



17 June 2019

A meeting of the **WAVERLEY LOCAL PLANNING PANEL** will be held on Level 3, Waverley Council Chambers, Cnr Bondi Road and Paul Street, Bondi Junction at:

12.00 PM WEDNESDAY 26 JUNE 2019

QUORUM: Three Panel members.

APOLOGIES: By e-mail to WLPP@waverley.nsw.gov.au

OR

Late notice by telephone to the WLPP Co-ordinator on 9083 8273.

AGENDA

WLPP-1906.A Apologies

WLPP-1906.DI Declarations of Interest

The Chair will call for any declarations of interest.

WLPP-1906.1 PAGE 5 5 & 5A Thomas Street, Bronte - Demolition of a pair of semi-detached dwellings and construction of two semi-detached dwellings, including shared pool and common garage (DA-342/2018)

Report dated 13 June 2019 from the Development and Building Unit.

Recommendation: That the application be refused in accordance with the reasons contained in the report.

WLPP-1906.2 PAGE 53 Unit 3 / 8-10 Notts Avenue, Bondi Beach - Alterations and additions to unit 3 including internal reconfiguration, roof extension and external material changes (DA-329/2018)

Report dated 12 June 2019 from the Development and Building Unit.

Recommendation: That the application be approved in accordance with the conditions contained in the report.

WLPP-1906.3 PAGE 83 43A Denham Street, Bondi Beach (alternate address: 34A Francis Street) - Alterations and additions to residential flat building (DA-118/2018)

Report dated 14 June 2019 from the Development and Building Unit.

Recommendation: That the application be approved in accordance with the conditions contained in the report.

WLPP-1906.4**PAGE 147**

30 & 32 O'Brien Street, BONDI BEACH - Modification to DA-159/2017, including additional dormer windows, skylights and internal staircase (DA-159/2017/A)

Report dated 13 June 2019 from the Development and Building Unit.

Recommendation: That the application be refused in accordance with the reasons contained in the report.

WLPP-1906.5**PAGE 177**

4/121-123 Wellington Street, Bondi Beach - Alterations and additions to unit 4 (DA-431/2018)

Report dated 12 June 2019 from the Development and Building Unit.

Recommendation: That the application be approved in accordance with the conditions contained in the report.

WLPP-1906.6**PAGE 210**

46-48 Glasgow Avenue Bondi Beach - Modifications to the approved dwelling to delete Conditions 2(a)-(f) and general amendments to the approved ground floor plan and first floor plan (DA-171/2018/A)

Report dated 13 June 2019 from the Development and Building Unit.

Recommendation: That the application be approved in accordance with the conditions contained in the report.

WLPP-1906.7**PAGE 256**

5 Nancy Street, NORTH BONDI NSW 2026 - Demolition of existing dwelling and construction of a new dual occupancy including strata subdivision, new carport and associated landscaping works for each (DA-385/2018).

Report dated 13 June 2019 from the Development and Building Unit.

Recommendation: That the application be approved in accordance with the conditions contained in the report.

WLPP-1906.8

PAGE 313

1A Reina St, NORTH BONDI - Review of previous refusal of proposed alterations and additions to existing dual occupancy development (DA-367/2018/1)

Report dated 12 June 2019 from the Development and Building Unit.

Recommendation: That the application be approved in accordance with the conditions contained in the report.

WLPP-1906.9

PAGE 341

3 Gilgandra Road, NORTH BONDI - Alterations and additions to existing two storey secondary dwelling to convert to a detached dual occupancy (DA-36/2019)

Report dated 13 June 2019 from the Development and Building Unit.

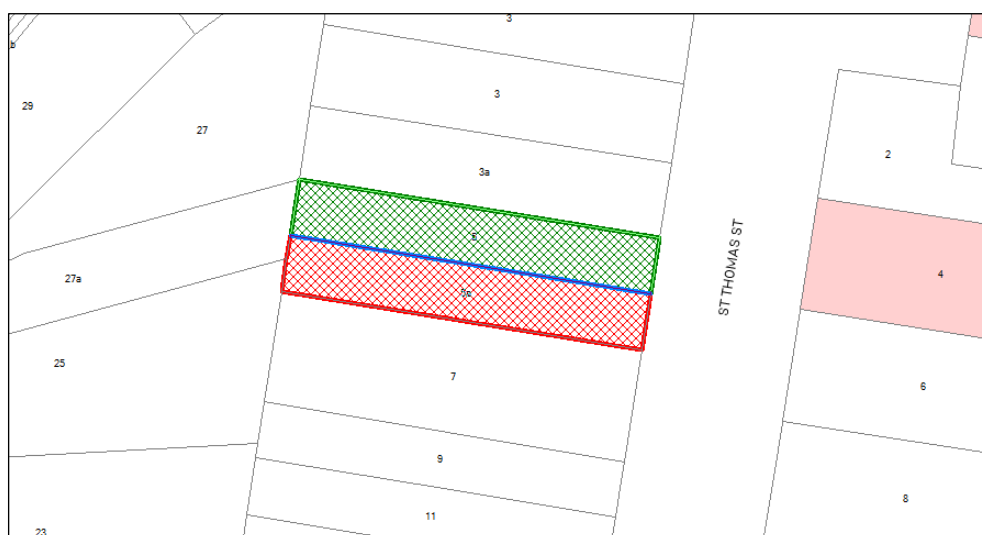
Recommendation: That the application be refused in accordance with the reasons contained in the report.



Report to the Waverley Local Planning Panel

Application number	DA-342/2018
Site address	5 & 5A Thomas Street Bronte
Proposal	Demolition of a pair of semi-detached dwellings and construction of two semi-detached dwellings, including shared pool and common garage.
Date of lodgement	21 September 2018
Owner	Mr M E Clarkson and Mrs K A Clarkson
Applicant	MacCormick & Associates Architects
Submissions	8 submissions received
Cost of works	\$1,825,341.19
Issues	Variation to floor space ratio and height of buildings development standards, excessive bulk and scale, non-compliant side and rear setbacks, overshadowing, loss of views, location of swimming pool in front setback, unacceptable impact on the amenity of neighbouring properties.
Recommendation	That the application be REFUSED

Site Map



1. PREAMBLE

1.1 Site And Surrounding Locality

A site visit was carried out on 21 March 2019.

The site is identified as Lot 1 and Lot 2 in DP 582903, known as No.5 and No. 5A St Thomas Street BRONTE. Each site is rectangular in shape with a northern and southern side boundary measuring 48.77m for each site, a front eastern boundary measuring 7.5m (No. 5) and 7.7m (No. 5A), and a rear western boundary measuring 7.6m (No. 5) and 7.64m (No. 5A). Lot 1 has an area of 369.5m² and Lot 2 has an area of 373.7m². Each site falls from the rear towards the front by approximately 10m.

Lot 1 and Lot 2 is occupied by a two storey semi-detached dwelling. There is no vehicular access provided to the site.

The subject site is adjoined by detached dwellings on either side. The Locality is characterised by a variety of residential developments including semi-detached dwellings and detached dwellings.



Figure 1: Site viewed from front setback.



Figure 2: Site viewed from rear yard.



Figure 1: View of adjoining properties (No. 25 and 27A Yanko Avenue) to the rear of the subject site.

1.2 Relevant History

The application was deferred on 2 May 2019 to give the applicant an opportunity to address concerns relating to a non-compliant FSR and building height, as well as loss of views, visual privacy, the location of the swimming pool within the front setback and excessive use of skylights (resulting in large, unnecessary voids throughout the building and therefore adding bulk to the building). The applicant was originally given 14 days to address the concerns raised in the letter. After 30 days, amended plans had not been submitted to Council. As such, the assessment report herein is based on the plans originally submitted to Council on 21 September 2018.

1.3 Proposal

The proposed development involves the demolition of the existing dwellings and construction of two new three/four storey semi-detached dwellings with basement parking (No. 5 is to the north and No. 5A is to the south), comprising:

Garage

- Four x car parking spaces;
- Shared bin store;
- Detention tank;
- Plans and storage for each dwelling; and
- Separate stair and lift access to each dwelling.

Lower Ground Floor

- Shared pool;
- Home office/ pool cabana with bathroom for each dwelling; and
- 'Sub-floor' for No. 5; and
- Storage for No. 5A.

Ground Floor

- Entry foyer accessed from side elevation for each dwelling;
- No. 5 consists of three x bedrooms with two x ensuites, a laundry and a balcony to the front; and
- No. 5A consists of two x bedrooms with two x ensuites, a laundry and a balcony to the front.

First Floor Plan

- No. 5 consists of living/dining/kitchen, w/c, study and family room with a large balcony to the front and paving and terrace to rear; and
- No. 5A consists of living/dining/kitchen, w/c, bedroom and family room with a large balcony to the front and paving and terrace to rear.

Top storey

- No. 5A consists of a study/guest room

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 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

2.1.2 SEPP 55 Remediation of Land

There is no known history of contamination applicable to the site. The subject site has historically been used for residential purposes. Accordingly, site land contamination is considered unlikely and no further investigation is necessary.

2.1.3 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table R2 Zone	Yes	The proposal is defined as a pair of semi-detached dwellings, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none">8.5m	No	The site is subject to a maximum building height control of 8.5m. The proposed development has a building height of 9.6m (No. 5) and 10.54m (No. 5A) exceeding the standard by 1.1m or 12.9% and 2.04m or 24% respectively.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none">0.698:1 (Lot 1 No. 5 St Thomas Street).0.693:1 (Lot 2 No. 5A St Thomas Street).	No	The applicant has stated that the floor space ratio (FSR) for No. 5 and No. 5A is compliant at 0.697:1 and 0.693:1 for each respective lot. However, an assessment of the application has revealed that the gross floor area (GFA) has not been correctly calculated. Refer to detailed discussion below.

Provision	Compliance	Comment
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 building height development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 6 Additional local provisions		
6.2 Earthworks	Yes	A Geotechnical report was submitted with the application.

Issues

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

Clause 4.4 - Floor Space Ratio

Pursuant to the Waverley LEP 2012, the FSR applicable to No. 5 (Lot 1) is 0.698:1, and the FSR applicable to No. 5A (Lot 2) is 0.693:1. According to the submitted documentation, the FSR for the proposed development for Lot 1 and Lot 2 is compliant. However, an assessment of the application has revealed that the GFA has not been correctly calculated as the 'subfloor' and 'storage' has not been counted where it is located more than 1 metre above ground level (existing). This reasoning is outlined below.

The area marked as 'subfloor' (within the proposed dwelling at No. 5) is capable of being used as a habitable space. As shown on the North Section plan (DA04.2), this space will have a finished floor and a ceiling height which complies with the minimum height of a habitable space (Refer *Figure 4*). Despite having a very small opening at the northern elevation (refer Lower Ground Floor - DA02.2), for all intents and purposes this subfloor space can be used as a habitable space, thus is counted as GFA. Accordingly the calculated FSR for No. 5 St Thomas Street is approximately 0.78:1, which equates to a 31.8m² or a 12% variation.

The area marked 'storage' (within the proposed dwelling at No. 5A) has not been counted as GFA where this space is located more than 1m above ground level (existing) (refer West Section B in Drawing No. DA04.5). Although this section plan is not entirely an accurate depiction of the 'storage' room (noting that the section plan cuts through the home office/cabana), it gives an indication that a portion of the storage room would likely be located more than 1m above existing ground level. Insufficient detail has been provided on the submitted architectural plans in this regard; accordingly the GFA for the proposed dwelling cannot be accurately determined. For clarification, reference should be made to *Figure 5* below.

When having consideration to the above, the proposal is not supported on the basis that a Clause 4.6 written request has not been submitted for No. 5 St Thomas Street and insufficient detail has been provided in order to calculate the total GFA for No. 5A St Thomas Street. In addition, this additional space results in additional bulk to the already large building.

Clause 4.6 Exceptions to Development Standards - Height

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

The site is subject to a maximum building height control of 8.5m. The proposed development has a building height of 9.6m (for No. 5) and 10.54m (for No. 5A) exceeding the standard by 1.1m or 12.9% and 2.04m or 24% respectively. Refer *Figure 4* and *Figure 6* for a diagrammatic representation of the variation.

A written request has been submitted to Council in accordance with Clause 4.6(3)(a) and (b) of the 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.

Applicants Written Request - Clause 4.6(3)(a) and (b)

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) *Compliance with the development standards is unreasonable and unnecessary as the development provides a better architectural outcome within the context of the streetscape and topography.*
 - (ii) *The nature of the breach is aligned with the steep slope of the site, whereupon generally the height non-compliances occur at the front of the dwellings.*
 - (iii) *Strict compliance with the control would not comply with the underlying purpose of the control, as the non-compliant component of the proposal will ensure preservation of the environmental amenity of neighbouring properties and public spaces, including view preservation, sunlight access and privacy.*
 - (iv) *The non-compliance is consistent with the height, bulk and scale of adjoining development and positively complements and contributes to the physical definition of the street network and public spaces.*
 - (v) *The development as proposed is considered to be an appropriate outcome not only for the development itself but also the streetscape, having regard to the form and design.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) *The topography of the sites reveal a 10 to 11 metre fall towards the street. This subsequently presents a very difficult design challenge with the need to respect the topography of the site whilst not compromising the architectural integrity of the dwellings. In providing a balanced approach, the design provides some stepping in accordance with the slope, whilst maintaining unbroken levels to improve the amenity and usability of the internal spaces.*
 - (ii) *The proposal is consistent with this streetscape pattern of development, offering a three-storey built form when viewed from the level of the footpath.*

(iii) If the proposal were made to comply with the statutory height limit, the proposed dwellings would be burdened with change in floor levels, excessive stairwells and all in all, less usable space for internal amenity.

(iv) Strict compliance would likely create a worse situation by adversely affecting neighbouring properties in terms of privacy, solar access, views and visual bulk as a result of transference of building height to the rear.

(v) In the proposal's current form however, it is noted that the height breach does not result in any excessive loss of solar access that is detrimental to the amenity of adjoining properties.

Consideration of Applicants 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 applicant's written request has not adequately addressed that the proposed development will be in the public interest because it has not been demonstrated that the proposed development is consistent with 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 justification 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;*
- 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.*

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

The submitted clause 4.6 written request has satisfied clause 4.6(3)(b) in that the applicant has provided environmental planning grounds to justify contravening the development standard.

However, the justification provided within the written request does not adequately demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard, as the proposal will result in an unreasonable environmental impact upon neighbouring properties as well as the desired future character of the locality.

Is the development in the public interest?

The proposed development will not be in the public interest because it is not consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out. In particular, the proposed development does not preserve the environmental amenity of neighbouring properties and is not compatible with the height, bulk and scale of the desired future character of the locality.

Conclusion

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

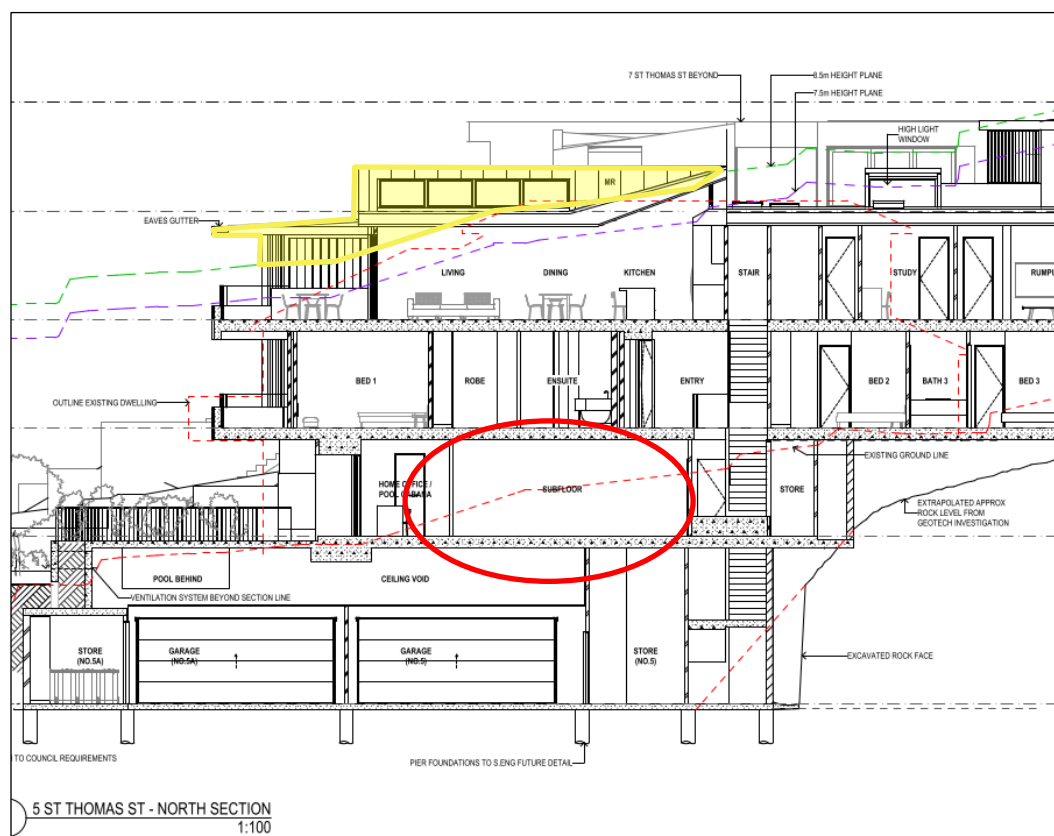


Figure 4: Extract of submitted architectural plans (5 St Thomas Street North Section – DA04.2). The area shaded yellow represents the height of building non-compliance. The area outlined in red shows that the ‘subfloor’ should be counted as GFA.

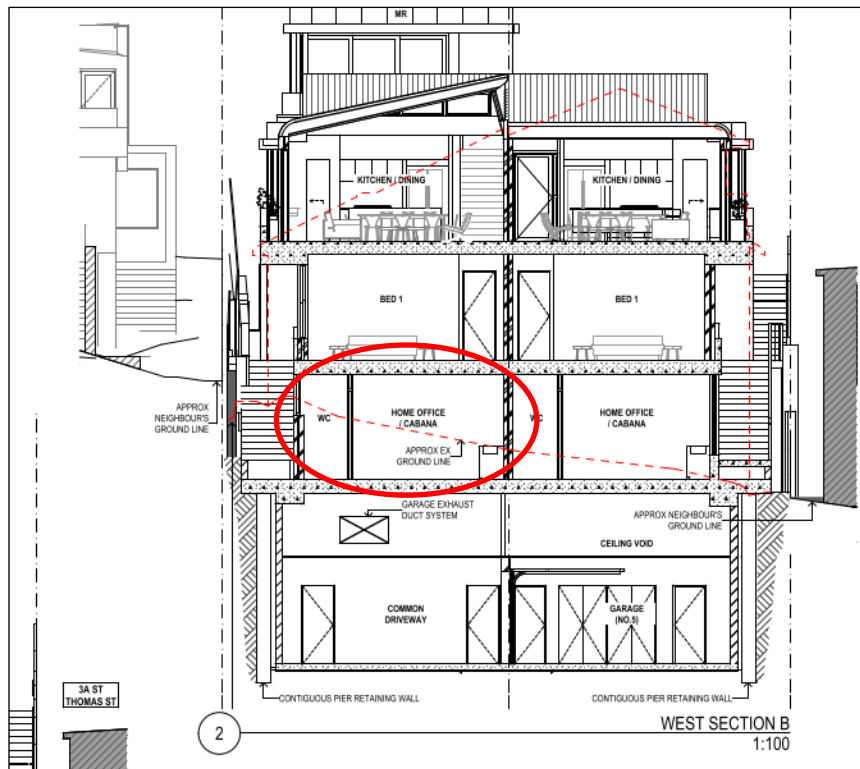


Figure 5: Extract of submitted architectural plans (West Section B – DA04.5). The area outlined in red demonstrates that a portion of the 'storage' should be counted as GFA.

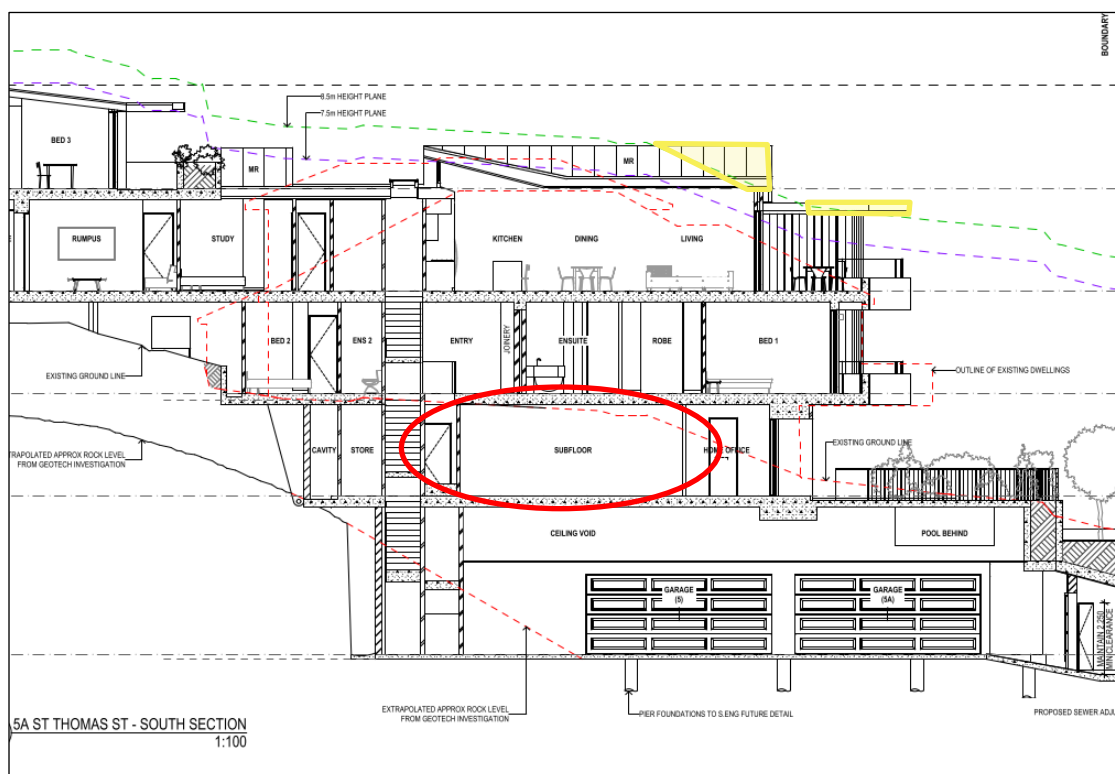


Figure 6: Extract of submitted architectural plans (5A St Thomas Street South Section – DA04.4). The area shaded yellow represents the height of building non-compliance. The area outlined in red demonstrates that a portion of the 'sub-floor' should be counted as GFA.

2.1.4 Waverley Development Control Plan 2012 (Waverley DCP 2012)

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

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

Development Control	Compliance	Comment
1. Waste	Yes	A SWRMP has been submitted in accordance with Council's requirements.
2. Energy and water conservation	Yes	A BASIX certificate has been submitted with this development application.
5. Tree preservation	Yes	The proposed tree removal is supported by Council's Tree Management Officer, in accordance with the submitted arboricultural Impact Assessment Report.
6. Stormwater	Yes	A stormwater management plan has been submitted. No comments were received. Ordinarily a standard condition of consent would be imposed.
8. Transport	Yes	Compliant car parking is provided within the basement level.

Table 3: Waverley DCP 2012 – Part C1 Dwelling House, Dual Occupancy, Secondary Dwelling, Semi-Detached Dwelling and Terrace Development Compliance Table

Development Control	Compliance	Comment
1.1 Height		
1.1.1 Flat roof dwelling house <ul style="list-style-type: none"> Maximum overall building height of 7.5m 	No	<p>The proposal exceeds the prescribed overall building height.</p> <p>No. 5 – 9.6m</p> <p>No. 5A – 9.3m</p> <p>This non-compliance is not supported as the height and scale of the proposal dominates the site and does not relate to the streetscape character.</p>
1.2 Setbacks		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line 	Yes	<p>The front setback is consistent with the predominant front building line.</p> <p>Notwithstanding this, the proposed pool is within the front yard.</p>
	Yes	<p>The rear building alignment of No. 5A is consistent with the rear building alignment of the</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Predominant rear building line at each floor level 	<p>Yes</p> <p>No</p>	<p>recently approved alterations and additions at No. 7 St Thomas Street.</p> <p>No. 5 aligns with the rear setback of No. 3A St Thomas Street at ground level.</p> <p>The first floor, however, extends beyond the first floor building alignment of the existing dwelling at No. 3A St Thomas Street. This is not supported given the non-compliant FSR and excessive bulk and scale proposed.</p>
<p>1.2.2 Side setbacks</p> <ul style="list-style-type: none"> Minimum of 1.5m 	No	<p>Each dwelling does not achieve a minimum setback of 1.5m on all levels.</p> <p>No. 5 - Northern boundary Ground Floor – 2m First Floor - 1m-2m Second Floor – 1.2m-1.6m</p> <p>No. 5A - Southern boundary Ground Floor – 2m First Floor - 1m-2m Second Floor – 1m-1.8m Second floor (study/guest) – 1.8m</p>
1.3 Excavation		
<ul style="list-style-type: none"> Minimum setback of 0.9m from side boundaries Excavation should not add to the visual bulk of the building 	<p>Yes</p> <p>No</p>	<p>Excavation for the basement garage is to be 0.9m from the northern and southern boundary.</p> <p>The proposal includes 'sub-floors' and storage as part of the excavation, which adds to the excessive bulk and scale of the building.</p>
1.4 Streetscape and visual impact		
<ul style="list-style-type: none"> New development should be visually compatible with its streetscape context. It should contain or at least respond to essential elements that make up the character of the surrounding area. 	No	<p>The proposal will be viewed as a three-storey development from St Thomas Street, as such the bulk and scale of the proposal will be out of context with surrounding development which is predominantly two-storey and will dominate the streetscape.</p>
1.7 Fences		
<p>Front:</p> <ul style="list-style-type: none"> Maximum height of 1.2m 	No	<p>Front fencing is between 1.3m - 1.5m and is not supported as it does not relate to the front</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Solid section no more than 0.6m high <p><i>Side and Rear:</i></p> <ul style="list-style-type: none"> Maximum height of 1.8m 	No	<p>fencing of adjoining properties at No. 7 and No. 3A St Thomas Street.</p> <p>Side fencing detail has not been provided. Ordinarily, a condition of consent would be imposed to ensure the fence height does not exceed 1.8m measured from the existing ground level of the neighbouring properties</p>
1.8 Visual and acoustic privacy		
<ul style="list-style-type: none"> Windows to habitable rooms are not to directly face windows to habitable rooms and / or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design. 	No	Generally, windows are minimised on the northern and southern elevations of the proposed development; however, increased privacy impacts arise from the fourth storey (first floor), which has large windows.
<ul style="list-style-type: none"> External stairs are not acceptable. 	No	External stairs are proposed within the northern and southern setbacks. Whilst it is accepted that some external stairs may be required due to the topography of the site, the location of the main entry (for each dwelling) on the side of level 1 is not considered acceptable.
<ul style="list-style-type: none"> Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> 	No	The proposed balconies located on the first floor of each dwelling exceed 10m ² and are not supported.
1.9 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June 	Yes	Living rooms and private open space of the proposed dwellings will receive complaint solar access on 21 June.
<ul style="list-style-type: none"> Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June. 	No	The submitted shadow diagrams demonstrate that additional shadows will be cast over the principal private open space living areas of No. 7 St Thomas Street. The additional shadowing results in an unacceptable impact to the adjoining property, particularly given that the proposed

Development Control	Compliance	Comment
		development does not comply with FSR and the height of buildings development standards. No. 3A St Thomas Street will not be affected by the proposal due to being located to the north of the subject site.

1.10 Views

<ul style="list-style-type: none"> Views from the public domain are to be maintained. 	Yes	Views from the public domain are maintained.
<ul style="list-style-type: none"> Lower density residential accommodation is to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	No	<p>The proposed development will result in an unacceptable impact to ocean views obtained from habitable rooms and decks of surrounding properties. In particular, No. 27A Yanko Avenue. This is due to the excessive bulk and scale of the building and non-compliant FSR and building height.</p> <p>It is noted that insufficient information has been provided by the applicant in order to ascertain the full extent of view loss. The photographs provided below show the existing view obtained from the rear terrace of 27A Yanko Avenue, over the subject site. It is noted that the proposed development will extend beyond the current building envelope.</p>

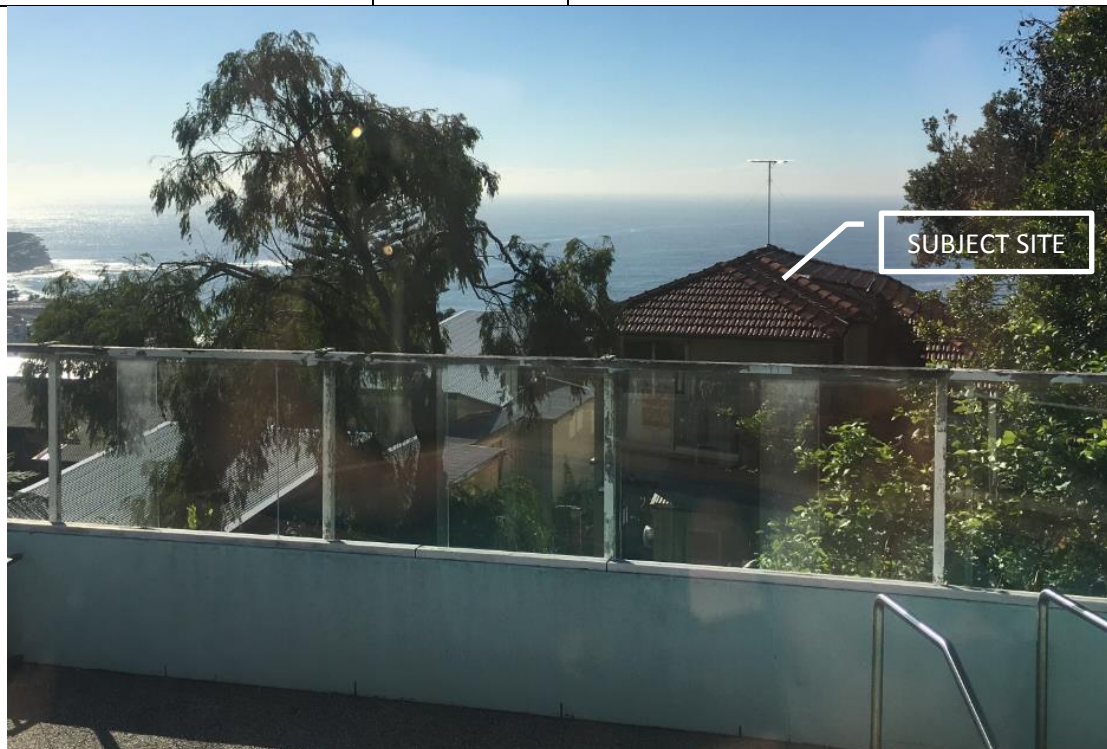


Figure 7: View from the rear terrace of 27A Yanko Avenue.

Development Control	Compliance	Comment
1.11 Car parking		
1.11.1 Parking rates <i>Maximum rates:</i> <ul style="list-style-type: none"> 1 space for 2 or less bedrooms 2 spaces for 3 or more bedrooms 	Yes	A total of four car parking spaces are provided within a basement (two allocated to each dwelling). Each dwelling contains at least three bedrooms, as such two car parking spaces may be provided for each dwelling.
1.11.2 Location <ul style="list-style-type: none"> Behind front building line for new dwellings Consistent with hierarchy of preferred car parking locations 	Yes	Basement car parking is proposed.
1.11.3 Design	Yes	Basement parking is appropriately integrated into the design of the dwelling.
1.11.4 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes	Minimum dimensions are provided.
1.11.5 Driveways <ul style="list-style-type: none"> Maximum of one per property Maximum width of 3m at the gutter (excluding splay) 	Yes Yes	One driveway is proposed for the shared basement parking. Width of driveway is 3m at the gutter.
1.12 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area. Minimum area of 25m² for private open space Front open space: 50% of front building setback area. Front landscaped area: 50% of front open space provided 	Yes Yes No	No. 5 – 62% (230m ²) No. 5A – 65% (246.15m ²) No. 5 – 25% (93.78m ²) No. 5A – 28% (106.59m ²) No. 5 – Minimum 25m ² No. 5A – Minimum 25m ² No. 5 – 100% open space No. 5A - 100% open space No. 5 – 19% landscaped area No. 5A – 18.8% landscaped area
1.13 Swimming pools and spa pools		
<ul style="list-style-type: none"> Located in the rear of property 	No	The proposed swimming pool is located within the front setback and is not supported due to the

Development Control	Compliance	Comment
		adverse impact on the streetscape. Furthermore, the raised pool has a surrounding deck, which results in amenity impacts for neighbouring dwellings.

2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

It is considered that the proposal will have a significant detrimental effect relating to environmental, social or economic impacts on the locality.

2.3 Suitability of the Site for the Development

The site is not considered to be suitable for the proposed development.

2.4 Any Submissions

The application was notified for 14 days and a site notice erected on the site, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*.

Eight submissions were received. The issues raised in the submissions are summarised and discussed below.

Table 4: Summary of property addresses that lodged a submission

Property
No. 3A St Thomas Street BRONTE
No. 4 St Thomas Street BRONTE
No. 4A St Thomas Street BRONTE
No. 7 St Thomas Street BRONTE
No. 9 St Thomas Street BRONTE
No. 25 Yanko Avenue BRONTE
No. 27A Yanko Avenue BRONTE
Bronte Beach Precinct

Issue: Non-compliant Building Height

Response: The site is subject to a maximum building height control of 8.5m. The proposed development has a building height of 9.6m (No. 5) and 10.54m (No. 5A) exceeding the standard by 1.1m or 12.9% and 2.04m or 24% respectively. For the reasons provided in Section 2.1.3 of this report, the requested variation to the height of buildings development standard is not supported.

Issue: Non-compliant Floor Space Ratio (FSR)

Response: As discussed in Section 2.1.3 of this report, the proposal will exceed the maximum FSR permitted for the site and have unacceptable impacts on the overall scale of the development. The proposal is not supported on the basis that a Clause 4.6 written request has not been submitted for No. 5 St Thomas Street and insufficient detail has been provided in order to calculate the total GFA for No. 5A St Thomas Street.

Issue: Building Height (DCP control)

Response: The proposal exceeds the prescribed overall building height. This non-compliance is not supported as the height and scale of the proposal does not relate to and dominates the streetscape character. Refer to Section 2.1.4 of this report for further discussion.

Issue: Non-compliant front and rear setbacks

Response: As discussed within the compliance table above under Section 2.1.4, the first floor of No. 5 extends beyond the first floor building alignment of the existing dwelling No. 3A St Thomas Street. This is not supported given the non-compliant FSR and excessive bulk and scale resulting. The front setback is consistent with the predominant front building line.

Issue: Excavation

Response: Generally, the excavation within Council's verge would be supported subject to the imposition of conditions of consent. There are no concerns relating to the extent of excavation as a geotechnical report was submitted with the development application. Notwithstanding this, the application is recommended for refusal.

Issue: Streetscape and Visual Impact

Response: As discussed within Section 2.1.4 of the report, the proposal will be viewed as a three-storey development from St Thomas Street, as such the bulk and scale of the proposal will be out of context with surrounding development which is predominantly two-storey and will dominate the streetscape.

Issue: Visual and Acoustic Privacy

Response: Increased privacy impacts arise from the third storey and the proposed pool. External stairs are also proposed within the northern and southern setbacks, which are not supported. The proposed balconies located on the first floor of each dwelling exceed this numerical requirement by 10m² and are not supported. Refer to Section 2.1.4 of this report.

Issue: Overshadowing

Response: Overshadowing is exacerbated by the non-compliant building height and FSR, which is not supported. Refer to Section 2.1.4 of this report for a detailed discussion.

Issue: View loss

Response: The proposed development will result in an unacceptable impact to ocean views obtained from habitable rooms and decks of surrounding properties. Refer to Section 2.1.4 of this report for a detailed discussion.

Issue: Swimming pool within front setback.

Response: The proposed swimming pool is located within the front setback and is not supported due to the adverse impact on the streetscape. Furthermore, the raised pool has a surrounding deck, which results in amenity impacts for neighbouring dwellings.

Issue: Dust and pollution during construction.

Response: Ordinarily a condition of consent would be applied regarding this matter. Notwithstanding this, the application is recommended for refusal.

Issue: Inaccurate cost of works

Response: Ordinarily a condition of consent would be applied to provide an itemised cost of works. Notwithstanding this, the application is recommended for refusal.

Issue: Loss of property value

Response: This is not a consideration in the assessment of the application.

Issue: Tree removal

Response: The proposed tree removal is supported by Council's Tree Management Officer, in accordance with the submitted Arboricultural Impact Assessment Report.

2.5 Public Interest

It is considered that the proposal is not in the public interest, and therefore is not supported.

3. REFERRALS

3.1 Driveways – Creating Waverley

Council's Traffic and Development team advised that there are no concerns regarding the proposal.

3.2 Stormwater – Creating Waverley

Internal referral comments have been sought from Council's Design team. No response was received.

3.3 Open Spaces – Clean and Attractive Waverley

The proposed tree removal is supported by Council's Tree Management Officer, in accordance with Arboricultural Impact Assessment Report prepared by Guy Paroissien Landscape Matrix, dated 17 August 2018

4. SUMMARY

The proposed development involves the demolition of the existing dwellings and construction of two new three/four storey semi-detached dwellings, each comprising three bedrooms with studies/guest rooms and associated landscaping, basement parking with a new shared driveway crossing, and a common swimming pool within the front yard.

The proposal does not comply with Waverley LEP 2012 Clause 4.3 Height of buildings. The proposed development has a building height of 9.6m (No. 5) and 10.54m (No. 5A) exceeding the standard by 1.1m or 12.9% and 2.04m or 24% respectively. The requested variation to the height of buildings development standard is not in the public interest because the proposed development is not consistent with the objectives for development within the zone in which the development is proposed to be carried out.

The proposal exceeds the FSR prescribed in Waverley LEP 2012 clause 4.4 and has been incorrectly calculated by the applicant. As the applicant has stated that the proposal is compliant, a Clause 4.6 written request to vary the FSR has not been submitted. Accordingly, the proposal is not supported on the basis that a Clause 4.6 written request has not been submitted and will result in additional bulk that will dominate the streetscape and surrounding buildings.

The variation to the Height of buildings and FSR development standards has resulted in a cumulative effect on the proposals ability to comply with the controls contained within the Waverley DCP 2012, including, but not limited to, rear and side setback controls, overshadowing, loss of views and visual privacy. The non-compliances stated in this report result in a development that is not appropriate for the site. In this regard, the proposal, in the current form, is not supported.

The proposal was notified and eight submissions were received. The matters raised are discussed in this report.

5. RECOMMENDATION TO WAVERLEY DEVELOPMENT ASSESSMENT PANEL

That the Development Application be **REFUSED** by the Waverley Development Assessment Panel for the reasons contained in Appendix A:

Report prepared by:

**Application reviewed and agreed on behalf of
the Development and Building Unit by:**

Lauren Saunders
Senior Development Assessment Planner

Bridget McNamara
**Manager, Development Assessment (North/
South)**

Date: 12 June 2019

Date: 13 June 2019

Reason for referral:

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

APPENDIX A – REASONS FOR REFUSAL

1. The proposal does not satisfy the objectives of the Environmental Planning and Assessment Act 1979, as stipulated in section 1.3 (g) as the proposal does not promote good design and amenity in the built environment.
2. The proposal is in breach of section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, in particular the following provisions:
 - a. Waverley Local Environmental Plan 2012 (WLEP 2012) 2012 Clause 4.3(1)(a) and (d) and (2) as the proposal exceeds the maximum building height standard.
 - b. The WLEP 2012 Clause 4.6 written request of the applicant does not satisfy that the request is in the public interest as the proposal is not consistent with the zone objectives of the WLEP 2012 and the objectives of the height of buildings development standard.
 - c. Clause 4.6(4)(a)(ii) of the WLEP 2012, as the proposal is inconsistent with the objectives of the height of building development standard contrary to the written request of the applicant, and the applicant's written request has not adequately addressed that the proposed development will be in the public interest because it has not been demonstrated that the proposed development is consistent with the objectives for development within the zone in which the development is proposed to be carried out.
 - d. WLEP 2012 Clause 4.4(1)(b) to (d) and (2) as the proposal exceeds the maximum floor space ratio (FSR) standard.
 - e. Clause 4.6 of the WLEP 2012, as a written request has not been submitted to justify the breach of the FSR development standard. In the absence of a well-founded Clause 4.6 written request justifying the contravention of the FSR development standard it is not possible for the proposed development to be approved.
3. The proposal does not satisfy section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, as the proposal does not satisfy the WLEP 2012, in particular, the following provisions:
 - a. Clause 4.3(1)(a) and (d) and (2) as the proposal will exceed the maximum building height, which results in a building that is not compatible with the bulk and scale of the desired future character of the locality.
 - b. Clause 4.4(1)(b) to (d) and (2) as the proposal will exceed the maximum FSR permitted for the site and have unacceptable impacts on the overall scale of the development.
 - c. Clause 4.6(4)(a)(i) and (ii) as the proposal is inconsistent with the objectives of the height of building and FSR development standards.
4. The proposal does not satisfy section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979 as the proposed development is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:
 - a. Part C1 – Dwelling House, Dual Occupancy, Secondary Dwelling, Semi-Detached Dwelling and Terrace Development.

- i. Section 1.1 Height, specifically objectives (a) - (e) and control (a), as the proposal exceeds the prescribed building height for a flat roof dwelling house and does not relate to the topography of the site and street character.
 - ii. Section 1.2.1 Front and rear building lines, specifically objectives (b) and (d) and controls (a) and (b) as the proposal extends beyond the predominant rear building line and does not relate to surrounding buildings.
 - iii. Section 1.2.2 Side Setbacks, specifically control (a), as the proposal does not comply with side setback controls.
 - iv. Section 1.3 Excavation, specifically control (d), as the proposal will result in additional bulk as a result of the excavation.
 - v. Section 1.4 Streetscape and Visual Impact, specifically control (a), as the proposal is not visually compatible with its streetscape context with regard to bulk, scale and height.
 - vi. Section 1.7 Fences, specifically objective (c) and control (b), as the proposed front fence exceeds 1.2m in height and the solid element exceeds 0.6m in height.
 - vii. Section 1.8 Visual and Acoustic Privacy, specifically objective (a) and controls (a), (b) and (d), as increased privacy impacts arise from the first floor. In addition, external stairs are proposed within the northern and southern setbacks and the first floor terraces exceed the maximum prescribed area and depth, resulting in an unacceptable loss of privacy for neighbouring properties.
 - i. Section 1.9 Solar Access, specifically objectives (a) and (c) and controls (b) and (c), as the additional shadowing results in an unacceptable impact to the adjoining property at No. 7 St Thomas Street , particularly given that the proposed development does not comply with FSR and the Height of buildings development standards.
 - ii. Section 1.10 Views, specifically objective (a) and control (c), as the proposed development will result in an unacceptable loss of ocean views obtained from habitable rooms and private open space of No. 27A Yanko Avenue.
 - iii. Section 1.12 Landscaping and private open space, specifically objective (a) and control (f), as inadequate landscaping is provided within the front setback, which will reduce the amenity and visual setting of the site.
 - iv. Section 1.13 Swimming pools, specifically objective (b) and (c) and control (a), as the proposed swimming pool is located within the front setback.
5. The proposal does not satisfy Section 4.15 (1)(a)(iv) of the Environmental Planning and Assessment Act 1979, as the proposal does not satisfy Schedule 1, Part 1 of the Environmental Planning and Assessment Regulation 2000, as insufficient documentation has been provided to properly assess the application, including but not limited to:
- a. The submission of a BCA report, particularly relating to fire separation between the shared/common basement and the pair of semi-detached dwelling.

- b. Lack of information regarding the establishment of an easement/right of way within the basement.
- 6. The proposed development does not satisfy section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, as the proposal will have an adverse environmental impact in the locality as it represents an overdevelopment of the subject site, is excessive in terms of bulk and scale and has an undesirable and unacceptable impact on the streetscape and surrounding properties.
- 7. The proposal is contrary to 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, as the proposal is considered an overdevelopment of the site and is therefore considered unsuitable for the site.
- 8. The proposal is not considered to be in the public interest for the reasons outlined above and contrary to Section 4.15(1)(e) of the Environmental Planning and Assessment Act, 1979.

ST THOMAS STREET

ARCHITECTURAL DRAWING SCHEDULE

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DRAWING #		DRAWING NAME
DA00.1	COVER	COVER
DA00.2	COVER	LEGEND
DA01.1	SITE PLAN	SITE ANALYSIS PLAN
DA01.2	SITE PLAN	SITE PLAN
DA02.1	FLOOR PLANS	GARAGE FLOOR PLAN
DA02.2	FLOOR PLANS	LOWER GROUND FLOOR PLAN
DA02.3	FLOOR PLANS	GROUND FLOOR PLANS
DA02.4	FLOOR PLANS	FIRST FLOOR PLAN
DA02.5	FLOOR PLANS	TOP STOREY FLOOR
DA03.1	ELEVATIONS	NORTH ELEVATION - 1:200
DA03.2	ELEVATIONS	NORTH ELEVATION - 1:100
DA03.3	ELEVATIONS	SOUTH ELEVATION - 1:200
DA03.4	ELEVATIONS	SOUTH ELEVATION - 1:100
DA03.5	ELEVATIONS	EAST ELEVATION
DA03.6	ELEVATIONS	WEST ELEVATION
DA04.1	SECTIONS	5 ST THOMAS STREET - NORTH SECTION - 1:200
DA04.2	SECTIONS	5 ST THOMAS STREET - NORTH SECTION - 1:100
DA04.3	SECTIONS	5A ST THOMAS STREET - SOUTHERN SECTION - 1:200
DA04.4	SECTIONS	5A ST THOMAS STREET - SOUTH - 1:100
DA04.5	SECTIONS	WEST SECTIONS
DA04.6	SECTIONS	SEWER SECTION
DA09.1.1	PLANS	SHADOWS PLANS - 9AM
DA09.1.2	PLANS	SHADOW PLANS 10AM
DA09.1.3	PLANS	SHADOW PLANS - 11AM
DA09.1.4	PLANS	SHADOWS PLANS - 12PM
DA09.1.5	PLANS	SHADOW PLANS - 1PM
DA09.1.6	PLANS	SHADOW PLANS - 2PM
DA09.1.7	PLANS	SHADOWS PLANS - 3PM
DA09.2.1	ELEVATIONS	SHADOWS ELEVATIONS - 9AM
DA09.2.2	ELEVATIONS	SHADOWS ELEVATIONS - 12PM
DA09.2.3	ELEVATIONS	SHADOWS ELEVATIONS - 3PM
DA10.1	3D IMAGES	STREET VIEW
DA10.2	3D IMAGES	3D VIEWS 01
DA10.3	3D IMAGES	3D VIEWS 02
DA11.1	CALCULATIONS	FSR PLANS
DA11.2	CALCULATIONS	LANDSCAPED AREA PLANS



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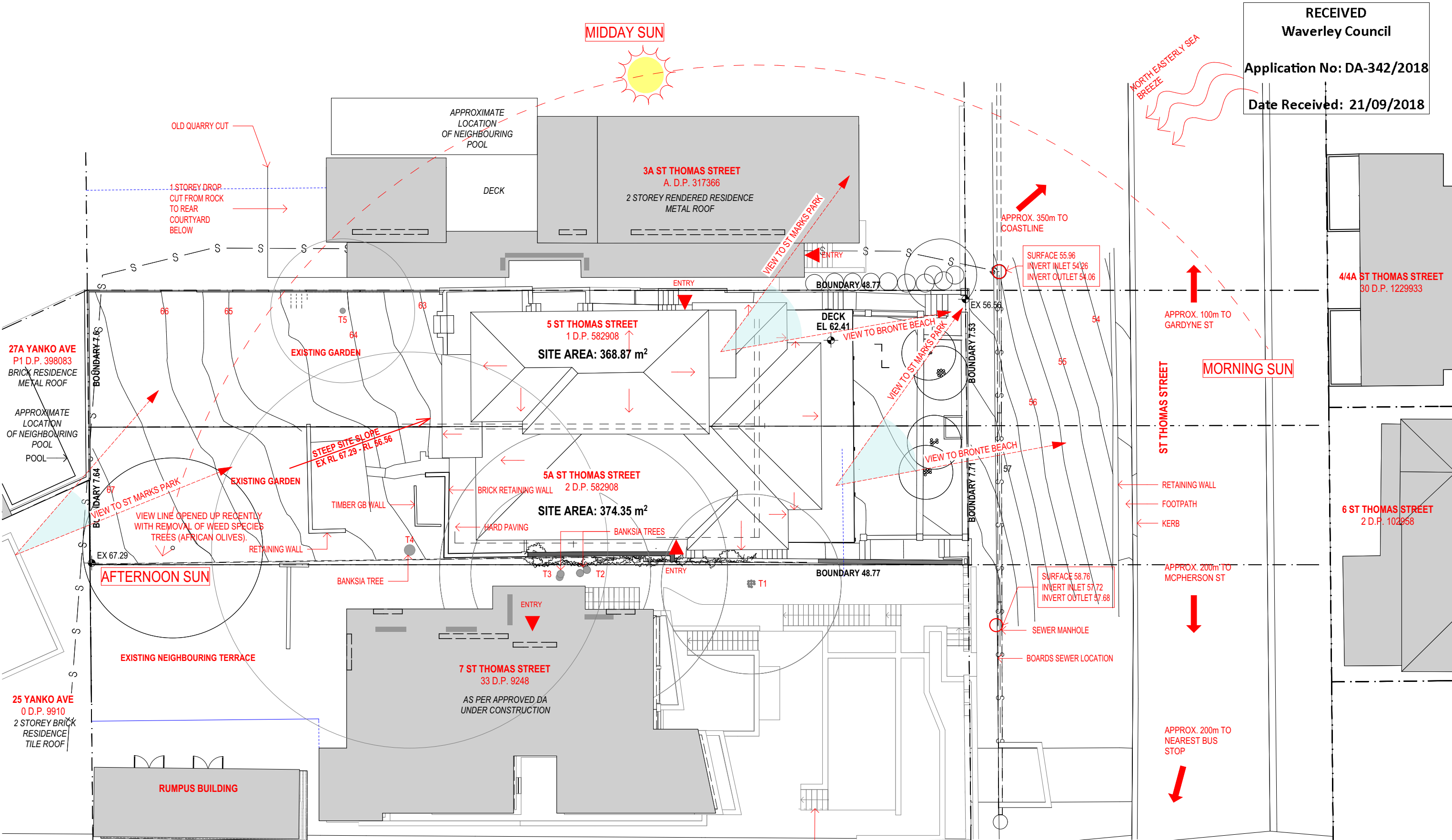
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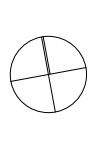


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1 SITE ANALYSIS
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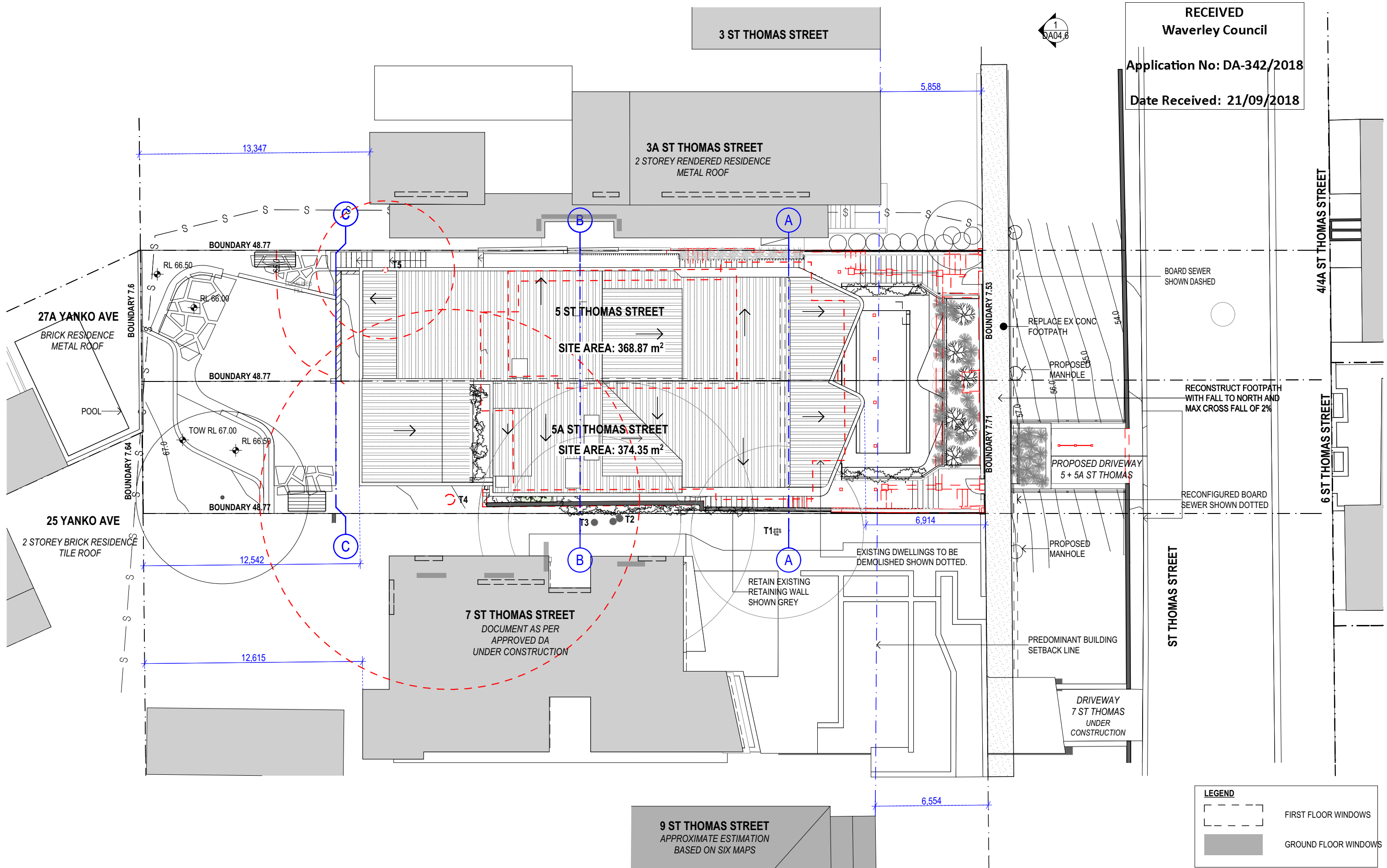
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LEGEND

[Dashed Line] FIRST FLOOR WINDOWS

[Solid Grey] GROUND FLOOR WINDOWS

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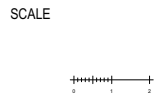
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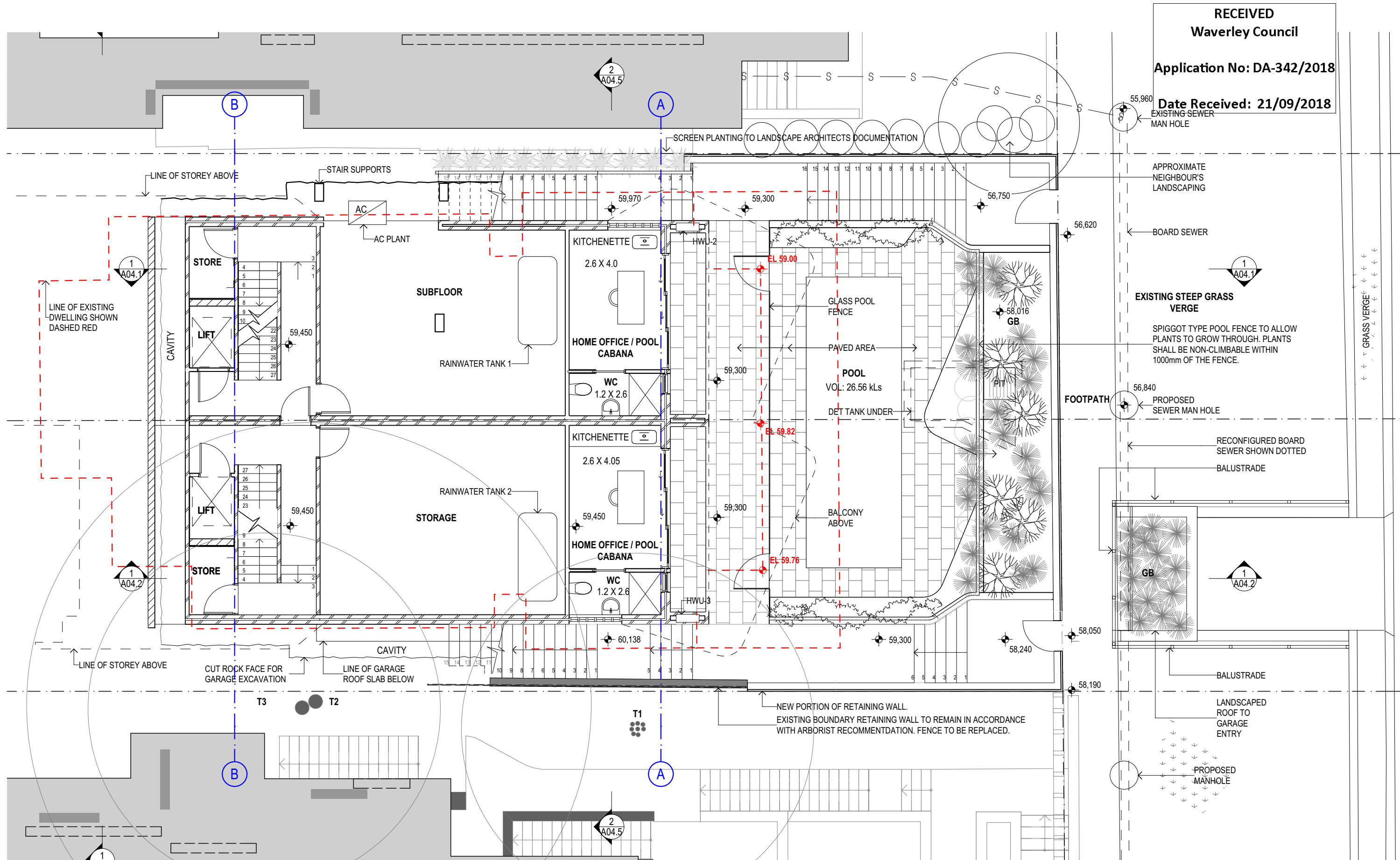
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APPROXIMATE
NEIGHBOUR'S
LANDSCAPING
BOARD SEWER
EXISTING STEEP GRASS
VERGE
SPIGGOT TYPE POOL FENCE TO ALLOW
PLANTS TO GROW THROUGH. PLANTS
SHALL BE NON-CLIMBABLE WITHIN
1000mm OF THE FENCE.

FOOTPATH
PROPOSED
SEWER MAN HOLE
RECONFIGURED BOARD
SEWER SHOWN DOTTED
BALUSTRADE

GB
BALUSTRADE
LANDSCAPED
ROOF TO
GARAGE
ENTRY
PROPOSED
MANHOLE

1

LOWER GROUND FLOOR
1:100

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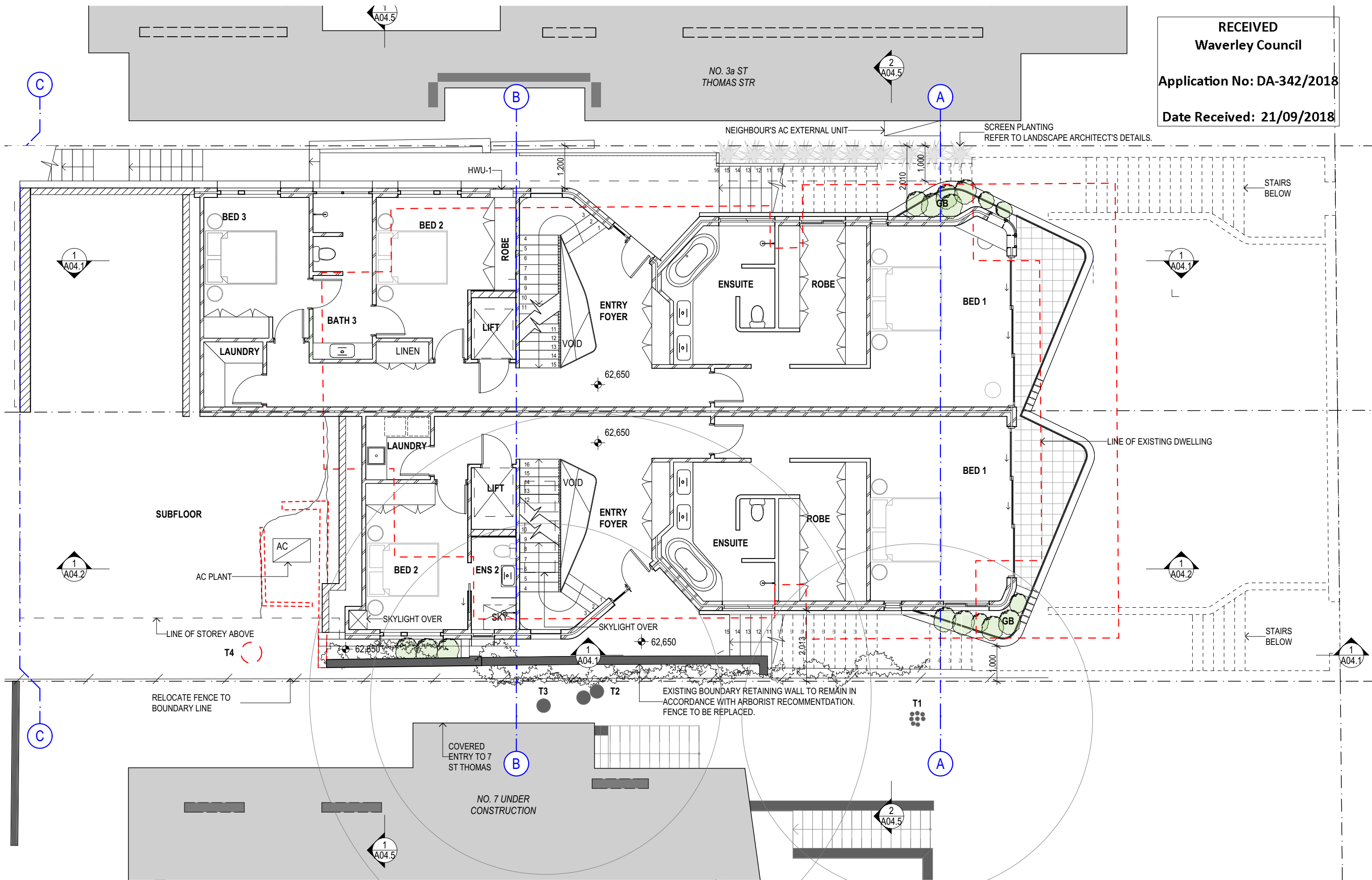
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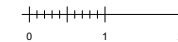
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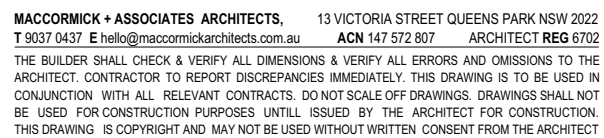
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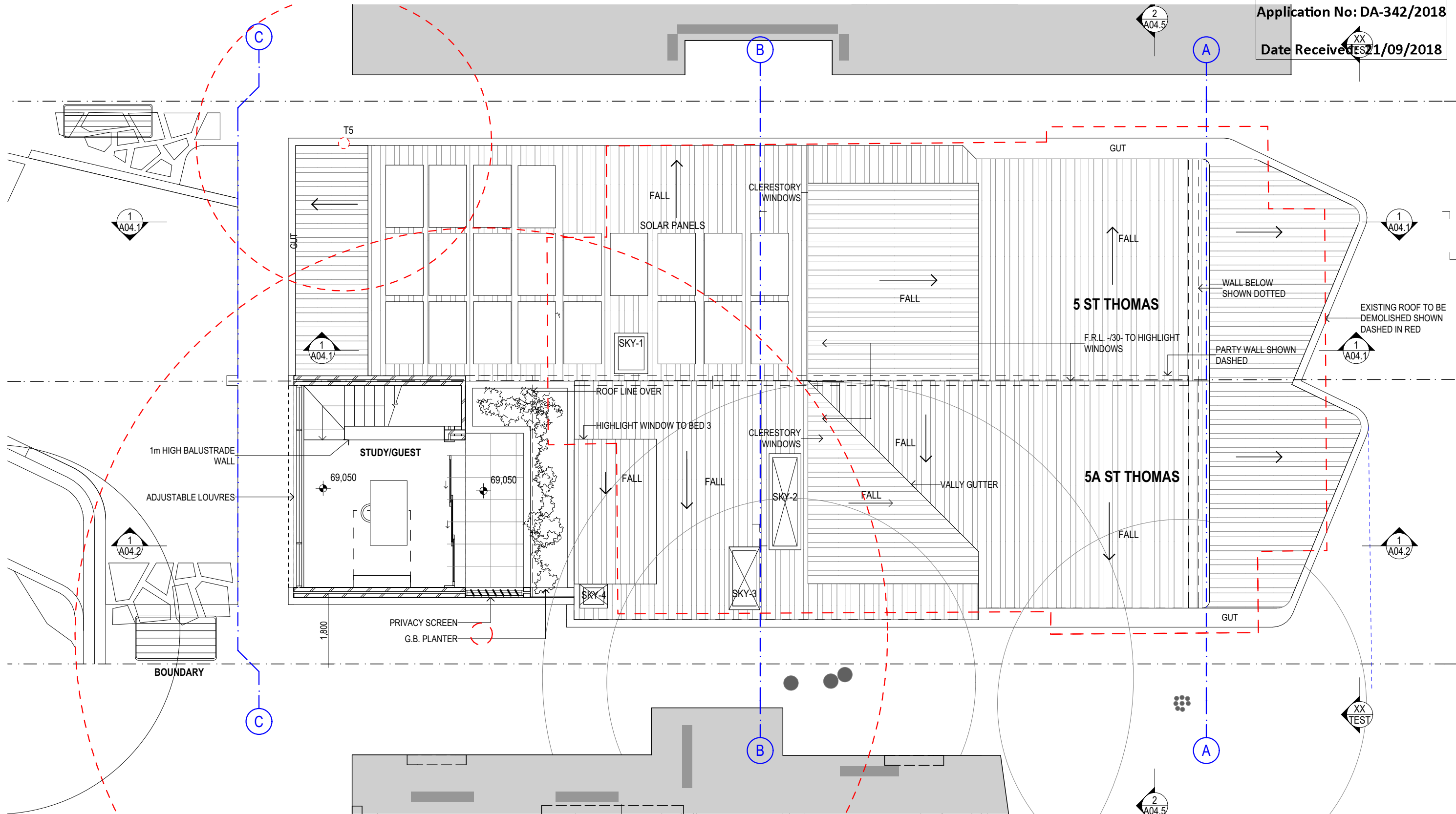
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TOP STOREY FLOOR
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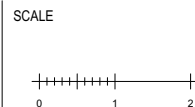
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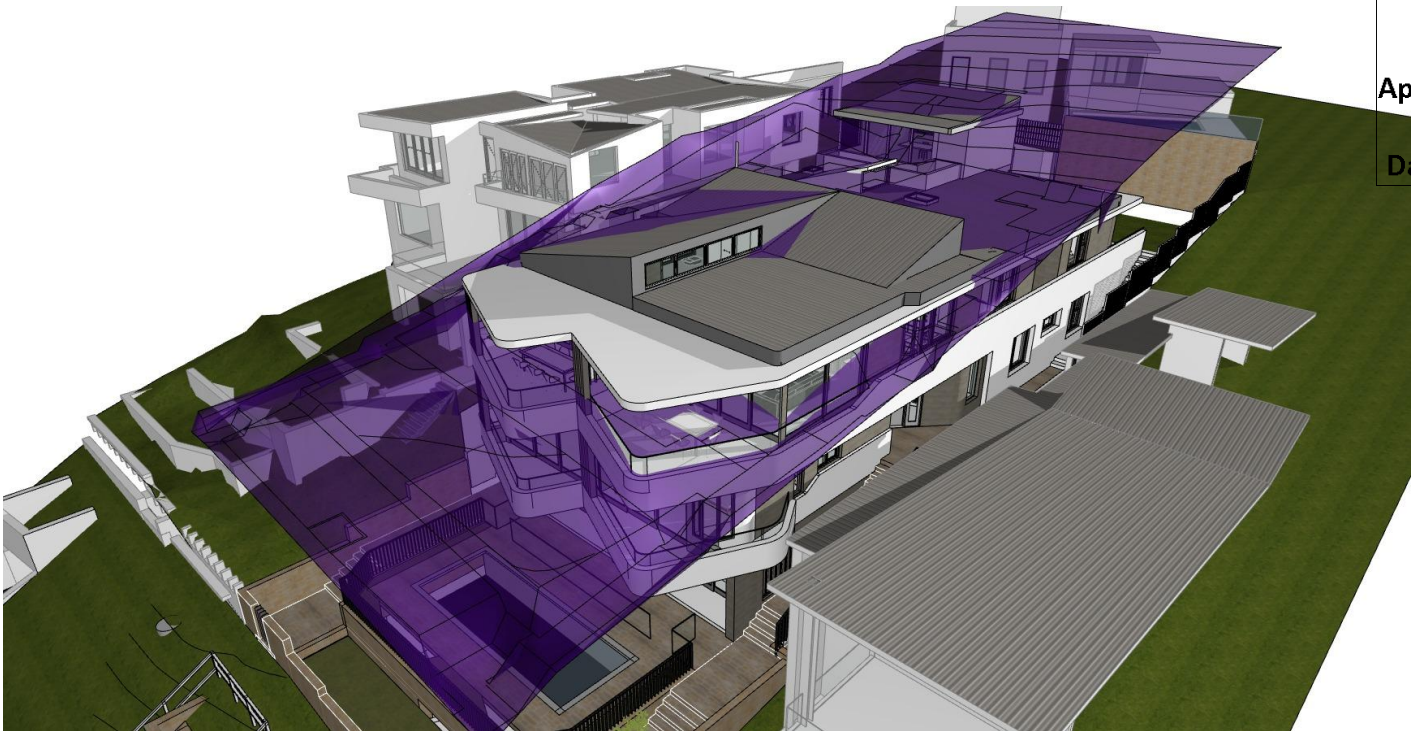
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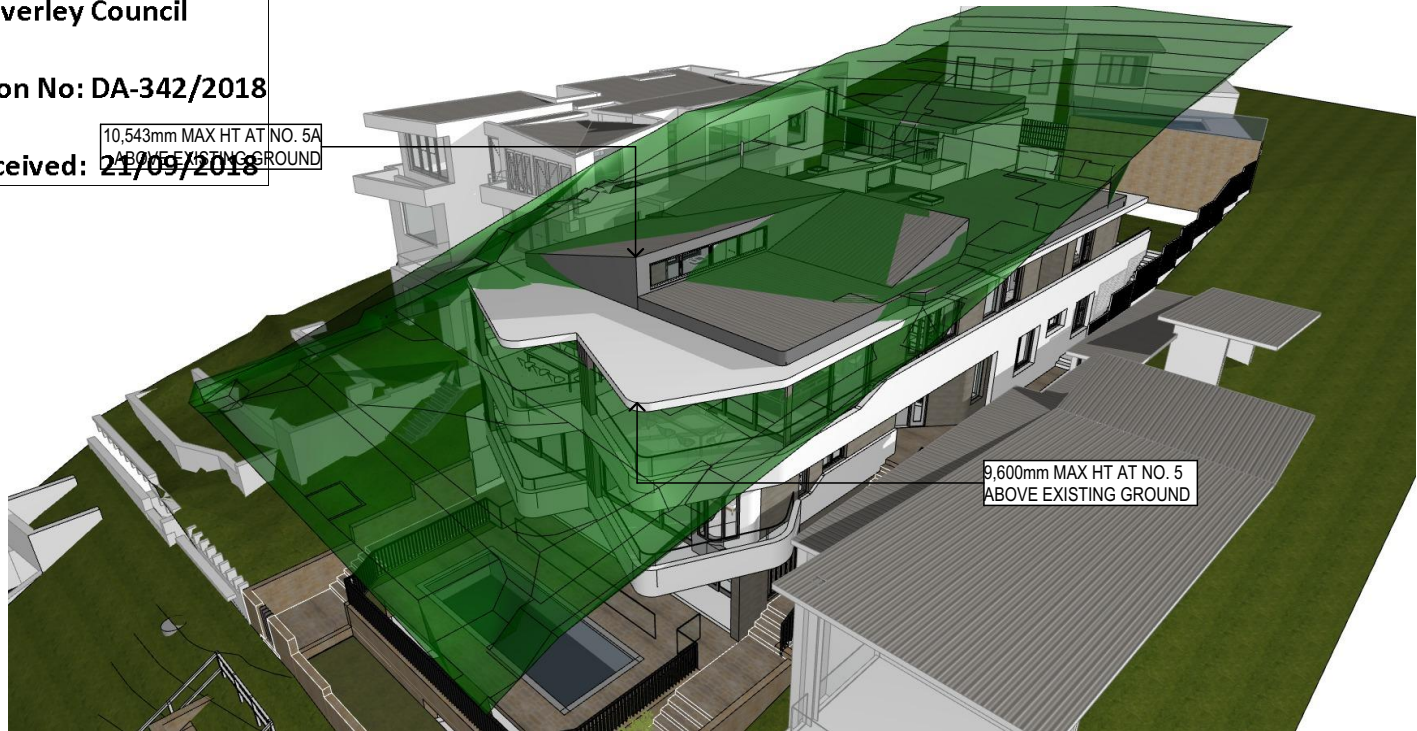
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2 7.5m HEIGHT PLANE

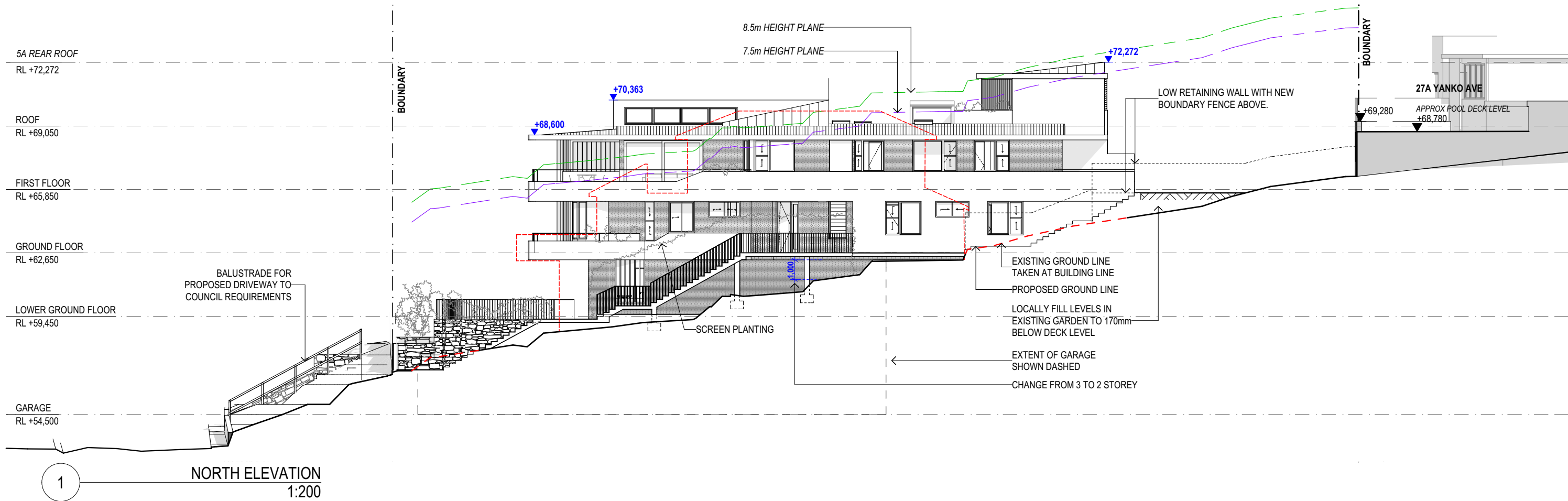


3 8.5m HEIGHT PLANE

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10,543mm MAX HT AT NO. 5A
ABOVE EXISTING GROUND

9,600mm MAX HT AT NO. 5
ABOVE EXISTING GROUND



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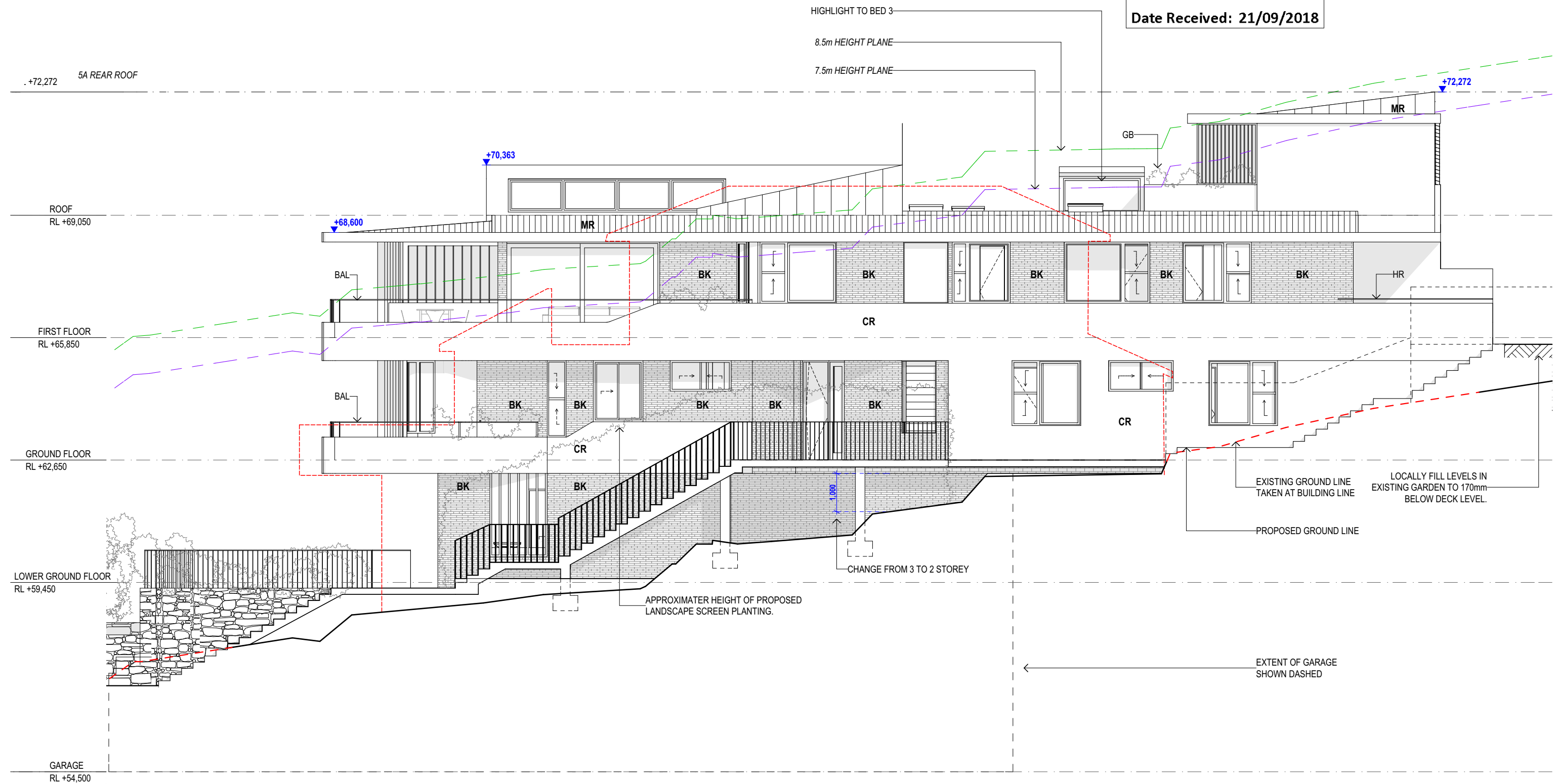
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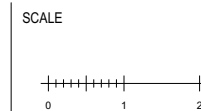
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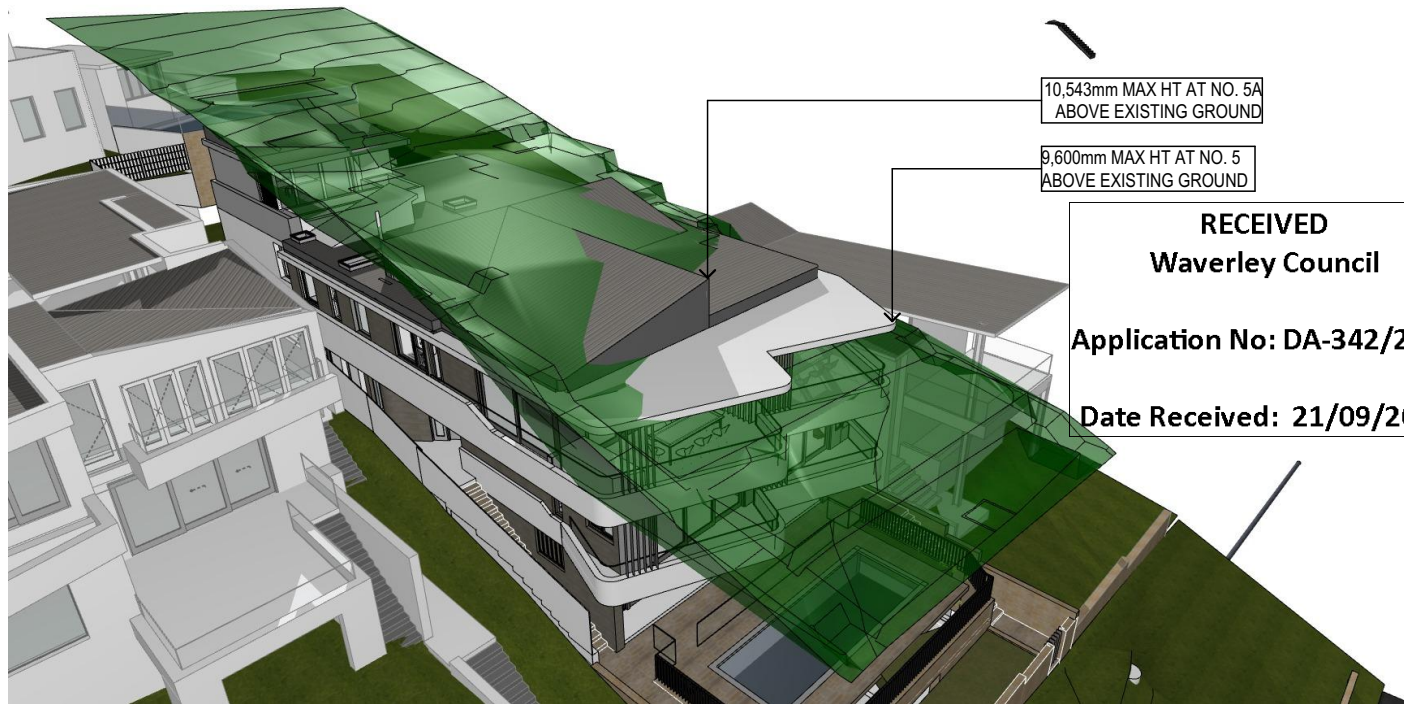
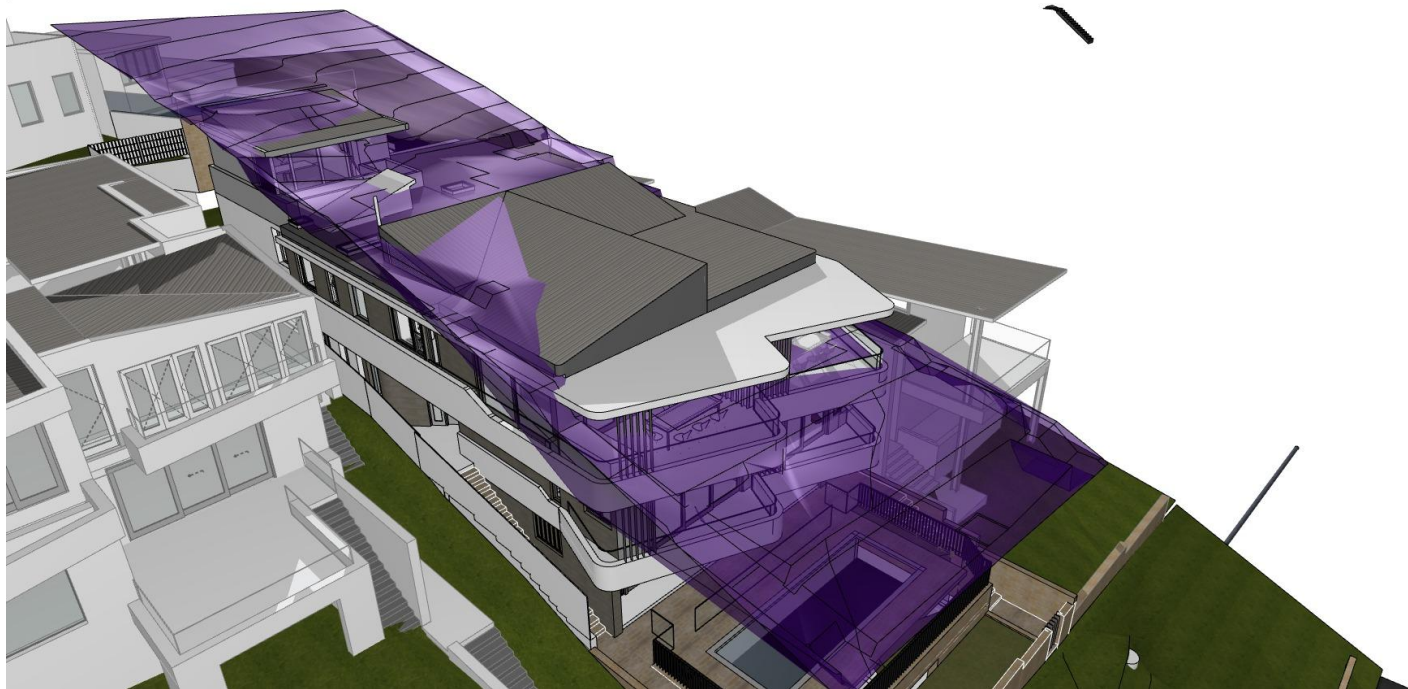


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10,543mm MAX HT AT NO. 5A
ABOVE EXISTING GROUND

9,600mm MAX HT AT NO. 5
ABOVE EXISTING GROUND

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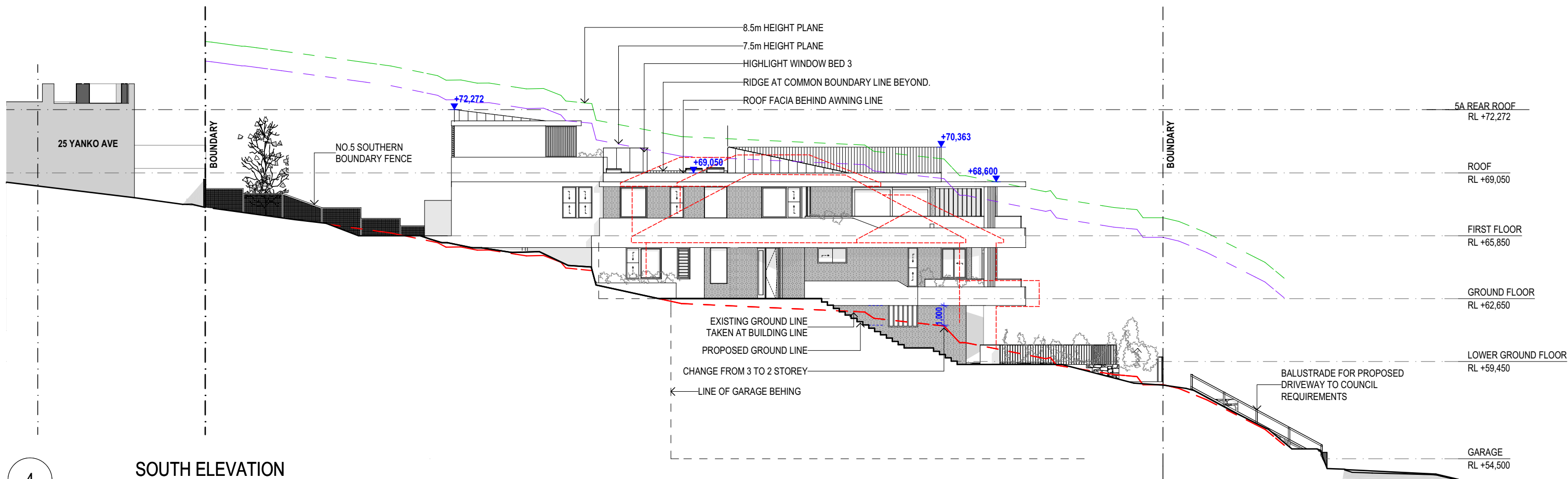
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7.5 HEIGHT PLANE

3

8.5 HEIGHT PLANE



4

SOUTH ELEVATION

1:200



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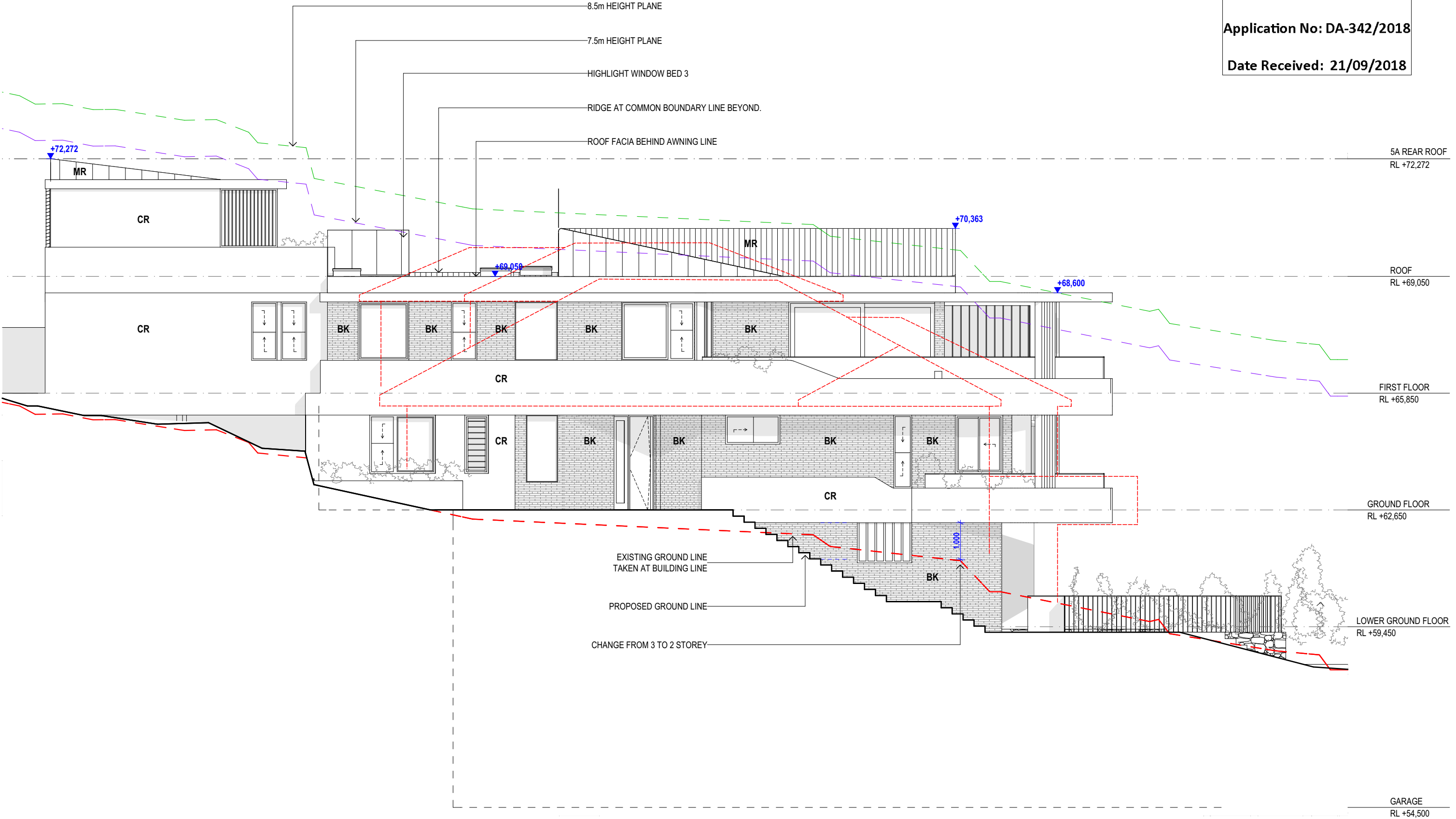
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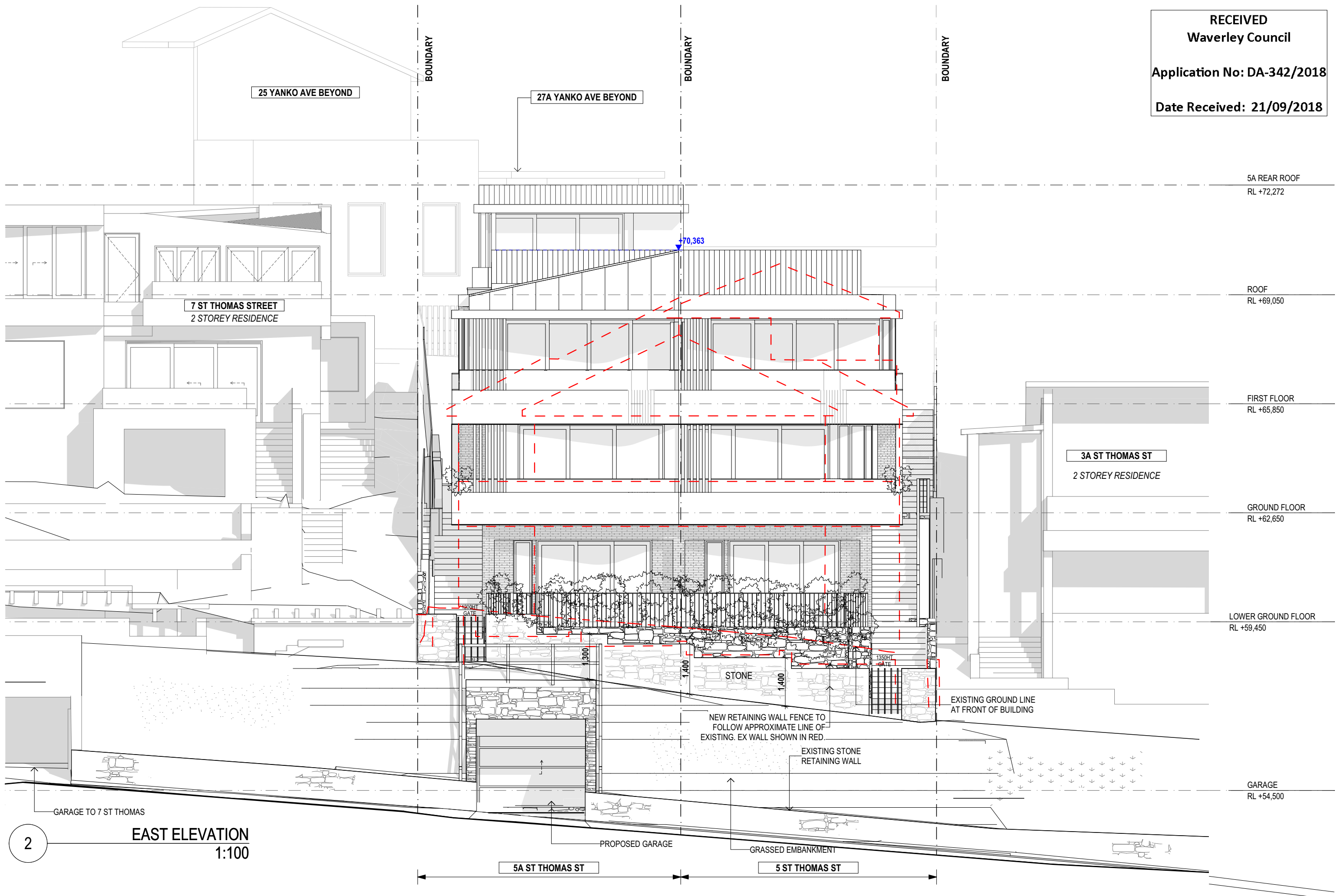
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2 EAST ELEVATION
1:100

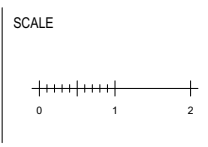


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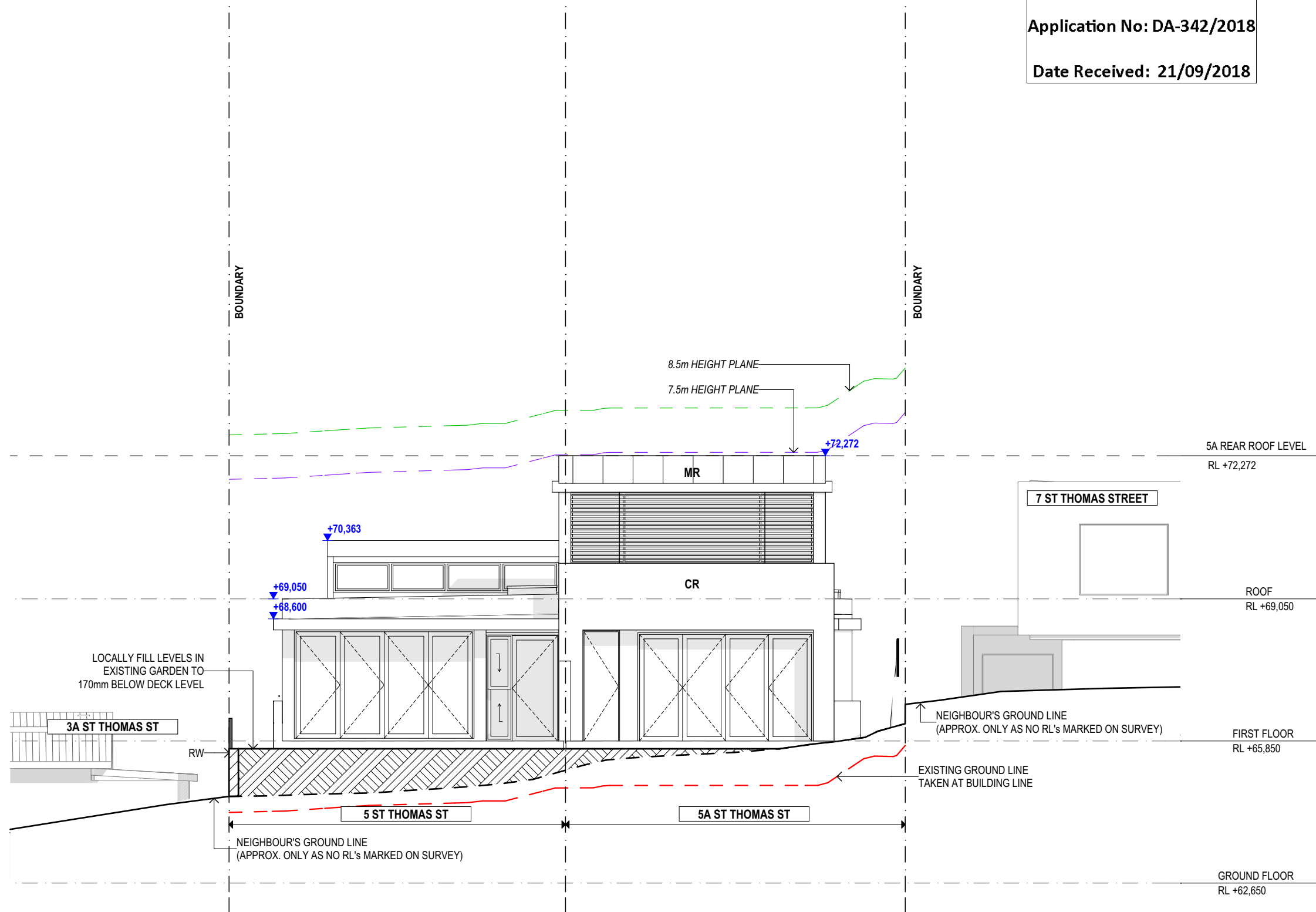
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1 WEST ELEVATION
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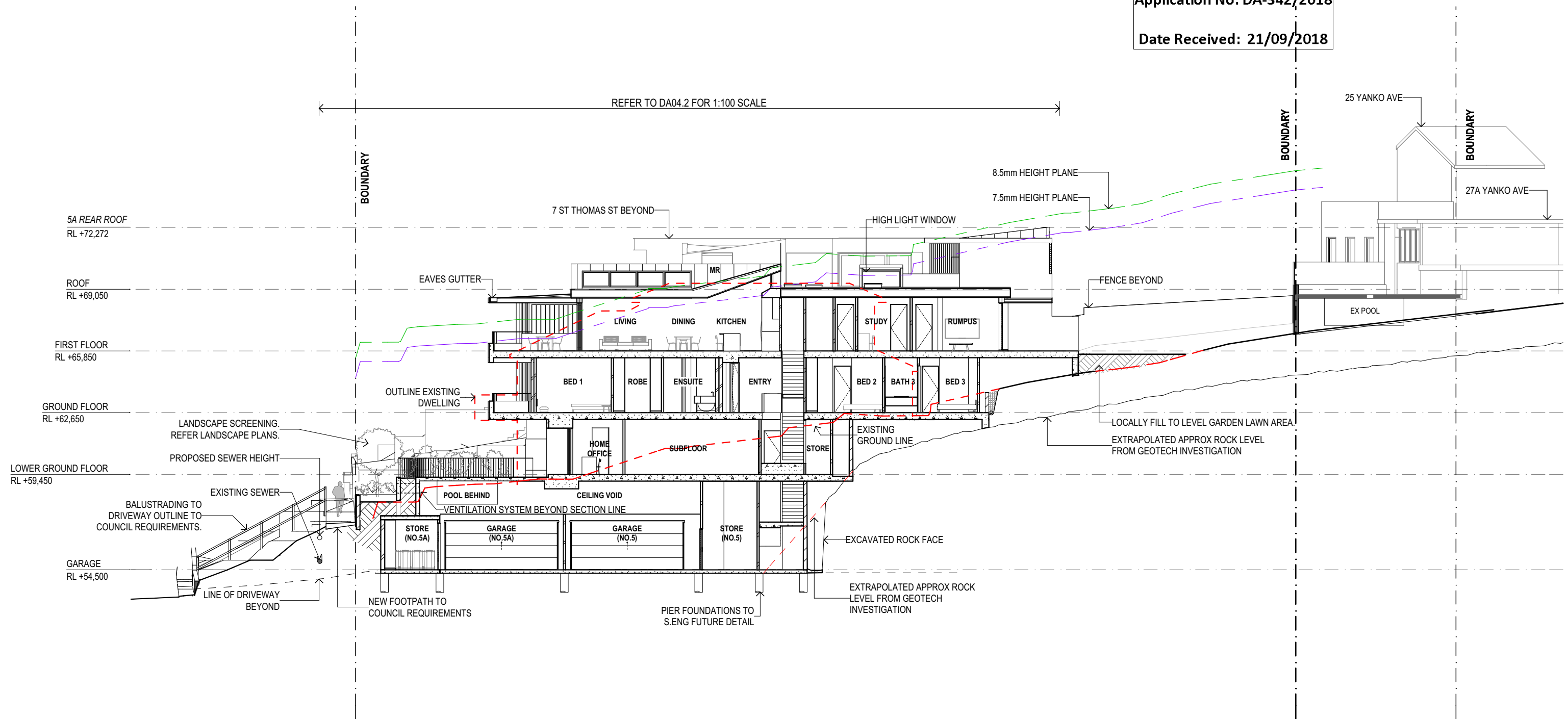
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1 5 ST THOMAS ST - NORTH SECTION
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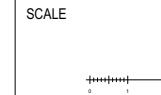
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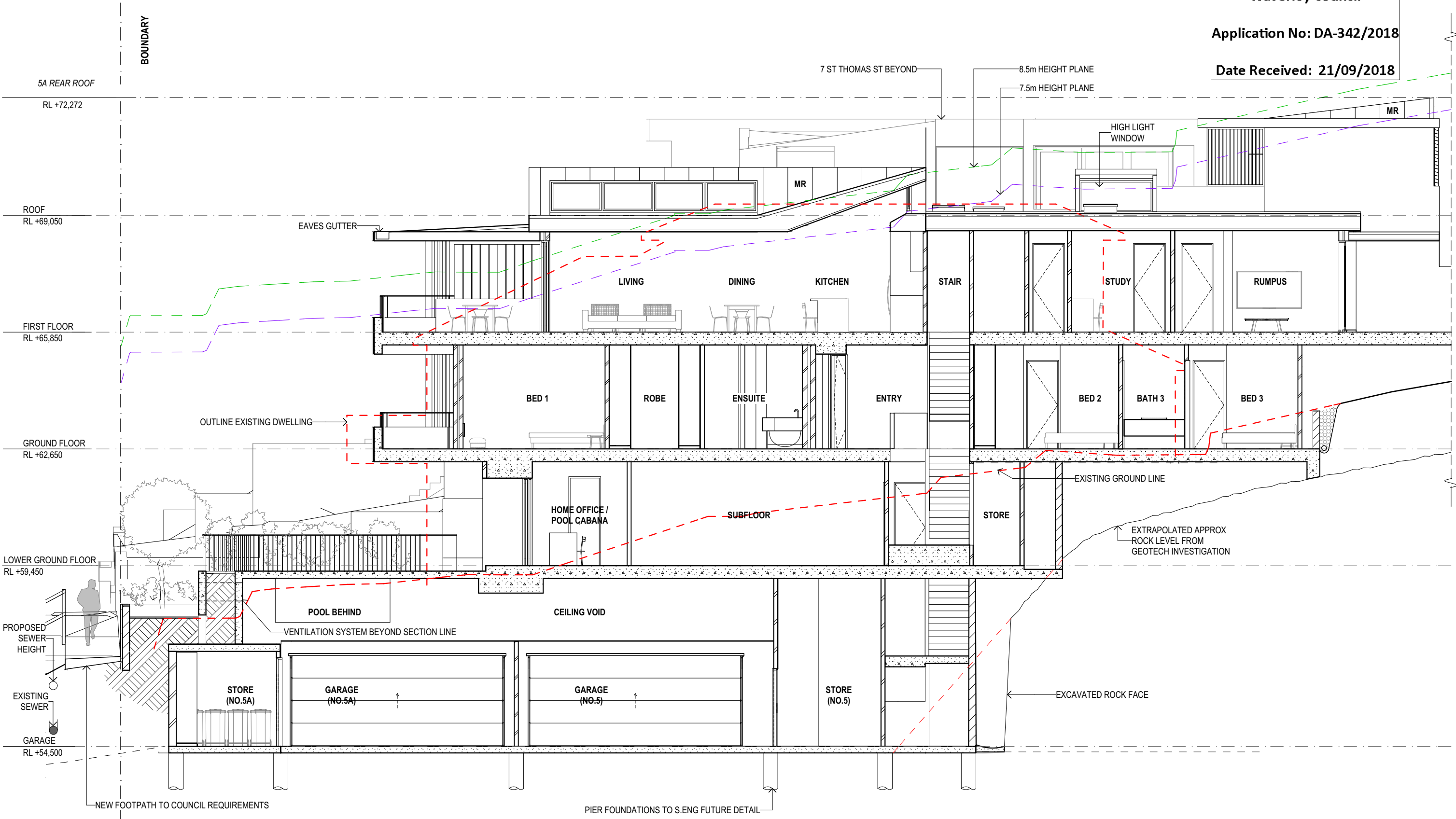


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REFER TO DA 04.1 FOR REAR GARDEN

1 5 ST THOMAS ST - NORTH SECTION
1:100

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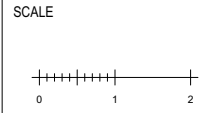


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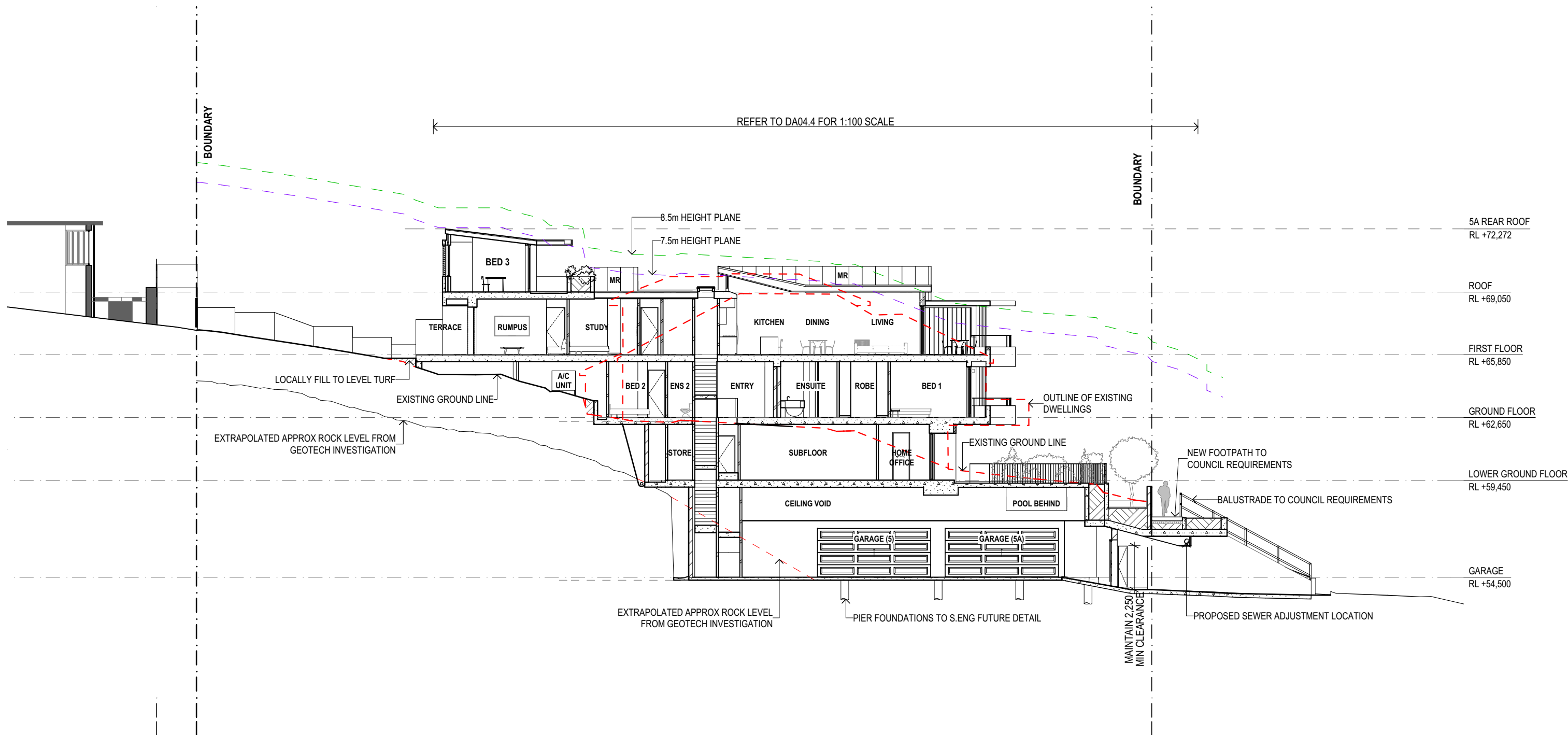
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SECTION - 1:100**
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1 5A ST THOMAS ST - SOUTH SECTION
1:200



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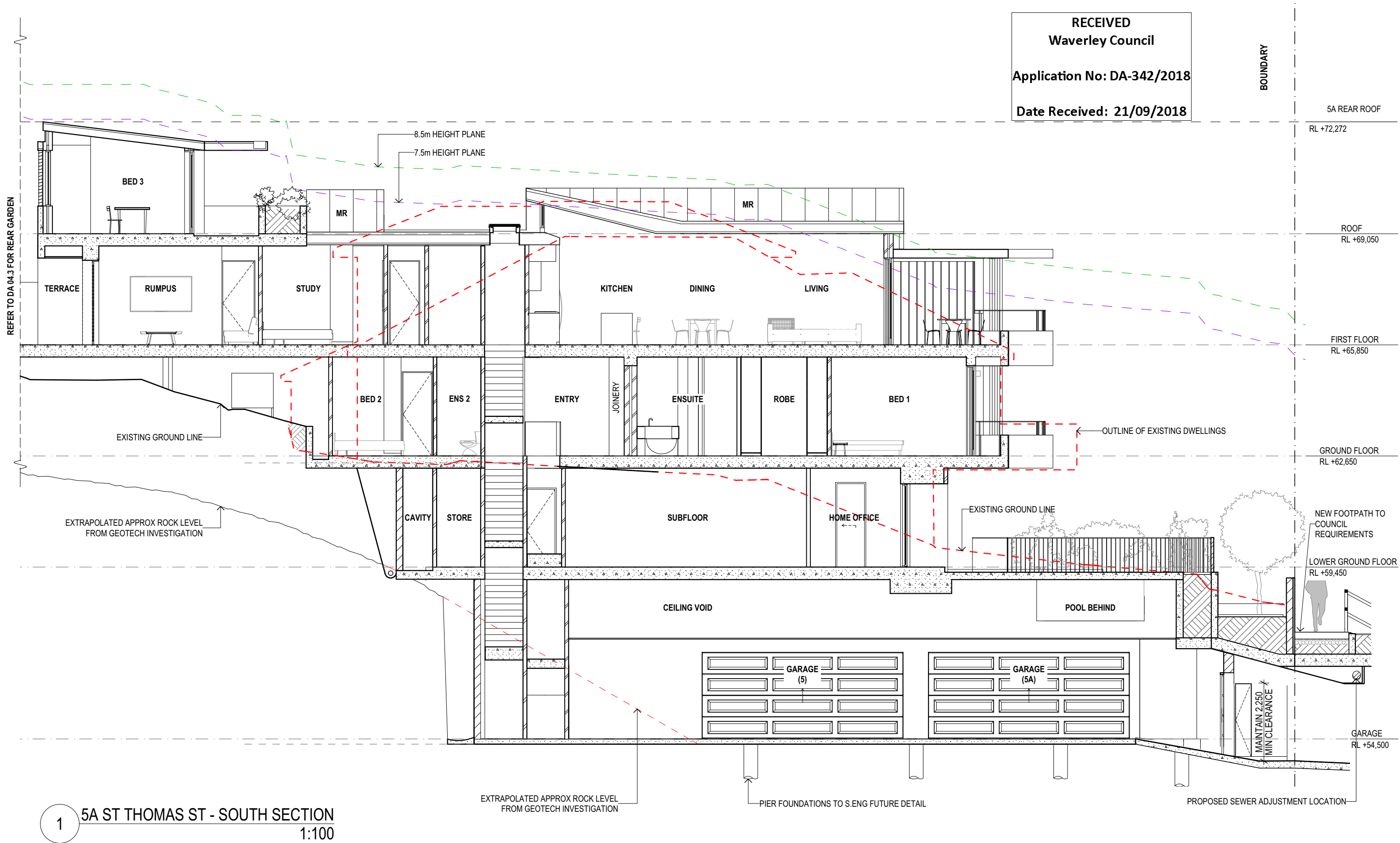
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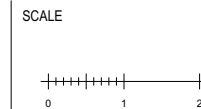
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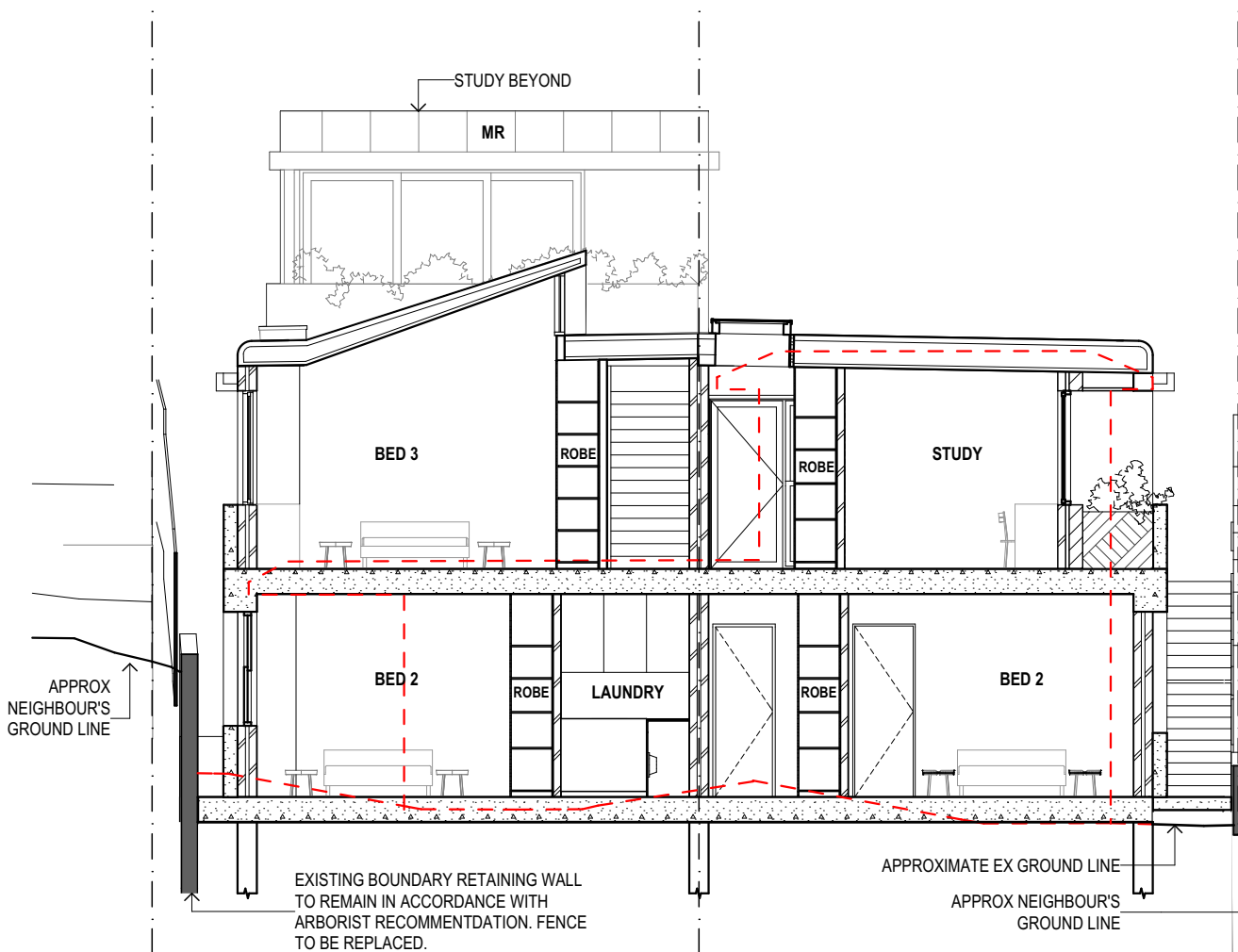
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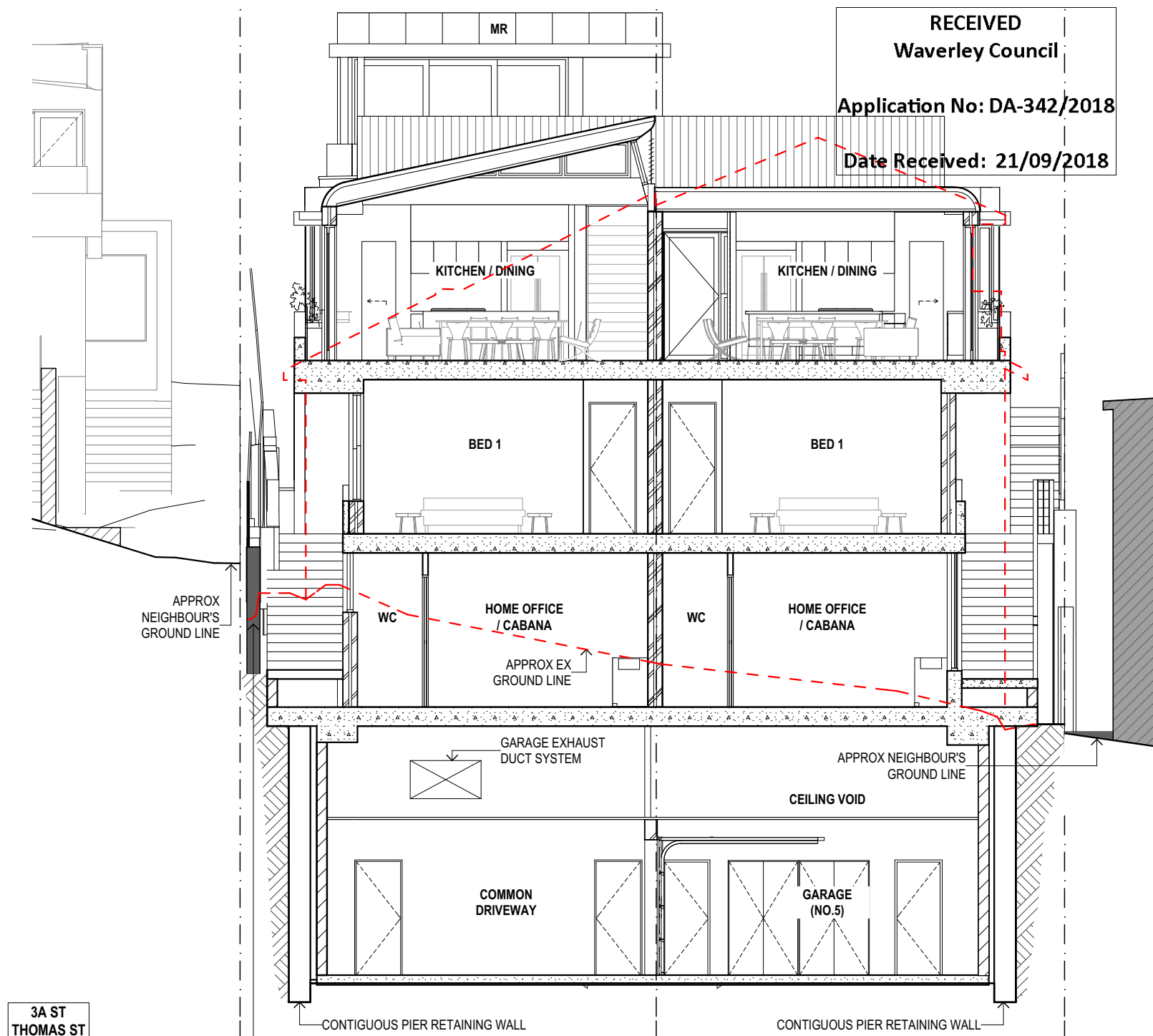
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WEST SECTION A
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WEST SECTION B
1:100



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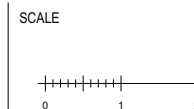


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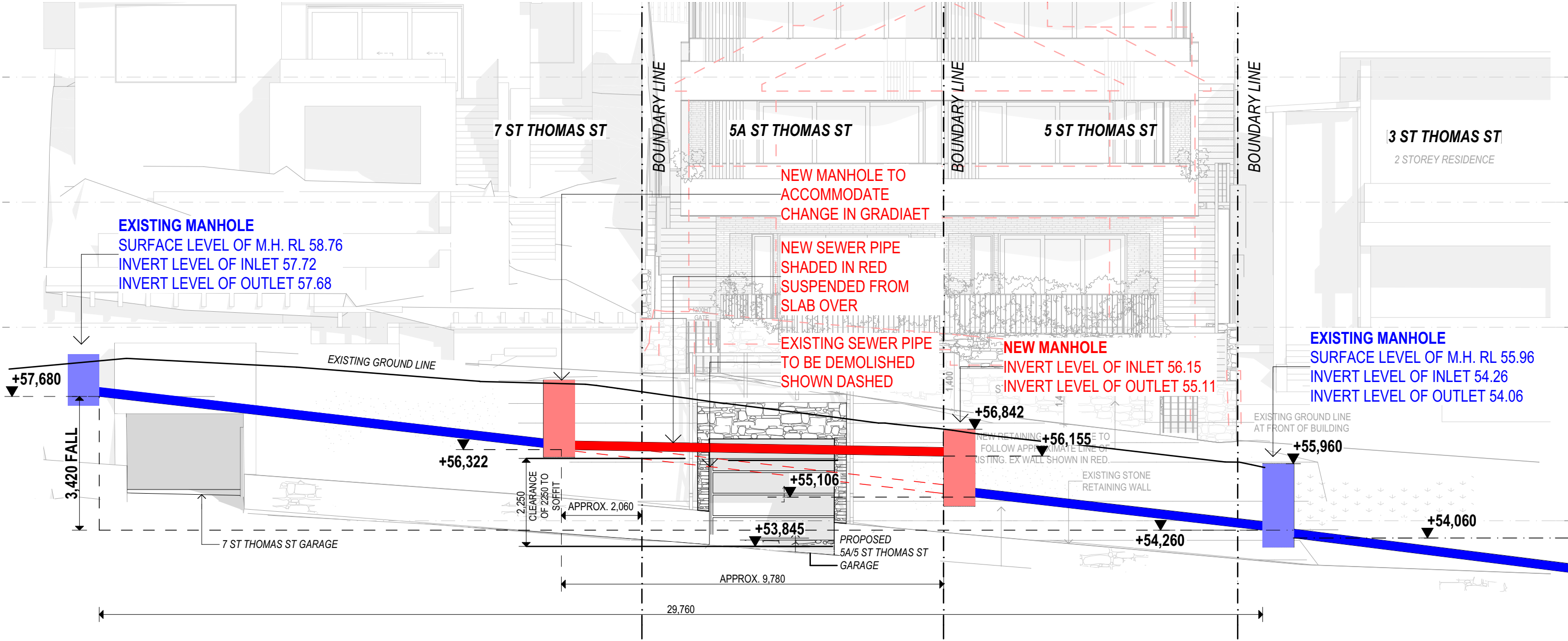


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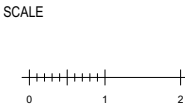
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1

ROOF PERSPECTIVE



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VIEW FROM ROAD

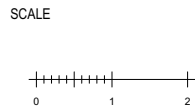


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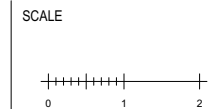
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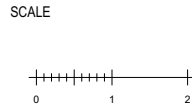
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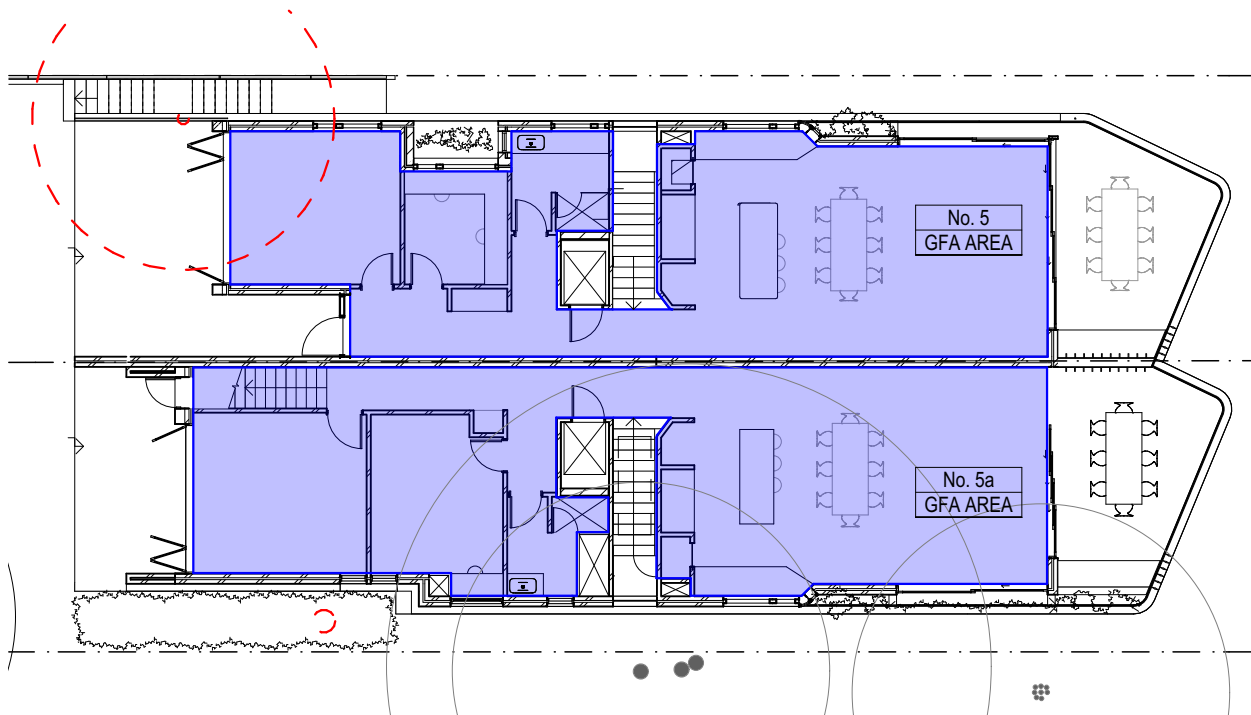


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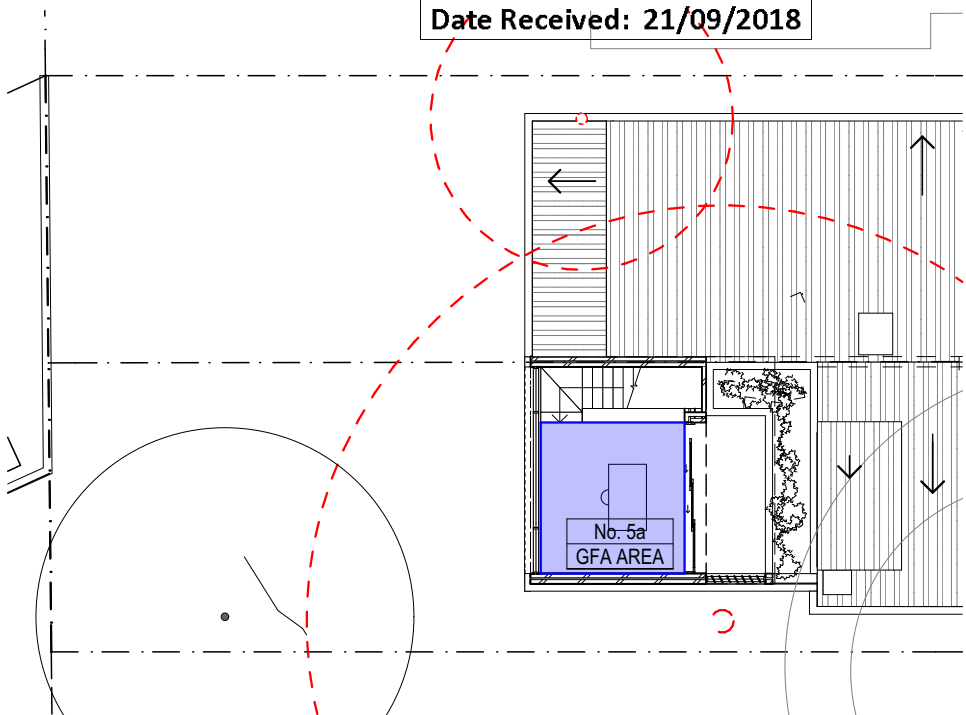
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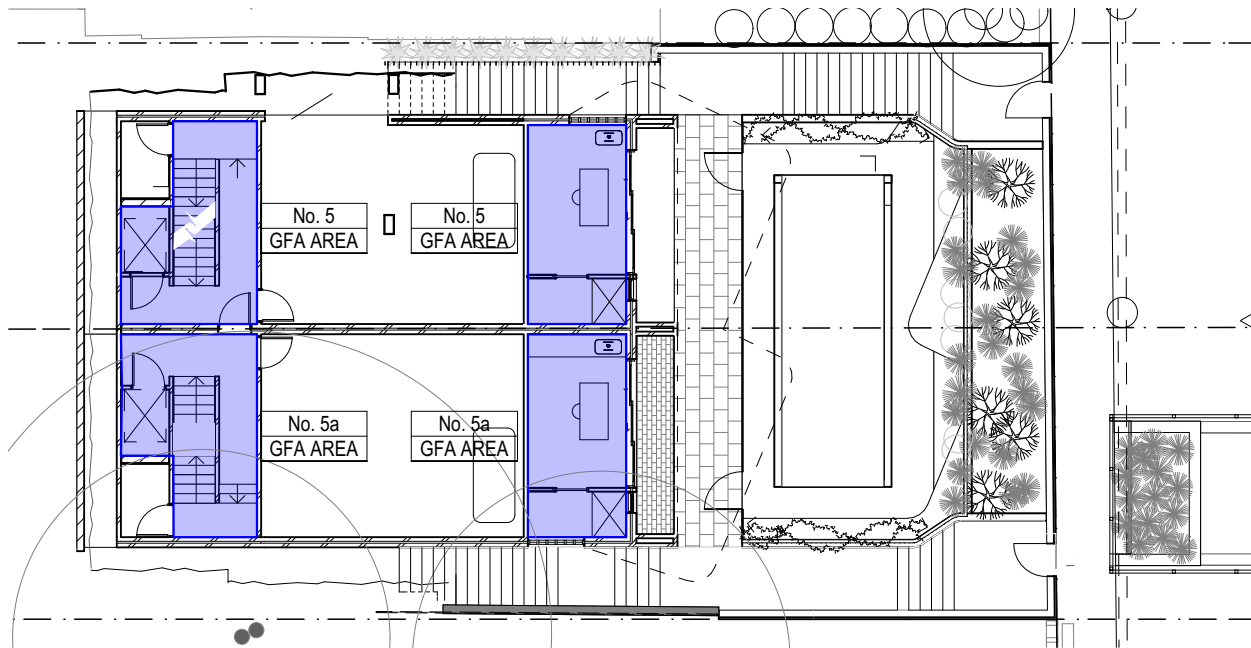
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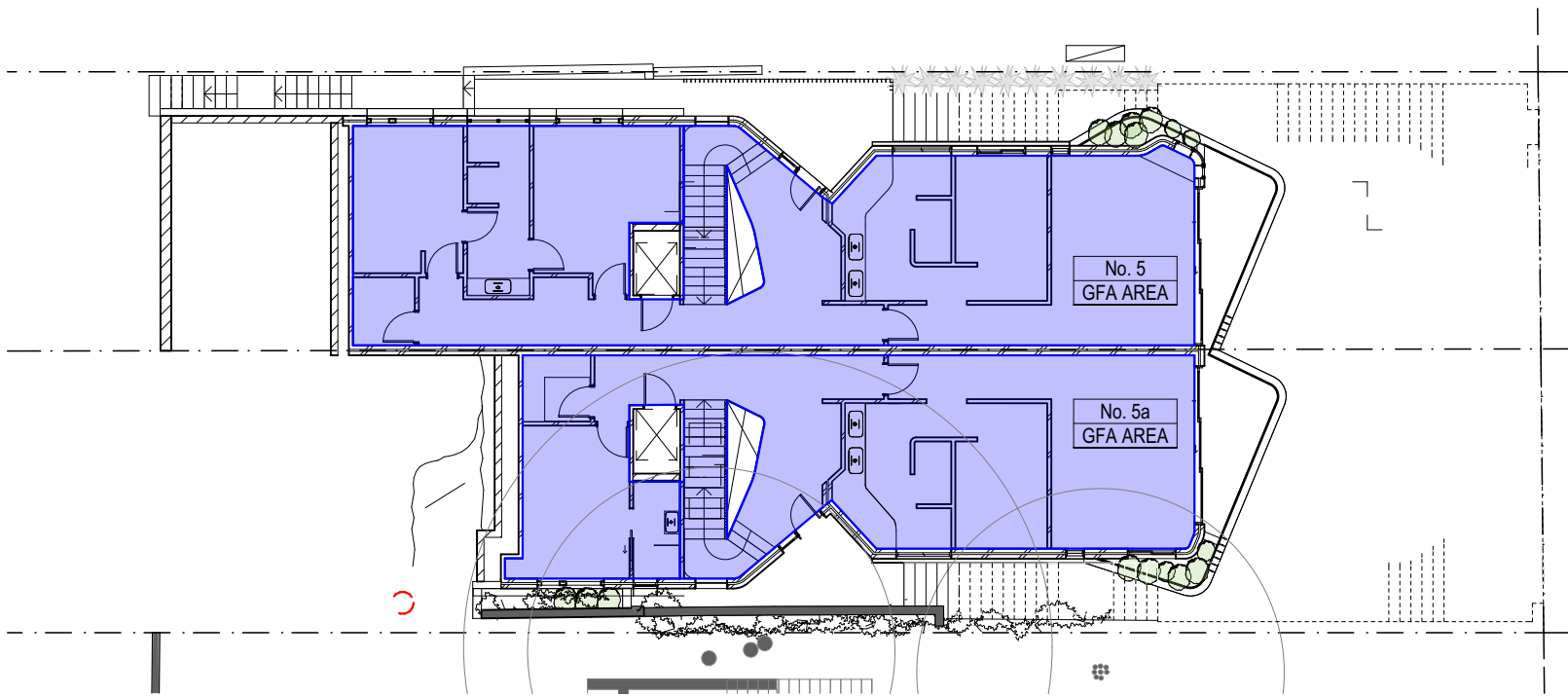
FIRST FLOOR FSR
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ROOF
1:200



LOWER GROUND FLOOR - FSRT
1:200



GROUND FLOOR FSR
1:200

RECEIVED
Waverley Council
Application No: DA-342/2018
Date Received: 21/09/2018

NO. 5 ST THOMAS

SITE AREA (MEASURE FROM SURVEY)	
CATEGORY	Measured Area
SITE AREA No. 5	368.87

GFA No. 5		
STOREY	CATEGORY	Measured Area
LOWER GROUND FLOOR	GFA No. 5	13.68
LOWER GROUND FLOOR	GFA No. 5	16.20
GROUND FLOOR	GFA No. 5	119.65
FIRST FLOOR	GFA No. 5	108.23
		257.76 m ²

NO. 5a ST THOMAS

SITE AREA (MEASURED FROM SURVEY)	
CATEGORY	Measured Area
SITE AREA No. 5a	374.37

GFA No. 5a		
STOREY	CATEGORY	Measured Area
LOWER GROUND FLOOR	GFA No. 5a	16.28
LOWER GROUND FLOOR	GFA No. 5a	13.95
GROUND FLOOR	GFA No. 5a	94.08
FIRST FLOOR	GFA No. 5a	119.47
ROOF	GFA No. 5a	15.21
		258.99 m ²



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T 9037 0437 E hello@maccormickarchitects.com.au
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ACN 147 572 807 ARCHITECT REG 6702
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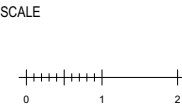


PROJECT
ST THOMAS STREET

5 St Thomas Street Bronte NSW 2024
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PROJECT NO	REVISION
1704	A DA SUBMISSION SEPT 18

DATE PRINTED: 21/09/2018
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DA11.1

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NOT FOR CONSTRUCTION

RECEIVED
Waverley Council
Application No: DA-342/2018
Date Received: 21/09/2018

LEGEND

	PRIVATE OPEN SPACE
	SOFT LANDSCAPING
	OPEN SPACE
	OPEN SPACE FWD B.LINE
	DEEP SOIL
	DEEP SOIL FWD B.LINE

NO. 5 ST THOMAS

SITE AREA (MEASURED FROM SURVEY)	
CATEGORY	Measured Area
SITE AREA No. 5	368.87

LANDSCAPE AREA	
STOREY	Measured Area
LOWER GROUND FLOOR	2.23
LOWER GROUND FLOOR	9.01
LOWER GROUND FLOOR	2.90
GROUND FLOOR	2.61
GROUND FLOOR	1.42
GROUND FLOOR	4.30
FIRST FLOOR	84.64
TOTAL:	107.11 m ²

OPEN SPACE	
STOREY	Measured Area
LOWER GROUND FLOOR	86.31
GROUND FLOOR	34.47
FIRST FLOOR	109.73
TOTAL:	230.51 m ²

OPEN SPACE FWD B.LINE No. 5	
STOREY	Measured Area
LOWER GROUND FLOOR	82.37
TOTAL:	82.37 m ²

DEEP SOIL	
STOREY	Measured Area
LOWER GROUND FLOOR	2.22
GROUND FLOOR	2.61
GROUND FLOOR	4.30
FIRST FLOOR	84.65
TOTAL:	93.78 m ²

DEEP SOIL FWD B.LINE	
STOREY	Measured Area
LOWER GROUND FLOOR	2.22
TOTAL:	2.22 m ²

PRIVATE OPEN SPACE -
CONTROL 25m² (REFER TO FIRST FLOOR)
AVAILABLE PRIVATE OPEN SPACE 109.68m²

NO. 5a ST THOMAS

SITE AREA (MEASURED FROM SURVEY)	
CATEGORY	Measured Area
SITE AREA No. 5a	374.37

LANDSCAPE AREA	
STOREY	Measured Area
LOWER GROUND FLOOR	9.59
LOWER GROUND FLOOR	0.92
LOWER GROUND FLOOR	4.12
GROUND FLOOR	7.19
GROUND FLOOR	1.40
GROUND FLOOR	1.66
FIRST FLOOR	99.12
ROOF	7.10
TOTAL:	131.10 m ²

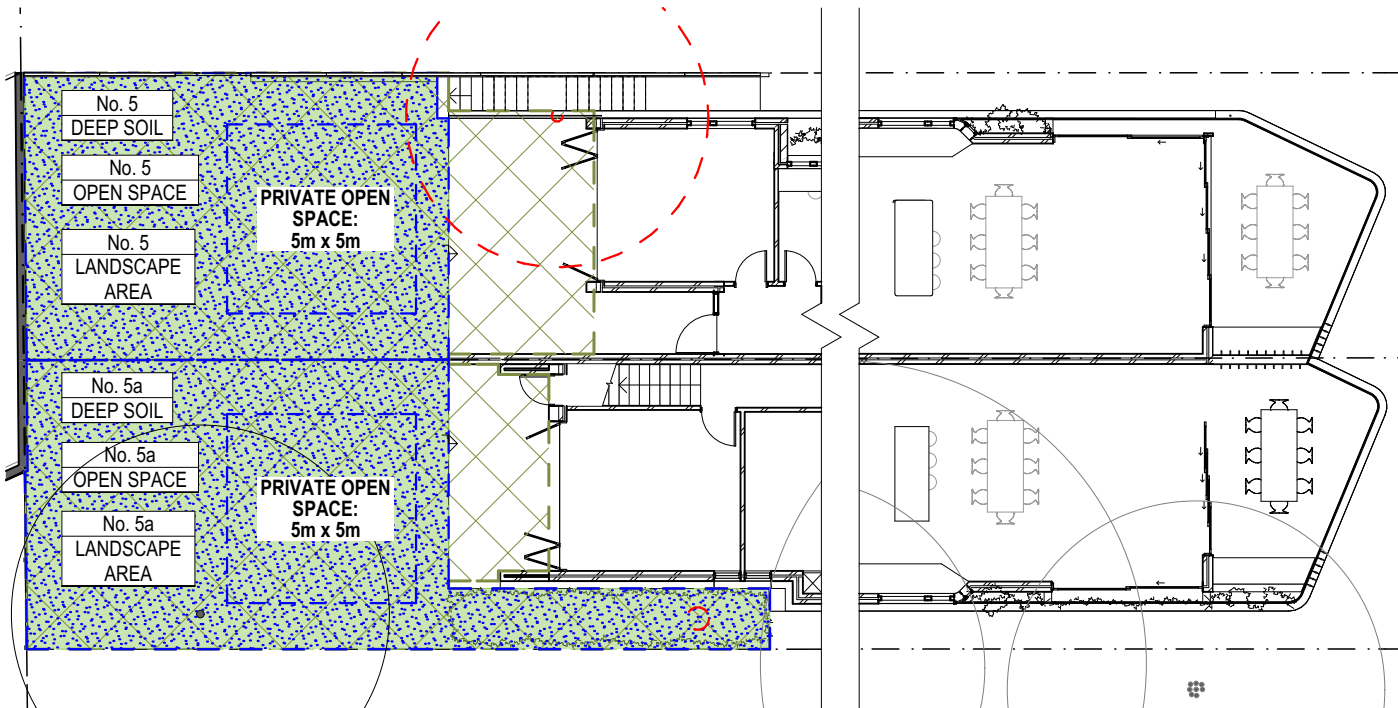
OPEN SPACE	
STOREY	Measured Area
LOWER GROUND FLOOR	88.67
GROUND FLOOR	27.10
FIRST FLOOR	113.61
ROOF	16.77
TOTAL:	246.15 m ²

OPEN SPACE FWD B.LINE	
STOREY	Measured Area
LOWER GROUND FLOOR	84.73
TOTAL:	84.73 m ²

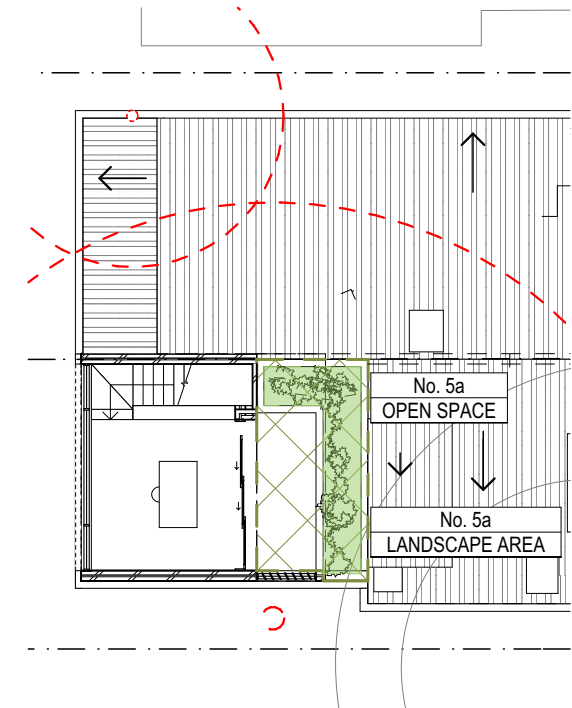
DEEP SOIL	
STOREY	Measured Area
LOWER GROUND FLOOR	0.22
GROUND FLOOR	7.24
FIRST FLOOR	99.13
TOTAL:	106.59 m ²

DEEP SOIL FWD B.LINE	
STOREY	Measured Area
LOWER GROUND FLOOR	0.22
TOTAL:	0.22 m ²

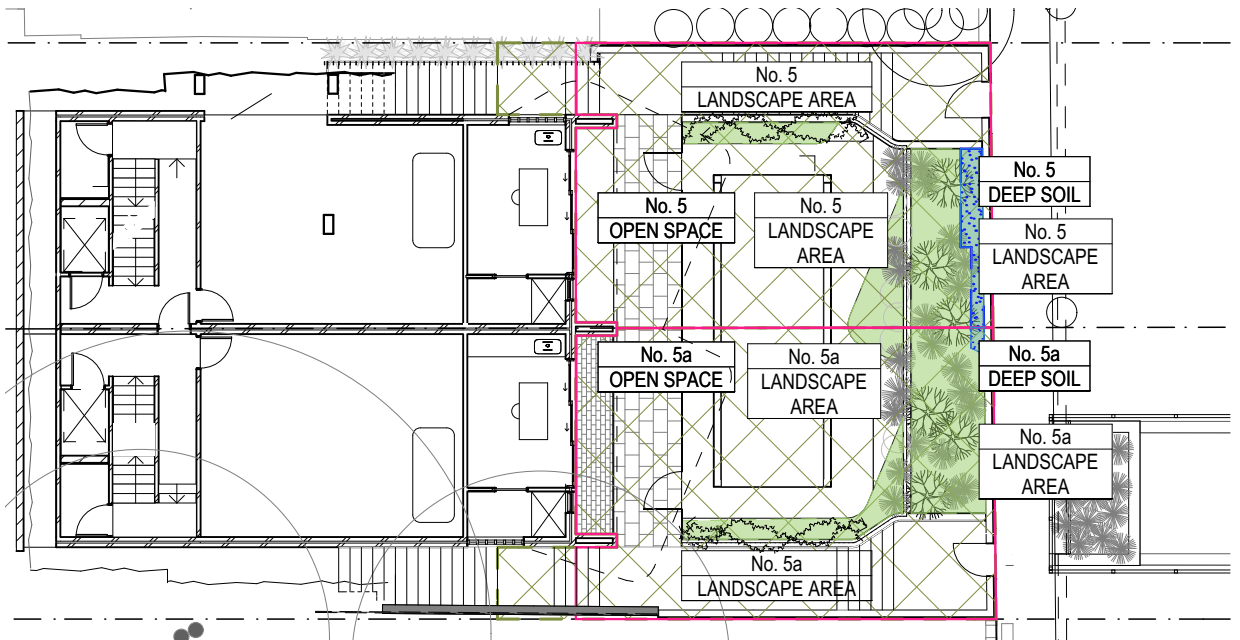
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CONTROL 25m² (REFER TO FIRST FLOOR)
AVAILABLE PRIVATE OPEN SPACE 99.8m²



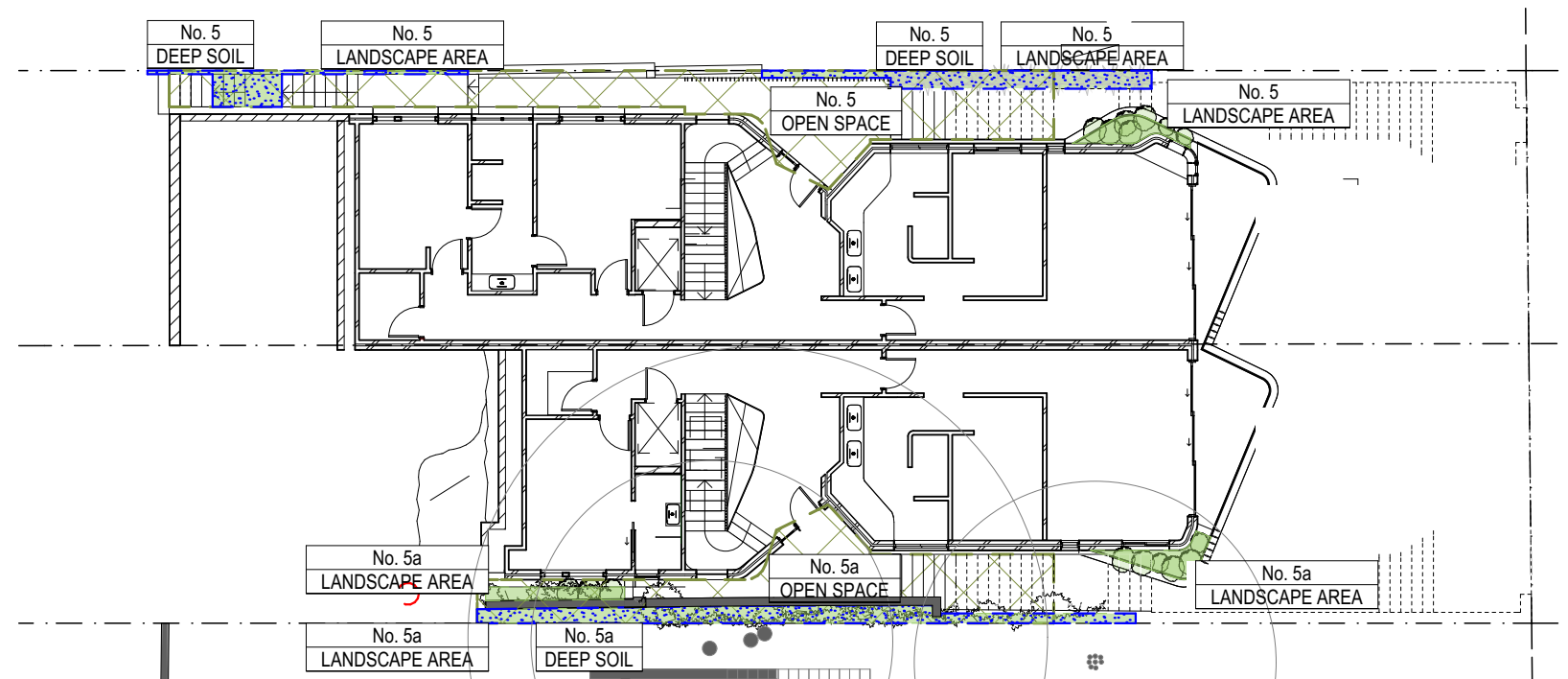
3 FIRST FLOOR LANDSCAPE AREA
1:200



4 ROOF FLOOR LANDSCAPE AREA
1:200



1 LOWER GRD LANDSCAPE AREA
1:200



2 GROUND FLOOR LANDSCAPE AREA
1:200

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T 9037 0437 E hello@maccormickarchitects.com.au
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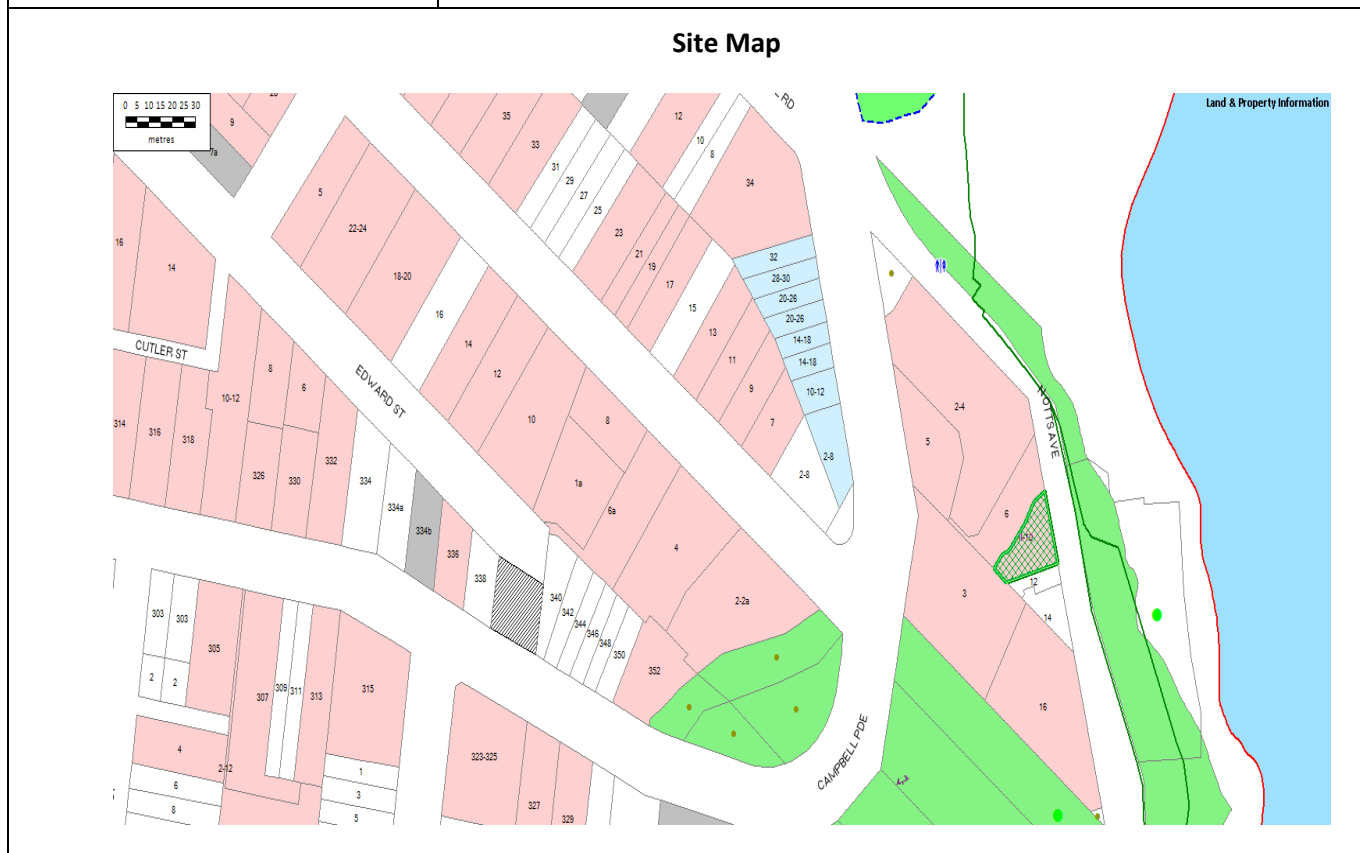
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DA SUBMISSION

DRAWING NO
DA11.2
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Report to Waverley Local Planning Panel

Application number	DA-329/2018
Site address	Unit 3 / 8-10 Notts Avenue, Bondi Beach
Proposal	Alterations and additions to unit 3 including internal reconfiguration, roof extension and external material changes
Date of lodgement	14 September 2018
Owner	Strata Plan 74129
Applicant	Ms Ines Klein
Submissions	Nil
Cost of works	\$53,900
Issues	FSR
Recommendation	That the application be APPROVED



1. PREAMBLE

1.1 Site And Surrounding Locality

A site visit was carried out on 18 December 2018.

The site is known as 8-10 Notts Avenue, Bondi Beach. The site is irregular in shape with an area of 384.9m² and falls from the rear towards the front by approximately 5m.

The site is occupied by a part 2 and part 3 three-storey residential flat building with a double width driveway entry to the parking level, which is accessed from Notts Avenue. Unit 3 comprises of the whole top level of the building and contains three bedrooms and large living areas.

The site is located on the western side of Notts Avenue opposite the Icebergs Club and pool. It is surrounded by a mixture of attached dwellings, duplexes and large scale residential flat buildings. The site has significant views of Bondi Beach areas to the north and of the ocean.



Figure 1: Site viewed from the street frontage



Figure 2: Proposed location of new bathroom and wardrobe of unit 3 (existing entry door to be closed)

1.2 Relevant History

A search of Council's building and development records found the following applications relating to the site.

DA-190/1997 was approved on 1 July 2002 for the construction of a new residential flat building comprising of 3 units.

SC-3/2005 was approved on 12 January 2005 for strata subdivision.

1.3 Proposal

The application seeks approval as follows:-

- The existing entry to unit 3 will be closed to allow for additional wardrobe area and bathroom to bedroom 3. This increases the internal floor area of the unit by 8.8 sqm;
- Enclosure of the existing rear terrace area in order to enlarge bedrooms 2 & 3, which increases the floor space by a further 16.6 sqm;
- Replacement of roof areas above the rear terrace adjoining the bedrooms.

Amended plans and documents were submitted by the applicant on 1 April 2019, in order to correctly highlight the above-mentioned additional bedrooms 2 & 3 floor areas proposed for the subject unit.

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 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX certificate has been submitted with the application.

The Basix certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal. A standard condition is recommended ensuring the measures detailed in the BASIX Certificate are implemented.

2.1.2 SEPP 55 Remediation of Land

There is no known history of contamination applicable to the site. The subject site has historically been used for residential purposes. Accordingly, site land contamination is considered unlikely and no further investigation is necessary.

2.1.3 SEPP 71 Coastal Protection

SEPP 71 applies to the subject site as it is located within the coastal zone. The proposal does not restrict public access to the coastal zone and will protect and preserve the natural environment and the amenity and scenic quality of the coastal zone.

It is considered that the proposal is consistent with the matters for consideration contained in the SEPP.

2.1.4 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 does not contravene the aims of this plan.
Part 2 Permitted or prohibited development		
Land Use Table R3 Medium Density Residential Zone	Yes	The proposal is for alterations and additions to an existing dwelling, which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings • 12.5m	N/A	The proposal does not seek to change the height of the dwelling.

Provision	Compliance	Comment
4.4 Floor space ratio <ul style="list-style-type: none"> Max 0.9:1 (346m²) Site area 384.9m² 	No	Existing GFA is 409m ² , which is an FSR of 1.062:1 excluding the whole basement floor garage plan. The proposal results in an additional 25m ² of GFA, therefore a total of 434m ² and an FSR of 1.128:1, which is 87m ² over the maximum control breach, or 25%.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 5 Miscellaneous provisions		
5.5 Development within the Coastal Zone	Yes	The subject site is located within the coastal zone. It is considered that the proposal is minor and is consistent with the matters for consideration in the LEP.
5.10 Heritage conservation	Yes	The subject site is not listed as a heritage item, and is not located within a heritage conservation area. However, it is located directly adjacent to the Bondi Beach Heritage Conservation Area. The proposal is not considered to have adverse impacts on the conservation area, and will barely be perceivable from the streetscape.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The subject site is identified as having class 5 acid sulfate soils and the proposal excludes excavation. The proposed works will not have detrimental impact on the sulfate soils.

Clause 4.6 Exceptions to Development Standards

The application seeks to vary the maximum floor space ratio (FSR) development standard in Clause 4.4. The site is subject to a maximum FSR control of 0.9:1.

The proposal has an overall floor space ratio of 1.128:1, which exceeds the floor space ratio development standard of 0.9:1 prescribed under 4.4 of Waverley LEP 2012 by 87m² in gross floor area or 25% breach. It is to be noted however that the existing FSR is 1.062:1 (excluding the whole basement floor garage).

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

- That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and

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

Applicants Written Request - Clause 4.6(3)(a) and (b)

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

- a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
- The proposed small increase in FSR will result in a development that is consistent with the objectives of the Floor Space Ratio development standard and the objectives of the R3 Medium Density Residential zone.
 - The proposed is in the public interest.
 - Compliance with the standard is unnecessary in this instance because the overall scale and height of the development will be unchanged.
- b) That there are sufficient environmental planning grounds to justify contravening the standard:
- The proposal does not change the primary access arrangements.
 - The amenity of the occupants of the dwelling will be improved.
 - The increase in FSR has no visual impact and will not reduce the environmental amenity of neighbouring properties.

Consideration of Applicants 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 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) and clause 4.6(3)(b)?

It is considered that the applicant has adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case.

In consideration of whether the development is compatible with the bulk and scale and streetscape, it has been successfully demonstrated that the proposal is similar in bulk and scale. The bulk is contained largely to the existing envelope on the site. The building sits comfortably within the topography of the land and is similar in form to the development adjoining the site at 6 and 12 Notts Avenue. It is to be noted that the site is zoned R3 for medium density residential which anticipates medium density development, therefore the proposal is not out of character with the other dwellings within the street. The additional FSR is not considered to constitute an over development of the site as it does not result in unreasonable impacts on surrounding residential allotments and the built form is consistent with the surrounding developments in the vicinity of the site.

The arguments presented in the applicant's written request to vary the FSR of buildings development standard are concurred with. The proposed bulk and scale of the dwelling is not considered unreasonable in this particular case, and stringent compliance with the development standard is unnecessary. Accordingly, a departure from Council's controls is not considered unreasonable in this instance and the numerical variation in FSR is supported on merit.

The zone objectives for the R3 zone that apply to this development are *"to provide a variety of housing types within a medium density residential environment"* and *"to provide for the housing needs of the community within a medium density residential environment"*. Given that the proposal is for additions to a residential unit, amongst a street with both medium density development in the form of residential flat buildings, singular dwelling houses and the Bondi Icebergs Club, it is considered that the variety in the street remains the same, and therefore does not contravene this objective. There are sufficient environmental planning grounds to justify contravening the development standard and the proposed development will be in public interest because it is consistent with the objectives for development within the zone.

Is the development in the public interest?

The proposed development will be in the public interest because it is consistent with both the objectives of the particular standard and the objectives for development within the R3 zone in which the development is proposed to be carried out.

2.1.5 Waverley Development Control Plan 2012 - Amendment No 5 (Waverley DCP 2012)

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	The existing waste storage and management arrangements will be maintained. This is considered suitable.
2. Energy and water conservation	Yes	A BASIX Certificate to be submitted with the application.
6. Stormwater	Yes	The application does not require OSD, and is considered suitable in regard to stormwater.
9. Heritage	Yes	The subject site is not listed as a heritage item, and is not located within a heritage conservation area.

Table 3: Waverley DCP 2012 – Part C1 Dwelling House, Dual Occupancy, Secondary Dwelling, Semi-Detached Dwelling and Terrace Development Compliance Table

Development Control	Compliance	Comment
1.4 Streetscape and visual impact		
Streetscape impact	Yes	The proposed bathroom and wardrobe additions will be located at the rear and will barely be perceivable from the streetscape and no other

Development Control	Compliance	Comment
		building works are proposed that will be visible from the street.
1.8 Visual and acoustic privacy		
<ul style="list-style-type: none"> Windows to habitable rooms are not to directly face windows to habitable rooms and/or open space of neighbouring dwellings 	Yes	A site visit revealed that the opening of the existing rear balcony area at the first floor has been enclosed by horizontal frosted glass louvered windows. The proposed extensions are not considered to have privacy or overlooking impacts given that the existing frosted glass louvered windows are to be retained. In addition, it is to be also noted that the adjoining residential flat building behind the subject site is at a higher ground level, approximately 3 m above the height of the subject top unit 3. Whilst balcony enclosures on residential flat buildings are generally discouraged, the subject unit has other smaller terraces for private open space at the front overlooking Bondi Beach.

Table 4: Waverley DCP 2012 - Part E2 Bondi Beachfront Area Compliance Table

Development Control	Compliance	Comment
2.1 General Controls		
2.1.5 Views	Yes	The proposal will not impact on the views of adjoining and surrounding sites to the public domain, nor will it have an impact on the views from the public domain.
2.1.6 Heritage conservation	Yes	As discussed above, the proposal will not detract from the adjacent heritage conservation area.
2.2 Character Areas		
Notts Avenue	Yes	The proposal will maintain the residential character of the area and will not have an impact on the bulk and scale of the approved building. The proposal will barely be perceivable from the streetscape.

2.2 Section 79C(1)(b) – Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

2.3 Section 79C(1)(c) – Suitability of the Site for the Development

The site is considered to be suitable for the proposed development.

2.4 Section 79C(1)(d) – Any Submissions

The application was notified for 14 days and a site notice erected on the site, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*. No submissions were received.

2.5 Section 79C(1)(e) – Public Interest

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

3. REFERRALS

No internal or external referral comments were sought.

4. SUMMARY

The application seeks approval for alterations and additions to unit 3 of an existing residential flat building, including internal reconfiguration, roof extension and external material changes.

A Clause 4.6 statement has been submitted seeking a variation to the FSR development standard in the LEP. The statement is considered to be well founded as it successfully demonstrates that strict compliance with the development standard in this case is unreasonable, as it does not result in unreasonable amenity impacts and despite the variation achieves the objectives of the development standard and the zone.

The application did not receive any submissions.

In light of the assessment made throughout this report, and the absence of any significant adverse environmental impacts, the application is recommended for approval, subject to conditions of consent at Appendix A.

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:**

Idaly Yap
Senior Development Assessment Planner

Angela Rossi
Manager, Development Assessment (Central)

Date: 29/5/19

Date: 12/6/19

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

(a) The following Architectural Plan Nos, all prepared by Building Studio:

Plan Nos	Dated	Dated received by Council
DA 12, Rev B	28/3/19	1/4/19
DA 13, Rev A	3/9/18	14/9/18
DA 21, Rev A	3/9/18	14/9/18
DA 22, Rev A	3/9/18	14/9/18
DA 23, Rev A	3/9/18	14/9/18
DA 24, Rev A	3/9/18	14/9/18

(b) BASIX Certificate; and,

(c) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.

Except where amended by the following conditions of consent.

2. STRATA PLAN OF SUBDIVISION

The strata plan shall be amended to include the new additions.

3. DOMESTIC HEATERS

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

4. BONDI - ROSE BAY SAND BODY

This site is 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. Works may resume on the site pending receipt of express written permission from the NSW National Parks and Wildlife Service. 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.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

5. SECTION 7.12 CONTRIBUTION

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

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

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

"Waverley Council Cost Summary Report"; or,

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

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

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

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

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

Advisory Note

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

6. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of **\$2,600** must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

7. LONG SERVICE LEVY

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

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

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

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

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with Section 81A(2) of the Environmental Planning & Assessment Act, 1979; and
- (b) a Principal Certifying Authority has been appointed and Council has been notified of appointment in accordance with Section 81(A)(2)(b) of the Environmental Planning & Assessment Act, 1979 and Form 7 of Schedule 1 of the Regulations; and
- (d) 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.

9. HOARDING REQUIRED

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

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

10. BCA & FIRE SAFETY UPGRADE WORKS

- (a) In addition to all new works fully complying with the Building Code of Australia, pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, all existing areas of the building must be upgraded to comply with the Building Code of Australia (BCA):
 - (i) Fire resistance and stability – Part C1;
 - (ii) Compartmentation and separation – Part C2;
 - (iii) Protection of openings – Part C3;
 - (iv) Provision for escape – Part D1;
 - (v) Construction of exits – Part D2;
 - (vi) Fire fighting equipment – Part E1;
 - (vii) Smoke hazard management – Part E2;
 - (viii) Emergency lighting, exit signs and warning systems – Part E4.
- (b) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA. Any design amendments required to achieve compliance with

the BCA must be submitted to Council. Significant amendments may require an application under Section 4.55 of the Act to be lodged with Council to amend this consent.

- (c) Prior to the commencement of the required upgrade works, a Construction Certificate must be issued by an accredited Certifying Authority and an accredited PCA be appointed. The required fire safety upgrading works detailed in this condition must be completed and certified including a Final Fire Safety Certificate prior to the issue of an Occupation Certificate and Strata Subdivision Certificate.
- (d) If compliance with the deemed-to-satisfy provisions of the BCA and the matters listed in condition (a) above cannot be achieved, an alternative building solution in accordance with Part A0 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia.

11. ESSENTIAL SERVICES - EXISTING BUILDING

Details of the currently implemented and proposed essential fire safety measures shall be submitted to Council, with the Construction Certificate, in the form of a Fire Safety Schedule. This Schedule shall be prepared by a person competent to do so and shall specify the minimum standard of performance for each essential fire safety measure included in the Schedule.

At the completion of the installation, a Final Fire Safety Certificate shall be attached to the Occupation Certificate, certifying that each essential fire safety measure specified within the current Fire Safety Schedule:

- (a) has been assessed by a properly qualified person; and
- (b) found to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the Certificate is issued.

12. ENGINEERING DETAILS

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

13. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY

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

14. 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.

15. STORMWATER MANAGEMENT

Certification is to be provided from a suitably qualified professional, that the storm water system has been designed in accordance with the Water Management Technical Guidelines prior to the issue of a Construction Certificate.

16. 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 Storm water Policy and are to be implemented prior to commencement of any work or activities on or around the site. Details of these measures are to be submitted to the Principal Certifying Authority prior to the issuing of a Construction Certificate.

17. 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 stored to prevent damage by the elements, odour, health risks and windborne litter.

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 can not be modified under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

19. 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.

20. 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.

21. CONSTRUCTION SIGNS

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

22. 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.

23. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

24. 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.

25. 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.

26. 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.

27. 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.

28. ROOFWATER GUTTERING

All new or replacement roof guttering is to comply with the requirements of the Building Code of Australia and Australian Standard AS 3500 *Plumbing & Drainage Standards* to ensure that collected roof water does not flow back into the building.

29. 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 storm water drainage system.

30. 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.

31. 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.

32. BUILDING CODE OF AUSTRALIA

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

33. BUILDING LEGISLATION AMENDMENT (QUALITY OF CONSTRUCTION) ACT - INSPECTIONS (RESIDENTIAL FLAT DEVELOPMENT AND OTHER RESIDENTIAL CLASS 2, 3 AND 4)

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

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

The specified **MANDATORY** inspections are:

In the case of a Class 2, 3 and 4 building:

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

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

34. WATER PROOFING

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

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

35. 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.

36. SMOKE ALARM SYSTEM

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

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

37. OCCUPATION CERTIFICATE

The Principal Certifying Authority prior to occupation or use of the development must issue an 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.

38. FIRE SAFETY UPGRADE

The Occupation Certificate shall not be released by the appointed Principal Certifying Authority until all fire safety upgrading 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 has been installed and:

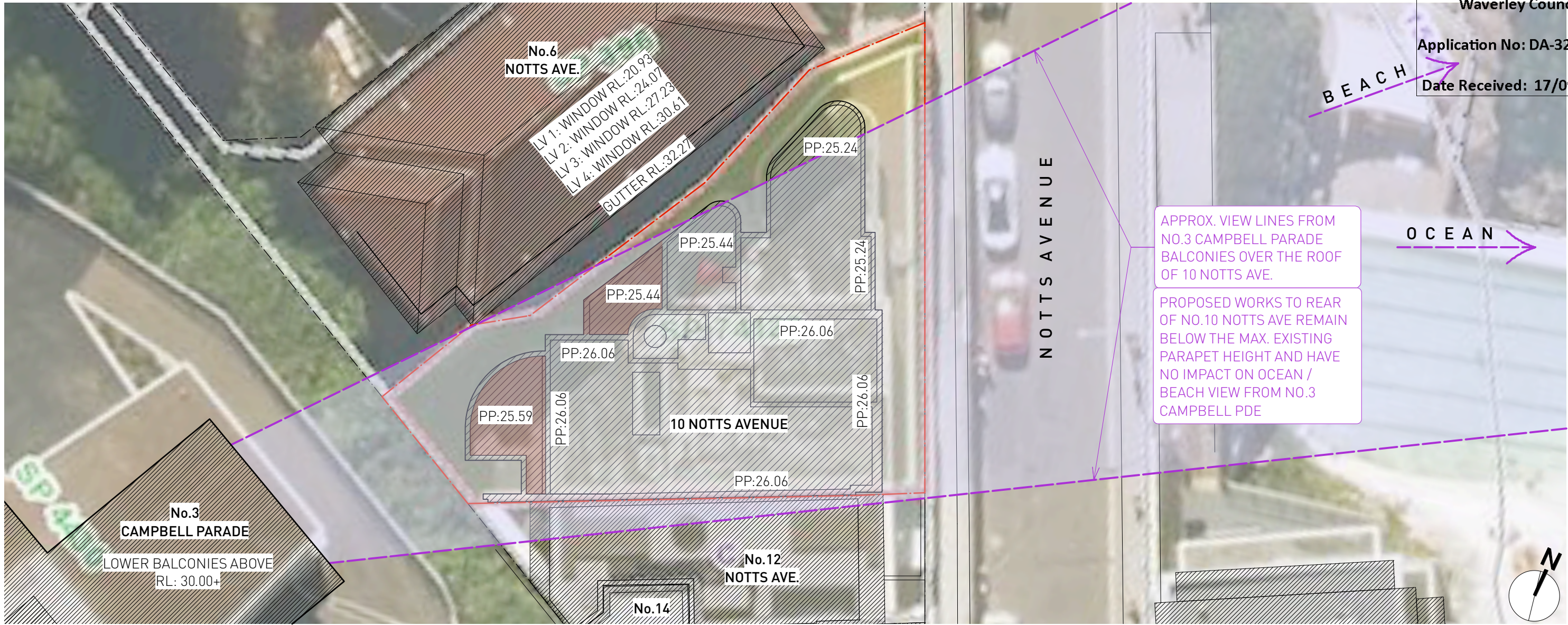
- (a) has been assessed by a properly qualified person; and
- (b) has been found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the Certificate is issued.

39. LIGHTING

- (a) 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.
- (b) All external lighting fixtures should be vandal resistant.
- (c) Lighting should be carefully considered in areas covered by CCTV to allow for optimum viewing.
- (d) Lighting should be free of obstructions, such as tree branches, pipes, etc.
- (e) 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.
- (f) All external area lights and carparks 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.

40. 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.



BACKGROUND: No.3 CAMPBELL PDE.
FOREGROUND: No.10 (LEFT) & No.6 (RIGHT) NOTTS AVE.
PROPOSED ALTERATION AT REAR BELOW EXIST. PARAPETS
- NO IMPACT ON NEIGHBOUR'S VIEWS



BACKGROUND: No.3 CAMPBELL PDE.
FOREGROUND: No.10(FRONT) ROOF & No.6 (RIGHT) NOTTS AVE.



BACKGROUND: No.3 CAMPBELL PDE.
FOREGROUND: No.10(FRONT) ROOF & No.6 (RIGHT) NOTTS AVE.

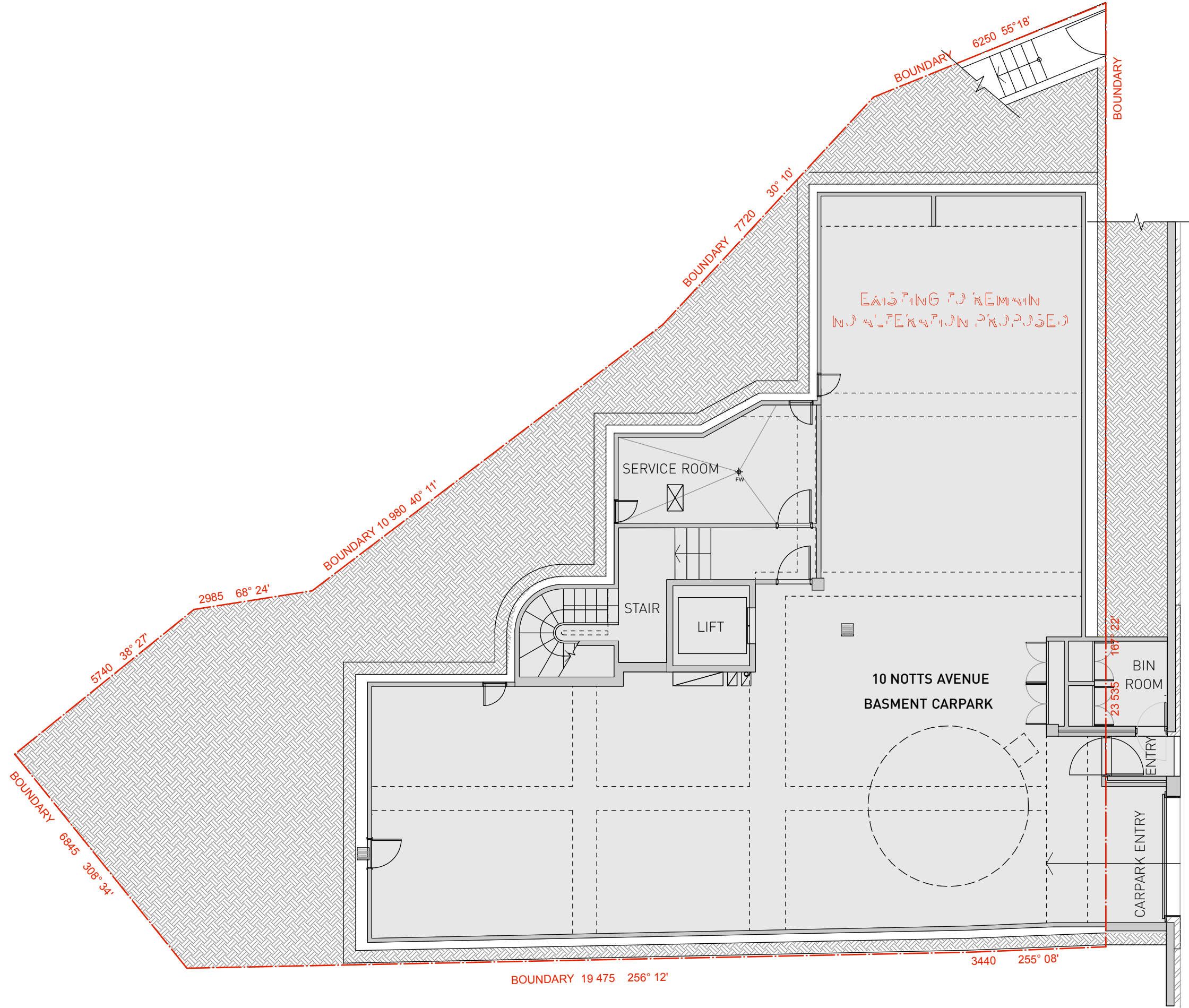


BACKGROUND: No.6 NOTTS AVE.
FOREGROUND: No.10 NOTTS AVE.

REV.	DATE	ISSUE
-	24/8/18	DA SUBMISSION PREVIEW
A	3/9/18	DA SUBMISSION

DEVELOPMENT APPLICATION

VIEW ANALYSIS



NOTTS AVENUE

EXISTING **GFA** AREA
= none

EXISTING TO REMAIN

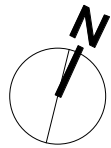
EXISTING STRUCTURE

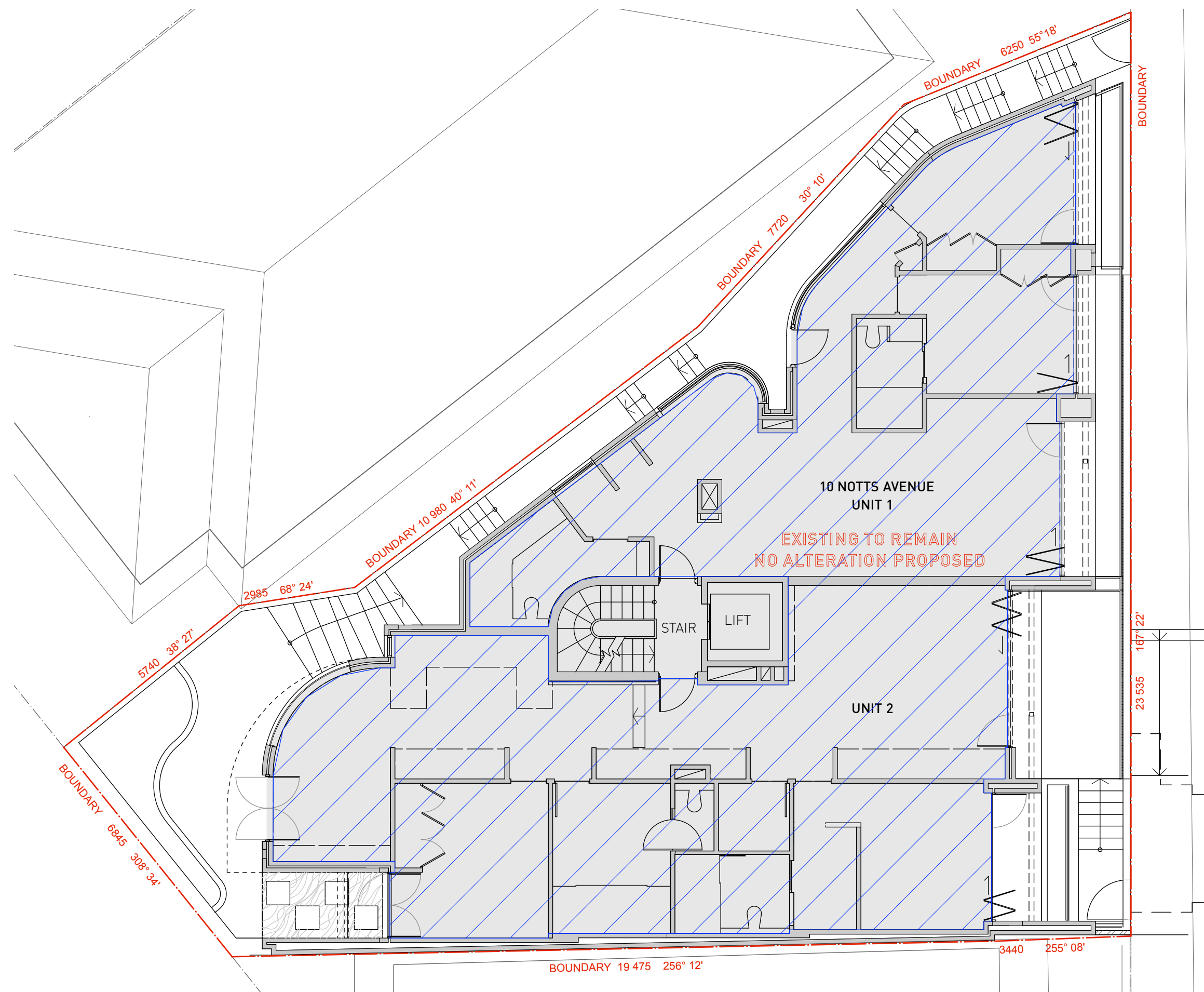
PROPOSED ALTERATION

PROPOSED NEW STRUCTURE

PROPOSED DEMOLISH

REV.	DATE	ISSUE
-	24/8/18	DA SUBMISSION PREVIEW
A	3/9/18	DA SUBMISSION





EXISTING GFA AREA
= 230.3sqm

- EXISTING TO REMAIN
- EXISTING STRUCTURE
- PROPOSED ALTERATION
- PROPOSED NEW STRUCTURE
- PROPOSED DEMOLISH

REV.	DATE	ISSUE
-	24/8/18	DA SUBMISSION PREVIEW
A	3/9/18	DA SUBMISSION

BASIX NOTES:

- REFER BASIX CERTIFICATE NO. A327954 FOR DETAILS
- ALL SHOWER HEADS TO HAVE MINIMUM RATING OF 3 STAR.
- ALL BATHROOM TAPS TO HAVE MINIMUM RATING OF 3 STAR.
- ALL TOILET FLUSHING SYSTEMS TO HAVE MINIMUM RATING OF 3 STAR.

EXISTING **GFA** AREA
= **178.6sqm**

PROPOSED **GFA** AREA
+ **25.4sqm**

EXISTING BUILDING TO REMAIN

PROPOSED NEW BATHROOM & ROBE TO REPLACE EXISTING ENTRY
8.8sqm ADDITIONAL GFA.

EXISTING ENTRY TO BE CLOSED

NEW DOOR TO PROPOSED BATHROOM AND ROBE

EXISTING WALL & WINDOWS TO REMAIN

REMOVE EXISTING DOORS

REPLACE EXISTING DOOR

NEW PARTITION WALL BETWEEN BED ROOMS

EXISTING BUILDING TO REMAIN

EXISTING TO REMAIN

EXISTING STRUCTURE

PROPOSED ALTERATION

PROPOSED NEW STRUCTURE

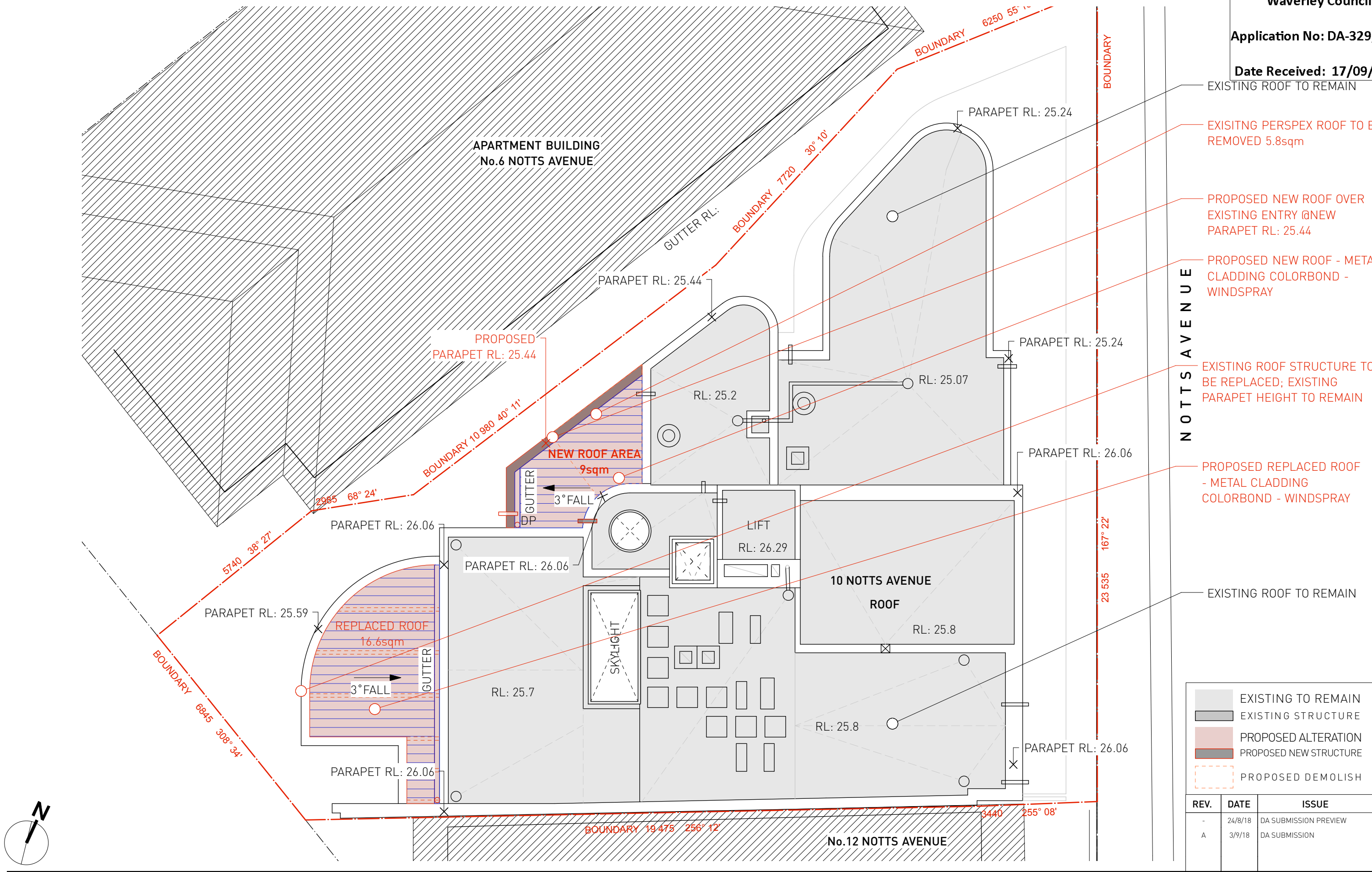
PROPOSED DEMOLISH

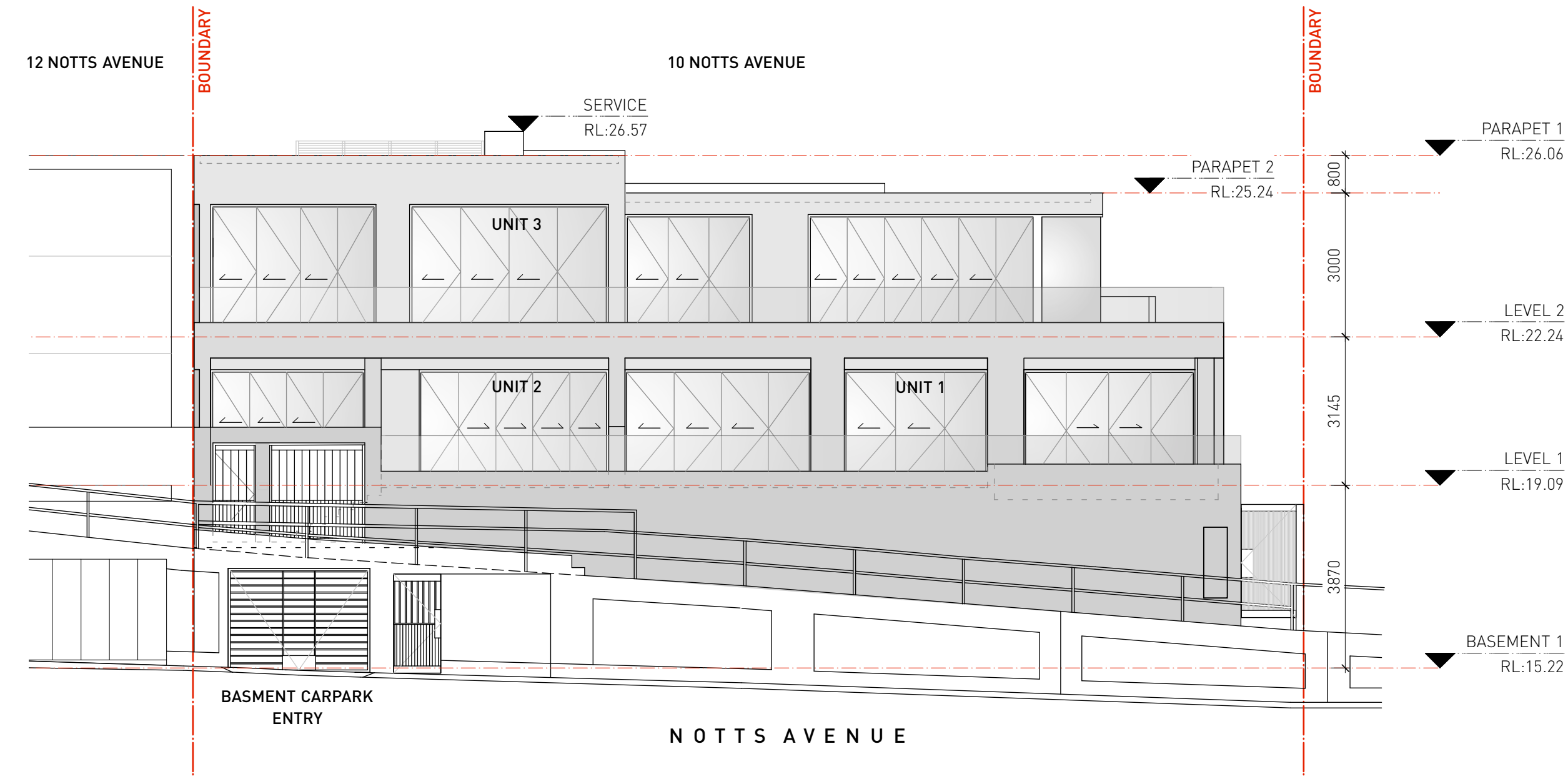
REV.	DATE	ISSUE
-	24/8/18	DA SUBMISSION PREVIEW
A	3/9/18	DA SUBMISSION
B	28/3/19	DA AMENDED

DEVELOPMENT APPLICATION

SECOND FLOOR L2

Scale	Interior	Project & Address	Client	DWG No	Revision	Date
0 1 2 3 4 5m 1:100@A3	PATRICIA STEWART DESIGN SUITE 8.04 / 2-14 KINGS CROSS ROAD, POTTS POINT, NSW 2011	ALTERATION & ADDITION TO EXISTING BUILDING 8-10 NOTTS AVE. BONDI BEACH; NSW 2026	S.YOUNG	DA 12	B	28/03/19





EAST ELEVATION

EXISTING TO REMAIN

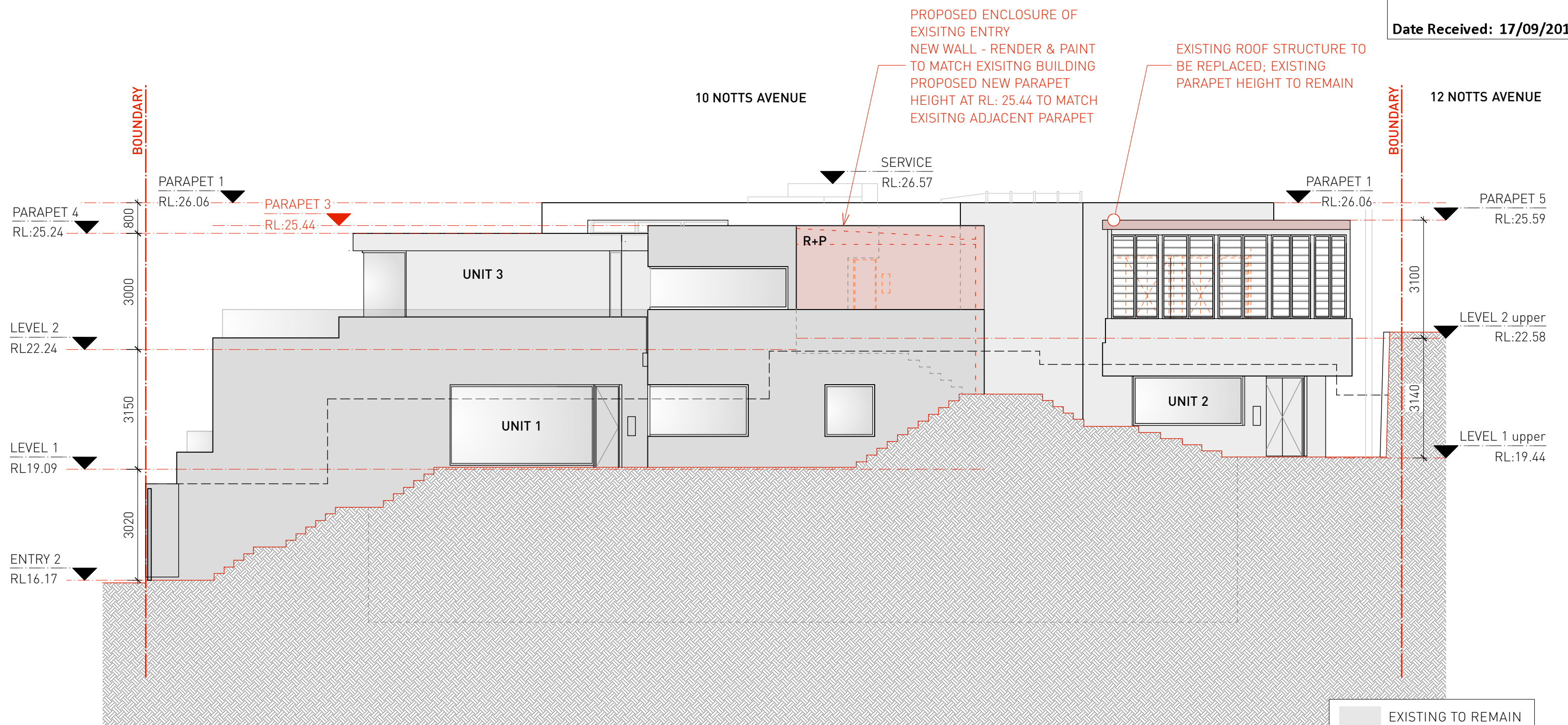
EXISTING STRUCTURE

PROPOSED ALTERATION

PROPOSED NEW STRUCTURE

PROPOSED DEMOLISH

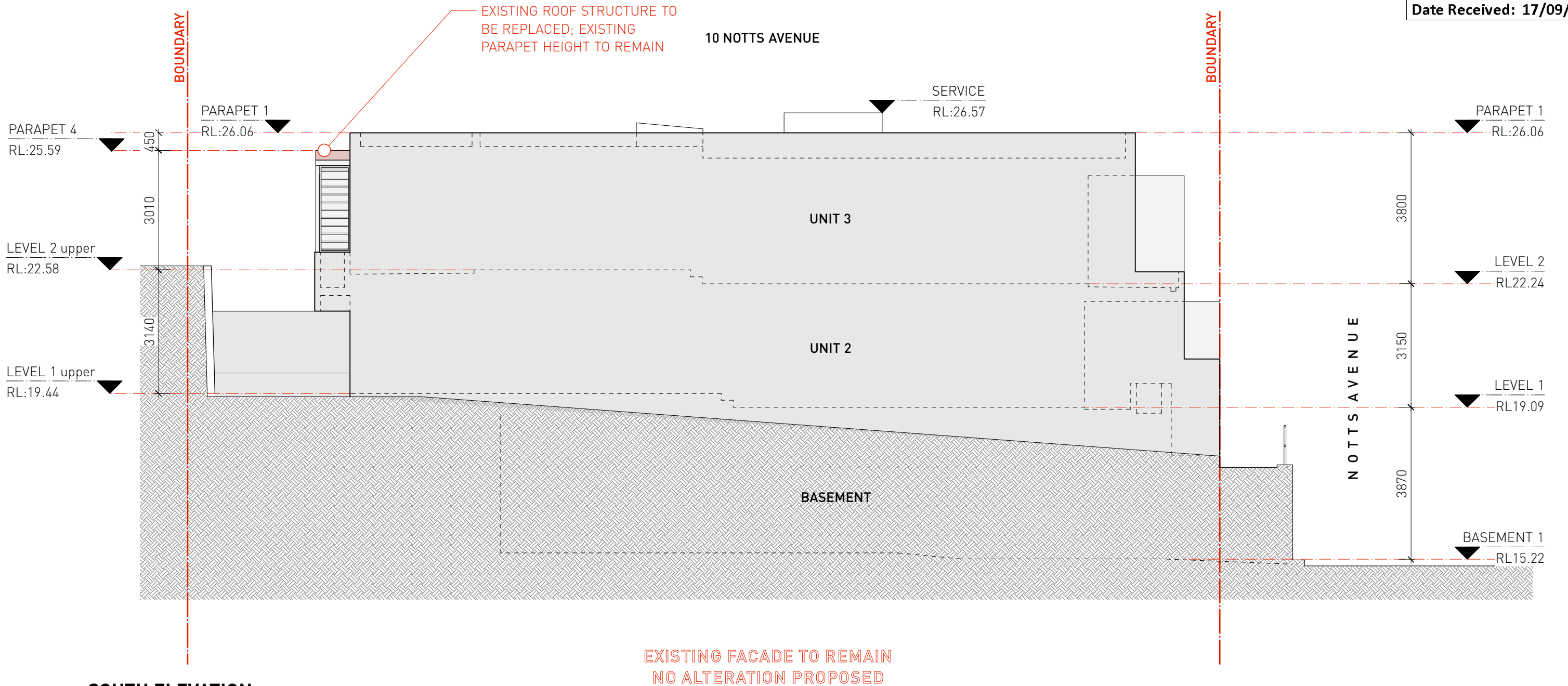
REV.	DATE	ISSUE
-	24/8/18	DA SUBMISSION PREVIEW
A	3/9/18	DA SUBMISSION



NORTH ELEVATION

DEVELOPMENT APPLICATION

ELEVATION EL2



EXISTING TO REMAIN

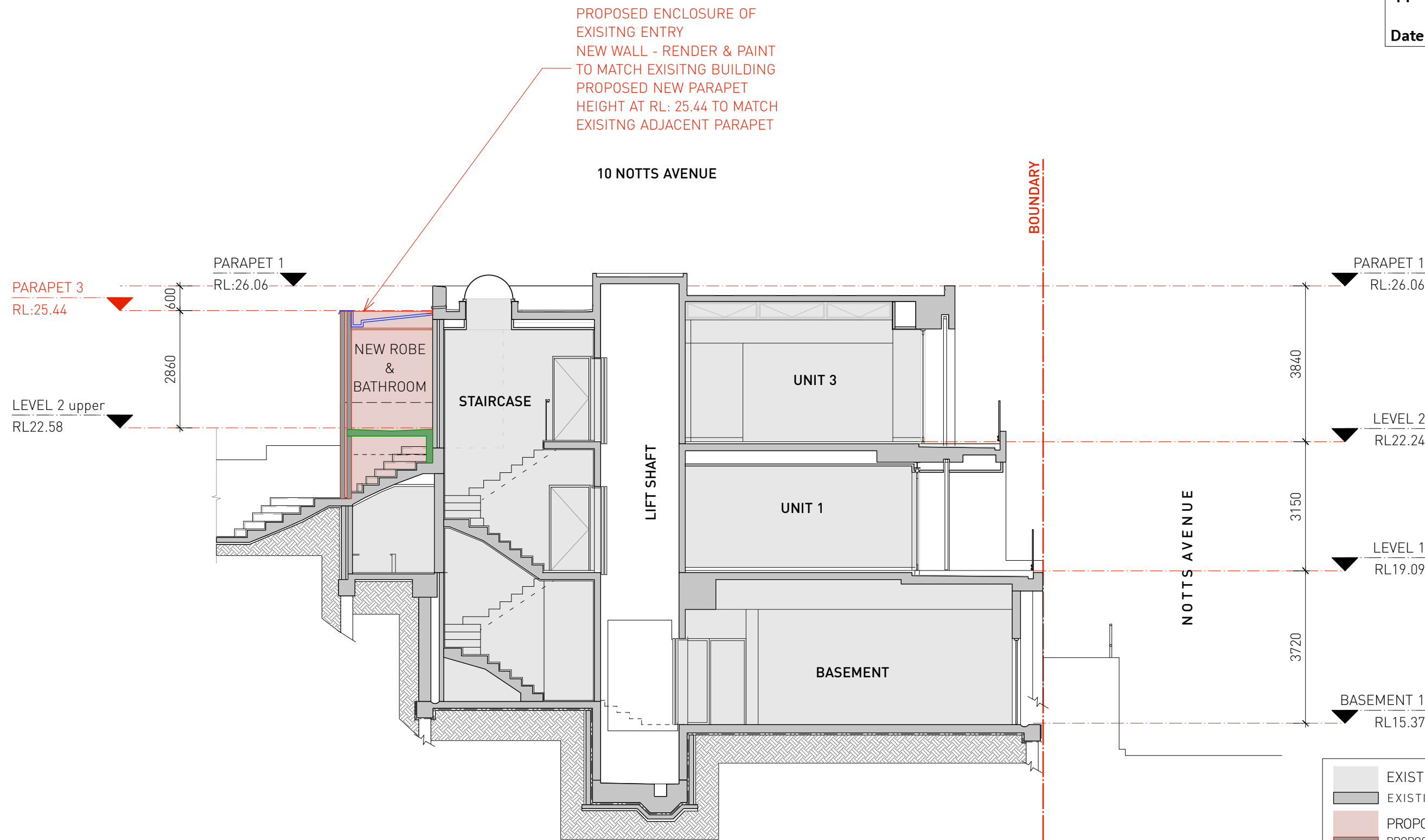
EXISTING STRUCTURE

PROPOSED ALTERATION

PROPOSED NEW STRUCTURE

PROPOSED DEMOLISH

REV.	DATE	ISSUE
-	24/8/18	DA SUBMISSION PREVIEW
A	3/9/18	DA SUBMISSION

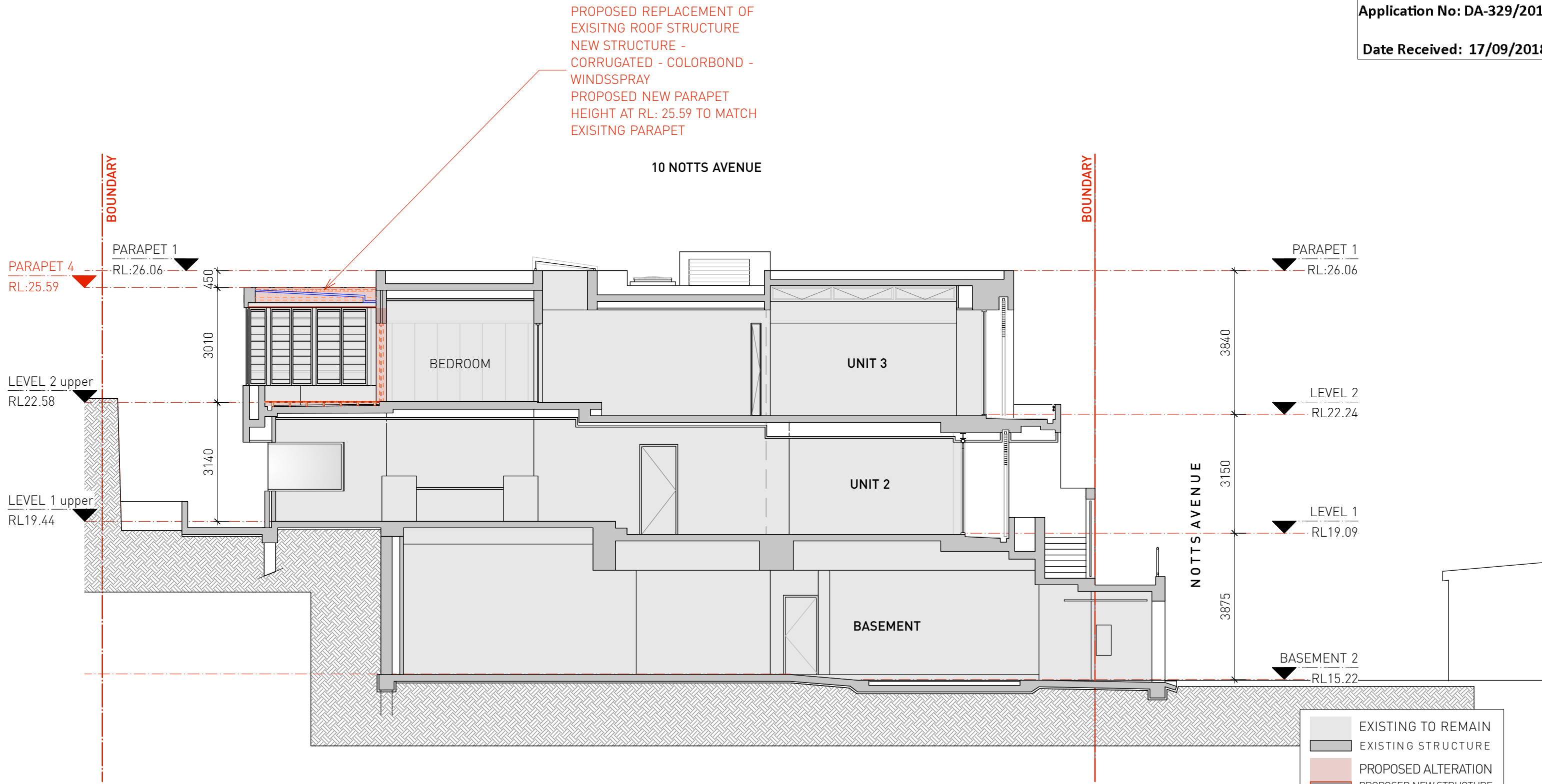


SECTION A

EXISTING TO REMAIN	EXISTING STRUCTURE	PROPOSED ALTERATION	PROPOSED NEW STRUCTURE	PROPOSED DEMOLISH
REV.	DATE	ISSUE		
-	24/8/18	DA SUBMISSION PREVIEW		
A	3/9/18	DA SUBMISSION		

DEVELOPMENT APPLICATION

SECTION A-A





Report to the Waverley Local Planning Panel

Application number	DA-118/2018
Site address	43A Denham Street, Bondi Beach (alternate address: 34A Francis Street)
Proposal	Alterations and additions to residential flat building
Date of lodgement	Originally submitted on 11 April 2018 and amended on 29 April and 7 May 2019
Owner	Strata Plan 10779
Applicant	Mr J O' Dwyer
Submissions	Four submissions received
Cost of works	\$2,703,303
Issues	Heritage, streetscape and building design and privacy.
Recommendation	That the application be APPROVED subject to conditions of consent.

Site Map



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 21 November 2018.

The site is identified as land in SP 10779 and known as either 43A Denham Street or 34A Francis Street, Bondi. It is located on the southern side of Francis Street at the corner of Denham Street.

The site is irregular in shape with a north frontage to Denham Street of 18.665m and 7.85m to Francis Street. The site has an area of 463.7m². The site has a fall from the rear towards the street of around 7-8m.

The site is occupied by a storey residential flat building containing four units, being 2 x one bedroom and 2 x two bedroom units. Three single garages are provided from Francis Street.

The subject site is adjoined to the east by a three storey residential flat building set over ground level parking, and to the west fronting Denham Street is a part four and part five storey residential flat building. Development in the locality consists mainly of residential flat buildings of varying scale and styles.



Figure 1: The subject site (centre of photo) as viewed from the northern intersection of Denham Street and Francis Street, looking south



Figure 2: Site viewed from Francis Street, looking south-west



Figure 3: Rear of site, looking south-east towards the adjoining residential flat building at 7 Edward Street (left photo) and south-west towards the adjoining residential flat building at 9 Edward Street (right photo)

1.2 Relevant History

There is no relevant and recent development history of the site.

The subject application was lodged with Council on 11 April 2018.

During the course of the preliminary assessment of this application, Council's Assessment Officer advised to the applicant that the proposal in the form originally submitted would not be supported principally based on the detrimental impact the proposal would have on the original architecture and integrity of the existing building. The applicant was given the opportunity to either withdraw the application or be amenable to redesign the proposal (in a wholesale manner), aided by Council's Heritage Advisor/Architect. Council recognises that the building is not heritage listed albeit it strongly exhibits Inter-War Architecture within the Bondi Beach area and Council's current planning policies aim to conserve as many buildings that were built in the Inter-War period.

A meeting was held between the applicant, including their respective professional consultants, and Council's Assessment Officer and Heritage Advisor/Architect on 15 February 2019 to outline and discuss the main issues with the original form of the proposal and gauge how amenable the applicant would be to amending the design to overcome these issues. The meeting resulted in the applicant agreeing to amend the proposal. The application was formally deferred on 11 March 2019.

The deferral matters were outlined in a letter addressed to the applicant and dated 11 March 2019 and these matters are extracted below:

1. Architectural resolution, building design and streetscape impact

The proposed alterations and additions to the existing residential flat building are unsympathetic to and significantly compromise the design integrity and original architecture of the building. While the building does not form part of a heritage item protected by Waverley Local Environment Plan 2012 (Waverley LEP 2012), Council desires to appropriately conserve buildings that exhibit strong Inter-War architecture. Further, the adjoining Spanish Mission style buildings to the east of the site at 7 Edward Street and 34 Francis Street are heritage items listed under Waverley LEP 2012 and with regard to clause 5.10 of Waverley LEP 2012, the impact of the proposal on the significance of these adjoining heritage items must be considered in the assessment of this application.

The existing building has been reviewed by Council's Heritage Advisor and their review reveals that the building is a notable example of Inter-War Old English Style architecture. The Advisor has also provided commentary on the proposal and has included recommended design changes in order for the proposal to maintain, enhance and be cohesive to the existing building and its surrounds.

Notwithstanding the recommendations, the following matters should be addressed in the redesign of the proposal by way of amended plans as outlined in the meeting held on 15 February 2019:

- a. The majority of the bulk and volume of the proposed upper floor addition should be set behind the uppermost transverse ridgeline of the existing roof and not extend higher than the ridgeline. Additional gross floor area forward of the ridgeline should be limited to cohesive dormer windows and protrusions out of the side profiles of the two main street-facing gables. The design of the dormers and protrusions out of the gables should have regard to the controls specified under section 2.9 of Part C2 of Waverley Development Control Plan (Waverley DCP 2012), including (and not limited to) being set down by a minimum of 300mm of the ridgeline of the gables.*
- b. The roof terrace is not supported as it is an uncharacteristic element within the immediate vicinity of the site and will cause unreasonable visual and acoustic privacy*

impacts on adjoining properties and results in intrusive building bulk to the existing building. It should be deleted in the redesign.

- c. The original external detailing and patterns, including window openings, facebrick and shingles on gable ends, across the north-eastern and north-western elevations of the building that face both Francis Street and Denham Street should be retained and enhanced. As discussed in the meeting, consideration to increasing head and sill heights of the existing north-facing windows can be considered in blade formation provided it is similar to the proportion, material and style of the existing windows.*
- d. Side additions towards the Denham Street elevation should be designed as cohesively and appear secondary to the existing building and have regard to item 1.c. above in terms of maintaining as much original detailing across the north-western elevation of the building as possible. Given the north-western corner of the site is currently vegetated, landscaped area that is capable of accommodating trees should be provided in this location of the site.*
- e. Delete the blockwork shed within the eastern side setback area of the development.*

You may wish to liaise directly with Council's Heritage Advisor on concept drawings/sketches before formally submitting amended plans to ensure that the design recommendations mentioned above are adequately comprehended and understood. If a meeting is requested, a fee of \$300 per hour is required.

As discussed in the meeting, exceedance of the floor space ratio development standard is considered inappropriate. The expectation is that the amended form of the development would result in less gross floor area, leading to compliance with the development standard.

2. Additional car parking

The proposed additional garage is not supported as it will:

- a. adversely disrupt the existing masonry street wall across the Denham Street frontage of the site*
- b. introduce a second vehicular crossing for the site that will remove an on-street car parking space, which is an unacceptable outcome given the site currently has an existing vehicular crossing providing access to three off-street car parking spaces*
- c. loss of deep soil and genuine landscaped area within the north-western corner of the site.*

Opportunities should be explored to expand the existing garages so that it can accommodate an additional car parking space in a potential tandem formation. This will involve consulting with a geotechnical and/or structural engineer to ascertain the practicability for expansion of the existing garages without undermining the foundations of the existing building. Otherwise, the existing provision of car parking is deemed satisfactory to cater for the level of car parking demanded by the number and mix of apartments in the building as the site has good access to public transport services and local amenities.

The bin storage room adjacent to the proposed garage is considered acceptable and can remain on the amended plans. Storage for other items (bulk store for each apartment) should be in a

separate room to the bin area and be sufficient enough to accommodate storage requirements for each apartment as per Part 4G of the Apartment Design Guide.

3. Documentation

In addition to the submission of amended plans to address the matters raised in items 1 and 2 of this letter, the following additional and amended documentation should be submitted:

- a. Amended shadow diagrams (in plan and elevation form – hourly increments between 9am and 3pm during the winter solstice for the adjoining residential flat buildings) to reflect the changes to the building envelope of the development as recommended by this deferral letter.*
- b. Solar access diagram (angle from the sun in hourly increments between 9am and 3pm during the winter solstice) to demonstrate the amount and duration of sunlight received by living and private open space areas of each apartment as part of the amended form of the development during the winter solstice.*
- c. Amended design verification statement and assessment against the Parts 3 and 4 of the Apartment Design Guide.*
- d. Amended diagram calculating and measuring the gross floor area of the amended form of the development.*
- e. Amended photomontage to reflect the amended form of the development.*
- f. Amended landscape plan showing that items 1 and 2 are specifically addressed with regard to providing adequate deep soil planting within the north-western corner of the site to accommodate trees.*
- g. Amended schedule of external materials and finishes schedule.*
- h. Clear indication of height, materials and profile of any proposed side and rear fencing. This can be shown on separate elevation drawings. Reduced Levels of the top of the fences should be included on these elevation drawings.*
- i. Amended BCA report to reflect amended plans.*
- j. Amended BASIX Certificate to reflect changes to the development recommended by the deferral. In addition, one set of the amended architectural plans should include BASIX and NATHERS commitments stamps.*
- k. An amended stormwater plan (if necessary) to reflect changes to the development recommended by the deferral.*
- l. Amended Strata plans reflecting changes to Strata lots and common property as a result of the amended form of the development.*

During the course of the deferral, the applicant liaised and submitted sketches and preliminary amended plans to Council for feedback on how they addressed the design change matters of the deferral. The applicant formally submitted the amended plans and additional information on 29 April

and 7 May 2019. The application is assessed having regard to those amendments received in April and May 2019.

1.3 Proposal

The application, as amended on 29 April and 7 May 2019, seeks development consent for substantial alterations and additions to the residential flat building. The works to the building include the following:

- on basement level, replacement of door openings of existing garage fronting Francis Street
- on ground floor level:
 - infill of currently excavated area to the rear (south) of the building to include two new bedrooms and associated private open space area
 - addition of a bedroom and living room and associated private open space to the western side of the building
 - internal alterations to existing floor layout
 - modifications to and provision of new window and door openings across eastern and northern elevations.
- on first floor level:
 - addition of living room and bedroom to the rear (south) of the building
 - addition of kitchen and dining room and balcony to the western side of the building
 - internal alterations to existing floor layout
 - modifications to and provision of new window and door openings across eastern, southern and northern elevations
 - new courtyard patio
- on second floor level, the addition of an upper floor level comprised of master bedroom, bedroom, study and bathroom and associated balconies.
- tree removal and landscaping
- new side boundary fences
- new and replaced lap and cap fence to a height of 1.2m above top of existing masonry street walls on Denham and Francis Street boundaries.

The proposal will lead to a unit mix as follows:

- Unit One on ground floor level will have three bedrooms
- Unit Two on ground floor level will have three bedrooms
- Unit Three on first and second floor levels will have three bedrooms + study
- Unit Four on first and second floor levels will have three bedrooms + study.

The main changes from the plans originally submitted and reflected in the amended plans are as follows:

- deletion of:
 - the additional garage to accommodate two vehicles and garbage store on the Denham Street frontage
 - roof terraces
 - side shed
- reduction of building footprint and volume of additions to confine these additions to the rear of the building and behind the east-west ridgeline of the roof and to the western side of the building
- inclusion of flat eyelid dormers to the northern slope of the pitched roof
- retention of as much as the existing decorative features, patterns and articulation and rationalisation of new window openings across the northern elevation of the building.

A comparison can be made between the street presentation and appearance of the original and amended form of the development in photomontages in **Figures 4 and 5**.



Figure 4: Photomontage of the original form of the proposed development (Source: Stubbs Design Tribe)



Figure 5: Photomontage of the amended form of the proposed development (Source: Stubbs Design Tribe)

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 SEPP (Building Sustainability Index – BASIX) 2004

BASIX Certificates have been submitted with the development application.

The BASIX Certificates list measures to satisfy BASIX requirements which have been incorporated into the proposal. A standard condition is recommended ensuring the measures detailed in the BASIX Certificates are implemented.

2.1.2 SEPP 55 Remediation of Land

There is no known history of contamination applicable to the site. The subject site has historically been used for residential purposes. Accordingly, site land contamination is considered unlikely and no further investigation is necessary.

2.1.3 SEPP 65 Design Quality of Residential Flat Development

SEPP 65 applies to this application as it will add a habitable storey to the existing two storey residential flat building and maintain four units. Further, the scale of the proposal would be deemed ‘substantial’ refurbishment of the building. The application is accompanied by a design verification statement prepared by the architect involved with this application. The application was not referred to the Waverley Design Excellence Panel as the primary focus for this proposal is to effectively maintain the original fabric, integrity and architecture of the existing building, which has been principally guided by the advice of Council’s Heritage Architect. Nonetheless, the proposal has been assessed against the nine design quality principles under SEPP 65 and a summary of the performance of the proposal against these principles is set out in **Table 1** below:

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

Principle	Planning Comment
1. Context & Neighbourhood	The site is surrounded by a mix of residential flat buildings with building styles and architecture ranging from the Inter War period to late twentieth century periods (circa 1970s). The amended form of the proposal has been designed to predominantly maintain the Inter War architecture and character of the existing building on the site.
2. Built form & Scale	The proposal moderately increases the perceived building bulk and scale of the existing building while effectively maintaining the pitched roof form and overall Inter War architecture of the building. The side additions are designed to be intact with the original fabric of the building by way of utilising facebrick finishes and adopting similar articulation and manipulation of building elements, and window proportions that are similar to those of the original building. The proposal will achieve compliance with the principal building form development standards under Waverley Local Environmental Plan 2012 (i.e. building height and floor space ratio), which demonstrates that the proposal is consistent with the desired future character of the immediate area in terms of building bulk, height, form and scale.
3. Density	The proposal expands the internal and external area of the four existing units of the building. Given the development does not increase the amount of units, the proposal is not expected to

Principle	Planning Comment
	have a discernible effect on the capacity of physical and social infrastructure within the immediate locality.
4. Sustainability	The proposal meets the targets of SEPP BASIX and its design is considered acceptable with regard to environmental sustainability. The proposal bolsters the amount and duration of solar access received by each unit during mid-winter. It also improves on natural cross ventilation properties of the units.
5. Landscape	The proposal provides for adequate amounts of open space and landscaped area. The proposal was amended to increase deep soil planting, especially across the western portion of the site that is visible from the street. The landscape plan includes a series of new trees within the deep soil zones, which will achieve a good balance between natural and built form elements of the site and positively contribute to the landscape character of both Denham and Francis streets. The landscape plan will also enhance the outdoor amenity of the private open space areas of respective units.
6. Amenity	The internal layout of and provision of private open space allocated to each apartment of the development are satisfactory in terms of providing for desirable amenity. The proposal expands the area of the units and improves on the amount and duration of solar access received by each unit and the ability of these units to naturally cross ventilate.
7. Safety	Private open space areas are well demarcated from common circulation spaces within the site. The architectural plans, however, do not properly detail a gate at the pedestrian street entry point. Therefore, a condition of consent is recommended to require details of the height (with a restriction of not being higher than the existing masonry wall), profile and the ability for the gate to be secured and control access to the site. Private open space areas have been introduced to face the Denham Street frontage, which will bolster the level of casual surveillance of Denham Street.
8. Housing Diversity and Social Interaction	The proposal expands on the areas of each unit and each unit will have three bedrooms. Half of the units in the building will have study nooks, alcoves or rooms that will add further usability and flexibility to these units. The communal open space area above the garages is maintained to continue social interaction between residents of the building.
9. Aesthetics	The amended form of proposed additions have been designed to be cohesive and sympathetic to the design integrity and original Inter War architecture of the existing building in terms of materiality, colour and textures. The amended proposal also attempts to maintain as many decorative features of the original building across the northern (Francis Street) elevation of the building than the original proposal and conserve the Inter-War architectural language of the existing building.

The evaluation of the proposal in **Table 1** reveals that the proposal performs satisfactorily against the design quality principles.

Clause 6A Development control plans cannot be inconsistent with 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. Waverley DCP 2012 contains provisions in relation to the above criteria and as such, these provisions of the DCP no longer have effect.

An assessment against the provisions within the ADG is provided in the table below and these controls have been deleted from **Table 5** relating to the DCP as they are no longer relevant.

Table 2: Apartment Design Guide

Design Criteria	Compliance	Comment
3F Visual privacy		
<ul style="list-style-type: none"> Min separation distances from buildings to side and rear boundaries: Up to 12m (4 storey) – 6m habitable & 3m non-habitable 	<p>No (acceptable on merit)</p> <p>No (acceptable on merit)</p> <p>No (acceptable on merit)</p>	<ul style="list-style-type: none"> The new additions (above existing ground level and discernible from adjoining properties) are set back from the rear (south-western and western) boundaries between: <ul style="list-style-type: none"> 0.5m and 11.2m on first floor level 0.75m and 11.4m on second floor level. The new additions are set back from the eastern side boundary: <ul style="list-style-type: none"> between 1.7m and 2.3m on ground floor level by 1.9m on first floor level between 2.8m and 3m on second floor level. The new additions are set back from the side (north-western and western) boundaries: <ul style="list-style-type: none"> between 0.7m and 6m on ground floor level between 0.5m and 6.75m on first floor level between 0.8m and 6m on second floor level.

Design Criteria	Compliance	Comment
		<p>While the proposal does not meet the minimum separation distances set out in the ADG, the proposal is for alterations and additions to an existing and established residential flat building that is adjoined by older and more modern designed residential flat buildings. Therefore, achieving consistency with the minimum separation distances is unreasonable in this instance. Notwithstanding, windows openings across side elevations of the additions are contained to highlight windows and windows with lower sill heights serve passive rooms (such as bedrooms) and ensuite bathrooms.</p> <p>The majority of the new balconies face to the north-west and north and their finished floor levels will be no higher than sill and head heights of most window openings and floor levels of adjacent balconies of the adjoining residential flat building to the west at 9 Edward Street. Further, the building separation distances between balconies and windows of the subject building and the adjoining building at 9 Edward Street are fairly considerable (an approximate minimum distance of 8m of separation). Notwithstanding, the south-facing terrace accessed from the unit 3 master bedroom has a finished level of RL51.000 (second floor plan), which is approximately 3m higher than the sill heights of south-east facing windows on the lowest floor level of the adjoining building at 9 Edward Street. Therefore, this terrace may impact on the privacy of units on the lowest floor level of this adjoining building and vice versa. The terrace is not supported on this basis and a condition of consent is recommended for it to be deleted and replaced with a non-trafficable roof (that does not extend past the outer wall of living and dining rooms on first floor level directly below) and door opening replaced with a window opening with a minimum sill height of 1m. This condition will improve the amount of natural light received by the private open space of Unit Two on ground floor level that would otherwise be obscured by the terrace that is recommended to be deleted.</p>
4A Solar and daylight access		
<ul style="list-style-type: none"> Living rooms and private open spaces of at least 70% of units receive minimum of 	Yes	<ul style="list-style-type: none"> 100% of units receive at least 2 hours mid-winter to both living rooms and private open space areas.

Design Criteria	Compliance	Comment
<p>2 hours direct sunlight between 9am-3pm mid-winter</p> <ul style="list-style-type: none"> A maximum of 15% receive no direct sunlight between 9am-3pm mid-winter. 		<ul style="list-style-type: none"> All units have at least a dual aspect and as such all receive some direct sunlight mid-winter. <p>The proposal is consistent with the remaining objectives of this part of the ADG ensuring that daylight access is satisfactory and incorporating shading in the warmer months.</p>
4B Natural ventilation		
<ul style="list-style-type: none"> All habitable rooms are naturally ventilated Number of units with natural cross ventilation is maximised: <ul style="list-style-type: none"> At least 60% of units naturally ventilated 	Yes	<ul style="list-style-type: none"> All habitable rooms are provided with at least one window for natural ventilation. All units have dual aspects and two of the top level units are double level units. In this regard, 100% of the units can be naturally cross ventilated. The proposal uses a combination of full height openable doors, some slot windows and dormer windows to achieve appropriate cross ventilation within the building.
4C Ceiling heights		
<ul style="list-style-type: none"> Habitable rooms – 2.7m Non-habitable rooms – 2.4m 2 storey units – 2.7m main level (living) & 2.4m upper floor where its area does not exceed 50% of the unit area 	Yes	<p>The proposal maintains the existing ceiling heights for ground and first floor levels, which are 2.9m and 2.85m, respectively. The second floor level, which is the second (upper) floor of the two storey units (i.e. Units 3 and 4) have a ceiling height of 2.4m.</p>
4D Apartment size and layout		
<p>The following minimum internal areas apply:</p> <ul style="list-style-type: none"> <i>Studio = 35 m²</i> <i>1 Bed = 50 m²</i> <i>2 Bed = 70 m²</i> <i>3 Bed = 90 m²</i> <i>Add 5m² for each additional bathroom (above 1)</i> <i>Add 12m² for each additional bedroom</i> <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.</p>	Partial compliance	<p>The internal area of each unit is as follows:</p> <ul style="list-style-type: none"> Unit One = 90.6m² Unit Two = 99m² Unit Three = 121.1m² Unit Four = 110.7m². <p>All units comply with the minimum internal areas, except for Unit One that has an area of 90m² whereas it should have an area of 95m² given it has a secondary bathroom (ensuite). This is a minor inconsistency and will not compromise the internal amenity afforded to this unit. This unit has oversized private open space areas, which contributes to the overall standard of amenity afforded to this unit.</p> <p>All habitable rooms have window openings with its glass area being at least 10% of the floor area of the room. All bedrooms meet the minimum area and dimensions.</p>

Design Criteria	Compliance	Comment
4E Private open space and balconies		
<p>All apartments provide primary balcony as follows:</p> <ul style="list-style-type: none"> • 1-bed – 8m² & 2m depth • 2-bed - 10m² & 2m depth • 3+bed - 12m² & 2.4m depth • Ground level, min 15m² & 3m depth 	Yes	<p>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.</p> <p>The design of the balconies and courtyards is integrated into, and contributes to, the architectural form and detail of the building. The finishes of the balconies are of low profile and do not attract from the materiality and appearance of the building overall. Screens or solid side walls are provided to enhance privacy.</p>
4F Common circulation and spaces		
<ul style="list-style-type: none"> • Max of 8 units accessed off a circulation core on a single level 	Yes	A maximum of two units are accessed from a single common circulation space.
4G Storage		
<p>In addition to kitchens, bathrooms and bedrooms, the following is provided:</p> <ul style="list-style-type: none"> • 1-bed – 6m³ • 2-bed – 8m³ • 3+bed – 10m³ 	No (resolved by condition)	<p>The proposal does not identify designated areas for storage for all units. Given the amended form of the proposal no longer includes additional garages and storerooms and the existing garages do not have storage capacity, half of the minimum volume of storage would be required internally for each unit to meet the objectives of Part 4G of the ADG. The majority of units are oversized and have the capacity to incorporate dedicated storage area. Therefore, a condition of consent is recommended to require at least 5m³ of storage to be provided internally to each unit.</p>

2.1.4 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 3: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
<p>Land Use Table</p> <p>R3 – Medium Density Residential Zone</p>	Yes	<p>The proposal is defined as alterations and additions to a 'residential flat building' and is permitted in the R3 zone. The proposal satisfies the relevant objectives of the R3 zone.</p>

Provision	Compliance	Comment
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 12.5m 	Yes	The proposal, measured to the roof level of the proposed upper floor level at RL55.870 above existing ground level of RL44.600, has an overall building height of 11.27m.
4.4 Floor space ratio <ul style="list-style-type: none"> 0.9:1 (417.33m²) 	Yes	The overall gross floor area of the proposal is 415.9m ² , which achieves a floor space ratio of 0.89:1.
Part 5 Miscellaneous provisions		
5.10 Heritage Conservation	Yes	The site does not contain a heritage item and is not within a heritage conservation area. The adjoining site to the east at 34 Francis Street contains a heritage item (Item No. I106, known 'Inter-war Spanish Mission style flat building'). Council has taken into consideration the impact of the proposal on the heritage significance of the adjoining item, which was built in the same era as the existing building on the subject site. The proposal has been redesigned to conserve and respect the Inter War architecture and design integrity of existing building on the subject site and the applicant and architect are commended for achieving this, which is to the satisfaction of Council's Heritage Architect. In this regard, the impact of the proposal on the significance of the adjoining heritage item is deemed reasonable and acceptable.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site is in a zone 5 acid sulfate soil classification. The proposal is not within 500m of an adjacent 1,2,3 or 4 zone that is below 5m AHD and by which the water table would be lowered below 1m AHD on the adjacent 1,2,3 or 4 zone.

2.1.5 Waverley Development Control Plan 2012 (Amendment No. 5)

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

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

Development Control	Compliance	Comment
1. Waste	Yes	A SWRMP has been submitted based on the original form of the application, which included a dedicated bin storeroom. However, the number of general waste, recycling and green waste bins will remain unchanged given the proposal does not change the number of apartments in the building. These bins are stored in an informal and ad hoc manner and the amended form of the proposal no longer dedicated a bin storage area. A condition of consent is recommended to require bins to be stored in a convenient location within common area of the property.
2. Energy and water conservation	Yes	<ul style="list-style-type: none"> A BASIX certificate accompanies the application, which demonstrates compliance with energy, thermal comfort and water efficiency targets set under SEPP BASIX. The overall building design, layout and orientation of the proposed development have regard to the passive energy design controls under section 2.1 of Part B2 of the DCP.
5. Tree preservation	Yes	Satisfactory subject to conditions.
6. Stormwater	Yes	Satisfactory subject to conditions. The on-site detention tanks will be relocated in the position they were originally proposed due to the deletion of the additional garage. A condition of consent is recommended to require the stormwater plans to be amended to reflect the redesign of the proposal and the amendments are to be to the satisfaction of Council's Creating Waverley department prior to issuing a construction certificate.
7. Accessibility and adaptability	Yes	A lift is not required. All new works are required to comply with the BCA, which includes accessibility aspects.
8. Transport Rates (Parking Zone 2): <ul style="list-style-type: none"> Three bed: 4 x 2 spaces Total: 8 spaces 	Yes	The proposal does not provide additional off-street car parking. The site currently comprises three off-street car parking spaces. While the proposal involves substantial alterations and additions, it is not considered a 'reconstruction' of the building as it does not increase the number of apartments in the building. Therefore, the proposal would not result in

Development Control	Compliance	Comment
		discernible additional net demand for off-street car parking. Further, the site has good access to frequent bus services operating within the Bondi Beach area. The development also incorporates bicycle storage. In this regard, the proposal is not expected to result in a large demand for on-street car parking. Further, the amended proposal does not affect the supply of on-street car parking compared to the original form of the proposal.
10. Safety	Yes	As discussed in the assessment against the ADG, the proposal will promote greater casual surveillance of the street than the existing form of the development. A condition of consent is recommended to ensure the pedestrian gate is secured and controls access to the site.

Table 5: Waverley DCP 2012 – Part C2 Multi Unit and Multi Dwelling Housing Compliance Table

Development Control	Compliance	Comment
2.2 Site, scale and frontage		
<ul style="list-style-type: none"> Minimum frontage: 15m 	N/A	The site currently comprises a residential flat building and alterations and additions to the building are deemed appropriate in terms of this section of the DCP.
2.3 Height		
<ul style="list-style-type: none"> Maximum external wall height: 9.5m 	Yes	The proposal has variable external wall heights that are less than 9.5m above existing ground level. This is because the upper floor level takes the form of an in-roof addition and sets in from the floor levels below of the new rear and side additions, achieving good articulation of the additions and lessening the perceived building bulk and scale of the additions when viewed from adjoining properties and the street.
2.4 Excavation		
<ul style="list-style-type: none"> No fill to raise levels Minimum setback of 1.5m from side boundaries 	N/A Yes	<ul style="list-style-type: none"> No excavation is proposed. Minimal fill is proposed and it will not discernibly change existing ground levels.
2.5 Setbacks		
2.5.1 Street setbacks <ul style="list-style-type: none"> Consistent street setback 	Yes	<ul style="list-style-type: none"> The proposal maintains the existing front building setback from Francis Street boundary. The Denham Street boundary is splayed and surrounding building to the west and south-west, especially the residential flat building at 11 Edward Street, have nil or minimal street setbacks along Denham Street boundary. The street setbacks of the

Development Control	Compliance	Comment
		<p>proposed additions modulate and appropriately step behind the Francis Street setbacks of the existing development. The street setback also allow for deep soil and landscaped area across the Denham Street frontage of the site. The street setbacks are considered acceptable.</p>
<p>2.5.2 Side and rear setbacks</p> <ul style="list-style-type: none"> Minimum side setback: 4.5m Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback 	<p>Partial compliance</p> <p>Partial compliance</p>	<p>Eastern side setbacks:</p> <ul style="list-style-type: none"> No change to the existing minimum setback of 1.7m on ground floor level. No change to the minimum setback of 1.9m on first floor level. Setbacks between 2.8m and 3m on second floor level. <p>Western side setbacks:</p> <ul style="list-style-type: none"> Between 0.7m and 6m on ground floor level. Between 0.5m and 6.75m on first floor level. Between 0.8m and 6m on second floor level. <p>Rear setbacks (no predominant rear building line):</p> <ul style="list-style-type: none"> Between 0.5m and 11.2m on first floor level. Between 0.75m and 11.4m on second floor level. <p>The building separation controls in the ADG are effectively setback controls that moderate visual privacy impact. This aspect has already been discussed earlier in this report and the assessment finds the visual privacy impacts of the proposal acceptable, subject to a condition requiring the deletion of the uppermost terrace of unit 3 facing the adjoining property at 9 Edward Street. The objectives of the setback controls, other than privacy, relate to solar access, ventilation, streetscape, view, visual impact and landscaping considerations. The non-compliances with the side and rear setback controls has no adverse consequence on these matters given:</p> <ul style="list-style-type: none"> additional overshadowing caused by the proposed additions upon adjoining residential properties is minor and considered reasonable the proposal provides for sufficient landscaping views are not expected to be affected spatial relief between the subject building and adjoining buildings is ample and consistent of the predominant built form character within the streetscape.

Development Control	Compliance	Comment
2.6 Length and depth of buildings		
<ul style="list-style-type: none"> Maximum building length: 24m Maximum unit depth: 18m Maximum depth of single aspect unit: 8m 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<ul style="list-style-type: none"> The maximum length of the building is 15m. The depth of all apartments are less than 18m. There are no single aspect apartments in the development.
2.7 Building separation		
Controls overlap with Part 3F of the ADG	N/A	Refer to Table 2 of this report on separation distances of the proposal in relation to visual privacy. The proposal is consistent with the objectives of the building separation controls that do not relate to visual privacy as it provides an appropriate balance of massing and spaces between buildings.
2.8 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape Sympathetic external finishes 	<p>Yes</p> <p>Yes</p>	The amended proposal better respects and conserves the Inter War architecture and design integrity of the building than the original proposal. The additions have maintained the terracotta tiled gabled/pitched roof forms and the additions that will be exposed to the street will be facebrick finishes to unify with the fabric of the existing building.
2.9 Attic and roof design		
<ul style="list-style-type: none"> Minimum room width: 3m Minimum floor to ceiling height for at least 2/3 of the floor area: 2.4m Dormer windows set down 300mm from the main ridge and less than 50% of roof elevation Must be connected to unit below 	<p>N/A</p> <p>Yes</p>	<ul style="list-style-type: none"> The proposed upper floor level has been designed to be an in-roof addition for the most part by predominantly maintaining the gabled/pitched roof form of the existing building, however it is not treated as an attic but rather a separate floor or storey. Therefore, the specific attic controls are not applied in the assessment of this proposal. The proposed two eyelid dormers are set down at least 850mm below the uppermost ridgeline of the roof of the existing building. They occupy less than 50% of the northern roof elevation of the building.
2.10 Fences and walls		
<p><i>Front fence:</i></p> <ul style="list-style-type: none"> Maximum height 1.2m Maximum 2/3 solid Maximum height of 1.8m and solid when secondary wall set within property if required for traffic noise 	No (acceptable on merit)	<ul style="list-style-type: none"> The new lap and cap fence above the existing masonry street walls will have a height of 1.2m above the top of the street walls. While new fence is greater than 1.2m above existing ground level relative to the footpath level, the site and its surrounding sites are currently elevated above street level so the new fence would not be considered uncharacteristic within the streetscape.

Development Control	Compliance	Comment
<i>Side fence:</i> <ul style="list-style-type: none"> Maximum height: 1.8m <i>Rear fence:</i> <ul style="list-style-type: none"> Maximum height: 1.8m 	Yes	<ul style="list-style-type: none"> The elevation drawings show new lap and cap side and rear boundary fences being 1.8m above existing ground level.
2.11 Vehicular access and parking		
	N/A	Existing vehicular access and parking arrangements remain unchanged in the amended proposal.
2.12 Pedestrian access and entry		
<ul style="list-style-type: none"> Entry at street level Accessible entry Legible, safe, well-lit 	Yes	The existing pedestrian access and main entry point remains unchanged. The ground floor units have their own ground floor entry points. The upper floor level units are accessed from a common foyer that is accessed from the eastern side passageway.
2.13 Landscaping		
<ul style="list-style-type: none"> Minimum of 30% of site area landscaped: 139.11m² 50% of the above is to be deep soil: 69.55m² 	No (acceptable on merit) Yes	The overall landscaped area of the site is 88.7m ² , which equates to 19% of the site area. This is a noticeable improvement from the original form of the proposal, which only provided approximately 54m ² of landscaped area. Notwithstanding the non-compliance with the overall landscaped area control, the proposal provides for 78.3m ² of deep soil area, which is greater than the minimum amount required for this site by the DCP and Part 3E in the ADG (i.e. 7% of the site area). The alterations incorporate planters on balconies and terraces and on roofs that will complement the overall landscaped character of the site. Given that the site will provide sufficient deep soil area, the site is expected to successfully facilitate rainwater infiltration. In this regard, the overall landscaped area provided is deemed acceptable.
2.14 Communal open space		
<ul style="list-style-type: none"> Minimum 15% communal (R3 zone): 69.555m² Minimum dimensions: 6m x 6m Minimum of 30% of communal area must receive three hours of sunlight Accessible 	No (acceptable on merit)	The proposal dedicates the communal open space of the site to the terrace above the existing garages, which has an area of 34.1m ² (approximately 7% of site area). The non-compliance with the minimum area and dimension controls is considered inconsequential as the majority of the communal open space area is expected to receive sunlight in mid-winter and is accessible to all residents of the building. The space will also assist to encourage a positive street and identity for the development.

Development Control	Compliance	Comment
2.16 Solar access and overshadowing		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to a minimum of 70% of units during winter solstice Adjoining properties to retain minimum of three hours of sunlight during winter solstice 	<p>Refer to Table 2 (ADG)</p> <p>Yes</p>	The DCP controls as they relate to solar access to the development itself are of no effect as the ADG applies. The shadow diagrams in plan and elevation form show that the proposed additions will result in minor increases of current shadows cast by the existing subject building upon adjoining residential flat buildings to the south, south-west and east of the site. Given that the proposal complies with the overall building height and FSR development standards and that it is appropriately set back, the additional overshadowing is considered reasonable.
2.17 Views and view sharing		
<ul style="list-style-type: none"> Minimise view loss 	Yes	The proposal is not expected to impact on iconic and water views.
2.18 Visual privacy and security		
<ul style="list-style-type: none"> Prevent overlooking of more than 50% of private open space of lower level dwellings in same development Minimise overlooking of adjoining properties 	<p>Yes</p> <p>Refer to Table 2 (ADG) of this report</p>	The proposal has been adequately designed to avoid direct overlooking of units within the site and same building by discouraging window openings directly facing private open space areas between units and vice versa.
2.22 Acoustic privacy		
<ul style="list-style-type: none"> Internal amenity by locating noisy areas away from quiet areas 	Yes	Satisfactory.
2.24 Building services		
<ul style="list-style-type: none"> Must have a minimum of 2m setback from the building edge 	Yes	Satisfactory. Letter boxes are provided at the main pedestrian entry point of the development.

2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

It is considered that the proposal will 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 to be suitable for the proposed development.

2.4 Any Submissions

The application was initially notified for 14 days and a site notice erected on the site, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*. Further, the amended plans were publicly notified for 14 days.

A total of four submissions were received from and on behalf of owners of the following properties in Bondi:

- 5/7 Edward Street
- Unidentified unit in 7 Edward Street (planning consultant representation on behalf of this unit)
- 6/34 Francis Street
- 9 Edward Street (owners of units of the residential flat building at this property)*.

*Submission states it is from the 'Owners of Strata Plan 5164 however individual units are not identified in this submission

The following issues raised in these submissions have been addressed in the body of this report:

- heritage, building design and streetscape impacts
- breach of side setback and building separation controls
- lack of landscaping
- visual and acoustic privacy impacts
- overshadowing impacts.

The following issues that were raised in the submissions made to the original form of the proposal have been resolved by the amended plans and are no longer relevant:

- non-compliance with the floor space ratio development standard
- excavation impacts and geotechnical matters
- visual and acoustic privacy impacts arising from roof terraces
- car parking, vehicular access and effect on on-street car parking supply.

All other issues are summarised and discussed below.

Issue: *Visual impact*

Response: The proposal in its amended form has a lessened visual impact compared to the original form and is deemed to be acceptable, particularly given it now complies with the floor space ratio development standard and the overall building bulk, scale and aesthetics of the proposed additions are considered complementary to the existing building on the site.

Issue: Impact on outlook and views of the sky from bedroom and living rooms

Response: Noted. The proposal complies with the principal built form development standards (i.e. building height and FSR), does not extend higher than the ridgeline of the roof of the existing building and would result in an acceptable impact on outlook of surrounding buildings, noting that these buildings are elevated higher than the subject development. Controls and the planning principle on view sharing established by the NSW Land and Environment Court do not intend to preserve views of the sky. The proposal is not expected to affect iconic and water views.

Issue: *Stormwater run-off*

Response: On-site stormwater detention is proposed and Council's Manager, Design of Creating Waverley does not object to the proposed stormwater plans, subject to amendments being made to reflect the amended design of the proposal. A condition of consent is recommended to this effect.

Issue: *Dilapidation and construction impacts*

Response: Standard conditions of consent are recommended to control construction impacts to reasonable levels that may arise during demolition and site work phases of the development.

Issue: *Timeframe for construction*

Response: This is not a matter of Council and is outside of the control of Council, but rather the applicant. The applicant has 5 years to commence works from date of consent.

Issue: *Tree removal*

Response: Council's Tree Management Officer does not object to the proposed tree removal. The amended landscape plan incorporates sufficient plants, including trees.

Issue: *Development not described properly*

Response: Noted. The description of the application was amended prior to the notification of the amended plans to accurately reflect the scope of the proposal.

Issue: *No accommodation for people with mobility impairments provided and a lift should be provided*

Response: The proposal is for alterations and additions rather than redevelopment, and therefore, full compliance with accessibility aspects of the Building Code of Australia is not applicable.

Issue: *Noise impacts on outdoor shower affixed to eastern elevation of building*

Response: This element is classified as 'exempt development' under State planning policies and does not require a planning assessment. Nonetheless, the shower is not expected to cause unreasonable noise impacts.

2.5 Public Interest

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

3. REFERRALS

3.1 Creating Waverley – Driveways

Council's Professional Engineer – Traffic and Transport in the Creating Waverley department objected to the original form of the application, specifically the additional garage and a second vehicular crossing, for the following reasons:

- *The construction of a second vehicle crossing is contrary to section 1.11.5 of WDCP 2012 C1 (b) "Provide a maximum of 1 vehicle crossing per property". The intent of this statement is to ensure on-street parking supply is protect by minimising impacts of additional vehicular kerb crossings.*

- *Waverley DCP 2012 – General Provisions (B8) clause 8.1.1 requires a minimum of 8 residential parking spaces. This proposal caters only for 5 off-street residential spaces only. Despite the existing developments having a shortfall of 2 off-street residential parking spaces, the proposal will result in a shortfall of 3 off-street residential parking spaces and will result in the loss of 1 further on-street parking space.*

The application has been amended to delete the garage and second vehicular crossing, which satisfies the concerns from the Creating Waverley department of Council. A construction vehicle and pedestrian plan of management has been recommended and a condition of consent is recommended to this effect.

3.2 Urban Planning, Policy and Strategy - Heritage

Council's Heritage Architect was consulted on this application notwithstanding that the site does not contain heritage items and is not within a heritage conservation area. Council desires to appropriately conserve buildings that exhibit strong Inter-War architecture, such as the existing building on the subject site. As discussed previously, Council's Heritage Architect provided the applicant advice on redesigning the proposal to maintain, enhance and be cohesive to the existing building and its surrounds.

Prior to lodgement of the amended plans, Council's Heritage Architect was satisfied with the redesign subject to the eyelid dormers being revised to flat roofs and new window openings across the northern elevation being rationalised. The amended plans have satisfactorily addressed the overall recommendations and guidance given by Council's Heritage Architect.

3.3 Creating Waverley – Design and Stormwater

Council's Manager, Design advised that a geotechnical report is not required given the site falls outside of the coastal risk area of the Waverley local government area. Bulk excavation is no longer proposed in the amended form of the application.

Council's Manager, Design also did not object to the stormwater plans, subject to conditions.

3.4 Compliance – Fire Safety

Council's Senior Building Surveyor – Fire Safety did not object to the application, subject to conditions of consent requiring fire safety upgrades of the existing building pursuant to clause 94 of the *Environmental Planning and Assessment Regulation 2000*.

3.5 Clean and Attractive Waverley – Tree Management

Council's Tree Management Officer does not object to the proposed tree removal within and outside of the site, subject to conditions of consent, including requiring a replacement street tree within the Denham Street naturestrip.

4. SUMMARY

The application, as amended, seeks development consent for substantial alterations and additions to the residential flat building at the site known as 34A Francis Street, Bondi Beach. The application was deferred for considerable redesign following its preliminary review, which found the proposed additions to the existing Inter-War building being unsympathetic and detrimental to the integrity of the building. The applicant made amendments to the proposal that are considered satisfactory with regard to respecting the integrity of the building while providing additional gross floor area to the building.

The main issues in the assessment of this application are heritage, streetscape, building design, and privacy. Having regard to the proposal relating to alterations and additions to an existing building, full compliance with the ADG, particularly with regard to setbacks and building separation are not possible. Given the proposal seek to retain, restore and conserve the building form, which is a more favourable than demolition and redevelopment of the site, the assessment finds these issues acceptable for the most part, subject to conditions of consent. The application as a whole is generally consistent with principal planning controls.

The application attracted a total of four submissions objecting to the proposal. The matters raised in the submissions have been addressed in the body of this report.

The application is referred to the Waverley Local Planning Panel as SEPP 65 applies to the proposal.

The application has been assessed against the matters for consideration under section 4.15 of the Act and is recommended for approval, subject to conditions of consent.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the Development Application be **APPROVED** by the Waverley Local Planning Panel subject to the Conditions in Appendix A:

Report prepared by:

**Application reviewed and agreed on behalf of
the Development and Building Unit by:**

Ben Magistrale
Senior Development Assessment Planner

Angela Rossi
Manager, Development Assessment (Central)

Date: 30 May 2019

Date: 14 June 2019
(endorsed on 21 May 2019 MR, BMcN and AR)

Reason for referral:

- 4 Sensitive development:
(b) SEPP 65 development

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) The following Architectural Plans, prepared by Stubbs Design Tribe, Project No. 1417 and received by Council on 7 May 2019:

Drawing Number	Revision/Issue	Date
DA1.00	Issue 1	26 April 2019
DA1.02	Revision A / Issue 1	26 April 2019
DA1.03	Revision A / Issue 2	26 April 2019
DA1.04	Revision A / Issue 2	26 April 2019
DA1.05	Revision A / Issue 2	26 April 2019
DA1.06	Revision A / Issue 2	26 April 2019
DA1.07	Revision A / Issue 2	26 April 2019
DA1.08	Revision A / Issue 1	8 May 2019
DA1.22	Revision A	6 May 2019

- (b) Landscape Plan known as Job Ref: 17.193, Sheet No: 1 of 1 and Issue C and documentation prepared by Woodside Plants and Design, dated 6 May 2019, and received by Council on 7 May 2019;
- (c) BASIX Certificates;
- (d) Stormwater Management Plans prepared by Loka Consulting Engineers Pty Ltd, Job Number 17NL291, Drawing No. D00 to D03, dated 18 March 18 and received by Council on 11 April 2018;
- (e) Arboricultural Impact Assessment Report prepared by Margot Blues Consulting Arborist, dated 4 September 2017 and received by Council on 11 April 2018;
- (f) BCA Design Assessment Report (Report Number: P217_367-4(BCA) NH) prepared by Design Confidence (Sydney) Pty Ltd and dated 16 May 2019 and received by Council on 21 May 2019;
- (g) Schedule of external finishes and colours prepared by Stubbs Design Tribe, Issue A (Revision A), dated 10 April 2018 and received by Council on 8 May 2019; and
- (h) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) The terrace accessed from the master bedroom of Unit Three on second floor level (denoted as 'P.O.S', 'RL51.00', and '12.7m²' on the plans) is not approved and shall be deleted and replaced with a non-trafficable roof (that does not extend past the outer wall of living and dining rooms on first floor level directly below). The associated door opening (denoted as 'D-14' on the plans) shall be replaced with a window opening with a minimum sill height of 1m.
- (b) Details regarding the pedestrian entry gate are required for the height (not being higher than the existing masonry wall), profile and the ability for the gate to be secured and control access to the site.
- (c) All relevant plans and elevations shall be amended to delete all reference of 'timber cladding' for exterior wall finishes as per the BCA Design Assessment Report (referred to in condition 1(f) of this consent).
- (d) A minimum volume of 5m³ of storage (in addition to storage in kitchens, bathroom and bedrooms) shall be provided internally to each unit.
- (e) The stormwater plans are to be amended to reflect the approved plans referred to in condition 1(a) of this consent and the amendments shall be to the satisfaction of Council's Executive Manager, Creating Waverley (or delegate) in relation to its compliance with *Waverley Council Water Management Technical Manual*.

The amendments are to be approved by the **appointed Principal Certifying Authority {with the exception of item (e)}** prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

3. ALTERATIONS AND ADDITIONS ONLY

This consent is for alterations and additions to the existing building only and should during the course of certification or construction a significant amount of the remaining fabric of the building be required to be removed, works must cease immediately and a new development application will be required to be submitted for assessment. This will require compliance with the planning controls, including SEPP (Building Sustainability Index: BASIX) 2004.

4. APPROVED DESIGN - RESIDENTIAL FLAT DEVELOPMENT

The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the internal layout or external appearance of the building, without the approval of Council.

5. ARCHITECT TO SUPERVISE DESIGN

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

6. DOMESTIC HEATERS

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

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 the Environmental Planning & 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 & Assessment Act, 1979 and Environmental Planning and Assessment Regulation 2000; and
- (c) Council is given at least two days' notice in writing of the intention to commence the building works.

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

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,
 - (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 full cost of the development.

9. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of **\$26,000** must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

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.

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

11. STREET TREE

To ensure maximum street tree canopy and continuity of the streetscape the applicant may remove the Callistemon street tree on the naturestrip in Denham Street directly outside of the site but must plant a replacement tree. The following conditions will apply:

- Plant one (1) replacement tree on the naturestrip in Denham Street.
- The tree is to be planted prior to the issue of an Occupation Certificate. The tree is to be an advanced *Eucalyptus haemastoma* of a minimum pot size of 75 litres and grown to Natspec standard.
- The tree must be planted by a qualified horticulturist experienced in planting super advanced trees.
- A bond of \$1,000 is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the newly planted *Eucalyptus haemastoma* tree in Denham Street. The bond is to be lodged prior to the issue of a Construction Certificate. The bond will be refunded after 12 months on condition the tree is 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. 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 Flats.

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.

13. 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 4.55 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.

14. 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.

15. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY

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

16. DILAPIDATION REPORTS

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

Please note the following:

- (a) The dilapidation report will be made available to affected property owners 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.

- (d) Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

17. ESSENTIAL SERVICES - EXISTING BUILDING

Details of the currently implemented and proposed essential fire safety measures shall be submitted to Council, with the Construction Certificate, in the form of a Fire Safety Schedule. This Schedule shall be prepared by a person competent to do so and shall specify the minimum standard of performance for each essential fire safety measure included in the Schedule.

At the completion of the installation, a Final Fire Safety Certificate shall be attached to the Occupation Certificate, certifying that each essential fire safety measure specified within the current Fire Safety Schedule:

- (a) has been assessed by a properly qualified person; and
- (b) found to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the Certificate is issued.

18. BUILDING CODE OF AUSTRALIA AND FIRE SAFETY UPGRADING WORKS

- (a) In addition to all new works fully comply with the Building Code of Australia, pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, all existing areas of the building must be upgraded to comply with the following provisions of the Building Code of Australia (BCA):
 - (i) Fire resistance and stability – Part C1;
 - (ii) Compartmentation and separation – Part C2;
 - (iii) Protection of openings – Part C3
 - (iv) Provision for escape – Part D1;
 - (v) Construction of exits – Part D2;
 - (vi) Fire fighting equipment – Part E1;
 - (vii) Smoke hazard management – Part E2;
 - (viii) Emergency lighting, exit signs and warning systems – Part E4;
 - (ix) Sanitary and other facilities - Part F2;
 - (x) Room sizes - Part F3;
 - (xi) Light and ventilation - Part F4; and
 - (xii) Sound transmission and insulation - Part F5.
- (b) If compliance with the deemed-to-satisfy provisions of the BCA and the matters listed in condition (a) above cannot be achieved, an alternative building solution in accordance with Part A0 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia.
- (c) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 4.55 of the Act to be lodged with Council to amend this consent.

- (d) Prior to the commencement of the required upgrade works, a Construction Certificate must be issued by an accredited Certifying Authority and an accredited PCA be appointed. The required upgrading works detailed in this condition must be completed prior to the issue of an Occupation Certificate and Strata Subdivision Certificate.

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

19. 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.

20. LANDSCAPED SLABS

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

21. TREE PRUNING ON ADJOINING PROPERTIES

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

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

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

22. 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.

23. 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).

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.

24. 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.

25. SERVICE AUTHORITIES

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

26. BASIX

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

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

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

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

27. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

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

The CVPPM shall:

- (a) Show the size and number of trucks to be used during the various stages of the development.
- (b) Show the route to be taken by trucks in (a) above within the Waverley Council area when gaining access to and from the site. Note, if it is considered with the information submitted that such vehicles cannot adequately and safely gain access to and from the site or where access into or out of the site may not be possible without the need to remove an unsatisfactory number of vehicles parked on the roadway in the vicinity of the site, the trucks may not be approved for use.
- (c) Show the location and length of any proposed Works/Construction Zones.
Note:
 - (i) Such zones require the approval of the Waverley Traffic Committee and Council prior to installation.
 - (ii) It is illegal to park a truck exceeding 4.5tonnes on a roadway for more than one (1) hour unless signs are installed allowing such and illegal to barricade/ reserve a section of roadway without the prior approval of Council.

28. WASTE AND RECYCLING STORAGE AND COLLECTION

- (a) The proposal must have a bin storage point for a minimum;
 - 2 x 240L Mobile Garbage Bin (MGB) for general waste,
 - 2 x 240L MGB for recyclables,
 - 2 x 240L MGB for paper and cardboard,
 - 1 x 240L MGB for garden waste and
- (b) The waste and recycling storage room 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) The development must have rooms or caged areas with a minimum volume 4m³ available for the storage of discarded residential bulky waste, such as old furniture, awaiting Council pick up.

- (d) The proposal must have a system for the convenient transportation of waste and recyclables to the communal waste and recycling storage area (i.e. chute systems or a service lift dedicated for the transportation of waste).
- (e) MGBs or crates for paper/cardboard and recyclables should be situated in the waste compartment/areas on each floor to accompany the waste chute system to store a minimum of 1-2 day's volume of paper/cardboard likely to be generated on that floor.
- (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) 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.
- (h) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.
- (i) All waste and recycling receptacles must be removed from the kerbside as soon as possible on the same day as the collection service.

The above matters are to be shown in the Construction Certificate drawings and submitted to the satisfaction of the appointed Principal Certifying Authority prior to the issue of a Construction Certificate.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

29. 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.

30. 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.

31. 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.

32. 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.

33. COMPLIANCE WITH SAFE WORK NSW

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

34. 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;

35. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

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

36. 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 400mm 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.

37. CONSTRUCTION HOURS

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

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

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

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

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

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

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

39. NATIONAL CONSTRUCTION CODE (NCC)

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

40. BUILDING LEGISLATION AMENDMENT (QUALITY OF CONSTRUCTION) ACT - INSPECTIONS (RESIDENTIAL FLAT DEVELOPMENT AND OTHER RESIDENTIAL CLASS 2, 3 AND 4)

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

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

The specified **MANDATORY** inspections are:

In the case of a Class 2, 3 and 4 building:

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

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) steel reinforcement, prior to pouring concrete;

- (d) prior to covering timber or steel framework for floors, walls and roofing, including beams and columns; and
- (e) 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 Building Code of Australia and standards of construction.

41. 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.

42. 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.

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 the upper floor and finished ridge levels are 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. FOOTPATH PROTECTION

The footpath and driveway must have a protective cover e.g. duckboards or plates to ensure these are not damaged during the course of demolition and/or construction. The protective measure is to be installed prior to the commencement of any works on the site.

46. 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.

47. TREES PERMITTED TO BE REMOVED

The following trees are permitted to be removed as a part of this development application and as identified in the Arboricultural Impact Assessment Report referred to in condition 1(e) of this consent:

Tree No.	Species	Location	Action
T 1	Persea americana (Avocado).	On-site	Remove as per Arborist report.
T 2	Eriobotrya japonica (loquat)	On-site	Remove as per Arborist report.
T 3	Callistemon sp	On-site	Remove as per Arborist report.
T 4	Callistemon sp	Street tree	Remove & replace
T 5	Cotoneaster sp	On-site	Remove as per Arborist report.

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

48. 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.
- (h) Trunk protection as per AS 4970 – 2009, Section 4.5.3 is to be installed.
- (i) Padding to be used shall be non-absorbing or free draining to prevent moisture build up around the part being protected.
- (j) 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.

49. TREE PRUNING ON ADJOINING PROPERTIES

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

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

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

50. FACE BRICKWORK

New or altered face brickwork is to match the existing brickwork as close as possible, in terms of style and colouring to maintain cohesiveness with the original building form. No rendering or painting of the building's facebrick shall occur except where prior consent of Council has been obtained.

51. WORK OUTSIDE PROPERTY BOUNDARY

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

52. NO WORKS BEYOND BOUNDARIES

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

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

53. STRATA PLANS

Strata plans of the property shall be amended to reflect changes to Strata lots and common property resulting from the proposal. The amendments are to be to the satisfaction of the appointed Principal Certifying Authority prior to the release of an occupation certificate.

54. FIRE SAFETY UPGRADE WORKS

Fire safety upgrading works shall be undertaken in accordance with condition 19 of this consent. In this regard, the occupation certificate for the development shall not be released by Council or an accredited certifier, until all fire safety upgrading 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.

55. 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 appropriately accredited and qualified acoustic engineer to conduct a test for noise attenuation to confirm compliance with Condition 20 in this consent; and
- (b) Lodge with Council for public record, the noise attenuation rating results.

56. 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.

57. 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.

58. WAVERLEY DIGITAL MODEL

Prior to the issue of an Occupation Certificate an accurate 'as built' digital model of the building must be submitted to Council's Waverley Futures Department for use in the Waverley Digital Model.

- (a) A digital model of the building must be generated at a scale of 1:1 with units of measurement in metres and include the following:
 - (i) a building envelope which includes all elements affecting shadow analysis;
 - (ii) accurate placement of glazing, balconies, roof pitches, terraces, roof services and any other prominent external design features;
 - (iii) a ground level terrain showing accurate RLs extending to site boundaries.
- (b) All models must be generated in accordance with Council's Guidelines: Submitting Digital 3D Models. Further information and technical requirements can be obtained from Council's E-Planning (3D Modelling) Officer, Shaping Waverley.

Notes:

- This model will update previous version/s submitted at Development Application stage.
- Any future modifications (under Section 4.55 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.

59. STORMWATER MANAGEMENT

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

60. 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.

61. PARKING

- (a) Ownership of car park lot spaces within the basement shall be limited to parties owning a lot within the buildings on-site.
- (b) A maximum of one car space shall be allocated to any residential unit/dwelling to ensure equitable allocation overall.
- (c) Car parking and storage spaces shall not be independent lots, but rather part lots attached to units in any future Subdivision Plans.

62. LIGHTING

- (a) 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.
- (b) All external lighting fixtures should be vandal resistant.

- (c) Lighting should be carefully considered in areas covered by CCTV to allow for optimum viewing.
- (d) Lighting should be free of obstructions, such as tree branches, pipes, etc.
- (e) 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.
- (f) 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.

63. 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.

64. TELECOMMUNICATION FACILITIES ON MULTI-UNIT DWELLINGS

Telecommunication facilities on new multi-unit dwellings are opposed. The Owners' Corporation is prohibited from entering into leasing agreements with telecommunication companies to erect or install any commercial telecommunication device (other than for the explicit use of the occupants) on the building.

65. RESIDENTIAL FLAT BUILDINGS - BALCONIES NOT TO BE ENCLOSED

The private open balconies attached to the proposed building are not to be enclosed at any future time, in accordance with the provisions of Council's General Policy. In this regard, the door openings within the external walls adjoining the private open balconies to be constructed so as to prevent the penetration of rain or other waters to the inner part of the building.

66. USE OF COMMON PROPERTY

No exclusive use of common property (other than for approved storage) shall occur without the prior consent of Council.

AMENDED PLANS



1 SITE CONTEXT PLAN
Scale: 1:200



FRONT OF PROPERTY AS VIEWED FROM THE INTERSECTION OF FRANCIS STREET AND DENHAM STREET



EXISTING COMMON OPEN SPACE FACING FRANCIS STREET



EXISTING GARDEN TO BE LANDSCAPED ON WESTERN SIDE



9 EDWARD ST VIEWED FROM GARDEN OF PROPERTY SOUTH SIDE



EXISTING PROPERTY AS VIEWED FROM HARDY STREET



7 EDWARD ST VIEWED FROM PROPERTY SOUTH SIDE



EXISTING GARDEN RETAINED ON SOUTH SIDE OF PROPERTY
















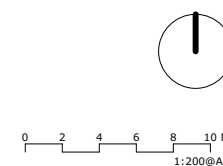
EXISTING PROPERTY SOUTHERN VIEW



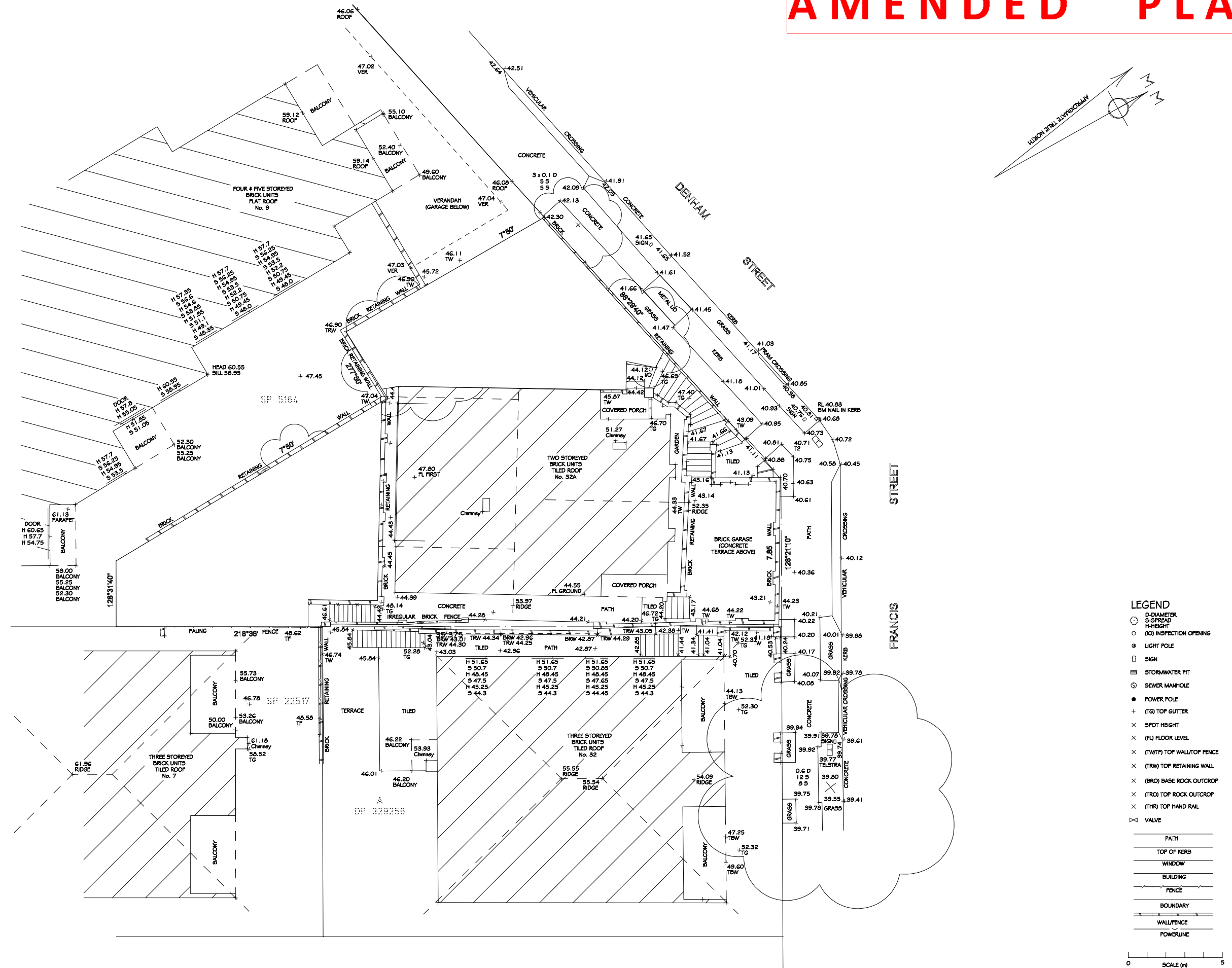
EXISTING CONCRETE PAVED COURTYARD SOUTH SIDE

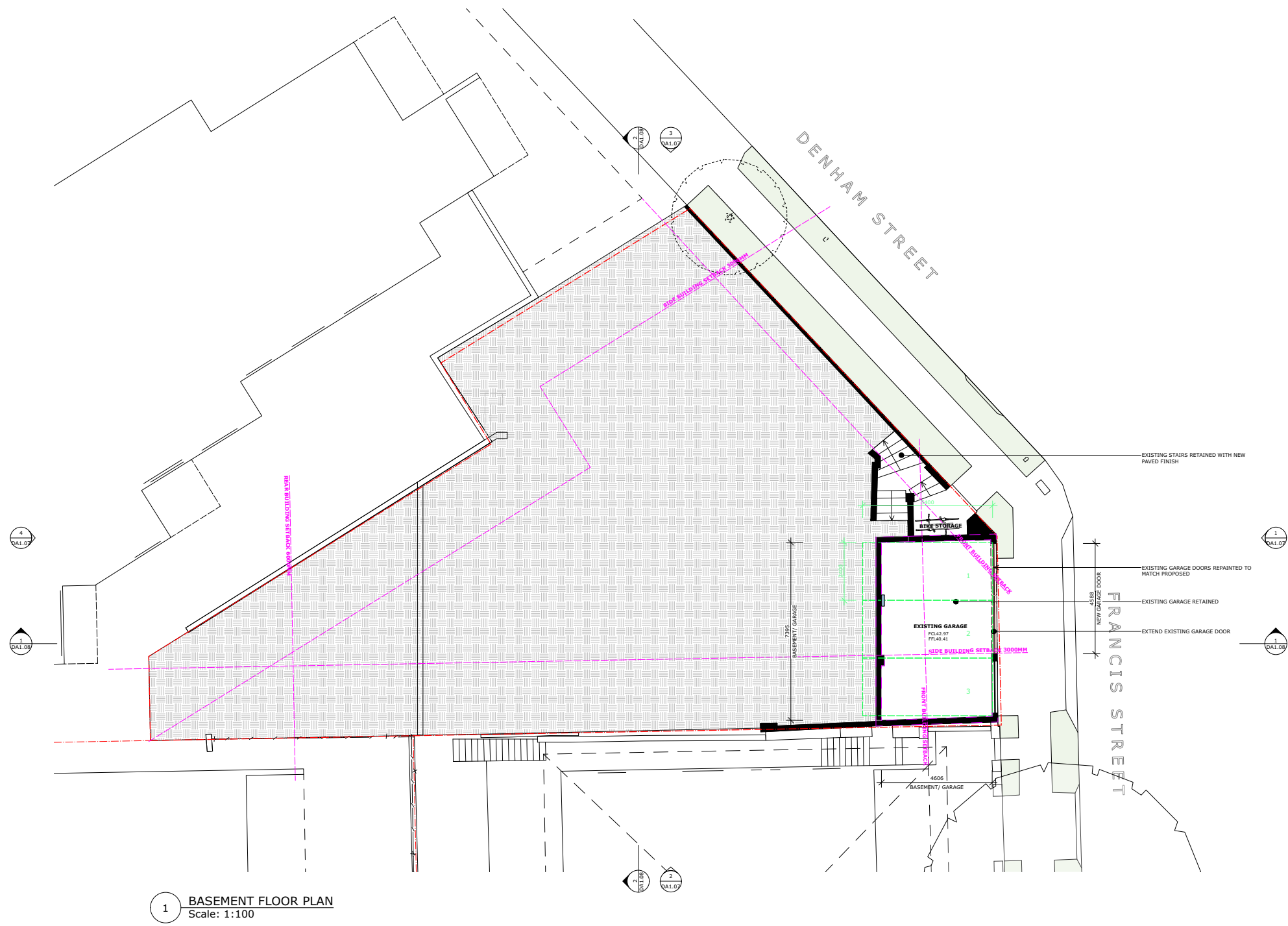
KEY

	DWELLING ENTRY		NEIGHBOURING WINDOWS		FALL OF AREA		PREDOMINANT BREEZES		PROPOSED WORKS
	VEHICULAR ENTRY		PUBLIC TRANSPORTATION STOP		SOLAR ANGLES		EXISTING DWELLING TO BE DEMOLISHED		
	NOISE SOURCE		TRAFFIC FLOW		DISTRICT VIEWS		LOT BOUNDARIES		



Rev	Date	Comment	By	Stage DEVELOPMENT APPLICATION	34A FRANCIS STREET	Drawing No. DA1.00	
						1	
Issue	Date	Comment	By	Site Address 34A FRANCIS STREET, BONDI BEACH SP 10779	Drawing Title SITE CONTEXT	Scale 1:200@A1	Rev #
1	26/4/19	RESUBMISSION TO COUNCIL	SP	Client JOE O'DWYER & NATALIE WILDING	Project No. 1417	Drawn By LC	Checked By 127
					Dwg Date: Date	Plot Date: 7/5/19	



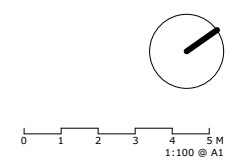


1 BASEMENT FLOOR PLAN
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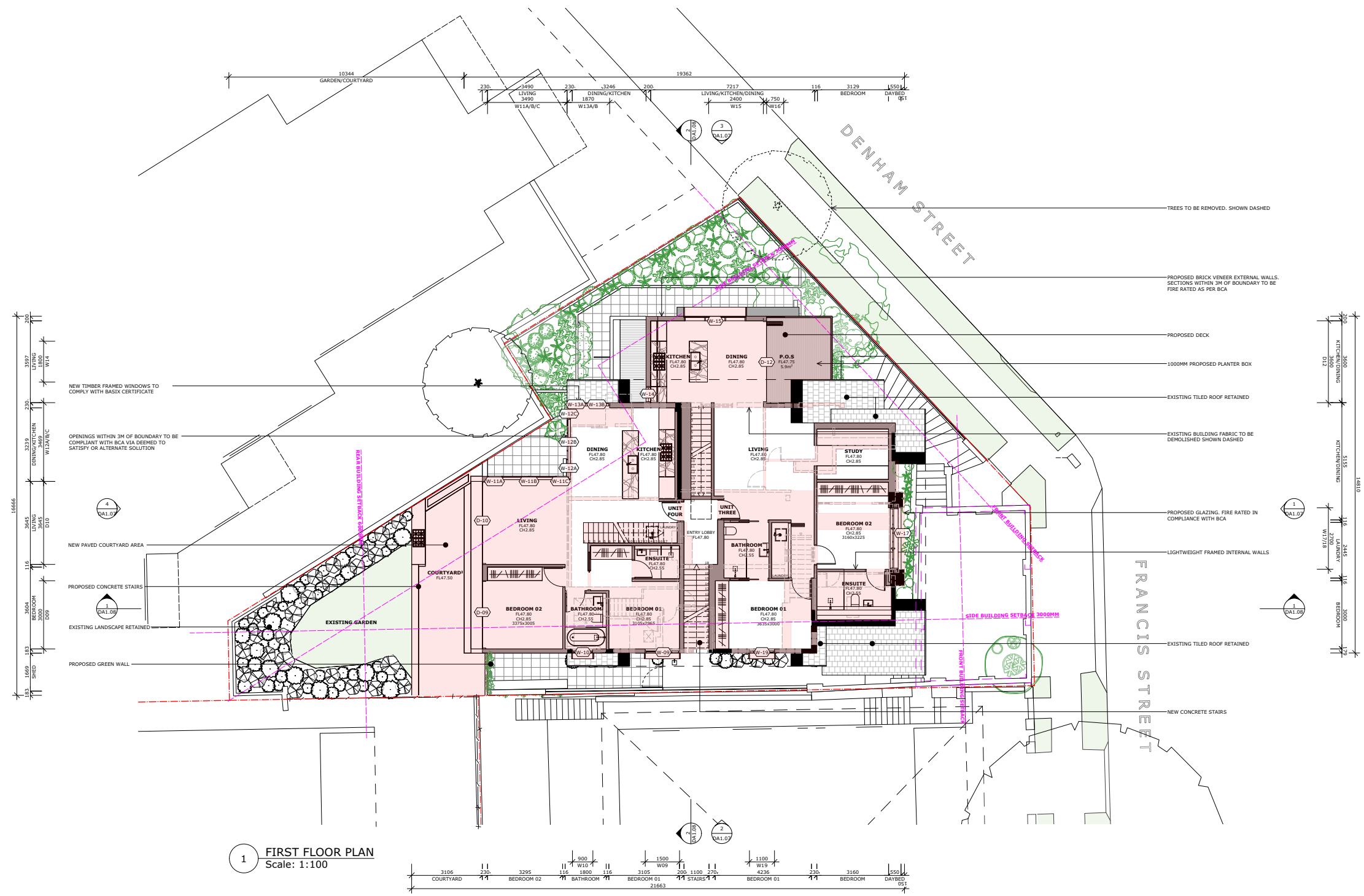


1 GROUND FLOOR PLAN
Scale: 1:100

KEY	
PROPOSED WORKS	
EXISTING WALLS TO BE RETAINED	
PROPOSED NEW WALLS	
WALLS TO BE DEMOLISHED	
BOUNDARY LINE	



Rev	Date	Comment	By	Stage	34A FRANCIS STREET		Drawing No. DA1.03	
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					Client	Project No.	Drawn By	Checked By
					JOE O'DWYER & NATALIE WILDING	1417	LC	
Issue		Date	Comment	By	Dwg Date:	Plot Date:		
1		2018	SUBMISSION TO COUNCIL	SP				
2		26/4/19	RESUBMISSION TO COUNCIL	SP		7/5/19		



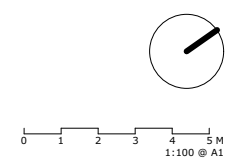
1 FIRST FLOOR PLAN
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STUBBS
DESIGN
TRIBE

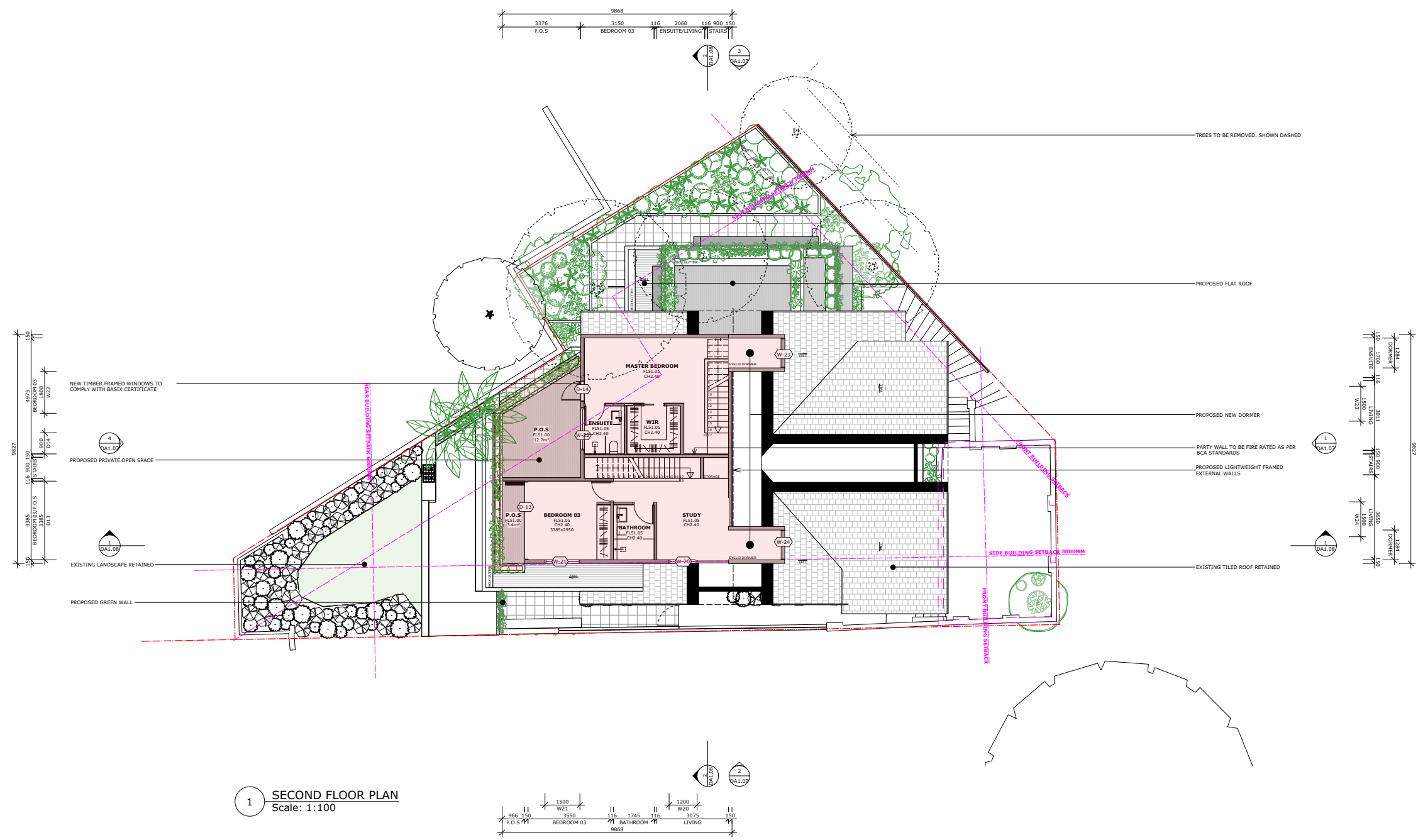
APT 2/ 206T Alison Road
Randwick, NSW, 2031
p. 02 9395 6673
e. info@stubbsdesigntribe.com.au
www.stubbsdesigntribe.com.au
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Architecture Interiors Landscapes

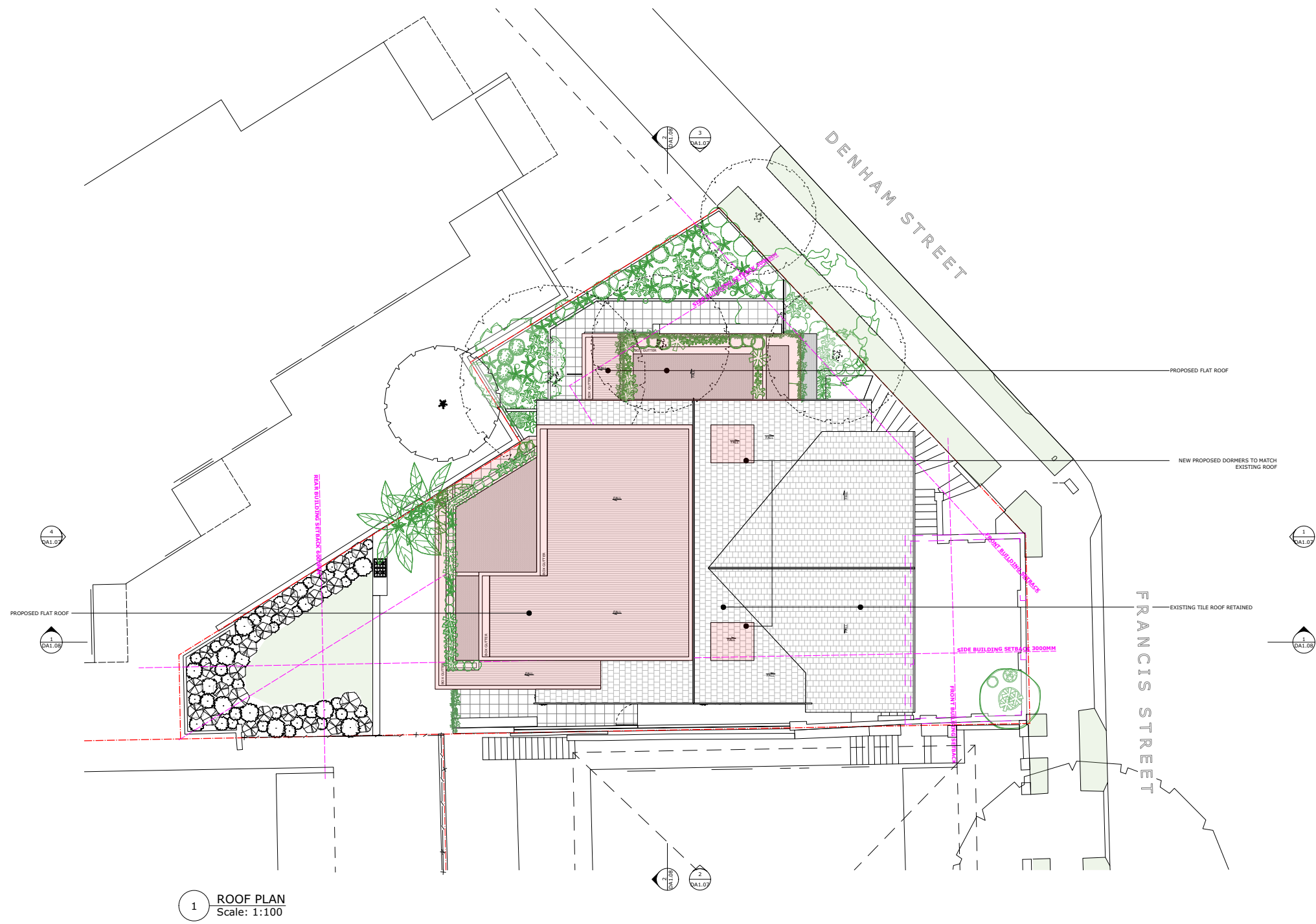
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EXISTING WALLS TO BE RETAINED	
PROPOSED NEW WALLS	
WALLS TO BE DEMOLISHED	
BOUNDARY LINE	



Rev	Date	Comment	By	Stage	34A FRANCIS STREET	Drawing No.
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Issue	Date	Comment	By	Site Address	Drawing Title	Scale
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2	26/4/19	RESUBMISSION TO COUNCIL	SP	Client JOE O'DWYER & NATALIE WILDING	Project No. 1417	Rev # A
					Dwg Date: 7/5/19	Checked By

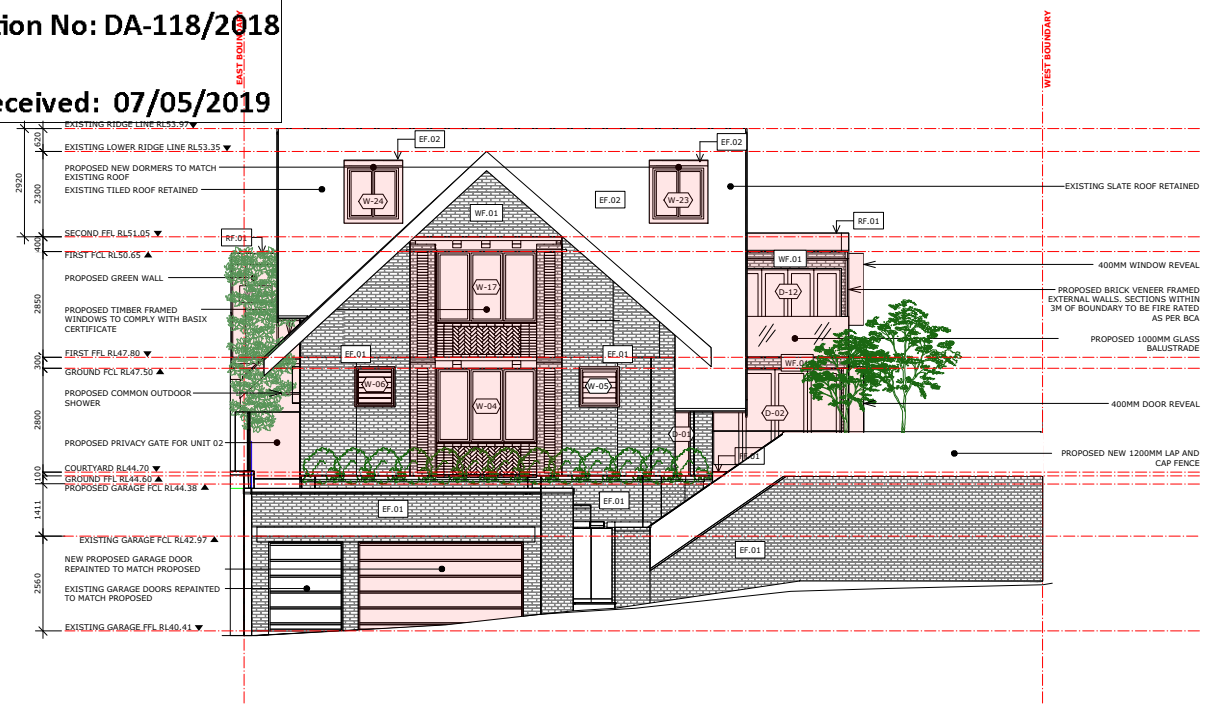


1 SECOND FLOOR PLAN
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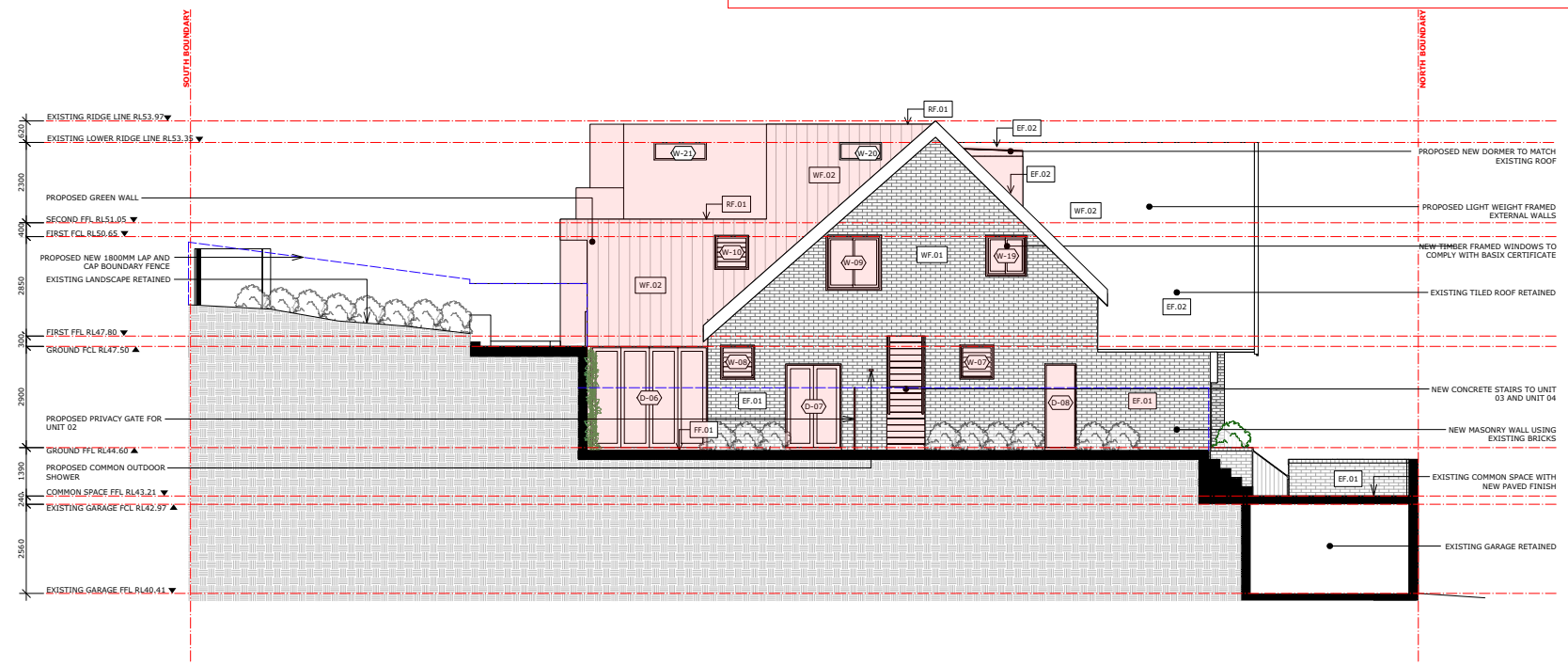


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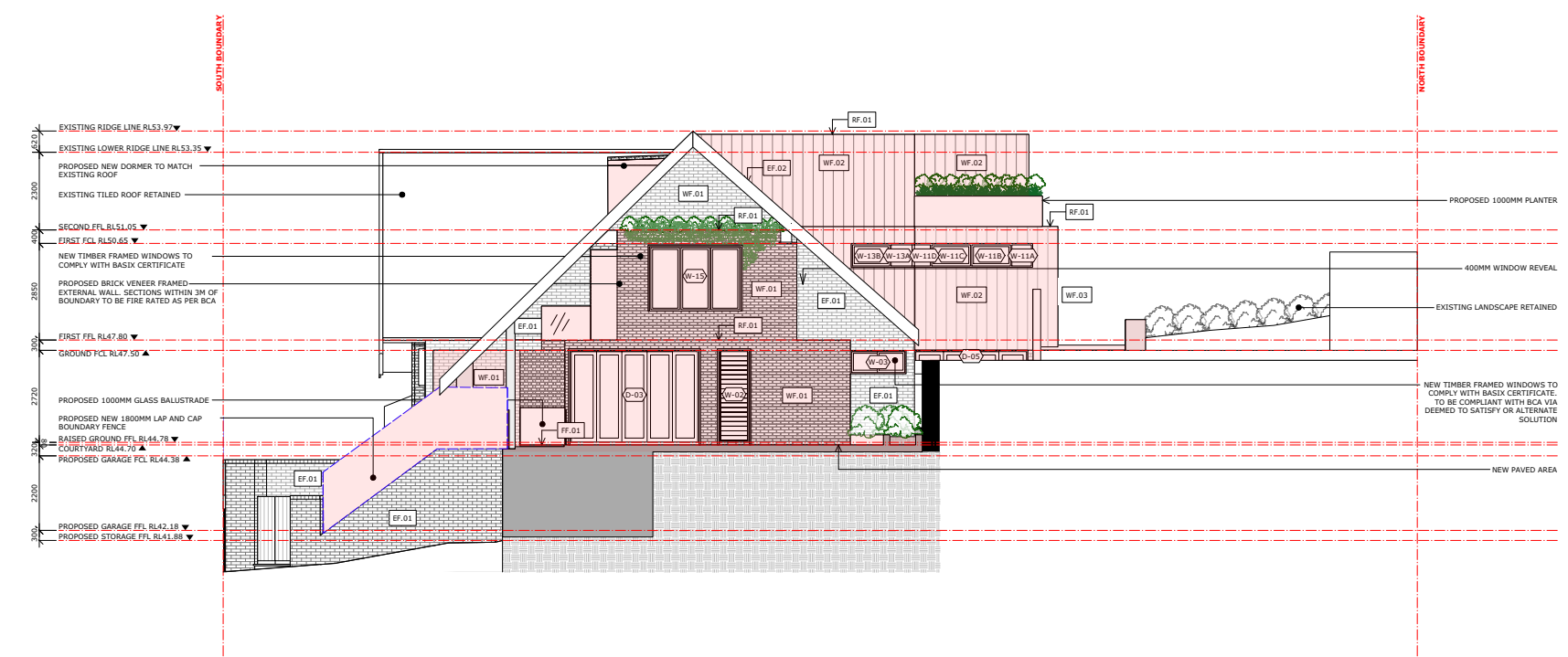
AMENDED PLANS



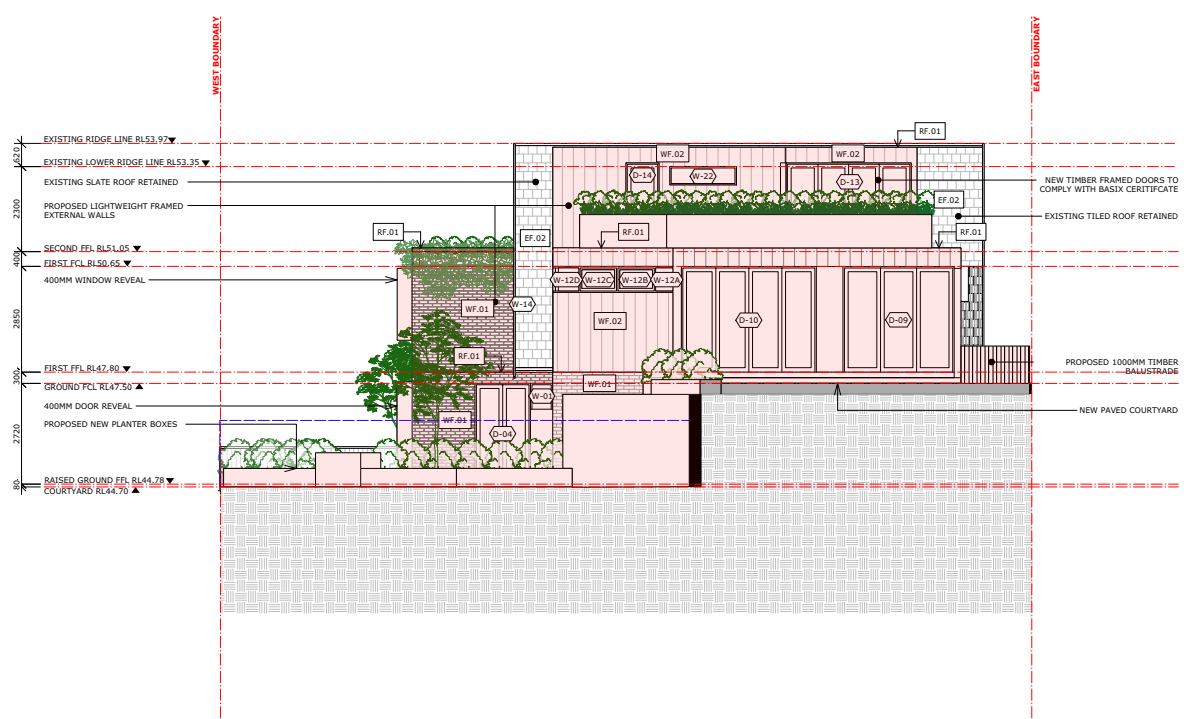
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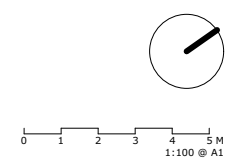
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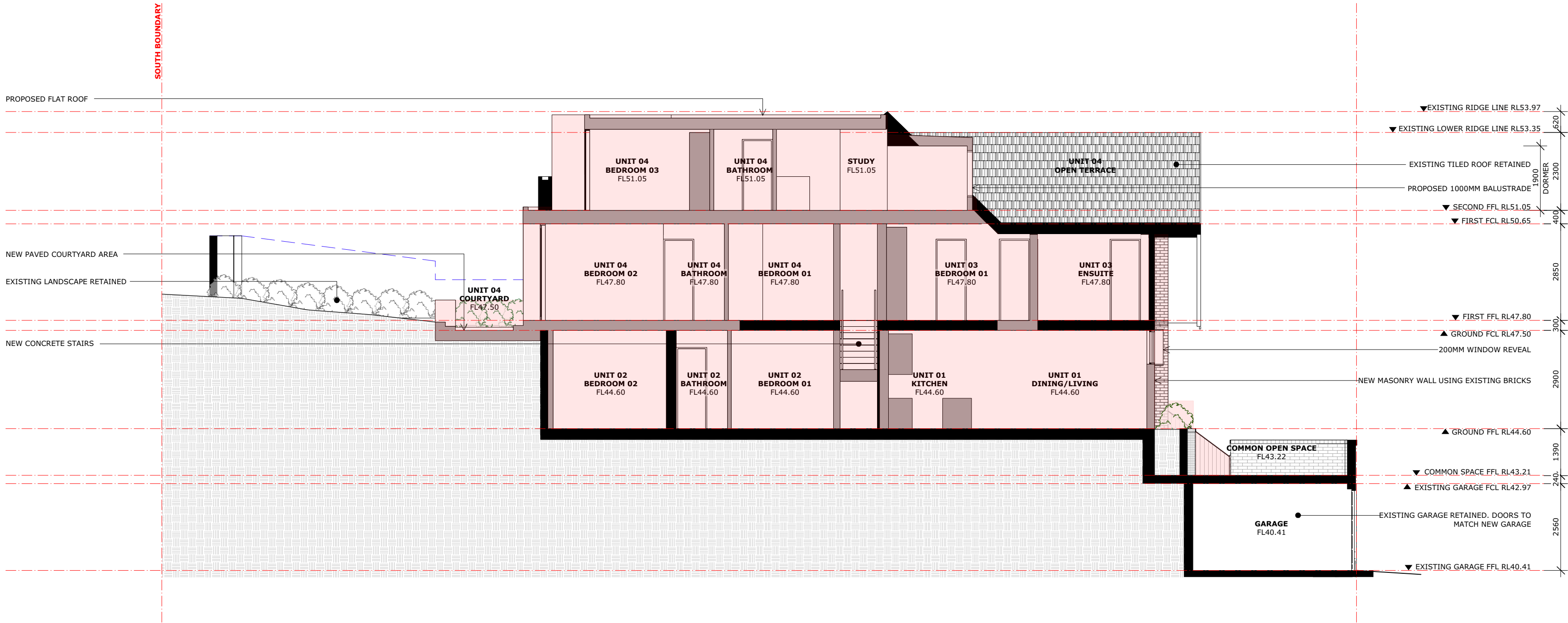
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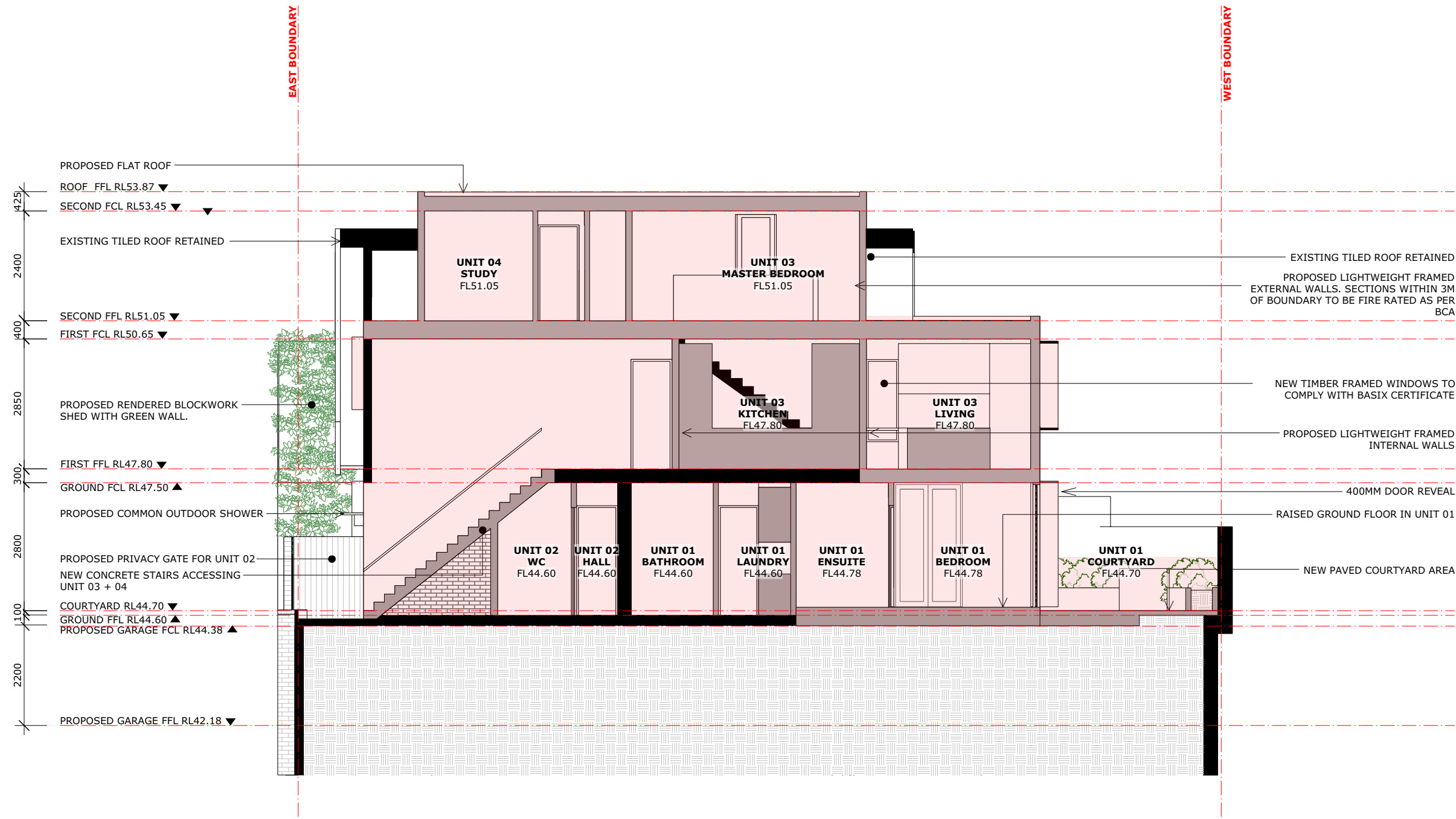
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Rev	Date	Comment	By	Stage	34A FRANCIS STREET	Drawing No.
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				Dwg Date: 7/5/19	Plot Date: 7/5/19	Drawn By LC
				Checked By		



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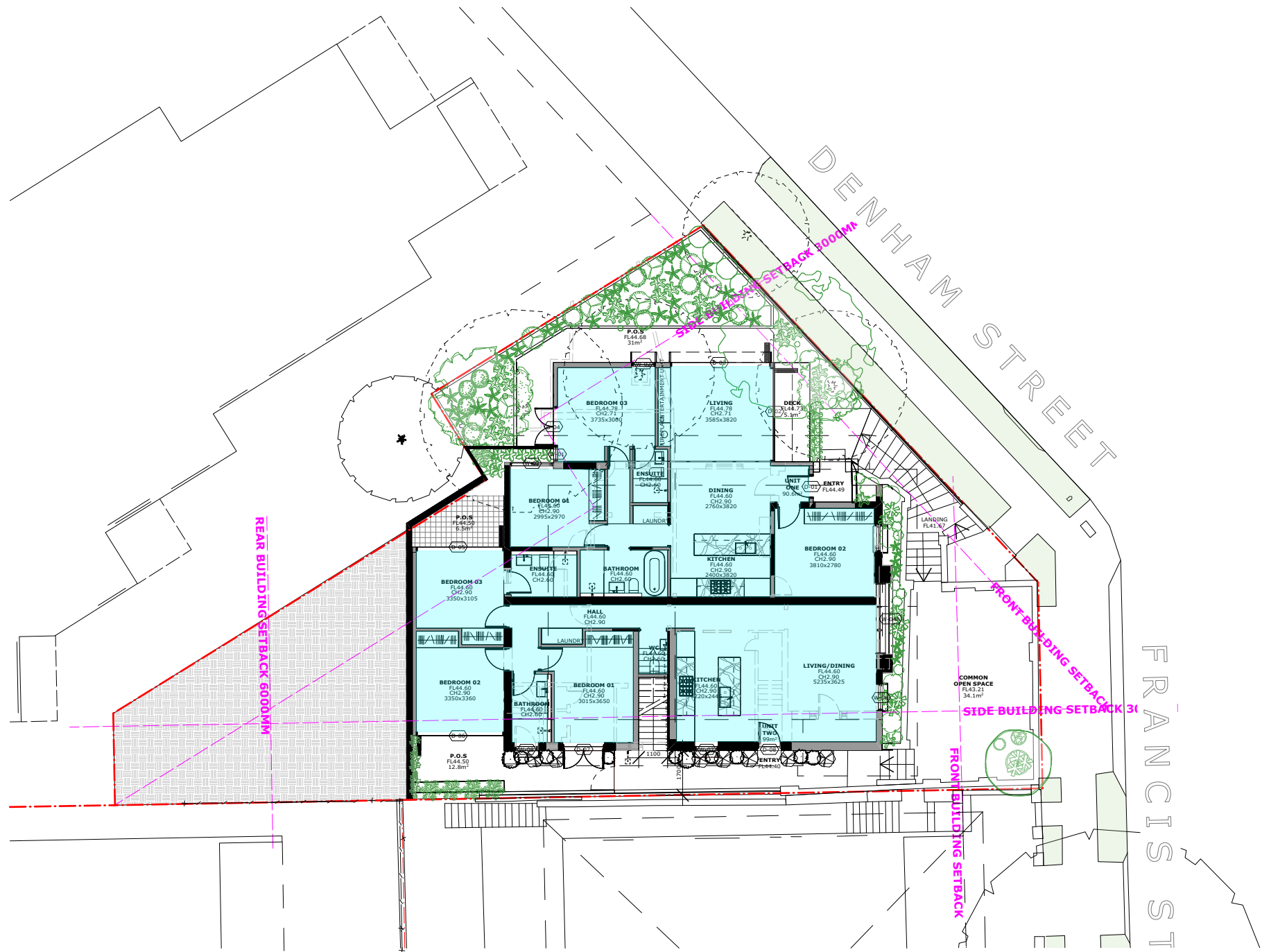


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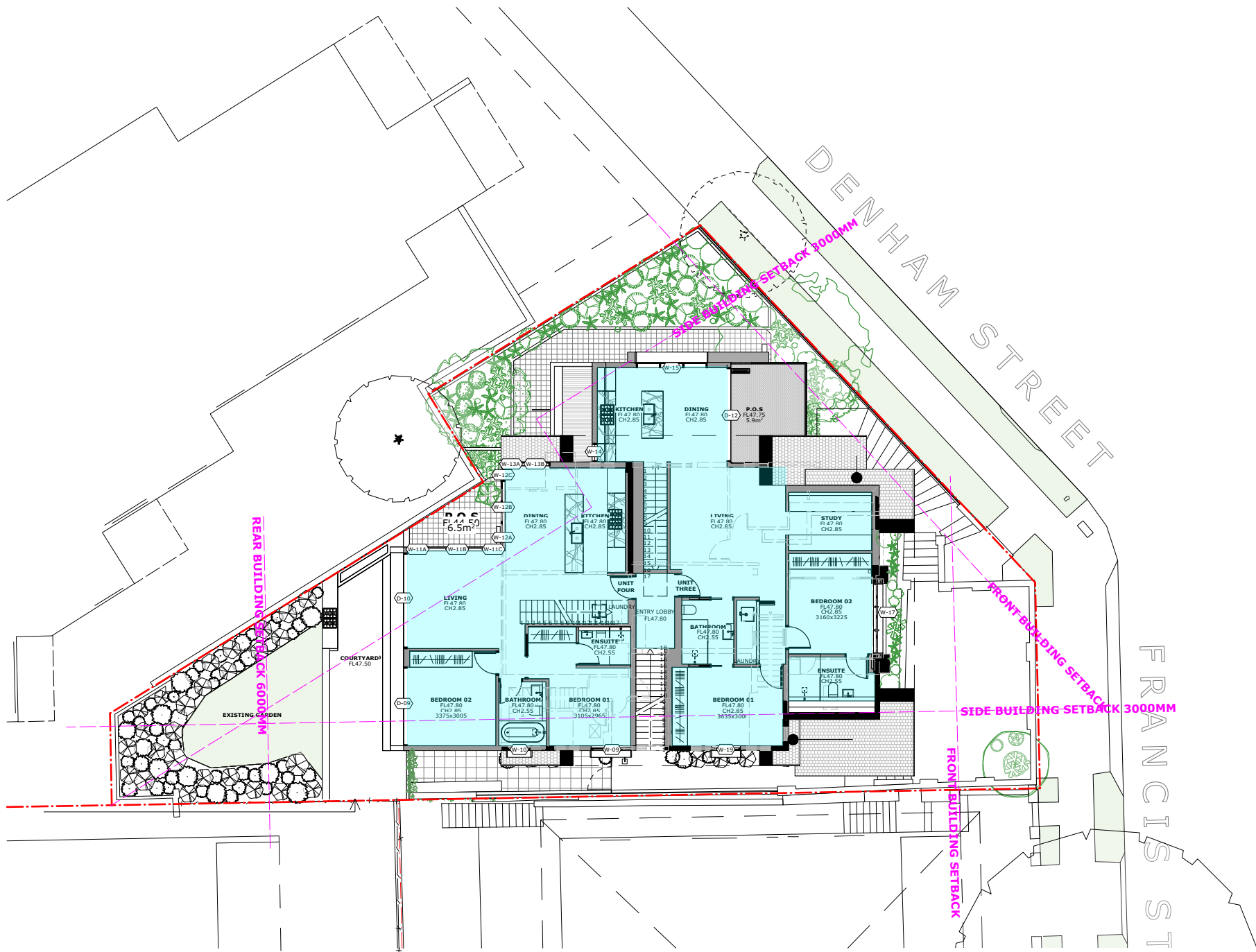
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Application No: DA-118/2018

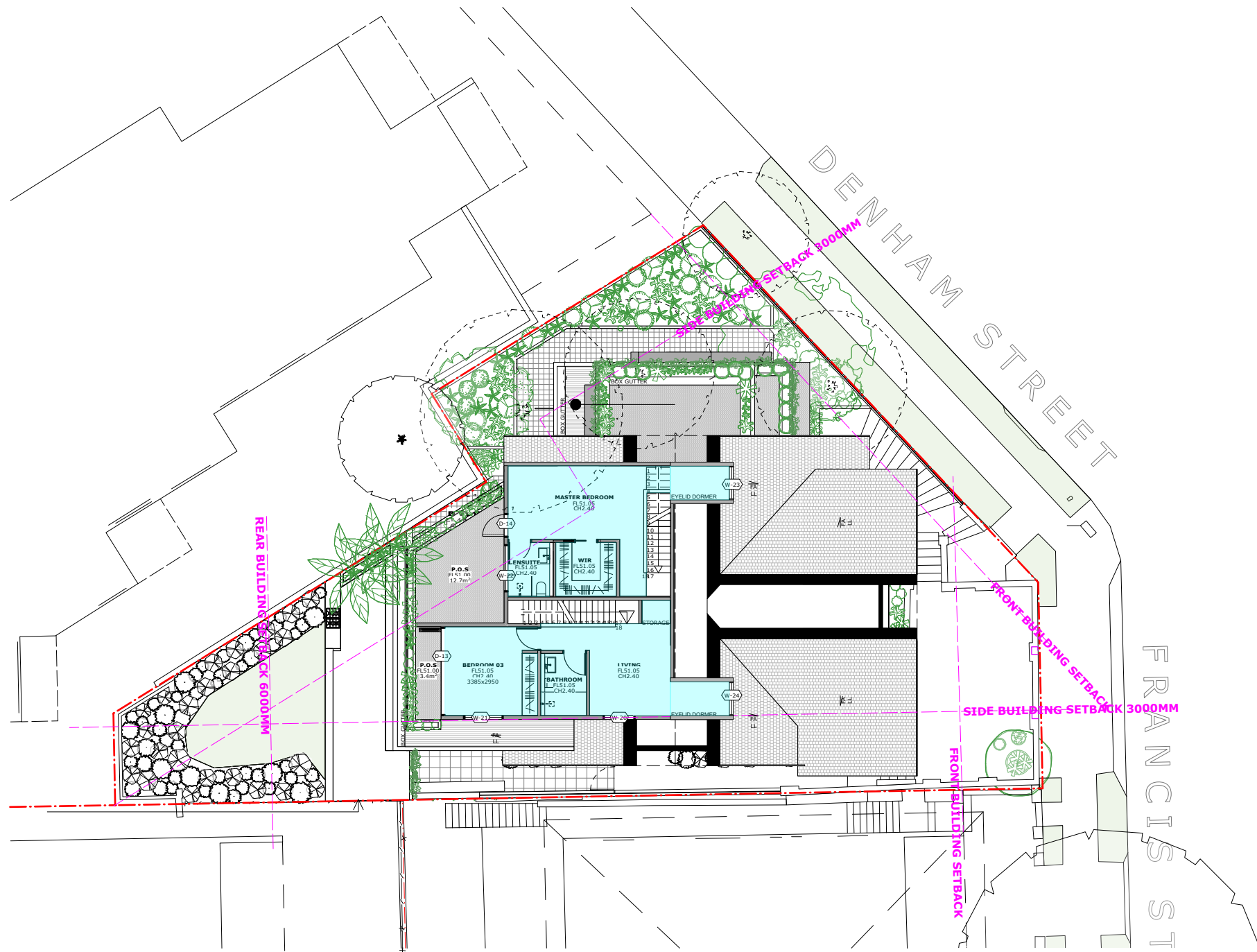
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5 GROUND FLOOR PLAN
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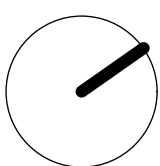
6 FIRST FLOOR PLAN
Scale: 1:200



7 SECOND FLOOR PLAN
Scale: 1:200

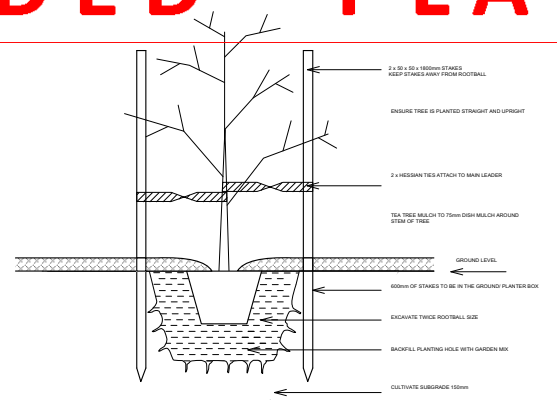
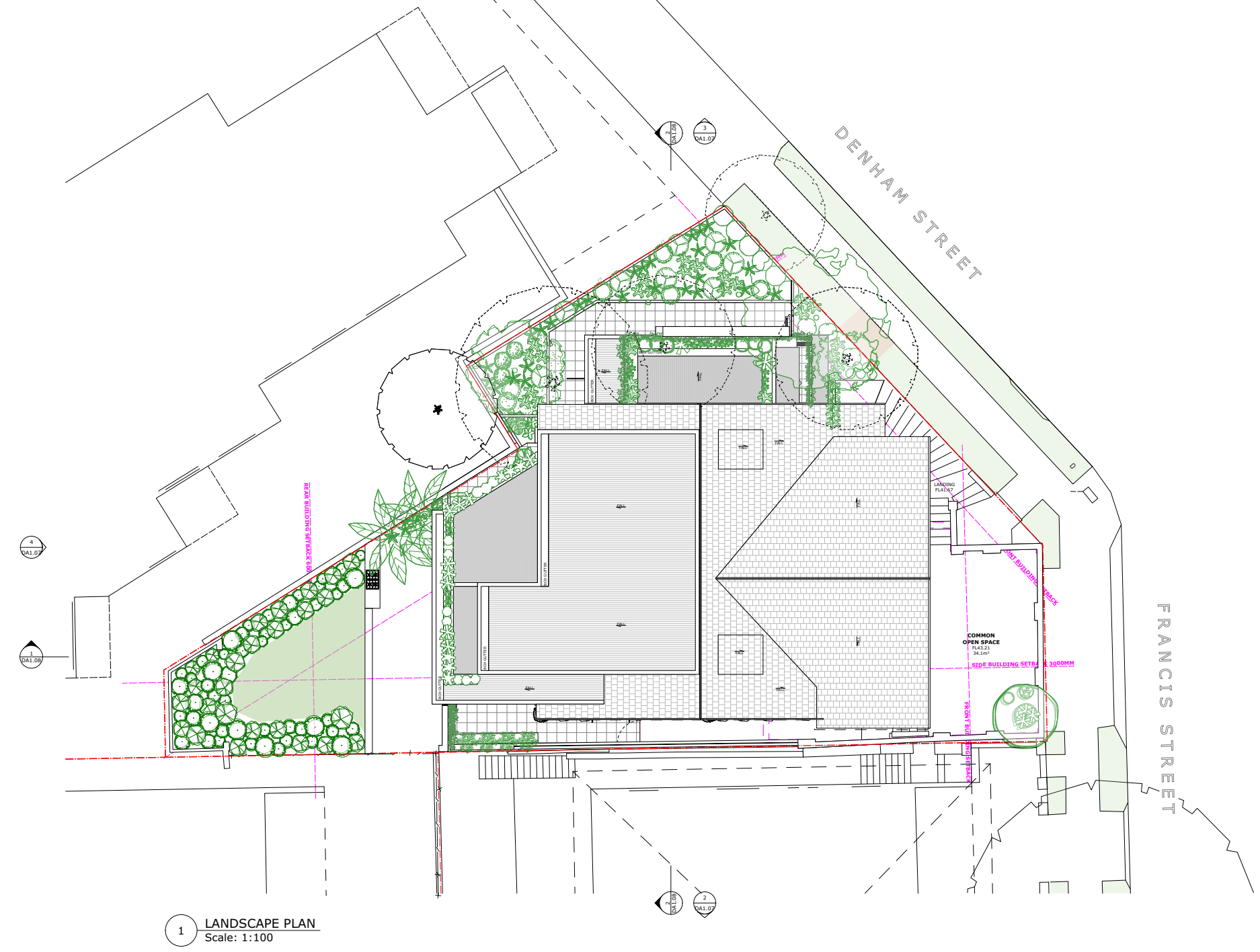
CALCULATIONS	
SITE AREA:	463.7m ²
GROUND FLOOR AREA:	180.9m ²
FIRST FLOOR AREA:	173.0m ²
SECOND FLOOR AREA:	62.0m ²
MAXIMUM FSR:	0.9:1
FSR AREA:	417.3m ²
PROPOSED FSR:	0.89:1
PROPOSED FSR AREA:	415.9m ²

KEY
CALCULATED FLOOR AREA

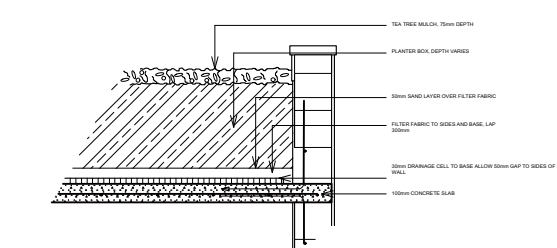


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Issue	Date	Comment	By	Site Address	Drawing Title	Scale
1	2018	SUBMISSION TO COUNCIL	SP	34A FRANCIS STREET, BONDI BEACH	GROSS FLOOR AREA CALCULATIONS	1:200@A1
2	26/4/19	RESUBMISSION TO COUNCIL	SP			Rev #
3	22/5/19	RESUBMISSION TO COUNCIL	PK			A
				Client	Project No.	1417
				JOE O'DWYER & NATALIE WILDING	Dwg Date:	Plot Date:
					Date	22/5/19
					Drawn By	Checked By
					LC	EG

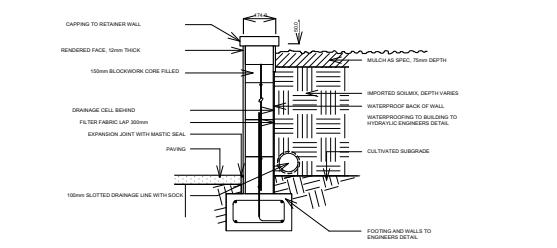
AMENDED PLANS



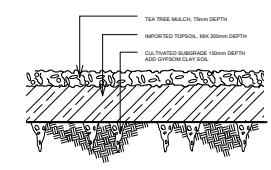
6 GARDEN BEDS
Scale: 1:20



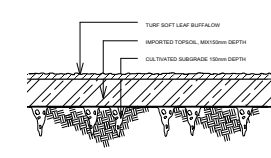
3 PLANTER BOX
Scale: 1:20



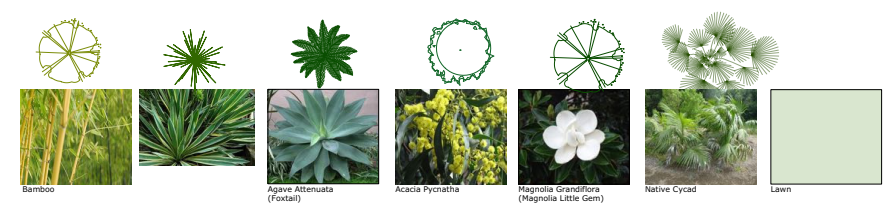
4 RETAINING WALLS WITHIN GARDEN
Scale: 1:10



5 TURF
Scale: 1:10



6 TREE PLANTING
Scale: 1:10



AMENDED PLANS

LEGEND

- 48.90 PROPOSED LEVEL
- LAWN AREA
- PAVING
- EXISTING TREE TO BE REMOVED
- EXISTING GARDEN AREA TO REMAIN
- BOUNDARY LINE

GROUND COVER PLANTS TO COURTYARD (NOT SHOWN) INCLUDE:
5 x PLECTRANTHUS 'NICOLETTA'
5 x DICHONDRA 'SILVER FALLS'

EXISTING COTONEASTER SPP. TO BE REMOVED

EXISTING ERIOBOTRYA JAPONICA TO BE REMOVED

EXISTING CALLISTEMON VIMINALIS (STREET TREE) TO BE REMOVED

EXISTING MELALEUCA SALICINA TO BE REMOVED

SOIL TO GARDEN AREAS (NOT TO SCALE)

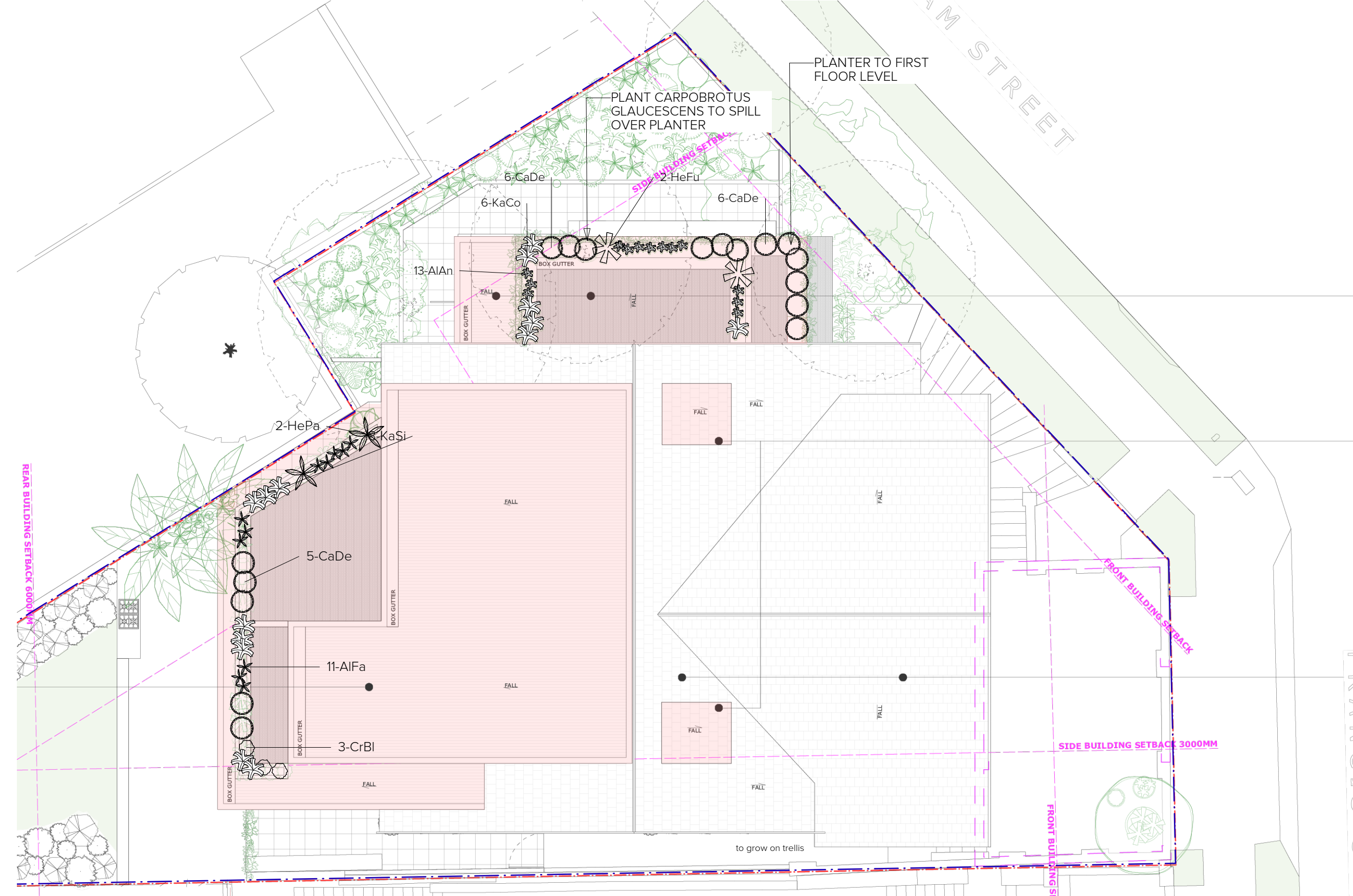
RECEIVED
Waverley Council
Application No: DA-118/2018
Date Received: 07/05/2019

PLANTING DETAIL (NOT TO SCALE)

PLANTER OVER SLAB DETAIL (NOT TO SCALE)

GROUND FLOOR + FIRST FLOOR PLAN

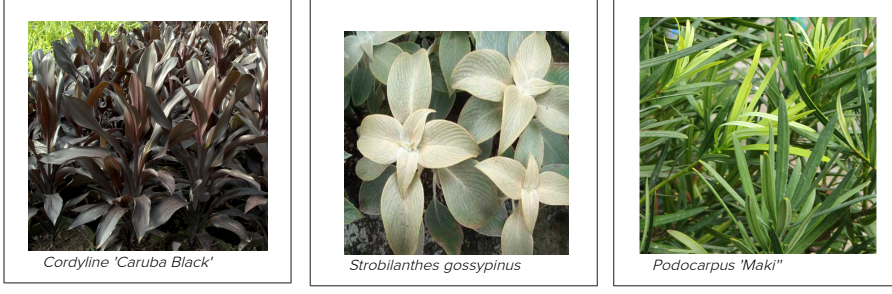
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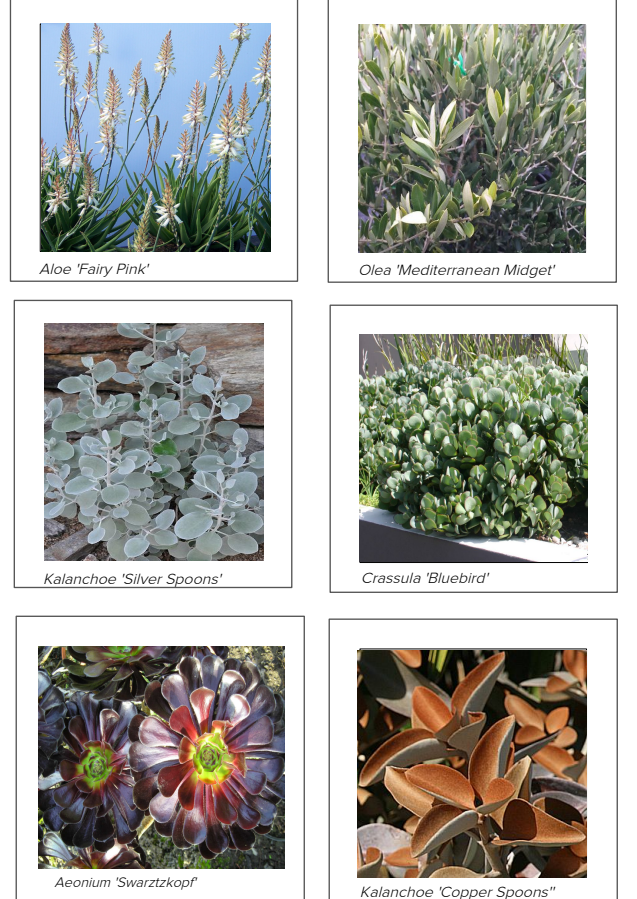
ROOF PLAN + PLANTERS

SCALE 1:100

EXAMPLE OF PROPOSED PLANTING TO NORTHWESTERN COURTYARD



EXAMPLE OF PROPOSED PLANTING TO RAISED PLANTERS



PLANT SCHEDULE

ID	Latin Name	Common Name	Quantity	Scheduled Size	Spread	Height
AeSw	Aeonium 'Swartzkopf'	Aeonium cv.	8	200mm	800	300
AIAn	Aloe 'Andreas Orange'	Aloe cv.	16	200mm	300	300
AIco	Aloe 'Copper Showers'	Aloe cv.	5	200mm	600	900
AIFa	Aloe 'Fairy Pink'	Dwarf Aloe cv.	20	200mm	400	400
ArCu	Archontophoenix cunninghamiana	Bangalow Palm	2	45lt	4000	10000
BA	Bambusa textilis 'Gracilis'	Slender Weavers Bamboo	4	3 clump	900	6000
CaDe	Carissa Desert Star	Desert Star	17	200mm	600	900
CaGi	Carpobrotus glaucescens	Coastal Moonflower, Pigface, Iceplant	2	140mm	750	200
ChAt	Chamaedorea atrovirens	Cascade Palm	1	300mm	1000	2000
CoCaBi	Cordylina Carubra Black	Dark Leaf Cordylina	3	200mm	600	900
CoGi	Cordylina glauca	Green Ti	8	200mm	500	1000
CrBi	Crassula 'Bluebird'	Bluebird Crassula	18	200mm	400	300
DiSi	Dichondra 'Silver Falls'	Silver Falls	25	140mm	800	100
FiLy	Ficus lyrata	Fiddle leaf Fig	1	300mm	1000	2000
HeFu	Hesperaloe funifera	Giant Hesperaloe	2	200mm	800	1200
HePa	Hesperaloe parviflora	Red Yucca	2	200mm	900	900
KaCo	Kalanchoe 'Copper Spoons'	Copper Spoons	9	200mm	600	1200
KaSi	Kalanchoe 'Silver Spoons'	Silver Spoons	17	200mm	600	1200
LaFa	Lagerstroemia 'Fantasy'	White Flowering Crepe Myrtle	2	100lt	6000	9000
LaBi	Lagerstroemia Black Diamond 'Pure White'	Burgundy Leaf Crepe Myrtle	1	45lt	2500	4000
LiStWh	Liriope muscari 'Stripey White'	Variegated Liriope	21	140mm	400	500
MaAi	Magnolia 'Alta'	Evergreen Magnolia cv.	1	75L	4000	9000
MuCo	Muehlenbeckia complexa	Maiden Hair Vine	3	140mm	1000	0
OlMe	Olea 'Mediterranean Midge'	Dwf. Olive	8	200mm	800	1000
OlGa	Olea europaea 'Garden Harvest'	Olive cv.	6	200mm	800	2000
PiNe	Plectranthus 'Nicioletta'	Plectranthus	5	140mm	600	300
PIAc	Plumeria acutifolia cv.	Pink/Orange Flowering Frangipani	1	45mm	2500	3000
PoEl	Podocarpus elatus	Plum Pine, Brown Pine	11	300mm	1000	8000
RuHy	Ruscus hypoglоссum	Butchers Broom	8	140mm	700	100
SeRa	Senecio radicans 'Hanging Bananas'	Hanging Bananas	2	140mm	200	100
STG	Strobilanthes gossypinus	Strobilanthes	6	200mm	800	1000
TrAs	Trachelospermum asiaticum 'Flat Matt'	Ground Cover Star Jasmine	3	140mm	1000	200

GENERAL LANDSCAPE NOTES

All landscape works to be undertaken in accordance with Council approved documentation

Initial Site Preparation:

All existing trees and vegetation to be retained shall be preserved and protected from damage of any sort during the execution of landscape works. In particular, any root system of existing plants must not be disturbed if possible. Any site works under the dripline of existing trees should be carried out under the supervision of an experienced arborist with a minimum qualification of Australian Qualification Framework (AQF) Level 5 in Arboriculture.

Install tree protection measures such as tree protection fencing, trunk protection and ground protection as specified by others prior to any commencement of landscape works. Trees shall not be lopped or removed unless specific written approval to do so is given or is indicated on plan. Storage of materials, or mixing of materials, vehicle parking, disposal of liquids, machinery repairs, storage sheds and the lighting of fires shall not occur within the dripline of any existing trees to be retained on or adjacent to the site. Do not stockpile soil, rubble or other debris cleared from the site or building materials within the dripline of existing trees. Changes to soil level beneath canopy of trees to be retained shall not be permitted unless under direct supervision of a qualified arborist. Existing trees shall be pruned to qualified arborist on-site instructions.

Verify all dimensions and levels on site prior to commencement. Do not scale from drawings. Locate all underground & above ground services and ensure no damage occurs to them throughout the course of the works. Spray approved weedicide to all proposed lawn & garden areas to manufacturer's directions. Remove existing concrete pathways, footings, walls etc. not notated to be retained and weeds from site. Levels indicated on plan are nominal only and are derived from architectural plans, surveys and drawings by others. Final structural integrity of all items shall be the sole responsibility of Contractor.

Soil Preparation:

All proposed planting areas shall be cultivated (by hand under dripline of trees) to depth of 300mm all proposed lawn & garden areas incorporating minimum 100mm depth of organic clay breaker into existing site soil. In areas where fill is required gain required shapes and levels using a premium grade soil mix. In areas where excavation is required (if in clay) over excavate as required to allow for installation of 500mm depth of premium grade topsoil mix to garden areas and 300mm depth of premium grade topsoil mix to lawn areas. Undertake all required action to ensure that no rootballs of proposed plants sit in clay wells and that all garden areas and lawn areas drain satisfactorily. Note it is intended that wherever possible existing levels shall not be altered through garden and lawn areas. It is the Contractors responsibility to ensure that all lawn and garden areas drain sufficiently (both surface & subsurface), are at required finished levels and have sufficient soil depths to enable lawn and plants to thrive and grow.

Planting:

Purchase plants from an approved nursery. Plants to be healthy and true to type & species. Set out plants to positions indicated on plan. Plant holes shall be dug approximately twice width and 100mm deeper than plant rootballs that they are to receive. Base and sides of hole shall be further loosened. Remove plant container and install plant into hole. Rootball shall be backfilled with surrounding topsoil and topsoil firmly contained. An approved shallow dish shall be formed to contain water around base of stem. Base of stem of plant shall finish flush with finished soil level. Once installed, apply a slow release 9 month NPK fertiliser in accordance with the manufacturer's instructions. Plant should be thoroughly watered immediately after planting and maintained for the duration of the maintenance period.

Mulching:

All planting areas to be mulched with a 75mm thick cover of woodchip mulch and then all planted areas to be thoroughly soaked with water. Mulch shall slope down to plant stems and finish flush with adjacent surfaces.

Turfing:

Prepare for, level & lay cultivated Palmetto Buffalo or as otherwise specified turf to all areas nominated on plan as being lawn. Roll, water, fertilise, mow & maintain lawns as necessary until completion of maintenance period. At same time make good all existing lawn areas using same lawn type. Allow to retrim and returf councils nature strip as required.

Planters:

Raised planter construction is to include, but not necessarily be limited to, the supply and installation of agricultural drains, drainage cells at base, filter fabric, planting medium, mulch and irrigation. Planter boxes must be effectively tanked and lined with corefute to prevent leaking. Drainage cells are to be provided at the base of the planter and are to be covered with a layer of filter fabric and a 100mm deep layer of Hydrocell Hardfoam RG30. Provide root anchor netting over Hardfoam layer if trees are to be planted. A drainage outlet is to be installed in the base of the planter with the floor of the planter sloped towards it. Supply and spread evenly a approved planter soil mix. Compact lightly and evenly in 150mm layers. Avoid differential subsidence and excess compaction and produce a finished surface that is graded evenly and ready for planting. Allow for 75mm layer of specified mulch to top of beds and a finished level 25-50mm below the planter rim. Drip irrigation as specified is to be installed beneath the mulch layer.

Engineering:

All structural details (such as retaining walls, paving) and hydraulic details shall be to Engineer's details.

Maintenance:

The Landscape Contractor shall maintain the contract areas by accepted horticultural practices as well as rectifying any defects that become apparent under normal use. The Landscape Contractor shall maintain the works and make good all defects for a period of thirteen (13) weeks after the date of practical completion. Practical completion of the landscape works shall include but not be limited to the replacement of plants which have failed or been damaged or stolen during work under the contract. Landscape maintenance shall include but not be limited to the following: watering, rubbish removal, spraying and wiping leaf surfaces, replacing failed plants, maintaining mulch, fertilising, pruning, insect and disease control, cleaning of surrounding areas. Mow the turf when it is established at regular intervals to maintain an average height of 50mm.

woodside

PLANTS & DESIGN

PO BOX 7 MANLY NSW 1655
ABN: 26 868 680 754

M: 0417 417 012
E: jo@woodsideplantsanddesign .com.au
W: www.woodsideplantsanddesign .com.au

Client: JOE O'DWYER & NATALIE WILDING

Address: 34A FRANCIS STREET
BONDI BEACH

Dwg: LANDSCAPE PLAN

Date: 6/5/19 Scale: 1:100 @A1

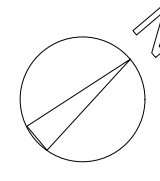
Job Ref: 17.193 Sheet No: 1 of 1

Issue: C

Contractors to check and verify all dimensions, levels and boundaries prior to commencement of any work on site. Check location of all underground services prior to excavations or drilling. All workmanship to be in accordance with current trade practice, new standards, specifications and local authority bylaws. Seek resource and building consents as required.

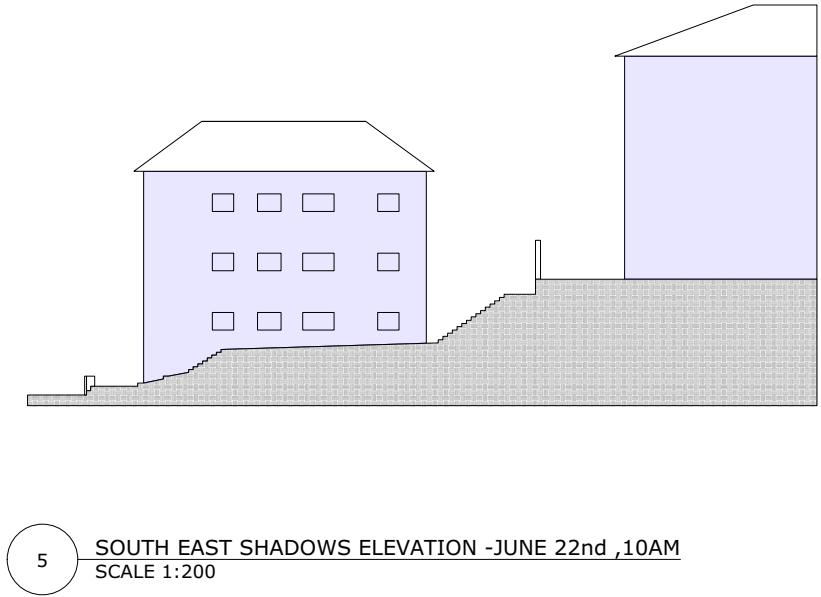
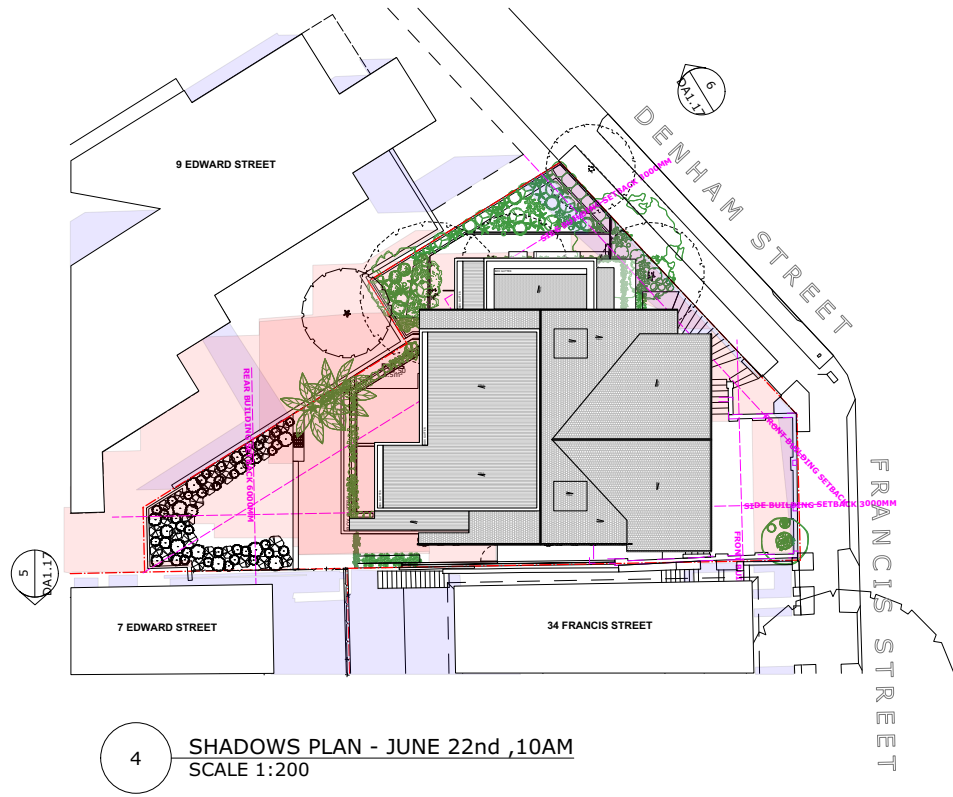
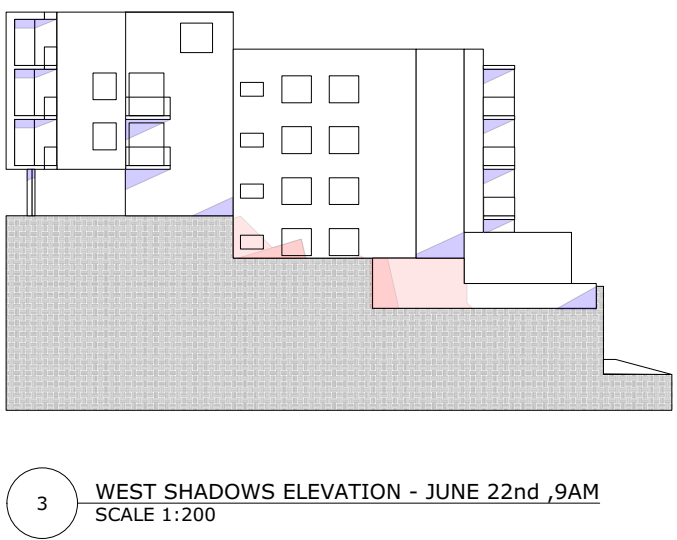
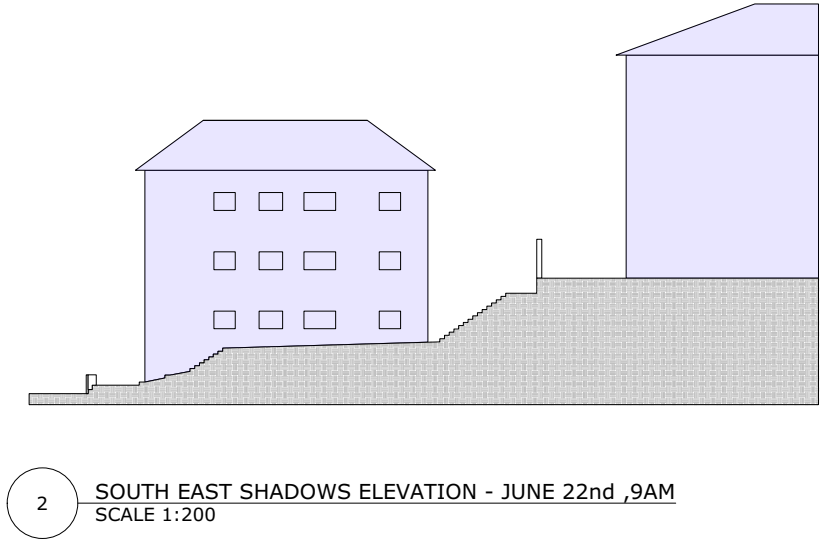
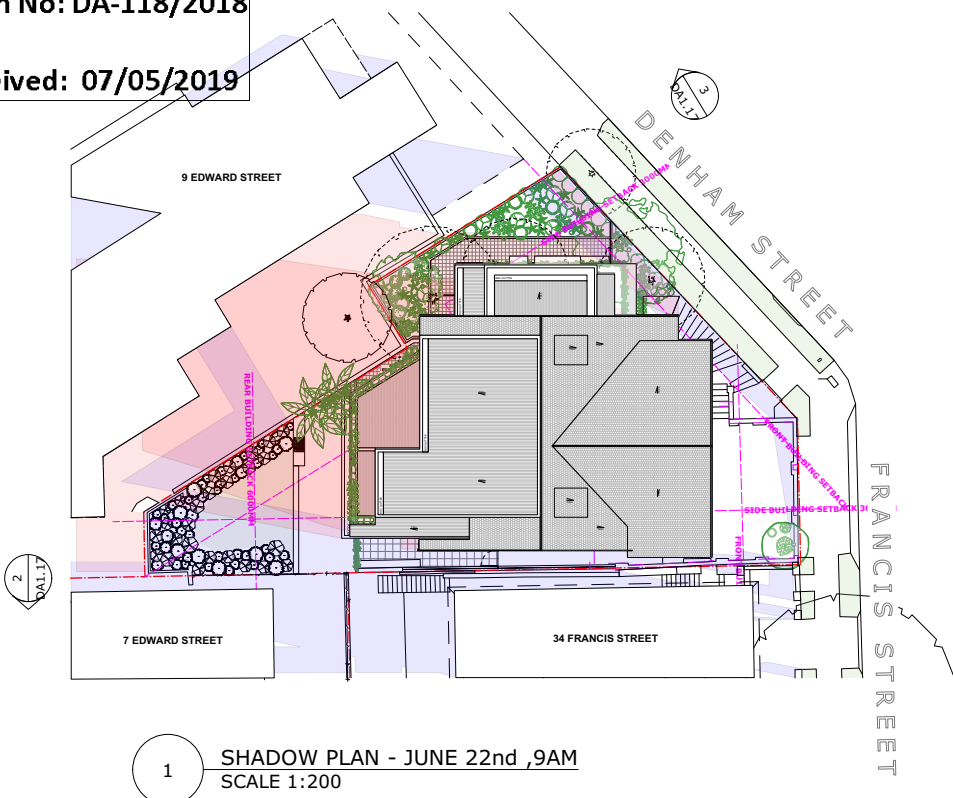
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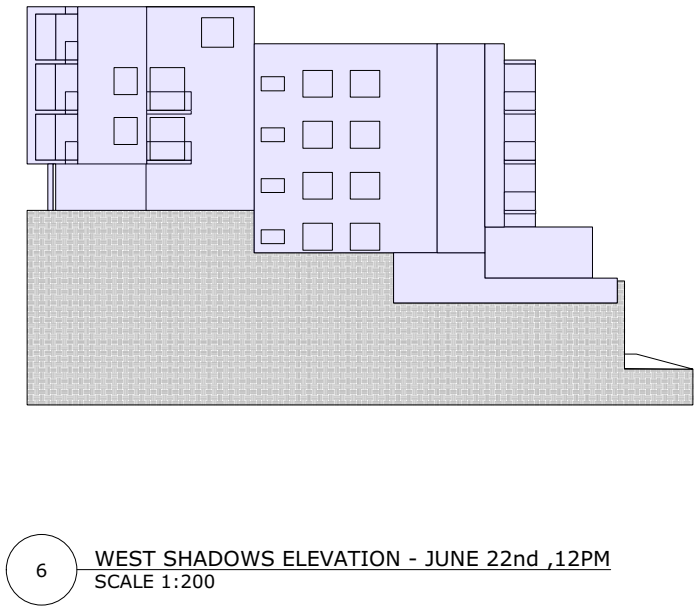
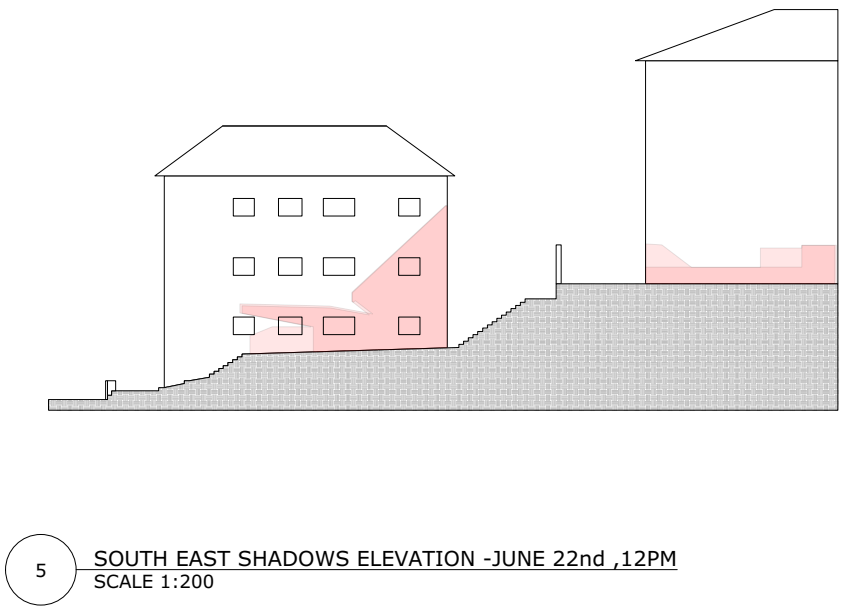
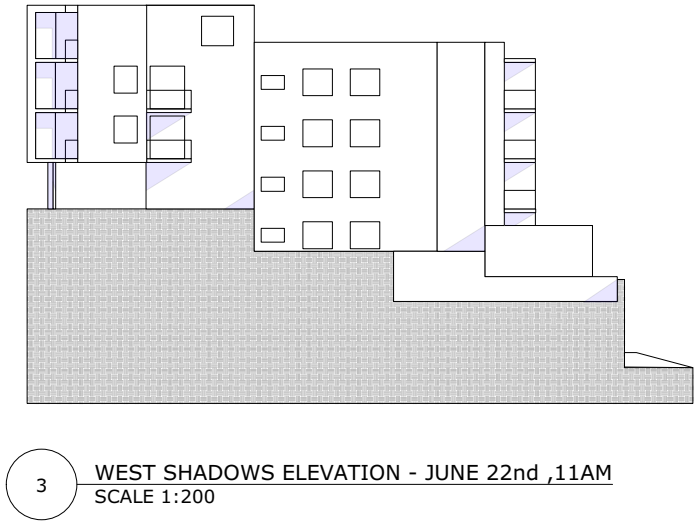
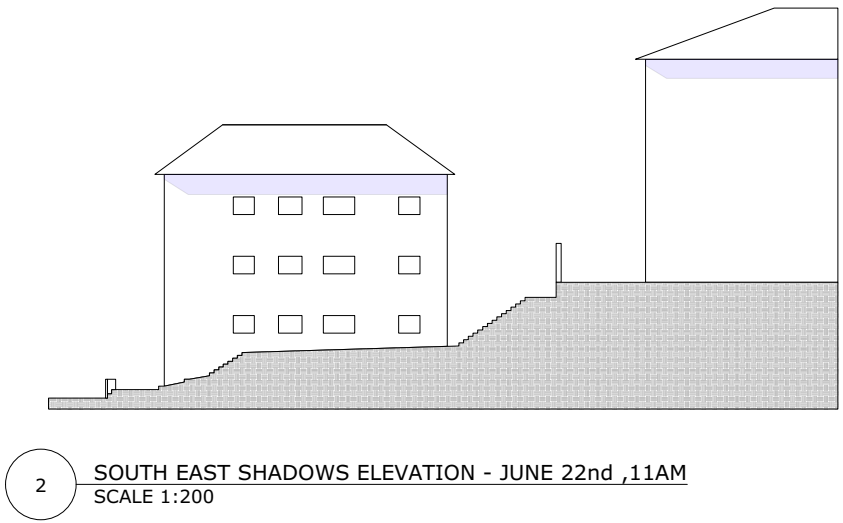
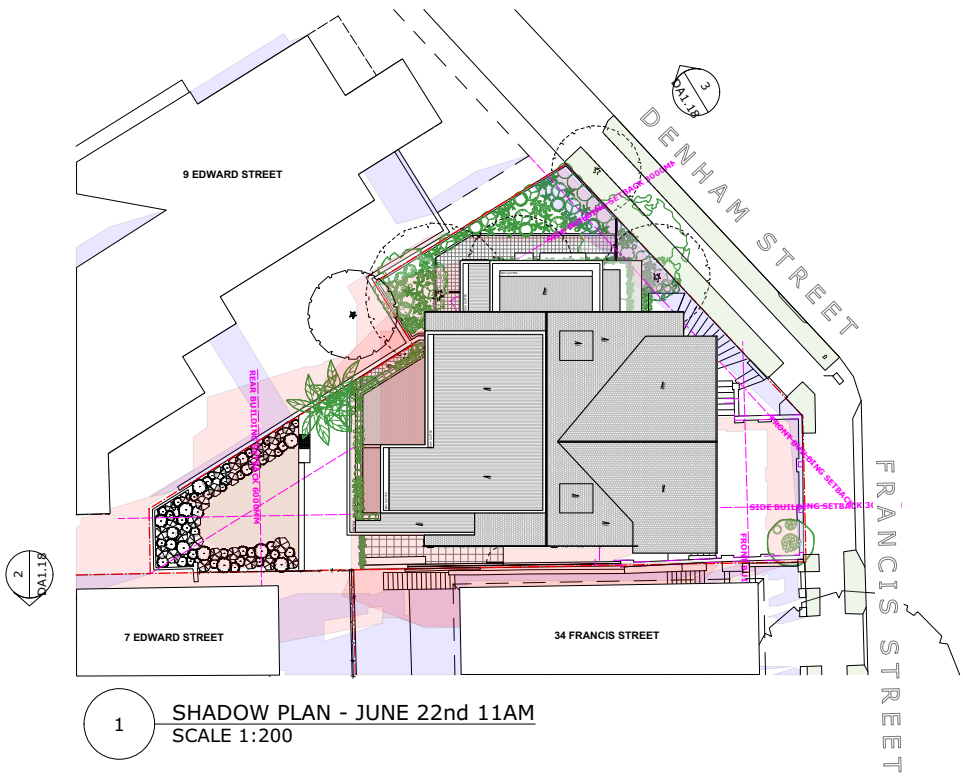
Revisions:
A (15/02/18) - PRELIMINARY ISSUE
B (6/03/18) - ISSUE FOR DA
C (6/05/19) - AMENDMENTS TO SUIT ARCHITECTURALS





Rev	Date	Comment	By	Stage	34A FRANCIS STREET		Drawing No.	
A	26/4/19	REDESIGN FOR DEVELOPMENT APPLICATION	SP	DEVELOPMENT APPLICATION			DA1.16	
				Site Address	Drawing Title		Scale	Rev #
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				Client	Project No.	1417	Drawn By	Checked By
				JOE O'DWYER & NATALIE WILDING	Orig Date:	Ref Date:	LC	EG
					Date	7/5/19		
Issue	Date	Comment	By					
1	2018	SUBMISSION TO COUNCIL	SP					
2	26/4/19	RESUBMISSION TO COUNCIL	SP					



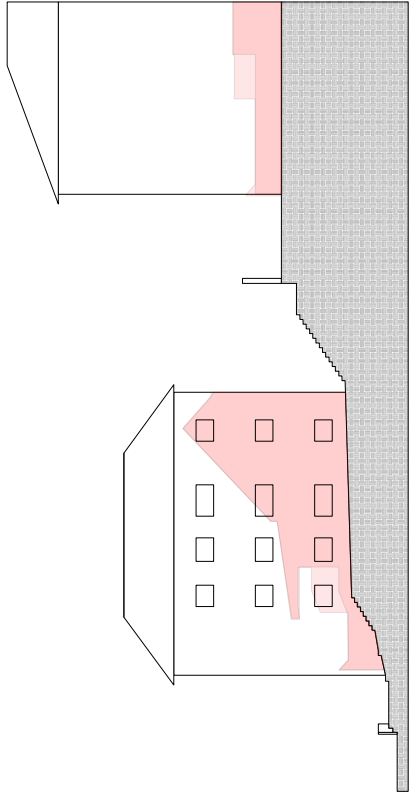




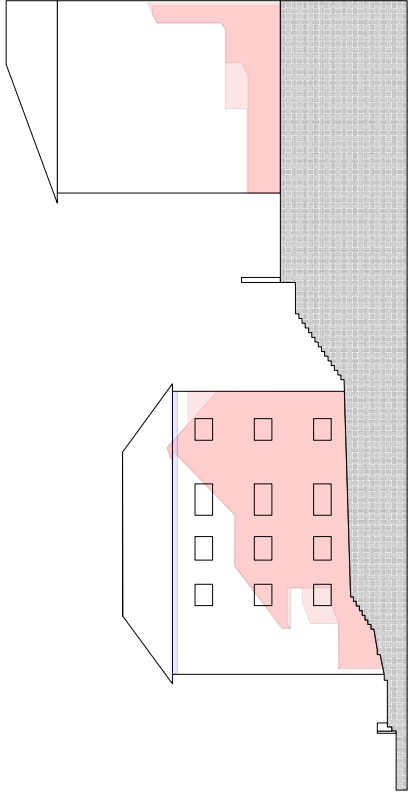
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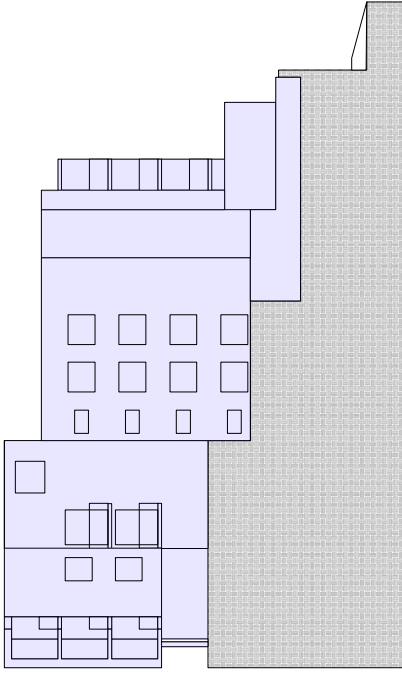
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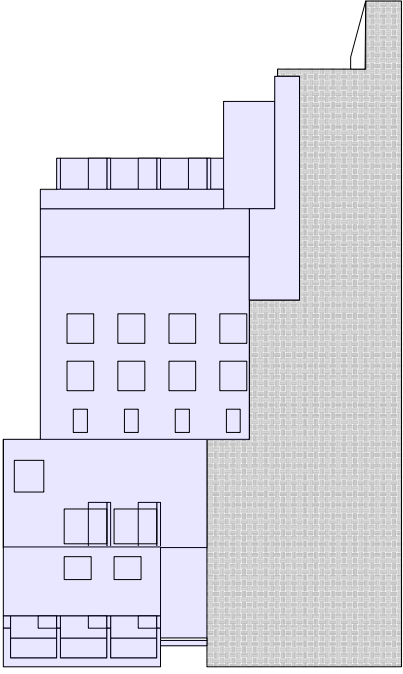
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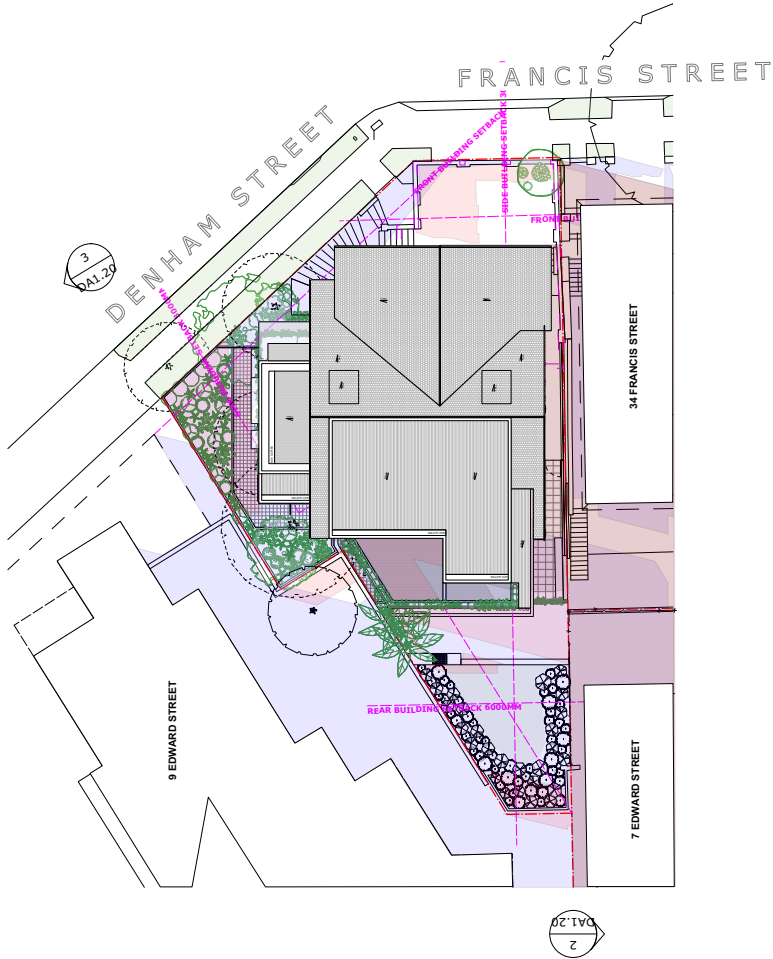
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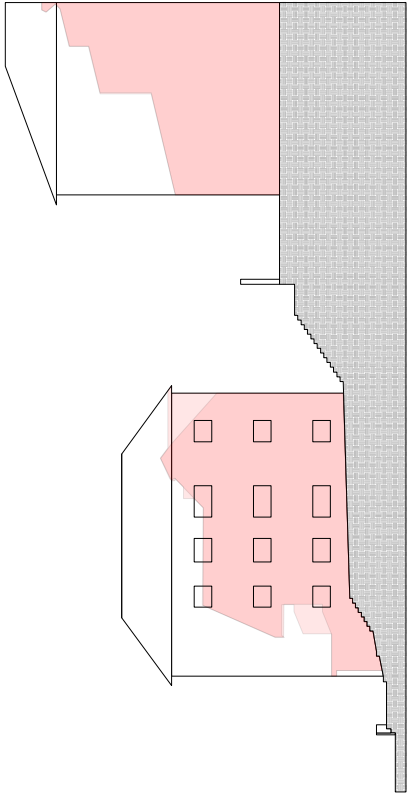
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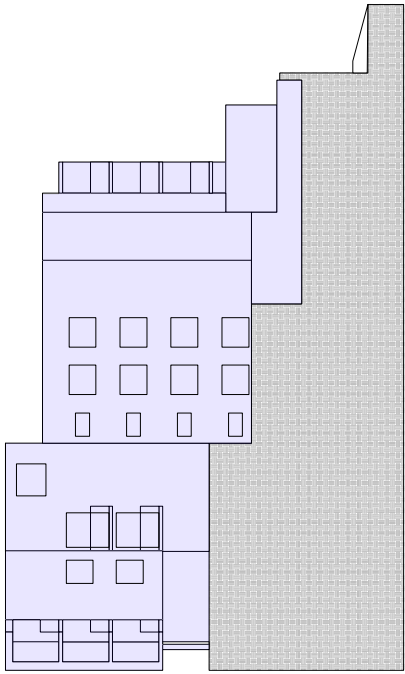
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1 SHADOWS PLAN - JUNE 22nd, 3PM
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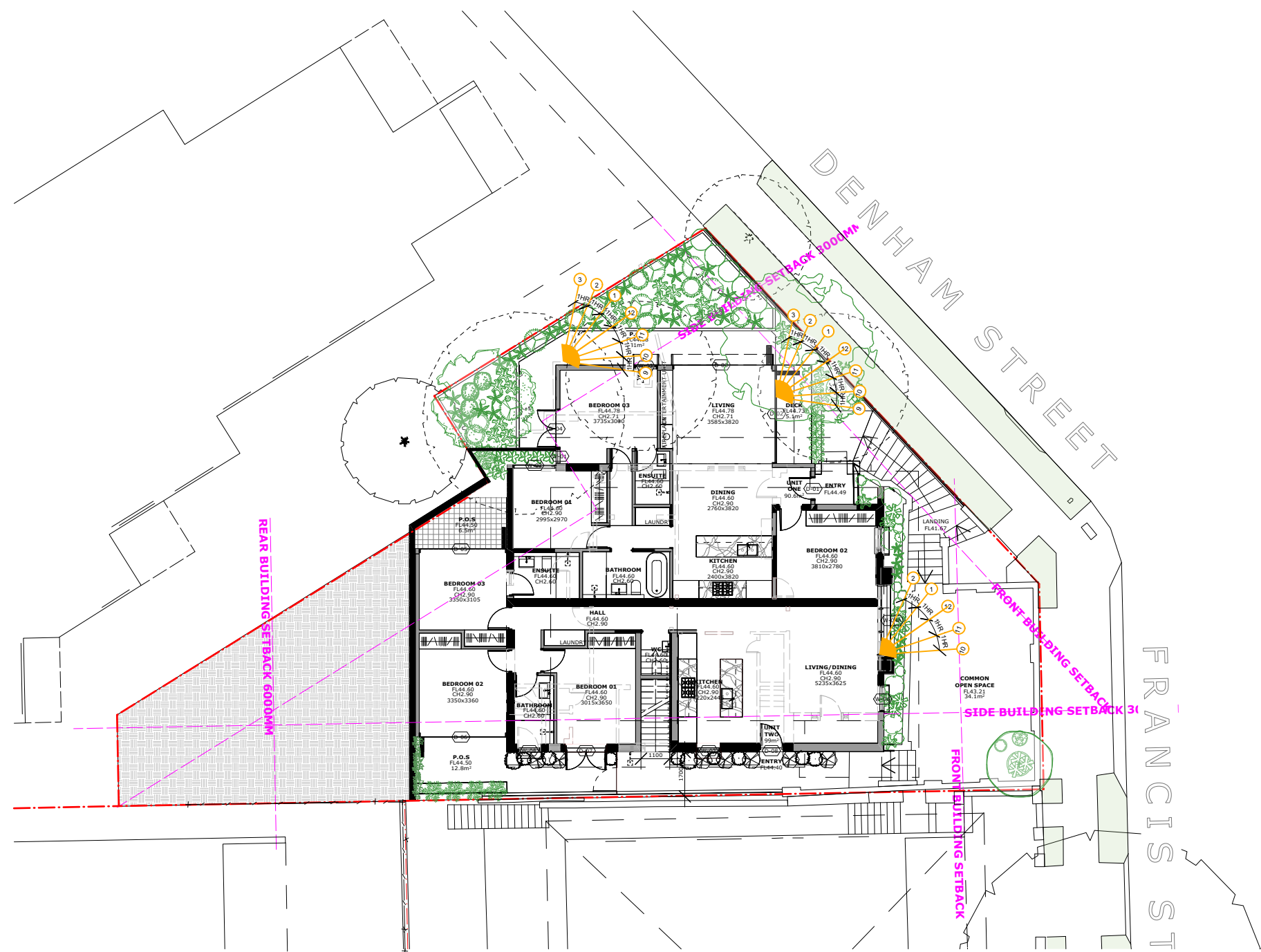


2 SOUTH EAST SHADOWS ELEVATION - JUNE 22nd, 3PM
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3 WEST SHADOWS ELEVATION - JUNE 22nd, 3PM
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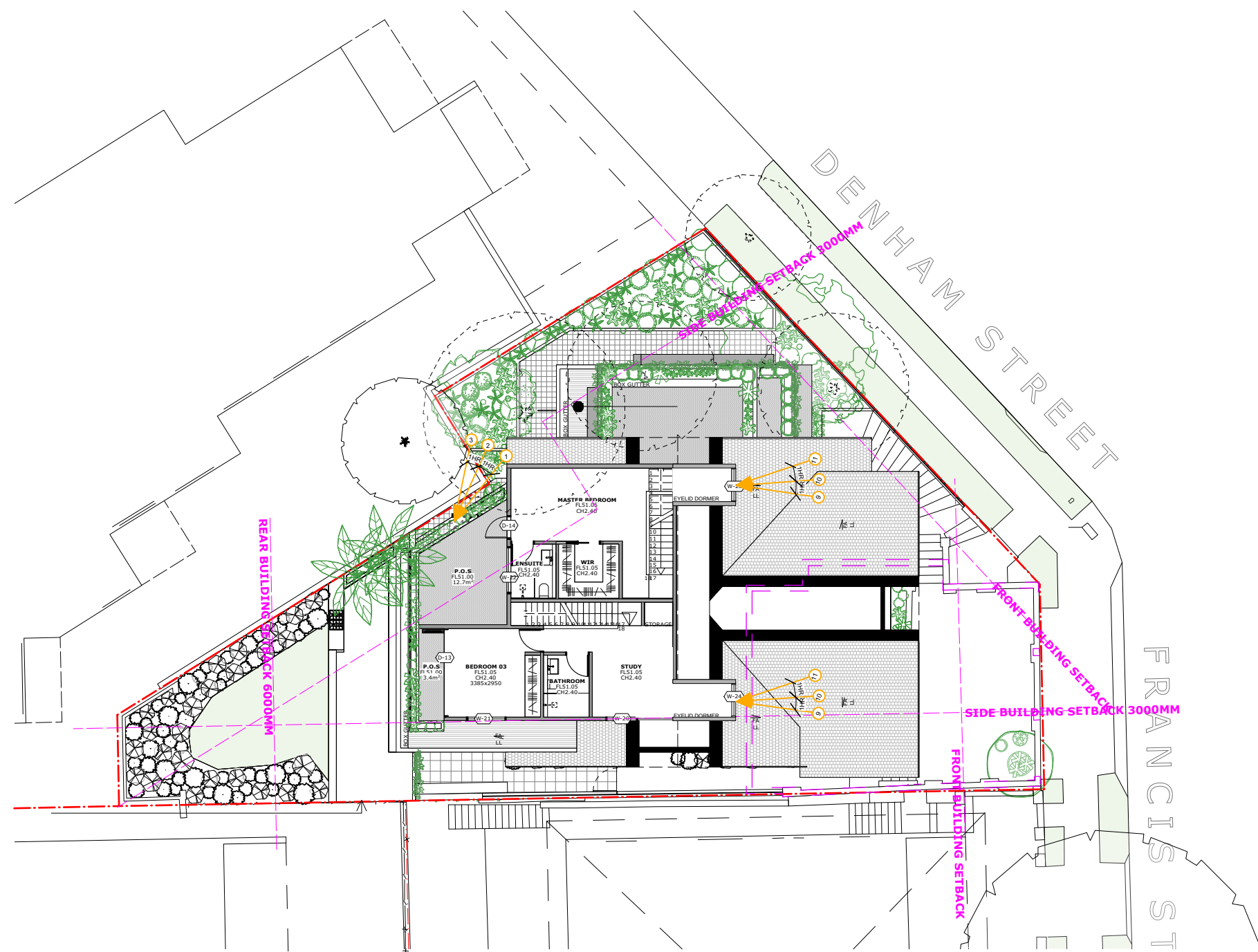
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NEW SHADOWS				Comment REDESIGN FOR DEVELOPMENT APPLICATION		Scale 1:100@A1	
EXISTING SHADOWS				Date 26/4/19		Rev # A	
NEIGHBOURING SHADOWS				Issue 1		Drawing Title SHADOW DIAGRAMS 3PM	
				Date 26/4/19		Site Address 34A FRANCIS STREET, BONDI BEACH SP 10/779	
				By SP		Client JOE ODWYER & NATALIE WILDING	
				Comment RESUBMISSION TO COUNCIL		Project No. 1417	
						Drawn By UC	
						Checked By EG	
						Date 7/5/19	



1 GROUND FLOOR PLAN
Scale: 1:200



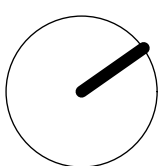
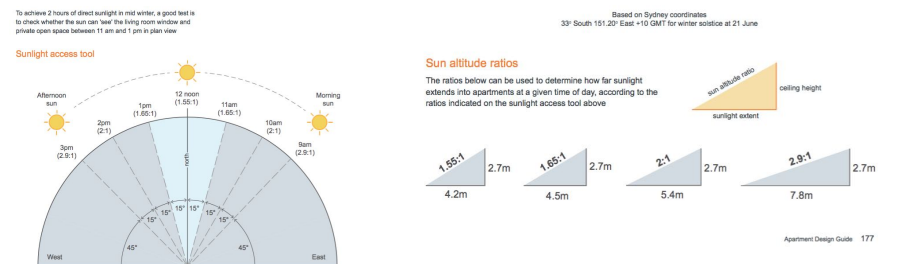
2 FIRST FLOOR PLAN
Scale: 1:200



3 SECOND FLOOR PLAN
Scale: 1:200

UNIT	LIVING ROOM SOLAR ACCESS (HOURS)	PRIVATE OPEN SPACE SOLAR ACCESS (HOURS)
UNIT 01	5	5
UNIT 02	4	5
UNIT 03	5	3
UNIT 04	3	3

KEY



Rev	Date	Comment	By	Stage	34A FRANCIS STREET	Drawing No.
A	26/4/19	REDESIGN FOR DEVELOPMENT APPLICATION	SP	DEVELOPMENT APPLICATION		DA1.21
Issue	Date	Comment	By	Site Address	Drawing Title	Scale
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				Client JOE O'DWYER & NATALIE WILDING	Project No. 1417	Rev # A
					Dwg Date: Plot Date: 24/5/19	Drawn By LC
						Checked By EG



ARCHITECTURE THAT INSPIRES

Apt 2/206T Alison Rd
Randwick NSW, 2031
ph: 02 9399 6673

info@stubbsdesigntribe.com.au
www.stubbsdesigntribe.com.au

ABN 65 771 230 353

Nominated Architect: Mathew Stubbs

NSW Registered Architect No. 7212

AIA Membership No. 28118



EXISTING EXTERNAL COLOURS AND FINISHES SCHEDULE

34A FRANCIS STREET, BONDI

ISSUE: A_REVA

DATE: 10/04/2018

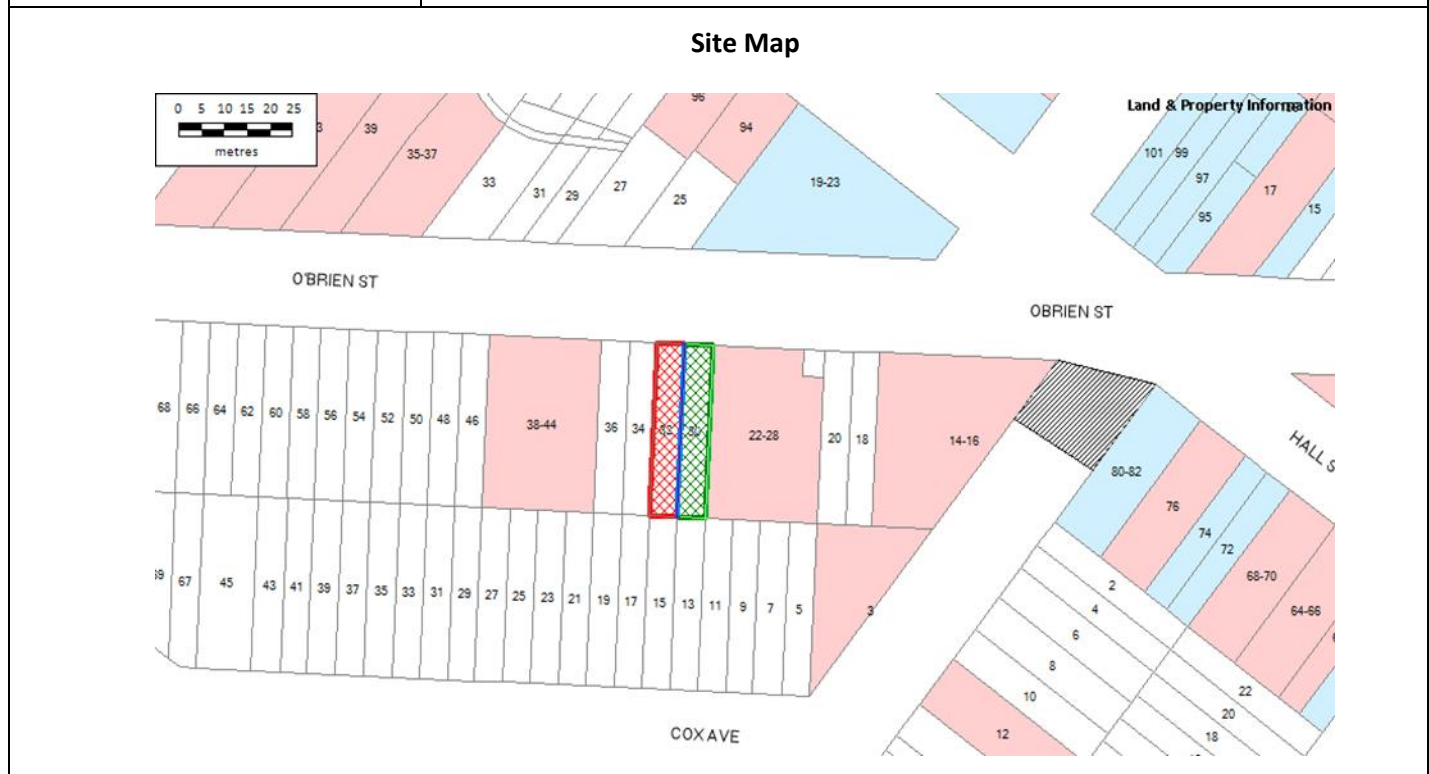
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WF.02	EXTERIOR WALL FINISH 02	TIMBER CLADDING	
WF.03	EXTERIOR WALL FINISH 03	RENDERED BRICKWORK	
	NEW EXTERIOR WINDOWS + DOORS	TIMBER	
AF.01	WINDOW REVEAL		
RF.01	ROOF FINISH	TER	
FF.01	DECK + PATIO	TILE	
	GUTTERS + DOWNPIPES		
EF.01	EXISTING BRICK WALLS	BRICK	

EF.02	EXISTING ROOF	TERRACOTTA	
TF.01	PROPOSED BOUNDARY FENCE	TIMBER	



Report to the Waverley Local Planning Panel

Application number	DA-159/2017/A
Site address	30 & 32 O'Brien Street, BONDI BEACH
Proposal	Modification to DA-159/2017, including additional dormer windows, skylights and internal staircase
Approved development description	Demolition of existing structures, construction of two new semi-detached dwellings with single garages, attic and swimming pools
Date of lodgement	14 December 2018
Owner	Mrs N Petukh & Mr A Petukh
Applicant	Cvma Architects
Submissions	Eleven (11)
Issues	Dormer windows, bulk and scale, amenity impacts
Recommendation	That the application be REFUSED



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 2 April 2019.

The site consists of two allotments:

- Lot 12: 30 O'Brien Street.
 - The site is rectangular in shape with the following dimensions; front boundary measuring 12.12m, east side boundary measuring 36.575m, rear boundary measuring 6.13m and west side boundary measuring 36.575m.
 - Total site area: 224.6m²
- Lot 11: 32 O'Brien Street
 - The site is rectangular in shape with the following dimensions: front boundary measuring 6.035m, east side boundary measuring 36.575m, rear boundary measuring 6.06m and west side boundary measuring 36.575m
 - Total site area: 221.2m²

Construction is underway to construct two, two storey semi-detached dwellings on the land.

The subject site is adjoined by a single storey semi-detached dwelling to the west and a four storey residential flat building to the east. The rear of the site adjoins one and two storey semi-detached dwellings in Cox Avenue. The locality is characterised by a variety of residential developments including semi-detached dwellings, dwellings and residential flat buildings. Mixed use development is located to the east of the subject site at the intersection of O'Brien Street, Hall Street and Glenayr Avenue.



Figure 1: Subject site frontage



Figure 2: Side of building

1.2 Details of Approved Development

The approved development included demolition of existing structures, construction of two new semi-detached dwellings with single garages, attic and swimming pools, and was approved under delegation on 19 October 2017 subject to conditions.

Of relevance is Condition 2 General Modifications, which required the proposal to be amended as follows:

(a) The fixed stairs from Level 1 to the attic storage area to be removed, including the associated void, and replaced with a pull down attic folding ladder (non fixed).

Initial DA History:

- 20 June 2017: deferral letter sent to applicant requesting the application be withdrawn or the following changes: removal of the basement garage, reduced width driveway crossover, changes to front and rear setbacks, revised materials and finishes, increased landscaping, removal of rear first floor balconies, revised stormwater plans.
- 7 July 2017: Amended plans submitted
- 12 July 2017: Amended plans re-notified for 14 days

The application was assessed based on amended plans submitted to Council 7 July 2017 and which removed the basement garage, provided a revised roof form and attic storage. Fixed access stairs leading to the attic were to be replaced with a pull-down ladder via condition.

1.3 Proposal

The application has been lodged as a section 4.55 (1A) application and provides for the following modifications to the approved development:

- Attic storage area increased;
- Fixed internal staircase;
- Additional dormer window (skillion form);
- Screening to dormer windows; and
- Additional skylights.

Proposed modifications apply to both dwellings.

2. ASSESSMENT

The following matters are to be considered in the assessment of this modification application under sections 4.15 and 4.55 of the *Environmental Planning and Assessment Act 1979* (the Act).

2.1 Section 4.55 Considerations

Section 4.55 (2) applications - the modification(s) if approved is/are substantially the same development as the original consent. Council has notified the application and considered submissions as discussed further in the report.

2.2 Planning Instruments and Development Control Plans

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

2.2.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

The BASIX Certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal. A standard condition was imposed on the initial consent, which shall remain, should the application be supported.

2.2.2 SEPP 55 Remediation of Land

There is no known history of contamination applicable to the site. The subject site has historically been used for residential purposes. Accordingly, site land contamination is considered unlikely and no further investigation is necessary.

2.2.3 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table R3 Medium Density Residential Zone	Yes	The proposal is defined as alterations to a semi-detached dwelling, which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 9.5m 	Yes	The proposal does not exceed 9.5m in height.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> No. 30: FSR 0.857:1 No. 32: FSR 0.861:1 	Yes	Remains unchanged (from original DA approval). <ul style="list-style-type: none"> No. 30: FSR 0.76:1 No. 32: FSR 0.84:1 See below for discussion.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site contains Class 5 acid sulfate soils. The proposed modifications do not impact upon the developments consistency with the objectives of this clause.

2.2.4 Waverley Development Control Plan 2012 - Amendment No 6 (Waverley DCP 2012)

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

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

Development Control	Compliance	Comment
1. Waste	Yes	Submitted with original application.
2. Ecologically sustainable Development	Yes	Submitted with original application.
5. Tree preservation	Yes	Assessed as part of the original application.
6. Stormwater	Yes	Assessed as part of the original application. Conditions were imposed with the original consent to address stormwater management. Further assessment not undertaken.
8. Transport	Yes	Assessed as part of the original application.
10. Safety	Yes	Assessed as part of the original application.

Table 3: Assessment of Proposed Modifications against relevant DCP Controls is in the table below.

Proposed Modification	Relevant DCP Control or condition	Compliance/Comment
Attic		
Increase storage area from 39.79m ² to 44.85m ² (excluding stairs), i.e. an additional 5.06m ² per dwelling	-	Refer discussion below this table.
Fixed stairs added	Condition 2	Refer discussion below this table.
2 additional skylights per dwelling	-	Refer discussion below this table.
New dormer windows (skillion form)	Part C2, Clause 2.11	Refer 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.

Attic Storage Space

An 'attic store' was approved in the original application, DA-159/2017, comprising of 40.02m² in area (measuring 2.3m width by 17.4m length including stairs) per dwelling (or 80.04m² area overall, including stairs). The attic store areas were contained in the pitch of the roof, included 3 skylights to each, no dormers and permanent stair for access, which was amended via condition (2a) to be amended to a pull down ladder. These areas were deemed non habitable, having a ceiling height of less than 2.2m and subsequently were excluded from the gross floor area (GFA) calculations.

The proposed modification seeks to increase the area of the 'attic store' to 48.18m² (including stairs) for each dwelling, or an additional 8.16m². Further, a skillion dormer to each side, increase skylights from 3 to 5 per dwelling and relocate them along the entire attic area, as well as delete condition 2a (requiring a pull down ladder) to allow for permanent stair access is proposed.

For the purposes of calculating gross floor area, the LEP definition for GFA includes 'habitable rooms in a basement or an attic'. According to the BCA, a habitable room means:

"a room used for normal domestic activities, and:

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

Further, the height of rooms and other spaces, according to the BCA, must not be less than:

"in a room or space with a sloping ceiling or projection below the ceiling line within –

(i) A habitable room:

- a. In an attic – a height of not less than 2.2m for at least two thirds of the floor area of the room or space; and*
- b. In other rooms – a height of not less than 2.4m*

(ii) A non habitable room:

*a. A height of not less than 2.1m for at least two thirds of the floor area of the room or space,
And when calculating the floor area of a room or space, any part that has a ceiling of less than 1.5m is not included; ...”*

The proposal seeks ceiling heights of 2190mm, being only 10mm short of being classed as a ‘habitable room’ and therefore by effect, this technically excludes it from being deemed ‘gross floor area’. This is despite the attic area seeking ventilation (skylights) and permanent stairs, which would allow or encourage the space to be used for ‘frequent or extended periods’.

Externally, the proposal results in additional bulk to the building, in the form of dormer additions, compared to the form originally approved, as well as a change to number and location of skylights. However, having regard to the above, the attic store areas technically (by definition of the above) remains non-habitable and the gross floor area and floor space ratio calculations remain unchanged from those previously approved in the original DA. Had the ceiling height been 10mm higher, the proposal attics areas would constitute gross floor area and result in non-compliance with the floor space ratio development standard by approximately 5% per dwelling.

Part C2, Clause 2.11 of the WDCP 2012 refers to the ridge of dormer windows being generally 300mm below the main ridge of the roof of the dwelling(s). One reason for this is to ensure dormer windows are small recessive elements; as demonstrated by control (d), which requires any dormer window on a semi-detached pair of dwellings to be no greater than 25% of the width of the roof. The proposed dormers extend across 28% of the width of the roof. Whilst setback from the front façade, the dormer windows substantially increase relative wall heights above the maximum permissible 7m and increase bulk and scale impacts upon neighbouring dwellings beyond that supportable for a non-habitable area.

The provision of 3 skylights, was considered unnecessary in the original assessment report due to the non-habitable nature of the area; this view remains.

The provision of fixed access stairs to a non-habitable area is not a requirement of the BCA or WDCP 2012; accordingly, their inclusion is therefore not supported.

Ultimately, the proposal fails to justify the reasoning for an attic store area of a scale of that which is proposed. While attics are reasonable, as are storage areas, the provision of an attic storage space that requires an extension beyond that already approved, that requires dormers beyond the approved pitched roof form of the pair of dwellings, that requires permanent stair access in lieu of a pull down ladder and requires light and ventilation; opens up the space for use beyond that of a storage area or non habitable space.

Therefore, the proposed modifications are considered excessive, unjustified and out of character and subsequently, the application is not supported. The original application supported a modest attic storage space within the roof form and it is maintained that this is sufficient without exacerbating the bulk, scale or associated impacts further.

2.3 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

It is considered that the proposal will have significant detrimental effects relating to environmental, social or economic impacts on the locality and subsequently is not supported.

2.4 Suitability of the Site for the Development

The site is considered to be suitable for the proposed development.

2.5 Any Submissions

The modification application was notified for 14 days, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*.

Fourteen submissions were received in total, noting that 2 properties submitted 2 submissions, therefore counted as 11 submissions (for the purpose of delegations). The issues raised in the submissions are summarised and discussed below.

Table 4: Summary of property addresses that lodged a submission

Property
28 O'Brien Street, Bondi Beach
2 / 118 O'Brien Street, Bondi Beach
9 Cox Avenue, Bondi Beach
11 Cox Avenue, Bondi Beach
13 Cox Avenue, Bondi Beach (x 2)
15 Cox Avenue, Bondi Beach (x 2)
17 Cox Avenue, Bondi Beach
21 Cox Avenue, Bondi Beach
27 Cox Avenue, Bondi Beach
41 Cox Avenue, Bondi Beach
45 Cox Avenue, Bondi Beach

Issue: Additional roof volume

Response: Refer discussion under heading 2.2.4 of this report.

Issue: Overshadowing

Response: The additional roof volume will exacerbate shadow impacts.

Issue: Overlooking

Response: The proposal includes fixed screening to dormer windows.

Issue: Use of additional floor area

Response: The additional floor area does not comply with BCA requirements for it to be used as a habitable area.

2.6 Public Interest

The proposal is not considered to be in the public interest for the reasons outlined above.

3. REFERRALS

No internal or external referral comments were sought.

4. SUMMARY

The application has been lodged as a section 4.55 (1A) application and provides for the following modifications to the approved development:

- Attic storage area increased;
- Fixed internal staircase;
- Additional dormer window (skillion form);
- Screening to dormer windows; and
- Additional skylights.

Proposed modifications apply to both dwellings.

The proposed modifications are out of scale with the patterns of development within the locality and do not make a positive contribution. The proposal is at odds with the WDCP 2012 and the modification fails to justify the necessity with the increased bulk and form to the building for the purpose of attic storage.

Fourteen submissions were received (11 submissions for the purposes of delegations), none of which were from councillors.

No declared conflicts of interest were registered in relation to the application.

The application to modify DA-159/2017 has been assessed against the matters for consideration under section 4.15 of the Act, and is recommended for refusal.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the Section 4.55 Modification Application be **REFUSED** by the Waverley Local Planning Panel for the following reasons:

Report prepared by:

**Application reviewed and agreed on behalf
of the Development and Building Unit by:**

Fiona Koutsikas
Senior Development Assessment Planner

Angela Rossi
**Manager, Development Assessment
(Central)**

Date: 06/06/2019

Date: 13/6/19

Reason for referral:

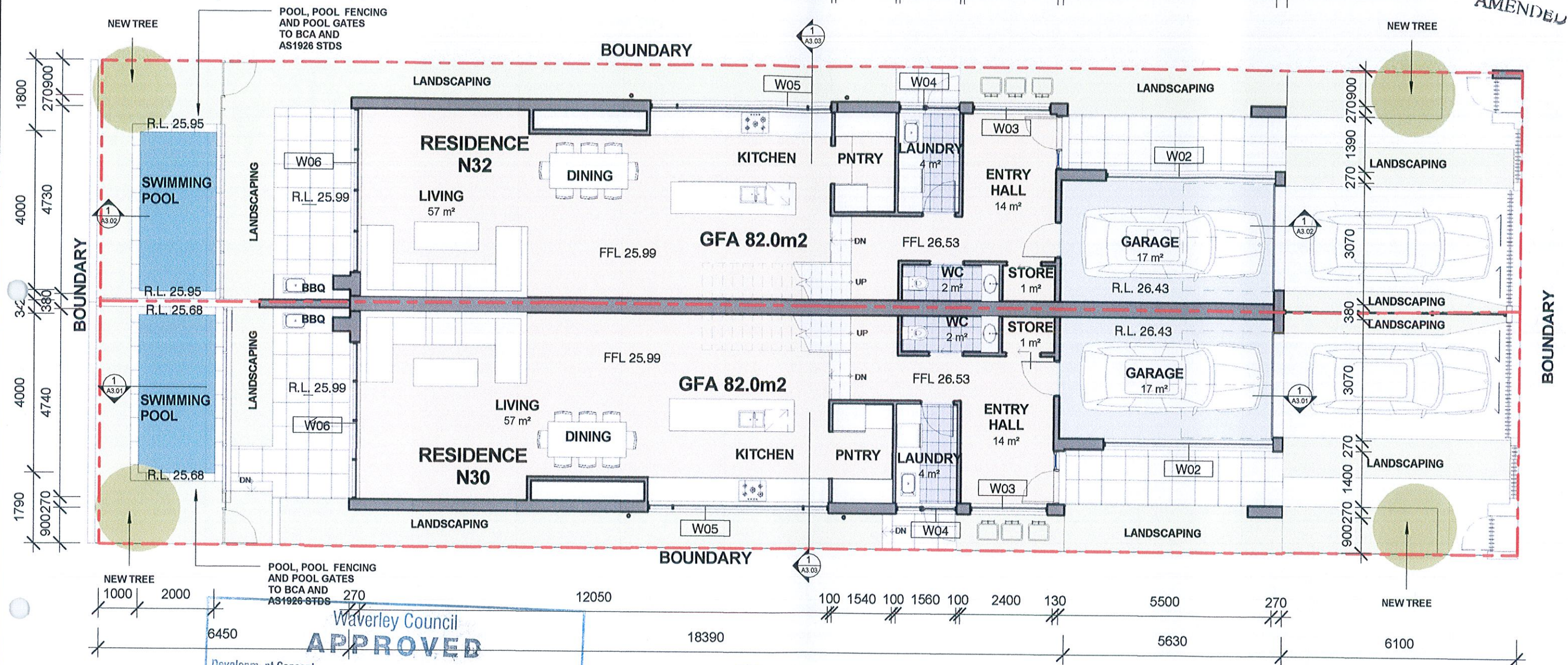
- 2(b) Contentious development (10 or more objections)
- The application is in effect a review of previous decision/conditions

APPENDIX A – REASONS FOR REFUSAL

Having regard to section 4.15 of the Environmental Planning Assessment Act 1979 (the Act), the development application is refused for the following reasons:

1. The proposal does not satisfy the objectives of the Environmental Planning and Assessment Act 1979, as stipulated in section 1.3 (g) as the proposal does not promote good design or amenity in the built environment.
2. The proposal does not satisfy section 4.15(1)(a)(iii) of the Act, as the proposed development is contrary to the Waverley Development Control Plan (WCDP) 2012, in respect to the following provisions:
 - (a) Part C2 – Low Density Residential Development:
 - i. Clause 2.1 *Height*, specifically Objective (c) and Control (a), as the proposed development outcome has the potential to impact adversely upon adjoining properties.
3. The proposed development does not satisfy section 4.15(1)(b) of the Act, as the proposal will have an adverse environmental impact on the locality due to height, bulk and scale, overshadowing and the general amenity of the surrounding environment.
4. The proposal is contrary to the section 4.15(1)(c) of the Act, as the proposal is excessive in bulk and scale and therefore considered unsuitable for the site.
5. The proposal is not considered to be in the public interest for the reasons outlined above and for the reasons outlined in received submissions, contrary to section 4.15(1)(e) of the Act.

AMENDED



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BCA COMPLIANCE:
ALL WORKS TO COMPLY WITH BCA AND AUSTRALIAN STANDARDS REQUIREMENTS
INSTALL SMOKE DETECTORS IN ACCORDANCE WITH THE BCA AND AS 3786

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PROJECT NEW SEMI DETACHED RESIDENCES

ADDRESS 30-32 O'BRIEN STREET, BONDI BEACH NSW

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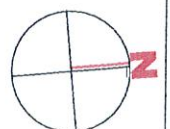
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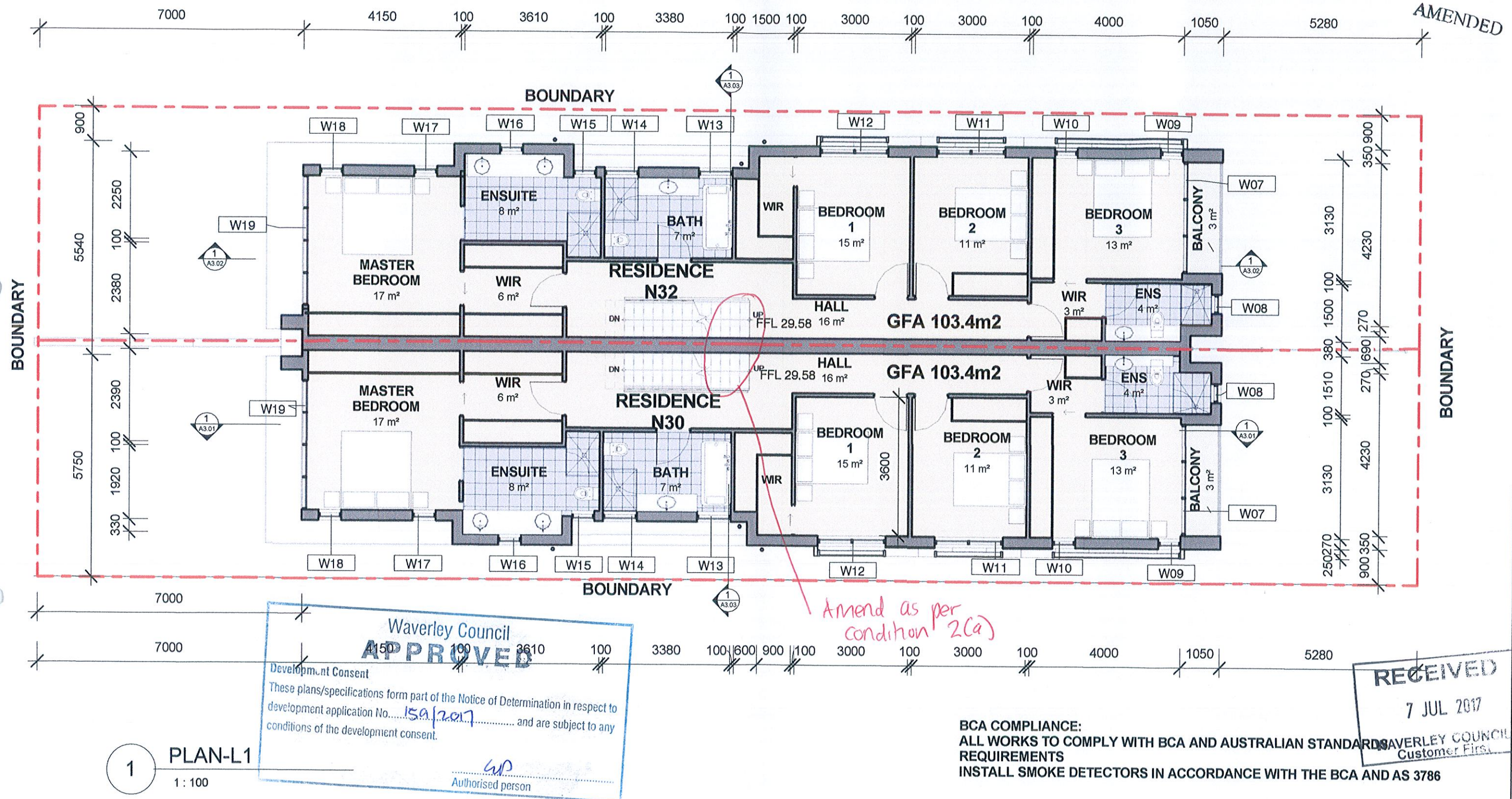
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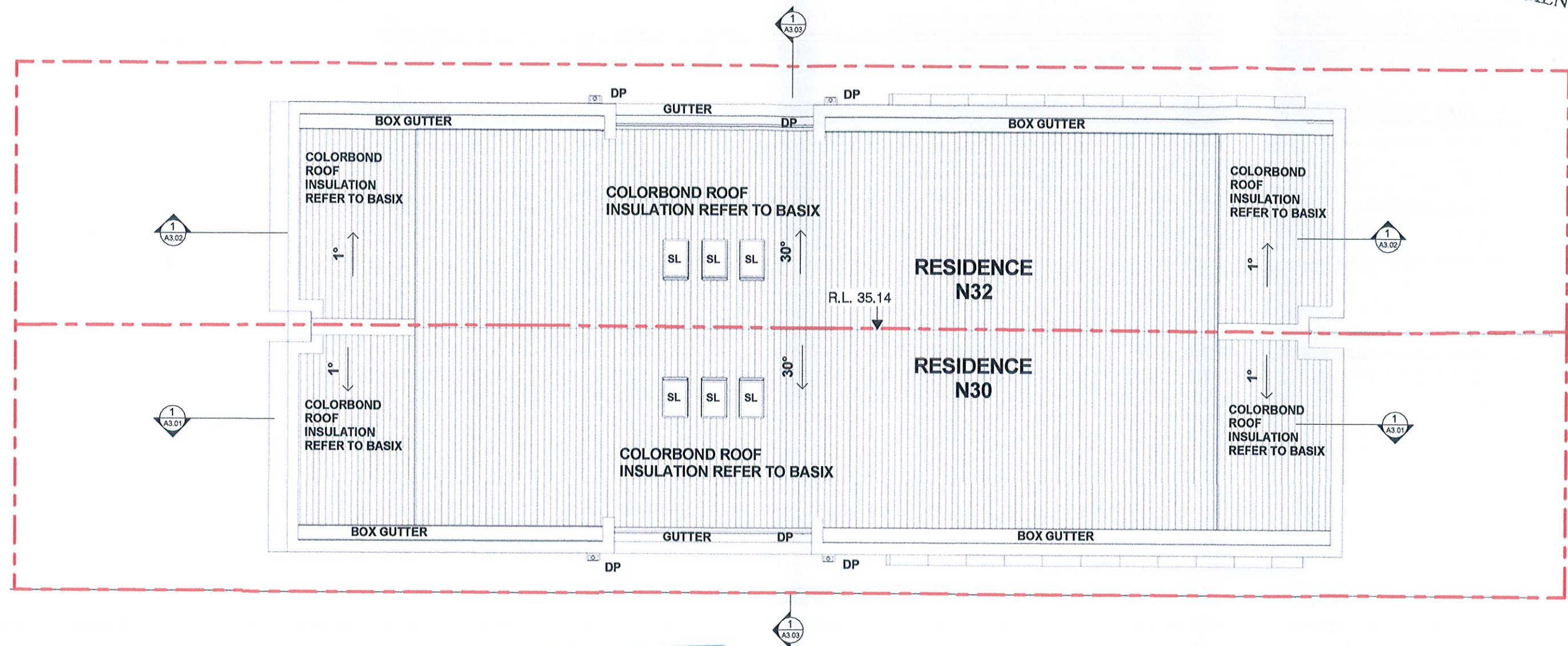
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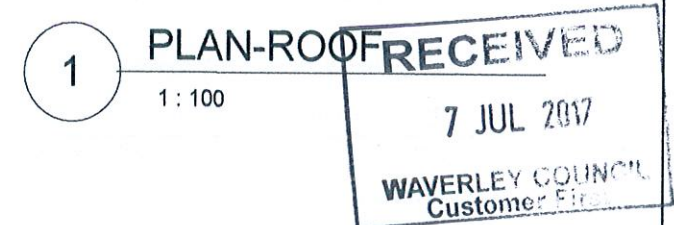


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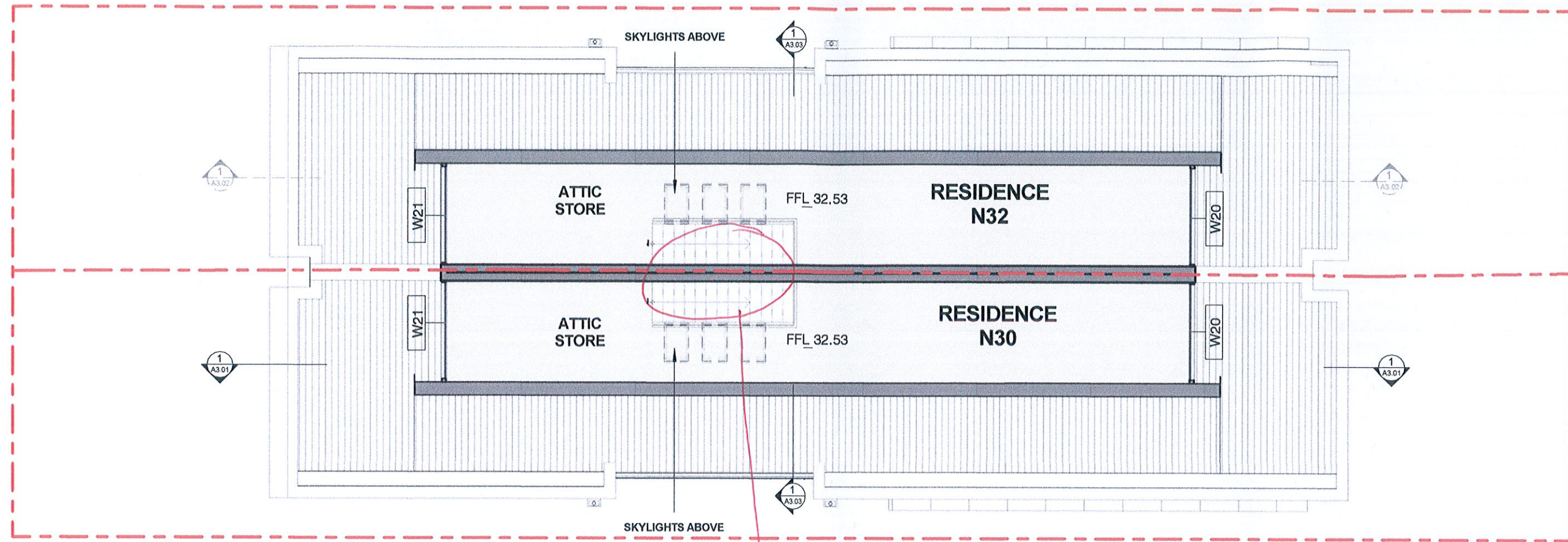
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Amend as per condition 2(a)

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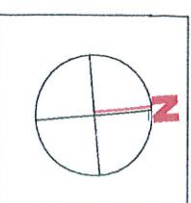
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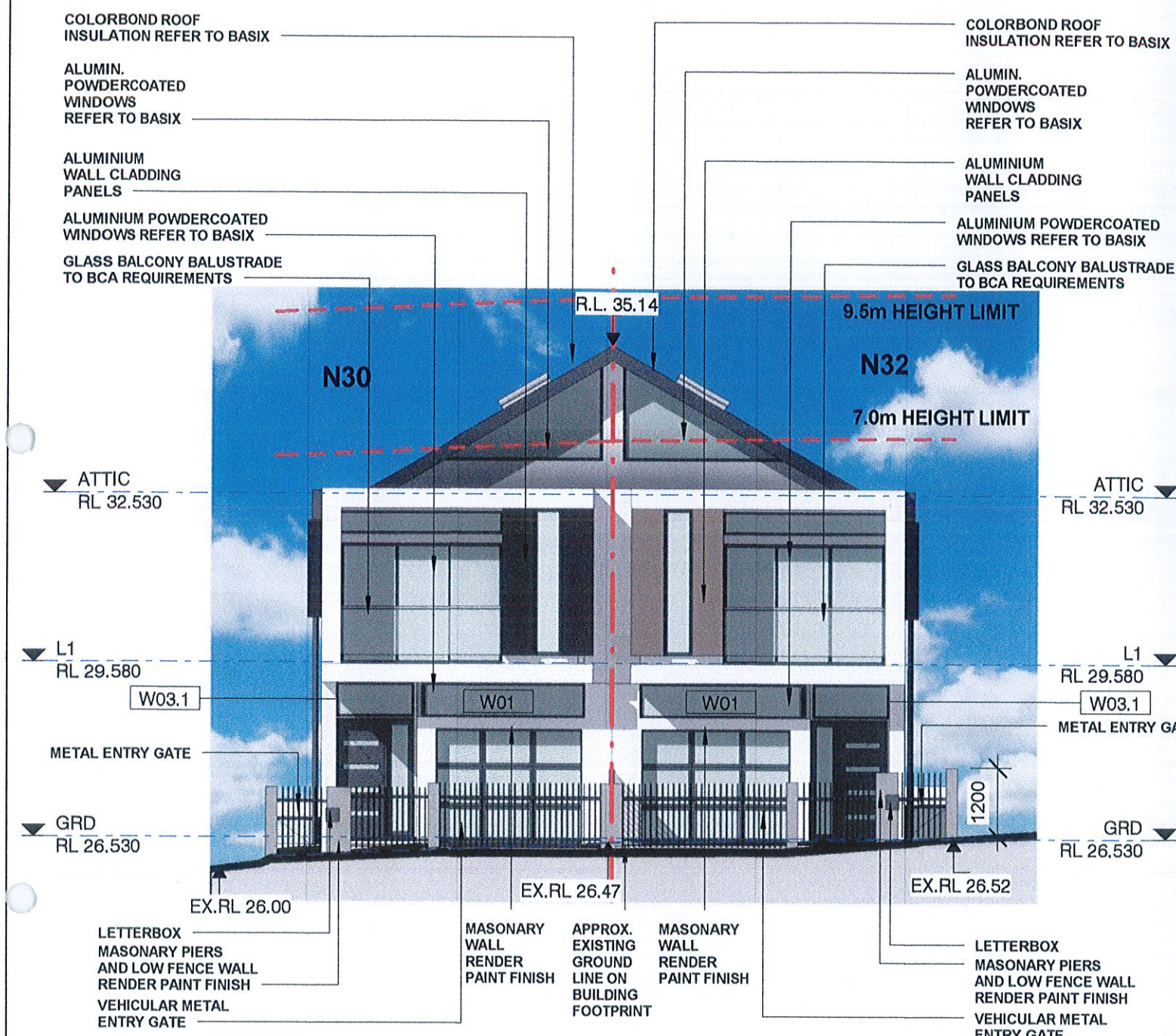
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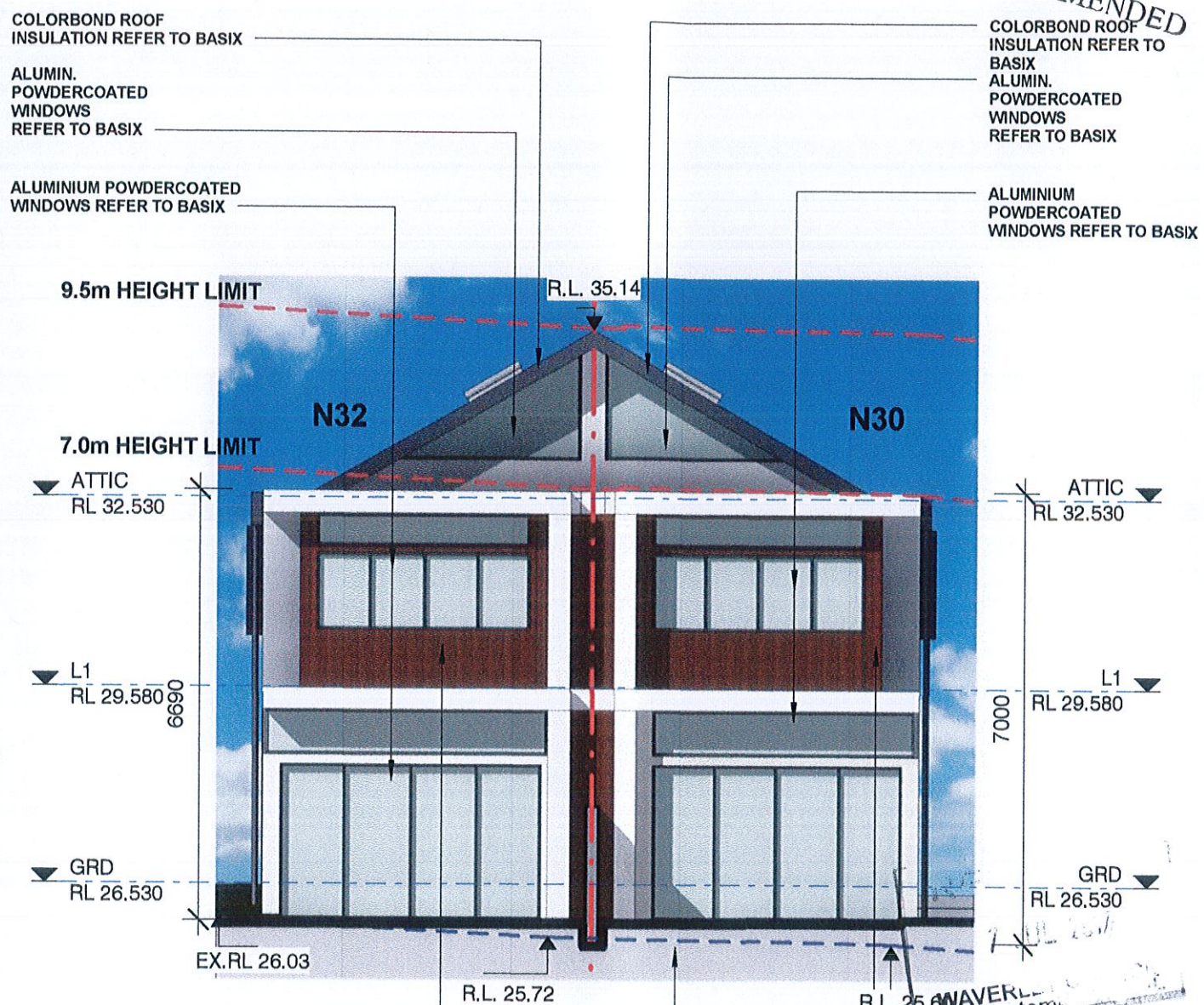
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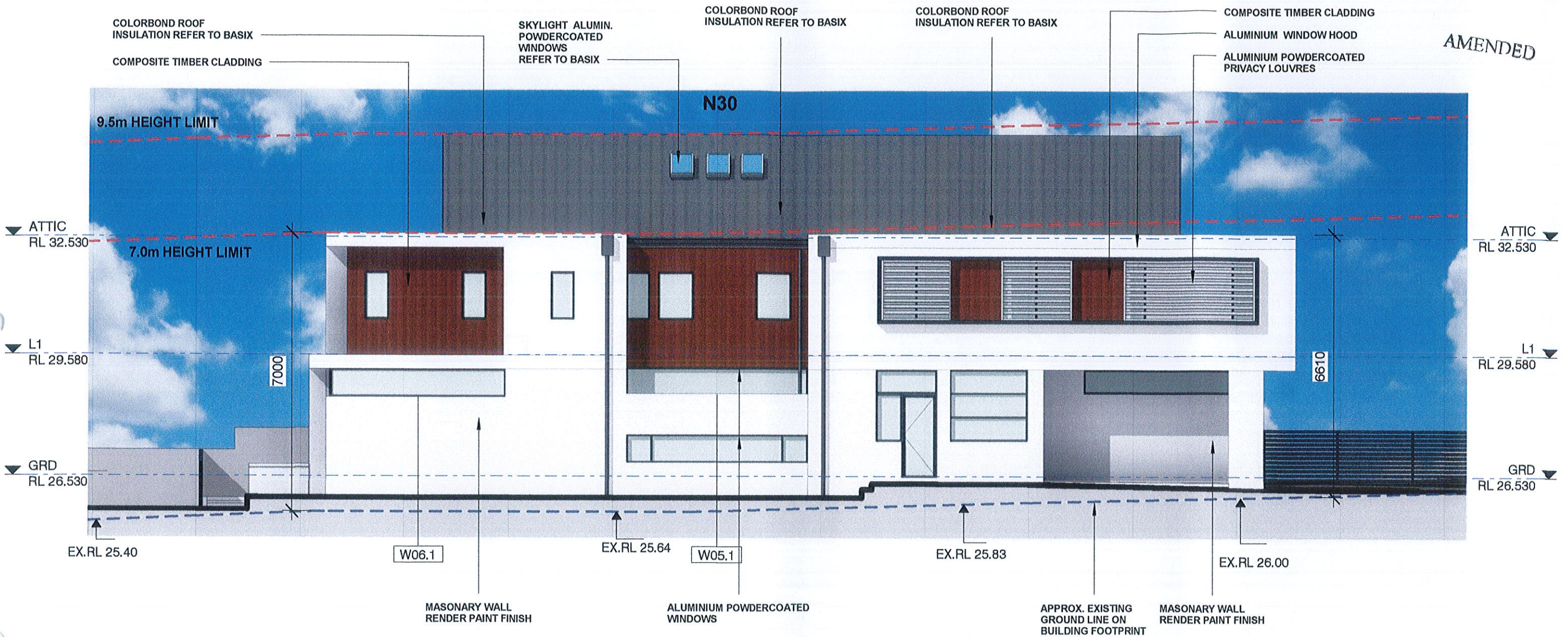
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PROJECT NEW SEMI DETACHED RESIDENCES
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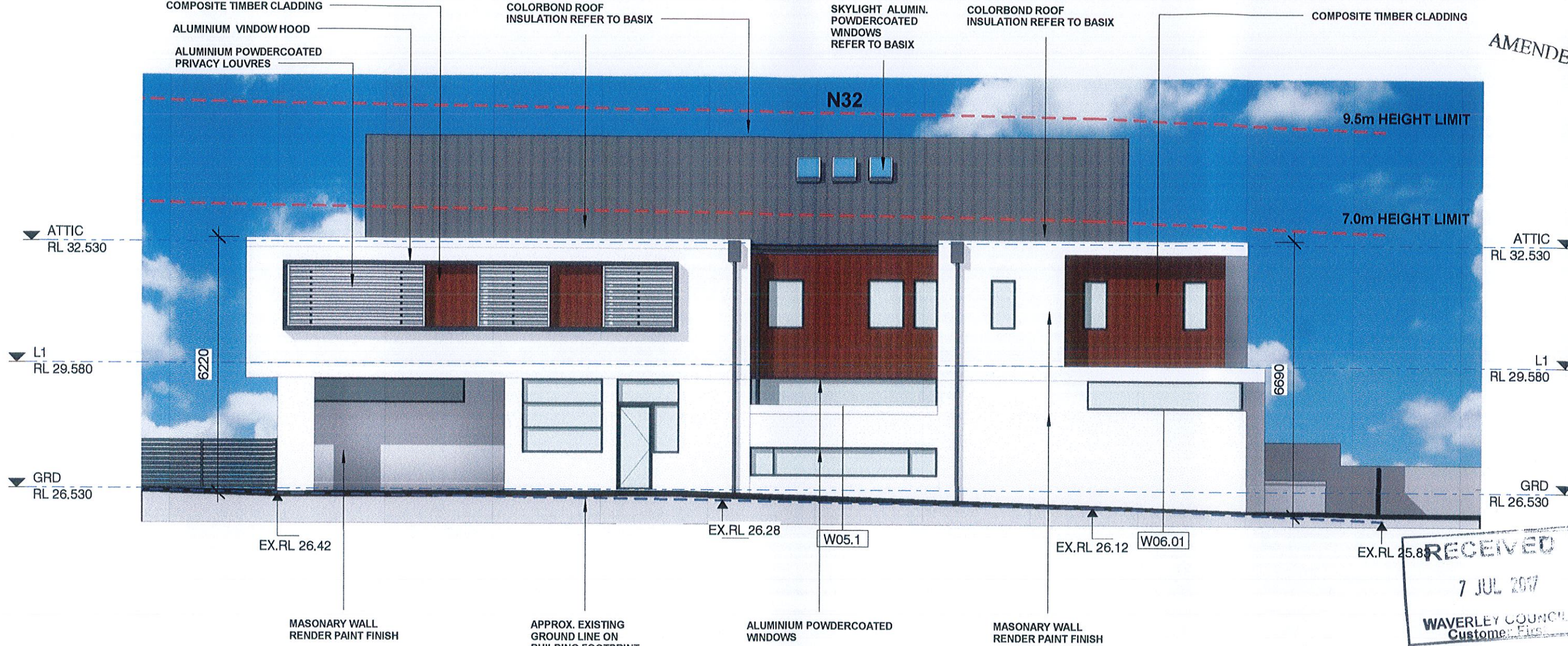
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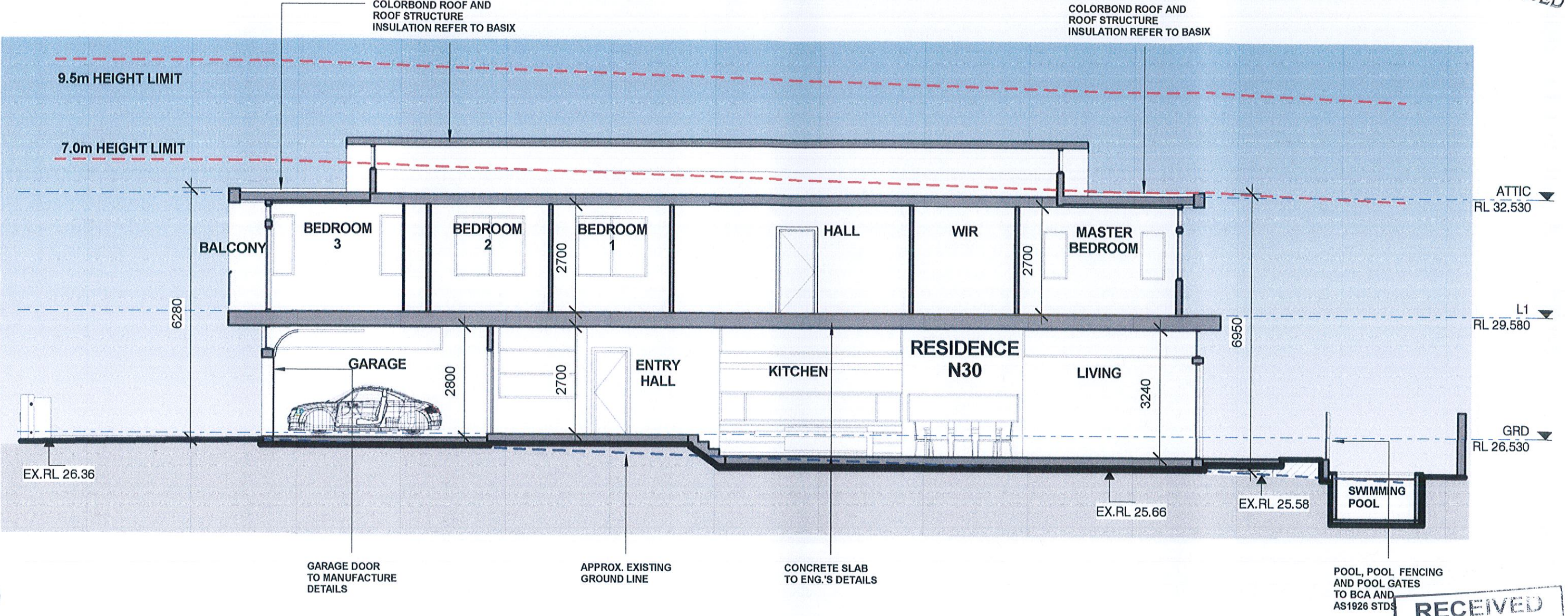
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DA 159/17
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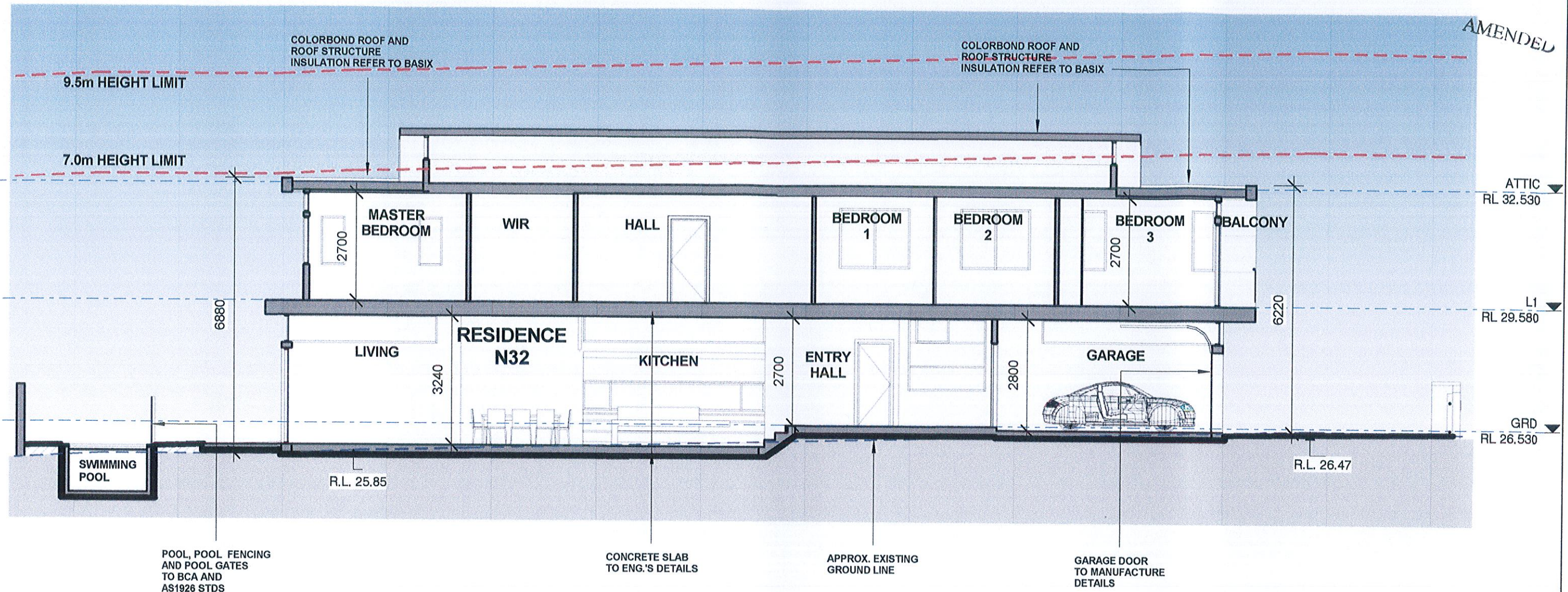
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PROJECT	NEW SEMI DETACHED RESIDENCES	JOB NO	1610
ADDRESS	30-32 O'BRIEN STREET, BONDI BEACH NSW	DRAWING NO	A3.01
CLIENT		REVISION	C

AMENDED



Waverley Council
APPROVED

Development Consent

These plans/specifications form part of the Notice of Determination in respect to development application No. 159/2017 and are subject to any conditions of the development consent.

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Authorised person



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DRAWING SECTIONS

PROJECT NEW SEMI DETACHED RESIDENCES

ADDRESS 30-32 O'BRIEN STREET, BONDI BEACH NSW

CLIENT

DRAWN BY AC

SCALE 1:100@A3

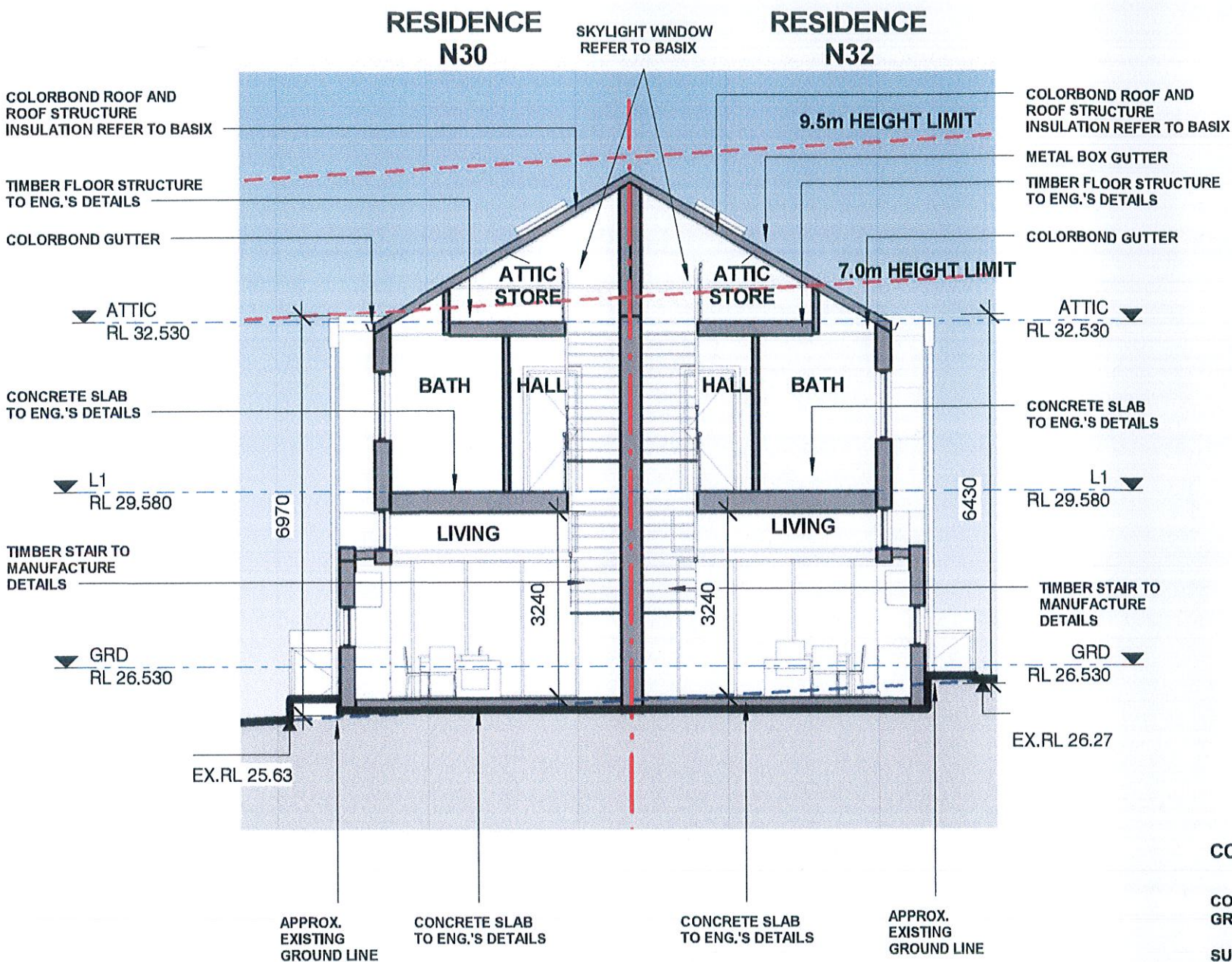
JOB NO 1610

DRAWING NO A3.02

REVISION C

BASIX NOTES

AMENDED



1 SECTION C
1 : 100

Waverley Council
APPROVED
Development Consent
These plans/specifications form part of the Notice of Determination in respect to development application No. 159/2017 and are subject to any conditions of the development consent.
Authorised person

WATER COMMITMENTS

ALTERNATIVE WATER

THE APPLICANT MUST INSTALL A RAINWATER TANK OF AT LEAST 2500L (RESIDENCE N30) AND 2500L (DWELLING 2) ON THE SITE. THIS RAINWATER TANKS MUST MEET, AND BE INSTALLED IN ACCORDANCE WITH, THE REQUIREMENTS OF ALL APPLICABLE REGULATORY AUTHORITIES.

SWIMMING POOL

THE SWIMMING POOL MUST NOT HAVE A VOLUME GREATER THAN 12 KILOLITRES.(RESIDENCES N30 AND N32).

GLAZING REQUIREMENTS
WINDOWS AND GLAZED DOORS

WINDOWS, GLAZED DOORS AND SHADING DEVICES MUST BE INSTALLED IN ACCORDANCE WITH BASIX SPECIFICATION. RELEVANT OVERSHADOWING SPECIFICATIONS MUST BE SATISFIED FOR EACH WINDOW AND GLAZED DOOR. FOR PROJECTIONS DESCRIBED IN MM, THE LEADING EDGE OF EACH EAVE, PERGOLA, VERANDAH, BALCONY OR AWNING MUST BE NO MORE THAN 500MM ABOVE THE HEAD OF THE WINDOW OR GLAZED DOOR AND NO MORE THAN 2400MM ABOVE THE SILL. SKYLIGHTS MUST BE INSTALLED IN ACCORDANCE WITH BASIX SPECIFICATION.

ENERGY COMMITMENTS

HOT WATER

THE APPLICANT MUST INSTALL HOT WATER SYSTEM: GAS INSTANTANEOUS WITH A PERFORMANCE OF 3 STARS FOR RESIDENCE N30 AND 3 STARS FOR RESIDENCE N 32

CONSTRUCTION
INSULATION REQUIREMENTS

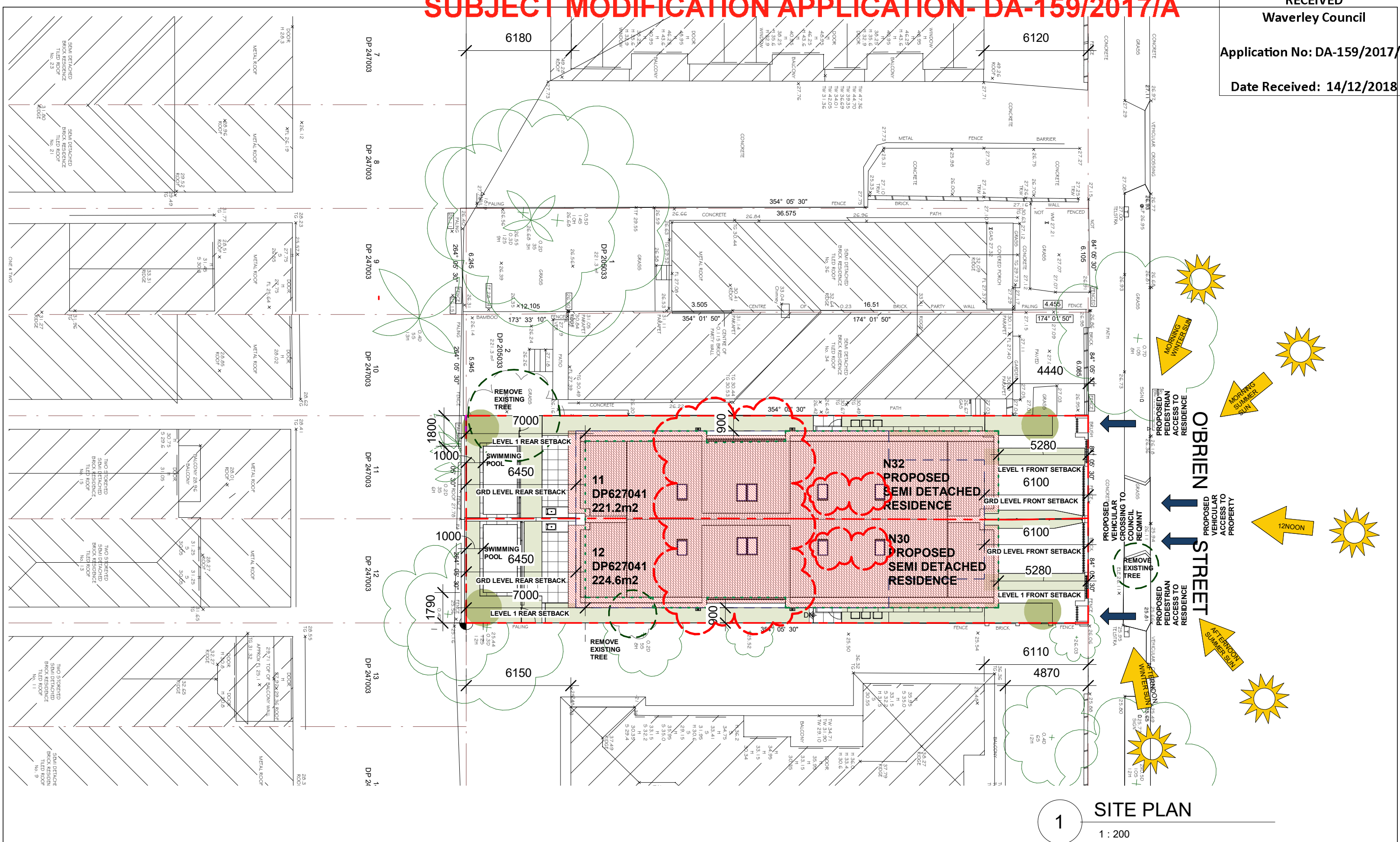
CONSTRUCTION	ADDITIONAL INSULATION REQUIRED (R-VALUE)	OTHER SPECIFICATIONS
CONCRETE SLAB ON GROUND FLOOR	NIL	
SUSPENDED FLOOR ABOVE GARAGE	NIL	
FLOOR SUSPENDED ABOVE OPEN SUBFLOOR	0.9 (OR 1.90 INCLUDING CONSTRUCTION)	
EXTERNAL WALL- BRICK VENEER	R1.36 (OR 1.90 INCLUDING CONSTRUCTION)	
EXTERNAL WALL: FRAMED (WEATHERBOARD, FIBRO, METAL CLAD)	R1.50 (OR R1.90 INCLUDING CONSTRUCTION)	
FLAT CEILING, FLAT ROOF, FRAMED	CEILING: R2.5 (UP), ROOF: FOIL/SARKING	FRAMED; DARK (SOLAR ABSORPTANCE < 0.7) FLAT
FLAT CEILING, PITCHED ROOF	CEILING: R2.5 (UP), ROOF: FOIL/SARKING	FRAMED; DARK (SOLAR ABSORPTANCE < 0.7) FLAT
RAKED CEILING, SKILLION ROOF	CEILING: R2.5 (UP), ROOF: FOIL/SARKING	FRAMED; DARK (SOLAR ABSORPTANCE < 0.7) FLAT
INSULATION MUST BE INSTALLED IN ACCORDANCE WITH PART 3.12.11 OF BCA		

RECEIVED
7 JUL 2017
WAVERLEY COUNCIL
Customer F:

ISSUE	REVISIONS	DATE
A	DA ISSUE	24/09/2016
B	REVISED DA	3/07/2017

SUBJECT MODIFICATION APPLICATION- DA-159/2017/A

RECEIVED
Waverley Council
Application No: DA-159/2017/A
Date Received: 14/12/2018



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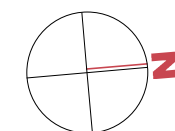
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A	DESIGN DEVELOPMENT	24/06/2016
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C	DA ISSUE	24/09/2016
D	REVISED DA	26/06/2017
E	REVISED DA	3/07/2017
F	SECTION 4.55 ISSUE	07/12/2018

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DRAWING SITE PLAN
PROJECT NEW SEMI DETACHED RESIDENCES
ADDRESS 30-32 O'BRIEN STREET, BONDI BEACH NSW
CLIENT

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CHECKED BY Checker
SCALE 1 : 200@A3
JOB NO 1610
DRAWING NO A1.01 F





1 PLAN-L1
1 : 100

BCA COMPLIANCE:
ALL WORKS TO COMPLY WITH BCA AND AUSTRALIAN STANDARDS
REQUIREMENTS
INSTALL SMOKE DETECTORS IN ACCORDANCE WITH THE BCA AND AS 3786

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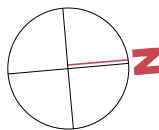
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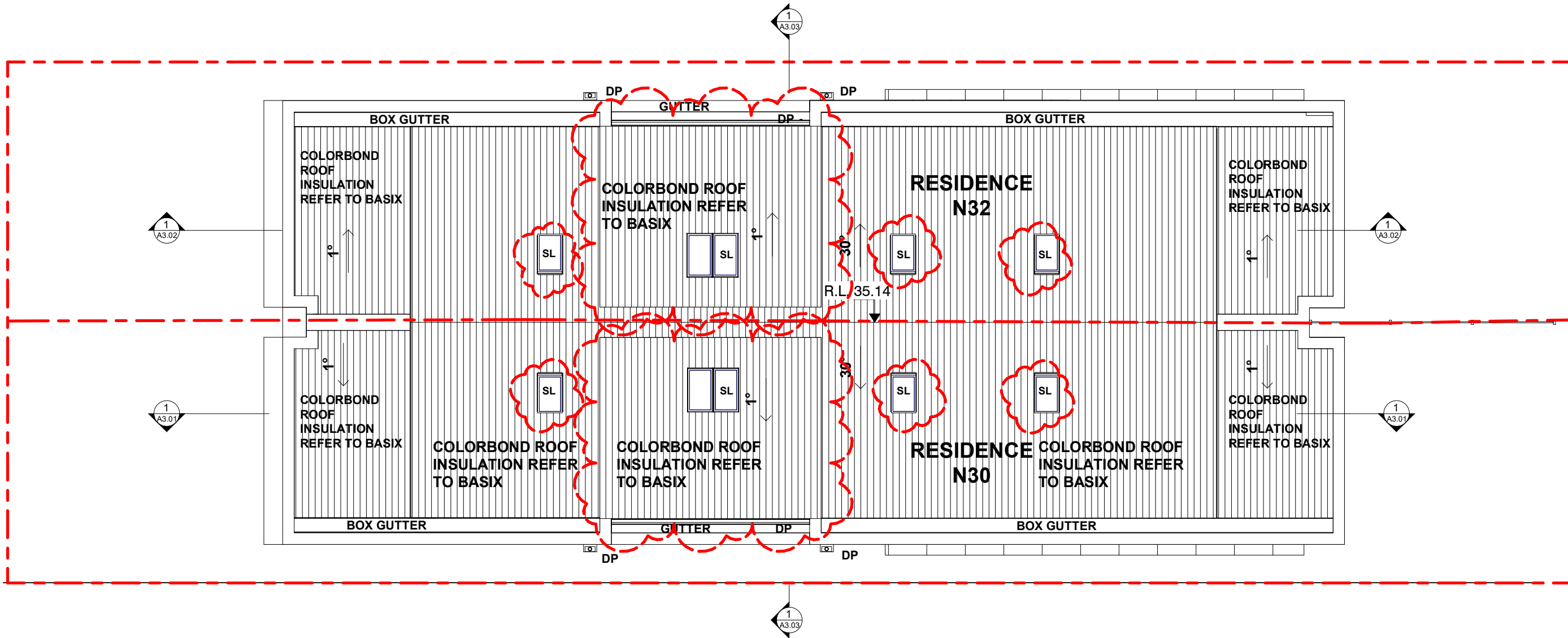
ISSUE	REVISIONS	DATE
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B	DESIGN DEVELOPMENT	24/06/2016
C	DESIGN DEVELOPMENT	25/07/2016
D	DA ISSUE	24/09/2016
E	REVISED DA	26/06/2017
F	REVISED DA	3/07/2017
G	SECTION 4.55 ISSUE	07/12/2018

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DRAWING LEVEL 1 FLOOR PLAN
PROJECT NEW SEMI DETACHED RESIDENCES
ADDRESS 30-32 O'BRIEN STREET, BONDI BEACH NSW
CLIENT

DRAWN BY AC NV
CHECKED BY AC
SCALE 1 : 100@A3
JOB NO 1610
DRAWING NO A1.04 G





1

PLAN-ROOF

1 : 100

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D	REVISED DA	3/07/2017
E	SECTION 4.55 ISSUE	07/12/2018

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DRAWING

PROJECT

ADDRESS

CLIENT

ROOF PLAN

NEW SEMI DETACHED RESIDENCES

30-32 O'BRIEN STREET, BONDI BEACH NSW

DRAWN BY

CHECKED BY

SCALE

JOB NO

DRAWING NO

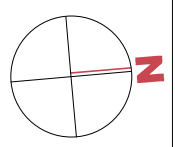
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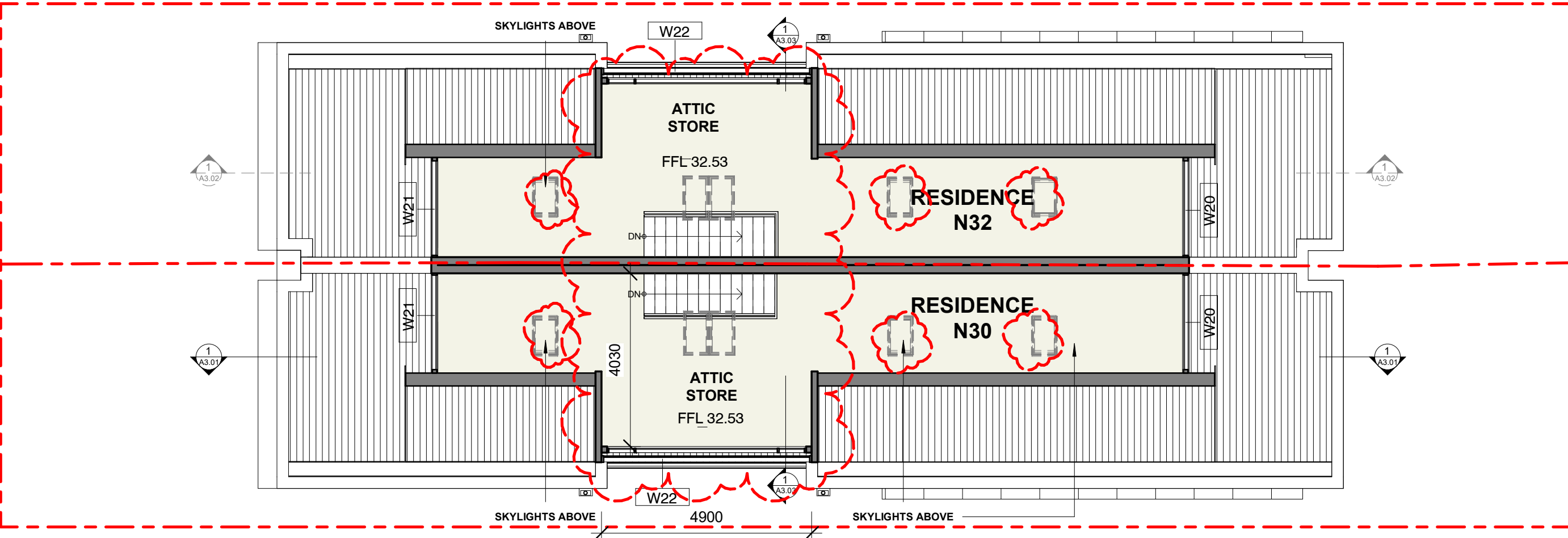
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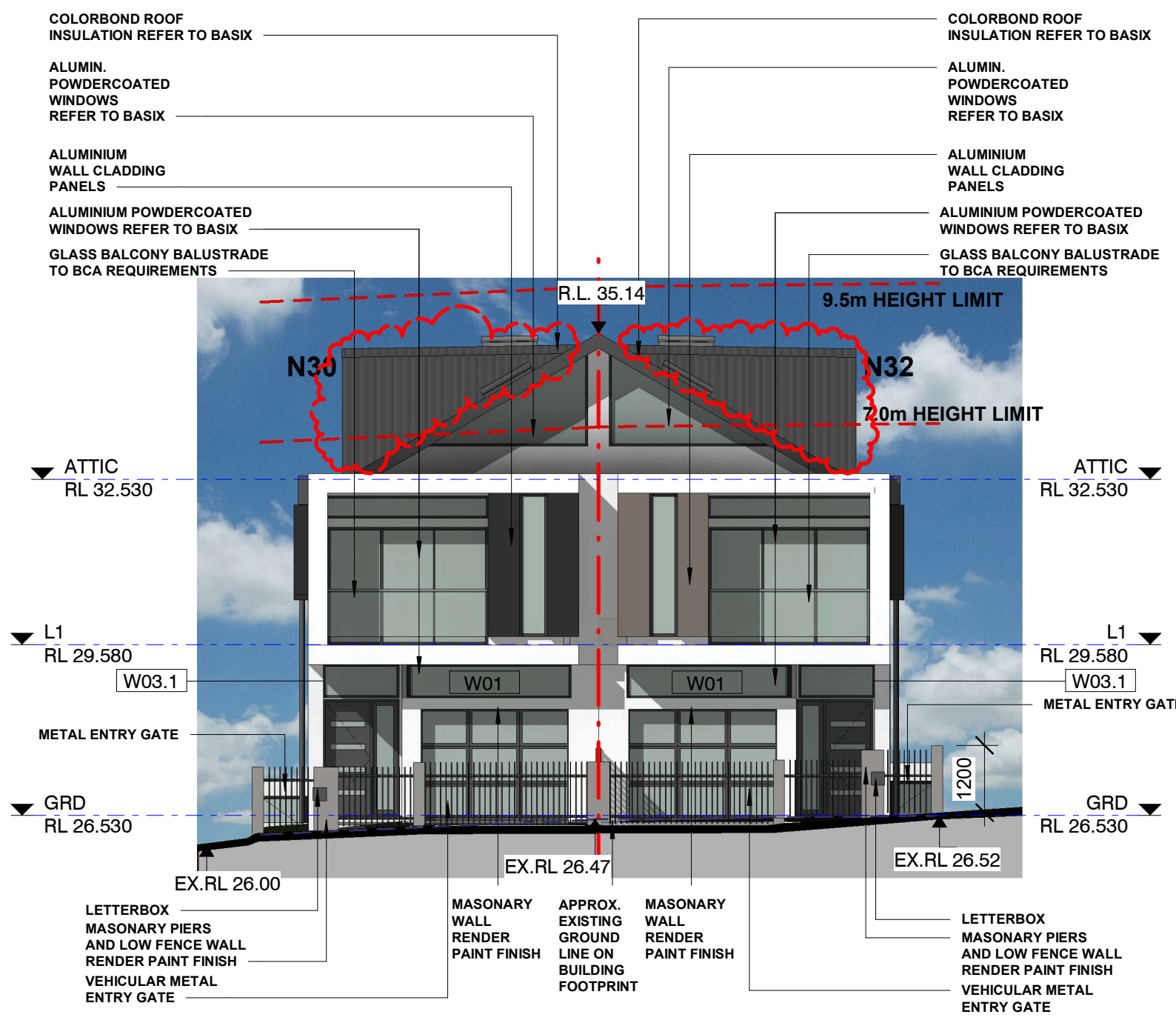


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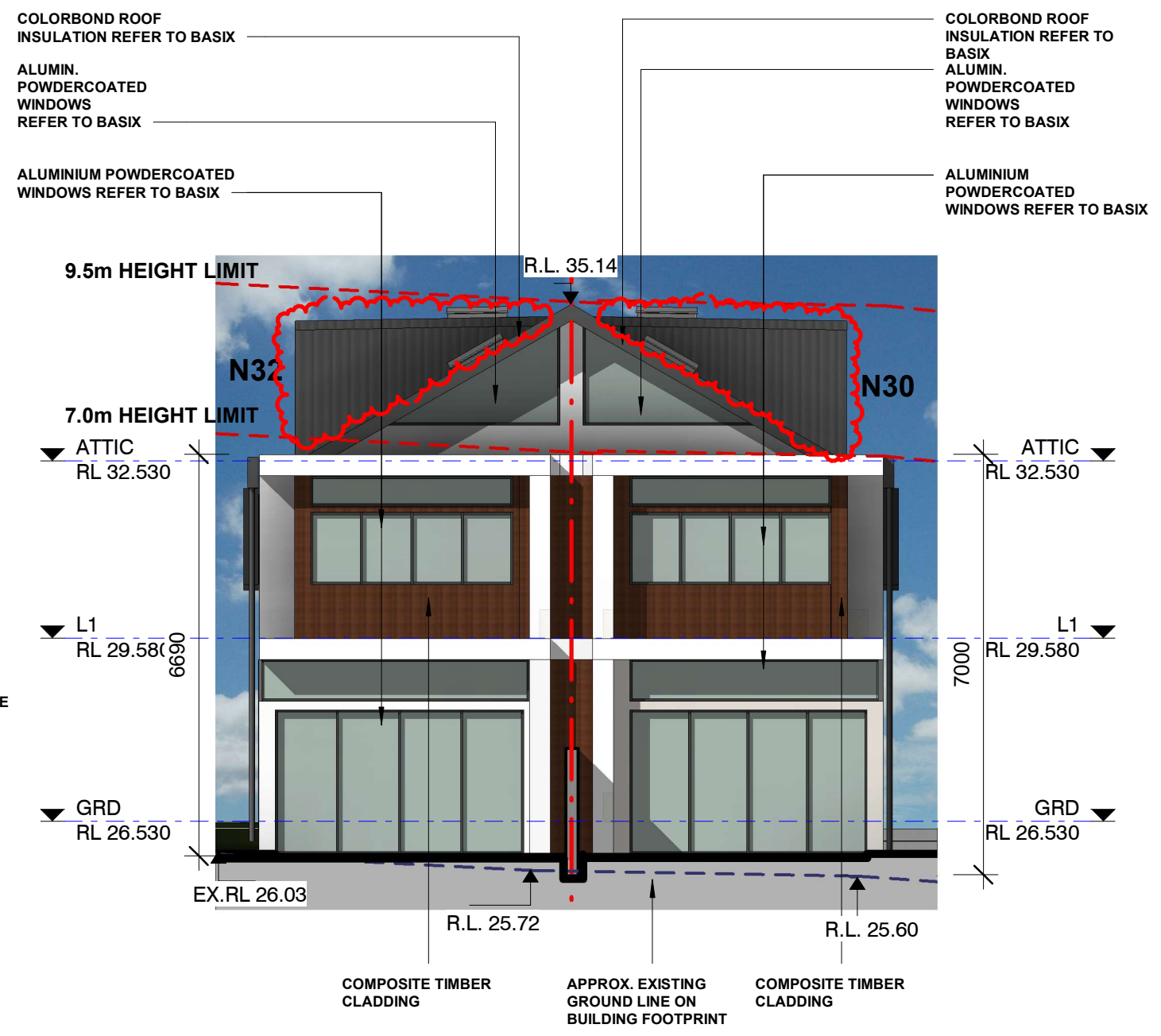
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BCA COMPLIANCE:
ALL WORKS TO COMPLY WITH BCA AND AUSTRALIAN STANDARDS
REQUIREMENTS
INSTALL SMOKE DETECTORS IN ACCORDANCE WITH THE BCA AND AS 3786



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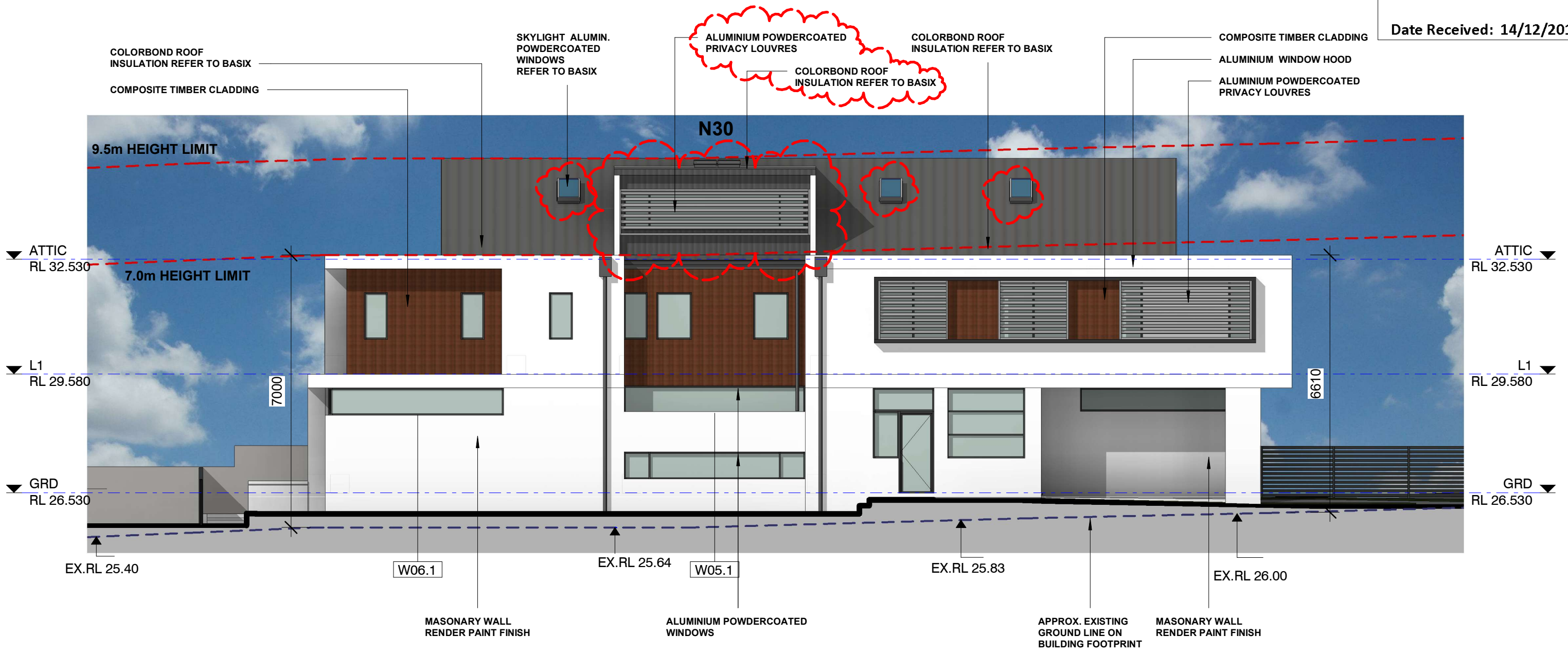
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F	REVISED DA	3/07/2017
G	SECTION 4.55 ISSUE	07/12/2018

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DRAWING SOUTH AND NORTH ELEVATIONS
PROJECT NEW SEMI DETACHED RESIDENCES
ADDRESS 30-32 O'BRIEN STREET, BONDI BEACH NSW
CLIENT

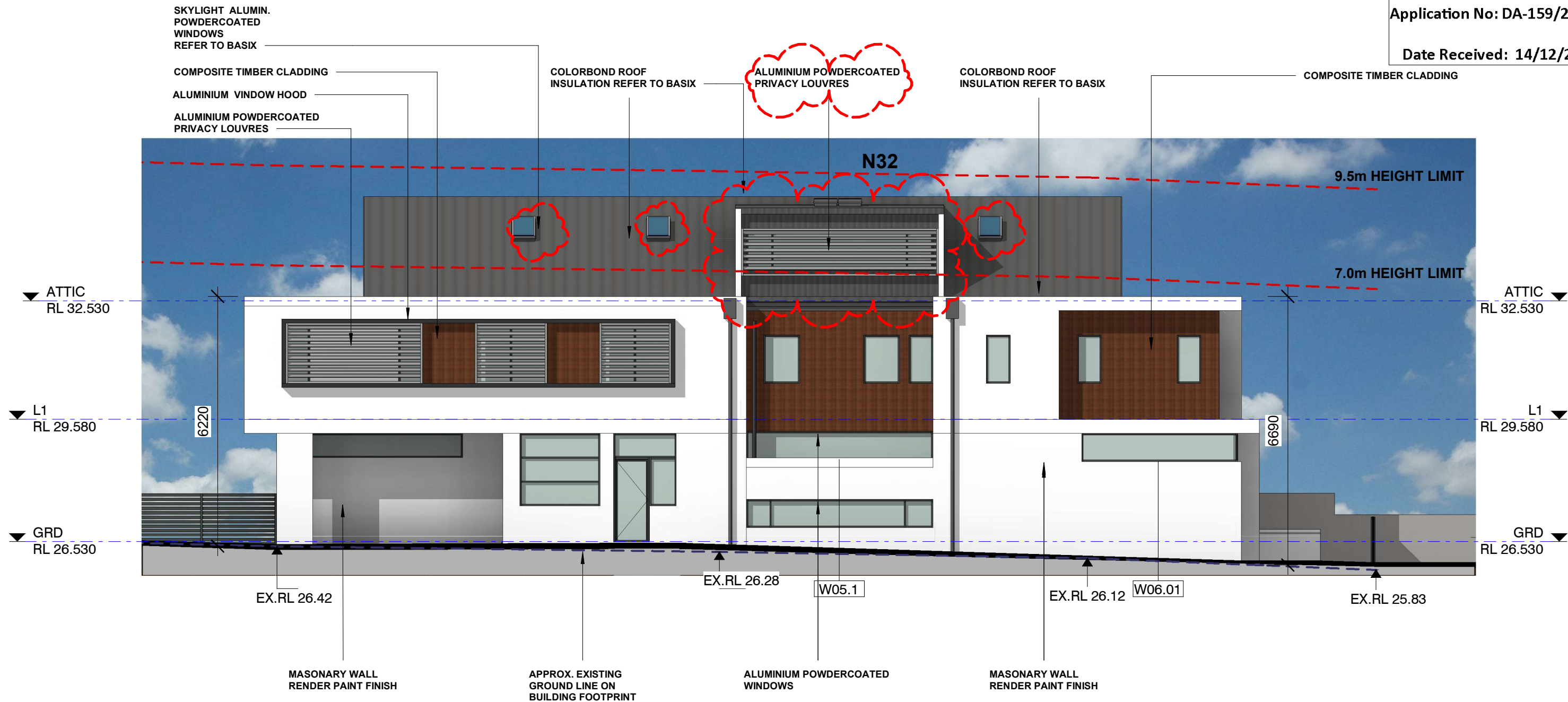
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SCALE 1 : 100@A3
JOB NO 1610
DRAWING NO A2.01 G

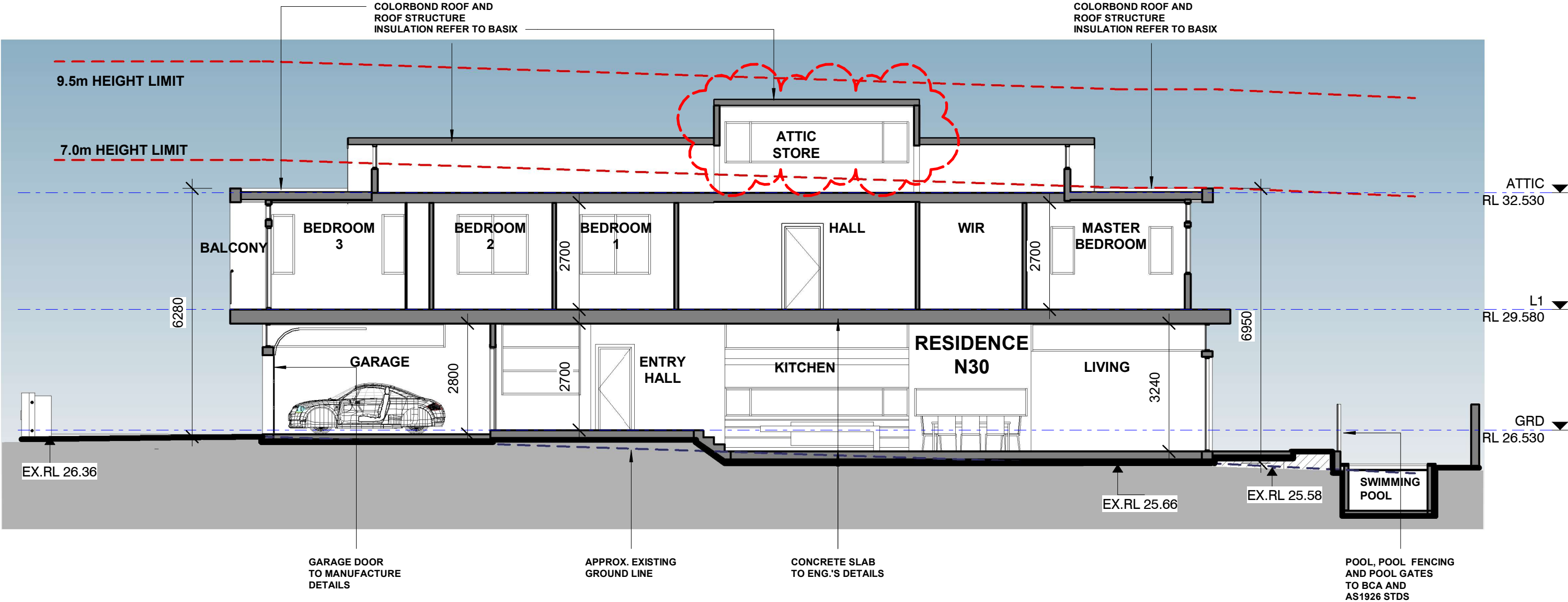


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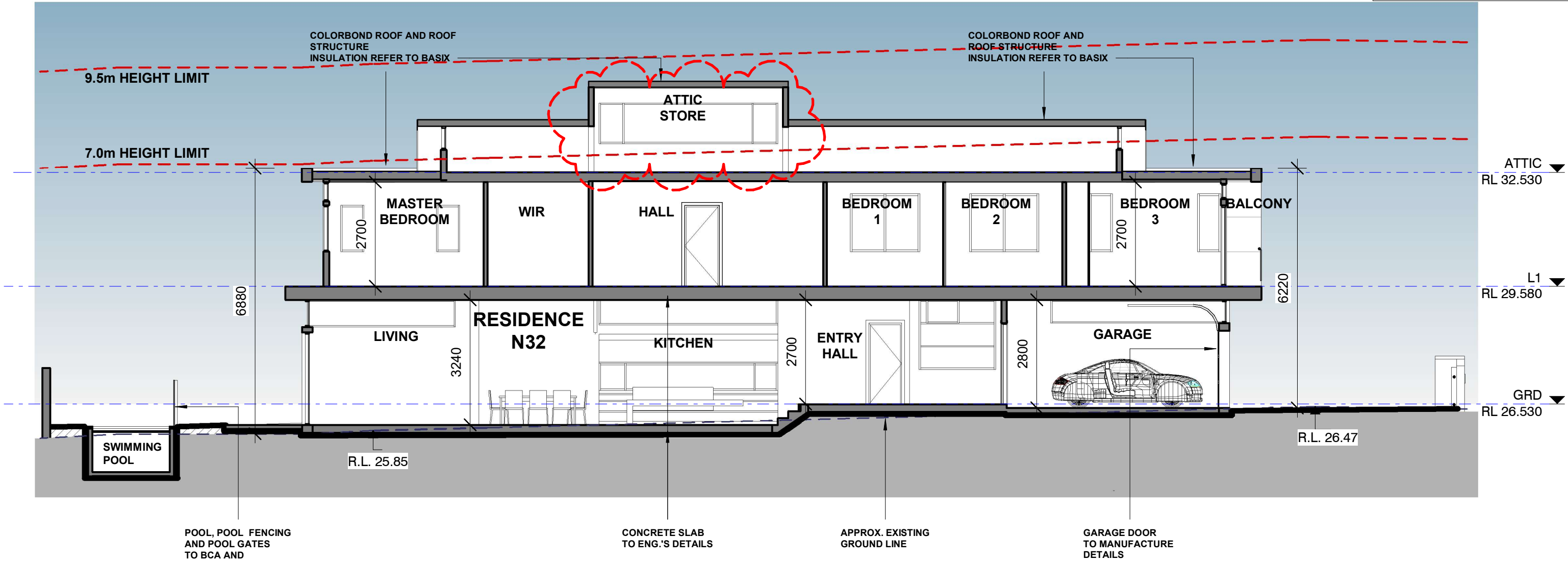
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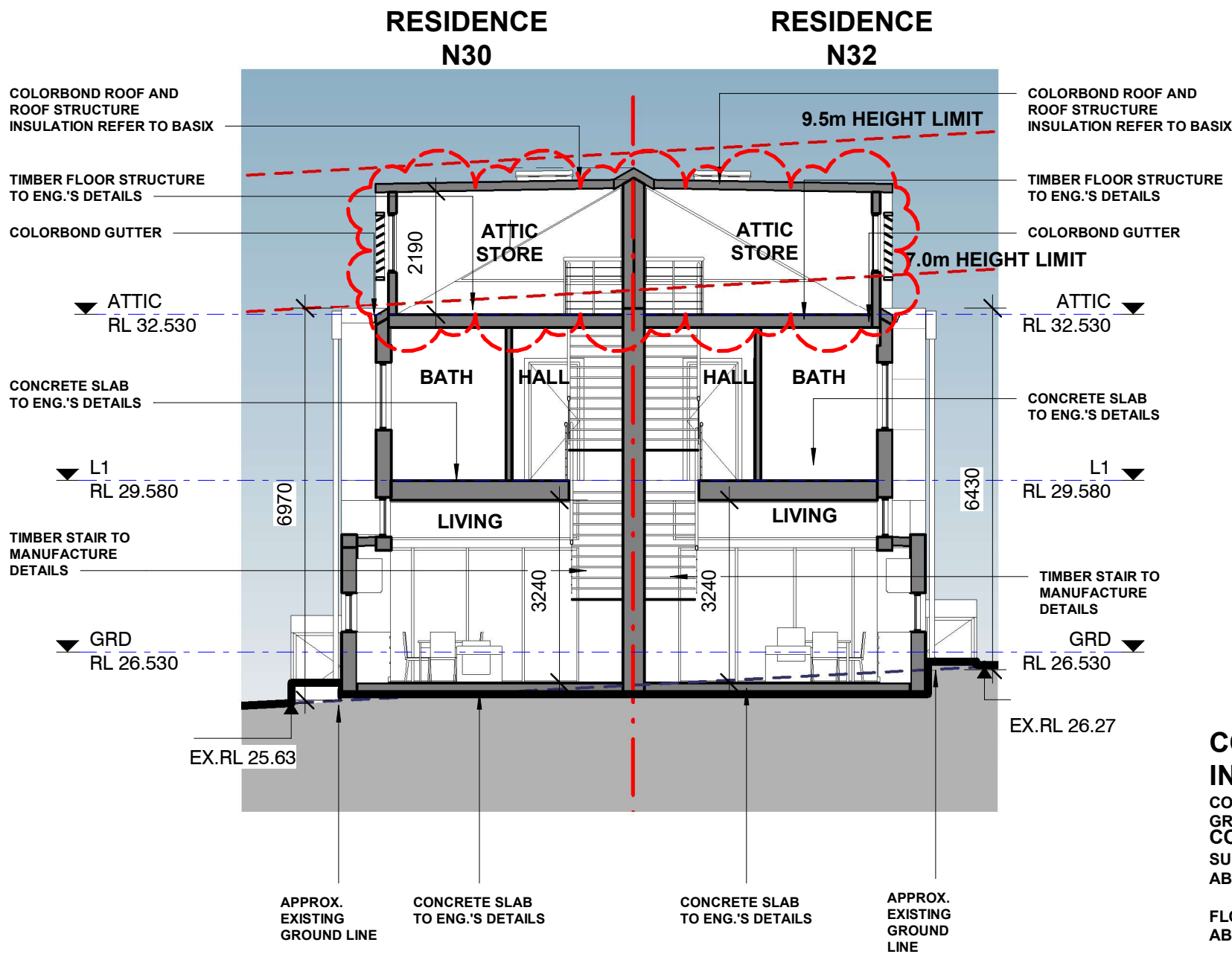




1 SECTION A
1 : 100



BASIX NOTES



WATER COMMITMENTS

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ENERGY COMMITMENTS

HOT WATER

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CONSTRUCTION INSULATION REQUIREMENTS

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SUSPENDED FLOOR ABOVE GARAGE	NIL	
FLOOR SUSPENDED ABOVE OPEN SUBFLOOR	0.9(OR 1.90 INCLUDING CONSTRUCTION)	
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EXTERNAL WALL: FRAMED (WEATHERBOARD, FIBRO, METAL CLAD)	R1.50 (OR R1.90 INCLUDING CONSTRUCTION)	
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FLAT CEILING, PITCHED ROOF ABSORPTANCE< 0.7	FLAT	CEILING: R2.5 (UP), ROOF: FOIL/SARKING
RAKED CEILING, SKILLION ROOF ABSORPTANCE< 0.7	FLAT	CEILING: R2.5 (UP), ROOF: FOIL/SARKING

INSULATION MUST BE INSTALLED IN ACCORDANCE WITH PART 3.12.11 OF BCA

1

SECTION C

1 : 100

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DRAWING	SECTIONS_BASIX NOTES
PROJECT	NEW SEMI DETACHED RESIDENCES
ADDRESS	30-32 O'BRIEN STREET, BONDI BEACH NSW
CLIENT	

DRAWN BY	AC NV
CHECKED BY	AC
SCALE	1 : 100@A3
JOB NO	1610
DRAWING NO	A3.03 C



Report to the Waverley Local Planning Panel

Application number	DA-431/2018
Site address	4/121-123 Wellington Street, Bondi Beach
Proposal	Alterations and additions to unit 4.
Date of lodgement	21 November 2018 (Amended details submitted 2 May 2019)
Owner	SP 37095
Applicant	Ms E Kovalenko
Submissions	Nil
Cost of works	\$40,000.00
Issues	Compliance with LEP and DCP
Recommendation	That the application be APPROVED

Site Map



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 11 February 2019.

The site is identified as land in SP 37095 and known as unit 4, 121-123 Wellington Street, Bondi Beach. The site is located on the north eastern corner of the intersection of Wellington and Roscoe Streets.

The site is rectangular in shape with a western frontage to Wellington Street of 12.1m and 36.575m to the northern side of Roscoe Street. The site has an overall area of 445.8m². The site is generally level with a slight fall towards the rear.

The site is occupied by a part 2 storey residential flat building containing 3 dwellings (known as units 1, 3 and 4). No parking is available on site.

The subject site is adjoined by dwelling houses to the north and east. Opposite to the south are residential flat buildings and opposite across Wellington Street are semidetached dwellings and dwelling houses. The locality is characterised by a variety of residential development, including semidetached dwellings, dwelling houses and residential flat buildings.



Figure 1: Subject site frontage from Wellington Street



Figure 2: Site viewed from Roscoe Street



Figure 3: Area subject to the application

1.2 Relevant History

DA-203/2016 for alterations and use as a child care centre was refused on 23 September 2016.

In relation to the current application, the matter was deferred on 2 April 2019 seeking existing floor plans for the entire building, amended cl 4.6 variation and greater justification needed with non compliances with DCP controls (primarily related to setbacks and landscaping). Amended documentation was received on 2 April 2019 and 2 May 2019.

1.3 Proposal

Development consent is sought to carry out alterations and additions to the rear (dwelling 4) in the existing 2 storey residential flat building. The application seeks to carry out the following work:

- Internal alterations.
- Opening up an external wall to provide direct access to the existing rear deck.
- Additional of a study at ground level having an area of 8.71m².

Note: The building comprises 3 units, unit 1 and 3 at the front, fronting Wellington Street and unit 4 at the rear accessed from Roscoe Street. There is no unit 2.

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 SEPP (Building Sustainability Index – BASIX) 2004

Given the cost of the development, a BASIX Certificate is not required.

2.1.2 SEPP 55 Remediation of Land

There is no known history of contamination applicable to the site. The subject site has historically been used for residential purposes. Accordingly, site land contamination is considered unlikely and no further investigation is necessary.

2.1.3 SEPP 65 Design Quality of Residential Apartment Development

Given the nature of the existing and proposed development the provisions of the SEPP do not apply.

2.1.4 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table R3 Medium Density Zone	Yes	The proposal is defined as alterations additions to a residential flat building, which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings • 9.5m	Yes	The additions are 3.4m at their highest point.
4.4 Floor space ratio • 0.6:1 (267.5m ²)	No	The proposal seeks a floor space ratio of 0.71:1 – (318m ²) or 51m ² in excess (19% variation).
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the floor space ratio development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 5 Miscellaneous provisions		
5.1 Relevant consent authority	Yes	Waverley Council is the consent authority.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site is in a class 5 acid sulfate soil zone.
6.2 Earthworks	Yes	Minor.

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

Exceptions to Development Standards

Clause 4.4 Floor space ratio

The proposal has an overall floor space ratio of 0.71:1, which exceeds the floor space ratio development standard of 0.6:1 prescribed under clause 4.4 of Waverley LEP 2012 by 51m² in gross floor area or 19%.

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard. The justification presented in the written request is summarised as follows:

- The objectives and purposes of the standard are achieved, particularly:
 - To provide for the housing needs of the community
 - To provide a variety of housing types and densities.
- The proposal is consistent with the objectives of the zone on the basis that the housing needs of the community will be met with improved residential amenity and the proposal will contribute to the variety of housing types and densities in the locality.
- The development serves the public interest by improving the residential accommodation without adverse impacts on the surrounding land.

- The additional floor area is minor, being only 8.71m² which is less than 2.8% of the existing floor area.
- The proposal is significantly less than the maximum height standard of 9.5m, being 3.4m high and below the roof levels of the adjoining buildings.
- The Council has consistently adopted a flexible approach to the application of the standard.
- Adjoining developments in Roscoe Street have FSRs of around 0.8:1 - 0.9:1.
- The proposal is discrete and not visible from Wellington Street and low level when viewed from Roscoe Street.
- Strict compliance with the FSR control would prevent the addition of the proposed study in circumstances where the study would materially improve the amenity of the existing dwelling, have a minor and appropriate streetscape contribution and not have any adverse impacts on the public domain or surrounding properties.
- The proposal is consistent with the R3 zone.

Having regard to the 4.6 Objection submitted and considering the minor nature of the proposal and the lack of any impact on adjoining sites it is agreed that strict compliance is unreasonable or unnecessary in the circumstances of the case. As outlined in the assessment, the additions are low level and not obtrusive. There are sufficient environmental planning grounds to justify contravening the development standard and the proposal will not be contrary to the public interest because it is consistent with objectives of the development standard and applicable zone.

2.1.5 Waverley Development Control Plan 2012

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 1.4.1.1 Storage <ul style="list-style-type: none"> • Bin storage area to be provided with rates in B1-2 • 1.4.2 – Access and Collection 	Yes	A Site Waste & Recycling Management plan has been submitted with the application to address waste disposal during construction. Condition of consent will be imposed regarding ongoing waste on site. The waste and recycling storage area is located in an area convenient for users of the site.

The proposal is defined as a “Residential Flat Building” that is not subject to assessment under SEPP 65 Design Quality of Residential Apartment Development” in the LEP.

Development Control	Compliance	Comment
3.1 Site, scale and frontage		
<ul style="list-style-type: none"> • Minimum frontage: 15m – R3 zone 	N/A	No – Existing development.
3.2 Height		
<ul style="list-style-type: none"> • Maximum external wall height: 7m 	Yes	The proposal has a maximum external wall height of 3.4m.
3.3 Setbacks		

Development Control	Compliance	Comment
3.3.1 - Street setbacks <ul style="list-style-type: none"> Consistent street setback 	Yes	The proposal is a continuation of the existing side building line of the residential flat building.
3.3.2- Side and rear setbacks <ul style="list-style-type: none"> Minimum side setback: 0.9m Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback Deep soil along side boundary min 2m wide 	Yes No N/A	Setback proposed is 1.06m in line with the existing building. The building is proposed 4m from the rear boundary and exceeds the building line of properties to the north in Wellington Street. Existing.
3.4 Length and depth of buildings		
<ul style="list-style-type: none"> Maximum building length: 24m Façade to be articulated Maximum unit depth: 18m 	No Yes Yes	The existing building exceeds 24m. The rear façade will be articulated. Unit depth is less than 18m.
3.5 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape Sympathetic external finishes Corner sites to address both streets as primary frontages Removal of original architectural features not supported. 	Yes Yes Yes Yes	The addition is low set on the site and not will blend into the existing building. Finishes to complement the existing building. The area subject to the additions fronts the side street and is discrete as would be preferred. No features being removed.
3.8 Pedestrian access and entry		
<ul style="list-style-type: none"> Entry at street level and respond to pattern within the street Accessible entry Separate to vehicular entry Legible, safe, well-lit 	Yes No N/A Yes	Existing Existing No vehicle access to site. Existing.
3.9 Landscaping		
<ul style="list-style-type: none"> Comply with part B3- Landscaping and Biodiversity Minimum of 30% of site area landscaped: 133m² 50% of the above is to be deep soil: 66.5m² 	Yes No No	General landscape requirements met. The applicant has indicated an existing landscaped area of 140.05m ² , or 31.4%. This appears to include areas of paving/ decking which whilst open space would not be considered landscaped area. Deep soil is 66m ² . (-0.5m ²)
3.10 Communal open space		

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Minimum 15% communal (R3 zone) 	N/A	Nil provided – existing development and proposal does not generate the requirement.
3.11 – Private Open Space		
3.11.1 – Courtyards <ul style="list-style-type: none"> Private Courtyards – min 25m² area and 3m width and depth Planting to be provided 	Yes Yes	The private rear courtyard will retain an area exceeding 25m ² . Existing planted area.
3.14 Views and view sharing		
<ul style="list-style-type: none"> Minimise view loss through design Views from public spaces to be maintained. 	Yes	No views impacted.
3.15 Visual privacy and security		
<ul style="list-style-type: none"> Dwellings to be orientated to the street with entrances and street numbering visible Privacy be considered in relation to context density, separation use and design. 	N/A Yes	Existing – no change. The dwelling is low set on the site and no additional overlooking of adjoining sites.
3.16 Dwelling size and layout		
<ul style="list-style-type: none"> Max habitable room depth for single aspect dwelling is 8m from a window Max width of dwelling over 15m deep is min 4m All habitable rooms to have a window Provide a range of dwelling types and sizes Flexible design Accessible and Adaptable 	N/A N/A Yes Yes Yes N/A	Existing building and addition will have triple aspect orientation. Proposed Study will have windows. Increases range of dwellings Design is flexible to household needs. Existing building.
3.17 Ceiling Heights		
<ul style="list-style-type: none"> Min 2.7m floor to ceiling height residential floors 	Yes	Internal ceiling in the study complies.
3.19 Acoustic privacy		
<ul style="list-style-type: none"> Internal amenity by locating noisy areas away from quiet areas 	Yes	Addition is located at rear not adjoining any common walls.
3.20 Natural Ventilation		
<ul style="list-style-type: none"> All dwellings to be naturally cross-ventilated 	Yes Yes	Cross ventilation provided. South to North orientation for windows facilitates access to available breezes.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Building to be orientated to maximise breezes Ceiling fans are to be provided in all habitable rooms. 	No	Ceiling fans are not proposed.

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

Rear setback

The proposal is less than the 6m minimum, however is marginally further from the rear boundary than the existing northern section of the building. The additions are low in scale and minor in floor space and will not result in an adverse impact on the properties to the rear by way of loss of solar access or privacy and a landscaped/ deep soil buffer remains between the proposed additions and the rear boundary. It is considered that the proposal meets the aims of the rear setback control.

Building Length

The additions remain behind the setback of the existing kitchen/dining area. The existing building length is 29.4m and the additions will be in a section that is 29.2m. The additions are discrete and being single storey are below the existing ridge lines and height of other adjoining buildings. The additions will not add unduly to the bulk and scale of the structure or detract from the streetscape appearance.

Landscaped Area

The applicant has provided a schedule of the existing landscaping on the site. The site is an old style development which was not built subject to the current controls and would not be expected to comply with the current controls.

The applicant has indicated an existing landscaped area of 140.05m², or 31.4%. This appears to include areas of paving/ decking which whilst open space would not be considered landscaped area. Deep soil (landscaped area) is 66m². The proposal reduces the open space and landscaping by 8.7m², part of which is considered minor and still maintains a landscaped setting for the dwelling as well as a usable open space area for the applicant and her children. The non-compliance is not considered significant in terms of the appearance of the building and has negligible environmental effect, particularly when weighed against the advantages of the additional floor area on the family.

Ceiling fans

The study has sufficient openings to catch prevailing breezes without the need for ceiling fans.

2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

It is considered that the proposal will 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 to be suitable for the proposed development.

2.4 Any Submissions

The application was notified for 14 days in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*.

No submissions were received. The issues raised in the submissions are summarised and discussed below.

2.5 Public Interest

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

3. REFERRALS

No internal or external referral comments were sought.

4. SUMMARY

Development consent is sought to carry out alterations and additions to the existing 2 storey residential flat building. The residential flat building contains 3 dwellings (noting the subject application relates to unit 4, as there is no unit 2). The proposal is for internal alterations and the addition of a study at ground floor level in the existing private courtyard to the rear dwelling.

The proposal does not comply with the floor space ratio requirements of the LEP and a clause 4.6 Objection has been submitted to the development standard and considered in the assessment. It was noted that the existing development on the site exceeds the maximum floor space ratio. The variation sought is supported in the circumstances of the case as outlined in the report.

There are also several DCP non compliances which have been dealt with in the above report.

No objections were received to the proposal. No Councillor submissions were received to the proposal and no notices of conflict of interest were registered against the application.

On balance the application is supported.

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:**

Peter Thomas
Senior Development Assessment Planner

Date: 18 May 2019

Angela Rossi
Manager, Development Assessment (Central)

Date: 12 June 2019

Reason for referral:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

(a) Architectural Plan Nos prepared by T.O.P Design of Project No 2018.07 as follows:

Plan No	Date	Date received by Council
DA01 B	22.10.18	2/4/2019
DA02 B	22.10.18	2/4/2019
DA03 F	14.03.19	2/4/2019
DA04 B	22.10.18	2/4/2019
DA05 B	22.10.18	2/4/2019
DA06 C	22.10.18	2/4/2019
DA07 D	14.03.19	2/4/2019
DA08 C	22.10.18	2/4/2019
DA09 A	10.10.18	2/4/2019

(b) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.

Except where amended by the following conditions of consent.

2. STRATA PLAN OF SUBDIVISION

The strata plan shall be amended to include the new additions.

3. DOMESTIC HEATERS

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

4. BONDI - ROSE BAY SAND BODY

This site is 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. Works may resume on the site pending receipt of express written permission from the NSW National Parks and Wildlife Service. 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.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

5. SECTION 7.12 CONTRIBUTION

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

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

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

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

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

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

Advisory Note

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

6. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of \$ 2000 must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

7. LONG SERVICE LEVY

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

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

8. 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 and 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 and 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.

9. HOARDING REQUIRED

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

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

10. BCA & FIRE SAFETY UPGRADE WORKS

- (a) In addition to all new works fully complying with the Building Code of Australia, pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, all existing areas of the building must be upgraded to comply with the the Building Code of Australia (BCA):
 - (i) Fire resistance and stability – Part C1;
 - (ii) Compartmentation and separation – Part C2;
 - (iii) Protection of openings – Part C3;
 - (iv) Provision for escape – Part D1;
 - (v) Construction of exits – Part D2;
 - (vi) Fire fighting equipment – Part E1;
 - (vii) Smoke hazard management – Part E2;
 - (viii) Emergency lighting, exit signs and warning systems – Part E4.

- (b) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 4.55 of the Act to be lodged with Council to amend this consent.
- (c) Prior to the commencement of the required upgrade works, a Construction Certificate must be issued by an accredited Certifying Authority and an accredited PCA be appointed. The required fire safety upgrading works detailed in this condition must be completed and certified including a Final Fire Safety Certificate prior to the issue of an Occupation Certificate and Strata Subdivision Certificate.
- (d) If compliance with the deemed-to-satisfy provisions of the BCA and the matters listed in condition (a) above cannot be achieved, an alternative building solution in accordance with Part A0 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia.

11. ESSENTIAL SERVICES - EXISTING BUILDING

Details of the currently implemented and proposed essential fire safety measures shall be submitted to Council, with the Construction Certificate, in the form of a Fire Safety Schedule. This Schedule shall be prepared by a person competent to do so and shall specify the minimum standard of performance for each essential fire safety measure included in the Schedule.

At the completion of the installation, a Final Fire Safety Certificate shall be attached to the Occupation Certificate, certifying that each essential fire safety measure specified within the current Fire Safety Schedule:

- (a) has been assessed by a properly qualified person; and
- (b) found to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the Certificate is issued.

12. ENGINEERING DETAILS

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

13. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY

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

14. 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.

15. 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 stored to prevent damage by the elements, odour, health risks and windborne litter.

16. EROSION, SEDIMENT AND POLLUTION CONTROL

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

17. STORMWATER MANAGEMENT

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

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

18. 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.

19. 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.

20. CONSTRUCTION SIGNS

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

21. TOILET FACILITIES

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

22. 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.

23. 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.

24. 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.

25. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

26. 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.

27. 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.

28. 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.

29. ROOFWATER GUTTERING

All new or replacement roof guttering is to comply with the requirements of the Building Code of Australia and Australian Standard AS 3500 *Plumbing & Drainage Standards* to ensure that collected roof water does not flow back into the building.

30. 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.

31. 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.

32. BUILDING CODE OF AUSTRALIA

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

33. BUILDING LEGISLATION AMENDMENT (QUALITY OF CONSTRUCTION) ACT - INSPECTIONS (RESIDENTIAL FLAT DEVELOPMENT AND OTHER RESIDENTIAL CLASS 2, 3 AND 4)

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

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

The specified **MANDATORY** inspections are:

In the case of a Class 2, 3 and 4 building:

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

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) steel reinforcement, prior to pouring concrete;
- (d) prior to covering timber or steel framework for floors, walls and roofing, including beams and columns.

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

34. IN-SINK WASTE DISPOSAL SYSTEMS

The installation of in-sink waste disposal systems is prohibited.

35. WATER PROOFING

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

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

36. 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.

37. SMOKE ALARM SYSTEM

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

38. 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.

D. COMPLIANCE PRIOR TO AN OCCUPATION CERTIFICATE OR COMMENCEMENT OF USE

39. 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.

40. FIRE SAFETY UPGRADE

The Occupation Certificate shall not be released by the appointed Principal Certifying Authority until all fire safety upgrading 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 has been installed and:

- (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.

41. WASTE AND RECYCLING STORAGE AND COLLECTION

- (a) The development must have a bin storage point for a minimum:
 - 2 x 240L Mobile Garbage Bins (MGBs) for general waste
 - 1 x 240L MGBs for container recycling
 - 1 x 240L MGBs for paper recycling
 - 1 x 240L MGBs for excess waste & recycling or garden organic waste should this be generated on the property.
- (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. All waste and recycling storage rooms must be graded and drained to the sewerage system and approved by Sydney Water.
- (c) A room or caged area with a minimum volume of 4 m³ must be allocated for the storage of discarded bulky items, such as old furniture, awaiting Council pick up.
- (d) 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.
- (e) 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.
- (f) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.

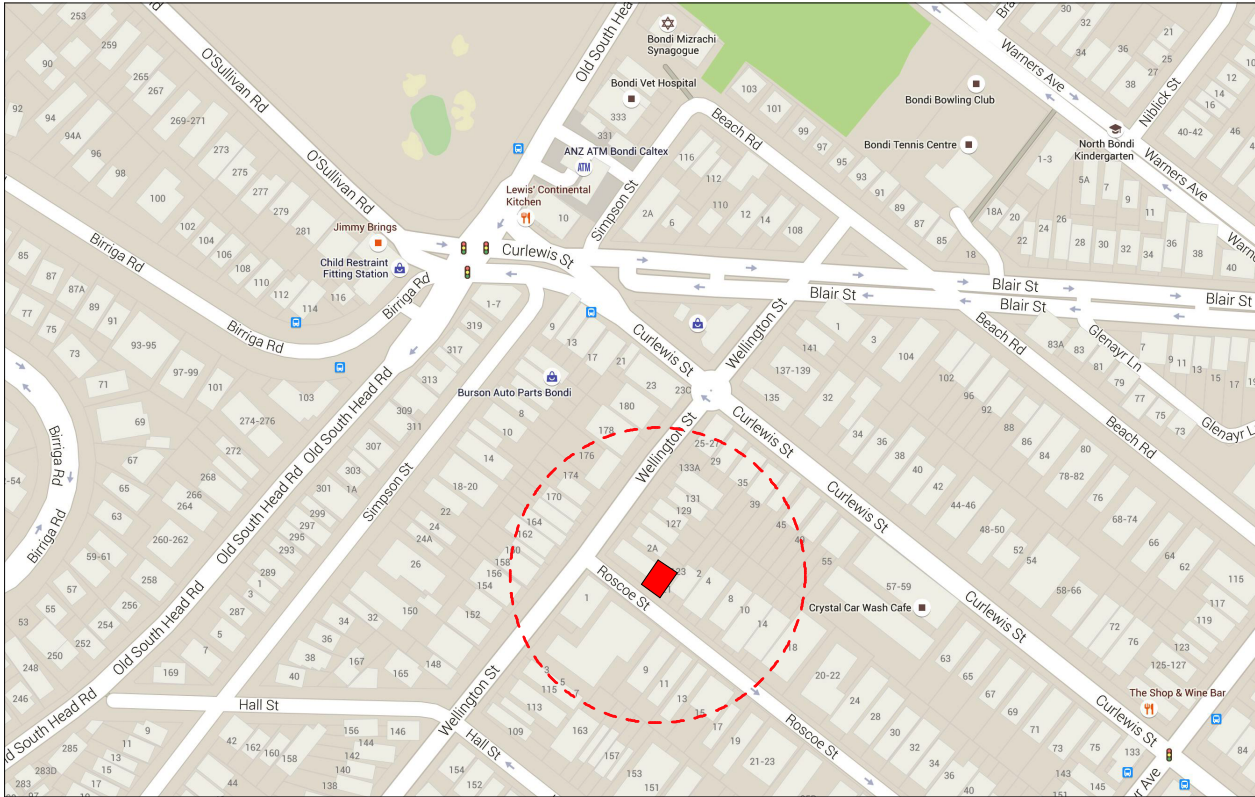
- (g) Waste and recycling receptacles must be stored at all times within the boundary of the site and screened from the public and commercial domains.
- (h) The storage and/or presentation of bins on the kerbside on public land and kerbside is not permitted at any time.

42. LIGHTING

- (a) 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.
- (b) All external lighting fixtures should be vandal resistant.
- (c) Lighting should be carefully considered in areas covered by CCTV to allow for optimum viewing.
- (d) Lighting should be free of obstructions, such as tree branches, pipes, etc.
- (e) 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.
- (f) All external area lights and carparks 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.

43. 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.



LOCATION PLAN

DRAWING SCHEDULE:

- DA 01 - LOCATION PLAN
- DA 02 - SITE ANALYSIS PLAN
- DA 03 - PROPOSED GROUND FLOOR PLAN
- DA 04 - EXISTING GROUND FLOOR PLAN
- DA 05 - FIRST FLOOR PLAN (UNCHANGED)
- DA 06 - STREET ELEVATION
- DA 07 - EAST ELEVATION
- DA 08 - NORTH ELEVATION
- DA 09 - SECTION

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ABN: 11 090 173 637

GENERAL NOTES TO BUILDER / OR CONTRACTOR:

These drawings shall be read in conjunction with other consultants' drawings and specifications and with such other written instructions as may be issued during the course of the contract and the construction of the works. All building works, associated works, materials and workmanship in this project are to be in accordance with all relevant and current: - provisions of Building Code of Australia; - Australian Standards issued by "Standards Australia"; - and all other relevant Authority requirements

Any discrepancy shall be referred to T.O.P design before proceeding with the work. All dimensions must be taken from site and/or verified before commencement of work. Approval by the Architect of this drawing for project use is for the design concept only and does not relieve the Contractor or Builder of any of his/her responsibilities under the contract.

CLIENT MR & MRS KOVALENKO
PROJECT ALTERATIONS AND ADDITIONS TO EXISTING DWELLING AT 4/121-123 WELLINGTON ST, BONDI BEACH
TITLE LOCATION PLAN

DRAWN BY: AT
PROJECT
ARCHITECT: AT
SCALE NTS

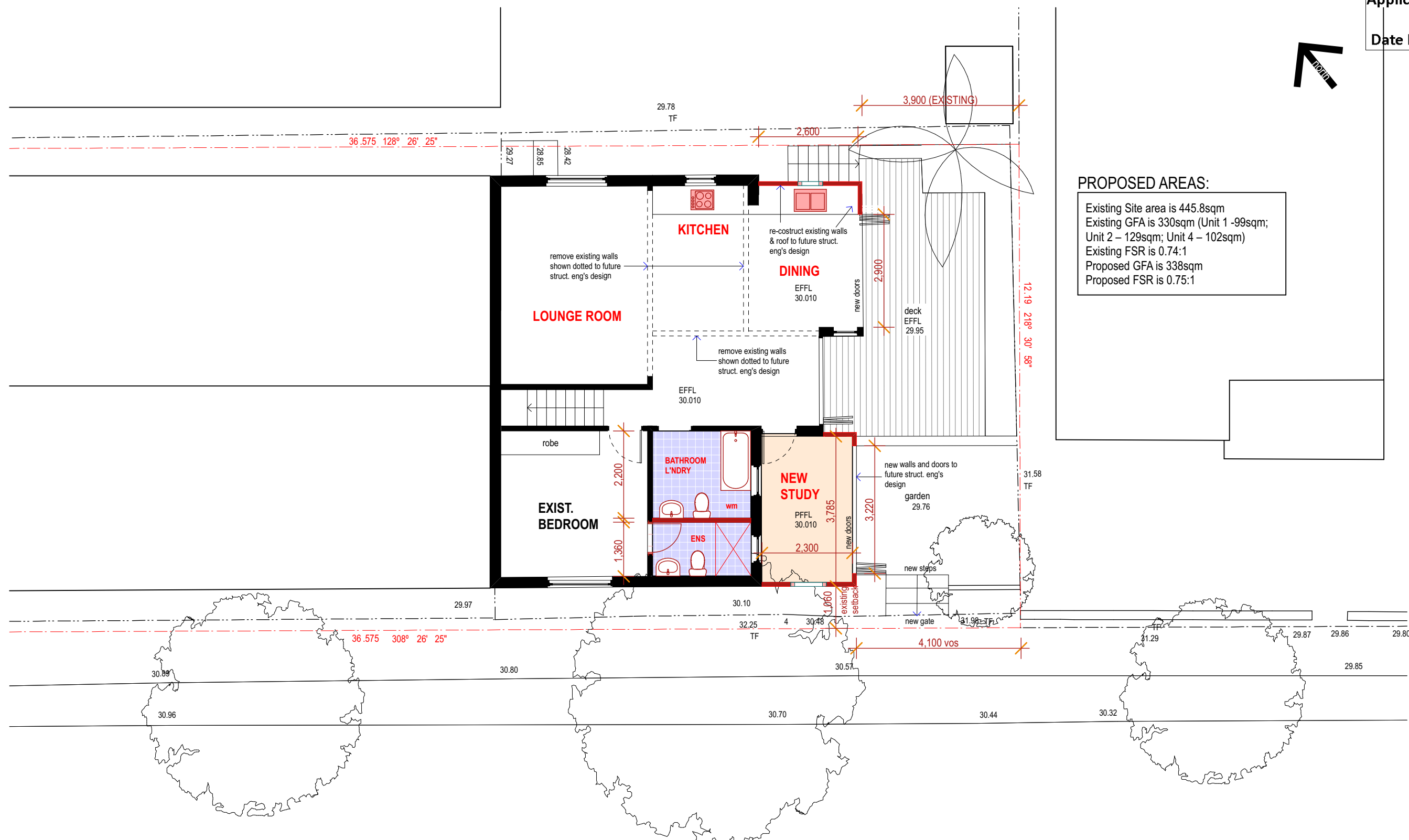
B	DA ISSUE	AT	AT	22.10.18
A	PRELIMINARY DA ISSUE	AT	AT	10.10.18
NO.	DESCRIPTION	BY	CHK	DATE
AMENDMENTS				
PROJECT / DRAWING NUMBER			AMENDMENT	

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-431/2018

Date Received: 02/04/2019



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CLIENT **MR & MRS KOVALENKO**
PROJECT **ALTERATIONS AND ADDITIONS TO EXISTING DWELLING AT 4/121-123 WELLINGTON ST, BONDI BEACH**
TITLE **PROPOSED GROUND FLOOR PLAN**

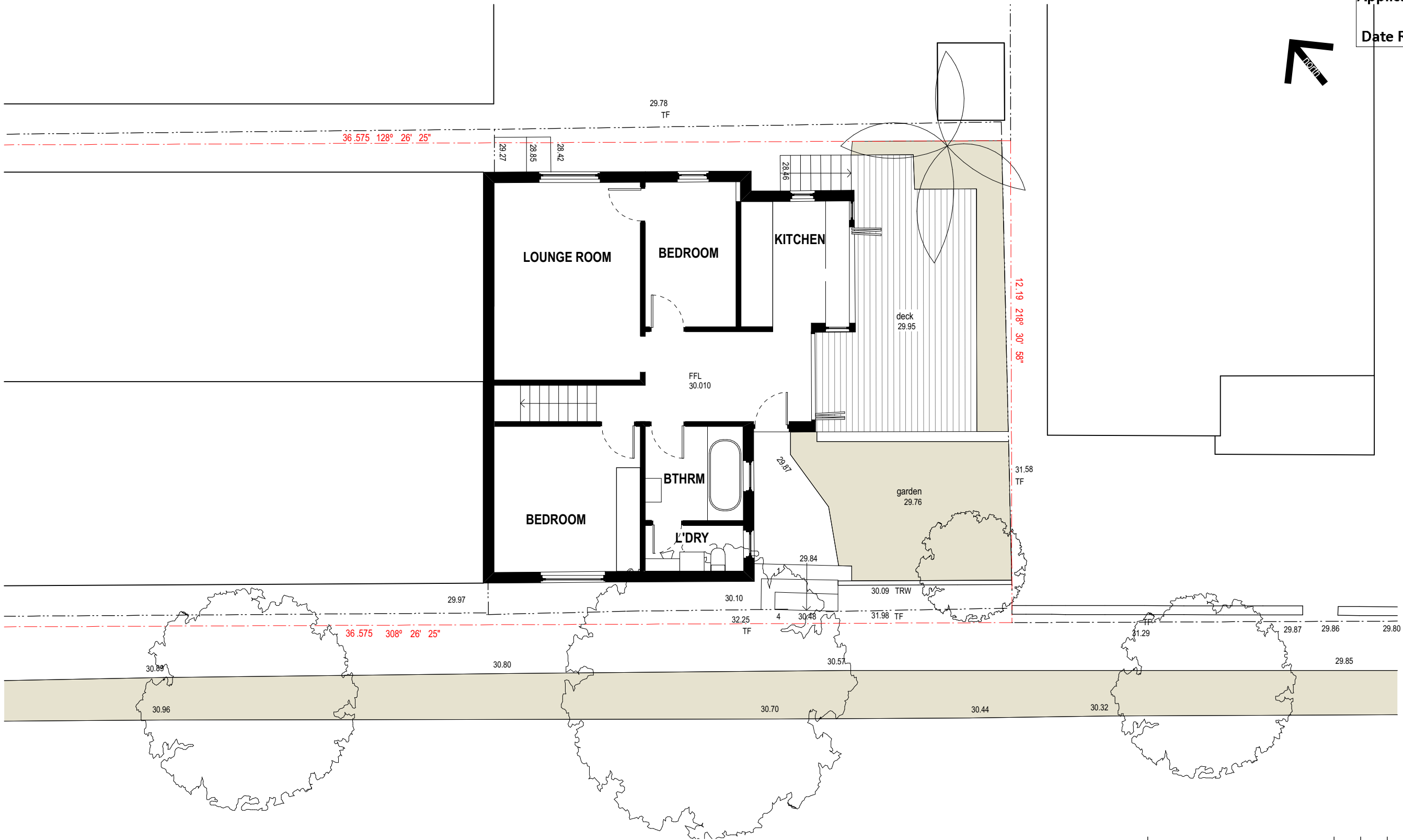
DRAWN BY: AT
PROJECT ARCHITECT: AT

SCALE 1:100

NO.	DESCRIPTION	BY	CHK	DATE
F	BUILDING SETBACKS ADDED	AT	AT	14.03.19
E	DA ISSUE	AT	AT	21.11.18
D	DA ISSUE	AT	AT	22.10.18
C	PRELIMINARY DA ISSUE	AT	AT	15.10.18
B	PRELIMINARY DA ISSUE	AT	AT	11.10.18
A	PRELIMINARY DA ISSUE	AT	AT	10.10.18
AMENDMENTS				
PROJECT / DRAWING NUMBER				AMENDMENT

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-431/2018
Date Received: 02/04/2019



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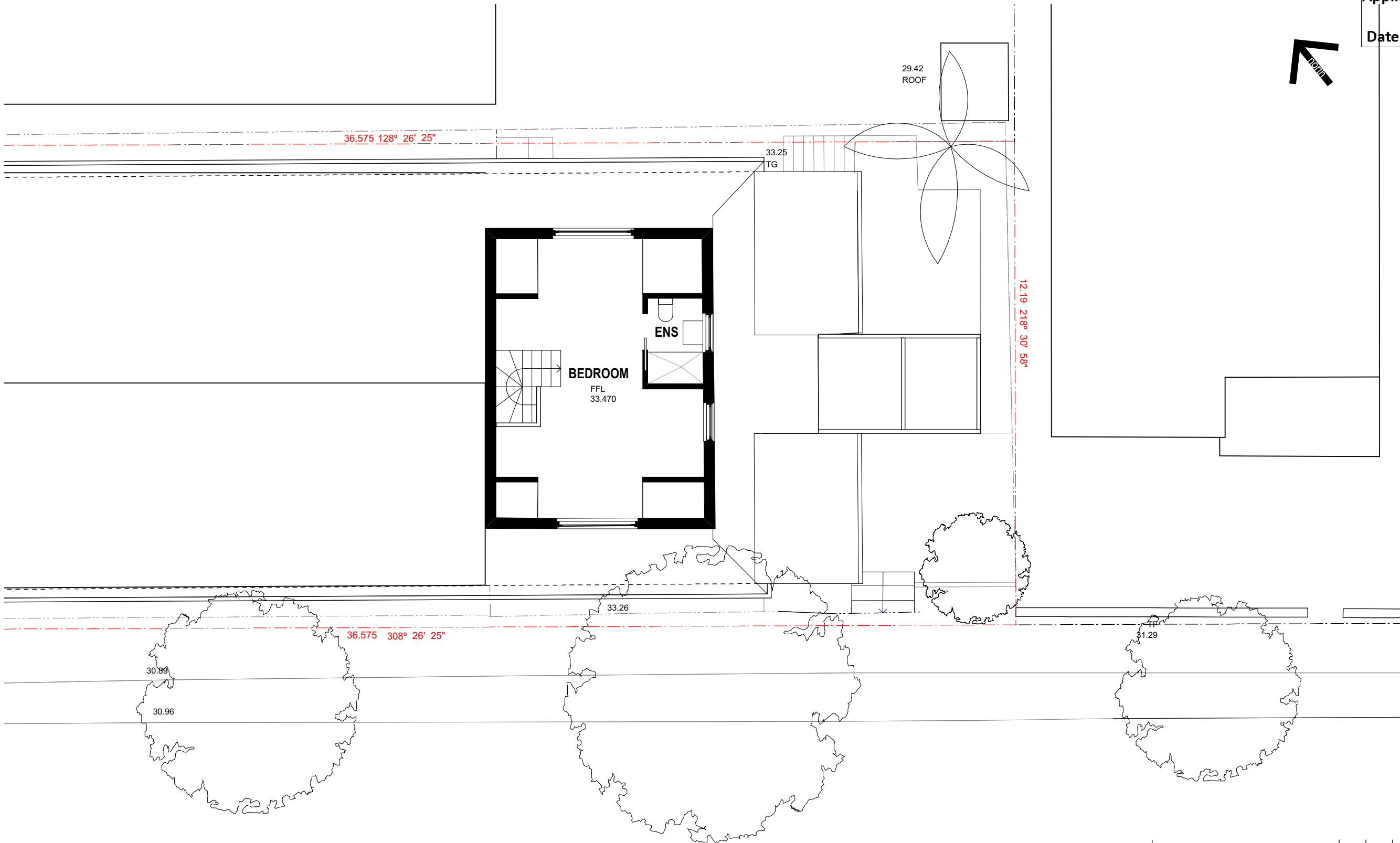
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CLIENT **MR & MRS KOVALENKO**
PROJECT **ALTERATIONS AND ADDITIONS TO EXISTING DWELLING AT 4/121-123 WELLINGTON ST, BONDI BEACH**
TITLE **EXISTING GROUND FLOOR PLAN**

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PROJECT ARCHITECT: AT
SCALE 1:100

B	DA ISSUE	AT	AT	22.10.18
A	PRELIMINARY DA ISSUE	AT	AT	10.10.18
NO.	DESCRIPTION	BY	CHK	DATE
AMENDMENTS				
PROJECT / DRAWING NUMBER			AMENDMENT	



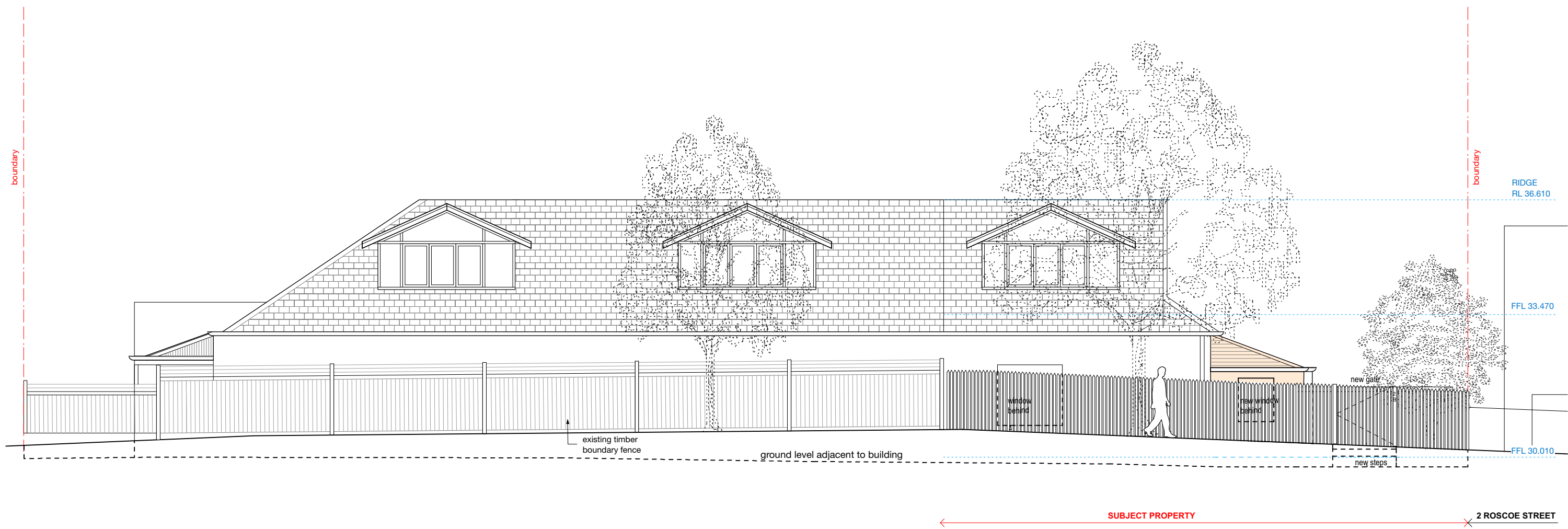


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CLIENT **MR & MRS KOVALENKO**
PROJECT **ALTERATIONS AND ADDITIONS TO EXISTING DWELLING AT 4/121-123 WELLINGTON ST, BONDI BEACH**
TITLE **FIRST FLOOR PLAN (UNCHANGED)**
DRAWN BY: AT
PROJECT ARCHITECT: AT
SCALE 1:100

B	DA ISSUE	AT	AT	22.10.18
A	PRELIMINARY DA ISSUE	AT	AT	10.10.18
NO.	DESCRIPTION	BY	CHK	DATE
AMENDMENTS				
PROJECT / DRAWING NUMBER			AMENDMENT	



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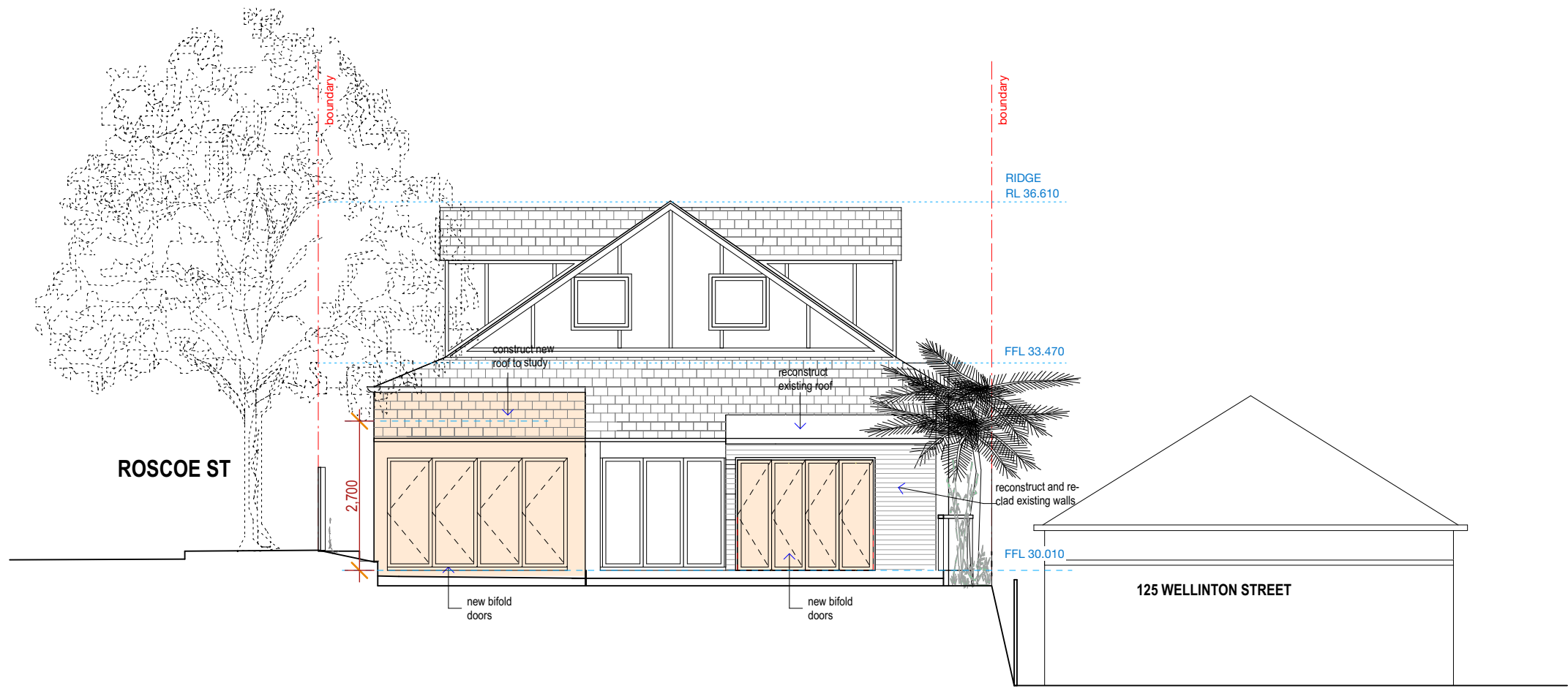
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CLIENT **MR & MRS KOVALENKO**
PROJECT **ALTERATIONS AND ADDITIONS TO EXISTING DWELLING AT 4/121-123 WELLINGTON ST, BONDI BEACH**
TITLE **STREET ELEVATION**

DRAWN BY: AT
PROJECT ARCHITECT: AT
SCALE 1:100

C	DA ISSUE	AT	AT	22.10.18
B	PRELIMINARY DA ISSUE	AT	AT	15.10.18
A	PRELIMINARY DA ISSUE	AT	AT	10.10.18
NO.	DESCRIPTION	BY	CHK	DATE
AMENDMENTS				
PROJECT / DRAWING NUMBER			AMENDMENT	



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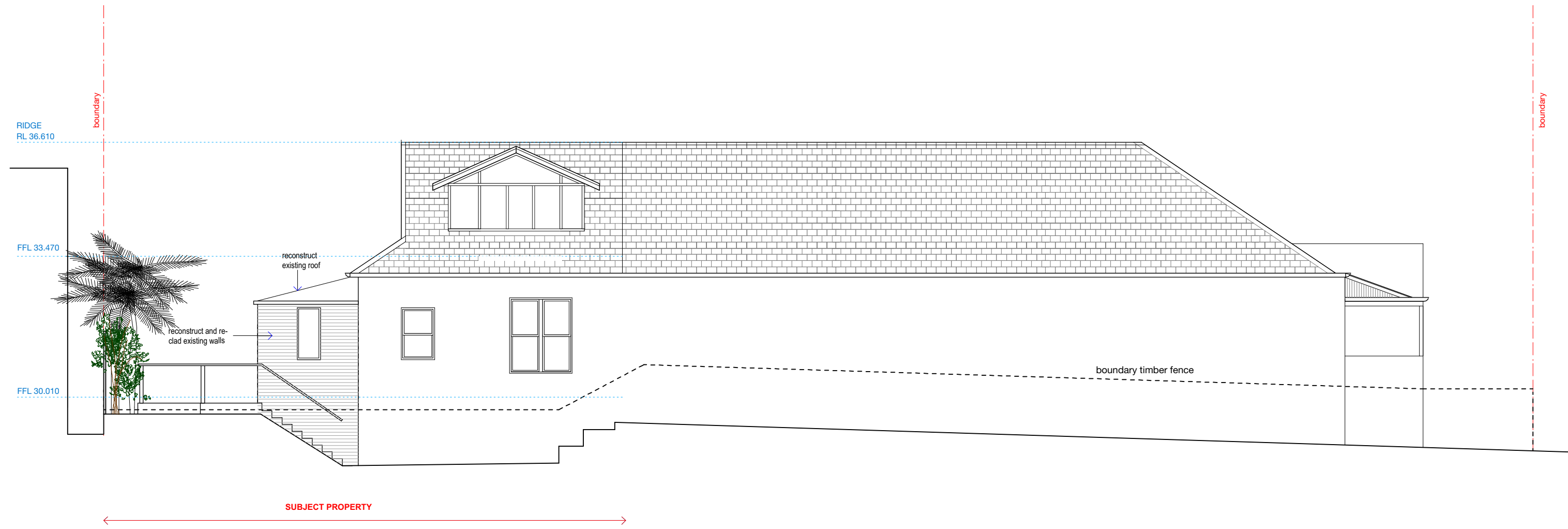
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CLIENT **MR & MRS KOVALENKO**
PROJECT **ALTERATIONS AND ADDITIONS TO EXISTING DWELLING AT 4/121-123 WELLINGTON ST, BONDI BEACH**
TITLE **EAST ELEVATION**

DRAWN BY: AT
PROJECT ARCHITECT: AT
SCALE 1:100

NO.	DESCRIPTION	BY	CHK	DATE
D	CEILING HEIGHT ADDED	AT	AT	14.03.19
C	DA ISSUE	AT	AT	22.10.18
B	PRELIMINARY DA ISSUE	AT	AT	15.10.18
A	PRELIMINARY DA ISSUE	AT	AT	10.10.18
AMENDMENTS				
PROJECT / DRAWING NUMBER				AMENDMENT



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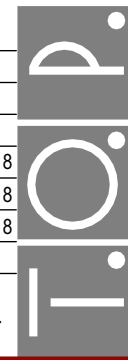
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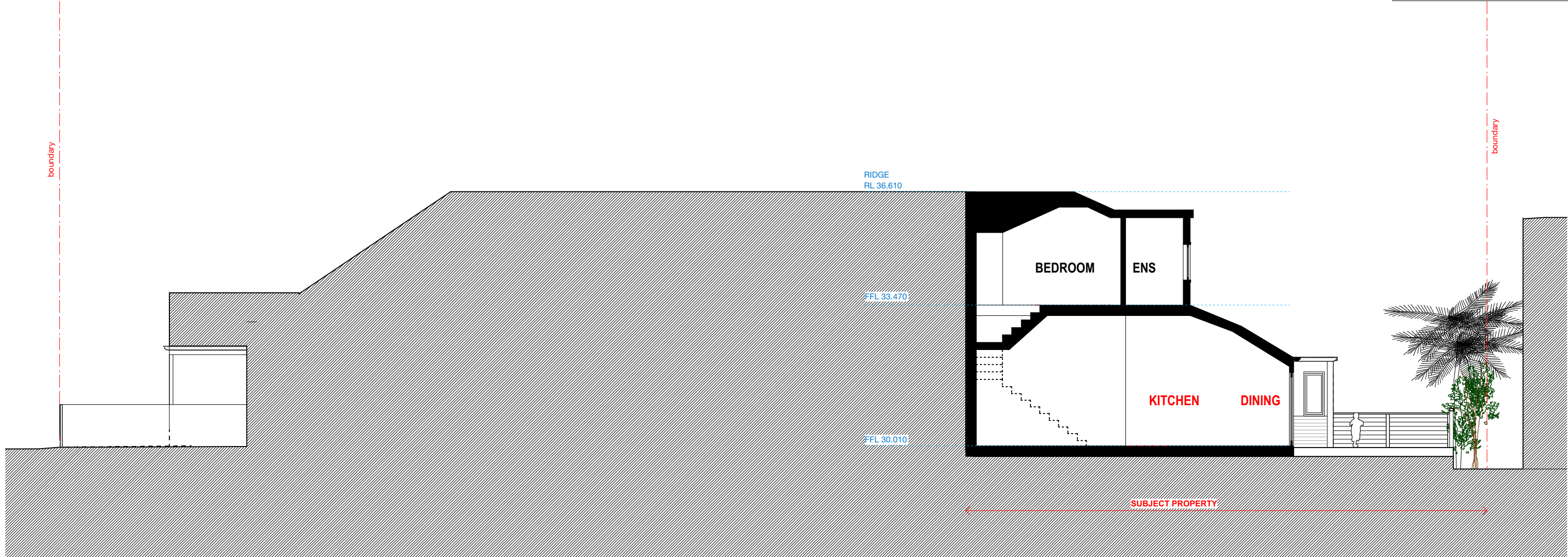
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CLIENT **MR & MRS KOVALENKO**
PROJECT **ALTERATIONS AND ADDITIONS TO EXISTING DWELLING AT 4/121-123 WELLINGTON ST, BONDI BEACH**
TITLE **NORTH ELEVATION**

DRAWN BY: AT
PROJECT ARCHITECT: AT
SCALE 1:100

NO.	DESCRIPTION	BY	CHK	DATE
C	DA ISSUE	AT	AT	22.10.18
B	PRELIMINARY DA ISSUE	AT	AT	15.10.18
A	PRELIMINARY DA ISSUE	AT	AT	10.10.18
AMENDMENTS				
PROJECT / DRAWING NUMBER				AMENDMENT





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CLIENT **MR & MRS KOVALENKO**
PROJECT **ALTERATIONS AND ADDITIONS TO EXISTING DWELLING AT 4/121-123 WELLINGTON ST, BONDI BEACH**
TITLE **SECTION**

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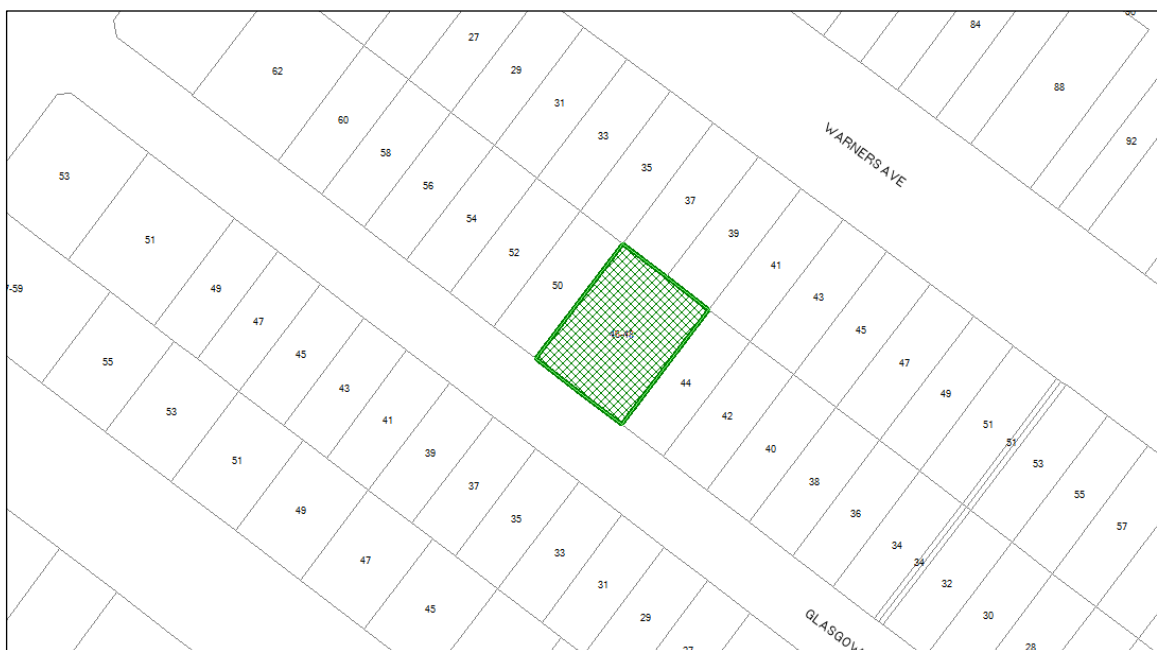
A	PRELIMINARY DA ISSUE	AT	AT	10.10.18
NO.	DESCRIPTION	BY	CHK	DATE
AMENDMENTS				
PROJECT / DRAWING NUMBER			AMENDMENT	



Report to the Waverley Local Planning Panel

Application number	DA-171/2018/A
Site address	46-48 Glasgow Avenue Bondi Beach
Proposal	Modifications to the approved dwelling to delete Conditions 2(a)-(f) and general amendments to the approved ground floor plan and first floor plan.
Approved development description	Demolition of existing pair of semi-detached dwellings and construction of a two-storey detached dwelling with integrated double garage, swimming pool and landscaping works.
Date of lodgement	14 February 2019
Owner	Mr Daniel Hendler
Applicant	Mr Daniel Hendler
Submissions	Seven (7) submissions received
Cost of Works	As per original application
Issues	Amendment of Condition 3
Recommendation	That the application be APPROVED

Site Map



1. PREAMBLE

1.1 Site and Surrounding Locality

The site is identified as Lot 31 in DP 12561, known as 46-48 Glasgow Avenue, BONDI BEACH. The site is rectangular in shape with a front (southern) and rear (northern) boundary of 18.29m respectively, and eastern and western boundaries measuring 23.9m.

The site has an area of 436.3m² and site falls from the rear northern boundary towards the front southern boundary by approximately 1.2m. The approved dwelling is currently under construction and the proposed modifications have largely been carried out (retrospectively).

No. 46 to the right (south-east) and no 48 on the left (north-west). The pair of dwellings are identified on a single Torrens lot.

The subject site is adjoined by a semi-detached dwellings on either side. The Locality is characterised by a variety of residential developments including semi-detached dwelling and dwelling houses.



Figure 1: Subject site frontage

1.2 Details of Approved Development

The original development application (DA-171/2018) was granted development consent by the Waverley Local Planning Panel (WLPP) on 24 October 2018, subject to conditions as outlined in the Notice of Determination.

Condition 2, of relevance to this modification applications read as follows:

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) Balcony 2 is to be reduced in size to extend no further into the rear setback than Balcony 1, to mitigate overlooking to adjoining properties.*
- (b) Privacy screens are to be provided on the side elevations of the rear balconies (in lieu of the nominated concrete screen) and designed to mitigate overlooking to adjoining properties. The privacy screens are to be of a light weight material (such as timber or obscure glazing) and be a minimum of 1.6m high when measured from the finished floor level of the balcony.*
- (c) The Master Bedroom window located on the eastern elevation (W.13) shall be reduced in size by at least 50% of the overall size to mitigate overlooking to adjoining properties.*
- (d) The width of the driveway shall be reduced to 3m at the front property boundary, and taper at an angle to garage entry with additional soft landscaping is to be provided within the front setback to reduce the dominance of the garage.*
- (e) The garage door shall be recessed 400mm from the proposed position to reduce the visual bulk of the building in streetscape.*
- (f) The side setback shall be increased to 1.5m for the front multipurpose room and associated terrace 2 and garage at ground floor as well as the corresponding rooms above on the first floor (bedrooms 3 and 4) to reduce the bulk of the building and be compatible with pattern of development in the streetscape.*

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

Specifically, Conditions 2(a) to (d) were recommended for imposition by the Development Building Unit, while Condition 2(e) and 2(f) were imposed by the Panel.

Condition 3 is also of relevance to this modification application and reads as follows:

3. CONCRETE SCREENING TO REMAIN OPEN

The concrete screen on the southern and western elevation on Terrace 2 shall be at least 50% open and be appropriately waterproofed, to ensure this area is excluded from calculable gross floor area.

As per Council's Procedure Note, applications for the modification of a development consent under section 4.55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) will be referred to the WLPP if the application seeks to delete or modify a condition drafted or specifically formulated by the Panel. As detailed below under Section 1.3, this modification seeks to delete Condition 2(f).

1.3 Proposal

The application has been lodged as a section 4.55(1A) application and provides for the following modifications to the approved development:

- Amendments to the approved ground floor plan, including new kitchen, pantry and laundry configuration, new multipurpose and powder room configuration, removal of existing tree within the front setback and a new fire place within the rear yard.
- Amendments to the approved first floor plan including new bedroom and ensuite configuration (bedrooms 2 & 3), increased size of Balcony 3, and new solid wall for Balcony 1 and Balcony 2 (in lieu of lightweight privacy screens).
- Deletion of Condition 2(a), which requires Balcony 2 to be reduced in size to extend no further into the rear setback than Balcony 1. This condition has been satisfied as part of the modified plans.
- Deletion of Condition 2(b), which requires privacy screens of light weight material to be provided on the side elevations of the rear balconies. Light weight privacy screens are proposed to be replaced with solid rendered walls.
- Deletion of Condition 2(c), which requires the master bedroom window (originally 2.5 x 3.5) to be reduced in size by at least 50%. This modification application proposes two individual windows with dimensions of (2.46 x 0.9) which is equivalent to a 50% reduction in area of the original window. Accordingly this condition has been satisfied.
- Deletion of Condition 2(d), which requires the width of the driveway to be reduced to 3m at the front property boundary, and tapered at an angle to the garage entry, with additional soft landscaping is to be provided within the front setback. This condition has been satisfied as part of the modified plans.
- Deletion of Condition 2(e), which requires the garage door to be recessed 400mm from the proposed position. This condition has been satisfied as part of the modified plans.
- Deletion of Condition 2(f), which requires the side setback to be increased to 1.5m for the front multipurpose room and associated terrace 2 and garage at ground floor as well as the corresponding rooms above on the first floor (bedrooms 3 and 4). Amended plans show the western side setback increased to 1.5m for the front multi-purpose room, associated front terrace and first floor bedrooms above the double garage. The only item that has remained at 900mm to the eastern boundary is the garage.
- Amend Condition 3, which requires the concrete screen on the southern and western elevation on Terrace 2 to be at least 50% open and be appropriately waterproofed, to ensure this area is excluded from calculable gross floor area. The modified plans seek to replace the concrete screen with a solid wall on the western elevation.

2. ASSESSMENT

The following matters are to be considered in the assessment of this modification application under sections 4.15 and 4.55 of the *Environmental Planning and Assessment Act 1979* (the Act).

2.1 Section 4.55 Considerations

Section 4.55 (1A) applications - the modifications are considered to have minimal environmental impact. The application has been compared to the essential nature of the development as originally

approved and it is considered to be *substantially the same development*. The application has been notified and submissions considered as discussed further in the report.

2.2 Planning Instruments and Development Control Plans

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

2.2.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

The BASIX Certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal. A standard condition is recommended ensuring the measures detailed in the BASIX Certificate are implemented.

2.2.2 SEPP 55 Remediation of Land

There is no known history of contamination applicable to the site. The subject site has historically been used for residential purposes. Accordingly, site land contamination is considered unlikely and no further investigation is necessary.

2.2.3 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	Proposal contributes to the provision of a range of housing types to meet the needs of the community.
Part 2 Permitted or prohibited development		
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is defined as dwelling house, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings • 8.5m	Unchanged	Overall building height remains unchanged from the approved development.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio • 0.62:1		0.56:1 (based on calculated GFA of 245.8m ² and a site area of 436.3m ²) The proposed modifications results in a reduction in gross floor area (GFA) of approximately 27m ² . The amended plans seek to amend Condition 3 which requires the concrete screen on the southern and western elevation on Terrace 2

Provision	Compliance	Comment
		to be at least 50% open and be appropriately waterproofed, to ensure this area is excluded from calculable gross floor area. The modified plans seek to replace the concrete screen with a solid wall on the western elevation. This modification is not supported, as such Condition 3 of the original consent is maintained.

2.2.4 Waverley Development Control Plan 2012 - Amendment No 6 (Waverley DCP 2012)

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

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

Development Control	Compliance	Comment
3. Environmentally Sustainable Development 2.3: Renewable Energy & Energy Efficiency Solid fuel heating is not permitted	No	The plans indicate a fireplace on the ground floor level and a second fireplace in the rear yard (adjacent to rear boundary). As per control (a) in cl 2.3, to ensure compliance, condition 5 of original consent be imposed requires the fireplace to be gas (in lieu of solid fuel heating ie. wood).
5. Tree preservation	Yes	Council's Tree Management Officer has reviewed the proposal and has no objection to the removal of the Olea Africana within the front yard. The tree possesses no outstanding attributes worthy of retention (due to poor health, poor structure and weed species). A suitable replacement will be provided as per the submitted landscaped plan.

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

Assessment of Proposed Modifications against relevant Waverley DCP 2012 Controls is in the table below.

Development Control	Compliance	Comment
2.1 Height		
Flat roof dwelling house • Maximum wall height of 7.5m	Unchanged	The overall building height is approximately 7.8m at the south western corner as per the original application.
2.2 Setbacks		
2.2.1 Front and rear building lines • Predominant front building line	Unchanged	Front setback remains unchanged at 3.9m from the front property boundary. The front building line has been measured from the street boundary to the supporting posts of Terrace 2 and the garage, as per the original consent.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Predominant rear building line at each floor level 		
2.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 0.9m 	Yes	<p>The proposed amendments will comply with the minimum setback prescribed by the DCP.</p> <p>As stated within the accompanying Statement of Environmental Effects, amended plans show the western side setback increased to 1.5m for the front multi-purpose room, associated front terrace and first floor bedrooms above the double garage (as per Condition 2(f)).</p> <p>The only item that has remained at 900mm to the eastern boundary is the garage. The rooms above have increased to 1.5m as this is where the bulk and scale needed to be reduced and a series of pot plants have been proposed on the first floor, above the garage to improve the visual aspect of the design.</p> <p>It is noted that pursuant to Section 4.15(3A)(a) of the EP&A Act, if a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority is not to require more onerous standards with respect to that aspect of the development.</p>
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context 	Yes	<p>The proposed amendments will result in a development that is compatible with the streetscape context, particularly given that side setbacks have been increased at both ground floor and first floor which has reduced the overall bulk of the building.</p>
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> Windows to habitable rooms are not to directly face windows to habitable rooms and / or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design. 	Yes	<p>Condition 2(c), which required the master bedroom window (W.13 which was originally 2.5 x 3.5) to be reduced in size by at least 50%. This modification application proposes two individual windows with dimensions of (2.46 x 0.9) which is equivalent to a 50% reduction in area of the original window. This adequately mitigates visual privacy impacts to the neighbouring property at No. 44 Glasgow Avenue.</p> <p>All other changes to windows are considered minor and will not result in adverse privacy impacts to neighbouring properties.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> 	Yes	<p>Condition 2(a) requires Balcony 2 to be reduced in size to extend no further into the rear setback than Balcony 1. This condition has been satisfied as part of the modified plans thus mitigating privacy impacts to neighbouring properties</p> <p>Condition 2(b), which requires privacy screens of light weight material to be provided on the side elevations of the rear balconies. Light weight privacy screens will be replaced with solid rendered walls. The amendments satisfactorily mitigating privacy impacts to neighbouring properties.</p> <p>The proposed modifications result in an increase in size of Balcony 3 to approximately 6m² with a depth of 1.2m.</p>
2.6 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June. 	Yes	<p>Given the increase in side setbacks, it is anticipated the solar access to neighbouring properties may improve somewhat.</p> <p>It is noted that the adjoining property (at No. 44 Glasgow Avenue) would have received compliant solar access to north facing windows and private open space between 9am and 2pm, based on a 0.9m setback and ground and first floor.</p>
2.8 Car parking		
<p>2.8.3 Location</p> <ul style="list-style-type: none"> Behind front building line for new dwellings 	Yes	The garage door has been recessed 400mm from the front building line, thus satisfying Condition 2(e).
<p>2.8.6 Driveways</p> <ul style="list-style-type: none"> Maximum width of 3m at the gutter (excluding splay) 	Yes	The driveway has been reduced to a width of 3m at the gutter, thus satisfying Condition 2(d).
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall landscaped area: 15% of site area 	Yes	Overall landscaped area has increased by approximately 10m ² , which equates to a total of 85m ² or 19.4% of the site.
<ul style="list-style-type: none"> Front landscaped area: 50% of front open space provided 	Yes	Landscaped area within the front setback has increased by approximately 10m ² , which equates to a total of 59m ² or 77% of the front open space provided. Accordingly, the modified plans have satisfactorily addressed Condition 2(d).

Works already carried out:

The development is currently under construction and the proposed modifications have largely been carried out already. Subsequently, retrospective approval is sought, which can occur via the s4.55 mechanism. Notwithstanding this, having regard to proper development consent not being obtained prior, it is recommended the matter be referred to Council's Compliance Division for investigation and appropriate action. This is recommended in Appendix C.

3.1 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

3.2 Suitability of the Site for the Development

The site is considered to be suitable for the proposed development.

3.3 Any Submissions

The modification application was notified for 14 days, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*.

Seven submissions were received. The issues raised in the submissions are summarised and discussed below.

Table 4: Summary of property addresses that lodged a submission

Property
39 Glasgow Avenue BONID BEACH
44 Glasgow Avenue BONDI BEACH
58 Glasgow Avenue BONDI BEACH
33 Warners Avenue BONDI BEACH
37 Warners Avenue BONID BEACH
No address provided x 2

Issue: Side setbacks

Response: Concerns are raised over the 0.9m setback for the garage. The front multipurpose room and associated terrace 2, and bedrooms 3 and 4 (as per Condition 2(f)) have been amended to comply with the required setback of 1.5m. The amendments have adequately reduced the overall bulk and scale of the building.

It is to be noted that the proposed garage does comply with the minimum setback of 0.9m, as prescribed by the Waverley DCP 2012. Furthermore, pursuant to Section 4.15(3A)(a) of the EP&A Act, if a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority is not to require more onerous standards with respect to that aspect of the development.

Issue: Overshadowing

Response: Concerns are raised over additional overshadowing of neighbouring properties, resulting from the 0.9m garage setback. As detailed within this report, it is anticipated the solar access to neighbouring properties may improve somewhat.

It is noted that the adjoining property (at No. 44 Glasgow Avenue) would have received compliant solar access to north facing windows and private open space between 9am and 2pm, based on a 0.9m setback and ground and first floor. Accordingly, there will be no additional shadow impacts resulting from the proposed modifications.

Issue: Privacy

Response: Concerns are raised over the proposed high level window on the western elevation (W.06). Given the window proposes a sill height of 1.7m, there will be negligible privacy impacts to neighbouring properties resulting from this particular window.

Issue: Burning of solid fuel

Response: Concerns are raised over the burning of solid fuel as a result of the fireplace within the rear yard. Condition 5 of the original consent addresses this concern.

Issue: Proposed driveway will adversely affect the usability of adjacent driveways

Response: Condition 19 of the original consent addresses this concern:-

In order to minimise the loss of on street parking, the proposed layback/gutter crossing shall be reduced in width. In this regard, prior to issue of the Construction Certificate, swept wheel path drawings, prepared by a suitably qualified and experienced traffic engineering consultant, showing the swept wheel path of vehicles entering and exiting both sides of the garage from Glasgow Avenue shall be submitted to Council for the approval of the Executive Manager, Creating Waverley.

Issue: Compatibility with the streetscape character

Response: Overall the modifications respond to the existing streetscape context, as well as the emerging character. The siting of the dwelling is compatible with the surrounding development as front and rear setbacks are consistent with the predominant building lines along the street. The proposal achieves compliant landscaped area within the site, as a whole, as well as within the front setback.

3.4 Public Interest

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

4. REFERRALS

4.1 Driveways – Creating Waverley

Internal referral comments have been sought from Council's Traffic and Development team, who has no objections to the proposed modifications.

4.2 Tree Management – Clean and Attractive Waverley

Council's Tree Management Officer has reviewed the proposal and has no objection to the removal of the Olea Africana within the front yard.

5. SUMMARY

The proposal seeks modifications to the approved dwelling to delete Conditions 2(a)-(f) and general amendments to the approved ground floor plan and first floor plan. The modifications are considered to have minimal environmental impact, pursuant to Section 4.55(1A) of the EP&A Act. The application has been compared to the essential nature of the development as originally approved and it is considered to be *substantially the same development*

The proposed development has been considered under the relevant provisions of the Environmental Planning and Assessment Act 1979 including the WLEP 2012 and WDCP 2012, and the application is supported on merit.

Overall the proposed modifications are considered acceptable as environmental amenity impacts to neighbouring properties will be negligible as a result. The application was notified and seven (7) submissions were received.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the Section 4.55 Modification 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:**

Lauren Saunders
Senior Development Assessment Planner

Angela Rossi
Manager, Development Assessment (Central)

Date: 11/06/2019

Date: 13/0/2019

Reason for referral:

The application seeks to delete or modify a condition drafted or specifically formulated by the WLPP.

APPENDIX A – CONDITIONS OF CONSENT TO BE MODIFIED

A. Amended/Deleted Conditions

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Architectural Plan Numbers, DA101, DA102, DA210, DA212, DA310, DA311, DA320, DA321, DA501 (all Rev A), tables and documentation prepared by Bruce Stafford Architects, received by Council on 18 May 2018 and Plan No DA211 (Rev B) dated 06.04.2018 and received by Council on 4 October 2018;

i. As amended by

<i>Plan description</i>	<i>Revision No / Date</i>	<i>Date received by Council</i>
DA101	Rev B - 7/2/19	14/02/2019
DA210	Rev B - 7/2/19	14/02/2019
DA211	Rev C - 7/2/19	14/02/2019
DA212	Rev B - 7/2/19	14/02/2019
DA310	Rev B - 7/2/19	14/02/2019
DA311	Rev B - 7/2/19	14/02/2019
DA320	Rev B - 7/2/19	14/02/2019
DA321	Rev B - 7/2/19	14/02/2019

(MODIFIED BY DA-171/2018/A)

- (b) Landscape Schedule, Landscape Area Plan, Landscape Plan – Ground Floor, Landscape Plan – 1st Floor, prepared by 360, received by Council on 18 May 2018.

i. As amended by Landscape Schedule, Landscape Area Plan, Landscape Plan – Ground Floor, Landscape Plan – 1st Floor prepared by 360, received by Council on 14 February 2019.

(MODIFIED BY DA-171/2018/A)

- (c) BASIX Certificate;
- (d) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012;

except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- ~~(a) Balcony 2 is to be reduced in size to extend no further into the rear setback than Balcony 1, to mitigate overlooking to adjoining properties.~~

(DELETED BY DA-171/2018/A)

- ~~(b) Privacy screens are to be provided on the side elevations of the rear balconies (in lieu of the nominated concrete screen) and designed to mitigate overlooking to adjoining properties. The privacy screens are to be of a light weight material (such as timber or obscure glazing) and be a minimum of 1.6m high when measured from the finished floor level of the balcony.~~

(DELETED BY DA-171/2018/A)

- ~~(c) The Master Bedroom window located on the eastern elevation (W.13) shall be reduced in size by at least 50% of the overall size to mitigate overlooking to adjoining properties.~~

(DELETED BY DA-171/2018/A)

- ~~(d) The width of the driveway shall be reduced to 3m at the front property boundary, and taper at an angle to garage entry with additional soft landscaping is to be provided within the front setback to reduce the dominance of the garage.~~

(DELETED BY DA-171/2018/A)

- ~~(e) The garage door shall be recessed 400mm from the proposed position to reduce the visual bulk of the building in streetscape.~~

(DELETED BY DA-171/2018/A)

- ~~(f) The side setback shall be increased to 1.5m for the front multipurpose room and associated terrace 2 and garage at ground floor as well as the corresponding rooms above on the first floor (bedrooms 3 and 4) to reduce the bulk of the building and be compatible with pattern of development in the streetscape.~~

(DELETED BY DA-171/2018/A)

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

5. DOMESTIC HEATERS

The provision of solid fuel heating is prohibited. *In this regard, the fireplaces shall use liquid fuels or gaseous fuels such as gas (in lieu of wood, coal or other solid fuels).*

(MODIFIED BY DA-171/2018/A)

APPENDIX B – FULL SET OF CONDITIONS

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Architectural Plan Numbers, DA101, DA102, DA210, DA212, DA310, DA311, DA320, DA321, DA501 (all Rev A), tables and documentation prepared by Bruce Stafford Architects, received by Council on 18 May 2018 and Plan No DA211 (Rev B) dated 06.04.2018 and received by Council on 4 October 2018;

- i. As amended by

Plan description	Revision No / Date	Date received by Council
DA101	Rev B - 7/2/19	14/02/2019
DA210	Rev B - 7/2/19	14/02/2019
DA211	Rev C - 7/2/19	14/02/2019
DA212	Rev B - 7/2/19	14/02/2019
DA310	Rev B - 7/2/19	14/02/2019
DA311	Rev B - 7/2/19	14/02/2019
DA320	Rev B - 7/2/19	14/02/2019
DA321	Rev B - 7/2/19	14/02/2019

(MODIFIED BY DA-171/2018/A)

- (b) Landscape Schedule, Landscape Area Plan, Landscape Plan – Ground Floor, Landscape Plan – 1st Floor, prepared by 360, received by Council on 18 May 2018.

- i. As amended by Landscape Schedule, Landscape Area Plan, Landscape Plan – Ground Floor, Landscape Plan – 1st Floor prepared by 360, received by Council on 14 February 2019.

(MODIFIED BY DA-171/2018/A)

- (c) BASIX Certificate;

- (d) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012;

except where amended by the following conditions of consent.

2. DELETED BY DA-171/2018/A

3. CONCRETE SCREENING TO REMAIN OPEN

The concrete screen on the southern and western elevation on Terrace 2 shall be at least 50% open and be appropriately waterproofed, to ensure this area is excluded from calculable gross floor area.

4. USE OF DWELLING

The premises are to be used only as a single unit dwelling house.

5. DOMESTIC HEATERS

The provision of solid fuel heating is prohibited. In this regard, the fireplaces shall use liquid fuels or gaseous fuels such as gas (in lieu of wood, coal or other solid fuels).

(MODIFIED BY DA-171/2018/A)

6. BONDI - ROSE BAY SAND BODY

This site is 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. Works may resume on the site pending receipt of express written permission from the NSW National Parks and Wildlife Service. 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.

7. INSTALLATION OF AIR CONDITIONING

Air conditioning unit(s) installed within the building shall:

- (a) Be located a minimum of 450mm from a boundary.
- (b) Be located behind the front building line and if visible suitably screened and located in an appropriate location.
- (c) Not be adjacent to neighbouring bedroom windows.
- (d) Not reduce the structural integrity of the building.
- (e) Not emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday;
or
 - (ii) before 7.00am and after 10.00pm on any other day.
- (f) Not provide noise emissions that exceed 5dBA above the ambient background noise level measured at the property boundary at any other time outside of (e).

8. INTRUDER ALARM

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

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

9. SECTION 7.12 CONTRIBUTION

A cash contribution is payable to Waverley Council pursuant to section 7.11 of the *Environmental Planning and Assessment Act 1979* and Waverley Council Development Contributions Plan 2006 in accordance with the following:

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

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

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

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

Advisory Note

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

10. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of **\$20,000** 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.

11. LONG SERVICE LEVY

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

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

12. TREE PRESERVATION BOND

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 and maintenance of the street tree at the front of the property. The bond is to be lodged prior to the issue of a Construction Certificate.

The sum will be forfeited to the Council at its discretion for a breach of these requirements, and will be refunded twelve (12) months from the issue of the Occupation Certificate subject to the satisfaction of Council.

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

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

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

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

14. HOARDING REQUIRED

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

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

15. 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.

16. EROSION, SEDIMENT AND POLLUTION CONTROL

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

17. STORMWATER MANAGEMENT

- (a) The plans prepared by Civil Engineers and Project Managers (AT&L), Project No. 18-546, Drawing No. DAC001, DAC010, DAC015 & DAC030 (Issue A), Dated 18 May 2018 do not comply with the Waverley Development Control Plan 2012 and the Waverley Council Water Management Technical Manual. The following detail is required to be submitted, along with completed mandatory checklist as set out in page 22 of Waverley Council's Water Management Technical Manual:
 - i) The volume of OSD tank 0.6m³ is not adequate for 1 in 20 years ARI storm.
 - ii) Details of On-Site Stormwater Detention (OSD) is required e.g. dimensions, cross & long sections, top water level, details of orifice plate including orifice diameter & depth of water above centreline of orifice etc.
- (b) Amended plans are to be submitted to Creating Waverley Department of Council for approval detailing compliance with the above mentioned controls and policies prior to the issue of a Construction Certificate.
- (c) Certification is to be provided from a suitably qualified professional, that the stormwater system has been designed in accordance with the Water Management Technical Guidelines. Stormwater system details are to be submitted for the approval of Council in accordance with the Waverley Development Control Plan 2012 - Part B prior to the issue of a Construction Certificate.

18. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

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

The CVPPM shall:

- a. Show the size and number of trucks to be used during the various stages of the development.
- b. Show the route to be taken by trucks in (a) above within the Waverley Council area when gaining access to and from the site. Note, if it is considered with the information submitted that such vehicles cannot adequately and safely gain access to and from the site or where access into or out of the site may not be possible without the need to remove an unsatisfactory number of vehicles parked on the roadway in the vicinity of the site, the trucks may not be approved for use.
- c. Show the location and length of any proposed Works/Construction Zones.
Note:
 - (i) Such zones require the approval of the Waverley Traffic Committee and Council prior to installation.
 - (ii) It is illegal to park a truck exceeding 4.5tonnes on a roadway for more than one (1) hour unless signs are installed allowing such and illegal to barricade/ reserve a section of roadway without the prior approval of Council.
- d. Indicate the number of and where it is proposed to park light vehicles associated with staff/employees/contractors working on the site.

19. SWEPT WHEEL PATH DRAWINGS

In order to minimise the loss of on street parking, the proposed layback/gutter crossing shall be reduced in width. In this regard, prior to issue of the Construction Certificate, swept wheel path drawings, prepared by a suitably qualified and experienced traffic engineering consultant, showing the swept wheel path of a vehicle entering and exiting each side of the garage from Gilgandra Road shall be submitted to Council for the approval of the Executive Manager, Creating Waverley.

The swept wheel path drawings shall:

1. Be drawn for the B85, standard design vehicle as described in AS/NZS 2890.1: 2004 Part 1 Off Street Car Parking.
2. Accurately show the kerb and gutter, driveways and vehicles parked kerbside on Glasgow Avenue both opposite and to the immediate west of the proposed driveway.
3. Show the minimum length of driveway layback considered necessary to gain satisfactory access to and from the proposed garage.
4. Show the minimum length of opening and clearances required at the property boundary to cater for the design vehicle swept wheel path.

20. ENGINEERING DETAILS

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

21. LANDSCAPED SLABS

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

22. 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*.

23. FENCE NOT TO ENCROACH BEYOND BOUNDARIES

No portion of the proposed fence, including the footings, is to encroach beyond the boundaries of the subject property. Alternatively, documentary evidence that the owner of the adjoining property has no objection to the construction of the party fence wall on the common boundary between these properties is to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

24. PRIOR TO SITE WORKS

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

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

25. HOME BUILDING ACT

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

26. CONSTRUCTION SIGNS

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

27. OBSTRUCTION TO PUBLIC AREAS

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

- (a) 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.

28. 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.

29. 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)
- (b) Work Health & Safety Act 2011;
- (c) Work Health & Safety Regulation 2011;
- (d) Protection of the Environment Operations Act 1997 (NSW) and
- (e) NSW EPA Waste Classification Guidelines 2009.

30. ASBESTOS REMOVAL

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.

No asbestos products are to be reused on site.

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.

No asbestos laden skips or bins are to be left in any public place without the approval of Council.

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.

31. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

32. TOILET FACILITIES

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

33. 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.

34. 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.

35. 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.

36. 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.

37. 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.

38. ROOFWATER GUTTERING

All new or replacement roof guttering is to comply with the requirements of the Building Code of Australia and Australian Standard AS 3500 *Plumbing & Drainage Standards* to ensure that collected roof water does not flow back into the building.

39. 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.

40. 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.

41. 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.

42. BUILDING CODE OF AUSTRALIA

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

43. BUILDING LEGISLATION AMENDMENT (QUALITY OF CONSTRUCTION) ACT - INSPECTIONS (DWELLING HOUSES CLASS 1 AND 10)

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

In the case of a Class 1 and 10 building:

- (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 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; and
- (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 Building Code of Australia and standards of construction.

44. CERTIFICATE OF SURVEY - LEVELS

All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans.

45. 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.

46. NEW VEHICLE CROSSING

The existing eastern 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.

47. EXISTING VEHICLE CROSSING TO BE CLOSED

The existing western vehicle crossing is to be closed and replaced with new kerb and gutter and turf. All work associated with the closure is to be carried out with the approval of, and in accordance with, the requirements of Council at the applicants cost.

48. 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.

49. IN-SINK WASTE DISPOSAL SYSTEMS

The installation of in-sink waste disposal systems is prohibited.

50. ENCROACH BEYOND THE BOUNDARIES

No portion of the proposed works including the footings and roof eaves, to encroach beyond the boundaries of the subject property.

51. WATER PROOFING

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

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

52. 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.

53. SMOKE ALARM SYSTEM

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

54. SERVICE PIPES

All new 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.

55. STREET TREES

No existing street trees shall be removed without Council approval, (other than those shown for approval in this consent, where relevant). A 1.8m high chain link wire fence or the like shall be erected around the existing street trees to protect them from damage during construction.

Where approval is granted for the removal of a street tree the applicant is to pay for its replacement with a super advanced tree of a species nominated by Council.

56. 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.

57. 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.

58. SWIMMING POOLS

The following requirements apply to the use and operation of the approved pool:

- (a) The pool water being treated by an approved water treatment and filtration unit.
- (b) The pool is to be fitted with a cover, that shall be fitted when the pool is not in use to minimise evaporation and conserve water.
- (c) To prevent noise nuisance to surrounding properties, the pool filtration motor and pump unit is to be housed within a ventilated soundproof enclosure.

59. CONSTRUCTION OF SWIMMING POOLS

The following applies to the construction of swimming pools:

- (a) Reinforcement is to be inspected by an Accredited Officer or other suitably qualified person prior to the pouring of concrete;
- (b) The electrical wiring system for any proposed underwater artificial lighting installation to the pool being installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules;
- (c) To minimise the likelihood of accidental drowning, the swimming pool is to be provided with a child resistant safety fence, designed and constructed in accordance with the requirements of Australian Standard AS 1926.1-2012 Swimming pool safety - Safety barriers for swimming pools. This fencing is to be erected and inspected by the Principal Certifying Authority prior to the pool being filled with water; and

- (d) A final inspection of the completed pool is to be carried out by the Principal Certifying Authority prior to the pool being filled with water.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

60. OCCUPATION CERTIFICATE

The Principal Certifying Authority prior to occupation or use of the development must issue an 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.

61. STORMWATER MANAGEMENT

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

62. 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.

63. 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.

64. POOL SIGN

An approved sign outlining details of resuscitation techniques for adults, children and infants must be placed in a prominent position, close to the pool prior to filling the pool with water. Signs are available from Council's Planning & Environmental Services Department.

65. INSPECTION OF POOL

A final inspection of the completed pool is to be carried out by the Principal Certifying Authority prior to the pool being filled with water.

66. SWIMMING/SPA POOL PUMP - RESTRICTIONS

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.

67. SWIMMING POOL REGISTRATION

The swimming pool 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.

68. 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.

69. VEHICLE TO BE PARKED WITHIN THE SITE

Any vehicle utilising the car space is to be parked fully within the confines of the site and is not to park over the public footway at any time.

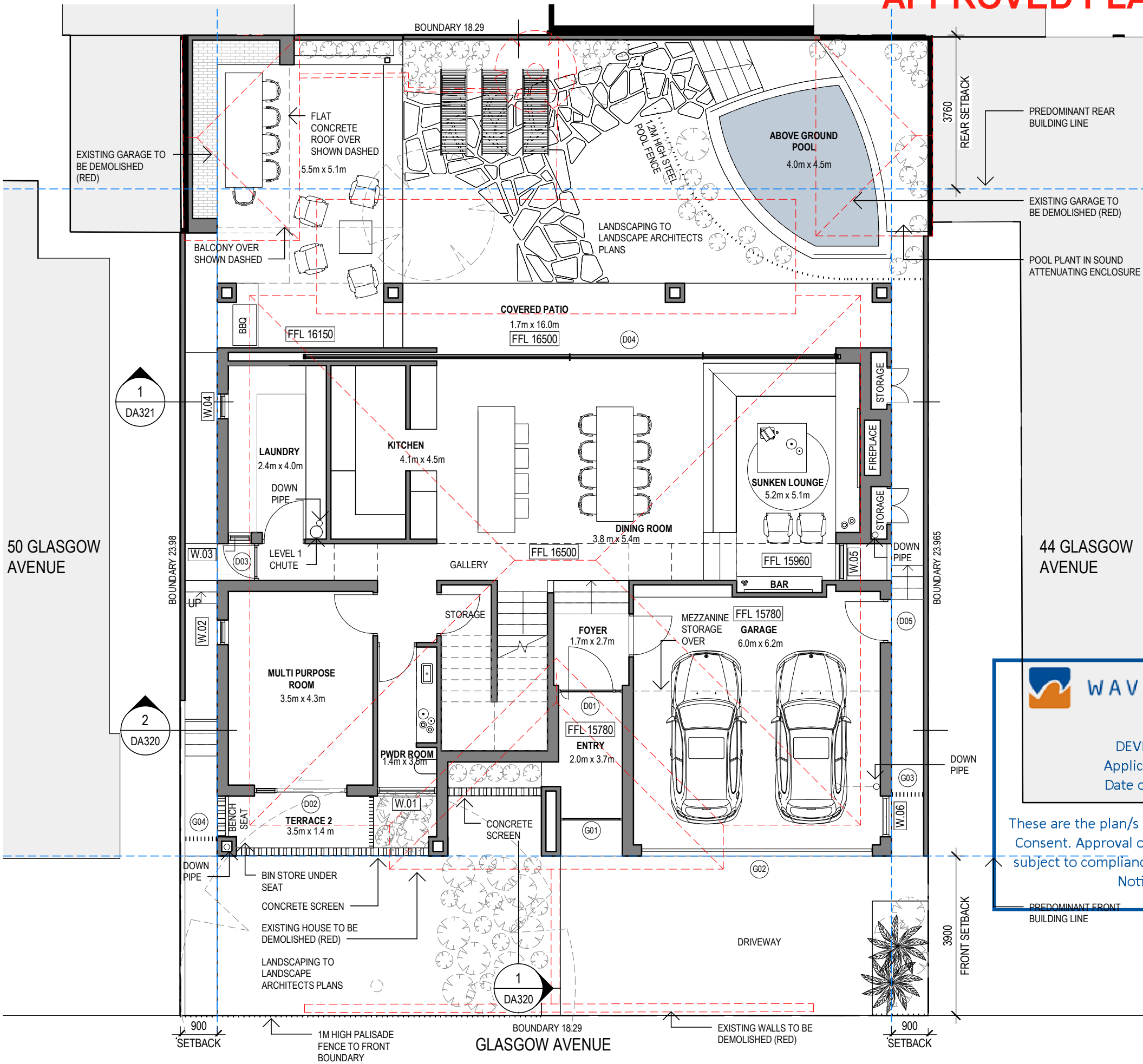
APPENDIX C – COMPLIANCE INVESTIGATION

Having regard to works occurring prior to obtaining development consent, the application shall be referred to Council's Compliance Division for investigation and appropriate action to be undertaken.

RECEIVED
Waverley Council

Application No: DA-171/2018

Date Received: 18/05/2018



APPROVED
DEVELOPMENT CONSENT
Application No: DA-171/2018
Date of Consent: 24/10/2018

These are the plan/s referred to in the above Development Consent. Approval of the works shown on these plan/s is subject to compliance with the conditions outlined in the Notice of Determination.

PREDOMINANT FRONT
BUILDING LINE



Bruce Stafford Architects

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www.brucestafford.com

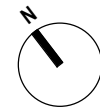
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DEVELOPMENT APPLICATION
GROUND FLOOR PLAN

Drawing:
GROUND FLOOR PLAN

Scale: 1 : 100 @A3
Drawn: JM
Checked: BS
Date: 06.04.2018



Project:
**46-48 GLASGOW AVE
BONDI**

Project No. Stage Dwg No. Rev
165 DA210 241

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Waverley Council

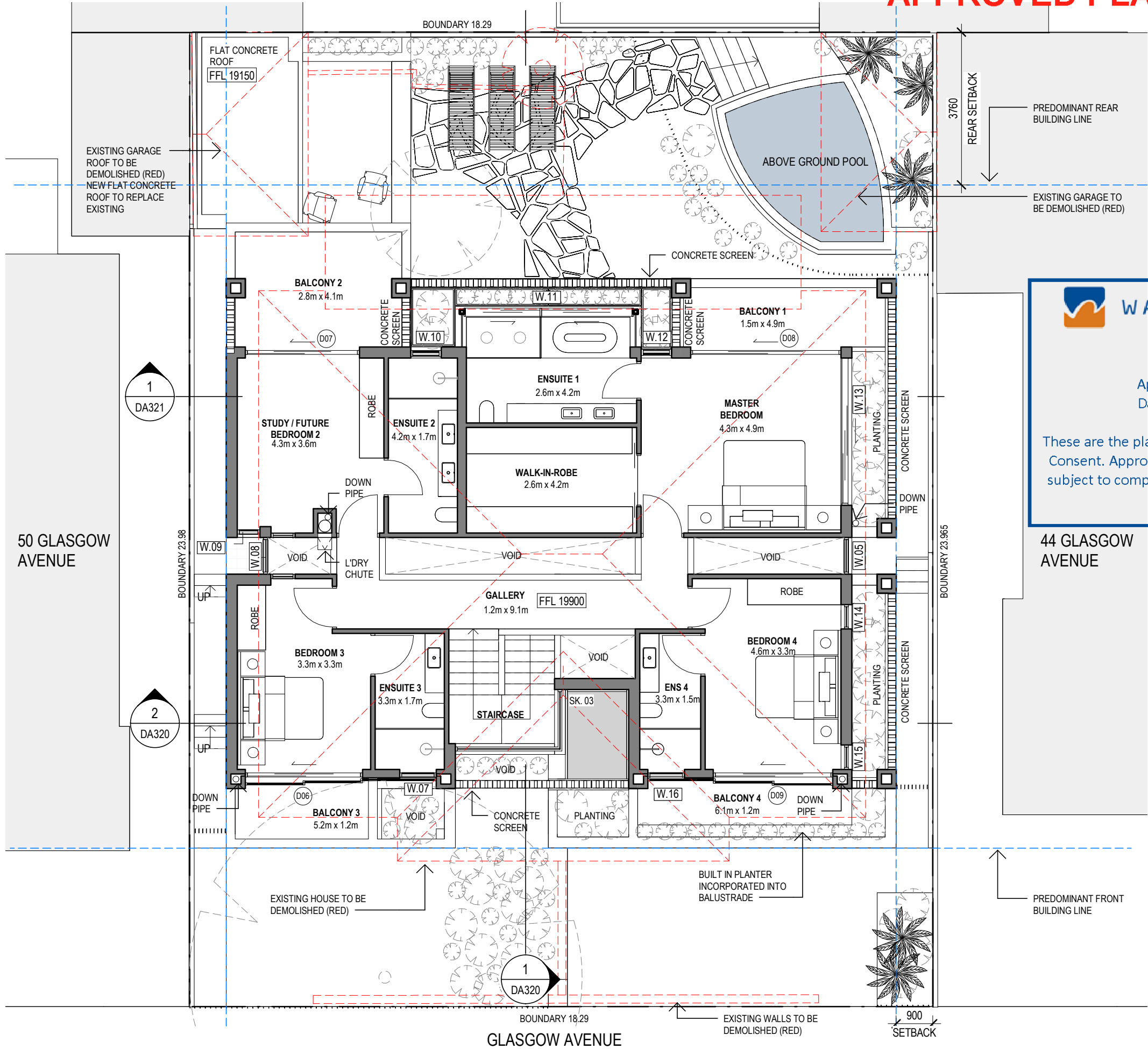
Application No: DA-171/2018

Date Received: 4 October 2018



APPROVED
DEVELOPMENT CONSENT
Application No: DA-171/2018
Date of Consent: 24/10/2018

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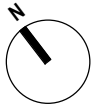


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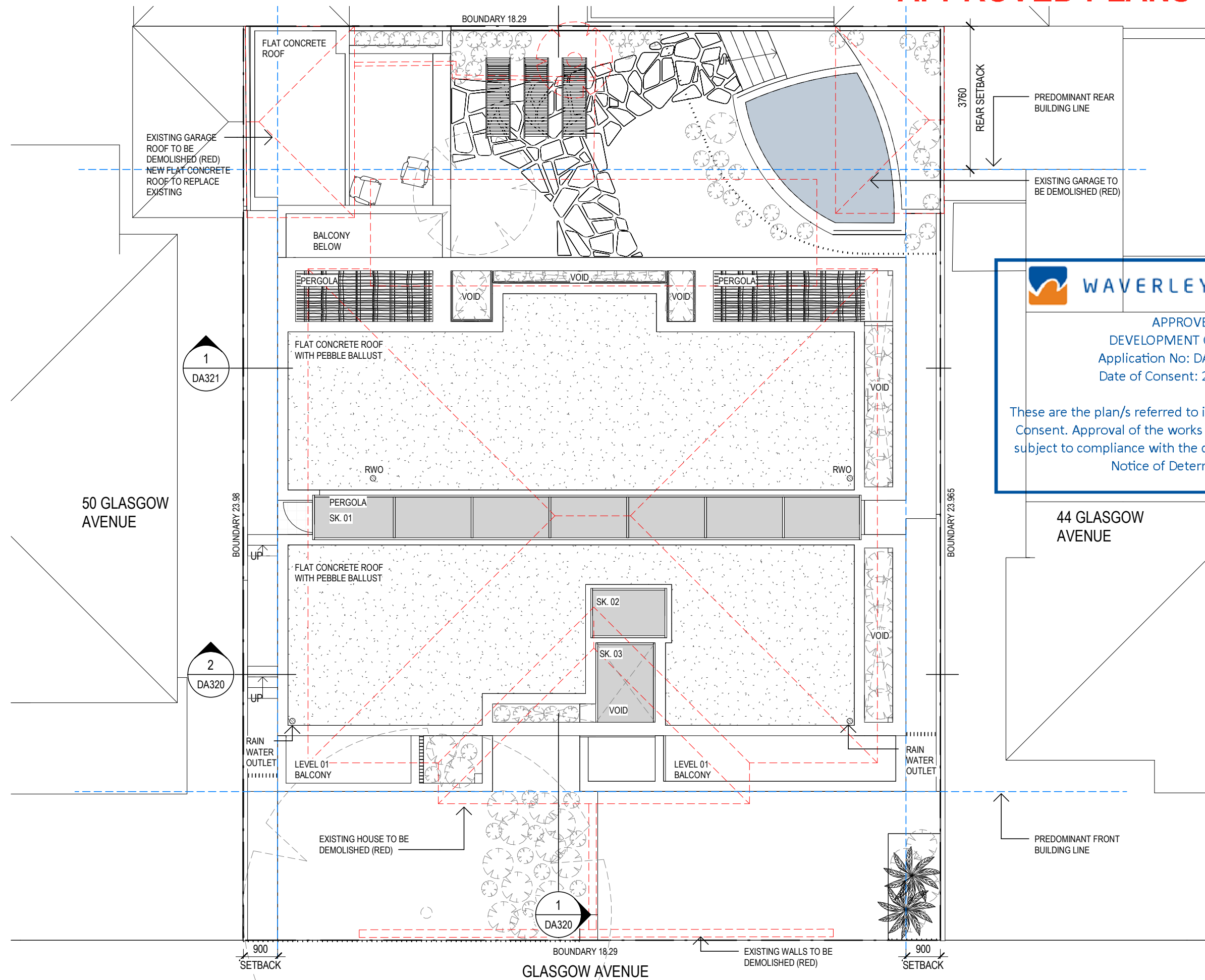
DEVELOPMENT APPLICATION
FIRST FLOOR PLAN

Drawing:
FIRST FLOOR PLAN
Scale: 1 : 100 @ A3
Drawn: JM
Checked: BS
Date: 06.04.2018



Project:
**46-48 GLASGOW AVE
BONDI**
Project No. Stage Dwg No. Rev
165 DA211B 242

RECEIVED
Waverley Council
Application No: DA-171/2018
Date Received: 18/05/2018



WAVERLEY COUNCIL

APPROVED
DEVELOPMENT CONSENT
Application No: DA-171/2018
Date of Consent: 24/10/2018

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T 02 9327 7889 F 02 9327 7665
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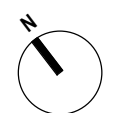
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DEVELOPMENT APPLICATION ROOF PLAN

Drawing:
ROOF PLAN

Scale: 1 : 100 @A3
Drawn: JM
Checked: BS
Date: 06.04.2018

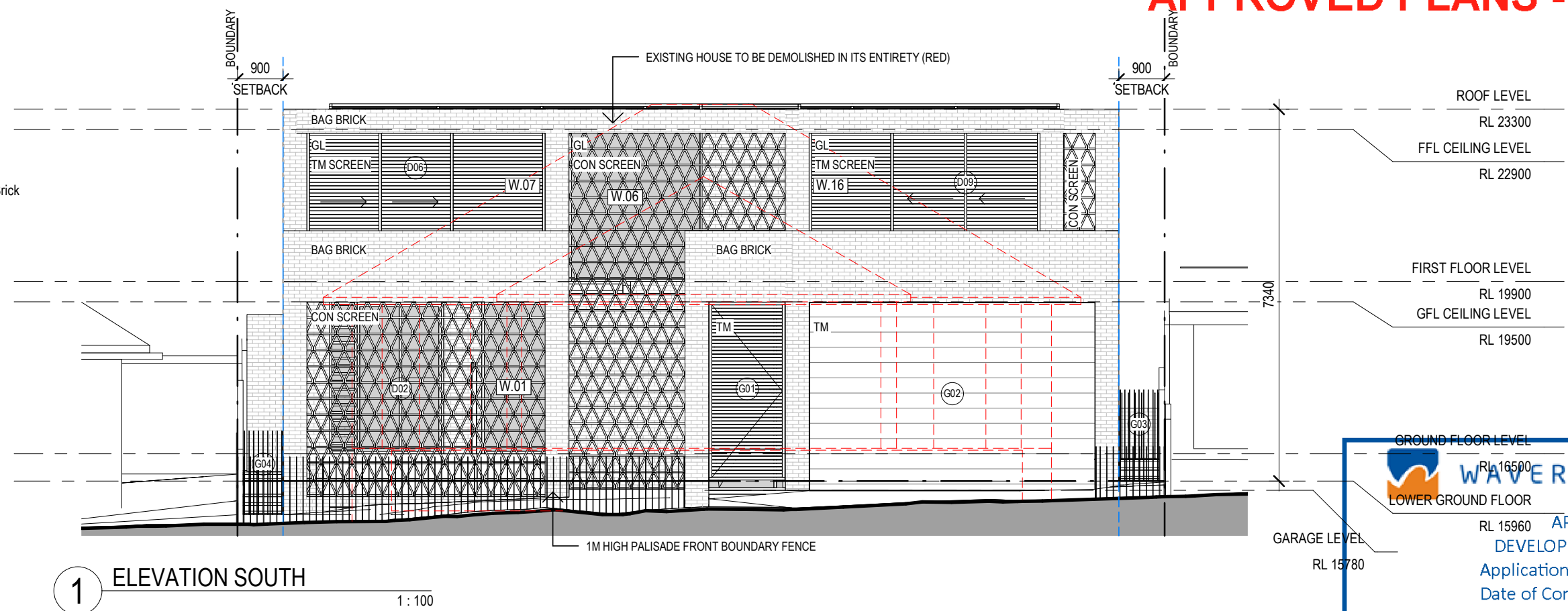


Project:
**46-48 GLASGOW AVE
BONDI**

Project No. Stage Dwg No. Rev
165 DA212 243

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Waverley Council
Application No: DA-171/2018
Date Received: 18/05/2018

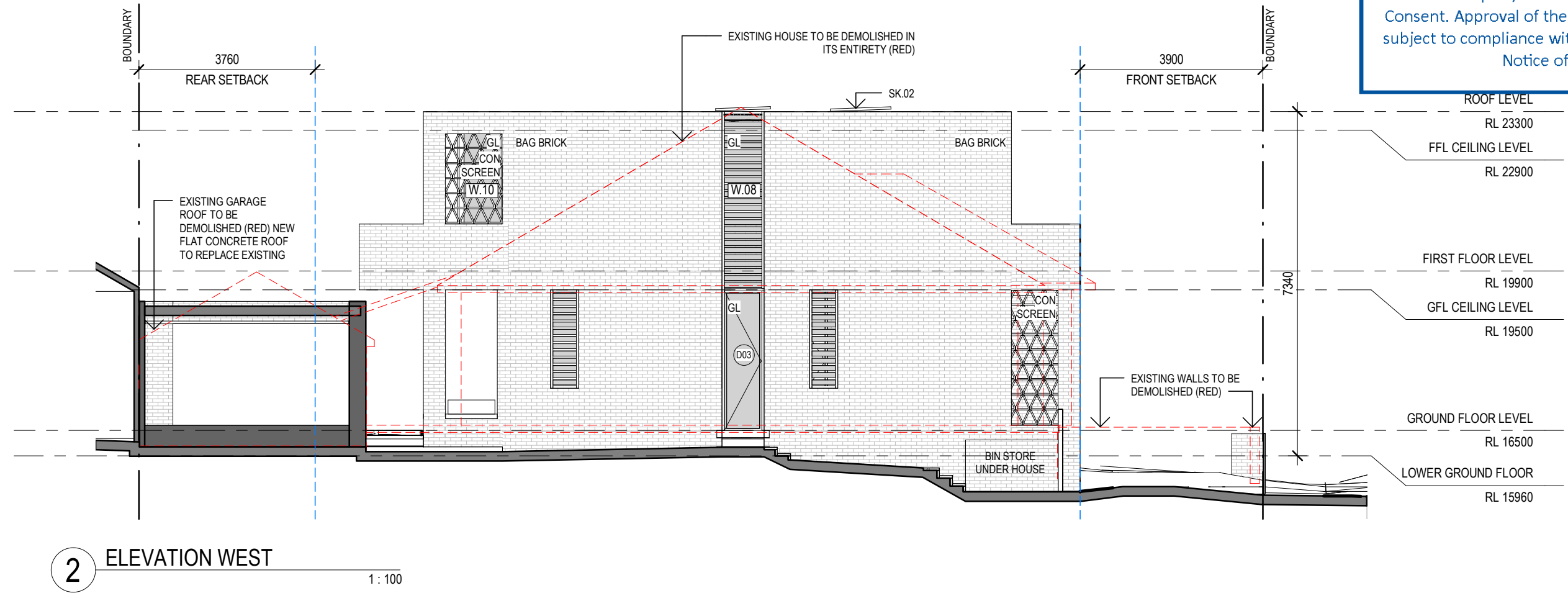
LEGEND:
GL: Glass
TM: Timber
CON SCREEN: Concrete Screen
BAG BRICK: Painted White Bagged Brick



WAVERLEY COUNCIL

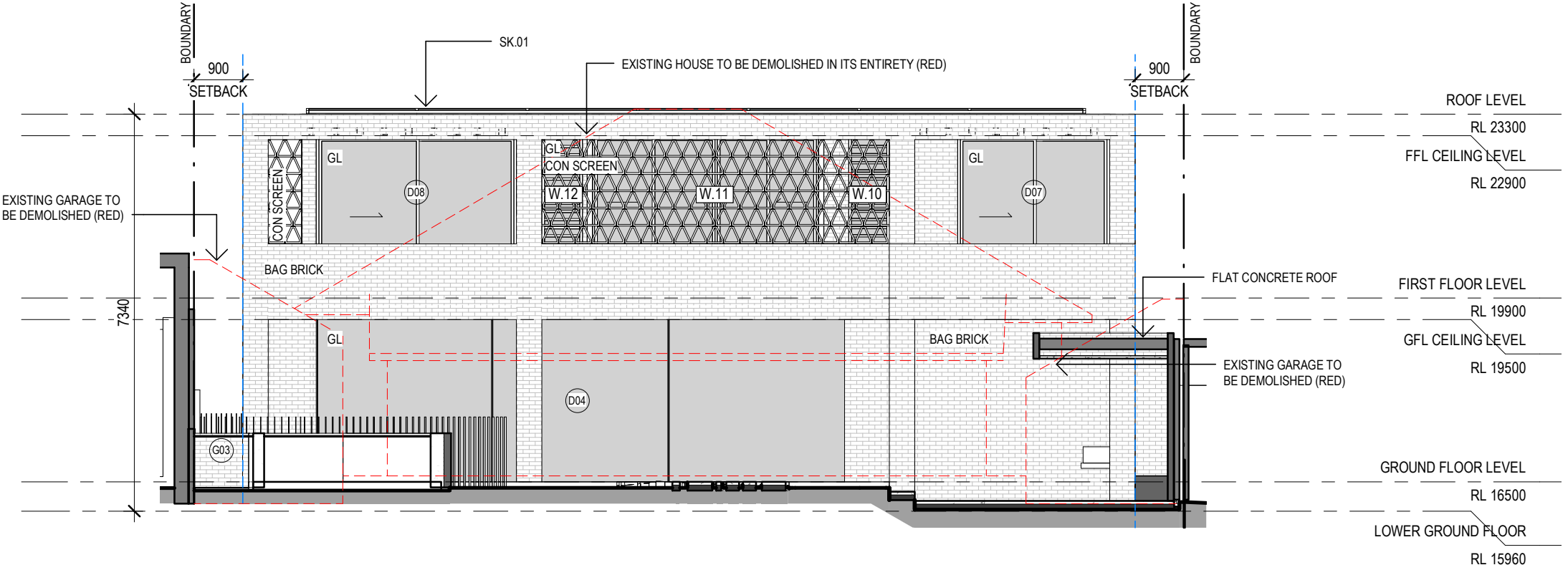
APPROVED
DEVELOPMENT CONSENT
Application No: DA-171/2018
Date of Consent: 24/10/2018

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Application No: DA-171/2018
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LEGEND:
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TM: Timber
CON SCREEN: Concrete Screen
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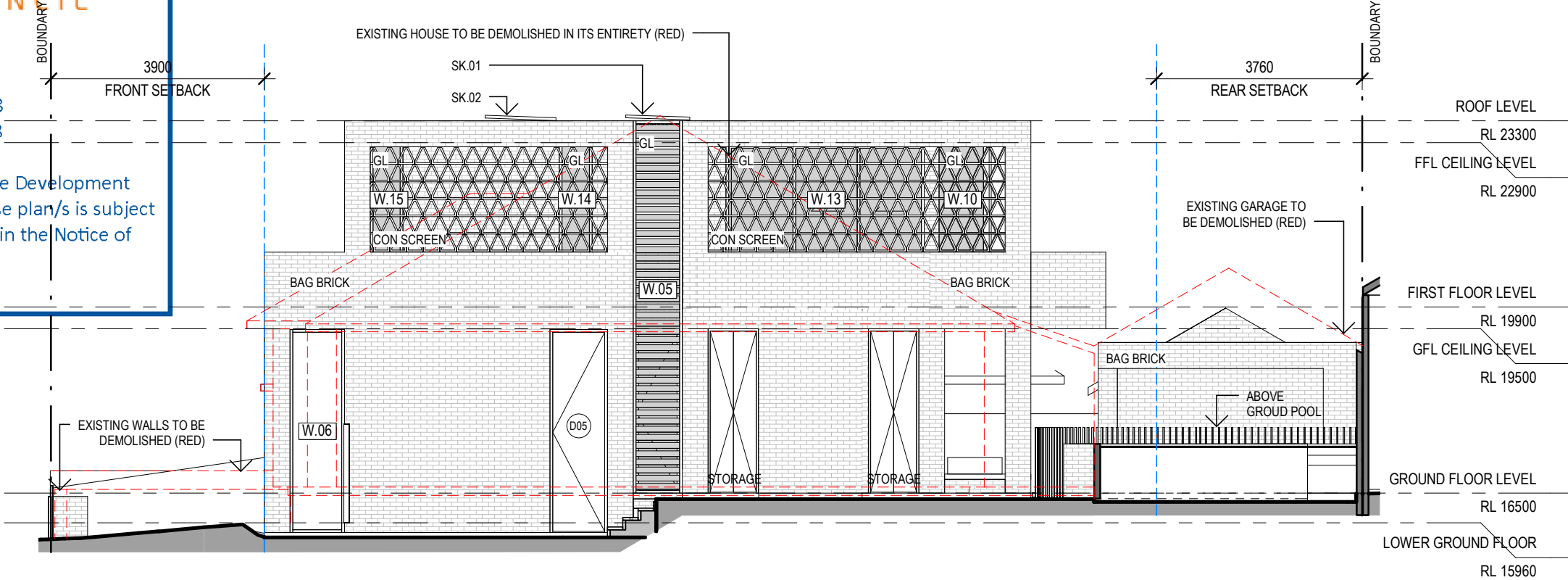
2 ELEVATION NORTH

1:100



APPROVED
DEVELOPMENT CONSENT
Application No: DA-171/2018
Date of Consent: 24/10/2018

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1 ELEVATION EAST

1:100

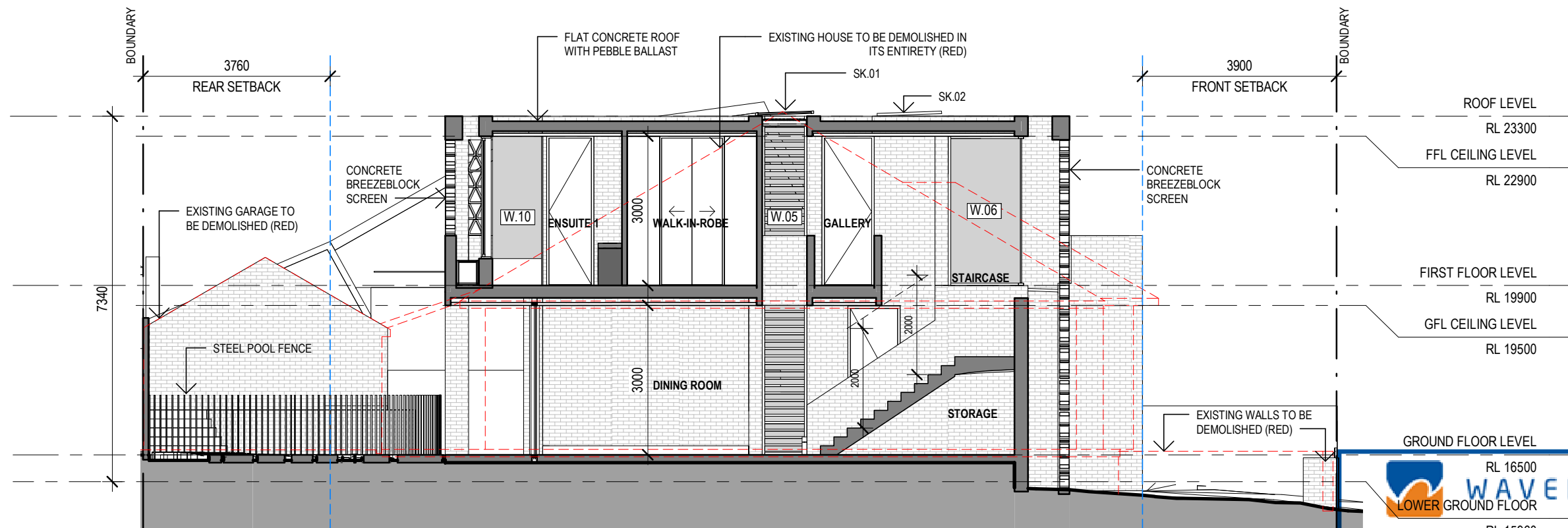
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DEVELOPMENT APPLICATION
ELEVATIONS - NORTH & EAST

Drawing:
ELEVATIONS - NORTH & EAST
Scale: As indicated
Drawn: @A3
Checked: BS
Date: 06.04.2018

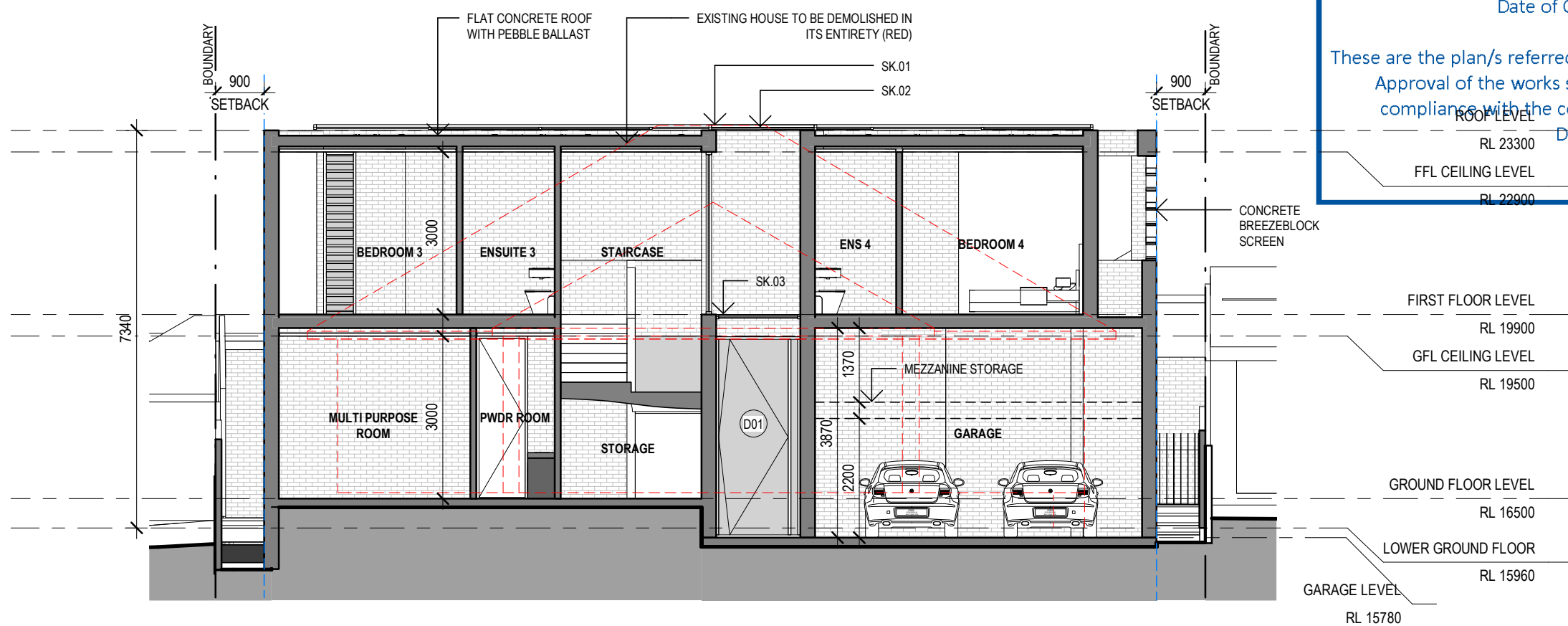
Project:
46-48 GLASGOW AVE
BONDI
Project No. Stage Dwg No. Rev
165 DA311 245

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1 SECTION A

1 : 100



2 SECTION B

1 : 100



WAVERLEY COUNCIL

APPROVED
DEVELOPMENT CONSENT
Application No: DA-171/2018
Date of Consent: 24/10/2018

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DEVELOPMENT APPLICATION
SECTIONS - SHT 1

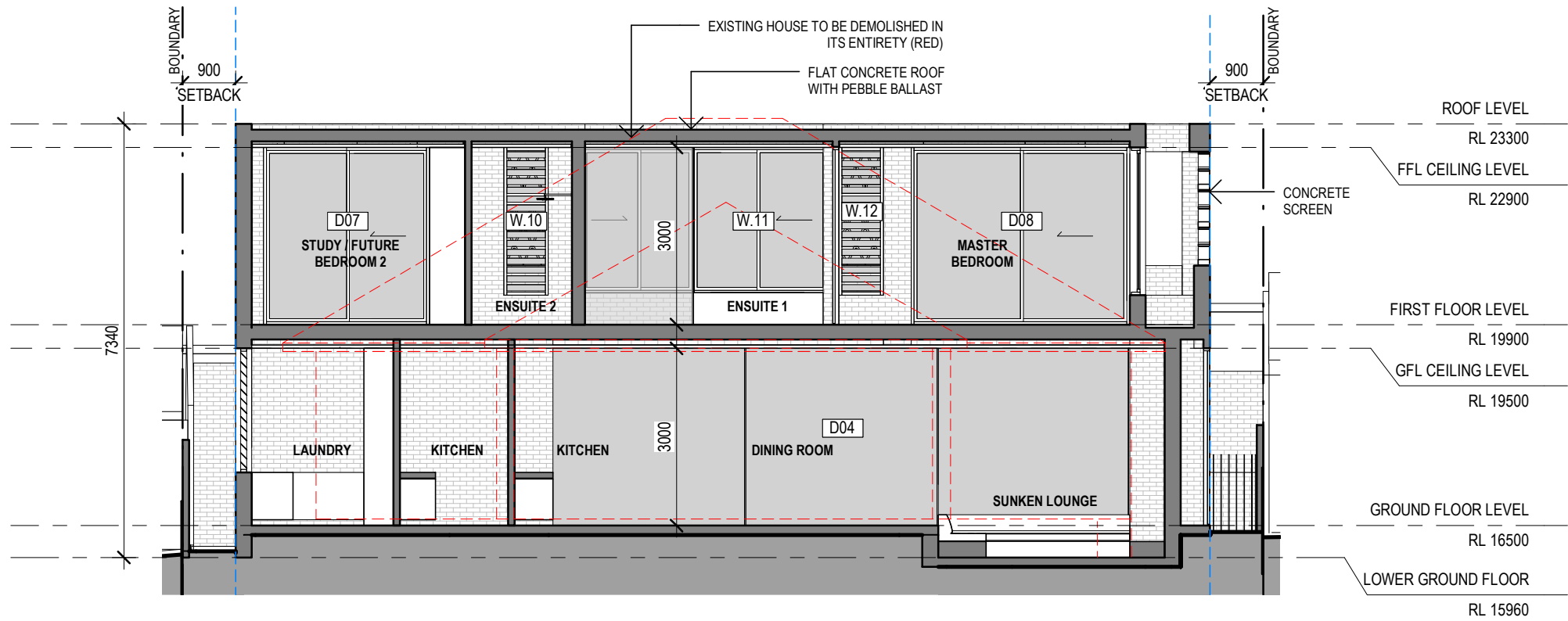
Drawing:
SECTIONS - SHT 1

Scale: 1 : 100 @A3
Drawn: JM
Checked: BS
Date: 06.04.2018

Project:
**46-48 GLASGOW AVE
BONDI**

Project No. Stage Dwg No. Rev

165 DA320246



1 SECTION C

1 : 100



WAVERLEY COUNCIL

APPROVED

DEVELOPMENT CONSENT

Application No: DA-171/2018

Date of Consent: 24/10/2018

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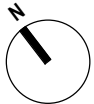
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DEVELOPMENT APPLICATION
SECTIONS - SHT 2

Drawing:
SECTIONS - SHT 2

Scale: 1 : 100 @A3
Drawn: JM
Checked: BS
Date: 06.04.2018



Project:
**46-48 GLASGOW AVE
BONDI**

Project No. Stage Dwg No. Rev

165

DA321

247

SUBJECT MODIFICATION APPLICATION- DA-171/2018/A

RECEIVED
Waverley Council

Application No: DA-171/2018/A
Date Received: 14/2/2019

THERMAL COMFORT / CLUSTERS

WALLS

External walls:
Cavity brick walls with no additional insulation
External wall colour:
Light (SA <0.475)
Internal walls:
Single skin masonry, not lined.
Single skin masonry, lined with R2.5 insulation to Garage walls between Living & Foyer.

WINDOWS

Aluminium framed performance glazing:
B – Sliding doors and windows, fixed glazing and louvres
U-Value: 4.3 (equal to or lower than) SHGC: 0.53 (±10%)
Given values are AFRC, total window system values (glass and frame)
NOTE: Openability modelled as per BASIX Thermal Protocol - 4.14.2 and NatHERS Technical Note 1.2 – 10.11 with regard to restricted openings.

SKYLIGHTS

Double glazed opal skylight in timber or aluminium frame, with pergola shading device above.

CEILINGS

Plasterboard ceiling, with an R1.0 insulation (insulation value only) where concrete roof or balcony above Living.
Plasterboard ceiling, with an R2.5 insulation (insulation value only) to Garage ceiling.

CEILING PENETRATIONS

Sealed LED downlights at a rate of 1 every 5m²
NOTE: Loss of ceiling insulation has been accounted for in accordance with BASIX Thermal Protocol 4.13.1 and NatHERS Technical Note 1.2

ROOF

Concrete roof with an R2.5 polystyrene board insulation (insulation value only) above with pebble ballast on top.
External roof colour:
Light (SA <0.475)

FLOOR COVERINGS

Tiles throughout to all areas, excluding Garage.



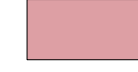

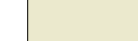
SHADING DEVICES

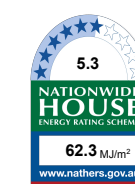
Shading as per stamped documentation.

VENTILATION

All external doors have weather seals, all exhaust fans and chimneys have dampers, any recessed down lights proposed will have sealed fittings.

MATERIAL - LEGEND

	CEMENT RENDER
	GLASS
	BRICK
	CONCRETE
	TIMBER

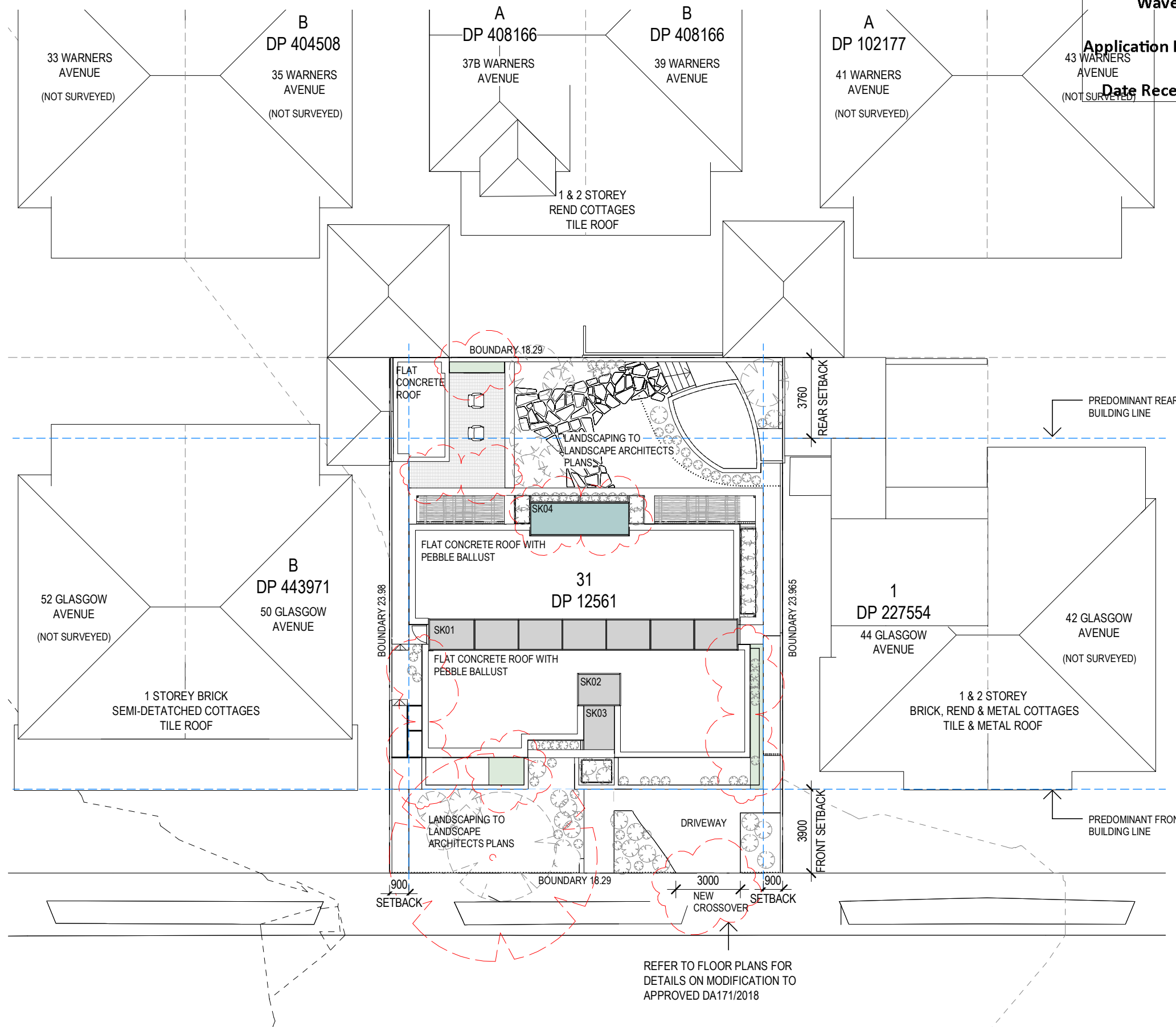


Certificate no.: 0002743581-02
Assessor Name: Tracey Cools
Accreditation no.: VIC/BDV/12/1473
Certificate date: 13 Feb 2019
Dwelling Address: 46-48 Glasgow Avenue BOND, NSW 2026
www.nathers.gov.au



MODIFICATION TO APPROVED DA

BOUNDARY



REFER TO FLOOR PLANS FOR
DETAILS ON MODIFICATION TO
APPROVED DA171/2018

GLASGOW AVENUE



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T 02 9327 7889 F 02 9327 7665
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SECTION 4.55 SITE PLAN

Drawing:
SITE PLAN

Scale: As indicated @A3
Drawn: JM
Checked: BS
Date: 07.02.19








Project:
**46-48 GLASGOW AVE
BOND**

Project No. Stage Dwg No. Rev
165 DA101248

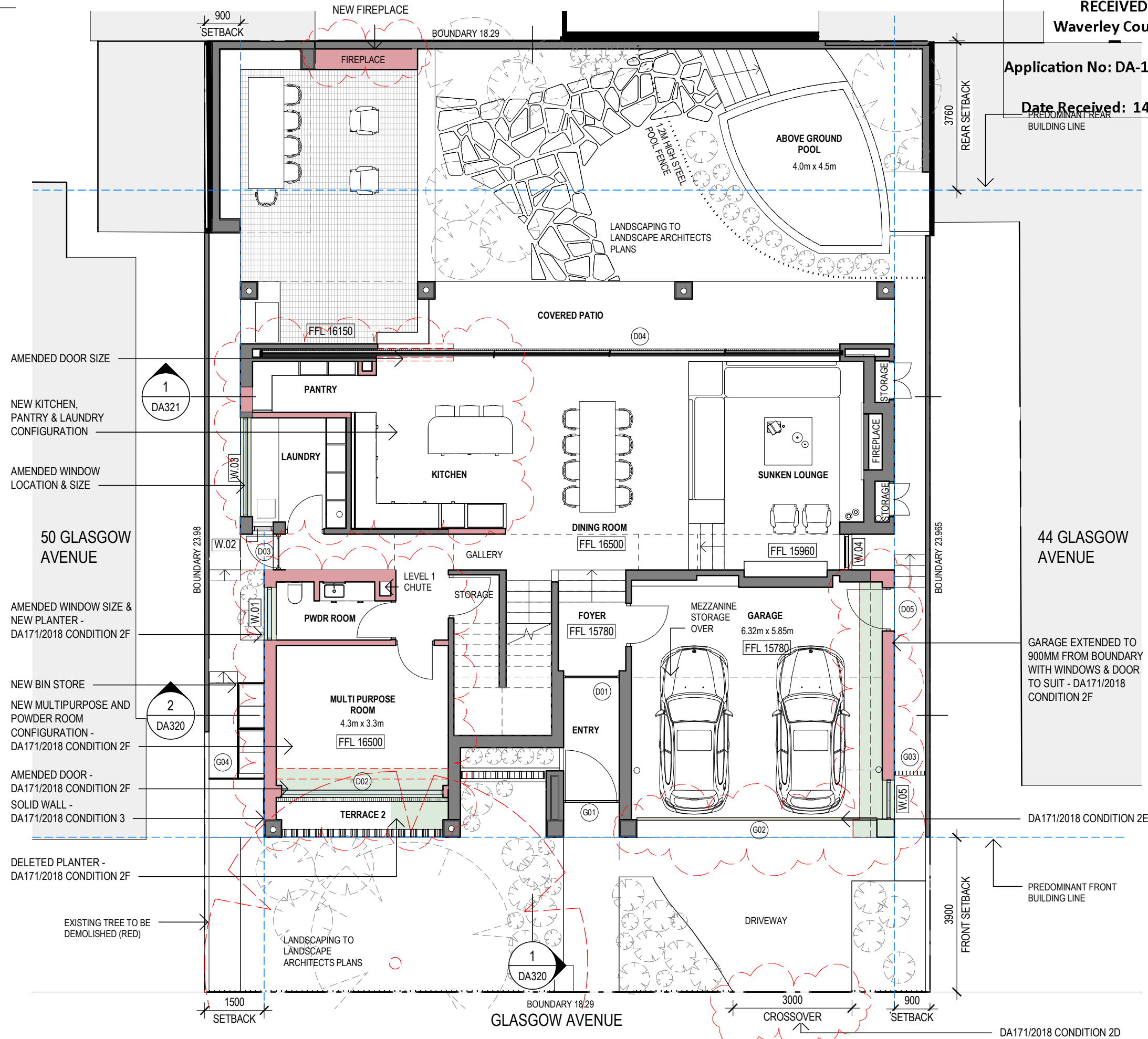
SUBJECT MODIFICATION APPLICATION - DA-171/2018/A

RECEIVED
Waverley Council
Application No: DA-171/2018/A
Date Received: 14/2/2019

MATERIAL - LEGEND

	CEMENT RENDER
	GLASS
	BRICK
	CONCRETE
	TIMBER

--- MODIFICATION TO APPROVED DA
--- BOUNDARY



44 GLASGOW AVENUE

GARAGE EXTENDED TO 900MM FROM BOUNDARY WITH WINDOWS & DOOR TO SUIT - DA171/2018 CONDITION 2F

DA171/2018 CONDITION 2E

PREDOMINANT FRONT BUILDING LINE

DA171/2018 CONDITION 2D



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SECTION 4.55
GROUND FLOOR PLAN

Drawing:
GROUND FLOOR PLAN
Scale: 1 : 100 @A3
Drawn: JM
Checked: BS
Date: 07.02.19

Project:
46-48 GLASGOW AVE BOND
Project No. Stage Dwg No. Rev
165 DA210249








SUBJECT MODIFICATION APPLICATION-DA-171/2018/A

RECEIVED
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Application No: DA-171/2018/A

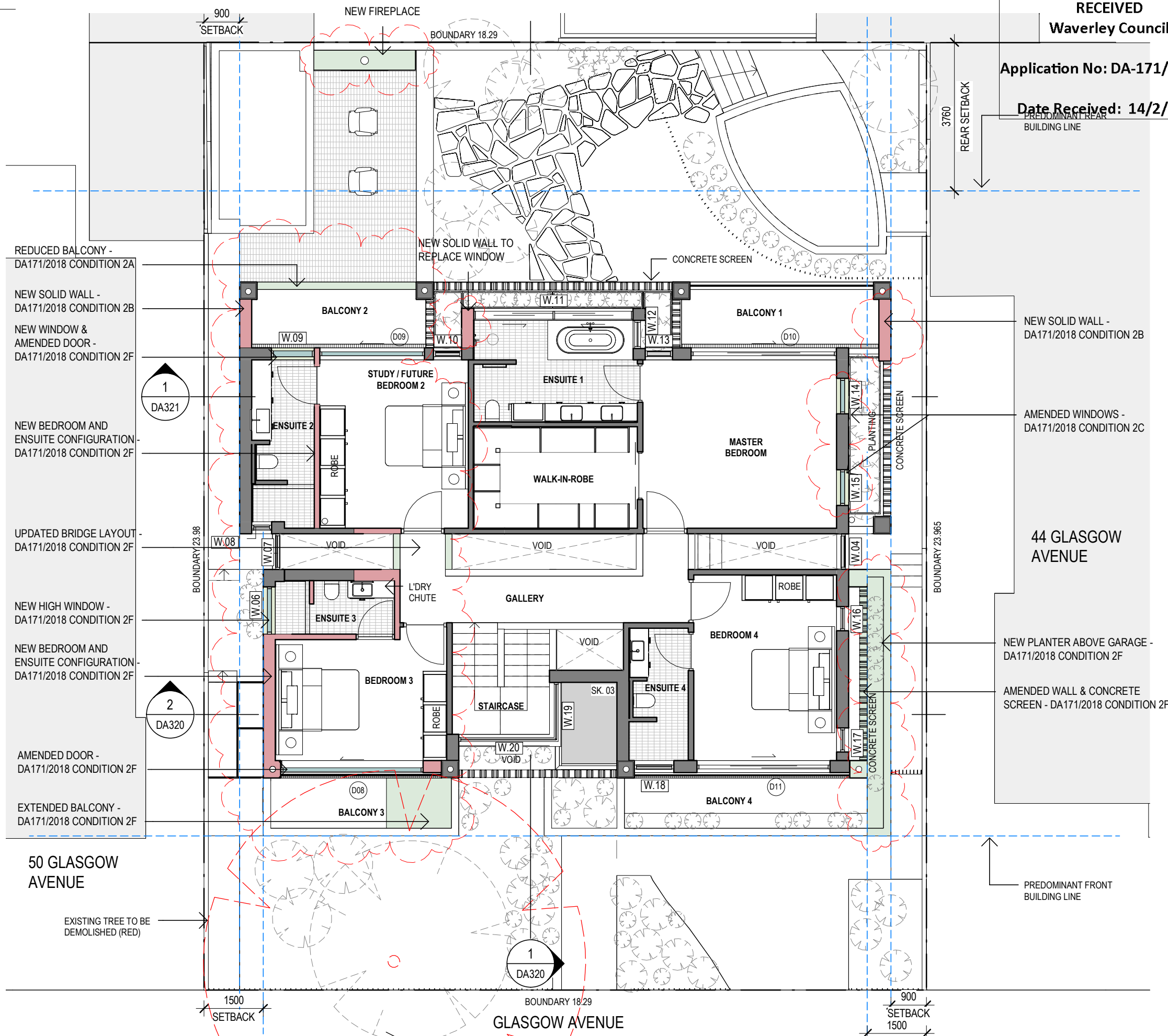
Date Received: 14/2/2019

MATERIAL - LEGEND

	CEMENT RENDER
	GLASS
	BRICK
	CONCRETE
	TIMBER

--- MODIFICATION TO APPROVED DA

--- BOUNDARY



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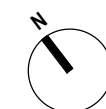
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SECTION 4.55 FIRST FLOOR PLAN

Drawing:
FIRST FLOOR PLAN

Scale: 1 : 100 @A3
Drawn: JM
Checked: BS
Date: 07.02.19



Project:
**46-48 GLASGOW AVE
BONDI**

Project No. Stage Dwg No. Rev

165 DA211250



Certificate no.: 0002743581-02
Assessor Name: Tracey Cools
Accreditation no.: VIC/BDV12/1473
Certificate date: 13 Feb 2019

Dwelling Address:
46-48 Glasgow Avenue
BONDI, NSW
2026





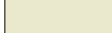
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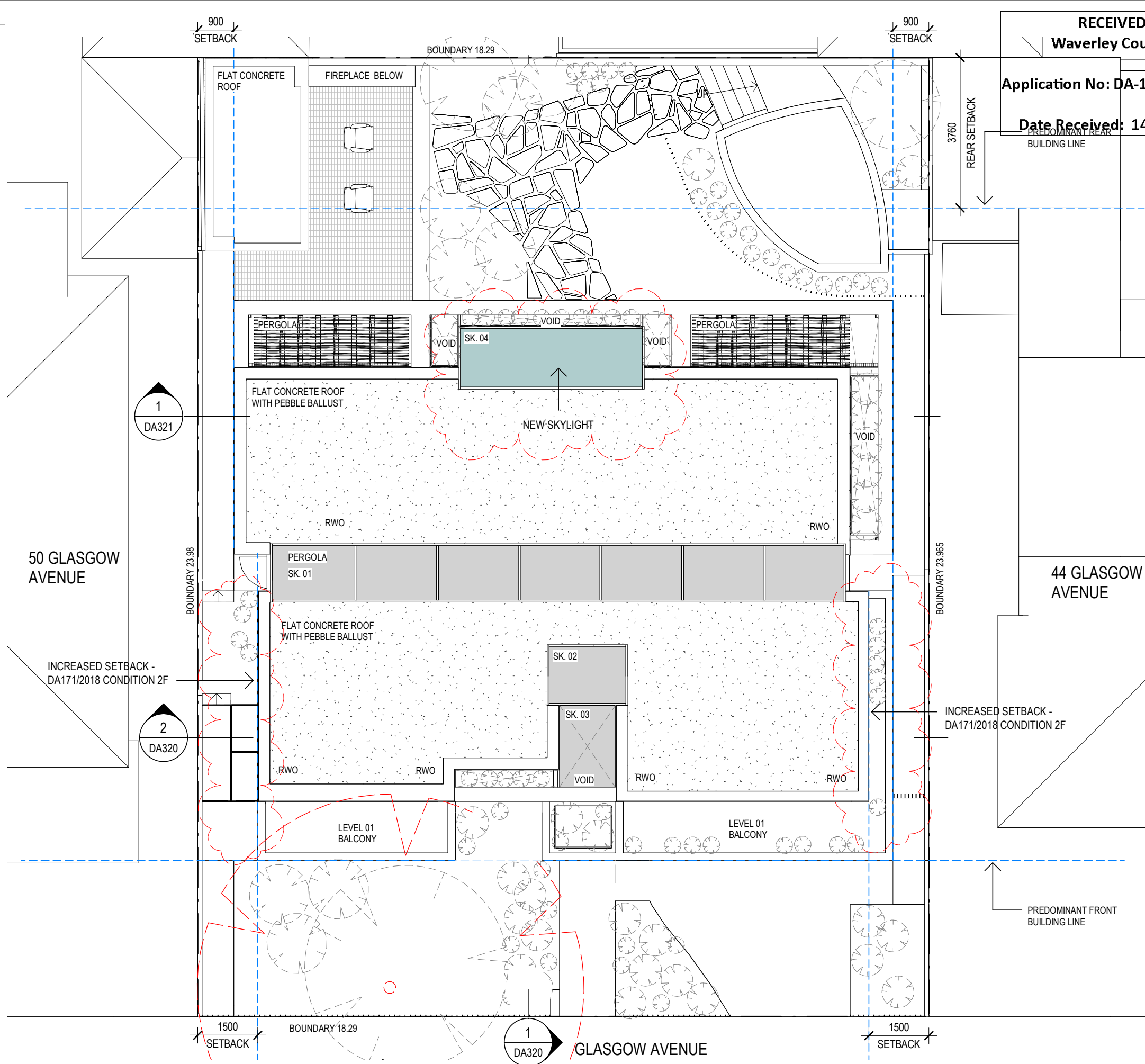
SUBJECT MODIFICATION APPLICATION DA-171/2018/A

RECEIVED
Waverley Council
Application No: DA-171/2018/A
Date Received: 14/2/2019

MATERIAL - LEGEND

	CEMENT RENDER
	GLASS
	BRICK
	CONCRETE
	TIMBER

--- MODIFICATION TO APPROVED DA
--- BOUNDARY

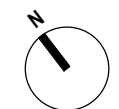


Bruce Stafford Architects
Suite 5, Level 2, 24 Bay Street, Double Bay, NSW 2028
T 02 9327 7889 F 02 9327 7665
www.brucestafford.com

GENERAL NOTES
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SECTION 4.55
ROOF PLAN

Drawing:
ROOF PLAN
Scale: 1 : 100 @A3
Drawn: JM
Checked: BS
Date: 07.02.19

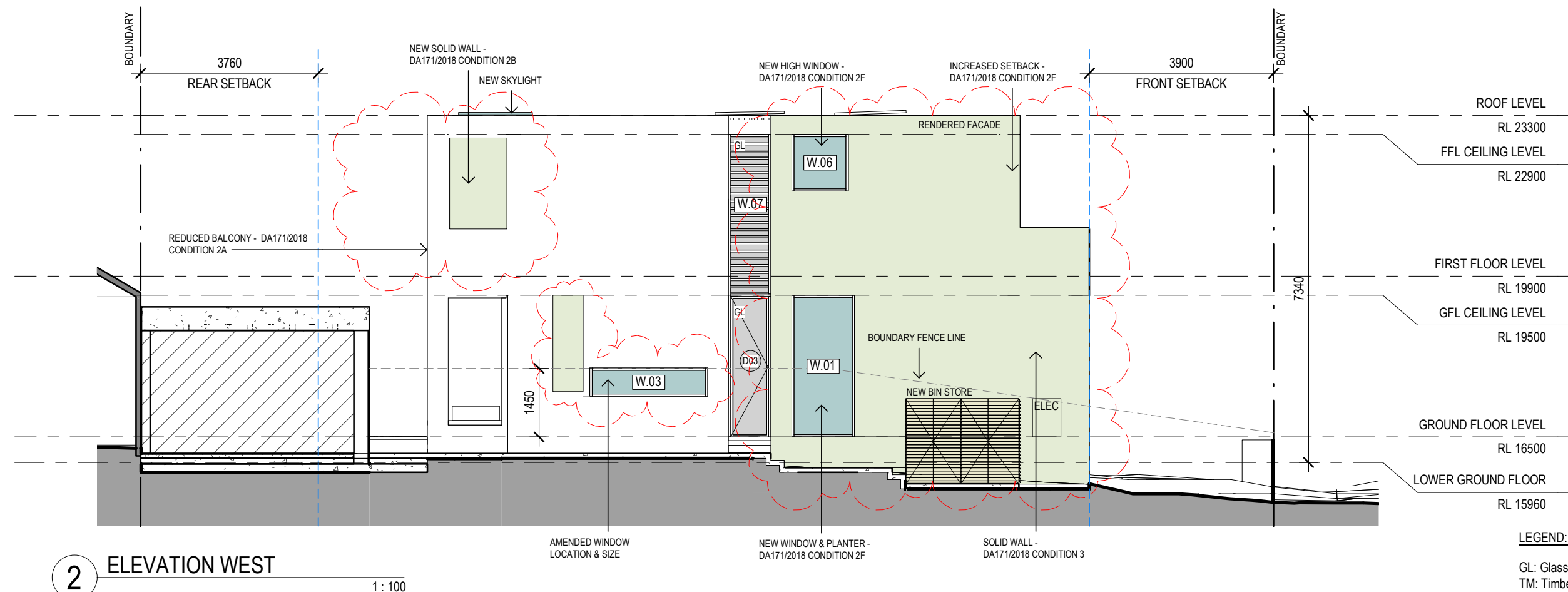
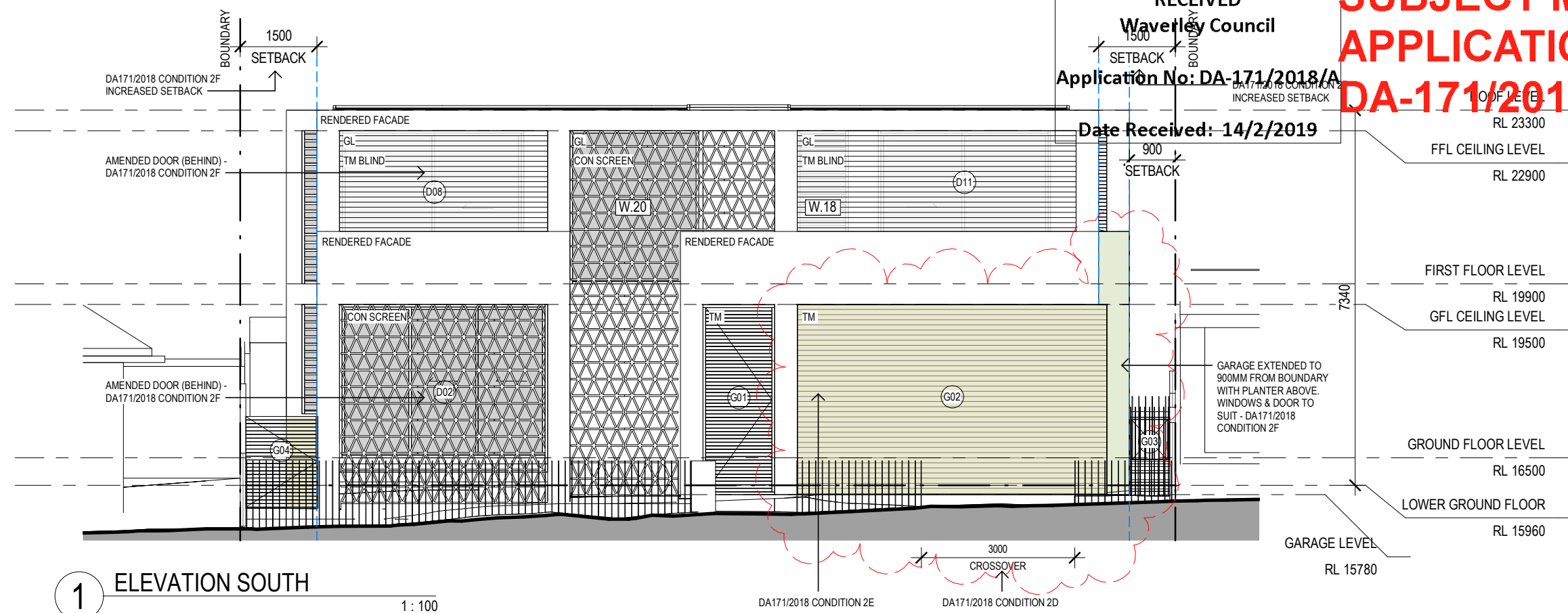


Project:
46-48 GLASGOW AVE
BONDI
Project No. Stage Dwg No. Rev
165 DA21251



SUBJECT MODIFICATION APPLICATION-DA-171/2018/A

RECEIVED
Waverley Council
Application No: DA-171/2018/A
Date Received: 14/2/2019



LEGEND:

GL: Glass

TM: Timber

CON SCREEN: Concrete Screen

RENDERED: Painted White Rendered Brick/Concrete/Block



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Suite 5, Level 2, 24 Bay Street, Double Bay, NSW 2028
T 02 9327 7889 F 02 9327 7665
www.brucestafford.com

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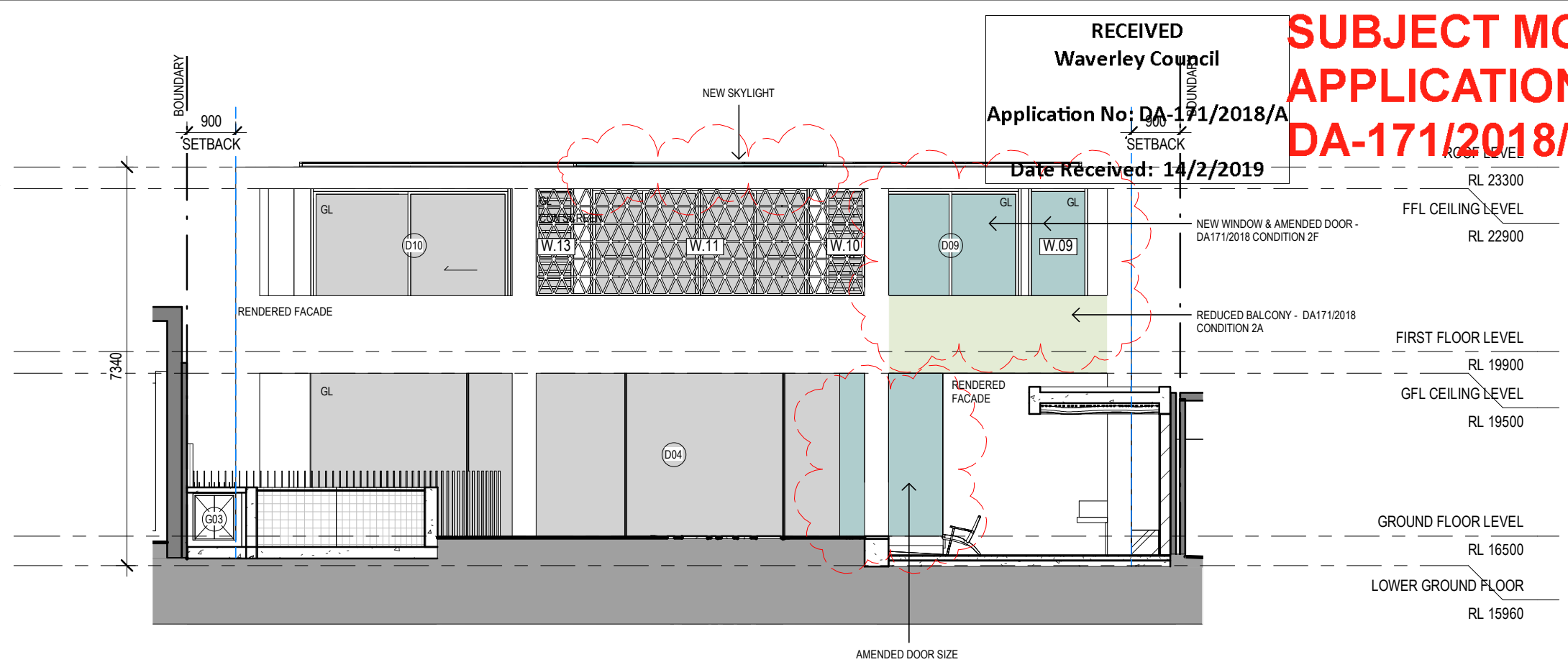
SECTION 4.55 ELEVATIONS - SOUTH & WEST

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ELEVATIONS - SOUTH & WEST
Scale: As indicated @A3
Drawn: JM
Checked: BS
Date: 07.02.19

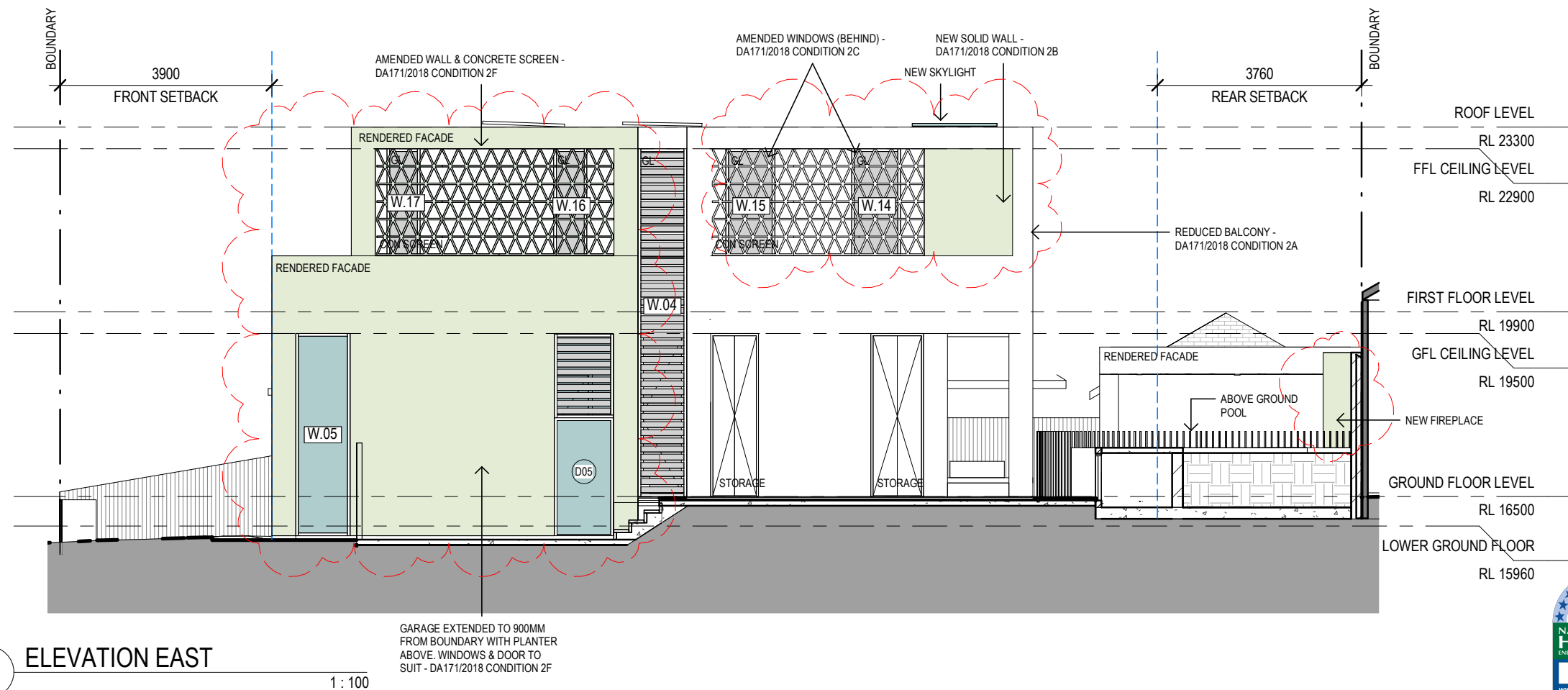
Project:
**46-48 GLASGOW AVE
BONDI**
Project No. Stage Dwg No. Rev
165 DA310252

LEGEND:

GL: Glass
TM: Timber
CON SCREEN: Concrete Screen
RENDERED: Painted White Rendered Brick/Concrete/Block



2 ELEVATION NORTH 1:100



1 ELEVATION EAST 1:100

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SECTION 4.55
ELEVATIONS - NORTH & EAST

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ELEVATIONS - NORTH & EAST
Scale: As indicated @A3
Drawn: JM
Checked: BS
Date: 07.02.19

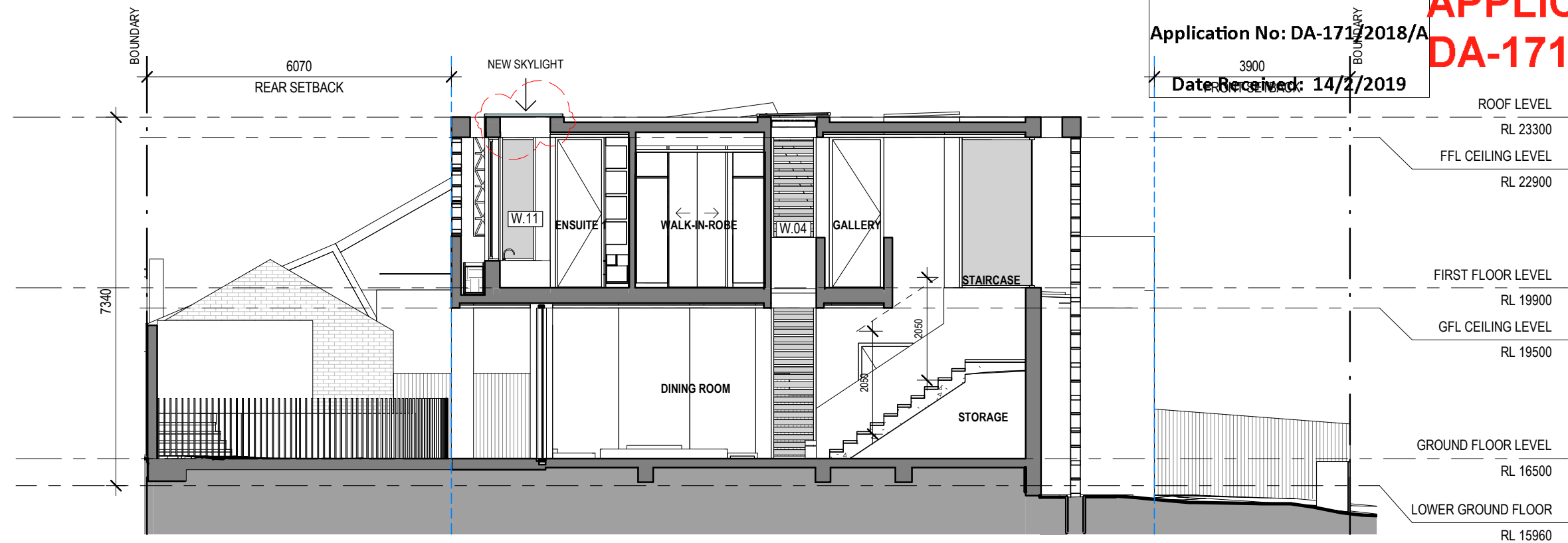
Project:
46-48 GLASGOW AVE
BONDI
Project No. Stage Dwg No. Rev
165 DA311 253



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Suite 5, Level 2, 24 Bay Street, Double Bay, NSW 2028
T 02 9327 7889 F 02 9327 7665
www.brucestafford.com

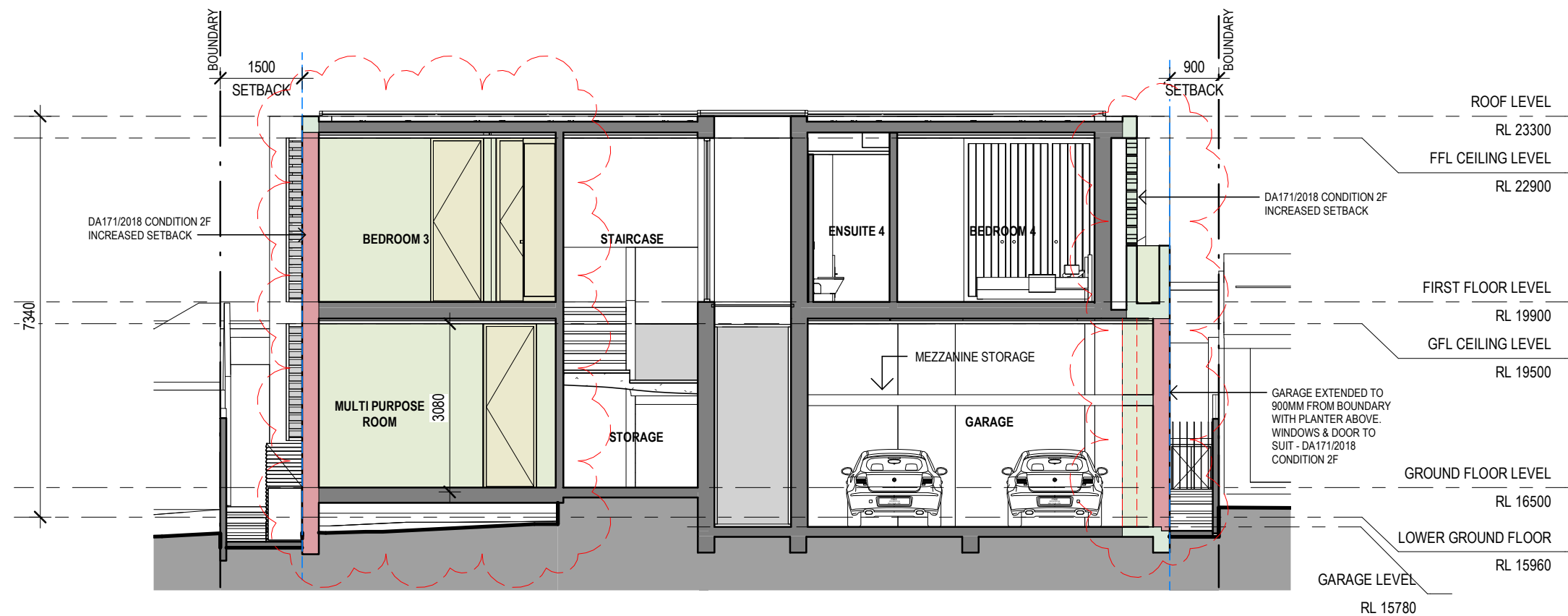
SUBJECT MODIFICATION APPLICATION-DA-171/2018/A

RECEIVED
Waverley Council
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Date Received: 14/2/2019



1 SECTION A

1:100



2 SECTION B

1:100



Bruce Stafford Architects

Suite 5, Level 2, 24 Bay Street, Double Bay, NSW 2028
T 02 9327 7889 F 02 9327 7665
www.brucestafford.com

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SECTION 4.55 SECTIONS - SHT 1

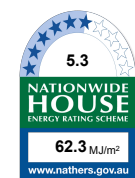
Drawing:
SECTIONS - SHT 1

Scale: 1:100 @A3
Drawn: JM
Checked: BS
Date: 07.02.19

Project:
**46-48 GLASGOW AVE
BONDI**

Project No. Stage Dwg No. Rev

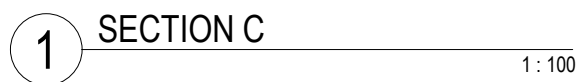
165 DA32054



Certificate no.: 0002743581-02
Assessor Name: Tracey Cools
Accreditation no.: VIC/BDV/12/1473
Certificate date: 13 Feb 2019
Dwelling Address:
46-48 Glasgow Avenue
BONDI, NSW
2026
62.3 MJ/m²
www.nathers.gov.au



**SUBJECT MODIFICATION
APPLICATION-
DA-171/2018/A**





5.3

**NATIONWIDE
HOUSE**

ENERGY RATING SCHEME

62.3 MJ/m²

www.nathers.gov.au

Certificate no.: 0002743581-02

Assessor Name: Tracey Cools

Accreditation no.: VIC/BDV/12/1473

Certificate date: 13 Feb 2019

Dwelling Address: 46-48 Glasgow Avenue
BONDI, NSW
2026

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Report to the Waverley Local Planning Panel

Application number	DA-385/2018
Site address	5 Nancy Street, NORTH BONDI NSW 2026
Proposal	<p>Original proposal: demolition of existing dwelling and construction of a dual occupancy including Torrens title subdivision, new carport and associated landscaping works for each.</p> <p>Amended proposal: demolition of existing dwelling and construction of a new dual occupancy including strata subdivision, new carport and associated landscaping works for each.</p>
Date of lodgement	26/10/2018
Owner	Ms S Neumann
Applicant	Oppidan Designer Homes Pty Ltd
Submissions	<p>Three to original proposal</p> <p>One to amended proposal</p>
Cost of works	\$920,000
Issues	FSR, visual privacy
Recommendation	That the application be APPROVED subject to conditions

Site Map



1. PREAMBLE

1.1 Site And Surrounding Locality

A site visit was carried out on 28 May 2019.

The site is identified as Lot 14 in DP 8538, known as 5 Nancy Street, NORTH BONDI. The site is rectangular in shape with a western front boundary to Nancy Street measuring 12.575m, northern and southern side boundaries measuring 36.575m and eastern rear boundary measuring 12.575m. The site has an area of 459.7m² and the site falls from the north towards the south by approximately 600mm.

The site is occupied by a single storey detached dwelling with vehicular access and garage provided from Nancy Street and a detached garage located at the front of the site.

The subject site is adjoined by detached dwellings on either side. The locality is characterised by one and two-storey dwellings.



Figure 1: Front façade of existing single storey dwelling.



Figure 2: Site viewed from Nancy Street.

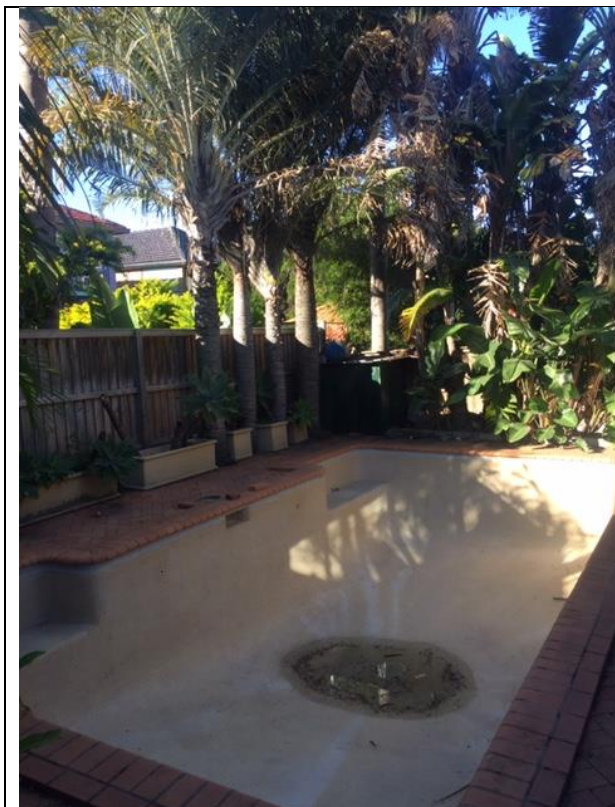


Figure 3: Existing swimming pool in rear yard.



Figure 4: Palm trees on shared boundary between 5 Nancy Street and 6 Hardy Street (refer to survey).



Figure 5: Recently approved dual occupancy at 11 Nancy Street.



Figure 6: Example of contemporary buildings in the immediate area (12 and 14 Nancy St).

1.2 Relevant History

A search of Council's Building and Development records revealed one application associated with the subject site:

BA-523/1993 - Construct an in ground concrete swimming pool approved 24 September 1993.

Subject application

The subject application was deferred on 24 April 2019 due to non-compliances with Torrens title subdivision, the rear building line and insufficient information provided. An amended application was received on 1 May 2019 which is considered satisfactory in addressing the deferral matters. The amended proposal was renotified for 14 days and will form the basis of the following assessment.

1.3 Proposal

The applicant seeks consent to demolish the existing dwelling and construct a new dual occupancy with four bedrooms and a carport each, strata subdivision and associated landscaping works. Further details for the dual occupancy includes:

Ground Floor

- New ground floor level to provide for a covered walkway, portico, entry, bathroom, guest bedroom, laundry, storage, open plan dining, family and kitchen with pantry, outdoor alfresco and internal stairs;
- New single width driveway to provide vehicular access to an attached single carport and bin storage area for each dwelling ; and
- Associated landscaping and fencing including removal of street tree.

First Floor

- New first floor level to provide three bedrooms including master bedroom with ensuite and walk in robe, bathroom and internal stairs.

Attic

- Storage, accessed by a ladder; and
- Air conditioning unit.



Figure 7: Photomontage of the proposed dual occupancy (source: Oppidan Designer Homes).

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 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

The BASIX Certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal. A standard condition is recommended ensuring the measures detailed in the BASIX Certificate are implemented.

2.1.2 SEPP 55 Remediation of Land

There is no known history of contamination applicable to the site. The subject site has historically been used for residential purposes. Accordingly, site land contamination is considered unlikely and no further investigation is necessary.

2.1.3 SEPP (Vegetation in Non-Rural Areas) 2017

The application proposes to remove one street tree and various other trees within the subject property. The proposal was referred to Council's Tree Management Officer who supports the removal of the trees due to poor health. It should be noted that the landscape plan proposes to remove four palm trees located on the rear boundary line which requires permission from both tree owners (6 Hardy St and 5 Nancy St). Conditions will be imposed in the consent to protect the trees located on the rear boundary line and for the applicant to plant two replacement street trees.

2.1.4 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal meets the aims of the plan.
Part 2 Permitted or prohibited development		
2.7 Demolition	Yes	Demolition is permissible with consent.
Land Use Table R2 - Low Density Residential	Yes	The proposal is defined as a dual occupancy, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		

Provision	Compliance	Comment
4.3 Height of buildings <ul style="list-style-type: none"> Max 8.5m 	Yes	The proposal results in a maximum height of 8.25m.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> Total site area 459.7m² Max FSR 0.6:1 or GFA of 275.3m² 	No	The proposed dual occupancy results in a total FSR of 0.69:1 or gross floor area of 315.33m ² and a variation of 14.5% to the development standard.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the floor space ratio development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 6 Additional local provisions		
6.2 Earthworks	Yes	The proposed demolition will require excavation and filling, however, is not expected to have a detrimental impact on the environmental functions and processes or neighbouring uses of the surrounding land.

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

Clause 4.6 Exceptions to Development Standards

The application seeks to vary the floor space ratio (FSR) development standard in Clause 4.4.

The site is subject to a maximum FSR control of 0.6:1. The proposed development has a FSR of 0.69:1, exceeding the standard by 39.83m² equating to a 14.5% variation.

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

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

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

Applicants Written Request - Clause 4.6(3)(a) and (b)

The applicant seeks to justify the contravention of the floor space ratio development standard on the following basis:

- a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:

The proposed new dual occupancy development will be consistent with the objectives of the R2 Low Density Zone for the following reasons:

- *The R2 Low Density Residential Zone contemplates low density residential uses on the land. The surrounding development pattern includes a mix of established detached single dwellings & dual occupancy development, with a height and scale of generally up to two storeys.*
- *The housing needs of the community are appropriately provided for in this instance through the proposed residential dwelling which will provide for an appropriate level of family accommodation and in a form which respect the predominant height and scale of the surrounding dwellings.*
- *The development will see a noncompliance with the maximum floor space ratio of up to 39.83m² and the contemporary building form with parapet and flat roof style roof and the recessive external finishes considered to suitably reduce the visual bulk of the dwelling.*
- *The modulation of the front façade and building elevation, together with the varied side setbacks and recessive external finishes to the upper level will ensure the development minimises the visual impact when viewed from the surrounding public and private areas.*
- *The proposal will be consistent with and complement the existing detached style single and dual occupancy housing within the locality.*
- *The compatible form and scale of the new dual occupancy will meet the housing needs of the community within a semi-detached form, which is a permissible use in this low density residential zone.*
- *The application proposes a single residential use and not any other land use therefore this objective is not directly relevant.*

Despite the variation to the maximum floor space ratio, the proposed new dual occupancy is considered to be in keeping with the relevant Objectives of Clause 4.4 & 4.4A for the following reasons:

- *The proposal complies with Council's maximum 8.5m control.*
- *The proposal is compatible with the predominant height and scale of development in the locality and has been designed to achieve a balance between the owner's requirements and the style and scale of the existing surrounding development.*
- *The surrounding area is predominantly characterised by one and two storey development, with older building stock being replaced by newer two storey single and dual occupancy development, of a compatible scale and commonly of a more contemporary form. The desired future character of the immediate is best described as being shaped by the mix of traditional and contemporary development.*

- *The proposed development will maintain a compatible scale relationship with the existing residential development in the area. Development within Nancy Street and the surrounding locality has a wide range of architectural styles and given the variety in the scale of this development, the proposal will be consistent with surrounding development and will not adversely affect the streetscape.*
 - *The existing development on the site is ageing, and the proposal seeks to replace the existing dwelling with a contemporary dual occupancy which is well articulated, with varied elements which provide visual relief.*
 - *Notwithstanding the variation to the floor space ratio control of 39.83m² or 14%, the contemporary building form with flat roof and parapet, together with the recessive external finishes, will suitably reduce the visual bulk of the dwelling.*
 - *As the proposal is generally consistent with the built form controls, and the dual occupancy development is permissible in the zone, the proposed development is considered to be in keeping with the style of development envisaged for the site (ie. the desired future character).*
 - *The site is considered to be sufficient to provide for the proposed works, with the dimensions of the lot to be unchanged.*
 - *The proposal will maintain a generous area of soft landscaping which readily complies with Council's landscaping requirements, and the site will maintain an appropriate balance between the landscaping and the built form.*
 - *The proposed new dwellings will not result in any unreasonable impacts on adjoining properties in terms of views, privacy or overshadowing.*
 - *Further, the modulation of the front façade and building elevations where visible from the public domain minimises the visual impact of the development.*
 - *The proposal retains a two storey scale when viewed from the streetscape of Nancy Street.*
 - *The development will maintain a compatible scale relationship with the existing residential development in the area. Development within Nancy Street has a wide range of architectural styles and given the variety in the scale of this development, the proposal will be consistent with surrounding development and will not adversely affect the streetscape.*
 - *The proposed new dwellings will maintain amenity and appropriate solar access for the subject site and neighbouring properties.*
- b) That there are sufficient environmental planning grounds to justify contravening the standard:
- *The proposed dual occupancy development will maintain a bulk and scale which is consistent with that of existing surrounding development in the locality, which promotes the orderly & economic use of the land.*
 - *Similarly, the proposed development will provide for an appropriate level of family accommodation and improved amenity within a built form which is compatible with the streetscape of Nancy Street which also promotes the orderly and economic use of the land.*

- *The proposal is considered to promote good design and amenity to the local built environment as appropriate views, solar access and privacy will be maintained for the neighbouring properties.*

Consideration of Applicants 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 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 justification 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;*
- 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.*

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 standard as the proposal presents as a two-storey dual occupancy that is compatible with the bulk and scale within the existing streetscape, and the emerging and desired future character of Nancy Street.

The proposal maintains a consistent front and rear building line with adjoining properties and the first floor level will be setback approximately 7m from the ground floor level rear building line. The proposal complies with building height, setback, open space and overshadowing controls, and is not expected to result in unreasonable impacts to the environmental amenity of surrounding properties.

The proposed dual occupancy is considered to provide an appropriate correlation between the maximum building height and desired density of the local area. It should also be noted that a new two-storey dual occupancy at 11 Nancy Street was approved in 2017 with a non-compliant FSR of 0.73:1 equating to a variation of 17%.

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 standard and the objectives for development within the zone in which the development is proposed to be carried out including;

Zone R2 - Low Density Residential

Relevant objectives of the R2 Zone

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

The proposal provides a two storey dual occupancy with four bedrooms in each dwelling, which is considered acceptable in providing for the housing needs of the community within the R2 zone.

4.4 Floor space ratio

The relevant objectives of this clause are as follows:

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

The development is consistent with the objectives of the floor space ratio standard providing housing in a form that complies with the maximum height limit, and is compatible with the bulk, scale, streetscape and desired future character of the street. For example, the proposal is similar to a recently approved dual occupancy at 11 Nancy Street comprising a flat roof and box style architecture, and is in keeping with the contemporary two-storey flat roof detached dwellings at 12 & 14 Nancy Street. In addition, the proposal does not result in unreasonable impacts to the environmental amenity of adjoining properties providing adequate setbacks and a maximum external wall height of 7.5m which alleviates overshadowing and visual bulk impacts.

Conclusion

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

2.1.5 Waverley Development Control Plan 2012 (Waverley DCP 2012)

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

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

Development Control	Compliance	Comment
1. Waste	Yes	A Site Waste & Recycling Management plan has been submitted with the application to address waste disposal during construction. A condition of consent will be imposed regarding ongoing waste on site. The waste and recycling storage area will be located in the front setback next to the carport.
2. Energy and water conservation	Yes	The application is accompanied by a BASIX certificate demonstrating compliance with State regulated energy efficiency and water conservation targets.
5. Tree preservation	Yes	The application proposes to remove one street tree and various trees located within the property boundary. Removal of the trees is supported by Council's Tree Management Officer subject to conditions of consent and an additional two street trees to be planted.
6. Stormwater	Yes	The Stormwater Plans provided with the application are considered satisfactory with respect to the DCP.
8. Transport	No (condition)	The application proposes two single carports with separate access forward of the front building line which is not consistent with urban design controls. It is recommended the proposal be amended to provide one shared access point for the two carports to increase safety for pedestrians and reduce impacts to on-street parking.

Table 3: Waverley DCP 2012 – Part C1 Dwelling House, Dual Occupancy, Secondary Dwelling, Semi-Detached Dwelling and Terrace Development Compliance Table

Development Control	Compliance	Comment
1.1 Height		
1.1.1 Flat roof dwelling house <ul style="list-style-type: none"> Maximum overall building height of 7.5m 	Yes	The proposal results in a maximum overall building height of 8.25m (due to attic level) with a maximum overall external wall height of 7.5m, which is acceptable.

Development Control	Compliance	Comment
1.2 Setbacks		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	<p>Yes</p> <p>Yes</p>	<p>The proposed front building line is consistent with the predominant front building line of adjoining properties.</p> <p>The proposed rear building line of the ground and first floor levels are consistent with the predominant rear building line of the ground and first floor levels of adjoining properties and recently approved development.</p>
1.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 0.9m 	Yes	The proposal provides a 1m setback to the northern and southern side boundaries.
1.4 Streetscape and visual impact		
<ul style="list-style-type: none"> New development should be visually compatible with its streetscape context. It should contain or at least respond to essential elements that make up the character of the surrounding area. Development must not dominate the streetscape, particularly when viewed from a public place such as parks, reserves, beach or the ocean. New development as well as alterations and additions to existing dwellings are to maintain the established character of the building in terms of significant landscaping. Existing ground levels and significant landscaping is to be maintained. 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The proposal presents as two x two-storey dwellings with contemporary materials and finishes that are compatible with the emerging character of Nancy Street.</p> <p>The proposed dwellings comply with height and setback controls. It is not considered to dominate the streetscape or subject site.</p> <p>The proposal maintains significant landscaping and existing ground levels.</p>
1.5 Dual occupancy development		
Minimum lot size: <ul style="list-style-type: none"> 450m² for attached 600m² for detached 	Yes	The proposal provides for an attached dual occupancy on a lot size of 459.7m ² .
1.7 Fences		
Front: <ul style="list-style-type: none"> Maximum height of 1.2m 	No (acceptable)	The proposal incorporates an open design carport with a small section of front slat fencing. The proposed front fence is 1.3m high, which is a

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Solid section no more than 0.6m high <p><i>Side and Rear:</i></p> <ul style="list-style-type: none"> Maximum height of 1.8m 	NA	<p>similar height to the existing fence and adjoining properties. In this regard the minor non-compliance is considered reasonable.</p> <p>The architecture plans do not demonstrate any new side boundary fencing.</p>
1.8 Visual and acoustic privacy		
<ul style="list-style-type: none"> Windows to habitable rooms are not to directly face windows to habitable rooms and / or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design. 	Yes	<p>The proposed large double window openings titled W05 and W24 on the northern and southern elevations respectively are approximately 2.7m high from the FFL which may result in overlooking impacts to adjoining properties. The boundary fence height is unclear in the amended plans, therefore it is recommended the windows be constructed of translucent glazing or privacy screening and a suitable condition is recommended.</p> <p>The remaining window openings are domestic in scale and not expected to result in overlooking impacts.</p>
1.9 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June 	<p>Yes</p> <p>No (acceptable)</p>	<p>The proposal comprises of east and north facing window openings and roof skylights that will capture direct sunlight. The living areas and private open space of the dwelling are expected to receive the minimum amount and duration of sunlight during the winter solstice.</p> <p>The shadow diagrams supporting the application indicate overshadowing primarily to the southern adjoining property, however this is due to the orientation of the allotments. The proposal is under the maximum height limit, provides adequate setbacks to side boundaries and is not out of context with surrounding development. In this regard, the proposal is considered reasonable.</p>
1.10 Views		
<ul style="list-style-type: none"> Lower density residential accommodation is to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	Yes	<p>The proposed two-storey dual occupancy raises the building height to 8.25m. An objection was received from the neighbours located to the rear of the subject site (6A & 6B Hardy St) who claim the proposal will impede upon city skyline views when standing on the first floor level. Images were provided from the objector (refer to images below this table) that demonstrate a glimpse of the city skyline that is obscured by</p>

Development Control	Compliance	Comment
		buildings and vegetation, and obtained through the rear boundary of the subject property. In this regard, the view impact is considered negligible. It is unreasonable to expect the applicant to reduce the height of the proposal given it is under the maximum allowable height limit.
1.11 Car parking		
1.11.1 Parking rates <i>Maximum rates:</i> <ul style="list-style-type: none"> 1 space for 2 or less bedrooms 	Yes	One car space per dwelling is proposed.
1.11.2 Location <ul style="list-style-type: none"> Behind front building line for new dwellings Consistent with hierarchy of preferred car parking locations 	No (acceptable)	The proposed carports are integrated into the design of the dwelling and are considered to be appropriate in the context of the streetscape.
1.11.3 Design	No (condition)	The proposed carports have been designed to complement the style and detail of the dwelling comprising cohesive materials and finishes, however, it is recommended the proposal be amended to provide one shared driveway in accordance with control (g).
1.11.4 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes	The proposed dimensions of the carports are 5.7 x 2.5m.
1.11.5 Driveways <ul style="list-style-type: none"> Maximum of one per property Maximum width of 3m at the gutter (excluding splay) 	Yes	The application proposes two driveways for two dwellings, however, this is inconsistent with urban design controls therefore a condition will be imposed in the consent to reduce the number of driveways to one.
1.12 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area Minimum area of 25m² for private open space Front open space: 50% of front building setback area 	Yes	<ul style="list-style-type: none"> The proposal provides over 50% of overall open space. The proposal provides 24.43% of overall landscaped area. The proposal provides over 50m² for private open space. The proposal provides over 50% open space at the front setback. The proposal provides 36% landscaped area at the front open space which is considered

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Front landscaped area: 50% of front open space provided 		reasonable as the proposal provides over 24% of overall landscape area.

The following is supplementary information in relation to Views discussed in the table above.

Views

Images of the city skyline view provided from the owner of 6B Hardy Street, North Bondi.



Image 1: Photo taken by owner of 6B Hardy St – appears to be the view of the city skyline taken from first floor level.



Image 2: Photo of the City Tower – appears to be a zoomed in view taken from camera device.

2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

It is considered that the proposal will 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 to be suitable for the proposed development.

2.4 Any Submissions

The application was notified for 14 days, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*.

Three submissions were received to the original proposal and one submission was received to the amended proposal. The issues raised in the submissions are summarised and discussed below.

Table 4: Summary of property addresses that lodged a submission

Property
6a and 6b Hardy Street, North Bondi
7 Nancy Street, North Bondi
6 Nancy Street, North Bondi
3 Nancy Street, North Bondi

Issue: Tree removal

Response: The submission raises concern regarding removal of trees that sit on the rear boundary of the subject property. The four palm trees at the rear boundary are not approved for removal as they are shared between two properties and Council has not received a tree permit application from 6 Hardy St authorising removal. Conditions relating to tree protection and tree removal will be imposed in the consent.

Issue: Boundary fence

Response: The submission raises concern regarding the position of the boundary fence shared between 5 Nancy Street and 6 Hardy Street. As this is a civil matter it is to be resolved between the owners of both properties. This matter is considered irrelevant to this application.

Issue: Colour scheme

Response: The submission raises concern regarding the proposed colour scheme. The submission states the proposed colour scheme is unclear and requests it to be a light colour scheme. The application included a colour chart which demonstrates a grey and stone colour scheme which is considered appropriate within its streetscape context comprising grey, brown, beige and white colour schemes, which forms a condition of consent.

Issue: Potential damage

Response: The submission raises concern regarding potential damages to neighbouring properties as a result of the proposed construction of a new dual occupancy. A standard condition relating to dilapidation will be imposed in the consent.

Issue: Allotment size

Response: The submission raises concern regarding the subdivision of the allotment and impact to the subdivision pattern in the area. The amended proposal deletes all references to Torrens title and seeks strata subdivision, therefore the allotment will remain the same size.

Issue: Bulk and scale

Response: The submission raises concern regarding the bulk and scale of the proposed development in comparison to the existing development along Nancy Street. Nancy Street comprises an eclectic mix of dwelling houses including contemporary and traditional built forms with a range of light and dark colour schemes. The proposed dual occupancy comprises contemporary finishes with box like architecture which is similar to a recently approved dual occupancy at 11 Nancy Street and in keeping with the contemporary two-storey flat roof dwellings at 12 & 14 Nancy Street. This matter is considered unjustified as the proposal is compatible with the emerging character of Nancy Street.

Issue: Height and overshadowing

Response: The submission raises concern regarding the height of the proposed dual occupancy and subsequent overshadowing impacts to the southern adjoining property. It is acknowledged there will be additional overshadowing to the south of the site, however this is expected when a single storey dwelling develops to a two-storey dwelling. The request to reduce the height of the dwelling is unreasonable as the proposal is under the maximum height limit for the residential zone, provides adequate separation to the southern side boundary at ground and first floor levels and provides over a 6m separation at the attic level.

Issue: Noise

Response: The submission raises concern regarding potential noise impacts from the side doors and doggy door. The application proposes a dual occupancy within a low density residential zone which is permissible with consent. The proposal provides a narrow portico to access the front entry which is not considered sufficient space for entertaining purposes. The proposed development is not expected to cause unreasonable traffic or noise at the residential properties.

2.5 Public Interest

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

3. REFERRALS

3.1 Driveways – Creating Waverley

An internal referral was sought from Council’s Traffic Engineer who is satisfied the proposal meets the requirements for car parking objectives and controls subject to special conditions requesting a Construction Vehicle and Pedestrian Plan of Management, long sections and a single vehicle crossing.

3.2 Stormwater – Creating Waverley

An internal referral was sought from Councils Stormwater Engineer who is satisfied the stormwater details meet the requirements of the DCP. Standard conditions relating to stormwater will be imposed in the consent.

3.3 GIS – Waverley Digital

An internal referral was sought from Council’s GIS Officer who recommends Dwelling 1 be allocated the street address of 5B Nancy Street and Dwelling 2 be allocated the street address of 5A Nancy Street.

3.4 Tree Management – Clean and Attractive

An internal referral was sought from Council’s Tree Management Officer who supports the removal of the street tree and removal of other trees within the property subject to replacement of the street tree. A condition regarding the replacement tree and bond will be imposed in the consent.

4. SUMMARY

The amended application seeks consent to demolish an existing single dwelling and construct a new dual occupancy with strata subdivision and associated landscaping. The proposal is defined as a dual occupancy which is permissible with consent in the R2 low density residential zone.

The application seeks to vary the floor space ratio development standard, which is considered acceptable as the new development is compatible with the bulk and scale of the emerging and desired future character of Nancy Street and will not result in detrimental impacts to the environmental amenity of surrounding properties.

The application was reviewed by Councils Stormwater Engineer, GIS Officer, Traffic Engineer and Tree Management Officer and recommended conditions are included in the consent.

The original proposal was notified for 14 days and received three submissions. The amended proposal was notified for 14 days and received one submission. The submission matters were discussed and addressed under section 2.4 of the report.

Accordingly, the application has been assessed against the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979 and is recommended for approval.

5. RECOMMENDATION TO WAVERLEY DEVELOPMENT ASSESSMENT PANEL

That the Development Application be **APPROVED** by the Waverley Development Assessment Panel subject to the Conditions in Appendix A:

Report prepared by:

**Application reviewed and agreed on behalf of
the Development and Building Unit by:**

Bianca Fyvie
Development Assessment Planner

Bridget McNamara
**Manager, Development Assessment (North/
South)**

Date: 13 June 2019

Date: 13 June 2019

Reason for referral:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) The following Architectural Plan Sheet No's prepared by Oppidan Designer Homes:

Plan description	Revision No	Date	Date received by Council
01 Coversheet and Drawing List	14	24/04/2019	24/05/2019
03 Site Analysis	14	24/04/2019	24/05/2019
07 Proposed Ground Floor Plan	14	24/04/2019	24/05/2019
08 Proposed First Floor Plan	14	24/04/2019	24/05/2019
08A Roof Storage Area Plan	14	24/04/2019	24/05/2019
09 Proposed Roof Layout	14	24/04/2019	24/05/2019
10 West and South Elevations	14	24/04/2019	24/05/2019
11 East and North Elevations	14	24/04/2019	24/05/2019
12 Section A-A and B-B	14	24/04/2019	24/05/2019
14 Door and Window Schedule	14	24/04/2019	24/05/2019

- (b) Landscape Plan No's LPDA19-69/1, LPDA19-69/2, LPDA19-69/3 prepared by Conzept Landscape Architects, dated 09/10/2018, and received by Council on 26/10/2018;
- (c) BASIX Certificate;
- (d) Stormwater Details prepared by Nasser Associates, Job No. D3744, Sheet No. 1 to 6, dated 9 October 2018;
- (e) Colour Chart dated 05/04/2018 received by Council on 26/10/2018; and
- (f) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.
- (g) Strata Plan Layout Sheet No 21 Revision 14 prepared by Oppidan Designer Homes dated 24/04/2019 and received by Council on 24/05/2019.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) Privacy screens or opaque glazing are to be provided on windows W05 and W24 and designed to mitigate overlooking to adjoining properties. The privacy screens are to be of a light weight material (such as timber or obscure glazing) and be a minimum of 1.6m high when measured from the finished floor level of the ground floor.

- (b) The four *Dypsis decaryi* trees located at the rear boundary are not approved for removal by this consent as the trees are located on a shared boundary and both land owners have not authorised the tree removal. The landscape plans are to be amended to delete the proposed removal of the four *Dypsis decaryi* at the rear boundary. Note: A tree permit application is required from both land owners for any pruning or removal of trees located on a shared boundary.
- (c) The two vehicle crossovers are not approved and are to be amended to one single shared crossover to access the carports. Any amendments to the design of the carports to accommodate the new single crossover are to be included in the amended plans.

The amendments are to be approved by the **Executive Manager, Development Assessment (or delegate)** prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

An electronic copy of the amended plans or additional information (see website for electronic document requirements) addressing this condition, including a covering letter shall be provided to Council for review.

3. APPROVED USE -DWELLING HOUSE

This application approves the use of the building on the site for the use as two single dwelling houses.

4. 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.

5. BONDI - ROSE BAY SAND BODY

This site is 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. Works may resume on the site pending receipt of express written permission from the NSW National Parks and Wildlife Service. 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.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

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

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

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 7.12 CONTRIBUTION

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

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

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

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

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

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

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

8. TREE PRESERVATION BOND

A bond of \$ **1,000** is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the newly planted two x *Tristanopsis laurina* street tree's on the naturestrip at the front of the site. The bond is to be lodged prior to the issue of a Construction Certificate.

The sum will be forfeited to the Council at its discretion for a breach of these requirements, and will be refunded twelve (12) months from the issue of the Occupation Certificate subject to the satisfaction of Council.

9. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of \$ **20,000** 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.

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

11. 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).

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.

12. 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.

13. 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.

14. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY

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

15. 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.

16. DILAPIDATION REPORTS

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

Please note the following:

- (a) The dilapidation report will be made available to affected property owners 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.

- (d) Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

17. STORMWATER MANAGEMENT

- (a) Prior to issuance of occupation certificate, certification is to be provided from a suitably qualified hydraulics engineer, that the stormwater system has been **constructed** in accordance with the approved stormwater management plans and to best engineering practice.
- (b) Under the current design, the orifice diameter of **each dwelling is to be 75mm**.

18. BASIX

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

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

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

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

19. 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.

20. TREE PRUNING OR REMOVAL ON ADJOINING PROPERTIES

Any pruning or removal of trees on adjoining properties 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 authorised by the land owner. If a tree is located on a boundary shared by two properties permission is required from both land owners for any tree pruning or tree removal.

21. SERVICE AUTHORITIES

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

22. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

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

The CVPPM shall:

- a. Show the size and number of trucks to be used during the various stages of the development.
- b. Show the route to be taken by trucks in (a) above within the Waverley Council area when gaining access to and from the site. Note, if it is considered with the information submitted that such vehicles cannot adequately and safely gain access to and from the site or where access into or out of the site may not be possible without the need to remove an unsatisfactory number of vehicles parked on the roadway in the vicinity of the site, the trucks may not be approved for use.
- c. Show the location and length of any proposed Works/Construction Zones.
Note:
 - (i) Such zones require the approval of the Waverley Traffic Committee and Council prior to installation.
 - (ii) It is illegal to park a truck exceeding 4.5tonnes on a roadway for more than one (1) hour unless signs are installed allowing such and illegal to barricade/ reserve a section of roadway without the prior approval of Council.
- d. Indicate the number of and where it is proposed to park light vehicles associated with staff/employees/contractors working on the site.

23. AMENDED LANDSCAPE PLAN

The Landscape Plan is to be amended by the following changes:

- (a) The landscape plan is to be updated to reflect the driveway and car parking amendments imposed under condition 2 of this consent.
- (b) The four *Dypsis decaryi* trees located at the rear boundary are to be deleted from the Tree Survey List and noted as to be retained.
- (c) The proposed location of the two new replacement street trees is to be clearly demonstrated on the plan.

The amended landscape plan is to be approved by the **Executive Manager, Development Assessment (or delegate)** prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

24. LONG SECTIONS OF DRIVEWAY

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

The long section drawings shall:

1. Be drawn at a scale of 1:25
2. Include reduced levels (RL's) of the Nancy Street carriageway, the kerb and gutter, footpath, paving within the property and the carport floor.
3. Include existing and design levels.
4. Include ground clearance of the B85 design vehicle using the ground clearance template contained in Appendix C of AS 2890.1: 2004 Off Street Car Parking.
5. Show the paving at property boundary being sloped to follow the longitudinal fall on the Council's concrete pathway at all points across the openings.
6. Show all paving on Council's land being sloped/ drained towards the roadway.

25. INSTALLATION OF AIR CONDITIONING

To ensure that the ecological sustainable objectives of the Waverley DCP 2012 – Amendment 6 are met, any air conditioning unit(s) installed within the building shall:

- (a) Be located behind the front building line and if visible suitably screened
- (b) Not be adjacent to neighbouring bedroom windows.
- (c) Not reduce the structural integrity of the building.
- (d) Not emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - (ii) before 7.00am and after 10.00pm on any other day.
- (e) Not provide noise emissions that exceed 5dBA above the ambient background noise level measured at the property boundary at any other time outside of (e).
- (f) Have sufficient manual or automated controls so it is used only when required;
- (g) Be an energy efficient reverse cycle air conditioning system that achieves as a minimum one star less than the maximum possible under the Australian Government air conditioning energy rating standard.
- (h) New or replacement air conditioning units are to have a minimum 2-star rating for cooling only. Reverse cycle air conditioning units are to have a minimum of 2-star rating on one cycle and 2-star rating on the alternate cycle.
- (i) Dehumidification from air conditioning systems must be harvested and reused on site provided it is treated to an adequate level suitable for the reuse application, otherwise a piped connection to Council's stormwater drainage system is required and there is to be no discharge to the footpath.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

26. 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.

27. 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.

28. 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.

29. 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.

30. COMPLIANCE WITH SAFE WORK NSW

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

31. 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).

32. 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;

33. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

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

34. 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.

35. EXCAVATION AND BACKFILLING

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

36. 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.

37. 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 Concrete & Aggregates Australia Technical Note TN68 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.

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 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. NATIONAL CONSTRUCTION CODE (NCC)

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

41. 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

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.

42. CERTIFICATE OF SURVEY – LEVELS

All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans.

43. SERVICE PIPES

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

44. STREET TREE PERMITTED TO BE REMOVED

Permission is granted to remove the *Agonis flexuosas* street tree situated on the naturestrip at 5 Nancy Street on the following conditions:

- (a) Plant two replacement trees on the naturestrip at 5 Nancy Street.
- (b) The trees are to be planted prior to the issue of the occupation certificate.
- (c) The trees are to be *Tristaniopsis laurina* Luscious of a minimum pot size of 100 litres and grown to AS 2302-2019 standard.
- (d) The trees must be planted by a qualified horticulturist experienced in planting super advanced trees.

45. 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.

46. NEW VEHICLE CROSSING

The existing vehicle crossing is to be demolished and a single shared crossing is to be constructed to provide access to the proposed **carports**. 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.

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. NO WORKS BEYOND BOUNDARIES

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

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

49. FINAL OCCUPATION CERTIFICATE

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

50. STORMWATER MANAGEMENT

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.

51. ALLOCATION OF STREET NUMBERS

- (a) The redevelopment of the property has led to the following allocation of primary address and sub- address numbering for a strata subdivisions dual occupancy:

- No. 5 - primary address site number
- Nancy Street - primary address location

As the redevelopment has sub-address sites the following sub-addressing will apply;

- No. 5A for Dwelling 2
- Nos. 5B for Dwelling 1

- (b) The address number for a sub-address site shall not consist of the primary address number on its own.
- (c) 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.
- (d) The sub-address numbers for the properties shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundaries located near the entry points and clearly visible from Nancy Street.
- (e) The sub-address numbers are to be positioned on the site prior to the issue of the Occupation Certificate
- (f) Any variation to the above premises numbering requires a new application to be lodged with Council.

52. VEHICLE TO BE PARKED WITHIN THE SITE

Any vehicles utilising the car spaces are to be parked fully within the confines of the site and are not to park over the public footway at any time.

E. STRATA SUBDIVISION

53. PLANS

Compliance in all respects with the architectural plans approved in Condition 1, except where amended by the conditions of consent.

54. SUBDIVISION

A Subdivision Certificate must be obtained from Council in accordance with Section 6.3 and Section 6.4 of the Environmental Planning and Assessment Act, 1979 prior to the registration of the subdivision plans.

55. COMPLIANCE CERTIFICATE – SYDNEY WATER

Before the release of the linen plan for subdivision, a compliance certificate under Section 73 of the Sydney Water Act, 1994, Part 6 Division 9 must be obtained from Sydney Water and submitted to Council or the Accredited Certifier. Sydney Water may require the construction of works and/or the payment of developer charges.

D.A. DRAWINGS Rev 14

CONCEPT DRAWINGS REVISIONS:

Revision: 01	Dated: 05/05/18	Presented plan area totals on plans
Revision: 02	Dated: 20/05/18	Amend plans as requested
Revision: 03	Dated: 28/05/18	Amend plans as requested
Revision: 04	Dated: 04/06/18	Amend plans as requested

ESTIMATING DRAWINGS:

Revision: 05	Dated: 18/06/18	Prepare drawings for estimating
Revision: 06	Dated: 18/06/18	Amend bed 2 windows (part obscure)
Revision: 07	Dated: 07/08/18	Amend windows as requested (see email dated 06/08/18)
Revision: 08	Dated: 27/08/18	Change awning window sashes to sliding (see email dated 2708/18)

PRELIMINARY CONSULTANTS DRAWINGS:

Revision: 09	Dated: 29/08/18	Prepare preliminary consultants drawings.
Revision: 10	Dated: 14/09/18	Amend to include raised roof storage and powder room highlight windows
Revision: 11	Dated: 22/10/18	Prepare Development Application drawings.

POST DEVELOPMENT APPLICATION AMENDMENTS:

Revision: 12	Dated: 04/04/19	Amend drawings to reflect strata sub-division.
Revision: 13	Dated: 04/04/19	Reduce area to reflect strata sub-division
Revision: 14	Dated: 04/04/19	Yet to be amended

COLOUR CODE FOR PLANS

When plans are submitted for a development application, Council requires the changes to be clearly shown on the plans.



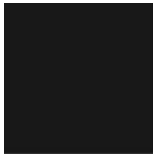
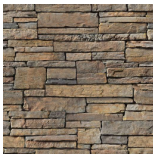

Council uses a standard set of colours so that no matter who deals with an application, they have an understanding of the works without referring to a legend.

Council requires four (4) copies of plans plus a CD to be submitted with any application, coloured according to the following list:

MATERIAL	COLOUR ON PLANS
Timber	Yellow
Demolition	Orange
Roof tiles	Light red
Paving (tiles, terracotta)	Light red
Internal tiles	Purple
Brick	Red
Steel, galvanised iron	Dark blue
Aluminium	Dark blue
Glass and glass bricks	Light blue
Concrete	Dark green
Fibre cement sheets / cement render	Light green
Sandstone and other natural stone	Light brown
Earth	Light brown
Marble	Mauve
Bituminous products	Grey

SCHEDULE of FINISHES:

Colours, Texture and Pattern shown on drawings are indicative only and may not accurately represent actual properties of building materials and textures.

ROOF:	WALLS:	WINDOW/DOOR FRAMES:	FEATURE WALL:	VERTICAL SLATS:
				
COLORBOND: Shale Grey	DULUX: Shale Grey	POWDER COATED: Nicht sky or similar	SANDSTONE: Dry stacked or similar	STAINED: To match sandstone

COMPLIANCE WITH THE BUILDING CODE OF AUSTRALIA:

Builder to carry out all construction in accordance with the provisions of the Building Code of Australia (BCA)

CONDITIONS:

Use figured dimensions in preference to scale.
All dimensions to be verified and checked on site prior to manufacture or construction.
All works to be carried out in accordance with Councils Development application notice of Determination

CONSULTANTS CHECKLIST:

Checked against Town Planners S.E.E.		Dated:
Checked against Structural Engineers drawings:	Drawing No:	Dated:
Checked against Development Consent: (Council)	Number:	Dated:
Checked against Landscape Architects Drawings:	Drawing No:	Dated:
Checked against Arboricultural Impact Assessment	Drawing No:	Dated:
Checked against Basix Report	Assessor No:	Cert. No:
Checked against Hydraulic Engineers drawings:	Drawing No:	Dated:

DRAWING LIST	
No	Sheet Name
01	COVERSHEET AND DRAWING LIST
02	PROPOSED ISOMETRIC VIEWS
03	SITE ANALYSIS PLAN
04	EXISTING SITE SURVEY
05	PROPOSED SITE PLAN and CALCULATIONS
06	EXISTING SITE DEMOLITION
07	PROPOSED GROUND FLOOR PLAN
08	PROPOSED FIRST FLOOR PLAN
8A	ROOF STORAGE AREA PLAN
09	PROPOSED ROOF LAYOUT
10	WEST and SOUTH ELEVATIONS
11	EAST and NORTH ELEVATIONS
12	SECTION A-A and B-B
13	SITE MANAGEMENT PLAN
14	DOOR and WINDOW SCHEDULE
15	BASIX COMMITMENTS SHEETS 1 TO 6
16	BASIX COMMITMENTS SHEETS 7 TO 10
17	BASIX COMMITMENTS SHEETS 11 & 12 + NatHERS
18	SHADOW DIAGRAMS FOR 21st JUNE
19	SHADOW DIAGRAMS FOR 21st MARCH/SEPTEMBER
20	SHADOW DIAGRAMS FOR 21st DECEMBER
21	STRATA PLAN LAYOUT

Oppidan Designer Homes
Unit 1, 15 Stanley Street,
St IVES. N.S.W. 2075.
Phone: 99884522

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NEUMANN DUPLEX
DEVELOPMENT APPLICATION

Council:	Zone:
Waverley	R2
Lot:	DP:
14	8538

PROPOSED RESIDENCE FOR:
Neumann Duplex
5 Nancy Street,
NORTH BONDI.

D.A.

Project No:	Design:
18-10	R.C.
Scale:	Date:
	05/04/18

Sheet No:	Revision 14
01	24/04/19





Isometric View 01



Isometric View 02



Isometric View 03



Isometric View 04



No 7 Nancy Street



No 5 + 3 Nancy Street

NOTES: All dimensions in millimetres unless otherwise noted. Figured dimension to be given preference over scale. Builder to check dimensions on site prior to commencement of work.
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Sheet Title:
PROPOSED ISOMETRIC VIEWS
NOTE: Isometric views indicate topography taken from the contours shown on the existing site plan. Ground level to perimeter walls indicates the finished level after backfilling, not excavated levels for construction.

North Point:

Council:
Waverley

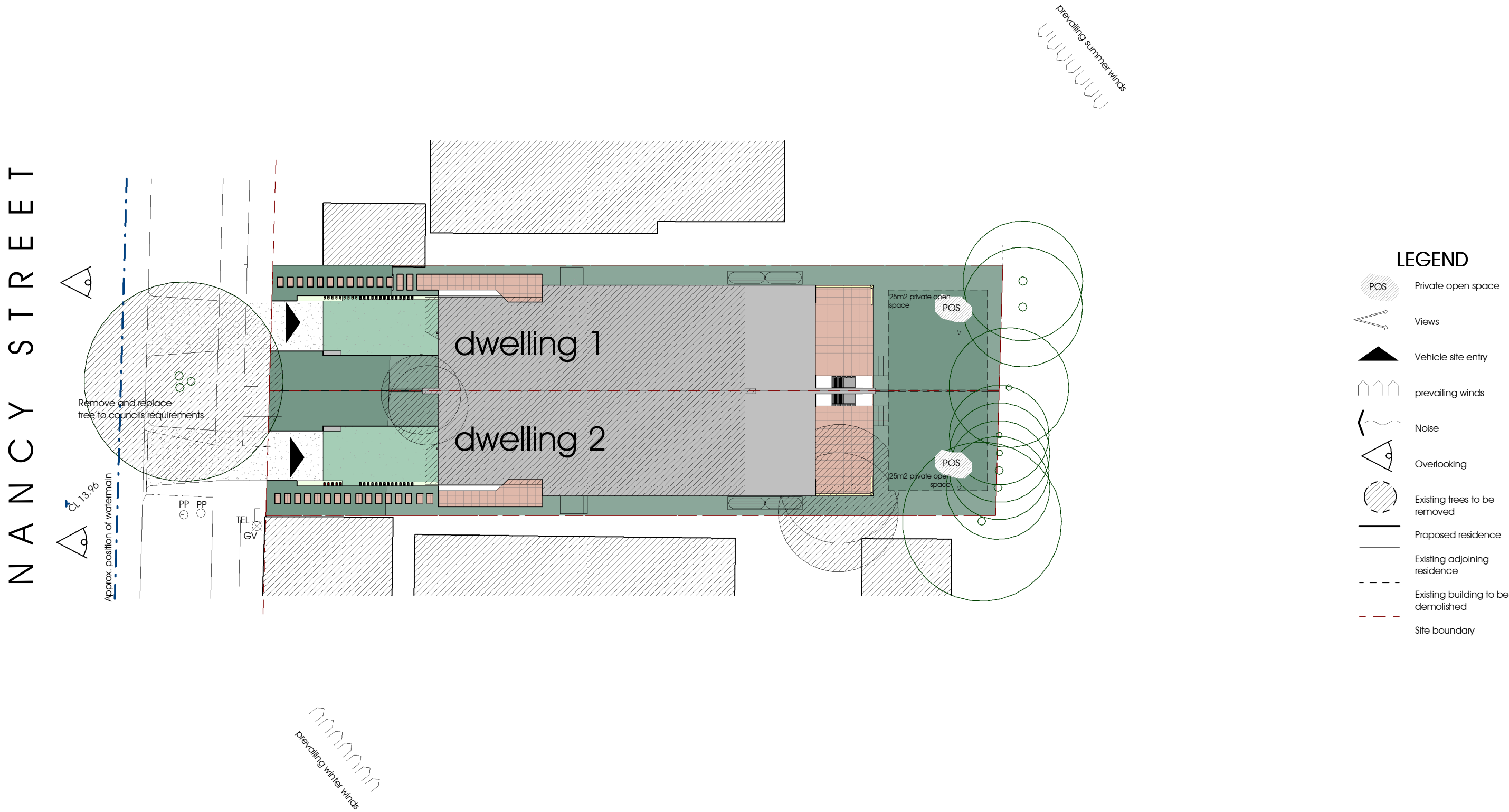
Zone:
R2

Proposed residence for:
Neumann Duplex
5 Nancy Street,
NORTH BONDI.

Project No:
18-10

Drawn by:
R.Chapman

Sheet No:
02
Revision 14
24/04/19



PROPOSED SITE ANALYSIS

1 : 200

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Sheet Title:

SITE ANALYSIS PLAN

North Point:

Council:

Waverley

Lot:

14

Zone:

R2

DP:

8538

Proposed residence for:

Neumann Duplex
5 Nancy Street,
NORTH BONDI.

Project No:

18-10

Scale:

1 : 200

Drawn by:

R.Chapman

Date:

05/04/18

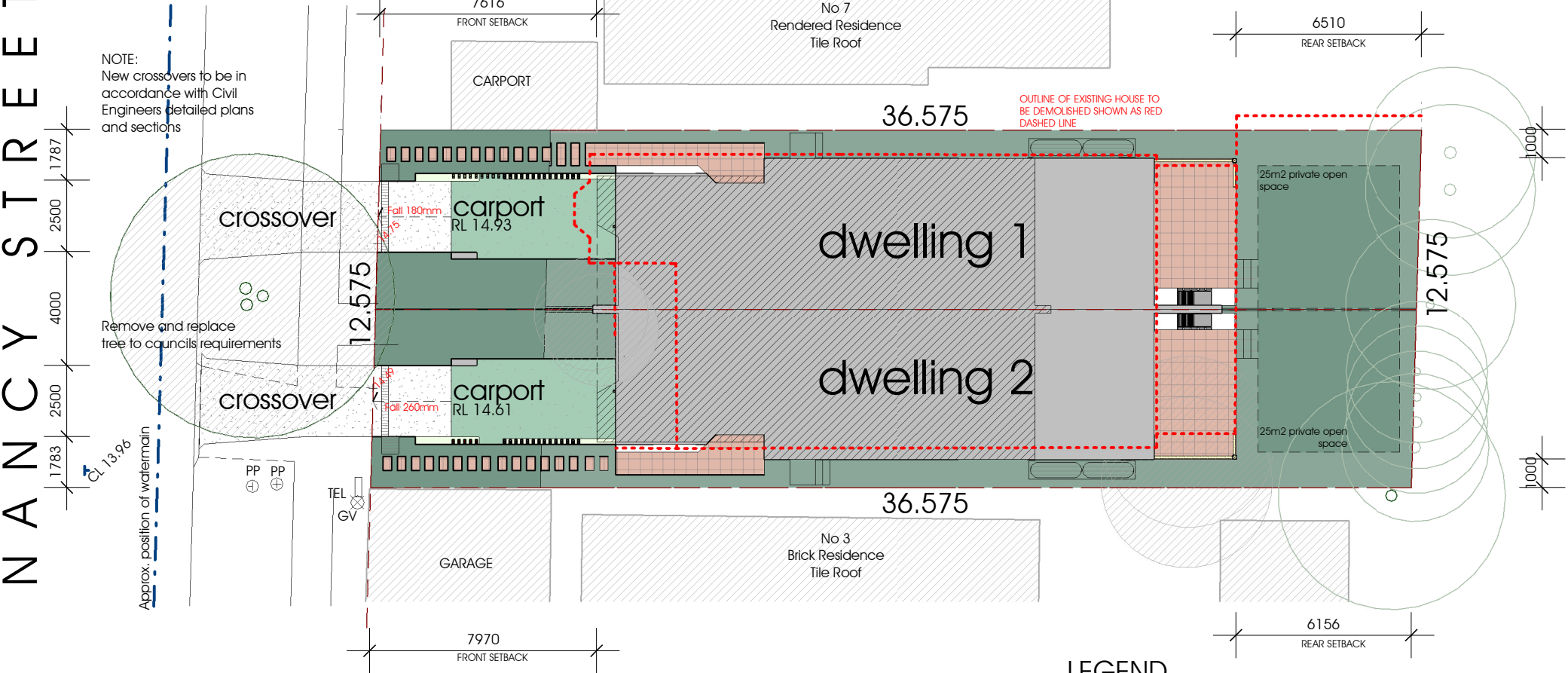
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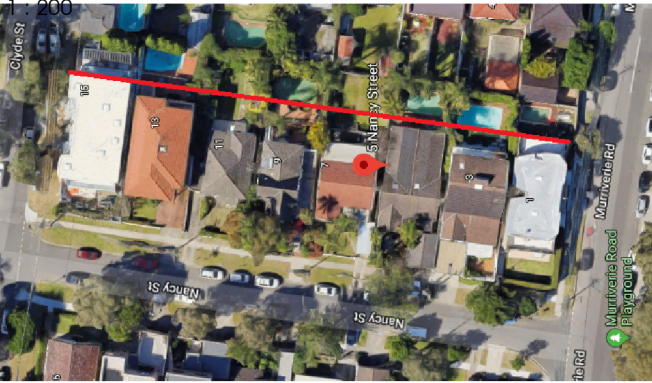
Revision 14

24/04/19

NEW HOMES AND RENOVATIONS
Unit 1, 15 Stanley Street, ST IVES
N.S.W.2075 Phone 02 9455 4522
Designer Homes 293

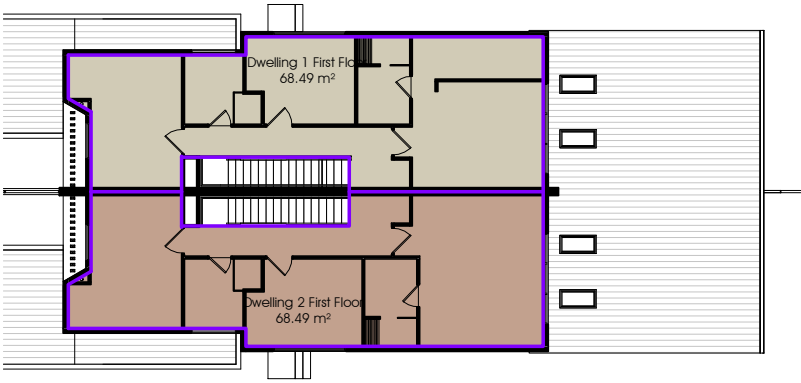
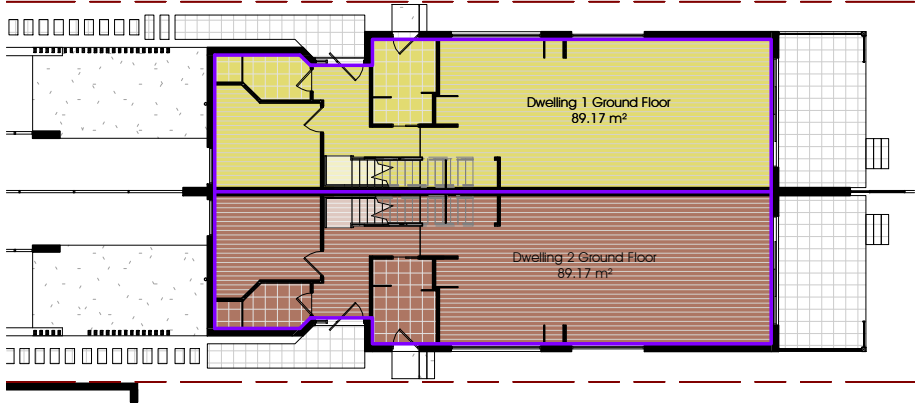


PROPOSED SITE PLAN



LEGEND

- EXISTING GROUND FLOOR
- PROPOSED GROUND FLOOR
- PROPOSED FIRST FLOOR
- LANDSCAPE AREA INCL. IN CALCS.
- EXISTING TREES
- TREES TO BE REMOVED
- EXISTING ROCK
- ADJOINING PROPERTIES



AREA SCHEDULE

Dwelling 1 First Floor	68.49 m ²
Dwelling 1 Ground Floor	89.17 m ²
Dwelling 2 First Floor	68.49 m ²
Dwelling 2 Ground Floor	89.17 m ²
Grand total	315.33 m ²

GROUND FLOOR

FIRST FLOOR

1 : 250

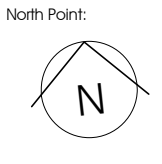
1 : 250

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Sheet Title:

PROPOSED SITE PLAN and CALCULATIONS



Council: Waverley

Lot: 14

Zone: R2

DP: 8538

Proposed residence for: Neumann Duplex 5 Nancy Street, NORTH BONDI.

Project No: 18-10

Scale: As indicated

Drawn by: R.Chapman

Date: 05/04/18

Sheet No: 05

Revision 14

24/04/19



SITE NOTES:

PERIMETER FENCING:
The Builder is to provide perimeter fencing to restrict public access to the construction site.

SETBACK DIMENSIONS:
Building line setbacks and perimeter walls are to be confirmed by peg a out survey

INTERNAL SITE DRIVEWAYS:
Internal site driveways shall have a maximum grade of 20% with a maximum change in grade at any point of 12.5% and transition lengths of 2m to meet the provisions of Australian Standard AS 2890.1 - 1993 - Parking Facilities - Part 1 - Off Street Car Parking. Unless otherwise accepted by council.

LANDSCAPE CONCEPT PLAN:
Refer to the Landscape Concept Plan prepared by landscape Architect or suitably qualified person. Landscape plan to be read in conjunction with this plan.

RETAINING WALLS:
No responsibility has been taken for the structural integrity of all existing retaining walls on the site. Proposed retaining walls are to be in accordance with structural engineers detailed drawings and specifications.

SITE PEG OUT:
Builder to provide a surveyors peg out of the perimeter walls of the proposed new work and adjust dimensions as necessary.

CONTROLS:
SOFT LANDSCAPING
WAVERLEY COUNCIL:

Site Area (Total):	Zone R2 459.70 m ²
Minimum landscaped percentage:	15%
Minimum landscaped area:	69.00 m ²
Proposed landscaped percentage:	36.00 %
Proposed landscaped area:	165.80 m ²
COMPLIANCE IS ACHIEVED	

FRONT SETBACK LANDSCAPING:
Minimum landscape: 50% of 75.45 m² 37.72 m²
Proposed landscape area 37.72 m²
COMPLIANCE IS ACHIEVED

FLOOR SPACE RATIO
WAVERLEY COUNCIL:

Site Area (Total):	Zone R2 459.70 m ²
Maximum FSR:	0.5993 : 1
Maximum gross floor area:	275.490 m ²

PROPOSED:
Total gross floor area: 315.33 m²
Proposed FSR: 0.68:1
39.84m2 (14.3%) OVER COMPLIANCE

OPEN SPACE
WAVERLEY COUNCIL:

Site Area (Total):	Zone R2 459.70 m ²
Required Open Space 40%	184.00m ²

PROPOSED:
Proposed open space 41.45% 190.60 m²
COMPLIANCE IS ACHIEVED

DEMOLITION LEGEND and NOTES

- Demolish and remove Residence
- Remove trees (Subject to approval)
- Demolish and remove all hardsurfaces to the entire site.
- Demolish and remove existing retaining walls as necessary for the execution of the building work.
- Cut and seal all services as necessary

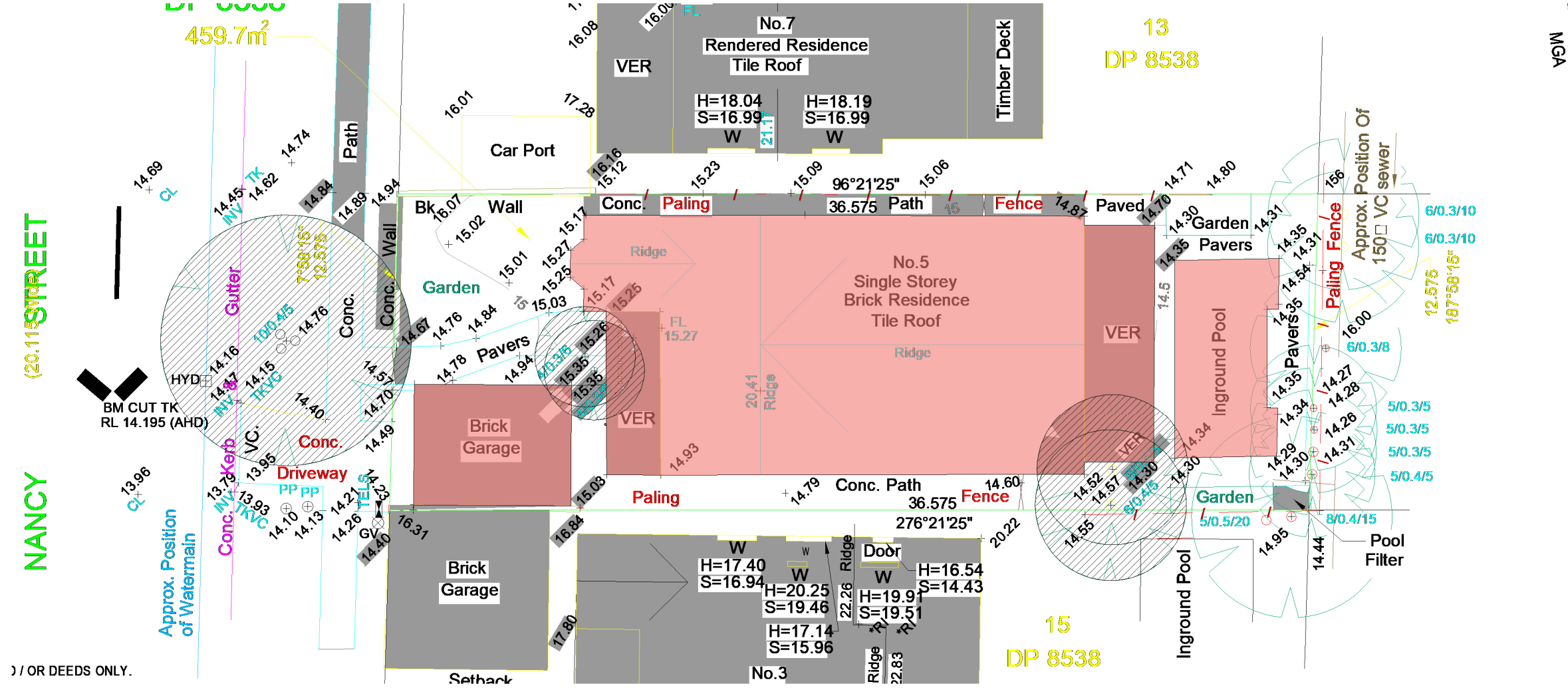
CONSTRUCTION SITE MANAGEMENT PLAN:
The Builder shall provide a Construction Site Management Plan in accordance with councils conditions.

DEMOLITION WORK PLAN:
The Builder shall provide a Demolition Work Plan in accordance with Australian Standard AS 2601-2001 if requested by council or the certifier.

NOTE:
The demolition work shall comply with the provisions of Australian Standard AS2601:2001 The Demolition of Structures.
The work plans required by AS2601:2001 shall be accompanied by a written statement from a suitably qualified person the the proposei contained in the work plan comply with the safety requirements of the standard.
The work plan and the statement of compliance shall be submitted to the satisfaction of the Principal Certifying Authority prior to the commencement of any works.

ASBESTOS REMOVAL:
All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Friable Class A Asbestos Removal Licence. Removal must be carried out in accordance with the 'Code of Practice on how to safely remove asbestos' published ny WorkCover NSW (catalogue no. WC03561) and Councils Asbestos Policy.

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 indentify which properties are within the likely "zone of influence".



)/ OR DEEDS ONLY.

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Sheet Title:

EXISTING SITE DEMOLITION

North Point:

Council:

Waverley

Zone:

R2

Proposed residence for:

Neumann Duplex
5 Nancy Street,
NORTH BONDI.

Project No:

18-10

Drawn by:

R.Chapman

Sheet No:

06

Revision 14

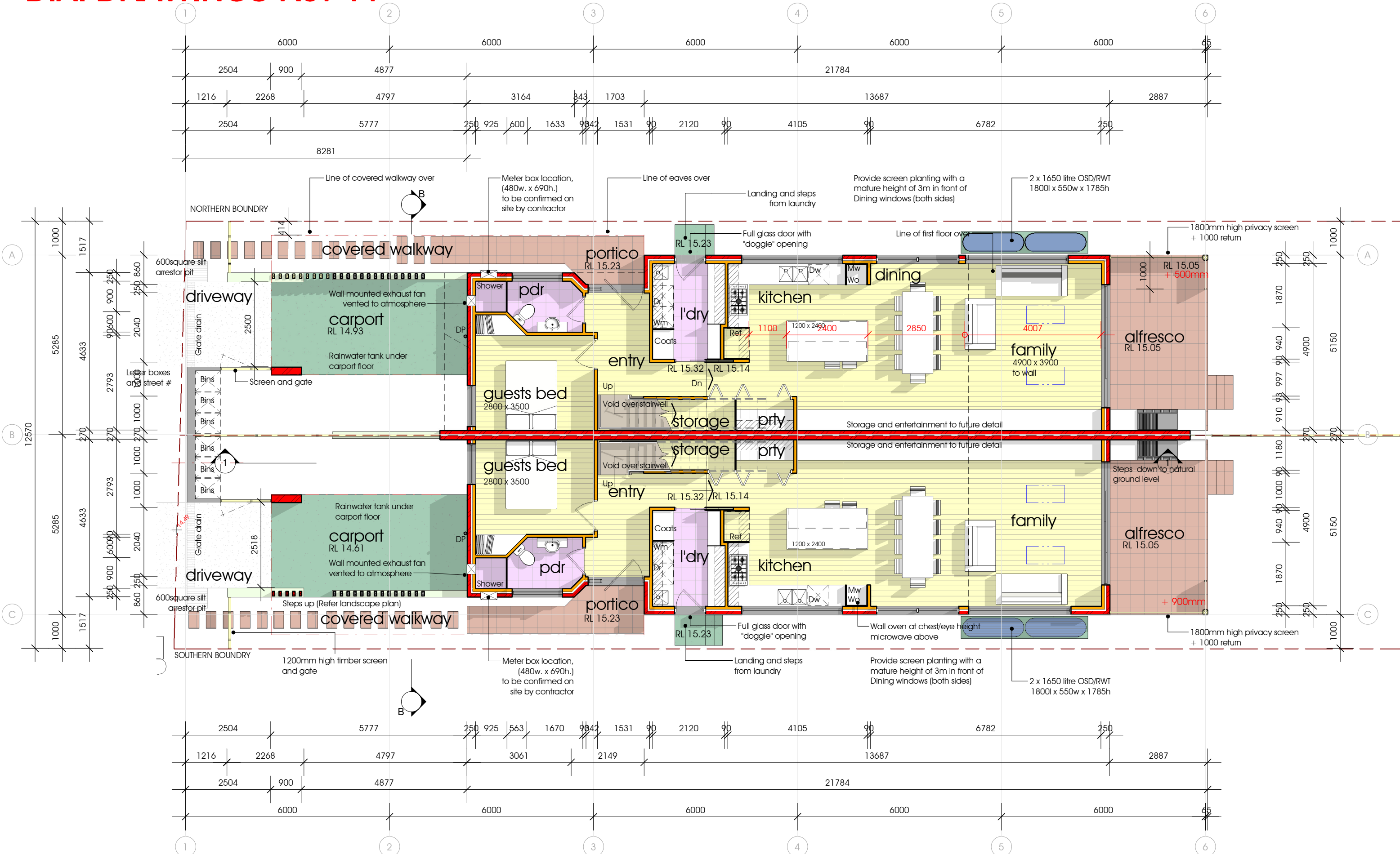
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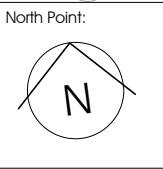
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Sheet Title:
PROPOSED GROUND FLOOR PLAN



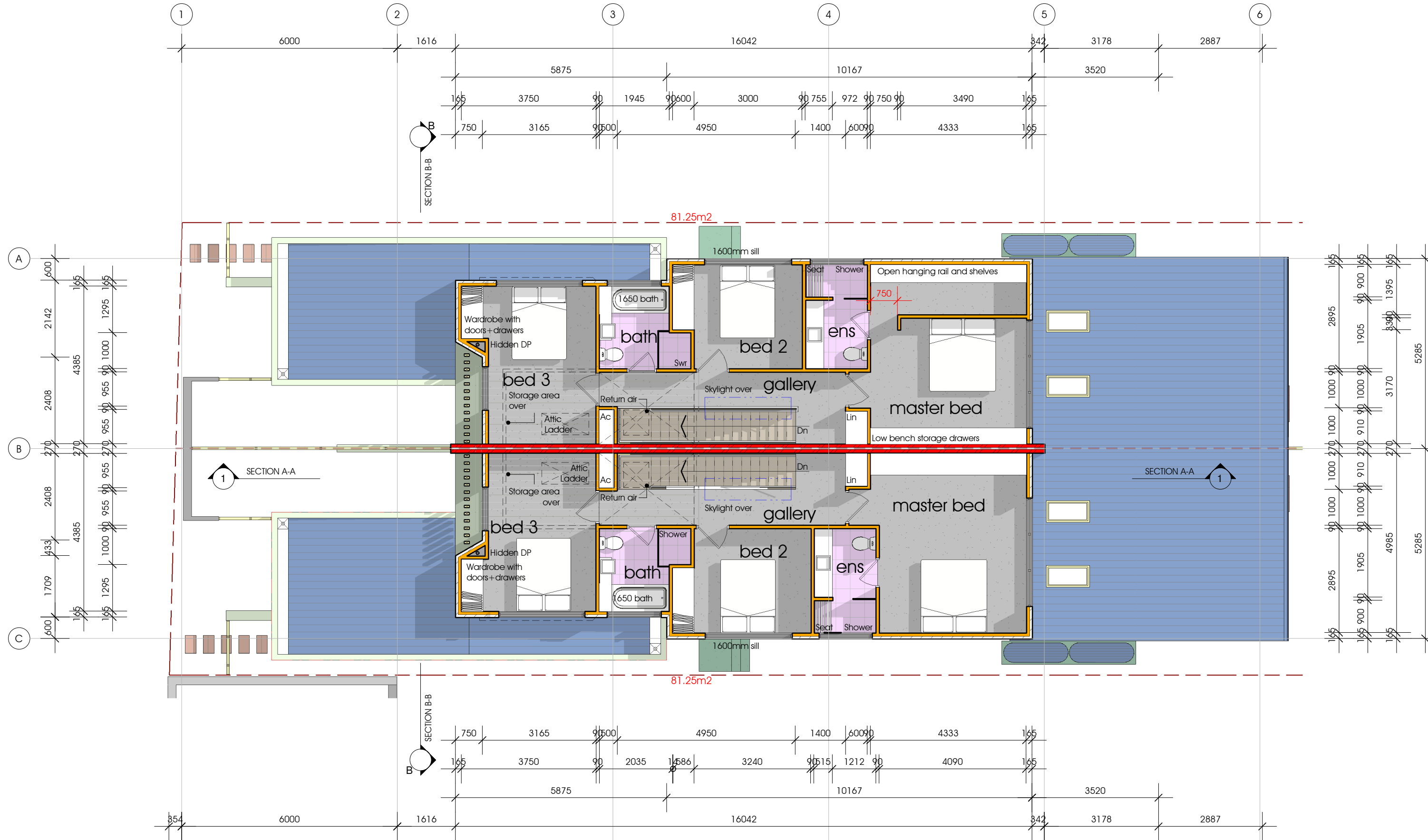
Council:	Waverley	Zone:	R2
Lot:	14	DP:	8538

Proposed residence for:
Neumann Duplex
5 Nancy Street,
NORTH BONDI.

Project No:	18-10	Drawn by:	R.Chapman
Scale:	1 : 100	Date:	05/04/18

Sheet No:	07
Revision 14	24/04/19



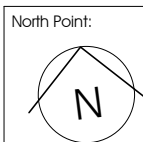


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Sheet Title: 1 2

PROPOSED FIRST FLOOR PLAN



North Point:



3 Council:

Waverley

Lot:

14

Zone:
R2

DP:
8538

Proposed residence for:
Neumann Duplex
5 Nancy Street,
NORTH BONDI.

Project No:
18-10

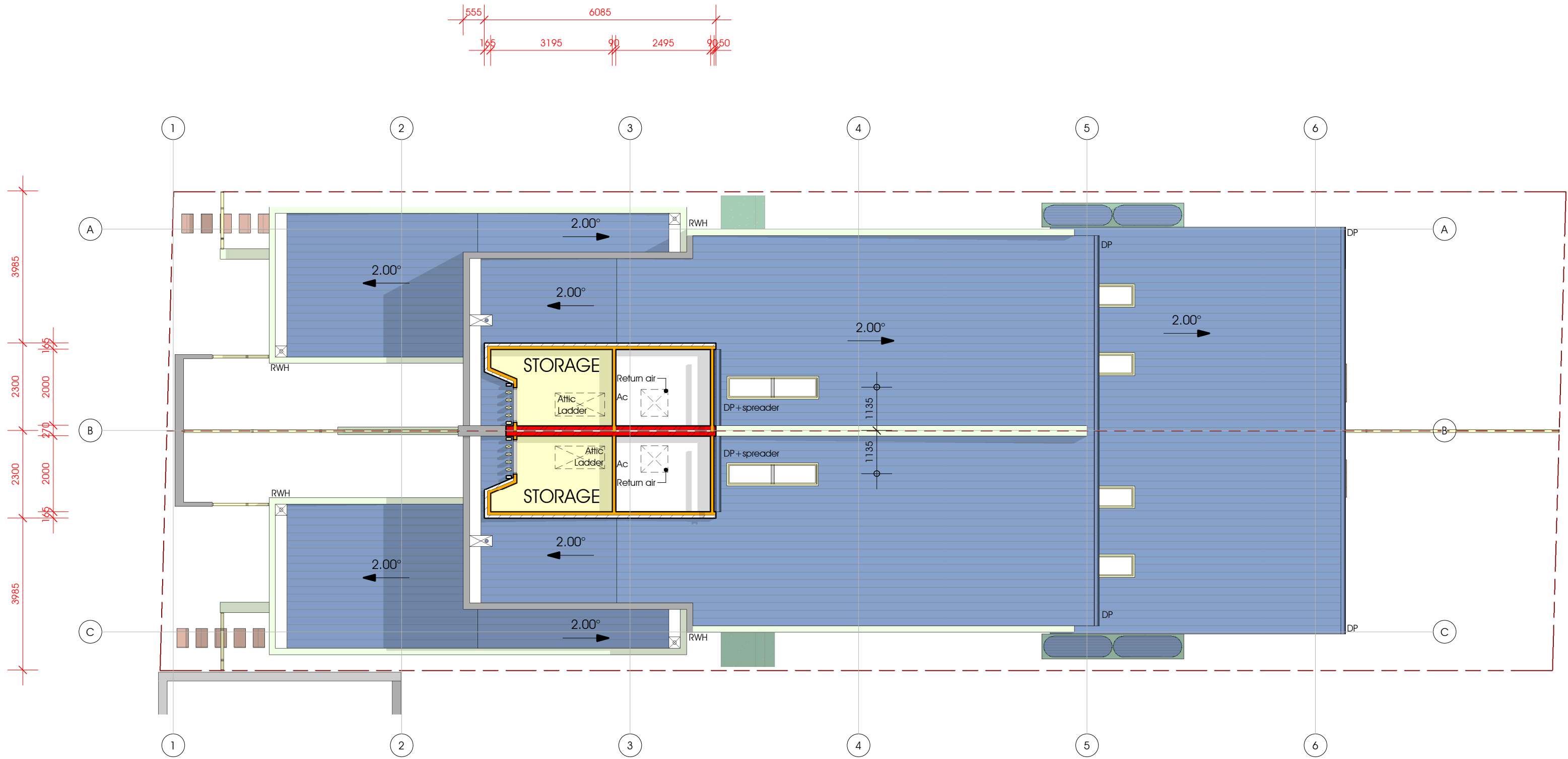
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Drawn by:
R. Chapman

Date:
05/04/18

Sheet No:
08
Revision 14
24/04/19





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Sheet Title:
ROOF STORAGE AREA PLAN

North Point:

Council:
Waverley

Lot:
14

Zone:
R2

DP:
8538

Proposed residence for:
Neumann Duplex
5 Nancy Street,
NORTH BONDI.

Project No:
18-10

Scale:
1 : 100

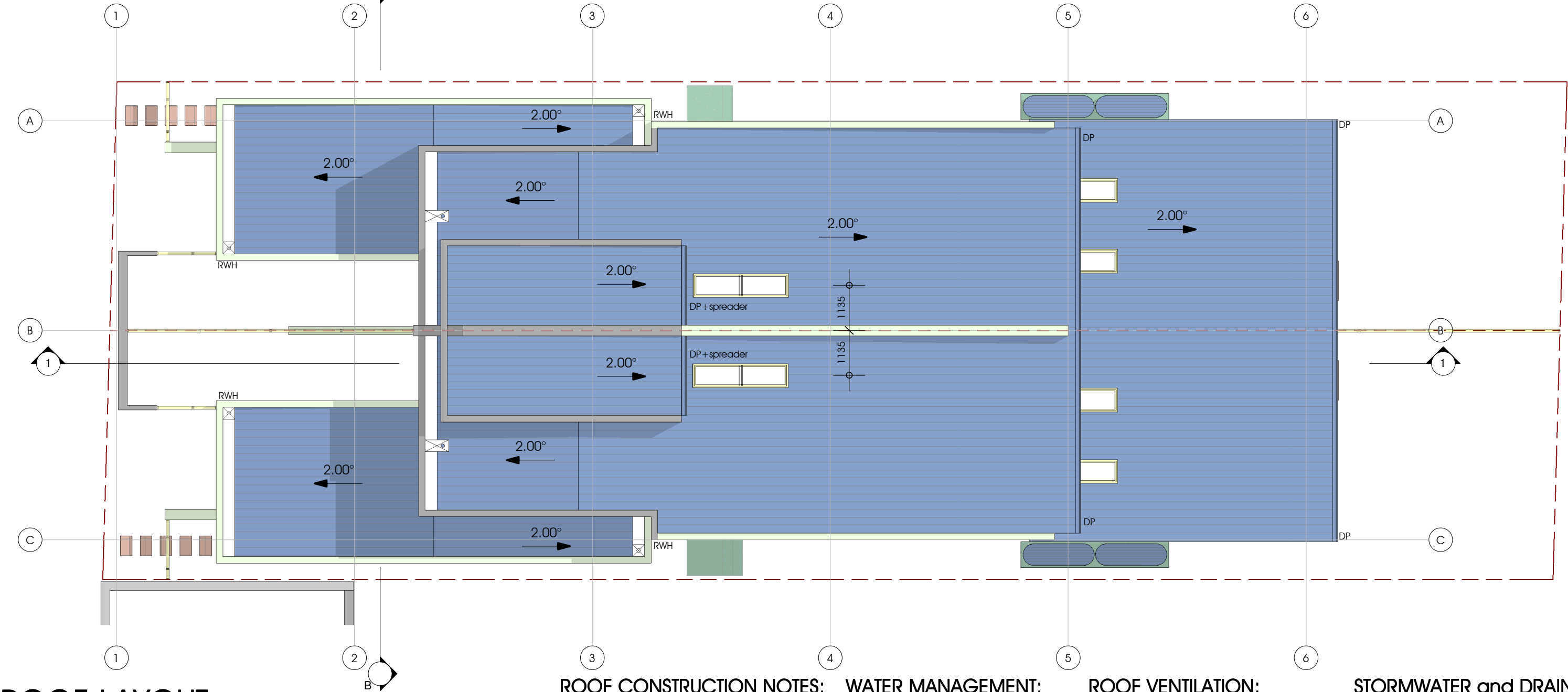
Drawn by:
R.Chapman

Date:
05/04/18

Sheet No:
8A

Revision 14
24/04/19

OPPIDAN
NEW HOMES AND RENOVATIONS
Unit 1, 15 Stanley Street, St Ives,
N.S.W.2075
Designer Homes



ROOF LAYOUT

1 : 100

ROOF CONSTRUCTION NOTES:

STRUCTURAL MEMBERS:
All structural steel work to be in accordance with engineer's detailed drawings and specifications.
All timber frame construction to be in accordance with the Light Timber Framing Code of Australia.
Gangnail roof trusses to be in accordance with manufacturers details unless otherwise specified.

ROOF CLADDING and PITCH:
The roof will be clad with selected colorbond custom orb at 25° pitch.

EAVES:
Eave width to be 900mm from face of wall to inside of fascia unless lined following the rake of the roof with "V" jointed timber lining boards. (refer to section for further detail)

GUTTERS and DOWNPIPES:
Timber fascia with purpose made gutter behind to future detail, round PVC downpipes suitable for connection to the water tank.

WATER MANAGEMENT:

MANAGEMENT STRATEGY:
Stormwater drainage and water management strategy plan to be in accordance with final details provided by the Engineers and in accordance with councils requirements.

COUNCILS DCP:
All construction to be in accordance with council's DCP for stormwater management and stormwater specifications.

COUNCILS DCP:
All construction to be in accordance with council's DCP for stormwater management and stormwater specifications.

TOTAL IMPERVIOUS AREA:
See sheet 4: 00m2

TOTAL ROOF AREA:
Total roof area is 00m2

DOWNPIPES:
Generally AS/NZS 3500.3 requires the maximum catchment per downpipe is 47m2..

ROOF VENTILATION:

ROOF VOID VENTILATION:
Provide Solar Star powered fan-driven RM1600 to all roof voids in accordance with manufactures recommendations and specifications.

STORMWATER and DRAINAGE:

1. All pipes and fittings to be 100dia. UPVC stormwater classification to AS 1254 at 1.0 min grade unless noted otherwise on plan, subject to final design.
2. Install temporary sediment barriers to inlet pits, to councils standards until surrounding areas are paved or grassed.
3. Contractor is to verify the level of all existing services prior to commencement of excavation for drainage.
4. All bases of pits to be benched to half pipe depth and provide galvanised angle surrounds to grate.
5. Downpipes shown are indicative only, all roof guttering and downpipes to AS/NZ 3500.3:2003.
6. Stormwater pit locations and levels may be varied to suite site conditions, after consultation with engineer.
7. All courtyard and landscape pits to be 450mm square unless otherwise noted.
8. Hand excavate stormwater pipes in vicinity of tree roots.
9. All work to be carried out in accordance with councils specifications.

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Sheet Title:

PROPOSED ROOF LAYOUT

North Point:

Council:

Waverley

Lot:

14

Zone:

R2

DP:

8538

Proposed residence for:

Neumann Duplex
5 Nancy Street,
NORTH BONDI.

Project No:

18-10

Scale:

1 : 100

Drawn by:

R.Chapman

Date:

05/04/18

Sheet No:

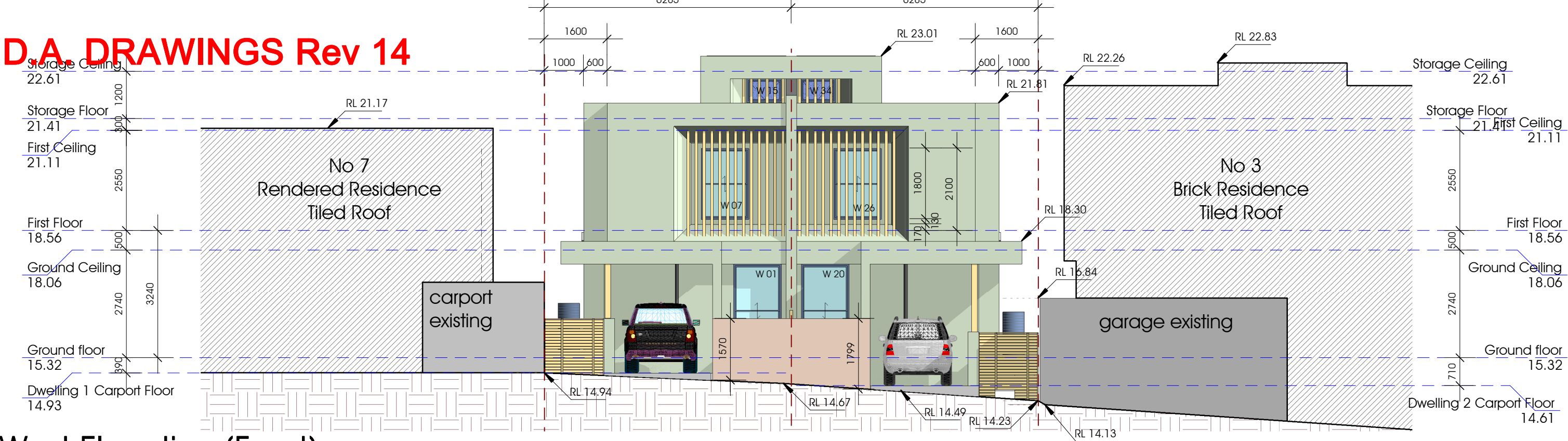
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Revision 14

24/04/19

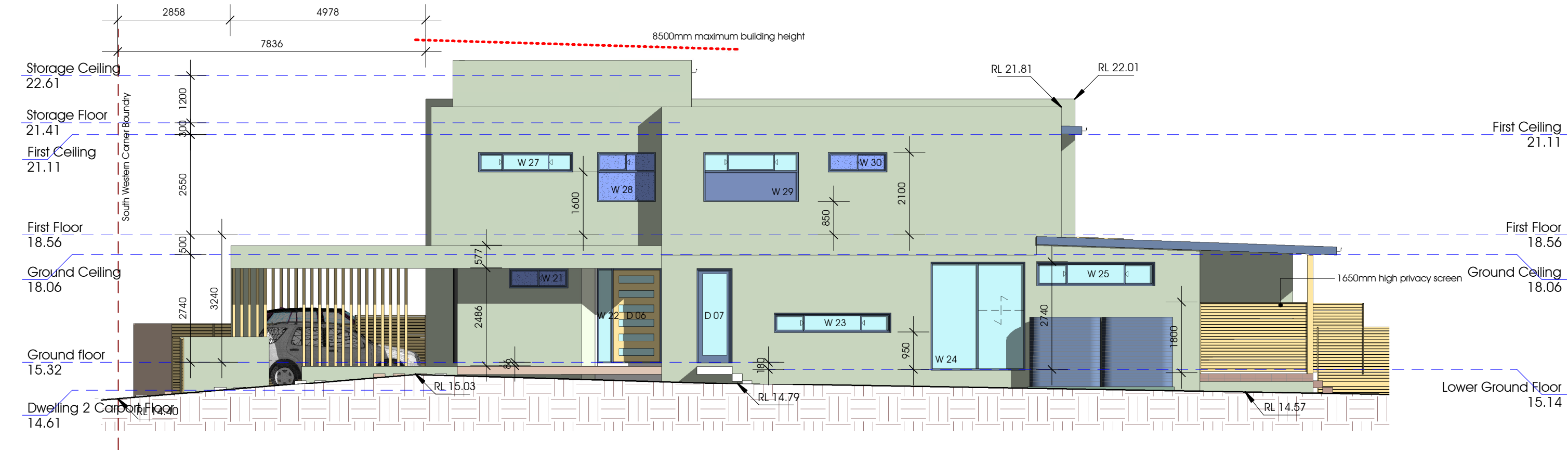
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NEW HOMES AND RENOVATIONS
Unit 1, 15 Stanley Street, ST IVES,
N.S.W. 2075 - PH: 02 9397 1515
Designer Homes **3010**





West Elevation (Front)

1 : 100



South Elevation (Side)

1 : 100

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Sheet Title:
WEST and SOUTH ELEVATIONS

North Point:

Council:
Waverley

Zone:
R2

Proposed residence for:
Neumann Duplex
5 Nancy Street,
NORTH BONDI.

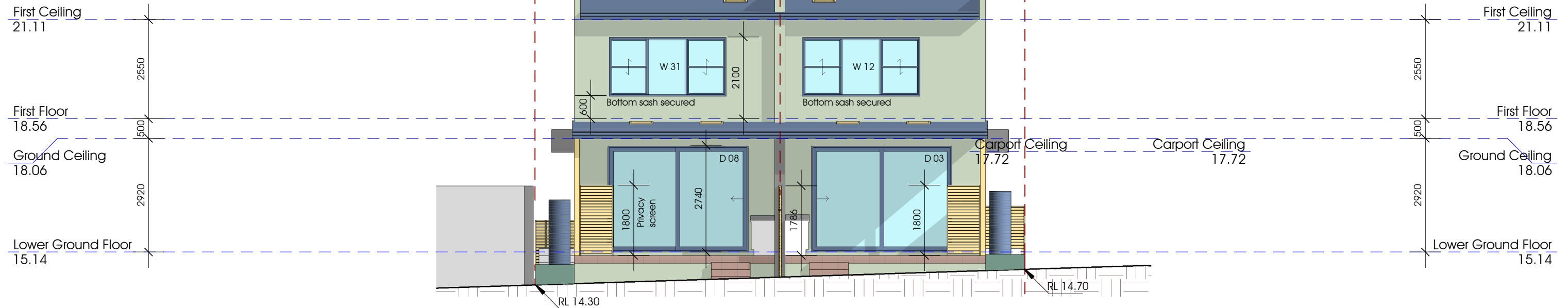
Project No:
18-10

Drawn by:
R.Chapman

Sheet No:
10
Revision 14
24/04/19

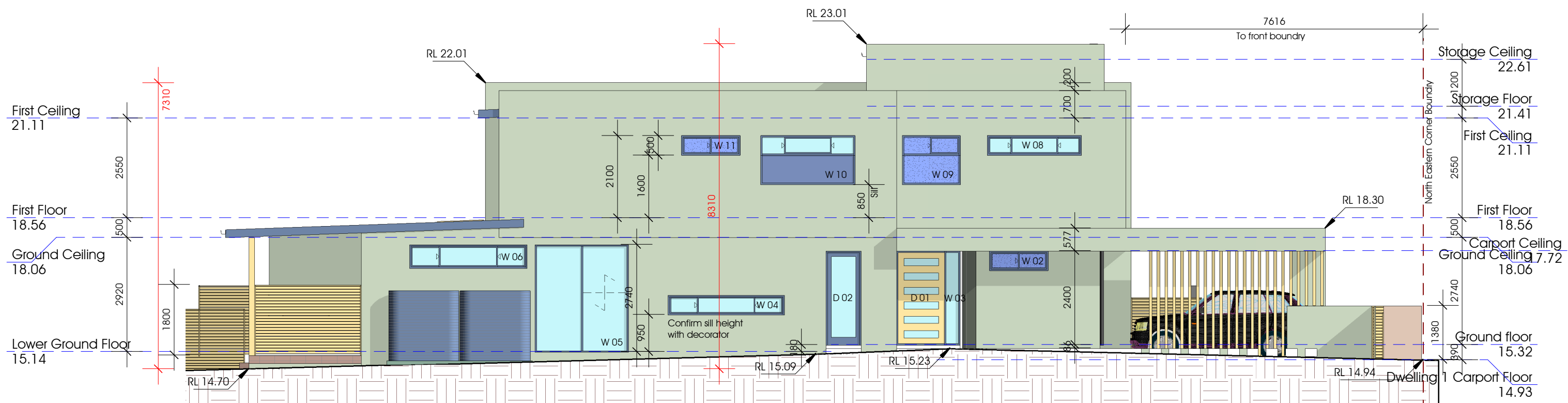
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NEW HOMES AND RENOVATIONS
Unit 1, 15 Stanley Street, ST IVES,
N.S.W. 2075. Phone: 02 9399 4559
Designer Homes **301**

D.A. DRAWINGS Rev 14



East Elevation (Rear)

1 : 100



North Elevation (Side)

1 : 100

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Sheet Title: EAST and NORTH ELEVATIONS

North Point:

Council:
Waverley

Lot: 14

Zone: R2

DP:
8538

Proposed residence for:
Neumann Duplex
5 Nancy Street,
NORTH BONDI.

Project No:
18-10

Scale:
1 : 10

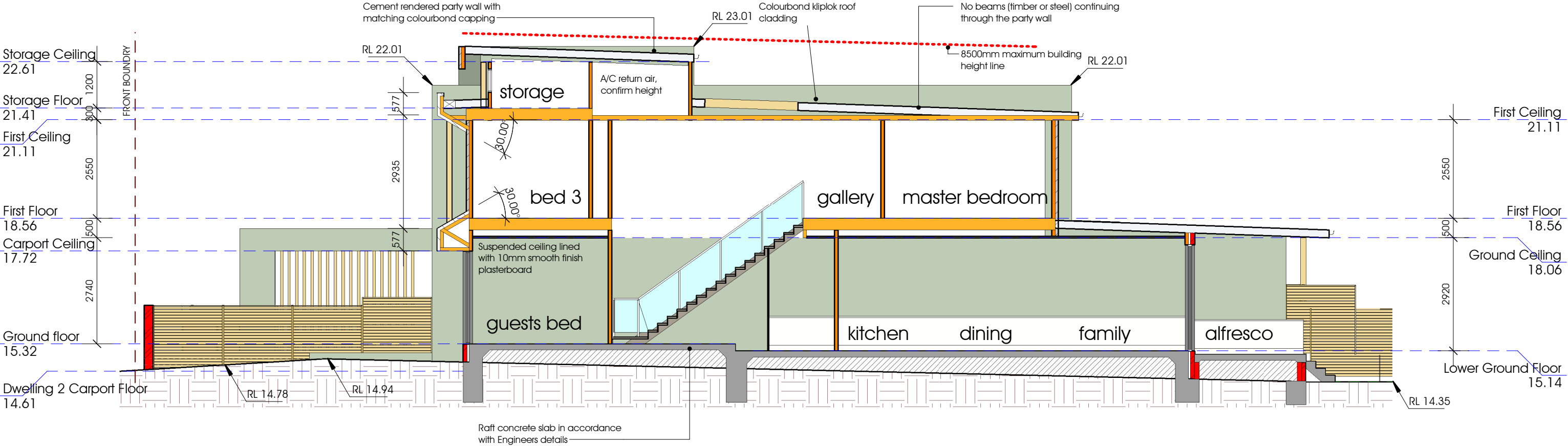
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R.Chapman

Date:
05/04/18

Sheet No:

11
Revision 14
24/04/19

 **OPPIDAN**
NEW HOMES AND RENOVATIONS
Unit 1, 15 Stanley Street, ST IVES.
N.S.W. 2075 PH: 02 9439 4422
Designer Homes 30 Ltd



SECTION A - A

1 : 100



SECTION B - B

1 : 100

CONSTRUCTION NOTES:

- STRUCTURAL STEELWORK:**
All structural steel work to be in accordance with engineer's detailed drawings and specifications.
- TIMBER ROOF AND FRAME:**
All timber frame construction to be in accordance with the Light Timber Framing Code of Australia.
- FOOTINGS AND SLABS:**
All strip footings and pads to be in accordance with engineers details. Raft concrete slab in accordance with Engineers details.
- FASCIA AND GUTTERS:**
Colorbond fascia, quad gutters and downpipes.
- WALL AND CEILING LININGS:**
10mm smooth finish plasterboard wall and ceiling linings throughout unless otherwise specified.
- DOOR AND WINDOW FRAMES:**
All windows and door frames to be selected aluminium in accordance with Basix, unless otherwise specified.
- BULKHEADS AND SUSPENDED CEILINGS:**
Allowance must be made in the first floor or with bulkheads to the ground floor ceiling for any air conditioning ducts, plumbing, drainage traps or pipework as necessary.

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Sheet Title:
SECTION A-A and B-B

North Point:

Council:
Waverley

Zone:
R2

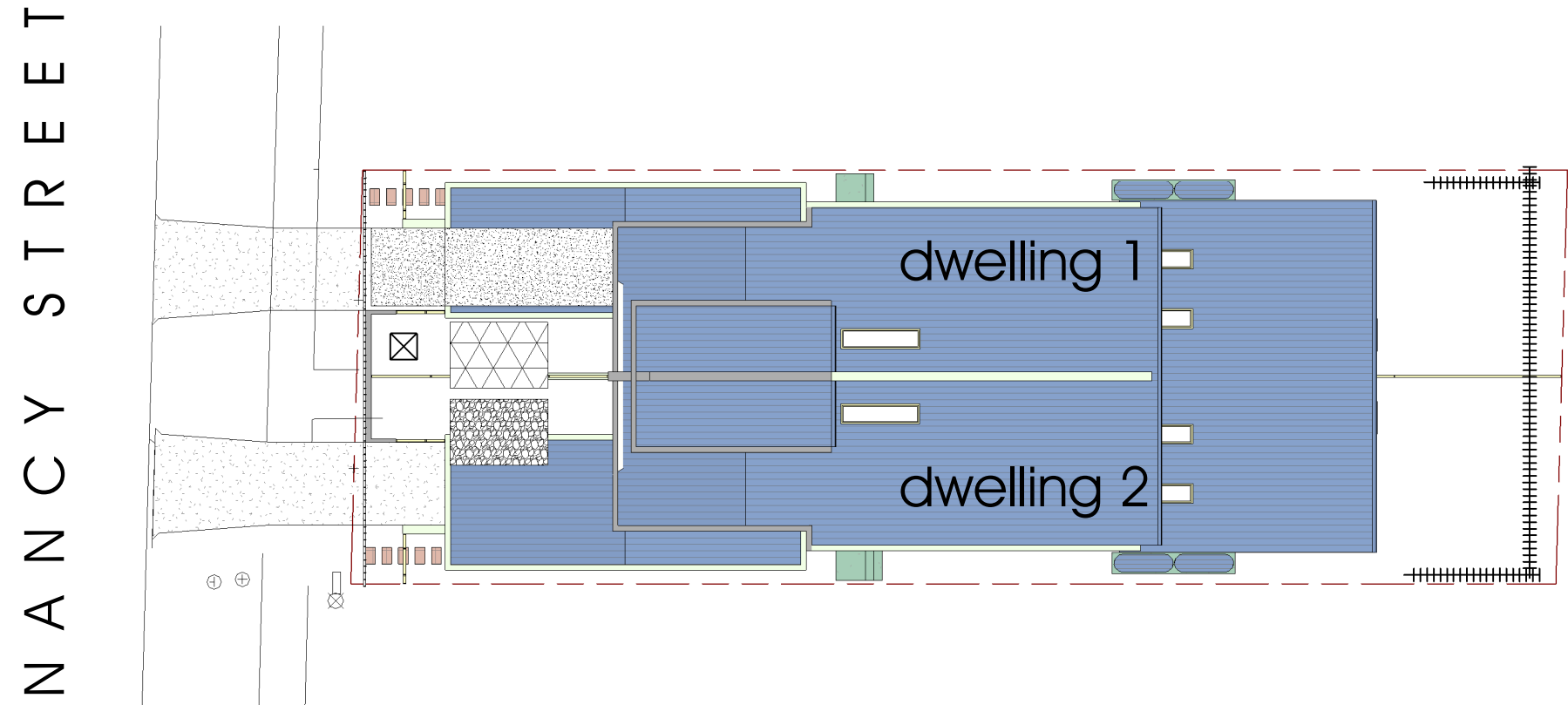
Proposed residence for:
Neumann Duplex
5 Nancy Street,
NORTH BONDI.

Project No:
18-10

Drawn by:
R.Chapman

Sheet No:
12
Revision 14
24/04/19

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OPPIDAN
NEW HOMES AND RENOVATIONS
Unit 1, 15 Stanley Street, ST IVES,
N.S.W. 2075 Phone 02 9376 5555
Designer Homes **303**

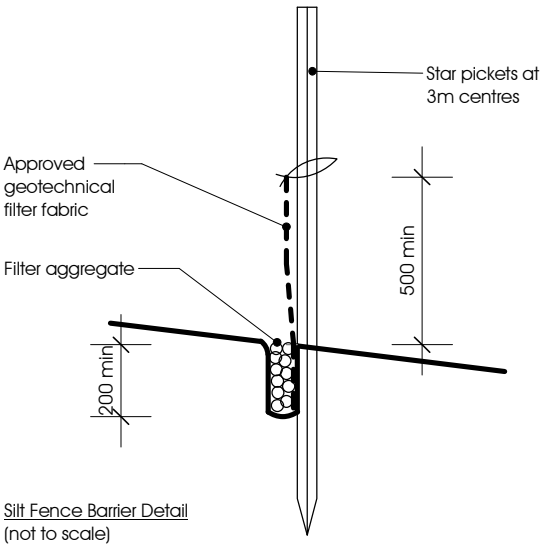


LEGEND

- Building material storage
- Waste material storage
- Temporary builders driveway
- Chemical toilet
- Sediment control fence
- Temporary security fence

NOTE: All waste material to be taken to an approved waste disposal site

- GENERAL NOTES:**
1. All existing trees to be retained unless otherwise shown on architects plans or landscape drawings. Retained trees to be protected with a high visibility fence, plus flagging to individual trees as necessary.
 2. Retain all existing grass cover where possible.
 3. Sediment and erosion controls to be in place prior to commencement of any earthworks or demolition activity.
 4. Install temporary sediment barriers to all inlet pits likely to collect silt laden water, until surrounding area have been paved or re-grassed.
 5. All silt fences and barriers to be maintained in good order and regularly de-silted during the construction period.
 6. It is the responsibility of the contractor to ensure that all measures are taken during the course of construction to prevent sediment erosion and pollution of the downstream system.
 7. Waste materials are to be stockpiled or loaded into skip bins located as shown on plans.
 8. Stockpiles of loose materials such as sand, soil and gravel must be covered with sediment fence material. Plastic sheeting or membrane must not be used. Safety barricading should be used to isolate stockpiles of solid materials such as steel reinforcing, formwork and scaffolding.
 9. All vehicles leaving the site must pass over the 'ballast' area to shake off site clay and soil. Wheels and axles to be hosed down if necessary. Ballast is to be maintained and replaced as necessary during the construction period.
 10. Trucks removing excavated material should travel on stabilised construction paths and material should be taken to the truck to reduce truck movement on the site. Trucks to be limited to single unit heavy rigid vehicles (no semi-trailers).
 11. Any sediment deposited on the public way, including footpath reserve and road surface is to be removed immediately.
 12. Provide barriers around all construction works within the footpath area to provide safe access for pedestrians.
 13. Concrete pumps and cranes are to operate from within the ballast entry driveway area and are not to operate from the public roadway unless specific council permission is obtained
 14. Delivery vehicles must not stand within the public roadway for more than 20 minutes at a time.
 15. Any excavation work adjacent to adjoining properties or the public roadway is not to be commenced until the structural engineer is consulted and specific instructions received from the engineer.
 16. Toilet facilities must be either a flushing type or approved portable chemical closet. Chemical closets are to be maintained and serviced on a regular basis so that offensive odour is not emitted.
 17. All excavation adjacent to adjoining properties or the road reserve will be retained in accordance with structural engineer's on-site directions.



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Sheet Title:

SITE MANAGEMENT PLAN

North Point:

Council:

Waverley

Zone:

R2

Proposed residence for:

Neumann Duplex
5 Nancy Street,
NORTH BONDI.

Project No:

18-10

Drawn by:

R.Chapman

Sheet No:

13

Revision 14
24/04/19

Designer Homes



D.A. DRAWINGS Rev 14

SCHEDULE LEGEND

FRAME		
SA	-	Standard aluminium
IA	-	Improved aluminium
TF	-	Timber framed or uPVC
GLAZING		
SC	-	Single clear
SP	-	Single pyrolytic low-e
ST	-	Single toned
CP	-	Comfort Plus
DC	-	Double clear
PO	-	Part Obscure

GENERAL NOTES:
All windows marked as obscure in the schedule will have white translucent glazing.
BCA requires protection for opening windows in all bedrooms where the floor below the window is more than 2000mm above the surface beneath.
The affected windows are to be fitted with either a device to restrict the window opening or a suitable screen, so a 125mm diameter sphere cannot pass through.
The device or screen must also be able to withstand an outward horizontal force of 250N.
Bottom sash of first floor double hung windows that are 1800 high or greater to be screw locked shut by manufacturer.

BASIX COMMITMENTS

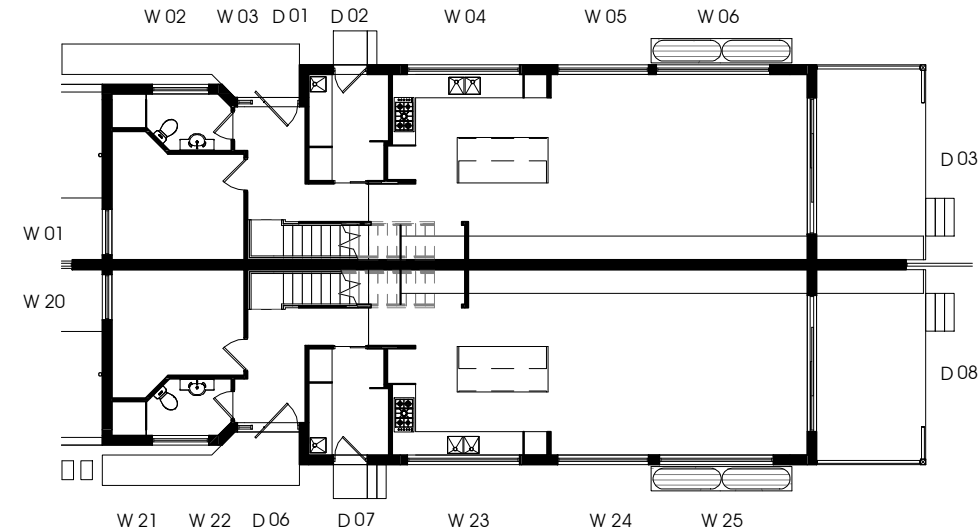
EACH DWELLING:
ROOF AREA:
Roof area measured (total) 141.20m2
UNCONDITIONED FLOOR AREA:
In relation to a dwelling, means the total floor area of all bathrooms (not including ensuites) and laundries, with a ventilation opening.
Each Dwelling: 14.76m2
CONDITIONED FLOOR AREA:
In relation to a dwelling, means the total floor area of the dwelling, excluding:
a) Floor area that is not fully enclosed.
b) bathrooms (but not ensuites) and laundries, with a ventilation opening; and voids, store rooms, garages and carparks.
Each Dwelling: 122.80m2

DWELLING 1 WINDOW SCHEDULE								
No	Type	Height	Width	Frame	Glazing	Obscure	Head Height	Area
01	D Hung	2400	1210	SA	SC	No	2400	2.90
02	A Sliding	500	1500	SA	SC	Yes	2400	0.75
03	Fixed	2400	400	T	SC	No	2400	0.96
04	A-SFS	500	2965	SA	SC	No	1450	1.48
05	Aneeta DHF	2740	2410	SA	SC	No	2740	6.60
06	A-SFS	600	3010	SA	SC	No	2740	1.81
07	D Hung	1800	1210	SA	SC	No	2100	2.18
08	A-SFS	500	2410	SA	SC	No	2100	1.21
09	AS+FG	1250	1500	SA	SC	Yes	2100	1.88
10	A-SFS+FG	1250	2410	SA	SC	Yes PART	2100	3.01
11	A Sliding	500	1500	SA	SC	Yes	2100	0.75
12	D Hung	1500	3010	SA	SC	No	2100	4.52
13	velux	600	1200	T	SC	No		0.72
14	velux	600	1200	T	SC	No		0.72
15	A Sliding	600	900	SA	SC	Yes	1023	0.54
16	velux	2400	600	T	SC	No		1.44

DWELLING 2 WINDOW SCHEDULE								
No	Type	Height	Width	Frame	Glazing	Obscure	Head Height	Area
20	D Hung	2400	1210	SA	SC	No	2400	2.90
21	A Sliding	500	1500	SA	SC	Yes	2400	0.75
22	Fixed	2400	400	TF	SC	No	2400	0.96
23	A-SFS	500	2965	SA	SC	No	1270	1.48
24	Aneeta DHF	2740	2410	SA	SC	No	2740	6.60
25	A-SFS	600	3010	SA	SC	No	2740	1.81
26	D Hung	1800	1210	SA	SC	No	2100	2.18
27	A-SFS	500	2410	SA	SC	No	2100	1.21
28	AS+FG	1250	1500	SA	SC	Yes	2100	1.88
29	A-SFS+FG	1250	2410	SA	SC	Yes PART	2100	3.01
30	A Sliding	500	1500	SA	SC	Yes	2100	0.75
31	D Hung	1500	3010	SA	SC	No	2100	4.52
32	velux	600	1200	T	SC	No		0.72
33	velux	600	1200	T	SC	No		0.72
34	A Sliding	600	900	SA	SC	Yes	1023	0.54
35	velux	2400	600	T	SC	No		1.44

DWELLING 1 DOOR SCHEDULE						
No	Description	Height	Width	Frame	Glazing	Area
01	Selected Entry Door	2400	1280	T	SC	
02	Full Glass (DD)	2400	900	SA	SC	2.16
03	Aluminum sliding door	2740	3610	SA	SC	9.89

DWELLING 2 DOOR SCHEDULE						
No	Description	Height	Width	Frame	Glazing	Area
06	Selected Entry Door	2400	1280	T	SC	
07	Full Glass (DD)	2400	900	SA	SC	2.16
08	Aluminum sliding door	2740	3610	SA	SC	9.89

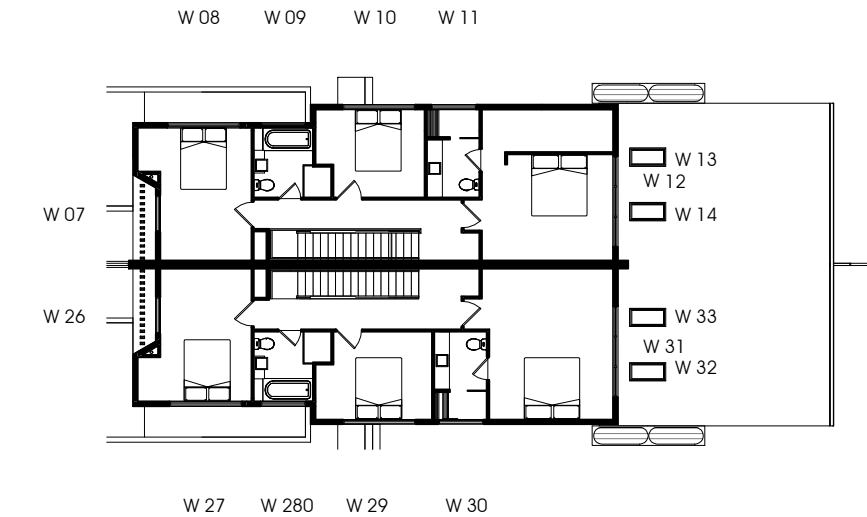


GROUND FLOOR

1 : 200

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Sheet Title:
DOOR and WINDOW SCHEDULE



FIRST FLOOR

1 : 250

North Point:

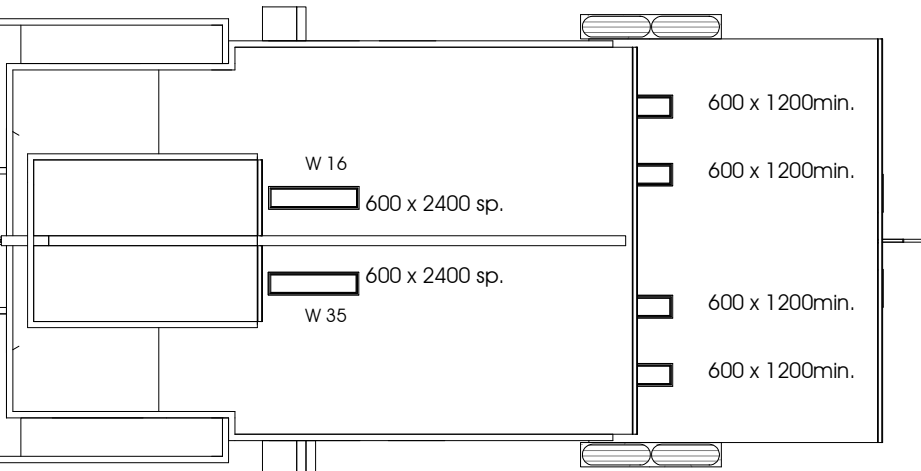
Council:
Waverley

Zone:
R2

Proposed residence for:
Neumann Duplex
5 Nancy Street,
NORTH BONDI.

Lot:
14

DP:
8538



ROOF

1 : 200

Project No:
18-10

Drawn by:
R.Chapman

Sheet No:

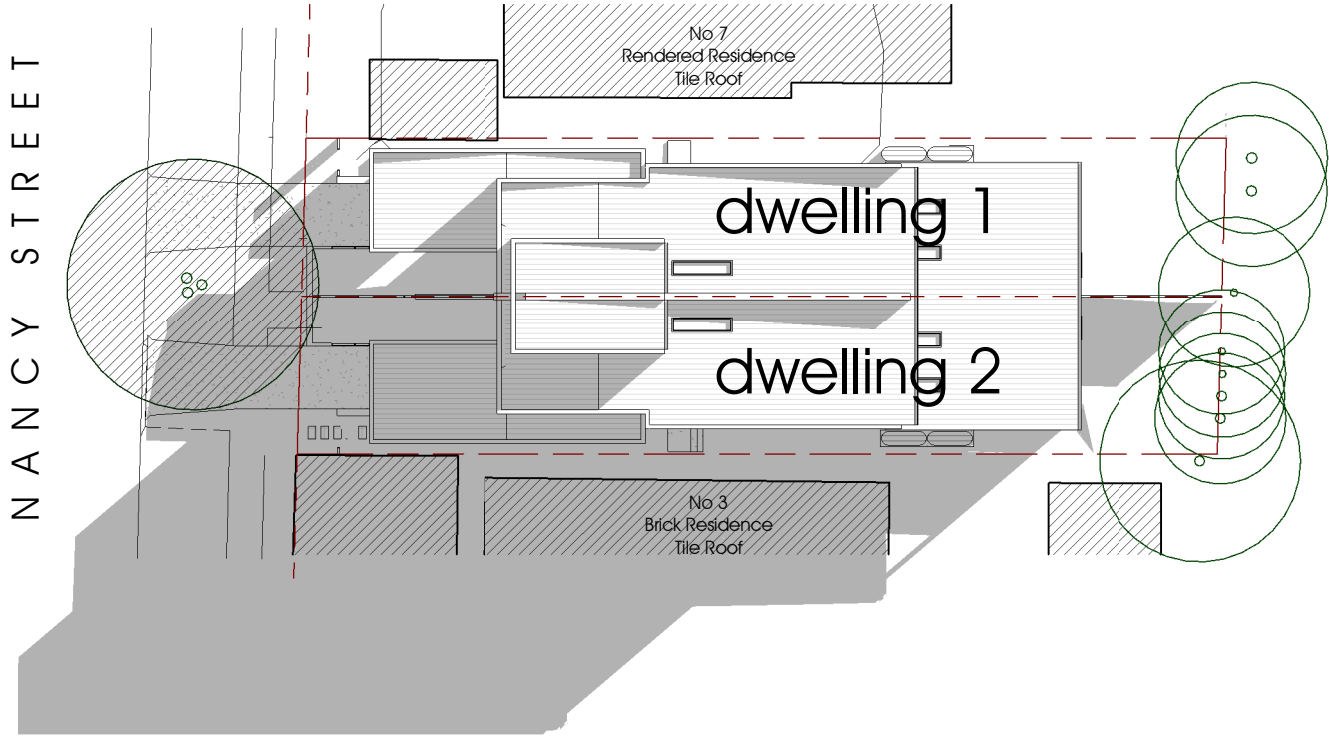
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Revision 14
24/04/19

Scale:
As indicated

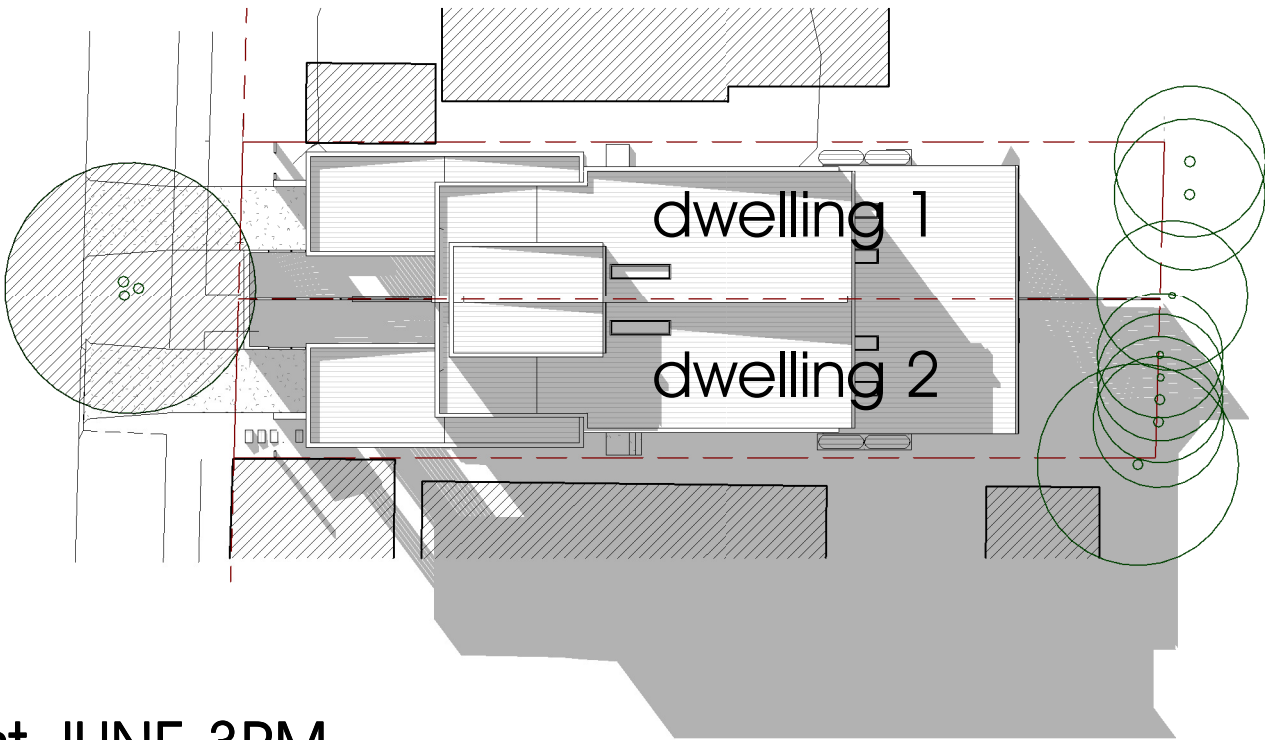
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05/04/18





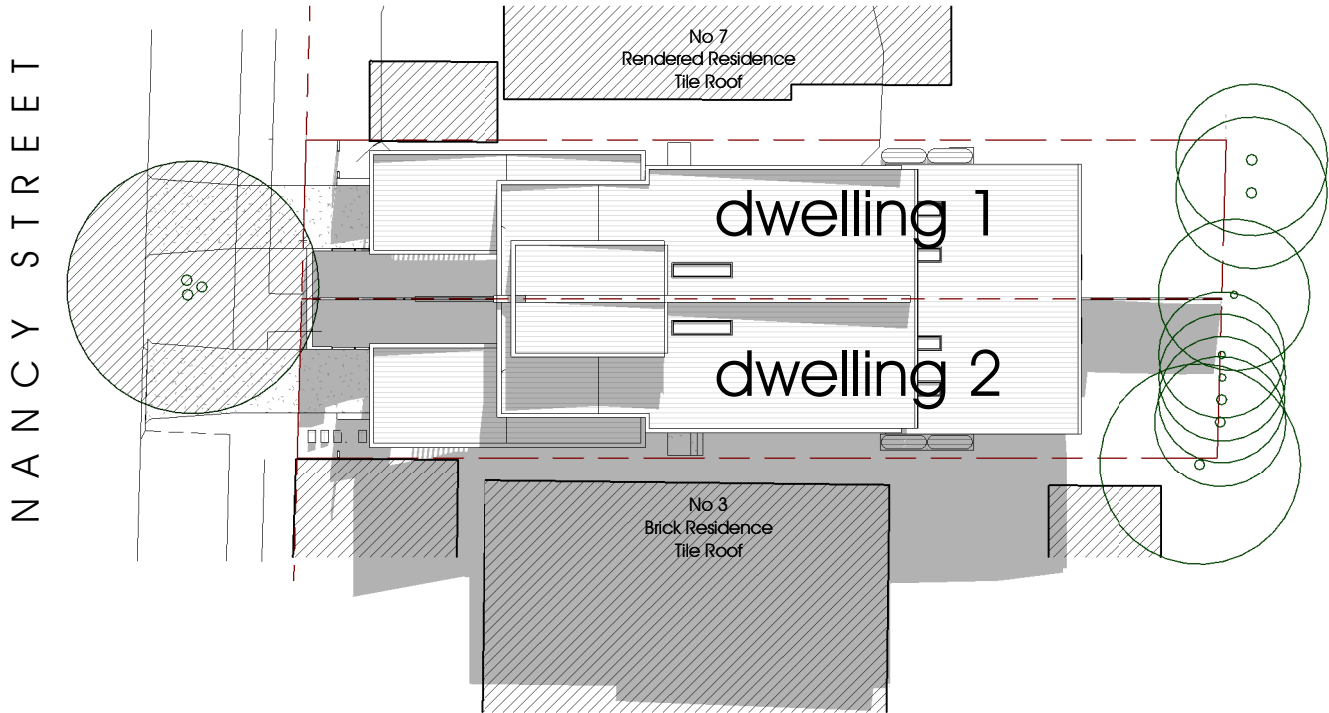
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21st JUNE 3PM

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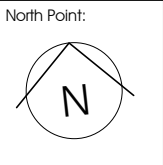


21st JUNE 12 NOON

1 : 300

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Sheet Title:
SHADOW DIAGRAMS FOR 21st JUNE



Council:
Waverley

Zone:
R2

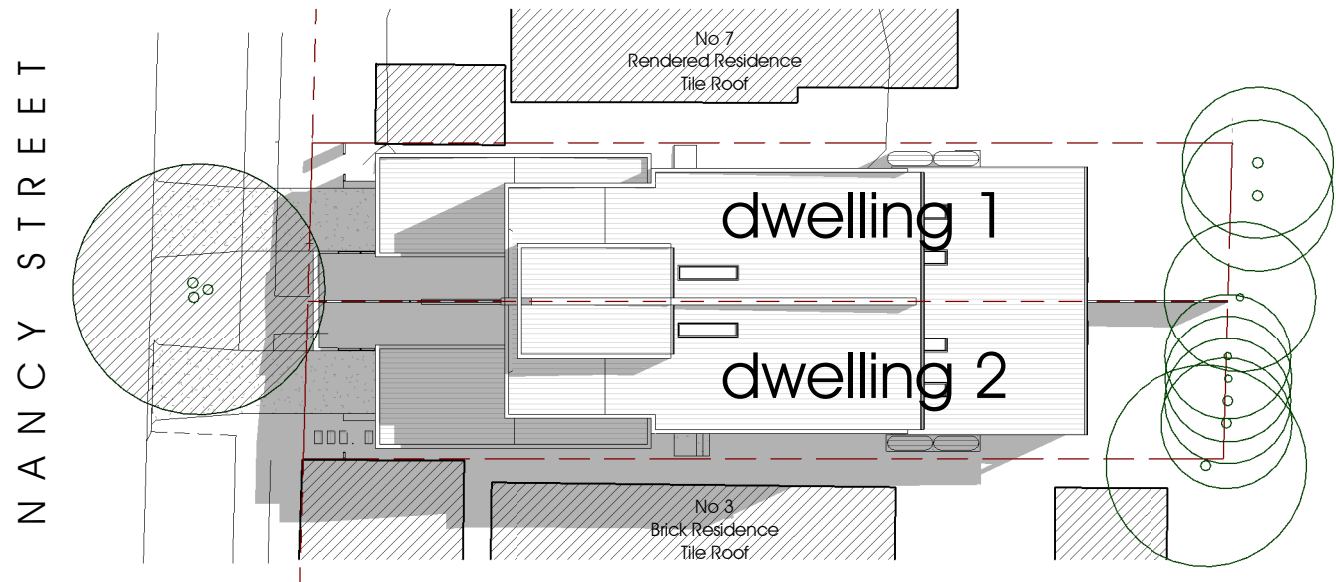
Proposed residence for:
Neumann Duplex
5 Nancy Street,
NORTH BONDI.

Project No:
18-10

Drawn by:
R.Chapman

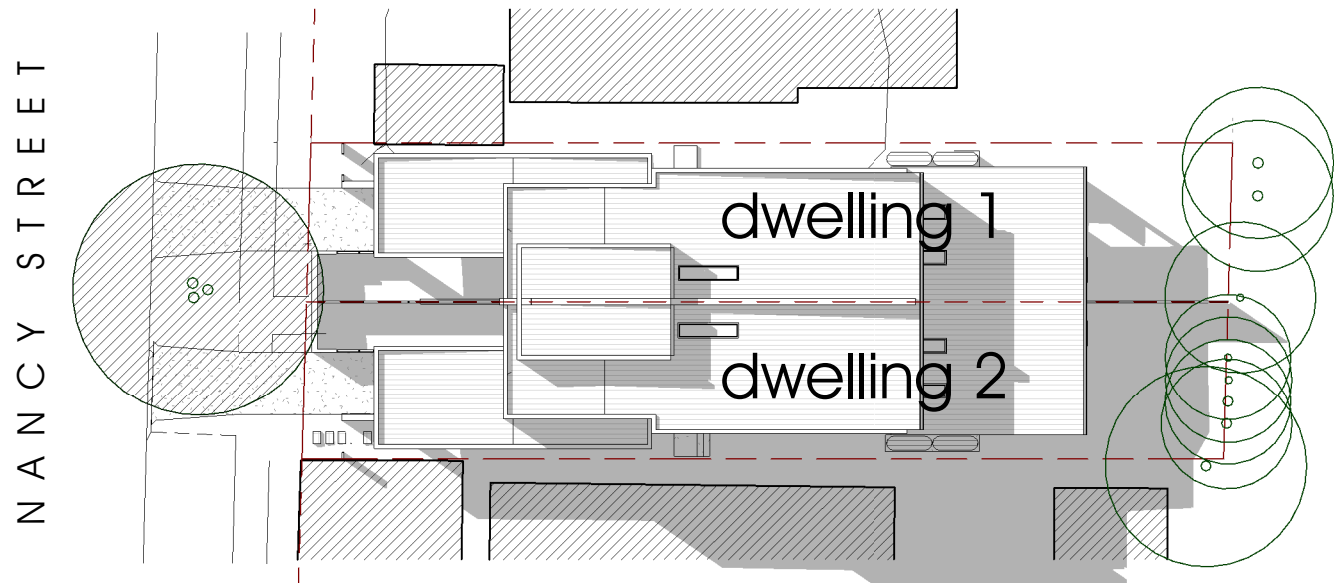
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18
Revision 14
24/04/19





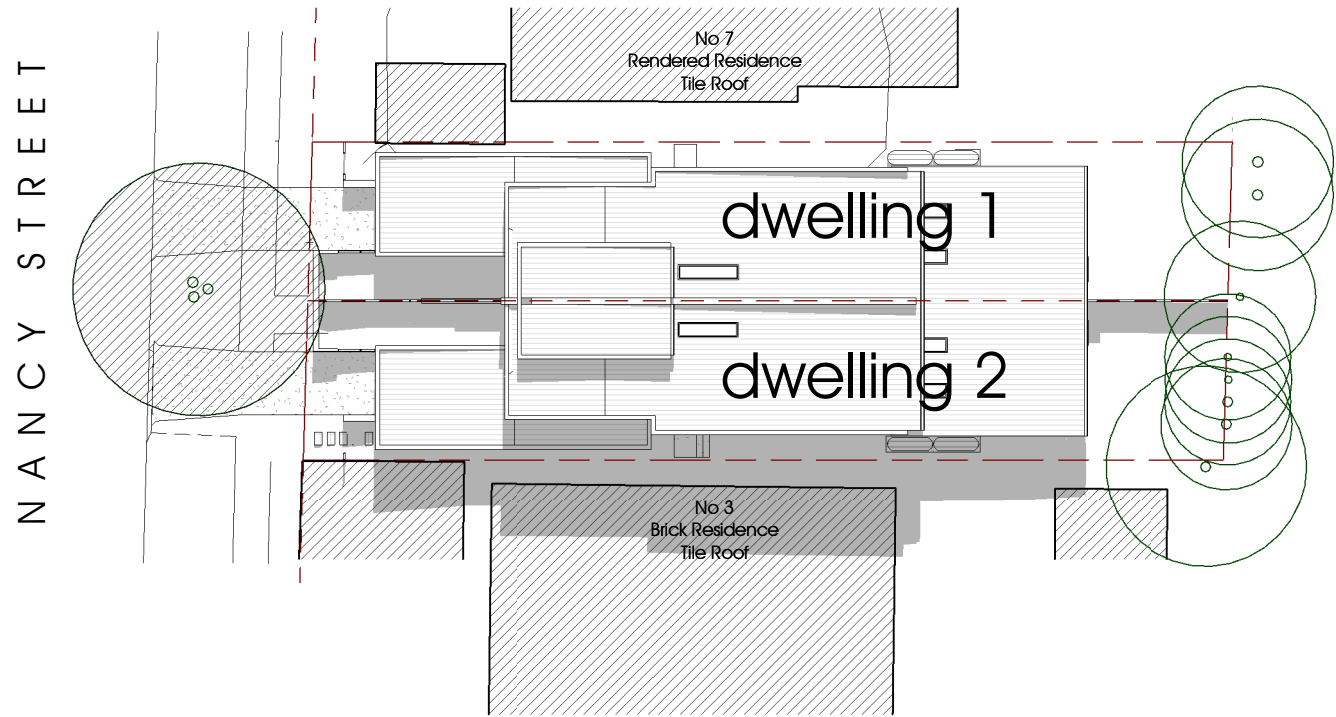
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21st MAR/SEPT 3PM

1 : 300



21st MAR/SEPT 12 NOON

1 : 300

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Sheet Title:
SHADOW DIAGRAMS FOR 21st MARCH/SEPTEMBER

North Point:

Council:
Waverley

Lot:
14

Zone:
R2

DP:
8538

Proposed residence for:
Neumann Duplex
5 Nancy Street,
NORTH BONDI.

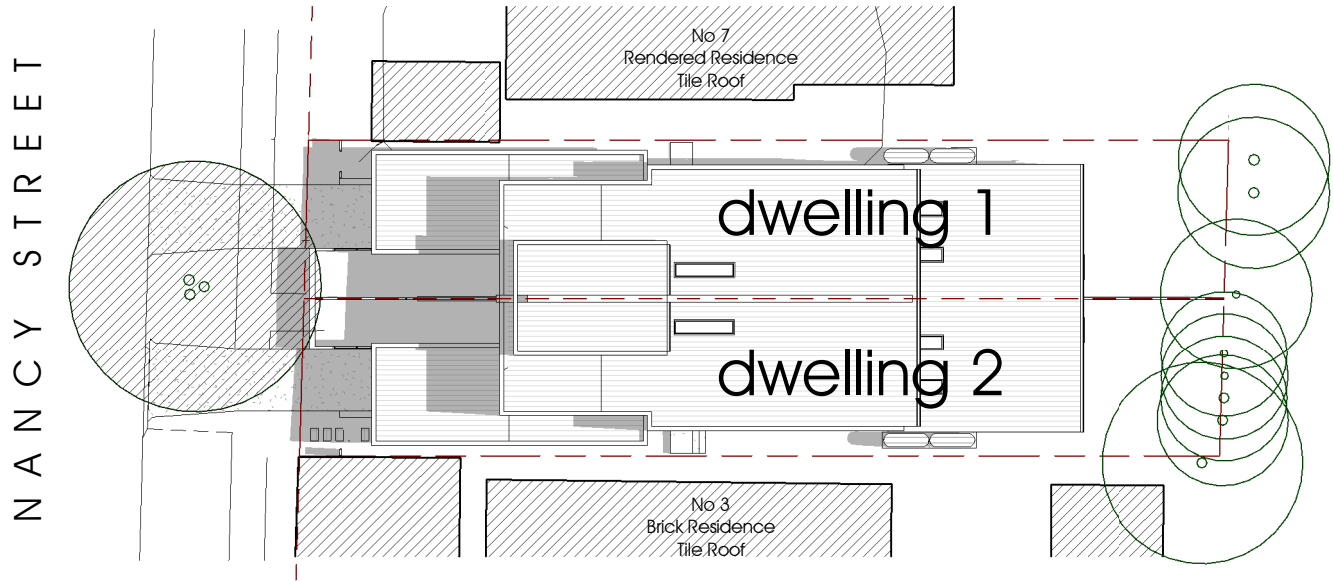
Project No:
18-10

Scale:
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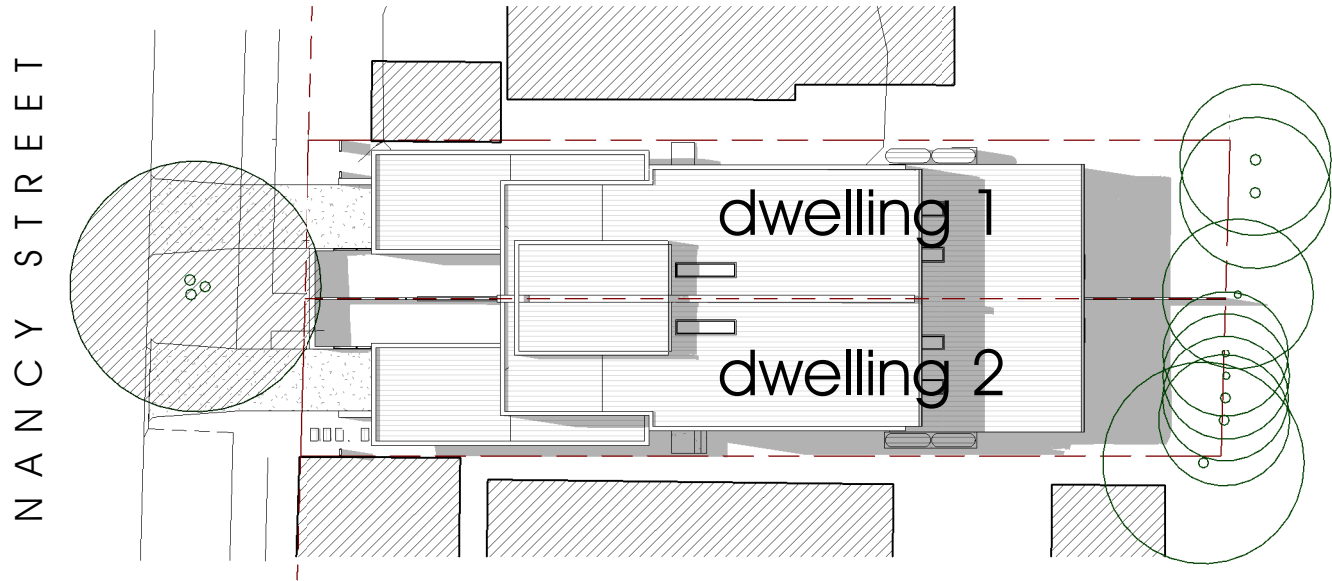
Drawn by:
R.Chapman

Date:
05/04/18

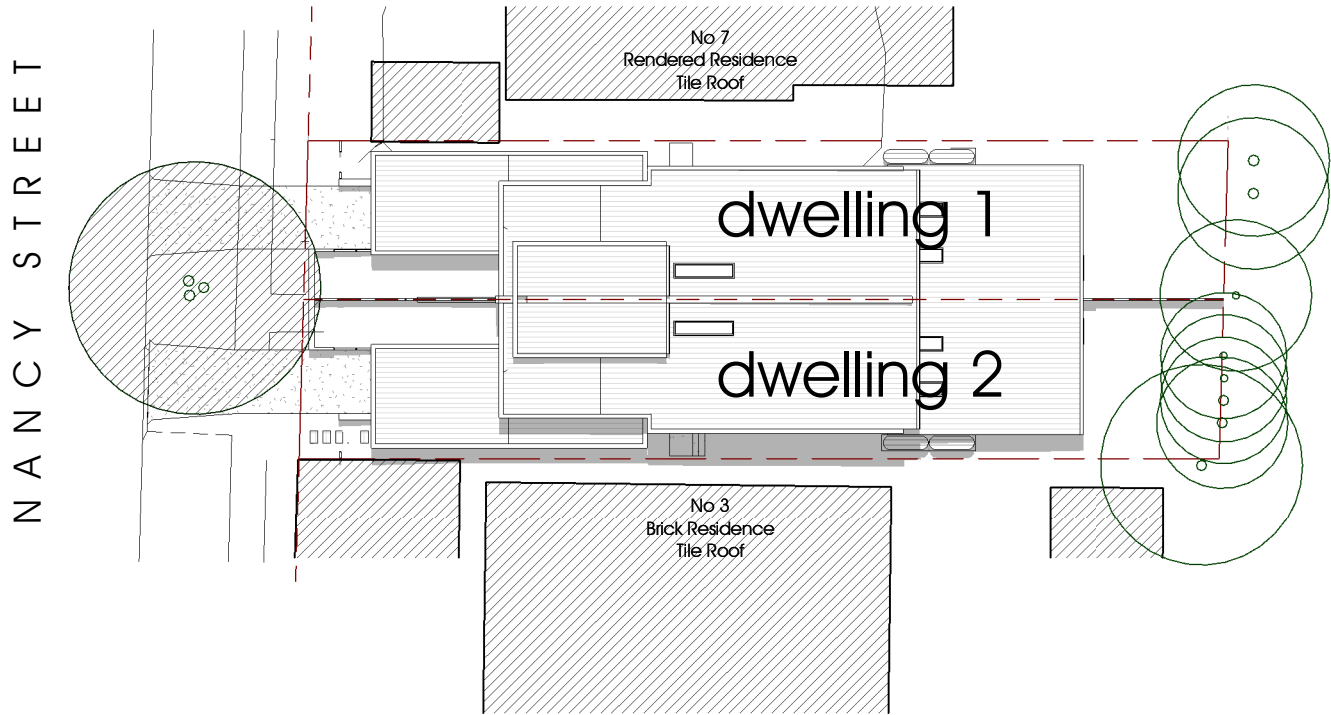
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19
Revision 14
24/04/19



21st DECEMBER 9AM
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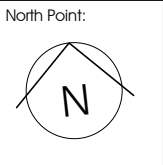
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1 : 300



21st DECEMBER 12 NOON
1 : 300

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Sheet Title:
SHADOW DIAGRAMS FOR 21st DECEMBER



Council:
Waverley

Zone:
R2

Proposed residence for:
Neumann Duplex
5 Nancy Street,
NORTH BONDI.

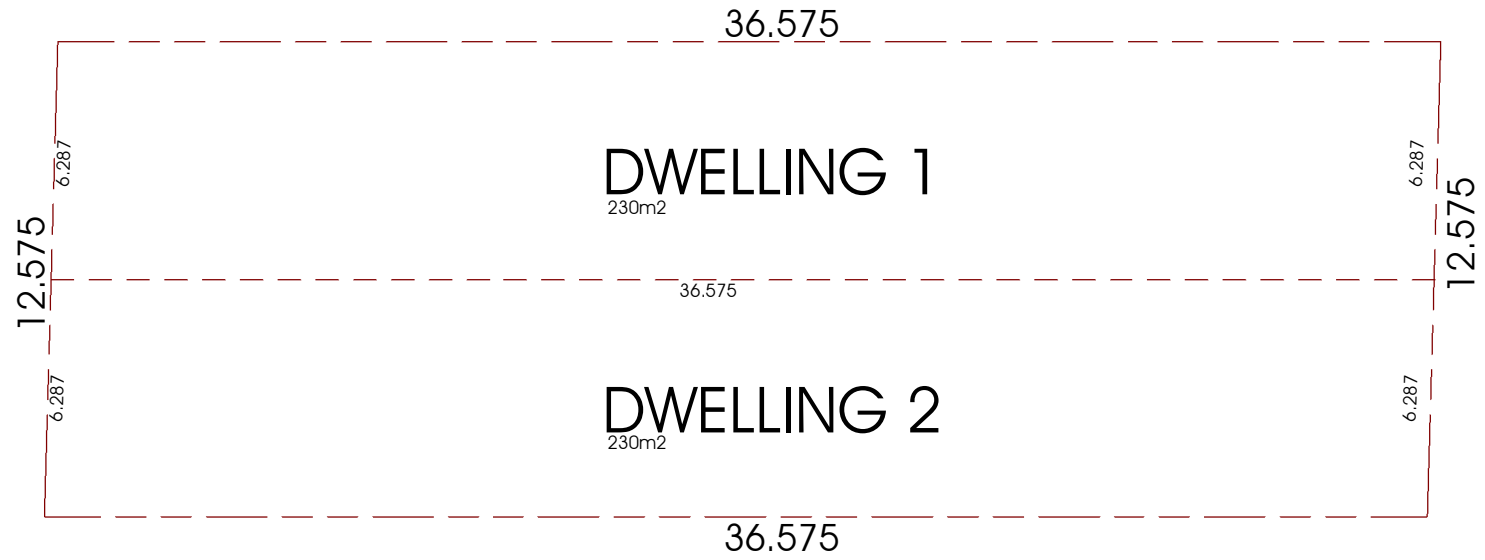
Project No:
18-10

Drawn by:
R.Chapman

Sheet No:
20
Revision 14
24/04/19



NANCY STREET



NOTES: All dimensions in millimetres unless otherwise noted. Figured dimension to be given preference over scale. Builder to check dimensions on site prior to commencement of work.

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Sheet Title:

STRATA PLAN LAYOUT



North Point:



Council:
Waverley

Lot: 14

Zone:
R2

DP:
8538

Proposed residence for:
Neumann Duplex
5 Nancy Street,
NORTH BONDI.

Project No:
18-10

Scale:
1 : 200

Drawn by:
R.Chapman

Date: 05/04/18

Sheet No:

21

Revision 14
24/04/19

NEW HOMES AND RENOVATIONS
Unit 1, 15 Stanley Street, St MRS.
N.S.W.2075 Phone: 07634422

Designer Homes Pty Ltd

LEGEND & SCHEDULE

NOTES:

1. ALL FINAL PLANT QUANTITIES INDICATED ON PLANS SHALL BE CHECKED AND VERIFIED BY SUCCESSFUL LANDSCAPE CONTRACTOR.
2. ANY PLANT SUBSTITUTES REQUIRED DUE TO UNAVAILABILITY SHALL BE RECOMMENDED BY THE LANDSCAPE CONTRACTOR TO BEST MATCH SUBSTITUTED PLANTS AND APPROVED PRIOR TO PURCHASING BY THE LANDSCAPE ARCHITECT.
3. WORKS CERTIFIED FOR FINAL OCCUPANCY CERTIFICATE ARE TO MATCH APPROVED LANDSCAPE PLANS.
4. LANDSCAPE CONTRACTOR SHALL LOCATE AND AVOID SITE STORM WATER & DRAINAGE SERVICES. LOCATE TREES A MINIMUM 1.25M FROM PITS
5. ALL PLANTING AROUND EXISTING TREES SHALL BE ADJUSTED TO AVOID DAMAGE AND CLASHING WITH SURFACE ROOTS.
6. THE NATURE STRIP (STREET FRONTAGE) FOR THE SITE IS PUBLIC LAND, AND ONLY AUTHORIZED WORKS MAY OCCUR HERE. EXISTING CONDITIONS SUCH AS STREET TREES, COUNCIL PLANTING ETC SHALL BE RETAINED AND PROTECTED DURING CONSTRUCTION, UNLESS SPECIFIC APPROVAL HAS BEEN GRANTED FOR NEW WORK IN THIS AREA.

TREES



Botanical Name: *Buckinghamia celsissima*
Common Name: Ivory Curl Flower (Native)
Pot size: 45Lt
Mature H x S: 7m x 3m
Qty Required: 2



Botanical Name: *Plumeria acutifolia*
Common Name: Frangipani (Exotic)
Pot size: 75Lt
Mature H x S: 5m x 4m
Qty Required: 2

SHRUBS AND HEDGES



Botanical Name: *Syzygium 'Resilience'*
Common Name: Resilience Lilly Pilly (Native)
Pot size: 300mm
Mature H x S: 3m x 2m
Qty Required: 6



Botanical Name: *Syzygium 'Cascade'*
Common Name: Cascade Lilly Pilly (Native)
Pot size: 300mm
Mature H x S: 2.5m x 1.8m
Qty Required: 8



Botanical Name: *Lomandra hystrix 'Katie Bells'*
Common Name: Katie Bells Mat Rush (Native)
Pot size: 200mm
Mature H x S: 1.2m x 1.2m
Qty Required: 16



Botanical Name: *Murraya paniculata*
Common Name: Orange Jessamine (Exotic)
Pot size: 300mm
Mature H x S: 4m x 2-3m
Qty Required: 4

GRASSES / GROUNDCOVERS



Botanical Name: *Alpinia zerumbet 'Variegata'*
Common Name: Variegated Shell Ginger (Exotic)
Pot size: 300mm
Mature H x S: 1.8m x 0.8m
Qty Required: 24



Botanical Name: *Dianella tasmanica 'Tasred'*
Common Name: Tasred Flax Lily (Native)
Pot size: 200mm
Mature H x S: 0.6m x 0.65m
Qty Required: 25



Groundcover Mix A:
Dianella caerulea 'Little jess'
Trachelospermum jasminoides
Myoporum parvifolium 'Yareena'
Pot size: 140mm
Mature H x S: < .5m
Qty Required: 5/m2 (11m2 total)

OTHER LANDSCAPE ITEMS



Brick edging - refer detail



Turf area - refer detail



Turf cell with lawn substitute - refer detail



Selected paving to be nom. by architect



Retaining / raised planter wall - refer detail



1.8m Gate and fence - colour and style to be nom. by client



Trees proposed to be removed and replaced with new landscaping



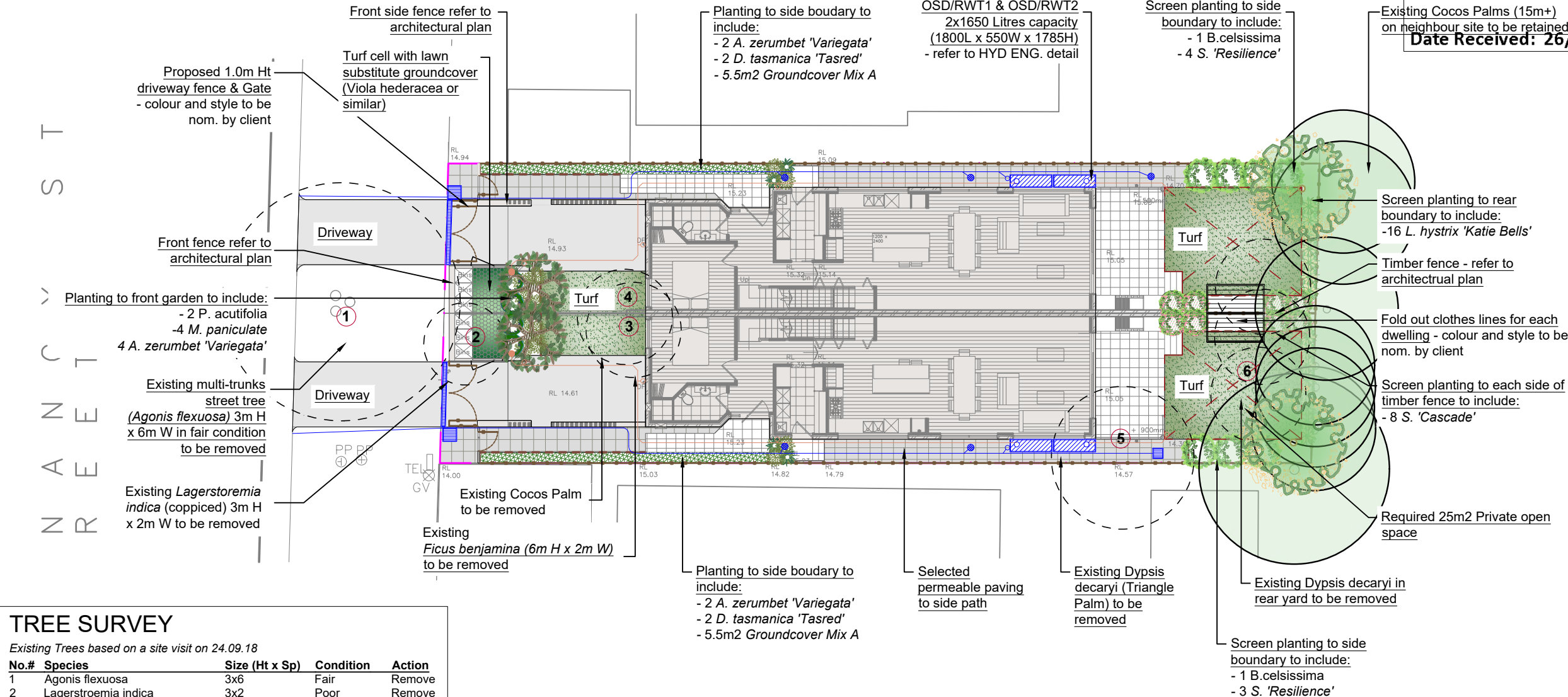
Existing trees proposed to be retained and protected



Pit - refer to HYD ENG. detail



Rainwater tank - refer to HYD ENG. detail



TREE SURVEY

Existing Trees based on a site visit on 24.09.18

No.#	Species	Size (Ht x Sp)	Condition	Action
1	Agonis flexuosa	3x6	Fair	Remove
2	Lagerstroemia indica	3x2	Poor	Remove
3	Ficus benjamina	6x2	Poor	Remove
4	Syagrus romanzoffiana (Cocos Palm)		Fair	Remove
5	Dypsis decaryi	6x4	Good	Remove
6	4x Dypsis decaryi	7x5	Good	Remove

SAMPLE IMAGES

Images are diagrammatic only, and final planting species may vary, as determined by Council Approval



Alpinia zerumbet 'Variegata'



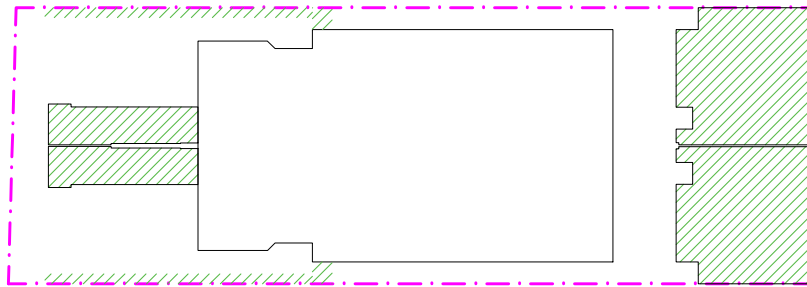
Dianella tasmanica 'Tasred'



Lomandra hystrix 'Katie Bells'

LANDSCAPE CALCULATIONS

SITE AREA: 459.93m²
REQUIRED LANDSCAPE AREA (R2 Zone): 69.00m² (15%)
PROPOSED LANDSCAPE AREA: 111.7m² (24.3%) (COMPLIANT)
LANDSCAPE AREA INCLUDE IN CALCULATION:



LANDSCAPE PLAN NOTES

This plan should be read in conjunction with the architectural and hydraulics plans. Work specific to these plans should be prepared in accordance to these plans, including specification and details prior to the installation of landscaping, and should not be altered or compromised during landscape construction. Elements such as drainage swales may be incorporated in garden bed areas (using non-floatable mulch) without compromising the capacity or form.

This plan has been prepared for Development Application approval only, not for construction.

This plan has been prepared with reference to **Waverley Councils** Landscaping Guidelines & requirements. Planting proposed using mainly indigenous, commercially available plant species selected from local planting lists and the BASIX local plant list and from Sydney Waters "Plant

Selector"web site one-drip rated native plants (**acceptable for Basix planting**).

The Design & location of new letter boxes shall be in accordance with Australia Post's "Requirements for Delivery of Mail to Residential Premises" published Feb '97. All noxious weeds listed in Councils weed lists & located on the site shall be continually removed & suppressed. Reinstate all boundary fencing in poor condition with Council approved 1.8m fencing to rear of building line, rake to 1m forward of BL. Pollution, sediment & erosion control devices as specified shall be in place, and maintained for the duration of the construction period. Proposed excavation near existing established trees to be supervised by arborist.

D.A approved landscape plan's are required to be constructed as approved to obtain occupancy certificate. **Permeable areas may be indicated to achieve site coverage restrictions & should be constructed as drawn on this plan.**

CONSULTANTS INFO.

For stormwater, site drainage and civil design, refer to plans prepared by **Nasseri Associates**
Job No.D3744, Issue date: 09 OCT 2018

General Notes:

Figured dimensions take preference to scale readings. Verify all dimensions on site. PDF'd plans may vary slightly in Scale for that indicated on plans. Report any discrepancies to the Landscape Architect before proceeding with the work.

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AILA Associate



Bar Scale



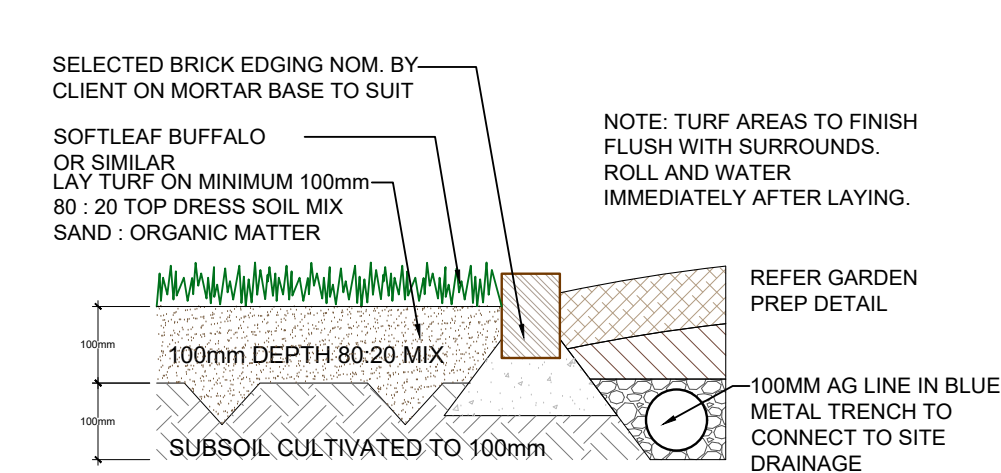
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A	18.09.18	Preliminary DA plan prepared for review
B	24.09.18	Preliminary DA plan prepared for review
C	09.10.18	Coordinate with Hyd ENG. detail

COUNCIL	Waverley Council
CLIENT	Mr & Mrs Neaman
ARCHITECT	Oppodan designer homes
STATUS / ISSUE	DA - ISSUE C

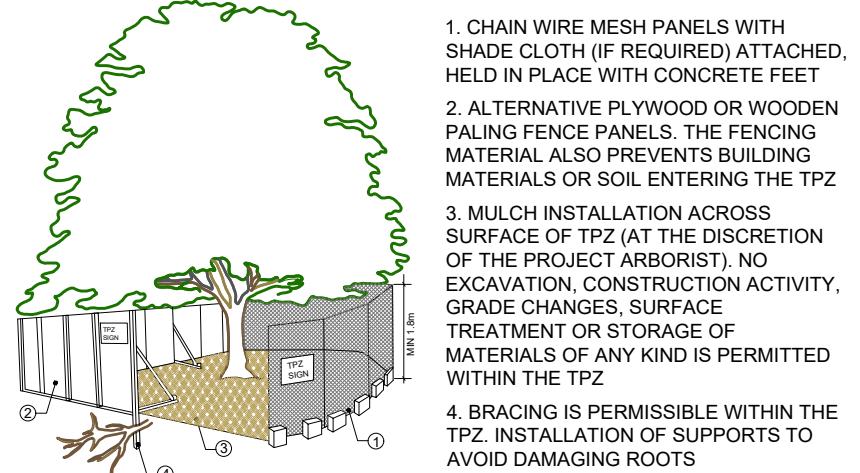
Conzept
Landscape Architects

Conzept Landscape Architects Suite 101, 506 Miller St CAMMERAY NSW 2062
www.conzept.net.au enquiries@conzept.net.au Phone: 9922 5312 Fax: 8209 4982 Mob: 0413 861 351

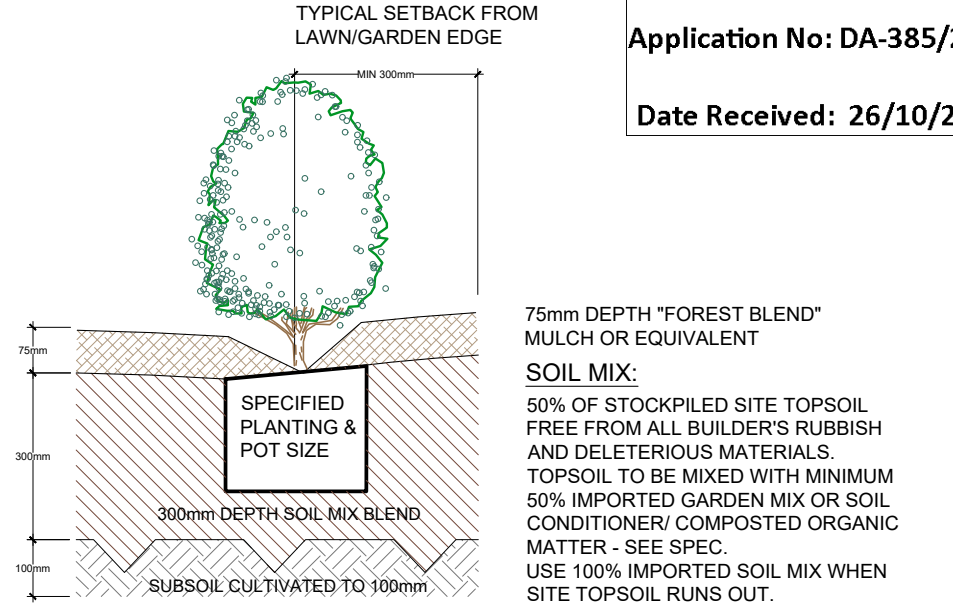
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		DATE:	OCT 2018
		DRAWN:	R.H
		CHECKED:	R.F



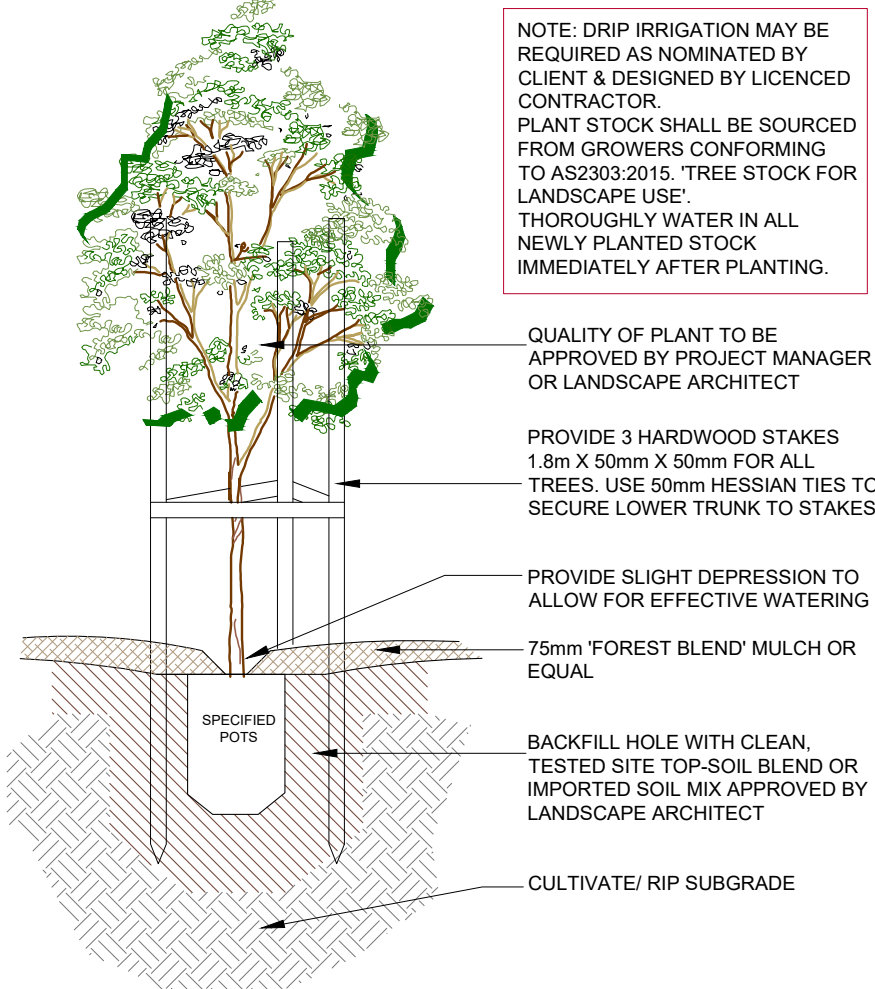
TYPICAL TURF AND BRICK EDGE DETAIL
SCALE: 1:10



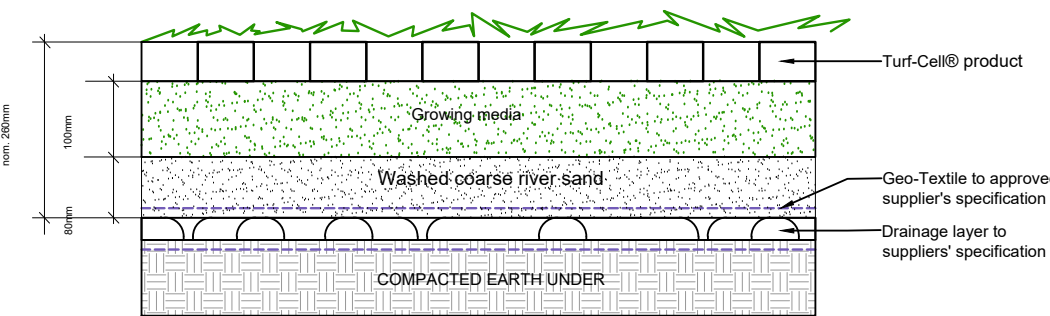
TREE PROTECTION ZONE
N.T.S



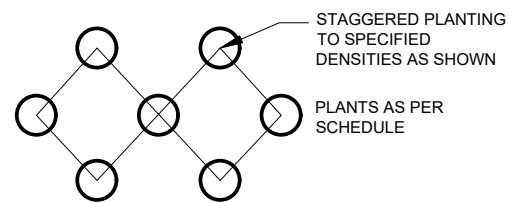
GARDEN AREA PREPARATION DETAIL
SCALE 1:15



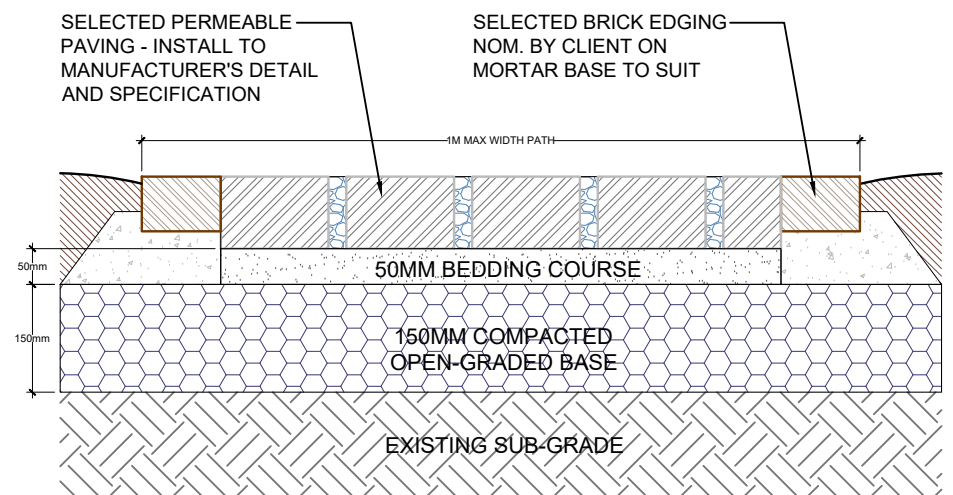
INDIVIDUAL TREE PLANTING DETAIL
SCALE 1:20



TYPICAL TURF CELL DETAIL SCALE 1:5



MASS PLANTING SETOUT
N.T.S



PERMEABLE PAVING & BRICK EDGE
SCALE: 1:10

PRELIMINARIES

1.01 GENERAL

The following general conditions should be considered prior to the commencement of landscape works:

- The landscape plans should be read in conjunction with the architectural plans, hydraulic plans, service plans and survey prepared for the proposed development.
- All services including existing drainage should be accurately located prior to the commencement of landscape installation. Any proposed tree planting which falls close to services will be relocated on site under the instruction of the landscape architect.
- Installation of conduit for required irrigation, electrical and other services shall be completed prior to the commencement of hardscape works and hardstand pours.
- All outdoor lighting specified by architect or client to be installed by qualified electrician
- Anomalies that occur in these plans should be brought to our immediate attention.
- Where an Australian Standard applies for any landscape material testing or installation technique, that standard shall be followed.

1.02 PROTECTION OF ADJACENT FINISHES

The Contractor shall take all precautions to prevent damage to all or any adjacent finishes by providing adequate protection to these areas / surfaces prior to the commencement of the Works

1.03 PROTECTION OF EXISTING TREES

Existing trees identified to be retained shall be done so in accordance with *AS 4970-2009 Protection of trees on development sites*. Where general works are occurring around such trees, or pruning is required, a qualified Arborist shall be engaged to oversee such works and manage tree health. Existing trees designated on the drawing for retention shall be protected at all times during the construction period. Any soil within the drip-line of existing trees shall be excavated and removed by hand only. No stockpiling shall occur within the root zone of existing trees to be retained.

Any roots larger in diameter than 50mm shall only be severed under instruction by a qualified arborist. Roots smaller than 50mm diameter shall be cut cleanly with a saw.

Temporary fencing shall be installed around the base of all trees to be retained prior to the commencement of landscape works. Where possible this fencing will be located around the drip line of these trees, or a minimum of 3m from the trunk. The fencing shall be maintained for the full construction period.

1.04 EROSION & POLLUTION CONTROL

The Contractor shall take all proper precautions to prevent the erosion of soil from the subject site. The contractor shall install erosion & sediment control barriers and as required by council, and maintain these barriers throughout the construction period. Note that the sediment control measures adopted should reflect the soil type and erosion characteristics of the site.

- Erosion & pollution control measures shall incorporate the following:
- Construction of a sediment trap at the vehicle access point to the subject site.
 - Sediment fencing using a geotextile filter fabric in the location indicated on the erosion control plan or as instructed on site by the landscape architect.
 - Earth banks to prevent scour of stockpiles
 - Sandbag kerb sediment traps
 - Straw bale & geotextile sediment filter.
 - Exposed banks shall be pegged with an approved Jute matting in preparation for mass planting

Refer to 'Guidelines for Erosion and Sediment Control on Building Sites' by DLWC (2000) for construction techniques

SOIL WORKS

2.01 MATERIALS

Specified Soil Conditioner (Generally to improve site soil)

The specified soil conditioner for site top-soil improvement shall be an organic mix complies with **AS 4454-2012 Composts, soil conditioners and mulches**. Note that for sites where soil testing indicates toxins or extremes in pH, or soils that are extremely poor, allow to excavate and supply 300mm of imported soil mix.

New gardens & proposed Planting

New garden and planting areas shall consist of a 50/50 mix of clean site soil (refer d) below) and imported soil. All mixes are to comply with **AS4419-2003 Soils for Landscaping and garden use**, & AS 4454 Composts, Soil conditioners & mulches.

Specified Soil Mix - Turf

The specified soil mix for all turf areas shall be a min 75mm layer of imported soil mix consisting of 80% washed river sand (reasonably coarse), and 20% composted organic matter equivalent to mushroom compost or soil conditioner, or other approved lawn top dress.

Site Topsoil

Site topsoil is to be clean and free of unwanted matter such as gravel, clay lumps, grass, weeds, tree roots, sticks, rubbish and plastics, and any deleterious materials and materials toxic to plants. The topsoil must have a pH of between 5.5 and 7. Use 100% imported soil mix when site when site topsoil runs out.

2.02 INSTALLATION

a) Testing

All testing is to be conducted in accordance with AS4419-2003 Soils for Landscaping and garden use Methods for testing soils for engineering purposes. Site soil shall be given a pH test prior to modifying to ensure conditions are appropriate for planting as stated above. Tests shall be taken in several areas where planting is proposed, and the pH shall be adjusted accordingly with sulphur or lime to suit.

Note that a soil test conducted by the Sydney Environmental & Soil Laboratory or approved equal shall be prepared for all commercial, industrial and multi-unit residential sites. The successful landscape contractor shall implement the recommendations of this test.

b) Set Out of Individual Trees & Mass Planting Areas

All individual tree planting positions and areas designated for mass planting shall be set out with stakes or another form of marking, ready for inspection and approval. Locate all services.

c) Establishing Subgrade Levels

Subgrade levels are defined as the finished base levels prior to the placement of the specified material (i.e. soil conditioner). The following subgrade levels shall apply:

- Mass Planting Beds - 300mm below existing levels with specified imported soil mix.

- Turf areas - 100mm below finished surface level.
- Note that all subgrades shall consist of a relatively free draining natural material, consisting of site topsoil placed previously by the Civil Contractor. No builders waste material shall be acceptable.

d) Subgrade Cultivation

Cultivate all subgrades to a minimum depth of 100mm in all planting beds and all turf areas, ensuring a thorough breakup of the subgrade into a reasonably coarse tilth. Grade subgrades to provide falls to surface and subsurface drains, prior to the placement of the final specified soil mix.

e) Drainage Works

Install surface and subsurface drainage where required and as detailed on the drawing. Drain subsurface drains to outlets provided, with a minimum fall of 1:100 to outlets and / or service pits.

f) Placement and Preparation of Specified Soil Conditioner & Mixes.

- Trees in turf & beds - Holes shall be twice as wide as root ball and minimum 100mm deeper - backfill hole with 50/50 mix of clean site soil and imported "Organic Garden Mix" as supplied by ANL or approved equal.
 - Mass Planting Beds - Install specified soil conditioner to a compacted depth of 100mm
- Place the specified soil conditioner to the required compacted depth and use a rotary hoe to thoroughly mix the conditioner into the top 300mm of garden bed soil. Ensure thorough mixing and the preparation of a reasonably fine tilth and good growing medium in preparation for planting.
- Turf Areas - Install specified soil mix to a minimum compacted depth of 75mm.
- Place the specified soil mix to the required compacted depth and grade to required finished soil levels, in preparation for planting and turfing.

PLANTING

3.01 MATERIALS

a) Quality and Size of Plant Material

All trees supplied above a 25L container size must be grown and planted in accordance with *AS 2303:2015 Tree stock for landscape use*. Certification that trees have been grown to AS2303:2015 guidelines is to be provided upon request of Council's Tree Management Officer.

Above - Ground Assessment:

The following plant quality assessment criteria should be followed:

Plant true to type, Good vigour and health, free from pest & disease, free from injury, self-supporting, good stem taper, has been pruned correctly, is apically dominant, has even crown symmetry, free from included bark & stem junctions, even trunk position in pot, good stem structure

Below - Ground Assessment:

Good root division & direction, rootball occupancy, rootball depth, height of crown, non-suckering For further explanation and description of these assessment criteria, refer to AS2303:2015. All Plant material shall be to the type and size specified. No substitutions of plant material shall be permitted without written prior approval by the Landscape Architect. No plant shall be accepted which does not conform to the standards listed above.

b) Stakes and Ties

Provide min. 3 No. Stakes and ties to all plants identified as trees in the plant schedule. Stakes shall be sound, unpainted, straight hardwood, free of knots and pointed at one end. They shall be 2200mm x 50mm x 50mm Hardwood, or approved alternative. Ties shall be 50mm wide hessian webbing material.

c) Fertilisers

Fertilisers shall be approved slow release fertilisers suitable for the proposed planting types. Note that for native plants, specifically Proteaceae family plants including Grevillea species, low phosphorus fertilizers shall be used.

d) Mulch

Mulch shall be an approved equal to "Forest Blend" as supplied by ANL. Mulch shall be completely free from any soil, weeds, rubbish or other debris.

e) Turf

Turf shall be soft leaf Buffalo or equivalent (unless stated otherwise), free from any weeds and other grasses, and be in a healthy growing condition.

3.02 INSTALLATION

a) Setting Out

All planting set out shall be in strict accordance with the drawings, or as directed. Note that proposed tree planting located near services should be adjusted at this stage. Notify Landscape Architect for inspection for approval prior to planting.

b) Planting

All plant material shall be planted as soon after delivery as possible. Planting holes for trees shall be excavated as detailed and specified. Plant containers shall be removed and discarded, and the outer roots gently teased from the soil mass. Immediately set plant in hole and backfill with specified soil mix, incorporating the approved quantity of fertiliser for each plant type. Ensure that plants are set plumb vertically and root balls set to the consolidated finished grades detailed on the drawings. Compact the backfilled soil and saturate by hand watering to expel any remaining air pockets immediately after planting.

c) Staking and Tying

Staking and tying shall be in strict accordance with the drawings and shall occur immediately following plant placement and soil backfilling. All plants identified as "Trees" on the planting schedule shall be staked with a min. 3 stakes.

d) Mulching

Mulch should be spread so that a compacted thickness of 75mm is achieved after settlement in all planting beds and around each individual plant. Apply immediately following planting and watering in, ensuring that a 50mm radius is maintained around the trunk of each plant. There shall be no mixing of soil and mulch material.

e) Turfing

Moisten soil prior to the turf being laid. Turf shall be neatly butt jointed and true to grade to finish flush with adjacent surfaces. Incorporate a lawn fertilizer and thoroughly water in. Keep turf moist until roots have taken and sods/rolls cannot be lifted. Keep all traffic off turf until this has occurred. Allow for top dressing of all turf areas. All turf shall be rolled immediately following installation.

f) Brick edging

The Contractor shall install brick edging as detailed on the drawings, to all mass planting beds adjoining turf or gravel mulched areas, and where required. The resultant edge shall be true to line and flush with adjacent surfaces.

g) Nature Strip and public domain works

The nature strip (street frontage) for the site is public land, and only authorized works may occur here. Existing Conditions such as street trees, council planting etc shall be retained and protected during construction, unless specific approval has been granted for new work in this area. Where council policy specifies a particular unit paver, material finish, pattern or treatment, it shall be the contractors responsibility to check and verify that this material & treatment is correct and current prior to undertaking construction works'

HARDSCAPE WORKS

4.01 GENERAL

The Contractor shall undertake the installation of all hardscape works as detailed on the drawing, or where not detailed, by manufacturers specification.

- Paving - refer to typical details provided, and applicable Australian Standards. *Permeable paving may be used as a suitable means of satisfying Council permeable surface requirements, while providing a useable, hardwearing, practical and durable surface.* The contractor shall nominate the appropriate paving material to be used.

Australian Standards shall be adhered to in relation to all concrete, masonry & metal work. Some details are typical and may vary on site. All hardscape works shall be setout as per the drawings, and inspected and approved by the Landscape Architect prior to installation. All workmanship shall be of the highest standard. Any queries or problems that arise from hardscape variations should be brought to the attention of the Landscape Architect.

Your attention is directed to any obligations or responsibilities under the Dividing Fences Act, 1991 in respect of adjoining property owner/s which may arise from this application. Any enquiries in this regard may be made to the Crown Lands on 1300 886 235.

IRRIGATION WORKS

5.01 GENERAL (PERFORMANCE SPECIFICATION)

This is a general Irrigation Performance Specification only, as a guide for projects requiring irrigation systems as part of consent requirements or building contractual arrangements.

An automated irrigation system is recommended for the effective establishment of new gardens, and to assist with the success of planting areas on terraces, over slabs and in Communal Open Spaces.

The inclusion of this general specification is no guarantee that an irrigation system forms part of the landscape scope of works, which will be determined by the building contract.

New irrigation systems to planting areas shall be a Commercial Grade Irrigation System conforming to all relevant Australian standards, including AS 3500 & the Gas and Electricity (Consumer Safety) Act 2017, Workplace Health & Safety Act 2011, & the latest Sydney Water Code

An automated drip-irrigation system is to be installed to all gardens, planters and lawn areas in accordance with the approved Irrigation Design. This system shall be designed and installed by a qualified and licensed irrigation specialist, to the highest industry standards and to maximise the efficient usage of water.

The Installer is required to obtain all approvals necessary for the completion of works in accordance with the Laws of Australia, Laws of the State of NSW, Waverley Council By-Laws and Ordinances.

Drawings:

- The Landscape Contractor nominated Licensed Irrigation Specialist shall provide irrigation drawings for approval upon engagement.

Design Requirements:

- The irrigation system shall be installed prior to all planting works. It shall incorporate a commercially available irrigation system, with sub-surface dripper lines to irrigate all gardens, planters and lawn areas.
- It shall incorporate a suitable back flow prevention device for the scale of works, an in-line filter, check valves, and suitable high and low density poly hose fittings and PVC piping to achieve flow rates suitable for specified planting.
- The irrigation application rate shall not exceed the infiltration rate of the soil or creates run-off.
- The landscape contractor shall check the existing pressure available from the ring mains and size irrigation piping to suit. Supply shall be from local hose cock where available.
- All piping and fittings shall be buried 50mm below the finished soil levels in garden and lawn areas, and secured in position at 500mm centres with galv wire pins.
- Size of pipes shall be selected to ensure the working pressure at the end of the line does not decrease by more than 5%.

Services Co-ordination:

- Co-ordination required by Landscape Contractor or Project Manager to provide required conduit, pipe work and penetration through slabs and planter walls for water and power provisions.
- The Landscape Contractor shall be engaged with the Irrigation Specialist to co-ordinate with the Project Manager to identify the preferred service and conduit locations.
- Project Manager and Landscape Contractor to establish area suitable for irrigation control system with required area, power provision and water supply.

Testing & Defects:

Upon completion of installation, the system shall be tested, including:

- Main Line Pressure Test: The main line is pressurised to test for leaks. All valves are shut and the pressure is taken over a determined length of time.
- Dripper Pressure Test: Measurement at flushing valves are taken and the pressure gauged to make sure it conforms to the manufacturer recommendations. The inlet pressure is then tested under the same conditions to check it does not exceed 300Kpa.
- All components are to be satisfactorily functional and operational prior to approval. Should any defect develop, or the capacity or efficiency of the system decline during the agreed maintenance system, then these faults shall be immediately rectified.

Warranty :

- A full 12 month warranty shall be included to cover labour and all parts.

Further Documentation:

- On request, a detailed irrigation performance specification report can be issued.

CONSOLIDATION AND MAINTENANCE




6.01 GENERAL

The consolidation and maintenance period shall be 12 months beginning from the approved completion of the specified construction work (Practical Completion). A qualified landscape maintenance contractor shall undertake the required landscape maintenance works. Consolidation and maintenance shall mean the care and maintenance of Contracted works by accepted landscaping or horticultural practices, ensuring that all plants are in optimum growing conditions and appearance at all times, as well as rectifying any defects that become apparent in the contracted works.

This shall include, but not be limited to, the following items where and as required:

- Watering all planting and lawn areas / irrigation maintenance.
- Clearing litter and other debris from landscaped areas.
- Removing weeds, pruning and general plant maintenance.
- Replacement of damaged, stolen or unhealthy plants.
- Make good areas of soil subsidence or erosion.
- Topping up of mulched areas.
- Spray / treatment for Insect and disease control.
- Fertilizing with approved fertilizers at correct rates.
- Mowing lawns & trimming edges each 14 days in summer or 18 days in winter
- Adjusting ties to Stakes
- Maintenance of all paving, retaining and hardscape elements.

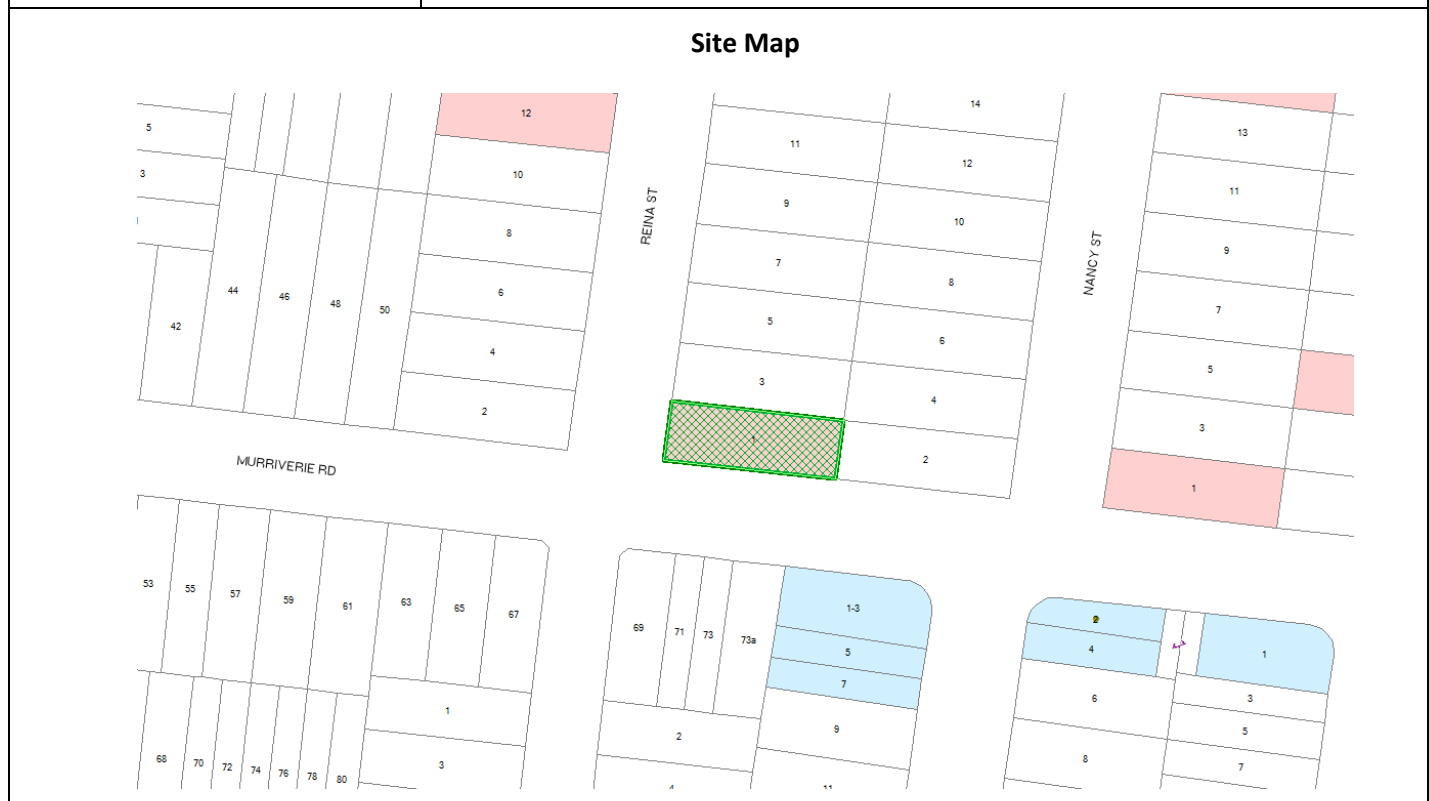
On the completion of the maintenance period, the landscape works shall be inspected and at the satisfaction of the superintendent or landscape architect, the responsibility will be signed over to the client.

<div>General Notes:</div> <div>Figured dimensions take preference to scale readings. Verify all dimensions on site. PDF'd plans may vary slightly in Scale for that indicated on plans. Report any discrepancies to the Landscape Architect before proceeding with the work.</div> <div>© Copyright R. L Frew Landscape Architectural Services T/A CONCEPT</div> <div>This drawing is protected by copyright. All rights are reserved. Unless permitted under the Copyright Act 1968, no part of this drawing may in any form or by any means be reproduced, published, broadcast or transmitted without the prior written permission of the copyright owner.</div> <div>If the Status of this drawing is not signed off For Construction it may be subject to change, alteration or amendment at the discretion of our office. If so, Concept is not liable for any loss, damage, harm or injury whether special, consequential, direct or indirect, suffered by you or any other person as a result of your use of this drawing for construction purposes.</div> <div>These plans and associated IP remain the property of R. L. Frew Landscape Architectural Services Pty Ltd (T/A Concept) until such time as all agreed payments are made in full. We retain the right to withdraw this information from the assessment process if such payments are not made following the notification period.</div>	<div><div>AILA Associate</div><div><div>Australian Institute of Landscape Architects</div></div></div> <div><div><div>www.dialbeforeyoudig.com.au</div></div></div>	<table><tr><th>REV</th><th>DATE</th><th>NOTATION/AMENDMENT</th></tr><tr><td>A</td><td>11.09.18</td><td>Preliminary DA plan prepared for review</td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></table>	REV	DATE	NOTATION/AMENDMENT	A	11.09.18	Preliminary DA plan prepared for review																															<table><tr><td>COUNCIL</td><td>Waverley Council</td></tr><tr><td>CLIENT</td><td>Mr & Mrs Neaman</td></tr><tr><td>ARCHITECT</td><td>Oppodan designer homes</td></tr><tr><td>STATUS / ISSUE</td><td>DA - ISSUE A</td></tr></table>	COUNCIL	Waverley Council	CLIENT	Mr & Mrs Neaman	ARCHITECT	Oppodan designer homes	STATUS / ISSUE	DA - ISSUE A	<div><div>Conzept Landscape Architects</div><div>Suite 101, 506 Miller St CAMMERAY NSW 2062</div><div>Phone: 9922 5312 Fax: 8209 4982 Mob: 0413 861 351</div><div>www.conzept.net.au enquiries@conzept.net.au</div></div>	<div>TITLE:</div> <div>SPECIFICATION</div> <div>PROPOSED RESIDENTIAL DEVELOPMENT</div> <div>5 NANCY ST</div> <div>NORTH BONDI</div>	<div>DWG.No:</div> <div>LPDA 19 - 69 / 3</div> <div>SCALE:</div> <div>1:200 @ A3</div> <div>DATE:</div> <div>SEP 2018</div> <div><div>DRAWN:</div><div>R.H</div></div> <div><div>CHECKED:</div><div>R.F</div></div> <div>312</div>
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COUNCIL	Waverley Council																																																	
CLIENT	Mr & Mrs Neaman																																																	
ARCHITECT	Oppodan designer homes																																																	
STATUS / ISSUE	DA - ISSUE A																																																	



Report to the Waverley Local Planning Panel

Application number	DA-367/2018/1
Site address	1A Reina St, NORTH BONDI
Proposal	Review of previous refusal of proposed alterations and additions to existing dual occupancy development
Date of lodgement	03-May-2019
Owner	Ms A M Friedgut
Applicant	Ms A M Friedgut
Submissions	Nil
Cost of works	\$153,945
Issues	Nil
Recommendation	That the application be APPROVED subject to conditions



1. PREAMBLE

1.1 Site and Surrounding Locality

The site is identified as Lot 1 in SP 73668, known as 1A Reina Street, NORTH BONDI. The site is rectangular in shape with a western street boundary to Reina Street measuring 12.55m, northern side boundary measuring 19.76m, eastern boundary measuring 12.55m and southern street boundary to Murriverie Road measuring 20.11m. The site has a total area of 458.8m² and is generally flat.

The site is a corner lot that is occupied by a two storey attached dual occupancy development with vehicular access provided from Murriverie Road to a double garage. Pedestrian access to the site is located off Reina Street.

The subject site is adjoined by a dwelling house to the north and the attached dual occupancy to the east. The locality is characterised by a variety of residential developments including dual occupancies, semi-detached dwellings and single dwelling houses.



Figure 1: Site viewed from Murriverie Road. 1A Reina Street is on the left.

1.2 Relevant History

A review of Council's records revealed the following relevant history of the subject site:

- **DA-782/2002** A Development Application for the demolition of the existing buildings and construction of a new dual occupancy including garages and pool at 1 Reina Street was lodged.

A review of the assessment report reveals that the application proposed a FSR of 0.62:1 (286.16m²) which did not comply with the provisions of the Development Control Plan No. 2 (DCP No. 2) at the time, as the garage space was considered as floor space. DCP No.2 has since been repealed.

That the setback of the two garages along the Murriverie Road elevation be consistent with the two residences, that being 1.5 metres.

- **DA-782/2002/A** An application to modify **DA-782/2002** as described above was approved on 10 October 2003.
- **DA-728/2003** A Development Application for Strata subdivision into two lots was approved on 4 November 2003.
- **SC-4/2004** A Subdivision Certificate for Strata subdivision into two lots was issued on 29 January 2004.
- **DA-239/2012** A Development Application for the infill of the balcony at ground level of Unit 1 of the dual occupancy at 1A Reina Street was approved on 14 June 2012.

This resulted in the provision of an additional 5m² of gross floor area.

- **DA-367/2018** A Development application for alterations and additions to the existing dual occupancy was refused on 21 March 2019. The reasons for refusal are summarised below:
 - Exceedance to FSR development standard
 - Amenity of adjoining property
 - Streetscape impacts

1.3 Proposal

The application seeks a review of the previous application proposing alterations and additions to a dual occupancy development, including a first floor addition above the existing garage fronting Murriverie Road and includes the following works:

First Floor Level

- New addition over the existing garage to create master bedroom with an area of 24.6m²;
- Conversion of an existing bathroom to a study.
- New windows to the northern and southern elevations of the master bedroom.
- New rendered masonry wall at the western boundary.

1.4 Proposed changes to the previously refused DA-367/2018

The subject application includes minor modifications to the previously refused DA-367/2018 including the following:

- Architectural plans demonstrate the gross floor area of each dwelling resulting in a compliant FSR.
- The southern wall of the new addition has been setback further to the southern boundary.
- Frosted louvres are proposed to replace timber batten screening on the southern elevation.
- Additional tree planting is proposed.

Changes to the southern elevation fronting Murriverie Road are presented below in Figures 2 and 3:



Figure 2: Extract of the southern elevation plan from DA-367/2018 (refused).



Figure 3: Extract of the southern elevation plan from DA-367/2018/1 (proposed).

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 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

The BASIX Certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal. A standard condition is recommended ensuring the measures detailed in the BASIX Certificate are implemented.

2.1.2 SEPP 55 Remediation of Land

There is no known history of contamination applicable to the site. The subject site has historically been used for residential purposes. Accordingly, site land contamination is considered unlikely and no further investigation is necessary.

2.1.3 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table R2 Zone	Yes	The proposal is defined as a dual occupancy, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none">8.5m	Yes	The proposed height of the works do not exceed 8.5m.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none">Max FSR 0.6:1 (275.4m²)Site area: 458.8m²	Yes	The proposal results in a floor space ratio of 0.55:1 or 253.1m ² .

2.1.4 Waverley Development Control Plan 2012 - Amendment No 5 (Waverley DCP 2012)

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

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

Development Control	Compliance	Comment
1. Waste	Yes	A Site Waste & Recycling Management plan has been submitted with the application to address waste disposal during construction. Condition of consent will be imposed regarding ongoing waste on site should consent be granted.
2. Ecologically sustainable Development	Yes	A suitable BASIX Certificate has been submitted with the application that is acceptable.
6. Stormwater	No (condition)	The stormwater plans submitted with the application do not comply with the Water Management Technical Manual. This matter is addressed by a condition of consent.

Table 3: Waverley DCP 2012 – Part C1 Dwelling House, Dual Occupancy, Secondary Dwelling, Semi-Detached Dwelling and Terrace Development Compliance Table

Development Control	Compliance	Comment
2.0 General Objectives		
<ul style="list-style-type: none"> • Appropriate scale • Does not detract from amenity of other dwellings or view corridors • ESD has been considered • Alterations & additions are sympathetic in bulk & scale to the character of the area • High design standard 	Yes	The proposal does not contravene the general objectives of this part of the DCP.
2.1 Height		
1.1.1 Flat roof dwelling house <ul style="list-style-type: none"> • Maximum overall building height of 7.5m 	Yes	The maximum building height does not exceed 7.5m.
2.2 Setbacks		
1.2.1 Front and rear building lines	Yes	The existing front and rear building line at each level of the dual occupancy will be maintained.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 		
1.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 0.9m 	Yes	The proposal provides over a 1m setback to the southern boundary and a 5m setback to the northern side boundary.
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context Replacement windows to complement the style & proportions of existing dwelling 	Yes	<p>The proposal presents to the street as a contemporary two-storey building which is compatible with other two-storey development along Reina Street and Murrivier Road. The proposal provides additional tree planting to the southern side of the site fronting Murrivier Road which enhances the amenity and visual setting of the site and streetscape.</p> <p>New windows complement the style and proportions of the existing dwelling.</p>
2.4 Fences		
<i>Front:</i> <ul style="list-style-type: none"> Maximum height of 1.2m Solid section no more than 0.6m high <i>Side and Rear:</i> <ul style="list-style-type: none"> Maximum height of 1.8m 	No (acceptable)	The proposed masonry fencing to the southwest corner of the site results in a solid fence with a height of 1.5m which does not strictly comply with Council controls, however, it has been designed to match the existing masonry front fence of the subject site, and is compatible with the height and materials of fencing at adjoining properties.
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> Windows to habitable rooms are not to directly face windows to habitable rooms and / or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design. 	Yes	The proposal provides frosted louvres and timber privacy screens on window openings to the northern and southern elevations which is considered acceptable in mitigating privacy impacts to adjoining properties and for the site itself from the street.
2.6 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas 	Yes	Due to the orientation of the subdivision pattern and siting of the development, additional overshadowing would be cast upon the front

Development Control	Compliance	Comment
and principal open space areas on 21 June <ul style="list-style-type: none"> Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June 		setback areas of the properties adjacent to the subject site on Murrivier Road. The proposal is not considered to adversely impact upon solar access to the surrounding dwellings.
2.15 Dual occupancy		
<i>Minimum lot size:</i> <ul style="list-style-type: none"> 450m² for attached 	Yes	The site has an area of 458.8m ² and contains an existing attached dual occupancy development.

2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

It is considered that the proposal will 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 to be suitable for the proposed development.

2.4 Any Submissions

The application was notified for 14 days in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*.

No submissions were received.

2.5 Public Interest

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

3. REFERRALS

3.1 Stormwater – Creating Waverley

An internal referral was sought from Council's Stormwater Engineer under the previous application. The stormwater details are similar to the previous plan that were not considered satisfactory with respect to the Water Management Technical Manual, therefore a condition will be imposed in the consent seeking the stormwater details to be updated in accordance with the DCP.

4. SUMMARY

The application seeks approval for alterations and additions to an existing dual occupancy, including a first floor addition above the garage fronting Murrivier Road and courtyard improvements. The application was notified and received no objections to the development.

The proposal is defined as alterations and additions to a dwelling house which is permissible in the R2 zone. The additional information provided with this application demonstrates the proposal complies with the height of buildings and floor space ratio development standards of the Waverley LEP 2012 and is generally consistent with the objectives and controls of the Waverley DCP 2012.

Accordingly, the proposal has been assessed against the provisions of the Environmental Planning and Assessment Act 1979 and is recommended for approval, subject to conditions of consent.

5. RECOMMENDATION TO WAVERLEY DEVELOPMENT ASSESSMENT PANEL

That the Development Application be **APPROVED** by the Waverley Development Assessment Panel subject to the Conditions in Appendix A:

Report prepared by:

**Application reviewed and agreed on behalf of
the Development and Building Unit by:**

Bianca Fyvie
Development Assessment Planner

Bridget McNamara
**Manager, Development Assessment
(North/South)**

Date: 6 June 2019

Date: 12 June 2019

Reason for referral:

1 Review

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) The following Architectural Plans prepared by Studio Katz Architects:

Plan description	Revision No	Date	Date received by Council
DA03 Ground Floor Plan	B	03/05/2019	03/05/2019
DA04 First Floor Plan	B	03/05/2019	03/05/2019
DA05 Roof Plan	B	03/05/2019	03/05/2019
DA06 Elevation South	B	03/05/2019	03/05/2019
DA06a Elevations North	B	03/05/2019	03/05/2019
DA07 Elevations East West	B	03/05/2019	03/05/2019
DA08 Sections A B	B	03/05/2019	03/05/2019

- (b) BASIX and NatHERs Certificate;

- (c) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.

Except where amended by the following conditions of consent.

2. ALTERATIONS AND ADDITIONS ONLY

This consent is for alterations and additions to the existing building only and should during the course of certification or construction a significant amount of the remaining fabric of the building be required to be removed, works must cease immediately and a new development application will be required to be submitted for assessment. This will require compliance with the planning controls, including SEPP (Building Sustainability Index: BASIX) 2004.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

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

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

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.

4. SECTION 7.12 CONTRIBUTION

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

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

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

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

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

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

Prior to the issue of the amended Construction Certificate, evidence must be provided that the

revised levy has been paid to Council in accordance with this condition OR that the cost of works is less than \$100,000.

5. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of **\$5000** 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

6. LONG SERVICE LEVY

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

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

7. 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.

8. 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.

9. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY

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

10. FENCE NOT TO ENCROACH BEYOND BOUNDARIES

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

11. STORMWATER MANAGEMENT

The Plans prepared by Studio Katz Architects, Job No. 1803, Sheet No. DA-01 to DA-10 (Rev A), dated October 2018 are **not satisfactory** with respect to stormwater details.

The drawings do not comply with the Waverley Development Control Plan 2012 in reference to Waverley Council's Water Management Technical Manual.

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

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

12. BASIX

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

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

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

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

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

13. 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.

14. 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.

15. CONSTRUCTION SIGNS

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

16. 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.

17. COMPLIANCE WITH SAFE WORK NSW

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

18. 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).

19. 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;

20. 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.

21. 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.

22. CONSTRUCTION HOURS

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

- (a) 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.

23. 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 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.

24. 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.

25. NATIONAL CONSTRUCTION CODE (NCC)

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

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

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.

27. CERTIFICATE OF SURVEY – LEVELS

All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans.

28. 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.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

29. FINAL OCCUPATION CERTIFICATE

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

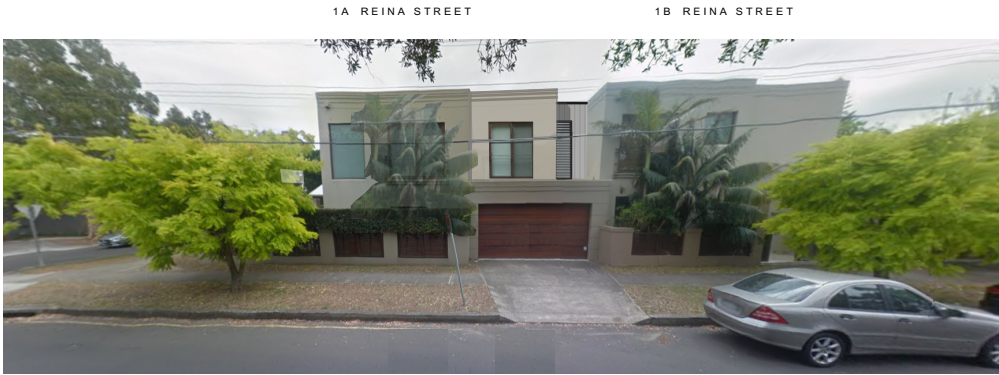
30. STORMWATER MANAGEMENT

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.

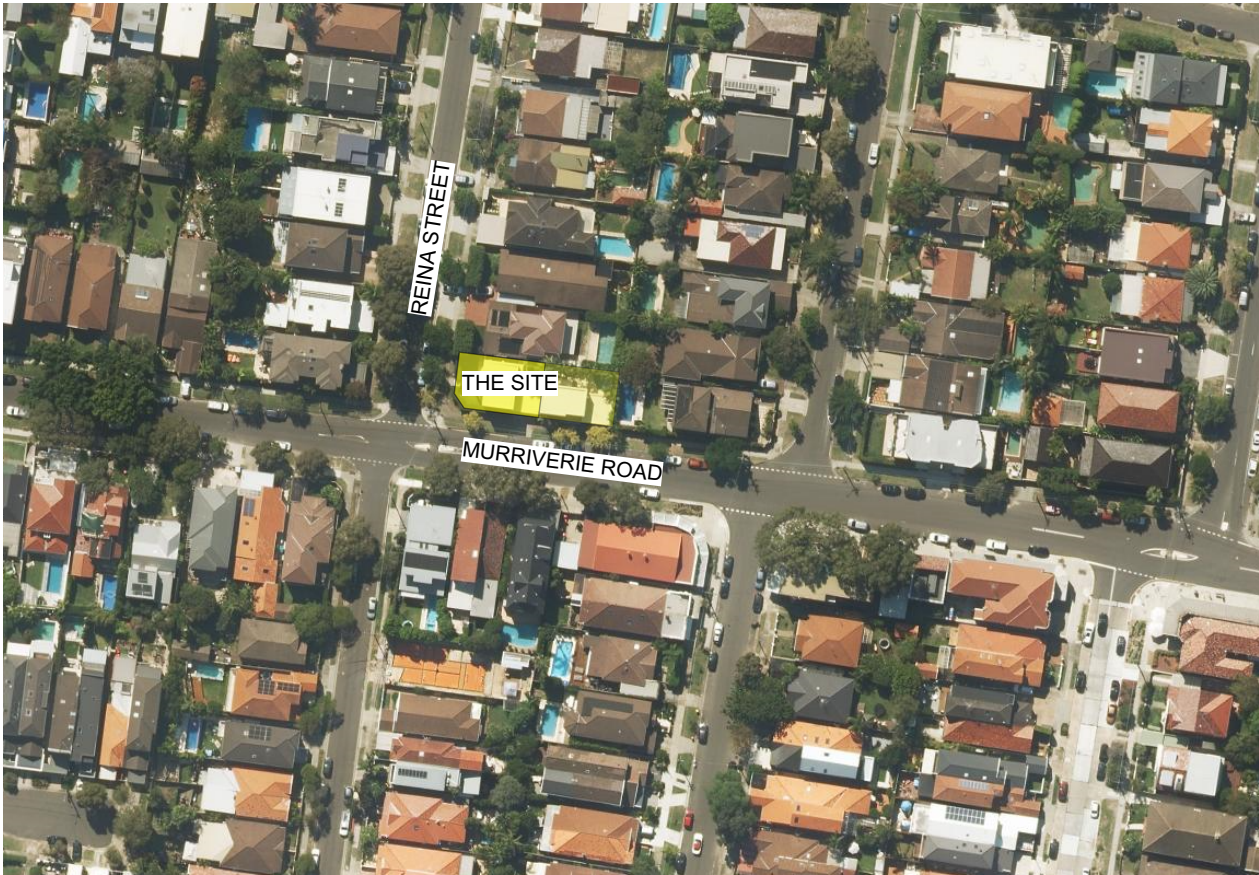
1A REINA STREET, NORTH BONDI DA- 367/2018

DP 1074372 LOT 1 SP 73668

DWG No.	DWG NAME	SCALE	REV
DA -01	COVER PAGE	NTS	A
DA -02	SITE ANALYSIS AND CONTROLS	200	A
DA -03	GROUND FLOOR PLAN PROPOSED	100	A
DA -04	FIRST FLOOR PLAN PROPOSED	100	A
DA- 05	ROOF PLAN & WMSP PROPOSED	100	A
DA- 06	ELEVATIONS SOUTH	100	A
DA- 06a	ELEVATIONS NORTH	100	A
DA- 07	ELEVATIONS EAST WEST	100	A
DA-08	SECTIONS A B	100	A
DA-09	PERSPECTIVES	100	A
DA-10	NOTIFICATION PLAN	100	A



THIS IS AN APPROXIMATE REPRESENTATION OF THE PROPOSED WORKS ONLY



LOCATION PLAN (NTS)

SECTION 8.3 APPLICATION

AREA CALCULATIONS

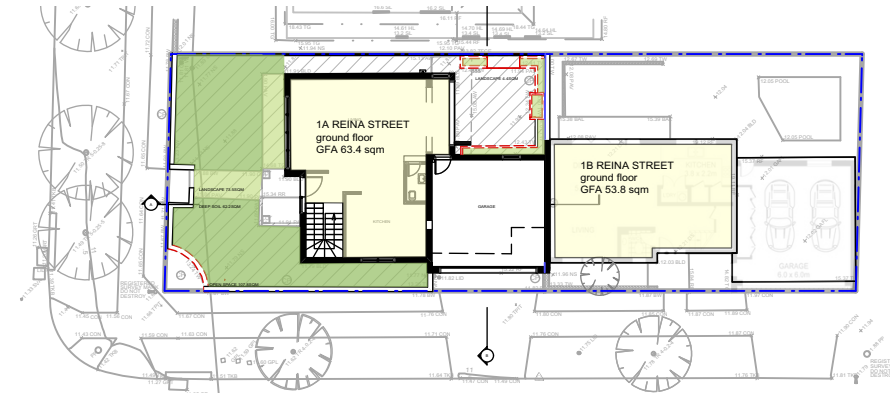
DP 1074372
SP 73668
LOT 1

EXISTING SITE AREA: 458.8 SQM
EXISTING LOT AREA 250.283SQM (50% PER STRATA PLAN)

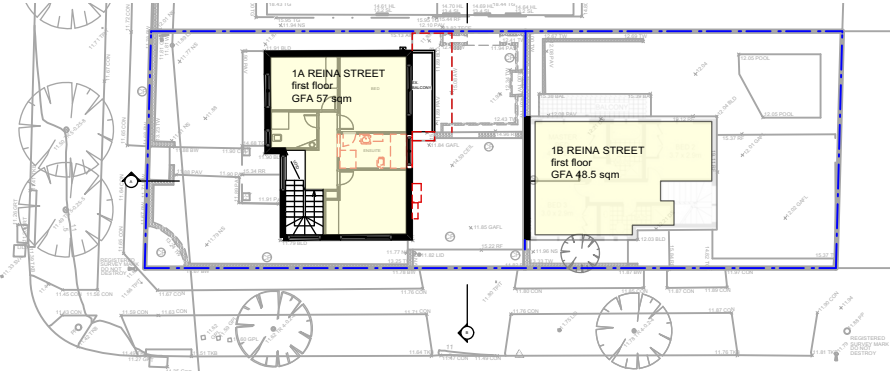
FSR (LEP Section 4.4a) 0.6:1
PERMISSABLE FLOOR AREA FOR SITE :275.28sqm

CONTROLS	CONTROL	PERMISSABLE AREA PER SITE	PERMISSABLE AREA PER LOT	EXISTING	PROPOSED	COMPLY
LANDSCAPE LOT1 1A REINA STREET:						
OPEN SPACE	40% SITE AREA	183.5 SQM	91.7 SQM	107.8 SQM	110.5 SQM	Y
LANDSCAPE AREA	15% SITE AREA	68.8 SQM	34.4 SQM	64 SQM	67 SQM	Y
DEEP SOIL	15% SITE AREA	68.8 SQM	34.4 SQM	62.2 SQM	65 SQM	Y
FLOOR AREA LOT1 1A REINA STREET:						
GROUND				69.2 SQM	69.2 SQM	
UPPER				57 SQM	81.6 SQM	Y
TOTAL				126.2 SQM	150.8 SQM	
APROX FLOOR AREA LOT2 1B REINA STREET:						
GROUND				53.8 SQM		
UPPER				48.5 SQM		
TOTAL				102.3 SQM	102.3 SQM	
NOTE LOT 2 MEASUREMENTS ARE APROX. ONLY, BASED ON SCALED DESK TOP STUDY.						
TOTAL GFA LOT1 AND LOT 2 :				228.5 SQM	253.1 SQM	Y

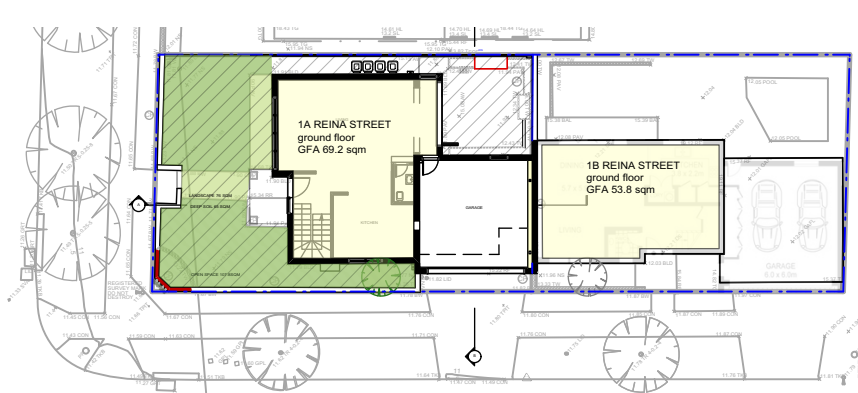
1 SITE ANALYSIS
Scale: 1:250



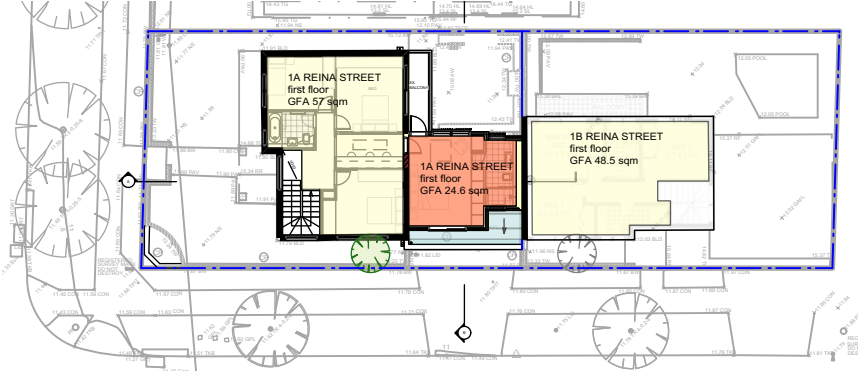
2 AREA CALCULATIONS GROUND EXISTING
Scale: 1:400



3 AREA CALCULATIONS FIRST FLOOR EXISTING
Scale: 1:400



4 AREA CALCULATIONS GROUND PROPOSED
Scale: 1:400



5 AREA CALCULATIONS FIRST FLOOR PROPOSED
Scale: 1:400

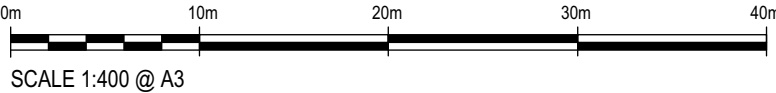
BASIX

BASIX COMMITMENTS
ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS

WATER:		ENERGY OPTIONS:	
SHOWHEADS	3 STARS	USE ENERGY EFFICIENT LIGHTING 40% MIN LED	
TAPS	3 STARS		
TOILETS	3 STARS		
THERMAL:			
INSULATION TO WALLS		FRAMED WALL EXTERNAL	R1.30
		FRAMED STRUCTURAL PANEL SYSTEM	R 1.25
		EXTERNAL OTHER	R 1.70
INSULATION TO FLOOR		SUSPENDED ABOVE GARAGE	R 0.7
INSULATION TO CEILING		FLAT CEILING FLAT ROOF	R1.82 UP
ROOF		FOIL SARKING	75MM
		SOLAR ABSORBANCE	LIGHT

LEGEND

- PROPOSED GFA 1A REINA STREET
- MEASURED GFA 1A AND 1B REINA STREET
- LANDSCAPE AREA
- DEEP SOIL AREA
- OPEN SPACE



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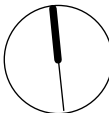
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NOMINATED ARCHITECT LEE-ANNE KATZ
NSW ARCH. NO 8116
BARCH & ARTS (HONS1) UNSW

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M +61 414875257
W WWW.STUDIOKATZ.COM.AU
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A 04/10/2018 DEVELOPMENT APPLICATION
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PROJECT: DA - 367 / 2018
1A REINA STREET,
NORTH BONDI NSW 2026

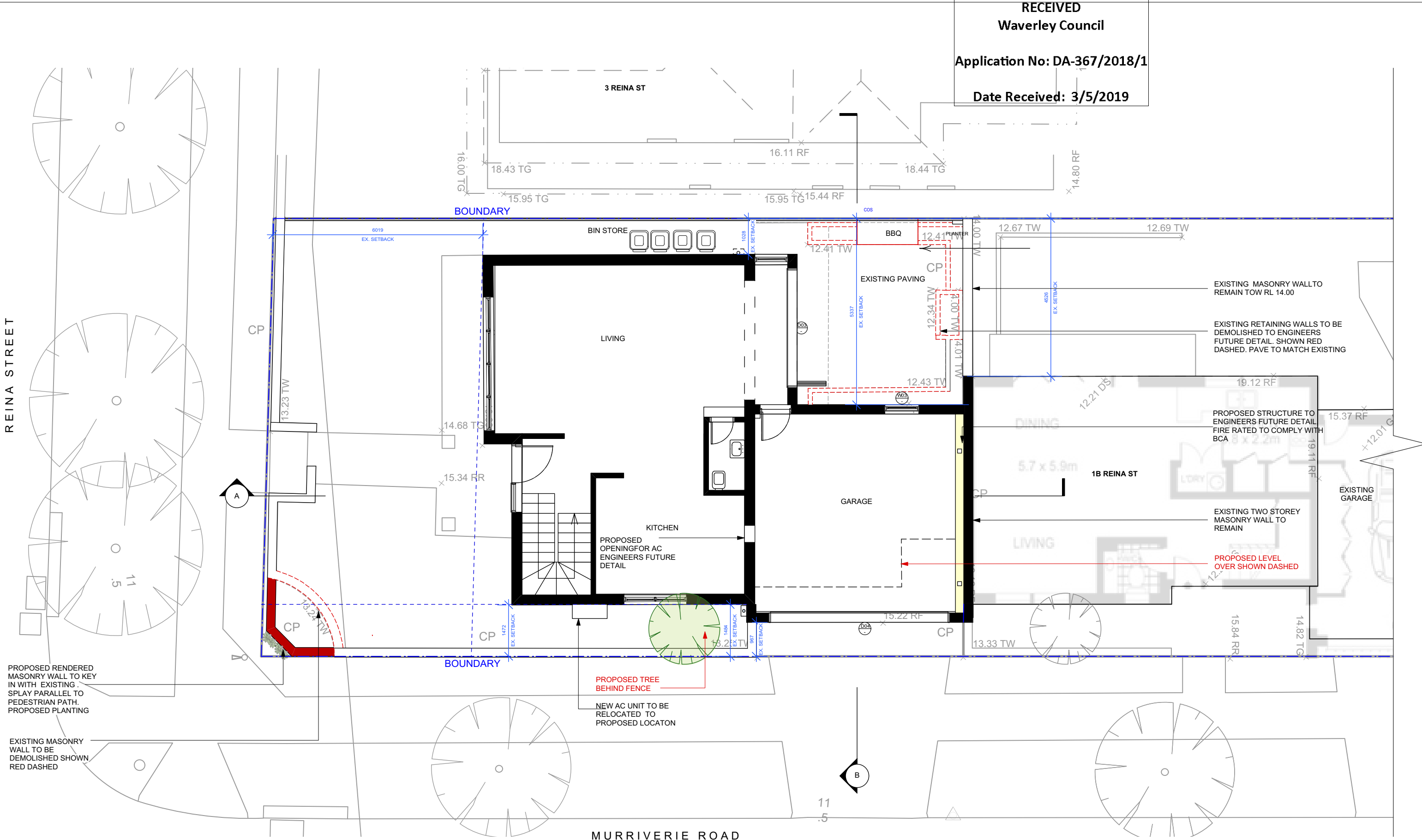
PROJECT #1803

DRAWING: SITE ANALYSIS AND
CONTROLS

SCALE 1:100
@ A3

DATE # MAY 2018

DWG # DA02
REV. 332



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Waverley Council
Application No: DA-367/2018/1
Date Received: 3/5/2019

1 GROUND FLOOR PLAN
Scale: 1:100

0m 5m 10m
SCALE 1:100 @ A3

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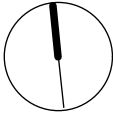
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A 04/10/2018 DEVELOPMENT APPLICATION
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PROJECT: DA - 367 / 2018
1A REINA STREET,
NORTH BONDI NSW 2026

PROJECT #1803

DRAWING: GROUND FLOOR PLAN
PROPOSED

SCALE 1:100
@ A3

DATE # MAY 2018

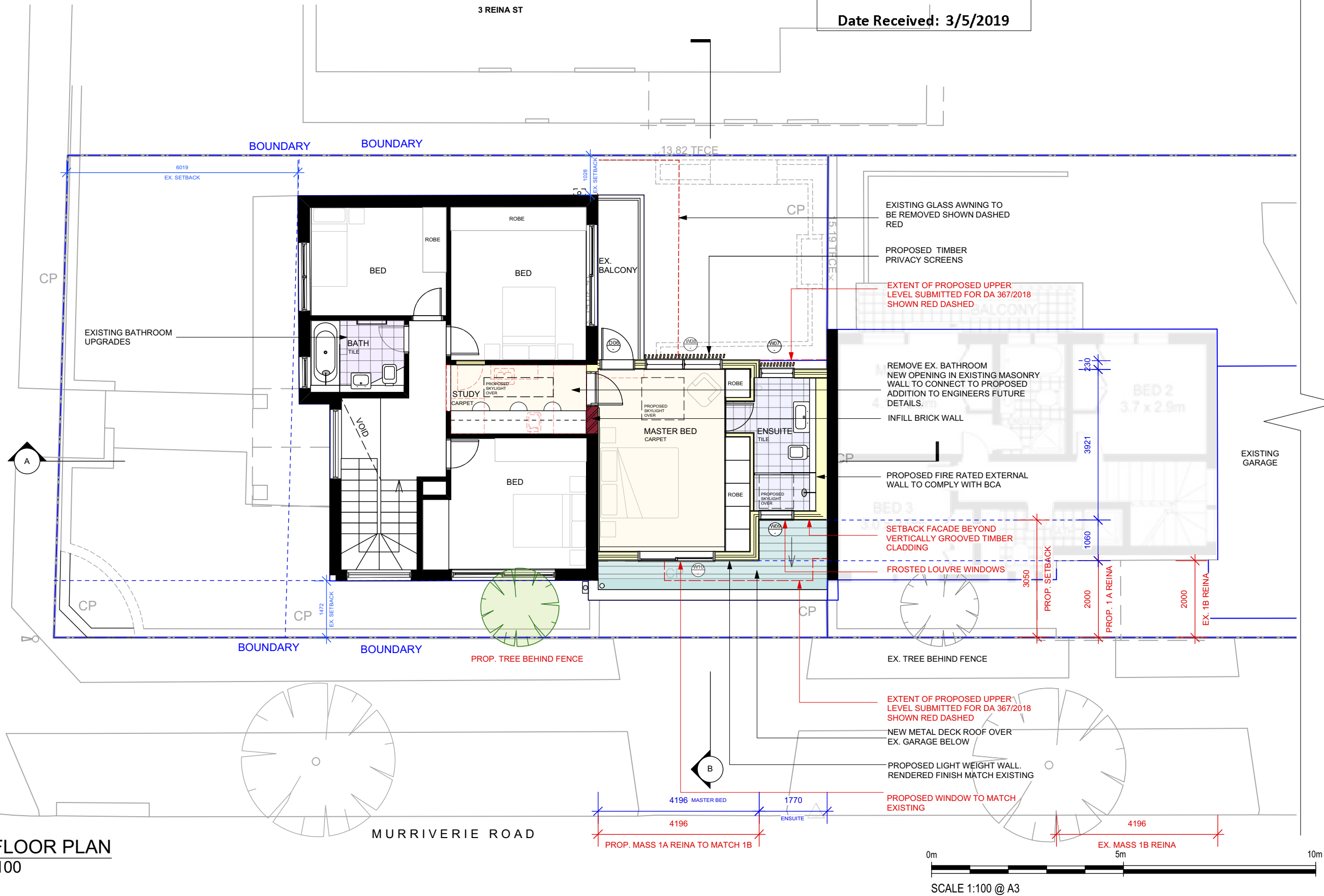
DWG # DA03
REV. 333

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Application No: DA-367/2018/1

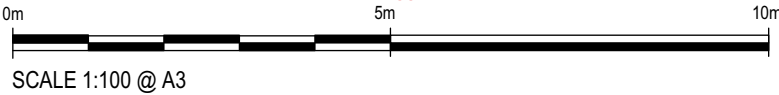
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REINA STREET



1 FIRST FLOOR PLAN
Scale: 1:100

MURRIVERIE ROAD



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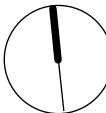
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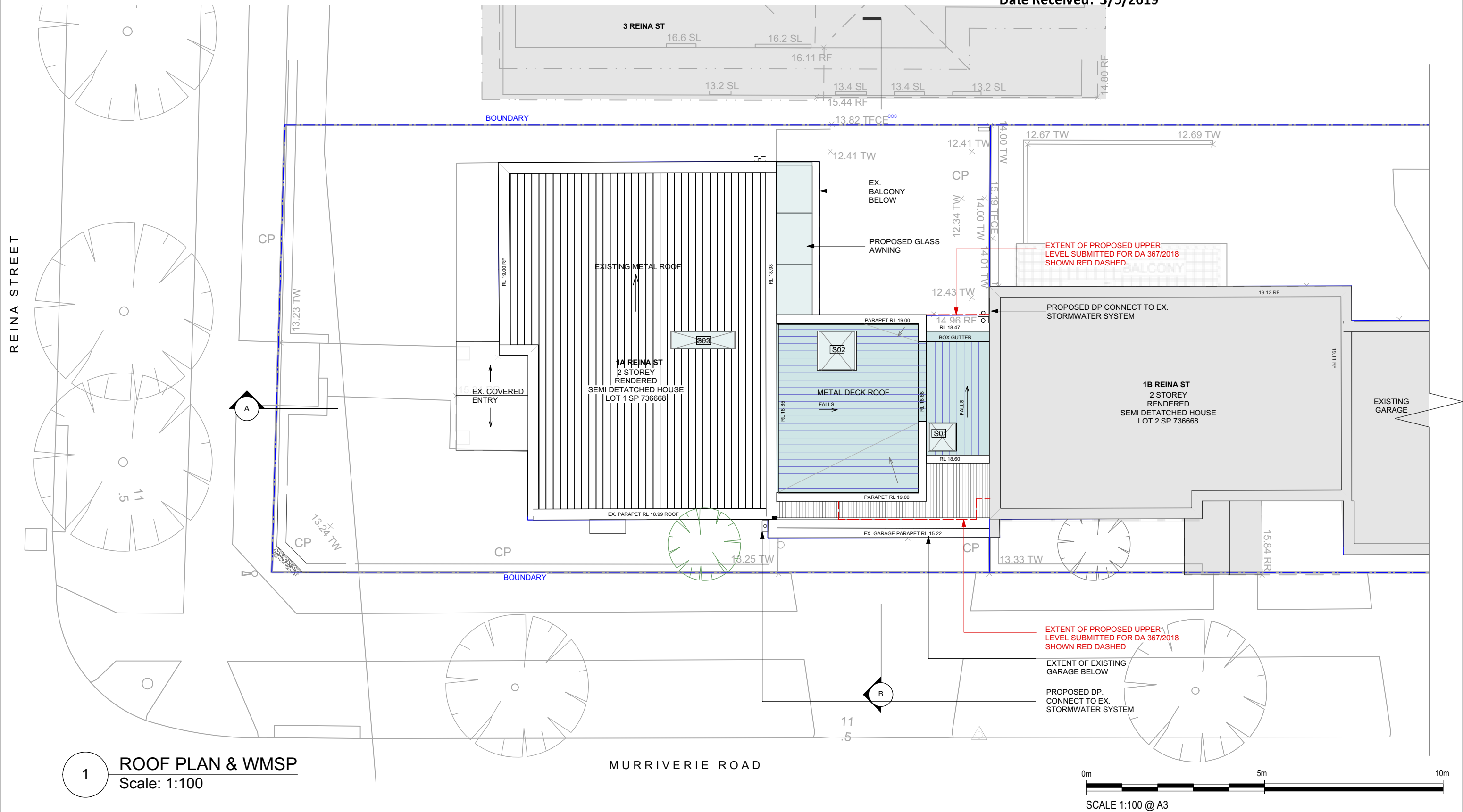
PROJECT: DA - 367 / 2018
1A REINA STREET,
NORTH BONDI NSW 2026
PROJECT #1803
DRAWING: FIRST FLOOR PLAN
PROPOSED

SCALE 1:100
@ A3
DATE # MAY 2018
DWG # DA04
REV. 334

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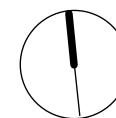
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1A REINA STREET,
NORTH BONDI NSW 2026

PROJECT #1803

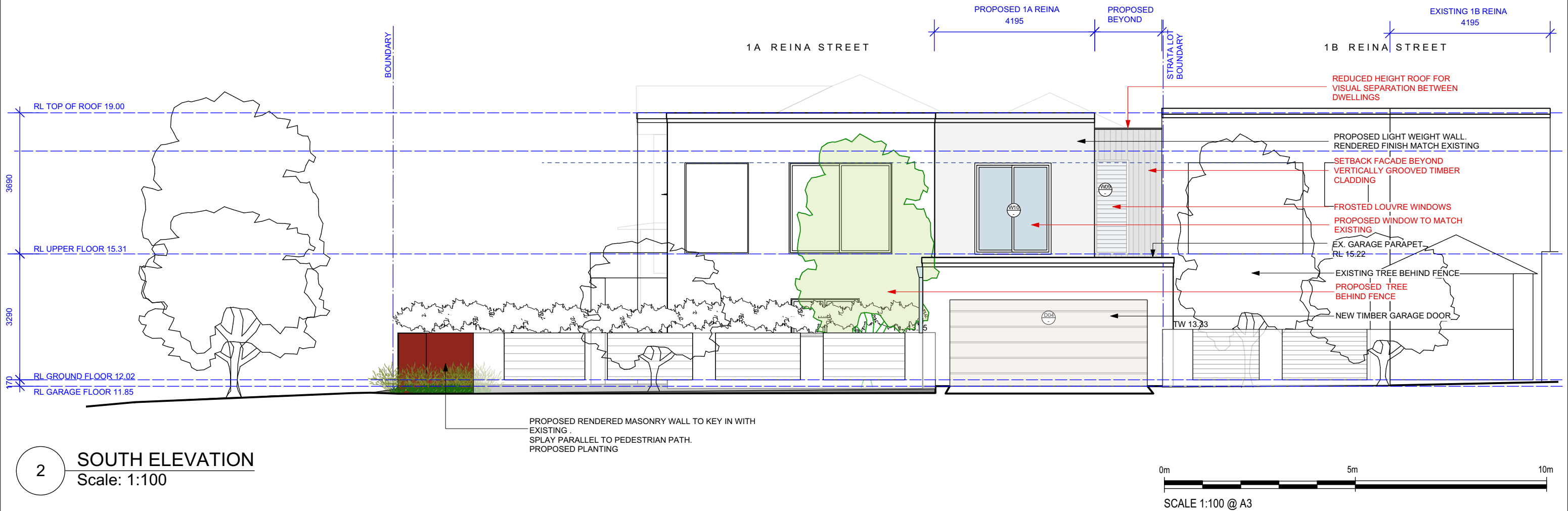
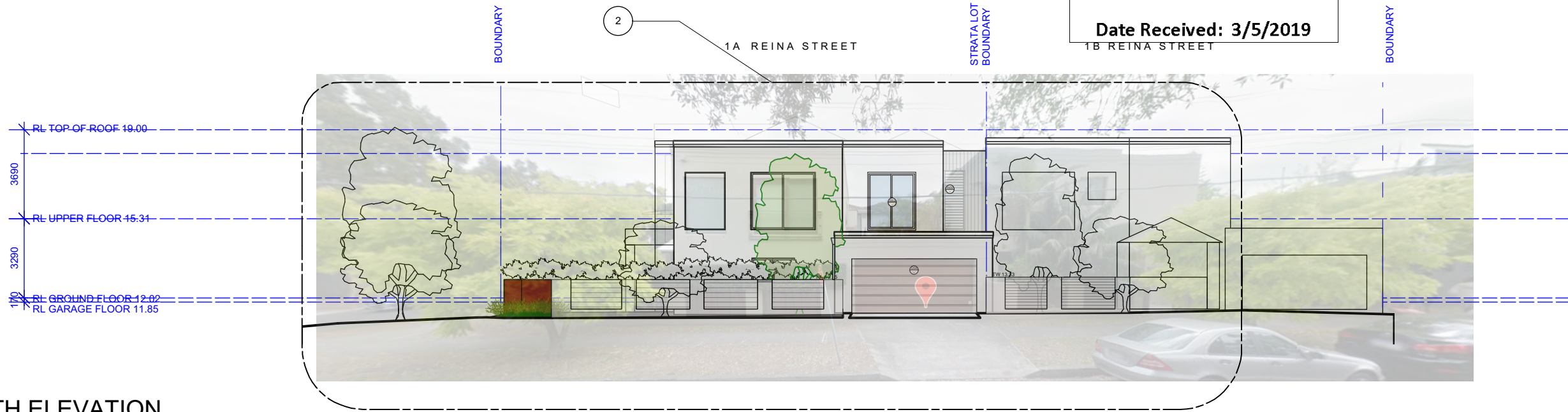
DRAWING: ROOF PLAN & WMSP
PROPOSED

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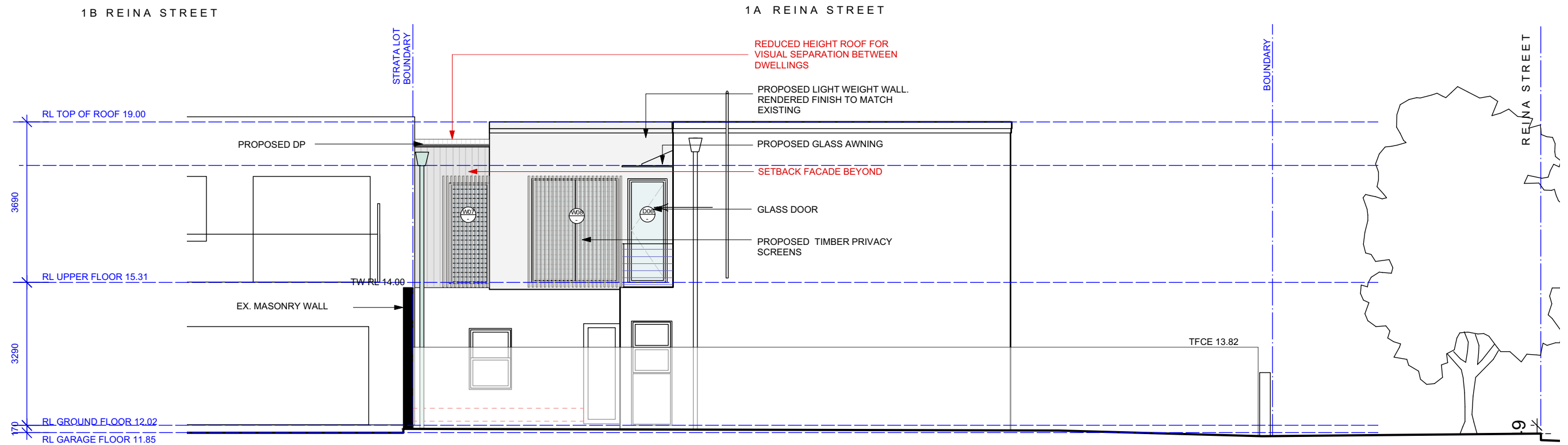
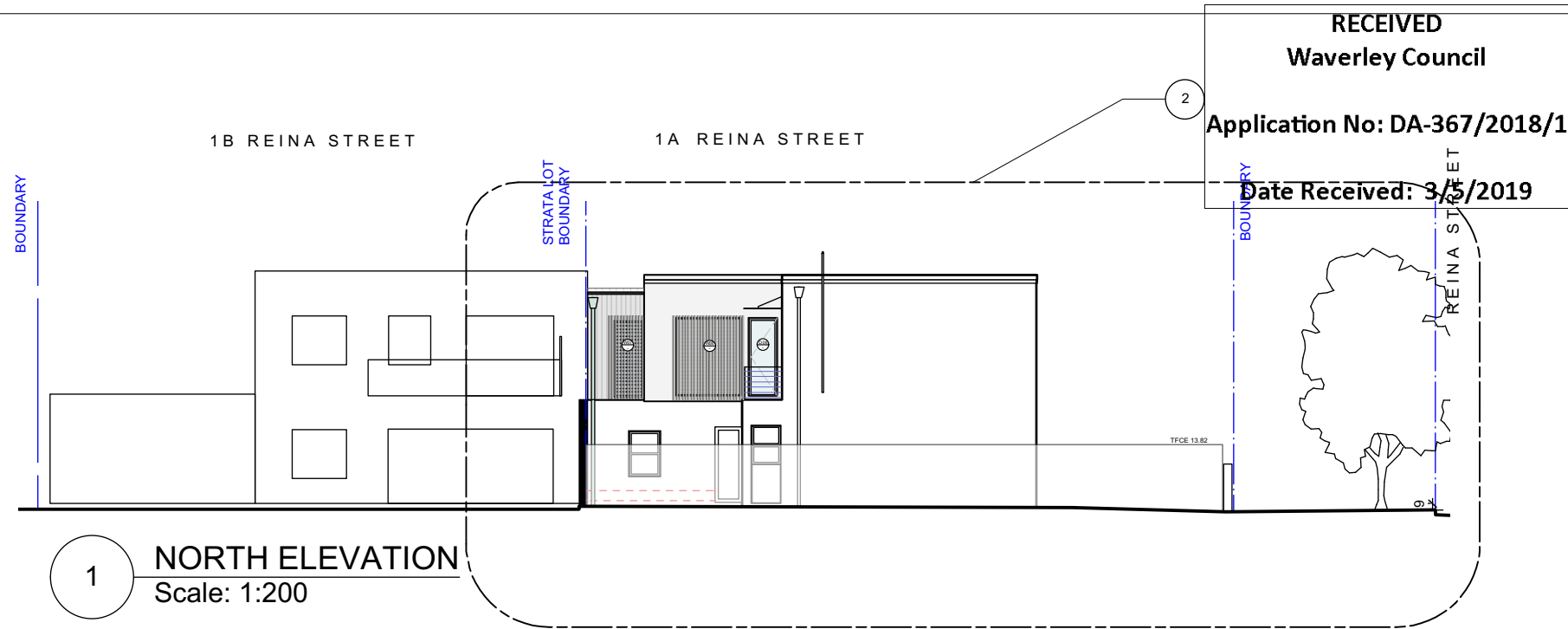
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A	04/10/2018	DEVELOPMENT APPLICATION
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PROJECT: DA - 367 / 2018
1A REINA STREET,
NORTH BONDI NSW 2026
PROJECT #1803
DRAWING: ELEVATION SOUTH

SCALE 1:100
@ A3
DATE # MAY 2018
DWG # DA06
REV. 336



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M +61 414875257
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A	04/10/2018	DEVELOPMENT APPLICATION
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1A REINA STREET,
NORTH BONDI NSW 2026

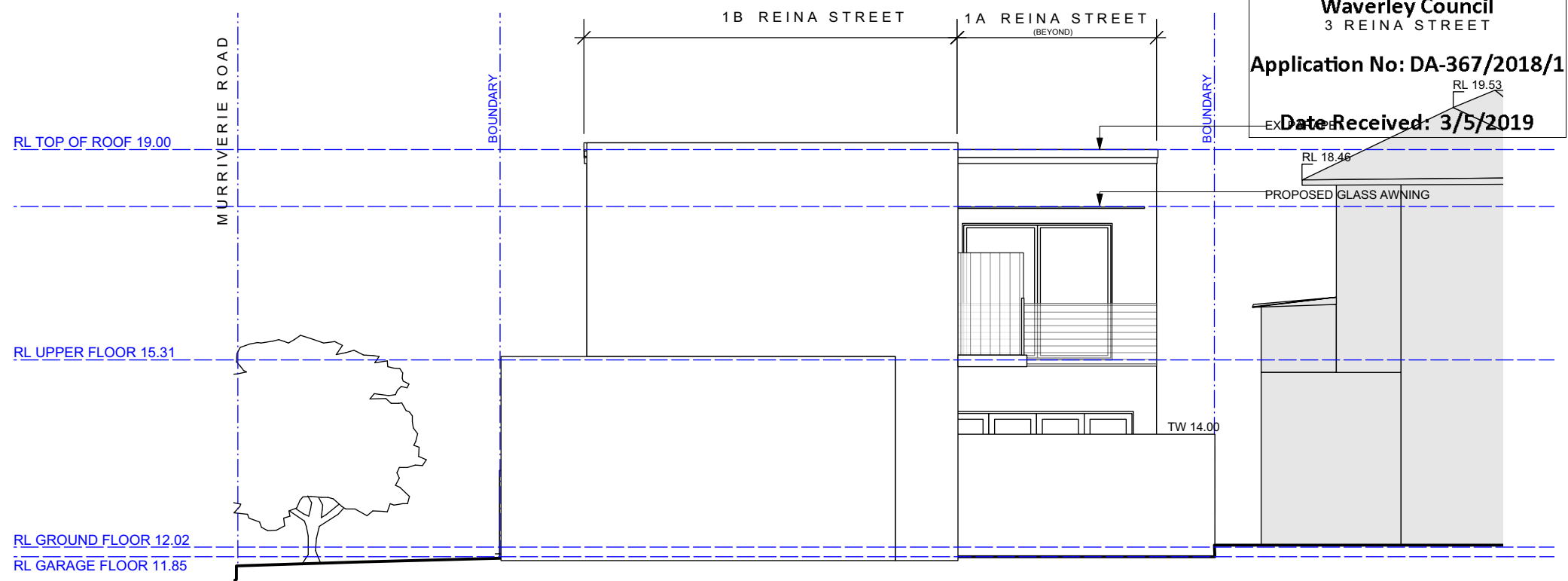
PROJECT #1803

DRAWING: ELEVATIONS NORTH

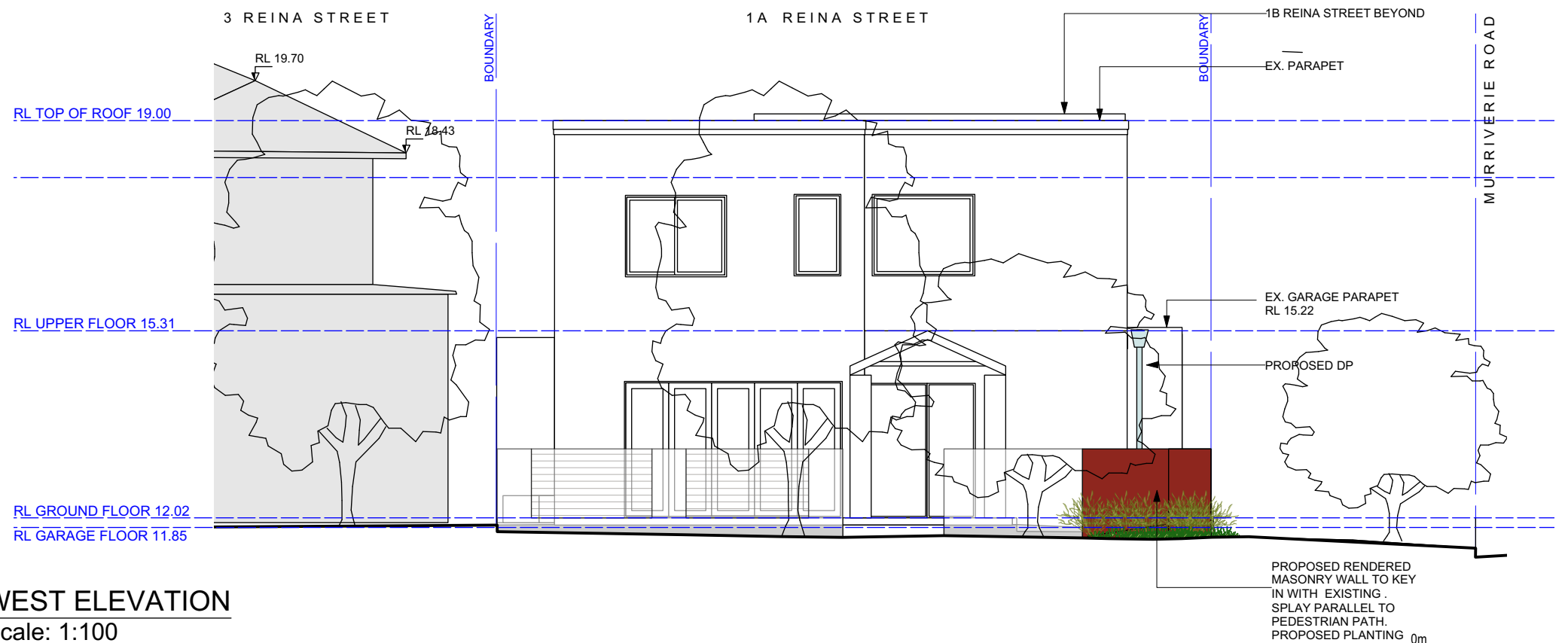
SCALE 1:100
@ A3

DATE # MAY 2018

DWG # DA06a
REV. 337



1 EAST ELEVATION
Scale: 1:100



2 WEST ELEVATION
Scale: 1:100

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M +61 414875257
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NORTH BONDI NSW 2026

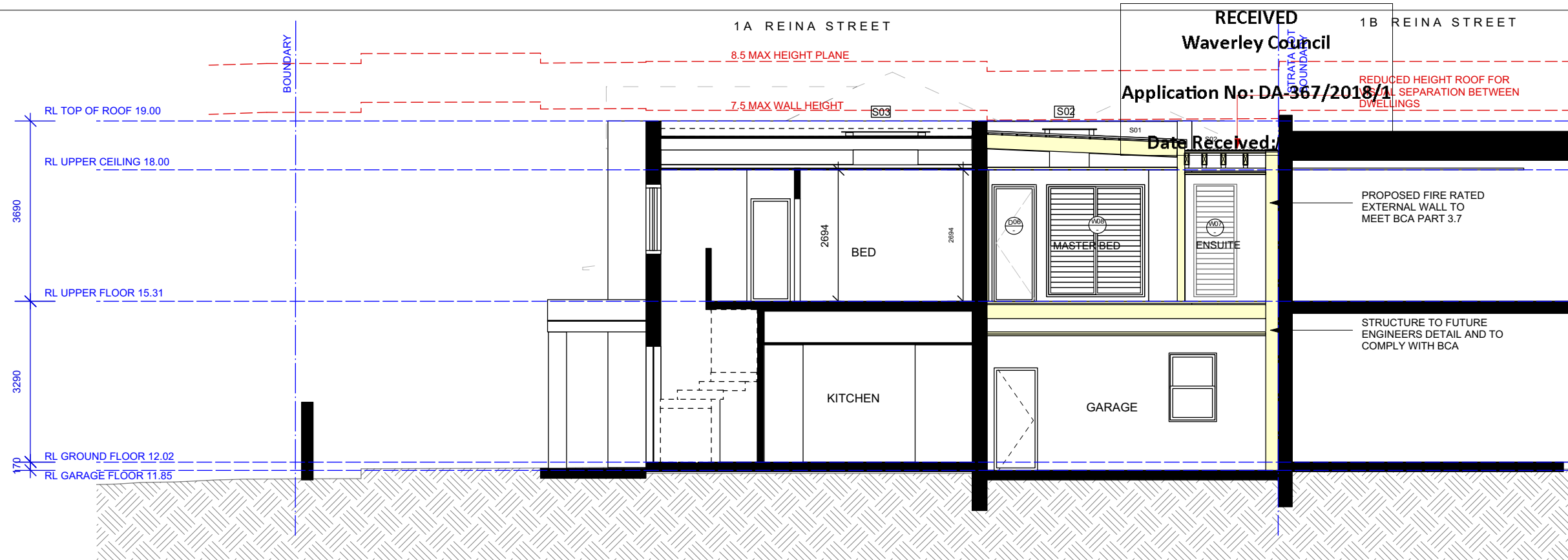
PROJECT #1803

DRAWING: ELEVATIONS EAST WEST

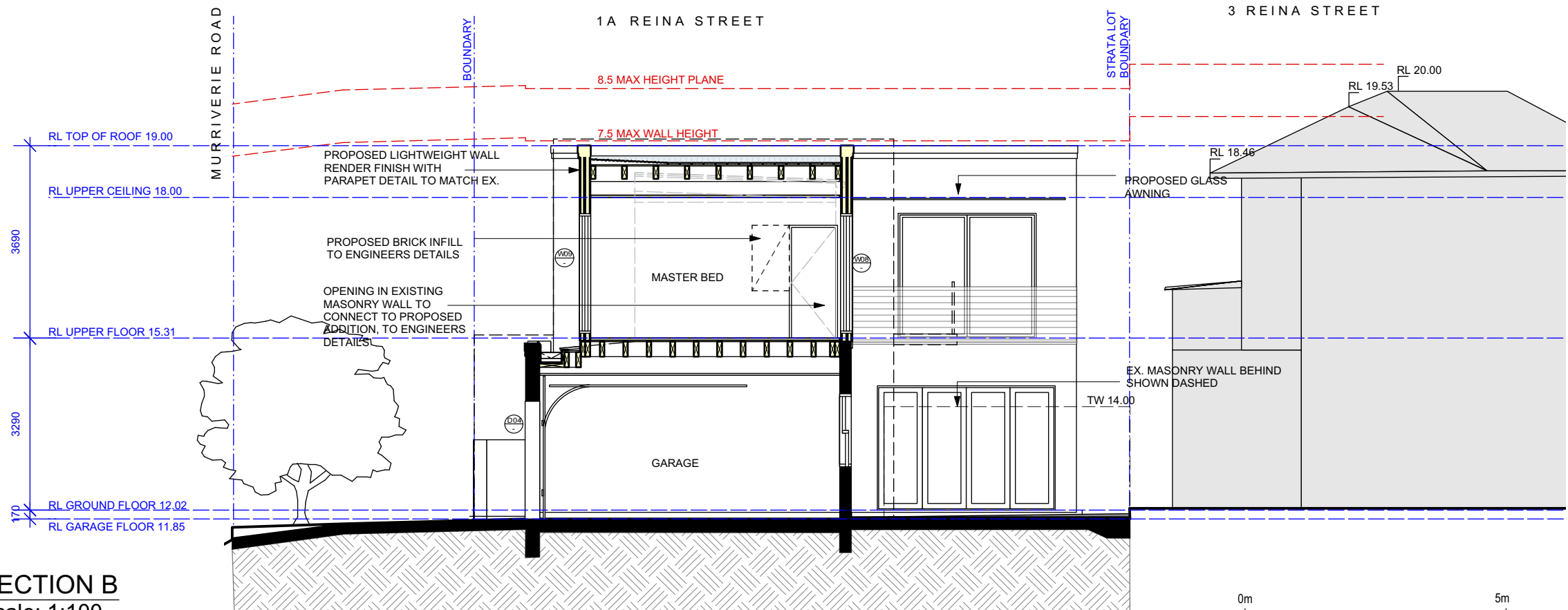
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DATE # MAY 2018

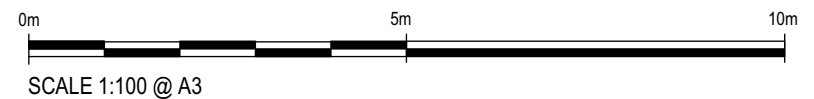
DWG # DA07
REV. 338



1 SECTION A
Scale: 1:100



2 SECTION B
Scale: 1:100



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BARCH & ARTS (HONS1) UNSW
LEEANNE@STUDIOKATZARCHITECTS.COM.AU
M +61 414875257
W WWW.STUDIOKATZ.COM.AU
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A	04/10/18	DEVELOPMENT APPLICATION

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1A REINA STREET,
NORTH BONDI NSW 2026

PROJECT #1803

DRAWING: SECTIONS A B

SCALE 1:100
@ A3

DATE # MAY 2018

DWG # DA08
REV. 339

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Waverley Council
Application No: DA-367/2018/1
Date Received: 3/5/2019

PROPOSED ADDITION SHOWN IN RED



1

VIEW 1

LOOKING NORTH EAST
CORNER MURRIVERIE AND REINA STREET

THIS IS AN APPROXIMATE REPRESENTATION OF THE PROPOSED WORKS ONLY

PROPOSED ADDITION SHOWN IN RED



2

VIEW 2

LOOKING WEST ALONG MURRIVERIE ROAD

THIS IS AN APPROXIMATE REPRESENTATION OF THE PROPOSED WORKS ONLY

1A REINA STREET

1B REINA STREET

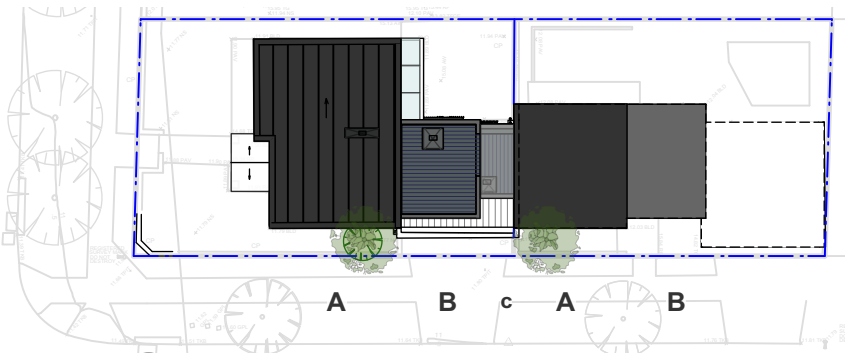


3

VIEW 3

LOOKING NORTH FROM MURRIVERIE ROAD

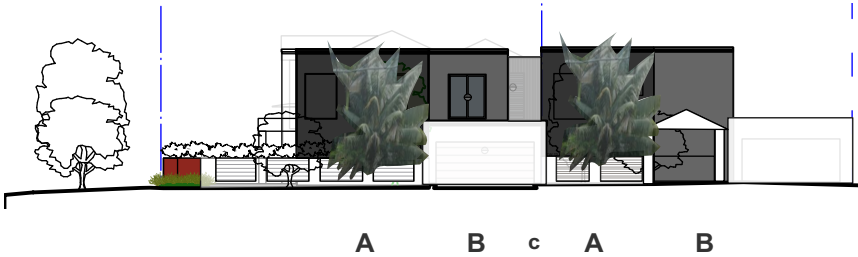
THIS IS AN APPROXIMATE REPRESENTATION OF THE PROPOSED WORKS ONLY



4

MASSING STUDY -PLAN

1:400



5

MASSING STUDY -ELEVATION

1:400

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BARCH & ARTS (HONS1) UNSW
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ISSUE	DATE	REVISION

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PROJECT: DA - 367 / 2018
1A REINA STREET,
NORTH BONDI NSW 2026
PROJECT #1803
DRAWING: PERSPECTIVES

SCALE 1:100
@ A3
DATE # MAY 2018
DWG # DA09
REV. 340



Report to the Waverley Local Planning Panel

Application number	DA-36/2019
Site address	3 Gilgandra Road, NORTH BONDI
Proposal	Alterations and additions to existing two storey secondary dwelling to convert to a detached dual occupancy.
Date of lodgement	12 th February 2019
Owner/Applicant	Mr Mark Weinberg
Submissions	4
Cost of works	\$369,600
Issues	FSR exceeds LEP control, lack of information, privacy impacts
Recommendation	That the application be REFUSED



1. PREAMBLE

1.1 Site And Surrounding Locality

A site visit was carried out on 21st March 2019.

The site is identified as Lot 10 in DP 7758, known as 3 Gilgandra Road, NORTH BONDI. The site is irregular in shape with a northern street frontage of 12.19m, an eastern side boundary of 57.565m, a rear boundary of 13.315m and a western side boundary of 52.735m. The site has an area of 671.6m² and is generally flat.

The site is occupied by a two storey dwelling in the front and a two storey secondary dwelling at the rear of the site, which is the subject of this application. A driveway adjacent to the eastern side boundary provides vehicular access to the rear of the site and there is an existing timber fence separating the two storey dwelling and rear building.

The subject site is adjoined by a single storey semi-detached dwelling to the east and to the west is a car park associated with the residential flat building at 357 Old South Head Road.

The locality is characterised by a variety of low density residential developments including detached dwellings, semi-detached dwellings and apartment buildings fronting Old South Head Road.



Figure 1: Site viewed from Gilgandra Road



Figure 2: Existing secondary dwelling at the rear of the site

1.2 Relevant History

- TPO-132/2013: various tree removal approved 15 May 2013.
- CD-16/2018: Internal alterations including new bathroom and laundry to front dwelling. Approved 25 January 2018
- DC-16/2018/A: Modified complying development for new walk in robe to front dwelling. Approved 12 February 2018.
- CD-51/2018: Construct new inground swimming pool, window and front awning roof modifications and extension of rear deck for front dwelling. Approved 20 April 2018.
- TPO-124/2018: Remove and replace two *Syzygium Australe* (Lilly Pilly) located near the west boundary. Approved 21 June 2018.

1.3 Proposal

The application seeks consent for alterations and additions to the existing two storey secondary dwelling to the rear and convert to a detached dual occupancy, and strata subdivision into two lots.

The new rear dwelling comprises:

- Three x bedrooms;
- Three x bathrooms;
- Kitchen/dining areas;
- Laundry;
- Study;
- Family room;

- Deck at first floor; and
- Two x car spaces, one for each dwelling.

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 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

2.1.2 SEPP 55 Remediation of Land

There is no known history of contamination applicable to the site. The subject site has historically been used for residential purposes. Accordingly, site land contamination is considered unlikely and no further investigation is necessary.

2.1.3 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	No	The proposal does not comply with the general aims of the plan.
Part 2 Permitted or prohibited development		
2.6 Subdivision – consent requirements	yes	Strata subdivision of the proposed development is included as part of the application. The plans do not clearly differentiate between the separate lots and common property, particularly in regards to the driveway access and proposed car parking spaces.
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is defined as a dual occupancy, which is permitted with consent in the R2 zone.

Provision	Compliance	Comment
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	Yes	The rear dwelling measures 6.73m in height. No changes are proposed to the existing front dwelling.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> 0.5:1 	No	The proposed FSR is 0.56:1.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the floor space ratio development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site contains Class 5 acid sulphate soils.

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

Exceptions to Development Standards

Clause 4.4 Floor space ratio

The application seeks to vary the floor space ratio (FSR) development standard in Clause 4.4 or 4.4A.

The site is subject to a maximum FSR control of 0.5:1. The proposed development has a FSR of 0.56:1, exceeding the standard by 39.7m² equating to an 11.8% variation.

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

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

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

Applicants 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:

- That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:

- (i) *The proposed detached dual occupancy complies with the maximum building height standard under the LEP and the wall height under set under the DCP despite the variation to the FSR.*
 - (ii) *The proposal retains the existing building footprint of the rear secondary dwelling. The secondary dwelling was approved many years ago demonstrating it has formed part of the character of the site for many years. The proposal does not seek to change the envelope except for raising the height by 1.65m. Subsequently the building will be compatible with the site and surrounding area. The proposed variation does not impact upon the predominant bulk, scale, streetscape or character of the surrounding area as the building bulk will largely be retained.*
 - (iii) *The proposal maintains a compatible scale. The site is an appropriate location for a detached dual occupancy as indicated by Council's minimum site area provision. The proposal is limited to two dwellings, noting there are no changes to the front dwelling, with reasonable floor areas for a 3 bedroom dwelling. The proposal complies with all of Council's amenity related provisions and does not cause any significant impact on the amenity of adjoining properties.*
- b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *The proposal does not impact upon the amenity of the public domain.*
 - (ii) *The proposal maintains the low density residential character.*
 - (iii) *The proposed height, bulk and scale are consistent with the desired future character of the area.*
 - (iv) *The proposal retains all trees.*

Consideration of Applicants 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 standard and the objectives for development within the zone in which the development is proposed to be carried out.

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

It is considered that the applicant has not adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case and has referenced one or more of the following justification 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;*
- 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.*

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

The applicant has not adequately addressed that there are sufficient environmental planning grounds to justify contravening the standard as the proposal has not demonstrated that the non-compliance with the FSR development standard will not result in discernible negative environmental impacts upon the amenity of adjoining properties in terms of privacy and visual impacts.

Is the development in the public interest?

The proposed development will not be in the public interest because it is not consistent with both the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out including;

The objectives of the R2 Low Density Residential Zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposal will provide additional housing on site to meet the needs of residents. However, the design of the development is not considered to be appropriate for the site and the surrounding area.

The objectives of the FSR development standard within the LEP are:

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

While the proposal is still below the maximum allowed building height and the proposed building footprint of the rear dwelling will mirror the existing; the proposal has not been designed to appropriately mitigate the impacts of the additional height and bulk on the neighbouring sites.

Conclusion

For the reasons provided above, the requested variation to the FSR development standard is not supported as the applicant's written request has not adequately addressed the matters required to be

addressed by cl 4.6(3) of the Waverley Local Environmental Plan 2012. In addition the proposed development is not in the public interest because it is inconsistent with the objectives of the FSR development standard and the R2 Low Density Residential zone.

2.1.4 Waverley Development Control Plan 2012 (Amendment 6) (Waverley DCP 2012)

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

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

Development Control	Compliance	Comment
1. Waste	Yes	A Site Waste & Recycling Management plan has been submitted with the application to address waste disposal during construction.
2. Ecologically sustainable Development	Yes	A BASIX certificate has been submitted with the application. The proposal incorporates sky lights and external louvres.
3. Landscaping and biodiversity	No	The proposal does not seek to enhance amenity or visual setting with the provision of adequate landscaping on site.
6. Stormwater	No	The stormwater plans submitted with the application are not satisfactory and do not comply with the Water Management Technical Manual.
8. Transport	Partial	The proposal includes the provision of two formal car parking spaces, one for each of the dwellings, accessed from the existing driveway from Gilgandra Road. It is noted that there is informal parking on the grass verge in front of the front dwelling, which is not approved and a number of vehicles are parked in front of the rear building.

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

The proposal is defined as a Dual Occupancy in the LEP.

Development Control	Compliance	Comment
2.0 General Objectives		
<ul style="list-style-type: none"> Appropriate scale Does not detract from amenity of other dwellings or view corridors ESD has been considered 	No	<p>The proposal does not meet the general objectives of this part of the DCP.</p> <p>The proposal does not demonstrate high design standards and is not sympathetic to the desired future character of the area.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Alterations & additions are sympathetic in bulk & scale to the character of the area High design standard 		Furthermore, the poor quality plans do not demonstrate the extent of demolition and construction involved in the proposal.
2.1 Height		
Flat roof dwelling house <ul style="list-style-type: none"> Maximum wall height of 7.5m 	Yes	The proposal includes an increase to the height of the rear building. The proposed rear dwelling measures 6.7m in height.
2.2 Setbacks		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	Yes	There is no change to the front building line. The rear setback of the existing rear building is retained. Behind the site is a driveway for the RFB at 353A Old South Head Road which provides an appropriate existing separation.
2.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 0.9m 	No (as existing)	No changes are proposed to the existing side setbacks. The setback from the eastern boundary is 200mm and nil on the western boundary.
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context Replacement windows to complement the style & proportions of existing dwelling Significant landscaping to be maintained. Porticos only permitted where a character of the streetscape 	Yes	The proposed rear dwelling will not be visually prominent within the streetscape given its location at the rear of the site. The only possible view of the building from the street is through the adjoining carpark.
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> Windows to habitable rooms are not to directly face windows to habitable rooms and / or open space of neighbouring dwellings unless direct views are screened or other 	No	The plans show a height increase of 1.65m, however, they fail to clearly demonstrate the extent of demolition and construction involved. It is not clear on the plans how the additional height will be achieved. The proposed increase to the height of the rear building and the new windows on the northern elevation are likely to result in overlooking into

Development Control	Compliance	Comment
<p>appropriate measures are incorporated into the design.</p> <ul style="list-style-type: none"> External stairs are not acceptable. Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> 		<p>the neighbouring rear garden. The design of the proposal does not include suitable mitigation measures.</p> <p>The existing external stairs will be removed by this proposal.</p> <p>The proposed first floor balcony is 2.7m² in size. The ground floor decking is 22.62m² and accompanied by privacy screening, it is not considered to give rise to privacy impacts.</p>
2.6 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June 	Yes	<p>The application is accompanied by sunlight diagrams which demonstrate that the minimum three hours of sunlight to living areas and open space is maintained.</p>
2.8 Car parking		
<p>2.8.2 Design Approach</p> <ul style="list-style-type: none"> Parking only allowed where site conditions permit Designed to complement the building and streetscape Car parking structures to be behind the front building line Driveways are to be located to minimise the loss of on street parking Parking to be provided from secondary streets or lanes where possible. 	Yes	<p>The proposed parking is located adjacent to the rear dwelling and will not be visible from the street.</p> <p>The proposal utilises the existing driveway and crossover on site.</p>
<p>2.8.2 Parking rates</p> <p><i>Maximum rates:</i></p> <ul style="list-style-type: none"> 1 space for 2 or less bedrooms 	Yes	<p>Two car parking spaces will be provided for the two dwellings.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> 2 spaces for 3 or more bedrooms 		
2.8.3 Location <ul style="list-style-type: none"> Behind front building line for new dwellings Existing development to be in accordance with the hierarchy of preferred car parking locations 	Yes	The parking is located at the rear, behind the existing main dwelling. The proposed location is as per the existing car parking arrangements on site and is considered acceptable.
2.8.4 Design <ul style="list-style-type: none"> Complement the style, massing and detail of the dwelling Secondary in area & appearance to the design of the residences No part of the façade is to be demolished to accommodate car parking Gates to have an open design 	Yes	The proposed car parking spaces do not detract from the existing front dwelling and the proposed rear dwelling.
2.8.5 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes	Each space measures 5.5m x 2.7m.
2.8.6 Driveways <ul style="list-style-type: none"> Maximum of one per property Crossings not permitted where 2 on street spaces are lost 	Yes	The proposal utilises the existing driveway and crossover. No on street spaces are affected.
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area Each dwelling in a detached dual occupancy to have minimum open space area of 130m² including a private open space 	No	<p>There will be no change to the existing open space or landscaping provision on site.</p> <p>The rear dwelling includes a deck at ground floor measuring 22.6m² which falls below the minimum requirement for private open space.</p> <p>In addition, as the draft strata plans fails to delineate what is private and what is common property, it is not possible to accurately</p>

Development Control	Compliance	Comment
<p>area of 5m x 5m located adjacent to the living area of each dwelling</p> <ul style="list-style-type: none"> • Front open space: 50% of front building setback area • Front landscaped area: 50% of front open space provided • Outdoor clothes drying area to be provided 		<p>determine if the rear dwelling benefits from the minimum area of open space.</p> <p>The argument that as the proposal maintains the existing building footprint this shortfall is justified is not accepted.</p>
2.15 Dual Occupancy Development		
<ul style="list-style-type: none"> • Min 600m² detached dwellings • Second dwelling must: <ul style="list-style-type: none"> ○ address a street or lane ○ Max GFA 110m² ○ Not exceed max FSR • Provide a min 5.5m² courtyard between each dwelling 	Yes	<p>The site area is 671.6m² which allows for the proposed detached dual occupancy.</p> <p>The site does not have a rear laneway and the rear dwelling cannot face the street.</p>

2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

2.3 Suitability of the Site for the Development

The site is not considered to be suitable for the proposed development.

2.4 Any Submissions

The application was notified for 14 days and in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*.

Four submissions were received. The issues raised in the submissions are summarised and discussed below.

Table 4: Summary of property addresses that lodged a submission

Property
1/353A Old South Head Road, NORTH BONDI
3/353A Old South Head Road, NORTH BONDI
7 Gilgandra Road, NORTH BONDI
7/353A Old South Head Road, NORTH BONDI

Issue: Privacy

Response: Privacy concerns are discussed in section 2.5 above. The proposal is not supported.

Issue: Concerned that if this development is approved, other adjoining properties may then apply to build two storey residences at the rear of their blocks resulting in a mini-terrace effect.

Response: The proposal is recommended for refusal. Any future DAs for similar developments will be assessed on their own merit.

Issue: Lack of landscaping and damage to trees.

Response: The proposal does not involve any change to the existing landscaping or trees on site.

Issue: Discrepancy between the application description and the description of works in the Statement of Environmental Effects.

Response: This issue has also been noted and forms one of the reasons for refusal.

Issue: Lack of setbacks

Response: The proposal maintains the existing building footprint and therefore the existing setbacks. Behind the site is a driveway for the RFB at 353A Old South Head Road which provides an appropriate existing separation between the residential units. It is not considered to give rise to any detrimental amenity impacts for residents of the RFB.

Issue: Visual impact

Response: The rear building is not considered to demonstrate high quality design and is recommended for refusal.

Issue: Safety during construction

Response: Noted.

2.5 Public Interest

It is considered that the proposal would have a detrimental effect on the public interest and is not supported.

3. REFERRALS

3.1 Stormwater – Creating Waverley

The submitted stormwater plans have been reviewed and deemed to be unsatisfactory.

3.2 Sydney Water

No objection subject to a condition requiring building plan approval.

4. SUMMARY

The application proposes alterations and additions to an existing two storey secondary dwelling to create a detached dual occupancy with two off street car parking spaces (one for the front and one for the rear dwelling).

The proposal exceeds the FSR allowance of the Waverley LEP 2012. A Clause 4.6 submission accompanies the application and the exceedance is not considered to be justified.

The alterations and additions to the existing rear building are not considered to demonstrate high quality design and does not seek to preserve the amenity of adjoining occupiers. The proposal is also lacking in detail as to the extent of demolition and construction involved in the proposed works and the subdivision of the site.

Four letters of objection were received (three of which were identical submissions) relating to various issues including privacy, setbacks, visual impacts and lack of landscaping on site. The rear dwelling does not benefit from adequate private open space and the increased height will result in overlooking and privacy impacts for the adjoining property. The objections are considered to justify a refusal of the application.

The application is recommended for refusal.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the Development Application be **REFUSED** 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:**

Ellen Nicholson
Development Assessment Planner

Bridget McNamara
**Manager, Development Assessment
(North/South)**

Date: 6 June 2019

Date: 13 June 2019

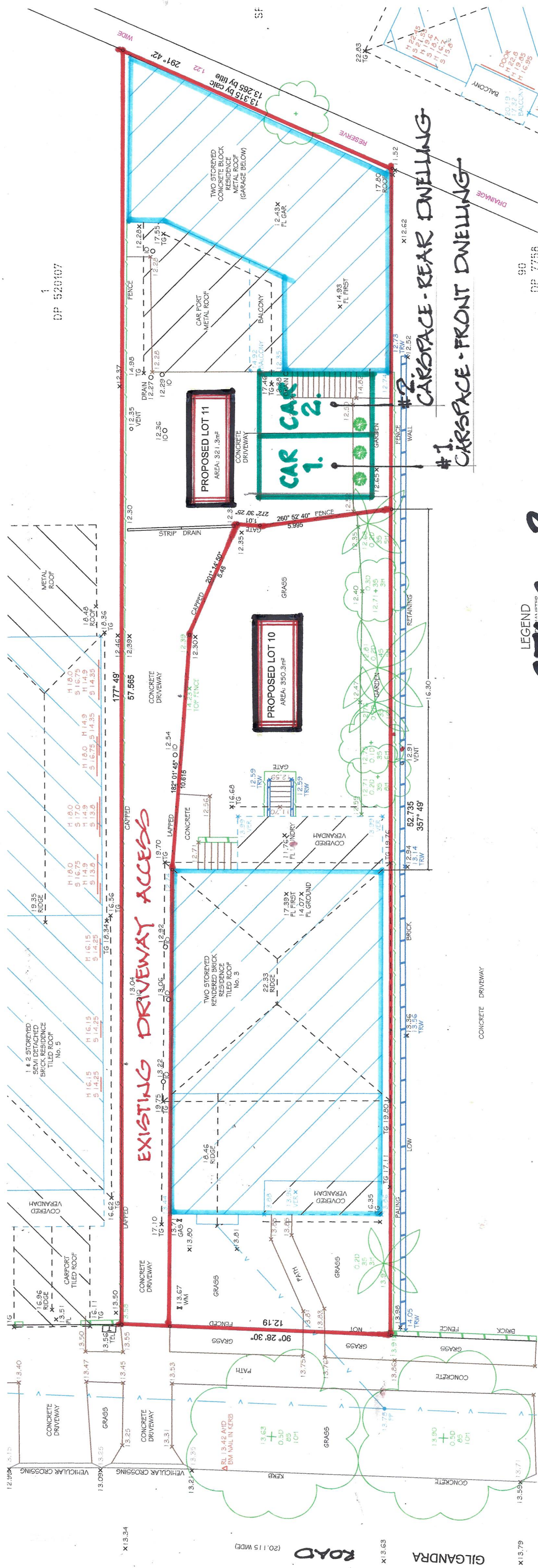
Reason for referral:

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

APPENDIX A – REASONS FOR REFUSAL

Having regard to section 4.15(1) of the Environmental Planning and Assessment Act 1979 the development application is refused for the following reasons:

1. The proposal does not satisfy the objectives of the Environmental Planning and Assessment Act 1979, as stipulated in section 1.3 (g) as the proposal does not promote good design or amenity in the built environment.
2. The proposal does not satisfy section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, as the proposal does not satisfy the Waverley Local Environmental Plan (WLEP) 2012, in particular, the following provisions:
 - a. Clause 4.4(1)(b) to (d) and (2) as the proposal will exceed the maximum floor space ratio, which results in a building that is not compatible with the bulk and scale of the desired future character of the locality.
 - b. Clause 4.6(4)(a)(i) and (ii) as the proposal is inconsistent with the objectives of the floor space ratio development standard.
3. The proposal does not satisfy section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as the proposed development is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:
 - a. Part B6 – Stormwater
 - i. Clause 6.1 Stormwater management and WSUD, as the submitted stormwater discharge plans are not satisfactory in respect to stormwater details.
 - b. Part C2 – 2.5 Visual and acoustic privacy
 - i. Specifically objective (a) and (c), and control (b) as the windows of habitable rooms of the rear dwelling will face the open space of the neighbouring dwelling and the existing dwelling at the front of the site.
 - c. Part C2 – Landscaping and open space
 - i. Specifically objective (a) and (b), and control (e) as the proposal does not include the minimum area of private open space for the rear dwelling.
4. The proposal does not satisfy section 4.15 (1)(a)(iv) of the Environmental Planning and Assessment Act 1979, as the proposal does not satisfy Schedule 1, Part 1 of the Environmental Planning and Assessment Regulation 2000, as insufficient documentation has been provided to properly assess the application, including but not limited to:
 - a. Accurate proposed plans
 - b. Accurate draft strata plan
5. The proposed development does not satisfy section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, as the proposal would adversely impact upon the amenity of the locality and surrounding built environment.
6. The proposal is not considered to be in the public interest for the reasons outlined in public submissions, contrary to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act, 1979.

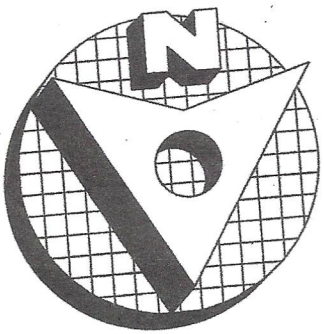


LGA WAVERLEY

SURVEYOR: ERIC SCERRI & ASSOCIATES P.T.Y. LTD.


12 DECEMBER 2017

DATE 22.5.19 SCALE NtS @ A3		SHEET # 3 No. IN SET		JOB No. 294	
		Do not scale off drawings. If in doubt, ASK!		This drawing supersedes all previous issues.	
3 GILGANDRA ROAD NORTH BONDI for MARK WEINBERG		Drawn W		The builder is to hold responsible for obtaining and verifying all site levels together with the setting out of the works on the site in conjunction with a registered surveyor.	
TITLE SUBDIVISION		The builder is to hold responsible for obtaining and verifying all site levels together with the setting out of the works on the site in conjunction with a registered surveyor.		The builder is responsible using only current drawing issues on the site.	
ISSUE		These drawings and designs remain the property of Wayne Black + Associates Pty Ltd and shall not be used or reproduced, wholly or in part, without written permission.		Do not scale off drawings. If in doubt, ASK!	
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NEW OR ADDITIONAL
EXTERNAL WORKS
EXTERNAL WALLS
TO BE RETAINED + WITH
RENEWED ALTERED ^a
REPLACEMENT INTERLUITY
(COLOURED ACCORDING

FIRST FLOOR
AREA = 69 m²

DATE: 20/12/2018 SCALE: 1:100 @ A3 SHEET #: 2 No. IN SET: 294 JOB No. 294		 <p>0418 401 007 www.wynneblack.com.au w@wynneblack.com.au</p>		Do not scale off drawings. If in doubt, ASK! This drawing supersedes all previous issues.	
JOB: PROPOSED ALTERATIONS AND ADDITIONS at 3 GILGANDRA ROAD NORTH BONDI for MARK WEINBERG		DRAWN: FC TITLE: FIRST FLOOR		The builder is to hold responsible for obtaining and verifying all site levels together with the setting out the works on the site with in conjunction with a registered surveyor.	
ISSUE:		These drawings and designs remain the property of Wynne Black & Associates Pty Ltd and shall not be used or reproduced, wholly or in part, without written permission.		The builder is responsible using only current drawing issues on the site.	
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APPROXIMATE POSITION & # OF EXISTING TREES VIEWABLE ON ADJOINING PROPERTY

DP 520107

OUTLINE OF CARPORT ROOF TO BE REMOVED

10 • = INSPECTION OPENINGS

BOUNDARY 57.585

CONCRETE DRIVEWAY

CAPPED

BOUNDARY 5.46

PROPOSED LOT 10
AREA: 350.3m²

GRASS

BOUNDARY 5.995

2.700 WINDOW

5.500

FENCE WALL

EXISTING GARDEN LINES

BOUNDARY 15.41

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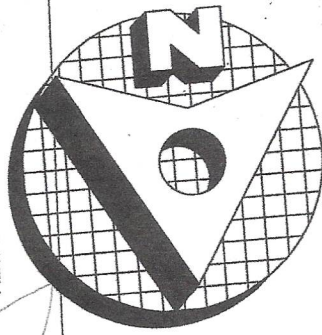
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1. GROUND FLOOR
1:100 AREA = 88 m²

PRIVATE CARPORT DEMOLISHED AND REMOVED

NEW OR ADDITIONAL EXTERNAL WORKS

EXTERNAL WALLS TO BE RETAINED & WITH RENOVATED ALTERED REPLACEMENT INTERNALLY (COLOURED ACCORDING)

OUTLINE OF EXISTING BUILDING @ GROUND FLOOR LEVEL

NEW 1800 HIGH SCREEN TFD

%225 x 125 POSTS AS SCREEN WITH PERGOLA OVER

NEW POST

DOOR & LIGHT

2.700 DOOR

STONE STEP

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OUTLINE OF EXISTING BUILDING @ GROUND FLOOR LEVEL

NEW 1800 HIGH SCREEN TFD

%225 x 125 POSTS AS SCREEN WITH PERGOLA OVER

NEW POST

DOOR & LIGHT

2.700 DOOR

STONE STEP

1.200 DOOR

1.200 DOOR

1.200 DOOR

1.200 DOOR

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OUTLINE OF EXISTING BUILDING @ GROUND FLOOR LEVEL

NEW 1800 HIGH SCREEN TFD

%225 x 125 POSTS AS SCREEN WITH PERGOLA OVER

NEW POST

DOOR & LIGHT

2.700 DOOR

STONE STEP

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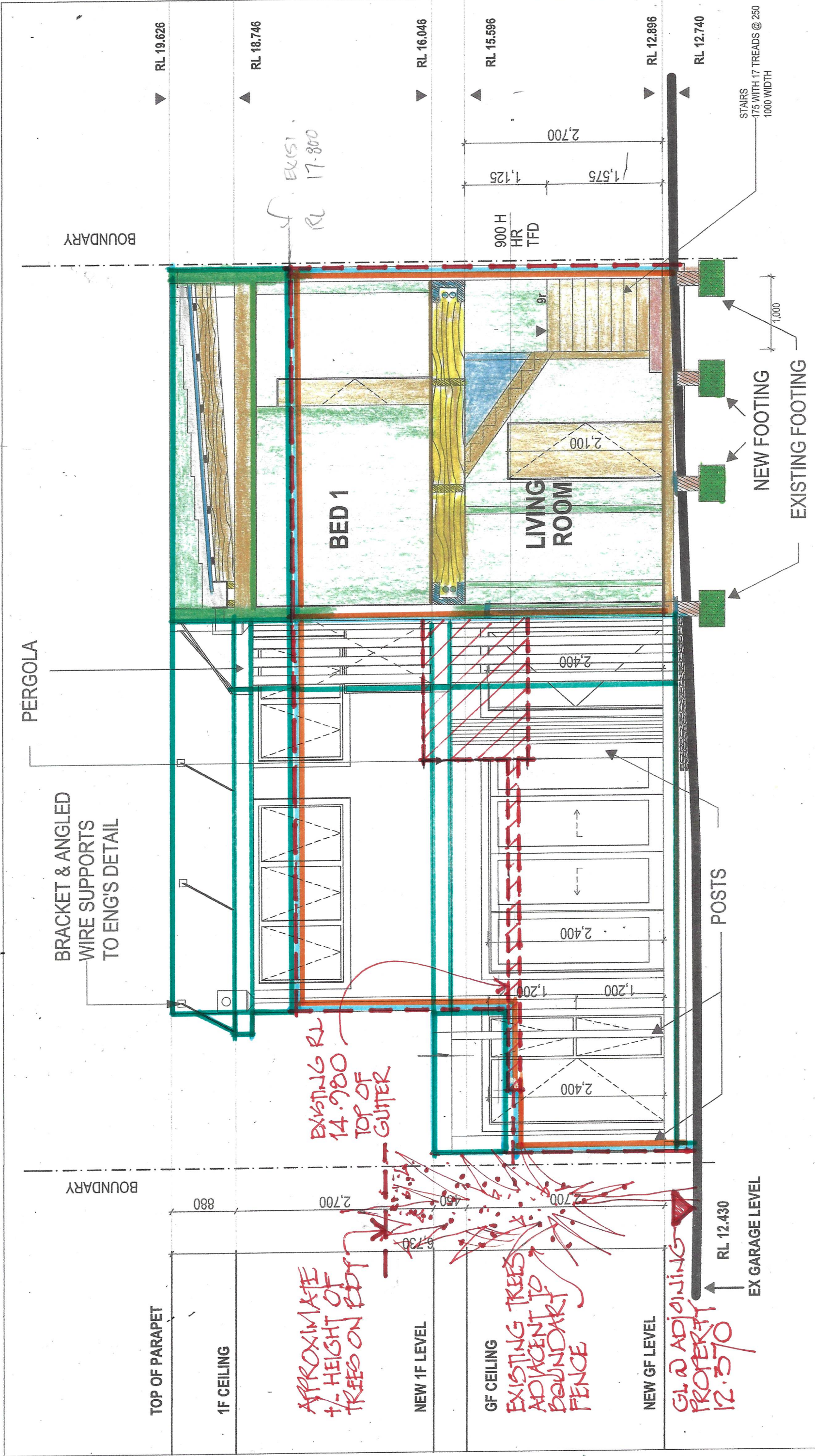
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DATE	23/01/2019	SCALE	1:50	SHEET #	6	NO. IN SET	@ A3
				Do not scale off drawings. If in doubt, ASK. This drawing supercedes all previous issues.			
PROPOSED ALTERATIONS AND ADDITIONS at 3 GILGANDRA ROAD NORTH BONDI for MARK WEINBERG				The builder is to be responsible for obtaining and verifying all site levels together with the setting out of the works on the site with in conjunction with a registered surveyor.			
TITLE SECTION				DRAWN FC			
ISSUE DA SEC 96 BA COMMENT PRELIMINARY AMENDED CONTRUCTION TENDER CDC				These drawings and designs remain the property of Wayne Black & Associates Pty Ltd and shall not be used or reproduced, wholly or in part, without written permission.			
AMENDMENT				DATE			

S-03	SECTION
1:50	

