

#### 28. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

#### 29. WORK OUTSIDE PROPERTY BOUNDARY

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

#### 30. 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.

#### 31. TREATMENT OF BOUNDARY WALLS

The walls approved on the eastern boundary with the neighbouring property are to be finished to the same standard as the remaining building and not left unfinished to ensure a consistent visual appearance.

#### 32. CONSTRUCTION OF SWIMMING POOLS AND OUTDOOR SPAS

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

- (a) Reinforcement of the swimming pool/outdoor spa is to be inspected by an Accredited Officer or other suitably qualified person prior to the pouring of concrete
- (b) The electrical wiring system for any proposed underwater artificial lighting installation to the pool/spa is to be installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules

- (c) The swimming pool/outdoor spa water is to be treated by an approved water treatment and filtration unit
- (d) To prevent noise nuisance to surrounding properties, the swimming pool/outdoor spa filtration motor and pump unit is to be housed within a ventilated soundproof enclosure
- (e) Waste waters from the swimming pool/outdoor spa are to be discharged into Sydney Water's sewerage system and in this regard, approved plans MUST be submitted to Sydney Water at least 14 days prior to commencement of building operations.

#### TREE PROTECTION AND REMOVAL

#### **33.** TREE PROTECTION

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

- a) Do not store harmful or bulk materials or spoil under or near trees;
- b) Prevent damage to bark and root system;
- c) Do not use mechanical methods to excavate within root zones;
- d) Do not add or remove topsoil from under the drip line;
- e) Do not compact ground under the drip line;
- f) Do not mix or dispose of liquids within the drip line of the tree; and
- g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter.
- If any tree roots are exposed during any approved works then roots smaller than 30mm are to be pruned as per the specifications below. Any roots greater than 30mm are to be assessed by a qualified arborist before any pruning is undertaken.
- If tree roots are required to be removed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).
- It is the arborist's responsibility to determine if such root pruning is suitable. If there are any concerns regarding this process, then Waverley Council's Tree Management Officer is to be contacted to make final determination.
- If any trees on neighbouring properties require pruning, then an Application to Prune or Remove Trees on Private Property is then to be presented to Council for processing.

#### VEHICLE ACCESS & PUBLIC DOMAIN WORKS

#### 34. NEW VEHICLE CROSSING

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

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

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

#### 35. VEHICULAR ACCESS - FINISHED LEVEL TO FOOTPATH

The finished level at the property boundary on **both** sides of each vehicle crossing is to match the existing concrete footpath.

#### **36. HEADROOM CLEARANCE**

The headroom clearance within the garage is to be a minimum of 2.2 metres in general and 2.5 metres above disabled parking spaces.

#### 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.

#### **37.** 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.

#### 38. CERTIFICATION OF BASIX COMMITMENTS

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

#### **39.** ON-SITE STORMWATER DETENTION CERTIFICATION

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

#### 40. 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 (<u>http://www.swimmingpoolregister.gov.au</u>);
- (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. WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM

a. A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared, stamped and signed by a Registered Surveyor. This drawing must detail the alignment of all pipelines, pits, detention facility, rainwater reuse facility and other drainage related infrastructure. An original

or a colour copy must be submitted to Waverley Council. Where changes have occurred, the Council approved plans shall be marked-up in red ink and shall include levels and location for the drainage structures and works.

b. A suitably qualified and practising Engineer must provide certification of the WAED of the stormwater drainage system that the stormwater drainage works were constructed to their satisfaction and in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice. A copy of the aforementioned letter of certification must be submitted to Council.

#### 42. 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.

#### 43. 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.

#### 44. STREET NUMBER

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.

#### **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 <u>info@waverley.nsw.gov.au</u> 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. CONCURRENT WORKS TO ADJOINING SEMI-DETACHED DWELLING

The approved works for the site shall be constructed concurrently with those for the adjoining semidetached dwelling.

#### AD3. 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.

#### AD4. 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.

#### AD5. 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.

#### 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. RAINWATER HARVESTING AND REUSE

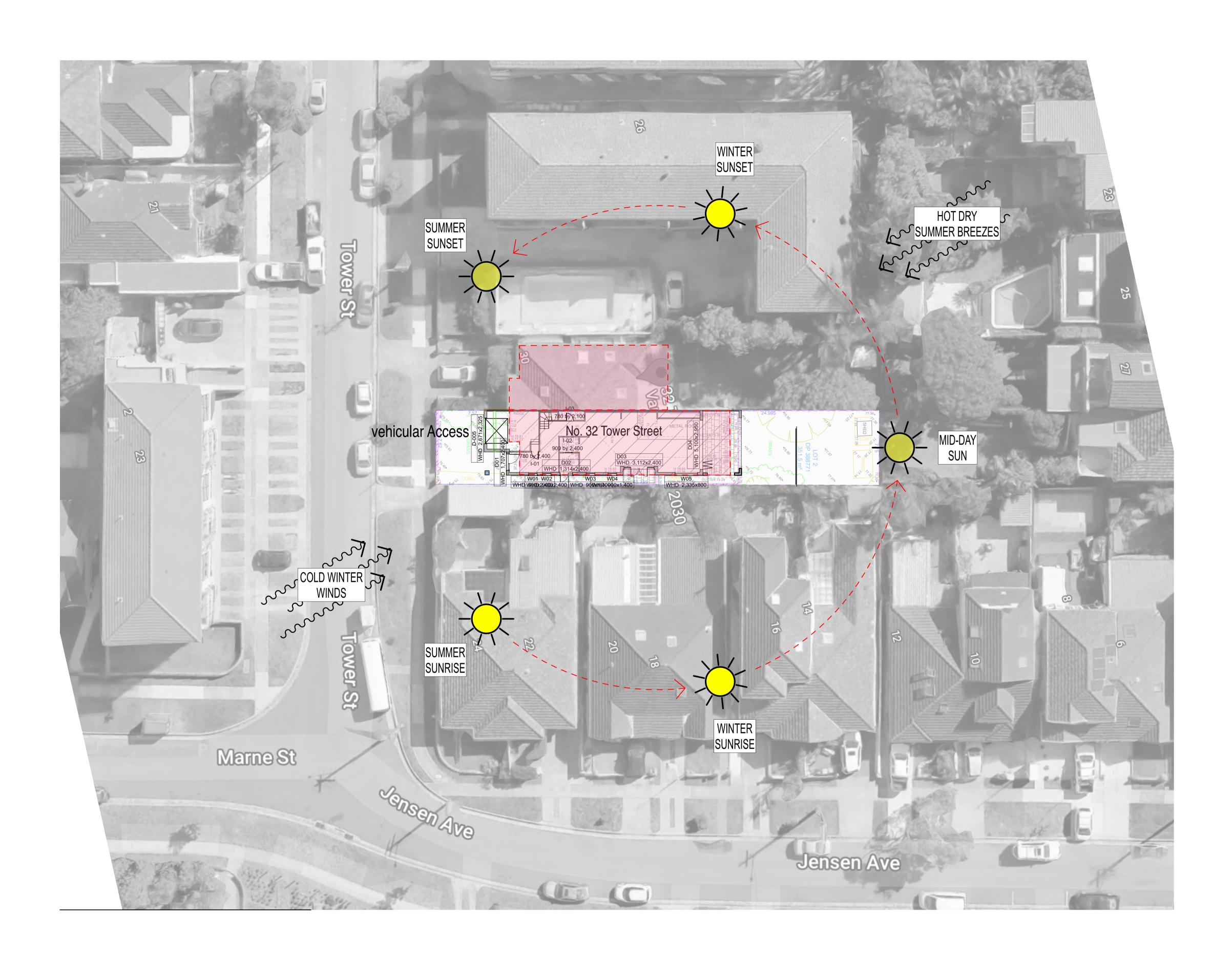
The operation of all devices or appliances installed within the development approved by this consent as required by conditions pertinent to rainwater harvesting and rainwater reuse must be maintained in good operating order at all times.

#### AD9. SITE RECTIFICATION WORKS

The vacant site is to be maintained in a safe and secure manner. Fencing is to be erected around the permitter 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 6months (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.



AMENDED PLANS

20 10

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The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the architect. Drawings shall not be used for construction purposes until issued for construction. Do not scale drawings. All boundaries and contours subject to survey. Comply with all relevant building code requirements, ordinances and Australian Standards. Refer to accompanying consultants' documentation where relevant.



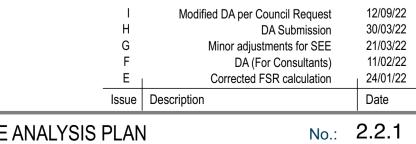
File: Amended Pongrass Archicad 26.pln, 20/9/22, 10:54 am

Scale (as noted) is on A1 paper. Scale is 50% on A3 paper

RECEIVED Waverley Council

Application No: DA-154/2022

Date Received: 24/09/2022



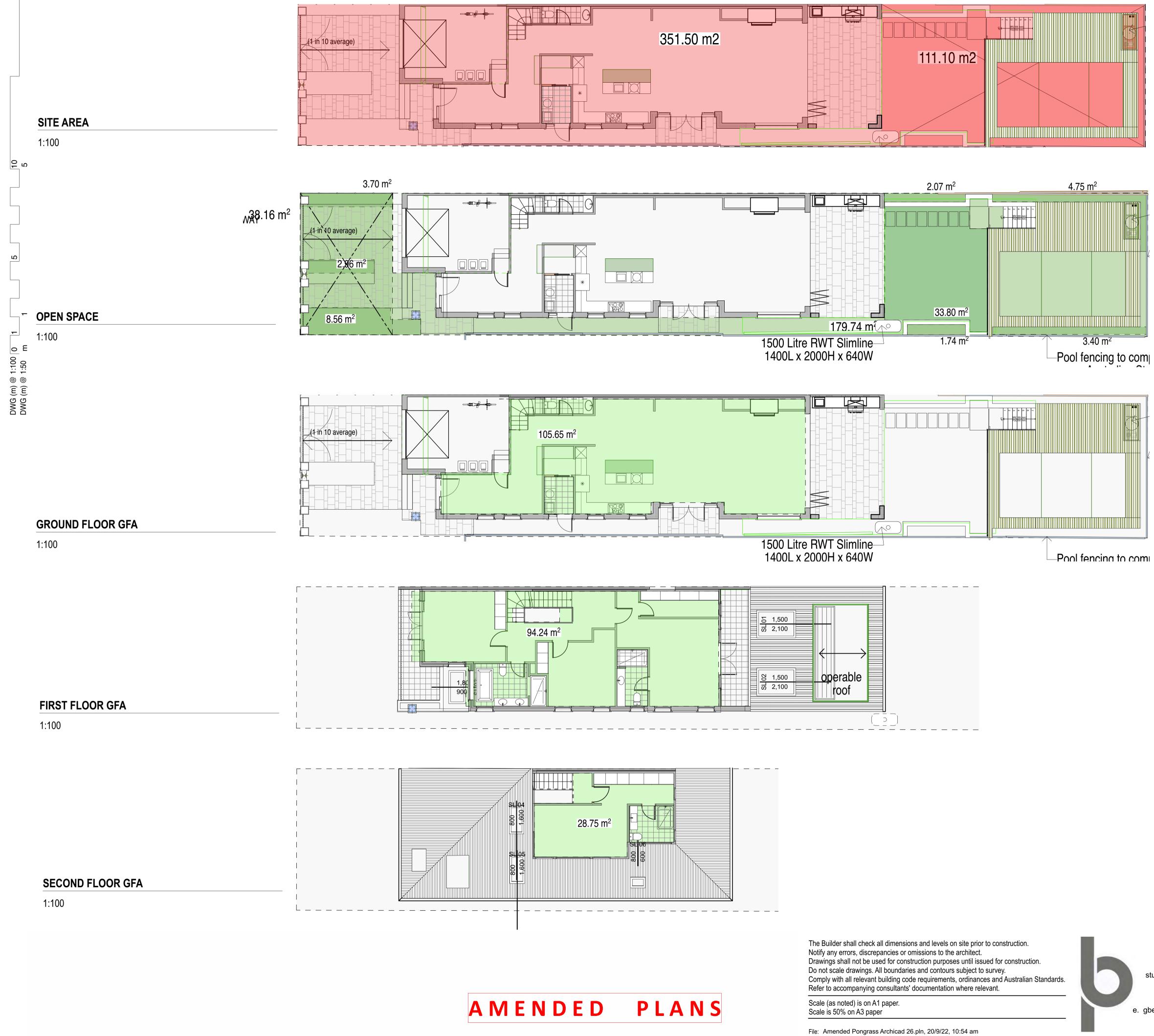
Sheet: SITE ANALYSIS PLAN

# Pongrass Residence

32 Tower Street Vaucluse NSW 2030

bensen partners architects

studio 1/163-165 sailors bay road, northbridge nsw 2063 m. 0414 600036 0425 208800 e. gbensen@bensenpartners.com.au nom. architect: george bensen reg. # 4075



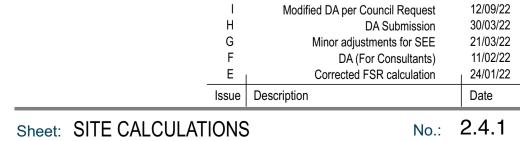
20

CONTROLS		
	Proposed	<u>Compliance</u>
Site Area: LEP Map: 002 Zoning: R3 Medium Density Heritage: N/A Acid Sulphate: N/A Building Height: 12.5m	351.50 m2 10.550 m	Y
FSR: LEP = [[(550 – lot area) × 0.0011] + 0.5]:1 [[(550 – 351.50) × 0.0011] + 0.5]:1	.72:1.00	Y
GFA:         105.65           Grd Floor:         94.24           Sec Floor:         28.75		
Total: FSR:	230.87 m2 .66:1.0	Y
Open Space: 40% - 140.60 m2 Landscaped: 15% - 52.72 m2 Private Open space: 25% - 87.87 m2 Front Setback Open Space: 50% - 19.01 m2 Landscaped Front Open Space: 50% - 9.505 m2	179.74 m2 60.98 m2 111.10 m2 38.16 m2 15.22 m2	Y Y Y Y Y

RECEIVED Waverley Council

Application No: DA-154/2022

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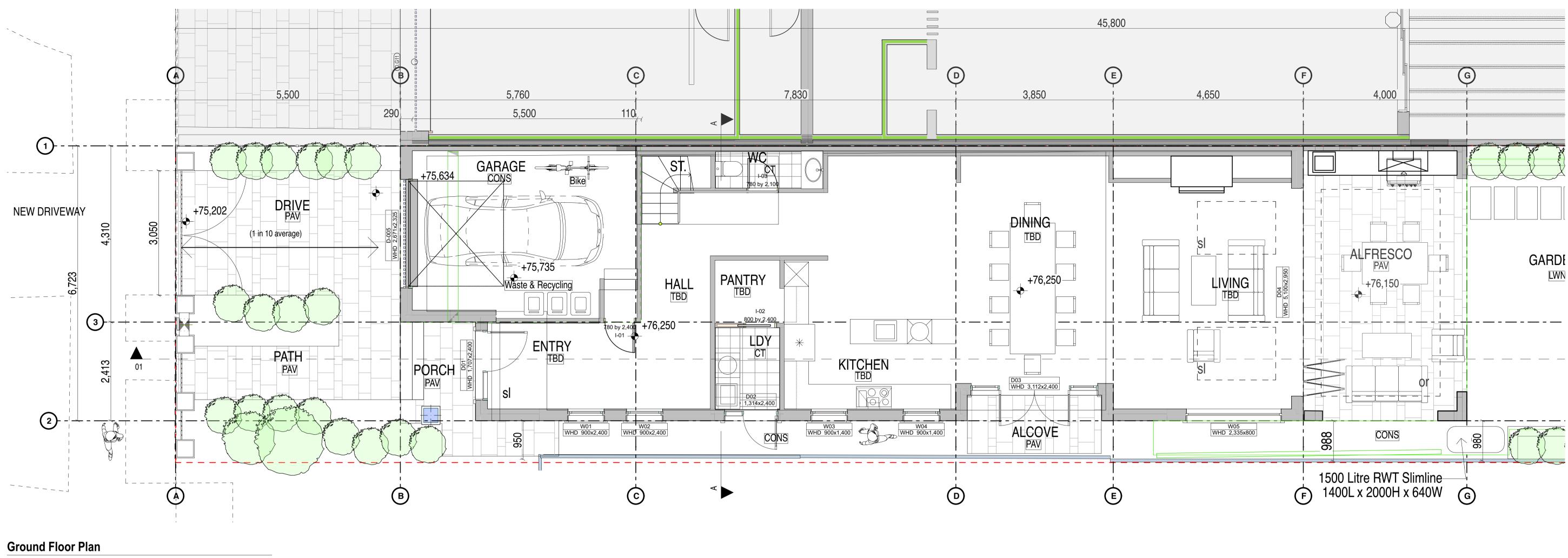


Pongrass Residence

32 Tower Street Vaucluse NSW 2030

**bensen** partners architects

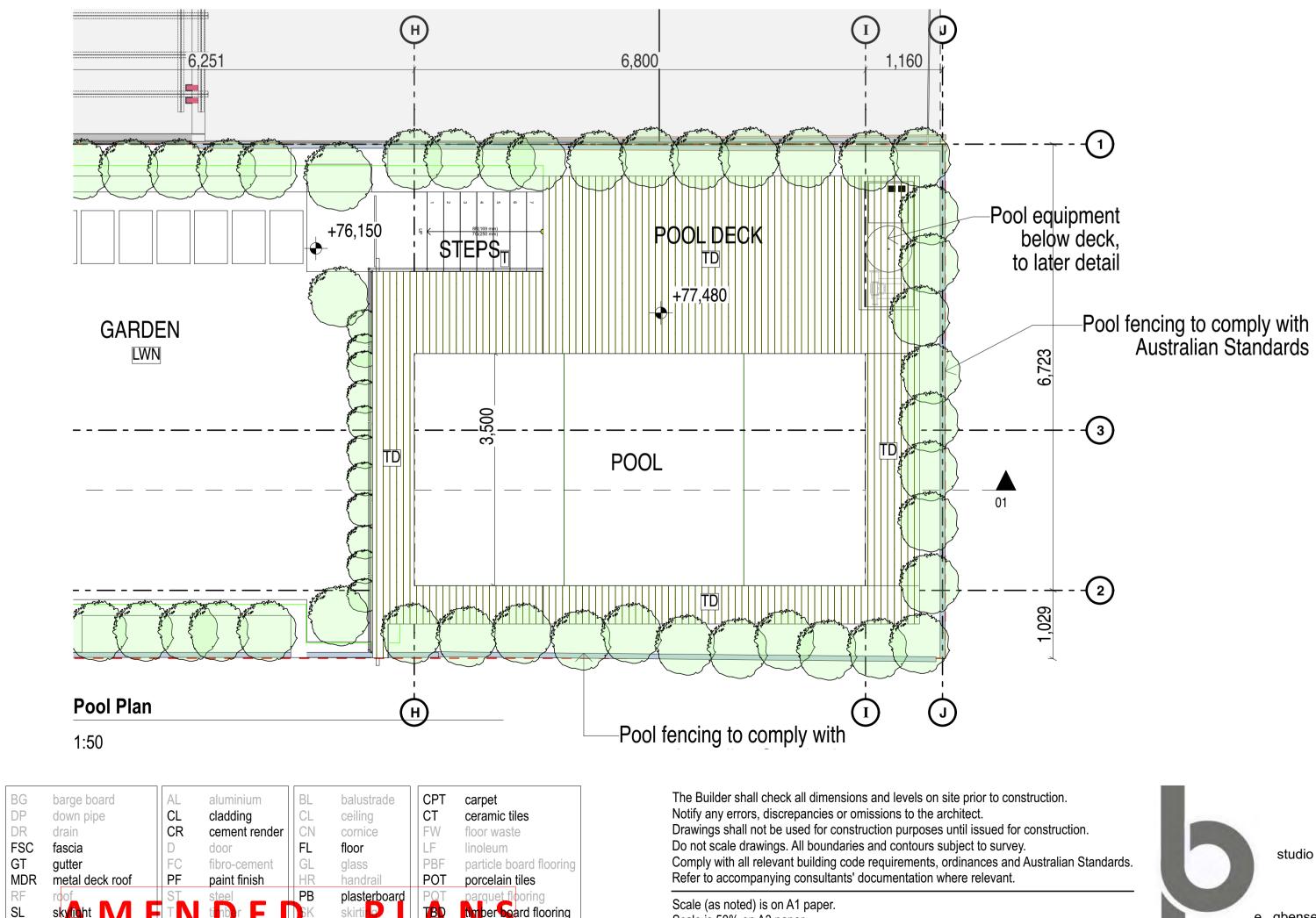
studio 1/163-165 sailors bay road, northbridge nsw 2063 m. 0414 600036 0425 208800 e. gbensen@bensenpartners.com.au nom. architect: george bensen reg. # 4075

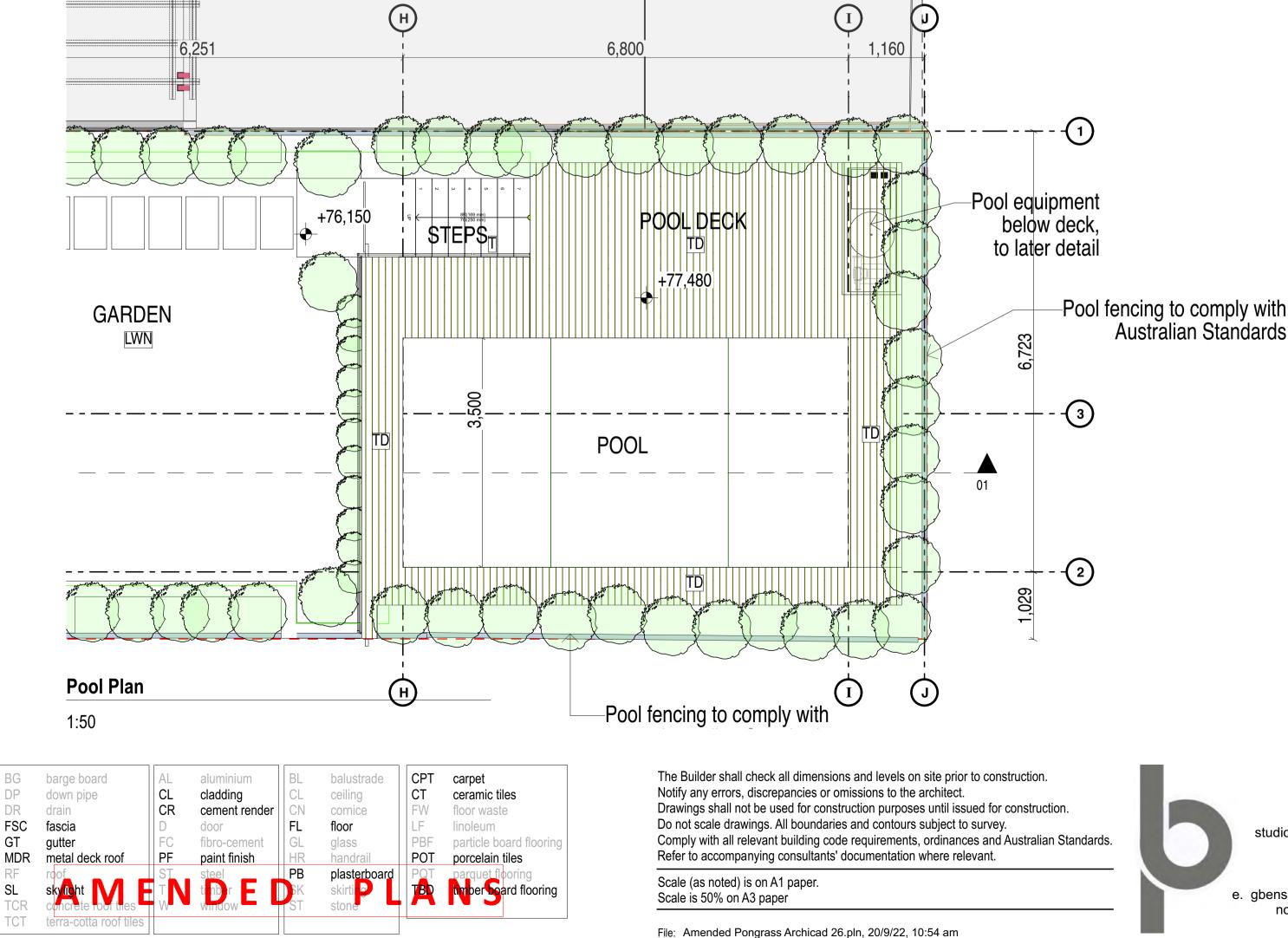


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AHD australian height datum ASPH asphalt BDY boundary BM bench mark DEM demolished EX existing FCL finished ceiling level FEN fence line FFL finished floor level NEW new

relative level

CON concrete CST stamped co GAR garden GR gravel LWN lawn PAV paving stone TD timber decking

T## tree no: ##

ST

CON concrete CONS screeded concrete e COF concrete (off-form) DPC damp-proof course DPM damp-proof membrane

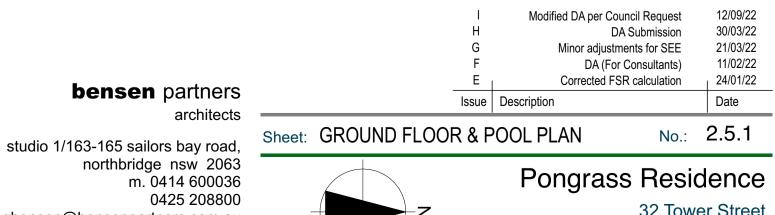
PCC

BCK common brickwork BG BV brick veneer CBR cavity brickwork FBR face brickwork pre-cast concrete perm.form concrete RF steel framing SL TCR timber framing

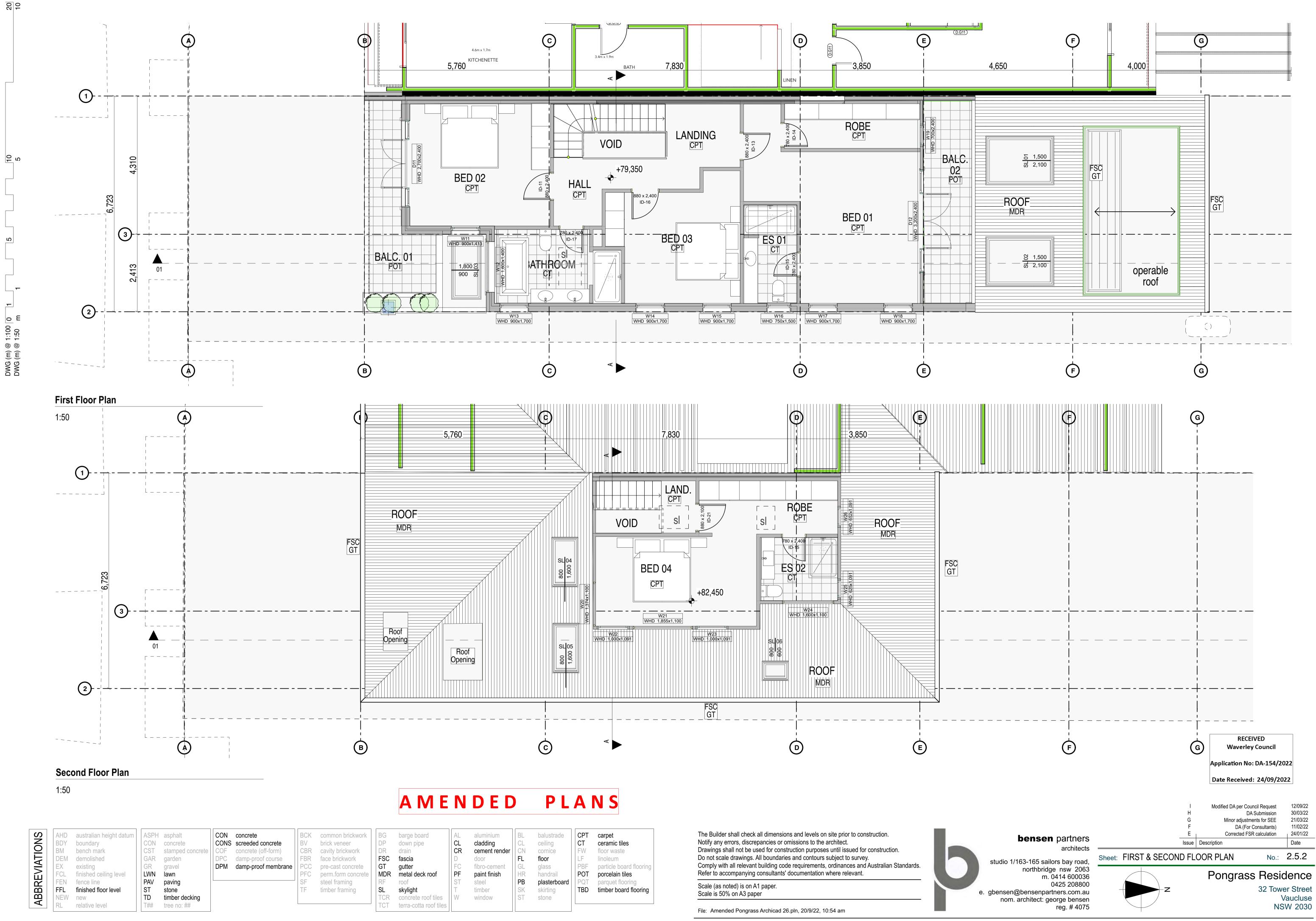
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Application No: DA-154/2022

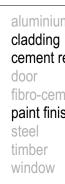
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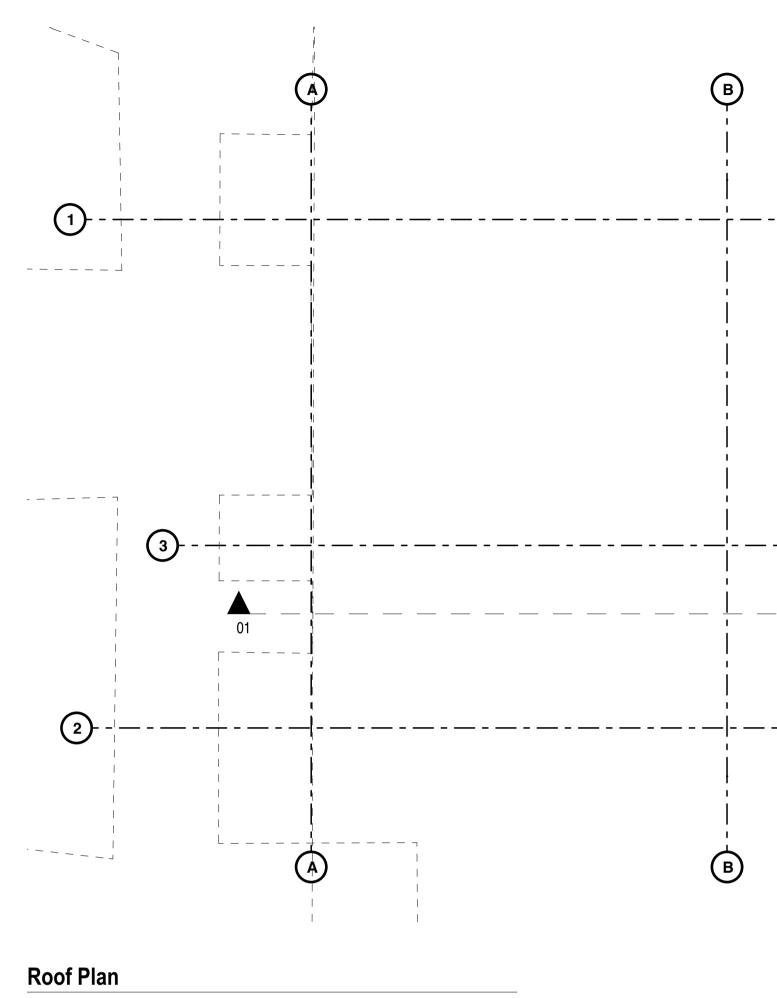


m. 0414 600036 0425 208800 e. gbensen@bensenpartners.com.au nom. architect: george bensen reg. # 4075 32 Tower Street Vaucluse NSW 2030



3G	barge board
)P	down pipe
R	drain
SC	fascia
ЭT	gutter
/IDR	metal deck roof
RF	roof
SL	skylight
CR	concrete roof tiles
СТ	terra-cotta roof tiles





1:50



aluminium AL cladding CL CR D door FC fibro-cement GL paint finish PF ST steel timber W window



AHD australian height datum ASPH asphalt BDY boundary BM bench mark DEM demolished EX existing FCL finished ceiling level FEN fence line FFL finished floor level NEW new RL relative level

CON concrete LWN lawn PAV paving ST stone T## tree no: ##

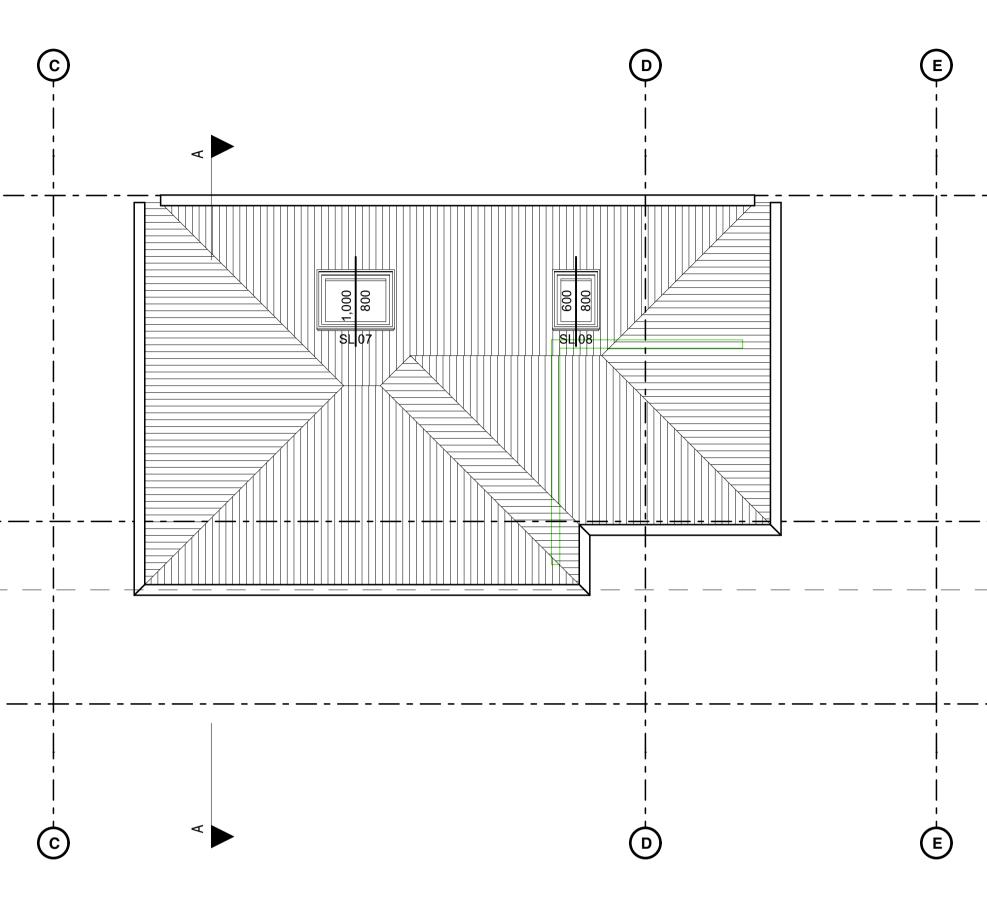
CST stamped cond GAR garden GR gravel TD timber decking

CON concrete CONS screeded concrete crete COF concrete (off-form) DPC damp-proof course DPM damp-proof membrane

PFC TF

BCK common brickwork BV brick veneer CBR cavity brickwork FBR face brickwork PCC pre-cast concrete perm.form concrete steel framing timber framing

BG	barge board
DP	down pipe
DR	drain
FSC	fascia
GT	gutter
MDR	metal deck roof
RF	roof
SL	skylight
TCR	concrete roof tiles
ТСТ	terra-cotta roof tile



# AMENDED PLANS



CPT	carpet
CT	ceramic tiles
FW	floor waste
LF	linoleum
PBF	particle board flooring
POT	porcelain tiles
PQT	parquet flooring
TBD	timber board flooring
	-

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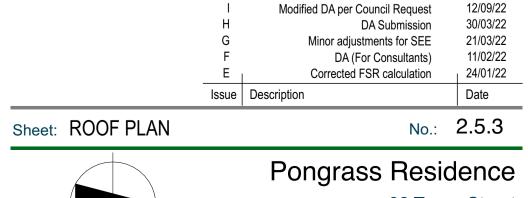




RECEIVED Waverley Council

Application No: DA-154/2022

Date Received: 24/09/2022



architects studio 1/163-165 sailors bay road, northbridge nsw 2063 m. 0414 600036 0425 208800

bensen partners

e. gbensen@bensenpartners.com.au nom. architect: george bensen reg. # 4075

32 Tower Street Vaucluse NSW 2030 20 10



# SOUTH ELEVATION

1:50



AL aluminium cladding cement render door FC fibro-cement paint finish steel timber W window



AHD australian height datum ASPH asphalt BDY boundary BM bench mark DEM demolished EX existing FCL finished ceiling level FEN fence line FFL finished floor level NEW new RL relative level

CON concrete GR gravel LWN lawn PAV paving ST T## tree no: ##

CST stamped cor GAR garden stone TD timber decking

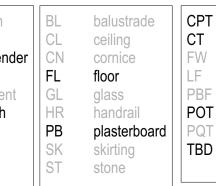
No. 30 Tower Street-being the subject of seperate DA

CON concrete CONS screeded concrete crete COF concrete (off-form) DPC damp-proof course DPM damp-proof membrane

BCK common brickwork BV brick veneer CBR cavity brickwork FBR face brickwork PCC pre-cast concrete perm.form concrete steel framing timber framing

	BG DP DR FSC GT MDR RF SL TCR TCR	barge board down pipe drain fascia gutter metal deck roof roof skylight concrete roof tiles terra-cotta roof tiles	AL CL CR D FC PF ST T W
--	--	---	---

1:50



CPT	carpet
CT	ceramic tiles
FW	floor waste
LF	linoleum
PBF	particle board flooring
POT	porcelain tiles
PQT	parquet flooring
TBD	timber board flooring
	-

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**bensen** partners studio 1/163-165 sailors bay road, northbridge nsw 2063 m. 0414 600036 0425 208800 e. gbensen@bensenpartners.com.au nom. architect: george bensen reg. # 4075

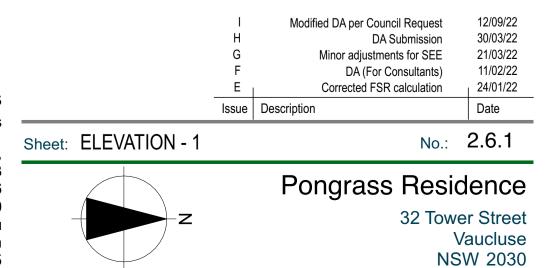
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Application No: DA-154/2022

Date Received: 24/09/2022

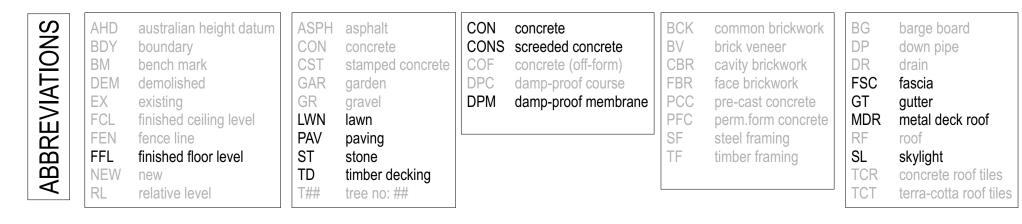


architects



# POOL ELEVATION

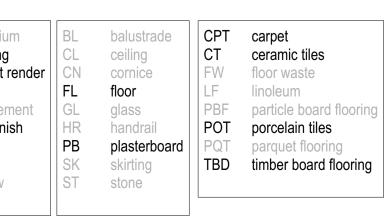
### 1:50



### AMENDED **PLANS**

L	aluminiu
L	cladding
R	cement
	door
С	fibro-cer
F	paint fini
Т	steel
	timber
/	window

20 10



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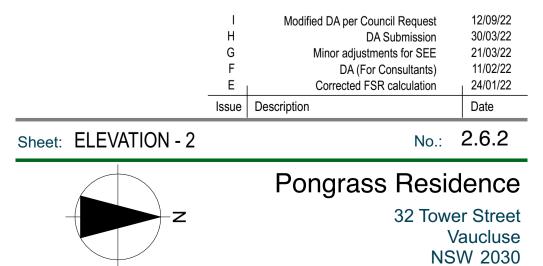
Scale (as noted) is on A1 paper. Scale is 50% on A3 paper

File: Amended Pongrass Archicad 26.pln, 20/9/22, 11:07 am

# —No. 30 Tower Street being the subject of seperate DA

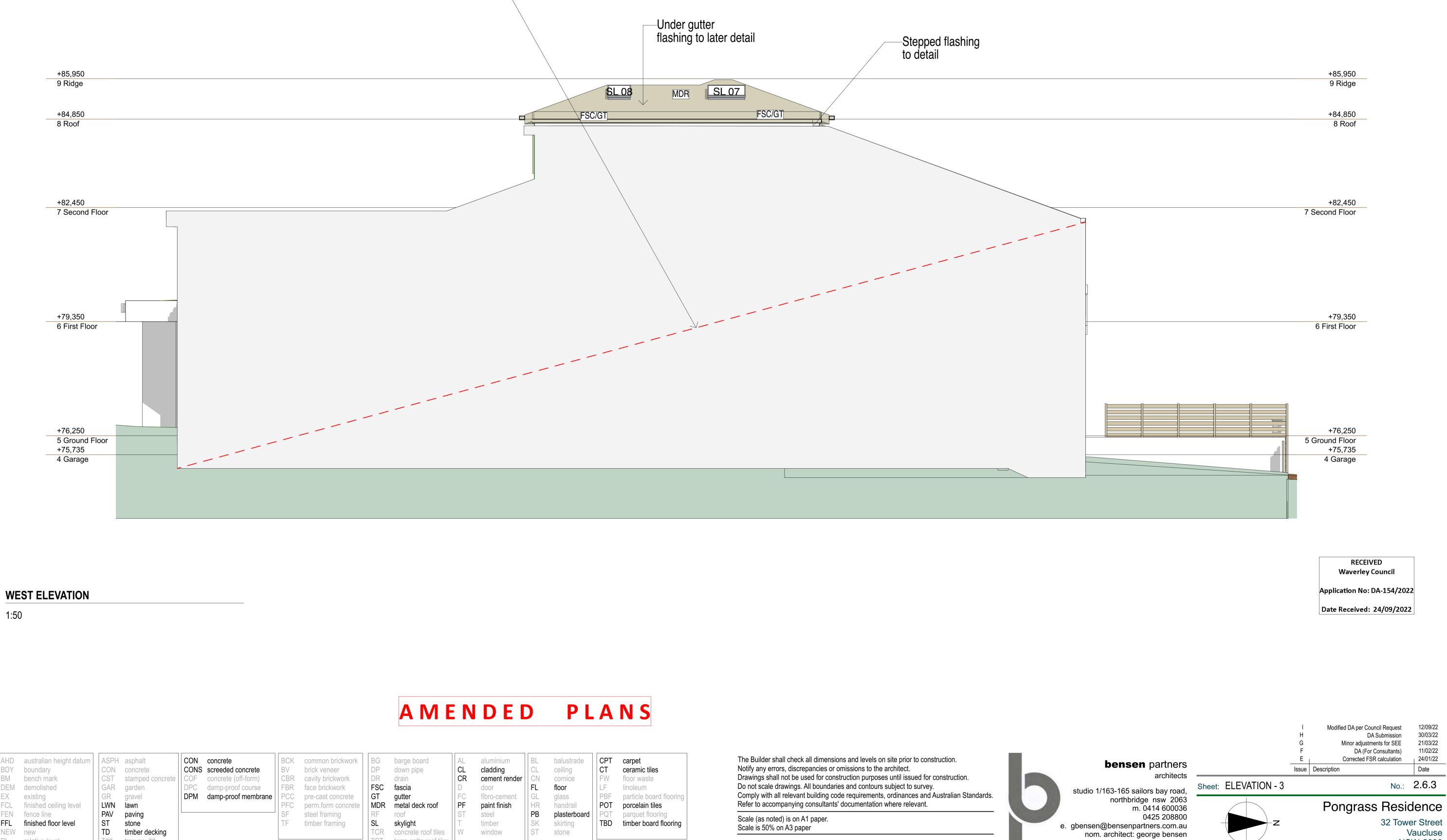
Application No: DA-154/2022

Date Received: 24/09/2022



architects

No. 30 Tower Street– being the subject of seperate DA



# WEST ELEVATION

1:50

20 10

5 10

S

-

DWG (m) @ 1:100 0 DWG (m) @ 1:50 m



ABBREVIATIONS

BDY boundary BM bench mark DEM demolished EX existing FCL finished ceiling level FEN fence line FFL finished floor level NEW new RL relative level

TD timber decking T## tree no: ##

	barge board down pipe
	drain
С	fascia
	gutter
R	metal deck roof
	roof
	skylight
R	concrete roof tiles
Т	terra-cotta roof tiles

W window

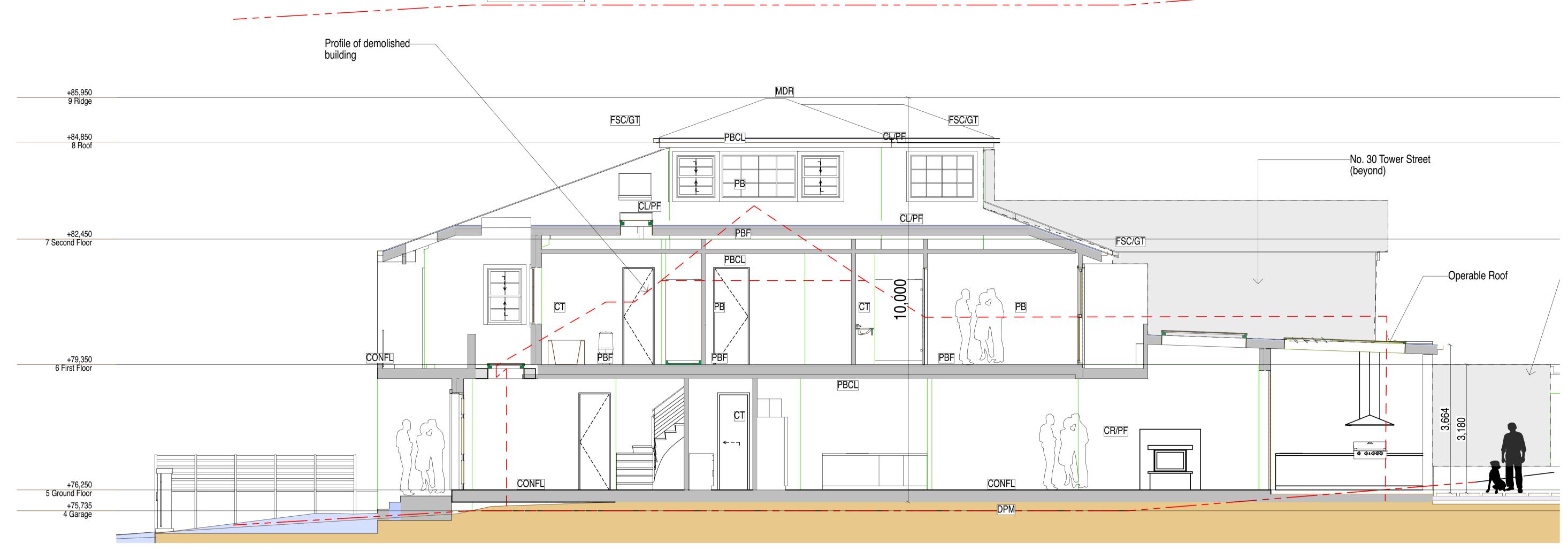


carpet
ceramic tiles
floor waste
linoleum
particle board floor
porcelain tiles
parquet flooring
timber board floorin

reg. # 4075

NSW 2030

File: Amended Pongrass Archicad 26.pln, 20/9/22, 11:07 am



# **SECTION 01**

1:50

20

5 10

DWG (m) @ 1:100 0 DWG (m) @ 1:50 m



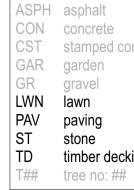
1:50

# AMENDED

door steel timber



AHD australian height datum ASPH asphalt BDY boundary BM bench mark DEM demolished EX existing FCL finished ceiling level FEN fence line FFL finished floor level NEW new RL relative level



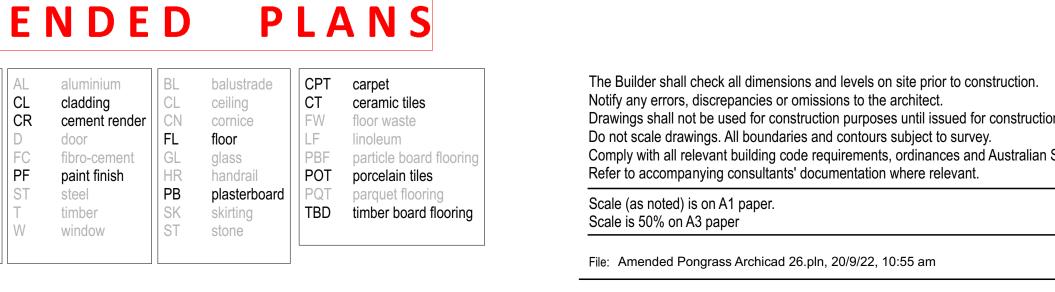
TD timber decking

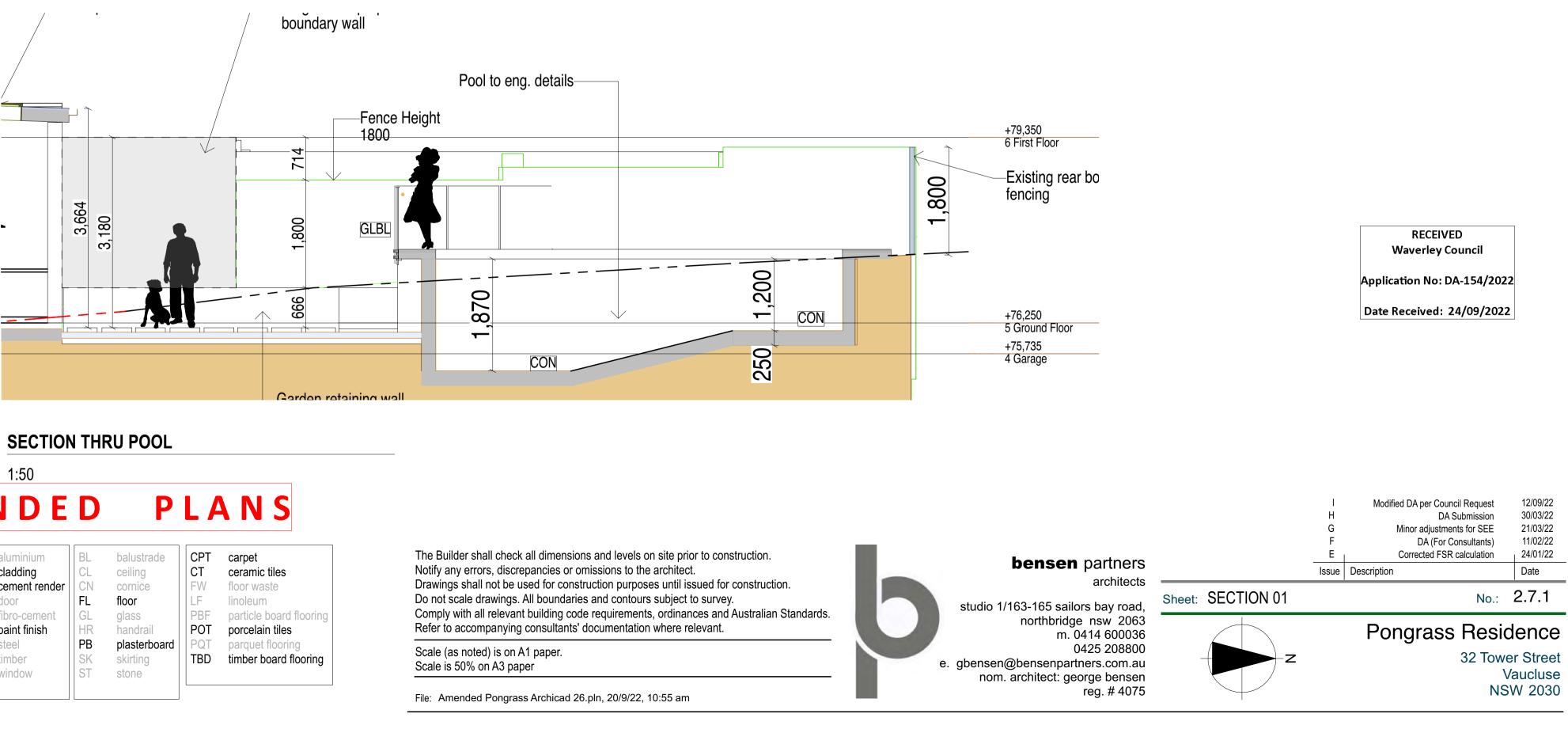
CON concrete CONS screeded concrete rete COF concrete (off-form) DPC damp-proof course DPM damp-proof membrane

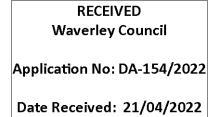
TF

BCK common brickwork B BV brick veneer CBR cavity brickwork FBR face brickwork | FS PCC pre-cast concrete GT perm.form concrete steel framing R timber framing

BG	barge board
DP	down pipe
DR	drain
FSC	fascia
GT	gutter
MDR	metal deck roof
RF	roof
SL	skylight
TCR	concrete roof tiles
TCT	terra-cotta roof tile





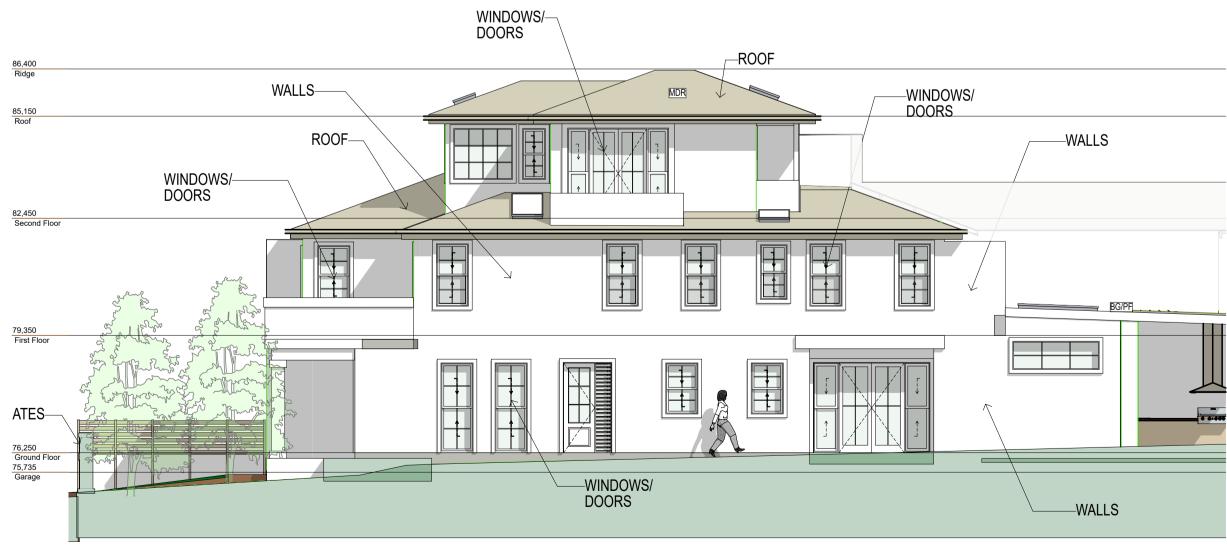




# SOUTH ELEVATION



WINDOWS

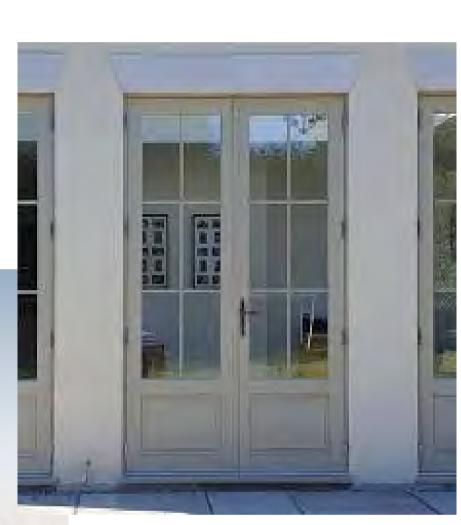


# EAST ELEVATION

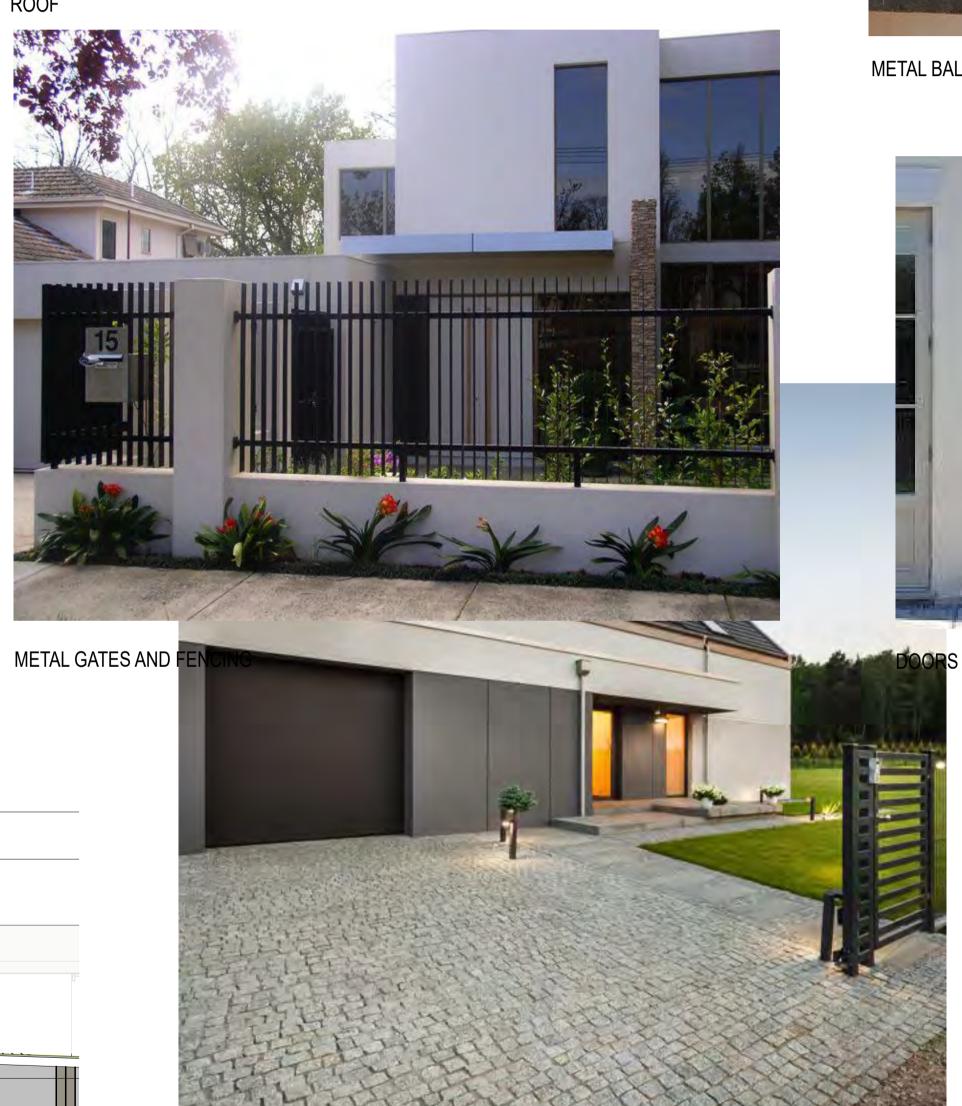




METAL BALUSTRADING



ROOF



PAVING

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WALL

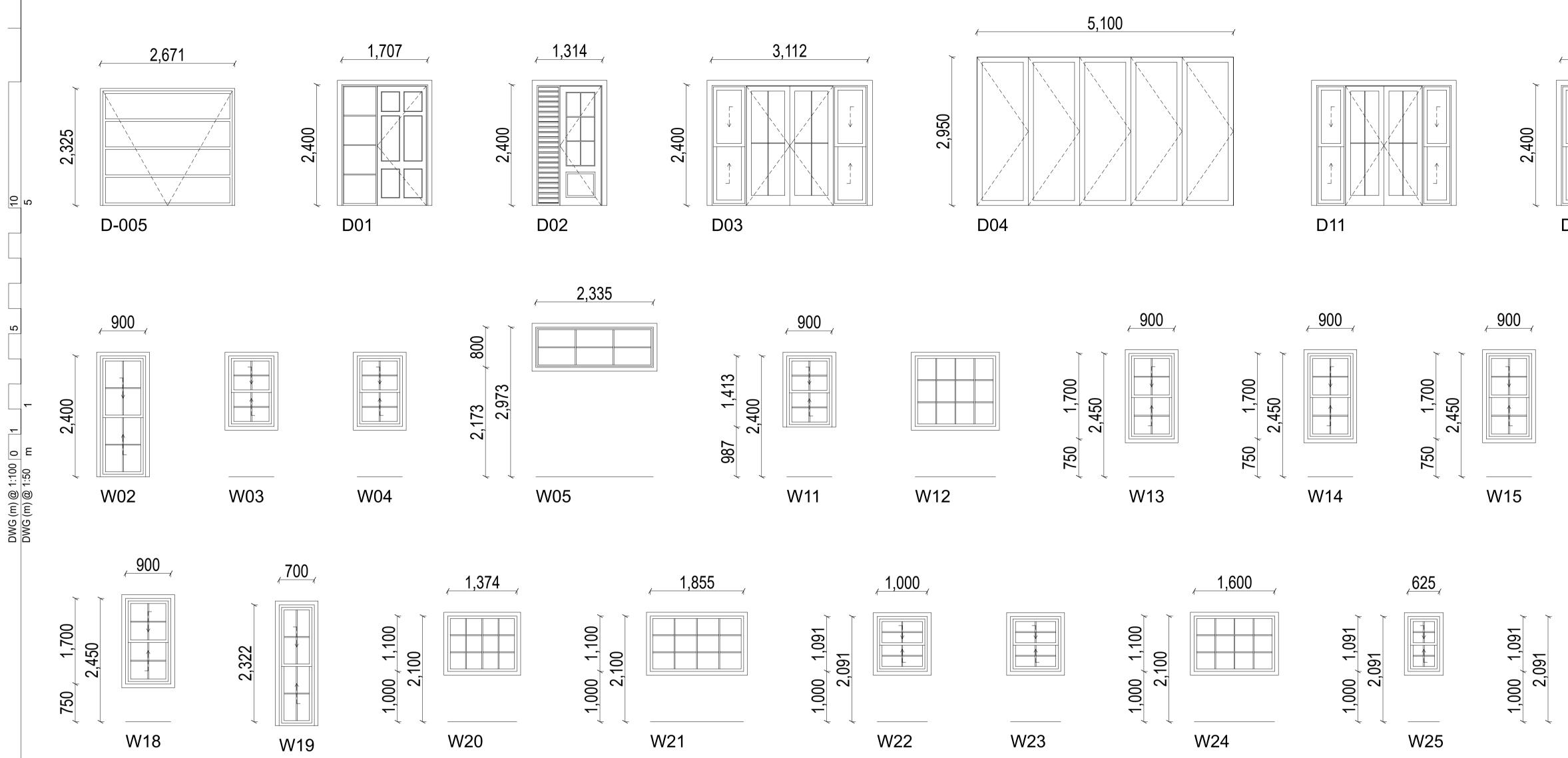


ENTRY DOOR



GARAGE DOOR

bense	n partners		H	Description	DA Submission	28/03/22 Date
studio 1/163-165 sa	Sho	et: MATERIALS AND	) FIN	ISHES	No.:	2.9.1
	dge nsw 2063 . 0414 600036 0425 208800			Pong	rass Resid	dence
e. gbensen@bensenp nom. architect:	artners.com.au	Z			\	er Street /aucluse SW 2030

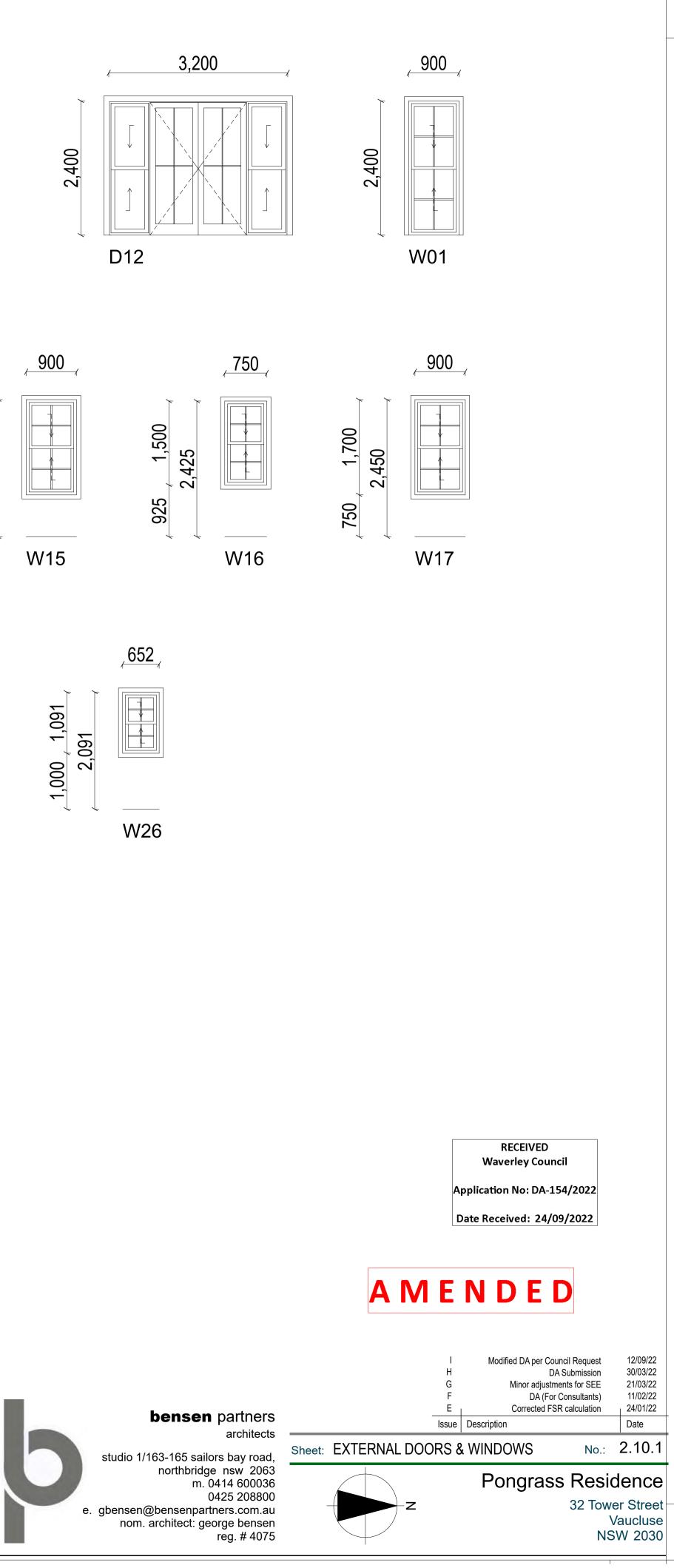


### NOTES

20 10

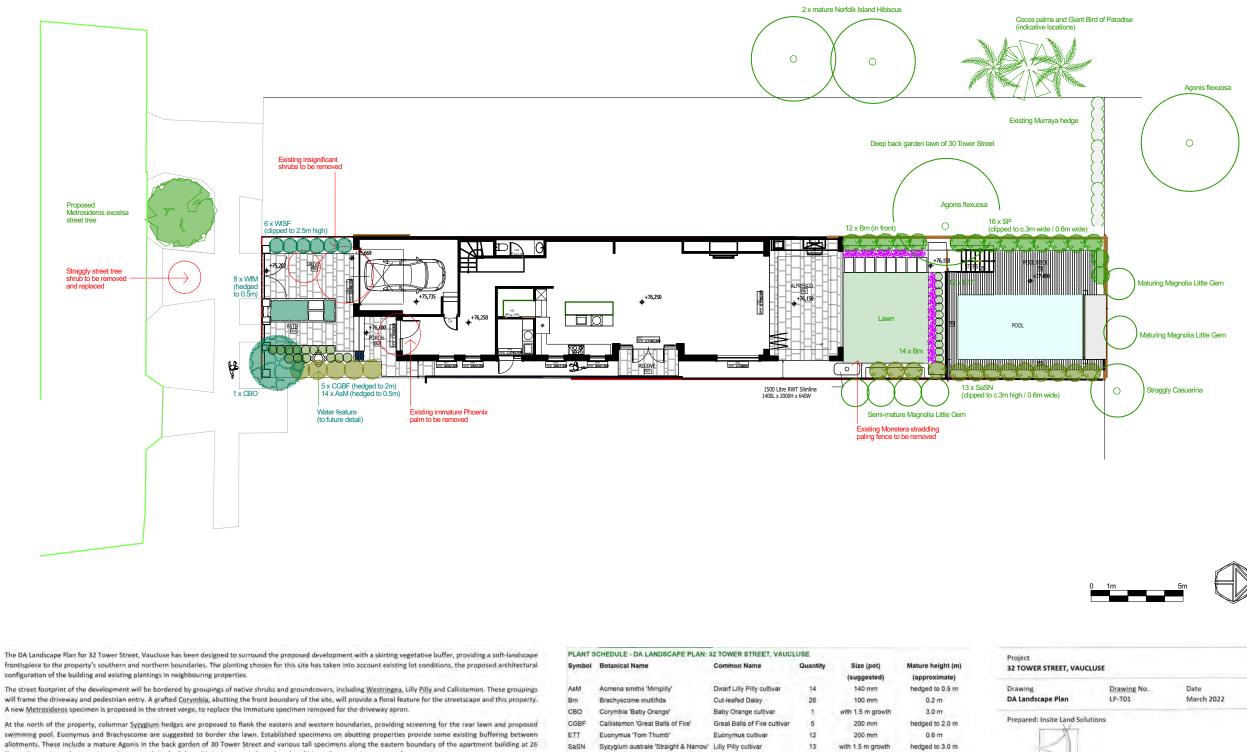
1. D. 04 - Bifold doors to be frameless glazing.

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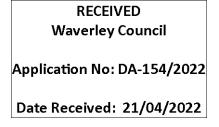


A new Metrosideros specimen is proposed in the street verge, to replace the immature specimen removed for the driveway apron.

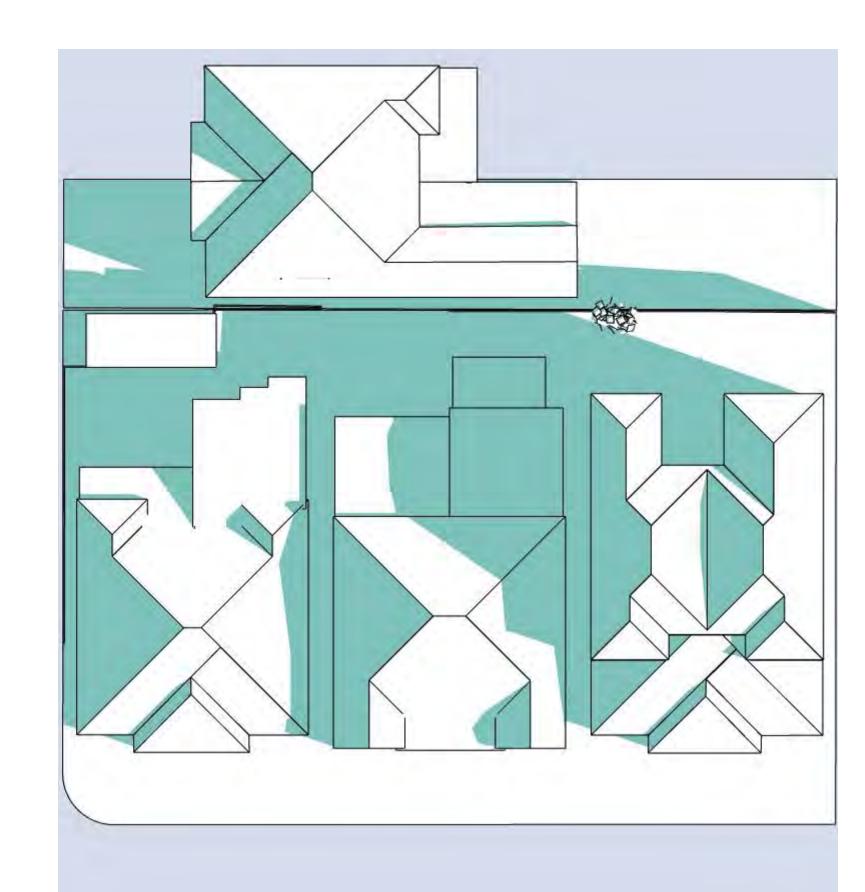
swimming pool. Euonymus and Brachysome are suggested to border the lawn. Established specimens on abutting properties provide some existing buffering between allotments. These include a mature Agonis in the back garden of 30 Tower Street and various tall specimens along the eastern boundary of the apartment building at 26 Tower Street. Several properties to the east and north of the subject site contain boundary dwarf Magnolias, at various stages of maturation.

The DA Landscape Plan has included species found commonly along Sydney's coastline and others capable of surviving in this environment. The planting within the Plan seeks to complement species found in Tower Street currently, whilst referencing existing species and landscape styles in abutting properties.

Symbol	Botanical Name	Common Name	Quantity	Size (pot) (suggested)	Mature height (m) (approximate)	32 TOWER
AsM	Acmena smithii 'Minipilly'	Dwarf Lilly Pilly cultivar	14	140 mm	hedged to 0.5 m	Drawing
Bm	Brachyscome multifida	Cut-leafed Daisy	26	100 mm	0.2 m	DA Landso
СВО	Corymbia 'Baby Orange'	Baby Orange cultivar	. 1	with 1.5 m growth	3.0 m	The second
CGBF	Callistemon 'Great Balls of Fire'	Great Balls of Fire cultivar	5	200 mm	hedged to 2.0 m	Prepared:
ETT	Euonymus 'Tom Thumb'	Euonymus cultivar	12	200 mm	0.6 m	
SaSN	Syzygium australe 'Straight & Narrow'	Lilly Pilly cultivar	13	with 1.5 m growth	hedged to 3.0 m	
SP	Syzygium 'Pinnacle'	Lilly Pilly cultivar	16	with 1.5 m growth	hedged to 3.0 m	
WISF	Westringea longifolia 'Snow Flurry'	Snow Flurry cultivar	6	300 mm	clipped to 2.5m high	
WfM	Westringea fruticosa 'Mundi'	Mundi cultivar	в	140 mm	clipped to 0.5 m	4
						E F



Ari Anderson – Registered Landscape Architect (AILA) PO Box 4 Rose Bay NSW 2029 0412 133 472



# EXIST. JUNE 21 9.00 AM

10

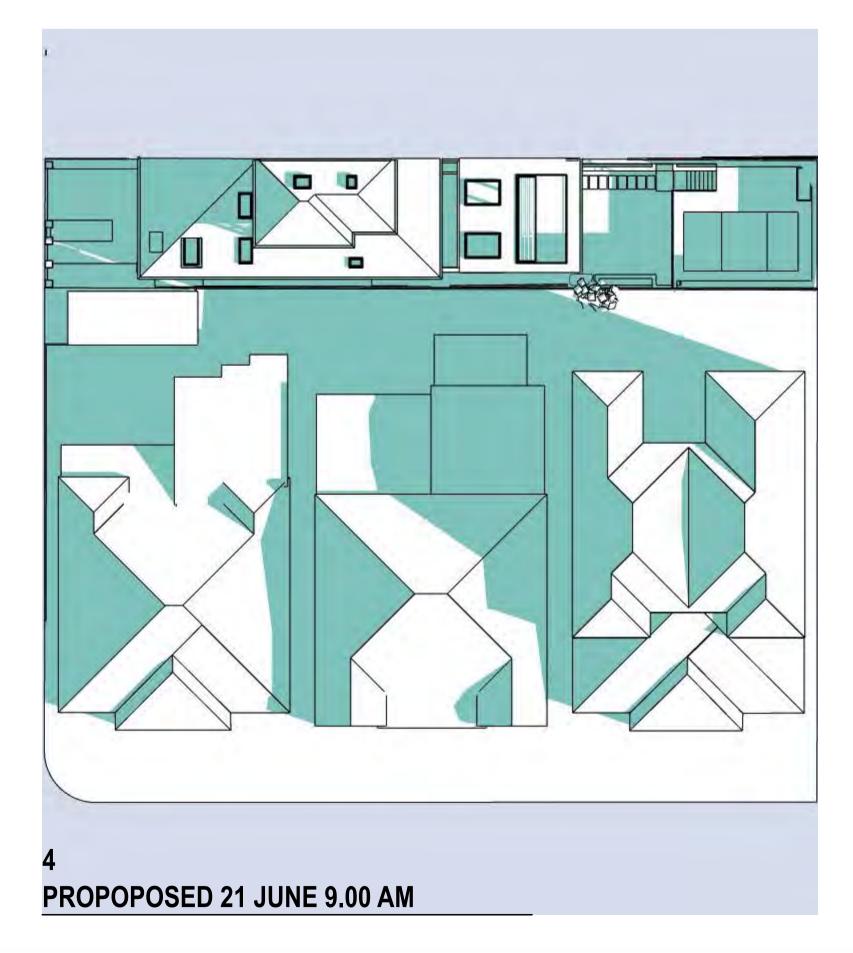
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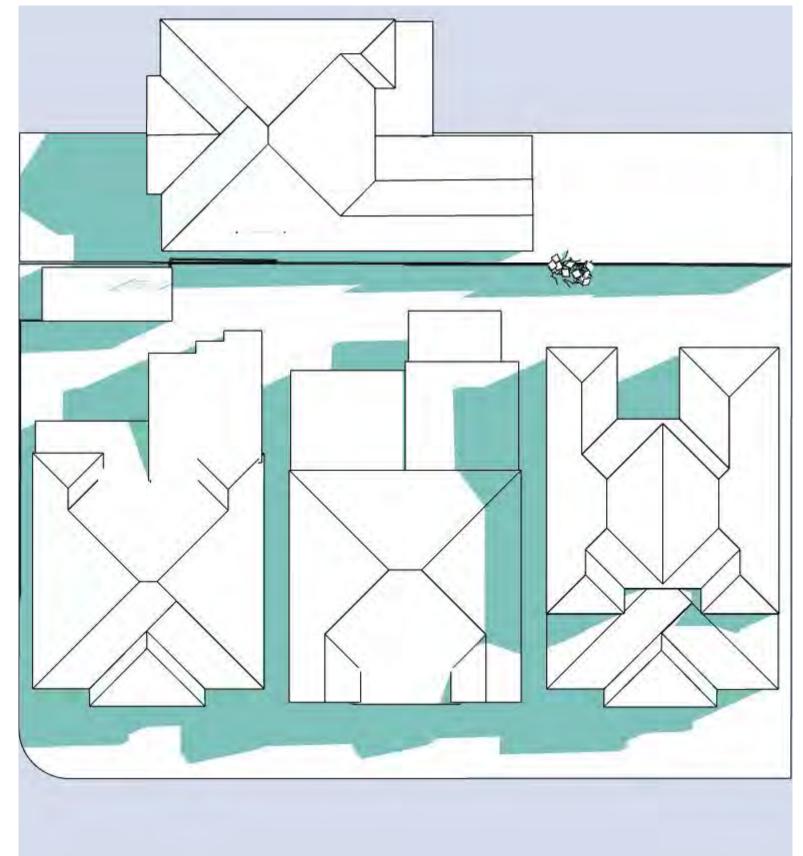
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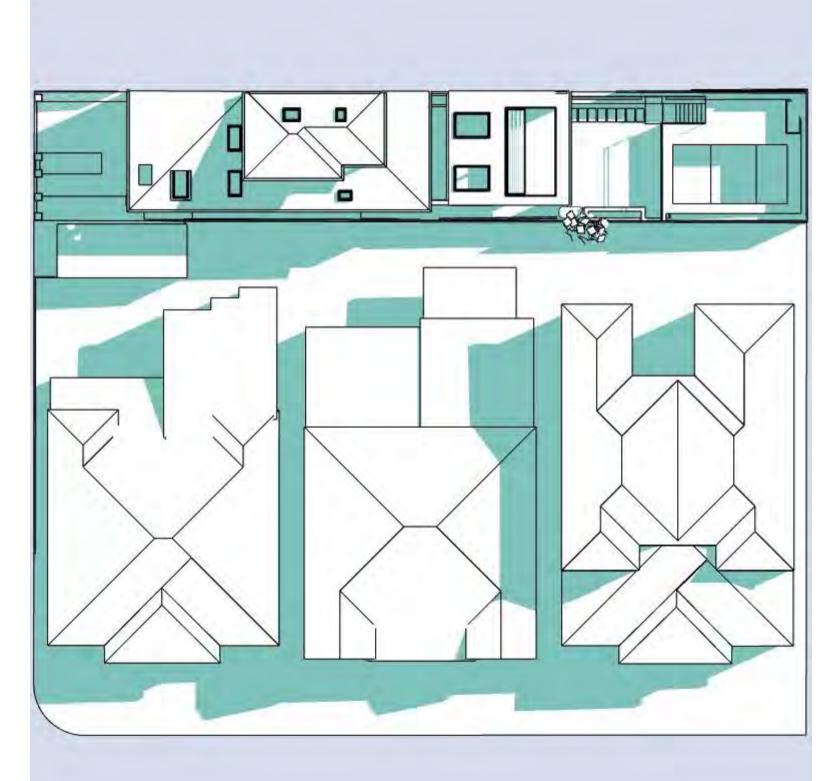
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DWG (m) @ 1:100 0 DWG (m) @ 1:50 m



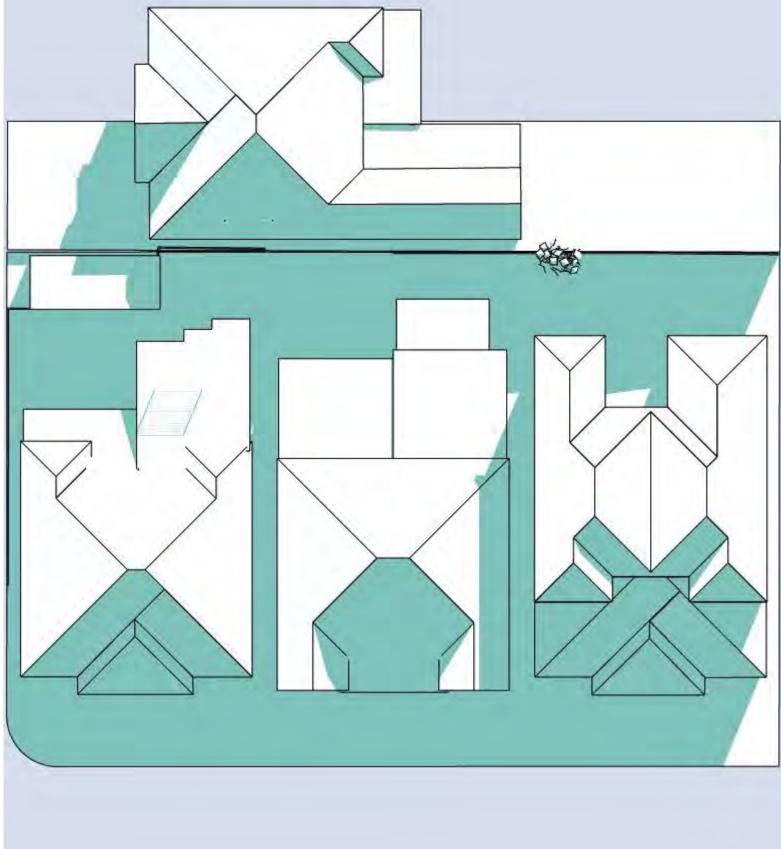




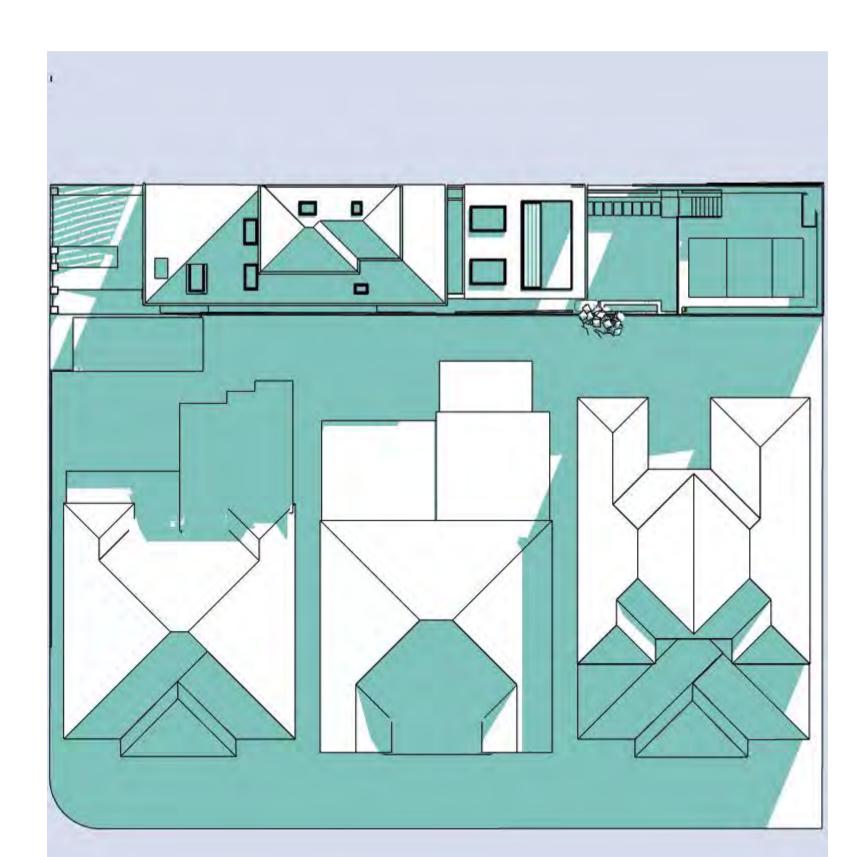
PROPOSED JUNE 21 12 NOON







EXIST. JUNE 21 3.00 PM



# PROPOSED JUNE 21 3.00 PM

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# RECEIVED

Waverley Council Application No: DA-154/2022

Date Received: 24/09/2022

Modified DA per Council Request 12/09/22 30/03/22 DA Submission Minor adjustments for SEE DA (For Consultants) Corrected FSR calculation Issue Description

Date

21/03/22 11/02/22 24/01/22

No.: 2.8.1.1

Sheet: JUNE 21 SHADOWS

E,

# Pongrass Residence

32 Tower Street Vaucluse NSW 2030

bensen partners architects