



W A V E R L E Y
COUNCIL

DATE 18 October 2023

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

12.00PM WEDNESDAY, 25 October 2023

QUORUM: Three Panel members

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

AGENDA

WLPP-2310 **Apologies**

WLPP-2310.DI **Declarations of Interest**

The Chair will call for any declarations of interest.

WLPP-2310.1 **PAGE 4** **2 Martins Avenue BONDI NSW 2026** - Alterations and additions to residential flat building including an additional floor level to enlarge Units 9, 10, 11 and 12. **(DA-445/2022)**

Report dated 12 October 2023 from the Development and Building Unit.

Council Recommendation: That the application be **APPROVED** in accordance with the conditions contained in the report.

WLPP-2310.2 **PAGE 62** **32 St James Road BONDI JUNCTION NSW 2022** - Alterations and additions to attached dwelling including new first floor addition. **(DA-187/2023)**

Report dated 16 October 2023 from the Development and Building Unit.

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

WLPP-2310.3 **PAGE 111** **34 St James Road BONDI JUNCTION NSW 2022** - Alterations and additions to attached dwelling including new first floor addition. **(DA-181/2023)**

Report dated 16 October 2023 from the Development and Building Unit.

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

WLPP-2310.4 **PAGE 158** **55 Gould Street BONDI BEACH NSW 2026** - Partial demolition and alterations to existing residential flat building, including basement level parking, conversion of 12 units into 4, roof terraces and pools, and strata subdivision. **(DA-113/2023)**

Report dated 16 October 2023 from the Development and Building Unit.

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

WLPP-2310.5**PAGE 243**

304 Military Road DOVER HEIGHTS NSW 2030 - Demolition of dwelling and construction of a 2-storey attached dual occupancy with integrated basement carparking and swimming pools at rear. **(DA-118/2023))**

Report dated 16 October 2023 from the Development and Building Unit.

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

WLPP-2310.6**PAGE 311**

17 High Street & 19 Prospect Street WAVERLEY NSW 2024 - Construction of two (2) two-storey semi-detached dwellings with basement garages and studios above the rear private open space, and boundary adjustment of existing 2 Torrens lots. **(DA-185/2023))**

Report dated 16 October 2023 from the Development and Building Unit.

Council Recommendation: That the application be APPROVED.

WLPP-2310.7**PAGE 404**

154 Brighton Boulevard NORTH BONDI NSW 2026 - Demolition and construction of new 4 storey residential flat building with 2 levels of basement parking and associated landscaping works. **(DA-133/2023))**

Report dated 16 October 2023 from the Development and Building Unit.

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



Report to the Waverley Local Planning Panel

Application number	DA-445/2022
Site address	2 Martins Avenue, BONDI
Proposal	Alterations and additions to residential flat building including an additional floor level to enlarge Units 9, 10, 11 and 12
Date of lodgement	12 October 2022
Owner	Proprietors of Strata Plan 30789
Applicant	Brad Inwood Architects
Submissions	13 unique submissions
Cost of works	\$1,148,397
Principal Issues	<ul style="list-style-type: none"> • Dwelling size and layout • Floor to ceiling heights
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for alterations and additions to the existing residential flat building including an additional floor level to enlarge Units 9, 10, 11 and 12 at the site known as 2 Martins Avenue, BONDI.

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

- Dwelling size and layout
- Floor to ceiling heights

The assessment finds these issues acceptable due to the proposed nature of the development being an additional level for bedrooms only. The proposal will not result in an unreasonable internal amenity impact to the owners and occupiers of the units.

A total number of 13 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 30 May 2023.

The site is identified as SP 30789, known as 2 Martins Avenue, BONDI.

The site is rectangular in shape with a frontage to Martins Avenue measuring 28.955m and a western side boundary to the laneway measuring 24.295m. The site has an area of 700.5m² and falls from the southern rear boundary towards the northern front boundary by approximately 3.92m.

The site is occupied by a three storey residential flat building containing four (4) units and a lower ground level for car parking. Parking is accessed via Martins Avenue into four (4) separate single width garages.

The site is adjoined by detached dwellings to the east and west and a four (4) storey residential flat building to the south. The locality is characterised by a variety of medium and high density residential developments and is located within the Bondi Heights character area.

Figures 1 to 2 are photos of the site and its context.



Figure 1: Subject site viewed from Martins Avenue



Figure 2: Western side of subject site viewed from the corner of Martins Avenue and the laneway

1.3. Proposal

The development application seeks consent for alterations and additions to a residential flat building, specifically the following:

- Internal alterations to units 9, 10, 11 and 12 to include an internal staircase on the second floor; and
- Third floor addition to include an additional 2 bedrooms each in units 10 and 11 and 1 bedroom each to units 9 and 12, and a terrace for each unit.

1.4. Background

The development application was lodged on 12 October 2022 and deferred on 8 February 2023 for the following reasons:

1. **Building form and streetscape:** the first floor addition was not in keeping with the character of the area and resulted in an unreasonable bulk and scale to the streetscape.
2. **View impact analysis:** a view impact analysis was requested.

Amended plans were submitted on 30 May 2023 addressing the above. The amended plans submitted on 30 May 2023 form the basis of this assessment report.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

- SEPP (Building Sustainability Index – BASIX) 2004

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

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The development is consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table R4 High Density Residential Zone	Yes	The proposal is defined as alterations and additions to a residential flat building, which is permitted with consent in the R4 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> • 28m 	Yes	The development proposes a maximum overall height of 15.2m, which complies with the development standard.
4.4 Floor space ratio Site area: 700.5m ² <ul style="list-style-type: none"> • 1.5:1 or 1,050.75m² 	Yes	The development proposes an FSR of 1.2:1 or 858.3m ² , which complies with the development standard.
Part 6 Additional local provisions		
6.9 Design excellence	Yes	The development has been referred to Council's Urban Designer who is satisfied that the design of the third floor addition is consistent with the character of the area and maintains the integrity of the existing building.

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory subject to conditions. Refer to section 3 of this report on referral commentary in relation to waste.
2. Ecologically Sustainable Development	Yes	Satisfactory.
6. Stormwater	Yes	Satisfactory. Refer to section 3 of this report on referral commentary in relation to stormwater.
9. Heritage	Yes	Whilst the development is not located within a Heritage Conservation Area, it is located immediately adjacent to three heritage items, at Nos. 1 Martins Avenue, 14 and 16 Penkivil Street. Please refer to section 3 of this report on referral commentary in relation to heritage.

Development Control	Compliance	Comment
12. Design Excellence	Yes	Satisfactory. Council's Urban Design officer has reviewed the proposal and has raised no issues with the design. For further commentary, refer to section 3 of this report.

Table 3: Waverley DCP 2012 – Part C1 – Special Character Areas

Development Control	Compliance	Comment
1.1 Bondi Heights		
Desired Future Character Objectives <ul style="list-style-type: none"> • Dominant landscape character • Provide front gardens and mature trees • Appropriate response to height and site access responding to high and low sides of the street 	Yes	The proposed third floor addition will maintain the existing character of the streetscape. No changes are proposed to the front walls or gardens on site and the addition will be viewed as a recessive element.
Controls <ul style="list-style-type: none"> • Front setbacks should be predominantly planted or grassed, to allow the elevated view of the front garden to contribute to the streetscape. • The private open space is permitted to encroach 2.5m into the communal landscaped front setback provided that the front setback is a minimum of 6m from the street boundary. • Roof-top terraces are discouraged due to the greater potential impacts in higher density areas 	Yes	No change is proposed to the front setbacks of the building, or the existing landscaping on site. The proposed balconies on the third floor are recessive in their design and will not be visible from the streetscape. No rooftop terraces have been proposed.

Table 4: Waverley DCP 2012 – Part C3 Other Residential Development Compliance Table

Development Control	Compliance	Comment
3.1 Site, scale and frontage		
<ul style="list-style-type: none"> • Minimum frontage: 20m – R4 zone 	Yes	The property frontage remains as existing at 28.955m, which complies.
3.2 Height		
<ul style="list-style-type: none"> • Maximum external wall height: 	Yes	The development proposes an overall wall height of 12.5m, which complies with the control.

Development Control	Compliance	Comment
R4/28m – 25m		
3.3 Setbacks		
3.3.1 - Street setbacks <ul style="list-style-type: none"> Consistent street setback 	Yes	The proposed third floor addition has been designed to sit behind the roof ridge. The setback is consistent and appropriate for the site.
3.3.2- Side and rear setbacks <ul style="list-style-type: none"> Minimum side setback: 2.5m Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback 	Yes	The eastern side boundary setback varies between 6.7m and 5.7m, which complies with the control. The building is setback 6.7m from the southern rear boundary, which complies.
3.4 Length and depth of buildings		
<ul style="list-style-type: none"> Maximum building length: 24m Façade to be articulated Maximum unit depth: 18m 	Yes	The third floor proposes a length of 14m and a depth of 12m, which complies with the control.
3.5 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape Sympathetic external finishes Corner sites to address both streets as primary frontages Removal of original architectural features not supported. 	Yes	The proposed addition has been designed to be viewed as a recessive element to the existing building from the streetscape. The third floor addition responds to the existing character of the building and complements the original design, without attempting to copy its character. All original architectural features are proposed to remain on the existing building to maintain its character when viewed from the street.
3.6 Attic and roof design		
<ul style="list-style-type: none"> Roof design should contribute to the architectural design and the environmental performance of the development. Roof design should respond to the streetscape character of the area. Contemporary roof forms are permitted to minimise bulk and scale, and respond appropriately to the context 	Yes	The roof design has been created to match the existing tiled roof on site in order to complement the character of the existing building and the surrounding streetscape.

Development Control	Compliance	Comment
3.7 Fences and walls		
<p><i>Front fence:</i></p> <ul style="list-style-type: none"> Maximum height 1.2m <p><i>Side fence:</i></p> <ul style="list-style-type: none"> Maximum height: 1.8m <p><i>Rear fence:</i></p> <ul style="list-style-type: none"> Maximum height: 1.8m 	N/A	No changes are proposed to the existing front and side fencing.
3.8 Pedestrian access and entry		
<ul style="list-style-type: none"> Entry at street level and respond to pattern within the street Accessible entry Separate to vehicular entry Legible, safe, well-lit 	N/A	No change is proposed to the existing pedestrian entry on site.
3.9 Landscaping		
<ul style="list-style-type: none"> Comply with part B3-Landscaping and Biodiversity Minimum of 30% of site area landscaped. 50% of the above is to be deep soil. 	N/A	No changes are proposed to the existing landscaping on site.
3.10 Communal open space		
<ul style="list-style-type: none"> Min 25% communal (R4 zone). Minimum dimensions: 6m x 6m Minimum of 30% of communal area must receive three hours of sunlight Accessible 	N/A	Communal open space is located at the rear of the site and no changes are proposed to the existing area.
3.11 Private Open Space		
<p>3.11.2 – Balconies/decks</p> <ul style="list-style-type: none"> Balcony additions to match the character of the building Should not dominate the façade No wrap around balconies Located to maximise solar access and privacy Balustrades to allow views and casual surveillance of the street & privacy 	Yes	<p>The balconies have been designed to be recessive in nature and will not result in any overlooking to neighbouring properties.</p> <p>No wrap around balconies are proposed and the design will match the character of the existing building.</p>

3.12 Vehicular access and parking		
<ul style="list-style-type: none"> • Car parking to be integrated into the design of the development • Max 1 x 2 way vehicle access point • Provided from secondary street or lane • Pedestrian safety considered • Basement parking should not contravene deep soil zone controls 	N/A	No changes are proposed to the existing car parking on site.
3.13 Solar access and overshadowing		
<ul style="list-style-type: none"> • New development should maintain at least two hours of sunlight to solar collectors on adjoining properties in mid winter. • Direct sunlight to north facing windows of habitable rooms on all private open space areas of adjacent dwellings to less than three hours of sunlight on 21 June. 	Yes	Shadow diagrams have been submitted with the application demonstrating full compliance with this control. The development will overshadow the ground and first floor units at No. 3 Ocean Street, however all habitable windows will maintain at least 3 hours of direct sunlight.
3.14 Views and view sharing		
<ul style="list-style-type: none"> • Minimise view loss through design • Landscaping on sites adjacent to a Council park or reserve should be sympathetic to soften the public/private interface. • Views from public spaces to be maintained. 	Yes	A view impact analysis has been submitted with the application and it has been determined that no views will be impacted by the development. See discussion below for more details.
3.15 Visual privacy and security		
<ul style="list-style-type: none"> • Dwellings to be orientated to the street with entrances and street numbering visible • Development over 50 dwellings must be designed with CPTED principles – See B10 Safety 	Yes	<p>All north and west facing windows on the third floor will face the street and not result in privacy or overlooking impacts.</p> <p>The south facing habitable windows are located approximately 14.8m from the balconies located at No. 3 Ocean Street and are not envisaged to result in unreasonable visual privacy impacts.</p>

<ul style="list-style-type: none"> • Above ground open space must not overlook rooms and private landscaped areas of adjoining properties or be screened • Privacy be considered in relation to context density, separation use and design. • Prevent overlooking of more than 50% of private open space of lower level dwellings in same development • Roof tops are to be non-trafficable, unless there is a predominance of roof terraces in the immediate vicinity of the site. 		<p>The east facing windows and balconies will not directly overlook any habitable windows or private open space to the neighbouring property at No. 1 Ocean Street. The existing roof form will limit any overlooking downwards towards the dwelling to the east.</p>
3.16 Dwelling size and layout		
<ul style="list-style-type: none"> • Max habitable room depth for single aspect dwelling is 8m from a window • Max with of dwelling over 15m deep is min 4m • All habitable rooms to have a window • Provide a range of dwelling types and sizes • Min sizes Studio = 35m² 1 bedroom = 50m² 2 bedroom = 80m² 3 bedroom = 100m² • Flexible design • Accessible and Adaptable 	<p>No Acceptable on merit</p>	<p>The proposed additional bedrooms all maintain the minimum dimensions and sizes required under this control.</p> <p>The proposed unit sizes are as follows:</p> <p>Unit 9 (2 bed) – 86m² Unit 10 (3 bed) – 96m² Unit 11 (3 bed) – 96m² Unit 12 (3 bed) – 85m²</p> <p>It is acknowledged that Unit 9 is the only unit that will comply with the minimum dwelling sizes under this control. In support of the non-compliance, it is noted that the units are already existing on site and the sizes only propose a minor variation to the control (only 4m² for two of the units). Additionally, the development only proposes additional bedrooms on the top floor. Any additional floor space would result in larger bedrooms, rather than large living spaces. The sizes of each unit therefore should be supported in this instance.</p>
3.17 Ceiling Heights		
<ul style="list-style-type: none"> • Min 2.7m floor to ceiling height residential floors • Min 2.4m floor to ceiling height attic levels 	<p>No Acceptable on merit</p>	<p>The floor to ceiling heights are proposed at 2.4m, which does not comply with the control. In support of the non-compliance, it is noted that the top floor is to be used for bedrooms and are not envisaged to be utilised as main</p>

		living areas. The ceiling heights have been designed to minimise the amenity impact to neighbouring properties, whilst maintaining the minimum heights required by the NCC.
3.18 Storage		
In addition to kitchen cupboards and bedroom wardrobes, min storage required is: <ul style="list-style-type: none"> • Studio and 1 bed = 6m³ • 2 bed = 8m³ • 3 or more bed = 10m³ • All to provide bulk storage are in basement or ancillary structure 	N/A	No change is proposed to the existing storage on site.
3.19 Acoustic privacy		
<ul style="list-style-type: none"> • Internal amenity by locating noisy areas away from quiet areas 	Yes	The bedrooms are not located near any noisy areas.
3.20 Natural Ventilation		
<ul style="list-style-type: none"> • All dwellings to be naturally cross-ventilated • Building to be orientated to maximise breezes • Ceiling fans are to be provided in all habitable rooms. 	Yes	All proposed rooms will be naturally cross ventilated. A condition is recommended to provide ceiling fans to all bedrooms.
3.21 Building services		
<ul style="list-style-type: none"> • Services are to be integrated into the design of buildings (garbage rooms, mail boxes, fire hydrants boosters, electrical substations, down pipes, plant rooms, satellite/communications structures • Outdoor Communal clothes drying area to be provided • Plant rooms away from entry communal and private open spaces and bedrooms. • Services on roof not to be seen from street or impact public or private 	N/A	No changes are proposed to existing building services on site.

views and be min 2m from the building edge		
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The following is a detailed discussion of the issues identified in the compliance tables above in relation to the Waverley DCP 2012.

View impact

The NSW Land and Environment Court has articulated general principles with regard to views (see [Tenacity Consulting v Warringah Council \[2004\] NSWLEC 140](#)). This case states:

The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment. (Taking it all away cannot be called view sharing, although it may, in some circumstances, be quite reasonable.) To decide whether or not view sharing is reasonable, a four-step assessment should be used:

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

Objections were received from three properties in relation to view loss - Units 35 and 36 at 3 Ocean Street, Bondi located to the south of the subject site and Unit 8 at 20 Penkivil Street, Bondi located to the south west of the subject site. Photographs were obtained from the owners of Units 35 and 36 at 3 Ocean Street and a site visit was carried out at 8/20 Penkivil Street. **Figures 3 to 10** demonstrate the existing views from these three affected properties.

Figures 3 to 5 – Unit 35/3 Ocean Street, Bondi



North facing bedroom
CURRENT

Figure 3: Unit 35/3 Ocean Street, Bondi - current view from the north facing bedroom showing the existing red tiled roof of the subject site (*source: owner of Unit 35/3 Ocean Street, Bondi*)



Living Room
CURRENT

Figure 4: Unit 35/3 Ocean Street, Bondi - current view from the north facing living room showing the existing red tiled roof of the subject site (*source: owner of Unit 35/3 Ocean Street, Bondi*)



View from balcony
CURRENT

Figure 5: Unit 35/3 Ocean Street, Bondi - current view from the north facing balcony showing the existing red tiled roof of the subject site (*source: owner of Unit 35/3 Ocean Street, Bondi*)

Figures 6 to 8 – Unit 36/3 Ocean Street, Bondi



Figure 6: Unit 36/3 Ocean Street, Bondi - current view from the north facing balcony showing the existing red tiled roof of the subject site (*source: owner of Unit 36/3 Ocean Street, Bondi*)



Figure 7: Unit 36/3 Ocean Street, Bondi - current view from the north facing living room showing the existing red tiled roof of the subject site (*source: owner of Unit 36/3 Ocean Street, Bondi*)



Figure 8: Unit 36/3 Ocean Street, Bondi - current view from the north facing kitchen showing the existing red tiled roof of the subject site (*source: owner of Unit 36/3 Ocean Street, Bondi*)

Figures 9 and 10 – Unit 8/20 Penkivil Street, Bondi



Figure 9: Unit 8/ 20 Penkivil Street, Bondi - Current view from the east facing balcony of Unit 8/ 20 Penkivil Street showing the existing red tiled roof of the subject site.



Figure 10: Unit 8/ 20 Penkivil Street, Bondi - Zoomed in snapshot of the photograph above, showing the ocean view through the trees from Unit 8/ 20 Penkivil Street.

As shown in **Figures 3 to 8** above, the existing views from both units 35 and 36 at No. 3 Ocean Street, Bondi are considered to be partial district views. The views are obtained looking north, over the subject site towards Bellevue Hill and Rose Bay. The views are currently obstructed by the existing roof of the building on the subject site, which block the majority of the district view. The existing views are obtained from the principal living areas and the kitchen from a standing position. Under the Tenacity principle, the views are considered to be a low value view.

Figures 9 and 10 depict the views from the east facing balcony of Unit 8/20 Penkivil Street, Bondi. This unit does maintain some water views of the Pacific Ocean off Bondi Beach. The view is considered to be a distant view and is captured looking eastward over several properties, mainly over the side boundaries of No. 2 Martin Avenue and 3 Ocean Street. The view is heavily obscured by existing vegetation and residential flat buildings located along Martins Avenue and Ocean Street and is therefore considered to be a low value view.

The proposed development will obscure the partial district views from the units at 3 Ocean Street and will obscure some water views from the balcony at unit 8/20 Penkivil Street. The fourth principle of Tenacity is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. However, with a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours.

The proposed development sits 12.8m below the maximum allowable building height and is 192.5m² below the maximum allowable FSR. Additionally, the side setbacks are more than 3m greater than the minimum required under the DCP controls. The proposed third floor addition will partially sit within the existing roof form and is considered to be modest in design. Whilst the proposed development will impact on some district and ocean views, the works are considered to be reasonable as the third floor addition has been designed to provide a smaller overall building envelope than what is allowed under the controls. A more skilful design would not change the impact of views from the surrounding properties and it would be unreasonable to restrict development on the subject site to maintain these views. Therefore, the proposed works are considered acceptable in this regard.

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 24 October and 9 November 2022 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

Following receipt of amended plans and additional information, the application was re-notified for 14 days between 22 August and 7 September 2023.

A total of 13 unique submissions were received from the following properties:

Table 5: Number of and where submissions were received from.

Count	Property Address
1.	3/2 Martins Avenue, BONDI
2.	8/2 Martins Avenue, BONDI
3.	5-7 Martins Avenue, BONDI
4.	15 Martins Avenue, BONDI
5.	2/15 Martins Avenue, BONDI
6.	3/15 Martins Avenue, BONDI x 2
7.	Strata Committee at 3 Ocean Street, BONDI
8.	6/3 Ocean Street & 14/3 Ocean Street, BONDI (one submission)
9.	35/3 Ocean Street, BONDI
10.	36/3 Ocean Street, BONDI
11.	8/20 Penkivil Street, BONDI
12.	Submission with no address provided

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

- Overshadowing to the units at No. 3 Ocean Street
- Privacy and overlooking to the habitable windows at No. 3 Ocean Street
- View loss

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

Issue: *Concerns regarding traffic management, asbestos removal and structural noise during construction.*

Response: A condition has been recommended in the consent to properly manage traffic, waste and construction noise during the construction phase of the development.

Issue: *Concerns regarding recent nearby approvals constructing at the same time and causing traffic congestion.*

Response: A traffic management plan has been recommended to be submitted as a condition of the consent to manage traffic congestion, ingress and egress to and from the site.

Issue: The first floor addition is out of character to the existing building

Response: The design of the first floor addition has been modified since this submission. The modified design now fits in with the character of the existing building and the surrounding streetscape.

Issue: Works are proposed on common property (being the roof)

Response: This is a matter for the Body Corporate of the site. Owners consent in the form of the signature of the Strata Secretary and the Strata Seal has been provided with the application.

Issue: Increase parking pressure on the street

Response: The development complies with the maximum car parking requirements on site and is considered acceptable.

Issue: Fire safety concerns

Response: The application was referred to Council's fire safety officer who has recommended appropriate conditions to upgrade the fire safety on site.

Issue: Impact on visual outlook from No. 3 Ocean Street due to the increased height of the building

Response: The height of the building complies with the overall height of buildings development standard under the LEP and is therefore supported.

Issue: Access to the site during construction

Response: A traffic management plan is recommended as a condition of consent to adequately manage traffic during construction.

Issue: Impact on visual outlook from the top floor of No. 3 Ocean Street

Response: The proposed addition to the development has been designed as a recessive element above the existing roof form. As mentioned previously, the overall height is well below the maximum allowed on site and the development complies with the side and rear setback controls of the Waverley DCP 2012. The design fits in with the character of the existing building and will not result in an unreasonable visual bulk when viewed within its immediate context or the locality.

Issue: Loss of value to the neighbouring properties

Response: The value of properties is not a matter of consideration in the assessment of development applications.

Issue: Request for timeframe of construction work

Response: A timeframe of construction is not required at the planning stage, however an approved development application will lapse 5 years if construction has not commenced on site.

Issue: No details have been provided regarding solar access at different times of the year

Response: Under the controls of the DCP, solar access is only assessed on 21 June as this is shortest day of the year and is therefore the most impacted day.

Issue: Overall height is unacceptable in this location

Response: The overall height complies with the maximum allowed under the LEP development standard by 12.8m.

2.5. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Fire Safety

The application was referred to Council's Fire Safety officer who provided the following comments:

Accompanying the subject application is an Assessment Report prepared by Mark Brentnall of Brentnal BCA, dated 05th August 2023 and project no. P22557-2. The subject report identifies existing BCA deficiencies and provides a number of recommendations for the fire safety upgrading of the existing building pursuant to Clauses 94 of the Environmental Planning and Assessment Regulation 2000.

However, it is noted that the subject BCA report has excluded the following:

"Where non-compliances occur in areas that are remote from the proposed works such that they are not impacted by those works, it is not recommended that upgrade works be undertaken."

- 1. There is no discussion about how existing building which will not be affected from the building works will achieve the required FRL and structural adequacy with the addition of a new storey.*

Otherwise, the recommendations of BCA Assessment Summary are considered satisfactory and will need to be undertaken as part of this development consent in conjunction with additional works required by Council in the development consent conditions.

In light of the above, should the application be approved conditions must be imposed.

The conditions recommended by Council's Fire Safety officer have been included in the recommended conditions of consent in Appendix A of this report.

3.2. Stormwater

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

From a stormwater drainage and flooding perspective there are no objections to approval of this application subject to conditions.

Standard conditions have been recommended in Appendix A.

3.3. Heritage

The application was referred to Council's Heritage Architect who provided the following comments:

To partially mitigate the impact on the streetscape and adjacent listed buildings I recommend the following:

- 1. The roof is to be of Marseille pattern terra cotta tile matching existing roof tiles.*
- 2. The window openings are to be single openings and not strips of window and as much as possible are to align with openings to existing floors.*
- 3. The external cladding is to be painted in a soft red/terra cotta referencing the strong red of existing face brick. White or cream are not to be used.*
- 4. The hipped gable ends are to have a lower springing height for the hipped section - increasing the area of the hipped roof section whilst maintaining the overall height of the ridge.*

The plans have since been amended to modify the design of the roof to include Marseille pattern terracotta tiles to match the existing roof.

The window openings have been modified to appear more vertical in nature and better align with the existing windows on the building.

A soft red terracotta colour for the external cladding would result in the addition being viewed as attempting to copy the character of the existing building, rather than complementing its original style. The applicant has amended the colour schedule to replace the monument colorbond with Basalt on the third level. This is a lighter colour than monument and will blend better with the original fabric of the building.

3.4. Waste

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

3.5. Tree Management

The application was referred to Council's Tree Management officer who provided the following comments.

On inspection, it was noted that on site there were no trees of any significance that would be impacted on by the proposed alterations and additions to residential flat building, Units 9, 10, 11 and 12.

3.6. Urban Design

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

The retention of the LGA's interwar buildings is to be encouraged. The addition of another storey to this building retains the significant aspects of this property. The addition is sufficiently recessive so as to preserve the character of the streetscape.

The improvement of the services and maintenance to the building fabric that the increased value of the property can bring is a good thing and the proposal is endorsed.

4. CONCLUSION

The development application seeks consent for alterations and additions to a residential flat building including an additional floor level to enlarge Units 9, 10, 11 and 12 at the site known as 2 Martins Avenue, BONDI.

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

- Dwelling size and layout
- Floor to ceiling heights

The assessment finds these issues acceptable due to the proposed nature of the development being an additional level for bedrooms only. The proposal will not result in an unreasonable internal amenity impact to the owners and occupiers of the units.

A total number of 13 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.


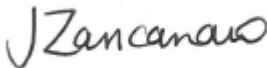

Development Assessment Leadership Team (DALT) Review

The application was reviewed by the DALT at the meeting on 19 September 2023 and the DALT concurred with the Assessment Planner's recommendation.

DALT members: *A Rossi, B McNamara, B Magistrale, E Finnegan, and J Zancanaro*

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:
		
Katie Johnstone	Jo Zancanaro	Angela Rossi
Senior Development Assessment Planner	Acting Manager, Development Assessment	A/Executive Manager, Development Assessment
Date: 10 October 2023	Date: 10 October 2023	Date: 12 October 2023

Reason for WLPP referral:

- 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 – CONDITIONS OF CONSENT

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

Condition																																																	
1.	<p>APPROVED PLANS AND DOCUMENTATION</p> <p>The development must be in accordance with:</p> <p>(a) Architectural Plans prepared by Brad Inwood Architecture, including the following:</p> <table border="1"> <thead> <tr> <th>Plan Number and Revision</th> <th>Plan description</th> <th>Plan Date</th> <th>Date received by Council</th> </tr> </thead> <tbody> <tr> <td>0941-102 Rev. D</td> <td>Ground Floor</td> <td>28/08/23</td> <td>21/09/2023</td> </tr> <tr> <td>0941-104 Rev. C</td> <td>Second Floor</td> <td>08/08/23</td> <td>15/09/2023</td> </tr> <tr> <td>0941-105 Rev. C</td> <td>Third Floor</td> <td>08/08/23</td> <td>10/10/2023</td> </tr> <tr> <td>0941-106 Rev. C</td> <td>Roof Plan</td> <td>08/08/23</td> <td>15/09/2023</td> </tr> <tr> <td>0941-205 Rev. C</td> <td>North Elevation</td> <td>08/08/23</td> <td>15/09/2023</td> </tr> <tr> <td>0941-208 Rev. C</td> <td>South Elevation</td> <td>08/08/23</td> <td>15/09/2023</td> </tr> <tr> <td>0941-207 Rev. C</td> <td>East Elevation</td> <td>08/08/23</td> <td>15/09/2023</td> </tr> <tr> <td>0941-206 Rev. C</td> <td>West elevation</td> <td>08/08/23</td> <td>15/09/2023</td> </tr> <tr> <td>0941-210 Rev. C</td> <td>Cross Section</td> <td>08/08/23</td> <td>15/09/2023</td> </tr> <tr> <td>0941-209 Rev. C</td> <td>Long Section</td> <td>08/08/23</td> <td>15/09/2023</td> </tr> <tr> <td>0941-401 Rev. C</td> <td>Schedule of Materials and Colours</td> <td>08/08/23</td> <td>15/09/2023</td> </tr> </tbody> </table> <p>(b) BASIX Certificate</p> <p>(c) Building Code of Australia Report prepared by Brentnall Certification Pty Ltd, referenced P22557-1, dated 27 July 2023 and received by Council on 27 July 2023</p> <p>(d) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 21 September 2023</p> <p>Except where amended by the following conditions of consent.</p> <p>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>	Plan Number and Revision	Plan description	Plan Date	Date received by Council	0941-102 Rev. D	Ground Floor	28/08/23	21/09/2023	0941-104 Rev. C	Second Floor	08/08/23	15/09/2023	0941-105 Rev. C	Third Floor	08/08/23	10/10/2023	0941-106 Rev. C	Roof Plan	08/08/23	15/09/2023	0941-205 Rev. C	North Elevation	08/08/23	15/09/2023	0941-208 Rev. C	South Elevation	08/08/23	15/09/2023	0941-207 Rev. C	East Elevation	08/08/23	15/09/2023	0941-206 Rev. C	West elevation	08/08/23	15/09/2023	0941-210 Rev. C	Cross Section	08/08/23	15/09/2023	0941-209 Rev. C	Long Section	08/08/23	15/09/2023	0941-401 Rev. C	Schedule of Materials and Colours	08/08/23	15/09/2023
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2.	<p>GENERAL MODIFICATIONS</p> <p>The application is approved subject to the following plan amendments;</p> <p>(a) All bedrooms on the third floor are to have ceiling fans installed.</p> <p>The amendments are to be approved by the Principal Certifying Authority prior to the issue of any Construction Certificate.</p>																																																

	Condition reason: To provide suitable ventilation in habitable rooms.
3.	STRATA SUBDIVISION
	This consent includes approval for amendment to the Strata subdivision of the building proposed in the development.
	A Strata Certificate must be obtained from either Council or a Registered Certifier in accordance with either Section 54(1) or Section 58(1) of the Strata Schemes Development Act 2015.
	The allocated car parking 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. Part allotments are to be generally allocated in accordance with the parking requirements of Waverley Development Control Plan 2012. No exclusive use of common property shall occur without the prior consent of Council.
	Condition reason: To ensure the Strata Subdivision Certificate is updated to reflect the approved development.

**BUILDING WORK
BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

Condition	
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 <i>Environmental Planning and Assessment Act 1979</i> ;
	(b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2000</i> ; and
	(c) Council is given at least two days' notice in writing of the intention to commence the building works.
	Condition reason: To ensure a Construction Certificate is obtained prior to work commencing.
5.	SECTION 7.12 CONTRIBUTION
	A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the <i>Environmental Planning and Assessment Act 1979</i> and the Waverley Council Development Contributions Plan in accordance with the following:
	(a) Where the total development cost is less than \$500,000:
	i. 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:

	<ul style="list-style-type: none"> i. 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 attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy. ii. 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. iii. 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. <p>A copy of the required format for the cost reports are provided in the Waverley Council Contributions Plan, available on Council’s website.</p> <p>(c) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, the levy must be paid in accordance with the following;</p> <ul style="list-style-type: none"> 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. <p>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.</p>
	<p>Condition reason: To ensure the Section 7.12 Contributions are paid.</p>
<p>6.</p>	<p>SECURITY DEPOSIT</p> <p>A deposit (cash or cheque) for the amount of \$22,967.94 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.</p> <p>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.</p> <p>Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.</p>
<p>7.</p>	<p>LONG SERVICE LEVY</p> <p>A long service levy, as required under section 34 of the <i>Building and Construction Industry Long Service Payments Act, 1986</i>, 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.</p>

	<p><u>Note:</u> Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.25% of building work costing \$250,000 or more.</p> <p>Condition reason: To ensure the long service levy is paid.</p>
8.	<p>ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES</p> <p>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.</p> <p>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.</p> <p>Condition reason: To ensure Council assessment fees are paid.</p>
9.	<p>HOARDING</p> <p>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.</p> <p>Condition reason: To ensure safety to the general public.</p>
10.	<p>EROSION & SEDIMENT CONTROL</p> <p>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.</p> <p>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.</p> <p>The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.</p> <p>Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>
11.	<p>ENGINEERING DETAILS</p> <p>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.</p> <p>Condition reason: To ensure structural stability of work on site.</p>
12.	<p>CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)</p> <p>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</p>

	<p>Construction Certificate. For further information on what is required in the CTMP, please refer to Council's website at:</p> <p>https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent</p> <p>Condition reason: To minimise disruption to local traffic.</p>
<p>13. STORMWATER MANAGEMENT</p>	<p>To ensure the management of stormwater runoff from the development is undertaken without impact to the subject site, neighbouring properties or receiving drainage system, stormwater runoff from the development shall be collected and piped by gravity flow in accordance with Councils Stormwater Management Technical Manual.</p> <p>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:</p> <ol style="list-style-type: none"> 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) Seepage water must not be directly or indirectly discharged to Council's street gutter 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) 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. <p>Notes:</p> <ul style="list-style-type: none"> • 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.

	<ul style="list-style-type: none"> Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.
	Condition reason: To ensure the proper management of stormwater runoff.
14. BASIX	All requirements of the BASIX Certificate documentation are to be shown on the Construction Certificate plans and documentation.
	Condition reason: To ensure BASIX requirements are met.
15. SITE WASTE AND RECYCLING MANAGEMENT PLAN	A <i>Site Waste and Recycling Management Plan (SWRMP) - Part 2</i> 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 <i>SWRMP Part 2</i> 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.
	Condition reason: To ensure resource recovery is promoted and the local amenity is protected during construction.
16. WASTE STORAGE AREAS	The development must have a bin storage area with sufficient space to accommodate the following minimum number of bins for the development.
	<p>a) Residential (12 units; 2 x 1-bed, 7 x 2-bed and 3 x 3-bed units)</p> <ul style="list-style-type: none"> i. 6 x 240L Mobile Garbage Bin (MGB) for general waste collected weekly ii. 6 x 240L MGB for container recycling collected fortnightly iii. 6 x 240L MGB for paper and cardboard recycling collected fortnightly iv. 1 x 240L MGB for garden waste should this be generated at the development v. A minimum of 4m² is required for the on-site storage of bulky waste awaiting collection. vi. A minimum of 1m² is required for additional problem waste awaiting collection.
	Condition reason: To ensure the appropriate space for storage of waste on site.
17. FIRE SAFETY UPGRADING WORKS	<p>a) Fire safety upgrading works are to be undertaken in accordance with all recommendations detailed in the Fire Safety Upgrade Strategy prepared by Mark Brentnall of Brentnal BCA, dated 05th August 2023 and the following additional matters: -</p> <ul style="list-style-type: none"> i. A detailed audit must be undertaken of the bounding construction, including floor & ceiling systems, as well as the connection between bounding walls and floor structures. ii. The entry door to each apartment must be assessed to confirm that the door will achieve a level of separation commensurate with a -/60/30 fire door.

	<p>iii. The sealing of services penetrations through fire rated elements must be inspected to confirm that adequate protection has been provided.</p> <p>iv. The existing balustrade should be upgraded to achieve an overall height not less than 1m (865mm above the line of the stairway nosings), with no gaps greater than 125mm. Contractor's certification of compliance with the above requirements must be provided at completion of the works.</p> <p>v. All electrical distribution boards and meter boards must be enclosed in a non-combustible enclosure and fitted with seals to prevent the escape of smoke.</p> <p>vi. The existing stairway is of timber construction. It is recommended that a layer of 13mm fire grade plasterboard be installed to the underside of the lowest flight of stairs as required.</p> <p>vii. The latch to the existing front door of the building should be upgraded to be operable without a key, with a single handed downward or pushing action on a single device situated between 900mm & 1,100mm of the floor.</p> <p>viii. A smoke detection and alarm system must be provided throughout the building to the requirements of BCA Specification E2.2a, including interlinked smoke alarms within the common areas, spaced to the requirements of Clause 3 (c) (iii) of BCA Specification E2.2a.</p> <p>ix. Emergency lighting must be installed to the common areas of the building to the requirements of AS/NZS 2293.1:2018.</p> <p>x. Exit signage must be provided to the final exit doors. That signage need not be illuminated where it complies with BCA Clause E4.7.</p> <p>xi. The existing stairways are to be provided with non-slip strips in contrasting colours near the edge of the nosings to comply with the provisions of Part D of the Building Code of Australia. Any defective stair treads to the stairways are to be repaired or replaced to comply with the Building Code of Australia. Contractor's certification of compliance with the above requirements must be provided at the completion of the works.</p> <p>xii. The electrical installations serving the premises must be inspected by a suitably qualified electrician and certified. The certificate should include confirmation of the following;</p> <ul style="list-style-type: none"> • A visual examination of wiring, fittings and accessories was undertaken and were found to be in sound condition; • An insulation resistance test was undertaken pursuant to Clause 8.3.6 of AS 3000-2007 and was found to be satisfactory; • Circuit protection devices used have been examined and found to be satisfactory pursuant to Clause 2.4 of AS 3000-2007. <p>xiii. Seal all penetrations between walls and floors of the building in accordance with the requirements of C3.15 of the Building Code of Australia. Contractor's certification of compliance with the above requirements must be provided at completion of the works. It is recommended that an audit is required by a specialist passive fire contractor to ascertain the extent of the unprotected service penetrations within the building and so that all service penetrations can be certified as compliant with Clause C3.15 of the BCA – 2019, Amend 1.</p> <p>xiv. Provide protection of openable windows in accordance with Clause D2.24 of the Building Code of Australia on residential SOUs. Contractor's certification of compliance with the above requirements must be provided at completion of the works.</p>
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	<p>xv. Repair any concrete spalling to the concrete lintels, balconies and stairways. Contractor's certification of compliance with the above requirements must be provided at completion of the works.</p> <p>xvi. Repair any defective roofing, roof guttering downpipes and stormwater connections. Contractor's certification of compliance with the above requirements must be provided at completion of the works.</p> <p>b) New building works are to be undertaken in accordance with all recommendations detailed in the Section 2.1, 2.2, 3.1, 3.2, 3.3 and 3.4 of the Fire Safety Upgrade Strategy prepared by Mark Brentnall of Brentnal BCA, dated 05th August 2023 and project no. P22557-2.</p> <p>c) Details demonstrating compliance with the BCA and the matters listed in condition (a) (b) must be submitted and approved by the Certifying Authority prior to the issue of a Construction Certificate.</p> <p>d) Prior to the commencement of the required upgrade works, a Construction Certificate must be issued by an accredited Certifying Authority and an accredited PCA be appointed. The required upgrading works detailed in this condition must be completed prior to the issue of an Occupation Certificate.</p>
	<p>Condition reason: To ensure the building is up to date with the current fire safety standards.</p>

BEFORE BUILDING WORK COMMENCES

	Condition
18. CONSTRUCTION SIGNS	<p>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.</p> <p>Condition reason: To ensure the general public are afforded the Principal Certifying Authority and principal contractor's (the coordinator of the building works) contact details.</p>
19. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS	<p>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:</p> <ul style="list-style-type: none"> • 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; • <i>Protection of the Environment Operations Act 1997</i>. <p>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:</p> <ol style="list-style-type: none"> (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. <p>Condition reason: To ensure the safety of workers and the general public.</p>
20. STREET TREES TO BE RETAINED/TREE PROTECTION	<p>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:</p> <ol style="list-style-type: none"> (a) Do not store harmful or bulk materials or spoil under or near trees;

	<ul style="list-style-type: none"> (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.
	<p>Condition reason: To protect trees during the carrying out of site work.</p>
<p>21. FIRE SAFETY SCHEDULE</p>	<p>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.</p> <p>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:</p> <ul style="list-style-type: none"> (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.
	<p>Condition reason: To ensure the fire safety measures are up to the relevant standard.</p>

DURING BUILDING WORK

Condition	
22. CONTROL OF DUST ON CONSTRUCTION SITES	<p>The following requirements apply to demolition and construction works on site:</p> <p>(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.</p> <p>(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.</p> <p>Condition reason: To ensure the safety of workers and the general public.</p>
23. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS	<p>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.</p> <p>Condition reason: To ensure compliance with the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines 2014.</p>
24. CONSTRUCTION HOURS	<p>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.</p> <p>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.</p> <p>Noise from construction activities shall comply with the <i>Protection of the Environmental Operations (Noise Control) Regulation 2017</i>.</p> <p>Condition reason: To protect the amenity of the surrounding area.</p>
25. STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS	<p>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.</p> <p>Condition reason: To ensure the building works are constructed in accordance with the relevant legislation.</p>

26. CERTIFICATE OF SURVEY - LEVELS	
	All construction works are to be in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels is to be submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
27. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING	
	A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the location of the building on the site is to be submitted to the Principal Certifying Authority to certify the building is located in accordance with the development consent plans. The Certificate is to be submitted prior to the construction of the external walls above the ground floor level of the building.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
28. WORK OUTSIDE PROPERTY BOUNDARY	
	This consent does not authorise any work outside the property boundary.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
29. BUILDING CODE OF AUSTRALIA	
	All building work must be carried out in accordance with the requirements of the Building Code of Australia.
	Condition reason: To ensure the building complies with the relevant Australian Standards.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition	
30. FINAL OCCUPATION CERTIFICATE	<p>Prior to occupation or use of the development, an Occupation Certificate must be obtained.</p> <p>The Principal Certifying Authority must be satisfied that the requirements of the <i>Environmental Planning & Assessment Act 1979</i> have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.</p> <p>Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.</p>
31. CERTIFICATION OF BASIX COMMITMENTS	<p>The Principal Certifying Authority shall certify that the all the undertakings in the approved BASIX certificate have been completed.</p> <p>Condition reason: To ensure all the undertakings in the approved BASIX certificate have been completed.</p>
32. CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE SYSTEM	<p>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.</p> <p>Condition reason: To ensure the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.</p>
33. PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE & COLLECTION	<p>A Waste Management Plan must be submitted to Council's Executive Manager, Environmental Sustainability (or delegate) and include including the following.</p> <ul style="list-style-type: none"> (a) Onsite collection is required in line with the Pacific Building's existing servicing arrangements (b) All arrangements including relevant and current contracts for recyclables and all other waste (collection and disposal) (c) The waste storage area and bins must be cleaned and maintained regularly with appropriate lighting. (d) The role and responsibility of managing composting facilities (if provided); (e) Clear signage identifying the different bin types, space for reusable items such as crates and pallets, bulky household waste and problem waste must be displayed. (f) The recycling bins must be placed alongside the general waste bins for ease of access and to encourage recycling habits. (g) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of bins, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.

	<p>(h) The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan is be available on site when requested.</p> <p>(i) At no times shall bins be stored on the public domain (e.g. footpaths).</p>
	<p>Condition reason: To ensure appropriate management of waste on site.</p>
<p>34. FLOOR SPACE RATIO</p>	<p>The following applies to Floor Space Ratio:</p> <p>(a) The Gross Floor Area of the building shall be limited to 858.3m².</p> <p>(b) Prior to any Occupation Certificate (including Interim) being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in 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.</p>
	<p>Condition reason: To ensure the constructed development complies with the approved floor space ratio.</p>
<p>35. BUILDING HEIGHT</p>	<p>(a) The height of the buildings must not exceed the following RLs (AHD) to the top of the buildings and (where relevant) to the top of building parapets:</p> <p style="padding-left: 40px;">i. Ridge/parapet height: RL 81.71</p> <p>Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.</p>
	<p>Condition reason: To ensure the constructed development complies with the approved height.</p>

GENERAL ADVISORY NOTES

Advisory note	
1.	<p>DEVELOPMENT IS TO COMPLY WITH LEGISLATION</p> <p>This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation.</p>
2.	<p>DEVELOPMENT MUST MEET CONDITIONS OF CONSENT</p> <p>The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.</p>
3.	<p>POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT</p> <p>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:</p> <ul style="list-style-type: none"> b) Please read your conditions carefully. c) Information to be submitted to Council should be either via email to info@waverley.nsw.gov.au , in person (at Council's Customer Service Centre) or via post service. d) Attention the documentation to the relevant officer/position of Council (where known/specified in condition) e) Include DA reference number f) Include condition number/s seeking to be addressed g) 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). h) 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. i) 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. j) Please note in some circumstances, additional fees and/or additional documents (hard copy) may be required. k) 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. l) Any queries, please contact Council's Duty Planner on duty.planner@waverley.nsw.gov.au
4.	<p>SYDNEY WATER REQUIREMENTS</p> <p>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.</p> <p>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.</p> <p>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</p>

	Coordinator , since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
5.	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.
6.	DIAL BEFORE YOU DIG Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
7.	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.
8.	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.
9.	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.
10.	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.
11.	WORK OUTSIDE PROPERTY BOUNDARY This consent does not authorise any work outside the property boundary.
12.	ECOLOGICALLY SUSTAINABLE DEVELOPMENT RECOMMENDATIONS

	<p><u>Indoor air quality:</u></p> <p>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.</p> <p><u>Ventilation:</u></p> <p>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.</p> <p><u>Domestic hot water:</u></p> <p>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</p>
<p>13.</p>	<p>WASTE MANAGEMENT PLAN REVIEW</p> <p>After 5 years of operation under this development consent, the Approved Waste Management Plan is to be reviewed to ensure that the details including contracts, roles and responsibilities, commercial tenants (if relevant) are current. The updated plan is to supersede the previous plan.</p>

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means Waverley Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Waverley Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:
the collection of stormwater,

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

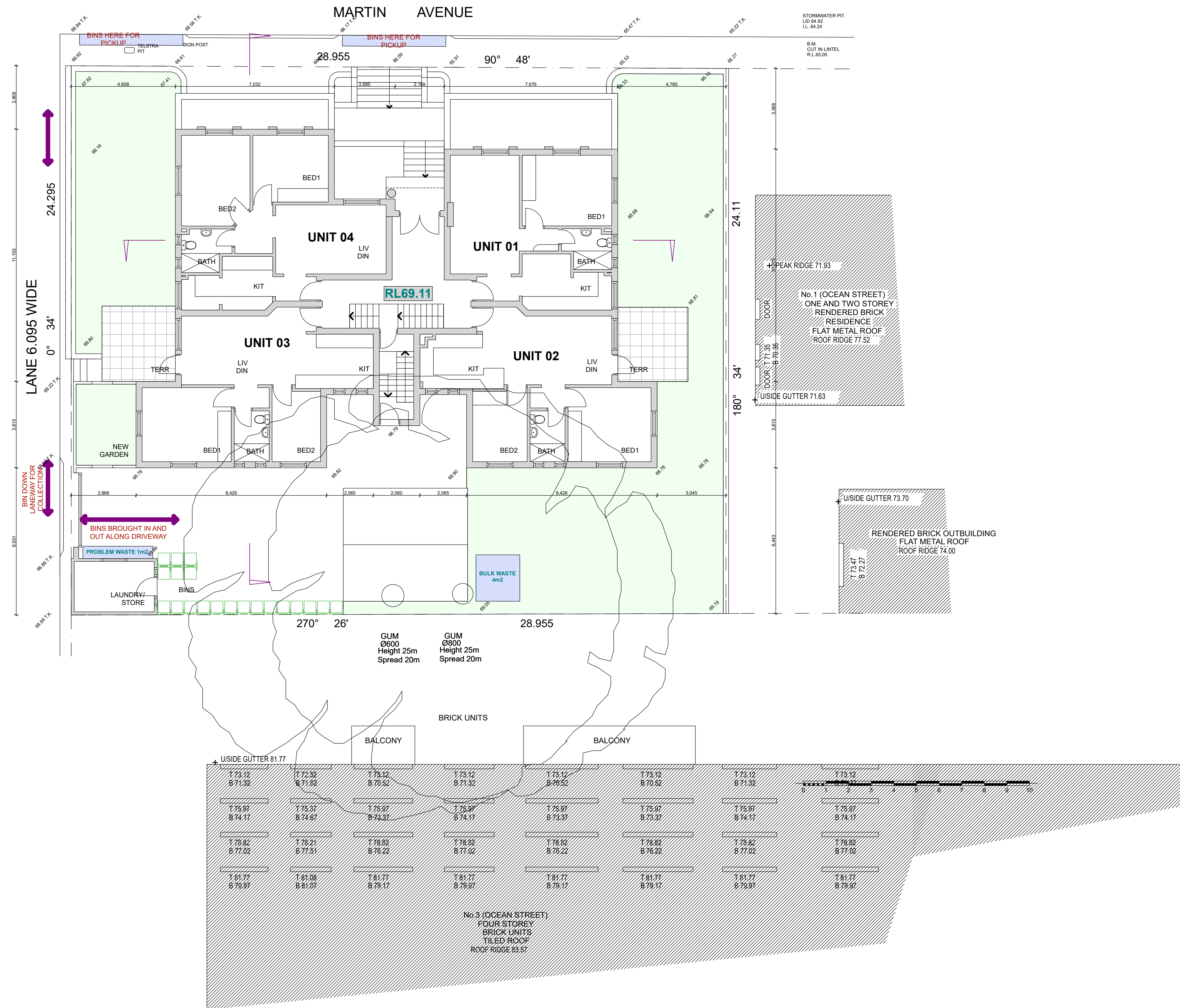
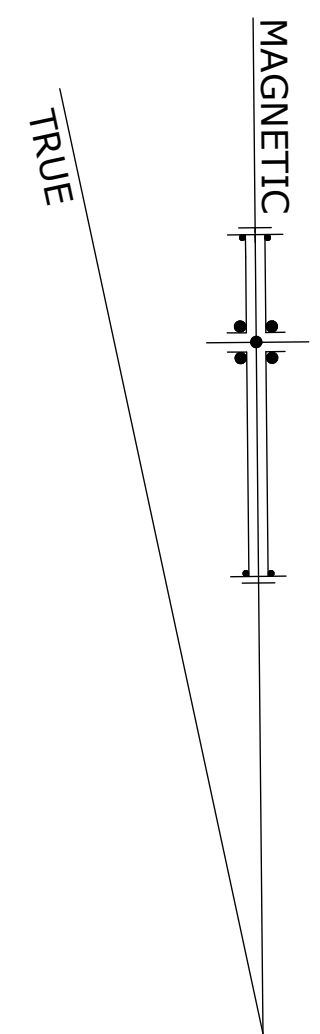
Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Sydney Eastern City Planning Panel.

Suitably qualified acoustic consultant means 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.

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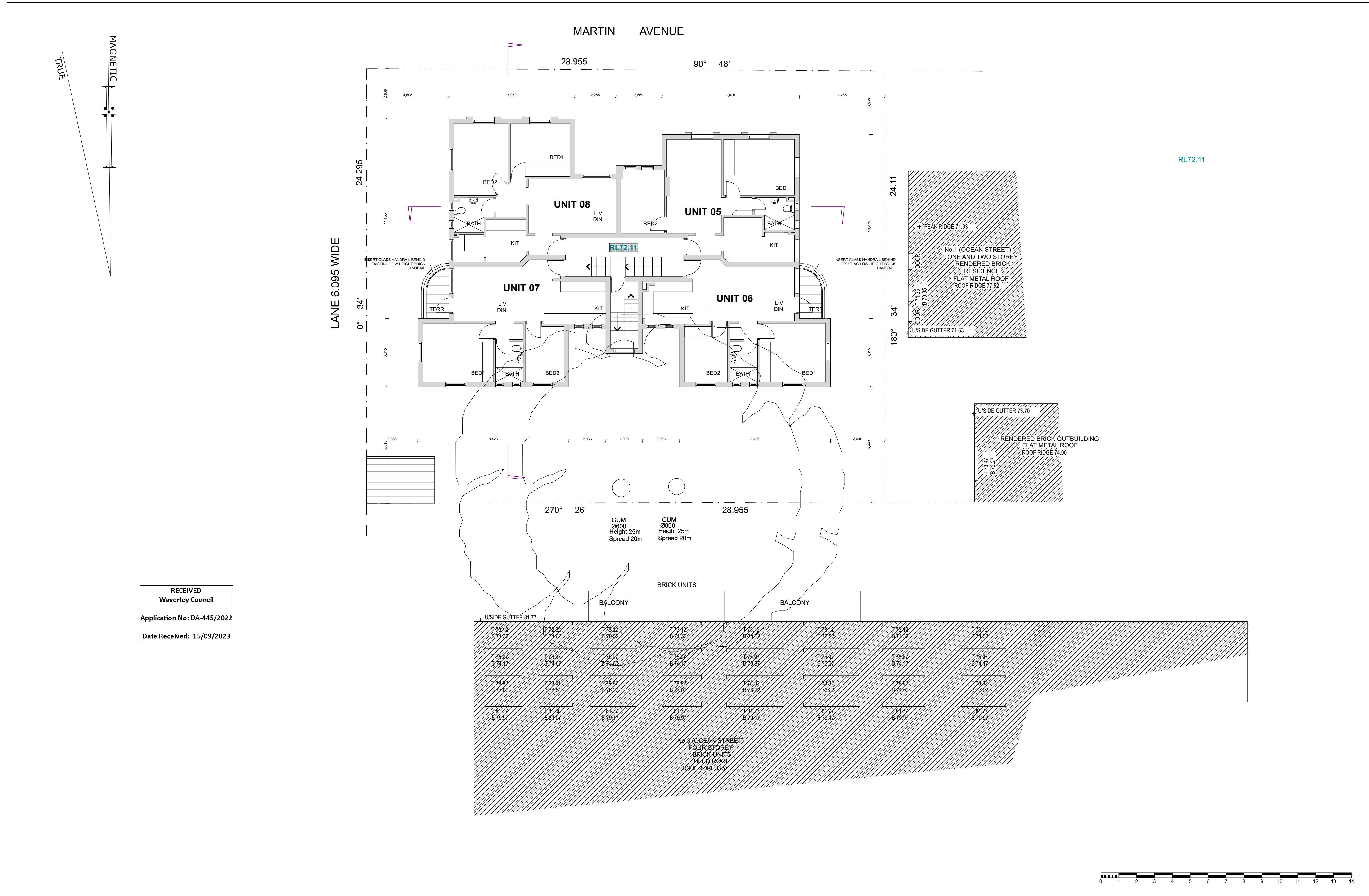
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PROPOSED ALTERATIONS AND ADDITIONS
LOCATION
2 MARTINS AVE, BONDI

DRAWING
GROUND FLOOR

SCALE 1:100
DRAWN BJI
DATED 28/08/23
0941-102

REVISION
D
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PROPOSED ALTERATIONS AND ADDITIONS

LOCATION

2 MARTINS AVE, BONDI

DRAWING

FIRST FLOOR

SCALE 1:100

DRAWN BJI

DATED 08/08/23

0941-103

REVISION

C

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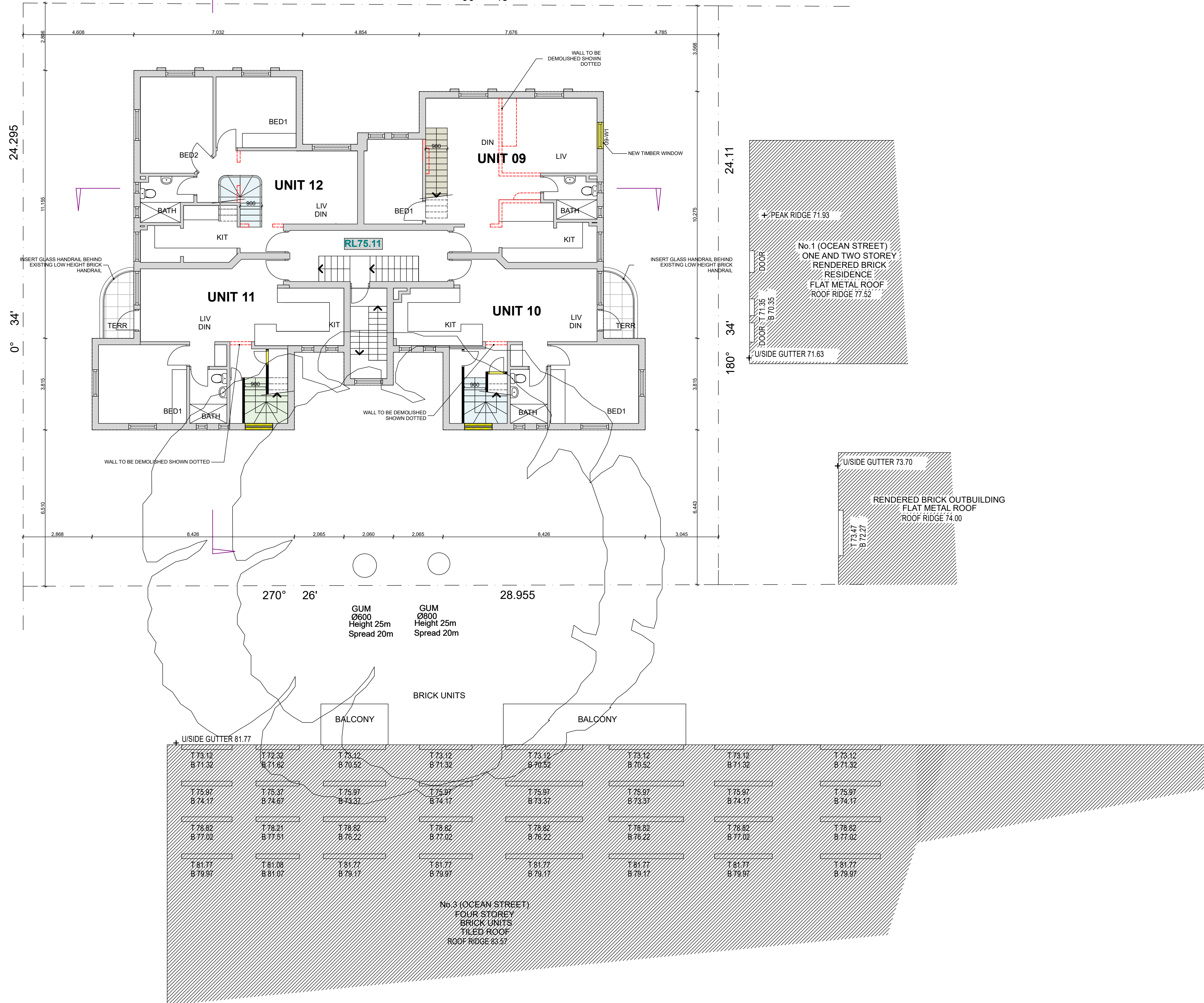
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MARTIN AVENUE

28.955 90° 48'

LANE 6.095 WIDE



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PROPOSED ALTERATIONS AND ADDITIONS

LOCATION
2 MARTINS AVE, BONDI

DRAWING
SECOND FLOOR

SCALE 1:100

DRAWN BJI

DATED 08/08/23

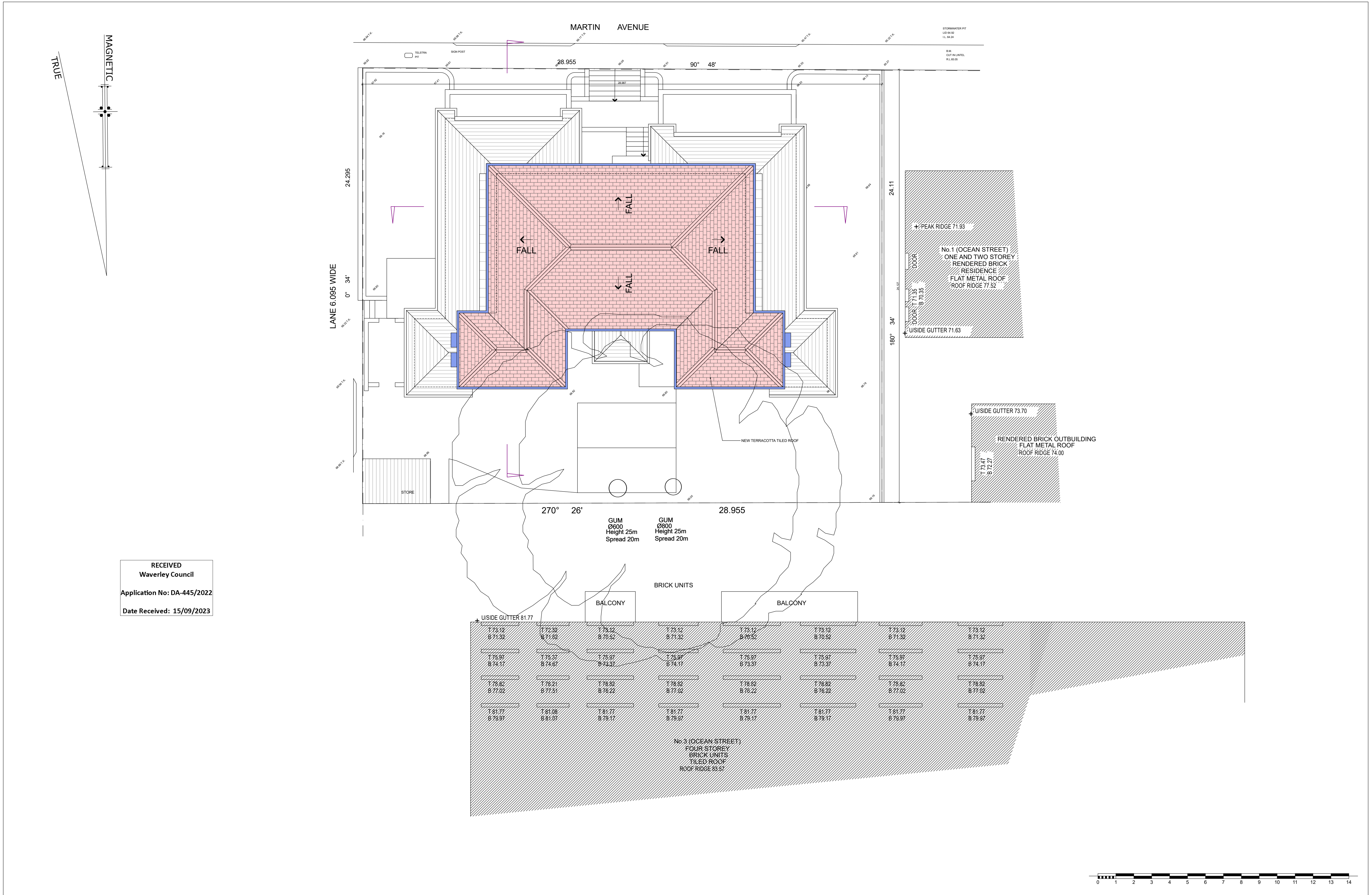
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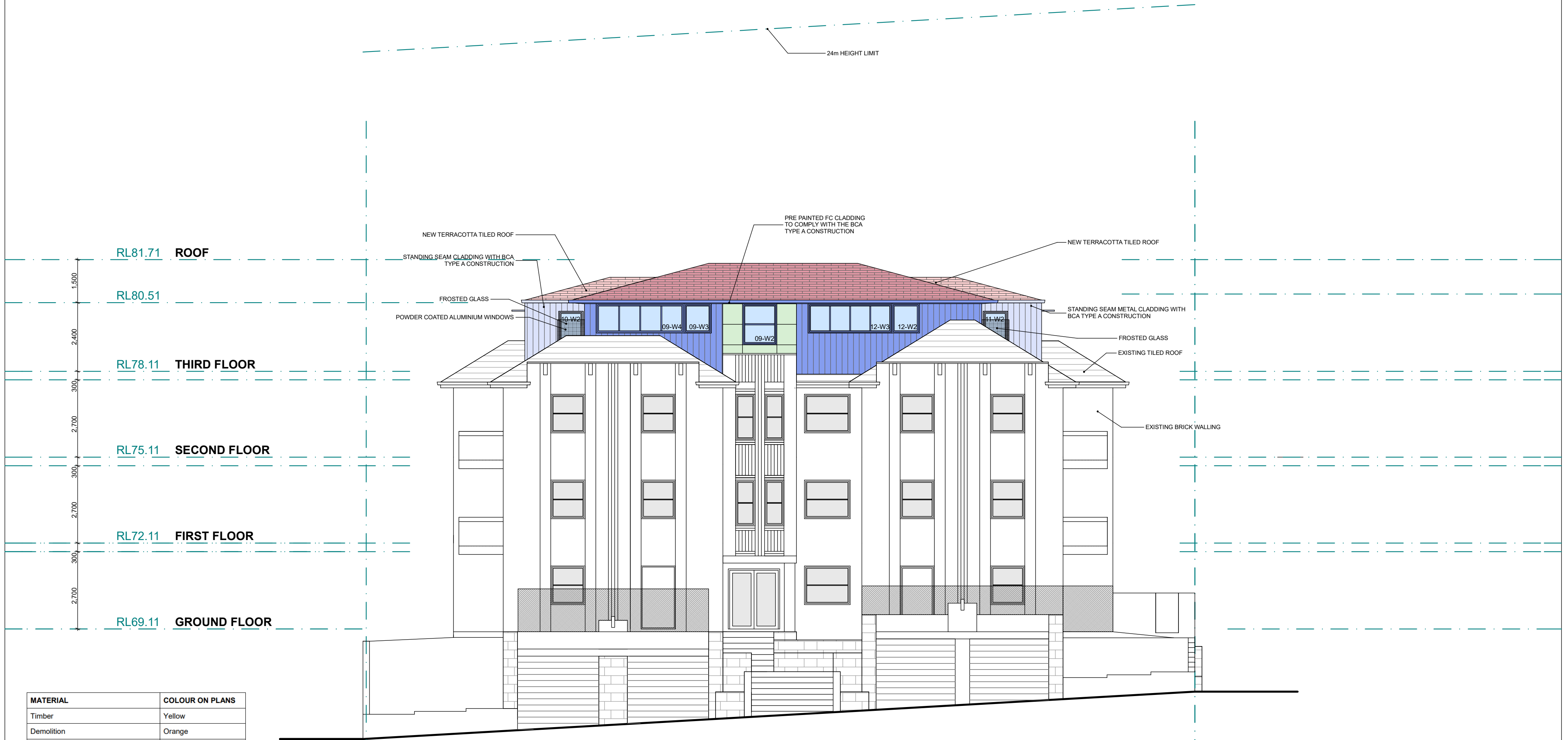
PROPOSED ALTERATIONS AND ADDITIONS
LOCATION
2 MARTINS AVE, BONDI

DRAWING
ROOF PLAN

SCALE 1:100
DRAWN BJI
DATED 08/08/23
0941-106

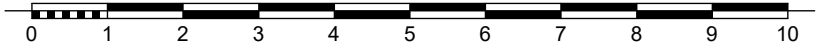
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Nominated Architect Brad Inwood NSW 7108

AMENDED PLANS



MATERIAL	COLOUR ON PLANS
Timber	Yellow
Demolition	Orange
Roof tiles	Light red
Paving (tiles, terracotta)	Light red
Internal tiles	Purple
Brick	Red
Steel, galvanised iron	Dark blue
Aluminium	Dark blue
Glass and glass bricks	Light blue
Concrete	Dark green
Fibre cement sheets / cement render	Light green
Sandstone and other natural stone	Light brown
Earth	Light brown
Marble	Mauve
Bituminous products	Grey

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PROPOSED ALTERATIONS AND ADDITIONS
 LOCATION
2 MARTINS AVE, BONDI

DRAWING
NORTH

SCALE 1:100
 DRAWN BJI
 DATED 08/08/23

DRAWING
0941-205

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 LOCATION
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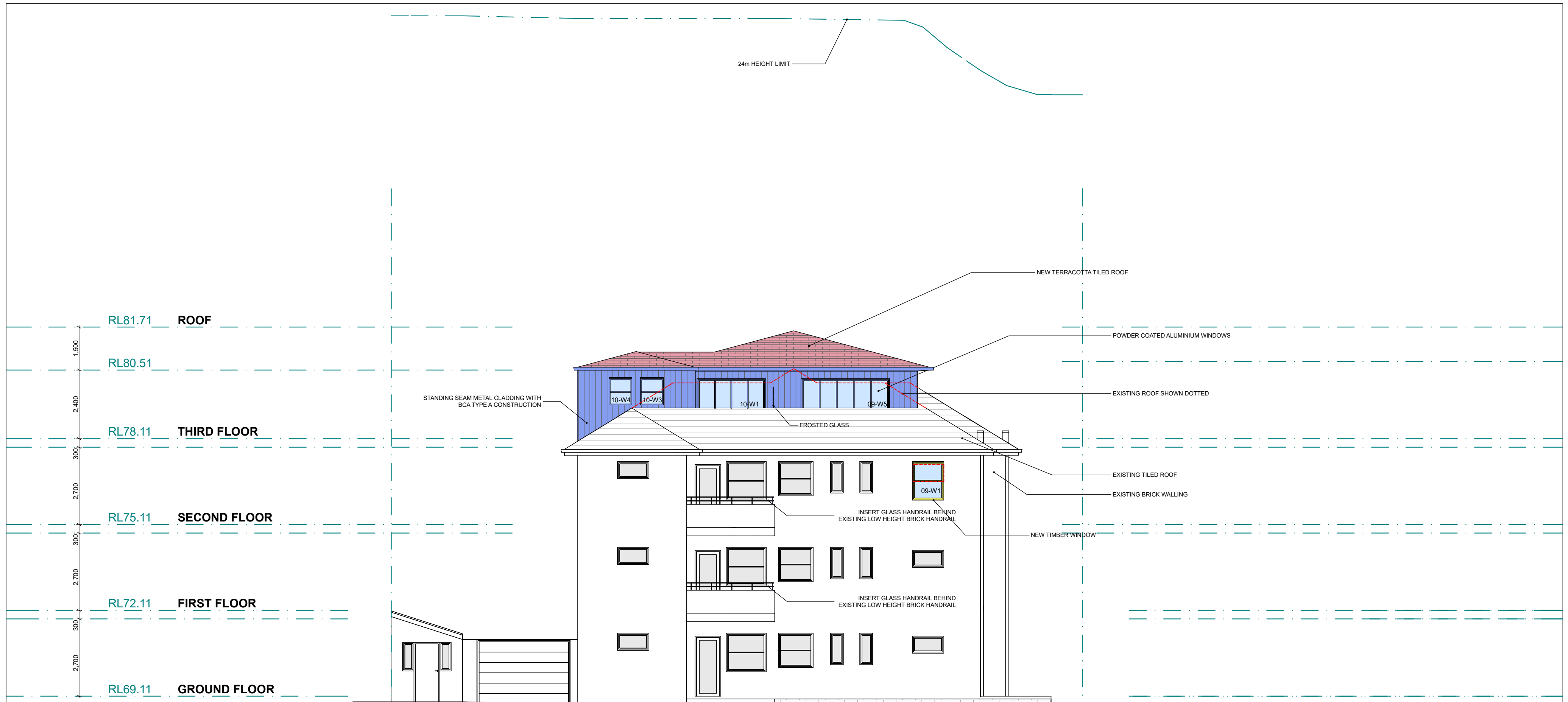
DRAWING
SOUTH

SCALE 1:100
 DRAWN BJI
 DATED 08/08/23

DRAWING
0941-208

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PROPOSED ALTERATIONS AND ADDITIONS
 LOCATION
2 MARTINS AVE, BONDI

DRAWING
EAST

SCALE 1:100
 DRAWN BJI
 DATED 08/08/23

DRAWING
0941-207

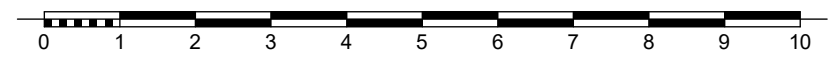
REVISION
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 107 HARTLEY VALLEY ROAD LITHGOW NSW 2790
 P.O. BOX 442 PETERSHAM NSW 2049
 p.0403 874 071 brad@biarchitects.com.au
 Nominated Architect Brad Inwood NSW 7108



MATERIAL	COLOUR ON PLANS
Timber	Yellow
Demolition	Orange
Roof tiles	Light red
Paving (tiles, terracotta)	Light red
Internal tiles	Purple
Brick	Red
Steel, galvanised iron	Dark blue
Aluminium	Dark blue
Glass and glass bricks	Light blue
Concrete	Dark green
Fibre cement sheets / cement render	Light green
Sandstone and other natural stone	Light brown
Earth	Light brown
Marble	Mauve
Bituminous products	Grey

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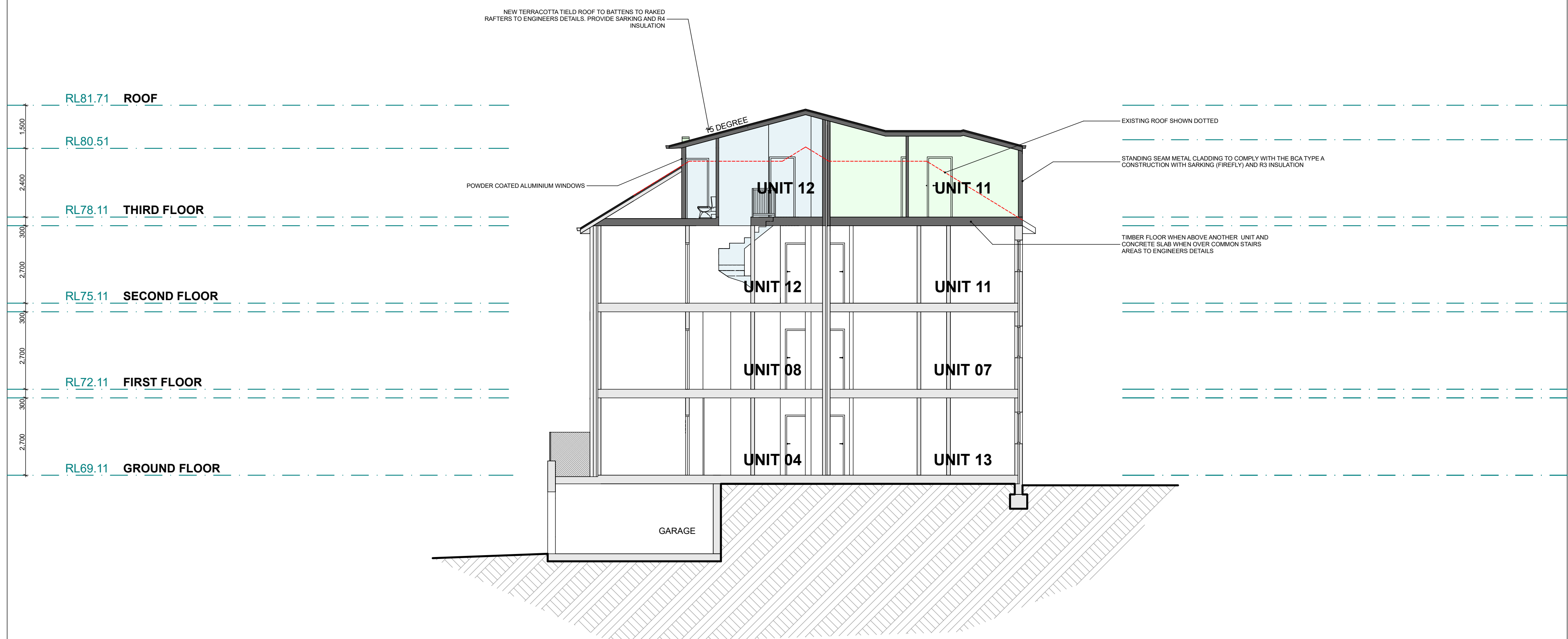
PROPOSED ALTERATIONS AND ADDITIONS
LOCATION
2 MARTINS AVE, BONDI

DRAWING
WEST

SCALE 1:100
DRAWN BJI
DATED 08/08/23
DRAWING
0941-206

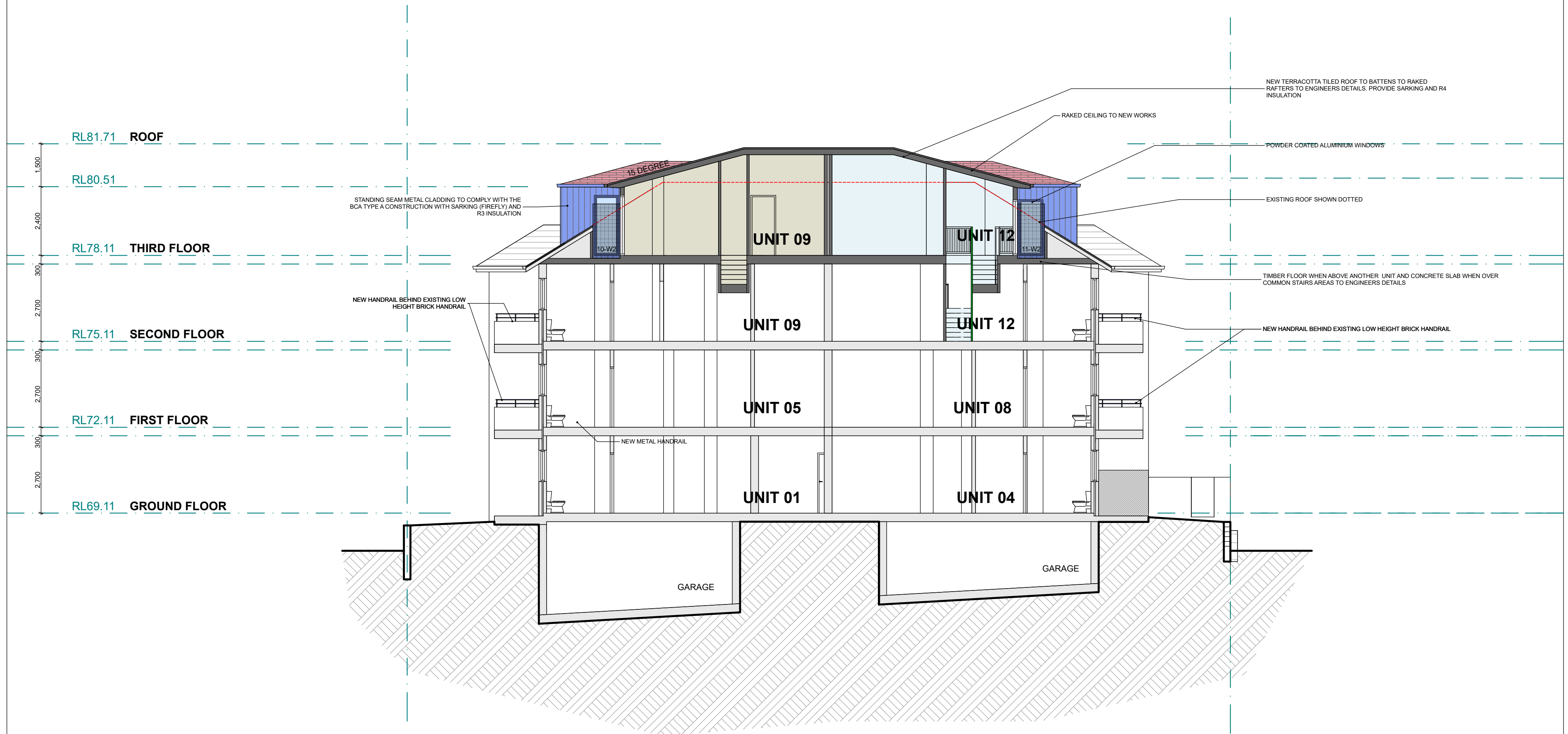
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	LOCATION 2 MARTINS AVE, BONDI		DRAWN BJI			

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PROPOSED ALTERATIONS AND ADDITIONS
LOCATION
2 MARTINS AVE, BONDI

DRAWING
LONG SECTION

SCALE 1:100
DRAWN BJI
DATED 08/08/23

DRAWING
0941-209

REVISION
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EXISTING BRICK COLOUR



TERRACOTTA TILES

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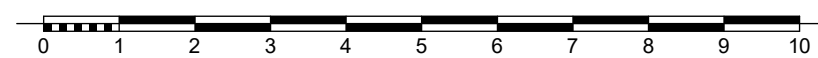
WALLING COLORBOND BASALT



GUTTERING AND WINDOWS
COLORBOND MONUMENT



STANDING SEAM CLADDING TO NEW WORKS



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PROPOSED ALTERATIONS AND ADDITIONS
LOCATION
2 MARTINS AVE, BONDI

DRAWING
**SCHEDULE COLOURS
AND MATERIALS**

SCALE 1:100
DRAWN BJI
DATED 08/08/23

DRAWING
0941-401

REVISION
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Nominated Architect Brad Inwood NSW 7108

Fixtures and systems

Lighting

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.

Fixtures

The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating.

The applicant must ensure new or altered toilets have a flow rate no greater than 4 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.

Construction

Insulation requirements

The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m², b) insulation specified is not required for parts of altered construction where insulation already exists.

Construction	Additional insulation required (R-value)	Other specifications
floor above existing dwelling or building.	nil	
external wall: cavity brick	nil	
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)	
raked ceiling, pitched/skillion roof: framed	ceiling: R0.74 (up), roof: foil backed blanket (100 mm)	medium (solar absorptance 0.475 - 0.70)

Windows and glazed doors glazing requirements

Window / door no.	Orientation	Area of glass inc. frame (m ²)	Overshadowing		Shading device	Frame and glass type
			Height (m)	Distance (m)		
09-W1	E	1.5	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)
09-W2	N	1.7	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)
09-W3	N	1.4	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)
09-W4	N	3.1	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)
09-W5	E	6.5	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)

Project address

Project name	Unit 09_06
Street address	2 Martins Avenue Bondi 2026
Local Government Area	Waverley Council
Plan type and number	Strata Plan 30789
Lot number	9
Section number	

Project type

Dwelling type	Unit
Type of alteration and addition	My renovation work is valued at \$50,000 or more.

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PROPOSED ALTERATIONS AND ADDITIONS

LOCATION

2 MARTINS AVE, BONDI

DRAWING

BASIX
UNIT 09

SCALE	NTS
DRAWN	BJI
DATED	08/08/23

DRAWING

0941-501

REVISION

C

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Nominated Architect Brad Inwood NSW 7108

AMENDED PLANS

Fixtures and systems	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Lighting 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.		✓	✓
Fixtures The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating. The applicant must ensure new or altered toilets have a flow rate no greater than 4 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.		✓ ✓ ✓	✓ ✓ ✓

Construction	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check															
Insulation requirements The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m2, b) insulation specified is not required for parts of altered construction where insulation already exists.	✓	✓	✓															
<table border="1"> <thead> <tr> <th>Construction</th> <th>Additional insulation required (R-value)</th> <th>Other specifications</th> </tr> </thead> <tbody> <tr> <td>floor above existing dwelling or building.</td> <td>nil</td> <td></td> </tr> <tr> <td>external wall: cavity brick</td> <td>nil</td> <td></td> </tr> <tr> <td>external wall: framed (weatherboard, fibro, metal clad)</td> <td>R1.30 (or R1.70 including construction)</td> <td></td> </tr> <tr> <td>raked ceiling, pitched/skillion roof: framed</td> <td>ceiling: R0.74 (up), roof: foil backed blanket (100 mm)</td> <td>medium (solar absorptance 0.475 - 0.70)</td> </tr> </tbody> </table>	Construction	Additional insulation required (R-value)	Other specifications	floor above existing dwelling or building.	nil		external wall: cavity brick	nil		external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)		raked ceiling, pitched/skillion roof: framed	ceiling: R0.74 (up), roof: foil backed blanket (100 mm)	medium (solar absorptance 0.475 - 0.70)			
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Windows and glazed doors glazing requirements

Window / door no.	Orientation	Area of glass inc. frame (m2)	Overshadowing		Shading device	Frame and glass type
			Height (m)	Distance (m)		
10-W4	E	0.7	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
10-W2	N	1.8	0	0	none	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)
10-W3	E	0.7	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)
10-W5	S	1.4	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
10-W6	S	1.2	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
10-W7	S	1.2	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
10-W1	E	5	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)

Project address	
Project name	Unit 10_05
Street address	2 Martins Avenue Bondi 2026
Local Government Area	Waverley Council
Plan type and number	Strata Plan 30789
Lot number	10
Section number	
Project type	
Dwelling type	Unit
Type of alteration and addition	My renovation work is valued at \$50,000 or more.

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PROPOSED ALTERATIONS AND ADDITIONS

LOCATION
2 MARTINS AVE, BONDI

DRAWING

**BASIX
UNIT 10**

SCALE NTS
DRAWN BJI
DATED 08/08/23

DRAWING

0941-502

REVISION

C

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p.0403 874 071 brad@biarchitects.com.au
Nominated Architect Brad Inwood NSW 7108

Fixtures and systems	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Lighting			
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.		✓	✓
Fixtures			
The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating.		✓	✓
The applicant must ensure new or altered toilets have a flow rate no greater than 4 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.		✓	

Construction	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check															
Insulation requirements																		
The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m ² , b) insulation specified is not required for parts of altered construction where insulation already exists.	✓	✓	✓															
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Windows and glazed doors glazing requirements

Window / door no.	Orientation	Area of glass inc. frame (m ²)	Overshadowing		Shading device	Frame and glass type
			Height (m)	Distance (m)		
11-W1	W	5	0	0	eave/verandah/ pergola/balcony >=450 mm	aluminium, single Lo-Tsol low-e, (U-value: 5.6, SHGC: 0.36)
11-W2	N	1.8	0	0	none	aluminium, single Lo-Tsol low-e, (U-value: 5.6, SHGC: 0.36)
11-W3	W	0.7	0	0	eave/verandah/ pergola/balcony >=450 mm	aluminium, single Lo-Tsol low-e, (U-value: 5.6, SHGC: 0.36)
11-W4	W	0.7	0	0	eave/verandah/ pergola/balcony >=450 mm	aluminium, single Lo-Tsol low-e, (U-value: 5.6, SHGC: 0.36)
11-W5	S	1.4	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
11-W6	S	1.2	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
11-W7	S	1.2	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)

Project address	
Project name	Unit 11_05
Street address	2 Martins Avenue Bondi 2026
Local Government Area	Waverley Council
Plan type and number	Strata Plan 30789
Lot number	11
Section number	
Project type	
Dwelling type	Unit
Type of alteration and addition	My renovation work is valued at \$50,000 or more.

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PROPOSED ALTERATIONS AND ADDITIONS

LOCATION

2 MARTINS AVE, BONDI

DRAWING

BASIX
UNIT 11

SCALE NTS
DRAWN BJI
DATED 08/08/23

DRAWING

0941-503

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Nominated Architect Brad Inwood NSW 7108

AMENDED PLANS

Fixtures and systems

Lighting

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			Height (m)	Distance (m)		
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12-W2	N	1	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single toned, (or U-value: 7.57, SHGC: 0.57)
12-W3	N	3	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single toned, (or U-value: 7.57, SHGC: 0.57)

Project address

Project name	Unit 12_04
Street address	2 Martins Avenue Bondi 2026
Local Government Area	Waverley Council
Plan type and number	Strata Plan 30789
Lot number	12
Section number	

Project type

Dwelling type	Unit
Type of alteration and addition	My renovation work is valued at \$50,000 or more.

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PROPOSED ALTERATIONS AND ADDITIONS

LOCATION
2 MARTINS AVE, BONDI

DRAWING

**BASIX
UNIT 12**

SCALE NTS

DRAWN BJI

DATED 08/08/23

DRAWING

0941-504

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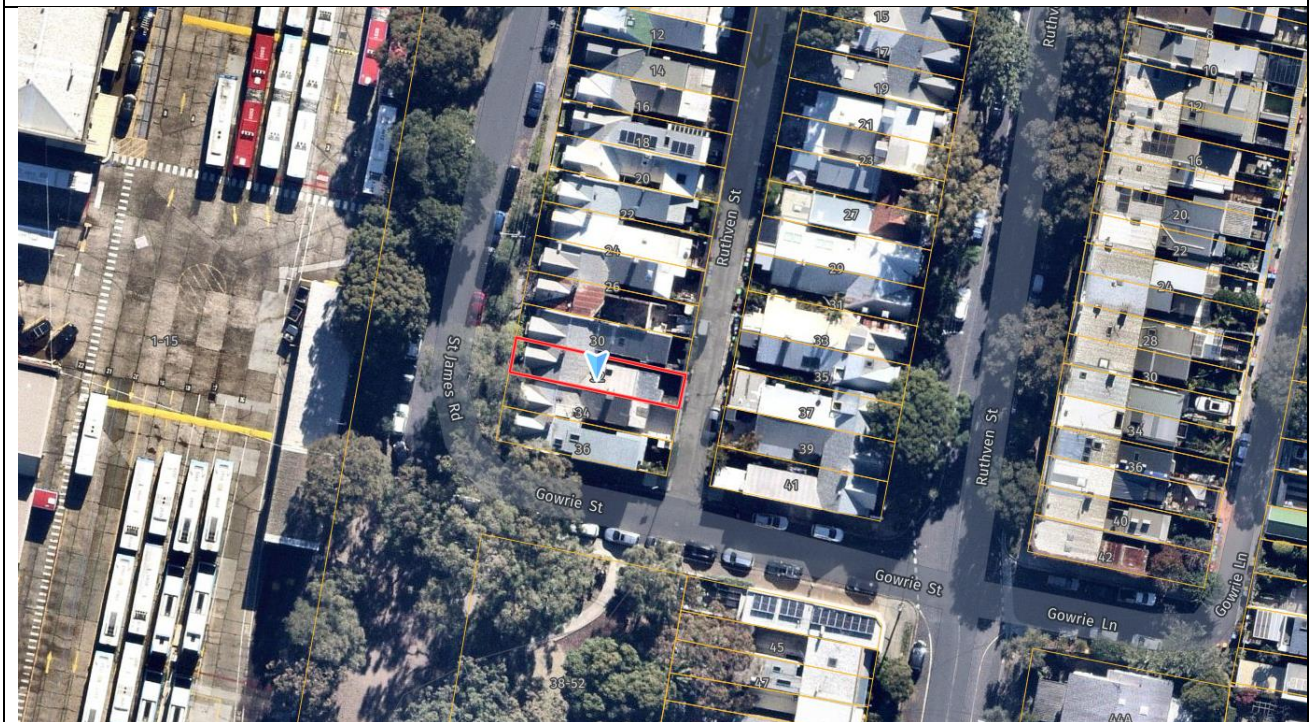
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Nominated Architect Brad Inwood NSW 7108



Report to the Waverley Local Planning Panel

Application number	DA-187/2023
Site address	32 St James Road, BONDI JUNCTION
Proposal	Alterations and additions to attached dwelling including new first floor addition
Date of lodgement	19 July 2023
Owner	S Zhuang & J Aukner
Applicant	J Aukner
Submissions	One submission received
Cost of works	\$249,480
Principal Issues	<ul style="list-style-type: none"> • Floor space ratio • Side setbacks • Landscaping • Visual privacy
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for alterations and additions to an attached dwelling including new first floor addition at the site known as 32 St James Road, BONDI JUNCTION.

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

- Floor space ratio
- Side setbacks
- Landscaping
- Visual privacy

The assessment finds these issues acceptable as the development will not impact on the amenity of neighbouring properties and is suitable in this location.

A total number of one submission was received and the issues raised in the submissions have been considered and addressed in this report and in the recommendation.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 23 July 2023.

The site is identified as Lot 45 in DP 250200, known as 32 St James Road, BONDI JUNCTION.

The site is rectangular in shape with a western frontage to St James Road measuring 4.575m and the rear facing Ruthven Lane measuring 4.705m. The site has an area of 103.9m² and is generally flat.

The site is identified as part of an item of Local Heritage Significance being Item I-238 in the Waverley Local Environmental Plan 2012 (Waverley LEP 2012) Schedule 5, encompassing the residential row. The row is within and contributory to the Mill Hill Conservation Area in Waverley LEP 2012.

The site is occupied by a Federation Cape Dutch Style attached residence. The residence forms part of a row of similar form with street elevations predominantly of Federation Gothic Revival interspersed with paired residences detailed in Cape Dutch Style.

The site is adjoined by attached dwellings on either side. The locality is characterised by a variety of low-density residential development, with the exception of the Waverley Bus Depot which is located to the west across St James Road. There is an emerging character of first floor rear additions along this row of attached dwellings, particularly No. 18, 28 and 36 St James Road.

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



Figure 1: Subject site (in red) viewed from St James Road.



Figure 2: Street context of St James Road, looking north.



Figure 3: Subject site (in red) viewed from Ruthven Lane.



Figure 4: Street context of Ruthven Lane, looking north.

1.3. Relevant Development History

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

- DA-181/2023 for alterations and additions to an attached dwelling including new first floor addition on the neighbouring property at No. 34 St James Road, BONDI JUNCTION is currently under assessment.

These DAs are being assessed concurrently.

1.4. Proposal

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

- Demolition of the rear section of the dwelling and reconstruction to include a bedroom, bathroom, laundry and open space kitchen and living area.
- The proposal includes the replacement of the existing brick fence and timber gate with a lightweight slatted sliding gate / fence of matching height.

- First floor addition to include three x bedrooms and one bathroom.

1.5. Background

The development application was lodged on 19 July 2023 and deferred on 21 August 2023 for the following reasons:

1. **Side setback:** The proposed side setback did not comply with the relevant controls and resulted in direct amenity impacts to neighbouring properties.
2. **Heritage:** Council’s Heritage architect raised a number of concerns relating to the proposal.

The amended plans received on 29 September 2023 responded to the above; these plans 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 1st March 2022 and have been considered acceptable in the assessment of this development application:

- SEPP (Building Sustainability Index – BASIX) 2004

2.1.2. Waverley LEP 2012

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The development is consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table <i>R3 Medium Density Residential Zone</i>	Yes	The proposal is defined as alterations and additions to an attached dwelling, which is permitted with consent in the R3 zone.

Provision	Compliance	Comment
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> • 9.5m 	Yes	The development proposes an overall height of 6.57m.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio Site area: 103.9m ² <ul style="list-style-type: none"> • 0.99:1 or 102.86m² 	No	The development proposes an FSR of 1.155:1 or 118.92m ² , which does not comply with the development standard.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	The development is identified as Heritage Item No. I238 and is located in the Mill Hill Heritage Conservation Area. The proposed works will not be visible from the St James Road streetscape and will complement the heritage character of the building. Council's Heritage architect has reviewed the design and is supportive of the proposed works, subject to conditions.

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 0.99:1. The proposed development has an FSR of 1.55:1, exceeding the standard by 16.06m² equating to a 15.6% variation.

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

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

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

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

The applicant seeks to justify the contravention of the 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 FSR control is a development standard which is a numerical measure of the development density and intensity. Together with the FSR, the height of a building sets the scale of the development and its resultant impact on the streetscape and surrounding developments. The application proposes a height of 6.4m, well below the 9.5m maximum height limit. The proposal sits comfortably on the site and presents in a way that is consistent with the No 36 St James Rd development which has added a first floor.*
 - (ii) *The rear additions and alterations are not visible from the St James Frontage. This is achieved through the setout of the flat roof of the first floor addition 3.5m behind the prevailing St James Rd Terrace Row ridge line and 0.3m above the ridge. It is therefore confirmed that the compatibility and sameness is preserved from the main frontage.*
 - (iii) *On the ground floor level addition GFA is proposed through an floor plate extension in place of the existing side setback. An example of a contemporary addition along the common boundary of the St James Rd row of terraces can be found at the north east corner of No 36 St James Rd along the common boundary with No 34 St James Rd. Refer to Figure 1. Similarly, to this the proposed extension will maintain the same rear setback as that of No's 34 & 36 St James Rd. The immediate neighbour to the North of the subject property, No 30 St James Rd, has a reduced rear setback when compared to the proposal of approx.2.9m compared to 4.3m of the subject property. The proposed extension would therefore be following an established precedent and would be inline with the rear setback of Nos 34 & 36 St James Rd to the South, while being further behind the rear setback of No 30 St James Rd to the North. The arrangement described above achieves greater consistency with the existing context and ensures that the produced bulk and scale of the proposal is contextually appropriate.*
 - (iv) *The proposal follows the alignments and building pattern of approved first floor extensions of terraces belonging to the St James Rd row.*
 - (v) *It is considered that the proposal will not detract from the existing or desired character of the locality when viewed in conjunction with the adjoining buildings. The proposed non-compliance is therefore not considered to result in a size or scale of the development that is incompatible with the existing or desired future character of the locality.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *The proposal will not compromise the use and enjoyment of adjoining properties. The examination of the proposal in this statement demonstrates that there will be no unreasonable detrimental impact to privacy and daylight access for neighbouring properties. The development will enhance the interface with the public domain.*

- (ii) *In terms of privacy, the proposed FSR will not have any additional impacts on adjoining properties as the setback and treatments of the building at the street frontage and rear of the site will ensure that appropriate visual privacy is achieved.*
- (iii) *it is demonstrated that the proposal will not give rise to any unreasonable impacts on the existing sunlight gained to adjoining properties.*

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

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

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

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

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

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

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. Council agrees with the justification completed by the applicant. The applicant has adequately demonstrated that the proposal meets the objectives of the FSR development standard and the medium density residential zone. The bulk and scale of the development is compatible with two storey dwellings in the street and the development has been designed to match the bulk and scale of the first floor on the property at No. 36 St James Road. The proposed development has been designed

to match the setbacks of first floor additions in the street and is consistent with the desired future character of the area.

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 proposal is of appropriate design with regard to the specific circumstances of the site and has been designed to match the first floor additions in the street. Aside from presenting a suitable appearance to surrounding areas that is compatible with the existing and desired character of the area, the proposed development will enable better utilisation of the dwelling, without causing any significant or unreasonable impacts on surrounding sites and the public domain, in terms of visual privacy, solar access and visual amenity. The development complies with the overall height of buildings development standard and fits well within the street.

Is the development in the public interest?

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

The relevant objectives of the FSR development standard are as follows:

- (b) to provide an appropriate correlation between maximum building heights and density controls,*
- (c) to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality,*
- (d) to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and the locality.*

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 unreasonable bulk or scale when compared to the surrounding development. The proposal has a built form that is compatible with first floor additions in the street and fits in with 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 dwelling is maintained and is consistent with the medium density residential character of the locality. The proposed alterations and additions will enhance the functionality of the dwelling 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
1. Waste <ul style="list-style-type: none"> • <i>Garbage bins are to be stored in an appropriate location.</i> 	Yes	
2. Ecologically Sustainable Development <ul style="list-style-type: none"> • <i>Ceiling or wall mounted fans</i> • <i>Gas cooktops, gas ovens or gas internal space heating systems.</i> 	Yes	An advisory note has been recommended 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.

Development Control	Compliance	Comment
3. Landscaping, Biodiversity and Vegetation Preservation	Yes	The only landscaping currently on site is located in the front setback. No changes are proposed to the existing landscaping on site and no additional landscaping is proposed in the rear.
5. Water Management	Yes	Refer to section 3 of this report on referral commentary in relation to stormwater.
8. Heritage	Yes	Whilst the first floor addition will sit 0.36m above the existing ridge height of the dwelling, it is located further into the rear and therefore will not be visible from St James Road. The development will maintain the heritage character of the surrounding area. Please refer to Section 3 of this report for comments regarding heritage.
11. Design Excellence	Yes	The proposed materials and colours will match the existing built form and complement the character of the area.

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

Development Control	Compliance	Comment
1.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
1.1 Height		
Flat roof dwelling house <ul style="list-style-type: none"> • <i>Maximum wall height of 7.5m</i> 	Yes	The development proposes a wall height of 6.27m, which complies with this control.
1.2 Setbacks		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> • <i>Predominant front building line (adjacent three neighbours on either side)</i> • <i>Predominant rear building line at each floor level (adjacent three neighbours or either side)</i> 	Yes	The first floor has been designed to match the front and rear setbacks of the first floor at No. 36 St James Road. This is consistent with development in the street and complies with the control.
1.2.2 Side setbacks <ul style="list-style-type: none"> • <i>Minimum of 0.9m for ground floor and first floors.)</i> 	No (Acceptable on merit)	The ground floor proposes boundary to boundary development at the rear of the site, which does not comply with the control. The applicant has attempted to limit the amenity impact to the neighbouring property by providing a skillion roof to part of the ground floor that sits on the

Development Control	Compliance	Comment
<ul style="list-style-type: none"> 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. 		<p>northern property boundary. This is considered acceptable as the wall on the boundary will sit at the same height as the existing boundary fencing. However, the skillion roof is only proposed for the middle section of the ground floor. As there is currently no wall on the boundary on the northern side, a condition is recommended to extend the skillion roof to the entire rear section on the northern boundary. This will limit any amenity impacts to the neighbouring property to the north.</p>
1.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context Replacement windows to complement the style and proportions of existing dwelling Significant landscaping to be maintained. 	Yes	<p>The first floor addition that sits above the existing ridge line will be setback approximately 9.8m from the front boundary and therefore will not be visible from the streetscape on St James Road.</p> <p>The proposed works will be visible from Ruthven Lane. The proposed addition will match the character of the laneway and complement the existing dwelling on site.</p>
1.4 Fences		
<p><u>Front:</u></p> <ul style="list-style-type: none"> Maximum height of 1.2m Solid section no more than 0.6m in height <p><u>Side and Rear:</u></p> <ul style="list-style-type: none"> Maximum height of 1.8m 	Yes	<p>No changes are proposed to front or side boundary fencing on site.</p> <p>A 1.8m rear sliding gate is proposed to replace the existing rear boundary wall and gate. This is consistent with the heights within the laneway and complies with the control.</p>
1.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design 	Yes	<p>The proposed reading nook window seat in Bed 4 on the first floor proposes windows that will have the ability to directly look into the neighbouring properties to the north and south. A condition has been recommended to provide fixed obscure glazing or fixed external privacy screens to a height of 1.6m above the finished floor level of the first floor. This will limit overlooking to surrounding properties.</p> <p>The remaining first floor south facing windows will have a sill height of 1.6m measured from the finished floor level, which will limit any overlooking to neighbouring properties. The first floor east facing windows will look directly into the private open space of the subject site and will not result in overlooking to surrounding properties.</p>

Development Control	Compliance	Comment
		No external stairs, balconies or roof tops are proposed.
1.6 Solar access		
<ul style="list-style-type: none"> • <i>Minimum of 3 hours of sunlight to 50% of living areas and principal open space areas on 21 June to subject site</i> • <i>Minimum of 3 hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June.</i> • <i>Avoid unreasonably overshadowing of solar collectors (including habitable windows).</i> 	Yes	Shadow diagrams have been submitted with the application demonstrating full compliance with this control.
1.7 Views		
<ul style="list-style-type: none"> • <i>Views from the public domain are to be maintained</i> • <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> 	Yes	No views will be impacted by the development.
1.9 Landscaping and open space		
<ul style="list-style-type: none"> • <i>Overall open space: 40% of site area</i> • <i>Overall landscaped area: 20% of site area, with at least half deep soil</i> • <i>Minimum area of 25m² for private open space</i> • <i>Front open space: 50% of front building setback area</i> • <i>Front landscaped area: 50% of front open space provided</i> 	No (Acceptable on merit)	<p>18.5% of the site will be dedicated to open space. This is a result of the small lot size of this property. The outdoor open space is consistent with open spaces in the area and is considered to be appropriate in this instance.</p> <p>No changes are proposed to the existing landscaping on site.</p> <p>No changes are proposed to the front open space and landscaped area on site.</p> <p>A clothes drying area is provided in the rear of the site.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Outdoor clothes drying area to be provided 		
1.13 Semi-detached dwellings and terrace style development		
<p>1.13.1 Built form</p> <ul style="list-style-type: none"> Demolition of one semi-detached dwelling to a pair is not supported Additions to match the style of the original semi-detached dwelling Existing roof form maintained forward of principal ridgeline Use of roof as an attic permitted provided Front verandahs to be maintained 	Yes	<p>The proposed works will not be visible from the St James Road streetscape and will therefore maintain the character of the group of attached dwellings.</p> <p>When viewed from the laneway, the design of the first floor addition will complement the character of development along this section of St James Road.</p>
<p>1.13.4 Side setback and courtyard design controls for terraces</p> <ul style="list-style-type: none"> Nil setback permitted where abuts an existing wall with nil setback Otherwise 900mm setback required Walls on boundaries should not be more than 2.1m high Internal courtyards to be 1.5m wide. No openings are permitted for walls built to the side boundary 	Yes	<p>As mentioned earlier in this report, the southern side setback is proposed to sit on the boundary, which does not abut another wall on the boundary. In support of this non-compliance, it is noted that the wall will sit at the same height as the existing side boundary fence. Therefore, there will be no amenity impacts to the neighbouring property to the south.</p>
<p>1.13.5 Streetscape and visual impact controls for terraces</p> <ul style="list-style-type: none"> Additional storey reflects character of terrace Extensions no higher than the existing ridge 	Yes	<p>The first floor addition will reflect the character of the streetscape from Ruthven Lane and fit in with the desired future character of the area.</p>
<p>1.13.6 Common or shared party walls</p>	Yes	<p>A condition is recommended to construct the common party wall with a damp proof course.</p>

Development Control	Compliance	Comment
<i>Where new common walls are constructed, they should be constructed as cavity walls with a damp-proof course.</i>		
1.14 Dual Frontage Development		
1.14.2 - Laneway Design Provisions	Yes	The proposal includes the replacement of the existing brick fence and timber gate with a lightweight slatted sliding gate / fence of matching height.
1.14.3 Development in Heritage Conservation areas <ul style="list-style-type: none"> • <i>Roof pitch and modulation to reflect the form of the area</i> • <i>Finishes and proportions to match the traditional construction in the area</i> • <i>Window proportions to match the area</i> • <i>Overlooking to be mitigated</i> • <i>Yard areas not to be roofed</i> • <i>Box gutters on side boundaries to be avoided.</i> • <i>Solar panels not to face the laneway.</i> 	Yes	The development as viewed from Ruthven Lane will complement the heritage character of the area and is supported.

2.2. Other Impacts of the Development

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

2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.4. Any Submissions

The application was notified for 21 days between 21 July and 16 August 2023 and a site notice erected on the site in accordance with the *Waverley Community Development Participation and Consultation Plan*.

Following receipt of amended plans and additional information, the application was not re-notified as the amended form of the proposal did not result in additional impacts to neighbouring properties. The only design change included the modification of the roof form along the northern boundary to a skillion roof; this improves the amenity to the neighbouring property to the south.

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

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

Count	Property Address
1.	30 St James Road, BONDI JUNCTION

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

- Overlooking and privacy
- FSR non-compliance
- Incompatible with the desired future character of the street
- Contrary to the objectives of the zone
- Incompatible with the streetscape character
- Side setback non-compliance
- Impact on heritage significance of the heritage item

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

Issue: *“The development is not compatible with the desired future character of the locality in terms of building height and roof form”*

Response: The development proposes a height that is 2.75m below the maximum allowed in this location. The roof form is a skillion design to limit the view of the first floor addition from St James Road. The design and height of the first floor addition complies with the standards and controls relating to height within the LEP and DCP, and fits in with the character of the area.

Issue: Bulk and scale of the development.

Response: Whilst the development does not comply with the maximum FSR allowed on site, the first floor addition matches other first floor additions within the street. The setbacks of the first floor comply with setback controls within the DCP and is suitable in the local area.

Issue: insufficient landscaped areas.

Response: The development does not propose to change any existing landscaping currently on site.

Issue: *“The Applicant seeks to vary the height of buildings development standard. My clients contend that the variation has not responded to the objective of the maximum building height standard and given adequate reasoning why compliance is unreasonable or unnecessary.”*

Response: The development does not seek to vary the height of buildings development standard.

Issue: Structural concerns relating to the proposed party wall.

Response: Conditions have been recommended to ensure the common party wall is constructed to engineering specifications.

Issue: Acoustic concerns from the staircase window.

Response: The development is to be utilised for residential purposes and is not envisaged to provide unreasonable acoustic concerns. Additionally, the staircase is not an area within a dwelling that is used to congregate, rather it is a thoroughfare where occupiers will not spend long periods of time.

Issue: The development will create an undesirable precedent in the street.

Response: The proposed development is considered to be compatible within the streetscape. Any future applications on surrounding properties will be assessed on their merit and potential amenity impacts to surrounding properties.

Issue: A privacy impact analysis was not submitted with the application.

Response: The information provided with the application allows for a full assessment against privacy concerns to surrounding properties. A privacy impact analysis was not required in this instance.

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. Biodiversity

Council’s Biodiversity officer has reviewed the proposal and made the following comments.

The property lies within the identified biodiversity habitat corridor. No landscape plans have been submitted. Landscape plans that comply with the abovementioned controls must be prepared and submitted for assessment.

No changes are proposed to the existing landscaping on site and no new landscaping is proposed. Therefore, a landscape plan is not required in this instance.

3.2. Stormwater

Council's Stormwater engineer has reviewed the proposal and made the following comments.

From a stormwater drainage perspective there are no objections to approval of this application subject to conditions.

Standard conditions have been recommended in **Appendix A**.

3.3. Tree Management

Council's Tree management officer has reviewed the proposal and made the following comments.

*Situated on the naturestrip in St James Road is one mature *Casuarina glauca* (Grey She-oak) and one *Jacaranda mimosifolia* (Jacaranda) trees in good health. These trees are to be retained and protected.*

Standard conditions have been recommended in **Appendix A**.

3.4. Heritage

Council's Heritage architect has reviewed the original proposal and made the following comments.

- *The applicant's heritage report struggles to find an exact date for construction of the residence possibly due to previous location of the St James Glebe within Randwick Municipality. An assessment of the interiors has now been provided and is accepted.*
- *There is no illustration or discussion of the impact of removing the central chimney. Restoration works as necessary are to be carried out to the retained chimney.*
- *The additions are shown extending out from the main ridgeline rather than set below the ridgeline - the detail has been amended to avoid over flashing of the new and existing ridge. Whilst application for the proposed works has been made in conjunction with similar works to 34 St James Road, the roof plan for 32 St James Road shows a different gully line to that of the adjacent proposed works at 34 St James Road. This has not been clarified on the amended drawings.*
- *The amended drawings do not cross reference the location of the building section other than an unlabelled arrow on the ground floor plan. There is some confusion as to roof forms over the enclosed side breezeway, these being low pitched on the plans and steep on the section.*
- *No indication of fire isolation of the skylight over the enclosed breezeway is apparent on the drawings.*
- *No indication of downpipes is provided despite the tenuous set out of roof slopes and absence of any access for cleaning of gutters and roof lights.*
- *As previously noted, the absence of a small atrium to the southern side of the ground floor replacing the existing breezeway remains a concern, the ability to provide adequate natural light and ventilation to the inner areas of the existing and proposed ground floor being seriously limited by this omission. The over-reliance on skylights with associated need for cleaning and no indicated provision for ventilation is not considered an acceptable alternative.*
- *Despite joint submission of this and proposed works at 34 St James Rd, no indication of window offsets or other privacy/acoustic measures is provided on either application.*

Recommendations.

The amended application is to be further modified by:

- *An atrium is to be provided to the rear of the retained core section of the residence [i.e. in the forward area of the existing breezeway].*
- *The central chimney over the existing rear wing is to be retained.*
- *Additional deep soil planting is to be provided to the rear court.*
- *Colour schedules are to ensure cohesion with the adjacent residences at 34 and 30 St James Road. Vivid White is to be deleted from colour schedules in favour of Chalk White. No use of Dulux Monument or similar dark tones or colours are to be provided to external cladding of the new works. Dark colours may be used for trims, window and door frames.*
- *Detailed drainage diagrams are to be provided showing gutters/downpipes/ subfloor rainwater drainage and means of accessing box gutters for clearing and maintenance. All downpipes are to be shown on elevations and sections.*

In response to the above, the following comments are made:

- The boundary to boundary development is considered acceptable in this instance for the reasons discussed throughout the report, subject to a condition recommending the roof be modified to a skillion design. The open plan kitchen and living room will have sufficient light and ventilation through the proposed windows and door openings and are not cause for concern.
- The central chimney is located towards the rear of the site and is not visible from St James Road. Maintaining this chimney would inhibit any future development on the site and would result in an undesirable planning outcome. It is further noted that the chimney located on the top of the ridge is proposed to be retained and preserved, which is visible from the front and rear streets. This is considered acceptable in this instance.
- The site currently has no deep soil planting in the rear and this is not proposed to be modified.
- A condition is recommended to amend the colour schedule to replace “Chalk White” with “Vivid White”. Dulux Monument or similar dark tones are not proposed.
- The application has been referred to Council’s Stormwater engineer for assessment of drainage on site. No concerns were raised, subject to conditions which have been recommended in **Appendix A**.
- With regard to the ridge capping on the ground floor roof, a condition is recommended to maintain the existing ridge capping, as it is visible from St James Road.

4. CONCLUSION

The development application seeks consent for alterations and additions to an attached dwelling including new first floor addition at the site known as 32 St James Road, BONDI JUNCTION.

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

- FSR
- Side setbacks
- Landscaping
- Visual privacy

The assessment finds these issues acceptable as the development will not impact on the amenity of neighbouring properties and is suitable in this location.

A total number of one submission was received and the issues raised in the submission have been considered and addressed in this report and in the recommendation.

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

Development Assessment Leadership Team (DALT) Review

The application was reviewed by the DALT at the meeting on 3 October 2023 and the DALT concurred with the Assessment Planner's recommendation.

DBU members: *A Rossi, B McNamara, B Magistrale, E Finnegan, and Jo Zancanaro*

Report prepared by:	Application reviewed and agreed by:	Application reviewed and agreed by:
		
Katie Johnstone	Bridget McNamara	Angela Rossi
Senior Development Assessment Planner	Manager, Development Assessment	A/Executive Manager, Development Assessment
Date: 3 October 2023	Date: 12 October 2023	Date: 16 October 2023

Reason for WLPP referral:

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

OFFICE USE ONLY

<p>Clause 4.6 register entry required</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>	[DELETE AS REQUIRED]	
	15.6% variation to FSR (Clause 4.4)	
		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
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

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

Condition																																					
1.	<p>APPROVED PLANS AND DOCUMENTATION</p> <p>The development must be in accordance with:</p> <p>(a) Architectural Plans prepared by DARC Architects of Project Name: Residence, including the following:</p> <table border="1"> <thead> <tr> <th>Plan Number and Revision</th> <th>Plan description</th> <th>Plan Date</th> <th>Date received by Council</th> </tr> </thead> <tbody> <tr> <td>DA-02 Rev. B</td> <td>Site Plan</td> <td>27/05/2023</td> <td>29/09/2023</td> </tr> <tr> <td>DA-03 Rev. B</td> <td>Demolition Plan</td> <td>27/05/2023</td> <td>29/09/2023</td> </tr> <tr> <td>DA-04 Rev. B</td> <td>Ground Floor Plan</td> <td>27/05/2023</td> <td>29/09/2023</td> </tr> <tr> <td>DA-05 Rev. B</td> <td>First Floor Plan</td> <td>27/05/2023</td> <td>29/09/2023</td> </tr> <tr> <td>DA-06 Rev. B</td> <td>Roof Plan</td> <td>27/05/2023</td> <td>29/09/2023</td> </tr> <tr> <td>DA-07 Rev. B</td> <td>North & South Elevations</td> <td>27/05/2023</td> <td>29/09/2023</td> </tr> <tr> <td>DA-08 Rev. B</td> <td>East & West Elevations</td> <td>27/05/2023</td> <td>29/09/2023</td> </tr> <tr> <td>DA-09 Rev. B</td> <td>Sections A & B</td> <td>27/05/2023</td> <td>29/09/2023</td> </tr> </tbody> </table> <p>(b) BASIX Certificate</p> <p>(c) Schedule of Conservation Works prepared by Ruth Daniell, dated September 2023 and received by Council on 28 September 2023</p> <p>(d) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 11 July 2023</p> <p>Except where amended by the following conditions of consent.</p> <p>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>	Plan Number and Revision	Plan description	Plan Date	Date received by Council	DA-02 Rev. B	Site Plan	27/05/2023	29/09/2023	DA-03 Rev. B	Demolition Plan	27/05/2023	29/09/2023	DA-04 Rev. B	Ground Floor Plan	27/05/2023	29/09/2023	DA-05 Rev. B	First Floor Plan	27/05/2023	29/09/2023	DA-06 Rev. B	Roof Plan	27/05/2023	29/09/2023	DA-07 Rev. B	North & South Elevations	27/05/2023	29/09/2023	DA-08 Rev. B	East & West Elevations	27/05/2023	29/09/2023	DA-09 Rev. B	Sections A & B	27/05/2023	29/09/2023
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2.	<p>GENERAL MODIFICATIONS</p> <p>The application is approved subject to the following plan amendments;</p> <p>(a) Privacy screens are to be provided on the windows labelled W07 and W09 to a minimum height of 1.6m above the finished floor level of the first floor to mitigate overlooking to the neighbouring properties. The privacy screens may be fixed obscure glazing or fixed external screens.</p> <p>Condition reason: To provide appropriate privacy to the neighbouring properties.</p>																																				

	<p>(b) The flat roof section of the ground floor living room is to be replaced with a skillion roof to match the skillion roof above the kitchen along the northern boundary.</p>
	<p>Condition reason: To mitigate amenity impacts to the northern neighbouring property.</p>
	<p>(c) The colour and materials schedule is to be amended to replace the “Chalk White” colour to “Vivid White”.</p>
	<p>Condition reason: To ensure the heritage character of the building is maintained.</p>
	<p>(d) The existing ridge capping on the ground floor roof is to be maintained to ensure the heritage character of the dwelling from St James Road.</p>
	<p>Condition reason: To ensure the heritage character of the building is maintained.</p>
	<p>The amendments are to be approved by the Principal Certifying Authority prior to the issue of any Construction Certificate.</p>

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Condition	
3.	<p>NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE</p> <p>The building work, or demolition work, must not be commenced until:</p> <p>(a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the <i>Environmental Planning and Assessment Act 1979</i>;</p> <p>(b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2000</i>; and</p> <p>(c) Council is given at least two days' notice in writing of the intention to commence the building works.</p> <p>Condition reason: To ensure a Construction Certificate is obtained prior to work commencing.</p>
4.	<p>HOME BUILDING ACT</p> <p>The builder or person who does the residential building work shall comply with the applicable requirements of Part 6 of the <i>Home and Building Act 1989</i>. 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.</p> <p>Condition reason: To ensure the builder or person who does the residential building work, complies with the applicable requirements of Part 6 of the <i>Home and Building Act 1989</i>.</p>
5.	<p>SECTION 7.12 CONTRIBUTION</p> <p>A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the <i>Environmental Planning and Assessment Act 1979</i> and the Waverley Council Development Contributions Plan in accordance with the following:</p> <p>(a) Where the total development cost is \$500,000 or less:</p> <p style="padding-left: 20px;">(i) a Cost Summary Report or Building Contract or similar is to be submitted to Council's Customer Service Centre to process payment.</p> <p>(b) Where the total development cost is more than \$500,000 but less than \$1,000,000:</p> <p style="padding-left: 20px;">(i) a Detailed Cost Report prepared by a registered Quantity Surveyor, Building Contract, or similar is to be submitted to Council's Customer Service Centre to process payment.</p> <p>(c) Where the total development cost is \$1,000,000 or more:</p> <p style="padding-left: 20px;">(i) 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).</p>

	<ul style="list-style-type: none"> - Please forward documents to info@waverley.nsw.gov.au attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy. (ii) 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. (iii) 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. <p>A copy of the required format for the cost reports are provided in the Waverley Council Contributions Plan, available on Council’s website.</p> <p>(d) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, the levy must be paid in accordance with the following;</p> <ul style="list-style-type: none"> (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 <u>full</u> cost of the development; or (iii) A development valued at more than \$200,000 will attract a levy of 1% of the <u>full</u> cost of the development. <p>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.</p> <p>Condition reason: To ensure the Section 7.12 Contributions are paid.</p>
<p>6.</p>	<p>SECURITY DEPOSIT</p> <p>A deposit (cash or cheque) for the amount of \$7,865.00 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.</p> <p>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.</p> <p>Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.</p>
<p>7.</p>	<p>LONG SERVICE LEVY</p> <p>A long service levy, as required under section 34 of the <i>Building and Construction Industry Long Service Payments Act, 1986</i>, 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.</p>

	<p><u>Note:</u> Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.25% of building work costing \$250,000 or more.</p>
	<p>Condition reason: To ensure the long service levy is paid.</p>
8.	<p>ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES</p> <p>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.</p> <p>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.</p>
	<p>Condition reason: To ensure Council assessment fees are paid.</p>
9.	<p>HOARDING</p> <p>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.</p>
	<p>Condition reason: To ensure safety to the general public.</p>
10.	<p>EROSION & SEDIMENT CONTROL</p> <p>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.</p> <p>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.</p> <p>The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.</p>
	<p>Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>
11.	<p>ENGINEERING DETAILS</p> <p>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.</p>
	<p>Condition reason: To ensure structural stability of work on site.</p>
12.	<p>ENGINEERING CERTIFICATE OF ADEQUACY</p> <p>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.</p>

	Condition reason: To ensure structural stability of work on site.
13.	EXISTING PARTY WALL IS TO BE EXTENDED
	The existing separating wall is to be extended to the underside of the roof in accordance with the requirements of the National Construction Code and is to have a damp proof course. All work to the separating wall must be contained within the boundaries of the subject site only, unless agreement between neighbours for work affecting both sides of a separating wall, including written consent of all owners of all properties upon which work will take place has been obtained.
	Condition reason: To meet the requirements of the National Construction Code.
14.	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 and chimneys are to be retained, supported and not undermined by the proposed development and give details of any intervention or retrofitting needed.
	Condition reason: To ensure structural stability of retained building elements.
15.	STORMWATER MANAGEMENT
	To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream systems, a detailed plan and certification of the development's stormwater management system must be submitted and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.
	The submitted stormwater management plan prepared by INLINE Hydraulic Services, Job No. 23119V1, DWG No. HDA01, Rev P3 dated 28/02/23 are considered <u>concept only</u> .
	The applicant must submit amended plans and specifications to comply with the current Waverley Council Water Management Technical Manual and Development Control Plan (DCP) at the time of engineering plan approval. The submitted plans must be prepared by a suitably qualified and practising Civil Engineer and comply with the following conditions:
	<ul style="list-style-type: none"> a) Discharge points to the kerb must use the following galvanised steel box-section equivalent to a 100 mm diameter outlet pipe, use a 1 x 125 mm x 75 mm x 4 mm (w x h x t) RHS. b) 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. c) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location must be provided. d) The pits/inspection openings must be provided at all junctions, change in gradient, change in direction, and change in diameter for access and maintenance purposes.

	<p>e) Any new downpipes are to be located wholly within the property's boundary.</p> <p>f) Provide calculations of the roof guttering system for the 5% AEP storm event and minimum number of downpipes required.</p> <p>g) 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 will be replaced as per Waverley Council Public Domain Technical Manual. All associated costs will be borne by the applicant.</p> <p>h) The checklist as set out on pages 68-76 in Council's Water Management Technical Manual (October 2021) available online must be completed and submitted with any revision of Construction Certificate Plan Submission.</p> <p>Notes:</p> <p>(i) 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.</p> <p>(ii) 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 must not be replicated.</p> <p>(iii) 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.</p> <p>(iv) Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.</p>
	<p>Condition reason: To ensure the proper management of stormwater runoff.</p>
<p>16.</p>	<p>BASIX</p> <p>All requirements of the BASIX Certificate and/or NatHERS documentation are to be shown on the Construction Certificate plans and documentation.</p> <p>Condition reason: To ensure BASIX and/or NatHERS requirements are met.</p>
<p>17.</p>	<p>SITE WASTE AND RECYCLING MANAGEMENT PLAN</p> <p>A <i>Site Waste and Recycling Management Plan (SWRMP) - Part 2</i> 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 <i>SWRMP Part 2</i> is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that</p>

	<p>received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.</p>
	<p>Condition reason: To ensure resource recovery is promoted and the local amenity is protected during construction.</p>
<p>18.</p>	<p>DILAPIDATION REPORT</p> <p>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.</p> <p>The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site.</p> <p>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.</p> <p>Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.</p>

BEFORE BUILDING WORK COMMENCES

Condition	
19.	<p>CONSTRUCTION SIGNS</p> <p>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.</p> <p>Condition reason: To ensure the general public are afforded the Principal Certifying Authority and principal contractor's (the coordinator of the building works) contact details.</p>
20.	<p>DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS</p> <p>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:</p> <ul style="list-style-type: none"> • 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; • <i>Protection of the Environment Operations Act 1997.</i> <p>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:</p> <ol style="list-style-type: none"> (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. <p>Condition reason: To ensure the safety of workers and the general public.</p>

21.	<p>STREET TREES TO BE RETAINED/TREE PROTECTION</p> <p>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:</p> <ul style="list-style-type: none"> (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. <p>Condition reason: To protect trees during the carrying out of site work.</p>
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DURING BUILDING WORK

Condition	
22.	<p>CONTROL OF DUST ON CONSTRUCTION SITES</p> <p>The following requirements apply to demolition and construction works on site:</p> <p>(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.</p> <p>(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.</p> <p>Condition reason: To ensure the safety of workers and the general public.</p>
23.	<p>CONSTRUCTION HOURS</p> <p>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.</p> <p>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.</p> <p>Noise from construction activities shall comply with the <i>Protection of the Environmental Operations (Noise Control) Regulation 2017</i>.</p> <p>Condition reason: To protect the amenity of the surrounding area.</p>
24.	<p>STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS</p> <p>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.</p> <p>Condition reason: To ensure the building works are constructed in accordance with the relevant legislation.</p>
25.	<p>CERTIFICATE OF SURVEY - LEVELS</p> <p>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.</p>

	Condition reason: To ensure buildings are sited and positioned in the approved location.
26.	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.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
27.	WORK OUTSIDE PROPERTY BOUNDARY
	This consent does not authorise any work outside the property boundary.
	Condition reason: To ensure all works are located within the property boundary.
28.	STRUCTURAL STABILITY OF ADJOINING ATTACHED DWELLING'S ROOF
	Adequate measures are to be undertaken to ensure structural stability and water proofing of the existing roof over the adjoining attached dwelling having particular regard to the following:
	(a) Adequate measures are undertaken to secure the existing rafters and ridge to the brickwork of the party wall; and
	(b) Adequate measures are undertaken to ensure that the roof where it abuts the extended party wall is water proofed.
	Condition reason: To ensure the structural stability of the adjoining semi-detached dwelling's roof.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition	
29.	<p>FINAL OCCUPATION CERTIFICATE</p> <p>Prior to occupation or use of the development, an Occupation Certificate must be obtained.</p> <p>The Principal Certifying Authority must be satisfied that the requirements of the <i>Environmental Planning & Assessment Act 1979</i> have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.</p> <p>Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.</p>
30.	<p>CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE SYSTEM</p> <p>The Principal Certifying Authority shall certify that the all the undertakings in the approved BASIX certificate have been completed.</p> <p>Condition reason: To ensure all the undertakings in the approved BASIX certificate have been completed.</p>
31.	<p>CERTIFICATION OF STORMWATER SYSTEM</p> <p>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.</p> <p>Condition reason: To ensure the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.</p>
32.	<p>WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM</p> <p>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 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 must be marked-up in red ink and must include levels and locations for the drainage structures and works.</p> <p>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.</p>

	<p>Condition reason: To ensure the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.</p>
<p>33.</p>	<p>BUILDING HEIGHT</p>
	<p>(a) The height of the buildings must not exceed the following RLs (AHD) to the top of the buildings and (where relevant) to the top of building parapets:</p> <ul style="list-style-type: none"> i. Ridge/parapet height: RL84.805 (excluding chimney) <p>(b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.</p>
	<p>Condition reason: To ensure the constructed development complies with the approved height.</p>

GENERAL ADVISORY NOTES

Condition	
1.	<p>DEVELOPMENT IS TO COMPLY WITH LEGISLATION</p> <p>This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation.</p>
2.	<p>DEVELOPMENT MUST MEET CONDITIONS OF CONSENT</p> <p>The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.</p>
3.	<p>POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT</p> <p>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:</p> <ul style="list-style-type: none"> • Please read your conditions carefully. • Information to be submitted to Council should be either via email to info@waverley.nsw.gov.au, in person (at Council's Customer Service Centre) or via post service. • Attention the documentation to the relevant officer/position of Council (where known/specified in condition) • Include DA reference number • Include condition number/s seeking to be addressed • Where multiple conditions need Council input, please try to group the documentation / email/s into relevant subjects (multiple emails for various officers may be necessary, for example). • Information to be submitted in digital format – refer to 'Electronic lodgement guidelines' on Council's website. Failure to adhere to Council's naming convention may result in documentation being rejected. • Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information. • Please note in some circumstances, additional fees and/or additional documents (hard copy) may be required. • Council's standard for review (from date the relevant officer receives documentation) is 14days. Times may vary or be delayed if information is not received in this required manner. • Any queries, please contact Council's Duty Planner on duty.planner@waverley.nsw.gov.au
4.	<p>SYDNEY WATER REQUIREMENTS</p> <p>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.</p> <p>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.</p> <p>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</p>

	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.
5.	DIAL BEFORE YOU DIG Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
6.	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.
7.	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.
8.	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.
9.	ECOLOGICALLY SUSTAINABLE DEVELOPMENT RECOMMENDATIONS <u>Indoor air quality:</u> 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. <u>Ventilation:</u> 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. <u>Domestic hot water:</u> 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.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means Waverley Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Waverley Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:
the collection of stormwater,
the reuse of stormwater,
the detention of stormwater,
the controlled release of stormwater, and
connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Sydney Eastern City Planning Panel.

Suitably qualified acoustic consultant means 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.

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Waverley Council

Application No: DA-187/2023

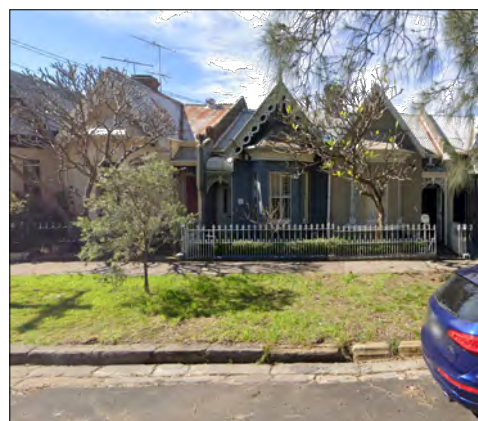
Date Received: 29/09/2023



34 St James Rd as viewed from St James Rd



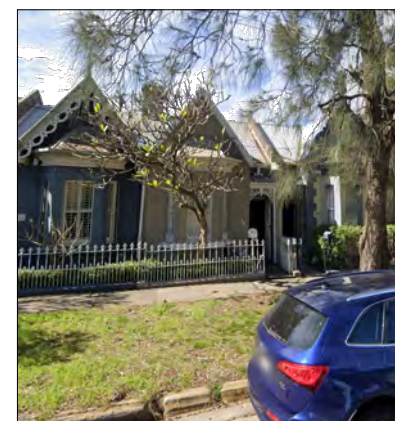
Subject property as viewed from Ruthven Lane



30 St James Road



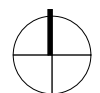
Bus Depot Side façade



Subject property as viewed from St James Rd



36 St James Road



AMENDED PLANS

DARC

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P: P.O. Box 693, Potts Point NSW 1535
DARC STUDIO PTY LTD
ABN: 77 668 120 901 | ACN: 668 120 901
Nominated Architect:
Emmanouil Chatzidakou
NSW Reg No. 9973 | D&BP Reg No. DEPO001277

Drawn | Checked MC
Plot Date: 27/05/2023
Scale: 1:200 @ A3

Applicant: Aukner
Site: 32 St James Rd,
Bondi Junction NSW 2022
Lot 45, DP 250200

DRAWING TITLE:
Development Application Set_32 St James Rd
SITE ANALYSIS PLAN

PROJECT NAME:
Residence

REVISION NO.
Rev.B

DRAWING NO.
DA-01

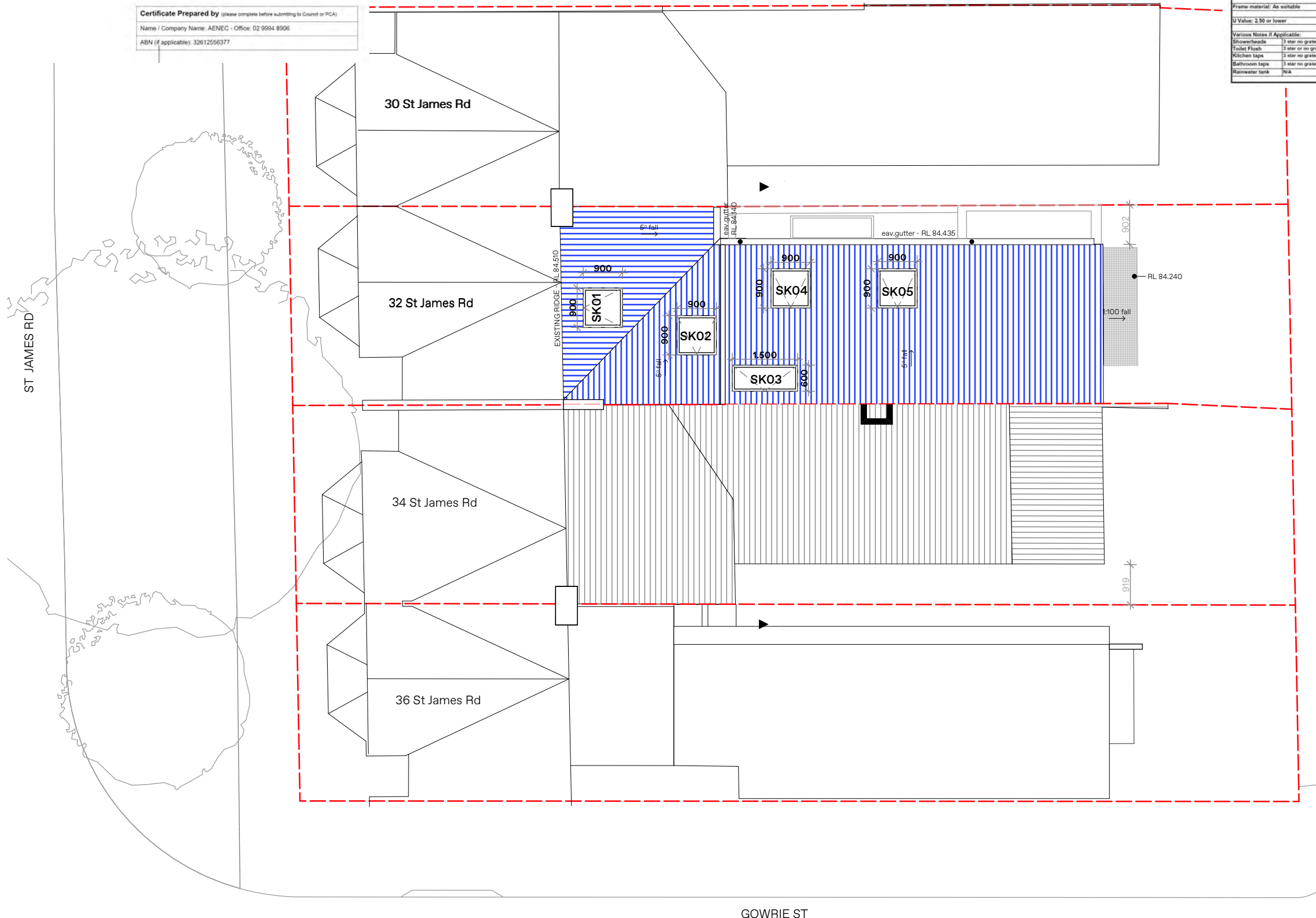
Description of project

Project address	
Project name	32 St James Road, Bondi Junction
Street address	32 St James Road Bondi Junction 2022
Local Government Area	Waverley Council
Plan type and number	Deposited Plan 250200
Lot number	45
Section number	
Project type	
Dwelling type	Attached dwelling house
Type of alteration and addition	My renovation work is valued at \$50,000 or more, and does not include a pool (and/or spa).

AMENDED PLANS

Certificate Prepared by (please complete before submitting to Council or PCA)	
Name / Company Name	AENEC - Office: 02 9994 8906
ABN (if applicable)	32612556377

Project Specification		Form # AED3	Australian Energy Efficiency Consulting P-0416 316 204		E: info@aenec.com.au			
Project Address: 32 St James Road, Bondi Junction								
BASIX CERTIFICATION NUMBER: A484242								
This Project Specification outlines ONLY some of the BASIX commitments. For the full list, you must refer to BASIX document.								
External Walls Specification:								
Type	Material	Added Insulation	Colour	Detail				
Masonry	Brick Veneer	R1.16	-	As per drawings				
Framed	Framed	R1.30	-	As per drawings				
Internal Walls Specification:								
Type	Material	Added Insulation	Colour	Detail				
Framed	Plasterboard	Nil	-	-				
Roof Specification:								
Type	Material	Added Insulation	Colour	Detail				
Framed	As per Drawings	R3.00 + sarking	Medium	As per drawings				
Floors Specification:								
Type	Material	Added Insulation	Covering	Detail				
Framed	As per Drawings	Nil	-	Above dwelling - internal				
Framed	As per Drawings	R0.80	-	Above outdoor air				
Masonry	Concrete	Nil	-	Slab on ground				
Window Specification:								
Frame material	Glazing	U Value	SHGC	Detail				
Aluminium	Single	1.83 or Lower	0.79 or Lower	See BASIX				
Aluminium	Single - Low E	5.70 or Lower	0.47 or Lower	See BASIX				
As suitable	As suitable	2.30 or Lower	0.19 or Lower	See BASIX				
Skylight Specification:								
Frame material	As suitable	Glazing	As suitable	Detail				
U Value	2.50 or lower	SHGC	0.456 or lower	Detail				
Various Notes if Applicable:								
Showerheads	3 star no greater than 9 litres flow rate							
Toilet Flush	3 star or no greater than 4 litres/flush							
Kitchen taps	3 star no greater than 9 litres flow rate							
Bathroom taps	3 star no greater than 9 litres flow rate							
Rainwater tank	NA	Pool	NA					
NOTES:								
1. ALL DOWNLIGHTS TO BE APPROVED NON VENTILATED WITH FIRERATED COVER/SHIELD TO ALLOW CONTINUOUS INSTALLATION OF INSULATION								
2. ALL vents and/or wall openings to be the 'SEALED' type.								
3. All insulation is to be installed in accordance with AS/NZS 4858.1								
4. All windows to comply with AS2047								



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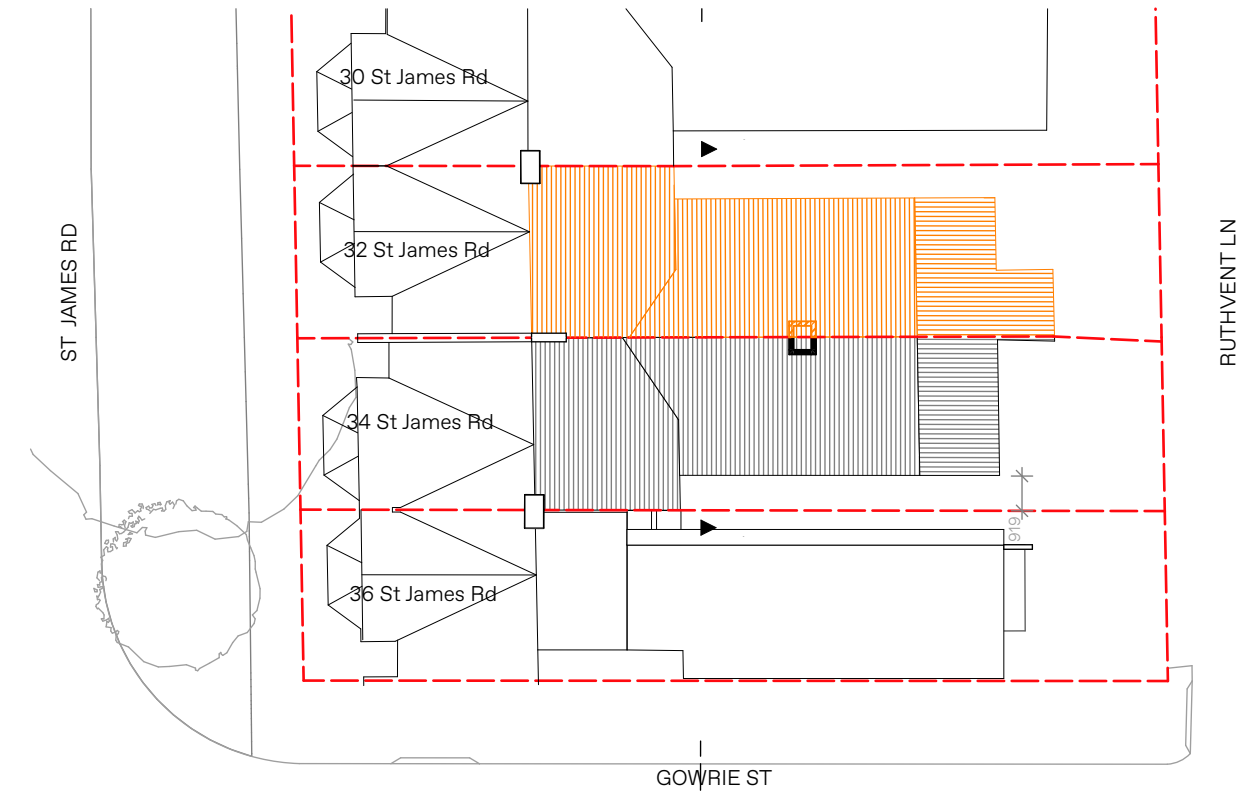
Application No: DA-187/2023

Date Received: 29/09/2023



AMENDED PLANS

Project Specification		Form # A83.3		Australian Energy Efficiency Consulting E: info@aeneec.com.au P: 0416 316 204		AENECC www.aeneec.com.au	
Project Address: 32 St James Road, Bondi Junction							
BASIX CERTIFICATION NUMBER: A494242							
This Project Specification outlines ONLY some of the BASIX commitments. For the full list, you must refer to BASIX document.							
External Walls Specification:							
Type	Material	Added Insulation	Colour	Detail			
Masonry	Brick Veneer	R1.16	-	As per drawings			
Framed	Framed	R1.30	-	As per drawings			
Internal Walls Specification:							
Type	Material	Added Insulation	Colour	Detail			
Framed	Plasterboard	Nil	-	-			
Roof Specification:							
Type	Material	Added Insulation	Colour	Detail			
Framed	As per Drawings	R3.00 + sarking	Medium	As per drawings			
Floors Specification:							
Type	Material	Added Insulation	Covering	Detail			
Framed	As per Drawings	Nil	-	Above threshold - internal			
Framed	As per Drawings	R0.80	-	Above outdoor air			
Masonry	Concrete	Nil	-	Slab on ground			
Window Specification:							
Frame material	Glazing	U Value	SHGC	Detail			
Aluminium	Single	1.83 or Lower	0.73 or Lower	See BASIX			
Aluminium	Single - Low E	1.70 or Lower	0.47 or Lower	See BASIX			
As suitable	As suitable	2.30 or Lower	0.19 or Lower	See BASIX			
Skylight Specification:							
Frame material	As suitable	Glazing	As suitable	Detail			
U Value	2.50 or lower	SHGC	0.456 or lower	Detail			
Various Notes if Applicable:							
Showerheads	3 star no greater than 9litres flow rate						
Toilet Flush	3 star or no greater than 4 litres/flush						
Kitchen taps	3 star no greater than 9litres flow rate						
Bathroom taps	3 star no greater than 9litres flow rate						
Rainwater tank	NA	Pool	NA	NA			
NOTES: 1. ALL DOWNLIGHTS TO BE APPROVED NON VENTILATED WITH FIRERATED COVER/SHIELD TO ALLOW CONTINUOUS INSTALLATION OF INSULATION 2. ALL vents and/or wall openings to be the 'SEALED' type. 3. All insulation is to be installed in accordance with AS/NZS 4858.1 4. All windows to comply with AS2047							



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Application No: DA-187/2023
Date Received: 29/09/2023



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DARC STUDIO PTY LTD
ABN: 77 668 120 901 | ACN: 668 120 901
Nominated Architect:
Emmanuel Chatziniolaou
NSW Reg No. 59973 | D&BP Reg No. DEPO001277

Drawn | Checked MC
Plot Date: 27/05/2023
Scale: 1:200 @ A3

Applicant: Aukner
Site: 32 St James Rd,
Bondi Junction NSW 2022
Lot 45, DP 250200

DRAWING TITLE:
Development Application Set_32 St James Rd
EXISTING/DEMOLITION PLAN
PROJECT NAME:
Residence

REVISION NO.
Rev.B
DRAWING NO.
DA-03

AMENDED PLANS

Conservation Works

The following works apply to the front windows:

- Retain existing timber floors. Where rotted to be replaced like for like.
- Repair/replace ceilings as required.
- Repair/replace skirting boards as necessary.
- Repair the cornices where cornices have been damaged. Repairs are to match the existing profile.
- Repair architraves where architraves have been damaged. Any replacement of architraves to be of a selected timber with the profile based on evidence within the front section of the building where original building fabric exists.
- Remove existing hardware and paint of front door. Repair/restore timber work as required. Paint selected colour nominated on the colours and finishes schedule. Reinstate original Victorian hardware.
- Repair highlight panel above the front door if necessary with work by an experienced tradesperson using similar glass and traditional headlight methods.
- Repair and repurpose panel doors of bedrooms as required matching the original detailing.

Conservation Works Front Windows

The following works apply to the front windows:


- Repair sash cords using traditional rope and pulleys.
- Repair window joinery as necessary matching existing profile.
- Paint to manufacturers specification in selected oil based colour with paint manufacturers recommended wood primers, undercoats and top coats.
- Retain existing architraves. Paint to manufacturers specification in selected oil based colour with paint manufacturers recommended wood primers, undercoats and top coats.

Conservation Works Walls

Where original plaster exists under the existing paint finish the following conservation works apply:

- Remove drummy and damaged plaster. Repair or replace as necessary. Re-plaster use traditional plaster mixes with skilled plasterers. Paint to manufacturers specification in selected water based paint colour.



Project Specification		Form # AE0.3		Australian Energy Efficiency Consulting	
Project Address: 32 St James Road, Bondi Junction <td colspan="2">E: info@aenecc.com.au</td> <td colspan="2">P: 0416 316 204</td>		E: info@aenecc.com.au		P: 0416 316 204	
BASIX CERTIFICATION NUMBER: A484242					
This Project Specification outlines ONLY some of the BASIX commitments. For the full list, you must refer to BASIX document.					
External Walls Specification:					
Type	Material	Added Insulation	Colour	Detail	
Masonry	Brick Veneer	R1.16	-	As per drawings	
Framed	Framed	R1.35	-	As per drawings	
Internal Walls Specification:					
Type	Material	Added Insulation	Colour	Detail	
Framed	Plasterboard	-	-	-	
Roof Specification:					
Type	Material	Added Insulation	Colour	Detail	
Framed	As per Drawings	R3.00 + sarking	Medium	As per drawings	
Floors Specification:					
Type	Material	Added Insulation	Covering	Detail	
Framed	As per Drawings	-	-	Above dwelling - internal	
Framed	As per Drawings	R0.80	-	Above outdoor air	
Masonry	Concrete	-	-	Slab on ground	
Window Specification:					
Frame material	Glazing	U Value	SHGC	Detail	
Aluminium	Single	2.83 or Lower	0.75 or Lower	See BASIX	
Aluminium	Single - Low E	5.78 or Lower	0.47 or Lower	See BASIX	
As suitable	As suitable	2.39 or Lower	0.19 or Lower	See BASIX	
Skylight Specification:					
Frame material	As suitable	Glazing	As suitable	NOTE:	
U Value	2.96 or lower	SHGC	0.486 or lower	1. ALL DOWNLIGHTS TO BE APPROVED NON VENTILATED WITH FIRERATED COVER/SHIELD TO ALLOW CONTINUOUS INSTALLATION OF INSULATION	
Various Notes if Applicable:					
Downlights	1 star or no greater than 10mm flow rate				
Toilet Flush	1 star or no greater than 4 litres/flush				
Kitchen taps	3 star or no greater than 10mm flow rate				
Bathroom taps	3 star or no greater than 10mm flow rate				
Rainwater tank	N/A				

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Waverley Council
Application No: DA-187/2023
Date Received: 29/09/2023



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DARC STUDIO PTY LTD
ABN: 77 668 120 901 | ACN: 668 120 901
Nominated Architect:
Emmanuel Chatzinkolaou
NSW Reg No. 9973 | D6BP Reg No. DEP0001277

Drawn | Checked MC
Plot Date: 27/05/2023
Scale: 1:200 @ A3
Applicant: Aukner
Site: 32 St James Rd, Bondi Junction NSW 2022, Lot 45, DP 250200

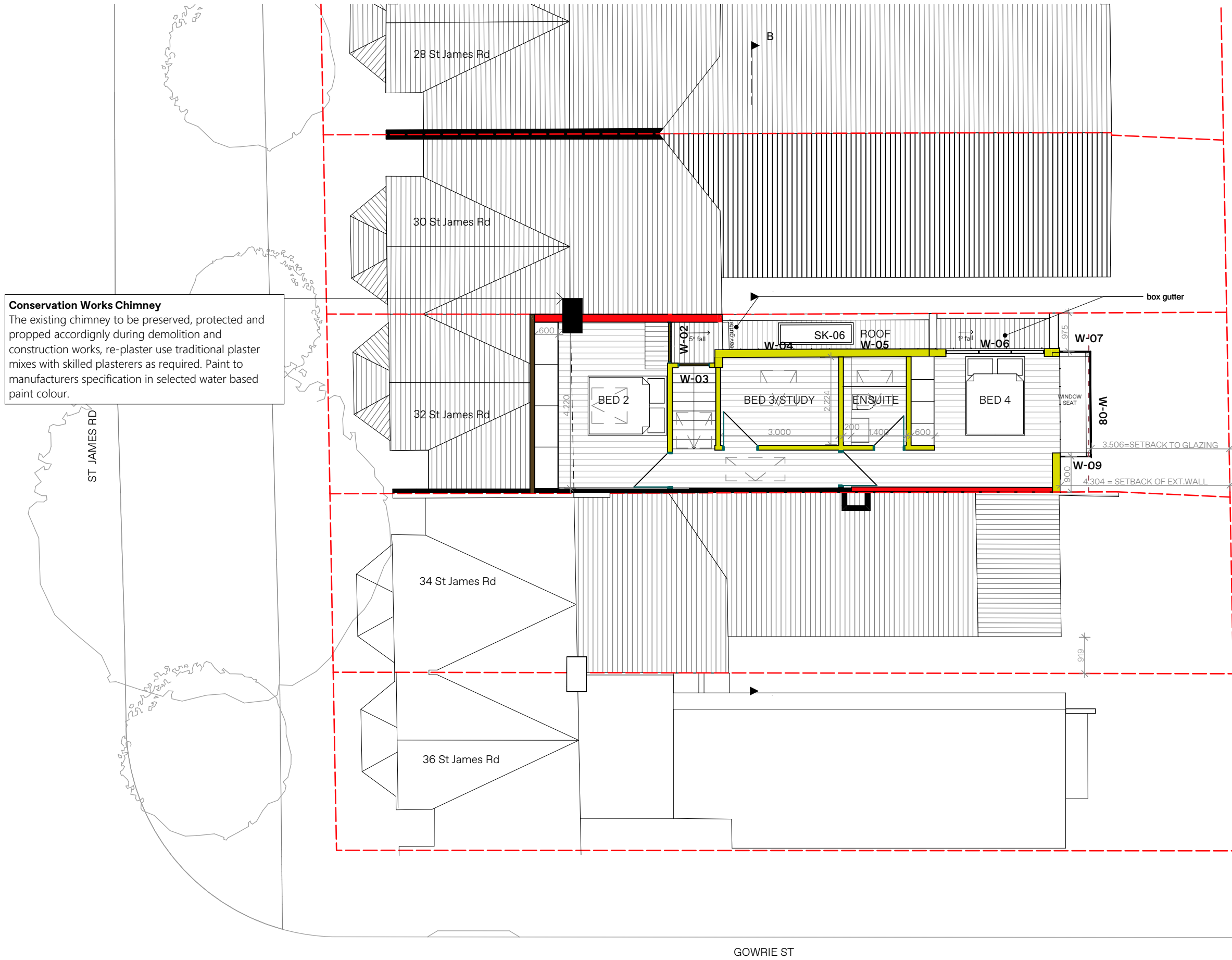
DRAWING TITLE: Development Application Set_32 St James Rd
GROUND FLOOR PLAN
PROJECT NAME: Residence

REVISION NO.
Rev.B
DRAWING NO.
DA-04

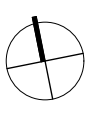
AMENDED PLANS

Project Specification		Form # AE0.3		Australian Energy Efficiency Consulting E: info@aenecc.com.au P: 0416 316 204		AENECC	
Project Address: 32 St James Road Bondi Junction							
BASIX CERTIFICATION NUMBER: A484242							
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External Walls Specification:							
Type	Material	Added Insulation	Colour	Detail			
Masonry	Brick Veneer	R1.16	-	As per drawings			
Framed	Framed	R1.35	-	As per drawings			
Internal Walls Specification:							
Type	Material	Added Insulation	Colour	Detail			
Framed	Plasterboard	-	-	-			
Roof Specification:							
Type	Material	Added Insulation	Colour	Detail			
Framed	As per Drawings	R3.00 + sarking	Medium	As per drawings			
Floors Specification:							
Type	Material	Added Insulation	Covering	Detail			
Framed	As per Drawings	Nil	-	Above dwelling - internal			
Masonry	Concrete	Nil	-	Above outdoor air			
				Slab on ground			
Window Specification:							
Frame material	Glazing	U Value	SHGC	Detail			
Aluminium	Single	1.63 or Lower	0.75 or Lower	See BASIX			
Aluminium	Single - Low E	5.78 or Lower	0.47 or Lower	See BASIX			
As suitable	As suitable	2.39 or Lower	0.19 or Lower	See BASIX			
Skylight Specification:							
Frame material	As suitable	Glazing	As suitable	Detail			
U Value	2.36 or lower	SHGC	0.466 or lower	Detail			
Various Notes if Applicable:							
Downlights: 1 star or no greater than 100mm flow rate							
Toilet Flush: 3 star or no greater than 4 litres/flush							
Kitchen taps: 3 star or no greater than 100mm flow rate							
Bathroom taps: 3 star or no greater than 100mm flow rate							
Rainwater tank: Nil							
NOTE: 1. ALL DOWNLIGHTS TO BE APPROVED NON VENTILATED WITH FIRERATED COVER/SHIELD TO ALLOW CONTINUOUS INSTALLATION OF INSULATION 2. ALL vents and/or wall openings to be the "SEALED" type. 3. All insulation is to be installed in accordance with AS/NZS 4555.1 4. All windows to comply with AS2047							

Conservation Works Chimney
 The existing chimney to be preserved, protected and propped accordingly during demolition and construction works, re-plaster use traditional plaster mixes with skilled plasterers as required. Paint to manufacturers specification in selected water based paint colour.



RECEIVED
Waverley Council
 Application No: DA-187/2023
 Date Received: 29/09/2023



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 DARC STUDIO PTY LTD
 ABN: 77 668 120 901 | ACN: 668 120 901
 Nominated Architect:
 Emmanouil Chatzizinkoulou
 NSW Reg No. 9973 | D&BP Reg No. DEPO001277

Drawn | Checked MC
 Plot Date: 27/05/2023
 Scale: 1:200 @ A3
 Applicant: Aukner
 Site: 32 St James Rd,
 Bondi Junction NSW 2022
 Lot 45, DP 250200

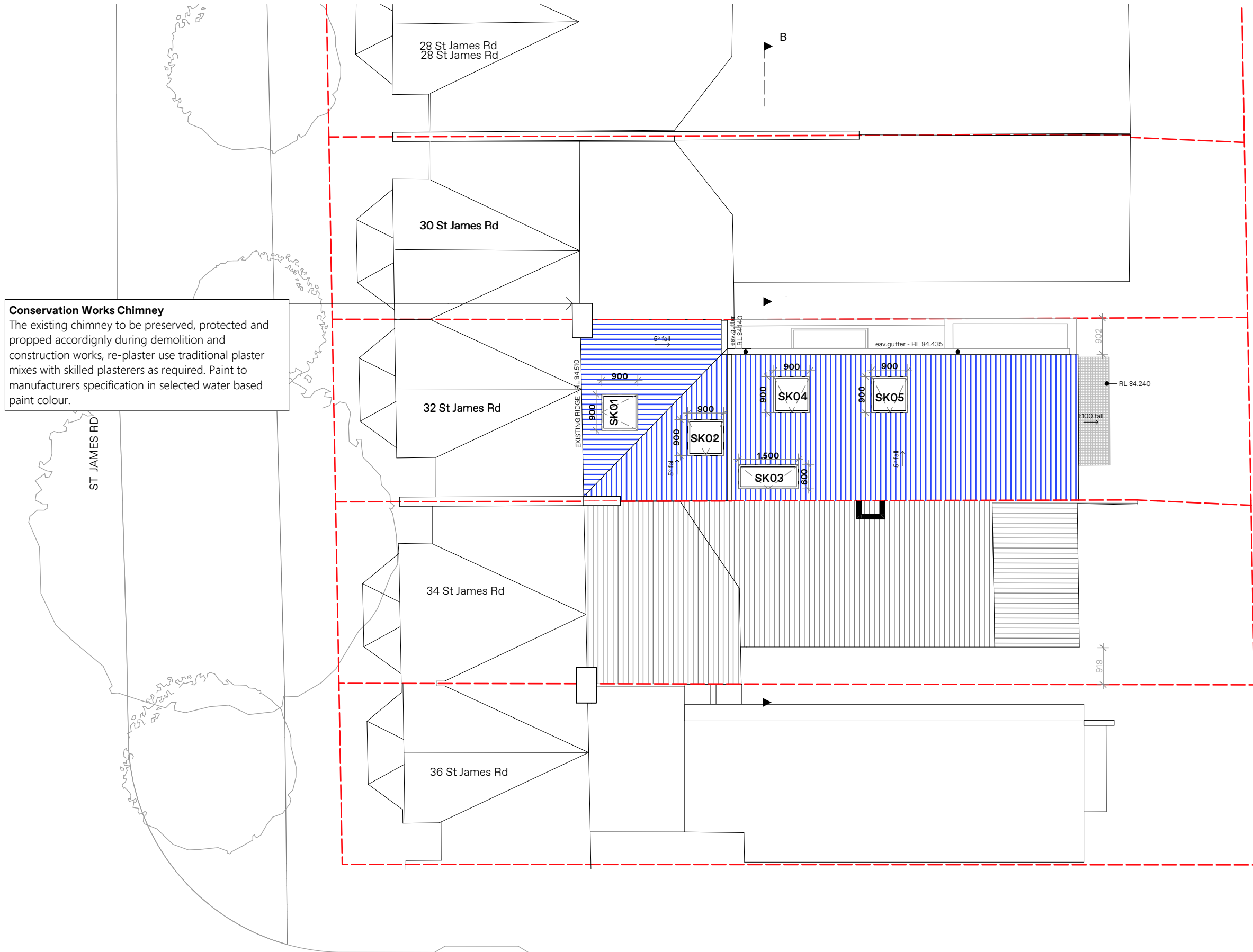
DRAWING TITLE: Development Application Set 32 St James Rd
FIRST FLOOR PLAN
 PROJECT NAME: Residence

REVISION NO.
Rev.B
 DRAWING NO.
DA-05

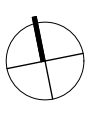
AMENDED PLANS

Project Specification		Form # AE0.3		Australian Energy Efficiency Consulting E: info@aenecc.com.au P: 0416 316 204		AENECC	
Project Address: 32 St James Road, Bondi Junction							
BASIX CERTIFICATION NUMBER: A484242							
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External Walls Specification:							
Type	Material	Added Insulation	Colour	Detail			
Masonry	Brick Veneer	R1.16	-	As per drawings			
Framed	Framed	R1.35	-	As per drawings			
Internal Walls Specification:							
Type	Material	Added Insulation	Colour	Detail			
Framed	Plasterboard	-	-	-			
Roof Specification:							
Type	Material	Added Insulation	Colour	Detail			
Framed	As per Drawings	R3.00 + sarking	Medium	As per drawings			
Floors Specification:							
Type	Material	Added Insulation	Covering	Detail			
Framed	As per Drawings	Nil	-	Above dwelling - internal			
Framed	As per Drawings	R0.80	-	Above outdoor air			
Masonry	Concrete	Nil	-	Slab on ground			
Window Specification:							
Frame material	Glazing	U Value	SHGC	Detail			
Aluminium	Single	1.63 or Lower	0.75 or Lower	See BASIX			
Aluminium	Single - Low E	5.78 or Lower	0.47 or Lower	See BASIX			
As suitable	As suitable	2.39 or Lower	0.19 or Lower	See BASIX			
Skylight Specification:							
Frame material	As suitable	Glazing	As suitable	Detail			
U Value	2.96 or lower	SHGC	0.486 or lower	Detail			
NOTES: 1. ALL DOWNLIGHTS TO BE APPROVED NON VENTILATED WITH FIRERATED COVER/SHIELD TO ALLOW CONTINUOUS INSTALLATION OF INSULATION 2. ALL vents and/or wall openings to be the "SEALED" type. 3. All insulation is to be installed in accordance with AS/NZS 4859.1 4. All windows to comply with AS2947							
Various Notes if Applicable: Showerheads 1 star or no greater than 10lit/min flow rate Toilet Flush 1 star or no greater than 4 litres/flush Kitchen taps 3 star or no greater than 10lit/min flow rate Bathroom taps 3 star or no greater than 10lit/min flow rate Rainwater tank Nil							

Conservation Works Chimney
 The existing chimney to be preserved, protected and propped accordingly during demolition and construction works, re-plaster use traditional plaster mixes with skilled plasterers as required. Paint to manufacturers specification in selected water based paint colour.



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Date Received: 29/09/2023



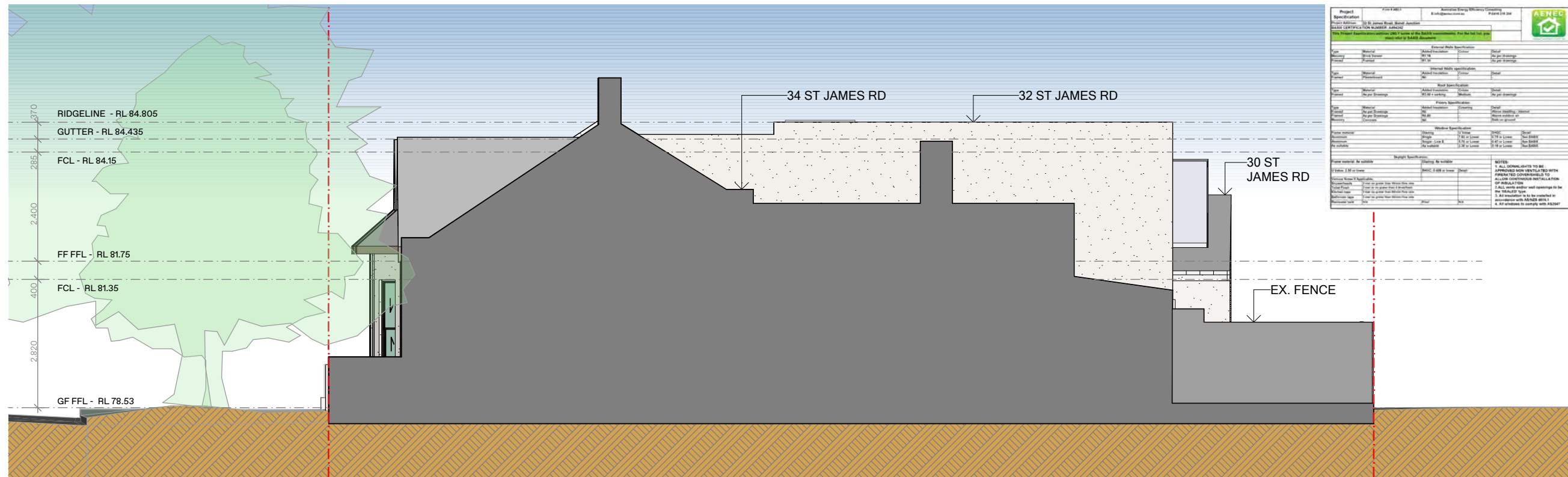
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 DARC STUDIO PTY LTD
 ABN: 77 668 120 901 | ACN: 668 120 901
 Nominated Architect:
 Emmanouil Chatzizinkou
 NSW Reg No. 9973 | D6BP Reg No. DEPO001277

Drawn | Checked MC
 Plot Date: 27/05/2023
 Scale: 1:200 @ A3
 Applicant: Aukner
 Site: 32 St James Rd,
 Bondi Junction NSW 2022
 Lot 45, DP 250200

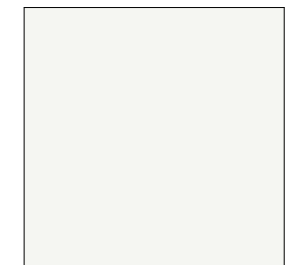
DRAWING TITLE: Development Application Set_32 St James Rd
ROOF PLAN
 PROJECT NAME: Residence

REVISION NO.
Rev.B
 DRAWING NO.
DA-06

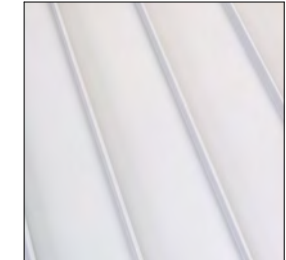


Item	Description	Quantity	Unit	Rate	Total
1	Paint				
2	Cladding				
3	Sheeting				
4	Gate				
5	Paint				
6	Paint				

FINISHES SCHEDULE



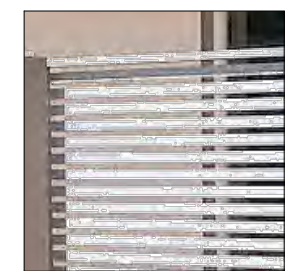
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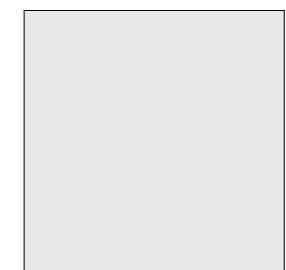
2. Standing Seam Aluminium Cladding & Roof - Satin White



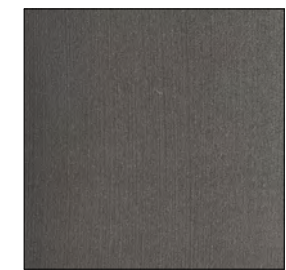
3. Perforated Steel Sheetting - Satin White



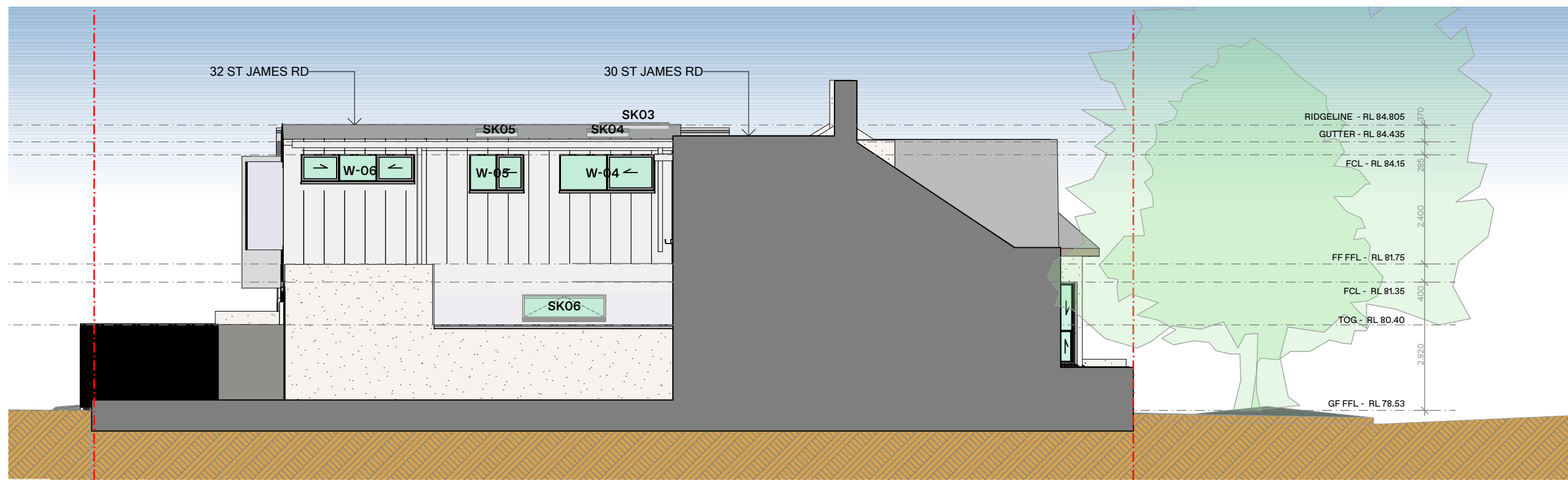
4. Slatted Aluminium Gate - Silver Ash



5. Dulux Heritage Chalk White Paint on Cement Render



6. Porter's Paints - Industrial Lustre Silver Ash



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Waverley Council
Application No: DA-187/2023
Date Received: 29/09/2023

AMENDED PLANS

LEGEND
EX. EXISTING WINDOW TO BE RETAINED
FR. FROSTED GLASS
CL. CLEAR GLASS

DARC

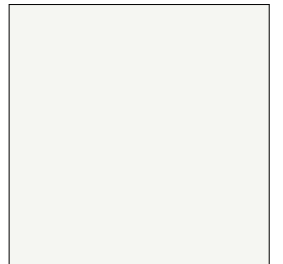
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ABN: 77 668 120 901 | ACN: 668 120 901
Nominated Architect:
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NSW Reg No. 9973 | D&BP Reg No. DEPO001277

Drawn | Checked MC
Plot Date: 27/05/2023
Scale: 1:200 @ A3
Applicant: Aukner
Site: 32 St James Rd,
Bondi Junction NSW 2022
Lot 45, DP 250200

DRAWING TITLE: Development Application Set_32 St James Rd
NORTH & SOUTH ELEVATIONS
PROJECT NAME: **Residence**

REVISION NO.
Rev.B
DRAWING NO.
DA-07

Project Specification		Form # AEI.3		Australian Energy Efficiency Consulting	
Project Address: 32 St James Road, Bondi Junction		E: info@aeneec.com.au		P: 2416 316 204	
External Walls Specification: Type: Masonry (Brick Veneer) / Framed (Framed) Material: RT 16 / RT 20 Added insulation: - / - Colour: - / - Detail: As per drawings / As per drawings					
Internal Walls specification: Type: Framed Material: Plasterboard Added insulation: Nil Colour: - Detail: -					
Roof Specification: Type: Framed Material: As per Drawings Added insulation: R3.00 + sarking Colour: Medium Detail: As per drawings					
Floors Specification: Type: Framed Material: As per Drawings Added insulation: Nil Colour: - Detail: Above dwelling - internal / Above outdoor area / Slab on ground					
Window Specification: Frame material: Aluminium / Single / Single - Low E / As suitable Glazing: U Value / SHGC / Detail U Value: 2.50 or lower / SHGC: 0.456 or lower / Detail					
Skylight Specification: Glazing: As suitable					
Various Notes if Applicable: Showerheads: 3 star no greater than 10min flow rate Toilet Flush: 3 star no greater than 4 litres/flush Kitchen taps: 3 star no greater than 10min flow rate Bathroom taps: 3 star no greater than 10min flow rate Rainwater tank: N/A					
NOTES: 1. ALL DOWNLIGHTS TO BE APPROVED NON VENTILATED WITH FIRE RATED COVER/SHIELD TO ALLOW CONTINUOUS INSTALLATION OF INSULATION 2. ALL VENTS AND/OR WALL OPENINGS TO BE THE "SEALED" TYPE. 3. All insulation is to be installed in accordance with AS/NZS 4852.1 4. All windows to comply with AS2047					



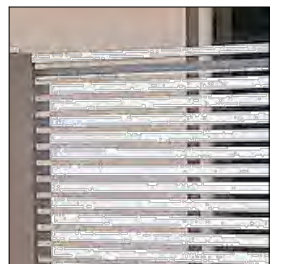
1. Dulux Duralloy Satin White Powder Coat Paint



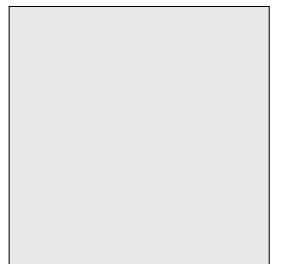
2. Standing Seam Aluminium Cladding & Roof - Satin White



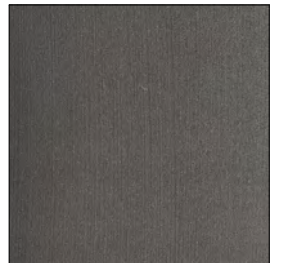
3. Perforated Steel Sheetting - Satin White



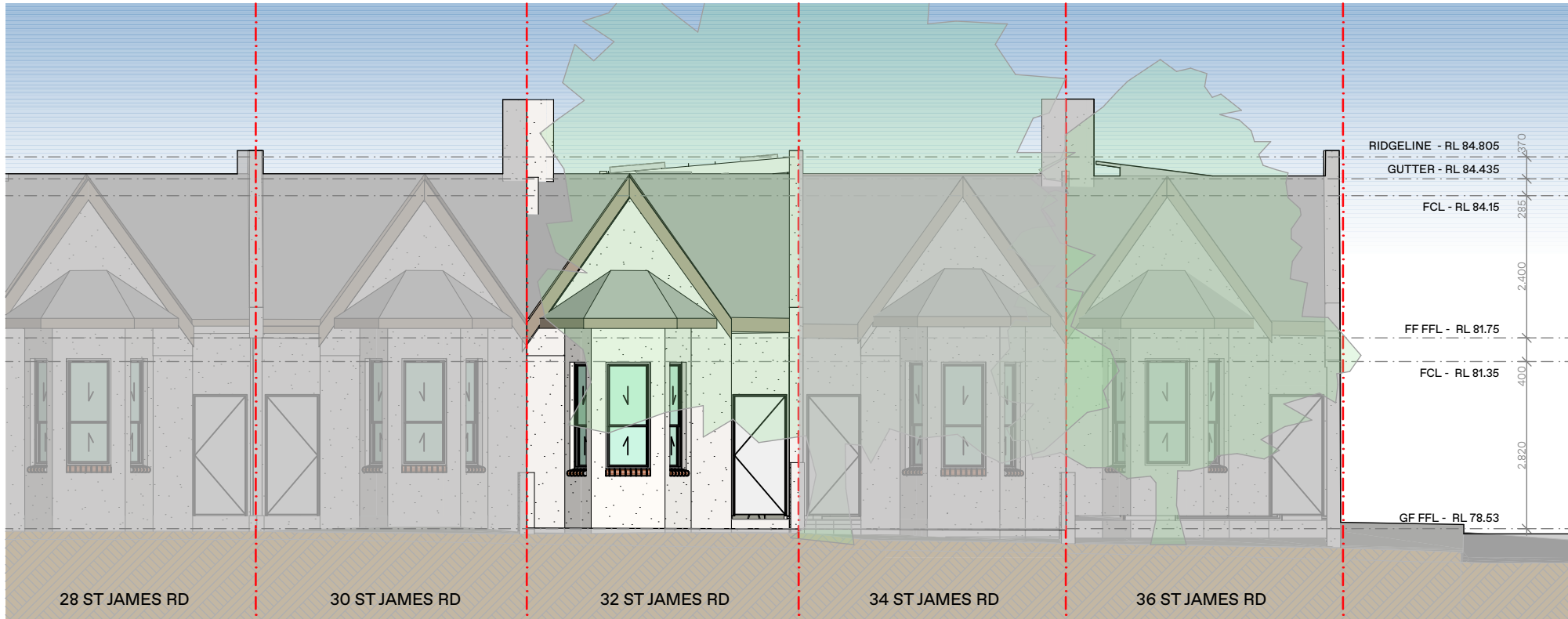
4. Slatted Aluminium Gate - Silver Ash



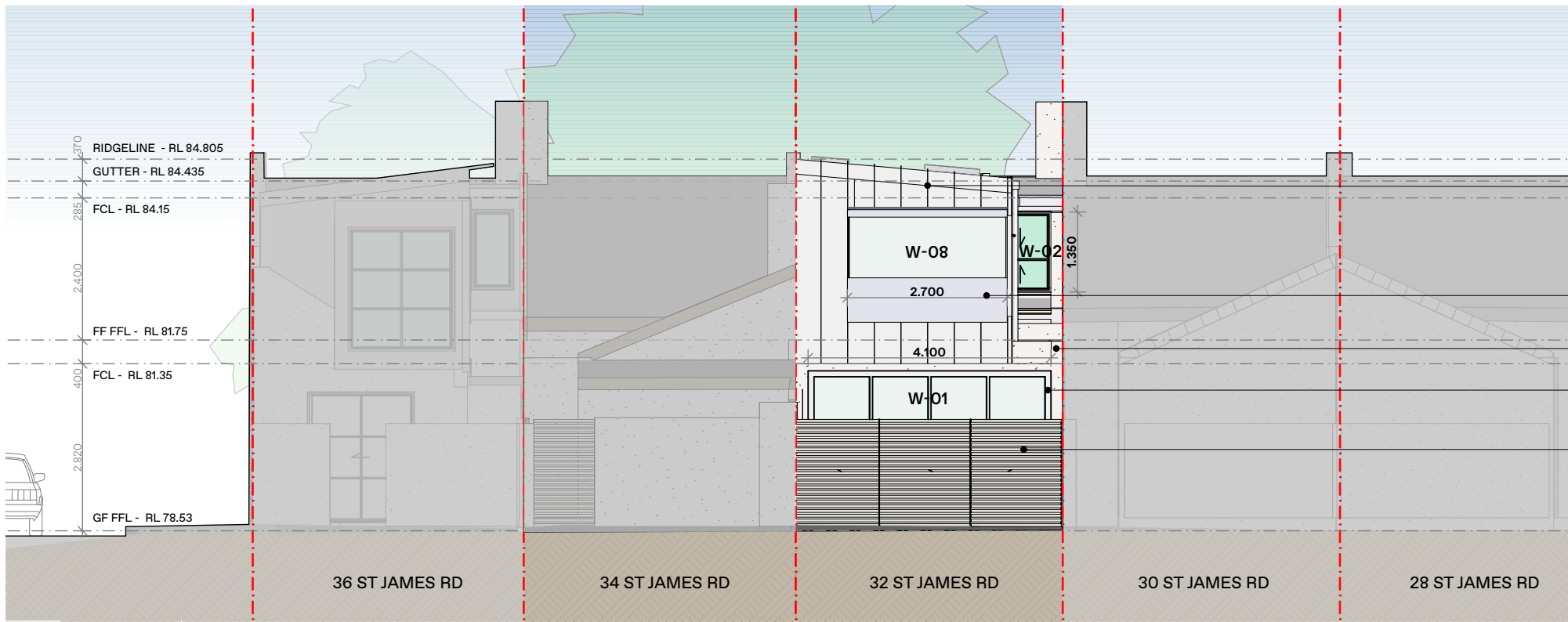
5. Dulux Heritage Chalk White Paint on Cement Render



6. Porter's Paints - Industrial Lustre Silver Ash



WEST ELEVATION



EAST ELEVATION

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LEGEND
 EX. EXISTING WINDOW TO BE RETAINED
 FR. FROSTED GLASS
 CL. CLEAR GLASS

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 Nominated Architect:
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 NSW Reg No. 59973 | D&BP Reg No. DEPO001277

Drawn | Checked MC
 Plot Date: 27/05/2023
 Scale: 1:200 @ A3
 Applicant: Aukner
 Site: 32 St James Rd,
 Bondi Junction NSW 2022
 Lot 45, DP 250200

DRAWING TITLE:
 Development Application Set_32 St James Rd
WEST & EAST ELEVATIONS
PROJECT NAME:
 Residence

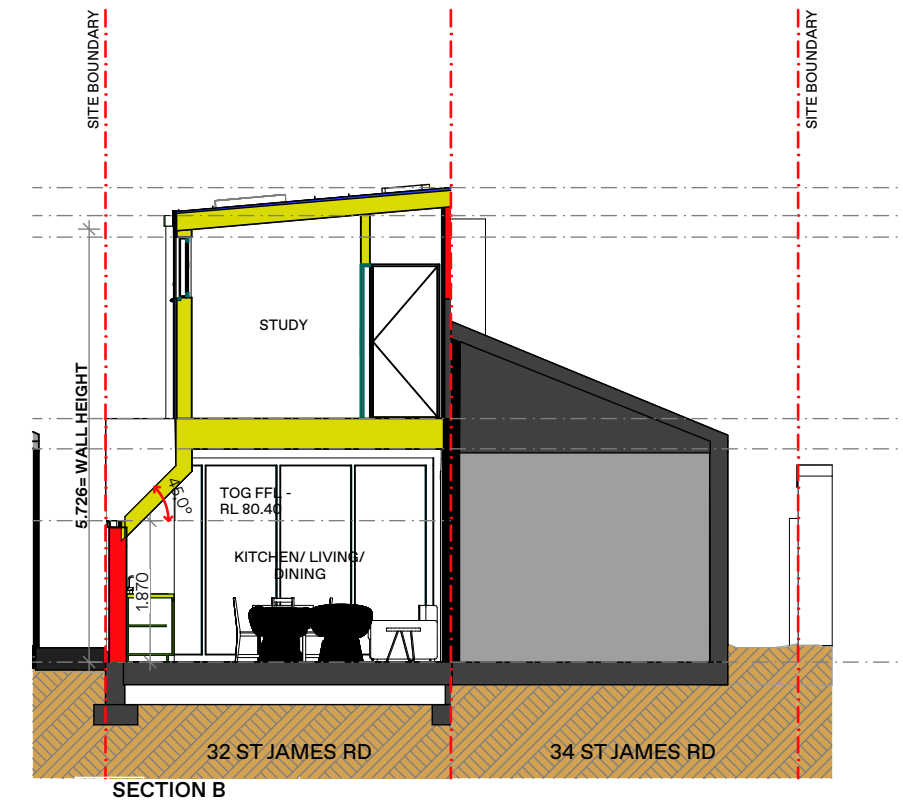
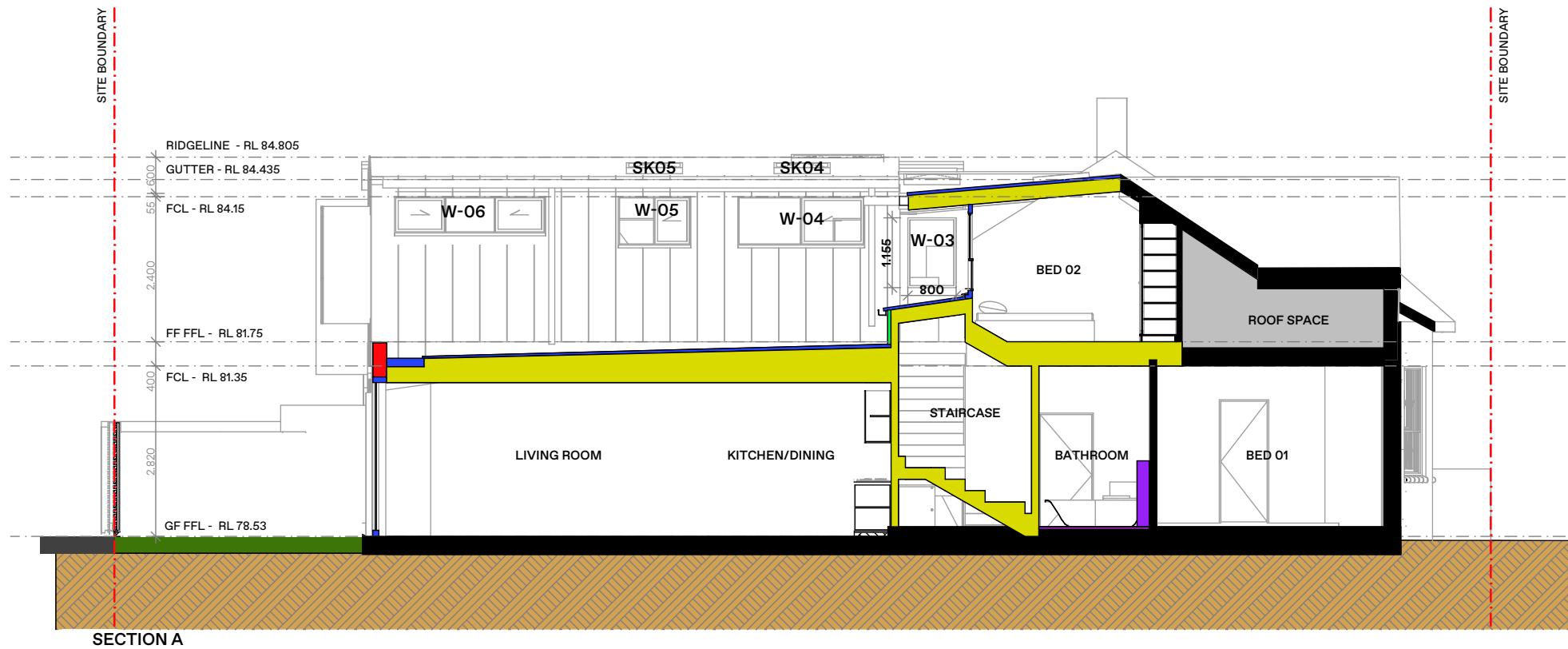
REVISION NO.
Rev.B
 DRAWING NO.
DA-08

AMENDED PLANS

Project Specification		Form # AE0.3		Australian Energy Efficiency Consulting E: info@aenecc.com.au P: 0416 316 204		AENECC	
Project Address: 32 St James Road Bondi Junction							
BASIX CERTIFICATION NUMBER: A484242							
This Project Specification outlines ONLY some of the BASIX commitments. For the full list, you must refer to BASIX document.							
External Walls Specification:							
Type	Material	Added Insulation	Colour	Detail			
Masonry	Brick Veneer	R1.16	-	As per drawings			
Framed	Framed	R1.35	-	As per drawings			
Internal Walls Specification:							
Type	Material	Added Insulation	Colour	Detail			
Framed	Plasterboard	Nil	-	-			
Roof Specification:							
Type	Material	Added Insulation	Colour	Detail			
Framed	As per Drawings	R3.00 + sarking	Medium	As per drawings			
Floors Specification:							
Type	Material	Added Insulation	Covering	Detail			
Framed	As per Drawings	Nil	-	Above dwelling - internal			
Framed	As per Drawings	R0.80	-	Above outdoor air			
Masonry	Concrete	Nil	-	Slab on ground			
Window Specification:							
Frame material	Glazing	U Value	SHGC	Detail			
Aluminium	Single	1.63 or Lower	0.75 or Lower	See BASIX			
Aluminium	Single - Low E	5.78 or Lower	0.47 or Lower	See BASIX			
As suitable	As suitable	2.39 or Lower	0.19 or Lower	See BASIX			
Skylight Specification:							
Frame material	As suitable	Glazing	As suitable	Detail			
U Value	2.36 or lower	SHGC	0.466 or lower	Detail			
Various Notes if Applicable:							
Downlights: 1 star or no greater than 10mm flow rate							
Toilet Flush: 1 star or no greater than 4 litres/flush							
Kitchen taps: 1 star or no greater than 10mm flow rate							
Bathroom taps: 1 star or no greater than 10mm flow rate							
Rainwater tank: Nil							
NOTE: 1. ALL DOWNLIGHTS TO BE APPROVED NON VENTILATED WITH FIRERATED COVER/SHIELD TO ALLOW CONTINUOUS INSTALLATION OF INSULATION 2. ALL vents and/or wall openings to be the "SEALED" type. 3. All insulation is to be installed in accordance with AS/NZS 4859.1 4. All windows to comply with AS2947							

9.5M HEIGHT LIMIT

9.5M HEIGHT L



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Application No: DA-187/2023
Date Received: 29/09/2023

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DARC STUDIO PTY LTD
ABN: 77 668 120 901 | ACN: 668 120 901
Nominated Architect:
Emmanuel Chatzinkolou
NSW Reg No. 5973 | D6BP Reg No. DEPO001277

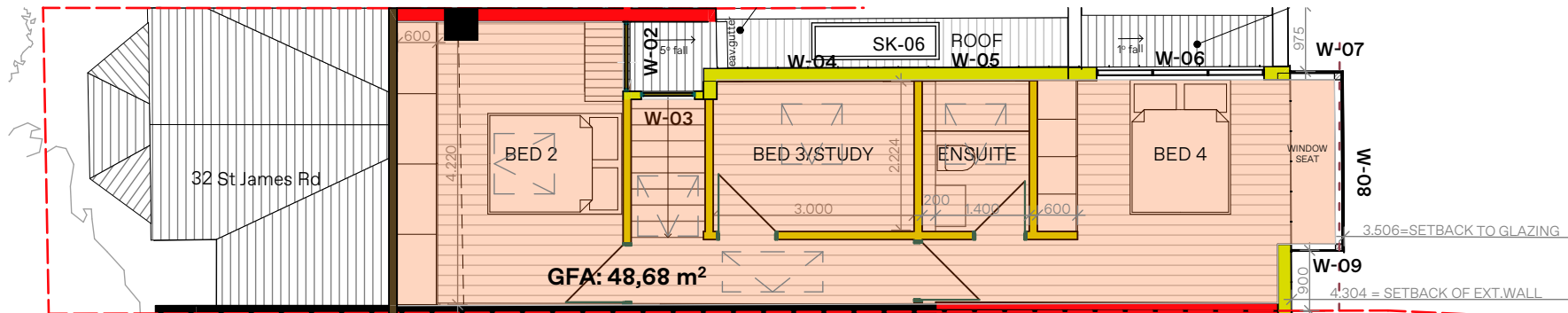
Drawn | Checked MC
Plot Date: 27/05/2023
Scale: 1:200 @ A3

Applicant: Whittington-Davis
Site: 34 St James Rd,
Bondi Junction NSW 2022
Lot 44, DP 250200

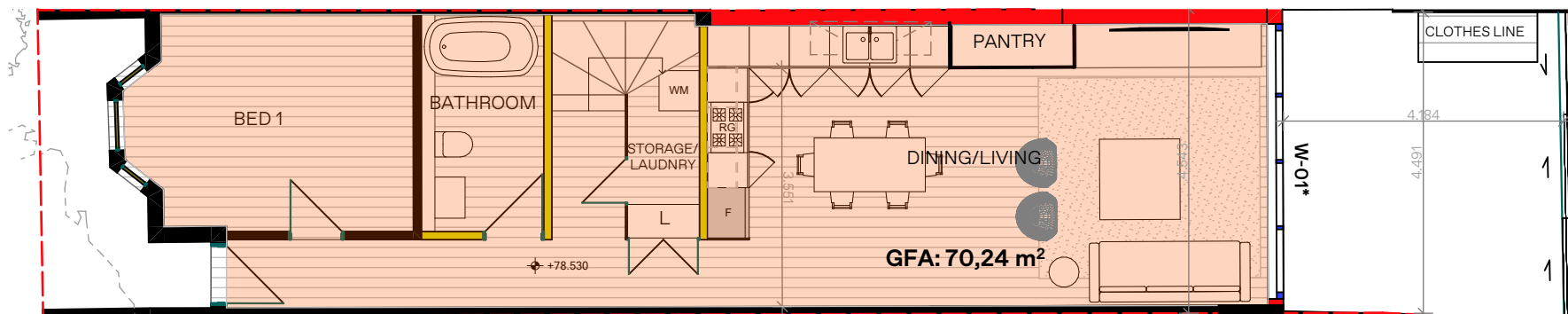
DRAWING TITLE: Development Application Set 32 St James Rd
SECTIONS A & B
PROJECT NAME: Residence

REVISION NO.
Rev.B
DRAWING NO.
DA-09

Project Specification	Form # AE0.3	Australian Energy Efficiency Consulting E:info@aenec.com.au P:0416 316 204		 www.aenec.com.au
Project Address: 32 St James Road, Bondi Junction				
BASIX CERTIFICATION NUMBER: A494242				
This Project Specification outlines ONLY some of the BASIX commitments. For the full list, you must refer to BASIX document.				
External Walls Specification:				
Type	Material	Added Insulation	Colour	Detail
Masonry	Brick Veneer	R1.16	-	As per drawings
Framed	Framed	R1.30	-	As per drawings
Internal Walls specification:				
Type	Material	Added Insulation	Colour	Detail
Framed	Plasterboard	Nil	-	-
Roof Specification:				
Type	Material	Added Insulation	Colour	Detail
Framed	As per Drawings	R3.00 + sarking	Medium	As per drawings
Floors Specification:				
Type	Material	Added Insulation	Covering	Detail
Framed	As per Drawings	Nil	-	Above dwelling - internal
Framed	As per Drawings	R0.80	-	Above outdoor air
Masonry	Concrete	Nil	-	Slab on ground
Window Specification:				
Frame material	Glazing	U Value	SHGC	Detail
Aluminum	Single	7.63 or Lower	0.75 or Lower	See BASIX
Aluminum	Single - Low E	5.70 or Lower	0.47 or Lower	See BASIX
As suitable	As suitable	2.30 or Lower	0.19 or Lower	See BASIX
Skylight Specification:				
Frame material: As suitable	Glazing: As suitable			
U Value: 2.50 or lower	SHGC: 0.456 or lower		Detail	
Various Notes if Applicable:				
Showerheads	3 star no greater than 9lt/min flow rate			
Toilet Flush	3 star or no greater than 4 litres/flush			
Kitchen taps	3 star no greater than 9lt/min flow rate			
Bathroom taps	3 star no greater than 9lt/min flow rate			
Rainwater tank	N/A	Pool	N/A	
NOTES:				
1. ALL DOWNLIGHTS TO BE : APPROVED NON VENTILATED WITH FIRERATED COVER/SHIELD TO ALLOW CONTINUOUS INSTALLATION OF INSULATION				
2. ALL vents and/or wall openings to be the 'SEALED' type.				
3. All insulation is to be installed in accordance with AS/NZS 4859.1				
4. All windows to comply with AS2047				



FIRST FLOOR - GFA DIAGRAM



GROUND FLOOR - GFA DIAGRAM

LEGEND:

SITE AREA (m²):

103.9 - 32 ST J RD

PERMISSIBLE GFA (FSR 0.99:1):

102.86 - 32 ST J RD

PROPOSED GFA:

118.92 - 32 ST J RD(over by 16.06sqm)

PROPOSED FSR:

1.155:1 - 32 ST J RD

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Application No: DA-187/2023

Date Received: 29/09/2023

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LEGEND
GROSS FLOOR AREA

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ABN: 77 668 120 901 | ACN: 668 120 901
Nominated Architect:
Emmanuel Chatzinikolaou
NSW Reg No. 9973 | D&BP Reg No. DEPO001277

Drawn | Checked MC
Plot Date: 27/05/2023
Scale: 1:200 @ A3

Applicant: Aukner
Site: 32 St James Rd,
Bondi Junction NSW 2022
Lot 45, DP 250200

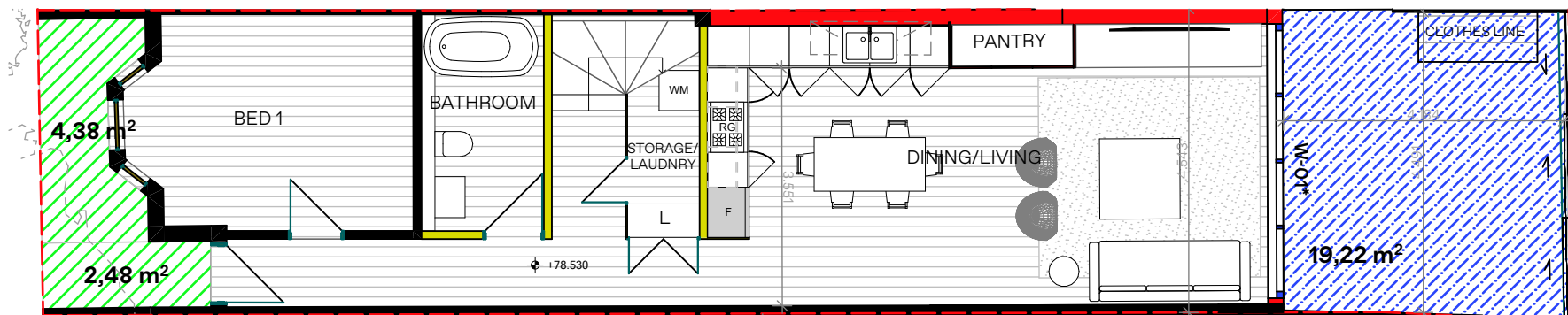
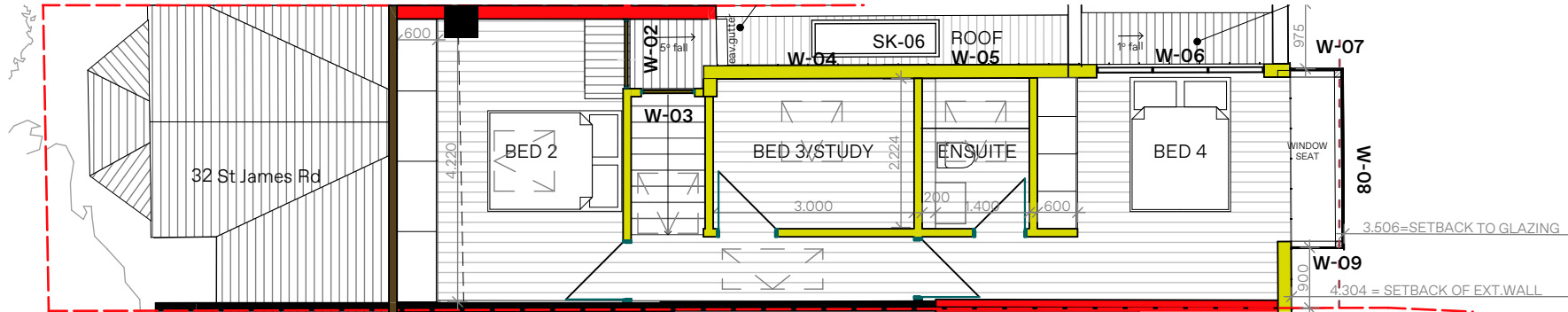
DRAWING TITLE: Development Application Set_32 St James Rd
GFA CALCULATION DIAGRAMS

PROJECT NAME: Residence

REVISION NO.
Rev.B

DRAWING NO.
109
DA-11

AMENDED PLANS




LEGEND:

SITE AREA (m²):
104.1 - 32 ST J RD
 MIN. LANDSCAPING (20% OF SITE):
20.82 - 32 ST J RD

EX. OPEN SPACE (17.2% OF SITE):
16.58 - 32 ST J RD
 EX. DEEP SOIL PLANTING (4.2% OF L.):
4.38 - 32 ST J RD
 EX. LANDSCAPING (4.2% OF SITE):
4.38 - 32 ST J RD

PROPOSED OPEN SPACE (18.5% OF SITE):
19.22 - 32 ST J RD
 PROPOSED DEEP SOIL PLANTING (4.2% OF L.):
4.38 - 32 ST J RD
 PROPOSED LANDSCAPING (4.2% OF SITE):
4.38 - 32 ST J RD

MIN. OPEN SPACE (40% OF SITE):
41.64 - 32 ST J RD
 MIN. DEEP SOIL PLANTING (50% OF L.):
10.41 - 32 ST J RD

Project Specification		Form # AE0.3	Australian Energy Efficiency Consulting E:info@aenec.com.au P:0416 316 204		 www.aenec.com.au
Project Address: 32 St James Road, Bondi Junction		BASIX CERTIFICATION NUMBER: A494242			
This Project Specification outlines ONLY some of the BASIX commitments. For the full list, you must refer to BASIX document.					
External Walls Specification:					
Type	Material	Added Insulation	Colour	Detail	
Masonry	Brick Veneer	R1.16	-	As per drawings	
Framed	Framed	R1.30	-	As per drawings	
Internal Walls specification:					
Type	Material	Added Insulation	Colour	Detail	
Framed	Plasterboard	Nil	-	-	
Roof Specification:					
Type	Material	Added Insulation	Colour	Detail	
Framed	As per Drawings	R3.00 + sarking	Medium	As per drawings	
Floors Specification:					
Type	Material	Added Insulation	Covering	Detail	
Framed	As per Drawings	Nil	-	Above dwelling - internal	
Framed	As per Drawings	R0.80	-	Above outdoor air	
Masonry	Concrete	Nil	-	Slab on ground	
Window Specification:					
Frame material	Glazing	U Value	SHGC	Detail	
Aluminum	Single	7.63 or Lower	0.75 or Lower	See BASIX	
Aluminum	Single - Low E	5.70 or Lower	0.47 or Lower	See BASIX	
As suitable	As suitable	2.30 or Lower	0.19 or Lower	See BASIX	
Skylight Specification:					
Frame material: As suitable	Glazing: As suitable				
U Value: 2.50 or lower	SHGC: 0.456 or lower	Detail			
Various Notes if Applicable:					
Showerheads	3 star no greater than 9lt/min flow rate				
Toilet Flush	3 star or no greater than 4 litres/flush				
Kitchen taps	3 star no greater than 9lt/min flow rate				
Bathroom taps	3 star no greater than 9lt/min flow rate				
Rainwater tank	N/A	Pool	N/A		
NOTES:					
1. ALL DOWNLIGHTS TO BE : APPROVED NON VENTILATED WITH FIRE RATED COVER/SHIELD TO ALLOW CONTINUOUS INSTALLATION OF INSULATION					
2. ALL vents and/or wall openings to be the 'SEALED' type.					
3. All insulation is to be installed in accordance with AS/NZS 4859.1					
4. All windows to comply with AS2047					

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Application No: DA-187/2023

Date Received: 29/09/2023



LEGEND

 LANDSCAPED AREA

 PRIVATE OPEN SPACE AREA

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 DARC STUDIO PTY LTD
 ABN: 77 668 120 901 | ACN: 668 120 901
 Nominated Architect:
 Emmanouil Chatzizinkolaou
 NSW Reg No. 9973 | D6BP Reg No. DEP0001277

Drawn | Checked MC
 Plot Date: 27/05/2023
 Scale: 1:200 @ A3

Applicant: Aukner
 Site: 32 St James Rd,
 Bondi Junction NSW 2022
 Lot 45, DP 250200

REVISION NO.
Rev.B

DRAWING TITLE:
 Development Application Set_32 St James Rd
LANDSCAPING & O.S. CALC. DIAGRAMS

PROJECT NAME:
Residence

DRAWING NO.
DA-12

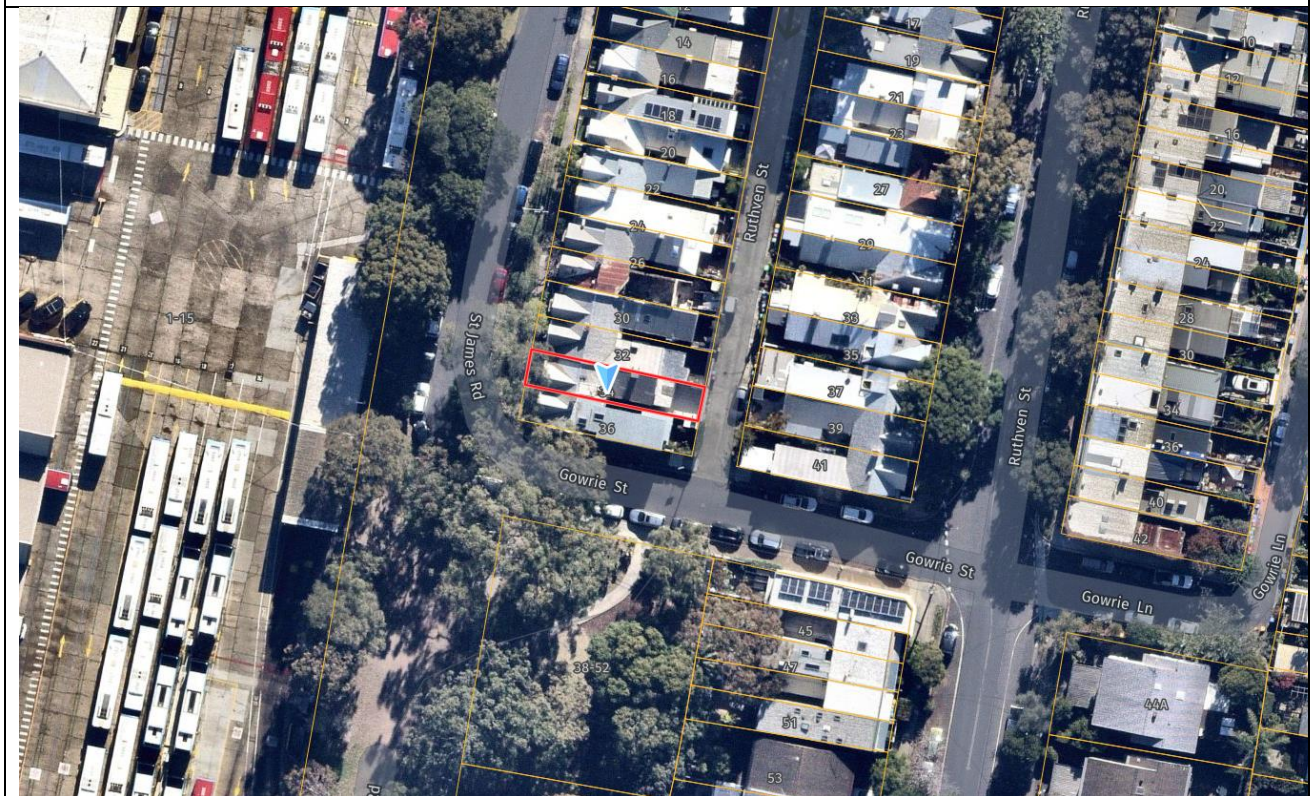
110



Report to the Waverley Local Planning Panel

Application number	DA-181/2023
Site address	34 St James Road, BONDI JUNCTION
Proposal	Alterations and additions to attached dwelling including new first floor addition
Date of lodgement	12 July 2023
Owner	M & N Whittington-Davis
Applicant	N Whittington-Davis
Submissions	Nil
Cost of works	\$249,480
Principal Issues	<ul style="list-style-type: none"> • Side setback • Floor space ratio exceedance • Landscaping • Visual privacy
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for alterations and additions to an attached dwelling including new first floor addition at the site known as 34 St James Road, BONDI JUNCTION.

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

- Floor space ratio
- Side setbacks
- Landscaping
- Visual privacy

The assessment finds these issues acceptable as the development will not impact on the amenity of neighbouring properties and is suitable in this location. A condition is recommended to provide privacy screening to the first-floor windows of the reading nook to address the issue of privacy.

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 19 July 2023.

The site is identified as Lot 44 in DP 250200, known as 34 St James Road, BONDI JUNCTION.

The site is rectangular in shape with a western frontage to St James Road measuring 4.53m and the rear facing Ruthven Lane measuring 4.485m. The site has an area of 104.3m² and is generally flat.

The site is identified as part of an item of Local Heritage Significance being Item I-238 in the Waverley Local Environmental Plan 2012 (Waverley LEP 2012) Schedule 5, encompassing the residential row. The row is within and contributory to the Mill Hill Conservation Area in Waverley LEP 2012.

The subject site is occupied by a Federation Cape Dutch Style attached residence. The residence forms part of a row of similar form with street elevations predominantly of Federation Gothic Revival interspersed with paired residences detailed in Cape Dutch Style.

The site is adjoined by attached dwellings on either side. The locality is characterised by a variety of low-density residential development, with the exception of the Waverley Bus Depot which is located to the west across St James Road. There is an emerging character of first floor rear additions along this row of attached dwellings, particularly No. 18, 28 and 36 St James Road.

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

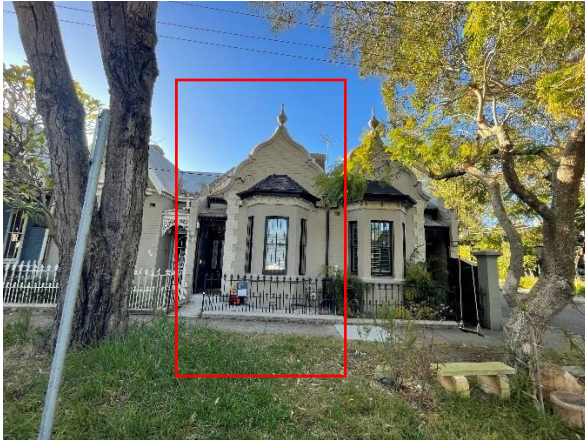


Figure 1: Subject site (in red) viewed from St James Road.



Figure 2: Street context of St James Road, looking north.



Figure 3: Subject site viewed from Ruthven Lane.



Figure 4: Street context of Ruthven Lane, looking north.

1.3. Relevant Development History

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

- DA-187/2023 for alterations and additions to an attached dwelling including new first floor addition on the neighbouring property at No. 32 St James Road, BONDI JUNCTION is currently under assessment.

These DAs are being assessed concurrently.

1.4. Proposal

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

- Demolition of the rear section of the dwelling and reconstruction to include a bedroom, bathroom, laundry and open space kitchen and living area; and
- First floor addition to include three x bedrooms and one x bathroom.

1.5. Background

The development application was lodged on 12 July 2023 and a Stop the Clock letter was issued the same day requiring an amended floor space ratio (FSR) calculation diagram and updated Clause 4.6 variation request to accurately represent the calculable gross floor area (GFA) on site. Amended documentation was submitted on 13 July 2023.

The application was deferred on 10 August 2023 for the following reasons:

1. **Side setback:** The proposed side setback did not comply with the relevant controls and resulted in direct amenity impacts to neighbouring properties.
2. **Heritage:** Council's Heritage architect raised a number of concerns relating to the proposal.
3. **Solar access:** More detail was required to accurately assess the existing and proposed overshadowing to the neighbouring property.

The amended plans received on 28 September 2023 responded to the above; these plans 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 1st March 2022 and have been considered acceptable in the assessment of this development application:

- SEPP (Building Sustainability Index – BASIX) 2004

2.1.2. Waverley LEP 2012

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The development is consistent with the aims of the plan.
Part 2 Permitted or prohibited development		

Provision	Compliance	Comment
Land Use Table <i>R3 Medium Density Residential Zone</i>	Yes	The proposal is defined as alterations and additions to an attached dwelling, which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 9.5m 	Yes	The development proposes an overall height of 6.57m.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio Site area: 104.3m ² <ul style="list-style-type: none"> 0.99:1 or 103.3m² 	No	The development proposes an FSR of 1.148:1 or GFA of 119.8m ² , which does not comply with the development standard.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	The development is identified as Heritage Item No. I238 and is located in the Mill Hill Heritage Conservation Area. The proposed works will not be visible from the St James Road streetscape and will complement the heritage character of the building. Council's heritage architect has reviewed the design and is supportive of the proposed works, subject to conditions.

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 maximum FSR development standard in clause 4.4 under Waverley LEP 2012.

The site is subject to a maximum FSR development standard of 0.99:1. The proposed development has an FSR of 1.148:1, exceeding the standard by 16.5m², equating to a variation of 16%.

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) *Together with the FSR, the height of a building sets the scale of the development and its resultant impact on the streetscape and surrounding developments. The application proposes a height of 6.4m, well below the 9.5m maximum height limit. The proposal sits comfortably on the site and presents in a way that is consistent with the No 36 St James Rd development which has added a first floor.*
- (ii) *The rear additions and alterations are not visible from the St James Frontage. This is achieved through the set out of the flat roof of the first floor addition 3.5m behind the prevailing St James Rd Terrace Row ridge line and 0.3m above the ridge. It is therefore confirmed that the compatibility and sameness is preserved from the main frontage.*
- (iii) *The proposal is visible from Ruthven St. The proposal follows the pattern established by No 36 St James.*
- (iv) *On the ground floor level additional GFA is proposed to be added at the expense of the existing site setback. This extension will reflect the construction of the north-east corner of No 36 St James Rd along the common boundary with No 34 St James Rd. The proposed extension is in line with the adjoining property along the Eastern faced and is therefore achieving greater consistency with the design of No 36 St James Rd.*
- (v) *The proposal follows the alignments and building pattern of approved first floor extensions of terraces belonging to the St James Rd row. The GFA produced as a direct result of the proposed first floor rear setback is not contributing to an increased bulk and scale compared to other developments belonging to the same group of terrace houses. It is considered that the proposal will not detract from the existing or desired character of the locality when viewed in conjunction with the adjoining buildings. The proposed non-compliance is therefore not considered to result in a size or scale of the development that is incompatible with the existing or desired future character of the locality.*

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

- (i) *The proposal will not compromise the use and enjoyment of adjoining properties. The examination of the proposal in this statement demonstrates that there will be no unreasonable detrimental impact to privacy and daylight access for neighbouring properties. The development will enhance the interface with the public domain.*

- (ii) *In terms of privacy, the proposed FSR will not have any additional impacts on adjoining properties as the setback and treatments of the building at the street frontage and rear of the site will ensure that appropriate visual privacy is achieved.*
- (iii) *Solar Access is considered in detail as part of the SEE and Shadow diagrams provided and it is demonstrated that the proposal will not give rise to any unreasonable impacts on the existing sunlight gained to adjoining properties.*

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

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

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

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

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

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

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. Council agrees with the justification completed by the applicant. The applicant has adequately demonstrated that the proposal meets the objectives of the FSR development standard and the medium density residential zone. The bulk and scale of the development is compatible with two

storey dwellings in the street and the development has been designed to match the bulk and scale of the first floor on the attached property (No. 36 St James Road). The proposed development has been designed to match the setbacks of first floor additions in the street and is consistent with the desired future character of the area.

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 proposal is of appropriate design with regard to the specific circumstances of the site and has been designed to match the first floor additions in the street. Aside from presenting a suitable appearance to surrounding areas that is compatible with the existing and desired character of the area, the proposed development will enable better utilisation of the dwelling, without causing any significant or unreasonable impacts on surrounding sites and the public domain, in terms of visual privacy, solar access and visual amenity. The development complies with the overall height of buildings development standard and fits well within the street.

Is the development in the public interest?

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

The relevant objectives of the FSR development standard are as follows:

- (b) to provide an appropriate correlation between maximum building heights and density controls,*
- (c) to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality,*
- (d) to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and the locality.*

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 unreasonable bulk or scale when compared to the surrounding development. The proposal has a built form that is compatible with first floor additions in the street and fits in with 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 dwelling is maintained and is consistent with the medium density residential character of the locality. The proposed alterations and additions will enhance the functionality of the dwelling 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
1. Waste <ul style="list-style-type: none"> • <i>Garbage bins are to be stored in an appropriate location.</i> 	Yes	
2. Ecologically Sustainable Development <ul style="list-style-type: none"> • <i>Ceiling or wall mounted fans</i> • <i>Gas cooktops, gas ovens or gas internal space heating systems.</i> 	Yes	An advisory note has been recommended stating that gas should not be used for cooktops, ovens and heating and to provide ceiling or wall mounted fans in all habitable rooms.

Development Control	Compliance	Comment
3. Landscaping, Biodiversity and Vegetation Preservation	Yes	The only landscaping currently on site is located in the front setback. No changes are proposed to the existing landscaping on site and no additional landscaping is proposed in the rear.
4. Water Management	Yes	Refer to section 3 of this report on referral commentary in relation to stormwater.
8. Heritage	Yes	Whilst the first floor addition will sit 0.36m above the existing ridge height of the dwelling, it is located further into the rear and therefore will not be visible from St James Road. The development will maintain the heritage character of the surrounding area. Please refer to Section 3 of this report for comments regarding heritage.
11. Design Excellence	Yes	The proposed materials and colours will match the existing built form and complement the character of the area.

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

Development Control	Compliance	Comment
1.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
1.1 Height		
Flat roof dwelling house <ul style="list-style-type: none"> • <i>Maximum wall height of 7.5m</i> 	Yes	The development proposes a wall height of 6.27m, which complies with this control.
1.2 Setbacks		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> • <i>Predominant front building line (adjacent three neighbours on either side)</i> • <i>Predominant rear building line at each floor level (adjacent three neighbours or either side)</i> 	Yes	The first floor has been designed to match the front and rear setbacks of the neighbouring first floor at No. 36 St James Road. This is consistent with development in the street and complies with the control.
1.2.2 Side setbacks <ul style="list-style-type: none"> • <i>Minimum of 0.9m for ground floor and first floors.)</i> 	No Acceptable on merit	The ground floor proposes boundary to boundary development at the rear of the site, which does not comply with the control. In support of this non-compliance, the section of wall that will sit on the southern boundary has been designed to sit at a height that matches the existing side

Development Control	Compliance	Comment
		<p>boundary fence and angles up to the first floor. This will minimise the amenity impact to the neighbouring property, as the boundary wall will remain the same height as existing between the properties.</p> <p>The first floor is setback 0.9m, which complies with the control.</p>
1.3 Streetscape and visual impact		
<ul style="list-style-type: none"> • <i>New development to be compatible with streetscape context</i> • <i>Replacement windows to complement the style and proportions of existing dwelling</i> • <i>Significant landscaping to be maintained.</i> 	Yes	<p>The first floor addition that sits above the existing ridge line will be setback approximately 9.8m from the front boundary and therefore will not be visible from the streetscape on St James Road. The proposed works will be visible from Ruthven Lane. The proposed addition will match the character of the laneway and complement the existing dwelling on site.</p>
1.4 Fences		
<p><u>Front:</u></p> <ul style="list-style-type: none"> • <i>Maximum height of 1.2m</i> • <i>Solid section no more than 0.6m in height</i> <p><u>Side and Rear:</u></p> <ul style="list-style-type: none"> • <i>Maximum height of 1.8m</i> 	Yes	<p>No changes are proposed to front of side boundary fencing on site.</p> <p>A 1.8m rear sliding gate is proposed to replace the existing rear boundary wall and gate. This is consistent with the heights within the laneway and complies with the control.</p>
1.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> • <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> 	Yes	<p>The proposed reading nook window seat in Bed 4 on the first floor proposes windows that will have the ability to directly look into the neighbouring properties to the north and south. A condition has been recommended to provide fixed obscure glazing or fixed external privacy screens to a minimum height of 1.6m above the finished floor level of the first floor. This will limit any overlooking to surrounding properties.</p> <p>The remaining first floor south facing windows of will have a sill height of 1.6m measured from the finished floor level, which will limit any overlooking to neighbouring properties. The first floor east facing windows will look directly into the private open space of the subject site and will not result in overlooking to surrounding properties.</p> <p>No external stairs, balconies or roof tops are proposed.</p>
1.6 Solar access		

Development Control	Compliance	Comment
<ul style="list-style-type: none"> • <i>Minimum of 3 hours of sunlight to 50% of living areas and principal open space areas on 21 June to subject site</i> • <i>Minimum of 3 hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June.</i> • <i>Avoid unreasonably overshadowing of solar collectors (including habitable windows).</i> 	Yes	Shadow diagrams have been submitted with the application, including elevation shadow diagrams to demonstrate the shadow impact on the neighbouring property at No. 36 St James Road. The shadow diagrams demonstrate that there will be overshadowing to the north facing windows at No. 36 St James Road, however all of these windows are either non-habitable (a staircase) or are secondary windows into the kitchen and living room. The main source of light into these rooms is the sliding doors and large opening on the eastern side. The additional shadow will not unreasonably impact on the amenity of the neighbouring property and therefore complies with the objectives and controls.
1.7 Views		
<ul style="list-style-type: none"> • <i>Views from the public domain are to be maintained</i> • <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> 	Yes	No views will be impacted by the development.
1.9 Landscaping and open space		
<ul style="list-style-type: none"> • <i>Overall open space: 40% of site area</i> • <i>Overall landscaped area: 20% of site area, with at least half deep soil</i> • <i>Minimum area of 25m² for private open space</i> • <i>Front open space: 50% of front building setback area</i> • <i>Front landscaped area: 50% of front open space provided</i> • <i>Outdoor clothes drying area to be provided</i> 	No Acceptable on merit	<p>17.9% of the site will be dedicated to open space. This is a result of the small lot size of this property. The outdoor open space is consistent with open spaces in the area and is considered to be appropriate in this instance.</p> <p>No changes are proposed to the existing landscaping on site.</p> <p>No changes are proposed to the front open space and landscaped area on site.</p> <p>A clothes drying area is provided in the rear of the site.</p>
1.13 Semi-detached dwellings and terrace style development		
1.13.1 Built form	Yes	The proposed works will not be visible from the St James Road streetscape and will therefore

Development Control	Compliance	Comment
<ul style="list-style-type: none"> • <i>Additions to match the style of the original semi-detached dwelling</i> • <i>Existing roof form maintained forward of principal ridgeline</i> • <i>Use of roof as an attic permitted provided</i> • <i>Front verandahs to be maintained</i> 		<p>maintain the character of the group of attached dwellings.</p> <p>When viewed from the laneway, the design of the first floor addition will complement the character of development along this section of St James Road.</p>
<p>1.13.4 Side setback and courtyard design controls for terraces</p> <ul style="list-style-type: none"> • <i>Nil setback permitted where abuts an existing wall with nil setback</i> • <i>Otherwise 900mm setback required</i> • <i>Walls on boundaries should not be more than 2.1m high</i> • <i>Internal courtyards to be 1.5m wide.</i> • <i>No openings are permitted for walls built to the side boundary</i> 	Yes	<p>As mentioned earlier in this report, the southern side setback is proposed to sit on the boundary, which does not abut another wall on boundary. In support of this non-compliance, it is noted that the wall will sit at the same height as the existing side boundary fence. Therefore, there will be no amenity impacts to the neighbouring property to the south.</p>
<p>1.13.5 Streetscape and visual impact controls for terraces</p> <ul style="list-style-type: none"> • <i>Additional storey reflects character of terrace</i> • <i>Extensions no higher than the existing ridge</i> 	Yes	<p>The first floor addition will reflect the character of the streetscape from Ruthven Lane and fit in with the desired future character of the area.</p>
<p>1.13.6 Common or shared party walls</p> <p><i>Where new common walls are constructed, they should be constructed as cavity walls with a damp-proof course.</i></p>	Yes	<p>A condition is recommended to construct the common party wall with a damp proof course.</p>
<p>1.14 Dual Frontage Development</p>		

Development Control	Compliance	Comment
1.14.2 - Laneway Design Provisions	Yes	No changes are proposed to the rear boundary fencing facing Ruthven Lane.
1.14.3 Development in Heritage Conservation areas <ul style="list-style-type: none"> • <i>Finishes and proportions to match the traditional construction in the area</i> • <i>Window proportions to match the area</i> • <i>Overlooking to be mitigated</i> • <i>Yard areas not to be roofed</i> • <i>Box gutters on side boundaries to be avoided.</i> • <i>Solar panels not to face the laneway.</i> 	Yes	The development as viewed from Ruthven Lane will complement the heritage character of the area and is supported.

2.2. Other Impacts of the Development

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

2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.4. Any Submissions

The application was notified for 21 days between 13 July and 8 August 2023 and a site notice erected on the site in accordance with the *Waverley Community Development Participation and Consultation Plan*.

Following receipt of amended plans and additional information, the application was not re-notified as the amended form of the proposal did not result in additional impacts to neighbouring properties. The only design change included the modification of the roof form along the southern boundary to a skillion roof; this improves the amenity to the neighbouring property to the south.

No submissions were received.

2.5. Public Interest

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

3. REFERRALS

The following internal referral comments were sought:

3.1. Biodiversity

Council's Biodiversity officer has reviewed the proposal and made the following comments.

The property lies within the identified biodiversity habitat corridor. No landscape plans have been submitted. Landscape plans that comply with the abovementioned controls must be prepared and submitted for assessment.

No changes are proposed to the existing landscaping on site and no new landscaping is proposed. Therefore, a landscape plan is not required in this instance.

3.2. Stormwater

Council's Stormwater engineer has reviewed the proposal and made the following comments.

Given the property is well outside flood extents during a 1% AEP event, any proposed works to the existing dwelling is unlikely to change the existing flood behaviour. Consequently, standard flood related development controls will not be enforced prior to the issue of the Construction Certificate. From a stormwater drainage perspective there are no objections to the approval of this application subject to conditions.

Standard conditions have been recommended in **Appendix A**.

3.3. Tree Management

Council's Tree management officer has reviewed the proposal and made the following comments.

Situated on the naturestrip in St James Road is one mature Casuarina glauca (Grey She-oak) and one Jacaranda mimosifolia (Jacaranda) trees in good health. These trees are to be retained and protected.

Standard conditions have been recommended in **Appendix A**.

3.4. Heritage

Council's Heritage architect has reviewed the original proposal and made the following comments.

- *The applicant's heritage report struggles to find an exact date for construction of the residence possibly due to previous location of the St James Glebe within Randwick Municipality. An assessment of the interiors has now been provided and is accepted.*
- *There is no illustration or discussion of the impact of removing the central chimney. Restoration works as necessary are to be carried out to the retained chimney.*
- *The additions are shown extending out from the main ridgeline rather than set below the ridgeline - the detail has been amended to avoid over flashing of the new and existing ridge.*
- *As previously noted, the absence of a small atrium to the southern side of the ground floor replacing the existing breezeway remains a concern, the ability to provide adequate natural light and ventilation to the inner areas of the existing and proposed ground floor being seriously limited by this omission. The over-reliance on skylights with associated need for cleaning and no indicated provision for ventilation is not considered an acceptable alternative.*

The amended application is to be further modified by:

- *An atrium is to be provided to the rear of the retained core section of the residence [i.e. in the forward area of the existing breezeway].*
- *The central chimney over the existing rear wing is to be retained.*
- *Additional deep soil planting is to be provided to the rear court.*

- *Colour schedules are to ensure cohesion with the adjacent residence at 36 St James Road. Vivid White is to be deleted from the colour schedule in favour of Chalk White.*

In response to the above, the following comments are made:

- The boundary to boundary development is considered acceptable in this instance for the reasons discussed throughout the report. The open plan kitchen and living room will have sufficient light and ventilation through the proposed windows and door openings and are not cause for concern.
- The central chimney is located towards the rear of the site and is not visible from St James Road. Maintaining this chimney would inhibit any future development on the site and would result in an undesirable planning outcome. It is further noted that the chimney located on the top of the ridge is proposed to be retained and preserved, which is visible from the front and rear streets. This is considered acceptable in this instance.
- The site currently has no deep soil planting in the rear and this is not proposed to be modified.
- A condition is recommended to amend the colour schedule to replace “Chalk White” with “Vivid White”.

4. CONCLUSION

The development application seeks consent for alterations and additions to semi-attached dwelling including new first floor addition at the site known as 34 St James Road, BONDI JUNCTION.

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

- FSR
- Side setbacks
- Landscaping
- Visual privacy

The assessment finds these issues acceptable as the development will not impact on the amenity of neighbouring properties and is suitable in this location. A condition is recommended to provide privacy screening to the first floor windows of the reading nook to address the issue of privacy.

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.

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**.

Development Assessment Leadership Team (DALT) Review

The application was reviewed by the DALT at the meeting on 3 October 2023 and the DALT concurred with the Assessment Planner's recommendation.

DBU members: *A Rossi, B McNamara, B Magistrale, E Finnegan, and Jo Zancanaro*

Report prepared by:	Application reviewed and agreed by:	Application reviewed and agreed by:
		
Katie Johnstone	Bridget McNamara	Angela Rossi
Senior Development Assessment Planner	Manager, Development Assessment	A/Executive Manager, Development Assessment
Date: 3 October 2023	Date: 10 October 2023	Date: 16 October 2023

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	16.5% variation to FSR (Clause 4.4)	
		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]	
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	

APPENDIX A – CONDITIONS OF CONSENT

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

Condition																																					
1.	<p>APPROVED PLANS AND DOCUMENTATION</p> <p>The development must be in accordance with:</p> <p>(a) Architectural Plans prepared by DARC Architects of Project Name: Residence, including the following:</p> <table border="1"> <thead> <tr> <th>Plan Number and Revision</th> <th>Plan description</th> <th>Plan Date</th> <th>Date received by Council</th> </tr> </thead> <tbody> <tr> <td>DA-02 Rev. B</td> <td>Site Plan</td> <td>27/05/2023</td> <td>28/09/2023</td> </tr> <tr> <td>DA-03 Rev. B</td> <td>Demolition Plan</td> <td>27/05/2023</td> <td>28/09/2023</td> </tr> <tr> <td>DA-04 Rev. B</td> <td>Ground Floor Plan</td> <td>27/05/2023</td> <td>28/09/2023</td> </tr> <tr> <td>DA-05 Rev. B</td> <td>First Floor Plan</td> <td>27/05/2023</td> <td>28/09/2023</td> </tr> <tr> <td>DA-06 Rev. B</td> <td>Roof Plan</td> <td>27/05/2023</td> <td>28/09/2023</td> </tr> <tr> <td>DA-07 Rev. B</td> <td>North & South Elevations</td> <td>27/05/2023</td> <td>28/09/2023</td> </tr> <tr> <td>DA-08 Rev. B</td> <td>East & West Elevations</td> <td>27/05/2023</td> <td>28/09/2023</td> </tr> <tr> <td>DA-09 Rev. B</td> <td>Sections A & B</td> <td>27/05/2023</td> <td>28/09/2023</td> </tr> </tbody> </table> <p>(b) BASIX Certificate</p> <p>(c) Schedule of Conservation Works prepared by Ruth Daniell, dated September 2023 and received by Council on 28 September 2023</p> <p>(d) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 11 July 2023</p> <p>Except where amended by the following conditions of consent.</p> <p>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>	Plan Number and Revision	Plan description	Plan Date	Date received by Council	DA-02 Rev. B	Site Plan	27/05/2023	28/09/2023	DA-03 Rev. B	Demolition Plan	27/05/2023	28/09/2023	DA-04 Rev. B	Ground Floor Plan	27/05/2023	28/09/2023	DA-05 Rev. B	First Floor Plan	27/05/2023	28/09/2023	DA-06 Rev. B	Roof Plan	27/05/2023	28/09/2023	DA-07 Rev. B	North & South Elevations	27/05/2023	28/09/2023	DA-08 Rev. B	East & West Elevations	27/05/2023	28/09/2023	DA-09 Rev. B	Sections A & B	27/05/2023	28/09/2023
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DA-02 Rev. B	Site Plan	27/05/2023	28/09/2023																																		
DA-03 Rev. B	Demolition Plan	27/05/2023	28/09/2023																																		
DA-04 Rev. B	Ground Floor Plan	27/05/2023	28/09/2023																																		
DA-05 Rev. B	First Floor Plan	27/05/2023	28/09/2023																																		
DA-06 Rev. B	Roof Plan	27/05/2023	28/09/2023																																		
DA-07 Rev. B	North & South Elevations	27/05/2023	28/09/2023																																		
DA-08 Rev. B	East & West Elevations	27/05/2023	28/09/2023																																		
DA-09 Rev. B	Sections A & B	27/05/2023	28/09/2023																																		
2.	<p>GENERAL MODIFICATIONS</p> <p>The application is approved subject to the following plan amendments;</p> <p>(a) Privacy screens are to be provided on the windows labelled W07 and W09 to a minimum height of 1.6m above the finished floor level of the first floor to mitigate overlooking to the neighbouring properties. The privacy screens may be fixed obscure glazing or fixed external screens.</p> <p>Condition reason: To provide appropriate privacy to the neighbouring properties.</p>																																				

	(b) The colour and materials schedule is to be amended to replace the “Chalk White” colour to “Vivid White”.
	Condition reason: To ensure the heritage character of the building is maintained.
	The amendments are to be approved by the Principal Certifying Authority prior to the issue of any Construction Certificate.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Condition	
3.	<p>NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE</p> <p>The building work, or demolition work, must not be commenced until:</p> <ul style="list-style-type: none"> (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the <i>Environmental Planning and Assessment Act 1979</i>; (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2000</i>; and (c) Council is given at least two days' notice in writing of the intention to commence the building works. <p>Condition reason: To ensure a Construction Certificate is obtained prior to work commencing.</p>
4.	<p>HOME BUILDING ACT</p> <p>The builder or person who does the residential building work shall comply with the applicable requirements of Part 6 of the <i>Home and Building Act 1989</i>. 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.</p> <p>Condition reason: To ensure the builder or person who does the residential building work, complies with the applicable requirements of Part 6 of the <i>Home and Building Act 1989</i>.</p>
5.	<p>SECTION 7.12 CONTRIBUTION</p> <p>A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the <i>Environmental Planning and Assessment Act 1979</i> and the Waverley Council Development Contributions Plan in accordance with the following:</p> <ul style="list-style-type: none"> (a) Where the total development cost is \$500,000 or less: <ul style="list-style-type: none"> (i) 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 more than \$500,000 but less than \$1,000,000: <ul style="list-style-type: none"> (i) a Detailed Cost Report prepared by a registered Quantity Surveyor, Building Contract, or similar is to be submitted to Council's Customer Service Centre to process payment. (c) Where the total development cost is \$1,000,000 or more: <ul style="list-style-type: none"> (i) 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).

	<ul style="list-style-type: none"> - Please forward documents to info@waverley.nsw.gov.au attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy. (ii) 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. (iii) 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. <p>A copy of the required format for the cost reports are provided in the Waverley Council Contributions Plan, available on Council’s website.</p> <p>(d) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, the levy must be paid in accordance with the following;</p> <ul style="list-style-type: none"> (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 <u>full</u> cost of the development; or (iii) A development valued at more than \$200,000 will attract a levy of 1% of the <u>full</u> cost of the development. <p>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.</p> <p>Condition reason: To ensure the Section 7.12 Contributions are paid.</p>
<p>6.</p>	<p>SECURITY DEPOSIT</p> <p>A deposit (cash or cheque) for the amount of \$7,865.00 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.</p> <p>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.</p> <p>Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.</p>
<p>7.</p>	<p>LONG SERVICE LEVY</p> <p>A long service levy, as required under section 34 of the <i>Building and Construction Industry Long Service Payments Act, 1986</i>, 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.</p>

	<p><u>Note:</u> Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.25% of building work costing \$250,000 or more.</p> <p>Condition reason: To ensure the long service levy is paid.</p>
8.	<p>ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES</p> <p>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.</p> <p>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.</p> <p>Condition reason: To ensure Council assessment fees are paid.</p>
9.	<p>HOARDING</p> <p>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.</p> <p>Condition reason: To ensure safety to the general public.</p>
10.	<p>EROSION & SEDIMENT CONTROL</p> <p>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.</p> <p>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.</p> <p>The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.</p> <p>Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>
11.	<p>ENGINEERING DETAILS</p> <p>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.</p> <p>Condition reason: To ensure structural stability of work on site.</p>
12.	<p>ENGINEERING CERTIFICATE OF ADEQUACY</p> <p>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.</p>

	Condition reason: To ensure structural stability of work on site.
13.	<p>EXISTING PARTY WALL IS TO BE EXTENDED</p> <p>The existing separating wall is to be extended to the underside of the roof in accordance with the requirements of the National Construction Code and is to have a damp proof course. All work to the separating wall must be contained within the boundaries of the subject site only, unless agreement between neighbours for work affecting both sides of a separating wall, including written consent of all owners of all properties upon which work will take place has been obtained.</p> <p>Condition reason: To meet the requirements of the National Construction Code.</p>
14.	<p>STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS</p> <p>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 and chimneys are to be retained, supported and not undermined by the proposed development and give details of any intervention or retrofitting needed.</p> <p>Condition reason: To ensure structural stability of retained building elements.</p>
15.	<p>STORMWATER MANAGEMENT</p> <p>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.</p> <p>The submitted stormwater management plan prepared by INLINE Hydraulic Services, Job No. 23119V1, DWG No. HDA01, Rev P3 dated 28/02/23 are considered <u>concept only</u>.</p> <p>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 must be prepared by a suitably qualified and practising Civil Engineer and comply with the following conditions:</p> <ol style="list-style-type: none"> a) Discharge points to the kerb must use the following galvanised steel box-section equivalent to a 100 mm diameter outlet pipe, use a 1 x 125 mm x 75 mm x 4 mm (w x h x t) RHS. b) 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. c) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location must be provided. d) The pits/inspection openings must be provided at all junctions, change in gradient, change in direction, and change in diameter for access and maintenance purposes.

	<p>e) Any new downpipes are to be located wholly within the property's boundary.</p> <p>f) Provide calculations of the roof guttering system for the 5% AEP storm event and minimum number of downpipes required.</p> <p>g) 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 will be replaced as per Waverley Council Public Domain Technical Manual. All associated costs will be borne by the applicant.</p> <p>h) The checklist as set out on pages 68-76 in Council's Water Management Technical Manual (October 2021) available online must be completed and submitted with any revision of Construction Certificate Plan Submission.</p> <p>Notes:</p> <p>(i) 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.</p> <p>(ii) 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 must not be replicated.</p> <p>(iii) 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.</p> <p>(iv) Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.</p> <p>Condition reason: To ensure the proper management of stormwater runoff.</p>
<p>16.</p>	<p>BASIX</p> <p>All requirements of the BASIX Certificate and/or NatHERS documentation are to be shown on the Construction Certificate plans and documentation.</p> <p>Condition reason: To ensure BASIX and/or NatHERS requirements are met.</p>
<p>17.</p>	<p>SITE WASTE AND RECYCLING MANAGEMENT PLAN</p> <p>A <i>Site Waste and Recycling Management Plan (SWRMP) - Part 2</i> 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 <i>SWRMP Part 2</i> is to be available on site at all times during construction. Copies of demolition and construction waste docket that verify the facility that</p>

	<p>received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.</p>
	<p>Condition reason: To ensure resource recovery is promoted and the local amenity is protected during construction.</p>
<p>18.</p>	<p>DILAPIDATION REPORT</p> <p>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.</p> <p>The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site.</p> <p>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.</p> <p>Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.</p>

BEFORE BUILDING WORK COMMENCES

Condition	
19.	<p>CONSTRUCTION SIGNS</p> <p>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.</p> <p>Condition reason: To ensure the general public are afforded the Principal Certifying Authority and principal contractor's (the coordinator of the building works) contact details.</p>
20.	<p>DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS</p> <p>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:</p> <ul style="list-style-type: none"> • 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; • <i>Protection of the Environment Operations Act 1997.</i> <p>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:</p> <p>(a) Outline the identification of any hazardous materials, including surfaces coated with lead paint;</p> <p>(b) Confirm that no asbestos products are present on the subject land, or</p> <p>(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);</p> <p>(d) Describe the method of demolition;</p> <p>(e) Describe the precautions to be employed to minimise any dust nuisance; and</p> <p>(f) Describe the disposal methods for hazardous materials.</p> <p>Condition reason: To ensure the safety of workers and the general public.</p>
21.	<p>STREET TREES TO BE RETAINED/TREE PROTECTION</p>

	<p>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:</p> <ul style="list-style-type: none"> (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.
	<p>Condition reason: To protect trees during the carrying out of site work.</p>

DURING BUILDING WORK

Condition	
22.	<p>CONTROL OF DUST ON CONSTRUCTION SITES</p> <p>The following requirements apply to demolition and construction works on site:</p> <p>(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.</p> <p>(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.</p> <p>Condition reason: To ensure the safety of workers and the general public.</p>
23.	<p>CONSTRUCTION HOURS</p> <p>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.</p> <p>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.</p> <p>Noise from construction activities shall comply with the <i>Protection of the Environmental Operations (Noise Control) Regulation 2017</i>.</p> <p>Condition reason: To protect the amenity of the surrounding area.</p>
24.	<p>STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS</p> <p>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.</p> <p>Condition reason: To ensure the building works are constructed in accordance with the relevant legislation.</p>
25.	<p>CERTIFICATE OF SURVEY - LEVELS</p> <p>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.</p>

	Condition reason: To ensure buildings are sited and positioned in the approved location.
26.	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.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
27.	WORK OUTSIDE PROPERTY BOUNDARY
	This consent does not authorise any work outside the property boundary.
	Condition reason: To ensure all works are located within the property boundary.
28.	STRUCTURAL STABILITY OF ADJOINING ATTACHED DWELLING'S ROOF
	Adequate measures are to be undertaken to ensure structural stability and water proofing of the existing roof over the adjoining attached dwelling having particular regard to the following:
	(a) Adequate measures are undertaken to secure the existing rafters and ridge to the brickwork of the party wall; and
	(b) Adequate measures are undertaken to ensure that the roof where it abuts the extended party wall is water proofed.
	Condition reason: To ensure the structural stability of the adjoining semi-detached dwelling's roof.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition	
29.	<p>FINAL OCCUPATION CERTIFICATE</p> <p>Prior to occupation or use of the development, an Occupation Certificate must be obtained.</p> <p>The Principal Certifying Authority must be satisfied that the requirements of the <i>Environmental Planning & Assessment Act 1979</i> have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.</p> <p>Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.</p>
30.	<p>CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE SYSTEM</p> <p>The Principal Certifying Authority shall certify that the all the undertakings in the approved BASIX certificate have been completed.</p> <p>Condition reason: To ensure all the undertakings in the approved BASIX certificate have been completed.</p>
31.	<p>CERTIFICATION OF STORMWATER SYSTEM</p> <p>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.</p> <p>Condition reason: To ensure the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.</p>
32.	<p>WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM</p> <p>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 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 must be marked-up in red ink and must include levels and locations for the drainage structures and works.</p> <p>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.</p>

	<p>Condition reason: To ensure the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.</p>
<p>33.</p>	<p>BUILDING HEIGHT</p>
	<p>(a) The height of the buildings must not exceed the following RLs (AHD) to the top of the buildings and (where relevant) to the top of building parapets:</p> <ul style="list-style-type: none"> i. Ridge/parapet height: RL84.805 (excluding chimney) <p>(b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.</p>
	<p>Condition reason: To ensure the constructed development complies with the approved height.</p>

GENERAL ADVISORY NOTES

Condition	
1.	<p>DEVELOPMENT IS TO COMPLY WITH LEGISLATION</p> <p>This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation.</p>
2.	<p>DEVELOPMENT MUST MEET CONDITIONS OF CONSENT</p> <p>The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.</p>
3.	<p>POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT</p> <p>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:</p> <ul style="list-style-type: none"> • Please read your conditions carefully. • Information to be submitted to Council should be either via email to info@waverley.nsw.gov.au, in person (at Council's Customer Service Centre) or via post service. • Attention the documentation to the relevant officer/position of Council (where known/specified in condition) • Include DA reference number • Include condition number/s seeking to be addressed • Where multiple conditions need Council input, please try to group the documentation / email/s into relevant subjects (multiple emails for various officers may be necessary, for example). • Information to be submitted in digital format – refer to 'Electronic lodgement guidelines' on Council's website. Failure to adhere to Council's naming convention may result in documentation being rejected. • Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information. • Please note in some circumstances, additional fees and/or additional documents (hard copy) may be required. • Council's standard for review (from date the relevant officer receives documentation) is 14days. Times may vary or be delayed if information is not received in this required manner. • Any queries, please contact Council's Duty Planner on duty.planner@waverley.nsw.gov.au
4.	<p>SYDNEY WATER REQUIREMENTS</p> <p>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.</p> <p>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.</p> <p>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</p>

	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.
5.	DIAL BEFORE YOU DIG Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
6.	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.
7.	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.
8.	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.
9.	ECOLOGICALLY SUSTAINABLE DEVELOPMENT RECOMMENDATIONS <u>Indoor air quality:</u> 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. <u>Ventilation:</u> 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. <u>Domestic hot water:</u> 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

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means Waverley Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Waverley Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

the collection of stormwater,

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

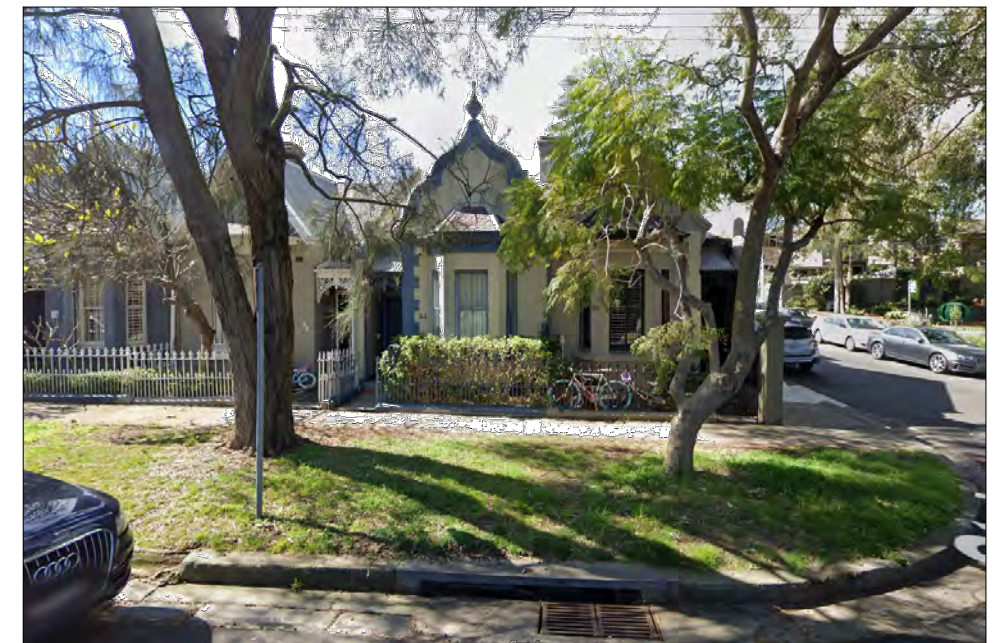
Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Sydney Eastern City Planning Panel.

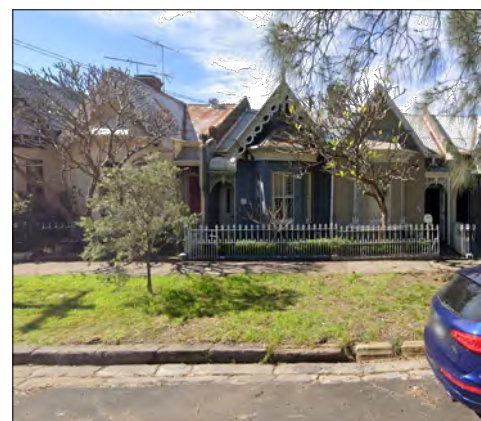
Suitably qualified acoustic consultant means suitably qualified acoustic consultant means an individual who possesses the qualifications to render them eligible for membership of both the Australian Acoustics Society and Institution of Engineers Australia at the grade of member or an individual who is employed by a member firm of the Association of Australian Acoustic Consultants.



Subject property as viewed from St James Rd



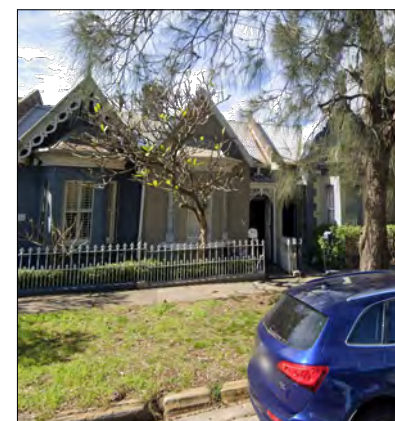
Subject property as viewed from Ruthven Lane



30 St James Road



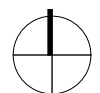
Bus Depot Side façade



32 St James Road



36 St James Road



AMENDED PLANS

DARC

DARC
M: +61421816652
E: hello@darc.archi
P: P.O. Box 693, Potts Point NSW 1535
DARC STUDIO PTY LTD
ABN: 77 668 120 901 | ACN: 668 120 901
Nominated Architect:
Emmanouil Chatziniokou
NSW Reg No. 59973 | D&BP Reg No. DEP0001277

Drawn | Checked MC
Plot Date: 27/05/2023
Scale: 1:200 @ A3

Applicant: Whittington-Davis
Site: 34 St James Rd,
Bondi Junction NSW 2022
Lot 44, DP 250200

DRAWING TITLE:
Development Application Set_34 St James Rd
SITE ANALYSIS PLAN

PROJECT NAME:
Residence

REVISION NO.

Rev.B

DRAWING NO.

DA-01

This certificate confirms that the proposed development will meet the NDV government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Alterations and Additions Definitions" dated 06/10/2017 published by the Department. This document is available at www.basix.nsw.gov.au

Secretary
Date of issue: Wednesday, 31 May 2023
To be valid, this certificate must be signed within 3 months of the date of issue.



Project address

Project name	34 St James Road, Bondi Junction
Street address	34 St James Road Bondi Junction 2022
Local Government Area	Waverley Council
Plan type and number	Deposited Plan 250200
Lot number	45
Section number	

Project type

Dwelling type	Attached dwelling house
Type of alteration and addition	My renovation work is valued at \$50,000 or more, and does not include a pool (and/or spa).

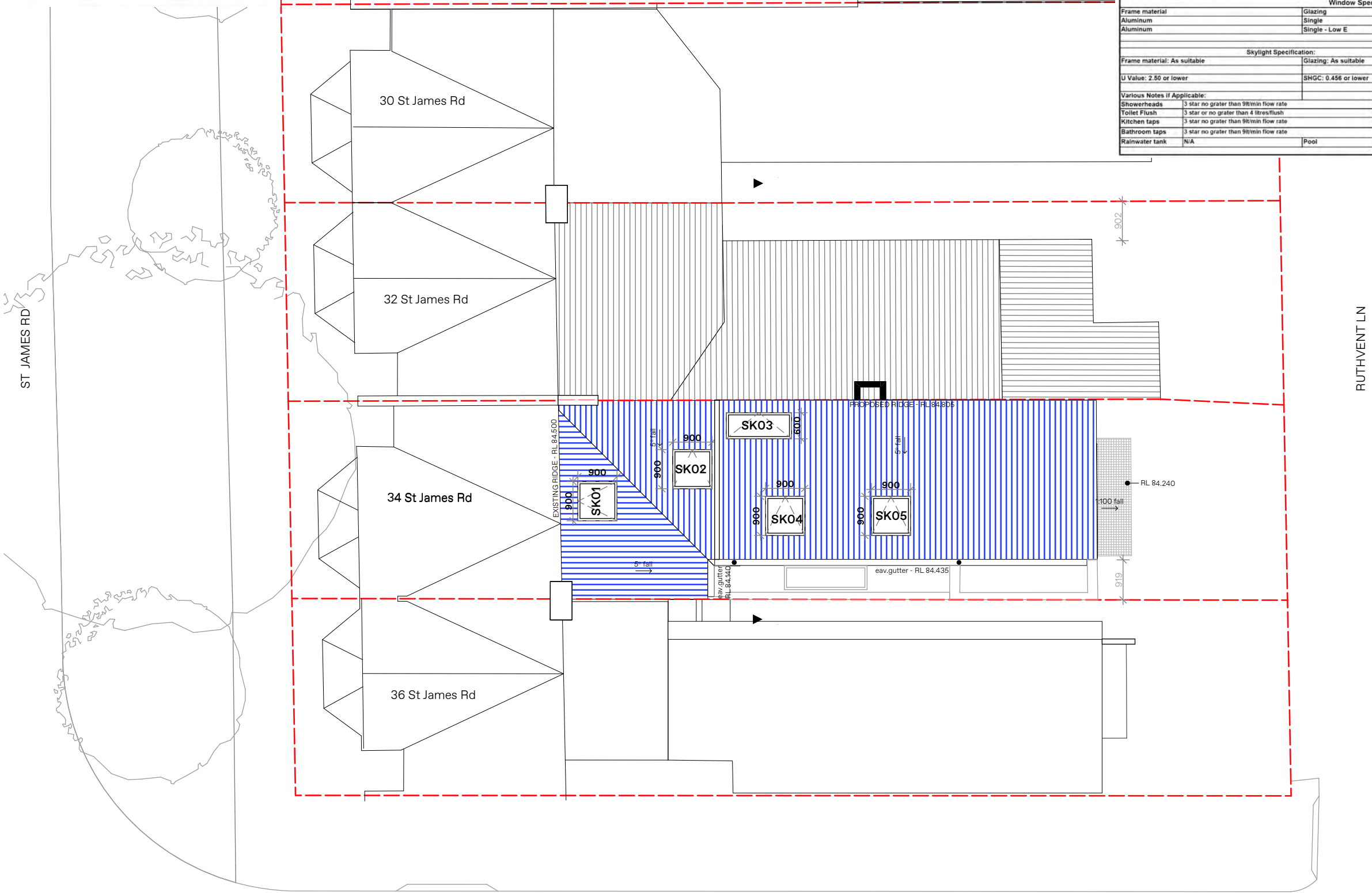
Certificate Prepared by (please complete before submitting to Council or PCA)

Name / Company Name	AENEC - Office: 02 8694 8906
ABN (if applicable)	32612356377

AMENDED PLANS

Project Specification		Form # AE0.3	Australian Energy Efficiency Consulting E:info@aenec.com.au P:0416 316 204		
Project Address: 34 St James Road, Bondi Junction					
BASIX CERTIFICATION NUMBER: A494246					
This Project Specification outlines ONLY some of the BASIX commitments. For the full list, you must refer to BASIX document.					
External Walls Specification:					
Type	Material	Added Insulation	Colour	Detail	
Masonry	Brick Veneer	R1.16	-	-	As per drawings
Framed	Framed	R1.30	-	-	As per drawings
Internal Walls specification:					
Type	Material	Added Insulation	Colour	Detail	
Framed	Plasterboard	Nil	-	-	-
Roof Specification:					
Type	Material	Added Insulation	Colour	Detail	
Framed	As per Drawings	R3.00 + sarking	Medium	-	As per drawings
Floors Specification:					
Type	Material	Added Insulation	Covering	Detail	
Framed	As per Drawings	Nil	-	-	Above dwelling - internal
Framed	As per Drawings	R0.80	-	-	Above outdoor air
Masonry	Concrete	Nil	-	-	Slab on ground
Window Specification:					
Frame material	Glazing	U Value	SHGC	Detail	
Aluminum	Single	7.63 or Lower	0.75 or Lower	-	See BASIX
Aluminum	Single - Low E	5.70 or Lower	0.47 or Lower	-	See BASIX
Skylight Specification:					
Frame material: As suitable	Glazing: As suitable				
U Value: 2.50 or lower	SHGC: 0.456 or lower				
Various Notes if Applicable:					
Showerheads	3 star no grater than 9l/min flow rate				
Toilet Flush	3 star or no grater than 4 litres/flush				
Kitchen taps	3 star no grater than 9l/min flow rate				
Bathroom taps	3 star no grater than 9l/min flow rate				
Rainwater tank	N/A	Pool	N/A		

- NOTES:
1. ALL DOWNLIGHTS TO BE : APPROVED NON VENTILATED WITH FIRERATED COVER/SHIELD TO ALLOW CONTINUOUS INSTALLATION OF INSULATION
 2. ALL vents and/or wall openings to be the 'SEALED' type.
 3. All insulation is to be installed in accordance with AS/NZS 4859.1
 4. All windows to comply with AS2047



RECEIVED
Waverley Council
Application No: DA-181/2023
Date Received: 28/09/2023



DARC


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M: +61421816652
E: hello@darc.archi
P: P.O. Box 693, Potts Point NSW 1535
DARC STUDIO PTY LTD
ABN: 77 668 120 901 | ACN: 668 120 901
Nominated Architect:
Emmanuel Chatziniokolaou
NSW Reg No. 9973 | D&BP Reg No. DEPO001277

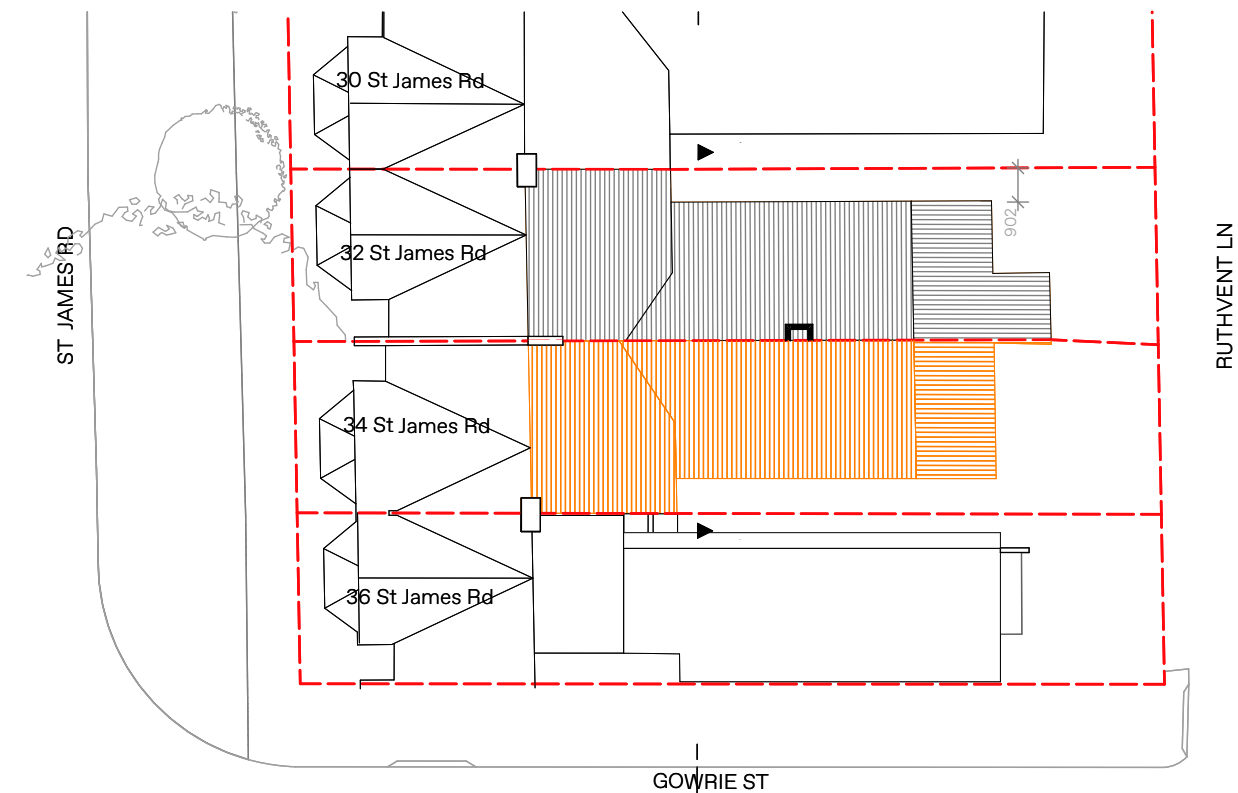
Drawn | Checked MC
Plot Date: 27/05/2023
Scale: 1:200 @ A3
Applicant: Whittington-Davis
Site: 34 St James Rd, Bondi Junction NSW 2022 Lot 44, DP 250200

DRAWING TITLE: Development Application Set_34 St James Rd
SITE PLAN
PROJECT NAME: **Residence**

REVISION NO.
Rev.B
DRAWING NO.
DA-02

AMENDED PLANS

Project Specification		Form # AE0.3	Australian Energy Efficiency Consulting E:info@aeneec.com.au P:0416 316 204		 www.aenecc.com.au
Project Address: 34 St James Road, Bondi Junction		BASIX CERTIFICATION NUMBER: A494246			
This Project Specification outlines ONLY some of the BASIX commitments. For the full list, you must refer to BASIX document.					
External Walls Specification:					
Type	Material	Added Insulation	Colour	Detail	
Masonry	Brick Veneer	R1.16	-	As per drawings	
Framed	Framed	R1.30	-	As per drawings	
Internal Walls specification:					
Type	Material	Added Insulation	Colour	Detail	
Framed	Plasterboard	Nil	-	-	
Roof Specification:					
Type	Material	Added Insulation	Colour	Detail	
Framed	As per Drawings	R3.00 + sarking	Medium	As per drawings	
Floors Specification:					
Type	Material	Added Insulation	Covering	Detail	
Framed	As per Drawings	Nil	-	Above dwelling - internal	
Framed	As per Drawings	R0.80	-	Above outdoor air	
Masonry	Concrete	Nil	-	Slab on ground	
Window Specification:					
Frame material	Glazing	U Value	SHGC	Detail	
Aluminum	Single	7.63 or Lower	0.75 or Lower	See BASIX	
Aluminum	Single - Low E	5.70 or Lower	0.47 or Lower	See BASIX	
Skylight Specification:					
Frame material: As suitable	Glazing: As suitable				
U Value: 2.50 or lower	SHGC: 0.456 or lower	Detail			
Various Notes if Applicable:					
Showerheads	3 star no grater than 9l/min flow rate				
Toilet Flush	3 star or no grater than 4 litres/flush				
Kitchen taps	3 star no grater than 9l/min flow rate				
Bathroom taps	3 star no grater than 9l/min flow rate				
Rainwater tank	N/A	Pool	N/A		
				NOTES: 1. ALL DOWNLIGHTS TO BE : APPROVED NON VENTILATED WITH FIRERATED COVER/SHIELD TO ALLOW CONTINUOUS INSTALLATION OF INSULATION 2. ALL vents and/or wall openings to be the 'SEALED' type. 3. All insulation is to be installed in accordance with AS/NZS 4859.1 4. All windows to comply with AS2047	



RECEIVED
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 Application No: DA-181/2023
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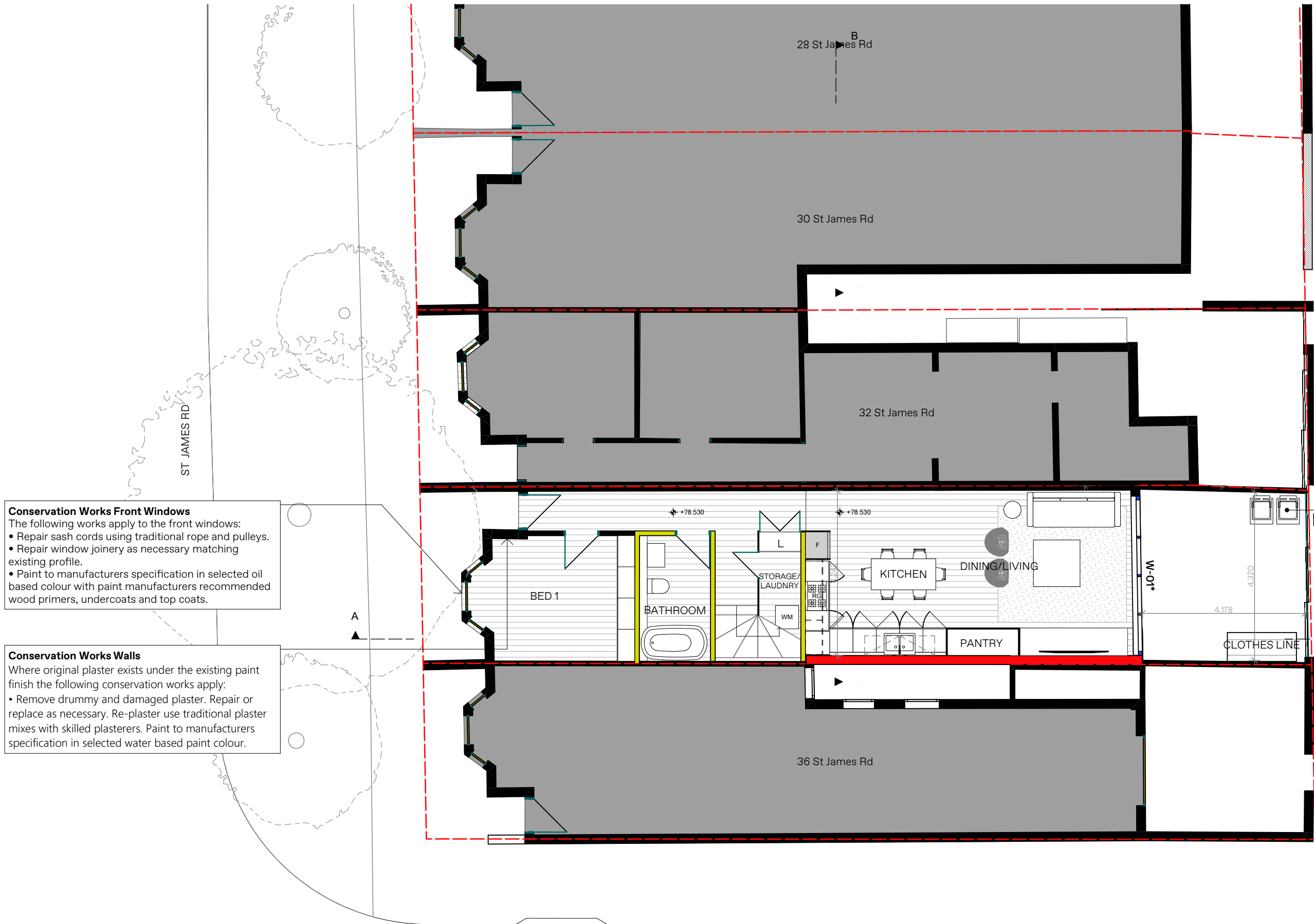
Drawn | Checked MC
 Plot Date: 27/05/2023
 Scale: 1:200 @ A3
 Applicant: Whittington-Davis
 Site: 34 St James Rd,
 Bondi Junction NSW 2022
 Lot 44, DP 250200

DRAWING TITLE: Development Application Set_34 St James Rd
EXISTING/DEMOLITION PLAN
 PROJECT NAME: Residence

REVISION NO.
Rev.B
 DRAWING NO.
DA-03

AMENDED PLANS

Project Specification		Form 485-1		Australian Energy Efficiency Consulting	
Project Address: 34 St James Road, Bondi Junction		E.otto@aeec.com.au		P 9418 119 204	
<p>External Walls Specification</p> <p>Type: Masonry Material: Brick Veneer Detail: As per drawings</p> <p>Type: Masonry Material: Brick Veneer Detail: As per drawings</p>					
<p>Internal Walls Specification</p> <p>Type: Masonry Material: Plasterboard Detail: As per drawings</p>					
<p>Roof Specification</p> <p>Type: Insulated Material: As per drawings Detail: As per drawings</p>					
<p>Floors Specification</p> <p>Type: Formed Material: As per drawings Detail: As per drawings</p>					
<p>Window Specification</p> <p>Type: Aluminium Material: Single Detail: As per drawings</p>					
<p>Skylight Specification</p> <p>Type: As suitable Material: As suitable Detail: As suitable</p>					
<p>NOTES:</p> <p>1. ALL DOWNLIGHTS TO BE APPROVED NON VENTILATED WITH FILTERED COVER/SHELD TO ALLOW CONTINUOUS INSTALLATION OF INSULATION</p> <p>2. ALL VENTS AND/OR WALL OPENINGS TO BE SEALED TYPE</p> <p>3. ALL INSULATION TO BE INSTALLED IN ACCORDANCE WITH AS/NZS 4852</p> <p>4. ALL WINDOWS TO COMPLY WITH AS2047</p>					



Conservation Works Front Windows
The following works apply to the front windows:

- Repair sash cords using traditional rope and pulleys.
- Repair window joinery as necessary matching existing profile.
- Paint to manufacturers specification in selected oil based colour with paint manufacturers recommended wood primers, undercoats and top coats.

Conservation Works Walls
Where original plaster exists under the existing paint finish the following conservation works apply:

- Remove drummy and damaged plaster. Repair or replace as necessary. Re-plaster use traditional plaster mixes with skilled plasterers. Paint to manufacturers specification in selected water based paint colour.

RUTHVENT LN

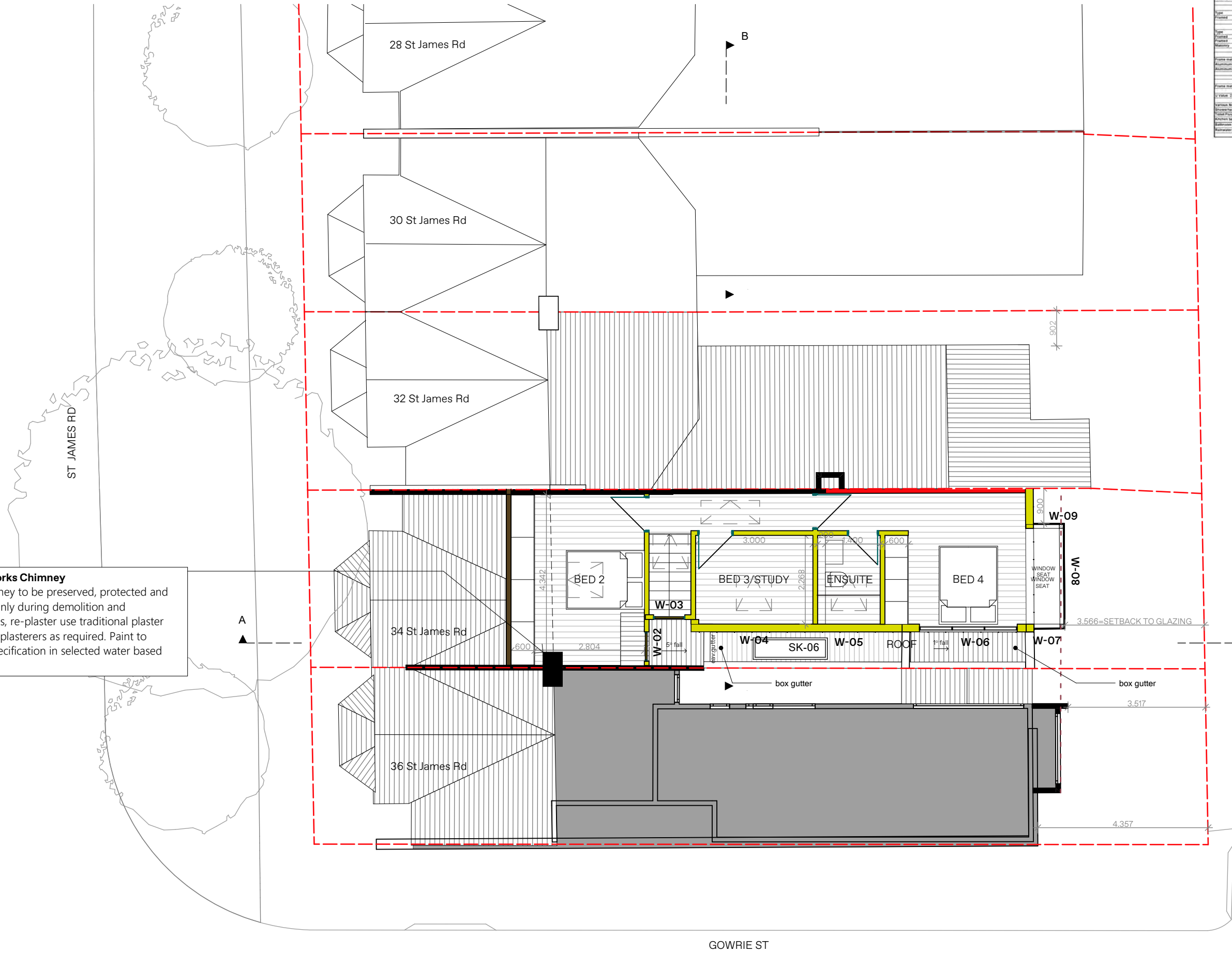
BIN STORAGE AREA:
1x140L for Garbage
1x140L for Recycling

RECEIVED
Waverley Council
Application No: DA-181/2023
Date Received: 28/09/2023

AMENDED PLANS

Project Specification		Form 485-1		Australian Energy Efficiency Consulting	
Project Address: 34 St James Road, Bondi Junction		E.otto@aeec.com.au		P 0418 119 204	
<p>THIS PROJECT SPECIFICATION OUTLINES ONLY SOME OF THE BASIC REQUIREMENTS. FOR THE FULL SET, YOU MUST REFER TO BASIX DOCUMENTS.</p>					
External Walls Specification					
Type	Material	Insulation	Colour	Detail	
Masonry	Brick Veneer	R1.18	-	As per drawings	
Concrete	Formed	R1.30	-	As per drawings	
Internal Walls Specification					
Type	Material	Insulation	Colour	Detail	
Plaster	Plasterboard	R1	-	As per drawings	
Roof Specification					
Type	Material	Insulation	Colour	Detail	
Formed	As per drawings	R1.00 + varying	Medium	As per drawings	
Floors Specification					
Type	Material	Insulation	Covering	Detail	
Formed	As per drawings	R1	None	Above: Smoothing - Internal	
Concrete	As per drawings	R1.00	-	Above: without air	
Masonry	Concrete	R1	-	Below: on ground	
Window Specification					
Frame material	Glazing	U Value	Shading	Shading	Shading
Aluminium	Singls	7.43 or Lower	1.75 or Lower	See BASIX	
Minimum	Single - Low E	10.74 or Lower	2.47 or Lower	See BASIX	
Skylight Specification					
Frame material: As suitable	Glazing: As suitable	U Value: 2.00 or lower	Shading: 2.400 or lower	Detail	
<p>NOTES:</p> <ol style="list-style-type: none"> ALL DOWNLIGHTS TO BE APPROVED NON VENTILATED WITH FILTERED COVER/SHELD TO ALLOW CONTINUOUS INSTALLATION OF INSULATION ALL vents and/or wall openings to be the "SEALEST" type. All insulation to be installed in accordance with AS/NZS 4853.1 All windows to comply with AS2047 					

Conservation Works Chimney
 The existing chimney to be preserved, protected and propped accordingly during demolition and construction works, re-plaster use traditional plaster mixes with skilled plasterers as required. Paint to manufacturers specification in selected water based paint colour.

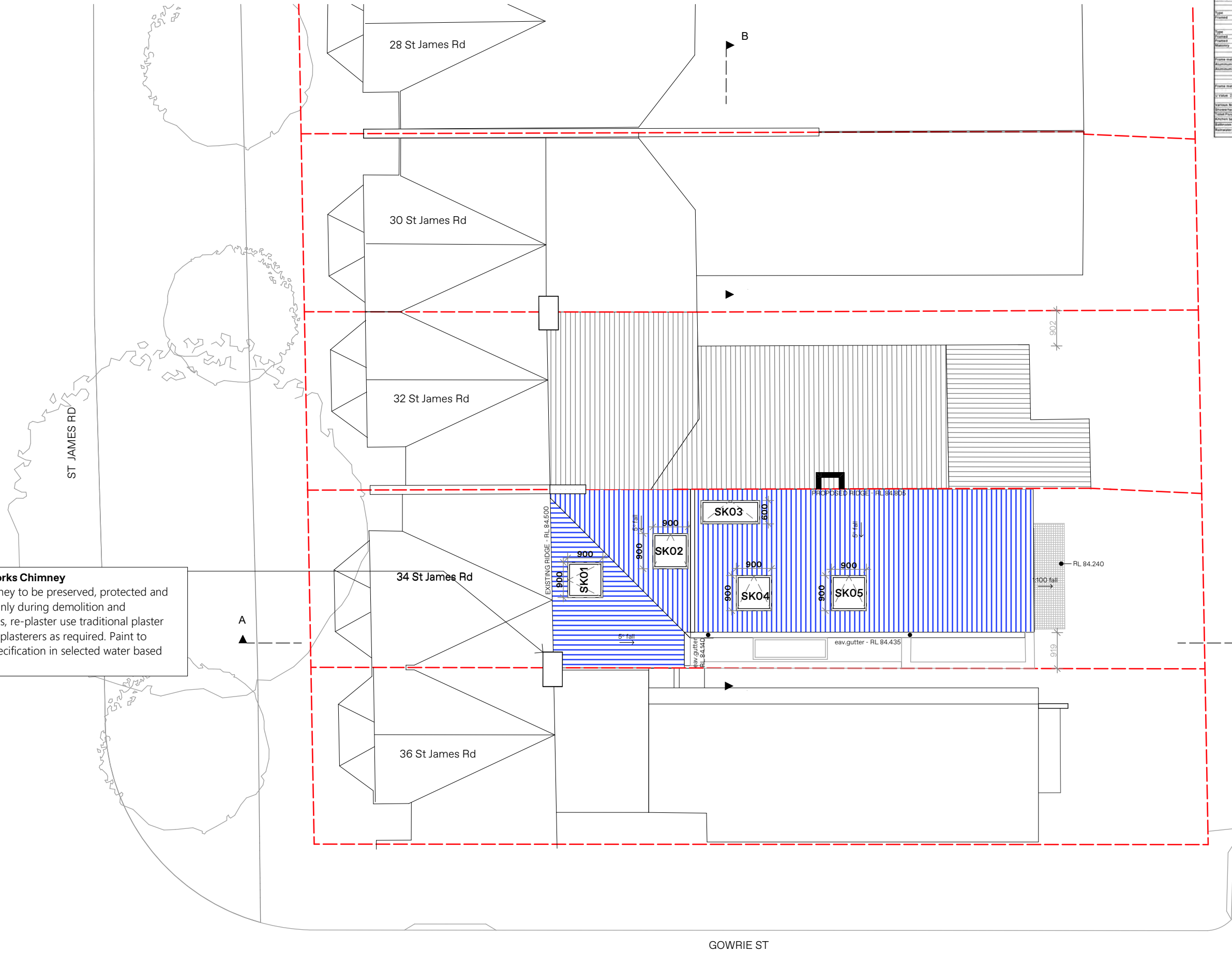


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 Date Received: 28/09/2023

AMENDED PLANS

Project Specification		Form 485-1		Australian Energy Efficiency Consulting	
Project Address: 34 St James Road, Bondi Junction		E.otto@aeec.com.au		P 8419 19 204	
<p>Basic Certification Number: A48246</p> <p>This Project Specification outlines ONLY some of the BASIX commitments. For the full list, you must refer to BASIX documents.</p>					
External Walls Specification					
Type	Material	Added insulation	Colour	Detail	
Masonry	Brick Veneer	R1.18	-	As per drawings	
Concrete	Formed	R1.30	-	As per drawings	
Internal Walls Specification					
Type	Material	Added insulation	Colour	Detail	
Plaster	Plasterboard	R1	-	As per drawings	
Roof Specification					
Type	Material	Added insulation	Colour	Detail	
Formed	As per drawings	R3.00 + varying	Medium	As per drawings	
Floors Specification					
Type	Material	Added insulation	Covering	Detail	
Formed	As per drawings	R1	-	Above finished - internal	
Concrete	As per drawings	R1.00	-	Above outdoor air	
Masonry	Concrete	R1.00	-	Back on ground	
Window Specification					
Frame material	Glazing	U Value	Shading	Shading	Detail
Aluminium	Single	7.43 or Lower	1.75 or Lower	See BASIX	
Aluminium	Double - Low E	10.74 or Lower	2.47 or Lower	See BASIX	
Skylight Specification					
Frame material: As suitable	Glazing: As suitable	Shading: As suitable	Detail		
U Value: 2.50 or lower	Shading: 0.496 or lower	Detail			
<p>Notes:</p> <p>1. ALL DOWNLIGHTS TO BE APPROVED NON VENTILATED WITH FILTERED COVER/SHIELD TO ALLOW CONTINUOUS INSTALLATION OF INSULATION</p> <p>2. ALL vents and/or wall openings to be the "SEALEST" type.</p> <p>3. All insulation to be installed in accordance with AS/NZS 4853.1</p> <p>4. All windows to comply with AS2047</p>					

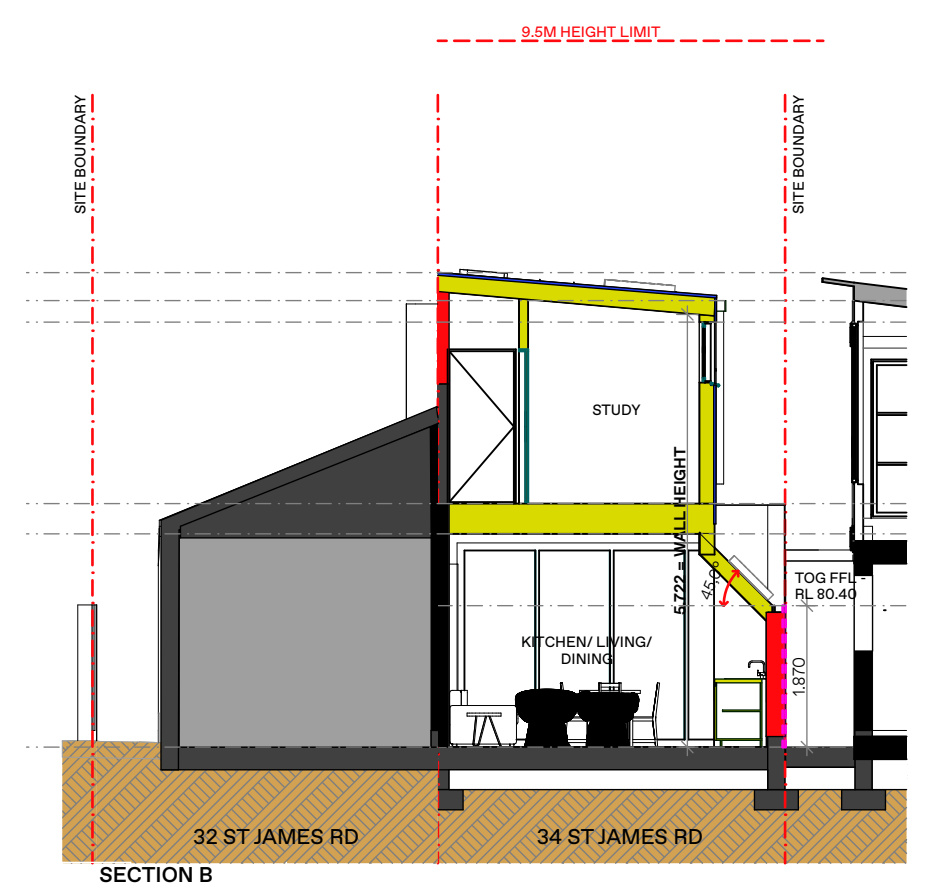
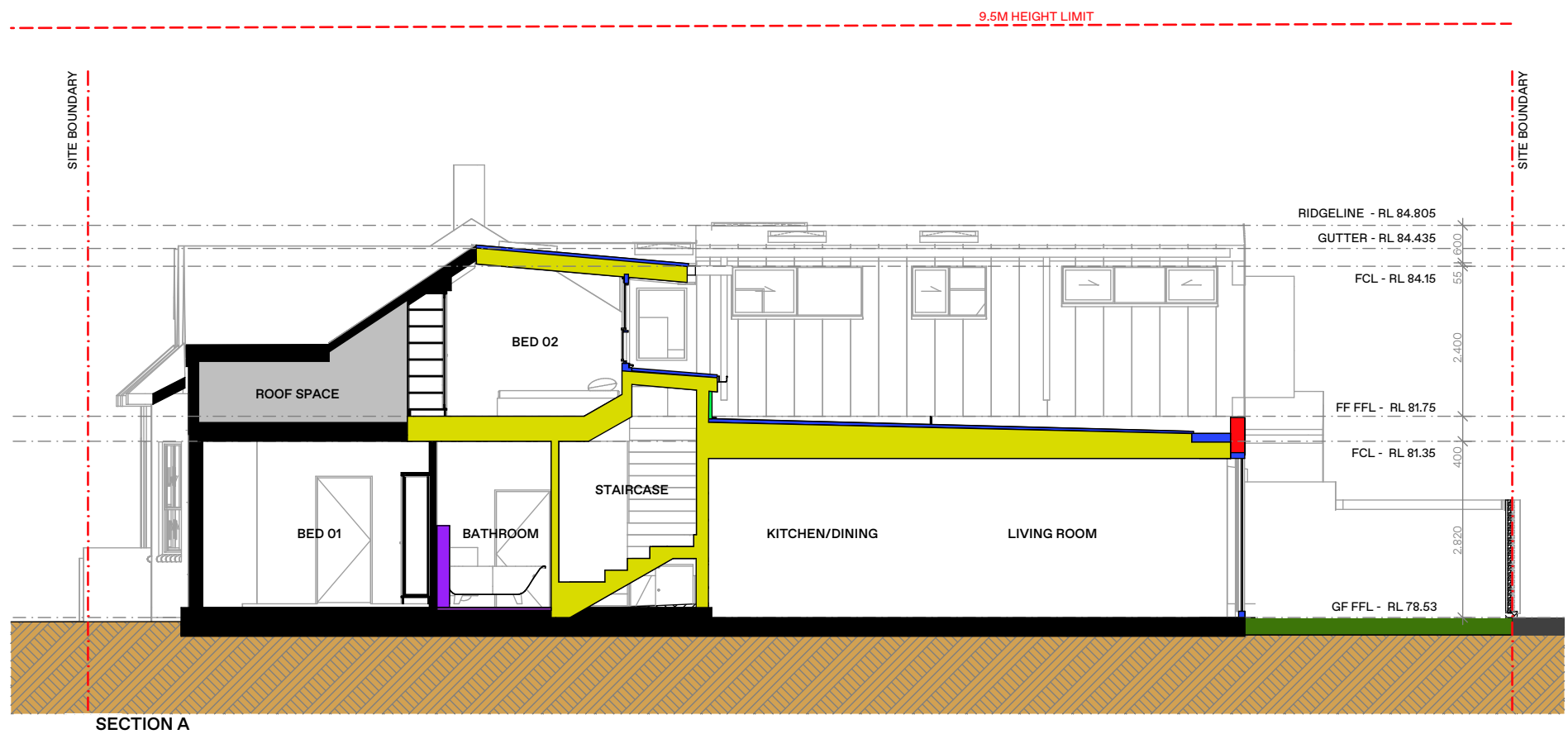
Conservation Works Chimney
 The existing chimney to be preserved, protected and propped accordingly during demolition and construction works, re-plaster use traditional plaster mixes with skilled plasterers as required. Paint to manufacturers specification in selected water based paint colour.



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 Date Received: 28/09/2023

AMENDED PLANS

Project Specification		Form 4853		Australian Energy Efficiency Consulting	
Project Address: 34 St James Road, Bondi Junction		E.otto@aeec.com.au		P 0418 119 204	
<p>THIS PROJECT SPECIFICATION OUTLINES ONLY SOME OF THE BASIC REQUIREMENTS. FOR THE FULL LIST, YOU MUST REFER TO BASIX DOCUMENTS.</p>					
<p>External Walls Specification</p>					
Type	Material	Added insulation	C colour	Detail	Default
Masonry	Brick Veneer	R1.18	-	As per drawings	-
Concrete	Formed	R1.30	-	As per drawings	-
<p>Internal Walls Specification</p>					
Type	Material	Added insulation	C colour	Detail	Default
Plaster	Plasterboard	R1	-	As per drawings	-
<p>Roof Specification</p>					
Type	Material	Added insulation	C colour	Detail	Default
Roofed	As per drawings	R3.00 + varying	Medium	As per drawings	-
<p>Floors Specification</p>					
Type	Material	Added insulation	C colour	Detail	Default
Roofed	As per drawings	R1	-	As per drawings	-
Roofed	As per drawings	R1.50	-	As per drawings	-
Masonry	Concrete	R1	-	As per drawings	-
<p>Window Specification</p>					
Frame material	Glazing	U Value	Shading	Shading	Detail
Aluminium	Singls	7.43 or Lower	1.75 or Lower	See BASIX	-
Aluminium	Double - Low E	5.76 or Lower	2.42 or Lower	See BASIX	-
<p>Skylight Specification</p>					
Frame material	As suitable	Glazing	As suitable	Shading	As suitable
U Value	2.50 or lower	Shading	As suitable	Detail	-
<p>Notes</p>					
<p>1. ALL DOWNLIGHTS TO BE APPROVED NON VENTILATED WITH FILTERED COVER/SHELD TO ALLOW CONTINUOUS INSTALLATION OF INSULATION</p>					
<p>2. ALL VENTS AND/OR WALL OPENINGS TO BE SEALED TYPE</p>					
<p>3. ALL INSULATION TO BE INSTALLED IN ACCORDANCE WITH AS/NZS 4853.1</p>					
<p>4. ALL WINDOWS TO COMPLY WITH AS2047</p>					



RECEIVED
Waverley Council
 Application No: DA-181/2023
 Date Received: 28/09/2023

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 Nominated Architect:
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 NSW Reg No. 9973 | D6BP Reg No. DEPO001277

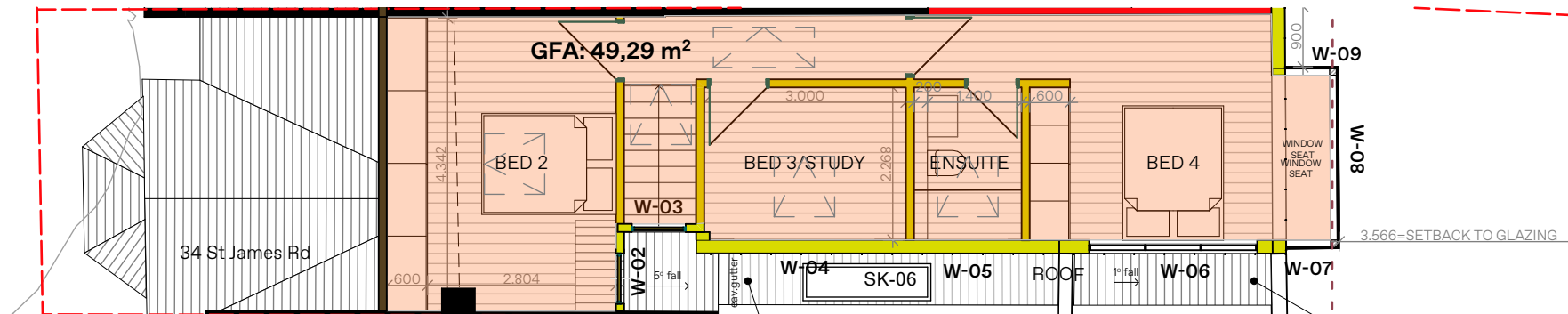
Drawn | Checked MC
 Plot Date: 27/05/2023
 Scale: 1:200 @ A3
 Applicant: Whittington-Davis
 Site: 34 St James Rd,
 Bondi Junction NSW 2022
 Lot 44, DP 250200

DRAWING TITLE: Development Application Set_34 St James Rd
SECTIONS A & B
 PROJECT NAME: Residence

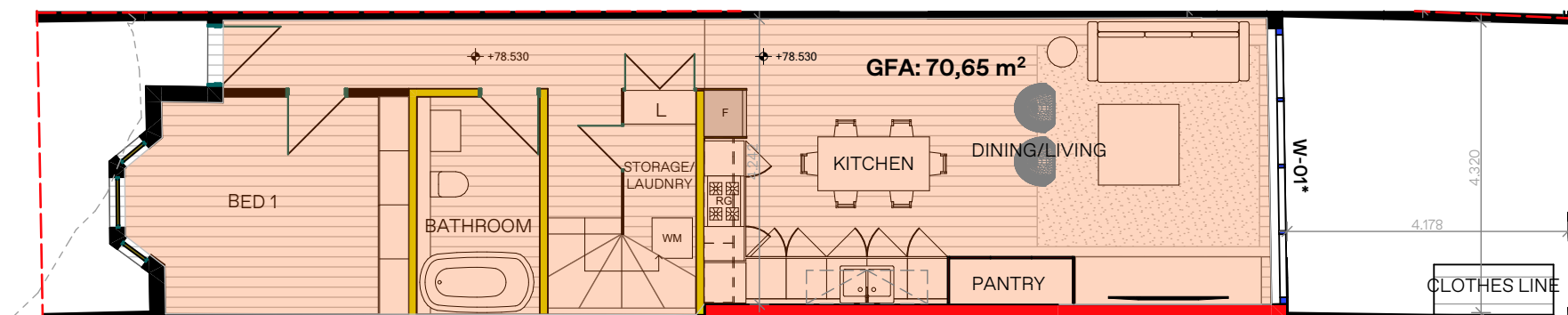
REVISION NO.
Rev.B
 DRAWING NO.
DA-09

AMENDED PLANS

Project Specification		Form # AE0.3	Australian Energy Efficiency Consulting E:info@aenec.com.au P:0416 316 204		 www.aenek.com.au
Project Address: 34 St James Road, Bondi Junction		BASIX CERTIFICATION NUMBER: A494246			
This Project Specification outlines ONLY some of the BASIX commitments. For the full list, you must refer to BASIX document.					
External Walls Specification:					
Type	Material	Added Insulation	Colour	Detail	
Masonry	Brick Veneer	R1.16	-	As per drawings	
Framed	Framed	R1.30	-	As per drawings	
Internal Walls specification:					
Type	Material	Added Insulation	Colour	Detail	
Framed	Plasterboard	Nil	-	-	
Roof Specification:					
Type	Material	Added Insulation	Colour	Detail	
Framed	As per Drawings	R3.00 + sarking	Medium	As per drawings	
Floors Specification:					
Type	Material	Added Insulation	Covering	Detail	
Framed	As per Drawings	Nil	-	Above dwelling - internal	
Framed	As per Drawings	R0.80	-	Above outdoor air	
Masonry	Concrete	Nil	-	Slab on ground	
Window Specification:					
Frame material	Glazing	U Value	SHGC	Detail	
Aluminum	Single	7.63 or Lower	0.75 or Lower	See BASIX	
Aluminum	Single - Low E	5.70 or Lower	0.47 or Lower	See BASIX	
Skylight Specification:					
Frame material: As suitable	Glazing: As suitable				
U Value: 2.50 or lower	SHGC: 0.456 or lower	Detail			
NOTES: 1. ALL DOWNLIGHTS TO BE : APPROVED NON VENTILATED WITH FIRERATED COVER/SHIELD TO ALLOW CONTINUOUS INSTALLATION OF INSULATION 2. ALL vents and/or wall openings to be the 'SEALED' type. 3. All insulation is to be installed in accordance with AS/NZS 4859.1 4. All windows to comply with AS2047					
Various Notes if Applicable: Showerheads 3 star no greater than 9lit/min flow rate Toilet Flush 3 star or no greater than 4 litres/flush Kitchen taps 3 star no greater than 9lit/min flow rate Bathroom taps 3 star no greater than 9lit/min flow rate Rainwater tank N/A Pool N/A					



FIRST FLOOR - GFA DIAGRAM



GROUND FLOOR - GFA DIAGRAM

LEGEND:

SITE AREA (m²):

104.3 - 34 ST J RD

PERMISSIBLE GFA (FSR 0.99:1):

103.26 - 34 ST J RD

PROPOSED GFA:

119.8 - 34 ST J RD (over by 16.54sqm)

PROPOSED FSR:

:1.148 - 34 ST J RD

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 Date Received: 28/09/2023



LEGEND
 GROSS FLOOR AREA

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 Nominated Architect:
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 NSW Reg No. 9973 | D6BP Reg No. DEPO001277


Drawn | Checked MC
 Plot Date: 27/05/2023
 Scale: 1:200 @ A3

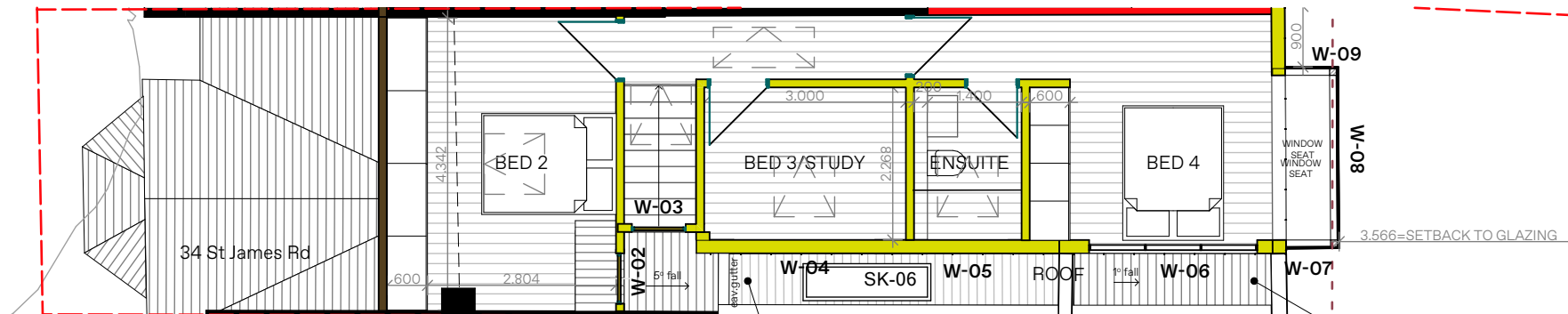
Applicant: Whittington-Davis
 Site: 34 St James Rd,
 Bondi Junction NSW 2022
 Lot 44, DP 250200

DRAWING TITLE: Development Application Set_34 St James Rd
GFA CALCULATION DIAGRAMS
 PROJECT NAME: Residence

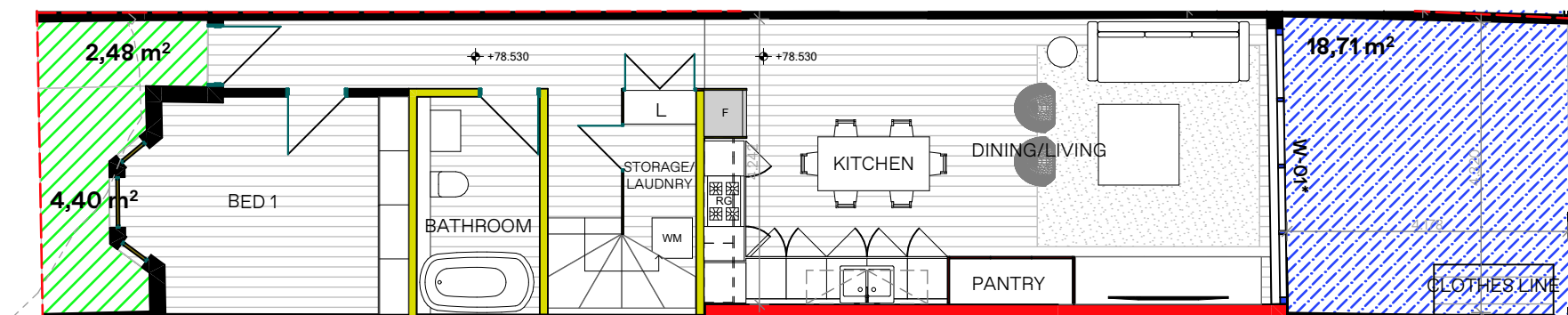
REVISION NO.
Rev.B
 DRAWING NO.
DA-11

AMENDED PLANS

Project Specification		Form # AE0.3		Australian Energy Efficiency Consulting E:info@aenec.com.au P:0416 316 204		 www.aenek.com.au	
Project Address: 34 St James Road, Bondi Junction		BASIX CERTIFICATION NUMBER: A494246		This Project Specification outlines ONLY some of the BASIX commitments. For the full list, you must refer to BASIX document.			
External Walls Specification:							
Type	Material	Added Insulation	Colour	Detail			
Masonry	Brick Veneer	R1.16	-	As per drawings			
Framed	Framed	R1.30	-	As per drawings			
Internal Walls specification:							
Type	Material	Added Insulation	Colour	Detail			
Framed	Plasterboard	Nil	-	-			
Roof Specification:							
Type	Material	Added Insulation	Colour	Detail			
Framed	As per Drawings	R3.00 + sarking	Medium	As per drawings			
Floors Specification:							
Type	Material	Added Insulation	Covering	Detail			
Framed	As per Drawings	Nil	-	Above dwelling - internal			
Framed	As per Drawings	R0.80	-	Above outdoor air			
Masonry	Concrete	Nil	-	Slab on ground			
Window Specification:							
Frame material	Glazing	U Value	SHGC	Detail			
Aluminum	Single	7.63 or Lower	0.75 or Lower	See BASIX			
Aluminum	Single - Low E	5.70 or Lower	0.47 or Lower	See BASIX			
Skylight Specification:							
Frame material: As suitable	Glazing: As suitable						
U Value: 2.50 or lower	SHGC: 0.456 or lower	Detail					
Various Notes if Applicable: Showerheads 3 star no greater than 9lit/min flow rate Toilet Flush 3 star or no greater than 4 litres/flush Kitchen taps 3 star no greater than 9lit/min flow rate Bathroom taps 3 star no greater than 9lit/min flow rate Rainwater tank N/A Pool N/A							
NOTES: 1. ALL DOWNLIGHTS TO BE : APPROVED NON VENTILATED WITH FIRERATED COVER/SHIELD TO ALLOW CONTINUOUS INSTALLATION OF INSULATION 2. ALL vents and/or wall openings to be the 'SEALED' type. 3. All insulation is to be installed in accordance with AS/NZS 4859.1 4. All windows to comply with AS2047							



FIRST FLOOR - POS DIAGRAM



GROUND FLOOR - POS DIAGRAM

LEGEND:

SITE AREA (m²):
104.3 - 34 ST J RD
 MIN. LANDSCAPING (20% OF SITE):
20.86 - 34 ST J RD

 MIN. OPEN SPACE (40% OF SITE):
41.72 - 34 ST J RD
 MIN. DEEP SOIL PLANTING (50% OF L.):
10.43 - 34 ST J RD

EX. OPEN SPACE (17.9% OF SITE):
18.71 - 34 ST J RD
 EX. DEEP SOIL PLANTING (4.2% OF L.):
4.40 - 34 ST J RD
 EX. LANDSCAPED AREA (4.2% OF L.):
4.40 - 34 ST J RD

PROPOSED OPEN SPACE (17.9% OF SITE):
18.71 - 34 ST J RD
 PROPOSED DEEP SOIL PLANTING (4.2% OF L.):
4.40 - 34 ST J RD
 PROPOSED LANDSCAPED AREA (4.2% OF L.):
4.40 - 34 ST J RD

RECEIVED
Waverley Council

Application No: DA-181/2023

Date Received: 28/09/2023



LEGEND
 LANDSCAPED AREA
 PRIVATE OPEN SPACE AREA

DARC

DARC
 M: +61421816652
 E: hello@darc.archi
 P: P.O. Box 693, Potts Point NSW 1535
 DARC STUDIO PTY LTD
 ABN: 77 668 120 901 | ACN: 668 120 901
 Nominated Architect:
 Emmanouil Chatzizinkolaou
 NSW Reg No. 9973 | D6BP Reg No. DEP0001277

Drawn | Checked MC
 Plot Date: 27/05/2023
 Scale: 1:200 @ A3

Applicant: Whittington-Davis
 Site: 34 St James Rd,
 Bondi Junction NSW 2022
 Lot 44, DP 250200

DRAWING TITLE:
 Development Application Set_34 St James Rd
LANDSCAPING & O.S. CALC. DIAGRAMS
 PROJECT NAME:
Residence

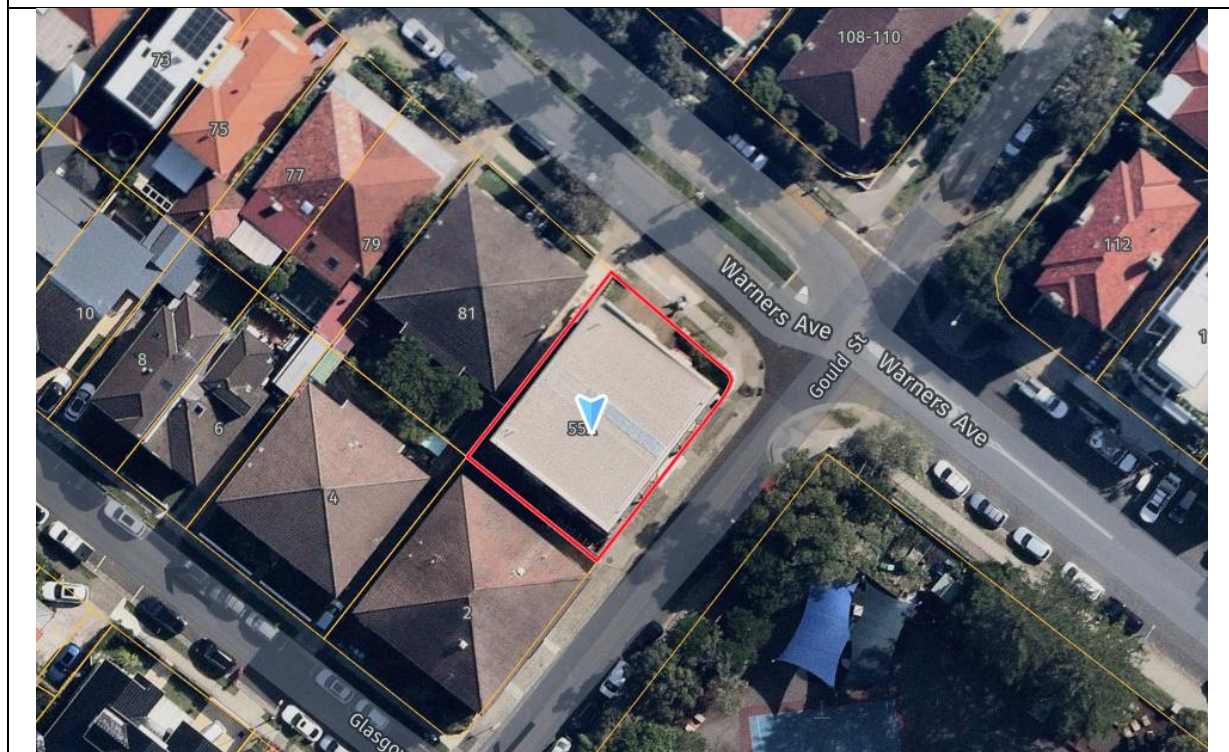
REVISION NO.
Rev.B
 DRAWING NO.
DA-12



Report to the Waverley Local Planning Panel

Application number	DA-113/2023
Site address	55 Gould Street, Bondi Beach
Proposal	Partial demolition and alterations to existing residential flat building, including basement level parking, conversion of 12 units into 4, roof terraces and pools, and strata subdivision PAN-3239
Date of lodgement	12 May 2023
Owner	Proprietors of Strata Plan 12847
Applicant	Ivka Newtown Pty Limited
Submissions	Four objections
Cost of works	\$4,136,196
Principal Issues	<ul style="list-style-type: none"> • Exceedance of height of buildings development standard • Retention of inter-war character • Reduction in dwelling numbers
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for partial demolition and alterations to the existing residential flat building at the site known as 55 Gould Street, Bondi Beach.

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

- Exceedance of height of buildings development standard; and
- Retention of inter-war character.

The assessment finds these issues acceptable. A total 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 28 July 2023.

The site is identified as SP 12847, known as 'St Bartolos', 55 Gould Street, Bondi Beach.

The site is irregular in shape with a primary north-eastern frontage to Gould Street and a secondary south-eastern frontage to Warners Avenue. It has an area of 398.4m² and is generally flat.

The site is occupied by a four storey strata-subdivided inter-war residential flat building (RFB) containing 12 one-bedroom units on the first, second and third floors. The ground floor features four garages accessed from three driveways from Warners Avenue and Gould Street, as well as store and laundry rooms.

The site is adjoined by a four storey RFB to the south-west at 2 Glasgow Avenue, and a two storey RFB to the north-west at 81 Warners Avenue. Bondi Beach Public School is located to the south-east, across Gould Street. The area is predominantly characterised by a mix of medium and low-density residential development.

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



Figure 1: Site viewed from corner of Gould Street and Warners Avenue, looking west.



Figure 2: Site viewed from Gould Street, looking north.



Figure 3: Site viewed from Warners Avenue, looking south.



Figure 4: Site viewed from Warners Avenue, looking south-east.

1.3. Relevant Development History

A search of Council's records revealed no recent or relevant development history of the site.

1.4. Proposal

The development application, as amended, seeks consent for partial demolition and alterations to the existing RFB, including basement level parking, conversion of 12 units into 4, and roof top terraces. The following is proposed at each level:

Demolition

- Demolition of all internal floors and roof, and of some bay windows. See descriptions below for further information regarding changes to bay windows.
- Retention of external walls, entrance, and some bay windows.

Basement

- Excavation to an approximate depth of 7m to accommodate a vertical and horizontal car-stacker system with for six residential parking spaces, one visitor parking space, three motorbike spaces, and four bicycle spaces.

- Plant room.

Ground floor

- Single car entry and vehicle turntable, accessed from Gould Street.
- Two-bedroom unit (Apartment 1) with courtyard adjacent to Warners Avenue, and associated sandstone boundary fence.
- Lobby, lift, fire stairs, waste storage room, meter room, and recessed mechanical plant area.
- Provision of new windows and doors associated with the alterations described above.
- Landscaping including planting of one Coastal Banksia and four Kentia Palm trees.

First floor

- Three-bedroom unit (Apartment 2) with three ensuites, one WC, a kitchen / living / dining area, study room, pantry, and 'cellar'.
- Replacement and reconfiguration of existing bay windows, including a new wall opening to create a balcony bordered by a bay-shaped planter.
- Communal lift, foyer and stairs.

Second floor

- Two x three-bedroom units (Apartments 3 and 4), split between the second and third floors, with each unit featuring three bedrooms, three ensuites, and a laundry room at second floor level.
- Replacement and reconfiguration of existing bay windows.
- Communal lift, foyer and stairs.

Third floor

- Continuation of Apartments 3 and 4, with each unit featuring living / dining / kitchen area, pantry, WC, study, and staircase to fourth floor level.
- New wall openings to create a balcony for each apartment.
- Replacement and reconfiguration of existing bay windows, including new wall openings to create balconies bordered by bay-shaped planters.
- Communal lift, foyer and stairs.

Roof level

- Lift overrun above.
- Solar panels and plant equipment.
- Private terraces for Apartments 3 and 4 accessed by stairs from the third floor, featuring raised swimming pools.

- Planters.

1.5. Background

The development application was lodged on 12 May 2023. On 22 August Council requested the following amendments and additional information:

1. Deletion of originally proposed fourth floor addition.
2. Further details and information to demonstrate the proposed excavation and construction will not damage the structural integrity of retained building elements and of neighbouring structures.
3. Reduction in car parking provision to comply with Waverley Development Control Plan 2022 (Waverley DCP 2022) controls, and information regarding the management of vehicle movements associated with the proposed car stacker.
4. Measures to improve privacy for the bedroom of Apartment 1.
5. Additional measures to protect the privacy of 2 Glasgow Avenue to the south.
6. Additional detail and information regarding materials, services, and architectural detailing.
7. An increase in landscaping for the site.

The amended plans received on 6 October 2023 form the basis of the assessment. The amended plans included the deletion of the originally proposed fourth floor addition and include a reduction in the number of proposed car parking spaces.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

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

A detailed discussion is provided for relevant SEPPs as follows:

SEPP (Design Quality of Residential Apartment Design)

The application was referred to the Waverley Design Advisory Excellence Panel (DEAP) on 12 July 2023. The DEAP’s comment of the proposed development against the nine design quality principles under Schedule 1 of SEPP 65 and a planning response to each comment are set out in **Table 1** of this report.

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

Principle	Panel’s Comment	Planning Comment
1. Context and Neighbourhood	<ul style="list-style-type: none"> • <i>The ‘in principle’ intention to keep some of the existing ‘inter-war period’ building envelope is supported.</i> • <i>With the proposed major internal reconfiguration for the new units, there is some modification to the external envelope with renewed fabric that appears well considered and complementary to the existing character, but it is recommended that more design development detail is provided to ensure a high-quality outcome.</i> • <i>This residential typology of enlarged units reflects the changing market with enhanced amenities including private roof top terraces, pools and landscaping. However, the Panel does not consider the privatized rooftop configuration, lift overrun and landscape approach to be consistent with either the earlier character (laundry drying pavilions) or prevailing pitched roof buildings nearby.</i> 	<p>The amended proposal positively responds to the context and character of the neighbourhood. The character of the existing building is retained, and all publicly visible rooftop additions have been deleted from the amended plans.</p>
2. Built form and Scale	<ul style="list-style-type: none"> • <i>While the overall building envelope from below the parapet is largely maintained with openings reconfigured or remodelled to suit the new units, the ‘wedding cake’ form of the rooftop additions are considered inappropriate as noted above. The built form should be kept as close as possible to the existing.</i> • <i>It is recommended that if the rooftop terraces are to be retained for private open space, they could be accessed from Apartments 3 and 4</i> 	<p>The amended proposal retains the bulk and scale of the existing building. The visible rooftop additions have been deleted.</p>

Principle	Panel's Comment	Planning Comment
	<i>stairs only with lift access not being required.</i>	
3. Density	<ul style="list-style-type: none"> <i>As proposed there will be a reduction from 12 down to 4 units of much larger size than existing based on the perceived market in the area. This is primarily a planning matter but there is a lesser FSR now proposed against the existing non-compliance, and the redistribution of GFA to suit the new unit layouts appears well resolved subject to some minor issues noted below.</i> 	The proposal provides an appropriate density within the existing building envelope.
4. Sustainability	<ul style="list-style-type: none"> <i>Excavation for the basement will require a significant amount of soil removal and construction material, and these impacts should be offset by additional sustainability measures such as solar panels and electric vehicle charging.</i> 	The proposal achieves compliance with BASIX and with council's Waverley DCP 2022 sustainability and indoor air quality requirements, including the provision of ceiling fans, electric vehicle charging infrastructures, and the use of electric appliances.
5. Landscape	<ul style="list-style-type: none"> <i>The intention to enhance the existing landscape at ground level is supported but further consideration should be given to how privacy can be achieved around the corner of Apartment 1.</i> <i>Scope to increase deep soil and planting along the western boundary could resolve the small landscaped area deficit by rerouting the fire stair egress path.</i> <i>Continuous planters proposed around the rooftop parapet create an uncharacteristic aesthetic for the inter-war period building, and could be reduced to perhaps align with the bay windows without diminishing the benefits for roof terrace amenity.</i> 	<p>The amended proposal provides a positive increase in landscape provision at the site compared to the existing site condition and maximises vegetation and tree planting opportunities including the addition of landscaping along boundaries.</p> <p>The amended proposal includes limited rooftop planting, respecting the characteristics of the original building.</p>
6. Amenity	<ul style="list-style-type: none"> <i>There is concern that Apartment 1 may require further screening or landscape treatment in order to ensure privacy around the very busy and public corner.</i> <i>Assuming all units are to be air conditioned the condenser locations</i> 	<p>The amended proposal provides good amenity to occupants. Additional privacy treatments have been provided to Apartment 1.</p> <p>Satisfactory details of air conditioning condenser units and screening has been provided.</p>

Principle	Panel's Comment	Planning Comment
	<i>and provision for acoustic and visual screening must be provided.</i>	
7. Safety	<ul style="list-style-type: none"> • <i>With frequent high traffic and pedestrian activity along Gould Street there is concern that vehicles waiting to access the basement carpark may cause inconvenience or safety issues. Further clarification is required on how the vehicle movements and temporary queuing can be managed to avoid problems during busy periods.</i> 	<p>The proposed development provides a safe environment.</p> <p>Details of how vehicle conflicts will be managed have been provided by the applicant. See section C2.12 of the Waverley DCP 2022 compliance table below for further discussion.</p>
8. Housing Diversity and Social Interaction	<ul style="list-style-type: none"> • <i>The substantial reduction in units and residential typology is more aligned with the R2 zone objectives that support lower density and the scale of accommodation intended.</i> • <i>Given the small number of units provision of communal open space appears unnecessary, and the lobby appears to provide a small recessed bench that could benefit occasional social exchanges.</i> 	<p>Social interaction within the development is limited to the communal lobby area at ground floor. This is appropriate for the small scale of the development.</p>
9. Aesthetics	<ul style="list-style-type: none"> • <i>With significant alteration to the existing building fabric there must be retention and recycling of the existing masonry in the new envelope where most visible from the public domain.</i> • <i>Further detail sections (1:20) should be provided to clarify how replacement or remodelling of façades will complement the existing 'inter-war period' character.</i> • <i>Location of services such as hydrant booster valves on a very exposed corner is discouraged, and a more discrete siting and integration within the site is recommended.</i> 	<p>The amended proposal includes appropriate detailing to ensure the characteristics of the original building are respected.</p> <p>The amended proposal includes appropriate placement of services.</p>

Apartment Design Guide (ADG)

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

- (a) visual privacy,
- (b) solar and daylight access,

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

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

Table 2: ADG

Design Criteria	Compliance	Comment
3D Communal and public open space		
<ul style="list-style-type: none"> • <i>Communal open space for 25% of site area</i> 	No (acceptable on merit)	<p>No communal open space is provided, contrary to the control.</p> <p>The non-compliance is acceptable on merit due to the small-scale nature of the development, the size of the site, the constraints presented by the retention of the existing building form, and as the private open space provision for each unit is satisfactory and is a significant improvement over the current conditions at the site which does not feature any communal or private open space areas.</p>
3E Deep soil zones		
<ul style="list-style-type: none"> • <i>Deep soil for 7% of site area (no minimum dimension)</i> 	Yes	The proposal achieves 16% deep soil area, in compliance with the control.
3F Visual privacy		
<ul style="list-style-type: none"> • <i>Min separation distances from buildings to side and rear boundaries:</i> • <i>Up to 12m (4 storey) – 6m habitable & 3m non-habitable</i> 	No (acceptable on merit)	<p>The separation distances do not comply with the control; however they are acceptable on merit as there is no proposed change from the existing setbacks.</p> <p>The existing walls are set back approximately 1m from the rear boundary with 81 Warners Avenue, and 1.6m from the side boundary with 2 Glasgow Avenue.</p> <p>Obscure glazed fluted glass has been incorporated into the design of the south-western side-facing windows to ensure the enlarged windows do not result in additional visual privacy impacts.</p>
4A Solar and daylight access		
<ul style="list-style-type: none"> • <i>Living rooms and private open spaces of at least 70%</i> 	Yes	The proposal complies with the control.

Design Criteria	Compliance	Comment
<p><i>of units receive minimum of 2 hours direct sunlight between 9am-3pm mid-winter</i></p> <ul style="list-style-type: none"> • <i>A maximum of 15% receive no direct sunlight between 9am-3pm mid-winter.</i> 		<ul style="list-style-type: none"> • 75% of units receive at least 2 hours at mid-winter. • All units are dual aspect and as such all receive some direct sunlight mid-winter. <p>The proposal is consistent with the remaining objectives of this part of the ADG.</p>
4B Natural ventilation		
<ul style="list-style-type: none"> • <i>All habitable rooms are naturally ventilated</i> • <i>Number of units with natural cross ventilation is maximised:</i> <ul style="list-style-type: none"> – <i>At least 60% of units naturally ventilated</i> 	Yes	<ul style="list-style-type: none"> • All habitable rooms are provided with at least one window for natural ventilation. • All units have dual aspects and are cross-ventilated.
4C Ceiling heights		
<ul style="list-style-type: none"> • <i>Habitable rooms – 2.7m</i> • <i>Non-habitable rooms – 2.4m</i> • <i>For 2 storey apartments - 2.7m for main living area floor & 2.4m for second floor where it's area does not exceed 50% of the apartment area.</i> 	Yes	Ceiling heights of 2.7m are proposed.
4D Apartment size and layout		
<p><i>The following minimum internal areas apply:</i></p> <ul style="list-style-type: none"> • <i>2 Bed = 70 m²</i> • <i>3 Bed = 90 m²</i> • <i>Add 5m² for each additional bathroom (above 1)</i> • <i>Habitable rooms must have windows with total minimum glass areas not less than 10% of the floor area</i> • <i>Maximum habitable room depth of 8m from a window for open plan living areas</i> • <i>Master bedrooms 10m² minimum</i> • <i>Other bedrooms 9m² minimum</i> 	Yes	<p>The proposed units exceed the minimum required internal floor areas. The two-bedroom unit has a floor area of 96m² and the three-bedroom units have minimum floor areas of 207m².</p> <p>All rooms exceed the minimum size and glazing criteria.</p>

Design Criteria	Compliance	Comment
<ul style="list-style-type: none"> Minimum bedroom dimension of 3m Minimum living room dimension of 4m 		
4E Private open space and balconies		
<i>All apartments provide primary balcony as follows:</i> <ul style="list-style-type: none"> 3+bed - 12m² & 2.4m depth Ground level, min 15m² & 3m depth 	Yes	All units are provided with a private balcony or courtyard accessed from the main living areas that meets the minimum requirements of the ADG in terms of area and depth.
4F Common circulation and spaces		
<ul style="list-style-type: none"> Max of 8 units accessed off a circulation core on a single level 	Yes	
4G Storage		
<i>In addition to kitchens, bathrooms and bedrooms, the following is provided:</i> <ul style="list-style-type: none"> 2-bed – 8m³ 3+bed – 10m³ 	Yes	Adequate storage areas are provided within the units.

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

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

Table 3: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal aligns with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table <i>R2 Low Density Residential Zone</i>	No (relies on existing use rights)	The proposal is defined as a RFB, which is prohibited in the R2 zone. The proposal relies on existing use rights. See the discussion below this compliance table for further information.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	No	The proposal has a maximum height of 15.02m, which exceeds the development standard by 6.52m or 76.7%.

Provision	Compliance	Comment
		For reference, the existing building has a maximum height of 13.69m, which exceeds the development standard by 5.19m or 61%.
4.4 Floor space ratio (FSR) <ul style="list-style-type: none"> • 0.5:1 FSR • 199.2m² GFA 	No, but reduction	<p>The proposal reduces the existing gross floor area (GFA) at the site by 119.54m², resulting in a GFA of 794.05m² and an FSR of 1.99:1, exceeding the development standard by 594.85m² or 299%.</p> <p>For reference, the existing building has GFA of 913.59m² and an FSR of 2.29:1, which exceeds the development standard by 714.4m² or 359%.</p>
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of buildings and floor space ratio development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site is class 5 acid sulfate soil. The proposal does not involve lowering of the water table, and therefore the preparation of an acid sulfate soils management plan is not required.
6.2 Earthworks	Yes	The applicant has provided a geotechnical report and construction methodology to demonstrate acceptable excavation impacts on land stability, structural stability, and groundwater. Conditions of consent requiring compliance with the reports are included at Appendix A .

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

Clause 4.6 Exceptions to Development Standards

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

The site is subject to a maximum or minimum height of buildings development standard of 8.5m. The proposed development has a height of 15.02m, exceeding the standard by 6.52m equating to a 76.7% exceedance, noting the existing building has a height of 13.69m, which exceeds the development standard by 5.19m or 61%.

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 as the development achieves the objectives of the development standard notwithstanding the non-compliance, as follows:
 - a. Objective (a), *to ensure building heights preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views*, is achieved as the proposal has no negative amenity impacts. The existing building exceeds the height of buildings development standard, and the proposed rooftop additions are set back from the edges of the building and will not have any additional impacts. The proposal does not affect any views and has a small positive impact on solar access to 2 Glasgow Avenue.
 - b. Objective (b) relates to Bondi Junction, and is not relevant to the proposal.
 - c. Objective (c), *to maintain satisfactory solar access to existing buildings and public areas*, is achieved as the proposal has no negative solar access impact and has a small positive impact on 2 Glasgow Avenue due to removal of existing roof elements.
 - d. Objective (d), *to establish building heights that are consistent with the desired future character of the locality*, is achieved as the proposed height retains the character of the existing inter-war building and is compatible with neighbouring inter-war buildings. The roof-level additions are set back from the edges of the building, resulting in them not being visible from the public domain.
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) The height exceedance does not have any amenity impacts.
 - (ii) The existing building contravenes the height of buildings development standard. The retention of the building, and the retention of the exceedance, is desirable as it is an inter-war building which positively contributes to the character of the area.
 - (iii) The roof-level exceedances are set back, and located behind a parapet, and therefore will not be visible from the street.

- (iv) The new aspects of the development which exceed the development standard at roof level have positive environmental planning benefits including increasing access to private open space, increasing landscaping to promote biodiversity, reducing heat load and decreasing the impact on the urban heat island by increasing planting at roof level.
- (v) The existing building facades will be retained, preserving the building's contribution to the character of the area.
- (vi) The proposal increases the longevity of the existing inter-war building.
- (vii) The proposal does not include any additional gross floor area.
- (viii) The proposed additional height allows for privacy treatments between the roof private open spaces, and for a safety balustrade.
- (ix) The proposal 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 as required to address clause 4.6(3)(a) of WLEP 2012 and relies 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;*

The applicant has demonstrated that the relevant objectives of the development standard are achieved as follows:

- (a) Objective (a) is achieved as environmental amenity is preserved. The proposed rooftop exceedances are set back from the edges of the building behind the parapet, and have no amenity impacts including material no visual privacy or solar access impacts.
- (b) Objective (c) is achieved as the proposal has no negative solar access impacts and has a small positive impact on 2 Glasgow Avenue due to removal of existing roof elements.

- (c) Objective (d) is achieved as the proposed roof level additions are set back from the edges of the building and are not visible from the public domain. The proposal will retain the character of the existing inter-war building.

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 parts of the proposed development exceeding the development standard including the lift overrun and the swimming pools are located at roof top level, are set back from the edges of the building and behind the parapet, and are therefore not visible from the street.

The proposed additions retain the character of the of the existing inter-war building, and do not result in any adverse amenity impacts. Furthermore, the proposed additions will have positive amenity impacts for future occupants, including the provision of accessible lift access routes and additional private open space.

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 development standard as set out above, and with the following objectives for development within the R2 Low Density Residential zone:

- *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.*

The proposal achieves the objectives of the zone as it provides housing, lowers the existing density of the site, does not impact on other land uses, encourages walking and cycling as it is in an accessible location and as it provides bicycle parking spaces, improves accessibility at the site, and increases landscaping and deep soil at the site.

Conclusion

For the reasons provided above the requested variation to the height of buildings 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 development standard and the zone.

Clause 4.6 Exceptions to Development Standards

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

The site is subject to a maximum FSR of 0.5:1, or 199.2m² of GFA. The proposed development has an FSR of 1.99:1 or 794.05, exceeding the standard by 594.85m² equating to a 299% variation. It is noted that the existing building has an FSR of 2.29:1 and a GFA of 714.4m², exceeding the standard by 714.4m² equating to a 359% variation. The proposal reduces the GFA at the site by 119.54m².

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 floor space ratio development standard on the following basis:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the development achieves the objectives of the development standard notwithstanding the non-compliance, as follows:
 - a. Objective (a) is relates to Bondi Junction, and is not relevant.
 - b. Objective (b), *to provide an appropriate correlation between maximum building heights and density controls*, is achieved. The existing building currently exceeds the height of buildings and FSR development standards, and the proposal will reduce the FSR and increase the building height at the site. The proposal will retain the character and scale of the existing inter-war building, and will continue to have an appropriate correlation between height and density.
 - c. Objective (c), *to ensure that buildings are compatible with the bulk, scale, streetscape and desired future character of the locality*, is achieved as the proposal retains the character and built form of the existing inter-war building and is compatible with neighbouring inter-war buildings. The proposed additions do not add GFA to the proposal, are at roof level, are set

back from the edges of the building, resulting in them not being visible from the public domain.

- d. Objective (d), *to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and the locality*, is achieved as the proposal has no negative amenity impacts. The existing building exceeds the FSR development standard, and the proposal reduces the FSR at the site. The exceedance does not have any amenity impacts, does not affect any views, and has a small positive impact on solar access to 2 Glasgow Avenue.
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) The proposal reduces the FSR at the site.
 - (ii) The retention of the building, and the retention of an exceedance of the development standard, is desirable as it is an inter-war building which positively contributes to the character of the area.
 - (iii) Compliance with the development standard would require demolition of the existing inter-war building, which would be to the detriment of the character of the area.
 - (iv) The existing building facades will be retained, preserving the building's contribution to the character of the area.
 - (v) The proposal, including the proposed GFA, improves internal amenity, fire safety, structural stability, and accessibility.
 - (vi) The proposal increases the longevity of the existing inter-war building.
 - (vii) The proposal 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 as required to address clause 4.6(3)(a) of WLEP 2012 and relies 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;

The applicant has demonstrated that the relevant objectives of the development standard are achieved as follows:

- (a) Objective (b) is achieved as the proposal reduces the GFA at the site, retains a similar correlation between height and density as the existing building, and has a height and density which is appropriate to the context of the existing inter-war buildings at the subject site and neighbouring sites.*
- (b) Objective (c) is achieved as the proposal retains the character and built form of the existing inter-war building and is compatible with neighbouring inter-war buildings. The proposed additions do not add GFA to the proposal, are at roof level, are set back from the edges of the building, resulting in them not being visible from the public domain.*
- (c) Objective (d) is achieved as environmental amenity is preserved. The proposal reduces the FSR at the site. The exceedance of the development standard does not have any amenity impacts, does not affect any views, and has a small positive impact on solar access to 2 Glasgow Avenue.*

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 proposal results in a reduction of GFA and FSR at the site, retains the character and built form of the existing inter-war building, does not result in any amenity impacts, and has positive outcomes in terms of amenity, fire safety, structural stability, and accessibility at the site.

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 development standard as set out above, and with the following objectives for development within the R2 Low Density Residential zone:

- 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.*

The proposal achieves the objectives of the zone as it provides housing, lowers the existing density of the site, does not impact on other land uses, encourages walking and cycling as it is in an accessible location and as it provides bicycle parking spaces, improves accessibility at the site, and increases landscaping and deep soil at the site.

Conclusion

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

Existing use rights

The proposal is for alterations to the existing RFB. The site is located within the R2 Low Density Residential Zone, in which RFB's are prohibited. The proposal therefore relies on existing use rights under Division 4.11 *Existing uses* of the *Environmental Planning and Assessment Act (EPA Act) 1979* and Part 7 *Existing uses* of the *Environmental Planning and Assessment Regulation (EPA Regulation) 2021*.

The RFB was constructed in 1930 prior to the prohibition of RFB's for the site, has been in continuous use since then, and therefore meets the definition of an "existing use" under the EPA Act. The proposal is for the alteration of the building, which is permitted under clause 164 of the EPA Regulation.

2.1.3. Waverley DCP 2022

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

Table 4: Waverley DCP 2022 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste <ul style="list-style-type: none"> • <i>Garbage bins are to be stored in an appropriate location.</i> 	Yes	The waste storage room is at ground floor level, is accessed both internally and externally, and has sufficient capacity.
2. Ecologically Sustainable Development <ul style="list-style-type: none"> • <i>Ceiling or wall mounted fans</i> • <i>Gas cooktops, gas ovens or gas internal space heating systems.</i> 	Yes	Suitable conditions are recommended.

Development Control	Compliance	Comment
<p>3. Landscaping, Biodiversity and Vegetation Preservation</p> <ul style="list-style-type: none"> • <i>Consent is required to remove a tree that is 3m or greater in height, or 3m or greater in spread.</i> • <i>Replacement planting is required for any tree removal.</i> 	Yes	<p>A Banksia tree with a height of 4m, and a spread of 1.5m, is proposed to be removed. The removal is supported as the tree possesses no outstanding attributes, and as the proposal results in a major incursion into the tree's root zones.</p> <p>The proposal includes appropriate replacement trees within the site, consisting of one Coastal Banksia and four Kentia Palm trees.</p>
<p>5. Water Management</p>	Yes	<p>The proposal does not increase the footprint of the existing building and has no significant water management impacts.</p>
<p>6. Accessibility and Adaptability</p>	Yes	<p>The proposal includes a lift and improves accessibility to the existing building.</p>
<p>7. Transport</p> <p>7.1 Streetscape</p> <p>7.2.1 Vehicle Access</p> <p>7.2 On-Site Parking</p> <ul style="list-style-type: none"> • <i>No visitor spaces within car stackers</i> <p>7.2.2 Parking Rates</p> <p><i>Maximum parking rate:</i></p> <ul style="list-style-type: none"> • <i>1.2 spaces per 2 bedroom unit</i> • <i>1.5 spaces per 3 bedroom unit</i> • <i>6 spaces total</i> • <i>1 visitor space</i> <p>7.2.5 Motorcycle Parking</p> <ul style="list-style-type: none"> • <i>3 spaces</i> <p>7.2.6 Bicycle Parking</p> <ul style="list-style-type: none"> • <i>4 spaces</i> <p>7.8 Electric Vehicle Charging Points</p> <ul style="list-style-type: none"> • <i>1 resident EV space</i> • <i>1 visitor EV space</i> • <i>All remainder of spaces must be EV-ready</i> 	<p>Yes</p> <p>No (Acceptable on merit)</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The proposed parking has acceptable streetscape impacts and allows for safe pedestrian and vehicle movements. See WDCP section C2.12 below for further discussion.</p> <p>The provision of a visitor space within the car stacker is acceptable on merit due to the small-scale nature of the site where it is anticipated that residents will be on hand to aid visitors with use of the stacker, and due to the proposed provision of instructional signage at the site. Further discussion regarding operation of the stacker is found at WDCP section C2.12 below.</p> <p>The proposal includes six resident spaces and a visitor space within the basement car stacker.</p> <p>The proposal includes three motorcycle spaces within the stacker.</p> <p>The proposal includes four bicycle parking spaces within the stacker.</p> <p>Seven vehicle charging points are provided in the basement in compliance with the control.</p>
<p>9. Safety</p>	Yes	<p>The proposal has a secure well-lit entrance and increases casual surveillance of the street.</p>

Development Control	Compliance	Comment
<p>11. Design Excellence</p>	<p>Yes</p>	<p>The proposal retains the character of the existing inter-war building, features appropriate detailing and materials, and has minimal amenity and streetscape impacts.</p> <p>Further discussion regarding design is found at WDCP section 16 <i>Inter-war buildings</i> below.</p>
<p>13. Excavation</p> <ul style="list-style-type: none"> • 398.4m³ maximum excavation 	<p>No (acceptable on merit)</p>	<p>1,036m³ of excavation is proposed, in excess of the control.</p> <p>The extent of excavation is acceptable on merit, as the applicant has provided sufficient information to demonstrate acceptable impacts on land stability, structural stability, and on the natural environment in compliance with the objectives of the control.</p> <p>The remaining objectives of the control are also achieved, including compliance with parking standards, and ensuring amenity is protected for future residents of the site.</p>
<p>15. Public Domain</p>	<p>Yes</p>	<p>The proposal will improve the public domain by reducing the number of vehicle entries, increasing landscaping adjacent to the public domain, and by increasing casual surveillance.</p>
<p>16. Inter-War Buildings</p> <ul style="list-style-type: none"> • <i>Minimise the visibility of new additions from the public domain and ensure that the original building remains dominant.</i> • <i>Additions should not be visually prominent from the street.</i> • <i>Retain parapet and set back additions behind parapet to ensure skyline is retained.</i> • <i>Retain and maintain original building fabric</i> 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No (acceptable on merit)</p>	<p>The proposal retains the character of the inter-war building despite the replacement of some original building fabric and detailing, as set out below.</p> <p>The majority of the external fabric of the building will be retained.</p> <p>The replacement elements, including the replacement bay windows and bay planters with recessed balconies respond to the original characteristics of the building and feature appropriate materials and detailing including the reuse of masonry at street-facing locations. Furthermore, the replacements significantly improve internal amenity for occupants and aid with fire safety upgrades. In these circumstances the proposed replacement of building elements is acceptable on balance.</p> <p>The existing parapet will be retained and the rooftop additions including pools will be significantly set back from the building elevations, and will therefore not be visible from the street.</p>

Development Control	Compliance	Comment
		Other aspects of the development actively improve the streetscape presentation, including the consolidation of vehicles access points from four to one, the increase in landscaping at the site, and the removal and consolidation of downpipes and vents.
17. Social Impact Assessment <ul style="list-style-type: none"> <i>Social impact statement required for Reduction in dwelling numbers on site</i> 	No (acceptable on merit)	A full social impact statement has not been provided. This is acceptable in the circumstances of the development, which is located within the R2 low density zone, where RFB's are generally prohibited and where high density developments are not supported. The proposal relies on existing use rights and reduces the number of dwellings at the site as envisaged by the R2 Low Density Residential zoning of the site.

Table 55: Waverley DCP 2022 – Part C2 Other Residential Development Compliance Table

Development Control	Compliance	Comment
2.1 Site, scale and frontage		
<ul style="list-style-type: none"> <i>Minimum frontage: 15m minimum</i> 	Yes	The proposal has a 22m site frontage.
2.2 Height		
<ul style="list-style-type: none"> <i>Maximum external wall height: 7m</i> 	N/A	The proposal does not alter the existing wall heights at the site.
2.3 Setbacks		
2.3.1 Street setbacks <ul style="list-style-type: none"> <i>Consistent street setback</i> 	Yes	The proposal retains the existing street setbacks.
2.3.2 Side and rear setbacks <ul style="list-style-type: none"> <i>Minimum side setback: 1.5m-2.5m</i> <i>Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback</i> 	Yes No (acceptable merit)	<p>The proposed retention of the existing 1.6m to 2.1m south-western side setback and the existing 1m to 1.6m north-western side setback is appropriate.</p> <p>The proposal retains the existing setbacks at the site. The retention of the proposed setbacks are appropriate, visual privacy impacts are mitigated by the use of obscure glazed fluted glass for parts of the enlarged south-western side-facing windows.</p>
2.5 Building design and streetscape		
<ul style="list-style-type: none"> <i>Respond to streetscape</i> <i>Sympathetic external finishes</i> <i>Corner sites to address both streets as primary frontages</i> 	Yes	The proposal retains the existing building form and improves its relationship with the streetscape through the reduction of vehicle access points, the activation of the ground floor, and through the increase in landscaping.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <i>Removal of original architectural features not supported</i> 	<p>No (acceptable on merit)</p>	<p>The proposal includes the removal of some original features, including the removal of the shingle bay windows and replacement with larger masonry bay windows and rendered bay planters. The proposed alterations are acceptable on merit as the replacement elements respond to the original characteristics of the building, feature appropriate materials and detailing including the reuse of masonry in street-facing locations, significantly improve amenity for residents, and as the replacements aid with fire safety upgrades.</p> <p>It is noted that the applicant's Building Code of Australia states that either fire shutters or sprinklers and self-closing windows will be required to meet BCA requirements regarding protection of openings from the side boundaries. A condition of consent is therefore included at Appendix A requiring that shutters are not proposed in order to respect the characteristics of the building and requiring details of the fire safety solution to be provided to Council for review and approval.</p>
2.7 Fences and walls		
<p><u>Front fence:</u></p> <ul style="list-style-type: none"> <i>Maximum height 1.2m</i> <i>Maximum 2/3 solid</i> 	<p>Acceptable on merit</p>	<p>The proposal includes a sandstone fence between 1m and 1.2m in height, featuring gaps within the upper section of the fence.</p> <p>The solid portion is more than two-thirds of the fence, contrary to the control. However, the fence is acceptable on merit as it responds to the style of the original fence at the site, and it responds to the context of similar solid fences within the streetscape.</p>
2.8 Pedestrian access and entry		
<ul style="list-style-type: none"> <i>Entry at street level and respond to pattern within the street</i> <i>Accessible entry</i> <i>Separate to vehicular entry</i> <i>Legible, safe, well-lit</i> 	<p>Yes</p>	<p>The proposal retains the existing pedestrian entry and provides accessibility upgrades.</p>
2.9 Landscaping		
<ul style="list-style-type: none"> <i>Minimum of 30% of site area landscaped</i> <i>50% of the above is to be deep soil</i> 	<p>Acceptable on merit</p>	<p>The proposal includes 16% of the site as landscaped deep soil areas.</p> <p>The proposed deep soil and landscape areas are acceptable on merit, as the site is inherently constrained by the retained built form, as the</p>

Development Control	Compliance	Comment
		proposal significantly increases deep soil provision compared to the existing development, and as additional planting is provided at upper floor levels.
2.10 Communal open space		
<ul style="list-style-type: none"> • <i>Minimum communal open space: 15% of site</i> 	No (acceptable on merit)	<p>No communal open space is provided, contrary to the control.</p> <p>The non-compliance is acceptable on merit due to the physical constraints of the size of the site and the retention of the existing building form, as the private open space provision is satisfactory and is a significant improvement over the current conditions at the site, and as the development only features four units.</p>
2.12 Vehicular access and parking		
<ul style="list-style-type: none"> • <i>Car parking to be integrated into the design of the development</i> • <i>Max 1 x 2 way vehicle access point</i> • <i>Pedestrian safety considered</i> • <i>Basement parking should not contravene deep soil zone controls</i> 	Yes	<p>The proposal reduces the number of vehicle access points at the site from the current situation and integrates the car parking into the design of the development.</p> <p>The proposed basement parking does not impact on deep soil levels within the site, as it is within the footprint of the existing building.</p> <p>Pedestrian safety and traffic impacts will be successfully managed. The proposal is not anticipated to result in significant vehicle movements due to the small-scale nature of the proposal.</p> <p>Any conflicts between movements will be managed by a traffic light system connected with the vehicle stacker, with drivers wanting to enter the site being instructed to drive around the block and return in instances where an exiting vehicle movement has already started.</p> <p>Conflicts are to be further reduced via an app-based system allowing residents to pre-book entry or exit times, and allowing residents to inform the system that they are close to returning home and require use of the stacker shortly.</p>
2.14 Views and view sharing		
<ul style="list-style-type: none"> • <i>Minimise view loss through design</i> • <i>Views from public spaces to be maintained</i> 	Yes	The proposal does not have any known view impacts.

Development Control	Compliance	Comment
2.15 Visual privacy and security		
<ul style="list-style-type: none"> <i>Dwellings to be orientated to the street with entrances and street numbering visible</i> <i>Privacy be considered in relation to context density, separation use and design</i> <i>Prevent overlooking of more than 50% of private open space of lower-level dwellings in same development</i> 	Yes	<p>The proposal will not have any significant or unreasonable amenity impacts.</p> <p>Obscure glazed fluted glass is proposed to side-facing windows to reduce the mutual overlooking with 2 Glasgow Avenue.</p> <p>The proposed roof terraces are at, or above the roof levels of adjacent buildings, and are for the private use by two units, and will therefore not result in any significant overlooking or acoustic impacts.</p> <p>Within the site, privacy treatment in the form of obscure glazed fluted glass to the double hung sash window, the provision of a climbing plant, and the provision of a landscape buffer from the street will protect the privacy occupants of bedroom 2 of unit 1 from the public domain.</p>
2.19 Acoustic privacy		
<ul style="list-style-type: none"> <i>Internal amenity by locating noisy areas away from quiet areas</i> 	Yes	
2.21 Building services		
<ul style="list-style-type: none"> <i>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</i> <i>Outdoor Communal clothes drying area to be provided</i> <i>Plant rooms away from entry communal and private open spaces and bedrooms.</i> <i>Services on roof not to be seen from street or impact public or private views</i> 	<p>Yes</p> <p>No (acceptable on merit)</p> <p>Yes</p> <p>Yes</p>	<p>Services, including air conditioning units, the hydrant booster, and the meter room are located at ground floor level at the south-western elevation or at roof level behind the parapet, to minimise visibility from the street.</p> <p>Additionally, the proposal will decrease the existing clutter of downpipes and vents at the site by consolidating them.</p> <p>No communal outdoor drying space is provided. This is acceptable on merit due to the small scale of the proposal, insufficient space within the existing setbacks at the site, and the provision of outdoor spaces for each dwelling.</p> <p>The proposed roof top plant equipment is located behind the parapet, and will not be visible from outside the site.</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 during the period 19 May to 2 June 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 amendments reduced the scale of the proposal, and reduced environmental planning impacts.

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

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

Count	Property Address
1.	1/81 Warners Avenue
2.	2/81 Warners Avenue
3.	3/81 Warners Avenue
4.	4/81 Warners Avenue

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

- Excavation impacts on neighbouring buildings and groundwater
- Traffic impacts from queuing cars
- Solar access impacts
- Exceedance of height of buildings development standard
- Amenity impacts of roof top terraces
- Excessive parking provision, and lack of bicycle parking (addressed by amended plans)

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

Issue: The solar access impacts should be considered at other times of the year than winter.

Response: The Waverley DCP 2022 requires solar access to be considered at mid-winter. The applicant has amended the application to remove the previously proposed additional levels. The proposal is unlikely to have material solar access impacts at any time of year.

Issue: The reduction in dwellings at the site does not meet the objectives of the development standard and zone regarding housing provision.

Response: The site is located within the R2 Low Density Residential Zone, where RFBs are ordinarily prohibited and where high density developments are not supported. Note the R3 and R4 zone includes

objectives relating to increasing or preserving dwelling numbers, but note the R2 zone, to which the site is located. The proposal relies on existing use rights, and reduces the number of dwellings at the site as envisaged by the R2 low density zoning of the site. In these circumstances the reduction in dwellings is acceptable.

Issue: Council should require a covenant from the developer in case of any damage to neighbouring structures caused by the development.

Response: Council is not in a position to require the developer to enter into legal agreements regarding potential damage caused. The applicant has provided additional information during the course of the assessment to ensure the proposal meets the requirements of the Waverley Local Environmental Plan and Development Control Plan regarding earthworks and excavation impacts. Further information is found in this report above. Additionally a condition of consent is included at Appendix A requiring the preparation of a dilapidation report for neighbouring buildings.

Issue: The proposed dwellings will not be affordable.

Response: There are no provisions that require affordable housing provision for the proposed development, and Council is not able to refuse the application on the basis of affordability.

Issue: The proposed planting will be difficult to maintain.

Response: The extent of the proposed planting has been reduced during the course of the assessment, especially at roof top level. The proposed planting is not considered unreasonably difficult to maintain.

Issue: The proposed planting of six trees is excessive.

Response: The proposed Coastal Banksia and four Kentia Palms are considered to result in positive impacts in terms of canopy coverage and shade provision. This is also in keeping with Council's Strategic vision to increase tree canopy across the LGA.

Issue: The height exceedance disrupts the cohesion of the existing inter-war roof forms in the area.

Response: The proposed roof additions have been substantially decreased in scale during the course of the assessment and are no longer visible from the public domain. The removal of the existing roof is acceptable as it is not an original feature of the building.

Issue: The applicant has not undertaken a dilapidation report of 81 Warners Avenue.

Response: The requirement for a dilapidation report forms part of the recommended conditions of consent, at **Appendix A** of this report.

2.5. Public Interest

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

3. REFERRALS

The following internal referral comments were sought:

3.1. Traffic and Development

Council's traffic and transport team reviewed the application, and raised no objection subject to conditions.

3.2. Stormwater

Council's stormwater engineer raised no objection to the proposal, subject to standard conditions of consent requiring finalised stormwater plans and compliance with Council's stormwater policies. The conditions are included at **Appendix A**.

3.3. Tree Management

Council's tree management officer noted that there are no trees of significance on the site, and therefore the removal of any existing vegetation is supported.

3.4. Environmental Health

Council's environmental health officer raised no objection to the proposal, subject to standard conditions of consent regarding acoustic impacts, and regarding swimming pools. The conditions are included at **Appendix A**.

3.5. Sustainable Development

Council's sustainable development officer supported the proposal subject to the inclusion of ceiling fans. The amended plans now include ceiling fans.

3.6. Waste and Recycling

Council's waste officer supported the proposal subject to standard conditions of consent regarding waste management. The conditions are included at **Appendix A**.

3.7. Heritage

Council's heritage officer partially supported the proposal, but objected to the replacement of the small bay windows on the Gould Street elevation with recessed balconies and bay planters. Stating that the bays should be retained to respect the rhythm of the façade, and alterations to the bays should be limited to fire upgrade works.

As set out in this report above, the assessing officer considers the proposal satisfactorily retains and responds to the characteristics of the existing inter-war building. This assessment takes into account the building's status as an inter-war building which is not located within a heritage conservation area, and is not a heritage item.

Other recommendations by the heritage officer regarding materials and detailing have been incorporated into the amended plans, and are the subject of conditions of consent at **Appendix A** of this report.

4. CONCLUSION

The development application seeks consent for partial demolition and alterations to the existing RFB at the site known as 55 Gould Street, Bondi Beach.

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

- Exceedance of height of buildings development standard
- Retention of inter-war character

The assessment finds these issues acceptable.

A total 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.




Development Assessment Leadership Team (DALT) Review

The application was reviewed by the DALT at the meeting on 8 August 2023 and the DALT concurred with the Assessment Planner's recommendation.

DALT members: *A Rossi, B McNamara,, E Finnegan, and Jo Zancanaro*

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:
		
David Knight	Bridget McNamara	Angela Rossi
Senior Development Assessment Planner	Manager, Development Assessment	A/Executive Manager, Development Assessment
Date: 6/10/2023	Date: 10/10/23	Date: 16/10/23

Reason for WLPP referral:

1. Departure from any development standard in an EPI by more than 10%
2. Sensitive development:
 - (a) SEPP 65 development

OFFICE USE ONLY

<p>Clause 4.6 register entry required</p>	<p style="text-align: center;">Height: As lodged: 101% variation to height (Clause 4.3)</p> <p style="text-align: center;">As determined: 76.7% variation to height (Clause 4.3)</p> <table border="1" style="width: 100%;"> <tr><td style="width: 5%; text-align: center;">X</td><td>Pre-existing non-compliance</td></tr> <tr><td style="text-align: center;">X</td><td>No change to overall building height</td></tr> <tr><td style="text-align: center;">X</td><td>No change to overall building envelope</td></tr> <tr><td style="text-align: center;">X</td><td>Variation limited to the [lift/plant/parapet/roof terrace] only</td></tr> <tr><td style="text-align: center;">X</td><td>No unreasonable impacts on the amenity of adjoining properties or streetscape</td></tr> <tr><td style="text-align: center;">X</td><td>Sufficient environmental planning grounds</td></tr> <tr><td style="text-align: center;">X</td><td>Consistent with the objectives of the standard</td></tr> <tr><td style="text-align: center;">X</td><td>Height variation associated with replacement roof (being less than overall building height) but over height standard</td></tr> </table>	X	Pre-existing non-compliance	X	No change to overall building height	X	No change to overall building envelope	X	Variation limited to the [lift/plant/parapet/roof terrace] 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	X	Height variation associated with replacement roof (being less than overall building height) but over height standard
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	<p style="text-align: center;">FSR: As lodged: 314% variation to FSR (Clause 4.4)</p> <p style="text-align: center;">As determined: 299% variation to FSR (Clause 4.4)</p> <table border="1" style="width: 100%;"> <tr><td style="width: 5%; text-align: center;">X</td><td>Pre-existing non-compliance</td></tr> <tr><td></td><td>No change to overall building height</td></tr> <tr><td></td><td>No change to overall building envelope</td></tr> <tr><td></td><td>Variation limited to the [lift/plant/parapet/attic] only</td></tr> <tr><td style="text-align: center;">X</td><td>No unreasonable impacts on the amenity of adjoining properties or streetscape</td></tr> <tr><td style="text-align: center;">X</td><td>Sufficient environmental planning grounds</td></tr> <tr><td style="text-align: center;">X</td><td>Consistent with the objectives of the standard</td></tr> <tr><td style="text-align: center;">X</td><td>Reduction in FSR from existing</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	X	Reduction in FSR from existing
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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

Condition																																																																																													
1.	<p>APPROVED PLANS AND DOCUMENTATION</p> <p>The development must be in accordance with:</p> <p>(a) Architectural Plans prepared by Nicholas and Associates including the following:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Plan Number and Revision</th> <th style="text-align: center;">Plan description</th> <th style="text-align: center;">Plan Date</th> <th style="text-align: center;">Date received by Council</th> </tr> </thead> <tbody> <tr><td>DA001 C</td><td>DRAWING REGISTER + BASIX + FINSIHES SCHEDULE</td><td>5/10/2023</td><td>06/10/2023</td></tr> <tr><td>DA002 A</td><td>WAVERLEY COUNCIL PROJECTS OF EXCELLENCE</td><td>14/04/2023</td><td>06/10/2023</td></tr> <tr><td>DA015 B</td><td>SITE PLAN</td><td>12/09/2023</td><td>06/10/2023</td></tr> <tr><td>DA029 B</td><td>EXISTING + PROPOSED PLANS - BASEMENT</td><td>12/09/2023</td><td>06/10/2023</td></tr> <tr><td>DA030 C</td><td>EXISTING + PROPOSED PLANS - GROUND FLOOR</td><td>05/10/2023</td><td>06/10/2023</td></tr> <tr><td>DA031 C</td><td>EXISTING + PROPOSED PLANS - FIRST FLOOR</td><td>05/10/2023</td><td>06/10/2023</td></tr> <tr><td>DA032 C</td><td>EXISTING + PROPOSED PLANS - SECOND FLOOR</td><td>05/10/2023</td><td>06/10/2023</td></tr> <tr><td>DA033 C</td><td>EXISTING + PROPOSED PLANS - THIRD FLOOR</td><td>05/10/2023</td><td>06/10/2023</td></tr> <tr><td>DA034 C</td><td>EXISTING + PROPOSED PLANS - ROOF TERRACE</td><td>05/10/2023</td><td>06/10/2023</td></tr> <tr><td>DA107 A</td><td>GARAGE DETAIL</td><td>12/09/2023</td><td>06/10/2023</td></tr> <tr><td>DA108 A</td><td>AIRCON SCREEN</td><td>12/09/2023</td><td>06/10/2023</td></tr> <tr><td>DA109 A</td><td>FACADE DETAIL 1</td><td>12/09/2023</td><td>06/10/2023</td></tr> <tr><td>DA110 A</td><td>FACADE DETAIL 2</td><td>12/09/2023</td><td>06/10/2023</td></tr> <tr><td>DA111 B</td><td>FACADE DETAIL 3</td><td>05/10/2023</td><td>06/10/2023</td></tr> <tr><td>DA112 B</td><td>EXTERNAL STAIR DETAIL</td><td>05/10/2023</td><td>06/10/2023</td></tr> <tr><td>DA113 B</td><td>ROOF TOP PARAPET DETAIL</td><td>05/10/2023</td><td>06/10/2023</td></tr> <tr><td>DA150 C</td><td>NORTH ELEVATION</td><td>05/10/2023</td><td>06/10/2023</td></tr> <tr><td>DA151 C</td><td>EAST ELEVATION</td><td>05/10/2023</td><td>06/10/2023</td></tr> <tr><td>DA152 C</td><td>SOUTH ELEVATION</td><td>05/10/2023</td><td>06/10/2023</td></tr> <tr><td>DA153 C</td><td>WEST ELEVATION</td><td>05/10/2023</td><td>06/10/2023</td></tr> <tr><td>DA170 B</td><td>SECTION A</td><td>12/09/2023</td><td>06/10/2023</td></tr> <tr><td>DA171 B</td><td>SECTION B</td><td>12/09/2023</td><td>06/10/2023</td></tr> </tbody> </table> <p>(b) Landscape Plan No. DA_01, 02, 03, 04, and 05 and documentation prepared by Wyer & Co, dated 01/09/2023 and received by Council on 22/09/2023</p> <p>(c) BASIX and NatHERs Certificate/s</p> <p>(d) Stormwater Details and documentation prepared by eiaustralia dated 20/04/2023, and received by Council on 12/05/2023</p> <p>(e) Draft Strata Plan prepared by Mitchell Keith Ayres dated 13/09/2023 and received by Council on 13/09/2023</p>	Plan Number and Revision	Plan description	Plan Date	Date received by Council	DA001 C	DRAWING REGISTER + BASIX + FINSIHES SCHEDULE	5/10/2023	06/10/2023	DA002 A	WAVERLEY COUNCIL PROJECTS OF EXCELLENCE	14/04/2023	06/10/2023	DA015 B	SITE PLAN	12/09/2023	06/10/2023	DA029 B	EXISTING + PROPOSED PLANS - BASEMENT	12/09/2023	06/10/2023	DA030 C	EXISTING + PROPOSED PLANS - GROUND FLOOR	05/10/2023	06/10/2023	DA031 C	EXISTING + PROPOSED PLANS - FIRST FLOOR	05/10/2023	06/10/2023	DA032 C	EXISTING + PROPOSED PLANS - SECOND FLOOR	05/10/2023	06/10/2023	DA033 C	EXISTING + PROPOSED PLANS - THIRD FLOOR	05/10/2023	06/10/2023	DA034 C	EXISTING + PROPOSED PLANS - ROOF TERRACE	05/10/2023	06/10/2023	DA107 A	GARAGE DETAIL	12/09/2023	06/10/2023	DA108 A	AIRCON SCREEN	12/09/2023	06/10/2023	DA109 A	FACADE DETAIL 1	12/09/2023	06/10/2023	DA110 A	FACADE DETAIL 2	12/09/2023	06/10/2023	DA111 B	FACADE DETAIL 3	05/10/2023	06/10/2023	DA112 B	EXTERNAL STAIR DETAIL	05/10/2023	06/10/2023	DA113 B	ROOF TOP PARAPET DETAIL	05/10/2023	06/10/2023	DA150 C	NORTH ELEVATION	05/10/2023	06/10/2023	DA151 C	EAST ELEVATION	05/10/2023	06/10/2023	DA152 C	SOUTH ELEVATION	05/10/2023	06/10/2023	DA153 C	WEST ELEVATION	05/10/2023	06/10/2023	DA170 B	SECTION A	12/09/2023	06/10/2023	DA171 B	SECTION B	12/09/2023	06/10/2023
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2.	<p>GENERAL MODIFICATIONS</p> <p>The application is approved subject to the following plan amendments;</p> <p>(a) Details of the proposed technical solution to achieve compliance with the Building Code of Australia regarding protection of openings must be provided. The solution must respect the characteristics of the existing inter-war building. External shutters must not be used.</p> <p>The amendments are to be approved by the Executive 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.</p> <p>Condition reason: To ensure fire safety measures are compatible with the characteristics of the inter-war building.</p>
3.	<p>ALTERATIONS AND ADDITIONS ONLY</p> <p>This consent is for alterations and additions to the existing building only. Should a significant amount of the remaining fabric of the building be required to be removed during the course of construction, works must cease immediately and a new development application will be required to be submitted for assessment.</p> <p>Condition reason: The condition is imposed is to provide certainty that the development comprises alterations and additions only.</p>
4.	<p>MULTI UNIT HOUSING DEVELOPMENT DESIGN (SEPP 65 DEVELOPMENT)</p> <p>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.</p> <p>Condition reason: To ensure the approved deign remains unchanged.</p>
5.	<p>STRATA SUBDIVISION</p> <p>This consent includes approval for four lot Strata subdivision of the development.</p>

	<p>A Strata Certificate must be obtained from either Council or a Registered Certifier in accordance with either Section 54(1) or Section 58(1) of the Strata Schemes Development Act 2015.</p> <p>The allocated car parking and storage spaces, are not permitted to be subdivided as individual allotments and are to be part lots allocated to individual residential allotments or identified as common property as shown on the approved plans. Part allotments are to be generally allocated in accordance with the parking and storage requirements of Waverley Development Control Plan 2012. No exclusive use of common property shall occur without the prior consent of Council.</p>
	<p>Condition reason: To ensure the approved development complies with the <i>Strata Schemes Development Act 2015</i>.</p>

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
6.	<p>NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE</p> <p>The building work, or demolition work, must not be commenced until:</p> <p>(a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the <i>Environmental Planning and Assessment Act 1979</i>;</p> <p>(b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2000</i>; and</p> <p>(c) Council is given at least two days' notice in writing of the intention to commence the building works.</p> <p>Condition reason: To ensure a Construction Certificate is obtained prior to work commencing.</p>
7.	<p>SECTION 7.12 CONTRIBUTION</p> <p>A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the <i>Environmental Planning and Assessment Act 1979</i> and the Waverley Council Development Contributions Plan in accordance with the following:</p> <p>(a) Where the total development cost is \$500,000 or less:</p> <p style="padding-left: 20px;">(i) a Cost Summary Report or Building Contract or similar is to be submitted to Council's Customer Service Centre to process payment.</p> <p>(b) Where the total development cost is more than \$500,000 but less than \$1,000,000:</p> <p style="padding-left: 20px;">(i) a Detailed Cost Report prepared by a registered Quantity Surveyor, Building Contract, or similar is to be submitted to Council's Customer Service Centre to process payment.</p> <p>(c) Where the total development cost is \$1,000,000 or more:</p> <p style="padding-left: 20px;">(i) 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).</p> <p style="padding-left: 40px;">- Please forward documents to info@waverley.nsw.gov.au attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy.</p>

	<p>(ii) 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.</p> <p>(iii) 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.</p> <p>A copy of the required format for the cost reports are provided in the Waverley Council Contributions Plan, available on Council’s website.</p> <p>(d) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, the levy must be paid in accordance with the following;</p> <p>(i) A development valued at \$100,000 or less will be exempt from the levy;</p> <p>(ii) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% of the <u>full</u> cost of the development; or</p> <p>(iii) A development valued at more than \$200,000 will attract a levy of 1% of the <u>full</u> cost of the development.</p> <p>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.</p> <p>Condition reason: To ensure the Section 7.12 Contributions are paid.</p>
<p>8.</p>	<p>SECURITY DEPOSIT</p> <p>A deposit (cash or cheque) for the amount of \$82,723.94 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.</p> <p>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.</p> <p>Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.</p>
<p>9.</p>	<p>LONG SERVICE LEVY</p> <p>A long service levy, as required under section 34 of the <i>Building and Construction Industry Long Service Payments Act, 1986</i>, 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.</p>

	<p>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.</p>
	<p>Condition reason: To ensure the long service levy is paid.</p>
10.	<p>ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES</p> <p>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.</p> <p>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.</p>
	<p>Condition reason: To ensure Council assessment fees are paid.</p>
11.	<p>VERIFICATION OF CONSTRUCTION CERTIFICATE DOCUMENTATION (SEPP 65 BUILDINGS)</p> <p>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 <i>Architects Act 2003</i> (i.e. a qualified designer) in accordance with the requirements of the <i>State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development</i>.</p> <p>In accordance with the Environmental Planning and Assessment Regulation 2000, the Principal Certifying Authority must not issue a construction certificate unless it has received a design verification statement from a qualified designer which verifies that the construction certificate plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in <i>State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development</i>.</p>
	<p>Condition reason: To maintain the architectural integrity of the approved development.</p>
12.	<p>UNIVERSAL HOUSING</p> <p>Apartments in the development are to be provided with universal design features (as outlined in the <i>Liveable Housing Design Guidelines</i>) to meet the changing need of occupant's over their lifetimes in accordance with Part B6 of the <i>Waverley Development Control Plan 2022</i>.</p>
	<p>Condition reason: To ensure universal design features are provided.</p>
13.	<p>HOARDING</p> <p>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.</p>

	Condition reason: To ensure safety to the general public.
14.	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.
	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
15.	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. The report must incorporate the recommendations of the geotechnical Investigation prepared by easustralia dated 06/09/2023 and received by Council on 22/09/2023. 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.
	Condition reason: To ensure any excavation, shoring or pile construction is carried out in a safe manner.
16.	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. Condition reason: To ensure structural stability of work on site.
17.	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 Investigation prepared by easustralia dated 06/09/2023 and received by Council on 22/09/2023

	<p>ii. Excavation Construction Methodology Statement prepared by eiaustralia dated 05/10/2023 received by Council on 06/10/2023</p> <p>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.</p> <p>(b) The documentation provided by the principal structural engineer as part of the construction certificate should detail the follow:</p> <ol style="list-style-type: none"> i. Design and documentation of the Strengthening and Stability requirements to ensure the existing building is suitable for the intended alteration and additions, and ii. Provide detailed procedure on the methodology and constructability of the proposed work within the existing / approved building envelope, in particular to the excavation works.
	<p>Condition reason: To ensure structural stability of work on site.</p>
18.	<p>NOISE MANAGEMENT PLAN - DEMOLITION, EXCAVATION AND CONSTRUCTION</p> <p>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.</p> <p>For further information on the requirements, refer to Council's website:</p> <p>https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent</p>
	<p>Condition reason: To protect the environmental amenity of the area.</p>
19.	<p>TELECOMMUNICATIONS IN NEW RESIDENTIAL FLAT BUILDING AND MIXED USE DEVELOPMENTS</p> <p>Evidence is to be provided to the Principal Certifier that arrangements have been made for;</p> <p>(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</p> <p>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.</p>
	<p>Condition reason: To ensure appropriate telecommunication services are provided.</p>
20.	<p>SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE APPLICATION</p> <p>An application to obtain a Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i> must be made prior to the issue of the relevant Construction Certificate. The application must be made through an authorised Water Servicing Coordinator.</p>

	<p>For more information about making an application to obtain a Section 73 Compliance Certificate, please consult Sydney Water’s website.</p> <p>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.</p> <p>A Section 73 Compliance Certificate must be issued from Sydney Water prior to the issue of an occupation certificate.</p> <p>Condition reason: To ensure compliance with Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i>.</p>
<p>21.</p>	<p>CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)</p> <p>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</p> <p>Condition reason: To minimise disruption to local traffic.</p>
<p>22.</p>	<p>STORMWATER MANAGEMENT</p> <p>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.</p> <p>The submitted stormwater management plan prepared by Architects Nicholas + Associates, Project No. S_10220, received on 12/05/2023 by Waverley Council considered <u>concept only</u>.</p> <p>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:</p> <p>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</p>

	<p>and of adequate capacity to convey additional runoff and be replaced or upgraded if required.</p> <p>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.</p> <p>c) Any new downpipes are to be located wholly within the property's boundary.</p> <p>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.</p> <p>Notes:</p> <ul style="list-style-type: none"> • The checklist as set out on pages 68-76 on Council's Water Management Technical Manual (Oct 2021) available online shall be completed and submitted with any revision of Construction Certificate Plan Submission. • Since a sewer main run through the property, plans must also be presented to a Sydney Water for their approval. • The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development. • Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated. • Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council. • Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday) The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.
	<p>Condition reason: To ensure the proper management of stormwater runoff.</p>
<p>23.</p>	<p>BASIX</p> <p>All requirements of the BASIX Certificate and/or NatHERS documentation are to be shown on the Construction Certificate plans and documentation.</p> <p>Condition reason: To ensure BASIX and/or NatHERS requirements are met.</p>
<p>24.</p>	<p>SITE WASTE AND RECYCLING MANAGEMENT PLAN</p> <p>A <i>Site Waste and Recycling Management Plan (SWRMP) - Part 2</i> is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction</p>

	<p>Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the <i>SWRMP Part 2</i> 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.</p>
	<p>Condition reason: To ensure resource recovery is promoted and the local amenity is protected during construction.</p>
25.	<p>WASTE STORAGE AREAS</p>
	<p>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;</p> <ul style="list-style-type: none"> • Residential <ul style="list-style-type: none"> ○ 2 X 240L Mobile Garbage Bins (MGBs) for general waste ○ 2 X 240L MGBs for paper and cardboard recycling ○ 2 X 240L MGBs for container recycling ○ 1 x 240L MGBs for garden waste, should this waste stream be generated. ○ A room or caged area with a minimum floor space of 4m² 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. <p>All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B1 of the <i>Waverley Council Development Control Plan 2022</i> to the satisfaction of the Principal Certifying Authority.</p>
	<p>Condition reason: To ensure the appropriate space for storage of waste on site.</p>
26.	<p>DILAPIDATION REPORT</p>
	<p>A Dilapidation report is to be prepared for 81 Warners Avenue, 2 Glasgow Avenue, and any other 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.</p> <p>The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site.</p> <p>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.</p>
	<p>Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.</p>

BEFORE BUILDING WORK COMMENCES

	Condition
27.	<p>CONSTRUCTION SIGNS</p> <p>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.</p> <p>Condition reason: To ensure the general public are afforded the Principal Certifying Authority and principal contractor's (the coordinator of the building works) contact details.</p>
28.	<p>DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS</p> <p>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:</p> <ul style="list-style-type: none"> • 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; • <i>Protection of the Environment Operations Act 1997.</i> <p>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:</p> <ol style="list-style-type: none"> (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. <p>Condition reason: To ensure the safety of workers and the general public.</p>
29.	<p>TREE PROTECTION</p>

	<p>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.</p> <p>Condition reason: To protect and retain trees.</p>
<p>30.</p>	<p>STREET TREES TO BE RETAINED/TREE PROTECTION</p> <p>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:</p> <ul style="list-style-type: none"> (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. <p>Condition reason: To protect trees during the carrying out of site work.</p>
<p>31.</p>	<p>PUBLIC DOMAIN UPGRADES</p> <p>The public domain is to be upgraded along the street frontage for the site at the owner's expense in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval, prior to construction.</p> <p>A detailed plan of the works required on Council's road reserve/footpath area are to be submitted to Council for the approval of the Executive Manager, Infrastructure Services (or delegate) prior to those works commencing.</p> <p>The following detailed engineering plans and specifications for the following infrastructure works to Council's Public Domain Engineer:</p> <ul style="list-style-type: none"> (a) All public domain infrastructure including the upgrade of footpath, road pavement, street landscaping, kerb and gutter (b) Be drawn by a suitably qualified and experienced engineering professional (c) Show existing and proposed levels outside the site details for a distance of not less than 20m to the north and south of the site (d) Include boundary floor and doorway levels inside the site at all street frontages (e) Include plantings and other features to be installed in the footpath area as part of landscaping works (f) Include the location and alignment of entry and exit points to the site (g) No utility pillars or columns shall be erected within the Council road reserve to support the new development. Any proposed utility erections to be constructed with the property boundary or undergrounded, with all authority approvals to be communicated to Council with written confirmation, before executing any works.

	<p>A fee is applicable for this assessment as per Council’s Schedule of Fees & Charges. An invoice will be issued to the owner for the amount payable, which will be calculated based on the design plans for the public domain works.</p>
	<p>Condition reason: To ensure public domain upgrade works are done correctly.</p>

DURING BUILDING WORK

Condition	
33.	<p>CONTROL OF DUST ON CONSTRUCTION SITES</p> <p>The following requirements apply to demolition and construction works on site:</p> <p>(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.</p> <p>(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.</p> <p>Condition reason: To ensure the safety of workers and the general public.</p>
34.	<p>CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS</p> <p>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.</p> <p>Condition reason: To ensure compliance with the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines 2014.</p>
35.	<p>EXCAVATION AND BACKFILLING</p> <p>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.</p> <p>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.</p> <p>Condition reason: To ensure structural stability of work on site and general safety.</p>
36.	<p>CONSTRUCTION HOURS</p> <p>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.</p> <p>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.</p>

	Noise from construction activities shall comply with the <i>Protection of the Environmental Operations (Noise Control) Regulation 2017</i> .
	Condition reason: To protect the amenity of the surrounding area.
37.	STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS
	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.
	Condition reason: To ensure the building works are constructed in accordance with the relevant legislation.
38.	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.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
39.	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.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
40.	WORK OUTSIDE PROPERTY BOUNDARY
	This consent does not authorise any work outside the property boundary.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
41.	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

	<p>(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</p> <p>(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.</p>
	Condition reason: To ensure pools are constructed in a correct manner.
42.	SANDSTONE CLADDING
	Proposed use of sandstone cladding to infills at ground floor is to be of thick sections with return stonework to rebates of solid sections and not butt or mitre jointed corners (minimum 30mm thickness). Stone is to be assessed as to match in colour, grain, and jointing.
	Condition reason: To ensure the alterations respect the characteristics of the existing inter-ware building.
43.	EXISTING VEHICLE CROSSING IS TO BE CLOSED – GOULD STREET
	The existing vehicle crossing in Gould Street is to be demolished and a new crossing constructed to provide access to the proposed mechanical parking system. 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 3.8 metres wide at the property boundary. The width at the street is to be 3.8 metres plus 0.45 metre splays.
	Condition reason: To ensure appropriate treatment to the public domain.
44.	EXISTING VEHICLE CROSSING IS TO BE CLOSED – WARNERS AVENUE
	The existing vehicle crossing in Warners Avenue is to be closed and all work associated with the closure is to be carried out with the approval of, and in accordance with, the requirements of Council.
	Condition reason: To ensure appropriate treatment to the public domain.
45.	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.
	Condition reason: To ensure appropriate treatment to the public domain.
46.	CAR PARKING
	A total of 7 car vehicle parking spaces are to be provided within the development, allocated in the following manner: <p>(a) 6 residential parking spaces</p> <p>(b) 1 residential visitor parking spaces</p>

	<p>Accessible parking spaces are to be designed in accordance with Australian Standard AS2890.6 - 2009 Off Street Parking for People with Disabilities.</p> <p>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 are to be appropriately signposted and parked.</p> <p>Car parking spaces shall not be independent lots, but rather part lots attached to units in any future Subdivision Plans.</p>
	<p>Condition reason: To ensure the amount of car parking on site is reflective of the approval.</p>
47.	ELECTRIC VEHICLE CHARGING POINTS
	<p>All resident car spaces must be 'EV Ready' and provided a dedicated circuit with a minimum current of 16A and cable storage for each parking space with power demand management system to enable all circuits to be used simultaneously. Electrical circuit have capacity to deliver a minimum 15 kWh between 11pm-7am.</p> <p>All visitor car spaces require an EV charger with a 3-phase - 32A connection as a minimum. Electrical circuit have capacity to deliver a minimum 15 kWh between 9am-5pm.</p>
	<p>Condition reason: To ensure compliance with Council's electric vehicle charging requirements.</p>
48.	CONVEX MIRRORS
	<p>Convex mirrors are to be placed inside the site at the vehicular access ramp for drivers when exiting the site to view pedestrians approaching from either direction along the adjacent roadway/footpath.</p> <p>The purpose of the convex mirrors is NOT for drivers to identify moving vehicles on the public road as this distorts the location and speed of vehicles on the roadway, therefore the location of the mirrors is to be such that it provides sight to pedestrians as the priority.</p> <p>Details are to be shown on the plans to be submitted to Council for the approval of the Executive Manager, Infrastructure Services, or delegate.</p>
	<p>Condition reason: To ensure pedestrian safety.</p>
49.	BICYCLE PARKING
	<p>A total of 4 bicycle parking spaces are to be provided within the development, allocated in the following manner:</p> <p>(a) 4 residential bicycle spaces</p> <p>The bicycle spaces are to be designed in accordance with Australian Standard AS2890.3 - 2015 Parking Facilities - Bicycle Parking.</p>

	<p>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 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.</p>
	<p>Condition reason: To ensure the amount of bicycle parking is reflective of the approval.</p>

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
43.	<p>FINAL OCCUPATION CERTIFICATE</p> <p>Prior to occupation or use of the development, an Occupation Certificate must be obtained.</p> <p>The Principal Certifying Authority must be satisfied that the requirements of the <i>Environmental Planning & Assessment Act 1979</i> have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.</p> <p>Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.</p>
44.	<p>SUBDIVISION CERTIFICATE</p> <p>A Subdivision Certificate must be obtained from Council or Private Certifying Authority in accordance with of the Environmental Planning and Assessment Act, 1979 prior to the registration of the subdivision plans.</p> <p>Condition reason: To ensure a Subdivision Certificate is issued prior to occupation or use of the development.</p>
45.	<p>CERTIFICATION OF BASIX COMMITMENTS</p> <p>The Principal Certifying Authority shall certify that the all the undertakings in the approved BASIX certificate have been completed.</p> <p>Condition reason: To ensure all the undertakings in the approved BASIX certificate have been completed.</p>
46.	<p>CERTIFICATION OF APPROVED DESIGN</p> <p>In accordance with the Environmental Planning and Assessment Regulations 2000, the Principal Certifying Authority must not issue an occupation certificate, to authorise a person to commence occupation or use of the development unless it has received a design verification statement from an architect who is registered in accordance with the Architects Act 2003 (i.e. qualified designer) that verifies that the building achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles.</p> <p>Condition reason: To maintain the architectural integrity of the approved development.</p>
47.	<p>CERTIFICATION OF LANDSCAPING</p> <p>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.</p>

	Condition reason: To ensure the high quality landscape solution is appropriately established and maintained for the life of the development.
48.	CERTIFICATION OF STORMWATER SYSTEM
	<p>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.</p> <p>Condition reason: To ensure the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.</p>
49.	CERTIFICATION OF PUBLIC DOMAIN WORKS
	<p>Prior to the issue an Occupation Certificate, a final inspection of the completed public domain works is required from Council’s Public Domain Engineer (Infrastructure Services), to ensure that the public domain works required under the consent have been completed to Council’s satisfaction. If satisfactory, a compliance certificate will be issued. A fee is applicable for this final inspection under Council’s Schedule of Fees & Charges which must be paid to obtain the compliance certificate. To organise an inspection please contact the public domain team at assets@waverley.nsw.gov.au or 9083 8886.</p> <p>Condition reason: To ensure all works within the public domain have been constructed appropriately.</p>
50.	CERTIFICATION OF SWIMMING POOL/OUTDOOR SPA
	<p>Prior to the pool being used, the following must be provided;</p> <p>(a) Certification that the pool has been constructed in accordance with the consulting engineers design;</p> <p>(b) Evidence that the swimming pool/outdoor spa has been registered on the State Government Swimming Pool Register (http://www.swimmingpoolregister.gov.au);</p> <p>(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;</p> <p>(d) A copy of the occupation certificate must be submitted to Council.</p> <p>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.</p>

	Condition reason: To ensure the swimming pool/outdoor spa has been constructed appropriately to ensure the safety of users.
51.	SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE
	A Section 73 Compliance Certificate must be issued from Sydney Water prior to the issue of an occupation certificate. Condition reason: To ensure compliance with Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i> .
52.	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. Condition reason: To protect the environmental amenity of the area.
53.	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. Condition reason: To protect the environmental amenity of the area.
54.	PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE
	A Site Waste and Recycling Management Plan must be submitted to Council's Executive Manager, Environmental Sustainability (or delegate) or the Principal Certifying Authority and include the following where relevant; (a) All arrangements including relevant and current contracts for recyclables and all other waste (collection and disposal) (b) The waste storage area and bins must be cleaned and maintained regularly with appropriate lighting. (c) Confer with Sydney Water regarding whether a Trade Waste Agreement is required. A copy of the agreement shall be forwarded to Council if one is entered into with Sydney Water. (d) The role and responsibility of managing composting facilities (if provided); (e) Clear signage identifying the different bin types, space for reusable items such as crates and pallets, bulky household waste and problem waste must be displayed. (f) The recycling bins must be placed alongside the general waste bins for ease of access and to encourage recycling habits.

	<p>(g) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of bins, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.</p> <p>(h) Responsibilities for regular monitoring of bins for contamination and educating residents on how to use the waste and recycling services.</p> <p>(i) Responsibilities to inspect, maintain and repair all waste management equipment, such as chutes, bin lifts, compactors and other equipment.</p> <p>(j) Responsibilities to liaise with the council or the collection contractor on waste management issues and service requests.</p> <p>(k) All waste and recycling bins must only be placed out on Council footpath for collection no earlier than 5:30 p.m. on the day prior to the designated waste collection day and retrieved from the kerbside as early as possible.</p> <p>(l) 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.</p> <p>(m) At no times shall bins be stored on the public domain (e.g. footpaths).</p>
	Condition reason: To ensure the orderly management of waste.
55.	STREET NUMBER/S
	The street number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary that fronts the street. Should the number be fixed to an awning then it shall be a minimum 150mm high.
	Condition reason: To ensure the property address is clearly identified.
56.	BUILDING HEIGHT
	<p>(a) The height of the building must not exceed the following RLs (AHD):</p> <ul style="list-style-type: none"> i. Lift overrun: RL 31.410 ii. Top of pool: RL 31.610 iii. Fence separating the two rooftop private open spaces: RL 31.810 iv. Glass balustrade adjacent to pool steps: RL 32.210 <p>(b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.</p>
	Condition reason: To ensure the constructed development complies with the approved height.

OCCUPATION AND ONGOING USE

	Condition
56.	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.
	Condition reason: To ensure safe manoeuvring of vehicles.
57.	CAR STACKERS
	The mechanical parking system shall give priority to inbound cars.
	Condition reason: To ensure inbound cars do not cause obstructions on the public road network.
58.	PARKING PERMITS
	Occupants of the building are not to be eligible for resident parking permits under Council's Resident Preferential Parking permits scheme.
	Condition reason: To ensure the development does not result in additional impacts on the public road network.
59.	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.
	Condition reason: To protect the environmental amenity of the area.
60.	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.
	Condition reason: To protect the environmental amenity of the area.
61.	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.
	Condition reason: To protect the environmental amenity of the area.
62.	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.

	Condition reason: To manage impacts on the public domain.
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GENERAL ADVISORY NOTES

	Condition
1.	<p>DEVELOPMENT IS TO COMPLY WITH LEGISLATION</p> <p>This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation.</p>
2.	<p>DEVELOPMENT MUST MEET CONDITIONS OF CONSENT</p> <p>The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.</p>
3.	<p>POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT</p> <p>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:</p> <ul style="list-style-type: none"> • Please read your conditions carefully. • Information to be submitted to Council should be either via email to info@waverley.nsw.gov.au, in person (at Council’s Customer Service Centre) or via post service. • Attention the documentation to the relevant officer/position of Council (where known/specified in condition) • Include DA reference number • Include condition number/s seeking to be addressed • Where multiple conditions need Council input, please try to group the documentation / email/s into relevant subjects (multiple emails for various officers may be necessary, for example). • Information to be submitted in digital format – refer to ‘Electronic lodgement guidelines’ on Council’s website. Failure to adhere to Council’s naming convention may result in documentation being rejected. • Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information. • Please note in some circumstances, additional fees and/or additional documents (hard copy) may be required. • Council’s standard for review (from date the relevant officer receives documentation) is 14days. Times may vary or be delayed if information is not received in this required manner. • Any queries, please contact Council’s Duty Planner on duty.planner@waverley.nsw.gov.au
4.	<p>SYDNEY WATER REQUIREMENTS</p> <p>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.</p> <p>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.</p> <p>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</p>

	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.
5.	DIAL BEFORE YOU DIG Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
6.	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.
7.	EXCAVATION TO BE LIMITED Excavation shall be limited to that shown in the approved plans. Any further excavation will require Council approval.
8.	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.
9.	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.
10.	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.
11.	ECOLOGICALLY SUSTAINABLE DEVELOPMENT RECOMMENDATIONS

	<p><u>Indoor air quality:</u> 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.</p> <p><u>Ventilation:</u> 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.</p> <p><u>Domestic hot water:</u> 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</p>
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Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means Waverley Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Waverley Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

the collection of stormwater,

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Sydney Eastern City Planning Panel.

Suitably qualified acoustic consultant means 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.

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-113/2023

Date Received: 06/10/2023

DEVELOPMENT APPLICATION

55 GOULD STREET, BONDI BEACH, NSW 2026



55 GOULD STREET BONDI BEACH

DO NOT SCALE DRAWING. VERIFY ALL DIMENSIONS ON SITE. REPORT ANY DISCREPANCIES IN DOCUMENTATION TO ARCHITECT. THIS DRAWING IS FOR THE PURPOSE OF COUNCIL APPROVAL AND AS SUCH, IS NOT SUITABLE FOR CONSTRUCTION.

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B	12.09.2023	COUNCIL'S RFI RESPONSE
A	14.04.2023	ISSUE FOR DA
ISS	DATE	PURPOSE OF ISSUE

PLOTTED : 5/10/2023 5:52:40 PM

LEGEND:

+RL 00.00	FINISHED SPOT OR SURFACE LEVEL		EXISTING WINDOW / DOOR
FFL 00.00	FINISHED FLOOR LEVEL		NEW WINDOW / DOOR
	SURVEY SPOT LEVEL		
	EXISTING TO BE RETAINED		
	EXISTING TO BE DEMOLISHED		

KEY:

WYER & CO

IMPERO.

ARCHITECTS
NICHOLAS +
ASSOCIATES

STUDIO 6,
1 MARY'S PLACE
SURRY HILLS
NSW 2010
T + 61 2 8353 9500
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NOMINATED ARCHITECT
PATRICK NICHOLAS
NSW 6672

DRAWING NO:	ISSUE NO:	JOB NO:
DA000	B	GOU2212

DEVELOPMENT APPLICATION

DRAWING TITLE:
COVER PAGE + PHOTOMONTAGE

PROJECT ADDRESS:
55 GOULD STREET, BONDI BEACH

CLIENT:
IMPERO CONSTRUCTIONS
IVKA NEWTOWN PTY LTD

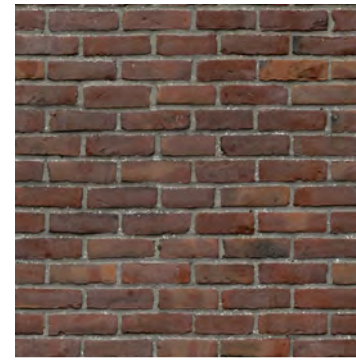
ARCHITECTURAL DRAWING LIST

SHEET NO	SHEET NAME	REV	DATE
DA000	COVER PAGE + PHOTOMONTAGE	B	12.09.2023
DA001	DRAWING REGISTER + BASIX + FINISHES SCHEDULE	C	5.10.2023
DA002	WAVERLEY COUNCIL PROJECTS OF EXCELLENCE	A	14.04.2023
DA003	SJB PROJECTS OF EXCELLENCE	A	14.04.2023
DA004	IMPERO PROJECTS OF EXCELLENCE	A	14.04.2023
DA005	WYER&CO PROJECTS OF EXCELLENCE	A	14.04.2023
DA010	SITE CONTEXT	A	14.04.2023
DA014	SITE ANALYSIS	A	14.04.2023
DA015	SITE PLAN	B	12.09.2023
DA029	EXISTING + PROPOSED PLANS - BASEMENT	B	12.09.2023
DA030	EXISTING + PROPOSED PLANS - GROUND FLOOR	C	5.10.2023
DA031	EXISTING + PROPOSED PLANS - FIRST FLOOR	C	5.10.2023
DA032	EXISTING + PROPOSED PLANS - SECOND FLOOR	C	5.10.2023
DA033	EXISTING + PROPOSED PLANS - THIRD FLOOR	C	5.10.2023
DA034	EXISTING + PROPOSED PLANS - ROOF TERRACE	C	5.10.2023
DA035	PROPOSED PLAN - ROOF	A	14.04.2023
DA100	CROSS VENTILATION, SOLAR ACCESS & STORAGE	A	14.04.2023
DA101	LANDSCAPE CALCULATION	B	12.09.2023
DA107	GARAGE DETAIL	A	12.09.2023
DA108	AIRCON SCREEN	A	12.09.2023
DA109	FACADE DETAIL 1	A	12.09.2023
DA110	FACADE DETAIL 2	A	12.09.2023
DA111	FACADE DETAIL 3	B	5.10.2023
DA112	EXTERNAL STAIR DETAIL	B	5.10.2023
DA113	ROOF TOP PARAPET DETAIL	B	5.10.2023
DA120	EXISTING GFA PLANS	A	14.04.2023
DA121	PROPOSED GFA PLANS	B	12.09.2023
DA130	WASTE MANAGEMENT PLAN	B	12.09.2023
DA140	HEIGHT PLANE - 8.5 M	B	12.09.2023
DA150	NORTH ELEVATION	C	5.10.2023
DA151	EAST ELEVATION	C	5.10.2023
DA152	SOUTH ELEVATION	C	5.10.2023
DA153	WEST ELEVATION	C	5.10.2023
DA170	SECTION A	B	12.09.2023
DA171	SECTION B	B	12.09.2023
DA600	VISIBILITY OF ROOFTOP FROM PUBLIC DOMAIN	B	12.09.2023
DA601	VIEW OF SITE FROM CORNER OF WARNERS AVE AND MITCHELL ST	A	12.09.2023
DA700	VIEW FROM SUN - JUNE 21 - 9AM	A	14.04.2023
DA701	VIEW FROM SUN - JUNE 21 - 10AM	A	14.04.2023
DA702	VIEW FROM SUN - JUNE 21 - 11AM	A	14.04.2023
DA703	VIEW FROM SUN - JUNE 21 - 12PM	A	14.04.2023
DA704	VIEW FROM SUN - JUNE 21 - 1PM	A	14.04.2023
DA705	VIEW FROM SUN - JUNE 21 - 2PM	A	14.04.2023
DA706	VIEW FROM SUN - JUNE 21 - 3PM	A	14.04.2023
DA707	SHADOW PLAN - JUNE 21 - 9AM	A	14.04.2023
DA708	SHADOW PLAN - JUNE 21 - 12PM	A	14.04.2023
DA709	SHADOW PLAN - JUNE 21 - 3PM	A	14.04.2023

EXTERNAL FINISHES SCHEDULE / PALETTE



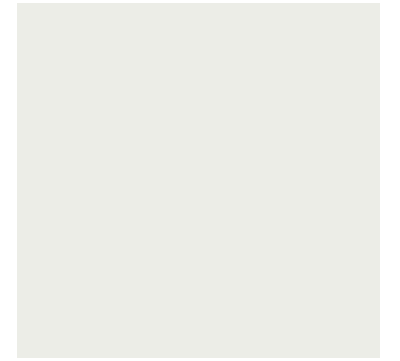
ST01 SANDSTONE WALL



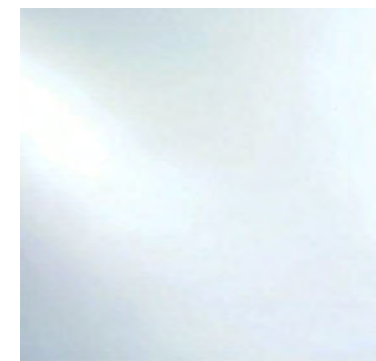
BK01 RECYCLED BRICKS TO MATCH EXISTING



CON01 CONCRETE



PT01 NATURAL WHITE RENDERED PAINT FINISH



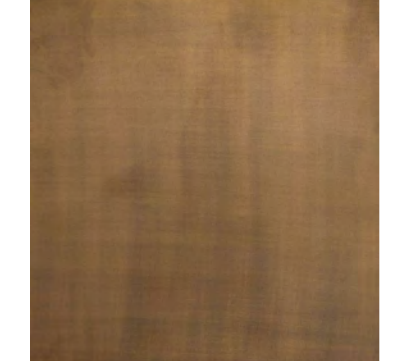
GL01 CLEAR GLASS



GL02 FLUTED GLASS



RF01 TERRACOTTA ROOF TILE FOR WINDOW BAYS



MT01 BRASS GATE

BASIX COMMITMENTS

ABSA Thermal Notes - 55 Gould St, Bondi, NSW, 2026

External walls: Cavity Brick (Uninsulated to existing) and wet plaster internally

External walls: Cavity Brick (R1.0 insulation to new) and wet plaster internally

External walls: Concrete with wet plaster internally

External walls: Sandstone with wet plaster internally

Glazing: Aluminium Single Glaze Clear, U = 6.70, SHGC = 0.57 - Awning, Casement, Doors

Glazing: Aluminium Single Glaze Clear, U = 6.70, SHGC = 0.70 - Sliding, Fixed, Louvre

Ground Floor: Carpet on slab with R1.0 insulation underneath to bedrooms, Tiles on slab with R1.0 insulation underneath to wet areas, Timber on slab with R1.0 insulation underneath to all other areas - Unit 1 only

Other Floors: Carpet on slab to bedrooms, Tiles on slab to wet areas, Timber on slab to all other areas

Internal walls: Brick with wet plaster

Internal walls: Concrete with wet plaster

Roof: Tiles on Concrete slab with R1.0 insulation and plasterboard - Unit 1 and 3

Roof: Tiles on Concrete slab with R2.0 insulation and plasterboard - Unit 4

Nationwide House Energy Rating Scheme - Multiple Class1-dwelling summary NatHERS Certificate No. 0008595080

Generated on 26 Apr 2023 using AccuRate Sustainability V2.4.3.21

Property
Address: 55 Gould Street, Bondi, NSW, 2026
Lot/DP: Lot - DP SP 12847
NatHERS climate zone: 56

Accredited assessor
Brian Tepicaneac
Brian Tepicaneac Consultancy
brian.tepicaneac@gmail.com
0407 929 659
Accreditation No. 100588
Assessor Accrediting Organisation ABSA

Verification
To verify this certificate, scan the QR code or visit hatar.com.au/QR/Generate?pmrFqVCky. When using either link, ensure you are visiting hatar.com.au

Summary of all dwellings

Certificate number and link	Unit Number	Heating load (MJ/m²/p.a.)	Cooling load (MJ/m²/p.a.)	Total load (MJ/m²/p.a.)	Star rating
0008595043	1	41.74	21.07	62.80	5.2
0008595050	2	23.82	18.39	42.21	6.7
0008595088	3	18.51	21.40	39.91	6.9
0008595078	4	44.71	20.65	65.36	5

(a) Dwellings	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(i) Water			
(2) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below:			
(3) The applicant must plant indigenous or low water use species of vegetation throughout the area of land specified for the dwelling in the "Indigenous species" column of the table below, as precise landscaping for that dwelling. (This area of indigenous vegetation is to be contained within the "Area of garden and lawn" for the dwelling specified in the "Description of Project" table)	✓	✓	✓
(4) The applicant must install a private swimming pool or spa for the dwelling, with a volume exceeding that specified for it in the table below:	✓	✓	✓
(7) If specified in the table, that pool or spa (or both) must have a pool cover or shading (or both):	✓	✓	✓
(8) The pool or spa must be located as specified in the table:	✓	✓	✓
(9) The applicant must install, for the dwelling, each alternative water supply system, with the specified size listed for that dwelling in the table below. Each system must be configured to collect runoff from the areas specified (including any area which supplies any other alternative water supply system), and to divert overflow as specified. Each system must be connected as specified.	✓	✓	✓
(ii) Energy			
(4) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below:			
(2) The applicant must install each hot water system specified for the dwelling in the table below, so that the dwelling's hot water is supplied by that system. If the table specifies a central hot water system for the dwelling, then the applicant must connect that central system to the dwelling, or that the dwelling's hot water is supplied by that central system.	✓	✓	✓
(3) This commitment applies to each room or area of the dwelling which is referred to in a heading in the "Natural lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that each such room or area is lit with a window and/or skylight.	✓	✓	✓
(iii) Thermal Comfort			
(c) The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Thermal Comfort Protocol requires to be shown on those plans. These plans must bear a stamp of endorsement from the Accredited Assessor, to verify that this is the case.	✓	✓	✓
(g) Where there is an in-slab heating or cooling system, the applicant must:			
(a) Install insulation with an R-value of not less than 1.0 around the vertical edges of the perimeter of the slab; or			
(b) On a suspended floor, install insulation with an R-value of not less than 1.0 underneath the slab and around the vertical edges of the perimeter of the slab.			
(f) The applicant must remove the floors and walls of the development in accordance with the specifications listed in the table below.	✓	✓	✓
(b) Common areas and central systems/facilities			
(i) Water			
(4) If, in carrying out the development, the applicant installs a showerhead, toilet, tap or clothes washer into a common area, then that item must meet the specifications listed for it in the table.			
(5) The applicant must install (or ensure that the development is serviced by) the alternative water supply systems specified in the "Central systems" column of the table below. In each case, the system must be sized, be configured, and be connected, as specified in the table.	✓	✓	✓
(c) A swimming pool or spa listed in the table must not have a volume (in kL) greater than that specified for the pool or spa in the table.	✓	✓	✓
(ii) Energy			
(4) The applicant must install the systems and fixtures specified in the "Central energy systems" column of the table below in each case, the system or fixture must be of the type, and meet the specifications, listed for it in the table.	✓	✓	✓

RECEIVED
Waverley Council

Application No: DA-113/2023

Date Received: 06/10/2023

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LEGEND:

+RL 00.00 FINISHED SPOT OR SURFACE LEVEL

FFL 00.00 FINISHED FLOOR LEVEL

Survey Spot Level

EXISTING TO BE RETAINED

EXISTING TO BE DEMOLISHED

KEY:

EXISTING WINDOW / DOOR

NEW WINDOW / DOOR

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: DA001
ISSUE NO: C
JOB NO: GOU2212

DEVELOPMENT APPLICATION

DRAWING TITLE:
DRAWING REGISTER + BASIX + FINISHES SCHEDULE
PROJECT ADDRESS:
55 GOULD STREET, BONDI BEACH

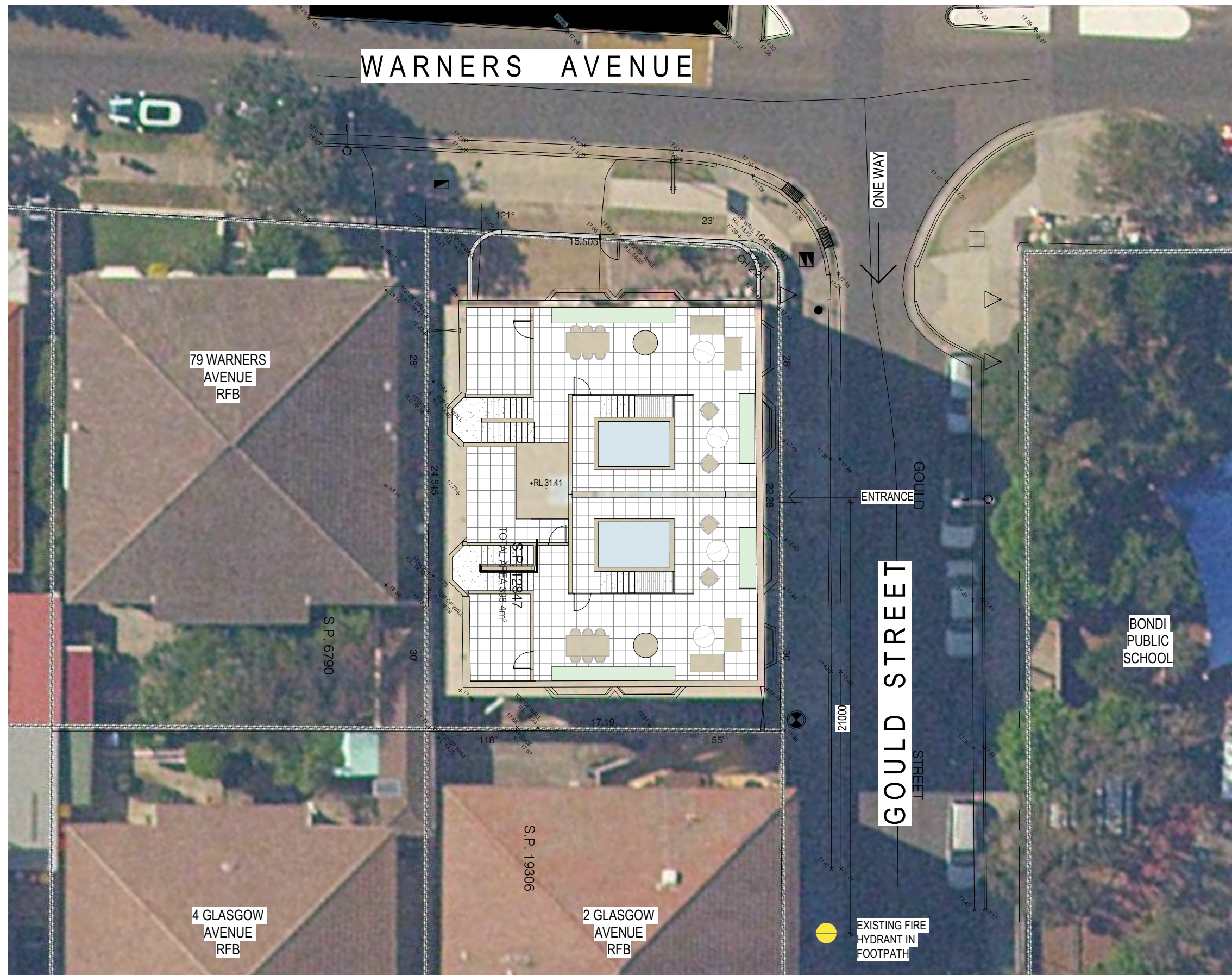
CLIENT:
IMPERO CONSTRUCTIONS
IVKA NEWTOWN PTY LTD

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C 5.10.2023 COUNCIL'S RFI 2 RESPONSE
B 12.09.2023 COUNCIL'S RFI RESPONSE
A 14.04.2023 ISSUE FOR DA
ISS DATE PURPOSE OF ISSUE

PLOTTED : 6/10/2023 11:06:36 AM

WYER & CO **IMPERO.** **SJB**



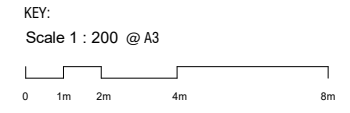
AMENDED PLANS

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PLOTTED : 5/10/2023 5:53:19 PM

B 12.09.2023 COUNCIL'S RFI RESPONSE
 A 14.04.2023 ISSUE FOR DA
 ISS DATE PURPOSE OF ISSUE

- LEGEND:**
- +RL 00.00 FINISHED SPOT OR SURFACE LEVEL
 - FFL 00.00 FINISHED FLOOR LEVEL
 - ± 00.000 SURVEY SPOT LEVEL
 - EXISTING TO BE RETAINED
 - EXISTING TO BE DEMOLISHED
 - EXISTING WINDOW / DOOR
 - NEW WINDOW / DOOR

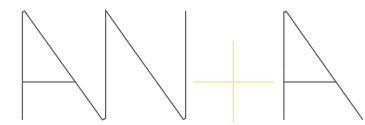


WYER & CO

IMPERO.



ARCHITECTS
NICHOLAS +
ASSOCIATES



NOMINATED ARCHITECT
PATRICK NICHOLAS
NSW 6672

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NSW 2010
T + 61 2 8353 9500
ANPLUSA.COM

DRAWING NO: DA015 ISSUE NO: B JOB NO: GOU2212

DEVELOPMENT APPLICATION

DRAWING TITLE:
SITE PLAN

PROJECT ADDRESS:
55 GOULD STREET, BONDI BEACH

CLIENT:
IMPERO CONSTRUCTIONS
IVKA NEWTOWN PTY LTD

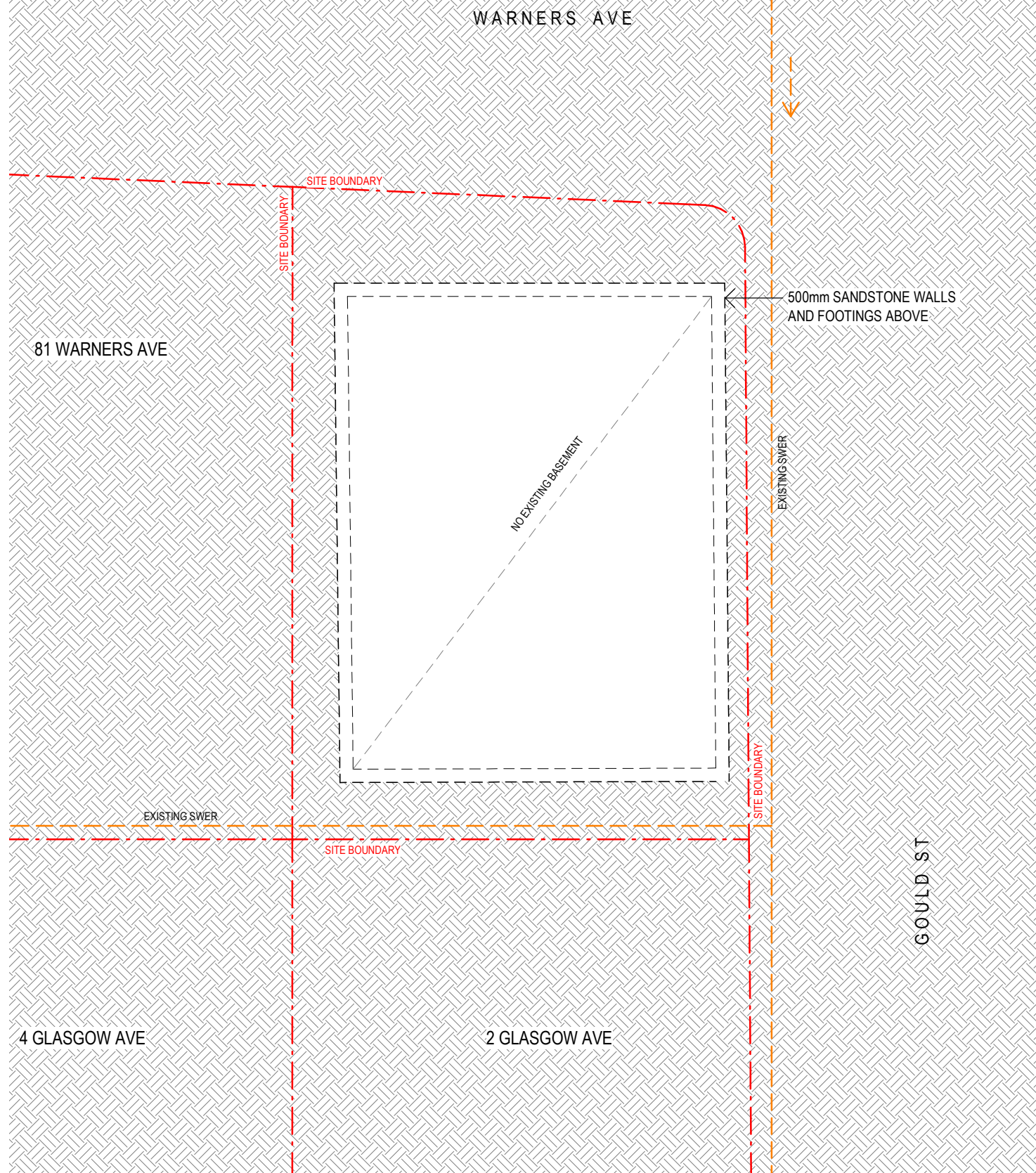


AMENDED PLANS

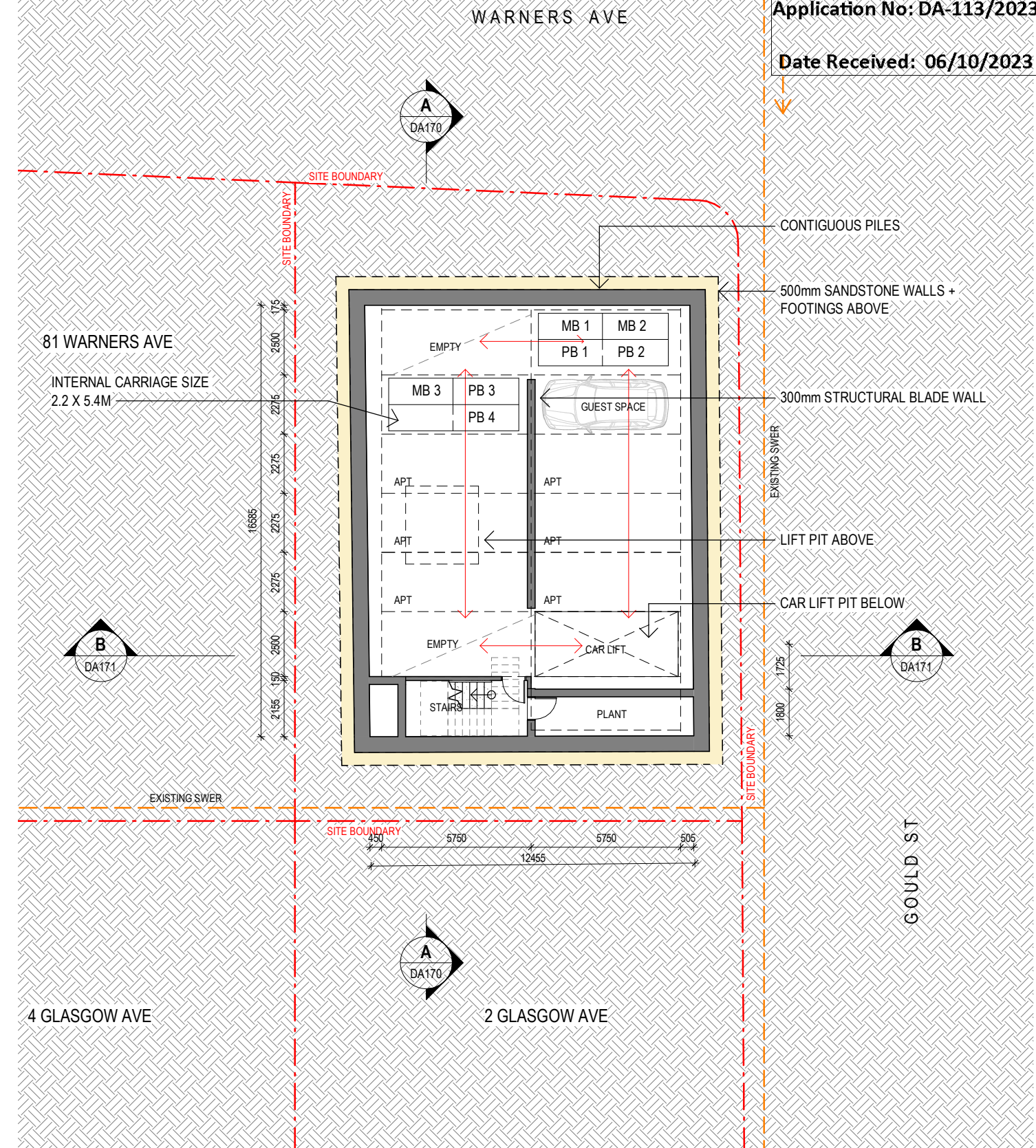
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Application No: DA-113/2023

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1 EXISTING BASEMENT
scale - 1 : 200@ A3



2 PROPOSED BASEMENT PLAN
scale - 1 : 200@ A3

- LEGEND:**
- +RL 00.00 FINISHED SPOT OR SURFACE LEVEL
 - FFL 00.00 FINISHED FLOOR LEVEL
 - S 00.000 SURVEY SPOT LEVEL
 - █ EXISTING TO BE RETAINED
 - █ EXISTING TO BE DEMOLISHED
 - W/D EXISTING WINDOW / DOOR
 - W/D NEW WINDOW / DOOR



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B 12.09.2023 COUNCIL'S RFI RESPONSE
A 14.04.2023 ISSUE FOR DA
ISS DATE PURPOSE OF ISSUE

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NOMINATED ARCHITECT
PATRICK NICHOLAS
NSW 6672

DRAWING NO: DA029 ISSUE NO: B JOB NO: GOU2212

DEVELOPMENT APPLICATION

DRAWING TITLE:
EXISTING + PROPOSED PLANS - BASEMENT

PROJECT ADDRESS:
55 GOULD STREET, BONDI BEACH

CLIENT:
IMPERO CONSTRUCTIONS
IVKA NEWTOWN PTY LTD



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AMENDED PLANS

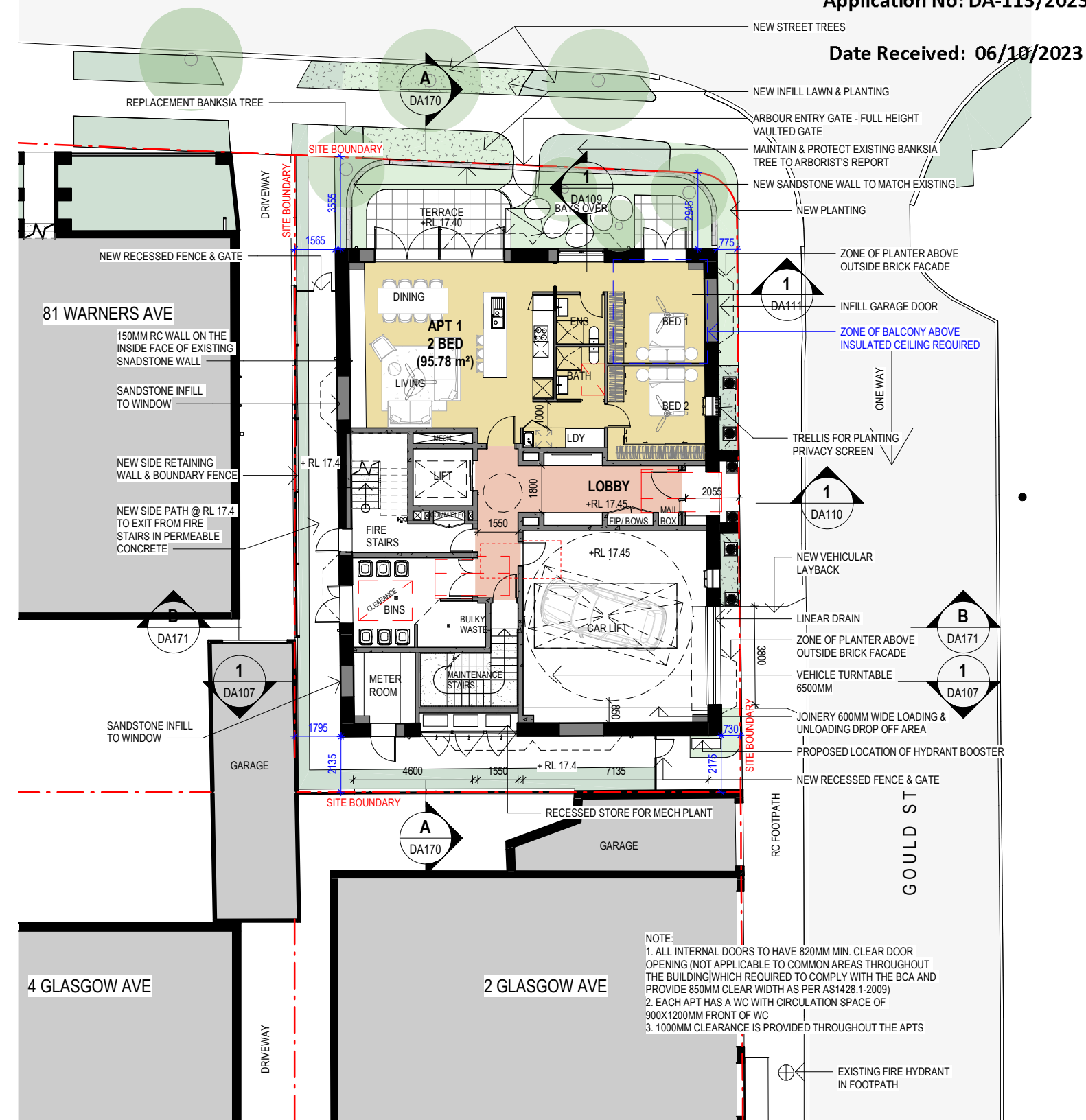
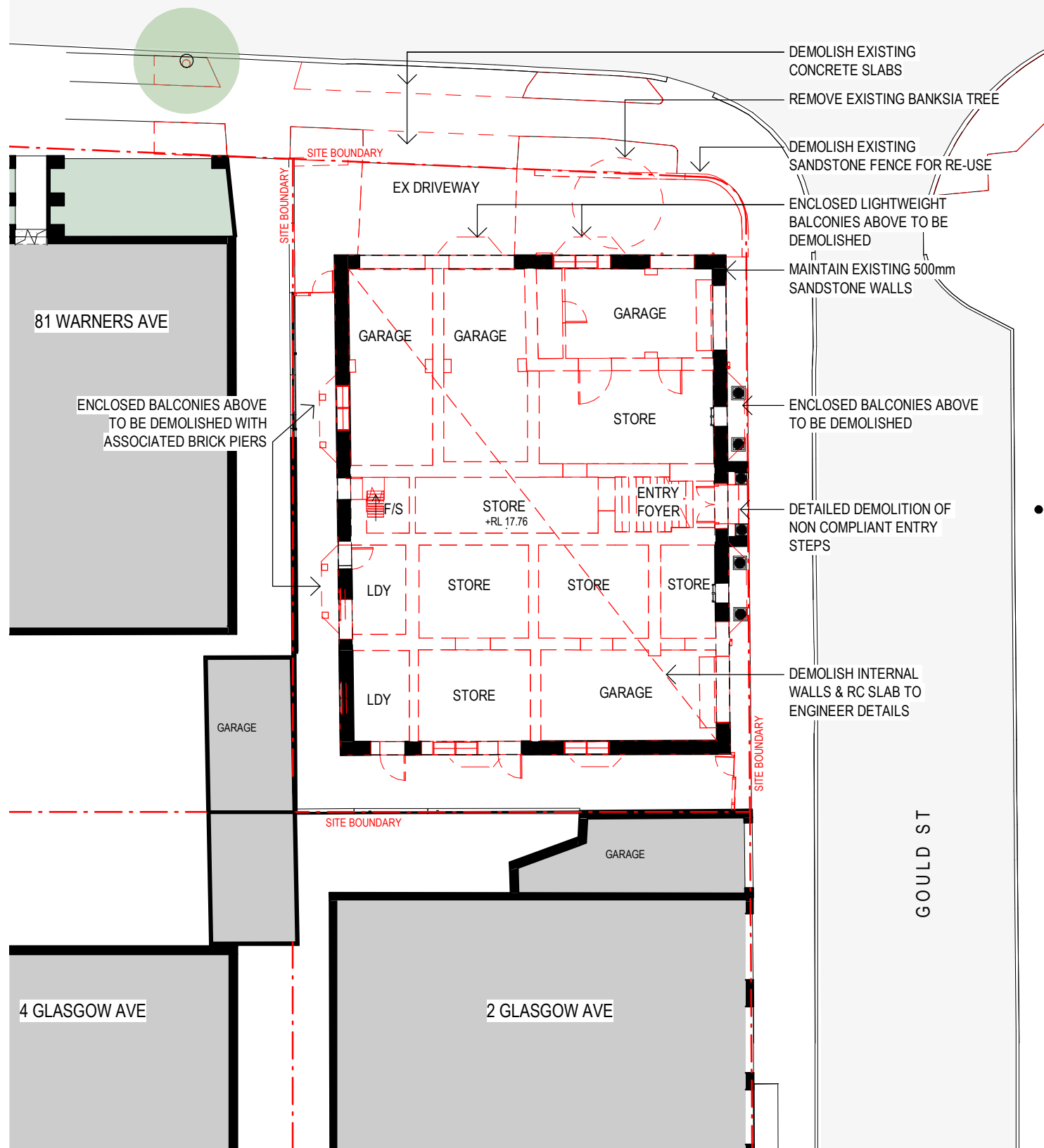
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Application No: DA-113/2023

Date Received: 06/10/2023

WARNERS AVE

WARNERS AVE



1 EXISTING + DEMOLITION PLAN - GROUND FLOOR
scale - 1 : 200@ A3

2 PROPOSED PLAN - GROUND FLOOR
scale - 1 : 200@ A3

LEGEND:

- +RL 00.00 FINISHED SPOT OR SURFACE LEVEL
- FFL 00.00 FINISHED FLOOR LEVEL
- 00.000 SURVEY SPOT LEVEL
- EXISTING TO BE RETAINED
- EXISTING TO BE DEMOLISHED
- EXISTING WINDOW / DOOR
- NEW WINDOW / DOOR

KEY:
Scale 1 : 200 @ A3

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DRAWING NO: DA030 ISSUE NO: C JOB NO: GOU2212

DEVELOPMENT APPLICATION

DRAWING TITLE:
EXISTING + PROPOSED PLANS - GROUND
FLOOR
PROJECT ADDRESS:
55 GOULD STREET, BONDI BEACH

CLIENT:
IMPERO CONSTRUCTIONS
IVKA NEWTOWN PTY LTD

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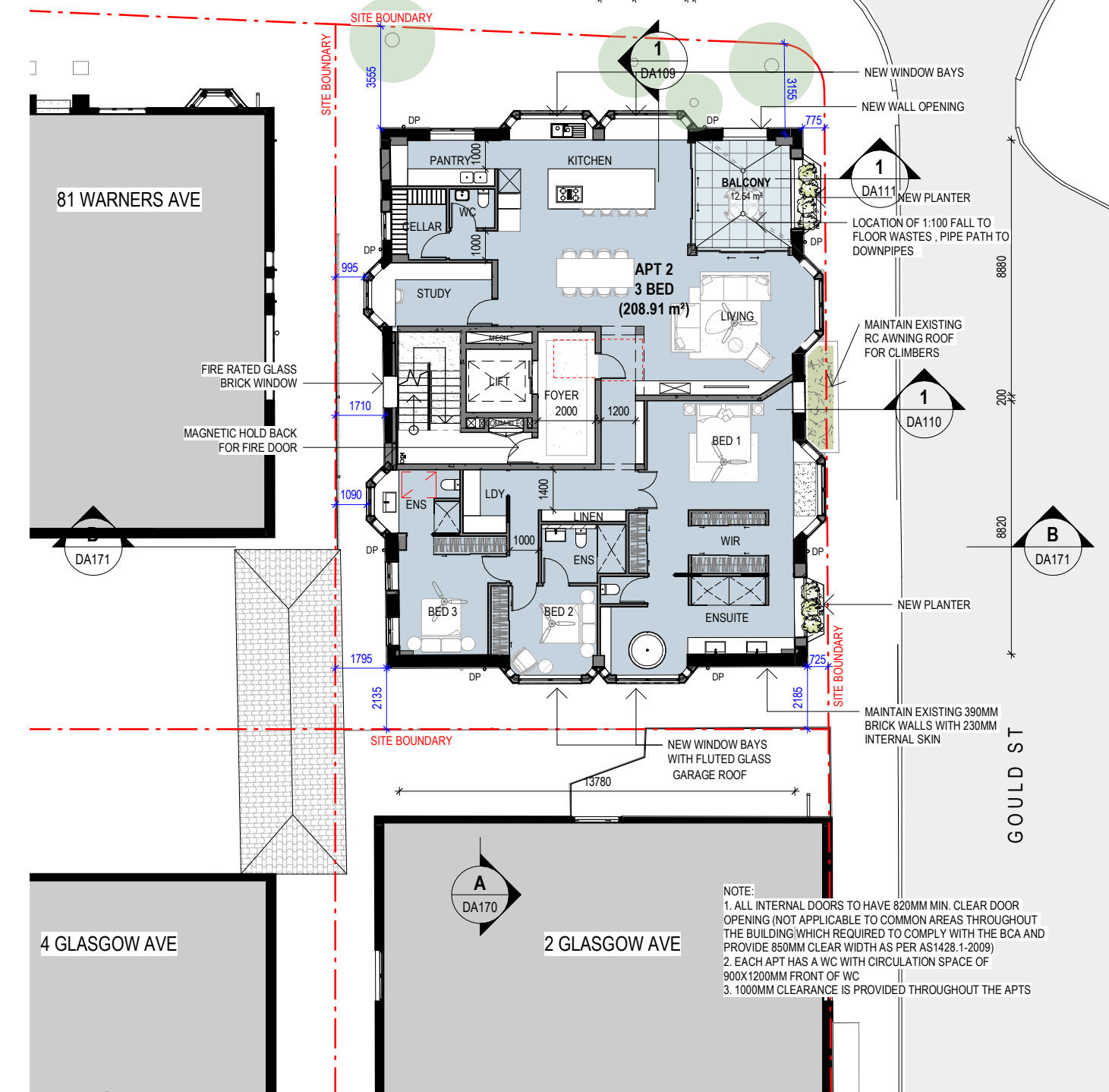
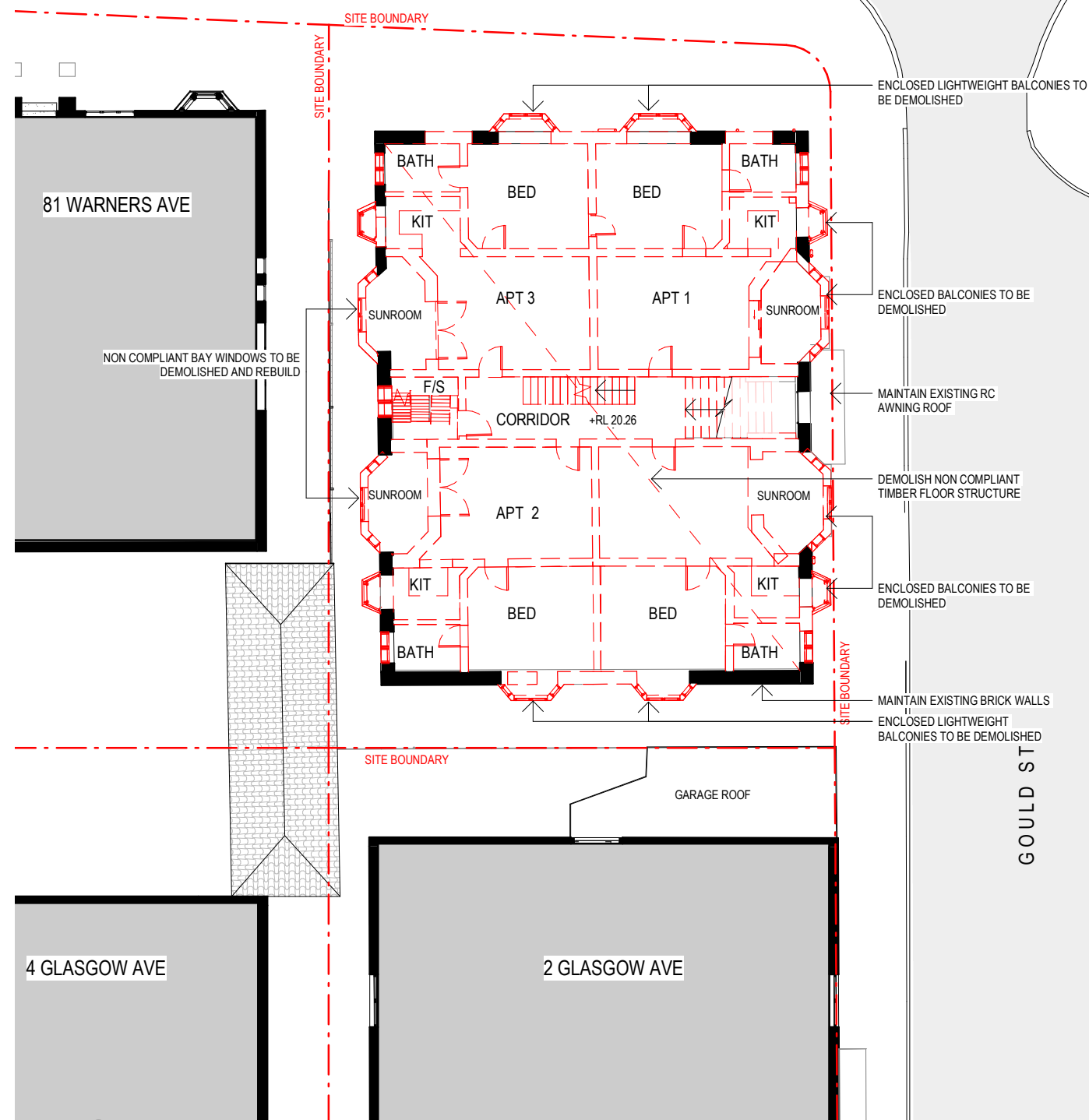
AMENDED PLANS

Application No: DA-113/2023

Date Received: 06/10/2023

WARNERS AVE

WARNERS AVE



1 EXISTING + DEMOLITION PLAN - FIRST FLOOR
scale - 1 : 200@ A3

2 PROPOSED PLAN - FIRST FLOOR
scale - 1 : 200@ A3

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- FFL 00.00 FINISHED FLOOR LEVEL
- 00.000 SURVEY SPOT LEVEL
- EXISTING TO BE RETAINED
- EXISTING TO BE DEMOLISHED
- EXISTING WINDOW / DOOR
- NEW WINDOW / DOOR

KEY:
Scale 1 : 200 @ A3

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DRAWING NO: DA031
ISSUE NO: C
JOB NO: GOU2212

DEVELOPMENT APPLICATION

ANNA

NOMINATED ARCHITECT
PATRICK NICHOLAS
NSW 6672

DRAWING TITLE:
EXISTING + PROPOSED PLANS - FIRST FLOOR
PROJECT ADDRESS:
55 GOULD STREET, BONDI BEACH

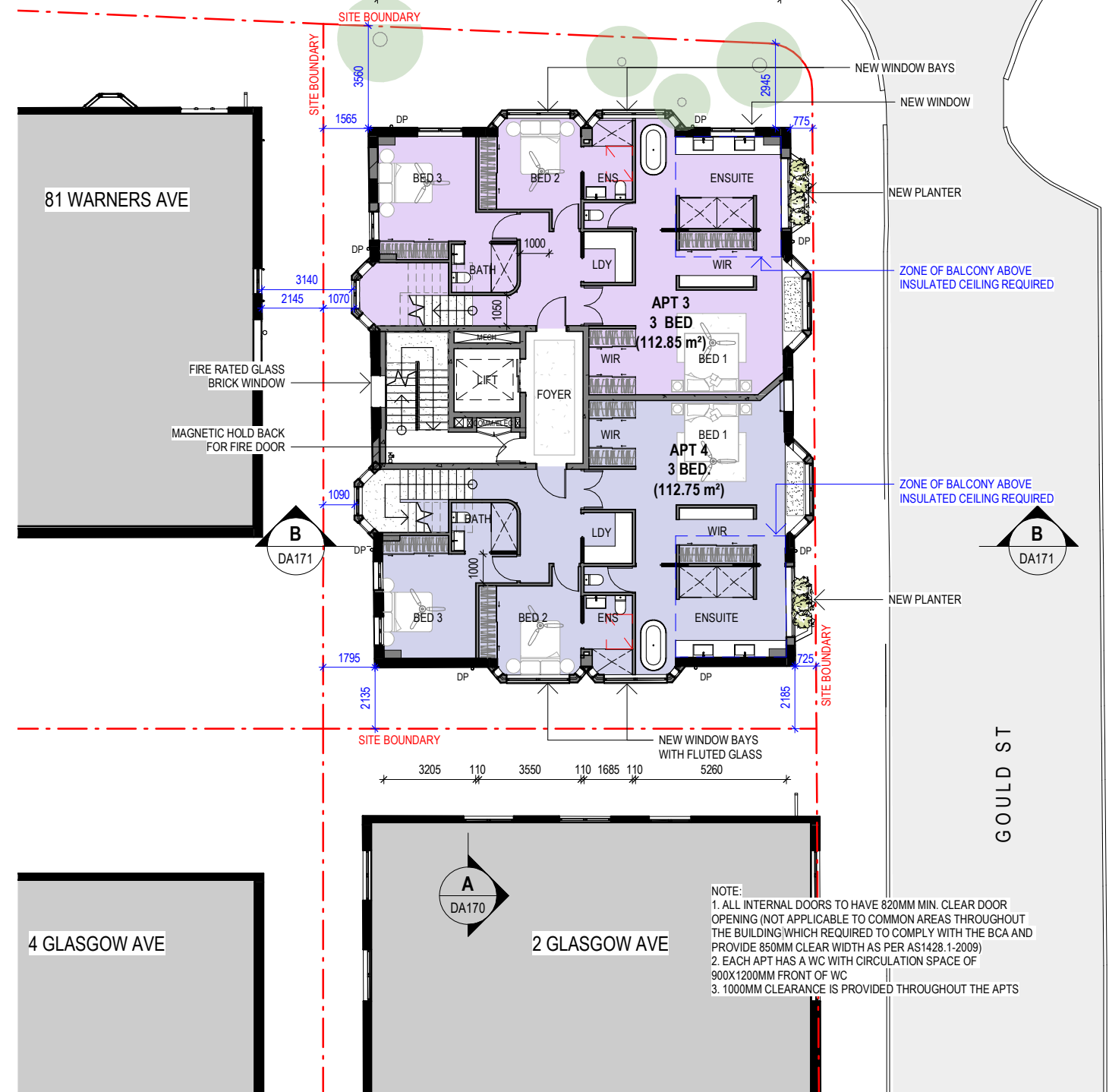
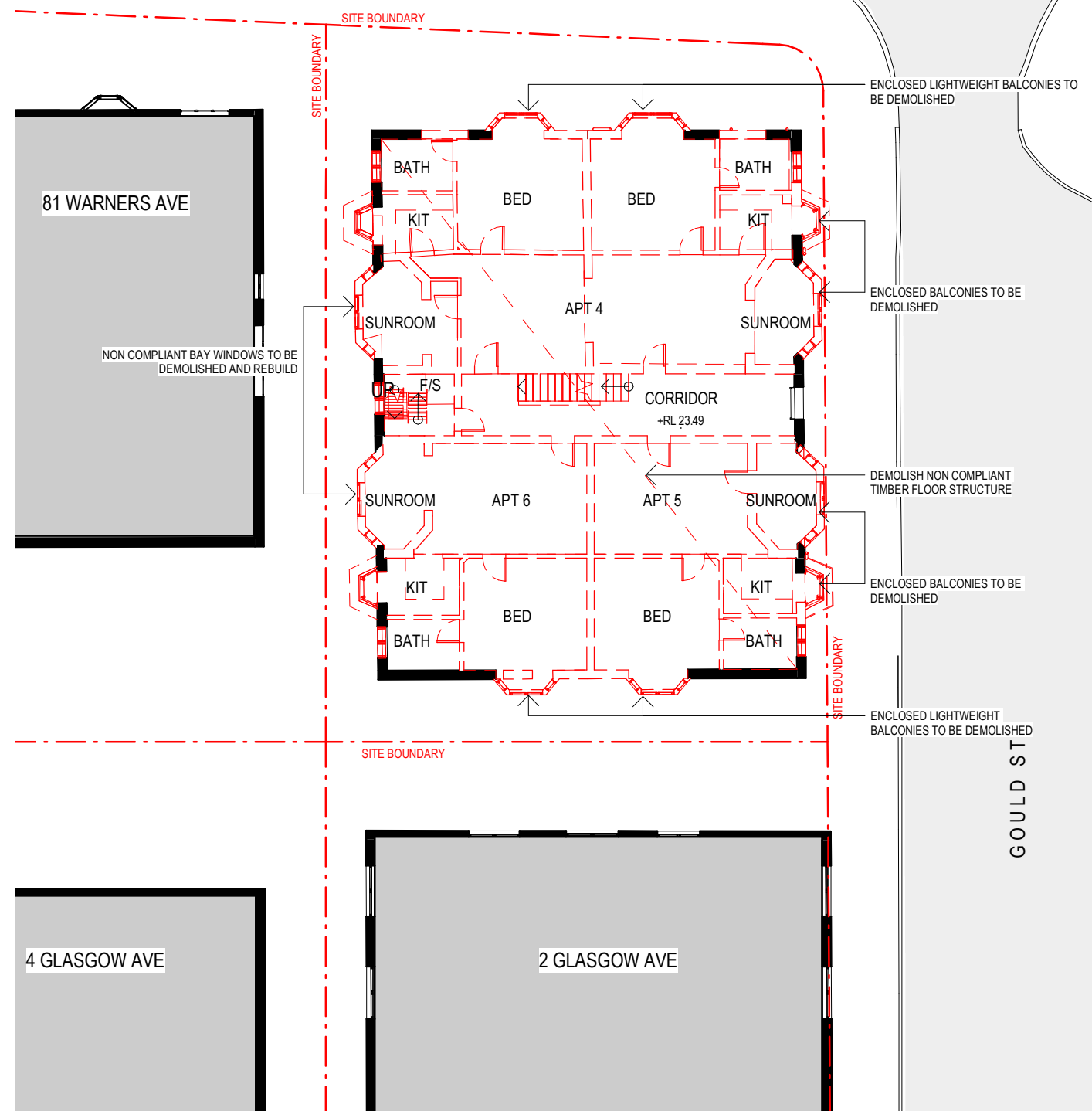
CLIENT:
IMPERO CONSTRUCTIONS
IVKA NEWTOWN PTY LTD

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-113/2023
Date Received: 06/10/2023

WARNERS AVE

WARNERS AVE



1 EXISTING + DEMOLITION PLAN - SECOND FLOOR
scale - 1 : 200@ A3

2 PROPOSED PLAN - SECOND FLOOR
scale - 1 : 200@ A3

NOTE:
1. ALL INTERNAL DOORS TO HAVE 820MM MIN. CLEAR DOOR OPENING (NOT APPLICABLE TO COMMON AREAS THROUGHOUT THE BUILDING WHICH REQUIRED TO COMPLY WITH THE BCA AND PROVIDE 850MM CLEAR WIDTH AS PER AS1428.1-2009)
2. EACH APT HAS A WC WITH CIRCULATION SPACE OF 900X1200MM FRONT OF WC
3. 1000MM CLEARANCE IS PROVIDED THROUGHOUT THE APTS

LEGEND:
 +RL 00.00 FINISHED SPOT OR SURFACE LEVEL
 FFL 00.00 FINISHED FLOOR LEVEL
 00.000 SURVEY SPOT LEVEL
 EXISTING TO BE RETAINED
 EXISTING TO BE DEMOLISHED

KEY:
 Scale 1 : 200 @ A3
 0 1m 2m 4m 8m

EXISTING WINDOW / DOOR
 NEW WINDOW / DOOR

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DRAWING NO: DA032
ISSUE NO: C
JOB NO: GOU2212

DEVELOPMENT APPLICATION

DRAWING TITLE: EXISTING + PROPOSED PLANS - SECOND FLOOR
PROJECT ADDRESS: 55 GOULD STREET, BONDI BEACH

CLIENT: IMPERO CONSTRUCTIONS
IVKA NEWTOWN PTY LTD

NOMINATED ARCHITECT
PATRICK NICHOLAS
NSW 6672

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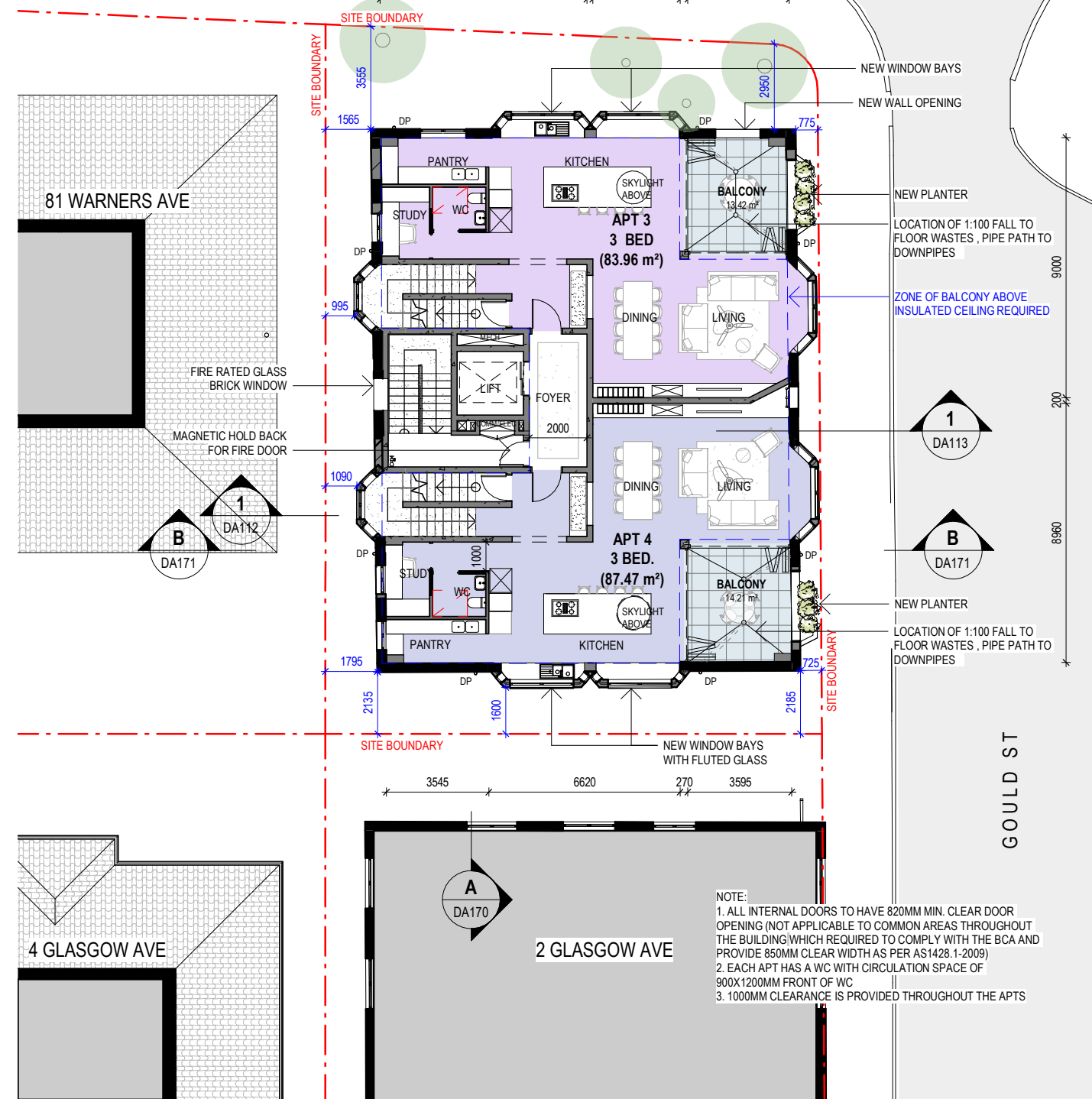
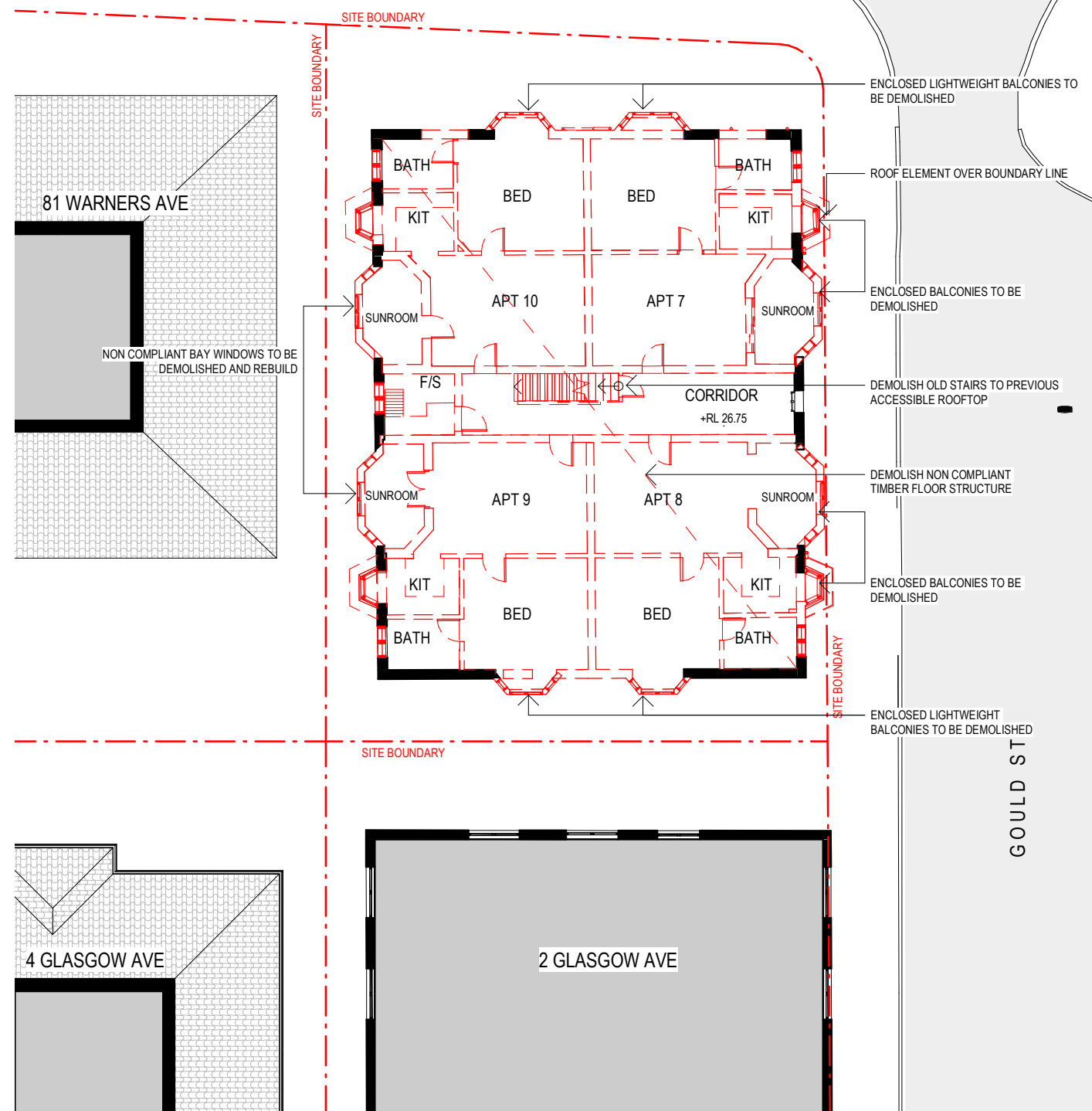
AMENDED PLANS

Application No: DA-113/2023

Date Received: 06/10/2023

WARNERS AVE

WARNERS AVE



1 EXISTING + DEMOLITION PLAN - THIRD FLOOR
scale - 1 : 200@ A3

2 PROPOSED PLAN - THIRD FLOOR
scale - 1 : 200@ A3

LEGEND:

- +RL 00.00 FINISHED SPOT OR SURFACE LEVEL
- FFL 00.00 FINISHED FLOOR LEVEL
- 00.000 SURVEY SPOT LEVEL
- EXISTING TO BE RETAINED
- EXISTING TO BE DEMOLISHED
- EXISTING WINDOW / DOOR
- NEW WINDOW / DOOR

KEY:
Scale 1 : 200 @ A3

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DRAWING NO: DA033
ISSUE NO: C
JOB NO: GOU2212

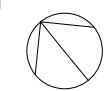
DEVELOPMENT APPLICATION

DRAWING TITLE:
EXISTING + PROPOSED PLANS - THIRD FLOOR
PROJECT ADDRESS:
55 GOULD STREET, BONDI BEACH

ANNA

NOMINATED ARCHITECT
PATRICK NICHOLAS
NSW 6672

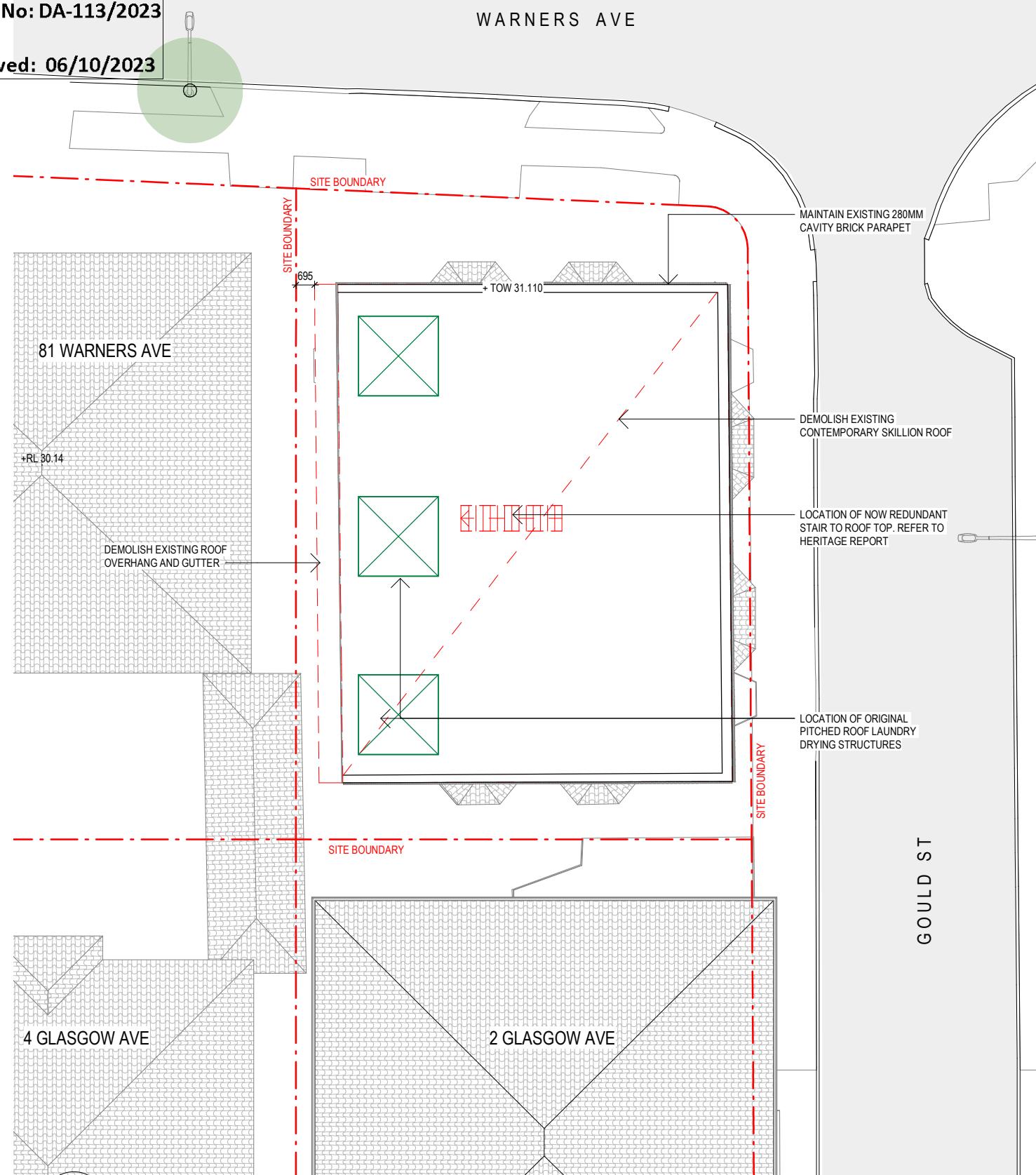
CLIENT:
IMPERO CONSTRUCTIONS
IVKA NEWTOWN PTY LTD



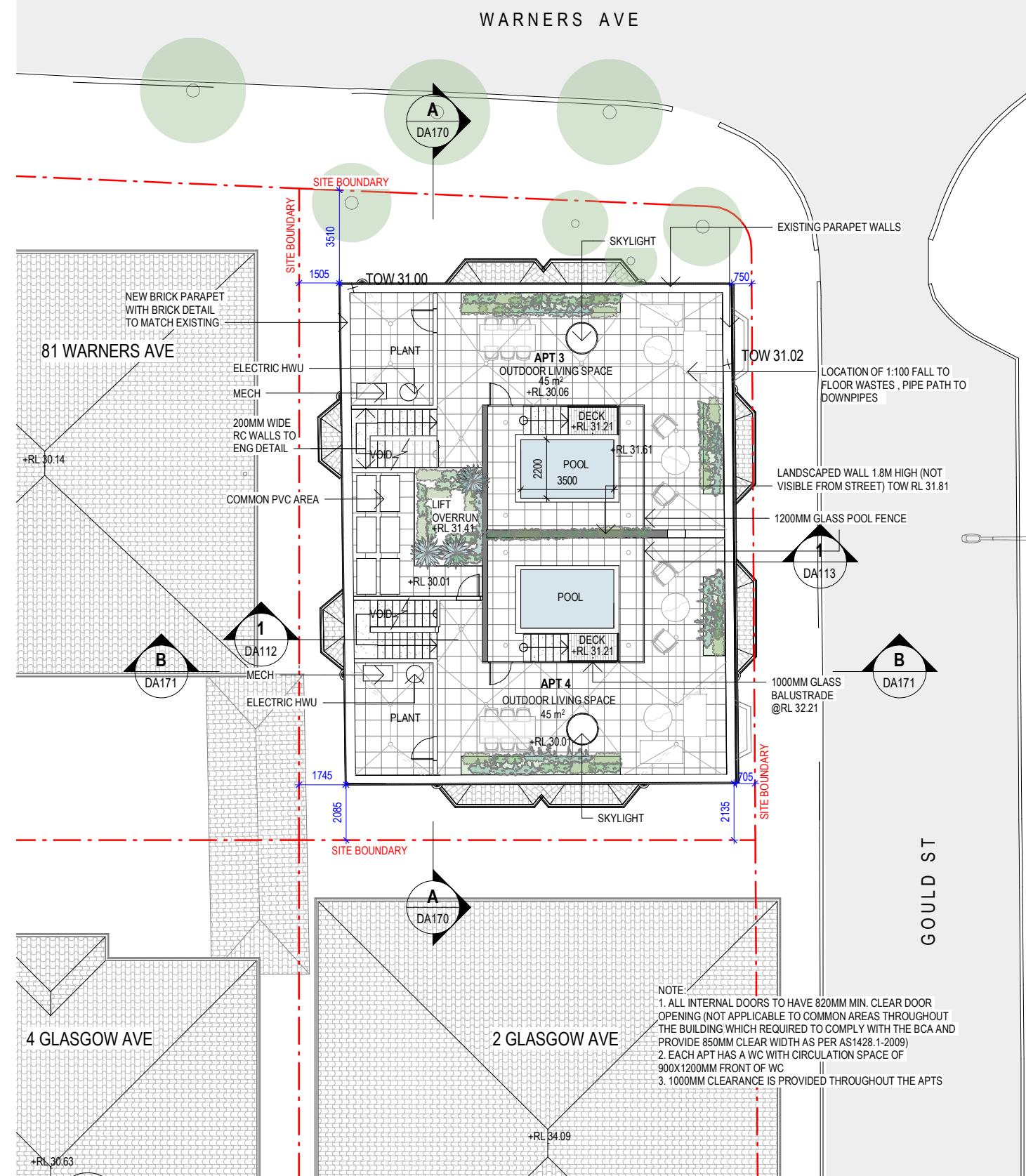
AMENDED PLANS

Application No: DA-113/2023

Date Received: 06/10/2023



1 EXISTING + DEMOLITION PLAN - ROOF
scale - 1 : 200@ A3



2 PROPOSED PLAN - ROOF TERRACE
scale - 1 : 200@ A3

NOTE:
1. ALL INTERNAL DOORS TO HAVE 820MM MIN. CLEAR DOOR OPENING (NOT APPLICABLE TO COMMON AREAS THROUGHOUT THE BUILDING WHICH REQUIRED TO COMPLY WITH THE BCA AND PROVIDE 850MM CLEAR WIDTH AS PER AS1428.1-2009)
2. EACH APT HAS A WC WITH CIRCULATION SPACE OF 900X1200MM FRONT OF WC
3. 1000MM CLEARANCE IS PROVIDED THROUGHOUT THE APTS

LEGEND:

- +RL 00.00 FINISHED SPOT OR SURFACE LEVEL
- FFL 00.00 FINISHED FLOOR LEVEL
- 00.000 SURVEY SPOT LEVEL
- EXISTING TO BE RETAINED
- EXISTING TO BE DEMOLISHED
- EXISTING WINDOW / DOOR
- NEW WINDOW / DOOR

KEY:
Scale 1 : 200 @ A3

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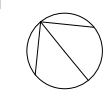
DRAWING NO: DA034 ISSUE NO: C JOB NO: GOU2212

DEVELOPMENT APPLICATION

DRAWING TITLE:
EXISTING + PROPOSED PLANS - ROOF
TERRACE
PROJECT ADDRESS:
55 GOULD STREET, BONDI BEACH

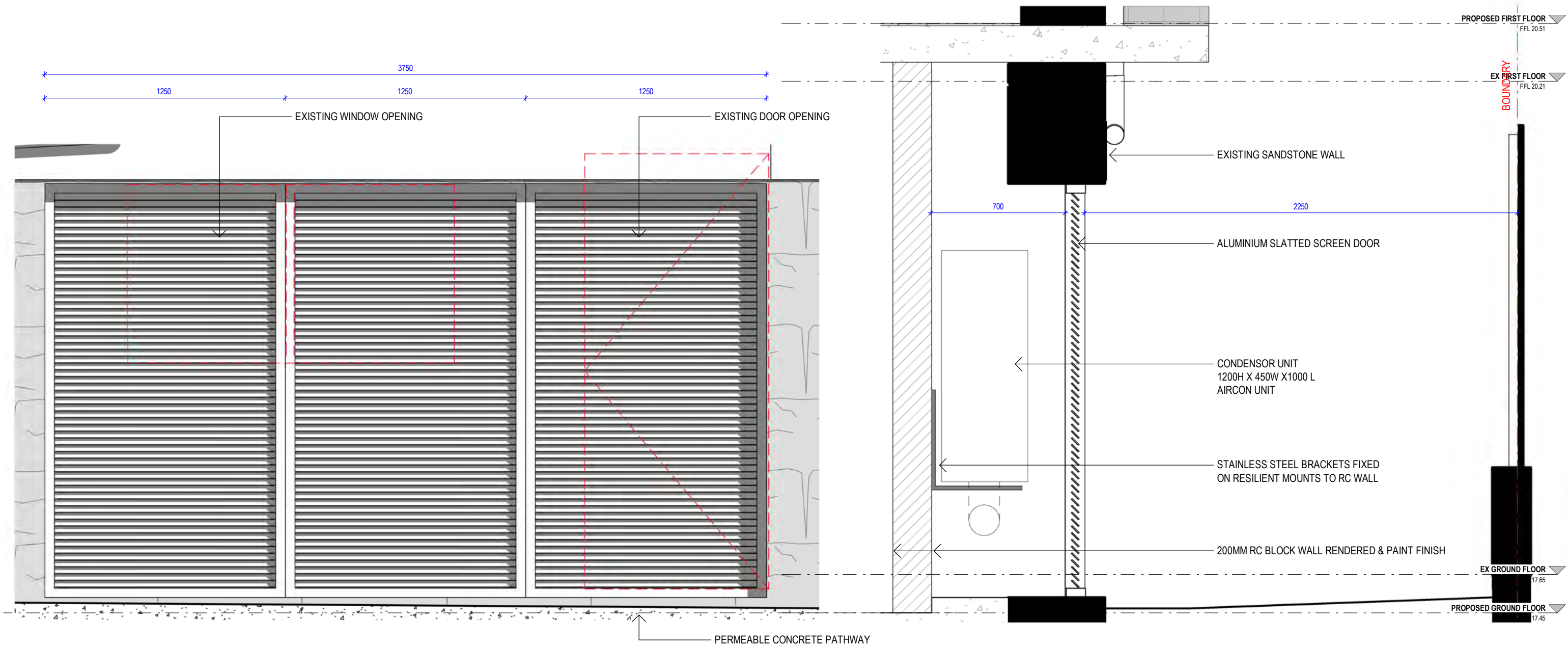
CLIENT:
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NOMINATED ARCHITECT
PATRICK NICHOLAS
NSW 6672



AMENDED PLANS

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Application No: DA-113/2023
Date Received: 06/10/2023



1 PROPOSED SOUTH ELEVATION - Callout 1
scale - 1 : 20@ A3

2 Section A - Callout 3
scale - 1 : 20@ A3

ACOUSTIC ENGINEER'S NOTE:
'The project design does not rely on acoustic louvers. The project design will include the selection of condensers with noise levels which comply with project required noise levels at the property boundaries, or can be acoustically mitigated using treatments such as internally lined ductwork or the like.

Details of the required acoustic mitigations will be provided as part of the detailed design of the project, once plant selections have been finalised and noise level data of the proposed equipment can be provided.'

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- 00.000 SURVEY SPOT LEVEL
- EXISTING TO BE RETAINED
- EXISTING TO BE DEMOLISHED
- W/D EXISTING WINDOW / DOOR
- W/D NEW WINDOW / DOOR

KEY:
Scale 1 : 20 @ A3

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NSW 6672

DRAWING NO: DA108 ISSUE NO: A JOB NO: GOU2212

DEVELOPMENT APPLICATION

DRAWING TITLE:
AIRCON SCREEN

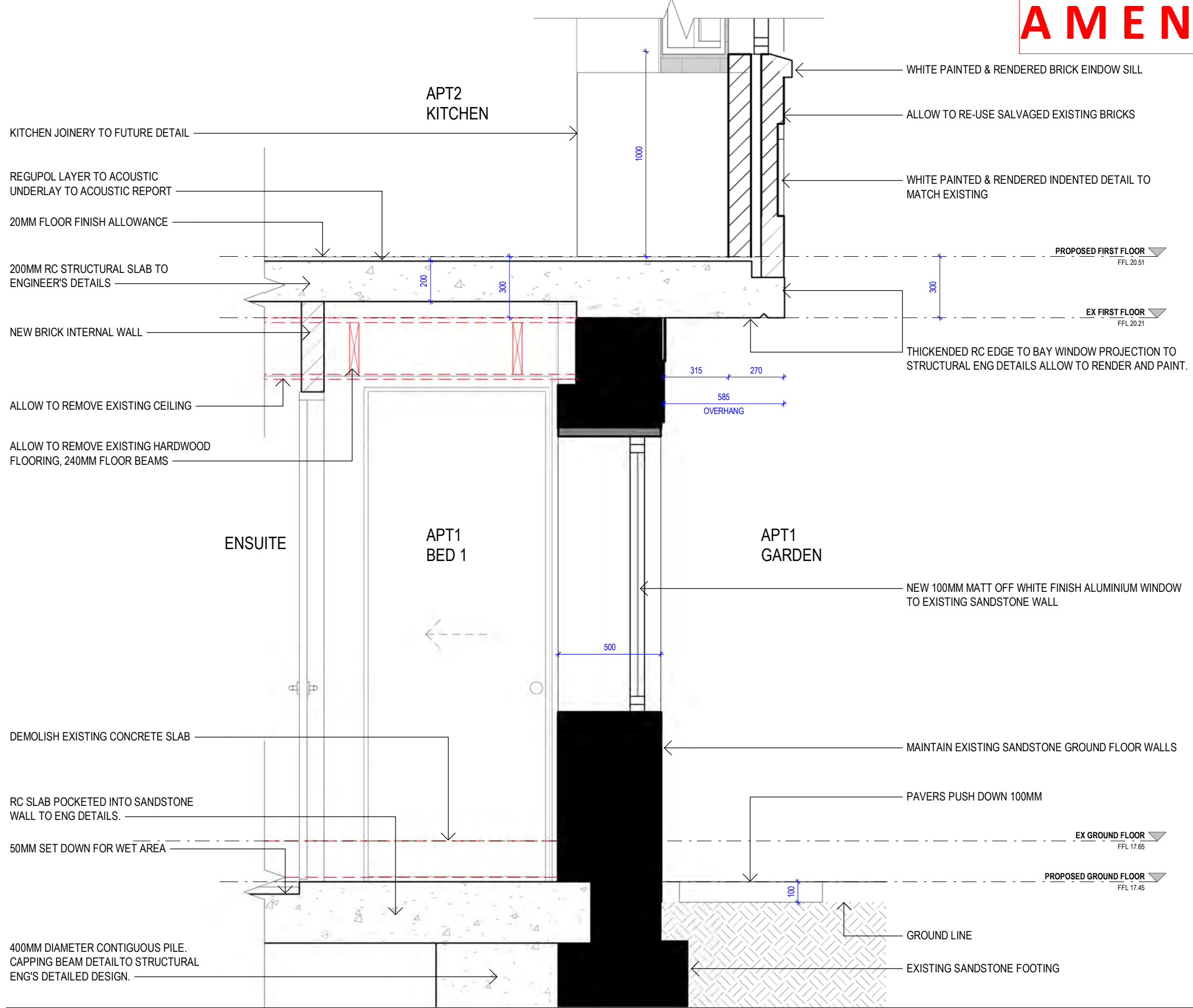
PROJECT ADDRESS:
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CLIENT:
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Ben White - PULSE WHITE NOISE ACOUSTICS

AMENDED PLANS

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Application No: DA-113/2023
Date Received: 06/10/2023



KITCHEN JOINERY TO FUTURE DETAIL
REGUPOL LAYER TO ACOUSTIC UNDERLAY TO ACOUSTIC REPORT
20MM FLOOR FINISH ALLOWANCE
200MM RC STRUCTURAL SLAB TO ENGINEER'S DETAILS
NEW BRICK INTERNAL WALL
ALLOW TO REMOVE EXISTING CEILING
ALLOW TO REMOVE EXISTING HARDWOOD FLOORING, 240MM FLOOR BEAMS

WHITE PAINTED & RENDERED BRICK EINDOW SILL
ALLOW TO RE-USE SALVAGED EXISTING BRICKS
WHITE PAINTED & RENDERED INDENTED DETAIL TO MATCH EXISTING
PROPOSED FIRST FLOOR FFL 20.51
EX FIRST FLOOR FFL 20.21
THICKENED RC EDGE TO BAY WINDOW PROJECTION TO STRUCTURAL ENG DETAILS ALLOW TO RENDER AND PAINT.

DEMOLISH EXISTING CONCRETE SLAB
RC SLAB POCKETED INTO SANDSTONE WALL TO ENG DETAILS.
50MM SET DOWN FOR WET AREA
400MM DIAMETER CONTIGUOUS PILE. CAPPING BEAM DETAIL TO STRUCTURAL ENG'S DETAILED DESIGN.

NEW 100MM MATT OFF WHITE FINISH ALUMINIUM WINDOW TO EXISTING SANDSTONE WALL
MAINTAIN EXISTING SANDSTONE GROUND FLOOR WALLS
PAVERS PUSH DOWN 100MM
EX GROUND FLOOR FFL 17.65
PROPOSED GROUND FLOOR FFL 17.45
GROUND LINE
EXISTING SANDSTONE FOOTING

--- DEMOLISHED
█ EXISTING
□ PROPOSED

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FFL 00.00 FINISHED FLOOR LEVEL
S 00.000 SURVEY SPOT LEVEL
█ EXISTING TO BE RETAINED
--- EXISTING TO BE DEMOLISHED

W/D EXISTING WINDOW / DOOR
W/D NEW WINDOW / DOOR

KEY:
Scale 1 : 20 @ A3
0 0.1m 0.2m 0.4m 0.8m

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DRAWING NO: DA109 ISSUE NO: A JOB NO: GOU2212
DEVELOPMENT APPLICATION



NOMINATED ARCHITECT
PATRICK NICHOLAS
NSW 6672

DRAWING TITLE:
FACADE DETAIL 1

PROJECT ADDRESS:
55 GOULD STREET, BONDI BEACH

CLIENT:
IMPERO CONSTRUCTIONS
IVKA NEWTOWN PTY LTD

A 12.09.2023 COUNCIL'S RFI RESPONSE
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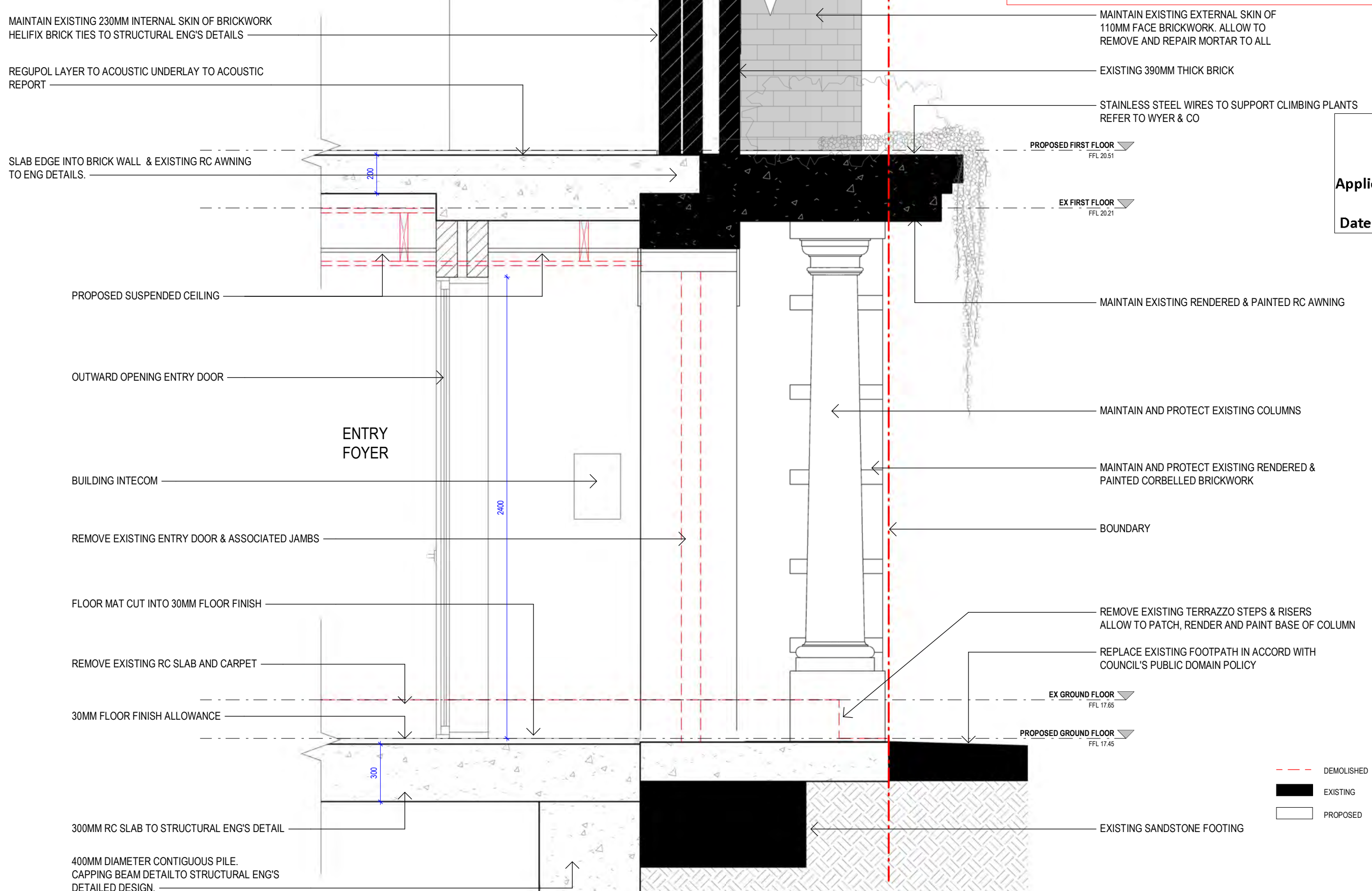
WYER & CO

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NOMINATED ARCHITECT
PATRICK NICHOLAS
NSW 6672

AMENDED PLANS



MAINTAIN EXISTING 230MM INTERNAL SKIN OF BRICKWORK HELIFIX BRICK TIES TO STRUCTURAL ENG'S DETAILS

REGUPOL LAYER TO ACOUSTIC UNDERLAY TO ACOUSTIC REPORT

SLAB EDGE INTO BRICK WALL & EXISTING RC AWNING TO ENG DETAILS.

PROPOSED SUSPENDED CEILING

OUTWARD OPENING ENTRY DOOR

BUILDING INTECOM

REMOVE EXISTING ENTRY DOOR & ASSOCIATED JAMBS

FLOOR MAT CUT INTO 30MM FLOOR FINISH

REMOVE EXISTING RC SLAB AND CARPET

30MM FLOOR FINISH ALLOWANCE

300MM RC SLAB TO STRUCTURAL ENG'S DETAIL

400MM DIAMETER CONTIGUOUS PILE. CAPPING BEAM DETAIL TO STRUCTURAL ENG'S DETAILED DESIGN.

MAINTAIN EXISTING EXTERNAL SKIN OF 110MM FACE BRICKWORK. ALLOW TO REMOVE AND REPAIR MORTAR TO ALL

EXISTING 390MM THICK BRICK

STAINLESS STEEL WIRES TO SUPPORT CLIMBING PLANTS REFER TO WYER & CO

PROPOSED FIRST FLOOR FFL 20.51

EX FIRST FLOOR FFL 20.21

MAINTAIN EXISTING RENDERED & PAINTED RC AWNING

MAINTAIN AND PROTECT EXISTING COLUMNS

MAINTAIN AND PROTECT EXISTING RENDERED & PAINTED CORBELLED BRICKWORK

BOUNDARY

REMOVE EXISTING TERRAZZO STEPS & RISERS ALLOW TO PATCH, RENDER AND PAINT BASE OF COLUMN

REPLACE EXISTING FOOTPATH IN ACCORD WITH COUNCIL'S PUBLIC DOMAIN POLICY

EX GROUND FLOOR FFL 17.65

PROPOSED GROUND FLOOR FFL 17.45

EXISTING SANDSTONE FOOTING

RECEIVED
Waverley Council

Application No: DA-113/2023

Date Received: 06/10/2023

--- DEMOLISHED
 ■ EXISTING
 □ PROPOSED

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LEGEND:
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 FFL 00.00 FINISHED FLOOR LEVEL
 00.000 SURVEY SPOT LEVEL
 ■ EXISTING TO BE RETAINED
 --- EXISTING TO BE DEMOLISHED

W/D EXISTING WINDOW / DOOR
 W/D NEW WINDOW / DOOR

KEY:
 Scale 1 : 20 @ A3

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NICHOLAS + ASSOCIATES

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DRAWING NO: DA110
ISSUE NO: A
JOB NO: GOU2212

DEVELOPMENT APPLICATION

AN+A

NOMINATED ARCHITECT
 PATRICK NICHOLAS
 NSW 6672

DRAWING TITLE:
 FACADE DETAIL 2

PROJECT ADDRESS:
 55 GOULD STREET, BONDI BEACH

CLIENT:
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 IVKA NEWTOWN PTY LTD

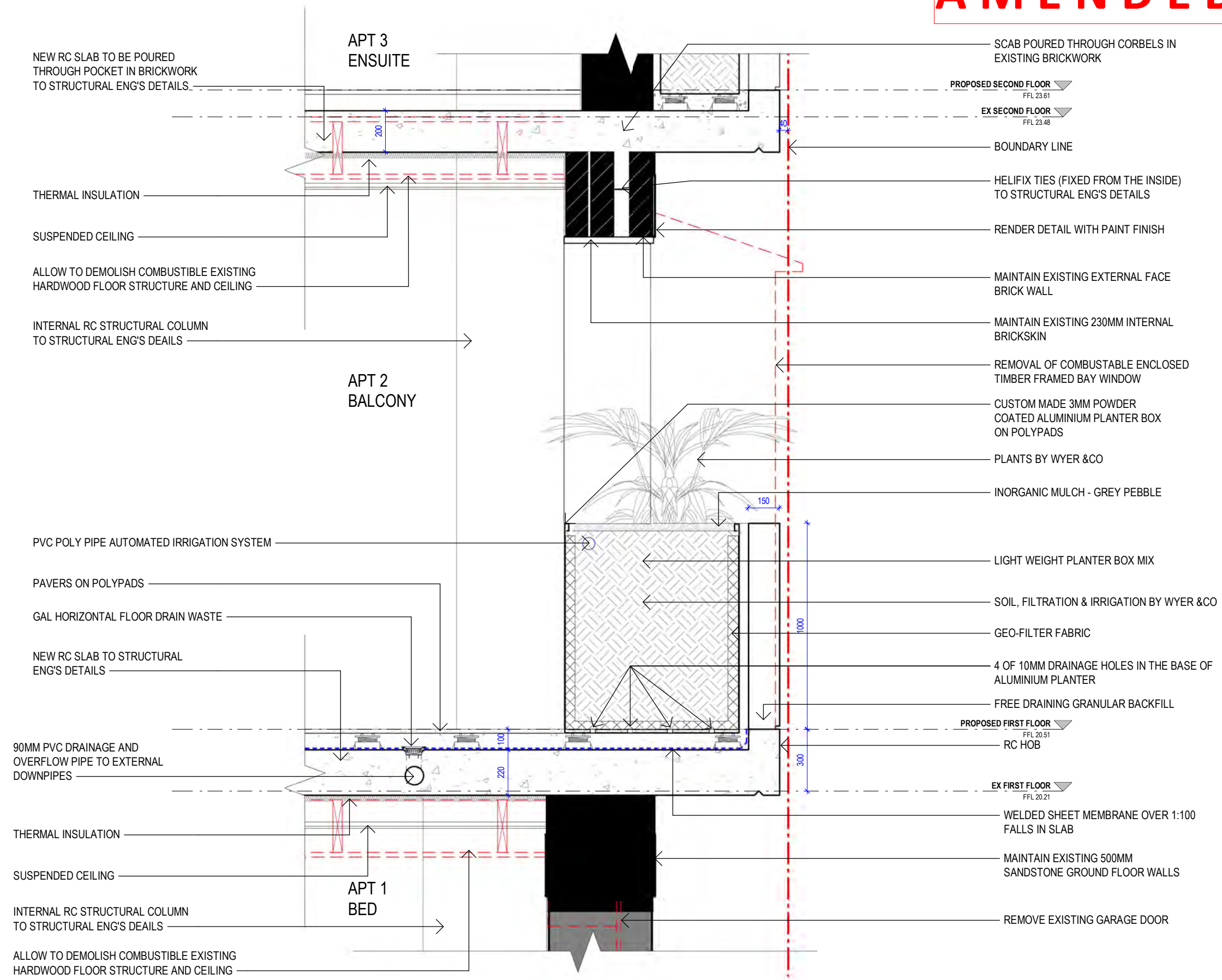
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LEGEND:

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FFL 00.00 FINISHED FLOOR LEVEL

00.000 SURVEY SPOT LEVEL

EXISTING TO BE RETAINED

EXISTING TO BE DEMOLISHED

EXISTING WINDOW / DOOR

NEW WINDOW / DOOR

KEY:

Scale 1 : 20 @ A3

0 0.1m 0.2m 0.4m 0.8m

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PATRICK NICHOLAS
NSW 6672

DRAWING NO: DA111 ISSUE NO: B JOB NO: GOU2212

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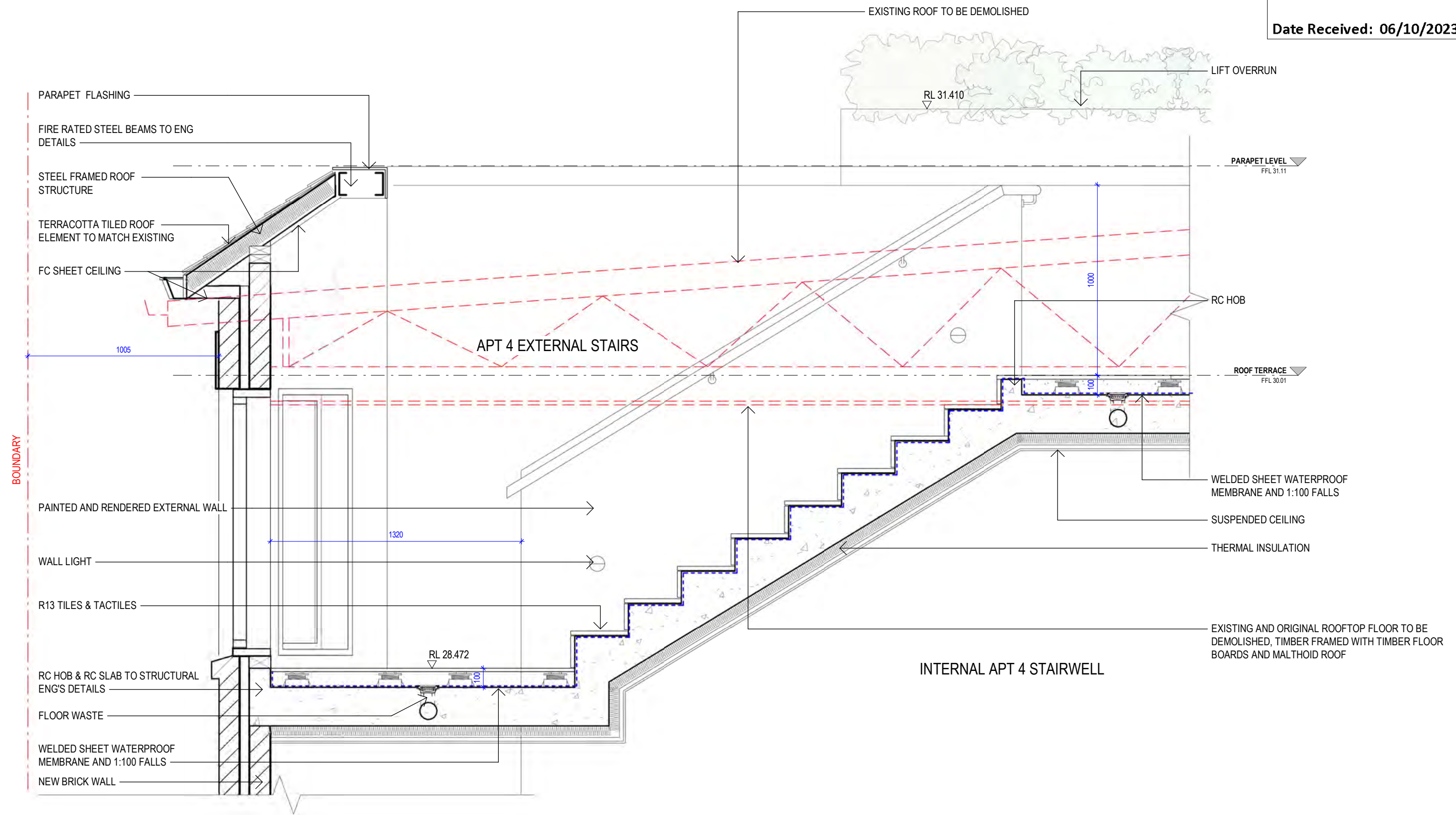
DRAWING TITLE:
FACADE DETAIL 3

PROJECT ADDRESS:
55 GOULD STREET, BONDI BEACH

CLIENT:
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1 External Stairs Section
scale - 1 : 20@ A3

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KEY:
Scale 1 : 20 @ A3

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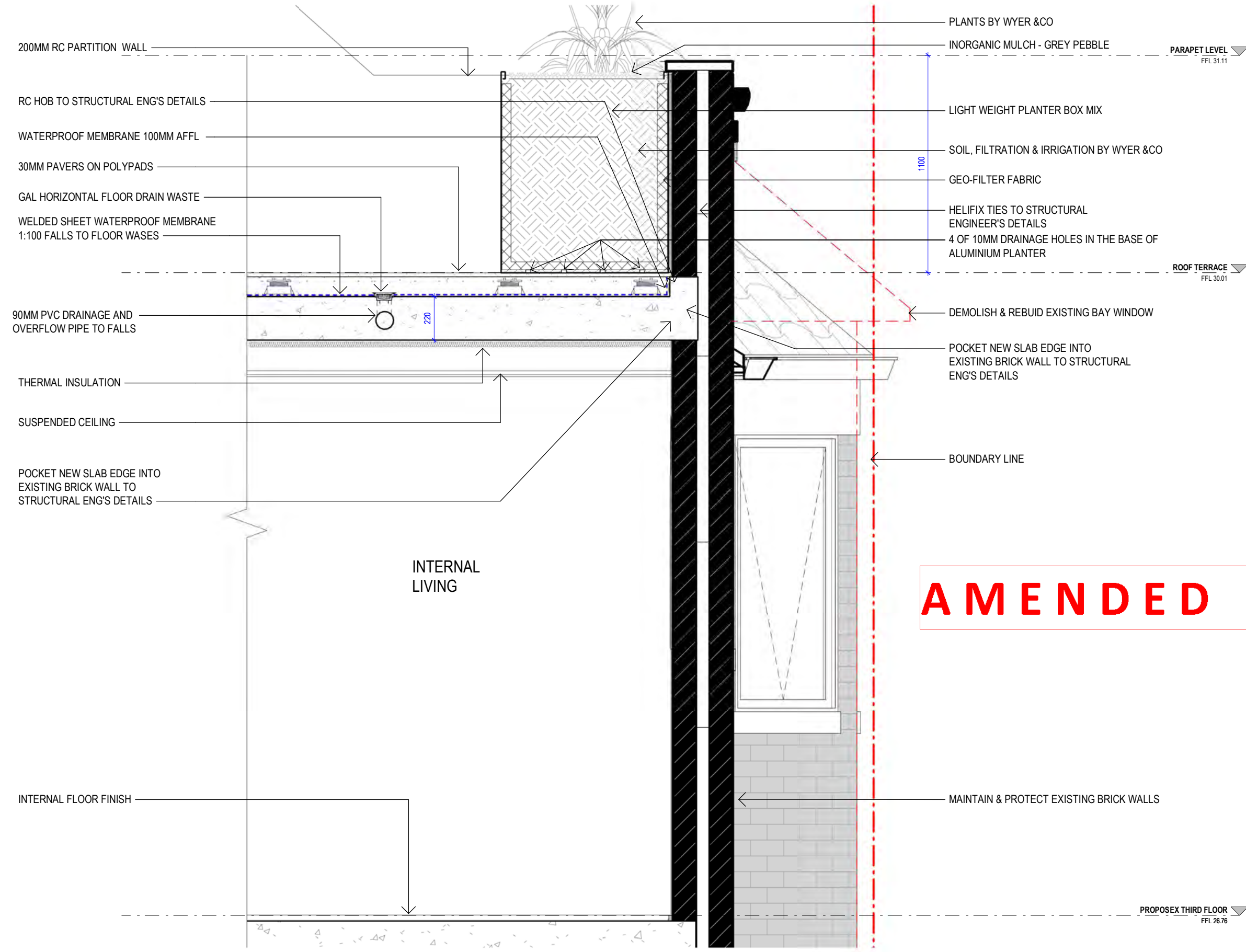
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JOB NO: GOU2212

DEVELOPMENT APPLICATION

DRAWING TITLE:
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ISSUE NO: B
JOB NO: GOU2212

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DRAWING TITLE:
ROOF TOP PARAPET DETAIL

PROJECT ADDRESS:
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1 EX NORTH ELEVATION - WARNERS AVE
scale - 1 : 200@ A3



2 PROPOSED NORTH ELEVATION - WARNERS AVE
scale - 1 : 200@ A3

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KEY:
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DEVELOPMENT APPLICATION

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PATRICK NICHOLAS
NSW 6672

DRAWING TITLE:
NORTH ELEVATION

PROJECT ADDRESS:
55 GOULD STREET, BONDI BEACH

CLIENT:
IMPERO CONSTRUCTIONS
IVKA NEWTOWN PTY LTD

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1 EX EAST ELEVATION - GOULD STREET
scale - 1 : 200@ A3



2 PROPOSED EAST ELEVATION - GOULD STREET
scale - 1 : 200@ A3

AMENDED PLANS

LEGEND:

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KEY:
Scale 1 : 200 @ A3

0 1m 2m 4m 8m

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DRAWING NO: DA151
ISSUE NO: C
JOB NO: GOU2212

DRAWING TITLE: EAST ELEVATION

PROJECT ADDRESS: 55 GOULD STREET, BONDI BEACH

CLIENT: IMPERO CONSTRUCTIONS
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DRAWING TITLE: DEVELOPMENT APPLICATION

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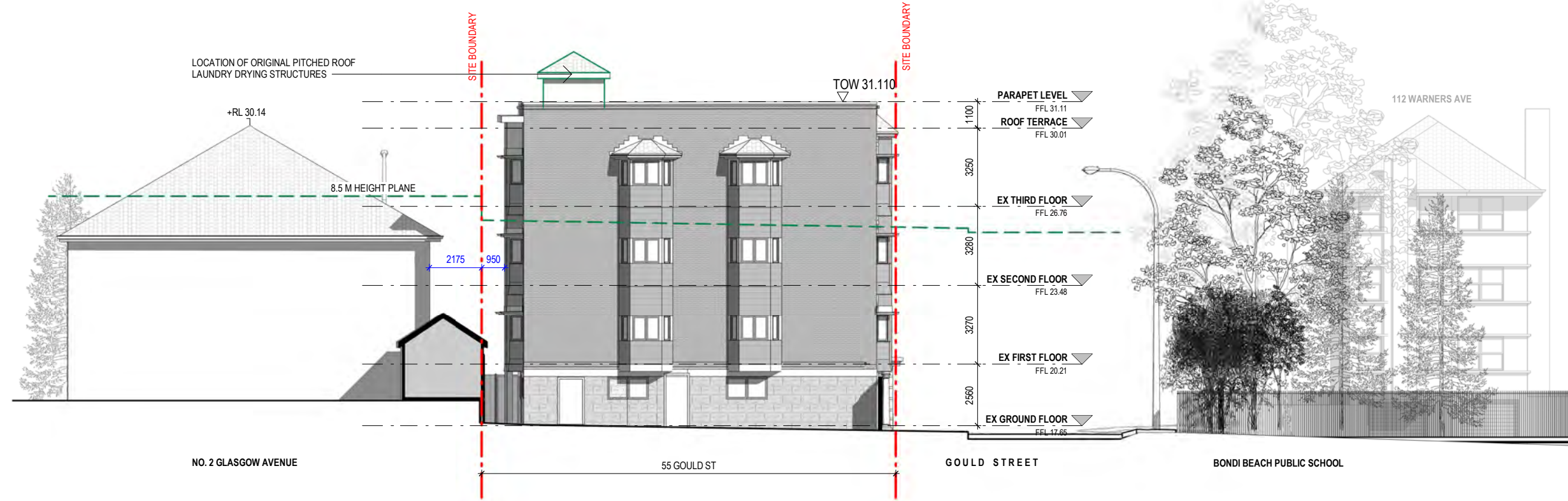
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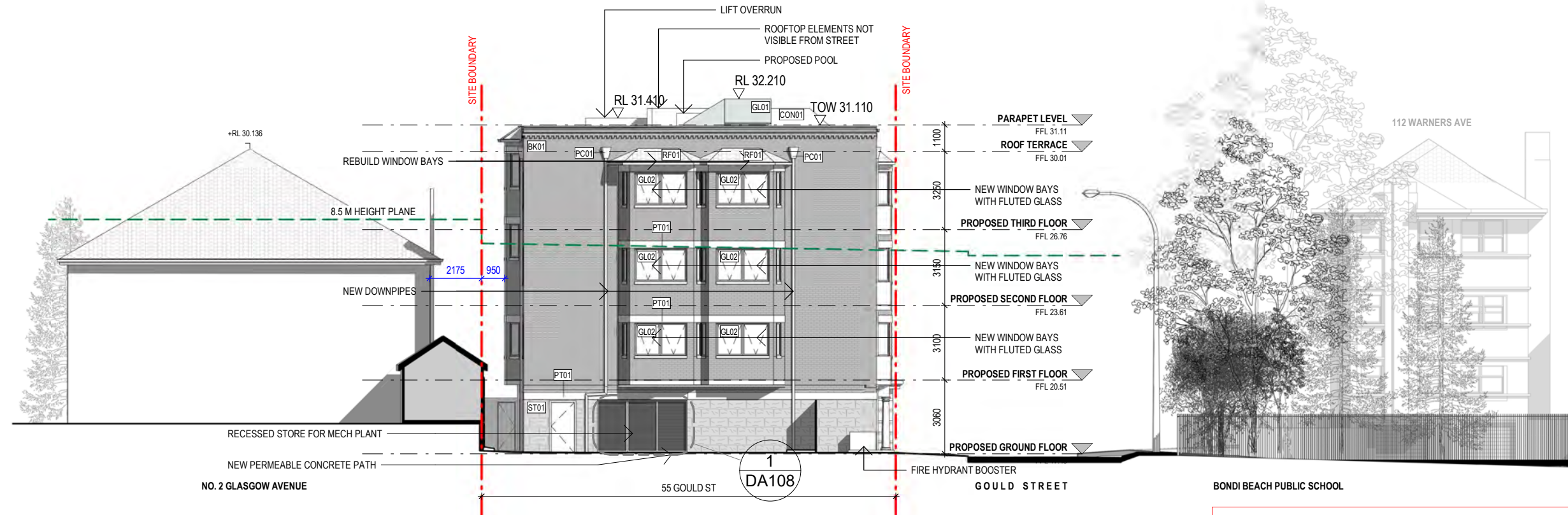
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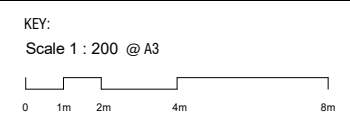


2 PROPOSED SOUTH ELEVATION
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DEVELOPMENT APPLICATION

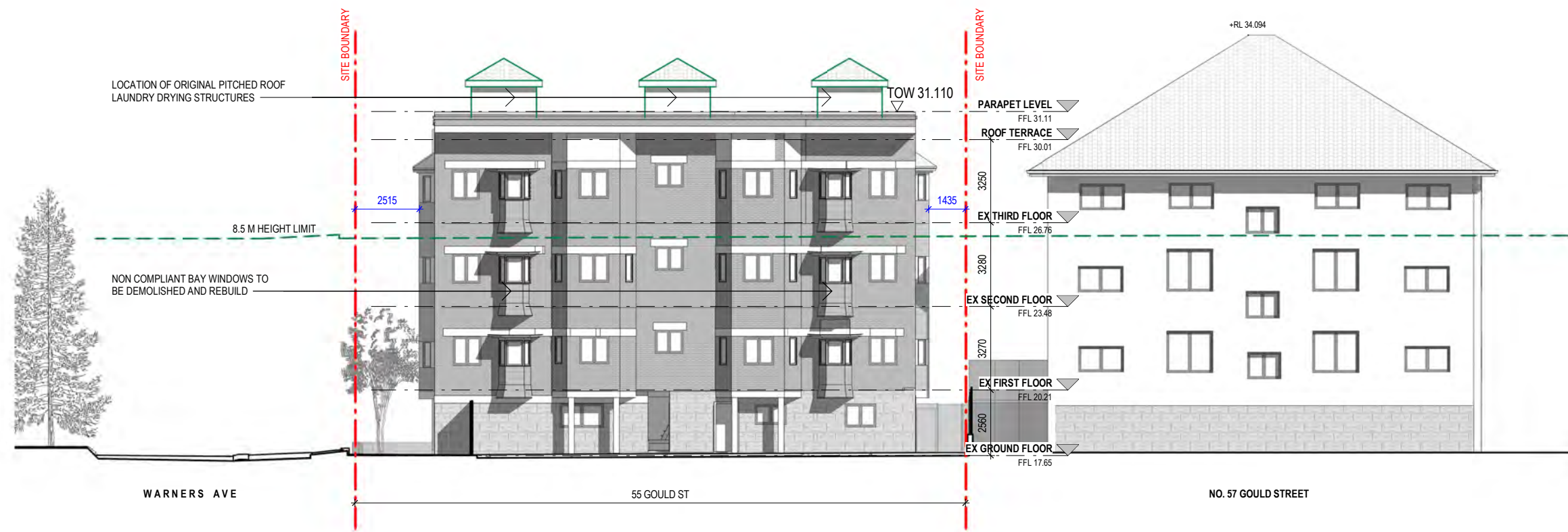
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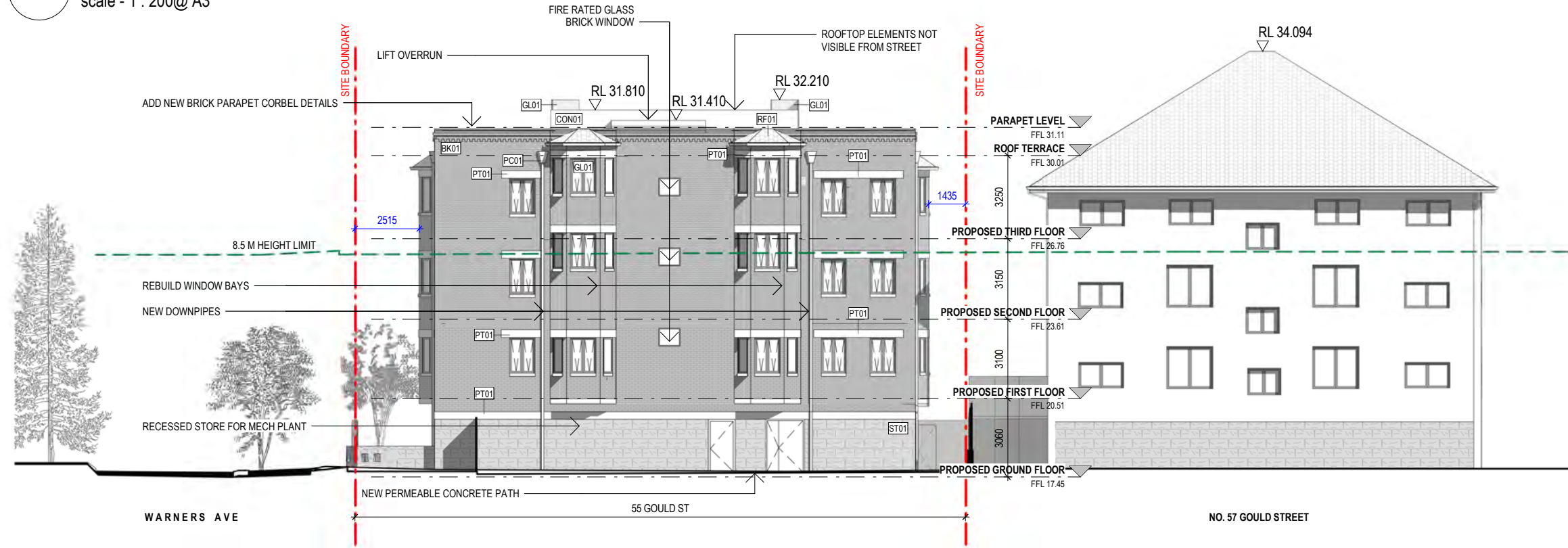
DRAWING TITLE:
SOUTH ELEVATION

PROJECT ADDRESS:
55 GOULD STREET, BONDI BEACH

CLIENT:
IMPERO CONSTRUCTIONS
IVKA NEWTOWN PTY LTD



1 EX WEST ELEVATION
scale - 1 : 200@ A3



2 PROPOSED WEST ELEVATION
scale - 1 : 200@ A3

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DEVELOPMENT APPLICATION

DRAWING TITLE:
WEST ELEVATION

PROJECT ADDRESS:
55 GOULD STREET, BONDI BEACH

CLIENT:
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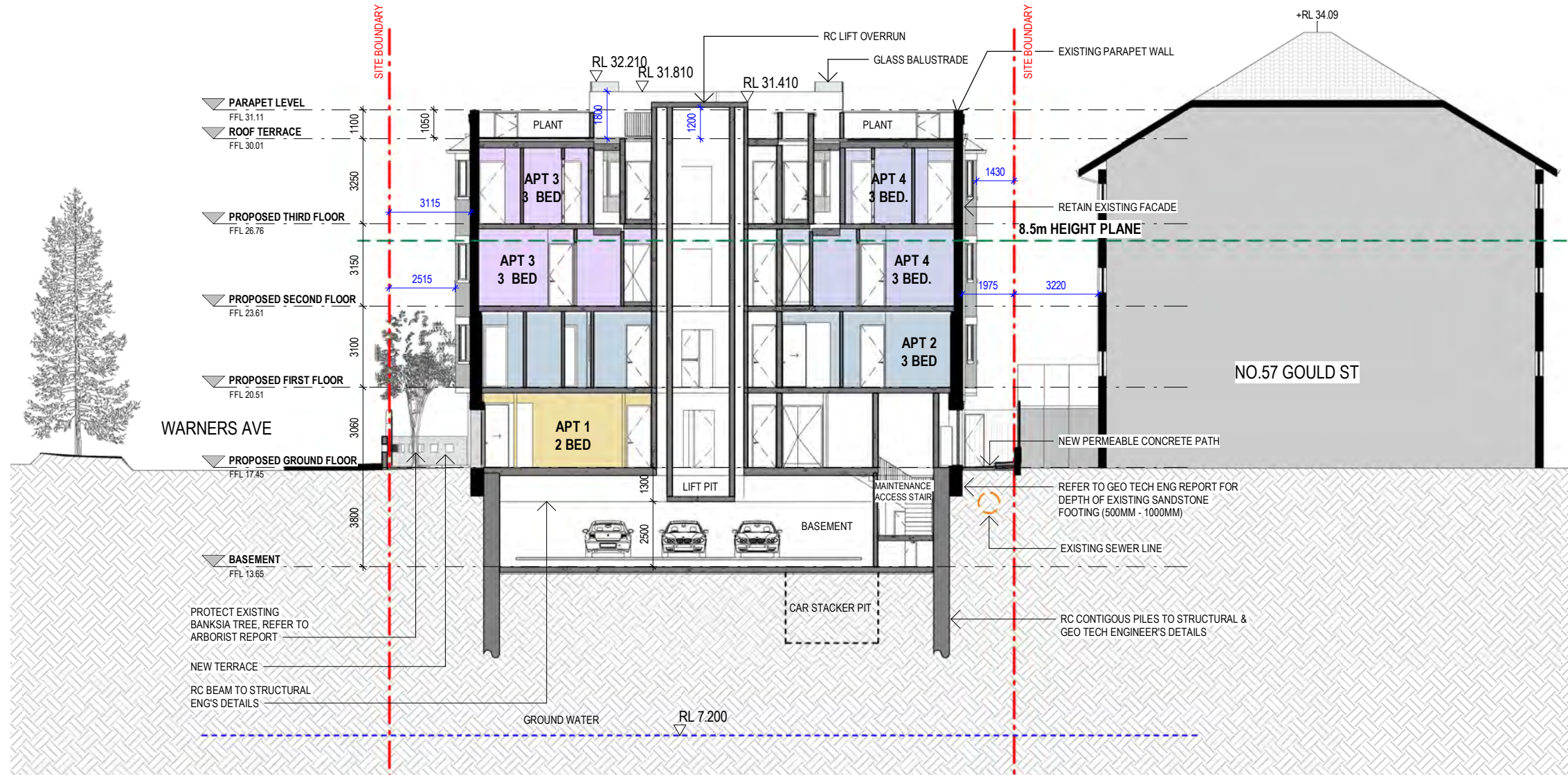
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A Section A
scale - 1 : 200@ A3

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DEVELOPMENT APPLICATION

DRAWING TITLE:
SECTION A

PROJECT ADDRESS:
55 GOULD STREET, BONDI BEACH

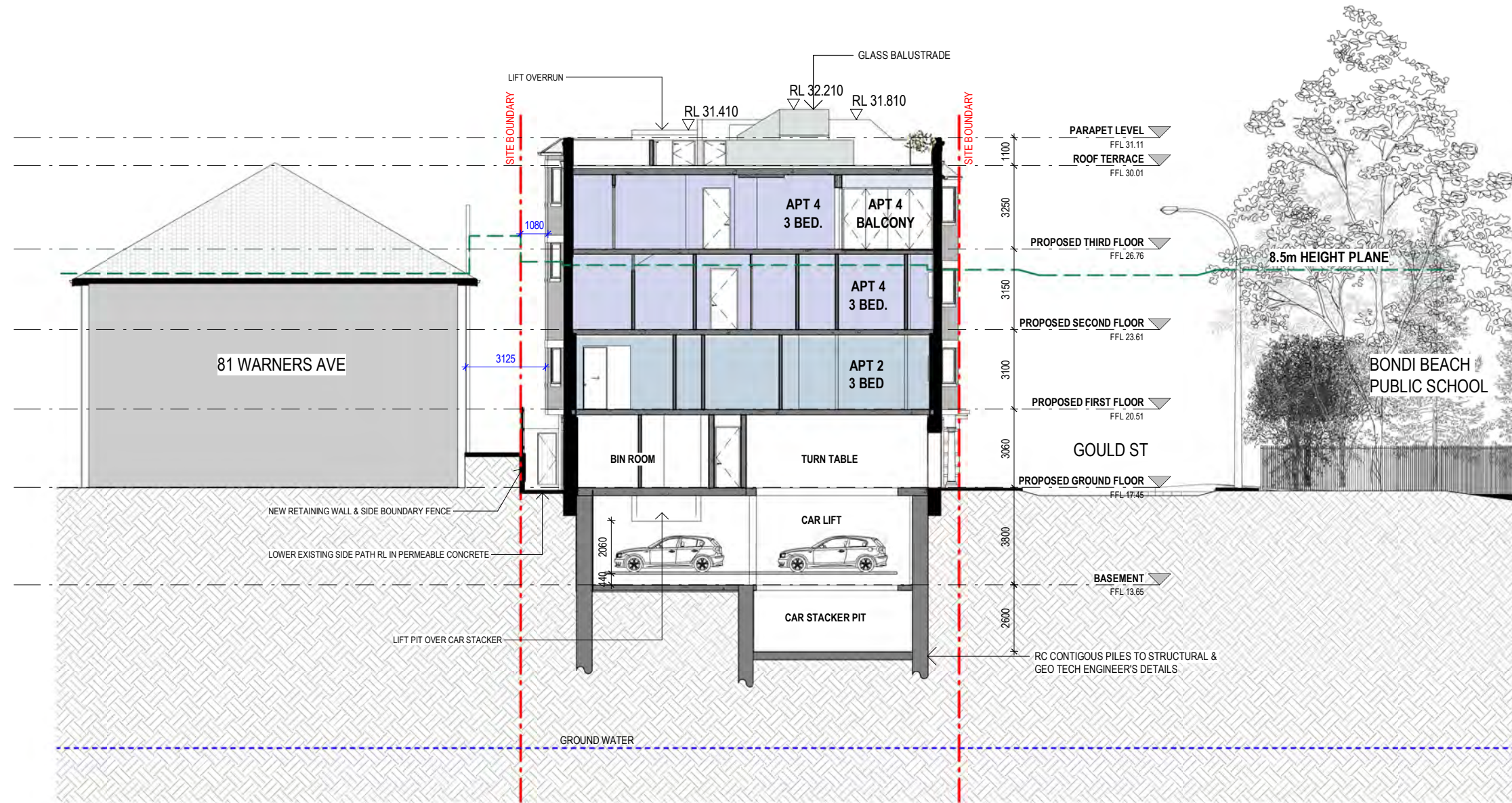
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 W/D EXISTING WINDOW / DOOR
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KEY:
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0 1m 2m 4m 8m

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DRAWING NO: DA171 ISSUE NO: B JOB NO: GOU2212

DEVELOPMENT APPLICATION

DRAWING TITLE:
SECTION B

PROJECT ADDRESS:
55 GOULD STREET, BONDI BEACH

CLIENT:
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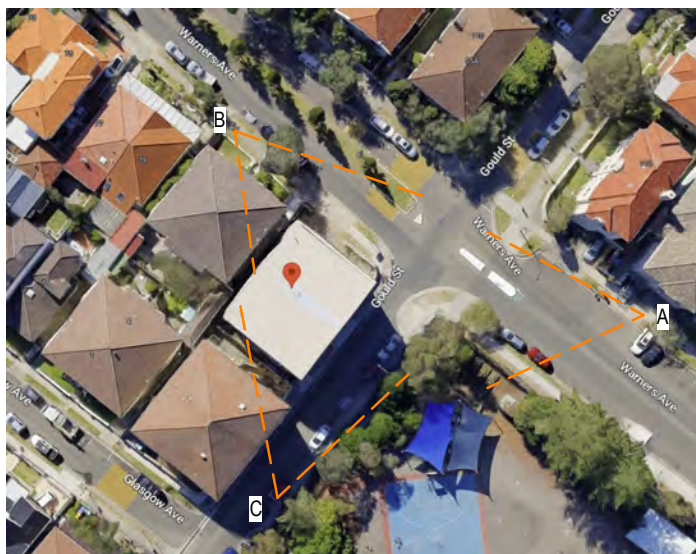
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3D View A



3D View B



3D View C

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DEVELOPMENT APPLICATION

ANNA

NOMINATED ARCHITECT
PATRICK NICHOLAS
NSW 6672

DRAWING TITLE:
VISIBILITY OF ROOFTOP FROM PUBLIC
DOMAIN
PROJECT ADDRESS:
55 GOULD STREET, BONDI BEACH

CLIENT:
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X 00.000	SURVEY SPOT LEVEL		
	EXISTING TO BE RETAINED		
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DEVELOPMENT APPLICATION



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DRAWING TITLE:
VIEW OF SITE FROM CORNER OF WARNERS
AVE AND MITCHELL ST
PROJECT ADDRESS:
55 GOULD STREET, BONDI BEACH

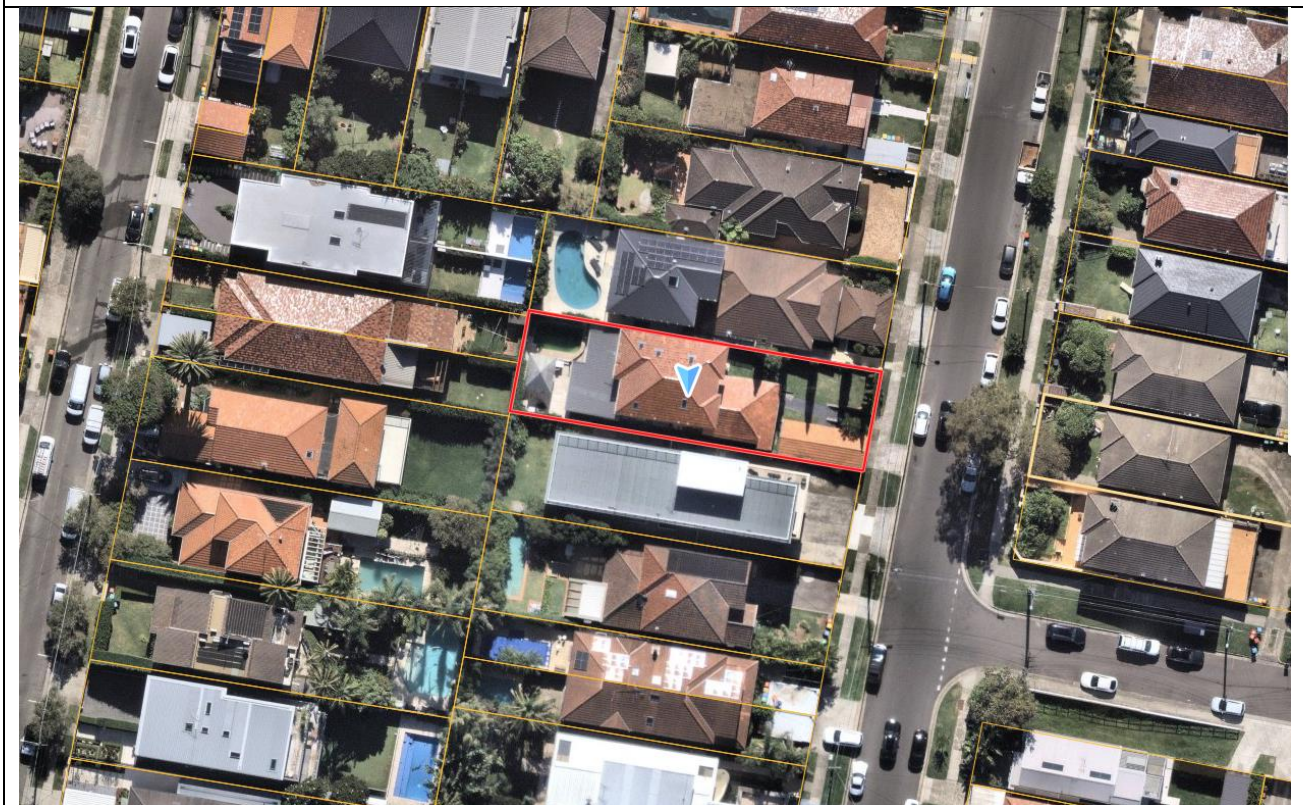
CLIENT:
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IVKA NEWTOWN PTY LTD



Report to the Waverley Local Planning Panel

Application number	DA-118/2023
Site address	304 Military Road, DOVER HEIGHTS
Proposal	Demolition of dwelling and construction of a 2 storey attached dual occupancy with integrated basement carparking and swimming pools at rear
Date of lodgement	17 May 2023
Owner	C Taouk
Applicant	Common Office
Submissions	3 unique submissions
Cost of works	\$1,517,063
Principal Issues	<ul style="list-style-type: none"> • Views • FSR • External wall height
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



1. PREAMBLE

Executive Summary

The development application seeks consent for demolition of dwelling and construction of a two storey attached dual occupancy with integrated basement carparking and swimming pools at rear at the site known as 304 Military Road, DOVER HEIGHTS.

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

- Views;
- Variation of the Floor Space Ratio (FSR) development standard; and
- External wall height.

The assessment finds the issue regarding FSR to be acceptable as the overall built form is compatible with the bulk and scale of the surrounding development on Military Road. Conditions have been recommended regarding the external wall height to increase views to the rear neighbouring property and reduce impact on views.

The application is referred to the Waverley Local Planning Panel for determination as it varies the FSR development standard under Waverley Local Environmental Plan 2012 by more than 10%.

Three unique submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the recommendation.

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

Site and Surrounding Locality

A site visit was carried out on 30 May 2023.

The site is identified as Lot 29 in DP 9036, known as 304 Military Road, DOVER HEIGHTS.

The site is rectangular in shape with a frontage to Military Road measuring 12.19m. The site has an area of 529.4m² and falls from the rear towards the front by approximately 4.37m.

The site is occupied by a two storey dwelling house with vehicular access provided from Military Road.

The site is adjoined by a residential flat building to the south and single detached dwelling to the north. The locality is characterised by a variety of low and medium density residential development.

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

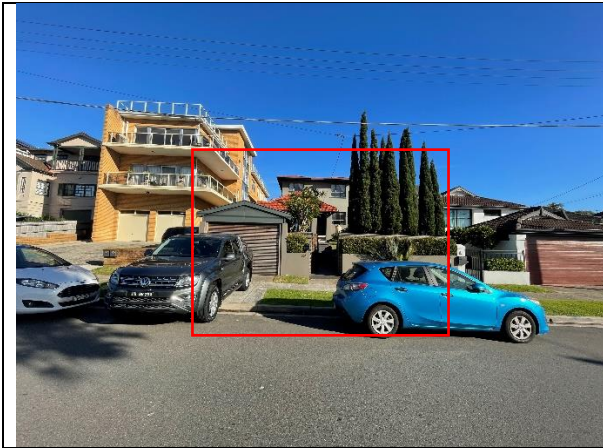


Figure 1: Subject site viewed from Military Road



Figure 2: Subject site viewed from Military Road



Figure 3: Neighbouring residential flat building to the south of the subject site (No. 302)



Figure 4: Neighbouring dwelling to the north of the subject site (No. 306)



Figure 5: Rear of the subject site, looking north



Figure 6: Rear of the subject site, looking west

Relevant Development History

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

- **DA-638/2002:** Alterations and additions including a first floor addition, approved 20 December 2002;

- **DA-532/2008:** alterations and additions to an existing dwelling including first floor addition, approved 2 January 2009;
- **DA-83/2010/A:** Modifications to windows, skylights and internal changes, approved on 9 June 2010; and
- **DA-83/2010:** Alterations and additions to a dwelling including new carport and front fence, approved 17 June 2010.

Proposal

The development application seeks consent for the construction of an attached dual occupancy, specifically the following:

- Demolition of all existing structures on site;
- Construction of a dual occupancy. Each dwelling will contain the following:
 - Basement level including car parking, and mechanical plant room;
 - Ground floor including a kitchen/living room, study and 3 outdoor open space areas; and
 - First floor including 3 bedrooms, 2 bathrooms and 2 balconies.

Background

The development application was lodged on 17 May 2023 and a 'Stop the Clock' letter was issued on 19 May 2023 for the following reasons:

1. **Breach in FSR:** The non-compliance with the FSR development standard was not supported and a reduction in floor space was requested.
2. **Bulk and scale:** The development resulted in an unacceptable bulk and scale when viewed from the street and surrounding properties.
3. **Predominant front setback:** The development did not comply with front setbacks within the street.
4. **Streetscape and visual impact:** The development was viewed as a bulky structure that did not fit in with the streetscape of Military Road.
5. **Visual and acoustic privacy:** Overlooking concerns from the north and south facing windows.
6. **Excavation:** The development did not comply with controls relating to maximum area of excavation allowed on site.
7. **Sustainability:** More details were required regarding ecological sustainability aspects of the development.

Amended plans were submitted on 9 June 2023 addressed the above concerns.

Following a preliminary assessment, the application was deferred on 5 July 2023 for the following reasons:

1. A view impact analysis was requested to enable a full assessment of view impacts to surrounding properties.

A view impact analysis was submitted on 11 August 2023. A second deferral letter was issued on 24 August 2023 for the following reasons:

1. FSR calculations were incorrect, as the laundry was not accurately shown or counted on the plans.
2. The Survey Plan submitted with the application was outdated.

The amended plans received on 5 September 2023 address the above 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).

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.

State Environmental Planning Policies (SEPPs)

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

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

Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The development is consistent with the aims of the plan.
Part 2 Permitted or prohibited development		

Provision	Compliance	Comment
Land Use Table <i>R2 Low Density Residential Zone</i>	Yes	The proposal is defined as a dual occupancy, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings • 8.5m	Yes	The development proposes an overall building height of 7.9m, which complies with the development standard.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio • 0.523:1 or 276.7m ²	No	The development proposes an FSR of 315.91m ² or 0.6:1, which does not comply with the development standard.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR development standard. A detailed discussion of the variation to the development standard is presented below this table.

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

Clause 4.6 Exceptions to Development Standards

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

The site is subject to a maximum FSR development standard of 0.523:1. The proposed development has an FSR of 0.6:1, exceeding the standard by 39.21m² equating to a 14.2% variation.

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

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

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

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

The applicant seeks to justify the contravention of the 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 FSR should be read in conjunction with the height development standard in the LEP and density controls (setback and built form controls) in the DCP. The maximum height of development standard in the LEP is 8.5m. The building is below the height standard by 1830mm at the rear of the site and 670mm to 900mm below at the front of the site, presenting to the street at a scale lower than its southern neighbour (No. 302) and consistent with its northern neighbour (No. 306).*
 - (ii) *The building appears 2 to 3 levels in height which is consistent with the predominant scale of the locality.*
 - (iii) *In combination with the height control, the side setbacks are greater than the controls require to provide visual relief and reduce perceived bulk and to provide for visual and acoustic privacy, solar access and air circulation. The front of the first floor, as seen from the street, has side setbacks of 1270mm.*
 - (iv) *The building's front and rear setbacks are dictated by the adjoining properties and complies with the controls. The originally proposed (compliant) setbacks have been increased further in response to Council's request.*
 - (v) *The landscaping controls in the DCP dictate overall site coverage provisions to ensure the massing of the building is acceptable. This proposal offers:

 - a. *94.57m² (45%) more open space than the controls require,*
 - b. *57.68m² (52%) more landscaped area than the controls require, and*
 - c. *65.79m² (124%) more deep soil area than the controls require.**
 - (vi) *The bulk and scale of the building are compatible with the desired future character of the locality as its envelope is entirely within that anticipated for this site. The proposed building respects the front and rear building lines dictated by the adjoining properties, measured at each level. The building's visual bulk and scale are less than or commensurate to its neighbours and responds to the topography of the site.*
 - (vii) *This building sits comfortably amongst a consistent pattern of 2 to 3 storey development immediately surrounding the site.*
 - (viii) *Overshadowing diagrams demonstrate that the proposed dwelling preserves a DCP compliant extent of solar access to the adjoining properties. There are no specific areas of floor space causing direct measurable impacts to neighbouring properties as all of the floor space is contained within a compliant envelope.*
 - (ix) *There are no direct adverse impacts on the amenity of the locality arising from the proposed built form, nor the areas of additional floor space. As such, the environmental amenity of the locality is also preserved.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *The FSR is required to ensure the scale of the building is appropriately 2 to 3 storeys when viewed from the street, noting it remains below the height development standard and is compliant with all setback controls.*
 - (ii) *Excavation is limited to accommodate a building form that responds to the sloping topography of the site towards Military Road which facilitates living areas being connected*

to the existing ground levels at the rear of the property. This is not readily achievable with an FSR compliant development.

- (iii) *The FSR is contained within a building that has more than compliant side setbacks for a two-storey building that are articulated to ensure the building provides areas of visual relief and an appropriate scale when viewed from the street and neighbouring properties.*
- (iv) *The building design introduces passive surveillance to Military Road (currently impeded by structures in the front setback).*
- (v) *The design, form and scale of the building are complementary to, and compatible with, the prevailing design of newer buildings in this locality and contributes to the landscape setting on this side of Military Road.*
- (vi) *The additional floor space is wholly contained within a compliant building envelope and has a building footprint that is smaller than most properties on the western side of this section of Military Road.*
- (vii) *The design allows for the attainment of Object 1.3(g) of the EP&A Act 1979 which seeks to promote good design and amenity of the built environment. The additional floor area is required as part of a well-resolved and considered design that prioritises the streetscape, landscaped areas, and the safety of all users of the public realm in this locality.*
- (viii) *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. Council agrees with the justification provided by the applicant. The applicant has adequately demonstrated that the proposal meets the objectives of the FSR development standard and the low density residential zone. The bulk and scale of the development will read as a two storey dwelling from the rear and a three storey building across the front façade and from the street, which is a common appearance on Military Road. This is reflective of the emerging character of buildings on both sides of Military Road. The proposed development is of a bulk and scale that is consistent with the desired future character of the area and sits lower than the neighbouring properties on either side, as shown below.

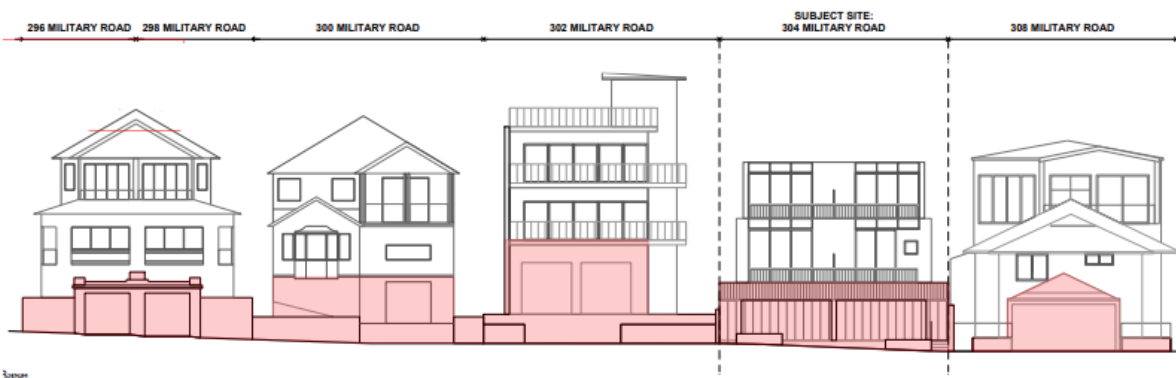


Figure 7: Street context of Military Road

Furthermore, it is also noted that the proposed development provides complying setbacks to the front, sides and rear, with an increased rear setback and separation from immediately surrounding properties. The additional FSR does not result in unreasonable environmental impacts in terms of view loss, overshadowing or visual privacy despite the numerical FSR non-compliance.

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 proposing to breach the FSR development standard, the proposal is of appropriate design with regard to the specific circumstances of the site as explained in their written request. Aside from presenting a suitable appearance to surrounding areas that is compatible with the existing and desired character of the area, the proposed development will enable better utilisation of the dwelling, without causing any significant or unreasonable impacts on

surrounding sites and the public domain, in terms of visual privacy, solar access and visual amenity. The development complies with the overall height of buildings development standard and fits well within the street.

Is the development in the public interest?

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

The relevant objectives of the FSR development standard are as follows:

- (b) to provide an appropriate correlation between maximum building heights and density controls,*
- (c) to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality,*
- (d) to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and the locality.*

The proposed additional floor space that exceeds the FSR development standard would not adversely contribute to the overall bulk and scale of the building as viewed from the streetscape and is supported. The breach of the FSR development standard is not anticipated to result in any adverse amenity impacts upon surrounding properties. The bulk and scale of the dwelling are compatible with the existing and desired future character of the locality and similar to the three storey examples in the street. The building is compatible with surrounding developments and is not out of context with the existing scale of the locality. Therefore, despite the exceedance, the proposal is considered to be consistent with the objectives of the FSR development standard.

The objectives of the R2 zone are as follows:

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

The proposal is consistent with the objectives of the R2 zone as it proposes a reasonable built form and modestly expands upon the existing residence to meet the housing needs of the community within the predominant low density residential surrounding locality.

Conclusion

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

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
1. Waste <ul style="list-style-type: none"> • <i>Garbage bins are to be stored in an appropriate location.</i> 	Yes	Satisfactory.
2. Ecologically Sustainable Development <ul style="list-style-type: none"> • <i>Ceiling or wall mounted fans</i> • <i>Gas cooktops, gas ovens or gas internal space heating systems.</i> 	Yes	Satisfactory. Ceiling fans have been included in all habitable rooms. An advisory note is recommended on the consent regarding electric cooktops and ovens.
5. Water Management	Yes	Satisfactory. Refer to section 3 of this report on referral commentary in relation to stormwater.
7. Transport 7.1 Streetscape 7.2 On-Site Parking 7.2.1 Vehicle Access 7.2.2 Parking Rates <i>Minimum parking rate:</i> <ul style="list-style-type: none"> • 0 <i>Maximum parking rate:</i> <ul style="list-style-type: none"> • 2 	Yes	The off-street parking aspect of the development is acceptable. The subject site is located within Parking Zone 2. The driveway crossover is acceptable. The development provides 2 off-street parking space per dwelling which complies with the development standard.
11. Design Excellence	Yes	Satisfactory.
13. Excavation Allowed: 155.8m³	No (acceptable on merit)	The development proposes a total excavation of 296.12m ³ , which does not comply with the control. In support of this non-compliance, it is noted that the excavation is located within the footprint of the dwellings above and is set back 0.9m from both side boundaries. The excavation proposed on site will not impact on the structural stability of surrounding development and will not overly disrupt the natural environment of the land. Therefore, the excavation on site is considered appropriate and should be supported.

Table 3: Waverley DCP 2022 – Part C1 Low Density Residential Development Compliance Table

Development Control	Compliance	Comment
1.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
1.1 Height		
Flat roof dwelling house <ul style="list-style-type: none"> • <i>Maximum wall height of 7.5m</i> 	No	<p>The development proposes an external wall height of 7.83m at the front of the dwelling. Whilst this may be considered a minor breach of the control, it is noted that the non-compliance will result in a direct impact on ocean views from the property to the rear at 4A Elvina Street. The impact on water views is discussed in more detail below this table. The proposed floor to ceiling heights are proposed to be generous, with 2.5m for the basement level and 3.1m for the ground floor. There is sufficient room for the dwelling to be reduced in height to a compliant form that will not impact on the internal amenity of the dwelling and will increase ocean views to the rear neighbouring property. A condition is therefore recommended to reduce the external wall height to a compliant form.</p>
1.2 Setbacks		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> • <i>Predominant front building line (adjacent three neighbours on either side)</i> • <i>Predominant rear building line at each floor level (adjacent three neighbours or either side)</i> 	Yes	<p>The ground floor of the building is positioned behind the predominant building line. The first floor is set well behind the front building alignment of first floor additions in the locality as well as the first, second and third (plant) floors of the adjoining residential flat building.</p> <p>The proposed buildings have a greater rear setback than both immediately adjoining properties to the north and south at Nos. 302 and 306 Military Road.</p>
1.2.2 Side setbacks <ul style="list-style-type: none"> • <i>Minimum of 0.9m for ground floor and first floors.)</i> • <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> • <i>Third floor assessed on merit.</i> 	Yes	<p>The development proposes side setbacks of 0.9m, which complies with the control.</p>
1.3 Streetscape and visual impact		

Development Control	Compliance	Comment
<ul style="list-style-type: none"> • <i>New development to be compatible with streetscape context</i> • <i>Replacement windows to complement the style and proportions of existing dwelling</i> • <i>Significant landscaping to be maintained.</i> 	Yes	The development will complement the streetscape and fit in with the existing character of the immediate area.
1.4 Fences		
<p><u>Front:</u></p> <ul style="list-style-type: none"> • <i>Maximum height of 1.2m</i> • <i>Solid section no more than 0.6m in height</i> <p><u>Side and Rear:</u></p> <ul style="list-style-type: none"> • <i>Maximum height of 1.8m</i> 	Yes	<p>No front fence is proposed on the site.</p> <p>The height of all side and rear boundary fencing is proposed at 1.8m, which complies.</p>
1.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> • <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> • <i>External stairs are not acceptable.</i> • <i>Maximum size of balconies: 10m² in area 1.5m deep</i> • <i>Roof tops to be non-trafficable unless predominant in the immediate vicinity</i> 	Yes	<p>The side boundary fences will limit overlooking from the north and south facing windows on the ground floor.</p> <p>The first floor north facing habitable windows will not directly look into a window or private open space of the neighbouring property to the north.</p> <p>The architectural plans mention that the first floor south facing habitable windows will have fixed glazing to the lower portion, however the height of glazing is not specified. In order to limit overlooking concerns, a condition is recommended to provide fixed translucent glazing to a height of 1.5m above the finished floor level of the first floor.</p> <p>Screening is proposed along the north and south sides of the first floor rear facing balconies, which will limit any overlooking to the neighbouring properties to the north and south of the site. The first floor balcony will directly facing the rear of the site. Whilst some overlooking may occur to the private open spaces of the properties along Elvina Street, it is noted that the balconies are located more than 12m from the rear boundary. It is further noted that the balconies service bedrooms and are not envisaged to be utilised as a main source of outdoor open space. The balcony sizes are compliant with the control and are therefore acceptable in this instance.</p>

Development Control	Compliance	Comment
1.6 Solar access		
<ul style="list-style-type: none"> • <i>Minimum of 3 hours of sunlight to 50% of living areas and principal open space areas on 21 June to subject site</i> • <i>Minimum of 3 hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June.</i> • <i>Avoid unreasonably overshadowing of solar collectors (including habitable windows).</i> 	Yes	Shadow diagrams have been submitted with the application demonstrating full compliance with this control.
1.7 Views		
<ul style="list-style-type: none"> • <i>Views from the public domain are to be maintained</i> • <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> 	Yes	See discussion below.
1.8 Car parking		
<p>1.8.1 Design Approach</p> <ul style="list-style-type: none"> • <i>Parking only allowed where site conditions permit</i> • <i>Designed to complement the building and streetscape</i> • <i>Car parking structures to be behind the front building line</i> • <i>Driveways are to be located to minimise the loss of on street parking</i> • <i>Parking to be provided from secondary streets or lanes where possible.</i> 	Yes	<p>The crossover, driveway and car parking spaces have been designed to complement the proposed building and fit in with the character of Military Road.</p> <p>One crossover is proposed for the site and the garage will not dominate the streetscape.</p>
1.8.2 Parking rates	Yes	Parking rates are set by Part B7 of Waverley DCP 2022.
1.8.3 Location	Yes	The garages of both dwellings have been designed to be incorporated into the building

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <i>Parking to be behind front building line for new dwellings</i> <i>Existing development to be in accordance with the hierarchy of preferred car parking locations</i> 		façade and maintains the predominant character of parking within the streetscape.
<p>1.8.4 Design</p> <ul style="list-style-type: none"> <i>Complement the style, massing and detail of the dwelling</i> <i>Secondary in area and appearance to the design of the residences</i> <i>No part of the façade is to be demolished to accommodate car parking</i> <i>Gates to have an open design</i> 	Yes	The design of the garages will complement the surrounding streetscape and fit in with the character of the area.
<p>1.8.5 Dimensions</p> <ul style="list-style-type: none"> <i>5.4m x 2.4m per vehicle</i> 	Yes	The parking sizes are compliant with this control.
<p>1.8.6 Driveways</p> <ul style="list-style-type: none"> <i>Maximum of one per property</i> <i>Maximum width of 3m at the gutter (excluding splay)</i> <i>Crossings not permitted where 2 on street spaces are lost</i> 	Yes	One crossover is proposed for both garages, with a width of 3m, which complies with the controls.
1.9 Landscaping and open space		
<ul style="list-style-type: none"> <i>Overall open space: 40% of site area</i> <i>Overall landscaped area: 20% of site area, with at least half deep soil</i> <i>Minimum area of 25m² for private open space</i> <i>Front open space: 50% of front building setback area</i> <i>Front landscaped area: 50% of front open space provided</i> <i>Outdoor clothes drying area to be provided</i> 	Yes	<p>56.5% of the site is maintained as open space.</p> <p>32% of the site is landscaped and 71% of the landscaped areas is deep soil.</p> <p>The rear maintains a private open space area exceeding 25m² for each dwelling.</p> <p>100% of the front setback is maintains as open space.</p> <p>60% of the front open space is maintains as landscaping.</p> <p>A clothes drying area is available in the rear of the site for each dwelling.</p>
1.10 Swimming pools and spa pools		

Development Control	Compliance	Comment
<ul style="list-style-type: none"> • <i>Located in the rear of property</i> • <i>Pool decks on side boundaries must consider visual privacy</i> • <i>All pool equipment to be enclosed within an acoustically treated enclosure</i> 	Yes	<p>The swimming pools are both located at the rear of the site and away from all habitable windows. The side and rear boundary fencing will provide adequate privacy to neighbouring properties.</p> <p>The pool equipment will be located in an acoustically treated enclosure.</p>
1.15 Dual Occupancy Development		
<ul style="list-style-type: none"> • <i>Min lot of 450m² attached dwellings</i> • <i>Dual occupancy development must provide a single vehicle crossing to the street.</i> 	Yes	<p>The lot size is 529.4m², which complies with the minimum lot size.</p> <p>A single crossover is proposed for the site.</p>

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

Views

Clause 2.14 *Views and View Sharing* of Part C2 in the DCP outlines the objectives and controls relating the assessment of views and view loss. The development proposes to construct a part 2, part 3 storey dwelling on site. The proposed dwelling is located in direct view from the dwellings at No. 4, 4A and 6 Elvina Street.

Council’s view sharing objectives under the DCP require that views are shared, providing equitable access to views from dwellings. This objective provides a general guide when assessing potential view loss, further expanded by guiding principles of the Land and Environment Court as follows. The judgement in *Tenacity Consulting v Warringah Council (2004)* resulted in a four step assessment in regards to view sharing. The applicant has submitted their own ‘View Impact Assessment, prepared by Urbaine Design Group on 11 August 2023.

The report included potential views from No. 4, 4A and 6 Elvina Street. The existing and potential impacts are shown in **Figures 8-11** of this report.



As can be seen in the Figures above, the development proposes a flat roof design that will sit lower than the existing pitched roof on site. This results in the views from No. 4 and 6 Elvina Street to be improved, as they will now get views of the horizon over the proposed development. As this is an improvement from the existing view, no further assessment will be made against these properties.

An assessment against the below four steps has been undertaken for the property at No. 4A Elvina Street.

1. *The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*
2. *The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*
3. *The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is*

20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

4. *The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

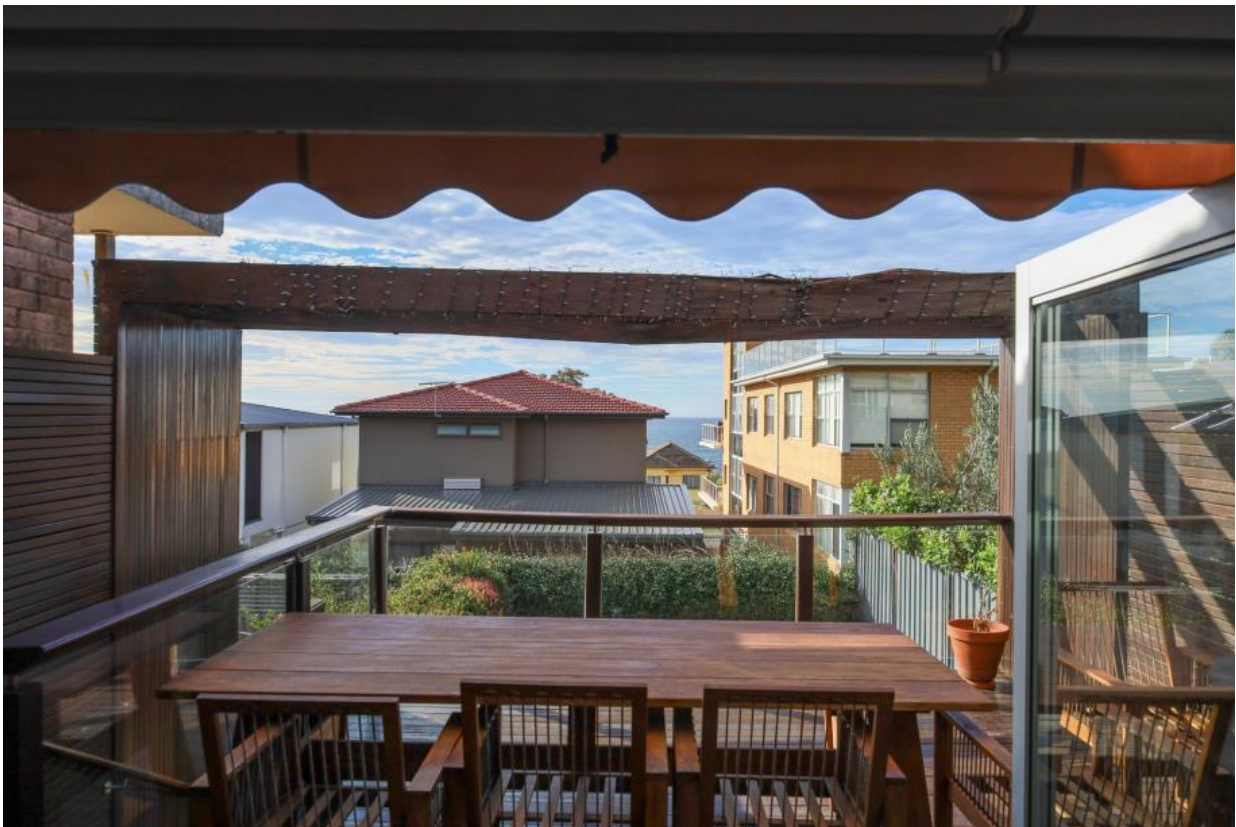


Figure 12: Existing view from the principal living area of No. 4A Elvina Street, looking east



Figure 13: Proposed view from the principal living area of No. 4A Elvina Street, looking east



Figure 14: Overlay of proposed works shown in cyan and the existing dwelling shown in yellow from the principal living area



Figure 15: Existing view from the rear facing balcony of No. 4A Elvina Street, looking east



Figure 16: Proposed view from the rear facing balcony of No. 4A Elvina Street, looking east



Figure 17: Overlay of proposed works shown in cyan and the existing dwelling shown in yellow from the rear balcony



Figure 18: Existing view from the principal living area (sitting position) of No. 4A Elvina Street, looking east



Figure 19: Proposed view from the principal living area (sitting position) of No. 4A Elvina Street, looking east



Figure 20: Overlay of proposed works shown in cyan and the existing dwelling shown in yellow from the principal living area (sitting position) of 4A Elvina Street

The views obtained from the rear neighbouring property at No. 4A Elvina Street comprise of water views of the Pacific Ocean. The views are obtained from a sitting and standing position looking directly east over the subject site. As shown in the images above, the views are from the principal living space and the outdoor balcony. It is clear from the furniture on the balcony that this area is the principal outdoor open space utilised by the occupiers. The existing views are partially obscured by the existing dwellings located along Military Road, mainly the existing dwelling on the subject site. The renders above show the proposed development in cyan and the existing dwelling in yellow. These images accurately show the extent of impact that is proposed on site. As shown in Figures 14, 17 and 20, the proposed development will obscure some ocean views from the side boundary between No. 304 and 302 Military Road. Due to the flat roof design, the overall height of the development is proposed to be reduced, which results in the addition of water and horizon views that will be gained from a standing position (seen in **Figures 13 and 16**).

As mentioned earlier in the report, the development does not comply with the maximum external wall height as per Part C1.1 *Height* of the DCP. This non-compliance has a direct impact on the extent of views available to No. 4A Elvina Street. In order to counter the loss of views from the southern side boundary, a condition has been recommended to lower the overall height of the development to a compliant built form in relation to external wall height. This will provide for more ocean views from a standing position of the horizon and ocean looking over the roof of the subject site to ensure that the overall view impact of the development is not unreasonable, consistent with the spirit of step 4 of the view sharing planning principle.

It is considered that the views lost from the side boundary setback will be gained by the horizon and ocean views above the rooftop of the subject site. By lowering the overall height of the building at the front of the site, more views will be gained. For this reason, the view impacts are considered acceptable in this location.

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.

Suitability of the Site for the Development

The site is considered suitable for the proposal.

Any Submissions

The application was notified for at least 14 days between 13 June and 29 June 2023 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

Following receipt of amended plans and additional information, the application was re-notified to the neighbouring properties at No. 306 Military Road and 4A Elvina Street for 14 days as the amended plans only affected these two properties.

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

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

Count	Property Address
1.	306 Military Road, DOVER HEIGHTS
2.	4A Elvina Street, DOVER HEIGHTS
3.	302 Military Road, DOVER HEIGHTS

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

- View loss
- Non-compliance with the site setback objectives
- Overlooking from the rear first floor balconies
- Overshadowing
- Non-compliance with FSR development standard
- Non-compliance with the extent of excavation on site.

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

Issue: The architectural plans and site survey are out of date, as they do not show the recent addition at No. 306 Military Road.

Response: The site survey and architectural plans were amended to accurately show the surrounding dwellings and was re-notified to the neighbouring properties.

Issue: The proposed front setback impacts on the outlook from No. 306 Military Road.

Response: The architectural plans have since been amended to increase the front setbacks on all levels. The front setbacks comply with the predominant front setbacks in the street and are considered acceptable.

Issue: Two crossovers are proposed, which is unacceptable.

Response: The plans have since been amended to provide one single crossover for the site.

Issue: Lack of soft landscaping on site.

Response: The development complies with the minimum requirement for open space, landscaping and deep soil on site. Please see Table 3 of this report for further details.

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:

Traffic and Development

Traffic and Development section of Council's Infrastructure Services Department advised the following:

The driveway width is 5.5 metres at the property boundary and 3.5 metres plus splays at the street. It needs to be adjusted to satisfy Council criteria. The driveway is to be constructed as per Council's standard drawing for a double garage (R5 – Double Driveway Crossing and Layback).

The level of the driveway at the property boundary is to be set so that rainfall runoff from the street/verge/footpath does not flow into the property. The gradient from the finished level at the property boundary to the footpath shall be a minimum of 2% and a maximum of 5% down towards the footpath on both sides of the vehicle crossing. This has been conditioned.

Recommended conditions have been included in Appendix A of this report.

Stormwater

The Stormwater section of Council's Infrastructure Services Department advised the following:

Infrastructure Services team has received RFI response prepared by NY Civil Engineering Ref No. E230129 dated 15/06/2023 regarding individual water management system proposed for the attached dual occupancy. Further assessing the proposed application, Council is satisfied with the proposed individual stormwater management system.

Standard conditions are recommended.

Tree Management

Council's Tree Management Officer advised the following:

- *On inspection, it was noted that on site there were no trees of any significance, the trees possess no outstanding attributes worthy of retention and their **removal is supported**.*
- *The eleven (11) **Cupressus sempervirens** (Mediterranean Cypress/Pencil Pine) and one (1) **Schefflera actinophylla** (Old Umbrella Tree) onsite, possess no outstanding attributes worthy of retention and **removal is supported**.*

GIS Land Information

Council's Property Information Officer advised the following:

Address numbering based on NSW Geographical Names Boards Policy and Principles 2021. Should the application be supported, conditions are recommended to be imposed.

Standard conditions are recommended.

4. CONCLUSION

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

Development Assessment Leadership Team (DALT) Review

The application was reviewed by the DALT at the meeting on 29 August 2023 and the DALT concurred with the Assessment Planner's recommendation.

DALT members: *A Rossi, B McNamara, B Magistrale, E Finnegan, and J Zancanaro*

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:
		
Katie Johnstone	Ben Magistrale	Angela Rossi
Senior Development Assessment Planner	Manager, Development Assessment	Executive Manager, Development Assessment
Date: 5 October 2023	Date: 10 October 2023	Date: 16 October 2023

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 <small>(For the purposes of reporting to the planning portal, if the % approved is different to the % proposed in the original</small>	14.2% - FSR (Clause 4.4)
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submission, please state what the variation initially proposed was – Planning Portal Requirement)		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
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

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

Condition																																													
1.	<p>APPROVED PLANS AND DOCUMENTATION</p> <p>The development must be in accordance with:</p> <p>(a) Architectural Plans prepared by Common Office including the following:</p> <table border="1"> <thead> <tr> <th>Plan Number and Revision</th> <th>Plan description</th> <th>Plan Date</th> <th>Date received by Council</th> </tr> </thead> <tbody> <tr> <td>DA100 Rev. 2</td> <td>Site and Analysis Plan</td> <td>05/09/2023</td> <td>05/09/2023</td> </tr> <tr> <td>DA200 Rev. 2</td> <td>Basement</td> <td>05/09/2023</td> <td>05/09/2023</td> </tr> <tr> <td>DA201 Rev. 2</td> <td>Ground Floor</td> <td>05/09/2023</td> <td>05/09/2023</td> </tr> <tr> <td>DA202 Rev. 2</td> <td>First Floor</td> <td>05/09/2023</td> <td>05/09/2023</td> </tr> <tr> <td>DA203 Rev. 2</td> <td>Roof Plan</td> <td>05/09/2023</td> <td>05/09/2023</td> </tr> <tr> <td>DA204 Rev. 2</td> <td>Street Parking Diagram</td> <td>05/09/2023</td> <td>05/09/2023</td> </tr> <tr> <td>DA300 Rev. 2</td> <td>North and South Elevations</td> <td>05/09/2023</td> <td>05/09/2023</td> </tr> <tr> <td>DA301 Rev. 2</td> <td>East and West Elevations</td> <td>05/09/2023</td> <td>05/09/2023</td> </tr> <tr> <td>DA400 Rev. 2</td> <td>Sections</td> <td>05/09/2023</td> <td>05/09/2023</td> </tr> <tr> <td>DA600 Rev. 2</td> <td>External Material Schedule</td> <td>05/09/2023</td> <td>05/09/2023</td> </tr> </tbody> </table> <p>(b) BASIX and NatHERs Certificates</p> <p>(c) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 16 May 2023</p> <p>Except where amended by the following conditions of consent.</p> <p>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>	Plan Number and Revision	Plan description	Plan Date	Date received by Council	DA100 Rev. 2	Site and Analysis Plan	05/09/2023	05/09/2023	DA200 Rev. 2	Basement	05/09/2023	05/09/2023	DA201 Rev. 2	Ground Floor	05/09/2023	05/09/2023	DA202 Rev. 2	First Floor	05/09/2023	05/09/2023	DA203 Rev. 2	Roof Plan	05/09/2023	05/09/2023	DA204 Rev. 2	Street Parking Diagram	05/09/2023	05/09/2023	DA300 Rev. 2	North and South Elevations	05/09/2023	05/09/2023	DA301 Rev. 2	East and West Elevations	05/09/2023	05/09/2023	DA400 Rev. 2	Sections	05/09/2023	05/09/2023	DA600 Rev. 2	External Material Schedule	05/09/2023	05/09/2023
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DA600 Rev. 2	External Material Schedule	05/09/2023	05/09/2023																																										
2.	<p>GENERAL MODIFICATIONS</p> <p>The application is approved subject to the following plan amendments;</p> <p>(a) The landscape plan is to be updated to reflect the plans referred to in Condition 1 of this consent.</p>																																												

	<p>Condition reason: To ensure the accurate landscaping is approved on site.</p>
	<p>(b) The overall external wall height of the development must be lowered to a maximum height of 7.5m measured above existing ground level in order to reduce net losses of views experienced by the neighbouring properties on Elvina Street.</p>
	<p>Condition reason: To ensure view sharing is maintained between properties.</p>
	<p>(c) The first floor south facing windows labelled 1FW06 and 1FW07 are to be fixed obscure glazing to a minimum height of 1.5m measured above the finished floor level of the first floor.</p>
	<p>Condition reason: To mitigate overlooking between the subject site and 302 Military Road.</p>
	<p>The amendments are to be approved by the Principal Certifying Authority prior to the issue of any Construction Certificate.</p>

**BUILDING WORK
BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

Condition	
3.	<p>NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE</p> <p>The building work, or demolition work, must not be commenced until:</p> <p>(a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the <i>Environmental Planning and Assessment Act 1979</i>;</p> <p>(b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2021</i>; and</p> <p>(c) Council is given at least two days' notice in writing of the intention to commence the building works.</p> <p>Condition reason: To ensure a Construction Certificate is obtained prior to work commencing.</p>
4.	<p>HOME BUILDING ACT</p> <p>The builder or person who does the residential building work shall comply with the applicable requirements of Part 6 of the <i>Home and Building Act 1989</i>. 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.</p> <p>Condition reason: To ensure the builder or person who does the residential building work, complies with the applicable requirements of Part 6 of the <i>Home and Building Act 1989</i>.</p>
5.	<p>SECTION 7.12 CONTRIBUTION</p> <p>A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the <i>Environmental Planning and Assessment Act 1979</i> and the Waverley Council Development Contributions Plan in accordance with the following:</p> <p>(a) Where the total development cost is \$500,000 or less:</p> <p style="padding-left: 40px;">(i) a Cost Summary Report or Building Contract or similar is to be submitted to Council's Customer Service Centre to process payment.</p> <p>(b) Where the total development cost is more than \$500,000 but less than \$1,000,000:</p>

	<p>(i) a Detailed Cost Report prepared by a registered Quantity Surveyor, Building Contract, or similar is to be submitted to Council’s Customer Service Centre to process payment.</p> <p>(c) Where the total development cost is \$1,000,000 or more:</p> <p>(i) 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).</p> <p>- Please forward documents to info@waverley.nsw.gov.au attention to Strategic Planning, and reference the relevant application number, address and condition number to satisfy.</p> <p>(ii) 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.</p> <p>(iii) 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.</p> <p>A copy of the required format for the cost reports are provided in the Waverley Council Contributions Plan, available on Council’s website.</p> <p>(d) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, the levy must be paid in accordance with the following;</p> <p>(i) A development valued at \$100,000 or less will be exempt from the levy;</p> <p>(ii) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% of the <u>full</u> cost of the development; or</p> <p>(iii) A development valued at more than \$200,000 will attract a levy of 1% of the <u>full</u> cost of the development.</p> <p>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.</p> <p>Condition reason: To ensure the Section 7.12 Contributions are paid.</p>
6.	<p>SECURITY DEPOSIT</p> <p>A deposit (cash or cheque) for the amount of \$30,341.26 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.</p> <p>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</p>

	<p>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.</p>
	<p>Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.</p>
7.	LONG SERVICE LEVY
	<p>A long service levy, as required under section 34 of the <i>Building and Construction Industry Long Service Payments Act, 1986</i>, 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.</p> <p><u>Note</u>: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.25% of building work costing \$250,000 or more.</p>
	<p>Condition reason: To ensure the long service levy is paid.</p>
8.	ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES
	<p>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.</p> <p>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.</p>
	<p>Condition reason: To ensure Council assessment fees are paid.</p>
9.	HOARDING
	<p>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.</p>
	<p>Condition reason: To ensure safety to the general public.</p>
10.	EROSION & SEDIMENT CONTROL
	<p>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.</p>

	<p>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.</p> <p>The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.</p> <p>Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>
11.	<p>DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION</p> <p>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.</p> <p>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.</p> <p>Condition reason: To ensure any excavation, shoring or pile construction is carried out in a safe manner.</p>
12.	<p>ENGINEERING DETAILS</p> <p>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.</p> <p>Condition reason: To ensure structural stability of work on site.</p>
13.	<p>STORMWATER MANAGEMENT</p> <p>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.</p> <p>The submitted stormwater management plan prepared by NY Civil Engineering, Job No. E230129, Drawing No. D1 to D9 (Rev A), dated 19/04/2023 are considered <u>concept only</u>.</p> <p>The applicant must submit amended plans and specifications to comply with the current Waverley Council Water Management Technical Manual and Development Control Plan</p>

(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 shall be updated to be consistent with the architectural drawings.
- b) The rainwater tank shall not be directly connected to the On-site Stormwater Detention (OSD) tank with a weir separation. The rainwater tank system must be re-designed to collect roof water only.
- c) Details of any rainwater tank (RWT) 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. The rainwater tank must have a minimum capacity of 2 x 1600 litres.
- d) A minimum of two 600 mm square access grates shall be installed over the OSD tank. This is to provide adequate ventilation to prevent the accumulation of noxious odours and to provide convenient access for routine maintenance and inspection of the tank. One grate shall be placed over OSD outlet pipe and orifice plate.
- e) 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.
- f) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location shall be provided. Calculations demonstrating that the proposed stormwater drainage system can cater for the relevant design storm event shall be provided.
- g) A sediment control stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- h) 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.
- i) Show sub-soil drainage restricted from entering the basement areas of the building and the stormwater drainage system by waterproofing and tanking the basement areas of the building in accordance with a Registered Structural Engineer's design.
- j) Seepage water must not be directly or indirectly discharged to Council's street gutter.
- k) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.

Notes:

	<ul style="list-style-type: none"> • 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 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.
	Condition reason: To ensure the proper management of stormwater runoff.
14.	<p>BASIX</p> <p>All requirements of the BASIX Certificate and/or NatHERS documentation are to be shown on the Construction Certificate plans and documentation.</p>
	Condition reason: To ensure BASIX and/or NatHERS requirements are met.
15.	<p>SITE WASTE AND RECYCLING MANAGEMENT PLAN</p> <p><i>A Site Waste and Recycling Management Plan (SWRMP) - Part 2</i> 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 <i>SWRMP Part 2</i> 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.</p>
	Condition reason: To ensure resource recovery is promoted and the local amenity is protected during construction.
16.	<p>CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)</p> <p>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:</p> <p>https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent</p>

	<p>Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p>
<p>17.</p>	<p>DILAPIDATION REPORT</p> <p>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.</p> <p>The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site.</p> <p>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.</p> <p>Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.</p>

BEFORE BUILDING WORK COMMENCES

Condition	
18.	<p>CONSTRUCTION SIGNS</p> <p>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.</p> <p>Condition reason: To ensure the general public are afforded the Principal Certifying Authority and principal contractor's (the coordinator of the building works) contact details.</p>
19.	<p>DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS</p> <p>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:</p> <ul style="list-style-type: none"> • 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; • <i>Protection of the Environment Operations Act 1997.</i> <p>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:</p> <ol style="list-style-type: none"> 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.

	Condition reason: To ensure the safety of workers and the general public.
20.	<p>STREET TREES TO BE RETAINED/TREE PROTECTION</p> <p>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:</p> <ul style="list-style-type: none"> (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. <p>Condition reason: To protect trees during the carrying out of site work.</p>

DURING BUILDING WORK

Condition	
21.	<p>CONTROL OF DUST ON CONSTRUCTION SITES</p> <p>The following requirements apply to demolition and construction works on site:</p> <p>(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.</p> <p>(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.</p> <hr/> <p>Condition reason: To ensure the safety of workers and the general public.</p>
22.	<p>CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS</p> <p>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.</p> <hr/> <p>Condition reason: To ensure compliance with the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines 2014.</p>
23.	<p>EXCAVATION AND BACKFILLING</p> <p>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.</p> <p>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.</p> <hr/> <p>Condition reason: To ensure structural stability of work on site and general safety.</p>
24.	<p>CONSTRUCTION HOURS</p> <p>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.</p>

	<p>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.</p> <p>Noise from construction activities shall comply with the <i>Protection of the Environmental Operations (Noise Control) Regulation 2017</i>.</p>
	<p>Condition reason: To protect the amenity of the surrounding area.</p>
25.	STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS
	<p>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.</p>
	<p>Condition reason: To ensure the building works are constructed in accordance with the relevant legislation.</p>
26.	CERTIFICATE OF SURVEY - LEVELS
	<p>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.</p>
	<p>Condition reason: To ensure buildings are sited and positioned in the approved location.</p>
27.	CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING
	<p>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.</p>
	<p>Condition reason: To ensure buildings are sited and positioned in the approved location.</p>
28.	WORK OUTSIDE PROPERTY BOUNDARY
	<p>This consent does not authorise any work outside the property boundary.</p>
	<p>Condition reason: To ensure all works are located within the property boundary.</p>

<p>29.</p>	<p>CONSTRUCTION OF SWIMMING POOLS AND OUTDOOR SPAS</p> <p>The following applies to the construction of swimming pools and outdoor spas:</p> <ul style="list-style-type: none"> (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. <p>Condition reason: To ensure pools are constructed in a correct manner.</p>
<p>30.</p>	<p>RECONSTRUCT VEHICLE CROSSING</p> <p>The existing vehicle crossing is to be demolished and a new crossing constructed to provide access to the proposed garages. A separate application is required for the vehicle crossing, with all work to be carried out with the approval of and in accordance with the requirements of Council.</p> <p>The crossing is to be 5.0 metres wide at the property boundary. The width at the street is to be 3.0 metres plus 0.45 metre splays</p> <p>Condition reason: To ensure an appropriate vehicle crossing is constructed.</p>
<p>31.</p>	<p>VEHICULAR ACCESS - FINISHED LEVEL TO FOOTPATH</p> <p>The gradient from the finished level at the property boundary to the footpath shall be a minimum of 2% and a maximum of 5% down towards the footpath on both sides of the vehicle crossing</p> <p>Condition reason: To ensure an appropriate vehicle crossing is constructed.</p>
<p>32.</p>	<p>HEADROOM CLEARANCE</p> <p>The headroom clearance on the entry and within the garages is to be a minimum of 2.2 metres</p> <p>Condition reason: To ensure an appropriate head height is provided for vehicles.</p>

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition	
33.	<p>FINAL OCCUPATION CERTIFICATE</p> <p>Prior to occupation or use of the development, an Occupation Certificate must be obtained.</p> <p>The Principal Certifying Authority must be satisfied that the requirements of the <i>Environmental Planning & Assessment Act 1979</i> have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.</p> <p>Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.</p>
34.	<p>CERTIFICATION OF BASIX COMMITMENTS</p> <p>The Principal Certifying Authority shall certify that the all the undertakings in the approved BASIX certificate have been completed.</p> <p>Condition reason: To ensure all the undertakings in the approved BASIX certificate have been completed.</p>
35.	<p>CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD and RWT</p> <p>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) and Rainwater Tank (RWT) system, under Section 88E of the Conveyancing Act 1919. This is to place a restriction on the Title that the OSD and RWT system are 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 and RWT system without consent from Council.</p> <p>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.</p> <p>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 and RWT system, including its relationship to the building footprint. Electronic color photographs of the OSD and RWT system shall accompany the application for the Positive Covenant and Restriction on the Use of Land.</p> <p>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.</p> <p>Condition reason: To ensure the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.</p>

36.	<p>CERTIFICATION OF SWIMMING POOL/OUTDOOR SPA</p> <p>Prior to the pool being used, the following must be provided;</p> <p>(a) Certification that the pool has been constructed in accordance with the consulting engineers design;</p> <p>(b) Evidence that the swimming pool/outdoor spa has been registered on the State Government Swimming Pool Register (http://www.swimmingpoolregister.gov.au);</p> <p>(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;</p> <p>(d) A copy of the occupation certificate must be submitted to Council.</p> <p>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.</p> <p>Condition reason: To ensure the swimming pool/outdoor spa has been constructed appropriately to ensure the safety of users.</p>
37.	<p>STREET NUMBERS</p> <p>The street number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary that fronts the street. Should the number be fixed to an awning then it shall be a minimum 150mm high.</p> <p>Condition reason: To ensure the property address is clearly identified.</p>
38.	<p>ALLOCATION OF STREET NUMBER</p> <p>a) The redevelopment or subdivision of the property requires the allocation of street numbers as follows:</p> <p style="padding-left: 40px;">i. No. 304A for the south allotment;</p> <p style="padding-left: 40px;">ii. No. 304B for the north allotment.</p> <p>b) The premises number for the properties shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level, located near the pedestrian entry point for each lot and be clearly visible on the site boundary that fronts Military Road.</p> <p>c) The address number for a sub-address site shall not consist of the primary address site number on its own.</p> <p>d) The address number for a sub-address site shall not consist of the primary address number with an alpha suffix.</p>

	<p>e) Sub-address numbers shall be applied in a logical sequence in the street and within a primary address site shall be unique regardless of the type of the address.</p>
	<p>Condition reason: To ensure the property address is clearly identified.</p>
<p>39.</p>	<p>FLOOR SPACE RATIO</p>
	<p>The following applies to Floor Space Ratio:</p> <p>(a) The Gross Floor Area of the building shall be limited to 315.91m².</p> <p>(b) Prior to any Occupation Certificate (including Interim) being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in 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.</p>
	<p>Condition reason: To ensure the constructed development complies with the approved floor space ratio.</p>

GENERAL ADVISORY NOTES

Condition	
1.	<p>DEVELOPMENT IS TO COMPLY WITH LEGISLATION</p> <p>This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation.</p>
2.	<p>DEVELOPMENT MUST MEET CONDITIONS OF CONSENT</p> <p>The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.</p>
3.	<p>POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT</p> <p>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:</p> <ul style="list-style-type: none"> • Please read your conditions carefully. • Information to be submitted to Council should be either via email to info@waverley.nsw.gov.au , in person (at Council’s Customer Service Centre) or via post service. • Attention the documentation to the relevant officer/position of Council (where known/specified in condition) • Include DA reference number • Include condition number/s seeking to be addressed • Where multiple conditions need Council input, please try to group the documentation / email/s into relevant subjects (multiple emails for various officers may be necessary, for example). • Information to be submitted in digital format – refer to ‘Electronic lodgement guidelines’ on Council’s website. Failure to adhere to Council’s naming convention may result in documentation being rejected. • Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information. • Please note in some circumstances, additional fees and/or additional documents (hard copy) may be required. • Council’s standard for review (from date the relevant officer receives documentation) is 14days. Times may vary or be delayed if information is not received in this required manner. • Any queries, please contact Council’s Duty Planner on duty.planner@waverley.nsw.gov.au
4.	<p>SYDNEY WATER REQUIREMENTS</p> <p>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.</p>

	<p>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.</p> <p>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.</p>
5.	<p>SYDNEY WATER CERTIFICATE</p> <p>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.</p> <p>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.</p>
6.	<p>DIAL BEFORE YOU DIG</p> <p>Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.</p>
7.	<p>TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)</p> <p>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.</p>
8.	<p>EXCAVATION TO BE LIMITED</p> <p>Excavation shall be limited to that shown in the approved plans. Any further excavation will require Council approval.</p>
9.	<p>TREE REMOVAL/PRESERVATION</p> <p>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.</p>

10.	<p>WORK OUTSIDE PROPERTY BOUNDARY</p> <p>This consent does not authorise any work outside the property boundary.</p>
11.	<p>ECOLOGICALLY SUSTAINABLE DEVELOPMENT RECOMMENDATIONS</p> <p><u>Indoor air quality:</u></p> <p>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.</p> <p><u>Ventilation:</u></p> <p>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.</p> <p><u>Domestic hot water:</u></p> <p>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</p>

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means Waverley Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Waverley Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:
the collection of stormwater,

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Sydney Eastern City Planning Panel.

Suitably qualified acoustic consultant means 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.

AMENDED PLANS

BASIX/NATHERS Project Commitments		
Proposed: Proposed Double Storey Dual Occupancy with Basement Garage and Outdoor Pool(s)		
Address: 304 Military Road, Dover Heights NSW		
Lot No. / DP: 29/9036		
Note: Refer to certifications for full details and confirmation of all items		
Water (All Dwellings)		
Features	Specification	
Shower Head Rating	4 star (> 6 but <= 7.5 L/min)	
Toilet Rating	3 star	
Kitchen Taps Rating	3 star	
Bathroom Taps Rating	3 star	
Alternative Water Details		
Individual Rainwater Tank(s)	Minimum 1,600L rainwater tank(s) to collect runoff from entire roof area	
Pool Details		
Outdoor Pool(s)	Both Dwellings	Maximum 16.4kL volume
Thermal Comfort		
External Walls		Requirements
Brick/155mm Dincel Structural Walling	Both Dwellings	Per wall assembly
155mm Dincel Structural Walling	Both Dwellings	Per wall assembly
Internal Walls		
Cavity Wall, Direct Fix Plasterboard	Both Dwellings	Glass fibre batt: R2.5 to Bathroom internal walls
Ceiling		
External Ceiling - Suspended Concrete Slab	Both Dwellings	R2.1 rigid insulation board
External Ceiling - Plasterboard	Both Dwellings	Glass fibre batt: R5.0
Roof		
Sheet Metal Roof	Both Dwellings	55mm Foil Backed Blanket under Sheet Metal Roof
Floors		
Concrete Slab On Ground	Both Dwellings	No Insulation
Suspended Slab (Ground Floor over Basement)	Both Dwellings	R2.3 rigid board under slab insulation (where in contact with earth only)
Suspended Slab (First Floor)	Both Dwellings	R1.75 rigid board insulation
Ceiling Fans		
≥ 900mm diameter	Dwelling B	(1No.) to Bed 3
Windows (Refer to NATHERS Certificate for locations and confirmation of all values)		
BRD-06-07 A SIG Fixed Lite (67mm) 5G 4ET	Both Dwellings	≤ U-value 4.12 and SHGC 0.63 - 0.69
BRD-06-16 A Signature Awning Window 100 5G 4C4r	Both Dwellings	≤ U-value 6.85 and SHGC 0.61 - 0.67
BRD-06-01 A SIG Fixed Lite (67mm) 5G 4C4r	Dwelling A	≤ U-value 6.02 and SHGC 0.74 - 0.82
BRD-140-36 A Signature Sliding Stacking Door 5G 638LowE4r	Both Dwellings	≤ U-value 4.33 and SHGC 0.57 - 0.63
BRD-034-28 A SIG Sliding Door (100mm) 5G 638LowE4r	Dwelling A	≤ U-value 4.18 and SHGC 0.57 - 0.63
BRD-140-01 A Signature Sliding Stacking Door 5G 4r4r4r	Dwelling A	≤ U-value 6.34 and SHGC 0.70 - 0.78
BRD-079-16 A Signature Double Hung Window 100 5G 4C4r	Dwelling A	≤ U-value 6.49 and SHGC 0.63 - 0.69
BRD-081-17 A Signature Awning Window 100 5G 4EA	Both Dwellings	≤ U-value 5.59 and SHGC 0.53 - 0.59
BRD-141-21 A Signature Sliding Stacking Door DG LightBridge_Cir50_4-10-4	Dwelling B	≤ U-value 2.84 and SHGC 0.48 - 0.54
BRD-064-02 A SIG Fixed Lite (67mm) DG 4ET-6A-4	Dwelling B	≤ U-value 2.88 and SHGC 0.56 - 0.62
BRD-079-17 A Signature Double Hung Window 100 5G 4EA	Dwelling B	≤ U-value 4.98 and SHGC 0.54 - 0.60
Energy		
Hot Water (Both Dwellings)		Rating
Individual System	Gas instantaneous	6 star
Ventilation (Both Dwellings)		
Bathroom Ventilation System	Individual fan, ducted to facade or roof - manual switch on/off	
Kitchen Ventilation System	Individual fan, ducted to facade or roof - manual switch on/off	
Laundry Ventilation System	Individual fan, ducted to facade or roof - manual switch on/off	
Cooling (Both Dwellings)		
Individual Systems - Living Areas	1-phase airconditioning	EER 3.0 - 4.0
Individual Systems - Bedroom Areas	1-phase airconditioning	EER 3.0 - 4.0
Heating (Both Dwellings)		
Individual Systems - Living Areas	1-phase airconditioning	EER 3.0 - 3.5
Individual Systems - Bedroom Areas	1-phase airconditioning	EER 3.0 - 3.5
Appliances (Both Dwellings)		
Cooktop/Oven	Electric cooktop & electric oven	
Well Ventilated Fridge Space	No	
Outdoor/Unsheltered Clothes Drying Line	Yes	
Indoor/Sheltered Clothes Drying Line	No	
Artificial Lighting (Both Dwellings)		
Dedicated fluorescent or LED fitting	Bedrooms/Study	To 4 of Both Dwellings
Dedicated fluorescent or LED fitting	Living/Dining	To 2 of Both Dwellings
Dedicated fluorescent or LED fitting	Kitchen	Yes
Dedicated fluorescent or LED fitting	Bathrooms/Toilets	Yes
Dedicated fluorescent or LED fitting	Laundry	Yes
Dedicated fluorescent or LED fitting	Hallways	Yes
Pool Details (Both Dwellings)		
Outdoor Pool(s)	Both Dwellings	Solar (Gas boosted), Pump Timer
Alternative Energy		
Photovoltaic System	Dwelling A	Capacity to produce a minimum of 1.7kW of peak electricity

Development Application
304 Military Road, Dover Heights
 Lot 29 DP9036
 5-Sep-23

Issue:
 02

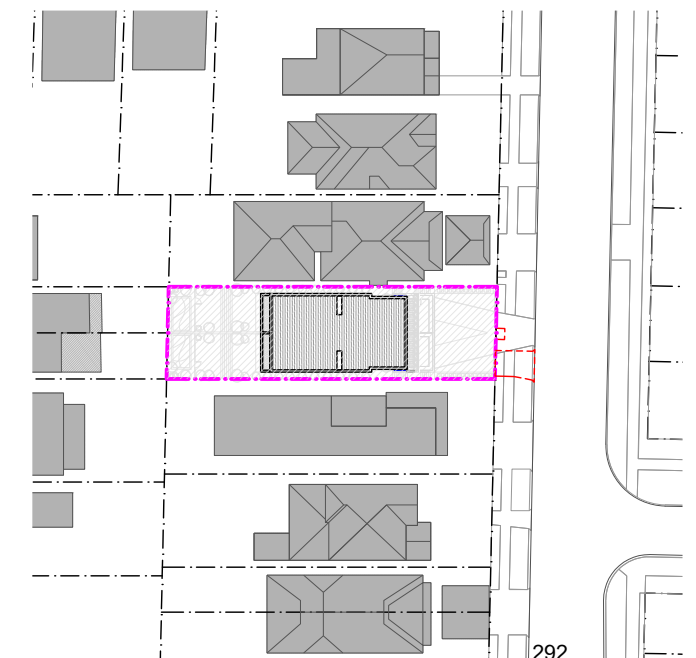
Common Office respectfully acknowledges the Traditional Owners, the Gadigal and Biddjigal People of the Eora Nation. We pay our respects to elders past, present and emerging. This is, was, and always will be, Aboriginal Land.

Common Office

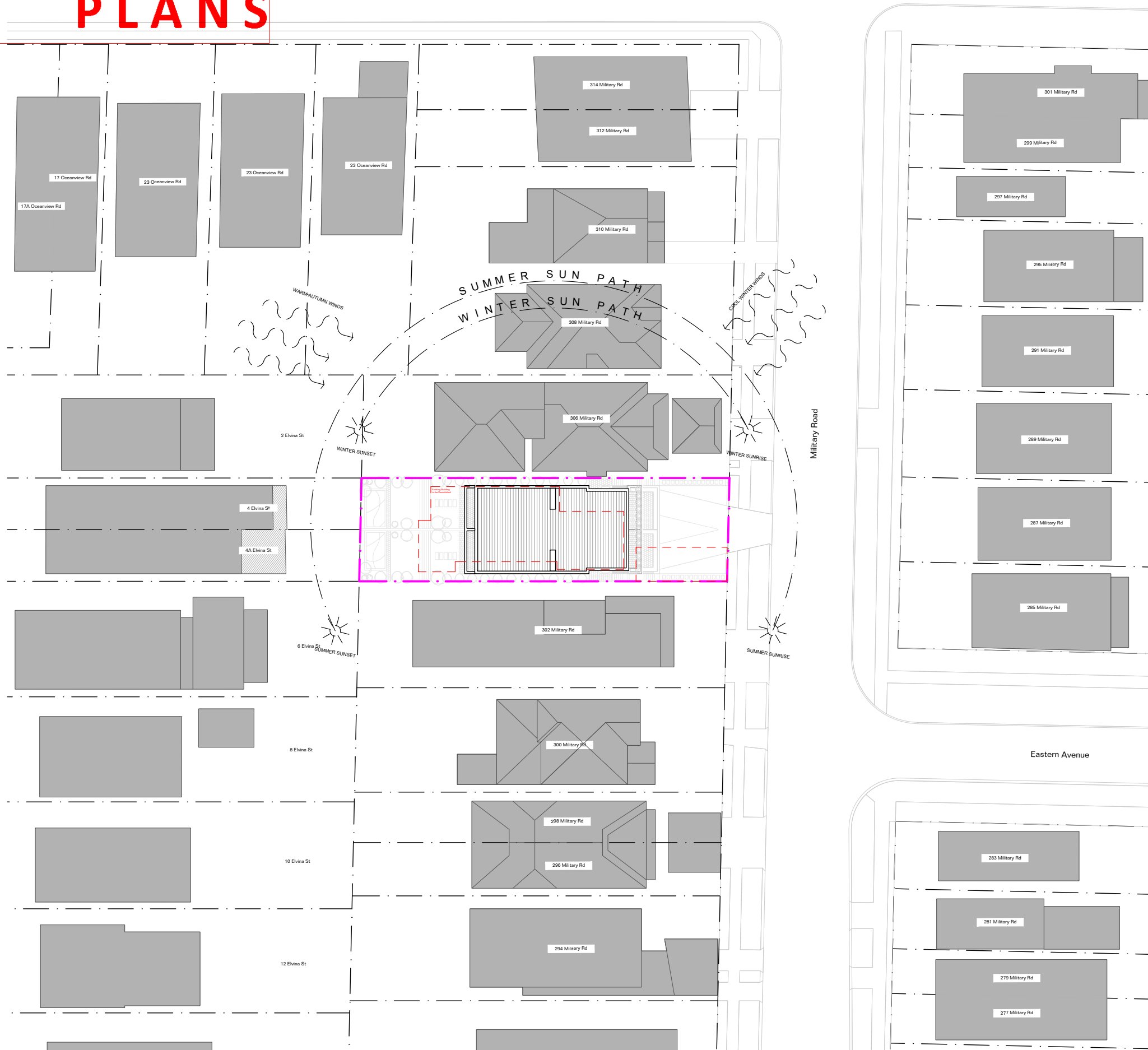
L1, 45 Hutchinson St
 Surry Hills
 NSW Australia
 02 9055 9261
 www.common-office.com

DWG NO.	REV.	DRAWING NAME	SCALE
DA000	02	Cover Page	nts
DA100	02	Site and Analysis Plan	1:500
DA101	02	Predominate Setbacks	1:500
DA102	02	Massing Diagrams	NTS
DA103	02	Streetscape Diagrams	1:300
DA200	02	Basement	1:200
DA201	02	Ground Floor	1:200
DA202	02	First Floor	1:200
DA203	02	Roof Plan	1:200
DA204	02	Street Parking Diagram	1:200
DA300	02	North & South Elevations	1:200
DA301	02	East & West Elevations	1:200
DA400	02	Sections	1:200
DA500	02	Areas GFA	1:200
DA501	02	Areas Landscape	1:250
DA502	02	Tree Management Plan	1:200
DA503	02	Waste Management Plan	1:200
DA600	02	External Material Schedule	NTS
DA601	02	Photomontage	NTS

RECEIVED
Waverley Council
Application No: DA-118/2023
Date Received: 05/09/2023



AMENDED PLANS



RECEIVED
Waverley Council
Application No: DA-118/2023
Date Received: 05/09/2023

For DA Only

Gas cooktops, gas ovens and gas internal heaters have been replaced with electric.

02 05/09/23 Response to RFI
01 05/06/23 Response to RFI
00 28/04/23 DA Submission
REVISIONS

Legend:
 To be demolished
 Line of previous DA

Notes
 1. All works to be in accordance with the building code of Australia, national construction code (NCC), Australian standards statutory regulations and local authority req.
 2. Contractor to ensure consistency between materials is maintained
 3. Contractor to notify designer of any discrepancies, dimensional inconsistencies or the need for clarification prior to manufacturing
 4. Designer to review all contractors detailed drawings / setting out prior to construction.
 5. Contractor to liaise with electrical contractors to ensure all power/data/communication requirements are accessible.
 6. All dimensions to be verified on site - do not scale
 7. All works to be verified against drawings following construction and designer to be notified of any discrepancies prior to proceeding with next trade

WATER:
 Filtration:
 • Showers/baths: 4 star (4 bed 7.5 Litres); Toilet flushing systems: 3 star
 • Kitchen taps: 3 star; Bathroom taps: 3 star
Alternative Water Source:
 • Individual water tank (min. 1L Tank size (min) 1000.0 litres. To collect runoff from at least 9% Sqm of roof area. Landscape, toilet, laundry connection
 • Outdoor pool, max 16 kL volume
ENERGY:
Hot Water:
 • Gas instantaneous 6 star
Ventilation System:
 • Bathroom, Kitchen and Laundry: Individual fan, ducted to facade or roof, manual switch control
Lighting and Heating:
 • 1 (per room) air conditioning EER 3.0-3.5 (zoned) to living room areas
 • Pool:
 • Solar (gas boosted) pool heating systems, pump timer
Artificial Lighting:
 • 4 (dedicated) bedrooms & study; 2 (dedicated) living &/or dining rooms; each (dedicated) kitchen, all (dedicated) bathrooms/baths, each (dedicated) laundry; all (dedicated) hallways
Natural Lighting:
 • 1 (bedrooms &/or study); Main kitchen
Appliances & other efficiency measures:
 • Private outdoor or unsharpened clothes drying line
Alternative energy:
 • Dwelling A: 1.7 photovoltaic system (min rated electrical output in peak kW)
THERMAL COMFORT:
 • Dwelling A: Area adjusted heating load (in kWh/m²/yr) 27.5; Area adjusted cooling load (in kWh/m²/yr) 25.6
 • All other dwellings: Area adjusted heating load (in kWh/m²/yr) 39.7; Area adjusted cooling load (in kWh/m²/yr) 25.9
CONSTRUCTION:
Windows:
 • Bath-dressing U-value 4.12, SHGC 0.63-0.69; U-value 6.85, SHGC 0.61-0.67; U-value 4.33, SHGC 0.57-0.63; U-value 5.09, SHGC 0.63-0.69
 • Dwelling A: U-value 6.02, SHGC 0.74-0.82; U-value 4.18, SHGC 0.57-0.63; U-value 6.34, SHGC 0.70-0.78; U-value 6.49, SHGC 0.63-0.69
 • Dwelling B: U-value 2.8, SHGC 0.48-0.54; U-value 2.8, SHGC 0.56-0.62; U-value 4.96, SHGC 0.54-0.60
External Wall Type:
 • Brick/150mm Concrete Structural Wall; 0.3 Solar Absorption; Polystyrene external (R=1.028) (R2.6)
 • 200mm Concrete Structural Wall; 0.5 Solar Absorption; Polystyrene external (R=1.028) (R2.6)
Internal Walls:
 • Candy Wall, Class F11 Plasterboard; Glass fibre batt; R2.9 to bathroom internal walls
Ceiling:
 • 300mm Concrete Slab, no insulation; 300mm Concrete Slab, R1.8 bulk insulation; Plasterboard, no insulation; Plasterboard, R2.1 bulk insulation
Floor:
 • 300mm Suspended Slab, 0.5 Solar Absorption; 300mm Slab - 500 Substrate, 0.5 Solar Absorption; 300mm Suspended Slab - External Insul, 0.5 Solar Absorption; Flat Framed (metal decks), 0.8 Solar Absorption
Roof:
 • Concrete Slab on Ground, no insulation; 300mm Concrete Slab Lined, no insulation; 300mm Concrete Slab Lined, R1.8 added insulation; 300mm Concrete Slab Lined, Elevated sub-floor ventilation, R1.8 added insulation
Ceiling Fans:
 • Dwelling B: Ceiling fan to Bed 3

Consultants:
 Designer:
 Sturdevant Consulting

Common Office
 L1, 45 Hutchinson St
 Surry Hills
 NSW Australia
 +61 1413555547
 www.common-office.com

Project
 304 Military Road,
 Dover Heights
 Date
 5-Sep-23
 Scale
 1:500 at A3
 Drawn
 JH, RM

Drawing
 Site And Analysis
 Plan
 Project No
 2214
 Drawing No
 293
 Rev
 DA100[02]

AMENDED PLANS

Single Level Building Form

Double Level Building Form



RECEIVED
Waverley Council

Application No: DA-118/2023

Date Received: 05/09/2023

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Gas cooktops, gas ovens and gas internal heaters have been replaced with electric.

02 05/09/23 Response to RFI
01 05/06/23 Response to RFI
00 28/04/23 DA Submission
REVISIONS

Legend:

Red dashed line: To be demolished

Blue dashed line: Line of previous DA

Notes

- All works to be in accordance with the building code of australia, national construction code (ncc), australian standards statutory regulations and local authority req.
- Contractor to ensure consistency between materials is maintained
- Contractor to notify designer of any discrepancies, dimensional inconsistencies or the need for clarification prior to manufacturing
- Designer to review all contractors detailed drawings / setting out prior to construction.
- Contractor to liaise with electrical power/data/communication requirements are accessible.
- All dimensions to be verified on site - do not scale
- All works to be verified against drawings following construction and designer to be notified of any discrepancies prior to proceeding with next trade

SEWER: (dedicated) laundry; all (dedicated) bathrooms

WATER: (dedicated) laundry; all (dedicated) bathrooms

Plumbing:

- Showers/baths: 4 star (4-bulb T10 Limited); Toilet flushing systems: 3 star
- Kitchen taps: 3 star; Bathroom taps: 3 star
- Appliances & other efficiency measures
- Private outdoor or unshowered clothes drying the alternative energy
- Drinking water: 1.7 photovoltaic system (min rated electrical output in peak kW)
- Thermal loads
- Drinking water: Area adjusted heating load (in mJ/m²/yr) 27.5; Area adjusted cooling load (in mJ/m²/yr) 25.6
- Other: Area adjusted heating load (in mJ/m²/yr) 39.7; Area adjusted cooling load (in mJ/m²/yr) 25.9

CONSTRUCTION:

Windows:

- Double glazing U-value 4.12, SHGC 0.63-0.69; U-value 6.85, SHGC 0.61-0.67; U-value 4.33, SHGC 0.57-0.63; U-value 5.09, SHGC 0.63-0.69
- Double glazing U-value 6.02, SHGC 0.74-0.82; U-value 4.16, SHGC 0.57-0.63; U-value 6.34, SHGC 0.70-0.78; U-value 6.49, SHGC 0.63-0.69
- Double glazing U-value 2.8, SHGC 0.48-0.54; U-value 2.88, SHGC 0.56-0.62; U-value 4.96, SHGC 0.54-0.60

External Wall Type:

- Brick/150mm Concrete Structural Wall; 0.3 Solar Absorption; Polystyrene external (R=1.028)(R2.6)
- 200mm Concrete Structural Wall; 0.5 Solar Absorption; Polystyrene external (R=1.028)(R2.6)
- Internal Walls:
 - Carry Wall, Class F11 Plasterboard; Glass fibre batt; R2.9 to bathroom internal walls
 - 300mm Concrete Slab, no insulation; 300mm Concrete Slab, R1.8 bulk insulation; Plasterboard, no insulation; Plasterboard, R2.1 bulk insulation
 - 300mm Concrete Slab, no insulation; 300mm Concrete Slab, R1.8 bulk insulation; Plasterboard, RE.3 bulk insulation
 - 300mm Suspended Slab, 0.5 Solar Absorption; 300mm Slab -500 Substrate, 0.5 Solar Absorption; 300mm Suspended Slab - External Insul, 0.5 Solar Absorption; Flat Framed (metal decks), 0.8 Solar Absorption
 - Concrete Slab on Ground, no insulation; 300mm Concrete Slab Limited, no insulation; 300mm Concrete Slab Limited, R1.8 added insulation; 300mm Concrete Slab Limited, Elevated sub-floor ventilation, R1.8 added insulation
 - Ceiling Fans:
 - Dwelling B: Ceiling fan to Bed 3

Consultants:

Common Office

Sturmer Consulting

Common Office

L1, 45 Hutchinson St
Surry Hills
NSW Australia
+61 14 13555547
www.common-office.com

Project
304 Military Road,
Dover Heights

Date
5-Sep-23

Scale
1:500 at A3

Drawn
JH, RM

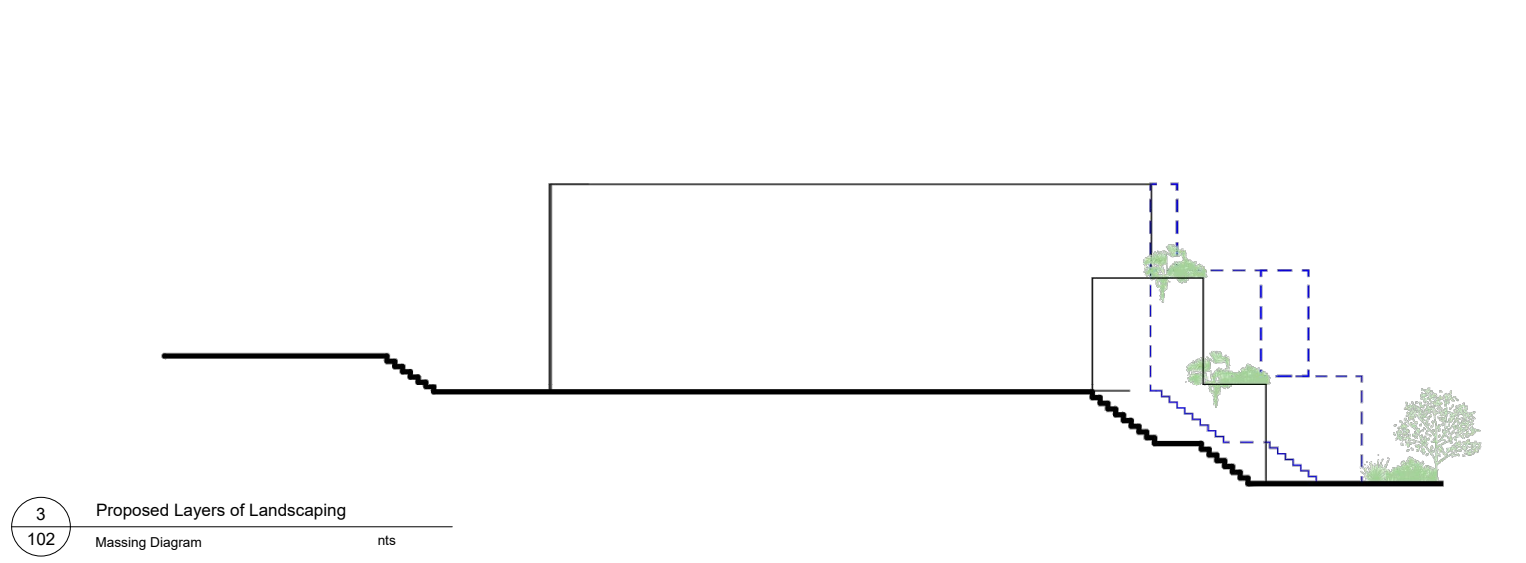
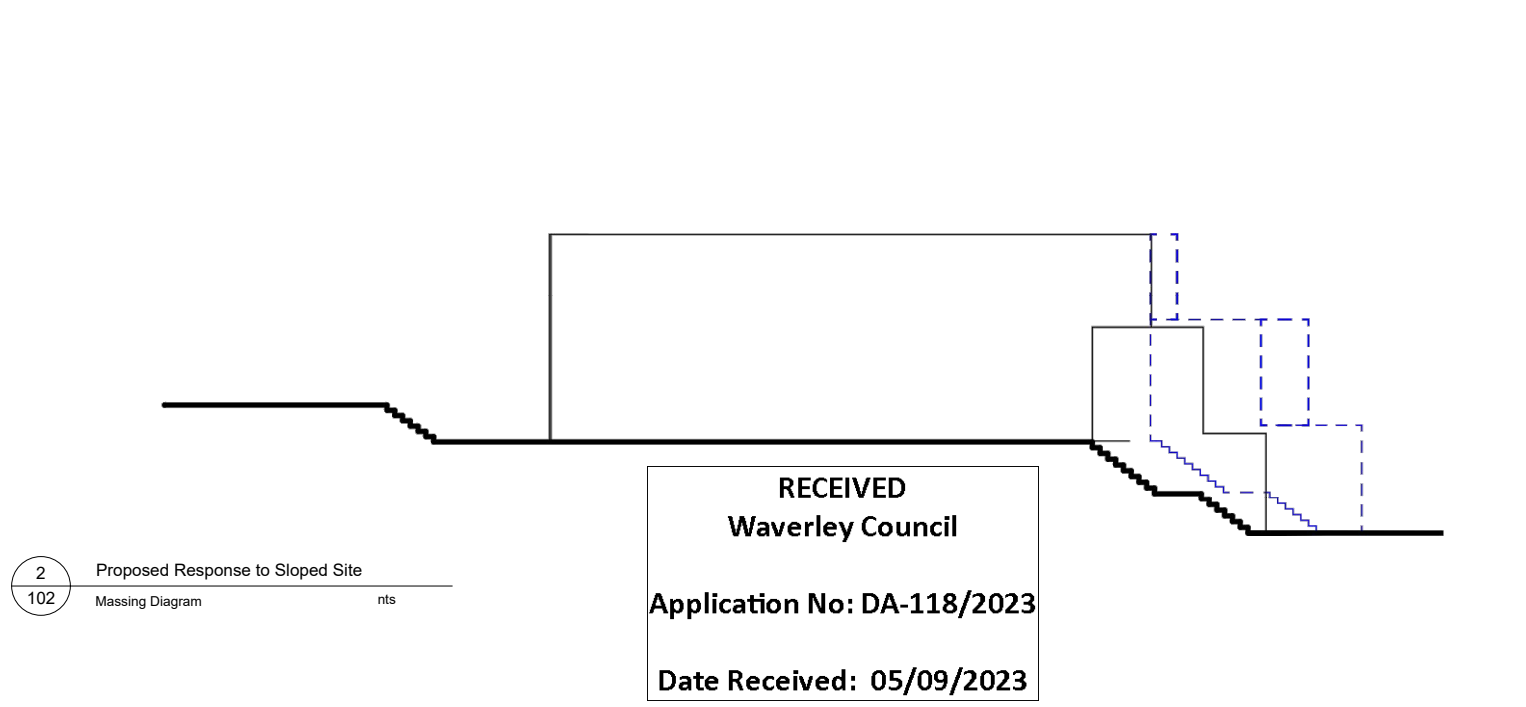
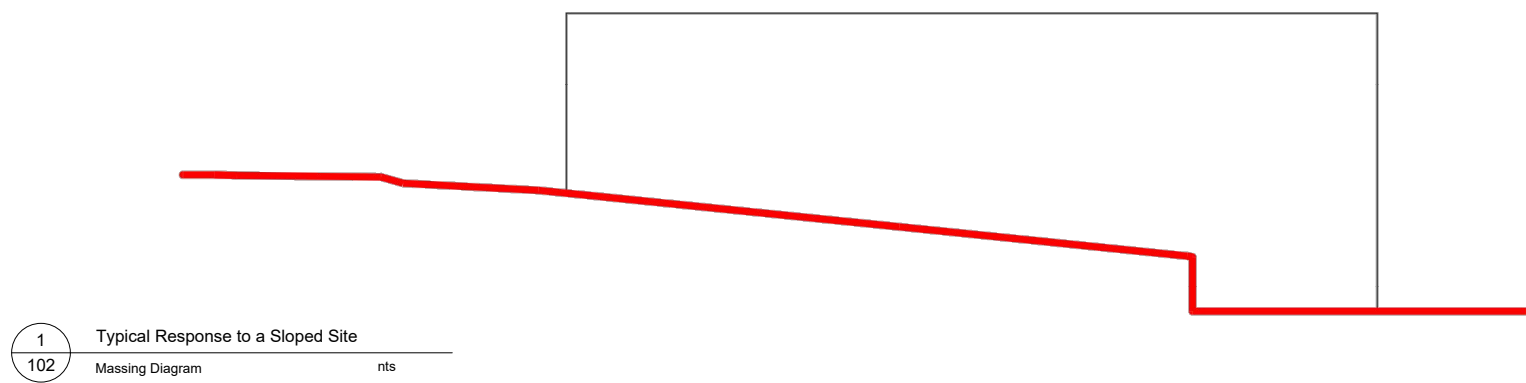
Drawing
Predominate
Setbacks

Project No
2214

Drawing No
294

Rev
DA101[02]

AMENDED PLANS



For DA Only

02 05/09/23 Response to RFI
01 05/06/23 Response to RFI
00 28/04/23 DA Submission

REVISIONS

Legend:

--- To be demolished
--- Line of previous DA

Notes

- All works to be in accordance with the building code of australia, national construction code (ncc), australian standards statutory regulations and local authority req.
- Contractor to ensure consistency between materials is maintained
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- Designer to review all contractors detailed drawings / setting out prior to construction.
- Contractor to liaise with electrical contractors to ensure all power/data/communication requirements are accessible.
- All dimensions to be verified on site - do not scale
- All works to be verified against drawings following construction and designer to be notified of any discrepancies prior to proceeding with next trade

WATER:

Plumbing:

- Showers/baths: 4 star (4 hot 7½ Litres); Toilet flushing systems: 3 star
- Kitchen taps: 3 star; Bathroom taps: 3 star

Alternative Water Source:

- Individual water tank (no. 1); Tank size (min) 1000.0 litres. To collect run-off from at least 91.5sqm of roof area; Landscape, toilet, laundry connection
- Outdoor pool: max 18 000 litres

ENERGY:

Hot Water:

- Gas instantaneous 6 star

Ventilation System:

- Bathroom, Kitchen and Laundry: Individual fan, ducted to facade or roof; manual switch control

Cooling and Heating:

- 1 split air conditioning EER 3.0-3.5 (zoned) to living room areas
- 1 split air conditioning EER 3.0-3.5 (zoned) to bedroom areas

Pool:

- Solar (gas boosted) pool heating systems; pump timer

Artificial Lighting:

- 4 (dedicated) bedrooms &/or study; 2 (dedicated) living &/or dining rooms; each (dedicated) kitchen, all (dedicated) bathrooms/baths, each

External Wall Type:

- Brick/150mm Gypsum Structural Wall; 0.3 Solar Absorption; Polystyrene external (R 1.0/0.029 R2.0)
- 200mm Gypsum Structural Wall; 0.5 Solar Absorption; Polystyrene external (R 1.0/0.029 R2.0)

Internal Walls:

- Carry Wall, Direct Fix Plasterboard; Glass fibre batt; R2.0 to bathroom internal walls
- 300mm Concrete Slab, no insulation; 300mm Concrete Slab, R1.8 bulk insulation; Plasterboard, no insulation; Plasterboard, R0.1 bulk insulation; Plasterboard, RE.3 bulk insulation
- 300mm Suspended Slab, 0.5 Solar Absorption; 300mm Slab -500 Substrate; 0.5 Solar Absorption; 300mm Suspended Slab - External Insul. 0.5 Solar Absorption; Flat Framed (meat decks); 0.8 Solar Absorption
- Concrete Slab on Ground, no insulation; 300mm Concrete Slab Lined, no insulation; 300mm Concrete Slab Lined, R1.8 added insulation; 300mm Concrete Slab Lined, Elevated sub-floor ventilation, R1.8 added insulation
- Dwelling B: Ceiling fan to Bed 3

Roof:

- 300mm Concrete Slab, no insulation; 300mm Concrete Slab Lined, no insulation; 300mm Concrete Slab Lined, R1.8 added insulation; 300mm Concrete Slab Lined, Elevated sub-floor ventilation, R1.8 added insulation

Windows:

- Brick-veneer U-value 4.12, SHGC 0.63-0.69; U-value 6.85, SHGC 0.61-0.67; U-value 4.33, SHGC 0.57-0.62; U-value 5.09, SHGC 0.63-0.69
- Dwelling A: U-value 6.02, SHGC 0.74-0.82; U-value 4.18, SHGC 0.57-0.63; U-value 6.34, SHGC 0.70-0.78; U-value 6.49, SHGC 0.63-0.69
- Dwelling B: U-value 2.84, SHGC 0.48-0.54; U-value 2.84, SHGC 0.56-0.62; U-value 4.96, SHGC 0.54-0.60

Consultants:

Common Office
Sturdevant Consulting

Project:
304 Military Road,
Dover Heights

Date:
5-Sep-23

Scale:
nts at A3

Drawn:
JH, RM

Common Office
L1, 45 Hutchinson St
Surry Hills
NSW Australia
+61 14 13555547
www.common-office.com

Drawing No
295
DA102[02]

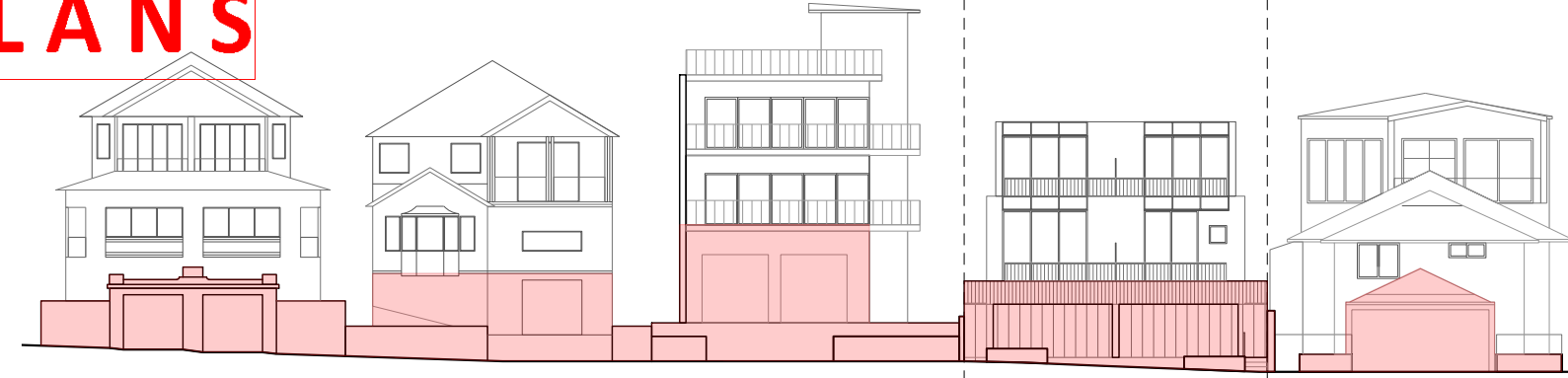
Project No
2214

Rev

Gas cooktops, gas ovens and gas internal heaters have been replaced with electric.

AMENDED PLANS

296 MILITARY ROAD 298 MILITARY ROAD 300 MILITARY ROAD 302 MILITARY ROAD SUBJECT SITE: 304 MILITARY ROAD 308 MILITARY ROAD



1 Strong Base
103 Streetscape Diagram 1:300



2 Vertical Elements
103 Streetscape Diagram 1:300



3 Recessed Elements
103 Streetscape Diagram 1:300



4 Proposed Elevation
103 Streetscape Diagram 1:300

RECEIVED
Waverley Council
Application No: DA-118/2023
Date Received: 05/09/2023

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00 28/04/23 DA Submission
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SEWER: (dedicated) laundry, all (dedicated) hallways
WATER: (dedicated) laundry, all (dedicated) hallways
FRAMES:
• Showersheads: 4 star (4 hot 7½ Litres); Toilet flushing systems: 3 star
• Kitchen taps: 3 star; Bathroom taps: 3 star
Alternative Water Source:
• Individual water tank (no. 1), Tank size (min) 1000.0 litres. To collect runoff from at least 9% of roof area. Landscape, toilet, laundry connection
ENERGY:
• Overall peak: max 16 kW volume
HOT WATER:
• Gas instantaneous 6 star
Ventilation System:
• Bathroom, Kitchen and Laundry: Individual fan, ducted to facade or roof, manual switch control
Cooling and Heating:
• 1 phase air conditioning EER 3.0-3.5 (panel) to living room areas
• 1 phase air conditioning EER 3.0-3.5 (panel) to bedroom areas
Pool:
• Solar (gas boosted) pool heating systems; pump timer
Artificial Lighting:
• 4 (dedicated) bedrooms & study; 2 (dedicated) living & dining rooms; each (dedicated) kitchen, all (dedicated) bathrooms/baths, each

INTERNAL WALL TYPE:
• Brick/150mm Gypsum Structural Wall: 0.3 Solar Absorption; Polystyrene external (R = 1.0) (0.02) (R2.0)
• 200mm Gypsum Structural Wall: 0.5 Solar Absorption; Polystyrene external (R = 1.0) (0.02) (R2.0)
Internal Walls:
• Ceiling: Vapour, Glass Fibre Insulation; Glass fibre batt: R2.0 to bathroom internal walls
Ceiling:
• 300mm Concrete Slab, no insulation; 300mm Concrete Slab, R1.8 bulk insulation; Plasterboard, no insulation; Plasterboard, R0.1 bulk insulation
Roof:
• 300mm Suspended Slab, 0.5 Solar Absorption; 300mm Slab - 500 Substrate, 0.5 Solar Absorption; 300mm Suspended Slab - External Insul, 0.5 Solar Absorption; Flat Framed (metal decks), 0.8 Solar Absorption
Floor:
• Concrete Slab on Ground, no insulation; 300mm Concrete Slab Lined, no insulation; 300mm Concrete Slab Lined, R1.8 added insulation; 300mm Concrete Slab Lined, Elevated sub-floor ventilation, R1.8 added insulation
Ceiling Frame:
• Dwelling B: Ceiling fan to Bed 3
U-value 4.96, SHGC 0.54-0.60

External Wall Type:
• Brick/150mm Gypsum Structural Wall: 0.3 Solar Absorption; Polystyrene external (R = 1.0) (0.02) (R2.0)
• 200mm Gypsum Structural Wall: 0.5 Solar Absorption; Polystyrene external (R = 1.0) (0.02) (R2.0)
Internal Walls:
• Ceiling: Vapour, Glass Fibre Insulation; Glass fibre batt: R2.0 to bathroom internal walls
Ceiling:
• 300mm Concrete Slab, no insulation; 300mm Concrete Slab, R1.8 bulk insulation; Plasterboard, no insulation; Plasterboard, R0.1 bulk insulation
Roof:
• 300mm Suspended Slab, 0.5 Solar Absorption; 300mm Slab - 500 Substrate, 0.5 Solar Absorption; 300mm Suspended Slab - External Insul, 0.5 Solar Absorption; Flat Framed (metal decks), 0.8 Solar Absorption
Floor:
• Concrete Slab on Ground, no insulation; 300mm Concrete Slab Lined, no insulation; 300mm Concrete Slab Lined, R1.8 added insulation; 300mm Concrete Slab Lined, Elevated sub-floor ventilation, R1.8 added insulation
Ceiling Frame:
• Dwelling B: Ceiling fan to Bed 3
U-value 4.96, SHGC 0.54-0.60

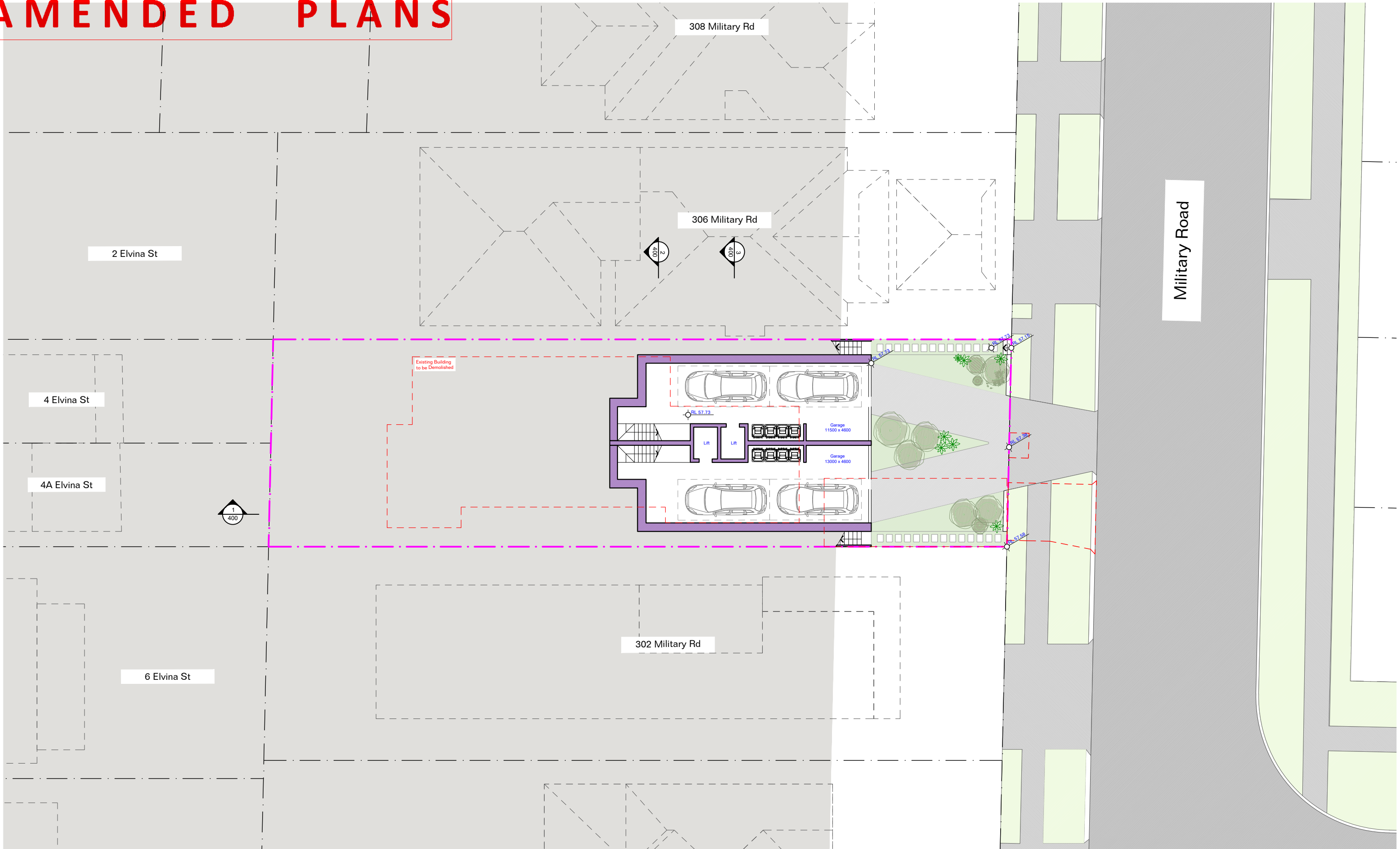
Consultants:
Studerne Consulting

Common Office
L1, 45 Hutchinson St
Surry Hills
NSW Australia
+61 14 13555547
www.common-office.com

Project
304 Military Road,
Dover Heights
Date
5-Sep-23
Scale
1:300 at A3
Drawn
JH, RM

Drawing
Streetscape
Diagrams
Project No
2214
Drawing No
296
Rev
DA103[02]

AMENDED PLANS



For DA Only

Gas cooktops, gas ovens and gas internal heaters have been replaced with electric.

02 05/09/23 Response to RFI
01 05/06/23 Response to RFI
00 28/04/23 DA Submission
REVISIONS

Legend:
 To be demolished
 Line of previous DA

Notes

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Waverley Council
Application No DA-118/2023
Date Received: 05/09/2023

Notes:

- Showersheads: 4 star (4 bar 75 Liters); Toilet flushing system: 3 star
- Kitchen taps: 3 star; Bathroom taps: 3 star
- Alternative Water Source:
 - Individual water tank cap: 15 Litre size (min) 1000.0 litres. To collect runoff from at least 91 Sqm of roof area. Landscape, toilet, laundry connection
 - Outdoor cold water (10 Litre volume)
- Ventilation System:
 - Bathroom, Kitchen and Laundry: Individual fan, ducted to facade or roof.
 - Manual switch control
- Cooling and Heating:
 - 1 x split air conditioning EER 3.0-3.5 (panel) to living room areas
 - 1 x split air conditioning EER 3.0-3.5 (panel) to bedroom areas
 - 1 x split air conditioning EER 3.0-3.5 (panel) to bathroom areas
 - 1 x split air conditioning EER 3.0-3.5 (panel) to laundry area
 - 1 x split air conditioning EER 3.0-3.5 (panel) to kitchen area
 - 1 x split air conditioning EER 3.0-3.5 (panel) to garage area
 - 1 x split air conditioning EER 3.0-3.5 (panel) to terrace area
 - 1 x split air conditioning EER 3.0-3.5 (panel) to pergola area
 - 1 x split air conditioning EER 3.0-3.5 (panel) to pool area
 - 1 x split air conditioning EER 3.0-3.5 (panel) to deck area
 - 1 x split air conditioning EER 3.0-3.5 (panel) to pergola area
 - 1 x split air conditioning EER 3.0-3.5 (panel) to pool area
 - 1 x split air conditioning EER 3.0-3.5 (panel) to deck area

Consultants:

Structure Consulting

Common Office
 L1, 45 Hutchinson St
 Surry Hills
 NSW Australia
 +61 1413555547
 www.common-office.com

Project
 304 Military Road,
 Dover Heights

Date
 5-Sep-23

Scale
 1:200 at A3

Drawn
 JH, RM

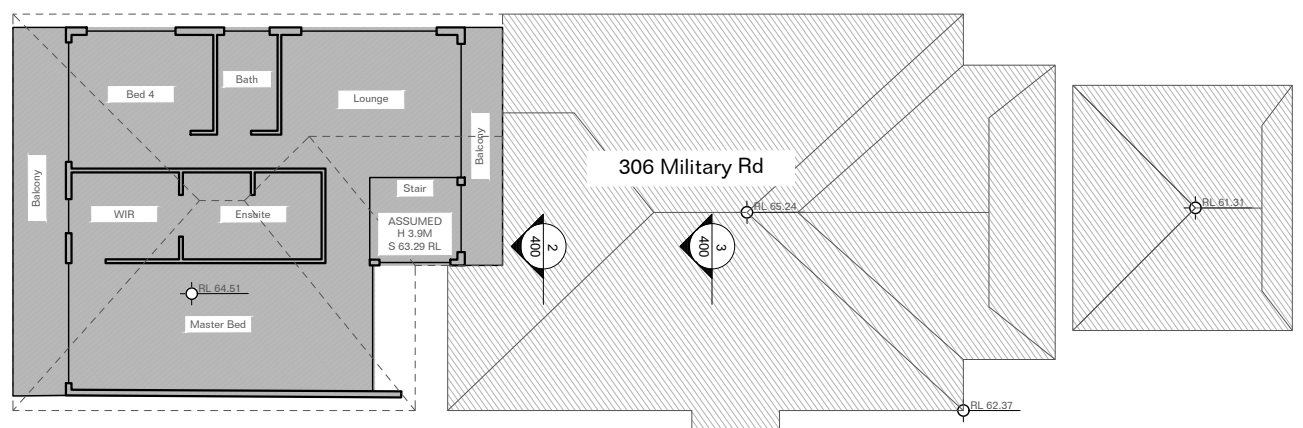
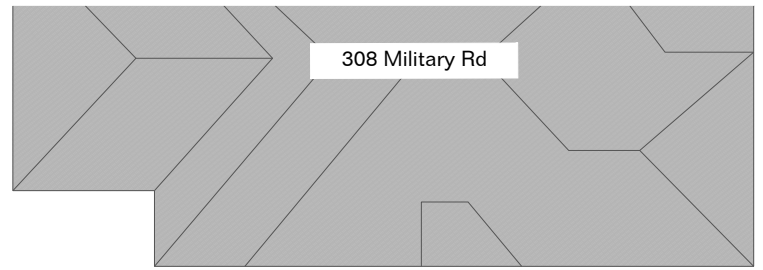
Drawing
Basement

Project No
 2214

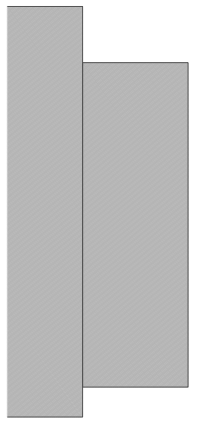
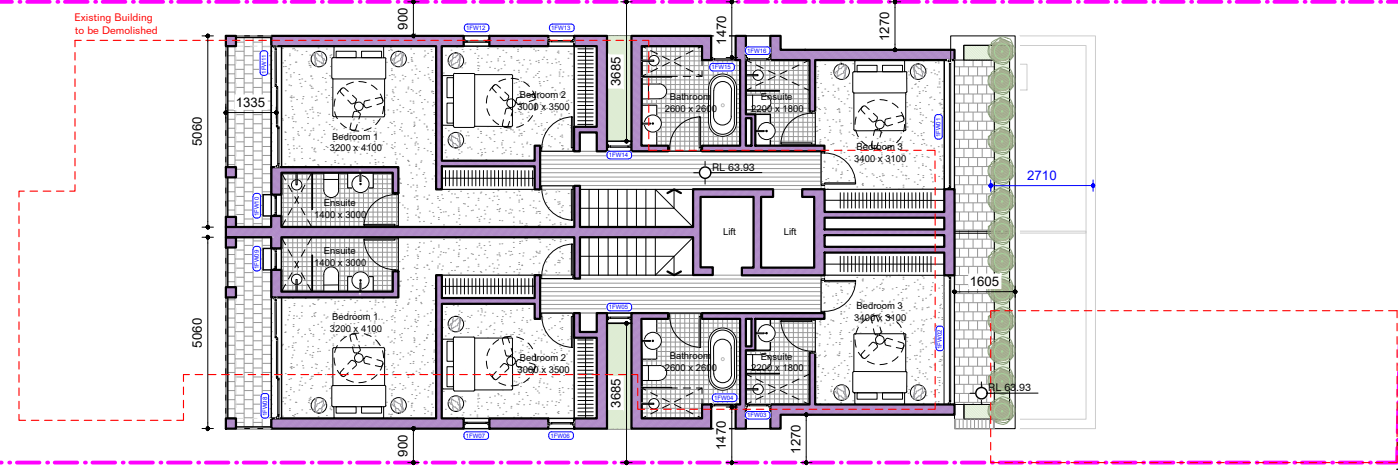
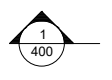
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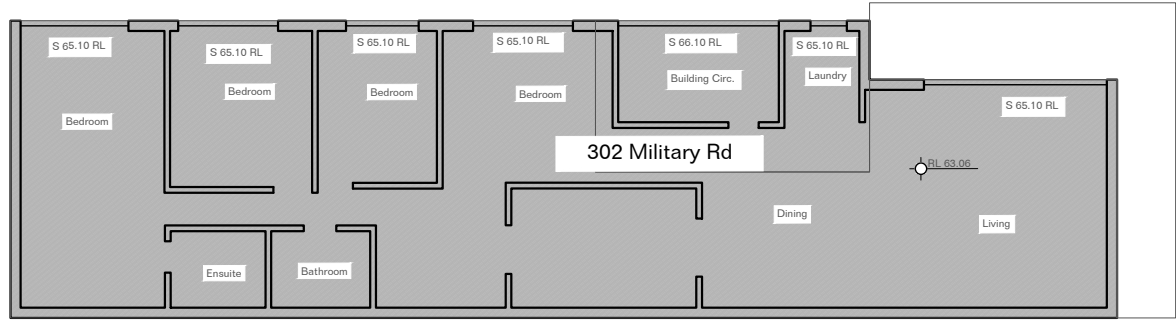
AMENDED PLANS



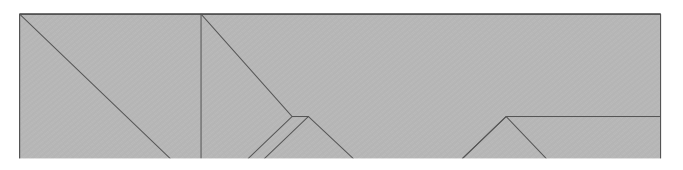
2 Elvina St



6 Elvina St



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Waverley Council
 Application No: DA-118/2023
 Date Received: 05/09/2023



For DA Only

Gas cooktops, gas ovens and gas internal heaters have been replaced with electric.

02 05/09/23 Response to RFI
 01 09/06/23 Response to RFI
 00 28/04/23 DA Submission
 REVISIONS

Legend:
 [Red dashed line] To be demolished
 [Blue dashed line] Line of previous DA

Notes

- All works to be in accordance with the building code of australia, national construction code (ncc), australian standards statutory regulations and local authority req.
- Contractor to ensure consistency between materials is maintained.
- Contractor to notify designer of any discrepancies, dimensional inconsistencies or the need for clarification prior to manufacturing detailed drawings / setting out prior to construction.
- Contractor to liaise with electrical contractors to ensure all power/data/communication requirements are accessible.
- All dimensions to be verified on site - do not scale.
- All works to be verified against drawings following construction and designer to be notified of any discrepancies prior to proceeding with next trade.

SEWER:
WATER:
FINISHES:
Alternative Water Source:
ENERGY:
COOLING AND HEATING:
Ambient Lighting:

INTERNAL WALL TYPE:
External Wall Type:
Roof:
Floor:
CONSTRUCTION:
Windows:
Glazing:

Consultants:
 Common Office
 L1, 45 Hutchinson St
 Surry Hills
 NSW Australia
 +61 14 13555547
 www.common-office.com

Project:
 304 Military Road,
 Dover Heights

Date:
 5-Sep-23

Scale:
 1:200 at A3

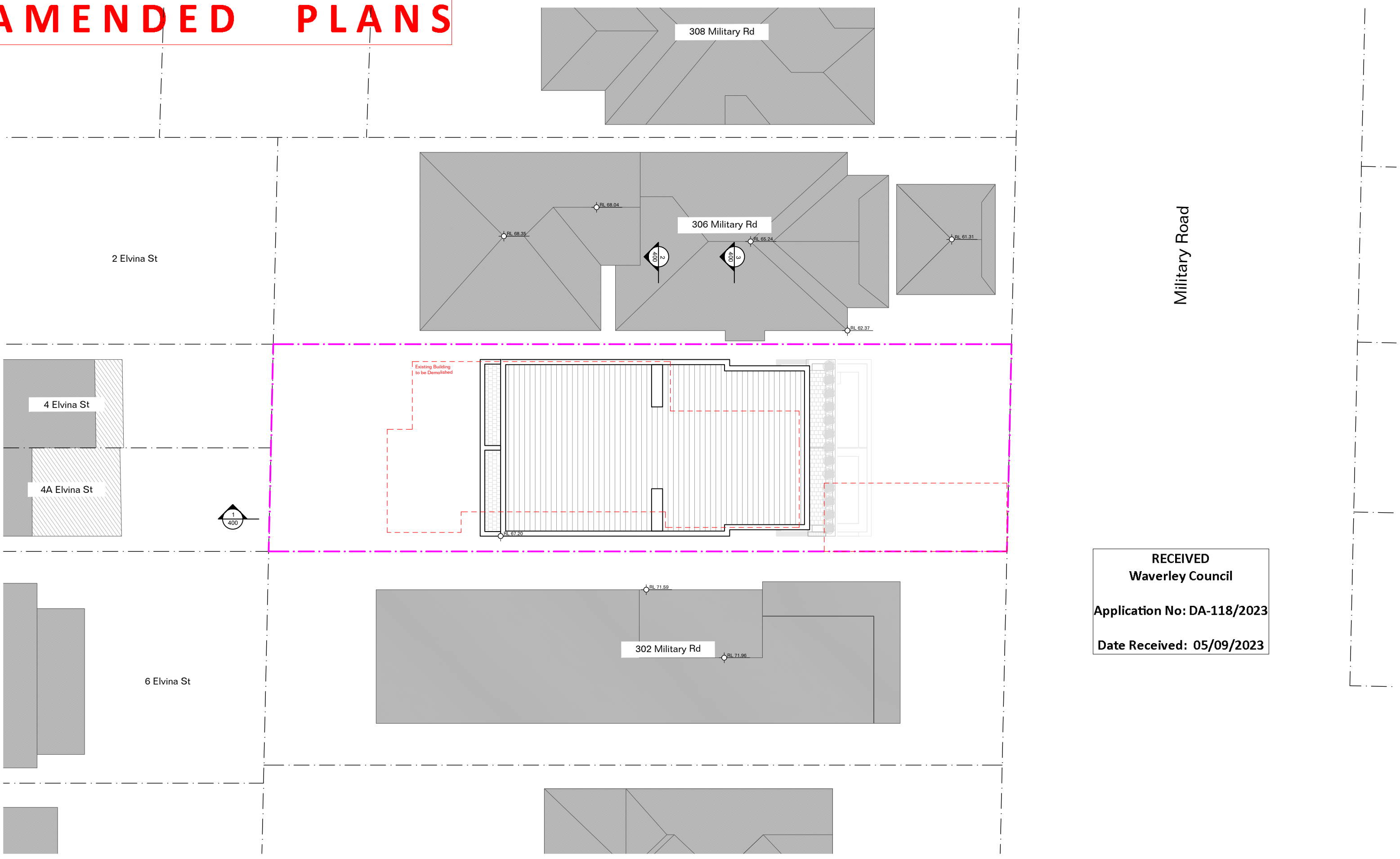
Drawn:
 JH, RM

Project No:
 2214

Drawing No:
 299
Rev
 DA202[02]



AMENDED PLANS



RECEIVED
Waverley Council
 Application No: DA-118/2023
 Date Received: 05/09/2023

For DA Only

Gas cooktops, gas ovens and gas internal heaters have been replaced with electric.

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 REVISIONS

Legend:
 To be demolished
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Notes

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- Contractor to liaise with electrical contractors to ensure all power/data/communication requirements are accessible.
- All dimensions to be verified on site - do not scale
- All works to be verified against drawings following construction and designer to be notified of any discrepancies prior to proceeding with next trade

SEWER:
 (dedicated) laundry, all (dedicated) hallways
WATER:
 Showers/baths: 4 star (4-bud 7-litres); Toilet flushing systems: 3 star; manual switch on/off
Drainage:
 • Gas instantaneous 6 star Ventilation System:
 • Bathroom, Kitchen and Laundry: Individual fan, ducted to facade or roof.
COOLING AND HEATING:
 • 1 split air conditioning EER 3.0-3.5 (zoned) to living room areas
 • 1 split air conditioning EER 3.0-3.5 (zoned) to bedroom areas
HEATING:
 • Solar (gas boosted) pool heating systems; pump timer
ARTIFICIAL LIGHTING:
 • 4 (dedicated) bedrooms & study; 2 (dedicated) living & dining rooms; each (dedicated) kitchen, all (dedicated) bathrooms/baths, each

INTERNAL WALL TYPE:
 • Brick/150mm Gypsum Structural Wall; 0.3 Solar Absorption; Polystyrene external (R=1.0/0.02) (R2.0)
 • 200mm Gypsum Structural Wall; 0.5 Solar Absorption; Polystyrene external (R=1.0/0.02) (R2.0)
INTERNAL WALLS:
 • Ceiling: Valspar, Class F1a Plasterboard; Glass fibre batt; R2.0 in bathroom
 • Internal walls
CEILING:
 • 300mm Concrete Slab, no insulation; 300mm Concrete Slab, R1.8 bulk insulation; Plasterboard, no insulation; Plasterboard, R5.1 bulk insulation; Plasterboard, R5.3 bulk insulation
FLOOR:
 • 300mm Suspended Slab, 0.5 Solar Absorption; 300mm Slab - 500 Substrate, 0.5 Solar Absorption; 300mm Suspended Slab - External Insul, 0.5 Solar Absorption; Flat Framed (meat decks), 0.8 Solar Absorption
ROOF:
 • Concrete Slab on Ground, no insulation; 300mm Concrete Slab Level, no insulation; 300mm Concrete Slab Level, R1.8 added insulation; 300mm Concrete Slab Level, Elevated sub-floor ventilation, R1.8 added insulation
CEILING FINE:
 • Dwelling B: Ceiling top to Bed 3
 • Dwelling A: U-value 4.12, SHGC 0.63-0.69; U-value 6.85, SHGC 0.61-0.67; U-value 4.33, SHGC 0.57-0.62; U-value 5.09, SHGC 0.63-0.69
 • Dwelling A: U-value 6.02, SHGC 0.74-0.82; U-value 4.18, SHGC 0.57-0.63; U-value 6.34, SHGC 0.70-0.78; U-value 6.49, SHGC 0.63-0.69
 • Dwelling B: U-value 2.94, SHGC 0.48-0.54; U-value 2.84, SHGC 0.56-0.62; U-value 4.98, SHGC 0.54-0.60

EXTERNAL WALL TYPE:
 • Brick/150mm Gypsum Structural Wall; 0.3 Solar Absorption; Polystyrene external (R=1.0/0.02) (R2.0)
 • 200mm Gypsum Structural Wall; 0.5 Solar Absorption; Polystyrene external (R=1.0/0.02) (R2.0)
INTERNAL WALLS:
 • Ceiling: Valspar, Class F1a Plasterboard; Glass fibre batt; R2.0 in bathroom
 • Internal walls
CEILING:
 • 300mm Concrete Slab, no insulation; 300mm Concrete Slab, R1.8 bulk insulation; Plasterboard, no insulation; Plasterboard, R5.1 bulk insulation; Plasterboard, R5.3 bulk insulation
FLOOR:
 • 300mm Suspended Slab, 0.5 Solar Absorption; 300mm Slab - 500 Substrate, 0.5 Solar Absorption; 300mm Suspended Slab - External Insul, 0.5 Solar Absorption; Flat Framed (meat decks), 0.8 Solar Absorption
ROOF:
 • Concrete Slab on Ground, no insulation; 300mm Concrete Slab Level, no insulation; 300mm Concrete Slab Level, R1.8 added insulation; 300mm Concrete Slab Level, Elevated sub-floor ventilation, R1.8 added insulation
CEILING FINE:
 • Dwelling B: Ceiling top to Bed 3

Consultants:
 Studerme Consulting

Common Office
 L1, 45 Hutchinson St
 Surry Hills
 NSW Australia
 +61 14 13555547
 www.common-office.com



Project:
 304 Military Road,
 Dover Heights

Date:
 5-Sep-23

Scale:
 1:500 at A3

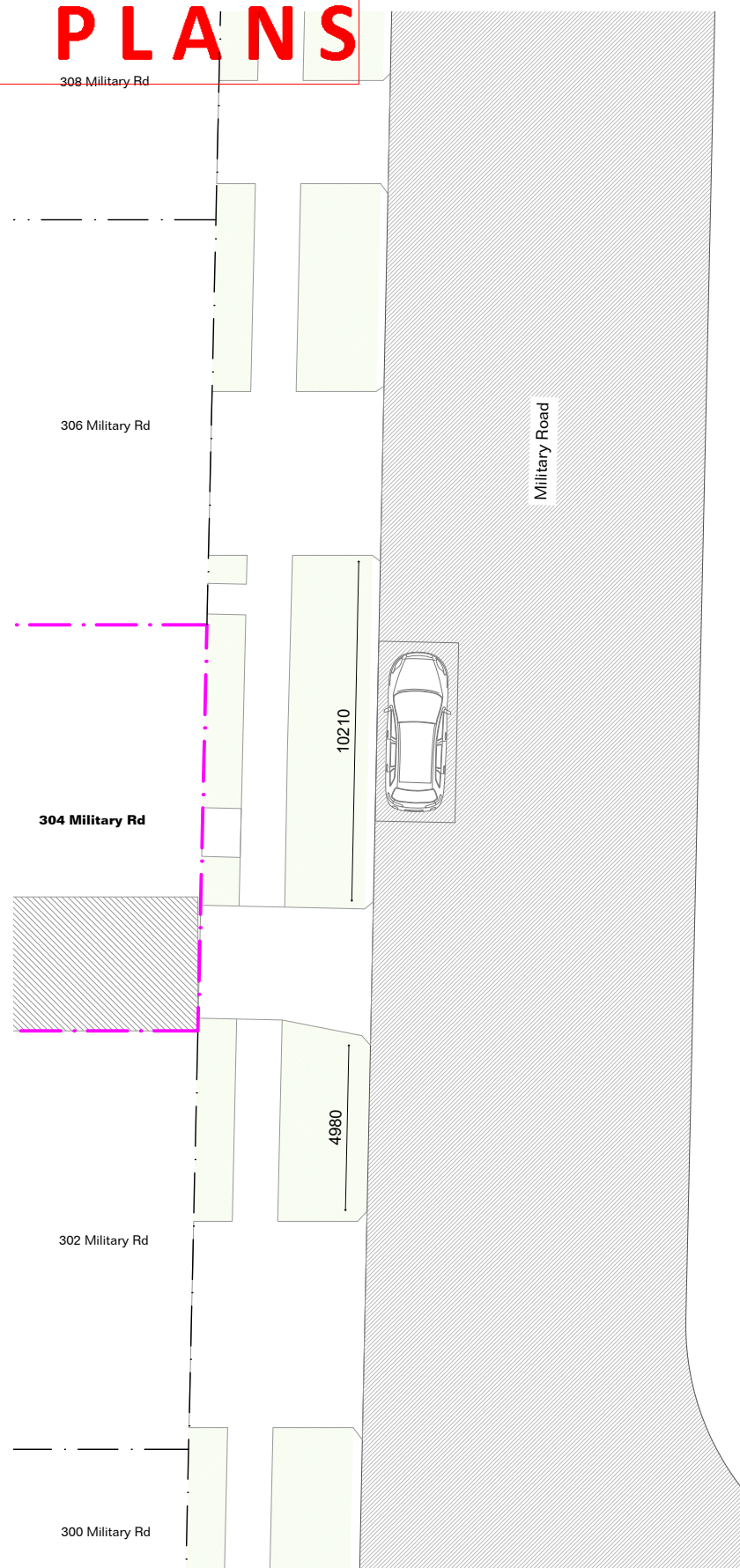
Drawn:
 JH, RM

Drawing:
 Roof Plan

Project No:
 2214

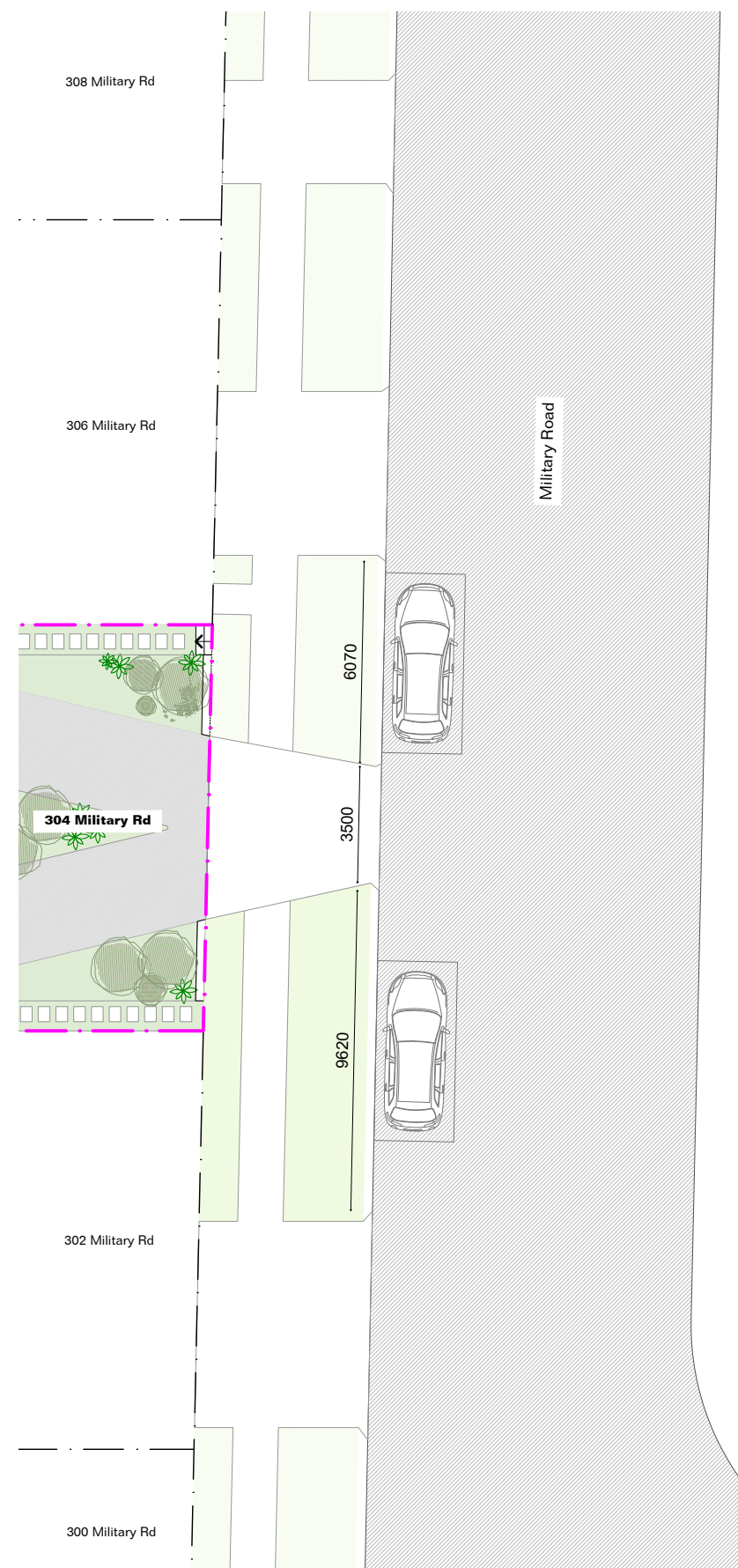
Drawing No:
 300 DA203[02]

AMENDED PLANS



1 Existing Street Parking Condition
204 1:200

Current street condition allows for one on street car park.



2 Proposed Street Parking Condition
204 1:200

Proposed street condition allows for two on street car parks.

RECEIVED
Waverley Council
Application No: DA-118/2023
Date Received: 05/09/2023

For DA Only

Gas cooktops, gas ovens and gas internal heaters have been replaced with electric.

02 05/09/23 Response to RFI
01 05/06/23 Response to RFI
00 28/04/23 DA Submission
REVISIONS

Legend:
To be demolished
Line of previous DA

Notes
1. All works to be in accordance with the building code of australia, national construction code (ncc), australian standards statutory regulations and local authority req.
2. Contractor to ensure consistency between materials is maintained
3. Contractor to notify designer of any discrepancies, dimensional inconsistencies or the need for clarification prior to manufacturing
4. Designer to review all contractors detailed drawings / setting out prior to construction.
5. Contractor to liaise with electrical contractors to ensure all power/data/communication requirements are accessible.
6. All dimensions to be verified on site - do not scale
7. All works to be verified against drawings following construction and designer to be notified of any discrepancies prior to proceeding with next trade

SEWAGE
WATER
FIXTURES
• Showers/baths: 4 star (4 hot 7-8 Litres); Toilet flushing systems: 3 star
• Kitchen taps: 3 star; Bathroom taps: 3 star
Alternative Water Source:
• Individual water tank (min. 1L Tank size (min) 1000.0 litres; To collect runoff from at least 9% Sqm of roof area; Landscape, toilet, laundry connection
• Outdoor pool, max 18 kL volume
ENERGY
• Gas instantaneous 6 star
Ventilation System:
• Bathroom, Kitchen and Laundry: Individual fan, ducted to facade or roof, manual switch control
Cooling and Heating:
• 1 (whole air conditioning EER 3.0-3.5 (zoned) to living room areas
• 1 (zone air conditioning EER 3.0-3.5 (zoned) to bedroom areas
Pool:
• Solar (gas boosted) pool heating systems; pump timer
Artificial Lighting:
• 4 (dedicated) bedrooms &/or study; 2 (dedicated) living &/or dining rooms; each (dedicated) kitchen, all (dedicated) bathrooms/bath, each

(dedicated) laundry; all (dedicated) hallways
Natural Lighting:
• 3 (bedrooms &/or study; Main kitchen
Appliances & other efficiency measures:
• Electric cooking & electrical oven
• Private outdoor or unshaded clothes drying line
Alternative energy:
• Dwelling A: 1.7 photovoltaic system (min rated electrical output in peak kW)
Thermal loads:
• Dwelling A: Area adjusted heating load (in mJ/m²/yr) 27.5; Area adjusted cooling load (in mJ/m²/yr) 25.6
• All other dwellings: Area adjusted heating load (in mJ/m²/yr) 25.9
• Dwelling B: Area adjusted heating load (in mJ/m²/yr) 39.7; Area adjusted cooling load (in mJ/m²/yr) 25.9
CONSTRUCTION:
• Bath-dwelling U-value 4.12, SHGC 0.63-0.69; U-value 6.85, SHGC 0.61-0.67; U-value 4.33, SHGC 0.57-0.63; U-value 5.09, SHGC 0.63-0.69
• Dwelling A: U-value 6.02, SHGC 0.74-0.82; U-value 4.18, SHGC 0.57-0.63; U-value 6.34, SHGC 0.70-0.78; U-value 6.49, SHGC 0.63-0.69
• Dwelling B: U-value 2.8, SHGC 0.48-0.54; U-value 2.8, SHGC 0.56-0.62; U-value 4.96, SHGC 0.54-0.60

External Wall Type:
• Brick/150mm Concrete Structural Wall; 0.3 Solar Absorbance; Polystyrene extruded (R 1.028) (R2.6)
• 200mm Concrete Structural Wall; 0.5 Solar Absorbance; Polystyrene extruded (R 1.028) (R2.6)
Internal Walls:
• Candy Wall, Glass Fix Plasterboard; Glass fibre batt; R2.3 to bathroom
Internal walls
Ceiling:
• 300mm Concrete Slab, no insulation; 300mm Concrete Slab, R1.8 bulk insulation; Plasterboard, no insulation; Plasterboard, R5.1 bulk insulation; Plasterboard, R6.3 bulk insulation
Roof:
• 300mm Suspended Slab, 0.5 Solar Absorbance; 300mm Slab -500 Substrate; 0.5 Solar Absorbance; 300mm Suspended Slab - External Insul; 0.5 Solar Absorbance; Flat Framed (metal decks); 0.8 Solar Absorbance
Floor:
• Concrete Slab on Ground, no insulation; 300mm Concrete Slab Lined, no insulation; 300mm Concrete Slab Lined, R1.8 added insulation; 300mm Concrete Slab Lined, Elevated sub-floor ventilation, R1.8 added insulation
Ceiling Fans:
• Dwelling B: Ceiling fan to Bed 3

Consultants:
Sturdevant Consulting

Common Office
L1, 45 Hutchinson St
Surry Hills
NSW Australia
+61 1413555547
www.common-office.com

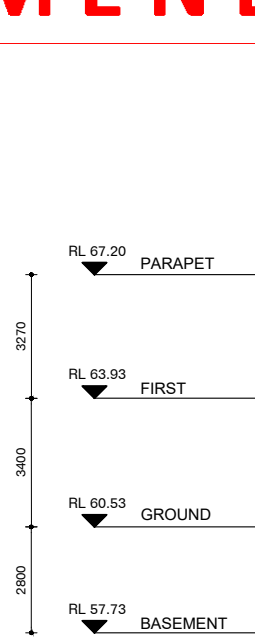


Project
304 Military Road,
Dover Heights
Date
5-Sep-23
Scale
1:200 at A3
Drawn
JH, RM

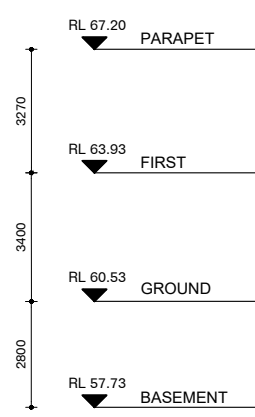
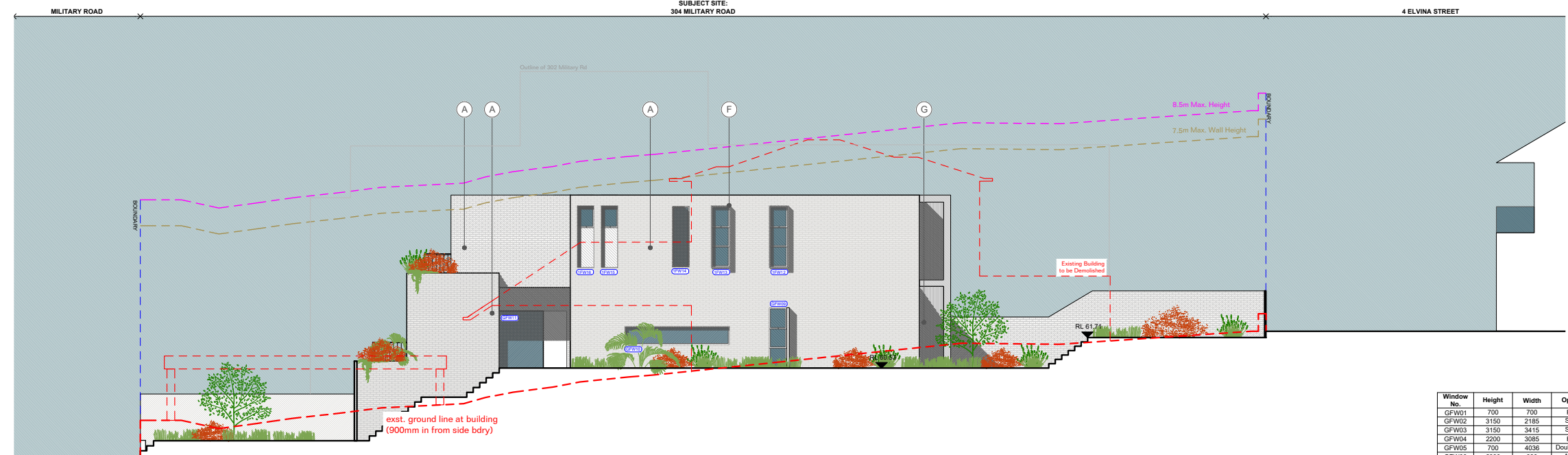
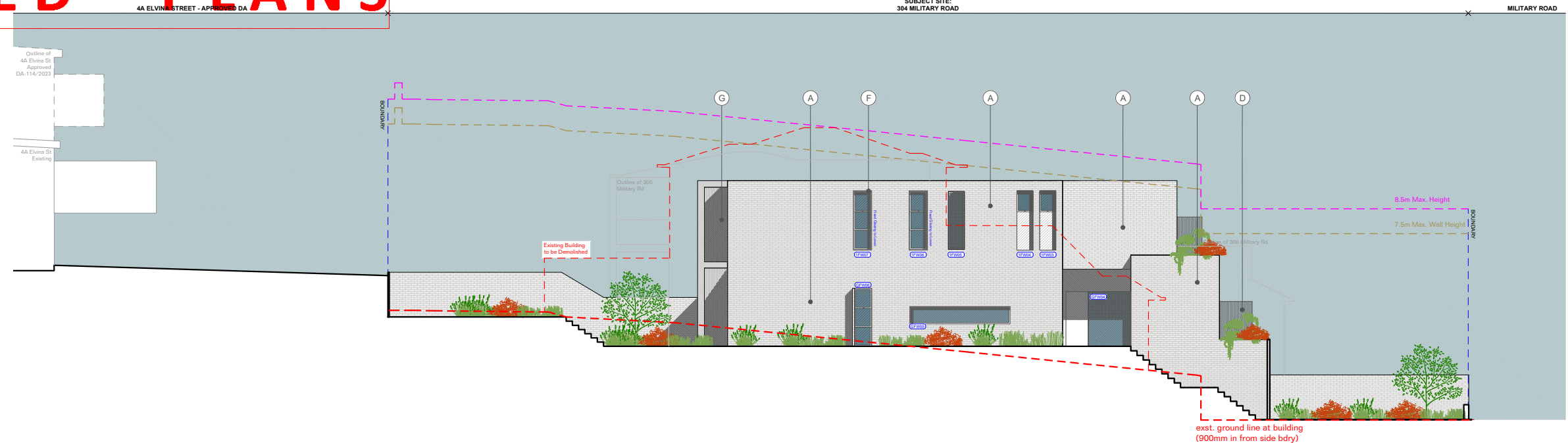
Drawing
Street Parking
Diagram
Project No
2214

Drawing No
DA204[02]
Rev

AMENDED PLANS

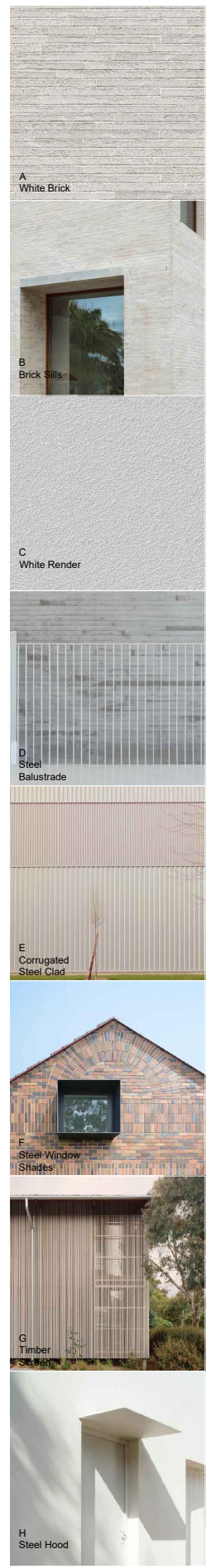


1 Elevation South
300 1:200



2 Elevation North
300 1:200

RECEIVED
Waverley Council
Application No: DA-118/2023
Date Received: 05/09/2023



Window No.	Height	Width	Opening	Glass Type
GFW01	700	700	Fixed	Clear
GFW02	3150	2185	Sliding	Clear
GFW03	3150	3415	Sliding	Clear
GFW04	2200	3085	Fixed	Clear
GFW05	700	4036	Double Hung	Clear
GFW06	2330	680	Awning	Clear
GFW07	2330	4789	Sliding	Clear
GFW08	2880	4789	Sliding	Clear
GFW09	2330	680	Double Hung	Clear
GFW10	700	4036	Awning	Clear
GFW11	2200	3085	Fixed	Clear
1FW01	2700	3420	Sliding	Clear
1FW02	2700	3420	Sliding	Clear
1FW03	818	648	Awning	Frosted
1FW04	818	648	Awning	Frosted
1FW05	2330	680	Awning	Clear
1FW06	2330	680	Fixed	Clear
1FW07	2330	680	Fixed	Clear
1FW08	2700	2917	Sliding	Clear
1FW09	750	588	Awning	Clear
1FW10	750	588	Awning	Clear
1WF11	2700	2917	Sliding	Clear
1FW12	2330	680	Double Hung	Clear
1FW13	2330	680	Double Hung	Clear
1FW14	2330	680	Double Hung	Clear
1FW15	818	648	Awning	Frosted
1FW16	818	648	Awning	Frosted

For DA Only

Gas cooktops, gas ovens and gas internal heaters have been replaced with electric.

02 05/09/23 Response to RFI
01 09/06/23 Response to RFI
00 28/04/23 DA Submission
REVISIONS

Legend:

- To be demolished
- Line of previous DA

Notes

- All works to be in accordance with the building code of australia, national construction code (ncc), australian standards statutory regulations and local authority req.
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- All dimensions to be verified on site - do not scale
- All works to be verified against drawings following construction and designer to be notified of any discrepancies prior to proceeding with next trade

SEWER:

WATER:

PLUMBING:

MECHANICAL:

ELECTRICAL:

ENERGY:

CONSTRUCTION:

INTERNAL WALL TYPE:

EXTERNAL WALL TYPE:

ROOF:

FLOORING:

CEILING:

GLASS:

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FINISHES:

LANDSCAPE:

PLANTING:

IRRIGATION:

SOIL:

FOUNDATION:

RETAINING WALLS:

CONCRETE:

STEEL:

WOOD:

GLASS:

PAINT:

FINISHES:

LANDSCAPE:

PLANTING:

IRRIGATION:

SOIL:

FOUNDATION:

RETAINING WALLS:

CONCRETE:

STEEL:

WOOD:

GLASS:

PAINT:

FINISHES:

LANDSCAPE:

PLANTING:

IRRIGATION:

SOIL:

FOUNDATION:

RETAINING WALLS:

CONCRETE:

STEEL:

WOOD:

GLASS:

PAINT:

FINISHES:

LANDSCAPE:

PLANTING:

IRRIGATION:

SOIL:

FOUNDATION:

RETAINING WALLS:

CONCRETE:

STEEL:

WOOD:

GLASS:

PAINT:

FINISHES:

LANDSCAPE:

PLANTING:

IRRIGATION:

SOIL:

FOUNDATION:

RETAINING WALLS:

CONCRETE:

STEEL:

WOOD:

GLASS:

PAINT:

FINISHES:

LANDSCAPE:

PLANTING:

IRRIGATION:

SOIL:

FOUNDATION:

RETAINING WALLS:

CONCRETE:

STEEL:

WOOD:

GLASS:

PAINT:

FINISHES:

LANDSCAPE:

PLANTING:

IRRIGATION:

SOIL:

FOUNDATION:

RETAINING WALLS:

CONCRETE:

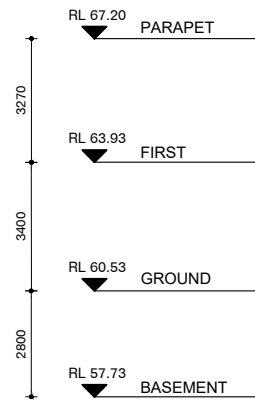
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WOOD:

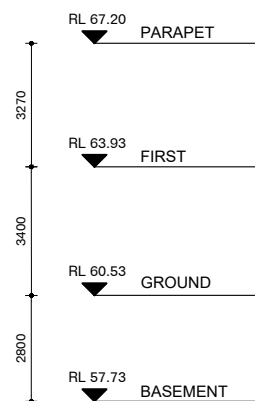
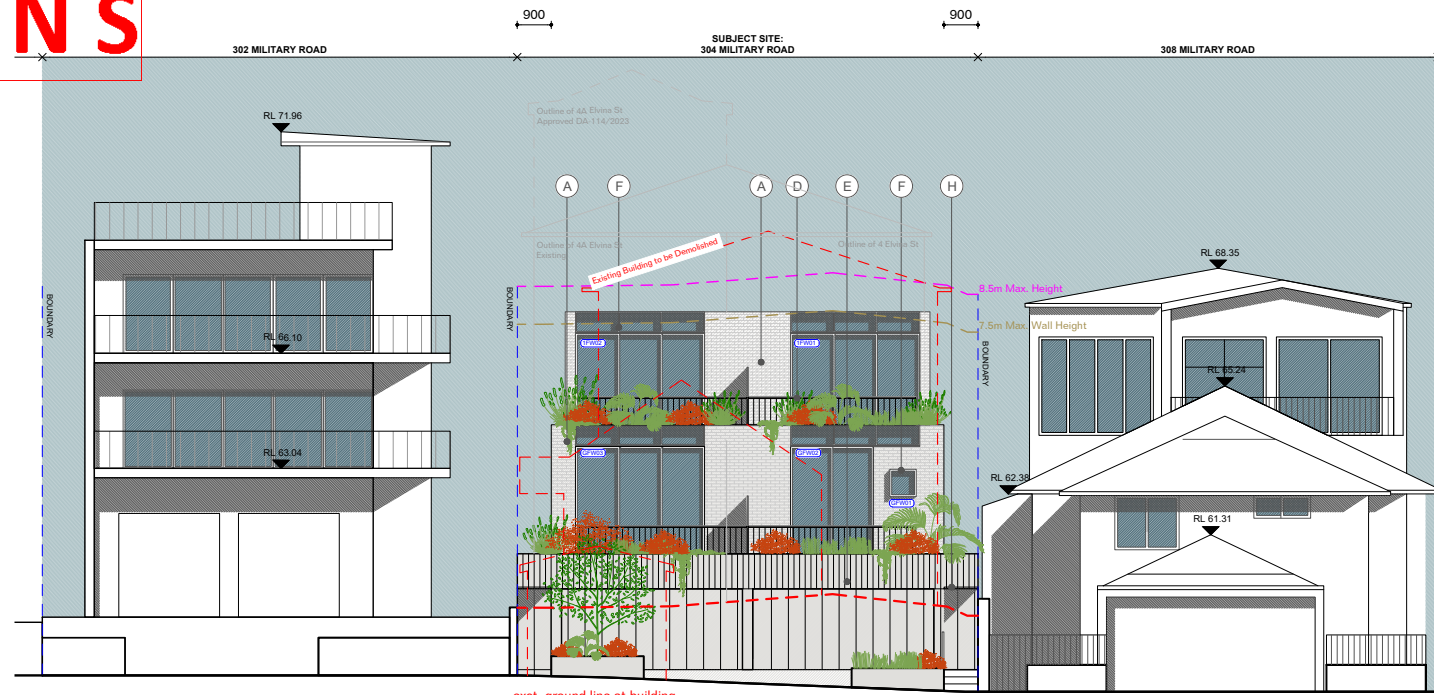
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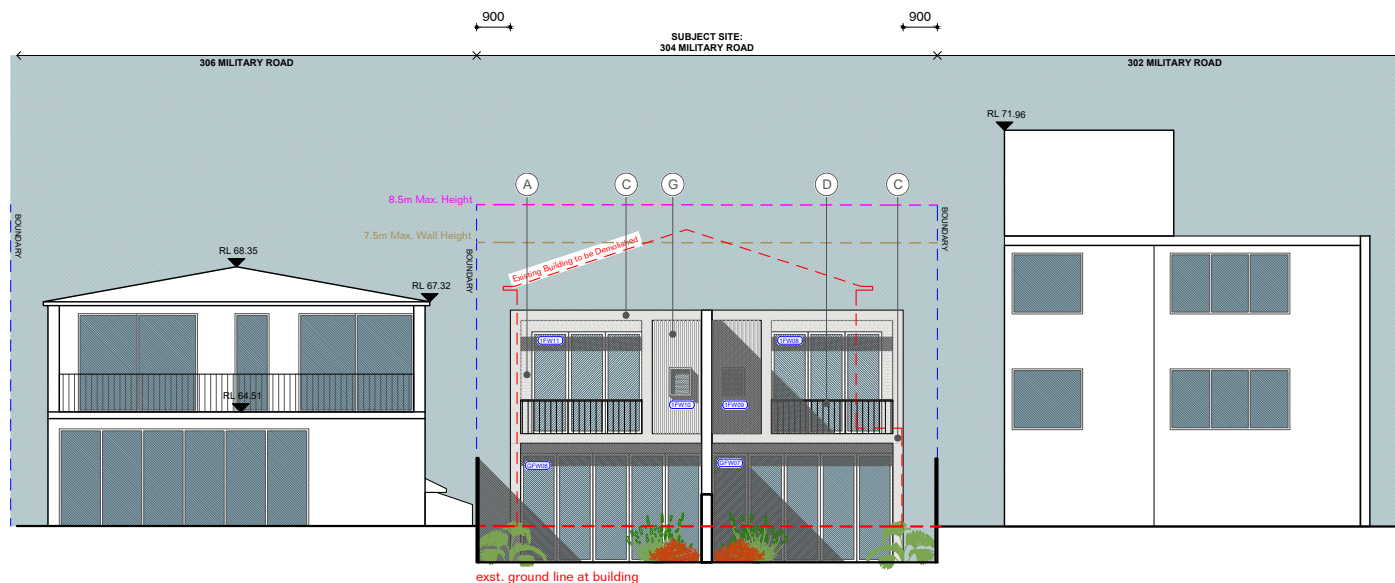
AMENDED PLANS



1 Elevation East
 301 1:200



2 Elevation West
 301 1:200



RECEIVED
 Waverley Council
 Application No: DA-118/2023
 Date Received: 05/09/2023



Window No.	Height	Width	Opening	Glass Type
GFW01	700	700	Fixed	Clear
GFW02	3150	2185	Sliding	Clear
GFW03	3150	3415	Sliding	Clear
GFW04	2200	3085	Fixed	Clear
GFW05	700	4036	Double Hung	Clear
GFW06	2330	680	Awning	Clear
GFW07	2880	4789	Sliding	Clear
GFW08	2880	4789	Sliding	Clear
GFW09	2330	680	Double Hung	Clear
GFW10	700	4036	Awning	Clear
GFW11	2200	3085	Fixed	Clear
1FW01	2700	3420	Sliding	Clear
1FW02	2700	3420	Sliding	Clear
1FW03	818	648	Awning	Frosted
1FW04	818	648	Awning	Frosted
1FW05	2330	680	Awning	Clear
1FW06	2330	680	Fixed	Clear
1FW07	2330	680	Fixed	Clear
1FW08	2700	2917	Sliding	Clear
1FW09	750	588	Awning	Clear
1FW10	750	588	Awning	Clear
1WF11	2700	2917	Sliding	Clear
1FW12	2330	680	Double Hung	Clear
1FW13	2330	680	Double Hung	Clear
1FW14	2330	680	Awning	Clear
1FW15	818	648	Awning	Frosted
1FW16	818	648	Awning	Frosted

For DA Only

Gas cooktops, gas ovens and gas internal heaters have been replaced with electric.

02 05/09/23 Response to RFI
 01 09/06/23 Response to RFI
 00 28/04/23 DA Submission
 REVISIONS

Legend:
 To be demolished
 Line of previous DA

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SEWER WATER:
 • Showers/baths: 4 star (4 hot but 7-8 Litres); Toilet flushing systems: 3 star
 • Individual water tank (no. 1); Tank size (min) 1000.0 litres. To collect runoff from at least 91 Sqm of roof area; Landscape, toilet, laundry connection
 • Outdoor pool, max 18 kL volume
 ENERGY:
 • Gas instantaneous 6 star Ventilation System:
 • Bathroom, Kitchen and Laundry: Individual fan, ducted to facade or roof, manual switch control
 • 1.5 litre air conditioning EER 3.0-3.5 (pooled) to living room areas
 • 1.5 litre air conditioning EER 3.0-3.5 (pooled) to bedroom areas
 Cooling and Heating:
 • Solar (gas boosted) pool heating systems; pump timer
 Artificial Lighting:
 • 1 (dedicated) bedrooms & study; 2 (dedicated) living & dining rooms; each (dedicated) kitchen; all (dedicated) bathrooms, each

(dedicated) laundry; all (dedicated) hallways
 Natural Lighting:
 • 1 (dedicated) kitchen; Main kitchen
 Appliances & other efficiency measures:
 • Electric cooking & exhaust oven
 • Provide outdoor or unshaded clothes drying the Alternative energy:
 • Dwelling A: 1.7 photovoltaic system (min rated electrical output in peak kW)
 Thermal loads:
 • Dwelling A: Area adjusted heating load (in MJ/m²/yr) 27.5; Area adjusted cooling load (in MJ/m²/yr) 25.6
 • All other dwellings: Area adjusted heating load (in MJ/m²/yr) 25.9; Area adjusted cooling load (in MJ/m²/yr) 25.9
 CONSTRUCTION:
 Windows:
 • Bath-dwelling U-value 4.12, SHGC 0.63-0.69; U-value 6.85, SHGC 0.61-0.67; U-value 4.33, SHGC 0.57-0.62; U-value 5.09, SHGC 0.53-0.59
 • Dwelling A: U-value 6.02, SHGC 0.74-0.82; U-value 4.18, SHGC 0.57-0.63; U-value 6.34, SHGC 0.70-0.78; U-value 6.49, SHGC 0.63-0.69;
 • Dwelling B: U-value 2.8, SHGC 0.48-0.54; U-value 2.8, SHGC 0.56-0.62; U-value 4.98, SHGC 0.54-0.60
 External Wall Type:
 • Brick/150mm Gired Structural Wall; 0.3 Solar Absorption; Polystyrene external (R=1.028) (R2.6)
 • 200mm Gired Structural Wall; 0.5 Solar Absorption; Polystyrene external (R=1.028) (R2.6)
 Internal Walls:
 • Candy Wall, Gired Plasterboard; Glass fibre batt; R2.3 in bathroom
 Internal walls:
 • 300mm Concrete Slab, no insulation; 300mm Concrete Slab, R1.8 bulk insulation; Plasterboard, no insulation; Plasterboard, R1.1 bulk insulation; Plasterboard, R1.3 bulk insulation
 Roof:
 • 300mm Suspended Slab, 0.5 Solar Absorption; 300mm Slab - 500 Substrate, 0.5 Solar Absorption; 300mm Suspended Slab - External Insul, 0.5 Solar Absorption; Flat Framed (metal decks), 0.8 Solar Absorption
 Floor:
 • Concrete Slab on Ground, no insulation; 300mm Concrete Slab Lined, no insulation; 300mm Concrete Slab Lined, R1.8 added insulation; 300mm Concrete Slab Lined, Elevated sub-floor ventilation, R1.8 added insulation
 Ceiling Fans:
 • Dwelling B: Ceiling fan to Bed 3

Consultants:
 Sturdevant Consulting

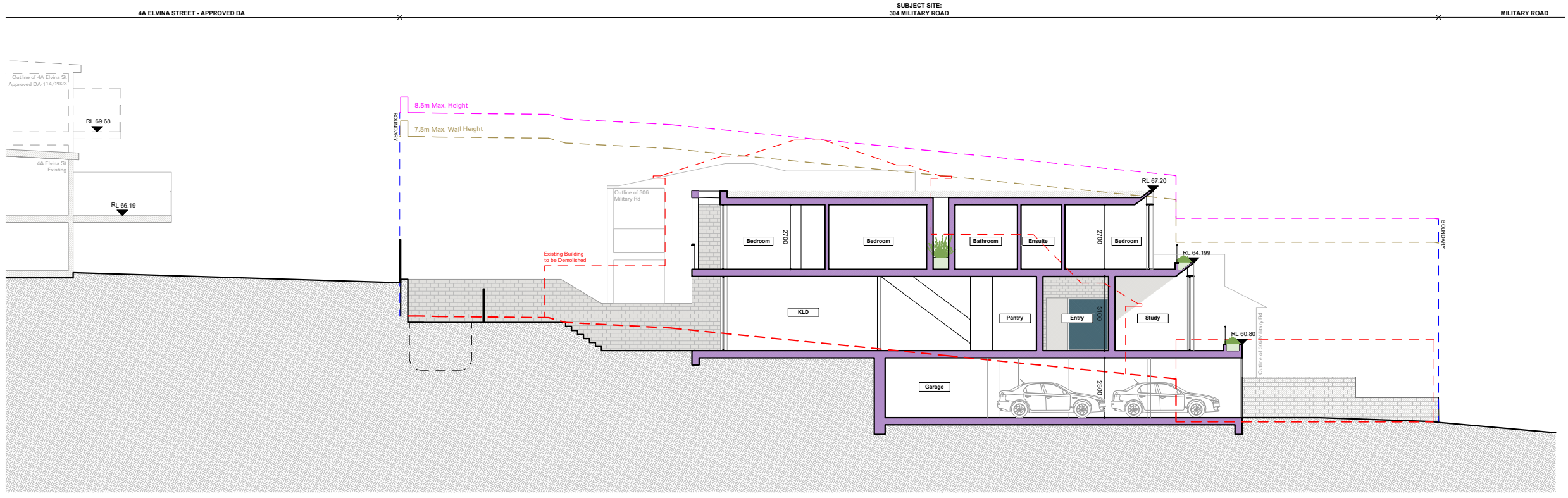
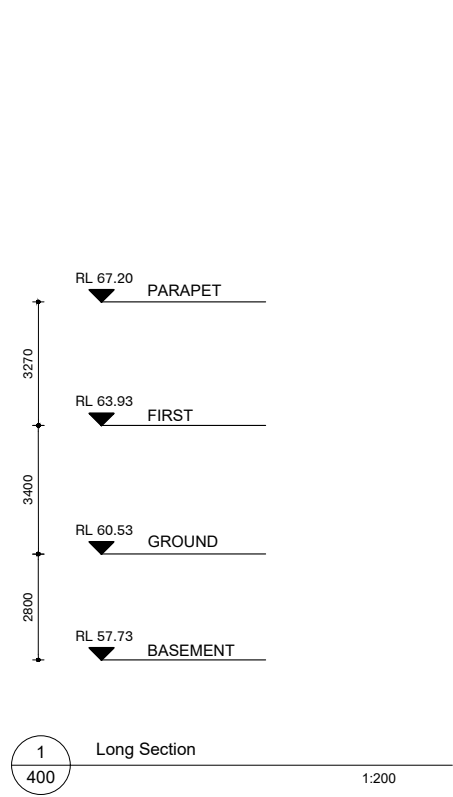
Common Office
 L1, 45 Hutchinson St
 Surry Hills
 NSW Australia
 +61 14 13555547
 www.common-office.com

Project
 304 Military Road,
 Dover Heights
 Date
 5-Sep-23
 Scale
 1:200 at A3
 Drawn
 JH, RM

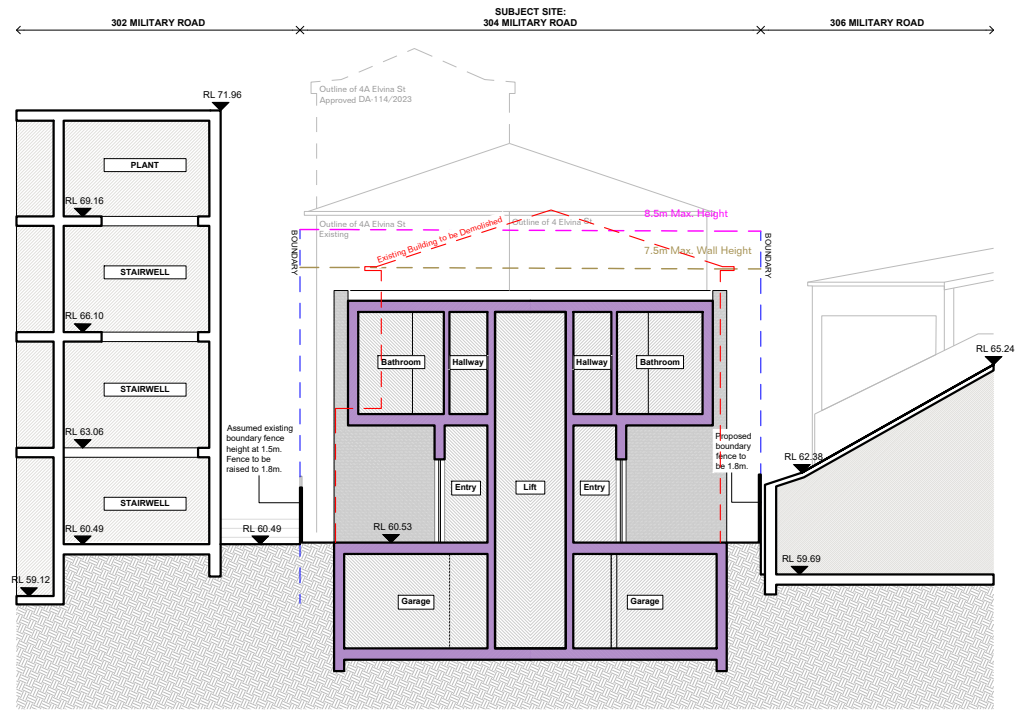
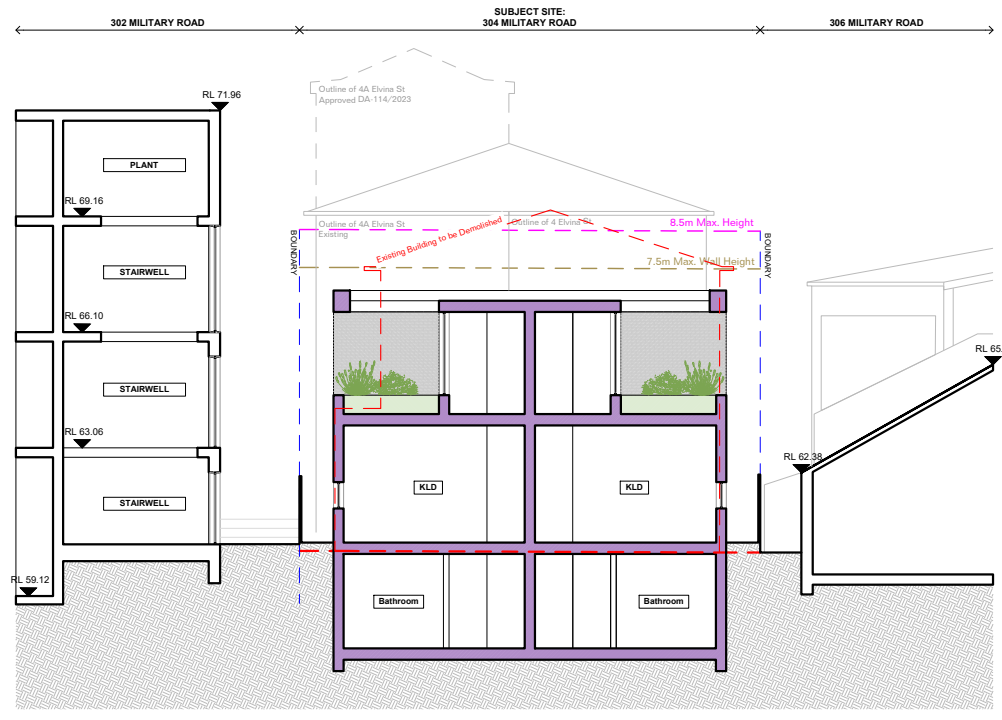
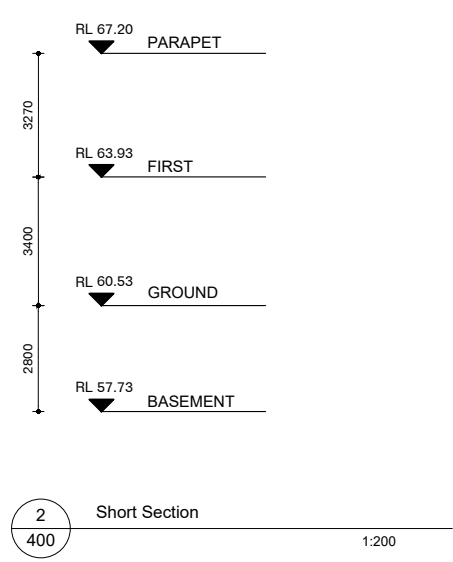
Drawing
 East & West
 Elevations
 Project No
 2214

303 Drawing No
 DA301[02]

AMENDED PLANS



RECEIVED
Waverley Council
Application No: DA-118/2023
Date Received: 05/09/2023



3 Short Section at Entry
1:200

For DA Only

02 06/09/23 Response to RFI
01 09/06/23 Response to RFI
00 28/04/23 DA Submission
REVISIONS

Legend:
 To be demolished
 Line of previous DA

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SEWER/WATER/FITTINGS:
 • Showersheads: 4 star (4 hot 1 cold) Toilet flushing systems: 3 star
 • Kitchen taps: 3 star Bathroom taps: 3 star
 Alternative Water Source:
 • Individual water tank (min. 1L tank size (min) 1000.0 litres. To collect runoff from at least 91 Sqm of roof area. Landscape, toilet, laundry connection
 • Outdoor tank, max. 16 kL volume

ENERGY/PLUMBING:
 • Gas instantaneous 6 star Ventilation System:
 • Bathroom, Kitchen and Laundry: Individual fan, ducted to facade or roof.
 • manual switch control
 Cooling and Heating:
 • 1/2 tone air conditioning EER 3.0-3.5 (zoned) to living room areas
 • 1/2 tone air conditioning EER 3.0-3.5 (zoned) to bedroom areas
 Pool:
 • Solar (gas boosted) pool heating systems, pump timer
 Artificial Lighting:
 • 1 (dedicated) bedrooms & study; 2 (dedicated) living &/or dining rooms; each (dedicated) kitchen, all (dedicated) bathrooms/bath, each

(dedicated) laundry, all (dedicated) hallways
 Natural Lighting:
 • 1 Bathroom &/or vanity, Main kitchen
 Appliances & other efficiency measures
 • Electric cooking & exhaust oven
 • Private outdoor or unsheltered clothes drying line
 Alternative energy:
 • Dwelling A: 1.7 photovoltaic system (min rated electrical output in peak kW)
 Thermal loads:
 • Dwelling A: Area adjusted heating load (in mJ/m²/yr) 27.5; Area adjusted cooling load (in mJ/m²/yr) 25.6
 • All other dwellings: Area adjusted heating load (in mJ/m²/yr) 25.9; Area adjusted cooling load (in mJ/m²/yr) 25.9

CONSTRUCTION:
 Windows:
 • Bath-dwelling U-value 4.12, SHGC 0.63-0.69; U-value 6.85, SHGC 0.61-0.67; U-value 4.33, SHGC 0.57-0.62; U-value 5.59, SHGC 0.53-0.59
 • Dwelling A: U-value 6.02, SHGC 0.74-0.82; U-value 4.16, SHGC 0.57-0.63; U-value 6.34, SHGC 0.70-0.78; U-value 6.49, SHGC 0.63-0.69;
 • Dwelling B: U-value 2.8, SHGC 0.48-0.54; U-value 2.8, SHGC 0.56-0.62; U-value 4.96, SHGC 0.54-0.60

External Wall Type:
 • Brick/150mm Cinct Structural Wall; 0.3 Solar Absorption; Polystyrene extruded (R=1.028)(R2.6)
 • 200mm Cinct Structural Wall; 0.5 Solar Absorption; Polystyrene extruded (R=1.028)(R2.6)
 Internal Walls:
 • 100mm Gypsum Board
 • 100mm Gypsum Board; Glass fibre batt; R2.5 to bathroom
 Internal walls:
 Ceiling:
 • 300mm Concrete Slab, no insulation; 300mm Concrete Slab, R1.8 bulk insulation; Plasterboard, no insulation; Plasterboard, R1.1 bulk insulation; Plasterboard, R1.3 bulk insulation
 Roof:
 • 300mm Suspended Slab, 0.5 Solar Absorption; 300mm Slab - 500 Substrate, 0.5 Solar Absorption; 300mm Suspended Slab - External Insul, 0.5 Solar Absorption; Flat Framed (meat decks), 0.8 Solar Absorption
 Floors:
 • Concrete Slab on Ground, no insulation; 300mm Concrete Slab Level, no insulation; 300mm Concrete Slab Level, R1.8 added insulation; 300mm Concrete Slab Level, Elevated sub-floor ventilation, R1.8 added insulation
 Ceiling Fans:
 • Dwelling B: Ceiling fan to Bed 3

Consultants:
 Structural: Sturme Consulting

Common Office
 L1, 45 Hutchinson St
 Surry Hills
 NSW Australia
 +61 14 13555547
 www.common-office.com

Project:
 304 Military Road,
 Dover Heights

Date:
 5-Sep-23

Scale:
 1:200 at A3

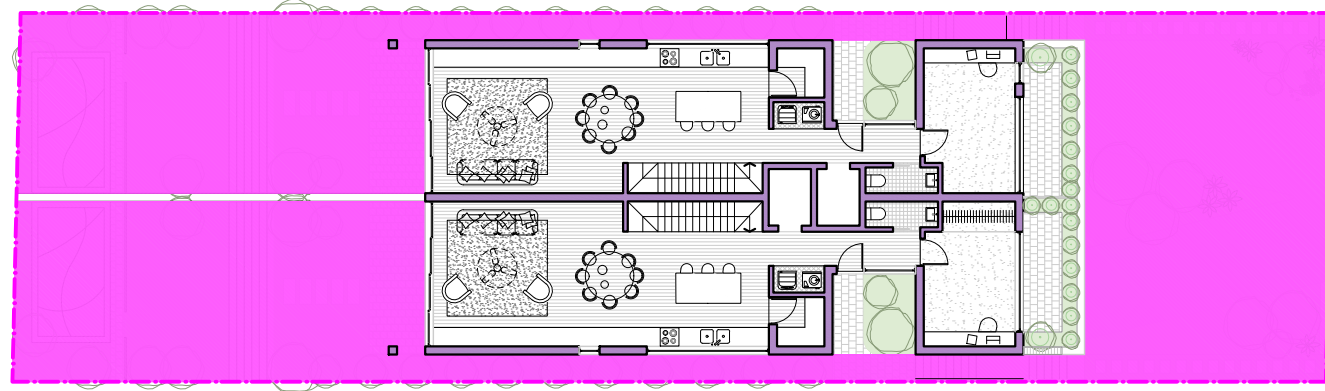
Drawn:
 JH, RM

Drawing:
 Sections

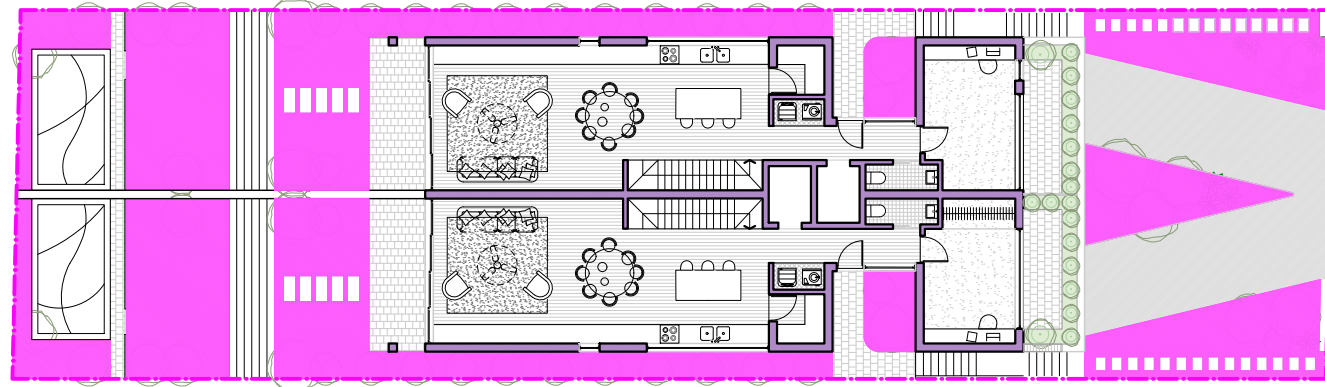
Project No:
 2214

Drawing No:
 DA400[02]

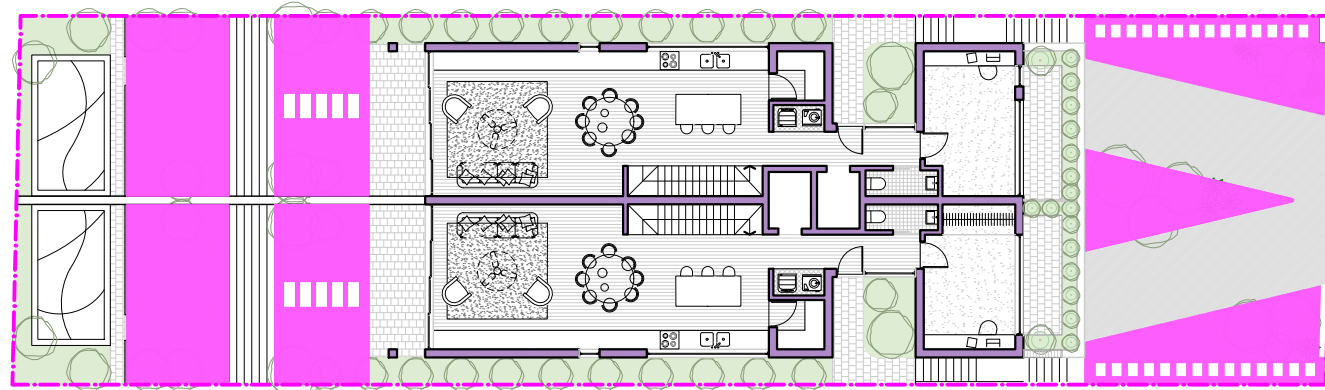




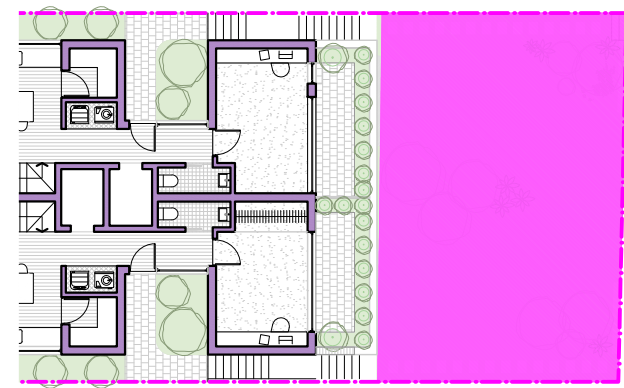
1 Site Open Space
501 Landscape Area Summary 1:250



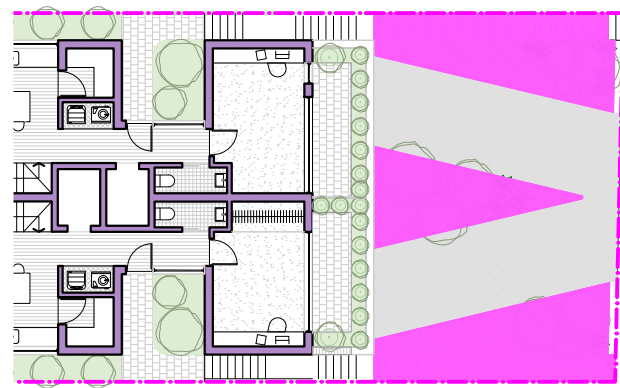
2 Site Landscaped Area
501 Landscape Area Summary 1:250



3 Site Deep Soil
501 Landscape Area Summary 1:250



4 Front Setback Open Space
501 Landscape Area Summary 1:250



5 Front Setback Landscaped
501 Landscape Area Summary 1:250

Landscape Controls 304 Military Rd, Dover Heights Site Area: 529.4m²

	Control	Value	Proposed Rev.00	Proposed Rev. 01	Proposed Rev. 02	Compliance
Site Open Space	40% of Site 40% of 529.4m ²	211.76m ²	290.72m ²	299.23m ²	No Change	Yes
Site Landscaped Area	20% of Site 20% of 529.4m ²	105.88m ²	157.96m ²	168.12m ²	No Change	Yes
Site Deep Soil	50% of Landscaped Area 50% of 168.12m ²	84.06m ²	101.63m ²	118.73m ²	No Change	Yes
Front Setback Open Space	50% of Front Setback 50% of 97.78m ²	48.89m ²	59.93m ²	97.78m ²	No Change	Yes
Front Setback Landscaped	50% of Front Setback Open Space 50% of 97.78m ²	48.89m ²	23.9m ²	48.8m ²	No Change	Yes

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-118/2023
Date Received: 05/09/2023

For DA Only

Gas cooktops, gas ovens and gas internal heaters have been replaced with electric.

Legend:
 To be demolished
 Line of previous DA

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SEWER: (deducted) laundry, all (deducted) pathways
 WATER: Natural Lighting:
 • 3 Bathrooms & 1 Main Kitchen
 Appliances & other efficiency measures
 • Electric cooking & electrical oven
 • Provide outdoor or unshaded clothes drying the
 Alternative energy:
 • Dwelling A: 1.7 photovoltaic system (min rated electrical output in peak kW)
 Thermal loads:
 • Dwelling A: Area adjusted heating load (in mJ/m²/yr) 27.5, Area adjusted cooling load (in mJ/m²/yr) 25.6
 • All other dwellings: Area adjusted heating load (in mJ/m²/yr) 25.9, Area adjusted cooling load (in mJ/m²/yr) 25.9
 THERMAL COMFORT:
 • Dwelling A: U-value 4.12, SHGC 0.63-0.69, U-value 6.85, SHGC 0.61-0.67, U-value 4.33, SHGC 0.57-0.62, U-value 5.09, SHGC 0.63-0.69
 • Dwelling B: U-value 6.22, SHGC 0.74-0.82, U-value 4.18, SHGC 0.57-0.63, U-value 6.34, SHGC 0.70-0.78, U-value 6.49, SHGC 0.63-0.69
 • Dwelling B: U-value 2.8, SHGC 0.48-0.54, U-value 2.8, SHGC 0.56-0.62, U-value 4.96, SHGC 0.54-0.60
 External Wall Type:
 • Brick/150mm Gypsum Structural Wall, 0.3 Solar Absorption; Polystyrene insulation R=1.02(R1.02)
 • 200mm Gypsum Structural Wall, 0.5 Solar Absorption; Polystyrene extruded R=1.02(R1.02)
 Internal Walls:
 • Candy Wall, Glass Fix Plasterboard, Glass fibre batt, R2.5 to bathroom internal walls
 Ceiling:
 • 300mm Concrete Slab, no insulation; 300mm Concrete Slab, R1.8 bulk insulation; Plasterboard, no insulation; Plasterboard, R1.1 bulk insulation; Plasterboard, R1.3 bulk insulation
 Floor:
 • 300mm Suspended Slab, 0.5 Solar Absorption; 300mm Slab -500 Substrate, 0.5 Solar Absorption; 300mm Suspended Slab - External Insul, 0.5 Solar Absorption; Flat Framed (meat decks), 0.8 Solar Absorption
 Floor:
 • Concrete Slab on Ground, no insulation; 300mm Concrete Slab Level, no insulation; 300mm Concrete Slab Level, R1.8 added insulation; 300mm Concrete Slab Level, Elevated sub-floor ventilation, R1.8 added insulation
 Ceiling Frame:
 • Dwelling B: Ceiling fan to Bed 3

Consultants:
 Structural: Sturdevant Consulting

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Project
 304 Military Road,
 Dover Heights
 Date
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 1:250 at A3
 Drawn
 JH, RM

Drawing
 Areas Landscape
 Project No
 2214
 Drawing No
 306
 DA501[02]



A White Brick B Brick Sills C White Render D Steel Balustrade E Corrugated Steel Clad F Steel Window Shades G Timber Screen H Steel Hood

AMENDED PLANS

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REVISIONS

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SEWER:
WATER:
PLUMBING:
 • Showersheads: 4 star (4 hot 7½ Litres); Toilet flushing systems: 3 star
 • Kitchen taps: 3 star; Bathroom taps: 3 star
Alternative Water Source:
 • Individual water tank min. 15, Tank size (min) 1000.0 litres. To collect runoff from at least 91 Sqm of roof area; Landscape, toilet, laundry connection
 • Outdoor pool, max 16 kL volume
ENERGY:
PER WATER:
 • Gas instantaneous 6 star
Ventilation System:
 • Bathroom, Kitchen and Laundry: Individual fan, ducted to facade or roof, manual switch control
Cooling and Heating:
 • 1 split air conditioning EER 3.0-3.5 (zoned) to living room areas
 • 1 split air conditioning EER 3.0-3.5 (zoned) to bedroom areas
Pool:
 • Solar (gas boosted) pool heating systems, pump timer
Artificial Lighting:
 • 4 (dedicated) bedrooms &/or study; 2 (dedicated) living &/or dining rooms; each (dedicated) kitchen, all (dedicated) bathroom/bath, each

(dedicated) laundry; all (dedicated) hallways
Natural Lighting:
 • 1 bathroom &/or toilet; Main kitchen
Appliances & other efficiency measures:
 • Electric cooking & electrical oven
 • Private outdoor or unshaded clothes drying line
Alternative energy:
 • Dwelling A: 1.7 photovoltaic system (min rated electrical output in peak kW)
THERMAL COMFORT:
 • Dwelling A: Area adjusted heating load (in MJ/m²/yr) 27.5; Area adjusted cooling load (in MJ/m²/yr) 25.6
 • All other dwellings: Area adjusted heating load (in MJ/m²/yr) 39.7; Area adjusted cooling load (in MJ/m²/yr) 25.9
CONSTRUCTION:
Windows:
 • Bath-dwelling U-value 4.12, SHGC 0.63-0.69; U-value 6.85, SHGC 0.61-0.67; U-value 4.33, SHGC 0.57-0.63; U-value 5.09, SHGC 0.53-0.59
 • Dwelling A: U-value 6.02, SHGC 0.74-0.82; U-value 4.18, SHGC 0.57-0.63; U-value 6.34, SHGC 0.70-0.78; U-value 6.49, SHGC 0.63-0.69
 • Dwelling B: U-value 2.8, SHGC 0.48-0.54; U-value 2.8, SHGC 0.56-0.62; U-value 4.96, SHGC 0.54-0.60

External Wall Type:
 • Brick/150mm Gneiss Structural Wall; 0.3 Solar Absorption; Polystyrene extruded (R=1.028) (R2.6)
 • 200mm Gneiss Structural Wall; 0.5 Solar Absorption; Polystyrene extruded (R=1.028) (R2.6)
Internal Walls:
 • Candy Wall, Gneiss Fix Plasterboard; Glass fibre batt; R2.9 in bathroom
 • Internal walls
Ceiling:
 • 300mm Concrete Slab, no insulation; 300mm Concrete Slab, R1.8 bulk insulation; Plasterboard, no insulation; Plasterboard, R5.1 bulk insulation; Plasterboard, R6.3 bulk insulation
Floor:
 • 300mm Suspended Slab, 0.5 Solar Absorption; 300mm Slab -500 Substrate, 0.5 Solar Absorption; 300mm Suspended Slab - External Insul, 0.5 Solar Absorption; Flat Framed (meat decks), 0.8 Solar Absorption
Roof:
 • Concrete Slab on Ground, no insulation; 300mm Concrete Slab Lined, no insulation; 300mm Concrete Slab Lined, R1.8 added insulation; 300mm Concrete Slab Lined, Elevated sub-floor ventilation, R1.8 added insulation
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 • Dwelling B: Ceiling fan to Bed 3

Consultants:
 Studerme Consulting

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Project
 304 Military Road,
 Dover Heights
 Date
 5-Sep-23
 Scale
 nts at A3

Drawn
 JH, RM

Drawing
 External Material
 Schedule
 Project No
 2214
 Drawing No
 309
 Rev
 DA600[02]

AMENDED PLANS



Submitted DA



Amended Proposal

RECEIVED
Waverley Council
Application No: DA-118/2023
Date Received: 05/09/2023

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- All works to be verified against drawings following construction and designer to be notified of any discrepancies prior to proceeding with next trade

SEWAGE WATER:
Fixtures:
 • Showers/baths: 4 star (4-bulb T10 Linear); Toilet flushing systems: 3 star;
 • Kitchen taps: 9 star; Bathroom taps: 9 star
Alternative Water Source:
 • Individual water tank (up to 1L tank size (max) 1000.0 litres. To collect runoff from at least 91 Sqm of roof area. Landscape, toilet, laundry connection
 • Outdoor pool: max 18.4kl volume
ENERGY:
Hot Water:
 • Gas instantaneous 6 star
Ventilation System:
 • Bathroom, Kitchen and Laundry: Individual fan, ducted to facade or roof, manual switch control
Cooling and Heating:
 • 1 split air conditioning EER 3.0-3.5 (paired to living room areas)
 • 1 split air conditioning EER 3.0-3.5 (paired to bedroom areas)
Pool:
 • Solar (gas boosted) pool heating systems; pump timer
Artificial Lighting:
 • 4 (dedicated) bedrooms &/or study; 2 (dedicated) living &/or dining rooms; each (dedicated) kitchen; all (dedicated) bathrooms/baths; each

(dedicated) laundry; all (dedicated) hallways
Natural Lighting:
 • 3 bathrooms &/or toilets; Main kitchen
Appliances & other efficiency measures
 • Electric cooking & exhaust oven
 • Private outdoor or unsheltered clothes drying line
Alternative energy:
 • Dwelling A: 1.7 photovoltaic system (min rated electrical output in peak kW)
THERMAL COMFORT:
Thermal loads:
 • Dwelling A: Area adjusted heating load (in MJ/m²/yr) 27.5; Area adjusted cooling load (in MJ/m²/yr) 25.6
 • All other dwellings: Area adjusted heating load (in MJ/m²/yr) 25.9
 • Dwelling cooling load (in MJ/m²/yr) 25.9
CONSTRUCTION:
Windows:
 • Dwelling A: U-value 4.12, SHGC 0.63-0.69; U-value 6.85, SHGC 0.61-0.67; U-value 4.33, SHGC 0.57-0.63; U-value 5.09, SHGC 0.53-0.59
 • Dwelling A: U-value 6.23, SHGC 0.74-0.82; U-value 4.16, SHGC 0.57-0.63; U-value 6.34, SHGC 0.70-0.78; U-value 6.49, SHGC 0.63-0.69
 • Dwelling B: U-value 2.84, SHGC 0.48-0.54; U-value 2.84, SHGC 0.56-0.62; U-value 4.96, SHGC 0.54-0.60

External Wall Type:
 • Brick/150mm Gneol Structural Wall; 0.3 Solar Absorption; Polystyrene extruded (R=1.028)(R2.6)
 • 200mm Gneol Structural Wall; 0.5 Solar Absorption; Polystyrene extruded (R=1.028)(R2.6)
Internal Walls:
 • Core/100mm Gneol Plasterboard; Glass fibre batt; R2.9 to bathroom internal walls
Ceiling:
 • 300mm Concrete Slab, no insulation; 300mm Concrete Slab, R1.8 bulk insulation; Plasterboard, no insulation; Plasterboard, R5.1 bulk insulation; Plasterboard, R6.3 bulk insulation
Floor:
 • 300mm Suspended Slab, 0.5 Solar Absorption; 300mm Slab - 500 Substrate, 0.5 Solar Absorption; 300mm Suspended Slab - External Insul, 0.5 Solar Absorption; Flat Framed (metal decks), 0.5 Solar Absorption
Roof:
 • Concrete Slab on Ground, no insulation; 300mm Concrete Slab Lined, no insulation; 300mm Concrete Slab Lined, R1.8 added insulation; 300mm Concrete Slab Lined, Elevated sub-floor ventilation, R1.8 added insulation
Ceiling Fans:
 • Dwelling B: Ceiling fan to Bed 3

Consultants:
 Structural: Studerme Consulting

Common Office
 L1, 45 Hutchinson St
 Surry Hills
 NSW Australia
 +61 14 13555547
 www.common-office.com



Project
 304 Military Road,
 Dover Heights

Date
 5-Sep-23

Scale **Drawn**
 NTS JH, RM

Drawing
 Photomontage

Project No
 2214

Drawing No **Rev**
 310 DA601[02]



Report to the Waverley Local Planning Panel

Application number	DA-185/2023
Site address	17 High Street, Waverley and 19 Prospect Street, Waverley
Proposal	Construction of two (2) two-storey semi-detached dwellings with basement garages and studios above the rear private open space, and boundary adjustment of existing 2 Torrens lots.
Date of lodgement	18 July 2023
Owner	West London Pty Limited and East London Pty Ltd
Applicant	Aii In Project Management
Submissions	Fifteen (15) submissions received
Cost of works	\$3,454,000.00
Principal Issues	<ul style="list-style-type: none"> • Minimum subdivision lot size • Vehicular access • Excavation setback • Side setback
Recommendation	That the application be APPROVED.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for construction of two x two storey semi-detached dwellings with basement car parking and rear studios, and boundary adjustment of existing 2 Torrens lots at the site known as 17 High Street and 19 Prospect Street, Waverley.

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

- Minimum subdivision lot size
- Vehicular access
- Excavation setback
- Side setback.

The assessment finds these issues acceptable as the proposal, notwithstanding the variation sought to the minimum subdivision lot size development standard under the Waverley Local Environmental Plan 2012 (Waverley LEP 2012), will create two east-west orientated lots that will be consistent with the predominant subdivision pattern of surrounding properties and maintains lot sizes similar to the existing lots within the site. The submitted Clause 4.6 written request seeking variation to the minimum lot size development standard is considered well founded as the proposal:

- has adequately demonstrated that compliance with the development standard is unnecessary and unreasonable and that there are sufficient environmental planning grounds for the variation as the site can accommodate semi-detached dwellings of similar building bulk and scale to surrounding developments;
- is compliant with the maximum height of buildings and floor space ratio development standards; and
- will not detract from the existing or desired future character of the streetscape and will not result in adverse amenity impacts on surrounding properties.

The proposed vehicular access to the semi-detached dwellings from Prospect Street is considered acceptable having regard to the constraints of existing vehicle circulation and impact on loss of on street car parking if vehicular access is provided from High Street. The provision of vehicular access from Prospect Street will not detract from the amenity or character of the street as vehicular access and off site car parking is a prominent feature within the streetscape.

The proposed excavation provides a basement level for carparking, storage and internal access to the semi-detached dwellings. The proposed excavation volume and setbacks are consistent with the excavation controls, except a partial nil setback to the northern side boundary for Lot A. The extent of the nil setback is limited to circulation space comprising lift and stair access from the basement to dwelling above and does not extend the length of the semi-detached dwelling immediately to the north of the site. The proposed excavation will not result in adverse impacts on the adjoining property, subject to appropriate excavation methodologies to minimise vibrations and structural support of adjoining structures as recommended by the Geotechnical Report submitted with the application.

A total number of fifteen (15) submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the recommendation. No Councillor submissions were received.

The application is referred to the Waverley Local Planning Panel for determination as it attracted more than 10 unique public objections and seeks to vary the minimum subdivision lot size development standard under Waverley LEP 2012 by more than 10%.

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 19 September 2023.

The site comprises two lots identified as Lot 10 DP 1172820, known as 17 High Street, Waverley and Lot 11 in DP 1172820, known as 19 Prospect Street, Waverley. The site is rectangular in shape comprising a 12m frontage to High Street and 11.7m frontage to Prospect Street. The existing site areas for 17 High Street measure 229.7m² and 223.2m² at 19 Prospect Street.

Both 17 High Street and 19 Prospect Street are generally flat however the existing ground level at the rear of 17 High Street is approximately 420mm above the existing ground level at the rear of 19 Prospect Street.

The site is occupied by a single storey dwelling house with vehicular access and a hardstand car space at 17 High Street and a single storey dwelling house with no vehicular access at 19 Prospect Street.

The site is adjoined by a two storey semi-detached terrace style dwelling to the north at 17 Prospect Street and a single storey dwelling house to the south at 21 Prospect Street. The existing streetscape comprises a variety of one and two storey detached and semi-detached dwellings. A number of properties to the north of the site have garages with vehicular access from Prospect Street.

Existing developments directly opposite the site on the eastern side of Prospect Street comprises single storey garages to properties with primary frontages to Henrietta Street.

Existing development on the western side of High Street comprises a row of two storey semi-detached dwellings with vehicular access provided from a secondary frontage to a laneway to the west. Immediately to the south of the site fronting High Street are garages with studios above at 21 and 23 Prospect Street. Further to the south are single level garages to properties with primary frontages to Prospect Street and a row of semi-detached dwellings with a primary frontage to High Street.

The locality is characterised by a variety of low density residential development and is a predominantly residential neighbourhood. The site is not heritage listed and is not within a heritage conservation area however properties on the western side of High Street are located within the Charring Cross Conservation Area (C7) and further to the south-west of the site is a row of heritage listed two storey terrace houses (Nos. 4-22 High Street) on High Street.

Figures 1 to 12 are photos of the site and its context.



Figure 1: View of 17 High Street, looking east from High Street



Figure 2: View of 19 Prospect Street and adjoining developments, looking west



Figure 3: Vehicular access from secondary frontage of 21 Prospect Street, looking east from High Street



Figure 4: Existing developments to the south of the site, looking south along High Street



Figure 5: Existing semi-detached dwellings directly opposite site on the western side of High Street



Figure 6: Heritage listed terraces (Nos. 4 to 22 High Street) located to the south-west of site



Figure 7: Existing semi-detached developments immediately adjoining site to the north, looking north-west from Prospect Street



Figure 8: Existing dwellings to the north of site with vehicular access and garages below ground floor level fronting Prospect Street



Figure 9: Existing developments to the south of site fronting Prospect Street



Figure 10: Existing garages immediately opposite site on the eastern side of Prospect Street



Figure 11: Existing rear yard of 17 High Street, looking north towards 17 Prospect Street



Figure 12: Existing rear yard of 19 Prospect Street, looking south towards 21 Prospect Street

1.3. Relevant Development History

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

- DA-420/2011 was approved on 1 December 2011 for boundary adjustment to consolidate three lots into two lots;
- SC-1/2012 was approved on 2 February 2012 for a subdivision certificate to consolidate three lots into two lots;
- Complying Development Certificates for demolition of the existing dwellings and ancillary structures on the site have been approved as follows:
 - CD-155/2021 (19 Prospect Street) was approved on 18 August 2021 by Professional Certification Group. The CDC will lapse on 18 August 2026.
 - CD-156/2021 (17 High Street) was approved on 18 August 2021 by Professional Certification Group. The CDC will lapse on 18 August 2026.
- DA-183/2022 for construction of a new two storey semi-detached development with basement car parking, tree removal, swimming pools at the rear, secondary dwellings, and Torrens subdivision into two lots was withdrawn on 20 October 2022.
- PD-46/2022 for construction of a new two storey semi-detached development with basement car parking, swimming pool, secondary dwelling to the rear and subdivision for a boundary adjustment was submitted to Council on 9 December 2022. On 2 February 2023, a meeting attended by Council officers and the applicant was held at Council offices to discuss the proposed development. A Pre-DA letter dated 9 February 2023 was prepared by Council officers reiterating the main issues identified for the proposal, including:
 - Minimum lot size variations requiring the preparation of a Clause 4.6 written request to vary that development standard under the Waverley Local Environmental Plan 2012;
 - The proposed excavation exceeds the maximum volume of excavation and setback controls under the Waverley Development Control Plan 2022;
 - Bulk, scale and proportions of the semi-detached dwellings should respect and respond to the scale and form of surrounding developments within the streetscape;
 - Rear building lines particularly at the first floor level should be increased to reduce bulk and scale, and visual and overshadowing impacts on adjoining properties;
 - Vehicular access and car parking from High Street is preferred in accordance with the car parking and vehicular access controls under the Waverley DCP 2022; and
 - The proposed detached secondary dwellings are not supported as each lot does not achieve the minimum required site area of 450m² under the State Environmental Planning Policy (Housing) 2021. As the minimum site area is a non-discretionary development standard, a Clause 4.6 written justification seeking variation to the development standard must be submitted with any application and adequately demonstrate that compliance is unreasonable or unnecessary and that there are sufficient environmental planning grounds for the variation. In this circumstance, the proposal for a total of four dwellings on the site is considered overdevelopment and there are no sufficient environmental planning grounds for the variation.

1.4. Proposal

The development application seeks consent for construction of two x two storey semi-detached dwellings with basement carparking and new vehicular access from Prospect Street, studios above the rear private open space and readjust the boundary (maintain two Torrens lots), specifically the following:

Basement

- Excavation to provide vehicular access and a basement for two car spaces, plant room, bin storage, store room, lift and stair access per semi-detached dwelling;
- External stairs to entry of dwelling at the ground floor level;
- New 1.2m high open balustrade front fence with solid letter box; and
- New landscaping within the front building line.

Ground floor

- Elevated front terrace with planter over driveway;
- Open plan living areas;
- Private open space with clothes drying area;
- 2m high boundary fence between Lot A and Lot B;
- Covered outdoor area with full height privacy screening, fence and pedestrian gate built to the western (High Street) boundary;
- Studio above covered outdoor area at the rear; and
- Landscape works within rear private open spaces.

First Floor

- Three bedrooms, one ensuite, a separate bathroom;
- Lift and stair access to floors below; and
- Void over stairs and dining room below.

Roof

- Two clerestory windows for Lot 19A;
- One clerestory window for Lot 19B;
- Five skylights for Lot 19A;
- One skylight for Lot 19B; and
- Photovoltaic panels.

Subdivision

- Boundary adjustment of existing lots to create two east west orientated lots measuring 223m² for Lot A and 229.9m² for Lot B.

1.5. Background

On 10 October 2023, the applicant submitted amended architectural plans following discussions with Council's assessment officer regarding the non-compliance of the first floor northern side setback for

Lot A and potential building bulk, visual and amenity impacts on the first floor habitable room windows of the adjoining property.

The amended architectural plans provide a 900mm setback to the northern side boundary on the first floor level of Lot A to increase building separation and improve visual relief from adjacent habitable windows at 17 Prospect Street. The amended plans seek to provide a highlight window on the northern elevation with a minimum sill height of 1.6m (RL92.60) above the finished floor level. The proposed sill of the highlight window is located above the head of the adjacent window (RL92.14) at 17 Prospect Street.

A revised Geotechnical Investigation Report was submitted by the applicant on 13 October 2023 to remove references to works that are not included in the scope of works for this application, such as excavation for the construction of swimming pools within the rear private open spaces.

The amended plans received on 10 October 2023 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 1st March 2022 and have been considered acceptable in the assessment of this development application:

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

2.1.2 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is not inconsistent with the aims of the plan.
Part 2 Permitted or prohibited development		
2.6 Subdivision – consent requirements	Yes	Subdivision of land is permitted with consent. The site presents consists of 2 Torrens lot, one fronting High St (no 17 High St), the other fronting Prospect St (no 19 Prospect St). The proposal seeks to adjust the boundary to provide 2 side by side lots, each with a frontage to both High <u>and</u> Prospect Streets. There is no net increase of lots, but rather a realignment of the existing boundary line.
Land Use Table <ul style="list-style-type: none"> <i>R2 Low Density Residential Zone</i> 	Yes	The proposal is defined as a semi-detached dwelling development, which is permitted with consent in the R2 Low Density Residential zone.
Part 4 Principal development standards		
4.1 Minimum subdivision lot size <ul style="list-style-type: none"> <i>325m²</i> 	No	<p>The existing lots have site areas of 229.7m² (17 High Street) and 223.2m² (19 Prospect Street).</p> <p>The proposal seeks consent to rearrange lot boundaries and create two (2) east west orientated lots with primary frontages to Prospect Street and secondary frontages to High Street. The proposed lots will have areas measuring 223m² (Lot A to the north) and 229.9m² (Lot B to the south).</p> <p>The proposed lots do not achieve the minimum lot size of 325m² but remains similar in area to the existing lot sizes.</p>
4.3 Height of buildings <ul style="list-style-type: none"> <i>8.5m</i> 	Yes	The proposed semi-detached dwellings have building heights measuring 7.95m (Lot A) and 7.7m (Lot B) and are consistent with the maximum building height control.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> <i>Lot A – 0.86:1(191.78m²)</i> <i>Lot B – 0.85:1 (195.4m²)</i> 	Yes	<p>The proposed semi-detached dwellings have gross floor areas and FSR that are consistent with the maximum FSR development standard for each lot as follows:</p> <ul style="list-style-type: none"> <i>Lot A – 0.844:1 (188.3m²)</i> <i>Lot B – 0.739:1 (169.8m²).</i>
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 minimum subdivision lot size development standard in Clause 4.1. A detailed

Provision	Compliance	Comment
		discussion of the variation to the development standard is presented below this table.
Part 6 Additional local provisions		
6.2 Earthworks	Yes	<p>As identified by the investigations carried out in the Geotechnical Report, the site contains sandy fill soils and natural sand and low to medium strength sandstone bedrock. No ground water or significant seepage was identified at the base of the boreholes.</p> <p>The proposed excavation is consistent with the excavation controls under the Waverley DCP 2022, except for a portion of the nil setback to the northern side boundary.</p> <p>The proposed excavation will not result in any adverse environmental impacts on surrounding properties, subject to implementation of appropriate excavation methodologies recommended in the Geotechnical Report and excavation conditions included in the recommendation.</p>
6.15 Stormwater management	Yes	Council's Stormwater Engineer has reviewed the proposal and raised no objection, subject to conditions that have been included in the recommendation.

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

Clause 4.6 Exceptions to Development Standards - minimum subdivision lot size

The application seeks to vary the minimum subdivision lot size in clause 4.1 under Waverley LEP 2012.

The site is subject to a minimum subdivision lot size development standard of 325m². The proposed development seeks to rearrange lot boundaries and create two lots (Lots A and B) with lot sizes of 223m² and 229.9m², respectively. The proposed lot areas result in a non-compliance of 102m² for Lot A (variation of 31%) and 95.1m² for Lot B (variation of 29%).

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

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

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

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

The applicant seeks to justify the contravention of the minimum subdivision lot size development standard on the following basis:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
- (i) The existing lot areas of 229.7m² (17 High Street) and 223.2m² (19 Prospect Street) are inconsistent with the minimum subdivision lot size requirement. The proposal to adjust the boundary will provide two lots with similar lot areas to the existing lots.*
 - (ii) The proposal provides primary frontages to Prospect Street and secondary frontages to High Street for both lots and is consistent with the existing subdivision pattern of surrounding properties in Prospect Street and High Street.*
 - (iii) The orientation of the lots allows vehicular access from Prospect Street which avoids loss of more than two street parking spaces if vehicular access is provided from High Street.*
 - (iv) The proposed site areas are capable of accommodating development that is contained within a compliant building envelope and provides adequate open space, landscaped area and car parking.*
 - (v) The shortfall of lot sizes is minor having regard to the existing lot sizes and will not detract from the character of the existing streetscape.*
 - (vi) The proposal, notwithstanding the variation to the development standard, achieves the objectives of the development standard and is compatible with the desired future character of the locality.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) The orientation of the existing lots is an anomaly within the streetscape. The proposed lot sizes maintain similar lot sizes as existing and will provide frontages to both Prospect Street and High Street which is consistent with the pattern of subdivision of immediately adjoining properties to the south of the site. Notwithstanding the shortfall in lot size, the proposal is compatible with the subdivision pattern of surrounding developments.*
 - (ii) The proposed lots are capable of accommodating semi-detached developments that are consistent with the built form, carparking and landscape controls, and complements the predominantly two storey form of immediately surrounding developments. The proposed lots will not detract from the existing and desired future character of the streetscape or amenity of adjoining properties.*
 - (iii) The proposed boundary adjustment to provide two east-west orientated lots will enable the orderly and economic use and development of land, which is consistent with the objects of the Environmental Planning and Assessment Act.*

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

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

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

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

It is considered that the applicant has 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 that the objectives of the development standard are achieved is considered well founded as the proposed east-west orientation of the lots, proportions and dual frontages to Prospect Street and High Street are consistent with the predominant subdivision pattern within the surrounding area. The proposed boundary adjustment of the existing lots will enable infill development that responds to the predominant siting and built form of surrounding developments and will not result in adverse amenity impacts on surrounding properties.

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

The applicant has demonstrated that there are sufficient environmental planning grounds to justify the development standard. In particular, the proposed subdivision does not result in lot sizes that are dissimilar to the size of the existing lots, creates lots that are consistent with the orientation and proportions of surrounding properties and will enable infill development that complements the character of the streetscape and surrounding locality.

Is the development in the public interest?

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

The objectives of the minimum subdivision lot size development standard are as follows:

- (a) to ensure that subdivisions reflect and reinforce the predominant subdivision pattern of the area,*
- (b) to minimise the likely impact of subdivision and development on the amenity of neighbouring properties.*

Notwithstanding the shortfall of the proposed lot sizes, the orientation and size of the lots responds better to the predominant subdivision pattern within the street and surrounding area than the configuration of the existing lots. As demonstrated in this assessment report, the proposal is capable of accommodating low density residential infill development that is compliant with built form, car parking, open space and landscaping controls. The proposal has adequately demonstrated that there will not be adverse amenity impacts on surrounding properties.

The objectives of the R2 Low Density Residential zone are as follows:

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

The proposed subdivision maintains two lots and does not increase density. The proposal achieves the objectives of the R2 Low Density Residential zone as the lots accommodate low density residential development that contributes to housing mix and supply, complements the character of the streetscape and will not adversely impact the amenity of surrounding properties. Notwithstanding the variation to the minimum subdivision lot size, the proposal has demonstrated that sufficient open space and landscaped areas can be provided for each semi-detached dwelling and will contribute to the landscaped character of the site and streetscape.

Conclusion

For the reasons provided above the requested variation to the minimum subdivision lot size 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 minimum subdivision lot size development standard and the R2 Low 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
1. Waste <ul style="list-style-type: none"> <i>Garbage bins are to be stored in an appropriate location.</i> 	Yes	Satisfactory.
2. Ecologically Sustainable Development <ul style="list-style-type: none"> <i>Ceiling or wall mounted fans</i> <i>Gas cooktops, gas ovens or gas internal space heating systems.</i> 	<p>No</p> <p>Yes</p>	<p>No ceiling fans have been proposed in habitable rooms. The proposed semi-detached dwellings are adequately ventilated and the BASIX Certificate demonstrates that the proposal achieves the thermal comfort target.</p> <p>The proposal will use an electric hot water system and does not include gas heating systems. The proposal has not specified if the cooktop is gas or electric.</p> <p>Use of ecologically sustainable devices such as ceiling fans and electric cooktops are encouraged and noted in the advisory notes of the recommendation.</p>
3. Landscaping, Biodiversity and Vegetation Preservation	Yes	The site is not located in a habitat or terrestrial biodiversity corridor.

Development Control	Compliance	Comment
		<p>The site does not contain any significant trees. The two existing trees (Oleander trees) within the setback fronting High Street are listed as an exempt species and removal of the trees does not require development consent.</p> <p>Tree removal is not sought as part of this application.</p>
5. Water Management	Yes	Satisfactory. Refer to section 3 of this report on referral commentary in relation to stormwater.
7. Transport 7.1 Streetscape 7.2 On-Site Parking 7.2.1 Vehicle Access 7.2.2 Parking Rates <i>Minimum parking rate:</i> <ul style="list-style-type: none"> • Nil <i>Maximum parking rate:</i> <ul style="list-style-type: none"> • 2 	Yes Yes Yes Yes Yes	<p>The provision of vehicular access and off-street parking from the primary street frontage on Prospect Street is acceptable in this circumstance as vehicular access is part of the character of Prospect Street. The new vehicular crossing will not result in the loss of two or more existing on street car parking spaces and is acceptable.</p> <p>The proposed vehicular crossing measures 6.6m at the property boundary and 6m at the street. Council's Traffic Engineer raised no objection to the location of the driveway, subject to design amendments to reduce the width of the crossover to a maximum of 6m at the property boundary to comply with Council requirements. Design amendment conditions have been included in the recommendation.</p> <p>The subject site is located within Parking Zone 2.</p> <p>The development provides two off-street parking spaces per semi-detached dwelling which complies with the maximum car parking rate.</p>
11. Design Excellence	Yes	Satisfactory.
12. Subdivision	No – acceptable on merit	<p>The proposal will re-define two east-west orientated lots with site areas of 223m² (Lot A) and 229.9m² (Lot B).</p> <p>Notwithstanding the variation to the minimum subdivision lot size of 325m² the proposed lot sizes and orientation are consistent with the subdivision pattern of existing developments in Prospect Street and High Street and will not detract from the streetscape or adversely impact the amenity of surrounding properties. Having regard to the Clause 4.6 written request to vary the development standard, the proposed subdivision is considered acceptable.</p>

Development Control	Compliance	Comment
13. Excavation	Yes	<p>The maximum excavation controls for Lot A (94.6m³) and Lot B (96m³).</p> <p>The proposal seeks consent for 93.5m³ of excavation for Lot A and 88.85m³ for Lot B which is consistent with the maximum permitted volume of excavation and is acceptable.</p> <p>The proposed basement storage rooms have areas measuring 6.5m³ and are compliant with the maximum excavation of 8m³ for basement storage.</p> <p>The proposed excavation satisfies the objectives and controls in the DCP as it does not result in unacceptable building bulk or visual impacts on the streetscape. The semi-detached dwellings do not exceed the maximum height of buildings development standard and complements the predominantly two storey built form of adjoining properties within the streetscape.</p> <p>Part of the basement on Lot A is excavated up to the northern side boundary to provide stair and lift access to the dwelling above. The proposed excavation within the 900mm side setback measures an area of approximately 8.4m² and is contained wholly with the proposed building footprint.</p> <p>A Geotechnical Report has been prepared and submitted with the application concluding that excavation works can be carried out without adversely affecting the stability of adjoining properties, subject to adoption of excavation methods that minimise vibration impacts and use of appropriate support structures during excavation. Conditions relating to excavation works has been included in the recommendation.</p>

Table 3: Waverley DCP 2022 – Part C1 Low Density Residential Development Compliance Table

Development Control	Compliance	Comment
1.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
1.1 Height		
Flat roof dwelling house <ul style="list-style-type: none"> Maximum wall height of 7.5m 	No, acceptable on merit	The proposed building wall height fronting Prospect Street measures 7.7m to the top of the parapet. The external wall height along the

Development Control	Compliance	Comment
		<p>northern and southern elevations do not exceed 7.5m except for the clerestory window on the first floor of Lot A which has a height of 7.8m and exceeds the wall height control for a length of 1.3m along the northern boundary. The proposed 300mm variation to the maximum wall height is acceptable as the proposed built form does not exceed the maximum height of buildings development standard, does not contain window openings, will not result in any visual privacy or solar access impacts on adjoining properties.</p> <p>The proposed wall heights do not result in building bulk that is out of character with surrounding developments and will not detract from the character of the streetscape.</p>
1.2 Setbacks		
<p>1.2.1 Front and rear building lines</p> <ul style="list-style-type: none"> • <i>Predominant front building line (adjacent three neighbours on either side)</i> • <i>Predominant rear building line at each floor level (adjacent three neighbours or either side)</i> 	<p>Yes</p> <p>Yes</p>	<p>The proposed front building line aligns with front building line of the semi-detached dwellings immediately to the north at 17 and 15 Prospect Street and to the south at 23 and 25 Prospect Street. Nos. 13 and 21 Prospect Street contain single dwellings on larger lots. The difference in front building lines between semi-detached dwellings and single dwellings in the vicinity of the site forms part of the variation within the streetscape. In this regard, the proposed front building line responds appropriately to the existing front building line for similar scale semi-detached dwellings in the street and is acceptable.</p> <p>The site and surrounding properties do not comprise a predominant rear building line as the surrounding developments contain various ground floor and first floor rear building lines as shown in Figure 13 below.</p> <p>Having regard to the various rear building lines immediately to the north and south of the site, the proposed ground floor rear building line measuring 14m and first floor rear building line measuring 15m provides an appropriate transition between surrounding developments. It is noted that 23 and 25 Prospect Street contain single storey semi-detached dwellings that are underdeveloped and future alterations and additions would likely provide a rear building line that is similar to the semi-detached dwellings to the north.</p>

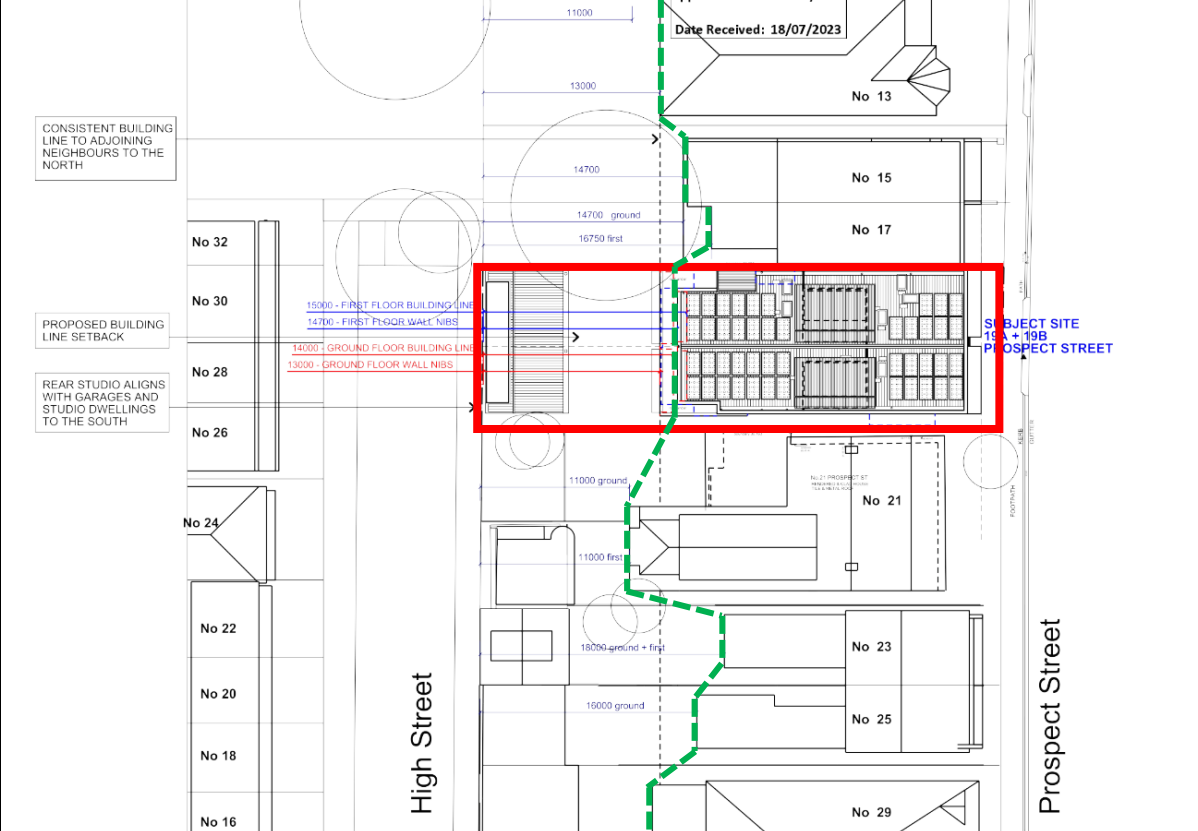


Development Control	Compliance	Comment
		<p>Date Received: 18/07/2023</p> <p>Subject Site is A + 19B Prospect Street</p>
<p>1.2.2 Side setbacks</p> <ul style="list-style-type: none"> Minimum of 0.9m for ground floor and first floors. 	<p>Lot A – No, acceptable on merit</p> <p>Lot B - Yes</p>	<p>Lot A</p> <p>Lot A is built to the northern side boundary on the ground floor and is aligned with the nil setback of the adjoining semi-detached dwelling at 17 Prospect Street for 19.5m. The rear of the ground floor living room has a nil setback to the northern side boundary a further 2.2m than 17 Prospect Street. Notwithstanding this, the proposal will not result in any unreasonable building bulk, visual or amenity impacts on the adjoining property and will present improved visual relief compared to the existing built form of 17 High Street which is currently built to the northern side boundary of the subject site for the entire length of the shared side boundary (see Figures 14 and 15 below).</p>

Figure 13: Existing rear building line (shown in green dashed line) and proposed setback

Development Control	Compliance	Comment
		 <p data-bbox="826 633 1337 667">Figure 14: Existing built form shown in red</p>  <p data-bbox="826 1115 1385 1149">Figure 15: Proposed built form shown in green</p> <p data-bbox="826 1189 1433 1397">The proposed 900mm northern side setback of the Bedroom 2 and 1.5m (Bedroom 3) is compliant with the side setback control under the DCP and will provide adequate building separation and visual relief for habitable windows on the first floor at 17 Prospect Street.</p> <p data-bbox="826 1440 895 1469"><u>Lot B</u></p> <p data-bbox="826 1473 1433 1720">Lot B provides a minimum side setback of 970mm to the southern side boundary at ground and first floor levels. The setback is consistent with the minimum side setback control of 900mm under the DCP and is adequately setback from the 915mm wide drainage easement along the length of the southern side boundary.</p>
1.3 Streetscape and visual impact		
<ul style="list-style-type: none"> <li data-bbox="236 1765 571 1868">• <i>New development to be compatible with streetscape context</i> <li data-bbox="236 1872 571 1939">• <i>Significant landscaping to be maintained.</i> 	<p data-bbox="683 1765 730 1794">Yes</p> <p data-bbox="683 1872 730 1901">Yes</p>	<p data-bbox="826 1765 1433 1939">The proposal presents contemporary styled semi-detached dwelling to Prospect Street that do not exceed the building height development standard or the existing height of surrounding two storey developments within the streetscape.</p>

Development Control	Compliance	Comment
		<p>height control of 1.8m for side boundary fences and is considered excessive as a compliant side boundary fence will provide adequate visual privacy and amenity for future occupants without contributing to additional visual bulk.</p> <p>A design amendment condition requiring the northern side boundary fence to Lot A and the shared boundary fence between Lots A and B to be no greater than 1.8m has been included in the recommendation.</p> <p>No change is proposed to the existing fence along the southern side boundary adjacent to 21 Prospect Street.</p> <p><u>Rear boundary fence</u> The proposed rear boundary fences fronting High Street comprises 2.4m high privacy screens, stone blade walls, and 2.4m high pedestrian gates which exceed the maximum rear boundary fence height control of 1.8m. However, given the location of the site at the termination of High Street and the height of existing fences and garages built to the street alignment along the eastern side of High Street, the proposal will not appear excessive or detract from the character of the streetscape and is contextually appropriate.</p>
1.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> <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> 	Yes	<p>The window openings on the east and west elevations of the proposed semi-detached dwellings will not result in any additional overlooking impacts on adjoining properties as proposed windows on the east elevation are orientated to Prospect Street and sightlines from window openings on the west elevation to the private open space of adjoining properties are obscured by blade walls and privacy screens.</p> <p>The south facing window openings in Lot B consists of sliding glass doors to the living room and windows to the kitchen, laundry and dining room on the ground floor and windows to a bedroom, bathroom, ensuite and stair void on the first floor. The windows on the ground floor will not have any unreasonable visual or acoustic impacts on the adjoining property as openings are set back more than 900mm from the side</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <i>Maximum size of balconies: 10m² in area 1.5m deep</i> 	<p>Ground floor Terrace – No, acceptable on merit</p> <p>First floor balconies - Yes</p>	<p>boundary and direct sightlines are obscured by the existing 1.8m boundary fence.</p> <p>The first floor bedroom window overlooks the roof of the adjoining property and will not have any unreasonable amenity impacts.</p> <p>The proposed ground floor front terraces cantilever over the driveway with areas measuring approximately 15.7m² (Lot A) and 12.6m² (Lot B) with a depth of 3.8m. The proposed dimensions and area of the terraces exceed the maximum size of balcony controls under the DCP however, given the orientation of the terraces to the street and public domain, outlook from the terraces will not result in adversely impact adjoining properties and is acceptable.</p> <p>The proposed first floor front balconies are accessed from bedrooms, have a depth of 1m and are approximately 4.5m² in area. The proposed first floor front balconies are consistent with the design requirements under the DCP and complements the proportion of first floor front balconies of surrounding developments to the north and south of the site and fronting Prospect Street.</p>
1.6 Solar access		
<ul style="list-style-type: none"> <i>Minimum of 3 hours of sunlight to 50% of living areas and principal open space areas on 21 June to subject site</i> <i>Minimum of 3 hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June.</i> <i>Avoid unreasonably overshadowing of solar collectors (including habitable windows).</i> 	<p>No – acceptable given site constraints</p> <p>Yes</p> <p>Yes</p>	<p>The proposal will provide direct sunlight to the terraces and balconies on the eastern elevation between 9am and 10am on 21 June and to private open spaces at the rear of the semi-detached dwellings between 10am and 3pm on 21 June. However, the proposed rear private open spaces will not achieve a minimum of 3 hours of direct sunlight to 50% of the open space areas due to the east-west orientation of the proposed lots and overshadowing cast by adjoining properties and proposed boundary fences. The proposal has demonstrated a design that optimises solar access for future occupants and adjoining properties, notwithstanding the constraints resulting from the predominant subdivision pattern in the locality.</p> <p>The proposed covered outdoor area with studios above will also reduce direct sunlight to the rear private open space and ground floor living room</p>

Development Control	Compliance	Comment
		proposal will not result in view loss impacts beyond the expected impacts from a compliant building envelope therefore the loss of the partial view of the ocean and horizon is considered reasonable.



Figure 16: Existing view of horizon and ocean from the first floor front balcony at 28 High Street, looking east over the roof of the existing dwelling at 17 High Street

1.8 Car parking		
<p>1.8.1 Design Approach</p> <ul style="list-style-type: none"> • <i>Parking only allowed where site conditions permit</i> • <i>Designed to complement the building and streetscape</i> • <i>Car parking structures to be behind the front building line</i> • <i>Driveways are to be located to minimise the loss of on street parking</i> • <i>Parking to be provided from secondary streets or lanes where possible.</i> 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p>	<p>Both High Street and Prospect Street are characterised by low density dwellings with vehicular access and on site car parking to some properties.</p> <p>The proposed boundary adjustments provide both lots with a primary frontage to Prospect Street and secondary frontage to High Street.</p> <p>Currently, 17 High Street has a vehicular crossing with a hard stand car parking space within the front building line fronting High Street and no vehicle access is provided at 19 Prospect Street. The proposal seeks to provide a new vehicular crossing from Prospect Street to basement car parking behind the front building line and no vehicle access from High Street.</p> <p>The new vehicular crossing on Prospect Street does not result in the loss of two or more street car parking spaces.</p> <p>See discussion below this table.</p>
<p>1.8.2 Parking rates</p>	<p>Yes</p>	<p>Parking rates are set by Part B7 of Waverley DCP 2022.</p>

Development Control	Compliance	Comment
1.8.3 Location <ul style="list-style-type: none"> <i>Parking to be behind front building line for new dwellings</i> 	Yes	The proposed basement garages providing two car spaces per semi-detached dwelling is located behind the front building line.
1.8.4 Design <ul style="list-style-type: none"> <i>Complement the style, massing and detail of the dwelling</i> <i>Secondary in area and appearance to the design of the residences</i> 	Yes	The design of the garages does not dominate the appearance of the semi-detached dwellings when viewed from Prospect Street as the garage doors are set back 4.9m from the front boundary and located 3.3m behind the front building line beneath the elevated ground floor front terraces.
1.8.5 Dimensions <ul style="list-style-type: none"> <i>5.4m x 2.4m per vehicle</i> 	Yes	The proposed tandem car parking spaces to accommodate two vehicles in each garage achieves the minimum length of 5.4m per vehicle and width of 2.4m.
1.8.6 Driveways <ul style="list-style-type: none"> <i>Maximum of one per property</i> <i>Maximum width of 3m at the gutter (excluding splay)</i> <i>Crossings not permitted where 2 on street spaces are lost</i> 	Yes Yes Yes	<p>The proposal seeks to provide a combined 6m wide driveway at the property boundary and 6.6m wide (including splays) at the gutter.</p> <p>Council's Traffic Engineer raises no objection to the proposal, subject to imposition of a driveway design condition restricting the width of the driveway to 6m at the property boundary and 6m at the street and 0.45m splays on either side. Adequate sight lines are also required to be provided from the driveway with no structures above 1.15m permitted within the sight triangles (2 x 2.5m), measured from the footpath.</p> <p>The proposed off form concrete letterboxes adjacent to the open balustrade front fence and driveway may need to be amended to achieve the required sightlines from the driveway. A condition has been included in the recommendation to address amendment to the letterboxes.</p>
1.9 Landscaping and open space		
<ul style="list-style-type: none"> <i>Overall open space: 40% of site area (Lot A – 89.2m², Lot B – 91.96m²)</i> 	Yes	Lot A proposes 107.2m ² of open space (48% of the site area for Lot A) including the covered outdoor area below the studio at the rear. If the covered outdoor area was excluded from the open space calculations, Lot A would have 86.1m ² of open space equating to 38.6% of the site area. The resulting shortfall of 3.1m ² of open space would be considered acceptable as the proposed studio at the rear is compatible with existing laneway developments adjoining the site in High Street and sufficient usable private open space would still be provided to future occupants. Lot B

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Overall landscaped area: 20% of site area (Lot A – 44.6m², Lot B – 45.98m²), with at least half deep soil (Lot A – 22.3m², Lot B – 22.99m²) 	Yes	proposed 125.91m ² of open space (54.8% of Lot B) excluding the area occupied by the proposed stairs to the studio above and bin storage, as calculated by Council’s assessment officer. If the covered area below the studio at the rear is excluded from open space calculations, the proposed open space for Lot B would have an area of 103m ² equating to 44.8% of the site area and satisfies the minimum requirements for open space.
<ul style="list-style-type: none"> Minimum area of 25m² for private open space 	Yes	
<ul style="list-style-type: none"> Front open space: 50% of front building setback area 	Yes	The proposed landscape area for Lot A measures 46.1m ² equating to 21% of the site area for Lot A. The proposed landscaped area for Lot B measures 51.15m ² , equating to 22% of the site area for Lot B. The proposed landscaping on the driveway adjacent to the wheel strips and the planter box adjacent to the ground floor front terrace have been excluded from the landscaped area calculations. The rear private open spaces for both Lots A and B contain deep soil areas of 45m ² and 49.5m ² , respectively, exceeding the minimum deep soil area and private open space area required for each lot.
<ul style="list-style-type: none"> Front landscaped area: 50% of front open space provided (Lot A – 4.78m², Lot B – 4.8m²) 	No, contextually appropriate	
<ul style="list-style-type: none"> Outdoor clothes drying area to be provided 	Yes	<p>100% of the front building line, measured to the eastern side of the ground floor planterbox and balustrades to the first floor front balconies comprise open space.</p> <p>Lot A provides 3.74m² of landscaping equating to 39.1% of the front open space and Lot B provides 4.06m² of landscaping equating to 42.2% of the front open space. Council’s assessment officer has excluded the landscaped planting between the wheel strips within the combined driveway that are immediately below the ground floor terrace as the area is not open to the sky.</p> <p>The shortfall of landscaped area within the front open space is acceptable in this circumstance as the proposal is compatible with the landscaped front setback of surrounding semi-detached dwellings and will not detract from the existing or desired future character of the streetscape.</p> <p>A clothes drying area within the rear private open space is provided for each semi-detached dwelling.</p>

Development Control	Compliance	Comment
1.13 Semi-detached dwellings and terrace style development		
1.13.1 Built form <ul style="list-style-type: none"> • <i>Style of built form to be maintained across the pair</i> 	Yes	The built form and style of the semi-detached dwellings present as a matching pair when viewed from the east (front) elevation and west (rear) elevation.
1.13.3 Material finishes and detail for semi-detached dwellings	Yes	The proposed external materials comprising off form concrete, textured painted rendered walls, brick facing tiles, metal balustrades, aluminium timber look battens for the garage door and vertical louvres, metal colourbond roof and aluminium window frames are consistent with the materials and finishes of immediately surrounding properties in Prospect Street and High Street and are acceptable, subject to a lighter, earthy toned colour scheme that complements the predominantly colour scheme within the streetscape. A condition requiring amendment to the proposed colour scheme to better complement the predominant colour scheme within the existing streetscape has been included in the recommendation.
1.14 Dual Frontage Development		
1.14.1 General Controls <ul style="list-style-type: none"> • <i>Primary and secondary frontage to be defined</i> • <i>Appropriate forms to be provided to each street</i> • <i>Dormer or roof projections:</i> <ul style="list-style-type: none"> ○ <i>set a minimum of 0.6m from outer garage walls;</i> ○ <i>set a minimum of 0.3m below the garage ridgeline; and</i> ○ <i>not have a maximum combined width exceeding 50% of associated roof width.</i> ○ <i>be detailed to address overlooking</i> • <i>Privacy treatments to be provided for first floors above garages</i> 	Yes Yes Yes Yes Yes Yes	<p>The proposed design has nominated Prospect Street as the primary frontage and High Street as the secondary frontage for Lots A and B.</p> <p>The proposed semi-detached dwellings are orientated to front Prospect Street with private open space and studios built to the High Street boundary. The proposal complements the existing character of High Street which comprises a mix of semi-detached dwellings, rows of terrace houses and garages and garages with studios above.</p> <p>The proposed dormer windows to the western elevation of the studios are set back 1.3m from the outer walls and set down 0.6m from the ridge of the studio and is consistent with the setback and set down controls in the DCP. The dormer windows on the western elevation fronting High Street measures 3.5m (49.5%) at Lot A and 3.5m (39%) at Lot B and presents an appropriate built form and scale to the secondary frontage and complements existing garages and studios on the eastern side of High Street.</p> <p>The architectural drawings indicate privacy screening (metal blades) are proposed to the</p>

Development Control	Compliance	Comment
		<p>windows on the east and west elevation of the studios to minimise direct overlooking and loss of privacy for adjoining properties. Privacy screens to the studio windows are supported given sightlines from the proposed windows to existing windows and private open spaces of adjoining properties.</p> <p>It is noted that the submitted western elevation and section drawings for the proposed studios do not show the metal blade screens as noted on the floor plans and east elevation. A condition has been included requiring amended architectural drawings to consistently show privacy screens to the window openings of the studios.</p>

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

Carparking

In accordance with the provisions for on site car parking for low density residential developments under the DCP, car parking for the proposed semi-detached dwellings on the site is permissible subject to the vehicular access and car parking design:

- being consistent with the character of the streetscape;
- is not visually dominating; and
- does not adversely impact pedestrian amenity and minimises loss of existing on street car parking spaces.

The proposed subdivision provides both Lots A and B with a primary frontage to Prospect Street and a secondary frontage to High Street. As a result of the existing subdivision pattern and history of development, properties to the north and south of the site have vehicular access and on site car parking accessed from Prospect Street and High Street.

To the north of the site, properties with primary frontages to Prospect Street do not have secondary frontages and four of the ten properties have existing vehicular access and on site car parking accessed from Prospect Street.

To the south of the site, five properties have primary frontages to Prospect Street and secondary frontages to High Street, and six properties have primary frontages to High Street and secondary frontages to Prospect Street. These properties all have vehicular access and on site car parking from secondary frontages. The western side of Prospect Street is characterised by a mix of detached and semi-detached dwellings with vehicular access and garages accessed from Prospect Street and some properties with no vehicular access or on site car parking. The eastern side of High Street comprises a

mix of garages and garages with studios above to properties with primary frontages to Prospect Street and the primary frontage to semi-detached dwellings that have vehicular access from Prospect Street.

The eastern side of Prospect Street is predominantly characterised by garages to properties with primary frontages to Henrietta Street with only three properties with primary frontages to Prospect Street. Two of the three properties fronting Prospect Street comprise of vehicular access and on site parking accessed from Prospect Street.

As both Prospect Street and High Street contain vehicular access and off street parking for surrounding developments, proposed vehicular access and garages on either frontage will not detract from the character of the existing streetscapes.

A street parking analysis and Parking Impact Assessment Report has been prepared and submitted to demonstrate that the new driveway from Prospect Street, measuring 6m wide at the street (excluding 0.45m splays on either side) will provide better swept paths for vehicles entering or existing the site and will result in the loss of one on street car parking space in lieu of the four car spaces provided by the development. Given the narrow width of the High Street and the location of existing on street parking spaces, vehicular access for the semi-detached dwellings would require the removal of the existing on street parking space directly opposite the site on the western side of High Street. Having regard to the high demand for on street car parking spaces in Prospect Street, High Street and the surrounding area, provision of vehicular access for two garages from High Street at the cost of one existing on street parking space will have an undesirable impact on surrounding properties.

The proposal to provide vehicular access and on site car parking for the semi-detached dwellings from the primary street frontage on Prospect Street instead of the secondary frontage on High Street will result in a better design outcome for vehicular movements and will not result in any adverse impacts on pedestrian safety or the character of the streetscape.

Council's Traffic Engineer has reviewed the proposal and raises no objection, subject to design amendments to the width of the driveway crossing and maintaining sight triangles at the property boundary which have been included as conditions in the recommendation.

2.1.4 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.

2.1.5 Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.1.6 Any Submissions

The application was notified for at least 14 days between 19 July and 4 August 2023 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

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

- The nil side setback of the first floor bedroom (Bedroom 2) along the northern side boundary of Lot A has been deleted. The proposal has been amended to provide a 900mm setback to the northern side boundary to reduce visual bulk, improve building separation and visual relief from the existing habitable windows at 17 Prospect Street.
- A new highlight window on the northern elevation of Bedroom 2 has a sill height of 1.5m above the finished floor level and is located above the surveyed head of the adjacent window at 17 Prospect Street. The proposed window will not result in any direct overlooking or loss of visual privacy for the adjoining property.
- The recommended side setback of 900mm does not provide sufficient width for a window opening on the western elevation to achieve adequate natural light and ventilation to the bedroom. The amended proposal does not result in any additional visual privacy impacts on the adjoining property given the positioning of the proposed window opening.
- The revised Geotechnical Report removed references to proposed works that are not sought as part of this application with no changes made to the investigation carried out or recommendations for excavation methodology or structural support of adjoining properties during excavation works.

A total of fifteen (15) unique submissions were received from the following properties:

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

Count	Property Address
1.	4 High Street, Waverley
2.	26 High Street, Waverley
3.	28 High Street, Waverley
4.	30 High Street, Waverley
5.	5 Prospect Street, Waverley
6. & 7.	17 Prospect Street, Waverley (2 submissions)
8., 9. & 10	21 Prospect Street, Waverley (3 submissions)
11.	23 Prospect Street, Waverley
12.	115 Henrietta Street, Waverley
13.	119 Henrietta Street, Waverley
14.	121 Henrietta Street, Waverley
15.	Charing Cross Precinct

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

- Insufficient subdivision lot sizes
- Vehicular access and parking should be at the rear from High Street to minimise impact on the Prospect Street streetscape
- Vehicular access and garage width dominates the streetscape
- Non compliant driveway design
- Excessive number of off street car parking spaces
- Rear and side setbacks
- Bulk and scale
- Non compliant building height and FSR
- Height of studio and impact on streetscape
- Studio overlooking properties in High Street
- Overshadowing of adjoining rear yards and habitable windows
- Windows on south elevation resulting in loss of privacy
- Excavation volume and setbacks impacting structural stability of adjoining properties and drainage
- Not in the public interest.

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

Issue: Subdivision will set a bad precedent for development.

Response: The proposed subdivision to rearrange lot boundaries to create two east-west orientated lots is consistent with the predominant subdivision pattern within the street and the surrounding area, and is permissible with consent. The Clause 4.6 written request to vary the minimum subdivision lot size development standard has adequately demonstrated that compliance with the development standard is unnecessary in this circumstance as the proposal achieves the objectives of the development standard and the R2 Low Density Residential zone, and does not result in adverse amenity impacts on surrounding properties or the character of the streetscape and locality.

Issue: The Clause 4.6 written request is not acceptable as the development has adverse amenity impacts on adjoining properties.

Response: As discussed in the report above, the submitted Clause 4.6 written request for variation to the minimum subdivision lot size development standard is considered well founded as the applicant has demonstrated that notwithstanding the variation, the proposal achieves the objectives of the development standard and the zone, and will not adversely impact on the amenity of surrounding properties beyond the expected impacts of a compliant building envelope and the constraints of east-west orientated lots.

Issue: The proposal detracts from the heritage character of the streetscape and the Charring Cross Conservation Area. Council's draft heritage assessment included the area and streetscape as an extension of the Charring Cross Conservation Area. The existing house is an original dwelling in the street and contributes to the streetscape.

Response: The site is not located within the Charring Cross Conservation Area and the existing dwellings and immediately adjoining dwellings fronting Prospect Street and High Street are not identified as heritage items. Council's Heritage Assessment (Volumes 1 And 2) undertaken in 2020 recommended extension of the Charring Cross Conservation Area to included properties to the north of the site on Prospect Street however the subject site and properties to the south on Prospect Street were excluded from the recommendation. The proposed construction of contemporary style semi-detached dwellings with a primary frontage to Prospect Street and detached studios fronting High Street is consistent with the existing pattern of development and does not detract from the traditional style of dwellings within the streetscape.

Issue: Excavation removes naturally occurring sandstone.

Response: The sandstone bedrock within the site is identified as low to medium strength and is not visible from the public domain. Removal of the sandstone will not result in any adverse environmental impacts and is acceptable in this circumstance.

Issue: Insufficient open space compared to surrounding properties and will not enable maintenance of mature trees.

Response: The proposal provides satisfactory open space areas, principal private open space and deep soil areas for each lot in accordance with the minimum requirements under the Waverley DCP 2022. The deep soil areas within the front and rear setbacks are sufficient to accommodate proposed tree species with mature heights greater than 4.5m.

Issue: Loss of tree canopy and habitat for wildlife.

Response: The site contains two x Oleander trees within the front setback of 17 High Street and no trees at 19 Prospect Street. The site does not currently contribute to significant tree canopy within the locality. Removal of Oleander trees does not require development consent and is therefore not considered as part of this application. The proposed landscaping within the front setback and rear private open space will improve the landscaped character of the site compared to existing landscaping. Conditions have been included requiring the protection of existing adjoining trees during construction works.

Issue: The studios will result in loss of views from property to the west on High Street.

Response: The existing view from the first floor level of the property to the west of the site on High Street comprises partial views of the ocean and horizon that is largely obstructed by the roof of the existing single storey dwelling at 17 High Street. The proposed studios are contained within a compliant

building envelope and do not exceed the maximum building height for laneway developments. The studios will not be the cause of view loss for the adjacent property as the proposed height of the semi-detached dwellings fronting Prospect Street has a ridge height greater than the height of the studios and will obstruct existing view. As discussed in the report above, the height of the semi-detached dwellings is compliant with the maximum height of buildings development standard and is acceptable as it provides an appropriate transition between the adjoining properties fronting Prospect Street. Therefore, the loss of the existing partial view from the adjacent property is not considered unreasonable.

Issue: The covered outdoor area will not remain outdoor space.

Response: The proposed covered open spaces below the studios have no enclosing walls to the east and is open to the adjacent private open space. Any future proposal to enclose the covered outdoor area would require submission of a separate development application for development consent.

Issue: Overshadowing of the front verandah and windows to the property to the south.

Response: The proposed overshadowing of the front building line and verandah of the adjoining property to the south does not impact principal living areas which are orientated to the west (rear) of the dwelling and is considered to have minimal impact on the amenity of the adjoining property.

Issue: Studios will increase demand for on street car parking spaces in High Street.

Response: The studios are ancillary to the principal dwellings and the provision of two off street parking spaces per semi-detached dwelling is consistent with the maximum car parking rates permitted for dwellings containing three or more bedrooms under the Waverley DCP 2022.

Issue: The studios are secondary dwellings and do not comply with the provisions of the SEPP (Housing) 2021 or waste provisions under the Waverley DCP.

Response: The studios do not contain kitchens or kitchenettes and are not categorised as secondary dwellings. Therefore, the provisions for secondary dwellings under the SEPP (Housing) or waste requirements under the Waverley DCP 2022 are not applicable. Standard conditions shall be imposed ensuring these are not separate domiciles.

Issue: Construction traffic and works will impact access to and the amenity of surrounding properties.

Response: Conditions requiring the preparation of a construction traffic management plan for Council approval prior to the issue of a construction certificate and conditions to minimise construction work impacts on the amenity of surrounding properties have been included in the recommendation.

Issue: Stairs to the studios should be enclosed to minimise privacy impacts.

Response: Whilst the stair landings to the studios have an opening on the western elevation, the area is 1m wide and is unlikely to result in any adverse loss of privacy or amenity for adjoining properties as the landings are immediately adjacent to the entry door and is a service area. The landing will not accommodate a gathering of persons or use as private open space and therefore will not have any unreasonable amenity impacts on adjoining properties.

Issue: The proposal has not been adequately amended to address concerns raised by adjoining properties regarding the previously submitted development application.

Response: The proposal has been assessed against relevant and applicable development controls as addressed in the report above.

Issue: Impact on property values of surrounding properties.

Response: Property values of surrounding developments is not a matter for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 and does not form part of this assessment.

Issue: Insufficient and inaccurate details on architectural drawings showing fall of land and existing details of adjoining properties including the location of windows, roof and skylight.

Response: A site inspection carried out by the assessment officer confirmed that the originally submitted architectural plans omitted the existing windows and skylight at 17 Prospect Street adjacent to the northern side boundary. The amended architectural plans which form part of this assessment has identified the location and sill and head heights of adjacent windows and are considered to contain sufficient contextual details for a proper assessment.

2.1.7 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

Council's Traffic Engineer reviewed the proposal and supports the provision of vehicular access for the semi-detached dwellings from Prospect Street rather than High Street as both streets have the same road hierarchy status and it has been demonstrated that vehicular access from Prospect Street provides better access and egress to on site car parking and minimises impact on existing on street parking spaces.

Council's Traffic Engineer originally advised that the car parking design envelope per Figure 5.2 of AS2890.1 encroached into the plant areas of the basement and required reconfiguration to enable

sufficient clearance for opening of car doors. The amended basement floor plan reducing the width of the plant and bin storage areas adequately accommodates the car parking design envelope and is satisfactory.

No objection has been raised to the proposal, subject to design amendments requiring compliance with the maximum driveway crossing width at the street, achieving sight triangles in accordance with requirements in the Waverley DCP 2022 to ensure public safety. Design amendment conditions for the driveway and construction traffic management conditions to minimise traffic and parking impacts on surrounding properties during the construction works and have been included in the recommendation.

3.2. Stormwater

Council's Stormwater Engineer has reviewed the proposal and is satisfied that the proposal (particularly the semi-detached dwelling in Lot B) has been adequately set back from Council owned drainage pipes and does not encroach the 0.915m wide easement to drain water within the southern side boundary. As such, no objection has been raised, subject to stormwater management conditions that have been included in the Recommendation.

3.3. Tree Management

Council's Tree Management Officer has reviewed the proposal and identified that there are no significant trees on the site and no tree removal is sought as part of this application.

Council's Tree Management Officer supports the recommendation in the submitted Arborist Report to retain and protect existing trees on adjoining properties during construction works. As such, tree protection conditions have been included in the recommendation.

3.4. Land Information/GIS

Council's Land Information/GIS Officer has reviewed the proposal and raises no objection to the subdivision of the site to create two lots known as 19A and 19B Prospect Street, subject to conditions that have been included in the recommendation.

4. CONCLUSION

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

Development Assessment Leadership Team (DALT) Review

The application was reviewed by the DALT at the meeting on 26 September 2023 and the DALT concurred with the Assessment Planner's recommendation.

DBU members: *A Rossi, B McNamara, B Magistrale, E Finnegan, J Zancanaro*

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:
		
Peggy Wong	Ben Magistrale	Angela Rossi
Senior Development Assessment Planner	Manager, Development Assessment	A/Executive Manager, Development Assessment
Date: 13 October 2023	Date: 13 October 2023	Date: 16 October 2023

Reason for WLPP referral:

2. Contentious development (10 or more objections)
3. Departure from any development standard in an EPI by more than 10%

OFFICE USE ONLY

<p>Clause 4.6 register entry required</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>	Minimum lot size:	
	Lot A - 31% variation to lot size (Clause 4.1)	
	Lot B - 29% variation to lot size (Clause 4.1)	
	Reason (place a X next to <u>all</u> that apply):	
	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	
<p>Determining Authority</p> <p>(Concurrence Authority for Clause 4.6 variation)</p>	Local Planning Panel	
<p>Affordable Rental Housing Units?</p> <p>*This is a planning portal reporting requirement</p>	No	
<p>Secondary Dwelling</p> <p>*This is a planning portal reporting requirement</p>	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

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

Condition																																																																																									
1.	<p>APPROVED PLANS AND DOCUMENTATION</p> <p>The development must be in accordance with:</p> <p>(a) Architectural Plans prepared by ASA Architects of Project No: 210701 including the following:</p> <table border="1"> <thead> <tr> <th>Plan Number and Revision</th> <th>Plan description</th> <th>Plan Date</th> <th>Date received by Council</th> </tr> </thead> <tbody> <tr> <td>DA003, Rev 03</td> <td>Site Plan</td> <td>06.09.2023</td> <td>10.10.2023</td> </tr> <tr> <td>DA009, Rev 02</td> <td>Proposed Site Excavation Plan</td> <td>12.05.2023</td> <td>18.07.2023</td> </tr> <tr> <td>DA100, Rev 03</td> <td>Basement Floor Plan</td> <td>06.09.2023</td> <td>10.10.2023</td> </tr> <tr> <td>DA101, Rev 03</td> <td>Ground Floor Plan</td> <td>06.09.2023</td> <td>10.10.2023</td> </tr> <tr> <td>DA102, Rev 03</td> <td>First Floor Plan</td> <td>06.09.2023</td> <td>10.10.2023</td> </tr> <tr> <td>DA103, Rev 03</td> <td>Roof Plan</td> <td>06.09.2023</td> <td>10.10.2023</td> </tr> <tr> <td>DA104, Rev 03</td> <td>Rear Yard - Studio</td> <td>06.09.2023</td> <td>10.10.2023</td> </tr> <tr> <td>DA105, Rev 03</td> <td>Rear Yard – Studio (Roof Plan)</td> <td>06.09.2023</td> <td>10.10.2023</td> </tr> <tr> <td>DA300, Rev 03</td> <td>East Elevation – Prospect Street</td> <td>06.09.2023</td> <td>10.10.2023</td> </tr> <tr> <td>DA301, Rev 03</td> <td>South Elevation</td> <td>06.09.2023</td> <td>10.10.2023</td> </tr> <tr> <td>DA302, Rev 03</td> <td>West Elevation</td> <td>06.09.2023</td> <td>10.10.2023</td> </tr> <tr> <td>DA303, Rev 03</td> <td>North Elevation</td> <td>06.09.2023</td> <td>10.10.2023</td> </tr> <tr> <td>DA304, Rev 03</td> <td>Rear – East + West Elevations</td> <td>06.09.2023</td> <td>10.10.2023</td> </tr> <tr> <td>DA305, Rev 03</td> <td>Rear North – South Elevation</td> <td>06.09.2023</td> <td>10.10.2023</td> </tr> <tr> <td>DA-400, Rev 03</td> <td>Section A1 – 19A Prospect</td> <td>06.09.2023</td> <td>10.10.2023</td> </tr> <tr> <td>DA-401, Rev 03</td> <td>Section A2 – 19A Prospect</td> <td>06.09.2023</td> <td>10.10.2023</td> </tr> <tr> <td>DA-402, Rev 03</td> <td>Section B1 – 19B Prospect</td> <td>06.09.2023</td> <td>10.10.2023</td> </tr> <tr> <td>DA-403, Rev 03</td> <td>Section C1</td> <td>06.09.2023</td> <td>10.10.2023</td> </tr> <tr> <td>DA-404, Rev 03</td> <td>Rear Sections – 19A Prospect St</td> <td>06.09.2023</td> <td>10.10.2023</td> </tr> <tr> <td>DA-405, Rev 02</td> <td>Driveway Ramp Section</td> <td>12.05.2023</td> <td>18.07.2023</td> </tr> <tr> <td>DA-004, Rev 02</td> <td>Proposed Subdivision Plan</td> <td>12.05.2023</td> <td>18.07.2023</td> </tr> </tbody> </table>	Plan Number and Revision	Plan description	Plan Date	Date received by Council	DA003, Rev 03	Site Plan	06.09.2023	10.10.2023	DA009, Rev 02	Proposed Site Excavation Plan	12.05.2023	18.07.2023	DA100, Rev 03	Basement Floor Plan	06.09.2023	10.10.2023	DA101, Rev 03	Ground Floor Plan	06.09.2023	10.10.2023	DA102, Rev 03	First Floor Plan	06.09.2023	10.10.2023	DA103, Rev 03	Roof Plan	06.09.2023	10.10.2023	DA104, Rev 03	Rear Yard - Studio	06.09.2023	10.10.2023	DA105, Rev 03	Rear Yard – Studio (Roof Plan)	06.09.2023	10.10.2023	DA300, Rev 03	East Elevation – Prospect Street	06.09.2023	10.10.2023	DA301, Rev 03	South Elevation	06.09.2023	10.10.2023	DA302, Rev 03	West Elevation	06.09.2023	10.10.2023	DA303, Rev 03	North Elevation	06.09.2023	10.10.2023	DA304, Rev 03	Rear – East + West Elevations	06.09.2023	10.10.2023	DA305, Rev 03	Rear North – South Elevation	06.09.2023	10.10.2023	DA-400, Rev 03	Section A1 – 19A Prospect	06.09.2023	10.10.2023	DA-401, Rev 03	Section A2 – 19A Prospect	06.09.2023	10.10.2023	DA-402, Rev 03	Section B1 – 19B Prospect	06.09.2023	10.10.2023	DA-403, Rev 03	Section C1	06.09.2023	10.10.2023	DA-404, Rev 03	Rear Sections – 19A Prospect St	06.09.2023	10.10.2023	DA-405, Rev 02	Driveway Ramp Section	12.05.2023	18.07.2023	DA-004, Rev 02	Proposed Subdivision Plan	12.05.2023	18.07.2023
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	<p>(b) Landscape Plans Pages 01 to 04 (inclusive), Issue B prepared by Tranquillity Landscape Design, dated 30 March 2023 and received by Council on 18 July 2023</p> <p>(c) BASIX Certificate</p> <p>(d) Arborist Report prepared by TreeTalk dated February 2022, and received by Council on 18 July 2023</p> <p>(e) Draft Subdivision Plan, Drawing No. DA004 Revision 2, prepared by ASA Architects dated 12 May 2023 and received by Council on 18 July 2023</p> <p>(f) Schedule of external finishes and colours, Drawing No. DA008 Revision 2 prepared by ASA Architects dated 12 May 2023 and received by Council on 18 July 2023</p> <p>(g) Arborist Report prepared by TreeTalk Arboricultural Consulting dated February 2022 and received by Council on 18 July 2023</p> <p>(h) Geotechnical Investigation Report prepared Crozier Geotechnical Consultants dated 10 October 2023 and received by Council on 13 October 2023</p> <p>(i) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 18 July 2023.</p> <p>Except where amended by the following conditions of consent.</p> <p>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>
<p>2.</p>	<p>GENERAL MODIFICATIONS</p> <p>The application is approved subject to the following plan amendments;</p> <p>(a) The metal blade privacy screens to dormer windows on the west elevation of the studios must be appropriately angled to mitigate direct overlooking to private open space and window openings of adjoining properties.</p> <p>Condition reason: To ensure the development does not adversely impact the visual privacy or amenity of adjoining properties.</p> <p>(b) The proposed fence along the northern side boundary adjoining 17 Prospect Street is to be a maximum height of 1.8m, measured above existing ground level at 17 Prospect Street.</p> <p>Condition reason: To ensure the side boundary fence does not result in unreasonable visual bulk or amenity impacts on the adjoining property.</p> <p>(c) The proposed dividing fence between Lots 19A and 19B is to be reduced to a height of 1.8m above finished ground level.</p> <p>Condition reason: To ensure the height of the side boundary fence does not result in visual bulk or amenity impacts for future occupants.</p>

	<p>(d) An amended schedule of materials and finishes is to be prepared . It must include a more earthy tone colour scheme that complements the existing and desired future character of the streetscape.</p>
	<p>Condition reason: To provide a colour scheme that complements the existing character of the streetscape.</p>
	<p>The amendments are to be approved by the Executive 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.</p>
<p>3.</p>	<p>APPROVED USE - SEMI-DETACHED DWELLING WITH STUDIO</p> <p>This development consent authorises the use of each lot of the site as a semi-detached dwelling with a studio above the rear covered outdoor area.</p> <p>No approval is granted or implied for the studio to be used as a domicile or secondary dwelling.</p> <p>Condition reason: To prevent the use of a studio as a secondary dwelling.</p>

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
4.	<p>NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE</p> <p>The building work, or demolition work, must not be commenced until:</p> <p>(a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the <i>Environmental Planning and Assessment Act 1979</i>;</p> <p>(b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2021</i>; and</p> <p>(c) Council is given at least two days' notice in writing of the intention to commence the building works.</p> <p>Condition reason: To ensure a Construction Certificate is obtained prior to work commencing.</p>
5.	<p>HOME BUILDING ACT</p> <p>The builder or person who does the residential building work shall comply with the applicable requirements of Part 6 of the <i>Home and Building Act 1989</i>. 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.</p> <p>Condition reason: To ensure the builder or person who does the residential building work, complies with the applicable requirements of Part 6 of the <i>Home and Building Act 1989</i>.</p>
6.	<p>SECTION 7.12 CONTRIBUTION</p> <p>A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the <i>Environmental Planning and Assessment Act 1979</i> and the Waverley Council Development Contributions Plan in accordance with the following:</p> <p>(a) Where the total development cost is \$500,000 or less:</p> <p style="padding-left: 40px;">(i) a Cost Summary Report or Building Contract or similar is to be submitted to Council's Customer Service Centre to process payment.</p> <p>(b) Where the total development cost is more than \$500,000 but less than \$1,000,000:</p>

	<p>(i) a Detailed Cost Report prepared by a registered Quantity Surveyor, Building Contract, or similar is to be submitted to Council’s Customer Service Centre to process payment.</p> <p>(c) Where the total development cost is \$1,000,000 or more:</p> <p>(i) 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).</p> <p>- Please forward documents to info@waverley.nsw.gov.au attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy.</p> <p>(ii) 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.</p> <p>(iii) 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.</p> <p>A copy of the required format for the cost reports are provided in the Waverley Council Contributions Plan, available on Council’s website.</p> <p>(d) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, the levy must be paid in accordance with the following;</p> <p>(i) A development valued at \$100,000 or less will be exempt from the levy;</p> <p>(ii) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% of the <u>full</u> cost of the development; or</p> <p>(iii) A development valued at more than \$200,000 will attract a levy of 1% of the <u>full</u> cost of the development.</p> <p>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.</p> <p>Condition reason: To ensure the Section 7.12 Contributions are paid.</p>
7.	<p>SECURITY DEPOSIT</p> <p>A deposit (cash or cheque) for the amount of \$69,080.00 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.</p> <p>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</p>

	<p>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.</p> <p>Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.</p>
8.	<p>LONG SERVICE LEVY</p> <p>A long service levy, as required under section 34 of the <i>Building and Construction Industry Long Service Payments Act, 1986</i>, 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.</p> <p><u>Note:</u> Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.25% of building work costing \$250,000 or more.</p> <p>Condition reason: To ensure the long service levy is paid.</p>
9.	<p>ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES</p> <p>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.</p> <p>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.</p> <p>Condition reason: To ensure Council assessment fees are paid.</p>
10.	<p>HOARDING</p> <p>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.</p> <p>Condition reason: To ensure safety to the general public.</p>
11.	<p>EROSION & SEDIMENT CONTROL</p> <p>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.</p> <p>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.</p> <p>The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.</p>

	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
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.
	Condition reason: To ensure any excavation, shoring or pile construction is carried out in a safe manner.
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. Condition reason: To ensure structural stability of work on site.
14.	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 NY Civil Engineering, Job Ref. E220051, Drawing No. D1-D9, Revision B, Issue B, dated 31.03.2023, are considered <u>concept only</u> . The applicant must submit plans and specifications to comply with the current Waverley Council Water Management Technical Manual and Development Control Plan (DCP) at the time of engineering plan approval. The submitted plans shall be prepared by a suitably qualified and practising Civil Engineer and:
	(a) The plans shall provide a complete and detailed OSD design including multiple cross-sections (drawn to a suitable scale), proposed construction materials, and full orifice details. The checklist as set out in Council's Water Management Technical Manual shall be completed and submitted. (b) A certificate from a registered structural engineer certifying the structural adequacy of the OSD tank structure is to be provided. Any below ground OSD tank structure shall be a cast in-situ concrete based.

- (c) Storage and associated orifice diameter provided are insufficient to detain the 1% AEP post-developed flow to the 20% undeveloped levels (fraction imperviousness 0.1), as per Section 6.3 of the Water Management Technical Manual (2021). Redesign accordingly.
- (d) Redesign OSD and associated orifice for 20% AEP predeveloped levels (5-minute storm with fraction imperviousness 0.1) as outlined in the Waverley Technical Manual 2021, Section 6.3.
- (e) Confirm rainwater tank volume, different volumes detailed in stormwater plans and details provided.
- (f) The rainwater tank will not be directly connected to the OSD tank with a weir separation/combined with the OSD storage. The rainwater tank system must be re-designed to collect roof water only.
- (g) Discharge points to the kerb must use the following galvanised steel box-section, equivalent to a 100 mm diameter outlet pipe, 1 x 125 mm x 75 mm x 4 mm (w x h x t) RHS.
- (h) A sediment control stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- (i) Provide calculations of gutter sizing for the 1% AEP storm event and minimum number of downpipes required.
- (j) The pits/inspection openings are to be provided at all junctions, change in gradient, change in direction, and change in diameter for access and maintenance purposes.
- (k) Ensure basement entrance has berm minimum 150mm above existing ground level.
- (l) Where a rainwater reuse system is proposed in a basement, it shall be designed to adequately withstand all service loads and provide adequate service life (minimum 50 years).
- (m) Any underground basement shall be protected from possible inundation by surface waters from the street.
- (n) Show an alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure.
- (o) A minimum freeboard of 150 mm from the maximum water level of the pump out system to all parking spaces, and full hydraulic details and pump manufacturers specification are to be provided.
- (p) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location shall be provided. Calculations

	<p>demonstrating that the proposed stormwater drainage system can cater for the relevant design storm event shall be provided.</p> <p>(q) 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).</p> <p>(r) 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 will be borne by the applicant.</p> <p>Notes:</p> <ul style="list-style-type: none"> • The checklist as set out on pages 68-76 in 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 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.
	<p>Condition reason: To ensure the proper management of stormwater runoff.</p>
<p>15.</p>	<p>BASIX</p> <p>All requirements of the BASIX Certificate are to be shown on the Construction Certificate plans and documentation.</p> <p>Condition reason: To ensure BASIX requirements are met.</p>
<p>16.</p>	<p>SITE WASTE AND RECYCLING MANAGEMENT PLAN</p> <p>A <i>Site Waste and Recycling Management Plan (SWRMP) - Part 2</i> 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 <i>SWRMP Part 2</i> 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</p>

	<p>recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.</p> <p>Condition reason: To ensure resource recovery is promoted and the local amenity is protected during construction.</p>
17.	<p>GREEN ROOF LANDSCAPING DETAILS</p> <p>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;</p> <p>(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).</p> <p>(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.</p> <p>(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.</p> <p>A qualified landscape architect must review the design and verify that it complies with the above requirements.</p> <p>Condition reason: To ensure the longevity of the green roof.</p>
18.	<p>SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE APPLICATION</p> <p>An application to obtain a Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i> must be made prior to the issue of the relevant Construction Certificate. The application must be made through an authorised Water Servicing Coordinator.</p> <p>For more information about making an application to obtain a Section 73 Compliance Certificate, please consult Sydney Water’s website.</p> <p>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.</p> <p>A Section 73 Compliance Certificate must be issued from Sydney Water prior to the issue of an occupation certificate.</p> <p>Condition reason: To ensure compliance with Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i>.</p>
19.	<p>CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)</p> <p>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:</p>

	<p data-bbox="411 192 1418 259">https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications - conditions of consent</p> <p data-bbox="411 300 1418 367">Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p>
<p data-bbox="292 409 331 436">20.</p>	<p data-bbox="411 409 699 436">DILAPIDATION REPORT</p> <p data-bbox="411 448 1418 622">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.</p> <p data-bbox="411 663 1418 869">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.</p> <p data-bbox="411 909 1418 1016">Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.</p>

BEFORE BUILDING WORK COMMENCES

	Condition
21.	<p>CONSTRUCTION SIGNS</p> <p>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.</p> <p>Condition reason: To ensure the general public are afforded the Principal Certifying Authority and principal contractor's (the coordinator of the building works) contact details.</p>
22.	<p>DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS</p> <p>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:</p> <ul style="list-style-type: none"> • 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; • <i>Protection of the Environment Operations Act 1997.</i> <p>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:</p> <ol style="list-style-type: none"> (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. <p>Condition reason: To ensure the safety of workers and the general public.</p>
23.	<p>TREES TO BE RETAINED AND PROTECTED</p>

(a) All trees on adjoining properties as identified in the table below and the Arboricultural Impact Assessment Report prepared by Sue Wylie Tree Talk, dated February 2022 are to be retained and protected during construction works.

Tree No.	Species	Location	Action
T1	<i>Casuarina glauca</i>	Neighbouring site - 21 Prospect Street	Retain and protect
T2	<i>Casuarina glauca</i>	Neighbouring site - 21 Prospect Street	Retain and protect
T3	Group of trees Various shrubs including Callistemon and understory plants.	High Street	Retain and protect
T4	<i>Liquidamber styraciflua</i>	Neighbouring site - 17 Prospect Street	Retain and protect
T5	<i>Washingtonia robusta</i>	Neighbouring site - 21 Prospect Street	Retain and protect
T6	<i>Hibiscus & viburnum</i>	Neighbouring site - 21 Prospect Street	Retain and protect
T7	<i>Howea forsteriana</i>	Neighbouring site - 21 Prospect Street	Retain and protect
T8	<i>Grevillea robusta</i>	Neighbouring site - 21 Prospect Street	Retain and protect

(b) 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.

Condition reason: To retain and protect existing trees on adjoining properties.

24. TREE PROTECTION

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

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

(b) **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.

	<p>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.</p> <p>(c) Trunk protection to be removed at the issue of the Occupation Certificate subject to the satisfaction of Council.</p> <p>(d) 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.</p> <p>(e) If any tree roots are exposed during any approved works then roots smaller than 30mm are to be pruned as per the specifications below. <u>Any roots greater than 30mm are to be assessed by a qualified arborist before any pruning is undertaken.</u></p> <p>(f) If tree roots are required to be removed for the purposes of constructing the approved works, <u>they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).</u></p> <p>(g) 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.</p> <p>(h) 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.</p> <p>(i) 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.</p> <p>(j) 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).</p>
	<p>Condition reason: To protect trees during the carrying out of site work.</p>

DURING BUILDING WORK

Condition	
25.	<p>CONTROL OF DUST ON CONSTRUCTION SITES</p> <p>The following requirements apply to demolition and construction works on site:</p> <p>(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.</p> <p>(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.</p> <p>Condition reason: To ensure the safety of workers and the general public.</p>
26.	<p>CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS</p> <p>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.</p> <p>Condition reason: To ensure compliance with the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines 2014.</p>
27.	<p>EXCAVATION AND BACKFILLING</p> <p>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.</p> <p>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.</p> <p>Condition reason: To ensure structural stability of work on site and general safety.</p>
28.	<p>CONSTRUCTION HOURS</p> <p>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.</p> <p>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.</p>

	<p>Noise from construction activities shall comply with the <i>Protection of the Environmental Operations (Noise Control) Regulation 2017</i>.</p> <p>Condition reason: To protect the amenity of the surrounding area.</p>
29.	<p>STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS</p> <p>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.</p> <p>Condition reason: To ensure the building works are constructed in accordance with the relevant legislation.</p>
30.	<p>CERTIFICATE OF SURVEY - LEVELS</p> <p>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.</p> <p>Condition reason: To ensure buildings are sited and positioned in the approved location.</p>
31.	<p>CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING</p> <p>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.</p> <p>Condition reason: To ensure buildings are sited and positioned in the approved location.</p>
32.	<p>WORK OUTSIDE PROPERTY BOUNDARY</p> <p>This consent does not authorise any work outside the property boundary.</p> <p>Condition reason: To ensure all works are located within the property boundary.</p>
33.	<p>NEW VEHICLE CROSSING</p> <p>A new vehicle crossing is to be provided to access the proposed basement garages. A separate application is required for the vehicle crossing, with all work to be carried out with the approval of and in accordance with the requirements of Council.</p> <p>The crossing for each property is to be 6.0 metres wide at the property boundary. The width at the street is to be 6.0 metres plus 0.45 metre splays. No structures above 1.15 metres are to be within 2 x 2.5 metre sight triangles measured from the footpath.</p> <p>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,</p>

	<p>Infrastructure Services (or delegate) confirming the finished levels of the internal driveway between the property boundary and the garage floor comply with the approved driveway long sections.</p> <p>Condition reason: To ensure an appropriate vehicle crossing is constructed.</p>
34.	<p>VEHICULAR ACCESS - FINISHED LEVEL TO FOOTPATH</p> <p>The finished level at the property boundary on both sides of the vehicle crossing is to match the level of the existing concrete footpath.</p> <p>Condition reason: To ensure construction of vehicle crossing aligns with the level of the footpath.</p>
35.	<p>HEADROOM CLEARANCE</p> <p>The headroom clearance on the entry and within the garages is to be a minimum of 2.2 metres.</p> <p>Condition reason: To ensure sufficient headroom clearance is provided to the garages.</p>

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition	
36.	<p>FINAL OCCUPATION CERTIFICATE</p> <p>Prior to occupation or use of the development, an Occupation Certificate must be obtained.</p> <p>The Principal Certifying Authority must be satisfied that the requirements of the <i>Environmental Planning & Assessment Act 1979</i> have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.</p> <p>Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.</p>
37.	<p>SUBDIVISION CERTIFICATE</p> <p>A Subdivision Certificate must be obtained from Council in accordance with of the <i>Environmental Planning and Assessment Act 1979</i> prior to the registration of the subdivision plans. This includes any boundary adjustment.</p>
38.	<p>CERTIFICATION OF BASIX COMMITMENTS</p> <p>The Principal Certifying Authority shall certify that the all the undertakings in the approved BASIX certificate have been completed.</p> <p>Condition reason: To ensure all the undertakings in the approved BASIX certificate have been completed.</p>
39.	<p>WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM</p> <p>(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, the detention 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 location for the drainage structures and works.</p> <p>(b) A suitably qualified and practising Engineer must provide certification of the WAED of the stormwater drainage system that the stormwater drainage works, and basement pump-out facility were constructed to their satisfaction and in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice. A copy of the aforementioned letter of certification must be submitted to Council.</p> <p>Condition reason: To ensure stormwater drainage systems have been installed in accordance with the development consent.</p>
40.	<p>CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE SYSTEM</p> <p>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</p>

	<p>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.</p> <p>Condition reason: To ensure that any new stormwater drainage system has been constructed in accordance with the development consent and to best engineering practice.</p>
<p>41.</p>	<p>CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD, PUMP OUT SYSTEM AND RAINWATER TANK</p> <p>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, pump out system and rainwater tank, under Section 88E of the Conveyancing Act 1919. This is to place a restriction on the Title that the OSD system, pump out system and rainwater tank are 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, pump out system and rainwater tank without consent from Council.</p> <p>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.</p> <p>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, pump out and rainwater tank, including its relationship to the building footprint. Electronic colour photographs of the OSD system, pump out and rainwater tank shall accompany the application for the Positive Covenant and Restriction on the Use of Land.</p> <p>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.</p> <p>Condition reason: To ensure stormwater drainage through the site is not obstructed.</p>
<p>42.</p>	<p>PLANNED PREVENTATIVE MAINTENANCE SCHEDULE FOR PUMP OUT SYSTEM</p> <p>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.</p> <p>Condition reason: To ensure an acceptable maintenance plan for the stormwater drainage system is established.</p>

<p>43.</p>	<p>ALLOCATION OF STREET NUMBER</p> <p>The redevelopment or subdivision of the property requires the allocation of street numbers as follows:</p> <ul style="list-style-type: none"> - No. 19A Prospect Street for the full in Northern allotment – proposed Lot A; - No. 19B for the full in Southern allotment – proposed Lot B. <p>The primary address site numbers for the properties shall be a minimum of 75mm high, shall be positioned 600mm-1500mm above ground level on the site boundaries, located near the entry points and clearly visible from Prospect Street.</p> <p>The primary address site numbers are to be positioned on the site prior to the issue of the Occupation Certificate.</p> <p>Any variation to the above premises numbering requires a new application for a Change of street number and/or address to be lodged with Council.</p> <p>Condition reason: To ensure the property address is clearly identified.</p>
<p>44.</p>	<p>SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE</p> <p>A Section 73 Compliance Certificate must be issued from Sydney Water prior to the issue of an occupation certificate.</p> <p>Condition reason: To ensure compliance with Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i>.</p>
<p>45.</p>	<p>BUILDING HEIGHT</p> <p>(a) The height of the buildings must not exceed the following RLs (AHD) to the top of the buildings and (where relevant) to the top of building parapets:</p> <ul style="list-style-type: none"> i. Ridge height (semi-detached dwelling): RL 95.400 ii. Ridge height (studio): RL93.2 <p>(b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.</p> <p>Condition reason: To ensure the constructed development complies with the approved height.</p>

OCCUPATION AND ONGOING USE

Condition	
46.	<p>USE OF PLANT ROOMS</p> <p>The “plant/mech.” rooms at the lower ground level shall be used exclusively for the housing of plant and mechanical equipment and must not be used for the storage of goods or any other purpose.</p> <p>Condition reason: To ensure the plant room is not used for storage purposes.</p>
47.	<p>RAINWATER HARVESTING AND REUSE</p> <p>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.</p> <p>Condition reason: To ensure rainwater devices are maintained and in operating order.</p>

GENERAL ADVISORY NOTES

Condition	
1.	<p>DEVELOPMENT IS TO COMPLY WITH LEGISLATION</p> <p>This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation.</p>
2.	<p>DEVELOPMENT MUST MEET CONDITIONS OF CONSENT</p> <p>The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.</p>
3.	<p>POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT</p> <p>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:</p> <ul style="list-style-type: none"> • Please read your conditions carefully. • Information to be submitted to Council should be either via email to info@waverley.nsw.gov.au, in person (at Council’s Customer Service Centre) or via post service. • Attention the documentation to the relevant officer/position of Council (where known/specified in condition) • Include DA reference number • Include condition number/s seeking to be addressed • Where multiple conditions need Council input, please try to group the documentation / email/s into relevant subjects (multiple emails for various officers may be necessary, for example). • Information to be submitted in digital format – refer to ‘Electronic lodgement guidelines’ on Council’s website. Failure to adhere to Council’s naming convention may result in documentation being rejected. • Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information. • Please note in some circumstances, additional fees and/or additional documents (hard copy) may be required. • Council’s standard for review (from date the relevant officer receives documentation) is 14days. Times may vary or be delayed if information is not received in this required manner. • Any queries, please contact Council’s Duty Planner on duty.planner@waverley.nsw.gov.au
4.	<p>DIAL BEFORE YOU DIG</p> <p>Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual’s responsibility to anticipate and request the nominal location of plant or</p>

	assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
5.	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.
6.	EXCAVATION TO BE LIMITED Excavation shall be limited to that shown in the approved plans. Any further excavation will require Council approval.
7.	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.
8.	WORK OUTSIDE PROPERTY BOUNDARY This consent does not authorise any work outside the property boundary.
9.	ECOLOGICALLY SUSTAINABLE DEVELOPMENT RECOMMENDATIONS <u>Indoor air quality:</u> 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. <u>Ventilation:</u> 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. <u>Domestic hot water:</u> 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

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means Waverley Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Waverley Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:
the collection of stormwater,

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

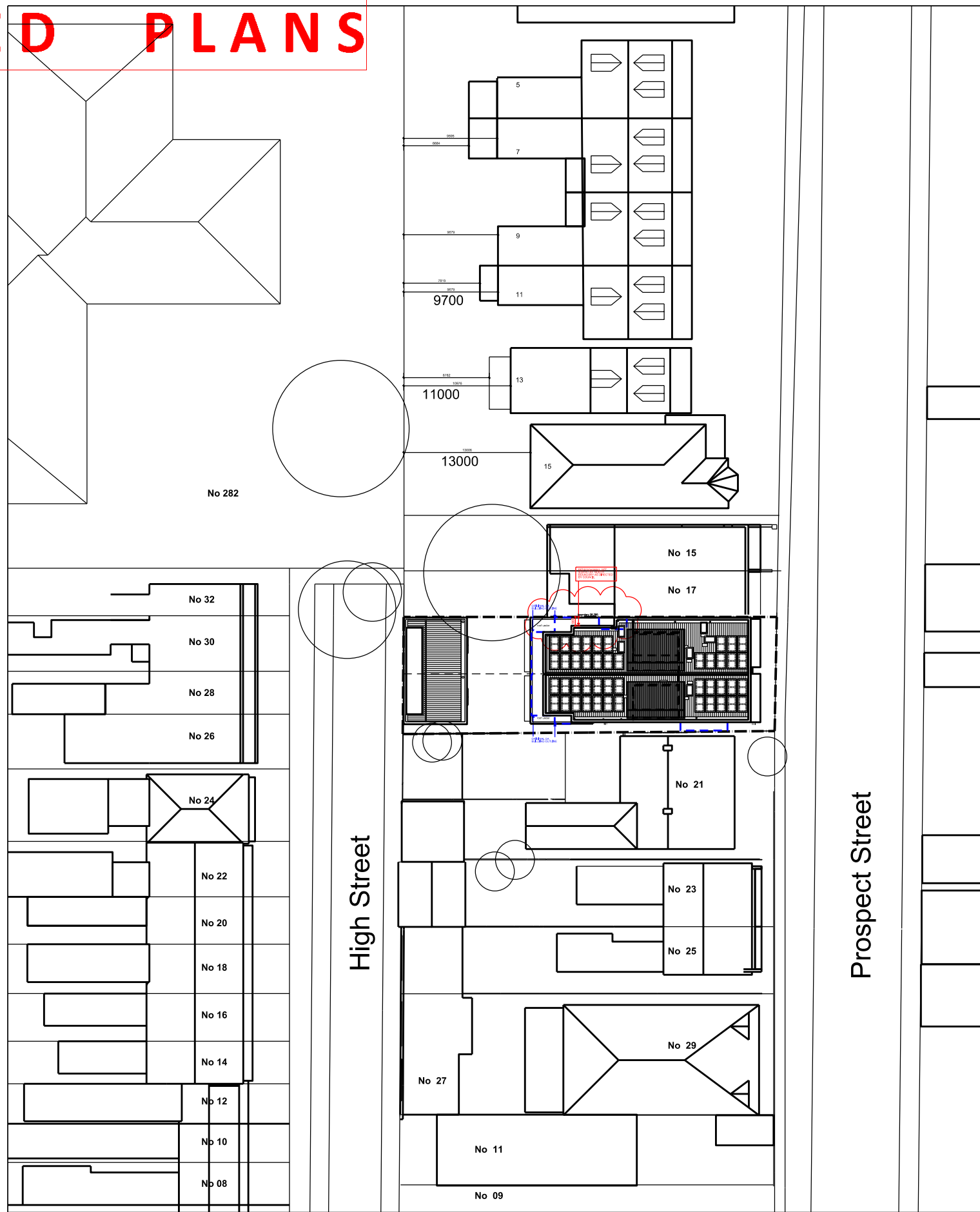
Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Sydney Eastern City Planning Panel.

Suitably qualified acoustic consultant means 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.

AMENDED PLANS

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 Waverley Council
 Application No: DA-185/2023
 Date Received: 10/10/2023



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00	AS	DA ISSUE	06.12.22
01	AS	AMENDED DA CONSULTANT ISSUE	12.03.23
02	AS	AMENDED DA ISSUE	12.05.23
03	AS	NTH BDY SETBACK 900mm	06.09.23



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 M: 0411 966 776
 E: desgn@asaarchitects.com.au
 Nominated Architect - Andrew Schultz NSW Reg 6228

Project
19A + 19B PROSPECT STREET - WAVERLEY
 Drawing Title
SITE PLAN

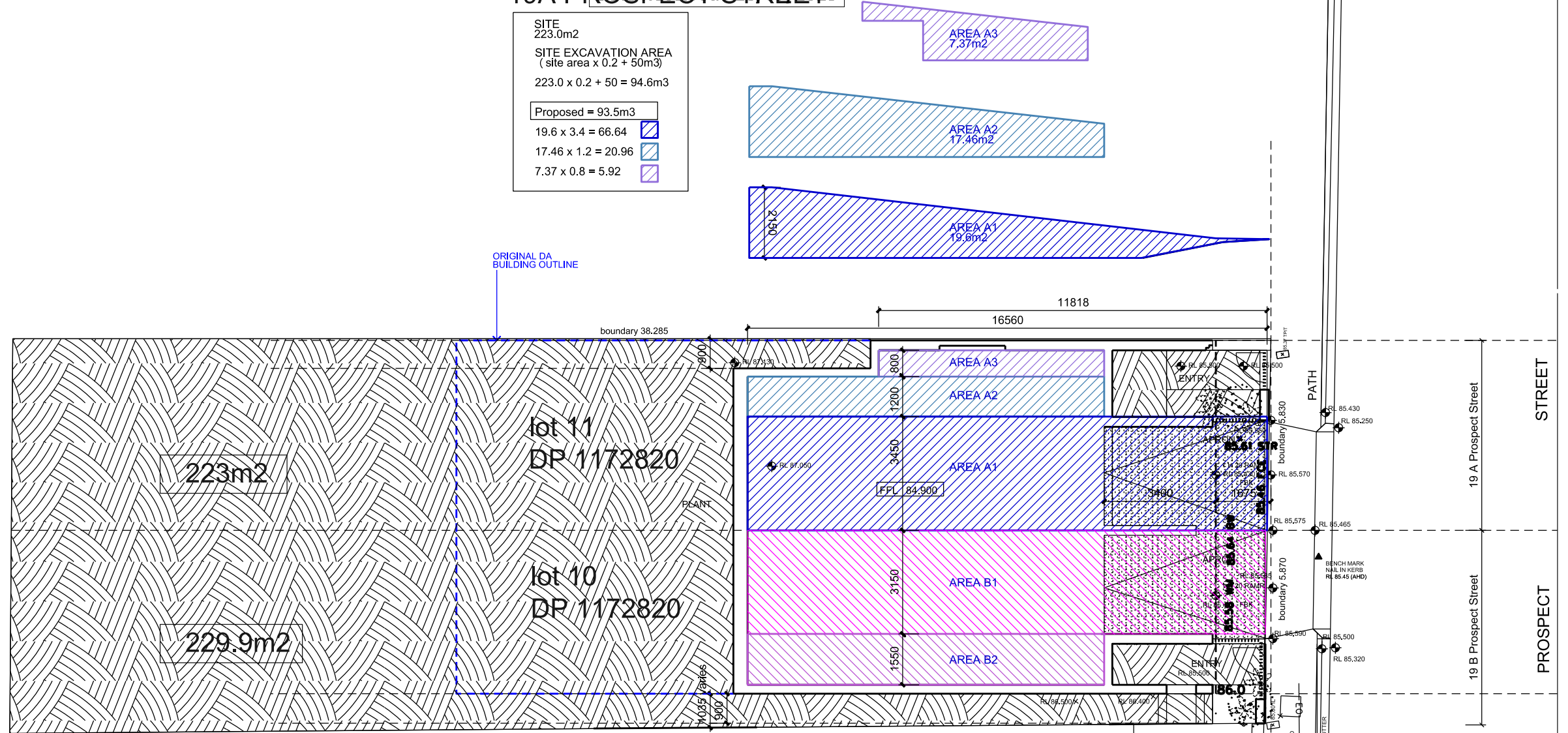
Date	Project No.	Scale
JAN 2022	210701	1:500
Drawing Number	Rev	
DA 003 ³⁷⁴	03	

Application No: DA-185/2023
PROPOSED LOT
19A PROSPECT STREET

SITE
223.0m²
SITE EXCAVATION AREA
(site area x 0.2 + 50m³)
223.0 x 0.2 + 50 = 94.6m³

Proposed = 93.5m³

- 19.6 x 3.4 = 66.64
- 17.46 x 1.2 = 20.96
- 7.37 x 0.8 = 5.92

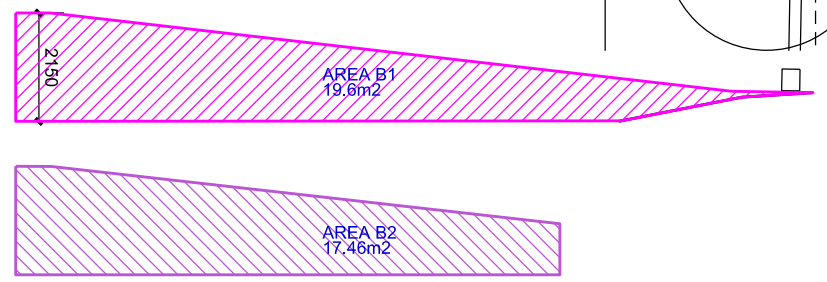


No.21 PROSPECT ST
PROPOSED LOT
19B PROSPECT STREET

SITE
229.9m²
SITE EXCAVATION AREA
(site area x 0.2 + 50m³)
229.9 x 0.2 + 50 = 96.00m³

Proposed = 88.85m³

- 19.6 x 3.15 = 61.75
- 17.46 x 1.55 = 27.10



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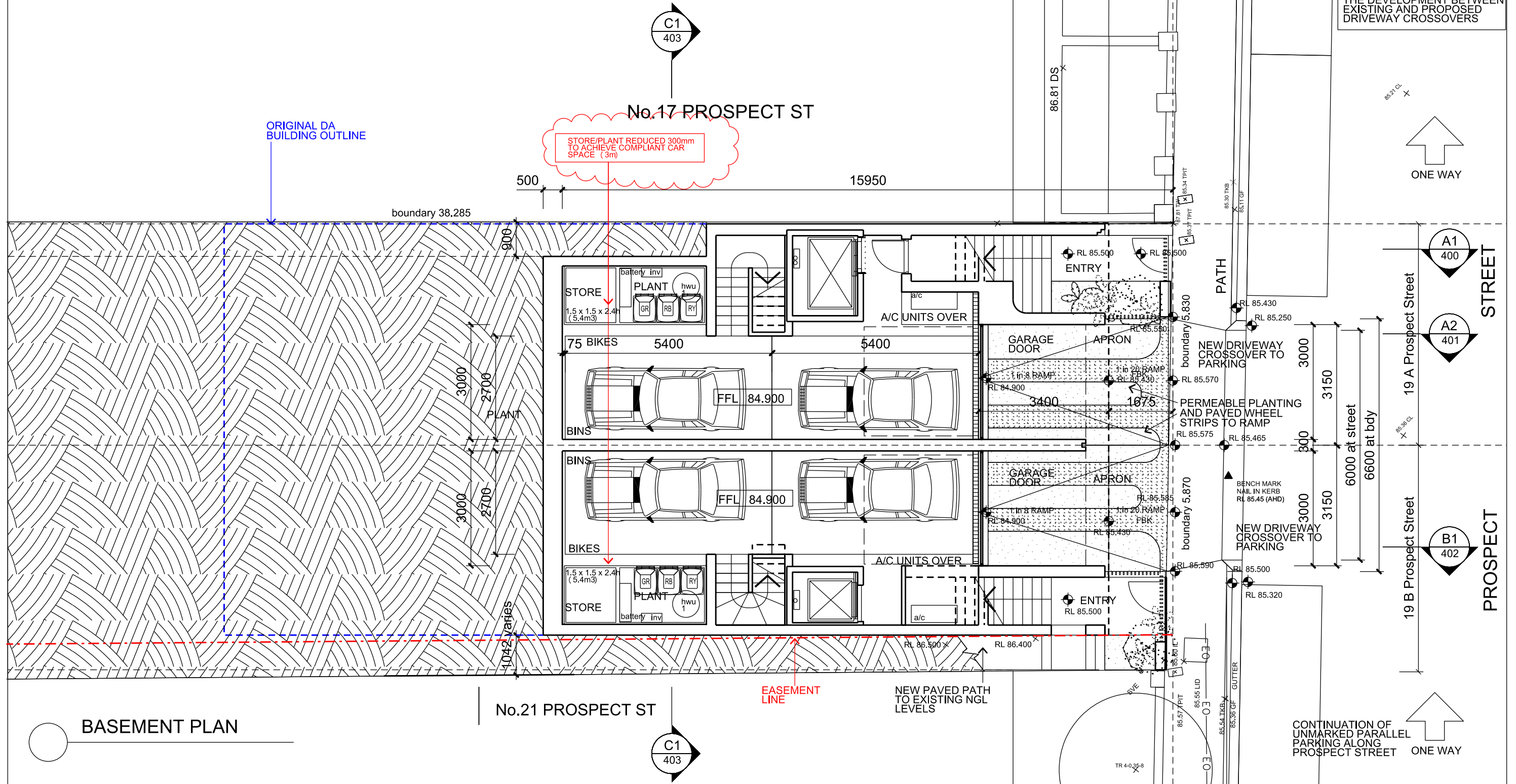
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Nominated Architect - Andrew Schultz NSW Reg 6228

Project
19A + 19B PROSPECT STREET - WAVERLEY
Drawing Title
PROPOSED SITE EXCAVATION PLAN

Date	Project No.	Scale
JAN 2022	210701	1:150
	Drawing Number	Rev
	DA 009 ³⁷⁵	02

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BASEMENT PLAN

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Project
19A + 19B PROSPECT STREET - WAVERLEY
Drawing Title
BASEMENT FLOOR PLAN

Date	Project No.	Scale
JAN 2022	210701	1:100
Drawing Number	Rev	
DA 100 ³⁷⁶	03	

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REFER A-105 FOR REAR OF SITE

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Waverley Council
Application No: DA-185/2023
Date Received: 10/10/2023

BEDROOM WALL SET 900mm OFF NORTH BOUNDARY AS DIRECTED BY COUNCIL
CLERESTOREY WINDOW DELETED

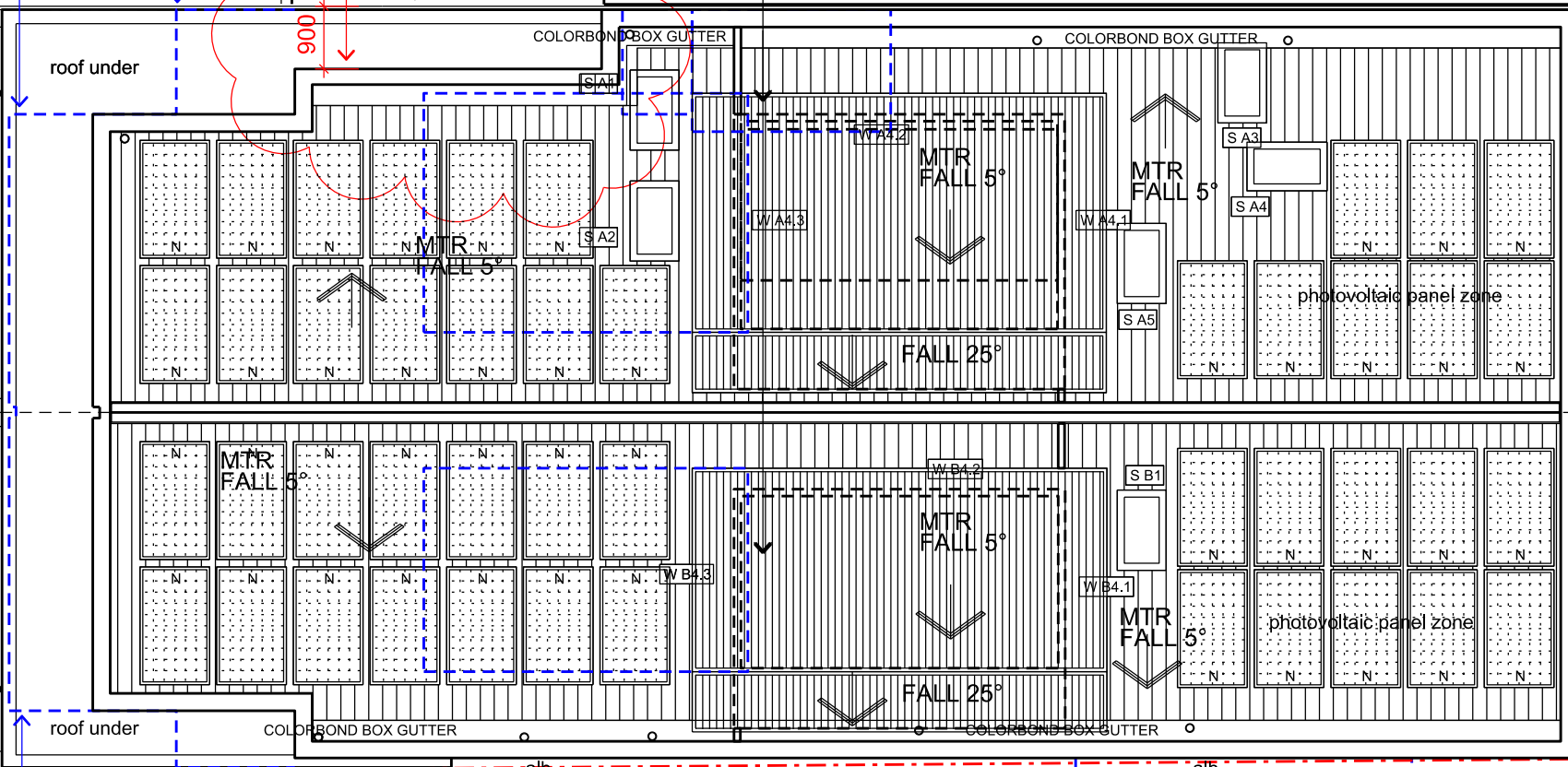
C1 403
1 D.P.853297

CLERESTOREY ROOF FORM TO VOIDS BELOW
No.17 PROSPECT ST
SEMI-DETACHED
RENDERED TERRACE HOUSE

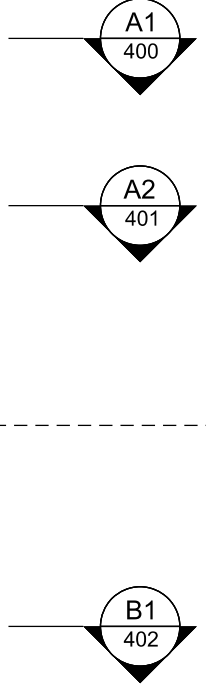
15190
4300
6500
700 2200
1300 700

1000 1675

1550
REAR BUILDING LINE UNDER
SUNSHADE HOODS TO REAR OF DWELLING
8560
SUNSHADE HOODS TO REAR OF DWELLING
833
REAR BUILDING LINE UNDER

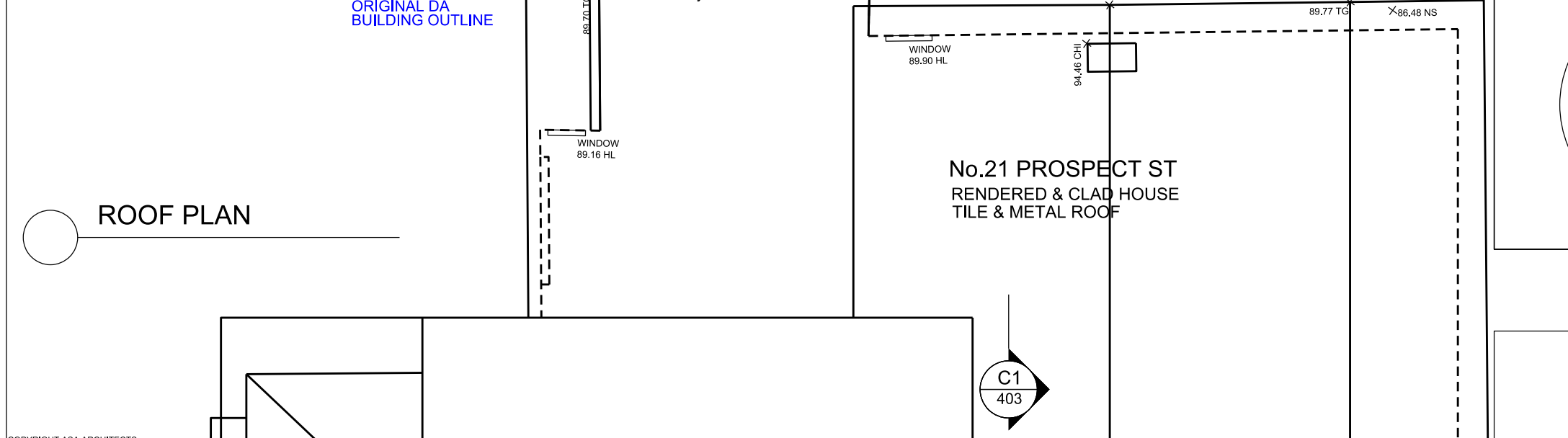


boundary 5.830
5780
19 A Prospect Street
boundary 5.870
4953
19 B Prospect Street
915



954 970

ORIGINAL DA BUILDING OUTLINE
boundary 38.163
boundary 19.11



No.21 PROSPECT ST
RENDERED & CLAD HOUSE
TILE & METAL ROOF

C1 403

ROOF PLAN

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02	AS	AMENDED DA ISSUE	12.05.23
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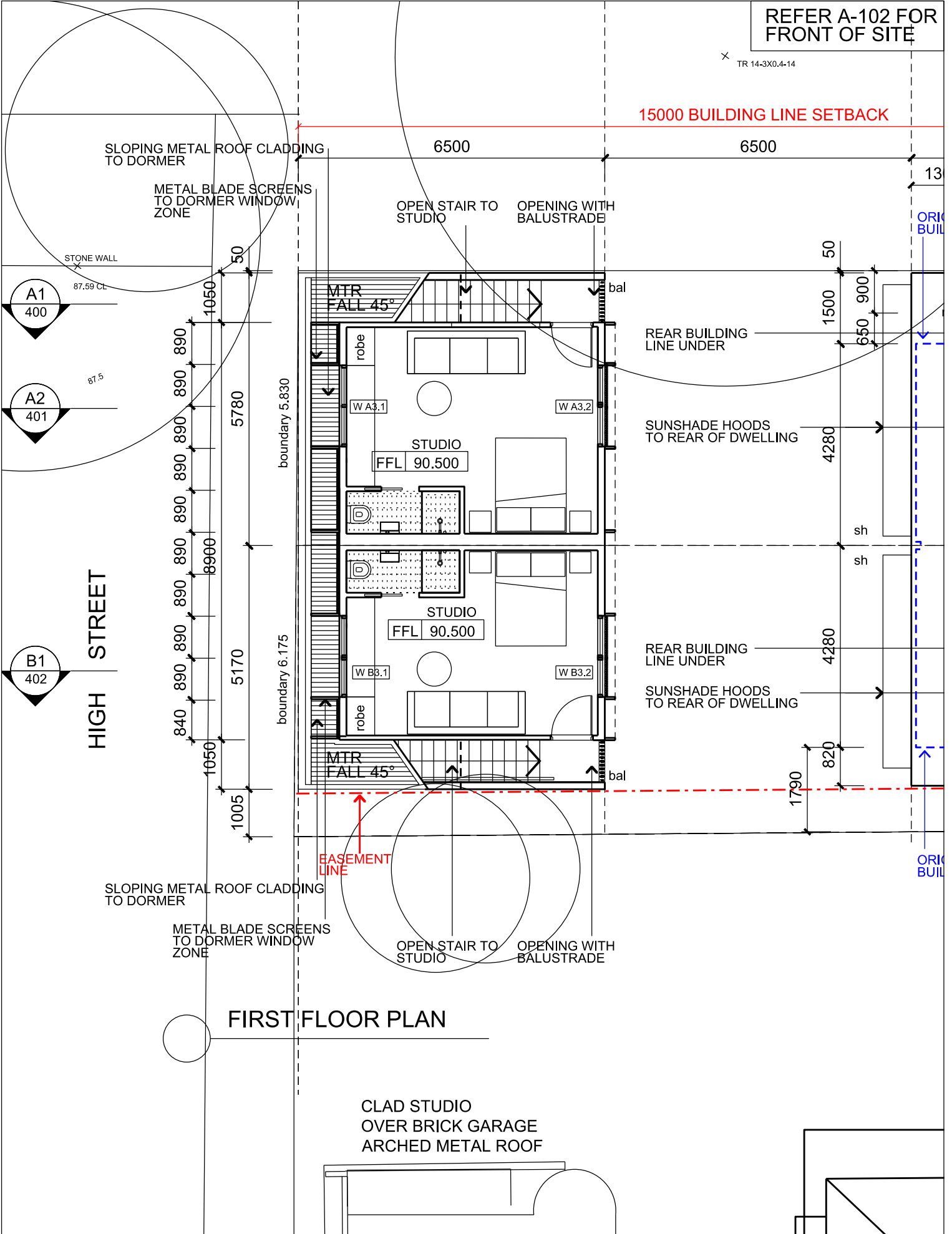
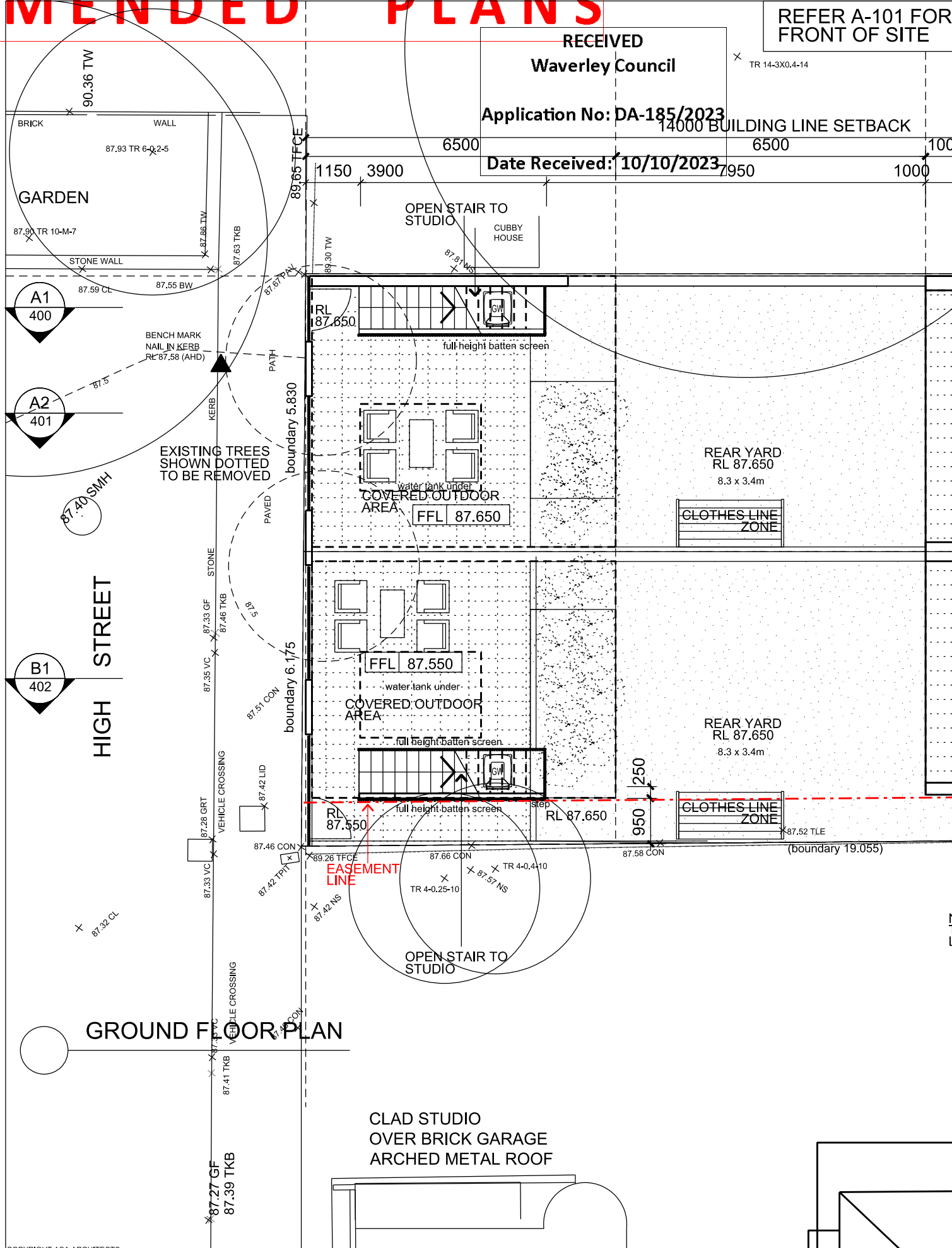


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Project
19A + 19B PROSPECT STREET - WAVERLEY
Drawing Title
ROOF PLAN

Date	Project No.	Scale
JAN 2022	210701	1:100
Drawing Number	Rev	
DA 103	03	

AMENDED PLANS



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Nominated Architect - Andrew Schultz NSW Reg 6228

Project
19A + 19B PROSPECT STREET - WAVERLEY

Drawing Title
REAR YARD - STUDIO

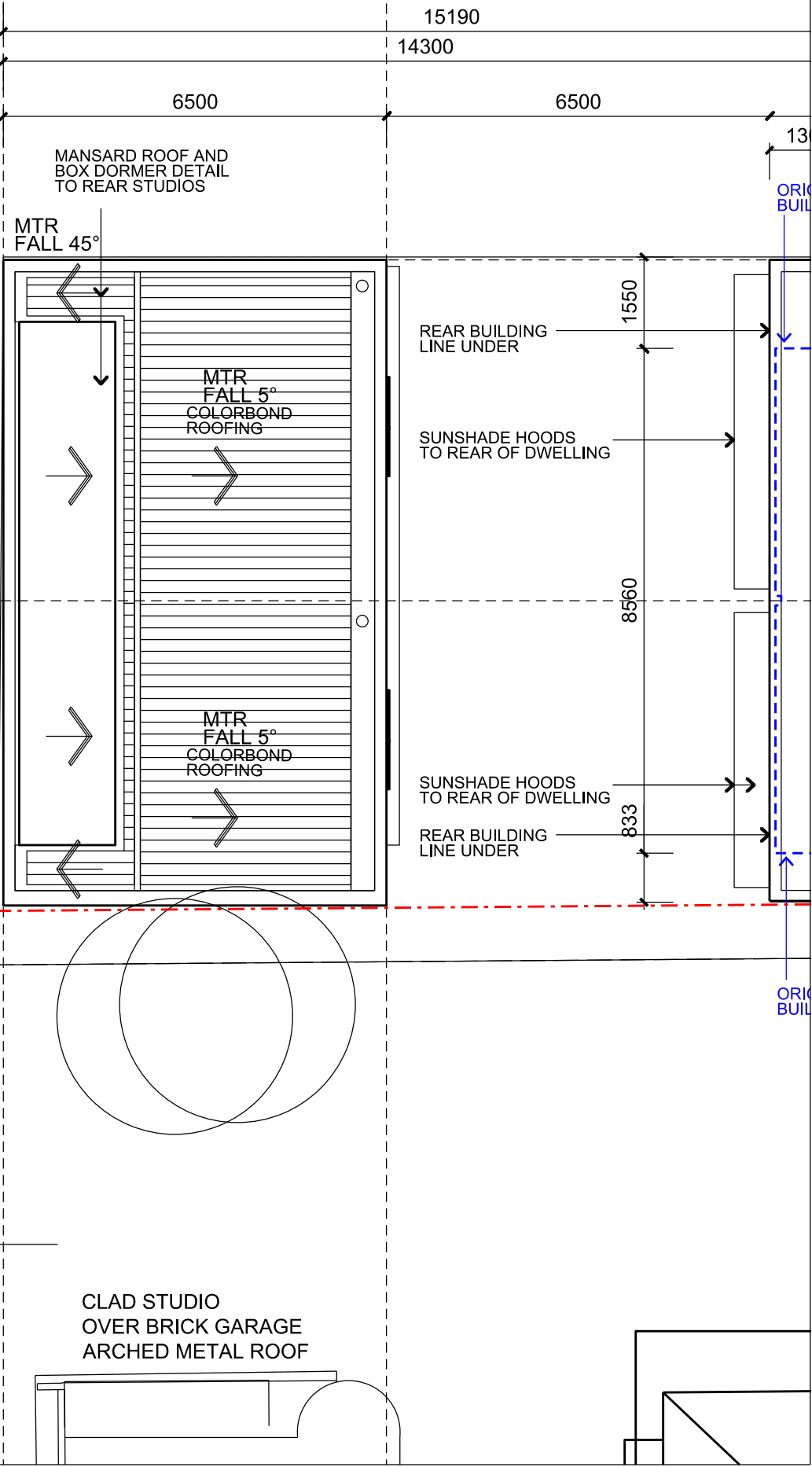
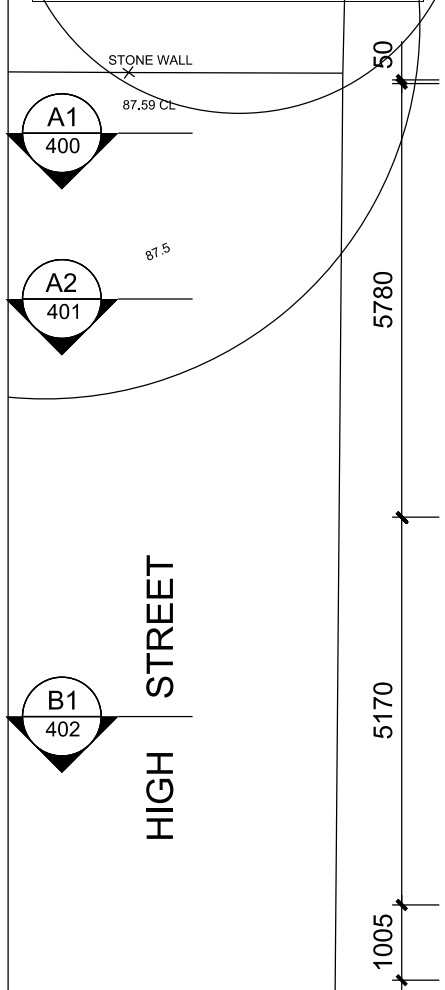
Date	Project No.	Scale
JAN 2022	210701	1:100

Drawing Number	Rev
DA 104380	03

AMENDED PLANS

REFER A-103 FOR FRONT OF SITE

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Application No: DA-185/2023
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HIGH STREET

ROOF PLAN

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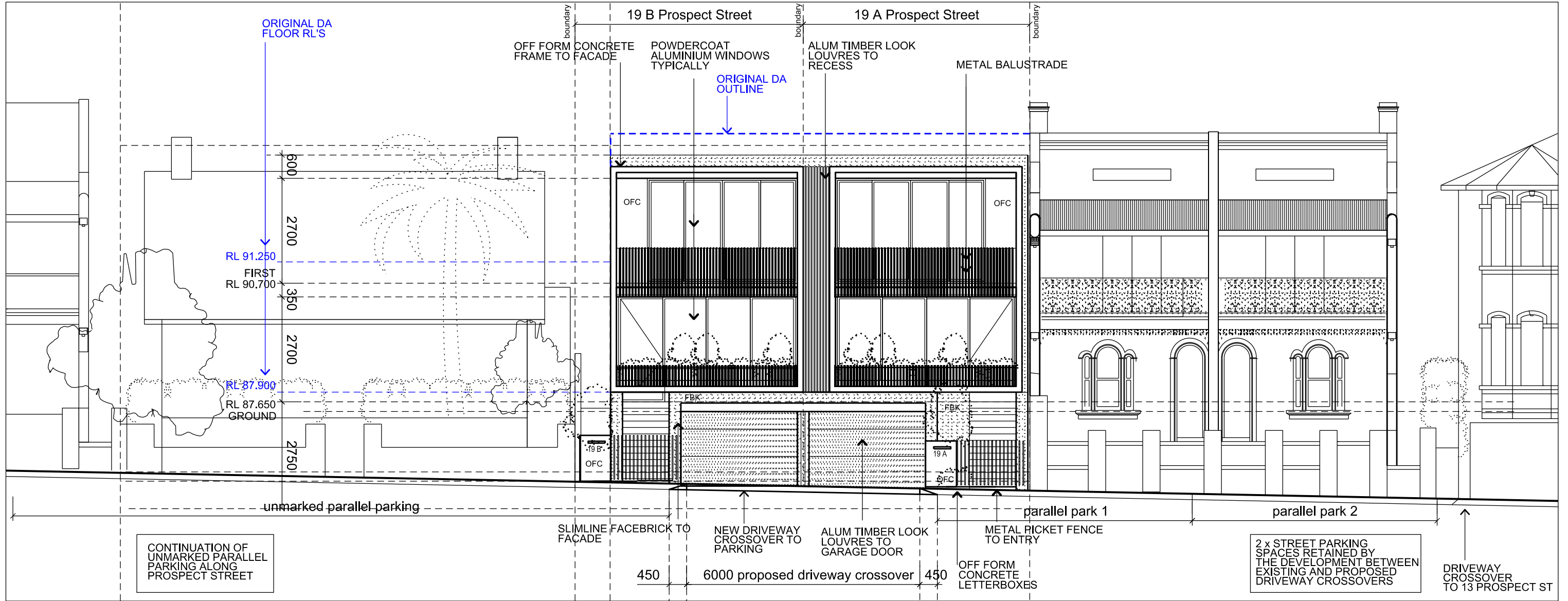
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Project
19A + 19B PROSPECT STREET - WAVERLEY
Drawing Title
REAR YARD - STUDIO

Date	Project No.	Scale
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Drawing Number	Rev	
DA 105	381	03

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 EAST ELEVATION - PROSPECT STREET

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Project
19A + 19B PROSPECT STREET - WAVERLEY

Drawing Title
EAST ELEVATION - PROSPECT STREET

Date	Project No.	Scale
JAN 2022	210701	1:100
	Drawing Number	Rev
	DA 300 ³⁸²	03

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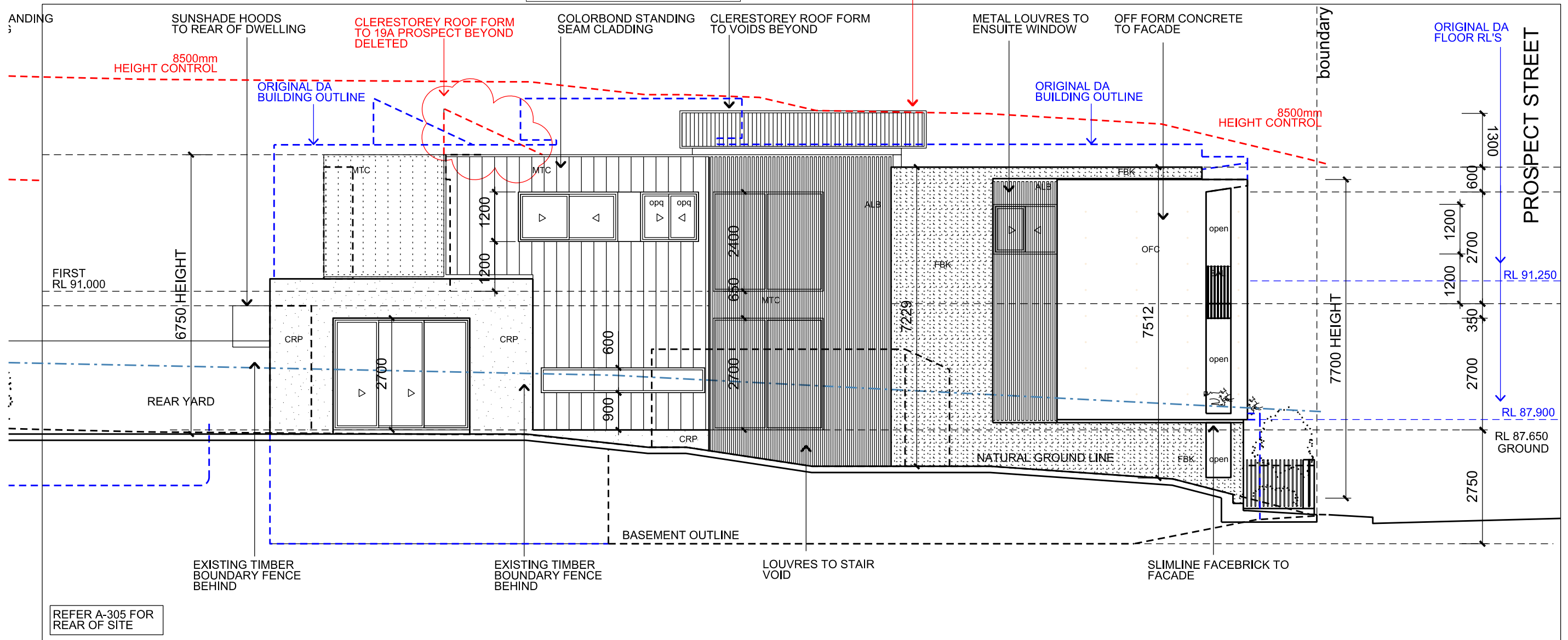
Application No: DA-185/2023

Date Received: 10/10/2023

THE ANGLED CLERESTOREY FORM TO THE ROOF OF THE BUILDING IS SHOWN BEYOND THE BUILDING LINE OF THE SOUTHERN ELEVATION.

THE HEIGHT OF THE CLERESTOREY IS CENTRALISED IN THE BUILT FORM AND THE HEIGHT SHOWN DOES NOT EXCEED HEIGHT CONTROL LINE SHOWN ON THIS ELEVATION.

REFER TO DA-506 HEIGHT PLANE DIAGRAM FOR CLARIFICATION



SOUTH ELEVATION - 19B PROSPECT STREET

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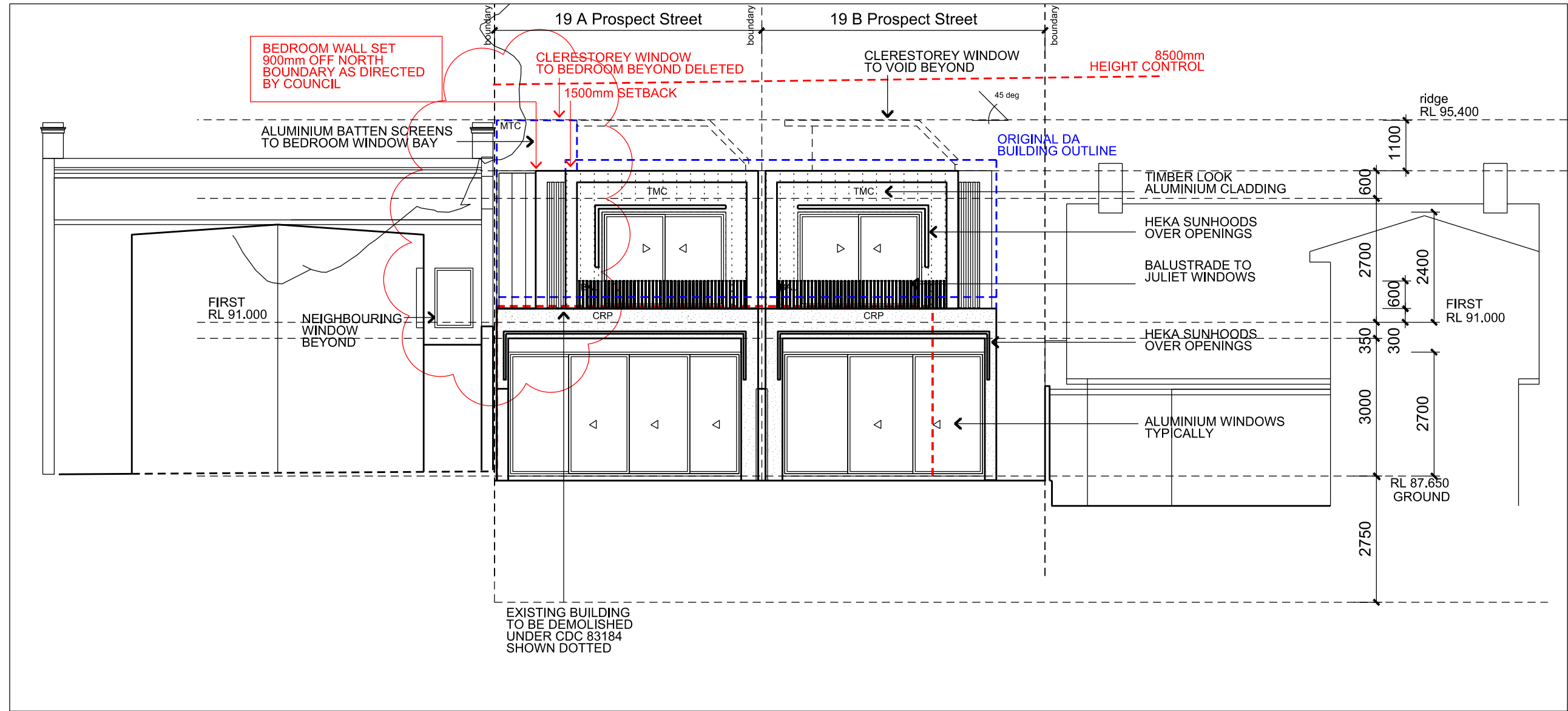
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M: 0411 966 776
E: design@asaarchitects.com.au
Nominated Architect - Andrew Schultz NSW Reg 6228

Project
19A + 19B PROSPECT STREET - WAVERLEY
Drawing Title
SOUTH ELEVATION

Date	Project No.	Scale
JAN 2022	210701	1:100
Drawing Number	Rev	
DA 301 ³⁸³	03	

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○ WEST ELEVATION - DWELLING

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Project
19A + 19B PROSPECT STREET - WAVERLEY

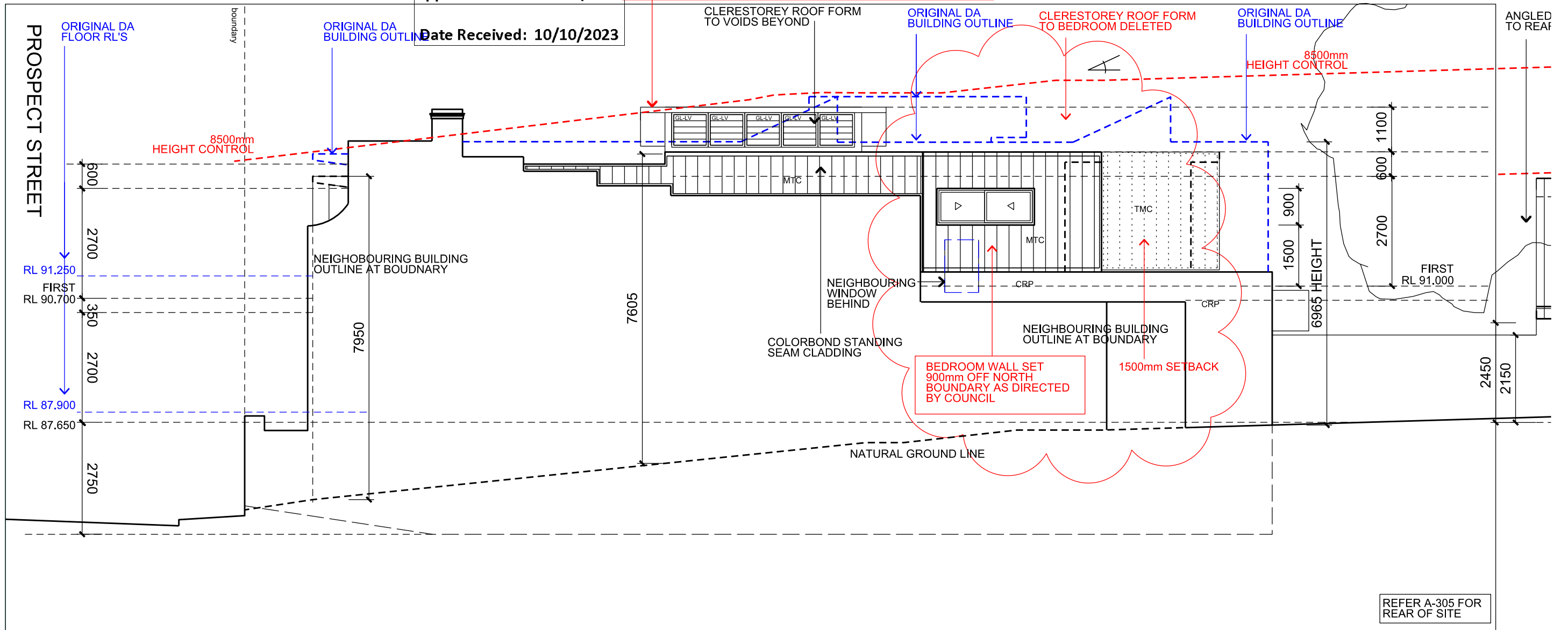
Drawing Title
WEST ELEVATION

Date	Project No.	Scale
JAN 2022	210701	1:100
Drawing Number	Rev	
DA 302 ³⁸⁴	03	

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RECEIVED
Waverley Council
 Application No: DA-185/2023
 Date Received: 10/10/2023

THE ANGLED CLERESTOREY FORM TO THE ROOF OF THE BUILDING IS SHOWN BEYOND THE BUILDING LINE OF THE NORTHERN ELEVATION.
 THE HEIGHT OF THE CLERESTOREY IS CENTRALISED IN THE BUILT FORM AND THE HEIGHT SHOWN DOES NOT EXCEED THE HEIGHT CONTROL LINE SHOWN ON THIS ELEVATION.
 REFER TO DA-506 HEIGHT PLANE DIAGRAM FOR CLARIFICATION



REFER A-305 FOR REAR OF SITE

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02	AS	AMENDED DA ISSUE	12.05.23
03	AS	NTH BDY SETBACK 900mm	06.09.23



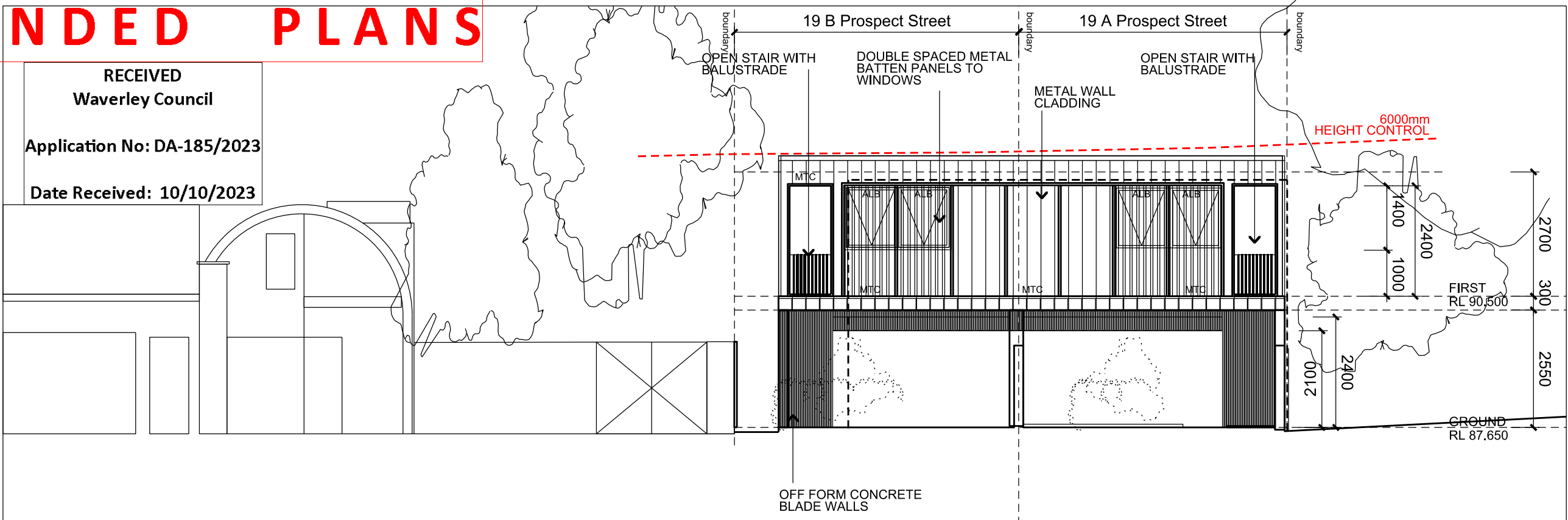
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 Nominated Architect - Andrew Schultz NSW Reg 6228

Project
19A + 19B PROSPECT STREET - WAVERLEY
 Drawing Title
NORTH ELEVATION

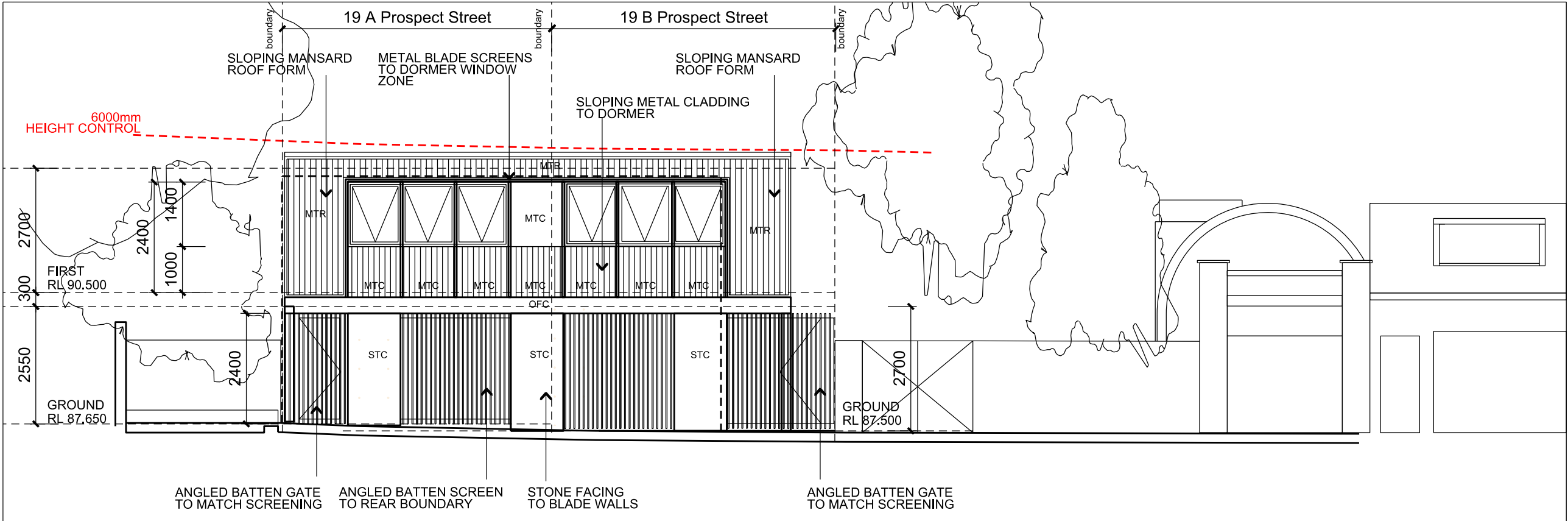
Date	Project No.	Scale
JAN 2022	210701	1:100
Drawing Number	Rev	
DA 303 ³⁸⁵	03	

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Application No: DA-185/2023
Date Received: 10/10/2023



EAST ELEVATION - 19A + 19B PROSPECT ST
REAR STUDIO DWELLING



WEST ELEVATION - 19A + 19B PROSPECT ST
REAR STUDIO DWELLING

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03	AS	NTH BDY SETBACK 900mm	06.09.23



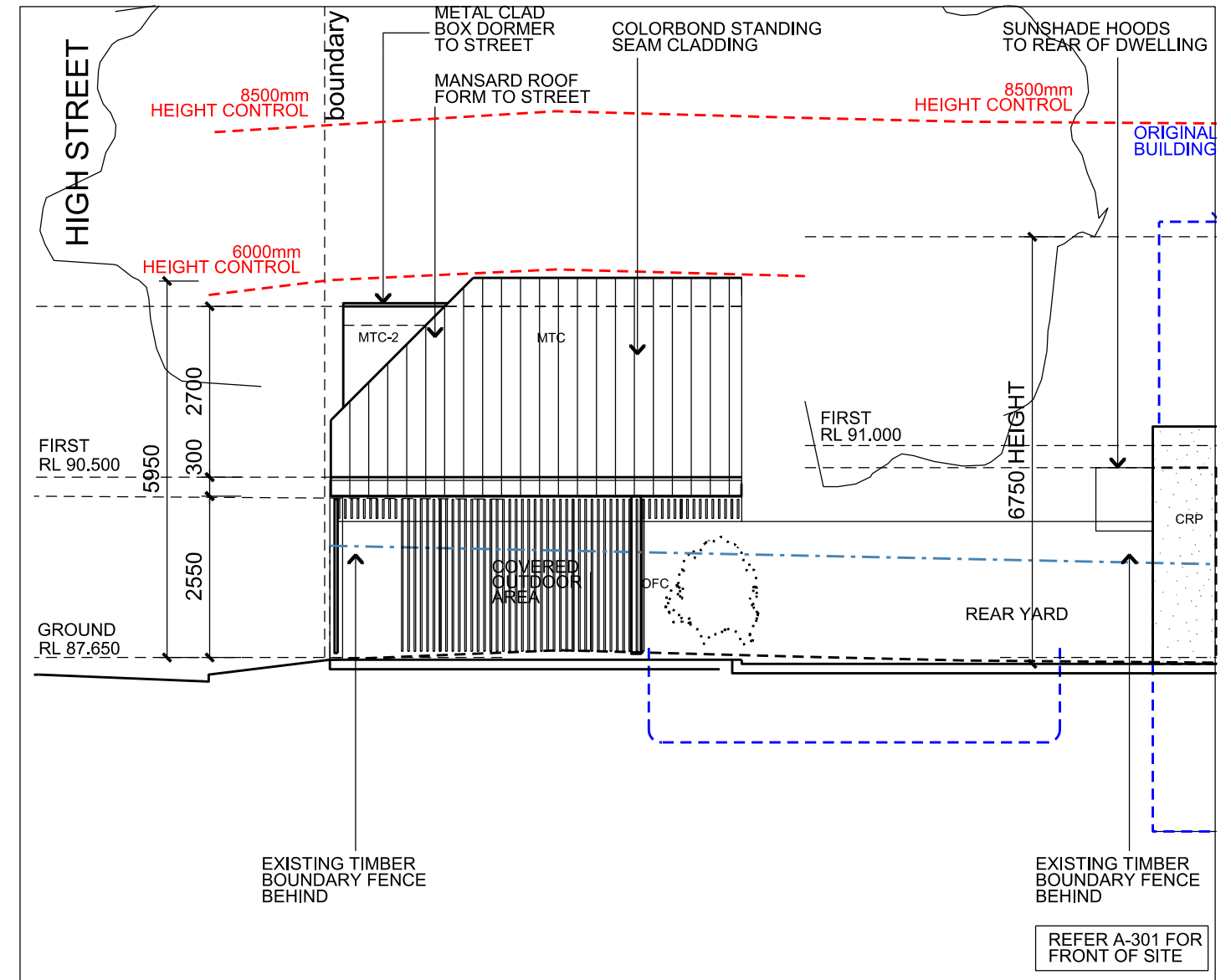
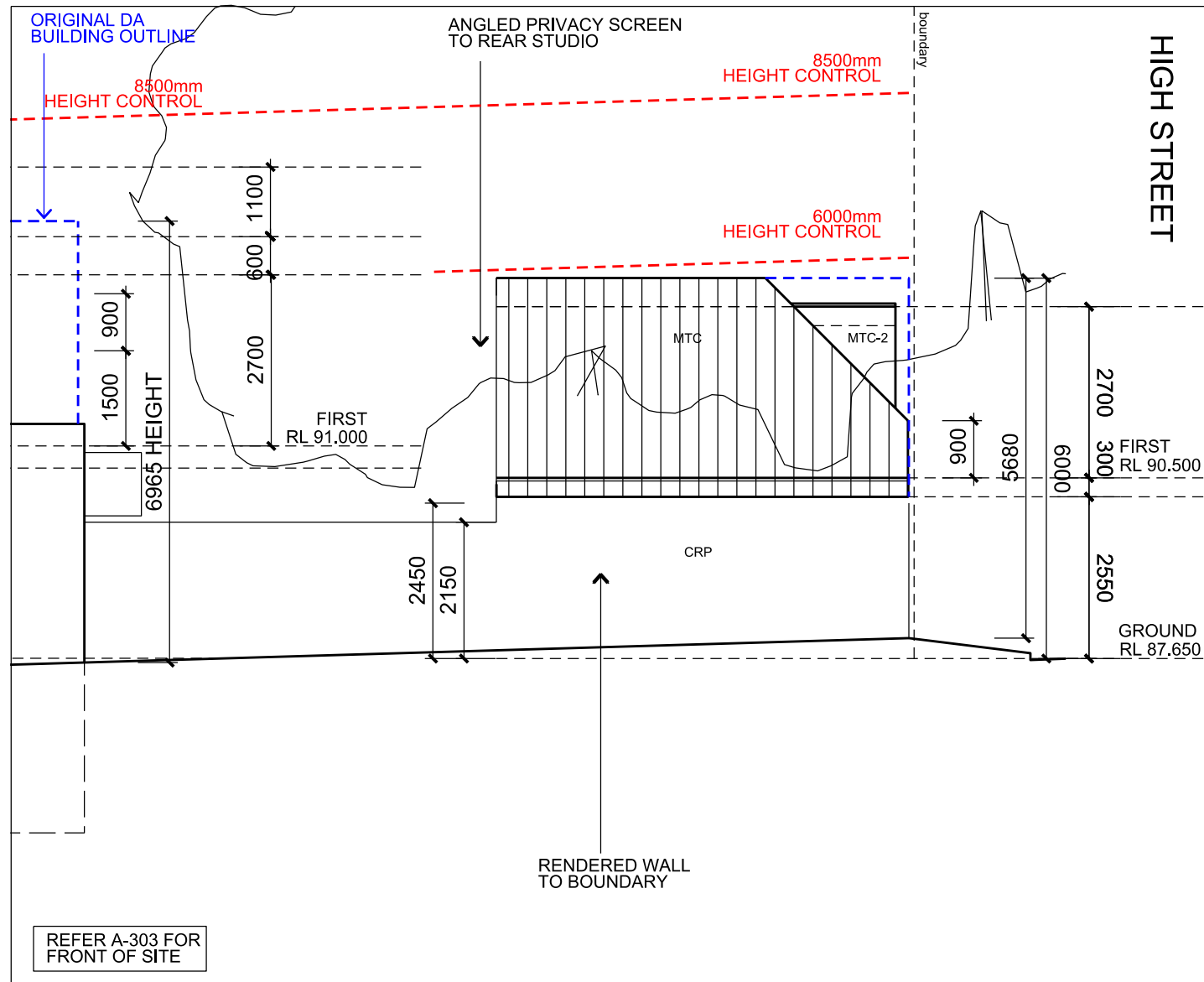
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Project
19A + 19B PROSPECT STREET - WAVERLEY
Drawing Title
REAR - EAST + WEST ELEVATIONS

Date	Project No.	Scale
JAN 2022	210701	1:100
	Drawing Number	Rev
	DA 304	03

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 NORTH ELEVATION - 19A PROSPECT STREET
REAR STUDIO DWELLING

 SOUTH ELEVATION - 19B PROSPECT STREET
REAR STUDIO DWELLING

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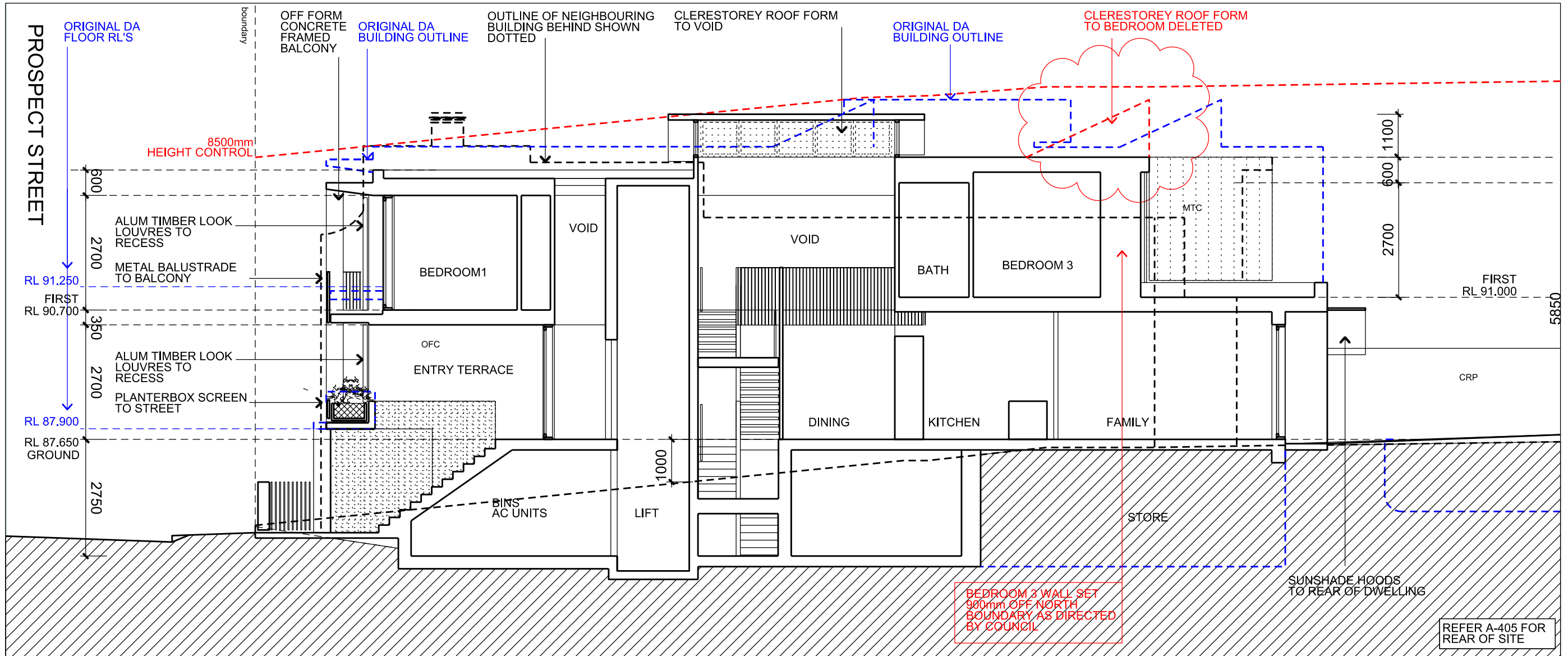
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Project
19A + 19B PROSPECT STREET - WAVERLEY
Drawing Title
REAR NORTH - SOUTH ELEVATION

Date	Project No.	Scale
JAN 2022	210701	1:100
	DA 305 ³⁸⁷	Rev 03

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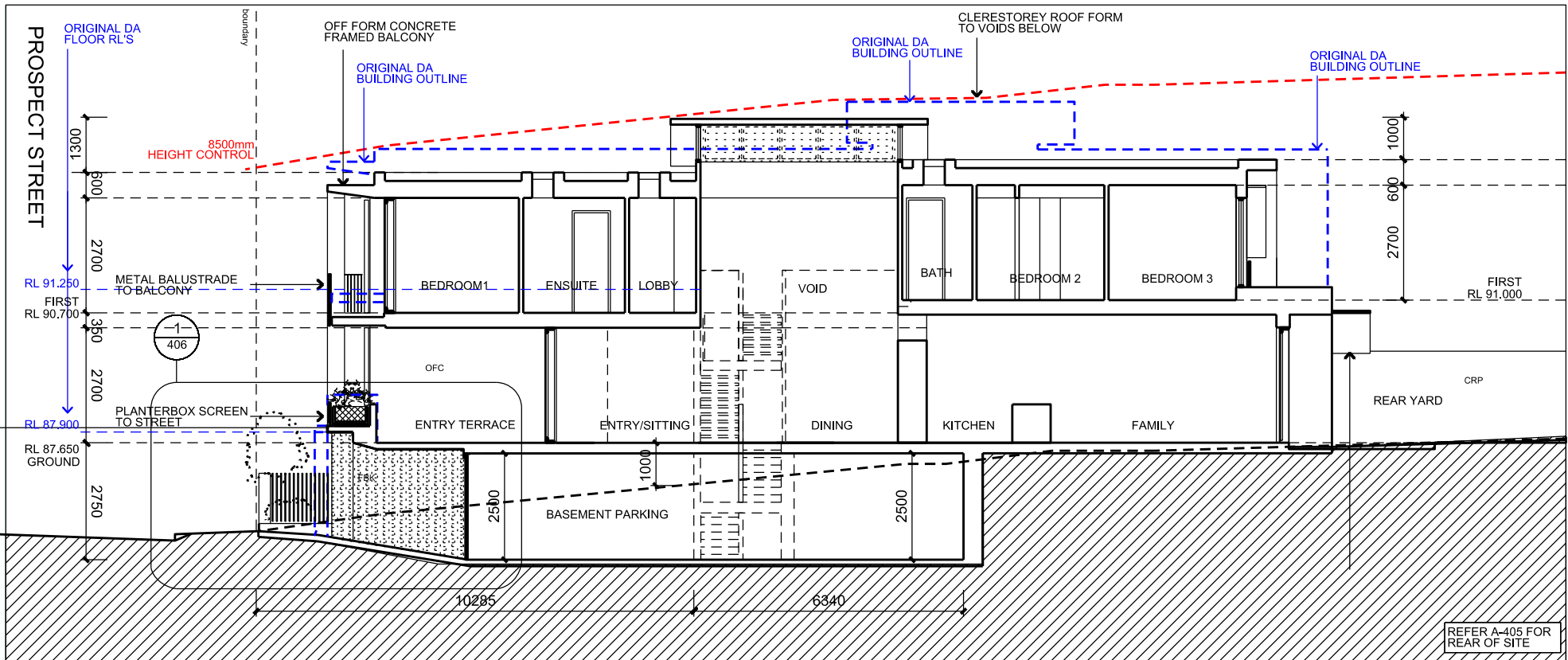


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Project
19A + 19B PROSPECT STREET - WAVERLEY
Drawing Title
SECTION A1 - 19A PROSPECT

Date	Project No.	Scale
JAN 2022	210701	1:100
	Drawing Number	Rev
	DA 400³⁸⁸	03

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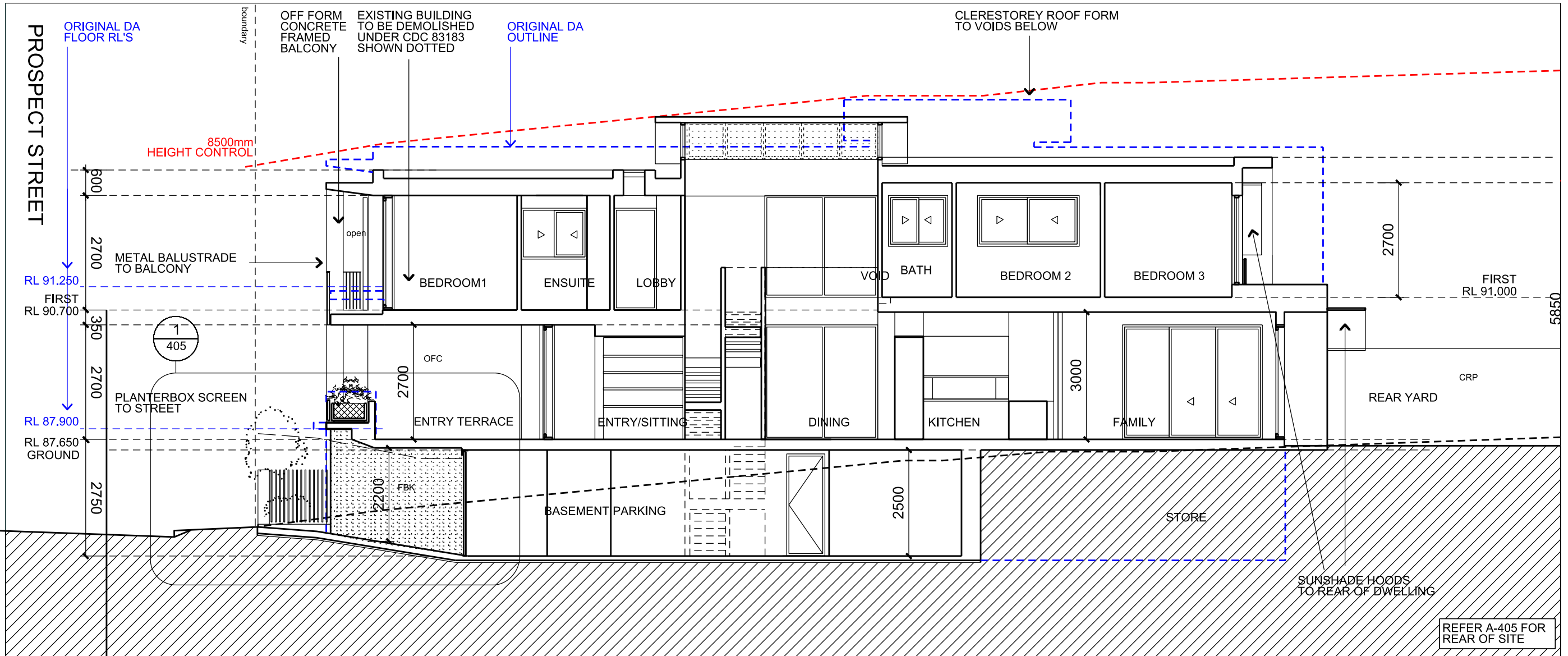
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Project
19A + 19B PROSPECT STREET - WAVERLEY
 Drawing Title
SECTION A2 - 19A PROSPECT

Date	Project No.	Scale
JAN 2022	210701	1:100
	389DA 401	03

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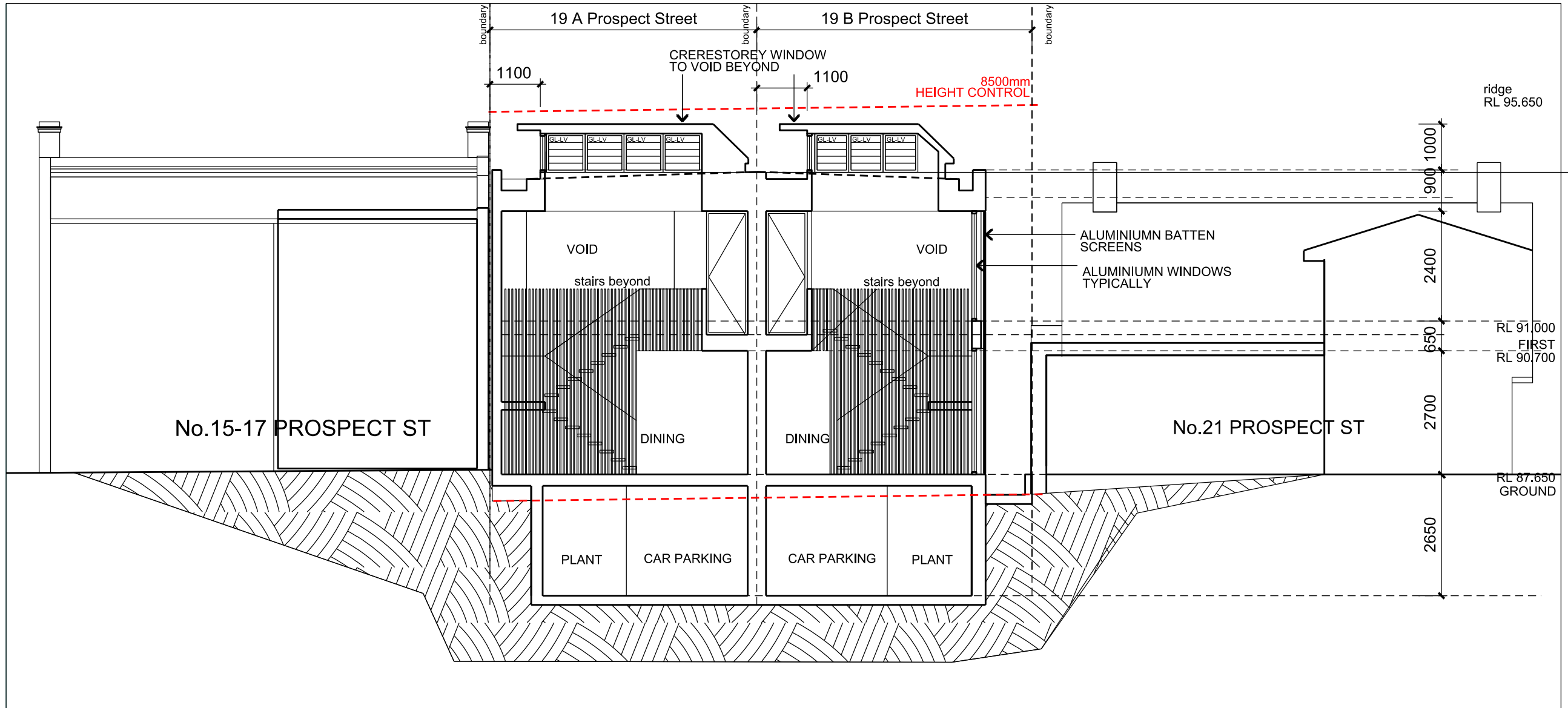
Project
19A + 19B PROSPECT STREET - WAVERLEY

Drawing Title
SECTION B1 - 19B PROSPECT

Date	Project No.	Scale
JAN 2022	210701	1:100
	Drawing Number	Rev
	DA 402 ³⁹⁰	03

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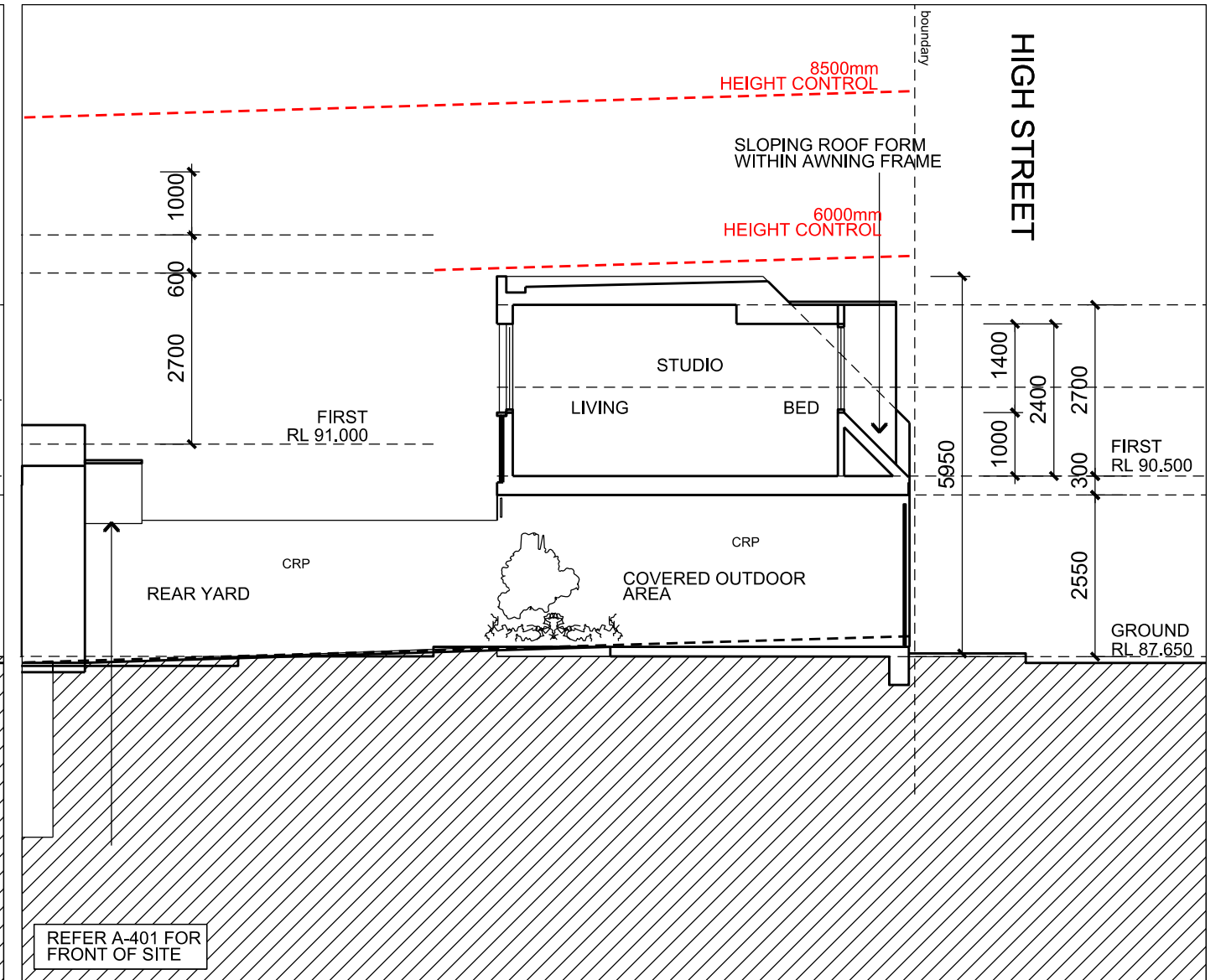
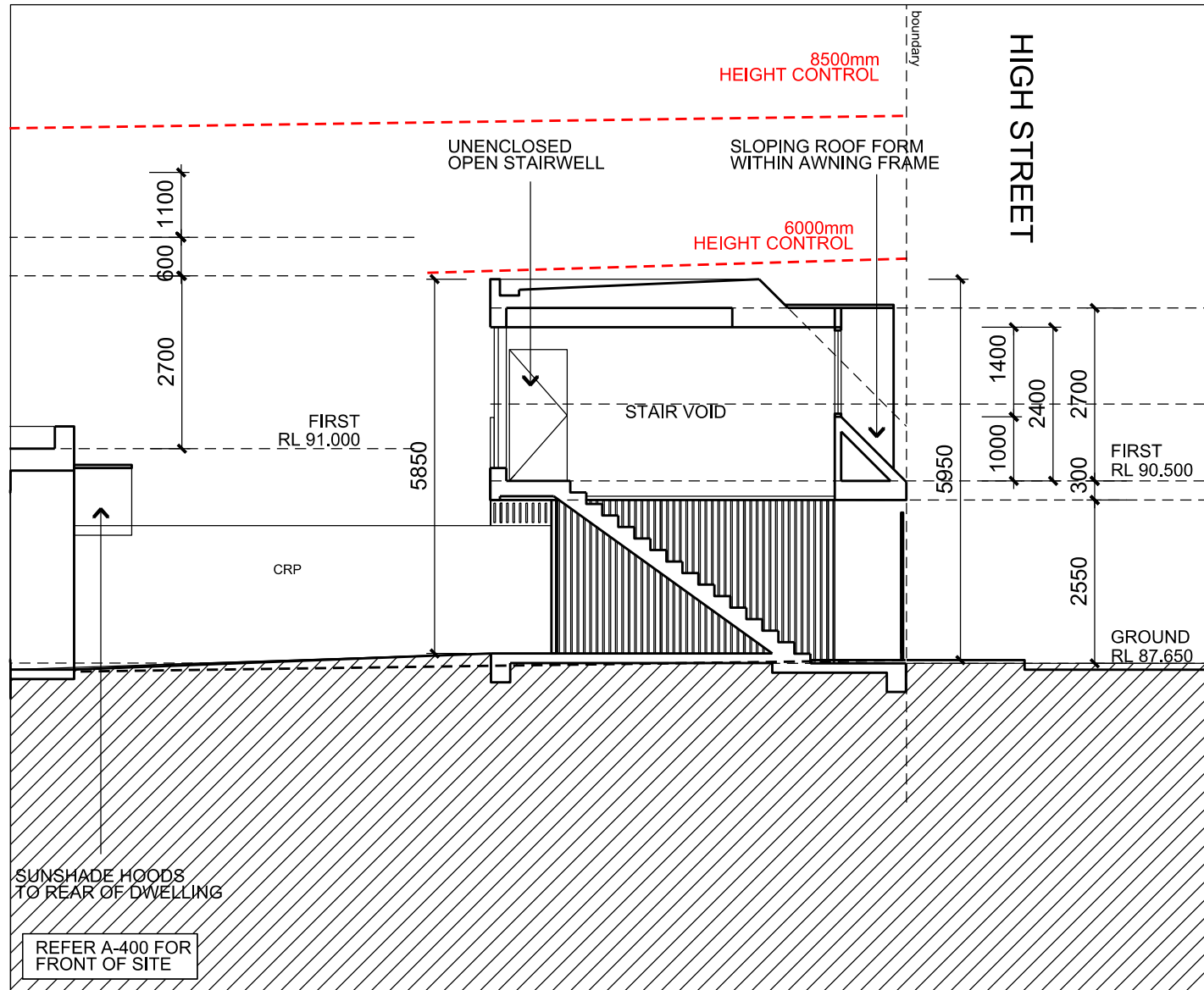
Project
19A + 19B PROSPECT STREET - WAVERLEY

Drawing Title
SECTION C1

Date	Project No.	Scale
JAN 2022	210701	1:100
Drawing Number	Rev	
DA 403 ³⁹¹	03	

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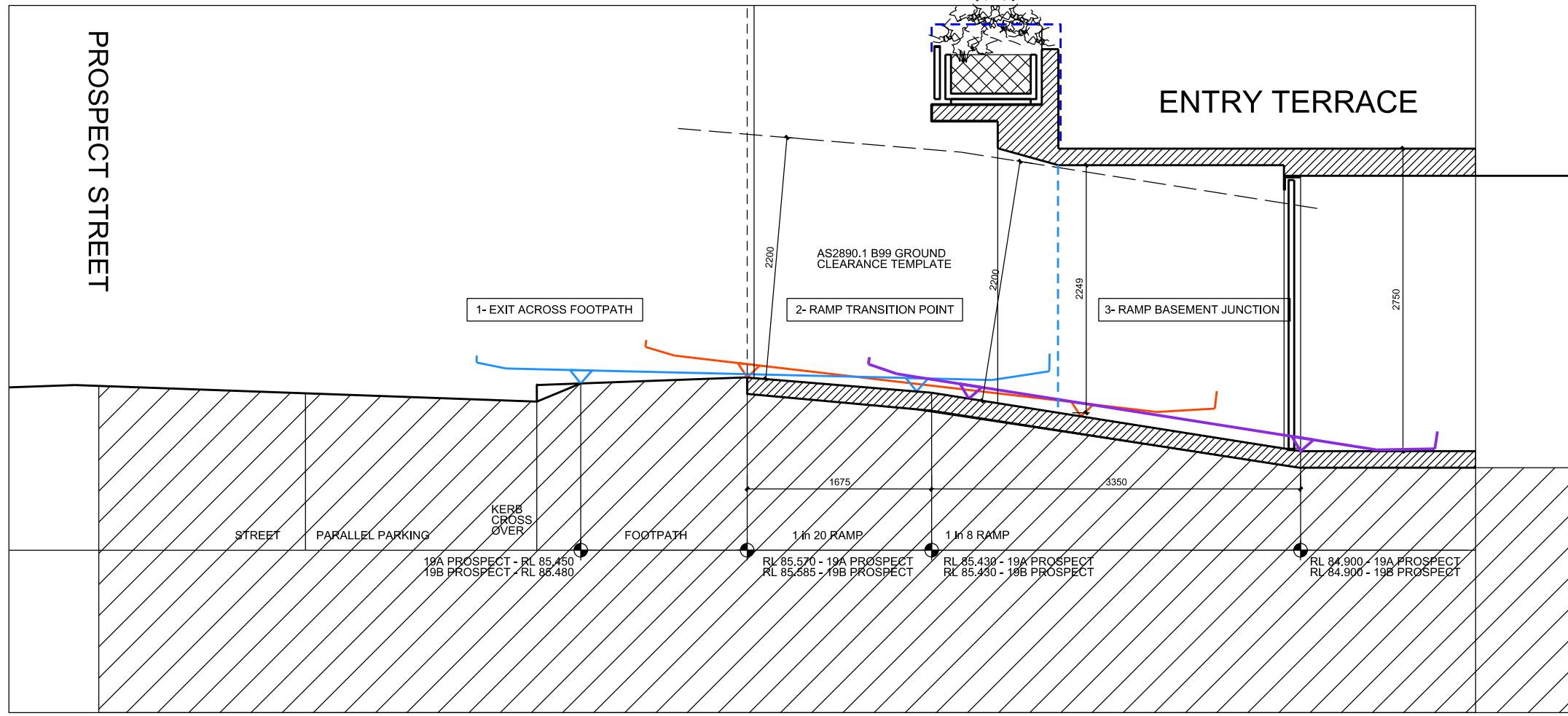


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Project
19A + 19B PROSPECT STREET - WAVERLEY
Drawing Title
REAR SECTIONS - 19A PROSPECT ST

Date	Project No.	Scale
JAN 2022	210701	1:100
	Drawing Number	Rev
	DA 404	03

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○ DRIVEWAY RAMP SECTION



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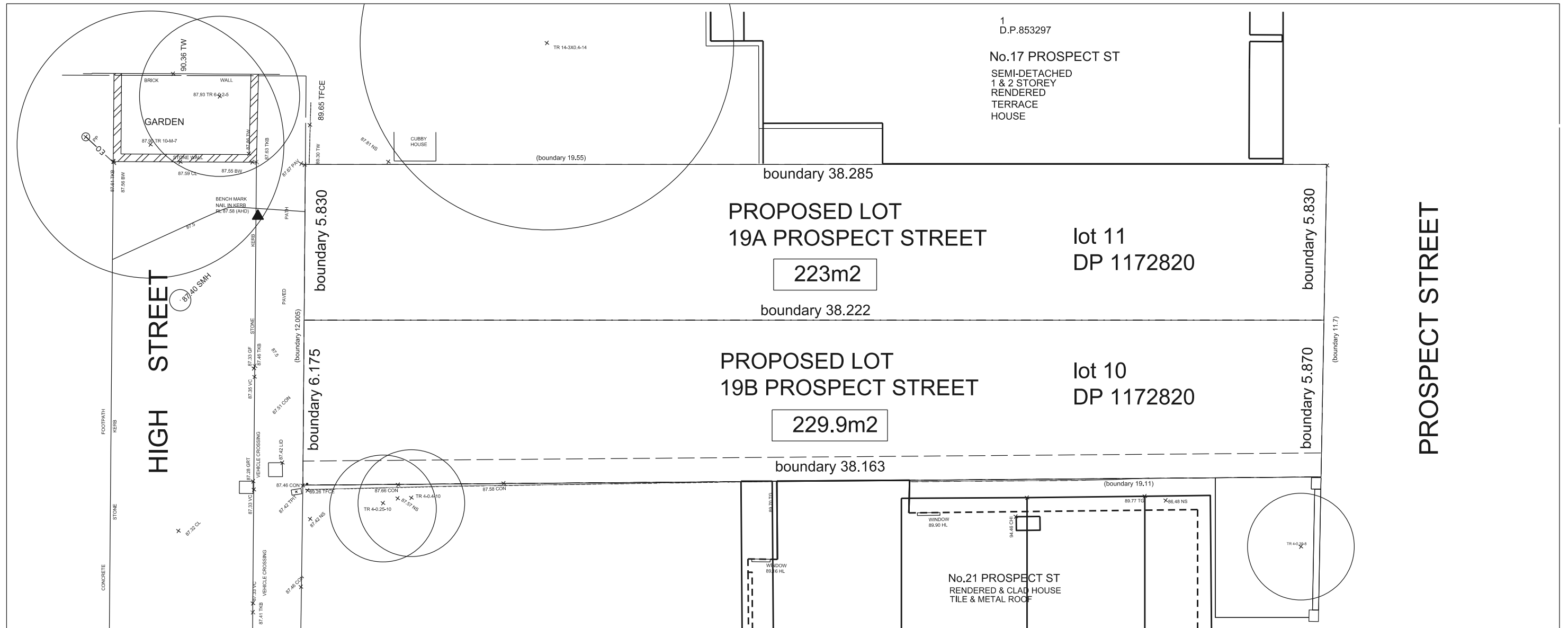
Rev	By	Note	Date
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Project
19A + 19B PROSPECT STREET - WAVERLEY
Drawing Title
DRIVEWAY RAMP SECTION

Date	Project No.	Scale
JAN 2022	210701	1:50
	DA 405 ³⁹³	Rev 02

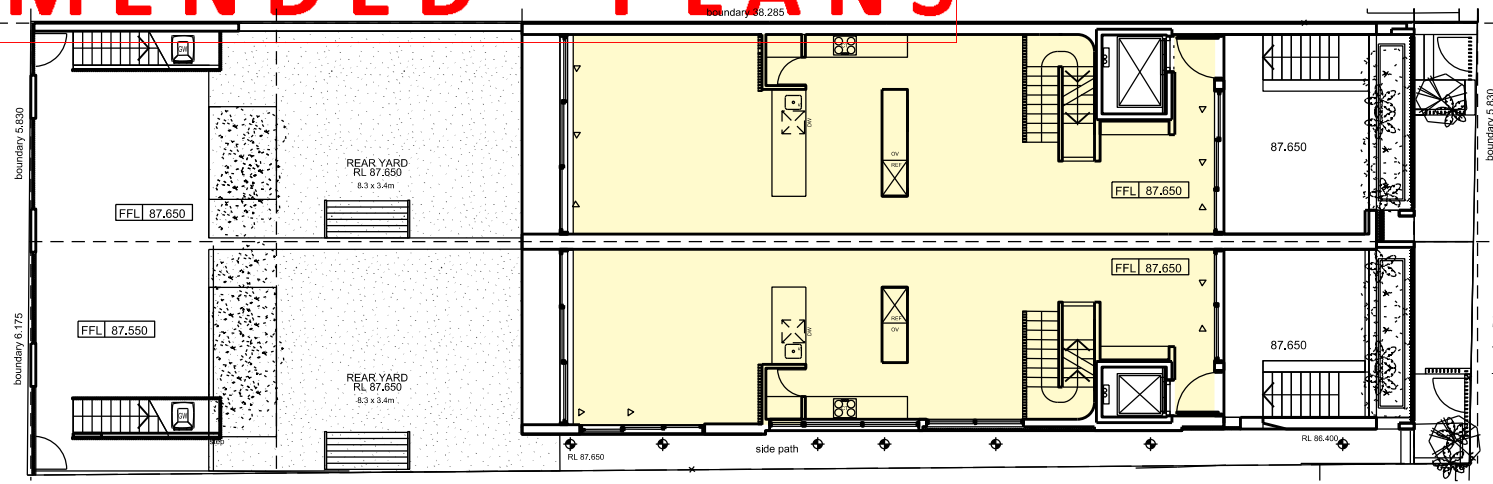


PROPOSED SUBDIVISION PLAN

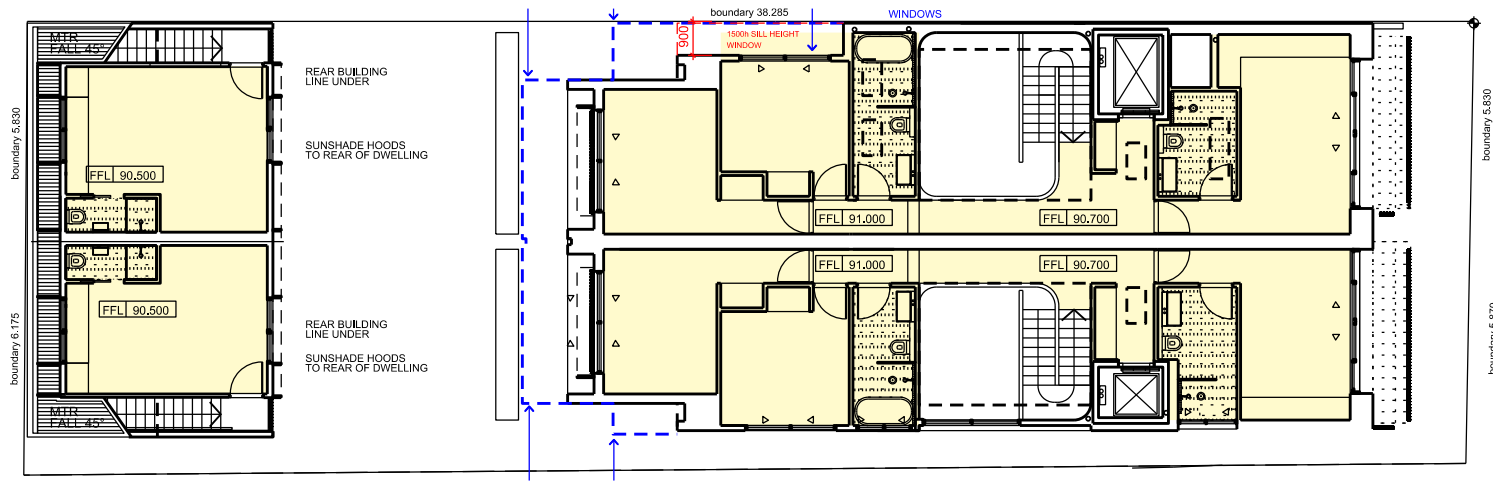


Rev	By	Note	Date
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AMENDED PLANS

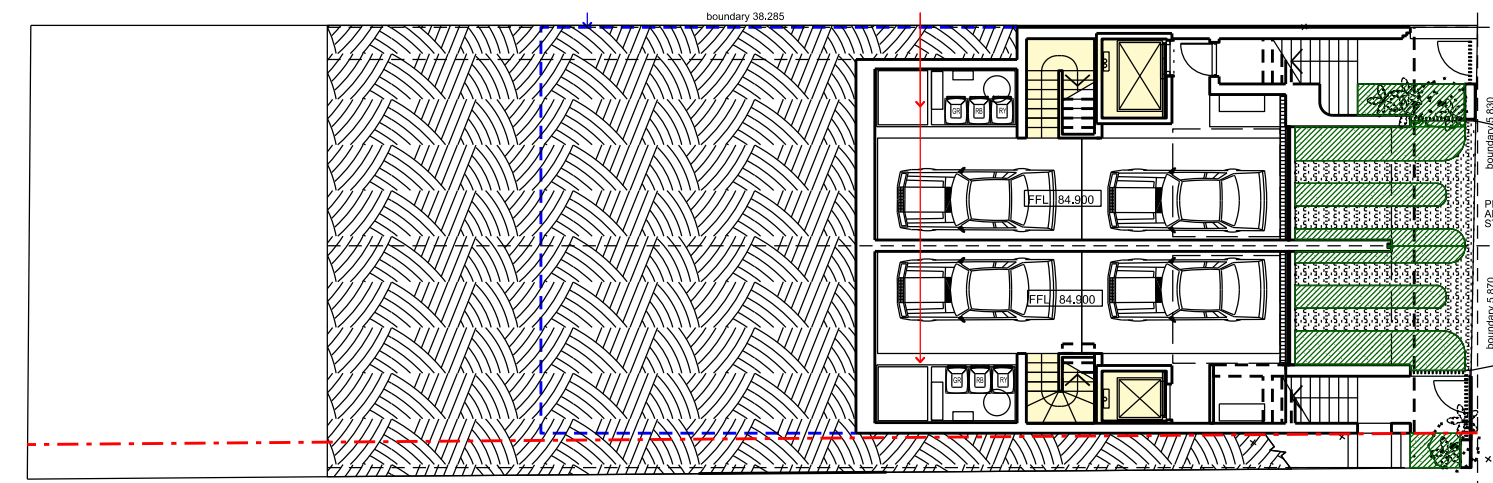


GROUND FLOOR - GFA



FIRST FLOOR - GFA

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Date Received: 10/10/2023



BASEMENT PLAN - GFA

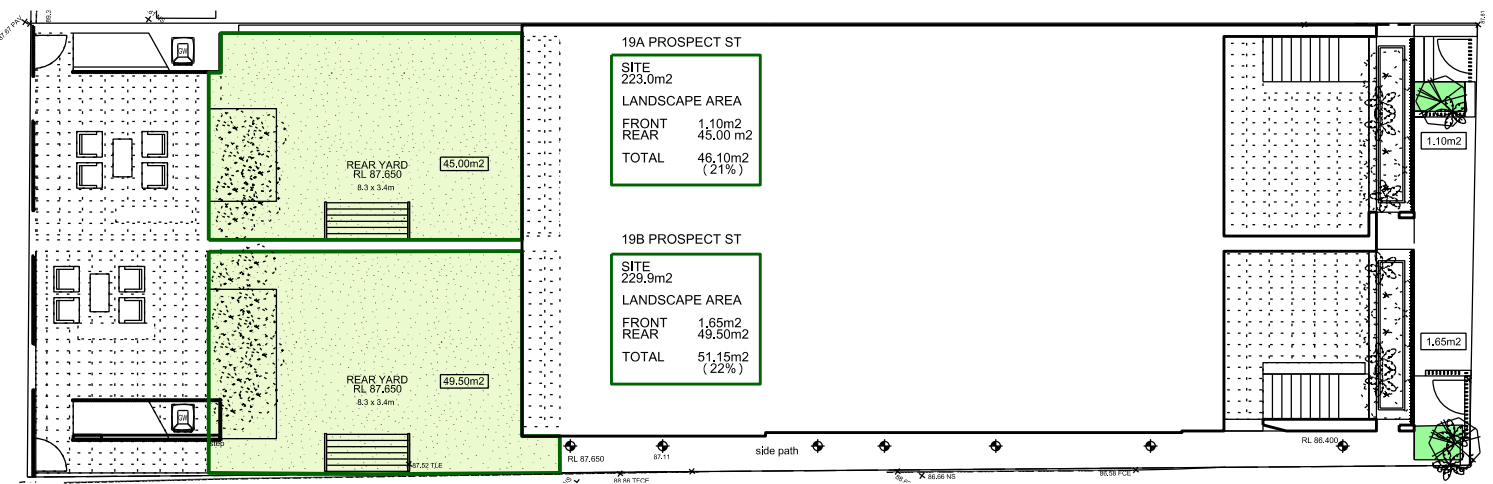
59% OF THE FRONT OF EACH SITE IS PROPOSED AS SOFT LANDSCAPE IN COMPLIANCE WITH THE DCP (MIN 50% RQD)

- GROSS FLOOR AREA
- LANDSCAPE AREA
- OPEN SPACE
- PRIVATE OPEN SPACE

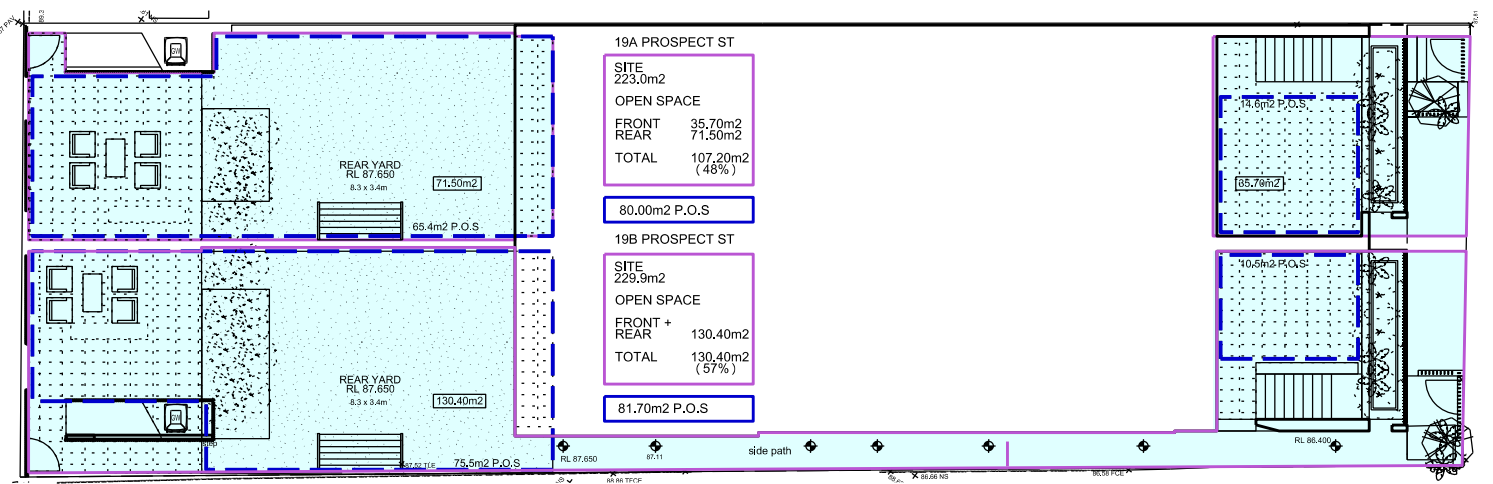
FSR CALCULATION

LEVEL	TOTAL AREA - GFA	
	19A PROSPECT	19B PROSPECT
BASEMENT	7.50m ²	5.40m ²
GROUND FLOOR	84.80m ²	73.90m ²
FIRST FLOOR	72.70m ²	69.50m ²
STUDIO	23.30m ²	21.00m ²
TOTAL GFA	188.30m²	169.80m ²
SITE AREA	223.00m ²	229.90m ²
SITE FSR *	0.86:1	0.852:1
FSR PROPOSED	0.844 : 1	0.739 : 1

* SITE FSR [(550-SITE AREA) X .0011] + 0.5:1



LANDSCAPE AREA DIAGRAM



OPEN SPACE + P.O.S DIAGRAM

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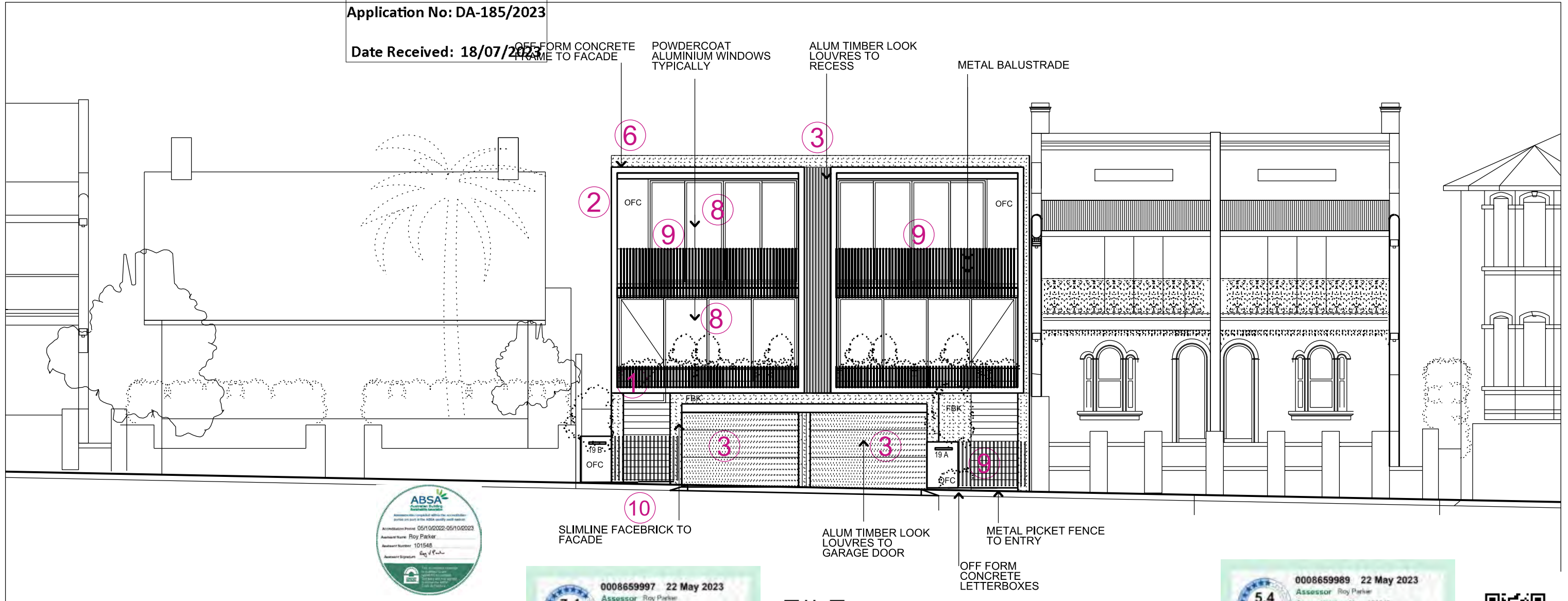
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Nominated Architect - Andrew Schultz NSW Reg 6228

Project
19A + 19B PROSPECT STREET - WAVERLEY
Drawing Title
SITE GFA + LANDSCAPE DIAGRAMS

Date	Project No.	Scale
JAN 2022	210701	1:200
	Drawing Number	Rev
	DA 007	03

Application No: DA-185/2023

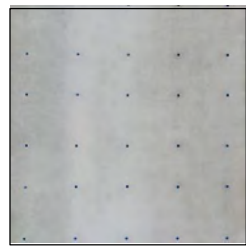
Date Received: 18/07/2023



EAST ELEVATION - PROSPECT STREET



1. FBK
BRICK FACING TILE
PGH BRICKS
"LAURITZEN"
LANG MURSTEN RANGE



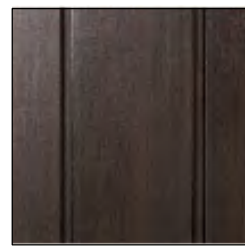
2. OFC
SMOOTH OFF
FORM CONCRETE
NATURAL FINISH



3. ALB
TIMBER LOOK
BATTENS
COVET EVER ART
"BURAKKU ERUMU"



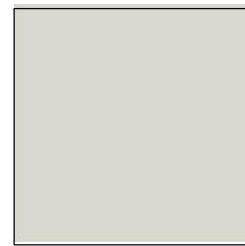
4. CRP
PAINTED TEXTURE
RENDER
OFF WHITE



5. TMC
TIMBER LOOK
CLADDING
COVET EVER ART
"BURAKKU ERUMU"



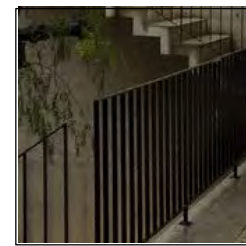
6. MTC
NAILSTRIP
METAL WALL CLADDING
"NIGHT SKY MATT"



7. MTR
KLIPOK METAL
ROOFING
COLORBOND
"SURFMIST"



8. FG
POWDERCOAT
ALUMINIUM
WINDOWS
INTERPON
"SABLE BASS"



9. BAL
POWDERCOAT
ALUMINIUM
BALUSTRADE
INTERPON "SABLE BASS"



10. GENERAL
FRONT ENTRY
CONCEPT

EXTERNAL FINISHES

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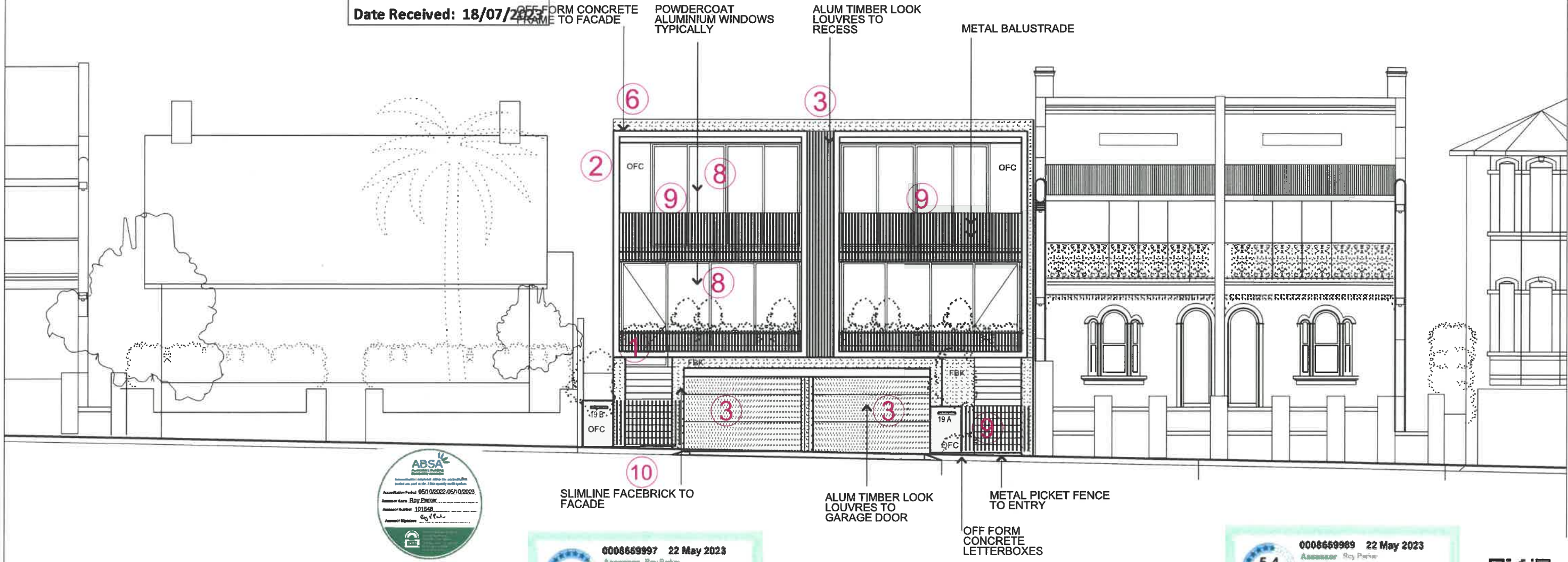
Project
19 + 19A PROSPECT STREET - WAVERLEY
Drawing Title
FINISHES SCHEDULE

Date	Project No.	Scale
JAN 2022	210701	1:200
	DA 008 ³⁹⁶	02

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Date Received: 18/07/2023



EAST ELEVATION - PROSPECT STREET



1. FBK
BRICK FACING TILE
PGH BRICKS
"LAURITZEN"
LANG MURSTEN RANGE



2. OFC
SMOOTH OFF
FORM CONCRETE
NATURAL FINISH



3. ALB
TIMBER LOOK
BATTENS
COVET EVER ART
"BURAKKU ERUMU"



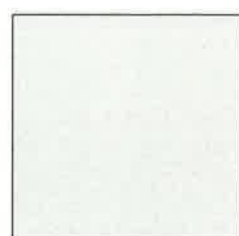
4. CRP
PAINTED TEXTURE
RENDER
OFF WHITE



5. TMC
TIMBER LOOK
CLADDING
COVET EVER ART
"BURAKKU ERUMU"



6. MTC
NAILSTRIP
METAL WALL CLADDING
"NIGHT SKY MATT"



7. MTR
KLIPLOK METAL
ROOFING
COLORBOND
"SURFMIST"



8. FG
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INTERPON
"SABLE BASS"



9. BAL
POWDERCOAT
ALUMINIUM
BALUSTRADE
INTERPON "SABLE BASS"



10. GENERAL
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CONCEPT

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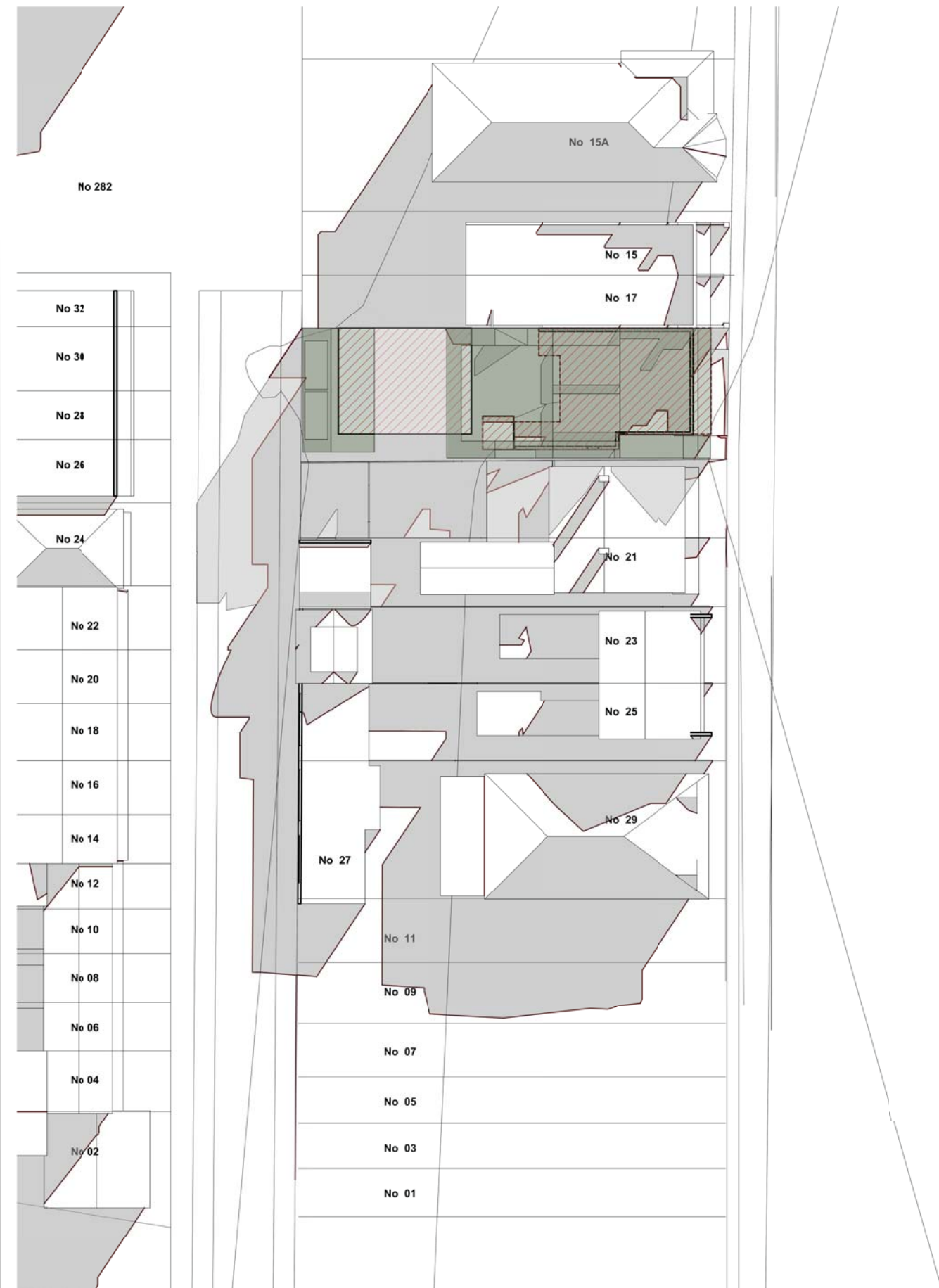
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Project
19 + 19A PROSPECT STREET - WAVERLEY
Drawing Title
FINISHES SCHEDULE

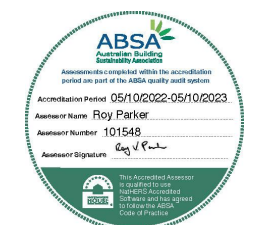
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JAN 2022	210701	1:200
Rev	Drawing Number	Rev
	DA 008	02 397







SHADOW DIAGRAM
9am MIDWINTER - 21 JUNE



SHADOW DIAGRAM
10am MIDWINTER - 21 JUNE



-  EXISTING BUILDING
-  PROPOSED BUILDING
-  EXISTING SHADOW
-  PROPOSED SHADOW

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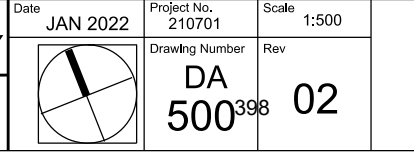
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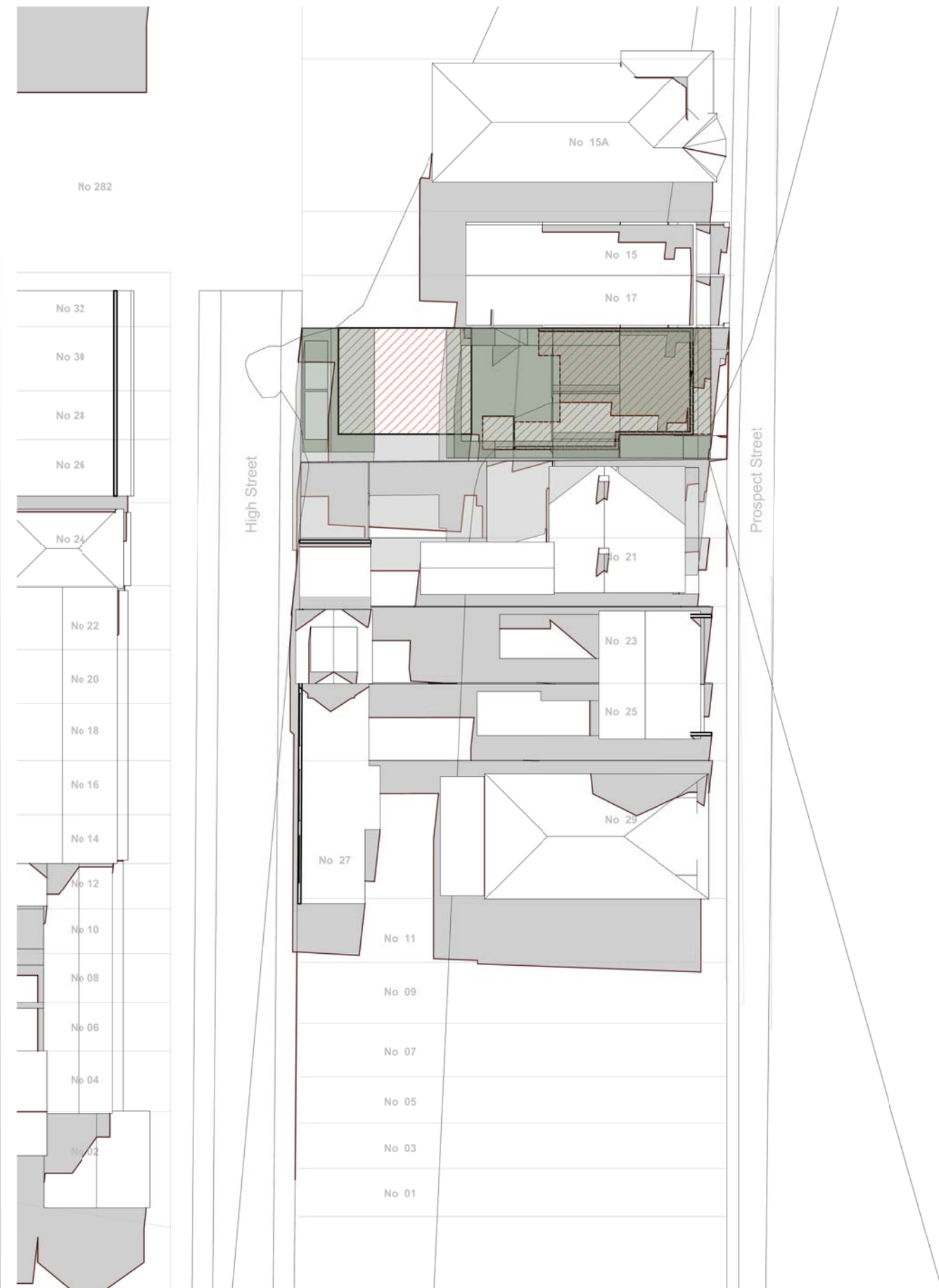
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Project	Date	Project No.	Scale
19A + 19B PROSPECT STREET - WAVERLEY	JAN 2022	210701	1:500
Drawing Title	Rev		
SHADOW DIAGRAMS	DA 500 ³⁹⁸ 02		

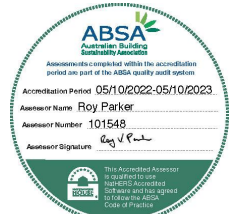




SHADOW DIAGRAM
11am MIDWINTER - 21 JUNE



SHADOW DIAGRAM
12pm MIDWINTER - 21 JUNE



- EXISTING BUILDING
- PROPOSED BUILDING
- EXISTING SHADOW
- PROPOSED SHADOW

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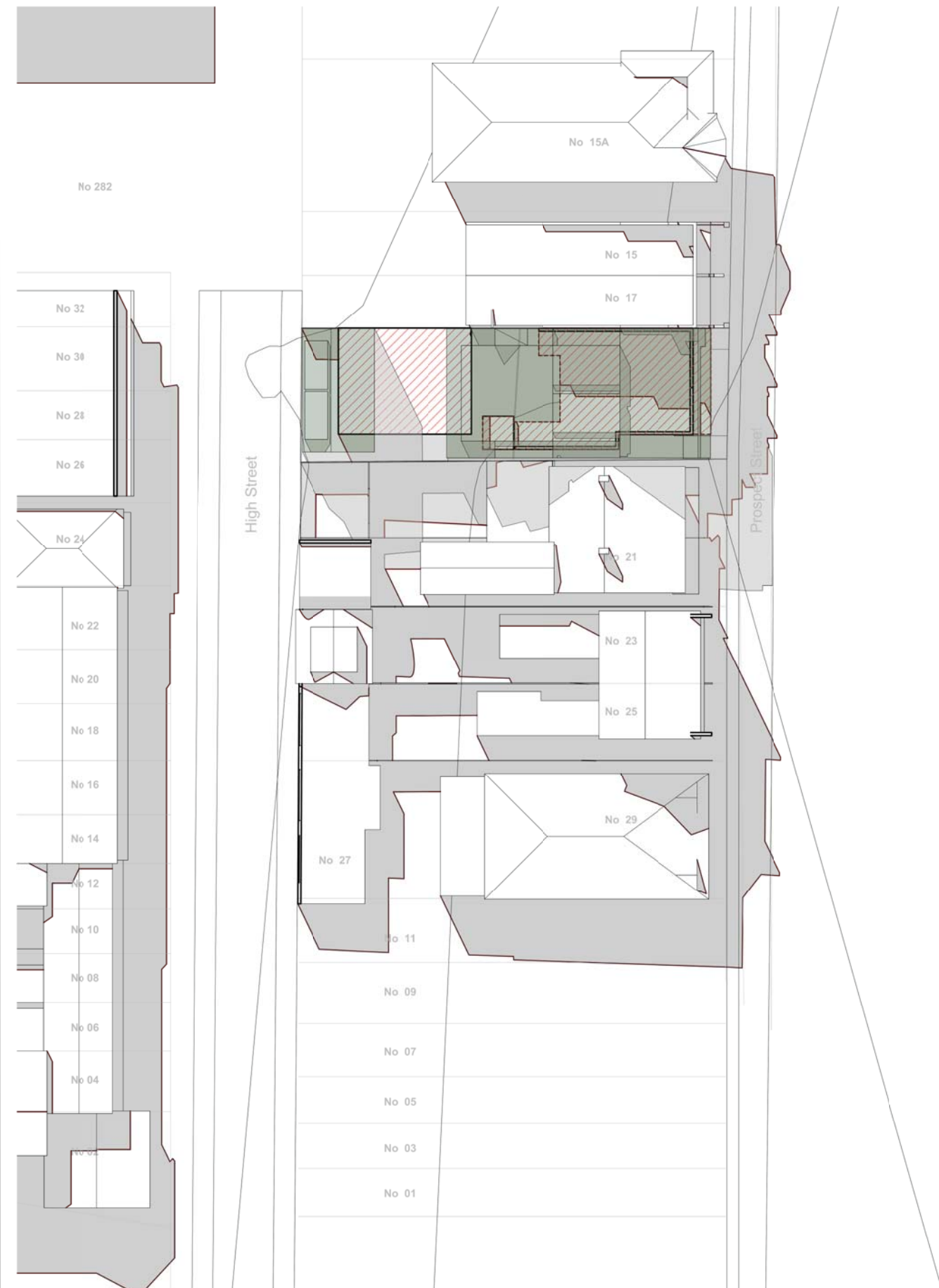
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Project	19A + 19B PROSPECT STREET - WAVERLEY
Drawing Title	SHADOW DIAGRAMS

Date	JAN 2022	Project No.	210701	Scale	1:500
		Drawing Number	DA 501 ³⁹⁹	Rev	02







SHADOW DIAGRAM
1pm MIDWINTER - 21 JUNE



SHADOW DIAGRAM
2pm MIDWINTER - 21 JUNE



-  EXISTING BUILDING
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-  EXISTING SHADOW
-  PROPOSED SHADOW

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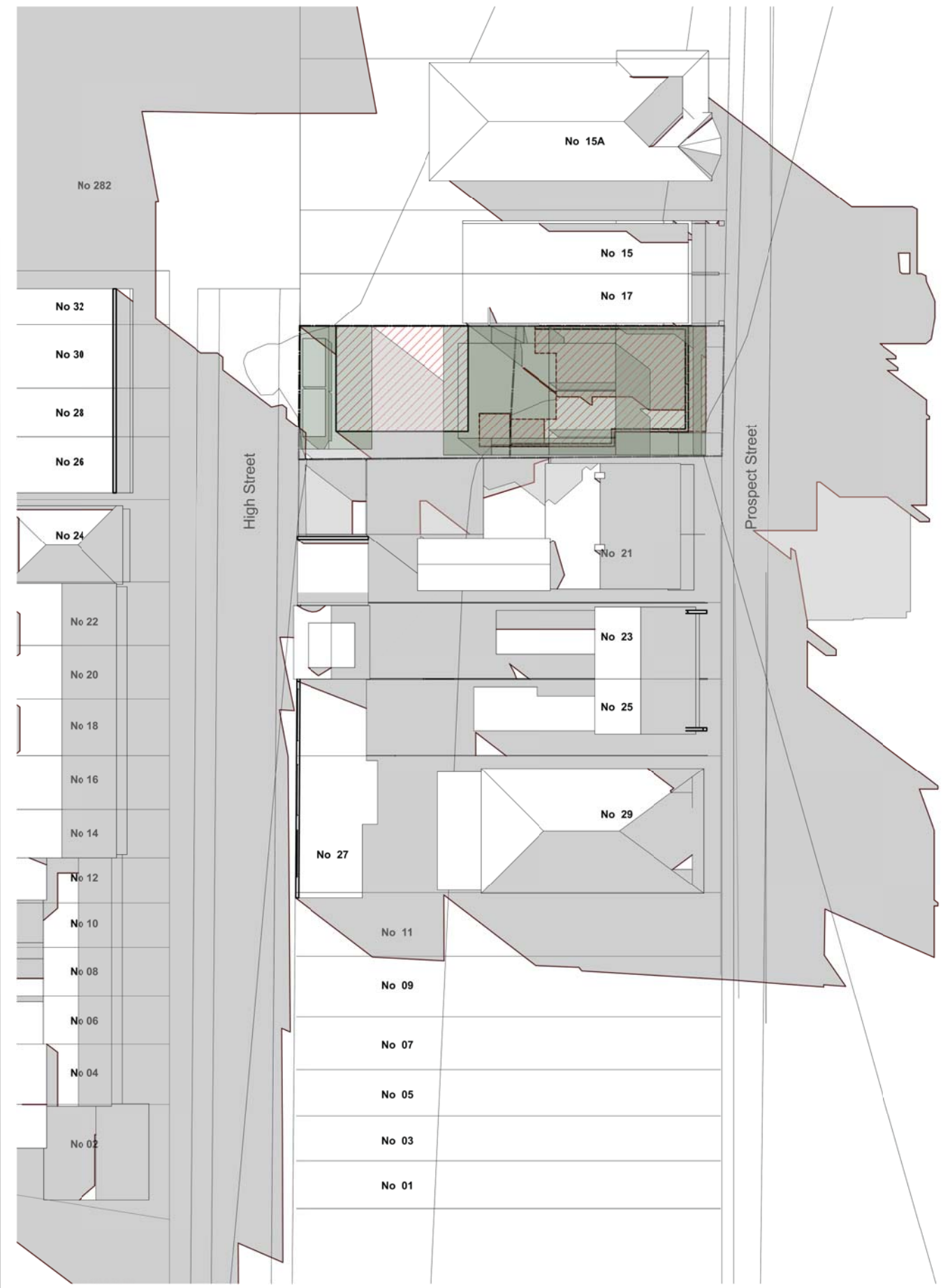
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Project	19A + 19B PROSPECT STREET - WAVERLEY
Drawing Title	SHADOW DIAGRAMS

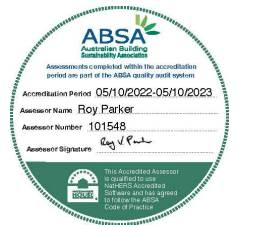
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		Drawing Number	DA 502 ⁴⁰⁰	Rev	02



SHADOW DIAGRAM
3pm MIDWINTER - 21 JUNE



SHADOW DIAGRAM
4pm MIDWINTER - 21 JUNE



- EXISTING BUILDING
- PROPOSED BUILDING
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- PROPOSED SHADOW

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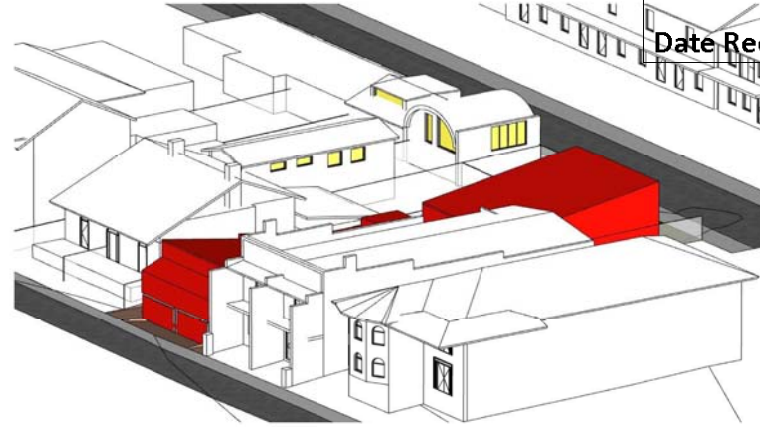
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Project	19A + 19B PROSPECT STREET - WAVERLEY
Drawing Title	SHADOW DIAGRAMS

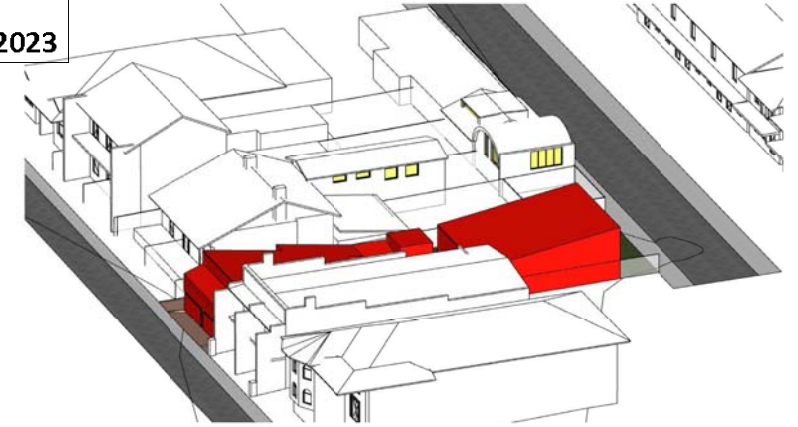
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		Drawing Number	DA 503 ⁴⁰¹	Rev	02



View from the sun - 8am



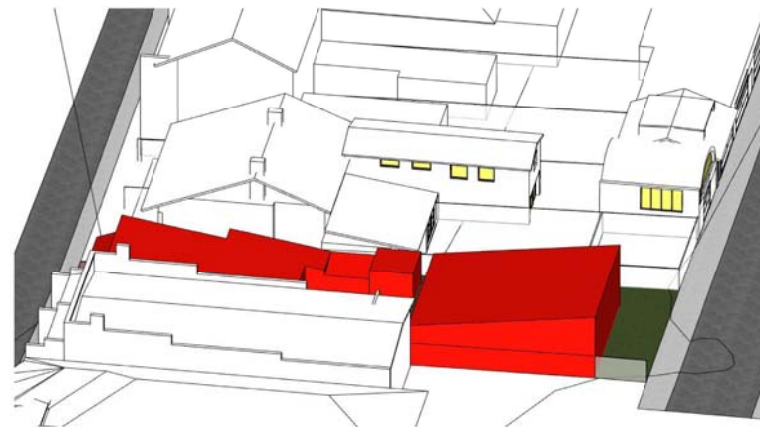
View from the sun - 9am



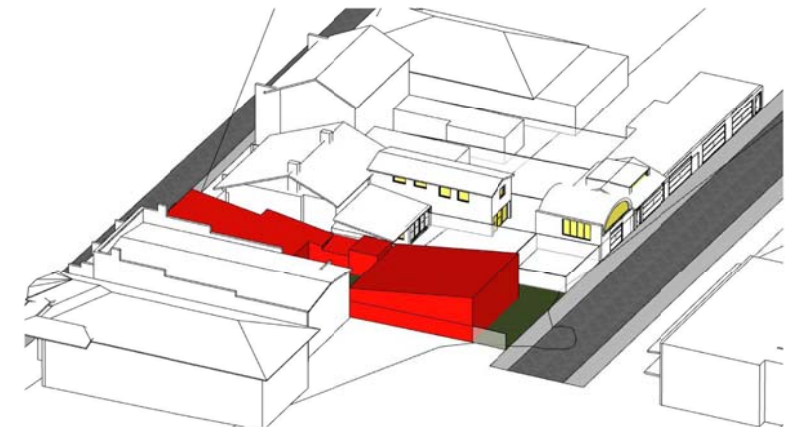
View from the sun - 10am



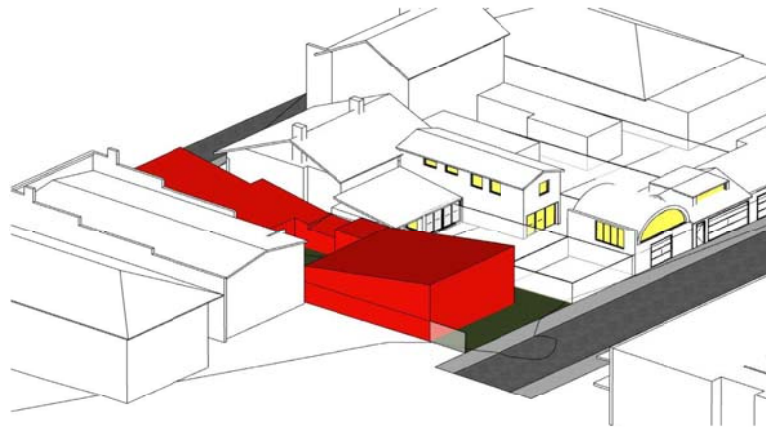
View from the sun - 11am



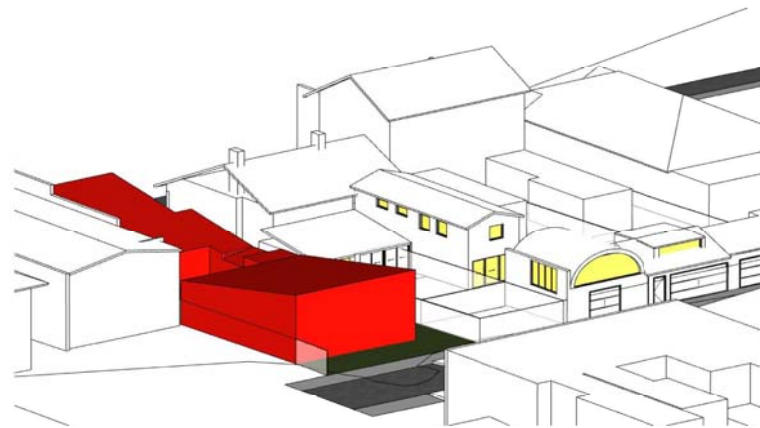
View from the sun - 12pm



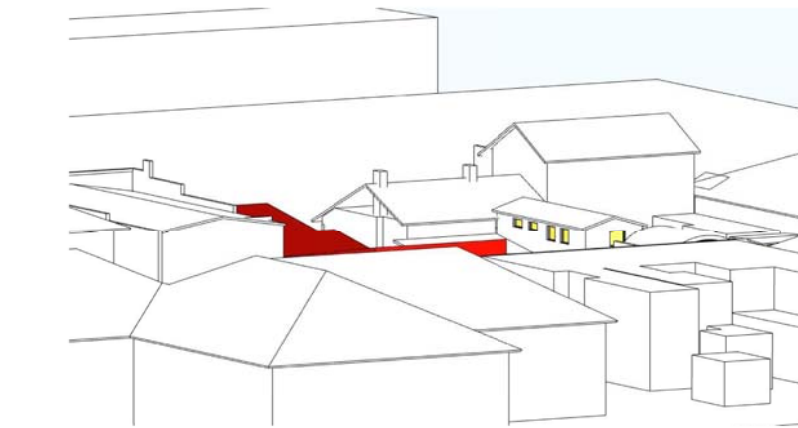
View from the sun - 1pm



View from the sun - 2pm



View from the sun - 3pm



View from the sun - 4pm

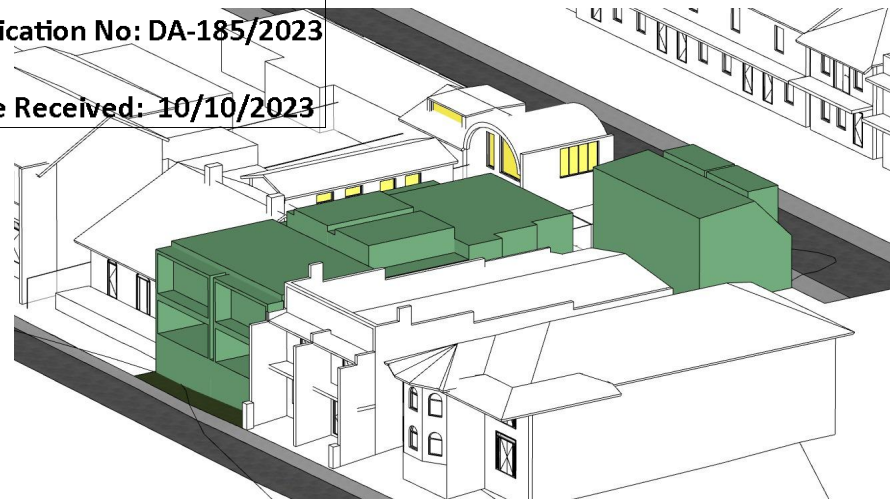
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AMENDED PLANS

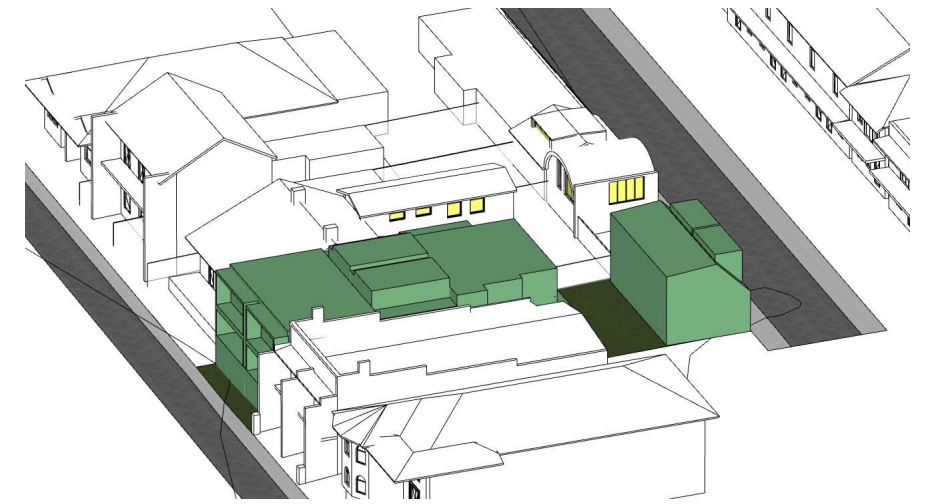
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Waverley Council
Application No: DA-185/2023
Date Received: 10/10/2023



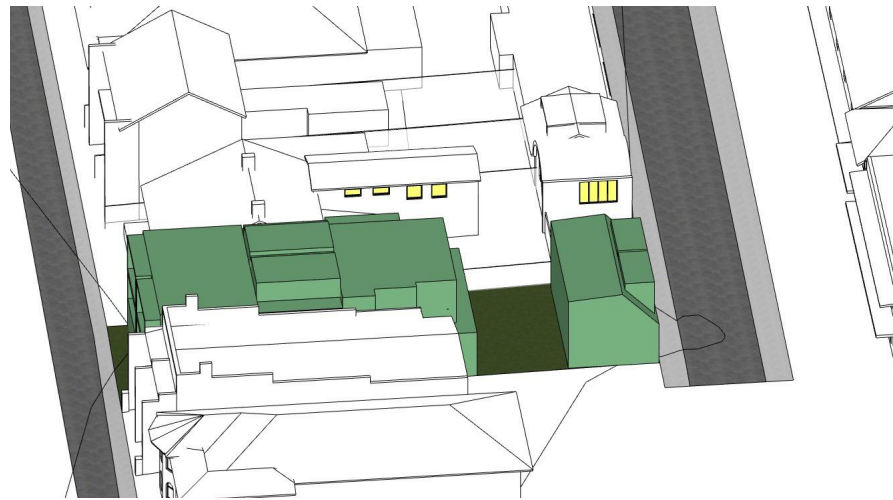
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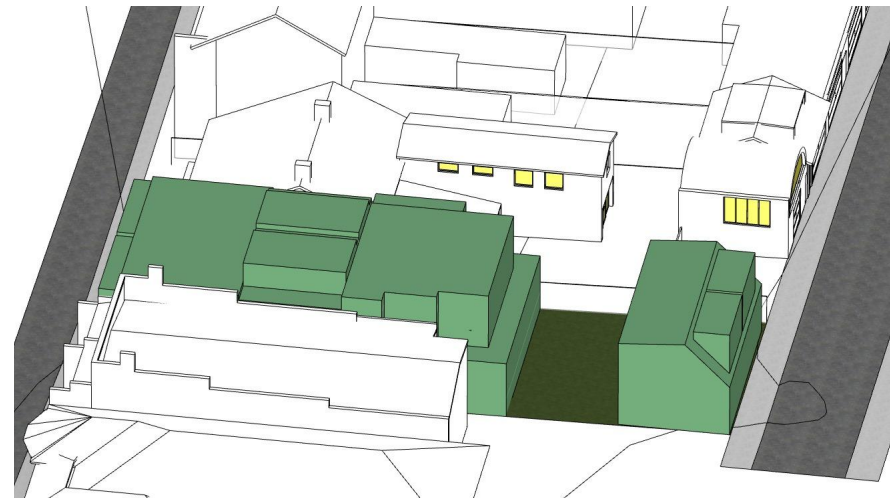
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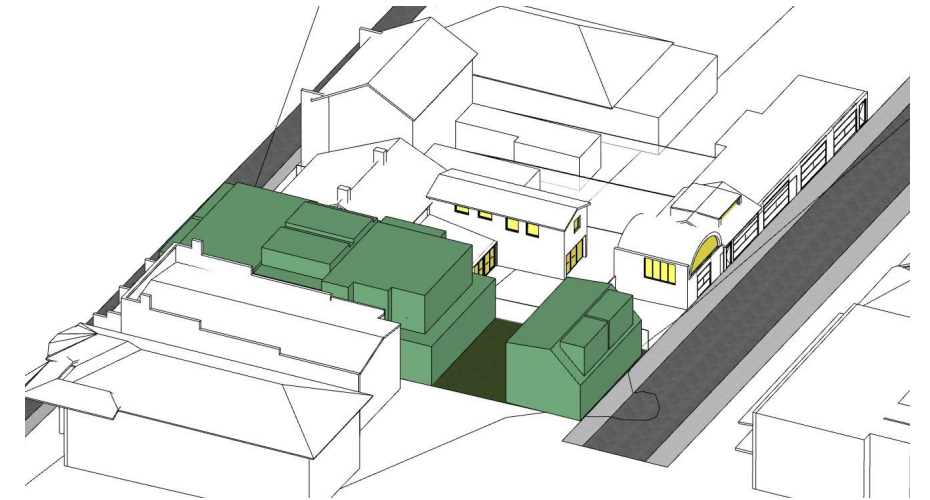
View from the sun - 10am



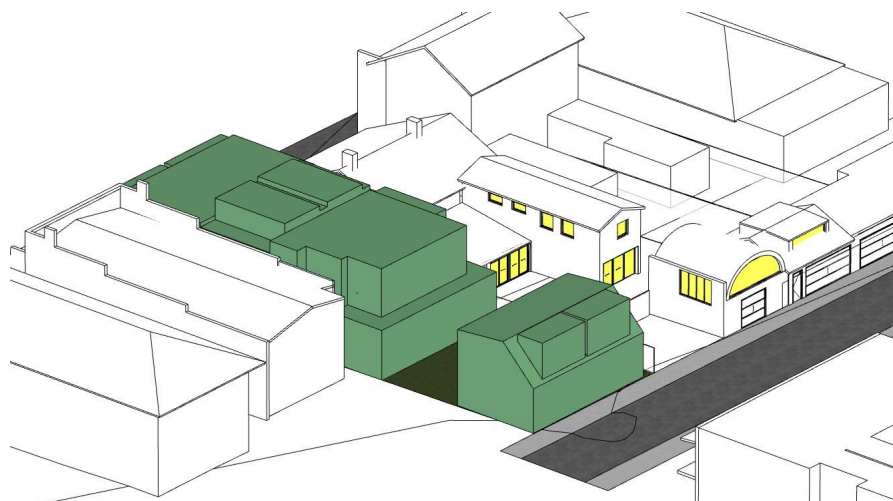
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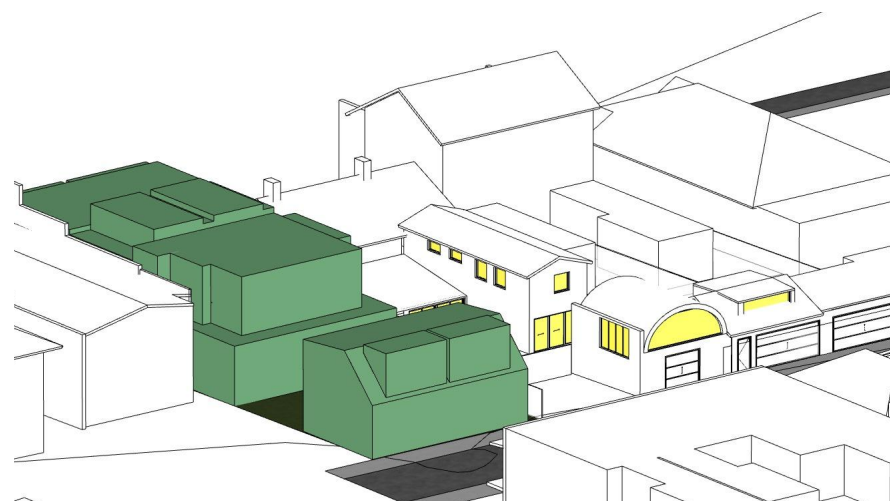
View from the sun - 12pm



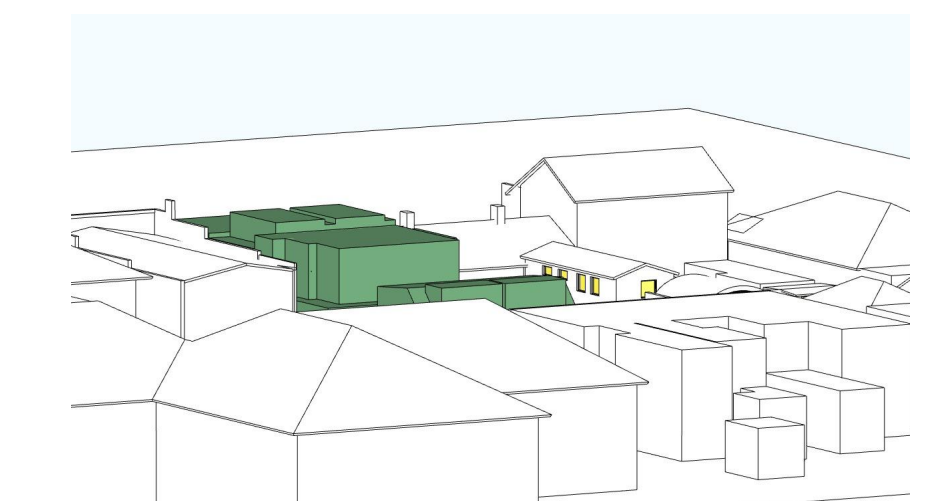
View from the sun - 1pm



View from the sun - 2pm



View from the sun - 3pm



View from the sun - 4pm



Report to the Waverley Local Planning Panel

Application number	DA-133/2023
Site address	154 Brighton Boulevard, North Bondi
Proposal	Demolition and construction of a new four storey Residential Flat Building (RFB) with two levels of basement parking and associated landscaping works.
Date of lodgement	1 June 2023
Owner	Proprietors of Strata Plan 30225
Applicant	Shelco Air Con Pty Ltd atf Shelco Air Con Trust
Submissions	Two submissions received
Cost of works	\$4,481,563
Principal Issues	<ul style="list-style-type: none"> • Existing building envelope • Breach to height of building • Breach to Floor Space Ratio (FSR)
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



(Source: Nearmaps, 2023)

1. PREAMBLE

1.1. Executive Summary

The Development Application (DA) seeks consent for the demolition and construction of a new four storey RFB with two levels of basement parking and associated landscaping works at the site known as 154 Brighton Boulevard, North Bondi.

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

- Breach to height of buildings development standard.
- Breach to FSR development standard.

The assessment finds these issues acceptable as the development is of a similar envelope to the existing RFB and the submitted clause 4.6 variations demonstrate that the proposed development meets the objectives of respective development standards and the zone, in particular creating no additional unreasonable environmental amenity impact when compared to that caused by the existing RFB.

The application is referred to the Waverley Local Planning Panel for determination as it seeks to vary the height of buildings and FSR development standards by more than 10%.

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

The application has been assessed against the relevant matters for consideration under section 4.15(1) of the *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 10 October 2022, during the assessment of the previously refused DA (DA-133/2023) relating to alterations and additions to the existing building on the site.

The site is identified as SP30225, known as 154 Brighton Boulevard, North Bondi.

The site is rectangular in shape with a western frontage to Brighton Boulevard, measuring 12.19m. It has an area of 477.4m² and falls from the east (front) to the west (rear) by approximately 0.88m.

The site is occupied by a four storey RFB. The ground floor of the RFB is occupied by parking that is accessed via Brighton Boulevard and a shared Right-of-Way driveway with 156 Brighton Boulevard. The Right-of-Way shared driveway is located on southern side of the subject site and will continue to be used by the recently approved dwelling house (DA-33/2022) at 156 Brighton Boulevard (refer to **Figure 3**), which is currently under construction.

The site is adjoined by a four storey RFB with a small fifth storey addition to the north at 152 Brighton Boulevard. To the south of the subject site at 156 Brighton Boulevard, the site was previously occupied

by a two storey dual-occupancy (as shown in **Figures 1 – 4**). However, under DA-33/2022, this southern neighbouring building was approved to be converted into a single detached dwelling, which is currently under construction.

The locality is characterised by a variety of low to medium density residential development, with the streetscape primarily consisting of RFBs and large dwelling houses.

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



Figure 1. Front of the subject site in context with the surrounding streetscape, looking east from Brighton Boulevard.

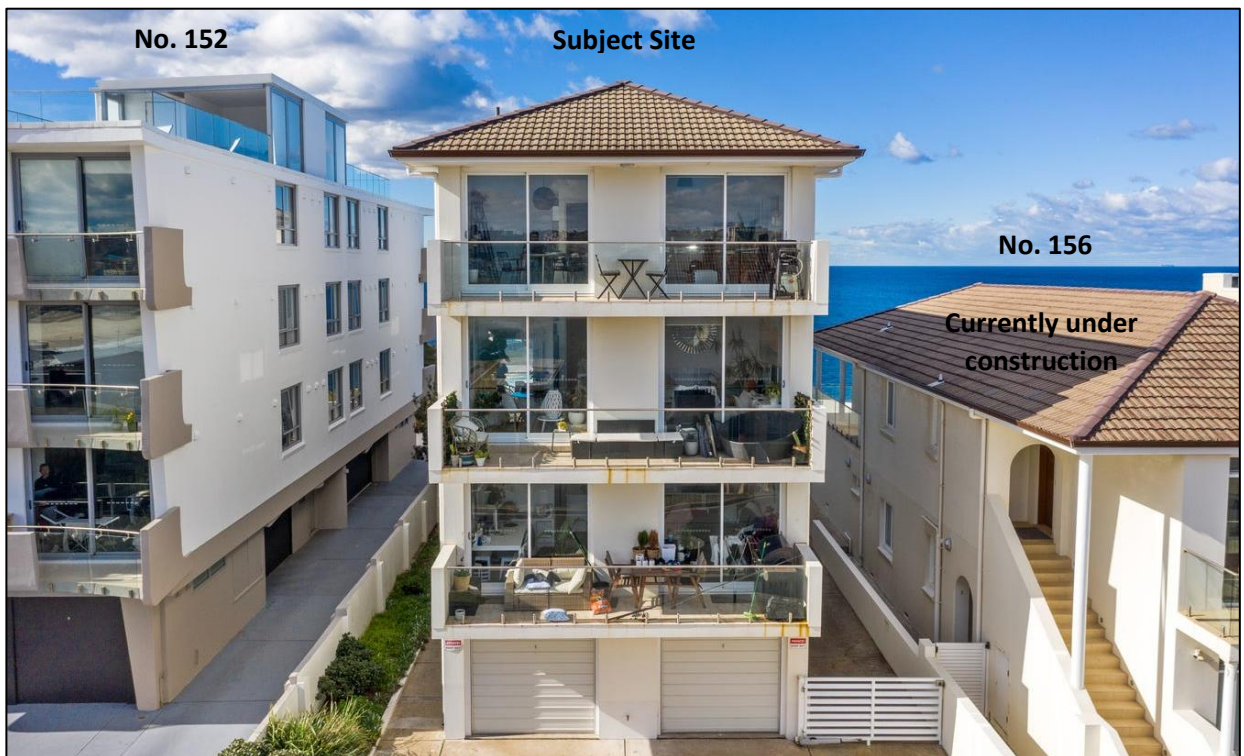


Figure 2. Western elevation and front of the subject site, fronting Brighton Boulevard (Source: Realestate.com, 2021)



Figure 3. Rear of the subject site and 156 Brighton Boulevard, looking west showing the right-of-way driveway access shared by each property.

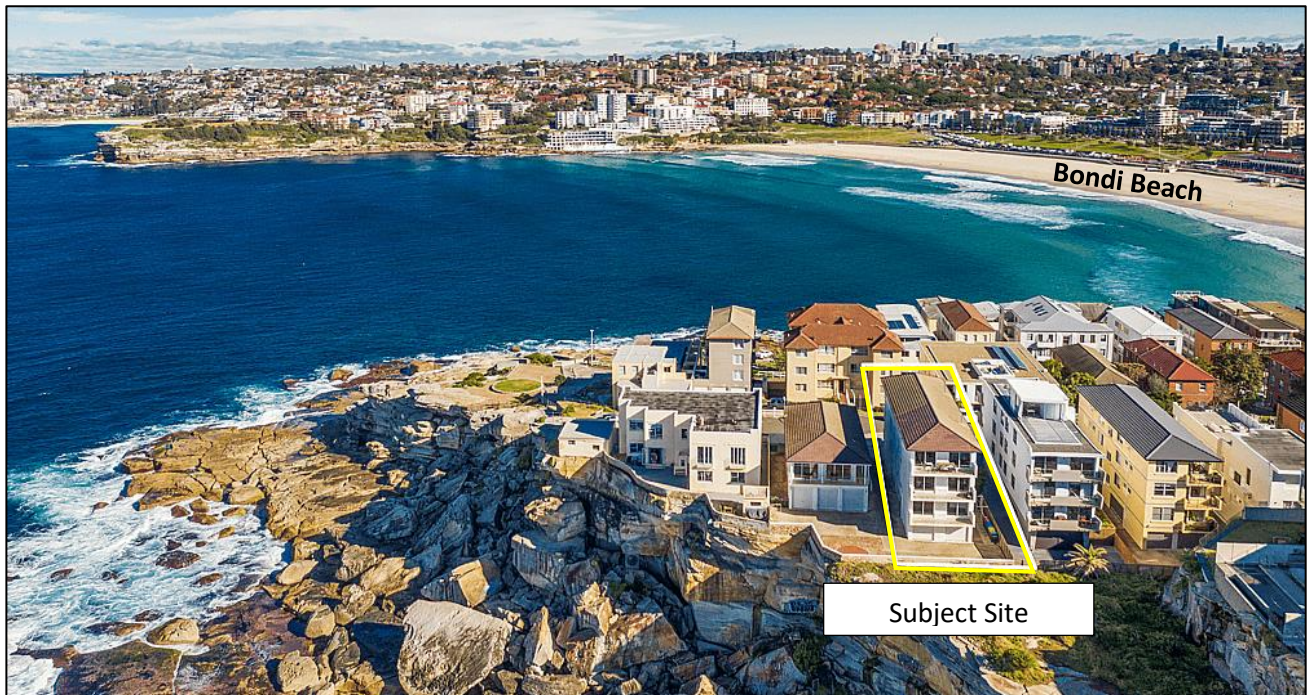


Figure 4. Rear of the subject site (outlined yellow) and surrounding neighbourhood, looking south (Source: Realestate.com, 2021)

1.3. Relevant Development History

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

DA-335/2022 for substantial demolition and alterations and additions to a RFB including internal reconfiguration, new lift and two basement parking levels was refused by the Waverley Local Planning Panel on 30 November 2022 for the following reasons:

- The development breached the height of buildings and FSR development standards, which contributed to adding bulk and scale to a building that had already reached its maximum development potential.
- The development failed to satisfy principles 1, 2, 3, 6 and 9 of the design quality principles within State Environmental Planning Policy (SEPP) 65. In particular, the proposed development lacked communal open space, adequate floor-to-ceiling heights and did not provide compliant apartment widths.
- The landscaping did not meet the 90% native planting threshold as required by the Waverley Development Control Plan 2012.
- Parking rates exceeded the development standard.
- Excessive excavation.
- Reduced view sharing for neighbouring properties.

1.4. Proposal

The DA seeks consent for demolition and construction of a new four storey RFB with two levels of basement parking and associated landscaping works, specifically the following:

Demolition

- Demolition of existing RFB.

Construction

- Basement 2
 - Containing one residential parking space accessed via a car lift, four bicycle storage spaces, storage spaces for apartment 1 and 2, fire stairs and elevator.
- Basement 1
 - Containing two residential parking spaces accessed via a car lift, two motorcycle storage spaces, storage space for apartment 3, plant room, stairs and elevator.
- Ground Floor
 - Containing vehicle access to car lift from Brighton Boulevard with associated vehicle turntable, entry foyer, communal gym, communal indoor and communal outdoor space including pool, bin storage, fire stairs and elevator.
- First Floor
 - Containing Apartments 1 and 2 (each comprising one bedroom and one bathroom).

- Containing entry to Apartment 3 and laundry.
- Second Floor
 - Containing Apartment 3, comprising two bedrooms and two bathrooms
- Third Floor
 - Containing Apartment 3 comprising of an open plan living, dining and kitchen areas.



Figure 5. Photomontage of the proposed development as identified from Brighton Boulevard (Source: Stafford Architecture, 2023)

1.5. Background

The DA was deferred on **24 July 2023** for the following reasons:

1. A response and amended plans were requested to address the Design Excellence Advisory Panel (DEAP) comments dated **7 September 2022** (which were advised within the previously refused DA-335/2022). In particular:
 - a. Principle 1: Context and Neighbourhood Character
 - b. Principle 4: Sustainability
 - c. Principle 9: Aesthetics.

2. The numerical figures in the Clause 4.6 variation were to be amended to reflect those calculated by Council.
3. The proposed basement was requested to be reduced from two levels to one level, with on-site parking not to exceed three residential parking spaces.
4. The submitted Geotechnical Report was to be peer reviewed by an external consultant in order for Council to be satisfied that the proposed development would not result in undue impacts on the geology of the site and its surrounds.
5. Visual privacy measures were to be addressed to particular windows, to increase visual privacy to neighbouring properties.
6. Storage calculations were requested to be provided.
7. Issues identified by Council's Stormwater Engineer, Sustainability Officer and Waste Officer were to be addressed.
8. General additional information was requested to be added to the architectural plans, to assist with the assessment and ensure greater clarification on the architectural plans.

Amended architectural plans, a cover letter responding to Principles 1, 4 and 9 of the DEAP comments dated 7 September 2022 and an amended Clause 4.6 Variation were provided to Council on **7 August 2023**, these amended architectural plans amended the proposed development in the following ways:

1. The size of basement 2 was reduced in width, resulting in no more than three residential parking spaces.
2. Visual privacy measures were provided to selected windows.

Amended BASIX and Stormwater plans were received by Council on **4 September 2023**. These items were further referred to the Stormwater and Sustainable Development Departments for review.

The Peer reviewed Geotechnical report prepared by JK Geotechnics was received by Council on 21 September 2023. The originally submitted Geotechnical report prepared by Crozier was amended to address the peer reviewed report and was provided to Council on 28 September 2023. This was referred to Council's Public Domain Engineer for further review.

On 16 October 2023, the applicant submitted a letter of offer to enter into a Planning Agreement for the net increase of gross floor area sought by this application (i.e. the difference between gross floor areas of the existing building and the proposed rebuilt building).

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

The following SEPPs apply from the 1 March 2022 and have been considered as part of the assessment of this DA. They will be discussed in detail below:

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

SEPP 65 (Design Quality of Residential Apartment Development) 2002 does not apply to the development as the SEPP only applies to RFBs with three or more storeys **and** four or more apartments.

SEPP (Biodiversity and Conservation) 2021

SEPP (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.*

Planner's Comment

The subject site is adjacent to remnant bushland.

Therefore, in accordance with Part B3 of the Waverley Development Control Plan 2022 (Waverley DCP 2022):

- A minimum of 90% of the proposed trees, 90% of the proposed shrubs and 90% of the proposed grasses and groundcovers (not including turfed areas) are to be native plants that are listed in Annexure B3-1. Cultivars or hybrids of listed plant species are not to be counted towards this requirement. Landscape plans must 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.
- Three strata of vegetation are required to be included in the landscape design:
 - tree or tall shrub canopy.

- mid-storey.
- groundcover layer.

The submitted landscape plans have been reviewed by Council’s Biodiversity Officer who confirmed the landscape plans comply with the above threshold.

SEPP (Resilience and Hazards) 2021

SEPP (Resilience and Hazards) 2021 applies to the subject site as the site 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 1** of this report.

Table 1: 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	The proposal is not expected to cause impacts on the biophysical, hydrological (surface and groundwater) and ecological environment.
(b) coastal environmental values and natural coastal processes,	Yes	The proposal is not expected to cause any changes to the natural environmental values and processes.
(c) the water quality of the marine estate (within the meaning of the <i>Marine Estate Management Act 2014</i>), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,	Yes	The water quality will not be affected by the proposal.
(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,	Yes	The proposal is not expected to impact on marine vegetation and habitats as the works will be completed entirely within the site.
(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,	Yes	No public access ways will be affected by the proposal.

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 2 of this report.

Table 2: Division 4 of SEPP (Resilience and Hazards) 2021 Matters for Consideration Table

Matter for Consideration	Compliance	Comment
(a) ...the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—		
(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, 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) ...the consent authority is satisfied that:		
(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or	Yes	The proposed development is considered to be of an appropriate size and scale.
(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or	N/A	

Matter for Consideration	Compliance	Comment
(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and	N/A	
(c) ...the consent authority has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.		
	Yes	The proposed development is of a similar bulk and scale to that of surrounding 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 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposed development meets the aims of the Waverley LEP 2012.
Part 2 Permitted or prohibited development		
Land Use Table <i>Medium Density Residential</i> <i>'R3' Zone</i>	Yes	The proposal is defined as an RFB, which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 9.5m 	No	The proposal has an overall building height of 12.7m. The proposal breaches the development standard by 3.2m or 33.7%. The proposal seeks to maintain the existing building envelope and therefore the existing building height, being RL 39506. As such, the replacement building is no higher than the existing building on-site.
4.4 Floor Space Ratio (FSR) <ul style="list-style-type: none"> Lot Size: 477.4m² Max FSR: 0.6:1 Max GFA: 286.44m^{2c} 	No	The existing building has a GFA of 476.44m ² , primarily as the ground level is largely occupied by garages which are excluded from GFA. The proposal seeks the following GFA:

Provision	Compliance	Comment
		Basement 2: 0m ² Basement 1: 0m ² Ground Floor: 105.39m ² Level 1: 140.84m ² Level 2: 140.84m ² Level 3: 136.53m ² Total GFA: 523.6m ² Total FSR: 1.1:1 The proposal exceeds the development standard by 237.16m ² or 82.8%. This represents an increase of GFA, from existing of 47.16m ² , noting that the envelope of the proposal is no greater than the existing building on site.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height and FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The development is located within acid sulfate soils class 5. The submitted Geotechnical report prepared by Crozier Geotechnical Consultants concluded <i>the water table will not be lowered or impact the site works and Acid Sulfate Soils will not be impacted by the proposed works, therefore an Acid Sulfate Management Plan is not required.</i>
6.2 Earthworks	Yes (conditional)	The proposal includes excavation to provide a two level basement garage. A Geotechnical report was provided outlining methods and recommendations to ensure excavation do not impact surrounding properties. Conditions relating to excavation are also included in Appendix A.
6.14 Waste minimisation and recycling	Yes	The proposed development maximises opportunities, provides ample provision of and safe and equitable access for waste and recycling storage and collection.

Provision	Compliance	Comment
6.15 Stormwater management	Yes (conditional)	The stormwater management aspects of the proposed development are satisfactory, subject to recommended conditions of consent at Appendix A of this report.

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

Clause 4.6 Exceptions to Development Standards - 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 9.5m. The proposed development has a height of 12.7m, exceeding the standard by 3.2m equating to a 33.7% variation. **Figures 6 and 7** of this report visualise and indicate the extent of the proposed development that exceeds the height of buildings development standard.

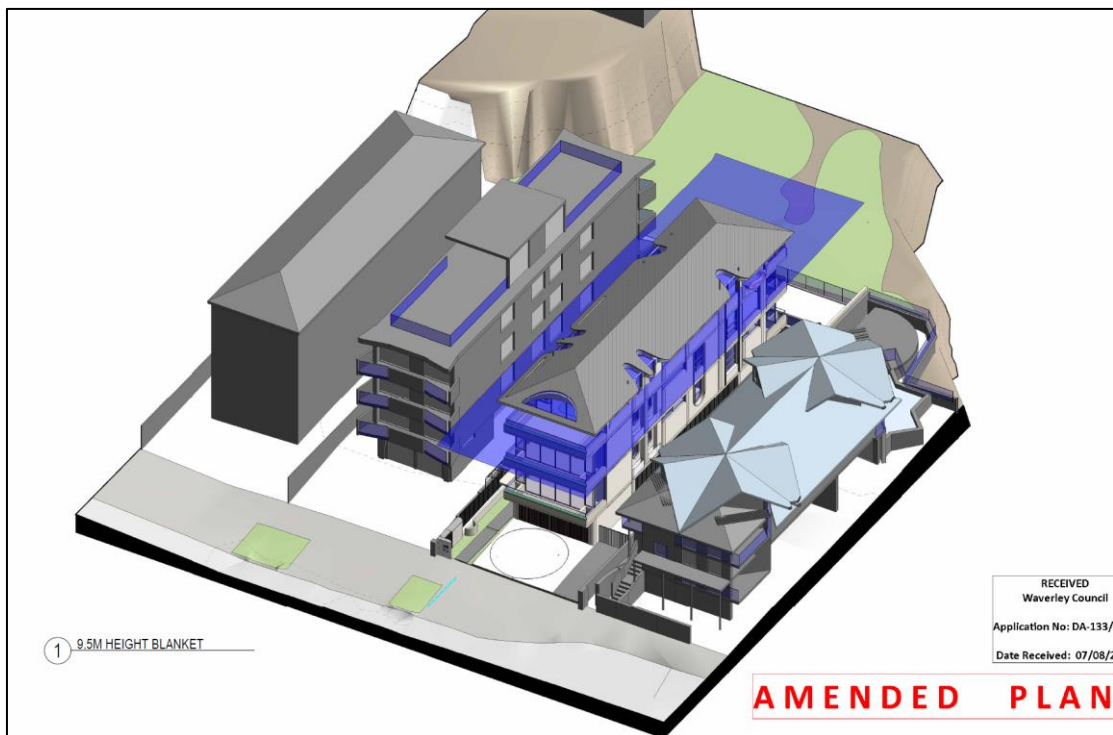


Figure 6. 9.5m height plane with portions of the development exceed height above the blue shaded area. (Source: Stafford Architecture, 2023)

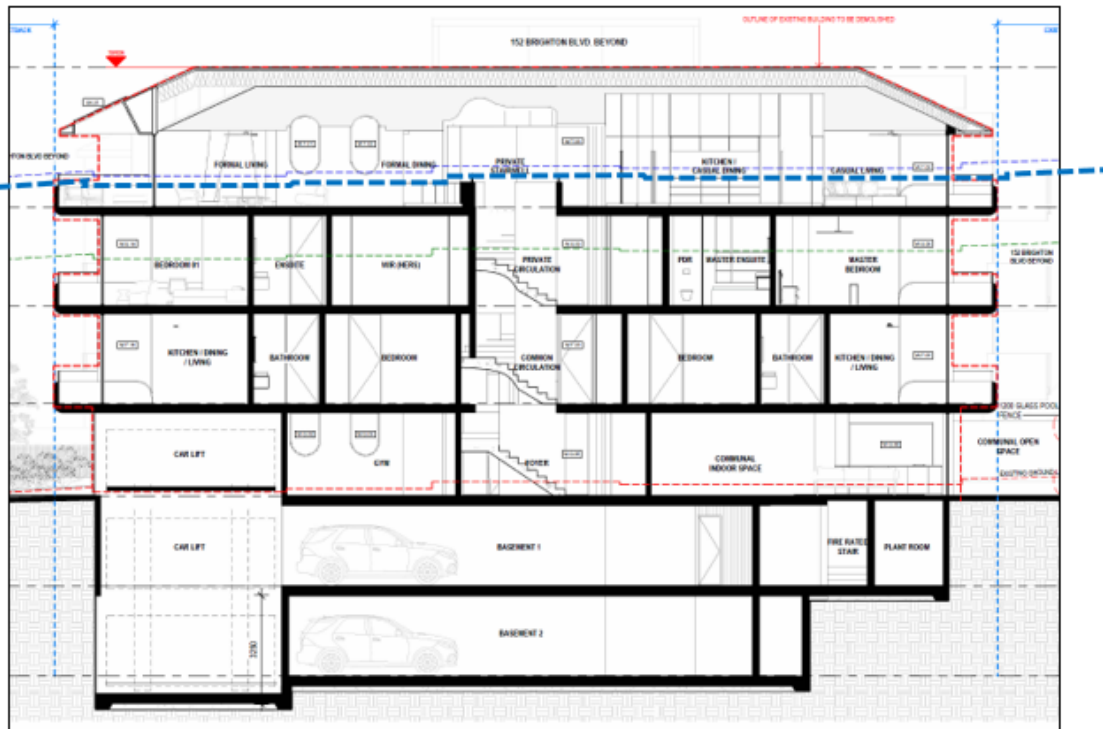


Figure 7. Long-section showing portions of the development that exceed the 9.5m height limit above the blue dotted line. (Source: Stafford Architecture, 2023)

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 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 development meets the objectives of the height of buildings development standard.
 - a. **Objective (a): To ensure building heights preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views.**

- i. *The windows above the height line have been carefully located and designed to preserve the amenity of neighbouring properties. The existing side setbacks are maintained and remain greater than the requirements of Council's DCP, which achieves appropriate separation between buildings. The windows at the front and rear elevations will overlook the street and cliff. At the north elevation, the habitable room windows are offset from the windows at No. 152 Brighton Boulevard. At the south elevation, windows are at a high level and views will look beyond the roof forms of the two storey buildings at Nos. 156 and 158 Brighton Boulevard, towards the ocean.*
- ii. *These diagrams (shadow diagrams) indicate that the proposed development will not result in any additional impacts to the solar access received to the north-facing windows or private open space areas of adjacent properties. This has been achieved by locating the new development within the same external envelope as the existing building. Accordingly, the proposal preserves existing solar access for neighbouring properties.*
- iii. *As indicated, the proposed development maintains the same external envelope, maximum height and profile as the existing building. Therefore, there will not be any additional view impacts to neighbouring properties or the public domain arising from the proposal.*

- b. **Objective (b): To accommodate taller buildings on land in Zone E2 Commercial Centre in the Bondi Junction Centre and establish a transition in scale between adjoining zones to protect local amenity.**

This objective does not apply to this development.

- c. **Objective (c): To maintain satisfactory solar access to existing buildings and public areas.**

The proposal maintains existing levels of solar access to existing buildings and public areas. The proposal does not result in a further reduction to solar access received to the north facing windows or private open space areas of neighbouring properties, which satisfies Council's DCP solar access controls.

- d. **Objective (d): To establish building heights that are consistent with the desired future character of the locality.**

- i. *The proposal is consistent with the development envisaged by Council for the R3 Zone. It will maintain the site's use as a residential flat building. The proposal retains the site's existing maximum building height and four storey form, without any alteration. The external envelope above the LEP height*

- plane will be maintained and there will be no additional bulk. Therefore, the building will remain compatible with the height, bulk and scale of the locality.*
- ii. The proposed development affords the opportunity to uplift the appearance and architectural quality of the built form. The revised design provides a more articulated, contextual and sustainable outcome than the existing building. The new, architecturally designed, contemporary residential flat building contributes positively to the rich and diverse architecture of the streetscape, and relates better to the desired future character of the area.*
 - iii. The revised proposal has adopted the comments made by Council and the Waverley Design Excellence Advisory Panel in DA-335/2022 by introducing materials and finishes that are more contextually appropriate and sustainable. In addition, a substantial improvement in landscaping is proposed across the site and the replacement building introduces planting to the balconies and façade. This 'greens' the streetscape, introduces a garden setting to the site and reinforces the development's contribution to the character of the locality. Overall, the revised proposal achieves an enhanced architectural and streetscape outcome, compared to both the existing development and the previously proposed scheme.*
 - iv. The proposal complies with Council's recommendation to rebuild the existing residential flat building and integrate the services within the same envelope as the existing building. Therefore, the proposal demonstrates consistency with the desired future character of the area, as envisaged by Council's site specific recommendations.*
 - v. The proposal will also be compatible with the bulk, scale, envelope and character of development along Brighton Boulevard and the locality. According to Council's Clause 4.6 Register and DA tracker, there are a number of recent approvals in the vicinity, which have departures from the building height development standard and have been approved by Council for similar reasons as this application.*
 - vi. The additional height is the same as the existing non-compliance. The height, bulk and scale of the existing built form will be retained and the more skilfully designed new building will offer improved compatibility with the streetscape. The variation is similar to recent approvals in the locality.*

(ii) The development meets the objectives of the R3 zone.

- a. **To provide for the housing needs of the community within a medium density residential environment.**

The proposal is for a replacement residential flat building with high levels of amenity and accessibility, which provides for the housing needs of the community within a medium density residential environment.

- b. **To provide a variety of housing types within a medium density residential environment.**

The proposal maintains the site's use as a residential flat building, which contributes to the variety of housing types within a medium density residential environment.

- c. **To enable other land uses that provide facilities or services to meet the day to day needs of residents.**

N/A

- d. **To maximise public transport patronage and encourage walking and cycling.**

The proposal maintains a compliant number of on-site car spaces and includes bicycle parking. This maximises public transport patronage and encourages walking and cycling.

- e. **To increase or preserve residential dwelling density.**

The existing building already departs from the height standard, with a maximum height of 12.7m. Enforcing compliance with the 9.5m standard would significantly reduce the site's residential dwelling density.

The proposal comprises three apartments. While this is less than the existing number of apartments, the residential amenity of the proposed apartments is significantly improved from the existing situation. The current building has non-compliant floor to ceiling heights, which the proposal resolves by providing ADG and DCP compliant 2.7m high floor to ceiling heights for all apartments. The internal areas of all proposed apartments are compliant with the ADG and DCP, which is an improvement from the existing situation where all apartments are undersized. All proposed apartments have at least three aspects, which is greater than the existing apartments that only have two. Accordingly, the quality of the proposed apartments is exceptionally better than the current apartments.

The proposal introduces lift access, communal indoor areas and communal open space to the site, which are not afforded by the current building. The existing garages are difficult to access and navigate. The proposal relocates car parking to the basement, which is easily accessible from the front of the property. A new turntable ensures that vehicles can enter and exit the site in a forward direction. The amenity and accessibility of the site are therefore greatly improved from the existing situation.

It is noted that the previous DA (DA-335/2022) proposed a total number of four apartments on the subject site. While that DA was refused, Council did not raise issues with regard to preserving dwelling density. Furthermore, as stated in the Council Officer's Report for DA-335/2022, Council's Strategic Planner did not object to the proposal.

In this circumstance, flexibility with this zone objective is appropriate because it facilitates a development with a character and amenity that is more consistent with the desired future character of the area, compared to the existing situation. This achieves a significantly better planning and design outcome for the site.

- 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.**

The proposal replaces an older building of poorer amenity with a high-quality, contemporary residential flat building. The new development complies with the relevant access requirements and includes a lift, which meets the needs of the population, particularly for older people and people with a disability.

- g. **To provide development that is compatible with the desired future character and amenity of the surrounding neighbourhood.**

The proposed development has been carefully located within the envelope of the existing building. It provides a well-designed, contemporary presentation with additional landscaping. This ensures the development is compatible with the desired future character and amenity of the surrounding neighbourhood.

- h. **To promote development that incorporates planning and design measures that reduce the urban heat island effect.**

The proposal achieves compliance with the relevant sustainability requirements of BASIX. In addition, it incorporates planning and design measures, such as internal arrangements which maximise natural light and cross ventilation, solar panels, and electric vehicle charging points. This reduces the urban heat island effect.

- i. **To improve the urban tree canopy by providing high levels of deep soil planting and additional landscaping.**

The proposal increases the site's overall deep soil landscaped area from 20.19% of the site area (as existing) to a proposed 36.5% of the site area. Substantial areas of additional landscaping are proposed, including new trees and shrubs. This improves the urban tree canopy.

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

- (i) *The proposal will continue to provide four storey built form with a hipped roof on the site. The overall building height and external envelope will not be increased by the proposal. This will remain consistent with the character of the subject site and the streetscape. Therefore, by*

maintaining the existing height variation, the proposal ensures that the development remains compatible with the surrounding context and achieves a good design outcome.

- (ii) *The new, architecturally designed, contemporary building contributes positively to the rich and diverse architecture of the streetscape. This benefits the locality by providing a building that relates better to the desired future character of the area, compared to the existing built form. The replacement building introduces planting to the balconies and façade, which 'greens' the streetscape and softens the appearance of the building.*
- (iii) *The proposed development significantly improves the amenity of the residential flat building. The current apartments are non-compliant with the ADG and DCP controls for floor to ceiling heights, which results in poor internal amenity.*
- (iv) *The existing building does not have lift access and therefore, it is necessary to vary the height in order to provide equitable access to every level of the existing building, in accordance with the Disability Discrimination Act 1992. In other words, to ensure lift access can be provided to the existing building, a variation to the height standard is inevitable.*
- (v) *The proposal maintains the same maximum height as the existing building. If strict compliance with the height standard were enforced, it would result in the removal of the proposed roof form and uppermost storey. This would create a building that is significantly smaller than the existing building and is incompatible with the surrounding context. This would prevent the orderly and economic use and development of the land, which is inconsistent with object (c) of the Environmental Planning and Assessment Act 1979 (EPA Act).*

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

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

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

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

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

- (a) *the objectives of the development standard are achieved notwithstanding non-compliance with the standard;*
- (b) *to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;*
- (c) *to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;*

- (d) to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; and*
- (e) to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary.*

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. The applicant has provided sound justification establishing that the proposal is consistent with the objectives of the height of buildings development standard and the R3 zone.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. The environmental planning ground used to justify the breach are well-considered and sound and are summarised as the proposed development replaces the existing RFB to reflect contemporary living whilst maintaining a similar envelope as that of the existing RFB, which preserves the environmental amenity of neighbouring properties and public spaces.

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.*
- b) ~~To accommodate taller buildings on land in Zone E2 Commercial Centre in the Bondi Junction Centre and establish a transition in scale between adjoining zones to protect local amenity.~~*
- 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.*

Objective (a) requires that the overall height of development 'preserves' the amenity of surrounding properties. It is not a practical or realistic expectation that buildings which exceed the development standards will be replaced with buildings with a much lower height and reduced FSR than the existing building on the site to improve the amenity of surrounding properties. In order for the proposal to be consistent with objective (a) it must 'preserve' the amenity of surrounding properties, however there is no requirement to improve existing levels and quality of amenity.

The proposal will significantly alter an existing building; however, will maintain the existing height, envelope and footprint. Detailed plan form, elevational and view from sun shadow diagrams have been provided which demonstrate that the proposal will have only minor additional overshadowing of adjoining properties, which will be offset by solar gains to other windows/areas at other times of the day. The additional overshadowing is predominantly contained to the street and within shadows cast by the existing building.

In detail, the shadow diagrams indicate that at 9am during the winter solstice (see **Figure 8** of this report, which is an extract of the shadow diagrams), additional shadowing will fall upon the communal open space (cast from fencing), shared driveway and front forecourt of the subject site and the public domain of Brighton Boulevard. The development will also create additional shadowing to 166 Ramsgate Avenue, however this area is utilised as driveway access to the attached garages of this RFB. Additional solar access will be gained to an east-facing window of 156 Brighton Boulevard.

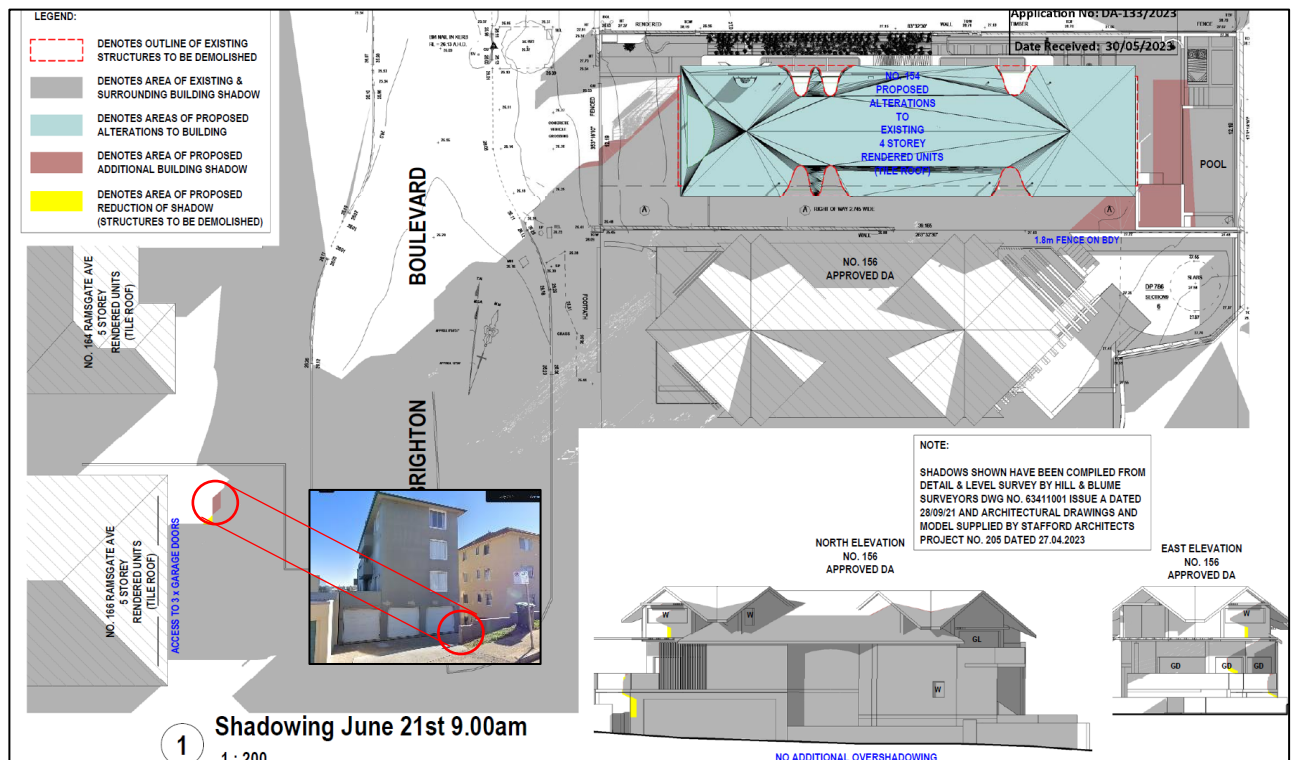


Figure 8. Shadowing cast from the proposed development at 9am on June 21. (Source: Cad Draft, 2023)

Shadowing at 12 noon will fall upon a small portion of the communal open space of the subject site.

Shadowing at 3pm will fall on the shared driveway access inside 156 Brighton Boulevard and on a small portion of the roof and external northern elevational wall at 156 Brighton Boulevard. Additional solar access will be gained to a north-facing window of 156 Brighton Boulevard.

The proposed development will not result in unreasonable visual privacy impacts from portions of the development that exceed the 9.5m height limit. Windows located above the 9.5m height limit will not impact the adjoining dwelling at 156 Brighton Boulevard as this dwelling is situated lower than these windows, avoiding direct on-looking. Majority of the windows on the northern elevation of the proposed

development are fixed with translucent glazing and will not affect the visual privacy of 152 Brighton Boulevard. Window W.T.05 is not fixed with translucent glazing, however this is acceptable as it does not look directly into a neighbouring window at 152 Brighton Boulevard.

Surrounding private and public views across and over the site will also be maintained as the envelope of the building is designed to be similar to that of the existing RFB.

Given that the proposal will preserve the amenity of surrounding properties and public spaces, the proposal is consistent with objectives (a) and (c).

The proposed development is compatible with other built form to the western side of Brighton Boulevard. Majority of the streetscape consists of four storey RFBs that are of simple rectangular format with a hipped roof. With the proposed development maintaining the existing envelope of the existing RFB, the development will be afforded with an appropriate height, despite the breach to the development standard.

The development has also been appropriately designed to meet the desired future character of the locality that is a development that respects the streetscape whilst also preserving environmental amenity of surrounding residence and public spaces.



Figure 9. Built-form to the eastern side of Brighton Boulevard. (Source: Cad Draft, 2023)

The proposal is generally consistent with the objectives of the R3 zone as it continues to contribute to the variety of housing types within a medium density environment. Although the proposal will reduce

the number of apartments (or 'dwellings') on site, the residential gross floor area is not reduced and as such there is no loss of residential density on the site. The basement car park accommodates vehicular and bicycle parking which are consistent with the maximum requirements of the DCP thereby encouraging public transport patronage, walking and cycling.

Objective (c) is not applicable to this site as it is not located within the Bondi Junction Centre.

Conclusion

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

Clause 4.6 Exceptions to Development Standards - FSR

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

The site is subject to a maximum FSR development standard of 0.6:1. The proposed development has a FSR of 1.1:1, exceeding the standard by 237.16m² equating to an 82.8% variation. The existing building has a GFA 476.44m², equating to a FSR of 1:1. The difference between existing and proposed is an additional 47.16m² of GFA.

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 development meets the objectives of the height of buildings development standard.

- a. **Objective (a): To ensure sufficient floor space can be accommodated within the Bondi Junction Centre to meet foreseeable future needs.**

This objective does not apply to this development.

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

- i. The proposal will maintain the same maximum height as the existing building. Both the existing and proposed development will be four storeys with a hipped roof, which is consistent with the established streetscape character. Therefore, the proposal will maintain the existing correlation between the maximum building heights and density controls and the building will remain consistent with the streetscape.*
- ii. It is noted that the additional GFA does not result in an intensification of the existing use. In fact, the proposal will reduce the existing density of the site from six apartments to three apartments. The additional GFA will facilitate the conversion of garaging, which is already undersized and difficult to access, with communal facilities for the future occupants.*

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

- i. The proposal is consistent with the development envisaged by Council for the R3 Zone. It will maintain the site's use as a residential flat building. The development will be contained within the same external envelope as the existing building and will not result in additional bulk and scale when viewed from the street. Therefore, the building will remain compatible with the locality.*
- ii. The proposal is consistent with the development envisaged by Council for the R3 Zone. It will maintain the site's use as a residential flat building. The development will be contained within the same external envelope as the existing building and will not result in additional bulk and scale when viewed from the street. Therefore, the building will remain compatible with the locality.*
- iii. The proposed development affords the opportunity to uplift the appearance and architectural quality of the built form. The revised design provides a more articulated, contextual and sustainable outcome than the existing building. The new, architecturally designed, contemporary residential flat building contributes positively to the rich and diverse architecture of the streetscape, and relates better to the desired future character of the area.*
- iv. The revised proposal has adopted the comments made by Council and the Waverley Design Excellence Advisory Panel in DA-335/2022 by introducing materials and finishes that are more contextually appropriate and sustainable. In addition, a substantial improvement in landscaping is proposed across the site and the replacement building introduces planting to the balconies and façade. This 'greens' the streetscape, introduces a garden setting to the site and reinforces the development's contribution to the*

character of the locality. Overall, the revised proposal achieves an enhanced architectural and streetscape outcome, compared to both the existing development and the previously proposed scheme.

- v. The proposal will be compatible with the bulk, scale, envelope and character of development along Brighton Boulevard and the locality.*
- vi. Accordingly, although the proposal will exceed the FSR control, this will not have any significant adverse impacts because the additional GFA is within the existing building envelope. The skilful design of the development creates a softer and more articulated outcome than the existing building, which ensures the bulk and scale is more compatible with the desired future character of the locality.*

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

- i. The proposed windows at the ground floor level will incorporate screening where appropriate, to ensure that privacy is preserved. The proposal maintains the site's existing use as a residential flat building, consistent with the existing character of development in the surrounding R3 Zone. Given the continuing medium density residential use, it is unlikely that there would be significant additional noise generation associated with the proposal. In fact, the proposal is likely to provide a reduction in noise generation, by reducing the density of the site from six apartments to three apartments, relocating vehicle parking to the basement and providing plant and service equipment within enclosed areas.*
- ii. The proposed development retains the existing building setbacks and notably, provides more than compliant side setbacks. This maintains an appropriate level of building separation and privacy, similar to the existing situation.*
- iii. These diagrams indicate that the proposed development will not result in any additional impacts to the solar access received to the north-facing windows or private open space areas of adjacent properties. This has been achieved by locating the new development within the same external envelope as the existing building. Accordingly, the proposal preserves existing levels of solar access for neighbouring properties.*
- iv. There will not be any additional view impacts to neighbouring properties or the public domain arising from the proposal. Accordingly, the proposal preserves existing views.*

(ii) The development meets the objectives of the R3 zone.

- a. To provide for the housing needs of the community within a medium density residential environment.**

The proposal is for a replacement residential flat building with high levels of amenity and accessibility, which provides for the housing needs of the community within a medium density residential environment.

- b. To provide a variety of housing types within a medium density residential environment.**

The proposal maintains the site's use as a residential flat building, which contributes to the variety of housing types within a medium density residential environment.

- c. To enable other land uses that provide facilities or services to meet the day to day needs of residents.**

N/A

- d. To maximise public transport patronage and encourage walking and cycling.**

The proposal maintains a compliant number of on-site car spaces and includes bicycle parking. This maximises public transport patronage and encourages walking and cycling.

- e. To increase or preserve residential dwelling density.**

The existing building has an FSR of 0.998.1, which already departs from the standard. Enforcing compliance with the 0.6:1 standard would significantly reduce the site's residential dwelling density.

The proposal comprises three apartments. While this is less than the existing number of apartments, the residential amenity of the proposed apartments is significantly improved from the existing situation. The current building has non-compliant floor to ceiling heights, which the proposal resolves by providing ADG and DCP compliant 2.7m high floor to ceiling heights for all apartments. The internal areas of all proposed apartments are compliant with the ADG and DCP, which is an improvement from the existing situation where all apartments are undersized. All proposed apartments have at least three aspects, which is greater than the existing apartments that only have two. Accordingly, the quality of the proposed apartments is exceptionally better than the current apartments.

The proposal introduces lift access, communal indoor areas and communal open space to the site, which are not afforded by the current building. The existing garages are difficult to access and navigate. The proposal relocates car parking to the basement, which is easily accessible from the front of the property. A new turntable ensures that vehicles can enter and exit the site in a forward direction. The amenity and accessibility of the site is therefore greatly improved from the existing situation.

It is noted that the previous DA (DA-335/2022) proposed a total number of four apartments on the subject site. While that DA was refused, Council did not raise issues with regard to preserving dwelling density. Furthermore, as stated in the Council Officer's Report for DA-335/2022, Council's Strategic Planner did not object to the proposal.

In this circumstance, flexibility with this zone objective is appropriate because it facilitates a development with a character and amenity that is more consistent with the desired future character of the area, compared to the existing situation. This achieves a significantly better planning and design outcome for the site.

- 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.**

The proposal replaces an older building of poorer amenity with a high-quality, contemporary residential flat building. The new development complies with the relevant access requirements and includes a lift, which meets the needs of the population, particularly for older people and people with a disability.

- g. **To provide development that is compatible with the desired future character and amenity of the surrounding neighbourhood.**

The proposed development has been carefully located within the envelope of the existing building. It provides a well-designed, contemporary presentation with additional landscaping. This ensures the development is compatible with the desired future character and amenity of the surrounding neighbourhood.

- h. **To promote development that incorporates planning and design measures that reduce the urban heat island effect.**

The proposal achieves compliance with the relevant sustainability requirements of BASIX. In addition, it incorporates planning and design measures, such as internal arrangements which maximise natural light and cross ventilation, solar panels, and electric vehicle charging points. This reduces the urban heat island effect.

- i. **To improve the urban tree canopy by providing high levels of deep soil planting and additional landscaping.**

The proposal increases the site's overall deep soil landscaped area from 20.19% of the site area (as existing) to a proposed 36.5% of the site area. Substantial areas of additional landscaping are proposed, including new trees and shrubs. This improves the urban tree canopy.

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

- (i) *The additional GFA is within the existing external envelope and is a technical increase. There will be no increase to the overall bulk and scale of the built form, when compared to the existing situation. In fact, the appearance of the building will be softened through the introduction of a more articulated and contextually compatible building. A substantial improvement in landscaping is proposed across the site and the replacement building introduces planting to the balconies and façade. This 'greens' the streetscape, introduces a garden setting to the site and reinforces the development's contribution to the character of the locality.*
- (ii) *The proposed variation will provide for the introduction of lift access to the existing residential flat building. Part of the additional GFA relates to the lift foyer areas and non-habitable services within this addition. Therefore, the proposed variation is essential in order to provide lift access, in accordance with the Disability Discrimination Act 1992.*
- (iii) *The additional GFA will facilitate improvements to the existing building's residential amenity, in a number of areas. It will allow for car parking to be relocated to the basement levels, which will improve the ease of on-site vehicular access and parking. In turn, it will allow for the ground floor level to be converted to communal habitable space, including a communal gym, sauna and living areas. This will have social benefits by enhancing the liveability of the development and facilitating social interaction between future occupants.*
- (iv) *The proposed increase from the existing FSR is from the conversion of garaging at the ground floor to habitable space, within the existing envelope. This will activate the ground floor level and will improve its interface with the surrounding public and private domain. It will also increase opportunities for the casual surveillance of both communal and private areas of the subject site, through the introduction of new habitable room windows and openings. Furthermore, the additional GFA will enable the relocation of car parking to the basement levels, which will provide secure parking for the future residents of the subject site. Therefore, the proposed variation will provide an improvement in terms of safety, security and crime prevention, which will benefit the future residents of the site and adjacent properties.*

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

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

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

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

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

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

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

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. The environmental planning ground used to justify the breach are well-considered and sound and is supported as it has been justified that the proposed RFB will maintain a similar envelope as that of the existing RFB, which preserves the environmental amenity of neighbouring properties and public spaces

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 bulk and scale of the proposal, compatibility with the desired future character and impacts upon the amenity of surrounding properties and the locality have been discussed in detail in the previous section relating to the variation to the height development standard. In summary, the proposal will not result in unreasonable additional amenity impacts upon surrounding properties or the locality. The proposal will upgrade an older style building with an articulated, contemporary building with greater internal amenity, environmental sustainability and design excellence. The proposed additional floor space is contained within the envelope of the existing building. The proposal will not result in unreasonable additional overshadowing, loss of views or privacy impacts upon surrounding properties, preserving the existing level of amenity. The proposal is considered consistent with the relevant objectives of the FSR development standard.

The proposal is considered to be consistent with the objectives of the R3 zone as previously discussed.

Objective (a) is not applicable to this site as it is not located within the Bondi Junction Centre.

The proposal is consistent with the relevant objectives of the R3 zone, in particular providing residential accommodation for members of the public within a medium density residential environment.

The proposal also includes an offer to enter into a Planning Agreement (PA) for part of the overall gross floor area of the proposed development that is in addition to the gross floor area of the existing building, which is 47.16m². The offer is in accordance with *Waverley Council Planning Agreement Policy 2014* (the Policy). The calculation of the PA is based on the additional gross floor area of the development, that is, calculated as the difference in GFA between existing and proposed form.

The Policy provides a mechanism to address the public benefit offset of additional reasonable impacts from developments exceeding development standards. The offer to enter into a PA addresses the public benefit aspect of maintaining the FSR development standard when Council considers a variation with the standard by way of assessing and determining a development application.

The fundamental principle of the Policy is that any benefit that arises from agreement to vary development standards is shared between developer and the community and must be acceptable on environmental impact grounds. The reasonableness of impacts associated with the additional floor space of the proposed development has been considered against the likely public interest (i.e. public domain improvements in the area), which has been found to be acceptable in this instance. The reasonableness relates to the merits of this case only as discussed in the body of this assessment report.

The proposal is in accordance with other variations which have been permitted in conjunction with public benefits or purpose, such as affordable housing, public domain works or the like. The proposed development is not against the public interest as it complies with the limitations set in the Policy.

A suitable public purpose or benefit is considered to be provided in the form of the forthcoming execution of a PA, which would contribute to public works or a similar public benefit within the catchment of the site. Appropriate conditions are included in Appendix A in relation to the PA.

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

Development Control	Compliance	Comment
<p>1. Waste</p> <ul style="list-style-type: none"> <i>Garbage bins are to be stored in an appropriate location.</i> 	<p>Yes (conditional)</p>	<p>Council’s Waste Officer reviewed the application and requested seven bin spaces. The deferral letter dated 24 July 2023 requested additional garbage bins to address the Waste Officer’s referral comments. The amended plans dated 7 August 2023 have proposed seven bin spaces.</p> <p>Waste related conditions of consent are recommended.</p>
<p>2. Ecologically Sustainable Development</p> <ul style="list-style-type: none"> <i>Ceiling or wall mounted fans</i> <i>Gas cooktops, gas ovens or gas internal space heating systems.</i> 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes (conditional)</p>	<p>The architectural plans show ceiling fans and electric cooktops.</p> <p>Council’s Sustainable Development Officer reviewed the amended architectural plans and the amended BASIX Certificate. They advised:</p> <ul style="list-style-type: none"> The proposed development has met the minimum requirements under the BASIX legislation, meeting the Energy, Thermal Comfort and Water target. An accurate and up-to-date BASIX Certificate has been provided. The BASIX commitments are marked on the architectural plans. On the original set of architectural plans (received by Council on 30 May 2023),

Development Control	Compliance	Comment
		<p>they were fixed with the correct NatHERS stamps (including QR code and AAO stamp). However, the amended plans (received by Council 7 August 2023), the NatHERS stamps were not notated on the architectural plans. A condition is recommended that the NatHERS stamp be applied to the architectural plans prior to the issue of a Construction Certificate.</p>
<p>3. Landscaping, Biodiversity and Vegetation Preservation</p>	<p>Yes</p> <p>Yes</p> <p>Yes (conditional)</p>	<p>Tree removal is not proposed.</p> <p>The subject site is adjacent to remnant bushland. Therefore, in accordance with this section of the Waverley DCP 2022:</p> <ul style="list-style-type: none"> • A minimum of 90% of the proposed trees, 90% of the proposed shrubs and 90% of the proposed grasses and groundcovers (not including turfed areas) are to be native plants that are listed in Annexure B3-1. Cultivars or hybrids of listed plant species are not to be counted towards this requirement. Landscape plans must 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. • Three strata of vegetation are required to be included in landscape design: <ul style="list-style-type: none"> ○ tree or tall shrub canopy. ○ mid-storey. ○ groundcover layer. <p>The submitted landscape plans have been reviewed by Council's Biodiversity Officer who confirmed the landscape plans comply with the above threshold.</p> <p>However, as certain plant species are recommended to be replaced with planting less than 1m in height to maintain views, a condition is recommended that the amended landscape plan be satisfied by Council's Biodiversity Officer,</p>

Development Control	Compliance	Comment
		to ensure the newly selected plant species meet the above threshold while also having a maximum mature height of 1m.
<p>4. Coastal Risk Management</p>	<p>Yes (conditional)</p>	<p>The subject site is located within the geotechnical hazard layer.</p> <p>Council requested in the deferral letter that the submitted Geotechnical report be peer reviewed by another consulting firm. The peer reviewed Geotechnical report prepared by JK Geotechnics was received by Council on 21 September 2023. The originally submitted Geotechnical report prepared by Crozier Geotechnical Consultants was amended to address the peer reviewed report and was provided to Council on 28 September 2023.</p> <p>The amended Geotechnical report concluded, <i>the proposed works are considered suitable for the site and can be completed with negligible impact on adjacent properties or the sea cliffs provided the recommendations of this report are implemented including additional geotechnical investigation and reporting.</i></p> <p>The peer reviewed and amended Geotechnical report by both consulting firms was referred to Council's Public Domain Engineer for further review. Council's Public Domain Engineer found the amended geotechnical report and peer review acceptable, subject to recommended conditions of consent.</p>
<p>5. Water Management</p>	<p>Yes (conditional)</p>	<p>Council's Stormwater Engineer recommended conditions of consent.</p>
<p>6. Accessibility and Adaptability</p>	<p>Yes (conditional)</p>	<p>The development will be required to comply with the Building Code of Australia (BCA) and National Construction Code (NCC).</p>
<p>7. Transport</p> <p>7.1 Streetscape</p>	<p>Yes</p>	<p>Parking accessed to the front of the RFB at ground floor level is acceptable due to the precedent set by the four RFBs located at 146 -</p>

Development Control	Compliance	Comment																					
<p>7.2 On-Site Parking</p> <p>7.2.1 Vehicle Access</p> <p>7.2.2 Parking Rates</p> <p>7.2.5 Motorcycle Parking</p> <p>7.2.6 Bicycle Parking</p> <p>7.8 Electric Vehicle Charging Points</p>	<p>-</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>No</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>154 Brighton Boulevard, which have garage access to the front ground floor of the RFBs.</p> <p>The subject site is located within parking zone 2.</p> <p>The existing driveway crossover to Brighton Boulevard is proposed to be retained.</p> <p>A turntable is located in the proposed forecourt to assist with vehicle manoeuvring when exiting the site.</p> <p>The shared Right-of-Way will be retained to allow vehicle access to the approved dwelling at 156 Brighton Boulevard. However, this will no longer be used by the subject site, with vehicle access to the basement garage via a garage door at the front elevation.</p> <table border="1" data-bbox="820 936 1391 1480"> <thead> <tr> <th>Parking Rate</th> <th>Parking Rate</th> <th>Parking Proposed</th> </tr> </thead> <tbody> <tr> <td>Residential Vehicle</td> <td>3.2</td> <td>3</td> </tr> <tr> <td>Visitor</td> <td>0</td> <td>0</td> </tr> <tr> <td>Motorcycle Residential</td> <td>1</td> <td>2 (merit)</td> </tr> <tr> <td>Bicycle Residential</td> <td>3</td> <td>4 (merit)</td> </tr> <tr> <td>Bicycle Visitor</td> <td>0</td> <td>0</td> </tr> <tr> <td>Accessible Parking: 10% of parking</td> <td>0</td> <td>0</td> </tr> </tbody> </table> <p>The excess motorcycle and bicycle parking is supported as it reduces car dependency.</p> <p>Each vehicle parking space will have access to an electric vehicle charging point.</p>	Parking Rate	Parking Rate	Parking Proposed	Residential Vehicle	3.2	3	Visitor	0	0	Motorcycle Residential	1	2 (merit)	Bicycle Residential	3	4 (merit)	Bicycle Visitor	0	0	Accessible Parking: 10% of parking	0	0
Parking Rate	Parking Rate	Parking Proposed																					
Residential Vehicle	3.2	3																					
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Bicycle Residential	3	4 (merit)																					
Bicycle Visitor	0	0																					
Accessible Parking: 10% of parking	0	0																					
<p>11. Design Excellence</p>	<p>Yes</p>	<p>The proposed development utilises high quality materials and finishes which are inclusive of concrete, cobblestone, zinc, timber and Jerusalem stone. These finishes will elevate the design and improve its presentation to the streetscape.</p>																					

Development Control	Compliance	Comment
	Yes	The proposed development is also of an appropriate bulk and mass resulting in nil additional environmental impacts when compared to the existing building (as detailed in the Clause 4.6 discussion above). The RFB has been appropriately designed to be of a similar bulk and scale to the existing RFB, avoiding additional environmental amenity impacts of overshadowing or view loss.
13. Excavation	No	<p>The development proposes approximately 774.5m³ of excavation. This exceeds the maximum permitted volume of excavation of 477.4m³ by approximately 297.1m³ or 62.2%.</p> <p>This is considered excessive for the plant requirements and car spaces allowable for a development of 3 apartments.</p> <p>As such, it is recommended that the carspace for apartment 3 be shifted back, closer to the car lift (side by side with apartment 2 carspace). The plant room shall be relocated to this new position (previously apartment 3 car space), and the excavation to the rear reduced so it does not extend beyond the fire stair at this level.</p> <p>Although this exceeds the maximum permitted excavation, the resultant excavation is acceptable on the following basis:</p> <ul style="list-style-type: none"> • The recommendation provided in the Geotechnical report are recommended to be implemented. • The basement is setback a compliant 2.706m from the northern side boundary and 3.3m from the southern side boundary.

Table 53: Waverley DCP 2022 – Part C2 Other Residential Development Compliance Table

Development Control	Compliance	Comment
2.1 Site, scale and frontage		

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Minimum frontage: 15m – R3 zone 	No	The site has a frontage of 12.19m. However, given the historical subdivision pattern, existing use as an RFB and the objectives of the R3 zone encouraging this type of development, this shortfall is acceptable on merit.
2.2 Height		
<ul style="list-style-type: none"> Maximum external wall height: R3/9.5m – 7m 	No	The development has a wall height of 10.7m. Although this exceeds the 7m wall height limit it is supported on merit as the proposed development has reconstructed the RFB to be no greater than the existing RFB on site, and will not create unreasonable environmental amenity impacts upon neighbouring properties.
2.3 Setbacks		
<p>2.3.1 Street setbacks</p> <ul style="list-style-type: none"> Consistent street setback 	Yes	The development maintains the same building envelope as the existing RFB. Therefore, the front building line will remain in the same location as the existing RFB. The existing front building line is acceptable, as it is consistent with front building lines to other RFBs in the streetscape.
<p>2.3.2 Side and rear setbacks</p> <ul style="list-style-type: none"> Minimum side setback: 0.9m or 1.5m or 1.5-2.5m 	<p>Yes</p> <p>Yes</p> <p>Yes (conditional)</p>	<p>The development maintains the same building envelope as the existing RFB.</p> <p>The proposed RFB is set back 2.706m from the northern side boundary and 2.745m from the southern side boundary. This is compliant with the 1.5m – 2.5m side setback control for development that exceeds an overall building height of 12.5m.</p> <p>Council Traffic Engineer advised, the design envelope from Figure 5.2 of AS2890.1 has been overlaid on the proposed plans (see Figure 15). Two of the car spaces do not have sufficient room for people to access the car on the passenger side. Therefore, a condition is recommended to require amended plans that demonstrate compliance with the design envelope. An additional 150mm is required to both basement garage levels for the spaces adjacent to the northern wall of the building. This increased width will still result in compliant side setback to the basement levels.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> • <i>Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback</i> • <i>Deep soil along side boundary min 2m wide</i> 	<p>Yes</p> <p>Yes</p>	<p>The proposed rear building line is set back 6.076m from the eastern rear boundary and is also consistent with the rear building lines of 152 and 148 Brighton Boulevard (refer to setback diagram plan (DA001)).</p> <p>A deep soil landscaped area approximately 2.5m wide is provided along the northern side setback. Although this area contains a footpath and bin storage the majority of this area is landscaped.</p>
2.4 Length and depth of buildings		
<ul style="list-style-type: none"> • <i>Maximum building length: 24m</i> • <i>Façade to be articulated</i> • <i>Maximum RFB depth: 18m</i> 	<p>Yes</p> <p>Yes</p> <p>No</p>	<p>The development maintains the same building envelope as the existing RFB.</p> <p>The building has a length of 6.8m</p> <p>The façade is appropriately articulated with balconies and contrasting finishes.</p> <p>The depth of Apartment 3 exceeds 18m (with a depth of 23.7m) as it is contained within a single floor. Notwithstanding, Apartment 3 will have four aspects providing optimal light, ventilation and amenity. In this regard, the depth of Apartment 3 considered satisfactory.</p>
2.5 Building design and streetscape		
<ul style="list-style-type: none"> • <i>Respond to streetscape</i> • <i>Sympathetic external finishes</i> • <i>Removal of original architectural features not supported</i> 	<p>Yes</p> <p>Yes</p>	<p>The proposed building will make a positive contribution to the streetscape, providing a contemporary building which is reflective of the character of the area.</p> <p>As previously discussed, the materials and finishes are considered sympathetic to the surrounding area and are acceptable.</p>
2.6 Attic and roof design		
	<p>Yes</p>	<p>The proposed hipped roof design is acceptable, similar to the existing RFB and reflective of other RFBs in the streetscape which encompass hipped roof forms.</p>
2.7 Fences and walls		
<i>Front fence:</i>	<p>N/A</p>	<p>A front boundary fence is not proposed.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> • <i>Maximum height 1.2m</i> • <i>Maximum 2/3 solid</i> • <i>Maximum height of 1.8m and solid when secondary wall set within property if required for traffic noise</i> <p><u>Side fence:</u></p> <ul style="list-style-type: none"> • <i>Maximum height: 1.8m</i> <p><u>Rear fence:</u></p> <ul style="list-style-type: none"> • <i>Maximum height: 1.8m</i> 	<p>Yes</p> <p>Yes</p>	<p>A 1.8m side boundary fence is proposed to the rear portion of the lot.</p> <p>A 1.2m glass fence (measured from top of pool water level) is proposed on the rear boundary. This glass fence will allow for uninterrupted views of the Pacific Ocean when utilising the communal open space.</p>
2.8 Pedestrian access and entry		
<ul style="list-style-type: none"> • <i>Entry at street level and respond to pattern within the street</i> • <i>Accessible entry</i> • <i>Separate to vehicular entry</i> • <i>Legible, safe, well-lit</i> 	<p>Yes</p>	<p>The pedestrian access and entry to the development is from street level, accessible (i.e., levelled/flat from footpath level) and located within the northern side setback area. The pedestrian access and entry are legible and safe by way of a secured gate. The pedestrian and vehicular entry are separate.</p>
2.9 Landscaping		
<ul style="list-style-type: none"> • <i>Comply with part B3-Landscaping and Biodiversity</i> • <i>Minimum of 30% of site area landscaped: 143.22m²</i> • <i>50% of the above is to be deep soil:</i> 	<p>Yes</p> <p>No</p> <p>Yes</p>	<p>The development provides a compliant 90% native species.</p> <p>The development proposes 44.06m² (9.2%) landscaped area. Although non-compliant with the minimum required landscaped area, it improves the current site which currently provides limited landscaping.</p> <p>44.06m² (100%) of landscaped area is also deep soil area.</p>
2.10 Communal open space		
<ul style="list-style-type: none"> • <i>Minimum 15% communal (R3 zone): 71.61m²</i> 	<p>Yes</p>	<p>The development provides 92m² (19.3%) of communal open space on the site. This communal open space is inclusive of an outdoor dining area, swimming pool and spa. The communal open area is accessed from an enclosed communal area, which is inclusive of a rumpus room and separate gym.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> • <i>Minimum dimensions: 6m x 6m</i> • <i>Minimum of 30% of communal area must receive three hours of sunlight</i> 	<p>Yes</p> <p>Yes</p>	<p>The communal open space is greater than 6m x 6m.</p> <p>Solar access is provided to 30% of the communal open space between 10am – 1pm (three hours).</p>
2.11 Private Open Space		
<p>2.11.2 – Balconies/decks</p> <ul style="list-style-type: none"> • <i>Balcony additions to match the character of the building</i> • <i>Should not dominate the façade</i> • <i>No wrap around balconies</i> • <i>Located to maximise solar access and privacy</i> • <i>Balustrades to allow views and casual surveillance of the street & privacy</i> 	<p>Yes</p> <p>Yes</p> <p>No (merit)</p>	<p>The proposed balconies match the character of the RFB and are reflective of the style of other RFBs within the streetscape, which encompass balconies to the front and rear elevations (refer to Figures 1, 2 and 4).</p> <p>The balconies do not dominate the façade of the RFB and no wrap around balconies are proposed.</p> <p>Due to the subdivision pattern of the lot, the proposed balconies are either east (rear) or west (front) facing. Although these balconies do not have a northerly aspect they will have sufficient solar access with the side of these balconies having an open northern side (i.e. no privacy screen).</p> <p>As balconies to the west overlook the public domain, align with other balconies and maintain the precedents of no privacy screens set by other RFB balconies; privacy screens to the front balconies are not required.</p> <p>This is similar to the rear balconies in that they align with other rear balconies. In addition, the lack of privacy screens aid in capturing views to the subject units and preserving views to neighbouring apartments. It is to be noted that a control for low density residential development within Part C1, Section 1.7, Control (d) of the Waverley DCP 2022 states, <i>where views are enjoyed by a neighbouring property across a proposed terrace, balcony or deck, it is accepted that privacy is of lesser value than the retention of views and it may not be appropriate to erect a</i></p>

Development Control	Compliance	Comment
		<i>privacy screen</i> . Although this is not a low density residential development, the control indicates that privacy screening may not be appropriate in areas where it may impede upon views to neighbouring properties.
2.12 Vehicular access and parking		
<ul style="list-style-type: none"> • <i>Car parking to be integrated into the design of the development</i> • <i>Max 1 x 2 way vehicle access point</i> • <i>Provided from secondary street or lane</i> • <i>Pedestrian safety considered</i> • <i>Basement parking should not contravene deep soil zone controls</i> 	<p style="text-align: center;">Yes</p> <p style="text-align: center;">No (retained)</p> <p style="text-align: center;">Yes</p> <p style="text-align: center;">Yes</p>	<p>The basement car park will be located below the building ensuring integration into the design of the building. The garage doors provided to the ground floor of the front elevation are reflective of other RFBs in Brighton Boulevard’s streetscape presentation.</p> <p>The existing driveway crossover will be retained, therefore the proposal will not result in a loss of on-street parking in front of the site to Brighton Boulevard.</p> <p>The proposed vehicle turntable in the forecourt allows vehicles to exit the property in a forward direction, increasing pedestrian safety.</p> <p>Deep soil has been previously discussed.</p>
2.13 Solar access and overshadowing		
<ul style="list-style-type: none"> • <i>Minimum of 3 hours of sunlight to a minimum of 70% of units in the development on 21 June</i> • <i>New development should maintain at least 2 hours of sunlight to solar collectors on adjoining properties in mid winter</i> 	<p style="text-align: center;">No (merit)</p> <p style="text-align: center;">Yes</p>	<p>The submitted view from sun diagram indicate that the living areas of Apartments 2 and 3 will receive solar access in the morning from 9am – 11am with Apartments 1 and 3 receiving solar access in the afternoon from 1pm – 3pm. Whilst Apartments 1 and 2 will only receive 2 hours of solar access each, this is considered acceptable due to the orientation of the site and the RFB located directly to the north of the subject site at 152 Brighton Boulevard restricting solar access between 11am – 1pm.</p> <p>Reviewing the approved plans at 152 Brighton Boulevard confirmed solar collectors to the roof were not proposed in the recently approved plans. Regardless, the view from sun diagrams confirm if future solar collectors were installed at 152 Brighton Boulevard’s northern roof form,</p>

Development Control	Compliance	Comment
<p><i>dwelling is 8m from a window</i></p> <ul style="list-style-type: none"> <i>Max width of dwelling over 15m deep is min 4m</i> <i>All habitable rooms to have a window</i> <i>Provide a range of dwelling types and sizes</i> <i>Min sizes</i> <i>Studio = 35m²</i> <i>1 bedroom = 50m²</i> <i>2 bedroom = 80m²</i> 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>Each dwelling exceeds a width of 4m.</p> <p>All habitable rooms have a window.</p> <p>The RFB provides an apartment mix of 2 x 1 bedroom apartments and 1 x 2 bedroom apartment.</p> <p>Each apartment exceeds the minimum apartment sizes.</p>
2.17 Ceiling Heights		
<ul style="list-style-type: none"> <i>Min 2.7m floor to ceiling height residential floors</i> <i>Min 2.4m floor to ceiling height attic levels</i> 	<p>No (merit)</p> <p>Yes</p> <p>Yes</p>	<p>The ground floor has a floor to ceiling height of 2.5m. However, this is acceptable as it meets the minimum requirement of 2.4m set by the National Construction Code and it is a communal area; not a residential apartment.</p> <p>Level 1 and 2 have a floor to ceiling height of 2.7m.</p> <p>Level 3 as a floor to ceiling height greater than 2.7m, when including the vaulted ceiling.</p>
2.18 Storage		
<ul style="list-style-type: none"> <i>In addition to kitchen cupboards and bedroom wardrobes, min storage required is:</i> <i>Studio and 1 bed = 6m³</i> <i>2 bed = 8m³</i> 	<p>Yes</p> <p>No (merit)</p>	<p>Apartments 1 and 2 are afforded with 3m³ of basement storage and 3m³ of internal apartment storage (6m³ in total).</p> <p>Apartment 3 is afforded with 5m³ of basement storage and 2.5m³ of internal storage (7.5m³ in total). Due to the size of the primary bedroom walk-in-robe the 0.5m³ non-compliance can be supported as this walk-in-robe can also be used for storage.</p>
2.19 Acoustic privacy		
<ul style="list-style-type: none"> <i>Internal amenity by locating noisy areas away from quiet areas</i> 	<p>Yes</p> <p>No (merit)</p>	<p>The layout of Apartments 1 and 2 is acceptable, with the laundry of Apartment 3 providing acoustic relief between the two level 1 apartments.</p> <p>Although the bedrooms of Apartment 3 are located above the living rooms of Apartment 1</p>

Development Control	Compliance	Comment
<i>required and the associated circulation space to access the equipment for maintenance.</i>		

Table 46: Waverley DCP 2022 – Part E4 – Special Character Areas

Development Control	Compliance	Comment
4.3 Ben Buckler		
<p>Desired Future Character Objectives</p> <ul style="list-style-type: none"> • Maintain Landscape Character • Maintain rhythm of buildings to the street • Allow ocean glimpses through side setbacks • Respect character and architectural elements • View Sharing 	<p>No (merit)</p> <p>Yes</p> <p>No (conditional)</p> <p>Yes</p> <p>Yes</p>	<p>The forecourt within the front setback will maintain a similar amount of concrete as existing for a vehicle turn-table.</p> <p>The building will maintain the rhythm of the streetscape, being a four storey RFB with garage access at ground floor level and a hipped roof.</p> <p>The proposed development will maintain the same side setbacks as the existing RFB. However, the proposed Coastal Banksia tree located on the northern side boundary will have a mature height of 5m - 10m, restricting glimpses of the ocean that are currently available within side setbacks. Therefore, a condition is recommended that the Coastal Banksia tree on the northern side setback be replaced with planting that does not exceed a mature height of 1m.</p> <p>The proposed development respects the existing building character of the locality.</p> <p>As the proposed development is of substantially the same building envelope as the existing RFB, it will maintain view sharing.</p>
<p>Controls</p> <ul style="list-style-type: none"> • Planting should grow more than 1m in height 	<p>No (conditional)</p>	<p>According to the landscape plan, the following plants grow more than 1m in height:</p> <ul style="list-style-type: none"> • 2 x Coastal Banksia • 33 x Coastal Correa • 8 x Grass Tree • 12 x Chinese Star Jasmine <p><u>Coastal Banksia</u></p>

The Coastal Banksia trees will reach a mature height of 5-10m. The Coastal Banksia tree located in the communal open space will impede upon ocean views of the rear units located at 152 Brighton Boulevard. Therefore, a condition is recommended the Coastal Banksia located in the communal open space is replaced with planting that does not exceed more than 1m in height (when mature). The Coastal Banksia tree located on the northern side setback is recommended to be removed as discussed above.

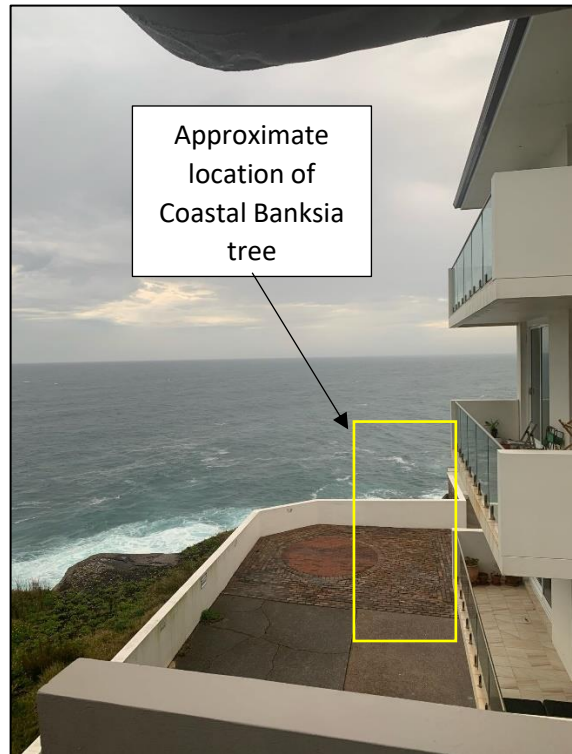


Figure 10. View from the balcony of 4/152 Brighton Boulevard would be impacted by a Coastal Banksia tree. (Source: SJB, 2022)

<ul style="list-style-type: none"> • Side setbacks are to be clear of obstructions to allow views between buildings • Communal landscaped gardens are required within the front setback • Rendered and painted finish is appropriate in this area. 	No (merit)	<u>Chinese Star Jasmine</u> The Chinese Star Jasmine will reach a mature height of 1.5m – 3m. However, as this is proposed to the southern elevation of the RFB it will not impact views to surrounding properties.
	No (conditional)	The recommended removal of the Coastal Banksia on the northern side setback to maintain views of the ocean via side setbacks has been discussed above. The forecourt within the front setback will maintain a similar amount of concrete as existing for a vehicle turn-table.
	No (merit)	The development is proposed to have a textured rendered finish.
	Yes	

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

Visual Privacy

The proposed RFB is appropriately positioned to front Brighton Boulevard, providing overlooking of the street, which is one of the principles of Crime Prevention Through Environmental Design (CPTED).

The proposed windows to the northern and southern elevation are a mix of habitable rooms (i.e living rooms), low use habitable rooms (i.e. bedrooms) and non-habitable rooms (i.e. bathrooms, wardrobes, halls).

Ground Floor Side Elevational Windows

The architectural plans do not clearly show windows on the southern elevation of the gym and communal indoor space. However, after discussing this with the Architect, it is confirmed that this was a drafting error and it is intended that windows are proposed behind privacy louvers. Therefore, a condition is recommended to fully show these windows on the southern elevational plans.

The southern elevational window to the ground floor will have its outlook from the gym obstructed by an existing boundary fence.

To allow driveway access to 156 Brighton Boulevard, the rear portion of the southern side boundary does not have a side boundary fence. Therefore, a sliding privacy screen has been appropriately fixed to the southern elevational window of the communal open space. In addition, the approved plans at 156

Brighton Boulevard under DA-33/2022/A do not propose windows to the ground floor northern elevation.

The northern elevational ground floor windows will have their outlook obstructed by an existing (front portion) and 1.8m proposed (rear portion) boundary fence.

Level 1 Side Elevational Windows

At Level 1, the proposed developments southern elevational windows will be offset from the approved walk-in-robe window of 156 Brighton Boulevard. Although the bedroom window of Apartment 2 will align with the neighbouring kitchen window at 156 Brighton Boulevard, this is acceptable as the kitchen window is approved to be constructed with glass bricks.

In contrast most windows on the northern elevation align with southern elevational windows of 152 Brighton Boulevard, with the exception of window W.F.01. The proposed windows of W.F.02 and W.F.03 are acceptable in terms of visual privacy. Although they align with neighbouring windows, they are acceptable as they serve the non-habitable area of corridors and common circulation areas. The deferral letter dated 24 July 2023 requested that window W.F.04 be fitted with privacy measure as it serviced a habitable kitchen window that had direct onlooking onto a neighbouring bedroom window. The amended plans dated 7 August 2023 amended this window to be fitted with translucent glazing.

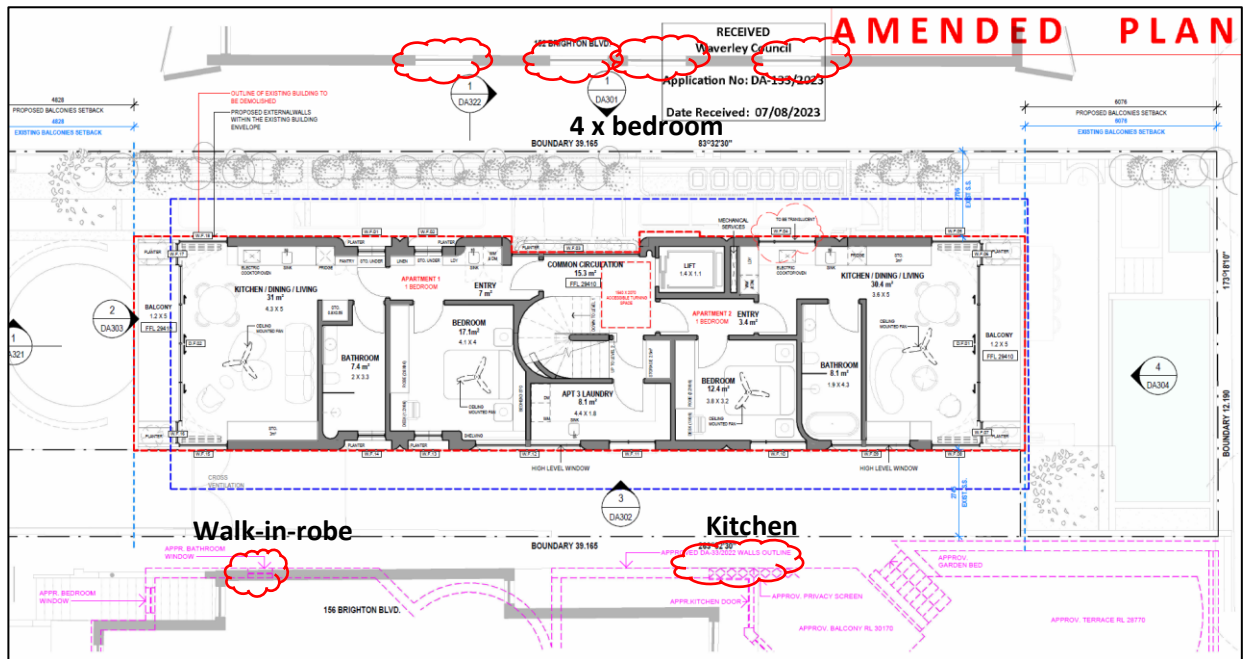


Figure 12. Analysis of visual privacy of level 1.

Level 2 Side Elevational Windows

Visual privacy to the southern elevation of level 2 is deemed appropriate. The approved windows at 156 Brighton Boulevard have a large setback from the proposed RFB development and are angled to avoid direct on-looking.

Similar to the level 1 of the northern elevation, most windows on the northern elevation align with southern elevational windows of 152 Brighton Boulevard, with the exception of window W.S.01. The windows of W.S.02 and W.S.03 are acceptable in terms of visual privacy. Although they align with neighbouring windows, they are acceptable as they serve the non-habitable area of corridors and common circulation areas. The deferral letter dated **24 July 2023** requested that window W.S.04 be fitted with a privacy measure as it serviced a bathroom window that had direct on looking onto a neighbouring bedroom window. The amended plans dated **7 August 2023** amended this window to be fitted with translucent glazing.

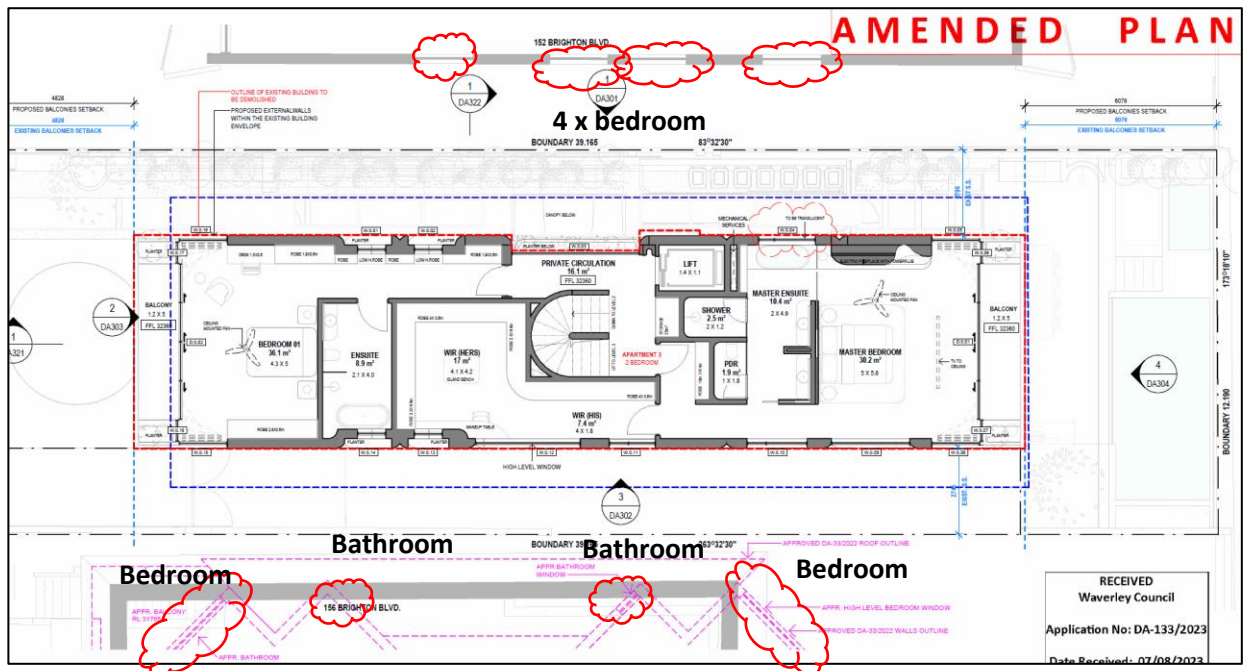


Figure 13. Analysis of visual privacy of level 2.

Level 3 Side Elevational Windows

Level 3 of the proposed development will be at a higher level than the neighbouring 156 Brighton Boulevard, therefore visual privacy impacts at this level will not occur. Whilst the approved plans of 156 Brighton Boulevard show a skylight, this is fitted with a privacy screen.

Amended plans have fitted all northern elevation windows with translucent glazing to assist with increasing visual privacy.

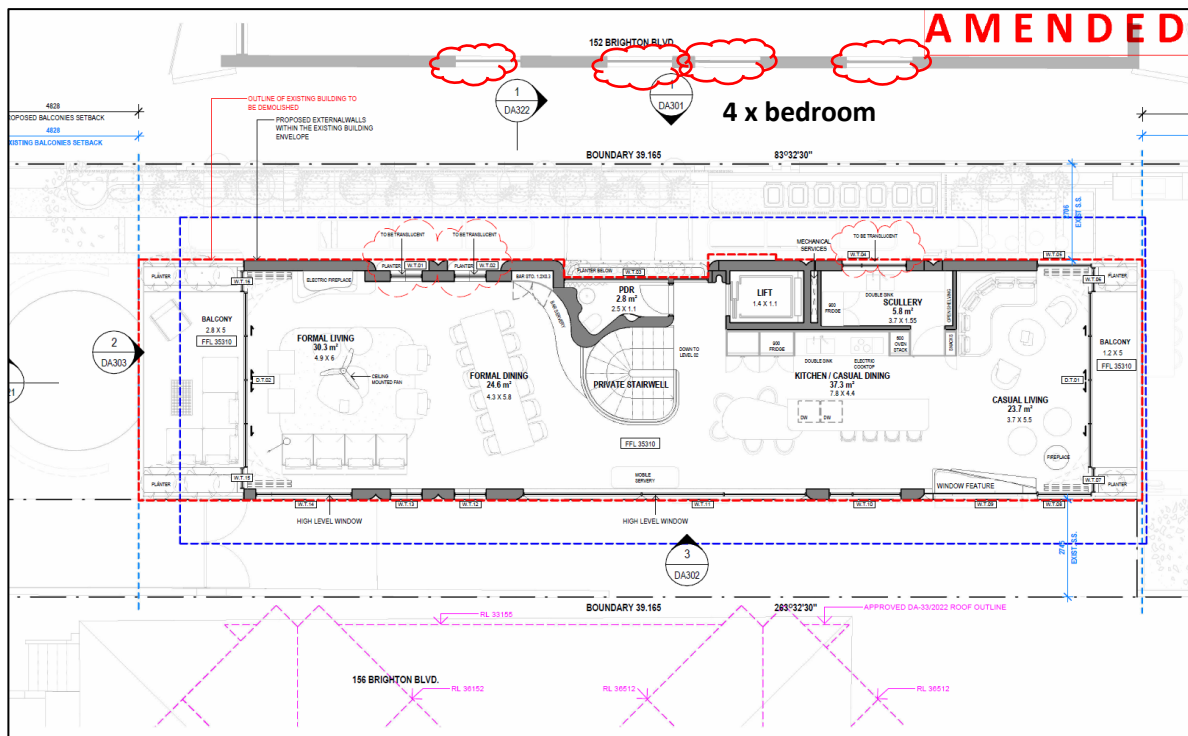


Figure 14. Analysis of visual privacy of level 3.

Visual privacy impacts relating to the balconies has been discussed in detail within **Table 5** of this report.

2.2. Other Impacts of the Development

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

2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.4. Any Submissions

The application was notified for at least 21 days and between 7 and 30 June 2023 and a site notice erected on the site in accordance with the *Waverley Community Development Participation and Consultation Plan*.

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

- The extent of excavation proposed was reduced via the reduction of Basement 2.
- Increased visual privacy treatment to windows.

A total of two unique submissions were received from the following properties.

Table 5: Number of and where submissions were received from.

Count	Property Address
1.	156 Brighton Boulevard
2.	152 Brighton Boulevard

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

- Overshadowing
- Visual privacy
- Geotechnical stability and structural impact of the deep excavation and the rebuilding of the building
- Breach of building height and FSR development standards
- The proposal does not meet the objectives of the zone
- Lack of vegetation in front open space.

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

Issue: Request Geotechnical Report be peer reviewed.

Response: The Geotechnical report was peer reviewed by JK Geotechnics. The originally submitted Geotechnical report by Crozier Geotechnical Consultants was amended to meet the recommendations in the peer reviewed geotechnical report.

Issue: The development does not comply with ADG setbacks.

Response: The RFB is not classed as a SEPP 65 applicable building as it only contains three dwellings. Therefore, an assessment against the ADG is not required.

Issue: Request for a window schedule to be submitted.

Response: The amended plans include a window schedule.

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. Tree Management

Council's Tree Officer reviewed the application and raised no objection.

3.2. Stormwater

Council’s Stormwater Engineer reviewed the application and recommended conditions of consent.

3.3. Traffic Management

Council’s Traffic Engineer reviewed the application and recommended conditions of consent.

The Council Traffic Engineer advised, the design envelope from Figure 5.2 of AS2890.1 has been overlaid on the proposed plans (see **Figure 15**). Two of the car spaces do not have sufficient room for people to access the car on the passenger side. Therefore, a condition is recommended modified plans are required demonstrating compliance with the design envelope. An additional 150mm is required for the spaces adjacent to the northern wall of the building. This increased width will still result in compliant side setback to the basement levels.

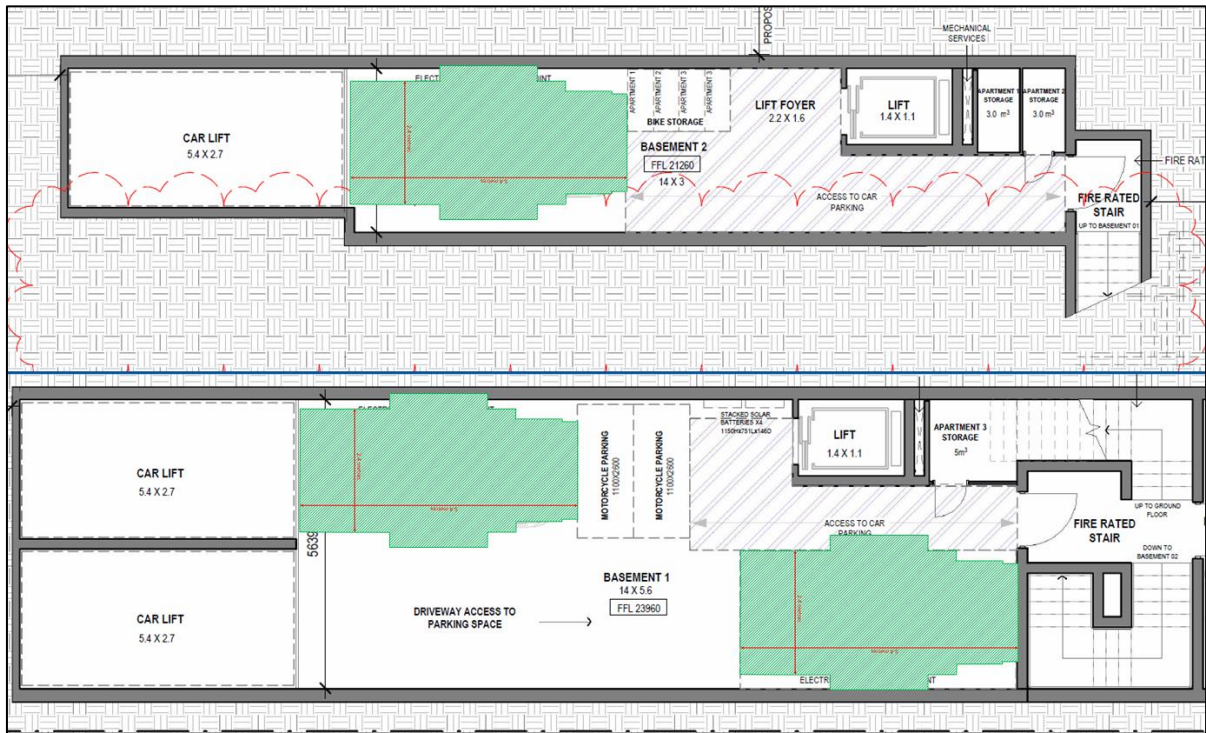


Figure 15. Figure 5.2 of AS2890.1 overlaid on the proposed plans, demonstrating a slightly larger basement width.

3.4. Sustainable Development

Council’s Sustainable Development Officer recommended that the approved plans be fixed with the correct NatHERS stamps (including QR code and AAO stamp). This is recommended to be imposed as a condition of consent.

3.5. Waste Management

Council's Waste Officer advised the architectural plans should include seven garbage bin spaces in addition to recommended conditions of consent.

This was requested in the deferral letter dated **24 July 2023** and the amended plans received by Council on the **7 August 2023** included seven garbage bins.

3.6. Biodiversity

As the property is adjacent to a bushland remnant, a minimum of 90% of the proposed trees, 90% of the proposed shrubs and 90% of the proposed grasses and groundcovers (not including turfed areas) are to be native plants that are listed in Annexure B3-1 of the Waverley DCP 2022.

Council's Biodiversity Officer has reviewed the submitted landscape plans and advise that they comply with this threshold.

However, as conditions are recommended restricting the height of certain species to maintain views, a condition is recommended that 90% of the species are to be native and the amended landscape plan to be reviewed and satisfied by Council's Biodiversity Officer.

3.7. Strategic

Council's Strategic Planning Department advised the following:

Loss of Low Rental Dwellings

As the existing residential flat building is strata subdivided the site is not technically considered to contain any low rental dwellings and therefore no consideration under Chapter 2 Part 3 of the Housing SEPP is required.

Dwelling Density

A reduction of units on site is proposed, from 6 to 3 which directly contravenes the following R3 objective: To increase or preserve residential dwelling density.

The SEE originally submitted with the DA states that "it is noted that the previous DA (DA-335/2022) proposed a total number of four apartments on the subject site. While that DA was refused, Council did not raise issues with regard to preserving dwelling density. Furthermore, as stated in the Council Officer's Report for DA-335/2022, Council's Strategic Planner did not object to the proposal."

The statement made disregards the fact that the subject objective was only published as amendment 24 in the WLEP 2012 on 30 September 2022, whereas the comments from Strategic Planning were completed on 29 August 2022. The objective was not included in the version of the Planning Proposal associated with amendment 24 that was publicly exhibited, so was not a

valid matter for consideration at the time of completing the referral. It was adopted as a post-exhibition change, and applies to DA-133/2023.

It is therefore recommended that the proposal under DA-133/2023 be refused, or revised to show at least 6 self-contained units in the new proposal. If the application is not revised to show at least 6 units, a Social Impact Statement report should be supplied, as per Part B17 of the WDCP and in accordance with the Waverley Social Impact Assessment Guidelines 2022, which states that an SIS report is needed where a reduction of dwellings is proposed.

As discussed in the Clause 4.6 above, the proposal is generally consistent with the objectives of the R3 zone as it continues to contribute to the variety of housing types within a medium density environment. Although the proposal will reduce the number of apartments (or ‘dwellings’) on site, the residential gross floor area is not reduced and as such there is no loss of residential density on the site. The basement car park accommodates vehicular and bicycle parking which are consistent with the maximum requirements of the DCP thereby encouraging public transport patronage, walking and cycling.

Voluntary Planning Agreement

This referral relates to the applicants’ offer to enter into a Voluntary Planning Agreement in line with the floor space exceedance. At the time of writing this referral, the proposal has indicated the following:

Table 67: Planning Agreement Calculation Table

	Permitted under WLEP 2012	Existing building constructed on site at time of referral	Proposed
Site Area	477.4sqm	-	-
FSR	0.6:1	1:1	1.1:1
Gross Floor Area	286.44sqm	476.44sqm	523.6sqm (47.16sqm more than the existing building constructed on site, which is already over the maximum permissible FSR for the site).
Benchmark rate	-	-	\$4,400/sqm
Monetary VPA contribution	-	-	47.16sqm x \$4,400 = \$207,504

The applicant has offered to enter into a planning agreement that is supported by Council’s Strategic Planning Department subject to a condition included in the recommendation for a monetary contribution of \$207,504, which will go towards the public benefit.

Formal public exhibition of the Planning Agreement will occur once finalised, post consent.

3.8. GIS

Council’s GIS officer recommended conditions of consent.

3.9. Public Domain

Council’s Public Domain Officer recommended conditions of consent.

3.10. Apartment Design Guide / SEPP 65

The previously refused RFB under DA-223/2021 was classed as a SEPP 65 building as it was three or more stories and contained four or more dwellings.

The amended application is not classed as a SEPP 65 applicable building as it has fewer than four dwellings.

The previously refused application (DA-335/2022) was referred to the Waverley Design Advisory Excellence Panel (DEAP) on 7 September 2022.

The subject DA was not referred to the DEAP as the comments they provided under DA-335/2022 are applicable and can be carried through to this application.

The DEAP’s comment of the previously refused 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 8** of this report.

Table 8: Assessment against the Nine Design Quality Principles under SEPP 65

Principle
Principle 1: Context and Neighbourhood
<p><i>The proposal does achieve this principle in the following ways:</i></p> <ul style="list-style-type: none"> • <i>The proposal maintains the existing envelope to avoid any additional impacts with the exception of the additions to balconies. These additions need to be tested against any increase in impacts and be clearly demonstrated.</i> • <i>The context is transitioning into high quality residential projects. The refurbishment of this site is consistent with this and highly supported.</i> <p><i>The proposal does not achieve this principle in the following ways:</i></p>

Principle

- *The materiality must be a high quality to support the transition of this area into excellently designed residential projects. Render and paint is not supported. Materials and detailing must be natural, long wearing and durable. Detailing must also be highly considered and consistent with design excellence. A couple of examples of options to consider include Zinc cladding and Sandstone cladding.*

Council Planner's Comment: *The Council deferral letter requested that the applicant addresses this principle. They provided the following justification:*

Development in the surrounding area is primarily characterised by residential flat buildings, with some dwelling houses and dual occupancies interspersed. The architecture varies between 20th century and contemporary styles. Residential flat buildings along the eastern side of Brighton Boulevard are typically three to four storeys with garaging at the ground floor level and balconies at the front and rear. A number of buildings have had contemporary upgrades and there is minimal landscaping within the streetscape, as most properties have hard paved driveways within the front setback.

The development proposal addresses the existing surrounding context and desired future outcomes described in the Neighbourhood character statements. Each façade is architecturally considered and articulated by various sized organic glazed ocean facing openings, bronze aluminium detailing, common walkways and pergolas. The architectural details give the building and the neighbourhood character, whilst breaking down the perceived built form into smaller components, echoing elements seen in nearby buildings. The Waverley DCP 2022, Section E4.3, control (f) notes that "a render and painted finish is an appropriate in this area" and the proposal integrates rendered surfaces into a precise tapestry of materials that echo the natural surroundings. Natural sandstone adorns the landscape walls along the street frontage, textured render and a durable timber look garage door sit comfortably against a natural cobble stone driveway. The material pallet is both natural and durable, a necessity on the exposed headland at Ben Buckler.

The proposal is designed to allow maximum connection to its surroundings and outlook without compromising privacy. Whilst the fluid sculptural façade speaks to the iconic art deco feel of nearby buildings in the Bondi area, the design modernises the traditional architectural typologies. The reimagined Parisian dormer window engages with organic roof profiles to offer a more engaging experience of the surrounds, with a celebration of scale and light. The materiality, textures and shapes, create a unique sensory experience enhancing the identity of the area and fine grain nature of the streetscape. The open lightweight landscaped wall is an attractive design feature which not only provides screening from the neighbour but also allows ample daylight, ventilation and articulation to the façade. The design sits comfortably within its beachside surroundings whilst attaining a quiet and unique identity.

Principle

The proposed justification is well formed and is acceptable in addressing the comments from DEAP.

Principle 2: Built form and Scale

The proposal does achieve this principle in the following ways:

- *The proposal largely maintains the existing envelope.*

Council Planner's Comment: The building envelope has been appropriately designed to be of the same building envelope of the existing RFB.

Principle 3: Density

The proposal does achieve this principle in the following ways:

- *The proposal largely maintains the existing envelope which supports the proposed Gross Floor Area (GFA).*

Council Planner's Comment: The density of the proposed development is supported, as it maintains the current envelope of the existing RFB. The reduction of units from 6 to 3 have been discussed above.

Principle 4: Sustainability

The proposal does not achieve this principle in the following ways:

- *There are currently no clear sustainable measures shown on the drawings. The panel would suggest at a minimum that the following measures be integrated. Passive ventilation / ceiling fans, solar panels, providing Electric Vehicle charging points, sustainable material choices, endemic landscape selection, amongst others. A clear strategy for sustainability should be provided with the application.*
- *No solar shading to windows is demonstrated to minimize heat loads and energy usage.*

Council Planner's Comment: *The Council deferral letter requested that the applicant addresses this principle. The applicant provided the following justification:*

The proposed development has been designed to maximise passive heating and cooling opportunities afforded to the site by its proximity to the South Pacific Ocean. The deliberately placed operable glazed windows, provide ample cross ventilation to all apartments, capturing cooling coastal breezes and passively cooling each apartment. The naturally ventilated central circulation space will reduce heating and cooling loads to unoccupied areas of the building and provide a stack ventilation effect allowing cool air to replace warm stale air. High performance glass, solar blinds and eave overhangs will minimise UV penetration during summer and retain warmth in the winter months. The proposal will integrate sustainable appliances, where possible, with electric cooktops instead of gas, internal ceiling fans and an extensive array of solar panels on the roof.

A series of planter boxes have been designed into the façade and balconies of the building, softening the façade and providing a green outlook to residents and neighbours alike with improved outcomes for acoustics and privacy.

Principle

The proposal meets the requirements of the BASIX certificate submitted with the development application and the accompanying stamped plans and NatHERs certificates endorse the sustainability of the proposed building design in terms of water usage, thermal comfort and energy consumption for each unit. The selective range of materials specified for the project will strive to minimise the environmental footprint of the proposal, by sourcing locally and reusing/recycling material where possible during construction. Ample bike parking is provided to limit the reliance on vehicles and provision has been made for electric vehicle charging for each unit. The close proximity of the site to public transport, services and facilities makes living locally more feasible and attractive.

The proposed justification is well formed and is acceptable in addressing the comments from DEAP.

Principle 5: Landscape

The proposal does not achieve this principle in the following ways:

- *Exotic species (noted on drawings) are not supported.*
- *The shared driveway does not really contribute to soft landscape area. These areas should be re-measured.*
- *Deep soil landscape areas usually have minimum dimensions. Please confirm that the areas shown comply and re-measure if not.*

Council Planner's Comment: The submitted landscape plan demonstrates a significant amount of landscaping and planting, improving the current site which lacks sufficient landscaping.

In addition, as the site is adjacent to remnant bushland the submitted landscape plans have been reviewed by Council's Biodiversity Officer. The Biodiversity Officer supports the submitted landscape plans as 90% of the proposed trees, 90% of the proposed shrubs and 90% of the proposed grasses and groundcovers (not including turfed areas) are to be native plants that are listed in Annexure B3-1 of the Waverley DCP 2022.

However as has been detailed above, certain species of plants are recommended to be amended to have a mature height of less than 1m.

Principle 6: Amenity

The proposal does not achieve this principle in the following ways:

- *No communal amenity is shown or communal spaces look into Unit 1.*
- *Apartments do not seem to address ADG requirements generally.*
- *Apartment layouts are generally poorly considered.*
- *Unit 1 bedroom is against driveway.*
- *Apartment 4 entry looks inadequate for apartment scale.*
- *Floor to floor heights are not supportive of a compliant ADG outcome or a high quality residential outcome.*
- *Stacked car spaces in front of a car lift will not work.*

Principle

Council Planner's Comment: Appropriate amenity is provided to all apartments in the form of communal open and indoor space.

Principle 7: Safety

The proposal does not achieve this principle in the following ways:

- *Communal area and unit 1 appear to conflict.*
- *Entry is poorly defined.*
- *Unit 1 bedroom is against driveway.*
- *Lift access into Unit 4 is not meditated for security or privacy.*
- *The architect should confirm if the fireplaces shown are possible.*

Council Planner's Comment: No comment.

Principle 8: Housing Diversity and Social Interaction

The proposal does achieve this principle in the following ways:

- *A mix of units type in the 4x units proposed is provided.*

Council Planner's Comment: No comment.

Principle 9: Aesthetics

The proposal does not achieve this principle in the following ways:

- *The materials that have been proposed do not ensure that the proposal will achieve a design excellence outcome.*
- *The proposal is limited by compliance with the existing envelope however this opportunity for refurbishment should be focused on improving the architecture further.*
- *There is no usage of required shading control to create solar protection, articulation, or visual interest.*
- *Render and paint for the vast majority of the facade is not supported.*
- *The existing roof tile will unlikely be retained and the proposal should consider improvement.*
- *A more detailed material design should be communicated to ensure high quality architectural outcome. This should include blown up details or key elements of the facades or communal spaces.*

Council Planner's Comment: The Council deferral letter requested that the applicant addresses this principle. The applicant provided the following justification:

The proposed development has been skilfully designed to maintain and upgrade amenity of the subject site. The new residential flat building demonstrates a sophisticated design that will noticeably improve the appearance of the property. The development features a modulated form, which incorporates varied setbacks, planters, balconies and a variety of external materials and finishes. In addition, a substantial improvement in landscaping is proposed across the site, which will introduce a garden setting to the site and will reinforce the development's contribution to the character of the locality.

The opportunity to rebuild within the existing building's envelope, offers a fresh approach to material selection, architectural detailing, and the overall character of the proposal. The material selection offers a significant improvement on the existing

Principle

rendered façade and aims to present a residential quality with appreciation for the fine grain scale and eclectic character of the street scape.

The proposed building will have significantly improved levels of functionality, efficiency and accessibility, when compared to the existing development. The proposed basement levels will provide resident parking, to comply with Council parking rates and AS 2890.1. The relocation of parking below ground will reduce the expanse of hard stand concrete areas and garaging that currently dominates the external areas of the site. Importantly, by locating the new development within the same envelope as the existing building, the proposal ensures the amenity of neighbouring properties, and the streetscape is maintained.

The proposed justification is well formed and is acceptable in addressing the comments from DEAP.

4. CONCLUSION

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

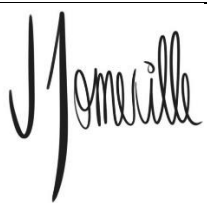
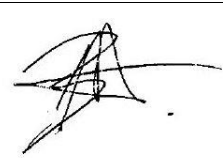

Development Assessment Leadership Team (DALT) Review

The application was reviewed by the DALT at the meeting on 13 June 2023 and the DALT concurred with the Assessment Planner's recommendation.

DALT: A Rossi, B McNamara, B Magistrale and E Finnegan

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	Ben Magistrale	Angela Rossi
Senior Development Assessment Planner	Manager, Development Assessment	A/Executive Manager, Development Assessment
Date: 5 October 2023	Date: 9 October 2023	Date: 16 October 2023

Reason for WLPP referral:

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

OFFICE USE ONLY

<p>Clause 4.6 register entry required</p>	<p>33.7% variation to height (Clause 4.3)</p> <table border="1"> <tr> <td>X</td> <td>Pre-existing non-compliance</td> </tr> <tr> <td>X</td> <td>No change to overall building height</td> </tr> <tr> <td>X</td> <td>No change to overall building envelope</td> </tr> <tr> <td></td> <td>Variation limited to the [lift/plant/parapet/attic] only</td> </tr> <tr> <td>X</td> <td>No unreasonable impacts on the amenity of adjoining properties or streetscape</td> </tr> <tr> <td>X</td> <td>Sufficient environmental planning grounds</td> </tr> <tr> <td>X</td> <td>Consistent with the objectives of the standard</td> </tr> </table>	X	Pre-existing non-compliance	X	No change to overall building height	X	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
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<p>Clause 4.6 register entry required</p>	<p>82.8% variation to FSR (Clause 4.4)</p> <table border="1"> <tr> <td>X</td> <td>Pre-existing non-compliance</td> </tr> <tr> <td>X</td> <td>No change to overall building height</td> </tr> <tr> <td>X</td> <td>No change to overall building envelope</td> </tr> <tr> <td></td> <td>Variation limited to the [lift/plant/parapet/attic] only</td> </tr> <tr> <td>X</td> <td>No unreasonable impacts on the amenity of adjoining properties or streetscape</td> </tr> <tr> <td>X</td> <td>Sufficient environmental planning grounds</td> </tr> <tr> <td>X</td> <td>Consistent with the objectives of the standard</td> </tr> </table>	X	Pre-existing non-compliance	X	No change to overall building height	X	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
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<p>Determining Authority (Concurrence Authority for Clause 4.6 variation)</p>	<p>Local Planning Panel</p>														
<p>Affordable Rental Housing Units? *This is a planning portal reporting requirement</p>	<p>No</p>														
<p>Secondary Dwelling *This is a planning portal reporting requirement</p>	<p>No</p>														
<p>Boarding House *This is a planning portal reporting requirement</p>	<p>No</p>														
<p>Group Home *This is a planning portal reporting requirement</p>	<p>No</p>														
<p>Trial Period database entry required</p>	<p>No</p>														
<p>VPA submitted – follow up actions required</p>	<p>No</p>														
<p>Refer to compliance for investigation</p>	<p>No</p>														
<p>Commercial/liquor operational conditions</p>	<p>No</p>														

Other (please specify):	No
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APPENDIX A – CONDITIONS OF CONSENT

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

- GENERAL CONDITIONS

Condition																																																																					
1.	<p>APPROVED PLANS AND DOCUMENTATION</p> <p>The development must be in accordance with:</p> <p>(a) Architectural Plans prepared by STAFFORD of Project No: 205 including the following:</p> <table border="1"> <thead> <tr> <th>Plan Number and Revision</th> <th>Plan description</th> <th>Plan Date</th> <th>Date received by Council</th> </tr> </thead> <tbody> <tr> <td>DA101 / Rev -</td> <td>Site Plan / Roof Plan</td> <td>11/05/2023</td> <td>07/08/2023</td> </tr> <tr> <td>DA110 / Rev -</td> <td>Demolition</td> <td>11/05/2023</td> <td>07/08/2023</td> </tr> <tr> <td>DA120 / Rev -</td> <td>Material Board</td> <td>11/05/2023</td> <td>07/08/2023</td> </tr> <tr> <td>DA200 / Rev A</td> <td>Basement 2 – Floor Plan</td> <td>02/08/2023</td> <td>07/08/2023</td> </tr> <tr> <td>DA201 / Rev A</td> <td>Basement 1 – Floor Plan</td> <td>02/08/2023</td> <td>07/08/2023</td> </tr> <tr> <td>DA202 / Rev A</td> <td>Ground Floor – Floor Plan</td> <td>02/08/2023</td> <td>07/08/2023</td> </tr> <tr> <td>DA203 / Rev A</td> <td>Level 1 – Floor Plan</td> <td>02/08/2023</td> <td>07/08/2023</td> </tr> <tr> <td>DA204 / Rev A</td> <td>Level 2 – Floor Plan</td> <td>02/08/2023</td> <td>07/08/2023</td> </tr> <tr> <td>DA205 / Rev A</td> <td>Level 3 – Floor Plan</td> <td>02/08/2023</td> <td>07/08/2023</td> </tr> <tr> <td>DA301 / Rev A</td> <td>North Elevation</td> <td>02/08/2023</td> <td>07/08/2023</td> </tr> <tr> <td>DA302 / Rev A</td> <td>South Elevation</td> <td>02/08/2023</td> <td>07/08/2023</td> </tr> <tr> <td>DA303 / Rev A</td> <td>West Elevation</td> <td>02/08/2023</td> <td>07/08/2023</td> </tr> <tr> <td>DA304 / Rev A</td> <td>East Elevation</td> <td>02/08/2023</td> <td>07/08/2023</td> </tr> <tr> <td>DA321 / Rev A</td> <td>Section - AA</td> <td>02/08/2023</td> <td>07/08/2023</td> </tr> <tr> <td>DA322 / Rev A</td> <td>Section - BB</td> <td>02/08/2023</td> <td>07/08/2023</td> </tr> <tr> <td>A818 / Rev A</td> <td>Long Pool Section</td> <td>02/08/2023</td> <td>07/08/2023</td> </tr> </tbody> </table> <p>(b) BASIX and NatHERs Certificate/s.</p> <p>(c) Geotechnical Report (Rev 3, Project No. 2022-137.2) prepared by CROZIER Geotechnical Consultants on 26/09/2023 and received by Council on 28/09/2023.</p> <p>(d) Peer reviewed Geotechnical Report (Rev -, Project No. 32671Nlet) prepared by JK Geotechnics on 21/09/2023 and received by Council on 21/09/2023.</p> <p>(e) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council 30/05/2023.</p> <p>Except where amended by the following conditions of consent.</p> <p>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>	Plan Number and Revision	Plan description	Plan Date	Date received by Council	DA101 / Rev -	Site Plan / Roof Plan	11/05/2023	07/08/2023	DA110 / Rev -	Demolition	11/05/2023	07/08/2023	DA120 / Rev -	Material Board	11/05/2023	07/08/2023	DA200 / Rev A	Basement 2 – Floor Plan	02/08/2023	07/08/2023	DA201 / Rev A	Basement 1 – Floor Plan	02/08/2023	07/08/2023	DA202 / Rev A	Ground Floor – Floor Plan	02/08/2023	07/08/2023	DA203 / Rev A	Level 1 – Floor Plan	02/08/2023	07/08/2023	DA204 / Rev A	Level 2 – Floor Plan	02/08/2023	07/08/2023	DA205 / Rev A	Level 3 – Floor Plan	02/08/2023	07/08/2023	DA301 / Rev A	North Elevation	02/08/2023	07/08/2023	DA302 / Rev A	South Elevation	02/08/2023	07/08/2023	DA303 / Rev A	West Elevation	02/08/2023	07/08/2023	DA304 / Rev A	East Elevation	02/08/2023	07/08/2023	DA321 / Rev A	Section - AA	02/08/2023	07/08/2023	DA322 / Rev A	Section - BB	02/08/2023	07/08/2023	A818 / Rev A	Long Pool Section	02/08/2023	07/08/2023
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2.	GENERAL MODIFICATIONS
	The application is approved subject to the following plan amendments;
	(a) Full details of windows on the ground floor southern elevation are to be shown on all relevant plans, including elevations and sections.
	Condition reason: To ensure the drafting error is rectified.
	(b) An outdoor clothes drying area is to be provided within the communal open space.
	Condition reason: To promote sustainable living.
	(c) The northern wall of the basement garage on Basement Levels 1 and 2 is to be shifted 150mm towards the northern boundary to ensure parking complies with Figure 5.2 of AS2890.1.
	Condition reason: To ensure an acceptable width for occupants entering/exiting their vehicles.
	(d) At Basement 1 level, the car space for Apartment 3 shall be shifted closer to the car lift (to be adjacent to Apartment 2 parking). The plant room shall be relocated to the former Apartment 3 parking, so it is forward of the stairs. No excavation is approved beyond the stairwell at Basement level 1.
Condition reason: To ensure functional carspace and reduction in excavation occurs.	
The amendments are to be approved by the Executive 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.	AMENDED LANDSCAPE PLAN
	(a) The landscape plan is to be amended to replace the 2 x Coastal Banksia and Grass trees (within communal open space) with planting that does not exceed a mature height of 1m.
	(b) The landscape plans are to be amended to replace the Coastal Correa within the planter boxes to the balconies with a plant species that do not exceed the height of the balcony balustrading. The planter boxes may be reduced in height.
	(c) A minimum of 90% of the proposed plantings (not including turfed areas) to be indigenous or local native plants as listed in Annexure B3 - 1 of the Waverley Development Control Plan 2022.
	(d) Three strata of vegetation are required to be included in landscape design, e.g. (i) tree or tall shrub canopy, (ii) mid-storey and (ii) groundcover layer.

	<p>The amended landscape plan is to be approved by Council’s Executive Manager, Environmental Sustainability (or delegate) prior to the issue of a construction certificate</p>
	<p>Condition reason: To ensure the approved vegetation respects views to neighbouring properties and the native planting for local fauna.</p>
4.	<p>APPROVED PLANS TO BE FIXED WITH NATHERS STAMP</p>
	<p>The approved plans are to be fixed with the NatHERS stamps (including QR code and AAO stamp).</p>
	<p>The amendments are to be approved by the Principal Certifying Authority prior to the issue of any Construction Certificate.</p>
	<p>Condition reason: To ensure the approved plans show compliance with NatHERS.</p>
5.	<p>MULTI UNIT HOUSING DEVELOPMENT DESIGN</p>
	<p>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.</p>
	<p>Condition reason: To ensure the approved deign remains unchanged.</p>

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
6.	<p>NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE</p> <p>The building work, or demolition work, must not be commenced until:</p> <p>(a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the <i>Environmental Planning and Assessment Act 1979</i>;</p> <p>(b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2021</i>; and</p> <p>(c) Council is given at least two days' notice in writing of the intention to commence the building works.</p> <p>Condition reason: To ensure a Construction Certificate is obtained prior to work commencing.</p>
7.	<p>SECTION 7.12 CONTRIBUTION</p> <p>A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the <i>Environmental Planning and Assessment Act 1979</i> and the Waverley Council Development Contributions Plan in accordance with the following:</p> <p>(a) Where the total development cost is \$500,000 or less:</p> <p style="padding-left: 20px;">(i) A Cost Summary Report or Building Contract or similar is to be submitted to Council's Customer Service Centre to process payment.</p> <p>(b) Where the total development cost is more than \$500,000 but less than \$1,000,000:</p> <p style="padding-left: 20px;">(i) A Detailed Cost Report prepared by a registered Quantity Surveyor, Building Contract, or similar is to be submitted to Council's Customer Service Centre to process payment.</p> <p>(c) Where the total development cost is \$1,000,000 or more:</p> <p style="padding-left: 20px;">(i) 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 attention to Strategic Planning, and reference the relevant application number, address and condition number to satisfy.</p> <p style="padding-left: 20px;">(ii) 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.</p> <p style="padding-left: 20px;">(iii) 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.</p>

	<p>A copy of the required format for the cost reports are provided in the Waverley Council Contributions Plan, available on Council's website.</p> <p>(d) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, the levy must be paid in accordance with the following;</p> <ul style="list-style-type: none"> (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. <p>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.</p>
	<p>Condition reason: To ensure the Section 7.12 Contributions are paid.</p>
8.	<p>SECURITY DEPOSIT</p> <p>A deposit (cash or cheque) for the amount of \$89,631.26 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.</p> <p>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.</p>
	<p>Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.</p>
9.	<p>LONG SERVICE LEVY</p> <p>A long service levy, as required under section 34 of the <i>Building and Construction Industry Long Service Payments Act, 1986</i>, 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.</p> <p><u>Note:</u> Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.25% of building work costing \$250,000 or more.</p>
	<p>Condition reason: To ensure the long service levy is paid.</p>
10.	<p>ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES</p> <p>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.</p>

	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.
	Condition reason: To ensure Council assessment fees are paid.
11.	<p>PLANNING AGREEMENT</p> <p>(a) The owner/applicant is to:</p> <ul style="list-style-type: none"> (i) Enter into an Agreement in accordance with Waverley’s Planning Agreement Policy 2014 prior to the issue of any Construction Certificate for the development that relates to works contained in DA-133/2023; and (ii) Pay a monetary contribution amount of \$207,504 prior to the issue of any Occupation Certificate for the Development (calculated in accordance with Waverley's Planning Agreement Policy 2014 at 47.16 sqm of GFA exceedance at a rate of \$4,400/sqm). (iii) A Planning Agreement will be entered into under Section 7.4 of the Environment Planning and Assessment Act 1979 between the applicant/owner of the land subject of the Development and Council. <p>(b) In accordance with the said offer, the Planning Agreement shall make provision in respect to the following:</p> <ul style="list-style-type: none"> (i) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate for the Development. (ii) The owner/applicant shall provide Council with a Bank Guarantee to secure the payment of the Monetary Contribution prior to the issue of any Construction Certificate for the Development which is: <ul style="list-style-type: none"> a. In a form acceptable to Council and from an institution acceptable to Council. b. Irrevocable. c. Unconditional. d. With no end date. <p>(c) The payment of the Monetary Contribution to Council is to be made prior to the issue of any Occupation Certificate for the Development and is to be applied towards a public purpose in accordance with the Agreement and Council's Planning Agreement Policy 2014.</p> <p>Condition reason: To provide a public benefit to the general public.</p>
12.	<p>ARCHITECTURAL DETAILING</p> <p>Further details of the architectural detailing of the building are required to be submitted for review and the satisfaction of Council’s Executive Manager, Development Assessment (or delegate) which address the following matters:</p> <ul style="list-style-type: none"> (a) A schedule of external materials and finishes and design details of all elements of the building façade, including materials for structure on balconies; (b) 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;

	<p>(c) Detailed drawings of the entry foyers, awnings and window operation.</p> <p>This may also require a referral to the Waverley Design Excellence Advisory Panel with a referral fee to be paid at the time of lodgement. Please contact the assessment planner to clarify whether this applies in this case, prior to lodging documentation to satisfy this condition.</p>
	<p>Condition reason: To maintain the architectural integrity of the approved development.</p>
13.	<p>BASEMENT STORAGE</p> <p>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.</p>
	<p>Condition reason: To ensure adequate basement storage is provided.</p>
14.	<p>UNIVERSAL HOUSING</p> <p>Apartments in the development are to be provided with universal design features (as outlined in the <i>Liveable Housing Design Guidelines</i>) to meet the changing need of occupant's over their lifetimes in accordance with Part B6 of the <i>Waverley Development Control Plan 2022</i>.</p>
	<p>Condition reason: To ensure universal design features are provided.</p>
15.	<p>HOARDING</p> <p>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.</p>
	<p>Condition reason: To ensure safety to the general public.</p>
16.	<p>EROSION & SEDIMENT CONTROL</p> <p>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.</p> <p>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.</p> <p>The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.</p>

	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
17.	DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION
	A report shall be prepared by a suitably qualified and practising Structural Engineer/Geotechnical Engineer detailing the proposed methods of bulk excavation, shoring or pile construction, including details of vibration emissions and any possible damage which may occur to adjoining or nearby properties as a result of the proposed building and excavation works. Any practices or procedures specified in the Structural Engineer's report in relation to the avoidance or minimisation of structural damage to adjoining properties are to be fully complied with and incorporated into the plans and specifications together with the Construction Certificate.
	Condition reason: To ensure any excavation, shoring or pile construction is carried out in a safe manner.
18.	ENGINEERING DETAILS
	Structural details are to be prepared and certified by a practicing Structural Engineer in connection with all structural components of the approved works, prior to the issue of the relevant Construction Certificate. Condition reason: To ensure structural stability of work on site.
19.	TELECOMMUNICATIONS IN NEW RESIDENTIAL FLAT BUILDINGS
	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. Condition reason: To ensure appropriate telecommunication services are provided.
20.	SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE APPLICATION
	An application to obtain a Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i> 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

	<p>Coordinator, as building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.</p> <p>A Section 73 Compliance Certificate must be issued from Sydney Water prior to the issue of an occupation certificate.</p> <p>Condition reason: To ensure the development appropriately connects to water and wastewater infrastructure provided by Sydney Water.</p>
21.	<p>CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)</p> <p>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:</p> <p>https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent</p> <p>Condition reason: To minimise disruption to local traffic.</p>
22.	<p>STORMWATER MANAGEMENT</p> <p>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.</p> <p>The submitted stormwater management plan prepared by JHA, Job No. 220251, Drawing No. C-DA2-000, C-DA2-101, C-DA2-200, C-DA2-300, C-DA2-301, CDA2-500, Revision P2, Drawing No. C-DA2-100, Revision P3, Drawing No. C-DA2-201, C-DA2-600, Revision P1, dated 14/08/2023, are considered concept only.</p> <p>The applicant must submit updated stormwater management 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 must be prepared by a suitably qualified and practising Civil Engineer and comply with the following conditions:</p> <p>(a) Provide calculations of gutter sizing for 5% AEP storm event and minimum number of downpipes required.</p> <p>(b) Ensure stormwater assets shown in architecture drawings are consistent with the stormwater drawings.</p> <p>(c) The rainwater tank must be designed to collect roof water only. The rainwater tank must be redesigned so water from the water quality chamber and pump-out chamber cannot enter the rainwater tank.</p> <p>(d) 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 must be a cast in-situ concrete based.</p>

	<p>(e) OSD system has insufficient storage.</p> <p>(f) OSD ponding and overflow levels must not be less than 300 mm below any adjacent habitable floor levels of buildings and not less than 150 mm below non-habitable floor levels.</p> <p>(g) 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 must be a cast in-situ concrete based.</p> <p>(h) In the event of pump failure one of the following is to be provided:</p> <ul style="list-style-type: none"> (i) an overland flow path is provided; or (ii) pondage in a suitably visible area is provided. These areas are to 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. <p>(i) Any underground basement is to be protected from possible inundation by surface waters from the street.</p> <p>(j) Any affected Council’s infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs will be borne by the applicant.</p> <p>Condition reason: To ensure the proper management of stormwater runoff.</p>
<p>23.</p>	<p>GEOTECHNICAL RISK MANAGEMENT</p> <p>The following geotechnical risk management measures must be followed:</p> <p>(a) The Applicant must comply with the Waverley Council Development Control Plan, Coastal Risk Management Policy, and Waverley Risks and Hazards Vulnerability Study Part 1 and Part 2, Reference No.301015-02526-CS-REP-0001, dated December 2011. Each of these documents are available on Waverley Council’s website.</p> <p>(b) Any recommendations in the amended geotechnical investigation report prepared by Crozier Geotechnical Consultants, Project No. 2022-137.2, Issue No 3 dated 26 September 2023 must be addressed and complied with.</p> <p>(c) Prior to issuance of a Construction Certificate, a Construction Methodology Report (CMR) must be prepared and submitted to the Principle Certifying Authority for review and approval and the approved CMR must be submitted to Council’s Infrastructure Services – Assets Department for records.</p> <ul style="list-style-type: none"> (i) The CMR must be prepared by a qualified and appropriately experienced Geotechnical Engineer/Engineering Geologist and Structural Engineer (CP Eng or equivalent and with at least 10 years relevant experience).

	<ul style="list-style-type: none"> (ii) The CMR must include a review of the full detailed design including the temporary and permanent excavation, and shoring support systems and the findings of the review. (iii) The CMR must include a review of the geotechnical report and advise on the need of any further assessment work such as additional geotechnical investigation, further assessment of the cliff line such as via aerial drone surveys, abseil rope inspections etc) and any specific monitoring requirements for the cliff line to be implemented during construction. (iv) The CMR must include the methodology to be adopted in undertaking excavation, measures to reduce vibrations, shoring works and measures to maintain the stability of the neighbouring structures and the foreshore cliff line. (v) The CMR must include an appropriate monitoring plan to confirm that ground surface movement on the site boundaries and beyond, and deflections of shoring systems fall within acceptable limits and identify hold points and contingency plans for any exceedances. (vi) The CMR must include proposed excavation techniques to be undertaken to reduce vibrations and prepare a Vibration Monitoring Plan which identifies hold points and contingency plans for any exceedances. The vibration monitoring must ensure that the peak vibration velocity (Vi, max) or Maximum Peak Particle Velocity falls within 'safe' limits as defined in the German Standard DIN 4150-3, dated 2016: Structural vibration – Part 3: Effects of vibration on structures. (vii) The CMR must include a statement confirming that the proposed development is suitable for the site and will maintain the stability of the neighbouring buildings and structures and the foreshore cliff line.
	<p>Condition reason: To ensure geotechnical risks are reduced.</p>
<p>24.</p>	<p>BASIX</p> <p>All requirements of the BASIX Certificate and/or NatHERS documentation are to be shown on the Construction Certificate plans and documentation.</p> <p>Condition reason: To ensure BASIX and/or NatHERS requirements are met.</p>
<p>25.</p>	<p>SITE WASTE AND RECYCLING MANAGEMENT PLAN</p> <p>A <i>Site Waste and Recycling Management Plan (SWRMP) - Part 2</i> 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 <i>SWRMP Part 2</i> 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.</p> <p>Condition reason: To ensure resource recovery is promoted and the local amenity</p>

	is protected during construction.
26.	<p>WASTE STORAGE AREAS</p> <p>The development must have a bin storage area with sufficient space to accommodate the following minimum number of bins for the residential components of the development;</p> <p>Residential 2 x 1 bedroom, 2 x 2 bedroom</p> <ul style="list-style-type: none"> ○ 2 x 240L Mobile Garbage Bins (MGBs) for general waste (collected weekly) ○ 2 x 240L MGBs for paper and cardboard recycling (collected fortnightly) ○ 2 x 240L MGBs for container recycling (collected fortnightly) ○ 1 x 240L MGB for garden organic waste should this be generated at the development. <ul style="list-style-type: none"> ● A minimum of 3m² is required for the on-site storage of bulky waste awaiting collection. ● All waste and recycling storage areas must be built to meet all appropriate design requirements set in Part B1 of the <i>Waverley Council Development Control Plan 2012</i> to the satisfaction of the Principal Certifying Authority.
	Condition reason: To ensure the appropriate space for storage of waste on site.
27.	<p>DILAPIDATION REPORTS</p> <p>(a) 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.</p> <p>The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site.</p> <p>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.</p> <p>(b) A comprehensive pre-demolition dilapidation survey for the purpose of assessing vibration effects and/or ground movements is required. The report is to cover at a minimum the following neighbouring properties of 152 Brighton Boulevard and 156 Brighton Boulevard. The report is to be submitted to the Principal Certifying Authority and Waverley Council's Infrastructure Services – Assets department.</p>
	Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.
28.	DILAPIDATION REPORT FOR THE PUBLIC DOMAIN

	<p>To ensure Council’s infrastructure is adequately protected a pre-demolition 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:</p> <ul style="list-style-type: none"> (a) Road pavement (b) Kerb and gutter (c) Footpath (d) Drainage pits and lintels (e) Traffic signs (f) Any other relevant infrastructure. <p>The report is to be dated, submitted to, and accepted by Council’s Public Domain Engineer, prior to any work commencing on the site. All fees and charges associated with the collation of this report shall be at the cost of the Applicant.</p> <p>Upon request by Council, the applicant may be required to submit a post-construction dilapidation report.</p> <p>Notes:</p> <ul style="list-style-type: none"> (a) The checklist as set out on pages 68-76 on Council’s Water Management Technical Manual (Oct 2021) available online must be completed and submitted with any revision of Construction Certificate Plan Submission. (b) 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. (c) 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. (d) Council’s contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission. <p>Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.</p>
<p>29.</p>	<p>PUBLIC DOMAIN IMPROVEMENTS</p> <p>The public domain along the Brighton Boulevard frontage of the development site is to be upgraded in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval. 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.</p>

	<ul style="list-style-type: none"> (a) Pedestrian footpath (b) Vehicular crossing (c) Road pavement (d) Kerb and gutter (e) Stormwater infrastructure located within the Council kerb and/or footpath (f) Street tree planting and landscaping <p>Condition reason: To ensure public infrastructure is upgraded and constructed in the correct manner.</p>
<p>30.</p>	<p>PUBLIC INFRASTRUCTURE WORKS</p> <p>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.</p> <p>Full design engineering drawings must be prepared by a suitably qualified and experienced engineering professional and must be submitted to Council for the approval of the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.</p> <p>The Applicant must submit plans and specifications for the following infrastructure works to Council's Public Infrastructure Engineer:</p> <ul style="list-style-type: none"> (a) Road Pavement: The full renewal and reconstruction of asphalt pavement for half road width in Brighton Boulevard frontage. Details of the road pavement treatments and sub-grade details to be advised by Council. (b) Footpath, Kerb and Gutter: The existing footpath, kerb, and gutter traversing Brighton Boulevard frontage is to be reconstructed and upgraded in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval. Any stormwater kerb lintel infrastructure within the extent of kerb and gutter works shall be replaced. The proposed footpath, kerb, and gutter profiles must include longitudinal and cross sections to ensure proper connections to the existing Council infrastructure traversing the development site. (c) Street Tree: The existing street tree located within the nature strip along Brighton Boulevard frontage must be protected at all times. (d) The existing Council verge for the full frontage of the development must be returned. (e) Any existing or proposed utility pillars on the site frontages are to be either underground or inside the property boundary of the proposed development. Applicant must liaise with the relevant authorities for their approval and communicate to Council with written confirmation, before executing any works. (f) All mains electrical connections to the development must be routed underground. Council will not accept the erection of newly placed electricity columns within the Councils Public Domain to support the new development.

	<p>Notes</p> <p>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.</p> <p>Council's contact for public domain: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4.00pm Monday to Friday).</p> <p>Condition reason: To ensure public infrastructure is upgraded and constructed in the correct manner.</p>
<p>31.</p>	<p>GROUND ANCHORS</p> <p>Where any ground anchors (i.e. rock or sand anchors) are proposed to extend beyond the property boundary beneath roadways and other Council property, details must be submitted to Council and approved by the Executive Manager, Infrastructure Services (or delegate) and will be subject to fees. For further information regarding this, please contact assets@waverley.nsw.gov.au at (02) 9083 8886.</p> <p>Separate approval will be required for ground anchors beneath roadways governed by the Transport for NSW (TfNSW).</p> <p>Condition reason: To ensure ground anchors to not impacts public infrastructure.</p>
<p>32.</p>	<p>DE-WATERING OF UNDERGROUND STRUCTURES</p> <p>It is a normal practice with the construction for underground structures, that de-watering may be required. The application shall be made with WaterNSW to obtain relevant approval and determine if a licence is required under the Water Management Act 2000, for the temporary dewatering. A copy of the aforementioned approval must be submitted to Council.</p> <p>Note: Permanent dewatering is not allowed.</p> <p>If a licence is required, then the Development Application becomes Integrated Development and Council's Development Assessment Planner must be consulted.</p> <p>Condition reason: To ensure WaterNSW is made aware of any de-watering.</p>

BEFORE BUILDING WORK COMMENCES

Condition	
33.	<p>CONSTRUCTION SIGNS</p> <p>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.</p> <p>Condition reason: To ensure the general public are afforded the Principal Certifying Authority and principal contractor's (the coordinator of the building works) contact details.</p>
34.	<p>DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS</p> <p>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:</p> <ul style="list-style-type: none"> • 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; • <i>Protection of the Environment Operations Act 1997.</i> <p>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:</p> <ol style="list-style-type: none"> (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. <p>Condition reason: To ensure the safety of workers and the general public.</p>
35.	<p>TREE PROTECTION</p>

	<p>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.</p>
	<p>Condition reason: To protect and retain trees.</p>
<p>36.</p>	<p>STREET TREES TO BE RETAINED/TREE PROTECTION</p> <p>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:</p> <ul style="list-style-type: none"> (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. <p>Condition reason: To protect trees during the carrying out of site work.</p>

DURING BUILDING WORK

Condition	
37.	<p>CONTROL OF DUST ON CONSTRUCTION SITES</p> <p>The following requirements apply to demolition and construction works on site:</p> <p>(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.</p> <p>(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.</p> <p>Condition reason: To ensure the safety of workers and the general public.</p>
38.	<p>CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS</p> <p>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.</p> <p>Condition reason: To ensure compliance with the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines 2014.</p>
39.	<p>EXCAVATION AND BACKFILLING</p> <p>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.</p> <p>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.</p> <p>Condition reason: To ensure structural stability of work on site and general safety.</p>
40.	<p>CONSTRUCTION HOURS</p> <p>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.</p> <p>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.</p>

	Noise from construction activities shall comply with the <i>Protection of the Environmental Operations (Noise Control) Regulation 2017</i> .
	Condition reason: To protect the amenity of the surrounding area.
41.	STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS
	The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the Building Legislation Amendment (Quality of Construction) Act 2002 and Critical stage inspections for building work of the Environmental Planning and Assessment Regulation 2021.
	Condition reason: To ensure the building works are constructed in accordance with the relevant legislation.
42.	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.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
43.	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.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
44.	WORK OUTSIDE PROPERTY BOUNDARY
	This consent does not authorise any work outside the property boundary.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
45.	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

	<p>(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</p> <p>(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.</p>
	Condition reason: To ensure pools are constructed in a correct manner.
46.	HEADROOM CLEARANCE
	The headroom clearance on the entry and within the car park shall be a minimum of 2.2 metres.
	The headroom clearance within the accessible parking spaces and adjacent shared areas shall be a minimum of 2.5 metres.
	Condition reason: To ensure acceptable height clearance for vehicles.
47.	CAR LIFTS
	Minimum internal dimensions for the car lifts are to be.
	(a) 5.4 metres long
	(b) 2.4 metres wide
	(c) 2.2 metres headroom.
	No parking of vehicles in the carlift shall occur – these are to be used for transporting vehicles between levels only.
	Condition reason: To ensure the car lift can accommodate vehicles.
48.	ELECTRIC VEHICLE CHARGING POINTS
	All resident car spaces must be 'EV Ready' and provided a dedicated circuit with a minimum current of 16A and cable storage for each parking space with power demand management system to enable all circuits to be used simultaneously. Electrical circuit have capacity to deliver a minimum 15 kWh between 11pm-7am.
	All visitor car spaces require an EV charger with a 3-phase - 32A connection as a minimum. Electrical circuit have capacity to deliver a minimum 15 kWh between 9am-5pm.
	Condition reason: To ensure facilities for electric vehicles are provided.
49.	DAILY LOG REQUIREMENTS DURING BULK EXCAVATION
	During the bulk excavation stages, a qualified supervising engineer will be required to be present on site for the duration of these works and to implement the requirements of the Construction Methodology Report (CMR). A daily log is to be kept on site and submitted to the Principal Certifying Authority
	Condition reason: To ensure excavation is carried out in a safe and correct manner.
50.	NOTICE OF INTENTION TO COMMENCE PUBLIC DOMAIN WORKS

	<p>Prior to commencement of the public domain works notice shall be submitted to Councils Infrastructure Engineer. This notice shall include the name and insurance details of the Contractor who will be responsible for the construction works, and details of the managing site supervisor/engineer. The applicant is also responsible for obtaining all Road Activity Permits required for the works, from the respective authorities.</p>
	<p>Condition reason: To ensure Council is made aware of when public domain works commence.</p>
51.	<p>PUBLIC DOMAIN ENGINEERING INSPECTIONS</p> <p>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, footpath paving, street tree and landscaping hold points.</p> <p>All applicable engineering inspection fees in accordance with Council's Management Plan are to be fully paid prior to the issue of the Construction Certificate for the works. A minimum 48 hours' notice will be required when booking for the site inspections.</p> <p>Condition reason: To ensure public infrastructure is constructed to the satisfaction of Council.</p>
52.	<p>CAR PARKING</p> <p>A total of 3 car vehicle parking spaces are to be provided within the development, allocated in the following manner:</p> <p>(a) 3 residential parking spaces</p> <p>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.</p> <p>Car parking spaces shall not be independent lots, but rather part lots attached to units in any future Subdivision Plans.</p> <p>A nib wall (minimum height of 1.5m from finished floor level) is to be built within the basement on the eastern side of Apartment 1 car space at basement level 2, and on the eastern side of the bicycle parking in basement level 1 providing a physical barrier between carparking and the adjacent area. In this regard, clear access shall be provided at all times for pedestrians to access the lift.</p> <p>Condition reason: To ensure the amount of car parking on site is reflective of the approval.</p>
53.	<p>BICYCLE PARKING</p> <p>A total of 4 bicycle parking spaces are to be provided within the development, allocated in the following manner:</p> <p>(a) 4 residential bicycle spaces</p>

	<p>The bicycle spaces are to be designed in accordance with Australian Standard AS2890.3 - 2015 Parking Facilities - Bicycle Parking.</p> <p>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.</p> <p>Condition reason: To ensure the amount of bicycle parking is reflective of the approval.</p>
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BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
54.	<p>FINAL OCCUPATION CERTIFICATE</p> <p>Prior to occupation or use of the development, an Occupation Certificate must be obtained.</p> <p>The Principal Certifying Authority must be satisfied that the requirements of the <i>Environmental Planning & Assessment Act 1979</i> have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.</p> <p>Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.</p>
55.	<p>CERTIFICATION OF BASIX COMMITMENTS</p> <p>The Principal Certifying Authority shall certify that the all the undertakings in the approved BASIX certificate have been completed.</p> <p>Condition reason: To ensure all the undertakings in the approved BASIX certificate have been completed.</p>
56.	<p>CERTIFICATION OF LANDSCAPING</p> <p>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.</p> <p>Condition reason: To ensure the high quality landscape solution is appropriately established and maintained for the life of the development.</p>
57.	<p>SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE</p> <p>A Section 73 Compliance Certificate must be issued from Sydney Water prior to the issue of an occupation certificate.</p> <p>Condition reason: To ensure that the development has appropriately connected to water and wastewater infrastructure.</p>
58.	<p>SUPERVISING ENGINEER FINAL CERTIFICATE – PUBLIC DOMAIN</p> <p>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.</p> <p>Condition reason: To ensure public domain works have been constructed to Council’s satisfaction.</p>
59.	<p>CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS</p>

	<p>Prior to the issue of any Occupation Certificate, a final Compliance Certificate shall be obtained from Executive Manager, Infrastructure Services (or delegate) confirming that all works in the road reserve including all public domain infrastructure and restorations have been completed and constructed to Council's satisfaction, as required under the consent. A final inspection is required to be carried out by Council's Infrastructure Engineer.</p> <p>Notes</p> <p>(a) The issue of a final Compliance Certificate from the Council's Infrastructure 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.</p> <p>(b) 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.</p> <p>(c) 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.</p> <p>Condition reason: To ensure public domain works have been constructed to Council's satisfaction.</p>
<p>60.</p>	<p>COUNCIL PUBLIC INFRASTRUCTURE</p> <p>Prior to the issue of any Occupation Certificate, a Compliance Certificate shall be obtained from Council's Infrastructure Services Department confirming any affected Council's infrastructure as the result of construction activities within the public domain area including stormwater, stormwater outlet/s, kerb and gutter, road pavement, pedestrian footpath, grass verges and vehicle crossover within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual and Development Control Plan.</p> <p>Condition reason: To ensure public infrastructure is replaced and installed correctly.</p>
<p>61.</p>	<p>STRUCTURAL AND GEOTECHNICAL CERTIFICATION</p> <p>The project structural and geotechnical engineers must prepare separate certificates confirming that the development was completed in accordance with the CMR and identifying any departures from the CMR that were approved and implemented during construction. The Geotechnical Certificate must also include a statement on the stability of the cliff line and confirm the requirements for on-going geotechnical assessment of the cliff line.</p> <p>Condition reason: To ensure the works are completed correctly.</p>
<p>62.</p>	<p>CERTIFICATION OF CONSTRUCTED STORMWATER DRAINAGE SYSTEM</p>

	<p>Prior to the issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practicing Engineer, that any new stormwater drainage system has been constructed in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards, and good engineering practice. A copy of the aforementioned letter of certification must be submitted to Council.</p>
	<p>Condition reason: To ensure stormwater infrastructure has been installed and constructed correctly.</p>
63.	<p>WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM</p> <p>(a) A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared, stamped, and signed by a Registered Surveyor. This drawing must detail the alignment of all pipelines, pits, basement pump-out facility, detention facility, 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 must be marked-up in red ink and must include levels and locations for the drainage structures and works.</p> <p>(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.</p>
	<p>Condition reason: To ensure stormwater infrastructure has been constructed correctly.</p>
64.	<p>WORK-AS-EXECUTED PLAN – PUBLIC DOMIAN</p> <p>(a) 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.</p> <p>(b) 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.</p>
	<p>Condition reason: To ensure public domain infrastructure has been constructed correctly.</p>
65.	<p>CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD, PUMP OUT SYSTEM AND RAINWATER TANK</p> <p>Prior to the issue of an Occupation Certificate, a “Positive Covenant” and “Restriction on the Use of Land” must be created for the On-Site Stormwater Detention (OSD) system, pump-out system and rainwater tank are maintained and kept free of debris/weed to allow unobstructed passage of stormwater through the site and</p>

	<p>underneath the residence. The property owner/occupant must not modify or remove the OSD system, pump-out system and rainwater tank without consent from Council.</p> <p>The wording of the Instrument must be submitted to and approved by Executive Manager, Infrastructure Services (or delegate) prior to lodgement at NSW Land Registry Services.</p> <p>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, pump-out and rainwater tank, including its relationship to the building footprint. Electronic colour photographs of the OSD system, pump-out and rainwater tank must accompany the application for the Positive Covenant and Restriction on the Use of Land.</p> <p>The Instrument must be registered and a registered copy of the document must 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 will be borne by the applicant.</p>
	<p>Condition reason: To ensure that stormwater management arrangements are clearly identified on the Certificate of Title for the site.</p>
66.	<p>CREATION OF POSITIVE COVENANT AND RESTRICTION FOR WATER QUALITY</p> <p>Prior to the issue of an Occupation Certificate, a “Positive Covenant” and “Restriction on the Use of Land” must be created for the Stormwater Quality Improvement Devices in accordance with the requirements of Council’s Water Management Manual 2021. The covenant requirements are to include the submission of an annual report on water treatment by the first business day on or after 1 September each year. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services prior to the Final Occupation Certificate.</p>
	<p>Condition reason: To ensure that stormwater management arrangements and obligations are clearly identified on the Certificate of Title for the site.</p>
67.	<p>PLANNED PREVENTATIVE MAINTENANCE SCHEDULE FOR PUMP OUT SYSTEM</p> <p>The registered proprietor will 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 must be submitted to the Executive Manager, Infrastructure Services or delegate prior to the issue of the Occupation Certificate.</p>
	<p>Condition reason: To ensure a PPM schedule is established for the maintenance of the pump out system.</p>
68.	<p>CERTIFICATION OF SWIMMING POOL/OUTDOOR SPA</p> <p>Prior to the pool being used, the following must be provided;</p> <p>(a) Certification that the pool has been constructed in accordance with the consulting engineers design;</p>

	<p>(b) Evidence that the swimming pool/outdoor spa has been registered on the State Government Swimming Pool Register (http://www.swimmingpoolregister.gov.au);</p> <p>(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;</p> <p>(d) A copy of the occupation certificate must be submitted to Council.</p> <p>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.</p> <p>Condition reason: To ensure the swimming pool/outdoor spa has been constructed appropriately to ensure the safety of users.</p>
<p>69.</p>	<p>STREET NUMBER/S</p> <p>The street number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary that fronts the street. Should the number be fixed to an awning then it shall be a minimum 150mm high.</p> <p>Condition reason: To ensure the property address is clearly identified.</p>
<p>70.</p>	<p>ALLOCATION OF STREET NUMBER</p> <p>The redevelopment of the property has led to the following allocation of primary and sub-premises (unit) numbering:</p> <p>(a) No. 154 - primary address site number</p> <p>(b) Brighton Boulevardde primary address location.</p> <p>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 Brighton Boulevardde.</p> <p>The following sub-addressing will apply:</p> <p>(a) Nos. 1-3 for the residential sub-address sites within the building correlating with Nos. 1-3 on the floor plans for the building.</p> <p>The address number for a sub-address site shall not consist of the primary address number on its own.</p> <p>The address number for a sub-address site shall not consist of the primary address number with an alpha suffix.</p> <p>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.</p>

	<p>The primary and sub-address site numbers are to be positioned on the site prior to the issue of the Occupation/Subdivision Certificate.</p> <p>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.</p>
	<p>Condition reason: To ensure the property address is clearly identified.</p>
71.	<p>FLOOR SPACE RATIO</p> <p>The following applies to Floor Space Ratio:</p> <p>(a) The Gross Floor Area of the building shall be limited to 523.6m².</p> <p>(b) Prior to any Occupation Certificate (including Interim) being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in 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.</p>
	<p>Condition reason: To ensure the constructed development complies with the approved floor space ratio.</p>
72.	<p>BUILDING HEIGHT</p> <p>(a) The height of the buildings must not exceed the following RLs (AHD) to the top of the buildings and (where relevant) to the top of building parapets:</p> <p>(i) Ridge/parapet height: RL 39.506</p> <p>Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.</p>
	<p>Condition reason: To ensure the constructed development complies with the approved height.</p>
73.	<p>PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE</p> <p>The following must be followed as part of Site Waste Management Plan:</p> <p>(a) The waste storage area and bins must be cleaned and maintained regularly.</p> <p>(b) Clear signage identifying the different bin types and storage area for bulky household waste and problem waste must be displayed.</p> <p>(c) The recycling bins must be placed alongside the general waste bins for ease of access and to encourage recycling habits.</p> <p>(d) 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 is the responsibility of residents and tenants.</p> <p>(e) All waste and recycling bins must only be placed out on Council footpath for collection no earlier than 5:30 p.m. on the day prior to the designated waste collection day and retrieved from the kerbside as early as possible.</p> <p>(f) The occupants/body corporate shall be provided with at least one copy of the Waste Management Plan.</p> <p>(g) At no times shall bins be stored on the public domain (e.g. footpaths).</p>

	Condition reason: To ensure waste is correctly managed.
74.	<p data-bbox="399 257 1444 302">ONGOING OPERATION</p> <p data-bbox="399 302 1444 660">Prior to issuance of Occupation Certificate, the property owners/occupants will be required to submit a deed of agreement for an annual geotechnical assessment of the cliff line. The property owners/occupants will need to acknowledge they are aware of the high-risk geotechnical fault lines traversing the property and all costs associated with the ongoing servicing and protection of the cliff top surface traversing the property shall be borne by the property owners/occupants. The deed shall note a registered surveyor to undertake an annual survey of the property to assess signs of damage to existing structures and fences, tension cracks developing at the site surface etc. The deed shall be submitted to Council and approved by the Executive Manager, Infrastructure Services (or delegate).</p> <p data-bbox="399 660 1444 728">Condition reason: To ensure the cliff is monitored for significant changes.</p>

OCCUPATION AND ONGOING USE

	Condition
56.	<p>NOISE EMISSIONS & MECHANICAL PLANT</p> <p>(a) 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.</p> <p>(b) 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.</p>
	<p>Condition reason: To ensure all mechanical plant installed in the development does not result in unacceptable noise impacts upon surrounding residences.</p>

GENERAL ADVISORY NOTES

	Condition
1.	<p>DEVELOPMENT IS TO COMPLY WITH LEGISLATION</p> <p>This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation.</p>
2.	<p>DEVELOPMENT MUST MEET CONDITIONS OF CONSENT</p> <p>The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.</p>
3.	<p>POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT</p> <p>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:</p> <ul style="list-style-type: none"> • Please read your conditions carefully. • Information to be submitted to Council should be either via email to info@waverley.nsw.gov.au , in person (at Council’s Customer Service Centre) or via post service. • Attention the documentation to the relevant officer/position of Council (where known/specified in condition) • Include DA reference number • Include condition number/s seeking to be addressed • Where multiple conditions need Council input, please try to group the documentation / email/s into relevant subjects (multiple emails for various officers may be necessary, for example). • Information to be submitted in digital format – refer to ‘Electronic lodgement guidelines’ on Council’s website. Failure to adhere to Council’s naming convention may result in documentation being rejected. • Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information. • Please note in some circumstances, additional fees and/or additional documents (hard copy) may be required. • Council’s standard for review (from date the relevant officer receives documentation) is 14days. Times may vary or be delayed if information is not received in this required manner. • Any queries, please contact Council’s Duty Planner on duty.planner@waverley.nsw.gov.au
4.	<p>DIAL BEFORE YOU DIG</p> <p>Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual’s responsibility to anticipate and request the nominal location of plant or</p>

	assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
5.	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.
6.	EXCAVATION TO BE LIMITED Excavation shall be limited to that shown in the approved plans. Any further excavation will require Council approval.
7.	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.
8.	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.
9.	WORK OUTSIDE PROPERTY BOUNDARY This consent does not authorise any work outside the property boundary.
10.	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.
11.	ECOLOGICALLY SUSTAINABLE DEVELOPMENT RECOMMENDATIONS <u>Indoor air quality:</u> 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. <u>Ventilation:</u> 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. <u>Domestic hot water:</u> 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
12.	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.
13.	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.
14.	PUBLIC UTILITIES AND SERVICE ALTERATIONS Any utility services and all public infrastructure which require alteration due to works associated with the development, both internally and externally of the development boundary, shall be altered at the Applicant’s expense. This includes both temporary and permanent alterations. Upon notifying Council, the Applicant must comply with the requirements (including financial costs) of the relevant utility service provider (e.g. Ausgrid, Sydney Water, Telstra, Transport for NSW or similar) in relation to any connections, repairs, relocations, replacements and/or adjustments to public infrastructure or services affected by the proposed works.
15.	PARKING PERMITS Occupants of the building are not to be eligible for resident parking permits under Council's Residents Preferential Parking permits scheme.
16.	WASTE MANAGEMENT PLAN REVIEW After 5 years of operation under this development consent, the Approved Waste Management Plan is to be reviewed to ensure that the details including contracts, roles and responsibilities, commercial tenants (if relevant) are current. The updated plan is to supersede the previous plan.
17.	SIGNAGE ADJOINING CLIFF EDGE Suitable warning signage shall be installed within the property yard to advise occupants of the geotechnical hazard and deep rock face traversing the rear boundary. Details of the signage must be liaised with council prior to installation before Occupation of the site.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means Waverley Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Waverley Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:
the collection of stormwater,

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Sydney Eastern City Planning Panel.

Suitably qualified acoustic consultant means 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.

BASIX COMMITMENTS

THERMAL COMFORT SPECIFICATIONS
GLAZING DOORS/WINDOWS
 GLAZED WINDOWS AND DOORS: TBC
 GROUP A - AWNING + BIFOLD + CASEMENT WINDOWS + HINGED GLAZED DOORS
 U-VALUE: 4.3 (EQUAL TO OR LOWER THAN) SHGC: 0.47 (±10%)
 GROUP B - SLIDING DOORS/WINDOWS + FIXED GLAZING + LOUVERED WINDOWS
 U-VALUE: 4.3 (EQUAL TO OR LOWER THAN) SHGC: 0.53 (±10%)
 GIVEN VALUES ARE AFRC TOTAL WINDOW SYSTEM VALUES (GLASS AND FRAME)
 NOTE: BASIX THERMAL COMFORT PROTOCOL TABLE 3 SHGC VALUE OF THE UNITS SHOULD BE WITHIN +/-10% OF THE VALUE SPECIFIED FOR THE DEFAULT WINDOW SELECTION ON THE CERTIFICATE.

ROOF & CEILING
 METAL ROOF WITH FOIL BACKED BLANKED (R_{u1} 8 and R_{d1} 8)
 PLASTERBOARD CEILING WITH R5.0 INSULATION (INSULATION ONLY VALUE) WHERE ROOF IS OVER
 PLASTERBOARD CEILING, NO INSULATION WHERE NEIGHBOURING UNITS ARE ABOVE

EXTERNAL COLOUR
 LIGHT (SA < 0.475)

CEILING PENETRATIONS
 NO DOWNLIGHTS ACCOUNTED FOR IN NATHERS MODELLING

EXTERNAL WALL
 CAVITY BRICK 90-90 WITH AIR-CELL PERMICA V INSULATION TO ALL OTHER WALLS. MINIMUM TOTAL SYSTEM R-VALUE OF RT1.53
 UPGRADES APPLIED AS PER THERMAL COMFORT UPGRADES TABLE

EXTERNAL COLOUR
 MEDIUM (0.475 < SA < 0.7)

INTER TENANCY WALLS
 SINGLE BRICK - NO INSULATION
 MINIMUM 150MM CONCRETE WITH FURRING CHANNEL AND PLASTERBOARD LININF TO ALL WALLS ADJACENT TO LIFT SHAFTS
 NO INSULATION REQUIRED

WALLS WITHIN DWELLINGS
 SINGLE BRICK - NO INSULATION

FLOORS
 100MM SUSPENDED CONCRETE SLAB WITH A MINIMUM R1 INSULATION (INSULATION ONLY VALUE) REQUIRED FOR LEVEL 1 UNITS
 100MM SUSPENDED CONCRETE SLAB LINED BELOW WHERE CAR LIFT BELOW
 100MM SUSPENDED CONCRETE SLAB BETWEEN LEVELS, NO INSULATION REQUIRED

FLOOR COVERINGS
 CARPET TO BEDROOMS AND WIR, TILES ELSEWHERE

EXTERNAL SHADING
 SHADING AS PER STAMPED DOCUMENTATION

BASIX WATER COMMITMENTS
FIXTURES WITHIN UNITS
 INSTALL SHOWERHEADS MINIMUM RATING OF 4 STARS (>6L BUT <= 7.5 LITRES/MIN)
 INSTALL TOILET FLUSHING SYSTEM WITH A MINIMUM RATING OF 4 STARS IN EACH TOILET
 INSTALL TAPS WITH MINIMUM RATING OF 4 STARS

FIXTURES WITHIN COMMON AREAS
 INSTALL SHOWERHEADS MINIMUM RATING OF 4 STARS (>6L BUT <= 7.5 LITRES/MIN)
 INSTALL TOILET FLUSHING SYSTEM WITH A MINIMUM RATING OF 4 STARS IN EACH TOILET
 INSTALL TAPS WITH MINIMUM RATING OF 4 STARS

APPLIANCES WITHIN UNITS
 DISHWASHERS - 4 STAR
 ELECTRIC COOKTOP & ELECTRIC OVEN

CENTRAL RAINWATER STORAGE
 TANK SIZE 2,500L
 COLLECTING FROM 225.5M2 ROOF AREA (100%)
 CONNECTED TO OUTDOOR TAP FOR IRRIGATION OF COMMON LANDSCAPING APARTMENT TOILETS

FIRE SPRINKLER TEST WATER
 FIRE SPRINKLER TEST WATER MUST BE CONTAINED IN A CLOSED LOOP SYSTEM

COMMON AREA POOL & SPA
 24KL POOL VOLUME, NOT SHADED
 3.2KL SPA VOLUME, WITH COVER, NOT SHADED

HOT WATER SYSTEM
 INDIVIDUAL ELECTRIC HEAT PUMP - AIR SOURCED WITH R.10 INSULATION TO RING MAIN AND SUPPLY RISERS

LIFT MOTORS
 PASSENGER LIFT TO HAVE GEARLESS TRACTION WITH VVVF MOTOR AND REGENERATIVE DRIVE
 CAR LIFTS TO BE HYDRAULIC

BASIX ENERGY COMMITMENTS
HEATING & COOLING SYSTEMS
 ALL UNITS TO HAVE INDIVIDUAL SINGLE PHASE, REVERSE CYCLE AIR CONDITIONING TO LIVING AREAS AND AT LEAST 1 BEDROOM.
 A MINIMUM EFFICIENCY OF EER > 4.0 IS REQUIRED FOR HEATING & COOLING

ARTIFICIAL LIGHTING WITHIN UNITS
 ALL LIGHT FITTINGS WITHIN EACH ROOM ARE TO HAVE SEALED LED FIXTURES INSTALLED

VENTILATION WITHIN UNITS
 BATHROOM, LAUNDRY & KITCHEN - ALL TO HAVE INDIVIDUAL FAN, DUCTED TO ROOF OR FACADE - MANUAL ON/OFF SWITCH

VENTILATION TO COMMON AREAS
 CAR PARK - SUPPLY AND EXHAUST AIR WITH A CARBON MONOXIDE MONITOR & VSD FAN
 PLANT/SERVICE ROOM - SUPPLY ONLY, THERMOSTATICALLY CONTROLLED
 RESIDENTIAL STORAGE, COMMUNAL INDOOR SPACE, SAUNA, GYM, GF LOBBIES & HALLWAYS - SUPPLY ONLY, TIME CLOCK
 COMMUNAL WC - EXHAUST ONLY, TIME CLOCK

ARTIFICIAL LIGHTING TO COMMON AREAS
 CAR PARK AREA & HALLWAYS - LIGHT EMITTING DIODES (LEDS) WITH ZONED SWITCHING AND MOTION SENSORS
 LIFTS - LIGHT EMITTING DIODES (LEDS) CONNECTED TO LIFT CALL BUTTON
 PLANT/SERVICE ROOM, RESIDENTIAL STORAGE, COMMUNAL INDOOR SPACE, SAUNA, GYM - ALL TO HAVE LIGHT EMITTING DIODES (LEDS) WITH MANUAL ON/ MANUAL OFF SWITCH

ALTERNATIVE ENERGY
 PHOTOVOLTAIC SYSTEM WITH 14.0KW PEAK OUTPUT

COMMON AREA POOL AND SPA HEATING SYSTEM
 ELECTRIC HEAT PUMP CONTROLLED BY A TIMER

COMMON AREA SAUNA
 ELECTRIC INFRARED WITH MANUAL ON/ TIMER OFF SWITCH

OTHER
 COMMON AREA CLOTHES DRYING LINE

DRAWING LIST

NO.	REV	NAME	NO.	REV	NAME	NO.	REV	NAME
DA000	A	TITLE PAGE	DA102	-	SITE ANALYSIS	DA205	A	LEVEL 3 - FLOOR PLAN
DA001	-	SETBACK DIAGRAM	DA110	-	DEMOLITION	DA301	A	NORTH ELEVATION
DA002	-	DEEP SOIL PLAN	DA120	-	MATERIAL BOARD	DA302	A	SOUTH ELEVATION
DA003	A	FLOOR SPACE RATIO DIAGRAM	DA200	A	BASEMENT 2 - FLOOR PLAN	DA303	A	WEST ELEVATION
DA004	-	HEIGHT BLANKET DIAGRAM	DA201	A	BASEMENT 1 - FLOOR PLAN	DA304	A	EAST ELEVATION
DA005	A	EXCAVATION DIAGRAM	DA202	A	GROUND FLOOR - FLOOR PLAN	DA321	A	SECTION - AA
DA006	-	CROSS VENTILATION DIAGRAM	DA203	A	LEVEL 1 - FLOOR PLAN	DA322	A	SECTION - BB
DA101	-	SITE PLAN / ROOF PLAN	DA204	A	LEVEL 2 - FLOOR PLAN			



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154 BRIGHTON BOULEVARD, NORTH BONDI

DEVELOPMENT APPLICATION

AMENDED PLANS

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DEVELOPMENT APPLICATION

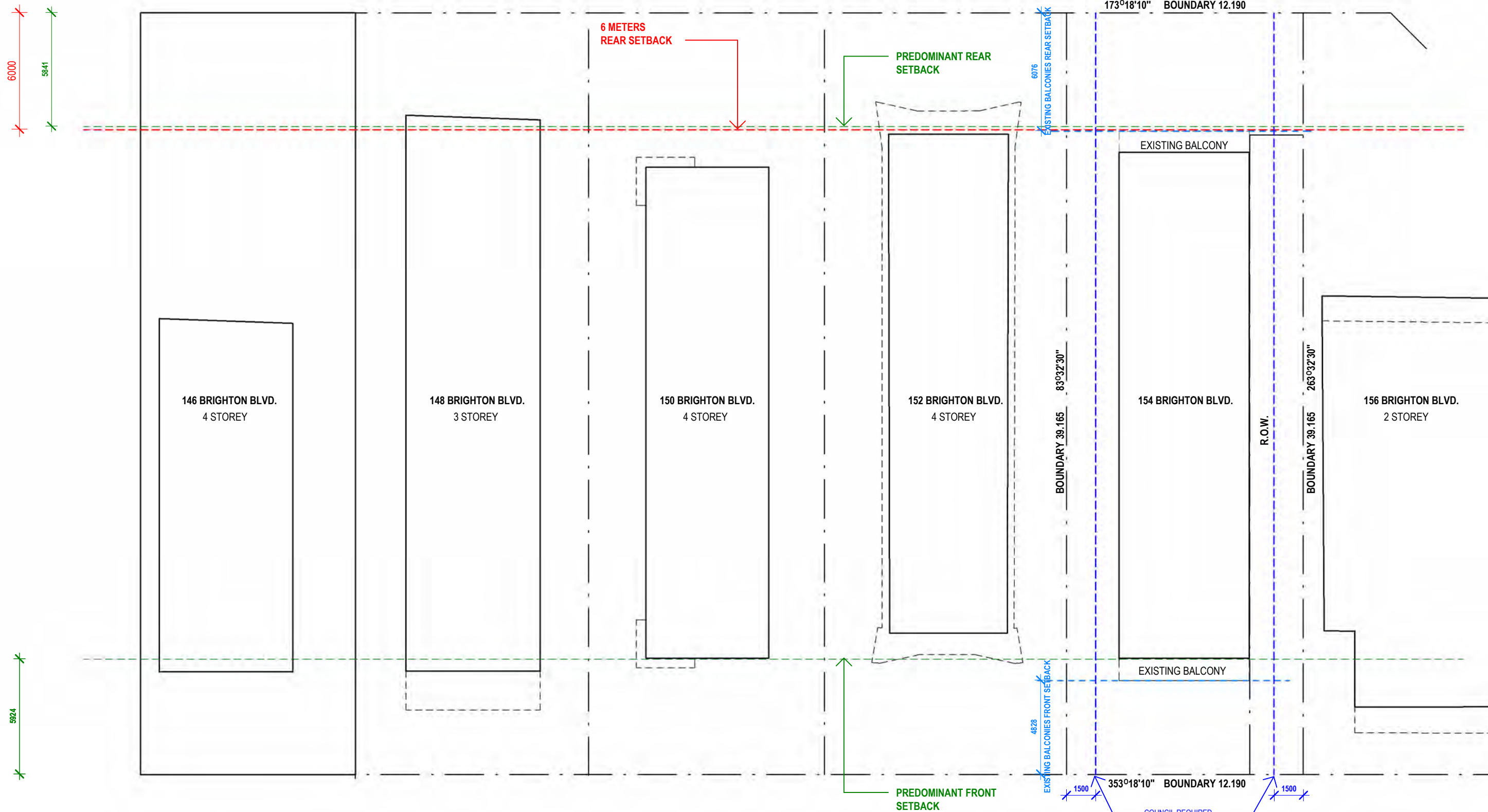
DATE	REV	AMENDMENT
11/05/2023	-	ISSUE FOR DA LODGEMENT
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PROJECT
 154 BRIGHTON BOULEVARD, NORTH BONDI

PROJECT NO.	DWG NO.	REV
205	DA000	A

DRAWING
 TITLE PAGE

Drawn:	CC/AI	Scale:	@A3
Checked:	JM	501	Date: 02/08/2023



AMENDED PLANS

LEGEND:

- BOUNDARY LINE
- PREDOMINANT FRONT SETBACK
- EXISTING FRONT/REAR SETBACK
- 6 m REAR SETBACK
- 900/1500mm SIDES SETBACK (DCP)

1 SETBACK DIAGRAM 1:200

BRIGHTON BLVD.

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DATE 11/05/2023 REV - AMENDMENT ISSUE FOR DA LODGEMENT

PROJECT 154 BRIGHTON BOULEVARD, NORTH BONDI

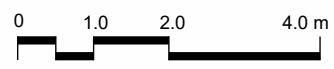
DRAWING SETBACK DIAGRAM

PROJECT NO. 205 DWG NO. DA001 REV -

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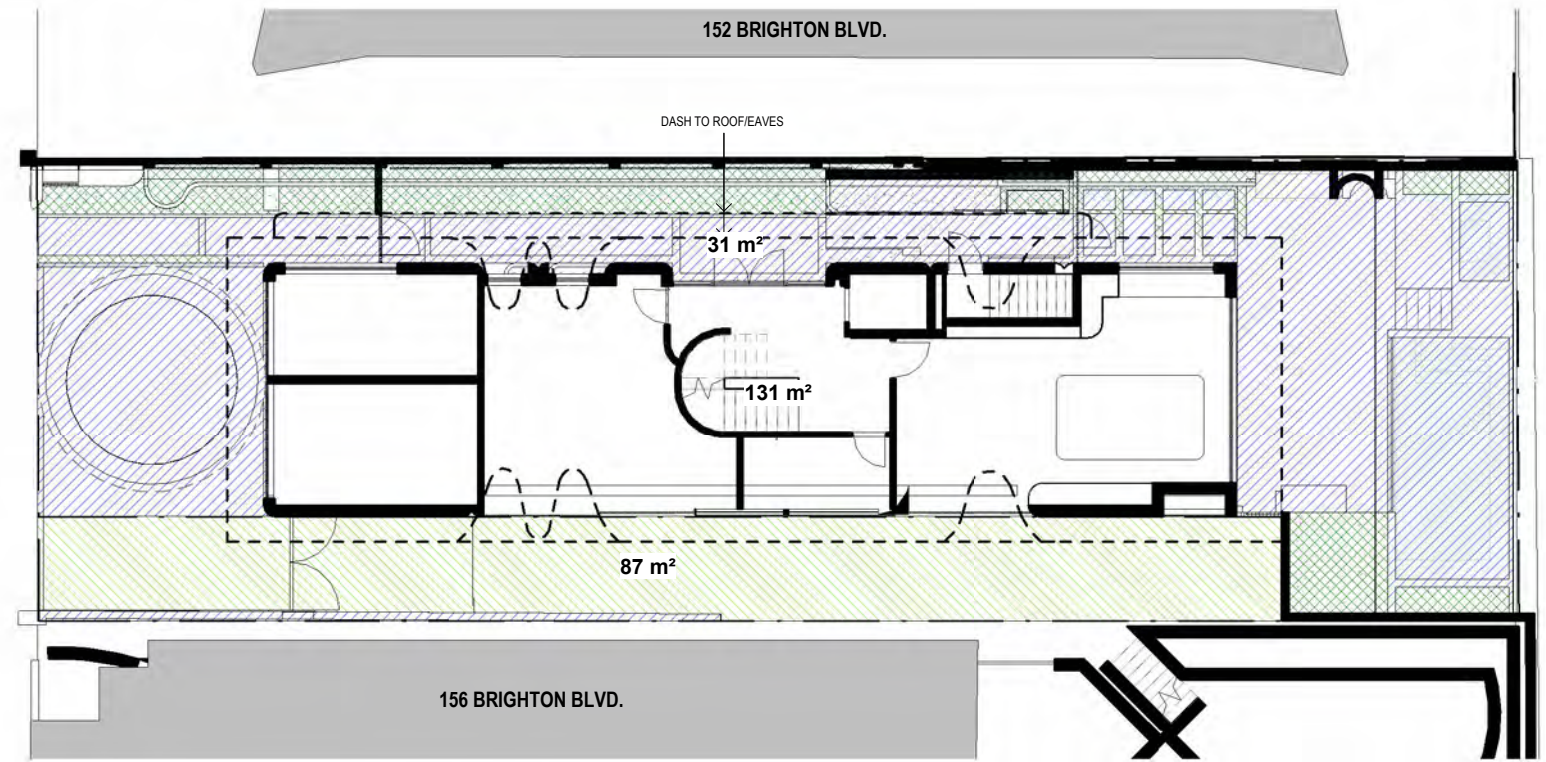
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Application No: DA-133/2023
Date Received: 07/08/2023
BRIGHTON BLVD.

DEEP SOIL KEY

	SOFT LANDSCAPING
	DEEP SOIL LANDSCAPING
	HARD LANDSCAPING

DEEP SOIL CALCULATION

SITE AREA	477.40 m ²		
		EXISTING	PROPOSED
LANDSCAPED AREA (DCP = site area x 30%)	28.92m ² 6%	137.00m ² 28.67%	143.20m ² 30%
DEEP SOIL AREA (DCP = landscaped area x 50%)	28.92m ² 20.19%	42.00m ² 36.50%	71.60m ² 50%
HARD PAVED AREA	270.73m ² 56.70%	162.00m ² 33.93%	N/A N/A



LANDSCAPED AREA	137.00 m ²
DEEP SOIL ZONE	42.0 m ²
HARD PAVED SURFACE	162.0 m ²

1 PROPOSED GROUND FLOOR - LANDSCAPE
1:200



SOFT LANDSCAPING (DEEP SOIL)	28.92 m ²
HARD LANDSCAPING	270.73 m ²
LANDSCAPING (ABOVE SLAB)	-

2 EXISTING GROUND FLOOR - LANDSCAPE
1:200

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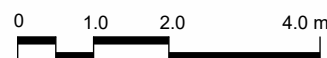
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154 BRIGHTON BOULEVARD, NORTH
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PROJECT NO.	DWG NO.	REV
205	DA002	-

DRAWING
DEEP SOIL PLAN



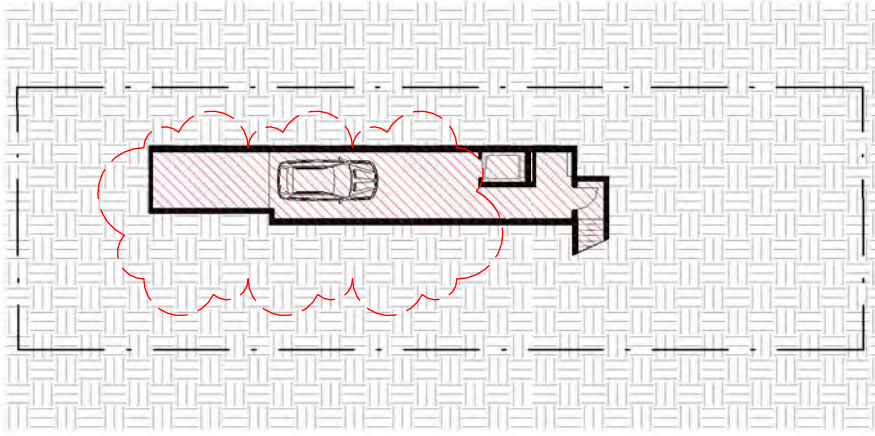
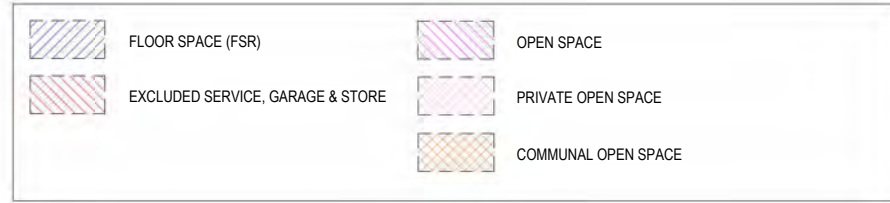
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FLOOR SPACE RATIO CALCULATION

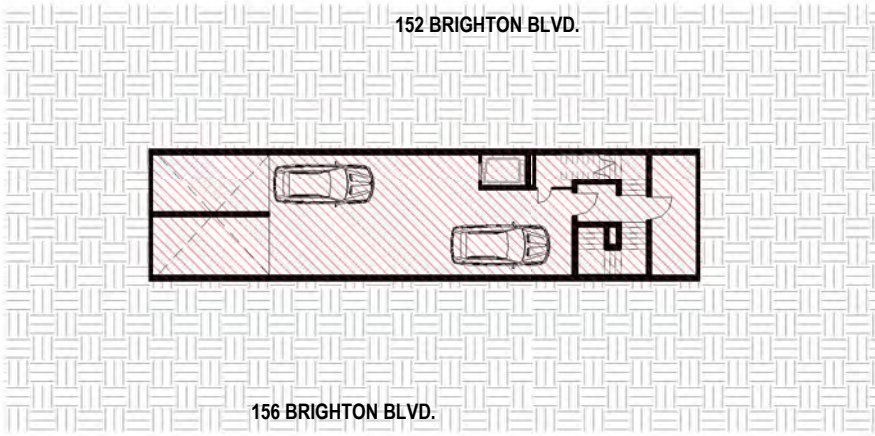
	EXISTING FSR
BASEMENT 1 =	-
GROUND FLOOR =	31.42m ²
LEVEL 1 =	148.34m ²
LEVEL 2 =	148.34m ²
LEVEL 3 =	148.34m ²
TOTAL EXISTING =	476.44m²

	PROPOSED FSR
BASEMENT 2 =	-
BASEMENT 1 =	-
GROUND FLOOR =	105.39m ²
LEVEL 1 =	140.84m ²
LEVEL 2 =	140.84m ²
LEVEL 3 =	136.53m ²
TOTAL PROPOSED =	523.60m²

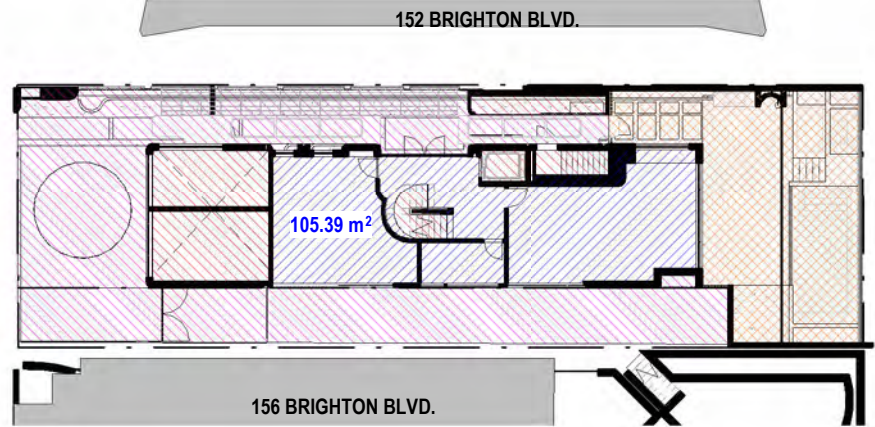
FLOOR PLATE KEY



1 BASEMENT 2 - FSR 1:350



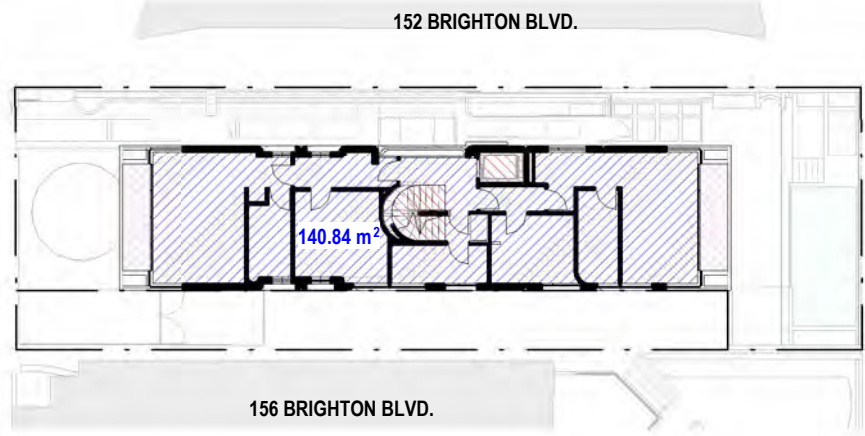
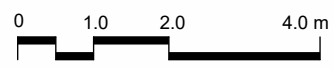
2 BASEMENT 1 - FSR 1:350



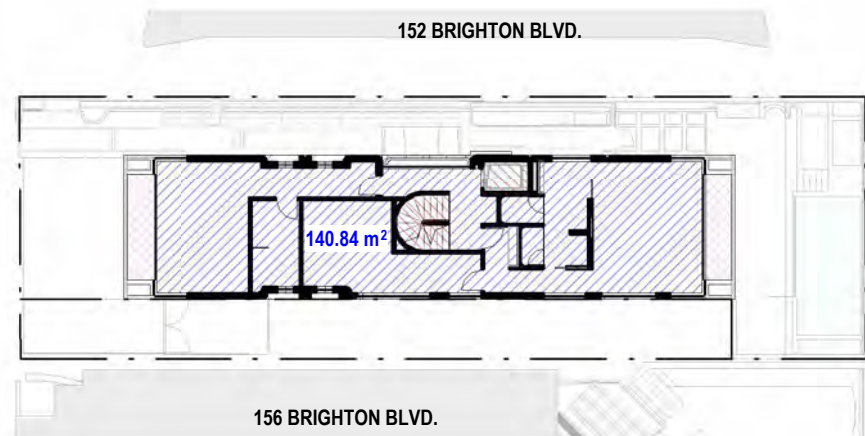
3 GROUND FLOOR - FSR 1:350

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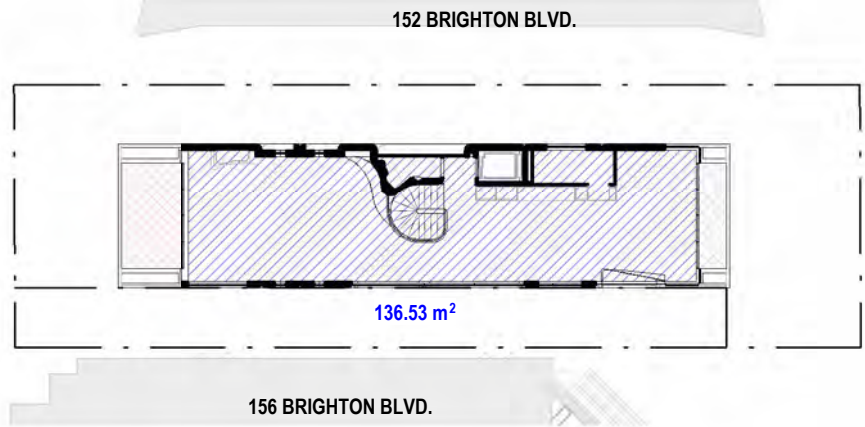
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4 LEVEL 1 - FSR 1:350



5 LEVEL 2 - FSR 1:350



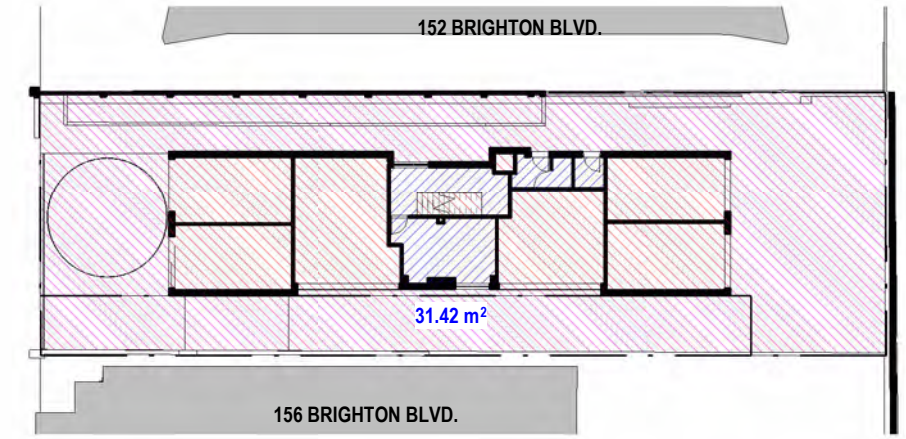
6 LEVEL 3 - FSR 1:350

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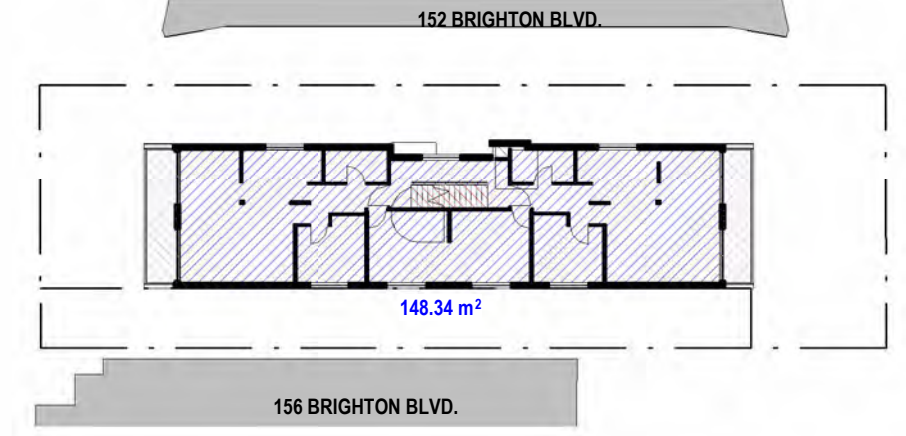
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7 EXISTING GROUND FLOOR - FSR 1:350



8 EXISTING LEVELS 1-3 - FSR 1:350

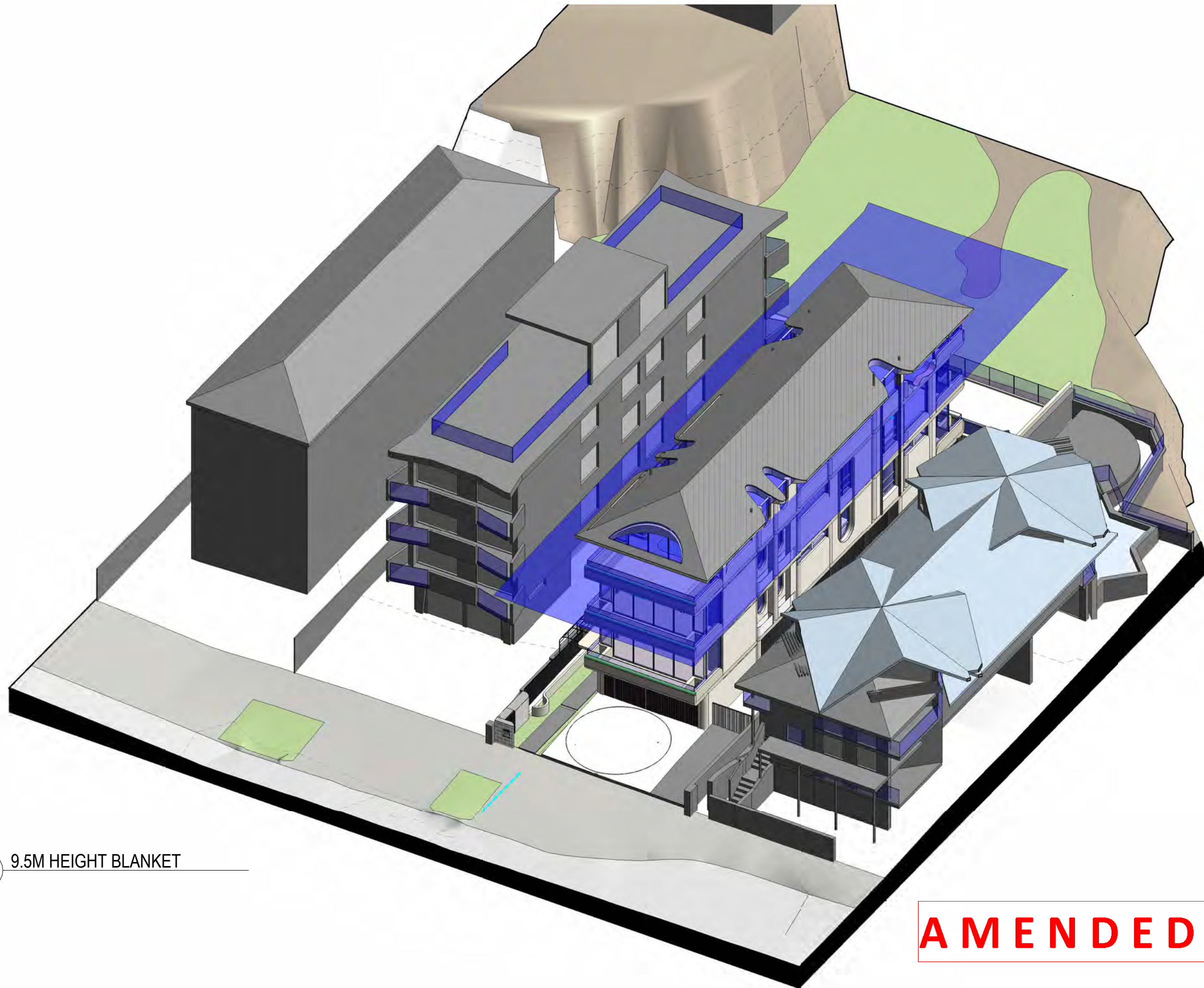
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PROJECT
154 BRIGHTON BOULEVARD, NORTH
BONDI
DRAWING
FLOOR SPACE RATIO DIAGRAM

PROJECT NO. 205
DWG NO. DA003
REV. A
Drawn: CC/AI
Checked: JM
Scale: 504
Date: 02/08/2023
As indicated @A3





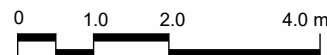
1 9.5M HEIGHT BLANKET

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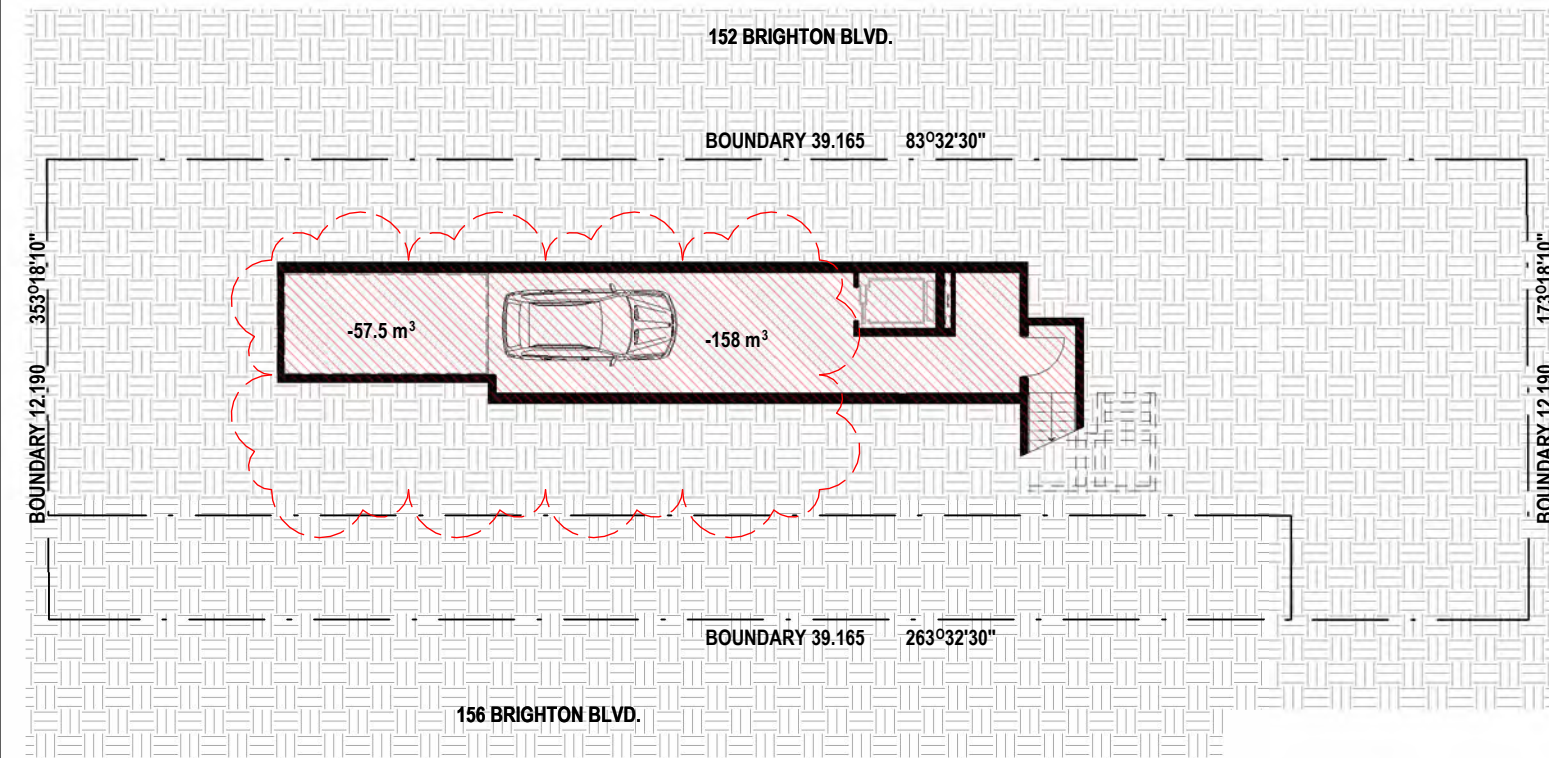
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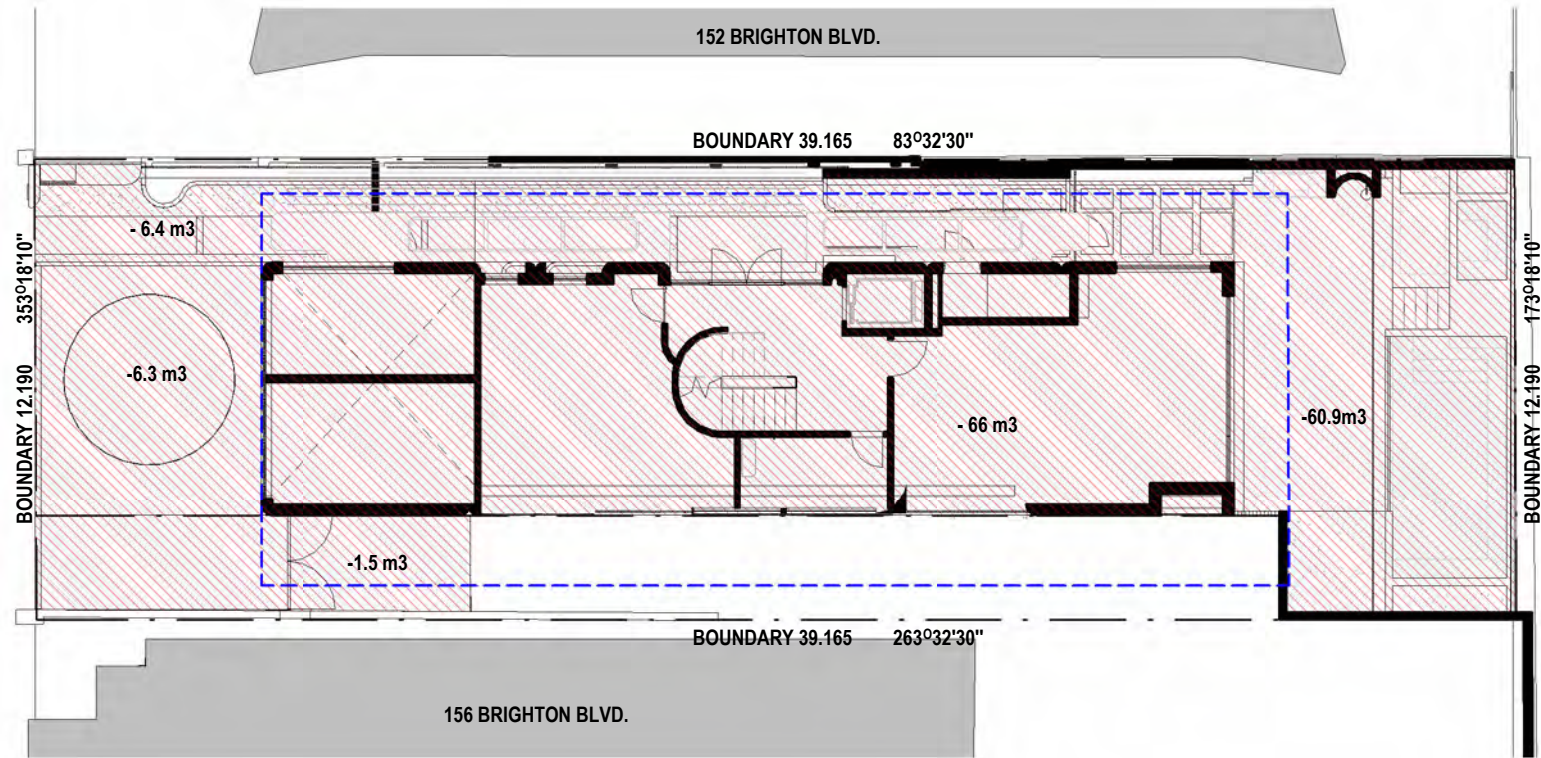
PROJECT NO.	DWG NO.	REV
205	DA004	-

DRAWING
HEIGHT BLANKET DIAGRAM

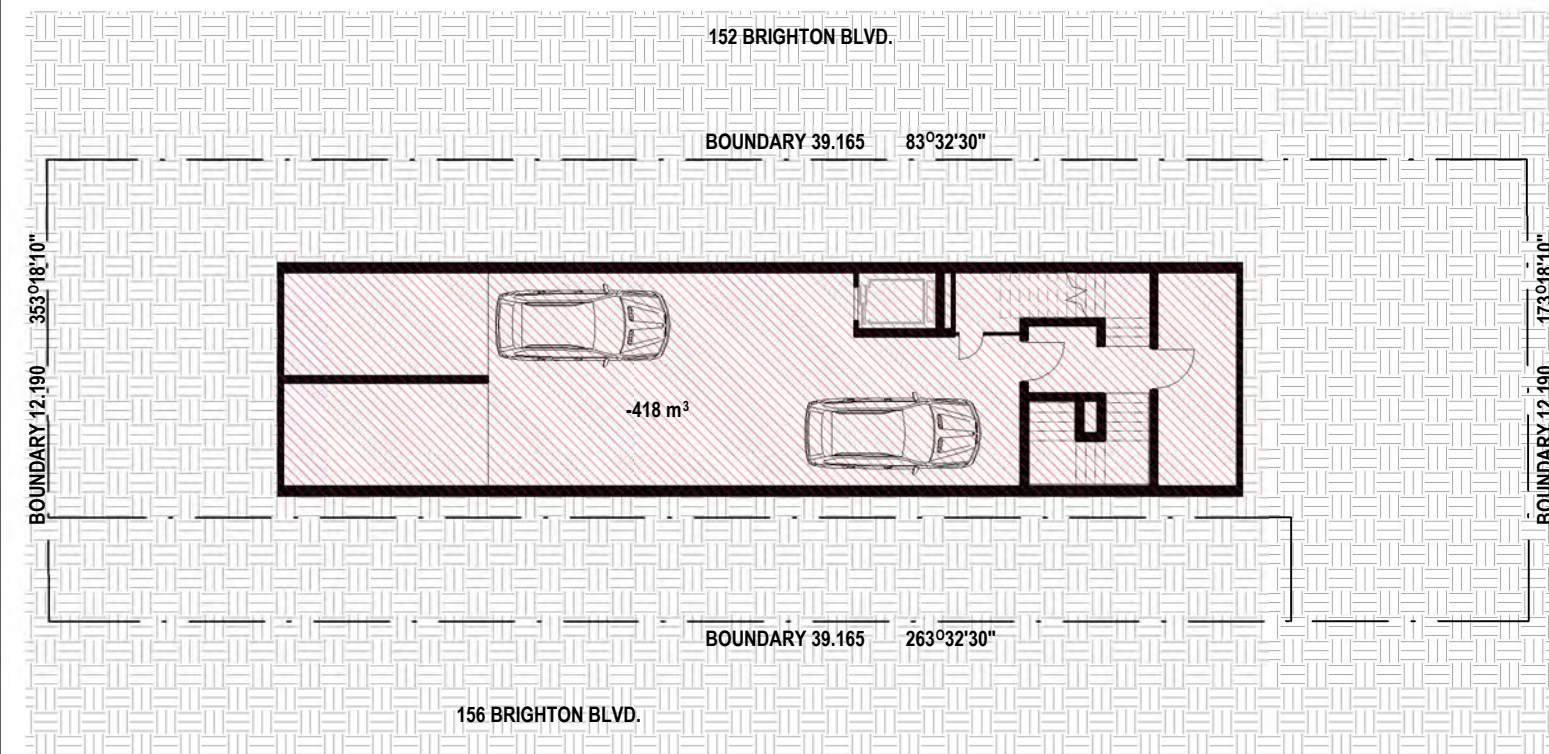
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1 BASEMENT 2 - EXCAVATION
1 : 200



3 GROUND FLOOR - EXCAVATION
1 : 200



2 BASEMENT 1 - EXCAVATION
1 : 200

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EXCAVATION CALCULATION

TOTAL PERMISSIBLE EXCAVATION	-541.40m³
SITE AREA = 477.40 m²	
PERMISSIBLE EXCAVATION	-477.40m³
STORAGE ALLOWED	-24.00m³
PLANT ROOM ALLOWED	-40.00m³
TOTAL	-541.40m³

PROPOSED EXCAVATION	-915.50m³
BASEMENT 2 LEVEL	-215.50m³
BASEMENT 1 LEVEL	-418.00m³
GROUND FLOOR LEVEL	-141.00m³

PROPOSED BACKFILL	+0m³
GROUND FLOOR LEVEL	+0m³

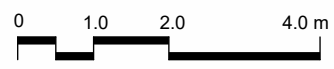
PROPOSED NET EXCAVATION	-774.50m³
-------------------------	-----------

EXCAVATION KEY



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154 BRIGHTON BOULEVARD, NORTH BONDI

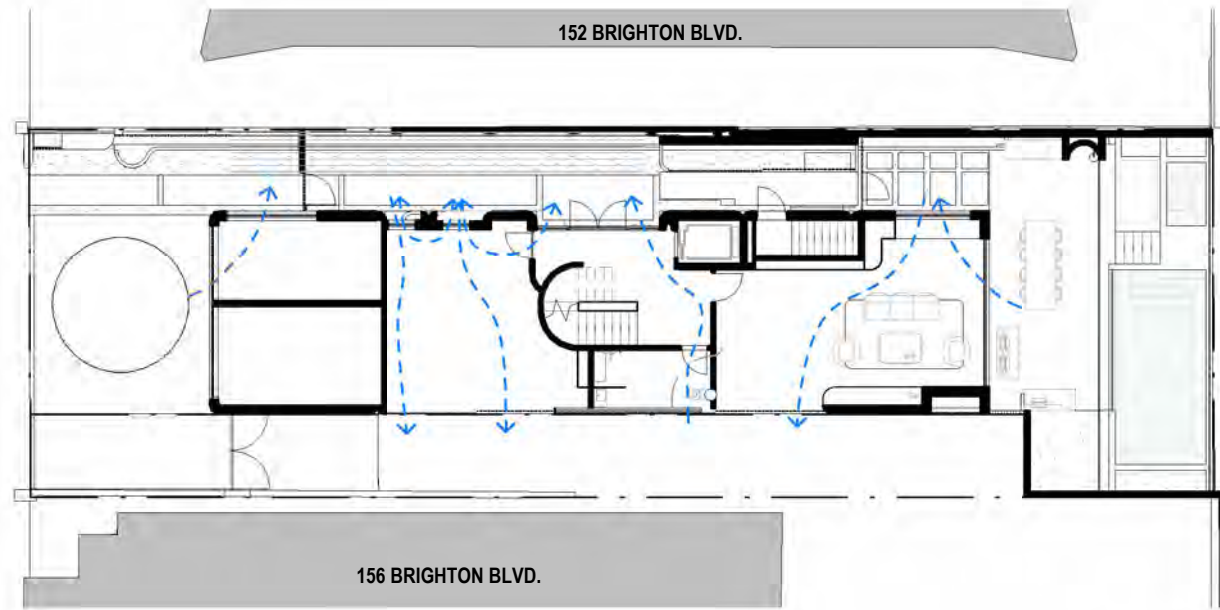
DRAWING
EXCAVATION DIAGRAM

PROJECT NO.	DWG NO.	REV
205	DA005	A

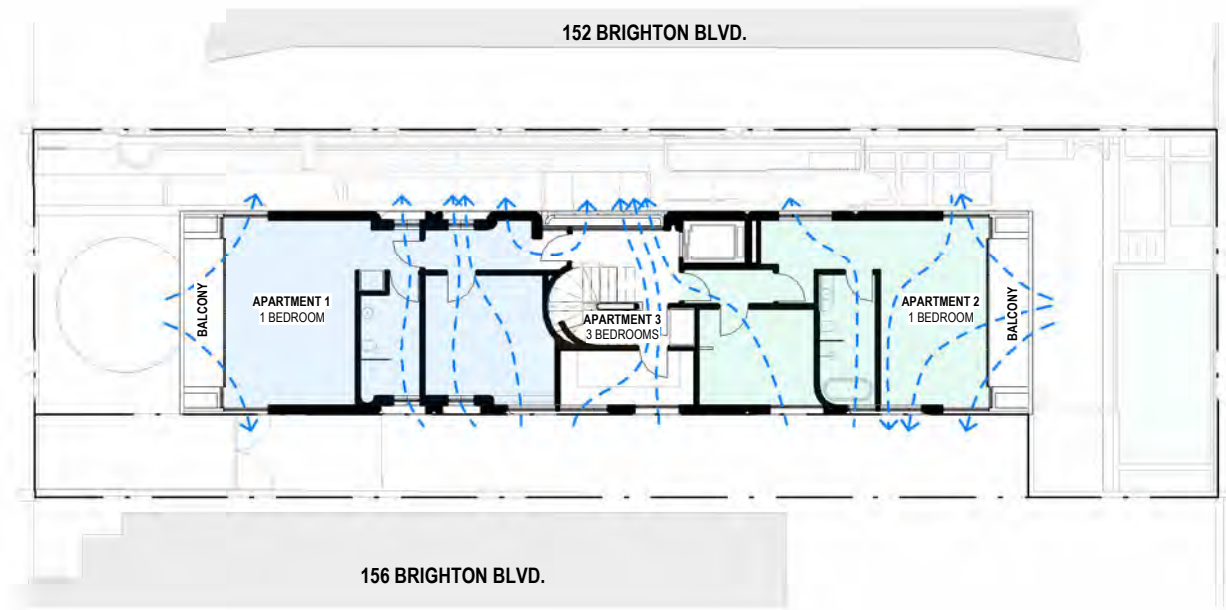
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Date: 02/08/2023

AMENDED PLANS

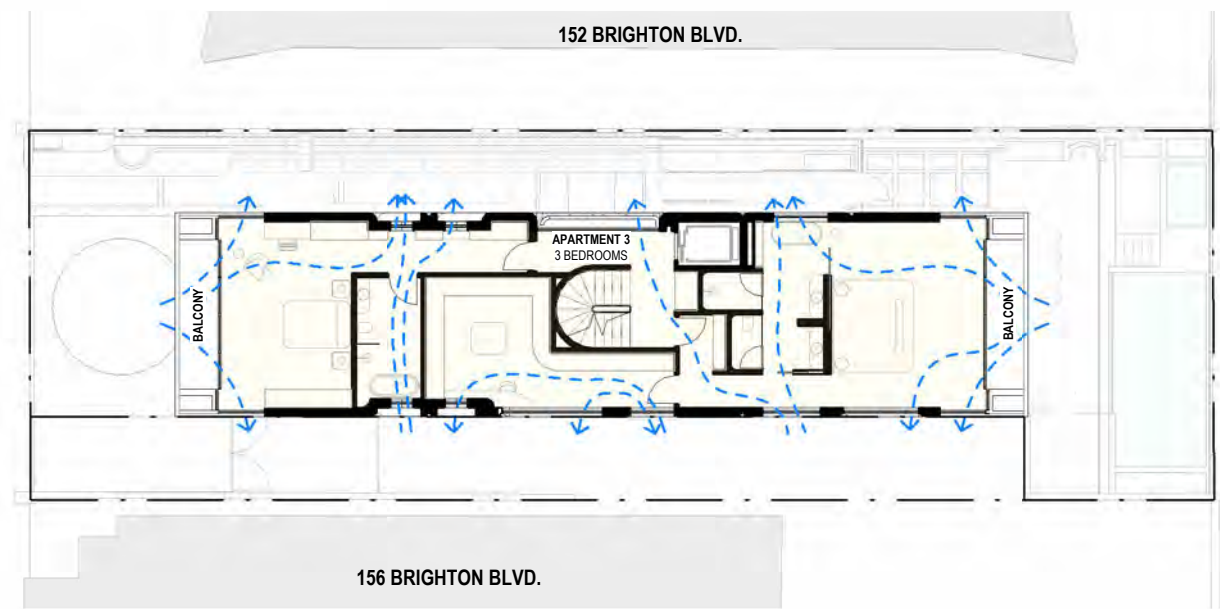
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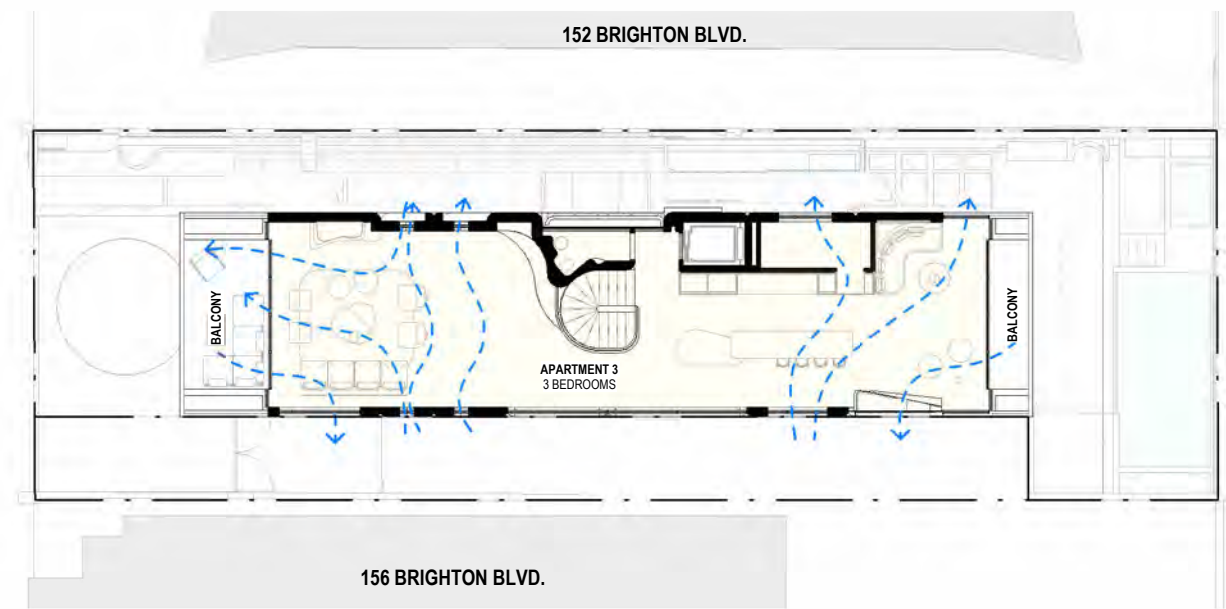
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1 : 250



2 LEVEL 1 - CROSS VENTILATION
1 : 250



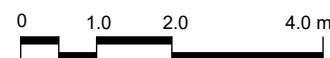
3 LEVEL 2 - CROSS VENTILATION
1 : 250



4 LEVEL 3 - CROSS VENTILATION
1 : 250

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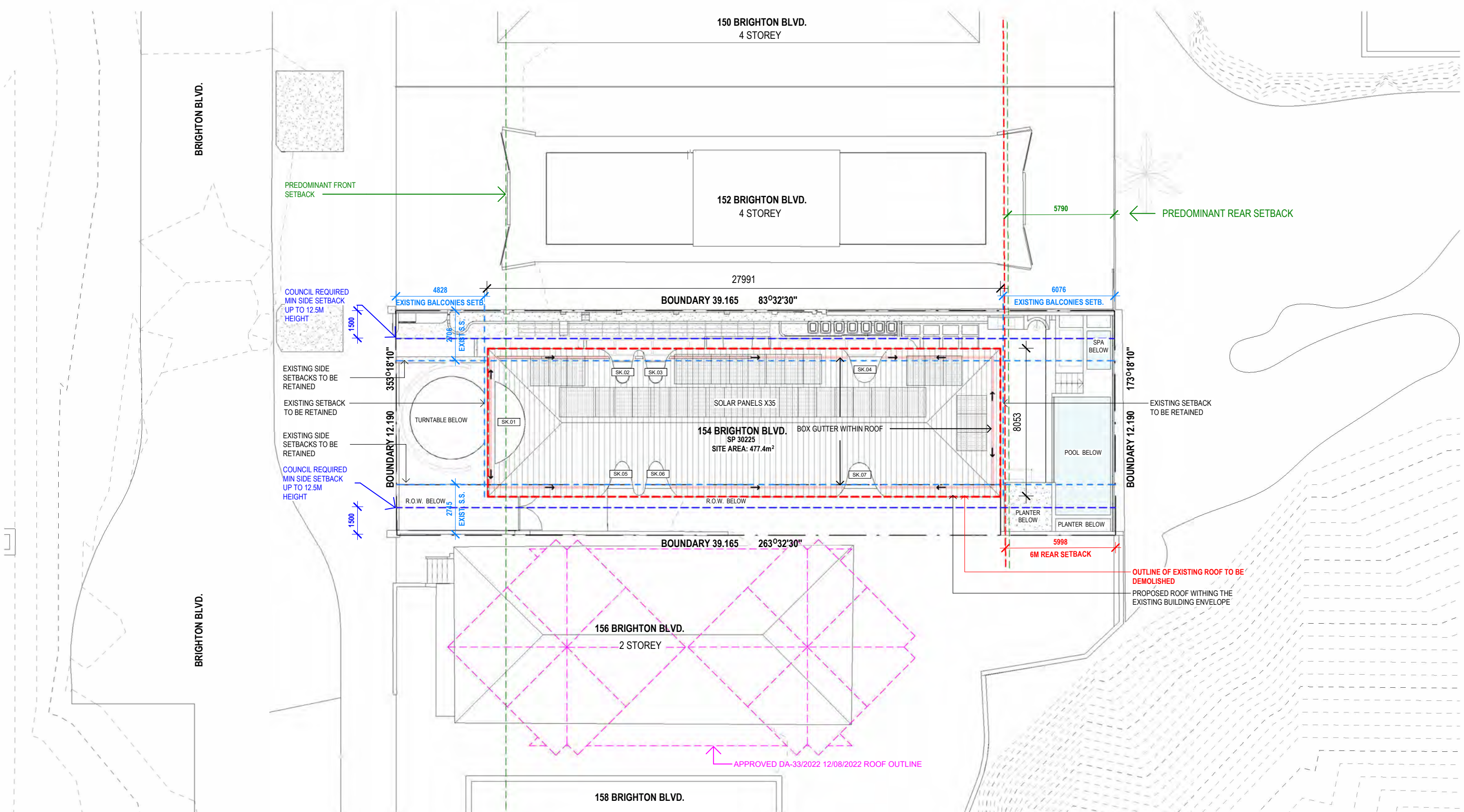
PROJECT
154 BRIGHTON BOULEVARD, NORTH
BONDI

DRAWING
CROSS VENTILATION DIAGRAM

PROJECT NO.	DWG NO.	REV
205	DA006	-

Drawn:	Checked:	Scale:	Date:
CC/AI	JM	1:250 @A3	11/05/2023





1 SITE PLAN 1 : 200

KEY

	BOUNDARY
	DCP 9.5M MAX BUILDING HEIGHT
	7M MAX WALL HEIGHT
	EXISTING SETBACKS
	EXISTING BUILDING ENVELOPE
	OUTLINE OF APPROVED DA-33/2022 12/08/2022 (156 BRIGHTON BLVD)

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Application No: DA-133/2023

Date Received: 07/08/2023

BASIX COMMITMENTS

THERMAL COMFORT SPECIFICATIONS
GLAZING DOORS/WINDOWS
 GROUP B – FIXED GLAZING, SLIDING DOORS
 U-VALUE: 4.10 (EQUAL TO OR LOWER THAN) SHGC: 0.52 (±10%) GIVEN VALUES ARE AFRC TOTAL WINDOW SYSTEM VALUES (GLASS AND FRAME)
 STANDARD SINGLE CLEAR GLAZING TO LOUVRED WINDOWS IN UNCONDITIONED ZONES

ROOF & CEILING
 Metal roof with foil backed blanket (Ru1.8 and Rd1.8)
 Plasterboard ceiling with R5.0 insulation (insulation only value) where roof is over
 Plasterboard ceiling, no insulation where neighbouring units are above
 External Colour
 Light (SA < 0.475)
 Ceiling Penetrations
 No downlights accounted for in NatHERS modelling

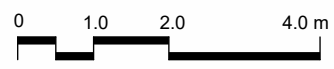
AMENDED PLANS

EXTERNAL WALLS
 Cavity brick 90-90 with AIR-CELL Permavic insulator to all other walls.
 Minimum Total system R-value of RT1.53
 Upgrades applied as per thermal comfort upgrades table
 External Colour
 Medium (0.475 < SA < 0.7)
 Inter-tenancy walls
 Single brick – No insulation
 Minimum 150mm concrete with furring channel and plasterboard lining to all walls adjacent to lift shafts
 No insulation required
 Walls within dwellings
 Single brick – no insulation

FLOORS
 100mm suspended concrete slab with a minimum R1 insulation (insulation only value) required for Level 1 units.
 100mm suspended concrete slab lined below where car lift below
 100mm suspended concrete slab between levels, no insulation required
 Floor coverings
 Carpet to bedrooms and WIR, tiles elsewhere
 External Shading
 Shading as per stamped documentation

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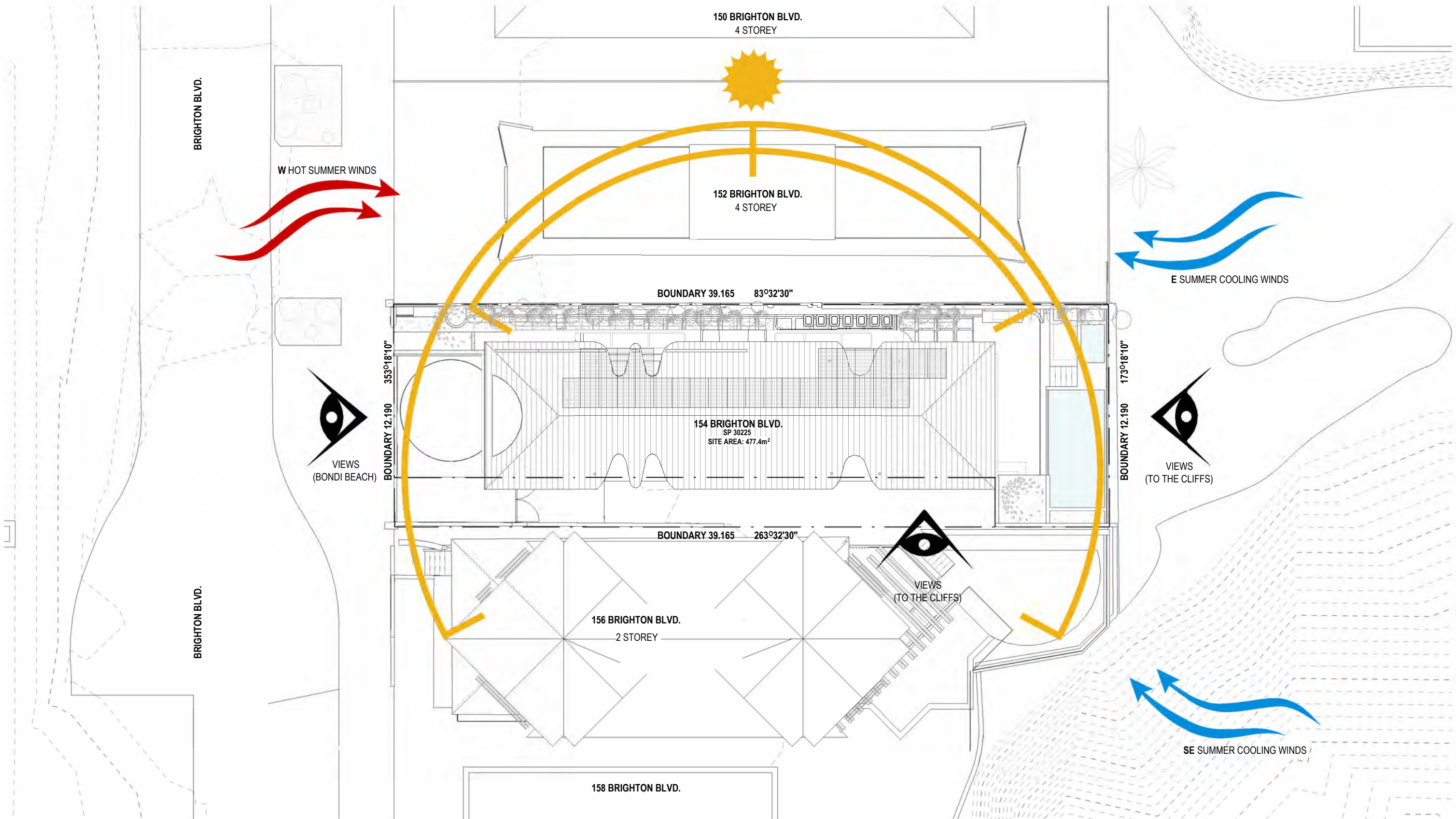
DATE	REV	AMENDMENT
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PROJECT
154 BRIGHTON BOULEVARD, NORTH BONDI

DRAWING
SITE PLAN / ROOF PLAN

PROJECT NO.	DWG NO.	REV
205	DA101	-

Drawn: CC/AI
 Checked: JM
 Scale: 1:200 @A3
 Date: 11/05/2023



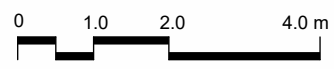
2 SITE ANALYSIS 1:200

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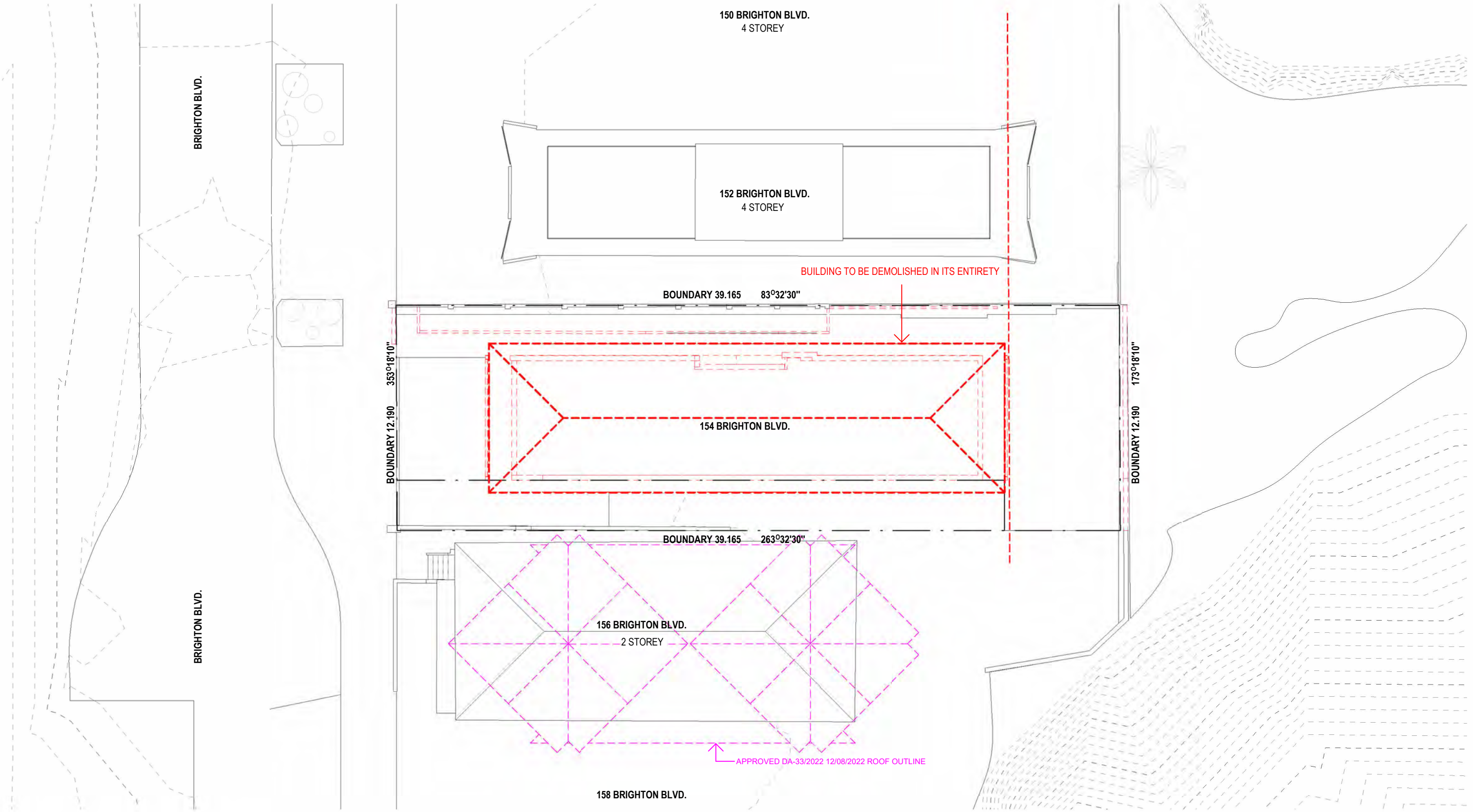
PROJECT
154 BRIGHTON BOULEVARD, NORTH
BONDI

DRAWING
SITE ANALYSIS

PROJECT NO. 205
DWG NO. DA102
REV -

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Checked: JM
Scale: 1:200 @A3
Date: 11/05/2023



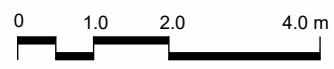


KEY

	BOUNDARY
	DCP 9.5M MAX BUILDING HEIGHT
	7M MAX WALL HEIGHT
	EXISTING SETBACKS
	EXISTING BUILDING ENVELOPE
	OUTLINE OF APPROVED DA-33/2022 12/08/2022 (156 BRIGHTON BLVD)

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DEVELOPMENT APPLICATION

DATE	REV	AMENDMENT
11/05/2023	-	ISSUE FOR DA LODGEMENT

RECEIVED
Waverley Council

Application No: DA-133/2023

Date Received: 07/08/2023

AMENDED PLANS

PROJECT
154 BRIGHTON BOULEVARD, NORTH
BONDI

PROJECT NO.	DWG NO.	REV
205	DA110	-

DRAWING
DEMOLITION



Drawn: CC/AI	Scale: 1:200 @A3
Checked: JM	Date: 11/05/2023



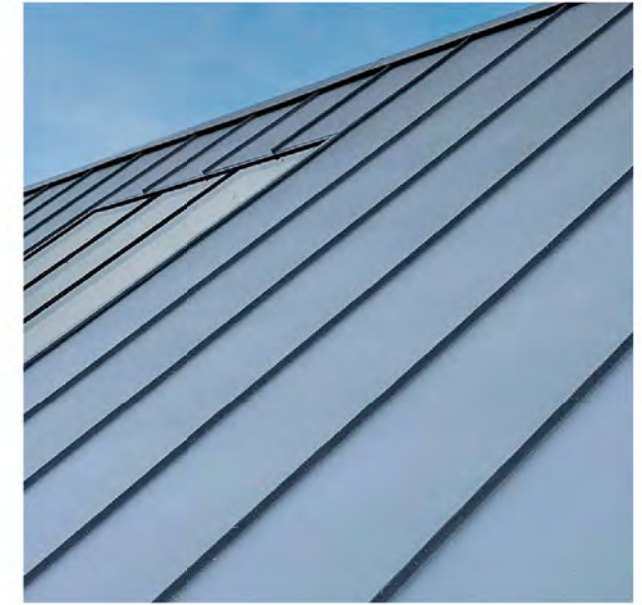
BRONZE
ALL DETAILING



CONCRETE TEXTURE :
ALL BALCONIES, ENTRY CANOPY AND FLOORS



COBBLESTONE:
DRIVEWAY



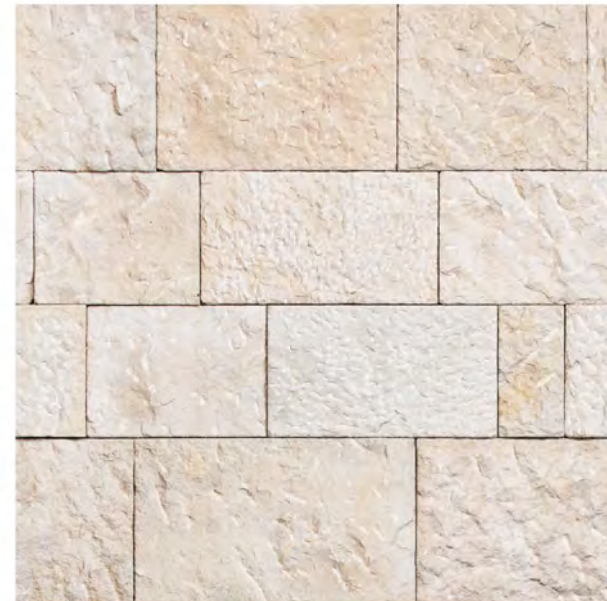
ROOF:
ZINC



TEXTURED RENDERED WALLS :
ALL EXTERNAL WALLS



WHITE TIMBER LOOK ALUMINIUM:
GARAGE DOOR



JERUSALEM STONE:
FRONT BOUNDARY WALL AND ENTRY GATE



LANDSCAPING:
TO LANDSCAPE ARCHITECTS DETAILS

RECEIVED
Waverley Council
Application No: DA-133/2023
Date Received: 07/08/2023

AMENDED PLANS

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DEVELOPMENT APPLICATION

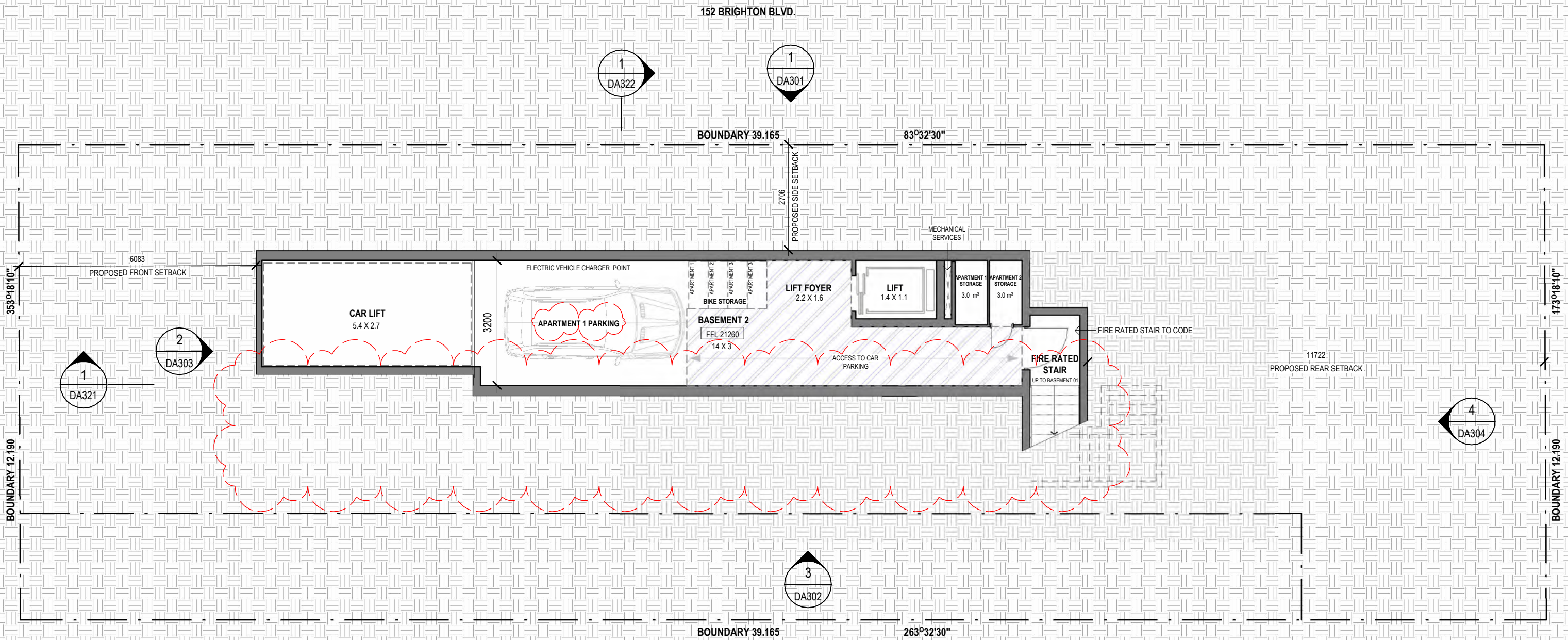
DATE REV AMENDMENT
11/05/2023 - ISSUE FOR DA LODGEMENT

PROJECT
154 BRIGHTON BOULEVARD, NORTH
BONDI

PROJECT NO. DWG NO. REV
205 DA120 -

DRAWING
MATERIAL BOARD

Drawn: CC/AI Scale: 1:1 @A3
Checked: JM Date: 11/05/2023



TRANSPORT PROVISIONS CALCULATION

PART B8 TRANSPORT - DCP

CAR PARKING PROVISION RATES (DCP SECTION 8.2.2)	PROPOSED	DCP
APARTMENT 1	01	01
APARTMENT 2	01	01
APARTMENT 3	01	01
TOTAL CAR PARKING SPACES	03	03

MOTORCYCLE PARKING (DCP SECTION 8.2.5)	PROPOSED	DCP
MOTORCYCLE PARKING SPACES	02	02

BICYCLE PARKING (DCP SECTION 8.2.6)	PROPOSED	DCP
APARTMENT 1	01	01
APARTMENT 2	01	01
APARTMENT 3	02	01
TOTAL BICYCLE PARKING SPACES	04	03

STORAGE CALCULATION

PART 4G STORAGE OF APARTMENT DESIGN GUIDE (ADG)

APARTMENT 1 AND 2 (1 BEDROOM)	PROPOSED	ADG	APARTMENT 3 (3 BEDROOMS)	PROPOSED	ADG
STORAGE IN THE APARTMENT	3m ³ 50%	3m ³ 50%	STORAGE IN THE APARTMENT	5m ³ 50%	5m ³ 50%
STORAGE IN THE BASEMENT	3m ³ 50%	3m ³ 50%	STORAGE IN THE BASEMENT	5m ³ 50%	5m ³ 50%
TOTAL STORAGE VOLUME	6m³ 100%	6m³ 100%	TOTAL STORAGE VOLUME	10m³ 100%	10m³ 100%

1 BASEMENT 2 - FLOOR PLAN

1:100

LEGEND:

BOUNDARY LINE	OUTLINE OF EXISTING ENVELOPE
PREDOMINANT FRONT SETBACK	1500mm SIDE SETBACK (DCP)
EXISTING SETBACKS	OUTLINE OF APPROVED DA-33/2022 12/08/2022 (156 BRIGHTON BLVD)

RECEIVED
Waverley Council
Application No: DA-133/2023
Date Received: 07/08/2023

AMENDED PLANS

GENERAL NOTES

DO NOT SCALE FROM DRAWINGS. ALL DIMENSIONS ARE TO BE CHECKED ON SITE BEFORE COMMENCEMENT OF WORK. ALL DISCREPANCIES TO BE BROUGHT TO THE ATTENTION OF THE PROJECT ARCHITECT. LARGER SCALE DRAWINGS AND WRITTEN DIMENSIONS TAKE PREFERENCE. THIS DRAWING IS COPYRIGHT AND THE PROPERTY OF THE AUTHOR. IT MUST NOT BE RETAINED, COPIED, OR USED WITHOUT THE EXPRESS AUTHORITY OF BRUCE STAFFORD & ASSOCIATES PTY LTD T/A STAFFORD ARCHITECTURE. ACN 097664527 | NOM. ARCHITECT: BRUCE MICHAEL BERESFORD STAFFORD - NSW ARCHITECTS REG. NO. 7155

DEVELOPMENT APPLICATION

DATE	REV	AMENDMENT
11/05/2023	-	ISSUE FOR DA LODGEMENT
02/08/2023	A	AMENDMENTS FOLLOWING COUNCIL RFI'S

PROJECT
154 BRIGHTON BOULEVARD, NORTH
BONDI

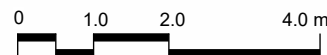
PROJECT NO. 205
DWG NO. DA200
REV. A

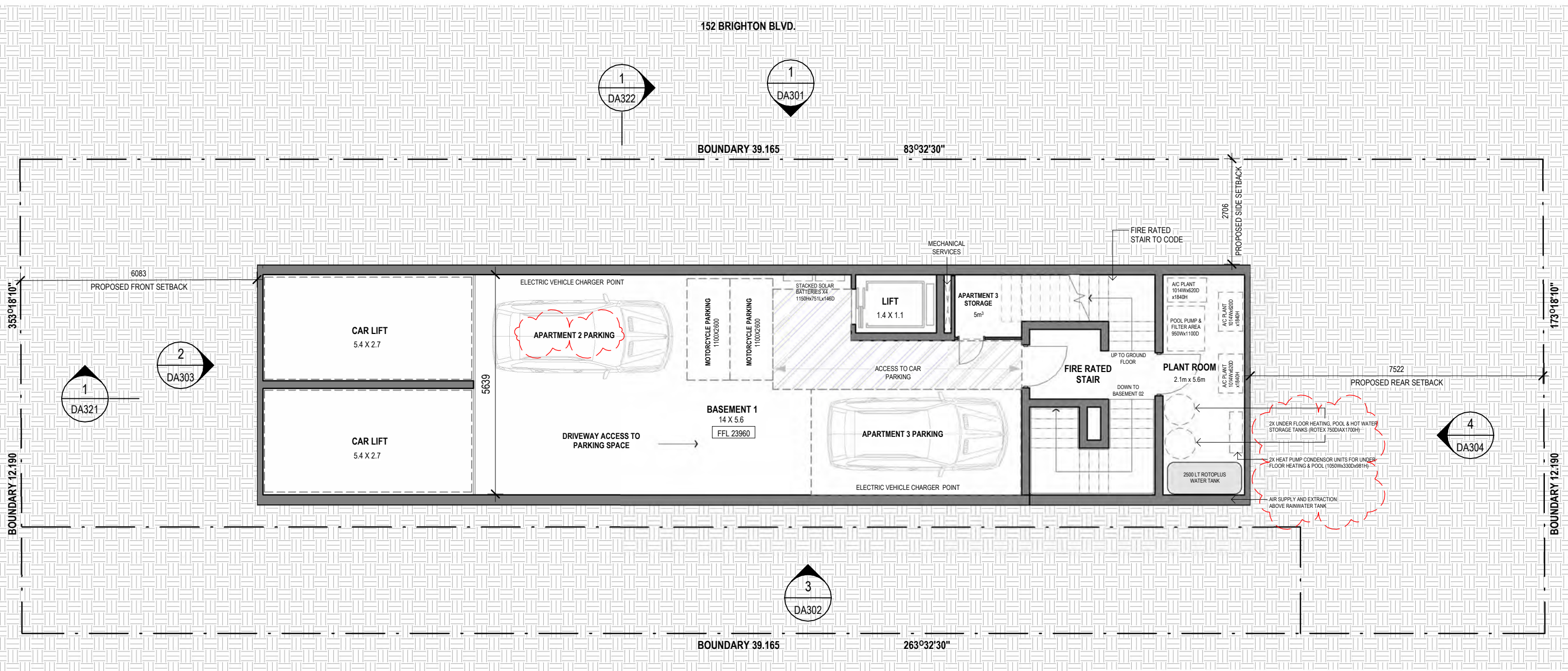
DRAWING
BASEMENT 2 - FLOOR PLAN

Drawn: CC/AI
Checked: JM
Scale: 1:100
Date: 02/08/2023

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1 BASEMENT 1 - FLOOR PLAN
1:100

LEGEND:

— — — — —	BOUNDARY LINE	- - - - -	OUTLINE OF EXISTING ENVELOPE
- - - - -	PREDOMINANT FRONT SETBACK	- - - - -	1500mm SIDE SETBACK (DCP)
- - - - -	EXISTING SETBACKS	- - - - -	OUTLINE OF APPROVED DA-33/2022 12/08/2022 (156 BRIGHTON BLVD)

RECEIVED
Waverley Council

Application No: DA-133/2023

Date Received: 07/08/2023

AMENDED PLANS

TRANSPORT PROVISIONS CALCULATION

PART B8 TRANSPORT - DCP

	PROPOSED	DCP
CAR PARKING PROVISION RATES (DCP SECTION 8.2.2)		
APARTMENT 1	01	01
APARTMENT 2	01	01
APARTMENT 3	01	01
TOTAL CAR PARKING SPACES	03	03

MOTORCYCLE PARKING (DCP SECTION 8.2.5)	PROPOSED	DCP
MOTORCYCLE PARKING SPACES	02	02

STORAGE CALCULATION

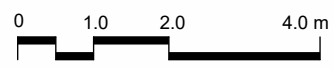
PART 4G STORAGE OF APARTMENT DESIGN GUIDE (ADG)

	PROPOSED	ADG
APARTMENT 1 AND 2 (1 BEDROOM)		
STORAGE IN THE APARTMENT	3m ³ 50%	3m ³ 50%
STORAGE IN THE BASEMENT	3m ³ 50%	3m ³ 50%
TOTAL STORAGE VOLUME	6m³ 100%	6m³ 100%

BICYCLE PARKING (DCP SECTION 8.2.6)	PROPOSED	DCP
APARTMENT 1	01	01
APARTMENT 2	01	01
APARTMENT 3	02	01
TOTAL BICYCLE PARKING SPACES	04	03

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DEVELOPMENT APPLICATION

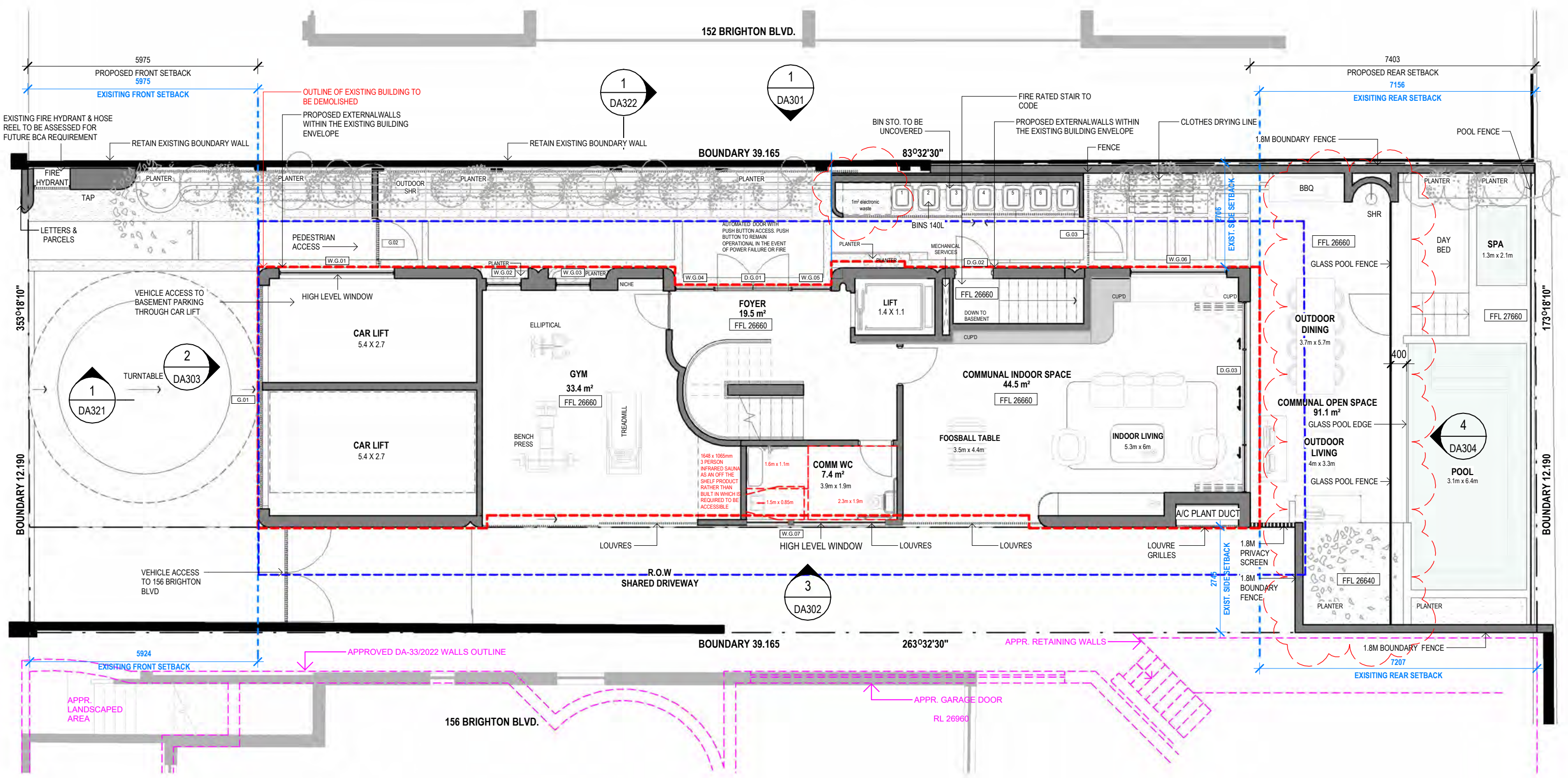
DATE	REV	AMENDMENT
11/05/2023	-	ISSUE FOR DA LODGEMENT
02/08/2023	A	AMENDMENTS FOLLOWING COUNCIL RFI'S

PROJECT
154 BRIGHTON BOULEVARD, NORTH
BONDI

PROJECT NO. 205
DWG NO. DA201
REV. A

DRAWING
BASEMENT 1 - FLOOR PLAN

Drawn: CC/AI
Checked: JM
Scale: 1:100
Date: 02/08/2023
As indicated @A3



1 GROUND FLOOR - FLOOR PLAN
1:100

AMENDED PLANS

LEGEND:

	BOUNDARY LINE		OUTLINE OF EXISTING ENVELOPE
	PREDOMINANT FRONT SETBACK		1500mm SIDE SETBACK (DCP)
	EXISTING SETBACKS		OUTLINE OF APPROVED DA-33/2022 (156 BRIGHTON BLVD)

WINDOW	H (mm)	W (mm)	Area
W.G.01			2 m ²
W.G.02			1 m ²
W.G.03			1 m ²
W.G.04	2440	975	2 m ²
W.G.05	2440	984	2 m ²
W.G.06	1290	2451	3 m ²
W.G.07	700	4844	3 m ²

DOOR	H (mm)	W (mm)	Area

COMMUNAL OPEN SPACE CALCULATION
PART 3D - ADG

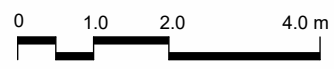
SITE AREA 477.40m²

	PROPOSED	DCP	ADG
COMMUNAL OPEN SPACE (% OF SITE AREA)	91.1m ² 19.08%	71.61m ² 15%	111.85m ² 25%

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Waverley Council
Application No: DA-133/2023
Date Received: 07/08/2023

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DEVELOPMENT APPLICATION

DATE	REV	AMENDMENT
11/05/2023	-	ISSUE FOR DA LODGEMENT
02/08/2023	A	AMENDMENTS FOLLOWING COUNCIL RFI'S

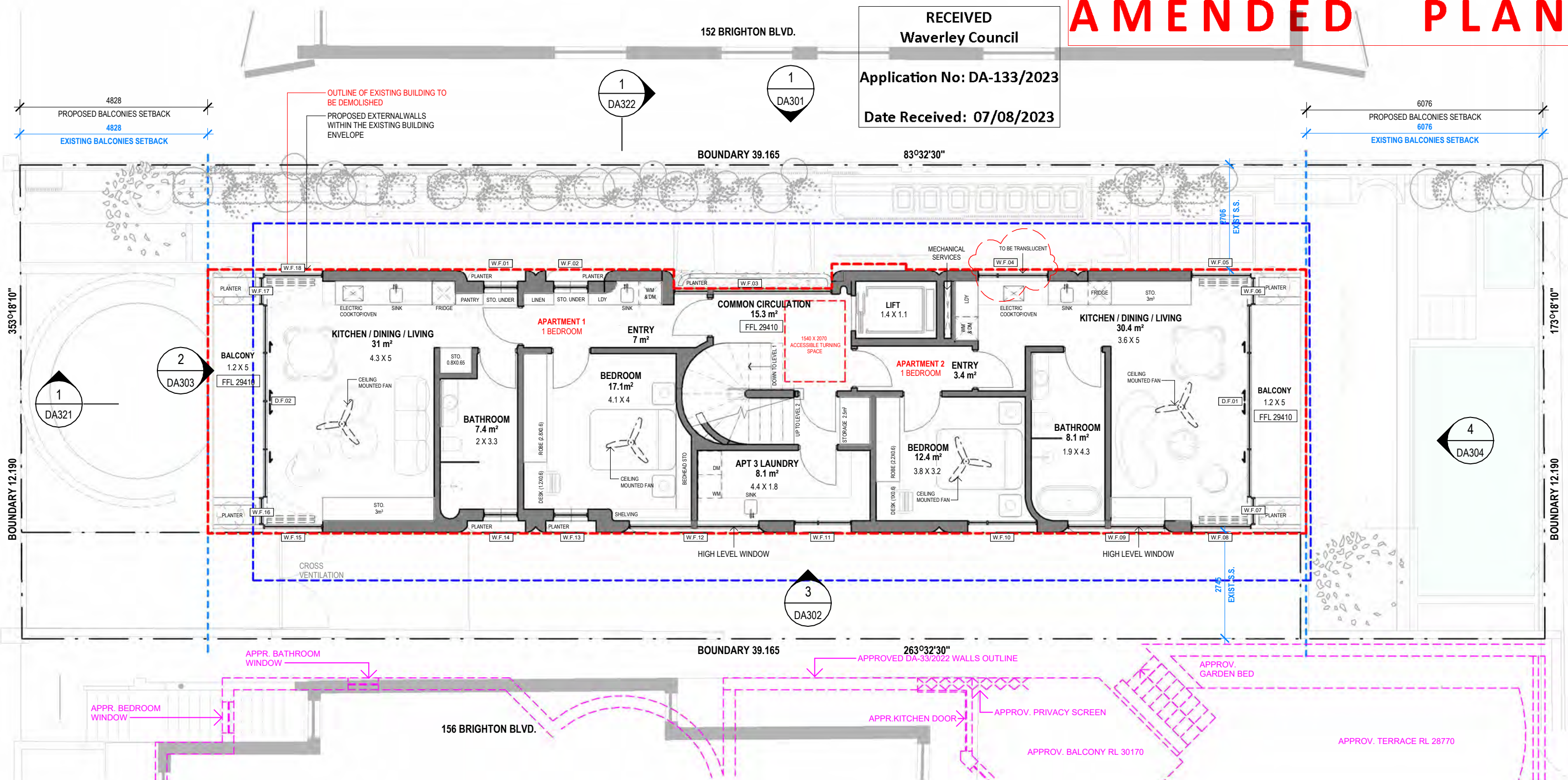
PROJECT
154 BRIGHTON BOULEVARD, NORTH BONDI

DRAWING
GROUND FLOOR - FLOOR PLAN

PROJECT NO.	DWG NO.	REV
205	DA202	A

Drawn: CC/AI
Checked: JM
Scale: 1:100
Date: 02/08/2023

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Waverley Council
Application No: DA-133/2023
Date Received: 07/08/2023



1 LEVEL 1 - FLOOR PLAN
1 : 100

LEGEND:

- BOUNDARY LINE
- PREDOMINANT FRONT SETBACK
- EXISTING SETBACKS
- OUTLINE OF EXISTING ENVELOPE
- 1500mm SIDE SETBACK (DCP)
- OUTLINE OF APPROVED DA-33/2022 12/08/2022 (156 BRIGHTON BLVD)

WINDOW	H (mm)	W (mm)	Area
W.F.01			1 m ²
W.F.02			1 m ²
W.F.03	1970	3985	8 m ²
W.F.04	518	1251	1 m ²
W.F.05			3 m ²
W.F.06	1970	640	1 m ²
W.F.07	1970	640	1 m ²
W.F.08			3 m ²
W.F.09	1070	465	0 m ²
W.F.10	1070	1231	1 m ²
W.F.11			1 m ²
W.F.12			1 m ²
W.F.13			1 m ²
W.F.14			1 m ²
W.F.15			3 m ²

DOOR	H (mm)	W (mm)	Area
D.F.02	2640	1190	3 m ²
D.F.02	2640	1190	3 m ²
D.F.02	2640	1218	3 m ²
D.F.02	2640	1220	3 m ²
D.F.02	2640	1190	3 m ²
D.F.02	2640	1190	3 m ²
D.F.02	2640	1218	3 m ²
D.F.02	2640	1220	3 m ²
D.F.02	2137	1190	3 m ²
D.F.02	2137	1190	3 m ²
D.F.02	2137	1205	3 m ²
D.F.02	2463	1190	3 m ²
D.F.02	2463	1190	3 m ²
D.F.02	2463	1218	3 m ²
D.F.02	2463	1220	3 m ²
D.F.02	2640	1190	3 m ²
D.F.02	2640	1190	3 m ²
D.F.02	2640	1203	3 m ²

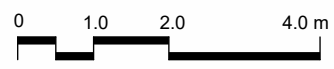
APARTMENTS

BEDROOMS NUMBER	APARTMENT 1		APARTMENT 2		APARTMENT 3	
	ADG/DCP	PROPOSED	ADG/DCP	PROPOSED	ADG/DCP	PROPOSED
APARTMENT INTERNAL AREA	50m ²	66.2m ²	50m ²	55.8m ²	90m ²	294.8m ²
CAR PARKING SPACES	01	01	01	01	01	01
PRIVATE OPEN SPACE		6.3m ²		6.3m ²		48m ²

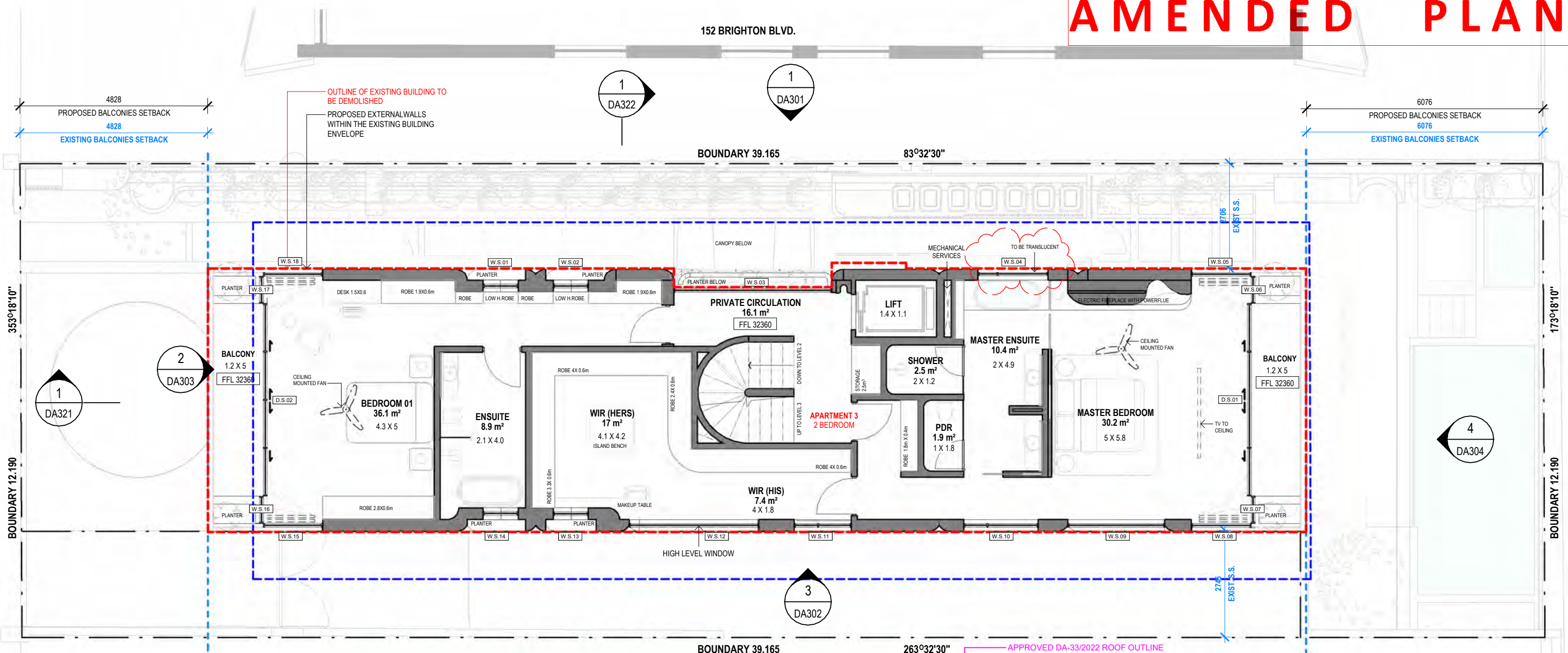
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DEVELOPMENT APPLICATION
DATE: 11/05/2023
REV: 02/08/2023
AMENDMENT: ISSUE FOR DA LODGEMENT AMENDMENTS FOLLOWING COUNCIL RFI'S

PROJECT: 154 BRIGHTON BOULEVARD, NORTH BONDI
DRAWING: LEVEL 1 - FLOOR PLAN
PROJECT NO.: 205
DWG NO.: DA203
REV: A
Scale: 1:150
Date: 02/08/2023



AMENDED PLANS



RECEIVED
Waverley Council
Application No: DA-133/2023
Date Received: 07/08/2023

1 LEVEL 2 - FLOOR PLAN
1:100

LEGEND:

- BOUNDARY LINE
- PREDOMINANT FRONT SETBACK
- EXISTING SETBACKS
- OUTLINE OF EXISTING ENVELOPE
- 1500mm SIDE SETBACK (DCP)
- OUTLINE OF APPROVED DA-33/2022 (156 BRIGHTON BLVD)

WINDOW	H (mm)	W (mm)	Area
W.S.01			1 m ²
W.S.02			1 m ²
W.S.03	2640	3989	11 m ²
W.S.04	518	455	0 m ²
W.S.04	518	1258	1 m ²
W.S.05			3 m ²
W.S.06	1970	640	1 m ²
W.S.07	1970	640	1 m ²
W.S.08			3 m ²
W.S.09			5 m ²
W.S.10	475	565	0 m ²
W.S.10	475	1258	1 m ²
W.S.11	478	565	0 m ²
W.S.11	478	808	0 m ²
W.S.12			2 m ²
W.S.13			1 m ²
W.S.14			1 m ²
W.S.15			3 m ²

DOOR	H (mm)	W (mm)	Area
------	--------	--------	------

APARTMENTS

	APARTMENT 1		APARTMENT 2		APARTMENT 3	
BEDROOMS NUMBER	01		01		02	
	ADG/DCP	PROPOSED	ADG/DCP	PROPOSED	ADG/DCP	PROPOSED
APARTMENT INTERNAL AREA	50m ²	66.2m ²	50m ²	55.8m ²	90m ²	294.8m ²
CAR PARKING SPACES	01	01	01	01	01	01
PRIVATE OPEN SPACE		6.3m ²		6.3m ²		48m ²

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DEVELOPMENT APPLICATION

DATE 11/05/2023
REV -
02/08/2023 A

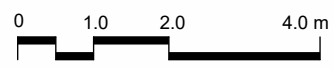
AMENDMENT
ISSUE FOR DA LODGEMENT
AMENDMENTS FOLLOWING COUNCIL RFI'S

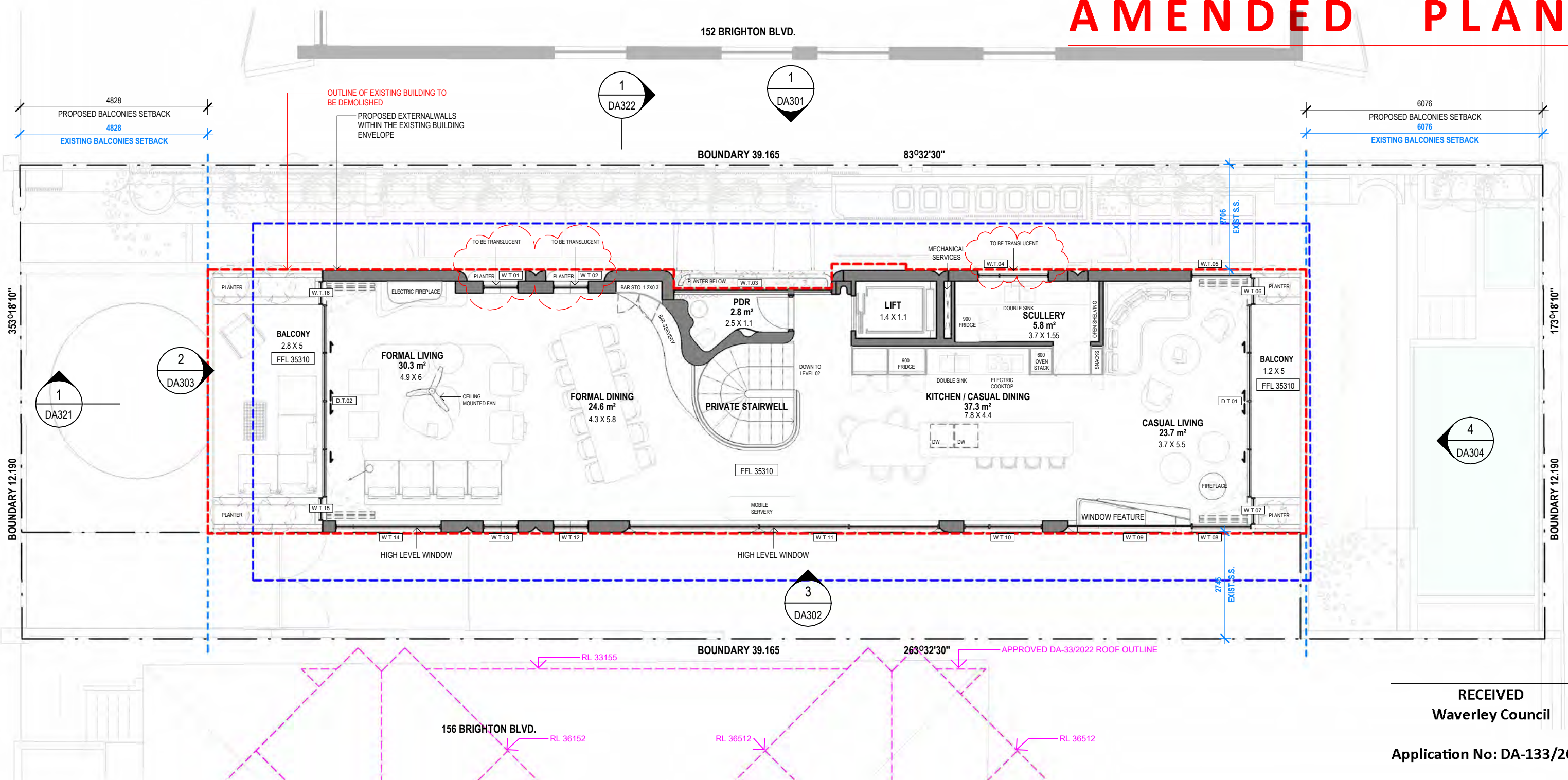
PROJECT
154 BRIGHTON BOULEVARD, NORTH
BONDI

DRAWING
LEVEL 2 - FLOOR PLAN

PROJECT NO. 205
DWG NO. DA204
REV A

Drawn: CC/AI
Checked: JM
Scale: 1:100
Date: 02/08/2023
As indicated @A3





1 LEVEL 3 - FLOOR PLAN
1 : 100

LEGEND:

- BOUNDARY LINE
- PREDOMINANT FRONT SETBACK
- EXISTING SETBACKS
- OUTLINE OF EXISTING ENVELOPE
- 1500mm SIDE SETBACK (DCP)
- OUTLINE OF APPROVED DA-33/2022 (156 BRIGHTON BLVD)

WINDOW	H (mm)	W (mm)	Area
W.T.01			1 m ²
W.T.02			1 m ²
W.T.03	2387	3989	10 m ²
W.T.04	1560	505	1 m ²
W.T.04	1560	1215	2 m ²
W.T.05			2 m ²
W.T.06	1737	640	1 m ²
W.T.07	1737	640	1 m ²
W.T.08			2 m ²
W.T.09	2167	3186	7 m ²
W.T.10	1548	615	1 m ²
W.T.10	1548	1315	2 m ²
W.T.11	1137	2265	3 m ²
W.T.11	1137	2280	3 m ²
W.T.11	1137	3275	4 m ²
W.T.12			1 m ²
W.T.13			1 m ²
W.T.14			3 m ²
W.T.15	1467	540	1 m ²

DOOR	H (mm)	W (mm)	Area
D.T.01	2137	1190	3 m ²
D.T.01	2137	1190	3 m ²
D.T.01	2137	1203	3 m ²
D.T.01	2137	1205	3 m ²

APARTMENTS

	APARTMENT 1		APARTMENT 2		APARTMENT 3	
	ADG/DCP	PROPOSED	ADG/DCP	PROPOSED	ADG/DCP	PROPOSED
BEDROOMS NUMBER	01		01		02	
APARTMENT INTERNAL AREA	50m ²	66.2m ²	50m ²	55.8m ²	90m ²	294.8m ²
CAR PARKING SPACES	01	01	01	01	01	01
PRIVATE OPEN SPACE		6.3m ²		6.3m ²		48m ²

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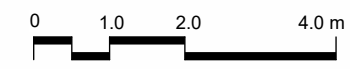
DEVELOPMENT APPLICATION

DATE: 11/05/2023
 REV: 02/08/2023
 AMENDMENT: ISSUE FOR DA LODGEMENT AMENDMENTS FOLLOWING COUNCIL RFI'S

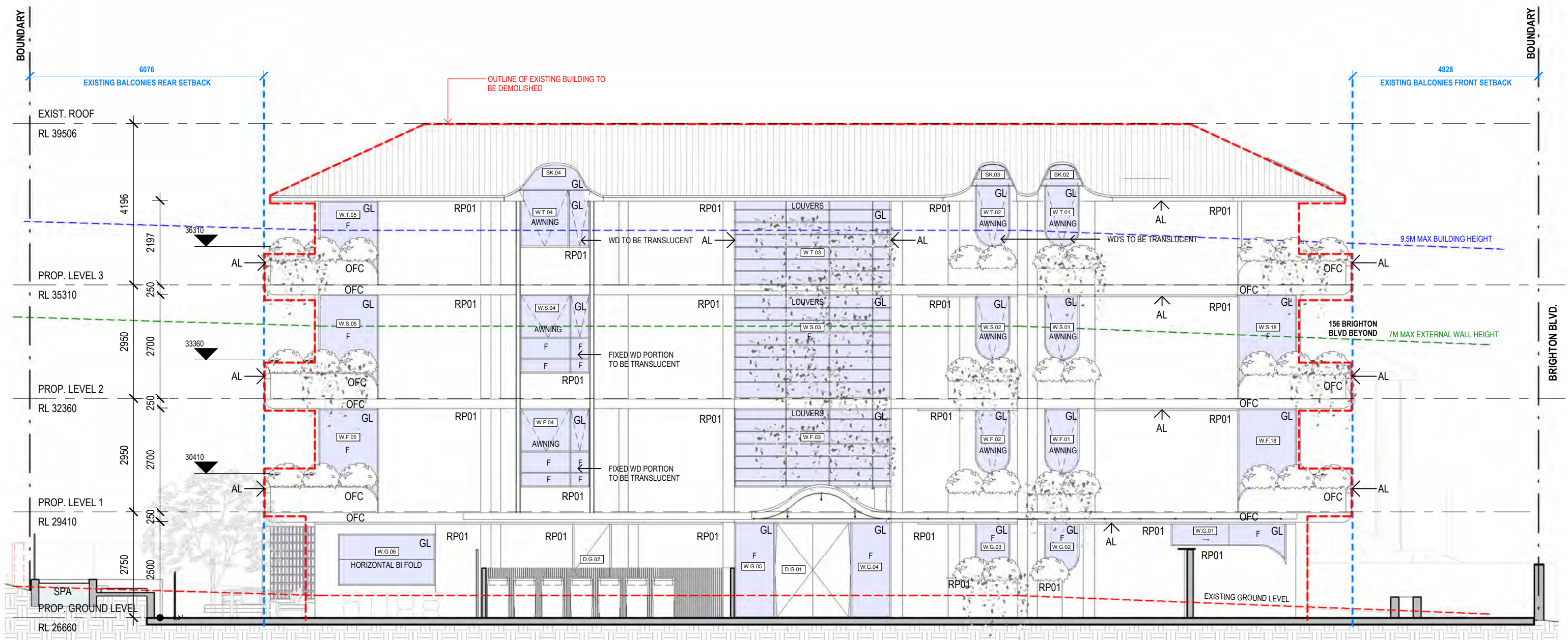
PROJECT: 154 BRIGHTON BOULEVARD, NORTH BONDI
 DRAWING: LEVEL 3 - FLOOR PLAN

PROJECT NO.: 205
 DWG NO.: DA205
 REV: A

Drawn: CC/AI
 Checked: JM
 Scale: 5/17
 Date: 02/08/2023



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 Date Received: 07/08/2023



MATERIALS LEGEND

OFC	OFF FORM CONCRETE
RP01	TEXTURED RENDER
GL	GLASS
AL	BRONZE ALUMINIUM

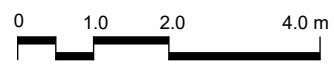
KEY

---	BOUNDARY
---	DCP 9.5M MAX BUILDING HEIGHT
---	7M MAX WALL HEIGHT
---	EXISTING SETBACKS
---	EXISTING BUILDING ENVELOPE
---	OUTLINE OF APPROVED DA-33/2022 12/08/2022 (156 BRIGHTON BLVD)

1 NORTH ELEVATION
1:100

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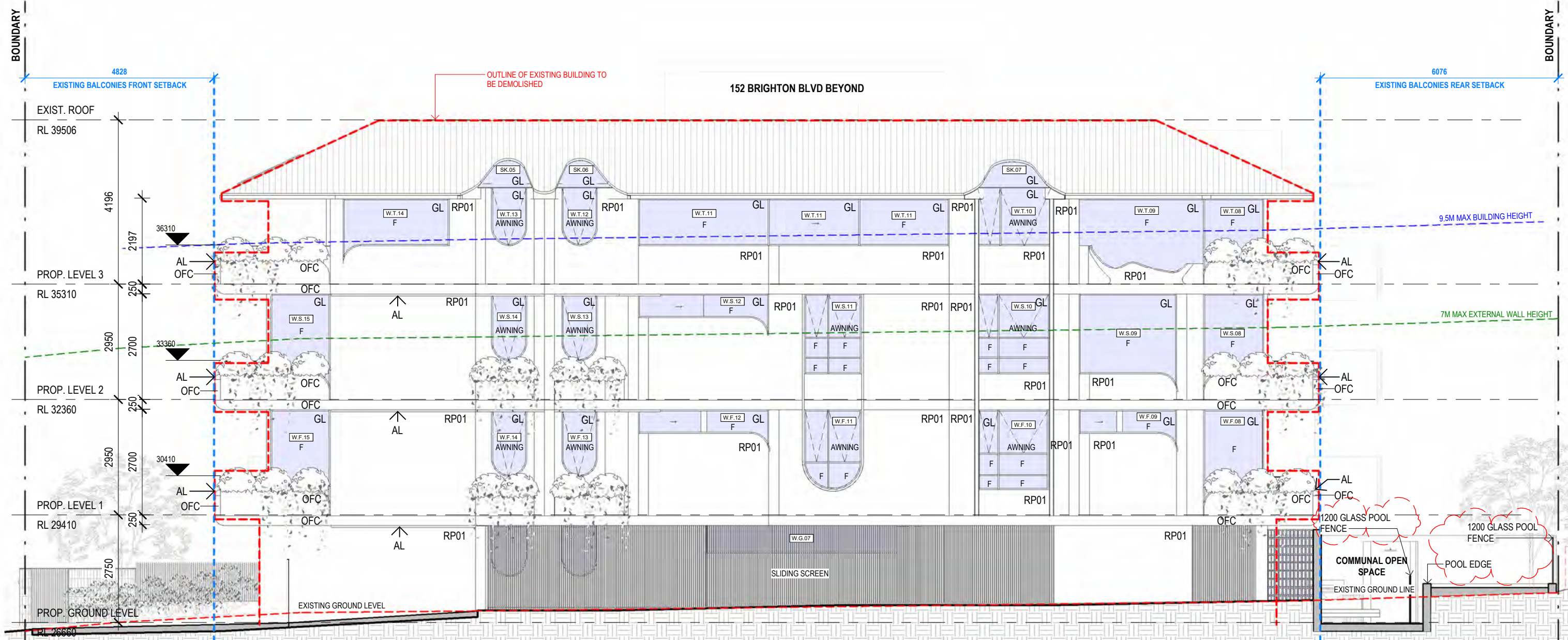
DEVELOPMENT APPLICATION

DATE	REV	AMENDMENT
11/05/2023	-	ISSUE FOR DA LODGEMENT
02/08/2023	A	AMENDMENTS FOLLOWING COUNCIL RFI'S

PROJECT
154 BRIGHTON BOULEVARD, NORTH
BONDI
DRAWING
NORTH ELEVATION

PROJECT NO.	DWG NO.	REV
205	DA301	A

Drawn: CC/AI
Checked: JM
Scale: 1:100
Date: 02/08/2023
As indicated @A3



MATERIALS LEGEND

OFC	OFF FORM CONCRETE
RP01	TEXTURED RENDER
GL	GLASS
AL	BRONZE ALUMINIUM

KEY

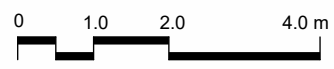
---	BOUNDARY
---	DCP 9.5M MAX BUILDING HEIGHT
---	7M MAX WALL HEIGHT
---	EXISTING SETBACKS
---	EXISTING BUILDING ENVELOPE
---	OUTLINE OF APPROVED DA-33/2022 12/08/2022 (156 BRIGHTON BLVD)

3 SOUTH ELEVATION 1:100

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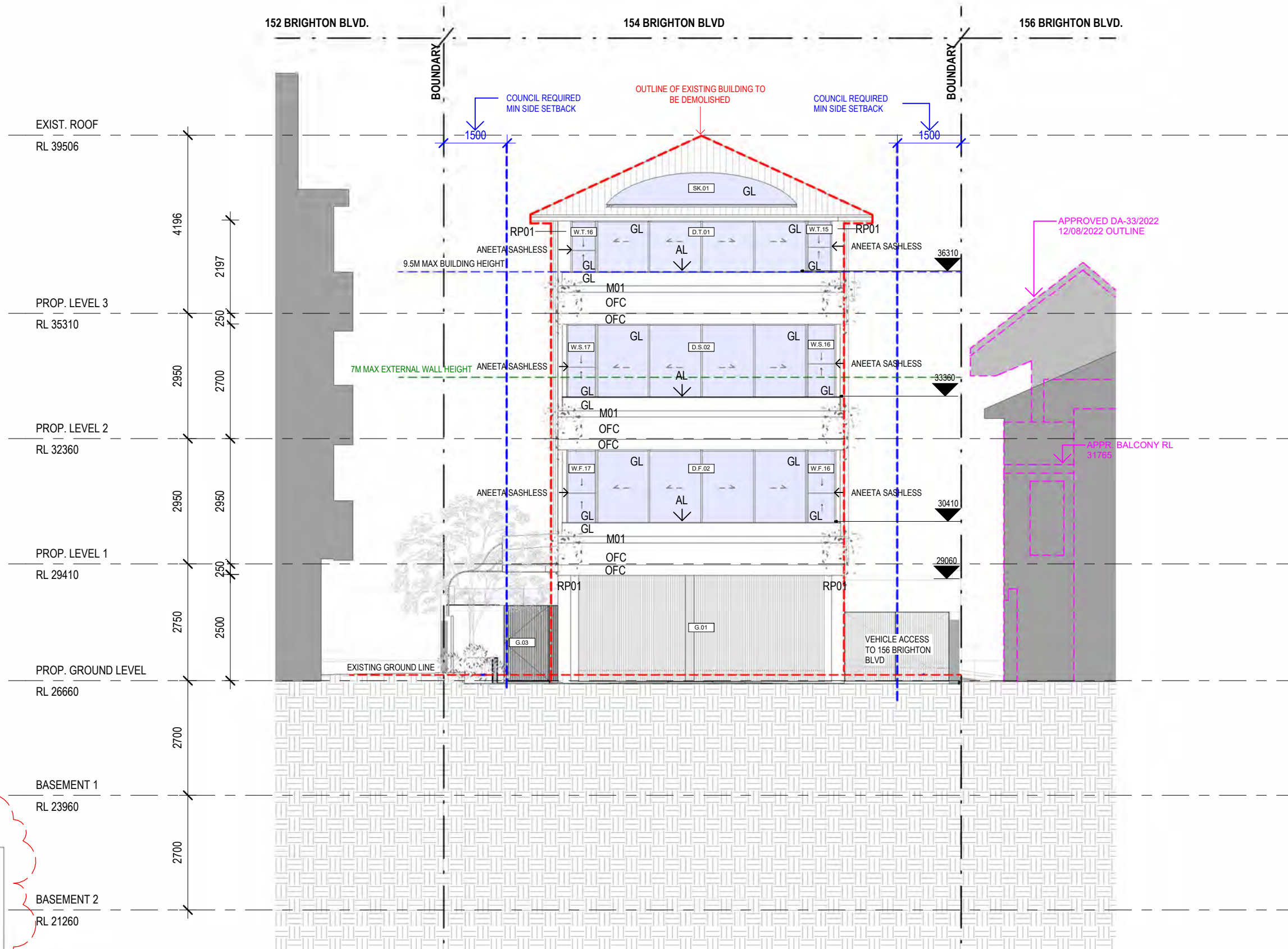
DEVELOPMENT APPLICATION

DATE	REV	AMENDMENT
11/05/2023	-	ISSUE FOR DA LODGEMENT
02/08/2023	A	AMENDMENTS FOLLOWING COUNCIL RFI'S

PROJECT
 154 BRIGHTON BOULEVARD, NORTH
 BONDI
DRAWING
 SOUTH ELEVATION

PROJECT NO.	DWG NO.	REV
205	DA302	A

Drawn: CC/AI
 Checked: JM
 Scale: 519
 Date: 02/08/2023
 As indicated @A3



MATERIALS LEGEND

OFC	OFF FORM CONCRETE
RP01	TEXTURED RENDER
GL	GLASS
AL	BRONZE ALUMINIUM

KEY

	BOUNDARY
	DCP 9.5M MAX BUILDING HEIGHT
	7M MAX WALL HEIGHT
	EXISTING SETBACKS
	EXISTING BUILDING ENVELOPE
	OUTLINE OF APPROVED DA-33/2022 12/08/2022 (156 BRIGHTON BLVD)

2 WEST ELEVATION

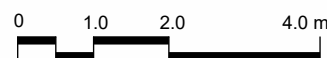
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DEVELOPMENT APPLICATION

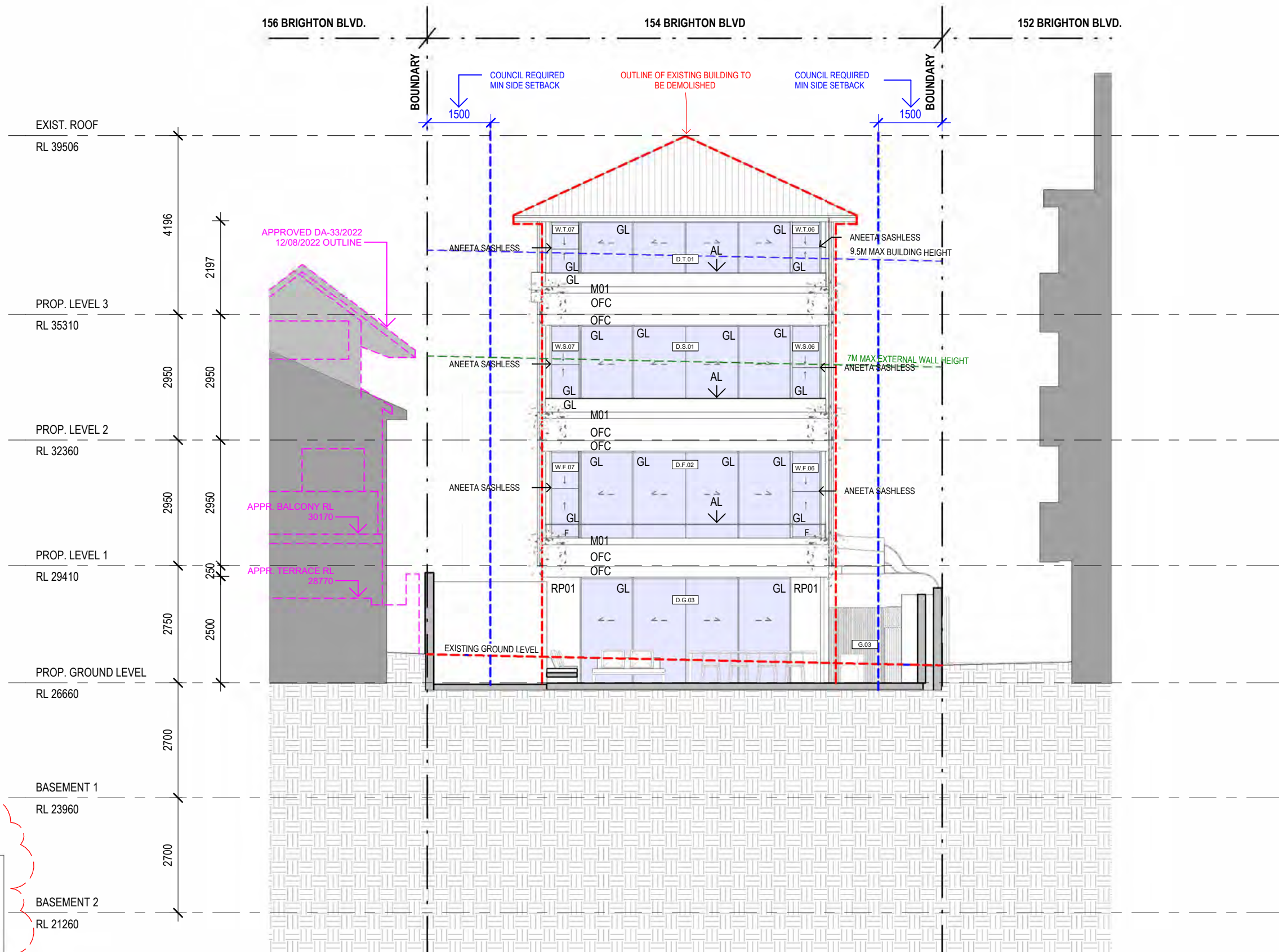
DATE	REV	AMENDMENT
11/05/2023	-	ISSUE FOR DA LODGEMENT
02/08/2023	A	AMENDMENTS FOLLOWING COUNCIL RFI'S

PROJECT
 154 BRIGHTON BOULEVARD, NORTH
 BONDI

PROJECT NO. 205
 DWG NO. DA303
 REV A

DRAWING
 WEST ELEVATION

Drawn: CC/AI
 Checked: JM
 Scale: 520
 Date: 02/08/2023
 As indicated @A3



4 EAST ELEVATION

1 : 100

MATERIALS LEGEND

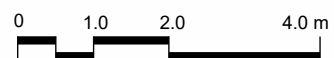
OFC	OFF FORM CONCRETE
RP01	TEXTURED RENDER
GL	GLASS
AL	BRONZE ALUMINIUM

KEY

	BOUNDARY
	DCP 9.5M MAX BUILDING HEIGHT
	7M MAX WALL HEIGHT
	EXISTING SETBACKS
	EXISTING BUILDING ENVELOPE
	OUTLINE OF APPROVED DA-33/2022 12/08/2022 (156 BRIGHTON BLVD)

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DATE	REV	AMENDMENT
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02/08/2023	A	AMENDMENTS FOLLOWING COUNCIL RFI'S

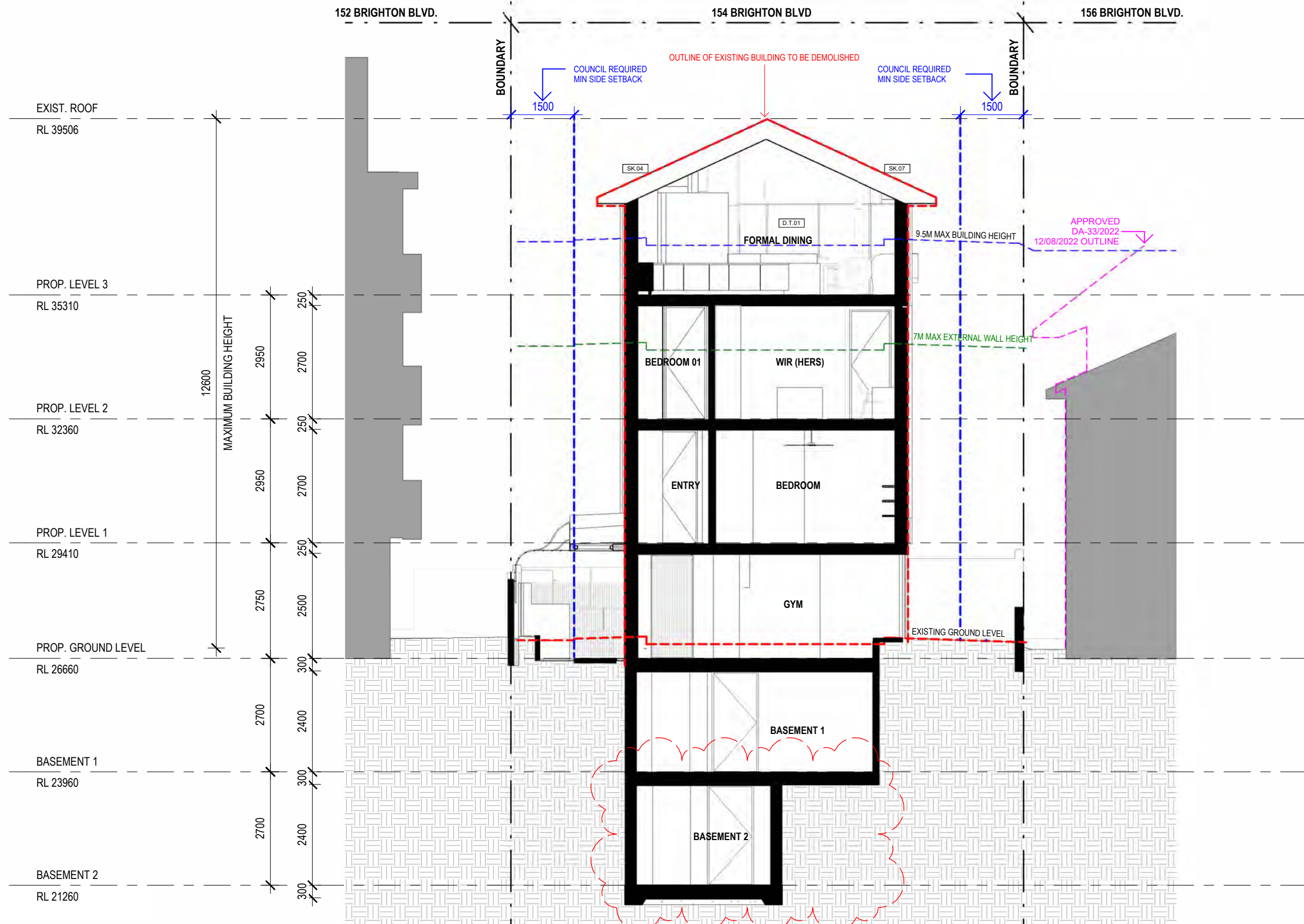
AMENDED PLANS

PROJECT
154 BRIGHTON BOULEVARD, NORTH
BONDI
DRAWING
EAST ELEVATION

PROJECT NO.	DWG NO.	REV
205	DA304	A

Drawn: CC/AI
Checked: JM
Scale: 521
Date: 02/08/2023
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Date Received: 07/08/2023



KEY

	BOUNDARY
	DCP 9.5M MAX BUILDING HEIGHT
	7M MAX WALL HEIGHT
	EXISTING SETBACKS
	EXISTING BUILDING ENVELOPE
	OUTLINE OF APPROVED DA-33/2022 (12/08/2022) (156 BRIGHTON BLVD)

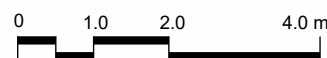
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DEVELOPMENT APPLICATION

DATE	REV	AMENDMENT
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02/08/2023	A	AMENDMENTS FOLLOWING COUNCIL RFI'S

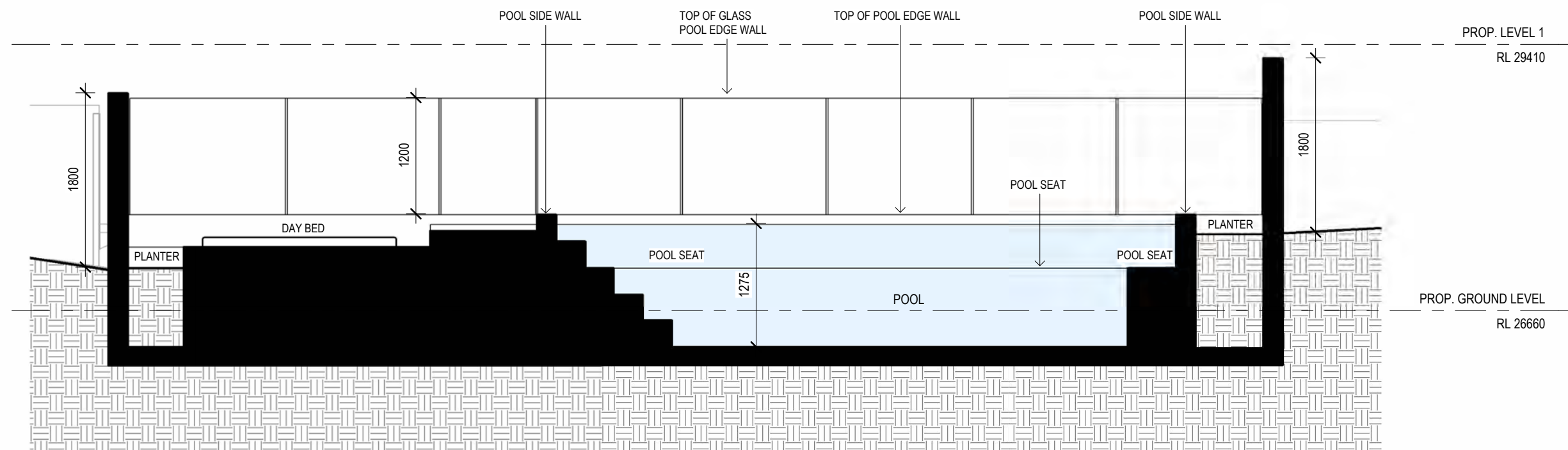
PROJECT
154 BRIGHTON BOULEVARD, NORTH
BONDI

DRAWING
SECTION - BB

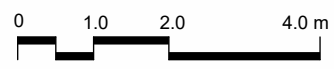
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DWG NO. DA322
REV A

Drawn: CC/AI
Checked: JM
Scale: 523
Date: 02/08/2023
As indicated @A3

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1 LONG POOL SECTION 1:50



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DEVELOPMENT APPLICATION

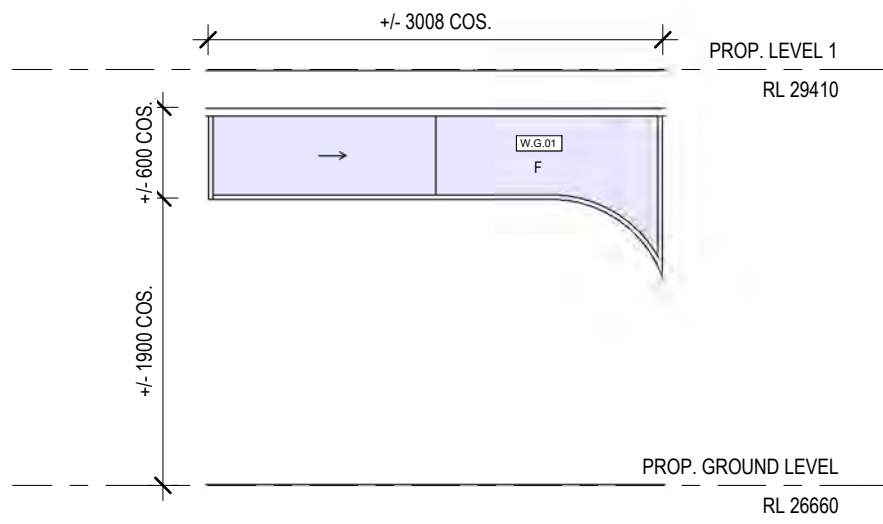
DATE	REV	AMENDMENT
02/08/2023	A	AMENDMENTS FOLLOWING COUNCIL RFI'S

PROJECT
 154 BRIGHTON BOULEVARD, NORTH
 BONDI

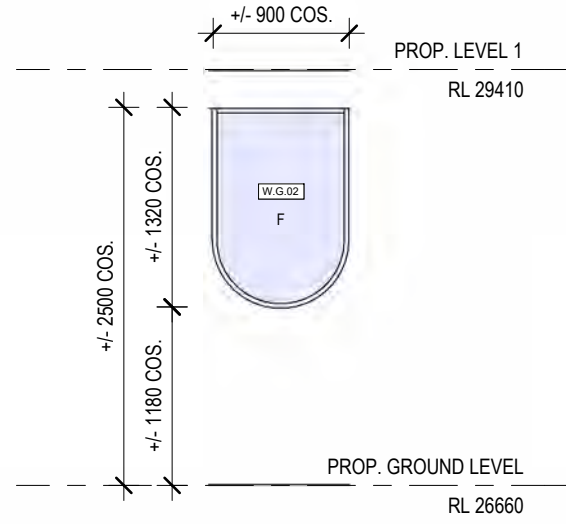
PROJECT NO.	DWG NO.	REV
205	A818	A

DRAWING
 LONG POOL SECTION

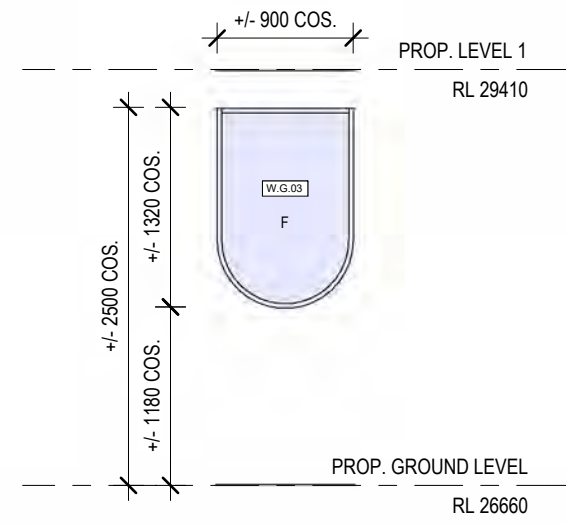
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Checked:	JM	Date:	02/08/2023



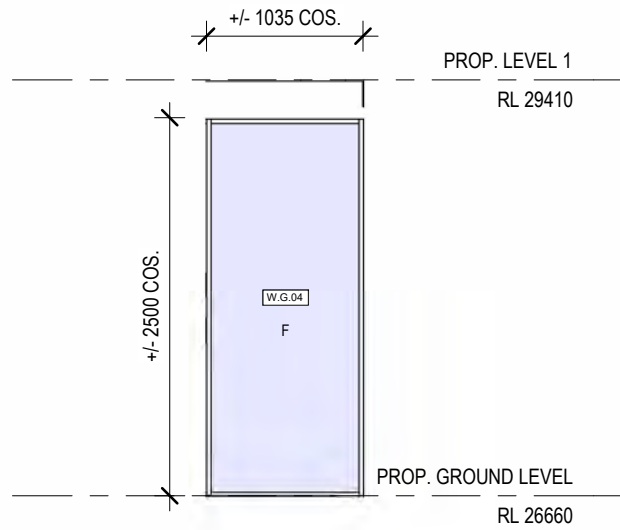
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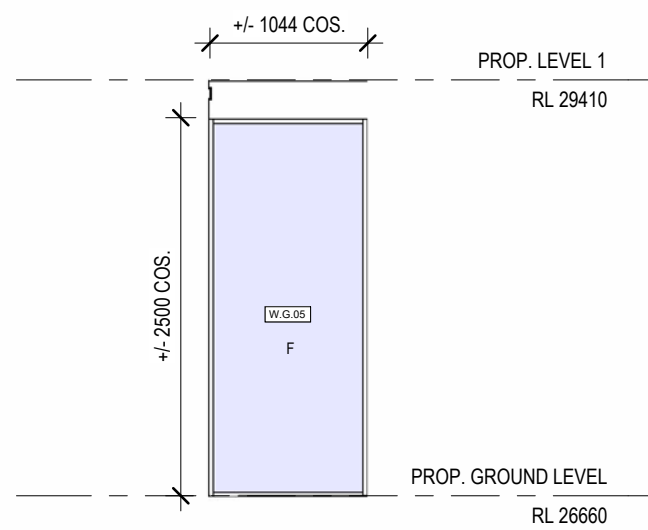
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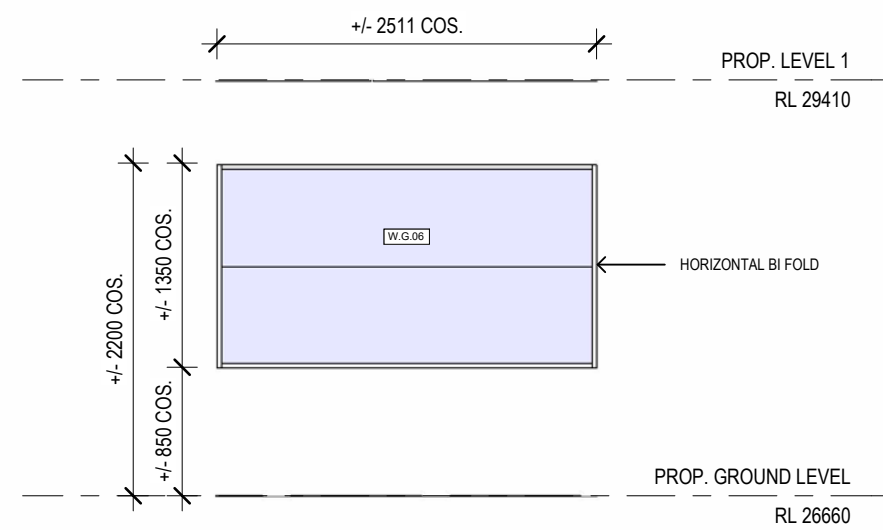
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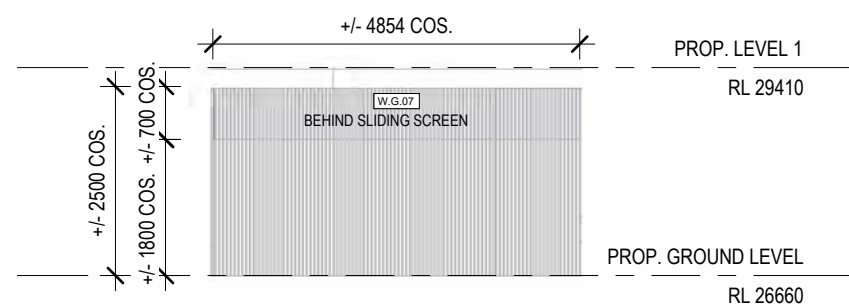
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5 W.G.05 1:50



6 W.G.06 1:50



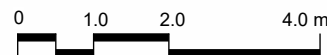
7 W.G.07 1:100

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CONSTRUCTION DOCUMENTATION

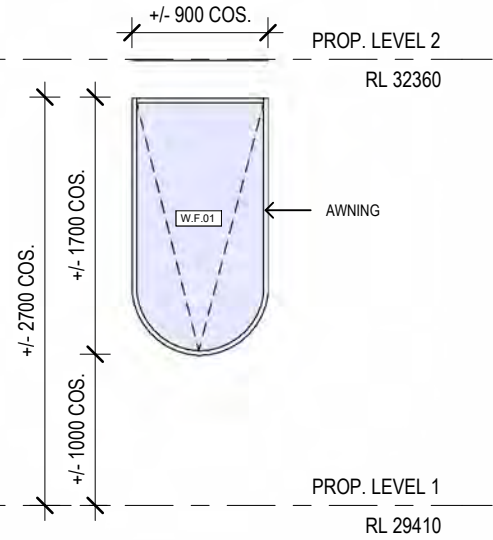
DRAFT - NOT FOR CONSTRUCTION
DATE REV AMENDMENT
02/08/2023 A AMENDMENTS FOLLOWING COUNCIL RFI'S

PROJECT
154 BRIGHTON BOULEVARD, NORTH
BONDI

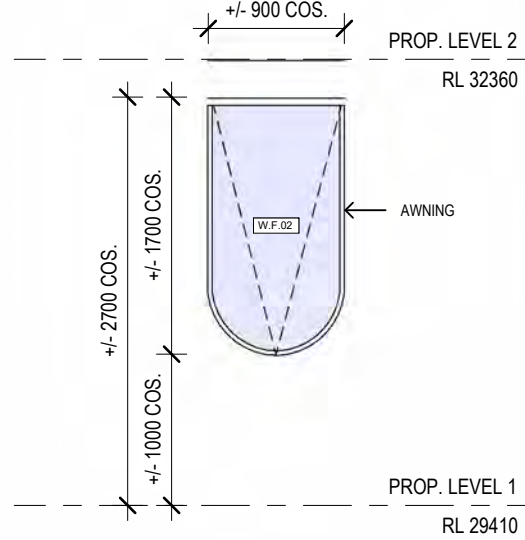
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205 A811 A

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GF - WINDOW SCHEDULE

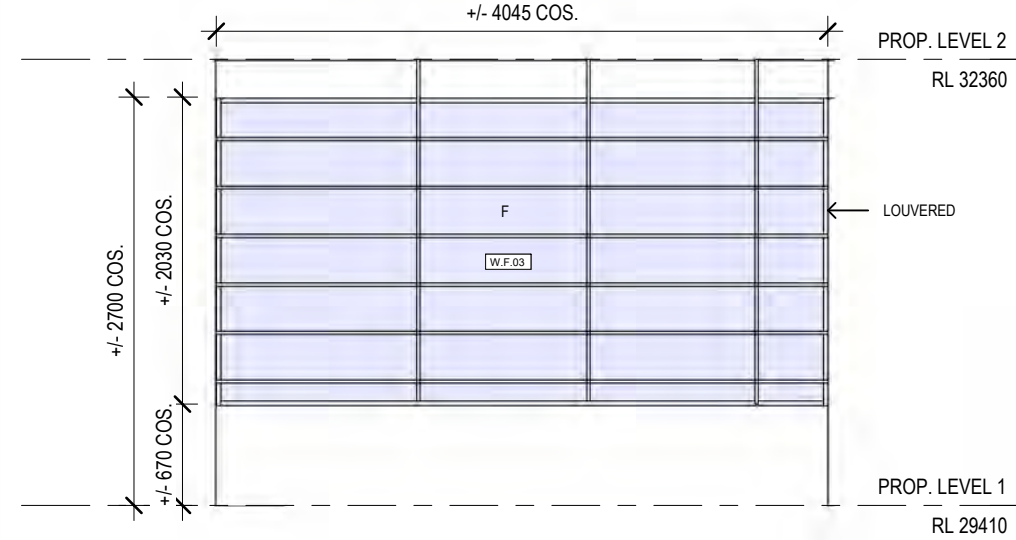
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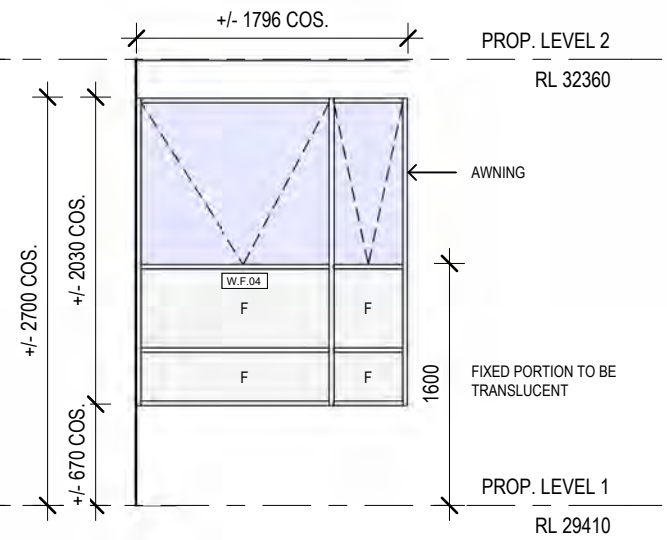
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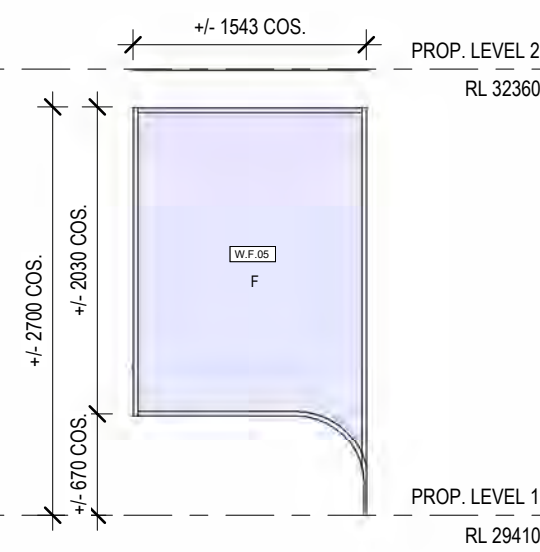
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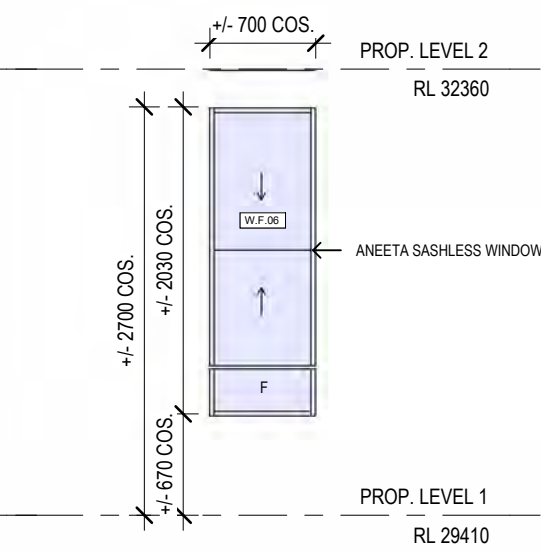
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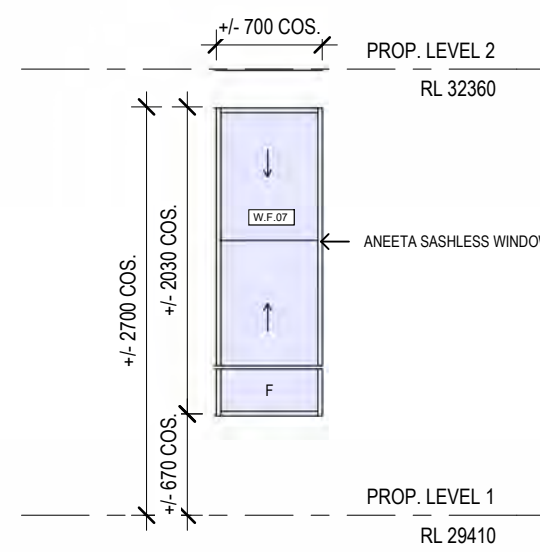
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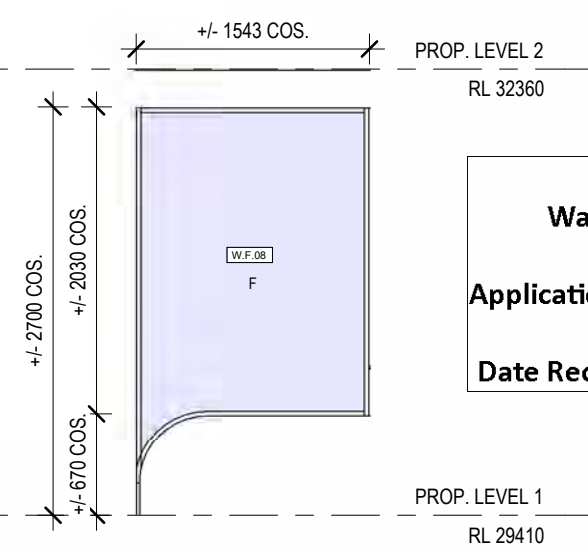
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6 W.F.06 1:50

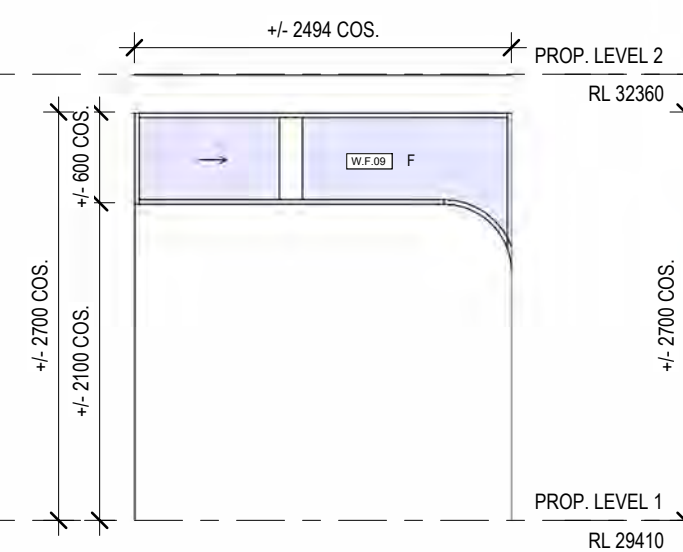


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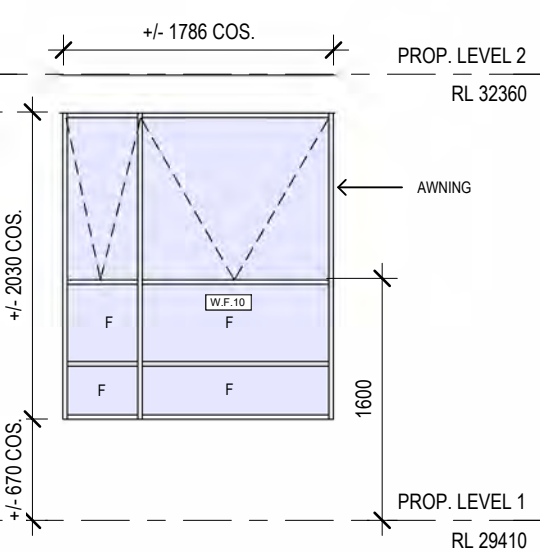


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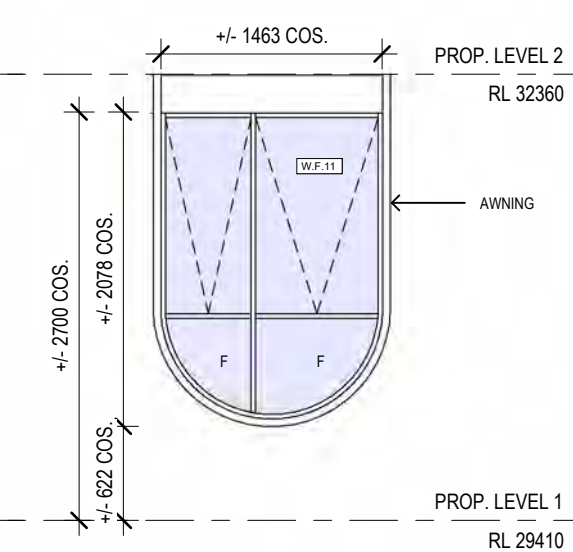
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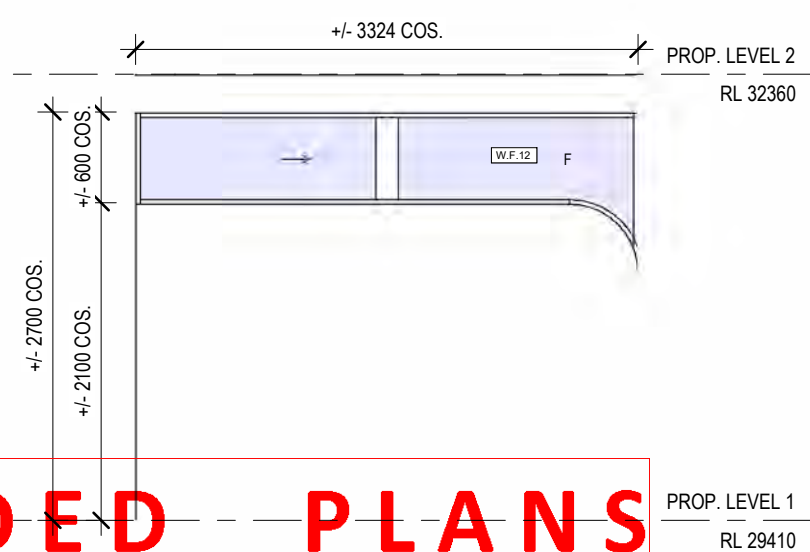
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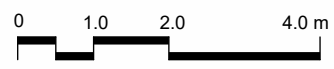


12 W.F.12 1:50

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CONSTRUCTION DOCUMENTATION

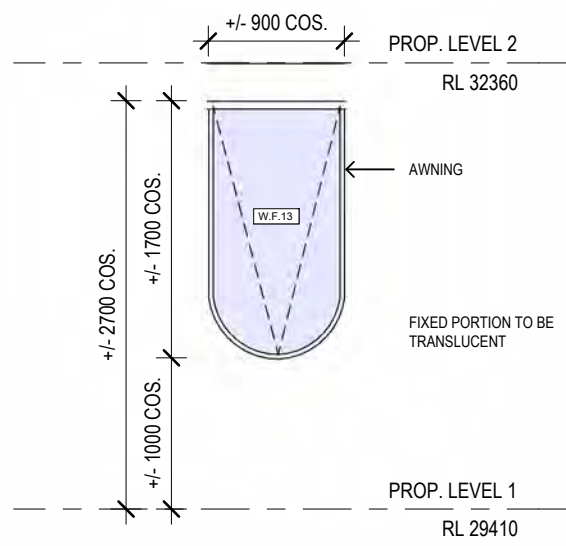
DRAFT - NOT FOR CONSTRUCTION
DATE REV AMENDMENT
02/08/2023 A AMENDMENTS FOLLOWING COUNCIL RFI'S

PROJECT
154 BRIGHTON BOULEVARD, NORTH
BONDI

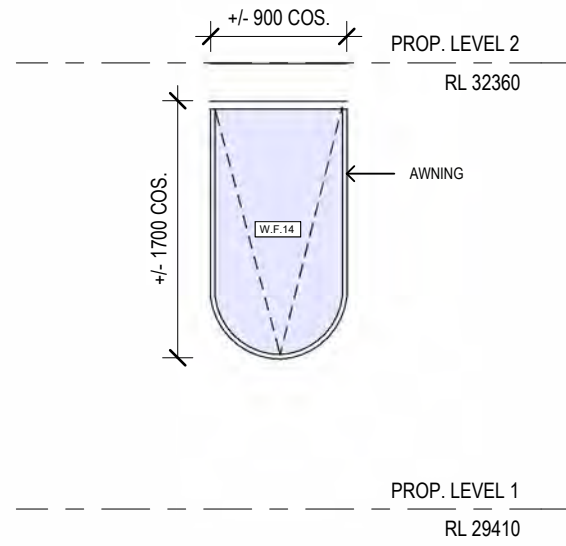
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205 A812 A

DRAWING
FF - WINDOW SCHEDULE

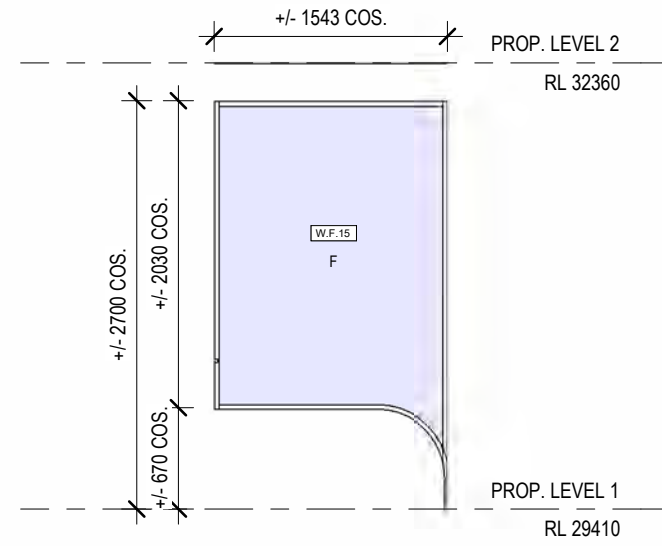
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Checked: JM Date: 02/08/2023



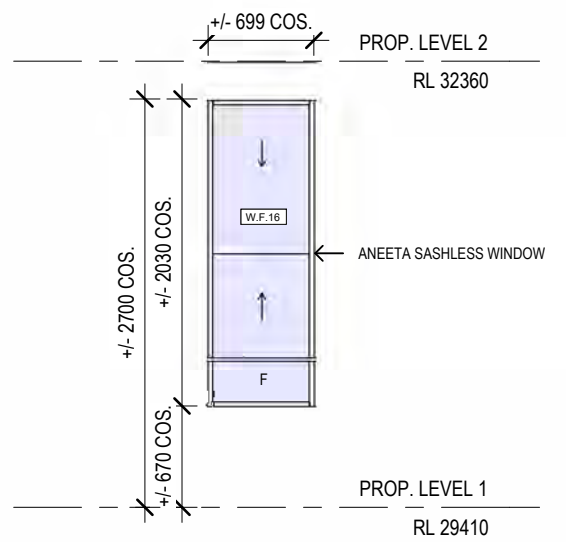
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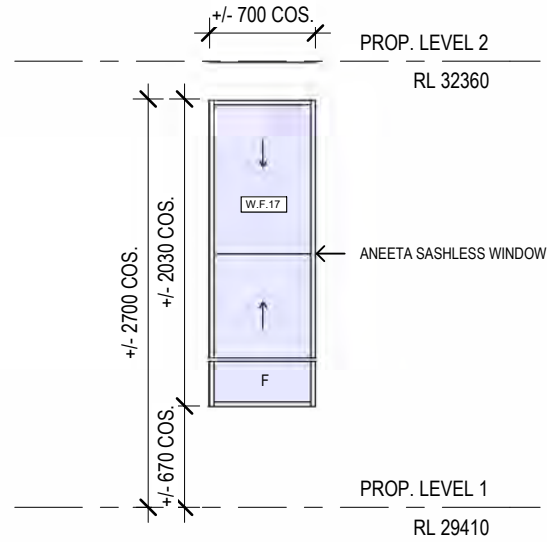
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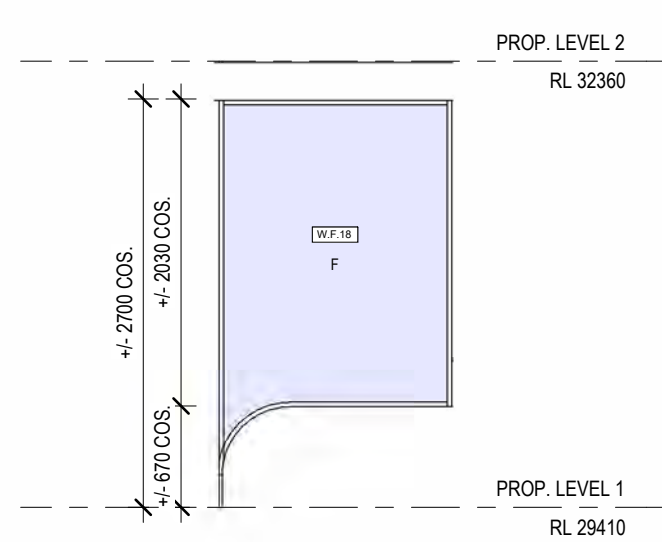
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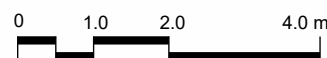
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CONSTRUCTION DOCUMENTATION

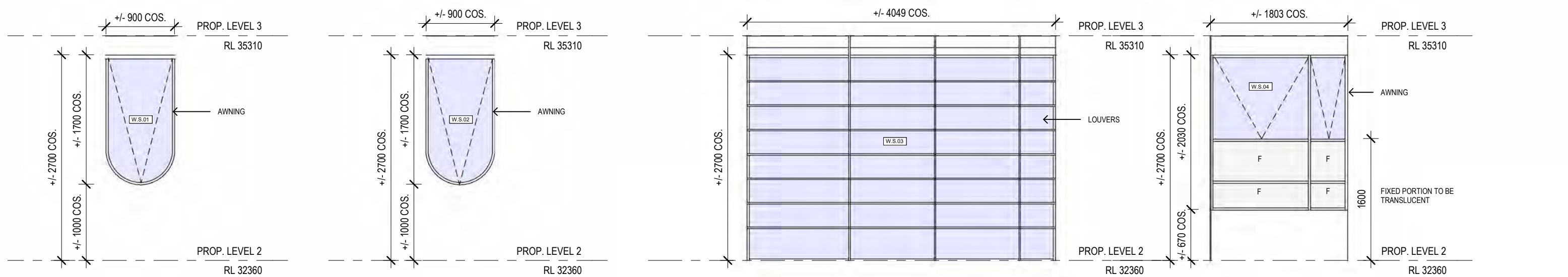
DRAFT - NOT FOR CONSTRUCTION
DATE REV AMENDMENT
02/08/2023 A AMENDMENTS FOLLOWING COUNCIL RFI'S

PROJECT
154 BRIGHTON BOULEVARD, NORTH
BONDI

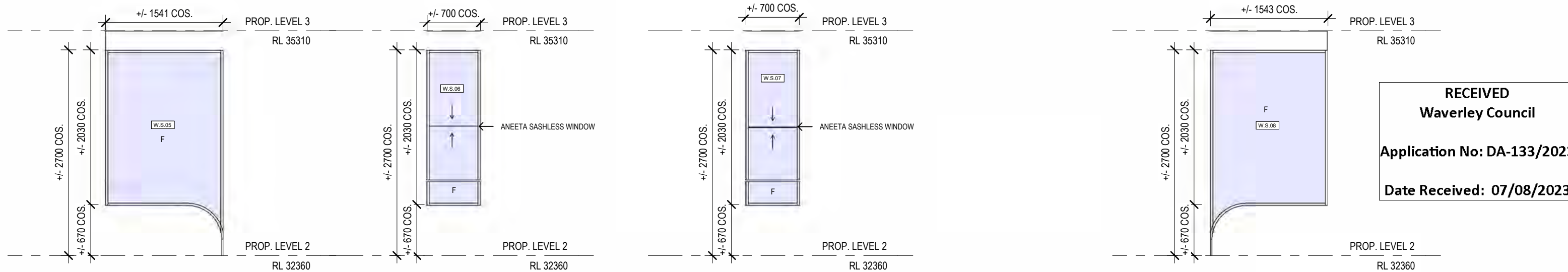
PROJECT NO. DWG NO. REV
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DRAWING
FF - WINDOW SCHEDULE

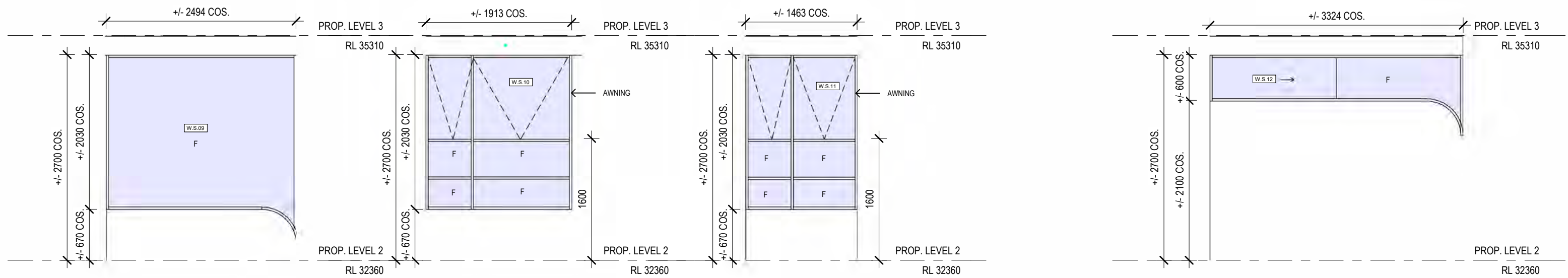
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Checked: JM Date: 02/08/2023



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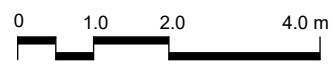


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Waverley Council
Application No: DA-133/2023
Date Received: 07/08/2023

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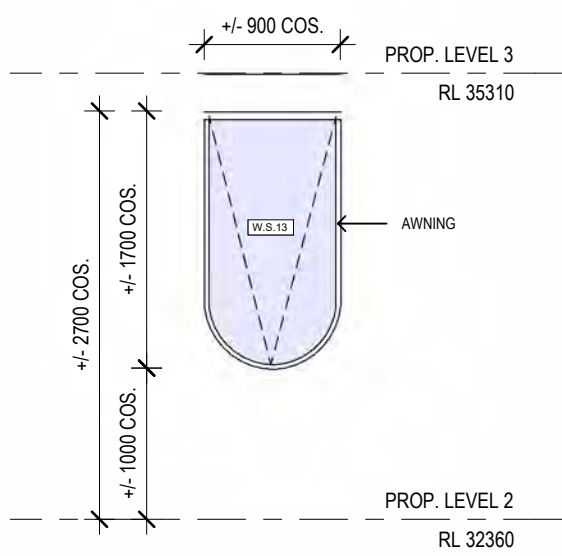
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CONSTRUCTION DOCUMENTATION

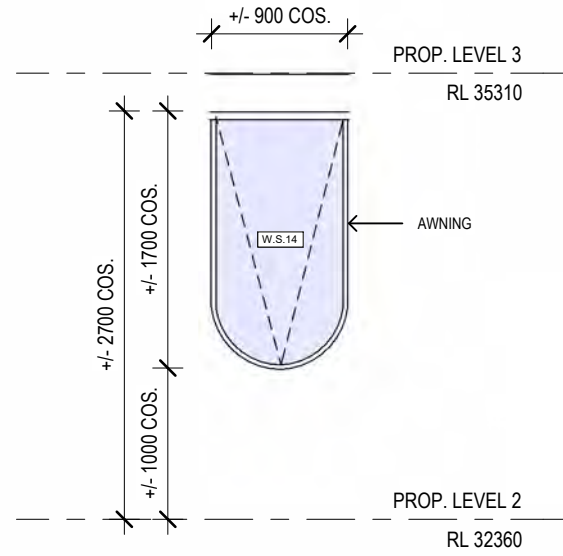
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 02/08/2023 A AMENDMENTS FOLLOWING COUNCIL RFI'S

AMENDED PLANS

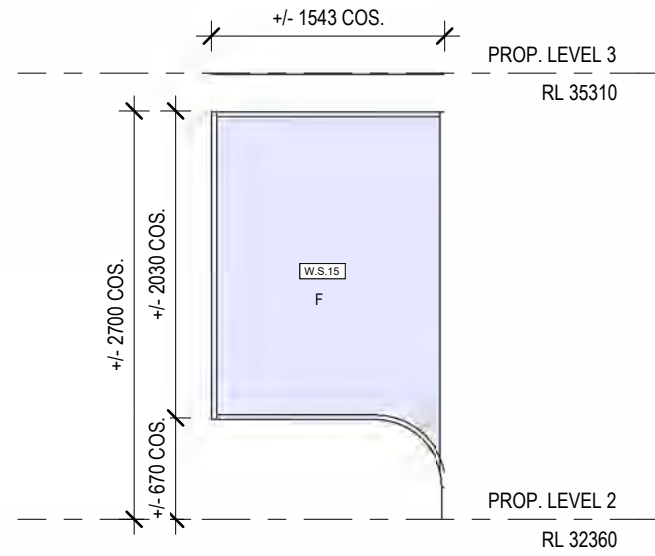
PROJECT	PROJECT NO.	DWG NO.	REV.
154 BRIGHTON BOULEVARD, NORTH	205	A814	A
DRAWING			
L2 - WINDOW SCHEDULE			
Drawn: CC/AI	Checked: JM	Scale: 1:50 @A3	Date: 02/08/2023



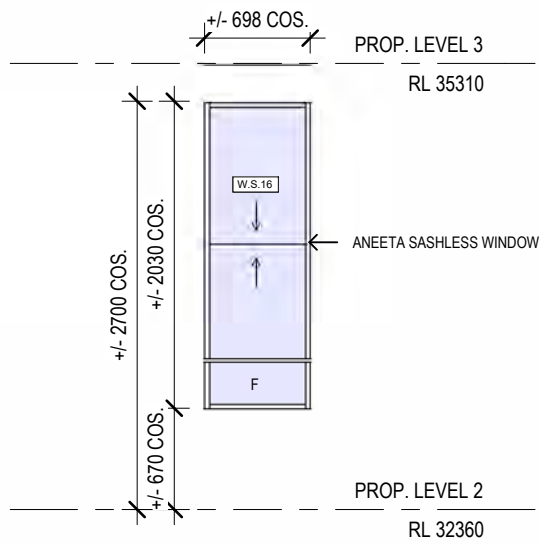
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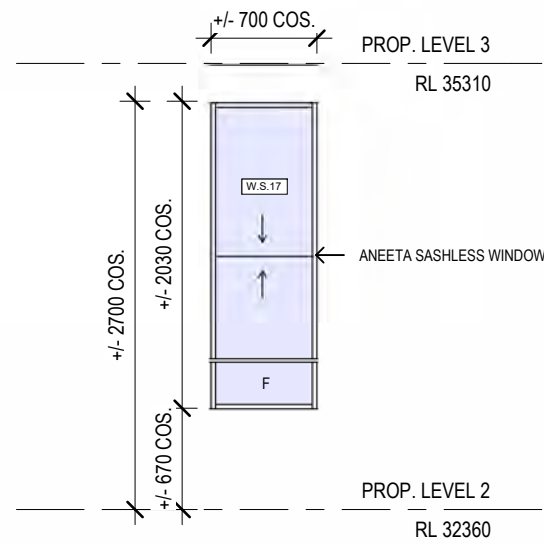
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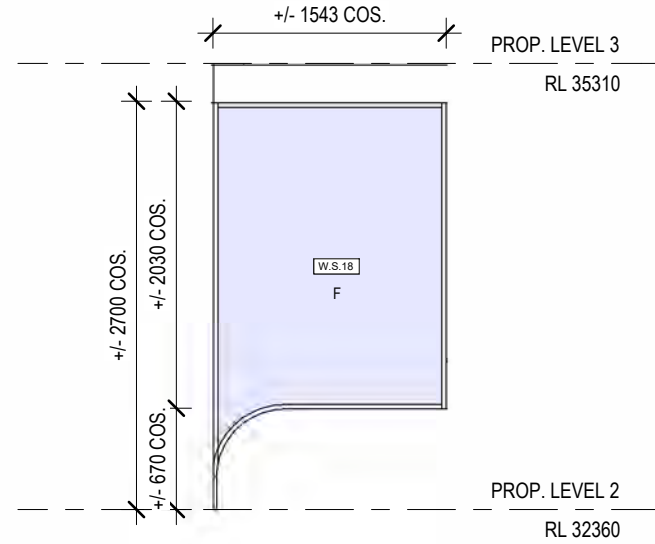
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4 W.S.16 1:50



5 W.S.17 1:50



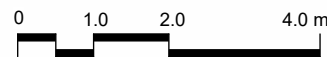
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CONSTRUCTION DOCUMENTATION

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DATE REV AMENDMENT
02/08/2023 A AMENDMENTS FOLLOWING COUNCIL RFI'S

PROJECT
154 BRIGHTON BOULEVARD, NORTH
BONDI

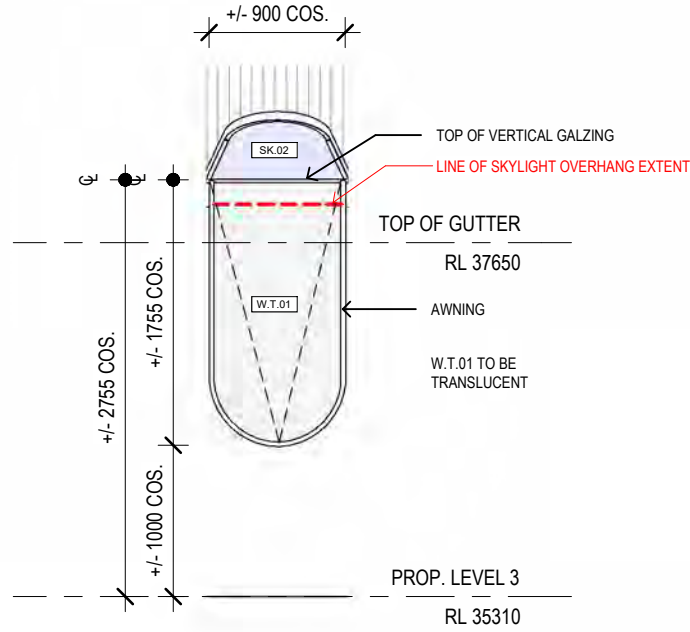
PROJECT NO. DWG NO. REV
205 A815 A

DRAWING
L2 - WINDOW SCHEDULE

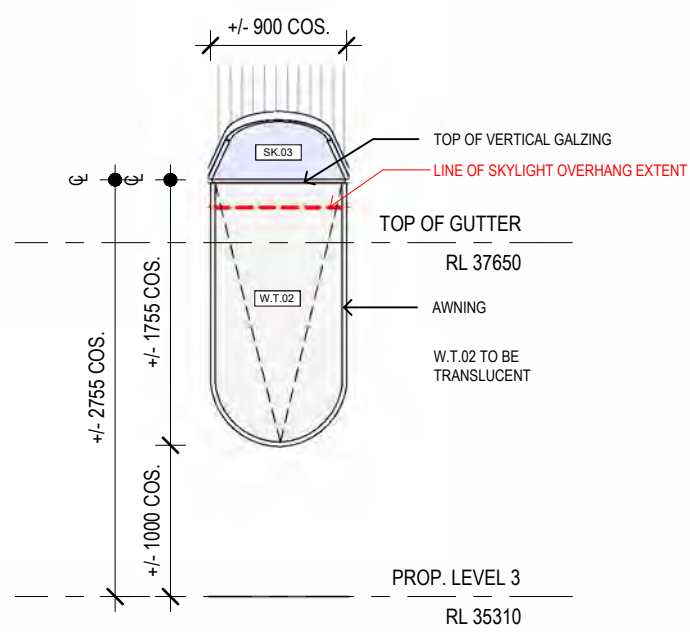
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Checked: JM Date: 02/08/2023

AMENDED PLANS

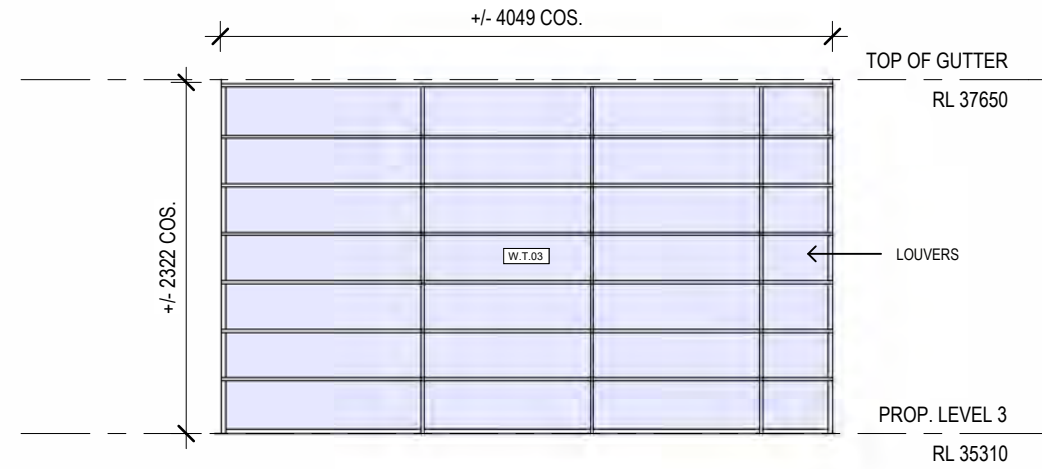
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Date Received: 07/08/2023



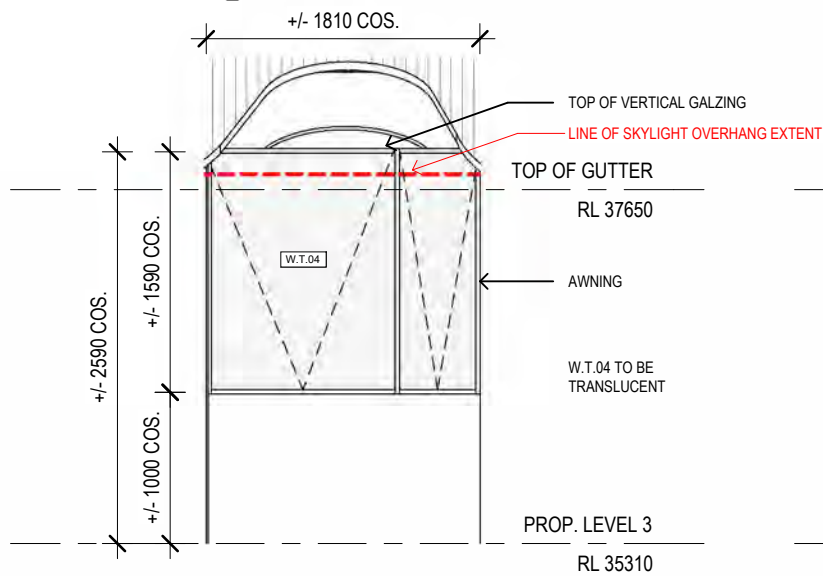
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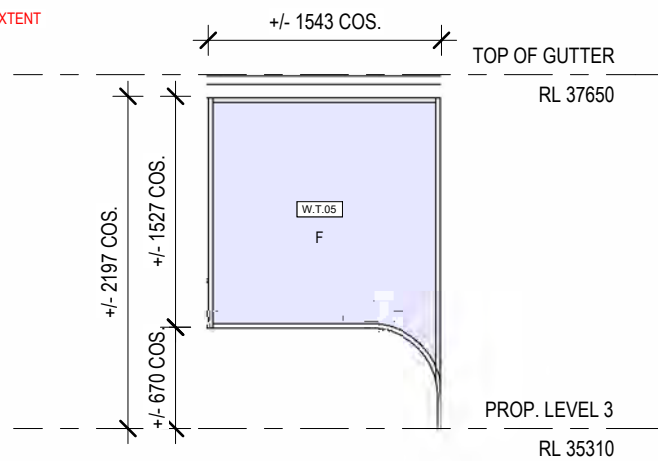
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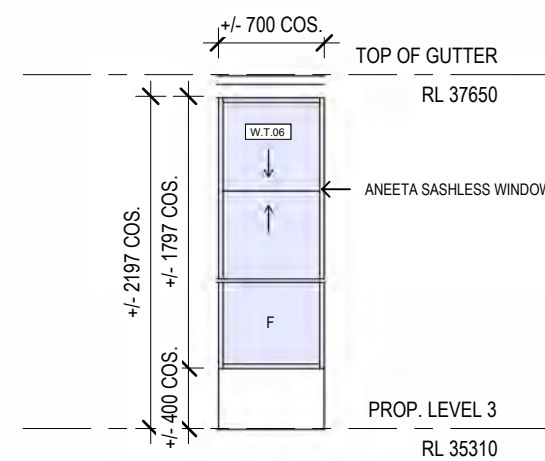
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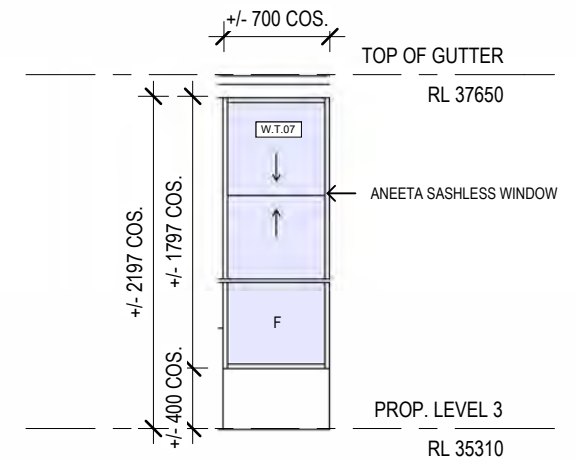
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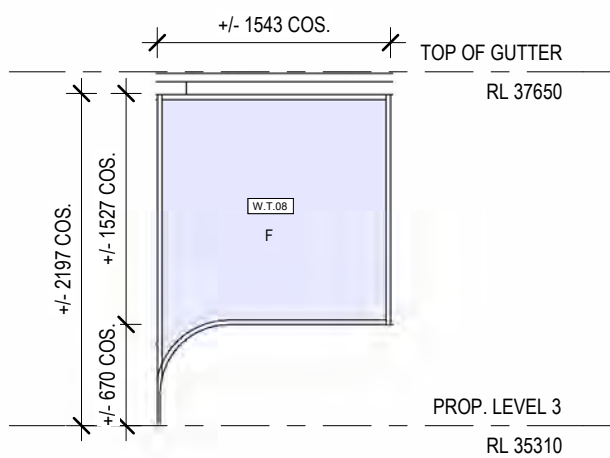
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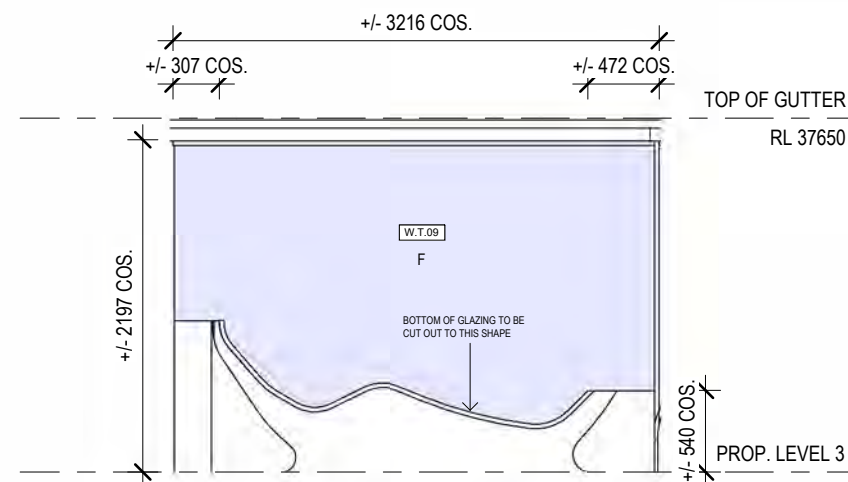
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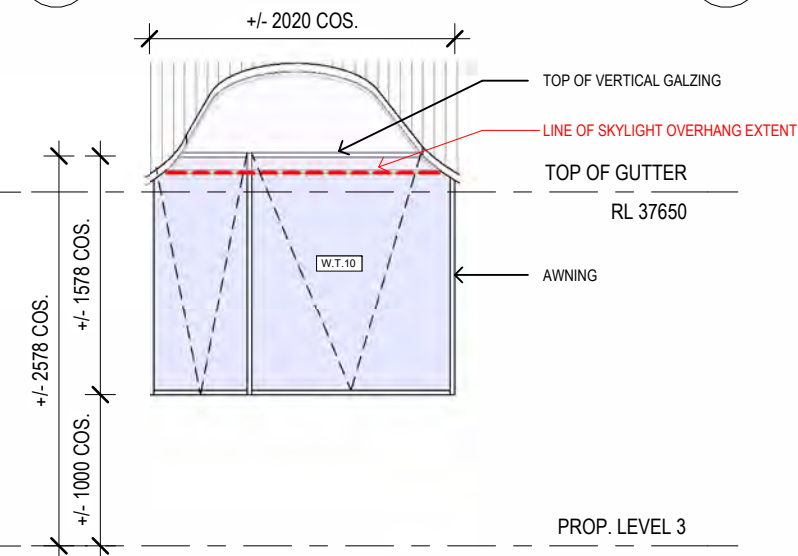
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8 W.T.08 1:50



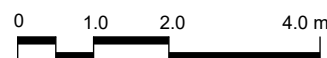
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10 W.T.10 1:50

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CONSTRUCTION DOCUMENTATION

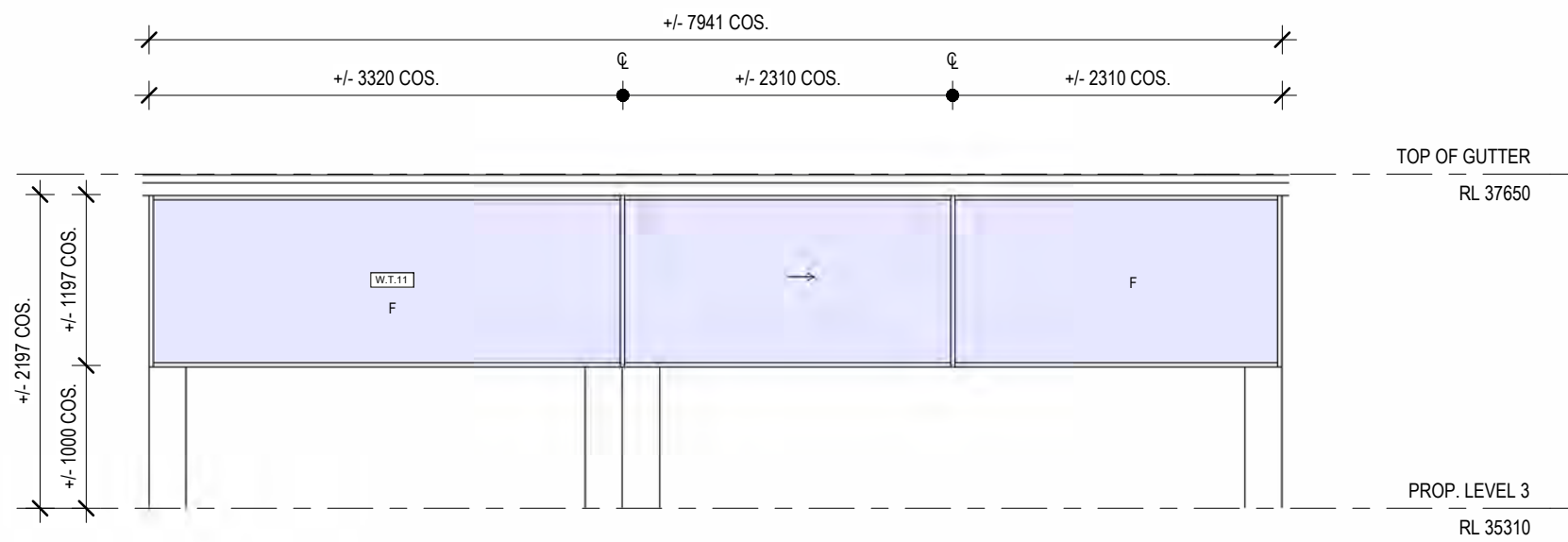
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DATE REV AMENDMENT
02/08/2023 A AMENDMENTS FOLLOWING COUNCIL RFP'S

PROJECT
154 BRIGHTON BOULEVARD, NORTH
BONDI

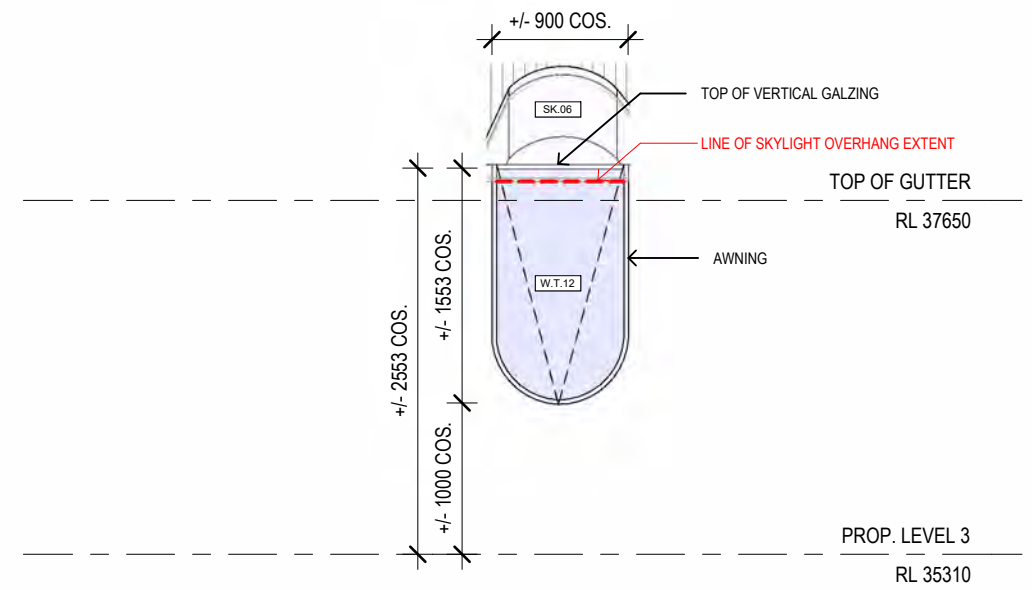
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L3 - WINDOW SCHEDULE

PROJECT NO. DWG NO. REV
205 A816 A

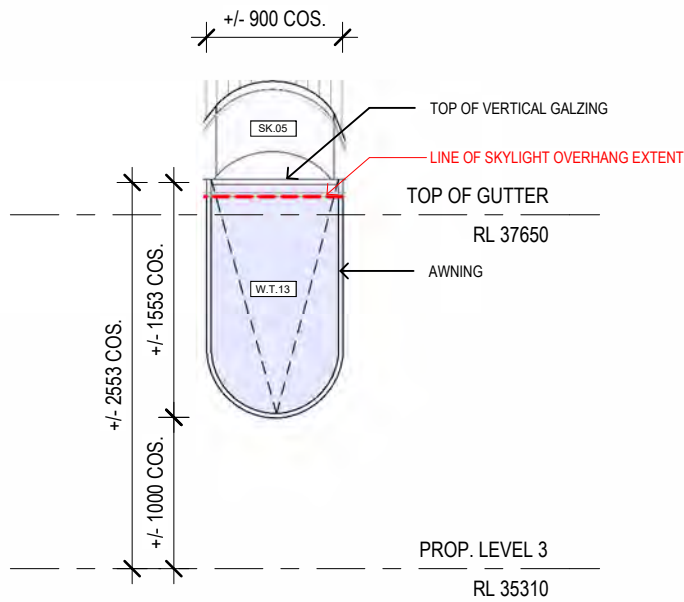
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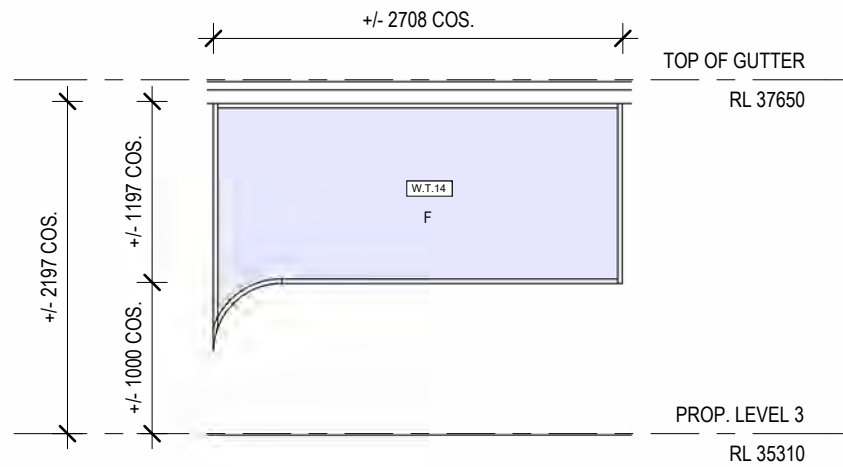
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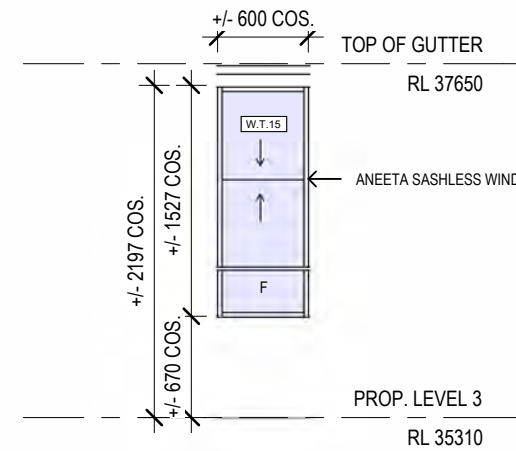
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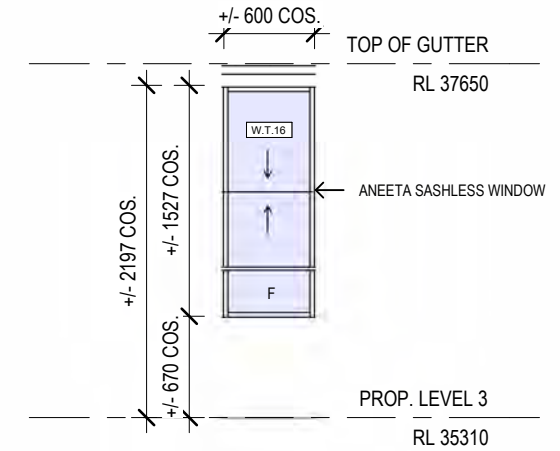
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4 W.T.14 1:50



5 W.T.15 1:50



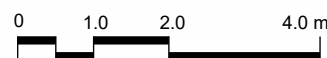
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CONSTRUCTION DOCUMENTATION

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DATE REV AMENDMENT
02/08/2023 A AMENDMENTS FOLLOWING COUNCIL RFI'S

PROJECT
154 BRIGHTON BOULEVARD, NORTH
BONDI

PROJECT NO. DWG NO. REV
205 A817 A

DRAWING
L3 - WINDOW SCHEDULE

Drawn: CC/AI Scale: 1:50 @A3
Checked: JM Date: 02/08/2023



154 SUBJECT SITE

156 OUTLINE OF
APPROVED DA-33/2022





152

153

154

155

156

2P
8-10
HEAVY
VEHICLES
ONLY

DANGER
KEEP OUT
UNAUTHORIZED
PERSONNEL ONLY

NO ENTRY
UNAUTHORIZED
PERSONNEL
KEEP OUT

DANGER
CONSTRUCTION
SITE
UNAUTHORIZED PERSONS
KEEP OUT

NOTICE
ALL VISITORS
MUST REPORT
TO SITE OFFICE

156

1

2

154 SUBJECT SITE

156 OUTLINE OF
APPROVED DA-33/2022



DANGER!
KEEP OUT
AUTHORISED PERSONNEL ONLY

NO ENTRY
AUTHORISED PERSONNEL ONLY

DANGER
CONSTRUCTION SITE
UNAUTHORISED PERSONS
KEEP OUT

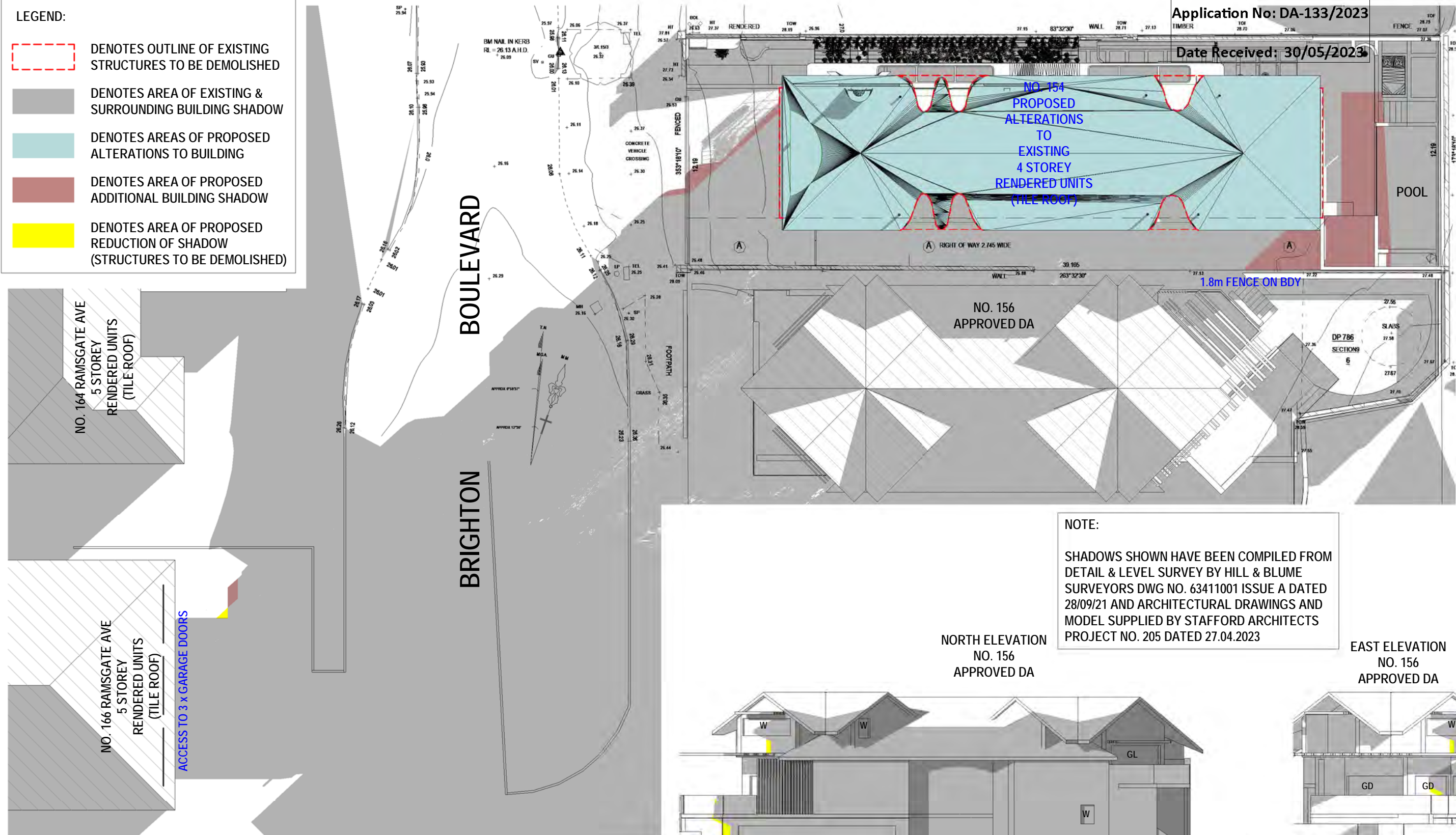
NOTICE
ALL VISITORS
MUST REPORT
TO SITE OFFICE

156

1 2

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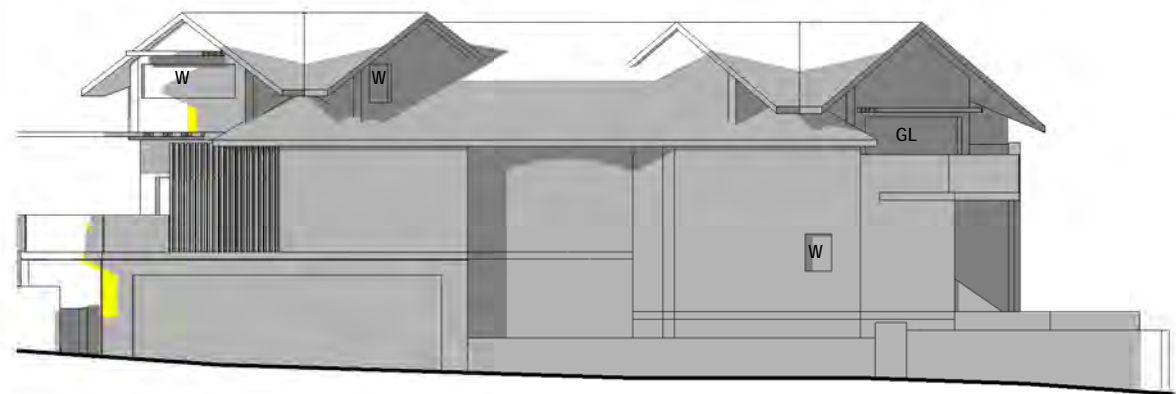
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- DENOTES AREA OF EXISTING & SURROUNDING BUILDING SHADOW
- DENOTES AREAS OF PROPOSED ALTERATIONS TO BUILDING
- DENOTES AREA OF PROPOSED ADDITIONAL BUILDING SHADOW
- DENOTES AREA OF PROPOSED REDUCTION OF SHADOW (STRUCTURES TO BE DEMOLISHED)



NOTE:
SHADOWS SHOWN HAVE BEEN COMPILED FROM
DETAIL & LEVEL SURVEY BY HILL & BLUME
SURVEYORS DWG NO. 63411001 ISSUE A DATED
28/09/21 AND ARCHITECTURAL DRAWINGS AND
MODEL SUPPLIED BY STAFFORD ARCHITECTS
PROJECT NO. 205 DATED 27.04.2023

NORTH ELEVATION
NO. 156
APPROVED DA

EAST ELEVATION
NO. 156
APPROVED DA



NO ADDITIONAL OVERSHADOWING

1 Shading June 21st 9.00am

1 : 200

Cad Draft P/L

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

SHADOW ANALYSIS CONSULTANTS
MOBILE: 0410 699919
info@caddraftnsw.com.au

No.	Description	Date

SHADOW DIAGRAMS
No. 154 BRIGHTON BOULEVARD
NORTH BONDI

CLIENT: SHELCO AIR CON P/L

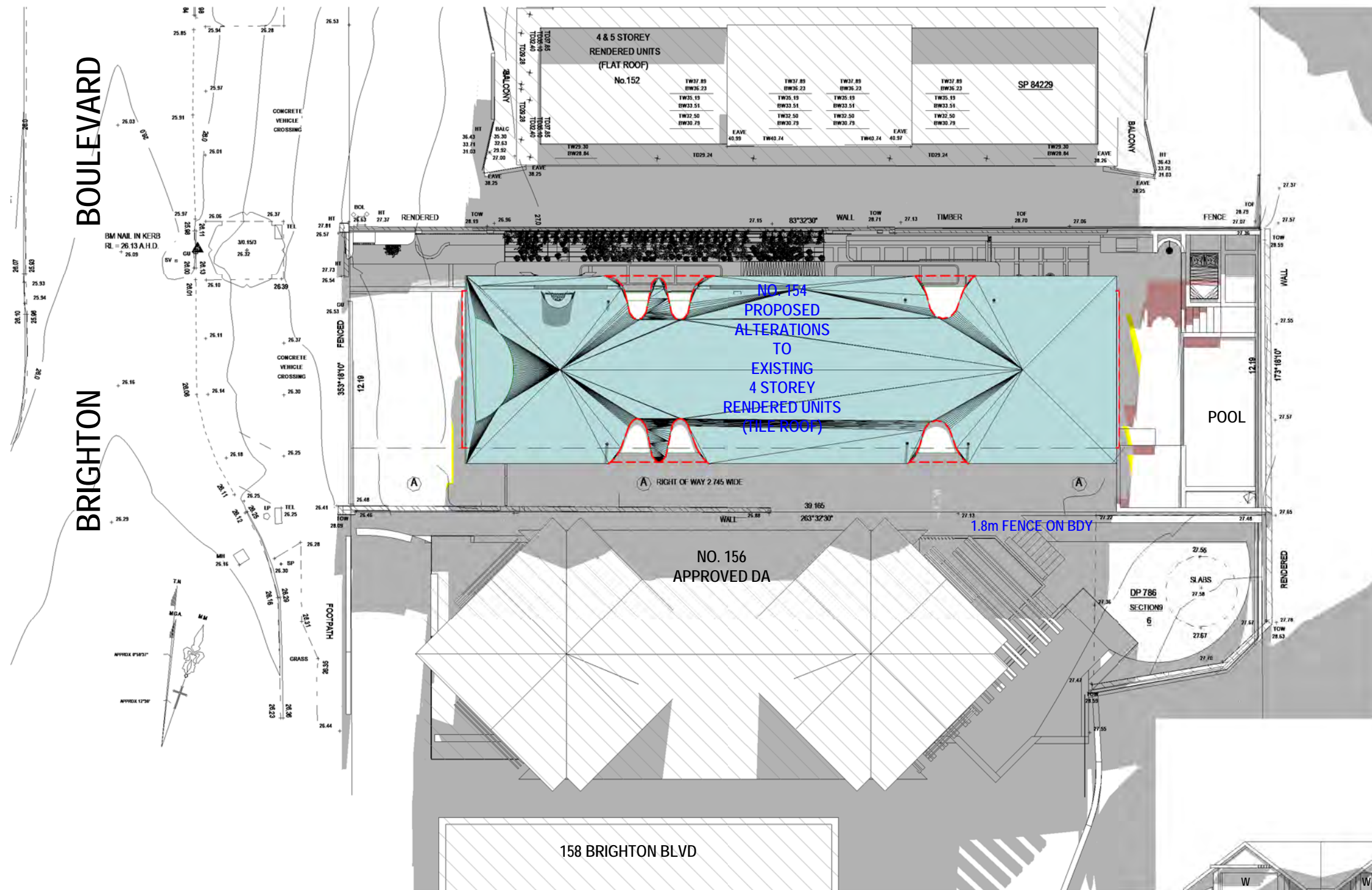
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Project number	22-82	
Date	01-05-23	
Drawn by	KP	
Checked by	JD	Scale
		536 1 : 200

Application No: DA-133/2023

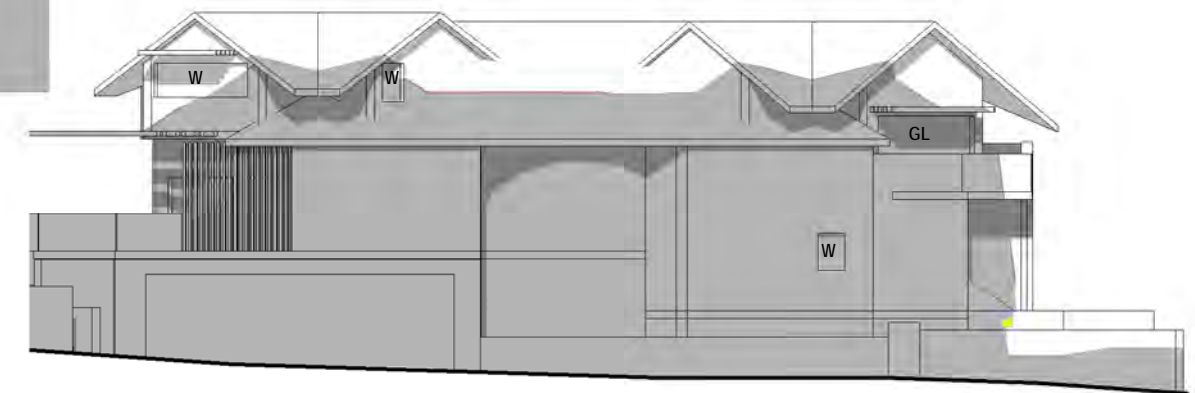
LEGEND:
Date Received: 30/05/2023

- DENOTES OUTLINE OF EXISTING STRUCTURES TO BE DEMOLISHED
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- DENOTES AREAS OF PROPOSED ALTERATIONS TO BUILDING
- DENOTES AREA OF PROPOSED ADDITIONAL BUILDING SHADOW
- DENOTES AREA OF PROPOSED REDUCTION OF SHADOW (STRUCTURES TO BE DEMOLISHED)

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DETAIL & LEVEL SURVEY BY HILL & BLUME
SURVEYORS DWG NO. 63411001 ISSUE A DATED
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MODEL SUPPLIED BY STAFFORD ARCHITECTS
PROJECT NO. 205 DATED 27.04.2023



NORTH ELEVATION
NO. 156
APPROVED DA



1 Shadowing June 21st 12.00pm
1 : 200

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

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MOBILE: 0410 699919
info@caddraftnsw.com.au

No.	Description	Date

SHADOW DIAGRAMS
No. 154 BRIGHTON BOULEVARD
NORTH BONDI

CLIENT: SHELCO AIR CON P/L

Shadowing June 21st 12.00pm	
Project number	22-82
Date	01-05-23
Drawn by	KP
Checked by	JD
Scale	537 1 : 200

A101

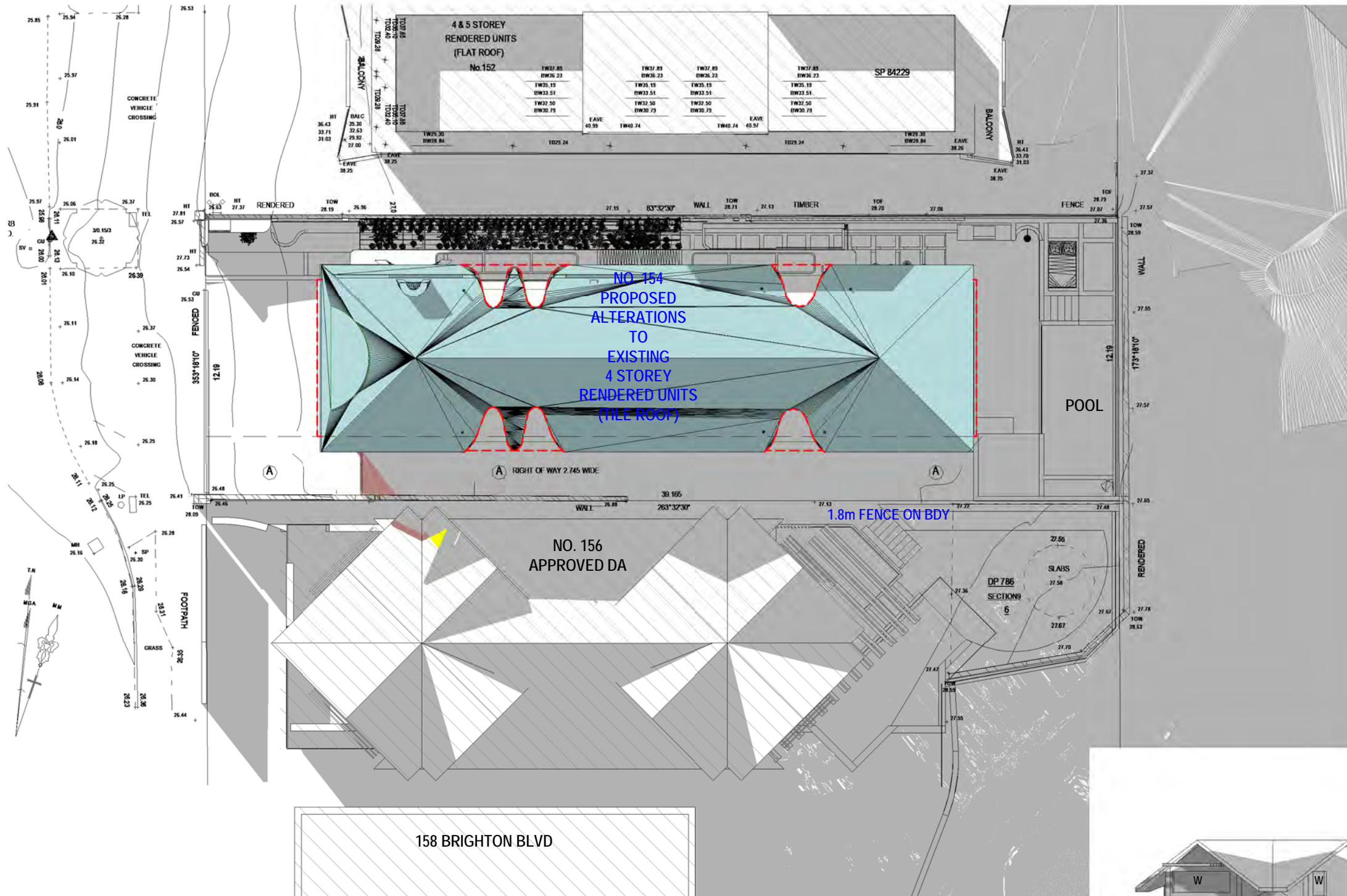
LEGEND:

- DENOTES OUTLINE OF EXISTING STRUCTURES TO BE DEMOLISHED
- DENOTES AREA OF EXISTING & SURROUNDING BUILDING SHADOW
- DENOTES AREAS OF PROPOSED ALTERATIONS TO BUILDING
- DENOTES AREA OF PROPOSED ADDITIONAL BUILDING SHADOW
- DENOTES AREA OF PROPOSED REDUCTION OF SHADOW (STRUCTURES TO BE DEMOLISHED)

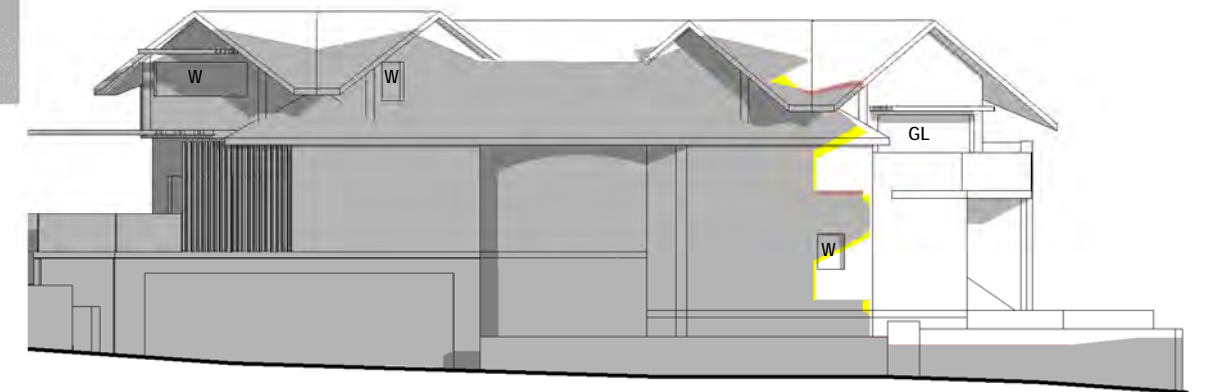
NOTE:

SHADOWS SHOWN HAVE BEEN COMPILED FROM DETAIL & LEVEL SURVEY BY HILL & BLUME SURVEYORS DWG NO. 63411001 ISSUE A DATED 28/09/21 AND ARCHITECTURAL DRAWINGS AND MODEL SUPPLIED BY STAFFORD ARCHITECTS PROJECT NO. 205 DATED 27.04.2023

BOULEVARD
BRIGHTON



NORTH ELEVATION
NO. 156
APPROVED DA



1

Shadowing June 21st 3.00pm

1 : 200

Cad Draft P/L

ABN 27 083 288 153

SUITE 1, 505 BALMAIN ROAD,
LILYFIELD, NSW
P.O.BOX 446 GLADESVILLE 2111

SHADOW ANALYSIS CONSULTANTS

MOBILE: 0410 699919

info@caddraftnsw.com.au

No.	Description	Date

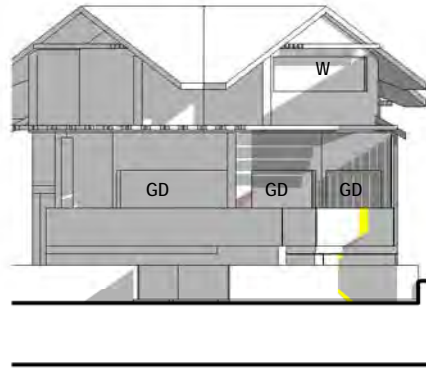
SHADOW DIAGRAMS
No. 154 BRIGHTON BOULEVARD
NORTH BONDI

CLIENT: SHELCO AIR CON P/L

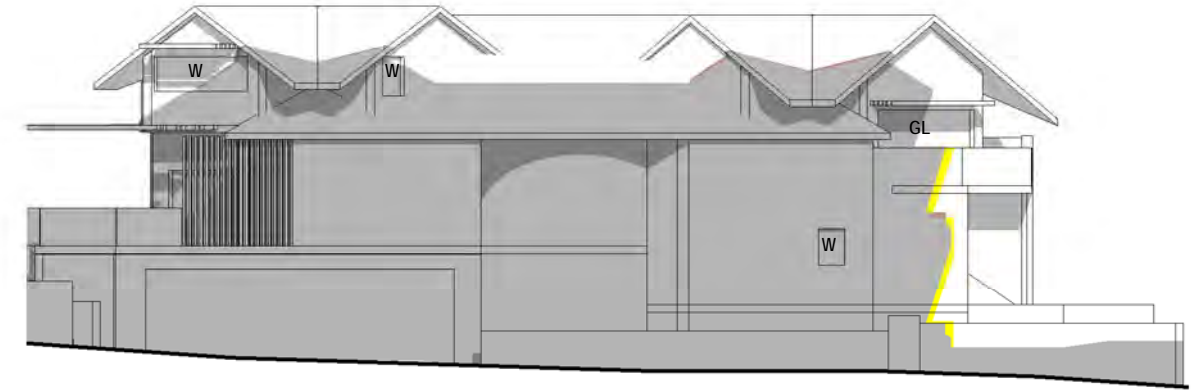
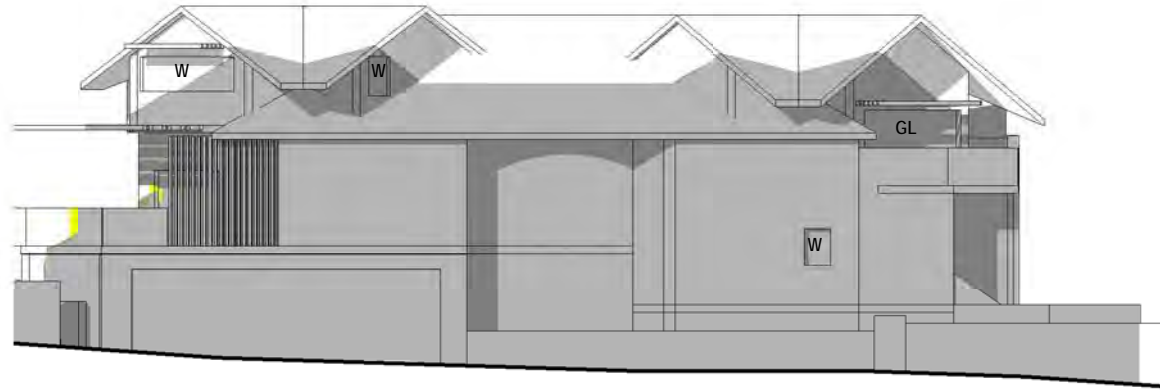
Shadowing June 21st 3.00pm

Project number	22-82	A102
Date	01-05-23	
Drawn by	KP	
Checked by	JD	
Scale		538 1 : 200

EAST ELEVATION
NO. 156
APPROVED DA



NORTH ELEVATION
NO. 156
APPROVED DA



1 June 21st 10am East
1 : 200

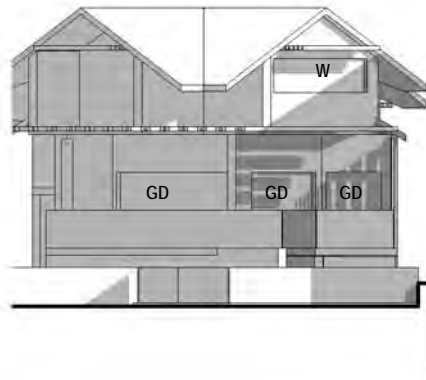
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1 : 200

5 June 21st 1pm North
1 : 200

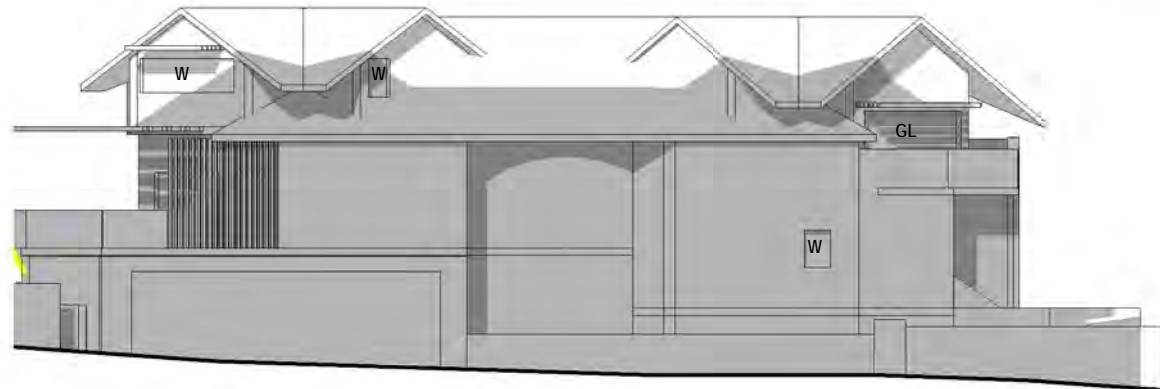
LEGEND:

- DENOTES AREA OF EXISTING & SURROUNDING BUILDING SHADOW
- DENOTES AREA OF PROPOSED ADDITIONAL BUILDING SHADOW
- DENOTES AREA OF PROPOSED REDUCTION OF SHADOW (STRUCTURES TO BE DEMOLISHED)

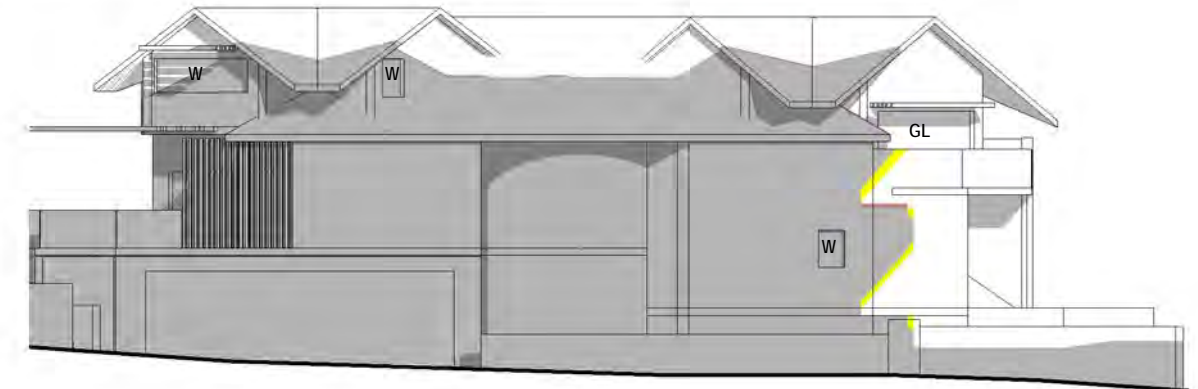
EAST ELEVATION
NO. 156
APPROVED DA



NORTH ELEVATION
NO. 156
APPROVED DA



NORTH ELEVATION
NO. 156
APPROVED DA



3 June 21st 11am East
1 : 200

4 June 21st 11am North
1 : 200

6 June 21st 2pm North
1 : 200

Cad Draft P/L

ABN 27 083 288 153

SUITE 1, 505 BALMAIN ROAD,
LILYFIELD, NSW
P.O.BOX 446 GLADESVILLE 2111

SHADOW ANALYSIS CONSULTANTS

MOBILE: 0410 699919

info@caddraftnsw.com.au

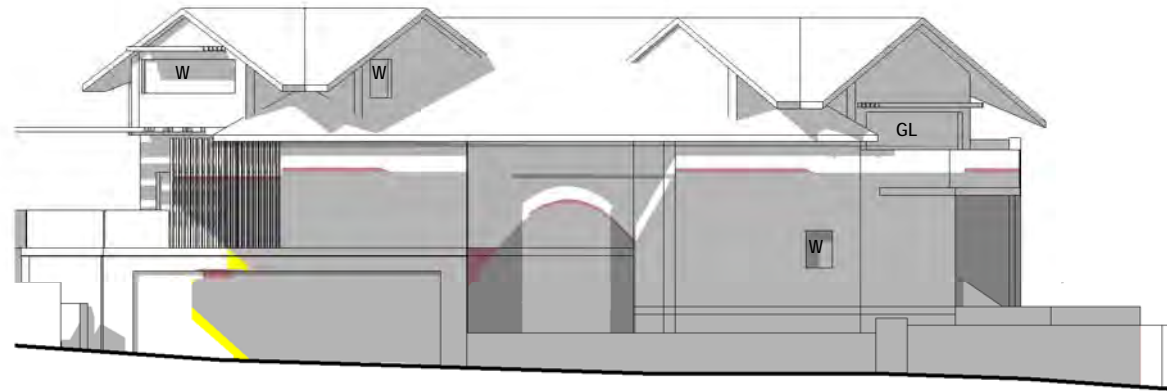
No.	Description	Date

SHADOW DIAGRAMS
No. 154 BRIGHTON BOULEVARD
NORTH BONDI

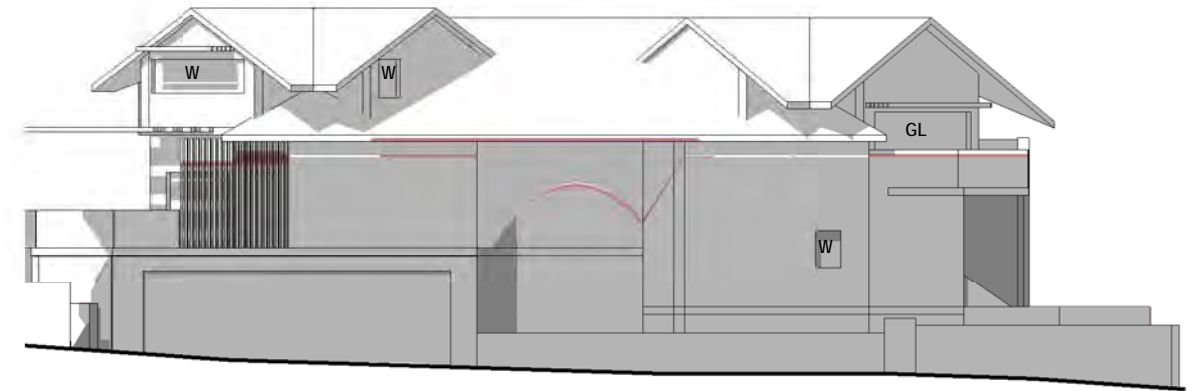
CLIENT: SHELCO AIR CON P/L

Additional Elevations June 21st

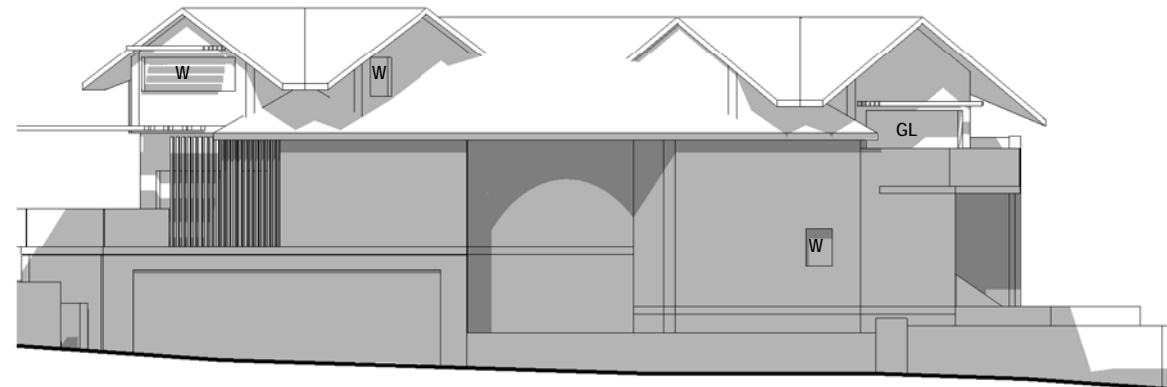
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Date	01-05-23	
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Checked by	JD	
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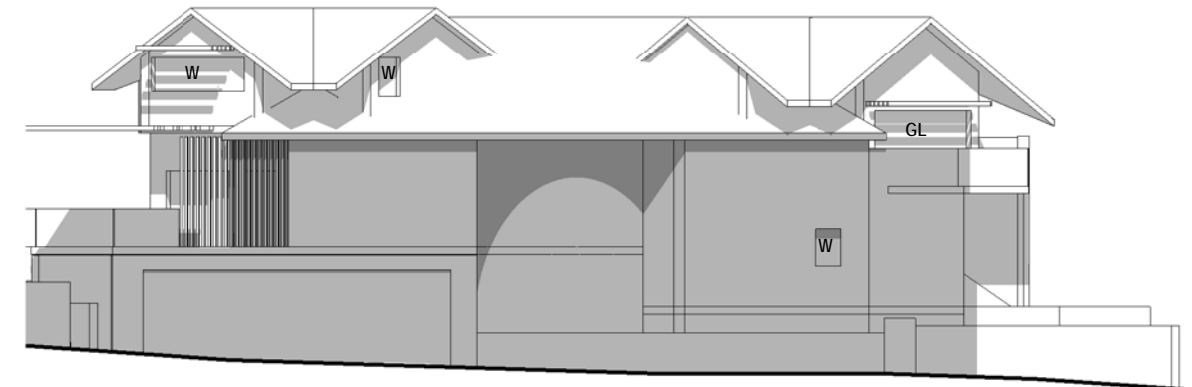
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2 Equinox 10am
1 : 200



3 Equinox 11am
1 : 200



4 Equinox 12pm
1 : 200

LEGEND:

- DENOTES AREA OF EXISTING & SURROUNDING BUILDING SHADOW
- DENOTES AREA OF PROPOSED ADDITIONAL BUILDING SHADOW
- DENOTES AREA OF PROPOSED REDUCTION OF SHADOW (STRUCTURES TO BE DEMOLISHED)

Cad Draft P/L

ABN 27 083 288 153

SUITE 1, 505 BALMAIN ROAD,
LILYFIELD, NSW
P.O.BOX 446 GLADESVILLE 2111

SHADOW ANALYSIS CONSULTANTS

MOBILE: 0410 699919

info@caddraftnsw.com.au

No.	Description	Date

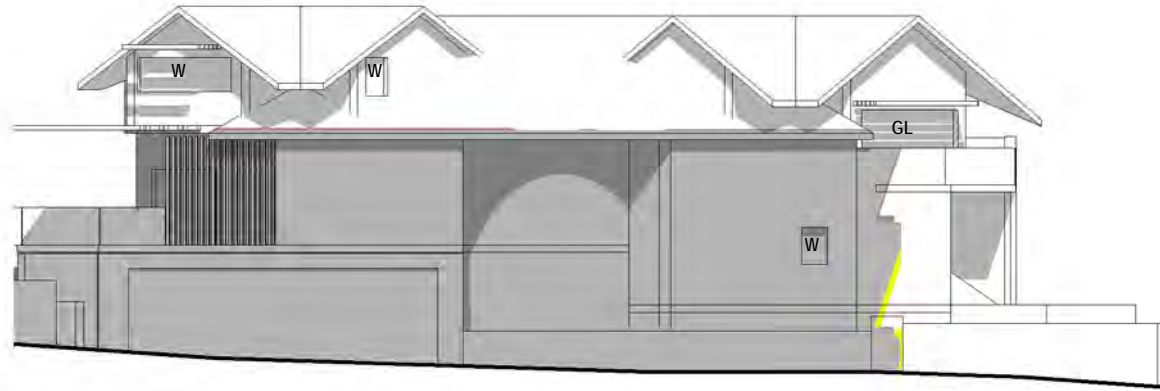
SHADOW DIAGRAMS
No. 154 BRIGHTON BOULEVARD
NORTH BONDI

CLIENT: SHELCO AIR CON P/L

Elevations Equinox 9am -12pm

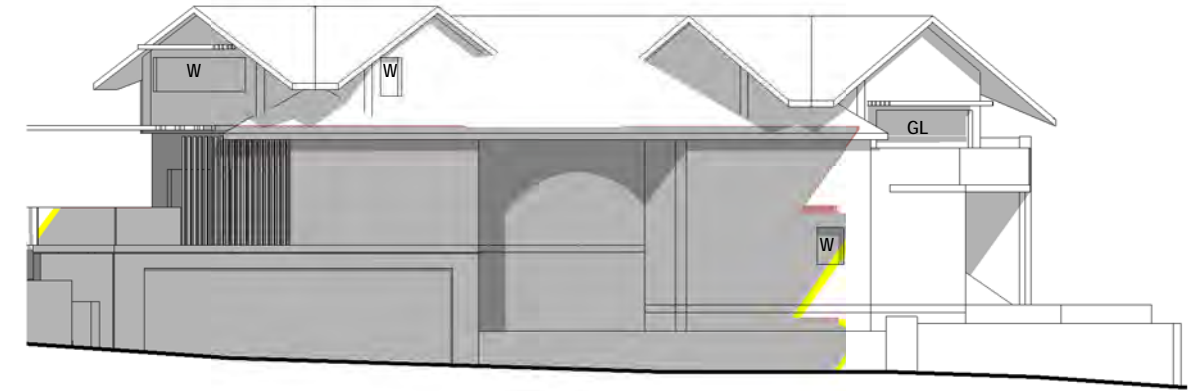
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Date	01-05-23	
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Checked by	JD	
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NORTH ELEVATION
NO. 156
APPROVED DA



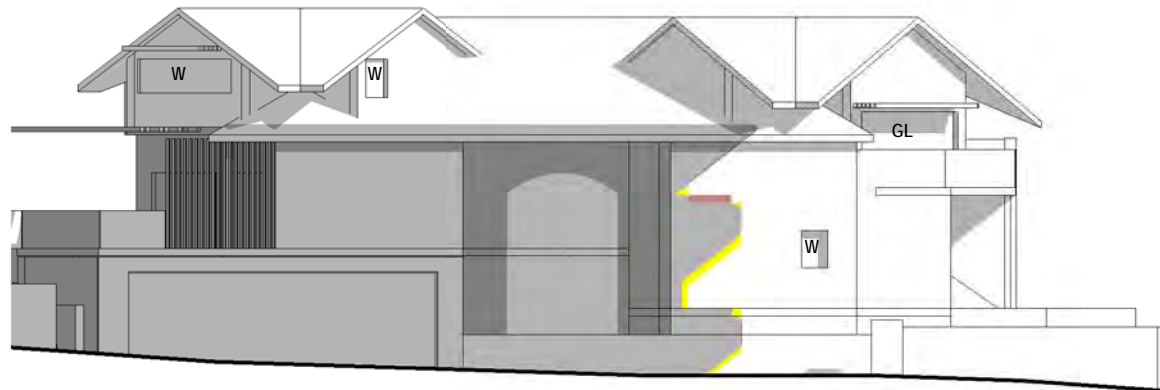
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1 : 200

NORTH ELEVATION
NO. 156
APPROVED DA



2 Equinox 2pm
1 : 200

NORTH ELEVATION
NO. 156
APPROVED DA



3 Equinox 3pm
1 : 200

LEGEND:

- DENOTES AREA OF EXISTING & SURROUNDING BUILDING SHADOW
- DENOTES AREA OF PROPOSED ADDITIONAL BUILDING SHADOW
- DENOTES AREA OF PROPOSED REDUCTION OF SHADOW (STRUCTURES TO BE DEMOLISHED)

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SHADOW ANALYSIS CONSULTANTS

MOBILE: 0410 699919

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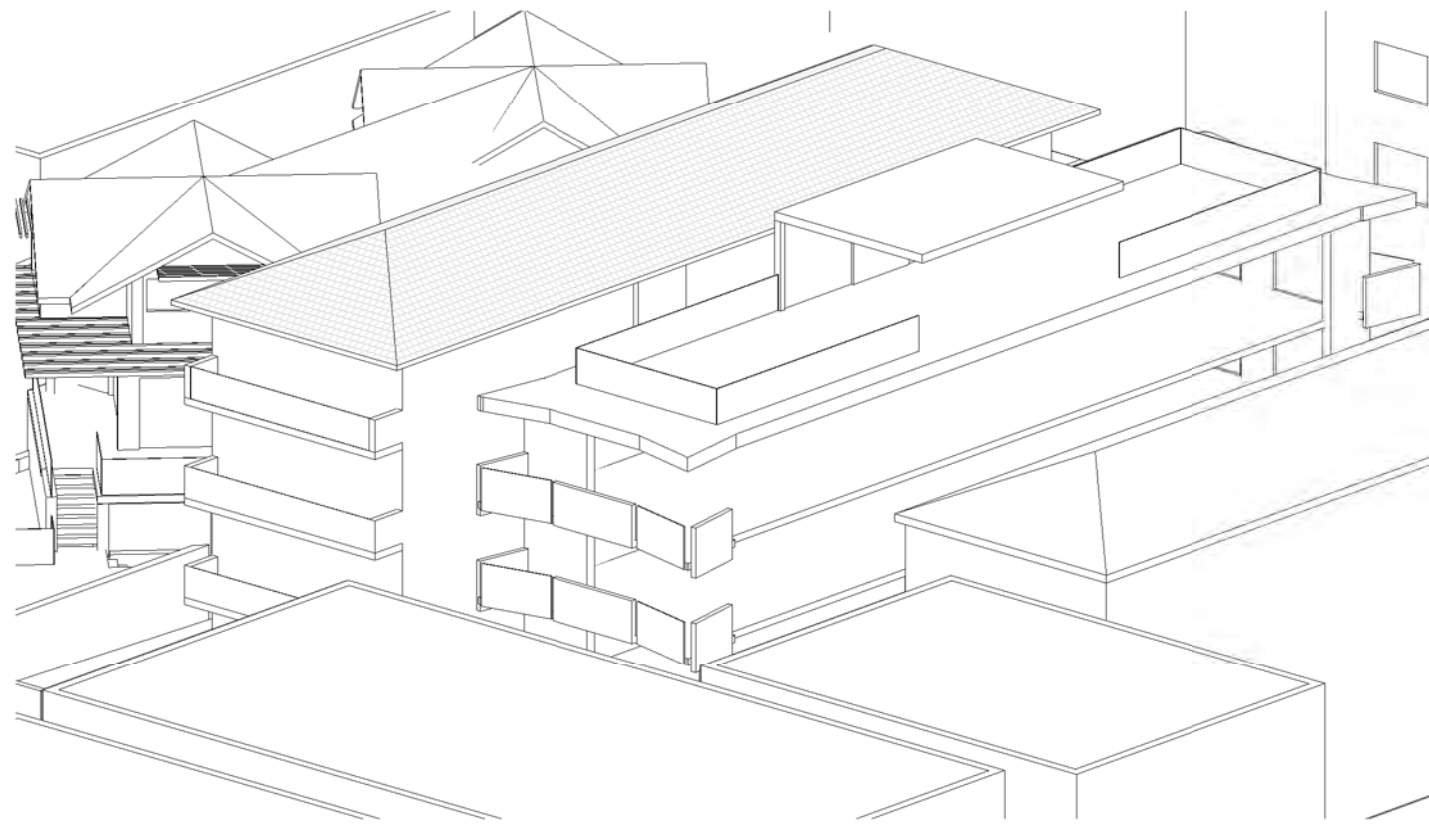
No.	Description	Date

SHADOW DIAGRAMS
No. 154 BRIGHTON BOULEVARD
NORTH BONDI

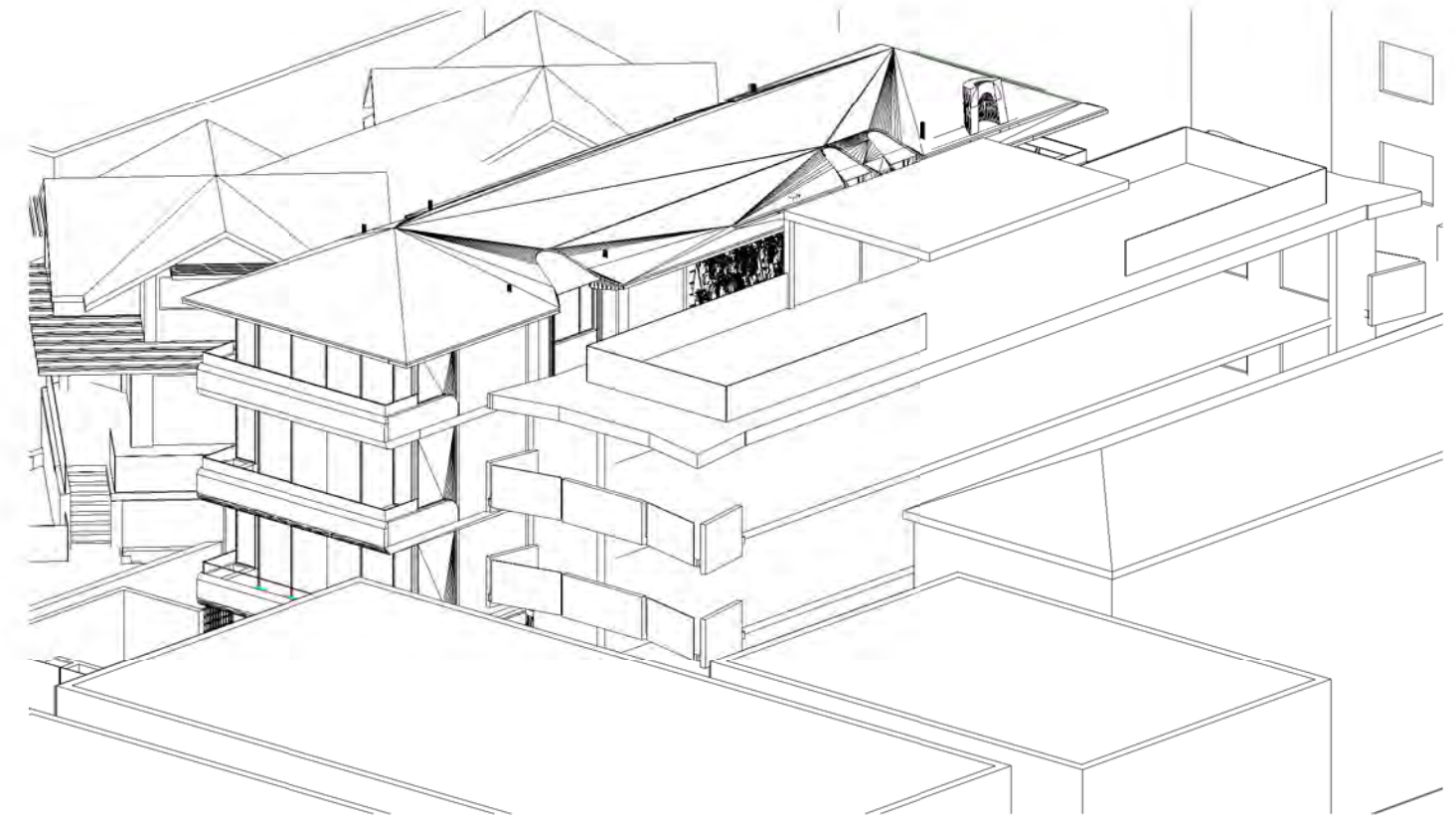
CLIENT: SHELCO AIR CON P/L

Elevations Equinox 1pm - 3pm

Project number	22-82	A105
Date	01-05-23	
Drawn by	KP	
Checked by	JD	
Scale		541 1 : 200



1 June 9.00am Existing



2 June 9.00am Proposed

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No.	Description	Date

SHADOW DIAGRAMS
No. 154 BRIGHTON BOULEVARD
NORTH BONDI

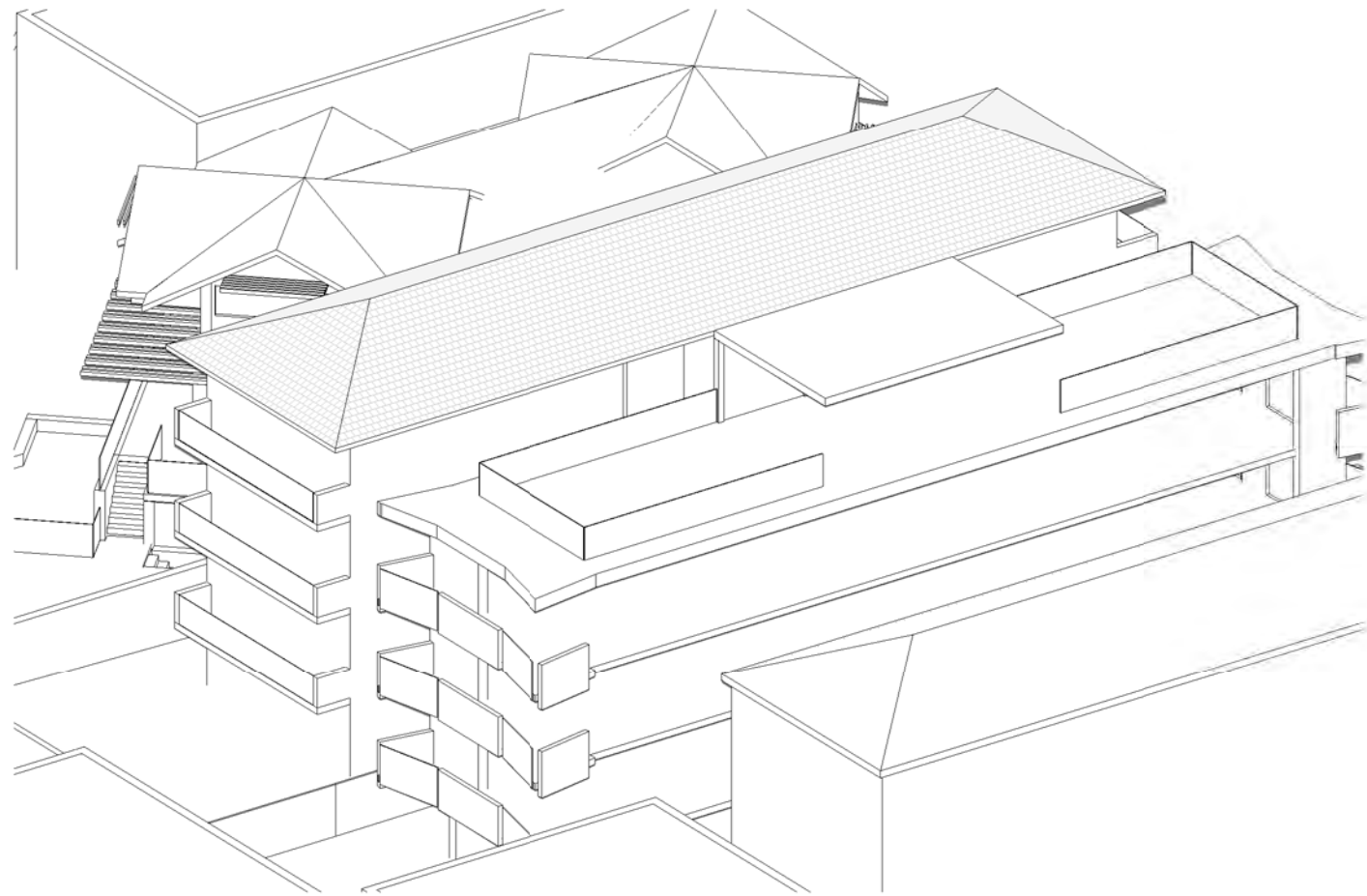
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3D Sun Views June 9.00am

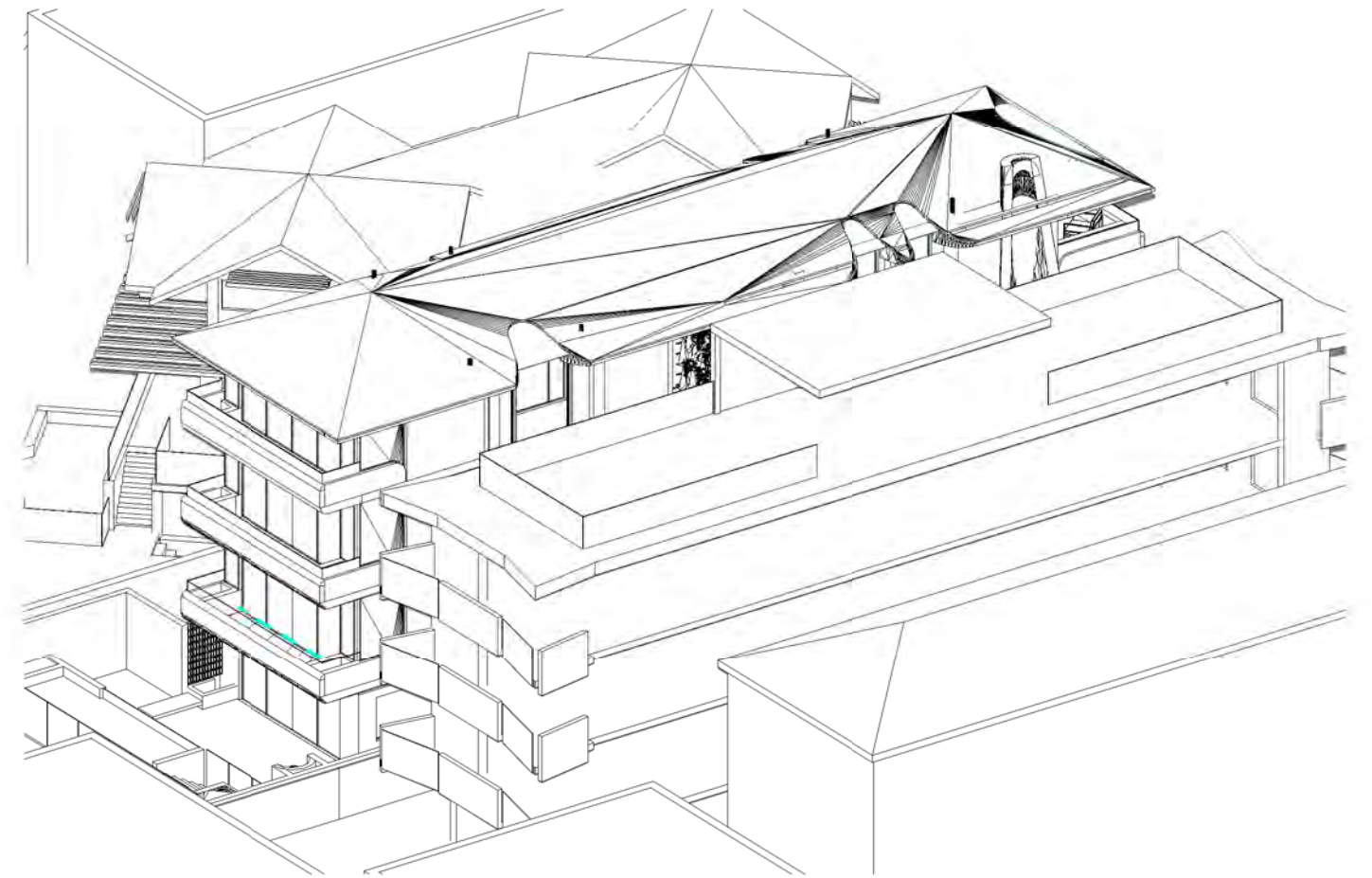
Project number	22-82
Date	01-05-23
Drawn by	KP
Checked by	JD

A106

Scale 542



1 June 10.00am Existing



2 June 10.00am Proposed

Cad Draft P/L

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MOBILE: 0410 699919

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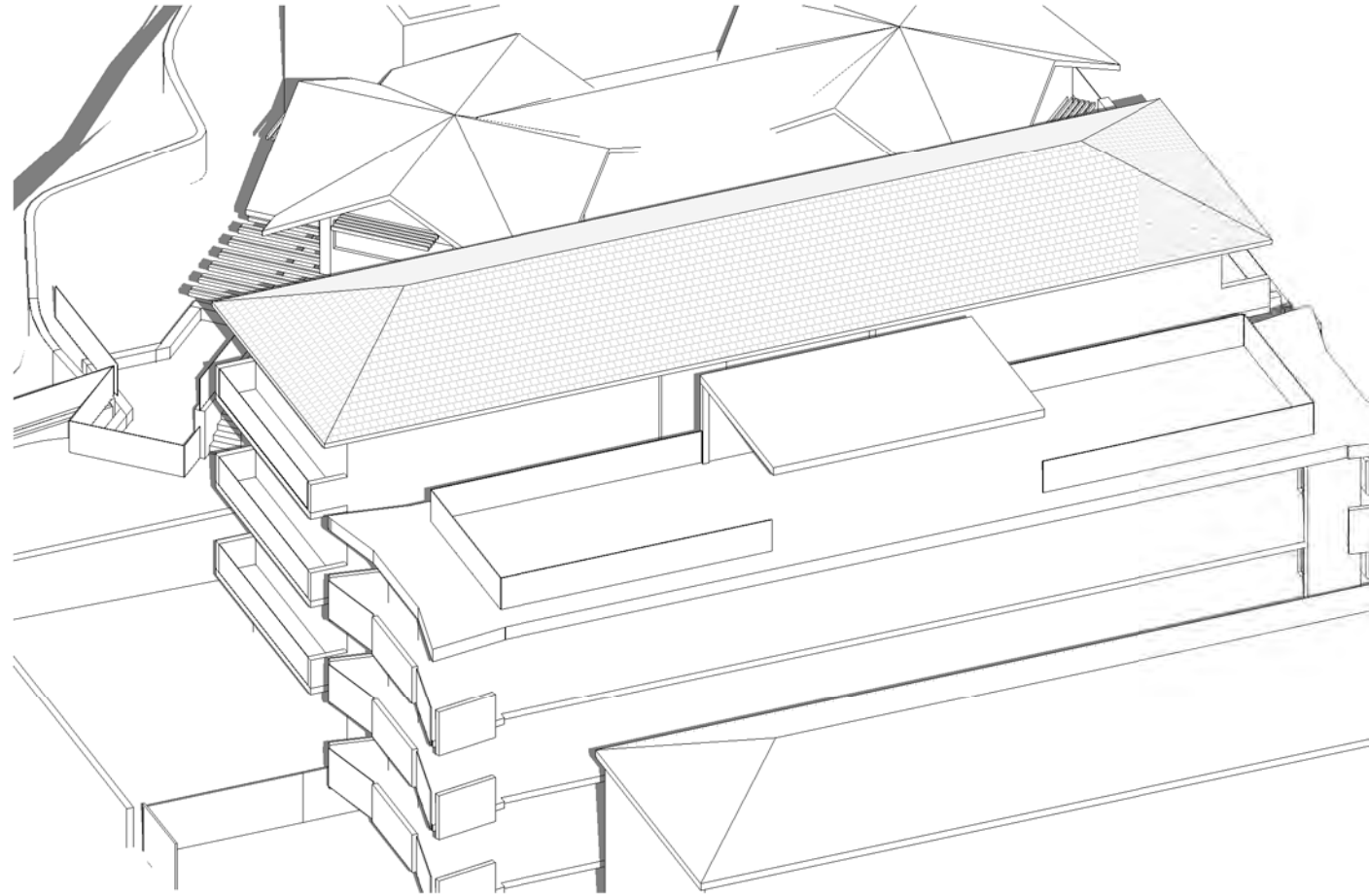
No.	Description	Date

SHADOW DIAGRAMS
No. 154 BRIGHTON BOULEVARD
NORTH BONDI

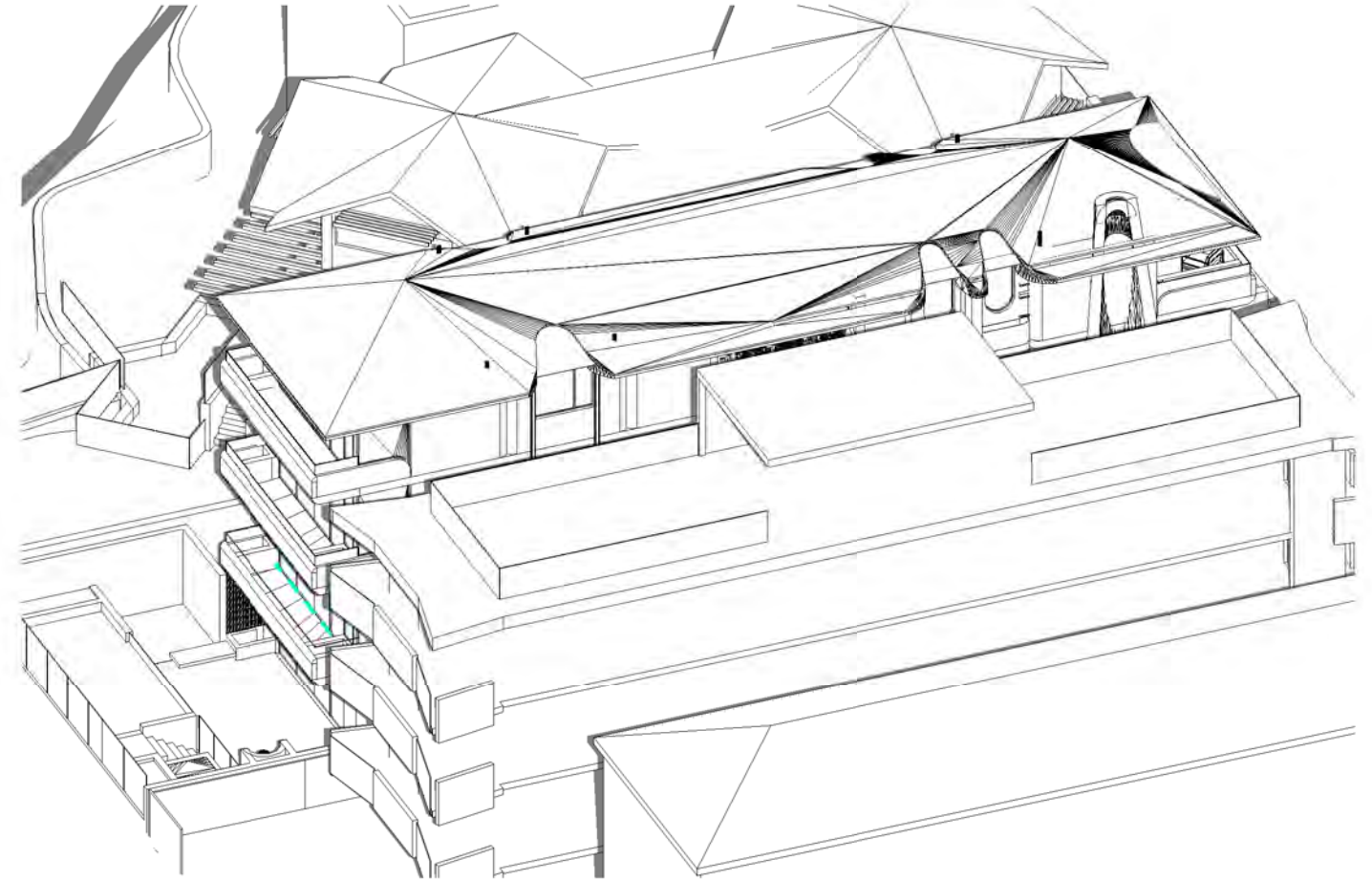
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3D Sun Views June 10.00am

Project number	22-82	A107
Date	01-05-23	
Drawn by	KP	
Checked by	JD	
Scale	543	



1 June 11.00am Existing



2 June 11.00am Proposed

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No.	Description	Date

SHADOW DIAGRAMS
No. 154 BRIGHTON BOULEVARD
NORTH BONDI

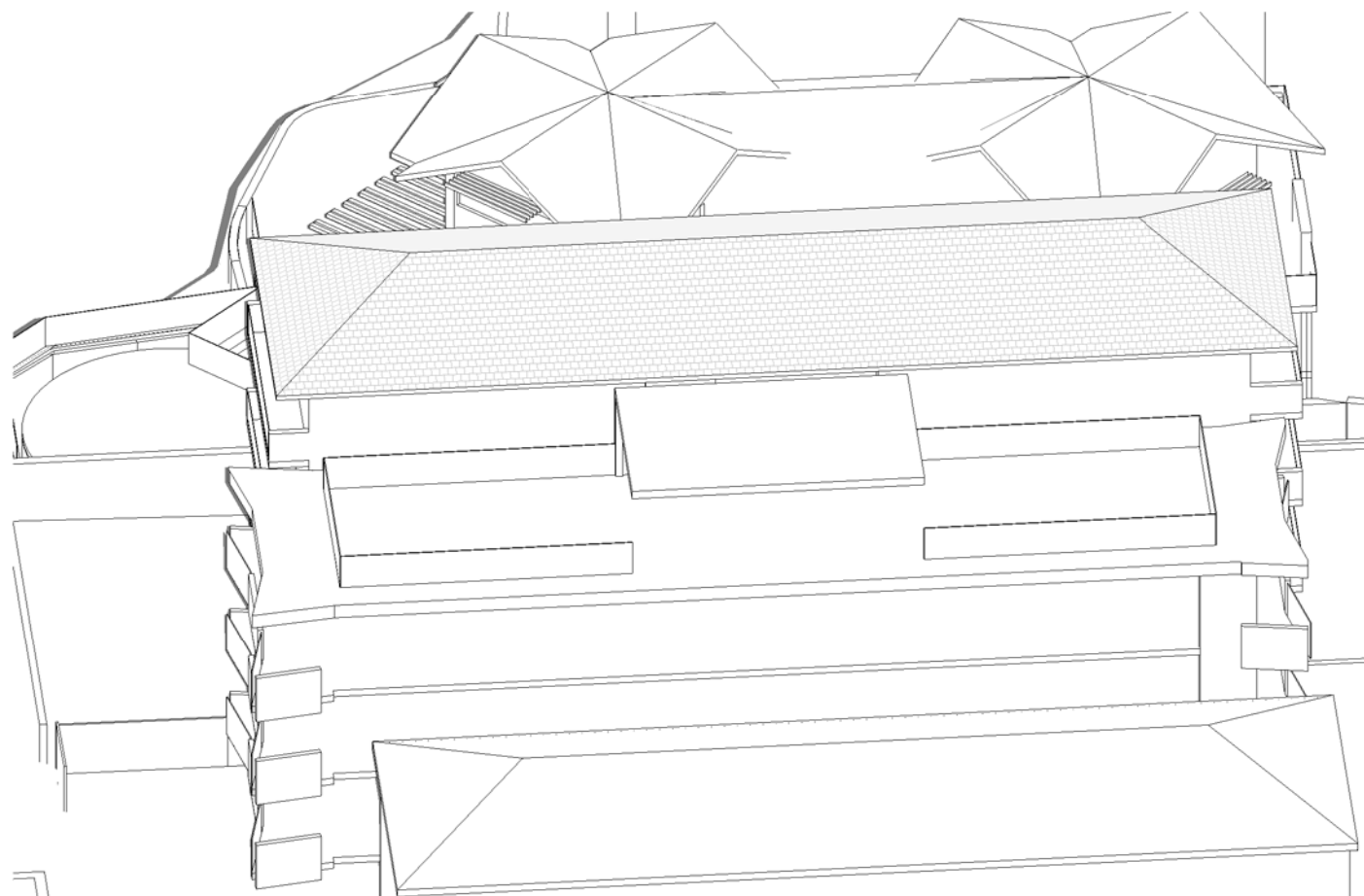
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3D Sun Views June 11.00am

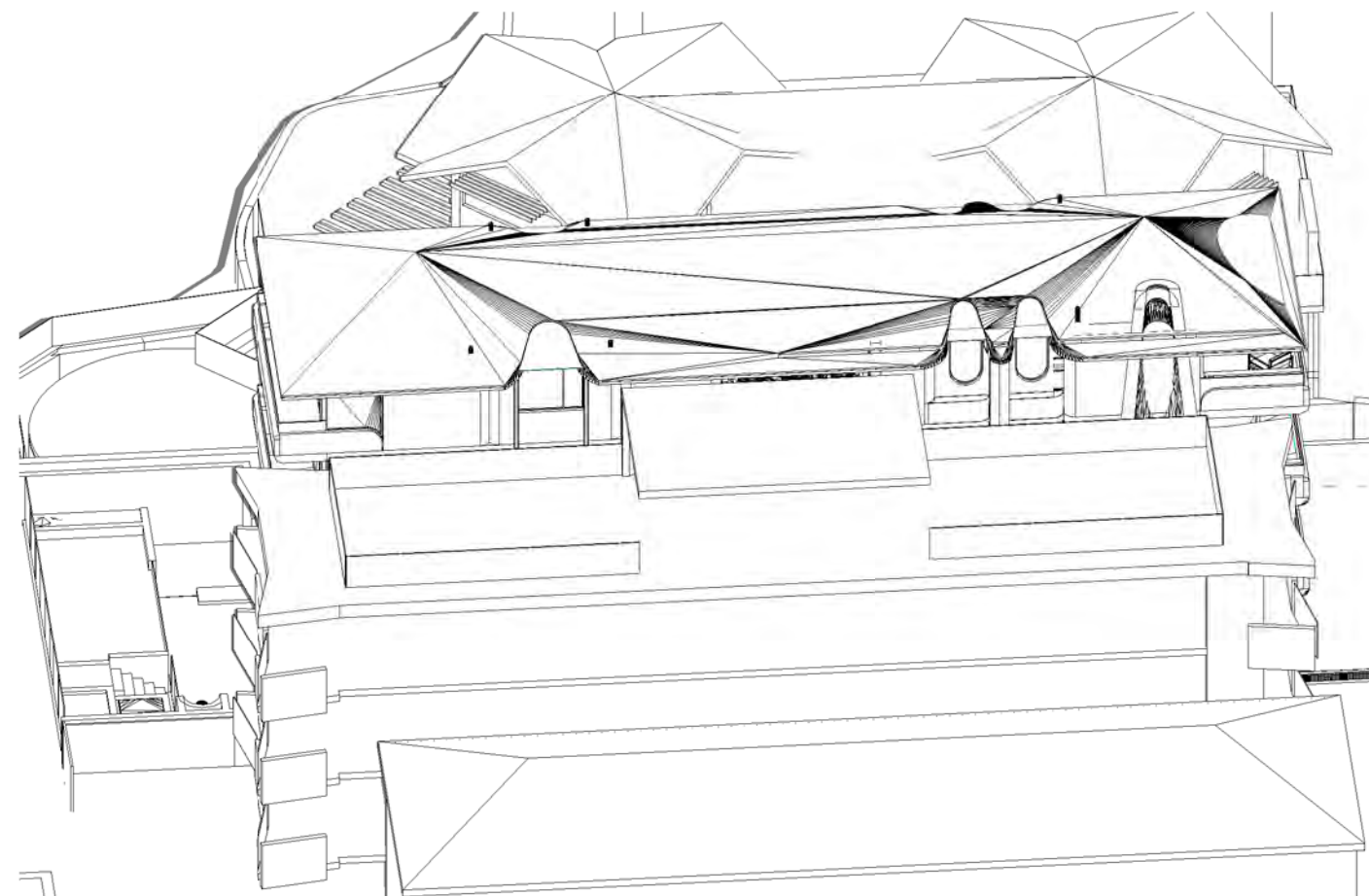
Project number	22-82
Date	01-05-23
Drawn by	KP
Checked by	JD

A108

Scale 544



1 June 12.00pm Existing



2 June 12.00pm Proposed

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No.	Description	Date

SHADOW DIAGRAMS
No. 154 BRIGHTON BOULEVARD
NORTH BONDI

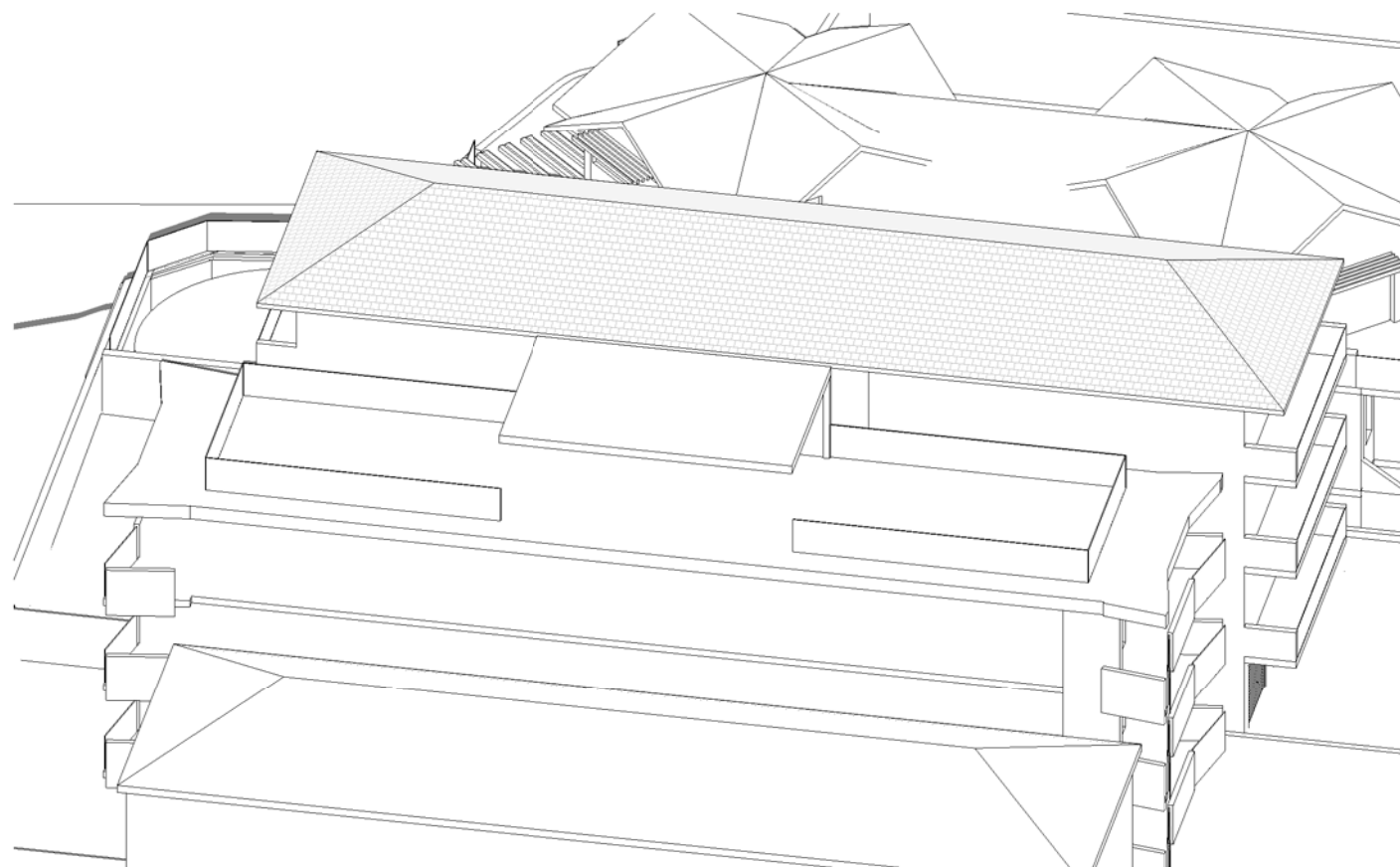
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3D Sun Views June 12.00pm

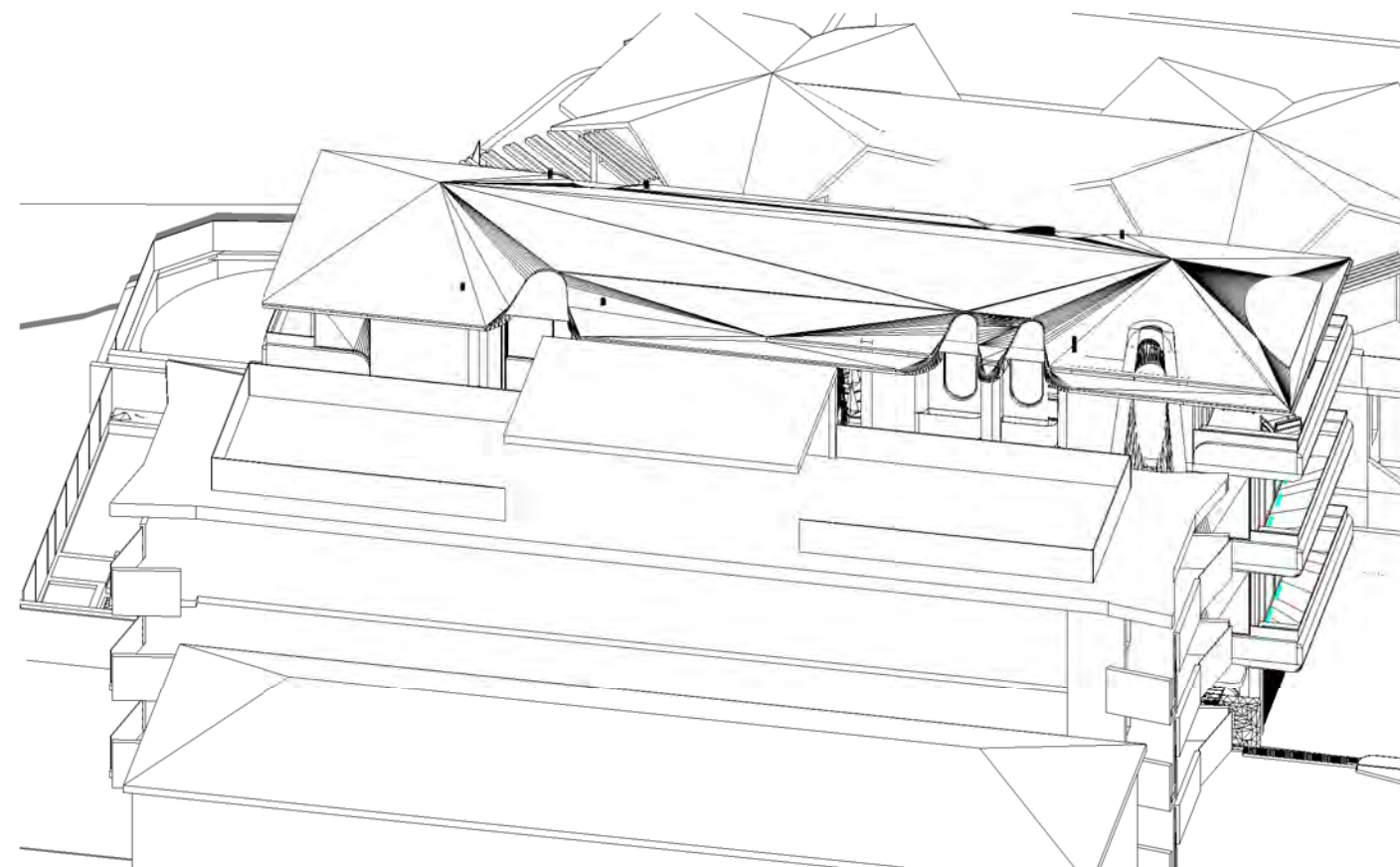
Project number	22-82
Date	01-05-23
Drawn by	KP
Checked by	JD

A109

Scale 545



1 June 1.00pm Existing



2 June 1.00pm Proposed

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ABN 27 083 288 153

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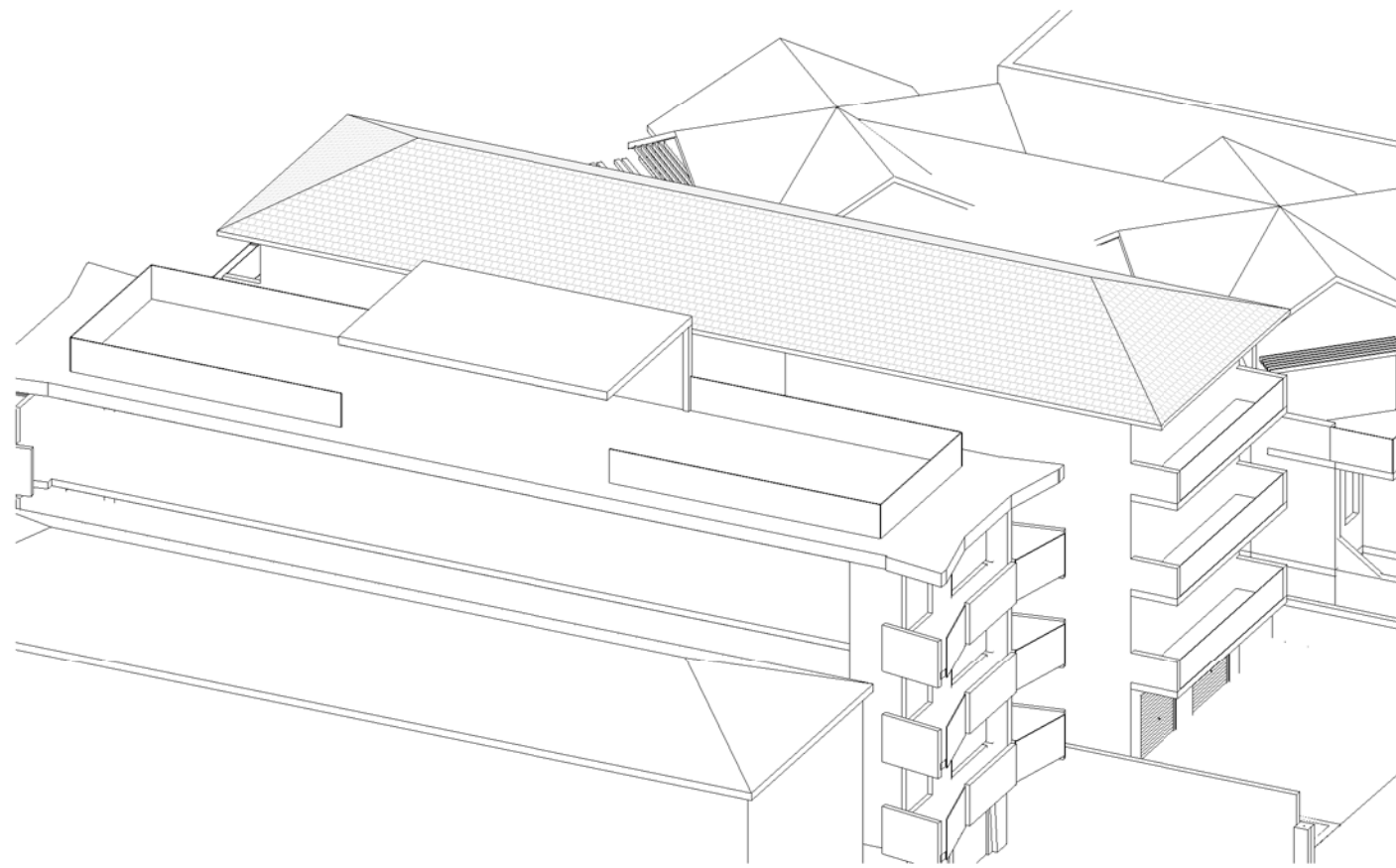
No.	Description	Date

SHADOW DIAGRAMS
No. 154 BRIGHTON BOULEVARD
NORTH BONDI

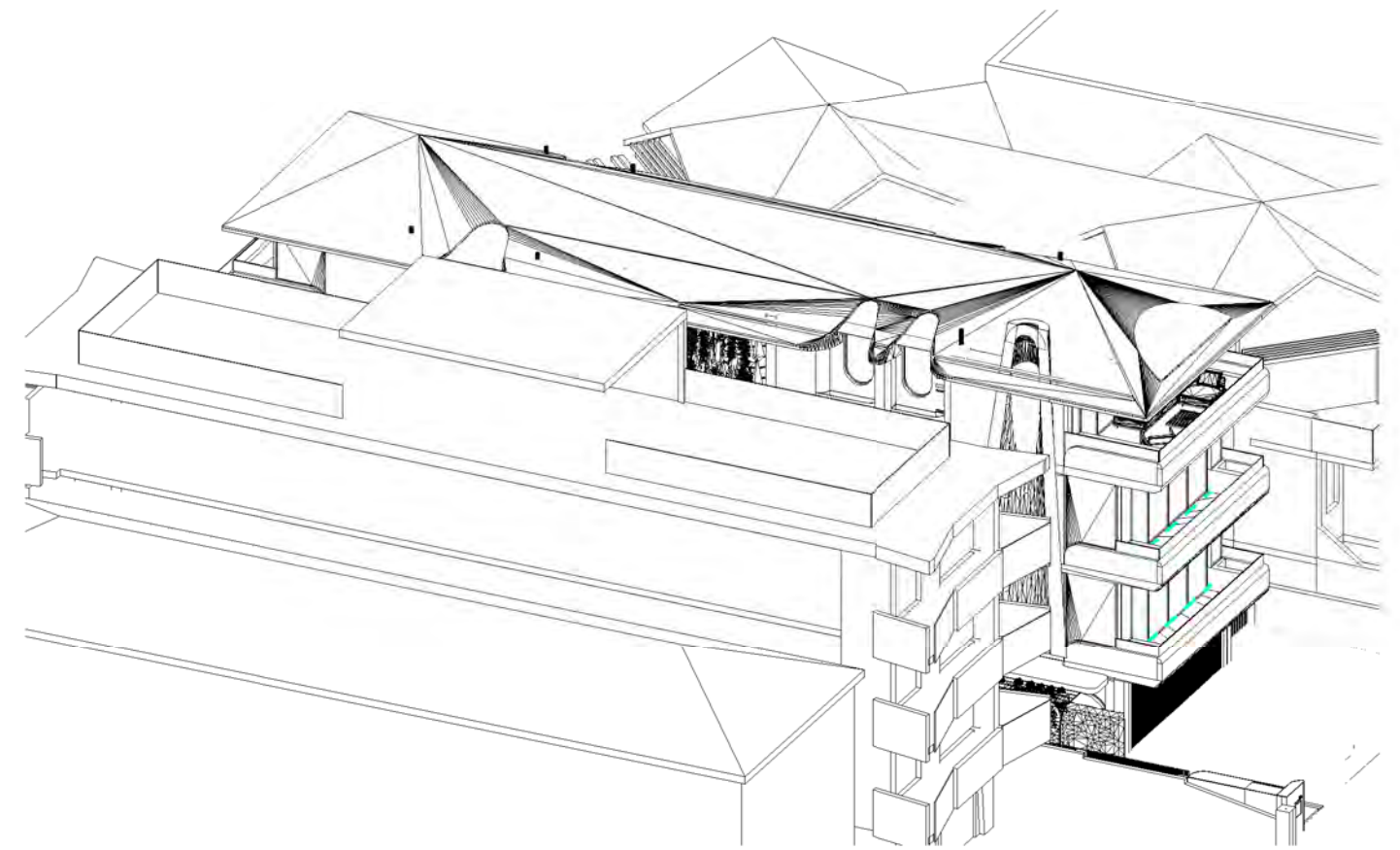
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3D Sun Views June 1.00pm

Project number	22-82	A110
Date	01-05-23	
Drawn by	KP	
Checked by	JD	
Scale	546	



1 June 2.00pm Existing



2 June 2.00pm Proposed

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No.	Description	Date

SHADOW DIAGRAMS
No. 154 BRIGHTON BOULEVARD
NORTH BONDI

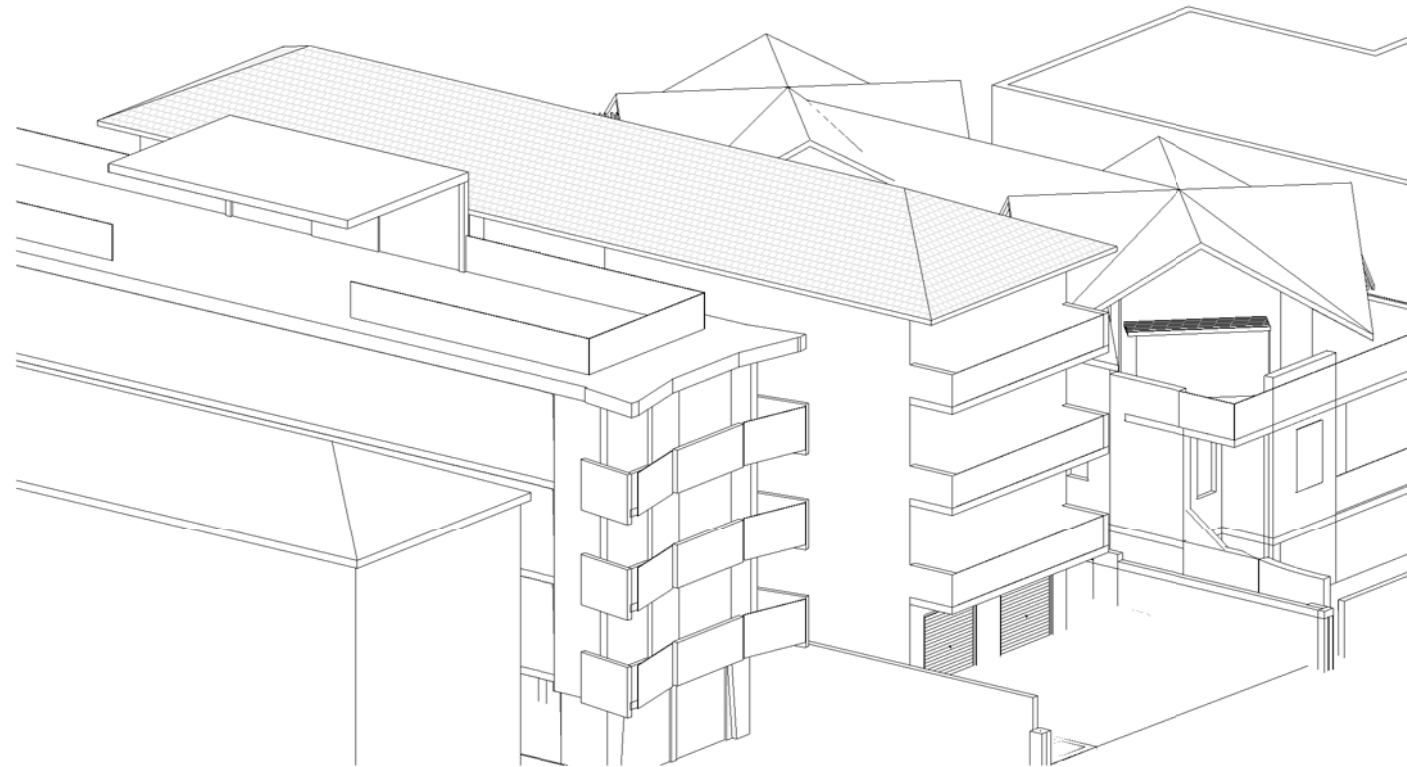
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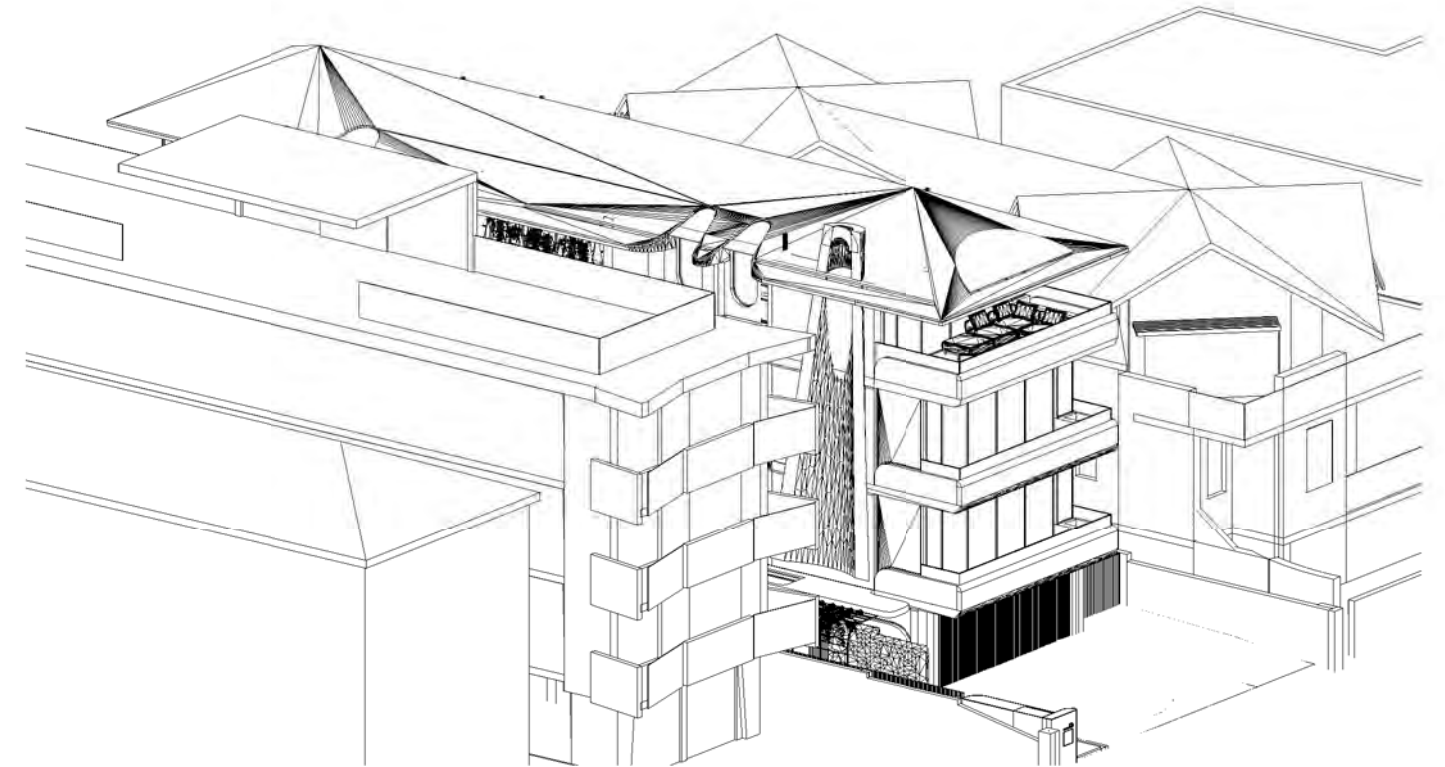
Project number	22-82
Date	01-05-23
Drawn by	KP
Checked by	JD

A111

Scale 547



1 June 3.00pm Existing



2 June 3.00pm Proposed

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No.	Description	Date

SHADOW DIAGRAMS
No. 154 BRIGHTON BOULEVARD
NORTH BONDI

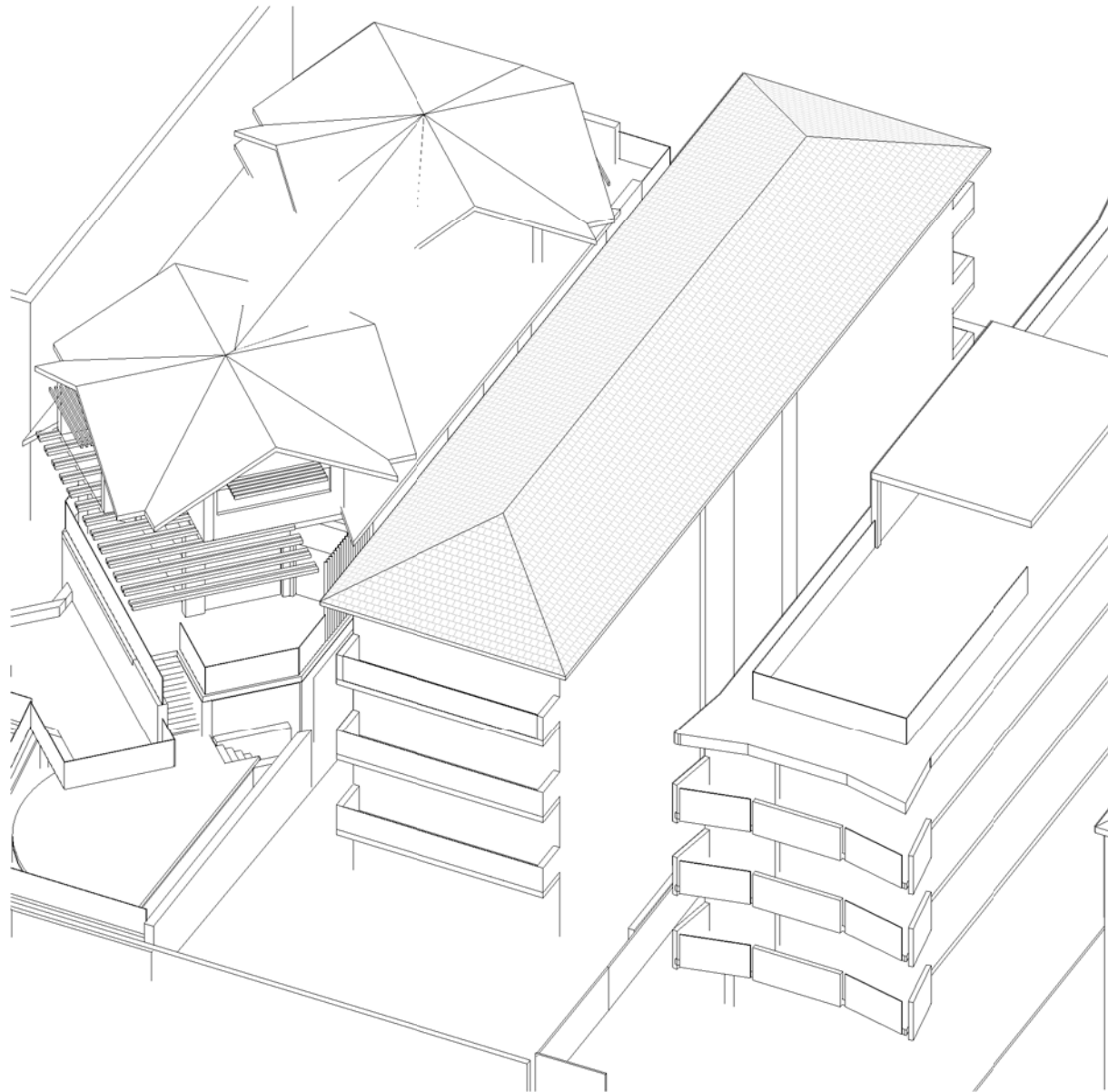
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3D Sun Views June 3.00pm

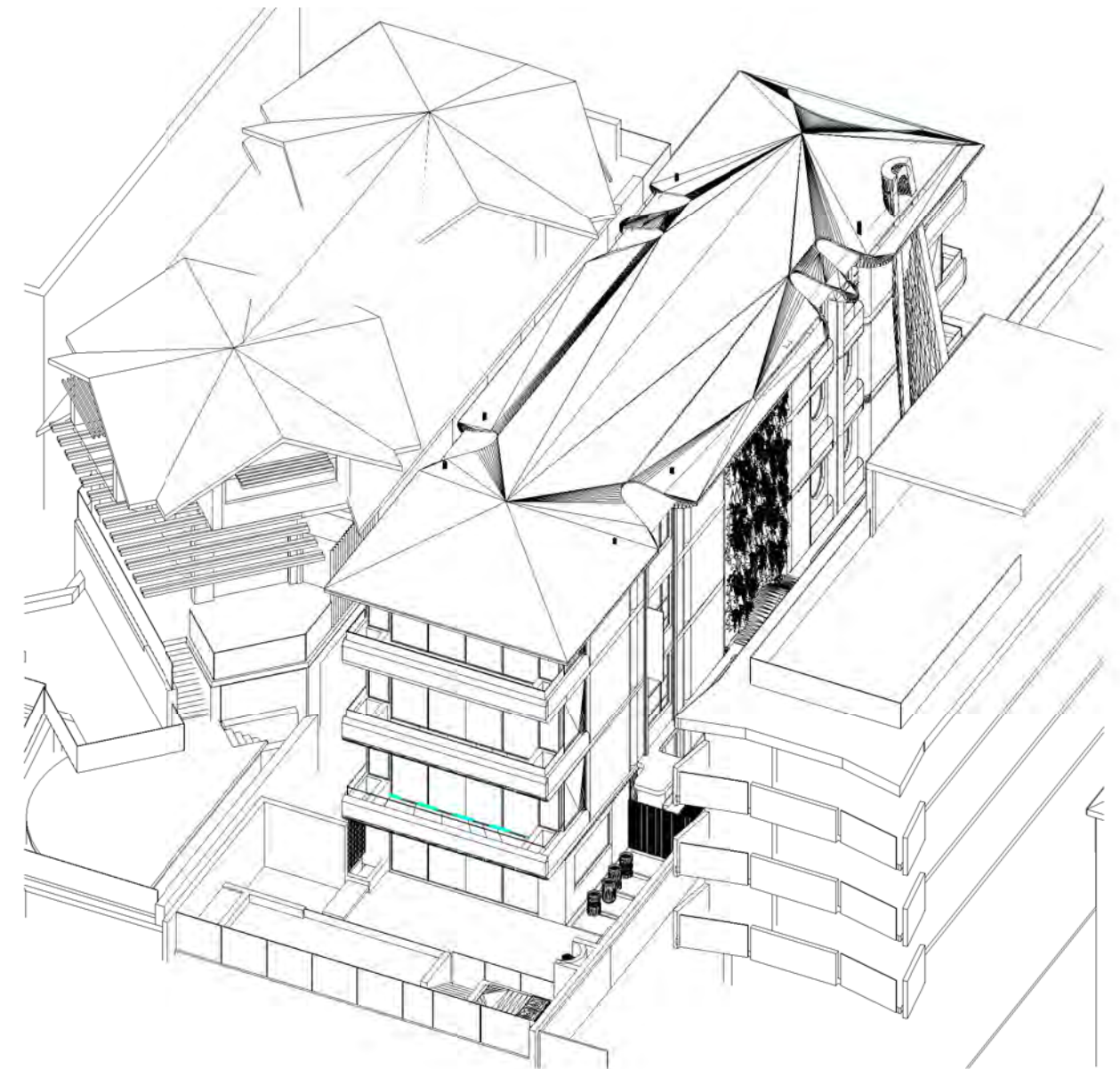
Project number	22-82
Date	01-05-23
Drawn by	KP
Checked by	JD

A112

Scale 548



1 Equinox 9.00am Existing



2 Equinox 9.00am Proposed

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No.	Description	Date

SHADOW DIAGRAMS
No. 154 BRIGHTON BOULEVARD
NORTH BONDI

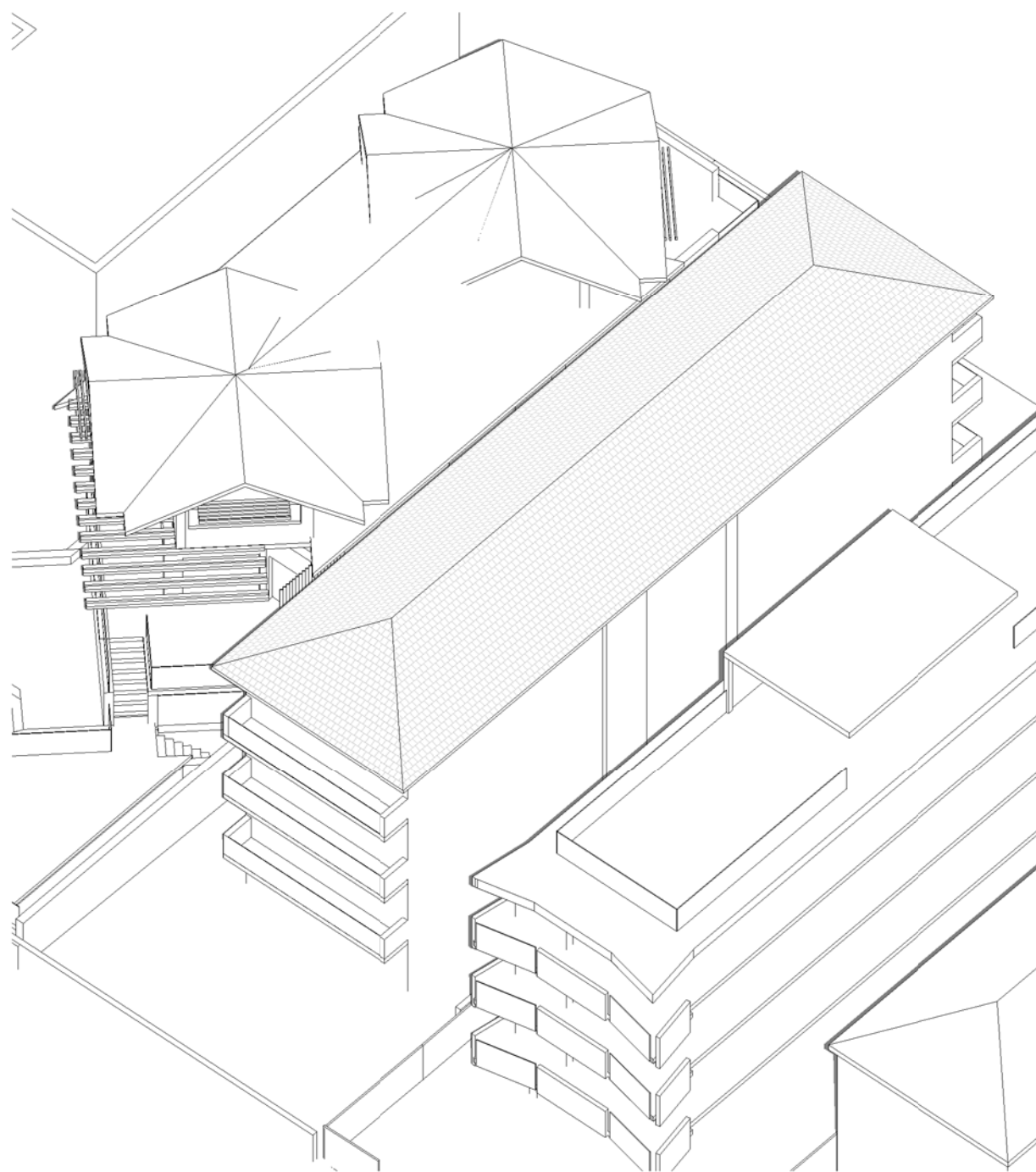
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3D Sun Views Equinox 9.00am

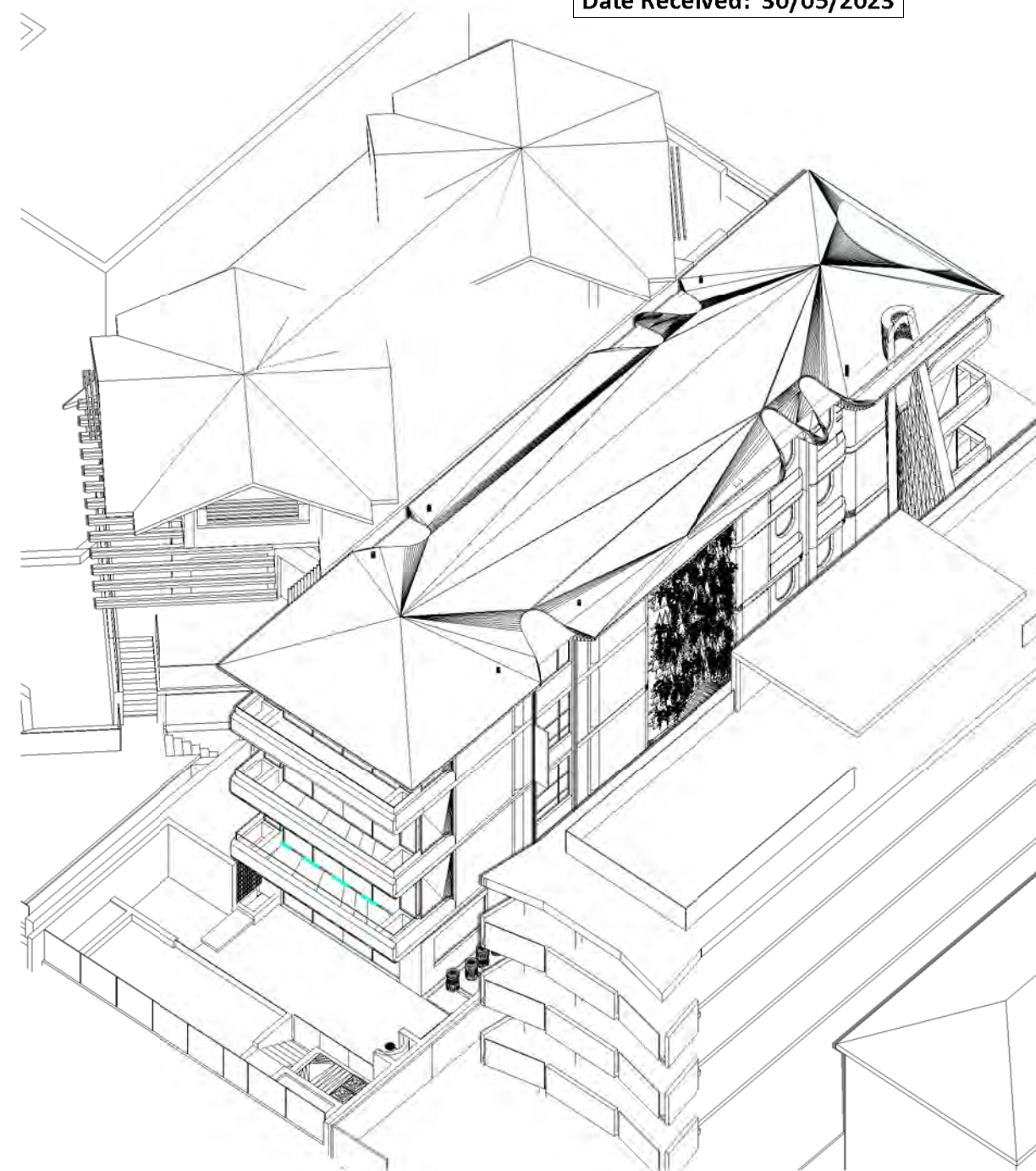
Project number	22-82
Date	01-05-23
Drawn by	KP
Checked by	JD

A113

Scale 549



1 Equinox 10.00am Existing



2 Equinox 10.00am Proposed

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No.	Description	Date

SHADOW DIAGRAMS
No. 154 BRIGHTON BOULEVARD
NORTH BONDI

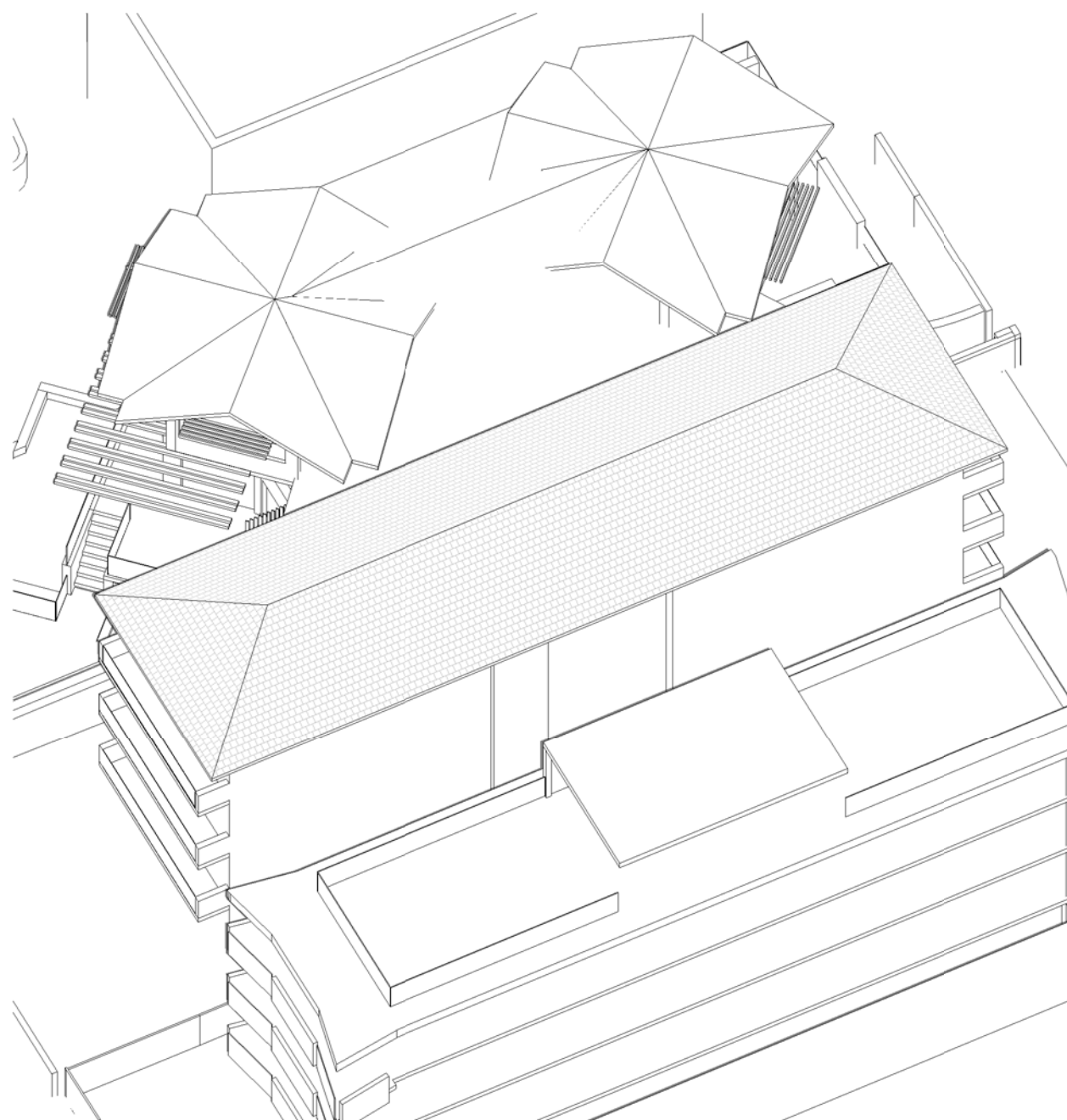
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3D Sun Views Equinox 10.00am

Project number	22-82
Date	01-05-23
Drawn by	KP
Checked by	JD

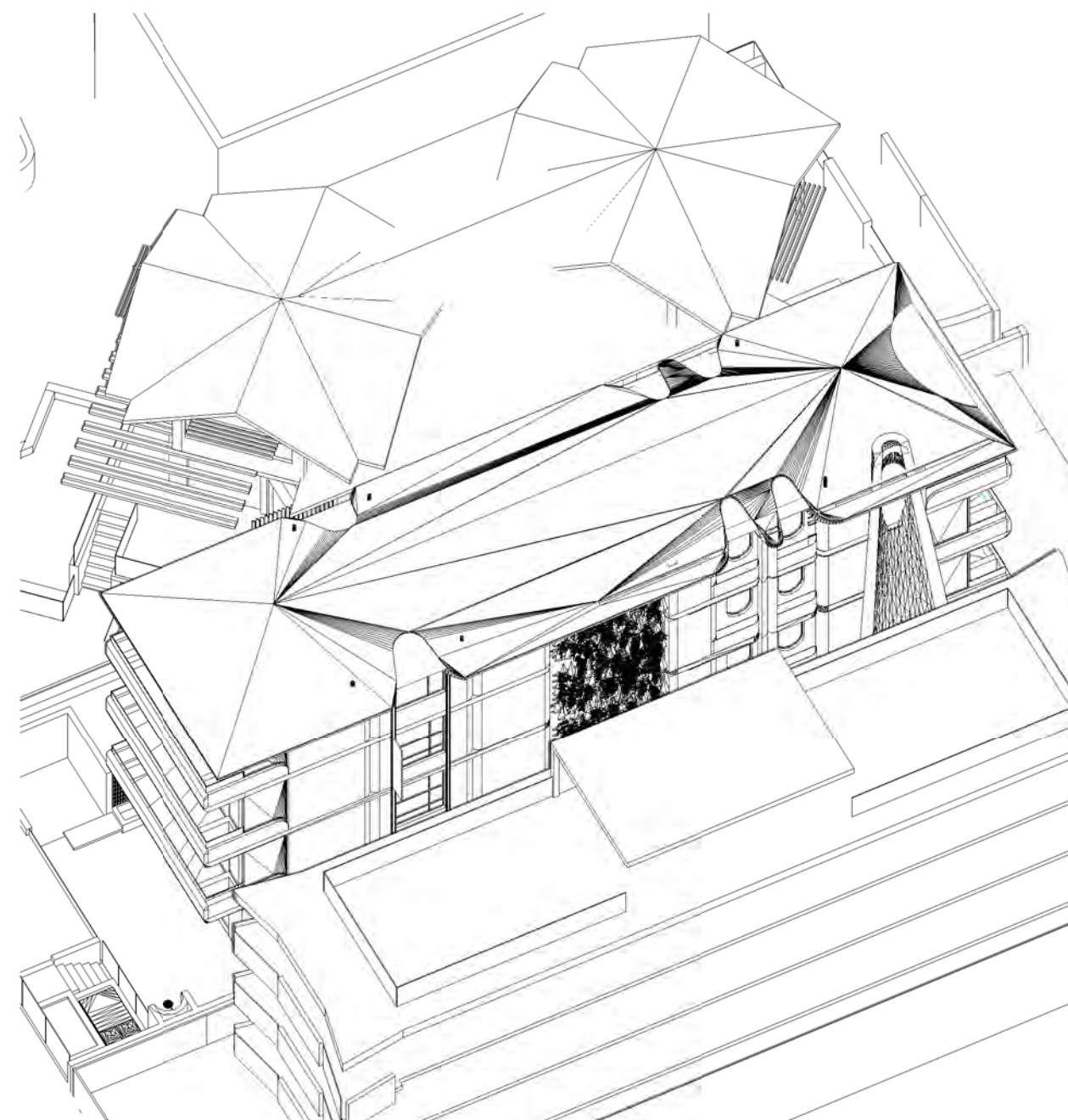
A114

Scale 550



1

Equinox 11.00am Existing



2

Equinox 11.00am Proposed

Cad Draft P/L

ABN 27 083 288 153

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No.	Description	Date

SHADOW DIAGRAMS
No. 154 BRIGHTON BOULEVARD
NORTH BONDI

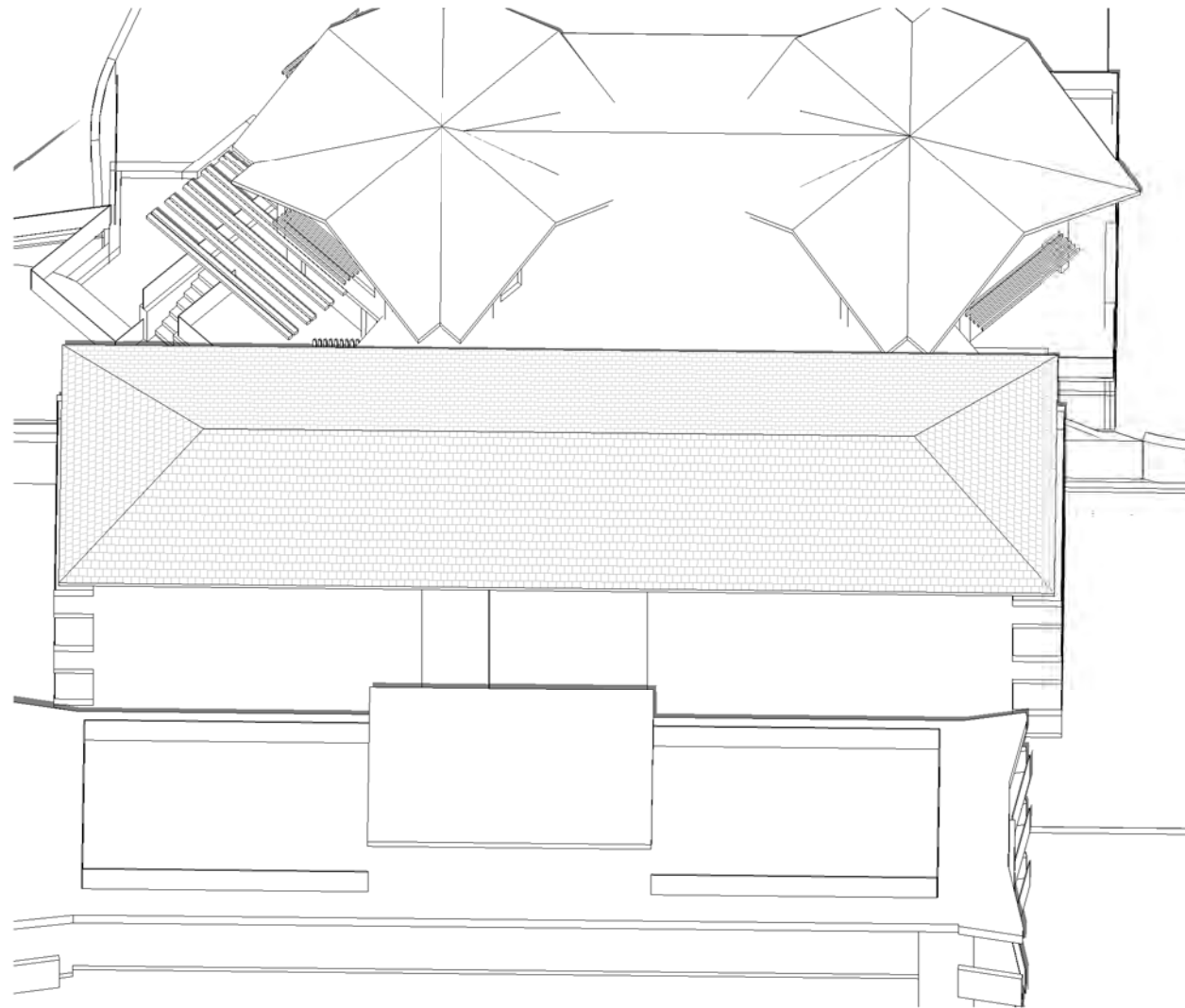
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3D Sun Views Equinox 11.00am

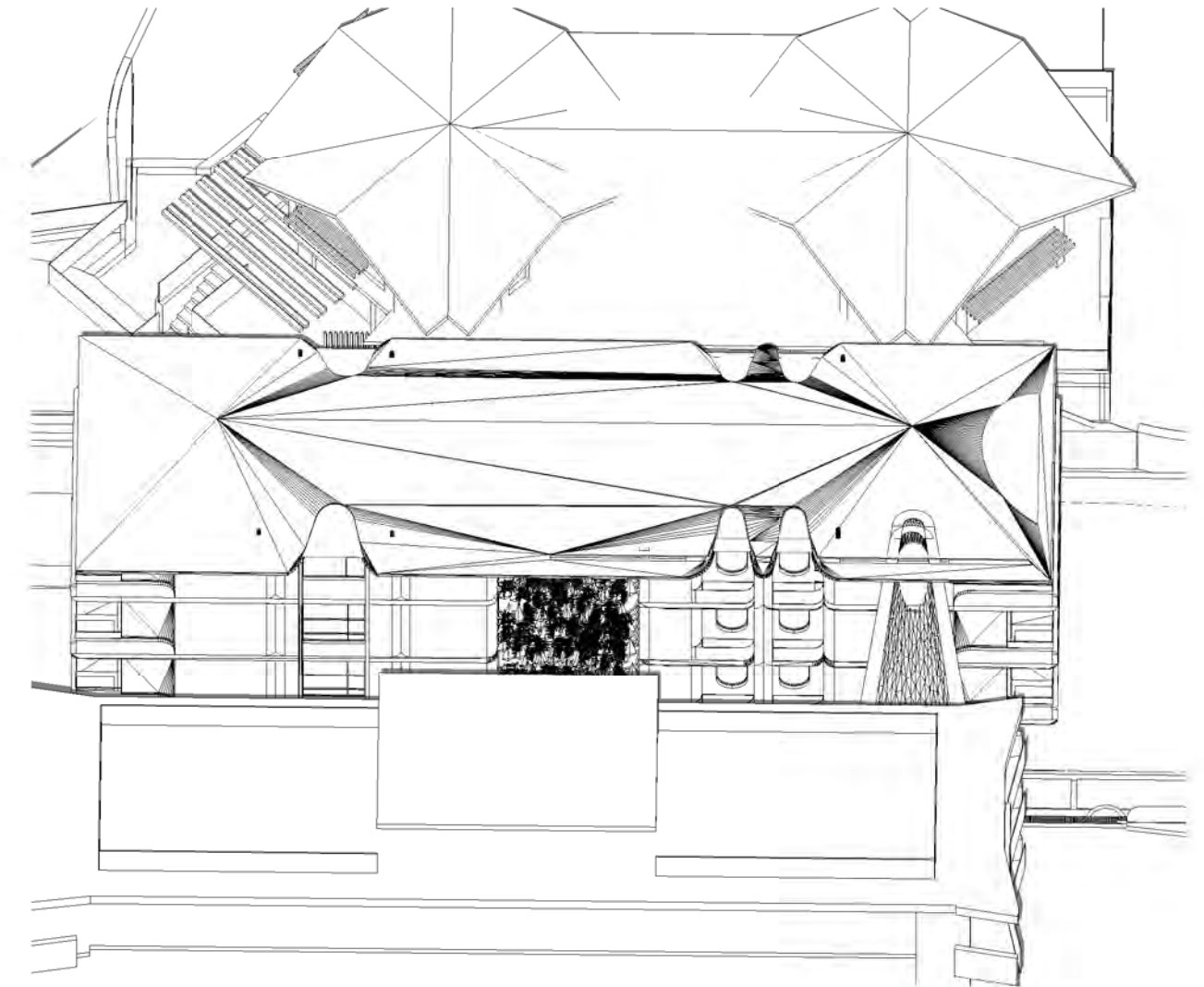
Project number	22-82
Date	01-05-23
Drawn by	KP
Checked by	JD

A115

Scale 551



1 Equinox 12.00pm Existing



2 Equinox 12.00pm Proposed

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No.	Description	Date

SHADOW DIAGRAMS
No. 154 BRIGHTON BOULEVARD
NORTH BONDI

CLIENT: SHELCO AIR CON P/L

3D Sun Views Equinox 12.00pm

Project number 22-82

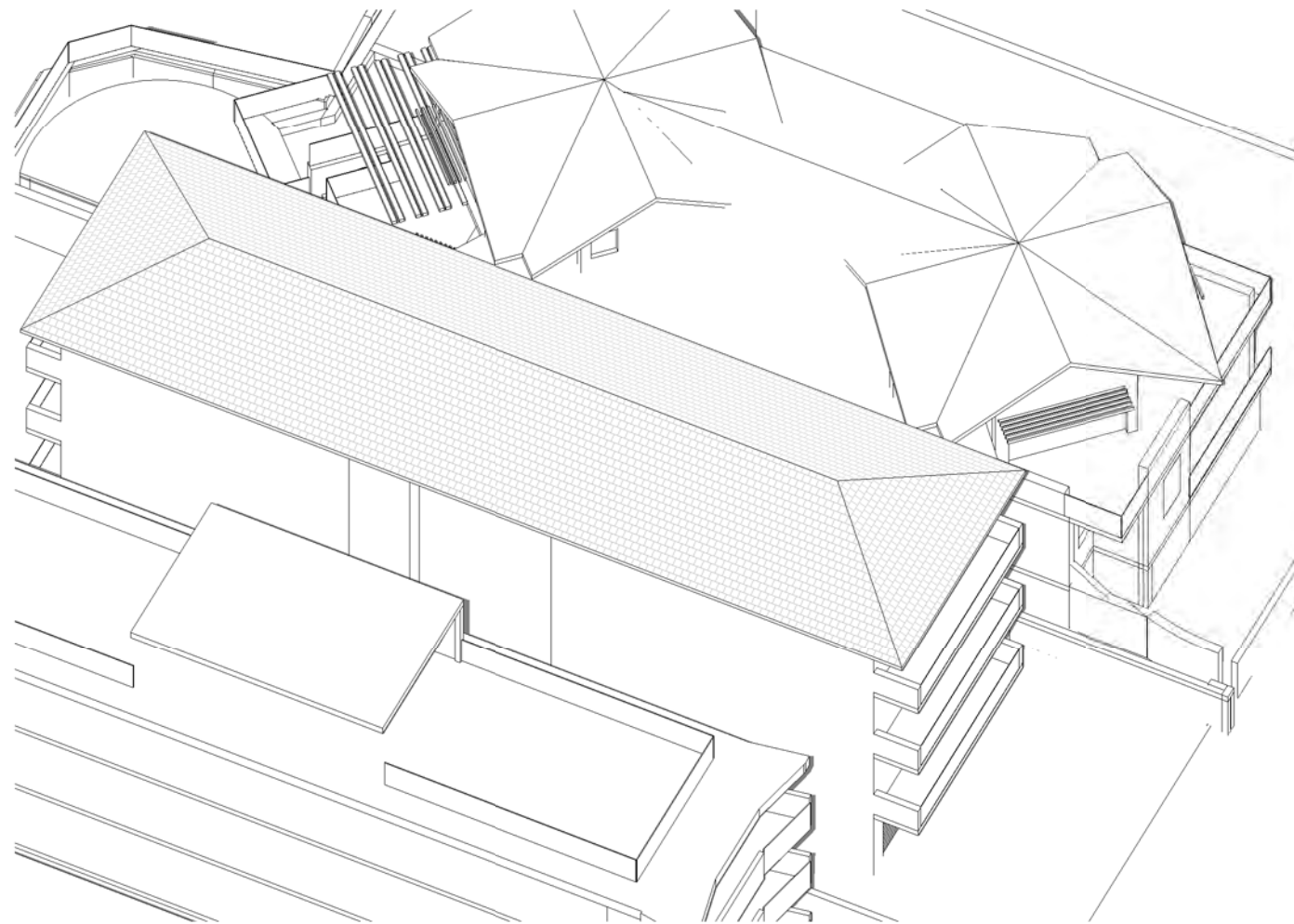
Date 01-05-23

Drawn by KP

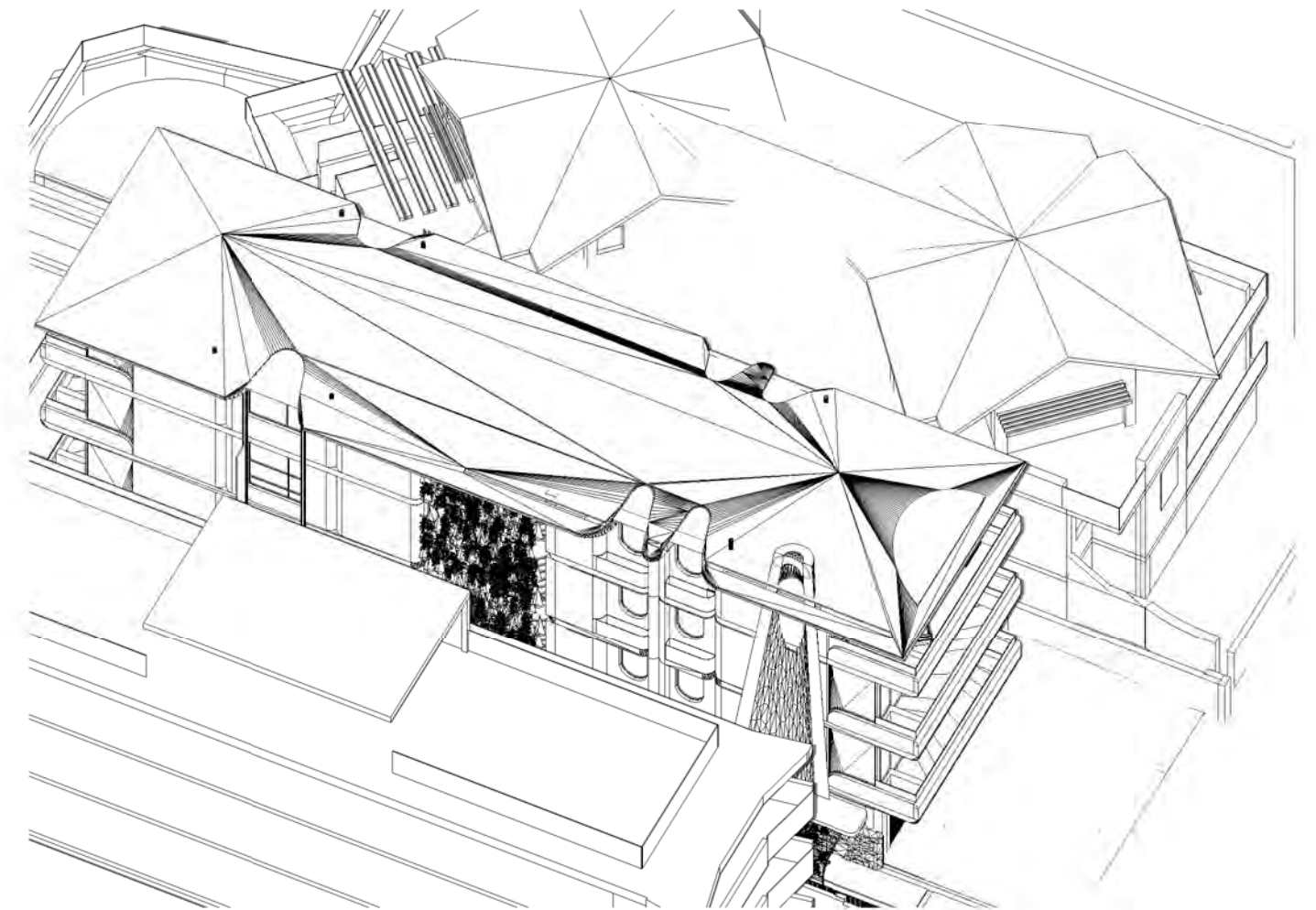
Checked by JD

A116

Scale 552



1 Equinox 1.00pm Existing



2 Equinox 1.00pm Proposed

Cad Draft P/L

ABN 27 083 288 153

SUITE 1, 505 BALMAIN ROAD,
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SHADOW ANALYSIS CONSULTANTS

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No.	Description	Date

SHADOW DIAGRAMS
No. 154 BRIGHTON BOULEVARD
NORTH BONDI

CLIENT: SHELCO AIR CON P/L

3D Sun Views Equinox 1.00pm

Project number 22-82

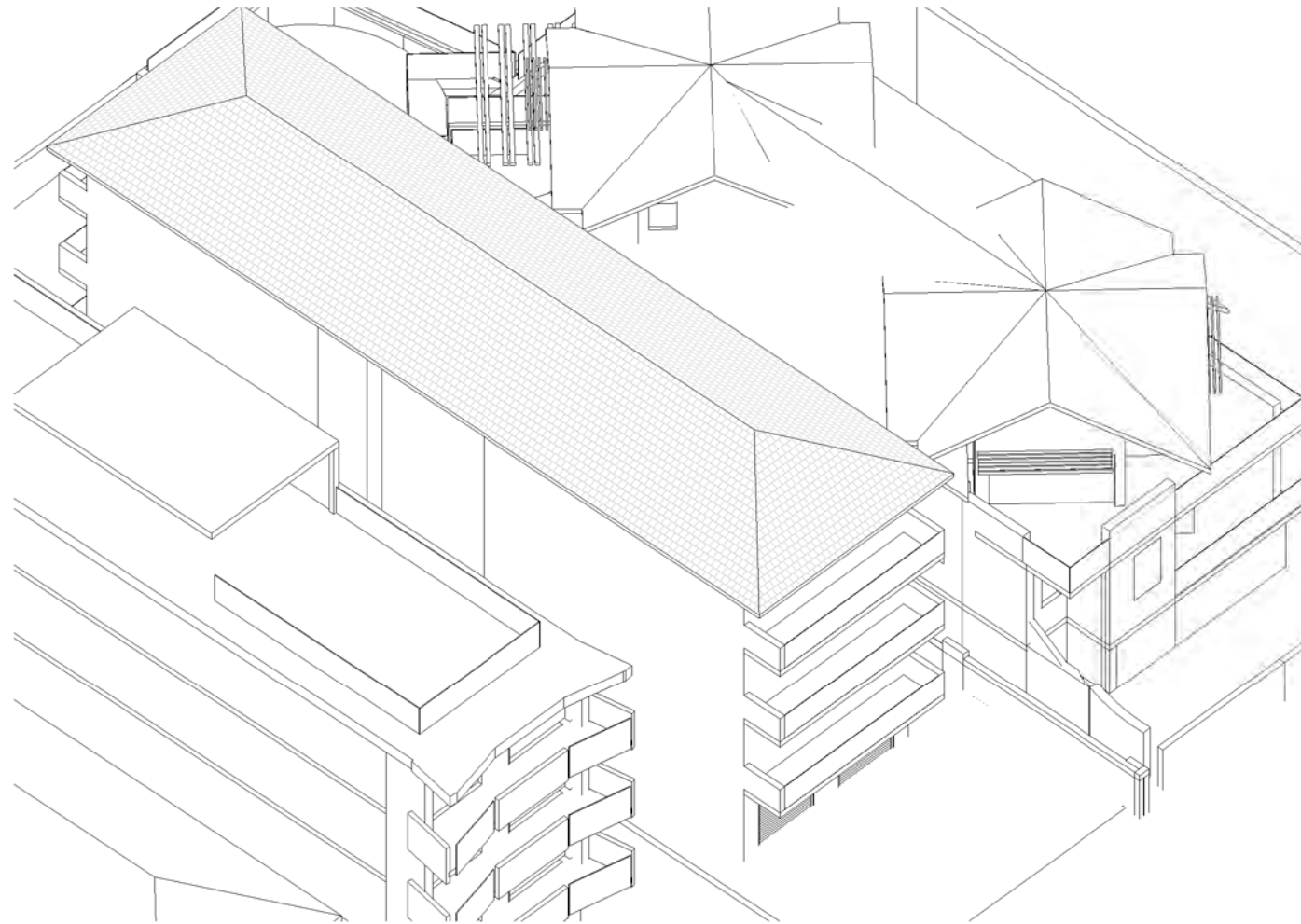
Date 01-05-23

Drawn by KP

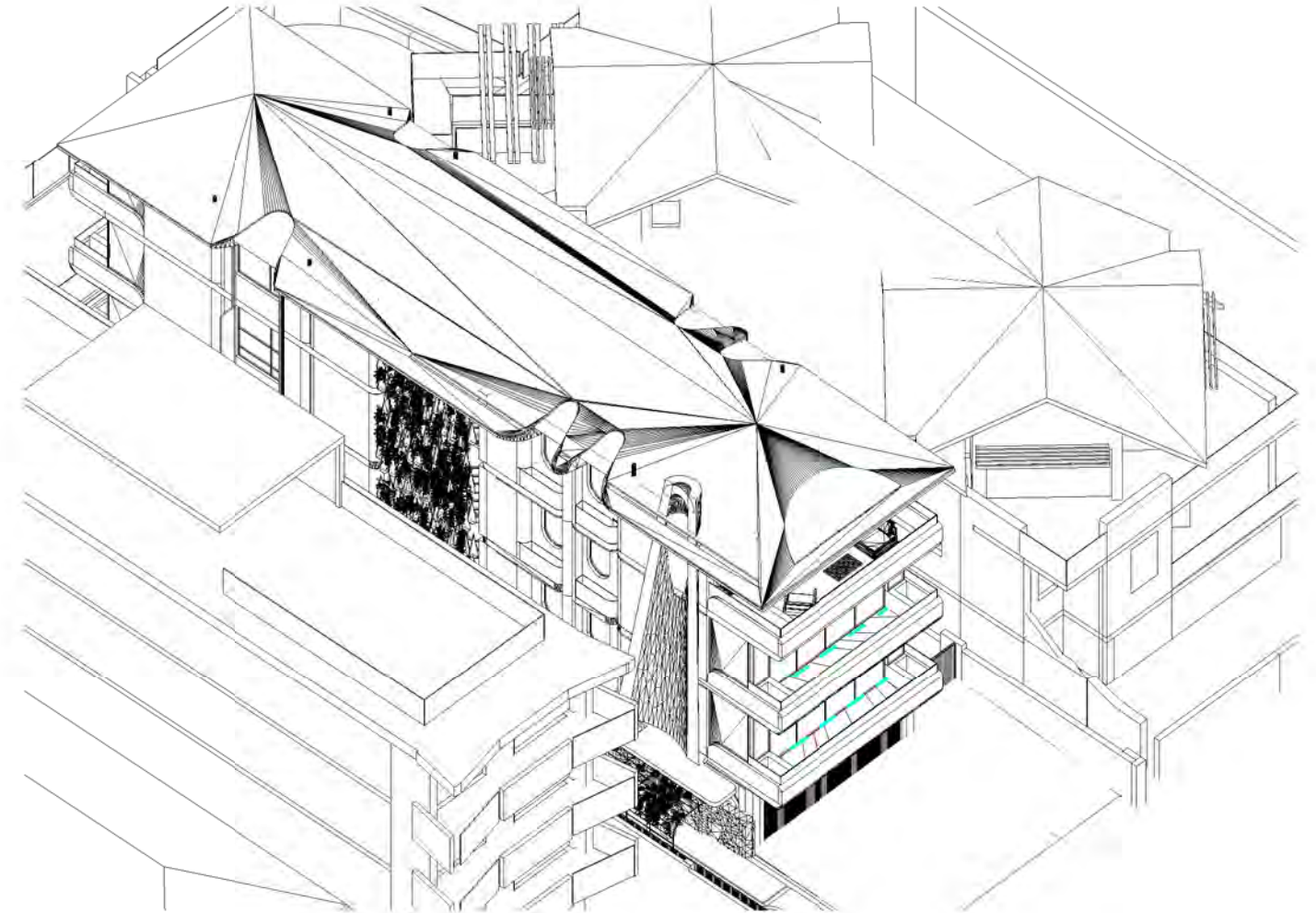
Checked by JD

A117

Scale 553



1 Equinox 2.00pm Existing



2 Equinox 2.00pm Proposed

Cad Draft P/L

ABN 27 083 288 153

SUITE 1, 505 BALMAIN ROAD,
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SHADOW ANALYSIS CONSULTANTS

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No.	Description	Date

SHADOW DIAGRAMS
No. 154 BRIGHTON BOULEVARD
NORTH BONDI

CLIENT: SHELCO AIR CON P/L

3D Sun Views Equinox 2.00pm

Project number 22-82

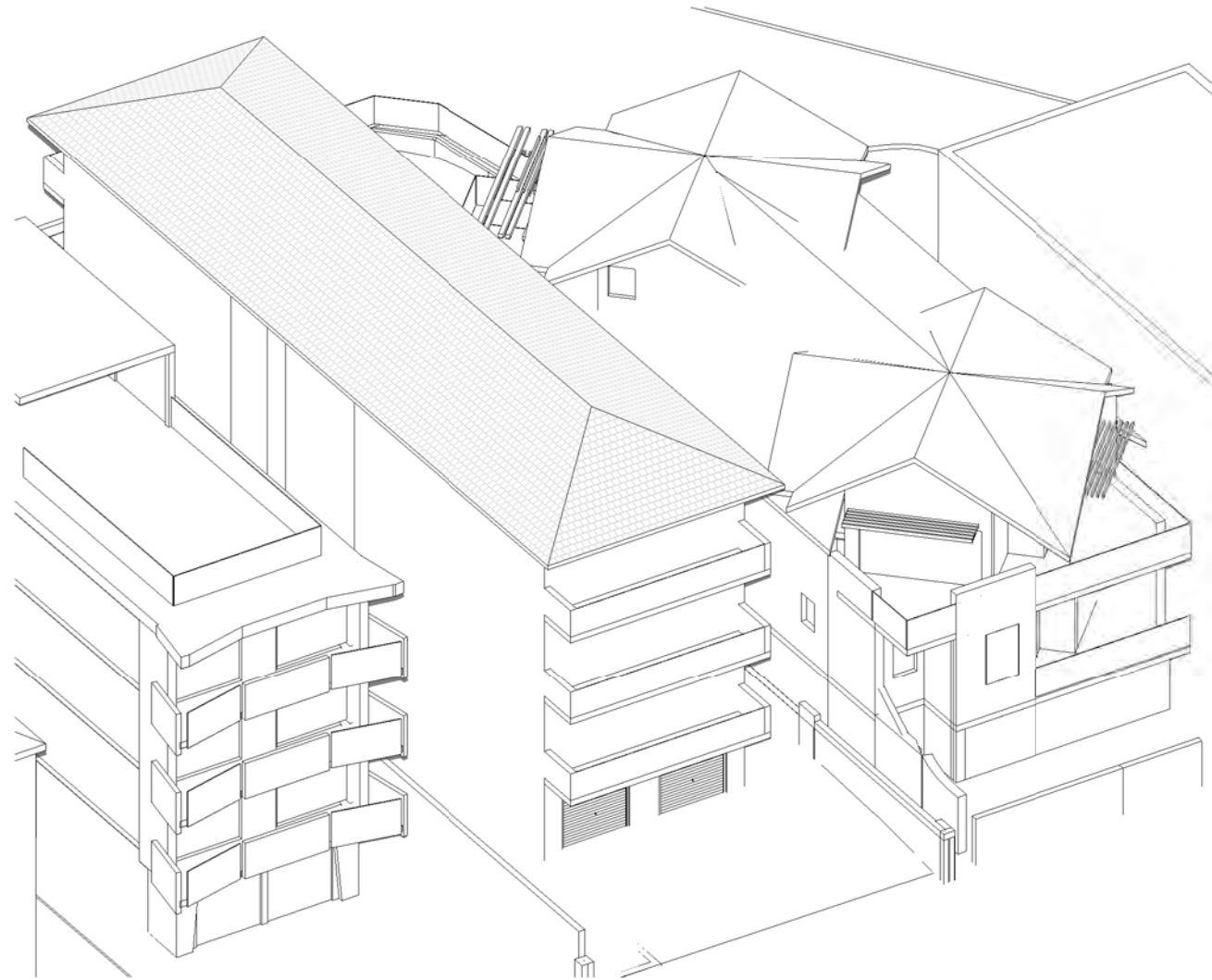
Date 01-05-23

Drawn by KP

Checked by JD

A118

Scale 554



1 Equinox 3.00pm Existing



2 Equinox 3.00pm Proposed

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ABN 27 083 288 153

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No.	Description	Date

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No. 154 BRIGHTON BOULEVARD
NORTH BONDI

CLIENT: SHELCO AIR CON P/L

3D Sun Views Equinox 3.00pm

Project number	22-82
Date	01-05-23
Drawn by	KP
Checked by	JD

A119

Scale 555

LANDSCAPE DA DOCUMENTATION - REV 04 - 12.05.2023

154 BRIGHTON BOULEVARD,
 NORTH BONDI, NSW 2026

COUNCIL REQUIREMENTS - WAVERLEY DEVELOPMENT APPLICATION

THE LANDSCAPE PLAN IS IN GENERAL ACCORDANCE WITH COUNCIL PLANNING CONTROLS:
 • DCP (WAVERLEY DEVELOPMENT CONTROL PLAN 2022) PART B3 - LANDSCAPING, BIODIVERSITY AND VEGETATION PRESERVATION
 • DCP (WAVERLEY DEVELOPMENT CONTROL PLAN 2022) PART C - RESIDENTIAL DEVELOPMENT

LANDSCAPE INSTALLATION SPECIFICATION

TREE REMOVAL

- Tree surgery, pruning or tree removal works are to be overseen by a qualified arborist, if specified by arborists report.
- Tree protection to be installed for trees to be retained as per arborist / council's specifications.

TREES TO BE RETAINED

- Refer to arborist report for recommended tree protection.

PLANTER BEDS

- Soil for plantings over slab or contained areas. Minimum soil depths for planting on any slab:
- Small trees: Min 1000mm excluding 75mm mulch
- Shrubs: Min 600mm excluding 75mm mulch
- Groundcovers: Min 300mm excluding 75mm mulch
- Suitable drainage implemented through use of ag lines, drainage flow cell and geotech fabric.
- Soil to be ANL Planter Box Mix, or equivalent. Blend of soil, coarse sand, graded ash, nepean sand, composted sawdust, botany humus and composted pine bark.
- Soil to be between 20-50mm below top of retaining wall height, to allow for dropping.

MULCHING

- Place mulch to minimum depth of 75mm, clear of plant stems, and rake to an even surface flush with the surrounding finished levels and consistent in depth.
- Trees in lawn areas to have 750mm diameter of mulch surrounding.
- Mulch for general garden areas, pots, and planters to be Australian Native Landscapes (ANL) Greenlife Mulch and Compost, or equivalent.

TREE PLANTING

- Excavate holes in accordance with dimension of container. The depth of the holes is to be equivalent to the container height plus 100mm and the width of the hole is to be twice that of the container.
- Locate tree to center of hole and backfill with soil. Firm about rootball.
- All plant material, 45 Liters or over, to be staked.

IRRIGATION

- Automated irrigation system to be implemented. Reputable irrigation brands are to be sourced.
- Use drip lines with emitters at 300mm spacing's for all garden beds.
- Conceal irrigation below the mulch layer in planting areas and 150mm below the surface of turf areas. Conceal all components including pipework, fittings, valves and control equipment.

PLANT SCHEDULE

ID	QTY	BOTANICAL NAME	COMMON NAME	SCHEDULED SIZE	MATURE SPREAD	MATURE HEIGHT	REMARKS
Trees							
Bi	2	Banksia integrifolia	Coastal Banksia	75 Ltr	4.0 - 6.0 m	5.0 - 10.0 m	Indigenous Local Native
Shrubs							
Ca	33	Correa alba	Coastal Correa	200 mm	1.5 - 2.0 m	1.5 - 2.0 m	Indigenous Local Native
Wf	3	Westringia fruticosa	Coastal Rosemary	200 mm	0.6 - 0.8 m	0.8 - 1.0 m	Indigenous Local Native
Grasses							
Dc	41	Dianella caerulea	Blue Flax Lilly	140 mm	0.4 - 0.6 m	0.4 - 0.6 m	Indigenous Local Native
Li	78	Lomandra longifolia	Spiny-headed Mat rush	140 mm	0.6 - 0.8 m	0.6 - 0.8 m	Indigenous Local Native
Dre	19	Dianella revoluta	Dianella Revoluta	140 mm	0.3 - 0.4 m	0.3 - 0.4 m	Indigenous Local Native
Xr	8	Xanthorrhoea resinosa	Grass Tree	300 mm	1.0 - 1.5 m	1.0 - 1.8 m	Indigenous Local Native
Groundcovers							
Cg	143	Carpobrotus glaucenses	Pig Face	140 mm	1.2 - 2.0 m	0.2 - 0.3 m	Indigenous Local Native
Dr	166	Dichondra repens	Kidney Weed	140 mm	0.9 - 1.2 m	0.1 - 0.3 m	Indigenous Local Native
Hv	12	Hardenbergia violacea	False Sarsaparilla	200 mm	1.2 - 2.0 m	0.1 - 0.3 m	Indigenous Local Native
Vh	71	Viola hederacea	Native Violet	140 mm	1.2 - 2.0 m	0.1 - 0.3 m	Indigenous Local Native
Climbers							
Ppa	5	Pandorea pandorana	Wonga Wonga Vine	200 mm	3.0 - 6.0 m	0.1 - 0.3 m	Indigenous Local Native
Tj	12	Trachelospermum jasminoides	Chinese Star Jasmine	300 mm	3.5 - 6.0 m	1.5 - 3.0 m	
Total:	593						

CONTROLS

SITE AREA: 477.40m²

LANDSCAPED AREA EXISTING = 28.92m² (6%) DEEP SOIL AREA EXISTING = 28.92m² (20.19%)
 LANDSCAPED AREA REQUIRED = 143.20m² (30%) DEEP SOIL AREA REQUIRED = 71.60m² (50%)
 LANDSCAPED AREA PROPOSED = 137.00m² (28.67%) DEEP SOIL AREA PROPOSED = 42.00m² (36.50%)

BIODIVERSITY HABITAT CORRIDOR CONTROL: A MIN. OF 50% TREES, 50% SHRUBS AND 50% GRASSES AND GROUNDCOVERS ARE TO BE INDIGENOUS LOCAL NATIVE PLANTS LISTED IN ANNEXURE B3-1 OF THE WAVERLEY DCP 2022.

INDIGENOUS TREE SPECIES TOTAL = 1 INDIGENOUS SHRUB SPECIES TOTAL = 2 INDIGENOUS GRASSES AND GROUNDCOVER SPECIES TOTAL = 9
 100% OF PROPOSED PLANTING 100% OF PROPOSED PLANTING 90% OF PROPOSED PLANTING

INDIGENOUS TREE QUANTITY TOTAL = 2 INDIGENOUS SHRUB QUANTITY TOTAL = 36 INDIGENOUS GRASSES AND GROUNDCOVER QUANTITY TOTAL = 543
 100% OF PROPOSED PLANTING 100% OF PROPOSED PLANTING 98% OF PROPOSED PLANTING

PROJECT

154 BRIGHTON BOULEVARD
 NORTH BONDI

DRAWING TITLE:

DEVELOPMENT APPLICATION
 Cover Page

DRAWN BY

AD

REVISION

04

DATE

12.05.2023

SCALE

1:100 @ A3

JOB NUMBER

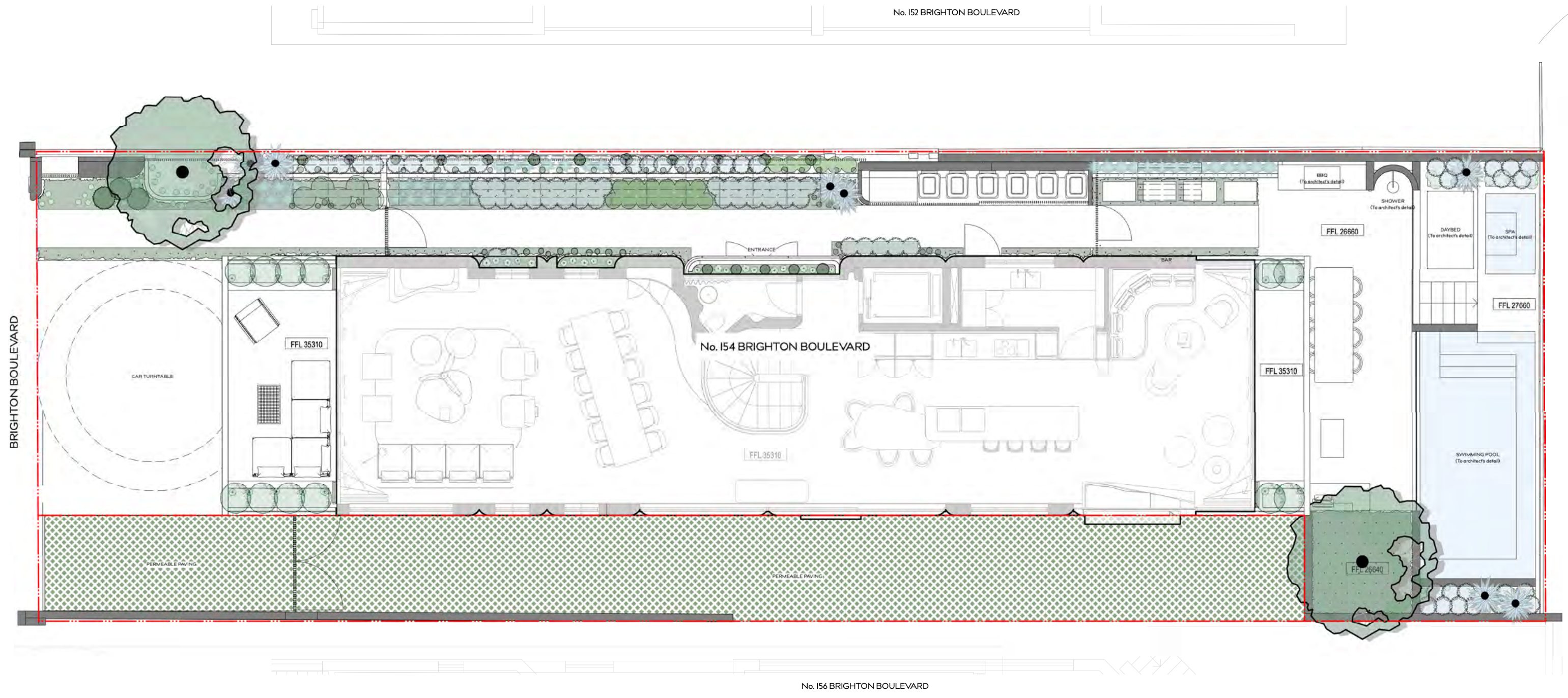
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PROJECT
**154 BRIGHTON BOULEVARD
 NORTH BONDI**

DRAWING TITLE
**DEVELOPMENT APPLICATION
 Landscape Site Plan**

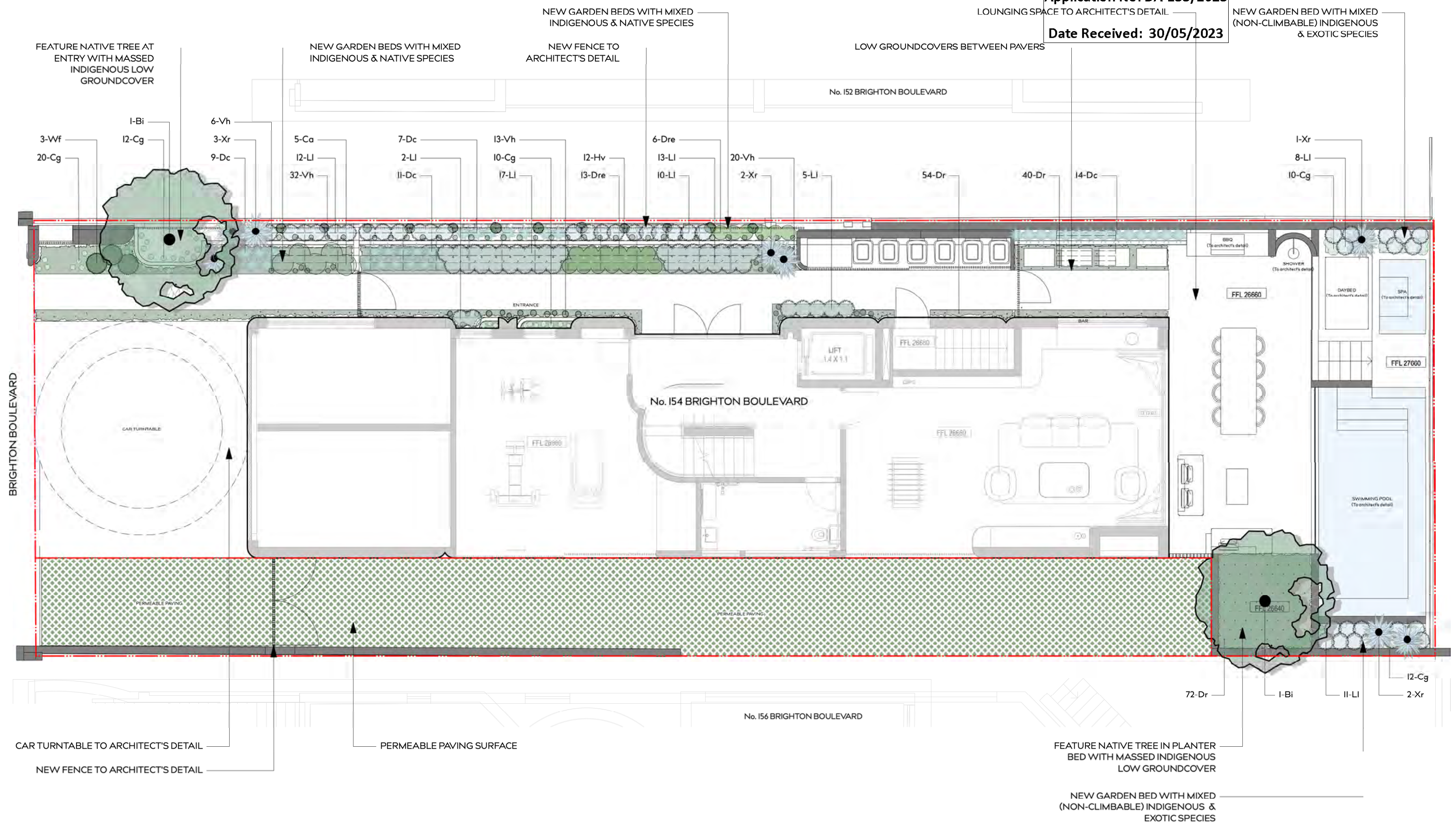
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PROJECT
**154 BRIGHTON BOULEVARD
NORTH BONDI**

DRAWING TITLE
**DEVELOPMENT APPLICATION
Landscape Plan - Ground**

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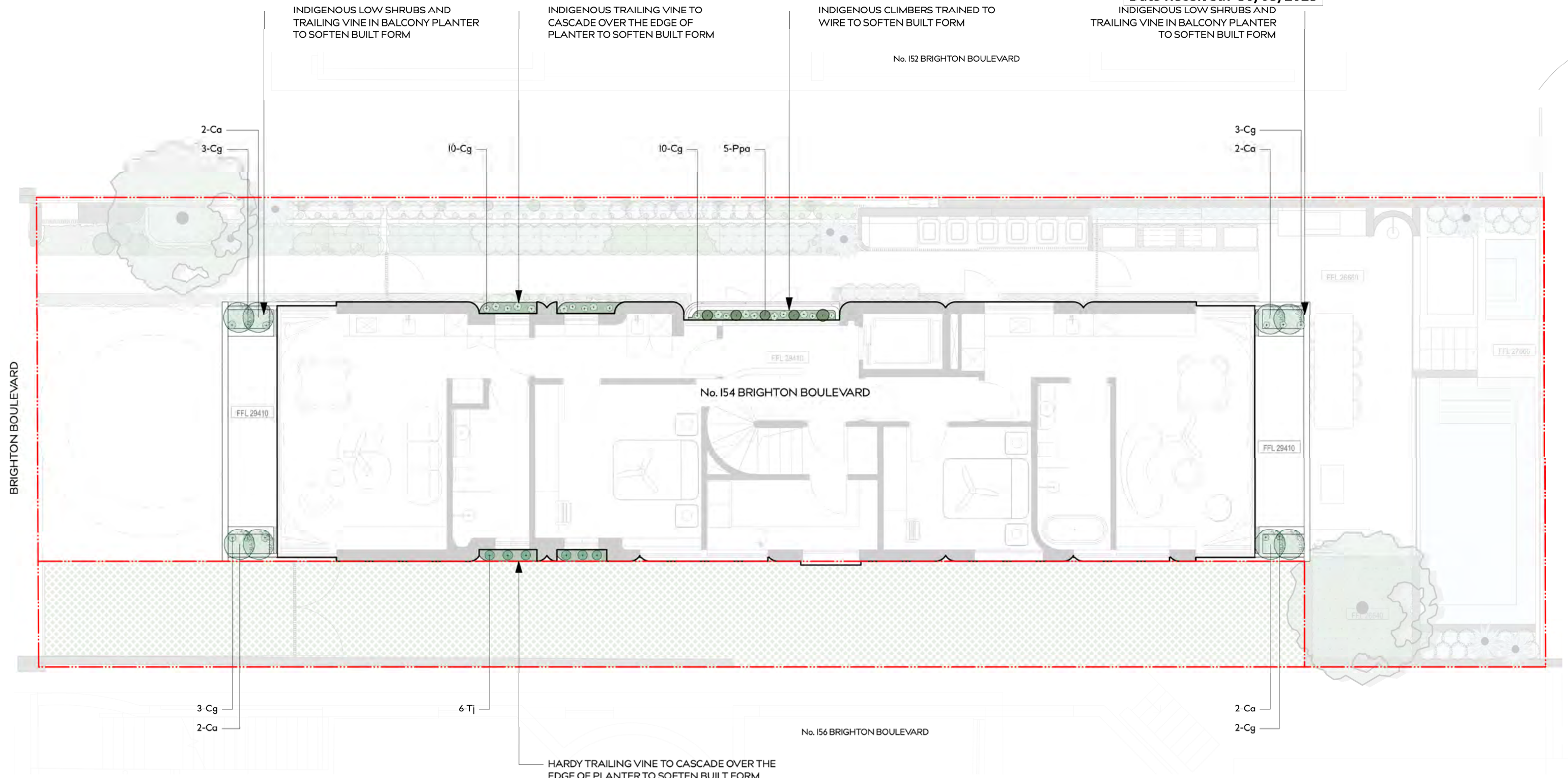
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PROJECT
**154 BRIGHTON BOULEVARD
NORTH BONDI**

DRAWING TITLE:
**DEVELOPMENT APPLICATION
Landscape Plan - Level I**

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12.05.2023

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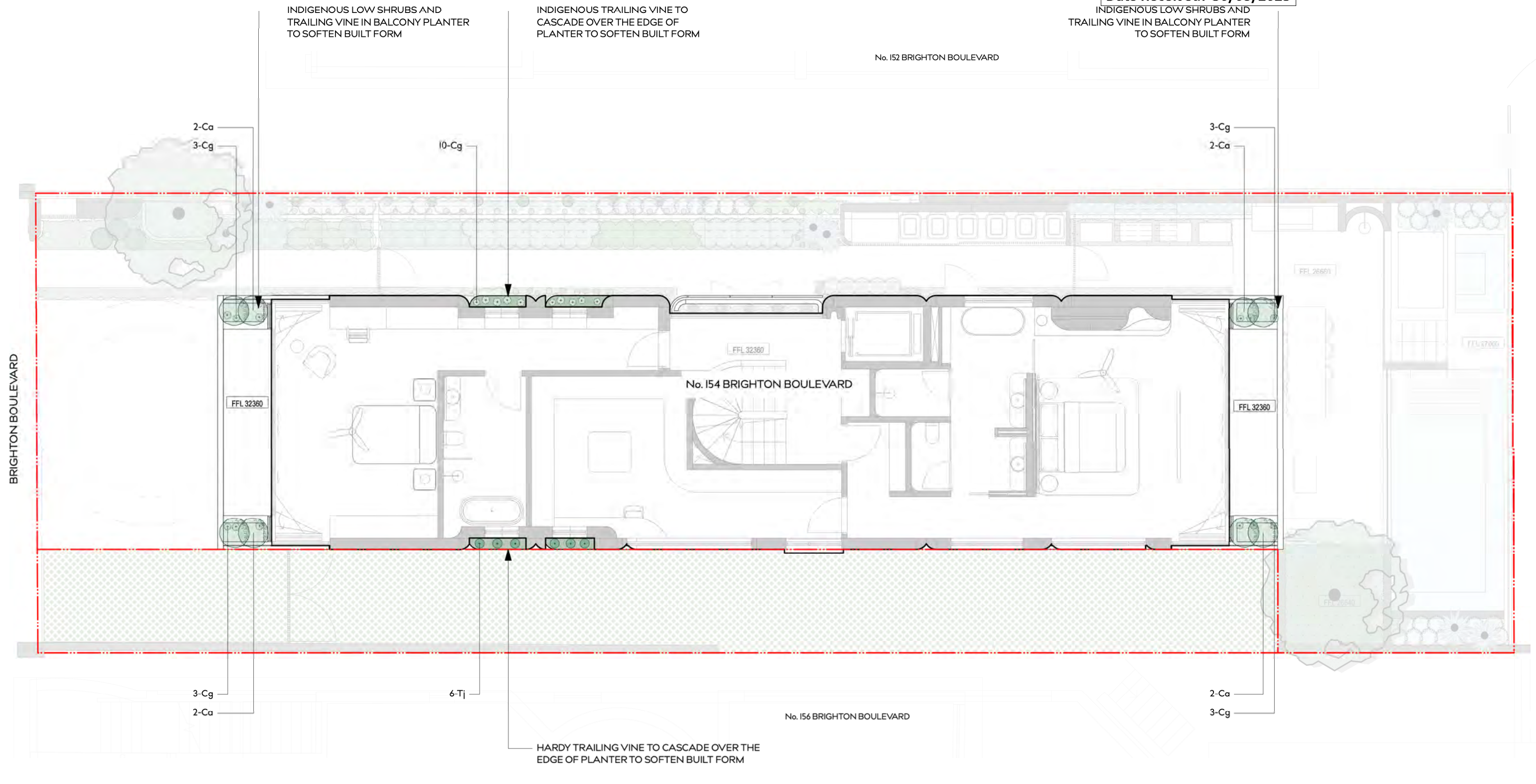
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BRIGHTON BOULEVARD

No. 152 BRIGHTON BOULEVARD

No. 154 BRIGHTON BOULEVARD

No. 156 BRIGHTON BOULEVARD

PROJECT
 154 BRIGHTON BOULEVARD
 NORTH BONDI

DRAWING TITLE
 DEVELOPMENT APPLICATION
 Landscape Plan - Level 2

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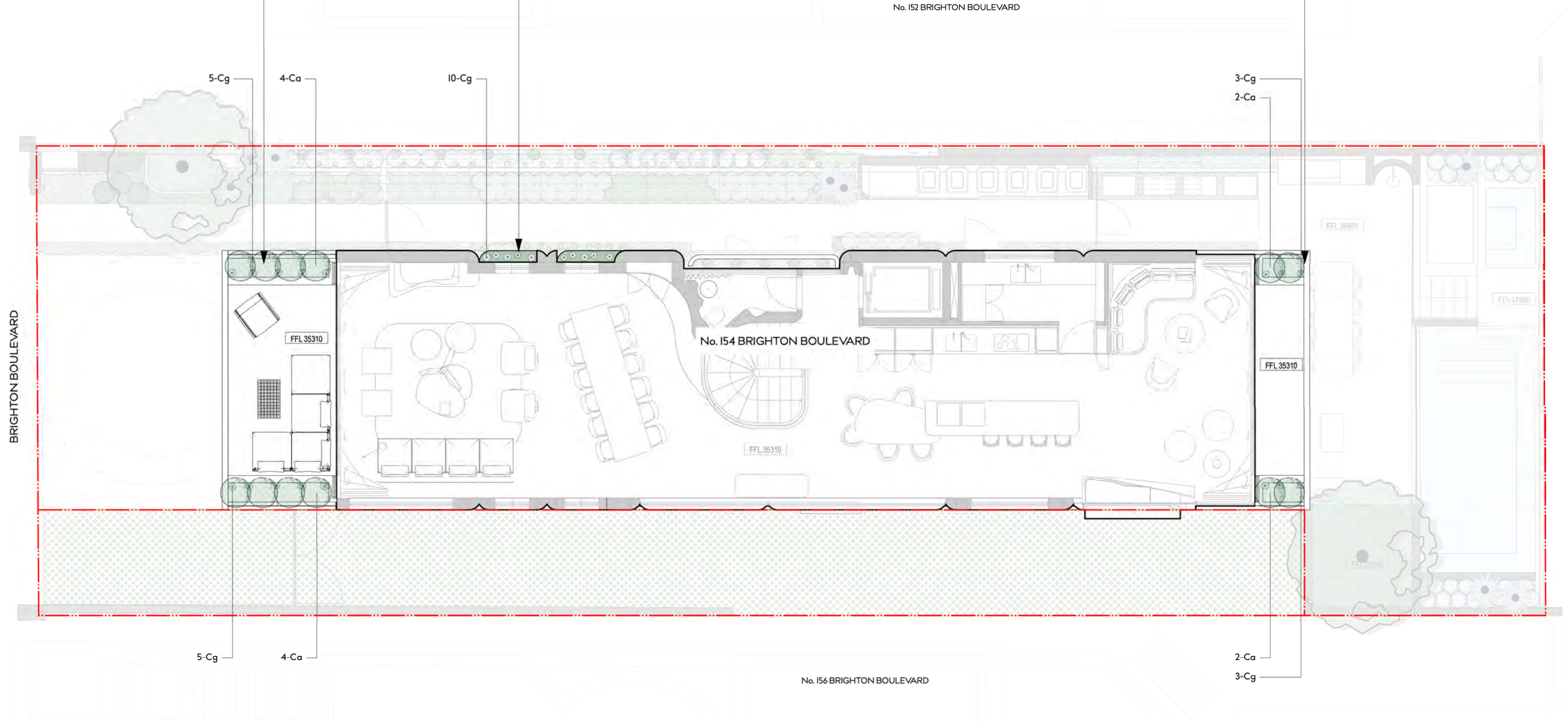
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INDIGENOUS LOW SHRUBS AND TRAILING VINE IN BALCONY PLANTER TO SOFTEN BUILT FORM

INDIGENOUS TRAILING VINE TO CASCADE OVER THE EDGE OF PLANTER TO SOFTEN BUILT FORM

INDIGENOUS LOW SHRUBS AND TRAILING VINE IN BALCONY PLANTER TO SOFTEN BUILT FORM



PROJECT
**154 BRIGHTON BOULEVARD
 NORTH BONDI**

DRAWING TITLE
**DEVELOPMENT APPLICATION
 Landscape Plan - Level 3**

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