



**DATE: 7 September 2023**

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

**12.00PM THURSDAY, 14 SEPTEMBER 2023**

**QUORUM:** Three Panel members.

**APOLOGIES:** By email to [WLPP@waverley.nsw.gov.au](mailto:WLPP@waverley.nsw.gov.au)

## AGENDA

### **WLPP-2307.A** **Apologies**

### **WLPP-2307.DI** **Declarations of Interest**

The Chair will call for any declarations of interest.

### **WLPP-2307.1** **PAGE 4** 74 Victoria Street, WAVERLEY NSW 2024 - Modification to alter internal layout, ground floor extension, new first floor rear terrace and planter and relocation of two dormer windows. (DA-165/2022/A)

Report dated 31 August 2023 from the Development and Building Unit.

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

### **WLPP-2307.2** **PAGE 50** 12A-14 Wilga Street, BONDI NSW 2026 - Alterations to replace main roof membrane and Unit 11 roof top stair enclosure and terrace to residential flat building. (DA-99/2023)

Report dated 9 August 2023 from the Development and Building Unit.

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

### **WLPP-2307.3** **PAGE 100** 396 Bronte Road, BRONTE NSW 2024 – Alterations and additions to detached dwelling including new first floor addition and swimming pool to the rear. (DA-50/2023)

Report dated 14 August 2023 from the Development and Building Unit.

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

### **WLPP-2307.4** **PAGE 144** 134 Hewlett Street, BRONTE NSW 2024 – Demolition of the existing dwelling and construction of a new part-two, part-three storey dwelling house, garage, landscaping works and swimming pool. (DA-19/2023)

Report dated 31 August 2023 from the Development and Building Unit.

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

**WLPP-2307.5****PAGE 196**

25 St Thomas Street, BRONTE NSW 2024 – Demolition and construction of a new three storey dwelling including basement garage and new swimming pool at rear. (DA-57/2023)

Report dated 31 August 2023 from the Development and Building Unit.

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

**WLPP-2307.6****PAGE 264**

Unit 15 of 7 Francis Street, BONDI BEACH NSW 2026 - Alterations and additions to unit 15, including conversion of roof void to attic level. (DA-161/2023)

Report dated 31 August 2023 from the Development and Building Unit.

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

**WLPP-2307.7****PAGE 314**

56 Campbell Parade, BONDI BEACH NSW 2026 - Substantial demolition with retention of the front façade and a portion of the side walls and construction of a shop-top housing building containing four units with retail below and a basement. The proposal is Integrated development for Water NSW. (DA-367/2022)

Report dated 1 September 2023 from the Development and Building Unit.

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



Modification of Consent



Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-165/2022/A
<b>Site address</b>	74 Victoria Street, Waverley
<b>Proposal</b>	Modification to alter internal layout, ground floor extension, new first floor rear terrace and planter and relocation of two dormer windows.
<b>Description of Approved Development</b>	Alterations and additions to an existing heritage listed dwelling.
<b>Date of lodgement</b>	17 July 2023
<b>Owner</b>	Mr T R Snow
<b>Applicant</b>	Miss Sian Grant
<b>Submissions</b>	Nil
<b>Amended cost of works</b>	\$1,277,976 (no change)
<b>Principal Issues</b>	<ul style="list-style-type: none"> <li>• Size of rear first floor balcony</li> </ul>
<b>Recommendation</b>	That the application be APPROVED in accordance with the conditions contained in the report.

**SITE MAP**



(Source: Nearmap, 2023)

## 1. PREAMBLE

### 1.1. Executive Summary

The modification application seeks to modify development consent, known as DA-165/2022 for alterations and additions to an existing heritage listed dwelling at the site known as 74 Victoria Street, Waverley. In summary, the proposed modifications are for modification to alter the internal layout, ground floor extension, new first floor rear terrace and planter and relocation of two dormer windows.

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

- The size of the rear first floor balcony.

The assessment finds this issue unacceptable as the depth of the balcony is excessive and extends past an appropriate building line. It is recommended to be rectified via a condition of consent.

No submissions were received.

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

The application is referred to the Waverley Local Planning Panel for determination as the original development consent was granted by the Waverley Local Planning Panel and this modification application is made under section 4.55(2) of the Act, seeking to further increase the exceedance of the floor space ratio development standard under Waverley Local Environmental Plan 2012, which is greater than 10% above the development standard.

### 1.2. Site and Surrounding Locality

A site visit was carried out during the assessment of the original development application on 5 July 2022.

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

The site is 'L' shaped with multiple frontages. The lot has a primary frontage to Victoria Street of 20.115m and secondary frontages to O'Dowd Street of 6.095m and Wiley Street of 20.115m. It has an area of 672.1m<sup>2</sup> and is generally flat.

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

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

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



**Figure 1.** Subject site in context with the surrounding neighbourhood. (Source: Google Maps, 2023)



**Figure 2.** Front of the subject site as viewed from Victoria Street, looking north.



**Figure 3.** Front of the subject site as viewed from the corner of Victoria Street and Wiley Street, looking north-west.



**Figure 4.** Rear of the subject site as viewed from the private open space, looking south.

### 1.3. Details of Approved Development

The original development application, known as DA-165/2022 for alterations and additions to an existing heritage listed dwelling, was approved on 2 November 2022 by the Waverley Local Planning Panel.

### 1.4. Proposal

The modification application has been submitted under section 4.55 (2) of the *Environmental Planning and Assessment Act 1979*. It seeks consent for the following modifications to the approved development, as denoted by red clouds on the architectural plans:

#### Ground Floor

- Extension to rear of the ground floor to straighten the northern façade;
- Reconfiguration of rear living areas with kitchen relocated to the western side and family room to the east.
- Remove two existing windows, which were approved as two full height doors under DA-165/2022, from northern façade of new family room and replace with bifold door.
- New bifold doors to northern façade of kitchen and casual dining room.
- Modify windows to the western elevation of the formal living room.
- Retain wall dividing family room from laundry/WC, with minor modifications to laundry/WC configuration.
- New external gate and balustrade within eastern side boundary.

#### First Floor

- Modify bedroom 2 to include ensuite and walk-in wardrobe/study.
- Window on northern façade of primary robe to be replaced with door to new north facing

terrace. The terrace will be surrounded by a large planter bed. This external addition is consistent with the dimensions (3605 x 8080mm) of the roof approved under DA-165/2022.

- Retain existing window on northern façade of primary ensuite which was approved to be enclosed.
- Primary ensuite reconfigured and floor level lowered from FFL90,265 to FFL 90,060.
- Removal of a window to the western elevation of the primary ensuite, keeping the impression of the original window.
- Bathroom between Bed 3 & 5 to be reconfigured to provide an ensuite for Bed 3, and a separate bathroom accessed from the hallway.

#### Attic

- Relocate the two approved dormers in northern roof slope so that they are adjoining.

## 2. ASSESSMENT

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

### 2.1. Section 4.55 – Modification of consents – generally

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

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

The application was publicly notified and no submissions were received.

### 2.2. Evaluation of Matters for Consideration under Section 4.15

In accordance with section 4.56(1A) of the Act the following is an assessment of the proposed modifications of the development consent against the relevant matters for consideration under section 4.15(1) of the Act.

#### 2.2.1. Planning Instruments and Development Control Plans

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



*State Environmental Planning Policies (SEPPs)*

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

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

*Waverley Local Environmental Plan 2012 (Waverley LEP 2012)*

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

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

**Table 1: Waverley LEP 2012 Compliance Table**

Provision	Approved	Proposed Modified	Compliance
<p><b>4.4 Floor space ratio and 4.4A Exceptions to floor space ratio</b></p> <ul style="list-style-type: none"> <li>• Lot Size: 672.2m<sup>2</sup></li> <li>• Max FSR: 0.5:1</li> <li>• Max GFA: 336.1m<sup>2</sup></li> </ul>	<p><u>Gross Floor Area (GFA)</u> <u>Calculation:</u></p> <p>Ground Floor: 179.5m<sup>2</sup></p> <p>First Floor: 170m<sup>2</sup></p> <p>Attic: 29.4m<sup>2</sup></p> <p>TOTAL GFA: 378.9m<sup>2</sup></p> <p>TOTAL FSR: 0.56:1</p>	<p><u>Gross Floor Area (GFA)</u> <u>Calculation:</u></p> <p>Ground Floor: 188.1m<sup>2</sup></p> <p>First Floor: 168.7m<sup>2</sup></p> <p>Attic: 34.7m<sup>2</sup></p> <p>TOTAL GFA: 391.5m<sup>2</sup></p> <p>TOTAL FSR: 0.62:1</p>	No
5.10 Heritage conservation	The subject dwelling is listed as a local heritage item as it is an example of a late Victorian dwelling. The application was referred to Council's Heritage Officer who supported the proposal, as amended on 4 October 2022.	The subject dwelling is listed as a local heritage item as it is an example of a late Victorian dwelling. The application was referred to Council's Heritage Officer who supported the proposal.	Yes

Provision	Approved	Proposed Modified	Compliance
5.21 Flood Planning	<p>The site is not identified on the 'Flood Planning Map' of Waverley LEP 2012, however, the Waverley LGA Flood Study 2021 identifies the site within a low risk Flood Hazard zone. The recorded maximum probability mass function (PMF) level is 87.392m AHD, however not subject to flood storage. The existing FFL 86.830 m (Dining / Living) of the habitable area is less than the maximum PMF Level of 87.392m. The proposed works are not modifying the existing building footprint (it is only very minor), hence it is considered not necessary to impose flooding requirements.</p>	<p>The proposed works are not significantly modifying the approved building footprint and ground floor levels, hence it is considered not necessary to impose flood control requirements.</p>	<p>Merit</p>

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

**Floor Space Ratio (FSR)**

The proposed modifications result in a net increase of gross floor area (GFA) of 12.6m<sup>2</sup>, resulting in an overall FSR of 0.62:1:1. This culminates in an overall exceedance of the FSR development standard by 55.4m<sup>2</sup> or 16.5%. The net increase of FSR due to the proposed modifications represents 3.8% of the overall exceedance of the standard.

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

*Objective (b): To provide an appropriate correlation between maximum building heights and density controls.*

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

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

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

*The additional gross floor area on the ground floor will be not be visible from the public domain and will provide significant improvement to the residential amenity. The additional gross floor area in the attic will be concealed within the existing roof form. None of the proposed modifications will result any adverse amenity impacts to surrounding development.*

Despite the breach to the FSR development standard the proposed development meets the relevant objectives of the development standard and the zone. The additional GFA is primarily located at ground floor level, which is significantly below the LEP height limit of 8.5m. Whilst it is noted that there is additional GFA proposed to the attic level this will not increase the overall bulk of the development as it is still contained within the original roof form.

The existing dwelling is of significant heritage value, so it already appears greater in mass than the surrounding dwellings. However, the additions have been appropriately designed as to be of a bulk and scale that complements the original dwelling whilst not appearing as over development.

This is apparent as the proposed works will not result in additional environmental amenity impacts to surrounding properties in terms of overshadowing or view loss.

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

*Waverley Development Control Plan 2022 (Waverley DCP 2022)*

The approved development, as proposed to be modified, continues to comply with the relevant parts and sections of Waverley DCP 2022. Only the following parts and sections of Waverley DCP 2022 that apply to the proposed modifications are outlined in **Tables 2** and **3** of this report and detailed discussion below these tables.

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

<b>Development Control</b>	<b>Compliance</b>	<b>Comment</b>
<b>2. Ecologically Sustainable Development</b>	Yes	The amended BASIX Certificate is sufficient.
<b>8. Heritage</b>	Yes	The subject dwelling is listed as a local heritage item as it is an example of a late Victorian villa. The application was referred to Council's Heritage Officer who supported the proposal.
<b>11. Design Excellence</b>	Yes (by condition)	An additional condition is recommended that a detailed materials and finishes schedule be

Development Control	Compliance	Comment
		submitted and be reviewed and satisfied by Council's Heritage Officer.

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

Development Control	Compliance	Comment
<b>1.0 General Objectives</b>		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
<b>1.2 Setbacks</b>		
<b>1.2.1 Front and rear building lines</b> <ul style="list-style-type: none"> <li><i>Predominant rear building line at each floor level (adjacent three neighbours or either side)</i></li> </ul>	Yes  No (resolved by condition)	The addition to the rear of the ground floor will align with the existing rear ground floor building line.  The proposed first floor rear balcony extends beyond the existing rear first floor building line. Due to the lack of nearby first floor levels, a condition is recommended to require the balcony to not extend past the external northern wall of the primary bedroom on first floor level
<b>1.2.2 Side setbacks</b> <ul style="list-style-type: none"> <li><i>Minimum of 0.9m for ground floor and first floors.)</i></li> </ul>	Yes	The ground floor rear addition is set back 1m from the western side boundary.
<b>1.3 Streetscape and visual impact</b>		
<ul style="list-style-type: none"> <li><i>New development to be compatible with streetscape context</i></li> <li><i>Replacement windows to complement the style and proportions of existing dwelling</i></li> <li><i>Significant landscaping to be maintained.</i></li> </ul>	Yes	The proposed modified works are either internal or to the rear of the dwelling and therefore will not alter the appearance of the dwelling as identified from the street.
<b>1.5 Visual and acoustic privacy</b>		
<ul style="list-style-type: none"> <li><i>Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design</i></li> <li><i>Maximum size of balconies: 10m<sup>2</sup> in area 1.5m deep</i></li> </ul>	Yes  No (resolved by condition)	The modified windows will not affect the visual privacy of neighbouring properties.  To increase visual privacy, reduce the balcony depth and maintain an appropriate rear first floor building line, a condition is recommended to require that the rear first floor balcony not

Development Control	Compliance	Comment
		extend north of the northern external wall of the primary bedroom. Although the depth of the balcony will exceed 1.5m, it is accessed from a bedroom, which is a room less frequented than living or active rooms, and set back modestly from the lot boundaries.
<b>1.6 Solar access</b>		
<ul style="list-style-type: none"> <li>• <i>Minimum of 3 hours of sunlight to 50% of living areas and principal open space areas on 21 June to subject site</i></li> <li>• <i>Minimum of 3 hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June.</i></li> <li>• <i>Avoid unreasonably overshadowing of solar collectors (including habitable windows).</i></li> </ul>	Yes	No additional shadowing impacts will be cast onto neighbouring properties.
<b>1.9 Landscaping and open space</b>		
<ul style="list-style-type: none"> <li>• <i>Overall open space: 40% of site area</i></li> <li>• <i>Overall landscaped area: 20% of site area, with at least half deep soil</i></li> <li>• <i>Minimum area of 25m<sup>2</sup> for private open space</i></li> </ul>	Yes	Over 40%
	Yes	Over 20%
	Yes	Over 25m <sup>2</sup>
<b>1.11 Dormer windows</b>		
	Yes	The modified rear dormer window is supported, respecting the outline of the original dormer windows.

### 2.2.2. Other Impacts of the Development

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

### 2.2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

#### 2.2.4. Any Submissions

The application was notified for 21 days between 24 July and 14 August 2023 and a site notice erected on the site in accordance with the *Waverley Community Development Participation and Consultation Plan*.

No submissions were received.

#### 2.2.5. Public Interest

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

### 3. REFERRALS

The following internal referral comments were sought:

#### 3.1. Heritage

An internal referral was sought from Council's Heritage Officer who did not object to the proposal, subject to a detailed schedule of materials and finishes being submitted and approved by the Heritage Officer prior to the issue of a construction certificate.

#### 3.2. Tree Management

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

### 4. CONCLUSION

The modification application seeks to modify development consent, known as DA-165/2022 for alterations and additions to an existing heritage listed dwelling at the site known as 74 Victoria Street, Waverley. In summary, the proposed modifications are for modification to alter the internal layout, ground floor extension, new first floor rear terrace and planter and relocation of two dormer windows.

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

- The size of the rear first floor balcony.




The assessment finds this issue unacceptable as the depth of the balcony is excessive and extends past an appropriate building line. An additional condition of consent has been recommended to resolve this issue.

No submissions were received.

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

## 5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed by:	Application reviewed and agreed by:
		
Joseph Somerville	Ben Magistrale	Angela Rossi
<b>Senior Development Assessment Planner</b>	<b>Manager, Development Assessment</b>	<b>A/ Executive Manager, Development Assessment</b>
<b>Date:</b> 23 August 2023	<b>Date:</b> 31 August 2023	<b>Date:</b> 31 August 2023

### *Reason for WLPP referral:*

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

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

### OFFICE USE ONLY

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

## APPENDIX A – CONDITIONS OF CONSENT TO BE MODIFIED

### A. Amended/Deleted Conditions

#### 1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

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

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

- i. As amended by Architectural Plans prepared by A&Co of Project No: 0572 including the following:*

<b>Plan Number and Revision</b>	<b>Plan description</b>	<b>Plan Date</b>	<b>Date received by Council</b>
<b>DA10 / Rev 03</b>	<b>Site Plan</b>	<b>09/06/2023</b>	<b>10/07/2023</b>
<b>DA11 / Rev 02</b>	<b>Ground Floor Plan</b>	<b>09/06/2023</b>	<b>10/07/2023</b>
<b>DA12 / Rev 03</b>	<b>First Floor Plan</b>	<b>09/06/2023</b>	<b>10/07/2023</b>
<b>DA13 / Rev 03</b>	<b>Attic Plan</b>	<b>09/06/2023</b>	<b>10/07/2023</b>
<b>DA14 / Rev 03</b>	<b>Roof Plan</b>	<b>09/06/2023</b>	<b>10/07/2023</b>
<b>DA20 / Rev 03</b>	<b>Elevation - West</b>	<b>09/06/2023</b>	<b>10/07/2023</b>
<b>DA21 / Rev 03</b>	<b>Elevation - North</b>	<b>09/06/2023</b>	<b>10/07/2023</b>



<i>DA22 / Rev 03</i>	<i>Elevation - East</i>	<i>09/06/2023</i>	<i>10/07/2023</i>
<i>DA23 / Rev 03</i>	<i>Elevation - South</i>	<i>09/06/2023</i>	<i>10/07/2023</i>
<i>DA30 / Rev 03</i>	<i>Section A</i>	<i>09/06/2023</i>	<i>10/07/2023</i>
<i>DA31 / Rev 02</i>	<i>Section B</i>	<i>09/06/2023</i>	<i>10/07/2023</i>
<i>DA32 / Rev 02</i>	<i>Section C</i>	<i>09/06/2023</i>	<i>10/07/2023</i>

**AMENDED DA-165/2022/A**

(b) BASIX Certificate

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

Except where amended by the following conditions of consent.

**27. STREET TREES TO BE RETAINED/TREE PROTECTION**

Situated on the naturestrip in Wiley Street are three (3) Eucalyptus species trees that will need to be protected for the duration of works.

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

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

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

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

**TPZ** – A 1.8m chain link wire fence or the like shall be erected around the above trees to be retained to protect them from damage during construction. Fencing is not to be removed until all building work has been completed. Fencing to be installed to the dimensions outlined in the table above.

- *Trunk protection to be removed at the issue of the Occupation Certificate subject to the satisfaction of Council.*
- *If any tree roots are exposed during any approved works then roots smaller than 30mm are to be pruned as per the specifications below. Any roots greater than 30mm are to be assessed by a qualified arborist before any pruning is undertaken.*
- *If tree roots are required to be removed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).*
- *It is the arborist's responsibility to determine if such root pruning is suitable. If there are any concerns regarding this process, then Waverley Council's Tree Management Officer is to be contacted to make final determination.*
- *If any trees on neighbouring properties require pruning, then permission must be gained from the owner of the tree(s) and an Application to Prune or Remove Trees on Private Property is then to be presented to Council for processing.*

*AMENDED DA-165/2022/A*

**B. New Conditions**

**1A. GENERAL MODIFICATIONS**

*The application is approved subject to the following plan amendments;*

- (a) In order to reduce visual and privacy impacts upon neighbouring properties, the rear first floor terrace is not to extend north of the northern external wall of the master bedroom. The northern balustrade of the terrace is to be relocated accordingly.*

*The amendments are to be approved by the Principal Certifying Authority prior to the issue of any Construction Certificate.*

*ADDED DA-165/2022/A*

**1B. EXTERNAL FINISHES FOR HERITAGE BUILDING OR BUILDINGS OF CHARACTER**

*A schedule of external finishes shall be submitted for Council's consideration and approval, prior to the release of the relevant Construction Certificate.*

*The schedule shall include details of proposed external walls and roofing materials in the form of either trade brochures or building samples. The schedule shall also include window fenestration and window frame colour details, as well as fencing, paving and balustrading details and guttering colour and profile.*

*Any works to the retained building (which has historical value) including any paint or render finishes are to be subject to Council's written approval. Materials and finishes are to be restricted to the range of heritage colours sympathetic to the historical character of the area.*

*ADDED DA-165/2022/A*

**25A. GREEN ROOF LANDSCAPING DETAILS**

***The construction certificate landscape plans are to comply with the controls for green roofs in Part B3.2 of the Waverley Development Control Plan 2022 including;***

- (a) Comprise plants that are suitable for the site in relation to the environmental conditions (sun, wind and views) and include indigenous or local native plants to Waverley (see Annexure B3 – 1).***
- (b) Have a minimum soil depth of 300mm and use lightweight soil mixes that are porous, able to drain freely, and suitable for the selected plant species;***
- (c) The green roof is to be designed to be a non-trafficable area (with no balustrades) and must be irrigated without requiring frequent maintenance access. Any access to the roof is to be for servicing purposes only.***

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

***ADDED DA-165/2022/A***

## APPENDIX B – FULL SET OF CONDITIONS

### A. APPROVED DEVELOPMENT

#### 1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

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

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

- i. As amended by Architectural Plans prepared by A&Co of Project No: 0572 including the following:

<b>Plan Number and Revision</b>	<b>Plan description</b>	<b>Plan Date</b>	<b>Date received by Council</b>
DA10 / Rev 03	Site Plan	09/06/2023	10/07/2023
DA11 / Rev 02	Ground Floor Plan	09/06/2023	10/07/2023
DA12 / Rev 03	First Floor Plan	09/06/2023	10/07/2023
DA13 / Rev 03	Attic Plan	09/06/2023	10/07/2023
DA14 / Rev 03	Roof Plan	09/06/2023	10/07/2023
DA20 / Rev 03	Elevation - West	09/06/2023	10/07/2023

DA21 / Rev 03	Elevation - North	09/06/2023	10/07/2023
DA22 / Rev 03	Elevation - East	09/06/2023	10/07/2023
DA23 / Rev 03	Elevation - South	09/06/2023	10/07/2023
DA30 / Rev 03	Section A	09/06/2023	10/07/2023
DA31 / Rev 02	Section B	09/06/2023	10/07/2023
DA32 / Rev 02	Section C	09/06/2023	10/07/2023

**AMENDED DA-165/2022/A**

(b) BASIX Certificate

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

Except where amended by the following conditions of consent.

**1A. GENERAL MODIFICATIONS**

The application is approved subject to the following plan amendments;

(a) In order to reduce visual and privacy impacts upon neighbouring properties, the rear first floor terrace is not to extend north of the northern external wall of the master bedroom. The northern balustrade of the terrace is to be relocated accordingly.

The amendments are to be approved by the Principal Certifying Authority prior to the issue of any Construction Certificate.

**ADDED DA-165/2022/A**

**1B. EXTERNAL FINISHES FOR HERITAGE BUILDING OR BUILDINGS OF CHARACTER**

A schedule of external finishes shall be submitted for Council's consideration and approval, prior to the release of the relevant Construction Certificate.

The schedule shall include details of proposed external walls and roofing materials in the form of either trade brochures or building samples. The schedule shall also include window fenestration and window frame colour details, as well as fencing, paving and balustrading details and guttering colour and profile.

Any works to the retained building (which has historical value) including any paint or render finishes are to be subject to Council's written approval. Materials and finishes are to be restricted to the range of heritage colours sympathetic to the historical character of the area.

**ADDED DA-165/2022/A**

## B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

### GENERAL REQUIREMENTS

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

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

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

#### 3. HOME BUILDING ACT

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

### CONTRIBUTIONS, FEES & BONDS

#### 4. SECTION 7.12 CONTRIBUTION

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

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

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

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

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

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

#### **5. SECURITY DEPOSIT**

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

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

#### **6. LONG SERVICE LEVY**

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

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

#### **7. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES**

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

An invoice will be issued to the applicant for the amount payable, which will be calculated based on the design plans for the subject development.

### **CONSTRUCTION MATTERS**

#### **8. HOARDING**

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

## **9. EROSION & SEDIMENT CONTROL**

A Soil and Water Management Plan (SWMP), also known as an Erosion and Sediment Control Plan shall be prepared in accordance with Waverley Council's Water Management Technical Manual be installed and maintained until construction activities have been completed and the site is fully stabilised. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request.

## **10. ENGINEERING DETAILS**

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

## **11. ENGINEERING CERTIFICATE OF ADEQUACY**

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

## **12. STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS**

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

## **STORMWATER & FLOODING**

### **13. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT**

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

The submitted stormwater management plan prepared by PC Consulting Engineers Pty Ltd, Job No. 741-21, Drawing No. STW1, STW2, STW3, STW4 and STW5, Issue A, dated 21/03/2022 are considered conceptual only.

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

- a) The plans shall provide details of any required On-Site Stormwater Detention (OSD) system and its details e.g. pit dimensions, cross & long sections, significant water invert levels of inlet and outlet pipes, details of Discharge Control Pit, orifice plate details including orifice diameter, depth of water above centreline of orifice etc., pit overflow, OSD plaque, OSD warning sign and catchment plan. Amended Council's checklist as set out in Council's Water Management Technical Manual shall be completed and submitted.



- b) Details of any rainwater tank required by BASIX commitments or as nominated on the architectural plan, including the overflow connection to the approved stormwater drainage system are to be submitted.
- c) Detail the location of the existing stormwater drainage system including all pipes, inspection openings, surface drains, pits and their discharge location as well as any new stormwater drainage system.
- d) The stormwater management plan must specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.
- e) Any new downpipes are to be located wholly within the property's boundary.
- f) Seepage water must not be directly or indirectly discharged to Council's street gutter.
- g) A sediment control stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- h) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.

**Notes:**

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

## ENERGY EFFICIENCY & SUSTAINABILITY

### **14. BASIX**

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

## WASTE

### **15. SITE WASTE AND RECYCLING MANAGEMENT PLAN**

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

## C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

### PRIOR TO ANY WORKS

#### **16. CONSTRUCTION SIGNS**

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

#### **17. DILAPIDATION REPORT**

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

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

### DEMOLITION & EXCAVATION

#### **18. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS**

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

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

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

- (a) Outline the identification of any hazardous materials, including surfaces coated with lead paint;
- (b) Confirm that no asbestos products are present on the subject land; or

- (c) Particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by SafeWork NSW (catalogue WC03561)
- (d) Describe the method of demolition;
- (e) Describe the precautions to be employed to minimise any dust nuisance; and
- (f) Describe the disposal methods for hazardous materials.

#### **19. CONTROL OF DUST ON CONSTRUCTION SITES**

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

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

#### **CONSTRUCTION MATTERS**

#### **20. CONSTRUCTION HOURS**

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

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

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

#### **21. STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS**

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

#### **22. CONSTRUCTION INSPECTIONS**

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

### **23. CERTIFICATE OF SURVEY – LEVELS**

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

### **24. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING**

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

### **25. WORK OUTSIDE PROPERTY BOUNDARY**

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

## LANDSCAPING

### **25A. GREEN ROOF LANDSCAPING DETAILS**

The construction certificate landscape plans are to comply with the controls for green roofs in Part B3.2 of the Waverley Development Control Plan 2022 including;

- (a) Comprise plants that are suitable for the site in relation to the environmental conditions (sun, wind and views) and include indigenous or local native plants to Waverley (see Annexure B3 – 1).
- (b) Have a minimum soil depth of 300mm and use lightweight soil mixes that are porous, able to drain freely, and suitable for the selected plant species;
- (c) The green roof is to be designed to be a non-trafficable area (with no balustrades) and must be irrigated without requiring frequent maintenance access. Any access to the roof is to be for servicing purposes only.

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

***ADDED DA-165/2022/A***

## TREE PROTECTION AND REMOVAL

### **26. TREE PROTECTION**

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

### **27. STREET TREES TO BE RETAINED/TREE PROTECTION**

Situated on the naturestrip in Wiley Street are three (3) Eucalyptus species trees that will need to be protected for the duration of works.

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

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

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

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

**TPZ** – A 1.8m chain link wire fence or the like shall be erected around the above trees to be retained to protect them from damage during construction. Fencing is not to be removed until all building work has been completed. Fencing to be installed to the dimensions outlined in the table above.

- Trunk protection to be removed at the issue of the Occupation Certificate subject to the satisfaction of Council.
- If any tree roots are exposed during any approved works then roots smaller than 30mm are to be pruned as per the specifications below. Any roots greater than 30mm are to be assessed by a qualified arborist before any pruning is undertaken.
- If tree roots are required to be removed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).
- It is the arborist's responsibility to determine if such root pruning is suitable. If there are any concerns regarding this process, then Waverley Council's Tree Management Officer is to be contacted to make final determination.
- If any trees on neighbouring properties require pruning, then permission must be gained from the owner of the tree(s) and an Application to Prune or Remove Trees on Private Property is then to be presented to Council for processing.

***AMENDED DA-165/2022/A***

## **D. PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

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

### **28. FINAL OCCUPATION CERTIFICATE**

Prior to occupation or use of the development, the Principal Certifying Authority must issue an Occupation Certificate. The Principal Certifying Authority must be satisfied that the requirements of the Environmental Planning & Assessment Act, 1979 have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.

### **29. CERTIFICATION OF BASIX COMMITMENTS**

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

### **30. WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM**

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

### **31. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD**

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

The wording of the Instrument shall be submitted to and approved by Executive Manager, Infrastructure Services (or delegate) prior to lodgement at NSW Land Registry Services. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate/use of the building. All associated costs shall be borne by the applicant.

### **32. CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE SYSTEM**

Prior to issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practising Engineer or Plumber, that any new stormwater drainage system has been constructed in

accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice. Similarly, any retained stormwater drainage system is unblocked, in good working order and to be repaired/replaced to best practice. A copy of the certification must be submitted to Council.



## E. ADVISORY MATTERS

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

### AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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

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

### AD2. SYDNEY WATER REQUIREMENTS

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

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

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

### **AD3. DIAL BEFORE YOU DIG**

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

### **AD4. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)**

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

### **AD5. ALTERATIONS AND ADDITIONS ONLY**

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

### **AD6. TREE REMOVAL/PRESERVATION**

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

# SNOW-PENGILLY HOUSE

74 VICTORIA STREET  
WAVERLEY NSW 2024

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Receipt No: DA-165/2022/A  
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## BASIX CERTIFICATE

BASIX Certificate number: A447819\_02 page 2 / 6

Fixtures and systems	Show on DA Plans	Show on CC/CDC Plans & Specs	Certifier Check
<b>Hot water</b> The applicant must install the following hot water system in the development: gas instantaneous.	✓	✓	✓
<b>Lighting</b> The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.		✓	✓
<b>Fixtures</b> The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating. The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating. The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.		✓	✓

Planning, Industry & Environment Building Sustainability Index www.basix.nsw.gov.au

BASIX Certificate number: A447819\_02 page 3 / 6

Construction	Show on DA Plans	Show on CC/CDC Plans & Specs	Certifier Check
<b>Insulation requirements</b> The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m <sup>2</sup> , b) insulation specified is not required for parts of altered construction where insulation already exists.	✓	✓	✓
<b>Construction</b>			
suspended floor with enclosed subfloor: framed (R0.7)	R0.60 (down) (or R1.30 including construction)		
external wall: other/undecided	R1.70 (including construction)		
raked ceiling, pitched/skillion roof: framed	ceiling: R2.54 (up), roof: thermocellular reflective	medium (solar absorptance 0.475 - 0.70)	
flat ceiling, flat roof: concrete/plasterboard internal	ceiling: R0.93 (up), roof: 50 mm foil backed polystyrene board	medium (solar absorptance 0.475 - 0.70)	

Planning, Industry & Environment Building Sustainability Index www.basix.nsw.gov.au

BASIX Certificate number: A447819\_02 page 4 / 6

Glazing requirements	Show on DA Plans	Show on CC/CDC Plans & Specs	Certifier Check		
<b>Windows and glazed doors</b> The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door. The following requirements must also be satisfied in relation to each window and glazed door: Each window or glazed door with standard aluminium or timber frames and single clear or toned glass may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions. For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill. For projections described as a ratio, the ratio of the projection from the wall to the height above the window or glazed door sill must be at least that shown in the table below. External louvers and blinds must fully shade the window or glazed door beside which they are situated when fully drawn or closed. Overshadowing buildings or vegetation must be of the height and distance from the centre and the base of the window and glazed door, as specified in the 'overshadowing' column in the table below.	✓	✓	✓		
<b>Windows and glazed doors glazing requirements</b>					
Window / door no.	Orientation	Area of glass inc. frame (m <sup>2</sup> )	Overshadowing Height (m) Distance (m)	Shading device	Frame and glass type
W2	N	7.7	0 0	projection/height above sill ratio >=0.43	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W3	N	7.7	0 0	projection/height above sill ratio >=0.43	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W5	N	7.79	0 0	external louvre/blind (adjustable)	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W7	W	2	3.95 2.17	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)

Planning, Industry & Environment Building Sustainability Index www.basix.nsw.gov.au

BASIX Certificate number: A447819\_02 page 5 / 6

Glazing requirements	Show on DA Plans	Show on CC/CDC Plans & Specs	Certifier Check		
<b>Windows and glazed doors</b>					
Window / door no.	Orientation	Area of glass inc. frame (m <sup>2</sup> )	Overshadowing Height (m) Distance (m)	Shading device	Frame and glass type
W8	W	2	3.95 1.17	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W9	N	1.54	0 0	projection/height above sill ratio >=0.43	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W10	N	1.54	0 0	projection/height above sill ratio >=0.43	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W11	N	2.31	0 0	awning (adjustable) >=900 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
<b>Skylights</b> The applicant must install the skylights in accordance with the specifications listed in the table below. The following requirements must also be satisfied in relation to each skylight: Each skylight may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below.	✓	✓	✓		
<b>Skylights glazing requirements</b>					
Skylight number	Area of glazing inc. frame (m <sup>2</sup> )	Shading device	Frame and glass type		
S1	1.77	no shading	timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)		
S2	1.77	no shading	timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)		

Planning, Industry & Environment Building Sustainability Index www.basix.nsw.gov.au

## SITE LOCATION PLAN (NTS)



REV	DATE	DESCRIPTION	ATHR
01	13/04/2022	FOR DA	
02	30/09/2022	FOR DA	
03	09/06/2023	FOR SECTION 4.55	

DO NOT SCALE OFF THIS DRAWING. USE ONLY DIMENSIONS PROVIDED.  
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A&CO DRAWINGS ARE TO BE READ IN CONJUNCTION WITH ALL CONTRACT DOCUMENTS FROM ALL CONSULTANTS.  
ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO THE COMMENCEMENT OF WORK.

**A & CO.**  
ALEXANDER HOUSE  
63 BRISBANE STREET  
BONDI JUNCTION  
NSW 2022  
+61 (02) 8394 9838  
www.alexanderand.co

CLIENT:  
Tom Snow & Doug Pengilly  
PROJECT:  
0572 - Victoria Street  
74 Victoria Street  
Waverley,  
NSW 2024

DRAWING TITLE  
REFERENCE  
**COVER PAGE**  
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1:50 / 1:(SCALEX2)  
PROJECT NO. - DWG NO. REV.  
0572 - DA00\_03

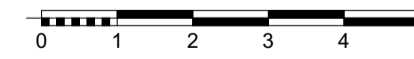
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Date Received: 10/07/2023

- LEGEND**
- 240L CO-MINGLED YELLOW LID GARBAGE BIN STORAGE AND COLLECTION LOCATION
  - 240L ALL PURPOSE RED LID GARBAGE BIN STORAGE AND COLLECTION LOCATION
  - ONSIDE STORAGE & COLLECTION OF WASTE & RECYCLABLES DURING DEMOLITION AND CONSTRUCTION
  - VEHICULAR ACCESS DURING CONSTRUCTION
  - TEMPORARY INDOOR WASTE AND RECYCLING SPACE LOCATION

1 SITE PLAN  
1:100



REV	DATE	DESCRIPTION	ATHR
01	13/04/2022	FOR DA	
02	30/09/2022	FOR DA	
03	09/06/2023	FOR SECTION 4.55	

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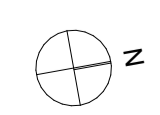
ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO THE COMMENCEMENT OF WORK.



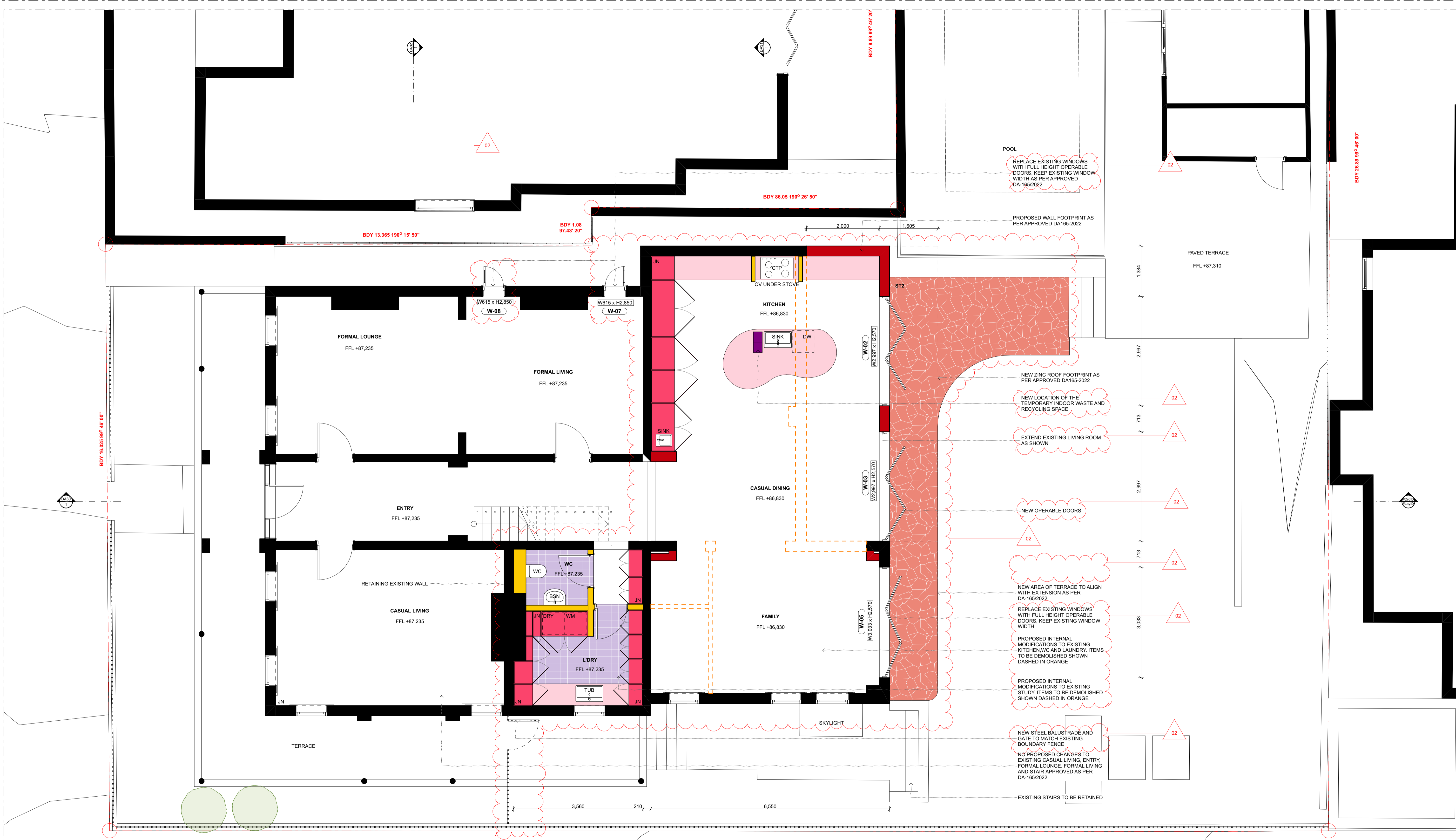
CLIENT:  
Tom Snow & Doug Pengilly  
PROJECT:  
0572 - Victoria Street  
74 Victoria Street  
Waverley,  
NSW 2024

DRAWING TITLE  
SITE PLAN  
SITE PLAN

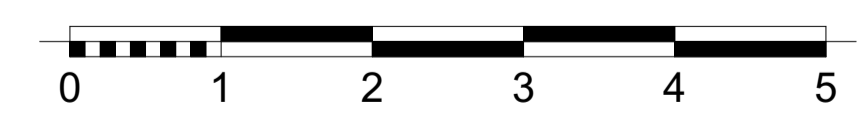
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1:100 / 1:SCALEX2  
PROJECT NO. - DWG NO. REV.  
0572 - DA10\_03



CHECKED  
JB



1 GROUND FLOOR PLAN  
1:50



**MATERIAL COLOUR LEGEND**

	MASONRY SECTION / ELEVATION		PLASTER SECTION / ELEVATION		EX. SECTION / ELEVATION
	GLASS SECTION / ELEVATION		EARTH SECTION / ELEVATION		DEMOLISHED SECTION / ELEVATION
	TIMBER SECTION / ELEVATION		EARTH SECTION / ELEVATION		TEMPORARY INDOOR WASTE AND RECYCLING SPACE LOCATION
	NATURAL STONE SECTION / ELEVATION		JOINERY SECTION / ELEVATION		

REV	DATE	DESCRIPTION	ATHR
01	13/04/2022	FOR DA	
02	09/06/2023	FOR SECTION 4.55	

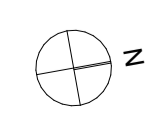
**DO NOT SCALE OFF THIS DRAWING. USE ONLY DIMENSIONS PROVIDED.**  
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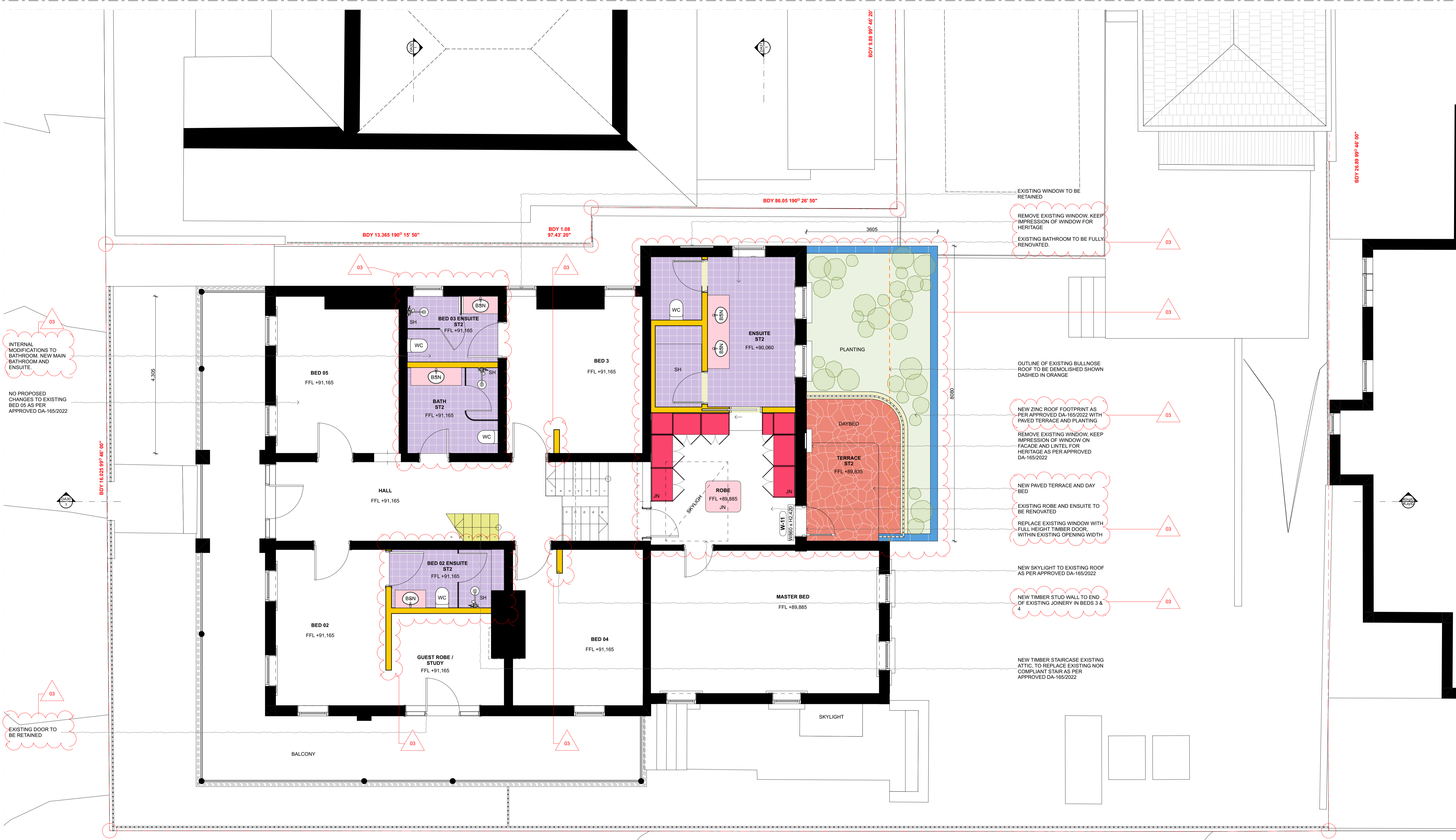


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PROJECT: 0572 - Victoria Street  
74 Victoria Street  
Waverley, NSW 2024

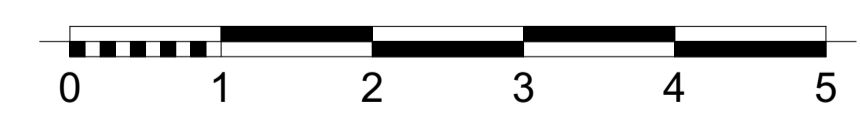
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**GROUND FLOOR PLAN**  
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1:50 / 1:(SCALEX2)  
PROJECT NO. - DWG NO. REV.  
0572 - DA11\_02



CHECKED JB



1 FIRST FLOOR PLAN  
1:50



REV	DATE	DESCRIPTION	ATHR
01	13/04/2022	FOR DA	
02	20/09/2022	FOR DA	
03	09/06/2023	FOR SECTION 4.55	

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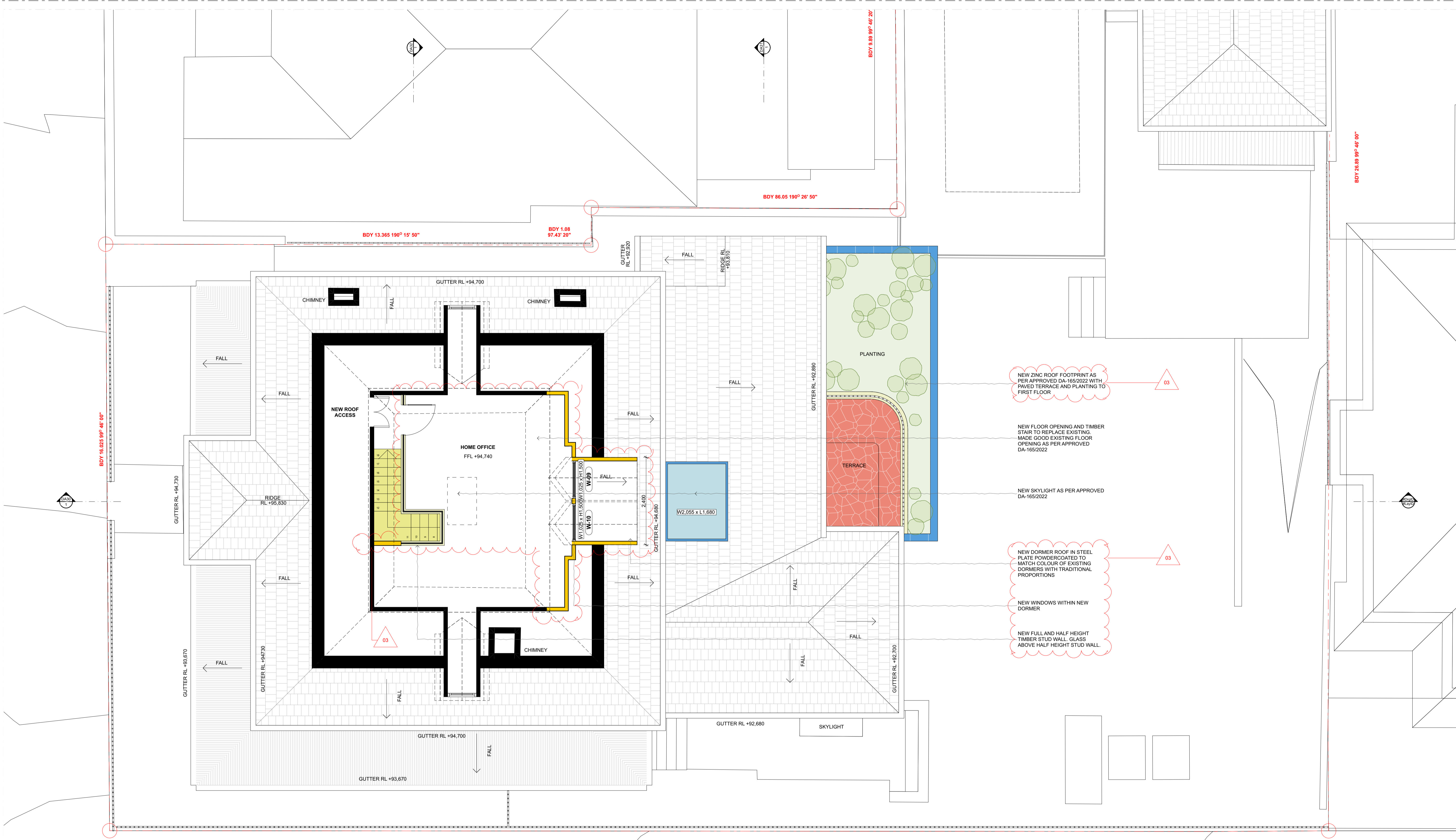


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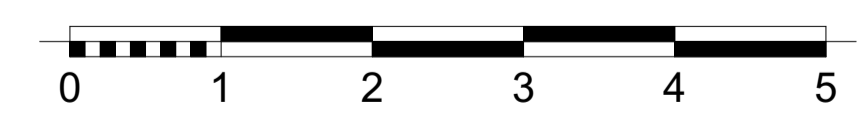
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**FIRST FLOOR PLAN**

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 PROJECT NO. - DWG NO. REV.  
 0572 - DA12\_03

CHECKED JB



1 ATTIC FLOOR PLAN  
1:50



**MATERIAL COLOUR LEGEND**

	MASONRY SECTION / ELEVATION		PLASTER SECTION / ELEVATION		EX. SECTION / ELEVATION
	GLASS SECTION / ELEVATION		EARTH SECTION / ELEVATION		DEMOLISHED SECTION / ELEVATION
	TIMBER SECTION / ELEVATION		EARTH SECTION / ELEVATION		
	NATURAL STONE SECTION / ELEVATION		JOINERY SECTION / ELEVATION		

REV	DATE	DESCRIPTION	ATHR
01	13/04/2022	FOR DA	
02	30/09/2022	FOR DA	
03	09/06/2023	FOR SECTION 4.55	

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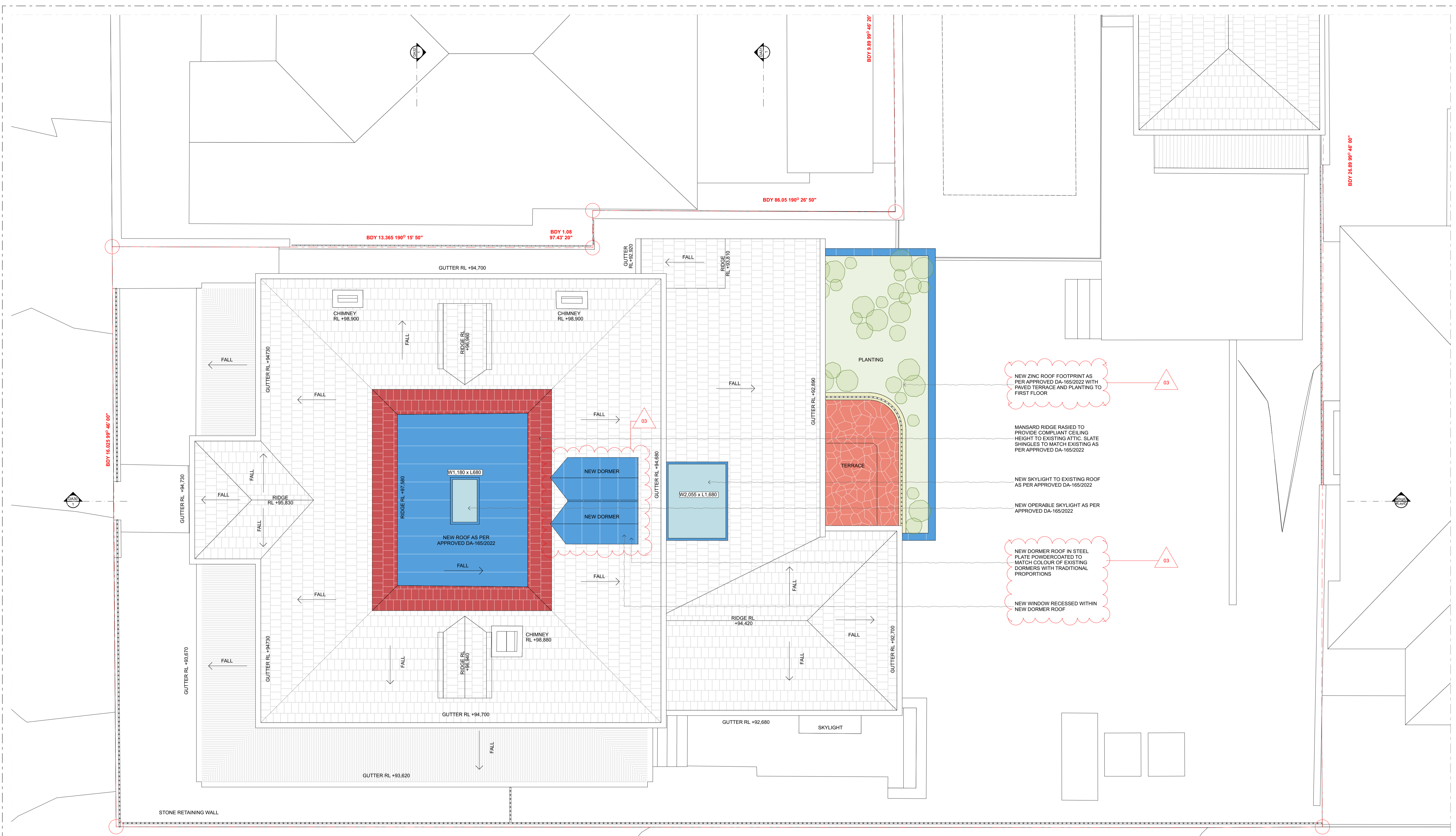
CLIENT: Tom Snow & Doug Pengilly  
PROJECT: 0572 - Victoria Street  
74 Victoria Street  
Waverley, NSW 2024

DRAWING TITLE  
GENERAL ARRANGEMENT  
**ATTIC PLAN**

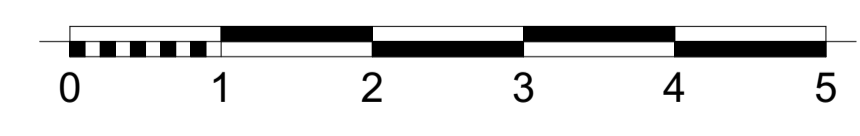
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PROJECT NO. - DWG NO. REV.  
0572 - DA13\_03

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1 GROUND FLOOR PLAN  
1:50



MATERIAL COLOUR LEGEND			
	MASONRY SECTION / ELEVATION		EX. SECTION / ELEVATION
	GLASS SECTION / ELEVATION		EARTH SECTION / ELEVATION
	TIMBER SECTION / ELEVATION		EARTH SECTION / ELEVATION
	NATURAL STONE SECTION / ELEVATION		JOINERY SECTION / ELEVATION
	PLASTER SECTION / ELEVATION		DEMOLISHED SECTION / ELEVATION

REV	DATE	DESCRIPTION	ATHR
01	13/04/2022	FOR DA	
02	30/09/2022	FOR DA	
03	09/06/2023	FOR SECTION 4.55	

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Waverley, NSW 2024

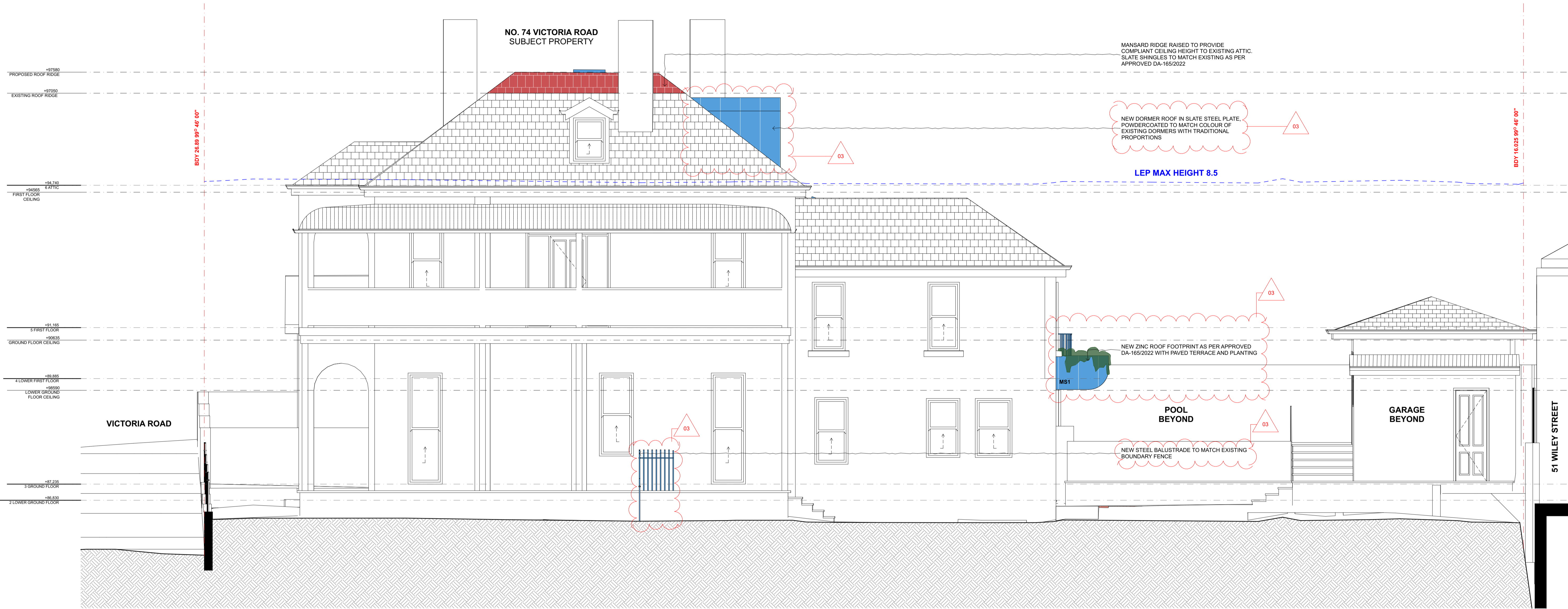
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GENERAL ARRANGEMENT  
**ROOF PLAN**

SCALE @ A1 / A3  
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PROJECT NO. - DWG NO. REV.  
0572 - DA14\_03

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1 WEST ELEVATION  
1:50

REV	DATE	DESCRIPTION	ATHR
01	13/04/2022	FOR DA	
02	30/09/2022	FOR DA	
03	09/06/2023	FOR SECTION 4.55	

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PROJECT: 0572 - Victoria Street  
74 Victoria Street  
Waverley,  
NSW 2024

DRAWING TITLE  
ELEVATIONS  
ELEVATION - WEST

SCALE @ A1 / A3  
1:50 / 1:(SCALEX2)

PROJECT NO. - DWG NO. REV.  
0572 - DA20\_03

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1 NORTH ELEVATION  
 1:50



REV	DATE	DESCRIPTION	ATHR
01	13.04.2022	FOR DA	
02	30.09.2022	FOR DA	
03	09.06.2023	FOR SECTION 4.55	

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 74 Victoria Street  
 Waverley,  
 NSW 2024

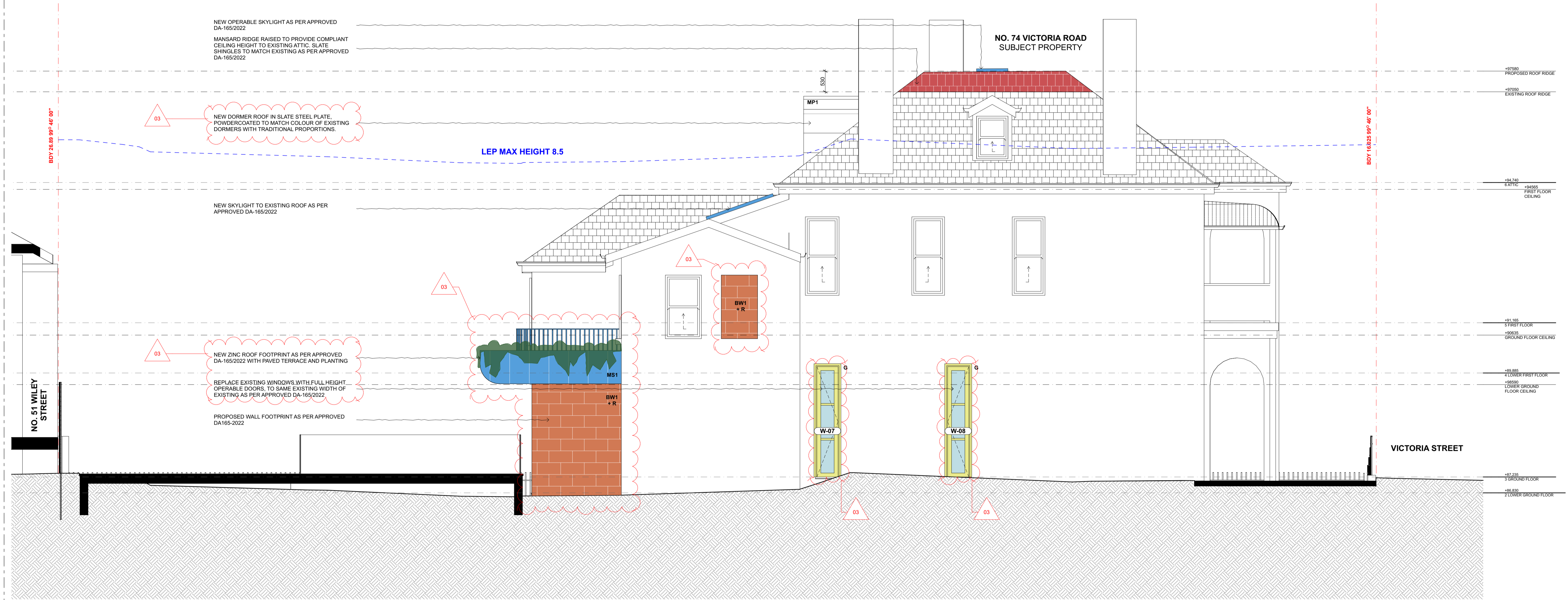
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 ELEVATIONS  
**ELEVATION - NORTH**

SCALE @ A1 / A3  
 1:50 / 1:(SCALEX2)

PROJECT NO. - DWG NO. REV.  
 0572 - DA21\_03

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Date Received: 10/07/2023



1 EAST ELEVATION  
1:50

REV	DATE	DESCRIPTION	ATHR
01	13/04/2022	FOR DA	
02	30/09/2022	FOR DA	
03	09/06/2023	FOR SECTION 4.55	

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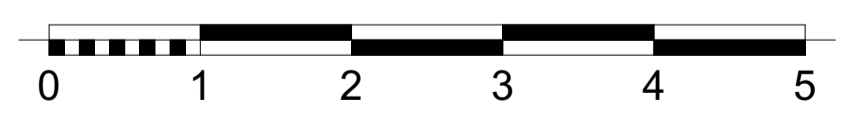
CLIENT: Tom Snow & Doug Pengilly  
PROJECT: 0572 - Victoria Street  
74 Victoria Street  
Waverley, NSW 2024

DRAWING TITLE  
ELEVATIONS  
ELEVATION - EAST  
SCALE @ A1 / A3  
1:50 / 1:(SCALEX2)  
PROJECT NO. - DWG NO. REV.  
0572 - DA22\_03  
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Waverley Council  
Receipt No: DA-165/2022/A  
Date Received: 10/07/2023



1 SOUTH ELEVATION  
1:50



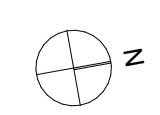
REV	DATE	DESCRIPTION	ATHR
01	13/04/2022	FOR DA	
02	30/09/2022	FOR DA	
03	09/06/2023	FOR SECTION 4.55	

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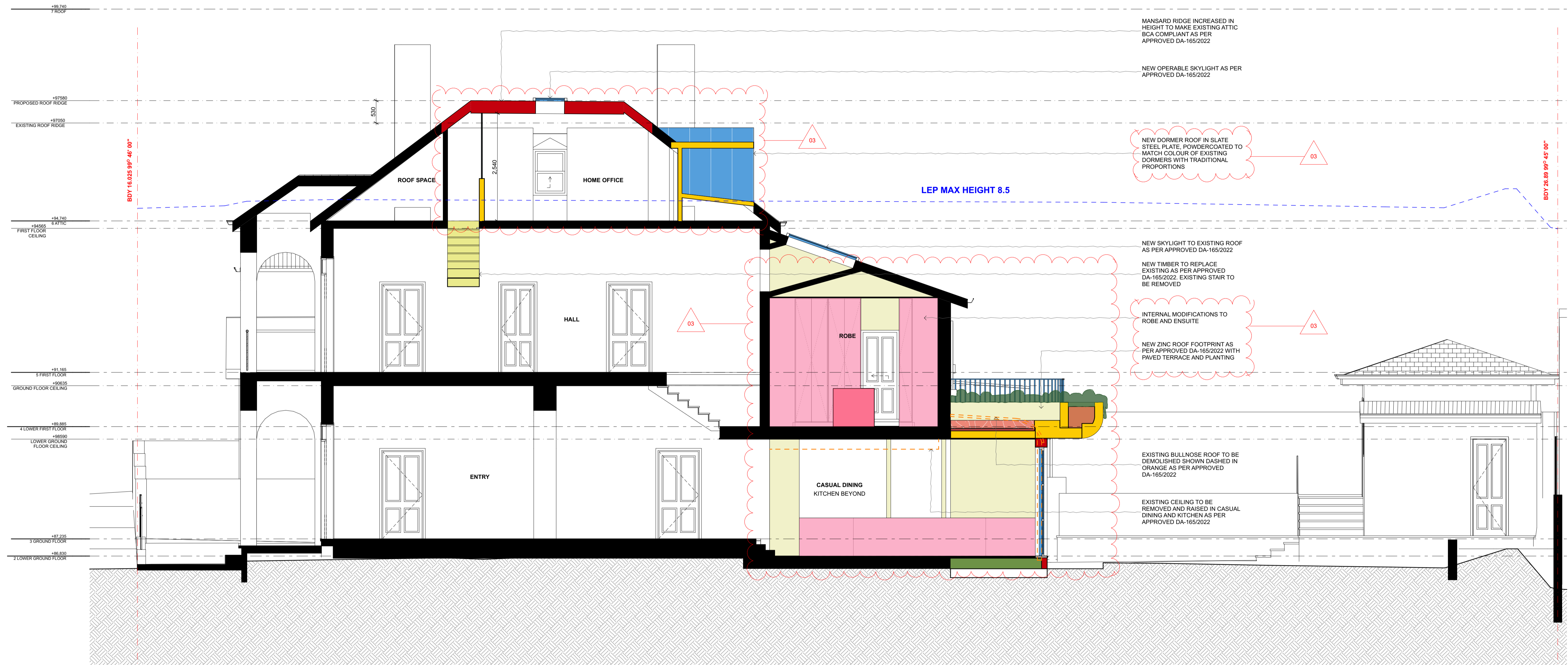
CLIENT: Tom Snow & Doug Pengilly  
PROJECT: 0572 - Victoria Street  
74 Victoria Street  
Waverley,  
NSW 2024

DRAWING TITLE  
ELEVATIONS  
**ELEVATION - SOUTH**  
SCALE @ A1 / A3  
1:50 / 1:(SCALEX2)  
PROJECT NO. - DWG NO. REV.  
0572 - DA23\_03



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Date Received: 10/07/2023



SECTION A  
1:50



REV	DATE	DESCRIPTION	ATHR
01	13/04/2022	FOR DA	
02	30/09/2022	FOR DA	
03	09/06/2023	FOR SECTION 4.55	

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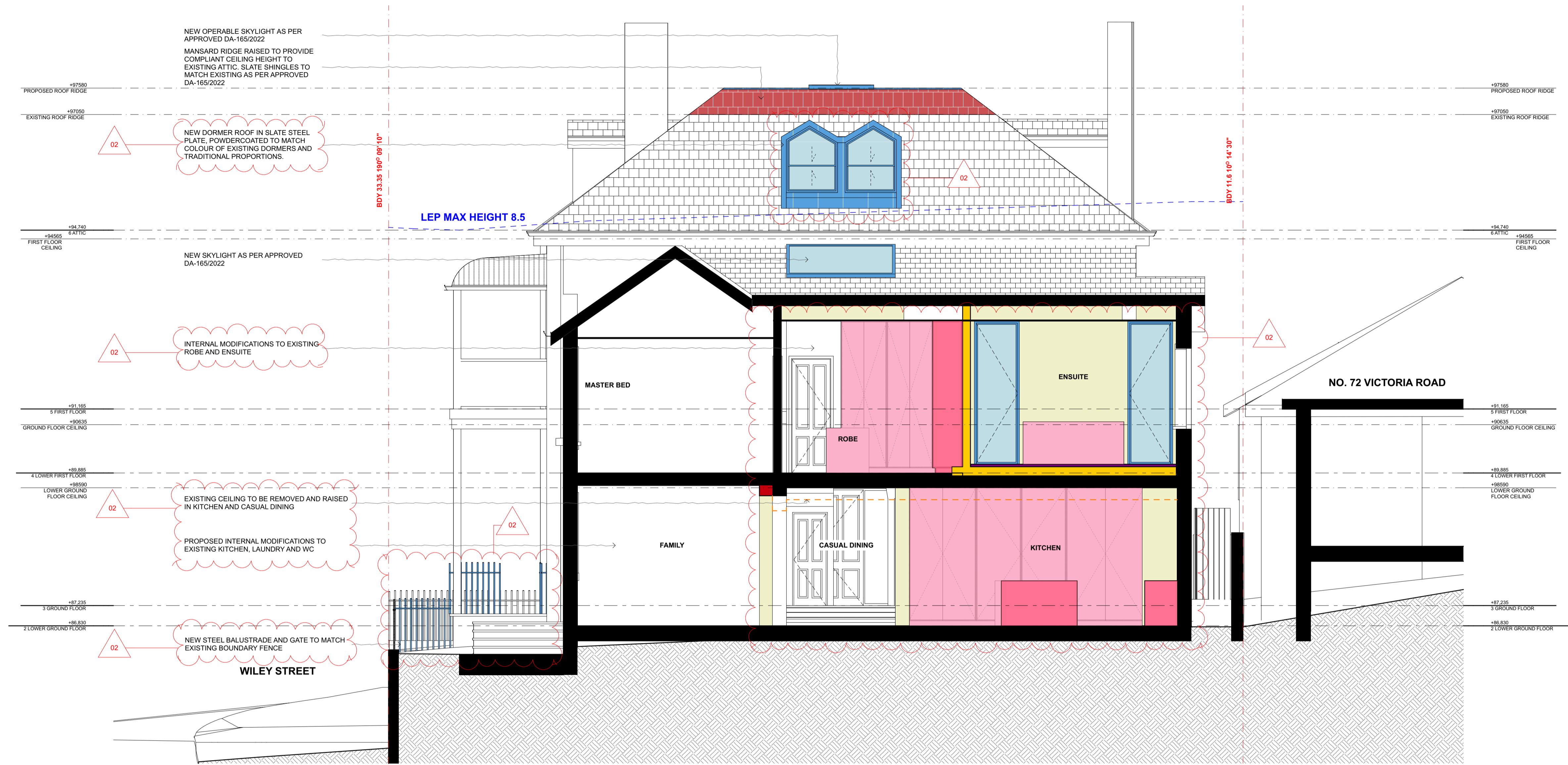
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PROJECT: 0572 - Victoria Street  
74 Victoria Street  
Waverley,  
NSW 2024

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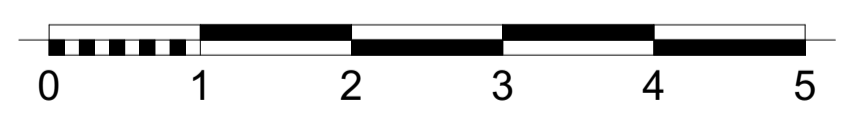


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**B** SECTION B  
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REV	DATE	DESCRIPTION	ATHR
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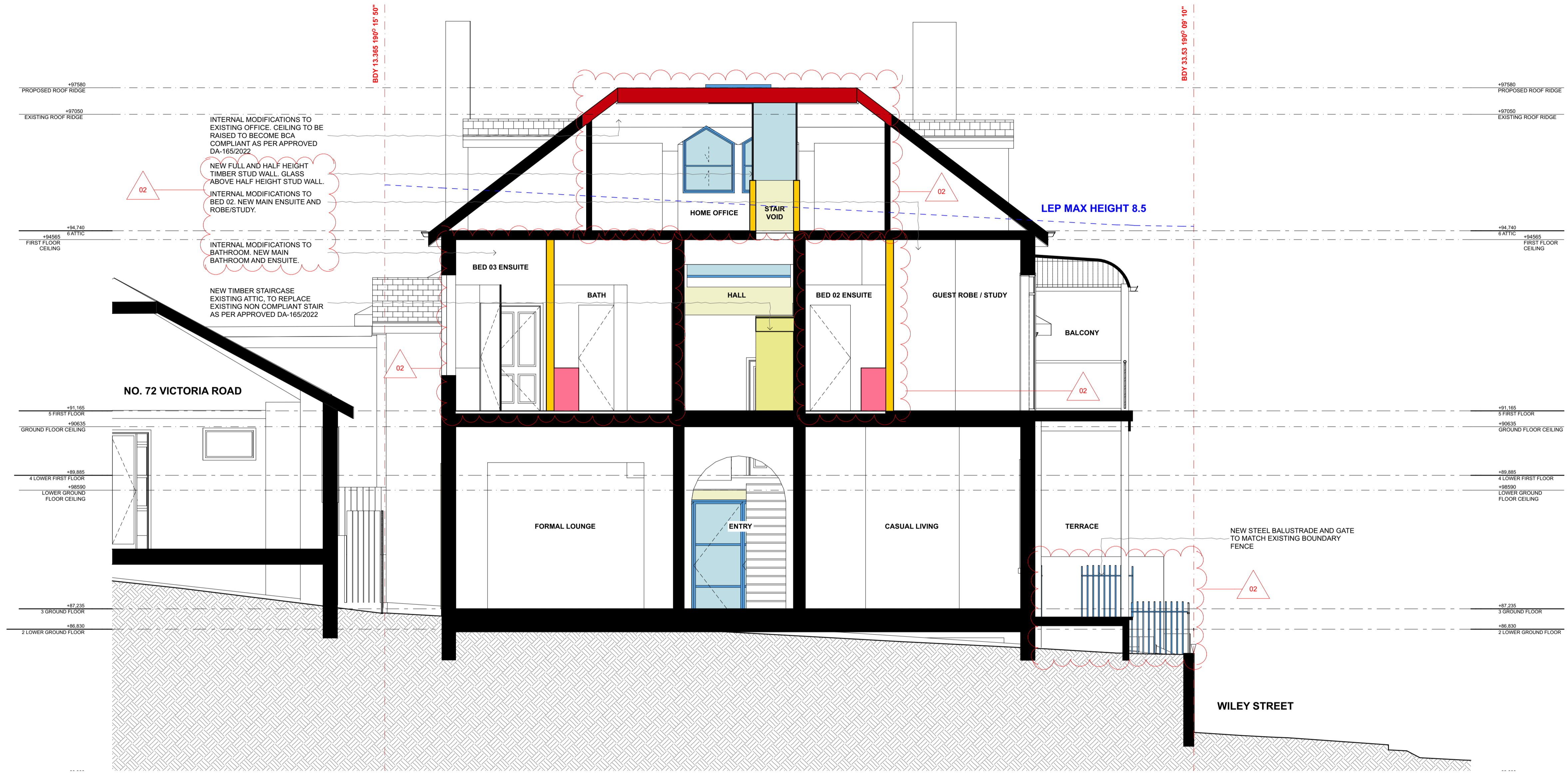
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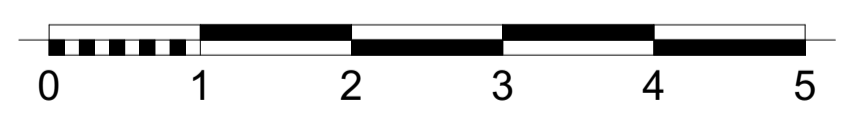
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1 SECTION C  
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REV	DATE	DESCRIPTION	ATHR
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02	09/06/2023	FOR SECTION 4.55	

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PROJECT: 0572 - Victoria Street  
74 Victoria Street  
Waverley, NSW 2024

DRAWING TITLE  
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**C SECTION**

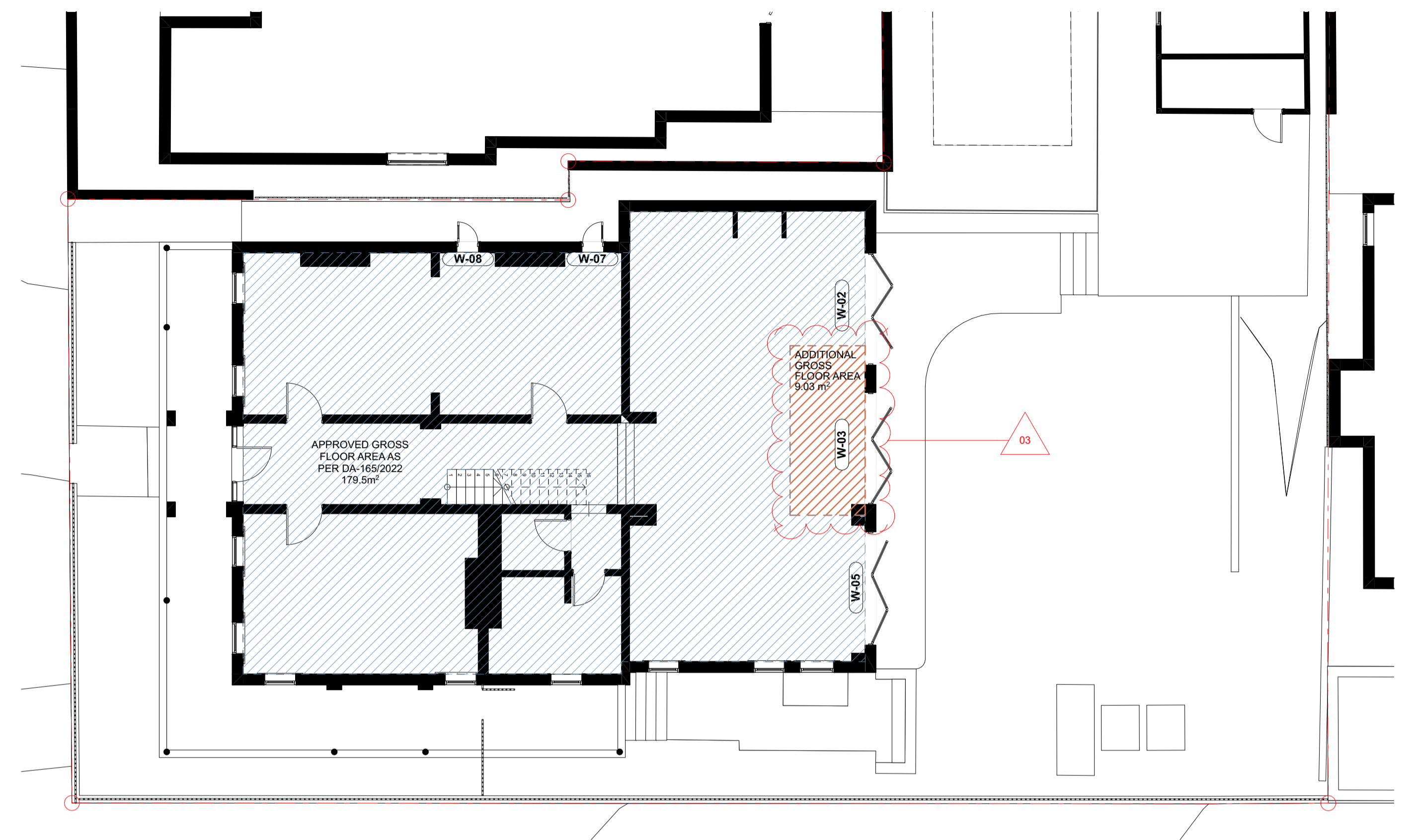
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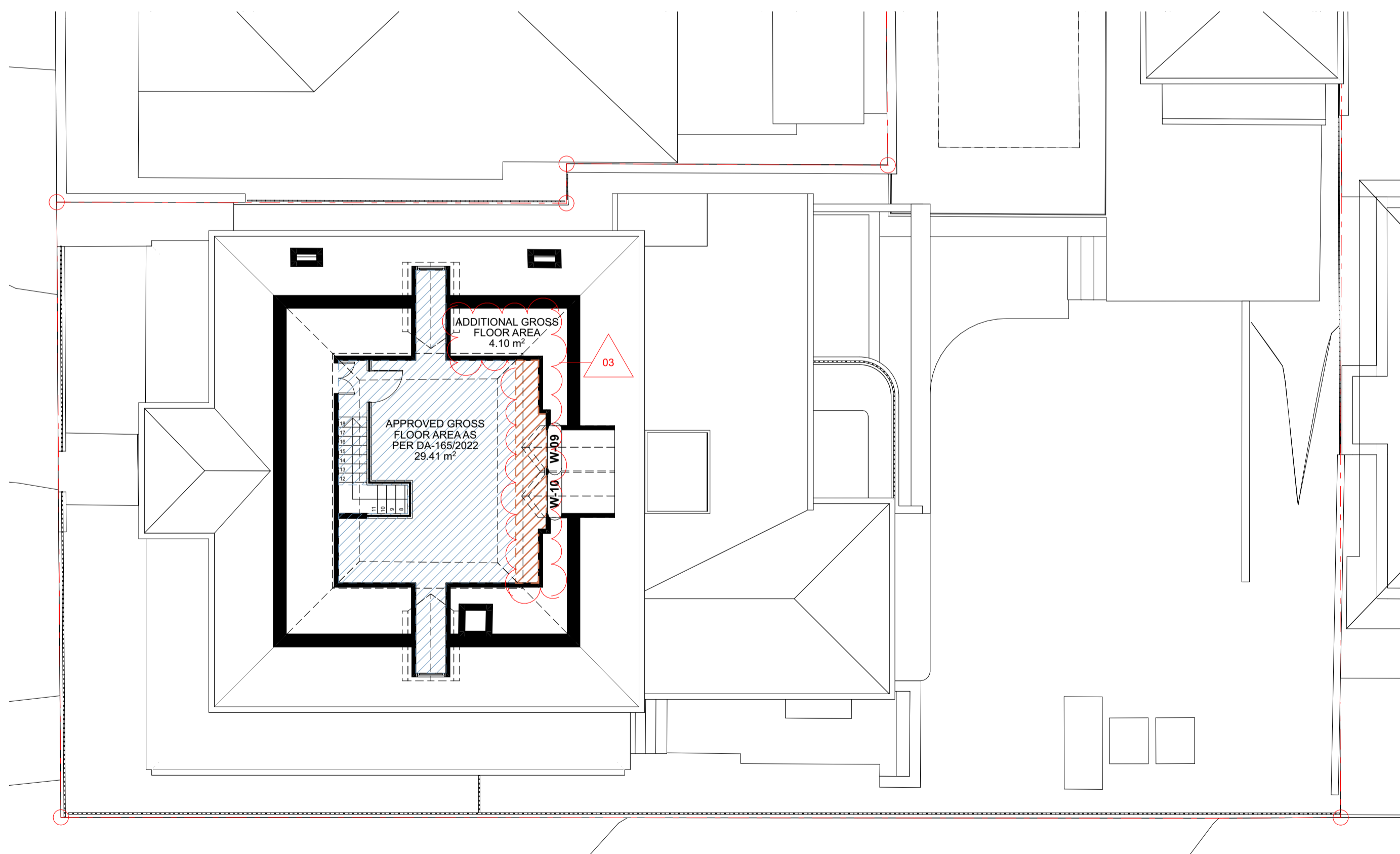
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1 GFA FIRST FLOOR  
1:100



2 GFA GROUND FLOOR  
1:100



3 GFA ATTIC  
1:100

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**FLOOR SPACE RATIO**

CONTROL - MAXIMUM ALLOWABLE FSR (0.5:1)	
SITE AREA	672.10m <sup>2</sup>
APPROVED AREA AS PER DA-165/2022	378.91m <sup>2</sup>
PROPOSED AREA	392.04m <sup>2</sup>
PROPOSED FSR	0.58:1
ADDITIONAL AREA	13.13m <sup>2</sup>
COMPLIANT	N

**GROSS FLOOR AREA CALCULATIONS**

LEVEL	ROOM NAME	MEASURED AREA
GROUND FLOOR	ADDITIONAL	9.03m <sup>2</sup>
	APPROVED AS PER DA-165/2022	179.50m <sup>2</sup>
FIRST FLOOR	APPROVED AS PER DA-165/2022	170.00m <sup>2</sup>
	ADDITIONAL	4.10m <sup>2</sup>
ATTIC	APPROVED AS PER DA-165/2022	29.41m <sup>2</sup>
	ADDITIONAL	4.10m <sup>2</sup>
		<b>392.04m<sup>2</sup></b>

**LEGEND - GFA HATCHING**



REV	DATE	DESCRIPTION	ATHR
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02	30/09/2022	FOR DA	
03	09/06/2023	FOR SECTION 4.55	

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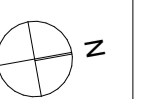
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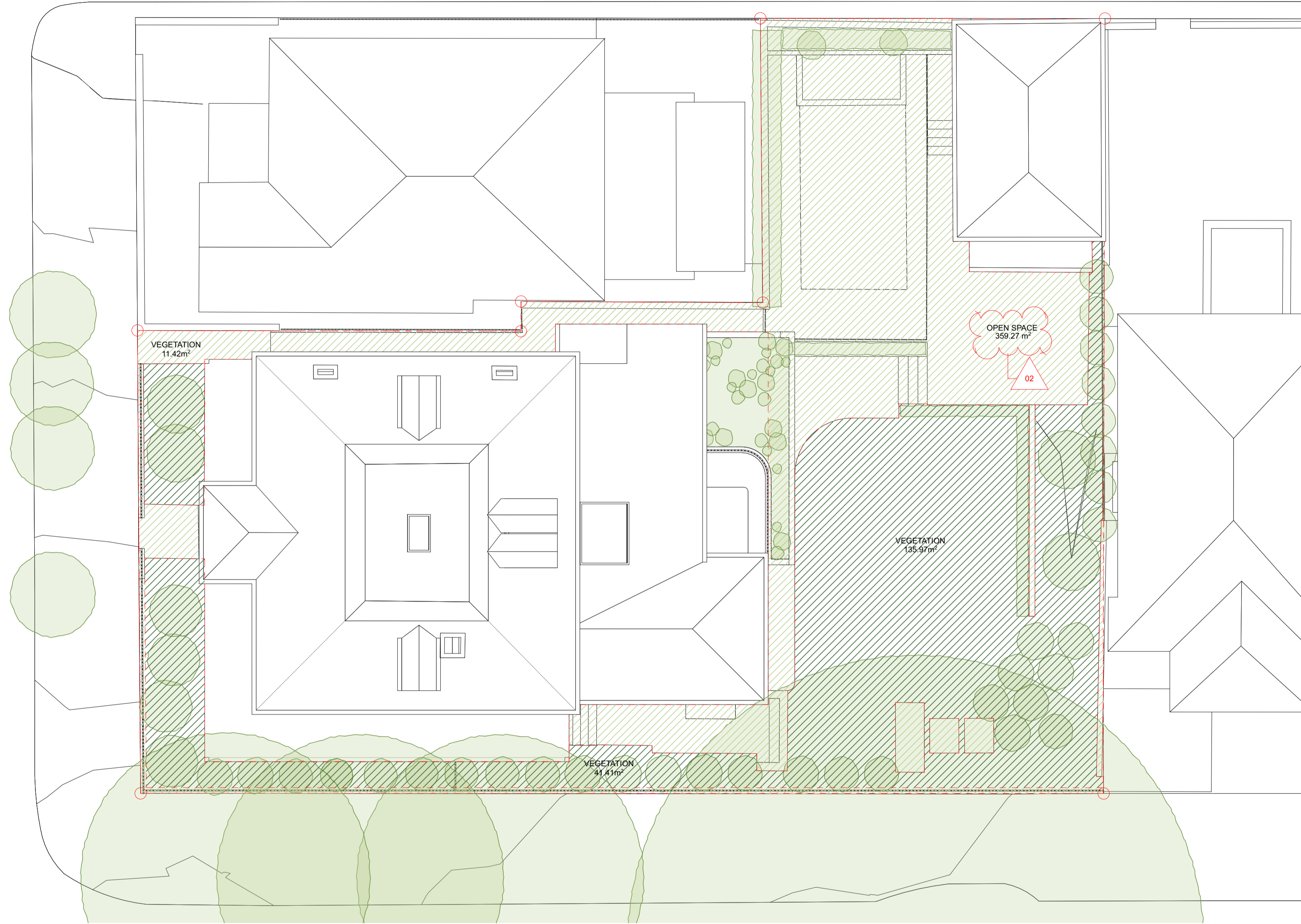
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Date Received: 10/07/2023



1 LANDSCAPE PLAN  
1:100

02

OPEN SPACE	
CONTROL - MINIMUM OPEN SPACE (40% OF TOTAL SITE AREA)	
SITE AREA	672.10m <sup>2</sup>
ALLOWABLE AREA	268.84m <sup>2</sup>
PROPOSED OPEN SPACE	359.27m <sup>2</sup>
DIFFERENCE	90.43m <sup>2</sup>
COMPLIANT	Y

SOFT LANDSCAPE AREA	
CONTROL - MINIMUM LANDSCAPE (15% OF TOTAL SITE AREA)	
SITE AREA	672.10m <sup>2</sup>
ALLOWABLE AREA	100.86m <sup>2</sup>
PROPOSED AREA	198.95m <sup>2</sup>
DIFFERENCE	98.04m <sup>2</sup>
COMPLIANT	Y

**LEGEND - LANDSCAPE HATCHING**

- OPEN AREA
- DEEP SOIL
- LANDSCAPE OVER STRUCTURE

REV	DATE	DESCRIPTION	ATHR
01	13/04/2022	FOR DA	
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LANDSCAPE PLANS  
**LANDSCAPE CALCULATION PLAN**  
SCALE @ A1 / A3  
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PROJECT NO. - DWG NO. REV.  
0572 - DA81\_02



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## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-99/2023
<b>Site address</b>	12A-14 Wilga Street, BONDI NSW 2026
<b>Proposal</b>	Alterations to replace main roof membrane and Unit 11 roof top stair enclosure and terrace to residential flat building
<b>Date of lodgement</b>	27 April 2023
<b>Owner</b>	T J Simpson
<b>Applicant</b>	Burton Architecture
<b>Submissions</b>	None
<b>Cost of works</b>	\$908,750
<b>Principal Issues</b>	<ul style="list-style-type: none"> <li>• Overall height of building development standard</li> <li>• Floor space ratio development standard</li> </ul>
<b>Recommendation</b>	That the application be <b>APPROVED</b> in accordance with the conditions contained in the report

### SITE MAP



## 1. PREAMBLE

### 1.1. Executive Summary

The development application seeks consent for alterations to replace the main roof membrane and Unit 11 roof top stair enclosure and terrace to the existing residential flat building at the site known as 12A-14 Wilga Street, BONDI.

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

- Non-compliance with the overall height of buildings development standard
- Non-compliance with the floor space ratio (FSR) development standard

The assessment finds these issues acceptable as the overall height and FSR are not proposed to change from the existing height on site.

No submissions were received.

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

### 1.2. Site and Surrounding Locality

A site visit was carried out on 15 June 2023.

The site is identified as Lot 11 in SP2433, known as 12A-14 Wilga Street, BONDI.

The site is rectangular in shape with a frontage to Wilga Street measuring 35.1m. The site has an area of approximately 1,439m<sup>2</sup> and falls from the west towards the eastern side boundary by approximately 6.5m.

The site is occupied by a seven (7) storey residential flat building with vehicular access to a carpark from Wilga Street.

The site is adjoined by a residential flat building to the east and semi-detached dwellings facing Sandridge Street to the west. The locality is characterised by a mix of low and medium density residential development.

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



**Figure 1:** Subject site viewed from Wilga Street



**Figure 2:** Subject site viewed from Wilga Street



**Figure 3:** Existing terrace located on the roof



**Figure 4:** Existing terrace located on the roof

### 1.3. Relevant Development History

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

- DA-007/1998: New Roof Terrace to the existing residential flat building, approved on 6 May 1998; and
- DA-237/2009: Alterations and roof level addition to Unit 11, refused on 24 November 2009. This application proposed to increase the size of the existing terrace and associated deck area.

### 1.4. Proposal

The development application seeks consent for alterations and additions to a residential flat building, specifically the demolition and reconstruction of the existing roof of the entire building and a roof top terrace and stair enclosure for Unit 11. The reconstruction of the terrace and stair enclosure is proposed to remain the same size as existing, including length, height and width. The reason for the reconstruction is due to inadequate waterproofing during its construction in 1998.

The only modifications included in this proposal that differ to the existing structure on site are as follows:

- The existing rendered balustrade is proposed to be constructed of glass; and
- The frosted glass screen on the western edge is proposed to be removed.

## 1.5. Background

The development application was lodged on 27 April 2023 and was notified on 18 May 2023. On 16 June 2023, the applicant submitted amended plans to replace the proposed rendered balustrade on the rooftop deck with a glass balustrade.

A deferral letter was issued on 5 July 2023 requesting a Clause 4.6 for the non-compliance with the FSR. A Clause 4.6 written request, along with floor plans for each level, were submitted on 21 July 2023.

The architectural plans submitted on 16 June 2023 form the basis of this assessment.

## 2. ASSESSMENT

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

### 2.1. Planning Instruments and Development Control Plans

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

#### 2.1.1. State Environmental Planning Policies (SEPPs)

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

- SEPP (Building Sustainability Index – BASIX) 2004

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

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

**Table 1: Waverley LEP 2012 Compliance Table**

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
<b>1.2 Aims of plan</b>	Yes	The development is consistent with the aims of the plan

<b>Part 2 Permitted or prohibited development</b>		
<b>Land Use Table</b> <i>R3 Medium Density Residential Zone</i>	Yes	The proposal is defined as alterations and additions to a residential flat building, which is permitted with consent in the R3 zone.
<b>Part 4 Principal development standards</b>		
<b>4.3 Height of buildings</b> • 9.5m	No	The works are proposed to sit 26m above the existing ground level, which does not comply with the development standard.
<b>4.4 Floor space ratio</b> 0.6:1 or 861m <sup>2</sup>	No	Whilst the development does not propose to increase the existing GFA on site, the development does not comply with the maximum permissible
<b>4.6 Exceptions to development standards</b>	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of buildings and FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.
<b>Part 6 Additional local provisions</b>		
<b>6.1 Acid sulfate soils</b>	Yes	All works are located on the roof of the existing building and therefore will not have an impact on acid sulfate soils.
<b>6.9 Design excellence</b>	Yes	The building works are proposed to replace the existing built form on site and will therefore not change the existing character or design currently viewed from Wilga Street.

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

#### *Clause 4.6 Exceptions to Development Standards - Height*

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

The site is subject to a maximum height of buildings development standard of 9.5m. The proposed development has a maximum building height of 26m (as existing), exceeding the standard by 16.5m equating to a 173% variation.

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

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
  - (i) *The proposed works are remedial works to an existing building, with the rebuilding of a rooftop element within its existing envelope that does not increase the height or bulk of the development.*
  - (ii) *There are no form or material changes to the existing building.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
  - (i) *The subject building is existing and the proposed development application is for remedial replacement works only.*
  - (ii) *The remedial works are within the existing envelope of the existing building structure.*
  - (iii) *There will be no discernible visual change to the existing building after the remedial works.*
  - (iv) *The remedial works are critical to be carried out as soon as possible to limit further deterioration.*

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

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

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

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

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

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

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

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

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

Is the development in the public interest?

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

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

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

The proposal has demonstrated that notwithstanding the variation to the height of buildings development standard, the amenity of adjoining properties is preserved as there are no additional



impacts on view loss, solar access or privacy. The proposed height matches the existing on site and therefore is compatible in bulk and scale to surrounding developments within the area.

The objectives of the R3 zone are as follows:

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

The proposal has adequately demonstrated that the objectives of the R3 Medium Density Residential zone are achieved as the use of the existing residential flat building is maintained and is consistent with the medium density residential character of the locality. The proposed alterations and additions will enhance the functionality of Unit 11 and contribute to the amenity of its occupants.

### Conclusion

For the reasons provided above the requested variation to the height of buildings development standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6 of the Waverley LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of the height of buildings development standard and the R3 zone.

### *Clause 4.6 Exceptions to Development Standards - FSR*

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

The site is subject to a maximum FSR development standard of 0.6:1. The proposed development has an FSR of 1.64:1, exceeding the standard by 1,500m<sup>2</sup>, equating to a 273% variation (as existing).

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

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

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

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

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

- That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
  - (i) *The rooftop pavilion is rebuilt to the same envelope. There are no other changes to the existing building and the remedial works are contained within the existing building fabric and envelope. Materials and structures are replaced like for like.*
  - (ii) *The proposed works are remedial works to an existing building, with the rebuilding of a rooftop element within its existing envelope that does not increase the height or bulk of the development.*
  - (iii) *The subject building that is breaching the FSR control is existing. There are no form or material changes to the existing building. The works are remedial replacement works.*
- That there are sufficient environmental planning grounds to justify contravening the standard:
  - (i) *The subject building is existing and the proposed development application is for remedial replacement works only.*
  - (ii) *The remedial works are within the existing envelope of the existing building structure.*
  - (iii) *There will be no discernible visual change to the existing building after the remedial works.*
  - (iv) *The remedial works are critical to be carried out as soon as possible to limit further deterioration.*

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

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

- (a) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of clause 4.6 being that compliance with the development standard

is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and

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

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

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

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

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

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

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

Is the development in the public interest?

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

The objectives of the FSR development standard are as follows:

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

The proposal has adequately demonstrated that the extent of the new addition that seeks variation to the FSR development standard is appropriate for the site as it does not result in an increase in bulk or scale when compared to the existing building, as the works are proposed to replace the roof terrace like for like. The proposal has a built form that is compatible with surrounding developments and the character of the streetscape. Notwithstanding the variation to the development standard, the proposal satisfies the objective to preserve the environmental amenity impacts to surrounding properties and is acceptable.

The objectives of the R3 zone are as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To increase or preserve residential dwelling density.*
- *To encourage the supply of housing, including affordable housing, that meets the needs of the population, particularly housing for older people and people with disability.*
- *To provide development that is compatible with the desired future character and amenity of the surrounding neighbourhood.*

- *To promote development that incorporates planning and design measures that reduce the urban heat island effect.*
- *To improve the urban tree canopy by providing high levels of deep soil planting and additional landscaping.*

The proposal has adequately demonstrated that the objectives of the R3 Medium Density Residential zone are achieved as the use of the existing residential flat building is maintained and is consistent with the medium density residential character of the locality. The proposed alterations and additions will enhance the functionality of Unit 11 and contribute to the amenity of its occupants.

### Conclusion

For the reasons provided above the requested variation to the FSR development standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6 of the Waverley LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of FSR development standard and the R3 Medium Density Residential zone.

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

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

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

Development Control	Compliance	Comment
<b>11. Design Excellence</b>	Yes	Satisfactory.

**Table 3: Waverley DCP 2022 – Part C2 Other Residential Development Compliance Table**

Development Control	Compliance	Comment
<b>2.2 Height</b>		
<ul style="list-style-type: none"> <li>• <i>Maximum external wall height: 7m</i></li> </ul>	No	Whilst the external wall height would not comply with the control, it is noted that the terrace and stair enclosure on the rooftop is already existing. The proposal will not increase the existing external wall height on site. Therefore, the development should be supported.
<b>2.3 Setbacks</b>		
<b>2.3.1 Street setbacks</b> <ul style="list-style-type: none"> <li>• <i>Consistent street setback</i></li> </ul>	Yes	The works are proposed 5.1m from the street boundary. As this is already existing on site, no concerns are raised.
<b>2.3.2 Side and rear setbacks</b>	Yes	The development will maintain a 9m setback from the western side boundary and an 18.6m

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>• <i>Minimum side setback: 2.5m</i></li> <li>• <i>Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback</i></li> </ul>		<p>setback from the eastern side boundary, which complies with the control.</p> <p>The rear maintains a 27m setback, which complies with the control.</p>
<b>2.5 Building design and streetscape</b>		
<ul style="list-style-type: none"> <li>• <i>Respond to streetscape</i></li> <li>• <i>Sympathetic external finishes</i></li> <li>• <i>Corner sites to address both streets as primary frontages</i></li> <li>• <i>Removal of original architectural features not supported</i></li> </ul>	Yes	<p>The reconstruction of the terrace and stair enclosure is proposed to replace the existing built form with similar materials and design. The proposed replacement of the rendered balustrade to glass will improve the visual bulk when viewed from the street.</p>
<b>2.6 Attic and roof design</b>		
<ul style="list-style-type: none"> <li>• <i>Roof design should contribute to the architectural design and the environmental performance of the development.</i></li> <li>• <i>Roof design should respond to the streetscape character of the area.</i></li> <li>• <i>Alteration and additions must consider existing streetscape and the impact on neighbouring views.</i></li> <li>• <i>Contemporary roof forms are permitted to minimise bulk and scale, and respond appropriately to the context</i></li> </ul>	Yes	<p>The roof is proposed to be replaced like for like and will not change the outlook of what is existing onsite.</p> <p>The rooftop will not be visible from the street as it is a flat roof design.</p> <p>The reason for the replacement is due to waterproofing issues of the building.</p>
<b>2.11 Private Open Space</b>		
<p><b>2.11.2 – Balconies/decks</b></p> <ul style="list-style-type: none"> <li>• <i>Balcony additions to match the character of the building</i></li> <li>• <i>Should not dominate the façade</i></li> <li>• <i>No wrap around balconies</i></li> <li>• <i>Located to maximise solar access and privacy</i></li> </ul>	Yes	<p>The deck area is proposed to match the existing deck area on site in relation to size, style, design and character. The deck area will therefore match the existing character of the building and should be supported.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Balustrades to allow views and casual surveillance of the street &amp; privacy</li> </ul>		
<b>2.13 Solar access and overshadowing</b>		
<ul style="list-style-type: none"> <li>New development should maintain at least 2 hours of sunlight to solar collectors on adjoining properties in mid winter</li> <li>Direct sunlight to north facing windows of habitable rooms on all private open space areas of adjacent dwellings to less than 3 hours of sunlight on 21 June</li> </ul>	N/A	As the overall height and size of the works are not proposed to change from the existing on site, there will be no additional overshadowing as a result of the development.
<b>2.14 Views and view sharing</b>		
<ul style="list-style-type: none"> <li>Minimise view loss through design</li> <li>Landscaping on sites adjacent to a Council Park or reserve should be sympathetic to soften the public/private interface</li> <li>Views from public spaces to be maintained</li> </ul>	Yes	<p>The development will not impact on existing views as the works are proposed to replicate the existing built form on site.</p> <p>The removal of the frosted glass screen along the western edge of the deck will slightly improve views from neighbouring properties located further west.</p>

## 2.2. Other Impacts of the Development

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

## 2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

## 2.4. Any Submissions

The application was notified for 14 days between 18 May and 2 June 2023 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

Following receipt of amended plans, the application was not notified as the amended form of the proposal did not result in any impacts to surrounding properties.

No submissions were received.

## 2.5. Public Interest

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

## 3. REFERRALS

### 3.1. Stormwater

The application was referred to Council's Stormwater Engineer who provided the following comments:

*From a stormwater drainage perspective, there are objections to the DA in its current form. However, should the development be approved then conditions are to be imposed.*

Recommended conditions have been included in Appendix A.

## 4. CONCLUSION

The development application seeks consent for alterations to replace the main roof membrane and Unit 11 roof top stair enclosure and terrace to the existing residential flat building at the site known as 12A-14 Wilga Street, BONDI.

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

- Non-compliance with the overall height of buildings development standard
- Non-compliance with the FSR development standard

The assessment finds these issues acceptable as the overall height and FSR are not proposed to change from the existing.


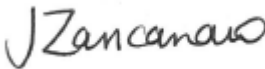

No submissions were received.

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



5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

<b>Report prepared by:</b>	<b>Application reviewed and agreed by:</b>	<b>Application reviewed and agreed by:</b>
		
Katie Johnstone	Jo Zancanaro	Angela Rossi
<b>Senior Development Assessment Planner</b>	<b>Acting Manager, Development Assessment</b>	<b>Executive Manager, Development Assessment</b>
<b>Date: 27 July 2023</b>	<b>Date: 31 July 2023</b>	<b>Date: 9 August 2023</b>

*Reason for WLPP referral:*

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

**OFFICE USE ONLY**

Clause 4.6 register entry required	173% variation to height (Clause 4.3)	
	273% variation to FSR (Clause 4.4)	
	X	Pre-existing non-compliance
		No change to overall building height
		No change to overall building envelope
		Variation limited to the [lift/plant/parapet/attic] only
	X	No unreasonable impacts on the amenity of adjoining properties or streetscape
	X	Sufficient environmental planning grounds
		Consistent with the objectives of the standard
	X	Height variation associated with replacement roof (being less than overall building height) but over height standard
X	No change to FSR (preexisting)	
Determining Authority (Concurrence Authority for Clause 4.6 variation)	Local Planning Panel	
Affordable Rental Housing Units?	No	

Secondary Dwelling	No
Boarding House	No
Group Home	No
Trial Period database entry required	No
VPA submitted – follow up actions required	No
Refer to compliance for investigation	No
Commercial/liquor operational conditions	No
Other (please specify):	No

## **APPENDIX A – CONDITIONS OF CONSENT**

### **A. APPROVED DEVELOPMENT**

#### **1. APPROVED PLANS AND DOCUMENTATION**

The development must be in accordance with:

(a) Architectural Plans prepared by Burton Architects of Project No. BA2217 including the following:

<b>Plan Number and Revision</b>	<b>Plan description</b>	<b>Plan Date</b>	<b>Date received by Council</b>
A002 Rev. B	Site Analysis Plan	15/05/2023	16/06/2023
A003 Rev. D	Legend and Materials	16/06/2023	16/06/2023
A011 Rev. D	Roof Plan	16/06/2023	16/06/2023
A012 Rev. D	Top Roof Level Plan	16/06/2023	16/06/2023
A030 Rev. D	South Elevation	16/06/2023	16/06/2023
A031 Rev. D	West Elevation	16/06/2023	16/06/2023
A032 Rev. D	North Elevation	16/06/2023	16/06/2023
A033 Rev. D	East Elevation	16/06/2023	16/06/2023
A050 Rev. E	Unit 11 Terrace Plan	16/06/2023	16/06/2023
A051 Rev. E	Unit 11 Roof Plan	16/06/2023	16/06/2023
A060 Rev. E	Sections AA/BB	16/06/2023	16/06/2023
A061 Rev. E	Sections CC/DD	16/06/2023	16/06/2023
A062 Rev. E	Sections 11/44	16/06/2023	16/06/2023
A063 Rev. E	Sections 22/33	16/06/2023	16/06/2023

(b) BASIX Certificate

(c) Schedule of external finishes and colours received by Council on 16 June 2023

(d) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 27 April 2023

Except where amended by the following conditions of consent.

## **B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

### GENERAL REQUIREMENTS

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

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

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

### CONTRIBUTIONS, FEES & BONDS

#### **3. SECTION 7.12 CONTRIBUTION**

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

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

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

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

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

#### **4. SECURITY DEPOSIT**

A deposit (cash or cheque) or guarantee for the amount of **\$26,260** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

#### **5. LONG SERVICE LEVY**

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

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

### **CONSTRUCTION & SITE MATTERS**

#### **6. HOARDING**

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

#### **7. EROSION & SEDIMENT CONTROL**

A Soil and Water Management Plan (SWMP), also known as an Erosion and Sediment Control Plan shall be prepared in accordance with Waverley Council's Water Management Technical Manual be installed and maintained until construction activities have been completed and the site is fully stabilised. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request.

#### **8. ENGINEERING DETAILS**

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

## TRAFFIC MANAGEMENT

### **9. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)**

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

[https://www.waverley.nsw.gov.au/building/development\\_applications/post\\_determination/development\\_applications\\_-\\_conditions\\_of\\_consent](https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent)

## ENERGY EFFICIENCY & SUSTAINABILITY

### **10. BASIX**

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

## WASTE

### **11. SITE WASTE AND RECYCLING MANAGEMENT PLAN**

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

## STORMWATER

### **12. STORMWATER MANAGEMENT**

Certification by a qualified and practicing Engineer that any new roof (inclusive of guttering and downpipes) has drainage designed in accordance with AS/NZS3500.3:2018 and be submitted to the Principle Certifying Authority.

#### Notes:

- The checklist as set out on pages 68-76 on Council's Water Management Technical Manual (October 2021) available online shall be completed and submitted with any revision of Construction Certificate Plan Submission.
- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated.

- Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- Council's contact for infrastructure assessment: E-mail: [assets@waverley.nsw.gov.au](mailto:assets@waverley.nsw.gov.au) or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.

## **C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION**

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

### **PRIOR TO ANY WORKS**

#### **13. CONSTRUCTION SIGNS**

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

### **DEMOLITION**

#### **14. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS**

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

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

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

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

#### **15. CONTROL OF DUST ON CONSTRUCTION SITES**

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



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

## CONSTRUCTION MATTERS

### **16. CONSTRUCTION HOURS**

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

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

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

### **17. WORK OUTSIDE PROPERTY BOUNDARY**

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

### **18. STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS**

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

### **19. CONSTRUCTION INSPECTIONS**

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

### **20. CERTIFICATE OF SURVEY - LEVELS**

All construction works are to be in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor certifying ground, upper floors and finished ridge levels

is to be submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building.

## **21. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING**

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

## **TREE PROTECTION AND REMOVAL**

### **22. STREET TREES TO BE RETAINED/TREE PROTECTION**

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

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

## **D. PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

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

### **CERTIFICATES, LICENCES, EASEMENTS AND RESTRICTIONS**

#### **23. FINAL OCCUPATION CERTIFICATE**

Prior to occupation or use of the development, the Principal Certifying Authority must issue an Occupation Certificate. The Principal Certifying Authority must be satisfied that the requirements of the Environmental Planning & Assessment Act, 1979 have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.

#### **24. CERTIFICATION OF BASIX COMMITMENTS**

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

#### **25. CERTIFICATION OF RETAINED STORMWATER DRAINAGE SYSTEM**

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

## **ADVISORY MATTERS**

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

### **AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT**

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

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

### **AD2. DIAL BEFORE YOU DIG**

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

### **AD3. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)**

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential

services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.

**AD4. BONDI - ROSE BAY SAND BODY**

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

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

**AD5. TREE REMOVAL/PRESERVATION**

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

Regulated Design Record				
Project Address: 12A-14 WILGA STREET BONDI NSW 2026				
Project Title: REMEDIAL WORK TO ROOF				
Consent No: N/A		Body Corp. Reg No: -		
Drawing Title: COVER PAGE/LOCATION		Drawing No: A000		
Rev	Date dd.mm.yy	Description	DP Full Name	Reg No
-	-/-	-	Robert Burton	DEP0001740

**TENDER ISSUE / NOT FOR CONSTRUCTION**

drw no	rev	title	scale
<b>GENERAL</b>			
A000	E	COVER PAGE/LOCATION PLAN	NTS
A002	B	SITE ANALYSIS PLAN	1:500 at A3
A003	D	LEGEND AND MATERIALS	NTS
A004	C	SPECIFICATIONS 1	NTS
A005	B	SPECIFICATIONS 2	NTS
<b>PLANS</b>			
A010	C	UNIT 11 LEVEL PLAN	1:200 at A3
A011	D	MAIN ROOF LEVEL PLAN	1:200 at A3
A012	D	TOP ROOF LEVEL PLAN	1:200 at A3
<b>ELEVATIONS</b>			
A030	D	SOUTH ELEVATION (TO WILGA ST)	1:200 at A3
A031	D	WEST ELEVATION	1:200 at A3
A032	D	NORTH INTERNAL ELEVATION	1:200 at A3
A033	D	EAST ELEVATION	1:200 at A3
<b>DETAILS</b>			
A040	B	UNIT 11 - HOB PROFILE PLAN	1:50 at A3
A050	E	UNIT 11 - TERRACE PLAN	1:50 at A3
A051	E	UNIT 11 - PAVILION ROOF PLAN	1:50 at A3
A060	E	UNIT 11 - SECTION AA, BB	1:50 at A3
A061	E	UNIT 11 - SECTION CC, DD	1:50 at A3
A062	E	UNIT 11 - SECTION 11, 44	1:50 at A3
A063	E	UNIT 11 - SECTION 22, 33	1:50 at A3
A070	C	EXTERNAL WALL DETAILS	1:5 at A3
A071	C	EXTERNAL WALL DETAILS 2	1:5 at A3
A072	C	EXTERNAL WALL DETAILS 3	1:5 at A3
A073	C	EXTERNAL WALL DETAILS 4	1:5 at A3
A074	C	JAMB DETAILS	1:5 at A3
A075	B	WALL FLASHING	1:2 at A3

**DA DRAWING LIST**

**BASIX CERTIFICATE No: A491076**

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rev	date	notes
A	17/03/23	DA ISSUE
B	18/04/23	Drawing list updated for BASIX
C	15/05/23	Tender issue
D	22/05/23	Update
E	16/06/23	Update



RECEIVED  
Waverley Council  
Application No: DA-99/2023  
Date Received: 16/06/2023

**LOCATION PLAN**

courtesy of Six Maps NSW

**AMENDED PLANS**

client	SUTECH	scale	NTS	burtonarchitecture.com
project	REMEDIAL WORK TO ROOF 12A-14 WILGA STREET BONDI NSW 2026 LOT:25 DP:SP4233	drawn	RB	ABN 25 457 669 610
		project no	BA2217	mobile +61 (0)415 190677
		drawing title	COVER PAGE/LOCATION	NSW Registered Architect Rob Burton 9224
		drawing no	<b>A000</b>	<b>BURTON ARCHITECTURE</b>
			<b>/E</b>	

Regulated Design Record				
Project Address: 12A-14 WILGA STREET BONDI NSW 2026				
Project Title: REMEDIAL WORK TO ROOF				
Consent No: N/A		Body Corp. Reg No: -		
Drawing Title: SITE ANALYSIS PLAN		Drawing No: A002		
Rev	Date dd.mm.yy	Description	DP Full Name	Reg No
-	-/-	-	Robert Burton	DEP0001740

# AMENDED PLANS

**RECEIVED**  
**Waverley Council**  
**Application No: DA-99/2023**  
**Date Received: 16/06/2023**

**TENDER ISSUE / NOT FOR CONSTRUCTION**

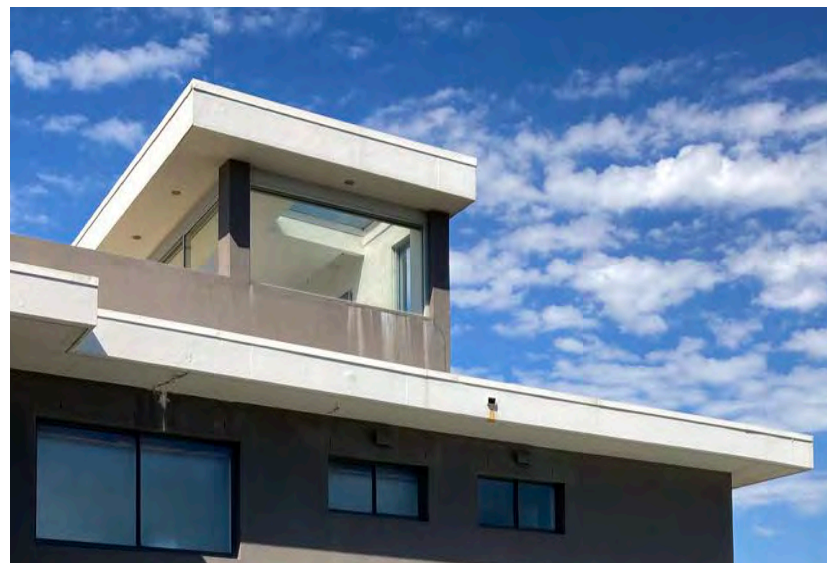
DOTTED LINE INDICATES OUTLINE OF PROPOSED REBUILT PAVILION STRUCTURE, BALUSTRADE AND PRIVACY SCREEN REDUCED IN HEIGHT TO 1700mm



VIEW A FROM WILGA STREET



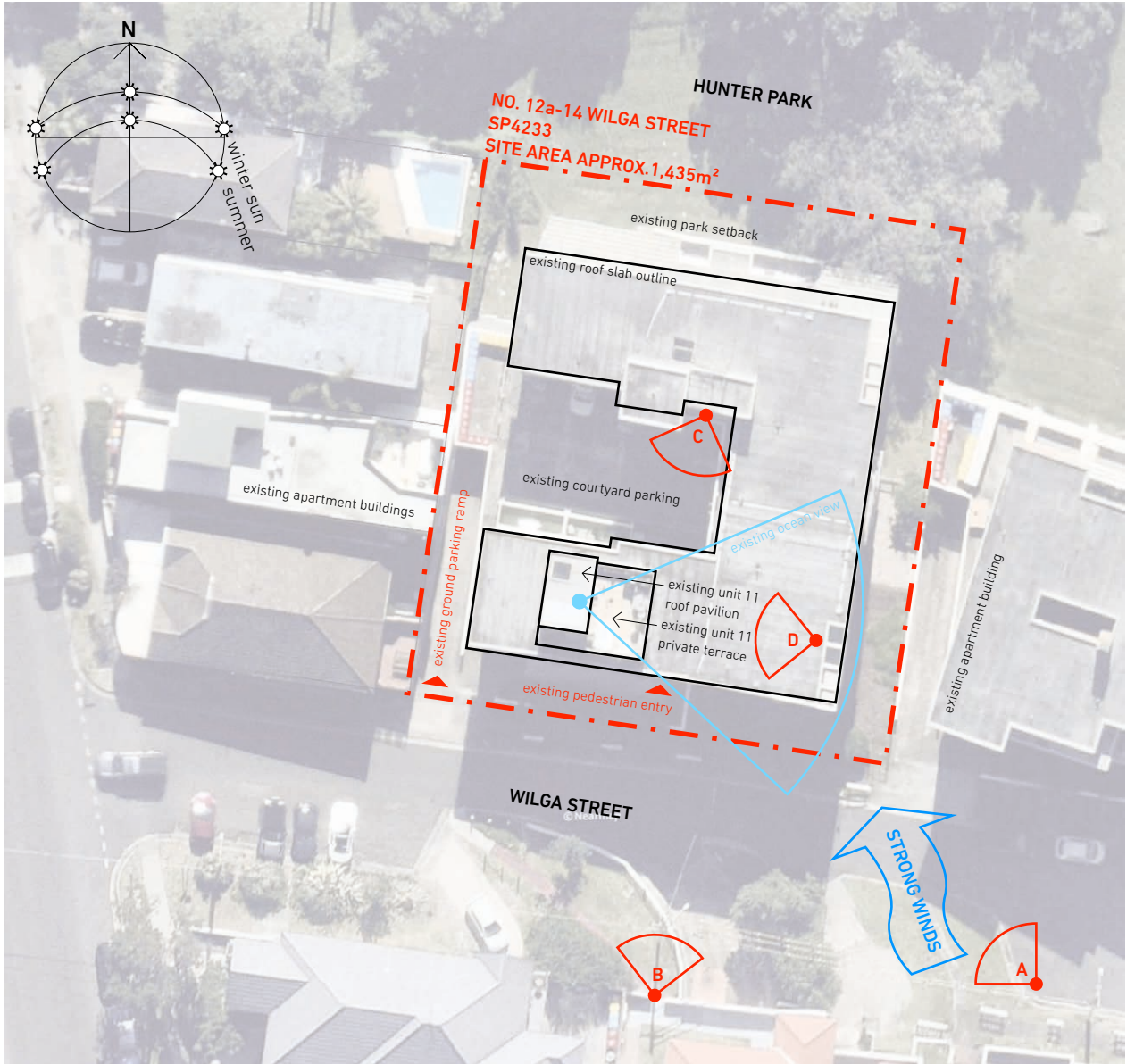
VIEW B FROM WILGA STREET



VIEW C FROM UPPER LEVEL COURTYARD DECK ACCESS



VIEW D FROM ROOF LOOKING WEST TO ROOF PAVILION



**SITE ANALYSIS PLAN 1:500**

**EXISTING PHOTOS**

**BASIX CERTIFICATE No: A491076**

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rev	date	notes
A	17/03/23	DA ISSUE
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client	SUTECH	⌚
project	REMEDIAL WORK TO ROOF 12A-14 WILGA STREET BONDI NSW 2026 LOT:25 DP:SP4233	

scale	NTS
drawn	RB
project no	BA2217
drawing title	SITE ANALYSIS PLAN
drawing no	<b>A002</b>

burtonarchitecture.com  
 ABN 25 457 669 610  
 mobile +61 (0)415 190677  
 NSW Registered Architect Rob Burton 9224  
**BURTON ARCHITECTURE**  
 /B

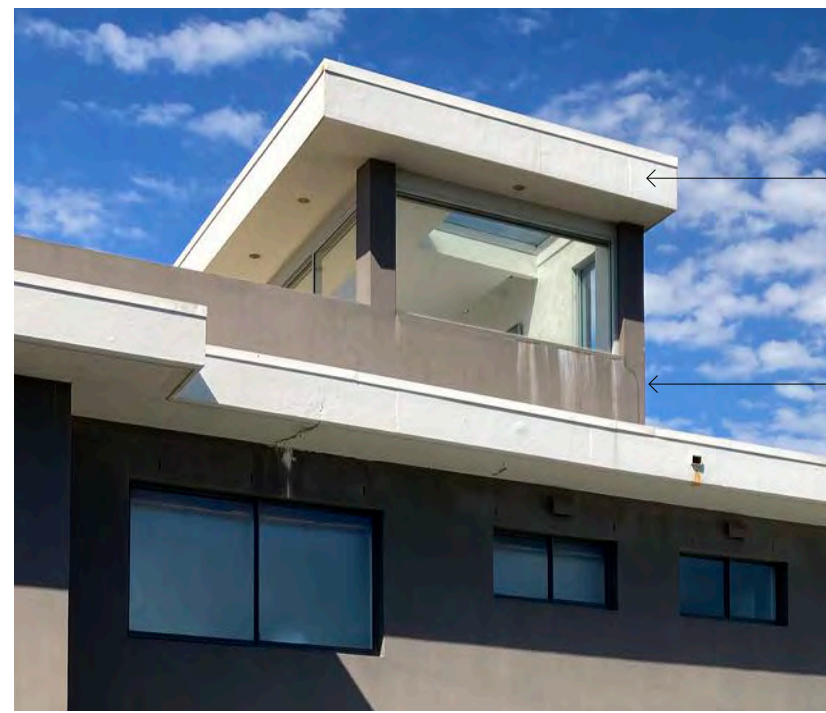
Regulated Design Record				
Project Address: 12A-14 WILGA STREET BONDI NSW 2026				
Project Title: REMEDIAL WORK TO ROOF				
Consent No: N/A		Body Corp. Reg No: -		
Drawing Title: LEGEND/MATERIALS		Drawing No: A003		
Rev	Date	Description	DP Full Name	Reg No
-	-/-	-	Robert Burton	DEP0001740

**TENDER ISSUE / NOT FOR CONSTRUCTION**

**NOTES:**  
REFER TO SEPARATE HYDRAULIC AND STRUCTURAL PLANS/SPECIFICATIONS

**GENERAL LEGEND:**

- BED BEDROOM
- BK BRICKWORK
- BTH BATHROOM
- BY BALCONY
- C CENTRE
- CF CONCRETE FINISH
- CJ CONTROL JOINT
- COS CHECK ON SITE
- CD:01 FC CLADDING GREY
- CD:02 FC CLADDING OFF WHITE
- CT CERAMIC TILING
- CT:01 TERRACE FLOOR TILING
- EJ EXPANSION JOINT
- EX EXISTING
- F FALL
- FFL FINISHED FLOOR LEVEL TO AHD
- FPL FINISHED PAVING LEVEL
- FW FLOOR WASTE
- GD GLAZED DOOR
- GB:01 FRAMELESS CLEAR GLASS BALUSTRADE WITH STAINLESS STEEL HANDRAIL
- GLC GLAZING CLEAR
- GLT GLAZING TRANSLUCENT
- KIT KITCHEN
- L/D LIVING ROOM / DINING
- OF OVER FLOW
- PLT PLANTING
- RF:01 COLORBOND STEEL CAPPING
- RF:02 PROFILED STEEL CASSETTE ROOFING
- WINDSPRAY
- RL RELATIVE LEVEL TO AHD
- RN RENDER FINISH
- RWO RAINWATER OUTLET
- RV ROOF VENT
- SJ STRUCTURAL JOINT
- SOP SETTING OUT POINT
- SP SERVICES PEDESTAL
- SWD STORMWATER DRAIN
- TJ TILE JOINT
- UP UP STEPS
- V VOID
- VP VENT PIPE
- W WINDOW
- WC TOILET
- WP:01 WATERPROOF MEMBRANE



CD:02  
FC CLADDING TO MATCH EXISTING OFF WHITE COLOUR

CD:01  
FC CLADDING TO MATCH EXISTING GREY COLOUR



GB:01  
FRAMELESS CLEAR GLASS BALUSTRADE: with stainless steel capping handrail and spigots

# AMENDED PLANS

**RECEIVED**  
**Waverley Council**

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rev	date	notes
A	17/03/23	DA ISSUE
B	15/05/23	Tender issue
C	22/05/23	Update
D	16/06/23	Clear glass balustrade

client	SUTECH
project	REMEDIAL WORK TO ROOF 12A-14 WILGA STREET BONDI NSW 2026 LOT:25 DP:SP4233

scale	NTS
drawn	RB
project no	BA2217
drawing title	LEGEND/MATERIALS
drawing no	<b>A003</b>

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NSW Registered Architect Rob Burton 9224

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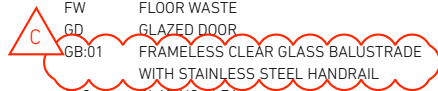
Regulated Design Record				
Project Address: 12A-14 WILGA STREET BONDI NSW 2026				
Project Title: REMEDIAL WORK TO ROOF				
Consent No: N/A		Body Corp. Reg No: -		
Drawing Title: UNIT 11 LEVEL PLAN		Drawing No: A010		
Rev	Date	Description	DP Full Name	Reg No
-	-/-	-	Robert Burton	DEP0001740

**TENDER ISSUE / NOT FOR CONSTRUCTION**

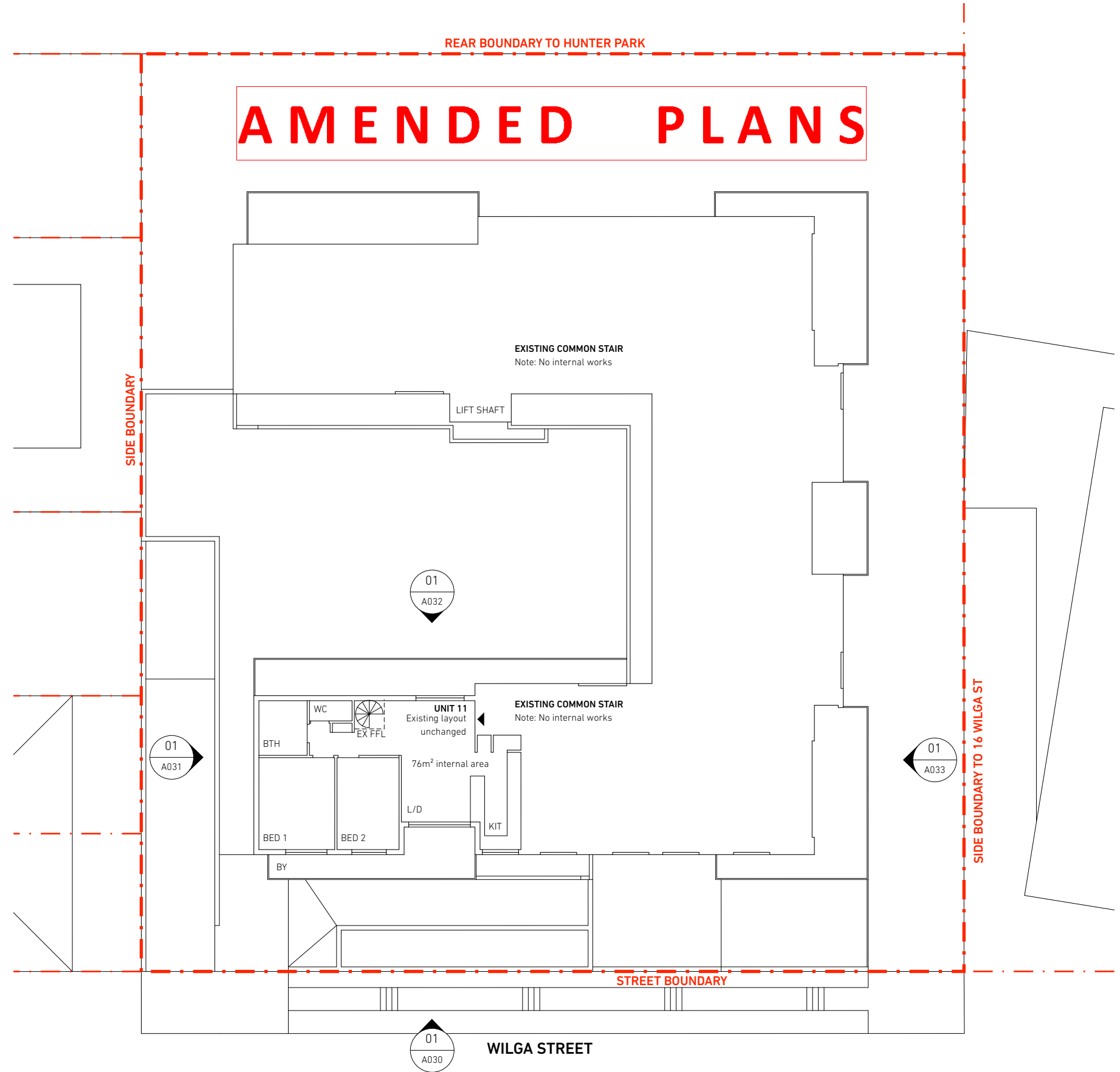
**NOTES:**  
REFER TO SEPARATE HYDRAULIC AND STRUCTURAL PLANS/SPECIFICATIONS

**GENERAL LEGEND:**

- BED BEDROOM
- BK BRICKWORK
- BTH BATHROOM
- BY BALCONY
- C CENTRE
- CF CONCRETE FINISH
- CJ CONTROL JOINT
- COS CHECK ON SITE
- CD:01 PAINTED FC CLADDING  
LIGHTWEIGHT STEEL FRAMED WALL  
WITH MIN R1.3 INSULATION
- CT CERAMIC TILING
- CT:01 TERRACE FLOOR TILING
- EJ EXPANSION JOINT
- EX EXISTING
- F FALL
- FFL FINISHED FLOOR LEVEL TO AHD
- FPL FINISHED PAVING LEVEL
- FW FLOOR WASTE
- GD GLAZED DOOR
- GB:01 FRAMELESS CLEAR GLASS BALUSTRADE  
WITH STAINLESS STEEL HANDRAIL
- GLC GLAZING CLEAR
- GLT GLAZING TRANSLUCENT
- KIT KITCHEN
- L/D LIVING ROOM / DINING
- OF OVER FLOW
- PA:01 PAINT FINISH - TO MATCH EXISTING GREY
- PA:02 PAINT FINISH - TO MATCH EXISTING WHITE
- PLT PLANTING
- RF:01 COLORBOND STEEL CAPPING
- RF:02 PROFILED STEEL CASSETTE ROOFING  
WINDSPRAY
- RL RELATIVE LEVEL TO AHD
- RN RENDER FINISH
- RWO RAINWATER OUTLET
- RV ROOF VENT
- SJ STRUCTURAL JOINT
- SOP SETTING OUT POINT
- SP SERVICES PEDESTAL
- SWD STORMWATER DRAIN
- TJ TILE JOINT
- UP UP STEPS
- V VOID
- VP VENT PIPE
- W WINDOW
- WC TOILET
- WP:01 WATERPROOF MEMBRANE



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**KEY:**  
AREA OF REMEDIAL BUILDING WORK  
ELEMENT TO BE REMOVED

**BASIX CERTIFICATE No: A491076**

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rev	date	notes
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C	16/06/23	Clear glass balustrade

**01 UNIT 11 LEVEL PLAN**  
scale 1:200 at A3

client	SUTECH
project	REMEDIAL WORK TO ROOF 12A-14 WILGA STREET BONDI NSW 2026 LOT:25 DP:SP4233

scale	1:200 at A3
drawn	RB
project no	BA2217
drawing title	UNIT 11 LEVEL PLAN
drawing no	<b>A010</b>

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ABN 25 457 669 610  
mobile +61 (0)415 190677  
NSW Registered Architect Rob Burton 9224

**BURTON**  
**ARCHITECTURE**

Regulated Design Record				
Project Address: 12A-14 WILGA STREET BONDI NSW 2026				
Project Title: REMEDIAL WORK TO ROOF				
Consent No: N/A		Body Corp. Reg No: -		
Drawing Title: MAIN ROOF LEVEL PLAN		Drawing No: A011		
Rev	Date	Description	DP Full Name	Reg No
-	-/-	-	Robert Burton	DEP0001740

**TENDER ISSUE / NOT FOR CONSTRUCTION**

**NOTES:**  
REFER TO SEPARATE HYDRAULIC AND STRUCTURAL PLANS/SPECIFICATIONS

**GENERAL LEGEND:**

BED	BEDROOM
BK	BRICKWORK
BTH	BATHROOM
BY	BALCONY
C	CENTRE
CF	CONCRETE FINISH
CJ	CONTROL JOINT
COS	CHECK ON SITE
CD:01	PAINTED FC CLADDING LIGHTWEIGHT STEEL FRAMED WALL WITH MIN R1.3 INSULATION
CT	CERAMIC TILING
CT:01	TERRACE FLOOR TILING
EJ	EXPANSION JOINT
EX	EXISTING
F	FALL
FFL	FINISHED FLOOR LEVEL TO AHD
FPL	FINISHED PAVING LEVEL
FW	FLOOR WASTE
GD	GLAZED DOOR
GB:01	FRAMELESS CLEAR GLASS BALUSTRADE WITH STAINLESS STEEL HANDRAIL
GLC	GLAZING CLEAR
GLT	GLAZING TRANSLUCENT
KIT	KITCHEN
L/D	LIVING ROOM / DINING
OF	OVER FLOW
PA:01	PAINT FINISH - TO MATCH EXISTING GREY
PA:02	PAINT FINISH - TO MATCH EXISTING WHITE
PLT	PLANTING
RF:01	COLORBOND STEEL CAPPING
RF:02	PROFILED STEEL CASSETTE ROOFING WINDSPRAY
RL	RELATIVE LEVEL TO AHD
RN	RENDER FINISH
RWO	RAINWATER OUTLET
RV	ROOF VENT
SJ	STRUCTURAL JOINT
SOP	SETTING OUT POINT
SP	SERVICES PEDESTAL
SWD	STORMWATER DRAIN
TJ	TILE JOINT
UP	UP STEPS
V	VOID
VP	VENT PIPE
W	WINDOW
WC	TOILET
WP:01	WATERPROOF MEMBRANE

RF:01 REPLACEMENT COLORBOND  
PARAPET CAPPING TO ALL ROOF EDGES

ALL EXISTING OVERFLOWS TO BE UPGRADED  
REFER TO HYDRAULIC ENGINEERS PLANS

W1 - NEW REPLACEMENT SLIDING DOOR  
BASIX REQ:  
ORIENTATION - E  
GLASS AREA < 10m<sup>2</sup>  
OVERSHADOWING - 0  
EAVE >= 450mm  
FRAME + GLASS - STANDARD ALUMINIUM  
SINGLE PYROLYTIC LOW-E (U-VALUE 5.7 SHGC 0.47)

EXISTING INTERNAL SPIRAL STAIR  
TO REMAIN

CD:01 - EXISTING PAVILION WALLS  
REBUILT WITH NEW LIGHTWEIGHT  
STEEL FRAMING AND FC CLADDING  
BASIX REQ:  
MIN R1.3 INSULATION

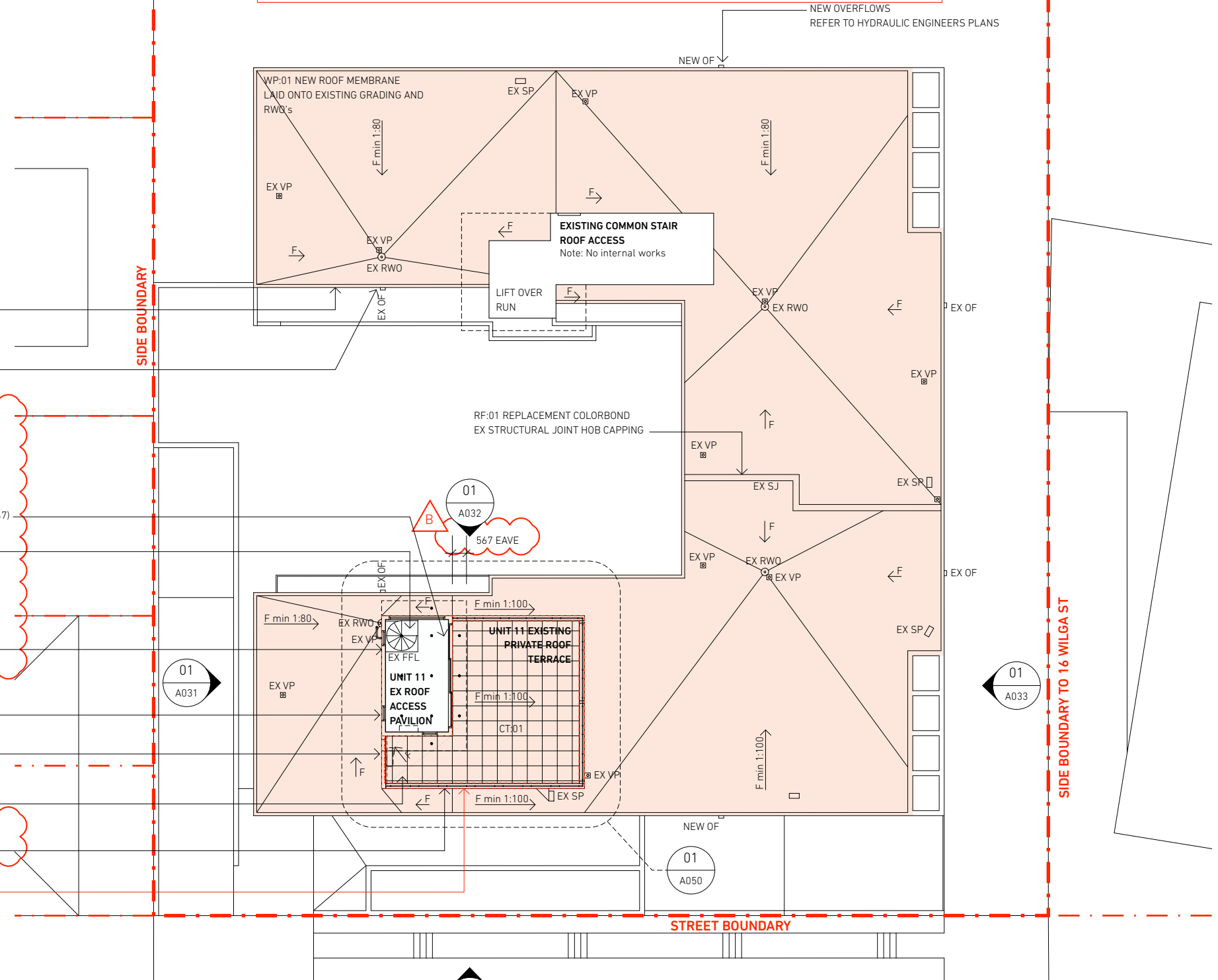
EXISTING FIXED WINDOWS RE-USED  
INTO REBUILT WALLS

EXTEND SOLID WALL TO REPLACE  
EXISTING GLASS PRIVACY PANEL

NEW REPLACEMENT  
TERRACE PAVING ON PEDESTALS  
EXISTING SOLID BALUSTRADE  
REPLACED WITH SEMI-FRAMELESS  
CLEAR GLASS BALUSTRADE

RED DOTTED LINE INDICATE EXISTING  
PAVILION AND TERRACE OUTLINE

# AMENDED PLANS



**KEY:**  
AREA OF REMEDIAL BUILDING WORK  
ELEMENT TO BE REMOVED

**BASIX CERTIFICATE No: A491076**

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rev	date	notes
A	17/03/23	DA ISSUE
B	18/04/23	BASIX commitments added
C	15/05/23	Tender issue
D	16/06/23	Clear glass balustrade

01 MAIN ROOF LEVEL PLAN  
scale 1:200 at A3

01 A030  
WILGA STREET

RECEIVED  
Waverley Council  
Application No: DA-99/2023  
Date Received: 16/06/2023

client SUTECH  
project REMEDIAL WORK TO ROOF  
12A-14 WILGA STREET  
BONDI NSW 2026  
LOT:25 DP:SP4233

scale 1:200 at A3  
drawn RB  
project no BA2217  
drawing title MAIN ROOF LEVEL PLAN  
drawing no A011

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ABN 25 457 669 610  
mobile +61 (0)415 190677  
NSW Registered Architect Rob Burton 9224  
**BURTON ARCHITECTURE**

Regulated Design Record				
Project Address: 12A-14 WILGA STREET BONDI NSW 2026				
Project Title: REMEDIAL WORK TO ROOF				
Consent No: N/A		Body Corp. Reg No: -		
Drawing Title: TOP ROOF LEVEL PLAN		Drawing No: A012		
Rev	Date	Description	DP Full Name	Reg No
-	-/-	-	Robert Burton	DEP0001740

**TENDER ISSUE / NOT FOR CONSTRUCTION**

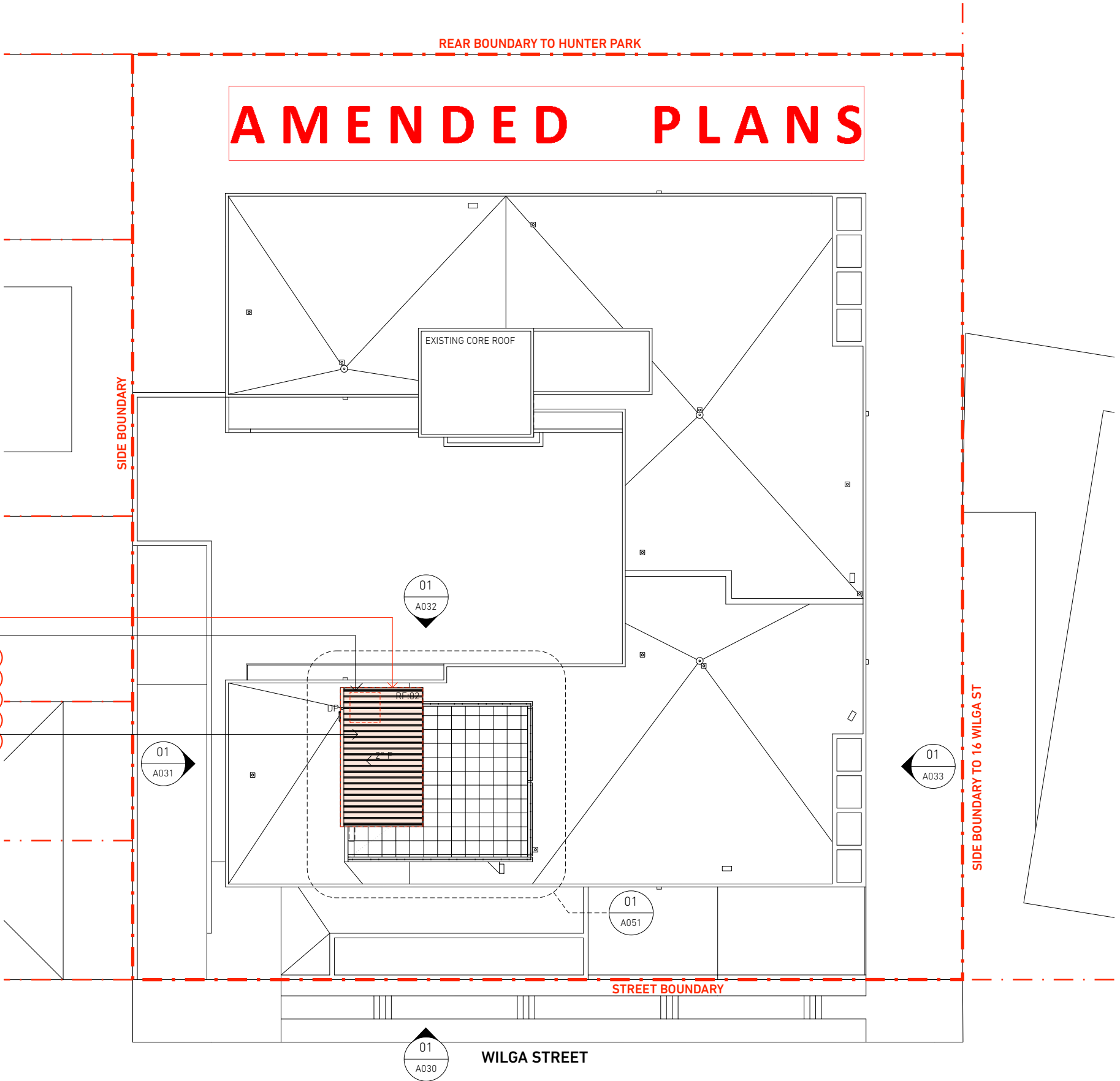
**NOTES:**  
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- BY BALCONY
- C CENTRE
- CF CONCRETE FINISH
- CJ CONTROL JOINT
- COS CHECK ON SITE
- CD:01 PAINTED FC CLADDING  
LIGHTWEIGHT STEEL FRAMED WALL  
WITH MIN R1.3 INSULATION
- CT CERAMIC TILING
- CT:01 TERRACE FLOOR TILING
- EJ EXPANSION JOINT
- EX EXISTING
- F FALL
- FFL FINISHED FLOOR LEVEL TO AHD
- FPL FINISHED PAVING LEVEL
- FW FLOOR WASTE
- GD GLAZED DOOR
- GB:01 FRAMELESS CLEAR GLASS BALUSTRADE  
WITH STAINLESS STEEL HANDRAIL
- GLC GLAZING CLEAR
- GLT GLAZING TRANSLUCENT
- KIT KITCHEN
- L/D LIVING ROOM / DINING
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- RF:02 PROFILED STEEL CASSETTE ROOFING  
WINDSPRAY
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- RV ROOF VENT
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- SOP SETTING OUT POINT
- SP SERVICES PEDESTAL
- SWD STORMWATER DRAIN
- TJ TILE JOINT
- UP UP STEPS
- V VOID
- VP VENT PIPE
- W WINDOW
- WC TOILET
- WP:01 WATERPROOF MEMBRANE

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**Application No: DA-99/2023**  
  
**Date Received: 16/06/2023**

RED DOTTED LINE INDICATE EXISTING PAVILION PROFILE  
 B EXISTING SKYLIGHT REMOVED  
 EXISTING UNIT 11 PAVILION STEEL FRAMED ROOF REPLACED WITH NEW GUTTER AND DP  
 BASIX REQ:  
 MIN 50mm FOIL BACKED POLYSTYRENE FOAM INSULATION  
 SOLAR ABSORPTION < 0.478



**KEY:**  
 AREA OF REMEDIAL BUILDING WORK  
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rev	date	notes
A	17/03/23	DA ISSUE
B	18/04/23	BASIX commitments added
C	15/05/23	Tender issue
D	16/06/23	Clear glass balustrade

01 TOP ROOF LEVEL PLAN  
 - scale 1:200 at A3

client	SUTECH
project	REMEDIAL WORK TO ROOF 12A-14 WILGA STREET BONDI NSW 2026 LOT:25 DP:SP4233

scale	1:200 at A3
drawn	RB
project no	BA2217
drawing title	TOP ROOF LEVEL PLAN
drawing no	<b>A012</b>

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 ABN 25 457 669 610  
 mobile +61 (0)415 190677  
 NSW Registered Architect Rob Burton 9224  
**BURTON ARCHITECTURE**

Regulated Design Record				
Project Address: 12A-14 WILGA STREET BONDI NSW 2026				
Project Title: REMEDIAL WORK TO ROOF				
Consent No: N/A		Body Corp. Reg No: -		
Drawing Title: SOUTH ELEVATION		Drawing No: A030		
Rev	Date	Description	DP Full Name	Reg No
-	-/-	-	Robert Burton	DEP0001740

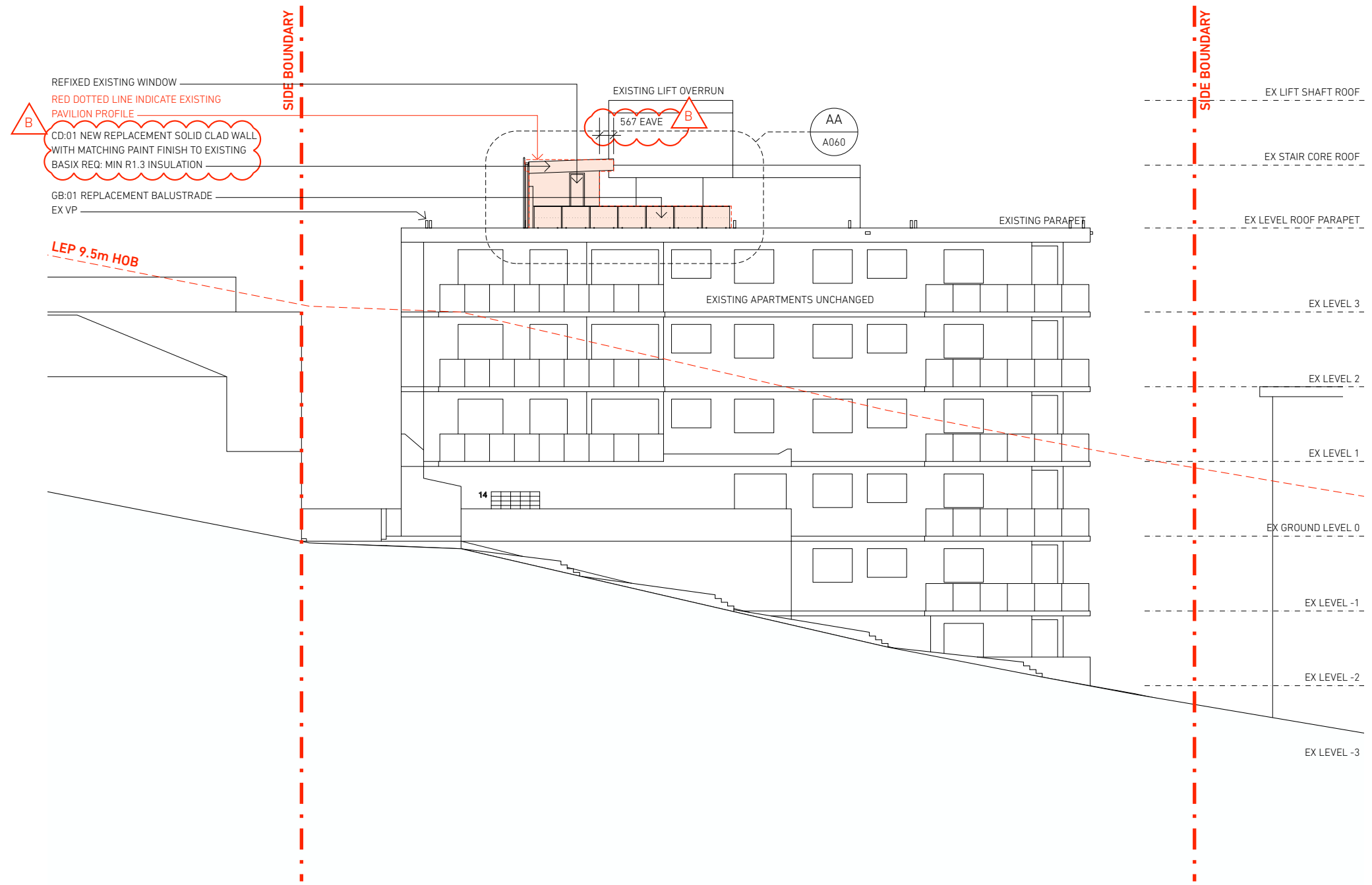
**TENDER ISSUE / NOT FOR CONSTRUCTION**

**NOTES:**  
REFER TO SEPARATE HYDRAULIC AND STRUCTURAL PLANS/SPECIFICATIONS

- GENERAL LEGEND:**
- BED BEDROOM
  - BK BRICKWORK
  - BTH BATHROOM
  - BY BALCONY
  - C CENTRE
  - CF CONCRETE FINISH
  - CJ CONTROL JOINT
  - COS CHECK ON SITE
  - CD:01 PAINTED FC CLADDING  
LIGHTWEIGHT STEEL FRAMED WALL  
WITH MIN R1.3 INSULATION
  - CT CERAMIC TILING
  - CT:01 TERRACE FLOOR TILING
  - EJ EXPANSION JOINT
  - EX EXISTING
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  - PLT PLANTING
  - RF:01 COLORBOND STEEL CAPPING
  - RF:02 PROFILED STEEL CASSETTE ROOFING  
WINDSPRAY
  - RL RELATIVE LEVEL TO AHD
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  - RWO RAINWATER OUTLET
  - RV ROOF VENT
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  - SOP SETTING OUT POINT
  - SP SERVICES PEDESTAL
  - SWD STORMWATER DRAIN
  - TJ TILE JOINT
  - UP UP STEPS
  - V VOID
  - VP VENT PIPE
  - W WINDOW
  - WC TOILET
  - WP:01 WATERPROOF MEMBRANE

**RECEIVED**  
**Waverley Council**  
  
**Application No: DA-99/2023**  
  
**Date Received: 16/06/2023**

# AMENDED PLANS



01 SOUTH ELEVATION (TO WILGA ST)  
scale 1:200 at A3

**KEY:**  
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ELEMENT TO BE REMOVED

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rev	date	notes
A	17/03/23	DA ISSUE
B	18/04/23	BASIX commitments added
C	15/05/23	Tender issue
D	16/06/23	Clear glass balustrade

client	SUTECH
project	REMEDIAL WORK TO ROOF 12A-14 WILGA STREET BONDI NSW 2026 LOT:25 DP:SP4233

scale	1:200 at A3
drawn	RB
project no	BA2217
drawing title	SOUTH ELEVATION
drawing no	<b>A030</b>

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ABN 25 457 669 610  
mobile +61 (0)415 190677  
NSW Registered Architect Rob Burton 9224

**BURTON ARCHITECTURE**

Regulated Design Record				
Project Address: 12A-14 WILGA STREET BONDI NSW 2026				
Project Title: REMEDIAL WORK TO ROOF				
Consent No: N/A		Body Corp. Reg No: -		
Drawing Title: WEST ELEVATION		Drawing No: A031		
Rev	Date	Description	DP Full Name	Reg No
-	-/-	-	Robert Burton	DEP0001740

**TENDER ISSUE / NOT FOR CONSTRUCTION**

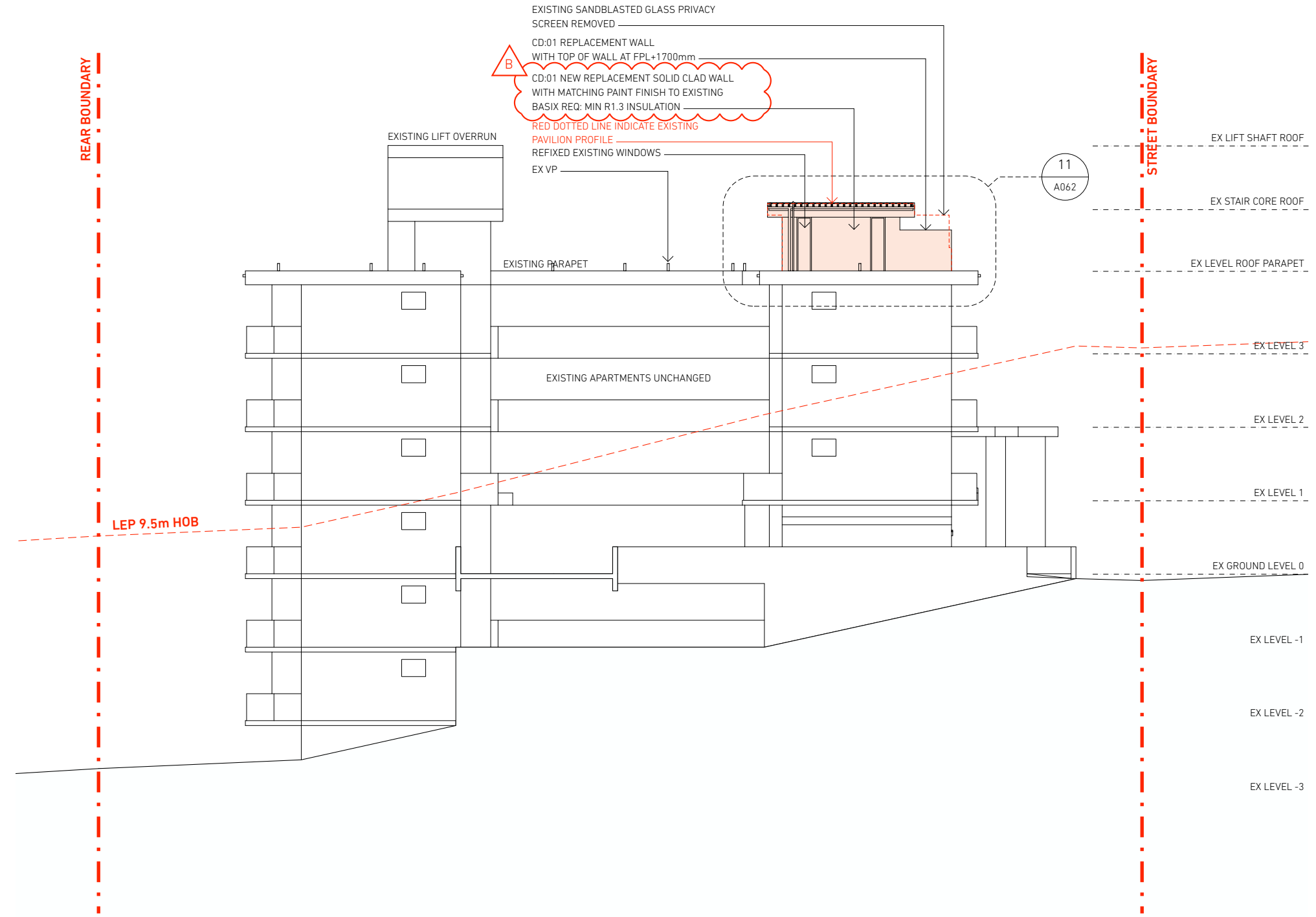
**NOTES:**  
REFER TO SEPARATE HYDRAULIC AND STRUCTURAL PLANS/SPECIFICATIONS

**GENERAL LEGEND:**

BED	BEDROOM
BK	BRICKWORK
BTH	BATHROOM
BY	BALCONY
C	CENTRE
CF	CONCRETE FINISH
CJ	CONTROL JOINT
COS	CHECK ON SITE
CD:01	PAINTED FC CLADDING LIGHTWEIGHT STEEL FRAMED WALL WITH MIN R1.3 INSULATION
CT	CERAMIC TILING
CT:01	TERRACE FLOOR TILING
EJ	EXPANSION JOINT
EX	EXISTING
F	FALL
FFL	FINISHED FLOOR LEVEL TO AHD
FPL	FINISHED PAVING LEVEL
FW	FLOOR WASTE
GD	GLAZED DOOR
GB:01	FRAMELESS CLEAR GLASS BALUSTRADE WITH STAINLESS STEEL HANDRAIL
GLC	GLAZING CLEAR
GLT	GLAZING TRANSLUCENT
KIT	KITCHEN
L/D	LIVING ROOM / DINING
OF	OVER FLOW
PA:01	PAINT FINISH - TO MATCH EXISTING GREY
PA:02	PAINT FINISH - TO MATCH EXISTING WHITE
PLT	PLANTING
RF:01	COLORBOND STEEL CAPPING
RF:02	PROFILED STEEL CASSETTE ROOFING WINDSPRAY
RL	RELATIVE LEVEL TO AHD
RN	RENDER FINISH
RWO	RAINWATER OUTLET
RV	ROOF VENT
SJ	STRUCTURAL JOINT
SOP	SETTING OUT POINT
SP	SERVICES PEDESTAL
SWD	STORMWATER DRAIN
TJ	TILE JOINT
UP	UP STEPS
V	VOID
VP	VENT PIPE
W	WINDOW
WC	TOILET
WP:01	WATERPROOF MEMBRANE

**RECEIVED**  
**Waverley Council**  
**Application No: DA-99/2023**  
**Date Received: 16/06/2023**

# AMENDED PLANS



**KEY:**  
AREA OF REMEDIAL BUILDING WORK  
ELEMENT TO BE REMOVED

**BASIX CERTIFICATE No: A491076**

Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and/or the fabrication of any components.  
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rev	date	notes
A	17/03/23	DA ISSUE
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C	15/05/23	Tender issue
D	16/06/23	Clear glass balustrade

**01 WEST ELEVATION**  
scale 1:200 at A3

client	SUTECH
project	REMEDIAL WORK TO ROOF 12A-14 WILGA STREET BONDI NSW 2026 LOT:25 DP:SP4233

scale	1:200 at A3
drawn	RB
project no	BA2217
drawing title	WEST ELEVATION
drawing no	<b>A031</b>

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mobile +61 (0)415 190677  
NSW Registered Architect Rob Burton 9224

**BURTON ARCHITECTURE**

Regulated Design Record				
Project Address: 12A-14 WILGA STREET BONDI NSW 2026				
Project Title: REMEDIAL WORK TO ROOF				
Consent No: N/A		Body Corp. Reg No: -		
Drawing Title: NORTH ELEVATION		Drawing No: A032		
Rev	Date	Description	DP Full Name	Reg No
-	-/-	-	Robert Burton	DEP0001740

**TENDER ISSUE / NOT FOR CONSTRUCTION**

**NOTES:**  
REFER TO SEPARATE HYDRAULIC AND STRUCTURAL PLANS/SPECIFICATIONS

**GENERAL LEGEND:**

BED	BEDROOM
BK	BRICKWORK
BTH	BATHROOM
BY	BALCONY
C	CENTRE
CF	CONCRETE FINISH
CJ	CONTROL JOINT
COS	CHECK ON SITE
CD:01	PAINTED FC CLADDING LIGHTWEIGHT STEEL FRAMED WALL WITH MIN R1.3 INSULATION
CT	CERAMIC TILING
CT:01	TERRACE FLOOR TILING
EJ	EXPANSION JOINT
EX	EXISTING
F	FALL
FFL	FINISHED FLOOR LEVEL TO AHD
FPL	FINISHED PAVING LEVEL
FW	FLOOR WASTE
GD	GLAZED DOOR
GB:01	FRAMELESS CLEAR GLASS BALUSTRADE WITH STAINLESS STEEL HANDRAIL
GLC	GLAZING CLEAR
GLT	GLAZING TRANSLUCENT
KIT	KITCHEN
L/D	LIVING ROOM / DINING
OF	OVER FLOW
PA:01	PAINT FINISH - TO MATCH EXISTING GREY
PA:02	PAINT FINISH - TO MATCH EXISTING WHITE
PLT	PLANTING
RF:01	COLORBOND STEEL CAPPING
RF:02	PROFILED STEEL CASSETTE ROOFING WINDSPRAY
RL	RELATIVE LEVEL TO AHD
RN	RENDER FINISH
RWO	RAINWATER OUTLET
RV	ROOF VENT
SJ	STRUCTURAL JOINT
SOP	SETTING OUT POINT
SP	SERVICES PEDESTAL
SWD	STORMWATER DRAIN
TJ	TILE JOINT
UP	UP STEPS
V	VOID
VP	VENT PIPE
W	WINDOW
WC	TOILET
WP:01	WATERPROOF MEMBRANE

**RECEIVED**  
**Waverley Council**  
**Application No: DA-99/2023**  
**Date Received: 16/06/2023**

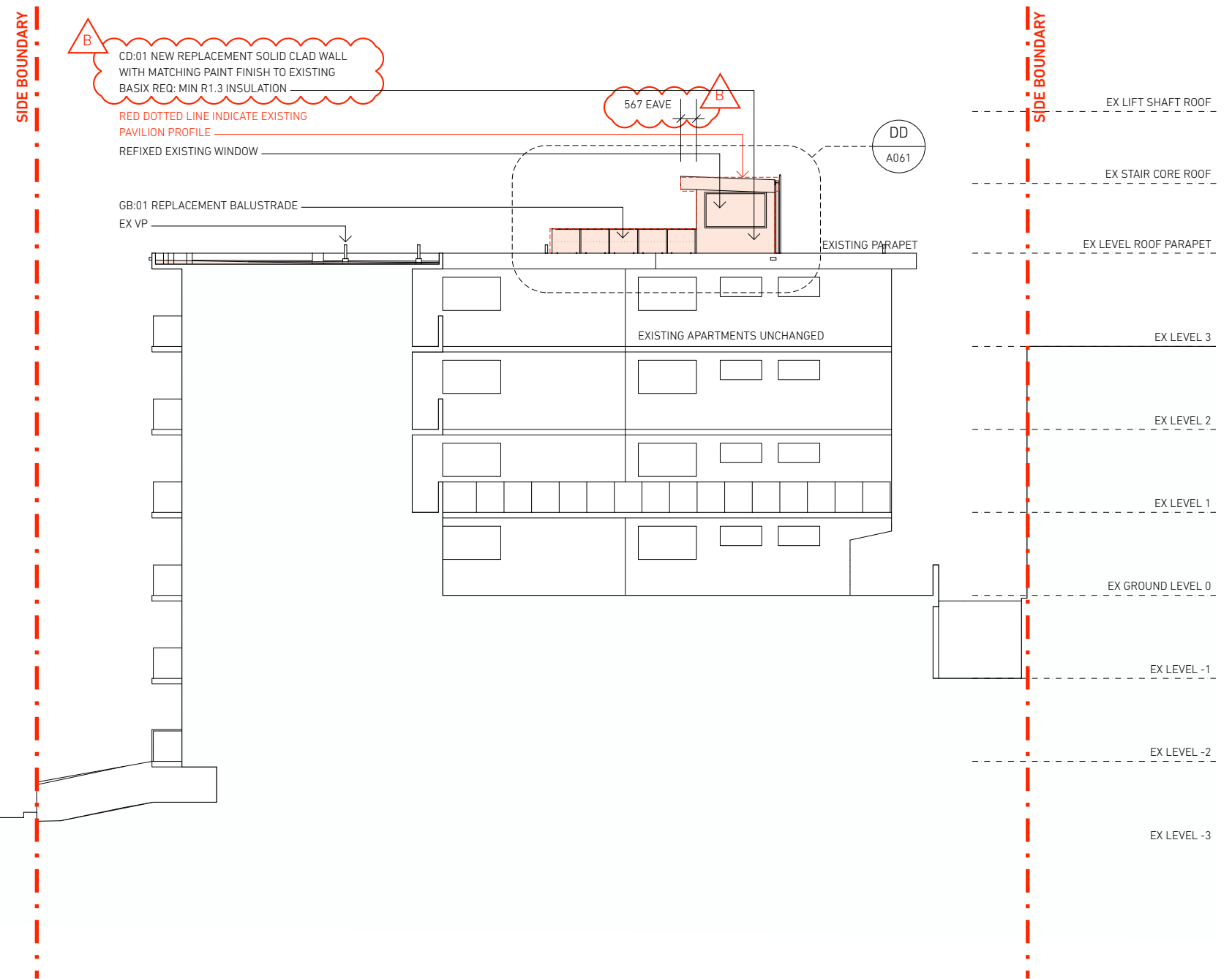
**KEY:**  
AREA OF REMEDIAL BUILDING WORK  
ELEMENT TO BE REMOVED

**BASIX CERTIFICATE No: A491076**

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rev	date	notes
A	17/03/23	DA ISSUE
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C	15/05/23	Tender issue
D	16/06/23	Clear glass balustrade

# AMENDED PLANS



**01 NORTH ELEVATION (THROUGH COURTYARD)**  
scale 1:200 at A3

client	SUTECH
project	REMEDIAL WORK TO ROOF 12A-14 WILGA STREET BONDI NSW 2026 LOT:25 DP:SP4233

scale	1:200 at A3
drawn	RB
project no	BA2217
drawing title	NORTH ELEVATION
drawing no	<b>A032</b>

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ABN 25 457 669 610  
mobile +61 (0)415 190677  
NSW Registered Architect Rob Burton 9224

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ARCHITECTURE

Regulated Design Record				
Project Address: 12A-14 WILGA STREET BONDI NSW 2026				
Project Title: REMEDIAL WORK TO ROOF				
Consent No: N/A		Body Corp. Reg No: -		
Drawing Title: EAST ELEVATION		Drawing No: A033		
Rev	Date	Description	DP Full Name	Reg No
-	-/-	-	Robert Burton	DEP0001740

**RECEIVED**  
**Waverley Council**  
**Application No: DA-99/2023**  
**Date Received: 16/06/2023**

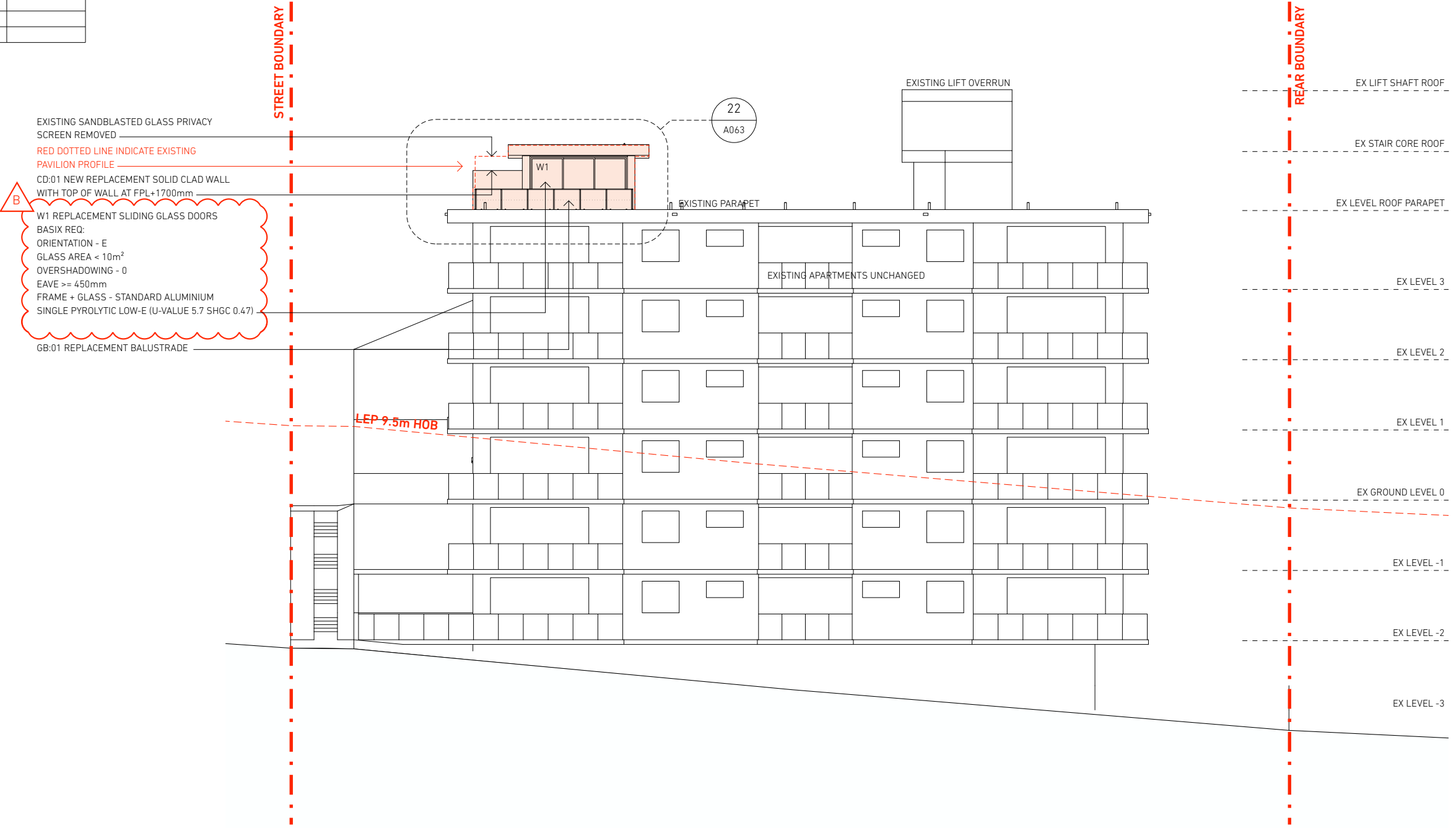
# AMENDED PLANS

**TENDER ISSUE / NOT FOR CONSTRUCTION**

**NOTES:**  
REFER TO SEPARATE HYDRAULIC AND STRUCTURAL PLANS/SPECIFICATIONS

**GENERAL LEGEND:**

- BED BEDROOM
- BK BRICKWORK
- BTH BATHROOM
- BY BALCONY
- C CENTRE
- CF CONCRETE FINISH
- CJ CONTROL JOINT
- COS CHECK ON SITE
- CD:01 PAINTED FC CLADDING  
LIGHTWEIGHT STEEL FRAMED WALL  
WITH MIN R1.3 INSULATION
- CT CERAMIC TILING
- CT:01 TERRACE FLOOR TILING
- EJ EXPANSION JOINT
- EX EXISTING
- F FALL
- FFL FINISHED FLOOR LEVEL TO AHD
- FPL FINISHED PAVING LEVEL
- FW FLOOR WASTE
- GD GLAZED DOOR
- GB:01 **FRAMELESS CLEAR GLASS BALUSTRADE  
WITH STAINLESS STEEL HANDRAIL**
- GLC GLAZING CLEAR
- GLT GLAZING TRANSLUCENT
- KIT KITCHEN
- L/D LIVING ROOM / DINING
- OF OVER FLOW
- PA:01 PAINT FINISH - TO MATCH EXISTING GREY
- PA:02 PAINT FINISH - TO MATCH EXISTING WHITE
- PLT PLANTING
- RF:01 COLORBOND STEEL CAPPING
- RF:02 PROFILED STEEL CASSETTE ROOFING  
WINDSPRAY
- RL RELATIVE LEVEL TO AHD
- RN RENDER FINISH
- RWO RAINWATER OUTLET
- RV ROOF VENT
- SJ STRUCTURAL JOINT
- SOP SETTING OUT POINT
- SP SERVICES PEDESTAL
- SWD STORMWATER DRAIN
- TJ TILE JOINT
- UP UP STEPS
- V VOID
- VP VENT PIPE
- W WINDOW
- WC TOILET
- WP:01 WATERPROOF MEMBRANE



**KEY:**  
AREA OF REMEDIAL BUILDING WORK  
ELEMENT TO BE REMOVED

**BASIX CERTIFICATE No: A491076**

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rev	date	notes
A	17/03/23	DA ISSUE
B	18/04/23	BASIX commitments added
C	15/05/23	Tender issue
D	16/06/23	Clear glass balustrade

**01 EAST ELEVATION**  
scale 1:200 at A3

client	SUTECH
project	REMEDIAL WORK TO ROOF 12A-14 WILGA STREET BONDI NSW 2026 LOT:25 DP:SP4233

scale	1:200 at A3
drawn	RB
project no	BA2217
drawing title	EAST ELEVATION
drawing no	<b>A033</b>

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mobile +61 (0)415 190677  
NSW Registered Architect Rob Burton 9224

**BURTON ARCHITECTURE**

Regulated Design Record				
Project Address: 12A-14 WILGA STREET BONDI NSW 2026				
Project Title: REMEDIAL WORK TO ROOF				
Consent No: N/A		Body Corp. Reg No: -		
Drawing Title: UNIT 11 TERRACE PLAN		Drawing No: A050		
Rev	Date	Description	DP Full Name	Reg No
-	-/-	-	Robert Burton	DEP0001740

**TENDER ISSUE / NOT FOR CONSTRUCTION**

**NOTES:**  
REFER TO SEPARATE HYDRAULIC AND STRUCTURAL PLANS/SPECIFICATIONS

**GENERAL LEGEND:**

BED	BEDROOM
BK	BRICKWORK
BTH	BATHROOM
BY	BALCONY
C	CENTRE
CF	CONCRETE FINISH
CJ	CONTROL JOINT
COS	CHECK ON SITE
CD:01	FC CLADDING LIGHTWEIGHT STEEL FRAMED WALL WITH MIN R1.3 INSULATION
CT	CERAMIC TILING
CT:01	TERRACE FLOOR TILING
EJ	EXPANSION JOINT
EX	EXISTING
F	FALL
FFL	FINISHED FLOOR LEVEL TO AHD
FPL	FINISHED PAVING LEVEL
FW	FLOOR WASTE
GD	GLAZED DOOR
GB:01	FRAMELESS CLEAR GLASS BALUSTRADE WITH STAINLESS STEEL HANDRAIL
GLC	GLAZING CLEAR
GLT	GLAZING TRANSLUCENT
KIT	KITCHEN
L/D	LIVING ROOM / DINING
OF	OVER FLOW
PA:01	PAINT FINISH - TO MATCH EXISTING GREY
PA:02	PAINT FINISH - TO MATCH EXISTING WHITE
PLT	PLANTING
RF:01	COLORBOND STEEL CAPPING
RF:02	PROFILED STEEL CASSETTE ROOFING WINDSPRAY
RL	RELATIVE LEVEL TO AHD
RN	RENDER FINISH
RWO	RAINWATER OUTLET
RV	ROOF VENT
SJ	STRUCTURAL JOINT
SOP	SETTING OUT POINT
SP	SERVICES PEDESTAL
SWD	STORMWATER DRAIN
TJ	TILE JOINT
UP	UP STEPS
V	VOID
VP	VENT PIPE
W	WINDOW
WC	TOILET
WP:01	WATERPROOF MEMBRANE

**RECEIVED**  
**Waverley Council**  
**Application No: DA-99/2023**  
**Date Received: 16/06/2023**

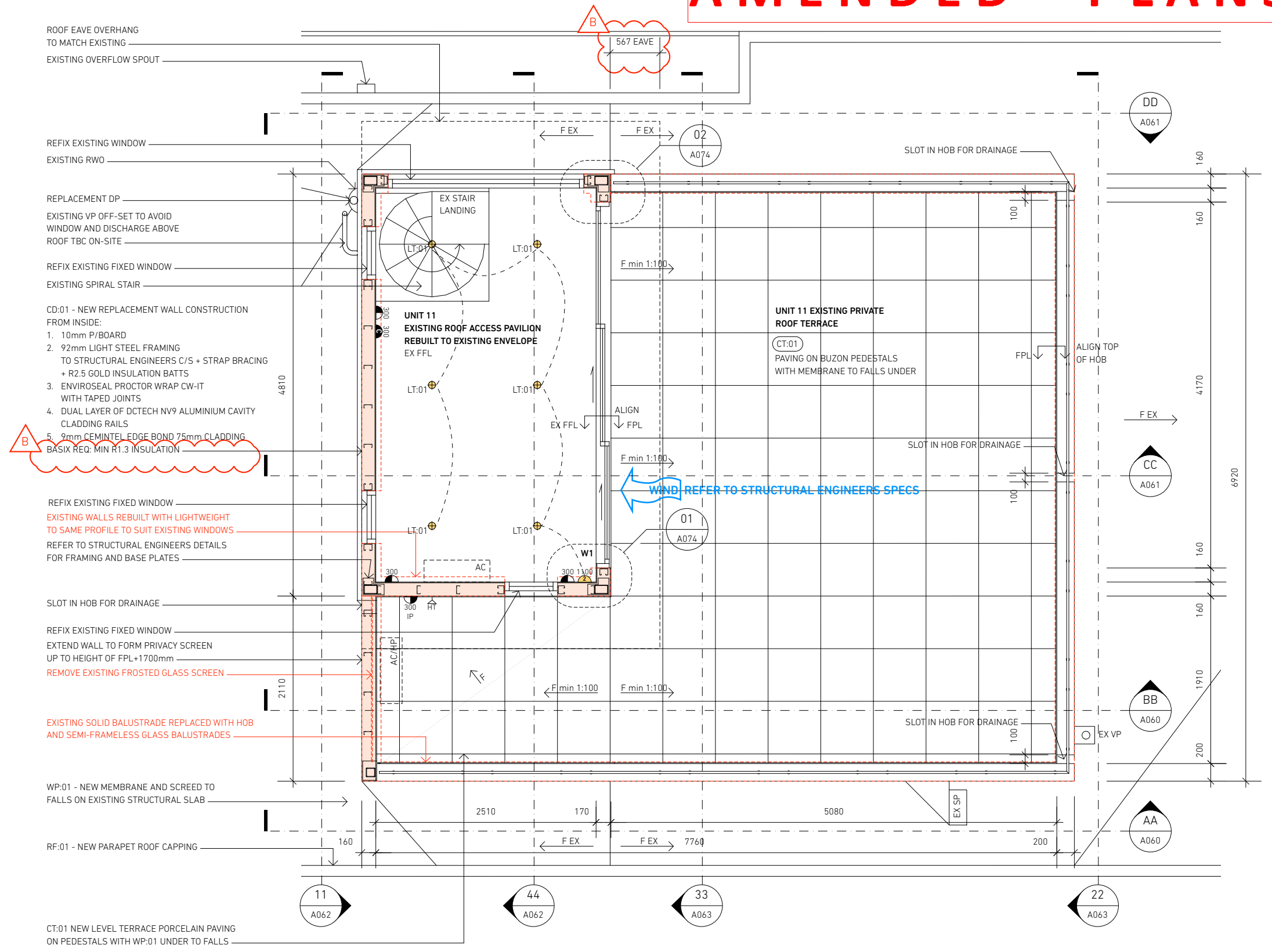
**KEY:**  
AREA OF REMEDIAL BUILDING WORK  
ELEMENT TO BE REMOVED

**BASIX CERTIFICATE No: A491076**

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rev	date	notes
A	17/03/23	DA ISSUE
B	18/04/23	BASIX commitments added
C	15/05/23	Issued for tender
D	22/05/23	Updated
E	16/06/23	Clear balustrade

# AMENDED PLANS



**01 UNIT 11 TERRACE PLAN**  
scale 1:50 at A3

client	SUTECH
project	REMEDIAL WORK TO ROOF 12A-14 WILGA STREET BONDI NSW 2026 LOT:25 DP:SP4233

scale	1:50 at A3
drawn	RB
project no	BA2217
drawing title	UNIT 11 TERRACE PLAN
drawing no	<b>A050</b>

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ABN 25 457 669 610  
mobile +61 (0)415 190677  
NSW Registered Architect Rob Burton 9224

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Regulated Design Record				
Project Address: 12A-14 WILGA STREET BONDI NSW 2026				
Project Title: REMEDIAL WORK TO ROOF				
Consent No: N/A		Body Corp. Reg No: -		
Drawing Title: UNIT 11 ROOF PLAN		Drawing No: A051		
Rev	Date	Description	DP Full Name	Reg No
-	-/-	-	Robert Burton	DEP0001740

**TENDER ISSUE / NOT FOR CONSTRUCTION**

**NOTES:**  
REFER TO SEPARATE HYDRAULIC AND STRUCTURAL PLANS/SPECIFICATIONS

**GENERAL LEGEND:**

- BED BEDROOM
- BK BRICKWORK
- BTH BATHROOM
- BY BALCONY
- C CENTRE
- CF CONCRETE FINISH
- CJ CONTROL JOINT
- COS CHECK ON SITE
- CD:01 FC CLADDING
- LIGHTWEIGHT STEEL FRAMED WALL WITH MIN R1.3 INSULATION
- CT CERAMIC TILING
- CT:01 TERRACE FLOOR TILING
- EJ EXPANSION JOINT
- EX EXISTING
- F FALL
- FFL FINISHED FLOOR LEVEL TO AHD
- FPL FINISHED PAVING LEVEL
- FW FLOOR WASTE
- GD GLAZED DOOR
- GB:01 FRAMELESS CLEAR GLASS BALUSTRADE WITH STAINLESS STEEL HANDRAIL
- GLC GLAZING CLEAR
- GLT GLAZING TRANSLUCENT
- KIT KITCHEN
- L/D LIVING ROOM / DINING
- OF OVER FLOW
- PA:01 PAINT FINISH - TO MATCH EXISTING GREY
- PA:02 PAINT FINISH - TO MATCH EXISTING WHITE
- PLT PLANTING
- RF:01 COLORBOND STEEL CAPPING
- RF:02 PROFILED STEEL CASSETTE ROOFING WINDSPRAY
- RL RELATIVE LEVEL TO AHD
- RN RENDER FINISH
- RWO RAINWATER OUTLET
- RV ROOF VENT
- SJ STRUCTURAL JOINT
- SOP SETTING OUT POINT
- SP SERVICES PEDESTAL
- SWD STORMWATER DRAIN
- TJ TILE JOINT
- UP UP STEPS
- V VOID
- VP VENT PIPE
- W WINDOW
- WC TOILET
- WP:01 WATERPROOF MEMBRANE

**RECEIVED**  
**Waverley Council**  
**Application No: DA-99/2023**  
**Date Received: 16/06/2023**

**KEY:**  
AREA OF REMEDIAL BUILDING WORK  
ELEMENT TO BE REMOVED

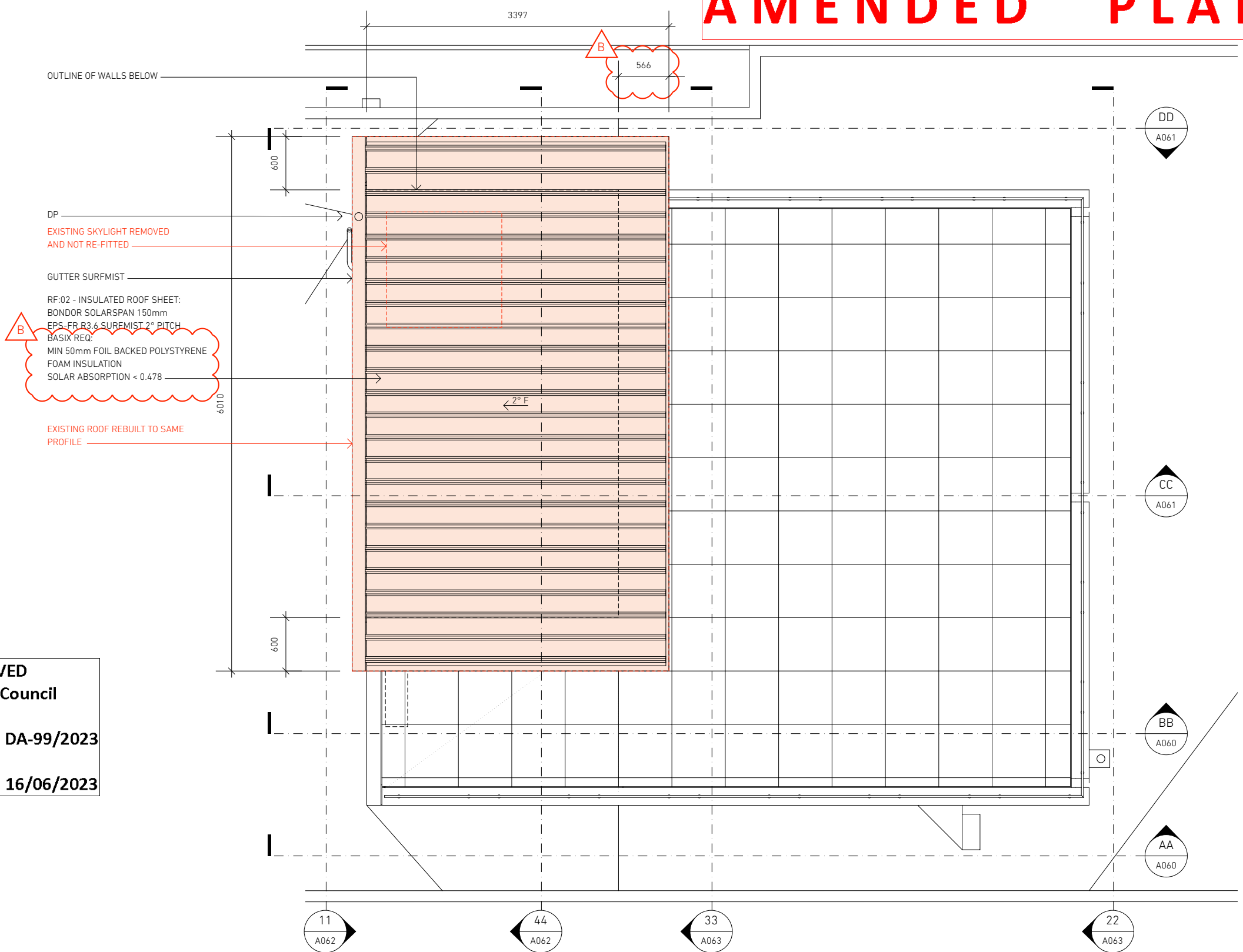
**BASIX CERTIFICATE No: A491076**

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rev	date	notes
A	17/03/23	DA ISSUE
B	18/04/23	BASIX commitments added
C	15/05/23	Issued for tender
D	22/05/23	Updated
E	16/06/23	Clear balustrade

01 UNIT 11 ROOF PLAN  
scale 1:50 at A3

# AMENDED PLANS



client	SUTECH
project	REMEDIAL WORK TO ROOF 12A-14 WILGA STREET BONDI NSW 2026 LOT:25 DP:SP4233

scale	1:50 at A3
drawn	RB
project no	BA2217
drawing title	UNIT 11 ROOF PLAN
drawing no	<b>A051</b>

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NSW Registered Architect Rob Burton 9224

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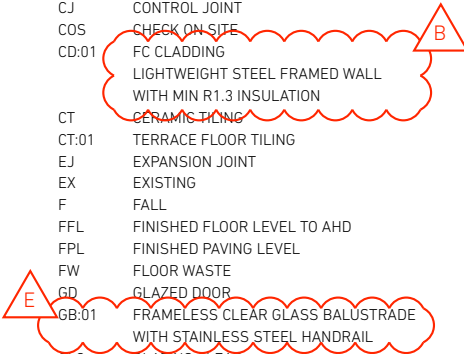
Regulated Design Record				
Project Address: 12A-14 WILGA STREET BONDI NSW 2026				
Project Title: REMEDIAL WORK TO ROOF				
Consent No: N/A		Body Corp. Reg No: -		
Drawing Title: UNIT 11 SECTIONS AA/BB		Drawing No: A060		
Rev	Date	Description	DP Full Name	Reg No
-	-/-	-	Robert Burton	DEP0001740

**TENDER ISSUE / NOT FOR CONSTRUCTION**

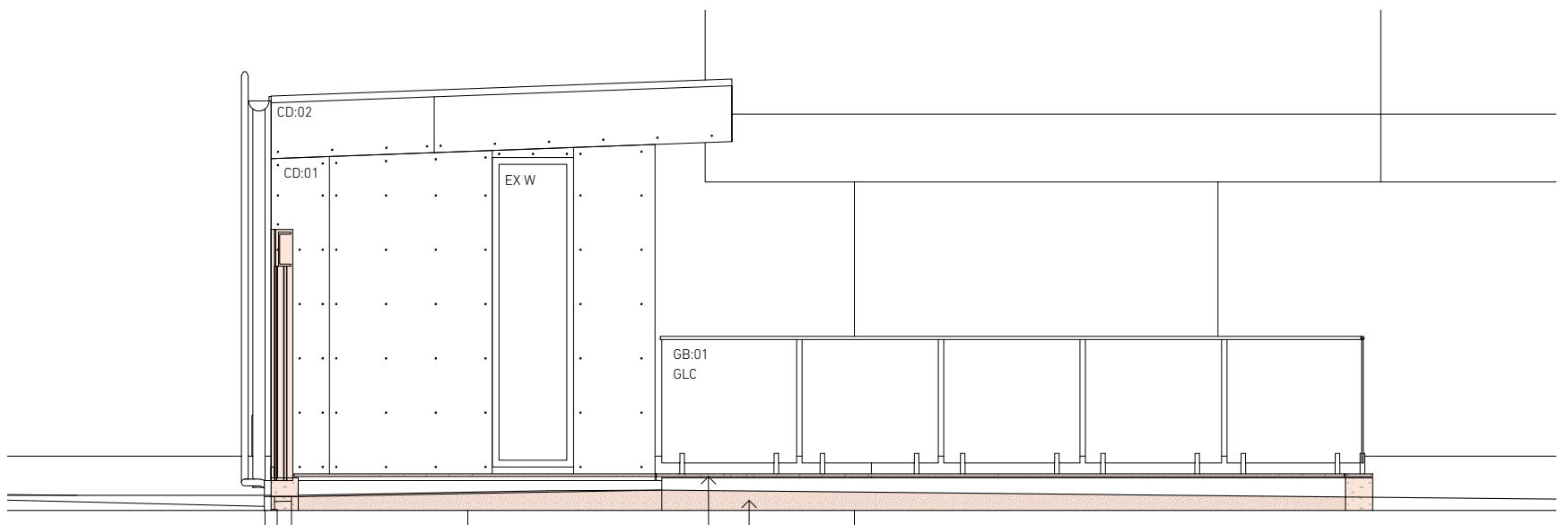
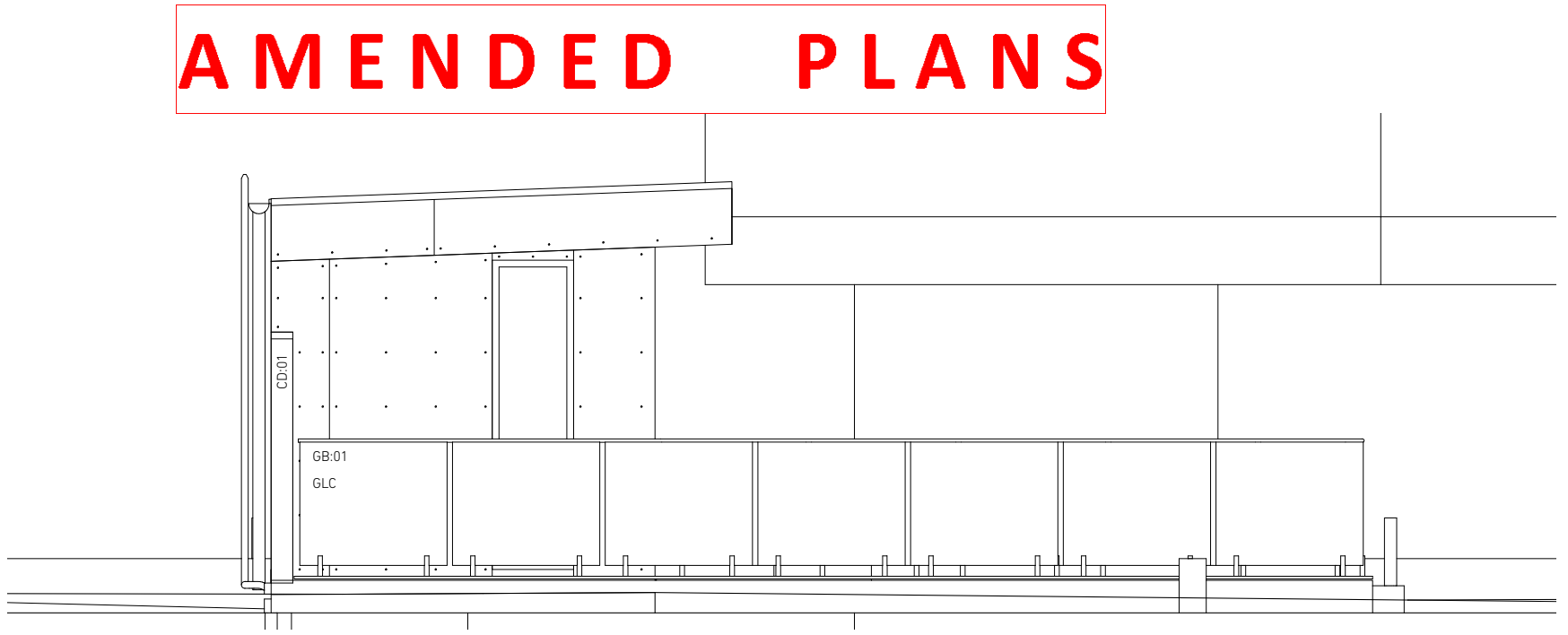
**NOTES:**  
REFER TO SEPARATE HYDRAULIC AND STRUCTURAL PLANS/SPECIFICATIONS

**GENERAL LEGEND:**

- BED BEDROOM
- BK BRICKWORK
- BTH BATHROOM
- BY BALCONY
- C CENTRE
- CF CONCRETE FINISH
- CJ CONTROL JOINT
- COS CHECK ON SITE
- CD:01 FC CLADDING  
LIGHTWEIGHT STEEL FRAMED WALL WITH MIN R1.3 INSULATION
- CT CERAMIC TILING
- CT:01 TERRACE FLOOR TILING
- EJ EXPANSION JOINT
- EX EXISTING
- F FALL
- FFL FINISHED FLOOR LEVEL TO AHD
- FPL FINISHED PAVING LEVEL
- FW FLOOR WASTE
- GD GLAZED DOOR
- GB:01 FRAMELESS CLEAR GLASS BALUSTRADE WITH STAINLESS STEEL HANDRAIL
- GLC GLAZING CLEAR
- GLT GLAZING TRANSLUCENT
- KIT KITCHEN
- L/D LIVING ROOM / DINING
- OF OVER FLOW
- PA:01 PAINT FINISH - TO MATCH EXISTING GREY
- PA:02 PAINT FINISH - TO MATCH EXISTING WHITE
- PLT PLANTING
- RF:01 COLORBOND STEEL CAPPING
- RF:02 PROFILED STEEL CASSETTE ROOFING WINDSPRAY
- RL RELATIVE LEVEL TO AHD
- RN RENDER FINISH
- RWO RAINWATER OUTLET
- RV ROOF VENT
- SJ STRUCTURAL JOINT
- SOP SETTING OUT POINT
- SP SERVICES PEDESTAL
- SWD STORMWATER DRAIN
- TJ TILE JOINT
- UP UP STEPS
- V VOID
- VP VENT PIPE
- W WINDOW
- WC TOILET
- WP:01 WATERPROOF MEMBRANE



**AA SECTION AA**  
scale 1:50 at A3



**RECEIVED**  
**Waverley Council**  
**Application No: DA-99/2023**  
**Date Received: 16/06/2023**

**KEY:**  
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ELEMENT TO BE REMOVED

**BASIX CERTIFICATE No: A491076**

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D	22/05/23	Updated
E	16/06/23	Clear balustrade

**BB SECTION BB**  
scale 1:50 at A3

WP:01 NEW MEMBRANE AND SCREED TO FALLS  
CT:01 PORCELAIN PAVING ON PEDESTALS TO ALLOW FREE DRAINAGE

# AMENDED PLANS

client SUTECH  
project REMEDIAL WORK TO ROOF  
12A-14 WILGA STREET  
BONDI NSW 2026  
LOT:25 DP:SP4233

scale 1:50 at A3  
drawn RB  
project no BA2217  
drawing title UNIT 11 SECTIONS AA/BB  
drawing no **A060**

burtonarchitecture.com  
ABN 25 457 669 610  
mobile +61 (0)415 190677  
NSW Registered Architect Rob Burton 9224  
**BURTON ARCHITECTURE**

Regulated Design Record				
Project Address: 12A-14 WILGA STREET BONDI NSW 2026				
Project Title: REMEDIAL WORK TO ROOF				
Consent No: N/A		Body Corp. Reg No: -		
Drawing Title: UNIT 11 SECTIONS CC/DD		Drawing No: A061		
Rev	Date	Description	DP Full Name	Reg No
-	-/-	-	Robert Burton	DEP0001740

**TENDER ISSUE / NOT FOR CONSTRUCTION**

**NOTES:**  
REFER TO SEPARATE HYDRAULIC AND STRUCTURAL PLANS/SPECIFICATIONS

**GENERAL LEGEND:**

- BED BEDROOM
- BK BRICKWORK
- BTH BATHROOM
- BY BALCONY
- C CENTRE
- CF CONCRETE FINISH
- CJ CONTROL JOINT
- COS CHECK ON SITE
- CD:01 FC CLADDING  
LIGHTWEIGHT STEEL FRAMED WALL WITH MIN R1.3 INSULATION  
CERAMIC TILING
- CT
- CT:01 TERRACE FLOOR TILING
- EJ EXPANSION JOINT
- EX EXISTING
- F FALL
- FFL FINISHED FLOOR LEVEL TO AHD
- FPL FINISHED PAVING LEVEL
- FW FLOOR WASTE
- GD GLAZED DOOR
- GB:01 FRAMELESS CLEAR GLASS BALUSTRADE WITH STAINLESS STEEL HANDRAIL
- GLC GLAZING CLEAR
- GLT GLAZING TRANSLUCENT
- KIT KITCHEN
- L/D LIVING ROOM / DINING
- OF OVER FLOW
- PA:01 PAINT FINISH - TO MATCH EXISTING GREY
- PA:02 PAINT FINISH - TO MATCH EXISTING WHITE
- PLT PLANTING
- RF:01 COLORBOND STEEL CAPPING
- RF:02 PROFILED STEEL CASSETTE ROOFING WINDSPRAY
- RL RELATIVE LEVEL TO AHD
- RN RENDER FINISH
- RWO RAINWATER OUTLET
- RV ROOF VENT
- SJ STRUCTURAL JOINT
- SOP SETTING OUT POINT
- SP SERVICES PEDESTAL
- SWD STORMWATER DRAIN
- TJ TILE JOINT
- UP UP STEPS
- V VOID
- VP VENT PIPE
- W WINDOW
- WC TOILET
- WP:01 WATERPROOF MEMBRANE

**KEY:**  
AREA OF REMEDIAL BUILDING WORK  
ELEMENT TO BE REMOVED

**BASIX CERTIFICATE No: A491076**

Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and/or the fabrication of any components.  
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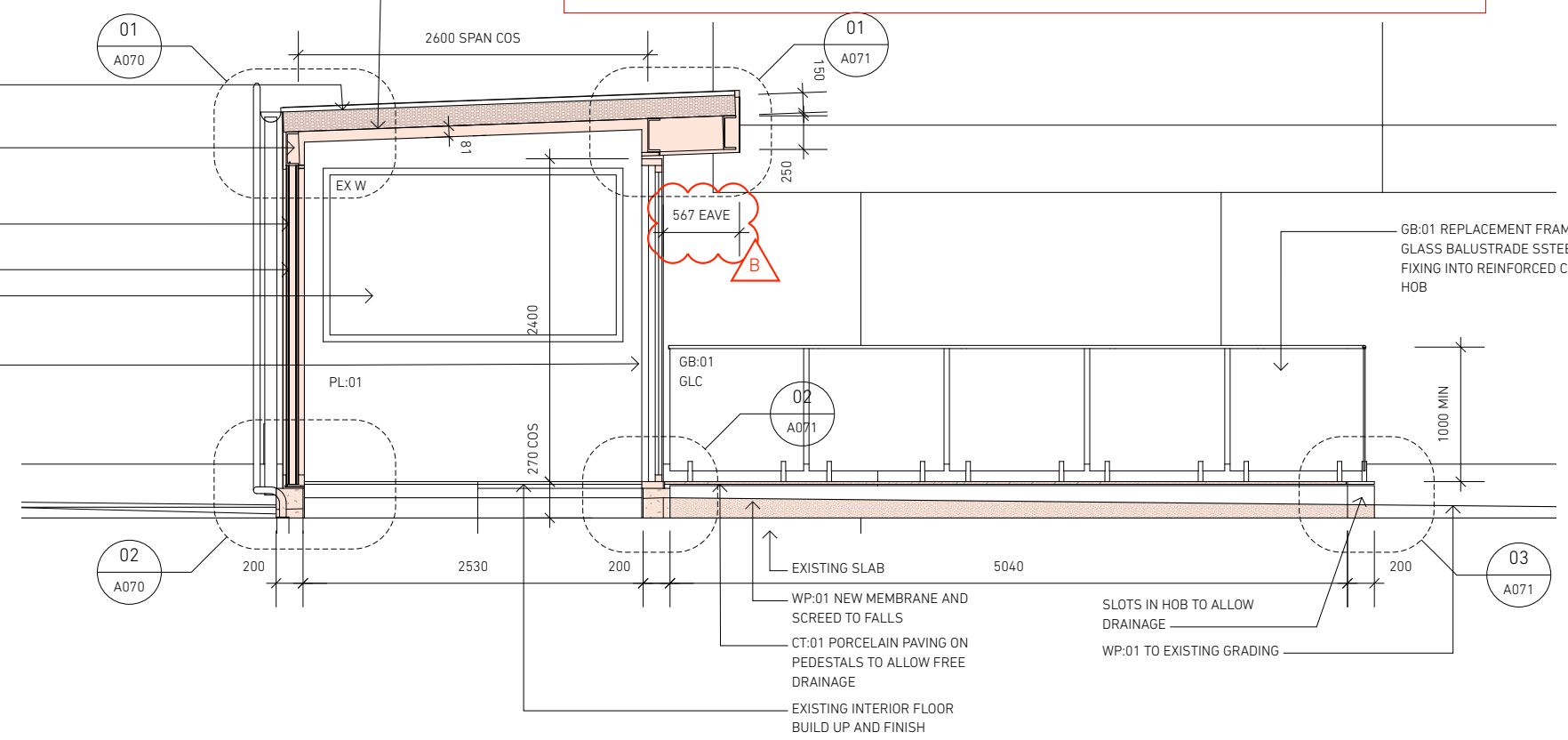
rev	date	notes
A	17/03/23	DA ISSUE
B	18/04/23	BASIX commitments added
C	15/05/23	Issued for tender
D	22/05/23	Updated
E	16/06/23	Clear balustrade

P/BOARD CEILING ON 70 TOP HATS FOR RECESSED DOWNLIGHTS  
BASIX REQ: ALL DOWNLIGHTS LED

RF:02 - INSULATED ROOF SHEET:  
BONDOR SOLARSPAN 150mm  
EPS-FR R3.6 SURFMIST 2° PITCH  
BASIX REQ:  
MIN 50mm FOIL BACKED POLYSTYRENE FOAM INSULATION  
SOLAR ABSORPTION < 0.478  
250PFC PERIMETER ROOF BEAMS UNDER INSULATED ROOF PANEL (NO PURLINS)

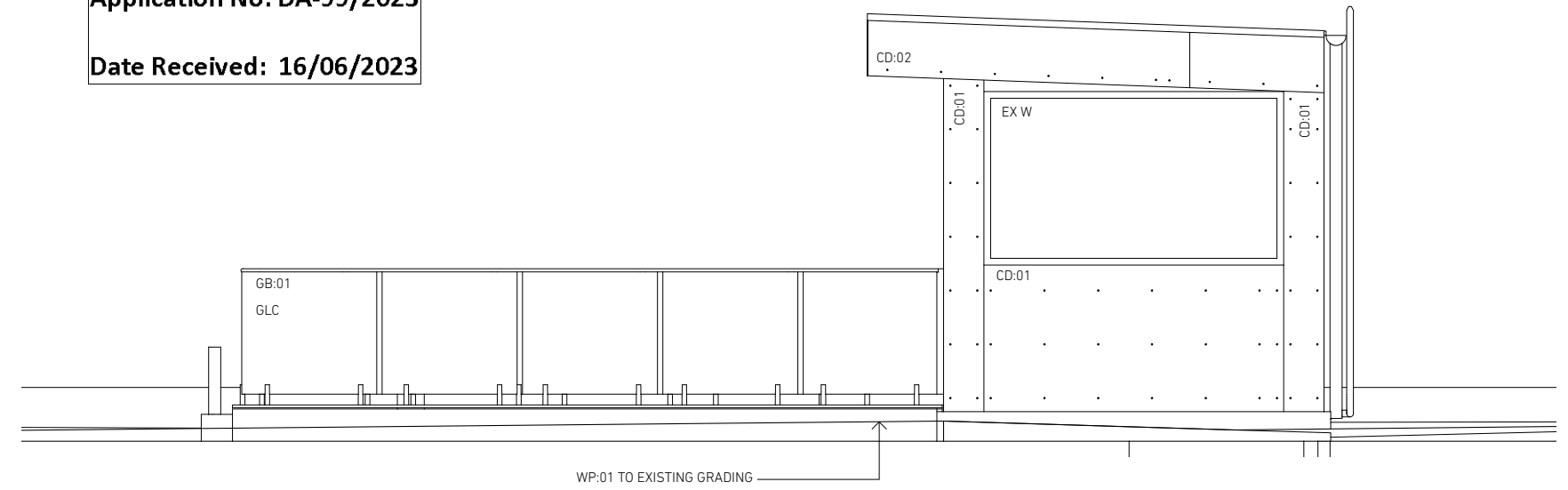
REFER TO STRUCTURAL ENGINEERS DETAILS FOR STEEL FRAMING  
92 STEEL STUDS WITH STRAP BRACING  
REFIX EXISTING WINDOW  
W1 - NEW REPLACEMENT DOUBLE SLIDER WINDOW

**AMENDED PLANS**



**CC SECTION CC**  
scale 1:50 at A3

**RECEIVED**  
**Waverley Council**  
**Application No: DA-99/2023**  
**Date Received: 16/06/2023**



**DD SECTION DD**  
scale 1:50 at A3

client	SUTECH
project	REMEDIAL WORK TO ROOF 12A-14 WILGA STREET BONDI NSW 2026 LOT:25 DP:SP4233

scale	1:50 at A3
drawn	RB
project no	BA2217
drawing title	UNIT 11 SECTIONS CC/DD
drawing no	<b>A061</b>

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NSW Registered Architect Rob Burton 9224

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**ARCHITECTURE**

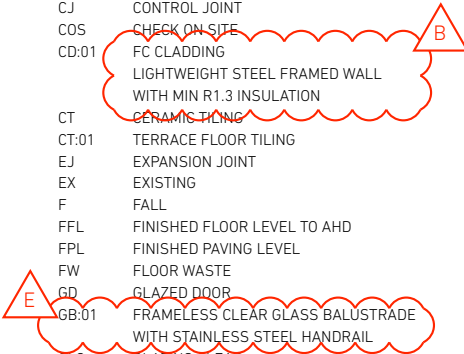
Regulated Design Record				
Project Address: 12A-14 WILGA STREET BONDI NSW 2026				
Project Title: REMEDIAL WORK TO ROOF				
Consent No: N/A		Body Corp. Reg No: -		
Drawing Title: UNIT 11 SECTIONS 11/44		Drawing No: A062		
Rev	Date	Description	DP Full Name	Reg No
-	-/-	-	Robert Burton	DEP0001740

**TENDER ISSUE / NOT FOR CONSTRUCTION**

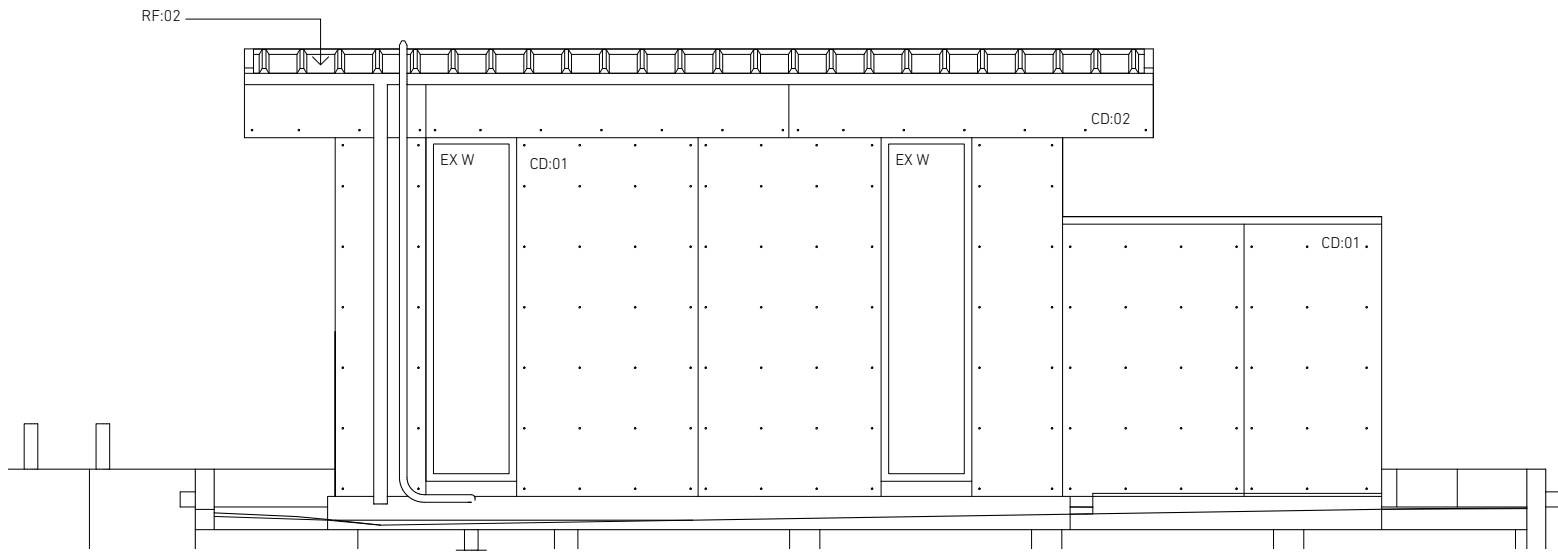
**NOTES:**  
REFER TO SEPARATE HYDRAULIC AND STRUCTURAL PLANS/SPECIFICATIONS

**GENERAL LEGEND:**

- BED BEDROOM
- BK BRICKWORK
- BTH BATHROOM
- BY BALCONY
- C CENTRE
- CF CONCRETE FINISH
- CJ CONTROL JOINT
- COS CHECK ON SITE
- CD:01 FC CLADDING  
LIGHTWEIGHT STEEL FRAMED WALL WITH MIN R1.3 INSULATION
- CT CERAMIC TILING
- CT:01 TERRACE FLOOR TILING
- EJ EXPANSION JOINT
- EX EXISTING
- F FALL
- FFL FINISHED FLOOR LEVEL TO AHD
- FPL FINISHED PAVING LEVEL
- FW FLOOR WASTE
- GD GLAZED DOOR
- GB:01 FRAMELESS CLEAR GLASS BALUSTRADE WITH STAINLESS STEEL HANDRAIL
- GLC GLAZING CLEAR
- GLT GLAZING TRANSLUCENT
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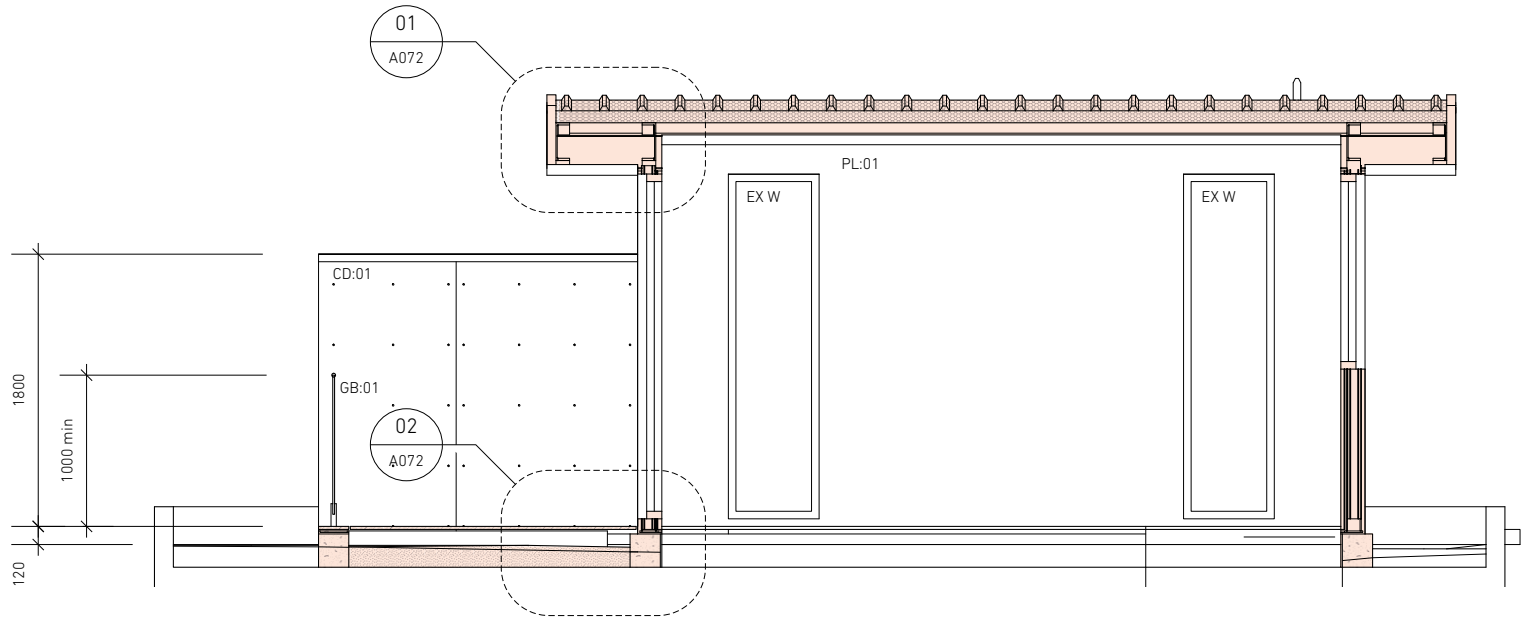


# AMENDED PLANS



**11 SECTION 11**  
scale 1:50 at A3

**RECEIVED**  
**Waverley Council**  
**Application No: DA-99/2023**  
**Date Received: 16/06/2023**



**44 SECTION 44**  
scale 1:50 at A3

**KEY:**  
AREA OF REMEDIAL BUILDING WORK (Solid Orange)  
ELEMENT TO BE REMOVED (Dashed Red)

**BASIX CERTIFICATE No: A491076**

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D	22/05/23	Updated
E	16/06/23	Clear balustrade

client	SUTECH
project	REMEDIAL WORK TO ROOF 12A-14 WILGA STREET BONDI NSW 2026 LOT:25 DP:SP4233

scale	1:50 at A3
drawn	RB
project no	BA2217
drawing title	UNIT 11 SECTIONS 11/44
drawing no	<b>A062</b>

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NSW Registered Architect Rob Burton 9224

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# AMENDED PLANS

Regulated Design Record				
Project Address: 12A-14 WILGA STREET BONDI NSW 2026				
Project Title: REMEDIAL WORK TO ROOF				
Consent No: N/A		Body Corp. Reg No: -		
Drawing Title: UNIT 11 SECTIONS 22/33		Drawing No: A063		
Rev	Date	Description	DP Full Name	Reg No
-	-/-	-	Robert Burton	DEP0001740

## TENDER ISSUE / NOT FOR CONSTRUCTION

**NOTES:**  
REFER TO SEPARATE HYDRAULIC AND STRUCTURAL PLANS/SPECIFICATIONS

### GENERAL LEGEND:

BED	BEDROOM
BK	BRICKWORK
BTH	BATHROOM
BY	BALCONY
C	CENTRE
CF	CONCRETE FINISH
CJ	CONTROL JOINT
COS	CHECK ON SITE
CD:01	FC CLADDING
	LIGHTWEIGHT STEEL FRAMED WALL WITH MIN R1.3 INSULATION
CT	CERAMIC TILING
CT:01	TERRACE FLOOR TILING
EJ	EXPANSION JOINT
EX	EXISTING
F	FALL
FFL	FINISHED FLOOR LEVEL TO AHD
FPL	FINISHED PAVING LEVEL
FW	FLOOR WASTE
GD	GLAZED DOOR
GB:01	FRAMELESS CLEAR GLASS BALUSTRADE WITH STAINLESS STEEL HANDRAIL
GLC	GLAZING CLEAR
GLT	GLAZING TRANSLUCENT
KIT	KITCHEN
L/D	LIVING ROOM / DINING
OF	OVER FLOW
PA:01	PAINT FINISH - TO MATCH EXISTING GREY
PA:02	PAINT FINISH - TO MATCH EXISTING WHITE
PLT	PLANTING
RF:01	COLORBOND STEEL CAPPING
RF:02	PROFILED STEEL CASSETTE ROOFING WINDSPRAY
RL	RELATIVE LEVEL TO AHD
RN	RENDER FINISH
RWO	RAINWATER OUTLET
RV	ROOF VENT
SJ	STRUCTURAL JOINT
SOP	SETTING OUT POINT
SP	SERVICES PEDESTAL
SWD	STORMWATER DRAIN
TJ	TILE JOINT
UP	UP STEPS
V	VOID
VP	VENT PIPE
W	WINDOW
WC	TOILET
WP:01	WATERPROOF MEMBRANE

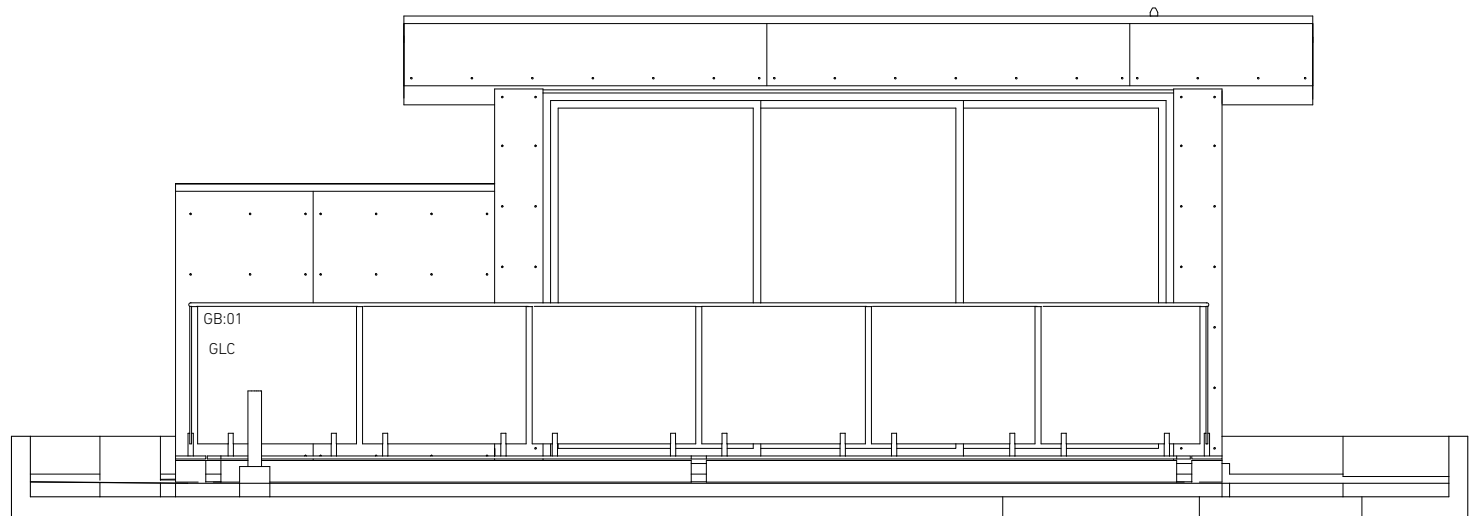
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**Waverley Council**  
**Application No: DA-99/2023**  
**Date Received: 16/06/2023**

**KEY:**  
AREA OF REMEDIAL BUILDING WORK  
ELEMENT TO BE REMOVED

### BASIX CERTIFICATE No: A491076

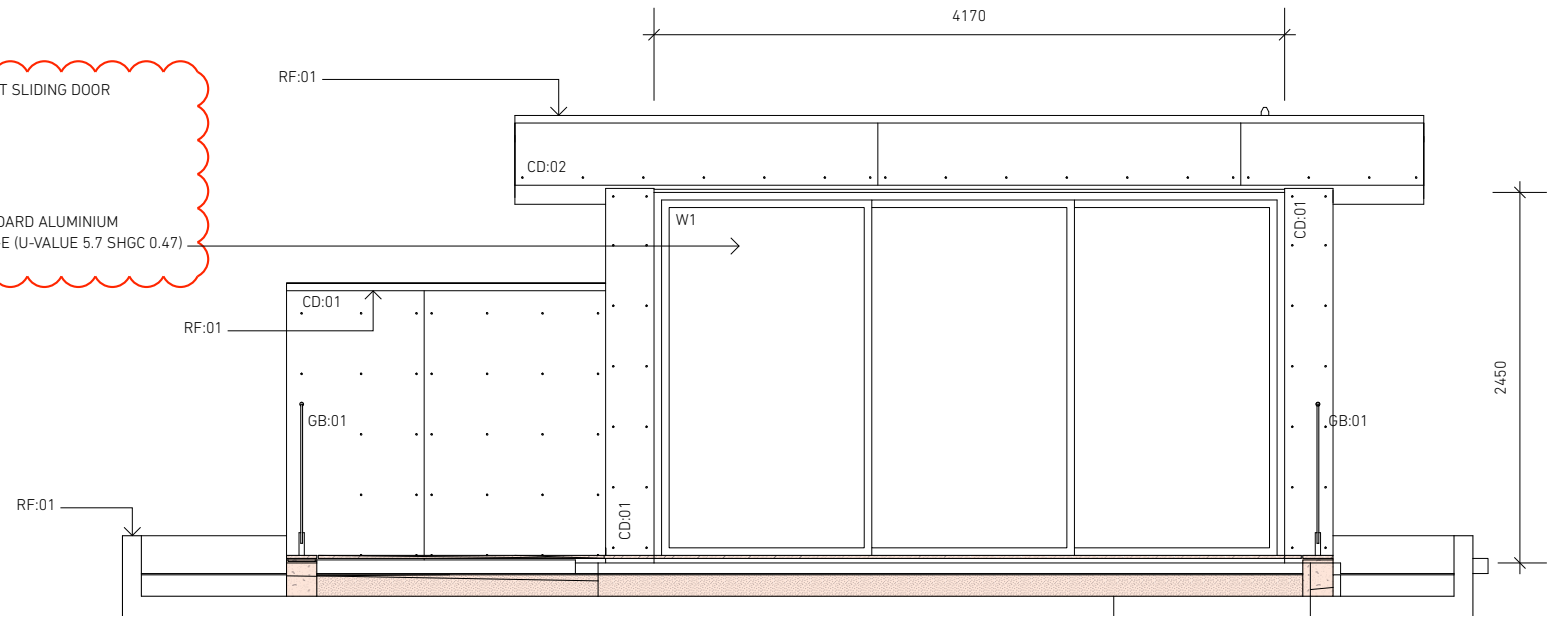
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D	22/05/23	Updated
E	16/06/23	Clear balustrade



22 SECTION 22  
scale 1:50 at A3

W1 - NEW REPLACEMENT SLIDING DOOR  
BASIX REQ:  
ORIENTATION - E  
GLASS AREA < 10m<sup>2</sup>  
OVERSHADOWING - 0  
EAVE >= 450mm  
FRAME + GLASS - STANDARD ALUMINIUM  
SINGLE PYROLYTIC LOW-E (U-VALUE 5.7 SHGC 0.47)



33 SECTION 33  
scale 1:50 at A3

client	SUTECH
project	REMEDIAL WORK TO ROOF 12A-14 WILGA STREET BONDI NSW 2026 LOT:25 DP:SP4233

scale	1:50 at A3
drawn	RB
project no	BA2217
drawing title	UNIT 11 SECTIONS 22/33
drawing no	<b>A063</b>

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NSW Registered Architect Rob Burton 9224

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# Low Density Residential Development



## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-50/2023 (PAN-308974)
<b>Site address</b>	396 Bronte Road BRONTE
<b>Proposal</b>	Alterations and additions to detached dwelling including new first floor addition and swimming pool to the rear
<b>Date of lodgement</b>	9 March 2023
<b>Owner / Applicant</b>	Ms L S Medina
<b>Submissions</b>	Fifteen submissions
<b>Cost of works</b>	\$485,000
<b>Principal Issues</b>	Privacy
<b>Recommendation</b>	That the application be <b>APPROVED</b> in accordance with the conditions contained in the report.

### SITE MAP



## 1. PREAMBLE

### 1.1. Executive Summary

The development application seeks consent for alterations and additions to the existing detached dwelling including a new first floor addition and swimming pool at the rear at 396 Bronte Road, Bronte.

The proposal complies with the FSR and height development standards of the LEP and is consistent with the objectives and controls of the DCP including the key built form controls of setbacks, open space and landscaping and wall height. As discussed throughout this report, the proposal will not harm the character of the street or impact unreasonably upon the amenity of surrounding properties, subject to conditions regarding the privacy treatment of windows.

A total number of 15 submissions from 10 properties were received and the issues raised in the submissions have been considered and addressed in this report and in the recommendation.

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

### 1.2. Site and Surrounding Locality

A site visit was carried out on 1 May 2023.

The site is identified as Lot 1 in DP 950296, known as 396 Bronte Road, Bronte.

The site is rectangular in shape with a frontage to Bronte Road measuring 9.145m. It has an area of 446m<sup>2</sup> and falls from the front towards the rear by approximately 2m.

The site is occupied by a two-storey detached dwelling with vehicular access provided from Bronte Road to a carport built up to the front boundary of the site.

The site is adjoined by three-storey residential flat building to the west and a two-storey dwelling to the east. The locality is characterised by a variety of low and medium density residential development including dwelling houses and residential flat buildings.

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



**Figure 1:** Front elevation as viewed from Bronte Road



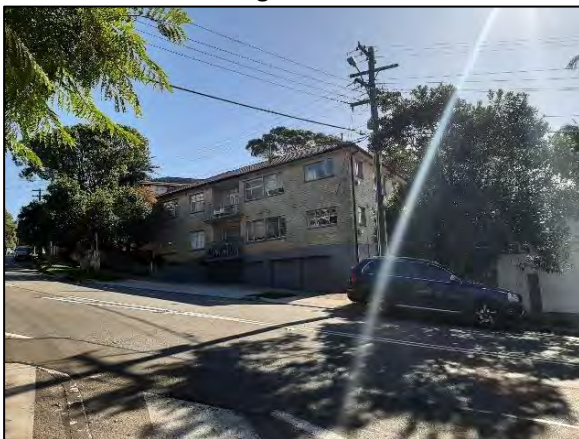
**Figure 2:** Rear elevation of the dwelling



**Figure 3:** Western elevation of the subject site as viewed from driveway of adjoining residential flat building to the west



**Figure 4:** Rear yard as viewed from existing rear balcony



**Figure 5:** Streetscape to the west



**Figure 6:** Streetscape to the east



### 1.3. Relevant Development History

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

- **CD-139/2020** for modification of the existing garage to widen the garage door, installation of a new pedestrian gate and demolition of part of the front porch and new replacement was approved by a Private Certifier on 21 October 2020.

### 1.4. Proposal

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

- Replacement and extension of the existing carport at the front of the site.
- Extension of the existing rear elevated balcony at the ground floor level and new timber stairs to the rear yard.
- New front entry and porch on the eastern side of the dwelling.
- New upper floor addition containing bedrooms, living room, bathrooms and a balcony extending from the main bedroom at the rear.
- Internal alterations and new windows on all elevations.
- Excavation of the rear yard to align with the lower level of the dwelling.
- New swimming pool within the rear yard.

### 1.5. Background

The development application was lodged on 9 March 2023 and a request for further information was made on 15 March 2023 for the following reason (summarised):

1. Incorrect gross floor area (GFA) calculations as the existing storage rooms at the lower ground floor level have not been included.

Amended plans were received on 30 March 2023 which nominate these areas as plant rather than storage (which is excluded from GFA/FSR calculations). The remaining lower ground floor storage areas continue to be included in GFA/FSR calculations, excluding only those areas nominated as plant.

After preliminary assessment and notification, the application was deferred on 18 May 2023 to address the following matters (summarised):

1. Inaccurate/insufficient plans and documentation.
2. Design changes:
  - *The rear first floor balcony exceeds the maximum controls of Development Control Plan 2022 (DCP) for elevated balconies being a maximum of 10m<sup>2</sup> area and depth of 1.5m. Given that the balcony will be directly opposite the principal balcony on the upper floor level at 394 Bronte Road,*

*this balcony is to be deleted or reduced in size to comply with the maximum provisions of the DCP (refer to additional comments below regarding rear setback).*

- *The proposed rear ground level deck has a depth of 4m and area of 21m<sup>2</sup> exceeding the DCP maximum controls. Acknowledging that there are other large decks to surrounding properties within the immediate vicinity of the site and the deck is accessed via a living room, a variation to the maximum controls of the DCP may be acceptable in this area provided that privacy impacts upon adjoining properties are minimised through appropriate screening where necessary and the depth is reduced to 2.5m.*
- *The proposed staggered rear setback of the upper floor level between the reduced setback of the properties to the west and the increased setback of the properties to the east is considered appropriate. However, the balcony extending from the rear is considered to extend beyond this setback line. In this regard, the balcony is to be removed or set back to extend no further than the currently proposed rear wall of the dwelling at this level (noting that this will result in a reduction in gross floor area).*
- *The extent of the proposed garage is excessive and results in loss of landscaping at the front of the site. The expansion of the carport beyond a single space is not supported as double spaces fronting the street are not characteristic of the streetscape and does not allow for adequate landscaping within the front setback of the site. The proposal does not comply with the controls of DCP 2022 that 50% of the front setback be open space and 50% of that is to be landscaped area. In this regard, the front landscaped area is to be increased by moving the bins storage to the rear of the garage/carport and reducing the width of the garage/carport at the street accordingly. At present, the structure is a carport however if this is to be enclosed and converted to a garage, the additional space beyond the car space is included in gross floor area (GFA) calculations (including bin storage). Please note that no variation to the FSR development standard will be supported on this site.*
- *DCP 2022 requires fans for all habitable rooms and prohibits the use of gas for heating and cooking. Please indicate on the plans.*

Amended plans were provided on 21 June 2023 which corrected inaccuracies in the plans, changed the proposed garage to a carport with an associated reduction in size, included a privacy screen to the rear ground level deck, reduced the size of the balcony at the first floor level and reduced the size of the first floor level by 2.5m<sup>2</sup> through a slightly increased rear setback (approximately 1m).

## 2. ASSESSMENT

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

### 2.1. Planning Instruments and Development Control Plans

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

### 2.1.1. State Environmental Planning Policies (SEPPs)

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

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

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

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

**Table 1: Waverley LEP 2012 Compliance Table**

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
<b>1.2 Aims of plan</b>	Yes	The proposal is consistent with the aims of the LEP.
<b>Part 2 Permitted or prohibited development</b>		
<b>Land Use Table</b> <i>R3 Medium Density Residential Zone</i>	Yes	The proposal is defined as a dwelling house, which is permitted with consent in the R3 zone.
<b>Part 4 Principal development standards</b>		
<b>4.3 Height of buildings</b> • 9.5m	Yes	The proposal has a maximum height of 8.9m complying with the development standard.
<b>4.4 Floor space ratio and 4.4A Exceptions to floor space ratio</b> • 0.61:1 • Site Area: 446m <sup>2</sup>	Yes	The proposal has an FSR of 0.6:1 complying with the development standard.
<b>Part 5 Miscellaneous provisions</b>		
<b>5.10 Heritage conservation</b>	Yes	The site is not heritage listed or contained within a heritage conservation area. The site adjoins a heritage conservation area at the rear of the site however the proposal will not impact upon the character or significance of this conservation area with the works predominantly being contained over the existing dwelling and at the front of the site.

Part 6 Additional local provisions		
6.2 Earthworks	Yes	Excavation is contained to the lowering of the rear yard immediately adjoining the existing dwelling and the swimming pool. All standard conditions in relation to excavation are included in the consent conditions and the works are considered acceptable in this regard.

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

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

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

Development Control	Compliance	Comment
<b>1. Waste</b> <ul style="list-style-type: none"> <li>Garbage bins are to be stored in an appropriate location.</li> </ul>	Yes	Satisfactory – bins are to be stored in the carport adjacent to the front boundary from where collection will occur.
<b>2. Ecologically Sustainable Development</b> <ul style="list-style-type: none"> <li>Ceiling or wall mounted fans</li> <li>Gas cooktops, gas ovens or gas internal space heating systems.</li> </ul>	Yes (subject to conditions)	<p>The proposal is generally consistent with the objectives and controls within this part of the DCP as outlined within the BASIX Certificate.</p> <p>An advisory condition regarding gas heating and cooking is included in Appendix A.</p>
<b>3. Landscaping, Biodiversity and Vegetation Preservation</b>	Yes	The proposal does not include the removal of trees, with only various hedging plants to be removed however with the majority retained. Council's Tree Management Officer has inspected the site and is satisfied with the proposal subject to conditions regarding the protection of the existing street tree at the front of the site.
<b>5. Water Management</b>	Yes	Satisfactory
<b>7. Transport</b> <b>7.1 Streetscape</b> <b>7.2 On-Site Parking</b> <b>7.2.1 Vehicle Access</b>	Yes	<p>The amended proposal will increase the size of the existing carport structure at the front of the site built up to the front boundary providing sufficient area for the parking of one vehicle (as existing) and a motorcycle space. This is considered acceptable.</p> <p>The subject site is located within Parking Zone 2. The proposal does not exceed the maximum rate</p>

Development Control	Compliance	Comment
<b>7.2.2 Parking Rates</b> <i>Minimum parking rate:</i> <ul style="list-style-type: none"> <li>• Nil</li> </ul> <i>Maximum parking rate:</i> <ul style="list-style-type: none"> <li>• Two</li> </ul>		of parking allowable under the DCP (maximum of 2 vehicle spaces).  The driveway crossover is acceptable.
<b>8. Heritage</b>	Yes	Satisfactory
<b>11. Design Excellence</b>	Yes	Satisfactory
<b>13. Excavation</b>	Yes	The proposal does not include excavation within the footprint of the building. All storage spaces and plant rooms at the lower ground floor level are existing.  As previously discussed in Table 1, the excavation is for the swimming pool and the lowering of the rear yard to allow level access to the lower ground floor level.  The proposal does not exceed the maximum permitted excavation controls of the DCP.

**Table 31: Waverley DCP 2022 – Part C1 Low Density Residential Development Compliance Table**

Development Control	Compliance	Comment
<b>1.0 General Objectives</b>		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
<b>1.1 Height</b>		
<b>Flat roof dwelling house</b> <ul style="list-style-type: none"> <li>• <i>Maximum wall height of 7.5m</i></li> </ul> *The roof pitch is approximately 6° and as such is classified as a flat roof.	Yes	The wall height is a maximum of 6.3m as the upper floor level is inset from the levels below. The setting in of the upper level lessens the bulk of the structure when viewed from surrounding properties and provides articulation to all facades.
<b>1.2 Setbacks</b>		
<b>1.2.1 Front and rear building lines</b> <ul style="list-style-type: none"> <li>• <i>Predominant front building line (adjacent three neighbours on either side)</i></li> <li>• <i>Predominant rear building line at each floor</i></li> </ul>	Yes	The proposal maintains the existing front building alignment at the street boundary.  Refer to discussion below this table in relation to rear setbacks.

Development Control	Compliance	Comment
<i>level (adjacent three neighbours or either side)</i>		
<b>1.2.2 Side setbacks</b> <ul style="list-style-type: none"> <li>• <i>Minimum of 0.9m for ground floor and first floors)</i></li> <li>• <i>Minimum 1.5m for second floor</i></li> </ul>	No	<p>The proposal maintains the lower ground and ground floor level setbacks of the existing dwelling. The proposed upper floor addition will be setback 1.445m from the western boundary and 2.454m from the eastern boundary. The minor variation from the western side boundary is considered acceptable as it is only 5cm which will have no discernible impact upon the appearance of the dwelling or surrounding properties. Given that the design of the upper floor addition is a mansard style, the setback increases from the base to the roof of the upper floor addition due to the slight slope to the side walls.</p>
<b>1.3 Streetscape and visual impact</b>		
<ul style="list-style-type: none"> <li>• <i>New development to be compatible with streetscape context</i></li> <li>• <i>Replacement windows to complement the style and proportions of existing dwelling</i></li> <li>• <i>Significant landscaping to be maintained.</i></li> </ul>	Yes	<p>The proposed alterations to the existing building will result in a contemporary dwelling within the streetscape. The proposal will present to the street as a two-storey building with a contemporary mansard style roof. The proposal is not out of character with the mixed typologies of buildings within the area.</p> <p>The amended proposal retains landscaping within the front setback contributing to the character of the street.</p>
<b>1.4 Fences</b>		
<p><u>Front:</u></p> <ul style="list-style-type: none"> <li>• <i>Maximum height of 1.2m</i></li> <li>• <i>Solid section no more than 0.6m in height</i></li> </ul> <p><u>Side and Rear:</u></p> <ul style="list-style-type: none"> <li>• <i>Maximum height of 1.8m</i></li> </ul>	Yes	<p>The existing dwelling contains a high front boundary fence (approximately 1.5m). The proposal retains the front fence however includes the relocation of the timber entry gate. This is considered acceptable given the height of the existing front fence.</p> <p>The plans indicate standard 1.8m high fencing in the rear yard where replacement fencing is required.</p>
<b>1.5 Visual and acoustic privacy</b>		
<ul style="list-style-type: none"> <li>• <i>Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are</i></li> </ul>	No	Refer to detailed discussion following this table.

Development Control	Compliance	Comment
<p><i>screened or other appropriate measures are incorporated into the design</i></p> <ul style="list-style-type: none"> <li>• <i>External stairs are not acceptable.</i></li> <li>• <i>Maximum size of balconies: 10m<sup>2</sup> in area 1.5m deep</i></li> <li>• <i>Roof tops to be non-trafficable unless predominant in the immediate vicinity</i></li> </ul>		
<b>1.6 Solar access</b>		
<ul style="list-style-type: none"> <li>• <i>Minimum of 3 hours of sunlight to 50% of living areas and principal open space areas on 21 June to subject site</i></li> <li>• <i>Minimum of 3 hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June.</i></li> <li>• <i>Avoid unreasonably overshadowing of solar collectors (including habitable windows).</i></li> </ul>	Yes	<p>Living area windows and the principal area of private open space are oriented to the north with optimal solar access.</p> <p>The additional overshadowing caused by the proposed development will principally fall over the street in front of the site however there may be some additional overshadowing of adjoining sites. Despite this, the reasonableness of the overshadowing impact is considered based on the performance and compliance of the development with relevant built form development standards and controls as well as the site's orientation.</p> <p>As demonstrated in this report, the development complies with the building height and FSR development standards under the LEP and with setbacks and open space/landscaped area controls under the DCP. Based on the proposal's compliance with the key built form controls, any additional overshadowing impact caused by the proposed development is deemed reasonable and non-adverse and anticipated for any compliant redevelopment of the subject site.</p>
<b>1.7 Views</b>		
<ul style="list-style-type: none"> <li>• <i>Views from the public domain are to be maintained</i></li> <li>• <i>Development to be designed and sited so as to enable a sharing of views with surrounding</i></li> </ul>	Yes	No known significant views from surrounding properties will be impacted by the proposal.

Development Control	Compliance	Comment
<i> dwellings particularly from habitable rooms and decks.</i>		
<b>1.8 Car parking</b>		
<b>1.8.1 Design Approach</b> <ul style="list-style-type: none"> <li>• <i> Parking only allowed where site conditions permit</i></li> <li>• <i> Designed to complement the building and streetscape</i></li> <li>• <i> Car parking structures to be behind the front building line</i></li> <li>• <i> Driveways are to be located to minimise the loss of on street parking</i></li> <li>• <i> Parking to be provided from secondary streets or lanes where possible.</i></li> </ul>	Yes (existing)	<p>The proposal replaces an existing single carport built up to the street alignment extending by 900mm to the west to provide an additional motorcycle space. The carport will also be extended toward the dwelling to provide a covered area for the storage of bins. The enlargement of the existing carport is not considered unreasonable as the impact upon the streetscape of a parking structure within the front setback already exists.</p> <p>The proposal will not result in a loss of on-street parking as the existing kerb and gutter crossing is to be retained.</p>
<b>1.8.2 Parking rates</b>	Yes	The proposal is consistent with the maximum parking rate of the DCP.
<b>1.8.3 Location</b> <ul style="list-style-type: none"> <li>• <i> Parking to be behind front building line for new dwellings</i></li> <li>• <i> Existing development to be in accordance with the hierarchy of preferred car parking locations</i></li> </ul>	Yes	Although not behind the front building line, the front carport is existing. The marginal expansion of the carport will not result in unreasonable additional impacts upon the streetscape.
<b>1.8.4 Design</b> <ul style="list-style-type: none"> <li>• <i> Complement the style, massing and detail of the dwelling</i></li> <li>• <i> Secondary in area and appearance to the design of the residences</i></li> <li>• <i> No part of the façade is to be demolished to accommodate car parking</i></li> </ul>	Yes	<p>The design and style of the replacement carport is consistent with the style of the proposed additions presenting a cohesive design to the streetscape.</p> <p>The carport has a secondary appearance to the dwelling.</p> <p>The façade of the building is not being demolished to accommodate a parking space as sufficient area is already provided in the existing front carport.</p>
<b>1.8.5 Dimensions</b> <ul style="list-style-type: none"> <li>• <i> 5.4m x 2.4m per vehicle</i></li> </ul>	Yes	The proposed carport meets the minimum dimensions required.
<b>1.8.6 Driveways</b>	Yes	The proposal retains and utilises the existing driveway and kerb and gutter crossing.



Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>• <i>Maximum of one per property</i></li> <li>• <i>Maximum width of 3m at the gutter (excluding splay)</i></li> <li>• <i>Crossings not permitted where 2 on street spaces are lost</i></li> </ul>		
<b>1.9 Landscaping and open space</b>		
<ul style="list-style-type: none"> <li>• <i>Overall open space: 40% of site area</i></li> <li>• <i>Overall landscaped area: 20% of site area, with at least half deep soil</i></li> <li>• <i>Minimum area of 25m<sup>2</sup> for private open space</i></li> <li>• <i>Front open space: 50% of front building setback area</i></li> <li>• <i>Front landscaped area: 50% of front open space provided</i></li> <li>• <i>Outdoor clothes drying area to be provided</i></li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<ul style="list-style-type: none"> <li>• 49% of the site as open space.</li> <li>• 33% of the site as landscaped area with 100% as deep soil.</li> <li>• Rear yard is 160m<sup>2</sup></li> <li>• 50% of the front setback is retained as open space.</li> <li>• 75% of the front open space is landscaped area.</li> <li>• The existing outdoor clothes drying area within the side setback is to be retained.</li> </ul>
<b>1.10 Swimming pools and spa pools</b>		
<ul style="list-style-type: none"> <li>• <i>Located in the rear of property</i></li> <li>• <i>Pool decks on side boundaries must consider visual privacy</i></li> <li>• <i>All pool equipment to be enclosed within an acoustically treated enclosure</i></li> </ul>	<p>Yes</p>	<p>The proposed swimming pool is located at the rear of the site. The area surrounding the pool is at ground level and will not have privacy impacts upon surrounding properties.</p> <p>The proposal includes an enclosed area for pool plant and an appropriate condition is imposed regarding acoustic treatment.</p>

The following is a detailed discussion of the issues identified in the compliance tables above in relation to the Waverley DCP 2022.

### *Rear setbacks*

DCP 2022 requires that extensions to existing buildings are to extend no further than the rear predominant building line. The predominant building line can be considered to be the three adjacent neighbours on either side. Notwithstanding this control, the DCP requires that development at first floor level and above shall be set back from the rear building line of the ground floor level in order to minimise bulk and scale impacts and provide visual relief for the open space and living areas at adjacent properties.

The ground and lower ground floor levels are retained. The proposed upper floor level will extend over most of the ground level footprint retaining a 1.1m setback from the level below at the rear.

**Figure 7** demonstrates the rear building lines of properties surrounding the site and indicates that the properties to the east have greater setbacks than the properties to the west which extend much further into the site. **Figure 7** also demonstrates that the existing rear setback of the subject building responds to the reduced setbacks of the properties located to the west of the site, rather than those to the east. It is clear that there is no predominant rear setback to surrounding properties. In response to this the proposed upper floor addition has been designed to provide a staggered setback between the greater setback of No. 394 Bronte Road to the west and the reduced setback of No. 398 Bronte Road to the east. Amended plans have increased the rear setback of the upper floor level to provide a setback from the lower level lessening the perceived bulk of the building from adjoining properties and the rear.



**Figure 7:** Aerial imagery of the subject site (outlined in red) and surrounding properties (Source: NearMap)

It should be noted that the proposed upper floor addition has been designed to be contained over the footprint of the existing building on the site and comply with the FSR development standard applicable to the site. As such, the rear setback is considered acceptable.

## *Privacy*

New windows at the upper floor level are to bedrooms and non-habitable rooms which are rooms of low use with fewer associated privacy impacts. No unreasonable privacy impacts upon adjoining properties are anticipated as a result of these windows.

The proposal includes the infilling of existing windows and provision of new windows on all elevations at the ground and lower ground floor levels. The new windows at the lower ground floor level will have no privacy impacts upon adjoining properties being obscured by boundary fencing.

New windows at the ground floor level are generally opposite the driveway and lower level garages at the residential flat building to the west and as such will not have unreasonable privacy impacts.

There is no side boundary fence between the subject property and the dwelling to the east, No. 398 Bronte Road and as such, windows along both side elevations of these buildings have outlook to each other as shown in **Figures 8 to 11** below. Notwithstanding, the proposal has designed windows to be largely offset from windows on the adjoining property. The two new dining room windows (W108 and W109) are located opposite a balcony (refer to **Figure 10**) on the adjoining property however these have raised sill heights of 1.2m. Notwithstanding there is the potential for cross-viewing and the opportunity to improve existing privacy impacts between the sites and as such a condition will require that these windows are screened or provided with obscure glazing.

The same is true for the two new living area windows (W110 and W111) with the potential for overlooking of the rear yard of No. 398. Although at present, there is vegetation which blocks the views into this property, this should not be relied upon as the only means of protecting privacy from living area windows. Given that these are secondary windows, with the main light source being via glazed doors on the rear elevation, screening or obscure glazing is not considered to be an onerous requirement.

The remaining windows are considered acceptable in relation to privacy impacts particularly as cross-viewing between windows is already high (refer to figures below) and exacerbated by the lack of side boundary fencing between the two sites.



**Figure 8:** Existing eastern side boundary setback looking toward the front of the site (south) showing windows on the subject site (right) and opposing windows on the side elevation of 398 Bronte Road



**Figure 9:** Existing eastern side boundary setback looking toward the rear of the site (north) showing windows on the subject site (left) and opposing windows on the side elevation of 398 Bronte Road



**Figure 10:** View from existing windows into the rear balcony of the adjoining property at No. 398 Bronte Rd

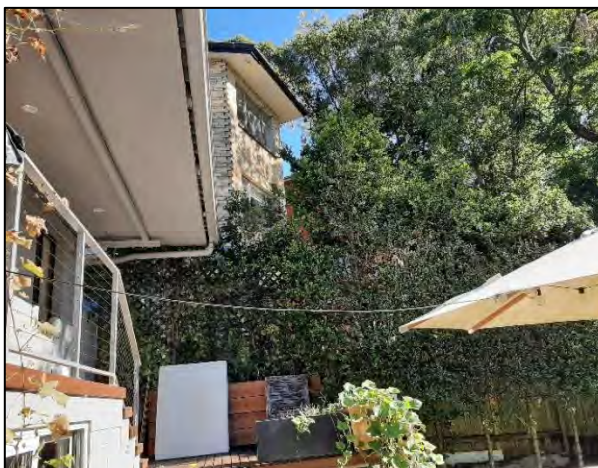


**Figure 11:** View from existing windows into the windows on the side elevation of the adjoining property at No. 398 Bronte Rd

The proposal also includes a Juliet balcony on the eastern side elevation at the ground floor level from the proposed office which is opposite a window on the adjoining property at No. 398 Bronte Road. The plans appear to show that the lower balustrade to the Juliet balcony is solid however this is not clear. The Juliet balcony will have balustrades flush with the window (ie, it is not strictly a balcony as a person cannot stand external to the room) and if the balustrade is solid, this would have no greater impact than a standard window. As such, a condition to this effect is recommended.

The proposal also includes new rear balconies at the ground and first floor levels. The first floor level balcony has been reduced in size to comply with the controls of the DCP with an area of 6.6m<sup>2</sup> and depth of 1.5m. This balcony is accessed from a bedroom which is a room of low use with reduced privacy impacts as compared to living areas. The balcony also has enclosed sides and privacy screening to ensure overlooking of adjoining properties is reduced. This balcony is considered acceptable and will not result in adverse privacy impacts.

The proposed balcony at the ground floor level extends an existing balcony in this location and will exceed the controls of the DCP having an area of 23m<sup>2</sup> and depth of 4m. Although elevated above the rear yard, the balcony is contained at the ground floor level and includes a privacy screen along the eastern boundary to prevent overlooking of the property to the east. To the west, the side boundary contains high, dense hedges and the stairs to the ground level. The setback provided by the stairs and the dense vegetation will inhibit views into the adjoining property (refer to **Figures 12 and 13** below). There are also numerous balconies with the potential to overlook the subject site from both the residential flat building to the west and the dwelling to the east. As such, elevated balconies are characteristic of surrounding properties and the area and there is a degree of mutual overlooking between sites. The proposed ground level balcony is therefore considered acceptable.



**Figure 12:** View from the existing rear balcony towards the west



**Figure 13:** View from the existing rear balcony toward the north-east

The proposal also provides external stairs from the ground floor deck to the rear yard. These stairs are simply a reorientation of existing stairs to the rear yard from the main dwelling. The stairs will be located along the screened western boundary of the site as demonstrated in **Figure 12** above. The reorientated stairs are unlikely to result in unreasonable additional privacy impacts.

The proposal is for a low density development in an area which permits medium density residential development (ie, residential flat buildings). The noise generated from the use of a dwelling house within a residential zone is expected and reasonable.

Given the above analysis and subject to the imposition of recommended conditions, it is considered that the proposal will not result in unreasonable privacy impacts upon surrounding properties.

## 2.2. Other Impacts of the Development

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

## 2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

## 2.4. Any Submissions

The application was notified for 14 days from 30 March 2023 until 17 April 2023 in accordance with the *Waverley Community Development Participation and Consultation Plan*. Seven submissions were received.

Following receipt of amended plans and additional information, the application was re-notified for 14 days from 10 July 2023 in accordance with the *Waverley Community Development Participation and Consultation Plan*. Eight submissions were received.

In all, fifteen submissions from 10 properties were received as listed in **Table 4** below.

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

Count	Property Address
1.	388 Bronte Road BRONTE
2.	1/394 Bronte Road BRONTE
3.	3/394 Bronte Road BRONTE (two submissions)
4.	4/394 Bronte Road BRONTE (two submissions)
5.	7/394 Bronte Road BRONTE
6.	8/394 Bronte Road BRONTE (two submissions)
7.	398 Bronte Road BRONTE (four submissions)
8.	400 Bronte Road BRONTE
9.	402 Bronte Road BRONTE
10.	39 Gipps Street BRONTE

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

- Height and FSR (bulk and scale)
- Overshadowing
- Views
- Visual and acoustic privacy
- Rear setback
- Streetscape impact
- Noise impact of the pool plant

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

**Issue:** *Height could be lowered by lowering the excessive ceiling height of 3.1m in the living area to 2.8m to match the remainder of this level reducing overshadowing of adjoining properties.*

**Response:** The proposal is lower than the height development standard applicable to the site. Overshadowing has been discussed in this report previously.

**Issue:** *The cladding of the upper floor level is too light – visual impact; consider the colour of the materials used in the proposed development to facilitate as much indirect light and glare as possible.*

**Response:** Objections have been received that the roof colour is too light and alternatively that the proposed colour should facilitate indirect light and glare, suggesting the preference for a light colour. There are no controls that require certain colours in the DCP other than in a conservation area. Given the site is not located within a conservation area, there are no controls which apply.

Notwithstanding, materials and finishes have been provided which are considered acceptable. The upper floor level is to be a light grey tone ('southerly' colorbond) noting that light roofing colours absorb less heat contributing to a more environmentally sustainable building.

**Issue:** *Wood burning fireplace will result in environmental and health impacts; BBQ structure may cause heat damage to hedge screening and smoke pollution.*

**Response:** Council does not permit solid fuel burning for heating and a condition to this effect is included in Appendix A. A BBQ is exempt development under the provision of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and subject to certain criteria, consent is not required. The proposed BBQ would comply with the exempt criteria except for the height as it exceeds 1.8m, at 3.5m. In this regard, smoke from the use of a BBQ outdoors is a reasonable expectation within a residential area. Given that the height is over 1.8m, a condition will require a setback of 900mm to limit impacts upon the adjoining property.

**Issue:** *No site notice and notification during Easter period while people are away.*

**Response:** A site notice is not required for the subject development. The application was notified twice in accordance with the *Waverley Community Development Participation and Consultation Plan*.

**Issue:** *Loss of property value.*

**Response:** This is not a planning issue.

*Issue: Loss of views.*

**Response:** The objector has provided photographs demonstrating the view from their property which indicate that the proposal will not impact upon 'significant' views (water, ocean, icons) from the objector's property but will encroach upon district views. The photographs show views of trees, roofscapes and structures on adjoining properties which can be classified as district views or outlook which are not a consideration under the Tenacity View Sharing Planning Principles of the Land and Environment Court. Notwithstanding, the proposal complies with the development standards of the LEP and key built form controls of the DCP and as such, any impact upon views and outlook is not considered unreasonable.

*Issue: Shadow diagrams should be more detailed and prepared by an independent third party.*

**Response:** There is no requirement that the shadow diagrams be prepared by a third party. Highly detailed shadow diagrams are required where a development exceeds a development standard where they must demonstrate that the amenity of surrounding properties is preserved beyond a compliant form (ie. one that complies with the development standards of FSR and height). The subject proposal complies with the FSR development standard and is lower than the maximum permitted by the height development standard. In this regard, the shadow diagrams submitted are sufficient for assessment of this application. Overshadowing has been discussed previously in this report.

*Issue: Out of character with the bulk and scale of surrounding dwellings.*

**Response:** The character of the street is comprised of a mixture of residential dwellings and residential flat buildings. The zoning of the property and surrounding sites as R3 suggest a medium density scale as the appropriate desired future character of the area. Notwithstanding, the proposal will present to the street as a two-storey dwelling with a single garage fronting the street. Although of modern design, the proposal will present to the street as a low-density residential dwelling and is not out of character with the streetscape.

*Issue: The new sunken patio /outdoor entertaining area off the lower ground storage spaces and the internal connecting stair all imply a use other than storage and therefore has implications on the FSR. Furthermore, if it is a "storage space", we question why new windows W002, glazed to ground level are required facing East towards our private outdoor dining space.*

**Response:** The lower ground floor level storage areas have been included in GFA and FSR calculations. The new windows will have no unreasonable privacy impacts upon the adjoining property being located at the lower ground floor level.



*Issue: Inaccuracies and discrepancies in the submitted plans and documentation.*

**Response:** Amended plans have been provided which rectify the discrepancies and these have been notified to surrounding properties. The submitted plans and documentation are considered acceptable for assessment purposes.

*Issue: Construction issues (noise, disturbance, parking, concurrent building works within the street, potential damage to vegetation due to works etc).*

**Response:** Council cannot refuse an application due to impacts during construction. All standard conditions in relation to construction are included in the consent conditions.

*Issue: Noise disturbance from the location of the outdoor pool pump.*

**Response:** A condition of consent requires that the pool pump be housed in a soundproof enclosure and shall only operate for limited hours to ensure any disturbance is minimised.

*Issue: Loss of green space at the rear.*

**Response:** The proposal complies with the landscaping controls of the DCP as discussed within this report. The site is extensively landscaped with the majority of vegetation being retained including the high hedging along the western side and rear boundary of the site.

*Issue: The GFA calculations are incorrect as they do not include the enclosed terrace at first floor level and the additional area within the garage.*

**Response:** The first floor level terrace is open on the rear elevation and as such is not enclosed on all sides. This area is therefore excluded from GFA/FSR. Additionally, the amended proposal has reduced the size of the vehicular parking and has retained the structure as a carport rather than an enclosed garage. The carport is enclosed by fencing however this is not an external 'wall' for the purposes of calculating GFA.

*Issue: The proposal does not retain the Federation style of the dwelling and those adjoining on Bronte Road, including a heritage listed building to the east.*

**Response:** The property sits at the end of a row of traditional dwellings to the east, including a heritage listed building at 402 Bronte Road. However, the subject site is itself is not a heritage item and it is not contained within a conservation area. The proposal is separated from the heritage item by two properties and will not harm the significance of the item itself. Although the alterations and additions have a contemporary design, this is not out of keeping with other modern buildings and additions within the streetscape.

*Issue: Potential damage to vegetation on the adjoining site through the excavation for the lowering of the rear yard and the pool and the outdoor BBQ.*

**Response:** The proposal includes a new swimming pool within the rear yard adjacent to the swimming pool on the neighbouring property at No. 394 Bronte Road. **Figures 14 and 15** below show the existing side boundary fence between the two properties. It is clear that the fencing is not compliant with the Swimming Pools Act and as such will need to be replaced with the construction of the proposed pool at the subject site which will generally impact upon vegetation that is on the boundary. The impact of trees and vegetation encroaching upon the subject site is a civil matter between the two property owners. Notwithstanding, a condition will require that the BBQ is set back 900mm from the boundary given it is of a larger size than a standard BBQ.



**Figure 14:** Existing side boundary fence between adjoining property (swimming pool located at adjoining property)

*Issue: The landscaping plans and calculations are incorrect as it is showing vegetation on adjoining properties.*

**Response:** The landscaping calculations within this report differ from those shown on the plans as the Council's Assessment Planner has carried out a separate calculation. The calculations of the Assessment Planner do not include the landscaping shown on the boundary along the eastern side setback of the dwelling as this does not appear to be located on the subject site. The landscaping calculations are contained to the rear and front yards and the western side setback and complies with the requirements of the DCP.

## 2.5. Public Interest

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

### 3. REFERRALS

The following internal referral comments were sought:

#### 3.1. Traffic and Development

Comments were provided in relation to the original proposal including that the width of the garage door is to be reduced to a maximum of 3.9m. The amended plans reduce the width from 4.6m to 3.8m satisfying this requirement. Conditions were recommended which are included in Appendix A.

#### 3.2. Stormwater

Conditions were provided which are included in the consent conditions.

#### 3.3. Tree Management


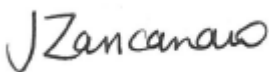

Conditions were provided in regard to the protection of a street tree in front of the site which are included in the consent conditions.

### 4. CONCLUSION

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

### 5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed by:	Application reviewed and agreed by:
		
Kylie Lucas	Jo Zancanaro	Angela Rossi
Senior Development Assessment Planner	Acting Manager, Development Assessment	A/Executive Manager, Development Assessment
Date: 2 August 2023	Date: 3 August 2023	Date: 14 August 2023

*Reason for WLPP referral:*

2. Contentious development (10 or more objections)

**OFFICE USE ONLY**

<b>Clause 4.6 register entry required</b>  (For the purposes of reporting to the planning portal, if the % approved is different to the % proposed in the original submission, please state what the variation initially proposed was – Planning Portal Requirement)	No
<b>Determining Authority</b>  (Concurrence Authority for Clause 4.6 variation)	Local Planning Panel
<b>Affordable Rental Housing Units?</b> *This is a planning portal reporting requirement	No
<b>Secondary Dwelling</b> *This is a planning portal reporting requirement	No
<b>Boarding House</b> *This is a planning portal reporting requirement	No
<b>Group Home</b> *This is a planning portal reporting requirement	No
<b>Trial Period database entry required</b>	No
<b>VPA submitted – follow up actions required</b>	No
<b>Refer to compliance for investigation</b>	No
<b>Commercial/liquor operational conditions</b>	No
<b>Other (please specify):</b>	No

## APPENDIX A – CONDITIONS OF CONSENT

### **A. APPROVED DEVELOPMENT**

#### **1. APPROVED PLANS AND DOCUMENTATION**

The development must be in accordance with:

(a) Architectural Plans prepared by A77 Designs of Project No: 21-004 including the following:

<b>Plan Number and Revision</b>	<b>Plan description</b>	<b>Plan Date</b>	<b>Date received by Council</b>
DA-103 Rev. C	DEMOLITION PLANS & EXISTING FLOOR PLANS	05/05/2023	21/06/2023
DA-201 Rev. C	LOWER GROUND FLOOR PLAN	27/05/2023	21/06/2023
DA-202 Rev. B	GROUND FLOOR PLAN	27/05/2023	21/06/2023
DA-203 Rev. B	FIRST FLOOR PLAN	27/05/2023	21/06/2023
DA-204 Rev. B	ROOF PLAN	27/05/2023	21/06/2023
DA-205 Rev. B	POOL PLAN	27/05/2023	21/06/2023
DA-301 Rev. B	EASTERN ELEVATION & WESTERN ELEVATION	27/05/2023	21/06/2023
DA-302 Rev. C	SECTIONS AA & BB; NORTH & SOUTH ELEVATIONS	27/05/2023	21/06/2023
DA-401 Rev. A	MATERIAL AND COLOURS	06/12/2022	08/03/2023

(b) BASIX Certificates

(c) The Site Waste and Recycling Management Plan (SWRMP) Part 1

Except where amended by the following conditions of consent.

#### **2. GENERAL MODIFICATIONS**

The application is approved subject to the following plan amendments:

(a) The outdoor BBQ is to be set back from the eastern side boundary by a minimum of 900mm.

(b) To protect the privacy of the adjoining property to the east of the site, No. 394 Bronte Road, the following privacy measures are to be implemented to windows on the eastern elevation:

- (i) The new dining room windows defined as W108 and W109 on the plans are to be obscure glazed or fitted with a fixed external privacy screen to a minimum height of 1.6m above finished floor level.
- (ii) The new living area windows defined as W110 and W111 on the plans are to be obscure glazed or fitted with a fixed external privacy screen to a minimum height of 1.6m above finished floor level.
- (iii) The balustrade to the flush balcony (ie, 'Juliet' balcony) defined as D107 on the plans is to be solid.

The amendments are to be approved by the **Principal Certifying Authority** prior to the issue of any Construction Certificate.

**3. DOMESTIC HEATERS**

The provision of solid fuel heating is prohibited.

## **B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

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

### **GENERAL REQUIREMENTS**

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

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

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

#### **5. HOME BUILDING ACT**

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

### **CONTRIBUTIONS, FEES & BONDS**

#### **6. SECTION 7.12 CONTRIBUTION**

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

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

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

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

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

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

#### **7. SECURITY DEPOSIT**

A deposit (cash or cheque) for the amount of **\$12 880** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

#### **8. LONG SERVICE LEVY**

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

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

#### **9. TREE BOND**

A bond of \$5,000 is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the one (1 *Tristaniopsis laurina* (Kanooka or Water Gum) on Scott Street.

The bond is to be lodged prior to the issue of a Construction Certificate.

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

### **CONSTRUCTION MATTERS**

#### **10. HOARDING**



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

#### **11. EROSION & SEDIMENT CONTROL**

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

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

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

#### **12. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION**

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

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

#### **13. ENGINEERING DETAILS**

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

#### **14. ENGINEERING CERTIFICATE OF ADEQUACY**

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

### **STORMWATER & FLOODING**

#### **15. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT**

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

The submitted Water Management Plan prepared by E2 Civil and Structural Design, Project/Job No. 22.257, REV 0, Drawing No. SW1, SW2, SW3, dated 21/11/2022 is considered concept only.

The applicant must submit plans and specifications to comply with the Waverley Council Water Management Technical Manual October 2021 and Development Control Plan 2022 (DCP 2022). The submitted plans shall be prepared by a suitably qualified and practising Civil Engineer and address the following:

- a) Discharge points to the kerb must use the following galvanised steel box-section equivalent to pipe diameters as follows: 100 mm DIA outlet pipe – use 1 x 125 mm x 75 mm x 4 mm (w x h x t).
- b) Any new downpipes are to be located wholly within the property's boundary.
- c) Provide calculations for gutter sizing for 1% AEP storm event and minimum number of downpipes required.
- d) Provide pits / risers at all junctions, change of gradient, change of direction, change in diameter, reflux valves, flat valves, orifice plates, debris screenings for maintenance access.
- e) A grated trench drain shall be provided across the (garage entrance/driveway/street boundary) within private property. Unless otherwise sized by a suitably qualified and practising Engineer, the dimensions of the trench grate shall be no less than 300mm wide by 100mm deep at the shallow end and have a "bottom" slope of 2%. This trench drain shall be connected to an approved drainage system.
- f) Pump-out pit can not be located in the ground drainage plan.
- g) Overland flow path
- h) Ensure stormwater is collected at rear of property
- i) Charged line:
  - i. There must be a minimum difference in height between the roof gutter and the surface level of the discharge pit at the property boundary of 2.0 metres. Where a minimum 2.0 metres of hydraulic head is not provided, hydraulic grade line (HGL) calculations for the 1% AEP storm event are required to demonstrate there is sufficient head to drive the system.
  - ii. A cleaning eye must be provided at the low point in the system within a pit that can be drained to an onsite dispersal system.
  - iii. Sealed cleaning eyes must be placed at 20-meter intervals, at critical bends in the pipeline and at the lowest point in the drainage system.
  - iv. A dribble pit incorporating a pipe with a screw cap on the end and a hole in the cap, shall be provided at the lowest point in the charged system. The base of the pit shall have weep holes which drain into an aggregate bed underneath the pit. The location of the dribble pit is to be shown on the engineering plans.
- j) Pump Out System:
  - i. The discharge rate from the site should not exceed the PSD. A full hydraulic design is required to determine the necessary storage requirements for a range of events up to and including the 1% AEP.
  - ii. An overland flow path and/or surcharge and pondage in a suitably visible area must be provided.
  - iii. In circumstances where no overland path exists, pondage may be approved in a suitable area. These areas must be sited with a view to minimising the cost of damage to occupiers of the property and include signage warning residents that inundation of the area may occur in the event of a pump failure.
  - iv. Screening details must be provided. All electrical fittings and supply must be located to have at least 300 mm freeboard above the maximum water level and/or any overland flow path.
- k) The stormwater management plan must specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.
- l) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system (independent of any OSD system).

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

Notes:

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

## **ENERGY EFFICIENCY & SUSTAINABILITY**

### **16. BASIX**

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

## **WASTE**

### **17. SITE WASTE AND RECYCLING MANAGEMENT PLAN**

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

## **TRAFFIC MANAGEMENT**

### **18. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)**

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

[https://www.waverley.nsw.gov.au/building/development\\_applications/post\\_determination/development\\_applications\\_-\\_conditions\\_of\\_consent](https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent)

## **C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION**

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

### **PRIOR TO ANY WORKS**

#### **19. CONSTRUCTION SIGNS**

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

### **DEMOLITION & EXCAVATION**

#### **20. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS**

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

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

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

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

#### **21. CONTROL OF DUST ON CONSTRUCTION SITES**

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

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

## **22. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS**

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

## **23. EXCAVATION AND BACKFILLING**

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

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

## **CONSTRUCTION MATTERS**

### **24. CONSTRUCTION HOURS**

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

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

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

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

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

### **26. CONSTRUCTION INSPECTIONS**

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

#### **27. CERTIFICATE OF SURVEY - LEVELS**

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

#### **28. WORK OUTSIDE PROPERTY BOUNDARY**

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

#### **29. CONSTRUCTION OF SWIMMING POOLS AND OUTDOOR SPAS**

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

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

#### **TREE PROTECTION AND REMOVAL**

#### **30. TREE PROTECTION**

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

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

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

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

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

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

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

- (a) Trunk protection to be removed at the issue of the Occupation Certificate subject to the satisfaction of Council.
- (b) TPZ – A 1.8m chain link wire fence or the like shall be erected around the above trees to be retained to protect them from damage during construction. Fencing is not to be removed until all building work has been completed. Fencing to be installed to the dimensions outlined in the table above.
- (c) If any tree roots are exposed during any approved works then roots smaller than 30mm are to be pruned as per the specifications below. Any roots greater than 30mm are to be assessed by a qualified arborist before any pruning is undertaken.
- (d) If tree roots are required to be removed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).
- (e) It is the arborist's responsibility to determine if such root pruning is suitable. If there are any concerns regarding this process, then Waverley Council's Tree Management Officer is to be contacted to make final determination.
- (f) If any trees on neighboring properties require pruning, then permission must be gained from the owner of the tree(s) and an Application to Prune or Remove Trees on Private Property is then to be presented to Council for processing.
- (g) If any trees on Council owned land require pruning, the applicant is to supply an tree pruning report from an Arborist with AQF level 5 qualification or above with photos showing the branches that need to be removed.
- (h) If approval is granted the applicant may prune the tree at their expense, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

### **31. HEADROOM CLEARANCE**

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



## **D. PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

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

### **32. FINAL OCCUPATION CERTIFICATE**

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

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

### **33. CERTIFICATION OF BASIX COMMITMENTS**

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

### **34. CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE SYSTEM**

Prior to issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practising Engineer or Plumber, that any new stormwater drainage system has been constructed in accordance with the Development Consent, Water Management Technical Manual October 2021, all applicable Codes, Policies, Plans, Standards, and good engineering practice. Similarly, any retained stormwater drainage system is unblocked, in good working order and to be repaired/replaced to best practice. A copy of the certification must be submitted to Council.

### **35. CERTIFICATION OF SWIMMING POOL/OUTDOOR SPA**

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

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

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

### **36. WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM**

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

### **37. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR PUMP OUT SYSTEM**

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

The wording of the Instrument shall be submitted to and approved by Executive Manager, Infrastructure Services (or delegate) prior to lodgement at NSW Land Registry Services.

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created via an application to the NSW Land Registry Services using forms 13PC and 13RPA. Accompanying this form is the requirement for a plan to scale showing the relative location of the OSD system, including its relationship to the building footprint. Electronic color photographs of the OSD system shall accompany the application for the Positive Covenant and Restriction on the Use of Land.

The Instrument shall be registered, and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate or use of the building. All associated costs shall be borne by the applicant.

### **38. PLANNED PREVENTATIVE MAINTENANCE SCHEDULE FOR PUMP OUT SYSTEM**

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

## **E. ADVISORY MATTERS**

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

### **AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT**

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

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

### **AD2. DIAL BEFORE YOU DIG**

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

### **AD3. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)**

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

**AD4. ALTERATIONS AND ADDITIONS ONLY**

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

**AD5. EXCAVATION TO BE LIMITED**

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

**AD6. BONDI - ROSE BAY SAND BODY**

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

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

**AD7. TREE REMOVAL/PRESERVATION**

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

**AD8. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES**

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

An invoice will be issued to the applicant for the amount payable, which will be calculated based on the design plans for the subject development.

**AD9. ONGOING MAINTENANCE – STORMWATER DRAINAGE SYSTEM**

Council will need to be provided with a pump systems maintenance activity. At a minimum, the pump system must be:

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

**AD10. RAINWATER HARVESTING AND REUSE**

The operation of all devices or appliances installed within the development approved by this consent as required by conditions pertinent to rainwater harvesting and rainwater reuse must be maintained in good operating order at all times.

**AD11. ECOLOGICALLY SUSTAINABLE DEVELOPMENT RECOMMENDATIONS**

- a) Indoor air quality: Council strongly encourages the use of electrical cooktops, ovens and internal heating systems within residential developments to ensure that ambient indoor air quality levels specified in the National Environmental Protection Measure (Ambient Air Quality) are met.
- b) Ventilation: Council strongly encourages the installation of ceiling or wall mounted fans or Heat Recovery Ventilation (HRV) Units within residential developments to enable adequate ventilation of habitable rooms.
- c) Domestic hot water: Council strongly encourages the installation of electric hot water systems. If an electrical system is not installed it is suggested to include specific provisions to enable the future installation.

**AMENDED**

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Application No: DA-50/2023  
Date Received: 21/06/2023

# 396 BRONTE ROAD BRONTE

## LIST OF DRAWINGS

- DA\_001 - Cover Sheet
- DA\_103 - Demolition Plan - Existing Floor Plans
- DA\_104 - GFA Calculations
- DA\_105 - Basix Commitments
- DA\_201 - Lower Ground Floor Plan
- DA\_202 - Ground Floor Plan
- DA\_203 - First Floor Plan
- DA\_204 - Roofs Plan
- DA\_301 - Eastern Elevation & Western Elevation
- DA\_302 - Sections AA' & BB' & South & North Elevations
- DA\_601 - Landscape Plan

## REV

- B
- C
- C
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- B
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- B
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- B



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PROJECT  
**396 BRONTE ROAD  
BRONTE 2024**

CLIENT  
**NATHAN MOORE & LORENA MEDINA**

DEVELOPMENT CONCEPT  
NO FOR CONSTRUCTION

DRAWING  
**COVER SHEET**

PROJECT NO.	DRAWING NO.	REVISION	
21-004	DA-001	B	
SCALE @ A3	DATE	DRAWN	AUTHORISED
1:NTS	15/08/2022	GC	GC

REV	DESCRIPTION	DATE	ISSUED	CHECKED
A	ISSUE FOR DA	06/12/22	GC	GC
B	REQUESTED DESIGN CHANGES	05/05/23	GC	GC

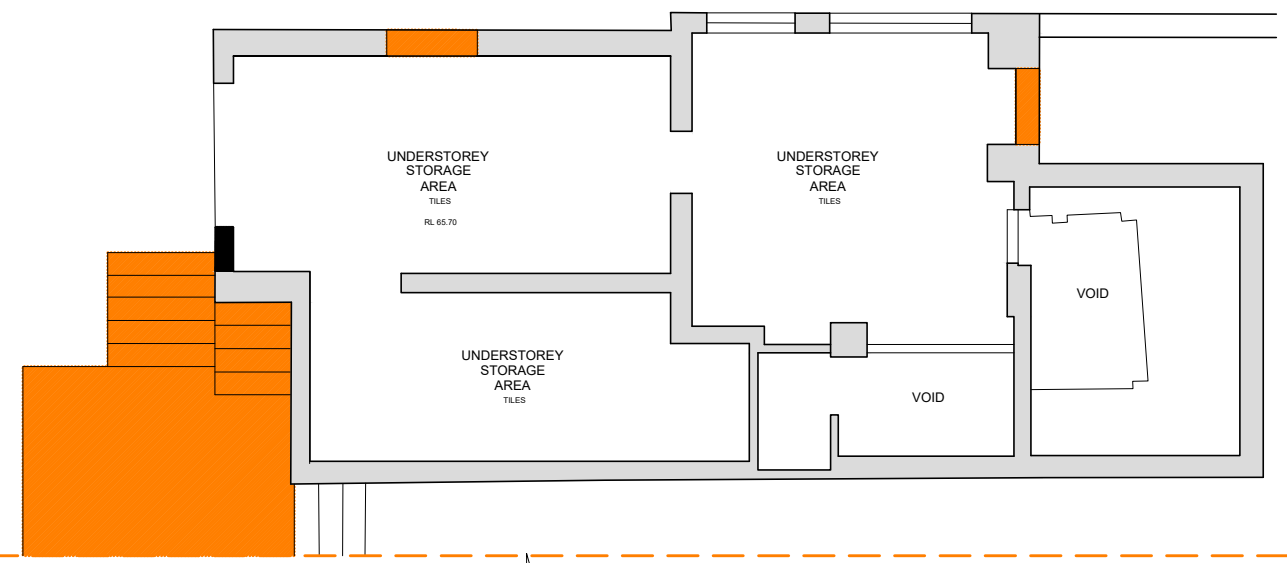
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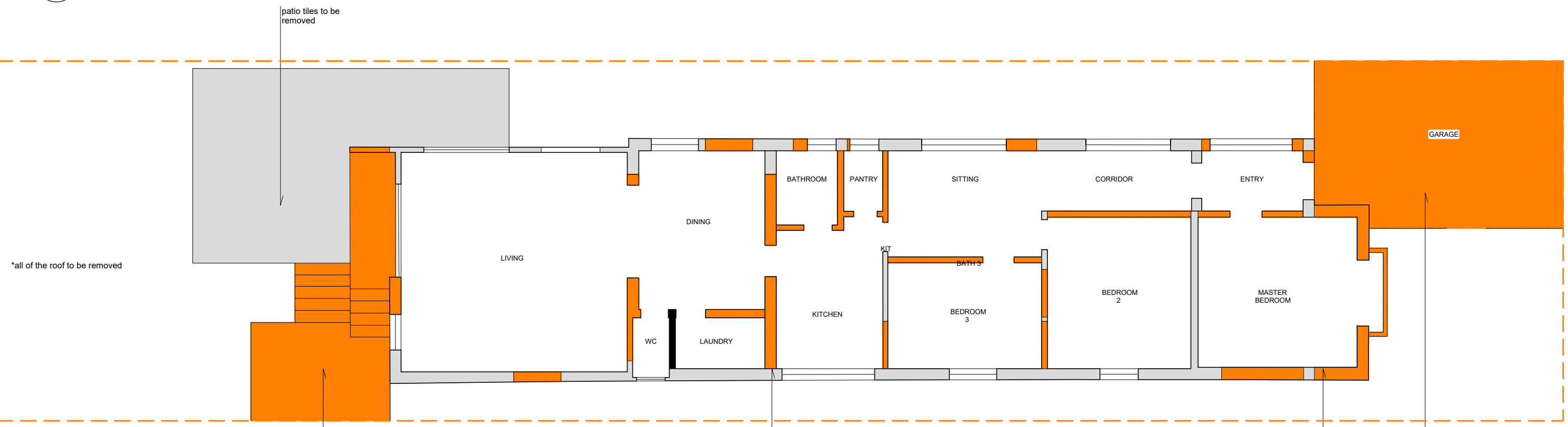
Application No: DA-50/2023

Date Received: 21/06/2023

\*lower ground floor level, mainly remaining untouched. small patching and fixings as also strengthening of the existing structure of the house



**1** EXISTING LOWER GROUND FLOOR PLAN  
DA-103 1:100

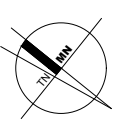


**2** EXISTING GROUND FLOOR PLAN  
DA-103 1:100



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**PROJECT**  
396 BRONTE ROAD  
BRONTE 2024

**CLIENT**  
NATHAN MOORE & LORENA MEDINA

DEVELOPMENT CONCEPT  
NO FOR CONSTRUCTION

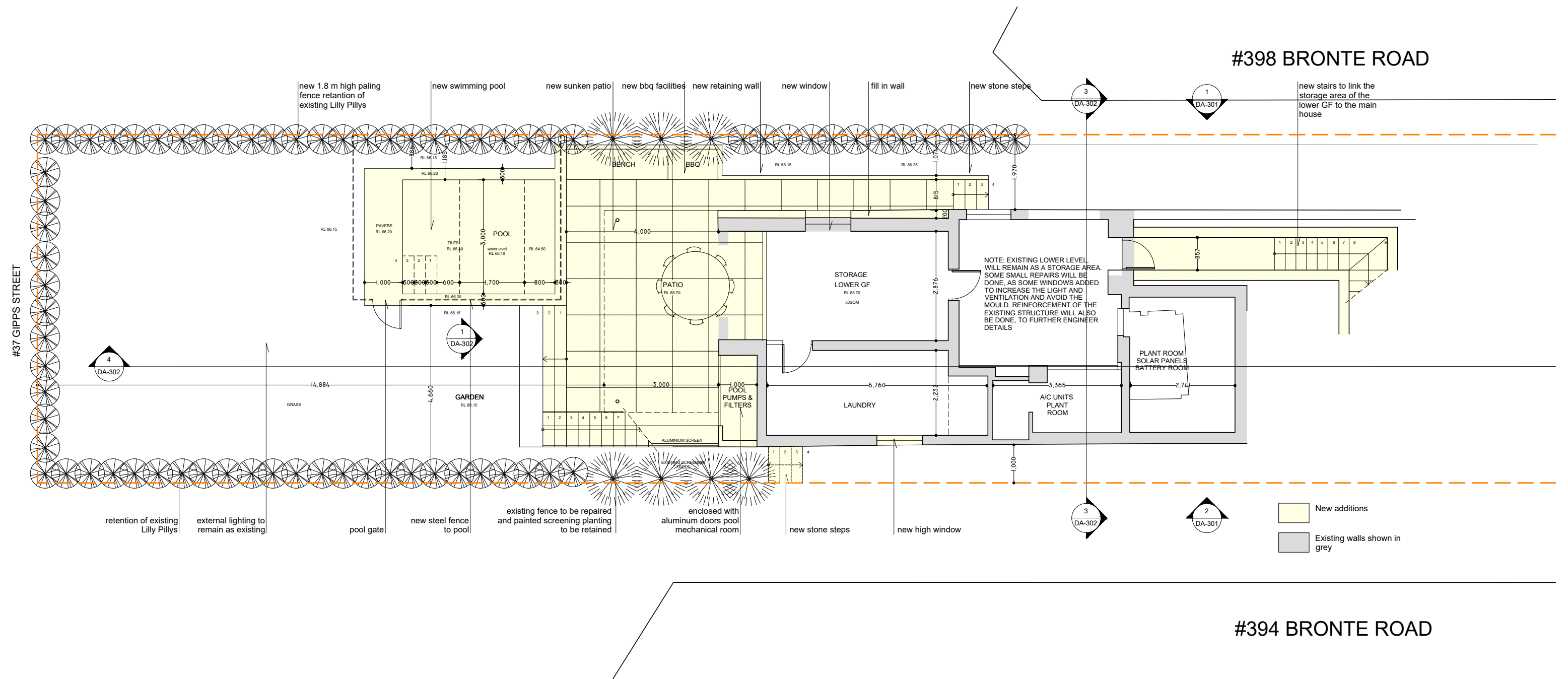
**DRAWING**  
DEMOLITION PLANS & EXISTING FLOOR PLANS

PROJECT NO.	DRAWING NO.	REVISION	
21-004	DA-103	C	
SCALE @ A3	DATE	DRAWN	AUTHORISED
1:100	15/08/2022	GC	GC

REV	DESCRIPTION	DATE	ISSUED	CHECKED
A	ISSUE FOR DA	06/12/22	GC	GC
B	UNDERSTOREY LEFT AS VOID	17/03/23	GC	GC
C	REVIEW OF DEMOLITION PLAN	05/05/23	GC	GC

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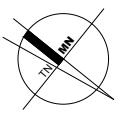


**1** LOWER GROUND FLOOR PLAN  
DA-201



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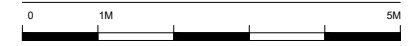
PROJECT  
**396 BRONTE ROAD**  
**BRONTE 2024**

CLIENT  
**NATHAN MOORE & LORENA MEDINA**

DEVELOPMENT CONCEPT  
NO FOR CONSTRUCTION  
Page 186 of 500

DRAWING  
**LOWER GROUND FLOOR PLAN**

PROJECT NO.	DRAWING NO.	REVISION	
21-004	DA-201	C	
SCALE @ A3	DATE	DRAWN	AUTHORISED
1:100	18/05/2022	GC	GC

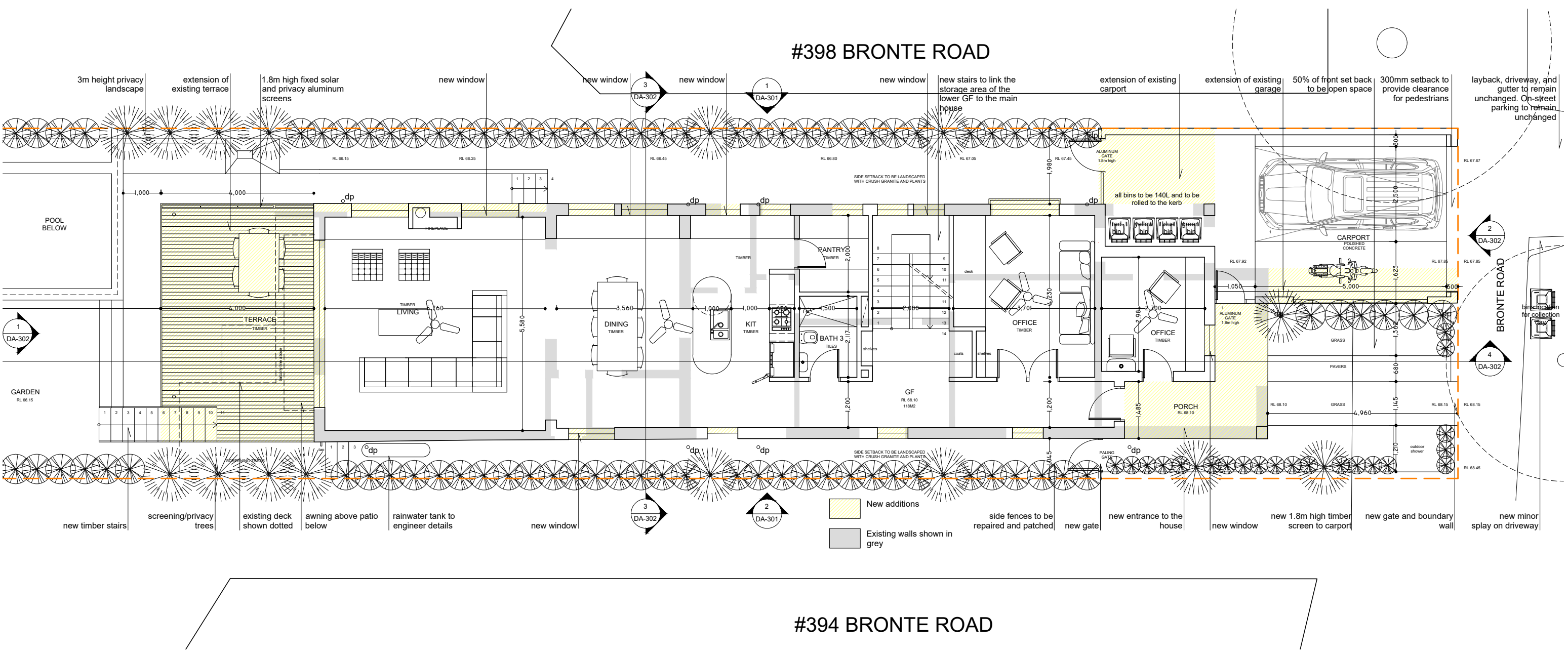


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B	ALLOCATION OF PLANT ROOMS	17/03/23	GC	GC
C	REQUESTED DESIGN CHANGES AND DRAWINGS	27/05/23	GC	GC



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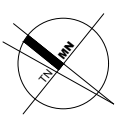


**1** GROUND FLOOR PLAN  
 DA-202



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**PROJECT**  
 396 BRONTE ROAD  
 BRONTE 2024

**CLIENT**  
 NATHAN MOORE & LORENA MEDINA

**DEVELOPMENT CONCEPT**  
 NO FOR CONSTRUCTION

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**DRAWING**  
 GROUND FLOOR PLAN

PROJECT NO. 21-004    DRAWING NO. DA-202    REVISION B  
 SCALE @ A3 1:100    DATE 18/05/2022    DRAWN GC    AUTHORISED GC

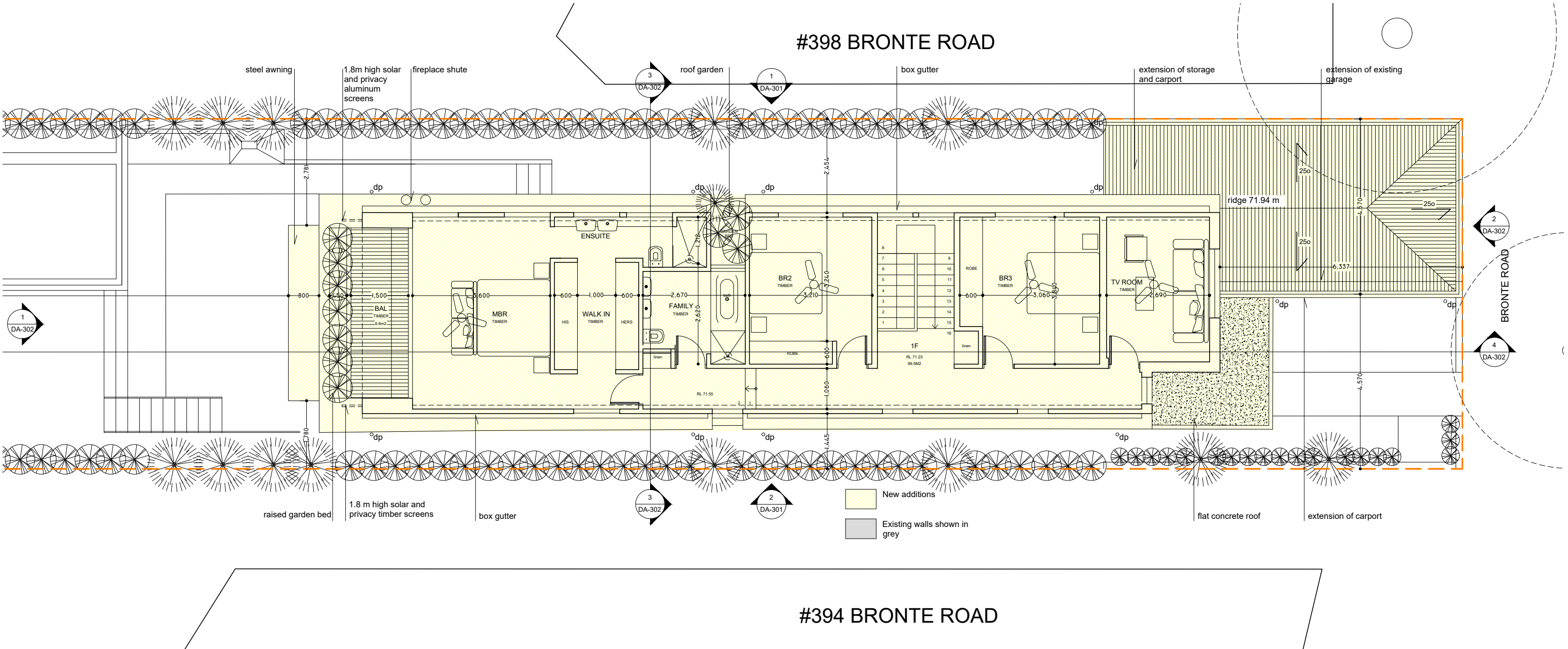
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A	ISSUE FOR DA	06/12/22	GC	GC
B	REQUESTED DESIGN CHANGES AND DRAWINGS	27/05/23	GC	GC

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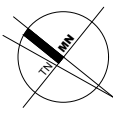


**1** FIRST FLOOR PLAN  
DA-203



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**PROJECT**  
396 BRONTE ROAD  
BRONTE 2024

**CLIENT**  
NATHAN MOORE & LORENA MEDINA

DEVELOPMENT CONCEPT  
NO FOR CONSTRUCTION

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**DRAWING**  
FIRST FLOOR PLAN

PROJECT NO.	DRAWING NO.	REVISION	
21-004	DA-203	B	
SCALE @ A3	DATE	DRAWN	AUTHORISED
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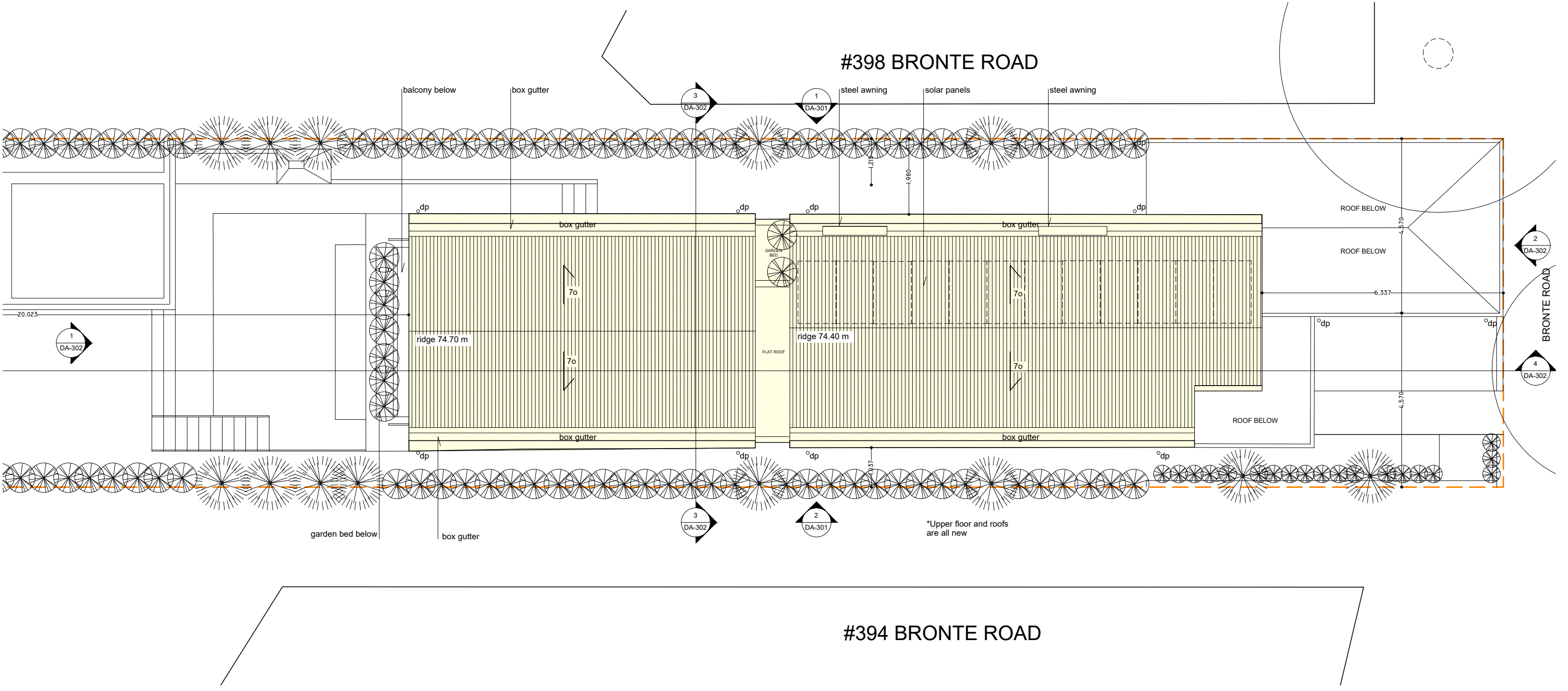
REV	DESCRIPTION	DATE	ISSUED	CHECKED
A	ISSUE FOR DA	06/12/22	GC	GC
B	REQUESTED DESIGN CHANGES AND DRAWINGS	27/05/23	GC	GC

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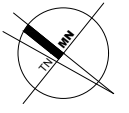


**1** ROOFS PLAN  
DA-204



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**PROJECT**  
396 BRONTE ROAD  
BRONTE 2024

**CLIENT**  
NATHAN MOORE & LORENA MEDINA

DEVELOPMENT CONCEPT  
NO FOR CONSTRUCTION

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**DRAWING**  
ROOFS PLAN

PROJECT NO.	DRAWING NO.	REVISION	
21-004	DA-204	B	
SCALE @ A3	DATE	DRAWN	AUTHORISED
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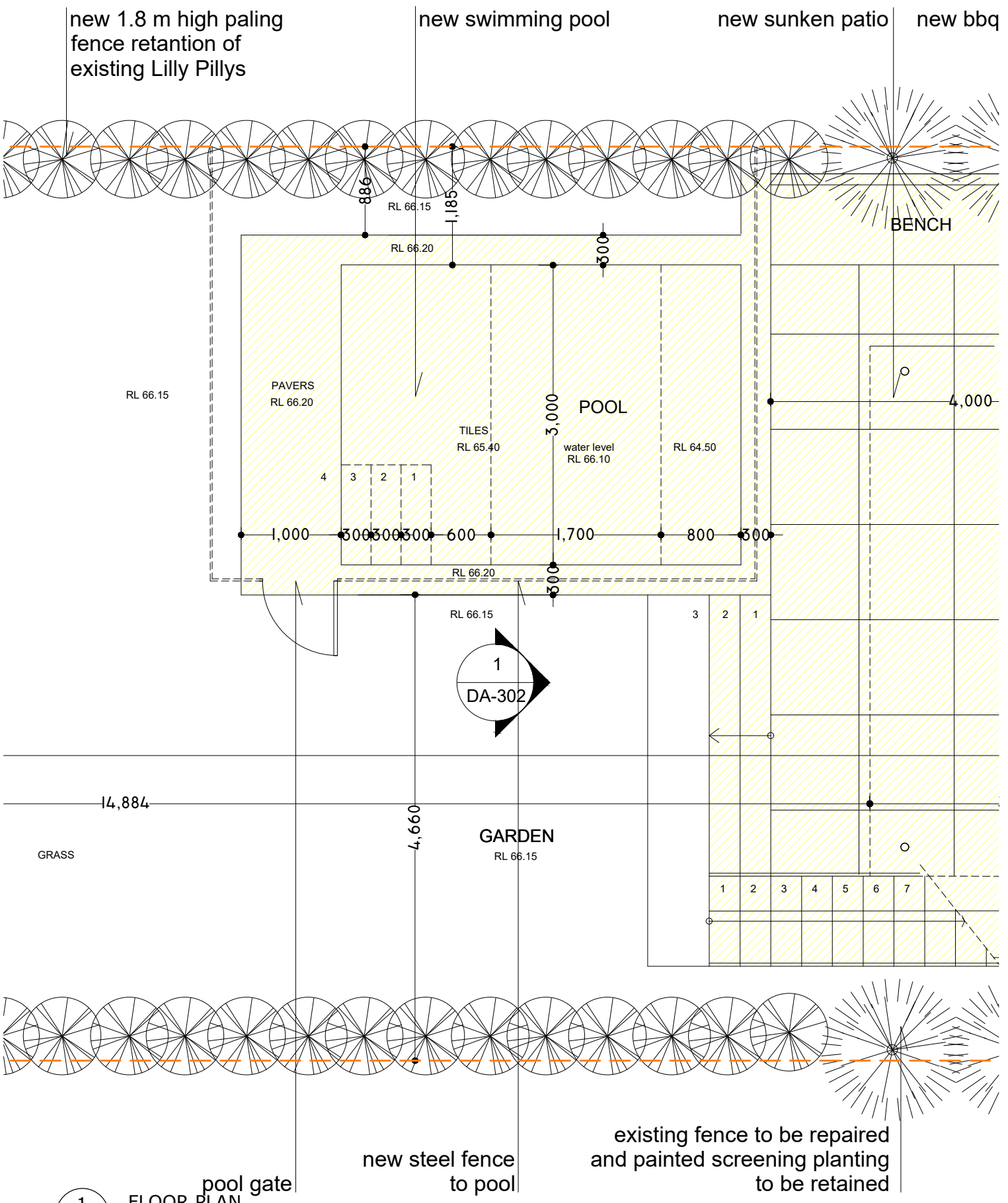
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B	REQUESTED DESIGN CHANGES AND DRAWINGS	27/05/23	GC	GC

# AMENDED

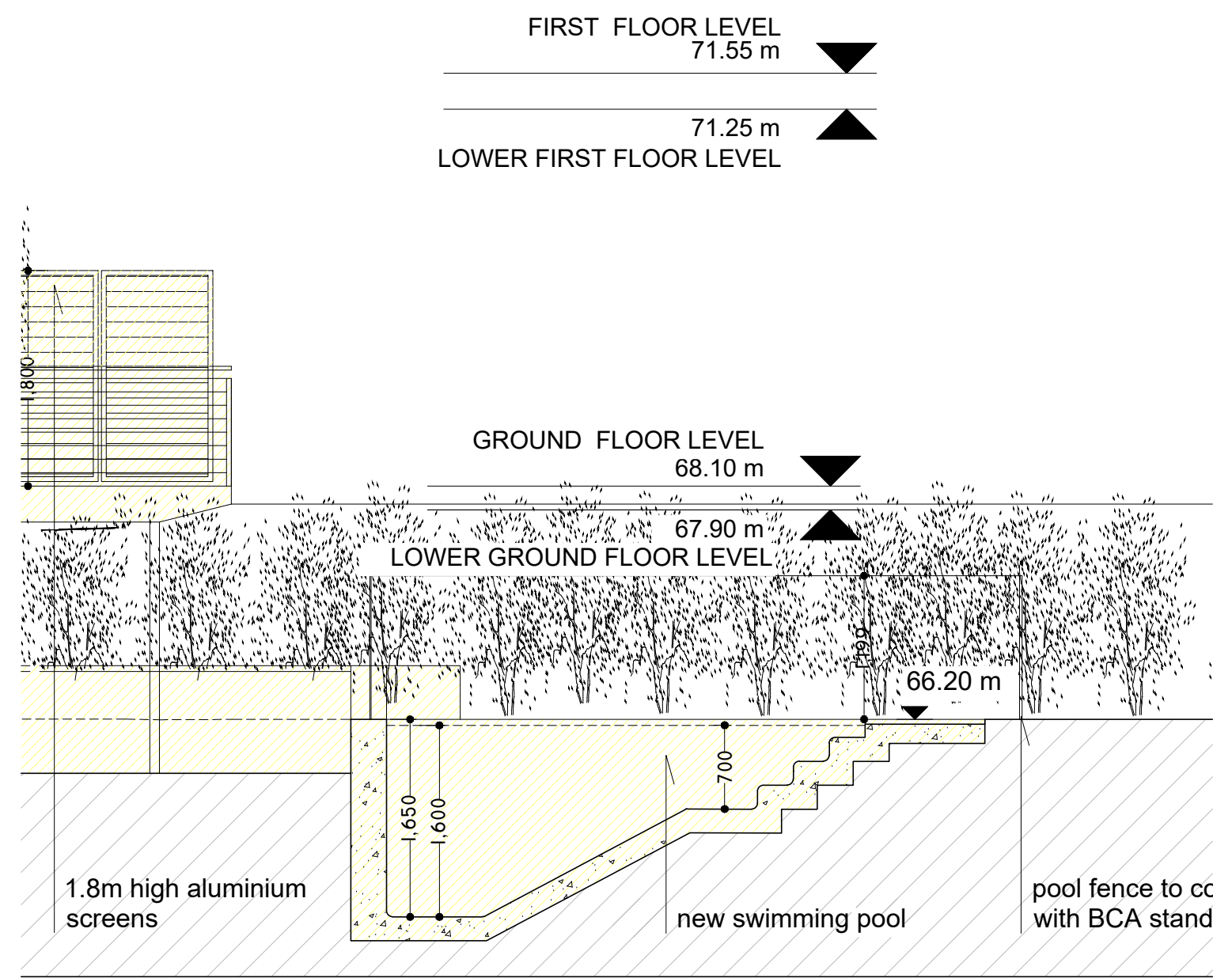
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Application No: DA-50/2023

Date Received: 21/06/2023



**1** FLOOR PLAN  
DA-205

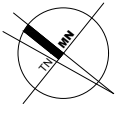


**2** SECTION  
DA-205



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PROJECT  
**396 BRONTE ROAD**  
**BRONTE 2024**

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DRAWING  
**POOL PLAN**

PROJECT NO.	DRAWING NO.	REVISION	
21-004	DA-205	B	
SCALE @ A3	DATE	DRAWN	AUTHORISED
1:50	20/02/2023	GC	GC

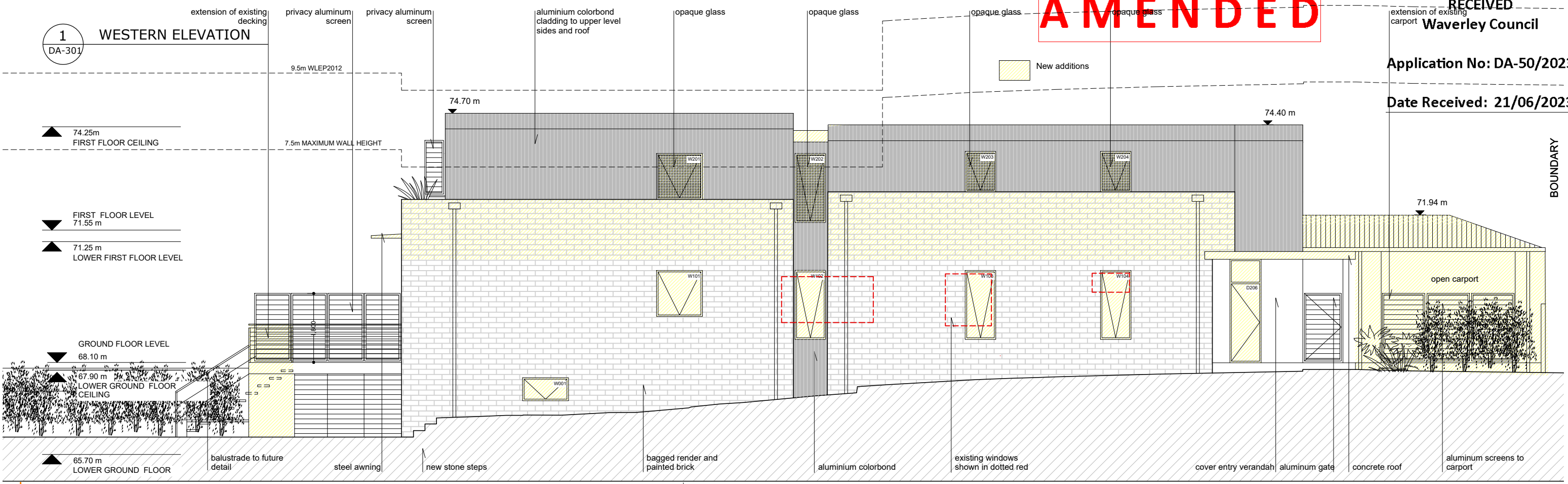
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B	REQUESTED DESIGN CHANGES AND DRAWINGS	27/05/23	GC	GC

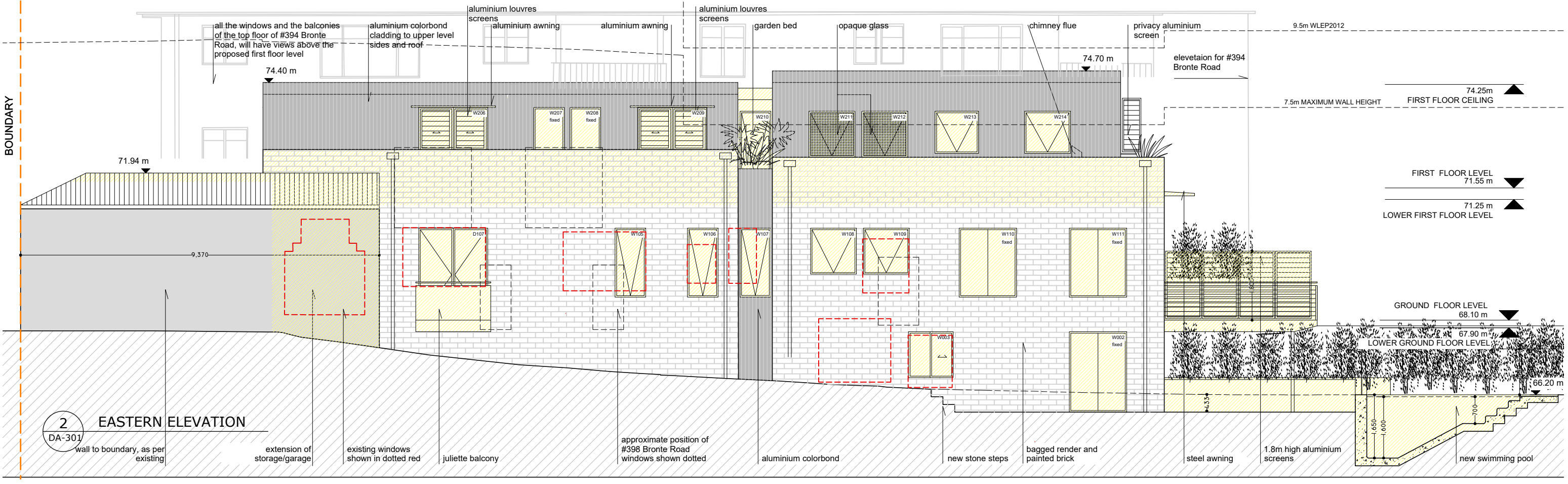
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Application No: DA-50/2023  
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1 WESTERN ELEVATION  
DA-301



2 EASTERN ELEVATION  
DA-301



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PROJECT  
**396 BRONTE ROAD  
BRONTE 2024**

CLIENT  
**NATHAN MOORE & LORENA MEDINA**

DEVELOPMENT CONCEPT  
NO FOR CONSTRUCTION  
Page 191 of 500

DRAWING  
**EASTERN ELEVATION &  
WESTERN ELEVATION**

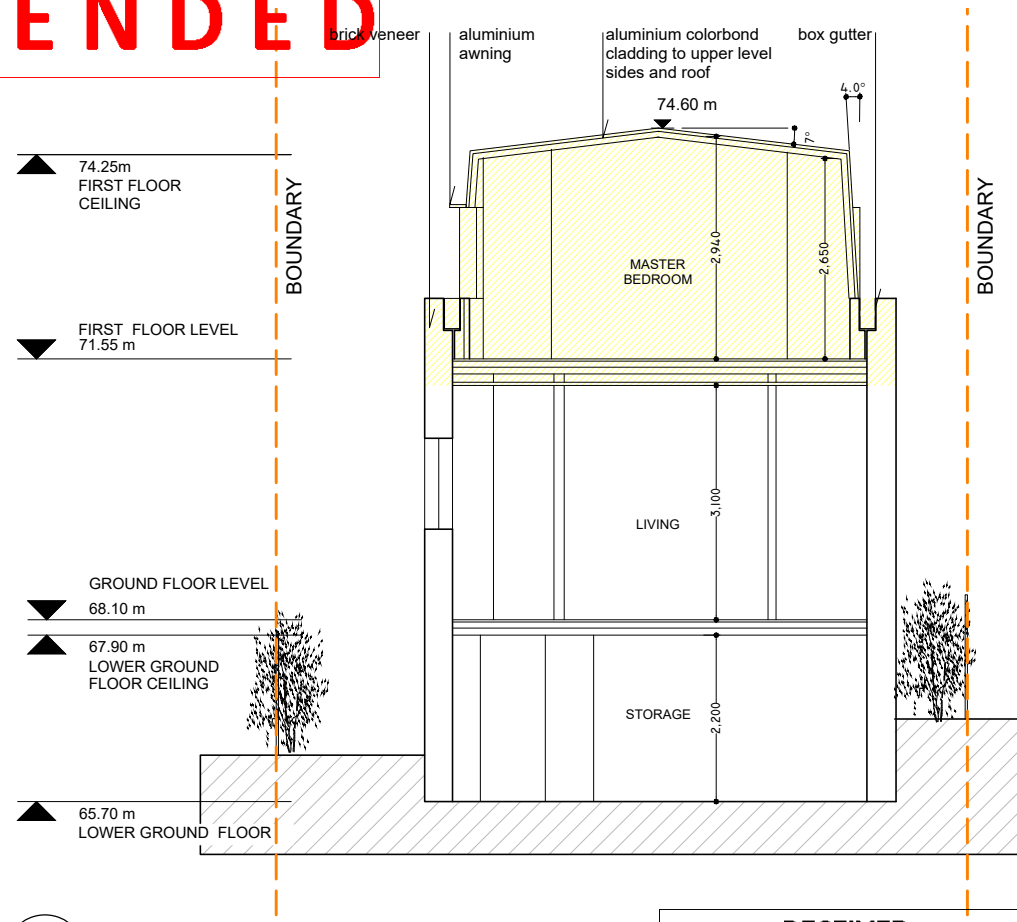
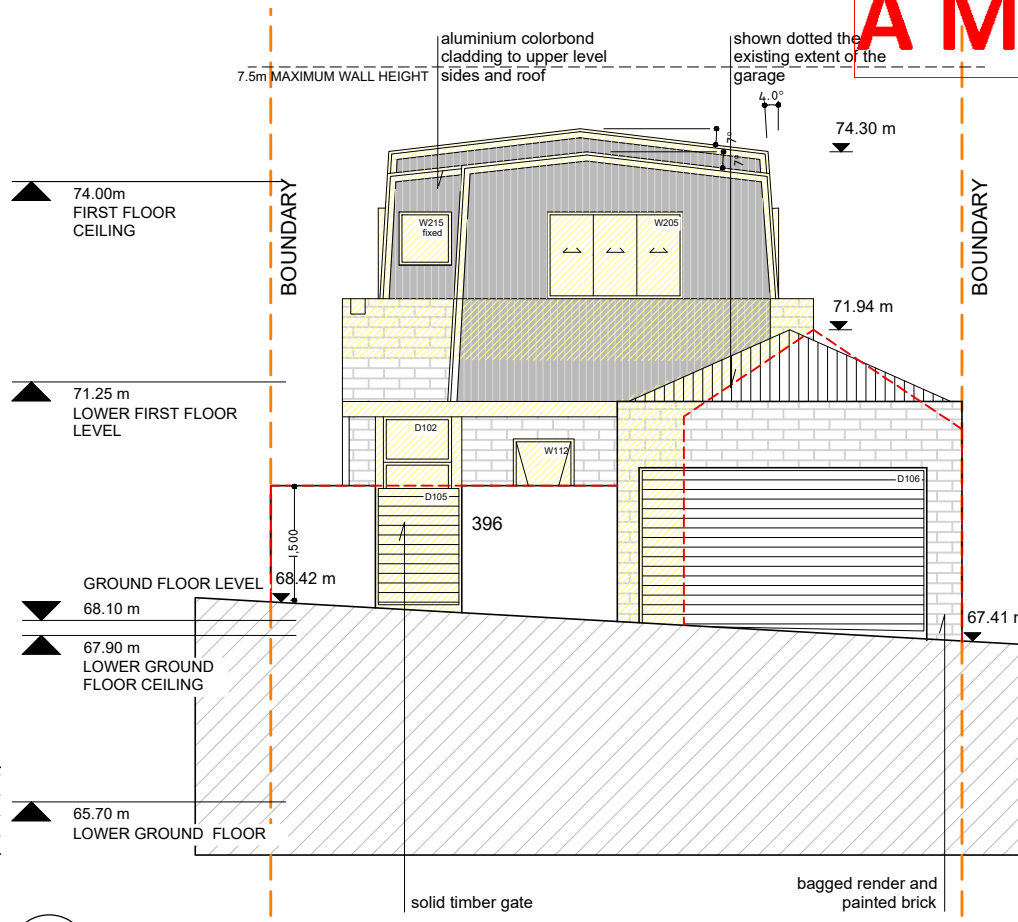
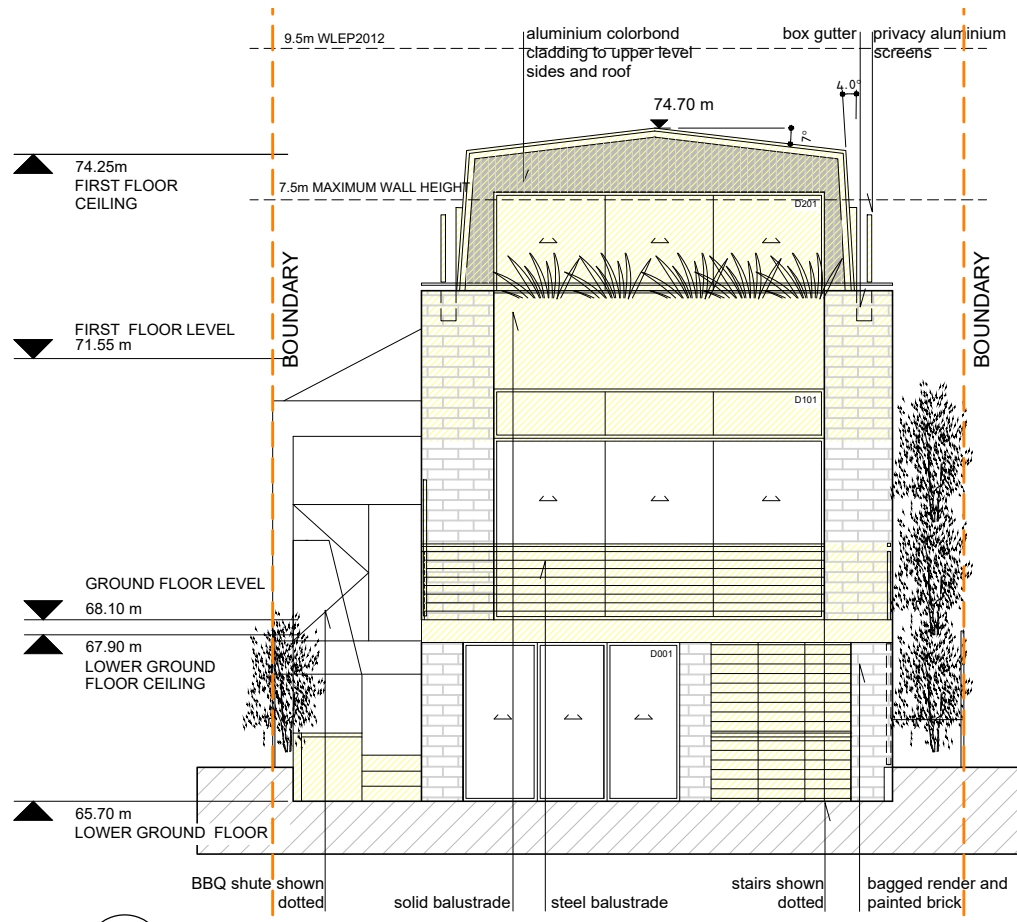
PROJECT NO. 21-004  
DRAWING NO. DA-301  
REVISION B

SCALE @ A3 1:100  
DATE 18/07/2022  
DRAWN GC  
AUTHORISED GC

REV	DESCRIPTION	DATE	ISSUED	CHECKED
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B	REQUESTED DESIGN CHANGES AND DRAWINGS	27/05/23	GC	GC



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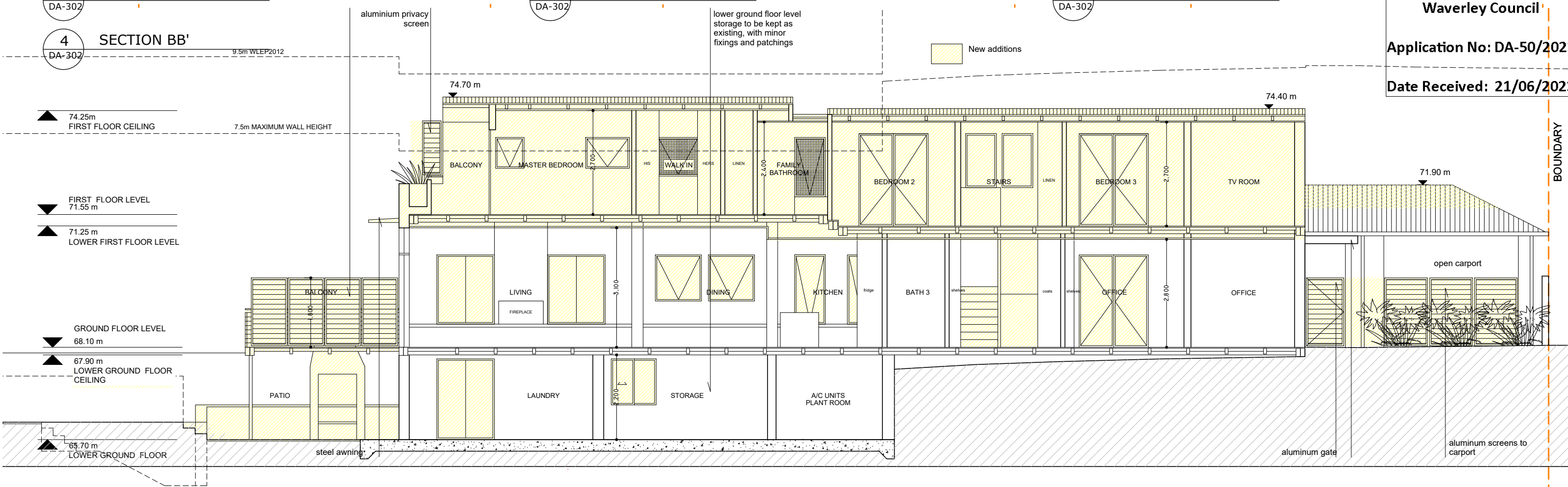


**1 NORTH ELEVATION**  
DA-302

**2 SOUTH ELEVATION**  
DA-302


**3 SECTION AA'**  
DA-302

**4 SECTION BB'**  
DA-302



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**PROJECT**  
396 BRONTE ROAD  
BRONTE 2024

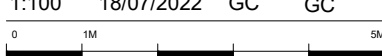
**CLIENT**  
NATHAN MOORE & LORENA MEDINA

**DEVELOPMENT CONCEPT**  
NO FOR CONSTRUCTION

**DRAWING**  
SECTIONS AA' & BB'';  
NORTH & SOUTH ELEVATIONS

PROJECT NO. 21-004  
DRAWING NO. DA-302  
REVISION C

SCALE @ A3 1:100  
DATE 18/07/2022  
DRAWN GC  
AUTHORISED GC



REV	DESCRIPTION	DATE	ISSUED	CHECKED
A	ISSUE FOR DA	06/12/22	GC	GC
B	ALLOCATION OF PLANT ROOMS	17/03/23	GC	GC
C	REQUESTED DESIGN CHANGES AND DRAWINGS	27/05/23	GC	GC

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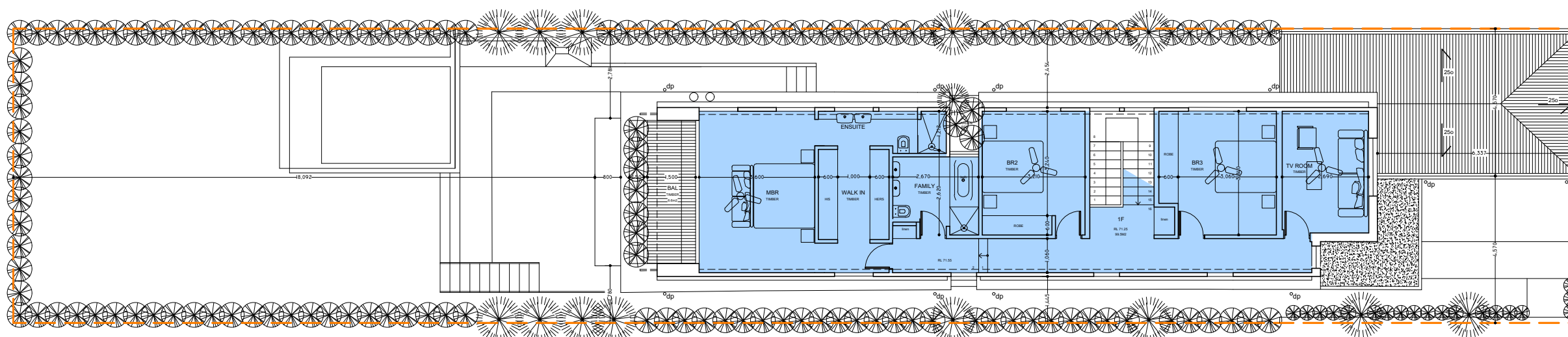
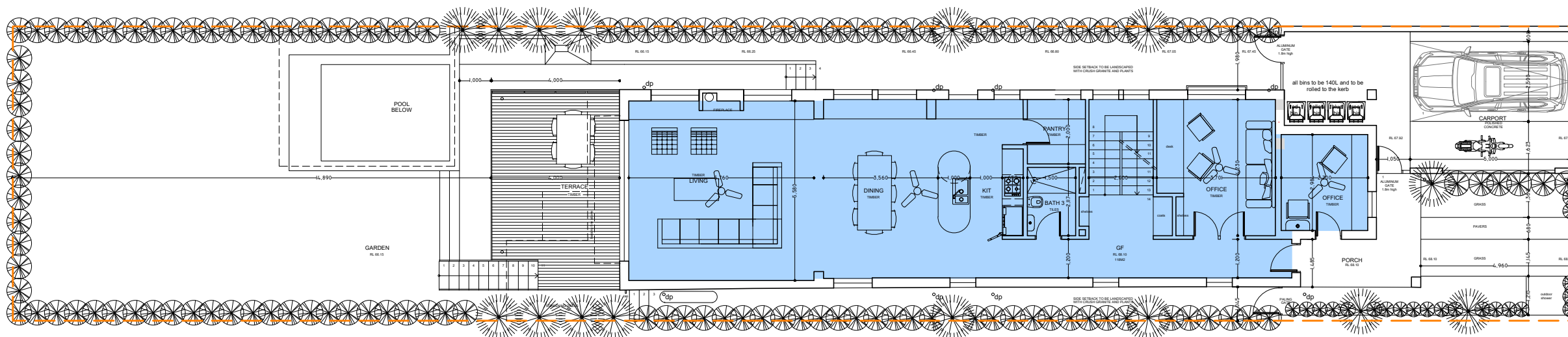
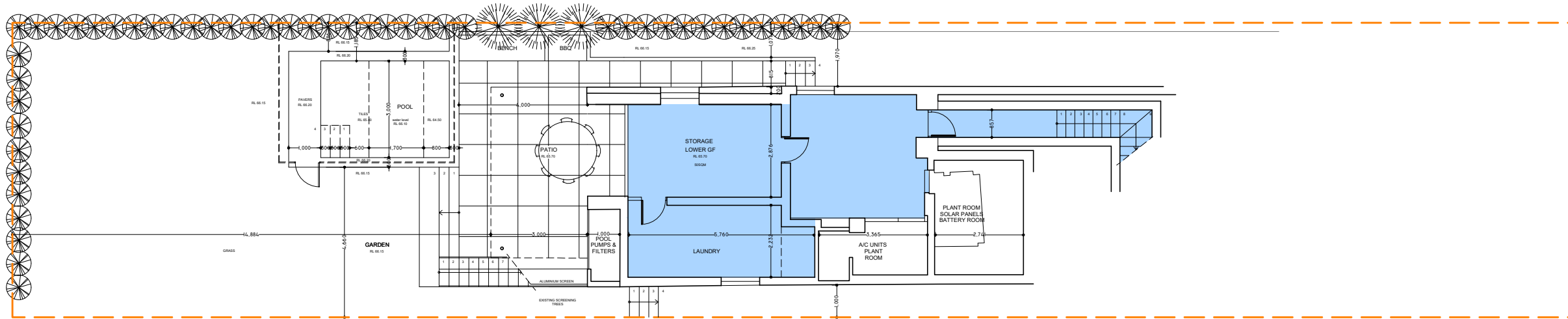
Date Received: 21/06/2023

GROSS FLOOR AREA CALCULATIONS

SITE AREA - 446SQM  
 LOWER GROUND FLOOR AREA - 50SQM  
 GROUND FLOOR AREA - 120SQM  
 FIRST FLOOR AREA - 95.5SQM  
 TOTAL - 265.5SQM

LANDSCAPE - 177SQM  
 DEEP SOIL - 110SQM

PROPOSED FSR - .595 = 1



GFA

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PROJECT  
**396 BRONTE ROAD**  
**BRONTE 2024**

CLIENT  
**NATHAN MOORE & LORENA MEDINA**

DEVELOPMENT CONCEPT  
 NO FOR CONSTRUCTION

DRAWING  
**GFA CALCULATIONS**

PROJECT NO.	DRAWING NO.	REVISION	
21-004	DA-104	C	
SCALE @ A3	DATE	DRAWN	AUTHORISED
NTS	25/01/2023	GC	GC

0 1M 5M

REV	DESCRIPTION	DATE	ISSUED	CHECKED
A	ISSUE FOR DA	31/01/23	GC	GC
B	ALLOCATION OF PLANT ROOMS	17/03/23	GC	GC
C	REVIEW OF GFA	05/05/23	GC	GC

**A77 Designs Pty Ltd**  
 A: 41 Hopewell, Paddington, 2021  
 T: + 61 459 777997  
 E: gcerutti@a77.com.au



1 Roofs & side taped walls sample



1 Roofs & side taped walls sample



Southerly®



Woodland Grey®

2 Colour for Roofing

3 Colour for windows and downpipes



4 Whitewash brick



RECEIVED  
Waverley Council

Application No: DA-50/2023

Date Received: 08/03/2023



5 Balcony



6 Pool



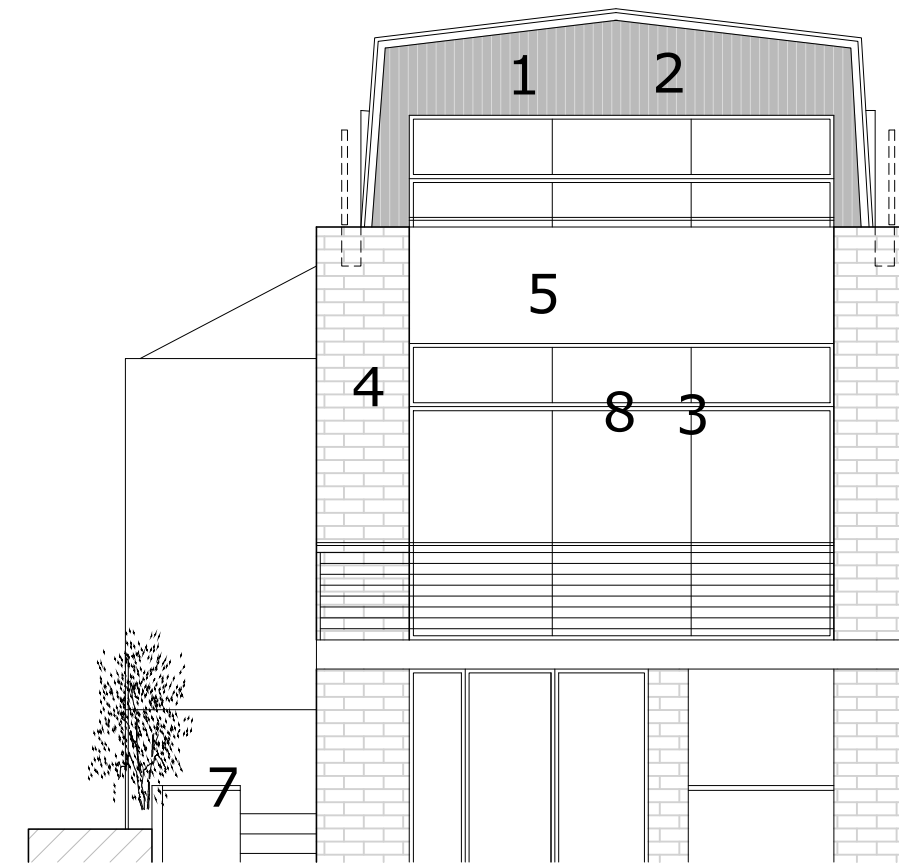
7 BBQ



8 Aluminium Windows



9 Pool fence



1  
DA-401  
DETAIL ELEVATION



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**PROJECT**  
396 BRONTE ROAD  
BRONTE 2024

**CLIENT**  
NATHAN MOORE & LORENA MEDINA

DEVELOPMENT CONCEPT  
NO FOR CONSTRUCTION  
Page 194 of 500

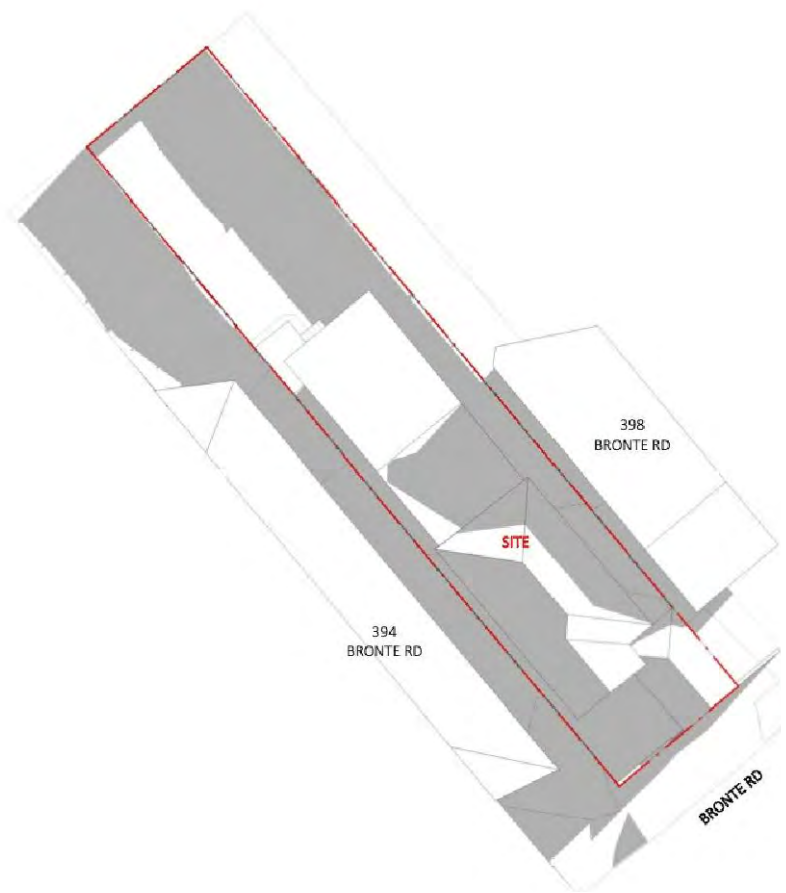
**DRAWING**  
MATERIALS AND COLOURS

PROJECT NO.	DRAWING NO.	REVISION
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SCALE @ A3	DATE	DRAWN
1:NTS	18/10/2022	GC
		AUTHORISED
		GC

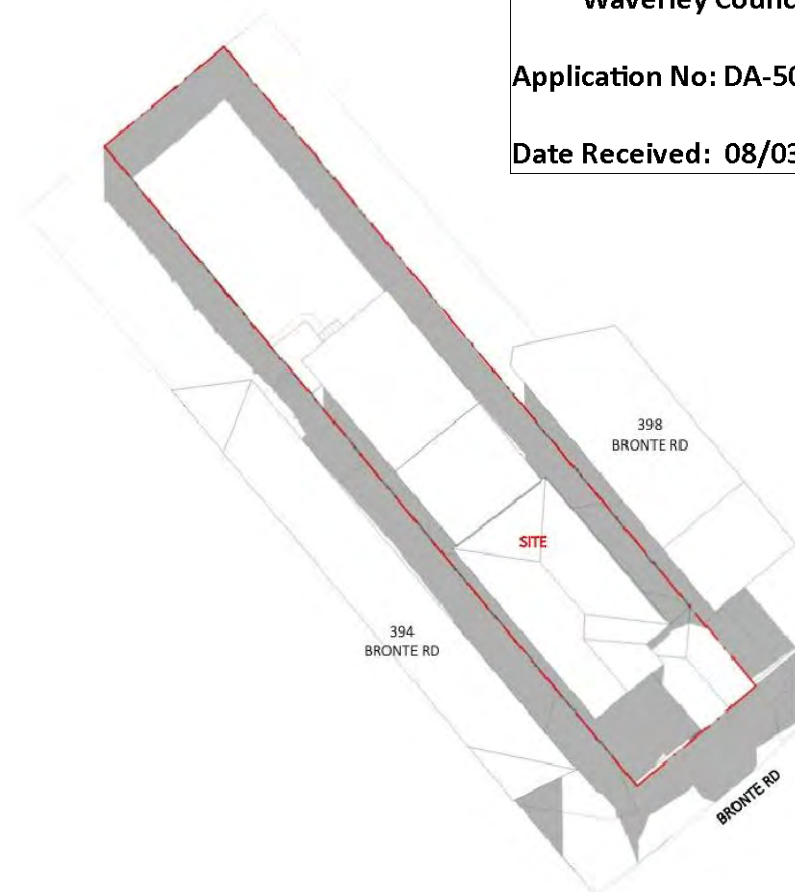
REV	DESCRIPTION	DATE	ISSUED	CHECKED
A	ISSUE FOR DA	06/12/22	GC	GC



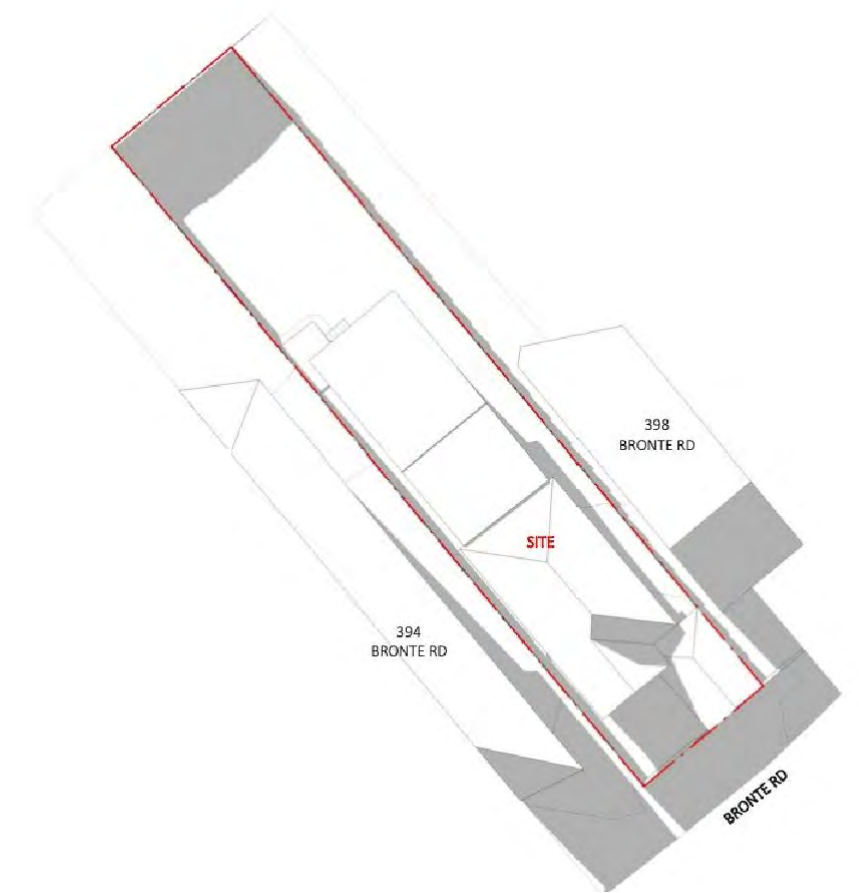
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Waverley Council  
Application No: DA-50/2023  
Date Received: 08/03/2023



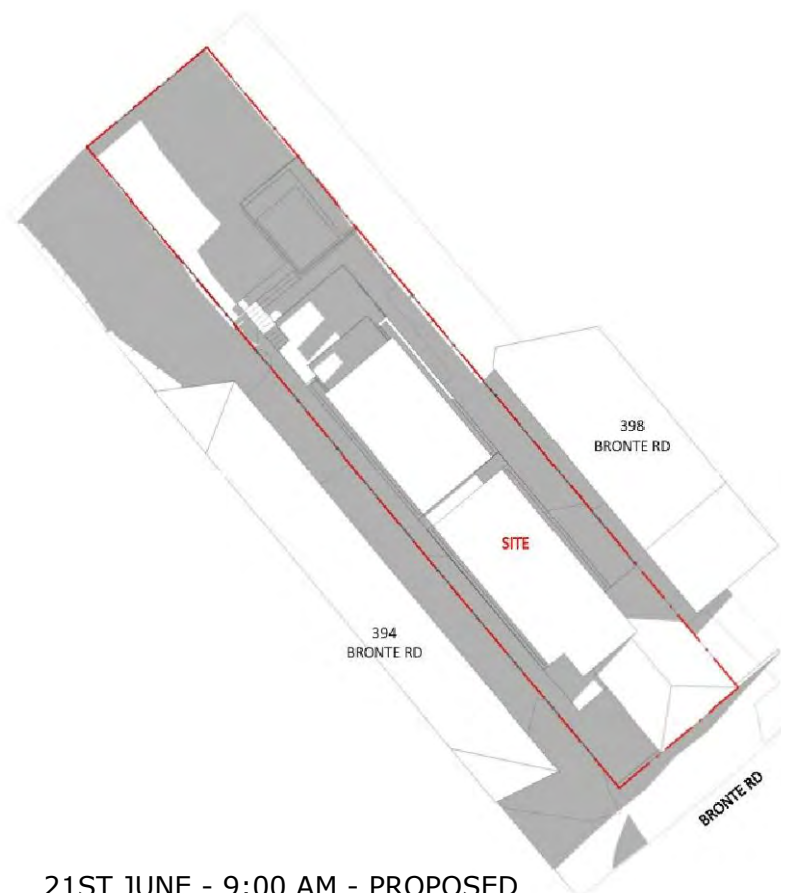
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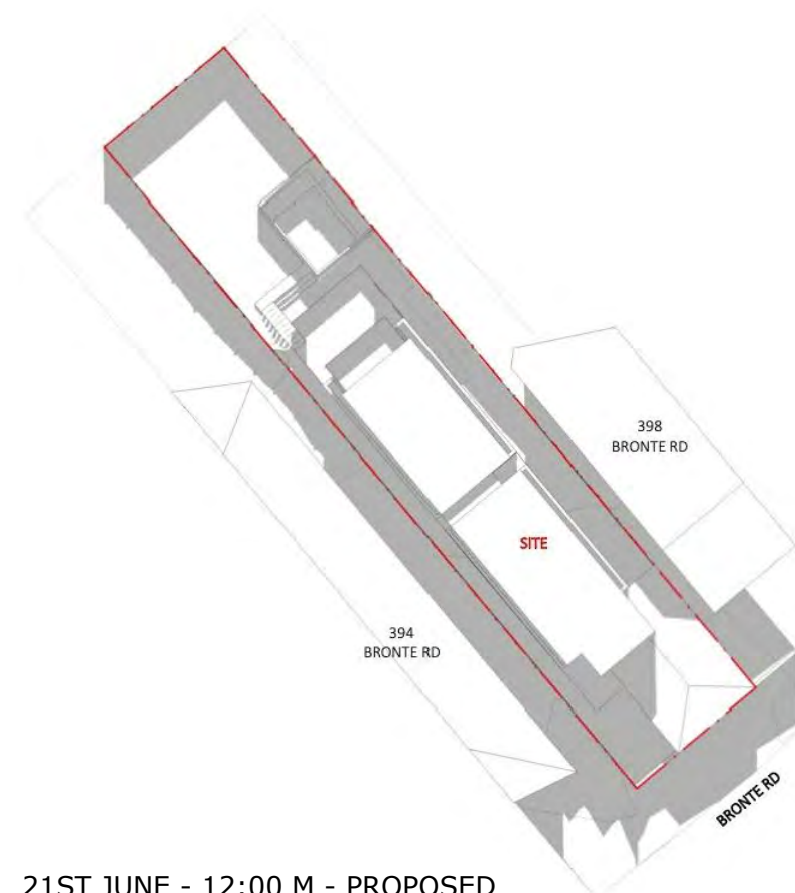
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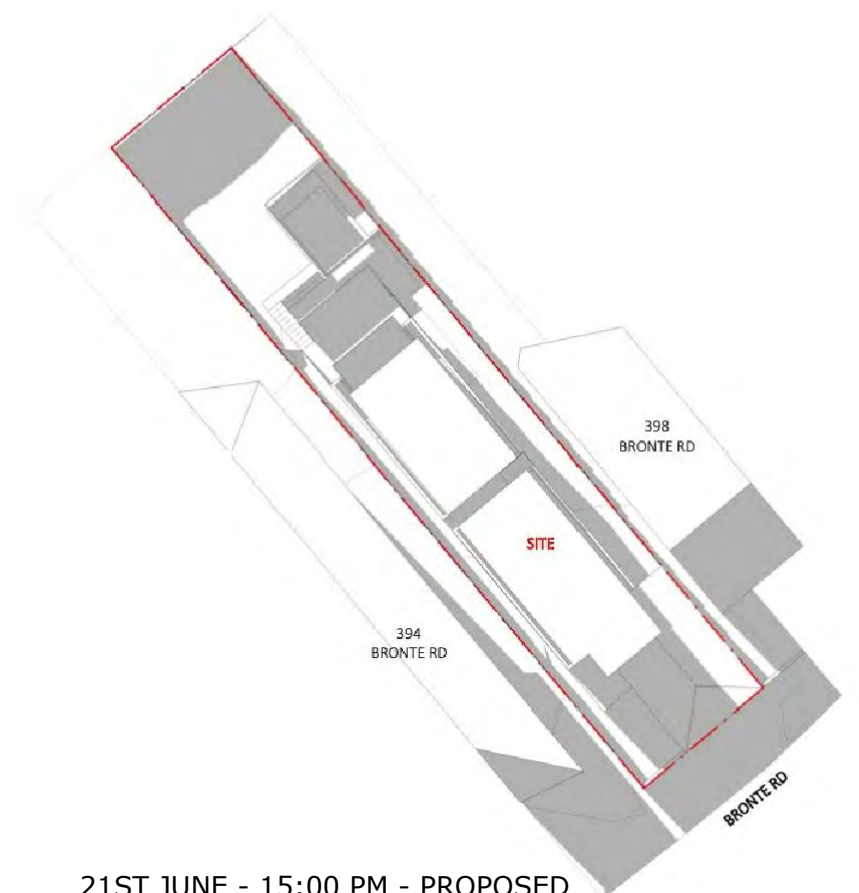
21ST JUNE - 15:00 PM - EXISTING



21ST JUNE - 9:00 AM - PROPOSED



21ST JUNE - 12:00 M - PROPOSED



21ST JUNE - 15:00 PM - PROPOSED



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PROJECT  
**396 BRONTE ROAD**  
**BRONTE 2024**

CLIENT  
**NATHAN MOORE & LORENA MEDINA**

DEVELOPMENT CONCEPT  
NO FOR CONSTRUCTION

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DRAWING  
**SHADOW DIAGRAMS**

PROJECT NO.	DRAWING NO.	REVISION	
21-004	DA-501	A	
SCALE @ A3	DATE	DRAWN	AUTHORISED
1:NTS	18/07/2022	GC	GC

0 1M 5M

REV	DESCRIPTION	DATE	ISSUED	CHECKED
A	ISSUE FOR DA	06/12/22	GC	GC



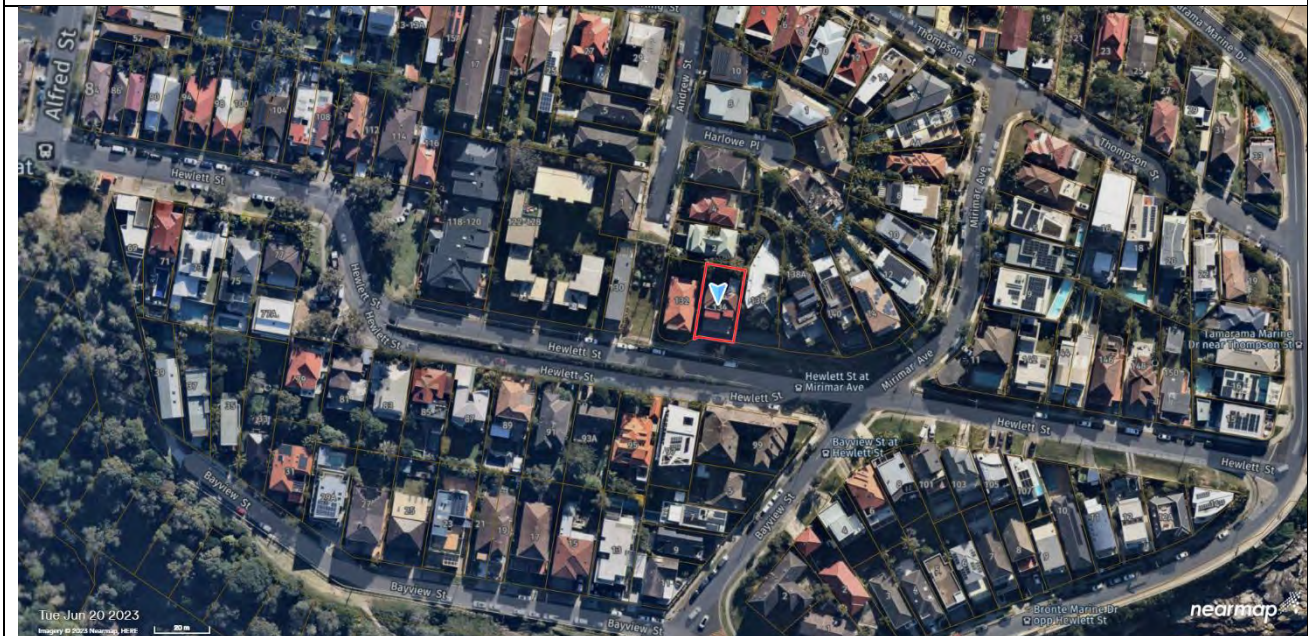
# Low Density Residential Development



## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-19/2023
<b>Site address</b>	134 Hewlett Street, Bronte
<b>Proposal</b>	Demolition of the existing dwelling and construction of a new part-two, part-three storey dwelling house, garage, landscaping works and swimming pool
<b>Date of lodgement</b>	1 February 2023
<b>Owner</b>	Ms D R Lewis
<b>Applicant</b>	Ms D R Lewis
<b>Submissions</b>	One submission
<b>Cost of works</b>	\$ 1,716,190.00
<b>Principal Issues</b>	<ul style="list-style-type: none"> <li>• Building height and view sharing;</li> <li>• Excavation;</li> <li>• Balconies.</li> </ul>
<b>Recommendation</b>	That the application be <b>APPROVED</b> in accordance with the conditions contained in the report

### SITE MAP



## 1. PREAMBLE

### 1.1. Executive Summary

The development application seeks consent for demolition of the existing dwelling and construction of a new part-two, part-three storey dwelling house, including garage, landscaping works and swimming pool at the site known as 134 Hewlett Street, Bronte.

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

- Building height and view sharing;
- Excavation;
- Balconies.

The assessment finds these issues acceptable because the exceedance of the building height development standard would not unreasonably impact on the environmental amenity of neighbouring properties with respect to solar access, privacy, and the sharing of views. The applicant's Clause 4.6 written request adequately addresses the matters required to be addressed under clause 4.6 of the Waverley LEP 2012.

The proposed exceedance to the excavation control is justified on the basis of the sloping site and the additional excavation is not considered to contribute to the overall bulk and scale of the development. The lower levels of excavated area have been reduced from the original application and the proposal includes setbacks from the side boundaries up to 1.2m. A Geotechnical Report was submitted with the latest amended plan set which concluded that the site is suitable for the proposed works and that excavation and construction may be carried out safely provided that the recommendations of the report are implemented. A condition of consent is recommended to require the development to be undertaken in accordance with the Geotechnical Report.

The proposed balconies have been assessed against the variation controls for larger balconies, which concluded that the larger balconies may be supported in this instance as they are not likely to impact on privacy or solar access and have been appropriately treated with privacy screening to mitigate potential impacts. In addition, there is a prevalence of larger elevated terraces and balconies in the vicinity of the site, and therefore the proposal is considered satisfactory.

Conditions of consent are recommended to require the landscape plan to be updated to comply with the relevant controls for sites within a biodiversity habitat corridor and for the mature trees within the site's frontage to be replaced elsewhere on the site in an appropriate location and species to ensure tree canopy is maintained on the site.

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

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

## 1.2. Site and Surrounding Locality

A site visit was carried out on 4 April 2023.

The site is identified as Lot 22 in DP 18413, known as 134 Hewlett Street, Bronte. The site is rectangular in shape with a slight irregular angle in the south-western front boundary to Hewlett Street, measuring 2.085m. The remaining front boundary measures 12.99m. It has an area of 401.7m<sup>2</sup> and falls from the north-eastern rear boundary to the south-western frontage by approximately 11m.

The site is occupied by a stepped two storey dwelling house, comprising a garage level with vehicular access provided from Hewlett Street, as well as ground, first and second floor levels.

The site is adjoined by a three storey dwelling to the east and a residential flat building (RFB) to the west of the site. The locality is characterised by a variety of low and medium density residential developments.

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



**Figure 1:** Subject site frontage, facing north



**Figure 2:** Neighbouring RFB to the west at No. 132 Hewlett Street, facing north



### 1.3. Relevant Development History

A search of Council's records revealed the following recent (last ten years) and relevant development history of the site:

- **DA-48/2021** - Alterations and additions to the dwelling house, including a rear third floor addition and third level balcony fronting Hewlett Street, was refused by Council on 8 July 2021 and subsequently approved by the Land and Environment Court (LEC) on 4 February 2022. These works are yet to commence.

### 1.4. Proposal

The development application seeks consent for demolition of the existing dwelling and construction of a new part-two, part-three storey dwelling house, specifically the following:

- Garage level:
  - Car parking for two vehicles;

- Bin storage;
- Mechanical services room;
- Storage room;
- Internal circulation stairs and lift;
- New entrance portico and stairs along western side of dwelling;
- Lower ground floor level:
  - Rumpus room;
  - Study;
  - Laundry;
  - Front terrace;
  - Internal stairs and lift;
  - External stairs along western side setback from garage level to dwelling entrance;
- Ground floor level:
  - Three bedrooms (one with walk-in-robe and ensuite);
  - Bathroom;
  - Internal stairs and lift;
  - Front terrace;
  - Pool mechanical plant room;
- First floor level:
  - Open plan living and dining;
  - Kitchen area and butlers pantry;
  - Powder room;
  - Front terrace;
  - Internal stairs and lift.

## 1.5. Background

The development application was lodged on 1 February 2023 and deferred on 5 April 2023 for the following reasons (summarised):

**1. Calculation of gross floor area (GFA) / floor space ratio (FSR) and proposed excavation area**

*Part of the sub-floor level is not less than 1m above the existing ground level and therefore does not meet the definition of a basement.*

*The proposal includes extensive excavation that exceeds the maximum area permitted under the Waverley DCP 2022.*

*It is recommended that the plans are amended as follows:*

- a) *Include the area of sub-floor storage in the calculation of GFA, that does not meet the definition of a basement.*
- b) *Reduce the extent of excavation and rationalise the area identified for mechanical/plant at the garage level.*

- c) *Review the GFA /FSR across each floor level and recalculate the floor space to ensure calculations are accurate.*

## **2. Height and view impacts**

*The SEE and Clause 4.6 Written Request refer to adjoining properties to the north and west of the site, at No 132 Hewlett Street and No. 2 Andrew Street. Both properties have approved developments that are not represented on the proposed plans or included in the assessment.*

*It is recommended that the following amendments are made:*

- a) *Update the plans to show the approved developments at No. 132 Hewlett Street and No. 2 Andrew Street. Consider the potential for view impacts from both properties and the approved developments on these sites. Update the Clause 4.6 Written Request and SEE accordingly.*
- b) *Include the RL of the lift overrun, skylight and PV solar panels on the section plans and update the view angles and the assessment to take account of these elements.*
- c) *Lower floor to ceiling heights of the garage level, which currently exceed the minimum requirement of 2.2m, with the view of lowering the overall development and minimising view impacts from the rear.*
- d) *Provide a separate plan/s with the extent of the previous approved development on the site. The current plan set is confusing with the number of annotations to the previous approval.*

## **3. Shadow diagrams**

*...the diagrams demonstrate that the proposed development will give rise to additional shadowing in the front setback of No. 95 Hewlett Street in the morning and on the side elevation of No. 136 Hewlett Street at midday on 21 June. Given the exceedance to the height of building development standard, no additional shadowing of neighbouring properties will be accepted.*

*It is recommended that the following amendments are made:*

- a) *Amend the proposal to remove shadowing on neighbouring properties.*
- b) *Amend the shadow diagrams to include existing and proposed shadowing only.*
- c) *Hourly shadow diagrams are to be provided.*

## **4. Landscape plans and swimming pool detail**

*It is recommended that the following amendments are made:*

- a) *A minimum of 50% of proposed trees, 50% of proposed shrubs and 50% of proposed grasses and groundcovers (not including turfed areas) are to be native plants, as listed in Annexure B3-1. The landscape plan is to include a planting schedule that lists all plant species proposed, the number of plants of each species proposed, and indicate whether each plant species proposed is listed in Annexure B3-1.*
- b) *Three strata of vegetation are required to be included in landscape design (i) tree or tall shrub canopy, (ii) mid-storey and (ii) groundcover layer.*
- c) *Provide further details for the proposed swimming pool on section plans.*

Amended plans were received on 3 May 2023 however a number of issues remained unresolved, and a second deferral letter was sent to the applicant on 24 May 2023, for the following reasons (summarised):

**1. Height and FSR development standards and view loss**

*Council remains concerned with the height of the proposed development, particularly at its frontage where it is likely that the height exceedance will result in view loss from the eastern side elevation windows of No. 132 Hewlett Street, as shown on the Section A2 (DA301).*

*It is recommended that the following amendments /additional information are provided;*

- a) Increase the front setback to align more closely with the existing front building alignment.*
- b) Reduce the height at the frontage and the bulk and scale of the balcony parapets. These elements are attributable to the likely view impacts to the east. Consider amending the materiality of parapets and privacy screening to enable views to the east to be maintained from No. 132 Hewlett Street.*
- c) Consider further reductions to the generous floor ceiling heights throughout the development.*
- d) As noted in Council's previous deferral letter (5 April 2023), no additional shadowing will be accepted. An increase in the front setback may alleviate the additional shadowing to the east elevation of No. 132 Hewlett Street, resulting from the height non-compliance.*
- e) Review the calculation of gross floor area (GFA) across each of the floors. The calculations provided in the Compliance Table (DA500) differ slightly from Council's calculations of GFA.*
- f) Provide further view loss analysis of the affected views from No. 132 Hewlett Street, in accordance with the Tenacity principles.*

**2. Excavation and plant**

*The site is permitted a maximum excavated area volume of 130m<sup>3</sup> under Part B13 of the Waverley DCP 2022. While the amended plans provide a reduction across the site, the overall extent of excavation is still considered excessive.*

*It is recommended that the following amendments /additional information are provided;*

- a) Reduce the extent of excavation to more closely align with the Waverley DCP 2022, Part B13. Rationalise the space identified for mechanical plant and services and include the approximate location and size of plant room equipment on the plans.*
- b) Given the extent of excavation across the site, a Geotechnical Engineering Report is required to be prepared and provided to Council. Please also include an excavation calculation plan demonstrating the extent of excavation.*

**3. Biodiversity**



*The property lies within a recognised biodiversity habitat corridor. The relevant controls for biodiversity habitat corridors are provided in Part B3, Section 3.3.2 Habitat Corridors & Recognised Habitat...*

*The amended landscape plans received by Council on 4 May 2023 do not comply with the relevant controls, as the planting schedule identifies cultivars and hybrids as being listed in Annexure B3-1, which is incorrect. Accordingly, the Tree and Shrubs categories on the planting schedule contain 0% plants listed in Annexure B3-1.*

Further amended plans, seeking to address the above matters were received by Council on 14 June 2023. On 4 July 2023, the applicant was advised that the amended plans did not fully address the matters raised in Council's second deferral letter and therefore the amended plans would not be accepted, noting the following residual issues:

- a) A View Impact Analysis (VIA) has not been provided for the neighbouring RFB at No. 132 Hewlett Street, as requested. It is likely that the proposal will impact on views from the approved attic/dormer windows/balcony and therefore without a VIA considering the views currently obtainable from No. 132 Hewlett Street, it is not clear whether the proposal meets objective (a) of Clause 4.3 and therefore a Clause 4.6 Variation cannot be supported.*
- b) The design amendments and further reduction to height are noted however amendment to these elements alone is not sufficient in managing potential view loss to the east.*
- c) The mechanical/services space is still excessive at garage level.*
- d) No geotechnical engineering report has been provided to date. This is a minimum requirement for a development proposing this level of excavation.*
- e) The landscape plan is still not compliant with the relevant control for habitat corridors. The requirement is that a minimum of 50% of the proposed trees, 50% of the proposed shrubs and 50% of the proposed grasses and groundcovers listed in Annexure B3-1 are to be locally indigenous, not 50% overall.*
- f) The amended application did not include an updated SEE or Clause 4.6 Variation as requested in the deferral letter and required for further assessment of the application.*

On 5 July 2023, the applicant advised that it would submit the necessary documentation to satisfy Council's residual concerns, as listed above.

On 11 August 2023, the applicant provided the following additional information to satisfy the request:

- Amended Architectural Plans;
- Amended Landscape Plan;
- Schematic services Plan;
- Services spatial compliance statement;
- Amended shadow diagrams;
- View Impact Assessment; and
- Amended Clause 4.6 Written Request.

The amended plans received on 11 August 2023 were accepted and form the basis of the assessment.

## 2. ASSESSMENT

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

### 2.1. Planning Instruments and Development Control Plans

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

#### 2.1.1. State Environmental Planning Policies (SEPPs)

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

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

A detailed discussion is provided for SEPP (Resilience and Hazards) as follows:

##### *SEPP (Resilience and Hazards) 2021*

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

A small portion of the site’s frontage falls within the coastal use area. Clause 2.11(1) states that development consent must not be granted for development on land within the coastal use area unless the consent authority;

*(a) has considered whether the proposed development is likely to cause an adverse impact on the following:*

Matters for consideration	Compliance
(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,	No public access ways would be affected by the proposal.

Matters for consideration	Compliance
(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,	The dwelling is orientated south to north with the public foreshore located to the south and east of the site. The proposal would not give rise to overshadowing, wind funnelling or the loss of views from public places to the foreshore.
(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,	The visual amenity from the coastal use area would not be affected as a result of the proposal.
(iv) Aboriginal cultural heritage, practices and places,	N/A
(v) cultural and built environment heritage, and	N/A

*(b) is satisfied that:*

Matters for consideration	Compliance
(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or	Given that only a small portion of the site is within the coastal use area, approval of the development would not result in adverse impacts to the coastal use area.

*(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

The proposal would not have a direct impact on the surrounding coastal area. The built form of the proposed development is consistent in bulk, scale, and size with neighbouring dwellings to the east, a number of which fall wholly within the coastal use area.

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

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

**Table 1: Waverley LEP 2012 Compliance Table**

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
<b>1.2 Aims of plan</b>	Yes	The proposal is not inconsistent with the aims of the Waverley LEP 2012.

<b>Part 2 Permitted or prohibited development</b>		
<b>Land Use Table</b> R2 Low Density Residential Zone	Yes	The proposal is defined as a 'dwelling house', which is permitted with consent in the R2 zone.
<b>Part 4 Principal development standards</b>		
<b>4.3 Height of buildings</b> • 8.5m	No	The proposal has a maximum height of 13.55m (RL 50.600) owing to the lift overrun and PV panels. The parapet of the dwelling has a maximum height of 13.25m (RL50.300) measured at the site's frontage. The proposal exceeds the height of buildings development standard by 5.05m.
<b>4.4 Floor space ratio and 4.4A Exceptions to floor space ratio</b> • 0.66313:1 (266.37m <sup>2</sup> )	Yes	The proposal has a total GFA of 266.3m <sup>2</sup> and an FSR of 0.6629:1.
<b>4.6 Exception to development standards</b>	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of buildings development standard. A detailed discussion of the variation to the development standard is presented below this table.
<b>Part 5 Miscellaneous provisions</b>		
<b>5.10 Heritage conservation</b>	Yes	The site adjoins the Hewlett Street Landscape Conservation Area (C47), applicable to the Hewlett Street road reserve.  The development is set back from the road reserve and is in keeping with the built form and scale of neighbouring dwellings. The proposal is not likely to impact on the landscape conservation area.
<b>Part 6 Additional local provisions</b>		
<b>6.1 Acid sulfate soils</b>	Yes	The site is within a Class 5 acid sulfate area, however it is not within 500m of a Class 1,2,3 or 4 acid sulfate class. Conditions of consent are recommended to manage disturbance during excavation.
<b>6.2 Earthworks</b>	Yes	The proposal includes excavation to accommodate the garage level and undercroft at the ground floor level. A Geotechnical Report was submitted with the application and recommendations are to be implemented in full, including the requirement for additional investigations prior to works commencing.

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

#### *Clause 4.6 Exceptions to Development Standards - Height*

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

The site is subject to a maximum height of building development standard of 8.5m. The proposed development has a height of 13.55m, exceeding the standard by 5.05m equating to a 59% variation.

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

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

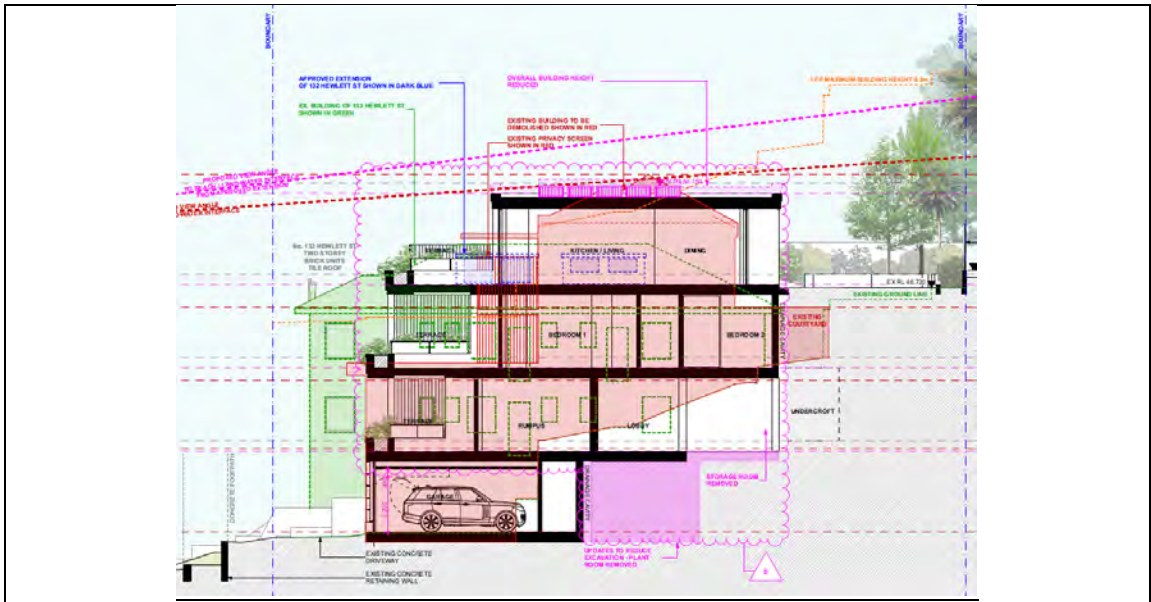
A copy of the applicant's written request has been provided to the Waverley Local Planning Panel for consideration.

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

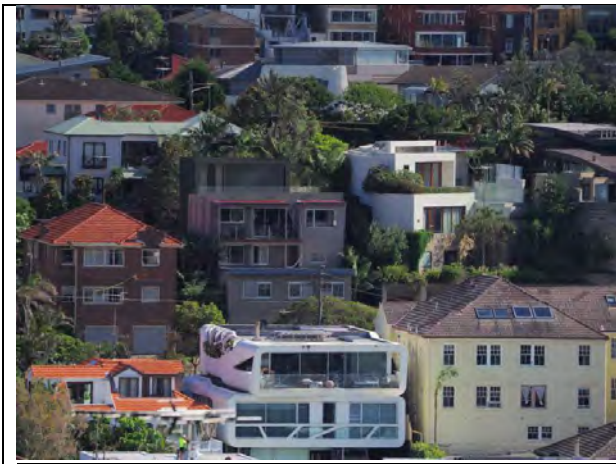
The applicant seeks to justify the contravention of the height of buildings development standard on the following basis:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
  - (i) The proposed development is consistent with the objectives of the height development standard.*
  - (ii) Despite the proposed development's non-compliance with the height standard, the proposal is consistent with the desired future character of the area. The proposal provides a height, bulk and scale that is generally consistent with that envisaged by Council's controls.*
  - (iii) Strict compliance with the development standard on the steeply sloping site would effectively inhibit any FSR compliant built form with a first floor level. The proposed extent of the height variation will occur at the frontage of the ground and first floor levels of the building and result in a well articulated three storey built form above a garage level to Hewlett Street.*
  - (iv) The proposal has been designed with a priority to preserve the amenity of neighbouring properties and to ensure the building height above the development standard maintains views, privacy, solar access and compatibility with the streetscape character of the locality.*

- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *There are sufficient environmental planning grounds to justify the building height noncompliance, in particular given the existing dwelling exceeds the development standard, as well as the previously approved built form on site.*
- (ii) *The environmental planning grounds which justify the height breach in the circumstances of this particular case include the sloping topography, compatibility with the desired future character of the area, the existing built form on site, orderly and economic development of the land, and the better planning outcome the proposed height variation offers for the site and surrounding development:*
- a. *Topography: The site is characterised by a steep topography resulting in a fall of 9.78m from the rear boundary down to the street frontage...this challenging topography requires a stepped built form...While the proposal provides a stepped built form....portions of the ground and first floor levels at the street frontage exceed the development standard due to the existing garage level..(see **Figure 7** below).*
  - b. *Compatibility with Desired Future Character: The proposal achieves consistency with the character of the locality and is of a height and scale similar to both existing and emerging developments in the area which is recognised as an environmental planning ground in *Initial Action v Woollahra Municipal Council [2019] NSWLEC 1097 [47]*.*
  - c. *Existing built form on the site: The existing dwelling on the subject site has a maximum height of 11.82m (RL 51.20 AHD) which exceeds the LEP height limit by 3.32m, being a 39% variation to the development standard...The proposal results in a reduced number of storeys and a reduced maximum roof ridge height when compared to the existing built form and previous LEP approval for the site, and will result in a better planning outcome when compared to the previous approval.*
  - d. *Orderly and Economic Development of Land: The proposal maintains the sites single dwelling use, with a new contemporary dwelling house which will enhance the overall amenity and functionality of the site for future occupants, whilst ensuring compliance with the FSR development standard...*
  - e. *Better Planning Outcome: The proposal provides a better planning outcome for the site, future occupants of the site and the neighbourhood through an enhanced design and streetscape appearance, enhanced amenity for future occupants and neighbouring development and most importantly a reduced roof ridge height when compared to the previous approval...proposal has been skilfully designed with a priority to maintain view corridors from No. 2 Andrew Street which would not be available under the previously approved development.*



**Figure 7:** Proposed Long Section Demonstrating Topography, **Source:** MHNDU



**Figure 8:** LEC Approval – DA-48/2021



**Figure 9:** Proposal (prior to first floor balcony amendment)

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

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

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

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

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

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

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. The applicant has demonstrated that the objectives of the standard are achieved notwithstanding the non-compliance, by providing an assessment of impact on environmental amenity, including provision of a detailed view impact analysis, as well an assessment of privacy and solar access impacts.

*Views*

The applicant's Clause 4.6 Written Request provides an assessment of views (referred to hereafter as the VIA) in accordance with the Tenacity Planning Principle. The assessment identifies surrounding properties that currently benefit from views and those properties that would potentially be impacted as a result of the proposal, including No. 132 Hewlett Street, the immediate neighbour to the west and No. 2 Andrew Street, located to the north (rear of the site). In both cases, views obtained from these properties are side boundary views, the extent of which vary depending on the room location.

No. 2 Andrew Street

Partial obstructed views are obtained from two bedrooms within the dwelling and elevated external side balcony. The property also has approval for a new loft level, which will provide views towards Bronte Beach from the southern window and south facing balcony.

**Figure 10** demonstrates the extent of view impact from the first floor level side balcony. The blue denotes the proposed massing and the yellow is the extent of a maximum compliant building envelope at the rear. The VIA notes that the removal of the existing height non-compliant pitched roof (maximum

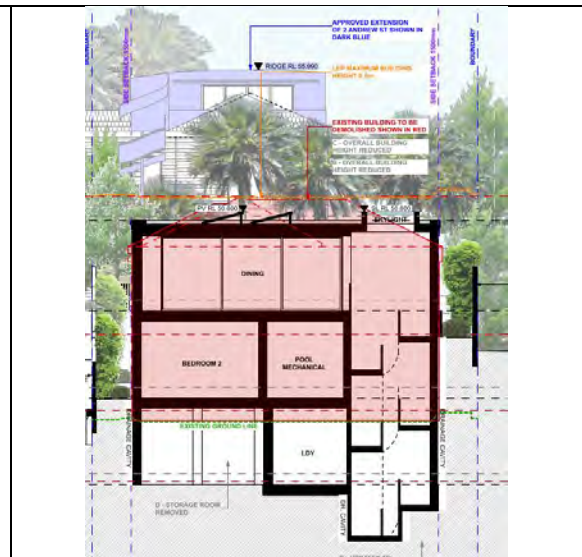


RL 51.20 AHD) and replacement with a flat roof (maximum RL 50.45 AHD) will assist in maintaining similar horizontal views from rooms where views are obtained. In addition, the LEC approval of DA-48/2021 (see **Figure 8**), approved a second floor level at the rear with a maximum RL 52.11 AHD and therefore the proposal would result in a more favourable outcome, in terms of view loss when compared to the approved development on the subject site. **Figure 10** shows a minor view impact in the eastern section, which would also include the lift overrun, PV panels and skylight that are situated 300mm above the height plane, but 300mm lower than the existing pitched roof, as can be seen in **Figure 11**.

Views obtained from the other room in the dwelling locations yield a similar result with respect to impact, with the majority of the views being retained in some form. Views that will be obtainable from the approved loft level of the dwelling (see **Figure 11**) are unlikely to be impacted given the elevation of this part of the dwelling. Overall, the proposal is considered to have a minor impact on existing views but would enable view sharing to be maintained.



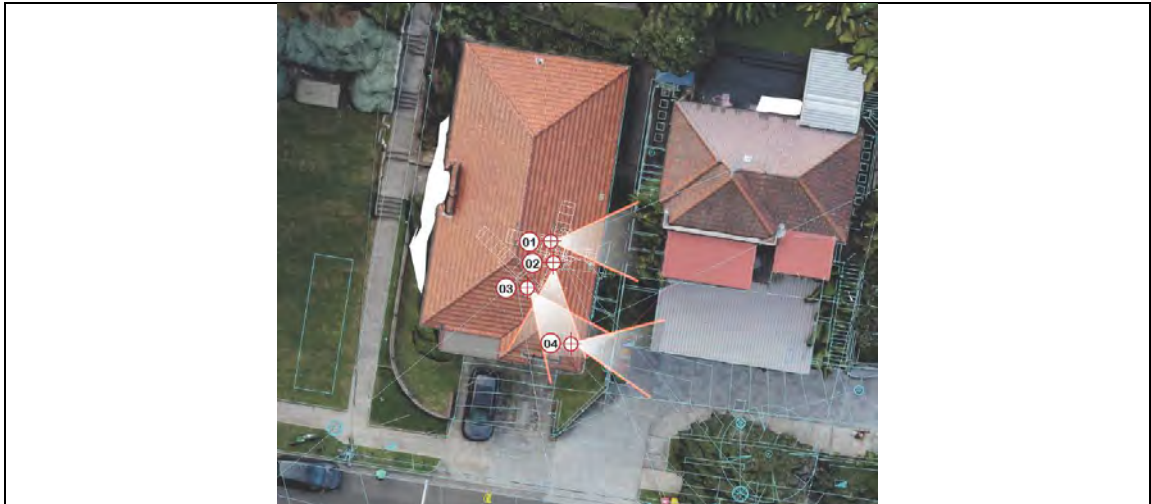
**Figure 10:** Views from the first floor level side balcony at No. 2 Andrew Street (proposed massing in blue, compliant envelope [at rear] in yellow), **Source:** MHNDU



**Figure 11:** Section B showing location of lift overrun and PV panels, **Source:** MHNDU

No. 132 Hewlett Street

The VIA considered the viewpoints shown in **Figure 11**. The building has an approved development application (DA-205/2020) for internal alterations and additions to the building and a new attic level including side dormers (viewpoint 01) and a front balcony facing Hewlett Street accessed via the attic level (viewpoint 03). Views are currently obtained from the first floor level eastern window (viewpoint 04). Views may also be obtainable from the first floor level windows (the outline of which can be seen in the **Figure 7** above) however, the applicant’s survey identifies these windows as obscured glazing and therefore views would not be possible from these windows unless they were open. The approved DA architectural plans do not show any amendments to the first floor windows and no change to the glazing of the windows, therefore these windows were excluded from the VIA. It is also noted that the views that may be impacted from these windows would be as a result of a compliant height envelope. Only impacted views are considered hereon.



**Figure 12:** Views considered from No. 132 Hewlett Street, **Source:** Urbaine Design Group

**Figure 12** shows the view that would be obtainable from the approved east facing dormer (viewpoint 01). The image includes the 1.6m privacy screen that was conditioned under DA-205/2020 to manage potential overlooking and privacy concerns for the neighbouring dwelling (subject site). The location and height of the approved privacy screen would reduce the extent of eastward views that may have otherwise been obtained. The amended architectural plans include a new western side planter to the upper floor terrace, which was included to ensure any upward outlook/view from the small portion of the approved dormer window (see circle below) would be maintained. The additional western setback of the upper level terrace will also enhance privacy for both properties.



**Figure 13:** Views from the approved east facing dormer (viewpoint 01), height variation shown in green **Source:** Urbaine Design Group

**Figure 13** shows the view from the front eastern window. The green denotes the height variation and from this living room window, views eastward would be unimpacted. Similarly, **Figure 14** shows the view that will be obtainable from the DA approved front facing balcony. While the height variation would impede views marginally, the figures demonstrate that the proposed development would enable view

sharing to be maintained and the predominant views received from No. 132 Hewlett Street would be maintained under the proposal.



**Figure 14:** Views from first floor eastern window (viewpoint 04), height variation in green



**Figure 15:** Views from DA approved front balcony (viewpoint 03), height variation in green

**Source:** Urbaine Design Group

Importantly, the primary views obtained towards the street frontage, habitable room and the balcony will be maintained irrespective of the height breach. **Figures 12-14** demonstrate that the proposal maintains view sharing and while the approved dormer (viewpoint 01) would have enabled eastward views to be obtained, the approved privacy screen (see **Figure 12**) will reduce the extent of this view. The amendments to the first floor level balcony and planter will assist in maintaining any upward outlook or horizon view that is not screened. View impacts are therefore acceptable and view sharing would be maintained.

### *Privacy*

The applicant's Clause 4.6 Written Request considers potential privacy impacts insofar as they relate to the height variation, noting that privacy is likely to be preserved as the extent of height variation is limited to the frontage and the proposed street facing balconies.

The applicant notes that the street frontage windows are unlikely to result in adverse overlooking or acoustic privacy impacts as they are orientated to the street and substantially separated from the development on the southern side of Hewlett Street.

Council notes that window openings to the side elevations are minimal, with openings provided on the eastern elevation at ground and first floor levels adjacent to the stair landing. However, these windows do not directly face window openings on the neighbouring dwelling at No. 136 Hewlett Street. The front facing balconies, of which the first floor level encompasses the height con-compliance, are fitted with privacy screening on the eastern and western sides of the balconies. The screening would manage potential privacy concerns and in particular the increased western side setback would further mitigate any potential privacy concerns for the neighbouring RFB at No. 132 Hewlett Street and the subject site. The main opportunity for overlooking would be facing south however, given the elevation of the dwelling above the street level and the separation distance of the dwelling to the properties on the southern side

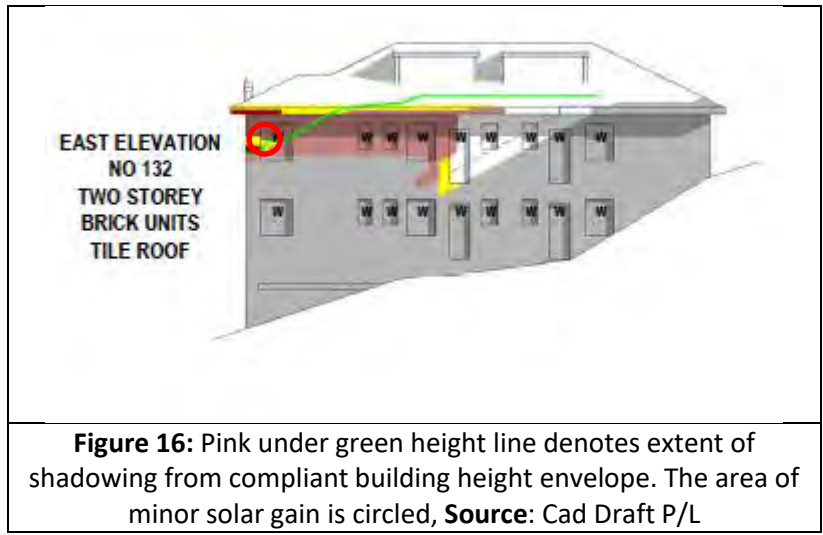
of Hewlett Street, privacy impacts are considered negligible. Accordingly, Council is of the view that the environmental amenity of neighbouring properties, with respect to privacy has been satisfactorily preserved.

*Solar Access*

The applicant’s Clause 4.6 Written Request states that although the proposal partially exceeds the building height development standard, the variation does not result in any additional shadowing to neighbouring windows or private open space when compared to the existing shadowing or the previous approval.

The proposed height non-compliance will result in a minor shadow being cast to the garage roof and front setback of No. 95 Hewlett Street and to the roof of No. 132 Hewlett Street at 9:00am. The applicant notes that additional shadow is offset by a reduction of shadow when compared to the approved development on the site, with the attic windows to No. 132 Hewlett Street receiving increased sunlight compared to the previous approval on the site.

At 10:00am the proposal will shadow four windows on the eastern elevation to No. 132 Hewlett Street. The southern most window on the eastern elevation, is already shadowed by the roof eaves above, with a very small amount of solar gain when compared to the current approved DA on the subject site (see **Figure 15**).



From 11:00am shadowing shifts to the Hewlett Street frontage and from midday to 3:00pm shadowing to the western elevation of No. 136 Hewlett Street would be mostly as a result of a compliant height envelope. Any shadowing cast to the western elevation of No. 136 Hewlett Street would not impact habitable windows or areas of private open space, with some reduction in shadowing across the diagrams as a result of the flat roof form and lowered height plane across the site when compared to the approval under DA-48/2021.

Council is satisfied that shadowing to the eastern elevation, at 10:00am is as a result of a compliant building height envelope, with a small amount of solar gain to the top of the southernmost window on the eastern elevation. At 9:00am the eastern elevation of No. 132 Hewlett Street is already in shadow. Accordingly, the extent of impact is minor, is as a result of a compliant building height and would not unreasonably impact on the environmental amenity of the neighbouring property.

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

As set out above, the applicant has adequately addressed and demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard, with consideration to the topography of the site, compatibility with the desired future character and consideration of the existing built form on the site. The applicant also provided a number of recent examples within the vicinity of the site with similar built form and height non-compliances, noting that the proposal would not be dissimilar to a number of developments in the area.

The applicant has demonstrated that the proposal would provide for a better planning outcome for the site, future occupants of the site and the neighbourhood through an enhanced design and streetscape appearance, noting that enforcing strict compliance would result in a streetscape presentation that is inconsistent with the existing and emerging character of Hewlett Street, reducing the potential for increased building height and compliant floor space on the subject site.

For the reasons set out above, Council is satisfied that the applicant has demonstrated sufficient environmental planning grounds to justify contravention of the standard.

Is the development in the public interest?

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

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

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

As set out above, despite the height non-compliance, the proposal would preserve the environmental amenity of neighbouring properties, by enabling view sharing to be maintained and for solar access to existing neighbouring buildings to be maintained. The subject site and surrounding area is characterised by detached dwellings and RFB development of various architectural styles from various eras. The non-

compliant building height of part of the ground and first floor levels at the site's frontage would be compatible with the height, scale, and form of development to the east of the subject site. The proposal is therefore considered to be consistent with the desired future character of the locality.

The relevant objectives of the R2 zone are as follows:

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

The proposal would continue to provide for the housing needs of the community and occupants of the site and is well located with respect to public transport, footpaths and cycling paths. The proposal is architecturally designed and would contribute positively to the existing and future character of the neighbourhood and streetscape. The application was accompanied by a BASIX Certificate and the plans include the commitments to ensure full compliance with the identified measures. The proposal would achieve good cross ventilation and incorporate passive design. The application includes increased landscaped area, a number of mature trees will be retained and any identified for removal are to be replaced as part of the landscaping works on the site.

The proposal is considered to provide a more cohesive design response for this site when compared to similar developments in the vicinity and in comparison to the LEC approved development, and notwithstanding the height non-compliance, is considered to be a better planning outcome for the site.

### Conclusion

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

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

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

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

Development Control	Compliance	Comment
<b>1. Waste</b>	Yes	Satisfactory.
<b>2. Ecologically Sustainable Development</b>	Yes	<p>A BASIX and NatHERS Certificate were submitted with the application, setting out energy efficiency and water conservation targets as required under the SEPP.</p> <p>The proposal incorporates passive design, providing openings to all facades with good cross ventilation and solar penetration.</p> <p>An advisory note is included in the recommendation stating that gas should not be used for all cooktops, ovens and heating and to provide ceiling or wall mounted fans in all habitable rooms.</p>
<b>3. Landscaping, Biodiversity and Vegetation Preservation</b>	No (acceptable by condition)	<p>The site is within an identified habitat corridor, which requires a minimum of 50% of proposed trees, shrubs, and grasses/groundcovers to be native plants listed in Annexure B3-1. Council’s Biodiversity Officer reviewed the Landscape Plan submitted with the application and requested amendments to comply with this requirement. After several iterations, the landscape plan still does not comply with the control, therefore a condition of consent is recommended to require the landscape plan to be amended to comply with the control.</p> <p>The proposal includes the removal and retention of several trees on the site. Council’s Tree Management Officer reviewed the proposal and noted support to remove the identified trees subject to trees being replaced. The street tree (<i>Ficus rubiginosa</i>) growing out from the sandstone shelf in front of the subject site must be retained and protected during construction. Conditions of consent are recommended and a tree bond payable for the protection of the street tree during construction is required.</p>

Development Control	Compliance	Comment
<b>5. Water Management</b>	Yes	Satisfactory. Refer to section 3 of this report on referral commentary in relation to stormwater.
<b>7. Transport</b>		
<b>7.1 Streetscape</b>	Yes	The proposal seeks to maintain the garage in the existing location, which is appropriate. The garage would present to the streetscape as the existing garage does.
<b>7.2 On-Site Parking</b>	Yes	The parking spaces comply with the minimum dimension requirements and the Australian Standards.
<b>7.2.1 Vehicle Access</b>	Yes	The driveway crossover is acceptable.
<b>7.2.2 Parking Rates</b>	Yes	The development provides two off-street parking spaces which complies with the development standard.
<b>11. Design Excellence</b>	Yes	The proposal has been designed to a high architectural standard and is in keeping with the bulk and massing of neighbouring dwellings to the east. The proposal is considered to achieve design excellence.
<b>13. Excavation</b>	No (acceptable on merit)	The site is subject to a maximum excavation volume of 130.34m <sup>3</sup> . The application proposes 455m <sup>3</sup> of excavation, which has been reduced from the original application through design development.  <i>See below Table 3 for further discussion.</i>

**Table 31: Waverley DCP 2022 – Part C1 Low Density Residential Development Compliance Table**

Development Control	Compliance	Comment
<b>1.0 General Objectives</b>		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
<b>1.1 Height</b>		
<b>Flat roof dwelling house</b> <ul style="list-style-type: none"> <li>• <i>Maximum wall height of 7.5m</i></li> <li>• <i>Buildings on steep sites to be stepped down to avoid high columns, elevated platforms and large undercroft areas</i></li> </ul>	No	The proposal has a non-compliant wall height up to 13.25m.  <i>See below the table for further discussion.</i>
<b>1.2 Setbacks</b>		
<b>1.2.1 Front and rear building lines</b>	Yes	The subject site is situated behind the front building line of the neighbouring RFB to the west. The front building lines of the sites to the east are



Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li><i>Predominant front building line (adjacent three neighbours on either side)</i></li> <li><i>Predominant rear building line at each floor level (adjacent three neighbours or either side)</i></li> </ul>	Yes	<p>slightly varied due to a curve in the road in the approach to the Mirimar Avenue and Hewlett Street intersection.</p> <p>The same applies at the rear. The subject site aligns with the rear building line of the RFB to the west. The proposal is appropriately sited at the rear. The sites to the east comprise irregular rear boundaries of which the buildings lines vary.</p> <p>The proposal is not inconsistent with the predominant front and rear building lines at all levels.</p>
<p><b>1.2.2 Side setbacks</b></p> <ul style="list-style-type: none"> <li><i>Minimum 1.5m for second floor, noting that where a brand new three storey structure is proposed, all floors must be setback by 1.5m.</i></li> <li><i>Third floor assessed on merit.</i></li> </ul>	Yes	The proposal provides a 1.5m eastern and western side setback.
<b>1.3 Streetscape and visual impact</b>		
<ul style="list-style-type: none"> <li><i>New development to be compatible with streetscape context</i></li> <li><i>Significant landscaping to be maintained.</i></li> </ul>	Yes	<p>The proposal is compatible with the built form and scale of surrounding development.</p> <p>The front street tree is to be retained and several trees to the rear of the site are to be retained.</p>
<b>1.4 Fences</b>		
<p><u>Front:</u></p> <ul style="list-style-type: none"> <li><i>Maximum height of 1.2m</i></li> <li><i>Solid section no more than 0.6m in height</i></li> </ul> <p><u>Side and Rear:</u></p> <ul style="list-style-type: none"> <li><i>Maximum height of 1.8m</i></li> </ul>	<p>No (acceptable on merit)</p> <p>Yes</p>	<p>The proposal includes a front boundary wall that aligns with the garage entry, consistent with the existing site features. Given the sloping site, the existing frontage and the predominance of garage entries along this section of Hewlett Street, the variation to the fence control is appropriate in this instance.</p> <p>The side and rear boundary fences and retaining walls will be built to replace existing fence levels as noted on the plans.</p>
<b>1.5 Visual and acoustic privacy</b>		
<ul style="list-style-type: none"> <li><i>Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures</i></li> </ul>	Yes	The proposal includes two window openings at ground and first floor levels on the eastern elevation and minimal openings on the western elevation, each being screened to manage potential privacy concerns. The neighbouring dwelling to the east does not contain west facing windows that would be impacted by the proposal. The proposed screening of the western

Development Control	Compliance	Comment
<p><i>are incorporated into the design</i></p> <ul style="list-style-type: none"> <li><i>Maximum size of balconies: 10m<sup>2</sup> in area 1.5m deep</i></li> </ul>	No	<p>elevation windows would obscure views for the neighbouring RFB and mitigate potential privacy concerns for both properties. A detailed discussion of potential privacy impacts resulting from the front facing balconies and windows is provided in section 2.1.2.</p> <p>The proposal includes balconies at each level, all of which exceed the 10m<sup>2</sup> and 1.5m width control.</p> <p><i>See below the table for further discussion.</i></p>
<b>1.6 Solar access</b>		
<ul style="list-style-type: none"> <li><i>Minimum of 3 hours of sunlight to 50% of living areas and principal open space areas on 21 June to subject site</i></li> <li><i>Minimum of 3 hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June.</i></li> <li><i>Avoid unreasonably overshadowing of solar collectors (including habitable windows).</i></li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The shadow diagrams submitted with the application demonstrate that the rear yard of the site is mostly in shadow as a result of the existing surrounding development to the rear. Given the sites north-south orientation, the proposal would not alter the provision of solar access at the rear.</p> <p>The proposal would not reduce sunlight access to the principal open spaces of any adjoining properties on 21 June.</p> <p>In addition, the proposal would give rise to additional shadowing of the eastern elevation of No. 132 Hewlett Street at 10am and to a small section of window on the western elevation of No. 136 Hewlett Street at midday. For the remainder of the day, shadows would be cast on blank walls and the street frontage.</p>
<b>1.7 Views</b>		
<ul style="list-style-type: none"> <li><i>Views from the public domain are to be maintained</i></li> <li><i>Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks.</i></li> </ul>	<p>Yes</p> <p>Yes</p>	<p>A detailed analysis of view impacts is provided in section 2.1.2. As set out above, the proposal and potential impacts to views has been assessed against the Tenacity principles, which concluded that the proposal would enable the sharing of views from surrounding properties and is therefore appropriate.</p>
<b>1.8 Car parking</b>		
<p><b>1.8.1 Design Approach</b></p> <ul style="list-style-type: none"> <li><i>Parking only allowed where site conditions permit</i></li> <li><i>Designed to complement the building and streetscape</i></li> </ul>	<p>Yes</p> <p>Yes</p>	<p>The proposal maintains the location of the existing garage, providing an increased area for the garage and other associated uses.</p> <p>The design and location is consistent with the existing garage and its presentation to the streetscape. The properties located on the upper</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>• <i>Car parking structures to be behind the front building line</i></li> <li>• <i>Driveways are to be located to minimise the loss of on street parking.</i></li> </ul>	<p>As existing</p> <p>As existing</p>	<p>level of Hewlett Street are characterised by garages at the lower level, with the dwellings above.</p> <p>There is no change to the driveway on the site. The driveway crossover is acceptable.</p>
<p><b>1.8.2 Parking rates</b></p>	<p>Yes</p>	<p>The development provides two off-street parking spaces which complies with the development control.</p>
<p><b>1.8.3 Location</b></p> <ul style="list-style-type: none"> <li>• <i>Parking to be behind front building line for new dwellings</i></li> <li>• <i>Existing development to be in accordance with the hierarchy of preferred car parking locations</i></li> </ul>	<p>N/A</p>	<p>The proposal does not seek to change the location of car parking.</p>
<p><b>1.8.4 Design</b></p> <ul style="list-style-type: none"> <li>• <i>Complement the style, massing and detail of the dwelling</i></li> <li>• <i>Secondary in area and appearance to the design of the residences</i></li> <li>• <i>No part of the façade is to be demolished to accommodate car parking</i></li> <li>• <i>Gates to have an open design</i></li> </ul>	<p>Yes</p>	<p>The design of the garage and door detailing is consistent with the existing site conditions.</p> <p>Alongside the garage door comprises louvred screening to allow ventilation into the mechanical services plant area. The screen is consistent in appearance with the garage door and is appropriate.</p> <p>The side entry gate is open so the entry passage can be seen from the sites frontage.</p>
<p><b>1.8.5 Dimensions</b></p> <ul style="list-style-type: none"> <li>• <i>5.4m x 2.4m per vehicle</i></li> </ul>	<p>Yes</p>	<p>The proposal complies with the minimum dimensions.</p>
<p><b>1.8.6 Driveways</b></p> <ul style="list-style-type: none"> <li>• <i>Maximum of one per property</i></li> <li>• <i>Maximum width of 3m at the gutter (excluding splay)</i></li> </ul>	<p>Yes</p>	<p>The driveway is as per the existing driveway and crossover and complies with the maximum width.</p>
<p><b>1.9 Landscaping and open space</b></p>		
<ul style="list-style-type: none"> <li>• <i>Overall open space: 40% of site area (160.68m<sup>2</sup>)</i></li> <li>• <i>Overall landscaped area: 20% of site area, with at least half deep soil (80.34m<sup>2</sup>)</i></li> <li>• <i>Minimum area of 25m<sup>2</sup> for private open space</i></li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The proposal provides approximately 122m<sup>2</sup> of open space in the rear yard. The front facing balconies provide additional open space that extends out from the internal living spaces, equating to more than 160m<sup>2</sup> of open space across the site. The calculation includes the whole of the rear yard but excludes the front setback that is used primarily for vehicular access and is not considered usable open space.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>• <i>Front open space: 50% of front building setback area</i></li> <li>• <i>Front landscaped area: 50% of front open space provided</i></li> <li>• <i>Outdoor clothes drying area to be provided</i></li> </ul>	<p>Existing non-compliance</p> <p>Yes</p>	<p>The site comprises approximately 101m<sup>2</sup> of landscaped area, which is also deep soil.</p> <p>The whole of the front setback is open space but is predominantly utilised as a driveway and vehicular access point. The front setback does not currently comprise landscaping and this is not proposed to change under the proposal.</p> <p>The site comprises ample space to accommodate a clothes drying area.</p>
<p><b>1.10 Swimming pools and spa pools</b></p>		
<ul style="list-style-type: none"> <li>• <i>Located in the rear of property</i></li> <li>• <i>Pool decks on side boundaries must consider visual privacy</i></li> <li>• <i>All pool equipment to be enclosed within an acoustically treated enclosure</i></li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The swimming pool is located along the north-eastern side of the rear yard. The pool is set in from the side and rear boundaries and includes landscaping around the eastern and northern perimeters.</p> <p>The pool equipment is located internally to the rear of the ground floor level and can be accessed through service doors on the northern side of the dwelling.</p>

The following is a detailed discussion of the issues identified in the compliance tables above in relation to the Waverley DCP 2022.

### *Excavation*

The proposal includes excavation at the garage and lower ground levels to accommodate internal circulation, mechanical and services space, bin storage and under croft support. The site is subject to a maximum excavation volume of 130.34m<sup>3</sup> under the Waverley DCP 2022. The original application sought an excavation volume of 534m<sup>3</sup>, which Council requested be reduced and through design development was reduced to the proposed volume of 455m<sup>3</sup>. The total volume of excavation equates to 22m<sup>3</sup> within the garage, 273m<sup>3</sup> of circulation space at the garage and lower ground levels and an additional 160m<sup>3</sup> at the lower ground level.

Part B13 control (c) states that the maximum volume of excavation for a plant room is the minimum required to meet Australian Standards, accommodate typical dimensions of equipment required and associated circulation space to access the equipment. The application was accompanied by a Services Spatial Compliance Statement (SCS) and layout plans indicating the positioning and spatial requirements for the dwelling.

While the area identified for plant and services is vast, much of the services space is provided at garage level, the footprint of which is largely existing. The excavation at the garage level is not considered to add to the visual bulk and scale of the building, in accordance with Part B13 control (d). In addition, a

spilt level design configuration has been adopted to suit the sloping topography and minimise the need for further excavation, in accordance with control (k). Excavation would not occur within 900mm of the side boundaries, with the proposal providing a minimum 1.2m setback to the side boundaries at the garage and lower ground floor levels, in accordance with control (o).

A Geotechnical Report was submitted with the application, which includes design recommendations and recommends further inspections be carried out during construction to confirm the geotechnical and hydrogeological model. The report concluded that the site is *'geotechnically suitable for the proposed works and that excavation and construction may be carried out safely provided that the recommendations of this report are implemented in the works.'*

Accordingly, given the footprint of the dwelling and sloping site, a degree of flexibility to the extent of excavation is considered reasonable in this instance. Conditions of consent are recommended to require the development to be undertaken in accordance with the recommendations in the Geotechnical Report.

### ***Wall height***

The proposal has a non-compliant wall height of 12.6m, measured on the western elevation from existing ground level to 600mm below the top of the parapet.

The exceedance to the wall height is somewhat unavoidable given the overall height non-compliance and flat roof form, however the development has been appropriately stepped to follow the fall of the site and to avoid large areas of undercroft, in accordance with Part C1.1 Height, control (d). The area of undercroft and extent of excavation has been reduced through design development and the extent of built form and development in excavation areas is not considered to add to the visual bulk and scale of the dwelling, and is therefore consistent with Part C1.1, objective (f).

The wall height and overall scale of the development relates to the topography and street character, would not unreasonably impact on views enjoyed by neighbouring properties and does not result in unreasonable overshadowing of adjoining or other nearby properties, and is therefore consistent with the Part C1.1, objectives (b), (c) and (d). In this instance, the non-compliant wall height is acceptable.

### ***Balconies***

The proposal includes balconies at each level, all of which exceed the 10m<sup>2</sup> and 1.5m width control. Part C1.5 (e) sets out the controls relating to an elevated deck or balcony and provides additional matters for consideration where a larger area is proposed:

- (i) Compliance with the building height development standard;*
- (ii) Compliance with setback controls;*
- (iii) Efforts to mitigate visual and acoustic privacy impacts including the use of permanent screening devices, increased setbacks, and retention of existing vegetation;*

- (iv) Pre-existing pattern of development in the vicinity of elevated decks and balconies; and*  
*(v) The visual impact of the elevated deck or balcony and any proposed privacy screening in terms of bulk and scale as viewed from the private open space and living areas of adjoining properties and from the street.*

The first floor level balcony and part of the parapet of the ground floor level balcony fall within the non-compliant building height envelope. As set out in section 2.1.2, while the breach to the height is considered acceptable, a variation to the balcony control is not supported by a compliant building height at first floor level in this instance. The proposal complies with the 1.5m side setback control on both sides. Mitigation measures in the form of permanent privacy screening are provided on both sides of each balcony across each level and landscape planters have been incorporated in the design. The first floor level balcony has been further setback from the western boundary, providing a 7m separation distance between the balcony and the eastern elevation of No. 132 Hewlett Street.

The proposal is consistent with the pre-existing pattern of development in the vicinity, which comprises a predominance of elevated terraces and balconies that exceed the control, particularly to the east. The proposed balconies are considered to form an integral part of the architectural design of the dwelling and are not considered to add substantial visual bulk and scale to the development, compared to if the façade did not include the balconies. This is in part due to the landscape planters that border the balcony and soften the appearance from the streetscape.

In summary, the balconies are set back behind the front building line of the neighbouring RFB and would not give rise to overlooking to the east or west, given the proposed screening. In this instance, the acceptability of the larger balconies is in part due to the split level of Hewlett Street in this location, whereby opportunities for overlooking directly into a neighbouring property is less likely given the orientation of the neighbours to the east, the increased setback to the west and separation distance and elevation between the site and the southern side neighbours. The impacts of the front facing balconies would not necessarily be less if these areas were to be reduced in size and therefore the assessment finds the balconies acceptable in this instance.

## 2.2. Other Impacts of the Development

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

## 2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

## 2.4. Any Submissions

The application was notified for 14 days between 13 February 2023 and 3 March 2023 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

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

- The overall building height has been reduced by 550mm since submission of the original application.
- Additional information was submitted to support the Clause 4.6 Written Request to vary the height of building development standard, including a detailed VIA and a full assessment of the proposal and potential impacts on views in accordance with the view sharing Tenacity planning principle. The VIA demonstrates that the proposal would enable view sharing from surrounding developments.
- Shadowing as a result of the height breach has been removed from the proposal. Amended shadow diagrams demonstrate that the shadowing resulting from the proposal is only attributed to a compliant built form and would only impact the eastern elevation of No. 132 Hewlett at 10:00am on 21 June.
- The applicant clarified GFA and FSR calculations confirming the proposal is compliant with the maximum FSR development standard.
- The extent of excavation and the amount of storage space has been reduced across the site. Further engineering details have been provided including a Services Spatial Compliance Statement and layout plan, indicating the allocation of space for services and mechanical plant.
- A Geotechnical Report has been prepared and submitted with the application. The report provides recommendations to guide slab and foundation design and concludes that the site is geotechnically suitable for the proposed works and that excavation and construction may be carried out safely provided that the recommendations of the report are implemented in full. A condition of consent is recommended to require the development to be undertaken in accordance with the recommendations of the report.
- The Landscape Plan was updated several times throughout assessment of the application however the plan is still not compliant with the relevant biodiversity habitat corridor controls. A condition of consent is recommended to require the plan be updated to comply.

One unique submission was received from No. 2 Andrew Street, Bronte (located to the rear of the site), in response to notification of the original plans submitted.

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

- *Remove references to previous LEC approval.*
- *Excavation.*
- *Geotechnical advice is required.*
- *Storage.*
- *The front setback /driveway is not open space .*
- *View impacts.*
- *Wall height.*

- *Fencing details.*
- *Lift overrun details.*
- *Balconies.*

## 2.5. Public Interest

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

## 3. REFERRALS

The following internal referral comments were sought:

### 3.1. Traffic and Development

The application was referred to Council's Traffic Engineer. No objections were raised subject to the recommended conditions of consent being imposed.

### 3.2. Stormwater

The application was referred to Council's Stormwater Engineer. No objections were raised subject to the recommended conditions of consent being imposed.

### 3.3. Tree Management

The application was referred to Council's Tree Management Officer (TMO). The proposal includes removal of a number of trees on the site. The TMO noted that there are *'no significant specimens growing on the property at 134 Hewlett Street as most of the trees and palms are growing in recent landscaping...'*

To the Hewlett Street frontage is one (1) *Ficus rubiginosa* (Port Jackson fig) growing out from the sandstone shelf. The tree is to be retained and protected. A Tree Bond condition is recommended. The mature trees proposed to be removed on the site (Tree 1 and Tree 3) are to be replaced with an appropriate species and planted in a location that would not impact on views but would maintain the tree canopy on site when mature.

No objections were raised subject to the recommended conditions of consent being imposed.

### 3.4. Biodiversity

The application was referred to Council's Biodiversity Officer. The site is within a recognised biodiversity habitat corridor and is subject to Part B3.3.2 of the Waverley DCP 2022. The submitted Landscape Plans to date do not comply with the relevant requirements of the DCP. Amended plans have been requested several times, with several iterations of the plans provided to Council for further review. The latest



Landscape Plans received by Council on 11 August 2023, still do not comply with the relevant controls, with the following provided from Council's Biodiversity Officer: *'The amended landscape plans (received 11 August 2023) are almost identical to those (received 22 June 2023) and do not comply with the above controls as the proportion of shrubs and the proportion of groundcovers listed in Annexure B3-1 as proposed is below 50%. 'Grey Box' Westringia is a cultivar and is not listed in Annexure B3-1. Myoporum parvifolium is not listed in Annexure B3-1.'*

A condition of consent is recommended to require the Landscape Plans to be updated to comply with the relevant controls under Part B3.3.2 of the Waverley DCP 2022.

#### 4. CONCLUSION

The development application seeks consent for demolition of the existing dwelling and construction of a new part-two, part-three storey dwelling house, including garage, landscaping works and swimming pool at the site known as 134 Hewlett Street, Bronte.

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

- Building height and view sharing;
- Excavation;
- Balconies.

The assessment finds these issues acceptable because the exceedance of the building height development standard would not unreasonably impact on the environmental amenity of neighbouring properties with respect to solar access, privacy, and the sharing of views. The applicant's Clause 4.6 written request adequately addresses the matters required to be addressed under clause 4.6 of the Waverley LEP 2012.

A Geotechnical Report was submitted, concluding that the site is suitable for the proposed works and that excavation and construction may be carried out safely provided that the recommendations of the report are implemented. A condition of consent is recommended to require the development to be undertaken in accordance with the Geotechnical Report.

The proposed balconies are not anticipated to have an unacceptable impact on visual and acoustic privacy as they have been appropriately treated with privacy screening at the sides to mitigate overlooking and are considered satisfactory in this instance.


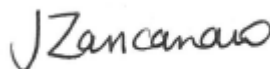

Conditions of consent are recommended to require the landscape plan to be updated to comply with the Waverley DCP 2022 and for the mature trees proposed to be removed in the site's frontage to be replaced elsewhere on the site in an appropriate location to ensure tree canopy is maintained.

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

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

#### 5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed by:	Application reviewed and agreed by:
		
Alana Jelfs	Jo Zancanaro	Angela Rossi
<b>Senior Development Assessment Planner</b>	<b>A/Manager, Development Assessment</b>	<b>A/ Executive Manager, Development Assessment</b>
<b>Date:</b> 24 August 2023	<b>Date:</b> 29 August 2023	<b>Date:</b> 31 August 2023

*Reason for WLPP referral:*

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

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<p><b>Clause 4.6 register entry required</b></p> <p>(For the purposes of reporting to the planning portal, if the % approved is different to the % proposed in the original submission, please state what the variation initially proposed was – Planning Portal Requirement)</p>	<p><b>59% variation to height (Clause 4.3)</b></p> <table border="1"> <tr> <td data-bbox="836 362 906 398">X</td> <td data-bbox="906 362 1431 398">Pre-existing non-compliance</td> </tr> <tr> <td data-bbox="836 398 906 434"></td> <td data-bbox="906 398 1431 434">No change to overall building height</td> </tr> <tr> <td data-bbox="836 434 906 510"></td> <td data-bbox="906 434 1431 510">No change to overall building envelope</td> </tr> <tr> <td data-bbox="836 510 906 586"></td> <td data-bbox="906 510 1431 586">Variation limited to the [lift/plant/parapet/attic] only</td> </tr> <tr> <td data-bbox="836 586 906 689">X</td> <td data-bbox="906 586 1431 689">No unreasonable impacts on the amenity of adjoining properties or streetscape</td> </tr> <tr> <td data-bbox="836 689 906 766">X</td> <td data-bbox="906 689 1431 766">Sufficient environmental planning grounds</td> </tr> <tr> <td data-bbox="836 766 906 842">X</td> <td data-bbox="906 766 1431 842">Consistent with the objectives of the standard</td> </tr> <tr> <td data-bbox="836 842 906 909"></td> <td data-bbox="906 842 1431 909">[insert another reason here if required]</td> </tr> </table>	X	Pre-existing non-compliance		No change to overall building height		No change to overall building envelope		Variation limited to the [lift/plant/parapet/attic] only	X	No unreasonable impacts on the amenity of adjoining properties or streetscape	X	Sufficient environmental planning grounds	X	Consistent with the objectives of the standard		[insert another reason here if required]
X	Pre-existing non-compliance																
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X	Sufficient environmental planning grounds																
X	Consistent with the objectives of the standard																
	[insert another reason here if required]																
<p><b>Determining Authority</b></p> <p>(Concurrence Authority for Clause 4.6 variation)</p>	<p>Local Planning Panel</p>																
<p><b>Affordable Rental Housing Units?</b></p> <p>*This is a planning portal reporting requirement</p>	<p>No</p>																
<p><b>Secondary Dwelling</b></p> <p>*This is a planning portal reporting requirement</p>	<p>No</p>																
<p><b>Boarding House</b></p> <p>*This is a planning portal reporting requirement</p>	<p>No</p>																
<p><b>Group Home</b></p> <p>*This is a planning portal reporting requirement</p>	<p>No</p>																
<p><b>Trial Period database entry required</b></p>	<p>No</p>																
<p><b>VPA submitted – follow up actions required</b></p>	<p>No</p>																
<p><b>Refer to compliance for investigation</b></p>	<p>No</p>																
<p><b>Commercial/liquor operational conditions</b></p>	<p>No</p>																
<p><b>Other (please specify):</b></p>	<p>N/A</p>																

## APPENDIX A – CONDITIONS OF CONSENT

### A. APPROVED DEVELOPMENT

#### 1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by 'MHNDUnion of Project No. 18-008, including the following:

<b>Plan Number and Revision</b>	<b>Plan description</b>	<b>Plan Date</b>	<b>Date received by Council</b>
DA000, Rev E	Cover Page	29.08.2023	30.08.2023
DA100, Rev E	Site Analysis	29.08.2023	30.08.2023
DA200, Rev E	Garage Level Plan	29.08.2023	30.08.2023
DA201, Rev E	Lower Ground Floor Plan	29.08.2023	30.08.2023
DA202, Rev E	Ground Floor Plan	29.08.2023	30.08.2023
DA203, Rev E	First Floor Plan	29.08.2023	30.08.2023
DA204, Rev E	Roof Plan	29.08.2023	30.08.2023
DA300, Rev E	Section A	29.08.2023	30.08.2023
DA301, Rev E	Section A2	29.08.2023	30.08.2023
DA302, Rev E	Section B	29.08.2023	30.08.2023
DA303, Rev E	Pool Sections	29.08.2023	30.08.2023
DA400, Rev E	South Elevation	29.08.2023	30.08.2023
DA401, Rev E	North Elevation	29.08.2023	30.08.2023
DA402, Rev E	West Elevation	29.08.2023	30.08.2023
DA403, Rev E	East Elevation	29.08.2023	30.08.2023
DA602, Rev A	External Finishes Schedule	25.11.2022	31.01.2023

(b) BASIX and NatHERS Certificates

(c) Approved stormwater details and documentation prepared by JHA dated August 2022 and received by Council 31.01.2023

(d) Arborist Report prepared by Dr. Treegood [no date] and received by Council on 31.01.2023

(e) Schedule of External Materials and Finishes received by Council 31.01.2023

(f) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 31.01.2023

(g) Geotechnical Investigation prepared by Morrow Geotechnics Pty Ltd dated 3 August 2023 and received by Council 11.08.2023

Except where amended by the following conditions of consent.

## 2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments:

- (a) The landscape plan is to be amended to show the replanting of trees on the subject site that have a minimum species growth maturity height of 5m, to replace Trees 1 and 3. The replacement trees must be a local native species selected from the list of **canopy trees in Annexure B3-1** of the Waverley Development Control Plan 2022 and have a minimum 45 Litre pot size.
- (h) The External Finishes Schedule (DA602) is to be updated to reflect the approved architectural plans listed in Condition 1.

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

## 3. LANDSCAPE PLAN

An amended landscape plan is to be submitted to and approved by Council's Executive Manager, Environmental Sustainability (or delegate) with a plant species list having a minimum of 50% of the proposed trees, 50% of the shrubs and 50% of the grasses and groundcovers (not including turfed areas) are to be indigenous or local native plants listed in Annexure B3-1 of the Waverley Development Control Plan 2022.

## 4. BALCONY PLANTER DETAILS

The construction certificate landscape plans are to comply with the controls for green roofs in Part B3.2.3 of the Waverley Development Control Plan 2022 including:

- (a) Comprise plants that are suitable for the site in relation to the environmental conditions (sun, wind and views) and include indigenous or local native plants to Waverley (see Annexure B3-1).
- (b) Have a minimum soil depth of 300mm and use lightweight soil mixes that are porous, able to drain freely, and suitable for the selected plant species;
- (c) The balcony planters are to be designed to be a non-trafficable area (with no balustrades) and must be irrigated without requiring frequent maintenance access. Any access to the roof planters is to be for servicing purposes only.

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

## 5. GEOTECHNICAL INVESTIGATION

The development is to be undertaken in accordance with the recommendations in the Geotechnical Investigation prepared by Morrow Geotechnics Pty Ltd dated 3 August 2023 and received by Council 11.08.2023.

**6. HEADROOM CLEARANCE**

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

**7. WORK OUTSIDE PROPERTY BOUNDARY**

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

## **B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

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

### **GENERAL REQUIREMENTS**

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

#### **9. SURRENDER OF DEVELOPMENT CONSENT**

Development consent DA-48/2021 is to be surrendered by the applicant, in accordance with Clause 68 of the *Environmental Planning and Assessment Regulation 2021*. The surrender is to be received by Council prior to the issue of any Construction Certificate for works associated with this development consent. The surrender of the consent takes effect when Council receives the notice.

#### **10. HOME BUILDING ACT**

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

### **CONTRIBUTIONS, FEES & BONDS**

#### **11. SECTION 7.12 CONTRIBUTION**

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

- (a) Where the total development cost is less than \$500,000:
  - a. a **Cost Summary Report** or **Building Contract** or similar is to be submitted to Council's Customer Service Centre to process payment.
- (b) Where the total development cost is \$500,000 or more:

- a. a **Detailed Cost Report** prepared by a registered Quantity Surveyor, **Building Contract**, or similar is to be submitted to and approved by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate).  
Please forward documents to [info@waverley.nsw.gov.au](mailto:info@waverley.nsw.gov.au) attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy.
- b. Upon confirmation of the contribution amount by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate), payment is to be processed via the Customer Service Centre.
- c. Should there be a discrepancy between the cost of works approved in subclause (b)(i) and the DA fee nominated in the original DA, then additional DA Fees may be payable prior to the issue of a Construction Certificate.

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

- (c) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, the levy must be paid in accordance with the following:
  - (i) A development valued at \$100,000 or less will be exempt from the levy;
  - (ii) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% of the full cost of the development; or
  - (iii) A development valued at more than \$200,000 will attract a levy of 1% of the full cost of the development.

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

## 12. TREE PRESERVATION BOND

A bond of **\$5,000** is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the one (1) *ficus rubiginosa* (Port Jackson fig) growing out from the sandstone shelf in front of the subject site on Hewlett Street. The bond is to be lodged prior to the issue of a Construction Certificate.

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

## 13. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of **\$34,324.00** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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



#### **14. LONG SERVICE LEVY**

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

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

#### **15. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES**

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

An invoice will be issued to the applicant for the amount payable, which will be calculated based on the design plans for the subject development.

### **CONSTRUCTION MATTERS**

#### **16. HOARDING**

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

#### **17. EROSION & SEDIMENT CONTROL**

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

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

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

#### **18. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION**

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

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

## **19. ENGINEERING DETAILS**

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

## **20. ENGINEERING CERTIFICATE OF ADEQUACY**

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

## **21. DILAPIDATION REPORT**

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

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

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

## **TRAFFIC MANAGEMENT**

### **22. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)**

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

[https://www.waverley.nsw.gov.au/building/development\\_applications/post\\_determination/development\\_applications\\_-\\_conditions\\_of\\_consent](https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent)

## **STORMWATER & FLOODING**

### **23. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT**

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

The submitted Water Management Plan prepared by JHA, Drawing No. C-DA000 – C-DA600, received date: 31/01/2023 is considered concept only, and are deemed unsatisfactory.

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

- (a) Any new downpipes are to be located wholly within the property's boundary.
- (b) A sediment control stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- (c) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets
- (d) Confirm site area and post developed impervious area, current BASIX and Stormwater Plans and Details provide different values.
- (e) A grated trench drain shall be provided across the (garage entrance/driveway/street boundary) within private property. Unless otherwise sized by a suitably qualified and practising Engineer, the dimensions of the trench grate shall be no less than 300mm wide by 100mm deep at the shallow end and have a "bottom" slope of 2%. This trench drain shall be connected to an approved drainage system.
- (f) Provide calculations for gutter sizing for 5% AEP storm event and minimum number of downpipes required.
- (g) Permissible site discharge (PSD) for new development is a 1 in 100-year storm event detained to a 5-minute, 1 in 5-year storm event with a fraction imperviousness of 0.1. Recalculate PSD accordingly.
- (h) A certificate from a registered structural engineer certifying the structural adequacy of the OSD tank structure is to be provided. Any below ground OSD tank structure shall be a cast in-situ concrete based.
- (i) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.

Notes:

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

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

## **ENERGY EFFICIENCY & SUSTAINABILITY**

### **24. BASIX**

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

## **WASTE**

### **25. SITE WASTE AND RECYCLING MANAGEMENT PLAN**

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

## **C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION**

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

### **PRIOR TO ANY WORKS**

#### **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.

### **DEMOLITION & EXCAVATION**

#### **27. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS**

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

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

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

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

## **28. CONTROL OF DUST ON CONSTRUCTION SITES**

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

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

## **29. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS**

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

## **30. EXCAVATION AND BACKFILLING**

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

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

## **CONSTRUCTION MATTERS**

### **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 Sundays and public holidays.

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

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

### **32. STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS**

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

### **33. CONSTRUCTION INSPECTIONS**

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the *Building Legislation Amendment (Quality of Construction) Act 2002* and 162A Critical stage inspections for building work of the *Environmental Planning and Assessment Regulation 2021*.

### **34. CERTIFICATE OF SURVEY - LEVELS**

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

### **35. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING**

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

### **36. CONSTRUCTION OF SWIMMING POOLS AND OUTDOOR SPAS**

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

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

## **TREE PROTECTION AND REMOVAL**

### **37. TREE PROTECTION**

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

### **38. TREES PERMITTED TO BE REMOVED**

The following trees are permitted to be removed;

<b>Tree Species and approximate height</b>	<b>Location</b>	<b>To be replaced with</b>
Tree 1, <i>Cordyline australis</i> (Cabbage Tree [4m])	Falls within proposed pathway footprint	See condition 2(a)
Tree 3, <i>Coprosma</i> (Bird of paradise [6m])	Falls within proposed pathway footprint	See condition 2(a)
Trees 5-7, <i>Howea forsteriana</i> (Kentia Palms [3m trunk])	Along eastern side setback	Landscape plan includes planting that would offset removal of these trees.
Tree 10, <i>Schefflera actinophylla</i> (Umbrella Tree [3m]) – dead tree	Rear north-eastern corner in proposed location of swimming pool	Landscape plan includes planting that would offset removal of these trees.
Tree 12, <i>Howea forsteriana</i> (Kentia Palms [3m trunk]) – group of 4 small palms	Rear north-eastern corner in proposed location of swimming pool	Landscape plan includes planting that would offset removal of these trees.

### **39. STREET TREES TO BE RETAINED/TREE PROTECTION**

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

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

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



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

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

- Trunk protection to be removed at the issue of the Occupation Certificate subject to the satisfaction of Council.
- TPZ – A 1.8m chain link wire fence or the like shall be erected around the above trees to be retained to protect them from damage during construction. Fencing is not to be removed until all building work has been completed. Fencing to be installed to the dimensions outlined in the table above.
- If any tree roots are exposed during any approved works, then roots smaller than 30mm are to be pruned as per the specifications below. Any roots greater than 30mm are to be assessed by a qualified arborist before any pruning is undertaken.
- If tree roots are required to be removed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).
- It is the arborist's responsibility to determine if such root pruning is suitable. If there are any concerns regarding this process, then Waverley Council's Tree Management Officer is to be contacted to make final determination.
- If any trees on neighbouring properties require pruning, then permission must be gained from the owner of the tree(s) and an Application to Prune or Remove Trees on Private Property is then to be presented to Council for processing.
- If any trees on Council owned land require pruning, the applicant is to supply a tree pruning report from an Arborist with AQF level 5 qualification or above with photos showing the branches that need to be removed.
- If approval is granted the applicant may prune the tree at their expense, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

## **D. PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

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

### **40. FINAL OCCUPATION CERTIFICATE**

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

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

### **41. CERTIFICATION OF BASIX COMMITMENTS**

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

### **42. CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE SYSTEM**

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

### **43. WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM**

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

### **44. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD**

Prior to the issue of an Occupation Certificate, a “Positive Covenant” and “Restriction on the Use of Land” shall be created for the On-Site Stormwater Detention (OSD) system, under Section 88E of the *Conveyancing Act 1919*. This is to place a restriction on the Title that the OSD system is maintained and kept free of debris/weed to allow unobstructed passage of stormwater through the site and underneath

the residence. The property owner/occupant shall not modify or remove the OSD system without consent from Council.

The wording of the Instrument shall be submitted to and approved by Executive Manager, Infrastructure Services (or delegate) prior to lodgement at NSW Land Registry Services.

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created via an application to the NSW Land Registry Services using forms 13PC and 13RPA. Accompanying this form is the requirement for a plan to scale showing the relative location of the OSD system, including its relationship to the building footprint. Electronic color photographs of the OSD system shall accompany the application for the Positive Covenant and Restriction on the Use of Land.

The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate or use of the building. All associated costs shall be borne by the applicant.

#### **45. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR WATER QUALITY AND RAINWATER**

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

#### **46. CERTIFICATION OF SWIMMING POOL/OUTDOOR SPA**

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

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

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

#### **47. LANDSCAPE PLAN**

The site is to be landscaped and turfed in accordance with the approved landscaped plan with the landscape works completed and Certified by an Arborist with AQF level 5 qualification or above, prior to the issue of the Occupation Certificate.

### **E. ADVISORY MATTERS**

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

### **AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT**

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

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

### **AD2. SUSTAINABILITY AND INDOOR AIR QUALITY**

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

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

### **AD3. SYDNEY WATER REQUIREMENTS**

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

Contact Sydney Water for more information.

#### **AD4. ONGOING MAINTENANCE – STORMWATER DRAINAGE SYSTEM**

Council will need to be provided with an OSD and Stormwater Quality Improvement Devices maintenance activities. At a minimum, the OSD and Stormwater Quality Improvement Devices must be:

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

#### **AD5. RAINWATER HARVESTING AND REUSE**

The operation of all devices or appliances installed within the development approved by this consent as required by conditions pertinent to rainwater harvesting and rainwater reuse must be maintained in good operating order at all times.

#### **AD6. DIAL BEFORE YOU DIG**

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

#### **AD7. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)**

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

#### **AD8. EXCAVATION TO BE LIMITED**

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

#### **AD9. TREE REMOVAL/PRESERVATION**

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

#### **AD10. SITE RECTIFICATION WORKS**

The vacant site is to be maintained in a safe and secure manner. Fencing is to be erected around the perimeter of the site once demolition has been completed to secure the site. The site is to be protected from windblown soil loss and stormwater erosion at all times.

If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:

- (i) Require certain works to be carried out, including but not limited to:
  - (a) Make the building/site safe and of an appearance acceptable to Council;
  - (b) Allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point;
  - (c) For the hole to be covered to allow it to be landscaped and made attractive from any public vantage point.
  - (d) Council may call on any bank guarantee to cover the cost thereof.
  
- (ii) In the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the costs of the works.

134 HEWLETT STREET, BRONTE

PROPOSED DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF A NEW DWELLING HOUSE.

DRAWING LIST table with columns: Drawing ID, Description, Scale, and Status. Includes items like DA000 COVER PAGE, DA100 SITE ANALYSIS PLAN, etc.



NatHERS House Energy Rating Scheme logo and accreditation details for XZXG6T474A.

NatHERS House Energy Rating Scheme certificate for 134 Hewlett Street, Bronte, NSW 2024. Includes energy rating of 48.5 MJ/m².

Revision table with columns: REV, DATE, and DESCRIPTION. Shows revisions for DA SUBMISSION, DA AMENDMENTS, and DA AMENDMENTS (SETBACK DIMENSIONS).

GENERAL NOTES section containing various construction and compliance requirements.

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

SPECIFICATIONS (refer to specification attachment) section detailing technical requirements.

BASIS COMMITMENTS section listing energy options, water options, and other technical specifications.

NOTES section containing additional project information and instructions.

ARCHITECT: MHNDUNION logo and contact information for 35 Richards Lane, Surry Hills Sydney NSW 2010.

PROJECT ADDRESS: 134 HEWLETT ST BRONTE. Includes drawing title 'COVER PAGE', drawing by 'MHNDU', and scale '1:1000, 1:500@A1'.



XZXG6T474A 17 Dec 2022  
**6.2** Assessor Dimithi Harakidas  
 Accreditation No. HERA10042  
 Address 134 Hewlett Street  
 Bronte NSW 2024  
**48.5**  
<https://www.nsw.gov.au/QRCodeLanding/PUBLIC/6T474A>

REV	NOTE	DATE
A	DA SUBMISSION	25.11.2022
B	DA AMENDMENTS	03.05.2023
C	DA AMENDMENTS	14.06.2023
D	DA AMENDMENTS	11.08.2023
E	DA AMENDMENTS (SETBACK DIMENSIONS)	29.08.2023

**GENERAL NOTES**  
 1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA/AUSTRALIAN STANDARDS STATUTORY REGULATIONS AND LOCAL AUTHORITY REFS.  
 2. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED.  
 3. CONTRACTOR TO NOTIFY MAIN OF ANY DISCREPANCIES.  
 4. DIMENSIONAL DISCREPANCIES ARE THE RESPONSIBILITY OF THE CLIENT PRIOR TO MANUFACTURING.  
 5. MAIN TO RETURN ALL CONTRACTOR INSTALLED DRAWINGS/SETTING OUT PRIOR TO CONSTRUCTION.  
 6. CONTRACTOR TO LIAISE WITH ELECTRICAL CONTRACTORS TO ENSURE ALL POWER/DATA/COMMUNICATION REQUIREMENTS ARE ACCESSIBLE.  
 7. ALL DIMENSIONS TO BE VERIFIED ON SITE. DO NOT SCALE.  
 8. ALL WORKS TO BE VERIFIED AGAINST DRAWINGS FOLLOWING CONSTRUCTION AND SUBJECT TO ANY NOTICES OF DISCREPANCIES PRIOR TO PROCEEDING WITH NEXT TRADE.

**ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS**  
 CLAUSE B 1.4 - MATERIAL & FORMS CONSTRUCTIONS  
 SPEC C 1.1 - FIRE RESISTANT CONSTRUCTION  
 SPEC C 1.10 - FIRE HAZARD PROPERTIES  
 SPEC C 1.11 - PERFORMANCE OF EXTERNAL WALLS IN A FIRE  
 CLAUSE C 2 - VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALLS  
 CLAUSE C 3 - SEPARATION OF EQUIPMENT  
 CLAUSE C 4 - ELECTRICAL SERVICES SYSTEMS  
 CLAUSE C 5 - ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)  
 CLAUSE C 6 - OPENINGS FROM SERVICE INSTALLATIONS  
 CLAUSE C 7 - INSTALLATIONS IN EXITS AND PATHS OF TRAVEL  
 CLAUSE C 8 - LIGHTING AND VENTILATION  
 CLAUSE C 9 - SOUND INSULATION OF FLOORS  
 CLAUSE C 10 - SOUND INSULATION OF WALLS  
 CLAUSE C 11 - SOUND INSULATION OF SERVICES  
 CLAUSE C 12 - BALUSTRADES  
 CLAUSE D 2.1 - HANDRAILS  
 CLAUSE D 2.2 - OPERATION OF LATCH  
 CLAUSE D 2.3 - SIGNS ON DOORS  
 CLAUSE D 2.4 - GENERAL BUILDING ACCESS REQUIREMENTS  
 CLAUSE D 2.5 - SIGN OF ACCESSIBLE FACILITIES/FEATURES  
 CLAUSE D 2.6 - TACTILE INDICATORS  
 CLAUSE D 2.7 - WATERPROOFING OF WET AREAS  
 CLAUSE D 2.8 - TACTILE INDICATORS  
 CLAUSE D 2.9 - CONSTRUCTION OF SANITARY COMPARTMENTS  
 CLAUSE D 2.10 - LIGHTING AND VENTILATION  
 CLAUSE D 2.11 - SOUND INSULATION OF FLOORS  
 CLAUSE D 2.12 - SOUND INSULATION OF WALLS  
 CLAUSE D 2.13 - SOUND INSULATION OF SERVICES  
 CLAUSE D 2.14 - BALUSTRADES

**SPECIFICATIONS (refer to specification attachment)**  
 ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSES 4.4 & AS1989  
 BALLUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2.16  
 DRAINAGE OUTLETS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500.3.2  
 ENERGY EFFICIENT GLAZING: TO COMPLY WITH D2 OF BCA  
 INSULATION: TO COMPLY WITH AS2740  
 HOT WATER SYSTEMS: TO COMPLY WITH PART 2 OF BCA  
 MECHANICAL EXHAUSTION: TO COMPLY WITH AS/NZS 3500.3.2  
 MECHANICAL AIR CONDITIONING: TO COMPLY WITH PART 2 OF BCA  
 PENETRATIONS THROUGH FIRE RATED CONSTRUCTION FOR MECHANICAL EXHAUSTION: TO COMPLY WITH AS/NZS 3500.3.2  
 SMOKE ALARMS: TO COMPLY WITH BCA PART CLAUSE 8 & SPEC E2.2 & AS3786  
 SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA  
 STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13  
 STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13  
 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS2740

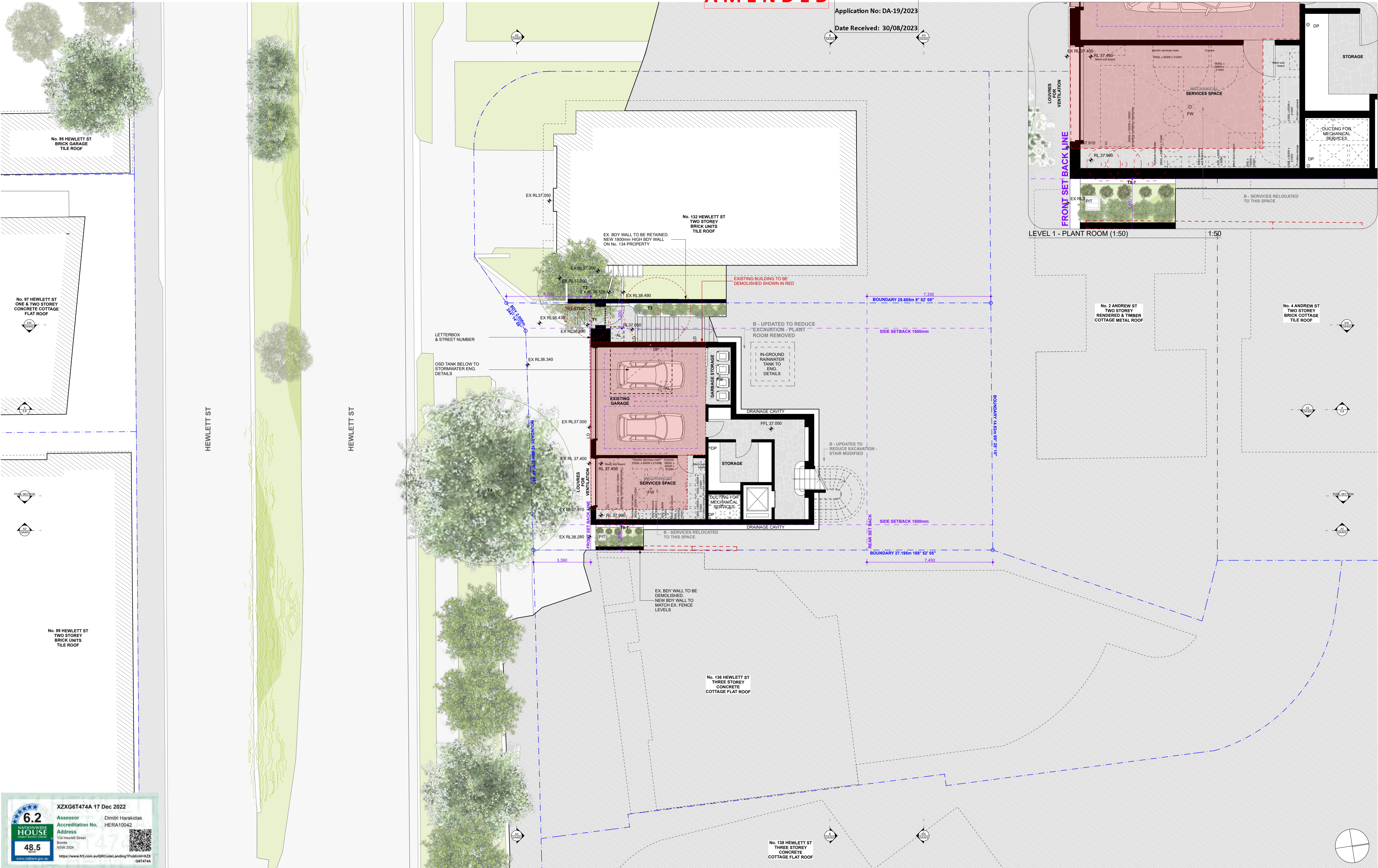
RECEIVED  
 Waverley Council  
 Application No: DA-19/2023  
 Date Received: 30/08/2023

NOTES:  
**AMENDED**

ARCHITECT:  
**MHNDUNION**  
 35 RICHARDS LANE  
 SURRY HILLS SYDNEY NSW 2010  
 T +61 2 9101 1111  
 F +61 2 9101 1100  
 www.mhndu.com  
 MHN Design Union Pty Ltd. ABN 94 003 717 662 NSW Registration Number: 4907

PROJECT ADDRESS:  
**134 HEWLETT ST BRONTE**  
 DRAWING TITLE:  
**SITE ANALYSIS**  
 DRAWN BY: BM / MW / FK  
 SCALE: 1:250@A1  
 ISSUE DATE: 29.08.2023  
 PROJECT NUMBER: 18-008  
 DRAWN BY: MHNDU  
 REVISION: E  
 DWG NUMBER: DA100





XZXG6T474A 17 Dec 2022  
Assessor: Dimithi Harakidas  
Accreditation No. HERA10042  
Address: 134 Hewlett Street, Bronte NSW 2024  
www.nshnk.gov.au  
**6.2** NATIONWIDE HOUSE  
**48.5**

REV	NOTE	DATE
A	DA SUBMISSION	25.11.2022
B	DA AMENDMENTS	03.05.2023
C	DA AMENDMENTS	14.06.2023
D	DA AMENDMENTS	11.08.2023
E	DA AMENDMENTS (SETBACK DIMENSIONS)	29.08.2023

**GENERAL NOTES**

1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA/AUSTRALIAN STANDARDS EXISTING REGULATIONS AND LOCAL AUTHORITY FEES  
2. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED  
3. CONTRACTOR TO NOTIFY MAIN OF ANY DISCREPANCIES, DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING  
4. PARTY TO REVISION ALL CONTRACTOR DETAIL DRAWINGS / SETTING OUT PRIOR TO CONSTRUCTION  
5. CONTRACTOR TO LIAISE WITH ELECTRICAL CONTRACTORS TO ENSURE ALL POWER/COMMUNICATION REQUIREMENTS ARE ACCESSIBLE  
6. ALL DIMENSIONS TO BE VERIFIED ON SITE. DO NOT SCALE  
7. ALL WORKS TO BE VERIFIED AGAINST DRAWINGS FOLLOWING CONSTRUCTION AND ARCHITECT TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH NEXT TRADE

**ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES & AUSTRALIAN STANDARDS**

CLAUSE B 1.4 - MATERIAL & FORM CONSTRUCTIONS  
SPEC B 1.1 - FIRE RESISTING CONSTRUCTION  
SPEC C 1.1 - PERFORMANCE OF EXTERNAL WALLS IN A FIRE  
CLAUSE C 2.6 - VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL  
CLAUSE C 1.3 - SEPARATION OF EQUIPMENT  
CLAUSE C 1.6 - ELECTRICAL SUPPLY SYSTEMS  
CLAUSE C 1.7 - OPERATIONS FOR SERVICE INSTALLATIONS  
CLAUSE C 1.9 - DISCHARGE FROM EXITS  
CLAUSE C 1.10 - INSTALLATIONS IN EXITS AND PATHS OF TRAVEL  
CLAUSE C 1.11 - LANDINGS  
CLAUSE C 1.12 - THRESHOLDS  
CLAUSE D 1.6 - BALUSTRADES  
CLAUSE D 2.17 - HANDRAILS  
CLAUSE D 2.21 - OPERATION OF LATCH  
CLAUSE D 2.23 - SIGNS ON DOORS  
CLAUSE D 3.2 - GENERAL BUILDING ACCESS REQUIREMENTS  
CLAUSE D 3.3 - PARTS OF BUILDINGS TO BE ACCESSIBLE  
CLAUSE D 3.8 - GENERAL ACCESSIBLE FACILITIES/FEATURES  
CLAUSE D 3.9 - TACTILE INDICATORS  
CLAUSE D 3.10 - TACTILE INDICATORS  
CLAUSE D 3.11 - WATERPROOFING OF WET AREAS  
CLAUSE D 3.12 - CONSTRUCTION OF SANITARY COMPARTMENTS  
CLAUSE D 3.13 - LIGHTING AND VENTILATION  
CLAUSE D 3.4 - SOUND INSULATION OF FLOORS  
CLAUSE D 3.5 - SOUND INSULATION OF WALLS  
CLAUSE D 3.7 - SOUND INSULATION OF SERVICES  
CLAUSE D 3.8 - SOUND INSULATION OF SERVICES

**SPECIFICATIONS (refer to specification attachment)**

ARTIFICIAL LIGHTING TO COMPLY WITH BCA PART CLAUSES 4 & 6.10-100  
BALLUSTRADE HEIGHTS TO COMPLY WITH BCA CLAUSE D2 16  
DRAINAGE GUTTERS & DOWNPIPES TO COMPLY WITH AS/NZS 3500 3.2  
ENERGY EFFICIENT GLAZING TO COMPLY WITH D2 OF BCA  
FIRE SERVICES TO COMPLY WITH SECTION 9 OF BCA  
HOT WATER SYSTEMS TO COMPLY WITH PART 27 OF BCA  
MASONRY TO COMPLY WITH AS 2500.5  
MECHANICAL AIR CONDITIONING TO COMPLY WITH PART 26 OF BCA  
MECHANICAL EXHAUST TO COMPLY WITH PARTS 6 & 6.2  
SMOKE ALARMS TO COMPLY WITH BCA PART CLAUSES & SPEC E2 & A3376  
PENETRATIONS THROUGH FIRE RATED CONSTRUCTION FOR MECHANICAL/HYDRAULIC PENETRATIONS TO COMPLY WITH BCA CLAUSE C2 1.1 & AS 1563.4005  
SOUND TRANSMISSION TO COMPLY WITH PARTS OF BCA  
STAIR CONSTRUCTION TO COMPLY WITH BCA CLAUSE D2 13  
STAIR CONSTRUCTION TO COMPLY WITH BCA CLAUSE D2 13  
WATERPROOFING OF WET AREAS TO COMPLY WITH AS13740

**BASIS COMMITMENTS (ALL OTHER BASIS COMMITMENTS AS PER BASIC CERTIFICATE AND STAMPED PLANS)**

WATER OPTIONS  
SINKERS/SINKS: 4 STAR  
TOILETS: 3 STAR  
KITCHEN TAPS: 3 STAR  
BATHROOM TAPS: 3 STAR  
RAIN WATER TANK: 3000L  
POOLS: 3000L  
COLLECT RUN OFF AREA: 64 SQM  
PUMP & FILTERING SYSTEM: 30KW (GAS BOOSTED)  
ALTERNATIVE ENERGY  
PVP SYSTEM TO GENERATE 2.5 PEAK KWATTS  
HEATING: R2.0 / R1.3  
MECHANICAL COOLING OPTIONS: R2.0 / R1.3  
FLOORING: R2.5  
GLAZING SPEC: Uw = 1.3 BSCG = 0.44  
Uw = 1.7 BSCG = 0.37  
Uw = 1.3 BSCG = 0.44

**NOTES:**

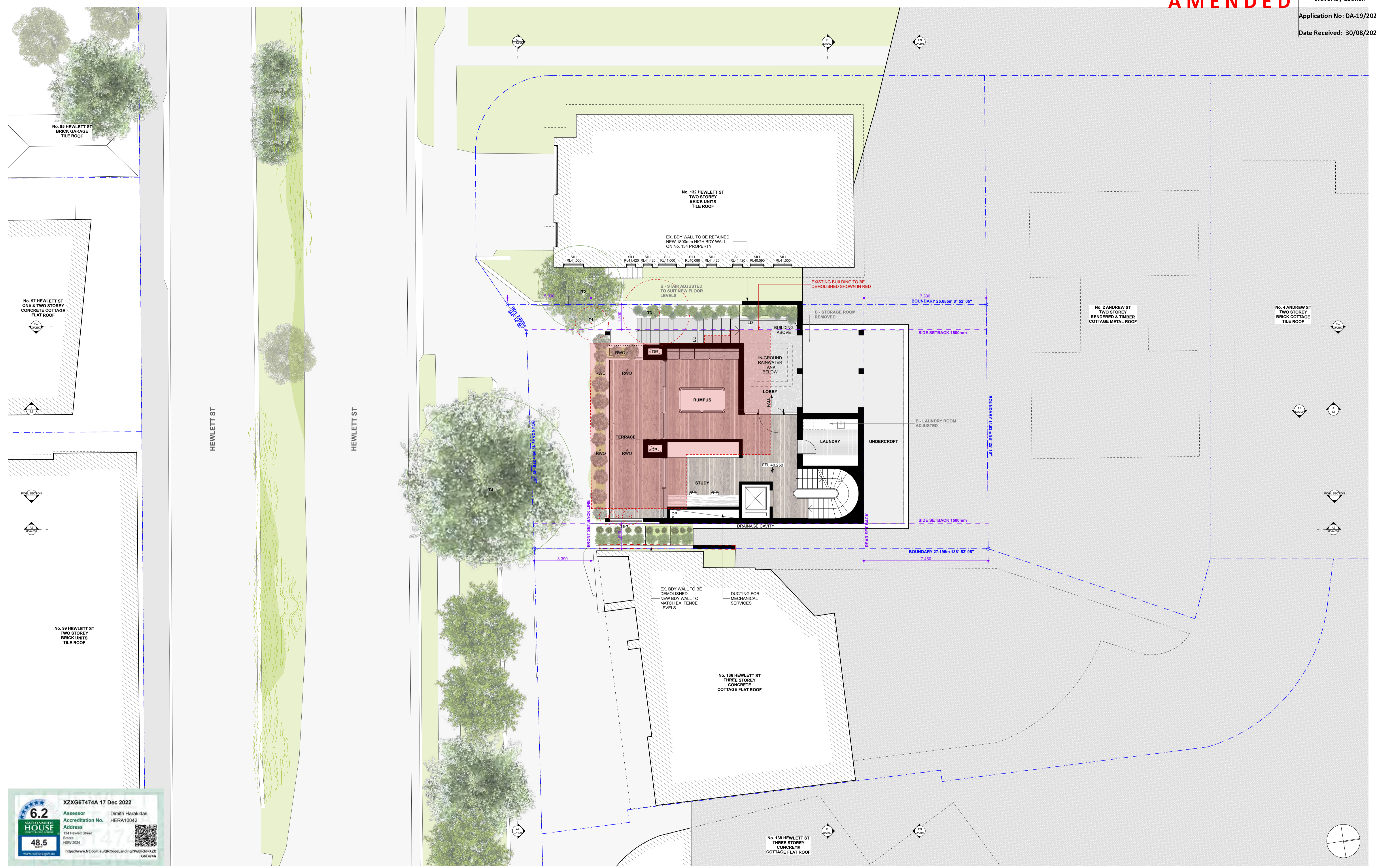
EX FFL EXISTING FLOOR LEVEL  
RL OF FINISHED FLOOR LEVEL  
REDUCED LEVEL  
BOUNDARY COUNCIL CONTROLS  
EXISTING STRUCTURE TO BE DEMOLISHED  
DA APPROVED STRUCTURE (DA 48/2021)

EX TREE TO REMOVE  
EX TREE TO RETAIN  
ACCESS LID  
FLOOR WASTE  
RAINWATER OUTLET  
LINEAR DRAIN  
DOWNPIPE

LEGEND:  
AL: ALL  
FW: FIRE WALL  
RWO: RAINWATER OUTLET  
LD: LINEAR DRAIN  
DP: DOWNPIPE

ARCHITECT:  
**MHNDUNION**  
35 RICHARDS LANE  
SURRY HILLS SYDNEY NSW 2010  
T +61 2 9101 1111  
F +61 2 9101 1100  
www.mhndu.com  
MHND Design Union Pty Ltd. ABN 94 003 717 682 NSW Registration Number 4907

PROJECT ADDRESS: <b>134 HEWLETT ST BRONTE</b>	DRAWN BY: BM / MW / FK	MHNDU
DRAWING TITLE: <b>GARAGE LEVEL PLAN</b>	SCALE: 1:100, 1:50@A1	ISSUE DATE: 29.08.2023
	PROJECT NUMBER: <b>18-008</b>	REVISION: E DWG NUMBER: <b>DA200</b>



XZXG6T474A 17 Dec 2022

Assessor: Dimitri Harakidas  
Accreditation No. HERA10042

Address: 134 Hewlett Street, Bronte NSW 2024

6.2  
NATIONWIDE HOUSE

48.5

www.nshark.gov.au  
https://www.frs.com.au/QRCode/Landing/Public/6T-XZXG6T474A

REV	NOTE	DATE
A	DA SUBMISSION	25.11.2022
B	DA AMENDMENTS	03.05.2023
C	DA AMENDMENTS	14.06.2023
D	DA AMENDMENTS	11.08.2023
E	DA AMENDMENTS (SETBACK DIMENSIONS)	29.08.2023

**GENERAL NOTES**

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

CLAUSE B 1.4 - MATERIAL & FORMS CONSTRUCTIONS  
SPEC C 1.1 - FIRE RESISTING CONSTRUCTION  
SPEC C 1.10 - FIRE HAZARD PROPERTIES  
SPEC C 1.11 - PERFORMANCE OF EXTERNAL WALLS IN A FIRE  
CLAUSE C 2.6 - VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL  
CLAUSE C 2.13 - PERFORMANCE OF EQUIPMENT  
CLAUSE C 2.14 - ELECTRICAL SUPPLY SYSTEM  
CLAUSE C 3 - ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)  
CLAUSE C 3.1 - OPENINGS FOR SERVICE INSTALLATIONS  
CLAUSE C 3.10 - DISCHARGE FROM EXITS  
CLAUSE C 3.11 - INSTALLATIONS IN EXITS AND PATHS OF TRAVEL  
CLAUSE C 3.14 - LANDINGS  
CLAUSE C 3.16 - THRESHOLDS  
CLAUSE D 2.16 - BALUSTRADES  
CLAUSE D 2.17 - HANDRAILS  
CLAUSE D 2.21 - OPERATION OF LATCH  
CLAUSE D 2.23 - SIGNS ON DOORS  
CLAUSE D 3.2 - GENERAL BUILDING ACCESS REQUIREMENTS  
CLAUSE D 3.3 - PARTS OF BUILDINGS TO BE ACCESSIBLE  
CLAUSE D 3.8 - GENERAL ACCESSIBLE FACILITIES/FEATURES  
CLAUSE D 3.8.1 - TACTILE INDICATORS  
CLAUSE D 3.8.2 - TACTILE INDICATORS  
CLAUSE D 3.8.3 - TACTILE INDICATORS  
CLAUSE D 3.8.4 - TACTILE INDICATORS  
CLAUSE D 3.8.5 - TACTILE INDICATORS  
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CLAUSE D 3.8.98 - TACTILE INDICATORS  
CLAUSE D 3.8.99 - TACTILE INDICATORS  
CLAUSE D 3.8.100 - TACTILE INDICATORS

**SPECIFICATIONS (refer to specification attachment)**

ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSES 4 & 4.3-1000  
BALLUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2 16  
DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3000 3.2  
ENERGY EFFICIENT GLAZING: TO COMPLY WITH D2 OF BCA  
FIRE SERVICES: TO COMPLY WITH SECTION 9 OF BCA  
GLAZING: TO COMPLY WITH AS/NZS 4200  
MECHANICAL AIR CONDITIONING: TO COMPLY WITH PART 2 OF BCA  
MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS/NZS 4200 & AS/NZS 2  
PENETRATIONS: TO COMPLY WITH BCA CLAUSE D2 2 & AS/NZS 4200  
SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA  
STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2 13  
STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2 13  
WATERPROOFING OF WET AREAS: TO COMPLY WITH AS/NZS 4200

**BASIS COMMITMENTS (ALL OTHER BASIS COMMITMENTS AS PER BASIS CERTIFICATE AND STAMPED PLANS)**

WATER OPTIONS: 4 STAR  
DISCHARGE: 4 STAR  
TILE: 4 STAR  
KITCHEN TAPS: 4 STAR  
BATHROOM TAPS: 4 STAR  
RAIN WATER TANK: 4 STAR  
POOLS: 4 STAR  
COLLECT RUN OFF AREA: 4 STAR  
POOL HEATING SYSTEM: 4 STAR (GAS BOOSTED)  
ALTERNATIVE ENERGY: PV SYSTEM TO GENERATE 2.5 PEAK KWATTS  
MECHANICAL COOLING OPTIONS: R2.0 / R1.3  
EXTERNAL WALLS: R2.0  
FLOOR: R2.0  
GLAZING: R2.0  
CLADDING SPEC: Uw = 3.5 SGGC = 0.84  
Uw = 0.7 SGGC = 0.5  
Uw = 1.3 SGGC = 0.44

**NOTES:**

EX FFL: EXISTING FLOOR LEVEL  
RL: REDUCED LEVEL  
- - - - -: BOUNDARY COUNCIL CONTROLS  
---: EXISTING STRUCTURE TO BE DEMOLISHED  
---: DA APPROVED STRUCTURE (DA 48/2021)

EX TREE TO REMOVE  
EX TREE TO RETAIN  
ACCESS LID  
FLOOR WASTE  
RAINWATER OUTLET  
LINEAR DRAIN  
DOWNPIPE

ARCHITECT:

**MHNDUNION**

35 RICHARDS LANE  
SURRY HILLS SYDNEY NSW 2010  
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www.mhndu.com

Nominated Architect  
Dimitri Myerston

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

PROJECT ADDRESS: 134 HEWLETT ST BRONTE

DRAWING TITLE: LOWER GROUND FLOOR PLAN

DRAWN BY: BM / MW / FK

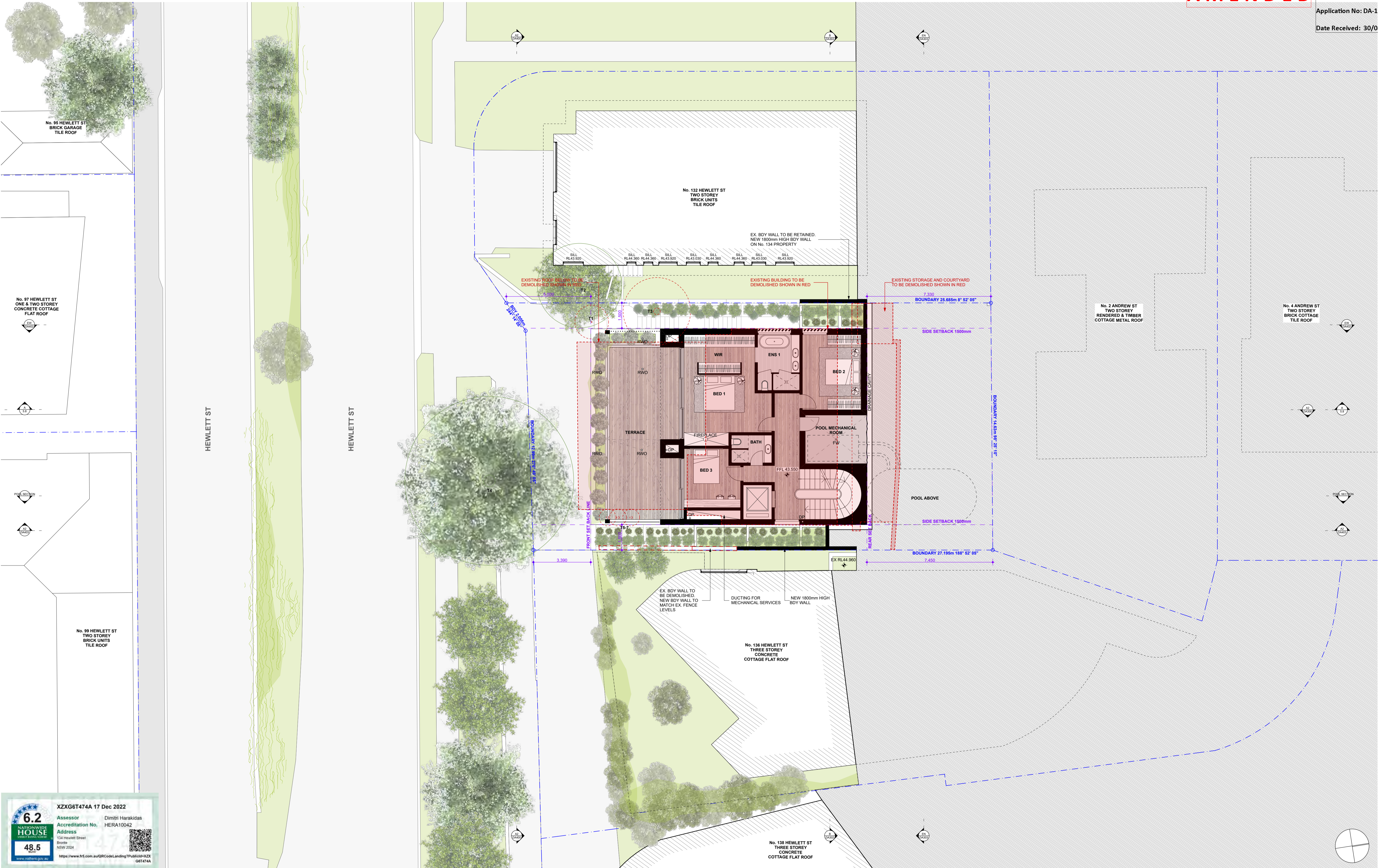
SCALE: 1:100@A1

ISSUE DATE: 29.08.2023

PROJECT NUMBER: 18-008

REVISION: E

DWG NUMBER: DA201



XZXG6T474A 17 Dec 2022

Assessor: Dimitri Harakidas  
Accreditation No. HERA10042  
Address: 134 Hewlett Street, Bronte NSW 2024

6.2  
NATIONWIDE HOUSE  
48.5

https://www.rfs.com.au/QRCode/Landing/Publisher/XZXG6T474A

REV	NOTE	DATE
A	DA SUBMISSION	25.11.2022
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3. CONTRACTOR TO NOTIFY MAIN OF THE NEED FOR DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING.

4. MAIN TO REVIEW ALL CONTRACTOR DETAIL DRAWINGS / SETTING OUT PRIOR TO CONSTRUCTION.

5. CONTRACTOR TO LIAISE WITH ELECTRICAL CONTRACTORS TO ENSURE ALL POWER/DATA/COMMUNICATION REQUIREMENTS ARE ACCESSIBLE.

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7. ALL WORKS TO BE VERIFIED AGAINST DRAWINGS FOLLOWING CONSTRUCTION AND ARCHITECT TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH NEXT TRADE.

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

CLAUSE B 1.4 - MATERIAL & FORMS CONSTRUCTIONS  
SPEC C 1.1 - FIRE RESISTING CONSTRUCTION  
SPEC C 1.10 - FIRE HAZARD PROPERTIES  
SPEC C 1.11 - PERFORMANCE OF EXTERNAL WALLS IN A FIRE  
CLAUSE C 2.6 - VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL  
CLAUSE C 2.15 - SEPARATION OF EQUIPMENT  
CLAUSE C 2.16 - ELECTRICAL SUPPLY SYSTEM  
CLAUSE C 3 - ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)  
CLAUSE C 3.1 - OPENINGS IN FIRE RESISTING WALLS  
CLAUSE C 3.2 - OPENINGS FOR SERVICE INSTALLATIONS  
CLAUSE C 3.3 - DISCHARGE FROM EXITS  
CLAUSE C 3.4 - INSTALLATIONS IN EXITS AND PATHS OF TRAVEL  
CLAUSE C 3.5 - LANDING  
CLAUSE C 3.6 - THRESHOLDS  
CLAUSE C 3.7 - BALUSTRADES

CLAUSE D 2.17 - HANDRAILS  
CLAUSE D 2.21 - OPERATION OF LATCH  
CLAUSE D 2.23 - SIGNS ON DOORS  
CLAUSE D 3.2 - GENERAL BUILDING ACCESS REQUIREMENTS  
CLAUSE D 3.3 - PARTS OF BUILDINGS TO BE ACCESSIBLE  
CLAUSE D 3.8 - IDENTIFICATION OF ACCESSIBLE FACILITIES/FEATURES  
CLAUSE D 3.9 - TACTILE INDICATORS  
CLAUSE D 3.10 - TACTILE INDICATORS  
CLAUSE D 3.11 - TACTILE INDICATORS  
CLAUSE D 3.12 - WATERPROOFING OF WET AREAS  
CLAUSE D 3.13 - CONSTRUCTION OF SANITARY COMPARTMENTS  
CLAUSE D 3.14 - LIGHTING AND VENTILATION  
CLAUSE D 3.15 - SOUND INSULATION OF FLOORS  
CLAUSE D 3.16 - SOUND INSULATION OF WALLS  
CLAUSE D 3.17 - SOUND INSULATION OF SERVICES  
CLAUSE D 3.18 - SOUND INSULATION OF WALLS

**SPECIFICATIONS (refer to specification attachment)**

ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSES 4.4 & 4.5-1000  
BALLUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2.16  
BALUSTRADE CUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3000.3.2  
ENERGY EFFICIENT LIGHTING: TO COMPLY WITH 2/2 OF BCA  
FIRE SERVICES: TO COMPLY WITH SECTION 9 OF BCA  
HOT WATER: SYSTEMS TO COMPLY WITH PART 2/2 OF BCA  
MASONRY: TO COMPLY WITH AS 2502  
MECHANICAL AIR CONDITIONING: TO COMPLY WITH PART 2/2 OF BCA  
MECHANICAL EXHAUST: TO COMPLY WITH AS 2502 & AS 2503  
PNEUMATIC PENETRATIONS: TO COMPLY WITH BCA CLAUSE C2.15 & AS 1506.2-2005  
SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA  
STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13  
STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13  
WATERPROOFING OF WET AREAS: TO COMPLY WITH AS 13740

**BASIC COMMITMENTS (ALL OTHER BASIC COMMITMENTS AS PER BASIC CERTIFICATE AND STAMPED PLANS)**

WATER OPTIONS: 4 STAR  
SWIMMING POOL: 4 STAR  
TILE TILE: 4 STAR  
KITCHEN TAPS: 4 STAR  
BATHROOM TAPS: 4 STAR  
RAIN WATER TANK: 4 STAR  
POOLS: 4 STAR  
COLLECT RUN OFF AREA: 4 STAR  
ALTERNATIVE ENERGY: SOLAR (GAS BOOSTED)  
P.V. SYSTEM TO GENERATE 2.5 PEAK KWATTS  
INTERNAL COMFORT OPTIONS: R2.0 / R1.3  
CEILING: R2.5  
FLOOR: R2.5  
GLAZING SPEC: Uw = 3.5 SGGC + 0.4  
Uw = 1.2 SGGC + 0.3  
Uw = 1.3 SGGC + 0.4

ENERGY OPTIONS: IN AT LEAST LIVING AREA, 3 STAR S&E ENERGY RATING: EER = 3.0-3.5  
IN AT LEAST BEDROOM, 3 STAR S&E ENERGY RATING: EER = 3.0-3.5  
IN AT LEAST LIVING AREA, 3 STAR S&E ENERGY RATING: EER = 3.0-3.5  
IN AT LEAST BEDROOM, 3 STAR S&E ENERGY RATING: EER = 3.0-3.5  
IN AT LEAST BATHROOM, 3 STAR S&E ENERGY RATING: EER = 3.0-3.5  
INDIVIDUAL FAN DUCTED TO KITCHEN OR ROOM MANUAL SWITCH ON/OFF  
LAUNDRY: NATURAL VENTILATION ONLY

VENTILATION: R2.0 / R1.3  
CEILING: R2.5  
FLOOR: R2.5

WATER HEATING: GAS  
OVEN: GAS  
ELECTRIC

**NOTES:**

EX: EXISTING  
FFL: FINISHED FLOOR LEVEL  
RL: REDUCED LEVEL  
---: BOUNDARY  
---: COUNCIL CONTROLS  
---: EXISTING STRUCTURE TO BE DEMOLISHED  
---: DA APPROVED STRUCTURE (DA 48/2021)

EX TREE TO REMOVE  
EX TREE TO RETAIN  
ACCESS LID  
FLOOR WASTE  
RAINWATER OUTLET  
LINEAR DRAIN  
DOWNPIPE

ARCHITECT:

**MHNDUNION**

35 RICHARDS LANE  
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F +61 2 9101 1100  
www.mhndu.com

Nominated Architect  
Dimitri Harakidas

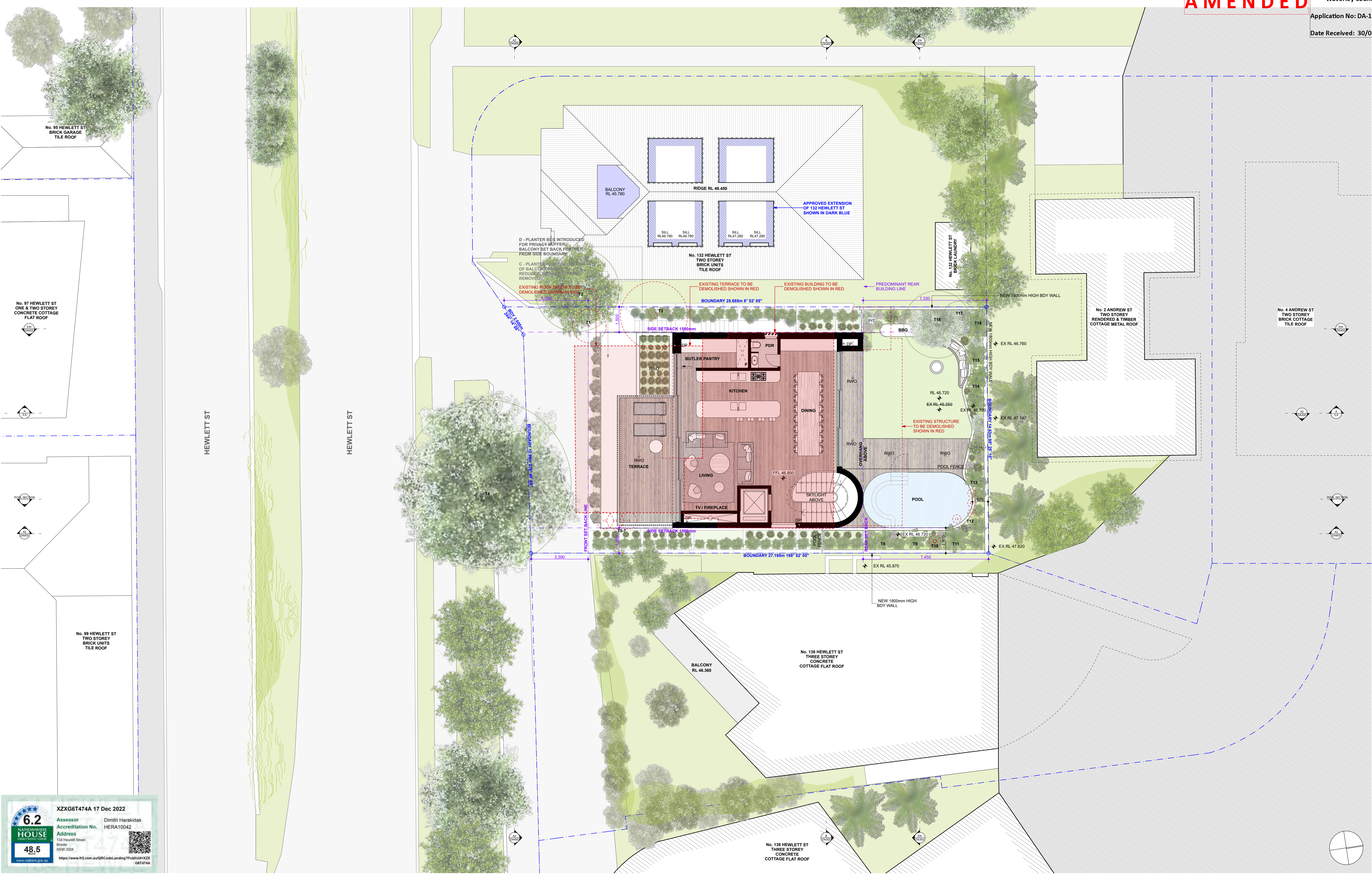
MHN Design Union Pty Ltd. ABN 94 003 717 682 NSW Registration Number 4907

PROJECT ADDRESS: 134 HEWLETT ST BRONTE

DRAWING TITLE: GROUND FLOOR PLAN

DRAWN BY: BM / MW / FK  
SCALE: 1:100@A1  
ISSUE DATE: 29.08.2023  
PROJECT NUMBER: 18-008

MHNDU  
REVISION: E  
DWG NUMBER: DA202



6.2 Assessor Dimithi Harakidas Accreditation No. HERA10042 Address 134 Hewlett Street Bronte NSW 2024 48.5 https://www.f5.com.au/QRCode/Landing/Publisher/XZXG6T474A

Table with 3 columns: REV, NOTE, DATE. Contains revision history for DA submissions and amendments.

GENERAL NOTES: 1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA...

ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES & AUSTRALIAN STANDARDS. CLAUSE 02.11 - FIRE RESISTING CONSTRUCTION...

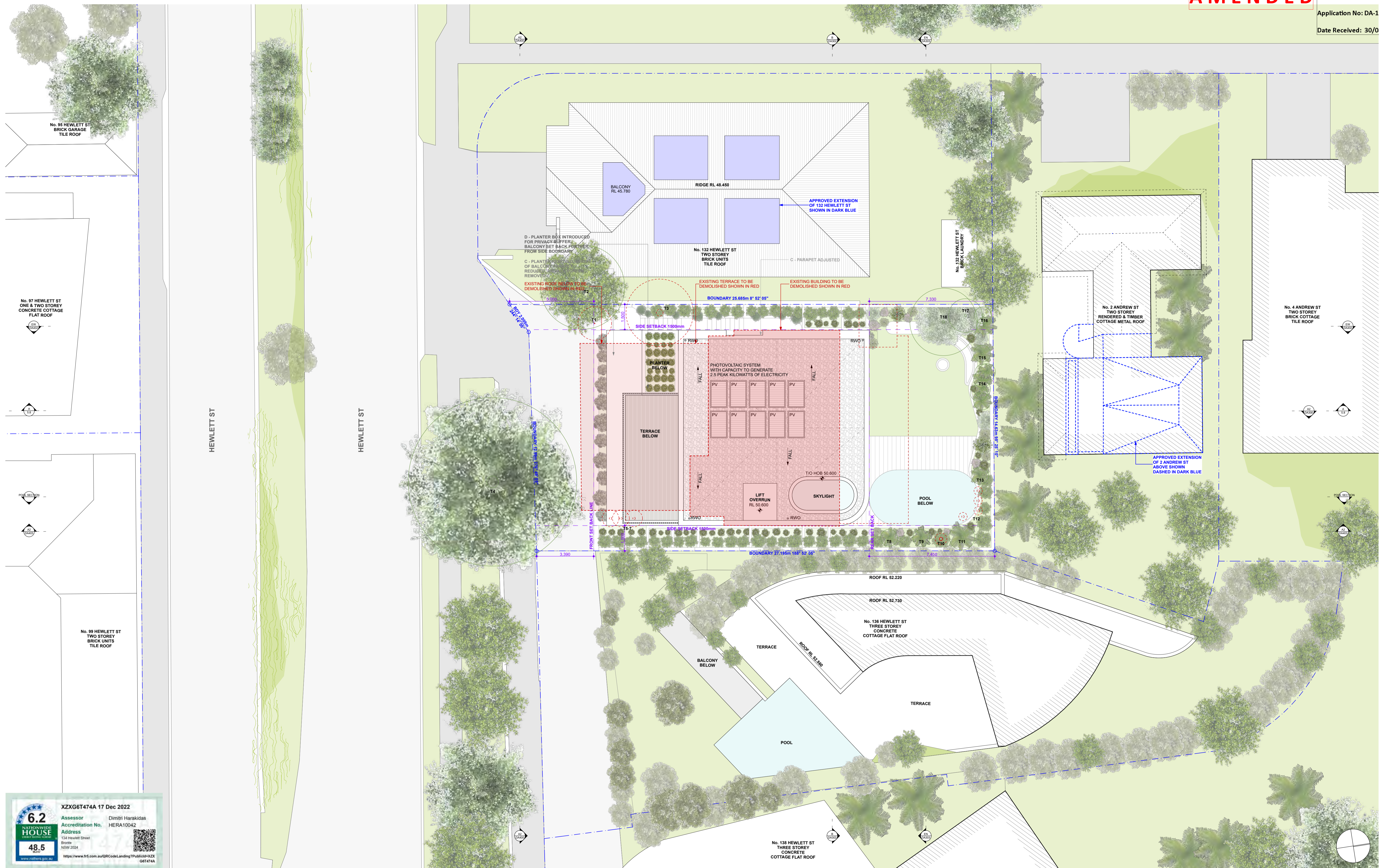
SPECIFICATIONS (refer to specification attachment): ARTIFICIAL LIGHTING TO COMPLY WITH BCA PART CLAUSES 4 & 4.1.1...

BASIX COMMITMENTS (ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS): WATER OPTIONS, COOKING, HEATING, VENTILATION...

NOTES: EXISTING FLOOR LEVEL, REDUCED LEVEL, BOUNDARY COUNCIL CONTROLS, EXISTING STRUCTURE TO BE DEMOLISHED, DA APPROVED STRUCTURE (DA 48/2021).

MHNDUNION ARCHITECT: 35 RICHARDS LANE SURRY HILLS SYDNEY NSW 2010 T +61 2 9101 1111 F +61 2 9101 1100 www.mhndu.com

PROJECT ADDRESS: 134 HEWLETT ST BRONTE. DRAWING TITLE: FIRST FLOOR PLAN. DRAWN BY: BM / MW / FK. MHNJU. SCALE: 1:100@A1. ISSUE DATE: 29.08.2023. PROJECT NUMBER: 18-008. REVISION: E. DWG NUMBER: DA203.



XZXG6T474A 17 Dec 2022  
 Assessor: Dimitri Harakidas  
 Accreditation No. HERA10042  
 Address: 134 Hewlett Street, Bronte, NSW 2024  
 6.2 Nationwide House Energy Rating Scheme  
 48.5

REV	NOTE	DATE
A	DA SUBMISSION	25.11.2022
B	DA AMENDMENTS	03.05.2023
C	DA AMENDMENTS	14.06.2023
D	DA AMENDMENTS	11.08.2023
E	DA AMENDMENTS (SETBACK DIMENSIONS)	29.08.2023

**GENERAL NOTES**

- ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA/AUSTRALIAN STANDARDS/STATUTORY REGULATIONS AND LOCAL AUTHORITY REQS.
- CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED.
- CONTRACTOR TO NOTIFY MAIN OF ANY DISCREPANCIES, DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING.
- MAIN TO REVIEW ALL CONTRACTOR DETAIL DRAWINGS & SETTING OUT PRIOR TO CONSTRUCTION.
- CONTRACTOR TO LIAISE WITH ELECTRICAL CONTRACTORS TO ENSURE ALL POWER/DATA/COMMUNICATION REQUIREMENTS ARE ACCESSIBLE.
- ALL DIMENSIONS TO BE VERIFIED ON SITE. DO NOT SCALE.
- ALLOWANCE TO BE VERIFIED AGAINST DRAWINGS FOLLOWING CONSTRUCTION AND ARCHITECT TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH NEXT TRADE.

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

CLAUSE B 1.4 - MATERIAL & FORMS CONSTRUCTIONS  
 SPEC B 1.1 - FIRE RESISTING CONSTRUCTION  
 SPEC C 1.1 - PERFORMANCE OF EXTERNAL WALLS IN A FIRE  
 CLAUSE C 2.6 - VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL  
 CLAUSE C 2.7 - PERFORMANCE OF EQUIPMENT  
 CLAUSE C 2.8 - ELECTRICAL SAFETY SYSTEMS  
 CLAUSE C 3 - ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)  
 CLAUSE C 8 - OPENINGS IN FIRE RESISTANT WALLS  
 CLAUSE C 12 - INSTALLATIONS IN EXITS AND PATHS OF TRAVEL  
 CLAUSE C 14 - LANDINGS  
 CLAUSE C 15 - THRESHOLDS  
 CLAUSE C 16 - BALUSTRADES

**SPECIFICATIONS (refer to specification attachment)**

ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSES 4.4 & AS 1589  
 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2 16  
 BALUSTRADE CUTTERS & DOWNPIPS: TO COMPLY WITH AS/NZS 3000.3.2  
 ENERGY EFFICIENT LIGHTING: TO COMPLY WITH D2 OF BCA  
 FIRE SERVICES: TO COMPLY WITH SECTIONS 99 OF BCA  
 MASONRY: TO COMPLY WITH AS 2503  
 MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS 1552 & AS 2386  
 MECHANICAL AIR CONDITIONING: TO COMPLY WITH PART 2 OF BCA  
 PENETRATIONS THROUGH FIRE RATED CONSTRUCTION FOR MECHANICAL/HYDRAULIC PENETRATIONS TO COMPLY WITH BCA CLAUSE C 12.15 AS 1552 AS 2503  
 SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA  
 STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2 13  
 STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2 13  
 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS 13740

**BASIX COMMITMENTS** (ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

WATER OPTIONS: 4 STAR  
 SWIMMING POOL: 2 STAR  
 TILES: 2 STAR  
 KITCHEN TAPS: 2 STAR  
 BATHROOM TAPS: 2 STAR  
 RAIN WATER TANK: 3000L  
 POOLCOVER: 30% OVE  
 COLLECT RUN OFF AREA: 64 SQM  
 ALTERNATIVE ENERGY: PV SYSTEM TO GENERATE 2.5 PEAK KWATTS  
 THERMAL COMFORT OPTIONS: R2.0 / R1.3  
 EXTERNAL WALLS: R2.0  
 FLOORS: R2.0  
 CEILING: R2.0  
 CLADDING SPEC: U<sub>w</sub> = 3.5 SCHC = 0.44  
 U<sub>w</sub> = 1.2 SCHC = 0.3  
 U<sub>w</sub> = 1.3 SCHC = 0.44

**NOTES:**

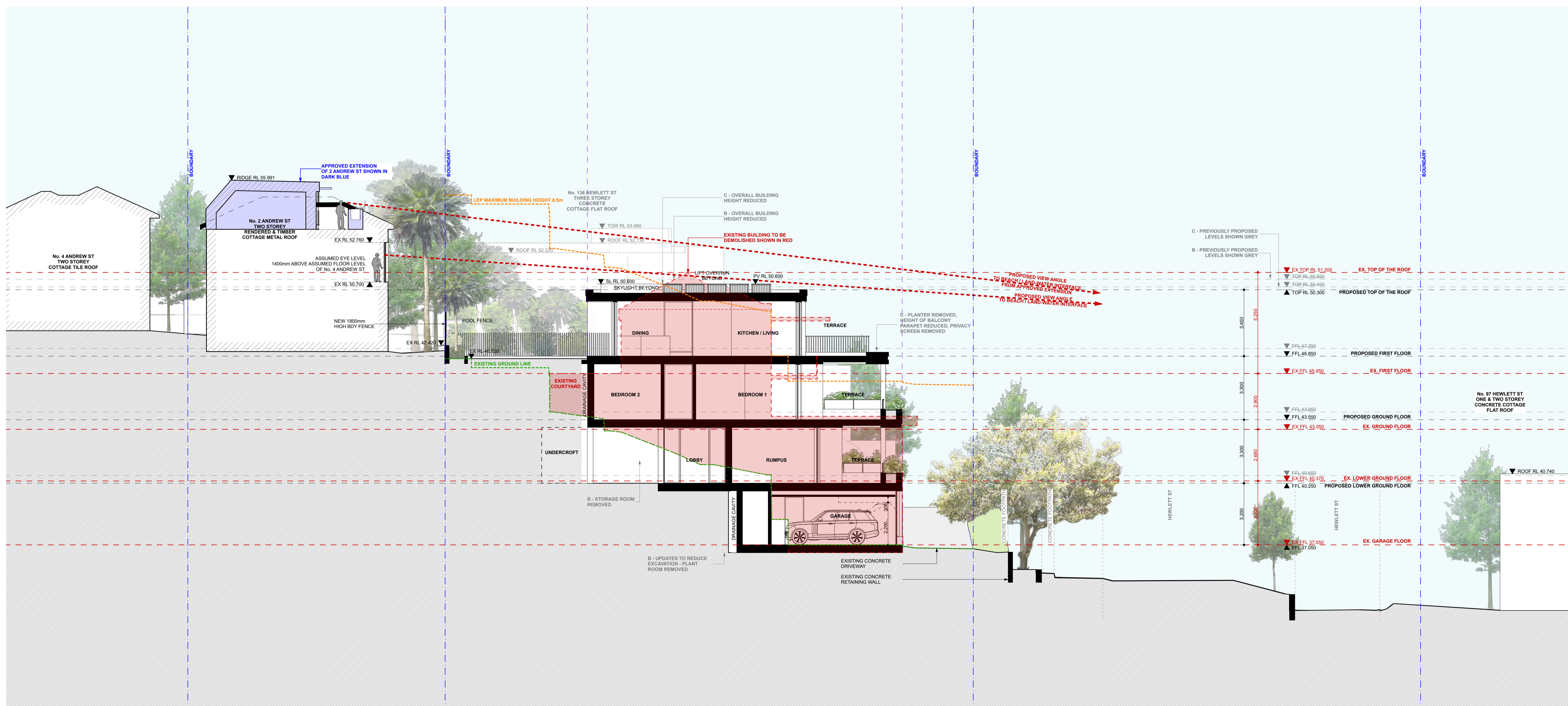
EX FFL: EXISTING FLOOR LEVEL  
 RL: REDUCED LEVEL  
 BOUNDARY: BOUNDARY COUNCIL CONTROLS  
 EXISTING STRUCTURE TO BE DEMOLISHED  
 DA APPROVED STRUCTURE (DA 48/2021)

ARCHITECT: **MHNDUNION**  
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 www.mhndu.com  
 Nominated Architect: Brian Myerson  
 MHN Design Union Pty Ltd. ABN 94 003 717 682 NSW Registration Number: 4907

PROJECT ADDRESS: 134 HEWLETT ST BRONTE

DRAWING TITLE: ROOF PLAN

DRAWN BY: BM / MW / FK	MHNDU
SCALE: 1:100@A1	
ISSUE DATE: 29.08.2023	REVISION: E
PROJECT NUMBER: 18-008	DWG NUMBER: DA204



**6.2**  
NATIONWIDE HOUSE  
48.5

XZXG6T474A 17 Dec 2022  
Assessor: Dimitri Harakidas  
Accreditation No. HERA10042  
Address: 134 Hewlett Street, Bronte, NSW 2024

REV	NOTE	DATE
A	DA SUBMISSION	25.11.2022
B	DA AMENDMENTS	03.05.2023
C	DA AMENDMENTS	14.06.2023
D	DA AMENDMENTS (SETBACK DIMENSIONS)	11.08.2023
E	DA AMENDMENTS (SETBACK DIMENSIONS)	29.08.2023

**GENERAL NOTES**

1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA/AUSTRALIAN STANDARDS/STATUTORY REGULATIONS AND LOCAL AUTHORITY REFS.  
2. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED.  
3. CONTRACTOR TO NOTIFY MAIN OF ANY DISCREPANCIES, DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING.  
4. ANY TO BE REVIEWED AGAINST DRAWINGS FOLLOWING CONSTRUCTION AND ARCHITECT TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH NEXT TRADE.

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

CLAUSE B 1.4 - MATERIAL & FORMS CONSTRUCTIONS  
SPEC C 1.1 - FIRE RESISTANT CONSTRUCTION  
SPEC C 1.11 - PERFORMANCE OF EXTERNAL WALLS IN A FIRE  
CLAUSE C 2.4 - VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL  
CLAUSE C 2.12 - SEPARATION OF EQUIPMENT  
CLAUSE C 2.13 - ELECTRICITY SUPPLY SYSTEMS  
CLAUSE C 3 - ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)  
CLAUSE C 3.1 - OPENINGS FOR SERVICE INSTALLATIONS  
CLAUSE C 3.15 - DISCHARGE FROM EXITS  
CLAUSE C 3.7 - INSTALLATIONS IN EXITS AND PATHS OF TRAVEL  
CLAUSE C 14 - LANDINGS  
CLAUSE C 15 - THRESHOLDS  
CLAUSE C 16 - BALUSTRADES

**SPECIFICATIONS (refer to specification attachment)**

ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSES 4.4 & 4.5-1000  
BALLUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE C2.16  
DRAINAGE OUTLET & DOWNPIPES: TO COMPLY WITH AS/NZS 3500.3.2  
ENERGY EFFICIENT GLAZING: TO COMPLY WITH 21 OF BCA  
FIRE SERVICES: TO COMPLY WITH SECTIONS 9 OF BCA  
MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS/NZS 4200.1  
MECHANICAL AIR CONDITIONING: TO COMPLY WITH PART 21 OF BCA  
PENETRATIONS THROUGH FIRE RATED CONSTRUCTION FOR MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH BCA CLAUSE C2.13  
SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA  
STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE C2.13  
WATERPROOFING OF WET AREAS: TO COMPLY WITH AS13740

**BASIS COMMITMENTS (ALL OTHER BASIS COMMITMENTS AS PER BASIS CERTIFICATE AND STAMPED PLANS)**

WATER OPTIONS: 4 STAR  
SWITCHERS/FUSES: 6 STAR  
TILE TILE: 5 STAR  
KITCHEN TAPS: 5 STAR  
BATHROOM TAPS: 5 STAR  
RAIN WATER TANK: 5 STAR  
POOLS: 5 STAR  
COLLECT RUN OFF AREA: 6 STAR  
MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS/NZS 4200.1  
ALTERNATIVE ENERGY: PV SYSTEM TO GENERATE 2.5 PEAK KWATTS  
EXTERNAL WALLS: R2.0 / R1.3  
FLOOR: R2.0  
CEILING: R2.0  
FLOOR SPEC: U<sub>0.4</sub> = 1.3 S2HC = 0.44  
U<sub>0.4</sub> = 1.3 S2HC = 0.44  
U<sub>0.4</sub> = 1.3 S2HC = 0.44  
WATER HEATING: COOKTOP GAS  
OVEN: ELECTRIC

**NOTES:**

EX FFL: EXISTING FLOOR LEVEL  
RL: RL OF FINISHED FLOOR LEVEL  
REDUCED LEVEL: REDUCED LEVEL  
BOUNDARY: BOUNDARY  
COUNCIL CONTROLS: COUNCIL CONTROLS  
EXISTING STRUCTURE: EXISTING STRUCTURE  
TO BE DEMOLISHED: TO BE DEMOLISHED  
DA APPROVED STRUCTURE (DA 48/2021): DA APPROVED STRUCTURE (DA 48/2021)

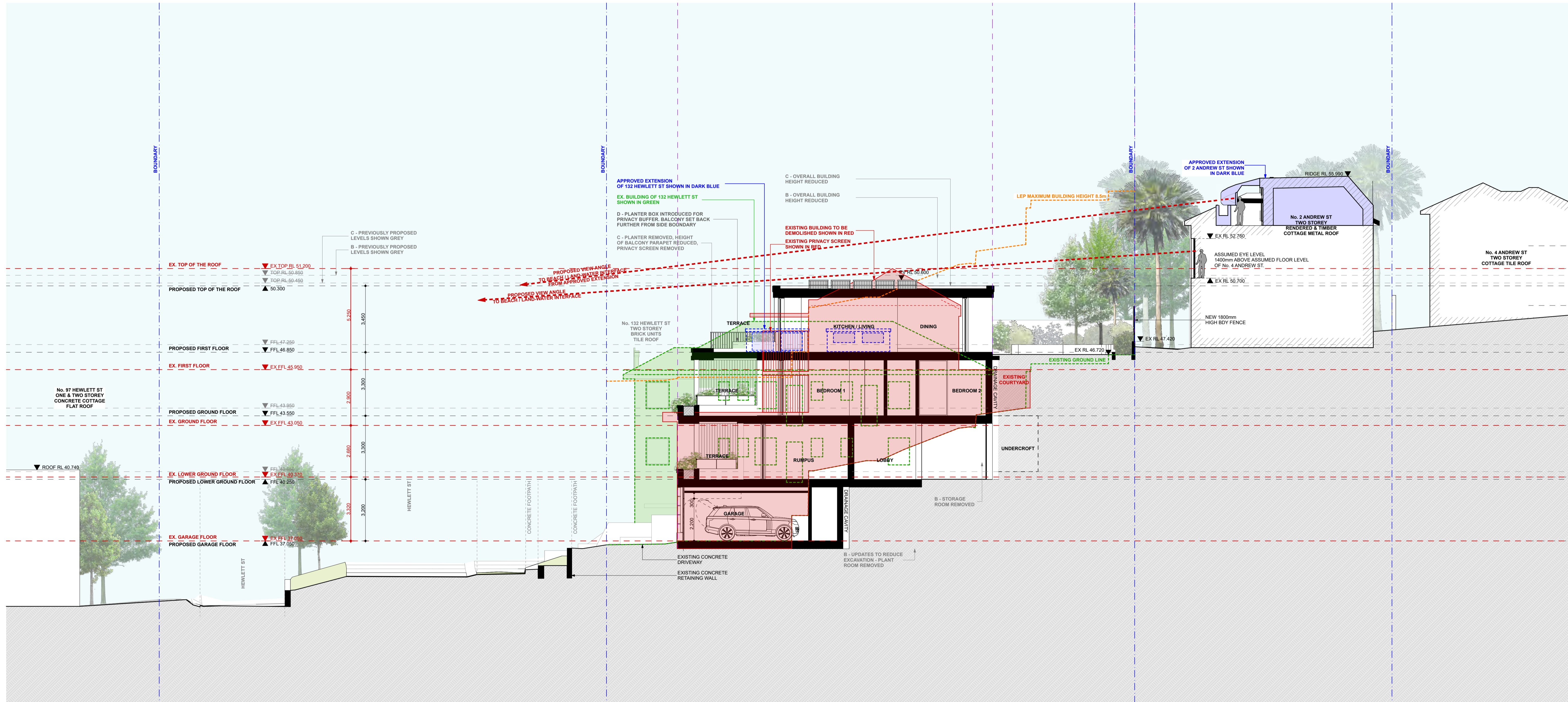
ARCHITECT:  
**MHNDUNION**  
35 RICHARDS LANE  
SURRY HILLS SYDNEY NSW 2010  
T +61 2 9101 1111  
F +61 2 9101 1100  
www.mhndu.com

Nominated Architect  
Brian Mayerson

PROJECT ADDRESS: 134 HEWLETT ST BRONTE

DRAWING TITLE: SECTION A

DRAWN BY: BM / MW / FK	MHNDU
SCALE: 1:100@A1	
ISSUE DATE: 29.08.2023	REVISION: E
PROJECT NUMBER: 18-008	DWG NUMBER: DA300



6.2 Assessor Accreditation No. HERA10042 Address 134 Hewlett Street Bronte NSW 2024 48.5

Table with columns: REV, NOTE, DATE, GENERAL NOTES. Contains revision history for DA submissions and amendments.

ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES & AUSTRALIAN STANDARDS. Lists specific clauses for fire, structural, and other building requirements.

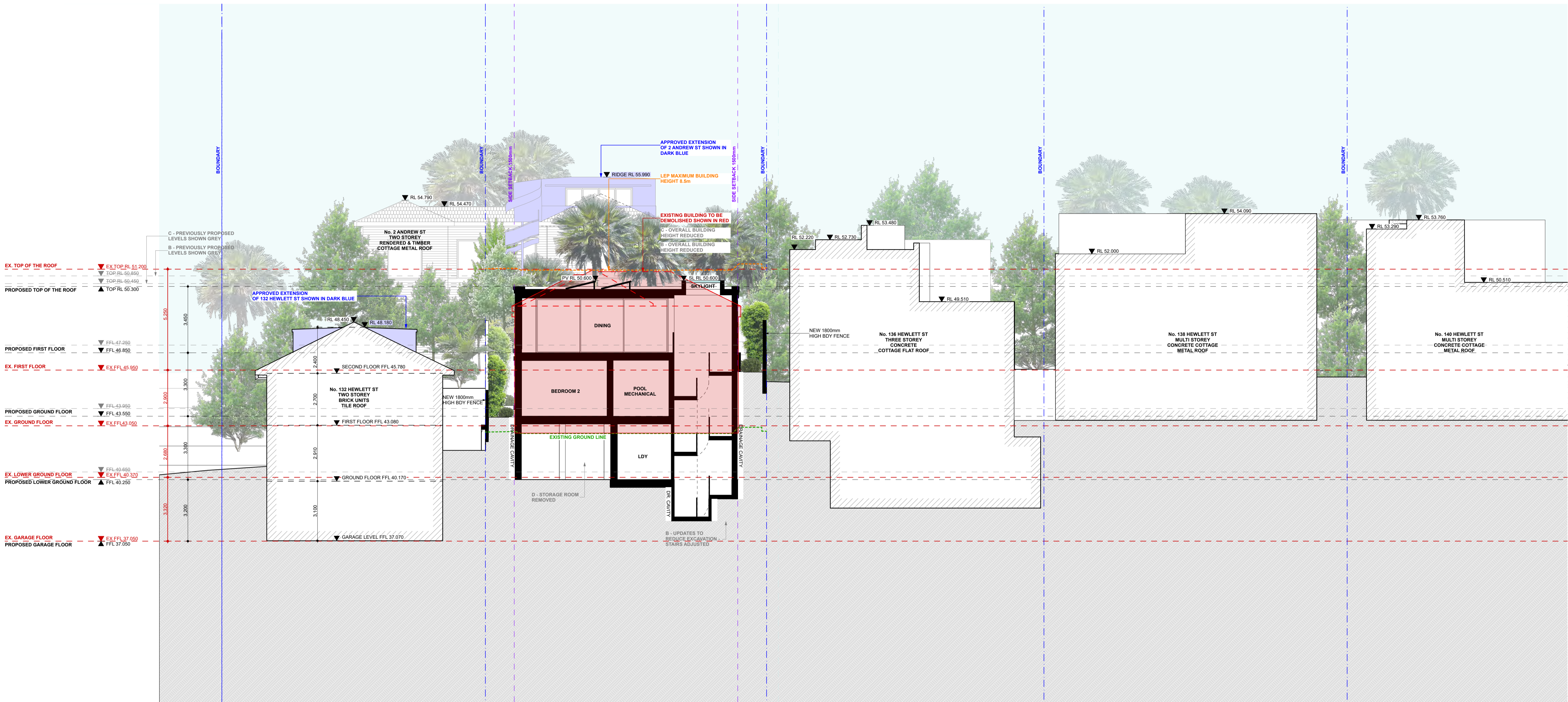
SPECIFICATIONS (refer to specification attachment). Details technical specifications for materials, finishes, and construction methods.

BASIS COMMITMENTS. Lists energy and water options, including solar panels, hot water systems, and energy-efficient appliances.

NOTES. Provides additional information and clarifications regarding the drawing, including boundary and council control details.

ARCHITECT: MHN DUNION 35 RICHARDS LANE SURRY HILLS SYDNEY NSW 2010. Includes contact information and website.

PROJECT ADDRESS: 134 HEWLETT ST BRONTE. DRAWING TITLE: SECTION A2. Includes drawing details, scale, and revision information.



6.2 Assessor Dimithi Harakidas Accreditation No. HERA10042 Address 134 Hewlett Street Bronte NSW 2024 48.5

Table with columns: REV, NOTE, DATE. Contains revision history for DA submissions and amendments.

GENERAL NOTES: 1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA...

ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES & AUSTRALIAN STANDARDS. CLAUSE B 1.4 - MATERIAL & FORM CONSTRUCTIONS...

SPECIFICATIONS (refer to specification attachment): ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSES 4 & 4.3-1000...

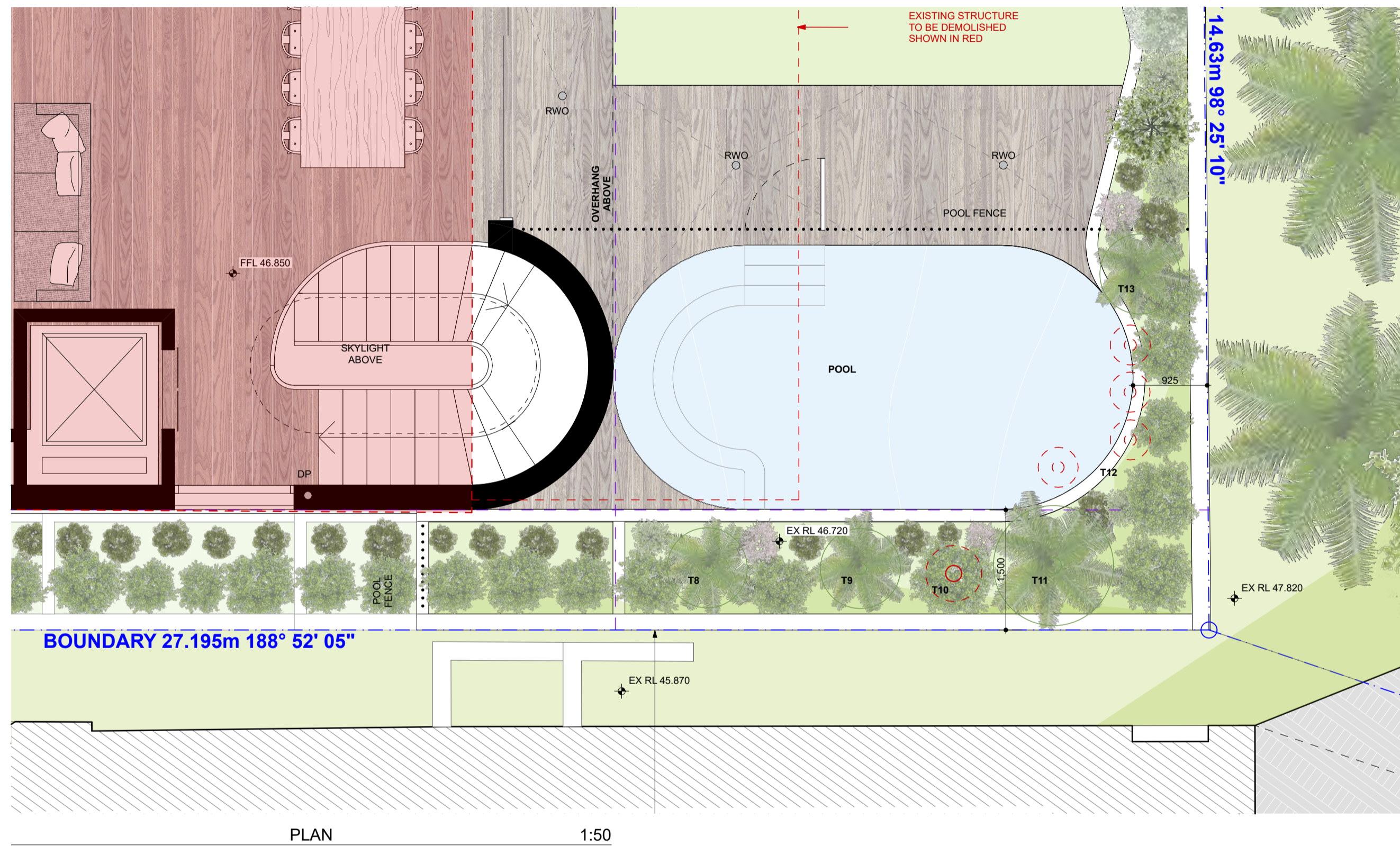
BASIS COMMITMENTS: ALL OTHER BASIS COMMITMENTS AS PER BASIS CERTIFICATE AND STAMPED PLANS. WATER OPTIONS: DISCHARGE: 4 STAR...

NOTES: EX FFL EXISTING FLOOR LEVEL, RL OF FINISHED FLOOR LEVEL, REDUCED LEVEL, BOUNDARY, COUNCIL CONTROLS, EXISTING STRUCTURE TO BE DEMOLISHED, DA APPROVED STRUCTURE (DA 48/2021)

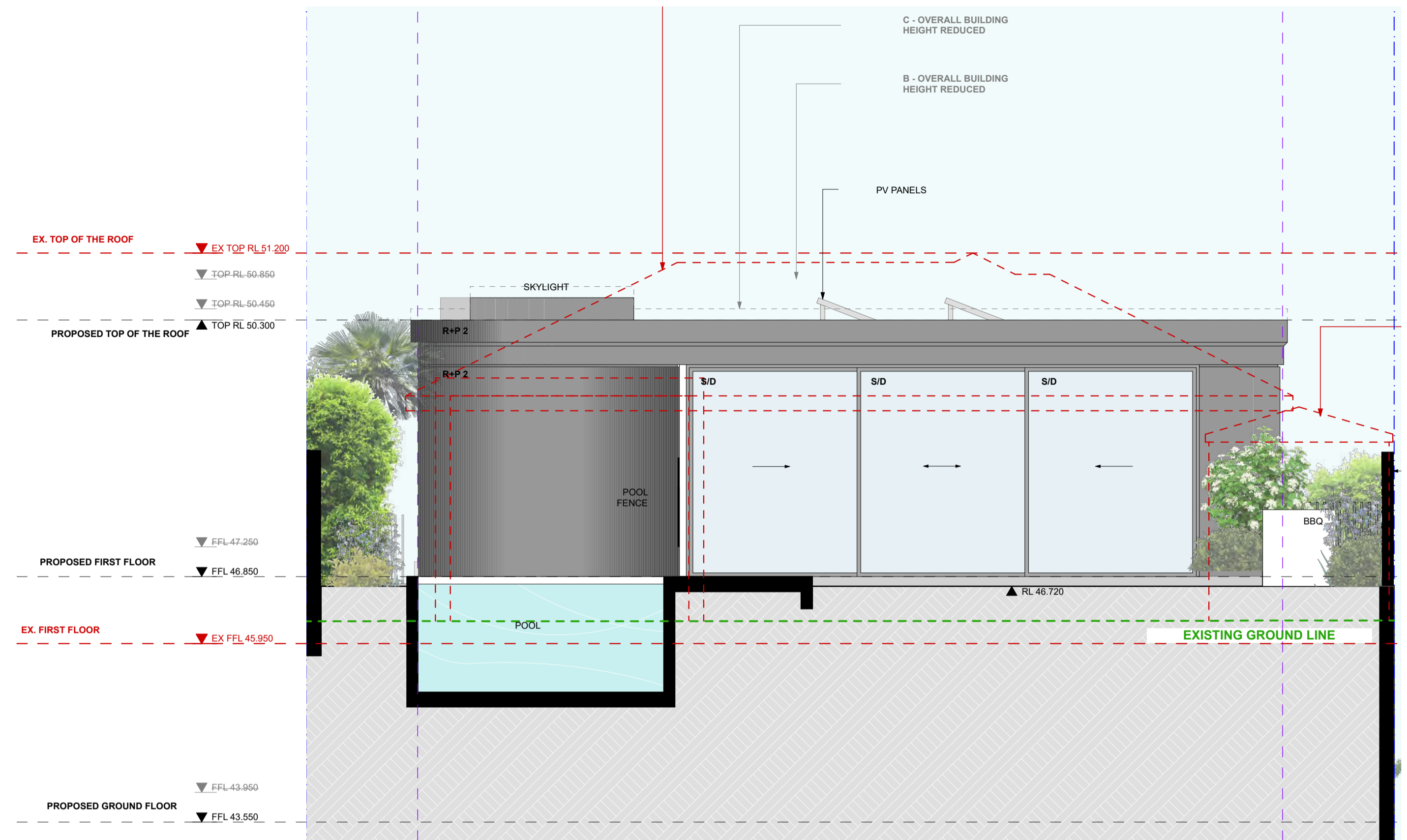
ARCHITECT: MHN DUNION 35 RICHARDS LANE SURRY HILLS SYDNEY NSW 2010 T +61 2 9101 1111 F +61 2 9101 1100 www.mhndu.com

Table with columns: PROJECT ADDRESS, DRAWING TITLE, DRAWN BY, SCALE, ISSUE DATE, PROJECT NUMBER, REVISION, DWG NUMBER. Includes project details and drawing identification.

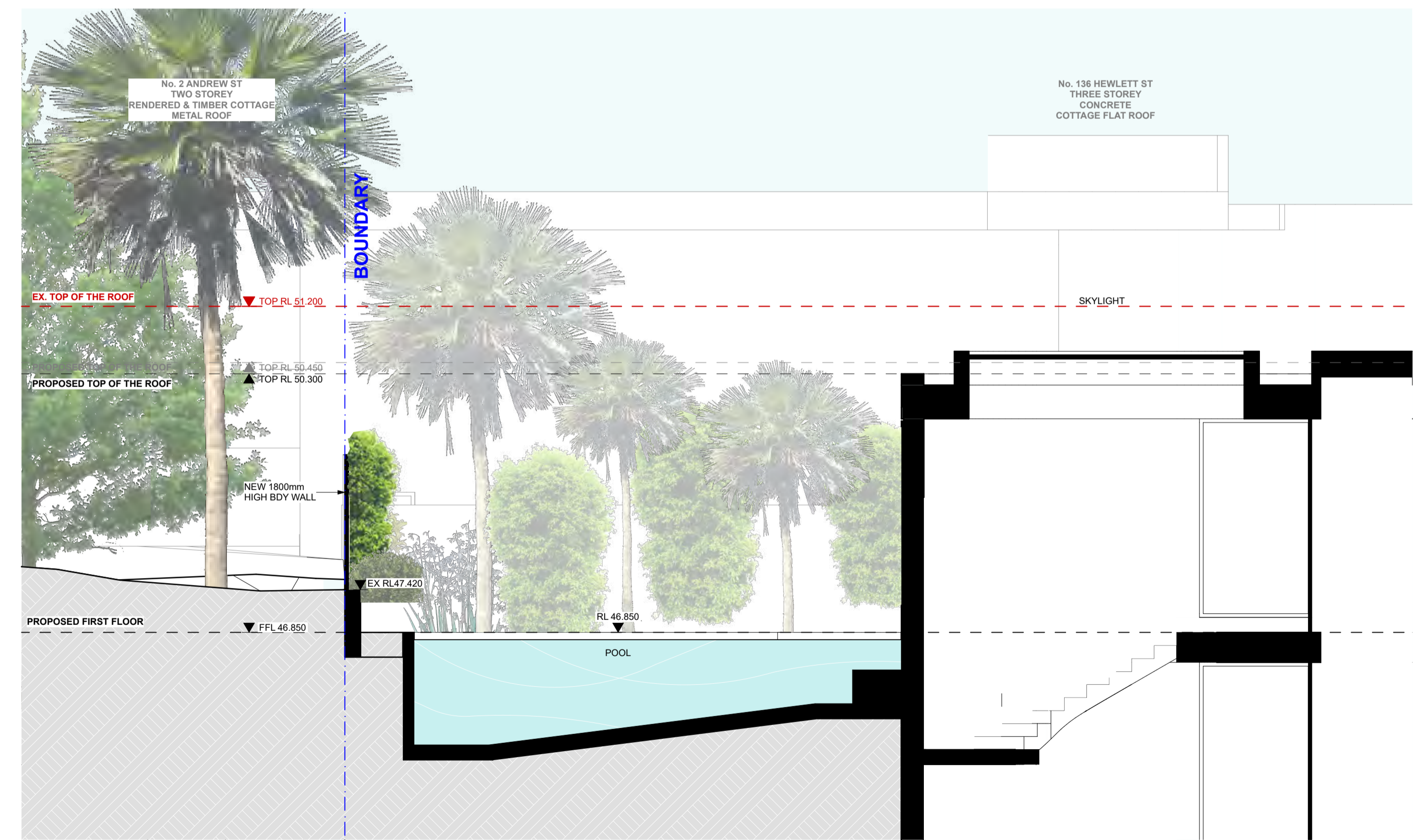




PLAN 1:50



CROSS SECTION 1:50



LONG SECTION 1:50

Table with 3 columns: REV, DATE, and NOTE. Contains revision history for DA submissions and amendments.

GENERAL NOTES: 1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA...

ALL CONSTRUCTION TO COMPLY WITH MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS: CLAUSE B 1.4 - MATERIAL & FORM CONSTRUCTIONS...

SPECIFICATIONS (refer to specification attachment): ARTIFICIAL LIGHTING TO COMPLY WITH BCA PART CLAUSES 4.4 & 4.5-1000...

BASIS COMMITMENTS (ALL OTHER BASIS COMMITMENTS AS PER BASIS CERTIFICATE AND STAMPED PLANS): WATER OPTIONS: 4 STAR SWIMMERSPACE...

NOTES: 1. AT LEAST 1 LIVING AREA, 3 SPACES AC, ENERGY RATING: EER + 3.0-3.5...

ARCHITECT: MHNDUNION 35 RICHARDS LANE SURRY HILLS SYDNEY NSW 2010

PROJECT ADDRESS: 134 HEWLETT ST BRONTE DRAWN BY: BM / MW / FK MHNDU



6.2 Assessor Dimithi Harakidas Accreditation No. HERA10042 Address 134 Hewlett Street Bronte NSW 2024 48.5

Table with 3 columns: REV, NOTE, DATE. Contains revision history for DA submissions and amendments.

GENERAL NOTES: 1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA...

ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES & AUSTRALIAN STANDARDS. CLAUSE B 1.4 - MATERIAL & FORM CONSTRUCTIONS...

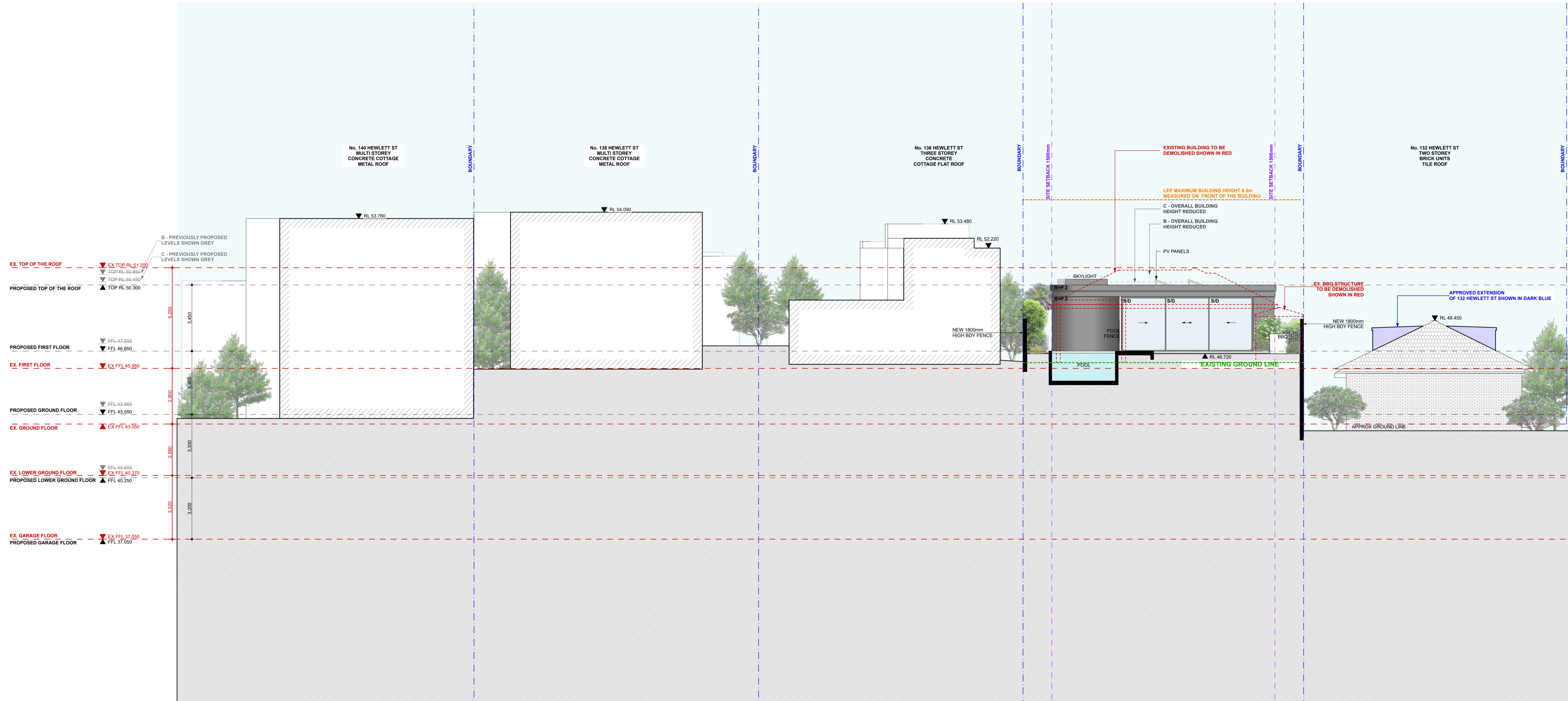
SPECIFICATIONS (refer to specification attachment): ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSE 4.4 & AS1680...

BASIS COMMITMENTS (ALL OTHER BASIS COMMITMENTS AS PER BASIS CERTIFICATE AND STAMPED PLANS): WATER OPTIONS: 4 STAR SWIMMING POOL...

NOTES: EX FFL EXISTING RL OF FINISHED FLOOR LEVEL...

ARCHITECT: MHN DUNION 35 RICHARDS LANE SURRY HILLS SYDNEY NSW 2010 T +61 2 9101 1111 F +61 2 9101 1100 www.mhndu.com

Table with 4 columns: PROJECT ADDRESS, DRAWING TITLE, DRAWN BY, REVISION. PROJECT ADDRESS: 134 HEWLETT ST BRONTE. DRAWING TITLE: SOUTH ELEVATION. DRAWN BY: BM / MW / FK. REVISION: E.



6.2 XZXG6T474A 17 Dec 2022 Assessor Dimitri Harakidas Accreditation No. HERA10042 Address 134 Hewlett Street Bronte NSW 2024 48.5

Table with 3 columns: REV, NOTE, DATE. Contains revision history for DA submissions and amendments.

GENERAL NOTES: 1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA...

ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES & AUSTRALIAN STANDARDS. Lists specific clauses for materials, fire, and accessibility.

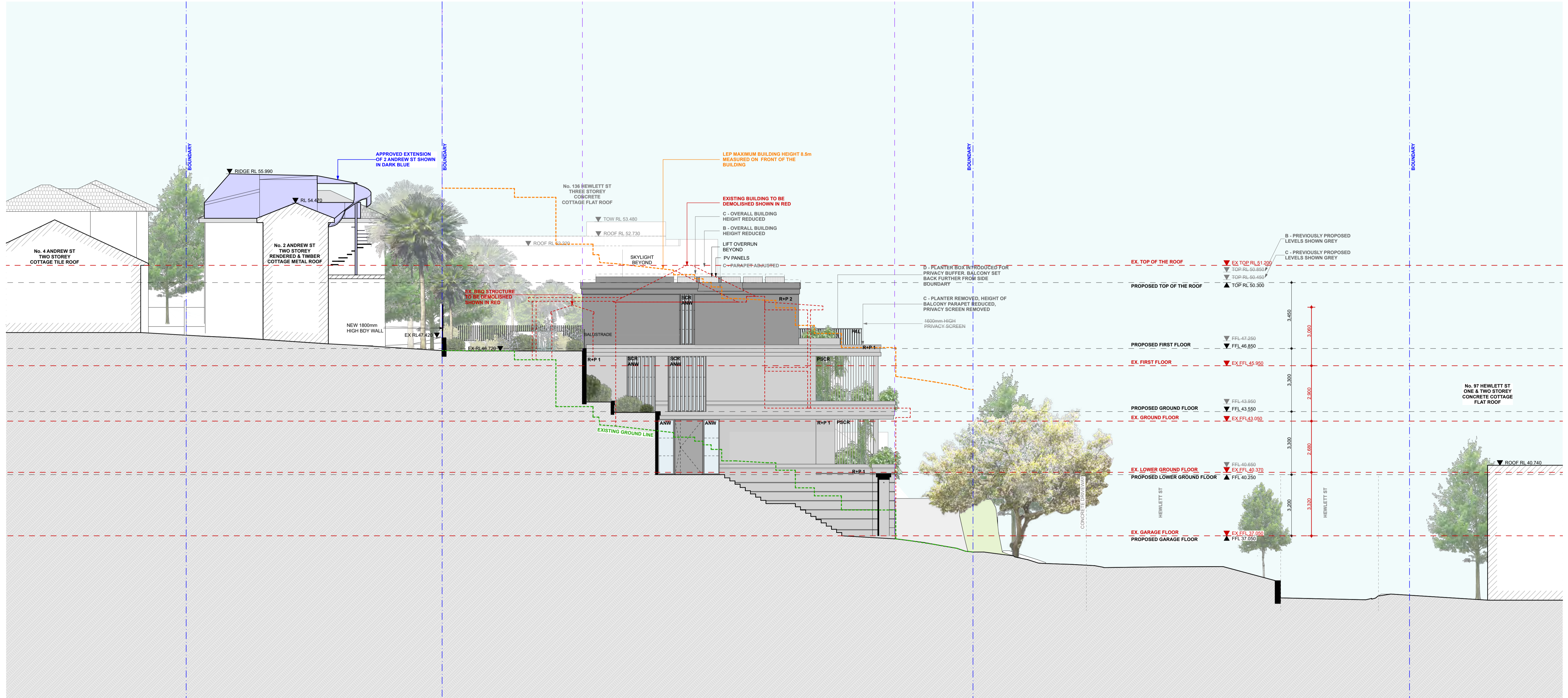
SPECIFICATIONS (refer to specification attachment): ARTIFICIAL LIGHTING TO COMPLY WITH BCA PART 4.4 & AS 1590. Lists requirements for lighting and ventilation.

BASIS COMMITMENTS: ALL OTHER BASIS COMMITMENTS AS PER BASIS CERTIFICATE AND STAMPED PLANS. Lists commitments for water, energy, and thermal comfort.

NOTES: EX FFL - EXISTING FLOOR LEVEL, RL OF FINISHED FLOOR LEVEL, REDUCED LEVEL, BOUNDARY, COUNCIL CONTROLS, EXISTING STRUCTURE TO BE DEMOLISHED, DA APPROVED STRUCTURE (DA 48/2021).

ARCHITECT: MHN DUNION 35 RICHARDS LANE SURRY HILLS SYDNEY NSW 2010 T +61 2 9101 1111 F +61 2 9101 1100 www.mhndu.com

PROJECT ADDRESS: 134 HEWLETT ST BRONTE DRAWING TITLE: NORTH ELEVATION DRAWN BY: BM / MW / FK MHN DU SCALE: 1:100@A1 ISSUE DATE: 29.08.2023 PROJECT NUMBER: 18-008 REVISION: E DWG NUMBER: DA401



6.2 Assessor Accreditation No. HERA10042 Address 134 Hewlett Street Bronte NSW 2024 48.5

Table with columns: REV, NOTE, DATE. Contains revision history for DA submissions and amendments.

GENERAL NOTES: 1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA...

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS: CLAUSE B 1.4 - MATERIAL & FORMS CONSTRUCTIONS...

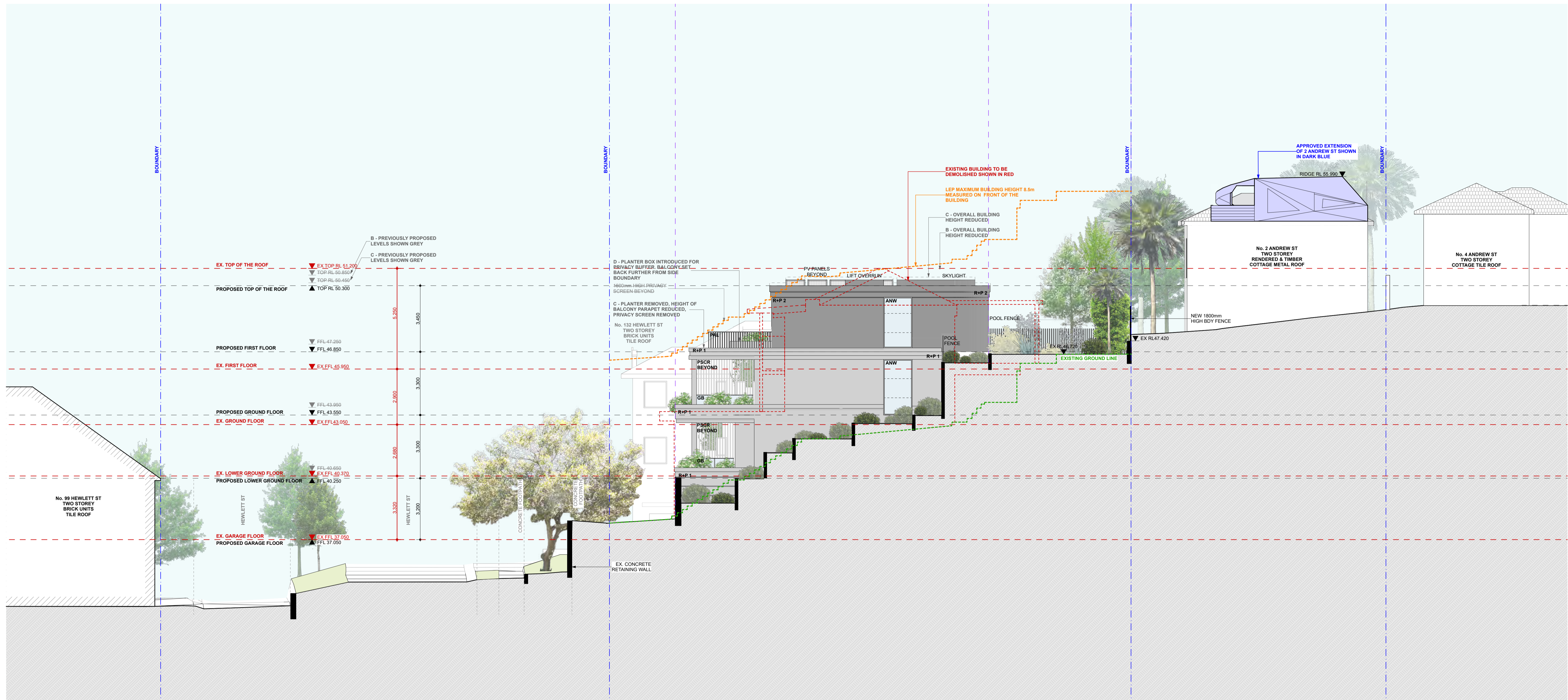
SPECIFICATIONS (refer to specification attachment): ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSES 4 & 4.3-1050...

BASIS COMMITMENTS (ALL OTHER BASIS COMMITMENTS AS PER BASIS CERTIFICATE AND STAMPED PLANS): WATER OPTIONS: 4 STAR SWIMMINGPOOL...

NOTES: EX FFL - EXISTING RL OF FINISHED FLOOR LEVEL REDUCED LEVEL...

MHNDUNION ARCHITECT: 35 RICHARDS LANE SURRY HILLS SYDNEY NSW 2010

Table with columns: PROJECT ADDRESS, DRAWING TITLE, DRAWN BY, SCALE, ISSUE DATE, PROJECT NUMBER, DWG NUMBER.



6.2 Accredited Assessor XZXG6T474A 17 Dec 2022 Dimithi Harakidas HERA10042 48.5 Address 134 Hewlett Street Bronte NSW 2024

Table with 3 columns: REV, NOTE, DATE. Contains revision history for DA submissions and amendments.

GENERAL NOTES: 1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA...

ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES & AUSTRALIAN STANDARDS. CLAUSE B 1.4 - MATERIAL & FORM CONSTRUCTIONS...

SPECIFICATIONS (refer to specification attachment): ARTIFICIAL LIGHTING TO COMPLY WITH BCA PART 4.4 & AS1680...

BASIS COMMITMENTS: ALL OTHER BASIS COMMITMENTS AS PER BASIS CERTIFICATE AND STAMPED PLANS. WATER OPTIONS: DISCHARGE TO SEWER...

NOTES: EX FFL EXISTING RL OF FINISHED FLOOR LEVEL. ANW ANEETA WINDOW. GB GLASS BALUSTRADE...

ARCHITECT: MHNDUNION 35 RICHARDS LANE SURRY HILLS SYDNEY NSW 2010 T +61 2 9101 1111 F +61 2 9101 1100 www.mhndu.com

Table with 2 columns: PROJECT ADDRESS, DRAWN BY. PROJECT ADDRESS: 134 HEWLETT ST BRONTE. DRAWN BY: BM / MW / FK MHNDU.



## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-57/2023
<b>Site address</b>	25 St Thomas Street, Bronte
<b>Proposal</b>	Demolition and construction of a new three storey dwelling including basement garage and new swimming pool at rear.
<b>Date of lodgement</b>	18 March 2023
<b>Owner</b>	Mr A J Burrell
<b>Applicant</b>	Clinton Murray Architects
<b>Submissions</b>	16
<b>Cost of works</b>	\$2,453,000
<b>Principal Issues</b>	<ul style="list-style-type: none"> <li>• Breach to height</li> <li>• Breach to Floor Space Ratio (FSR)</li> <li>• Volume of excavation</li> </ul>
<b>Recommendation</b>	That the application be <b>REFUSED</b> for the reasons contained in the report.

### SITE MAP



(Source: Nearmap, 2023)

## 1. PREAMBLE

### 1.1. Executive Summary

The Development Application (DA) seeks consent for the demolition and construction of a new three storey dwelling including a basement garage and new swimming pool at the site known as 25 St Thomas Street, Bronte.

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

- Breach to height;
- Breach to FSR; and
- Volume of excavation.

The assessment finds these issues unacceptable. The proposed development exceeds both the height of buildings and FSR development standards, whilst failing to meet the objectives of the development standards by not preserving the environmental amenity of neighbouring properties through reduced solar access and view impacts. In addition, the volume of excavation is excessive. Overall, the proposal's perceived bulk and scale particularly when viewed from the front and rear is considered excessive. Whilst attempts were made during the assessment process for the applicant to address these matters, the latest scheme does not go far enough to overcome these concerns and subsequently, the application is recommended for refusal.

A total number of 16 submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the recommendation.

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

### 1.2. Site and Surrounding Locality

A site visit was carried out on 15 May 2023.

The site is identified as Lot 2 in DP73583, known as 25 St Thomas St, Bronte.

The site is rectangular in shape with an eastern frontage to St Thomas Street, measuring 9.55m. It has an area of 349.2m<sup>2</sup> and falls from the west (rear) to the east (front) by approximately 2.55m.

The site is occupied by a two-storey detached dwelling with vehicle access via an attached garage.

The site is adjoined by contemporary part-two, part-three storey dwellings on either side. The locality is characterised by a variety of low-density residential development.

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



**Figure 1.** 3D satellite imagery of the subject site and its surrounding urban context. (Source: Google Maps, 2023)



**Figure 2.** Front of the subject site as viewed from St. Thomas Street, looking west.





*Figure 3. Rear of the dwelling as viewed from the private open space, looking east.*

### 1.3. Relevant Development History

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

- DA-277/2007  
Construct a new window and sliding glass door.  
Approved: 27 June 2007
  
- DA-39/2011  
Construction of a swimming pool at the rear of the dwelling.  
Approved: 3 February 2011

### 1.4. Proposal

The Development Application (DA) seeks consent for demolition and construction of a new three storey dwelling including a basement garage and a new swimming pool at the rear, specifically the following:

- Demolition of all structures on site, inclusive of the in-ground swimming pool.
- Construction of a new three storey dwelling containing:
  - Basement

- Two car garage
- Plant room
- Storage room
- Lift and internal stair access
- Ground Floor
  - Three secondary bedrooms
  - Bathroom
  - Laundry
  - Rear outdoor area
  - In-ground swimming pool and associated landscaping
- First Floor
  - Open plan living areas
  - Office
  - Primary bedroom with walk-in robe and ensuite

## 1.5. Background

The DA was deferred on 15 June 2023 for the following reasons:

1. The development was to comply with height and FSR;
2. The amount of excavation proposed was excessive and was to be reduced;
3. Ceiling fans were to be added to habitable rooms;
4. The development exceeded the 7m wall height limit and was to comply;
5. The proposed building lines were non-compliant and were to comply;
6. Additional fencing details were requested;
7. View loss diagrams were requested;
8. Landscaping calculations were requested;
9. The RL's of neighbouring private open space was requested; and
10. Comments from Council's Stormwater Engineer were to be addressed.

The applicant provided additional information to the NSW Planning Portal on 14 July 2023.

Council did not accept the additional information and advised the applicant on 20 July 2023, the following:

1. *The basement is to be reduced in size to reflect the size of the basement garages of 23 and 27 St Thomas Street. It is currently still excessive in size.*
2. *The rear building line appears excessive in bulk and should be reduced to more closely align with the averages of either side property's rear alignment (at each corresponding level). In this regard, it is noted that properties to the south exhibit balconies to the rear which assist to reduce the perceived bulk, which may be an option for you, particularly given the need to reduce bulk*

*and scale of the overall development (noting the expansive open terrace area below, which contributes to bulk but not GFA is not supported in the current form).*

**Note:** The terrace area was not proposed in the original plans and therefore this point was not included in the original deferral letter dated 15 June 2023.

- 3. The rear terrace is excessive in size and creates a large enclosed space. The current form breaches Part C1, Section 1.2, Control (b) as development at first floor level and above shall be set back from the rear building line of the ground floor level in order to minimise bulk and scale impacts and provide visual relief for the open space and living areas at adjacent properties. It is recommended that the primary bedroom suite is relocated from the first floor and re-positioned to the ground floor to reduce this unreasonably large area. Additionally, this terrace area appears to be enclosed by walls greater than 1.4m and therefore could meet the definition of gross floor area.*

**Note:** The terrace area was not proposed in the original plans and therefore this point was not included in the original deferral letter dated 15 June 2023.

- 4. The current proposal when excluding this terrace area still exceeds the FSR development standard.*
- 5. The privacy screen blades need to be deleted as they extend past the first floor rear building line.*

Amended plans were received by Council on 11 August 2023, which differed from the originally notified plans in the following way:

1. The size of the basement and associated excavation was slightly reduced. This was primarily reduced via a smaller plant/storage room and electrical plant room.
2. The TV room and laundry room were deleted from the rear of the ground floor, with the laundry room replacing the guest bathroom. The TV room and laundry room were replaced with the outdoor terrace.
3. The swimming pool was amended to be located in-ground.
4. The screening blades to the rear of the first floor were deleted.

The amended plans received on 11 August 2023 will form the basis of the assessment.

## 2. ASSESSMENT

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

## 2.1. Planning Instruments and Development Control Plans

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

### 2.1.1. State Environmental Planning Policies (SEPPs)

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

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

A detailed discussion is provided for relevant SEPP as follows:

#### *SEPP (Transport and Infrastructure) 2021*

Ausgrid has recommended conditions of consent in accordance with Section 2.48, as the subject site is located within 5m of overhead powerlines.

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

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

**Table 1: Waverley LEP 2012 Compliance Table**

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
<b>1.2 Aims of plan</b>	No	The proposed development does not meet the aims of the Waverley LEP 2012 as it proposes excessive excavation and therefore does not preserve the natural environment through appropriate planning.
<b>Part 2 Permitted or prohibited development</b>		
<b>Land Use Table</b> <i>Low Density Residential 'R2' Zone</i>	Yes	The proposal is defined as a dwelling house, which is permitted with consent in the R2 zone.
<b>Part 4 Principal development standards</b>		
<b>4.3 Height of buildings</b> • 8.5m	No	The dwelling has a height of 9m.

Provision	Compliance	Comment
		The development breaches the height of buildings development standard by 0.5m or 5.9%.
<b>4.4 Floor Space Ratio (FSR); and 4.4A Exceptions to FSR</b> <ul style="list-style-type: none"> <li>• Lot Size: 349.2m<sup>2</sup></li> <li>• Max GFA: 251.7m<sup>2</sup></li> <li>• Max FSR: 0.72:1</li> </ul>	No	<u>Gross Floor Area (GFA) Calculation</u> Basement: 10.5m <sup>2</sup> Ground Floor: 102.3m <sup>2</sup> First Floor: 145.7m <sup>2</sup> TOTAL GFA: 258.5m <sup>2</sup> TOTAL FSR: 0.74:1  The development breaches the FSR development standard by 6.8m <sup>2</sup> or 2.7%.
<b>4.6 Exceptions to development standards</b>	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height and FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.
<b>Part 5 Miscellaneous provisions</b>		
<b>5.21 Flood Planning</b>	Yes	The subject site is identified as being in a low risk flooding area. Council's Stormwater Engineer has reviewed the application and advises the property is generally well outside the 1% AEP flood extents. In addition, as there are no proposed works within the 1% AEP flood extents, it is unlikely that the development will change the existing flood behaviour.
<b>Part 6 Additional local provisions</b>		
<b>6.1 Acid sulfate soils</b>	Yes	The subject site is located within acid sulfate soils class 5. However, the proposed works are unlikely to lower the water table.
<b>6.2 Earthworks</b>	No	The volume of earthworks proposed for the site is excessive.

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

*Clause 4.6 Exceptions to Development Standards - Height of buildings*

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

The site is subject to a maximum height of buildings development standard of 8.5m. The proposed development has a height of 9m, exceeding the standard by 0.5m equating to a 5.9% variation.

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

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

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

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

The applicant seeks to justify the contravention of the 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:
  - *The proposal satisfies the objectives of the R2 Low Density Residential zone and the objectives of the height development standard.*
  - *The departure from the standard relates to 16m<sup>2</sup> of roof elements only. This represents only 10% of the proposed 156m<sup>2</sup> of overall roof.*
  - *The departure to the standard is a direct function of the existing ground levels and the site and locality's topography. The roof elements do not unreasonably add to the built form's perceived height, bulk and scale, nor its environmental impacts. The resultant height, bulk and scale of the dwelling is like its neighbouring dwellings on the western side of St Thomas Street where an appropriate transition in height is provided.*
  - *In general, built form slopes down from south to north and west to east, following the topography of the street and locality. The proposal steps down the site and when viewed from both the front and rear (where it complies) of the site, the proposal is of a similar height and number of storeys as the neighbouring properties.*
  - *Although the proposal departs from the FSR standard, part of which is provided within the basement level, the visible parts of the dwelling when viewed from the public domain or neighbouring properties is one that is anticipated by the planning controls. The proposed front and rear building alignments and side boundary setbacks comply and/or are consistent with that existing.*
  - *The nature of such an urban environment is that all future development will seek to maximise levels of residential amenity and density through design.*
  - *The locality's subdivision pattern and resultant building proximity creates privacy impacts. Given the existing and proposed built form, there is a degree of mutual overlooking, however, the proposal is not considered to increase mutual overlooking to an unacceptable level.*
  - *The development responds to view sharing principles in a highly urbanised city environment. A consistent front and rear building alignment is maintained and compliant side boundary setbacks are proposed. This design condition will retain / share the easterly views. Properties to the site's*

*west are higher up the ridge and oriented in a north south direction and therefore from their upper floor level look across their side boundary through the site and beyond with established perimeter landscaping provided in between. The largely unaltered impacts of the development in terms of views and vistas is acceptable given the circumstances of the case and the expected future built form potential on neighbouring and nearby properties.*

- *Within its locational context, the site can accommodate the built form as proposed and the development is of an intensity and scale commensurate or not incompatible with the built form character and the prevailing urban conditions and capacity of the locality, including neighbouring properties.*
- *The overall height of the building does not preclude (and hasn't done so in the past) redevelopment of neighbouring or nearby properties.*
- *The standard's departure and the development generally are not inconsistent with the relevant objectives of the standard because they do not materially alter the existing correlation between building height and density, and the correlation is appropriate under the circumstances. Nor do they alter the buildings' compatibility with the bulk, scale, streetscape or desired future character of the locality, and that compatibility is appropriate under the circumstances given the overall lack of adverse impacts to neighbouring properties and the surrounding public domain.*
- *Although a departure to the wall height guideline is proposed to the front of the northern and southern elevations, the departure is a direct function of the existing ground levels and the site and locality's topography. Floor to ceiling heights for the ground floor and first floor level are only the standard 2.7m. The resultant wall height and overall height is clearly not incompatible with the wall heights of each neighbour to the north and south respectively.*
- *The proposal responds and contributes to its context by engaging its desired future character as envisaged by the permissible land uses and densities in the surrounding locality. The surrounding area is undergoing a period of regeneration.*
- *The dwelling's massing responds accordingly as well as considering the existing built form adjacent. The scale is also broken down by the articulation of facades with the use of different materials and elements which helps reduce the perception of any apparent bulk. The proposal exhibits a height, bulk and scale which is not incompatible with the predominant multi level built form character on the western side of St Thomas Street.*

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

- *The departure to the standard is a direct function of the existing ground levels and the site and locality's topography. The roof elements do not unreasonably add to the built form's perceived height, bulk and scale, nor its environmental impacts.*
- *The resultant height, bulk and scale of the dwelling is like its neighbouring dwellings on the western side of St Thomas Street where an appropriate transition in height is provided.*
- *The proposal steps down the site and when viewed from both the front and rear (where it complies) of the site, the proposal is of a similar height and number of storeys as the neighbouring properties.*

- *The visible parts of the dwelling when viewed from the public domain or neighbouring properties is one that is anticipated by the planning controls. The proposed front and rear building alignments and side boundary setbacks comply and/or are consistent with that existing.*
- *The development preserves the environmental amenity of neighbouring properties. The proposed new dwelling house and its surrounds and specifically the roof elements which depart from the standard nonetheless provide for an acceptable and equitable planning outcome and preserve environmental amenity in relation to:*
  - *Solar access and overshadowing;*
  - *Access to natural daylight and ventilation;*
  - *Aural and visual privacy;*
  - *Views and vistas from private properties and the public domain; and*
  - *Visual impact.*

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

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

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

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

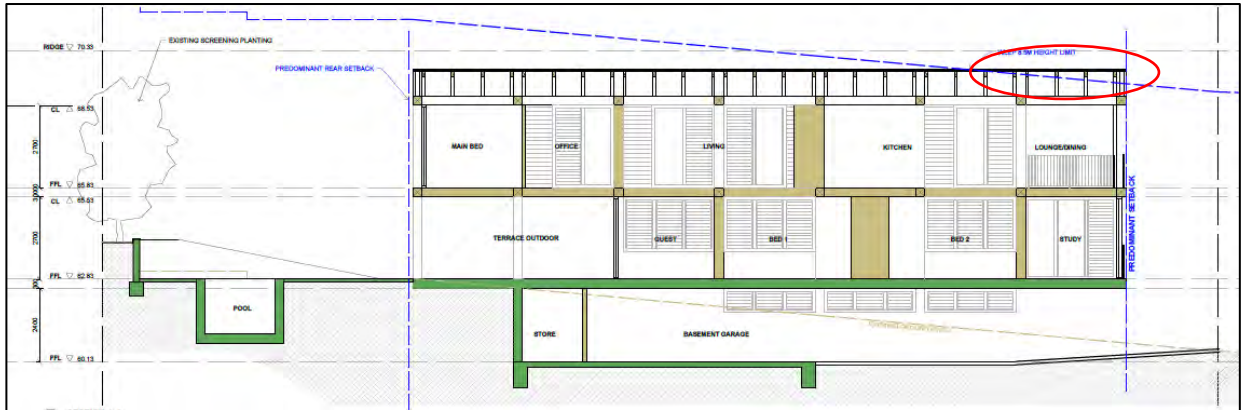
It is considered that the applicant has adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case and has referenced one or more of the following justifications as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

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

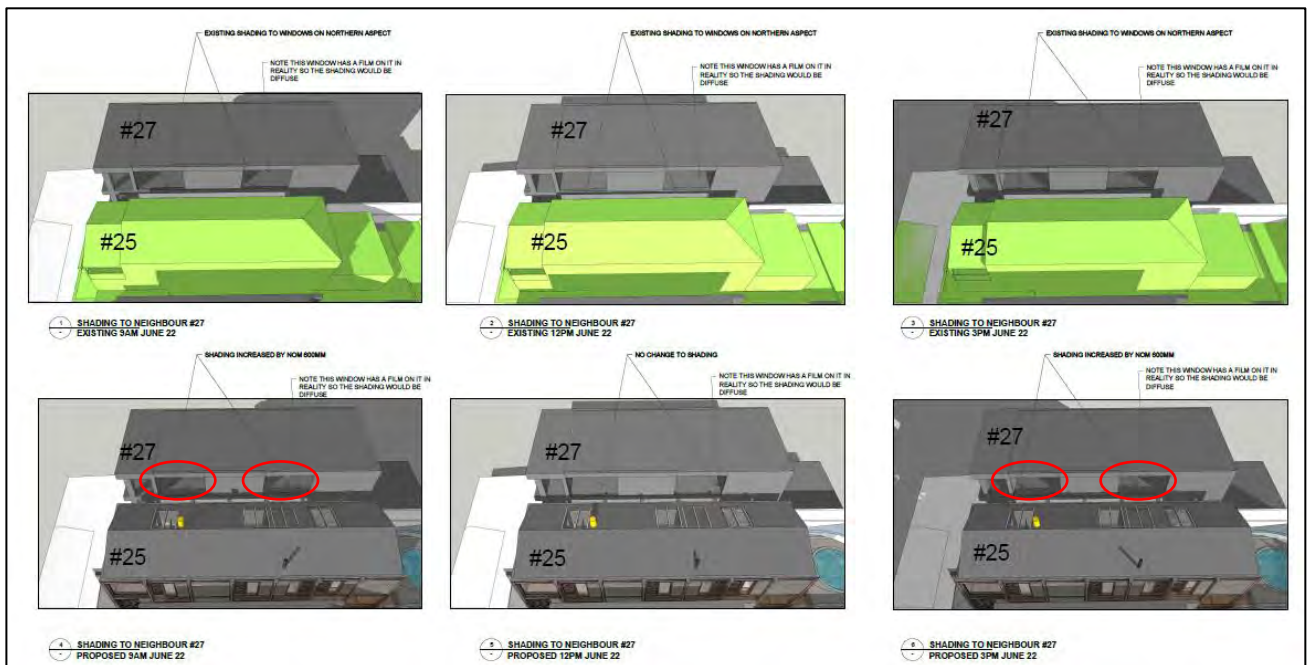


applied to that land” and that “compliance with the standard in that case would also be unreasonable or unnecessary.

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. The justification provided by the applicant is not sound as the proposed development does not meet objective (a) of the development standard, as it does not preserve the environmental amenity of neighbouring properties. The proposed development overshadows north facing habitable room windows of No.27 St Thomas Street at 9am and 3pm.



**Figure 4.** Section A-A showing portion of the development which exceeds height. (Source: Clinton Murray Architects, 2023)



**Figure 5.** Shadow diagrams showing shadow impacts to windows of 27 St Thomas Street, Bronte (Source: Clinton Murray Architects, 2023)

Additionally, the proposed development may result in a view loss from No.27 St Thomas Street to the Tamarama Headland (refer to **Figure 10** below).

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

The applicant has not adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. As it has been discussed above, the proposed development results in unreasonable shadow and view impacts to No.27 St Thomas Street, Bronte.

Is the development in the public interest?

The proposed development will not be in the public interest because it is inconsistent with both the objectives of the particular development standard and the objectives for development within the zone in which the development is proposed to be carried out.

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

*(a) to ensure building heights preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views,*

.....

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

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

Council disagrees with the contention that the objectives of the height development standard are achieved. The applicant has not adequately demonstrated that the overall scale of the development preserves the environmental amenity of neighbouring properties as stated at objective (a). The proposed development will have additional overshadowing impacts on adjoining properties particularly the property to the south at No.27 St Thomas Street.

The proposal may also result in view loss impacts to the property located to the south at No.27 St Thomas Street. Whilst these views are obtained across a side boundary, the property at No.27 St Thomas Street currently enjoys views towards the Tamarama Headland from the front first floor north-east facing living area. This is addressed in further detail under Section 2.1.3 of this report.

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

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

- *To promote development that incorporates planning and design measures that reduce the urban heat island effect.*
- *To improve the urban tree canopy by providing high levels of deep soil planting and additional landscaping.*

Whilst it is acknowledged that the proposed development does provide for the housing needs of the community by developing the site for low density residential purposes, the overall planning outcome for the site to achieve this objective is unacceptable and cannot be supported.

### Conclusion

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

### *Clause 4.6 Exceptions to Development Standards - FSR*

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

The site is subject to a maximum FSR development standard of 0.72:1. The proposed development has a FSR of 0.74:1, exceeding the standard by 6.8m<sup>2</sup> equating to a 2.7% variation.

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

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
  - *The standard's departure and the development generally are not inconsistent with the relevant objectives of the standard because they do not materially alter the existing correlation between building height and density, and the correlation is appropriate under the circumstances. Nor do*

*they alter the buildings' compatibility with the bulk, scale, streetscape or desired future character of the locality, and that compatibility is appropriate under the circumstances given the overall lack of adverse impacts to neighbouring properties and the surrounding public domain.*

- *The surrounding locality is characterised by multi-level elevated dwellings and residential apartment buildings set on land influenced by the locality's topographical characteristics.*
- *This GFA does not add to the dwelling's bulk and scale. The dwelling's visible elements when viewed from the public domain or neighbouring properties is one that is generally anticipated by the planning controls and one which is not dissimilar to that existing. Furthermore, the proposed front, rear and side boundary building alignments comply and/or are consistent with that existing.*
- *The rear of the dwelling is not visible and there is clearly no perception of visual built form dominance, excessive bulk and scale or excessive technical GFA/FSR. Compliant curtilage to each side boundary neighbour has also been maintained.*
- *The height, bulk and scale of the built form does not influence or set a precedent for future buildings on neighbouring or nearby properties. Rather the new dwelling is not incompatible with the site's wider visual context as viewed from the surrounding public domain, given the scale and form of development (as anticipated by the planning controls) and as existing in the site's vicinity.*
- *The objective of an FSR standard is to ensure that the intensity of development respects and reflects the overall built form of a locality and does not detrimentally affect the amenity of the area. The maximum FSR that a site can achieve is determined by its environmental constraints relative to overshadowing, privacy, streetscape, built form character, parking, traffic generation, landscaping, visual impact and views and the capacity of the community infrastructure. The proposal has been designed to minimise impacts and has had regard to site users and neighbours. There are no unreasonable amenity or adverse environmental impacts.*
- *The 44.6m<sup>2</sup> of GFA that exceeds the FSR standard does not result in a building which is out of scale with the locality's future (desired) built form character. Additionally, 16m<sup>2</sup> of GFA is contained within the basement level. This GFA does not add to the dwelling's bulk and scale.*
- *The dwelling's floorspace is not visually prominent from the surrounding public domain. Clearly there is no perception of visual built form dominance, excessive bulk and scale or excessive technical GFA/FSR. The dwelling generally sits within an envelope and which is not dissimilar to that already considered acceptable on neighbouring and nearby properties.*
- *Habitable accommodation is not provided above the height standard. Although the proposal departs from the FSR standard, GFA/FSR is not provided above the height standard. The proposed GFA/FSR is therefore entirely contained within the anticipated building envelope location / form.*
- *The new dwelling provides for an acceptable and equitable planning outcome in relation to:*
  - *solar access and overshadowing;*
  - *access to natural daylight and ventilation;*
  - *aural and visual privacy;*
  - *views and vistas;*
  - *visual impact; and*
  - *parking and traffic generation.*

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

- *Superior residential amenity will be provided to the occupants whilst preserving/ maintaining the amenity (solar access, visual and aural privacy, views, vistas, outlook, natural daylight and ventilation) of the neighbouring properties and the surrounding public domain. This is a desirable outcome.*
- *This GFA does not add to the dwelling's bulk and scale. The dwelling's visible elements when viewed from the public domain or neighbouring properties is one that is generally anticipated by the planning controls and one which is not dissimilar to that existing. Furthermore, the proposed front, rear and side boundary building alignments comply and/or are consistent with that existing. This dictates the desired or future building envelope and location.*
- *Despite the FSR departure and the near negligible roof element departure to the height standard, compliance has been maintained with the DCP 2022 guidelines in relation to front and rear setbacks, side setbacks, open space, landscaped area, private open space and car parking. A minor departure to the wall height guideline (in the same location as the height standard departure) is proposed, however most of the dwelling complies with both controls and is not dissimilar to that existing on neighbouring properties.*
- *Although it departs from the FSR standard, the new built form and the quantum of GFA/FSR provided above the standard is nonetheless consistent with the locality's desired future character and the departure does not result in any unreasonable amenity or environmental impacts to neighbouring properties or the surrounding public domain.*
- *The development provides for an appropriate environmental planning outcome and is not an overdevelopment of the site as follows:*
  - *The proposal satisfies the objectives of the R2 Low Density Residential zone;*
  - *The proposal satisfies the objectives of the FSR standard;*
  - *The proposed works departing from the standard do not result in unreasonable amenity impacts;*
- *The nature of such an urban environment is that all future development will seek to maximise amenity and density through design. In this regard, the proposal represents an appropriate planning outcome with any unreasonable amenity or environmental impacts; and removing the non-compliance would not alter the perceived height, bulk and scale of the new dwelling house, considering its established context. The new dwelling is clearly not incompatible considering its wider visual context.*

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

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

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

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

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

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

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

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. The justification provided by the applicant is not sound as the proposed development does not meet objective (d) of the development standards, as it does not preserve the environmental amenity of neighbouring properties. The proposed development overshadows north facing habitable room windows of No.27 St Thomas Street at 9am and 3pm, as demonstrated in **Figures 4 and 5** above. Additionally, the proposed development may result in a view loss to the Tamarama Headland from No.27 St. Thomas Street (refer to **Figure 10** below).

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

The applicant has not adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. As it has been discussed above, the proposed development results in unreasonable shadowing impacts to No.27 St. Thomas Street.

The siting of the dwelling and the excavation required will result in unreasonable impacts on the amenity of neighbouring properties. The development has not been designed in a skillful manner to limit those impacts which include view loss and overshadowing.

Is the development in the public interest?

The proposed development will not be in the public interest because it is inconsistent with both the objectives of the particular development standard and the objectives for development within the zone in which the development is proposed to be carried out.

The relevant objectives of the FSR development standard are as follows:

.....

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

Council disagrees with the contention that the objectives of the FSR development standard are achieved. The applicant has not adequately demonstrated that the overall scale of the development preserves the environmental amenity of neighbouring properties as stated at objective (d). The proposed development will have additional overshadowing impacts on adjoining properties particularly the property to the south at No.27 St Thomas Street.

The proposal may also result in view loss impacts to the property located to the south at No.27 St Thomas Street. Whilst these views are obtained across a side boundary, the property at No.27 St Thomas Street currently enjoys views towards the Tamarama Headland from the front first floor north-east facing living area. This is addressed in further detail under Section 2.1.3 of this report.

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

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

Whilst it is acknowledged that the proposed development does provide for the housing needs of the community by developing the site for low density residential purposes, the overall planning outcome for the site to achieve this objective is unacceptable and cannot be supported.

### Conclusion

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

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

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

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

<b>Development Control</b>	<b>Compliance</b>	<b>Comment</b>
<b>1. Waste</b> <ul style="list-style-type: none"> <li><i>Garbage bins are to be stored in an appropriate location.</i></li> </ul>	Yes	Satisfactory.
<b>2. Ecologically Sustainable Development</b> <ul style="list-style-type: none"> <li><i>Ceiling or wall mounted fans</i></li> <li><i>Gas cooktops, gas ovens or gas internal space heating systems.</i></li> </ul>	Yes Yes	Ceiling fans are notated on the plans. Electric cooking is notated on the plans.
<b>3. Landscaping, Biodiversity and Vegetation Preservation</b>	N/A	Tree removal is not proposed.
<b>5. Water Management</b>	Conditional	Council's stormwater Engineer has reviewed the application and recommended conditions of consent.
<b>7. Transport</b>		
<b>7.1 Streetscape</b>	Yes	The off-street parking when viewed from the streetscape is acceptable, with a similar streetscape presentation to other dwellings to this portion of St Thomas Street.
<b>7.2 On-Site Parking</b>	Yes	The subject site is located within Parking Zone 2.
<b>7.2.1 Vehicle Access</b>	Yes	The existing driveway crossover is acceptable.



Development Control	Compliance	Comment
<b>7.2.2 Parking Rates</b>	No	The proposed extent of the basement car park makes it capable of accommodating three off street parking spaces which is in excess of the maximum of two spaces allowable under the DCP.
<b>11. Design Excellence</b>	No	The proposed development does not achieve design excellence as it is not suitable for the land providing excessive excavation and is poorly designed by reducing amenity to neighbouring properties, provides an excessive bulk particularly when viewed from the rear and an excessive street frontage height.
<b>13. Excavation</b>	No	The subject site is permitted to have a maximum excavated area of 119.84m <sup>3</sup> .  The development proposes an excavated volume of approximately 244m <sup>3</sup> .  The development also proposes excavation to the side boundaries (as shown in Section B-B) which is not supported.

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

Development Control	Compliance	Comment
<b>1.0 General Objectives</b>		
	No	The proposal contravenes the general objectives of this part of the Waverley DCP 2022.  The proposal is not of an appropriate scale for the lot, exceeding both height and FSR which impacts the amenity of the neighbouring property by reducing solar access and impacting on views.
<b>1.1 Height</b>		
<b>Pitched roof dwelling house</b> • <i>Maximum external wall height of 7m</i>	No	The development exceeds the maximum wall height of 7m, with an overall wall height of 7.6m proposed.
<b>1.2 Setbacks</b>		
<b>1.2.1 Front and rear building lines</b> • <i>Predominant front building line (adjacent three neighbours on either side)</i> • <i>Predominant rear building line at each floor</i>	Yes	<u>Garage Front Building Line</u> The proposed garage is constructed to the front boundary, similar to Nos.23 and 27 St Thomas Street.
	No	<u>Ground Floor Front Building Line</u> The proposed ground floor building line setback of 2.985m extends past the correlating 3.5m

Development Control	Compliance	Comment
<i>level (adjacent three neighbours or either side)</i>	<p>No</p> <p>Partial</p> <p>No</p>	<p>front building line setback of No.23 St Thomas Street. As the study room is located on the northern side of the property, it is appropriate to use the neighbouring property to the north at No. 23 St Thomas Street to assess an appropriate building line. In this case, it does not comply.</p> <p><u>First Floor Front Building Line</u> The proposal seeks to provide an enclosed building form at first floor level. To the south, No 23 St Thomas Street is also enclosed at first floor level, though setback further, compared to that being proposed.</p> <p>Uphill adjoining properties (Nos 27, 29 St Thomas Street), exhibit setback first floor levels (ie glazing line) with balconies to the first floor level which soften the bulk and scale to the streetscape.</p> <p>In this instance, the proposal seeks an enclosed form that protrudes in front of No 23 and aligns with the balustrade of No 27 (not the glazing line of No 27). The resultant effect is considered to present an unnecessarily bulkiness to the streetscape, beyond those in the immediate vicinity.</p> <p><u>Ground Floor Rear Building Line</u> The proposed ground floor glazing line aligns with No 23 to the south, though provides a support structure that extends this out to align with No 27. The resultant effect provides a large roofed outdoor space that provides an overly bulky form.</p> <p><u>First Floor Rear Building Line</u> The proposed first floor is appropriately in line with the rear first floor building line of No.27 St Thomas Street. Having regard to either side property, it is anticipated a better tapering / average would be proposed.</p>
<p><b>1.2.2 Side setbacks</b></p> <ul style="list-style-type: none"> <li><i>Minimum of 0.9m for ground floor and first floors.)</i></li> </ul>	Yes	The development provides 0.9m side setbacks to the built form.
<b>1.3 Streetscape and visual impact</b>		
<ul style="list-style-type: none"> <li><i>New development to be compatible with streetscape context</i></li> </ul>	No	Each dwelling from 21-29 St Thomas Street (excluding the subject site) have flat roofs (refer to Figure 1). The proposed pitched roof form will

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Replacement windows to complement the style and proportions of existing dwelling</li> <li>Significant landscaping to be maintained.</li> </ul>		<p>not be reflective of the built form in the immediate streetscape.</p> <p>Additionally, as detailed above, the proposal presents a significant bulk and scale to the streetscape which is more pronounced than those adjoining. Ideally, an improved softening to the streetscape and tapered setback would be encouraged.</p>
<b>1.4 Fences</b>		
<p><u>Front:</u></p> <ul style="list-style-type: none"> <li>Maximum height of 1.2m</li> <li>Solid section no more than 0.6m in height</li> </ul>	N/A	No front fencing is proposed
<p><u>Side and Rear:</u></p> <ul style="list-style-type: none"> <li>Maximum height of 1.8m</li> </ul>	As existing	Existing side and rear fencing are being retained.
<b>1.5 Visual and acoustic privacy</b>		
<ul style="list-style-type: none"> <li>Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design</li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The southern elevation of No.23 St Thomas Street exhibit's minimal openings. The northern elevation of the proposal incorporates a large number of floor to ceiling windows, however in light of the largely blank elevation opposite, the proposed windows to the northern elevation of the subject site are acceptable as they will not result in visual privacy issues.</p> <p>The proposed southern elevational windows are fixed with privacy louvers, which are acceptable.</p> <p>Existing side boundary fencing will assist with visual privacy.</p>
<b>1.6 Solar access</b>		
<ul style="list-style-type: none"> <li>Minimum of 3 hours of sunlight to 50% of living areas and principal open space areas on 21 June to subject site</li> <li>Minimum of 3 hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June.</li> <li>avoid the unreasonable overshadowing of solar collectors on a nearby property</li> </ul>	<p>Yes</p> <p>Yes</p> <p>No</p>	<p>The proposed development will not reduce solar access to neighbouring private open space and living areas to less than 50% of the area for three or more hours.</p> <p>The proposed development will overshadow the north facing windows of No. 27 St Thomas Street. As the proposed development exceeds both height and FSR, no additional overshadowing to neighbouring windows or private open space is acceptable.</p>

Development Control	Compliance	Comment
<b>1.7 Views</b>		
<ul style="list-style-type: none"> <li><i>Views from the public domain are to be maintained</i></li> <li><i>Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks.</i></li> </ul>	<p>Yes</p> <p>No</p>	<p>See further discussion below this table</p>
<b>1.8 Car parking</b>		
<p><b>1.8.1 Design Approach</b></p> <ul style="list-style-type: none"> <li><i>Parking only allowed where site conditions permit</i></li> <li><i>Designed to complement the building and streetscape</i></li> <li><i>Car parking structures to be behind the front building line</i></li> <li><i>Driveways are to be located to minimise the loss of on street parking</i></li> <li><i>Parking to be provided from secondary streets or lanes where possible.</i></li> </ul>	<p>Yes</p>	<p>The off-street parking when viewed from the streetscape is acceptable, with a similar streetscape presentation to other dwellings to this portion of St Thomas Street.</p>
<p><b>1.8.2 Parking rates</b></p>	<p>Yes</p>	<p>The proposed development is permitted a maximum of two off-street parking spaces under the DCP, however, due to the excessive size of the garage/basement the development could easily provide three or more off-street parking spaces, which would not comply with the development control.</p>
<p><b>1.8.3 Location</b></p> <ul style="list-style-type: none"> <li><i>Parking to be behind front building line for new dwellings</i></li> <li><i>Existing development to be in accordance with the hierarchy of preferred car parking locations</i></li> </ul>	<p>Yes</p>	<p>The location of the garage is acceptable and similar to others in the street.</p>
<p><b>1.8.4 Design</b></p> <ul style="list-style-type: none"> <li><i>Complement the style, massing and detail of the dwelling</i></li> </ul>	<p>Yes</p>	<p>The off-street parking when viewed from the streetscape is acceptable, with a similar streetscape presentation to other dwellings to this portion of St Thomas Street.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>• <i>Secondary in area and appearance to the design of the residences</i></li> <li>• <i>No part of the façade is to be demolished to accommodate car parking</i></li> <li>• <i>Gates to have an open design</i></li> </ul>		
<p><b>1.8.5 Dimensions</b></p> <ul style="list-style-type: none"> <li>• <i>5.4m x 2.4m per vehicle</i></li> </ul>	Yes	The internal dimensions of the garage is capable of supporting two vehicles.
<p><b>1.8.6 Driveways</b></p> <ul style="list-style-type: none"> <li>• <i>Maximum of one per property</i></li> <li>• <i>Maximum width of 3m at the gutter (excluding splay)</i></li> <li>• <i>Crossings not permitted where 2 on street spaces are lost</i></li> </ul>	Yes	The existing driveway crossover is acceptable. If the application was recommended for approval, conditions of consent would be recommended.
<b>1.9 Landscaping and open space</b>		
<ul style="list-style-type: none"> <li>• <i>Overall open space: 40% of site area</i></li> <li>• <i>Overall landscaped area: 20% of site area, with at least half deep soil</i></li> <li>• <i>Minimum area of 25m<sup>2</sup> for private open space</i></li> <li>• <i>Front open space: 50% of front building setback area</i></li> <li>• <i>Front landscaped area: 50% of front open space provided</i></li> </ul>	<p>Yes</p> <p>No</p> <p>Yes</p> <p>Yes</p> <p>No</p>	<p>Over 40%</p> <p>Limited information has been provided to assess the amount of landscaped and deep soil area proposed on site.</p> <p>Over 25m<sup>2</sup></p> <p>Over 50%</p> <p>Limited information has been provided to assess the amount of landscaped and deep soil area proposed on site.</p> <p>Additionally, the primary outdoor area for the dwelling, is hard surface (roofed) and attached to a guest bedroom and laundry rather than the primary living zone of the dwelling, which is considered an undesirable outcome. With the centralised location of the swimming pool at the rear, there is very little usable landscaping available for occupants of the dwelling to utilise with the current design. This is considered to provide poor amenity and could be enhanced.</p>
<b>1.10 Swimming pools and spa pools</b>		
<ul style="list-style-type: none"> <li>• <i>Located in the rear of property</i></li> </ul>	Yes	The proposed swimming pool is located to the rear of the property.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>• <i>Pool decks on side boundaries must consider visual privacy</i></li> <li>• <i>All pool equipment to be enclosed within an acoustically treated enclosure</i></li> </ul>		

The following is a detailed discussion of the issues identified in the compliance tables above in relation to the Waverley DCP 2022.

### *View Impacts*

Part C1 1.7 *Views* of Waverley DCP 2022 details all objectives and strategies for public and private domain views and view sharing, which generally seek to reduce impacts on existing views and vistas from the private and public domain. The proposal has also been assessed against the Land and Environment Court’s Tenacity principle for view sharing.

During public notification, the following properties indicated that the proposed development will impact on private domain views:

- 4/120-128 Macpherson Street, Bronte
- 5/120-128 Macpherson Street, Bronte
- 8/120-128 Macpherson Street, Bronte
- 9/120-128 Macpherson Street, Bronte
- 27 St. Thomas Street, Bronte

Council’s Development Assessment Planner undertook a site visit to the apartments within 120-128 MacPherson Street, Bronte and requested photographs from No.27 St Thomas Street, Bronte. These images were provided to the Architect who then used those images to provide the below view impact diagrams.



 proposed building outline

**Figure 6.** View impact diagram - 4/120-128 Macpherson Street, Bronte. (Source: Clinton Murray Architects, 2023)



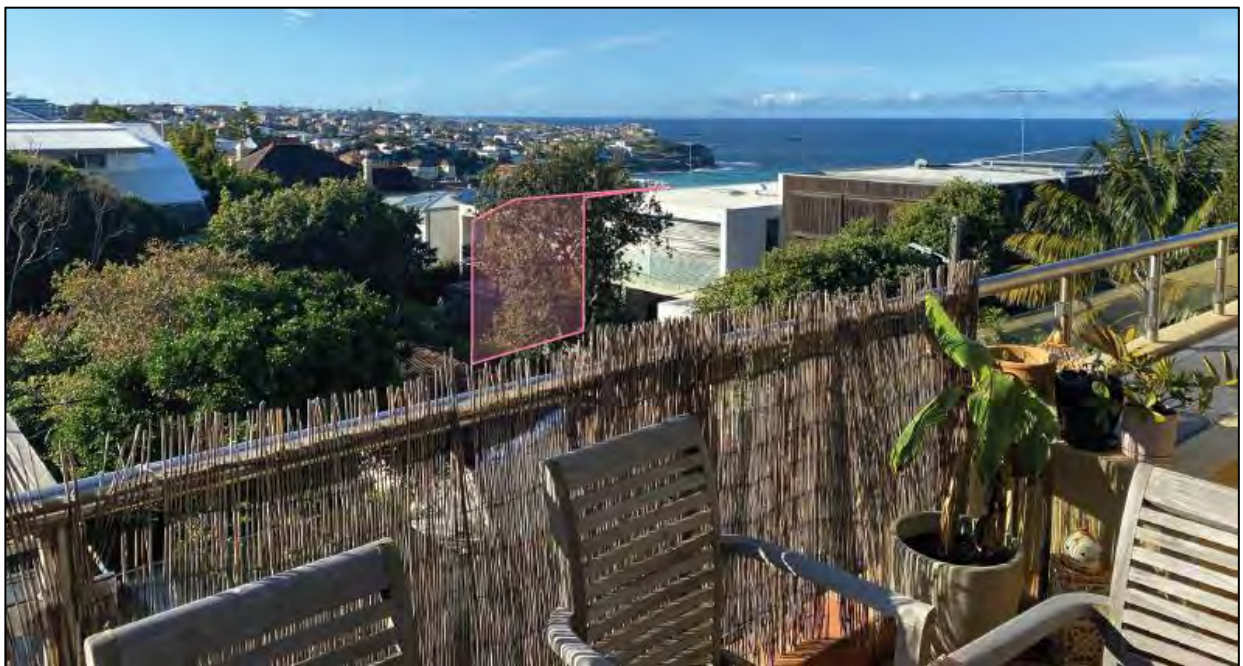
 proposed building outline


**Figure 7.** View impact diagram - 5/120-128 Macpherson Street, Bronte. (Source: Clinton Murray Architects, 2023)



 proposed building outline

**Figure 8.** View impact diagram - 8/120-128 Macpherson Street, Bronte. (Source: Clinton Murray Architects, 2023)




 proposed building outline

**Figure 9.** View impact diagram - 8/120-128 Macpherson Street, Bronte. (Source: Clinton Murray Architects, 2023)





 proposed building outline

**Figure 10.** View impact diagram - 27 St Thomas Street, Bronte (Source: Clinton Murray Architects, 2023)

The view impact analysis taken from the units at 120-128 Macpherson Street, Bronte shows that views enjoyed by these units are not obstructed as a result of the proposed development.

In regards to the property at No.27 St Thomas Street, whilst it is acknowledged that the subject views identified above are across a side boundary which, as outlined in the Tenacity planning principle, are more difficult to protect, the impact on the Tamarama Headland view as a result of the proposed development is considered to be unreasonable, particularly given the breach of both the height and FSR development standards. A more skillful design could provide the applicant with reasonable amenity and reduce the impact on the views of neighbours. Further design resolution is required to reduce the extent of building envelope proposed, with a reduction of bulk and scale required at the front to facilitate views across the development. Having regard to the above view impacts it is considered that the proposal is unreasonable given the environmental amenity of the adjoining properties is not preserved. As outlined in the Clause 4.6 discussions above, any environmental impact from portions of the development that breach height and FSR are not supported.

## 2.2. Other Impacts of the Development

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

## 2.3. Suitability of the Site for the Development

The site is not considered suitable for the proposal.

## 2.4. Any Submissions

The application was notified for 14 days from 10 May until 24 May 2023 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

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

1. The size of the basement and associated excavation was slightly reduced. This was reduced via amendments to provide a smaller plant/storage room and electrical plant room.
2. The TV room and laundry room were deleted from the rear of the ground floor, with the laundry room replacing the guest bathroom. The TV room and laundry room were replaced with an outdoor entertaining area.
3. The swimming pool was amended to be located in-ground.
4. The screening blades to the rear of the first floor were deleted.

A total of 16 unique submissions were received from the following properties:

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

Count	Property Address
1	4/120-128 Macpherson Street, Bronte
2	5/120-128 Macpherson Street, Bronte
3	8/120-128 Macpherson Street, Bronte
4	9/120-128 Macpherson Street, Bronte
7	23 St. Thomas Street, Bronte (3 unique objections)
13	27 St. Thomas Street, Bronte (6 unique objections)
15	29 St. Thomas Street, Bronte (2 unique objections)
16	7 Albert Street, Bronte

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

- *Excessive FSR;*
- *Excessive height;*
- *Excessive excavation;*
- *Setbacks;*
- *Solar access;*
- *Visual privacy;*
- *View loss; and*
- *Lack of landscaping to front open space.*

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

***Issue: Floor-to- ceiling height to basement is excessive.***

**Response:** The 2.4m floor-to-ceiling height of the basement is acceptable.

***Issue: Mechanical plant/pool equipment's located to the rear, south side of the property will reduce acoustic privacy.***

**Response:** If approved, a condition would be recommended that the pool equipment be enclosed in an acoustically treated enclosure.

***Issue: Unauthorised existing works***

**Response:** This would need to be reported to the Compliance Department for investigation but does not provide a reason for the refusal of this application.

***Issue: Above-ground pool and associated decking will result in visual privacy impacts.***

**Response:** The proposal has been amended so that the swimming pool is to be located in-ground.

***Issue: Accessing meters.***

**Response:** This is a civil matter and does not provide a reason for refusal of the development application.

***Issue: Plant rooms are excessive and could be used as habitable rooms.***

**Response:** The development does not propose habitable rooms within the basement level.

***Issue: The garage could accommodate three vehicles.***

**Response:** The amount of excavation proposed for the large garage area is a reason for refusal.

***Issue: Unacceptable Geotechnical Report.***

**Response:** If approved, excavation related conditions would be recommended.

## **2.5 Public Interest**

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

## **3. REFERRALS**

The following internal and external referral comments were sought:

### **3.1. Traffic and Development**

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

### 3.2. Stormwater

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

### 3.3. Tree Management

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

### 3.4. Ausgrid

An external referral was sought from Ausgrid who recommended conditions of consent.

## 4. CONCLUSION

The Development Application (DA) seeks consent for the demolition and construction of a new three storey dwelling including a basement garage and new swimming pool at the site known as 25 St Thomas Street, Bronte.

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

- Breach to height;
- Breach to FSR; and
- Volume of excavation.


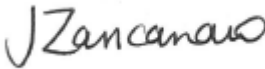

The assessment finds these issues unacceptable. The proposed development exceeds both the height of buildings and FSR development standards, whilst failing to meet the objectives of the development standards by not preserving the environmental amenity of neighbouring properties through reduced solar access and view impacts. In addition, the volume of excavation is excessive. Overall, the proposed bulk and scale requires further reduction and could be readily achieved if the applicant were willing. To enable support of the proposal.

A total number of 16 submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the recommendation.

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

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the development application be **REFUSED** by the Waverley Local Planning Panel for the reasons contained in Appendix A.

Report prepared by:	Application reviewed and agreed by:	Application reviewed and agreed by:
		
Joseph Somerville	Jo Zancanaro	Angela Rossi
<b>Senior Development Assessment Planner</b>	<b>A/ Manager, Development Assessment</b>	<b>A/ Executive Manager, Development Assessment</b>
<b>Date:</b> 25 August 2023	<b>Date:</b> 30 August 2023	<b>Date:</b> 31 August 2023

*Reason for WLPP referral:*

1. Contentious development (10 or more objections)

**OFFICE USE ONLY**

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

## APPENDIX A – REASONS FOR REFUSAL

Having regard to section 4.15 (1) of the *Environmental Planning and Assessment Act 1979 (the Act)* the development application (the application) is refused for the following reasons:

1. The application does not satisfy section 4.15 (1)(a)(i) of the Act as it contrary to the following provisions of *Waverley Local Environmental Plan (WLEP) 2012*:

- a. *Clause 4.3 Height of Buildings*

The application exceeds the maximum allowable height of 8.5m and the applicant's written request under clause 4.6 of WLEP has failed to adequately address the required matters under subclauses 4.6 (3)(a) and (b) of WLEP.

*Details:* The proposed height does not preserve the environmental amenity of neighbouring properties by creating overshadowing and view loss to No.27 St Thomas Street, Bronte contrary to clause 4.3(1)(a) of WLEP.

- b. *Clause 4.4 Floor Space Ratio*

The application exceeds the maximum allowable Floor Space Ratio (FSR) of 0.72:1 and the applicant's written request under clause 4.6 of WLEP has failed to adequately address the required matters under subclauses 4.6 (3)(a) and (b) of Waverley LEP

*Details:* The proposed Floor Space Ratio does not preserve the environmental amenity of neighbouring properties by creating overshadowing and view loss to No.27 St Thomas Street, Bronte contrary to clause 4.4(1)(d) of WLEP.

- c. *Clause 6.2 Earthworks*, specifically clause (3)(h) as appropriate measures have not been proposed to minimise the volume of excavation.

2. The application does not satisfy section 4.15 (1)(a)(iii) of the Act as it is contrary to Waverley Development Control Plan (WDCCP) 2022, in respect to the following provisions:

*Part B11 Design Excellence*

- a. *Section 11.1 Design*, specifically objectives (a), (c) and (d) and controls (a) and (e)(i), (iv), (v), (vi) as the proposed development is not suitable for the land providing excessive excavation and is poorly designed by reducing amenity to neighbouring properties, provides an excessive bulk created from the rear ground floor terrace area and an excessive street frontage height.

*Part B13 Excavation*

- b. Specifically objectives (a), (b), (c) and (d) and controls (a), (b), (c), (g) and (o) as the amount of excavation proposed is excessive for the site and is within 0.9m of the side boundaries.

*Part C1 Low Density Residential Development*

- c. *Section 1.0 General Objectives*, specifically objectives (a) and (b) as the proposed development is not appropriate for the lot as it exceeds height and floor space ratio, which does not preserve the amenity of a neighbouring property in terms of solar access and view impacts.
  - d. *Section 1.1 Height*, specifically objectives (a), (d) and (f) and control (a) as the proposed development exceeds the 7m maximum wall height.
  - e. *Section 1.2 Setbacks*, specifically control (a), (b), (d) as the proposal does not provide consistent setbacks with those adjoining (at each level) and the resultant effect presents an excessive bulk and scale when viewed from the streetscape and rear.
  - f. *Section 1.3 Streetscape and Visual Impact*, specifically objectives (a) and (b) and controls (a), (d), (e) as the proposed pitched roof is not reflective of other dwellings in the streetscape, which incorporate flat roofs, as well as the proposal presenting an excessive bulk and scale to the streetscape.
  - g. *Section 1.6 Solar Access*, specifically objectives (a) and (b) as the proposed development impacts solar access to No.27 St Thomas Street, Bronte.
  - h. *Section 1.7 Views*, specifically objective (a) and controls (a), (b) as the proposed development may result in unreasonable view loss from No. 27 St Thomas Street, Bronte.
  - i. *Section 1.9 Landscaping and Open Space*, specifically objective (a) and (b) and controls (c), (e), (g), (h) in that the landscaping is insufficient and provides little scope for being used for recreation.
3. The application does not satisfy section 4.15 (1)(b) of the Act as the proposed development is excessive in terms of its building massing, bulk and scale relative to the site area and dimensions, and consequently results in unacceptable amenity and streetscape impacts upon the locality and surrounding built environment.
  4. The application is contrary to section 4.15 (1)(c) of the Act due to the site being unsuitable to accommodate the proposed development.
  5. The application is contrary to section 4.15 (1)(d) of the Act in relation to matters raised in the public submissions received that object to the proposed development.
  6. The application is contrary to section 4.15 (1)(e) of the Act in relation to the public interest as it is not compatible with the existing and desired future character of the locality and the broader Waverley local government area.

# DA APPLICATION

## LOT 2/DP73583, 25 ST THOMAS ST BRONTE

### ARCHITECTURAL DRAWINGS

DWG NO.	NAME	REV
A001	COVER PAGE AND EXISTING SITE PLAN & DEMO	D
A002	BASEMENT PLAN	D
A003	GROUND FLOOR PLAN	D
A004	FIRST FLOOR PLAN	D
A005	ROOF PLAN	D
A006	STORMWATER CONCEPT PLAN	D
A007	ELEVATIONS NORTH AND EAST	D
A008	ELEVATIONS SOUTH AND WEST	D
A009	SECTIONS A&B	D
A010	LANDSCAPE PLAN	D
A011	SHADOW DIAGRAM 9AM JUNE 22	D
A012	SHADOW DIAGRAM 12PM JUNE 22	D
A013	SHADOW DIAGRAM 3PM JUNE 22	D
A014	CALCULATIONS	C
A015	SOLAR ACCESS DIAGRAMS FOR #27 ST THOMAS ST	C
A016	EXCAVATION PLAN	C

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**Application No: DA-57/2023**

**Date Received: 11/08/2023**

### PROJECT TEAM

**ARCHITECT** Clinton Murray Architects  
Contact Project architect: Emily Wallace  
Phone: 0400 014 851  
emily@clintonmurray.com.au

**LAND SURVEYOR** SJ DIXON SURVEYORS PTY LTD  
SUITE 16, 2ND FLOOR  
17 SURF ROAD, CRONULLA, 2230

**ENERGY** Property Raters  
info@propertyraters.com.au  
PO BOX 419 Altona 3018

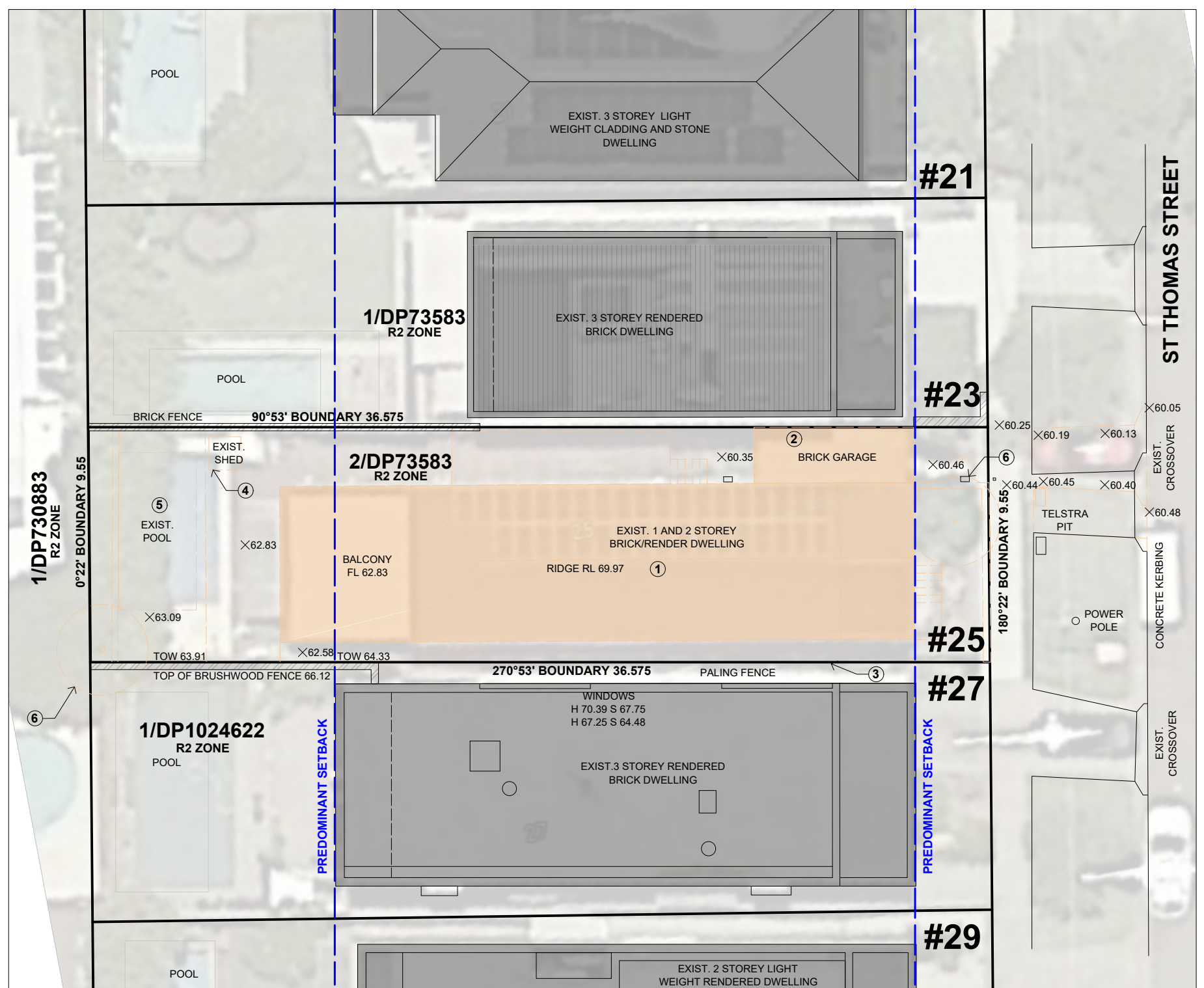
### AREAS

Site Area:	349m <sup>2</sup>	
FSR:	0.72:1	72%
GFA/FSR of existing dwelling:	240m <sup>2</sup>	68%
GFA/FSR of proposed dwelling:	237m <sup>2</sup>	67% Does not exceed existing

- Existing dwelling including all external paving and entry staircases to be demolished
- Existing garage to be demolished
- Existing paling fence to be demolished
- Existing metal shed to be demolished
- Existing pool to be demolished
- Existing vegetation to be demolished

**LEGEND**  
Note: All contours shown to AHD

**1 EXISTING SITE PLAN**  
**1:200@A3**



### CLASSIFICATION

This building is classified under the following categories according to the BCA/NCC:  
Class 1 DWELLING

### SPECIFICATIONS AND STANDARDS

These drawings are to be read in conjunction with the architect's and engineer's written specifications and details and if applicable bushfire report, any geotechnical report, coastal engineer's report & civil engineer's drawings for the project. Do not scale from the drawings and use written dimensions only. Dimensions are generally shown to the finished face unless indicated or detailed otherwise. Where there is any discrepancy between the architecture and engineering documents, seek the architect's instruction prior to the commencement of any works. Contractors must verify all dimensions on site prior to the commencement of any works or the preparing of any shop drawings. Any asbestos sheeting disturbed during the works should be removed and disposed of in accordance with relevant regulations and council requirements. It is the contractor's responsibility to ensure that all works are carried out in accordance with the National Construction Code, all current regulations and

standards, and the work is complete to the satisfaction of the relevant authorities. All works shall comply but are not limited to the current versions of the following Australian standards:

- AS-1170 Structural design actions
- AS-1288 Glass in buildings
- AS-1428 Design for access and mobility
- AS-1562 Design and installation of metal roof sheeting and wall cladding
- AS-1576 Scaffolding
- AS-1680 Interior and workplace lighting
- AS-1684 Residential timber-framing construction
- AS-1720 Timber structures
- AS-1860 Installation of particleboard flooring
- AS-1884-1985 Floor coverings - Resilient sheet and tiles
- AS-2159 Piling
- AS-2172 Solar and heat pump water heaters
- AS-2311 Painting of buildings
- AS-2589 Gypsum lining
- AS-2870 Residential slabs and footings
- AS-2904 Damp-proof courses and flashing
- AS-3000 Electrical installations
- AS-3500 Plumbing and drainage
- AS-3600 Concrete structures
- AS-3610 Formwork for Concrete
- AS-3660 Termite management
- AS-3700 Masonry Structures
- AS-3740 Waterproofing of domestic wet areas

- AS-3958 Ceramic tiles
- AS-4055 Wind loadings for housing
- AS-4100/4600 Steel structures
- AS-4234 Heated water systems
- AS-4586 Slip resistance classification of new pedestrian surface materials
- AS-4654 Waterproofing membranes
- AS-4674 Design, construction and fit-out of food premises
- AS-4678 Earth-retaining structures
- AS-4777 Grid connection of energy systems via inverters
- AS-4859 Materials for the thermal insulation of buildings
- AS-4994 Temporary edge protection Roof fall protects

### ENERGY REQUIREMENTS

- Refer to attached NatHERS assessment prepared by Property Raters and Basix certificate
- External ceiling insulation R4.0 + sarking.
- External/internal wall insulation R6.0 (except for basement level).
- bathroom basement walls to have R2.5.
- R2.5 ceiling insulation to basement ceiling.
- R2.5 to exposed ground floor floors subfloor (room overhanging the driveway).
- R2.5 to 1st floor subfloor.
- Seal gaps, cracks and exhaust fans.
- Weather-strip windows and entry doors.

- Windows to be double glazed type with values of U=2.30 and SHGC=0.32.
- Sliding doors to be double glazed type with values of U=1.36 and SHGC=0.34
- Louvre windows to be single glazed with values of U=3.74 and SHGC=0.42 or approved equivalent.
- W101, W107, W202-W211 to have outdoor roller shutters/blinds.
- skylights to be double glazed. external shutters to be installed
- Downlights to be IC rated insulated type.

### BASIX REQUIRMENTS

- Indigenous or low water planting
- Pool volume no greater than 32KL
- electric heat pump with 26-30 stcs or better
- bathrooms and kitchens to have natural light
- photovoltaics to be installed 13kw or greater, connected to the dwellings electricity system
- Refer to the NatHERS certificate for more details

### PERMITS

- The contractor shall:
- Obtain any required permits and pay any associated fees excluding the planning application fee and building permit fee which shall be paid by the proprietor.
  - Keep a copy of the stamped building permit drawings on site.

- Provide a site toilet and all of the statutory requirements for site services.
- Keep the site and works clean and tidy as the works progress and remove from site any excess soil from excavations.
- Provide general and specialised cleaning of all trades at the completion of the works.
- Leave the site clear of any debris, rubbish and loose material and any temporary works or plant not forming part of the works.

### INSURANCE

The works shall be insured by the contractor in accordance with current statutory requirements for this site.

The contractor shall provide evidence of currency of insurance to the owner before commencement of the works. Insurance shall cover liability for damage to property, liability for injury to persons, and WorkCover including contractor's warranty insurance and personal indemnity insurance.

### SETOUT

Refer to A003 for setbacks and setout

### SITE SERVICES

It is the contractor's responsibility to arrange and pay for

the connection of all services to the site including contractors temporary power, provision of a meter board and connection to mains power supply, water supply, telephone and gas.

### SCOPE OF WORKS

Demolition of existing two storey dwelling, pool and garage and construction of new two storey dwelling with underground basement. Construction of new pool.

### GLAZING

All glazing to be in accordance with energy report. Window glazing to be fabricated and installed in accordance with AS1288 and AS2047. Refer to elevations for further information.

### Safety glazing

- Safety glazing to be used in the following circumstances:
- All rooms within 1000mm vertically of the floor
  - Bathrooms within 1500mm vertically from the bath base
  - Within 300mm horizontally of all doors

### STUD WALLS

New walls to be constructed using 90x45 timber stud framing in accordance with structural engineer's detail. Where sizes have not been nominated by the structural engineer - All studs to be 90x45 studs with top plates,

bottom plates and jamb studs.

### WALL CLADDING

Wall cladding will be designed and installed to comply with Section 2 and 3 of the NCC/BCA. The contractor must ensure that all necessary precautions are taken to ensure the stability of the existing and surrounding buildings during demolition and construction.

### STORMWATER

Refer to A006 for Concept Stormwater plan

### STAIRS/STEPS/ BALUSTRADES/RAMPS

- Stairs to have a maximum riser height of 190mm and a minimum tread width of 240mm.
- Handrails to stairs are to be a minimum of 1000mm above landings and balconies and 865mm above nosing of stairs.
- Balustrades incorporated in handrails to have a max. gap of less than 125mm in accordance with requirements of NCC/BCA
- Ramps to be constructed to comply with AS1428 and BCA/NCC requirements.

**clinton murray architects**  
Clinton Murray T: +61 414 898 253 Email: clinton@clintonmurray.com.au

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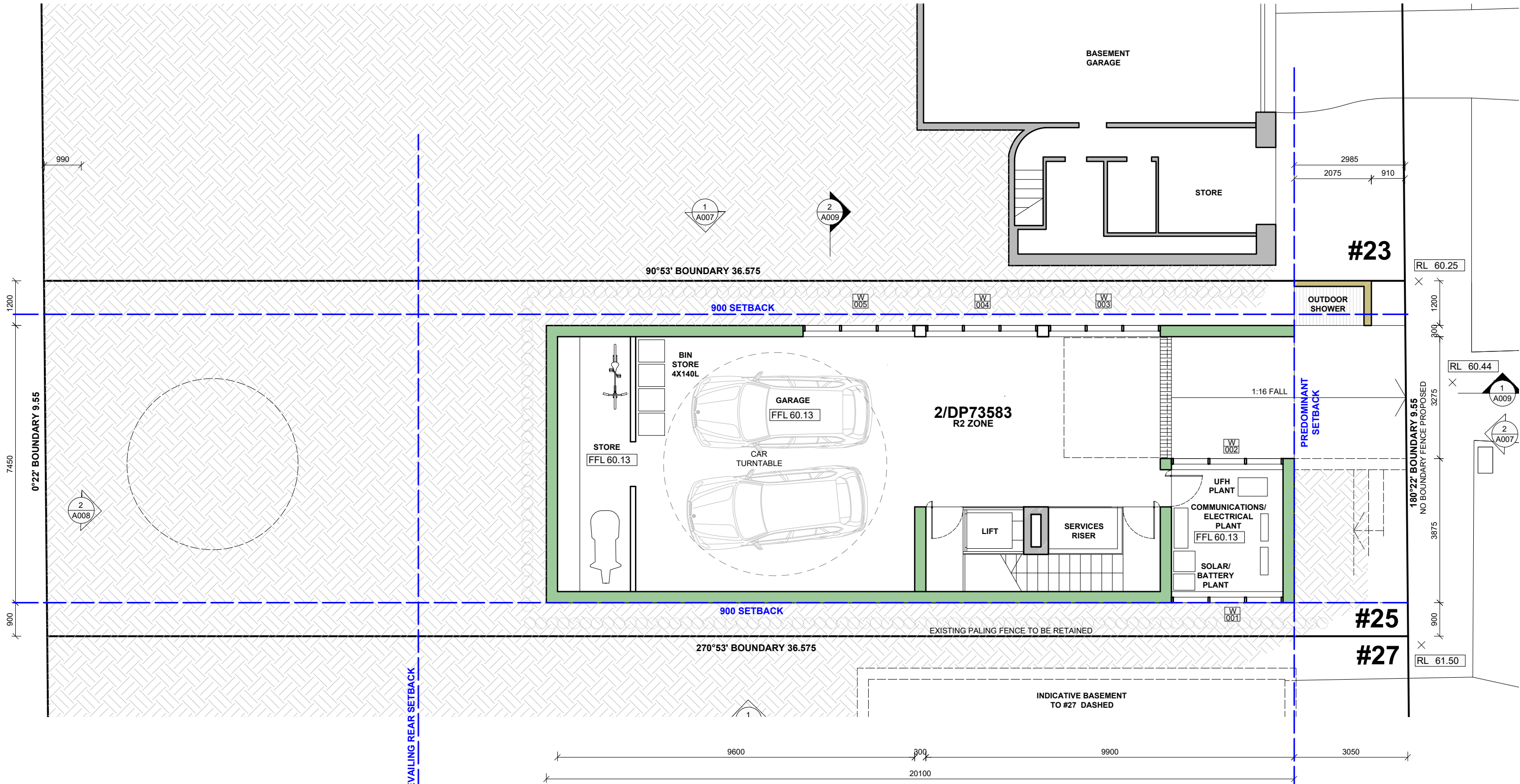
**DEVELOPMENT APPLICATION**

REV	DATE	BY	DESCRIPTION
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B	01/05/23	EW	RFI RESPONSE
C	10/07/23	EW	DEFERRAL LETTER RESPONSE
D	11/08/23	EW	RFI RESPONSE

PROJECT  
LOT 2/DP73583  
25 ST THOMAS STREET BRONTE  
CLIENT  
BURRELL AND BENNETT

DRAWING TITLE  
EXISTING AND DEMO PLAN  
DWG No. A001 SCALE 1:1000@A3 AUGUST 2023





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# AMENDED PLANS

1 BASEMENT PLAN

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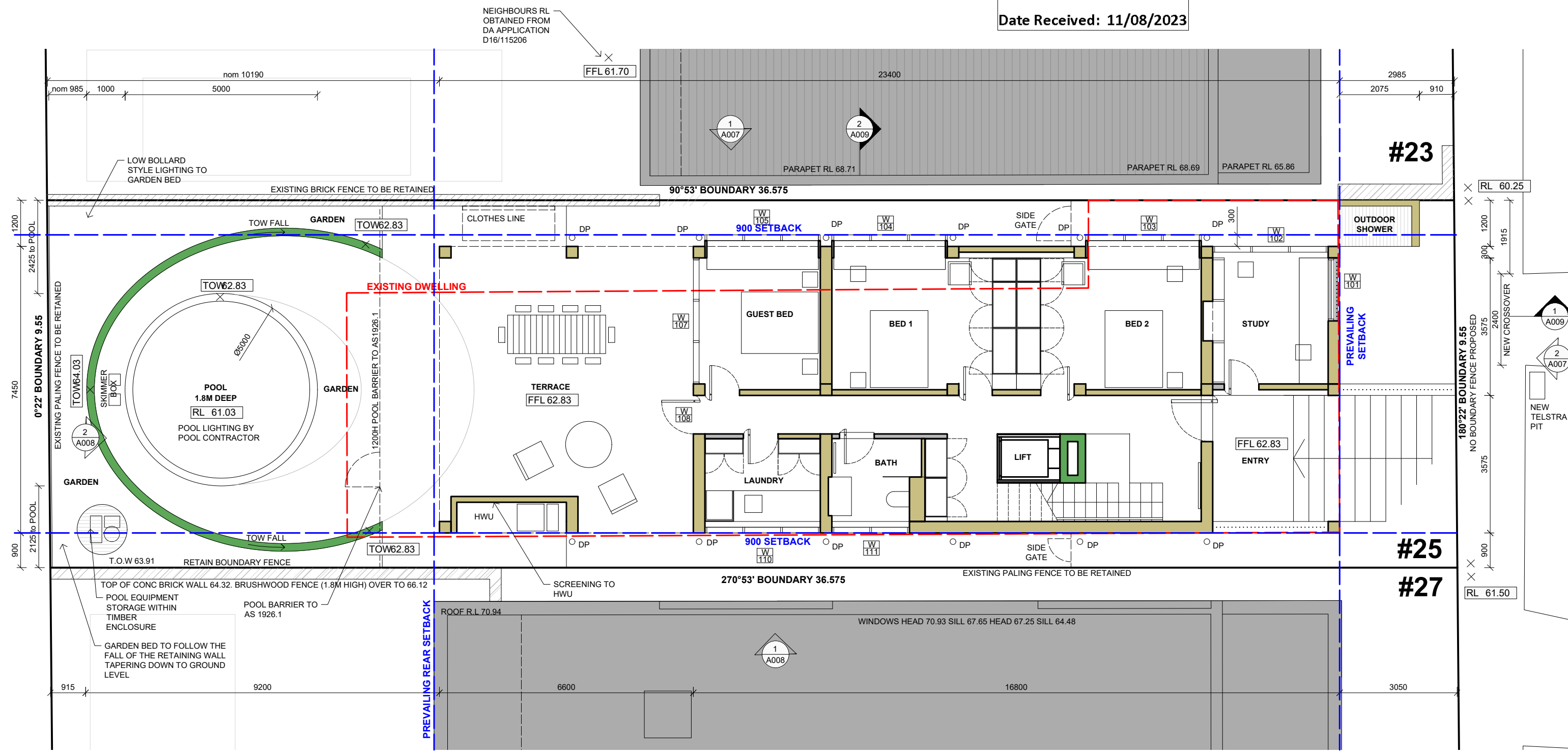
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BASEMENT PLAN  
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NOTE: Ceiling or wall mounted fans to all habitable rooms (main living areas and bedrooms).

1  
GROUND FLOOR PLAN

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PROJECT  
LOT 2/DP73583  
25 ST THOMAS STREET BRONTE  
CLIENT  
BURRELL AND BENNETT

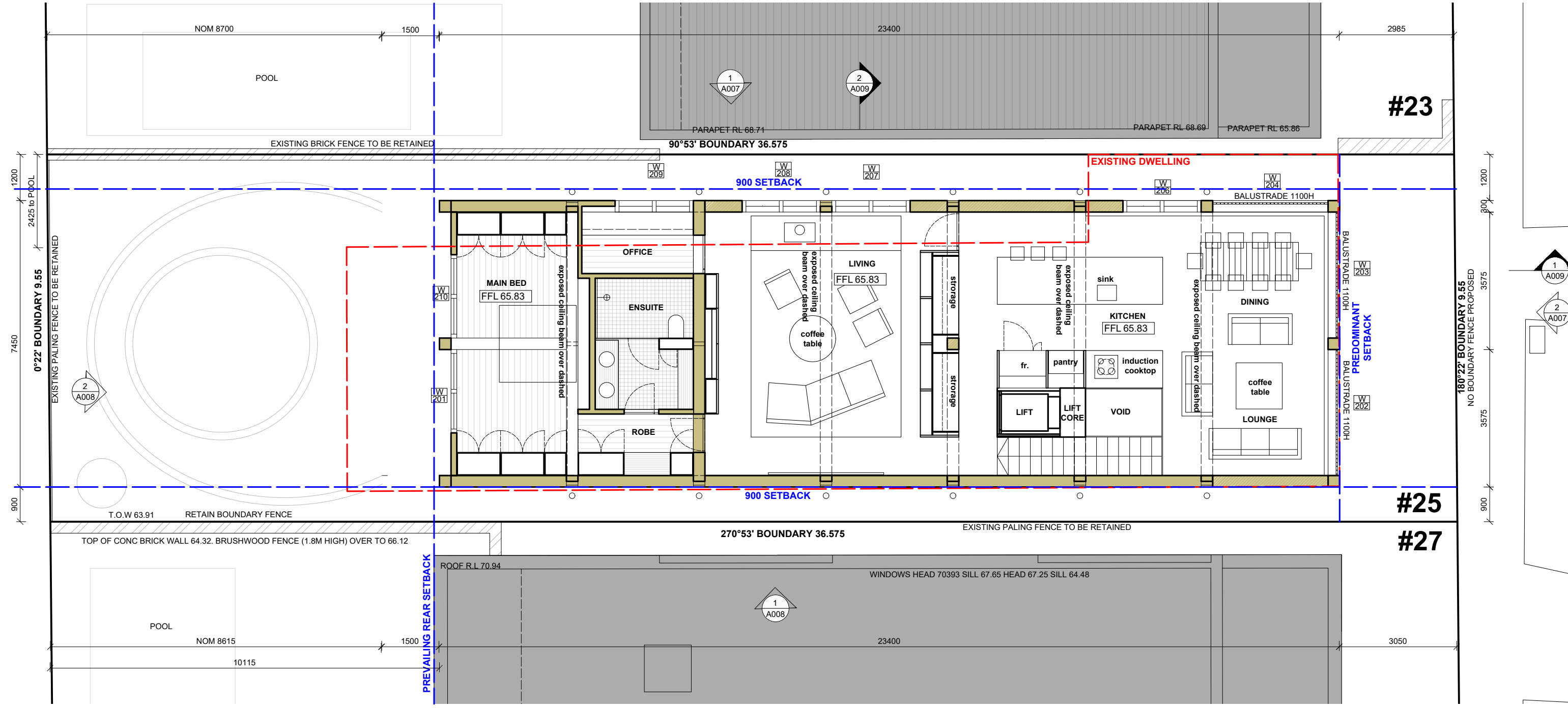


DRAWING TITLE  
GROUND FLOOR PLAN

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DWG No. A003 SCALE 1:100@A3 AUG 2023

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NOTE: Ceiling or wall mounted fans to all habitable rooms (main living areas and bedrooms).

1 FIRST FLOOR PLAN

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PROJECT  
LOT 2/DP73583  
25 ST THOMAS STREET BRONTE  
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BURRELL AND BENNETT



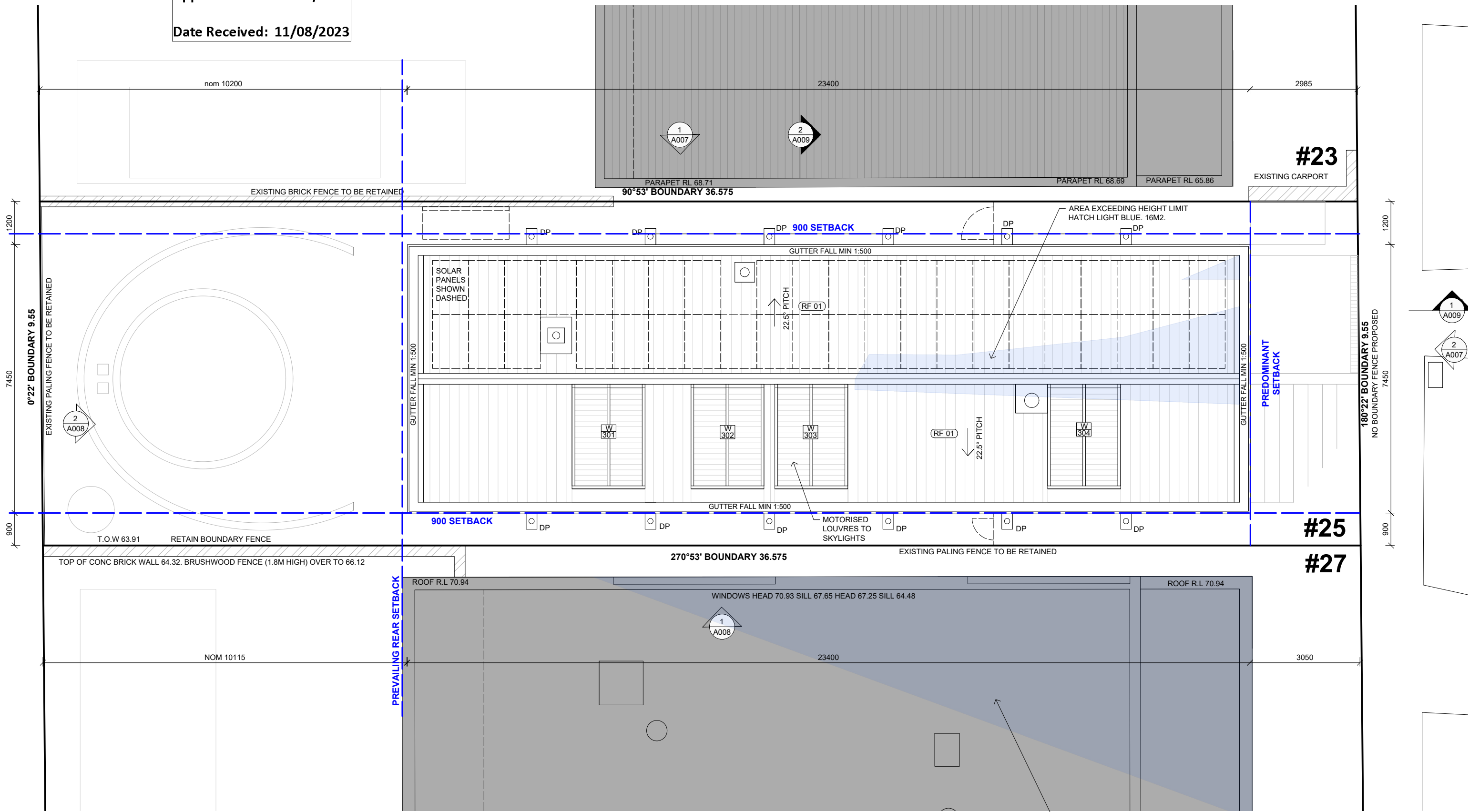
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FIRST FLOOR PLAN

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# AMENDED PLANS



1 ROOF PLAN

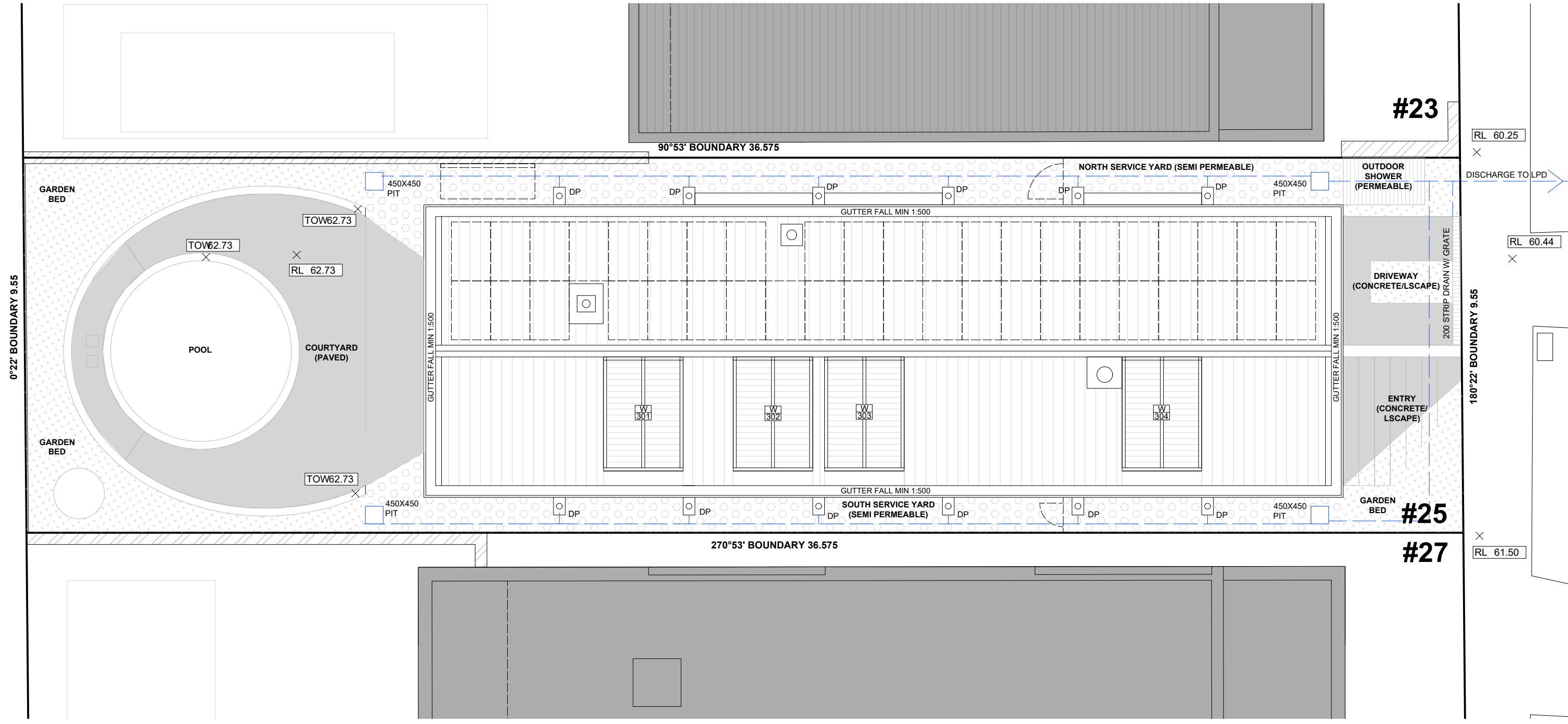
LEGEND  
(RF 01) Galvanised standing seam metal roofing and matching rainwater accessories

REV	DATE	BY	DESCRIPTION
A	21/12/22	EW	ISSUE FOR DA
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# AMENDED PLANS

1  
**STORMWATER CONCEPT PLAN**  
Refer to detailed drawings prepared by Civil Engineer Structerre

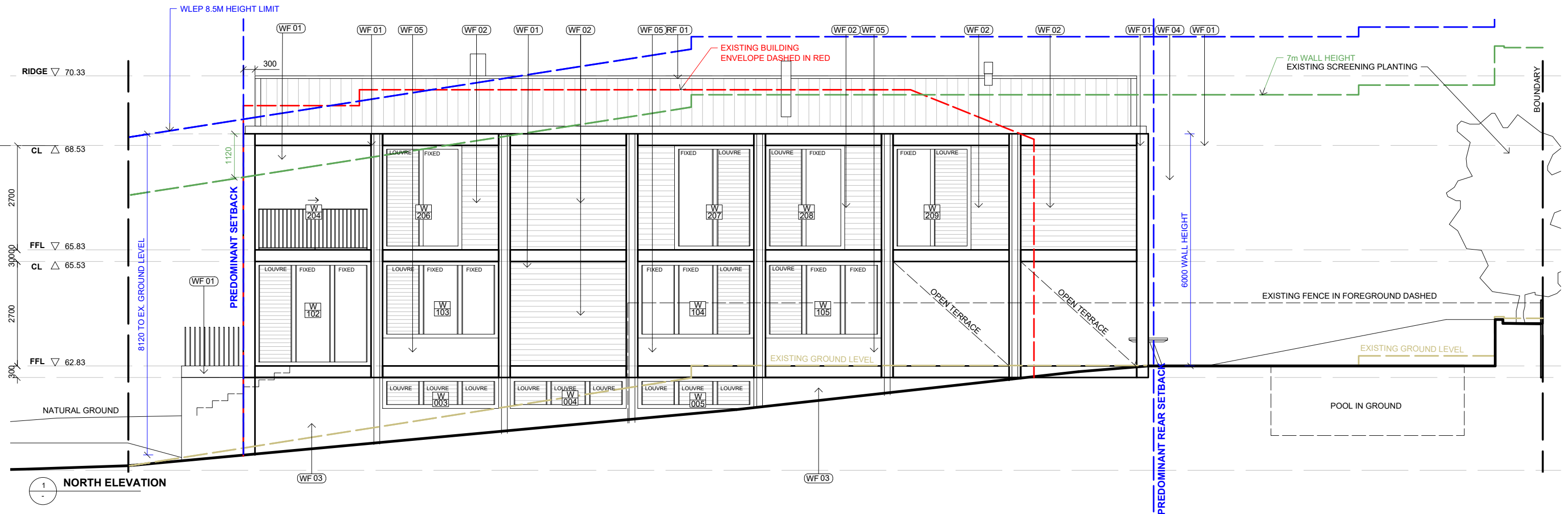
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**DEVELOPMENT APPLICATION**

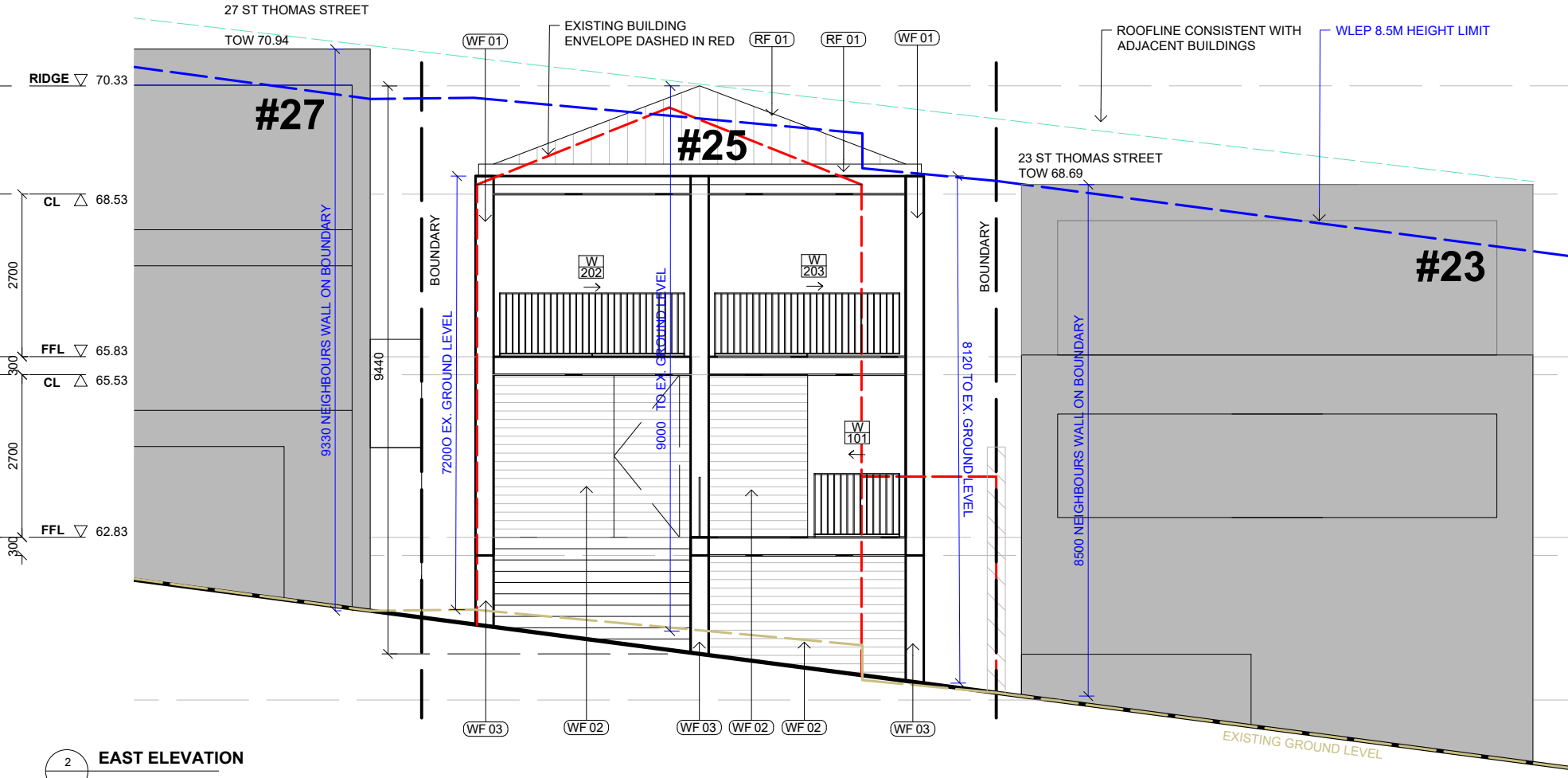
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LOT 2/DP73583  
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**DRAWING TITLE**  
**STORMWATER CONCEPT PLAN** REV D  
DWG No. A006 SCALE 1:100@A3 AUG 2023



1 NORTH ELEVATION



2 EAST ELEVATION

# AMENDED PLANS



3 VIEW FROM ST THOMAS STREET

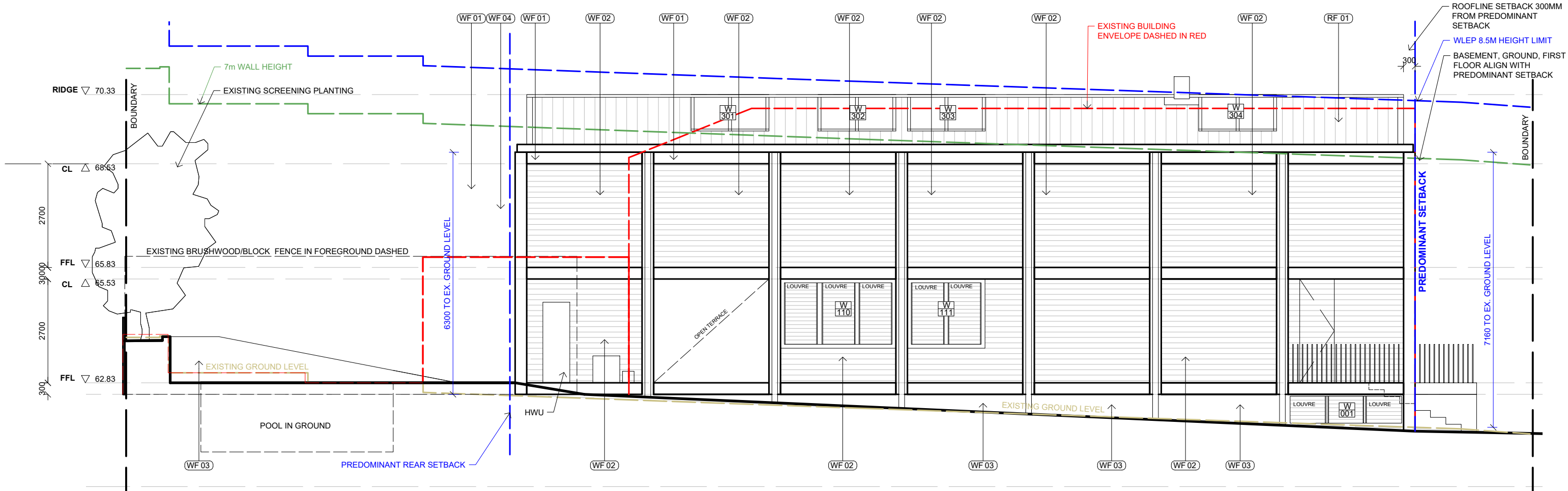
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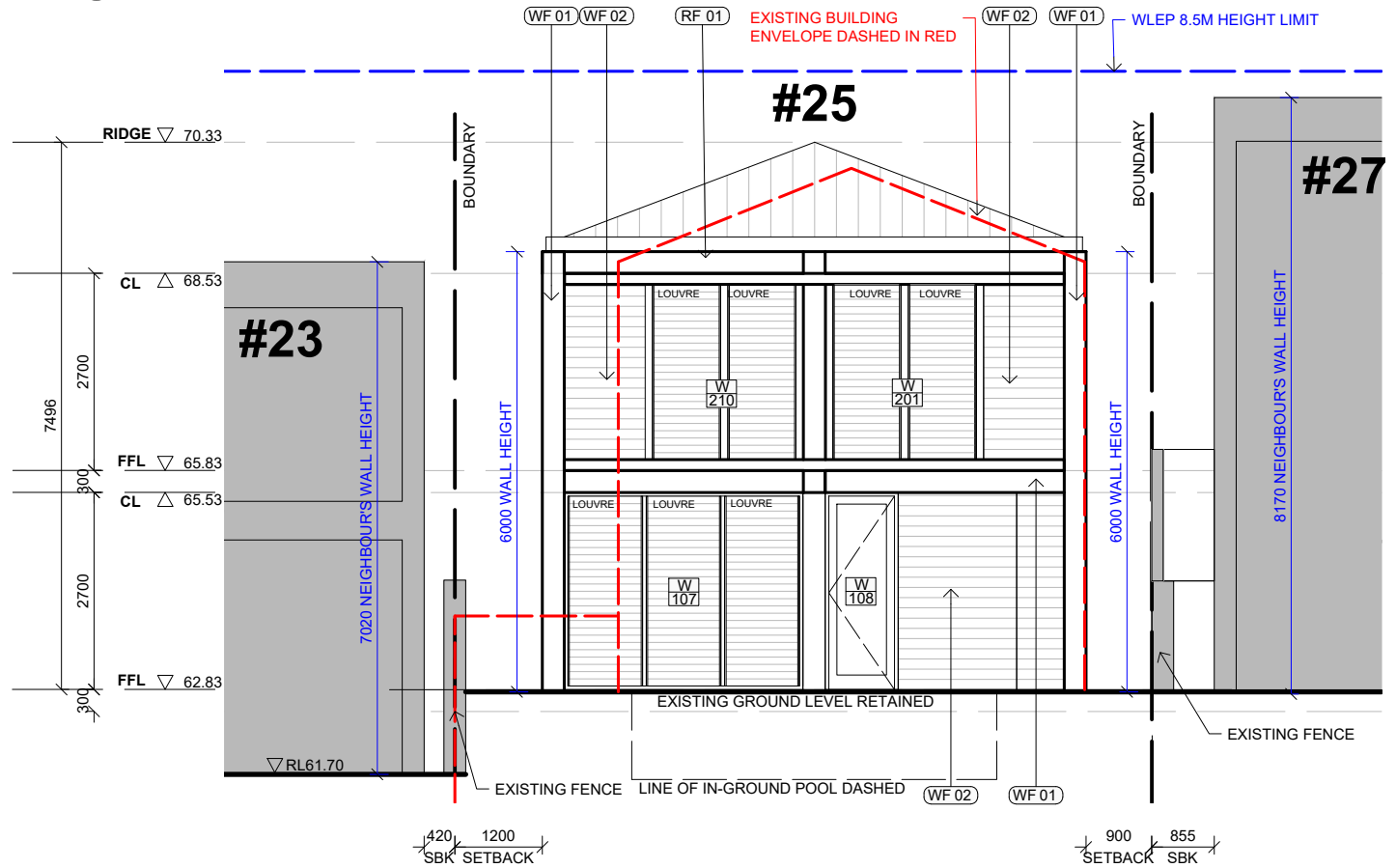
Date Received: 11/08/2023

**LEGEND**

- (WF 01) Reclaimed Australian hardwood
- (WF 02) Class 1 Australian hardwood horizontal boards left to weather
- (WF 03) Off form concrete natural grey
- (WF 04) Perforated metal galvanised
- (WF 05) Galvanised flat metal sheet cladding
- (RF 01) Galvanised standing seam metal roofing and matching rainwater accessories
- (MT 01) Metal balustrade galvanised



1 SOUTH ELEVATION



2 WEST ELEVATION



3 VIEW FROM REAR

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**LEGEND**

(WF 01)	Reclaimed Australian hardwood	
(WF 02)	Class 1 Australian hardwood horizontal boards left to weather	
(WF 03)	Off form concrete natural grey	
(WF 04)	Perforated metal galvanised	
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**AMENDED PLANS**

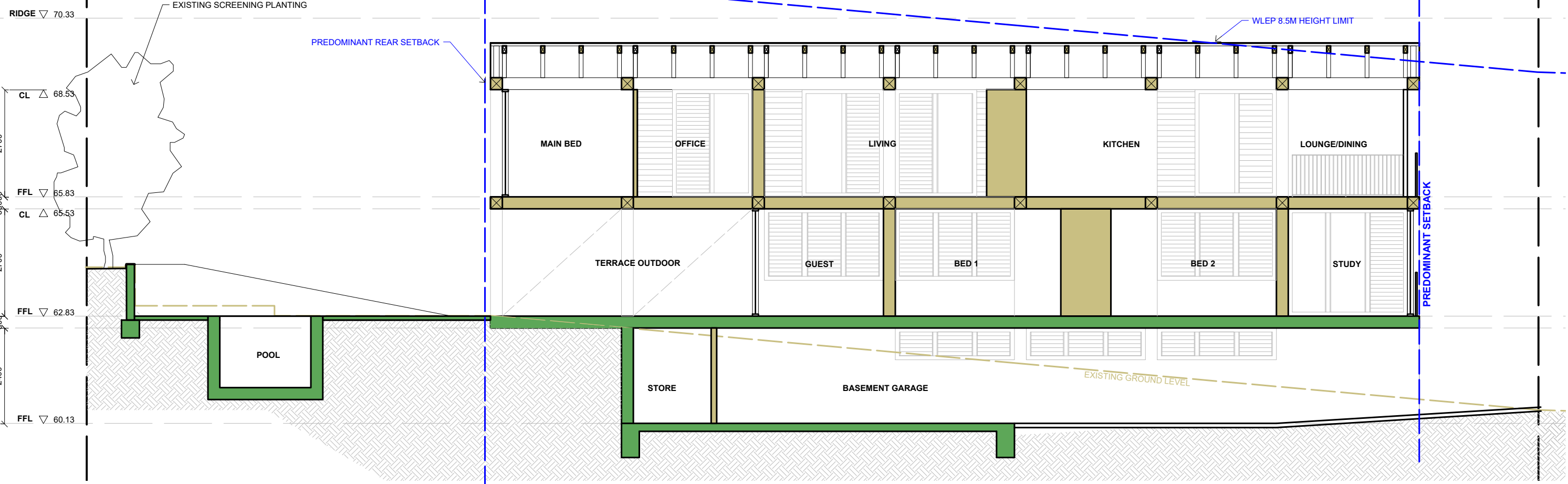
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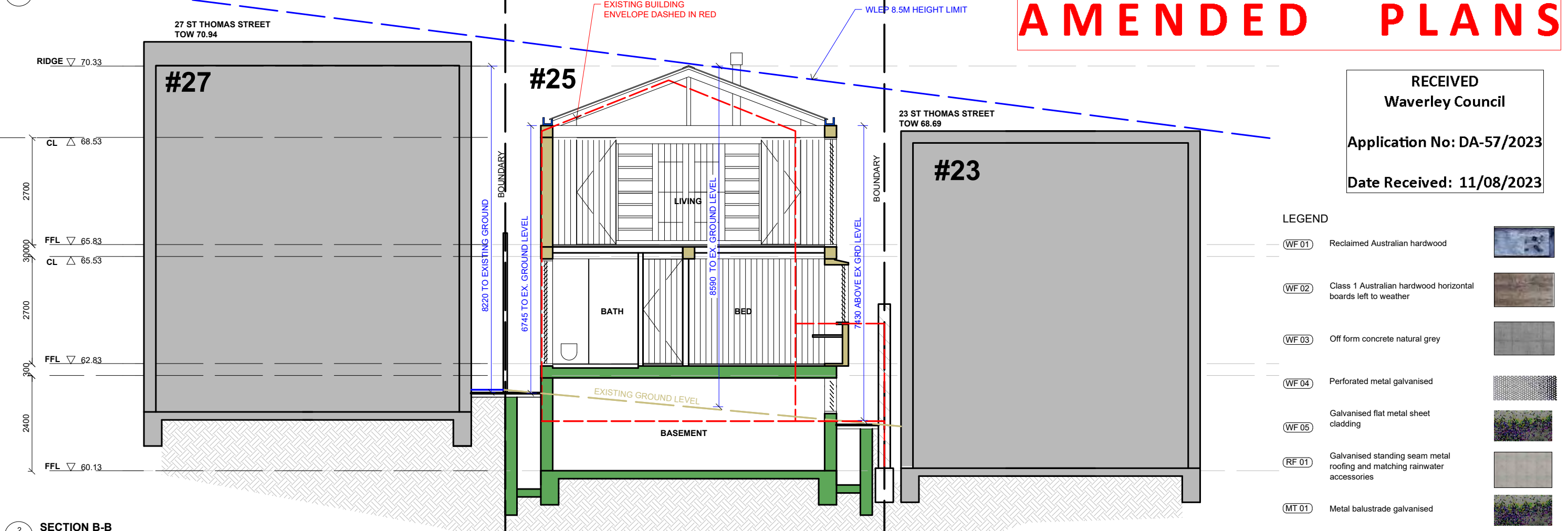
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PROJECT  
 LOT 2/DP73583  
 25 ST THOMAS STREET BRONTE  
 CLIENT  
 BURRELL AND BENNETT

DRAWING TITLE  
 ELEVATIONS  
 SOUTH AND WEST  
 DWG No. A008 SCALE 1:100@A3 AUG 2023  
 REV D



1 SECTION A-A



2 SECTION B-B

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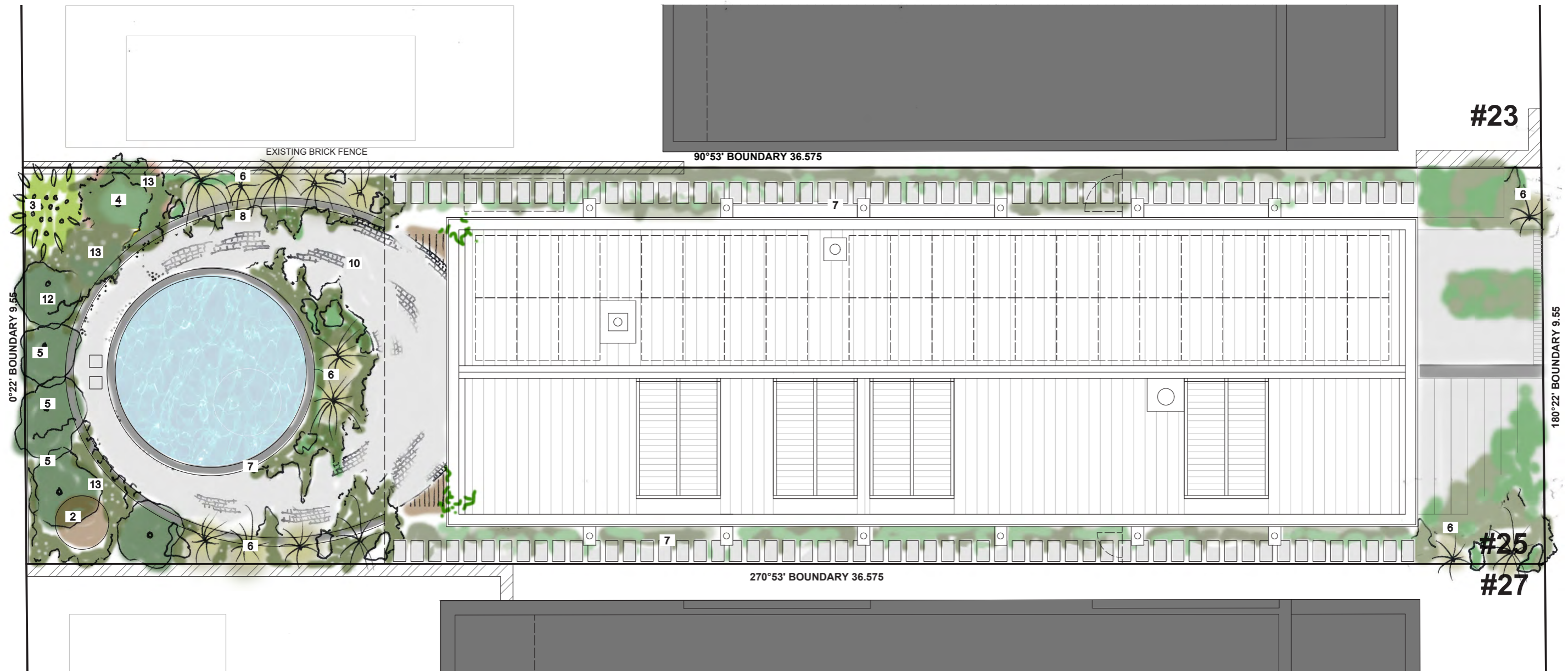
**LEGEND**

WF 01	Reclaimed Australian hardwood	
WF 02	Class 1 Australian hardwood horizontal boards left to weather	
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# AMENDED PLANS



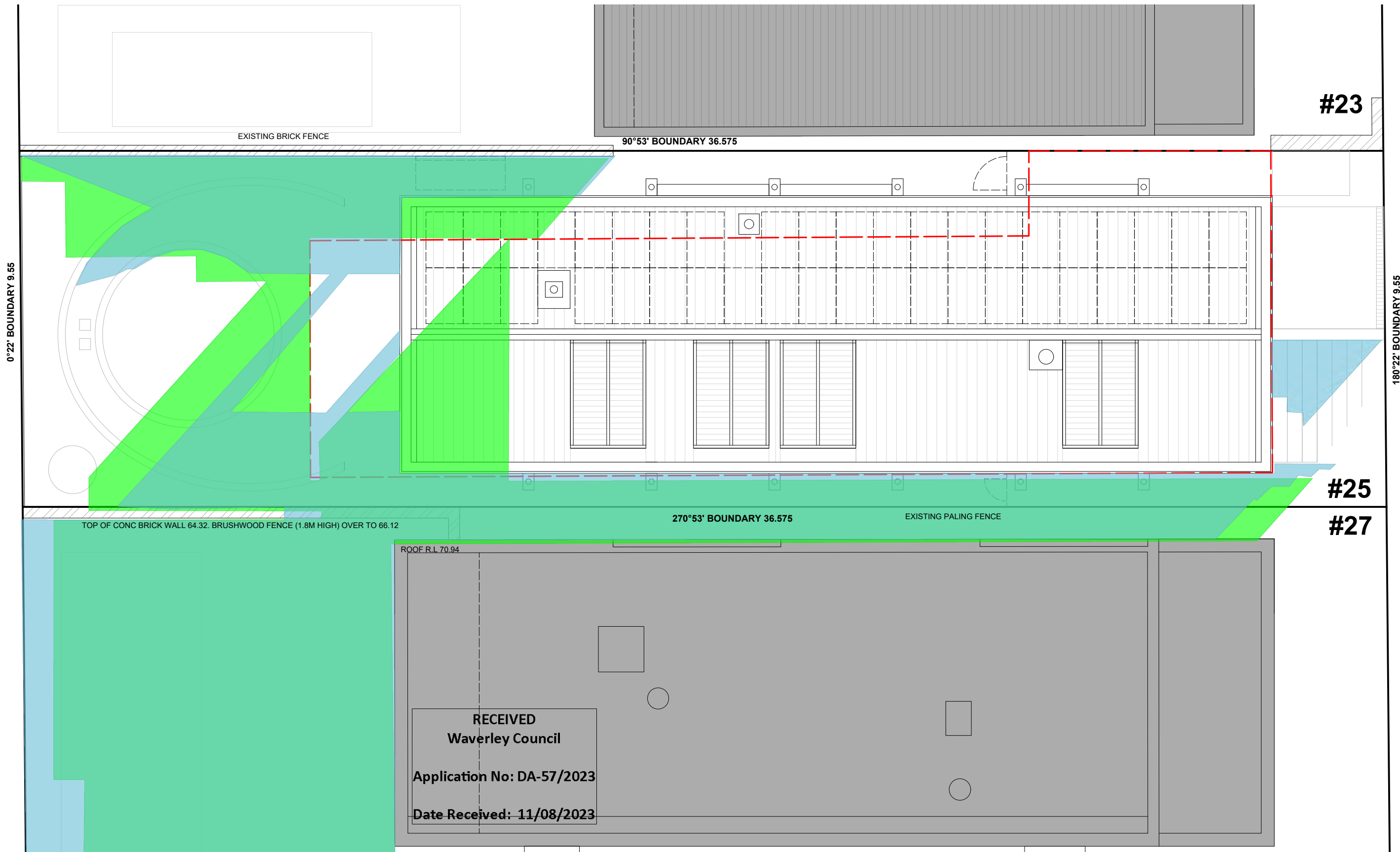
- 1 Underplanting - westringia, leptospermum, correa
- 2 Pool equipment storage box
- 3 Clumping bamboo
- 4 Acer
- 5 Existing lily pilly
- 6 Pennesetum and lomandra grasses
- 7 Scleranthus and myoporium groundcover
- 8 Casurina glauca prostrate groundcover
- 9 Ornamental grape climber to pergola
- 10 Cobbled grey stone paving to courtyard
- 11 Timber deck to dining area
- 12 Banksia integrifolia

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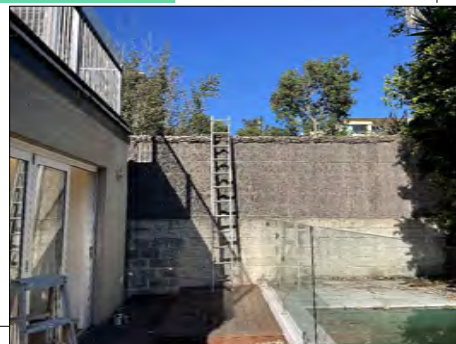
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1 LANDSCAPE PLAN



- SHADOW FROM EXISTING DWELLING
- SHADOW FROM PROPOSED DWELLING
- OVERLAP OF SHADOWS

1 SHADOW 9AM JUNE 22



REV C - Shadow diagrams updated to reflect revised dwelling design with reduced overall building height of 8.5m maximum. (Refer Deferral Letter dated 15 June). Also updated to reflect the fence condition on the south boundary - existing brushwood fence over the blockwork wall which was previously not shown See photo to left showing existing conditions.

AMENDED PLANS

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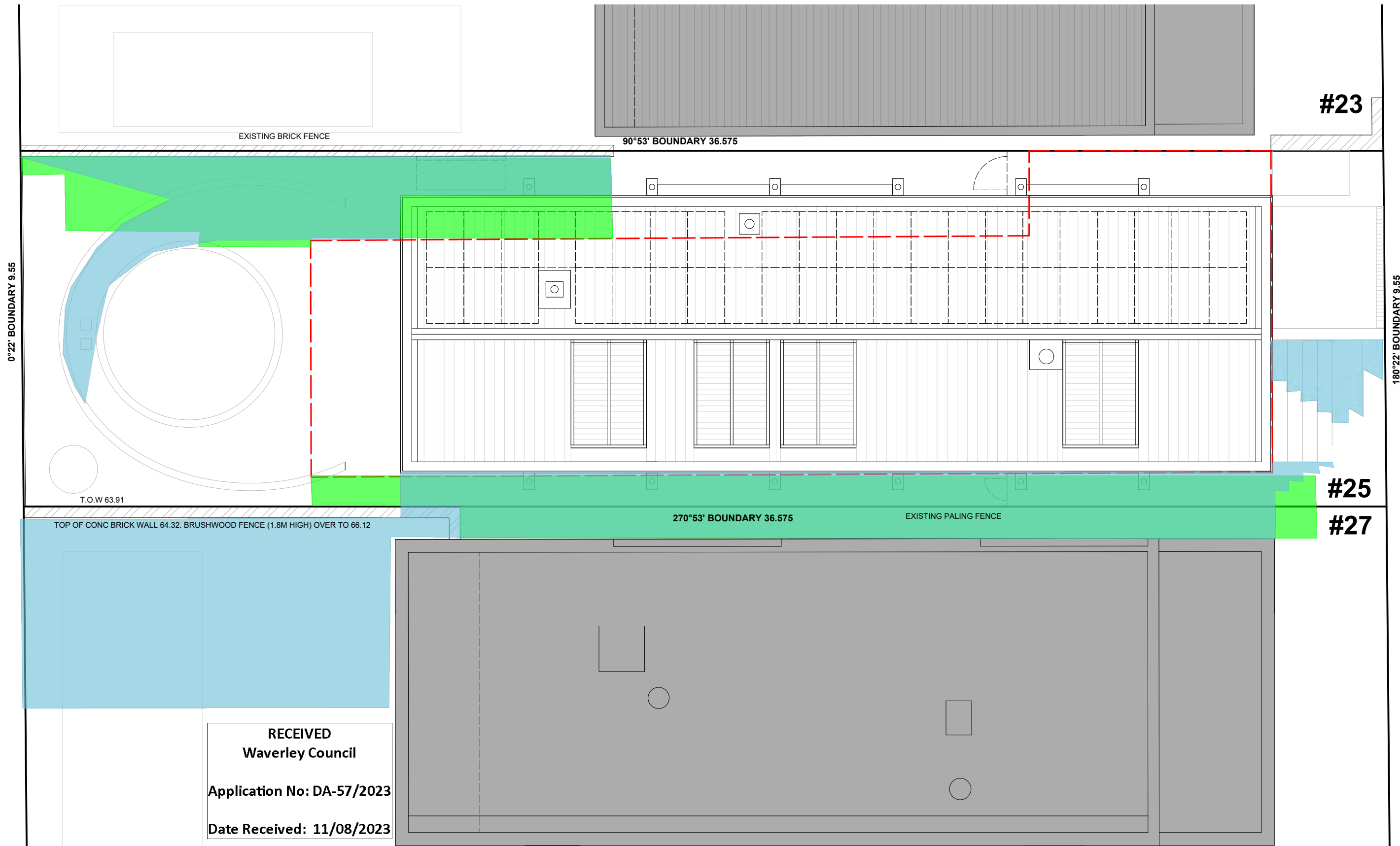
PROJECT  
LOT 2/DP73583  
25 ST THOMAS STREET BRONTE  
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DRAWING TITLE  
SHADOW DIAGRAMS  
22 JUNE 9AM

REV D

DWG No. A011 SCALE 1:100@A3 AUG 2023



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**Waverley Council**  
 Application No: DA-57/2023  
 Date Received: 11/08/2023

- SHADOW FROM EXISTING DWELLING
- SHADOW FROM PROPOSED DWELLING
- OVERLAP OF SHADOWS

1 SHADOW 12PM JUNE 22

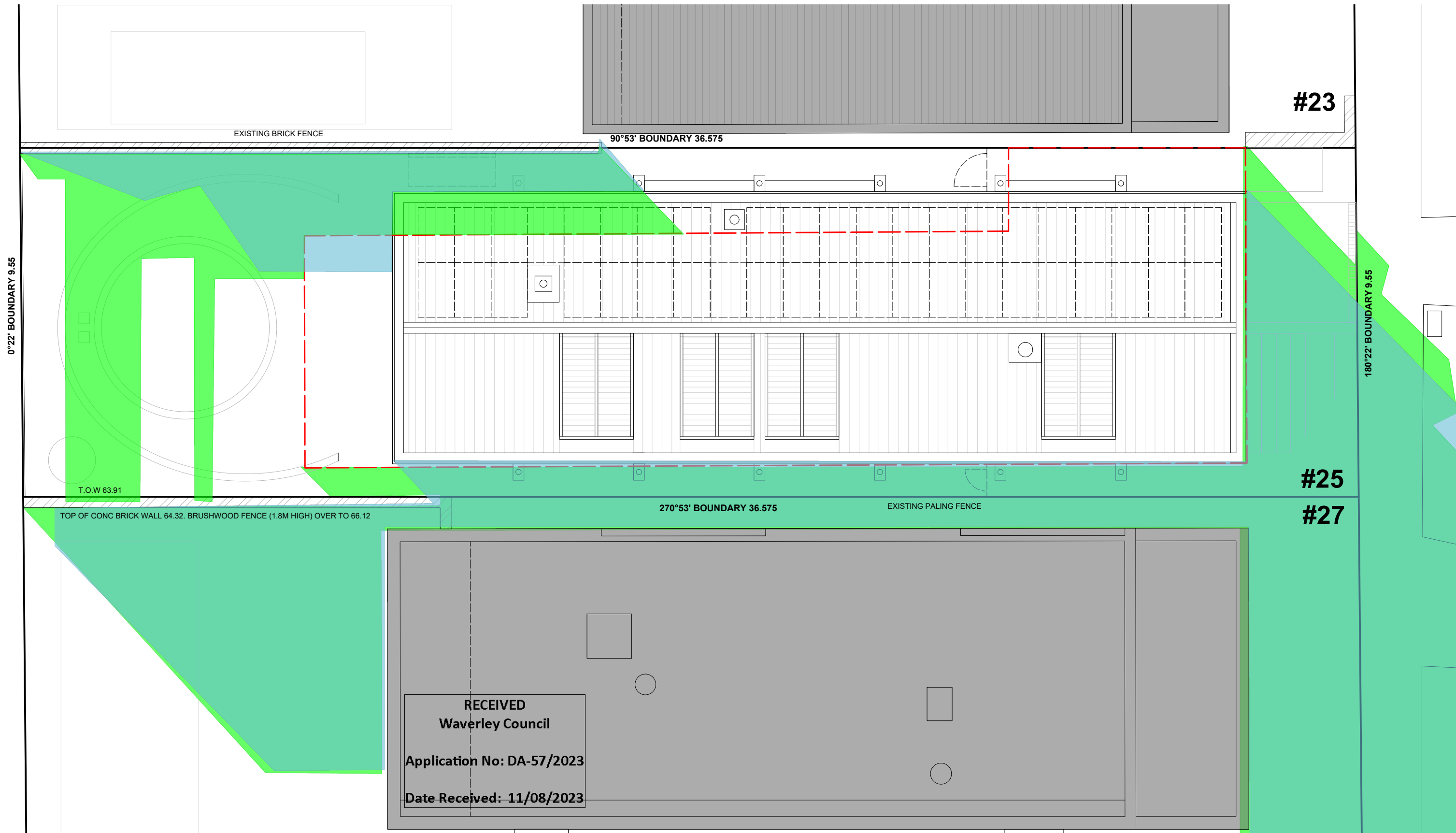


REV C - Shadow diagrams updated to reflect revised dwelling design with reduced overall building height of 8.5m maximum. (Refer Deferral Letter dated 15 June). Also updated to reflect the fence condition on the south boundary - existing brushwood fence over the blockwork wall. See photo to left showing existing conditions.

AMENDED PLANS

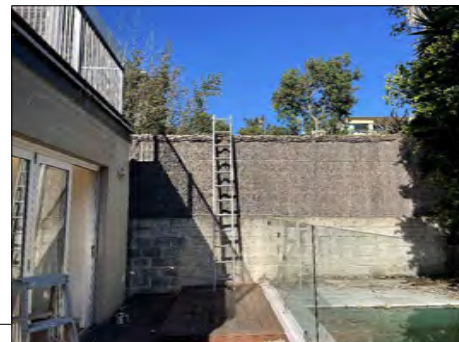
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- SHADOW FROM EXISTING DWELLING
- SHADOW FROM PROPOSED DWELLING
- OVERLAP OF SHADOWS

SHADOW 3PM JUNE 22



REV C - Shadow diagrams updated to reflect revised dwelling design with reduced overall building height of 8.5m maximum. (Refer Deferral Letter dated 15 June). Also updated to reflect the fence condition on the south boundary - existing brushwood fence over the blockwork wall. See photo to left showing existing conditions.

AMENDED PLANS

DEVELOPMENT APPLICATION

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D	11/08/23	EW	RFI RESPONSE

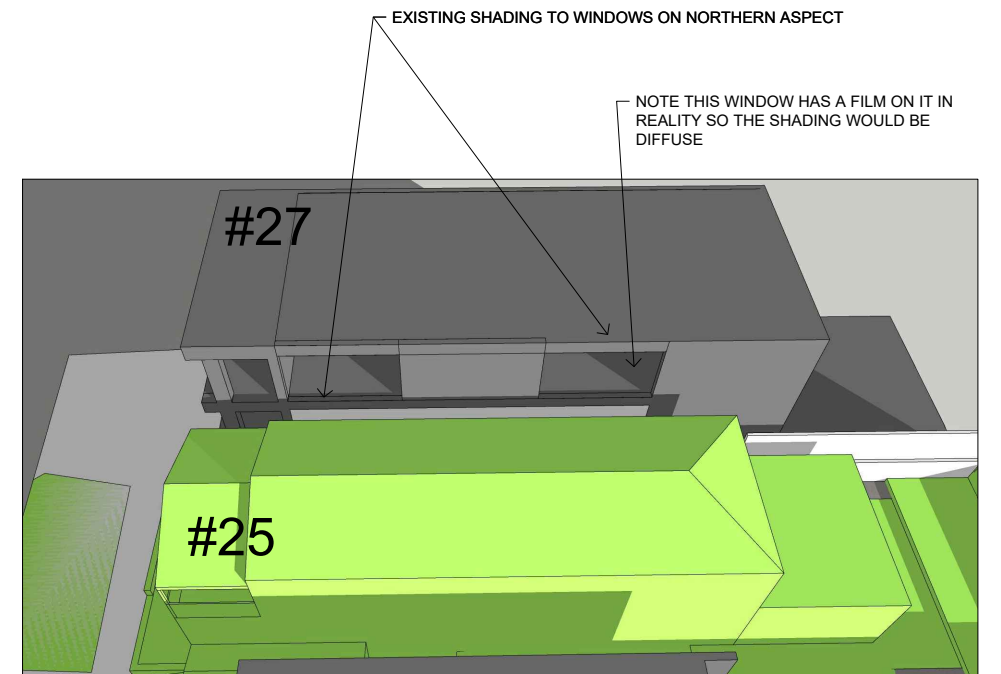
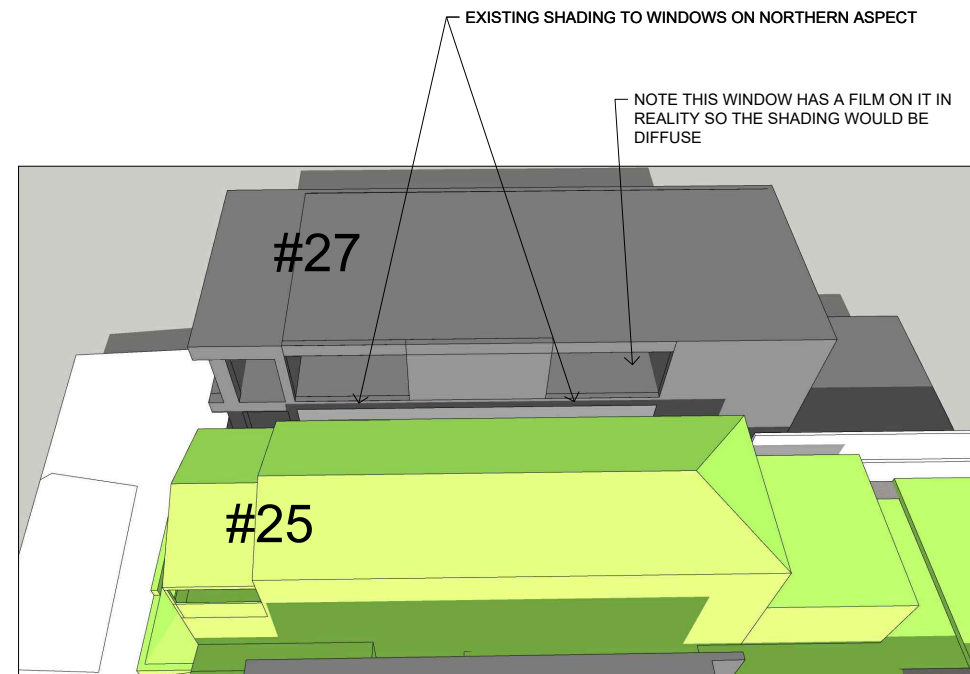
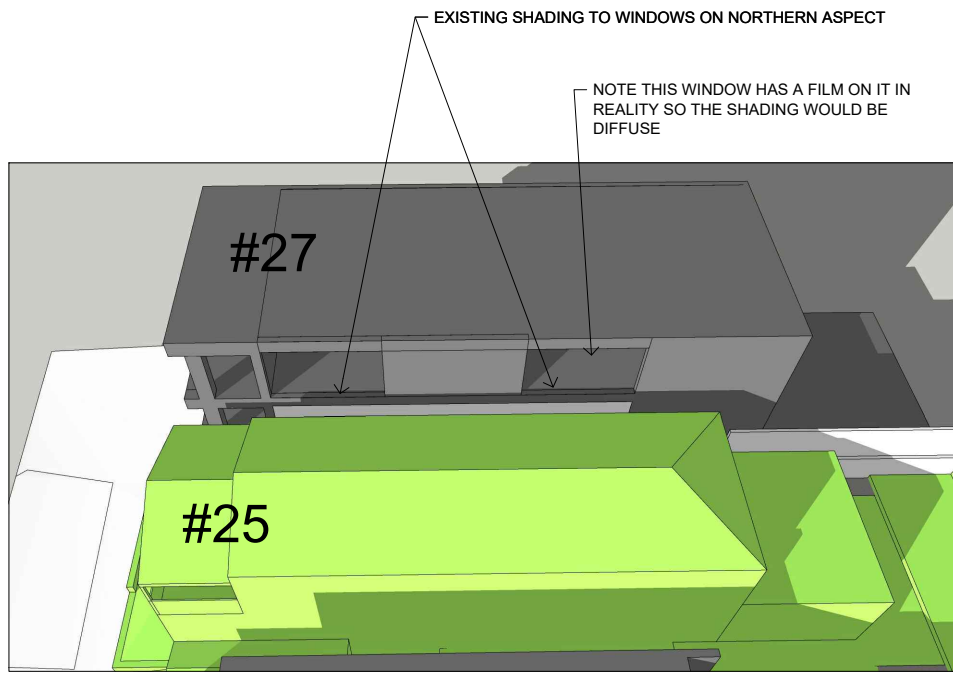
PROJECT  
LOT 2/DP73583  
25 ST THOMAS STREET BRONTE  
CLIENT  
BURRELL AND BENNETT



DRAWING TITLE  
SHADOW DIAGRAMS  
22 JUNE 3PM

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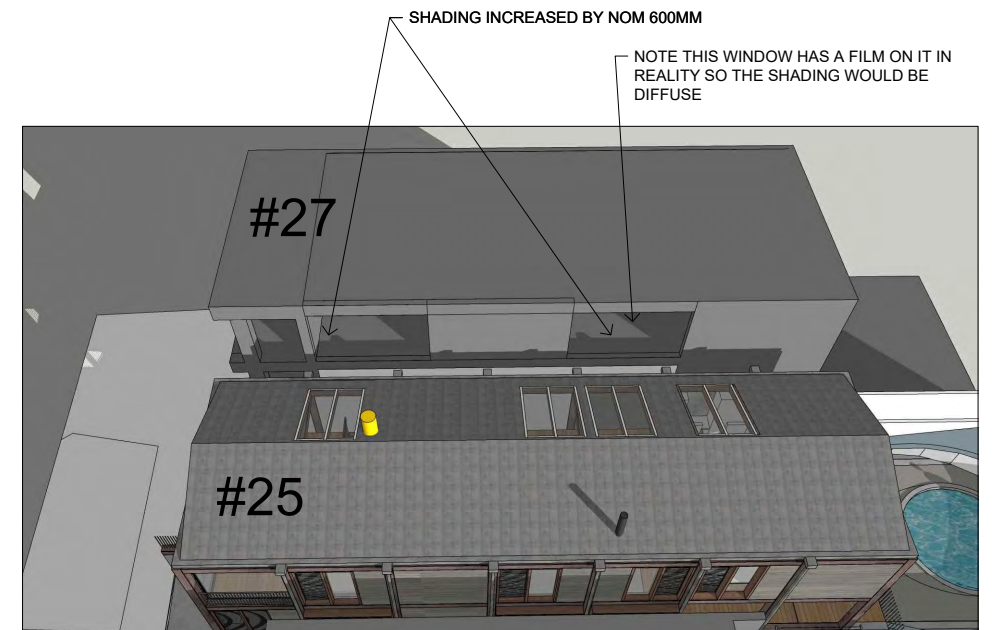
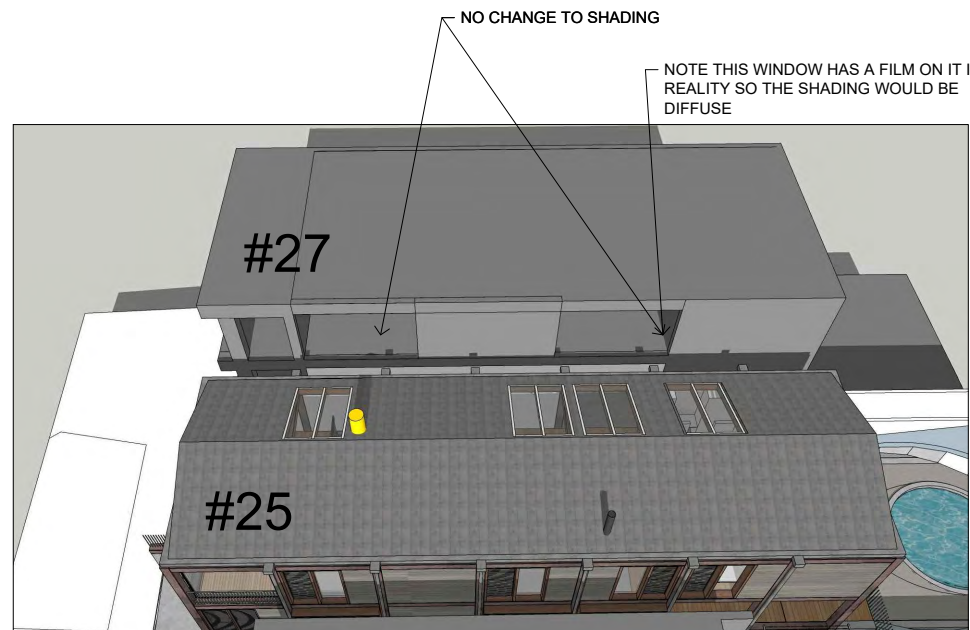
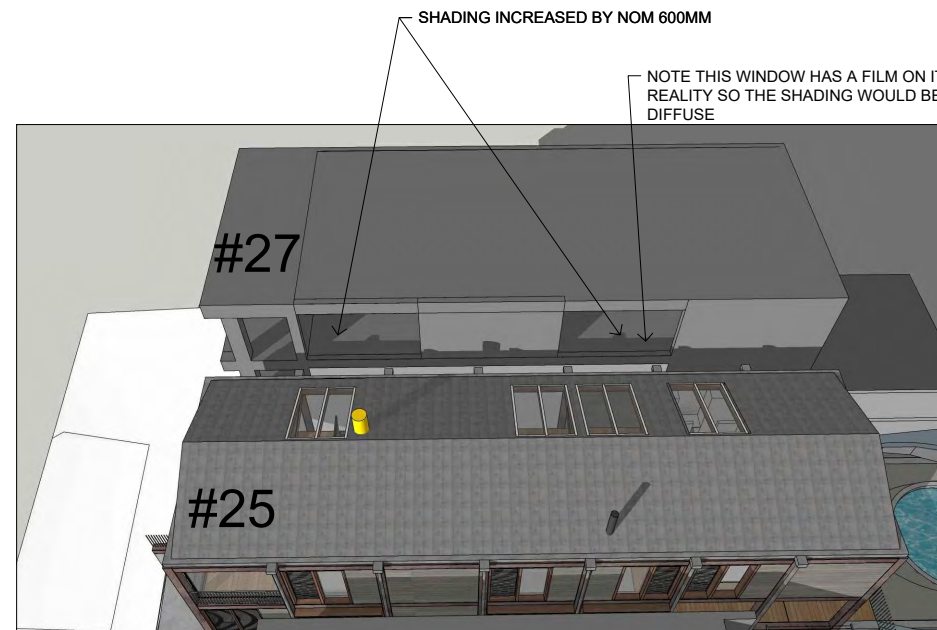
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1 SHADING TO NEIGHBOUR #27  
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2 SHADING TO NEIGHBOUR #27  
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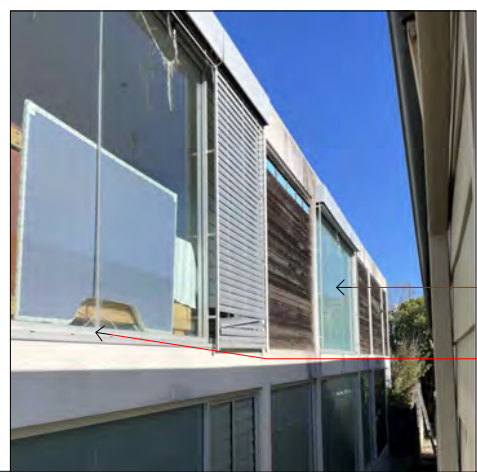
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EXISTING 3PM JUNE 22



4 SHADING TO NEIGHBOUR #27  
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6 SHADING TO NEIGHBOUR #27  
PROPOSED 3PM JUNE 22



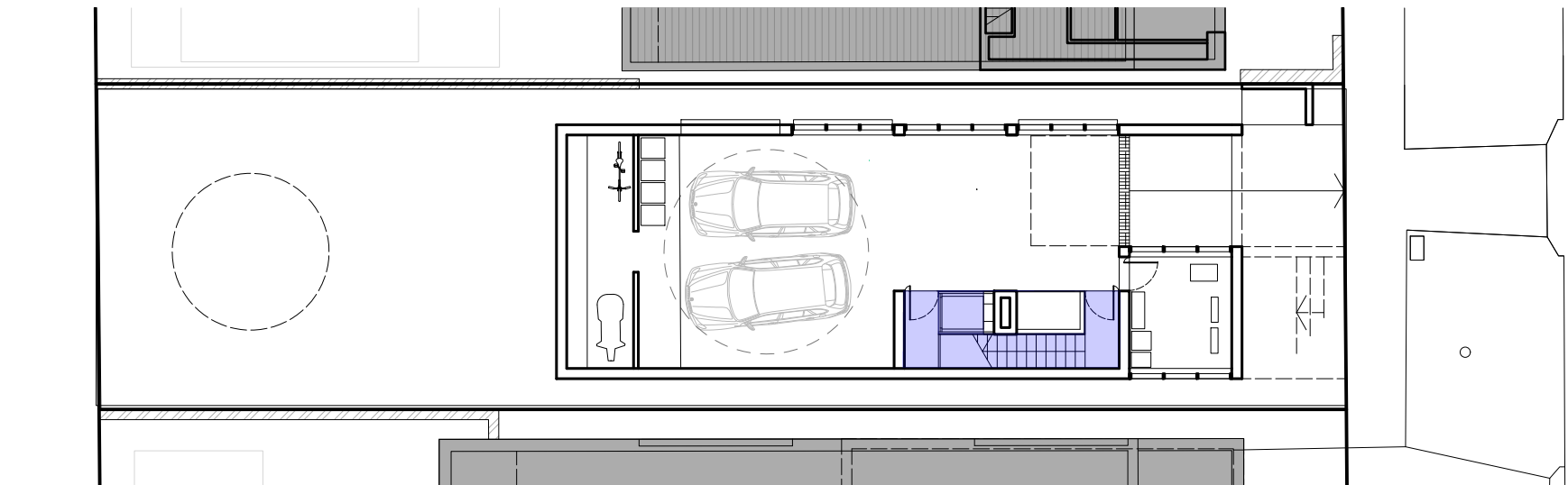
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NORTHERN WALL TO #27. THE AREA IMPACTED BY ANY FUTURE SHADING IS CONCEALD BY THE FURNITURE. AS SUCH THERE WOULD BE NO IMPACT.

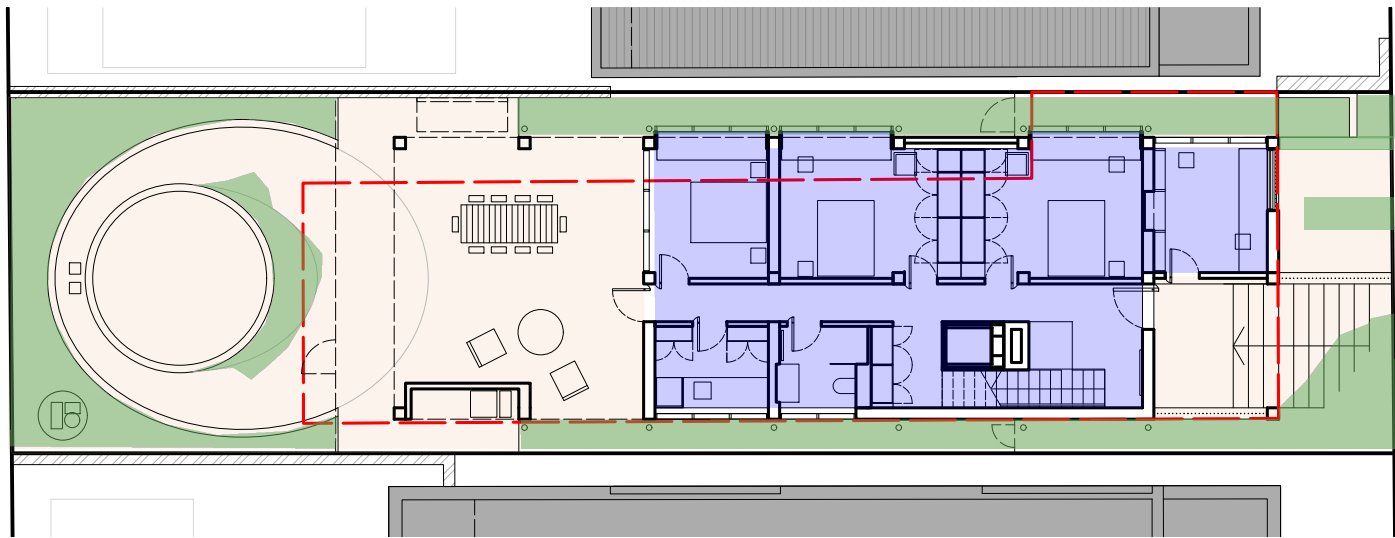
RECEIVED  
Waverley Council  
Application No: DA-57/2023  
Date Received: 11/08/2023

**AMENDED PLANS**

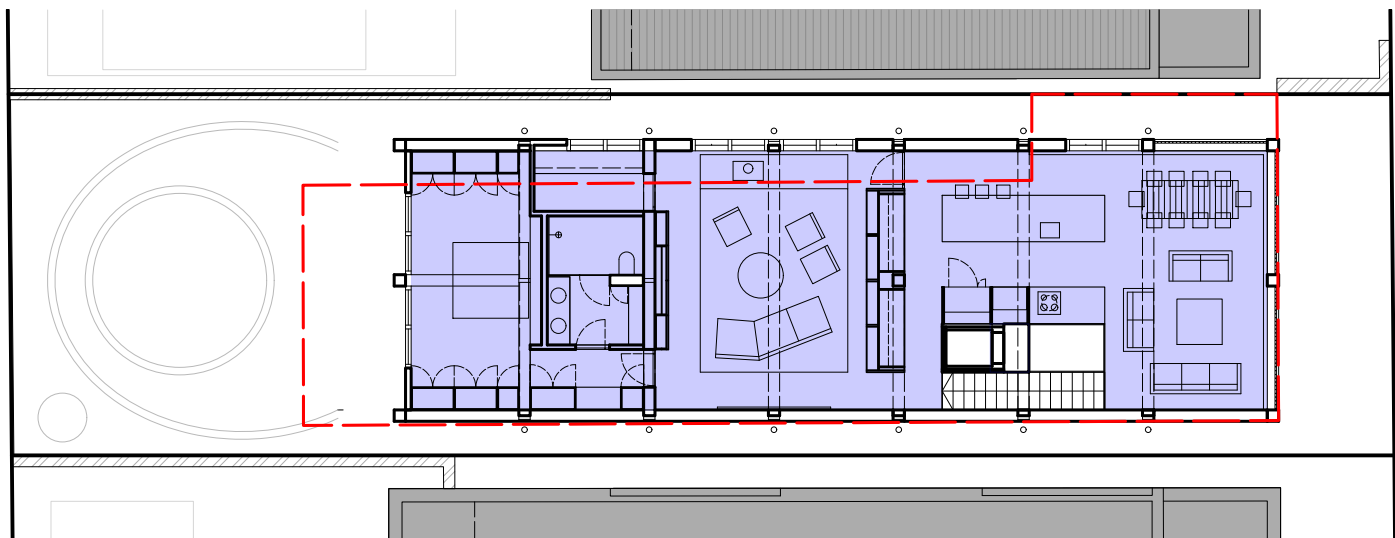
# AMENDED PLANS



1 **BASEMENT PLAN** AREA: 16m<sup>2</sup>



2 **GROUND FLOOR PLAN** AREA: 87m<sup>2</sup>



3 **FIRST FLOOR PLAN** AREA: 148m<sup>2</sup>

## AREA CALCULATIONS

SITE AREA	349m <sup>2</sup>
PERMISSIBLE FSR	0.72:1 or 251.7m <sup>2</sup>
OPEN SPACE TARGET	40% OR 99.6m <sup>2</sup>
LANDSCAPE TARGET	20% or 49.8m <sup>2</sup>
<b>FSR CALCS</b>	
BASEMENT	11m <sup>2</sup>
GROUND	101m <sup>2</sup>
FIRST	145m <sup>2</sup>
<b>TOTAL GFA</b>	
	257m <sup>2</sup> exceeds allowable by 5.3m <sup>2</sup> or 2.1%

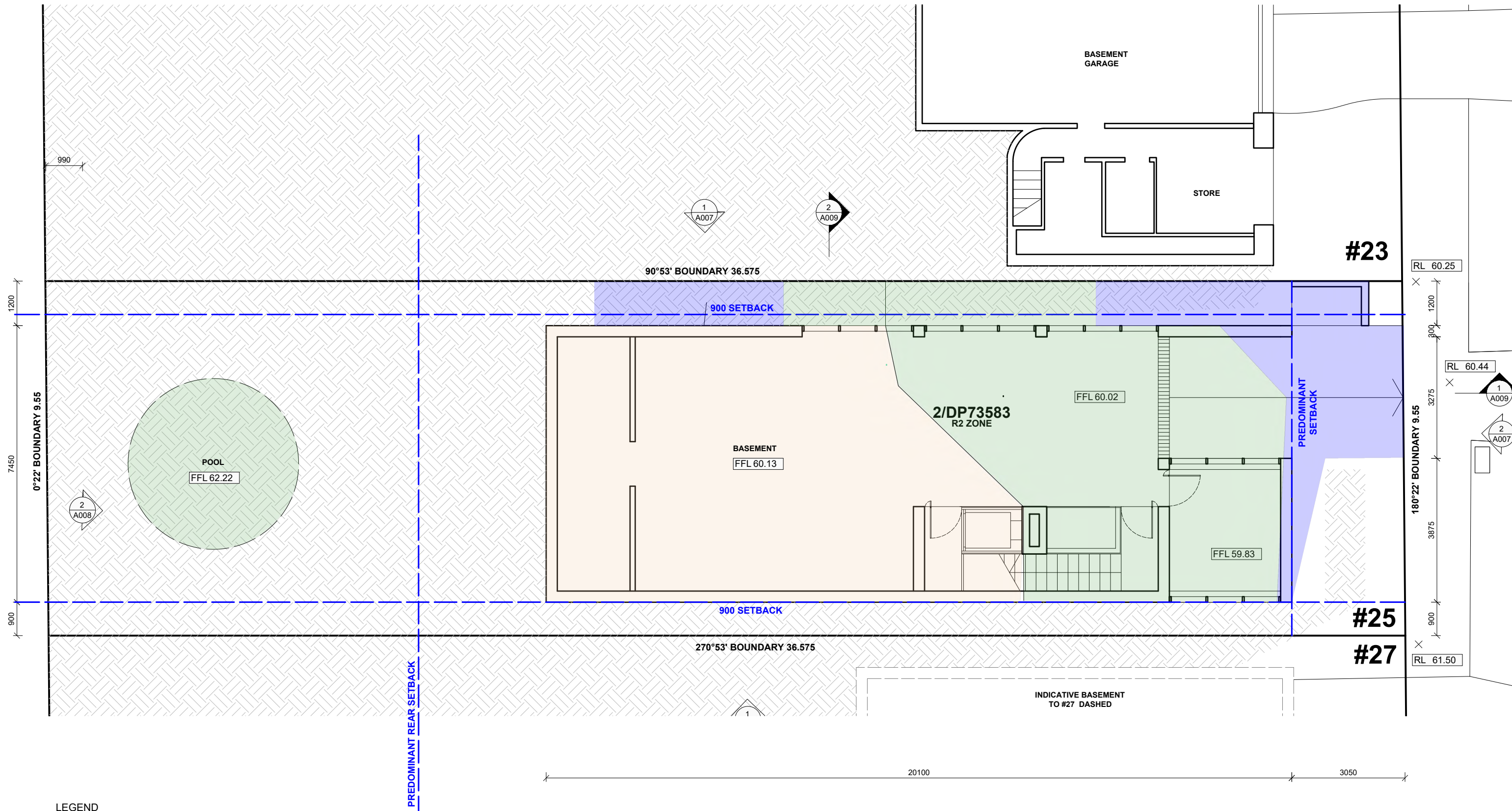
<b>OPEN SPACE CALCS</b>	
GROUND	240m <sup>2</sup>
TOTAL %	69%

<b>LANDSCAPE CALCS (AS PER LANDSCAPE PLAN)</b>	
GROUND	72m <sup>2</sup>
TOTAL %	28%

	GFA
	OPEN SPACE
	LANDSCAPE

<b>FRONT SETBACK</b>	
AREA	29m <sup>2</sup>
<b>COMPRISES</b>	
OPEN SPACE	18m <sup>2</sup> or 62% min required 40%
LANDSCAPE	14.5m <sup>2</sup> or 50% min required 20%

**RECEIVED**  
Waverley Council  
Application No: DA-57/2023  
Date Received: 11/08/2023



- LEGEND**
- 0 - 1.0m DEPTH
  - 1.0m - 1.8m DEPTH
  - 1.8m-2.5m DEPTH

AMENDED PLANS

**RECEIVED**  
**Waverley Council**  
 Application No: DA-57/2023  
 Date Received: 11/08/2023

1  
 EXCAVATION PLAN

DEVELOPMENT APPLICATION

REV	DATE	BY	DESCRIPTION
A	01/05/23	EW	RFI RESPONSE
B	10/07/23	EW	DEFERRAL LETTER RESPONSE
C	11/08/23	EW	RFI RESPONSE

PROJECT  
 LOT 2/DP73583  
 25 ST THOMAS STREET BRONTE  
 CLIENT  
 BURRELL AND BENNETT





Other Residential Development



Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-161/2023
<b>Site address</b>	15/7 Francis Street, Bondi Beach
<b>Proposal</b>	Alterations and additions to unit 15, including conversion of roof void to attic level.
<b>Date of lodgement</b>	26 June 2023
<b>Owner</b>	Building: The Owners of Strata Plan 71516 Unit 15: Mr J A Cooke
<b>Applicant</b>	Strategic Approvals
<b>Submissions</b>	Four
<b>Cost of works</b>	\$164,395
<b>Principal Issues</b>	Breach to Floor Space Ratio (FSR)
<b>Recommendation</b>	The application be APPROVED in accordance with the conditions contained in the report.

**SITE MAP**



(Source: Nearmaps, 2022)



## 1. PREAMBLE

### 1.1. Executive Summary

The Development Application (DA) seeks consent for alterations and additions to unit 15 including amending the hipped roof to a gabled roof to facilitate the conversion of the roof void to an attic level to be used as a bedroom at the site known as 7 Francis Street, Bondi Beach.

The principal issue arising from the assessment of the application relates to a breach to FSR.

The assessment finds this issue acceptable, as it has been demonstrated that despite the breach to the development standard, the proposal meets the FSR and zone objectives in the Waverley Local Environment Plan 2012 (Waverley LEP 2012).

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

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

### 1.2. Site and Surrounding Locality

A site visit was carried out on 29 November 2021, during the assessment of a previous DA, being DA-422/2021, which was refused by the Waverley Local Planning Panel (WLPP).

The site is identified as Lot 15 in SP71516, known as no. 15/7 Francis Street, Bondi.

The site is irregular in shape with a south-western frontage to Francis Street, measuring 15.24m. The site has an area of 425.9m<sup>2</sup>.

The site is occupied by a part-three, part-four storey residential flat building (RFB) with no vehicular access. Unit 15, the subject unit of this application, is located on the second floor at the front of the building.

The site is adjoined by a two storey RFB with an attic level to the north-west (9 Francis Street) and four storey backpackers building (Noah's Backpackers) to the south-east (2-8 Campbell Parade). The locality is characterised by a variety of medium residential developments.

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



**Figure 1:** Location of the subject RFB (outlined yellow) in context with the surrounding neighbourhood. (Source: Google Maps, 2023)



**Figure 2:** Front of the subject building (unit 15 outlined yellow) as viewed from Francis Street, looking north-east.

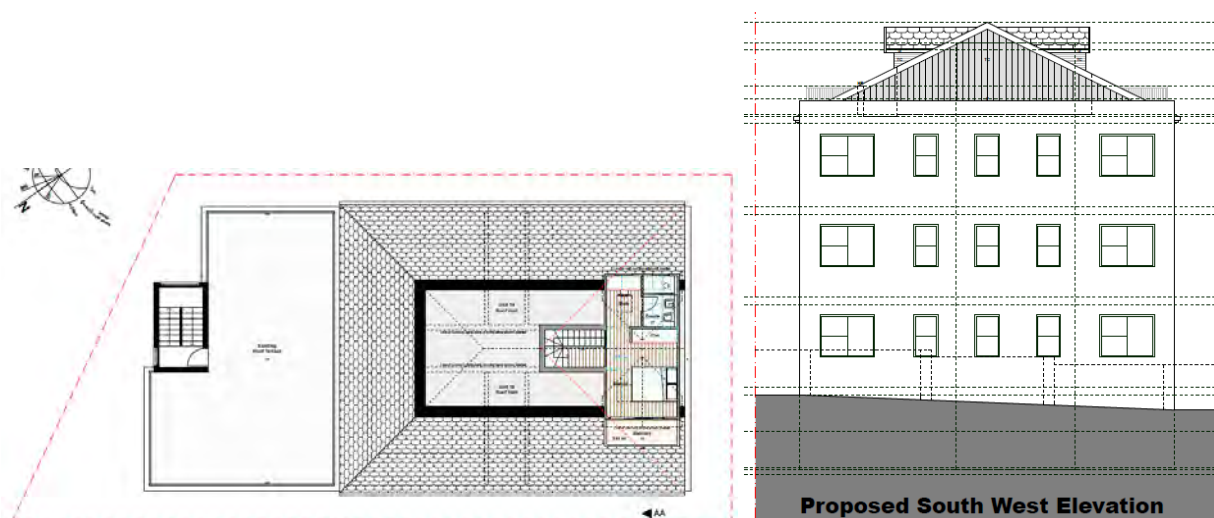


**Figure 3:** Front of the subject building (unit 15 outlined yellow) as viewed from Francis Street, looking east.

### 1.3. Relevant Development History

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

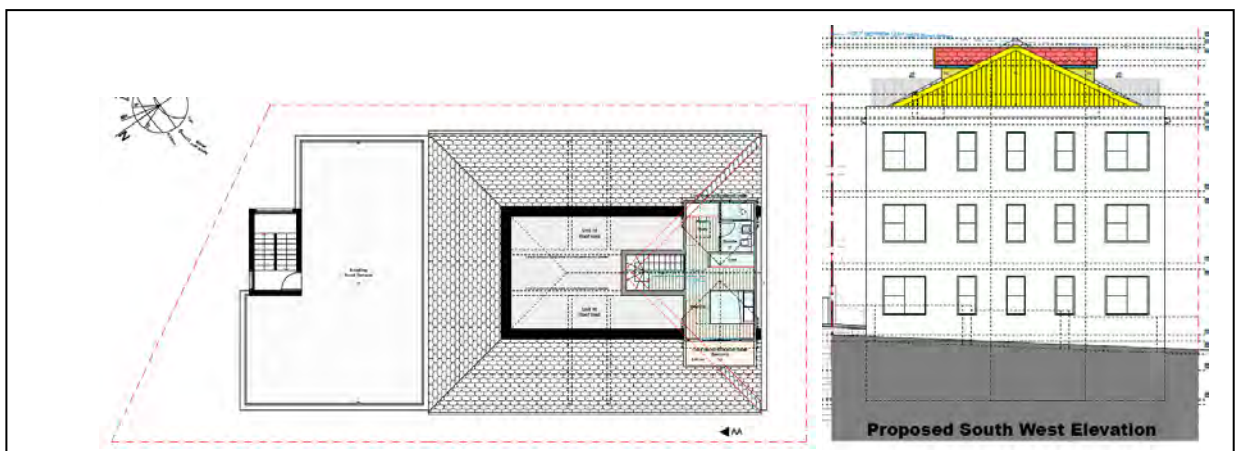
- **DA-107/2019** for alterations and additions to unit 15 including a new attic level and extension was refused by the WLPP on 18 October 2019 for the following reasons:
  - The proposal exceeds FSR and the applicant had not demonstrated that the proposed development was consistent with the objectives of FSR of the Waverley LEP 2012; and had not demonstrated the compliance with the standards was unreasonable or unnecessary or that there were sufficient environmental planning grounds to justify contravening the FSR development standard;
  - The consent authority was not satisfied that the request was in the public interest;
  - View loss impacts;
  - Unreasonable privacy impacts from the proposed balcony;
  - The proposal did not meet the minimum size for a two-bedroom apartment;
  - Adequate storage was not provided; and
  - Inadequate documentation, including insufficient detail on the architectural plans and shadow diagrams; inadequate Statement of Environmental Effects; and no Gross Floor Area (GFA) calculation plan.



**Figure 4.** Plans of refused proposal under DA-107/2019. (Source: iSA Designs, 2019)

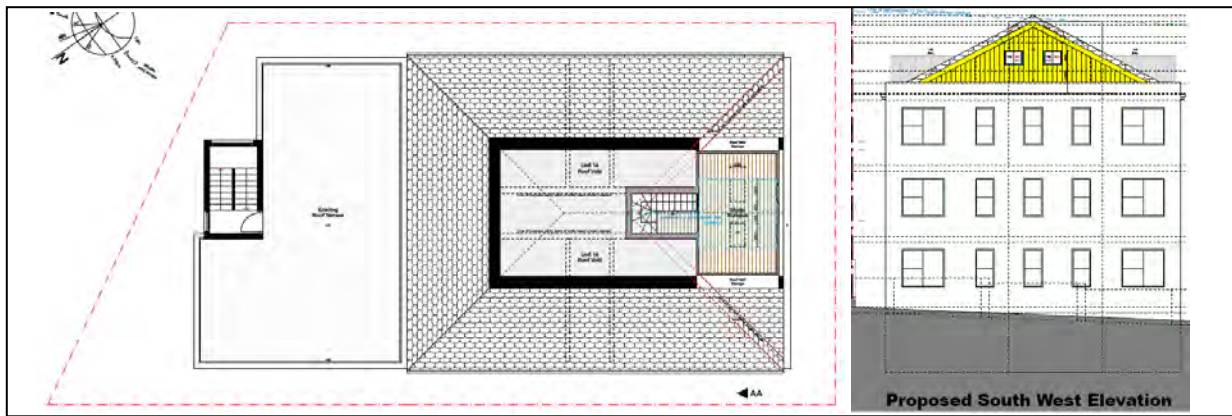
- **DA-422/2021** for alterations and additions to unit 15 including a new attic level and extension was refused by the WLPP on 23 February 2022 for the following reasons:
  - The proposal exceeds FSR and the applicant had not demonstrated that the proposed development was consistent with the objectives of FSR of the Waverley LEP 2012; and had not demonstrated the compliance with the standards was unreasonable or unnecessary or that there were sufficient environmental planning grounds to justify contravening the FSR development standard;
  - The proposal will impact the Inter War Building;

- The proposed gabled addition and associated dormer windows would add unreasonable bulk to the front of the subject building and would dominate those smaller RFB's at (no. 9-17 Francis Street);
- The proposed changes to the roof form will create unreasonable additional bulk and scale to building that has reached its maximum development capacity and the proposed dormer windows are not set at least 300mm below the main ridge;
- The proposed side balcony would create unreasonable visual privacy impacts;
- View loss impacts; and
- Lack of information on the plans, including no window opening details; limited Survey Plan; no materials and finishes schedule; no elevational shadow diagrams; and limited information to adequately assess height.



**Figure 5.** Plans of refused proposal under DA-422/2021. (Source: iSA Designs, 2019)

- **PD-23/2022** for alterations and additions to unit 15 including a new attic addition was issued on 25 July 2022, with the following pre-DA advice:
  - Any breach to FSR will require a Clause 4.6 variation and justification that no environmental amenity impacts would arise;
  - Compliant floor-to ceiling heights are to be provided;
  - Windows and skylights are to be openable; and
  - The proposed gable roof material is to match the existing roof.

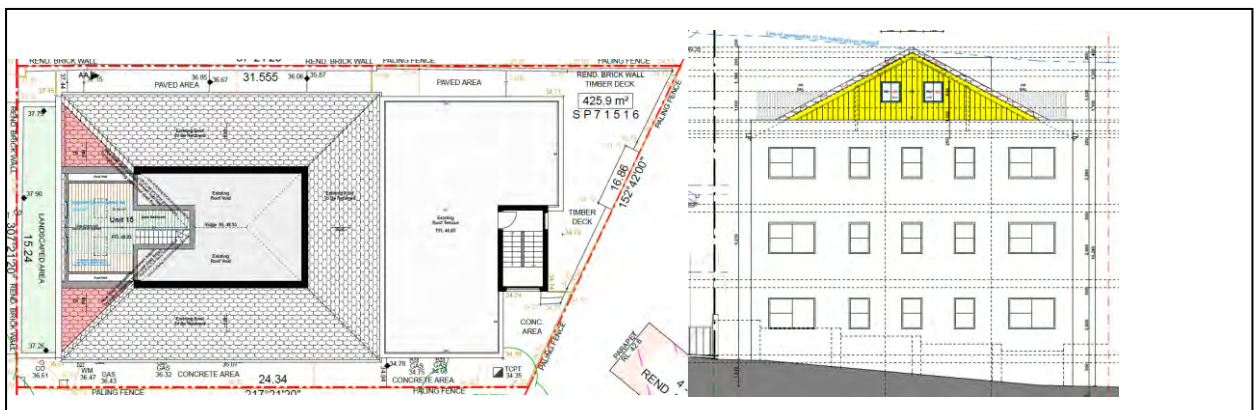


**Figure 5.** Plans submitted for PD-23/2022. (Source: iSA Designs, 2012)

#### 1.4. Proposal

The DA seeks consent for alterations and additions to unit 15, including conversion of the roof void to an attic level, specifically the following:

- Internal stairs to the lower level of unit 15 to access the proposed attic level;
- Construction of a gable roof with two windows and skylights to the front of the RFB, to replace an existing hipped roof; and
- Construction of a bedroom, within the proposed gabled roof.



**Figure 6.** Proposed plans submitted under the subject application (DA-161/2023). (Source: iSA Designs, 2012)

#### 1.5. Background

The applicant was advised on 22 August 2023 that the proposed works to amend the hipped roof to a gabled roof for a storage room would not be supported as it created excessive bulk to be utilised only for a storage space. The applicant was advised if the storage room was amended to a habitable room, then the additional bulk could be considered, and was required to meet the minimum floor-to-ceiling heights.

Amended plans were received by Council on 24 August 2023, which resulted the proposed attic space being utilised as a bedroom. These plans will form the basis of the assessment.

## 2. ASSESSMENT

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

### 2.1. Planning Instruments and Development Control Plans

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

#### 2.1.1. State Environmental Planning Policies (SEPPs)

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

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

##### *SEPP (Design Quality of Residential Apartment Design)*

The application was not referred to the Waverley Design Advisory Excellence Panel (DEAP) as the works are not considered to be substantial. Clause 6A of SEPP 65 requires that development control plans (DCPs) cannot be inconsistent with the Apartment Design Guide (ADG) in respect of the following:

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

If a DCP contains provisions that specify requirements, standards or controls in relation to a matter to which this clause applies, those provisions are of no effect. An assessment against the provisions within the ADG is provided in **Table 1** of this report.

**Table 1: Apartment Design Guide**

Design Criteria	Compliance	Comment
<b>3F Visual privacy</b>		
<ul style="list-style-type: none"><li>• Min separation distances from buildings to side and rear boundaries:</li></ul>	Yes	The proposed skylights and windows will not look directly into neighbouring windows.

Design Criteria	Compliance	Comment
<ul style="list-style-type: none"> <li>Up to 12m (4 storey) – 6m habitable &amp; 3m non-habitable</li> </ul>		
<b>4B Natural ventilation</b>		
<ul style="list-style-type: none"> <li>All habitable rooms are naturally ventilated</li> </ul>	Yes	The windows provide cross ventilation.
<b>4C Ceiling heights</b>		
	Yes	<p>In accordance with Volume two, Section 3.8.2 of the National Construction Code, habitable rooms within an attic space must have a minimum floor-to-ceiling height of 2.2m for two-thirds of the room.</p> <p>As seen in the <b>Figure 9</b>, two-thirds of the proposed bedroom has a floor to ceiling height of 2.2m or more.</p>
<b>4D Apartment size and layout</b>		
<p>The following minimum internal areas apply:</p> <ul style="list-style-type: none"> <li>2 Bed = 70 m<sup>2</sup></li> </ul>	No	The apartment will have an internal area of 60.7m <sup>2</sup> . Although this is slightly under the recommended internal area, the proposed additional space will increase the internal amenity of the unit. The bedroom will exceed 10m <sup>2</sup> .
<b>4G Storage</b>		
<p>In addition to kitchens, bathrooms and bedrooms, the following is provided:</p> <ul style="list-style-type: none"> <li>1-bed – 6m<sup>3</sup></li> </ul>	No (merit)	No storage space is proposed (excluding kitchen, bathroom and bedrooms). Due to the small internal size of the unit, it is difficult to provide compliant storage space, without reducing the limited internal floor area.

### 2.1.2. Waverley LEP 2012

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

**Table 2: Waverley LEP 2012 Compliance Table**

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
<b>1.2 Aims of plan</b>	Yes	The proposal meets the aims of the Waverley LEP 2012.
<b>Part 2 Permitted or prohibited development</b>		
<p><b>Land Use Table</b> <i>Medium Density Residential 'R3' Zone</i></p>	Yes	The proposal is defined as alterations and additions to an apartment within a RFB, which is permitted with consent in the R3 zone.

Provision	Compliance	Comment
<b>Part 4 Principal development standards</b>		
<b>4.3 Height of buildings</b> • 12.5m	Yes	The development has a height of 12.36m.
<b>4.4 FSR</b> • Lot Size: 425.9m <sup>2</sup> • Max FSR: 0.9:1 • Max GFA: 383.3m <sup>2</sup>	No	<u>GFA Calculations:</u> Lower Ground Floor: 100.1m <sup>2</sup> Ground Floor: 245.7m <sup>2</sup> First Floor: 245.7m <sup>2</sup> Attic Addition (proposed): 15.54m <sup>2</sup> <b>TOTAL GFA: 607.04m<sup>2</sup></b> <b>TOTAL FSR: 1.43:1</b>  The development breaches the maximum GFA by 223.74m <sup>2</sup> or 58.3%.  The attic addition contributes 15.54m <sup>2</sup> to this breach or 4.05%.
<b>4.6 Exceptions to development standards</b>	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.
<b>Part 6 Additional local provisions</b>		
<b>6.1 Acid sulfate soils</b>	N/A	The subject site is located within acid sulfate soils class 5. However, given the works are not at ground level, this is not applicable.

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

*Clause 4.6 Exceptions to Development Standards - FSR*

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

The site is subject to a maximum FSR development standard of 0.9:1. The proposed development has a FSR of 1.43:1, exceeding the standard by 223.74m<sup>2</sup> equating to a 58.3% variation.

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

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

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



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

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

(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:

(i) The proposal meets the relevant objectives of FSR.

***Objective (b) To provide an appropriate correlation between maximum building heights and density controls.***

*The maximum allowable Building Height is 12.5m, however, this application does not result in any change to the existing building height as the proposed roof addition does not exceed the existing maximum building height.*

***Objective (c) To ensure that buildings are compatible with the bulk and scale of the desired future character of the locality.***

*The bulk and scale remains largely the same with the exception of the added roof gable.*

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

*It can be clearly shown that the surrounding locale comprises many comparable developments consisting of a far greater bulk and scale than what this application seeks. The application results in the best use of existing void space with negligible increase to bulk and scale as well as minimal impacts caused to any adjoining neighbouring dwelling.*

*While the objectives of the floor space ratio planning control apply to the proposal, it should be considered that the proposal is consistent with those objectives as the completed development results in a form that is consistent with council's desired future character of the locale despite the breach in floor space ratio. This is on the basis that the underlying objective of the standard is to allow the site to accommodate an appropriate density of construction and that the design of the proposal successfully achieves this objective in its configuration and bulk, achieving a desirable outcome. Strict compliance with the floor space ratio control would likely result in undesired outcomes and a bulk form detrimental to the amenity of the property with the environmental capacity of the property being underutilised and inconsistent from the developing urban street formation.*

*Bulk and scale are mostly dictated by Floor space ratio as this is the primary control that controls building density. Objective (b), and (d) of clause 4.4 of the WLEP solidify this notion as shown below.*

(ii) The proposal meets the objectives of the zone.

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

*The existing site is heavily constrained in terms of lot size and buildable footprint. The existing footprint of the base building is heavily restricted in its ability to be expanded by any means. This is contradictory to the NSW state governments push for housing availability. Given the extremity of consistent price increases in Bondi and the general locale it is difficult for a small family to be able to afford to live within the area. This has a direct effect on people's quality of life as it prevents proximity to friends, family and local amenities.*

*The application seeks to increase the amount of usable floor area afforded to unit 15 with little to no impact on the adjoining building as well as a significantly positive impact to the public domain.*

*The proposed first floor also provides additional storage options which are a fundamentally important component of a dwelling, as it allows inhabitants to organise and store personal items, paraphernalia and valuables that are not required for frequent use. Given the limited footprint of the existing dwelling and restricted storage space, this application will significantly improve the functionality of the dwelling.*

*Council is to consider the immense impact that this application would have on any resident that live within the dwelling (current and future) taking into account the minimal impact that is created to the surrounding neighbourhood.*

**b. To provide a variety of housing types within a medium density residential environment.**

*The base building remains a residential flat building as a result of this application and the proposed works are directly in line with the objectives of the medium density building typology.*

**c. To enable other land uses that provide facilities or services to meet the day to day needs of residents.**

*As discussed in the previous clauses, the proposal aims to afford a significantly higher level of amenity and quality of life afforded to the current and future inhabitants of the sole occupancy unit. The SOU is heavily constrained in terms of usable footprint which makes it difficult to cater for a small sized family.*

**d. To maximise public transport patronage and encourage walking and cycling.**  
*Not applicable.*

**e. To increase or preserve residential dwelling density.**

*The application maintains majority of the existing physical form of the building and does not significantly increase the building density.*

- f. To encourage the supply of housing, including affordable housing, that meets the needs of the population, particularly housing for older people and people with disability.*

*This objective is not relevant to the context of the application as the existing RFB is not considered to be an accessible building.*

- g. To provide development that is compatible with the desired future character and amenity of the surrounding neighbourhood.*

*Complies.*

- h. To promote development that incorporates planning and design measures that reduce the urban heat island effect.*

*Not applicable.*

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

*Not applicable.*

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

*(i) If numerical compliance is achieved with the FSR standard then the objectives would not be achieved as no unsightly bulk and scale is introduced nor is landscaped area compromised. The application does not seek to over develop an existing structure, however, repurposes valuable area that is essentially "dead space," for a better use in the form of usable habitable area resulting in an increased quality of life for the current and future inhabitants of the dwelling.*

*(ii) 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.*

*(iii) If the proposed addition was not sought then the visible bulk and scale would remain as existing and there would be no result in any improved outcome for the development and the adjacent properties.*

*(iv) The proposed development is consistent with the aims of the Policy and the objects of the EP&A Act in that:*

*a. Strict compliance with the development standard would result in an inflexible application of the control that would not deliver any additional benefits to the owners or occupants of the surrounding properties or the general public.*

*b. Strict compliance with the FSR standard in this particular instance would represent a departure from the manner in which the issue of FSR has been considered in recent times in the locale to the significant detriment of the current and future inhabitants and with no measurable benefit for the public or surrounding properties. Accordingly, strict compliance would simply prevent the maximisation of the use of land.*

- c. *The proposed variation allows for the most efficient and economic use of the land.*
- d. *The objectives of the zone are satisfied.*
- e. *Fundamental planning principles are satisfied:*
  - i. *The development is in keeping with the local context and there is no detriment to the public.*
  - ii. *There is no effect to streetscape amenity or any public spaces.*
  - iii. *The proposed works are considered orderly development of the land.*
  - iv. *There are no significant effects in relation to overshadowing, privacy or acoustic amenity.*
  - v. *The scale and bulk of the building remains as existing and is consistent with the surrounding locale.*
  - vi. *The quality of life afforded to the current and future inhabitants of the dwelling is greatly increased as valuable*
  - vii. *habitable space results and can be utilised for day to day activities.*

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

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

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

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

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

- (a) *the objectives of the development standard are achieved notwithstanding non-compliance with the standard;*
- (b) *to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;*
- (c) *to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;*

*(d) to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; and*

*(e) to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary.*

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

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. The proposed development upgrades the outdated and undersized unit with an improved internal amenity, whilst not creating additional environmental amenity impacts to neighbouring properties.

Is the development in the public interest?

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

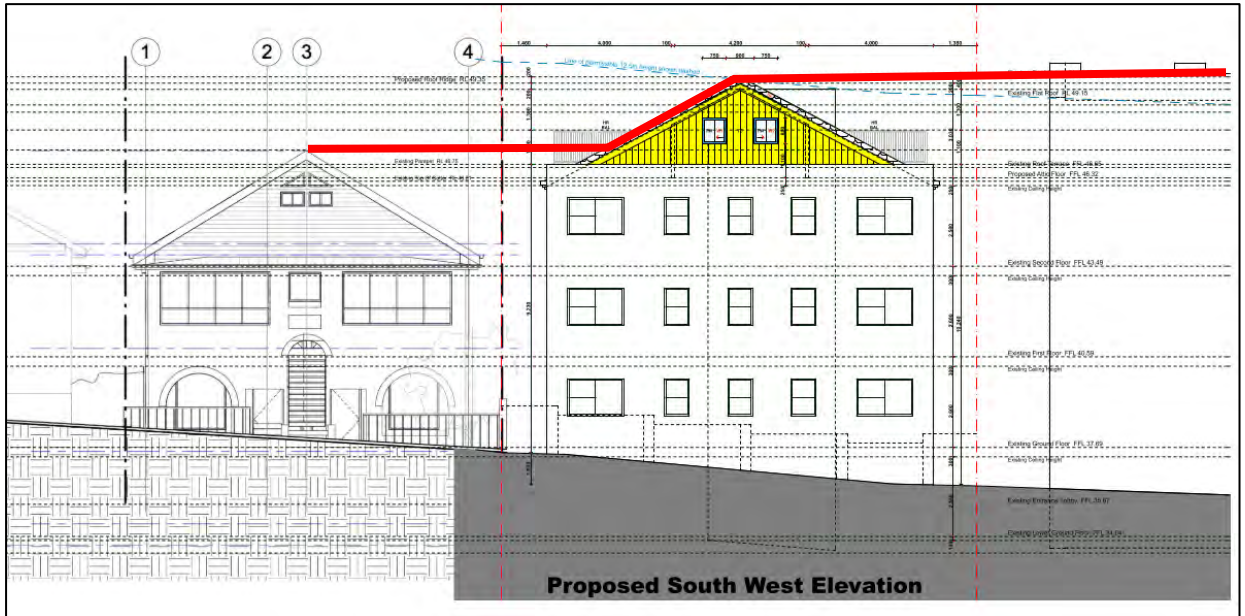
The relevant objectives of the FSR development standard are as follows:

***Objective (b) To provide an appropriate correlation between maximum building heights and density controls.***

The proposed development provides an appropriate correlation between height and density. The proposed works to amend the hipped roof to a gabled roof will provide increased internal amenity for the unit and complies with the 12.5m height limit.

***Objective (c) To ensure that buildings are compatible with the bulk and scale of the desired future character of the locality.***

The proposed amended gabled roof form provides an acceptable transition between 9 Francis Street and 2-8 Campbell Parade (Noah's Backpackers), with the top of the ridge aligning with the parapet height of 2-8 Campbell Parade (Noah's Backpackers).

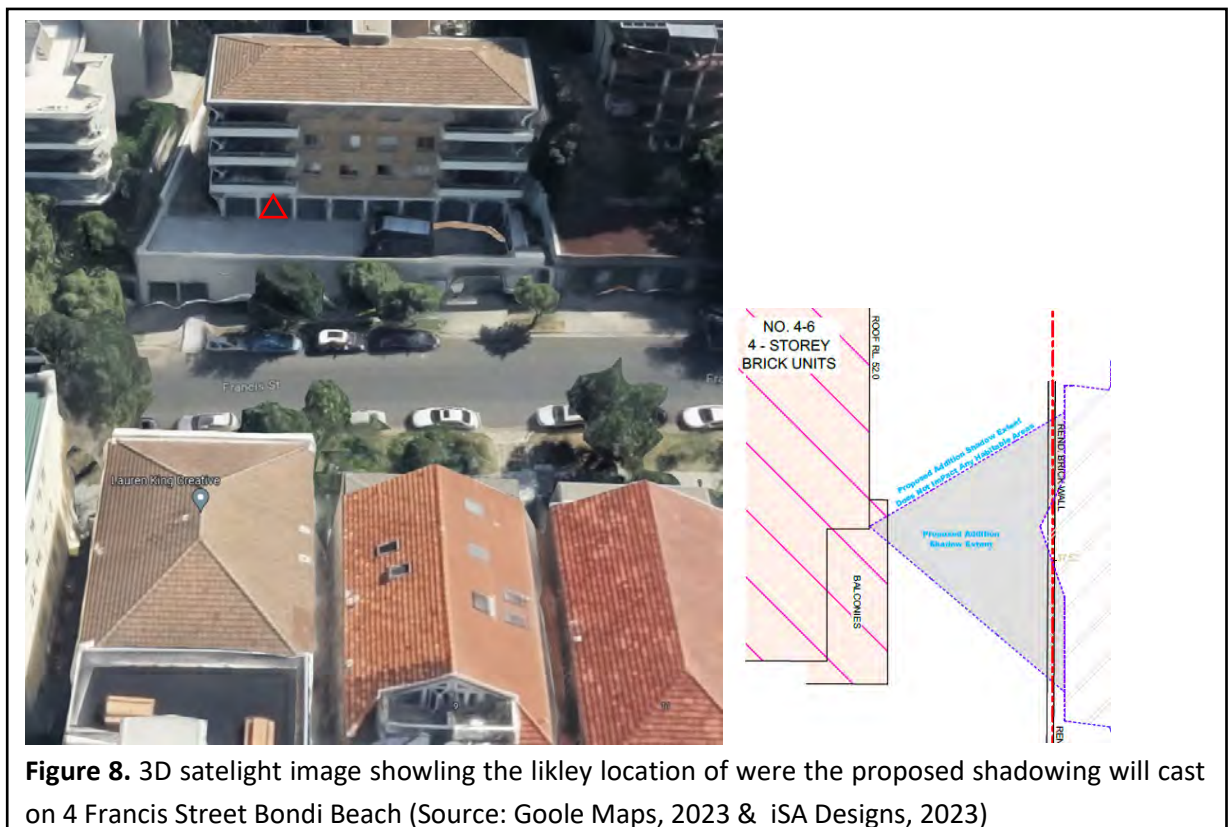


**Figure 7.** Elevational plan showing a compatible bulk and scale for the locality (Source: iSA Designs, 2012)

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

The proposed development preserves the environmental amenity of neighbouring properties.

The submitted shadow diagrams indicate that only a small portion of additional overshadowing will fall on the RFB at 4 Francis Street at 9am. This shadowing is created from the ridge point of the proposed gable roof and will likely fall on the garage door.



**Figure 8.** 3D satellite image showing the likely location of where the proposed shadowing will cast on 4 Francis Street Bondi Beach (Source: Google Maps, 2023 & iSA Designs, 2023)

In addition to this, a view loss analysis was prepared from 4/4 Francis Street. This view loss analysis demonstrated that no view loss is likely to occur.



**Figure 9.** View loss diagram from 4/4 Francis Street, Bondi Beach (Source: iSA Designs, 2023)

The proposal meets the relevant objectives of the R3 zone, as it provides housing for the community within a medium density residential environment.

### Conclusion

For the reasons provided above, the requested variation to the FSR development standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6 of the Waverley LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of FSR and the R3 zone.

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	The submitted Site Waste and Recycling Management Plan is satisfactory.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li><i>Garbage bins are to be stored in an appropriate location.</i></li> </ul>		The application was referred to Council's Waste Officer who recommended conditions of consent.
<b>2. Ecologically Sustainable Development</b>	Yes	The submitted BASIX Certificate is satisfactory.
<b>3. Landscaping, Biodiversity and Vegetation Preservation</b>	N/A	Tree removal is not proposed.
<b>5. Water Management</b>	Yes	The application was referred to Council's Stormwater Engineer who recommended conditions of consent.
<b>11. Design Excellence</b>	Yes	<p>The proposed finish of the gabled roof addition is recommended to be conditioned to match the material and colour of the existing hipped roof and the materiality of the façade is to be reviewed and approved by Council's Heritage Officer.</p> <p>The bulk and mass of the proposed works is considered to be acceptable and does not create unreasonable environmental impacts, as demonstrated in the Clause 4.6 Variation above.</p>

**Table 41: Waverley DCP 2022 – Part C2 Other Residential Development Compliance Table**

Development Control	Compliance	Comment
<b>2.2 Height</b>		
<ul style="list-style-type: none"> <li><i>Maximum external wall height: R3/12.5m – 9.5m</i></li> </ul>	N/A	The wall height of the building will not increase with the attic addition.
<b>2.3 Setbacks</b>		
<b>2.3.1 Street setbacks</b> <ul style="list-style-type: none"> <li><i>Consistent street setback</i></li> </ul>	Yes	The proposed front setback is acceptable, with the proposed gable roof appropriately responding to the existing built form.
<b>2.3.2 Side and rear setbacks</b> <ul style="list-style-type: none"> <li><i>Minimum side setback: 1.5m</i></li> <li><i>Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback</i></li> </ul>	Yes  N/A	The proposed works are setback more than 1.5m from either side boundary.  There are no amendments to the rear setback.



Development Control	Compliance	Comment
<b>2.5 Building design and streetscape</b>		
<ul style="list-style-type: none"> <li>Respond to streetscape</li> <li>Sympathetic external finishes</li> </ul>	Yes	The existing RFB provides an acceptable transition between the larger building of Noahs Backpackers (no. 2-8 Campbell Parade) to the south-east and the smaller RFB's (no. 9-17 Francis Street) to the north-west (Refer to <b>Figure 7</b> above).
<b>2.6 Attic and roof design</b>		
<ul style="list-style-type: none"> <li>Attic must be wholly within the pitched roof form</li> <li>Not exceed 50% of the floor of area of the floor below</li> <li>Not contain independent dwellings and must be accessed via internal stairs</li> <li>Be naturally ventilated</li> </ul>	Yes	The proposed attic will be located within the proposed gabled roof form.
	Yes	The attic level does not exceed more than 50% of the level below.
	Yes	The attic level does not contain an independent dwelling and is accessed via internal stairs.
	Yes	The attic level is naturally ventilated via openable windows.
	Yes	The room width exceeds 3m.
<ul style="list-style-type: none"> <li>Minimum room width: 3m</li> </ul>	Discussed below	Floor to ceiling height will be discussed below.
<ul style="list-style-type: none"> <li>Minimum floor to ceiling height for at least 2/3 of the floor area: 2.4m</li> </ul>	Yes	The skylights are less than 50% of the roof elevation.
	Yes	
<b>2.13 Solar access and overshadowing</b>		
	Yes	Overshadowing impacts are discussed within the Clause 4.6 Variation discussion above.
<b>2.14 Views and view sharing</b>		
	Yes	View impacts are discussed within the Clause 4.6 Variation discussion above.
<b>2.15 Visual privacy and security</b>		
	Yes	The windows are modest in size and do not look directly into adjoining neighbouring windows.
<b>2.16 Dwelling size and layout → REFER TO PART 4D OF THE ADG</b>		
<b>2.18 Storage → REFER TO PART 4G OF THE ADG</b>		
<b>2.20 Natural Ventilation → REFER TO PART 4B OF THE ADG</b>		

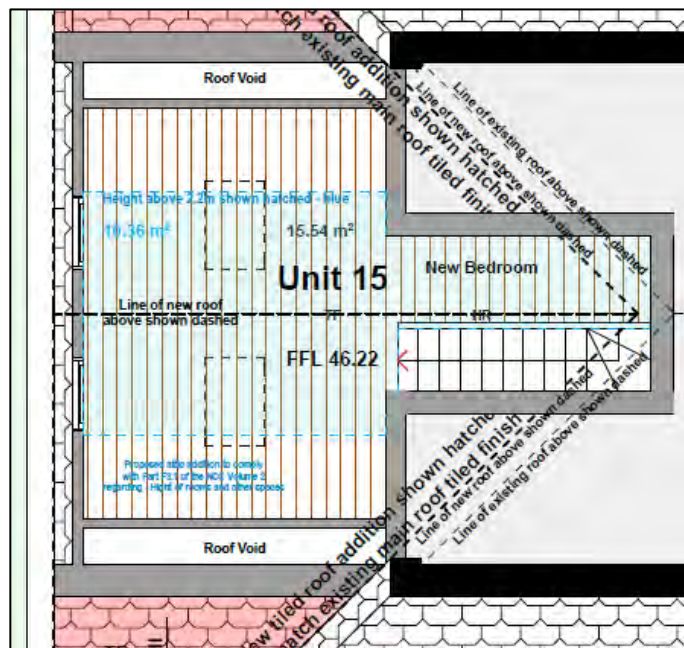
The following is a detailed discussion of the issues identified in the compliance tables above in relation to the Waverley DCP 2022.

## Floor-to-Ceiling Heights

In accordance with Volume two, Section 3.8.2 of the National Construction Code, habitable rooms within an attic space must have a minimum floor-to-ceiling height of 2.2m for two-thirds of the room.

As seen in the **Figure 10** below, two-thirds of the proposed bed has a floor to ceiling height of 2.2m or more.

It is noted that the space meets the Waverley LEP 2012 definition of an attic, which is defined as *any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.*



**Figure 10.** Compliant floor-to-ceiling heights within the attic: iSA Designs, 2023)

## 2.2. Other Impacts of the Development

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

The previously refused applications (DA-107/2019 and DA-422/2021) proposed to amend the hipped roof to a gable roof for an attic addition containing a dormer addition to either side and a balcony to a side elevation. The dormer windows and associated balconies resulted in visual privacy and view loss impacts to neighbouring properties and therefore were not supported.

With the subject DA removing the dormer additions and balcony, the environmental amenity impacts of visual privacy and view loss have been resolved, with the proposed addition being of an appropriate bulk and scale.

## 2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

## 2.4. Any Submissions

The application was notified in excess of 14 days from 28 June – 14 July 2023 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

Following receipt of amended plans and additional information, the application was not re-notified as the amended form of the proposal does not represent a greater impact from the originally notified scheme.

- The proposed attic addition was amended from storage space to a bedroom. The bulk and scale of the development remains the same as original notified.

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

**Table 5: Number of and where submissions were received from.**

Count	Property Address
1	4/4 Francis Street, Bondi Beach
4	7/7 Francis Street, Bondi Beach (3 unique objections)

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

- Loss of visual privacy
- Solar access
- Streetscape impacts

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

***Issue: 'Is this the same application submitted in 2021'***

**Response:** The proposal differs from the scheme submitted in 2021. The primary difference is the deletion of the dormer windows and balcony.

***Issue: 'Are the plans the same as submitted in 2021? If they are these plans have been rejected twice by council. If these are different plans this has not been presented to the strata committee and have not been voted on.'***

**Response:** According to the application form, the Strata Manager signed the application form on 28 November 2022. Any application that is Strata titled requires consent from the Strata Committee (signed under delegations of the Strata Manager), which has been completed. Strata Committee Meetings are a separate and independent process that Council is not involved in.

***Issue: Cost of works underestimated.***

**Response:** The cost does not include a break-down of trade worker fees. Regardless, an amended cost of works calculation was requested during the assessment of the application.

***Issue: A skip bin would impact parking.***

**Response:** A Construction Traffic Management Plan is recommended to be submitted and approved by Council's Traffic Engineer.

**Issue:** *Removal of demolition work via internal stairs.*

**Response:** Standard conditions are recommended for imposition that ensure works are carried out in a safe manner. There may be disturbance for a time to other residents of the block, however this can be adequately dealt with via conditions and by-laws/Strata Management during this time.

**Issue:** *The subject site is draft heritage listed.*

**Response:** At the time of assessment, the subject site is not heritage listed or located in a Heritage Conservation Area. The subject site is located within the draft Bondi O'Brien Urban Conservation Area which has not yet been adopted. Regardless, Council's Heritage Officer reviewed the pre-DA application (same proposal as subject DA) and did not object. However, a condition is recommended that the proposed materials and finishes are reviewed and satisfied by the Council Heritage Officer as part of the Construction Certificate process.

**Issue:** *'No work hours specified No noise and disturbance restrictions No encroachment restrictions have been set.'*

**Response:** This is dealt with via conditions of consent, which are consistent with other developments in the LGA.

**Issue:** *'They also state that there are no privacy issues when in fact the owner of unit 15 wants to install windows which will open directly onto the common area rooftop.'*

**Response:** This is not correct.

**Issue:** *'Have the owners facing 7 Francis Street been notified that windows facing their building will be installed in 7 Francis street and the roof line altered.'*

**Response:** Adjoining properties have been notified in accordance with Council's Community Participation Plan.

**Issue:** *Impact on stain glass windows.*

**Response:** This is a matter to be dealt with during the construction phase. Regardless, the subject site is not heritage listed or located within a heritage conservation area.

**Issue:** *No time-frame has been advised.*

**Response:** A DA does not require a time frame to be advised. This is a civil matter than can be sought between the relevant parties, separate to a DA. Once development consent is granted, the validity is 5years to commence works.

**Issue:** *'The leaving open of the front security door for access creates danger for residents as anyone can then enter the building.'*

**Response:** This is a matter that can be dealt with during the construction phase between the residents of the block and Strata Management.

## 2.5. Public Interest

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

## 3. REFERRALS

The following internal referral comments were sought:

### 3.1. Stormwater

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

### 3.2. Heritage

Council's Heritage Officer reviewed the previous Pre-DA and raised no objection. Notwithstanding, the materials are to be reviewed and approved by Council's Heritage officer.

### 3.3. Fire Safety

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

### 3.4. Waste Management

An internal referral was sought from Council's Waste Officer who did not object to the proposal.

### 3.5. Tree Management

An internal referral was sought from Council's Tree Officer who recommended conditions of consent relating to the retention and protection of the Coast Banksia located on the Francis Street nature strip.

## 4. CONCLUSION

The DA seeks consent for alterations and additions to unit 15 including amending the hipped roof to a gabled roof to facilitate the conversion of the roof void to an attic level to be used as a bedroom at the site known as 7 Francis Street, Bondi Beach.

The principal issue arising from the assessment of the application related to a breach to FSR.


The assessment finds this issue acceptable as it has been demonstrated that despite the breach to the development standard, the proposal meets the FSR and zone objectives of the Waverley LEP 2012.

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

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

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

<b>Report prepared by:</b>	<b>Application reviewed and agreed by:</b>	<b>Application reviewed and agreed by:</b>
		
Joseph Somerville	Bridget McNamara	Angela Rossi
<b>Senior Development Assessment Planner</b>	<b>Manager, Development Assessment</b>	<b>A/Executive Manager, Development Assessment</b>
<b>Date: 29 August 2023</b>	<b>Date: 31 August 2023</b>	<b>Date: 1 September 2023</b>

*Reason for WLPP referral:*

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

**OFFICE USE ONLY**

Clause 4.6 register entry required	58.3% variation to FSR (Clause 4.4)	
	X	Pre-existing non-compliance
	X	No unreasonable impacts on the amenity of adjoining properties or streetscape
	X	Sufficient environmental planning grounds
	X	Consistent with the objectives of the standard
Determining Authority (Concurrence Authority for Clause 4.6 variation)	Local Planning Panel	
Affordable Rental Housing Units? *This is a planning portal reporting requirement	No	
Secondary Dwelling *This is a planning portal reporting requirement	No	
Boarding House *This is a planning portal reporting requirement	No	
Group Home *This is a planning portal reporting requirement	No	
Trial Period database entry required	No	
VPA submitted – follow up actions required	No	

Refer to compliance for investigation	No
Commercial/liquor operational conditions	No
Other (please specify):	No

## APPENDIX A – CONDITIONS OF CONSENT

### A. APPROVED DEVELOPMENT

#### 1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by iSA Designs including the following:

<b>Plan Number and Revision</b>	<b>Plan description</b>	<b>Plan Date</b>	<b>Date received by Council</b>
DA_005 / Rev 5	Existing Lower Ground Floor Plan	15/03/2023	24/08/2023
DA_006 / Rev 5	Existing Ground Floor Plan	15/03/2023	24/08/2023
DA_007 / Rev 5	Existing First Floor Plan	15/03/2023	24/08/2023
DA_008 / Rev 5	Existing and Demolition Floor Plan	15/03/2023	24/08/2023
DA_010 / Rev 5	Proposed Second Floor Plan	15/03/2023	24/08/2023
DA_011 / Rev 5	Proposed Attic Floor Plan	15/03/2023	24/08/2023
DA_012 / Rev 5	Proposed Roof and Stormwater Management Plan	15/03/2023	24/08/2023
DA_013 / Rev 5	Proposed South West Elevation	15/03/2023	24/08/2023
DA_014 / Rev 5	Proposed North East Elevation	15/03/2023	24/08/2023
DA_015 / Rev 5	Proposed North West Elevation	15/03/2023	24/08/2023
DA_016 / Rev 5	Proposed South East Elevation	15/03/2023	24/08/2023
DA_017 / Rev 5	Proposed Section AA	15/03/2023	24/08/2023
DA_020 / Rev 5	Proposed Attic Floor Reflected Ceiling Plan	15/03/2023	24/08/2023

(b) BASIX and NatHERs Certificate/s

(c) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 23/06/2023.

Except where amended by the following conditions of consent.

#### 2. FINISHES AND MATERIALS

The application is approved subject to the following plan amendments;

(a) The finishes, materials and colour of the proposed roof must match the finishes, materials and colour of the existing roof.

(b) The proposed materials and finishes of the gabled roof façade are to be reviewed and satisfied by Council's Heritage Officer.

The amendments are to be submitted and approved by the **Council's Heritage Officer** prior to the issue of any Construction Certificate.

#### 3. MULTI UNIT HOUSING DEVELOPMENT DESIGN (SEPP 65 DEVELOPMENT)

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



## B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

### GENERAL REQUIREMENTS

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

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

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

### CONTRIBUTIONS, FEES & BONDS

#### 5. SECTION 7.12 CONTRIBUTION

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

- (a) Where the total development cost is less than \$500,000:
  - a. a **Cost Summary Report** or **Building Contract** or similar is to be submitted to Council's Customer Service Centre to process payment.
- (b) Where the total development cost is \$500,000 or more:
  - a. a **Detailed Cost Report** prepared by a registered Quantity Surveyor, **Building Contract**, or similar is to be submitted to and approved by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate).  
Please forward documents to [info@waverley.nsw.gov.au](mailto:info@waverley.nsw.gov.au) attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy.
  - b. Upon confirmation of the contribution amount by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate), payment is to be processed via the Customer Service Centre.
  - c. Should there be a discrepancy between the cost of works approved in subclause (b)(i) and the DA fee nominated in the original DA, then additional DA Fees may be payable prior to the issue of a Construction Certificate.

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

- (c) As legislated in section 209 of the *Environmental Planning and Assessment Regulation 2021*, the levy must be paid in accordance with the following:
  - (i) A development valued at \$100,000 or less will be exempt from the levy;
  - (ii) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% of the full cost of the development; or

(iii) A development valued at more than \$200,000 will attract a levy of 1% of the full cost of the development.

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

## **6. SECURITY DEPOSIT**

A deposit (cash or cheque) for the amount of **\$6,505.00** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

## **7. LONG SERVICE LEVY**

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

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

## **8. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES**

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

An invoice will be issued to the applicant for the amount payable, which will be calculated based on the design plans for the subject development.

## **9. TREE PRESERVATION BOND**

A bond of \$5,000 is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the one (1) *Banksia integrifolia* (coast Banksia) on Francis Street.

The bond is to be lodged prior to the issue of a Construction Certificate.

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

## **CONSTRUCTION & SITE MATTERS**

## **10. HOARDING**

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

## **11. EROSION & SEDIMENT CONTROL**

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

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

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

## **12. ENGINEERING DETAILS**

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

## **13. ENGINEERING 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. DILAPIDATION REPORT**

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

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

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

## FIRE SAFETY

### **15. 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.

### **16. FIRE SAFETY UPGRADING WORKS**

- (a) In addition to all new works fully comply with the Building Code of Australia, pursuant to Clause 64 of the Environmental Planning and Assessment Regulation 2021, unit 15 must be upgraded to comply with the following provisions of the Building Code of Australia (BCA):
  - (i) The subject sole-occupancy units must be separated from adjoining sole occupancy units and internal common areas by building elements that comply with the fire resistance performance requirements set out in CP2 and CP8 of Volume 1 of the Building Code of Australia;
  - (ii) Smoke hazard management - Part E2;
  - (iii) Sanitary and other facilities - Part F2;
  - (iv) Room heights - Part F3; and
  - (v) Light and ventilation - Part F4.
- (b) If compliance with the deemed-to-satisfy provisions of the BCA and the matters listed in condition (a) above cannot be achieved, an alternative building solution in accordance with Part A2 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia.
- (c) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 4.55 of the Act to be lodged with Council to amend this consent.
- (d) Prior to the commencement of any required upgrade works, a Construction Certificate must be issued by an accredited Certifying Authority and an accredited PCA be appointed. The required upgrading works detailed in this condition must be completed prior to the issue of an Occupation Certificate.

## TRAFFIC MANAGEMENT

## **17. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)**

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

[https://www.waverley.nsw.gov.au/building/development\\_applications/post\\_determination/development\\_applications\\_-\\_conditions\\_of\\_consent](https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent)

## **STORMWATER & FLOODING**

### **18. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT**

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

The submitted stormwater management plan prepared by Isa Designs, Project No. DA\_221203, Drawing No. DA\_012, dated 23/06/2023 is considered concept only.

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

- (a) The stormwater management plan must specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.
- (b) Detail the location of the existing stormwater drainage system including all pipes, inspection openings, surface drains, pits and their discharge location as well as any new stormwater drainage system.
- (d) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.

#### Notes:

- (i) The checklist as set out on pages 68-76 on Council's Water Management Technical Manual (October 2021) available online shall be completed and submitted with any revision of Construction Certificate Plan Submission.
- (ii) Since a sewer main run through the property, plans must also be presented to Sydney Water for their approval.
- (iii) The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- (iv) Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated.

- (v) Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- (vi) Council's contact for infrastructure assessment: E-mail: [assets@waverley.nsw.gov.au](mailto:assets@waverley.nsw.gov.au) or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.

## ENERGY EFFICIENCY & SUSTAINABILITY

### **19. BASIX**

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

## WASTE

### **20. SITE WASTE AND RECYCLING MANAGEMENT PLAN**

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

## C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

### PRIOR TO ANY WORKS

#### **21. CONSTRUCTION SIGNS**

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

### DEMOLITION

#### **22. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS**

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

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

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

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

#### **23. CONTROL OF DUST ON CONSTRUCTION SITES**

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

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

#### **24. CLASSIFICATION OF WASTE**

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.

### CONSTRUCTION MATTERS

#### **25. CONSTRUCTION HOURS**

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

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

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

#### **26. STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS**

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

#### **27. CONSTRUCTION INSPECTIONS**

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the *Building Legislation Amendment (Quality of Construction) Act 2002*, clause 162A of the *Environmental Planning and Assessment Regulation 2021* and the requirements of any other applicable legislation or instruments.

#### **28. CERTIFICATE OF SURVEY – LEVELS**

All construction works are to be in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels



is to be submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building.

### **29. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING**

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

### **30. WORK OUTSIDE PROPERTY BOUNDARY**

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

## **TREE PROTECTION AND REMOVAL**

### **31. TREE PROTECTION**

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

### **32. STREET TREES TO BE RETAINED/TREE PROTECTION**

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

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

### **33. TRUNK PROTECTION**

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

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

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

- (a) Trunk protection to be removed at the issue of the Occupation Certificate subject to the satisfaction of Council.
- (b) TPZ – A 1.8m chain link wire fence or the like shall be erected around the above trees to be retained to protect them from damage during construction. Fencing is not to be removed until all building work has been completed. Fencing to be installed to the dimensions outlined in the table above.
- (c) If any trees on neighbouring properties require pruning, then permission must be gained from the owner of the tree(s) and an Application to Prune or Remove Trees on Private Property is then to be presented to Council for processing.
- (d) If any trees on Council owned land require pruning, the applicant is to supply an tree pruning report from an Arborist with AQF level 5 qualification or above with photos showing the branches that need to be removed.
- (e) If approval is granted the applicant may prune the tree at their expense, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

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

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

### **CERTIFICATES, LICENCES, EASEMENTS AND RESTRICTIONS**

#### **34. FINAL OCCUPATION CERTIFICATE**

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

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

#### **35. CERTIFICATION OF BASIX COMMITMENTS**

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

#### **36. CERTIFICATION OF APPROVED DESIGN**

In accordance with the *Environmental Planning and Assessment Regulation 2021*, the Principal Certifying Authority must not issue an occupation certificate, to authorise a person to commence occupation or use of the development unless it has received a design verification statement from an architect who is registered in accordance with the Architects Act 2003 (i.e. qualified designer) that verifies that the building achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles.

#### **37. CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE SYSTEM**

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

## ADVISORY MATTERS

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

### **AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT**

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

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

### **AD2. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)**

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

### **AD3. TREE REMOVAL/PRESERVATION**

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

### **AD4. DIAL BEFORE YOU DIG**

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

# THE JOLON RESIDENCE

## Alterations & Additions - Scope Of Works

SP. 71516 Lot 15

Unit 15 / 7 Francis Street, Bondi Beach NSW 2026



### DRAWING LIST :

- DA\_000 **Cover Page**
- DA\_001 **Legend, General Notes & Regulatory Provisions**
- DA\_002 **Location & Context Details**
- DA\_003 **Survey Plan**
- DA\_004 **Site Analysis Plan**
- DA\_005 **Existing Lower Ground Floor Plan**
- DA\_006 **Existing Ground Floor Plan**
- DA\_007 **Existing First Floor Plan**
- DA\_008 **Existing & Demolition Second Floor Plan**
- DA\_009 **Existing & Demolition Roof Plan**
- DA\_010 **Proposed Second Floor Plan**
- DA\_001 **Proposed Attic Floor Plan**
- DA\_012 **Proposed Roof & Stormwater Management Plan**
- DA\_013 **Proposed Front (SW) Elevation**
- DA\_014 **Existing Rear (NE) Elevation**
- DA\_015 **Proposed Side (NW) Elevation**
- DA\_016 **Proposed Side (SE) Elevation**
- DA\_017 **Proposed Section AA**
- DA\_018 **Construction Waste & Site Management Plan**  
**Erosion, Sediment Control Plan**
- DA\_019 **Shadow Diagrams June 21 - 9am, 12pm & 3pm**
- DA\_020 **Proposed Attic Floor Reflected Ceiling Plan**
- DA\_021 **View Loss Study**
- DA\_022 **GFA Calculations**
- DA\_023 **Notification Plan**



RECEIVED  
Waverley Council

Application No: DA-161/2023

Date Received: 24/08/2023

<b>isa DESiGNS</b> Alon Musael  Postal Address: PO Box 403, Rose Bay NSW 2029 Mobile: +61 451 867 426 Email: alon@isadesigns.com.au		This drawing and design is subject to copyright and may not be reproduced without prior written consent. Detail drawings are to be taken in preference to more general drawings. All dimensions to be verified on site prior to commencement of any work. All discrepancies shall be reported to isa designs or builder immediately.	<b>PROJECT:</b>	<b>CLIENT:</b>	<b>Drawing Name:</b>		<b>Date:</b> 03.12.2022	<b>Revision Description:</b>
			Alterations & Additions	Jolon Cooke	Cover Page		<b>Sent:</b> 15.03.2023	
FOR CONSTRUCTION			SP. 71516 Lot 15	50 Pauling Avenue, Coogee NSW 2034	Project No: DA_221203	Scale:	Issue: 5	Client Review
			15 / 7 Francis Street, Bondi Beach NSW 2026		Drawing No: DA_000	Drawn: AM		Revision: D

# AMENDED PLANS




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Waverley Council

Application No: DA-161/2023

Date Received: 24/08/2023

## LEGEND :

<b>BAL</b>	Balustrade to BCA requirements
<b>CBD</b>	Cupboard
<b>CF</b>	Concrete floor, to be polished and sealed
<b>CP</b>	Concrete pavers
<b>CT</b>	Ceramic tiles
<b>FCC</b>	Fibre cement cladding, matt paint finish
<b>FD</b>	Fire door
<b>G</b>	Gutter
<b>HR</b>	Handrail to BCA requirements
<b>J</b>	Joinery
<b>LB</b>	Letter box
<b>MSC</b>	Metal sheet cladding
<b>MSR</b>	Metal sheet roof
<b>OG</b>	Obscure glazing
<b>P</b>	Parapet
<b>RB</b>	Rendered brickwork
<b>RWT</b>	Rainwater tank, to Hydraulic engineer details
<b>SA</b>	Smoke alarm to BCA requirements
<b>TC</b>	Timber cladding
<b>TF</b>	Timber flooring
<b>TG</b>	Timber gate
<b>TW</b>	New window/door system, finish TBA
<b>NB</b>	R3 Insulation to ceiling Foil Insulation to underside of roof R1 Insulation to exterior walls

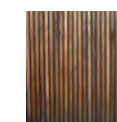
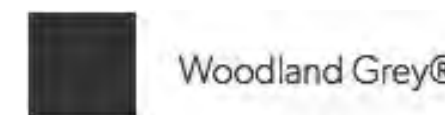
	Existing wall to be demolished
	Existing wall to be retained
	New wall

## GENERAL NOTES:

- All demolition works are to be carried out in accordance with AS2601-2001 - Demolition of Structures.
- No demolition / Building works are to be carried out in accordance with AS2601-2001 - Demolition of Structures.
- Existing common wall to be weatherproofed.
- All separating walls to achieve a minimum FRL of 60/60/60 and to extend to the underside of the proposed roof covering in accordance with BCA standards.
- All smoke alarms are to be installed in nominated locations in accordance with Clause 3.7.2.3 of the BCA and AS3786-2014.
- All bedroom windows to the first floor level will be capable of being restricted to a 125mm opening.
- External stairs to achieve a slip resistance classification of not less than P4 in accordance with AS 4586-2013.
- All balustrades to have a minimum height not less than 1m and to comply with the relevant provisions of AS/NZS 1170.1-2002 and AS 1288-2006.
- A handrail must be installed to at least one side of the new staircase, extending for the full flight of the stairs.
- All floor wastes being provided to be with drainage flanges in accordance with AS 3740-2010 to all wet areas.
- All doorways located within 1.2 metres of the toilet to be either outward swinging, sliding doors, or that the doors will consist of removable hinges.
- The design alignment levels at the property boundary for driveways, access ramps and pathways (or the like) are to match the back of the existing Council footpath levels along the full site frontage.
- All BASIX commitments to be achieved as referenced on the BASIX Certificate.

## SCHEDULE OF FINISHES :

- |           |   |
|-----------|---|
| <b>TC</b> | Timber cladding - To be constructed from selected hardwood and clear sealed.  |
| <b>TR</b> | Tiled roof (New) to match the existing tiled roof finish of the main building.  |
| <b>TW</b> | New window/door system, to be aluminium framed powdercoat finish to suit all BASIX Certificate provisions.<br>Selected colour finish - Woodland Grey. |



Woodland Grey®

Selected Hardwood - Tallwood

## BASIX COMMITMENTS:

### Fixtures & Systems:

- A minimum of 40% of new or altered light fixtures will be fitted with fluorescent, compact fluorescent, or light-emitting diode (LED) lamps.

### Insulation requirements:

- Suspended floor with enclosed subfloor framed: (R0.7) - R0.6 (down) (or R1.30 including construction).
- External wall: framed (weatherboard, fibre, metal clad) - internal to achieve R1.30 (or R1.70 including construction)
- Raked Ceiling, pitched / skillion roof: framed - Ceiling R1.76 (up), Roof: foil / sarking. Light (solar absorptance <0.475)

**isa DESIGNS**

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**FOR CONSTRUCTION**

**PROJECT:**  
**Alterations & Additions**

**SP. 71516 Lot 15**

15 / 7 Francis Street  
Bondi Beach NSW 2026

**CLIENT:**  
**Jolon Cooke**

50 Pauling Avenue  
Coogee NSW 2034

**Drawing Name:**

Legend, General Notes & Regulatory Provisions

**Project No:** DA\_221203

**Scale:**

**Drawing No:** DA\_001

**Drawn:** AM

**Date:** 03.12.2022

**Sent:** 15.03.2023

**Issue:** 5

**Revision:** D

**Revision Description:**

Preliminaries & Schematic Design

Client Review

Pre DA Meeting - Council Review

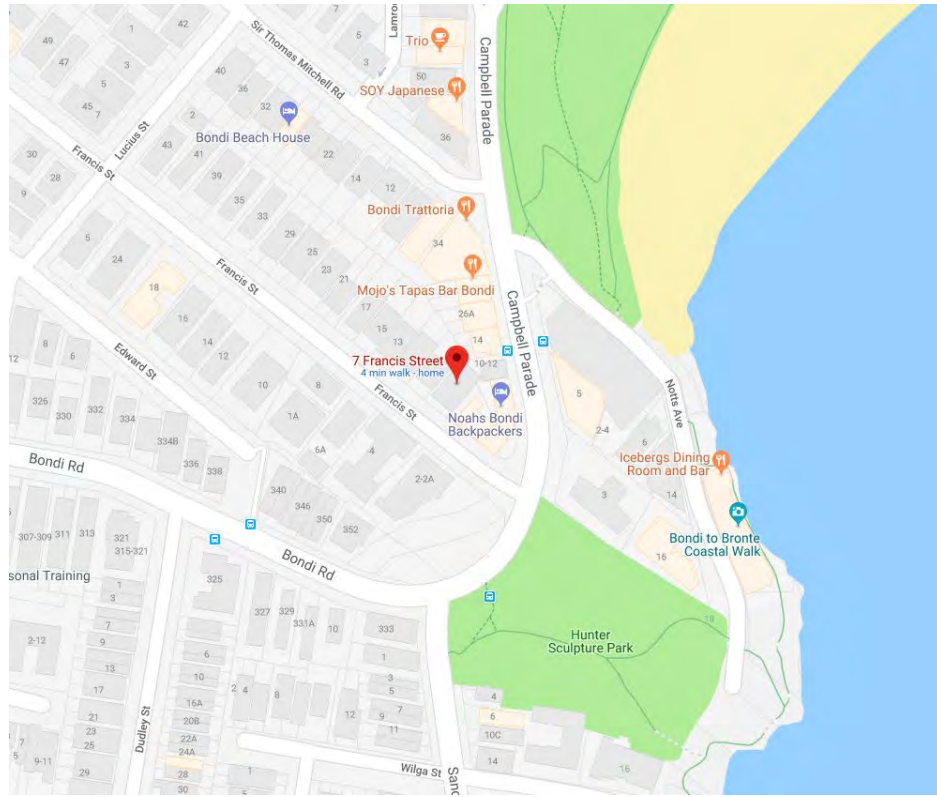
DA Submission - Council Review

# AMENDED PLANS

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Waverley Council

Application No: DA-161/2023

Date Received: 24/08/2023



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Alon Musael



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**FOR CONSTRUCTION**

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**PROJECT:**  
**Alterations & Additions**  
**SP. 71516 Lot 15**

15 / 7 Francis Street  
Bondi Beach NSW 2026

**CLIENT:**  
**Jolon Cooke**

50 Pauling Avenue  
Coogee NSW 2034

**Drawing Name:**  
Location & Context Details

**Project No:** DA\_221203

**Drawing No:** DA\_002

**Scale:**

**Drawn:** AM

**Date:** 03.12.2022

**Sent:** 15.03.2023

**Issue:** 5

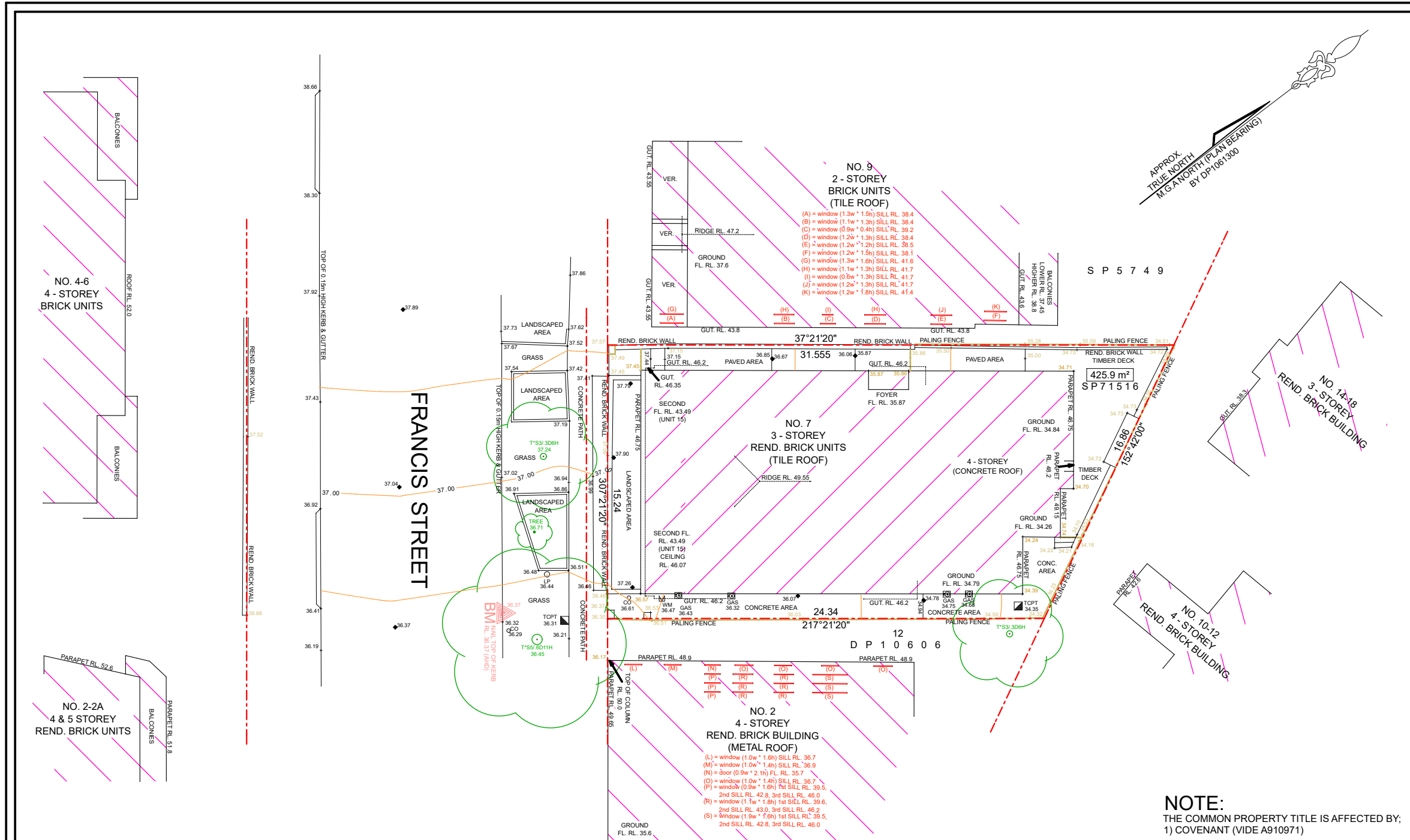
**Revision:** D

**Revision Description:**  
Preliminaries & Schematic Design  
Client Review  
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DA Submission - Council Review



# AMENDED PLANS

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Application No: DA-161/2023  
Date Received: 24/08/2023



	<b>S.J SURVEYING SERVICES PTY LTD</b> LAND & ENGINEERING SURVEYORS ABN 76 600 839 978 P.O. BOX 139 MORTDALE, NSW 2223 Mob: 0408 671 199 FAX: (02) 9570 1390 EMAIL: sash@sjsurveying.com www.sjsurveying.com	<b>TITLE</b> DETAIL AND LEVEL SURVEY NO. 15/7 FRANCIS STREET, BONDI BEACH SP 71516	<b>PLAN DETAILS</b> JOB No.: 363223 FILE No.: 363223 SCALE: 1: 100 (A1)	<b>NOTE:</b> (1) NO BOUNDARIES HAVE BEEN MARKED OR SURVEYED (TILE DIMENSIONS SHOWN). (2) LOT BEARINGS, DIMENSIONS AND AREA HAVE BEEN COMPILED FROM DP1061300 & SP71516 AND ARE SUBJECT TO FINAL SURVEY. (3) ALL DETAIL AND FEATURES SHOWN HEREON HAVE BEEN PLOTTED IN RELATION TO THE OCCUPATIONS (FENCES AND/OR WALLS ETC), THESE OCCUPATIONS HAVE NOT YET BEEN ACCURATELY LOCATED IN RELATION TO THE BOUNDARIES. (4) SHOULD ANY FEATURES OR STRUCTURES BE CRITICAL TO THE DESIGN OF FUTURE DEVELOPMENT THAT FEATURE SHOULD BE ACCURATELY LOCATED, WHERE OFFSETS TO BOUNDARIES ARE CRITICAL FURTHER SURVEY IS REQUIRED. (5) SERVICES THAT ARE NOT SHOWN ON THE PLAN WERE NOT VISIBLE AT THE TIME OF THE SURVEY, NO INVESTIGATION OF UNDERGROUND SERVICES, HAS BEEN MADE. ALL RELEVANT AUTHORITIES SHOULD BE NOTIFIED PRIOR TO ANY EXCAVATION ON OR NEAR THE SITE. (DIAL 1100 BEFORE YOU DIG). (6) SPOT LEVELS SHOULD BE USED FOR CALCULATION OF QUANTITIES WITH CAUTION. (7) CONTOURS ARE INDICATIVE ONLY. ADOPT SPOT LEVELS IN PREFERENCE TO CONTOURS. (8) SIGNIFICANT TREES SHOWN "APPROXIMATELY" ONLY. "TSX" XDOH (S-RADIAL TREE SPREAD) (D)=TRUNK DIAMETER (H)=HEIGHT (9) ADJOINING PROPERTIES AND WINDOWS LOCATIONS APPROXIMATE ONLY. (10) SHOULD THERE BE ANY DISCREPANCIES ON THE SURVEY PLAN PLEASE CONTACT S.J SURVEYING SERVICES PTY LTD IMMEDIATELY BEFORE WORK COMMENCES.	<b>LEGEND</b> <table border="1" style="width: 100%; border-collapse: collapse; font-size: 8px;"> <tr><td>WM</td><td>WATER METRE</td><td>SV</td><td>STOP VALVE</td></tr> <tr><td>SIP</td><td>SURFACE INLET PIT</td><td>AV</td><td>AIR VENT</td></tr> <tr><td>TCPT</td><td>TELSTRA PIT</td><td>FL</td><td>FLOOR LEVEL</td></tr> <tr><td>SMH</td><td>SEWER MAN HOLE</td><td>BM</td><td>BENCH MARK</td></tr> <tr><td>SWMH</td><td>STORM WATER MH</td><td>MH</td><td>MAN HOLE</td></tr> <tr><td>BT</td><td>BOUNDARY TRAP</td><td>GAS</td><td>GAS METER</td></tr> <tr><td>EP</td><td>ELECTRIC POLE</td><td>PIT</td><td>UNKNOWN PIT</td></tr> <tr><td>S</td><td>RADIAL TREE SPREAD</td><td>HY</td><td>HYDRANT</td></tr> <tr><td>TL</td><td>TRAFFIC LIGHT</td><td>TAP</td><td>WATER TAP</td></tr> <tr><td>DMR</td><td>RTA UTILITY</td><td>CO</td><td>CLEAR OUT</td></tr> <tr><td>EBOX</td><td>ELECTRICITY BOX</td><td></td><td></td></tr> </table>	WM	WATER METRE	SV	STOP VALVE	SIP	SURFACE INLET PIT	AV	AIR VENT	TCPT	TELSTRA PIT	FL	FLOOR LEVEL	SMH	SEWER MAN HOLE	BM	BENCH MARK	SWMH	STORM WATER MH	MH	MAN HOLE	BT	BOUNDARY TRAP	GAS	GAS METER	EP	ELECTRIC POLE	PIT	UNKNOWN PIT	S	RADIAL TREE SPREAD	HY	HYDRANT	TL	TRAFFIC LIGHT	TAP	WATER TAP	DMR	RTA UTILITY	CO	CLEAR OUT	EBOX	ELECTRICITY BOX		
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EBOX	ELECTRICITY BOX																																																
SURVEYED BY: S.H, J.W & J.S      DRAWN BY: J.D HEIGHT DATUM: SSM 99937 RL. 38.964 (AHD) CLASS LC	<b>CLIENT</b> JOLON COOKE	<b>PLAN DATE:</b> 06/02/23 <b>DATE OF SURVEY:</b> 27/01/23 <b>CONTOUR INTERVAL:</b> 0.5m																																															

**isa DESIGNS**

Alon Musael

Postal Address: PO Box 403, Rose Bay NSW 2029  
 Mobile: +61 451 867 426  
 Email: alon@isadesigns.com.au

FOR CONSTRUCTION

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**PROJECT:**  
 Alterations & Additions  
 SP. 71516 Lot 15

**CLIENT:**  
 Jolon Cooke

15 / 7 Francis Street  
 Bondi Beach NSW 2026

50 Pauling Avenue  
 Coogee NSW 2034

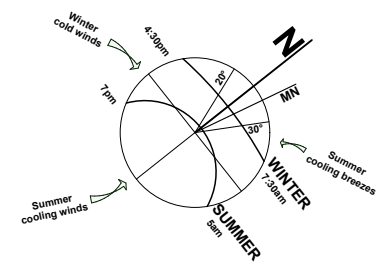
**Drawing Name:**  
 Survey Plan

**Project No:** DA\_221203      **Scale:** 1 : 250 @ A3

**Drawing No:** DA\_003      **Drawn:** AM

<b>Date:</b> 03.12.2022	<b>Revision Description:</b>
<b>Sent:</b> 15.03.2023	
<b>Issue:</b> 5	
<b>Revision:</b> D	

# AMENDED PLANS



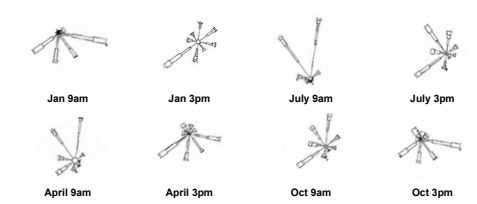
## FLOOR SPACE CALCULATIONS :

### Existing - 15/7 Francis Street, Bondi Beach

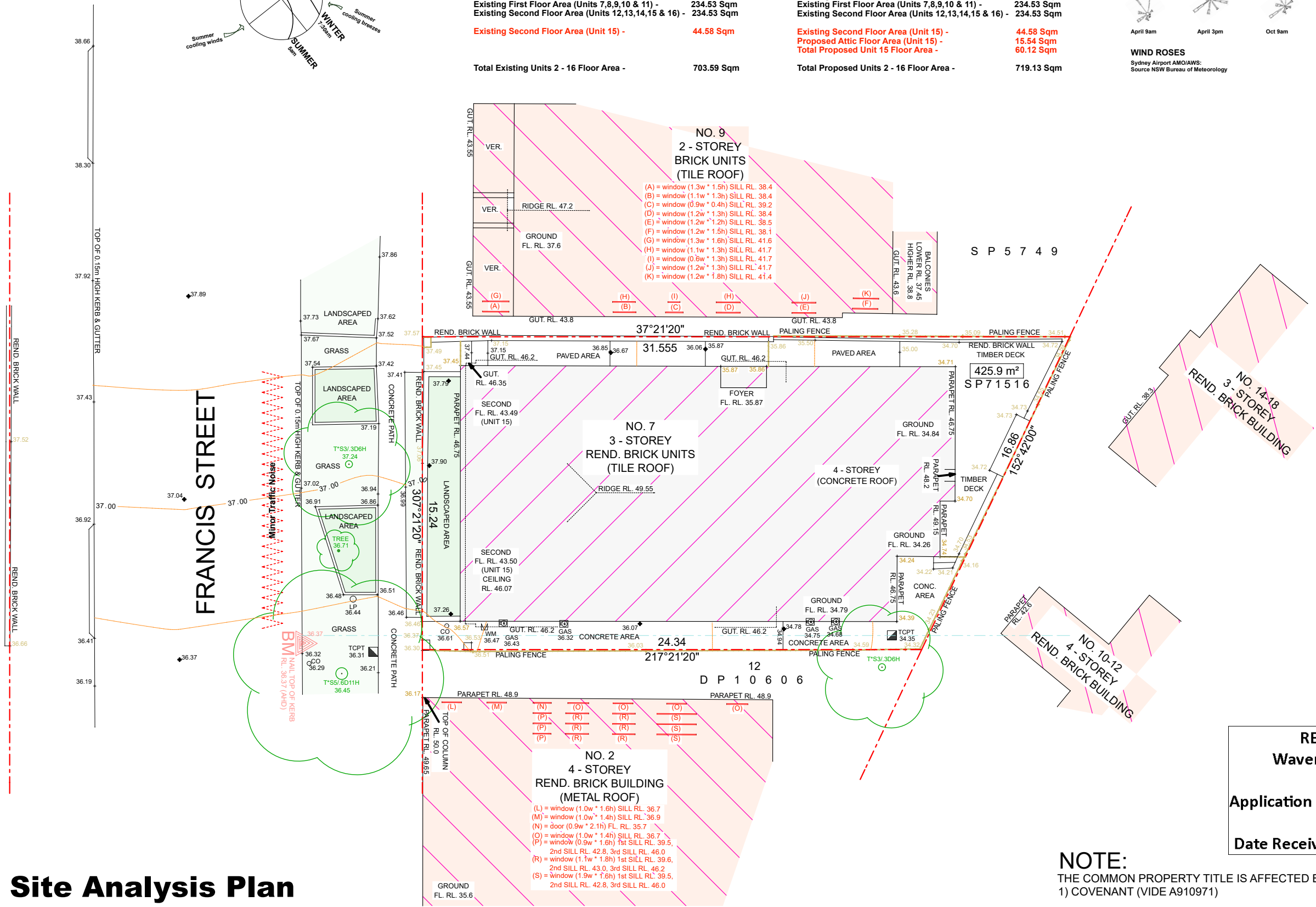
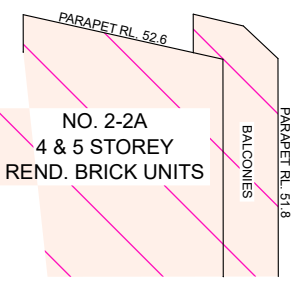
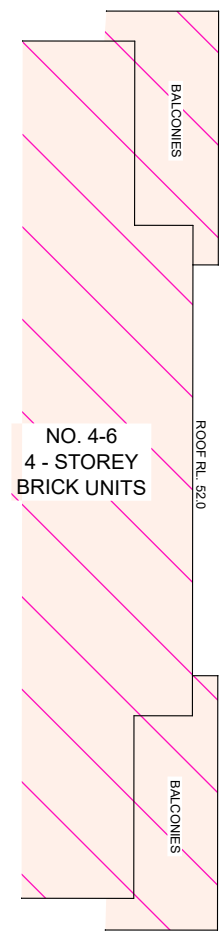
Site Area -	425.92 Sqm
Permissible FSR -	0.90 : 1
Existing FSR -	1.652 : 1
Existing LG Floor Area (Not Included) -	100.96 Sqm
Existing Ground Floor Area (Units 2,3,4,5 & 6) -	234.53 Sqm
Existing First Floor Area (Units 7,8,9,10 & 11) -	234.53 Sqm
Existing Second Floor Area (Units 12,13,14,15 & 16) -	234.53 Sqm
Existing Second Floor Area (Unit 15) -	44.58 Sqm
Total Existing Units 2 - 16 Floor Area -	703.59 Sqm

### Proposed - 15/7 Francis Street, Bondi Beach

Site Area -	425.92 Sqm
Permissible FSR -	0.90 : 1
Existing FSR -	1.652 : 1
Proposed FSR -	1.688 : 1
Existing LG Floor Area (Not Included) -	100.96 Sqm
Existing Ground Floor Area (Units 2,3,4,5 & 6) -	234.53 Sqm
Existing First Floor Area (Units 7,8,9,10 & 11) -	234.53 Sqm
Existing Second Floor Area (Units 12,13,14,15 & 16) -	234.53 Sqm
Existing Second Floor Area (Unit 15) -	44.58 Sqm
Proposed Attic Floor Area (Unit 15) -	15.54 Sqm
Total Proposed Unit 15 Floor Area -	60.12 Sqm
Total Proposed Units 2 - 16 Floor Area -	719.13 Sqm



WIND ROSES  
Sydney Airport AMO/AWS:  
Source NSW Bureau of Meteorology



## Site Analysis Plan

RECEIVED  
Waverley Council  
Application No: DA-161/2023  
Date Received: 24/08/2023

NOTE:  
THE COMMON PROPERTY TITLE IS AFFECTED BY:  
1) COVENANT (VIDE A910971)

**isa DESIGNS**  
Alon Musael

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**FOR CONSTRUCTION**

**PROJECT:**  
Alterations & Additions  
SP. 71516 Lot 15  
15 / 7 Francis Street  
Bondi Beach NSW 2026

**CLIENT:**  
Jolon Cooke  
50 Pauling Avenue  
Coogee NSW 2034

**Drawing Name:**  
Site Analysis Plan

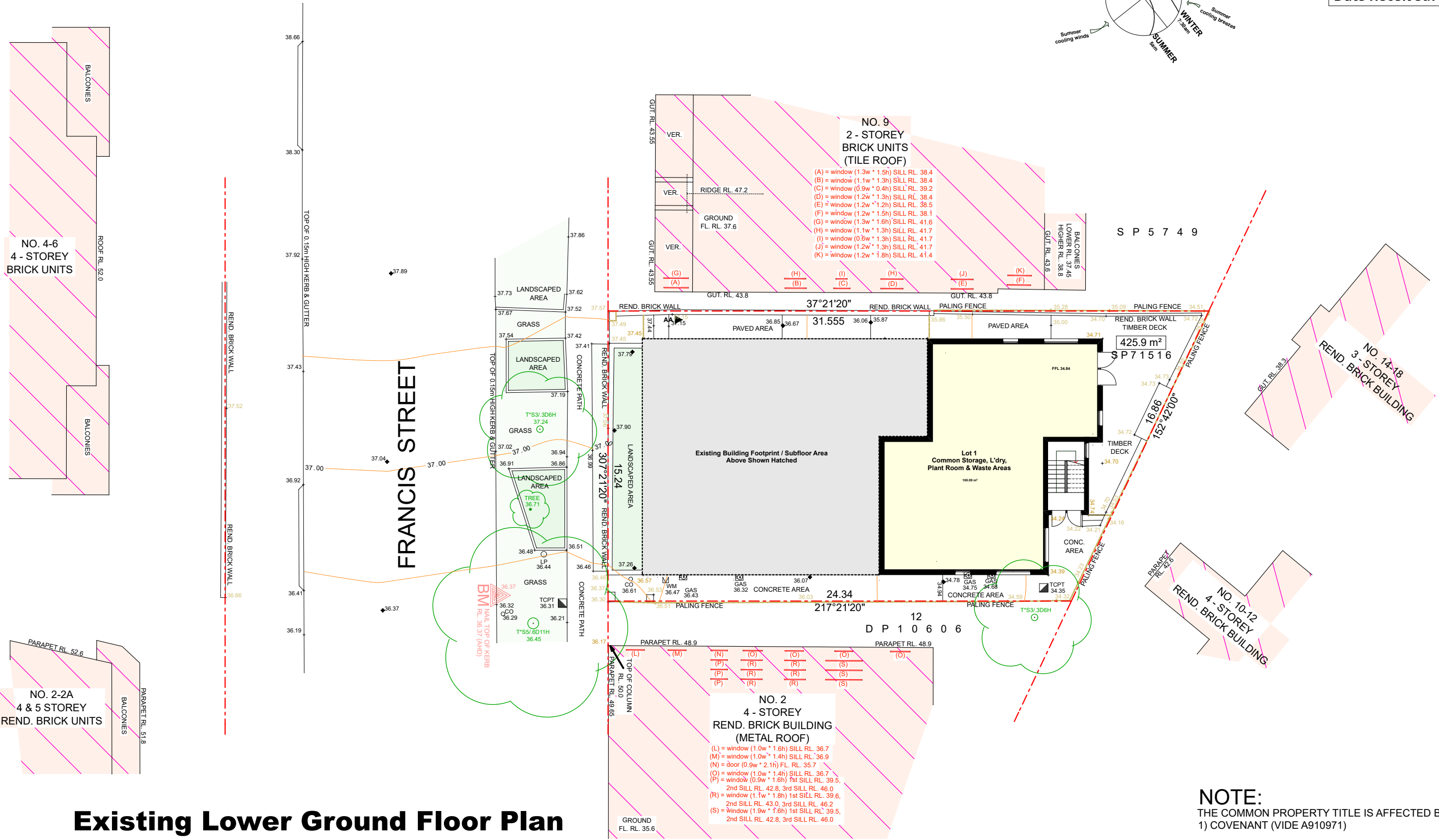
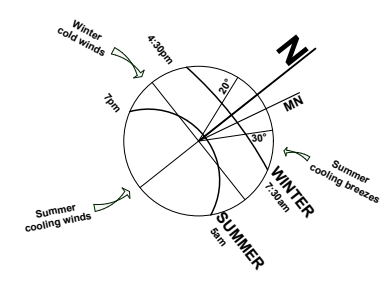
**Project No:** DA\_221203  
**Scale:** 1 : 200 @ A3

**Drawing No:** DA\_004  
**Drawn:** AM

<b>Date:</b> 03.12.2022	<b>Revision Description:</b>
<b>Sent:</b> 15.03.2023	Preliminaries & Schematic Design
<b>Issue:</b> 5	Client Review
<b>Revision:</b> D	Pre DA Meeting - Council Review
	DA Submission - Council Review

# AMENDED PLANS

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Waverley Council  
Application No: DA-161/2023  
Date Received: 24/08/2023



**Existing Lower Ground Floor Plan**

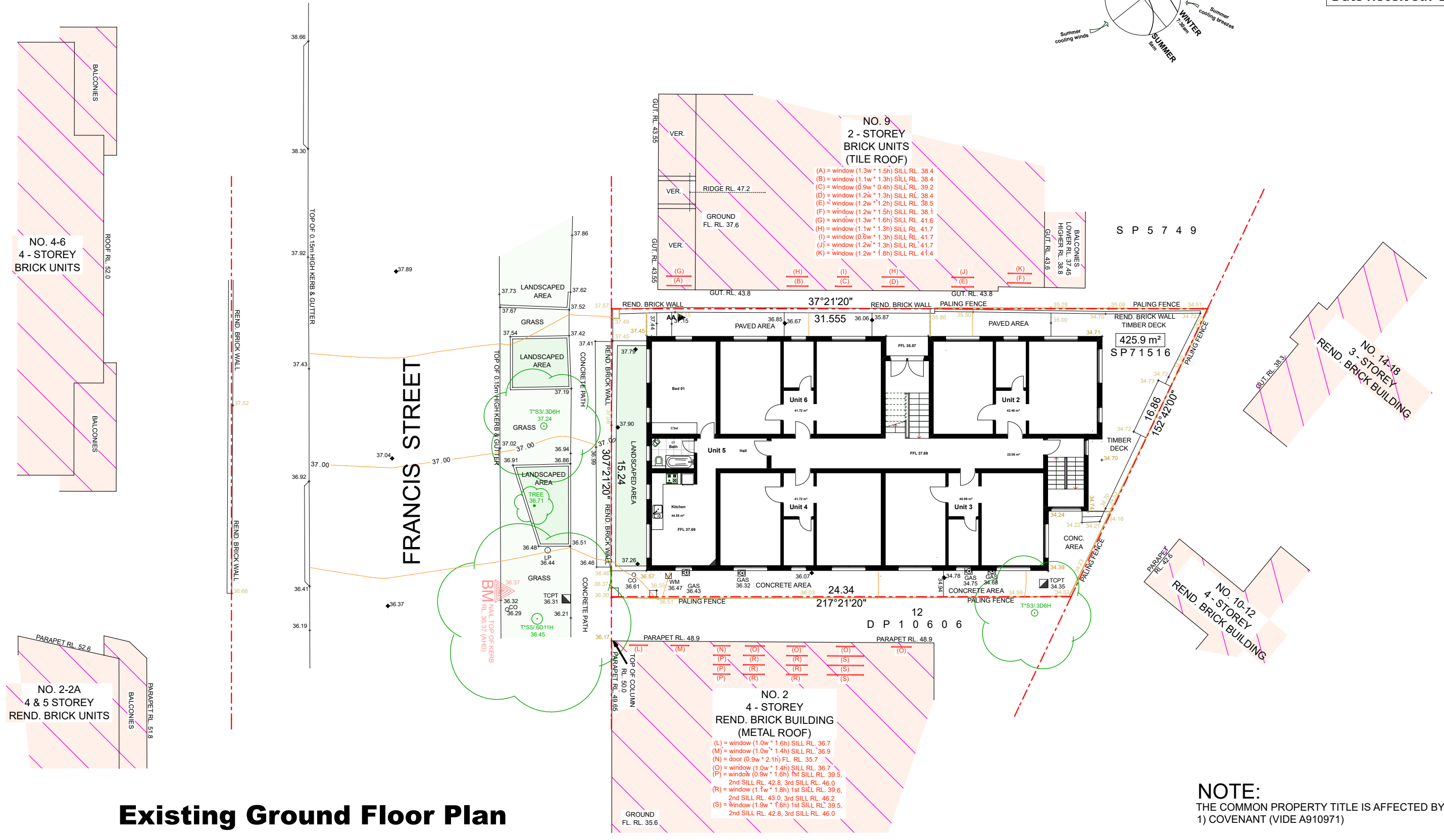
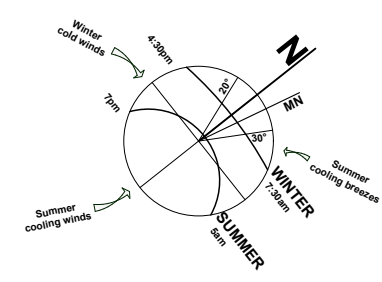
<b>isa DESIGNS</b> Alon Musael Postal Address: PO Box 403, Rose Bay NSW 2029 Mobile: +61 451 867 426 Email: alon@isadesigns.com.au	This drawing and design is subject to copyright and may not be reproduced without prior written consent. Detail drawings are to be taken in preference to more general drawings. All dimensions to be verified on site prior to commencement of any work. All discrepancies shall be reported to isa designs or builder immediately.	<b>PROJECT:</b> Alterations & Additions SP. 71516 Lot 15	<b>CLIENT:</b> Jolon Cooke 50 Pauling Avenue, Coogee NSW 2034	<b>Drawing Name:</b> Existing Lower Ground Floor Plan	<b>Date:</b> 03.12.2022 <b>Sent:</b> 15.03.2023	<b>Revision Description:</b> Preliminaries & Schematic Design Client Review Pre DA Meeting - Council Review DA Submission - Council Review
		<b>FOR CONSTRUCTION</b>	<b>PROJECT:</b> 15 / 7 Francis Street, Bondi Beach NSW 2026	<b>CLIENT:</b> 50 Pauling Avenue, Coogee NSW 2034	<b>Project No:</b> DA_221203 <b>Drawing No:</b> DA_005	<b>Scale:</b> 1 : 200 @ A3 <b>Drawn:</b> AM

# AMENDED PLANS

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Application No: DA-161/2023

Date Received: 24/08/2023



**Existing Ground Floor Plan**

**NOTE:**  
THE COMMON PROPERTY TITLE IS AFFECTED BY:  
1) COVENANT (VIDE A910971)

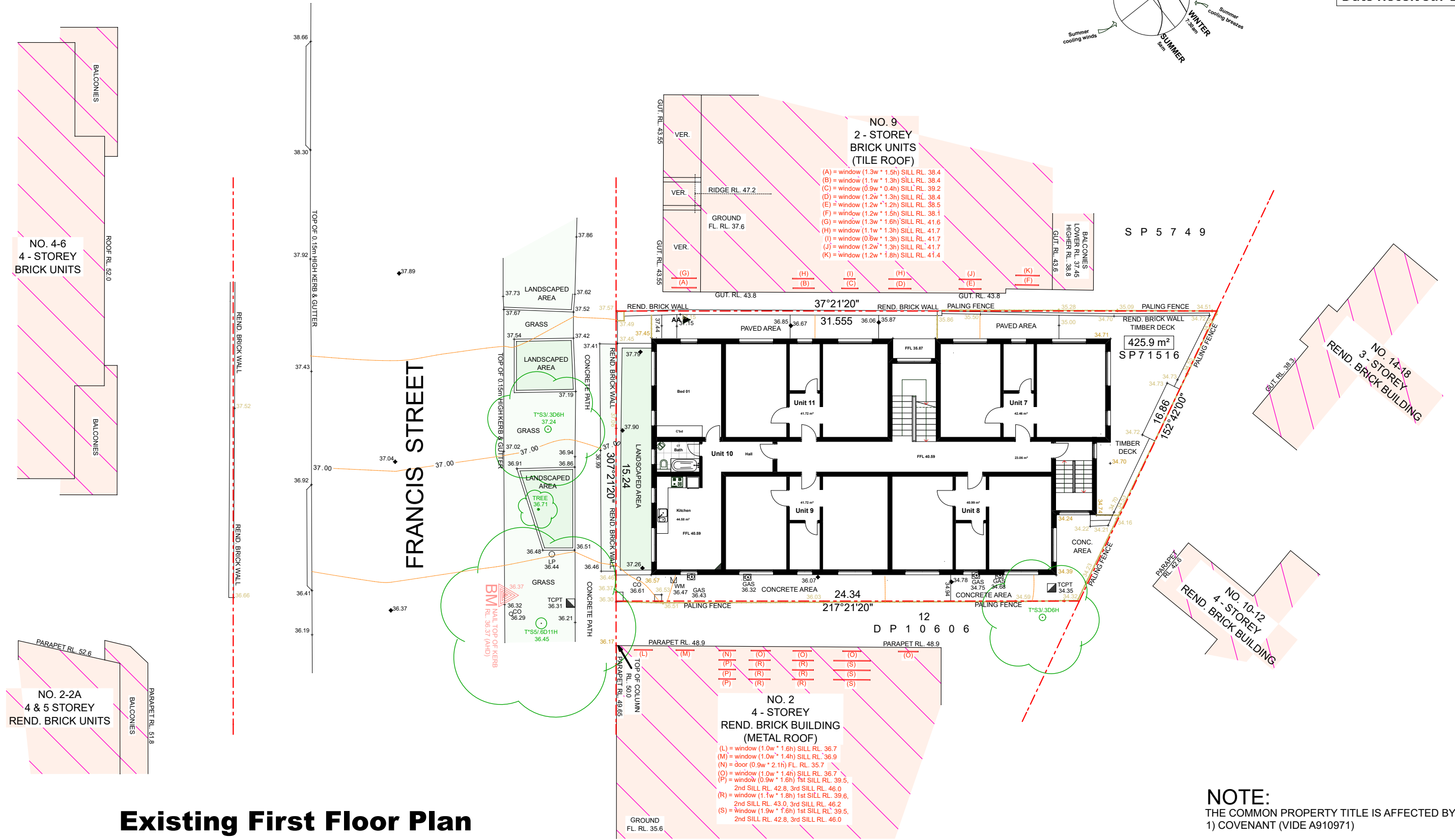
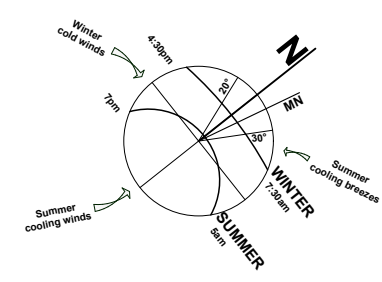
<b>isa DESIGNS</b> Alon Musael		This drawing and design is subject to copyright and may not be reproduced without prior written consent. Detail drawings are to be taken in preference to more general drawings. All dimensions to be verified on site prior to commencement of any work. All discrepancies shall be reported to isa designs or builder immediately.	<b>PROJECT:</b> Alterations & Additions SP. 71516 Lot 15	<b>CLIENT:</b> Jolon Cooke	<b>Drawing Name:</b> Existing Ground Floor Plan		<b>Date:</b> 03.12.2022	<b>Revision Description:</b> Preliminaries & Schematic Design
			<b>FOR CONSTRUCTION</b>	15 / 7 Francis Street Bondi Beach NSW 2026	50 Pauling Avenue Coogee NSW 2034	<b>Project No:</b> DA_221203 <b>Scale:</b> 1 : 200 @ A3	<b>Issue:</b> 5	<b>Sent:</b> 15.03.2023 <b>Client Review</b> Pre DA Meeting - Council Review DA Submission - Council Review
Postal Address: PO Box 403, Rose Bay NSW 2029 Mobile: +61 451 867 426 Email: alon@isadesigns.com.au			<b>SP. 71516 Lot 15</b>		<b>Drawing No:</b> DA_006 <b>Drawn:</b> AM	<b>Revision:</b> D		

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Application No: DA-161/2023

Date Received: 24/08/2023



**Existing First Floor Plan**

**isa DESIGNS**  
Alon Musael

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Email: alon@isadesigns.com.au

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**FOR CONSTRUCTION**

**PROJECT:**  
Alterations & Additions  
SP. 71516 Lot 15

15 / 7 Francis Street  
Bondi Beach NSW 2026

**CLIENT:**  
Jolon Cooke

50 Pauling Avenue  
Coogee NSW 2034

**Drawing Name:**  
Existing First Floor Plan

**Project No:** DA\_221203  
**Scale:** 1 : 200 @ A3

**Drawing No:** DA\_007  
**Drawn:** AM

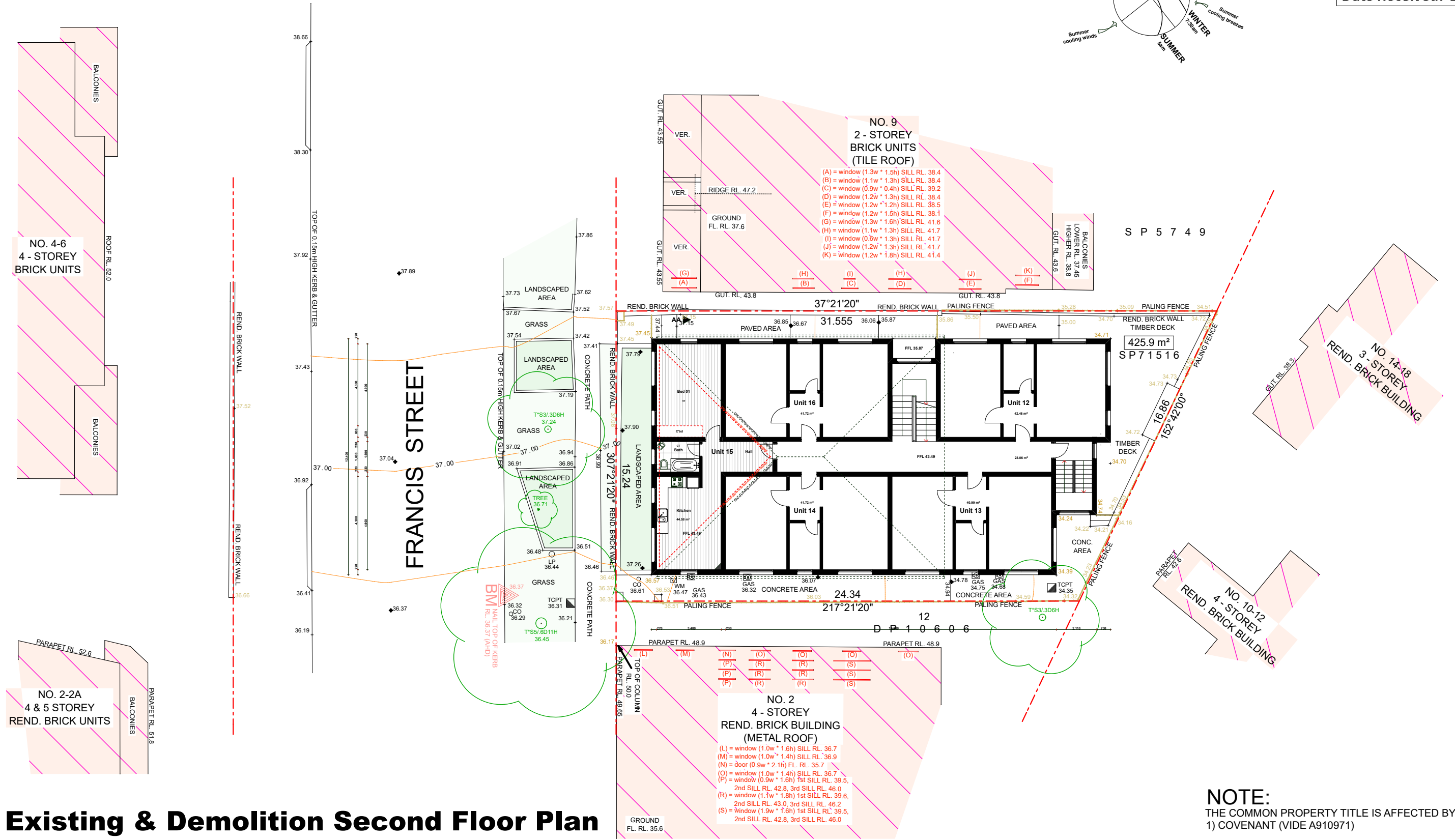
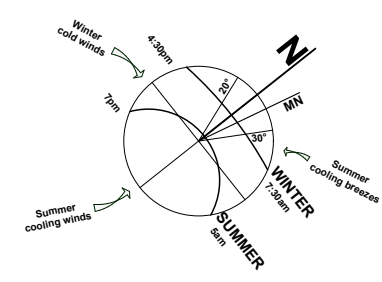
Date:	03.12.2022	Revision Description:
Sent:	15.03.2023	Preliminaries & Schematic Design
Issue:	5	Client Review
Revision:	D	Pre DA Meeting - Council Review
		DA Submission - Council Review

# AMENDED PLANS

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Application No: DA-161/2023

Date Received: 24/08/2023



## Existing & Demolition Second Floor Plan

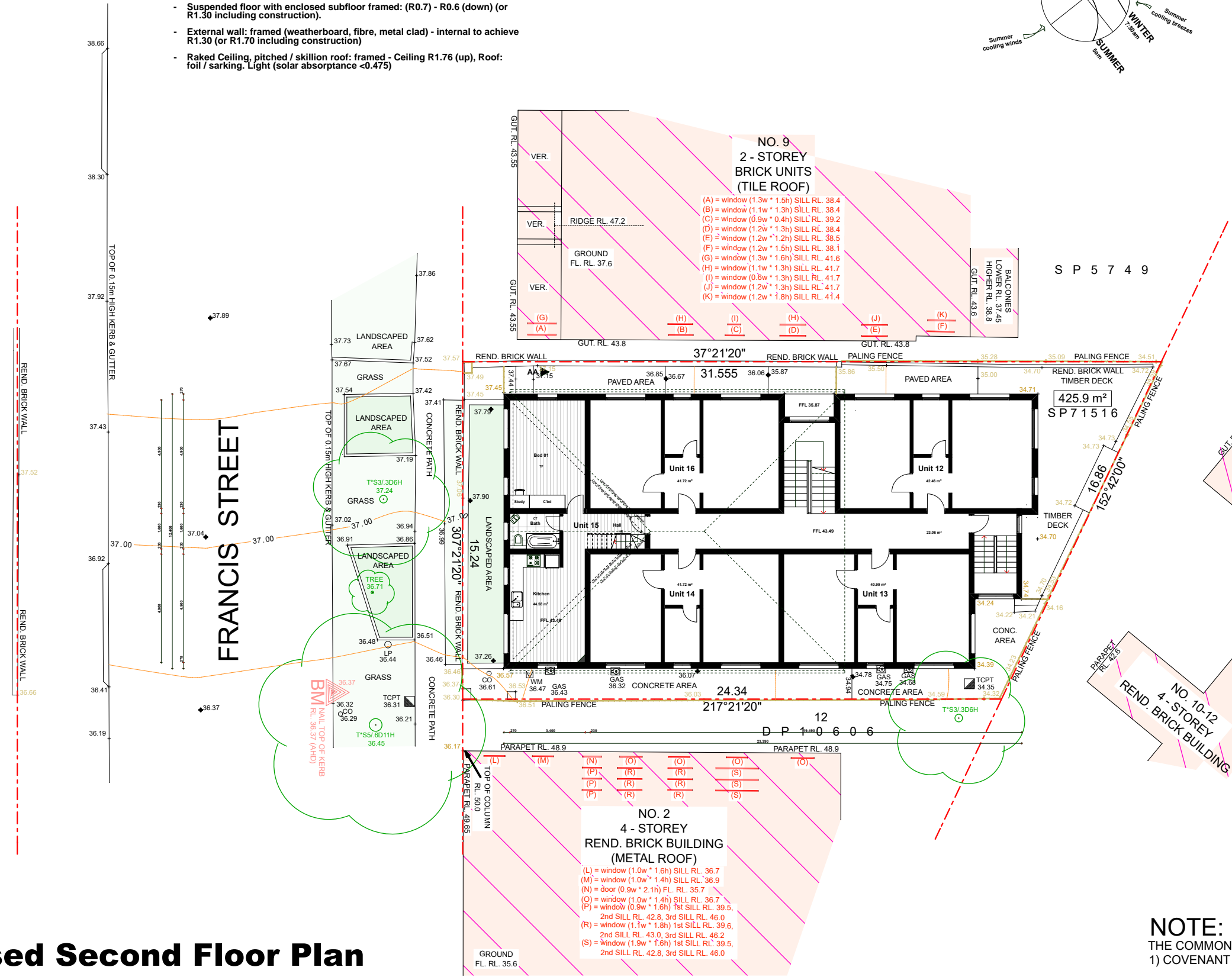
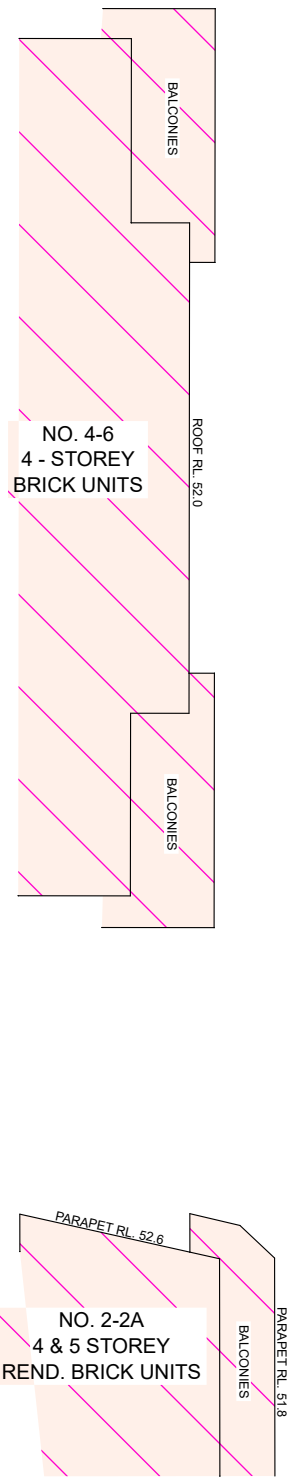
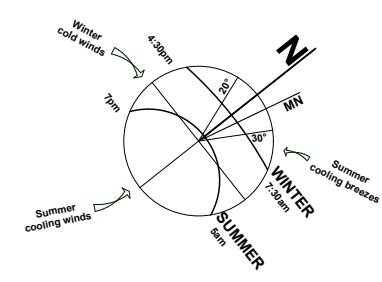
**NOTE:**  
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<p><b>isa DESIGNS</b> Alon Musael</p> <p>Postal Address: PO Box 403, Rose Bay NSW 2029 Mobile: +61 451 867 426 Email: alon@isadesigns.com.au</p>		<p>This drawing and design is subject to copyright and may not be reproduced without prior written consent. Detail drawings are to be taken in preference to more general drawings. All dimensions to be verified on site prior to commencement of any work. All discrepancies shall be reported to isa designs or builder immediately.</p> <p style="font-size: 1.2em; font-weight: bold; text-align: center;">FOR CONSTRUCTION</p>	<p><b>PROJECT:</b> Alterations &amp; Additions SP. 71516 Lot 15</p> <p>15 / 7 Francis Street Bondi Beach NSW 2026</p>	<p><b>CLIENT:</b> Jolon Cooke</p> <p>50 Pauling Avenue Coogee NSW 2034</p>	<p><b>Drawing Name:</b> Existing &amp; Demolition Second Floor Plan</p>		<p><b>Date:</b> 03.12.2022</p>	<p><b>Revision Description:</b></p> <p>Preliminaries &amp; Schematic Design Client Review Pre DA Meeting - Council Review DA Submission - Council Review</p>
					<p><b>Project No:</b> DA_221203    <b>Scale:</b> 1 : 200 @ A3</p> <p><b>Drawing No:</b> DA_008    <b>Drawn:</b> AM</p>		<p><b>Sent:</b> 15.03.2023</p> <p><b>Issue:</b> 5</p> <p><b>Revision:</b> D</p>	

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Waverley Council  
Application No: DA-161/2023  
Date Received: 24/08/2023

- BASIX COMMITMENTS:**
- Fixtures & Systems:**
- A minimum of 40% of new or altered light fixtures will be fitted with fluorescent, compact fluorescent, or light-emitting diode (LED) lamps.
- Insulation requirements:**
- Suspended floor with enclosed subfloor framed: (R0.7) - R0.6 (down) (or R1.30 including construction).
  - External wall: framed (weatherboard, fibre, metal clad) - internal to achieve R1.30 (or R1.70 including construction)
  - Raked Ceiling, pitched / skillion roof: framed - Ceiling R1.76 (up), Roof: foil / sarking. Light (solar absorbance <0.475)



**Proposed Second Floor Plan**

**isa DESIGNS**  
Alon Musael

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Mobile: +61 451 867 426  
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**FOR CONSTRUCTION**

**PROJECT:**  
Alterations & Additions  
SP. 71516 Lot 15

15 / 7 Francis Street  
Bondi Beach NSW 2026

**CLIENT:**  
Jolon Cooke

50 Pauling Avenue  
Coogee NSW 2034

**Drawing Name:**  
Proposed Second Floor Plan

**Project No:** DA\_221203  
**Scale:** 1 : 200 @ A3

**Drawing No:** DA\_010  
**Drawn:** AM

<b>Date:</b> 03.12.2022	<b>Revision Description:</b>
<b>Sent:</b> 15.03.2023	Preliminaries & Schematic Design
<b>Issue:</b> 5	Client Review
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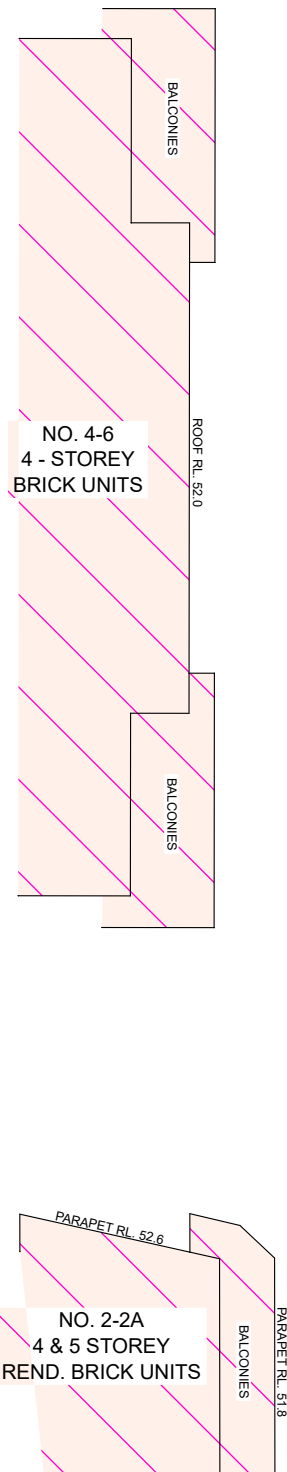
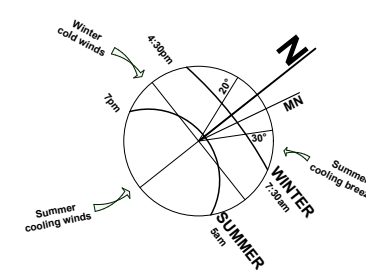
**BASIX COMMITMENTS:**

**Fixtures & Systems:**

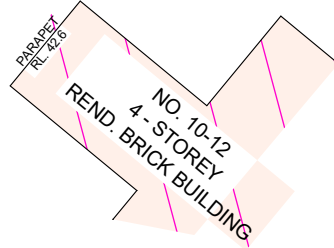
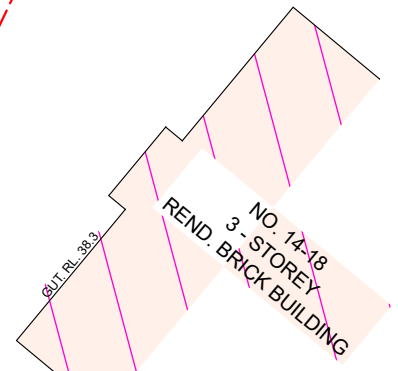
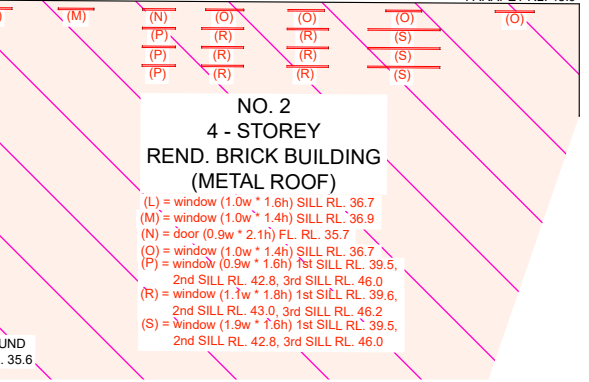
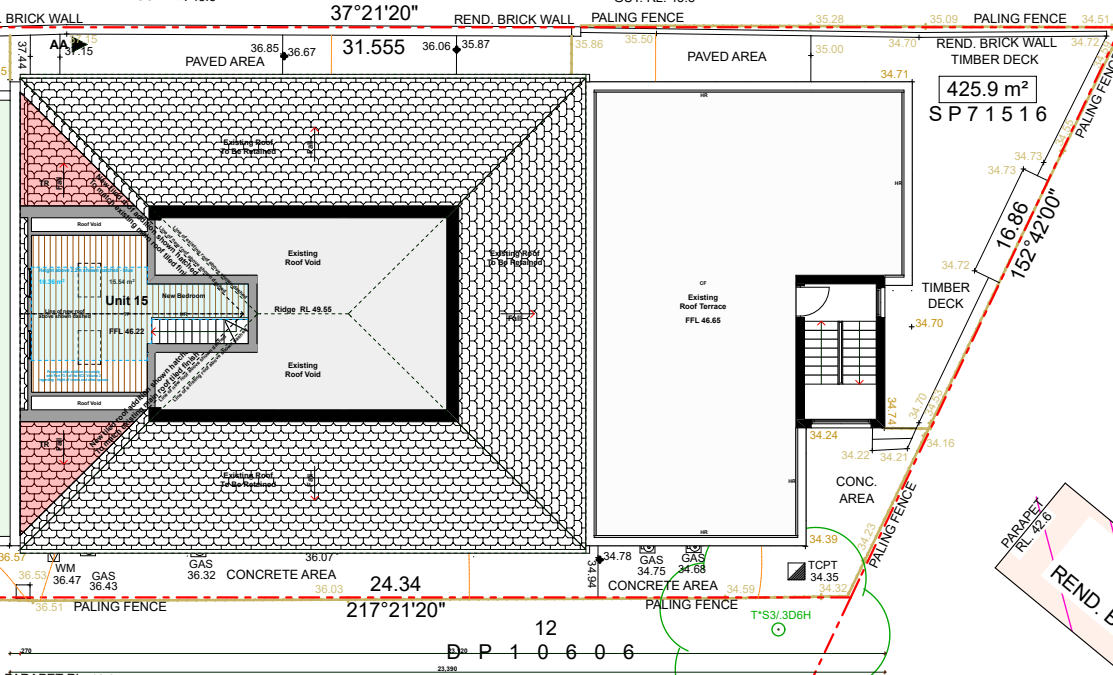
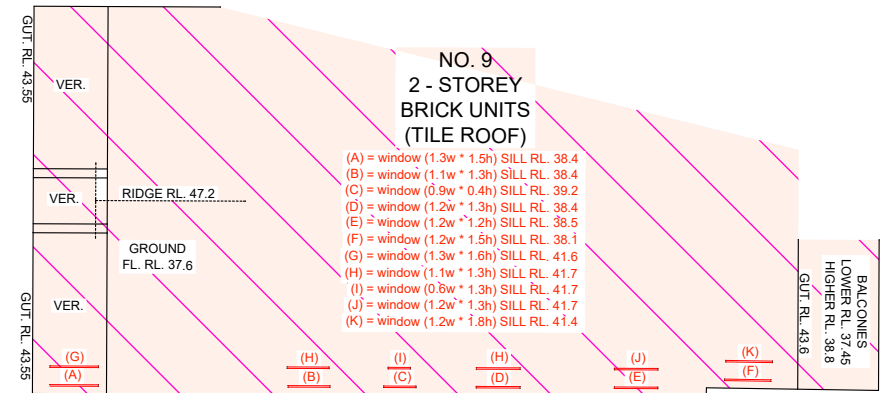
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- Raked Ceiling, pitched / skillion roof: framed - Ceiling R1.76 (up), Roof: foil / sarking. Light (solar absorbance <0.475)



FRANCIS STREET



## Proposed Attic Floor Plan

**NOTE:**  
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1) COVENANT (VIDE A910971)

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Alterations & Additions

SP. 71516 Lot 15

15 / 7 Francis Street  
Bondi Beach NSW 2026

**CLIENT:**  
Jolon Cooke

50 Pauling Avenue  
Coogee NSW 2034

**Drawing Name:**  
Proposed Attic Floor Plan

**Project No:** DA\_221203

**Drawing No:** DA\_011

**Scale:** 1 : 200 @ A3

**Drawn:** AM

**Date:** 03.12.2022  
**Sent:** 15.03.2023

**Issue:** 5

**Revision:** D

**Revision Description:**  
Preliminaries & Schematic Design  
Client Review  
Pre DA Meeting - Council Review  
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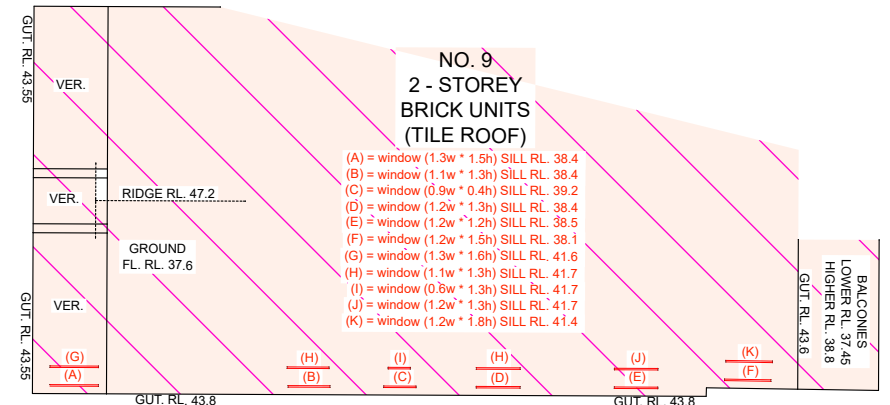
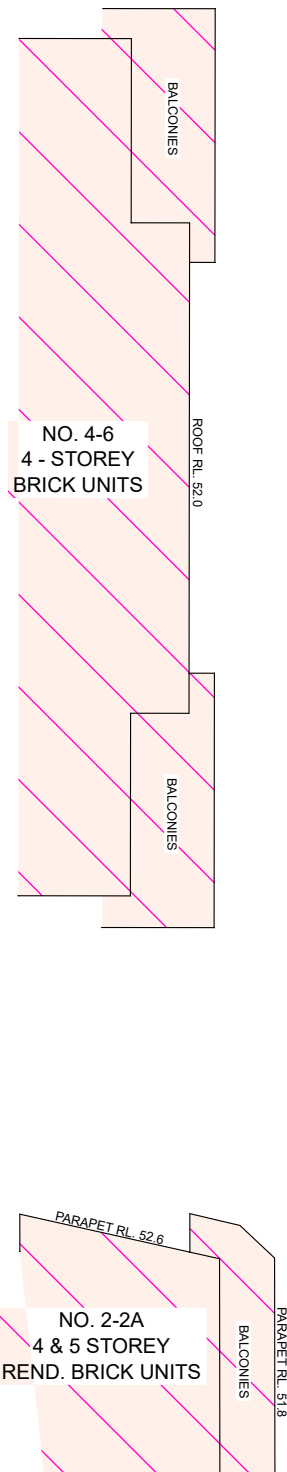
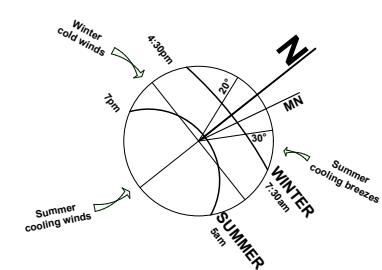
**BASIX COMMITMENTS:**

**Fixtures & Systems:**

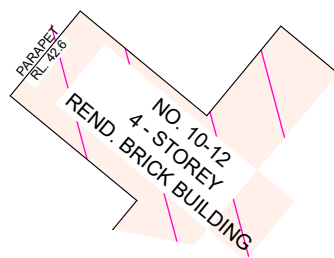
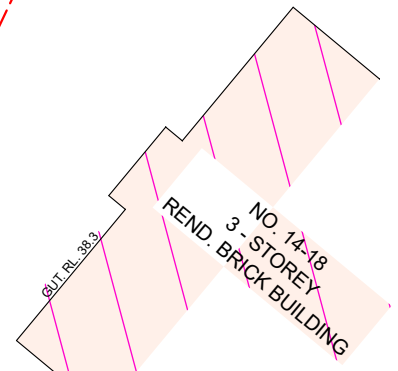
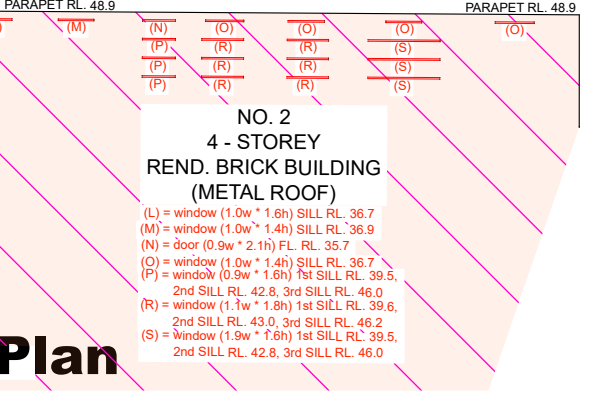
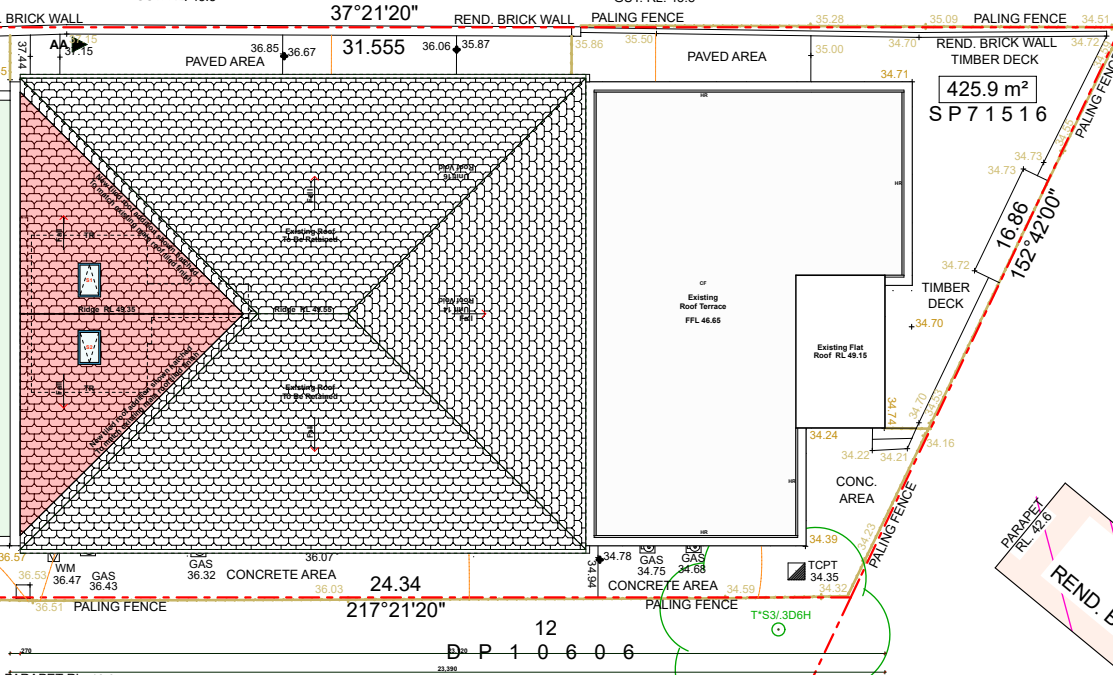
- A minimum of 40% of new or altered light fixtures will be fitted with fluorescent, compact fluorescent, or light-emitting diode (LED) lamps.

**Insulation requirements:**

- Suspended floor with enclosed subfloor framed: (R0.7) - R0.6 (down) (or R1.30 including construction).
- External wall: framed (weatherboard, fibre, metal clad) - internal to achieve R1.30 (or R1.70 including construction)
- Raked Ceiling, pitched / skillion roof: framed - Ceiling R1.76 (up), Roof: foil / sarking. Light (solar absorbance <0.475)



FRANCIS STREET



## Proposed Roof & Stormwater Management Plan

**NOTE:**  
THE COMMON PROPERTY TITLE IS AFFECTED BY:  
1) COVENANT (VIDE A910971)

<b>isa DESIGNS</b> Alon Musael Postal Address: PO Box 403, Rose Bay NSW 2029 Mobile: +61 451 867 426 Email: alon@isadesigns.com.au	This drawing and design is subject to copyright and may not be reproduced without prior written consent. Detail drawings are to be taken in preference to more general drawings. All dimensions to be verified on site prior to commencement of any work. All discrepancies shall be reported to isa designs or builder immediately.	<b>PROJECT:</b> Alterations & Additions SP. 71516 Lot 15	<b>CLIENT:</b> Jolon Cooke 50 Pauling Avenue, Coogee NSW 2034	<b>Drawing Name:</b> Proposed Roof & Stormwater Management Plan	<b>Date:</b> 03.12.2022 <b>Sent:</b> 15.03.2023	<b>Revision Description:</b> Preliminaries & Schematic Design Client Review Pre DA Meeting - Council Review DA Submission - Council Review
		<b>FOR CONSTRUCTION</b>	<b>PROJECT:</b> 15 / 7 Francis Street, Bondi Beach NSW 2026	<b>CLIENT:</b> 50 Pauling Avenue, Coogee NSW 2034	<b>Project No:</b> DA_221203 <b>Drawing No:</b> DA_012	<b>Scale:</b> 1 : 200 @ A3 <b>Drawn:</b> AM

# AMENDED PLANS

RECEIVED  
Waverley Council

Application No: DA-161/2023

Date Received: 24/08/2023

**BASIX COMMITMENTS:**

**Fixtures & Systems:**

- A minimum of 40% of new or altered light fixtures will be fitted with fluorescent, compact fluorescent, or light-emitting diode (LED) lamps.

**Insulation requirements:**

- Suspended floor with enclosed subfloor framed: (R0.7) - R0.6 (down) (or R1.30 including construction).
- External wall: framed (weatherboard, fibre, metal clad) - internal to achieve R1.30 (or R1.70 including construction)

- Raked Ceiling, pitched / skillion-roof: framed - Ceiling R1.76 (up), Roof-foil / sarking. Light (solar absorptance <0.475)



**Proposed South West Elevation**

<b>isa DESIGNS</b> Alon Musael Postal Address: PO Box 403, Rose Bay NSW 2029 Mobile: +61 451 867 426 Email: alon@isadesigns.com.au		This drawing and design is subject to copyright and may not be reproduced without prior written consent. Detail drawings are to be taken in preference to more general drawings. All dimensions to be verified on site prior to commencement of any work. All discrepancies shall be reported to isa designs or builder immediately.	<b>PROJECT:</b> Alterations & Additions SP. 71516 Lot 15	<b>CLIENT:</b> Jolon Cooke 50 Pauling Avenue, Coogee NSW 2034	<b>Drawing Name:</b> Proposed Front (SW) & Rear (NE) Elevations	<b>Date:</b> 03.12.2022 <b>Sent:</b> 15.03.2023	<b>Revision Description:</b> Preliminaries & Schematic Design Client Review Pre DA Meeting - Council Review DA Submission - Council Review
			<b>FOR CONSTRUCTION</b>	15 / 7 Francis Street, Bondi Beach NSW 2026	DA_221203 Scale: 1 : 100 @ A3 DA_013 Drawn: AM	Issue: 5 Revision: D	

# AMENDED PLANS

RECEIVED  
Waverley Council

Application No: DA-161/2023

Date Received: 24/08/2023

**BASIX COMMITMENTS:**

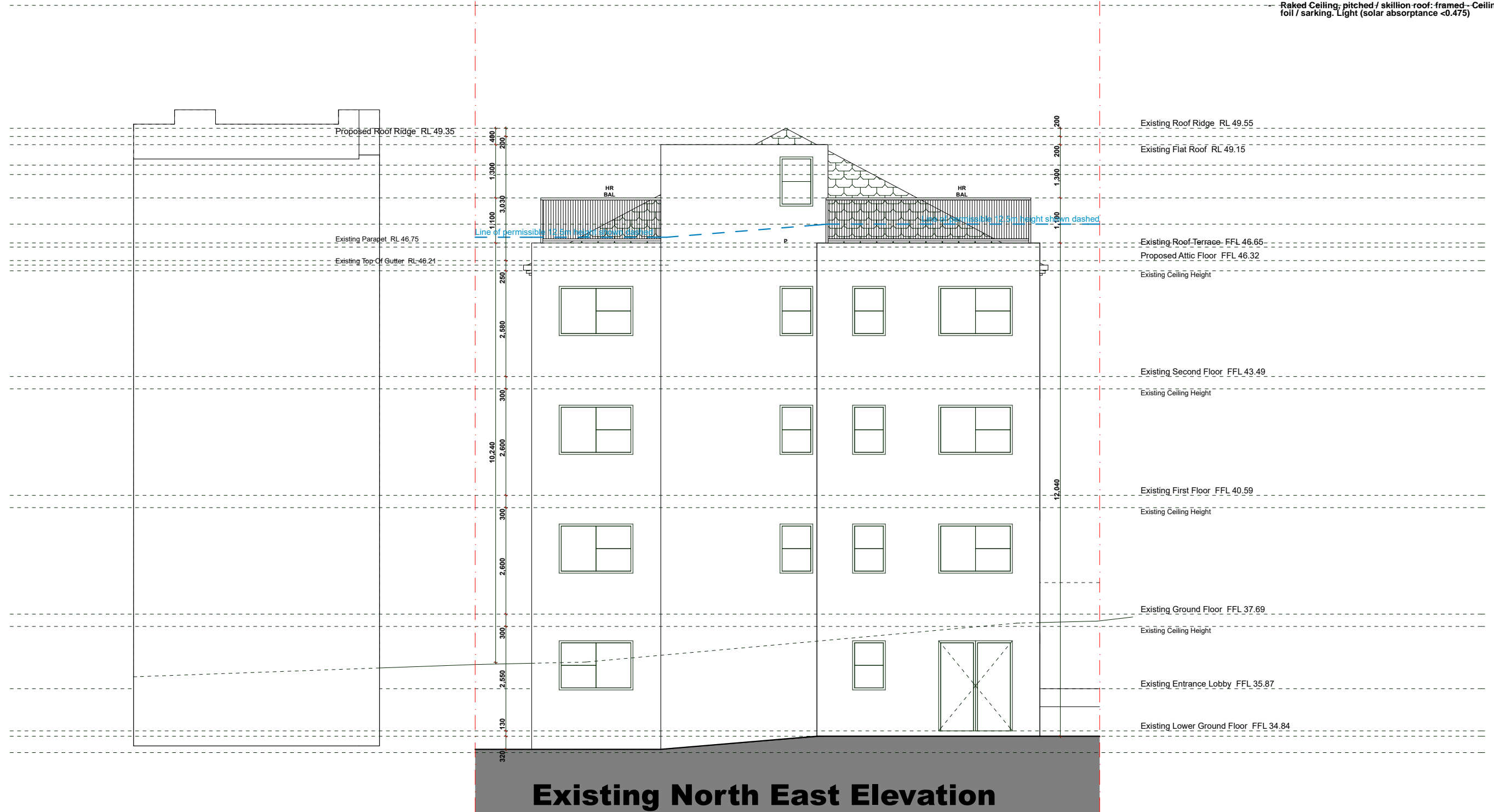
**Fixtures & Systems:**

- A minimum of 40% of new or altered light fixtures will be fitted with fluorescent, compact fluorescent, or light-emitting diode (LED) lamps.

**Insulation requirements:**

- Suspended floor with enclosed subfloor framed: (R0.7) - R0.6 (down) (or R1.30 including construction).
- External wall: framed (weatherboard, fibre, metal clad) - internal to achieve R1.30 (or R1.70 including construction)

- Raked Ceiling, pitched / skillion roof: framed - Ceiling R1.76 (up), Roof: foil / sarking. Light (solar absorptance <0.475)



## Existing North East Elevation

**ISA DESIGNS**

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**FOR CONSTRUCTION**

**PROJECT:**  
Alterations & Additions  
SP. 71516 Lot 15

15 / 7 Francis Street  
Bondi Beach NSW 2026

**CLIENT:**  
Jolon Cooke

50 Pauling Avenue  
Coogee NSW 2034

**Drawing Name:**  
Existing Rear (NE) Elevation

**Project No:** DA\_221203

**Drawing No:** DA\_014

**Scale:** 1 : 100 @ A3

**Drawn:** AM

**Date:** 03.12.2022

**Sent:** 15.03.2023

**Issue:** 5

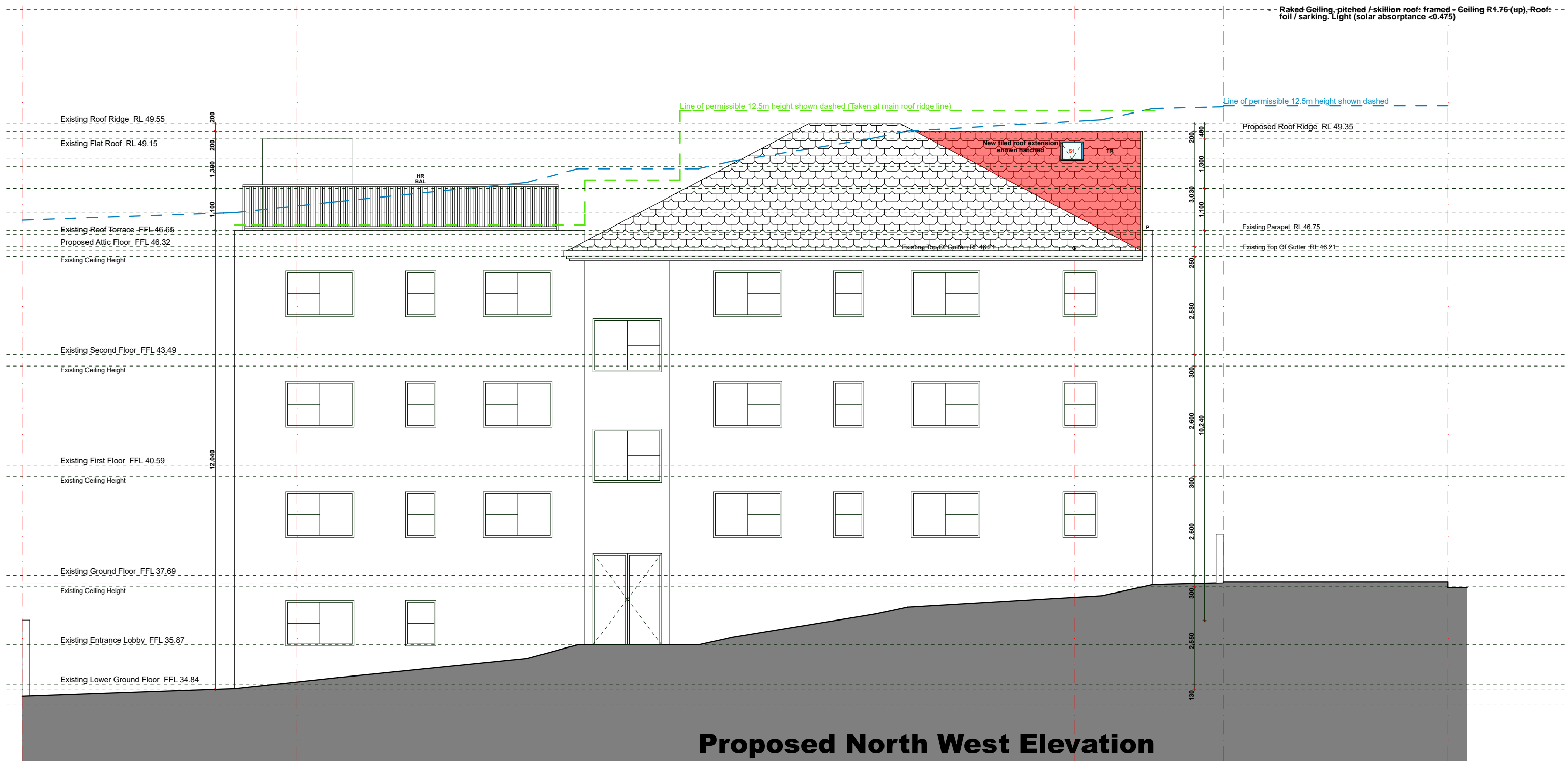
**Revision:** D

**Revision Description:**  
Preliminaries & Schematic Design  
Client Review  
Pre DA Meeting - Council Review  
DA Submission - Council Review

# AMENDED PLANS

RECEIVED  
Waverley Council  
Application No: DA-161/2023  
Date Received: 24/08/2023

- BASIX COMMITMENTS:**
- Fixtures & Systems:**
- A minimum of 40% of new or altered light fixtures will be fitted with fluorescent, compact fluorescent, or light-emitting diode (LED) lamps.
- Insulation requirements:**
- Suspended floor with enclosed subfloor framed: (R0.7) - R0.6 (down) (or R1.30 including construction).
  - External wall: framed (weatherboard, fibre, metal clad) - internal to achieve R1.30 (or R1.70 including construction)
  - Raked Ceiling, pitched / skillion roof: framed - Ceiling R1.76 (up), Roof: foil / sarking. Light (solar absorptance <0.475)



**Proposed North West Elevation**

<b>isa DESIGNS</b> Alon Musael Postal Address: PO Box 403, Rose Bay NSW 2029 Mobile: +61 451 867 426 Email: alon@isadesigns.com.au		This drawing and design is subject to copyright and may not be reproduced without prior written consent. Detail drawings are to be taken in preference to more general drawings. All dimensions to be verified on site prior to commencement of any work. All discrepancies shall be reported to isa designs or builder immediately.	<b>PROJECT:</b> Alterations & Additions SP. 71516 Lot 15	<b>CLIENT:</b> Jolon Cooke 50 Pauling Avenue, Coogee NSW 2034	<b>Drawing Name:</b> Proposed Side (NW) Elevation	<b>Date:</b> 03.12.2022 <b>Sent:</b> 15.03.2023	<b>Revision Description:</b> Preliminaries & Schematic Design Client Review Pre DA Meeting - Council Review DA Submission - Council Review
			<b>FOR CONSTRUCTION</b>	15 / 7 Francis Street, Bondi Beach NSW 2026	Project No: DA_221203 Drawing No: DA_015	Scale: 1 : 100 @ A3 Drawn: AM	Issue: 5 Revision: D



# AMENDED PLANS

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Waverley Council

Application No: DA-161/2023

Date Received: 24/08/2023

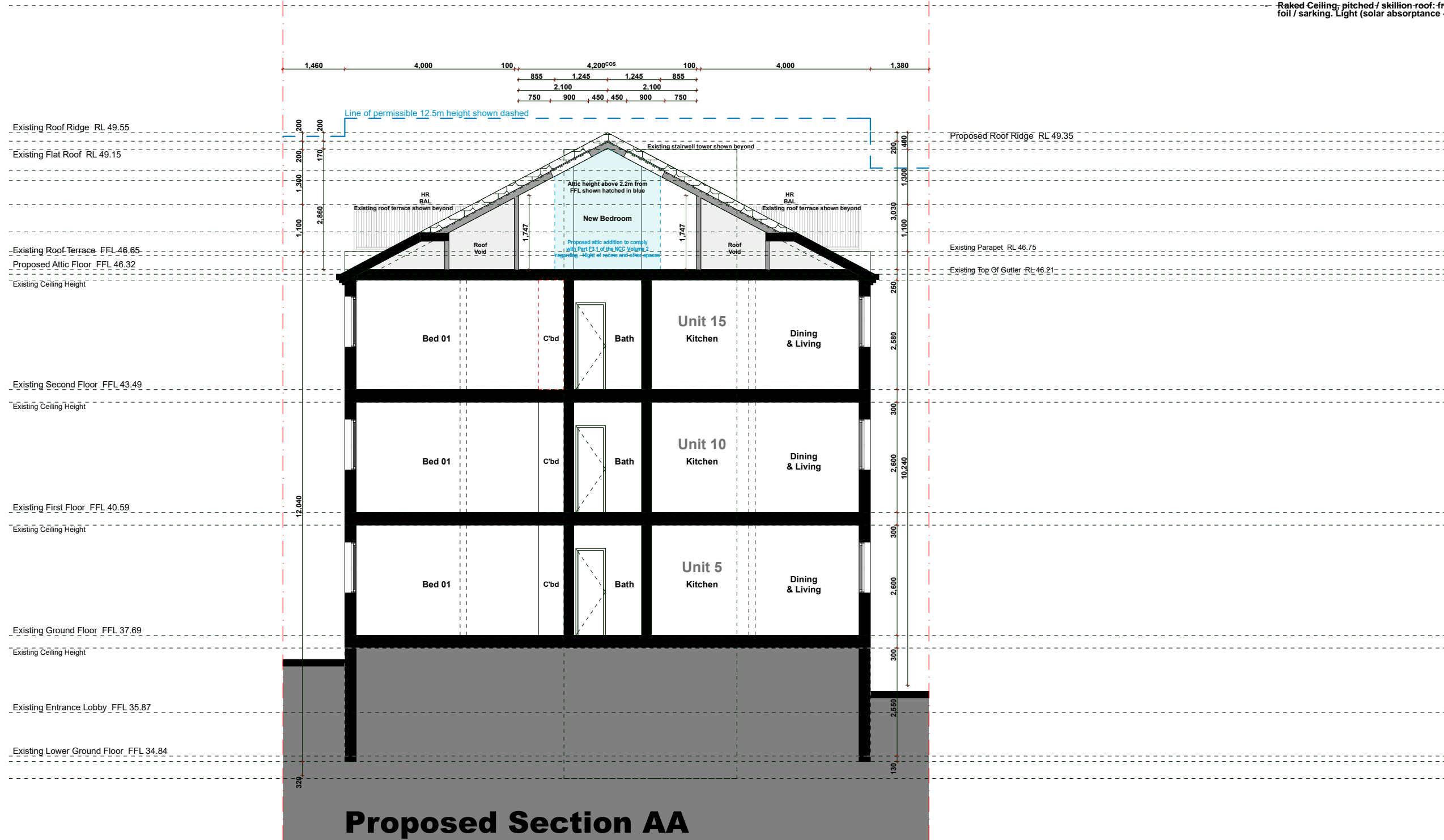
**BASIX COMMITMENTS:**

**Fixtures & Systems:**

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**Proposed Section AA**

**isa DESIGNS**

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**FOR CONSTRUCTION**

**PROJECT:**  
Alterations & Additions

SP. 71516 Lot 15

15 / 7 Francis Street  
Bondi Beach NSW 2026

**CLIENT:**  
Jolon Cooke

50 Pauling Avenue  
Coogee NSW 2034

**Drawing Name:**  
Proposed Section AA

**Project No:** DA\_221203

**Drawing No:** DA\_017

**Scale:** 1 : 100 @ A3

**Drawn:** AM

**Date:** 03.12.2022

**Sent:** 15.03.2023

**Issue:** 5

**Revision:** D

**Revision Description:**

Preliminaries & Schematic Design

Client Review

Pre DA Meeting - Council Review

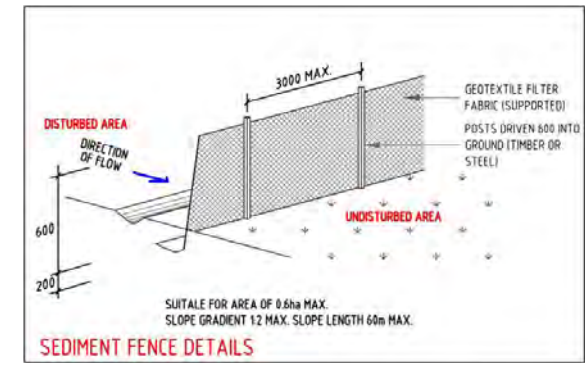
DA Submission - Council Review

**All scope of works to comply with:**

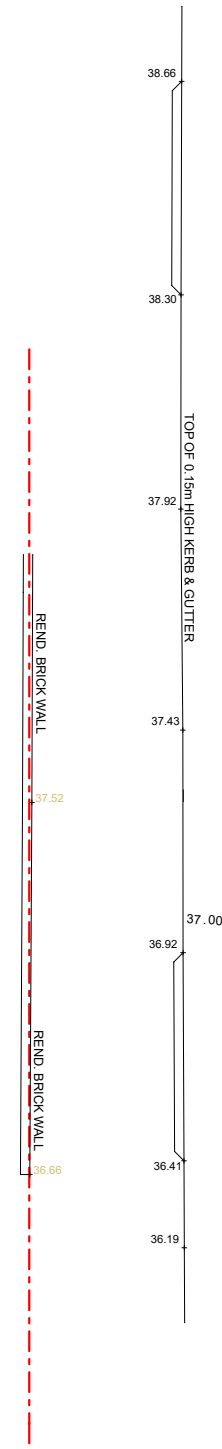
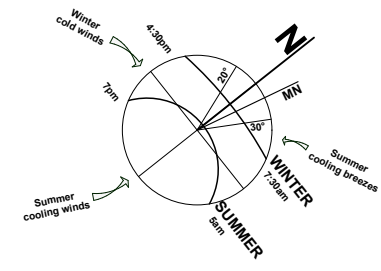
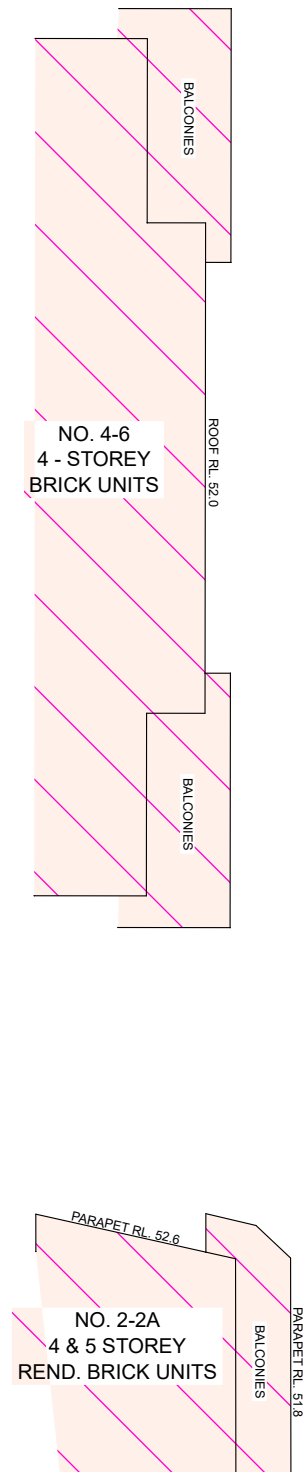
- Waverley Council's Stormwater Guidelines;
- AS3500 - National Plumbing & Drainage Code; And
- Part 3.1.2 Of The Building Code Of Australia (Volume 2)

**NOTES:**

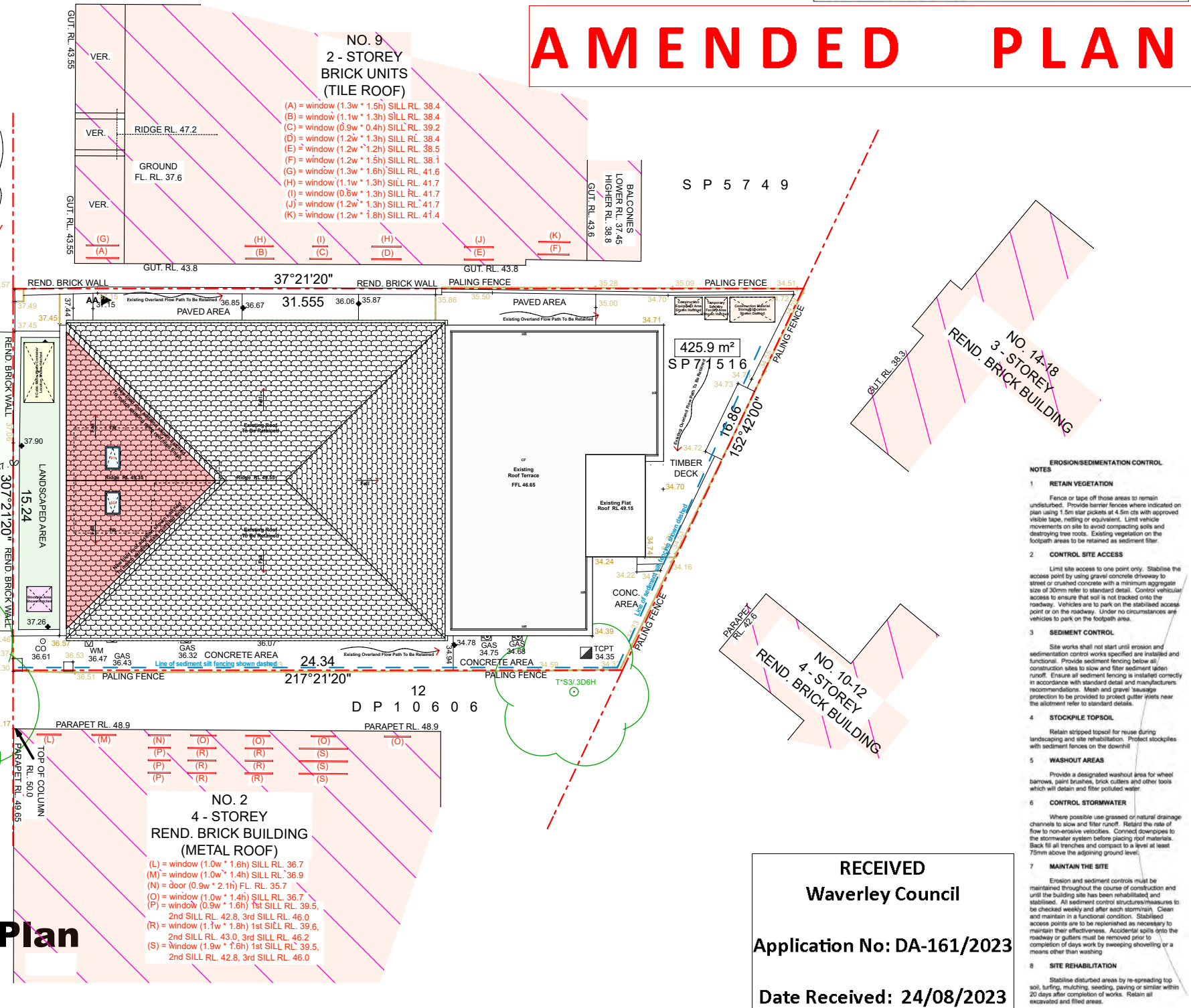
1. ALL EROSION AND SEDIMENT CONTROL MEASURES TO BE INSPECTED AND MAINTAINED DAILY BY SITE MANAGER
2. MINIMISE DISTURBED AREA
3. ALL STOCKPILES TO BE CLEAR FROM DRAINS, GUTTERS AND FOOTPATH
4. DRAINAGE IS TO BE CONNECTED TO STORMWATER SYSTEM AS SOON AS POSSIBLE
5. ROADS AND FOOTPATH TO BE SWEEP DAILY
6. KERB SIDE INLET TO BE PROTECTED WITH FABRIC FILLED WITH GRAVEL



**AMENDED PLANS**



FRANCIS STREET



- EROSION/SEDIMENTATION CONTROL NOTES**
1. RETAIN VEGETATION
    - Fence or tape off those areas to remain undisturbed. Provide barrier fences where indicated on plan using 1.5m high pickets at 4.5m c/c with approved visible tape, netting or equivalent. Limit vehicle movements on site to avoid compacting soils and destroying tree roots. Existing vegetation on the footpath areas to be retained as sediment filter.
  2. CONTROL SITE ACCESS
    - Limit site access to one point only. Stabilise the access point by using gravel concrete driveway to street or crushed concrete with a minimum aggregate size of 30mm refer to standard detail. Control vehicular access to ensure that soil is not tracked onto the roadway. Vehicles are to park on the stabilised access point or on the roadway. Under no circumstances are vehicles to park on the footpath area.
  3. SEDIMENT CONTROL
    - Site works shall not start until erosion and sedimentation control works specified are installed and functional. Provide sediment fencing below all construction sites to slow and filter sediment laden runoff. Ensure all sediment fencing is installed correctly in accordance with standard detail and manufacturers recommendations. Mesh and gravel 'sausage' protection to be provided to protect gutter levels near the allotment refer to standard details.
  4. STOCKPILE TOPSOIL
    - Retain stripped topsoil for reuse during landscaping and site rehabilitation. Protect stockpiles with sediment fences on the downhill.
  5. WASHOUT AREAS
    - Provide a designated washout area for wheel barrows, paint brushes, brick cutters and other tools which will detain and filter polluted water.
  6. CONTROL STORMWATER
    - Where possible use grassed or natural drainage channels to slow and filter runoff. Retard the rate of flow to non-erusive velocities. Connect downpipes to the stormwater system before placing roof materials. Back fill all trenches and compact to a level at least 75mm above the adjoining ground level.
  7. MAINTAIN THE SITE
    - Erosion and sediment controls must be maintained throughout the course of construction and until the building site has been rehabilitated and stabilised. All sediment control structures/measures to be checked weekly and after each storm/ra. Clean and maintain in a functional condition. Stabilised access points are to be re-established as necessary to maintain their effectiveness. Accidental spills onto the roadway or gutters must be removed prior to completion of days work by sweeping, showering or a means other than washing.
  8. SITE REHABILITATION
    - Stabilise disturbed areas by re-spreading top soil, turfing, mulching, seeding, paving or similar within 20 days after completion of works. Retain all excavated and filled areas.

RECEIVED  
Waverley Council  
Application No: DA-161/2023  
Date Received: 24/08/2023

**Construction Waste & Site Management Plan  
Erosion, Sediment Control Plan**

**isa DESIGNS**  
Alon Musael

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**FOR CONSTRUCTION**

**PROJECT:**  
Alterations & Additions  
SP. 71516 Lot 15  
15 / 7 Francis Street  
Bondi Beach NSW 2026

**CLIENT:**  
Jolon Cooke  
50 Pauling Avenue  
Coogee NSW 2034

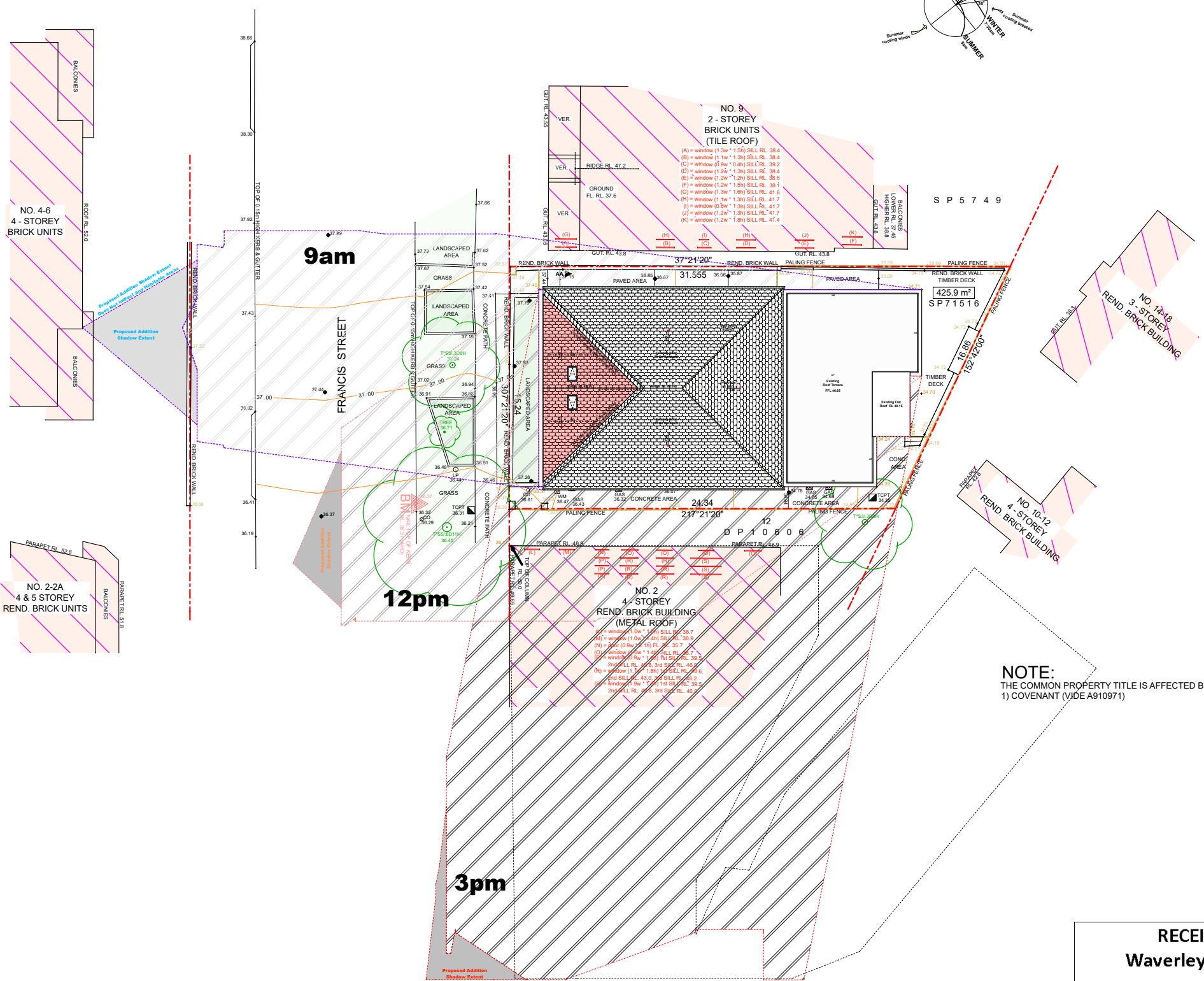
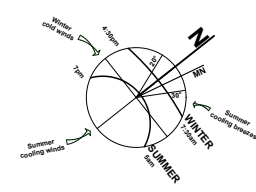
**Drawing Name:**  
CWSM & ESC Plans

**Project No:** DA\_221203  
**Scale:** 1 : 200 @ A3

**Drawing No:** DA\_018  
**Drawn:** AM

<b>Date:</b> 03.12.2022	<b>Revision Description:</b>
<b>Sent:</b> 15.03.2023	Preliminaries & Schematic Design
<b>Issue:</b> 5	Client Review
<b>Revision:</b> D	Pre DA Meeting - Council Review
	DA Submission - Council Review

# AMENDED PLANS



Shadow Diagram 21 June - 9am, 12pm & 3pm

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Waverley Council  
Application No: DA-161/2023  
Date Received: 24/08/2023

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**FOR CONSTRUCTION**

**PROJECT:** Alterations & Additions  
**SP. 71516 Lot 15**  
15 / 7 Francis Street  
Bondi Beach NSW 2026

**CLIENT:** Jolon Cooke  
50 Pauling Avenue  
Coogee NSW 2034

**Drawing Name:** Shadow Diagrams June 21 - 9am, 12pm & 3pm

**Project No:** DA\_221203  
**Drawing No:** DA\_019

**Scale:** 1 : 300 @ A3  
**Drawn:** AM

<b>Date:</b> 03.12.2022	<b>Revision Description:</b>
<b>Sent:</b> 15.03.2023	
<b>Issue:</b> 5	Preliminaries & Schematic Design
<b>Revision:</b> D	Client Review
	Pre DA Meeting - Council Review
	DA Submission - Council Review

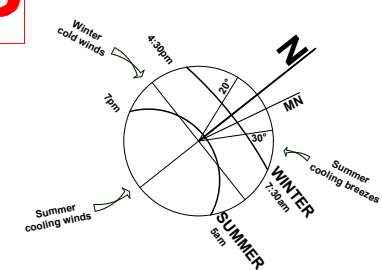


# AMENDED PLANS

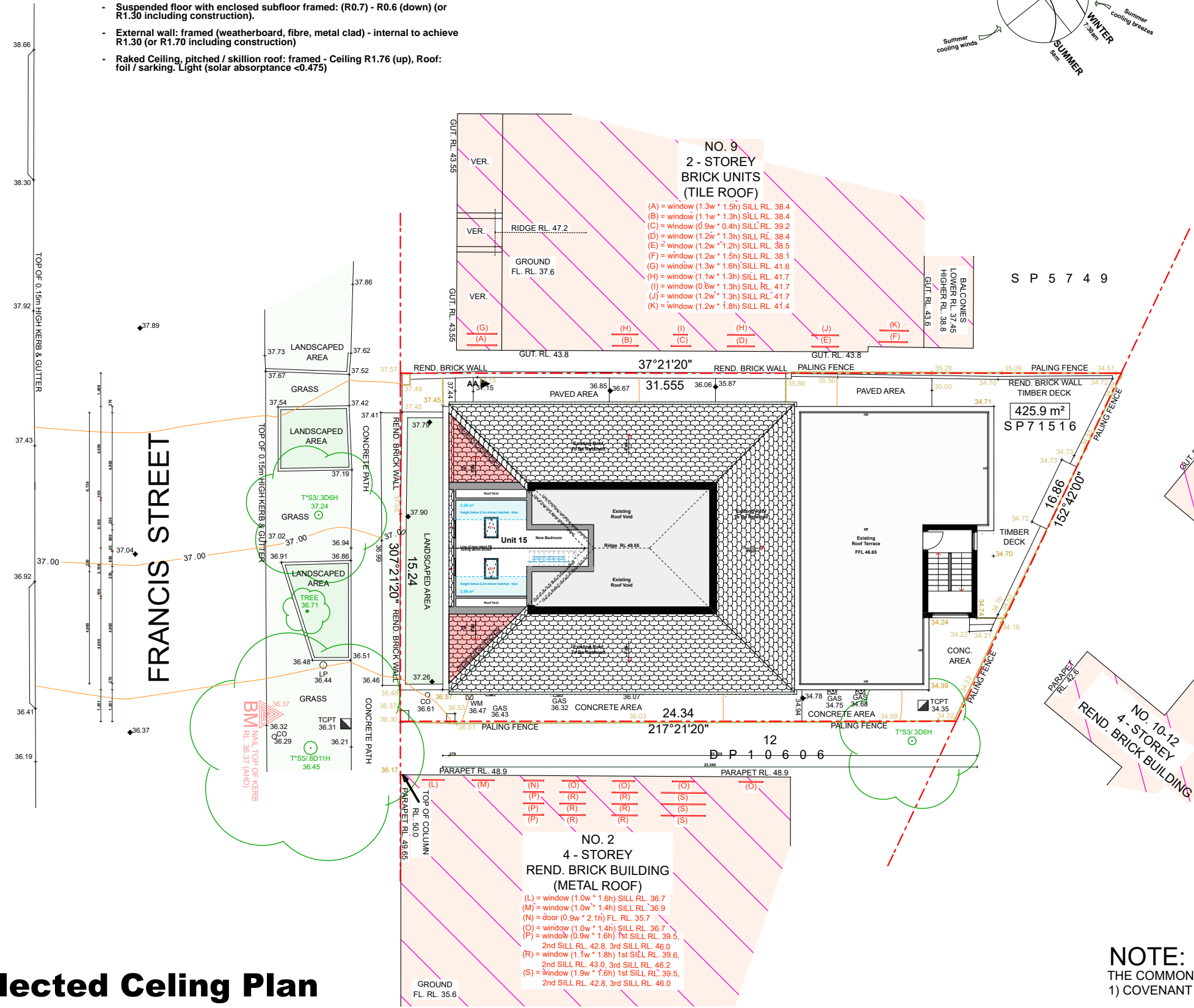
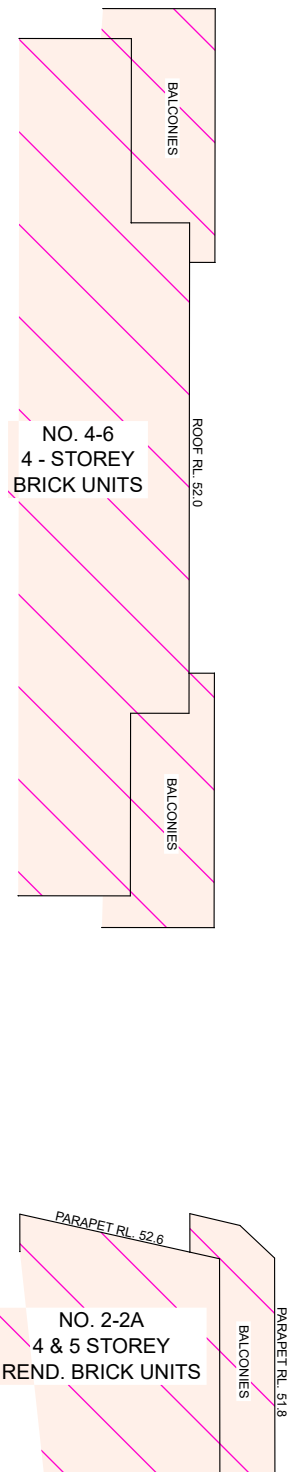
RECEIVED  
Waverley Council

Application No: DA-161/2023

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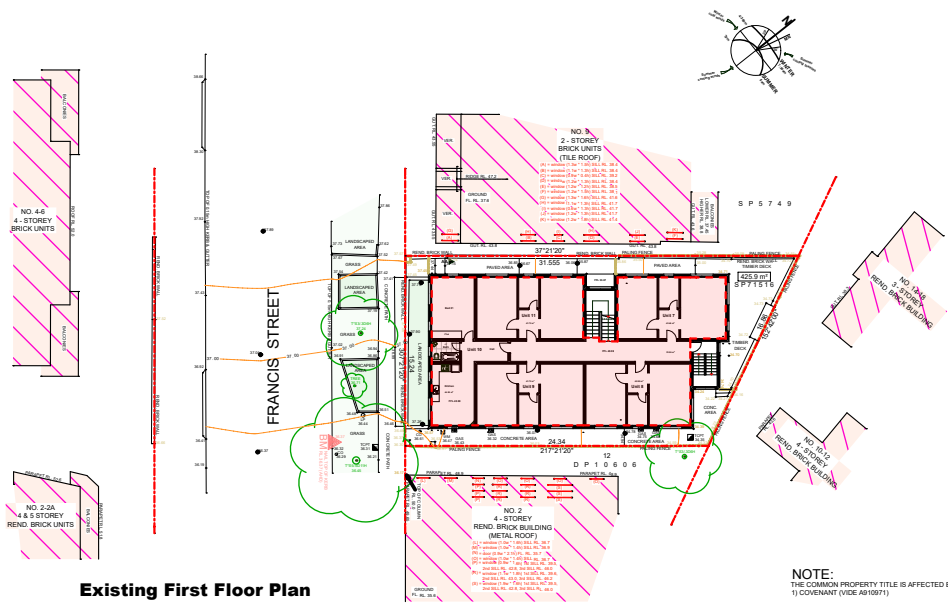
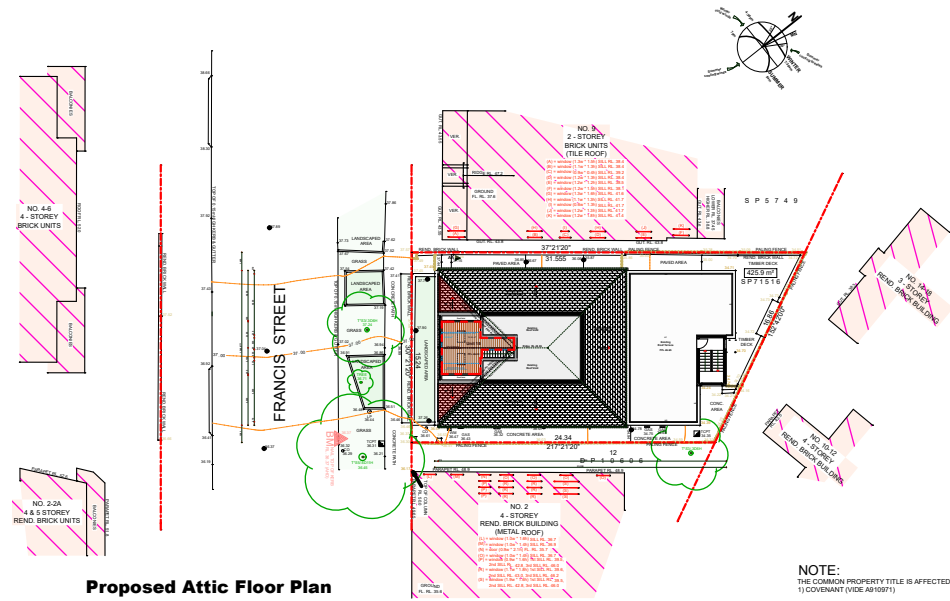
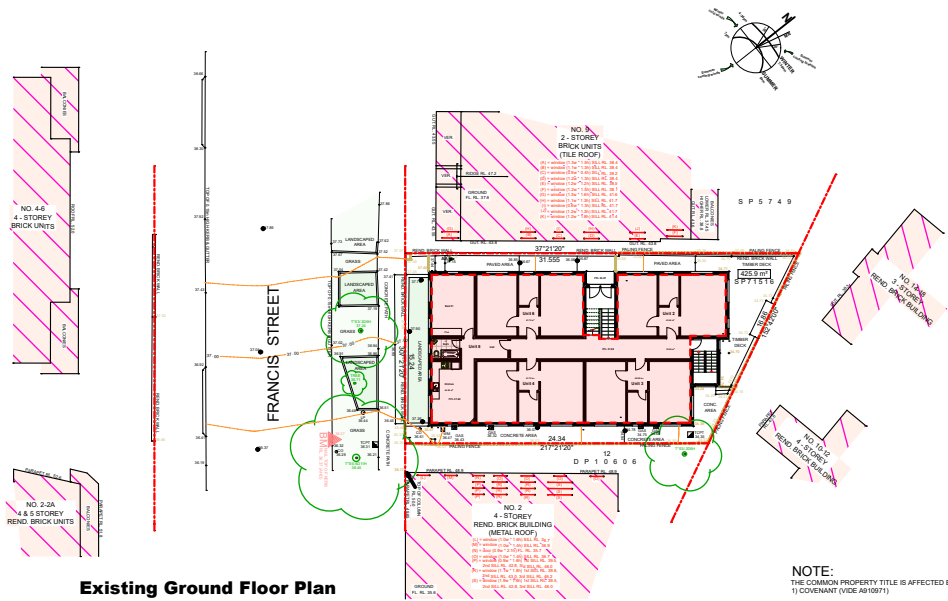
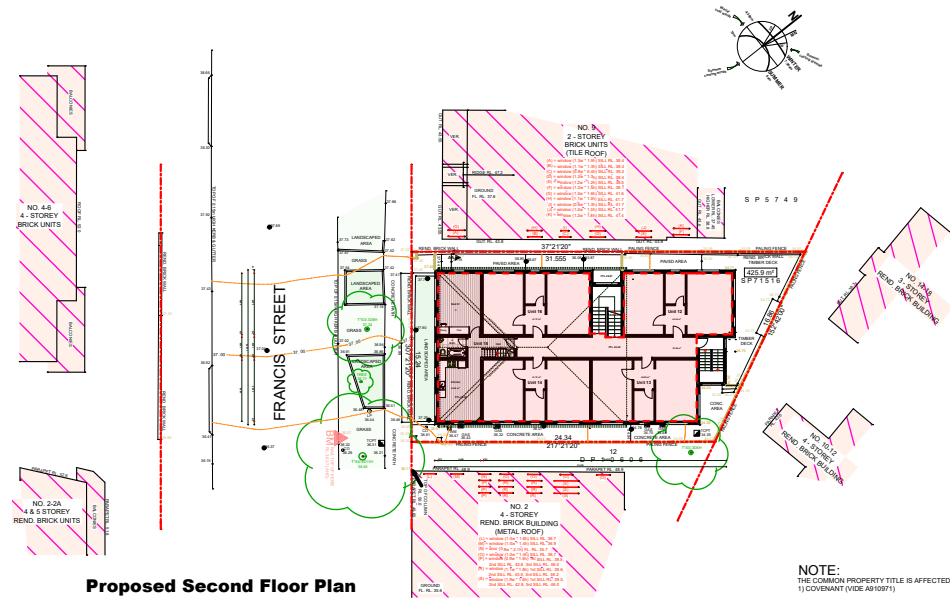
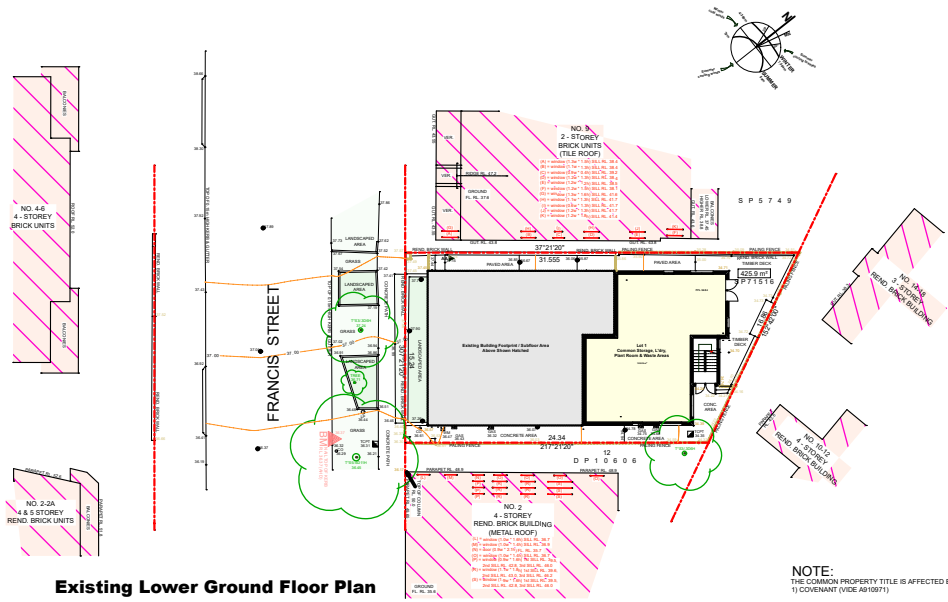
## Proposed Attic Reflected Ceiling Plan

**NOTE:**  
THE COMMON PROPERTY TITLE IS AFFECTED BY:  
1) COVENANT (VIDE A910971)

<b>isa DESIGNS</b> Alon Musael Postal Address: PO Box 403, Rose Bay NSW 2029 Mobile: +61 451 867 426 Email: alon@isadesigns.com.au	This drawing and design is subject to copyright and may not be reproduced without prior written consent. Detail drawings are to be taken in preference to more general drawings. All dimensions to be verified on site prior to commencement of any work. All discrepancies shall be reported to isa designs or builder immediately.	<b>PROJECT:</b> Alterations & Additions SP. 71516 Lot 15	<b>CLIENT:</b> Jolon Cooke 50 Pauling Avenue, Coogee NSW 2034	<b>Drawing Name:</b> Proposed Attic Floor Reflected Ceiling Plan	<b>Date:</b> 03.12.2022 <b>Sent:</b> 15.03.2023	<b>Revision Description:</b> Preliminaries & Schematic Design Client Review Pre DA Meeting - Council Review DA Submission - Council Review
		<b>FOR CONSTRUCTION</b> 15 / 7 Francis Street, Bondi Beach NSW 2026	<b>Project No:</b> DA_221203 <b>Drawing No:</b> DA_020	<b>Scale:</b> 1 : 200 @ A3 <b>Drawn:</b> AM	<b>Issue:</b> 5 <b>Revision:</b> D	

# AMENDED PLANS

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Waverley Council  
Application No: DA-161/2023  
Date Received: 24/08/2023



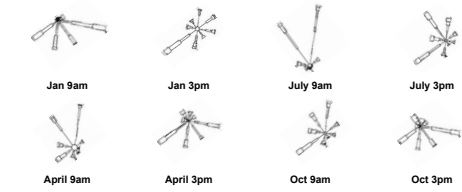
**FLOOR SPACE CALCULATIONS :**

**Existing - 15/7 Francis Street, Bondi Beach**

Site Area -	425.92 Sqm
Permissible FSR -	0.90 : 1
Existing FSR -	1.652 : 1
Existing LG Floor Area (Not Included) -	100.96 Sqm
Existing Ground Floor Area (Units 2,3,4,5 & 6) -	234.53 Sqm
Existing First Floor Area (Units 7,8,9,10 & 11) -	234.53 Sqm
Existing Second Floor Area (Units 12,13,14,15 & 16) -	234.53 Sqm
<b>Existing Second Floor Area (Unit 15) -</b>	<b>44.58 Sqm</b>
Total Existing Units 2 - 16 Floor Area -	703.59 Sqm

**Proposed - 15/7 Francis Street, Bondi Beach**

Site Area -	425.92 Sqm
Permissible FSR -	0.90 : 1
Existing FSR -	1.652 : 1
Proposed FSR -	1.688 : 1
Existing LG Floor Area (Not Included) -	100.96 Sqm
Existing Ground Floor Area (Units 2,3,4,5 & 6) -	234.53 Sqm
Existing First Floor Area (Units 7,8,9,10 & 11) -	234.53 Sqm
Existing Second Floor Area (Units 12,13,14,15 & 16) -	234.53 Sqm
Existing Second Floor Area (Unit 15) -	44.58 Sqm
Proposed Attic Floor Area (Unit 15) -	15.54 Sqm
<b>Total Proposed Unit 15 Floor Area -</b>	<b>60.12 Sqm</b>
Total Proposed Units 2 - 16 Floor Area -	719.13 Sqm



**WIND ROSES**  
Sydney Airport AMO/AWS:  
Source NSW Bureau of Meteorology

**isa DESIGNS**

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**FOR CONSTRUCTION**

**PROJECT:**  
Alterations & Additions

**SP. 71516 Lot 15**

15 / 7 Francis Street  
Bondi Beach NSW 2026

**CLIENT:**  
Jolon Cooke

50 Pauling Avenue  
Coogee NSW 2034

**Drawing Name:**  
GFA Calculations

**Project No:** DA\_221203

**Drawing No:** DA\_022

**Scale:** 1 : 500 @ A3

**Drawn:** AM

**Date:** 03.12.2022

**Sent:** 15.03.2023

**Issue:** 5

**Revision:** D

**Revision Description:**

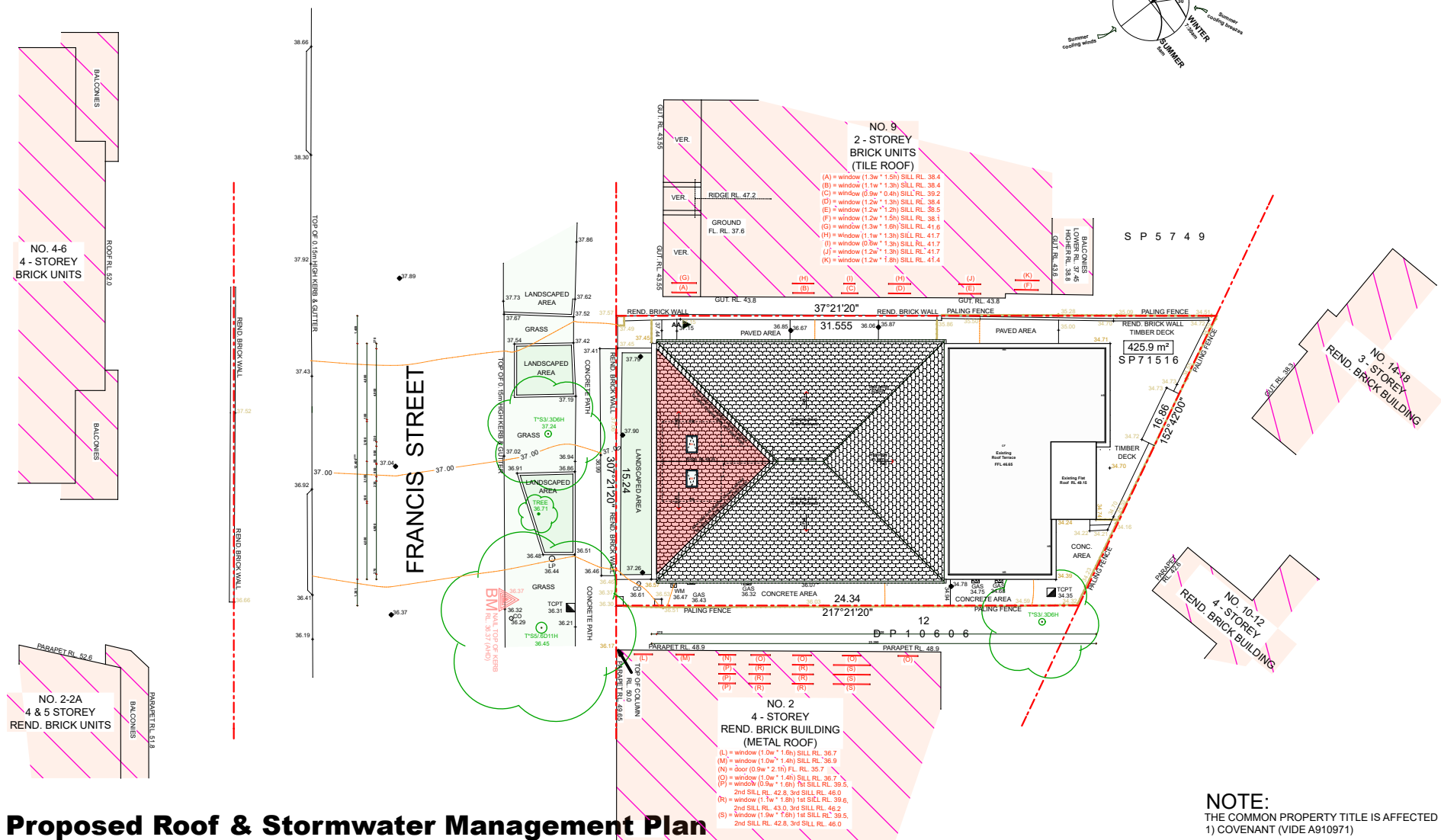
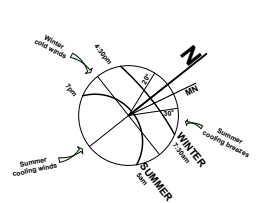
Preliminaries & Schematic Design

Client Review

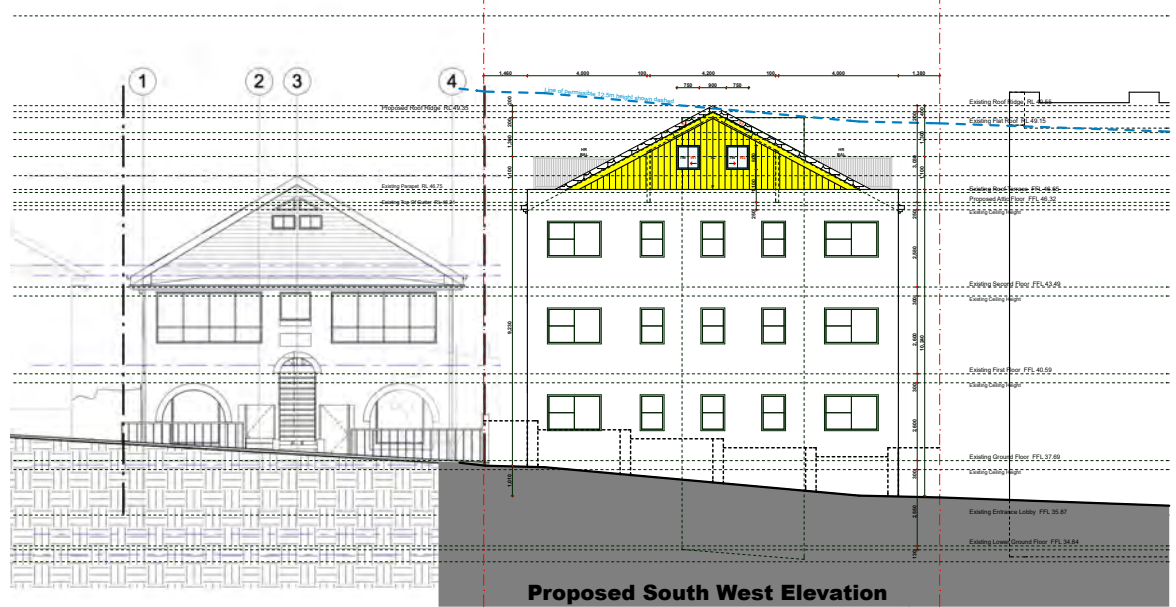
Pre DA Meeting - Council Review

DA Submission - Council Review

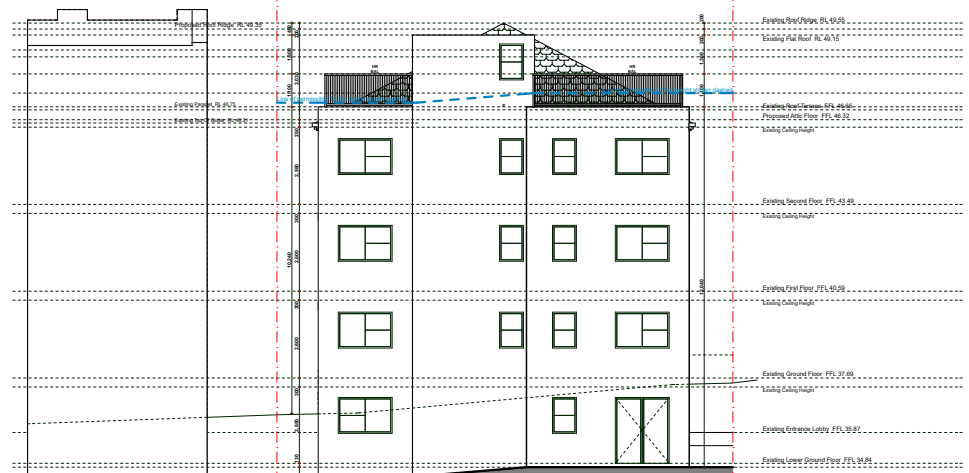
# AMENDED PLANS



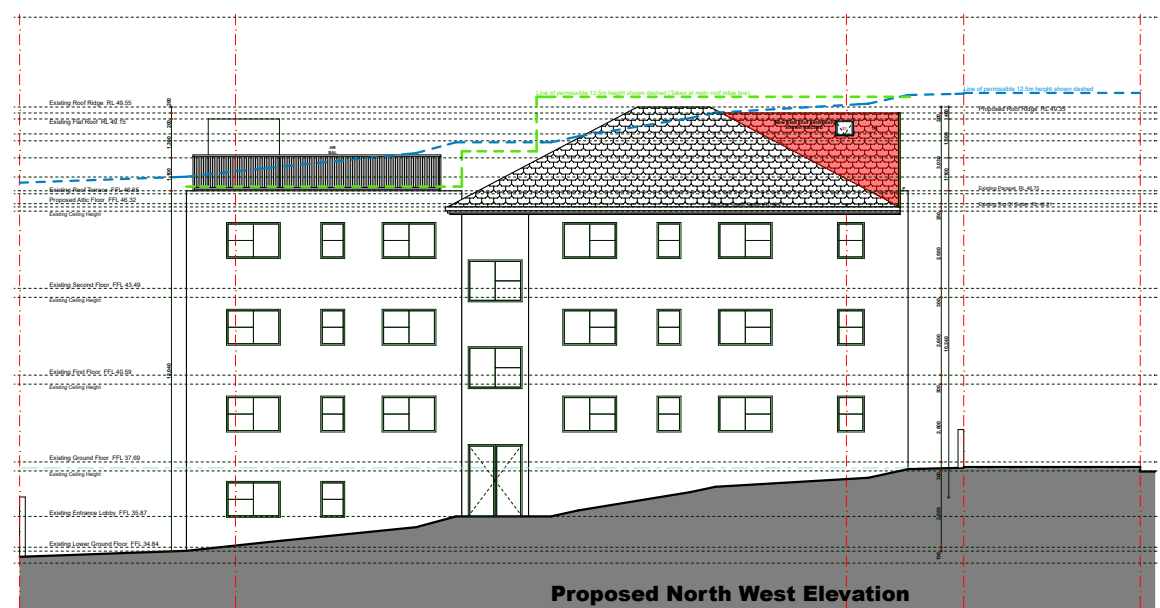
**Proposed Roof & Stormwater Management Plan**



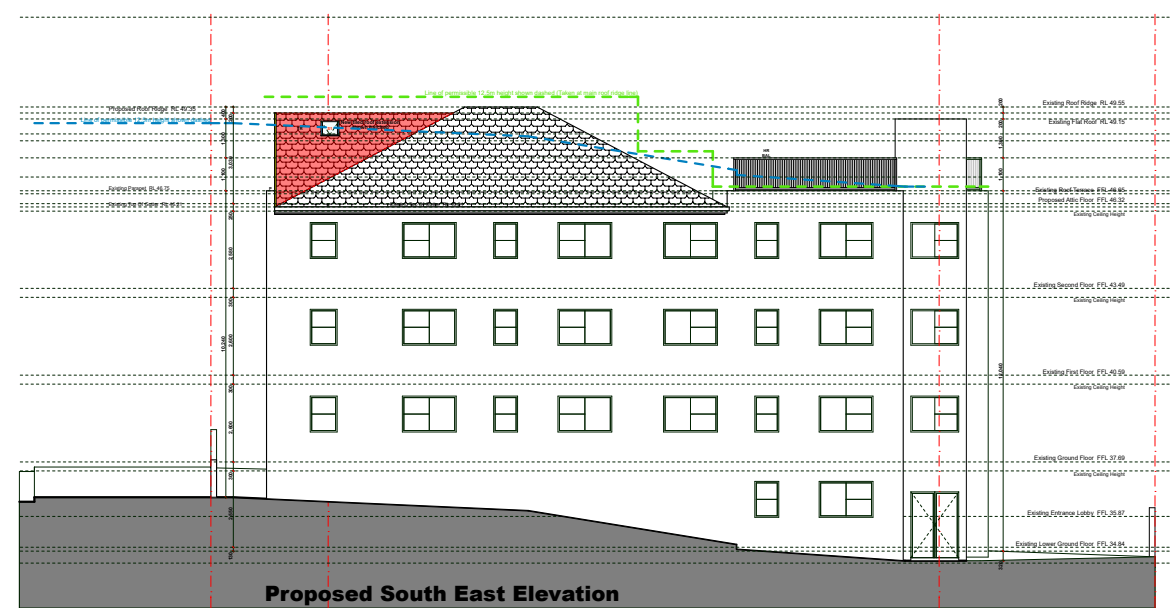
**Proposed South West Elevation**



**Existing North East Elevation**



**Proposed North West Elevation**



**Proposed South East Elevation**

RECEIVED  
Waverley Council  
Application No: DA-161/2023  
Date Received: 24/08/2023

**isa DESIGNS**  
Alon Musael

Postal Address: PO Box 403, Rose Bay NSW 2029  
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Email: alon@isadesigns.com.au

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**FOR CONSTRUCTION**

**PROJECT:** Alterations & Additions  
**SP. 71516 Lot 15**  
15 / 7 Francis Street  
Bondi Beach NSW 2026

**CLIENT:** Jolon Cooke  
50 Pauling Avenue  
Coogee NSW 2034

**Drawing Name:** Notification Plan

**Project No:** DA\_221203  
**Drawing No:** DA\_023

**Scale:** 1 : 250 @ A3  
**Drawn:** AM

**Date:** 03.12.2022  
**Sent:** 15.03.2023  
**Issue:** 5  
**Revision:** D

**Revision Description:**  
Preliminaries & Schematic Design  
Client Review  
Pre DA Meeting - Council Review  
DA Submission - Council Review



Other Residential Development



Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-367/2022
<b>Site address</b>	56 Campbell Pde, Bondi Beach
<b>Proposal</b>	Substantial demolition with retention of the front façade and a portion of the side walls and construction of a shop-top housing building containing four units with retail below and a basement. The proposal is Integrated development for Water NSW.
<b>Date of lodgement</b>	2 September 2022
<b>Owner</b>	Proprietors of Strata Plan 30493
<b>Applicant</b>	Rob Deutsch
<b>Submissions</b>	Six
<b>Cost of works</b>	\$5,036,960
<b>Principal Issues</b>	<ul style="list-style-type: none"> <li>• Breach to building height</li> <li>• Appropriateness of fourth floor (level 5)</li> </ul>
<b>Recommendation</b>	That the application be APPROVED.

SITE MAP



(Source: Nearmap, 2023)

## 1. PREAMBLE

### 1.1. Executive Summary

The development application (DA) seeks consent for Integrated development for Water NSW for retention to the front of the existing building, substantial demolition and construction of a shop-top housing building containing four units, retail and basement car parking at the site known as 56 Campbell Parade, Bondi Beach.

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

- Breach to building height; an
- Appropriateness of fourth floor (level 5).

The assessment finds these issues acceptable. The breach to building height is considered acceptable as a well-founded Clause 4.6 Variation has been provided with the application, which demonstrates that despite the breach to the height standard, the development meets both the height and zone objectives within the Waverley Local Environmental Plan 2012 (Waverley LEP 2012).

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

The application has been assessed against the relevant matters for consideration under section 4.15(1) of the *Environmental Planning and Assessment Act 1979*. It is recommended for approval subject to conditions of consent. In addition, Water NSW has provided General Terms of Approval.

### 1.2. Site and Surrounding Locality

A site visit was carried out on 31 October 2022.

The site is identified as SP30493, known as 56 Campbell Parade, North Bondi.

The site is rectangular in shape with an eastern frontage to Campbell Parade, measuring 10.975m. It has an area of 367.9m<sup>2</sup> and falls from the south-east to the north-west by approximately 2.09m. The site is occupied by a part-two, part-three storey mixed use building with vehicle access provided from Lamrock Place at the rear of the site to a hard stand and garages.

The site is adjoined by a part-four, part five storey residential flat building to either side. The locality is characterised by a variety of medium density mixed use development. With Bondi Beach and park located across Campbell Parade to the east. **Figures 1 to 3** are photos of the site and its context.



**Figure 1.** Campbell Parade streetscape, looking west.



**Figure 2.** Front of the subject site, looking west from Campbell Parade.



**Figure 3.** Rear of the subject site, looking east from Lamrock Place.

### 1.3. Relevant Development History

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

- BA-297/1996 for the construction of alterations and additions to an existing shop front was approved on 14 August 1996.
- BA-762/1997 for an internal shop fit-out to an existing restaurant was approved on 22 October 1997.
- BA-830/1997 to install a retractable awning to the front of the shop was approved on 13 November 1997.

*Adjoining development background:*

It is also worth noting that the adjoining site, at 58 Campbell Parade has also recently sought consent for the substantial demolition (retention of a portion of the boundary walls and facade) and alterations and additions to the existing residential flat building including the construction of a basement and associated site and landscaping works, under DA-246/2022 (LEC No. 2022/00228308). Given the extent of works for demolition, the proposal was effectively considered a new building. This DA was filed with the Land and Environment Court as a deemed refusal appeal.

Following amendments to the proposal, an agreement was reached (s34 Agreement) and Judgement made on 2 June 2023. The approved development is a 5 level residential flat building, with a maximum height of 17.55m at the rear roof parapet and 15.81m to the top of the lift overrun.

#### 1.4. Proposal

The DA seeks consent for Integrated development for Water NSW for retention to the front of the existing building, substantial demolition and construction of a shop-top housing building containing retail space (over 3 split levels) and four residential units above with basement car parking, specifically the following:

##### Demolition

- Demolition of the majority of the existing building with the retention to the front façade and the front portion of the side walls.

##### Construction

- Basement
  - Car stackers (accommodating seven vehicle spaces) with associated vehicle turntable and ramp access; two x motorcycle parking spaces; lift access; fire stairs; residential storage; and plant rooms.
- Lower Ground (access to Lamrock Place)
  - Vehicle access from Lamrock Place to the basement; fire stairs; residential and retail waste storage; plant room; lift access; retail space (connected to retail at ground floor above); and four x bicycle parking spaces.
- Ground Floor
  - Retail space (fronting Campbell Parade) with accessible bathroom; fire stairs; and lift access.
  - **Apartment 1** is located to the rear of the retail unit and located a level above Lamrock Place. It consists of open plan living kitchen and dining; laundry; two x bedrooms, one with ensuite; bathroom and 15m<sup>2</sup> terrace facing Lamrock Place.

- First & Second Floors
  - Fire stairs and lift access.
  - **Apartments 2 and 3** are two storey units linked by internal stairs and each consist of four x bedrooms, all with ensuites; laundry; open plan living, kitchen and dining room with a 9.5m<sup>2</sup> balcony.
- Third Floor & Fourth Floors
  - **Apartment 4** is a two storey unit linked by an internal stair and consists of, on the third floor, open plan living, kitchen and dining room; two x bedrooms; bathroom and 20m<sup>2</sup> terrace fronting Campbell Parade; and a lounge room and 16m<sup>2</sup> terrace fronting Lamrock Place. On the fourth floor (top level/level 5) the unit consists of a master bedroom with walk-in-robe, ensuite and 11m<sup>2</sup> terrace fronting Campbell Parade; and rear terrace with plunge pool and landscaping.
  - AC units and solar panels are also located on the roof, to the rear.



**Figure 4.** Photomontage of the proposed development as viewed from Campbell Parade. (Source: AN+A, 2023)





**Figure 5.** Photomontage of the proposed development as viewed from Lamrock Place. (Source: AN+A, 2023)

## 1.5. Background

The DA was deferred on 8 December 2022 for the following reasons:

- Level 5 is to be deleted as it breaches height and the four storey height limit within the Campbell Parade South Area.
- The breach to height towards the rear of the development needs to better *preserve* environmental amenity impacts.
- Ensure the level 2 blade wall does not extend past the adjoining wall of 54 Campbell Parade.
- A greater rear setback is required, as well as the introduction of deep soil to comply with Part 3E of the Apartment Design Guide (ADG) and increase permeability of the site.
- A concrete awning is not supported, the awnings should be of light weight material and encompass square corners. The awning is to better comply with Part B16, Section 16.4 of the WDCP.
- It is recommended a greater side setback is provided to level 3 to ensure a compliant wall height of 12.5m (stipulated within Part E2, Section 2.2.2, Control (b)(ii) of the WDCP) and also to reduce shadowing impacts.
- Apartment 1 should be reconfigured to remove bedroom 3, which currently features poor amenity and limited daylight from a narrow window situated on the boundary. It is recommended the residential use be limited to the area west of the core at ground level and the size of the retail tenancy should be increased to the east of the core – this will also open up greater potential for future tenants, and to better integrate with the lower level retail space.
- The current proposal to Campbell Parade misses an opportunity to reference the retained brick elevation with the upper level addition. The solidity, texture and symmetry of the building and streetscape has the potential to inform the design, but this is lost through the emphasis on glazing, open balconies, planters and the roof addition. The solidity at the upper level, including the balcony is to be increased.

Amended plans were received by Council on **11 April 2023**, which significantly reduced the fourth level as was originally requested in the deferral letter.

In light of the above, greater consideration is also given to the outcome of the appeal at the adjoining property, 58 Campbell Parade, which was granted consent on 2 June 2023 via a Section 34 Agreement for a 5 storey residential flat building under *LEC No. 2022/00228308* (DA-246/2022). In this respect, the applicant for the subject application was advised that a fourth floor (ie level 5) may only be considered if it could be demonstrated that it would not result in additional environmental amenity impacts when compared with a compliant building height.

The amended plans received by Council on **9 June 2023**, which re-designed the fourth level, form the basis of this assessment.

## 2. ASSESSMENT

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

### 2.1. Water Management Act 2000

As significant excavation is proposed, the basement levels will likely interfere with the water table and may trigger the requirement for dewatering.

Dewatering potentially requires a water supply work approval, and as such, the subject DA was referred to Water NSW as Integrated Development shortly after lodgement. The amended architectural plans were not re-notified to Water NSW, as the level of excavation did not change.

General Terms of Approval were issued by Water NSW and have been included in the recommended conditions of consent.

#### 2.1.1. State Environmental Planning Policies (SEPPs)

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

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

A detailed discussion is provided for relevant SEPPs as follows:

##### *SEPP (Design Quality of Residential Apartment Design)*

The application was referred to the Waverley Design Advisory Excellence Panel (DEAP) on 12 October 2022, which considered the original plans. The DEAP's comment of the proposed development against the nine design quality principles under Schedule 1 of SEPP 65 and a planning response to each comment are set out in **Table 1** of this report.

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

Principle	Panel's Comment	Planning Comment
<p>1. Context and Neighbourhood</p>	<p><i>The proposal does/does not achieve this principle in the following ways:</i></p> <ul style="list-style-type: none"> <li>• <i>The retention of the existing façade to Campbell Parade is broadly supported by the Panel. A number of challenges arise from the retention of this element, including the relationship between the new and existing built fabric, and the overall composition of the site within the Campbell Pd streetscape.</i></li> <li>• <i>Council's DCP includes a granular analysis of the character along Campbell Parade, and establishes a desired future character for new development in this part of the centre. The block currently features a 3-4 storey solid masonry and rendered street wall with upper levels being setback and subservient to the overall form.</i></li> <li>• <i>A broader analysis of the Campbell Parade frontage will also provide a number of cues for the treatment of the upper levels in this proposal, including the selection of materials, expression of the vertical and horizontal elements, and the relationship between solid façade and openings.</i></li> <li>• <i>Further analysis of the site from key spaces within the Bondi Beach precinct is also suggested. Whilst the panel appreciate the screening of the site by the two mature pines to the east, there are a number of oblique views towards the site that highlight the prominence of the site, and the visibility of its upper levels.</i></li> </ul>	<p>Suitable structural conditions are recommended regarding the retention of the façade.</p> <p>This is discussed further below.</p> <p>Design is discussed further below.</p> <p>The upper level has been reduced.</p>
<p>2. Built form and Scale</p>	<p><i>The proposal does/does not achieve this principle in the following ways:</i></p> <ul style="list-style-type: none"> <li>• <i>The Panel don't currently support the Level 4 of the proposal. As noted in the review session, the scale, placement and expression of this element appears awkward and inconsistent with the overall treatment of the building.</i></li> <li>• <i>In addition, the level 4 mostly sits above the height control. The analysis of the 10% addition to the height control</i></li> </ul>	<p>Given the Section 34 Agreement, which granted 58 Campbell Parade approval for the construction of a fourth level (five levels in total plus basement) under LEC No. 2022/00228308 (DA-246/2022), the applicant was advised that a</p>

Principle	Panel's Comment	Planning Comment
	<p><i>needs to be justified further through analysis of amenity impacts, and most crucially, the role within the visual character of the block and Campbell Parade more broadly.</i></p> <ul style="list-style-type: none"> <li>• <i>The Panel recognised the potential loss of GFA as a result of removing Level 4, however, there are opportunities to reconfigure the ground and lower ground levels to provide additional floor space – albeit, in the form of lower level retail uses.</i></li> <li>• <i>The efficiency of the lower ground and basement levels is significantly impacted by the inclusion of ramp from Lamrock Pl, and adoption of car shuffle stackers to provide the 7 spaces. The Panel raise the possibility of a car lift, which may allow increased useable floor space at the lower ground.</i></li> <li>• <i>Bed 3 for Apartment 1 should be reconfigured to remove Bed 3, which currently features poor amenity and limited sunlight from a narrow window situated on the boundary. The Panel suggest residential be limited to the area west of the core at ground, and increasing the size of the retail tenancy to the east of the core – this will also open up greater potential for future tenants, and to better integrate with the lower level retail space.</i></li> <li>• <i>An alternate approach to Apartments 2 and 3 should be investigated, where each unit is configured over a single level. The unit on Level 1 could feature its outdoor living space behind the retained elevation on Campbell Pd. The elevation serving as weather protection from the coastal winds, and the window openings mitigating noise from the street whilst also providing privacy screening – which is likely to be an issue for pedestrians walking along the eastern side of Campbell Pd.</i></li> <li>• <i>The reconfiguration of Units 2 and 3 will also considerably increase the amount of useable internal area for each apartment. The current design features extensive and convoluted corridors that</i></li> </ul>	<p>fourth floor may be considered if it could be demonstrated that it would not result in additional environmental amenity impacts when compared with a compliant building height.</p> <p>Environmental amenity impacts from the portions of the development that breach height will be discussed in detail within the Clause 4.6 variation discussion below.</p> <p>Council's Traffic Engineer does not object to vehicle access, subject to recommended conditions.</p> <p>The amended plans have deleted bedroom 3 within Apartment 1.</p> <p>No objection to the layout of Apartments 2 and 3.</p>

Principle	Panel's Comment	Planning Comment
	<i>run the length of the floor-plate, and step around the core.</i>	
3. Density	<p><i>The proposal does/does not achieve this principle in the following ways:</i></p> <ul style="list-style-type: none"> <li><i>The current scheme sits slightly below the permissible FSR (3:1), and its likely that the GFA will need to be reconfigured at the lower ground level to maintain a similar floor space without the Level 4. The Panel questions the need for such a generous plant room to Lamrock Place, given a further plant room is provided in the basement. An alternate approach to the basement access and parking stacker will also create additional retail space at lower ground</i></li> </ul>	<p>The proposal does not exceed the FSR for the site. The amended plans have reduced the size of the plant room. Sufficient retail space has been provided and there is no objection to car parking on the site.</p>
4. Sustainability	<p><i>The proposal does/does not achieve this principle in the following ways:</i></p> <ul style="list-style-type: none"> <li><i>On such a constrained site there are limited opportunities for sustainability measures that extend beyond those noted in the design. Without the Level 4 addition a larger and unconstrained roof-plane will be available to accommodate additional PV cells and roof-planting. The latter could form part of a rainwater capture system, integrated with the other areas of landscaping proposed throughout the building.</i></li> </ul>	<p>The proposed development will be required to meet BASIX and NatHERs.</p>
5. Landscape	<p><i>The proposal does/does not achieve this principle in the following ways:</i></p> <ul style="list-style-type: none"> <li><i>The nature of the site limits the areas for landscape improvements to the built form and the Lamrock Pl frontage. This narrow streetscape currently features a number of existing trees, which are likely to be removed or compromised as part of future developments on neighbouring sites. The Panel suggest the Proponent look for more deep soil canopy tree planting opportunities in this important public pedestrian route.</i></li> <li><i>The landscape/green roof at ground to Lamrock Pl has the potential to support larger vegetation, with these garden beds increasing in height to further</i></li> </ul>	<p>Due to the small size of the lot, it is difficult to achieve adequate levels of deep soil. Regardless, the amended plans have provided additional deep soil to the rear of the development.</p> <p>A condition is recommended that the development must provide 50% native planting as the subject site is located within a Biodiversity area.</p> <p>The plans were amended to reduce the size of the plant room and increase the area of landscaping to the Lamrock Lane</p>

Principle	Panel's Comment	Planning Comment
	<p><i>enclose the Apartment 1 terrace. This planting will also provide valuable privacy screening to this lower-level unit, which is an important consideration within this tight urban setting.</i></p> <ul style="list-style-type: none"> <li>• <i>A number of planters are proposed along balconies throughout the building, particularly on the Lamrock Place frontage. These look great in renders, but they need to be of a sufficient size and depth to support vegetation and ensure ongoing maintenance. For example, the planters that wrap around the norther boundary at ground floor should be replaced with a more robust and maintainable material.</i></li> <li>• <i>Planters along Campbell Parade should be considered as part of a broader analysis of this frontage. Currently, no landscaping/planters are featured in this section of Campbell, and a solid masonry treatment of this elevation might be a more appropriate treatment – see below for further comments.</i></li> <li>• <i>The Panel recommend that if the fourth level apartment 4 is removed that a non-habitable green roof and PV garden be considered.</i></li> </ul>	<p>frontage. The planting and planter boxes are sufficient in size to contain substantial planting. A condition is recommended regarding the species.</p>
6. Amenity	<p><i>The proposal does/does not achieve this principle in the following ways:</i></p> <ul style="list-style-type: none"> <li>• <i>See comments relating to the reconfiguration of Units 1 and 2, both of which currently feature undersized outdoor spaces for their number of bedrooms.</i></li> <li>• <i>Further analysis of the impact of Level 4 on the surrounding dwellings is recommended. Similarly, interrogation of potential view affectation from neighbouring properties may be required to address any objections.</i></li> <li>• <i>See comments above relating to Bed 3, Unit 1.</i></li> <li>• <i>See comments above relating to improved privacy screening for Unit 1</i></li> </ul>	<p>This has been discussed above.</p>
7. Safety	<p><i>The proposal does/does not achieve this principle in the following ways:</i></p>	

Principle	Panel's Comment	Planning Comment
	<ul style="list-style-type: none"> <li>No comments relating to safety</li> </ul>	
8. Housing Diversity and Social Interaction	<p>The proposal does/does not achieve this principle in the following ways:</p> <ul style="list-style-type: none"> <li>No comments relating to Housing Diversity &amp; Social Interaction</li> </ul>	
9. Aesthetics	<p>The proposal does/does not achieve this principle in the following ways:</p> <ul style="list-style-type: none"> <li>Despite being such a tight and constrained site, the Panel has noted a consideration variation in the treatment of the two facades, both in terms of form and materiality. Its suggested that a more thorough interrogation of the Campbell Parade streetscape and built character is undertaken to help identify and test the most appropriate approach to this primary façade.</li> <li>The Panel believes the current approach to Campbell Pd misses an opportunity to reference the retained brick elevation with the upper level additions. The solidity, texture and symmetry has the potential to inform the design, but this is lost through the emphasis on glazing, open balconies, planters and the roof addition.</li> <li>The Lamrock Place elevation is more consistent in the overall tectonics, featuring a greater ratio of solid form and punched openings, which reflects the local character of the area. The introduction of horizontal cuts and arches provide greater visual interest, but these elements could be more restrained given the hidden nature of this elevation and tightness of the streetscape.</li> </ul>	<p>Council's Urban Design Officer has recommended suitable conditions to improve the aesthetic of the building.</p> <p>The proposed elevation has been amended to better reference the brick elevation, through more solid portions to the addition.</p> <p>As this is a rear service lane, Council does not object to the rear elevation.</p>

The proposal has been subsequently amended and is considered to achieve design excellence.

### Apartment Design Guide

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

- (a) visual privacy,
- (b) solar and daylight access,
- (c) common circulation and spaces,
- (d) apartment size and layout,
- (e) ceiling heights,

- (f) private open space and balconies,
- (g) natural ventilation,
- (h) storage.

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

**Table 2: Apartment Design Guide**

Design Criteria	Compliance	Comment
<b>3D Communal and public open space</b>		
<ul style="list-style-type: none"> <li>• Communal open space has a minimum area equal to 25% of the site</li> </ul>	No	Due to the small size of the lot, communal open space is not provided. This is acceptable on merit as appropriate levels of open space is provided to each apartment in the form of balconies and the site is located directly across from Bondi Beach and park.
<b>3E Deep soil zones</b>		
<ul style="list-style-type: none"> <li>• Min deep soil of 7%</li> </ul>	No	2.7% of the site is allocated to deep soil. Due to the small size of the lot, only a small amount of deep soil area can be provided as the basement garage covers most of the site area of the lot. This is also an improvement on the existing situation, which has no deep soil.
<b>3F Visual privacy</b>		
<ul style="list-style-type: none"> <li>• Min separation distances from buildings to side and rear boundaries:</li> <li>• Up to 12m (4 storey) – 6m habitable &amp; 3m non-habitable</li> <li>• Increased separation of 3m where adjoins a lower density zone</li> </ul>	No	Setbacks will be discussed in more detail below.
<b>4A Solar and daylight access</b>		
<ul style="list-style-type: none"> <li>• Living rooms and private open spaces of at least 70% of units receive minimum of 2 hours direct sunlight between 9am-3pm mid-winter</li> </ul>	Yes	All four units receive two hours of direct sunlight between 9am and 3pm during the winter solstice.
<b>4B Natural ventilation</b>		
<ul style="list-style-type: none"> <li>• All habitable rooms are naturally ventilated</li> <li>• Number of units with natural cross ventilation is maximised: <ul style="list-style-type: none"> <li>– At least 60% of units naturally ventilated</li> </ul> </li> </ul>	Yes	All four units are naturally cross ventilated.



Design Criteria	Compliance	Comment															
<b>4C Ceiling heights</b>																	
<ul style="list-style-type: none"> <li>Habitable rooms – 2.7m</li> <li>2 storey units – 2.7m main level (living) &amp; 2.4m upper floor where its area does not exceed 50% of the unit area</li> </ul>	<p>Yes</p> <p>Yes</p>	The ceiling heights within all apartments comply with the minimum requirement.															
<b>4D Apartment size and layout</b>																	
<p>The following minimum internal areas apply:</p> <ul style="list-style-type: none"> <li>2 Bed = 70 m<sup>2</sup></li> <li>3 Bed = 90 m<sup>2</sup></li> <li>Add 5m<sup>2</sup> for each additional bathroom (above 1)</li> <li>Add 12m<sup>2</sup> for each additional bedroom</li> </ul> <p>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window</p> <p>Master bedrooms have a minimum area of 10m<sup>2</sup> and other bedrooms 9m<sup>2</sup> (excluding wardrobe space)</p> <p>Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</p> <p>Living rooms or combined living/dining rooms have a minimum width of 4m for 2 and 3 bedroom apartments</p>	<p>Yes</p>	<table border="1"> <thead> <tr> <th>Apartment</th> <th>Min Size</th> <th>Size</th> </tr> </thead> <tbody> <tr> <td>1 (2 bed)</td> <td>75m<sup>2</sup></td> <td>89.9m<sup>2</sup></td> </tr> <tr> <td>2 (4 bed)</td> <td>117m<sup>2</sup></td> <td>192.1m<sup>2</sup></td> </tr> <tr> <td>3 (4 bed)</td> <td>117m<sup>2</sup></td> <td>199.1m<sup>2</sup></td> </tr> <tr> <td>4 (3 bed)</td> <td>95<sup>2</sup></td> <td>209.3m<sup>2</sup></td> </tr> </tbody> </table>	Apartment	Min Size	Size	1 (2 bed)	75m <sup>2</sup>	89.9m <sup>2</sup>	2 (4 bed)	117m <sup>2</sup>	192.1m <sup>2</sup>	3 (4 bed)	117m <sup>2</sup>	199.1m <sup>2</sup>	4 (3 bed)	95 <sup>2</sup>	209.3m <sup>2</sup>
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<p>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window</p>	Yes	Each apartments habitable living areas do not exceed 8m from a window.															
<p>Master bedrooms have a minimum area of 10m<sup>2</sup> and other bedrooms 9m<sup>2</sup> (excluding wardrobe space)</p>	Yes	Each secondary bedroom exceeds 9m <sup>2</sup> and each primary bedroom exceeds 10m <sup>2</sup> .															
<p>Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</p>	Yes	Each bedroom has dimensions that exceed 3m.															
<p>Living rooms or combined living/dining rooms have a minimum width of 4m for 2 and 3 bedroom apartments</p>	Yes	Each living area has a width that exceeds 4m.															
<b>4E Private open space and balconies</b>																	
<p>All apartments provide primary balcony as follows:</p> <ul style="list-style-type: none"> <li>2-bed - 10m<sup>2</sup> &amp; 2m depth</li> <li>3+bed - 12m<sup>2</sup> &amp; 2.4m depth</li> </ul>	No	<table border="1"> <thead> <tr> <th>Apartment</th> <th>Min Size</th> <th>Size</th> </tr> </thead> <tbody> <tr> <td>1 (2 bed)</td> <td>Area: 10m<sup>2</sup> Depth: 2m</td> <td>Area: 15m<sup>2</sup> Depth: 2.1m</td> </tr> <tr> <td>2 (4 bed)</td> <td>Area: 12m<sup>2</sup> Depth: 2.4m</td> <td>Area: 9.5m<sup>2</sup> Depth: 2.7m</td> </tr> <tr> <td>3 (4 bed)</td> <td>Area: 12m<sup>2</sup> Depth: 2.4m</td> <td>Area: 9.5m<sup>2</sup> Depth: 2.7m</td> </tr> <tr> <td>4 (3 bed)</td> <td>Area: 12m<sup>2</sup> Depth: 2.4m</td> <td>Area: 20m<sup>2</sup>-- Depth: 2.305m</td> </tr> </tbody> </table>	Apartment	Min Size	Size	1 (2 bed)	Area: 10m <sup>2</sup> Depth: 2m	Area: 15m <sup>2</sup> Depth: 2.1m	2 (4 bed)	Area: 12m <sup>2</sup> Depth: 2.4m	Area: 9.5m <sup>2</sup> Depth: 2.7m	3 (4 bed)	Area: 12m <sup>2</sup> Depth: 2.4m	Area: 9.5m <sup>2</sup> Depth: 2.7m	4 (3 bed)	Area: 12m <sup>2</sup> Depth: 2.4m	Area: 20m <sup>2</sup> -- Depth: 2.305m
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<b>4F Common circulation and spaces</b>																	

Design Criteria	Compliance	Comment		
<ul style="list-style-type: none"> <li>Max of 8 units accessed off a circulation core on a single level</li> </ul>	Yes			
<b>4G Storage</b>				
In addition to kitchens, bathrooms and bedrooms, the following is provided: <ul style="list-style-type: none"> <li>2-bed – 8m<sup>3</sup></li> <li>3+bed – 10m<sup>3</sup></li> </ul>	Yes	<b>Apartment</b>	<b>Min Size</b>	<b>Size</b>
		1	8m <sup>3</sup>	13m <sup>3</sup> (5.8m <sup>3</sup> internal)
		2	10m <sup>3</sup>	21m <sup>3</sup> (12.2m <sup>3</sup> internal)
		3	10m <sup>3</sup>	15.3m <sup>3</sup> (6.5m <sup>3</sup> internal)
		4	8m <sup>3</sup>	12.7m <sup>3</sup> (5.5m <sup>3</sup> internal)

#### *SEPP (Housing) 2021*

The subject DA does not trigger a need for assessment under the Housing SEPP as the existing building is strata subdivided and no new affordable housing is being proposed.

#### *SEPP (Biodiversity and Conservation) 2021*

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

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

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

#### Planners Comment

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

## SEPP (Resilience and Hazards) 2021

SEPP (Resilience and Hazards) 2021 applies to the subject site, as it is wholly located within the Coastal Environment Area (i.e. defined by Division 3) and a Coastal Use Area (i.e. defined by Division 4) .

Division 3 of the SEPP states that development within the Coastal Environment Area must not be granted development consent unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the matters for consideration outlined in **Table 3** of this report.

**Table 3: Division 3 of SEPP (Resilience and Hazards) 2021 Matters for Consideration Table**

Matter for Consideration	Compliance	Comment
(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,	Yes	<p>As significant excavation is proposed, the basement levels will likely interfere with the water table and may trigger the requirement for dewatering.</p> <p>Dewatering potentially requires a water supply work approval, and as such, the subject DA was referred to Water NSW as Integrated Development shortly after lodgement. The amended architectural plans were not re-notified to Water NSW, as the level of excavation did not change.</p> <p>General Terms of Approval were issued by Water NSW and have been included in the recommended conditions of consent.</p>
(b) coastal environmental values and natural coastal processes,	Yes	The proposal is not expected to cause any changes to the natural environmental values and processes.
(c) the water quality of the marine estate (within the meaning of the <i>Marine Estate Management Act 2014</i> ), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,	Yes	The water quality will not be affected by the proposal.
(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,	Yes	The proposal is not expected to impact on marine vegetation and habitats as the works will be completed entirely within the site.
(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,	Yes	No public access ways will be affected by the proposal.

Matter for Consideration	Compliance	Comment
(f) Aboriginal cultural heritage, practices and places,	-	N/A
(g) the use of the surf zone.	Yes	There will be no impact to the use of the surf zone.

Division 4 of the SEPP states that development consent must not be granted for development on land within the Coastal Use Area unless the consent authority has considered and is satisfied with the following matters for consideration outlined in **Table 4** of this report.

**Table 4: Division 4 of SEPP (Resilience and Hazards) 2021 Matters for Consideration Table**

Matter for Consideration	Compliance	Comment
<b>(a) ...the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—</b>		
(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,	Yes	The proposal is not expected to cause disruption to access the foreshore, beach, headland or rock platform for members of the public, including persons with a disability.
(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,	Yes	The proposal is not anticipated to cause overshadowing wind funnelling or loss of views to public places or the foreshores.
(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,	Yes	The proposal is not anticipated to impact the visual amenity and scenic qualities to the coast.
(iv) Aboriginal cultural heritage, practices and places,	-	N/A
(v) cultural and built environment heritage, and	-	N/A
<b>(b) ...the consent authority is satisfied that:</b>		
(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or	Yes	The proposed development is considered to be of an appropriate size and scale.
(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or	N/A	
(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and	N/A	
<b>(c) ...the consent authority has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.</b>		

Matter for Consideration	Compliance	Comment
	Yes	The proposed development is of a similar bulk and scale to that of surrounding development.

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

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

**Table 5: Waverley LEP 2012 Compliance Table**

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The proposal meets the aims of the Waverley LEP 2012.
Land Use Table <i>Local Centre 'E1' Zone</i>	Yes	The proposal is defined as shop-top housing, which is permitted with consent in the E1 zone.
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings <ul style="list-style-type: none"> <li>15m</li> </ul>	No	The development has a height of 17.1m. This breaches the height limit by 2.1m or 14%.
4.4 Floor Space Ratio <ul style="list-style-type: none"> <li>Lot Size: 367.9m<sup>2</sup></li> <li>Max FSR: 3:1</li> <li>Max GFA: 1,103.7m<sup>2</sup></li> </ul>	Yes	<u>Gross Floor Area (GFA) Calculation:</u> <i>Basement 2: 0m<sup>2</sup></i> <i>Basement 1: 0m<sup>2</sup></i> <i>Lower Ground Floor: 104.78m<sup>2</sup></i> <i>Ground Floor: 226.51m<sup>2</sup></i> <i>First Floor: 235.42m<sup>2</sup></i> <i>Second Floor: 208.58m<sup>2</sup></i> <i>Third Floor: 160.38m<sup>2</sup></i> <i>Fourth Floor: 57.83m<sup>2</sup></i>  <b>Total GFA: 993.5m<sup>2</sup></b> <b>Total FSR: 2.7:1</b>
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height development standard. A detailed discussion of the variation to the development standard is presented below this table.
<b>Part 5 Miscellaneous provisions</b>		
5.10 Heritage conservation	Yes (via condition)	The subject site is located within the Bondi Beach Heritage Conservation Area. Council's Heritage Officer reviewed the application. Their comments will be discussed in the referral section of this report.
<b>Part 6 Additional local provisions</b>		

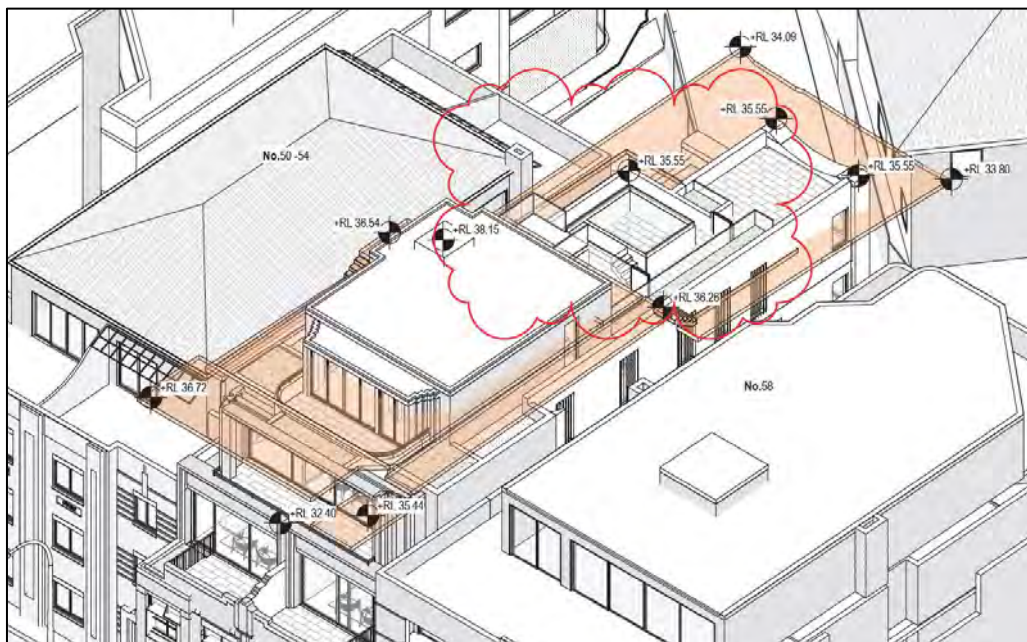
Provision	Compliance	Comment
6.1 Acid sulfate soils	Yes	The subject site is located within acid sulfate soils class 5. However, as the subject site is not 5m below the AHD it is not applicable.
6.2 Earthworks	Yes (via condition)	Appropriate excavation conditions are recommended.
6.9 Design excellence	Yes	The subject site achieves design excellence, as detailed throughout the report.
6.16 Development in zone E1	Yes	The proposed development is compatible with the desired future character and amenity of surrounding residential areas.

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

*Clause 4.6 Exceptions to Development Standards - Height of Building*

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

The site is subject to a maximum height development standard of 15m. The proposed development has a height of 17.1m, exceeding the standard by 2.1m equating to a 14% variation.



**Figure 6.** 15m height plane plan, showing portions of the development that breach height above the orange shaded area. (Source: AN+A, 2023)

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

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
  - (i) The proposal meets the relevant objectives of building height:

***Objective (a): To ensure building heights preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views.***

*The environmental amenity of the adjoining properties is preserved. The solar access assessment by the architects demonstrates that areas above the height limit cause no further impact on the adjoining development to the south at 54 Campbell Parade or 1 Sir Thomas Mitchell Road as compared to a height-compliant development. This is discussed further below in meeting objective (c), which requires satisfactory solar access to existing buildings and public areas.*

*Privacy is preserved to the extent anticipated by the controls, as the floor level and line of sight from both the windows and the beach-facing terrace are below the height standard. The uppermost terrace is not directly adjacent to living areas and does not facilitate frequent or high intensity use (being a level above the principal living level and only 9.6m<sup>2</sup> in size, adjacent to a fenced off pool area) nor does it overlook adjoining properties given its setback from the building edge of the floor below, the adjacent planters on both sides and its height adjacent to the roofs of neighbouring buildings.*

*In relation to the preservation of views, no views have been observed that are available over the site that are impacted by the proposed built form to a greater degree caused by the areas of the building above the height standard. This is due to the topography of this section of Campbell Parade and the lower heights of buildings in the streets behind the site.*

*The preservation of the environmental amenity of public spaces is specifically facilitated by the proposed development and its preservation of the existing building and contributory components of the original building as it presents to the streetscape and the public domain. The additions to the building, and in particular the components of the building that contravene the height standard, will not be visible from in front of the site, from across the road from the site on Campbell Parade or Bondi Park.*

*When the additions become apparent, from distant views and obscure angles further north-east along Campbell Parade and at a greater distance from Ramsgate Avenue on the other side of Bondi Beach, they sit comfortably and compatibly above the original building form, similar to many other forms amongst the undulating building envelopes that contribute to the Campbell Parade streetscape. The setback of the uppermost floor at the front of the site has been made purposefully compatible with the setback of the approved development on the adjoining property at 58 Campbell Parade. From these distant aspects the additional height will be unoffensive to the public domain.*

**Objective (c) To maintain satisfactory solar access to existing buildings and public areas.**

*In relation to solar access onto public areas, there is no additional solar access impact arising from the height variation or the building in general affecting any public areas. Height compliant aspects of the building (at the front) cause some additional shadow onto the road surface of Campbell Parade in the late afternoon. This is a satisfactory outcome anticipated by any development on this site.*

*In relation to solar access to existing buildings, documentation has been provided to illustrate there is a complete preservation of solar access and solar amenity to existing buildings. This 'preservation' test is more stringent than this objective, which seeks maintenance of 'satisfactory' solar access, and this objective is therefore met.*

*The side facing windows of the existing building at 54 Campbell Parade are all below the height development standard and would be overshadowed from any complying development of this site. They currently receive sunlight borrowed from the site's underdeveloped 2-3 storey form.*

*The side facing windows on the existing building at 1 Sir Thomas Mitchell Road are similarly below the height development standard and could be affected by a height compliant development on this site subject to rear setback dimensions.*

*Further, the amended plans have redistributed height and floor space at the uppermost level as well as the level below. These levels are now setback further than originally proposed that are specifically designed around solar preservation **and improvement**, to both existing buildings at 54 Campbell Parade and 1 Sir Thomas Mitchell Street.*

*In relation to the impacts on 54 Campbell Parade, the shadow diagrams demonstrate that:*

- *At 9am, there is no impact upon any windows or decks beyond that caused by a height compliant building.*
- *At 10am, there is a marginal (almost immeasurable) reduction in sunlight to the rear terrace of a unit that is offset by a real improvement with **additional sunlight** available at the front unit, where the beach facing doors will have sunlight on the glazing that is not anticipated by the controls.*
- *At 11am, there is **additional sunlight** on the rear deck of a unit and **additional sunlight** on the front deck of 2 units, of which neither are anticipated by the controls.*
- *At 12 noon, there is a marginal (almost immeasurable) amount of **additional sunlight** on the front deck of 1 unit, and uninterrupted **additional sunlight** on the rear terrace of a unit that is not anticipated by the controls.*
- *At 1pm, there is **additional sunlight** on the front deck of 1 unit, and uninterrupted **additional sunlight** on the rear terrace of a unit that is not anticipated by the controls.*
- *At 2pm, there is **additional sunlight** to a window of 1 unit, and uninterrupted **additional sunlight** on the rear terrace of a unit that is not anticipated by the controls.*
- *At 3pm, there is **additional sunlight** to a window of 1 unit, and uninterrupted **additional sunlight** on the rear terrace of a unit that is not anticipated by the controls.*

*In relation to the impacts on the existing building at 1 Sir Thomas Mitchell Street, the shadow diagrams demonstrate that:*

- *At 9am, there is **additional sunlight** to a secondary bedroom window of a unit on level 3 that is not anticipated by the controls.*
- *At 10am, there is **additional sunlight** to a secondary bedroom window of a unit on level 2 that is not anticipated by the controls.*
- *By 11am, the **additional sunlight** created by the sculpted form of the building falls onto the blank side wall of the building, with no material benefit to any openings or private outdoor areas.*



- From 12 noon onwards there are **no shadows cast** onto the building.

The solar access impact arising from the areas of non-compliance are non-existent, whilst there are genuine improvements to the amenity of the neighbouring properties arising from the sculpted design offering additional sunlight, preserving the amenity of those properties and improving it beyond the extent anticipated by the controls.

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

The desired future character has been most recently demonstrated by newer developments such as the building at the recently completed building at 10-14 Hall Street, and approved buildings at both 124 and 134 Campbell Parade, all within immediate proximity to the subject site.

The uppermost floor of the proposed development has been designed as a recessive element with a substantial setback from the Campbell Parade frontage of nearly 6.5 metres. Sightline diagrams by the architect illustrate that the top level will not be visible from Campbell Parade, even when standing across the road on the eastern side of the street 20 metres away.

This is consistent with the LEC outcome on the neighbouring site at 58 Campbell Parade.

The setback of the new parts of the building behind the original building will in fact obscure all new levels from the subject (western) side of the street – i.e. standing in front of the building.

The setbacks are generous and meaningful, to ensure that the building is consistent with the desired future character as required. Recent developments within the same B4 (E1) zone along Campbell Parade have a scale of 5 storeys to the street, often with limited setbacks that are modest compared to the setback proposed for this building.

Other approvals in the same zoning in close proximity to the site that contravene the development standard, but meet the objective of the standard, are relevant considerations as per *SJD DB2 Pty Ltd v Woollahra Municipal Council [2020] NSWLEC 1112* (“SJD 1”) and later as per *Woollahra Municipal Council v SJD DB2 Pty Limited [2020] NSWLEC 115* (“SJD 2”).

*“SJD 1 – 69 - The desired future character in my opinion must take into account the form of the buildings to the east which the Council approved under effectively the same controls as present. Those buildings exceed the height and floor space ratio controls. As the Applicant pointed out in submissions, this is not a case where there is an adjacent development approved and constructed many years ago which sits as an anomaly in the street. The developments under construction represent the recently expressed attitude of the Respondent to the controls and what is desired in this part of Cross Street”*

*“SJD 2 – 63 - ... the desired future character of the neighbourhood or area can be shaped not only by the provisions of WLEP, including the development standards themselves, but also other factors, including approved development that contravenes the development standard”*

The proposal is consistent with surrounding developments on Campbell Parade with taller approved and/or constructed fifth and sixth storeys that vary the height limit.

Providing setbacks to the uppermost floors offers an established and proven method of incorporating additional height to a building without impacting upon the contribution of the original front facades of buildings along Campbell Parade. There are a number of examples of this along Campbell Parade, but perhaps the most notable and relevant example is the immediately adjoining property to the south, at 54 Campbell Parade.

The neighbouring building has a set back uppermost level behind the main streetwall and parapet of the existing building. The additions are clearly visible from 3d aerial imagery and can be seen from the public domain at a greater distance from the site. Notwithstanding this, when viewing

*the building and its principal height, bulk and scale from Campbell Parade, the top level (and its pitched roof) are entirely invisible. This is achieved on this neighbouring site with a 6 metre setback. On the recently approved development at 58 Campbell Parade this has been achieved with a 6.425m setback. It is proposed to match the larger 6.425m setback of 58 Campbell Parade.*

*The proposed uppermost will only be visible at much greater distances from the site where it will be read as a much smaller additional level commensurate with many other examples along Campbell Parade. It is notable that a visual appreciation of the uppermost level won't occur from Bondi Park immediately adjacent to the site, as the park slopes away from the site such that the top level remains invisible from the public domain. It is not until an aspect is taken from the sands of Bondi Beach at some distance that this level will be visible.*

(ii) The proposal meets the objectives of the zone.

***a. To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.***

*The proposal retains a single shop with activation to Campbell Parade and an expansion into a lower level behind, as well as retention of the existing 4 residential apartment density on the site, with the introduction of increased amenities for all uses.*

***b. To encourage investment in local commercial development that generates employment opportunities and economic growth.***

*The proposed expansion of the commercial tenancy on the site demonstrates an investment in commercial development.*

***c. To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.***

*The proposal introduces improved residential units above the shopfront, with active areas facing Campbell parade.*

***d. To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.***

*The ground floor is non-residential as required.*

***e. To strengthen the viability of Waverley's existing business centres as places of vitality for investment, employment and cultural activity.***

*The expansion of the commercial tenancy on the site will contribute to the broader viability of this business centre.*

***f. To maximise public transport patronage and encourage walking and cycling.***

*The proposal offers convenient bicycle parking within the building and compliant levels of car parking to minimise car dependency and encourage walking and cycling.*

***g. To encourage the provision of affordable housing.***

*The proposal includes a variety of housing types - dual level, whole level, rear facing; and sizes (number of bedrooms).*

- h. To provide for a range of other uses, including light industrial, that serve the surrounding neighbourhood without impacting on the amenity of the adjoining uses.**

*This objective is not relevant to this development.*

- i. To ensure development is of a height and scale that achieves the desired future character of the neighbourhood.**

*The height, setbacks and scale of the proposal has been specifically designed to ensure it is consistent with the desired future character.*

- j. To promote employment growth by giving preference to commercial development over residential development.**

*The ground floor and lower floor offer commercial development.*

- k. To provide active ground floor uses to create vibrant centres.**

*The ground floor facing Campbell Parade, where activation is required, is activated by predominantly commercial activity.*

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

- (i) *The aspect of the development that contravenes the standard provides an alternative configuration of the building envelope on the site (based on an improved distribution of permissible gross floor area) in order to retain and preserve the significant elements of the original building that is contributory to the heritage conservation area and subject to a potential future listing as a heritage item.*
- (ii) *The variation is caused by a component of the building that is a recessive response to the contributory elements of the building on the site. The set back nature of the uppermost access level is visually recessive, indiscernible and unoffensive from the public domain.*
- (iii) *The existing building's façade that is being retained is significantly below the height standard. Its retention preserves the building's contribution to the conservation area and this is facilitated by the components of the building that seek to vary the height standard.*
- (iv) *The materials, finishes and setback to the uppermost level are respectful and responsive to the original fabric of the building and the conservation setting, noting in particular the level is set in from both sides of the building below and substantially set in from the front and rear boundaries.*
- (v) *Redistribution of height, whilst also offering less gross floor area on the site than the controls allow, provides for an orderly and economic development that permits the longevity of the significant components of the original building that is likely to be heritage listed in a future WLEP.*
- (vi) *The proposal allows for the ongoing conservation of the significant components of the original building inclusive of an improvement to the environmental sustainability, energy efficiency and amenity of the building generally.*
- (vii) *The design satisfies clause 5.10 of the Waverley Local Environmental Plan 2012 with respect to the heritage conservation controls, with the components of the building that are contributory to the heritage conservation area being retained.*
- (viii) *The proposal promotes the economic use and development of the land and the sustainable management of built heritage, (1.3(c) and 1.3(f) of the EP&A Act).*

- (ix) *The scale of the building is consistent with building envelope controls outlined in the DCP that dictate the future desired character, particularly with regards to the preservation of the original street wall with recessed levels above.*
- (x) *The scale of the building is consistent with the part 4/ part 5 storey buildings within the Campbell Parade and Bondi Beach streetscapes, inclusive of the recent Land and Environment Court approved developments at 10-14 Hall Street, 124 Campbell Parade and 134 Campbell Parade which share the same development standard attributes as the subject site.*
- (xi) *The design satisfies the Object 1(g) of the EP&A Act 1979 which seeks to promote good design and amenity of the built environment.*
- (xii) *That despite the non-compliance, the building satisfies the objectives of the development standard and the zone.*

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

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

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

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

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

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

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

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. Despite the breach to building height the proposed development meets the objectives of the development standard and zone.

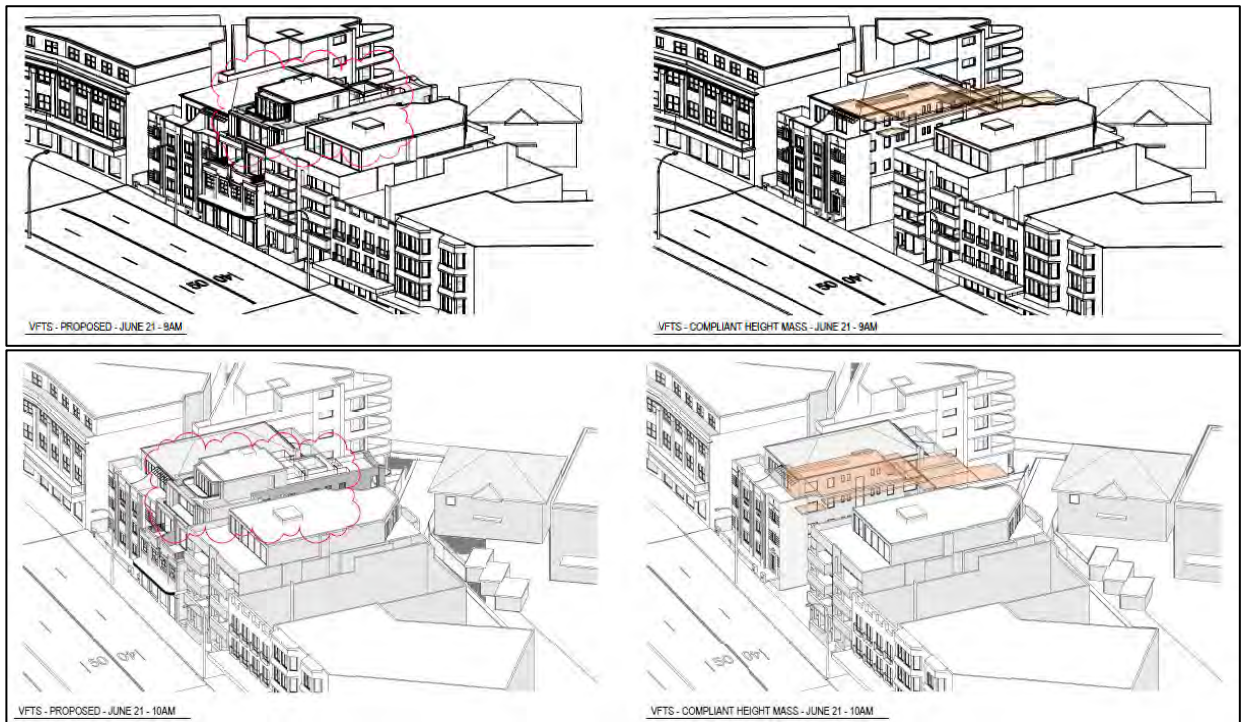
Is the development in the public interest?

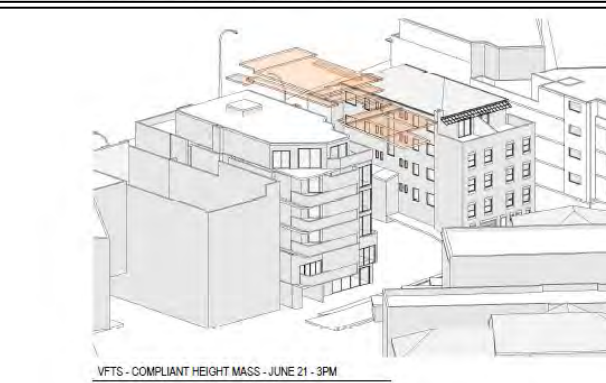
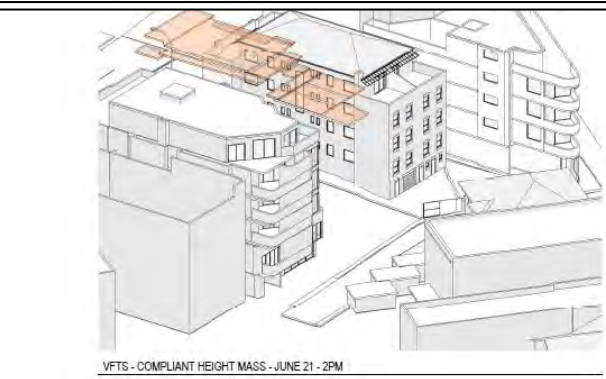
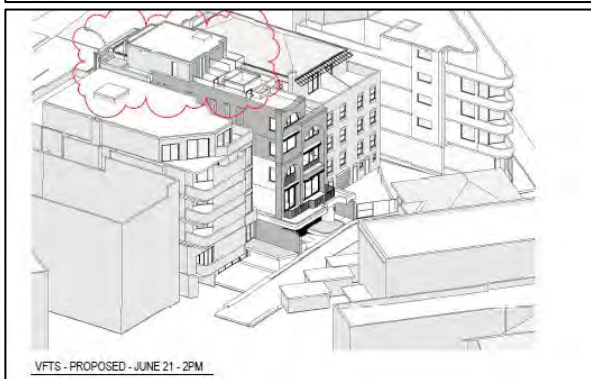
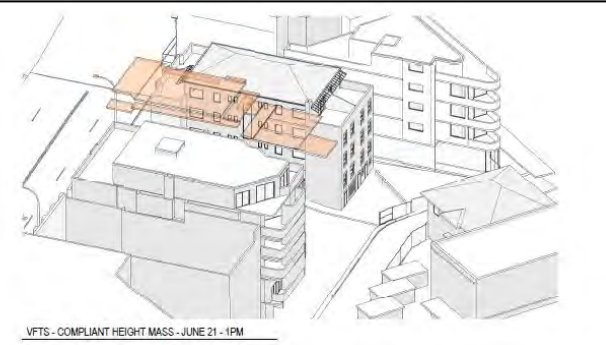
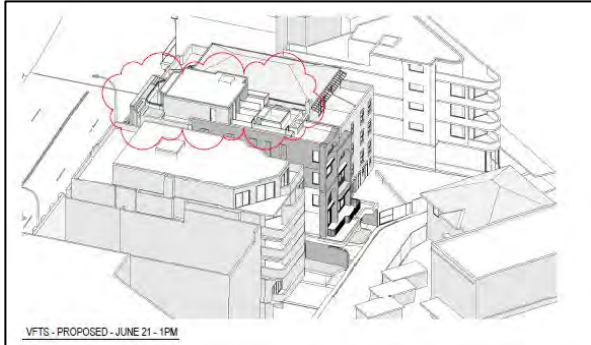
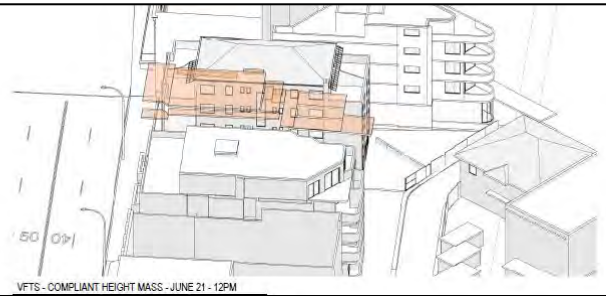
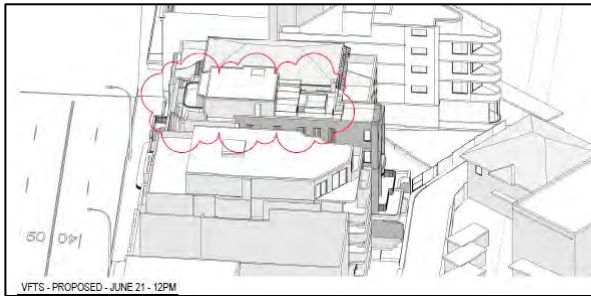
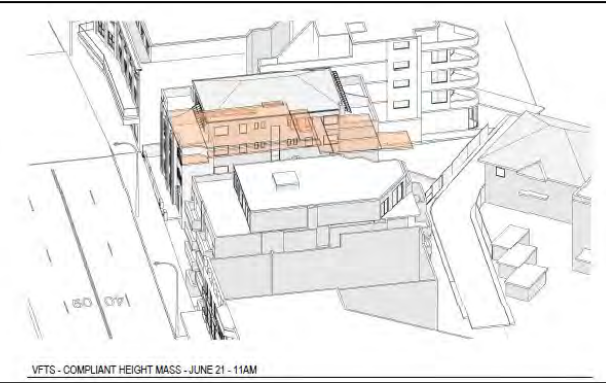
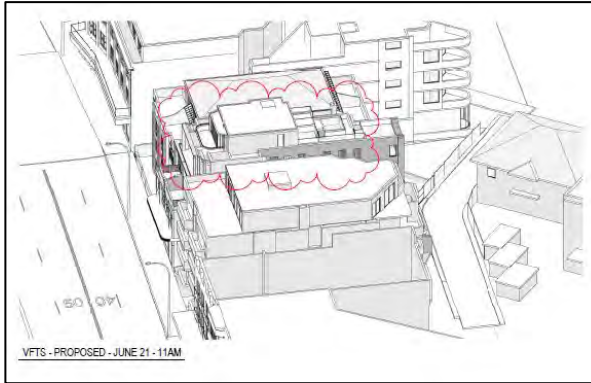
The proposed development will be in the public interest because it is consistent with both the objectives of the particular development standard and the objectives for development within the zone in which the development is proposed to be carried out.

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

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

The applicant has demonstrated that despite the breach to height, the amount of overshadowing to neighbouring windows and balconies would not exceed that of a compliant building envelope. The diagrams below shown in **Figure 7** show view from sun diagrams on June 21. The diagrams demonstrate that the proposed development (left) will not create additional shadowing to neighbouring properties in comparison to a compliant development (right).





**Figure 7.** View from sun diagrams at between 9am – 3pm during the winter solstice, demonstrating the proposed development would not create additional overshadowing from a compliant building envelope. (Source: AN+A, 2023)

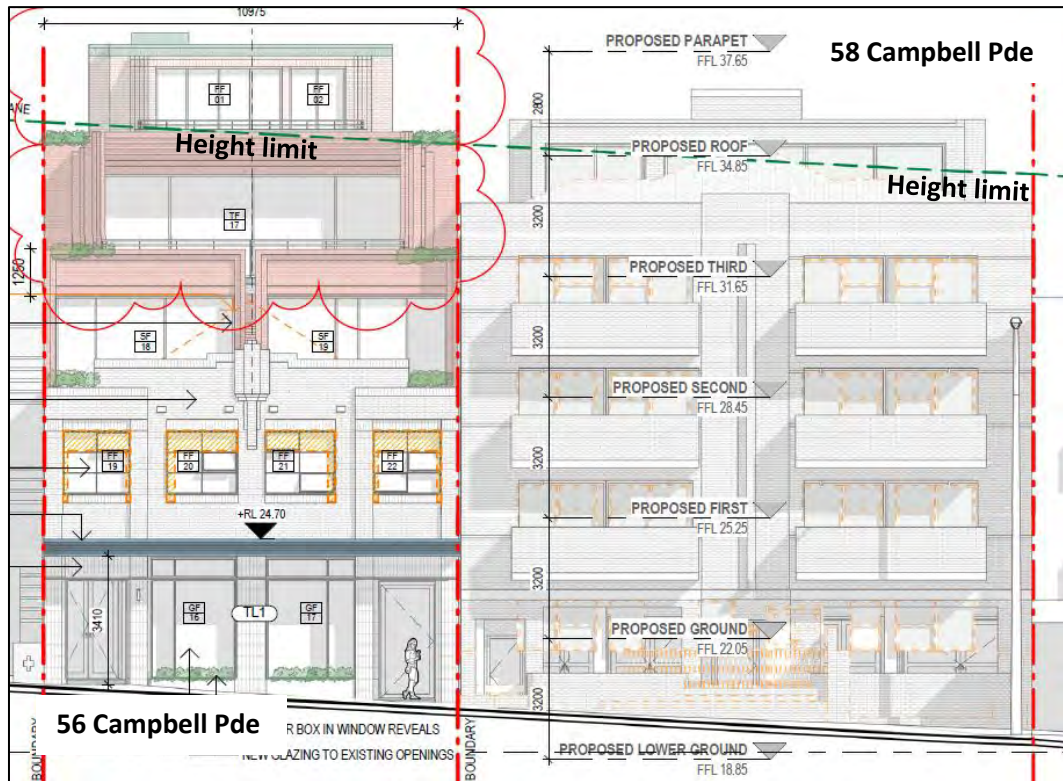
(b) To ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality and positively complement and contribute to the physical definition of the street network and public space.

To assess the acceptability of the height and scale and associated level four against the desired future character of the locality, the development is compared to the recent development consent granted to 58 Campbell Parade. This approval by the LEC on 2 June 2023 was for the substantial demolition (retention to a portion of boundary walls and frontage) and alterations and additions to a residential flat building (new building) comprising of 10 Units and integrated basement parking.



**Figure 8.** Approved section for 58 Campbell Parade, granted by the LEC. (Source MHNDU, 2022)

It is noted that when comparing the approved development at No. 58 with the proposed development, the proposed development sits 1.79m higher than 58 Campbell Parade (comparing parapet height).



**Figure 9.** Comparison of approved development at 58 Campbell Parade and proposed development under this application, as viewed from Campbell Parade. (Source: AN+A, 2023)

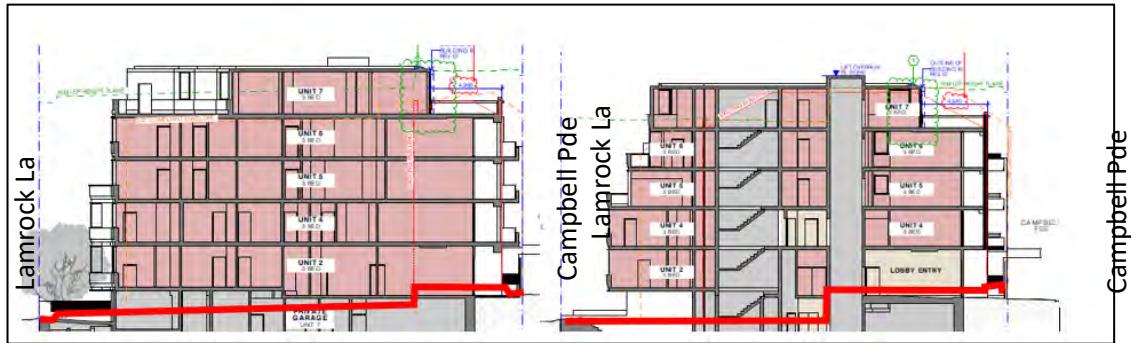
However, the following points are outlined below to demonstrate why the fourth level is acceptable in comparison to 58 Campbell Parade:

- Due to the sloping topography of the locality, the subject site sits higher on the hill compared to No. 58. Therefore, it will visually appear taller than the proposed development. However, when measuring each buildings height (approved and proposed) it is concluded that the proposed development is not greater in overall height than No. 58. The approved development at No. 58 was approved with a height of 17.55m at the rear roof parapet and 15.81m to top of lift overrun (according to the LEC Judgement), whilst the proposed development has a height of 17.1m (measured from lift overrun to existing ground level).
- Due to the form of the existing ground level, the breach to height to the front portion of the development at No. 58 will be less than the subject site. In the diagrams below, it is identified (in left section of **Figure 10**) that the existing ground level at No. 58 substantially slopes down from the front boundary, resulting in less portions of the development breaching height. While in comparison, the existing ground level of the subject site (refer to **Figure 11**) maintains the same ground level for the first half of the site before sloping down. This results in more of the proposed development exceeding the 15m height limit in comparison to No. 58, due to the differing form of existing ground level to each site.

However, as can be seen in **Figures 10** and **11** below, it is evident that the Existing Ground Level for both developments, have utilised the Finished Floor Level of the existing buildings, therefore the portions that breach height are dictated by the existing buildings Finished Floor Level and not the natural topography of the site. Therefore, this



will result in height lines that do not take into account the natural slope of the topography.

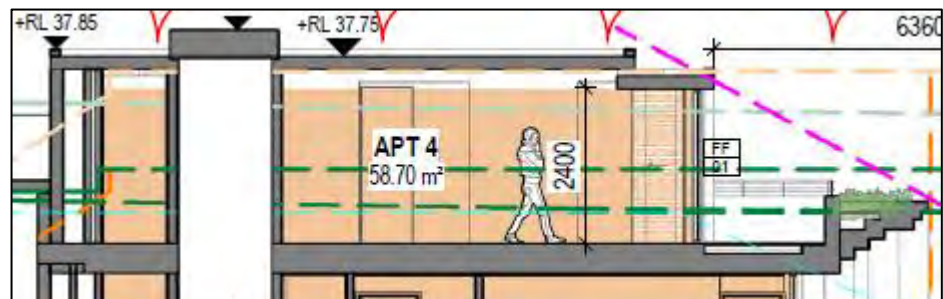


**Figure 10.** Existing Ground Level at 58 Campbell Parade (red line). (Source: MHNDUNION, 2023)

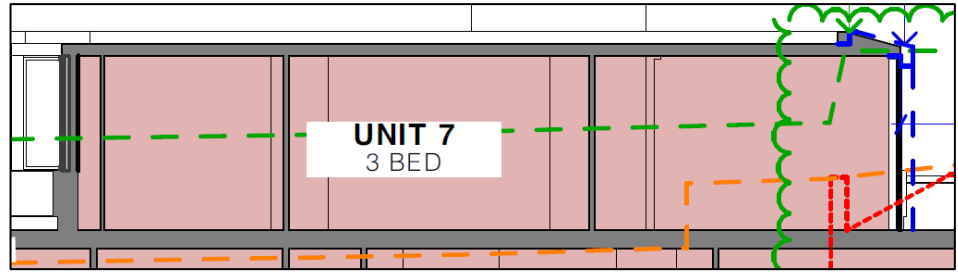


**Figure 11.** Existing Ground Level of the subject site (red line). (Source: AN+A, 2023)

- The maximum 15m height line at level four is located at approximately a persons chest height (southern boundary) and knee height (northern boundary) for the subject site, while at No. 58, the height limit is located at head height. This this indicates that the majority of level four sits higher at No. 58 when compared to the proposed development.



**Figure 12.** Maximum height line (green dashed line) is at chest and knee height to level 4 of the subject site. (Source: AN+A, 2023)



**Figure 13.** Maximum height line (green dashed line) is at head height to level 4 of the 58 Campbell Parade. (Source: AN+A, 2023)

Conclusion

For the reasons provided above, the requested variation to the height of building standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6 of the Waverley LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of height of building and the Local Centre 'E1' zone.

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

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

**Table 6: Waverley DCP 2012 – Part B General Provisions Compliance Table**

Development Control	Compliance	Comment
1. Waste	Yes	Council's Waste Officer supports the application and recommends conditions of consent. Separate commercial and residential bin storage rooms are provided at lower ground level.
2. Ecologically Sustainable Development	Conditional	Appropriate conditions are recommended in relation to BASIX and NatHERs requirements.
3. Landscaping and Biodiversity	Conditional	Conditions are recommended that 50% of the planting be native species, as the subject site is located within a Biodiversity overlay.
5. Vegetation Preservation	N/A	Tree removal is not proposed.
6. Stormwater	Yes	Council's Stormwater Engineer has recommended conditions of consent.
7. Accessibility and Adaptability	Yes	The development will need to comply with the Building Code of Australia / National Construction Code.
8. Transport 8.1 Streetscape	Yes	The parking accessed from Lamrock Place is a desired outcome, as this is a secondary access lane and removes the need for a crossover to Campbell Parade.

Development Control	Compliance	Comment														
<p>8.2 On-site parking</p> <p>8.2.1 Vehicle Access</p> <p>8.2.2 Parking Rates</p>	<p>-</p> <p>Conditional</p> <p>Yes</p> <p>Yes</p> <p>Conditional</p> <p>Yes</p> <p>Yes</p> <p>Conditional</p>	<p>The subject site is located in parking zone 2.</p> <p>Council’s Traffic Engineer has recommended conditions of consent regarding vehicle access.</p> <table border="1" data-bbox="821 427 1422 1368"> <thead> <tr> <th data-bbox="821 427 1118 465">Required</th> <th data-bbox="1118 427 1422 465">Proposed</th> </tr> </thead> <tbody> <tr> <td data-bbox="821 465 1118 573"> <p><b>Residential</b></p> <p>Min: 0 spaces</p> <p>Max: 5.7 spaces</p> </td> <td data-bbox="1118 465 1422 573"> <p><b>Residential</b></p> <p>6 spaces</p> </td> </tr> <tr> <td data-bbox="821 573 1118 647"> <p><b>Visitor</b></p> <p>0 spaces</p> </td> <td data-bbox="1118 573 1422 647"> <p><b>Visitor</b></p> <p>0 spaces</p> </td> </tr> <tr> <td data-bbox="821 647 1118 792"> <p><b>Retail</b></p> <p>Min: 0 spaces</p> <p>Max: 4 spaces</p> </td> <td data-bbox="1118 647 1422 792"> <p><b>Retail</b></p> <p>1 space</p> </td> </tr> <tr> <td data-bbox="821 792 1118 900"> <p><b>Motorcycle</b></p> <p>2 spaces</p> </td> <td data-bbox="1118 792 1422 900"> <p><b>Motorcycle</b></p> <p>2 spaces</p> </td> </tr> <tr> <td data-bbox="821 900 1118 974"> <p><b>Accessible</b></p> <p>0 spaces</p> </td> <td data-bbox="1118 900 1422 974"> <p><b>Accessible</b></p> <p>2 spaces</p> </td> </tr> <tr> <td data-bbox="821 974 1118 1368"> <p><b>Bicycle</b></p> <p>Residential: 4 spaces</p> <p>Retail Employee: 0 spaces</p> <p>Retail Visitor: 1 spaces</p> </td> <td data-bbox="1118 974 1422 1368"> <p><b>Bicycle</b></p> <p>Residential: 4 spaces</p> <p>Retail Employee: 0 spaces</p> <p>Retail Visitor: 0 spaces</p> <p>A condition is recommended to provide 1 retail bicycle space.</p> </td> </tr> </tbody> </table>	Required	Proposed	<p><b>Residential</b></p> <p>Min: 0 spaces</p> <p>Max: 5.7 spaces</p>	<p><b>Residential</b></p> <p>6 spaces</p>	<p><b>Visitor</b></p> <p>0 spaces</p>	<p><b>Visitor</b></p> <p>0 spaces</p>	<p><b>Retail</b></p> <p>Min: 0 spaces</p> <p>Max: 4 spaces</p>	<p><b>Retail</b></p> <p>1 space</p>	<p><b>Motorcycle</b></p> <p>2 spaces</p>	<p><b>Motorcycle</b></p> <p>2 spaces</p>	<p><b>Accessible</b></p> <p>0 spaces</p>	<p><b>Accessible</b></p> <p>2 spaces</p>	<p><b>Bicycle</b></p> <p>Residential: 4 spaces</p> <p>Retail Employee: 0 spaces</p> <p>Retail Visitor: 1 spaces</p>	<p><b>Bicycle</b></p> <p>Residential: 4 spaces</p> <p>Retail Employee: 0 spaces</p> <p>Retail Visitor: 0 spaces</p> <p>A condition is recommended to provide 1 retail bicycle space.</p>
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9. Heritage	Conditional	The subject site is located within the Bondi Beach Heritage Conservation Area. This will be discussed in more detail within the referral section of this report.														
12. Design Excellence	Yes	<p>The application has been reviewed by DEAP. Their comments have been addressed within <b>Table 1</b> of this report.</p> <p>Further comments from Council’s Urban Design Officer will be discussed in the referral section of this report.</p>														
14. Excavation	Acceptable	Due to the narrow lot width, a 1.5m side setback for the excavation cannot be achieved. Appropriate conditions are recommended to ensure excavation is carried out in a safe manner.														

Development Control	Compliance	Comment
15. Public Domain	Acceptable	<p>The proposal will provide an active street frontage.</p> <p>The awning ranges in height from 3.9m to 4.5m (measured to footpath). Although this exceeds the maximum awning height of 4.2m, it is accepted on merit due to the sloping nature of the locality.</p> <p>The proposed awning provides appropriate height clearance.</p> <p>A condition is recommended that the depth of the awning be extended to be setback 0.6m from the kerb line and the corners are squared-off rather than curved.</p>
17. Inter War Buildings	Conditional	The subject site is located within the Bondi Beach Heritage Conservation Area. This will be discussed in more detail within the referral section of this report.

**Table 7: Waverley DCP 2012 – Part C3 Other Residential Development Compliance Table**

Development Control	Compliance	Comment
<b>3.1 Site, scale and frontage</b>		
	Yes	The proposed development has appropriately designed the development within the narrow lot.
<b>3.2 Height</b>		
	Refer to <b>Table 8</b>	Maximum external wall height is stipulated in Part E2 of the Waverley DCP 2012.
<b>3.3 Setbacks</b>		
3.3.1 - Street setbacks	Refer to <b>Table 8</b>	Maximum external wall height is stipulated in Part E2 of the Waverley DCP 2012.
3.3.2- Side and rear setbacks	Refer to <b>Table 8</b>	Maximum external wall height is stipulated in Part E2 of the Waverley DCP 2012.
<b>3.4 Length and depth of buildings</b>		
<ul style="list-style-type: none"> <li>Maximum building length: 24m</li> <li>Façade to be articulated</li> <li>Maximum unit depth: 18m</li> </ul>	Merit	The length and depth of the building appropriately responds to the small lot size.
<b>3.5 Building design and streetscape</b>		
<ul style="list-style-type: none"> <li>Respond to streetscape</li> <li>Sympathetic external finishes</li> </ul>	Yes	The development appropriately retains the front façade of the existing building, with the proposed works located behind this existing retained building line. This retention is considered to

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>• Corner sites to address both streets as primary frontages</li> <li>• Removal of original architectural features not supported.</li> </ul>		contribute to the Heritage Conservation Area and associated streetscape.
<b>3.6 Attic and roof design</b>		
	Yes	The roof form is acceptable.
<b>3.8 Pedestrian access and entry</b>		
<ul style="list-style-type: none"> <li>• Entry at street level and respond to pattern within the street</li> <li>• Accessible entry</li> <li>• Separate to vehicular entry</li> <li>• Legible, safe, well-lit</li> </ul>	Yes	Entry to the residential and commercial spaces is acceptable.
<b>3.9 Landscaping – REFER TO ADG</b>		
<b>3.10 Communal open space – REFER TO ADG</b>		
<b>3.11 Private Open Space – REFER TO ADG</b>		
<b>3.12 Vehicular access and parking</b>		
<ul style="list-style-type: none"> <li>• Car parking to be integrated into the design of the development</li> <li>• Max 1 x 2 way vehicle access point</li> <li>• Provided from secondary street or lane</li> <li>• Pedestrian safety considered</li> <li>• Basement parking should not contravene deep soil zone controls</li> </ul>	Yes	Vehicular access and parking is acceptable subject to conditions of consent.
<b>3.13 Solar access and overshadowing</b>		
<ul style="list-style-type: none"> <li>• Direct sunlight to north facing windows of habitable rooms and all private open space areas of adjacent dwellings should not be reduced to less than 3 hours between 9.00am and 3.00pm on June 21.</li> </ul>	Yes	<p>Overshadowing and solar access has been discussed in detail within the Clause 4.6 justification. It is concluded that no additional overshadowing would occur to neighbouring windows or open space.</p> <p>Due to the narrow subdivision pattern of the existing lots and the 15m height limit permitted for this site, three hours of direct sunlight to north facing windows cannot be achieved.</p>
<b>3.14 Views and view sharing</b>		

Development Control	Compliance	Comment
	Merit	View loss will be discussed in detail below <b>Table 8</b> .
<b>3.15 Visual privacy and security</b>		
<ul style="list-style-type: none"> <li>• Dwellings to be orientated to the street with entrances and street numbering visible</li> <li>• Above ground open space must not overlook rooms and private landscaped areas of adjoining properties or be screened</li> <li>• Privacy be considered in relation to context density, separation use and design.</li> <li>• Prevent overlooking of more than 50% of private open space of lower level dwellings in same development</li> <li>• Roof tops are to be non-trafficable, unless there is a predominance of roof terraces in the immediate vicinity of the site.</li> </ul>	Acceptable	<p>The windows to the rear portion of the side elevation that lack privacy screens are acceptable as they will not look directly into neighbouring windows.</p> <p>The majority of all other windows to side elevations incorporate privacy screens.</p> <p>The rear terrace to apartment 1 will not result in unreasonable visual privacy impacts to neighbouring properties.</p> <p>The front terraces to apartments 2 - 4 will overlook Campbell Parade, an active street front.</p> <p>The trafficable area of the level four rear terrace is setback from the edge of the roof below, obstructing sightlines. Additionally, due to the natural topography of the area and the existing built form of 54 Campbell Parade, the level four rear terrace will not look directly into neighbouring windows or balconies.</p>
<b>3.16 Dwelling size and layout - REFER TO ADG</b>		
<b>3.17 Ceiling Heights – REFER TO ADG</b>		
<b>3.18 Storage – REFER TO ADG</b>		
<b>3.19 Acoustic privacy</b>		
<ul style="list-style-type: none"> <li>• Internal amenity by locating noisy areas away from quiet areas</li> </ul>	Yes	The internal layout of the apartments have been appropriately designed to locate noisy areas away from quiet areas.
<b>3.20 Natural Ventilation – REFER TO ADG</b>		
<b>3.21 Building services</b>		
<ul style="list-style-type: none"> <li>• Services are to be integrated into the design of buildings (garbage rooms, mail boxes, fire hydrants boosters, electrical substations, down pipes, plant rooms, satellite/communications structures</li> <li>• Plant rooms away from entry communal and private open spaces and bedrooms.</li> </ul>	Yes	<p>Services are integrated into the design of the building.</p> <p>Plant rooms are located away from communal entry areas or private open space.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Services on roof not to be seen from street or impact public or private views and be min 2m from the building edge</li> </ul>	Yes	Services on the roof are integrated into the design of the development.

**Table 8: Waverley DCP 2012 –E2 Bondi Beachfront Area Compliance Table**

Development Control	Compliance	Comment
<b>2.1 General Controls</b>		
2.1.1 Public Domain Interface	Yes	The commercial and residential entries are separated.
	Yes	The entry of the residential portion does not exceed 20% of the Campbell Parade frontage.
	Yes	The shopfront has appropriate openings to activate the street front.
	Yes	The vehicle entry is to the rear lane and not to Campbell Parade.
2.1.2 Building Use	Yes	The development proposes a commercial use on the ground floor and a residential use at first floor. This is the common approach for new development in this locality, providing a permitted shop-top housing use in the zone.
2.1.3 Built Form	Yes	The front façade of the original building is retained on the front boundary, respecting the heritage character of the existing building. Conditions recommended to ensure this occurs safely.
	Yes	The ground floor commercial shell has a floor to ceiling height of 4.2m.
2.1.4 Roofs	Yes	The location of services to the roof will not be visible to pedestrians on the footpath.
2.1.5 Views	Refer to discussion	View loss will be discussed in detail below <b>Table 8</b> .
2.1.6 Heritage conservation	Conditional	The subject site is located within the Bondi Beach Heritage Conservation Area. This will be discussed in more detail within the referral section of this report.
2.1.7 Infill Buildings	Yes	The front façade of the original building is retained on the front boundary, respecting the heritage character of the existing building.
<b>2.2 Character Areas – Notts Ave or Campbell Parade South/Central/North or Ramsgate Ave East</b>		
Area B or 2.1.2 – Campbell Parade South	Acceptable	<u>Land Use</u> The development proposes a commercial use on the ground floor and a residential use at first floor and above. This is the common approach for

Development Control	Compliance	Comment
		<p>new development in this locality, providing permitted shop-top housing uses.</p> <p><u>Height and Bulk</u> The fourth level is acceptable on merit as it has been demonstrated in the Clause 4.6 Variation that it does not result in environmental amenity impacts to neighbouring properties.</p> <p>Although a 13.5m wall height is proposed, this is permitted as additional setbacks cannot be achieved without impacting the internal amenity of the apartments due to the narrow width of the lot.</p> <p><u>Setbacks</u> The development retains the front façade and portions of the side walls of the existing building, which are constructed on the front boundary.</p> <p>The proposed second and third floors provide an appropriate setback from the front boundary line, recessed from the ground floor and level 1 below. The forward most 11.4m of the building is constructed on the side boundaries with the rear portion setback 1.2m from each side. This is a similar approach to the recently approved development at 58 Campbell Parade.</p> <p><u>Heritage and contributory buildings</u> The development appropriately retains the front façade of the building.</p> <p><u>Façade Materials and Finishes</u> The development appropriately retains the front façade of the building. A condition is recommended that materials and finishes be satisfied by Council's Urban Design Manager, to ensure an appropriate contrast between the retained elements and the new portion of the development.</p> <p><u>Balconies and Balustrades</u> The proposed front balconies do not extend forward of the front façade. Levels 1 and 2 utilises the existing front façade for use as a balustrade. The recessed level three is a mix of brick and metal.</p> <p><u>Roofs and Parapets</u></p>



Development Control	Compliance	Comment
		<p>The roof provides a parapet.</p> <p><u>Façade Colours</u> A condition is recommended that materials and finishes be satisfied by Council's Urban Design Officer.</p> <p><u>Parking</u> Parking is accessed via the rear lane.</p>

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

*View loss*

An objection was received from 10/54 Campbell Parade relating to view loss. Council requested images of the view.



**Figure 14.** Northern outlook from kitchen window standing from 10/54 Campbell Parade.



**Figure 15.** Northern outlook from living/dining room window standing from 10/54 Campbell Parade.

As this is not a view but an outlook, an assessment against the principles of Tenacity is not required. However, it is noteworthy that Step Two of the Tenacity Assessment states *“the expectation to retain side views and sitting views is often unrealistic”*.

The assessing officer reached out to the objector to understand if there was view loss to unit 11 (as they prepared a joint objection for units 10 and 11). It was advised that *‘unit 11 faces the beach but council should still consider the loss of outlook from other north facing units’*.

No other objections were received in relation to view loss.

Council’s Urban Design Officer advised that there could be potential view loss to properties at both Francis and Edward Streets to the south-west of the site. The team provided the following 3D modelling from 35 Francis Street.



**Figure 16.** 3D modelling of potential view impact, looking north-east. Proposed view (top) and existing view (bottom).

The applicant provided the following justification in relation to this potential view loss.

*With respect to the images offered that purport to view impacts arising from the development upon three properties, I reject that there is a ‘significant’ impact arising from this development. Unfortunately the images provided by Council are not compliant with the LEC view assessment protocols or Photomontage Policy, nor is the LEP height plane overlay accurate to the particular circumstances of individual sites. This is evident particularly at the front of the site where the height plane is shown much lower in the images than the actual surveyed height plane in our drawings. The Council’s model offers an extrapolated plane only. Further, the images do not provide an appropriate aspect of the whole view experienced from these properties, but rather they provide a focussed northern aspect that exaggerates the building’s visual presence without reference to the whole aspect experienced from these properties.*

*Notwithstanding this, the images offer a number of insights that are relevant.*

- They illustrate that a small portion of distant aspects of Bondi will experience a minor interruption from the proposed development.*
- The properties identified are 200m metres away (three street blocks) from the subject site and the aspect over the proposed building (and approved building next door) is to an element 700m away from these properties.*
- The interruption caused by the additions at 58 Campbell Parade, as approved with Council's agreement in the Land and Environment Court (LEC) are, by comparison to the proposed development, far more significant than we propose. In both cases, the impacts are not sufficient to warrant deletion of the top level, as Council agreed next door, as the proposed built form offers an alternative arrangement of compliant floor space on these buildings. This is an established practice accepted by the LEC in judgements at 10-14 Hall Street and 31-33 Hall Street, as well as by agreement at the neighbouring 58 Campbell Parade.*
- The scale of the approved development at 58 Campbell Parade is 5-6 storeys when viewed from the rear given the top level's minimal setback from the levels below, whilst the scale of the proposed development at 56 Campbell Parade is part 4, part 5 storeys, with a smaller part additional floor above and a substantial setback from the rear.*

*This meets the height development standard objectives which seek to ensure preservation of amenity and "if appropriate, the sharing of views". The LEP standard does not require a preservation of views, nor do the LEC Tenacity Principles support ultimate preservation. They require sharing of views, if appropriate. In this case, the appropriateness of sharing views from properties three street blocks away from the site, to relatively and proportionately insignificant snippets of Bondi 700m away, has a reduced threshold for reasonableness, and the 'sharing' of those views offered by this proposal is nevertheless reasonable and appropriate.*

*With respect to the images offered that purport to the visual impact of the building as viewed from the car park in front of the pavilion, these clearly indicate that the uppermost floor of the proposed development is negligible in the context of surrounding buildings, particularly dwarfed and hidden behind by the long expanse of the approved top floor of the development at 58 Campbell Parade – that approved with Council's agreement in the LEC. The top floor's extension in a horizontal plane is roughly a fifth of that of the neighbouring development, and is visually compatible with the undulating rooftop skyline of Campbell Parade. There is no impact arising from the proposal that is tangible to the scenic quality or heritage values of the Bondi Beach State and National listings.*

*Further, in response to the comments raised by the DBU that the building may present as 6 storeys in height, the development is predominantly 4 or 5 storeys in scale, viewed as 4 storeys from the Campbell Parade frontage with a 5<sup>th</sup> setback level visible only from distant angles, and presents as 4-5 storeys at the rear due to the significant rear setback of the top level. There are physically no areas of the public domain from which this building can be seen as having 6 storeys. At its greatest, the building is visually 5 storeys in height from anywhere in the public domain. By contrast, the approved development at 58 Campbell Parade can be seen as 6 storeys (1-2 more than the proposal) from the rear lane and the pavilion carpark, and presents as 5 storeys (1 more than the proposal) from in front of the site on Campbell Parade.*

*Our proposal offers a compliant FSR, arranged appropriately on the site commensurate with surrounding development, and facilitates the retention of the significant frontage of the existing building to ensure it provides an ongoing architectural legacy to the curtilage of Bondi Beach.*

The Council Assessment Planner agrees with the applicant, that images provided by Council are not compliant with the LEC view assessment protocols or photomontage policy. This policy states that accurate Survey data must be used, this is not the case for **Figure 16**, as the plans were not certified by a registered surveyor.

Additionally, Edward and Francis Streets are between 100m – 180m from the subject site and the view of the Bondi Pavilion is 450m on the other side of the subject site. Therefore, it is extremely difficult to protect these views when the zoning allows for larger buildings along Campbell Parade. In addition, the 3D modelling (despite its accuracy) shows that views of the beach and water will not be lost, which is of a higher value than the Bondi Pavilion building.



**Figure 17.** Aerial map showing distance between Francis and Edward Streets and the Bondi Pavilion in context of the subject site. (Source: Nearmap, 2023)

## 2.2. Other Impacts of the Development

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

## 2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

## 2.4. Any Submissions

The application was notified for 28 days from 12 September – 12 October 2022 and a site notice erected on the site in accordance with the *Waverley Community Development Participation and Consultation Plan*.

Following receipt of amended plans and additional information, the application was re-notified for 14 days from 13 – 29 June 2023 and a site notice erected on the site in accordance with the *Waverley Community Development Participation and Consultation Plan*.

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

**Table 8: Number of and where submissions were received from.**

Count	Property Address
1-2	7/54 Campbell Parade, Bondi Beach
3	10 & 11/54 Campbell Parade, Bondi Beach
4	Unknown
5	Unknown
6	16/54 Campbell Parade, Bondi Beach

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

- Breach to height
- Building separation (as per the ADG)
- Side and rear setbacks
- Bondi Beach precinct (as per the DCP)
- Loss of visual privacy
- Overshadowing
- Excavation

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

***Issue: Noise from construction.***

**Response:** The standard industry hours of construction are recommended to be imposed via condition.

***Issue: Damage to property by drilling/excavation.***

**Response:** Appropriate excavation related conditions are recommended for imposition.

***Issue: Impact from Construction Traffic.***

**Response:** A Construction Traffic Management Plans is recommended to be provided and approved by Council’s Traffic Engineer prior to works commencing.

***Issue: Should not demolish building due to its character***

**Response:** The front façade of the dwelling is being retained to maintain its historic character.

***Issue: Destruction of tree canopy.***

**Response:** Tree removal is not proposed as part of this application. Regardless, tree protection conditions are recommended.

## 2.5. Public Interest

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

## 3. REFERRALS

The following internal and external referral comments were sought:

### 3.1. Fire Safety

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

### 3.2. Heritage

An internal referral was sought from Council's Heritage Officer who reviewed the original submitted plans and advised the following:

- *Heritage Officer: The proposed top floor addition has a significant impact on these buildings viewed from Bondi Park opposite.*

Planners Comment: The first floor addition is setback from the level below with greater side setbacks. This aids in reducing the bulk and scale of the fourth level. Additionally, the proposed fourth level has been justified as outlined in this report.

- *Heritage Officer: Any consent to exceed the height limit must be predicated on the additional height being of a recessive and not a dominant or prominent form.*

Planners Comment: See comment above.

- *Heritage Officer: Extended rising or level eaves should not be approved and where sun shading to windows and doors is required this should be achieved with shades projecting out at a lower level [e.g. door head height at 2100-2200mm]. Similarly, any roof form should be recessive as shown on the applicant's comparative example where the roof slopes up from the outer front edge.*

Planners Comment: The development will be required to meet the BASIX and NaTHERs threshold.

- *Heritage Officer: Material and colour finishes are to mitigate the visual impact of the form- dark grey/black cladding is not to be used.*

Planners Comment: A condition is recommended that the finalised materials and finishes is to be approved by Council.

Amended referral comments were not sought on the amended proposal as the original comments raised no significant heritage related design concerns.

### 3.3. Urban Design

An internal referral was sought from Council's Urban Design Officer who advised the following:

- *Urban Design Officer: The top floor is removed in order to comply with the Height control and reduce the extent of the bulk.*

Planners Comment: A detailed analysis of level 4 has been completed above and it is deemed acceptable.

- *Urban Design Officer: View loss impacts from the buildings at Edward Street and Francis Street are considered.*

Planners Comment: View loss impacts have been discussed above.

- *Urban Design Officer: The whole additions at the top are redesigned in order to provide a better integration with the retained façade in terms of proportions of solids to voids on Campbell Parade.*

Planners Comment: The proposed integration is deemed acceptable. The front façade of the existing building is retained with the upper level additions recessed from the existing retained front building line.

- *Urban Design Officer: To reduce the visual impact of the fourth floor Campbell parade façade by reducing the size and singularity of the opening.*

Planners Comment: A condition is recommended that the Level 3 opening is reduced.

- *Urban Design Officer: Use sympathetic materials whilst clearly differentiating the old from the new.*

Planners Comment: A condition is recommended that the finalised materials and finishes is to be approved by Council's Urban Design Manager.

### 3.4. Strategic Planning

An internal referral was sought from Council's Strategic Planning Department who did not object to the proposal.

### 3.5. Biodiversity

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

### 3.6. Waste Management

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

### 3.7. Sustainable Development

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

### 3.8. Health Management

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



### 3.9. GIS

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

### 3.10. Traffic

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

Council's Traffic Engineer advised the proposed ramp with a grade of 1:8 for the first 3 metres into the property and 1:4 thereafter is not acceptable. It does not provide a safe position for exiting drivers to pause and check for other vehicles and pedestrians prior to leaving the site.

Modified plans are required with the ramp gradient at a maximum of 5% for the first 4.5 metres into the property. A minimum headroom of 2.2 metres is to be provided for the modified ramp.

Conditions to this effect are recommended for imposition.

### 3.11. Stormwater

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

### 3.12. Public Domain

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

### 3.13. Tree Management

An internal referral was sought from Council's Tree Officer who did not object to the proposal.

### 3.14. Design Excellence Advisory Panel (DEAP)

An external referral was sought from DEAP. Their comments are outlined within **Table 1** of this report.

## 4. CONCLUSION

The DA seeks consent for Integrated development for Water NSW for retention to the front of the existing building, demolition and construction of a shop-top housing building containing retail (over 3 split level), with four units above at the site known as 56 Campbell Parade, Bondi Beach.

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

- Breach to building height;
- Appropriateness of fourth floor (level 5); and
- Retention of existing front façade / structural stability.

The assessment finds these issues acceptable.

The breach to building height was deemed acceptable as a well-founded Clause 4.6 Variation was provided with the application, which demonstrated that despite the breach to height the development met the objectives of both height and the zone within the Waverley LEP 2012. In addition, due to the precedents of the recently approved fourth level at 58 Campbell Parade the proposed fourth floor was also deemed acceptable.

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

The application has been assessed against the relevant matters for consideration under section 4.15(1) of the *Environmental Planning and Assessment Act 1979*. It is recommended for approval subject to conditions of consent. General terms of approval have been granted by Water NSW and are included in the list of recommended conditions.

## 5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed by:	Application reviewed and agreed by:
		
Joseph Somerville	Bridget McNamara	Angela Rossi
Senior Development Assessment Planner	Manager, Development Assessment	A/Executive Manager, Development Assessment
Date: 27 July 2023	Date: 11 August 2023	Date: 1 September 2023

### Reason for WLPP referral:

1. Departure from any development standard in an EPI by more than 10%
2. Sensitive development:
  - (a) Designated development
  - (b) SEPP 65 development

### OFFICE USE ONLY

Clause 4.6 register entry required	14% variation to height (Clause 4.3)	
		Pre-existing non-compliance
		No change to overall building height
		Variation limited to the [lift/plant/parapet/attic]
	X	No unreasonable impacts on the amenity of adjoining properties or streetscape
	X	Sufficient environmental planning grounds
	X	Consistent with the objective of the standard
Determining Authority (Concurrence Authority for Clause 4.6 variation)	Local Planning Panel	
Affordable Rental Housing Units?	No	

Secondary Dwelling	No
Boarding House	No
Group Home	No
Trial Period database entry required	No
VPA submitted – follow up actions required	No
Refer to compliance for investigation	No
Commercial/liquor operational conditions	No
Other (please specify):	No

## APPENDIX A – CONDITIONS OF CONSENT

### A. APPROVED DEVELOPMENT

#### 1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) Architectural Plans prepared by AN+A of Project No: CAM2105 including the following:

<b>Plan Number and Revision</b>	<b>Plan description</b>	<b>Plan Date</b>	<b>Date received by Council</b>
DA006 / Rev C	Site Plan – Proposed	30/05/2023	09/06/2023
DA010 / Rev A	Existing + Demolition – Lower Ground Floor	18/08/2022	09/06/2023
DA011 / Rev A	Existing + Demolition – Ground Floor	18/08/2022	09/06/2023
DA012 / Rev A	Existing + Demolition – First Floor	18/08/2022	09/06/2023
DA013 / Rev A	Existing + Demolition – Roof Plan	18/08/2022	09/06/2023
DA014 / Rev B	Proposed – Basement 2	14/02/2023	09/06/2023
DA015 / Rev B	Proposed – Basement 1	14/02/2023	09/06/2023
DA016 / Rev B	Proposed – Lower Ground	14/02/2023	09/06/2023
DA017 / Rev C	Proposed – Ground Floor	30/05/2023	09/06/2023
DA018 / Rev B	Proposed – First Floor Plan	30/05/2023	09/06/2023
DA019 / Rev B	Proposed – Second Floor Plan	30/05/2023	09/06/2023
DA020 / Rev C	Proposed – Third Floor Plan	30/05/2023	09/06/2023
DA021 / Rev C	Proposed – Fourth Floor Plan	30/05/2023	09/06/2023
DA022 / Rev C	Proposed – Roof Plan	30/05/2023	09/06/2023
DA150 / Rev C	Proposed – East Elevation	30/05/2023	09/06/2023
DA151 / Rev C	Proposed – West Elevation	30/05/2023	09/06/2023
DA152 / Rev B	Proposed – North Elevation	30/05/2023	09/06/2023
DA153 / Rev B	Proposed – South Elevation	30/05/2023	09/06/2023
DA170 / Rev C	Section A – Long Section	30/05/2023	09/06/2023
DA171/ Rev C	Section B – Cross Section	30/05/2023	09/06/2023

- (b) Geotechnical Report (344263Lrpt) prepared by JK Geotechnics, dated 03/09/2021 and received by Council 01/09/2023.
- (c) Acoustic Report (20211076.1/2207A/R1/RG) prepared by Acoustic Logic, dated 22/07/2022 and received by Council 01/09/2023.
- (d) Access Report prepared Morris Goding Access Consulting, dated 22/08/2022 and received by Council 01/09/2023.
- (e) BCA Report (MSA2411\_BCA)) prepared by Matt Shuter and Associates, dated 19/08/2022 and received by Council 01/09/2023.
- (f) Flood Risk Management Report (210445) prepared by NB Consulting Engineers, dated 17/08/2022 and received by Council 01/09/2023.

- (g) Heritage Impact Statement (J4720) prepared by Weir Phillips Heritage and Planning, dated 02/08/2022 and received by Council 01/09/2023.
- (h) Traffic and Transport Management Plan (21399) prepared by Varga Traffic Planning Pty Ltd, dated 03/09/2021 and received by Council 23/08/2023.
- (i) BASIX and NatHERs Certificate/s
- (j) The Site Waste and Recycling Management Plan (SWRAMP) Part 1 received by Council on 01/09/2022.

Except where amended by the following conditions of consent.

## **2. GENERAL MODIFICATIONS – URBAN DESIGN / HERITAGE RESTORATION**

The proposal shall be amended as follows:

- (a) The Level 3 frontage to Campbell Parade is to be amended to reduce the roof corbelling as it dominates the façade at this level.
- (b) The awning to Campbell Parade is to be extended in depth to be set back 0.6m from the Campbell Parade kerb line. The awning corners are to be squared-off.
- (c) A detailed Schedule of Conservation Works prepared by a suitably qualified heritage architect and dealing in detail with the restoration and conservation of the façade of the building is to be submitted for approval by Council’s Heritage Officer.
- (d) A detailed report prepared by a suitably qualified engineer with the input of a suitable qualified Heritage Architect is to be submitted for approval by Council’s Heritage Architect which:
  - i. Outlines the methodology for retention and conservation of the façade of the building and retained structure including sidewalls.
  - ii. Includes a methodology to ensure the stability and viability of the parapet during construction and its tying back into the new slab, and
  - iii. Ensures the structural stability of the façade arising from the insertion of the approved building form and openings into the existing façade.
- (e) A schedule of external materials and finishes and design details of all elements of the building façade, including materials for structure on the roof terrace. The new materials are to provide a variance to differentiate between the retained facade and the new building;
- (f) Large-scale detailed sections illustrating the construction of the roof, facades, method of fixing privacy screens, shading devices, balconies, planters and balustrades and major junctions between materials;
- (g) Detailed drawings of the shop fronts, entry foyers, awnings, window operation.

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

## **3. GENERAL MODIFICATIONS – VEHICLE ACCESS**

The proposal shall be amended as follows:

- (a) The proposed ramp with a grade of 1:8 for the first 3 metres into the property and 1:4 thereafter is not acceptable. It does not provide a safe position for exiting drivers to pause and check for other vehicles and pedestrians prior to leaving the site.
- (b) Modified plans are required with the ramp gradient at a maximum of 5% for the first 4.5 metres into the property.
- (c) The headroom clearance on entry, on the ramp, and on the basement level is to be a minimum of 2.2 metres.

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

#### **4. INFRASTRUCTURE SERVICES**

Evidence from Ausgrid confirming that an electricity substation is not required. In the event that a substation is required, details of the proposed location are to be submitted for approval along with amended plans accommodating any layout changes. No facility is to be provided along the Campbell Parade frontage.

#### **5. GENERAL TERMS OF APPROVAL – WATER NSW**

- (a) Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.
- (b) Before any construction certificate is issued for any excavation under the development consent, the applicant must: 1. Apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and 2. Notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity Advisory Note: 3. An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. 4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.
- (c) A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement – see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.

- (d) If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and I give the record to WaterNSW either via email to [Customer.Helpdesk@waterNSW.com.au](mailto:Customer.Helpdesk@waterNSW.com.au) or post completed forms to – PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.
- (e) All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.
- (f) The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c) any elevated water table from rising to within 1.0 m below the natural ground surface.
- (g) Construction phase monitoring bore requirements GTA: a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. B) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application. c) The monitoring bores must be installed and maintained as required by the water supply work approval. D) The monitoring bores must be protected from construction damage.
- (h) Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. B) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)
- (i) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant

must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. C) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website [www.waternsw.com.au/customer-service/water-licensing/dewatering](http://www.waternsw.com.au/customer-service/water-licensing/dewatering)

- (j) The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation – Survey plan showing ground surface elevation across the site – Architectural drawings showing basement dimensions – Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) – Laboratory test results for soil sampling testing for ASS – If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual
- (k) Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
- (l) This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
- (m) The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. B. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). C. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report

## **6. MULTI UNIT HOUSING DEVELOPMENT DESIGN**

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

## **7. PUBLIC DOMAIN IMPROVEMENTS**

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

- (a) Pedestrian footpath



- (b) Vehicular crossing
- (c) Road pavement
- (d) Kerb and gutter
- (e) Stormwater infrastructure located within the Council kerb and/or footpath

## B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

### GENERAL REQUIREMENTS

#### 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 the *Environmental Planning and Assessment Act 1979*;
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 20210*; and
- (c) Council is given at least two days' notice in writing of the intention to commence the building works.

### CONTRIBUTIONS, FEES & BONDS

#### 9. SECTION 7.12 CONTRIBUTION

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

- (a) Where the total development cost is less than \$500,000:
  - a. a **Cost Summary Report** or **Building Contract** or similar is to be submitted to Council's Customer Service Centre to process payment.
- (b) Where the total development cost is \$500,000 or more:
  - a. a **Detailed Cost Report** prepared by a registered Quantity Surveyor, **Building Contract**, or similar is to be submitted to and approved by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate).  
Please forward documents to [info@waverley.nsw.gov.au](mailto:info@waverley.nsw.gov.au) attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy.
  - b. Upon confirmation of the contribution amount by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate), payment is to be processed via the Customer Service Centre.
  - c. Should there be a discrepancy between the cost of works approved in subclause (b)(i) and the DA fee nominated in the original DA, then additional DA Fees may be payable prior to the issue of a Construction Certificate.

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

- (c) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, the levy must be paid in accordance with the following;
  - (i) A development valued at \$100,000 or less will be exempt from the levy;
  - (ii) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% of the full cost of the development; or
  - (iii) A development valued at more than \$200,000 will attract a levy of 1% of the full cost of the development.

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

#### **10. SECURITY DEPOSIT**

A deposit (cash or cheque) for the amount of \$100,79.20 must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

#### **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 of this building work. Evidence that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate.

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

#### **12. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES**

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

An invoice will be issued to the applicant for the amount payable, which will be calculated based on the design plans for the subject development.

#### **PLAN DETAILS**

#### **13. VERIFICATION OF CONSTRUCTION CERTIFICATE DOCUMENTATION (SEPP 65 BUILDINGS)**

The preparation of the construction certificate plans shall be supervised and be to the satisfaction of an architect who is registered in accordance with the *Architects Act 2003* (i.e. a qualified designer) in

accordance with the requirements of the *State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development*.

In accordance with the Environmental Planning and Assessment Regulation 20210, the Principal Certifying Authority must not issue a construction certificate unless it has received a design verification statement from a qualified designer which verifies that the construction certificate plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in *State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development*.

#### **14. PROVISION FOR SHAFT FOR FUTURE FOOD PREMISES**

Adequate provision shall be made within the confines of the building, for the installation of a mechanical exhaust system for future food/commercial use/s within the building.

#### **15. BASEMENT STORAGE**

The basement level/s are to provide separate and secure storage areas (in the form of lockable storage cages or the like), allocated to each apartment in the development for larger bulkier items (surfboards, boxes, camping equipment etc.) which are not suited to be stored within each individual apartment. Storage is to be allocated to individual units in accordance with the requirements of the Waverley Development Control Plan 2022.

### **CONSTRUCTION MATTERS**

#### **16. HOARDING**

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

#### **17. EROSION & SEDIMENT CONTROL**

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

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

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

#### **18. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION**

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

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

#### **19. ENGINEERING DETAILS**

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

#### **20. DILAPIDATION REPORT**

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

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

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

#### **21. SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE APPLICATION**

An application to obtain a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be made prior to the issue of the relevant Construction Certificate. The application must be made through an authorised Water Servicing Coordinator.

For more information about making an application to obtain a Section 73 Compliance Certificate, please consult Sydney Water's website.

Following this application, a "Notice of Requirements" will be provided by Sydney Water that outlines any requirements of works to be completed prior to the issue of the Section 73 Compliance Certificate. Please make early contact **with the Coordinator**, as building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

A Section 73 Compliance Certificate must be issued from Sydney Water prior to the issue of an occupation certificate.

#### **22. BONDI - ROSE BAY SAND BODY**

This site may be located within the Bondi - Rose Bay Sand Body as identified in Council's Aboriginal Cultural Heritage Study 2009. After demolition of the existing building and prior to any excavation, a suitably qualified archaeologist must inspect the site to determine if the site needs further investigation. Should an object of potential Aboriginal or archaeological significance be discovered during the demolition, excavation or construction period associated with this development, works are to immediately cease and the NSW National Parks and Wildlife Service must be contacted.

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

### **23. TELECOMMUNICATIONS IN NEW RESIDENTIAL FLAT BUILDING AND MIXED USE DEVELOPMENTS**

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

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

### **TRAFFIC MANAGEMENT**

#### **24. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)**

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

[https://www.waverley.nsw.gov.au/building/development\\_applications/post\\_determination/development\\_applications\\_-\\_conditions\\_of\\_consent](https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent)

### **STORMWATER & FLOODING**

#### **25. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT**

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

The submitted Water Management Plan prepared by NB Consulting, Job No. 210445, Drawing No. D01-D06, dated 01/09/2022 is considered concept only.

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

- (a) Please complete "Annexure C - Stormwater management plan checklist" located in Waverley Council: Water Management Technical Manual, October 2021, Section 15.3.
- (b) The plans shall provide any required On-Site Stormwater Detention (OSD) system and its details e.g. pit dimensions, cross & long sections, significant water invert levels of inlet and outlet pipes, details of Discharge Control Pit, orifice plate details including orifice diameter, depth of water above centreline of orifice etc., pit overflow, OSD plaque, OSD warning sign and catchment plan.
- (c) For pit and pipes:

- i. Please provide pits at all junctions, change of gradient, change of direction, change in diameter, reflux valves, flap valves, orifice plates, debris screening.
- ii. Provide pipe proposed invert levels.
- iii. Grates are to be galvanised steel grid type. Grates are to be of heavy-duty type in areas where they may be subject to vehicle loading.
- iv. Provide calculations of gutter sizing for 1% AEP storm event and min. number of downpipes required.
- v. A grated trench drain shall be provided across the (garage entrance/driveway/street boundary) within private property. Unless otherwise sized by a suitably qualified and practising Engineer, the dimensions of the trench grate shall be no less than 300mm wide by 100mm deep at the shallow end and have a “bottom” slope of 2%. This trench drain shall be connected to an approved drainage system.
- vi. Downpipe alignment not connecting between the First, Second and Third Floor Stormwater Drainage Plans on balcony. Please update accordingly and show connection between floors.

(d) Pump design:

- i. Please provide pump capacity.
- ii. Make sure pump to be designed in accordance with AS/NZS 3500.3:2018 Section 8 and ensure pump meets these requirements.
- iii. The collection system for the pump system must be designed in accordance with the design criteria for gravity drainage and must incorporate adequate buffer storage as recommended by the pump manufacturer or a suitably qualified practitioner.
- iv. Consideration of the consequences of a power failure must be made when sizing the buffer storage.
- v. Show an alarm system to comprise of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance of the basement in case of pump failure. Minimum 150mm freeboard from pump out system to all parking spaces and full hydraulic details and pump manufacturers specification to be provided.
- vi. In the event of the failure of both the duty and standby pumps, an overland flow path and/or surcharge and pondage in a suitably visible area must be provided.
- vii. In circumstances where no overland path exists, pondage may be approved in a suitable area. These areas must be sited with a view to minimising the cost of damage to occupiers of the property and include signage warning residents that inundation of the area may occur in the event of a pump failure.
- viii. Provide screening details. All electrical fittings and supply located min. 0.3m freeboard above max. water level and/or overland flow paths.

(e) Water Sensitive Urban Design

- i. Provide MUSIC model schematic and results of assessment.

(f) Provide the Erosion and Sediment Control Plan.

(g) The stormwater management plan must specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.

(h) Any affected Council’s infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.

Notes:

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

## **26. FLOODING REQUIREMENTS**

The development must have a net neutral effect on flood behaviour. This includes increasing flood effects elsewhere, loss of flood storage, changes in flood levels, flows and velocities caused by alterations to the flood conveyance, and the cumulative impact of neighbouring developments. To ensure this has been considered, the submitted architectural plans will need to be updated to reflect the following:

- I. A suitably qualified and practicing Engineer must provide a report certifying that development will not increase flood effects elsewhere having regard to loss of flood storage.
- II. All new building materials must be flood resistant or flood compatible to a height of 19.2 m AHD.
- III. All new internal electrical switches, power points or similar utilities liable to flood damage set to freeboard level
- IV. A suitably qualified engineer must certify that any new structure can withstand the forces of floodwater, scour debris, and buoyancy up to and including 19.2 m AHD.
- V. A storage area is to be provided above the RL of 19.2 m AHD for the storage of goods that can be damaged or mobilized by flooding, or goods that have the potential to cause pollution during flooding.
- VI. Any proposed fencing must be built using flood-compatible material.
- VII. There is to be no filling of the land within the property.

Details and certification must accompany the Construction Certificate and be submitted to Waverley Council for approval by Council's Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.

## **27. PUBLIC INFRASTRUCTURE WORKS**

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

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



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

- (d) Road Pavement: The full renewal and reconstruction of asphalt pavement for full road width in Lamrock Place frontage. Details of the road pavement treatments and sub-grade details to be advised by Council.
- (e) Footpath, Kerb and Gutter: Replace all footpath, kerb and gutter traversing both Campbell Parade and Lamrock Place frontages. Any stormwater kerb lintel infrastructure within the extent of kerb and gutter works shall be replaced. Proposed kerb profiles are to be provided to ensure proper connections to existing kerb and gutter along the street frontage.
  - (ii) Any existing or proposed utility pillars on the site frontages to be either underground or inside the property boundary of the proposed development. Applicant must liaise with the relevant authorities for their approval and communicate to Council with written confirmation, before executing any works.
  - (iii) All mains electrical connections to the development must be routed underground. Council will not accept the erection of newly placed electricity columns within the Council's Public Domain to support the new development.

#### **Notes**

The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.

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

## **ENERGY EFFICIENCY & SUSTAINABILITY**

### **28. BASIX**

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

### **29. ENERGY EFFICIENCY**

An Energy Assessment Report is to be submitted in accordance with the *Waverley Development Control Plan 2012*, which recommends design solutions to reduce the predicted operational energy demand and greenhouse gas emissions of the proposed development by 30% less than a reference building (i.e. NCC, Section J compliant only). The report is to be submitted and be to the satisfaction of Council's Executive Manager, Environmental Sustainability (or delegate) prior to the issue of a Construction Certificate for any works above ground level.

The construction certificate plans are to incorporate the recommendations of the approved Energy Assessment Report.

### **30. REFLECTIVITY REPORT**

In accordance with Part B16 of the *Waverley Development Control Plan 2012*, a Reflectivity Report,

prepared by an appropriately qualified person is to be submitted to the Principal Certifying Authority which verifies that the approved development complies with the following;

- (a) The use of glass is a maximum of 60% of the façade surface area at ground floor level and above.
- (b) Reflected solar glare on drivers should not exceed 500 candelas/m<sup>2</sup>. A candela is the base unit for measuring the intensity of luminance under the International System of Units (SI).
- (c) All panels and elements on vertical façades are to have a maximum specular reflectivity of visible light from normal angles of incidence of 20%.
- (d) Any surface inclined by more than 20 degrees to the vertical (inclined glass awnings or cladding on inclined roofs) are to have a maximum specular reflectivity of visible light from normal angles of incidence of 10%.

If the approved development cannot achieve compliance with the above requirements, a Section 4.55 modification application must be submitted.

## WASTE

### **31. SITE WASTE AND RECYCLING MANAGEMENT PLAN**

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

### **32. WASTE STORAGE AREAS**

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

- **Residential**
  - 2 x 240L MGBs for general waste (collected weekly)
  - 2 x 240L MGBs for container recycling (collected fortnightly)
  - 2 x 240L MGB for paper recycling (collected fortnightly)
  - A room or caged area with a minimum floor space of 4m<sup>2</sup> must be provided for the storage of discarded bulky items and problem waste, awaiting collection. Additional space is required for recycling problem waste such as textiles or electronic waste.
- **Commercial**
  - 3 x 240L Mobile Garbage Units (MGBs) for general waste (collected weekly)
  - 3 x 240L MGBs for commingled recycling (collected weekly)
  - Number of bins and frequency of collection must be monitored and adjusted to meet waste generation needs, particular in peak season (summer)
  - Sufficient space must be allocated for the storage of reusable items such as crates and pallets associated with the commercial space.

- (a) All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B of Waverley Council Development Control Plan 2012. All waste and recycling storage rooms must be graded and drained to the sewerage system and approved by Sydney Water.
- (b) The proposal must have a system for the convenient transportation of waste and recyclables to the storage area and the point of collection.

## LANDSCAPING & TREES

### **33. LANDSCAPE WORKS IN A HABITAT CORRIDOR**

An amended landscape plan is to be submitted to and approved by Council's Executive Manager, Environmental Sustainability (or delegate) prior to the issue of any Construction Certificate, with a plant species list having a minimum of 50% of the proposed trees, 50% of the shrubs and 50% of the grasses and groundcovers (not including turfed areas) are to be indigenous or local native plants listed in Annexure B2-1 of the Waverley Development Control Plan 2012.

### **34. GREEN ROOF LANDSCAPING DETAILS**

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

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

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

## NOISE AND HEALTH

### **35. VERMIN AND RAT CONTROL**

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

### **36. NOISE MANAGEMENT PLAN - DEMOLITION, EXCAVATION AND CONSTRUCTION**

A site specific Noise Management Plan, prepared by a suitably qualified acoustic consultant (as defined in the advisory section of this consent) must be submitted to the satisfaction of Council's Executive Manager, Compliance (or delegate) for demolition, excavation and construction works.

For further information on the requirements, refer to Council's website:

[https://www.waverley.nsw.gov.au/building/development\\_applications/post\\_determination/development\\_applications - conditions of consent](https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent)

### **37. NOISE – ACOUSTIC REPORT**

An Acoustic Assessment Report prepared by a suitably qualified acoustic consultant shall be prepared to assess the impacts of the development (internal and external areas) including any mechanical plant, refrigeration motors, pool related plant (pool pump, heater and/or filter) and air conditioning units and make recommendations to ensure that the noise from the development will be within the acceptable limits of the Protection of the Environment Operations Act 1997 and relevant legislation. The plan must be submitted to the satisfaction of Council's Executive Manager, Compliance (or delegate).

Note: Any management measures recommended in the acoustic report shall be incorporated into a Plan of Management, which will be required to be submitted to Council for approval prior to the issue of an Occupation Certificate.

For further information on the requirements, refer to Council's website:

[https://www.waverley.nsw.gov.au/building/development\\_applications/post\\_determination/development\\_applications - conditions of consent](https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent)

### **FIRE SAFETY**

#### **38. 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.

#### **39. FIRE SAFETY**

A building in respect of which there is a change of building use must comply with the Category 1 Fire Safety Provisions applicable to the proposed new use.

## C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

### PRIOR TO ANY WORKS

#### **40. 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.

#### **41. USE OF FILL ON SITE**

All fill imported on to the site shall be free of building and other demolition waste, and contain virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 of the Protection of the Environment Operations Act, 1997 and

Sampling and analysis of the fill material should be conducted in accordance with the NSW EPA Sampling Design Guidelines (1995) to ensure that the material is not contaminated.

Any other waste derived material the subject of a resource recovery exemption under cl. 51A of the *Protection of the Environmental Operations (Waste) Regulations 2014* that is permitted to be used as fill material.

Any waste derived material the subject of resource exemption received at the development site must be accompanied by documentation as to the materials compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

### DEMOLITION & EXCAVATION

#### **42. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS**

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

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

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

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

#### **43. CONTROL OF DUST ON CONSTRUCTION SITES**

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

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

#### **44. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS**

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

#### **45. EXCAVATION AND BACKFILLING**

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

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

#### **46. STRUCTURAL DOCUMENTATION**

- (a) A construction management plan must be submitted to an independent, third party structural engineer and the project geotechnical engineer for approval. The engineers must have relevant experience, have chartered status with the Institute of Engineers Australia and be registered on the National Engineers Register. The construction management plan must incorporate and reflect the intent of the following documents:
- i. Geotechnical Report (344263Lrpt) prepared by JK Geotechnics, dated 03/09/2021 and received by Council 01/09/2023.

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

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

## CONSTRUCTION MATTERS

### **47. CONSTRUCTION HOURS**

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

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

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

### **48. STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS**

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

### **49. CONSTRUCTION INSPECTIONS**

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the *Building Legislation Amendment (Quality of Construction) Act 2002*, clause 162A of the *Environmental Planning and Assessment Regulation 2021* and the requirements of any other applicable legislation or instruments.

## **50. CERTIFICATE OF SURVEY - LEVELS**

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

## **51. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING**

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

## **52. WORK OUTSIDE PROPERTY BOUNDARY**

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

## **TREE PROTECTION AND REMOVAL**

### **53. TREE PROTECTION**

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

### **54. STREET TREES TO BE RETAINED/TREE PROTECTION**

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

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

## **VEHICLE ACCESS & PUBLIC DOMAIN WORKS**

### **55. RECONSTRUCT VEHICLE CROSSING**

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

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



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

#### **56. VEHICULAR ACCESS - FINISHED LEVEL TO FOOTPATH**

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

#### **57. VEHICLE PRIORITY/TRAFFIC LIGHT SYSTEM**

A vehicle priority system shall be provided. Details are to be shown in documentation and on plans to be submitted to Council for the approval of the Executive Manager, Infrastructure Services, or delegate.

#### **58. MECHANICAL PARKING SYSTEM**

The mechanical parking system (car stacker) is to be designed to accommodate a B99 car as defined in AS2890.1.

#### **59. HEADROOM CLEARANCE**

The headroom clearance within the garages and accessways is to be a minimum of 2.2 metres.

#### **60. CAR STACKERS**

The car stackers shall be independent stackers that allow vehicles to enter and leave independently. Minimum dimensions for the car bays in the stackers are to be 2.0 metre headroom, 2.3 metre width, and 5.0 metre length.

Dependent car stackers which are reliant on moving a car out of the stacker to allow another car to exit are not approved.

#### **61. CAR PARKING**

- i. A total of **7** car vehicle parking spaces are to be provided within the development, to be allocated as follows:
  - a. 1 residential visitor space
  - b. 1 retail space
  - c. 5 residential spaces.
- ii. Accessible parking spaces are to be designed in accordance with Australian Standard AS2890.6 - 2009 Off Street Parking for People with Disabilities.
- iii. A minimum of 20% of the carparking spaces must be installed with EV Charging stations.
- iv. 100% of carparking spaces must be EV Ready spaces.
- v. Car parking spaces are to be allocated with the rates specified in the DCP, with no more than 2 spaces allocated to any residential unit/dwelling with 3 or more bedrooms. All car spaces and to be appropriately signposted and parked.
- vi. Car parking spaces shall not be independent lots, but rather part lots attached to units in any future Subdivision Plans.

#### **62. BICYCLE PARKING**

A total of 5 bicycle parking spaces are to be provided within the development, allocated in the following manner:

- (a) 4 residential bicycle spaces
- (b) 1 retail visitor bicycle spaces
- (c) At least 1 of these spaces to be located at ground level, adjacent to lobby.

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

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

## STORMWATER & PUBLIC DOMAIN

### **63. PRE-CONSTRUCTION STORMWATER PIPE CCTV DILAPIDATION REPORT**

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

### **64. PRE-CONSTRUCTION DILAPIDATION REPORT**

To ensure Council's infrastructure is adequately protected a pre-construction dilapidation report on the existing public infrastructure within the vicinity of the proposed development and along the travel routes of all construction vehicles is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record (in colour) of any observable defects to the following infrastructure where applicable:

- (a) Road pavement
- (b) Kerb and gutter
- (c) Footpath
- (d) Drainage pits and lintels
- (e) Traffic signs
- (f) Any other relevant infrastructure

The report is to be dated, submitted to, and accepted by Council's Public Infrastructure Engineer, prior to any work commencing on the site. All fees and charges associated with the collation of this report shall be at the cost of the Applicant.

### **65. PUBLIC DOMAIN ENGINEERING INSPECTIONS**

To ensure all public infrastructure engineering works required by Council under this consent will be constructed to Council satisfaction, inspection(s) will be required and compliance certificates must be

obtained from Council's Public Infrastructure Engineer for the road pavement, kerb and gutter, stormwater, and footpath paving hold points.

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

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

### **CERTIFICATION AND LICENCES**

#### **66. FINAL OCCUPATION CERTIFICATE**

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

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

#### **67. CERTIFICATION OF BASIX COMMITMENTS**

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

#### **68. CERTIFICATION OF APPROVED DESIGN**

In accordance with the Environmental Planning and Assessment Regulations 2021, the Principal Certifying Authority must not issue an occupation certificate, to authorise a person to commence occupation or use of the development unless it has received a design verification statement from an architect who is registered in accordance with the Architects Act 2003 (i.e. qualified designer) that verifies that the building achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles.

#### **69. CERTIFICATION OF BASIX COMMITMENTS**

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

#### **70. CERTIFICATION OF LANDSCAPING**

At the completion of all works a certificate is to be submitted to the Principal Certifying Authority from a qualified Landscape and/or Arboriculture Consultant certifying that the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established. If relevant, the waterproofing on any green roof is to be tested and evidence of the test is to be provided with the certification.

#### **71. FLOOR SPACE RATIO**

The gross floor area (GFA) of the building shall be limited to 993.5m<sup>2</sup>.

Prior to any Occupation Certificate (including Interim) being issued, a Registered Surveyor must provide certification **to the satisfaction of the Principal Certifying Authority**, that the building achieves compliance with this GFA (as calculated in accordance with the definition contained in the Waverley Local Environmental Plan 2012).

Reason: The gross floor area of the development is limited in order to achieve suitable bulk and scale. The consent would not have been granted if not for this compliance with the development standard.

## **72. BUILDING HEIGHT**

(a) The height of the building must not exceed the following RLs (AHD):

- i. Fourth floor (Level 5) parapet: RL 37.85
- ii. Roof of fourth floor (Level 5): RL 37.75
- iii. Apartment 4 lift overrun: RL 38.15

(b) Prior to any Occupation Certificate (including Interim) being issued, a Registered Surveyor must provide certification of the height of the development, utilising the definition under the Waverley Local Environmental Plan 2012, applicable at the time of development consent, **to the satisfaction of the Principal Certifier**.

## **73. CERTIFICATION OF ACOUSTIC PERFORMANCE**

An acoustic report/certificate prepared by a suitably qualified acoustic consultant is to be submitted to the Principal Certifying Authority and the Council, certifying that all acoustic recommendations (including noise from mechanical plant) and conditions of consent (including the operational conditions) have been incorporated into the development and can be satisfied.

## **74. CERTIFICATION OF ALL MECHANICAL PLANT**

A Certificate of Test of all mechanical plant together with a copy of the final test figures, conducted by a suitably qualified person, certifying that the system complies with the conditions of this consent, National Construction Code (NCC) and relevant Australian Standards.

## **75. CERTIFICATION OF SWIMMING POOL/OUTDOOR SPA**

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

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

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

## **PUBLIC DOMAIN**

### **76. SUPERVISING ENGINEER FINAL CERTIFICATE – PUBLIC DOMAIN**

Prior to the issue of any Occupation Certificate for the works, the Applicant shall submit to Council, a final Certificate from the Supervising Engineer confirming that the public domain works have been constructed in accordance with the Council approved plans and Waverley Council standards and specifications. The certificate shall include commentary to support any variations from the approved drawings.

### **77. WORK-AS-EXECUTED PLAN – PUBLIC DOMAIN**

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

The W.A.E plans are to note all departures clearly in red on a copy of the approved Construction Certificate plans and certification from an experienced chartered civil engineer shall be submitted to support all variations from approved plans.

### **78. CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS**

To ensure public infrastructure works required under the consent are completed to Council's satisfaction a final inspection of the completed works is required from Council's Infrastructure Engineer. The Occupation Certificate shall not be issued until certification has been obtained from Council confirming the public infrastructure works have been constructed to Council's satisfaction.

#### Notes

- The issue of a Final Compliance Certificate from the Council Engineer will be withheld should there be any outstanding fees and charges applicable to the development. This includes but not limited to fees applicable for engineering plans assessment and work inspection fees.
- The refund of any damage and/or security deposits will be subject to satisfactory restoration and rectification of all civil infrastructure that have dilapidated as a result of the construction activities associated with this development consent.
- To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works completed by the applicant/developer following completion of the development. The defects liability period shall commence from the date of issue of the Occupation Certificate for the development. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification, during the twelve (12) months' defects liability period.

## **STORMWATER**

### **79. CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE SYSTEM**

Prior to issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practising Engineer or Plumber, that any new stormwater drainage system has been constructed in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes,

Policies, Plans, Standards and good engineering practice. Similarly, any retained stormwater drainage system is unblocked, in good working order and to be repaired/replaced to best practice. A copy of the certification must be submitted to Council.

#### **80. WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM**

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

#### **81. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD**

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

The wording of the Instrument shall be submitted to and approved by Executive Manager, Infrastructure Services (or delegate) prior to lodgement at NSW Land Registry Services.

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created via an application to the NSW Land Registry Services using forms 13PC and 13RPA. Accompanying this form is the requirement for a plan to scale showing the relative location of the OSD system, including its relationship to the building footprint. Electronic color photographs of the OSD system shall accompany the application for the Positive Covenant and Restriction on the Use of Land.

The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate or use of the building. All associated costs shall be borne by the applicant.

#### **82. CERTIFICATION OF THE FINISHED FLOOR LEVEL OF THE DWELLING**

The certification referred to in “COMPLIANCE PRIOR TO AND DURING CONSTRUCTION- FINISHED FLOOR LEVEL OF THE DWELLING” must form part of the application for an Occupation Certificate.

#### **83. CREATION OF SITE FLOOD EMERGENCY RESPONSE PLAN**

Before occupation or prior to the issue of any Occupation Certificate, a site flood emergency response plan must be prepared, and any required flood warning system must be installed and fully tested. A copy of this plan must be submitted to the Private Certifier and to Waverley Council.

Certification from a suitably qualified engineer to the effect that this plan has been prepared and where required, the flood warning system has been installed and tested, must be included with the Occupation Certificate.

#### **84. PLANNED PREVENTATIVE MAINTENANCE SCHEDULE FOR PUMP OUT SYSTEM**

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

### **MANAGEMENT PLANS**

#### **85. PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE**

A Waste Management Plan must be submitted to Council's Executive Manager, Environmental Sustainability (or delegate) and include including the following where relevant.

- (a) All arrangements including relevant and current contracts for recyclables and all other waste (collection and disposal)
- (b) The waste storage area and bins must be cleaned and maintained regularly with appropriate lighting.
- (c) Confer with Sydney Water and any other relevant contractor to ensure a valid Trade Waste Agreement is in place for all trade wastes. Copies of these agreements shall be forwarded to Council.
- (d) The role and responsibility of managing composting facilities (if provided).
- (e) Clear signage identifying the different bin types, space for reusable items such as crates and pallets, bulky household waste and problem waste must be displayed.
- (f) The recycling bins must be placed alongside the general waste bins for ease of access and to encourage recycling habits.
- (g) For commercial premises whose waste contains 20% or more food waste, a daily waste collection is required, unless an alternative is agreed upon with Council.
- (h) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of bins, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.
- (i) All waste and recycling bins must only be placed out on Council footpath for collection the morning of the collection day (no earlier than 5:30am) and retrieved from the kerbside as early as possible the same day of collection.
- (j) The bins must be placed for collection in a location that does not impede pedestrian access along the footpath or impact the neighbouring properties.
- (k) The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan is be available on site when requested.
- (l) At no times shall bins or other products (e.g. kegs and pallets) be stored on the public domain (e.g. footpaths).
- (m) Details of ongoing waste management strategy are to be documented within the SWRMP and reviewed every 5 years to employ updated waste reduction strategies and technologies.



## OTHER MATTERS

### **86. ALLOCATION OF STREET NUMBER/S**

The redevelopment of the property has led to the following allocation of primary and sub-premises numbering:

- No. 56 - primary address site number
- Campbell Parade - primary address location.

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

The following sub addressing principles will apply:

- Shop G01 for the commercial sub-address sites within the building correlating with the Retail lower ground and ground floor plans for the building,
- Nos. 2-5 for the residential sub-address site within the building correlating with apartment Nos. 1-4 on the floor plans for the building.

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

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

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

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

Any variation to the above premises numbering requires a new application for a Change of street number and/or location to be lodged with Council.

## **E. OPERATIONAL MATTERS**

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

### **GENERAL MATTERS**

#### **87. SUBDIVISION**

This consent does not include any form of subdivision of the development.

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

#### **88. USE OF PLANT ROOMS**

The 'plant' room/s shall be used exclusively for the housing of plant and mechanical equipment and must not be used for storage of goods or any other purpose.

#### **89. REFRIGERATION UNITS & MECHANICAL PLANT**

Refrigeration motors/units and other mechanical plant (i.e. air conditioning) are not to be installed outside the building without the prior consent of Council in order to assess the cumulative impacts of noise to adjoining properties. All plant is to be installed within the confines of the building and be acoustically treated to ensure that it within the acceptable limits.

#### **90. AIR EMISSIONS**

The use of the premises shall not give rise to air impurities in contravention of the Protection of the Environment Operations Act, 1997.

#### **91. NOISE EMISSIONS**

The use of the premises shall not give rise to the transmission of "Offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.

#### **92. ON-GOING MAINTENANCE – LANDSCAPING**

Landscaping is to be maintained generally in accordance with the Approved Landscape Plans and the required Landscape Management Plan for the life of the development. If any plant dies or is removed, it is to be replaced with the same or similar species. The landscaping is to be managed as "common property" and maintained collectively to ensure that a cohesive landscaped solution is maintained. This is to be reflected in any future by-laws or Building Management Statement, should the development be subdivided.

Reason: To ensure that the high-quality landscape solution is appropriately maintained for the life of the development.

### **93. ONGOING FLOODING REQUIREMENTS**

- (a) Materials which may be damaged by flood waters, materials which may be mobilised during flooding and materials which may cause pollution must be stored above freeboard level.
- (b) There must be no modifications made to flood compatible fencing.
- (c) There must be no filling or blocking of the open, underfloor areas below freeboard level.
- (d) The site flood emergency response warning systems and plan are to be regularly maintained, reviewed and/or updated and should be in good working order at all times.

### **94. ONGOING MAINTENANCE – STORMWATER DRAINAGE SYSTEM**

Council will need to be provided with an OSD, pump system and Stormwater Quality Improvement Devices maintenance activities. At a minimum, the pump system and the detention facility must be:

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

### **95. RAINWATER HARVESTING AND REUSE**

The operation of all devices or appliances installed within the development approved by this consent as required by conditions pertinent to rainwater harvesting and rainwater reuse must be maintained in good operating order at all times.

### **96. ONGOING MAINTENANCE – STORMWATER TREATMENT SYSTEM**

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

## **PARKING AND ACCESS**

### **97. PARKING ALLOCATION**

- (a) Ownership of car park lot spaces within the basement shall be limited to parties owning a lot within the buildings on-site.
- (b) A minimum of one car space and a maximum of two car spaces shall be allocated to any residential unit/dwelling to ensure equitable allocation overall.

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

**98. PARKING PERMITS**

Occupants of the building are not to be eligible for resident parking permits under Council's Residents Preferential Parking permits scheme.

**99. VEHICLE ACCESS**

All vehicles including service vehicles entering and exiting the building are to do so in a forward direction.

Any vehicle utilising a car, motorcycle or bicycle space is to be parked fully within the confines of the site and is not to park over the public footway at any time.

**100. ADJUSTMENTS TO STREET SIGNS**

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

## F. ADVISORY MATTERS

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

### AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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

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

### AD2. DIAL BEFORE YOU DIG

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

### AD3. SYDNEY WATER REQUIREMENTS

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

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

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

#### **AD4. SYDNEY WATER CERTIFICATE**

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

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

#### **AD5. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)**

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

#### **AD6. EXCAVATION TO BE LIMITED**

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

#### **AD7. SEPARATE APPLICATIONS FOR USE/FIT OUT**

Specific development applications are to be lodged for the approval of Council in connection with the initial usage of any retail or commercial areas within the development, prior to the occupation of the premises, unless otherwise permitted under SEPP (Exempt and Complying Development Codes) 2008.

#### **AD8. SEPARATE APPLICATION FOR SIGNAGE**

No signage has been proposed in this application, therefore any advertising or signage requires the separate approval from Council, unless deemed Exempt Development under Division 2 of the SEPP (Exempt and Complying Development) 2008.

#### **AD9. TREE REMOVAL/PRESERVATION**

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

#### **AD10. BUILDING TO BE WRAPPED**

The applicant is encouraged to investigate possibilities of extracting an image of the completed building onto the hoarding and mesh surrounding the site during the demolition and construction stages of the development to minimise the visual intrusion of what is otherwise a large single coloured mesh 'block' during this time. Any advertising on the hoarding requires Council's written approval.

#### **AD11. OUTDOOR DINING**

Any proposal to utilise an area external of the building for dining will be subject to a separate application to Council and if approved will require the applicant and/or owners to sign a lease agreement.

#### **AD12. SIGNS/GOODS IN THE PUBLIC WAY**

No signs or goods are to be placed on the footway or roadway adjacent to the property.

#### **AD13. SUITABLY QUALIFIED ACOUSTIC CONSULTANT**

In these conditions, reference to a suitably qualified acoustic consultant means an individual who possesses the qualifications to render them eligible for membership of both the Australian Acoustics Society and Institution of Engineers Australia at the grade of member or an individual who is employed by a member firm of the Association of Australian Acoustic Consultants.

#### **AD14. SITE RECTIFICATION WORKS**

The vacant site is to be maintained in a safe and secure manner. Fencing is to be erected around the perimeter of the site once demolition has been completed to secure the site. The site is to be protected from windblown soil loss and stormwater erosion at all times.

If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:

- (i) Require certain works including but not limited to:
  - (a) make the building/site safe and of an appearance acceptable to Council.
  - (b) Allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; or
  - (c) For the hole to be covered to allow it to be landscaped and made attractive from any public vantage point.
  - (d) AND to call on such bank guarantee to cover the cost thereof.
  
- (ii) In the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the costs of the works.

# DEVELOPMENT APPLICATION

56 CAMPBELL PARADE, BONDI BEACH, NSW 2026

RECEIVED  
Waverley Council  
Application No: DA-367/2022  
Date Received: 09/06/2023



## 56 CAMPBELL PARADE BONDI BEACH

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C	30.05.2023	DA RESUBMISSION
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A	18.08.2022	ISSUE FOR DA

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FFL 00.00	FINISHED FLOOR LEVEL		NEW STRUCTURE
	SURVEY SPOT LEVEL		
	EXISTING LEVEL		
	EXISTING WINDOW / DOOR		
	NEW WINDOW / DOOR		

ARCHITECTS  
NICHOLAS +  
ASSOCIATES



NOMINATED ARCHITECT  
PATRICK NICHOLAS  
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STUDIO 6,  
1 MARY'S PLACE  
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ISSUE NO: C  
JOB NO: CAM2105

DEVELOPMENT APPLICATION

DRAWING TITLE:  
COVER PAGE + PHOTOMONTAGE

PROJECT ADDRESS:  
56 CAMPBELL PARADE, BONDI BEACH

CLIENT:  
ROB DEUTSCH





SITE CONTEXT

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FFL 00.000	FINISHED FLOOR LEVEL		NEW STRUCTURE
	SURVEY SPOT LEVEL		
	EXISTING LEVEL		
	EXISTING WINDOW / DOOR		
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Page 459 of 500 Date Received: 09/06/2023

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DRAWING NO: DA002 ISSUE NO: A JOB NO: CAM2105

DEVELOPMENT APPLICATION

DRAWING TITLE:  
SITE CONTEXT

PROJECT ADDRESS:  
56 CAMPBELL PARADE, BONDI BEACH

CLIENT:  
ROB DEUTSCH



SIR THOMAS MITCHELL RD

LAM ROCK AVE



No.36  
4 Storey  
Contemporary  
Mixed Use  
Street Awning

No.38-44  
*Cairo Mansions*  
Heritage Item 176  
4 Storey  
Inter-war Free Classical  
Mixed use  
Street Awning

No.50-54  
*Walhalla Court*  
4 Storey  
Interwar  
Residential Flat Building

No.56  
2 Storey  
Inter-war Art Deco  
Shop Top Housing  
Fabric Awning  
  
Subject Site

No.58  
*Mayfair*  
4 Storey  
Inter-war Art Deco  
Residential Flat Building

No.64-66  
3 Storey  
Inter-war  
Mixed Use  
Street Awning

No.70  
*The Empire*  
4 Storey  
Inter-war  
Mixed Use  
Street Awning

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CAMPBELL PARADE

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  - 00.000 EXISTING LEVEL
  - W/D EXISTING WINDOW / DOOR
  - W/D NEW WINDOW / DOOR
  - EXISTING TO BE RETAINED
  - EXISTING TO BE DEMOLISHED
  - NEW STRUCTURE

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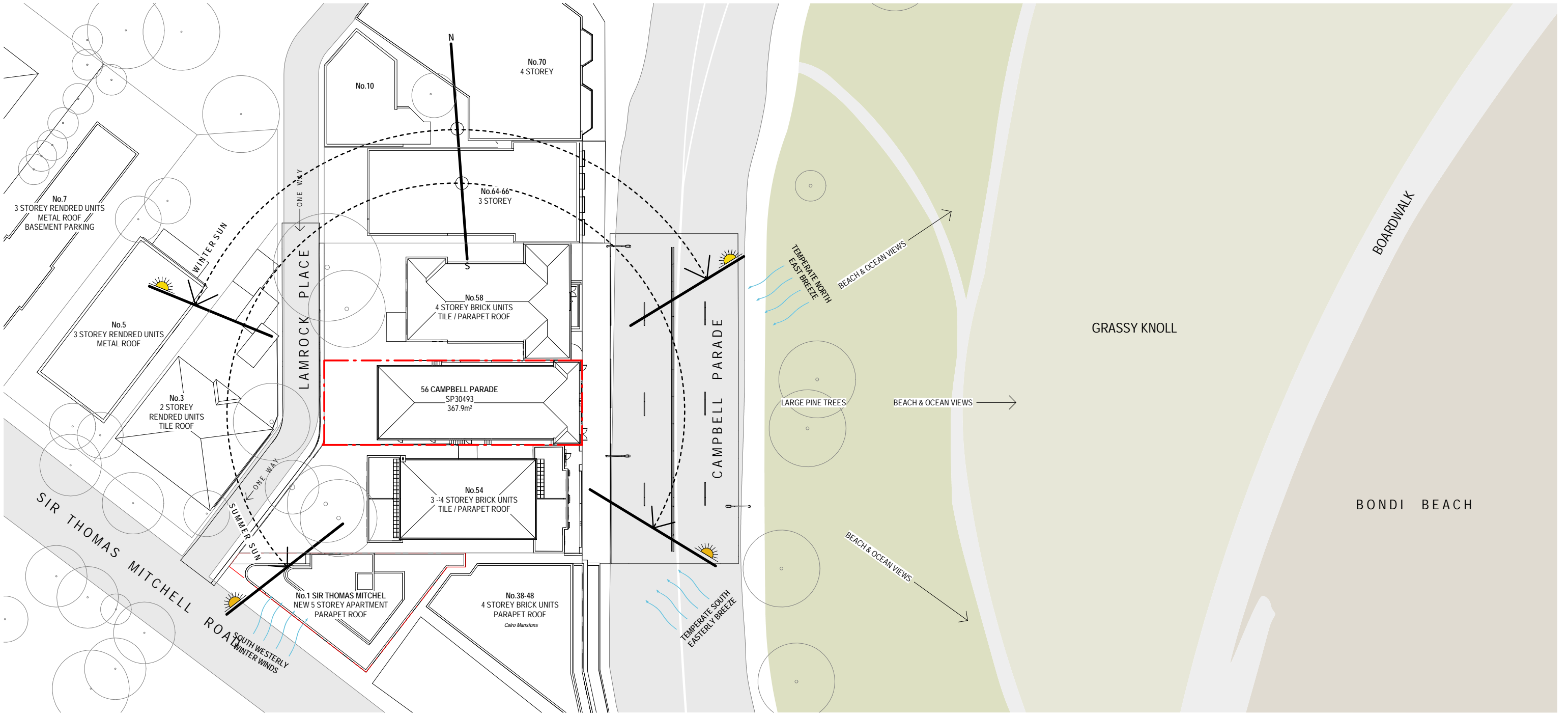
DEVELOPMENT APPLICATION

DRAWING TITLE:  
STREETSCAPE ANALYSIS

PROJECT ADDRESS:  
56 CAMPBELL PARADE, BONDI BEACH

CLIENT:  
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Application No: DA-367/2022  
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**1 SITE ANALYSIS**  
scale - 1 : 500 @ A3

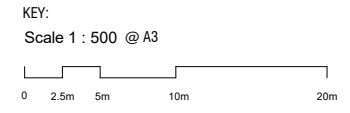
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  - 00.000 SURVEY SPOT LEVEL
  - 00.000 EXISTING LEVEL
  - W/D EXISTING WINDOW / DOOR
  - W/D NEW WINDOW / DOOR
  - EXISTING TO BE RETAINED
  - EXISTING TO BE DEMOLISHED
  - NEW STRUCTURE



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NSW 6672

DRAWING TITLE:  
SITE ANALYSIS

PROJECT ADDRESS:  
56 CAMPBELL PARADE, BONDI BEACH

CLIENT:  
ROB DEUTSCH





0008698470 08 Jun 2023  
 Assessor Brian Tephicamec  
 Accreditation No. 100588  
 Address  
 56 Campbell Parade Bondi  
 Beach NSW 2025  
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NO. 5  
 3 STOREY  
 RENDERED UNITS  
 METAL ROOF

NO. 3  
 2 STOREY  
 RENDERED UNITS  
 TILED ROOF

No. 58  
 4 STOREY BRICK UNITS  
 TILE / PARAPET ROOF

No. 56  
 CAMPBELL PDE  
 SP30493  
 SITE AREA 367.9m<sup>2</sup>

No. 54  
 3 & 4 STOREY BRICK UNITS  
 TILED ROOF

No. 1  
 SIR THOMAS MITCHELL RD  
 5 STOREY

40 09

CAMPBELL PARADE

STREET PARKING

**1 SITE PLAN - PROPOSED**  
 scale - 1 : 200@ A3

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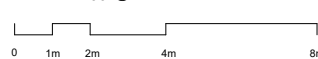
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FFL 00.00	FINISHED FLOOR LEVEL		NEW STRUCTURE
	SURVEY SPOT LEVEL		
	EXISTING LEVEL		
	EXISTING WINDOW / DOOR		
	NEW WINDOW / DOOR		

KEY:

Scale 1 : 200 @ A3



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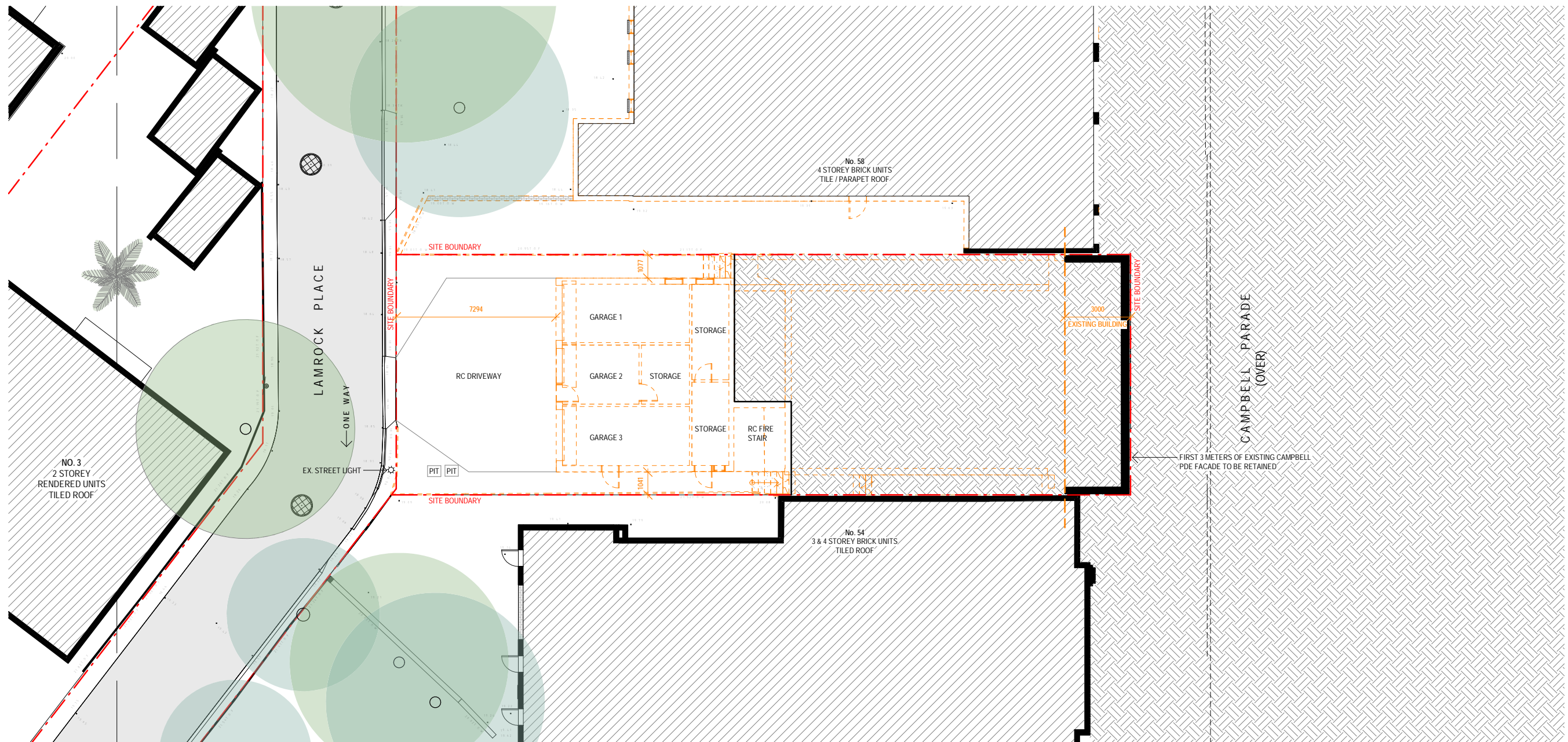
DRAWING TITLE:  
 SITE PLAN

PROJECT ADDRESS:  
 56 CAMPBELL PARADE, BONDI BEACH

CLIENT:  
 ROB DEUTSCH



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1 EXISTING + DEMOLITION - LOWER GROUND FLOOR  
scale - 1 : 200 @ A3

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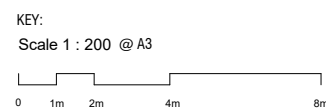
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	EXISTING LEVEL		
	EXISTING WINDOW / DOOR		
	NEW WINDOW / DOOR		



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DEVELOPMENT APPLICATION

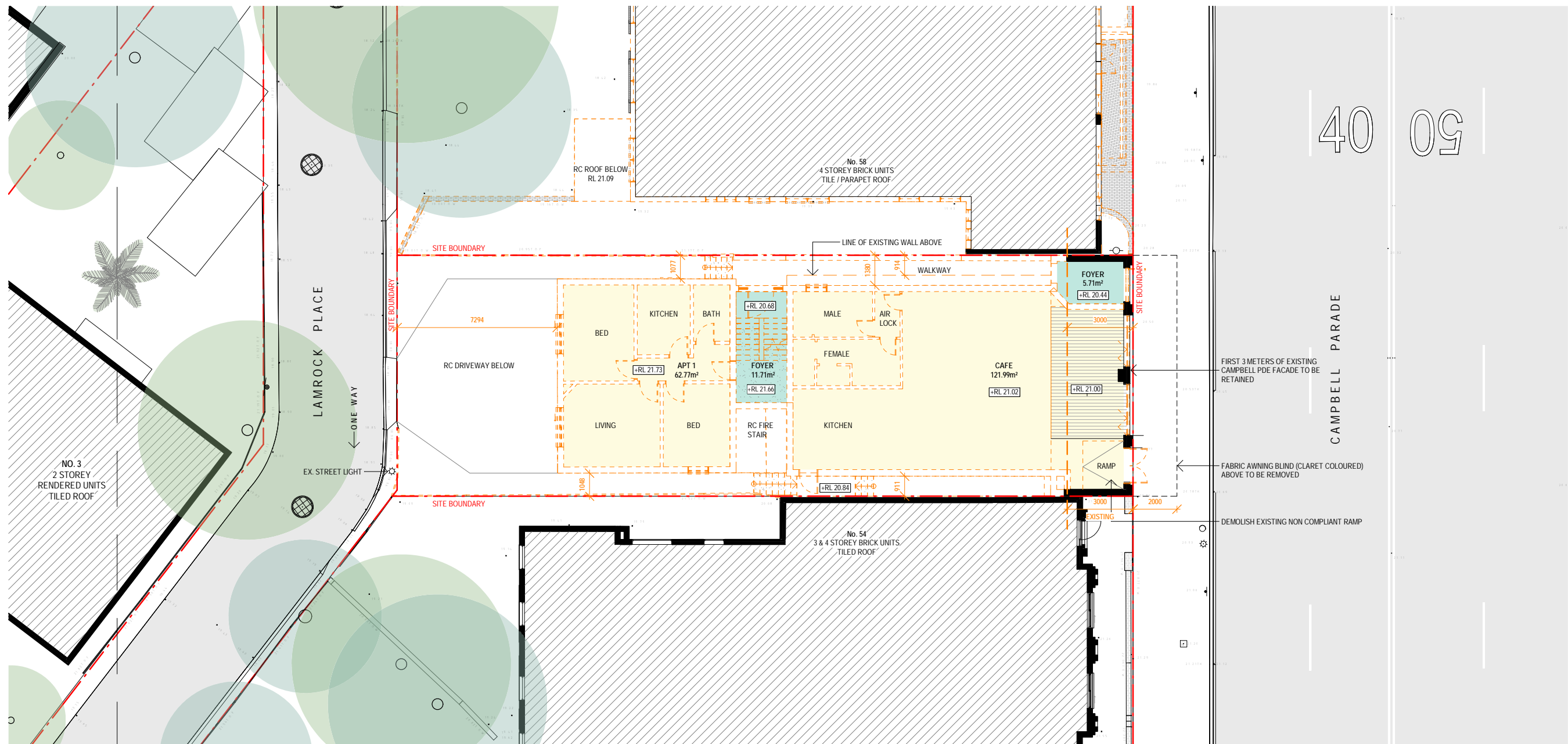
NOMINATED ARCHITECT  
PATRICK NICHOLAS  
NSW 6672

DRAWING TITLE:  
EXISTING + DEMOLITION - LOWER GROUND FLOOR  
PROJECT ADDRESS:  
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CLIENT:  
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1 EXISTING + DEMOLITION - GROUND FLOOR PLAN  
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	EXISTING LEVEL		
	EXISTING WINDOW / DOOR		
	NEW WINDOW / DOOR		

KEY:  
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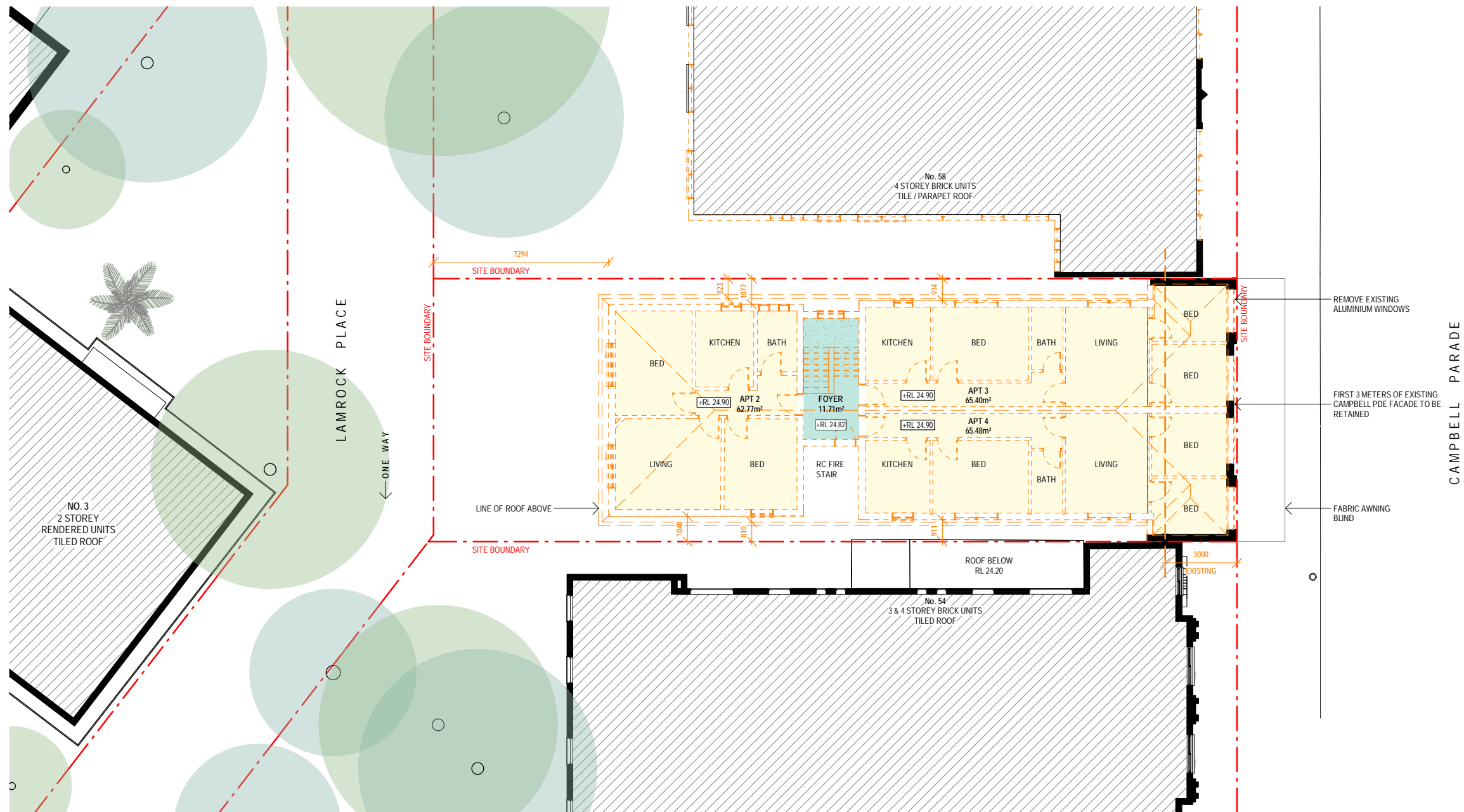
DEVELOPMENT APPLICATION

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EXISTING + DEMOLITION - GROUND FLOOR

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1 EXISTING + DEMOLITION - FIRST FLOOR PLAN  
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	EXISTING LEVEL		
	EXISTING WINDOW / DOOR		
	NEW WINDOW / DOOR		

KEY:  
Scale 1 : 200 @ A3

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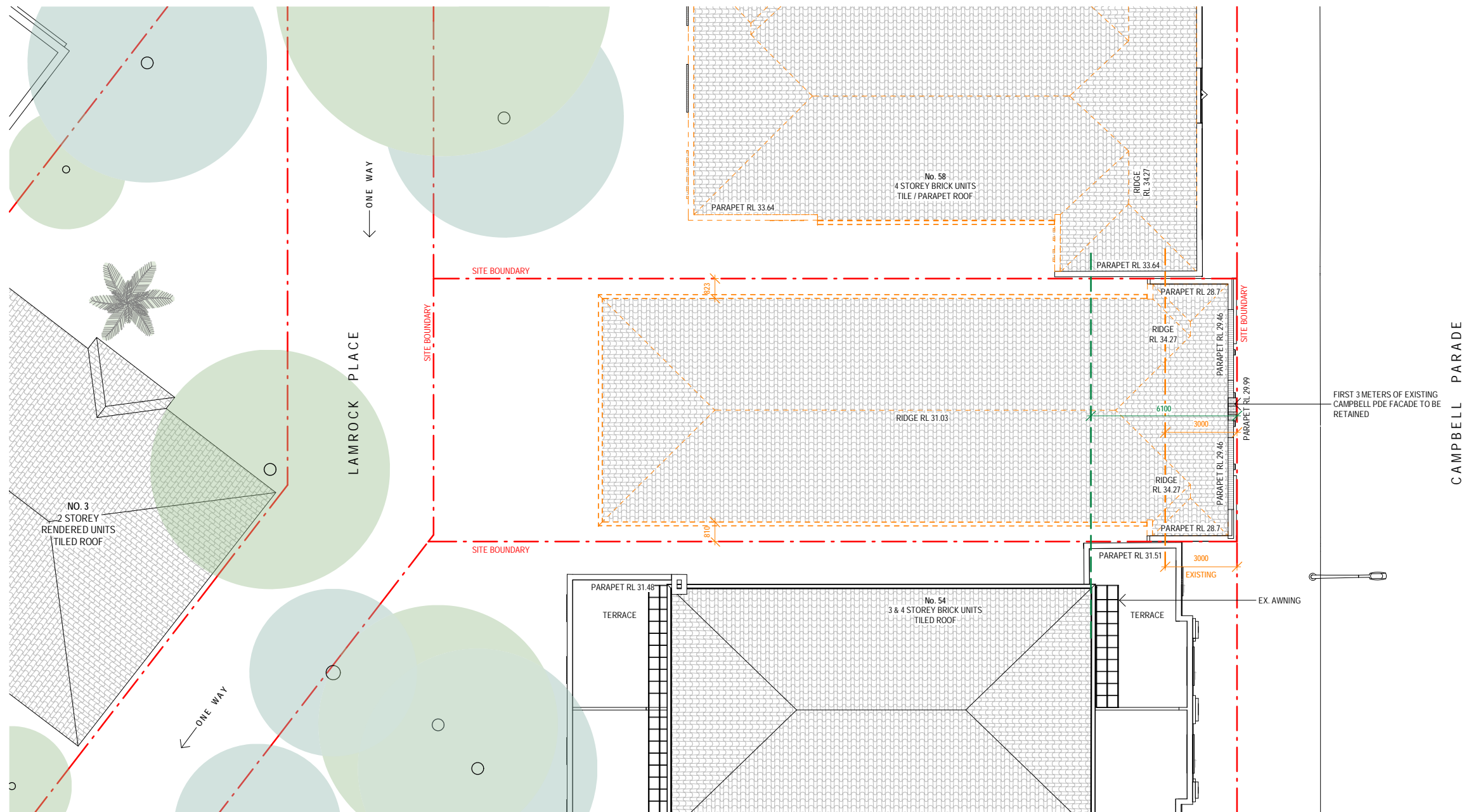
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1 EXISTING + DEMOLITION - ROOF PLAN  
scale - 1 : 200 @ A3

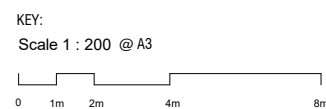
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  - W/D EXISTING WINDOW / DOOR
  - W/D NEW WINDOW / DOOR
  - EXISTING TO BE RETAINED
  - EXISTING TO BE DEMOLISHED
  - NEW STRUCTURE



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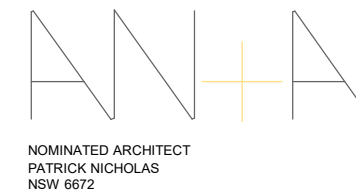
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DEVELOPMENT APPLICATION

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EXISTING + DEMOLITION - ROOF

PROJECT ADDRESS:  
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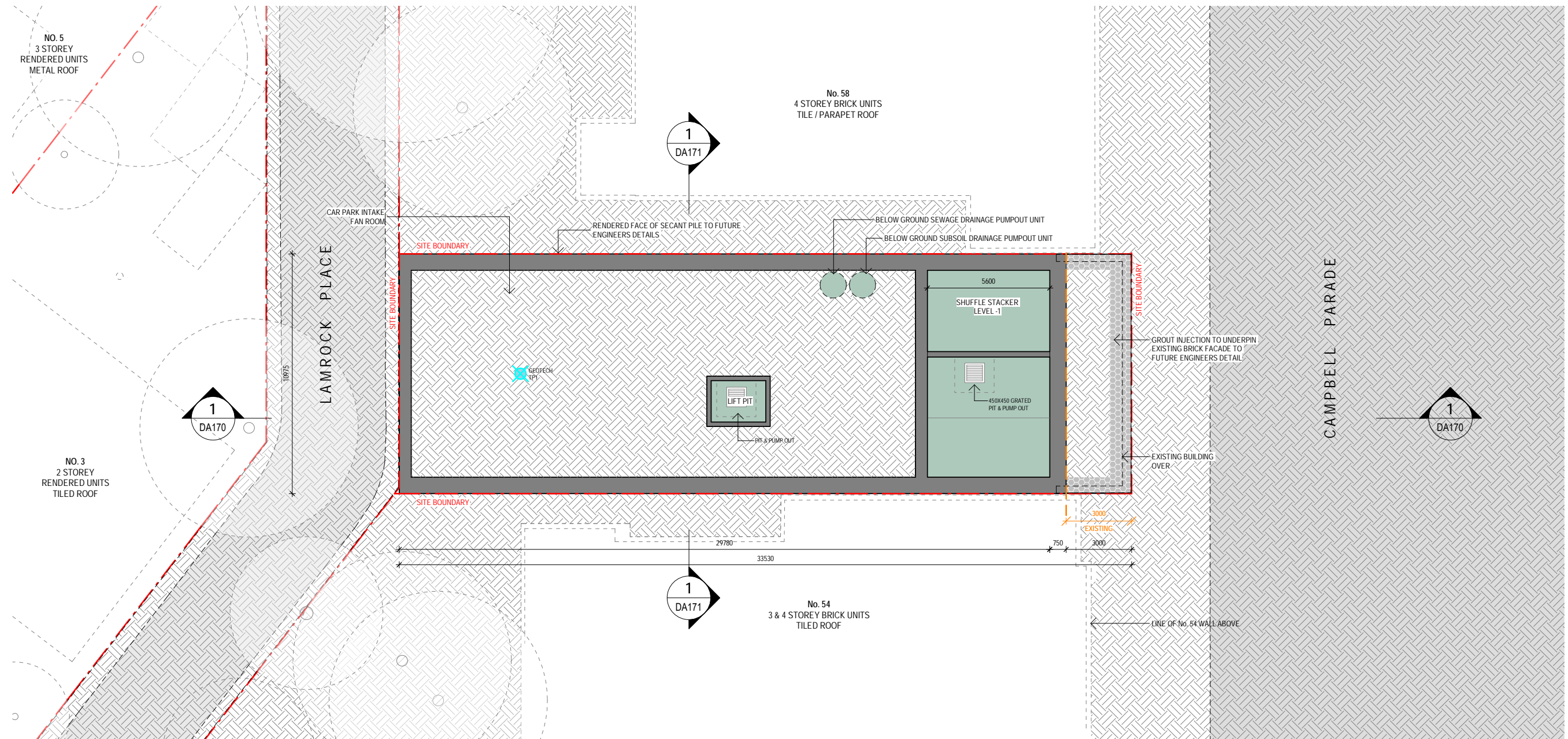


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**1 PROPOSED - BASEMENT 2**  
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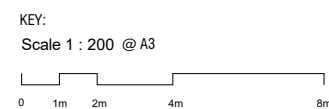
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	SURVEY SPOT LEVEL		
	EXISTING LEVEL		
	EXISTING WINDOW / DOOR		
	NEW WINDOW / DOOR		



WAVERLEY CONCIL MATERIAL COLOUR CODES:

	TIMBER
	PAVING
	BRICK
	METAL
	CONCRETE
	EARTH

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ASSOCIATES



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JOB NO: CAM2105

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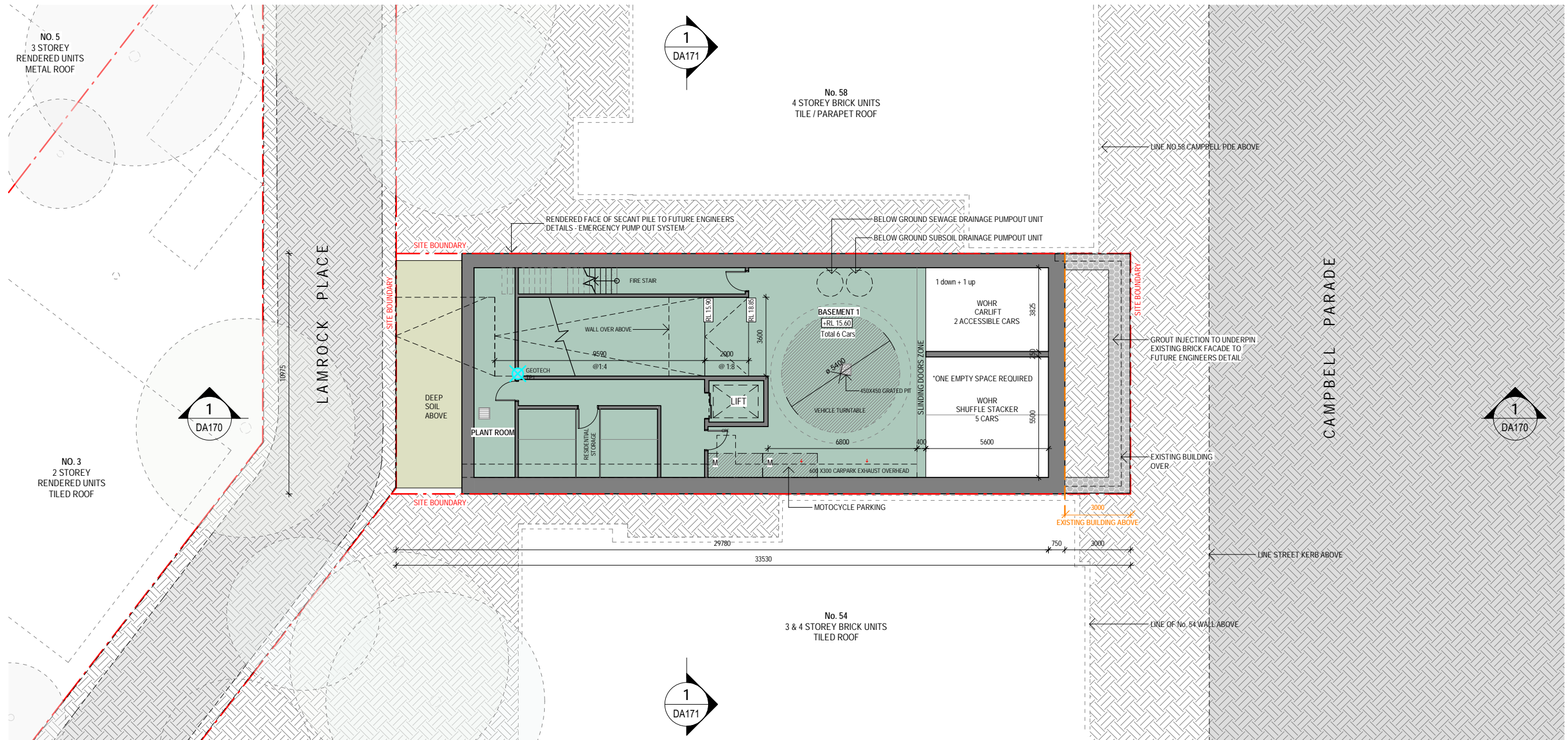
DRAWING TITLE:  
PROPOSED PLAN - BASEMENT 2

PROJECT ADDRESS:  
56 CAMPBELL PARADE, BONDI BEACH

CLIENT:  
ROB DEUTSCH



**RECEIVED**  
**Waverley Council**  
 Application No: DA-367/2022  
 Date Received: 09/06/2023



**1 PROPOSED - BASEMENT 1**  
 scale - 1 : 200 @ A3

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B 14.02.2023 DA RESUBMISSION  
 A 18.08.2022 ISSUE FOR DA  
 ISS DATE PURPOSE OF ISSUE

PLOTTED : 26/05/2023 2:19:35 PM

**LEGEND:**

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+RL 00.00.00	FINISHED SPOT OR SURFACE LEVEL		EXISTING TO BE DEMOLISHED
FFL 00.00.00	FINISHED FLOOR LEVEL		NEW STRUCTURE
	SURVEY SPOT LEVEL		
	EXISTING LEVEL		
	EXISTING WINDOW / DOOR		
	NEW WINDOW / DOOR		

**KEY:**  
 Scale 1 : 200 @ A3

**WAVERLEY CONCIL MATERIAL COLOUR CODES:**

	TIMBER
	PAVING
	BRICK
	METAL
	CONCRETE
	EARTH

**ARCHITECTS NICHOLAS + ASSOCIATES**

STUDIO 6,  
 1 MARY'S PLACE  
 SURRY HILLS  
 NSW 2010  
 T + 61 2 8353 9500  
 ANPLUSA.COM

NOMINATED ARCHITECT  
 PATRICK NICHOLAS  
 NSW 6672

**DRAWING NO: DA015**    **ISSUE NO: B**    **JOB NO: CAM2105**

**DEVELOPMENT APPLICATION**

**DRAWING TITLE:**  
 PROPOSED PLAN - BASEMENT 1

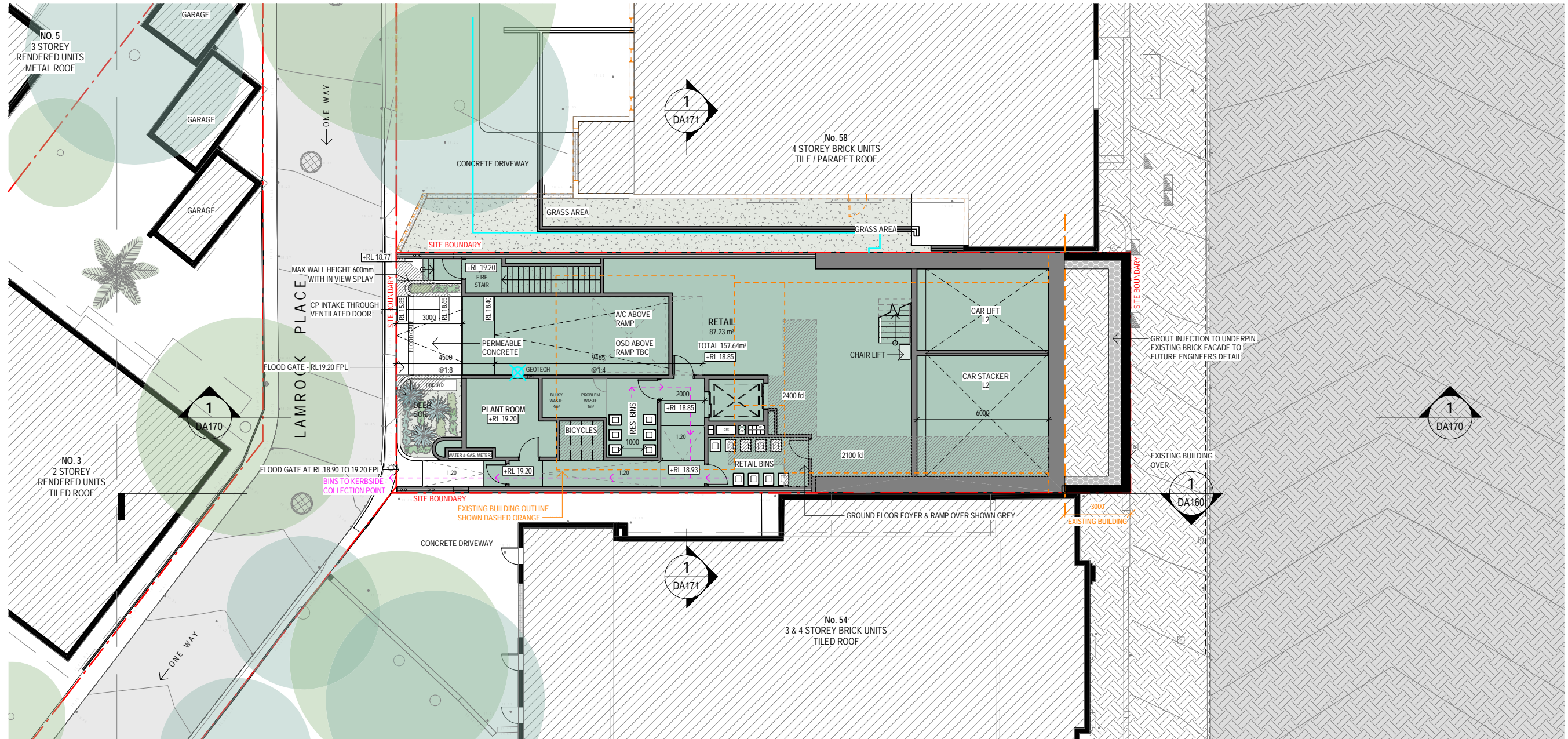
**PROJECT ADDRESS:**  
 56 CAMPBELL PARADE, BONDI BEACH

**CLIENT:**  
 ROB DEUTSCH

RECEIVED  
Waverley Council  
Application No: DA-367/2022  
Date Received: 09/06/2023

ABSA Thermal Notes - 56 Campbell Parade, Bondi Beach, NSW, 2026  
**External walls:** Cavity Brick plus R1.0 insulation and plasterboard  
**External walls:** Cavity Brick uninsulated and plasterboard - existing  
**Glazing:** Aluminium Single Glaze Clear. U = 6.70. SHGC = 0.57 - Awning, Casement, Doors - Unit 2, Unit 3  
**Glazing:** Aluminium Single Glaze Clear. U = 6.70. SHGC = 0.70 - Sliding, Fixed, Louvre - Unit 3  
**Glazing:** Aluminium Single Glaze High Solar Gain Low-E. U = 5.40. SHGC = 0.49 - Awning, Casement, Doors - Unit 1 - All, Unit 2 - FF13 - FF16, SF13 - SF15, Unit 3 - FF03 - FF07, SF02 - SF05, Unit 4 - ALL  
**Glazing:** Aluminium Single Glaze High Solar Gain Low-E. U = 5.40. SHGC = 0.58 - Sliding, Fixed, Louvre - Unit 1 - ALL, Unit 4 - ALL  
**Glazing:** Aluminium Single Glaze LowSolar Gain Low-E. U = 5.6. SHGC = 0.41 - Unit 2 - SF18  
**Glazing:** Aluminium Double Glaze Air Fill High Solar Gain Low-E Clear. U = 4.3. SHGC = 0.47 - Unit 1 - GF05, GF11, DF12  
**Ground Floor:** Carpet on slab plus R2.0 insulation underneath to bedrooms, Tiles on slab plus R2.0 insulation underneath to all other areas - Unit 1 to open areas  
**Floor:** Carpet on slab with plasterboard to Bedrooms, Tiles on slab with plasterboard to all other areas plus R2.0 insulation to all other areas - Unit 2 to ground floor foyer  
**Internal walls:** Plasterboard on studs  
**Internal walls:** Cavity Brick with plasterboard  
**Internal walls:** Concrete block-work with plasterboard  
**Roof:** Tiles on Concrete slab with R2.0 insulation and plasterboard  
**Roof:** Concrete slab with R2.0 insulation and plasterboard

0008698470 08 Jun 2023  
 Assessor Brian Topley  
 Accreditation No. 100588  
 Address  
 56 Campbell Parade, Bondi Beach, NSW, 2025  
 hstar.com.au



1 PROPOSED - LOWER GROUND  
 scale - 1 : 200 @ A3

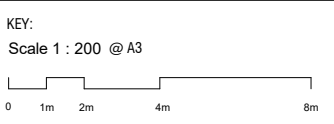
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B	14.02.2023	DA RESUBMISSION
A	18.08.2022	ISSUE FOR DA
ISS	DATE	PURPOSE OF ISSUE

LEGEND:

FSL 00.000	FINISHED STRUCTURAL LEVEL	EXISTING TO BE RETAINED
+RL 00.00	FINISHED SPOT OR SURFACE LEVEL	EXISTING TO BE DEMOLISHED
FFL 00.00	FINISHED FLOOR LEVEL	NEW STRUCTURE
00.000	SURVEY SPOT LEVEL	
00.000	EXISTING LEVEL	
W/D	EXISTING WINDOW / DOOR	
W/D	NEW WINDOW / DOOR	



WAVERLEY CONCIL MATERIAL COLOUR CODES:

TIMBER
PAVING
BRICK
METAL
CONCRETE
EARTH

ARCHITECTS  
 NICHOLAS + ASSOCIATES

STUDIO 6,  
 1 MARY'S PLACE  
 SURRY HILLS  
 NSW 2010  
 T + 61 2 8353 9500  
 ANPLUSA.COM

NOMINATED ARCHITECT  
 PATRICK NICHOLAS  
 NSW 6672

DRAWING NO: DA016  
 ISSUE NO: B  
 JOB NO: CAM2105

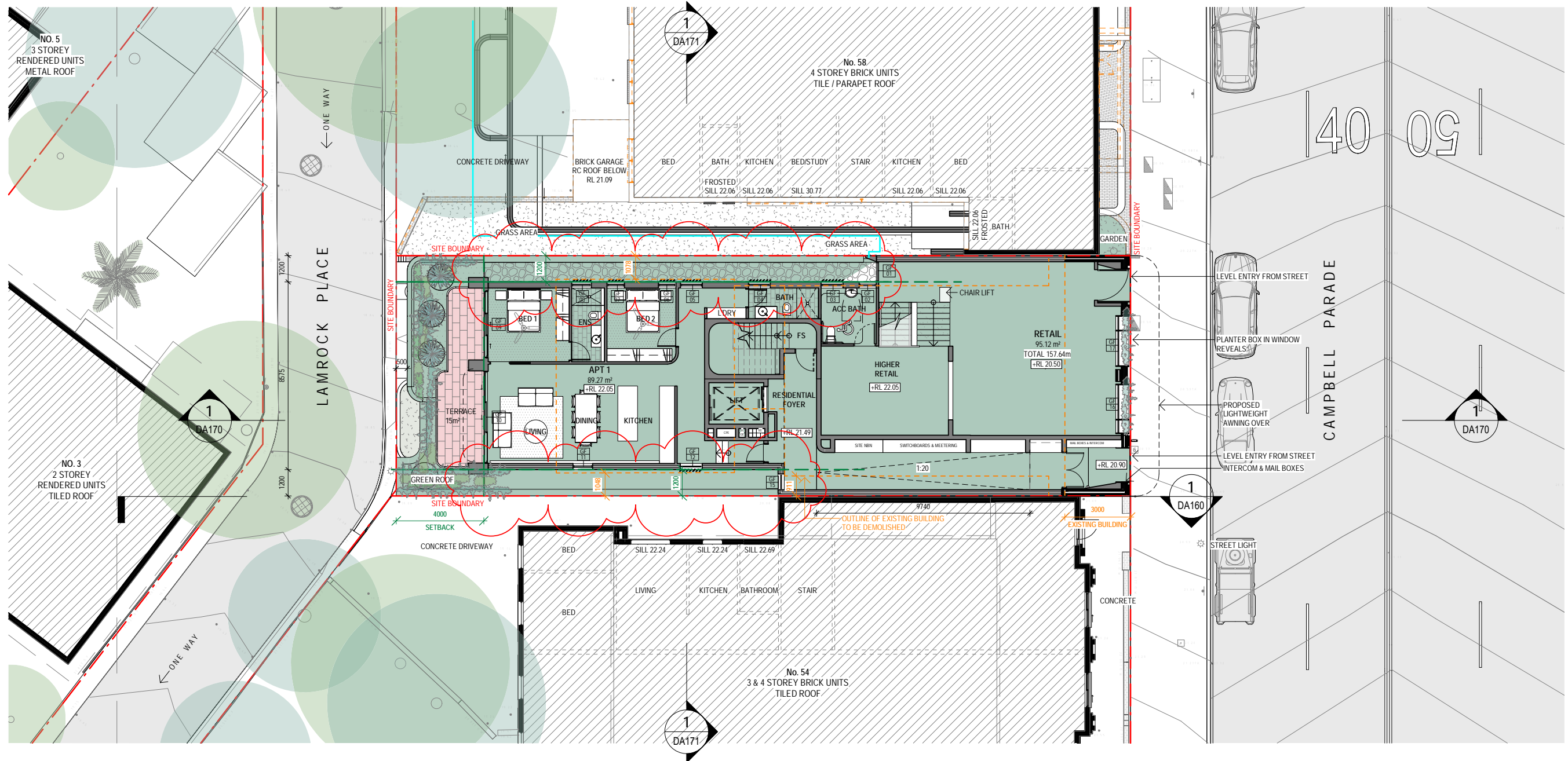
DEVELOPMENT APPLICATION

DRAWING TITLE:  
 PROPOSED PLAN - LOWER GROUND

PROJECT ADDRESS:  
 56 CAMPBELL PARADE, BONDI BEACH

CLIENT:  
 ROB DEUTSCH

RECEIVED  
 Waverley Council  
 Application No: DA-367/2022  
 Date Received: 09/06/2023



1 PROPOSED - GROUND FLOOR  
 scale - 1 : 200 @ A3

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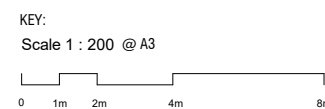
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 B 14.02.2023 DA RESUBMISSION  
 A 18.08.2022 ISSUE FOR DA  
 ISS DATE PURPOSE OF ISSUE

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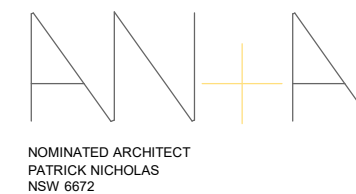
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+RSL 00.00	FINISHED SPOT OR SURFACE LEVEL	EXISTING TO BE DEMOLISHED
FFL 00.00	FINISHED FLOOR LEVEL	NEW STRUCTURE
00.000	SURVEY SPOT LEVEL	
00.000	EXISTING LEVEL	
W/D	EXISTING WINDOW / DOOR	
W/D	NEW WINDOW / DOOR	



WAVERLEY CONCIL MATERIAL COLOUR CODES:

TIMBER
PAVING
BRICK
METAL
CONCRETE
EARTH

ARCHITECTS  
 NICHOLAS +  
 ASSOCIATES



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DRAWING NO: DA017 ISSUE NO: C JOB NO: CAM2105

DEVELOPMENT APPLICATION

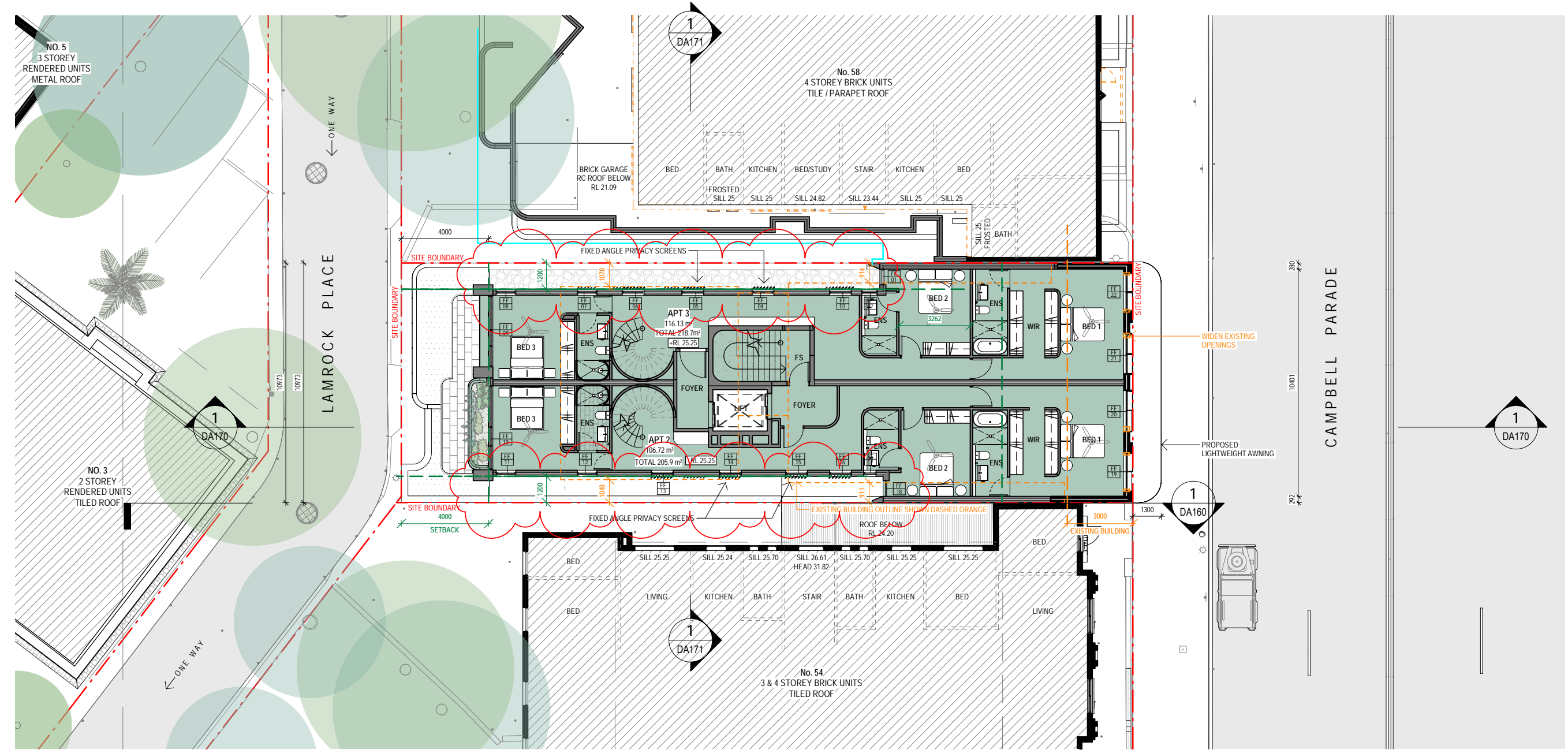
DRAWING TITLE:  
 PROPOSED PLAN - GROUND

PROJECT ADDRESS:  
 56 CAMPBELL PARADE, BONDI BEACH

CLIENT:  
 ROB DEUTSCH

**RECEIVED**  
**Waverley Council**  
 Application No: DA-367/2022  
 Date Received: 09/06/2023

0008698470 08 Jun 2023  
 Assessor Brian Teplacanes  
 Accreditation No. 100588  
 Address  
 56 Campbell Parade, Bondi  
 Beach, NSW, 2025  
 www.nathers.gov.au  
 hstar.com.au



**1 PROPOSED - FIRST FLOOR PLAN**  
 scale - 1 : 200 @ A3

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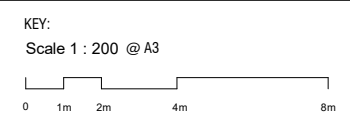
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 ISS DATE PURPOSE OF ISSUE

PLOTTED : 6/06/2023 5:06:01 PM

LEGEND:

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+RL 00.00	FINISHED SPOT OR SURFACE LEVEL		EXISTING TO BE DEMOLISHED
FFL 00.00	FINISHED FLOOR LEVEL		NEW STRUCTURE
	SURVEY SPOT LEVEL		
	EXISTING LEVEL		
	EXISTING WINDOW / DOOR		
	NEW WINDOW / DOOR		



WAVERLEY CONCIL MATERIAL COLOUR CODES:

	TIMBER
	PAVING
	BRICK
	METAL
	CONCRETE
	EARTH

ARCHITECTS  
**NICHOLAS + ASSOCIATES**

NOMINATED ARCHITECT  
 PATRICK NICHOLAS  
 NSW 6672

STUDIO 6,  
 1 MARY'S PLACE  
 SURRY HILLS  
 NSW 2010  
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DRAWING NO: **DA018** ISSUE NO: **B** JOB NO: **CAM2105**

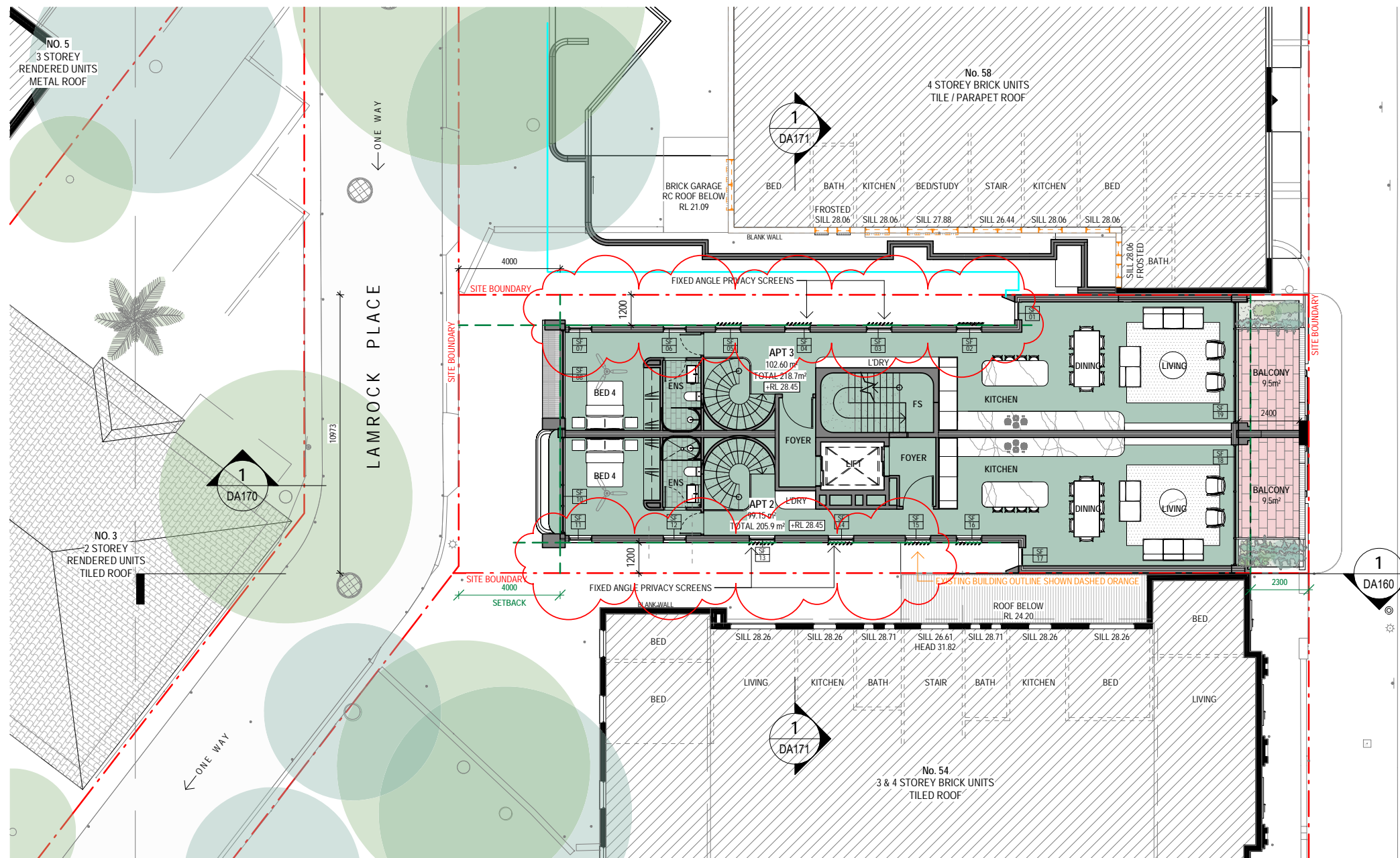
**DEVELOPMENT APPLICATION**

DRAWING TITLE:  
**PROPOSED PLAN - FIRST FLOOR**

PROJECT ADDRESS:  
**56 CAMPBELL PARADE, BONDI BEACH**

CLIENT:  
**ROB DEUTSCH**

RECEIVED  
Waverley Council  
Application No: DA-367/2022  
Date Received: 09/06/2023



**ABSA Thermal Notes - 56 Campbell Parade, Bondi Beach, NSW, 2026**

**External walls:** Cavity Brick plus R1.0 insulation and plasterboard  
**External walls:** Cavity Brick uninsulated and plasterboard - existing  
**Glazing:** Aluminium Single Glaze Clear: U = 6.70: SHGC = 0.57 - Awning, Casement, Doors - Unit 2, Unit 3  
**Glazing:** Aluminium Single Glaze Clear: U = 6.70: SHGC = 0.70 - Sliding, Fixed, Louvre - Unit 3  
**Glazing:** Aluminium Single Glaze High Solar Gain LowE: U = 5.40: SHGC = 0.49 - Awning, Casement, Doors - Unit 1 - All, Unit 2 - FF13 - FF16, SF13 - SF15, Unit 3 - FF03 - FF07, SF02 - SF05, Unit 4 - ALL  
**Glazing:** Aluminium Single Glaze High Solar Gain LowE: U = 5.40: SHGC = 0.58 - Sliding, Fixed, Louvre - Unit 1 - ALL, Unit 4 - ALL  
**Glazing:** Aluminium Single Glaze Low Solar Gain LowE: U = 5.6: SHGC = 0.41 - Unit 2 - SF18  
**Glazing:** Aluminium Double Glaze Air Fill High Solar Gain LowE - Clear: U = 4.3: SHGC = 0.47 - Unit 1 - GF05, GF11, DF12  
**Ground Floor:** Carpet on slab plus R2.0 insulation underneath to bedrooms, Tiles on slab plus R2.0 insulation underneath to all other areas - Unit 1 to open areas  
**Floor:** Carpet on slab with plasterboard to Bedrooms, Tiles on slab with plasterboard to all other areas  
**Floor:** Carpet on slab with plasterboard plus R2.0 insulation to Bedrooms, Tiles on slab with plasterboard plus R2.0 insulation to all other areas - Unit 2 to ground floor foyer  
**Internal walls:** Plasterboard on studs  
**Internal walls:** Cavity Brick with plasterboard  
**Internal walls:** Concrete blockwork with plasterboard  
**Roof:** Tiles on Concrete slab with R2.0 insulation and plasterboard  
**Roof:** Concrete slab with R2.0 insulation and plasterboard

**1 PROPOSED - SECOND FLOOR PLAN**  
scale - 1 : 200 @ A3

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B 30.05.2023 DA RESUBMISSION  
A 18.08.2022 ISSUE FOR DA  
ISS DATE PURPOSE OF ISSUE

PLOTTED : 26/05/2023 2:54:32 PM

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**KEY:**  
Scale 1 : 200 @ A3

**WAVERLEY CONCIL MATERIAL COLOUR CODES:**

<span style="background-color: #f0e68c; width: 15px; height: 10px; display: inline-block;"></span>	TIMBER
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<span style="background-color: #d2b48c; width: 15px; height: 10px; display: inline-block;"></span>	EARTH

**ARCHITECTS NICHOLAS + ASSOCIATES**

NOMINATED ARCHITECT  
PATRICK NICHOLAS  
NSW 6672

STUDIO 6,  
1 MARY'S PLACE  
SURRY HILLS  
NSW 2010  
T + 61 2 8353 9500  
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**DRAWING NO:** DA019 **ISSUE NO:** B **JOB NO:** CAM2105

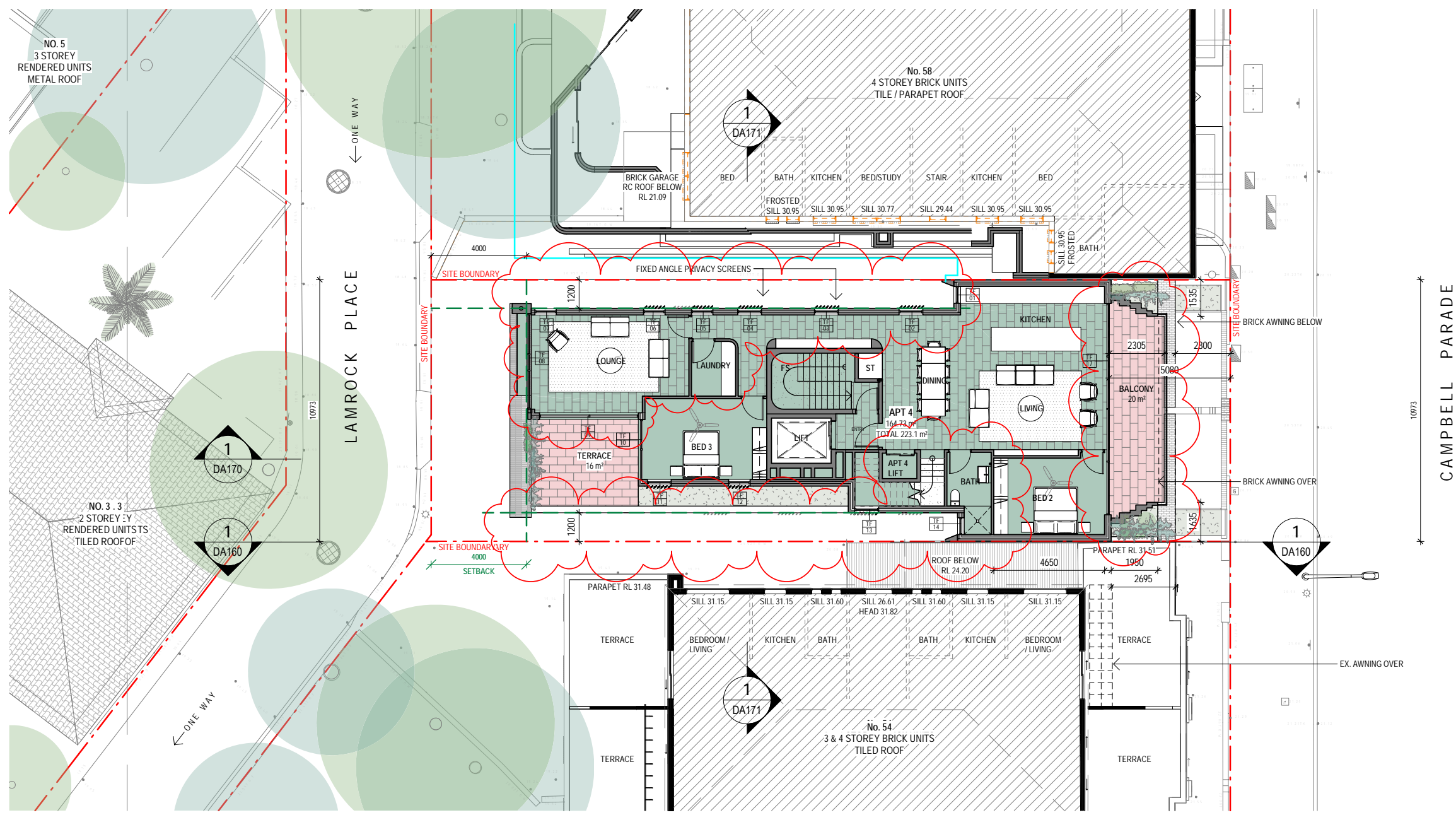
**DEVELOPMENT APPLICATION**

**DRAWING TITLE:** PROPOSED PLAN - SECOND FLOOR

**PROJECT ADDRESS:** 56 CAMPBELL PARADE, BONDI BEACH

**CLIENT:** ROB DEUTSCH

RECEIVED  
 Waverley Council  
 Application No: DA-367/2022  
 Date Received: 09/06/2023



**1 PROPOSED - THIRD FLOOR PLAN**  
 scale - 1 : 200 @ A3

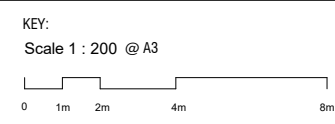
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C	30.05.2023	DA RESUBMISSION
B	14.02.2023	DA RESUBMISSION
A	18.08.2022	ISSUE FOR DA
ISS	DATE	PURPOSE OF ISSUE

LEGEND:

FSL 00.000	FINISHED STRUCTURAL LEVEL	EXISTING TO BE RETAINED
+RL 00.00	FINISHED SPOT OR SURFACE LEVEL	EXISTING TO BE DEMOLISHED
FFL 00.00	FINISHED FLOOR LEVEL	NEW STRUCTURE
00.000	SURVEY SPOT LEVEL	
00.000	EXISTING LEVEL	
W/D	EXISTING WINDOW / DOOR	
W/D	NEW WINDOW / DOOR	



WAVERLEY CONCIL MATERIAL COLOUR CODES:

TIMBER
PAVING
BRICK
METAL
CONCRETE
EARTH

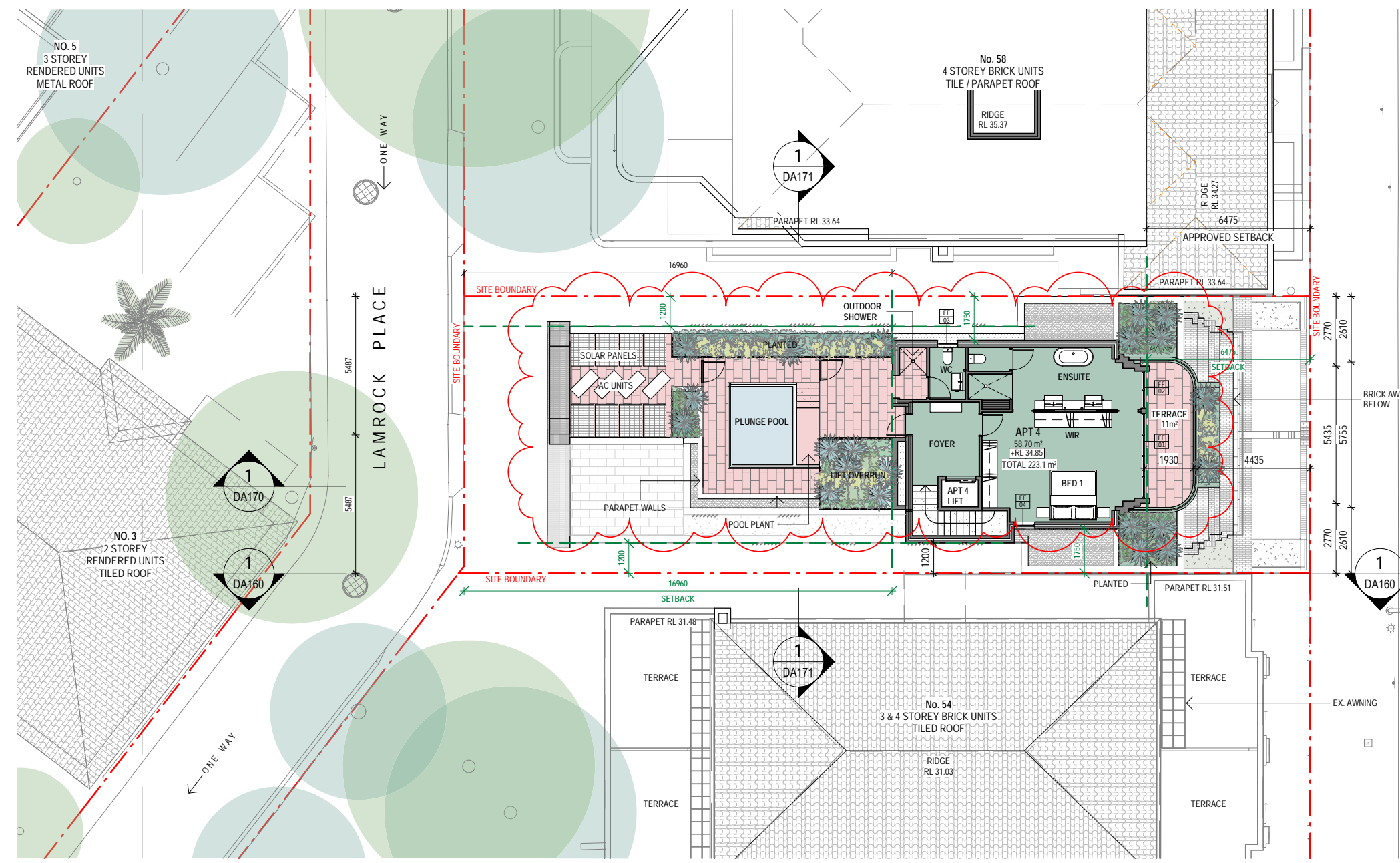
ARCHITECTS  
 NICHOLAS +  
 ASSOCIATES

NOMINATED ARCHITECT  
 PATRICK NICHOLAS  
 NSW 6672

STUDIO 6,  
 1 MARY'S PLACE  
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 NSW 2010  
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DRAWING NO: DA020 ISSUE NO: C JOB NO: CAM2105  
 DEVELOPMENT APPLICATION  
 DRAWING TITLE:  
 PROPOSED PLAN - THIRD FLOOR  
 PROJECT ADDRESS:  
 56 CAMPBELL PARADE, BONDI BEACH  
 CLIENT:  
 ROB DEUTSCH

RECEIVED  
 Waverley Council  
 Application No: DA-367/2022  
 Date Received: 09/06/2023



**ABSA Thermal Notes - 56 Campbell Parade, Bondi Beach, NSW, 2026**

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**Glazing:** Aluminium Single Glaze High Solar Gain Low-E. U = 5.40. SHGC = 0.49 - Awning, Casement, Doors - Unit 1 - All, Unit 2 - FF13 - FF16, SF13 - SF15, Unit 3 - FF03 - FF07, SF02 - SF05, Unit 4 - ALL  
**Glazing:** Aluminium Single Glaze High Solar Gain Low-E. U = 5.40. SHGC = 0.58 - Sliding, Fixed, Louvre - Unit 1 - ALL, Unit 4 - ALL  
**Glazing:** Aluminium Single Glaze Low Solar Gain Low-E. U = 5.6. SHGC = 0.41 - Unit 2 - SF18  
**Glazing:** Aluminium Double Glaze Air Fill High Solar Gain Low-E - Clear. U = 4.3. SHGC = 0.47 - Unit 1 - GF05, GF11, DF12  
**Ground Floor:** Carpet on slab plus R2.0 insulation underneath to bedrooms, Tiles on slab plus R2.0 insulation underneath to all other areas - Unit 1 to open areas  
**Floor:** Carpet on slab with plasterboard to Bedrooms, Tiles on slab with plasterboard to all other areas  
**Floor:** Carpet on slab with plasterboard plus R2.0 insulation to Bedrooms, Tiles on slab with plasterboard plus R2.0 insulation to all other areas - Unit 2 to ground floor foyer  
**Internal walls:** Plasterboard on studs  
**Internal walls:** Cavity Brick with plasterboard  
**Internal walls:** Concrete blockwork with plasterboard  
**Roof:** Tiles on Concrete slab with R2.0 insulation and plasterboard  
**Roof:** Concrete slab with R2.0 insulation and plasterboard

1 PROPOSED - FOURTH FLOOR PLAN  
 scale - 1 : 200 @ A3

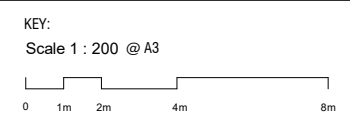
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C	30.05.2023	DA RESUBMISSION
B	14.02.2023	DA RESUBMISSION
A	18.08.2022	ISSUE FOR DA
ISS	DATE	PURPOSE OF ISSUE

LEGEND:

FSL 00.000	FINISHED STRUCTURAL LEVEL	EXISTING TO BE RETAINED
+RL 00.00	FINISHED SPOT OR SURFACE LEVEL	EXISTING TO BE DEMOLISHED
FFL 00.00	FINISHED FLOOR LEVEL	NEW STRUCTURE
00.000	SURVEY SPOT LEVEL	
00.000	EXISTING LEVEL	
W/D	EXISTING WINDOW / DOOR	
W/D	NEW WINDOW / DOOR	



WAVERLEY CONCL MATERIAL COLOUR CODES:

TIMBER
PAVING
BRICK
METAL
CONCRETE
EARTH

ARCHITECTS  
 NICHOLAS + ASSOCIATES

STUDIO 6,  
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 NSW 2010  
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NOMINATED ARCHITECT  
 PATRICK NICHOLAS  
 NSW 6672

DRAWING NO: DA021  
 ISSUE NO: C  
 JOB NO: CAM2105

DEVELOPMENT APPLICATION

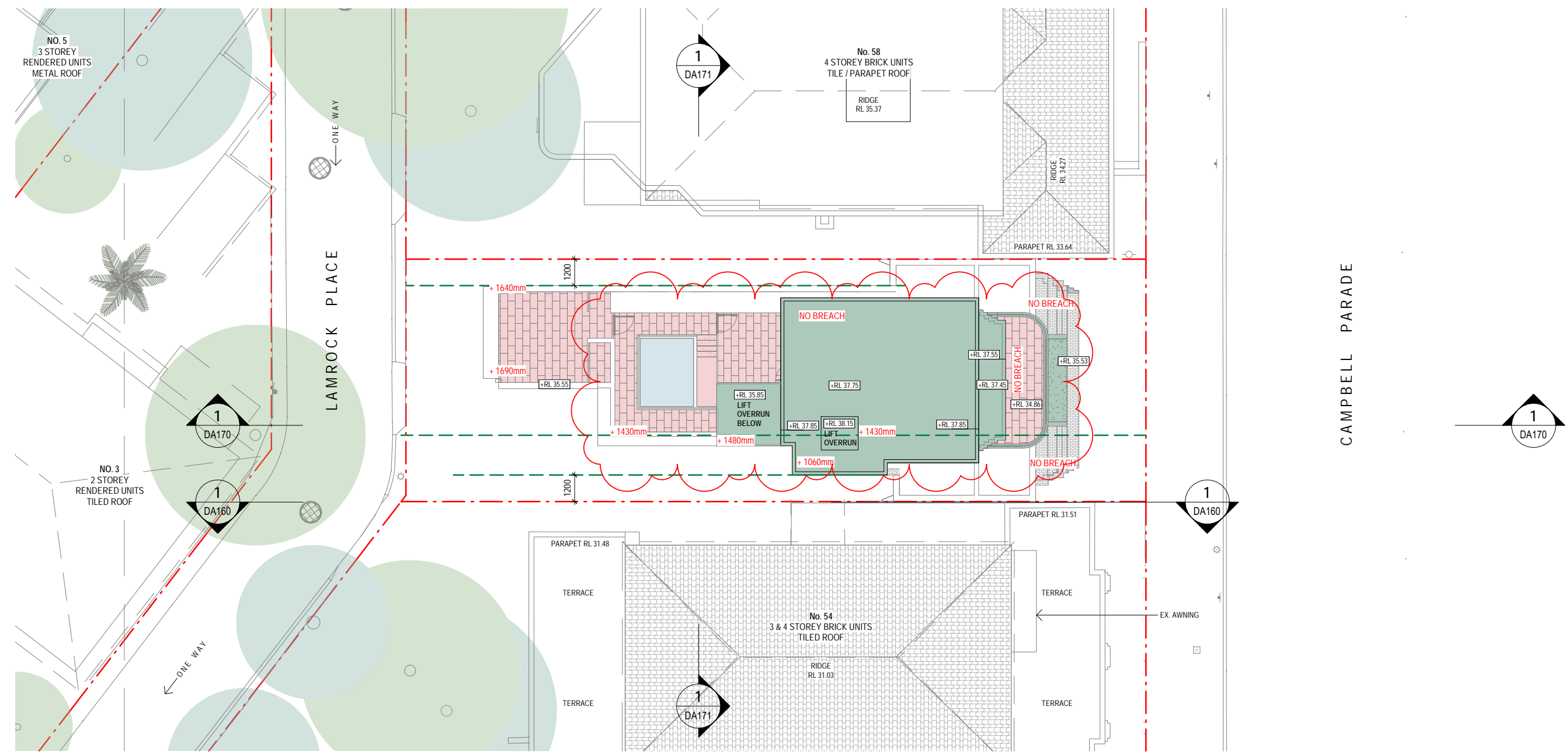
DRAWING TITLE:  
 PROPOSED PLAN - FOURTH FLOOR

PROJECT ADDRESS:  
 56 CAMPBELL PARADE, BONDI BEACH

CLIENT:  
 ROB DEUTSCH



RECEIVED  
Waverley Council  
Application No: DA-367/2022  
Date Received: 09/06/2023



1 PROPOSED - ROOF PLAN  
scale - 1 : 200 @ A3

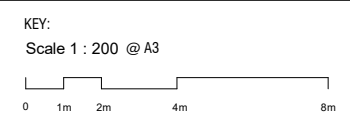
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PLOTTED : 6/06/2023 1:32:23 PM

C	30.05.2023	DA RESUBMISSION
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A	18.08.2022	ISSUE FOR DA
ISS	DATE	PURPOSE OF ISSUE

LEGEND:

FSL 00.00	FINISHED STRUCTURAL LEVEL	EXISTING TO BE RETAINED
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00.000	SURVEY SPOT LEVEL	
00.000	EXISTING LEVEL	
W/D	EXISTING WINDOW / DOOR	
W/D	NEW WINDOW / DOOR	



WAVERLEY CONCIL MATERIAL COLOUR CODES:

TIMBER	PAVING
BRICK	METAL
CONCRETE	EARTH

ARCHITECTS  
NICHOLAS +  
ASSOCIATES

NOMINATED ARCHITECT  
PATRICK NICHOLAS  
NSW 6672

STUDIO 6,  
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SURRY HILLS  
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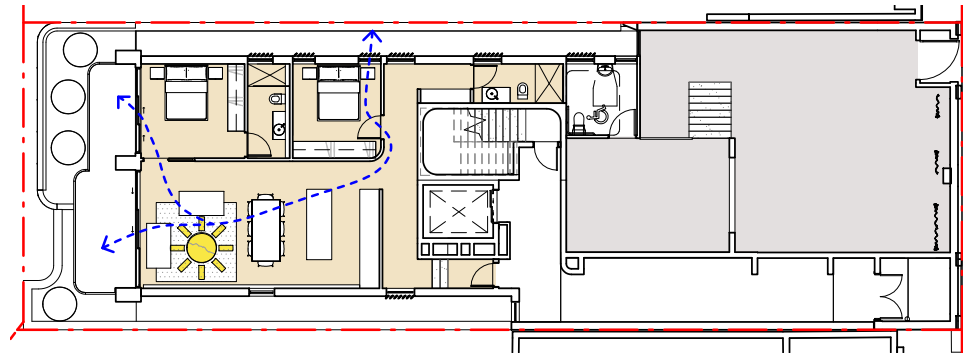
DRAWING NO: DA022  
ISSUE NO: C  
JOB NO: CAM2105

DEVELOPMENT APPLICATION

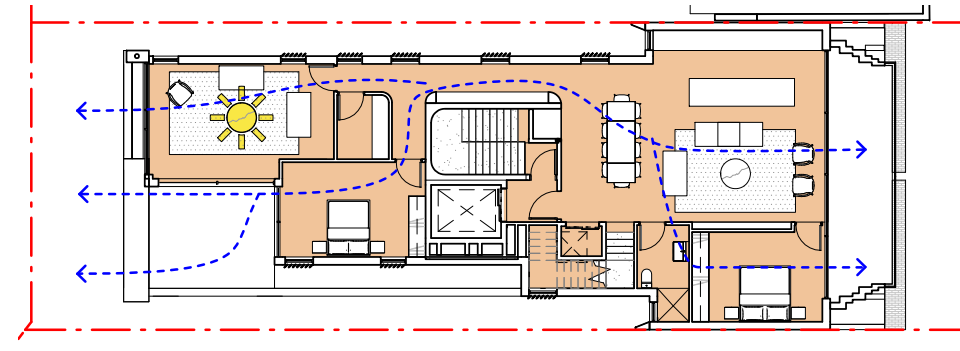
DRAWING TITLE:  
PROPOSED PLAN - ROOF

PROJECT ADDRESS:  
56 CAMPBELL PARADE, BONDI BEACH

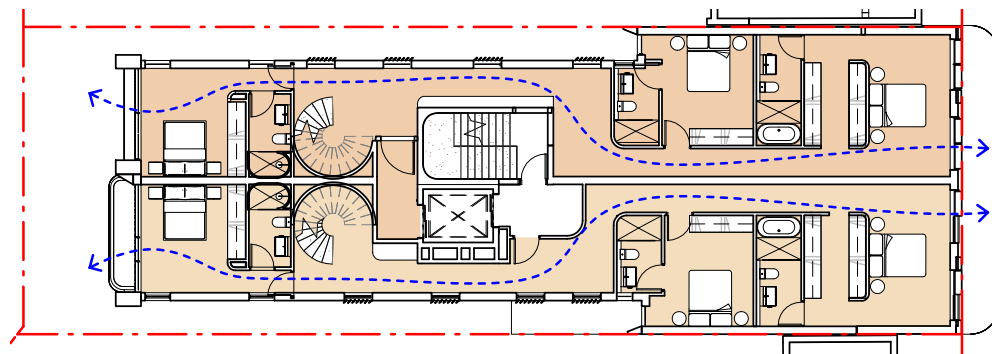
CLIENT:  
ROB DEUTSCH



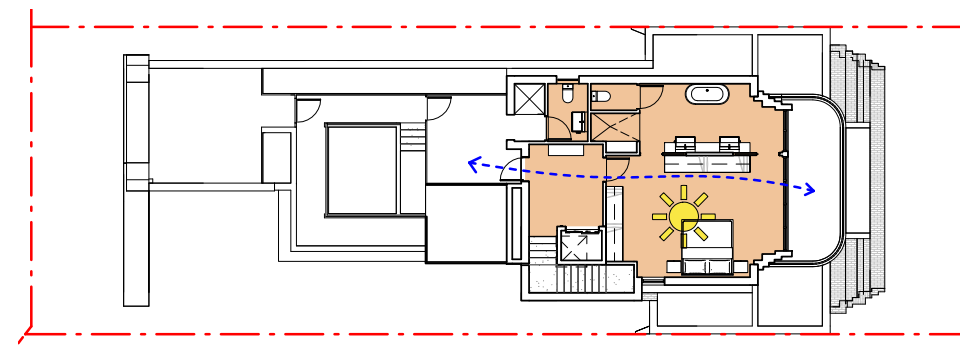
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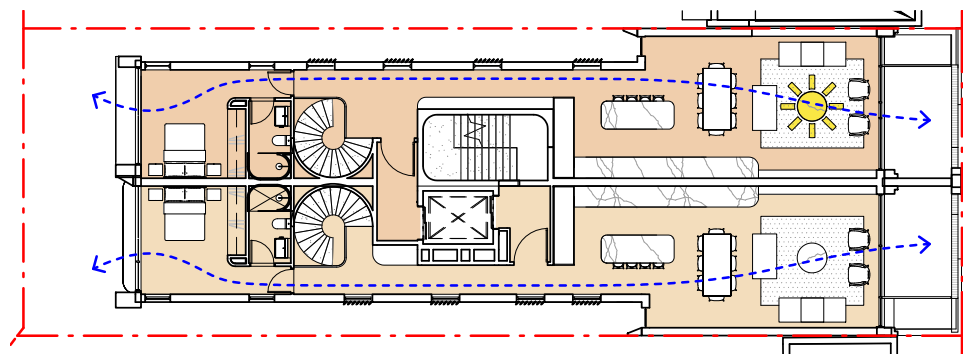
PROPOSED THIRD



PROPOSED FIRST



PROPOSED ROOF



PROPOSED SECOND

RECEIVED  
Waverley Council  
Application No: DA-367/2022  
Date Received: 09/06/2023

**NATURAL CROSS VENTILATION REQUIREMENT :**

60% OF RESIDENTIAL UNITS SHOULD BE NATURALLY CROSS VENTILATED  
TOTAL OF 4 UNITS  
2 APARTMENTS SHOULD BE NATURALLY CROSS VENTILATED

**NATURAL CROSS VENTILATION PROVIDED :**

TOTAL OF 4 UNITS ARE NATURALLY CROSS VENTILATED  
100% OF RESIDENTIAL UNITS ARE NATURALLY CROSS VENTILATED

**ADG SOLAR ACCESS REQUIREMENT :**

LIVING ROOMS & PRIVATE OPEN SPACES OF AT LEAST 70% OF APARTMENTS IN A BUILDING RECEIVE A MINIMUM OF 2 HOURS DIRECT SUNLIGHT BETWEEN 9AM & 3PM IN MID-WINTER

A MAXIMUM OF 15% OF APARTMENTS IN A BUILDING RECEIVE NO DIRECT SUNLIGHT BETWEEN 9AM & 3PM IN MID-WINTER

**SOLAR ACCESS PROVIDED :**

TOTAL OF 3 UNITS (75% OF 4 APARTMENTS) RECEIVE MINIMUM DIRECT SUNLIGHT ON 21 JUNE BETWEEN 9AM & 3PM

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ISS	DATE	PURPOSE OF ISSUE
C	30.05.2023	DA RESUBMISSION
B	14.02.2023	DA RESUBMISSION
A	18.08.2022	ISSUE FOR DA

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FFL 00.000	FINISHED FLOOR LEVEL		NEW STRUCTURE
⊗ 00.000	SURVEY SPOT LEVEL		
⊕ 00.000	EXISTING LEVEL		
	EXISTING WINDOW / DOOR		
	NEW WINDOW / DOOR		

**KEY:**

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DRAWING NO: DA100  
ISSUE NO: C  
JOB NO: CAM2105

DEVELOPMENT APPLICATION

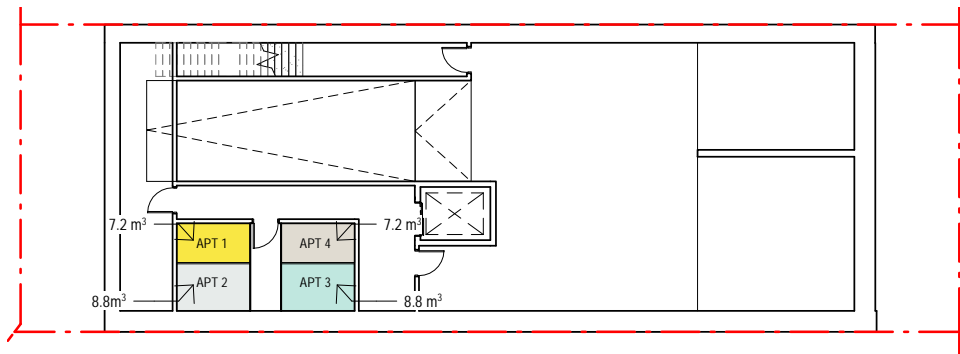


NOMINATED ARCHITECT  
PATRICK NICHOLAS  
NSW 6672

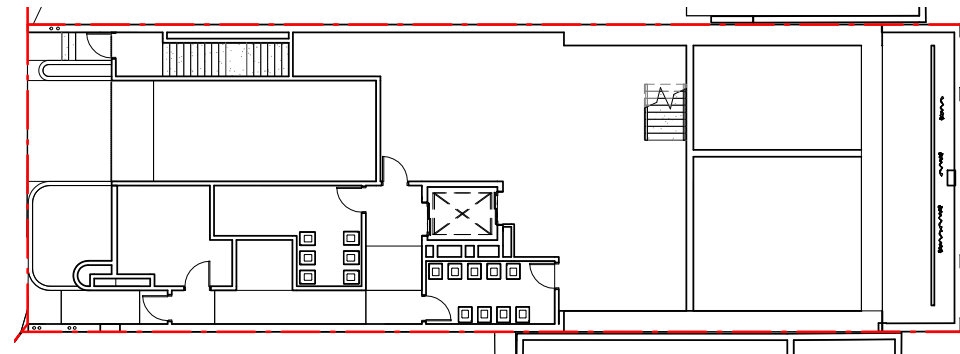
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CROSS VENTILATION, SOLAR ACCESS

PROJECT ADDRESS:  
56 CAMPBELL PARADE, BONDI BEACH

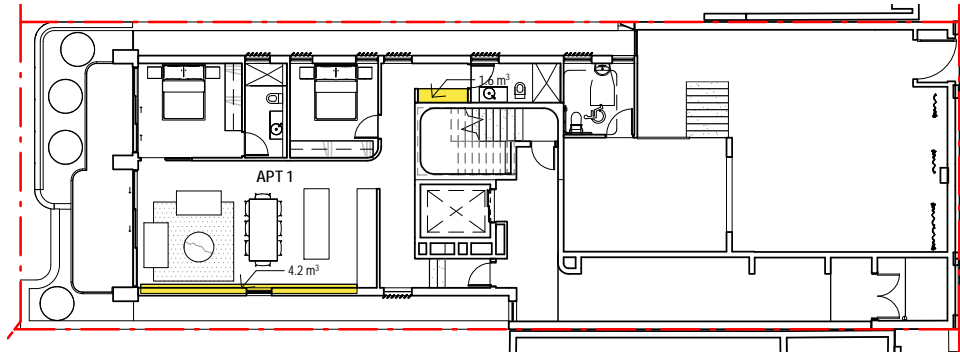
CLIENT:  
ROB DEUTSCH



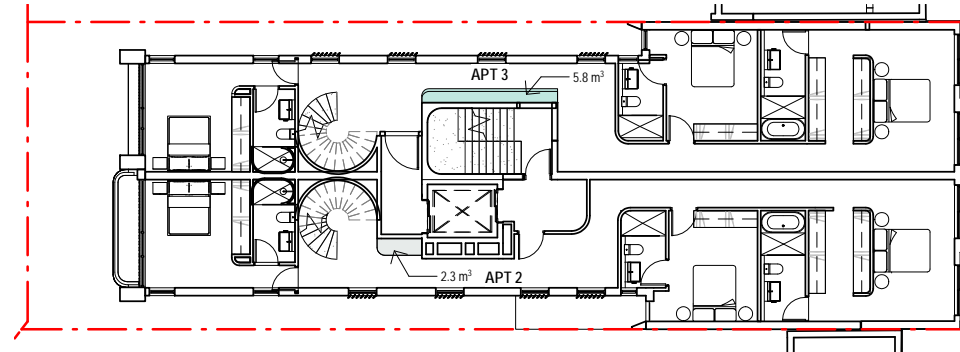
PROPOSED BASEMENT 1



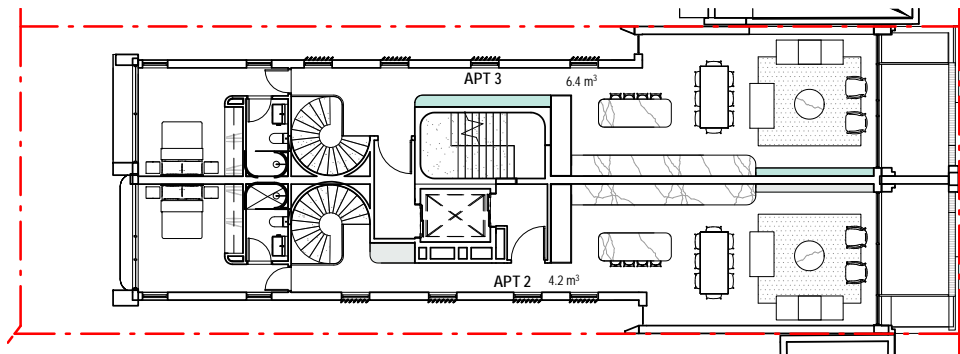
PROPOSED LOWER GROUND



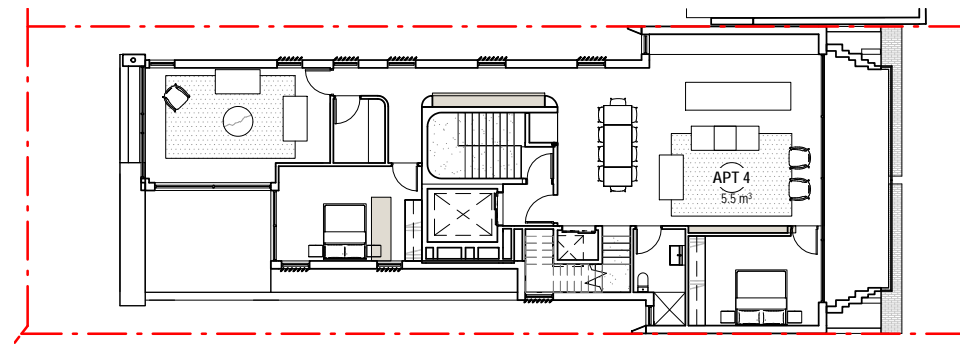
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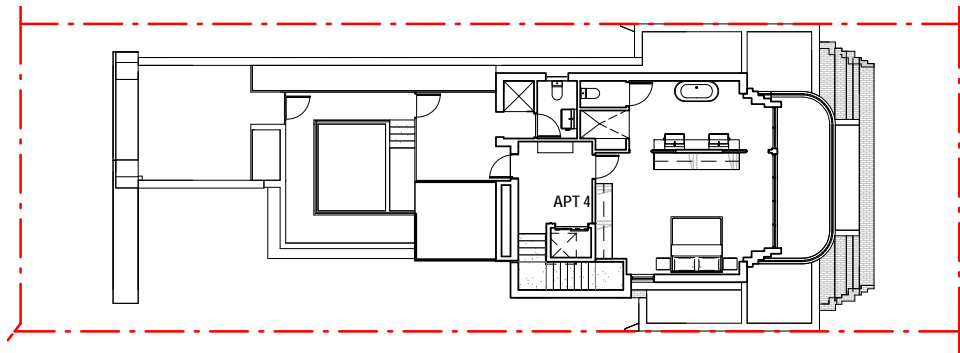
PROPOSED FIRST



PROPOSED SECOND



PROPOSED THIRD



PROPOSED ROOF

RECEIVED  
Waverley Council  
Application No: DA-367/2022  
Date Received: 09/06/2023

**STORAGE PROVIDED:**

FULL HEIGHT STORAGE JOINERY UNITS PROVIDED WITHIN EACH APARTMENT

APT NO.	TYPE	VOLUME TOTAL	VOLUME INT.(ADG 50%)
APT 1	2 BED	13 m <sup>3</sup>	5.8 m <sup>3</sup>
APT 2	4 BED	21 m <sup>3</sup>	12.2 m <sup>3</sup>
APT 3	4 BED	15.3 m <sup>3</sup>	6.5 m <sup>3</sup>
APT 4	3 BED	12.7 m <sup>3</sup>	5.5 m <sup>3</sup>

**Design criteria**

1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:

Dwelling type	Storage size volume
Studio apartments	4m <sup>3</sup>
1 bedroom apartments	6m <sup>3</sup>
2 bedroom apartments	8m <sup>3</sup>
3+ bedroom apartments	10m <sup>3</sup>

At least 50% of the required storage is to be located within the apartment

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- 00.000 SURVEY SPOT LEVEL
- 00.000 EXISTING LEVEL
- W/D EXISTING WINDOW / DOOR
- W/D NEW WINDOW / DOOR
- EXISTING TO BE RETAINED
- EXISTING TO BE DEMOLISHED
- NEW STRUCTURE

**KEY:**

Scale 1 : 100 @ A3



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ASSOCIATES



NOMINATED ARCHITECT  
PATRICK NICHOLAS  
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DRAWING NO: DA101 ISSUE NO: A JOB NO: CAM2105

DEVELOPMENT APPLICATION

DRAWING TITLE:  
STORAGE PLANS

PROJECT ADDRESS:  
56 CAMPBELL PARADE, BONDI BEACH

CLIENT:  
ROB DEUTSCH



## SITE METRICS

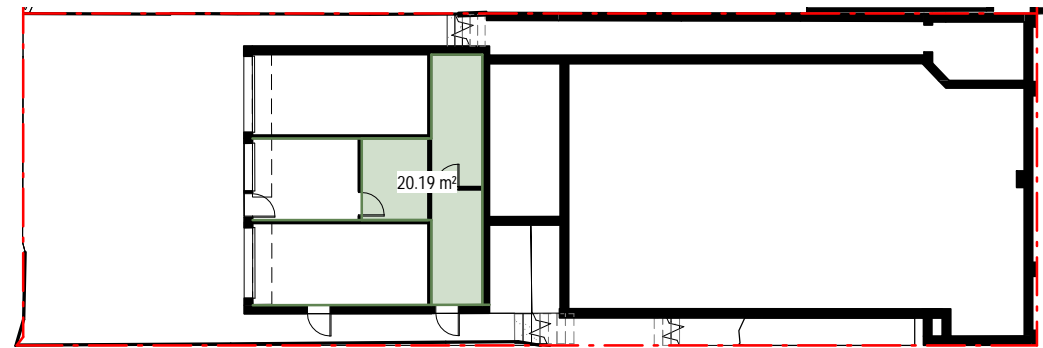
SITE AREA =	367.9m <sup>2</sup>
ALLOWABLE GFA	1104m <sup>2</sup>
ALLOWABLE (FSR)	3 : 1

## EXISTING

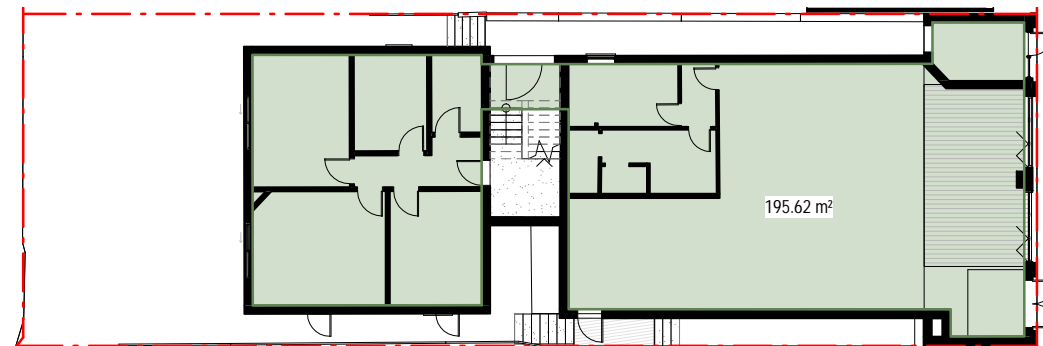
EXISTING GFA =	428.17m <sup>2</sup>
EXISTING . FSR	1.16 : 1

## EXISTING GFA SCHEDULE

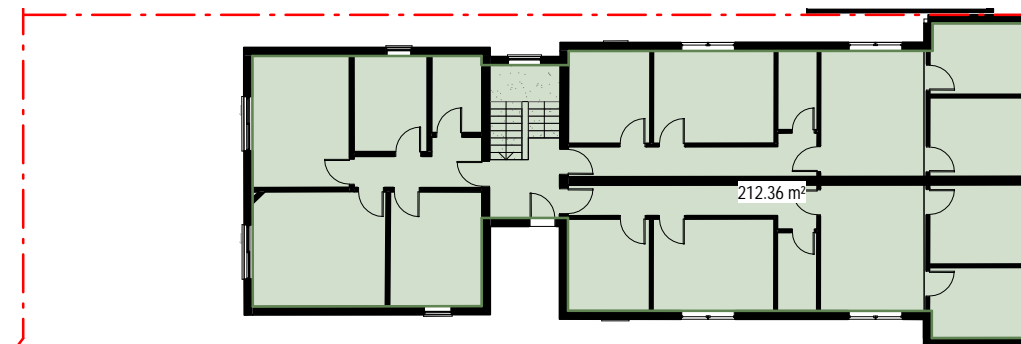
LEVEL	AREA
EX LOWER GROUND FLOOR	20.19 m <sup>2</sup>
EX GROUND FLOOR	195.62 m <sup>2</sup>
EX FIRST FLOOR	212.36 m <sup>2</sup>
<b>TOTAL GFA</b>	<b>428.17 m<sup>2</sup></b>



EX LOWER GROUND FLOOR



EXISTING GROUND FLOOR



EXISTING FIRST FLOOR

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**Application No: DA-367/2022**

**Date Received: 09/06/2023**

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	SURVEY SPOT LEVEL		
	EXISTING LEVEL		
	EXISTING WINDOW / DOOR		
	NEW WINDOW / DOOR		

**ARCHITECTS  
NICHOLAS +  
ASSOCIATES**



NOMINATED ARCHITECT  
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DRAWING NO: DA120    ISSUE NO: A    JOB NO: CAM2105

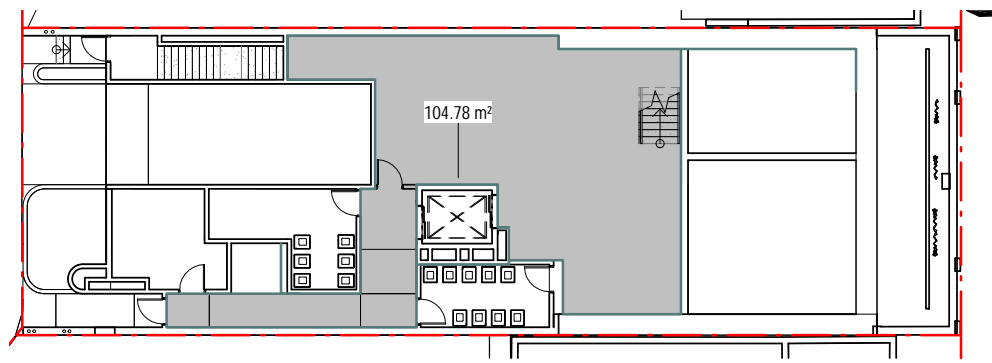
DEVELOPMENT APPLICATION

DRAWING TITLE:  
EXISTING GFA PLANS

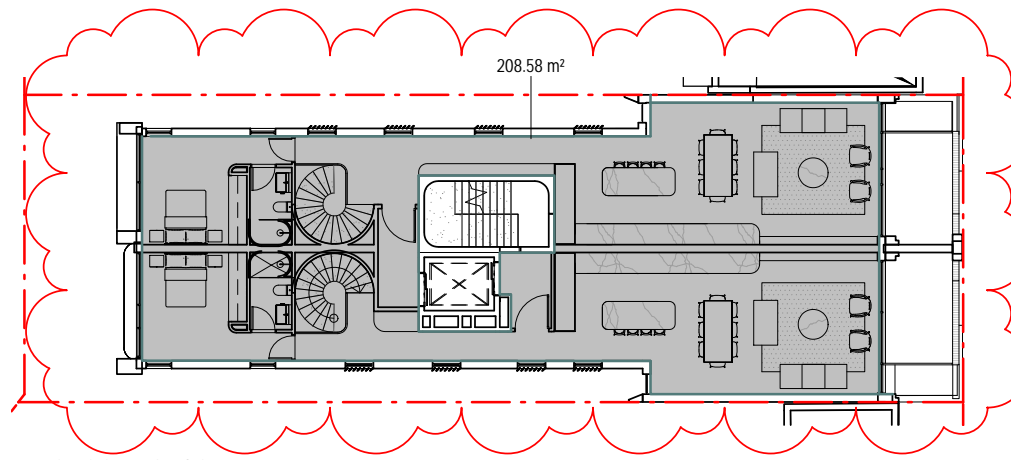
PROJECT ADDRESS:  
56 CAMPBELL PARADE, BONDI BEACH

CLIENT:  
ROB DEUTSCH

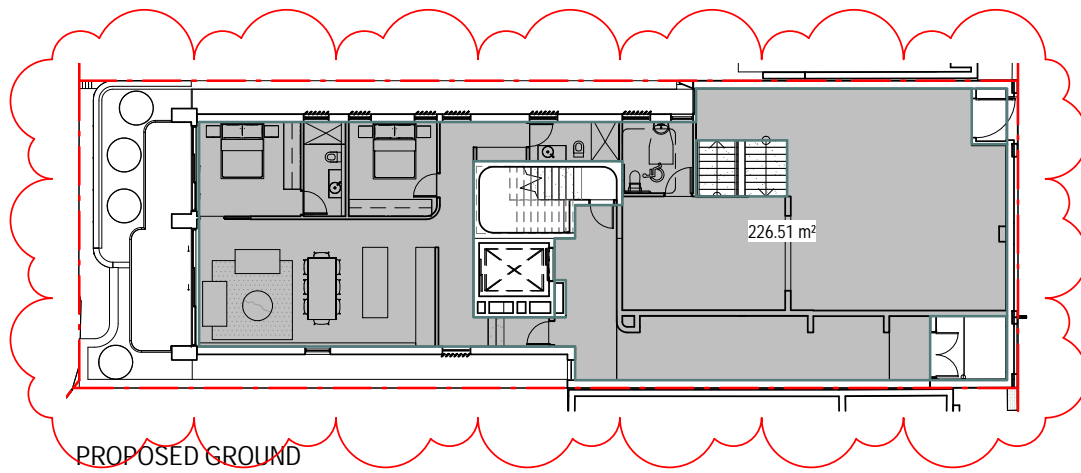




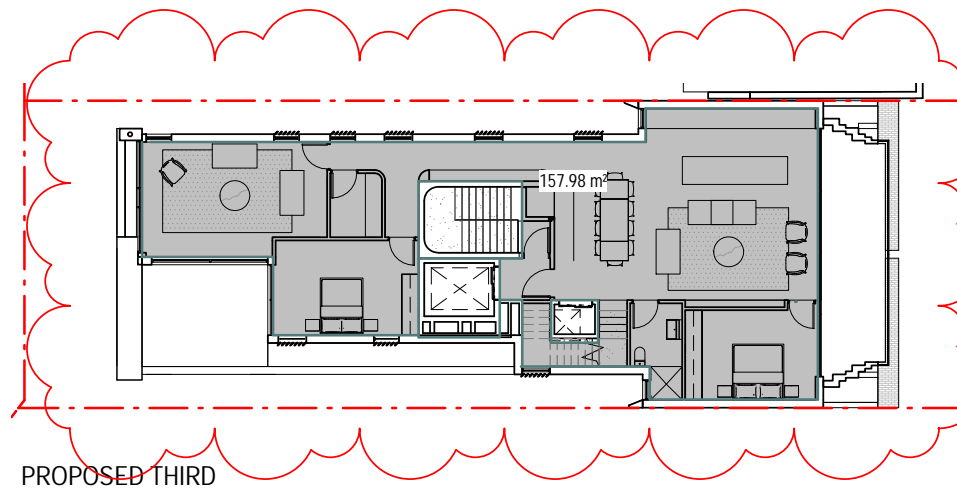
PROPOSED LOWER GROUND



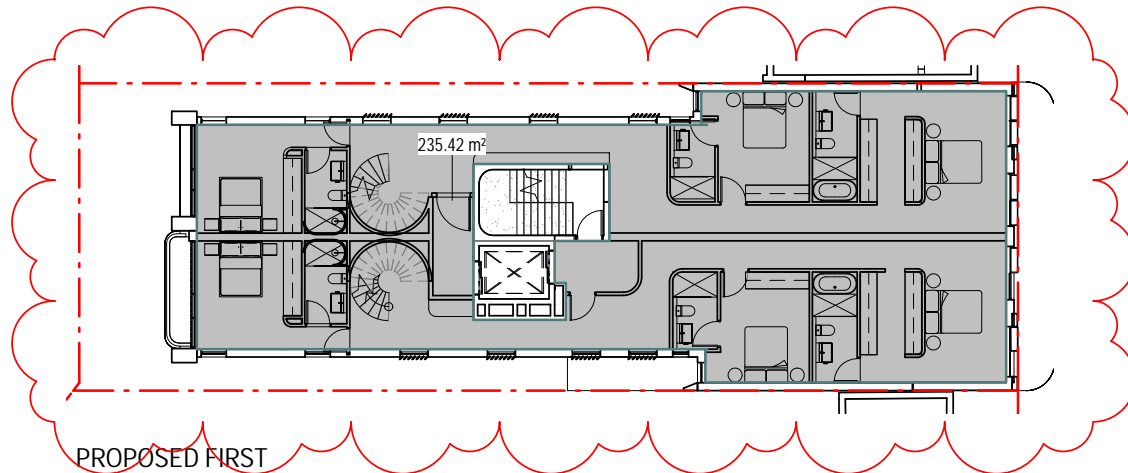
PROPOSED SECOND



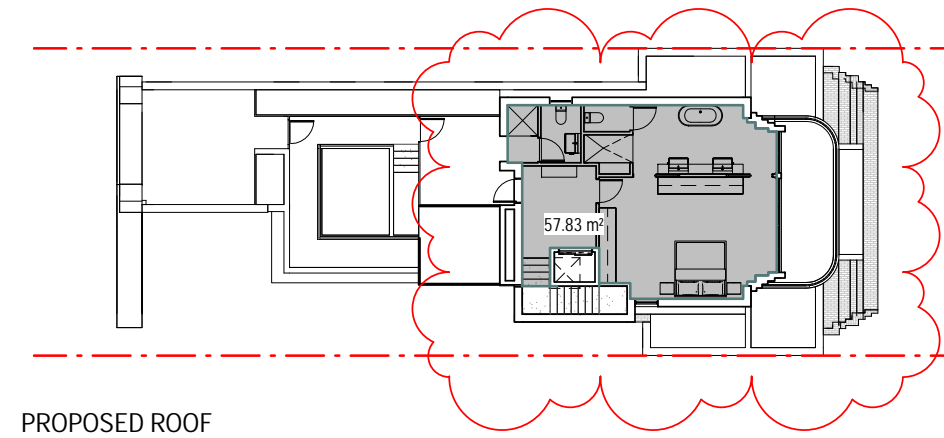
PROPOSED GROUND



PROPOSED THIRD



PROPOSED FIRST



PROPOSED ROOF

### SITE METRICS

SITE AREA =	367.9m <sup>2</sup>
ALLOWABLE GFA	1104m <sup>2</sup>
ALLOWABLE (FSR)	3 : 1

### EXISTING

EXISTING GFA =	428.17m <sup>2</sup>
EXISTING . FSR	1.16 : 1

### PROPOSED

PROPOSED GFA =	991.09 m <sup>2</sup>
PROPOSED FSR	2.69 : 1 (991.09/367.9)

### PROPOSED GFA SCHEDULE

LEVEL	GFA m <sup>2</sup>
PROPOSED LOWER GROUND	104.78 m <sup>2</sup>
PROPOSED GROUND	226.51 m <sup>2</sup>
PROPOSED FIRST	235.42 m <sup>2</sup>
PROPOSED SECOND	208.58 m <sup>2</sup>
PROPOSED THIRD	157.98 m <sup>2</sup>
PROPOSED ROOF	57.83 m <sup>2</sup>
<b>TOTAL GFA</b>	<b>991.09 m<sup>2</sup></b>

### NSA SCHEDULE

SKY TERRACE	AREA	LEVEL
APT 1	89.27 m <sup>2</sup>	PROPOSED GROUND
APT 2 - LOWER	106.72 m <sup>2</sup>	PROPOSED FIRST
APT 2 - UPPER	99.15 m <sup>2</sup>	PROPOSED SECOND
APT 3 - LOWER	116.13 m <sup>2</sup>	PROPOSED FIRST
APT 3 - UPPER	102.60 m <sup>2</sup>	PROPOSED SECOND
APT 4 - LOWER	164.73 m <sup>2</sup>	PROPOSED THIRD
APT 4 - UPPER	58.70 m <sup>2</sup>	PROPOSED ROOF
RETAIL - LOWER	87.23 m <sup>2</sup>	PROPOSED LOWER GROUND
RETAIL - UPPER	95.12 m <sup>2</sup>	PROPOSED GROUND
<b>NET SALEABLE AREA</b>	<b>919.66 m<sup>2</sup></b>	

TOTAL APARTMENTS	4
------------------	---

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ISS	DATE	PURPOSE OF ISSUE

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⊗ 00.000	SURVEY SPOT LEVEL		
⊕ 00.000	EXISTING LEVEL		
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DRAWING NO: DA121 ISSUE NO: C JOB NO: CAM2105

DEVELOPMENT APPLICATION

**AN+A**

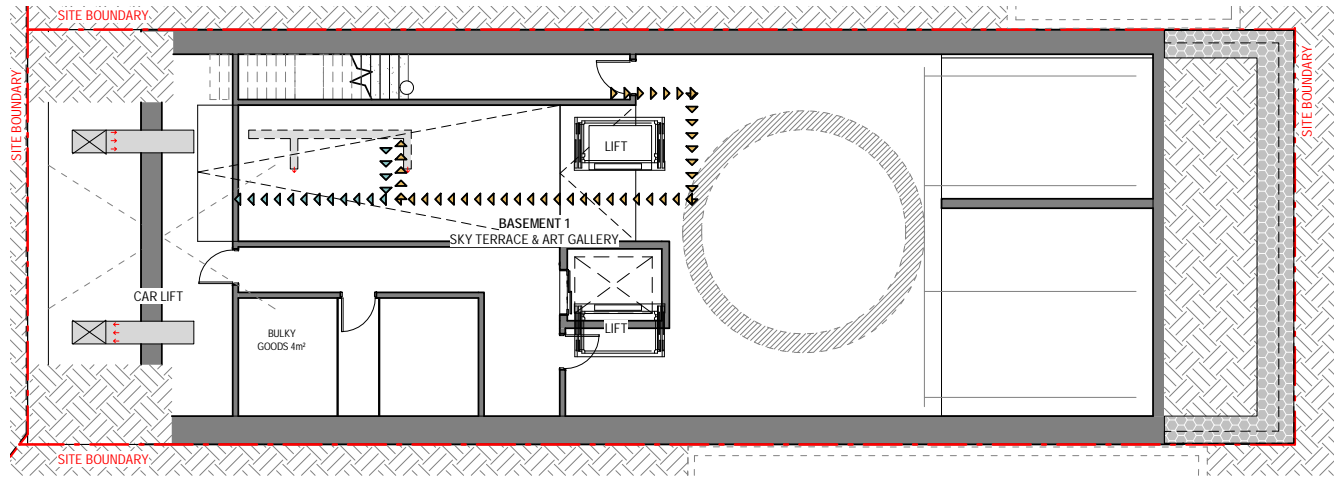
NOMINATED ARCHITECT  
 PATRICK NICHOLAS  
 NSW 6672

DRAWING TITLE:  
 PROPOSED GFA PLANS

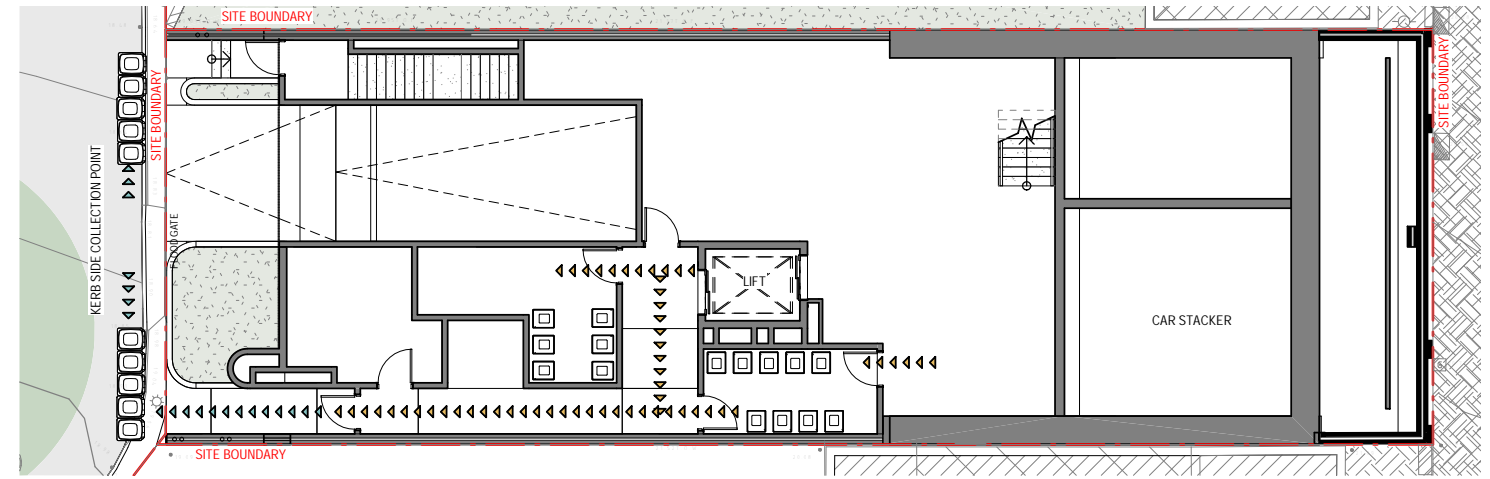
PROJECT ADDRESS:  
 56 CAMPBELL PARADE, BONDI BEACH

CLIENT:  
 ROB DEUTSCH

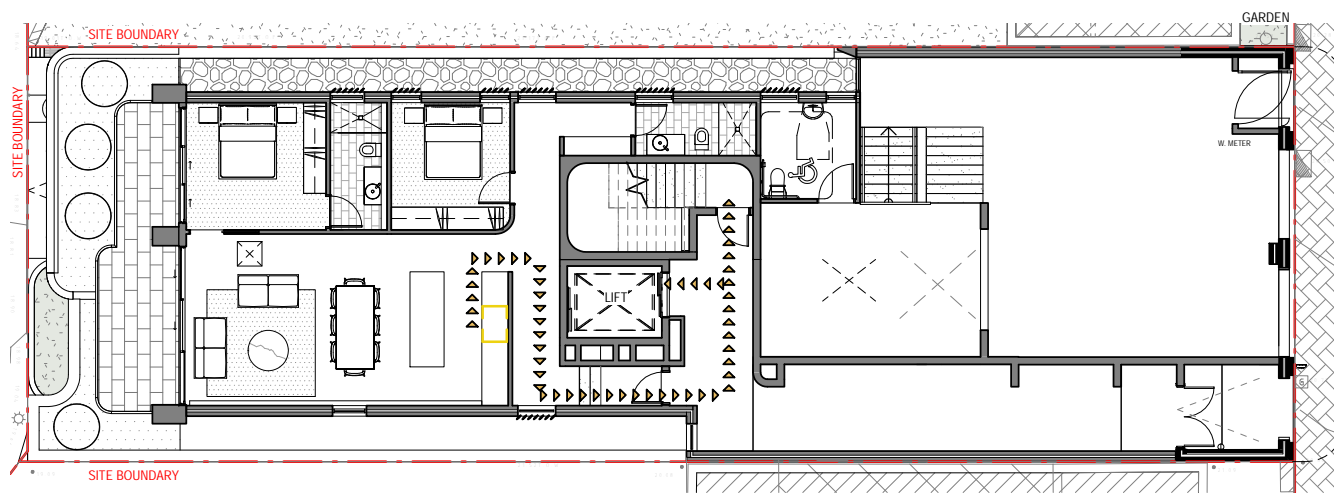




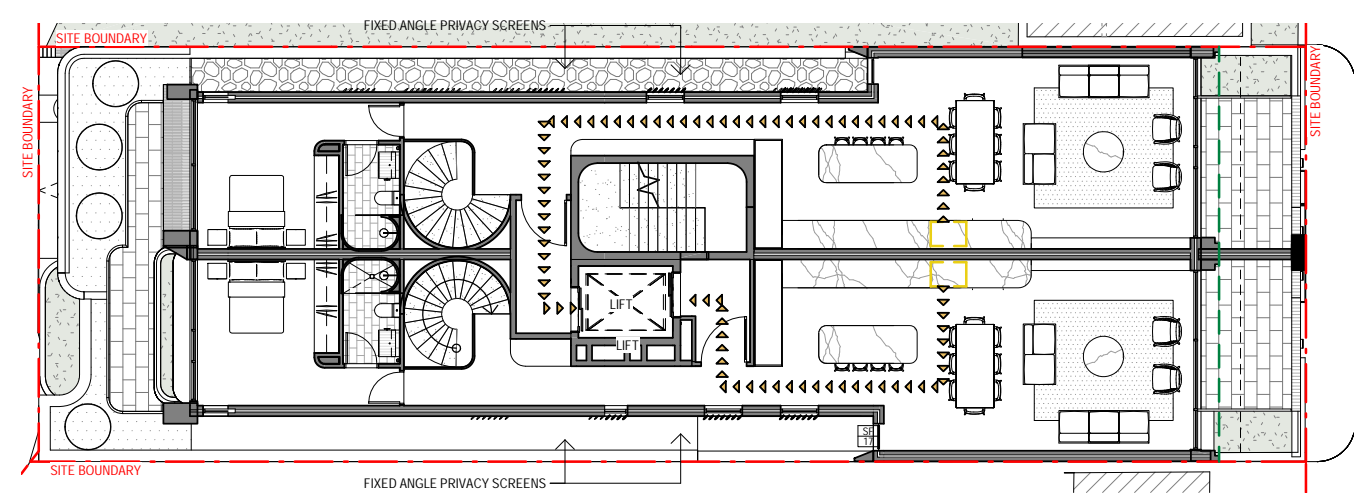
PROPOSED - BASEMENT 1 WASTE MANAGEMENT



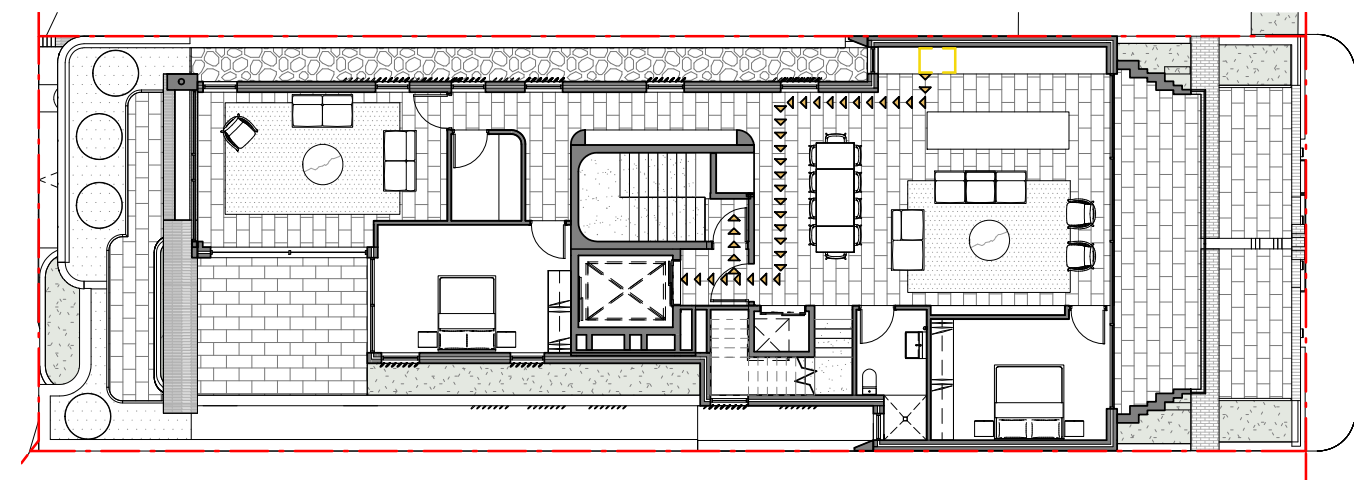
PROPOSED - LOWER GROUND WASTE MANAGEMENT



PROPOSED - GROUND FLOOR WASTE MANAGEMENT



PROPOSED - SECOND FLOOR WASTE MANAGEMENT



PROPOSED - THIRD FLOOR WASTE MANAGEMENT

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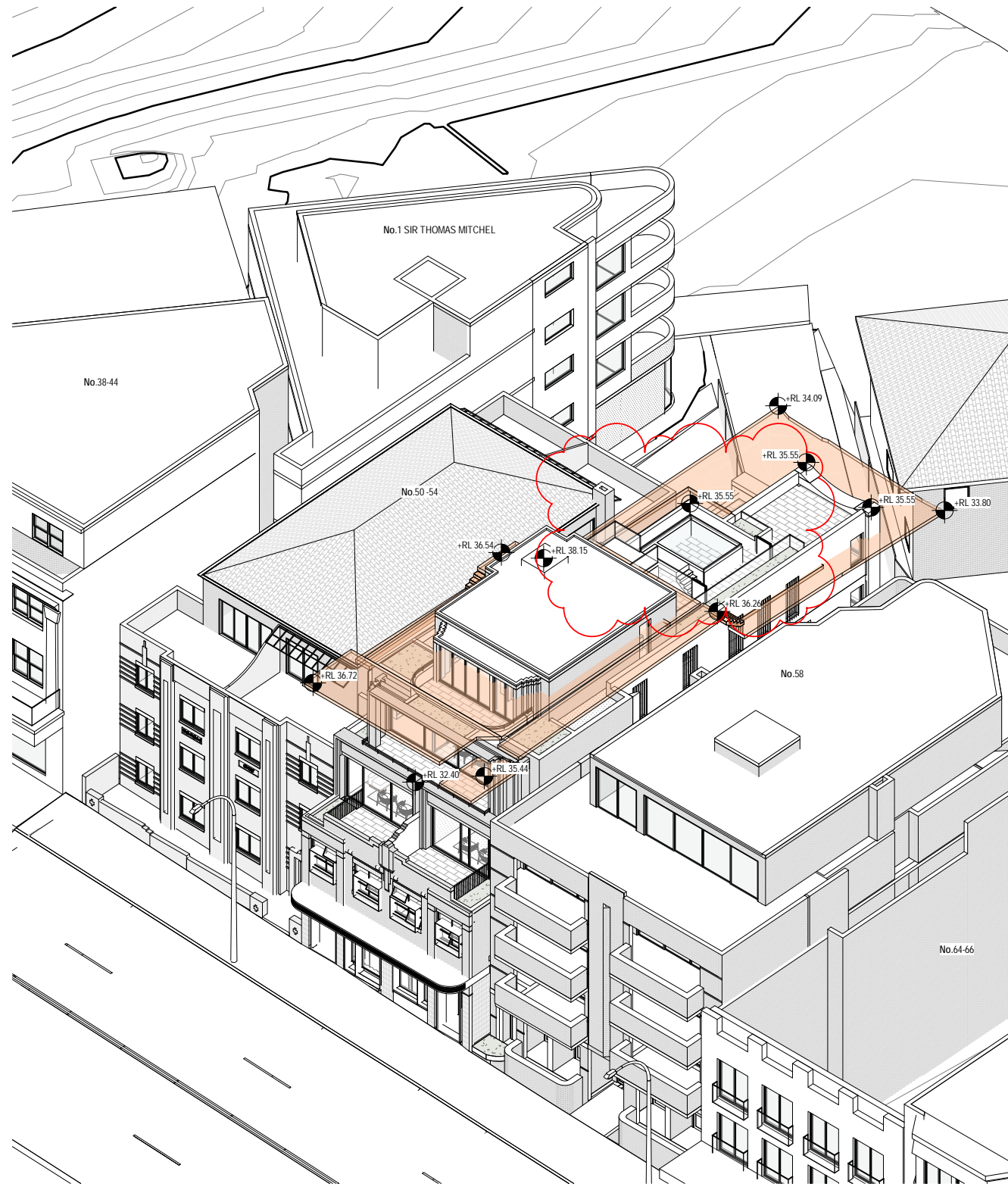
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  - FFL 00.000 FINISHED FLOOR LEVEL
  - 00.000 SURVEY SPOT LEVEL
  - 00.000 EXISTING LEVEL
  - W/D EXISTING WINDOW / DOOR
  - W/D NEW WINDOW / DOOR
  - EXISTING TO BE RETAINED
  - EXISTING TO BE DEMOLISHED
  - NEW STRUCTURE

KEY:  
 Scale 1 : 200 @ A3  
 0 1m 2m 4m 8m

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 PATRICK NICHOLAS  
 NSW 6672

DRAWING NO: DA130 ISSUE NO: A JOB NO: CAM2105  
 DEVELOPMENT APPLICATION  
 DRAWING TITLE:  
 WASTE MANAGEMENT PLAN  
 PROJECT ADDRESS:  
 56 CAMPBELL PARADE, BONDI BEACH  
 CLIENT:  
 ROB DEUTSCH



15m Height Plane

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ISS	DATE	PURPOSE OF ISSUE
C	30.05.2023	DA RESUBMISSION
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A	18.08.2022	ISSUE FOR DA

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LEGEND:	
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FFL 00.00	FINISHED FLOOR LEVEL
⊕ 00.000	SURVEY SPOT LEVEL
⊕ 00.000	EXISTING LEVEL
W/D	EXISTING WINDOW / DOOR
W/D	NEW WINDOW / DOOR
█	EXISTING TO BE RETAINED
█	EXISTING TO BE DEMOLISHED
█	NEW STRUCTURE

KEY:

**ARCHITECTS  
 NICHOLAS +  
 ASSOCIATES**

STUDIO 6,  
 1 MARY'S PLACE  
 SURRY HILLS  
 NSW 2010  
 T + 61 2 8353 9500  
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DRAWING NO: DA140    ISSUE NO: C    JOB NO: CAM2105

DEVELOPMENT APPLICATION



NOMINATED ARCHITECT  
 PATRICK NICHOLAS  
 NSW 6672

DRAWING TITLE:  
 HEIGHT PLANE

PROJECT ADDRESS:  
 56 CAMPBELL PARADE, BONDI BEACH

CLIENT:  
 ROB DEUTSCH



**2 STREETScape ELEVATION**  
 scale - 1 : 500@ A3

**RECEIVED**  
**Waverley Council**  
 Application No: DA-367/2022  
 Date Received: 09/06/2023



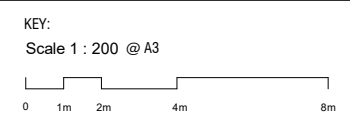
**1 PROPOSED EAST ELEVATION (STREET)**  
 scale - 1 : 200@ A3

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 C 30.05.2023 DA RESUBMISSION  
 B 14.02.2023 DA RESUBMISSION  
 A 18.08.2022 ISSUE FOR DA  
 ISS DATE PURPOSE OF ISSUE

LEGEND:

FSL 00.00	FINISHED STRUCTURAL LEVEL	EXISTING TO BE RETAINED
+RL 00.00	FINISHED SPOT OR SURFACE LEVEL	EXISTING TO BE DEMOLISHED
FFL 00.00	FINISHED FLOOR LEVEL	NEW STRUCTURE
00.000	SURVEY SPOT LEVEL	
00.000	EXISTING LEVEL	
(W/D)	EXISTING WINDOW / DOOR	
(W/D)	NEW WINDOW / DOOR	



WAVERLEY CONCIL MATERIAL COLOUR CODES:

(Yellow)	TIMBER
(Pink)	PAVING
(Red)	BRICK
(Blue)	METAL
(Green)	CONCRETE
(Brown)	EARTH

ARCHITECTS  
**NICHOLAS + ASSOCIATES**

NOMINATED ARCHITECT  
 PATRICK NICHOLAS  
 NSW 6672

STUDIO 6,  
 1 MARY'S PLACE  
 SURRY HILLS  
 NSW 2010  
 T + 61 2 8353 9500  
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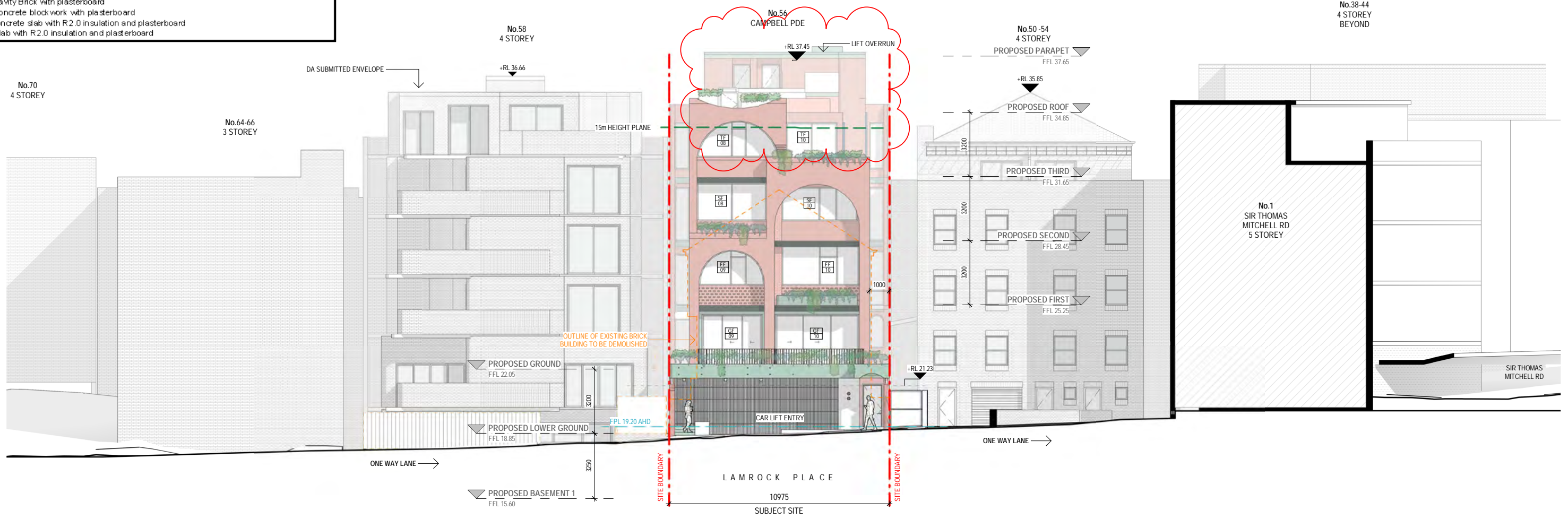
DRAWING NO: DA150 ISSUE NO: C JOB NO: CAM2105  
**DEVELOPMENT APPLICATION**  
 DRAWING TITLE:  
 EAST ELEVATION - STREET  
 PROJECT ADDRESS:  
 56 CAMPBELL PARADE, BONDI BEACH  
 CLIENT:  
 ROB DEUTSCH





**ABSA Thermal Notes - 56 Campbell Parade, Bondi Beach, NSW, 2026**

**External walls:** Cavity Brick plus R1.0 insulation and plasterboard  
**External walls:** Cavity Brick uninsulated and plasterboard - existing  
**Glazing:** Aluminium Single Glaze Clear. U = 6.70: SHGC = 0.57 - Awning, Casement, Doors - Unit 2, Unit 3  
**Glazing:** Aluminium Single Glaze Clear. U = 6.70: SHGC = 0.70 - Sliding, Fixed, Louvre - Unit 3  
**Glazing:** Aluminium Single Glaze High Solar Gain Low-E: U = 5.40: SHGC = 0.49 - Awning, Casement, Doors - Unit 1 - All, Unit 2 - FF13 - FF16, SF13 - SF15, Unit 3 - FF03 - FF07, SF02 - SF05, Unit 4 - ALL  
**Glazing:** Aluminium Single Glaze High Solar Gain Low-E: U = 5.40: SHGC = 0.58 - Sliding, Fixed, Louvre - Unit 1 - ALL, Unit 4 - ALL  
**Glazing:** Aluminium Single Glaze Low Solar Gain Low-E: U = 5.6: SHGC = 0.41 - Unit 2 - SF18  
**Glazing:** Aluminium Double Glaze Air Fill High Solar Gain low-E - Clear: U = 4.3: SHGC = 0.47 - Unit 1 - GF05, GF11, DF12  
**Ground Floor:** Carpet on slab plus R2.0 insulation underneath to bedrooms, Tiles on slab plus R2.0 insulation underneath to all other areas - Unit 1 to open areas  
**Floor:** Carpet on slab with plasterboard to Bedrooms, Tiles on slab with plasterboard to all other areas  
**Floor:** Carpet on slab with plasterboard plus R2.0 insulation to Bedrooms, Tiles on slab with plasterboard plus R2.0 insulation to all other areas - Unit 2 to ground floor foyer  
**Internal walls:** Plasterboard on studs  
**Internal walls:** Cavity Brick with plasterboard  
**Internal walls:** Concrete blockwork with plasterboard  
**Roof:** Tiles on Concrete slab with R2.0 insulation and plasterboard  
**Roof:** Concrete slab with R2.0 insulation and plasterboard



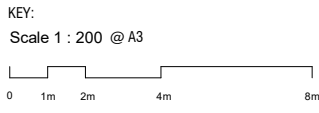
1 PROPOSED WEST ELEVATION  
 scale - 1 : 200 @ A3

**RECEIVED**  
**Waverley Council**  
 Application No: DA-367/2022  
 Date Received: 09/06/2023

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 C 30.05.2023 DA RESUBMISSION  
 B 14.02.2023 DA RESUBMISSION  
 A 18.08.2022 ISSUE FOR DA  
 ISS DATE PURPOSE OF ISSUE  
 PLOTTED : 31/05/2023 12:42:20 PM

- LEGEND:**
- FSL 00.000 FINISHED STRUCTURAL LEVEL
  - +RL 00.000 FINISHED SPOT OR SURFACE LEVEL
  - FFL 00.000 FINISHED FLOOR LEVEL
  - 00.000 SURVEY SPOT LEVEL
  - 00.000 EXISTING LEVEL
  - (W/D) EXISTING WINDOW / DOOR
  - (W/D) NEW WINDOW / DOOR
  - EXISTING TO BE RETAINED
  - EXISTING TO BE DEMOLISHED
  - NEW STRUCTURE

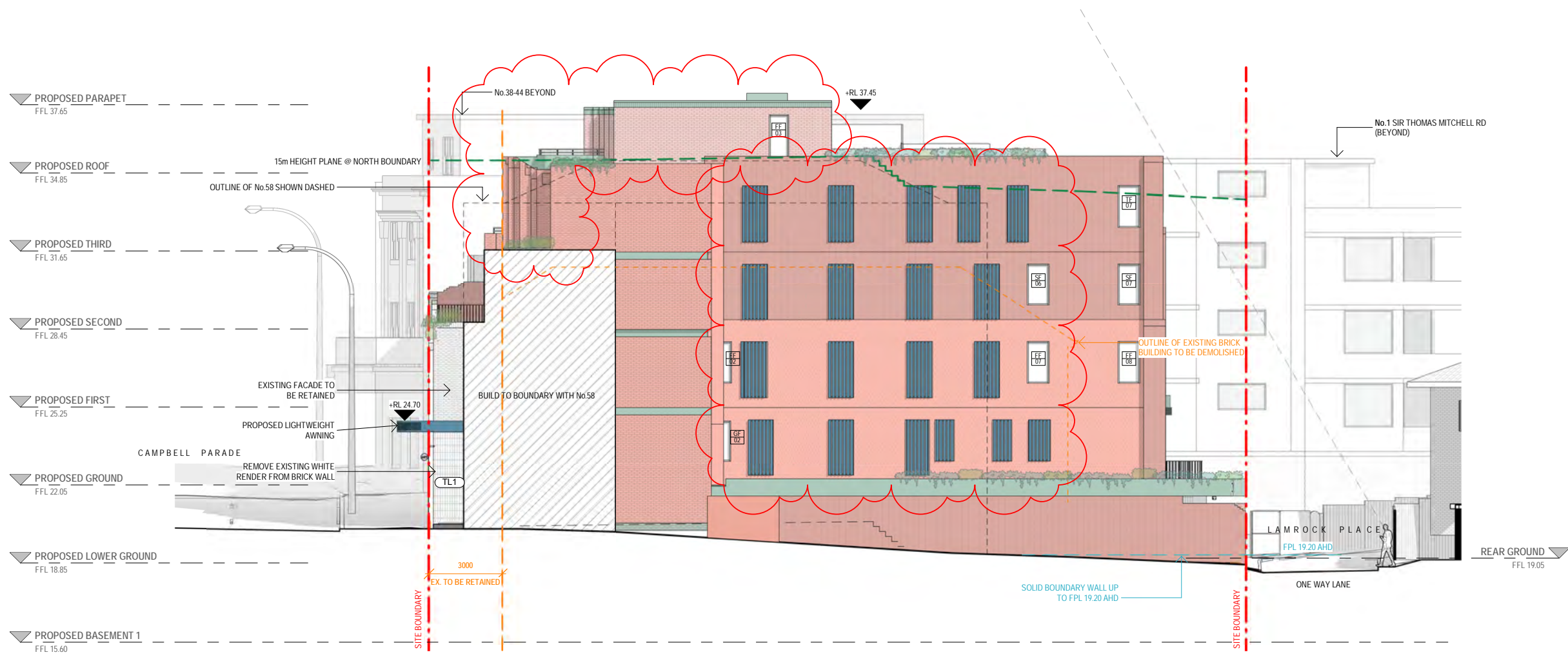


- WAVERLEY CONCIL MATERIAL COLOUR CODES:**
- TIMBER
  - PAVING
  - BRICK
  - METAL
  - CONCRETE
  - EARTH

**ARCHITECTS NICHOLAS + ASSOCIATES**  
 STUDIO 6,  
 1 MARY'S PLACE  
 SURRY HILLS  
 NSW 2010  
 T + 61 2 8353 9500  
 ANPLUSA.COM  
 NOMINATED ARCHITECT  
 PATRICK NICHOLAS  
 NSW 6672

**DRAWING NO:** DA151  
**ISSUE NO:** C  
**JOB NO:** CAM2105  
**DEVELOPMENT APPLICATION**  
**DRAWING TITLE:** WEST ELEVATION  
**PROJECT ADDRESS:** 56 CAMPBELL PARADE, BONDI BEACH  
**CLIENT:** ROB DEUTSCH

RECEIVED  
 Waverley Council  
 Application No: DA-367/2022  
 Date Received: 09/06/2023



1 PROPOSED NORTH ELEVATION  
 scale - 1 : 200@ A3

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 B 30.05.2023 DA RESUBMISSION  
 A 18.08.2022 ISSUE FOR DA  
 ISS DATE PURPOSE OF ISSUE  
 PLOTTED : 31/05/2023 12:42:39 PM

LEGEND:

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+RL 00.00	FINISHED SPOT OR SURFACE LEVEL	---	EXISTING TO BE DEMOLISHED
FFL 00.00	FINISHED FLOOR LEVEL	█	NEW STRUCTURE
⊗ 00.000	SURVEY SPOT LEVEL		
⊕ 00.000	EXISTING LEVEL		
⊗/D	EXISTING WINDOW / DOOR		
⊕/D	NEW WINDOW / DOOR		

KEY:  
 Scale 1 : 200 @ A3  
 0 1m 2m 4m 8m

WAVERLEY CONCIL MATERIAL COLOUR CODES:

█	TIMBER
█	PAVING
█	BRICK
█	METAL
█	CONCRETE
█	EARTH

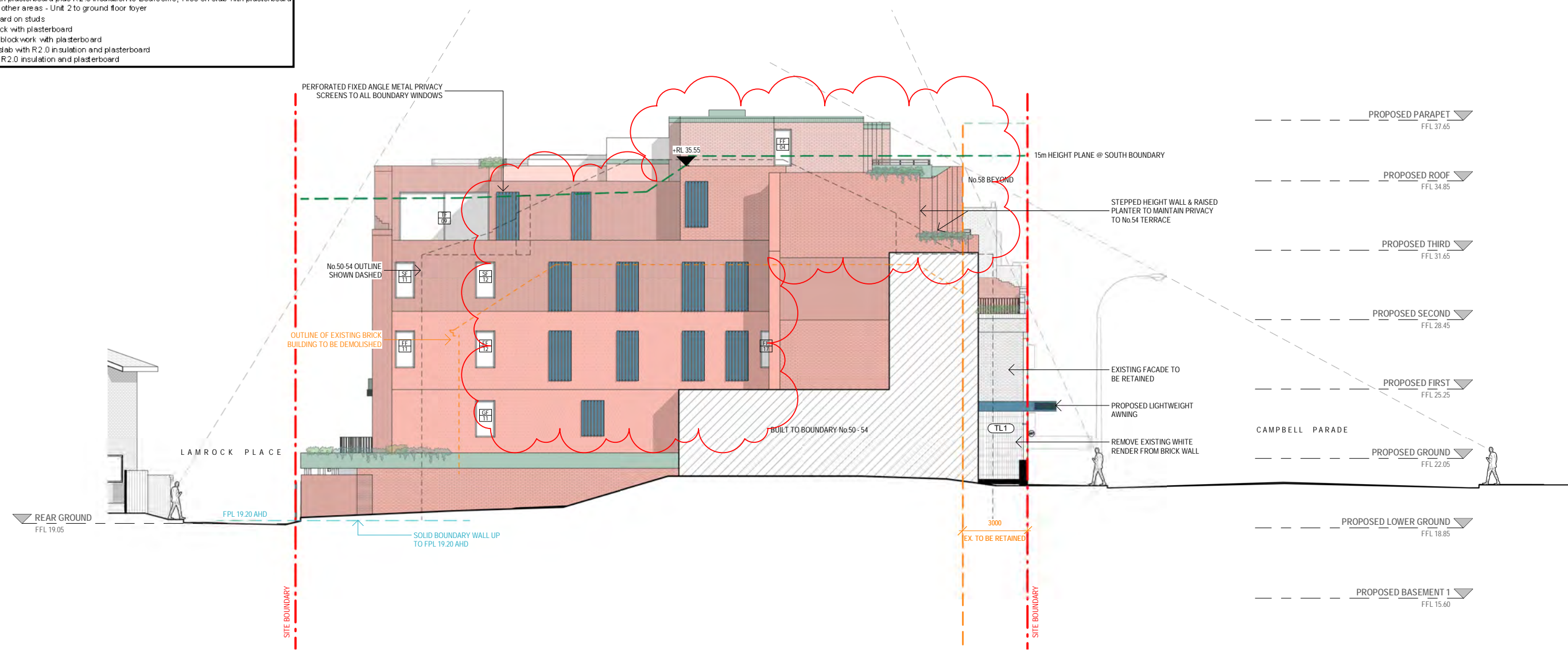
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 SURRY HILLS  
 NSW 2010  
 T + 61 2 8353 9500  
 ANPLUSA.COM  
 NOMINATED ARCHITECT  
 PATRICK NICHOLAS  
 NSW 6672

DRAWING NO: DA152  
 ISSUE NO: B  
 JOB NO: CAM2105  
 DEVELOPMENT APPLICATION  
 DRAWING TITLE:  
 NORTH ELEVATION  
 PROJECT ADDRESS:  
 56 CAMPBELL PARADE, BONDI BEACH  
 CLIENT:  
 ROB DEUTSCH



**ABSA Thermal Notes - 56 Campbell Parade, Bondi Beach, NSW, 2026**

**External walls:** Cavity Brick plus R1.0 insulation and plasterboard  
**External walls:** Cavity Brick uninsulated and plasterboard - existing  
**Glazing:** Aluminium Single Glaze Clear: U = 6.70: SHGC = 0.57 - Awning, Casement, Doors - Unit 2, Unit 3  
**Glazing:** Aluminium Single Glaze Clear: U = 6.70: SHGC = 0.70 - Sliding, Fixed, Louvre - Unit 3  
**Glazing:** Aluminium Single Glaze High Solar Gain LowE: U = 5.40: SHGC = 0.49 - Awning, Casement, Doors - Unit 1 - All, Unit 2 - FF13 - FF16, SF13 - SF15, Unit 3 - FF03 - FF07, SF02 - SF05, Unit 4 - ALL  
**Glazing:** Aluminium Single Glaze High Solar Gain LowE: U = 5.40: SHGC = 0.58 - Sliding, Fixed, Louvre - Unit 1 - ALL, Unit 4 - ALL  
**Glazing:** Aluminium Single Glaze Low Solar Gain LowE: U = 5.6: SHGC = 0.41 - Unit 2 - SF18  
**Glazing:** Aluminium Double Glaze Air Fill High Solar Gain lowE - Clear: U = 4.3: SHGC = 0.47 - Unit 1 - GF05, GF11, DF12  
**Ground Floor:** Carpet on slab plus R2.0 insulation underneath to bedrooms, Tiles on slab plus R2.0 insulation underneath to all other areas - Unit 1 to open areas  
**Floor:** Carpet on slab with plasterboard to Bedrooms, Tiles on slab with plasterboard to all other areas  
**Floor:** Carpet on slab with plasterboard plus R2.0 insulation to Bedrooms, Tiles on slab with plasterboard plus R2.0 insulation to all other areas - Unit 2 to ground floor foyer  
**Internal walls:** Plasterboard on studs  
**Internal walls:** Cavity Brick with plasterboard  
**Internal walls:** Concrete blockwork with plasterboard  
**Roof:** Tiles on Concrete slab with R2.0 insulation and plasterboard  
**Roof:** Concrete slab with R2.0 insulation and plasterboard



1 PROPOSED SOUTH ELEVATION  
 scale - 1 : 200 @ A3

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 Waverley Council  
 Application No: DA-367/2022  
 Date Received: 09/06/2023

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B 30.05.2023 DA RESUBMISSION  
 A 18.08.2022 ISSUE FOR DA  
 ISS DATE PURPOSE OF ISSUE

**LEGEND:**

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+RL 00.000	FINISHED SPOT OR SURFACE LEVEL	---	EXISTING TO BE DEMOLISHED
FFL 00.000	FINISHED FLOOR LEVEL	█	NEW STRUCTURE
⊗ 00.000	SURVEY SPOT LEVEL		
⊕ 00.000	EXISTING LEVEL		
(W/D)	EXISTING WINDOW / DOOR		
[W/D]	NEW WINDOW / DOOR		

**KEY:**  
 Scale 1 : 200 @ A3

**WAVERLEY CONCIL MATERIAL COLOUR CODES:**

█	TIMBER
█	PAVING
█	BRICK
█	METAL
█	CONCRETE
█	EARTH

ARCHITECTS  
 NICHOLAS +  
 ASSOCIATES

NOMINATED ARCHITECT  
 PATRICK NICHOLAS  
 NSW 6672

STUDIO 6,  
 1 MARY'S PLACE  
 SURRY HILLS  
 NSW 2010  
 T + 61 2 8353 9500  
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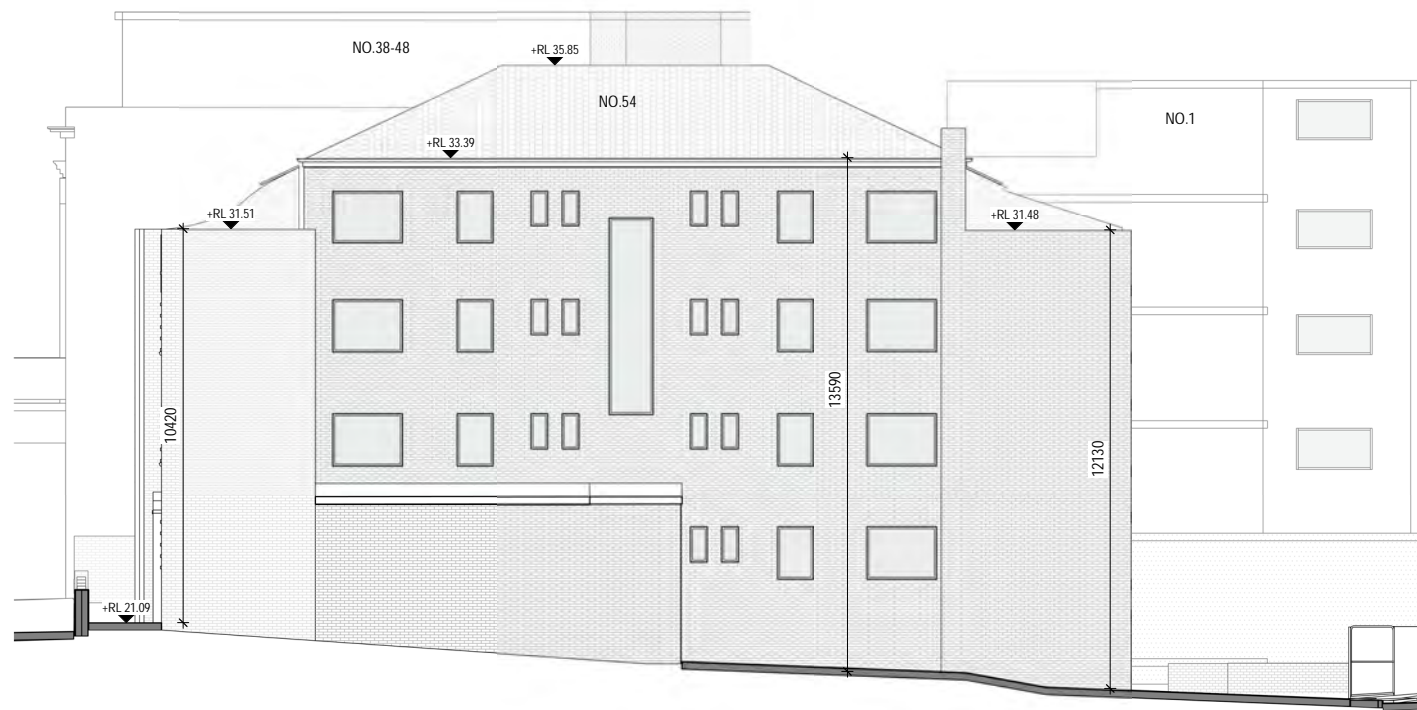
DRAWING NO: DA153 ISSUE NO: B JOB NO: CAM2105

DEVELOPMENT APPLICATION

DRAWING TITLE:  
 SOUTH ELEVATION

PROJECT ADDRESS:  
 56 CAMPBELL PARADE, BONDI BEACH

CLIENT:  
 ROB DEUTSCH



**1 NORTH ELEVATION - NO 54**  
scale - 1 : 200@ A3

**2 SOUTH ELEVATION - NO 58**  
scale - 1 : 200@ A3

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**Waverley Council**

**Application No: DA-367/2022**

**Date Received: 09/06/2023**

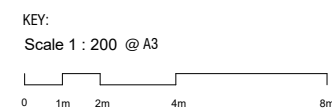
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A 14.02.2023 DA RESUBMISSION  
ISS DATE PURPOSE OF ISSUE

PLOTTED : 26/05/2023 3:00:08 PM

- LEGEND:
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  - FFL 00.00 FINISHED FLOOR LEVEL
  - 00.000 SURVEY SPOT LEVEL
  - 00.000 EXISTING LEVEL
  - W/D EXISTING WINDOW / DOOR
  - W/D NEW WINDOW / DOOR
  - EXISTING TO BE RETAINED
  - EXISTING TO BE DEMOLISHED
  - NEW STRUCTURE



**ARCHITECTS  
NICHOLAS +  
ASSOCIATES**



NOMINATED ARCHITECT  
PATRICK NICHOLAS  
NSW 6672

STUDIO 6,  
1 MARY'S PLACE  
SURRY HILLS  
NSW 2010  
T + 61 2 8353 9500  
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DRAWING NO: DA160 ISSUE NO: A JOB NO: CAM2105

**DEVELOPMENT APPLICATION**

DRAWING TITLE:  
NEIGHBOURS' WALL HEIGHT STUDY

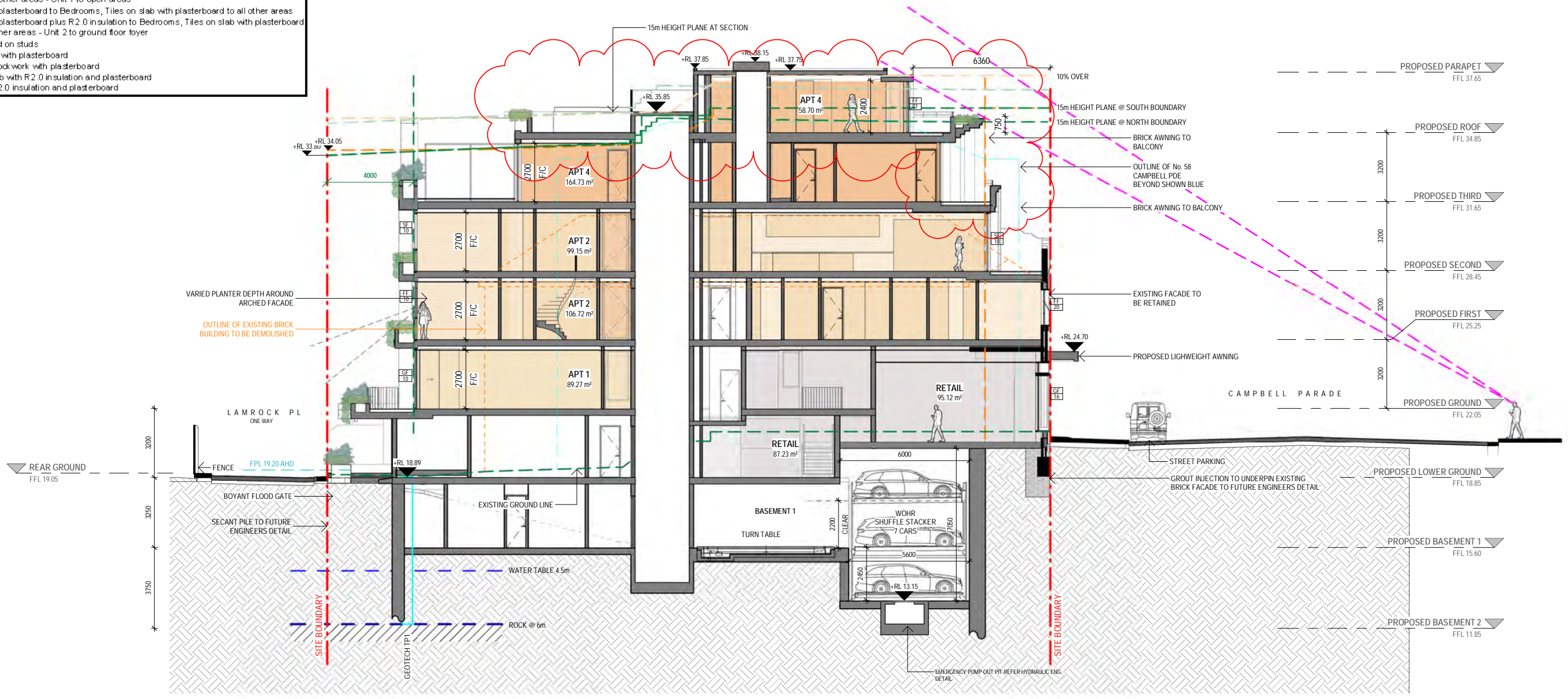
PROJECT ADDRESS:  
56 CAMPBELL PARADE, BONDI BEACH

CLIENT:  
ROB DEUTSCH



RECEIVED  
Waverley Council  
Application No: DA-367/2022  
Date Received: 09/06/2023

ABSA Thermal Notes - 56 Campbell Parade, Bondi Beach, NSW, 2026  
External walls: Cavity Brick plus R1.0 insulation and plasterboard  
External walls: Cavity Brick uninsulated and plasterboard - existing  
Glazing: Aluminium Single Glaze Clear. U = 6.70. SHGC = 0.57 - Awning, Casement, Doors - Unit 2, Unit 3  
Glazing: Aluminium Single Glaze Clear. U = 6.70. SHGC = 0.70 - Sliding, Fixed, Louvre - Unit 3  
Glazing: Aluminium Single Glaze High Solar Gain Low-E. U = 5.40. SHGC = 0.49 - Awning, Casement, Doors - Unit 1 - All, Unit 2 - FF13 - FF16, SF13 - SF15, Unit 3 - FF03 - FF07, SF02 - SF05, Unit 4 - ALL  
Glazing: Aluminium Single Glaze High Solar Gain Low-E. U = 5.40. SHGC = 0.58 - Sliding, Fixed, Louvre - Unit 1 - ALL, Unit 4 - ALL  
Glazing: Aluminium Single Glaze Low Solar Gain Low-E. U = 5.6. SHGC = 0.41 - Unit 2 - SF18  
Glazing: Aluminium Double Glaze Air Fill High Solar Gain low-E - Clear. U = 4.3. SHGC = 0.47 - Unit 1 - GF05, GF11, DF12  
Ground Floor: Carpet on slab plus R2.0 insulation underneath to bedrooms, Tiles on slab plus R2.0 insulation underneath to all other areas - Unit 1 to open areas  
Floor: Carpet on slab with plasterboard to Bedrooms, Tiles on slab with plasterboard to all other areas  
Floor: Carpet on slab with plasterboard plus R2.0 insulation to Bedrooms, Tiles on slab with plasterboard plus R2.0 insulation to all other areas - Unit 2 to ground floor foyer  
Internal walls: Plasterboard on studs  
Internal walls: Cavity Brick with plasterboard  
Internal walls: Concrete blockwork with plasterboard  
Roof: Tiles on Concrete slab with R2.0 insulation and plasterboard  
Roof: Concrete slab with R2.0 insulation and plasterboard



1 SECTION A - LONG SECTION  
scale - 1 : 200 @ A3

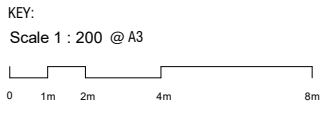
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C	30.05.2023	DA RESUBMISSION
B	14.02.2023	DA RESUBMISSION
A	18.08.2022	ISSUE FOR DA
ISS	DATE	PURPOSE OF ISSUE

LEGEND:

FSL 00.00.00	FINISHED STRUCTURAL LEVEL	EXISTING TO BE RETAINED
+RL 00.00	FINISHED SPOT OR SURFACE LEVEL	EXISTING TO BE DEMOLISHED
FFL 00.00	FINISHED FLOOR LEVEL	NEW STRUCTURE
00.000	SURVEY SPOT LEVEL	
00.000	EXISTING LEVEL	
W/D	EXISTING WINDOW / DOOR	
W/D	NEW WINDOW / DOOR	



ARCHITECTS  
NICHOLAS +  
ASSOCIATES

STUDIO 6,  
1 MARY'S PLACE  
SURRY HILLS  
NSW 2010  
T + 61 2 8353 9500  
ANPLUSA.COM

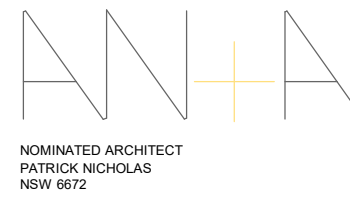
DRAWING NO: DA170 ISSUE NO: C JOB NO: CAM2105

DEVELOPMENT APPLICATION

DRAWING TITLE:  
SECTION A - LONG SECTION

PROJECT ADDRESS:  
56 CAMPBELL PARADE, BONDI BEACH

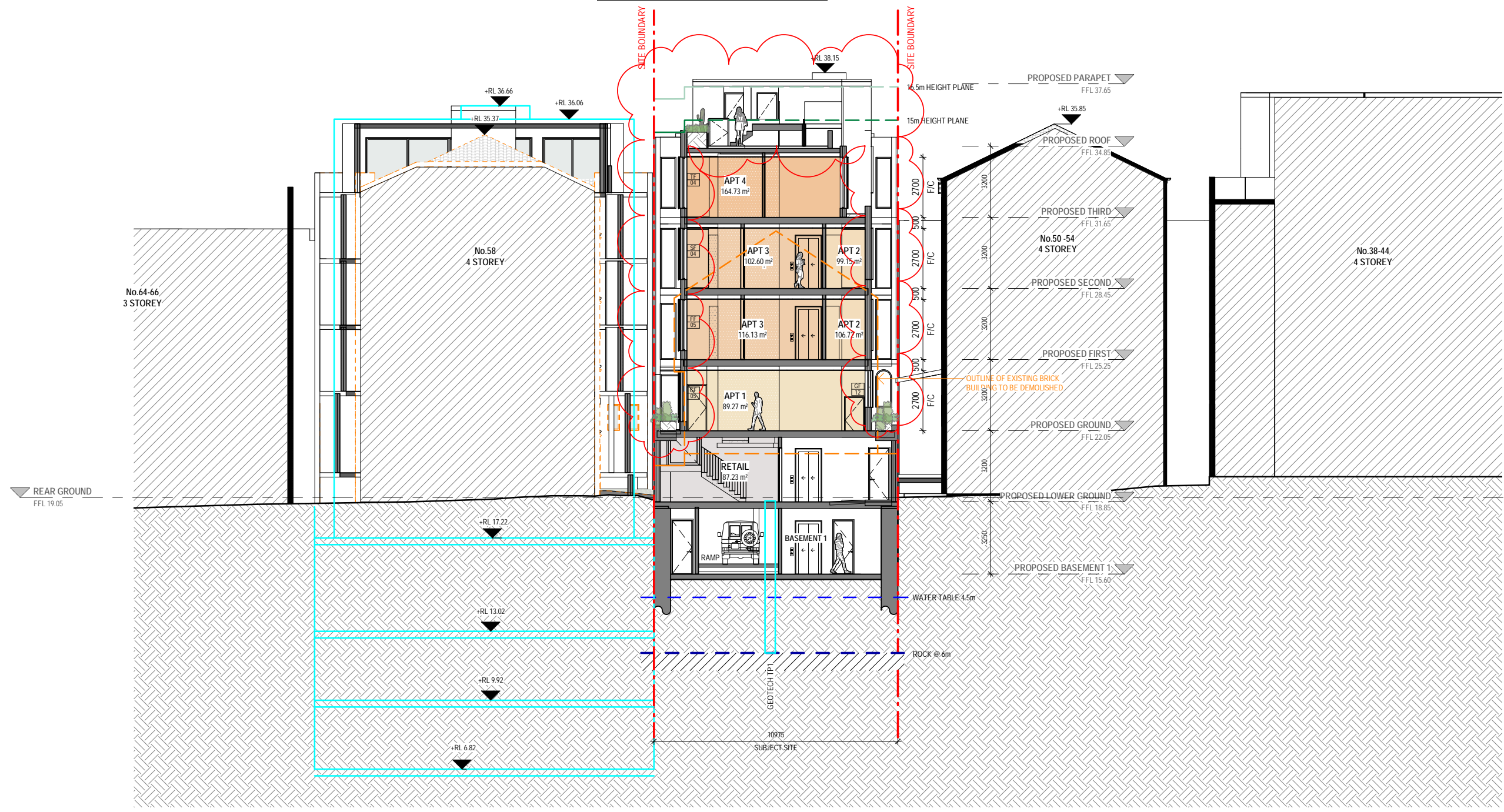
CLIENT:  
ROB DEUTSCH



NOMINATED ARCHITECT  
PATRICK NICHOLAS  
NSW 6672

RECEIVED  
Waverley Council  
Application No: DA-367/2022  
Date Received: 09/06/2023

0008698470 08 Jun 2023  
Assessor Brian Tepicaneac  
Accreditation No. 100588  
Address  
56 Campbell Parade, Bondi  
Beach, NSW, 2025  
www.suffern.gov.au  
hstar.com.au



1 SECTION B - CROSS SECTION  
scale - 1 : 200@ A3

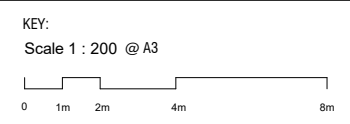
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C	30.05.2023	DA RESUBMISSION
B	14.02.2023	DA RESUBMISSION
A	18.08.2022	ISSUE FOR DA
ISS	DATE	PURPOSE OF ISSUE

LEGEND:

FSL 00.000	FINISHED STRUCTURAL LEVEL	EXISTING TO BE RETAINED
+RL 00.00	FINISHED SPOT OR SURFACE LEVEL	EXISTING TO BE DEMOLISHED
FFL 00.00	FINISHED FLOOR LEVEL	NEW STRUCTURE
00.000	SURVEY SPOT LEVEL	
00.000	EXISTING LEVEL	
W/D	EXISTING WINDOW / DOOR	
W/D	NEW WINDOW / DOOR	



ARCHITECTS  
NICHOLAS +  
ASSOCIATES

STUDIO 6,  
1 MARY'S PLACE  
SURRY HILLS  
NSW 2010  
T + 61 2 8353 9500  
ANPLUSA.COM

DRAWING NO: DA171  
ISSUE NO: C  
JOB NO: CAM2105

DEVELOPMENT APPLICATION



NOMINATED ARCHITECT  
PATRICK NICHOLAS  
NSW 6672

DRAWING TITLE:  
SECTION B - CROSS SECTION

PROJECT ADDRESS:  
56 CAMPBELL PARADE, BONDI BEACH

CLIENT:  
ROB DEUTSCH

# ARCHITECTURAL DRAWING LIST

SHEET NO	SHEET NAME	REV	DATE
DA000	COVER PAGE + PHOTOMONTAGE	C	30.05.2023
DA001	DRAWING REGISTER + BASIX + FINISHES SCHEDULE	C	30.05.2023
DA002	SITE CONTEXT	A	18.08.2022
DA004	STREETSCAPE ANALYSIS	A	18.08.2022
DA005	SITE ANALYSIS	A	18.08.2022
DA006	SITE PLAN	C	30.05.2023
DA010	EXISTING + DEMOLITION - LOWER GROUND FLOOR	A	18.08.2022
DA011	EXISTING + DEMOLITION - GROUND FLOOR	A	18.08.2022
DA012	EXISTING + DEMOLITION - FIRST FLOOR	A	18.08.2022
DA013	EXISTING + DEMOLITION - ROOF	A	18.08.2022
DA014	PROPOSED PLAN - BASEMENT 2	B	14.02.2023
DA015	PROPOSED PLAN - BASEMENT 1	B	14.02.2023
DA016	PROPOSED PLAN - LOWER GROUND	B	14.02.2023
DA017	PROPOSED PLAN - GROUND	C	30.05.2023
DA018	PROPOSED PLAN - FIRST FLOOR	B	30.05.2023
DA019	PROPOSED PLAN - SECOND FLOOR	B	30.05.2023
DA020	PROPOSED PLAN - THIRD FLOOR	C	30.05.2023
DA021	PROPOSED PLAN - FOURTH FLOOR	C	30.05.2023
DA022	PROPOSED PLAN - ROOF	C	30.05.2023
DA100	CROSS VENTILATION, SOLAR ACCESS	C	30.05.2023
DA101	STORAGE PLANS	A	14.02.2023
DA120	EXISTING GFA PLANS	A	18.08.2022
DA121	PROPOSED GFA PLANS	C	30.05.2023
DA130	WASTE MANAGEMENT PLAN	A	18.08.2022
DA140	HEIGHT PLANE	C	30.05.2023
DA150	EAST ELEVATION - STREET	C	30.05.2023
DA151	WEST ELEVATION	C	30.05.2023
DA152	NORTH ELEVATION	B	30.05.2023
DA153	SOUTH ELEVATION	B	30.05.2023
DA160	NEIGHBOURS' WALL HEIGHT STUDY	A	14.02.2023
DA170	SECTION A - LONG SECTION	C	30.05.2023
DA171	SECTION B - CROSS SECTION	C	30.05.2023
DA700	VIEW FROM SUN - JUNE 21 - 9AM	C	30.05.2023
DA701	VIEW FROM SUN - JUNE 21 - 10AM	C	30.05.2023
DA702	VIEW FROM SUN - JUNE 21 - 11AM	C	30.05.2023
DA703	VIEW FROM SUN - JUNE 21 - 12PM	C	30.05.2023
DA704	VIEW FROM SUN - JUNE 21 - 1PM	C	30.05.2023
DA705	VIEW FROM SUN - JUNE 21 - 2PM	C	30.05.2023
DA706	VIEW FROM SUN - JUNE 21 - 3PM	C	30.05.2023
DA708	SHADOW PLAN - JUNE 21 - 9AM	C	30.05.2023
DA709	SHADOW PLAN - JUNE 21 - 12PM	C	30.05.2023
DA710	SHADOW PLAN - JUNE 21 - 3PM	C	30.05.2023

# EXTERNAL FINISHES SCHEDULE / PALETTE

CAMPBELL PDE



EXTERNAL TILE - TL1  
TILE OR BRICK TO REPLACE EXISTING RENDERED CAMPBELL PDE FACADE  
COLOUR/TONE TO MATCH EXISTING BRICKWORK



AGED BRONZE - BNZ



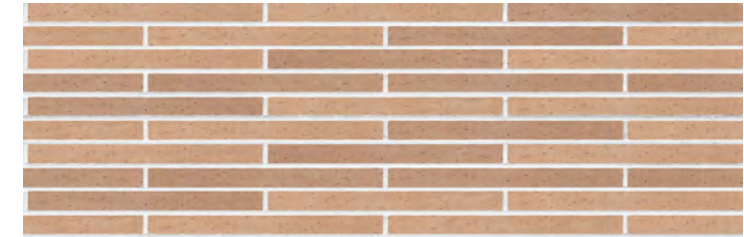
COLOUR: MUROWASH CLARET  
CAMPBELL PDE AWNING

# AMENDED PLANS

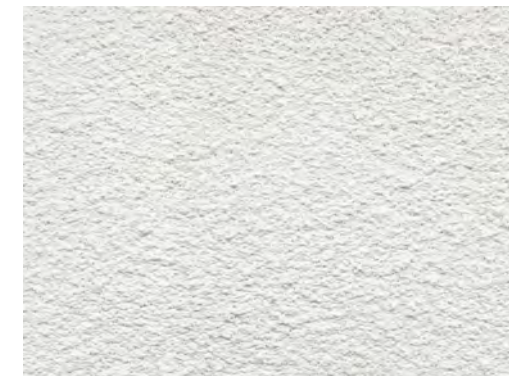
LAMROCK LANE



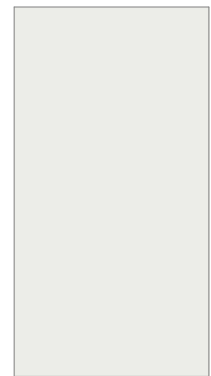
BRICK - BRK1  
SAN SELMO BRENTA TEXTURED



BRICK - BRK2  
SAN SELMO CORSO ARNO RAW



WALL RENDER - R1  
COURSE TEXTURE



WINDOWS & DOORS  
PORTERS - POPCORN WHITE

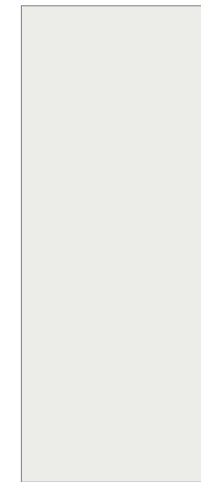
# BASIX COMMITMENTS

SUMMARY OF BASIX COMMITMENTS FOR EACH UNIT	
This is a summary of the BASIX Commitments as detailed in the BASIX Certificate. Refer to the CURRENT BASIX Certificate for complete details. For definitions refer to basix.nsw.gov.au	
<b>WATER COMMITMENTS</b>	
4 Star Shower Heads	Yes (L > 8.5L or <= 7.5 L/min)
4 Star Kitchen / Basin Taps	Yes
4 Star Toilet	Yes
<b>THERMAL COMFORT COMMITMENTS - Refer to TPA Specification on plans</b>	
<b>ENERGY COMMITMENTS</b>	
Hot Water	Gas instantaneous - 6 Star
Cooling System	Living: 3 Phase A/C Zoned, EER 3.0 - 3.5 Bedrooms: Ceiling Fans + 3 Phase A/C Zoned, EER 3.0 - 3.5
Heating System	Living: 3 Phase A/C Zoned, EER 3.0 - 3.5 Bedrooms: 3 Phase A/C Zoned, EER 3.0 - 3.5
Ventilation	1 x Bathroom: Fan ducted to exterior, Manual on/off Kitchen: Fan ducted to exterior, Manual on/off Laundry: Fan ducted to exterior, Manual on/off
Natural Lighting	Window/Skylight in Kitchen: As drawn Window/Skylight in Bathroom/Toilets: As drawn
Artificial Lighting	Number of bedrooms: All Dedicated, Yes Kitchen: Yes Dedicated, Yes All Bathrooms/Toilets: Yes Dedicated, Yes Laundry: Yes Dedicated, Yes All Hallways: Yes Dedicated, Yes
<b>OTHER COMMITMENTS</b>	
Out & Indoor clothes line	No Ventilated refrigerator space: Yes
Stove Oven	Gas cooking & electric oven
Alternative Energy	Photovoltaic System: 2.5kW common system
Pool (unit 4 only)	Max Vol: 15kL, no heating, pump with timer, pool cover
Appliances	2.5 Star Clothes Washer & 2.5 Star Dishwasher

February 2023 BSA Reference: 17488	
Building Sustainability Assessments	Ph: (02) 4962 3439
enquiries@buildingustainability.net.au	www.buildingustainability.net.au
<b>Important Note</b>	
The following specification was used to achieve the thermal performance values indicated on the Assessor Certificate. If the proposed construction varies to those detailed below then the Assessor and NABERS certificates will no longer be valid. Assessments assume that the BCA provisions for building sealing & ventilation are complied with all construction in NSW both BASIX & the BCA variations must be complied with, in particular the following:	
Thermal insulation in accordance with Part 1 Section 7.2 or Part 2 Part 2.12.1.7	
Thermal breaks for Class 1 buildings in accordance with Part 3.12.1.2 (a) & 3.12.1.4 (a)	
Floor insulation for Class 1 buildings as per Part 3.12.1.5 (a) (i) & (ii) or (ii) (a) & (b)	
Building sealing in accordance with Section 2.1 or Part 1.2.1.1 & 1.2.1.2	
<b>Thermal Performance Specifications (does not apply to garage)</b>	
External Wall Construction	Added insulation
Carry Brick	92.0
Lightweight & Brick Veneer	92.0
Internal Wall Construction	Added insulation
Plasterboard on studs (internal to units)	None
200 Concrete/Concrete Filled Blocks + P9 (adjacent to resident lobby on ground floor)	RT 3
200 Concrete/Concrete Filled Blocks + Plasterboard (adjacent to refuse store)	None
Carry Brick (party wall between units)	None
Ceiling Construction	Added insulation
Plasterboard	RT 3 to ceilings adjacent to roof and decks above
Roof Construction	Colour (Solar Absorptance)
Concrete	Concrete default (SAS 70)
Floor Construction	Covering
Concrete	As drawn if not noted default values used: RT 3 to Unit 1 where open below
Windows	Glass and frame type, U value, SHGC Range, Area sq m
Performance glazing type A	4.40 0.46 0.56 Unit 1, 2 & 3
Performance glazing type B	4.40 0.51 0.65 Unit 1, 2 & 3
Performance glazing type A	2.20 0.29 0.35 Unit 4
Performance glazing type B	2.20 0.35 0.42 Unit 4
Type A windows are energy windows, (MSL), comments: All 3 ton windows, entry doors, French doors Type B windows are double hung windows, entry windows & doors, entry windows, slider French doors	
Skylights	Glass and frame type, U, SHGC, Area sqm, Cover
U and SHGC values are according to AFRC. Alternate products may be used if the U value is lower & the SHGC is better (in single glazing)	
<b>Shade elements</b> (Screens, verandahs, awnings etc)	
All shade elements modelled as drawn	
<b>Ceiling Penetrations</b> (Overlights, external fans, door etc)	
Modelled as drawn except to comply with the ventilation and sealing requirements of the BCA	
Ducting is modelled at 150mm. No insulation losses from ducting/lighting have been modelled	
<b>Additional Notes</b>	
Contract window to north and south achieved as having with minimal operability (20%)	



RENDER / PAINT - P1



WINDOWS & DOORS  
PORTERS - POPCORN WHITE



OFF FORM CONCRETE - CON



VERTICAL BATTEN - ALUMINIUM  
(NON-COMBUSTIBLE)  
GARAGE DOOR

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Waverley Council  
Application No: DA-367/2022  
Date Received: 07/06/2023

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C	30.05.2023	DA RESUBMISSION
B	14.02.2023	DA RESUBMISSION
A	18.08.2022	ISSUE FOR DA
ISS	DATE	PURPOSE OF ISSUE

LEGEND:		
FSL 00.000	FINISHED STRUCTURAL LEVEL	EXISTING TO BE RETAINED
+RL 00.000	FINISHED SPOT OR SURFACE LEVEL	EXISTING TO BE DEMOLISHED
FFL 00.000	FINISHED FLOOR LEVEL	NEW STRUCTURE
⊕ 00.000	SURVEY SPOT LEVEL	
⊕ 00.000	EXISTING LEVEL	
W/D	EXISTING WINDOW / DOOR	
W/D	NEW WINDOW / DOOR	

KEY:

ARCHITECTS  
NICHOLAS +  
ASSOCIATES



NOMINATED ARCHITECT  
PATRICK NICHOLAS  
NSW 6672

STUDIO 6,  
1 MARY'S PLACE  
SURRY HILLS  
NSW 2010  
T + 61 2 8353 9500  
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DRAWING NO: DA001  
ISSUE NO: C  
JOB NO: CAM2105

DEVELOPMENT APPLICATION

DRAWING TITLE:  
DRAWING REGISTER + BASIX + FINISHES  
SCHEDULE  
PROJECT ADDRESS:  
56 CAMPBELL PARADE, BONDI BEACH

CLIENT:  
ROB DEUTSCH

RECEIVED  
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Application No: DA-367/2022  
Date Received: 07/06/2023

**AMENDED PLANS**



56 CAMPBELL PARADE  
BONDI BEACH

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FFL 00.00	FINISHED FLOOR LEVEL		NEW STRUCTURE
	SURVEY SPOT LEVEL		
	EXISTING LEVEL		
	EXISTING WINDOW / DOOR		
	NEW WINDOW / DOOR		

ARCHITECTS  
NICHOLAS +  
ASSOCIATES



NOMINATED ARCHITECT  
PATRICK NICHOLAS  
NSW 6672

STUDIO 6,  
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DRAWING NO: DA000  
ISSUE NO: C  
JOB NO: CAM2105

DEVELOPMENT APPLICATION

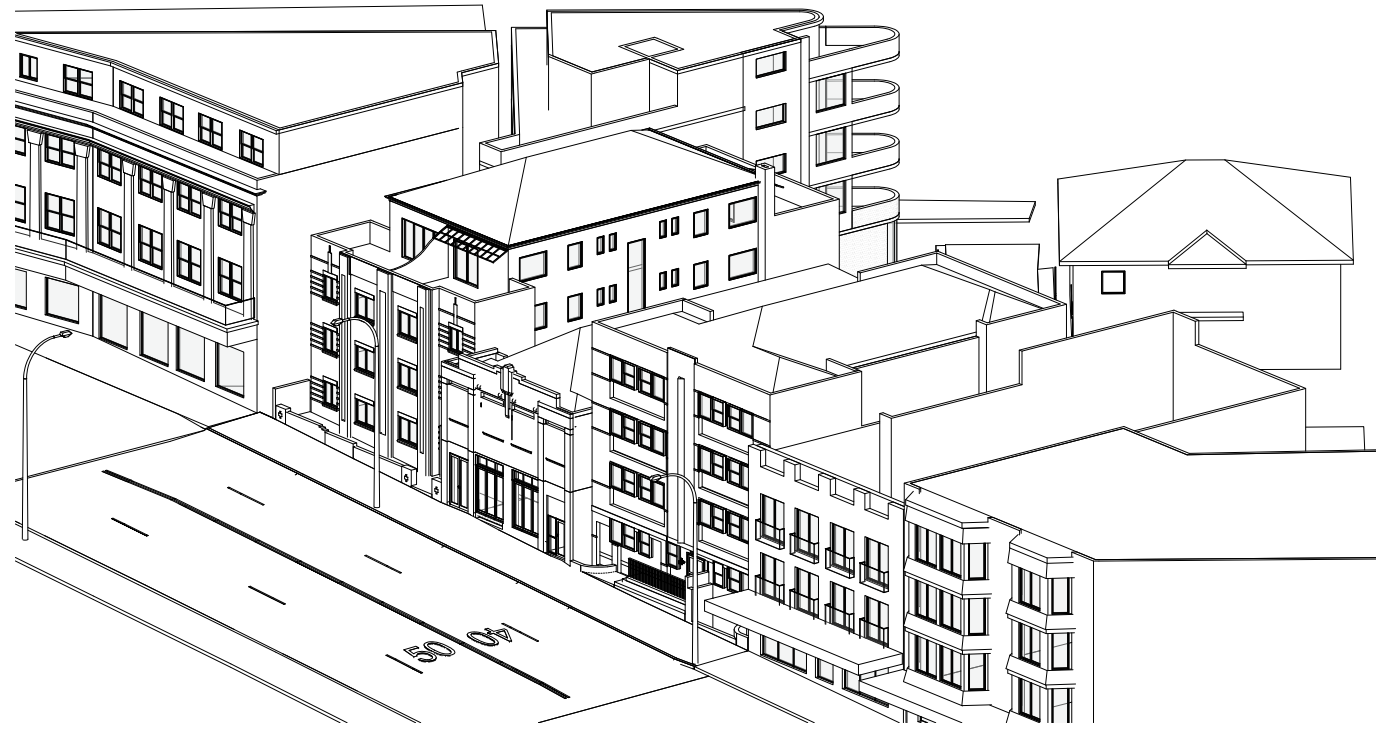
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COVER PAGE + PHOTOMONTAGE

PROJECT ADDRESS:  
56 CAMPBELL PARADE, BONDI BEACH

CLIENT:  
ROB DEUTSCH



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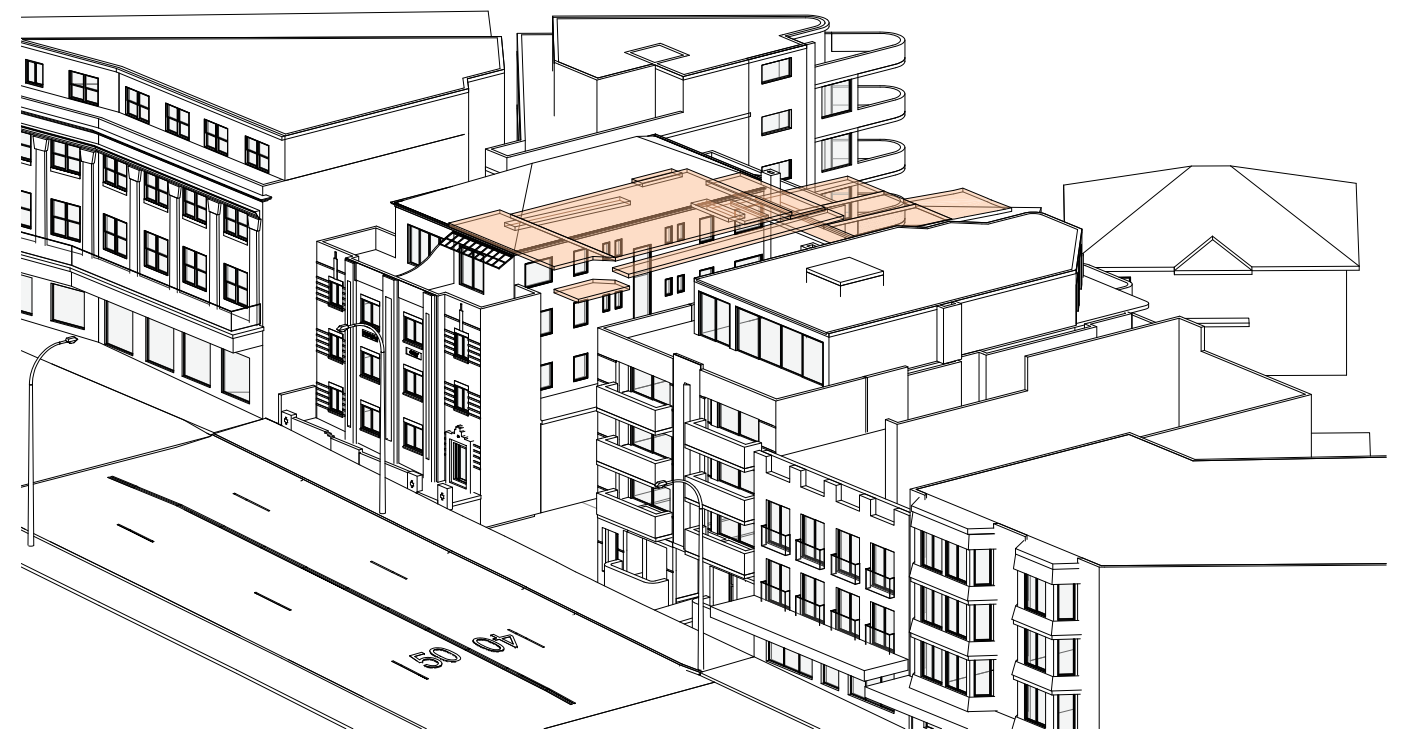


VFTS - EXISTING - JUNE 21 - 9AM

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VFTS - COMPLIANT HEIGHT MASS - JUNE 21 - 9AM

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C	30.05.2023	DA RESUBMISSION
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FFL 00.00	FINISHED FLOOR LEVEL
⊕ 00.000	SURVEY SPOT LEVEL
⊕ 00.000	EXISTING LEVEL
W/D	EXISTING WINDOW / DOOR
W/D	NEW WINDOW / DOOR
█	EXISTING TO BE RETAINED
█	EXISTING TO BE DEMOLISHED
█	NEW STRUCTURE

KEY:

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NICHOLAS +  
ASSOCIATES

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DRAWING NO: DA700  
ISSUE NO: C  
JOB NO: CAM2105

DEVELOPMENT APPLICATION



NOMINATED ARCHITECT  
PATRICK NICHOLAS  
NSW 6672

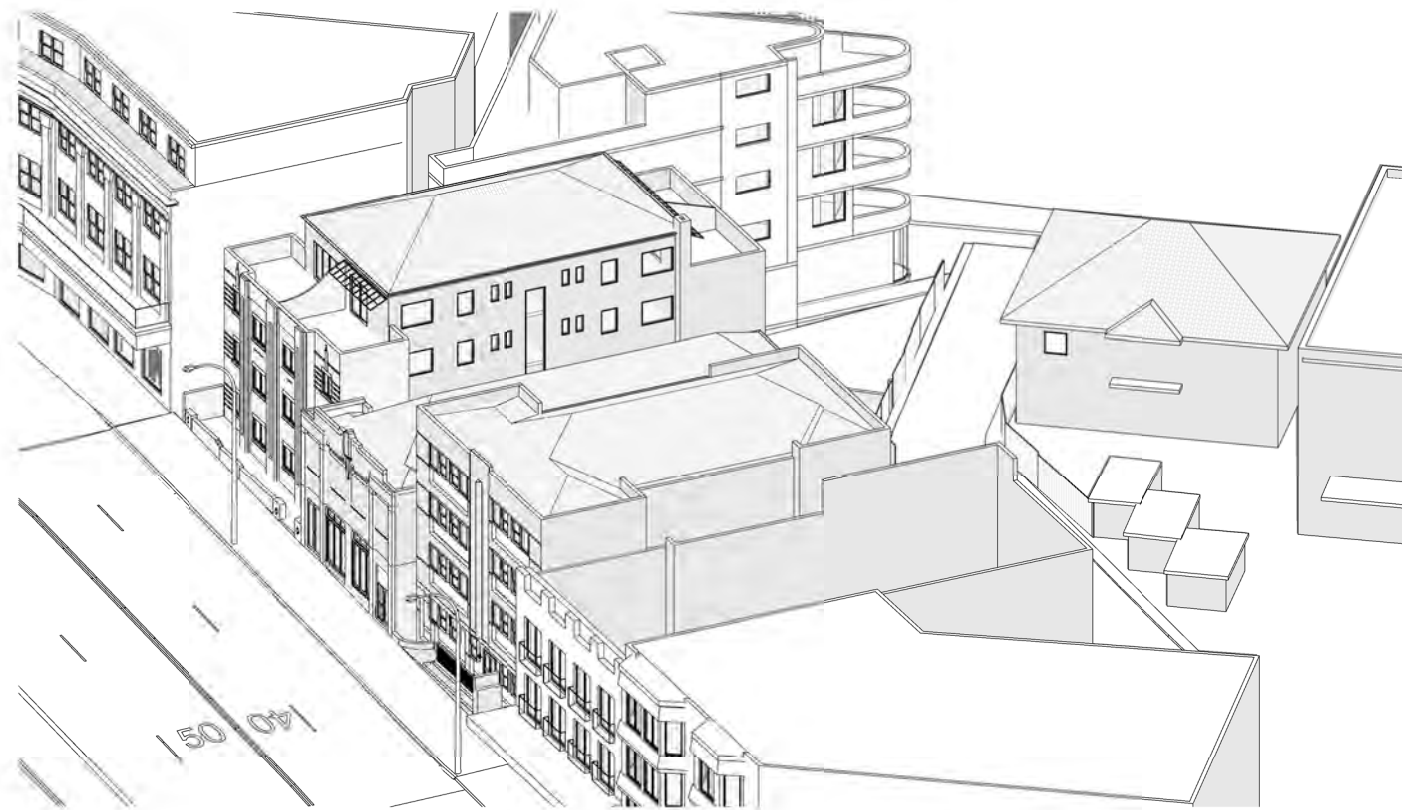
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VIEW FROM SUN - JUNE 21 - 9AM

PROJECT ADDRESS:  
56 CAMPBELL PARADE, BONDI BEACH

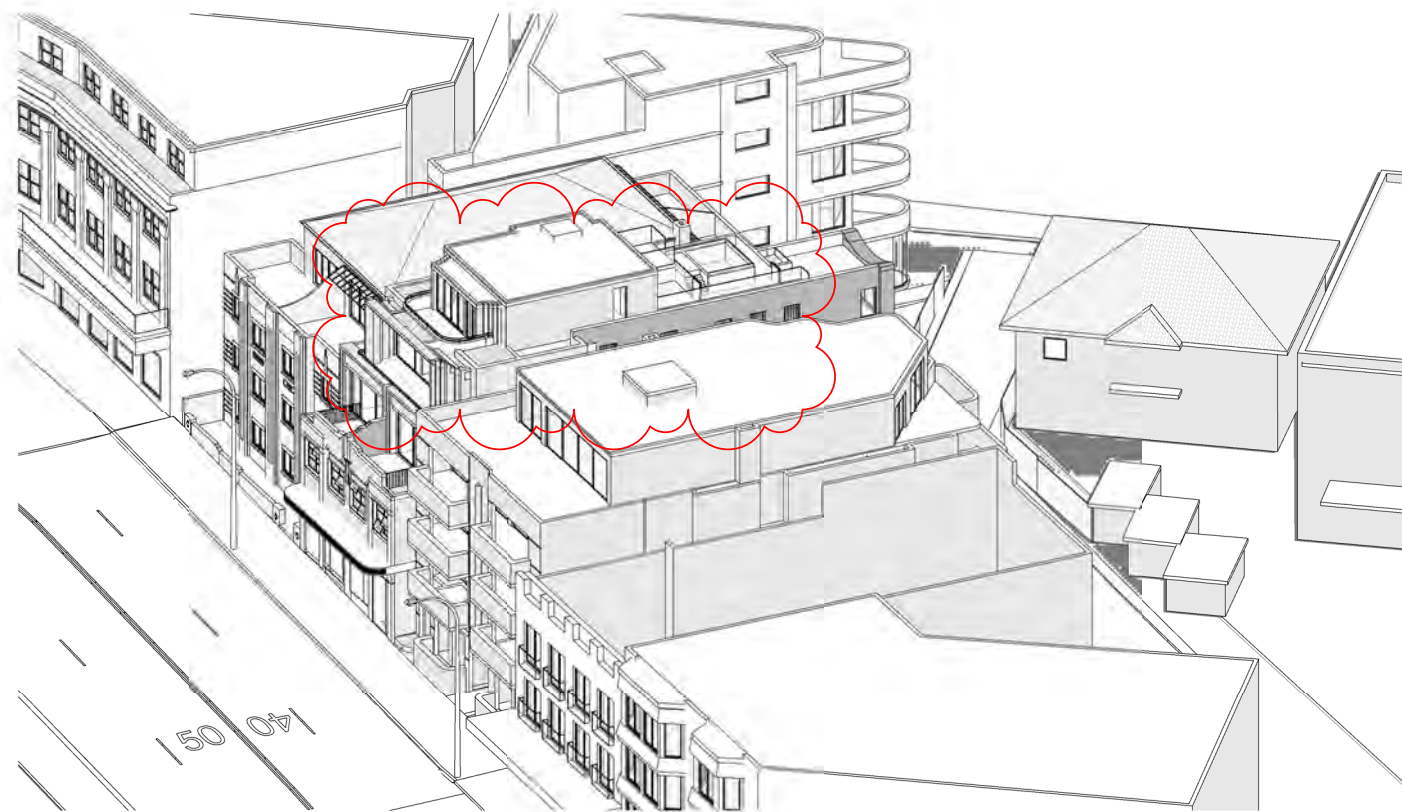
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VFTS - PROPOSED - JUNE 21 - 10AM



VFTS - COMPLIANT HEIGHT MASS - JUNE 21 - 10AM

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C	30.05.2023	DA RESUBMISSION
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A	18.08.2022	ISSUE FOR DA

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FFL 00.00	FINISHED FLOOR LEVEL
00.000	SURVEY SPOT LEVEL
00.000	EXISTING LEVEL
W/D	EXISTING WINDOW / DOOR
W/D	NEW WINDOW / DOOR
(Solid Black)	EXISTING TO BE RETAINED
(Dashed Orange)	EXISTING TO BE DEMOLISHED
(Solid Grey)	NEW STRUCTURE

KEY:

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NICHOLAS +  
ASSOCIATES

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DRAWING NO: DA701  
ISSUE NO: C  
JOB NO: CAM2105

DEVELOPMENT APPLICATION



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PATRICK NICHOLAS  
NSW 6672

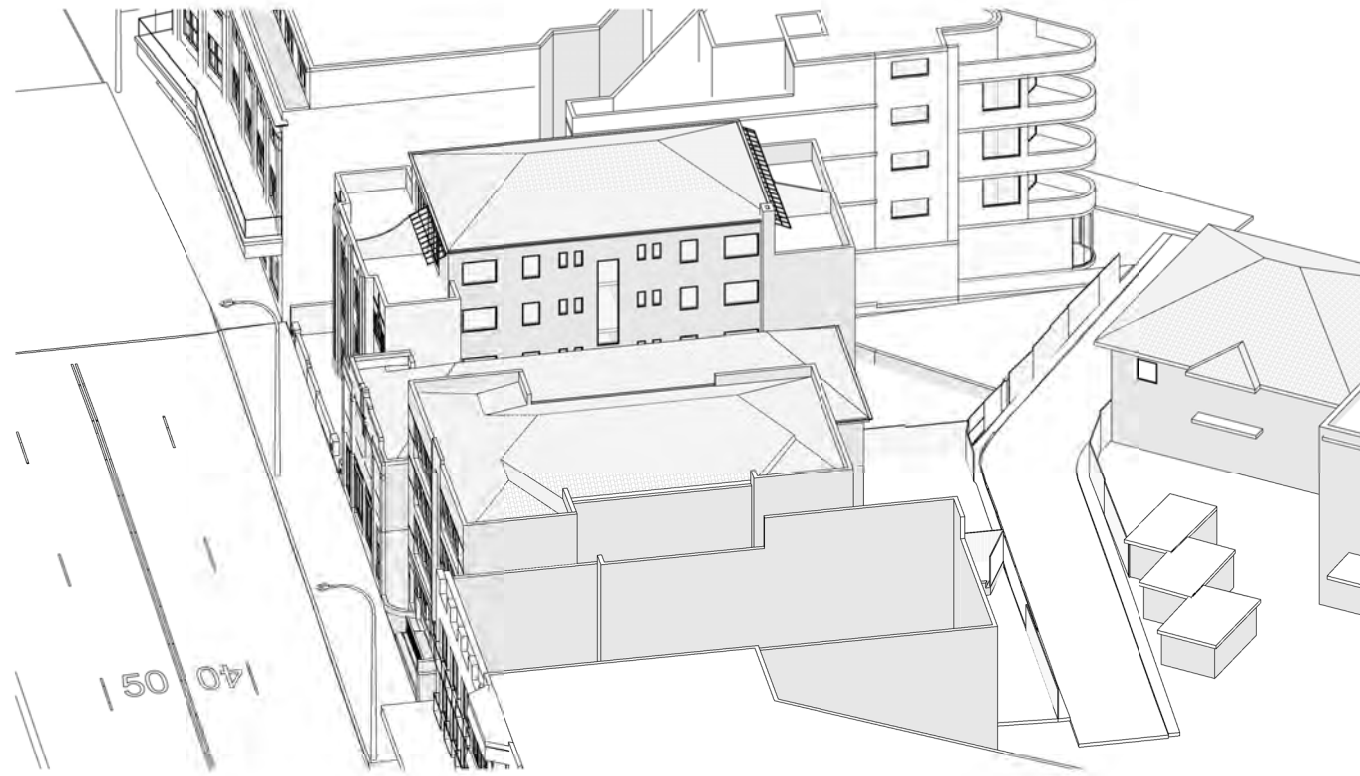
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PROJECT ADDRESS:  
56 CAMPBELL PARADE, BONDI BEACH

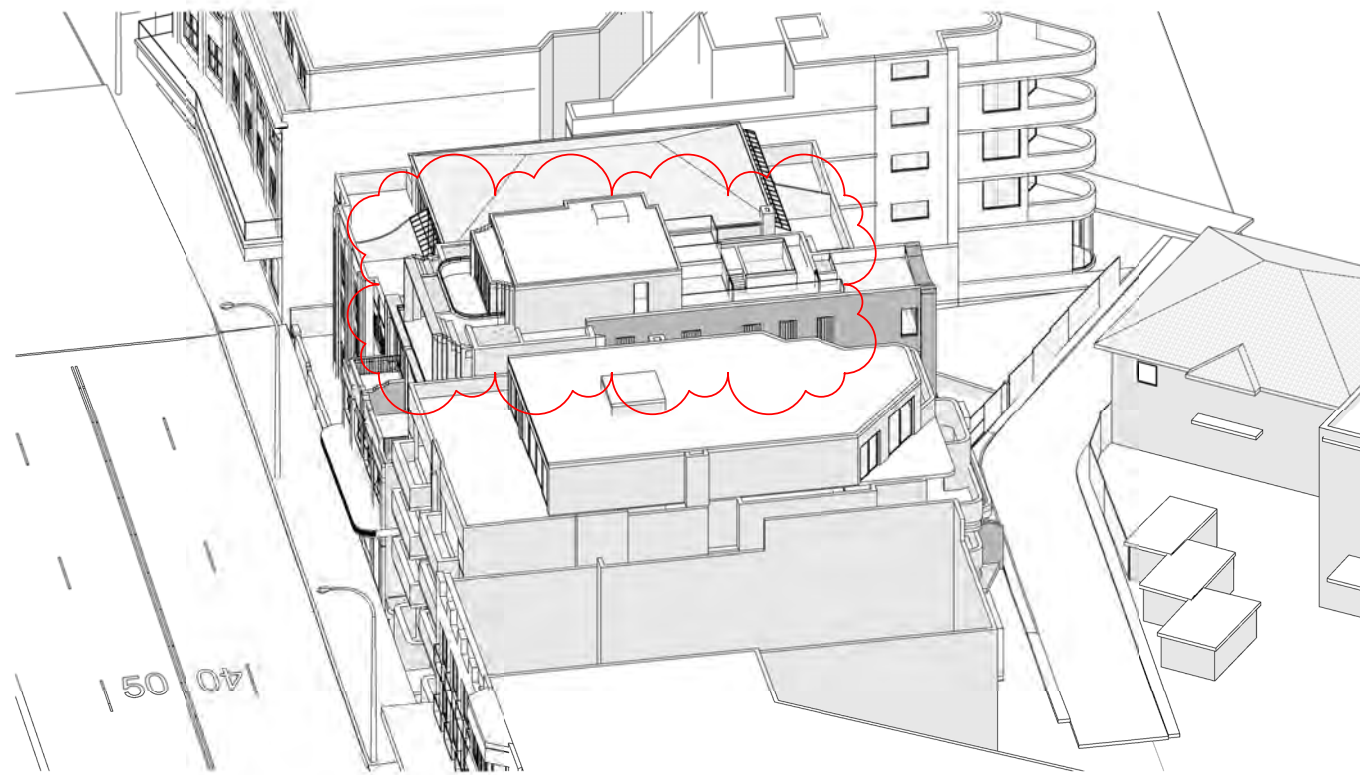
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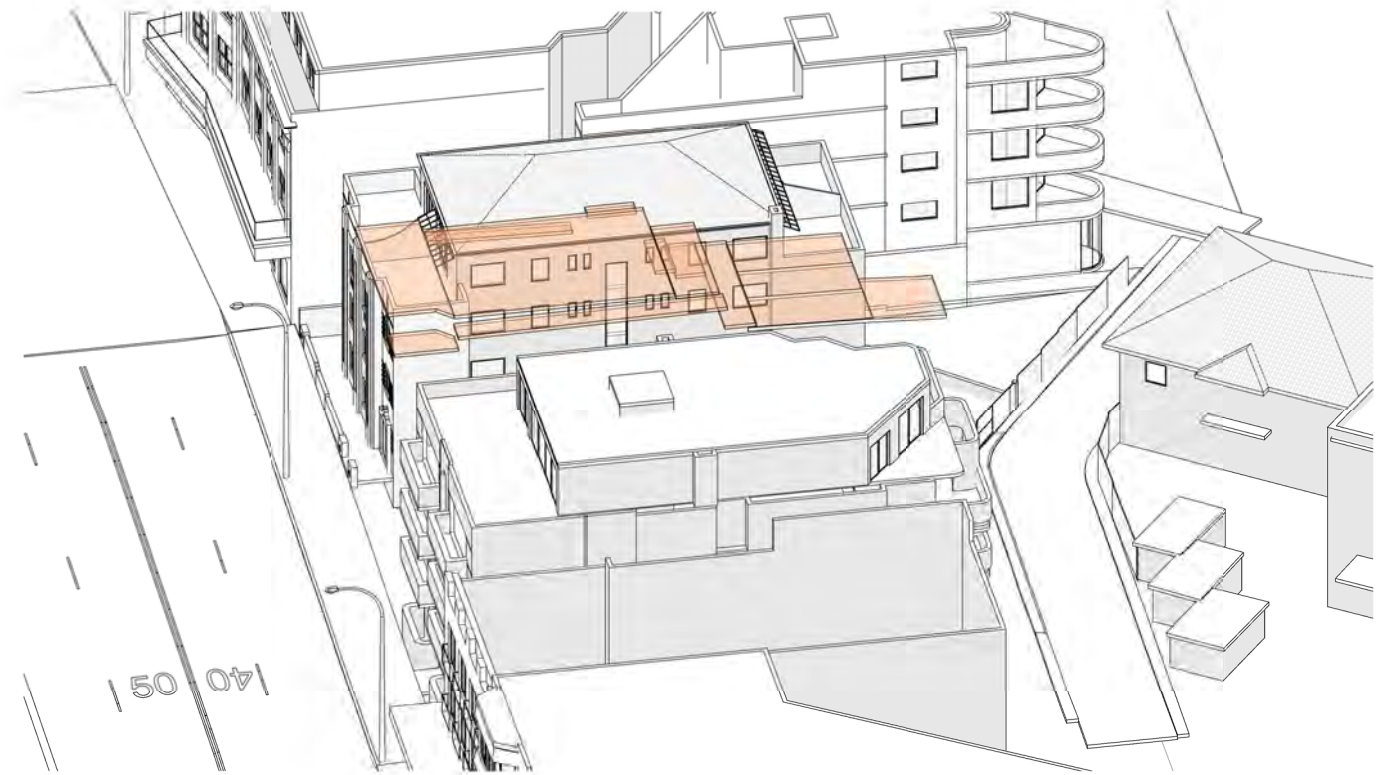
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VFTS - PROPOSED - JUNE 21 - 11AM



VFTS - COMPLIANT HEIGHT MASS - JUNE 21 - 11AM

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FFL 00.000	FINISHED FLOOR LEVEL		NEW STRUCTURE
$\pm 00.000$	SURVEY SPOT LEVEL		
$\pm 00.000$	EXISTING LEVEL		
	EXISTING WINDOW / DOOR		
	NEW WINDOW / DOOR		

KEY:

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DRAWING NO: DA702  
 ISSUE NO: C  
 JOB NO: CAM2105

DEVELOPMENT APPLICATION



NOMINATED ARCHITECT  
 PATRICK NICHOLAS  
 NSW 6672

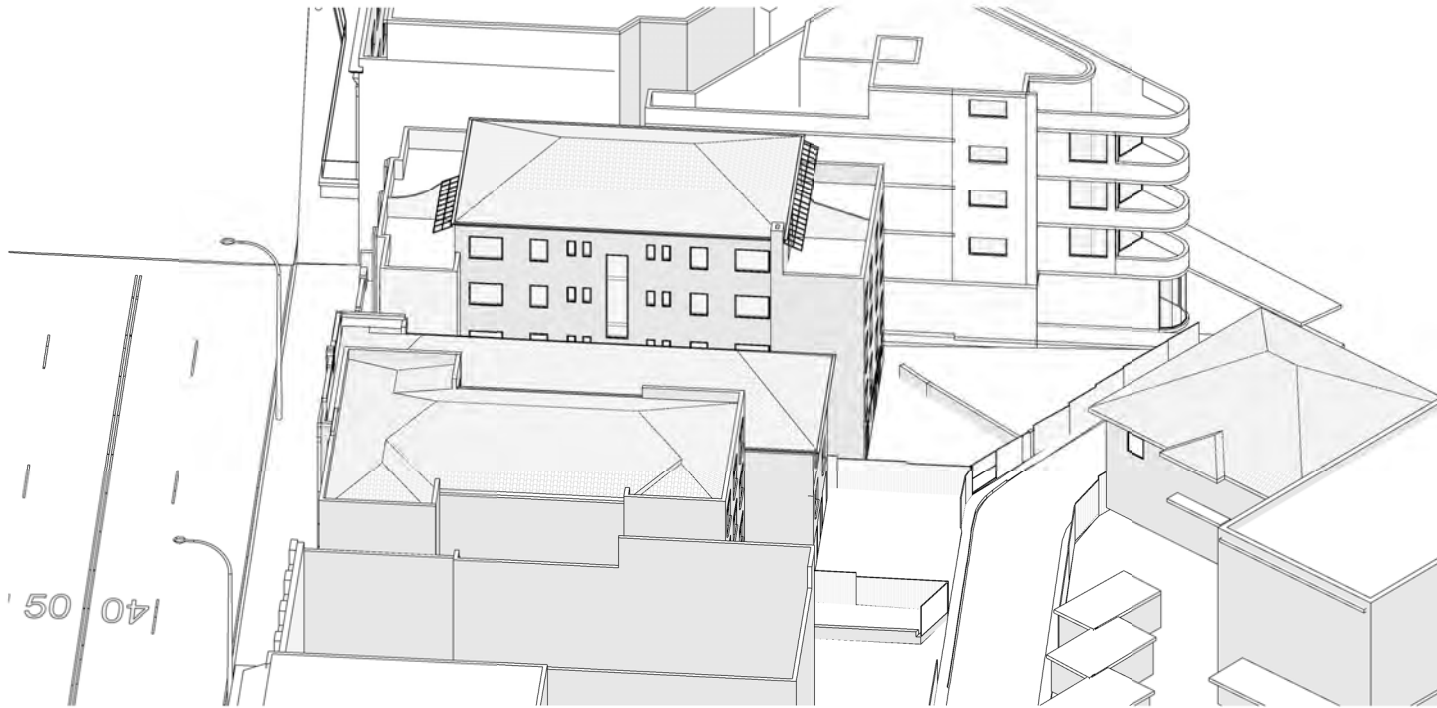
DRAWING TITLE:  
 VIEW FROM SUN - JUNE 21 - 11AM

PROJECT ADDRESS:  
 56 CAMPBELL PARADE, BONDI BEACH

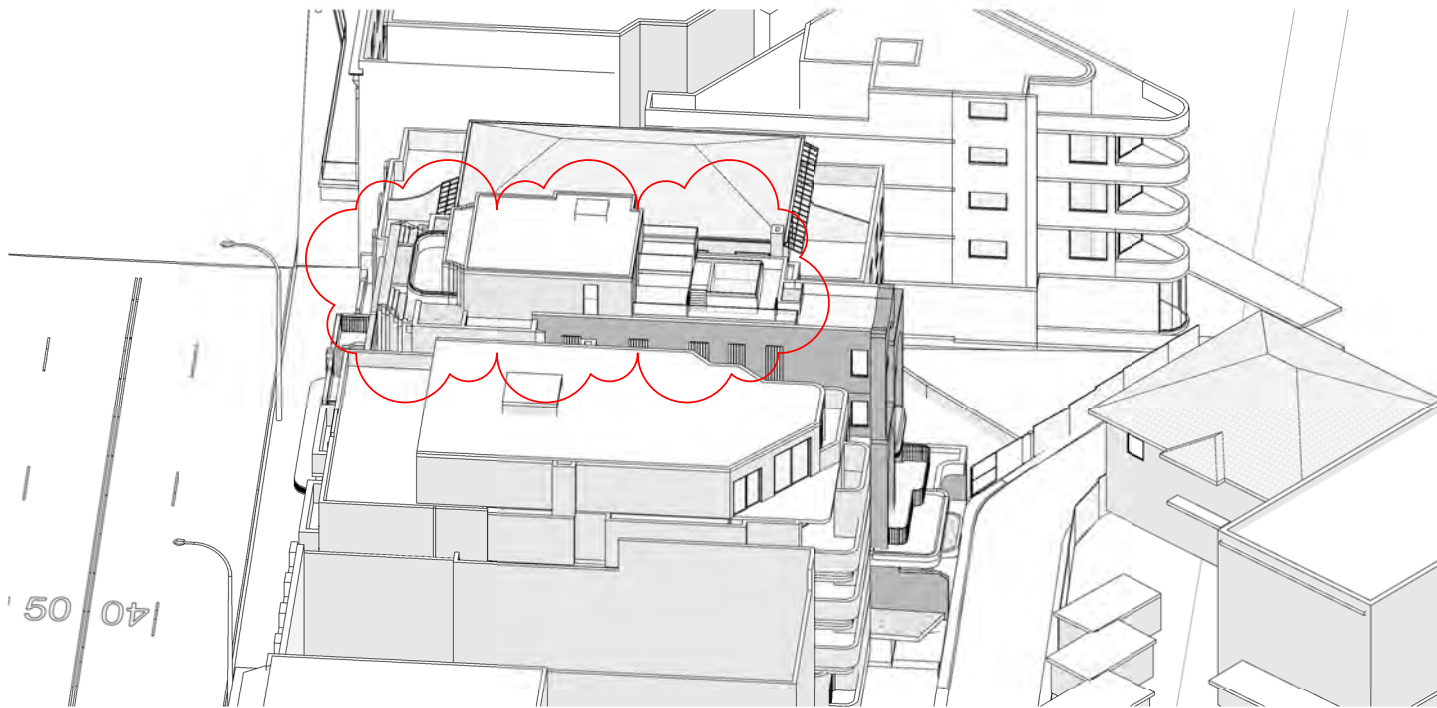
CLIENT:  
 ROB DEUTSCH

# AMENDED PLANS

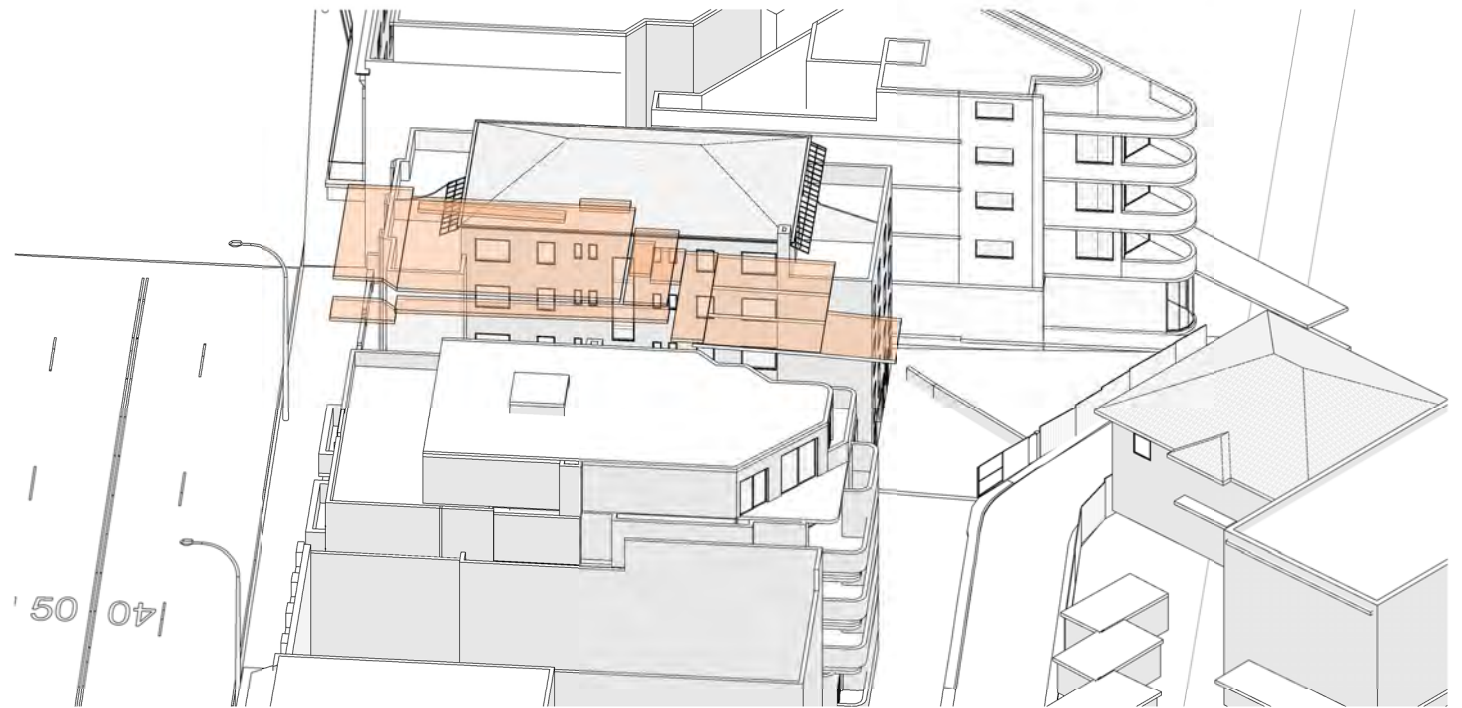
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VFTS - EXISTING - JUNE 21 - 12PM



VFTS - PROPOSED - JUNE 21 - 12PM



VFTS - COMPLIANT HEIGHT MASS - JUNE 21 - 12PM

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C	30.05.2023	DA RESUBMISSION
B	14.02.2023	DA RESUBMISSION
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+RL 00.00	FINISHED SPOT OR SURFACE LEVEL		EXISTING TO BE DEMOLISHED
FFL 00.000	FINISHED FLOOR LEVEL		NEW STRUCTURE
	SURVEY SPOT LEVEL		
	EXISTING LEVEL		
	EXISTING WINDOW / DOOR		
	NEW WINDOW / DOOR		

ARCHITECTS  
 NICHOLAS +  
 ASSOCIATES

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DRAWING NO: DA703  
 ISSUE NO: C  
 JOB NO: CAM2105

DEVELOPMENT APPLICATION



NOMINATED ARCHITECT  
 PATRICK NICHOLAS  
 NSW 6672

DRAWING TITLE:  
 VIEW FROM SUN - JUNE 21 - 12PM

PROJECT ADDRESS:  
 56 CAMPBELL PARADE, BONDI BEACH

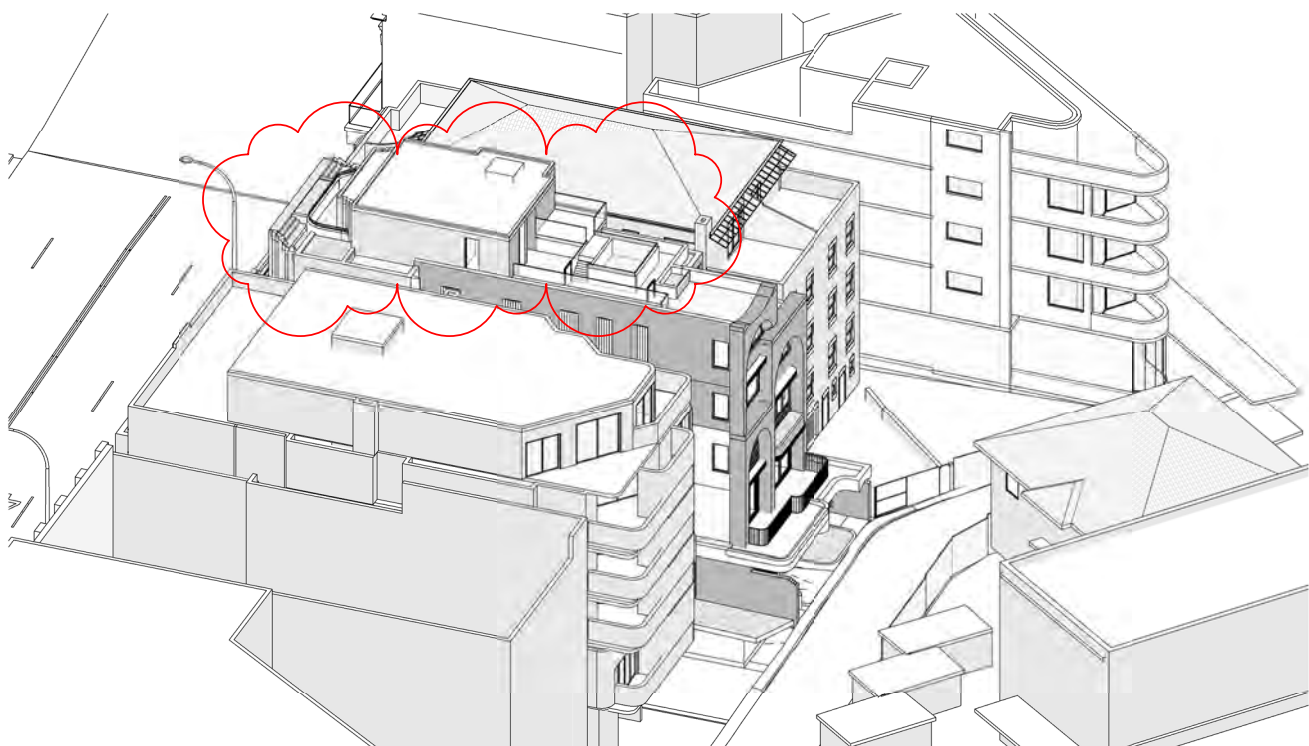
CLIENT:  
 ROB DEUTSCH

# AMENDED PLANS

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 Application No: DA-367/2022  
 Date Received: 07/06/2023



VFTS - EXISTING - JUNE 21 - 1PM



VFTS - PROPOSED - JUNE 21 - 1PM



VFTS - COMPLIANT HEIGHT MASS - JUNE 21 - 1PM

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ISS	DATE	PURPOSE OF ISSUE
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A	18.08.2022	ISSUE FOR DA

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FFL 00.00	FINISHED FLOOR LEVEL
00.000	SURVEY SPOT LEVEL
00.000	EXISTING LEVEL
W/D	EXISTING WINDOW / DOOR
W/D	NEW WINDOW / DOOR
█	EXISTING TO BE RETAINED
█	EXISTING TO BE DEMOLISHED
█	NEW STRUCTURE

KEY:

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 ASSOCIATES

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 NSW 2010  
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DRAWING NO: DA704  
 ISSUE NO: C  
 JOB NO: CAM2105

DEVELOPMENT APPLICATION



NOMINATED ARCHITECT  
 PATRICK NICHOLAS  
 NSW 6672

DRAWING TITLE:  
 VIEW FROM SUN - JUNE 21 - 1PM

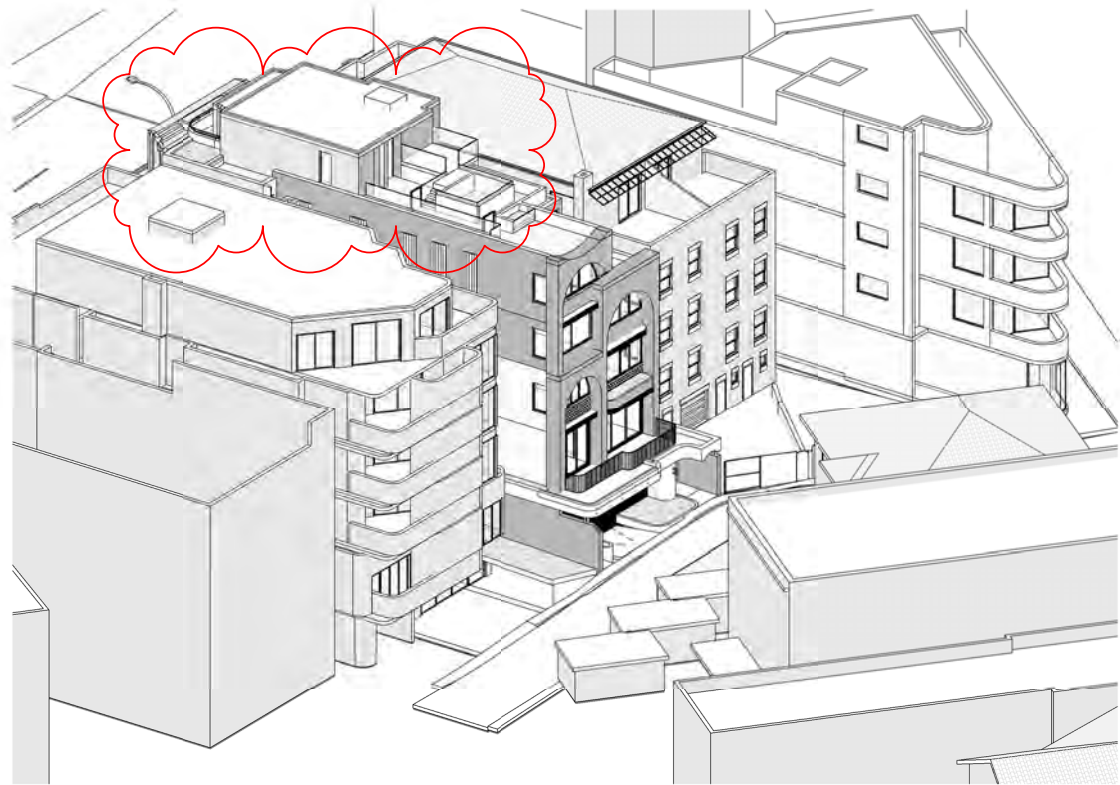
PROJECT ADDRESS:  
 56 CAMPBELL PARADE, BONDI BEACH

CLIENT:  
 ROB DEUTSCH

# AMENDED PLANS



VFTS - EXISTING - JUNE 21 - 2PM



VFTS - PROPOSED - JUNE 21 - 2PM



VFTS - COMPLIANT HEIGHT MASS - JUNE 21 - 2PM

RECEIVED  
Waverley Council  
Application No: DA-367/2022  
Date Received: 07/06/2023

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ISS	DATE	PURPOSE OF ISSUE
C	30.05.2023	DA RESUBMISSION
B	14.02.2023	DA RESUBMISSION
A	18.08.2022	ISSUE FOR DA

PLOTTED : 26/05/2023 3:03:00 PM

LEGEND:	
FSL 00.000	FINISHED STRUCTURAL LEVEL
+RL 00.00	FINISHED SPOT OR SURFACE LEVEL
FFL 00.00	FINISHED FLOOR LEVEL
00.000	SURVEY SPOT LEVEL
00.000	EXISTING LEVEL
W/D	EXISTING WINDOW / DOOR
W/D	NEW WINDOW / DOOR
(Solid Black)	EXISTING TO BE RETAINED
(Dashed Orange)	EXISTING TO BE DEMOLISHED
(Solid Grey)	NEW STRUCTURE

KEY:

ARCHITECTS  
NICHOLAS +  
ASSOCIATES

STUDIO 6,  
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SURRY HILLS  
NSW 2010  
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DRAWING NO: DA705  
ISSUE NO: C  
JOB NO: CAM2105

DEVELOPMENT APPLICATION



NOMINATED ARCHITECT  
PATRICK NICHOLAS  
NSW 6672

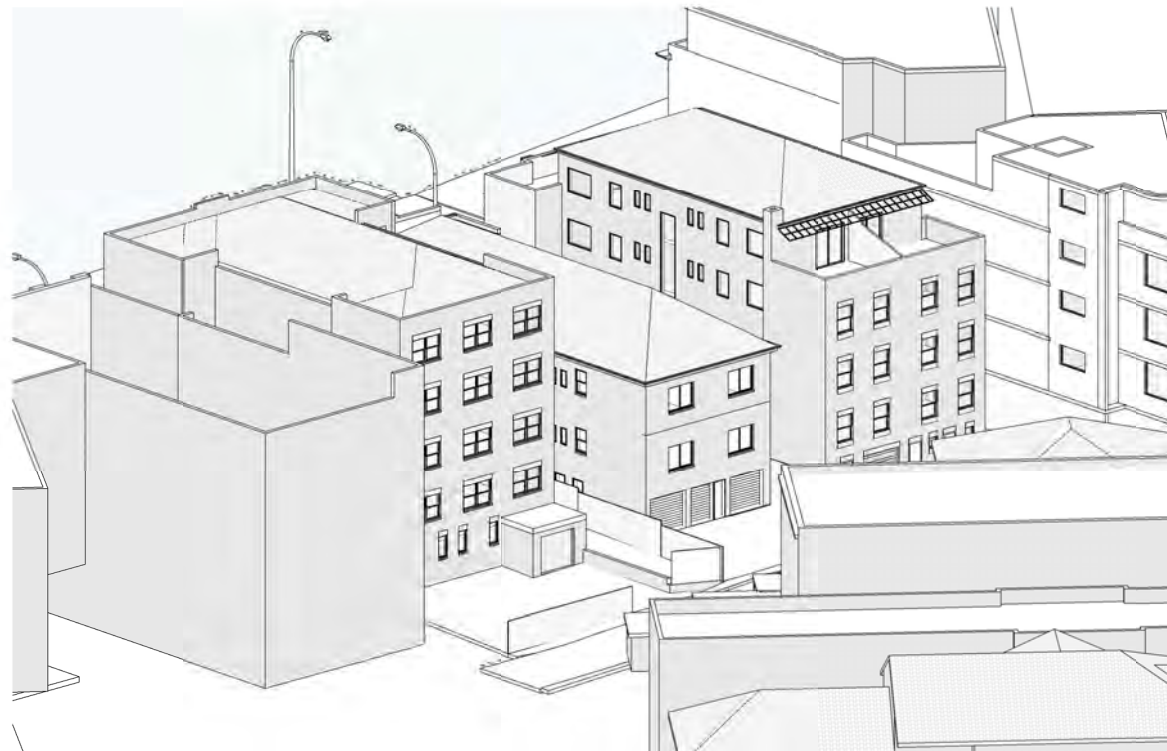
DRAWING TITLE:  
VIEW FROM SUN - JUNE 21 - 2PM

PROJECT ADDRESS:  
56 CAMPBELL PARADE, BONDI BEACH

CLIENT:  
ROB DEUTSCH

# AMENDED PLANS

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VFTS - EXISTING - JUNE 21 - 3PM



VFTS - PROPOSED - JUNE 21 - 3PM



VFTS - COMPLIANT HEIGHT MASS - JUNE 21 - 3PM

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ISS	DATE	PURPOSE OF ISSUE
C	30.05.2023	DA RESUBMISSION
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A	18.08.2022	ISSUE FOR DA

PLOTTED : 26/05/2023 3:03:29 PM

LEGEND:	
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+RL 00.00	FINISHED SPOT OR SURFACE LEVEL
FFL 00.00	FINISHED FLOOR LEVEL
00.000	SURVEY SPOT LEVEL
00.000	EXISTING LEVEL
W/D	EXISTING WINDOW / DOOR
W/D	NEW WINDOW / DOOR
(Solid Black)	EXISTING TO BE RETAINED
(Dashed Orange)	EXISTING TO BE DEMOLISHED
(Solid Grey)	NEW STRUCTURE

KEY:

ARCHITECTS  
 NICHOLAS +  
 ASSOCIATES

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DRAWING NO: DA706  
 ISSUE NO: C  
 JOB NO: CAM2105

DEVELOPMENT APPLICATION

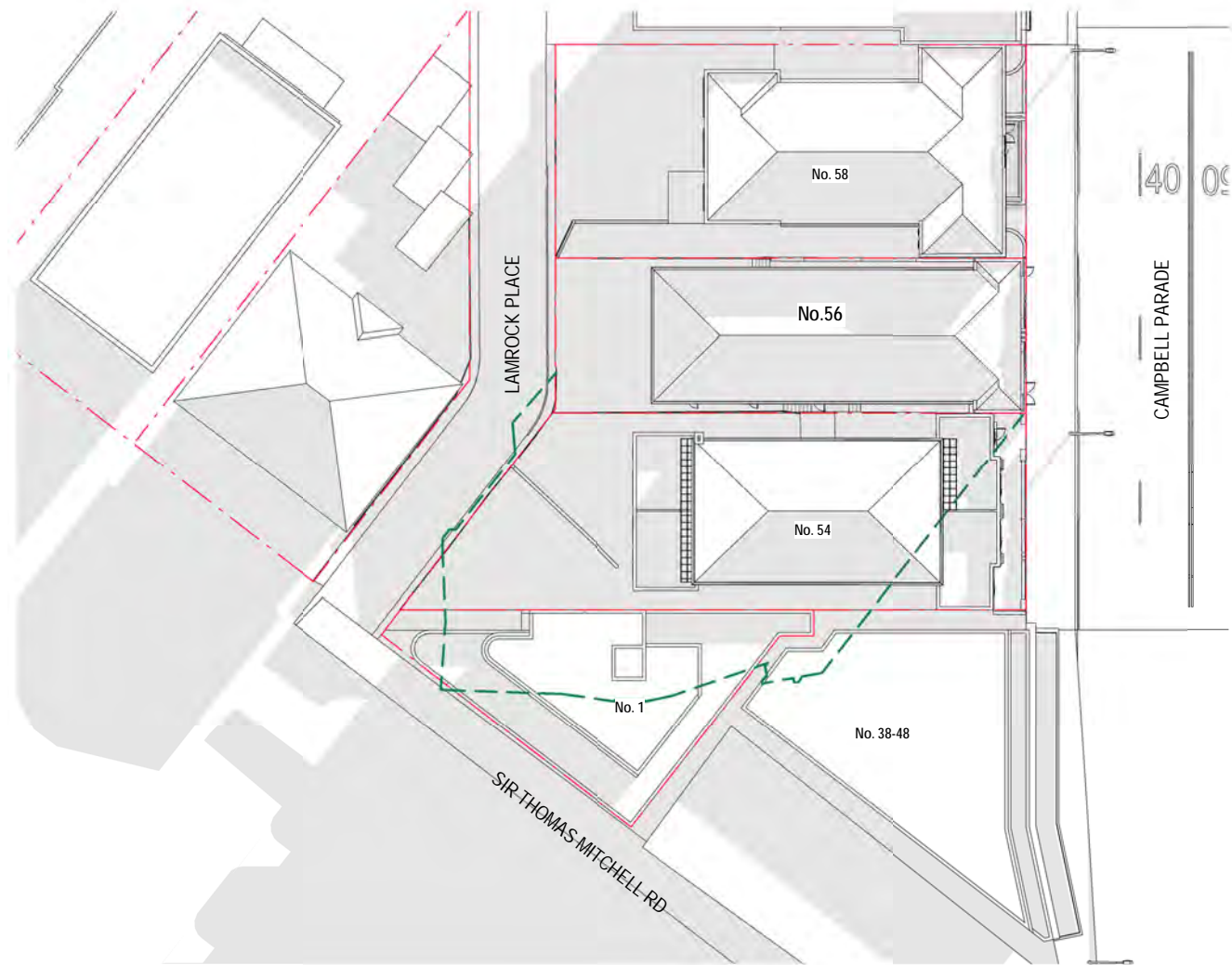


NOMINATED ARCHITECT  
 PATRICK NICHOLAS  
 NSW 6672

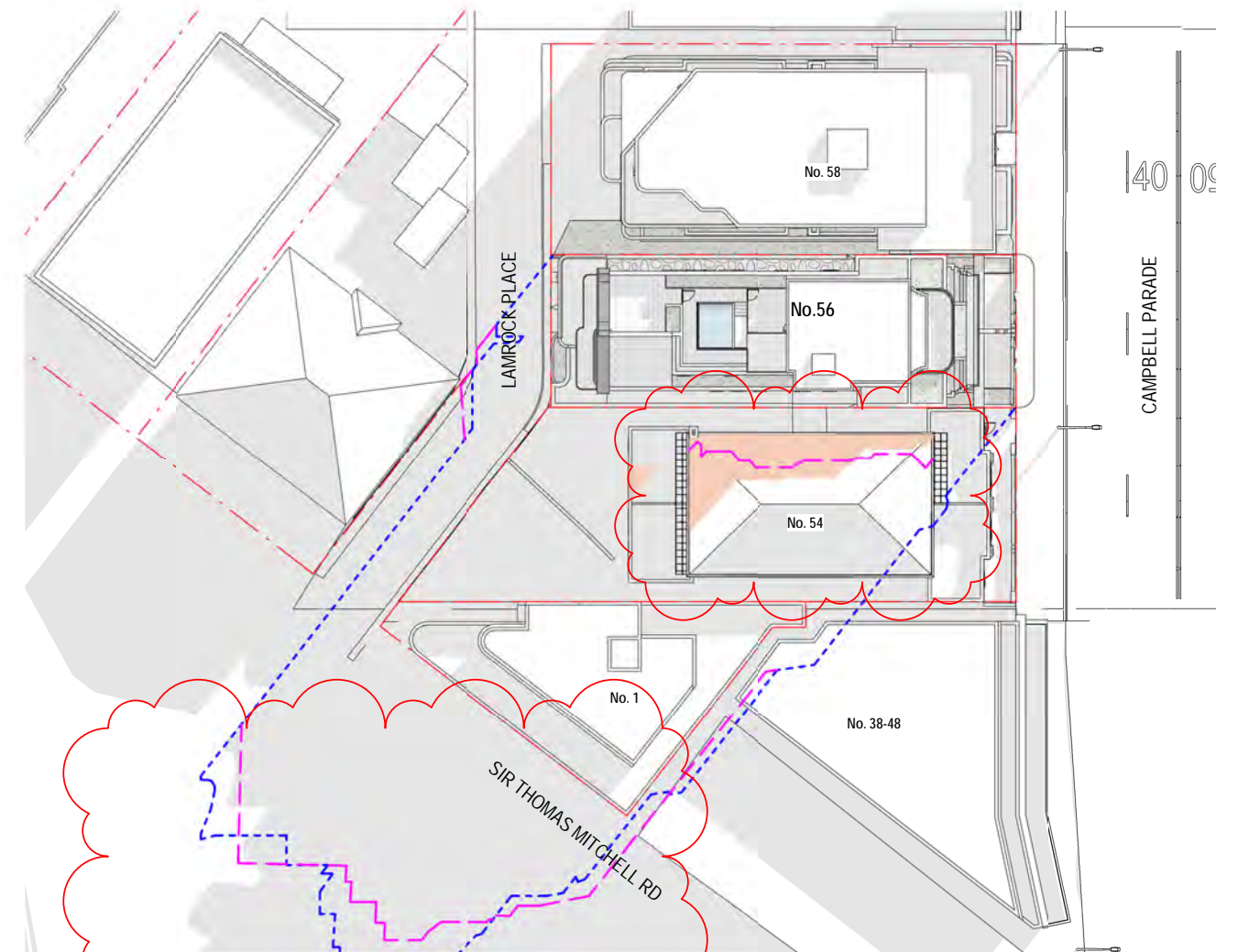
DRAWING TITLE:  
 VIEW FROM SUN - JUNE 21 - 3PM

PROJECT ADDRESS:  
 56 CAMPBELL PARADE, BONDI BEACH

CLIENT:  
 ROB DEUTSCH

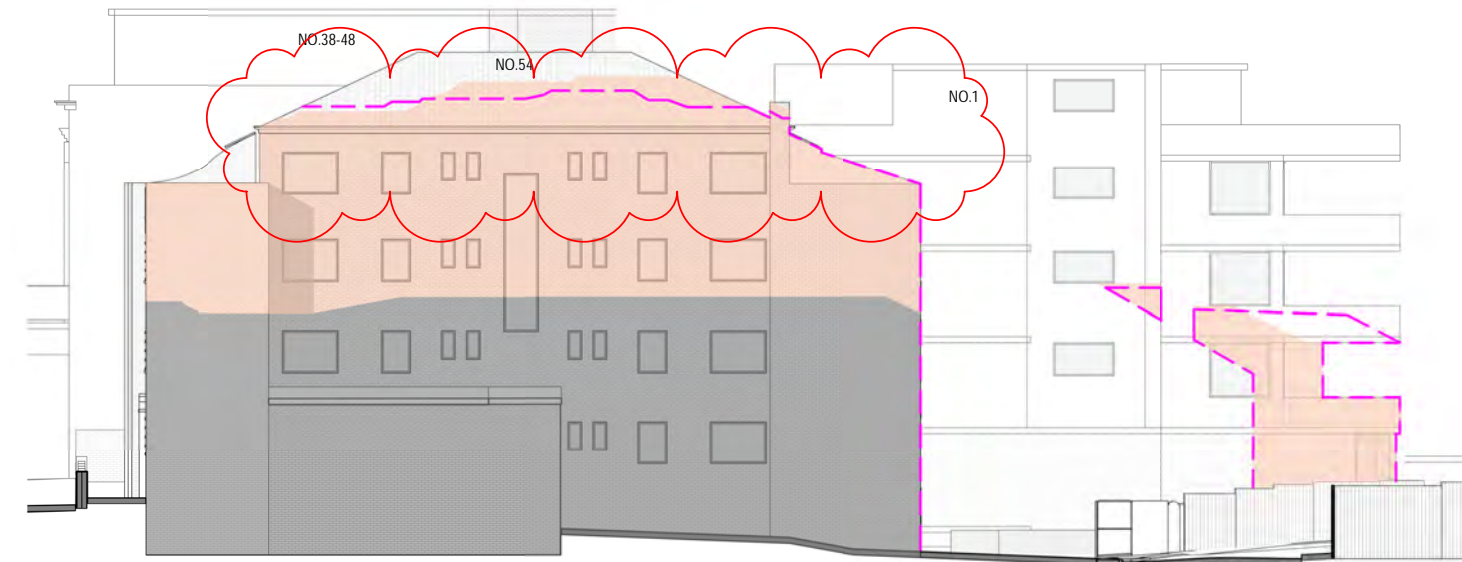


SHADOW PLAN - EXISTING - JUNE 21 - 9AM



SHADOW PLAN - PROPOSED - JUNE 21 - 9AM

# AMENDED PLANS



- EXTENT OF SHADOW - CURRENT BUILDING
- OUTLINE OF COMPLIANT DCP SHADOW ENVELOPE
- EXTENT OF SHADOW - PROPOSED SCHEME
- AREA OF SHADOW OF EXISTING BUILDING
- AREA OF ADDITIONAL SHADOW OF PROPOSED BUILDING

**RECEIVED**  
**Waverley Council**  
 Application No: DA-367/2022  
 Date Received: 07/06/2023

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C	30.05.2023	DA RESUBMISSION
B	14.02.2023	DA RESUBMISSION
A	18.08.2022	ISSUE FOR DA
ISS	DATE	PURPOSE OF ISSUE

LEGEND:		KEY:	
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<span style="border-bottom: 1px dashed black; width: 20px; display: inline-block;"></span>	FINISHED SPOT OR SURFACE LEVEL	<span style="background-color: orange; width: 10px; height: 10px; display: inline-block;"></span>	EXISTING TO BE DEMOLISHED
<span style="border-bottom: 1px solid black; width: 20px; display: inline-block;"></span>	FINISHED FLOOR LEVEL	<span style="background-color: grey; width: 10px; height: 10px; display: inline-block;"></span>	NEW STRUCTURE
<span style="font-size: small;">x 00.000</span>	SURVEY SPOT LEVEL		
<span style="font-size: small;">+ 00.000</span>	EXISTING LEVEL		
<span style="border: 1px solid black; border-radius: 50%; width: 10px; height: 10px; display: inline-block;"></span>	EXISTING WINDOW / DOOR		
<span style="border: 1px solid black; border-radius: 50%; width: 10px; height: 10px; display: inline-block;"></span>	NEW WINDOW / DOOR		

ARCHITECTS  
**NICHOLAS + ASSOCIATES**

NOMINATED ARCHITECT  
 PATRICK NICHOLAS  
 NSW 6672

STUDIO 6,  
 1 MARY'S PLACE  
 SURRY HILLS  
 NSW 2010  
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DRAWING NO: **DA708**    ISSUE NO: **C**    JOB NO: **CAM2105**

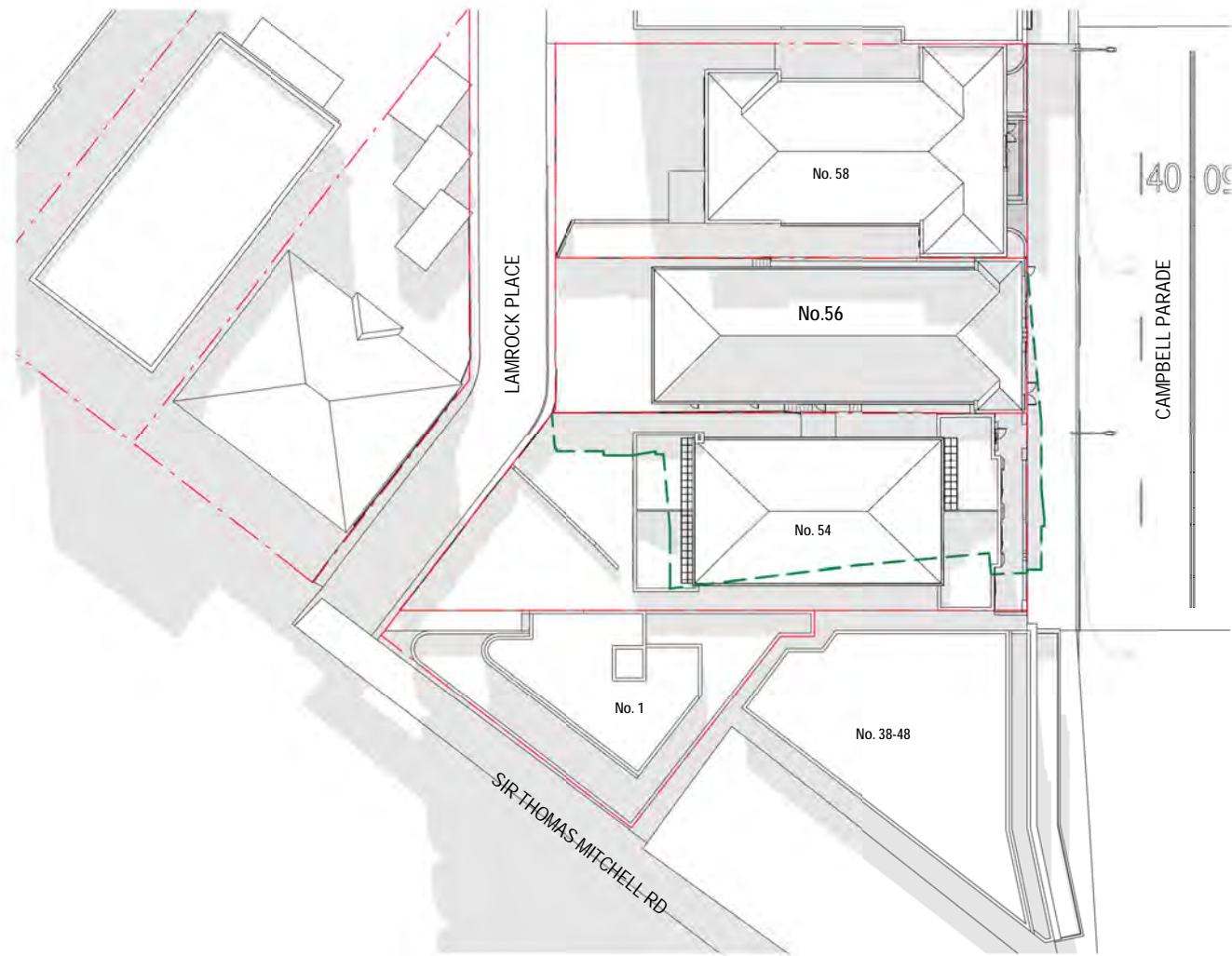
**DEVELOPMENT APPLICATION**

DRAWING TITLE:  
**SHADOW PLAN - JUNE 21 - 9AM**

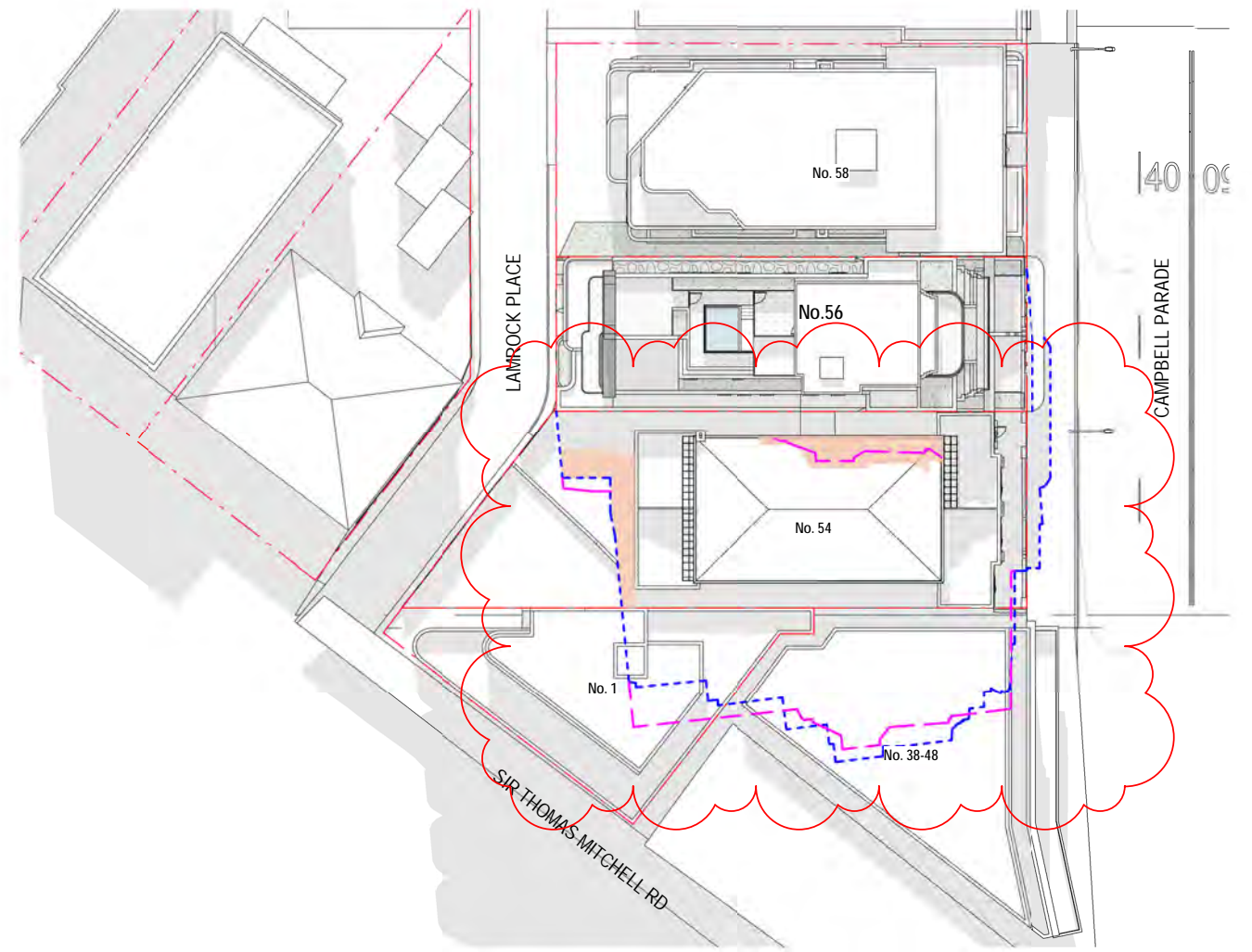
PROJECT ADDRESS:  
**56 CAMPBELL PARADE, BONDI BEACH**

CLIENT:  
**ROB DEUTSCH**



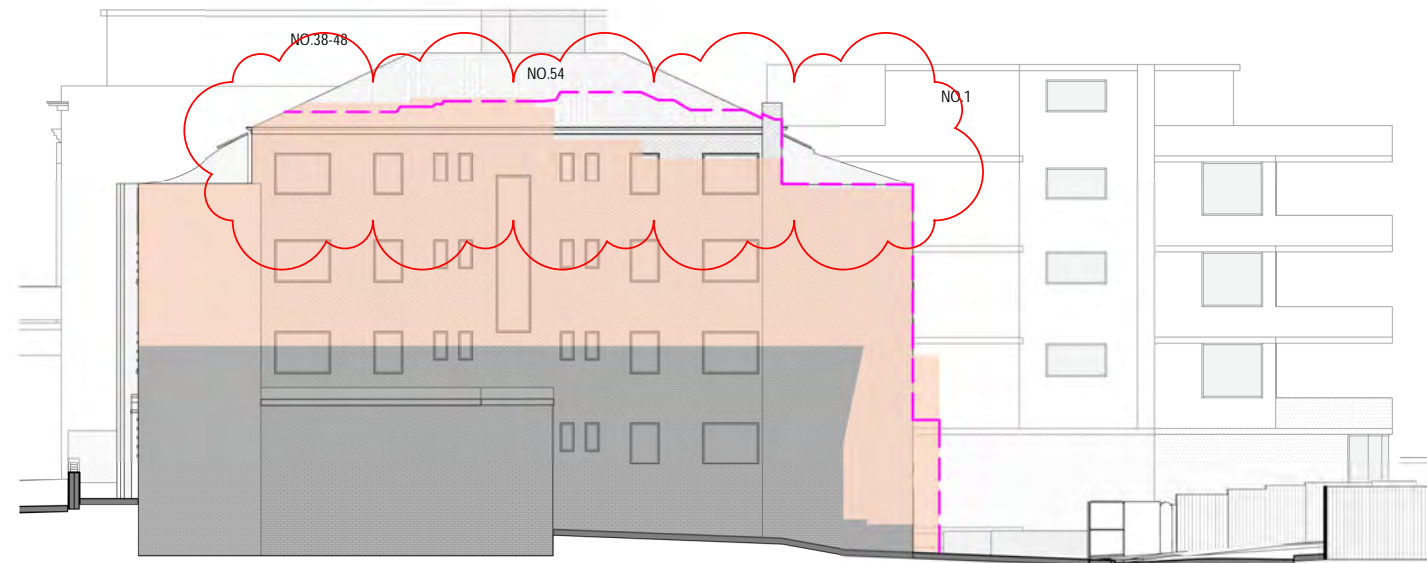


SHADOW PLAN - EXISTING - JUNE 21 - 12PM



SHADOW PLAN - PROPOSED - JUNE 21 - 12PM

# AMENDED PLANS



- EXTENT OF SHADOW - CURRENT BUILDING
- OUTLINE OF COMPLIANT DCP SHADOW ENVELOPE
- EXTENT OF SHADOW - PROPOSED SCHEME
- AREA OF SHADOW OF EXISTING BUILDING
- AREA OF ADDITIONAL SHADOW OF PROPOSED BUILDING

**RECEIVED**  
**Waverley Council**  
 Application No: DA-367/2022  
 Date Received: 07/06/2023

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C	30.05.2023	DA RESUBMISSION
B	14.02.2023	DA RESUBMISSION
A	18.08.2022	ISSUE FOR DA
ISS	DATE	PURPOSE OF ISSUE

PLOTTED : 26/05/2023 3:04:10 PM

- LEGEND:
- |  |                                |   |                           |
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| <span style="border-bottom: 1px solid black; width: 20px; display: inline-block;"></span>                            | FINISHED STRUCTURAL LEVEL      | <span style="background-color: black; width: 10px; height: 10px; display: inline-block;"></span>  | EXISTING TO BE RETAINED   |
| <span style="border-bottom: 1px dashed black; width: 20px; display: inline-block;"></span>                           | FINISHED SPOT OR SURFACE LEVEL | <span style="background-color: orange; width: 10px; height: 10px; display: inline-block;"></span> | EXISTING TO BE DEMOLISHED |
| <span style="border-bottom: 1px solid black; width: 20px; display: inline-block;"></span>                            | FINISHED FLOOR LEVEL           | <span style="background-color: grey; width: 10px; height: 10px; display: inline-block;"></span>   | NEW STRUCTURE             |
| <span style="font-size: small;">± 00.000</span>  | SURVEY SPOT LEVEL              |   |                           |
| <span style="font-size: small;">± 00.000</span>  | EXISTING LEVEL                 |   |                           |
| <span style="border: 1px solid black; border-radius: 50%; width: 10px; height: 10px; display: inline-block;"></span> | EXISTING WINDOW / DOOR         |   |                           |
| <span style="border: 1px solid black; border-radius: 50%; width: 10px; height: 10px; display: inline-block;"></span> | NEW WINDOW / DOOR              |   |                           |

KEY:

ARCHITECTS  
 NICHOLAS +  
 ASSOCIATES

**ANNA**

NOMINATED ARCHITECT  
 PATRICK NICHOLAS  
 NSW 6672

STUDIO 6,  
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DRAWING NO: DA709    ISSUE NO: C    JOB NO: CAM2105

DEVELOPMENT APPLICATION

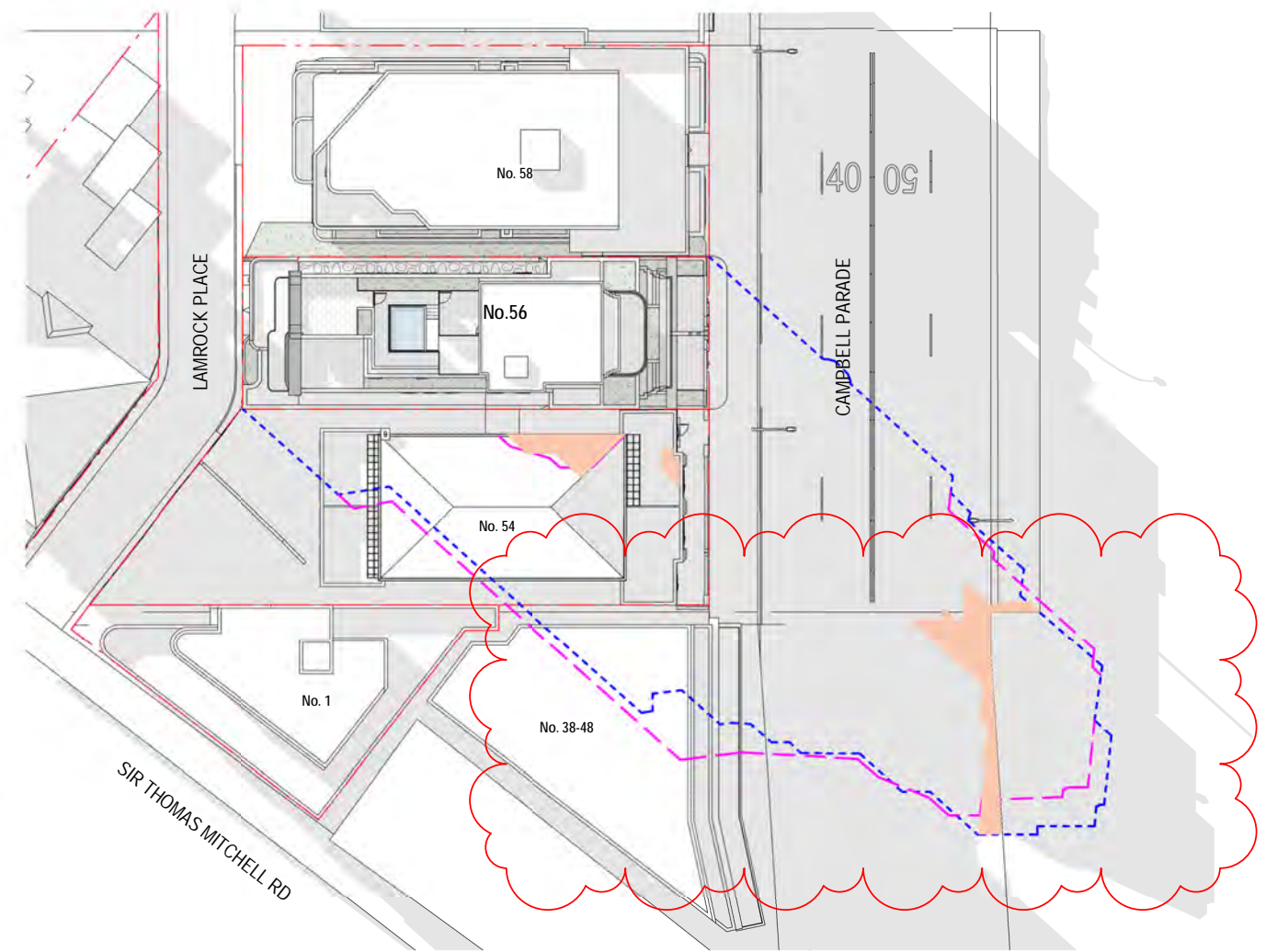
DRAWING TITLE:  
 SHADOW PLAN - JUNE 21 - 12PM

PROJECT ADDRESS:  
 56 CAMPBELL PARADE, BONDI BEACH

CLIENT:  
 ROB DEUTSCH



SHADOW PLAN - EXISTING - JUNE 21 - 3PM



SHADOW PLAN - PROPOSED - JUNE 21 - 3PM

# AMENDED PLANS



- - - EXTENT OF SHADOW - CURRENT BUILDING
- - - OUTLINE OF COMPLIANT DCP SHADOW ENVELOPE
- - - EXTENT OF SHADOW - PROPOSED SCHEME
- AREA OF SHADOW OF EXISTING BUILDING
- AREA OF ADDITIONAL SHADOW OF PROPOSED BUILDING

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**Waverley Council**  
 Application No: DA-367/2022  
 Date Received: 07/06/2023

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C	30.05.2023	DA RESUBMISSION
B	14.02.2023	DA RESUBMISSION
A	18.08.2022	ISSUE FOR DA
ISS	DATE	PURPOSE OF ISSUE

PLOTTED : 26/05/2023 3:04:32 PM

- LEGEND:
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| <span style="border-bottom: 1px dashed black; width: 20px; display: inline-block;"></span>                           | FINISHED SPOT OR SURFACE LEVEL | <span style="background-color: orange; width: 10px; height: 10px; display: inline-block;"></span> | EXISTING TO BE DEMOLISHED |
| <span style="border-bottom: 1px solid black; width: 20px; display: inline-block;"></span>                            | FINISHED FLOOR LEVEL           | <span style="background-color: grey; width: 10px; height: 10px; display: inline-block;"></span>   | NEW STRUCTURE             |
| <span style="font-size: 10px;">± 00.000</span>   | SURVEY SPOT LEVEL              |   |                           |
| <span style="font-size: 10px;">± 00.000</span>   | EXISTING LEVEL                 |   |                           |
| <span style="border: 1px solid black; border-radius: 50%; width: 10px; height: 10px; display: inline-block;"></span> | EXISTING WINDOW / DOOR         |   |                           |
| <span style="border: 1px solid black; border-radius: 50%; width: 10px; height: 10px; display: inline-block;"></span> | NEW WINDOW / DOOR              |   |                           |

KEY:

ARCHITECTS  
 NICHOLAS +  
 ASSOCIATES



NOMINATED ARCHITECT  
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DRAWING NO: DA710    ISSUE NO: C    JOB NO: CAM2105

DEVELOPMENT APPLICATION

DRAWING TITLE:  
 SHADOW PLAN - JUNE 21 - 3PM

PROJECT ADDRESS:  
 56 CAMPBELL PARADE, BONDI BEACH

CLIENT:  
 ROB DEUTSCH