



20 May 2025

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

11.00AM WEDNESDAY, 28 May 2025

QUORUM: Three Panel members.

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

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Live Streaming of Meetings

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AGENDA

WLPP-2505.A Apologies

WLPP-2505.DI Declarations of Interest

The Chair will call for any declarations of interest.

WLPP-2505.1 PAGE 5 19 Blandford Avenue, BRONTE NSW 2024 - Demolition of existing structures and construction of a pair of dual occupancy dwellings with garages, swimming pools and strata subdivision. (DA-573/2024)

Report dated 16 May 2025 from MoDA.

Council Recommendation: That the application be REFUSED in accordance with the reasons for refusal contained in the report.

WLPP-2505.2 PAGE 78 16 Loombah Road, DOVER HEIGHTS NSW 2030 - Relocation of elevated swimming pool, new glass balustrades, extension of elevated decking, seating areas, and reconfiguration of private open space areas. (DA-690/2024)

Report dated 14 May 2025 from MoDA.

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

WLPP-2505.3 PAGE 128 11A Lord Howe Street, DOVER HEIGHTS NSW 2030 - Installation of a new lift within the existing courtyard of the dwelling house. (DA-672/2024)

Report dated 15 May 2025 from MoDA.

Council Recommendation That the application be REFUSED in accordance with the reasons for refusal contained in the report.

WLPP-2505.4 PAGE 175 55 Gould Street, BONDI BEACH NSW 2026 - Amending Development Application (DA) to the approved alterations and additions to the existing residential flat building. The amending DA proposes alterations and additions to the existing building to convert it into an attached dual occupancy building with roof terrace, and Strata subdivision. (DA-702/2024)

Report dated 16 May 2025 from MoDA.

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

WLPP-2505.5

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7 Beach Road, BONDI BEACH NSW 2026 - Alterations and additions to an existing residential flat building to convert the shared laundry and private storage to a new one-bedroom apartment, expand a two-bedroom apartment into a three-bedroom apartment with associated Strata subdivision and create three new windows to Unit 28, all at Lower Ground level. **(DA-562/2024)**

Report dated 19 May 2025 from MoDA.

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

WLPP-2505.6

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69-71 Warners Avenue BONDI BEACH NSW 2026 - Torrens Title subdivision into two lots **(DA-681/2024)**

Report dated 14 May 2025 from MoDA.

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

WLPP-2505.7

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4 Arden Street, WAVERLEY NSW 2024 - Boundary realignment, new front fence and extension of garage roof. **(DA-704/2024)**

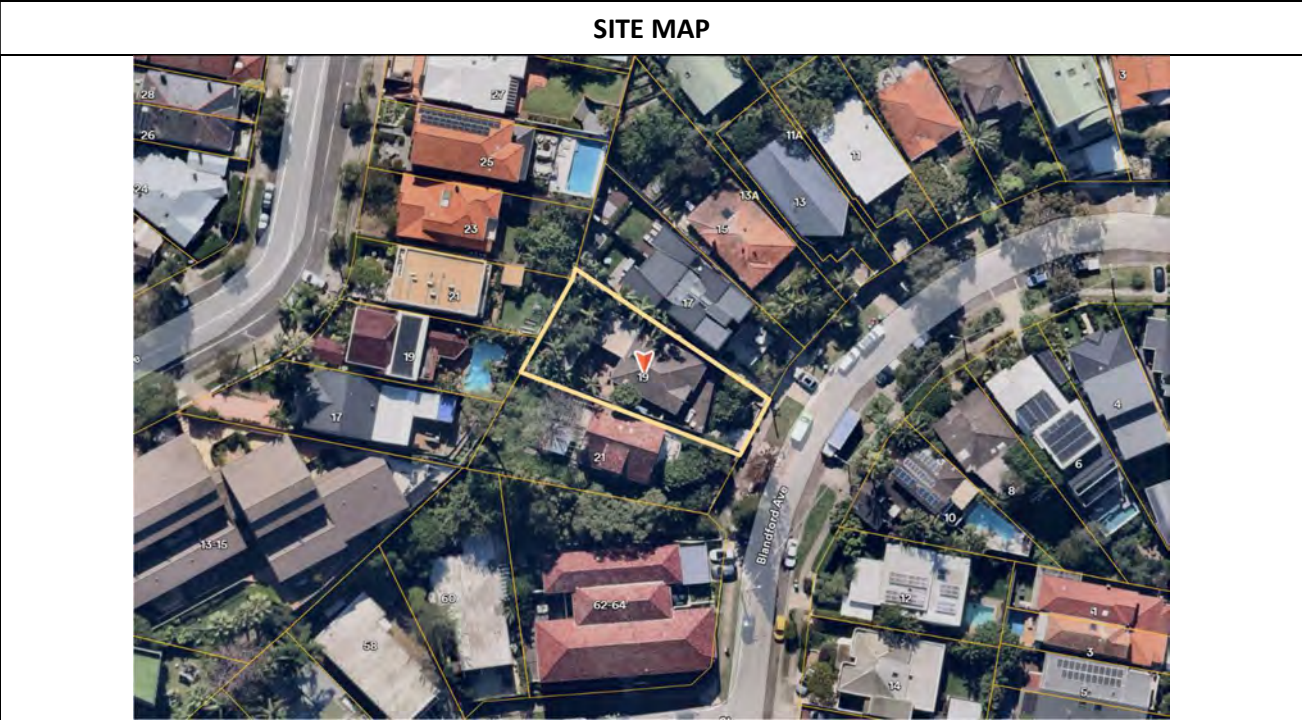
Report dated 16 May 2025 from MoDA.

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-573/2024
Site address	19 Blandford Avenue, Bronte
Proposal	Demolition of existing structures and construction of a pair of dual occupancy dwellings with garages, swimming pools and strata subdivision
Date of lodgement	31 October 2024
Owner	Y Han
Applicant	K Pike
Submissions	Seven unique submissions from ten individuals
Cost of works	\$2,903,600
Principal Issues	<ul style="list-style-type: none"> • Exceedance of floor space ratio development standard, • Excessive height, bulk and scale, • Negative streetscape impacts, • Excessive excavation • Shadow and view loss impacts, • Loss of tree canopy, and • Provision of insufficient information.
Recommendation	That the application be REFUSED for the reasons contained in the report.



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for demolition of existing structures and construction of a pair of dual occupancy dwellings with garages, swimming pools and strata subdivision at the site known as 19 Balford Avenue, Bronte.

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

- Exceedance of floor space ratio development standard,
- Excessive height, bulk and scale,
- Negative streetscape impacts,
- Excessive excavation
- Shadow and view loss impacts,
- Loss of tree canopy, and
- Provision of insufficient information.

The assessment finds these issues unacceptable. The proposal has a significant negative streetscape impacts and unreasonably impacts neighbouring amenity.

A total of seven unique submissions were received from ten individuals at seven properties. The issues raised in the submissions have been considered and addressed in this report and in the recommendation.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 3 March 2025.

The site is identified as Lot 11 DP 10213, known as 19 Blandford Avenue, Bronte. The site is irregular in shape with a frontage of 10.4m to the west side of Blandford Avenue. It has an area of 571.6m² and it falls steeply from the west towards the east by approximately 10m.

The site is occupied by a single storey dwelling house located at the central part of the site on levelled ground with an RL of approximately 73.8 ADG. The site features a single car garage located adjacent to Blandford Avenue at an RL of approximately 66 ADG. There is a steep and winding pathway connecting the street level with the level of the dwelling house.

The site is adjoined by low density residential development to the north, west and south:

- A part-three storey, part-two storey dual occupancy development is located to the north at 17 Blandford Avenue;

- A two storey dwelling house is located to the south at 21 Blandford Avenue; and
- Two storey dwelling houses are located to the west at 19 and 21 Langlee Avenue.

The locality is characterised by a variety of low and medium density residential developments.

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

	
<p>Figure 1: Site viewed from Blandford Avenue looking west</p>	<p>Figure 2: Site and surrounding streetscape viewed from Blandford Avenue looking south west</p>
	
<p>Figure 3: Existing dwelling house on site viewed from deck within front setback, looking north west</p>	<p>Figure 4: Southern side setback of site, with 21 Blandford Avenue visible at the right of the image, looking south-east</p>
	
<p>Figure 5: Rear yard of site with properties on Langlee Avenue visible in the background, looking north west</p>	

1.3. Relevant Development History

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

- DA-192/2015 – Consent was granted on 18 September 2015 for demolition of existing structures and construction of a pair of dual occupancy dwellings at 17 Blandford Street. The development was approved with a floor space ratio (FSR) of 0.7:1. Subsequent modification applications added small swimming pools located at the west of the site.
- DA-496/2021 – Consent was granted by the Land and Environment Court of New South Wales for demolition of existing structures and construction of two dwelling houses and Torrens title subdivision. The development was approved with an FSR of 0.763:1.

1.4. Proposal

The development application seeks consent for demolition of existing structures and construction of a pair of dual occupancy dwellings with garages, swimming pools and strata subdivision.

A detailed description of the development is provided below:

Demolition and excavation:

- Demolition of existing structures,
- Excavation to a maximum depth of approximately 8m, and
- Removal of 11 trees, consisting of:
 - 1 Camellia japonica (Camellia)
 - 1 Bambusa (Bamboo)
 - 6 Archontophoenix cunninghamiana (Bangalow Palm)
 - 3 Olea europaea ssp. europaea (Olive Tree).

Level 1 (street level):

- Shared driveway,
- Landscaping,
- External steps,
- A two car garage for each dwelling, and
- Tank rooms and lift to all floors for each dwelling.

Level 2:

- Bedroom, bathroom, and front balcony for each dwelling.

Level 3:

- Three bedrooms and bathrooms for each dwelling,
- Front balcony for each dwelling, and
- Rear excavated and covered courtyard for each dwelling.

Level 4:

- Living, dining, kitchen, laundry and bathroom for each dwelling,
- Front balcony for each dwelling, and
- Rear elevated terrace connecting to rear courtyard constructed on fill, with in-ground pool, for each dwelling.

1.5. Background

The development application was lodged on 31 October 2024.

A request for further information was made by Council of 12 November 2024, requesting amended gross floor area and floor space ratio calculations, accurate shadow diagrams, and a recent survey plan. The calculation of application assessment days was paused by the request for further information.

The applicant provided amended plans and documentation on 6 December 2024, which triggered the restarting of the calculation of application assessment days. The amended plans and documentation 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 and have been considered acceptable in the assessment of this development application:

- SEPP (Sustainable Buildings) 2022
- SEPP (Transport and Infrastructure) 2021
- 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 are outlined below:

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	No	The proposal does not enhance amenity for the local community and does not enhance and preserve the natural environment contrary to the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table <i>R2 Low Density Zone</i>	Yes	<p>The proposal is defined as a dual occupancy development, which is permitted with consent in the R2 zone.</p> <p>However, the proposal is contrary to the objectives of the zone regarding streetscape, neighbourhood character, amenity, landscape character and tree canopy.</p>
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	Insufficient information provided	<p>The submitted architectural plans depict the development having a maximum height of 7.97m above existing ground level, in compliance with the development standard.</p> <p>However, existing ground levels depicted at the location of the existing front deck and the proposed front balconies appear to be incorrect on the survey plan and on the architectural drawings, as the existing ground level appears to have been taken from the existing deck level rather than from the ground underneath the deck.</p> <p>In these circumstances there is insufficient information to state whether the height of building development standard is complied with.</p>
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> 0.5:1 FSR 285.8m² GFA 	No	The proposal has a floor space ratio (FSR) of 0.73:1 and a gross floor area (GFA) of 419m ² , exceeding the development standard by 46.6%
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

Provision	Compliance	Comment
		variation to the development standard is presented below this table.
Part 6 Additional local provisions		
6.2 Earthworks	No	<p>The proposal includes significant excavation including excavation to a maximum depth of approximately 8m to provide basement parking and storage.</p> <p>The proposed excavation is contrary to WLEP clause as the extent of excavation is excessive, and therefore the potential risk of impacts on soil stability and structural integrity of neighbouring structures is unreasonable and unnecessary.</p> <p>See Waverley DCP 2022 section B13 <i>Excavation</i> below for further discussion.</p> <p>In addition, the submitted geotechnical report does not provide sufficient information to demonstrate acceptable impacts on soil stability, structural integrity of neighbouring structures, and mitigation measures.</p>
6.15 Stormwater Management	No	<p>Insufficient information has been provided to demonstrate that the proposal will successfully manage stormwater. The submitted stormwater plans and documentation does not demonstrate that the proposal will manage storms events.</p> <p>Further discussion regarding the inadequacies of the documentation submitted is included in the <i>Referrals</i> section of this report below.</p>

The following is a detailed discussion of the issues identified in the compliance table above.

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 development standard of 0.5:1, which permits 285.8m² of GFA. The proposed development has an FSR of 0.73:1, exceeding the standard by 133.2m² equating to a 46.6% exceedance.

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 as the applicant argues the objectives of the development standard are achieved notwithstanding non-compliance with the standard as follows:
 - a. Objective (a) *to ensure sufficient floor space can be accommodated within the Bondi Junction Centre to meet foreseeable future needs*, is not relevant to the proposal.
 - b. Objective (b), *to provide an appropriate correlation between maximum building heights and density controls*, is achieved as:
 - i. it complies with the maximum height of buildings development standard,
 - ii. only two habitable floors are provided above existing ground level,
 - iii. it does not comply with the FSR development standard due to the slope of the land as the rock platform above the proposed basement car parking cannot be retained and as this results in an additional floor at that level,
 - iv. the majority of the FSR exceedance can be attributed to floors below existing ground level,
 - v. the proposal appears to not comply with the height of building development standard due to the slope of the land, however it technically does comply, and therefore there is no correlation between the maximum building height and maximum density controls at the site, and
 - vi. the proposal correlates with the existing pattern of development within the street.
 - c. Objective (c), *to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality*, is achieved as:
 - i. the proposal generally complies with Council's planning controls other than FSR,
 - ii. the proposed built form is compatible with the bulk and scale of existing development,
 - iii. the proposal is similar to the development at 17 Blandford Avenue, and
 - iv. the difference in bulk and scale to 21 Blandford Avenue is no unreasonable given the unrealised development potential of that site.
 - 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:
 - i. the propose scale is not uncommon in the locality and is consistent with 17 Blandford Street,

- ii. the proposed scale at 21 Blandford Street is that of a 3 storey building at the street elevation, and its overall height is almost commensurate with the proposal, noting that 21 Blandford Avenue is underdeveloped,
 - iii. 21 Blandford Avenue has two areas of private open space, and the proposal will result in a marginal reduction of solar access to each area,
 - iv. the proposal generally complies with the DCP controls in relation to built-form aside from the wall height control exceedance which is minor.
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) The proposed non-compliance is largely attributed to existing site conditions and largely attributed to floor space below existing ground level,
 - (ii) The visual scale and bulk of the proposal is consistent with the local pattern of development,
 - (iii) The non-compliance within the below-ground levels will not unreasonably impact on nearby dwellings,
 - (iv) Provision of off-street parking in accordance with Council's parking controls requires an excavated parking level and it is not feasible to retain a level of unexcavated rock above the parking level,
 - (v) The two main levels are designed as a conventional two storey built-form,
 - (vi) The non-compliance does not result in any unreasonable shading of 21 Blandford Avenue,
 - (vii) The non-compliance does not result in any unreasonable view loss to neighbours, and
 - (viii) The non-compliance does not result in any unreasonable visual scale and bulk impacts on neighbours.

Consideration of Applicant's Written Request

The applicant's written request has correctly identified the development standard to be varied, relevant legislation and calculated the FSR using the definition in the LEP.

However, the document has not addressed those matters required in Clause 4.6(3)(a) and (b).

Consideration of 4.6(3)(a) whether compliance is unreasonable or unnecessary in the circumstances of the case

The applicant has not adequately addressed clause 4.6(3)(a) of Waverley LEP 2012. The applicant has attempted to demonstrate that compliance with the standard is unreasonable or unnecessary in the circumstances of the case by referencing the following justification 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's justification is not sound, as the following objectives are not achieved:

Objectives (b) and (c) are not achieved as the applicant has not provided sufficient information to demonstrate compliance with the height of buildings development standard as discussed in the WLEP 2012 compliance table above. Further, the proposed exceedance of the FSR development standard results in an excessively bulky four-storey built form which is contrary to the character of the area as discussed within the WDCP 2022 compliance table later in this report.

Objective (d) is not achieved as the bulk and scale of the proposal are influenced by the exceedance of the development standard, and results in shadow and view impacts on neighbours as discussed within the WDCP 2022 compliance table later in this report.

Consideration of 4.6(3)(b) whether there are sufficient environmental planning grounds to justify contravening the development standard.

The applicant has not satisfactorily argued that there are sufficient environmental planning grounds to justify contravening the development standard.

The bulk and scale of the proposal are contrary to the character of the streetscape, the proposal results in unreasonable amenity impacts on neighbours, and the proposal has unreasonable excavation impacts. These impacts are associated with the exceedance of the development standard, and therefore there are insufficient environmental planning grounds to justify the contravention of the development standard.

Conclusion

The written request provided by the applicant to vary the FSR development standard has not adequately addressed clause 4.6 of the Waverley LEP 2012 and is not supported.

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

The relevant matters to be considered under the Waverley DCP 2022 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	The proposal provides appropriate waste storage within the proposed garages.
2. Ecologically Sustainable Development <ul style="list-style-type: none"><i>BASIX certificates required</i>	No	The proposed BASIX certificate does not align with the proposed water management system. The proposed water management system has

Development Control	Compliance	Comment
<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>insufficient rainwater re-use capacity compared to the BASIX requirement.</p> <p>In addition, the proposal includes gas cooktops contrary to the control.</p>
3. Landscaping, Biodiversity and Vegetation Preservation <ul style="list-style-type: none"> <i>Where trees are proposed for removal, replacement plantings of suitable species from Annexure B3-2 and of minimum 45L pot sizes must be shown on a Landscape Plan. An Arborist must confirm that the replacement will be able to reach the same or greater canopy size when mature.</i> 	No	<p>The proposal reduces the tree canopy coverage at the site from 225m² to 58m². The canopy loss is contrary to the controls, and is therefore not supported.</p> <p>Additionally, the applicant has not demonstrated that there will be an acceptable impact on trees at neighbouring sites resulting from the extension excavation proposed.</p>
5. Water Management	No	<p>Insufficient information has been provided to demonstrate that the proposal will successfully manage stormwater. The submitted stormwater plans and documentation do not demonstrate that the proposal will manage storms events.</p> <p>Further discussion regarding the inadequacies of the documentation submitted is included in the <i>Referrals</i> section of this report below.</p>
7. Transport <i>Streetscape and access</i> <ul style="list-style-type: none"> <i>Car parking and vehicular access must not dominate the streetscape.</i> <i>Car parking and driveway design is to preserve mature vegetation.</i> 	No	<p>The proposed parking structures and access are incompatible with the existing streetscape.</p> <p>The proposed parking arrangement is two excavated garages approximately 7m below existing ground level ,accessed from an excavated driveway. Despite the excavation, the garages and driveway are at street level due to the existing steep slope of the site.</p> <p>The proposed arrangement results in the eradication of the slope of the site which is a key characteristic of the existing streetscape context. Whilst some neighbouring developments also feature excavated parking, such as 17 Blandford Street, these developments retain the appearance of a sloping site by creating a stepped built form with garages immediately adjacent to the street.</p>

Development Control	Compliance	Comment
<p><i>Parking requirements</i></p> <ul style="list-style-type: none"> <i>Maximum car parking rate: 2 per dwelling</i> 		<p>The proposed eradication of the slope of the subject site combined with the excavated driveway within the front setback results in a development which shares no characteristics with neighbouring development along the street in terms of treatment of the front setback.</p> <p>The proposed parking arrangement also results in the removal of vegetation from the front setback and does not provide sufficient replacement vegetation contrary to the streetscape character of the site.</p> <p>The proposed parking and associated access are therefore fundamentally not supported due to the streetscape impacts.</p> <p>The proposal complies with the maximum parking rate for the site.</p>
11. Design Excellence	No	<p>The proposal does not achieve design excellence due to its incompatibility with its streetscape context and due to unreasonable amenity impacts on neighbours as discussed in this report.</p> <p>Additionally, the proposed 3m floor-to-ceiling heights for habitable levels and 3.5m floor-to-ceiling height at garage level result in an unreasonably bulky proposal which results in unreasonable streetscape and amenity impacts.</p> <p>The submitted documentation also does not provide accurate and sufficient information regarding elements of the proposal, including existing ground levels, correct depiction of reduced levels when measured between the rear courtyard level and top or rear retaining wall, and provision of sufficient information regarding proposed side boundary fences within the front setback.</p>
13. Excavation <ul style="list-style-type: none"> <i>Excavation for basements will not be supported there is no alternative location on the site to accommodate parking and storage</i> 	No	<p>The proposal includes significant excavation including excavation to a maximum depth of approximately 8m to provide basement parking and storage.</p> <p>The proposed excavation is contrary to the excavation controls as:</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Excavation should not add to the visual bulk and scale of the building Retaining walls to be stepped in response to the natural landform to avoid creating monolithic structures For sites with significant slopes a split-level building design is to be used to minimise excavation and backfilling Excavation is to be minimised Maximum floor to ceiling heights of 2.1m in basement levels, except where required to meet Australian Standards 		<ul style="list-style-type: none"> The extent of the excavation is unnecessary as there is a more appropriate location for basement parking and storage at the front of the site within the front setback, which would result in significantly less excavation and which would respond to the existing streetscape context, The excavation results in a building with significant visual bulk, presenting as a four storey building to the street, The proposed site levels do not step down with the natural landform, and result in a large monolithic building structure, The proposal makes no attempt to minimise excavation, and The proposed garage level has an excessive floor to ceiling height of 3.3m. <p>The proposal is contrary to the objectives of the controls as it does not minimise the impact of excavation on the streetscape, neighbouring properties and the natural environment, and as it unreasonably increases the risk of geotechnical instability.</p>

Table 3: Waverley DCP 2022 – Part C1 Low Density Residential Development Compliance Table

Development Control	Compliance	Comment
1.0 General Objectives		
	No	The proposal contravenes the objectives relating to appropriately scaled development, amenity impacts, and impacts on the character of the area.
1.1 Height		
Flat roof dwelling house <ul style="list-style-type: none"> Maximum wall height of 7.5m 	No	The proposal has a wall height of between 7.4m and 8m at the southern side elevation. The exceedance of the wall height control is not supported as the proposal is also non-compliant with the side setback controls in the same location and as the non-compliances result in streetscape impacts and amenity impacts on neighbours including view, shadow and visual bulk impacts.
1.2 Setbacks		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line (adjacent 	No	The proposed balconies at levels 3 and 4 project forward of the building lines of neighbouring properties, contributing to a front elevation

Development Control	Compliance	Comment
<p><i>three neighbours on either side)</i></p> <ul style="list-style-type: none"> <i>Predominant rear building line at each floor level (adjacent three neighbours or either side)</i> 	No	<p>which is incompatible with the streetscape context of the site.</p> <p>There is no predominant rear building line due to the curved nature of the street and the significant variation in lot sizes and shapes along the street. In this context, the rear building line is assessed on merit. The applicant has not demonstrated that the proposed setback from the rear boundary is appropriate in the circumstances of the significant exceedance of the FSR development standard. An FSR-compliant development could have a greater setback from the rear boundary which would reduce amenity impacts on neighbours.</p>
<p>1.2.2 Side setbacks</p> <ul style="list-style-type: none"> <i>Minimum 1.5m buildings which have three or more storeys</i> 	No	<p>The proposal is for a four storey building viewed from the street, and therefore the DCP controls require at 1.5m side setback.</p> <p>The proposal has side setbacks of between 1.15m at the front of the building and 1.8m at the rear of the building. The proposed setbacks are inappropriate for a proposed four storey built-form, contribute to streetscape impacts, contribute to amenity impacts on neighbouring properties including shadow, view and visual bulk impacts, and are associated with an exceedance of the FSR development standard. The proposed side setbacks do not achieve the objectives of the controls are therefore not supported.</p>
1.3 Streetscape and visual impact		
<ul style="list-style-type: none"> <i>New development to be compatible with streetscape context</i> <i>Significant landscaping to be maintained.</i> 	No	<p>The proposal is incompatible with the existing streetscape.</p> <p>The proposal involves significant excavation within the front two-thirds of the site. The excavation results in the eradication of the slope of the site which is a key characteristic of the existing streetscape. Whilst some neighbouring developments are significant excavated, these developments are distinguished from the proposal as they retain the appearance of a sloping site by creating a built form which steps down with the historic slope of the land.</p> <p>The proposed eradication of the slope of the subject site combined with the excavated driveway within the front setback results in a four storey built form which is incompatible with the</p>

Development Control	Compliance	Comment
		<p>existing built forms along the street. The minimal side setbacks further increase the visual bulk of the development.</p> <p>Furthermore, the excavated front setback results in a quarry-like area surrounded with high retaining walls, presenting as a gap in the streetscape.</p> <p>Additionally, the proposed excavation and driveway within the front setback removes landscaping from the front setback and provides minimal replacement landscaping contrary to the predominant character of nearby dwellings.</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 	<p>No</p> <p>No</p>	<p>The proposal features front fence heights of up to 3.5m, which is contrary to the control and contrary to the character of the streetscape.</p> <p>The proposal provides insufficient information regarding proposed side fence heights. Fence heights and neighbouring land levels are not depicted on the elevation drawings.</p> <p>Furthermore, the proposed rear retaining wall height is inaccurately depicted in relation to the proposed ground levels at the rear.</p> <p>The potential impacts on neighbours from proposed fences and retaining walls therefore cannot be accurately assessed, including potential solar access or sense-of-enclosure impacts on 21 Blandford Avenue and 19 Langlee Avenue.</p>
1.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> Maximum size of elevated deck: 10m² in area 1.5m deep Elevated decks to be screened Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures 	No	<p>The proposal includes rear elevated decks at level 4, which consist of decks suspended above the courtyards below and decks featuring swimming pools constructed on elevated filled land.</p> <p>The proposed decks to the southern dual occupancy are elevated more than one storey above the neighbouring dwelling house at 21 Blandford Avenue, and result in unreasonable overlooking of the rear private open space and windows of that property. The proposed decks to the southern dual occupancy are approximately 58m² contrary to the maximum 10m² control,</p>

Development Control	Compliance	Comment
<i>are incorporated into the design</i>		and do not provide screening contrary to the control. The proposed decks are therefore not acceptable. Additionally, the applicant has not provided elevation drawings which depict the location of neighbouring side-facing windows in relation to proposed side-facing windows, and therefore the applicant has not demonstrated there are acceptable overlooking impacts from windows.
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> 	No	3 hours of solar access to 50% of the proposed private open spaces at midwinter is not achieved.
<ul style="list-style-type: none"> • <i>Minimum of 3 hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June, noting that no increase in overshadowing is acceptable where a proposal exceeds a development standard</i> 	No	3 hours of solar access to 50% to the rear private open space of 21 Blandford Avenue at midwinter is not achieved. The proposal also overshadows the front deck of 21 Blandford Avenue. The proposed solar access impact is unreasonable as it is associated with a built form which significantly exceeds the FSR development standard. In addition, insufficient information has been provided to allow an assessment of shadow impacts on properties on the east side of Blandford Avenue.
<ul style="list-style-type: none"> • <i>Avoid unreasonably overshadowing of solar collectors (including habitable windows).</i> 	No	The proposal overshadows skylights and western and northern windows at 21 Blandford Avenue. The extent of overshadowing is unreasonable in the context of the proposed built form which significantly exceeds the FSR development standard.
1.7 Views		
<ul style="list-style-type: none"> • <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> 	No	The proposal unreasonably impacts on views from surrounding properties. See the discussion section below this compliance table for further information.

Development Control	Compliance	Comment
1.8 Car parking		
<ul style="list-style-type: none"> Designed to complement the building and streetscape Complement the style, massing and detail of the dwelling 	No	The proposed car parking is contrary to the character of the streetscape and is not supported. See WDCP 2022 section B7 above for further discussion.
1.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 20% of site area, with at least half deep soil Minimum area of 25m² for private open space Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p>	<p>55% open space is proposed.</p> <p>80% of the landscape area is deep soil area.</p> <p>More than 25m² private open space is provided.</p> <p>100% of the front setback is open space.</p> <p>15% of the front open space is landscape area, contrary to the control.</p>
1.10 Swimming pools and spa pools		
<ul style="list-style-type: none"> Pool decks on side boundaries must consider visual privacy Located in the rear of property 	No	The proposed elevated pool decks do not maintain visual privacy. See WDCP 2022 section C1.5 <i>Visual and acoustic privacy</i> above for further discussion.
1.15 Dual Occupancy Development		
<ul style="list-style-type: none"> Min lot of 450m² attached dwellings 	Yes	The site has a lot size of 571.6 m ² , in compliance with the minimum control.

The following is a detailed discussion of the issues identified in the compliance tables above.

View sharing

The proposal results in unreasonable view loss for neighbouring dwellings at 19 Langlee Avenue and Unit 2 17 Blandford Avenue, as discussed below.



Figure 6: Aerial image depicting location and direction of affected sight lines at 21 Langlee Avenue and 2/17 Blandford Avenue

Planning principles for view sharing were established by the Land and Environment Court of New South Wales in *Tenacity Consulting v Waringah* [2004] NSWLEC 140 (*Tenacity*). The case sets out a four-step approach to assessing view loss and view sharing:

1. An assessment of the views affected, and how highly valued the views are.
2. Consideration of from what part of the property views are obtained, noting that views across side boundaries are more difficult to protect than views across rear boundaries, and that seated views are more difficult to protect than standing views.
3. Assessment of the impact of the proposal on views for the whole property, noting that impact on views from living areas is more significant than impacts on bedrooms or service areas.
4. Assessment of the reasonableness of the proposal causing the impact, noting that 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.

The following four steps are used below in relation to the potential view impacts of the proposal on neighbouring properties.



Figure 7: View from rear yard of 19 Langlee Avenue, looking east over 19 Blandford and Avenue and 21 Blandford Avenue. The objector at 19 Langlee Avenue provided this marked-up photo. The red line depicting the extent of the proposal appears relatively accurate in terms of its height, however the extent of the line (toward the right of the photo) appears to overestimate the extent of the proposed built form.

The *Tenacity* four-step approach is applied to views from 19 Langlee Avenue below.

1. Partial ocean views, including views of the ocean meeting the horizon, are affected. Although the views are partial due to existing foliage, they are nonetheless highly valued due to being water views.
2. The views are obtained from a standing position from the rear yard of the site, across a rear boundary. The entirety of the view is relatively difficult to protect, as any two storey structure at the rear of 19 Blandford Avenue is likely to have some form of view impact.
3. 19 Langlee Avenue will retain ocean views over other neighbouring properties, including over 21 Blandford Avenue, and will also retain ocean views from rooms within the property which are at higher levels than the rear yard.
4. The proposed development is unreasonable as it significantly exceeds the FSR development standard for the site, as well as not complying the minimum side setback and maximum wall height controls. The non-compliances result in a building scale and bulk which is larger than a compliant built form, and therefore the non-compliances contribute to the view loss, especially impacting views over the southern side setback of the development.

In summary, the partially impacted views are highly valued, but are difficult to protect. Nonetheless, the proposal unreasonably reduces amenity for neighbours as the proposed bulk and scale of the development is excessive resulting in unreasonable view impacts and therefore the proposal cannot be supported.

Unit 2, 17 Blandford Avenue



Figure 8: View from level 3 bedroom window at Unit 2, 17 Blandford Avenue looking south east. The roof of the existing dwelling house at 19 Blandford Avenue is visible at the right of the photo.

The *Tenacity* four-step approach is applied to views from the dual occupancy dwelling at Unit 2, 17 Blandford Avenue below.

1. Partial ocean views, including views of the ocean meeting the horizon, are affected. Although the views are partial due to existing foliage and due to the presence of existing structures, they are nonetheless highly valued due to being water views.
2. The impacted views are obtained from a standing position from bedroom windows of level 3 (which is two storeys above street level, but is considered ground level toward the centre and rear of the site) facing the southern side elevation of the site, across the northern side boundary

of 19 Blandford Avenue. The entirety of the view is difficult to protect, as any two storey structure at the 19 Blandford Avenue is likely to have some form of view impact.

- 3. Unit 2 will retain extensive ocean views from windows and balconies toward the front of the dwelling, including from living room windows.
- 4. The proposed development is unreasonable as it significantly exceeds the FSR development standard for the site, as well as not complying the minimum side setback control in relation from the setback from the boundary with 17 Blandford Avenue. The non-compliances result in a building scale and bulk which are larger than a compliant built form, and therefore the non-compliances contribute to the view loss, especially impacting views over the northern side setback of the development.

In summary, the partially impacted views are highly valued, but are difficult to protect. Additionally, more significant views are retained from living rooms and other rooms. Nonetheless, the proposal unreasonably reduces amenity for neighbours as the proposed bulk and scale of the development are excessive resulting in unreasonable view impacts and therefore the proposal cannot be supported.

2.2. Other Impacts of the Development

The proposal is considered to have detrimental effect relating to environmental and social impacts on the locality as discussed within this report, and is therefore recommended for refusal.

2.3. Suitability of the Site for the Development

The site is not considered suitable for the proposal.

2.4. Any Submissions

The application was notified for an extended period of 35 days between 11 December 2024 and 16 January 2025 in accordance with the *Community Engagement Strategy 2023*. The extended notification period was required due to the notification coinciding with the Christmas and New Year holidays.

A total of seven unique submissions were received from ten individuals at the following seven properties:

Table 4: Submission details

Count	Property Address
1.	2/17 Blandford Avenue, Bronte
2.	10 Blandford Avenue
3.	19 Langlee Avenue
4.	21 Langlee Avenue
5.	17 Langlee Avenue
6.	Four submissions from 21 Langlee Avenue
7.	10 Blandford Avenue

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

- Excessive FSR, bulk and scale resulting in amenity and streetscape impacts,
- Excessive building height and wall height resulting in amenity and streetscape impacts,
- The proposed four storey built form and garage location is contrary to the character of the street,
- Inadequate front and rear setbacks,
- Excessive floor to ceiling heights,
- Existing ground level and height measurements appear incorrect,
- Excessive excavation,
- Loss of tree canopy coverage,
- Inadequate landscape area,
- The building does not step down with the slope of the site,
- Visual privacy impact windows,
- View loss from 19 Langlee Avenue and 2/17 Blandford Avenue,
- Inadequate stormwater plans, and
- Failure to achieve objectives of the zone.

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

Issue: Overlooking of neighbouring dwellings due to proposed front balconies.

Response: Whilst there is generally a reduced expectation of privacy for street-facing windows and open spaces, the proposed front balconies are not supported due to their non-compliance with the relevant setback controls.

Issue: Non-compliance with the lot size controls.

Response: The proposal complies with the minimum subdivision lot size development standard under Waverley LEP 2012 and minimum lot size control for dual occupancies under Waverley DCP 2012.

2.5. Public Interest

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

3. REFERRALS

The following internal referral comments were sought:

3.1. Traffic and Development

Council's traffic engineers supported the proposal.

3.2. Stormwater

Council's stormwater engineers objected to the proposal as the applicant has not demonstrated that the proposal will adequately manage storms events, as:

- Details of sufficient on-site stormwater detention have not been provided,
- Maximum discharge rates exceed Council's requirements,
- The rainwater tank must not be directly connected to the on-site detention tank,
- The proposed rainwater tank is inadequate,
- It has not been demonstrated that the proposal can cope with storm events, and
- It has not been demonstrated that the basement will be protected from sub-soil drainage.

3.3. Tree Management

Council's tree management officer opposed the proposal due to the loss of tree canopy coverage and due insufficient information being provided regarding impacts on trees at 21 Blandford Avenue and 23 Langlee Avenue.

3.4. Land Information

Council's land information team supported the proposal subject to conditions of consent relating to the street numbering of dwellings.

4. CONCLUSION

The development application seeks consent for demolition of existing structures and construction of a pair of dual occupancy dwellings with garages, swimming pools and strata subdivision at the site known as 19 Balford Avenue, Bronte.

The application is not supported due to significant negative streetscape impacts, unreasonable amenity impacts, and for other issues outlined in this report above.

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



5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the development application be REFUSED by the Waverley Local Planning Panel for the reasons contained in Appendix A.

Managers of Development Assessment (MODA) Review

The application was reviewed by the MODA at the meeting on 18 March 2025 and the MODA concurred with the Assessment Planner's recommendation.

MODA members: *A Rossi, B McNamara, B Magistrale, and J Zancanaro*

Report prepared by:	Application reviewed and agreed by:
	
David Knight	Ben Magistrale
Senior Development Assessment Planner	Manager, Development Assessment
Date: 6 May 2025	Date: 16 May 2025

Reason for WLPP referral:

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

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Planning Portal Data	
Determining Authority (Concurrence Authority for Clause 4.6 variation)	Local Planning Panel
Were the requirements of the Sustainable Buildings SEPP (effective 1 October 2023) met?	Yes
Have any dwellings been approved for affordable Rental Housing under this approval/consent? *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
Is the development subject to the Special Infrastructure Contribution (SIC)?	No
Is the development located within an Urban Release area?	No
Waverley Council Data	
Trial Period database entry required	No
VPA submitted – follow up actions required	No
Refer to compliance for investigation	No
Commercial/liquor operational conditions	No
Was there a 'Conflict of Interest' declared	No

Having regard to section 4.15 (1) of the *Environmental Planning and Assessment Act 1979 (the Act)* the development application (the application) is refused for the following reasons:

1. The application does not satisfy section 4.15 (1)(a)(i) of the Act as it is contrary to the following provisions of *Waverley Local Environmental Plan (WLEP) 2012*:
 - a. *Clause 4.4 Floor Space Ratio*

The application exceeds the maximum allowable Floor Space Ratio (FSR) of 0.5:1 and the applicant's written request under clause 4.6 of WLEP has failed to adequately address the required matters under subclauses 4.6 (3)(a) and (b) of Waverley LEP

The proposal is considered an overdevelopment of the site and the proposed development is of an inappropriate height, bulk and scale, is not compatible with the desired future character of the locality, and does not preserve the environmental amenity of neighbouring properties and the surrounding locality as required under clause 4.4 (1) (b), (c) and (d) of WLEP 2012.
 - b. *Clause 1.2 Aims of Plan*, specifically the aims expressed under clause 1.2(2)(f), (j) and (m) as the proposal results in an unreasonable loss of tree canopy coverage, does not effectively manage stormwater and results in unreasonable amenity impacts.
 - c. *Clause 6.2 Earthworks* (3)(a), (d) and (h) as the application proposes excessive excavation resulting in unreasonable risks relating to drainage patterns, structural integrity of neighbouring structures and the amenity of neighbours.
 - d. *Clause 6.15 Stormwater management* (3)(c) as the proposed stormwater management system does not avoid adverse impacts of stormwater runoff.
2. The application does not satisfy section 4.15 (1)(a)(iii) of the Act as it is contrary to Waverley Development Control Plan (WDGP) 2022, in respect to the following provisions:

Part B2 Ecologically sustainable development

- a. Objectives (a), (b), (d), (e), (f), (i), (l), (m) and controls 2.1(e), (f) and (l), 2.3(c), 2.4(d) as the proposal provides insufficient tree canopy cover, as the insufficient rainwater tanks are provided contrary to the requirements of the submitted BASIX certificate and as gas cooktops are proposed.

Part B3 Landscaping, biodiversity and vegetation preservation

- b. Section 3.1 objectives (b) and (d), controls at section 3.1.2, 3.2 (c) and (g), and 3.2.4 (a), (c) and (d) as the proposal reduces tree canopy cover and as the proposed loss of landscaping results in negative streetscape impacts.

Part B7 Transport

- c. Objectives (d), (j) and (k) and controls 7.1(c) and (d), and 7.2.2 (b) as the proposed parking structures and access are incompatible with the existing streetscape.


Part B13 Excavation

- d. Objectives (b), (c), (d), (h) and (i), and controls (a), (c), (f), (m), (i), (j), (k), and (q) as the application proposes excessive excavation resulting in negative streetscape impacts, unreasonable risks relating to drainage patterns, structural integrity of neighbouring structures and the amenity of neighbours, and unreasonable impacts on tree canopy coverage and landscape provision.

Part C1 Low Density Residential Development

- e. *General Objectives* (a), (b), (c) and (e) as the proposed development has an excessive bulk and scale, has negative streetscape impacts, and results in unreasonable amenity impacts on neighbours.
- f. *Section 1.1 Height* objectives (a), (b), (c), (d) and (f) and controls (b) and (d) as the proposal exceeds the maximum wall height control, as the proposal does not step down with the slope of the land, and as the resulting built-form has unreasonable amenity impacts on neighbours.
- g. *Section 1.2 Setbacks* objectives (a), (b), (c), (d), (f) and (g), and controls 1.2.1 (a) and 1.2.2 (a) as the proposal extends further than the front building line of neighbouring properties, has not demonstrated an appropriate rear building line, provides insufficient setbacks from side boundaries, results in unreasonable amenity impacts on neighbours and is incompatible with the streetscape character of the area.
- h. *Section 1.3 Streetscape and visual impacts* objectives (a) and (b), and controls (a), (d), and (e) as the proposal is incompatible with its streetscape context, erodes the character of the street, and provides insufficient landscaping within the front setback.
- i. *Section 1.4 Fences* objectives (b), (c), (d), and (e), and controls (a), (b) and (d) as the proposal includes excessive front and side boundary fence heights.
- j. *Section 1.5 Visual and acoustic privacy* objectives (a) and (d), and controls (a), (b), and (d) as the proposed elevated balconies unreasonably overlook neighbouring properties and as insufficient information has been provided to demonstrate proposed windows will not overlook neighbouring properties.
- k. *Section 1.6 Solar access* objectives (a), (b), (c) and (d), and controls (b), (c) and (e) as the proposed excessive bulk and scale results in unreasonable overshadowing of neighbouring properties.
- l. *Section 1.7 Views* objectives (a) and (b), and control (c) as the proposal results in unreasonable view impacts for neighbouring properties.
- m. *Section 1.8 Car parking* objectives (b) and (d), and controls 1.8.1 (b) and 1.8.4 (a), (b), and (d) as the proposed parking arrangement is incompatible with the streetscape context of the site.
- n. *Section 1.9 Landscaping and open space* objectives (a), (d) and (e), and controls (a) and (h) as the proposal results in unacceptable loss of tree canopy coverage and as the proposal provides insufficient landscape area within the front setback.
- o. *Section 1.10 Swimming pools and spas* objectives (b) and (d), and control (e) as the proposed swimming pool decks unreasonably overlook neighbouring properties.

3. The application does not satisfy section 4.15 (1)(a)(iv) of the Act with respect to the *Environmental Planning and Assessment Regulation 2021* (the Regulations), as insufficient documentation has been provided to properly assess the application with respect to clause 24 of the Regulations, including but not limited to:
 - a. The submitted survey plan and architectural drawings do not correctly identify existing ground levels and proposed building heights, and therefore do not demonstrate compliance with WLEP 2012 clause 4.3 *Height of buildings*.
 - b. Insufficient information has been provided to demonstrate neighbouring trees will be protected.
 - c. Insufficient information has been provided to demonstrate the proposal will have acceptable impacts on land stability and on neighbouring structures.
 - d. Insufficient information has been provided regarding proposed boundary fence heights.
 - e. Inaccurate information has been provided regarding levels of fences and ground levels at the rear of the site.
4. The application does not satisfy section 4.15 (1)(b) of the Act as the proposed development is excessive in terms of its building massing, bulk, scale and excavation relative to the site area and dimensions, and consequently results in unacceptable amenity, streetscape and ecological impacts upon the locality and surrounding built environment.
5. The application is contrary to section 4.15 (1)(c) of the Act due to the site being unsuitable to accommodate the scale of the proposed development.
6. The application is contrary to section 4.15 (1)(d) of the Act in relation to matters raised in the public submissions received that object to the proposed development.
7. The application is contrary to section 4.15 (1)(e) of the Act in relation to the public interest as it is not compatible with the existing and desired future character of the locality and the broader Waverley local government area.




Certificate No. 0009746230


Scan QR code or follow website link for rating details.

Assessor name Adriana Segovia

Accreditation No. 20754

Property Address 19 Blandford Ave, BRONTE NSW, 2024





ABSA

Accreditation No. 20754

Assessor name Adriana Segovia

Accreditation No. 20754

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Site analysis ^{TN}

1) Existing single level house sits on an elevated platform high above Blandford Avenue, accessed from the street via a staircase traversing a stepped front garden. The area is in transition, with a number of neighbours increasing residential density as duplexes, such as immediate neighbour @ No 17a & 17b and at No 13 & 13a.

2) The design for No 19 also proposes duplexes, but unlike No17, sets the garage structure well back from the street to allow a single shared access driveway & kerb crossing into the site, with front gardens at street level, what we say will be a more sensitive addition to the streetscape, than that offered by No17.

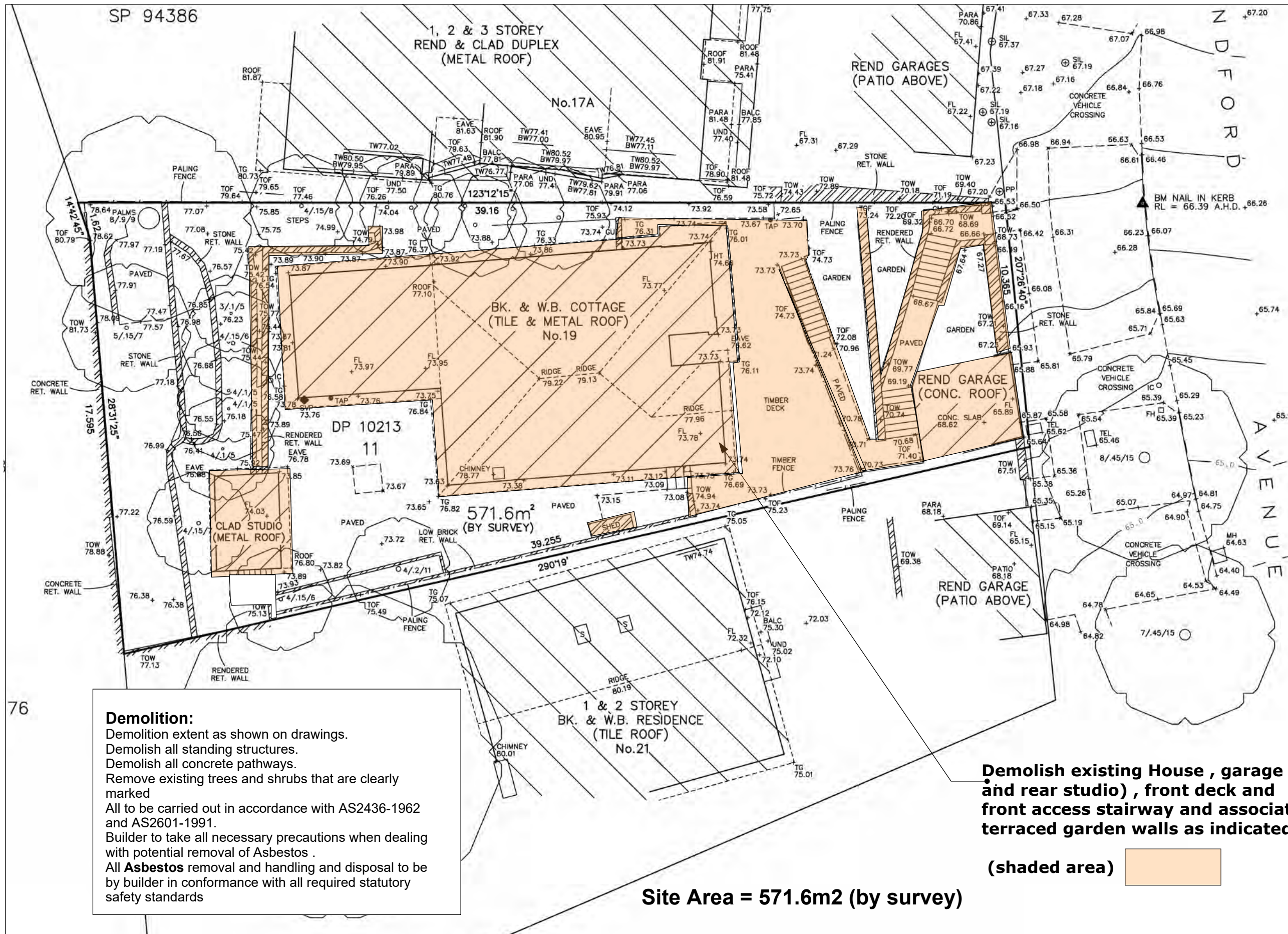
3) The proposal sets the two main levels of living dining kitchen and bedrooms, at the elevated ground platform level, of the existing house, already two levels above Blandford Avenue. The garage structure and a guest level over are excavated into the site, in similar fashion to No 17 next door, but unlike No17, are set well back from the front boundary.

4) The proposed duplex enjoy good solar access and access to ocean views while not diminishing any of the neighbour's current view opportunities.

5) Proposed duplex modelling, and orientation, minimises any overshadowing impact upon neighbours.(see shadow drawings).

6) The proposed duplex has a scale consistent with other neighbours in the street, and has good sustainability numbers as evidenced in it meeting all Basix requirements.

Revisions		Client BI Pty Ltd	RECEIVED Waverley Council Receipt No: DA-573/2024 Date Received: 31/10/2024	Architect Keith Pike Associates Louisa road, Birchgrove. e.mail: kpike@bigpond.net.au keithpikeassociates.com	Project	September 2024	Scale
September 2024	DA submission				Development Application: 19 Blandford Avenue, Bronte		NTS
1					Title		Dwg No
2					Site Analysis Plan		A002
3							



Demolition:
Demolition extent as shown on drawings.
Demolish all standing structures.
Demolish all concrete pathways.
Remove existing trees and shrubs that are clearly marked
All to be carried out in accordance with AS2436-1962 and AS2601-1991.
Builder to take all necessary precautions when dealing with potential removal of Asbestos .
All **Asbestos** removal and handling and disposal to be by builder in conformance with all required statutory safety standards

Demolish existing House , garage , and rear studio) , front deck and front access stairway and associated terraced garden walls as indicated

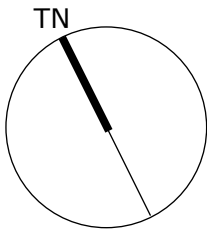
(shaded area)

Site Area = 571.6m2 (by survey)

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Waverley Council

Receipt No: DA-573/2024

Date Received: 31/10/2024



Revisions			Client: BI Pty Ltd	Keith Pike Associates 148 Louisa road, Birchgrove. e:mail: kpike@bigpond.net.au www.keithpikeassociates.com	Project		September 2024	Scale
	September 2024	DA submission			Development Application: 19 Blandford Avenue, Bronte			
1					Title		Dwg No	
2								
3								
					Demolition Plan		A001	



all work to comply with requirement of Basix Certificate No:1763710M




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Accreditation No. 20754
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ABSA
Australian Building Sustainability Association
Member since 31/03/2024
Assessor Name Adriana Segovia
Assessment Number 20754

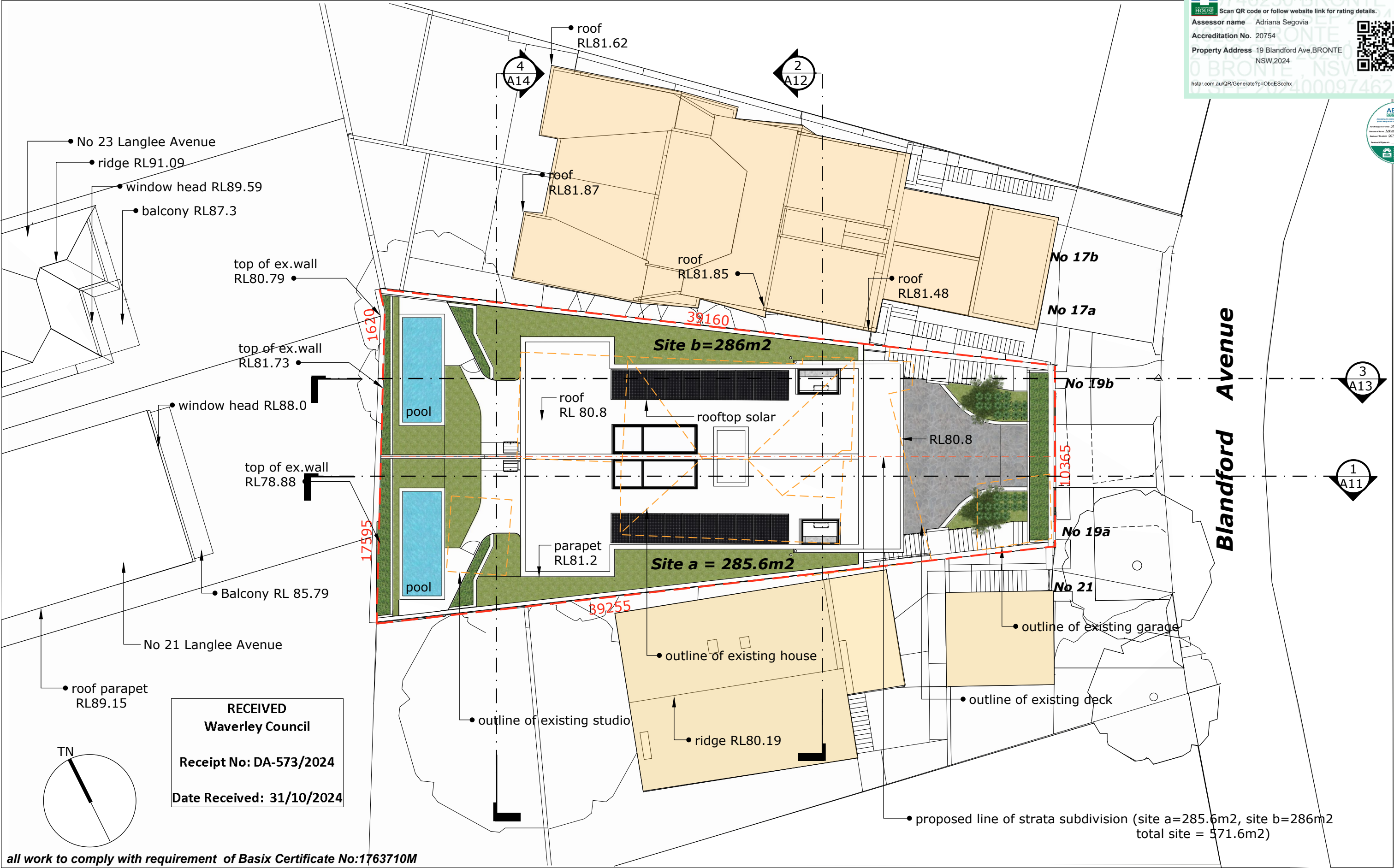
Revisions			Client: BI Pty Ltd	Keith Pike Associates 148 Louisa road, Birchgrove. e:mail: kpike@bigpond.net.au www.keithpikeassociates.com	Project		September 2024	Scale
	September 2024	DA submission			Development Application: 19 Blandford Avenue, Bronte		1:100	
1					Title Model views		Dwg No mv	
2								
3								

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ABSA
Australian Building Sustainability Association
Member since 31/10/2024
Member Number 20754

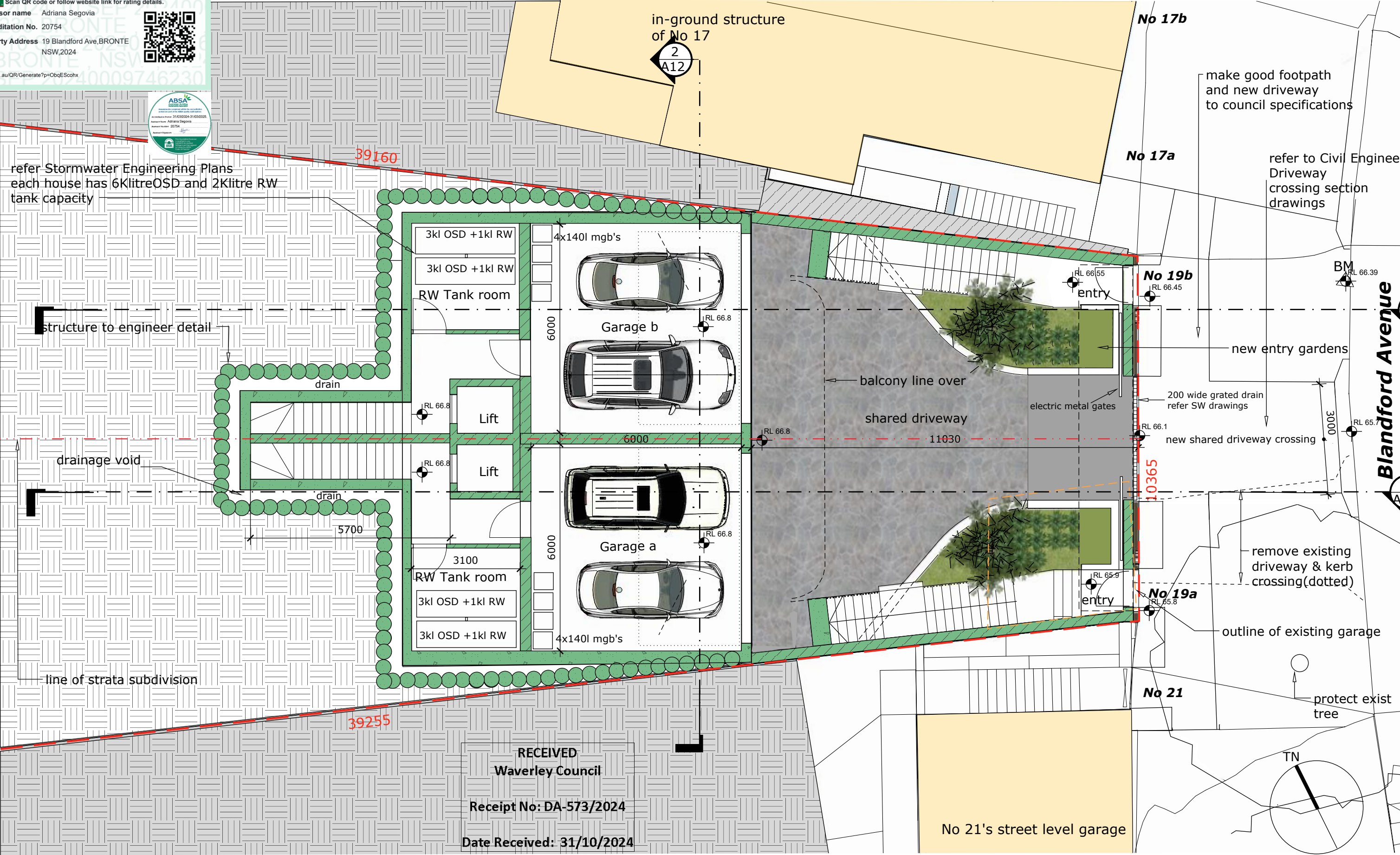


Revisions			Client: BI Pty Ltd	Keith Pike Associates 148 Louisa road, Birchgrove. e:mail: kpike@bigpond.net.au www.keithpikeassociates.com	Project		September 2024	Scale	
	September 2024	DA submission			Development Application: 19 Blandford Avenue, Bronte			1:200	
1					Title Site Plan			Dwg No A01	
2									
3									


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Approved under BASIX 2020/2021/2022/2023/2024/2025
Assessor Name: Adriana Segovia
Assessor Number: 20754
Assessment Number: 0009746230



Revisions		Client: BI Pty Ltd	Project Development Application: 19 Blandford Avenue, Bronte	September 2024	Scale 1:100
1	September 2024				
2		Keith Pike Associates 148 Louisa road, Birchgrove. e.mail: kpike@bigpond.net.au www.keithpikeassociates.com	Title Basement Floor Plan		Dwg No A02
3					

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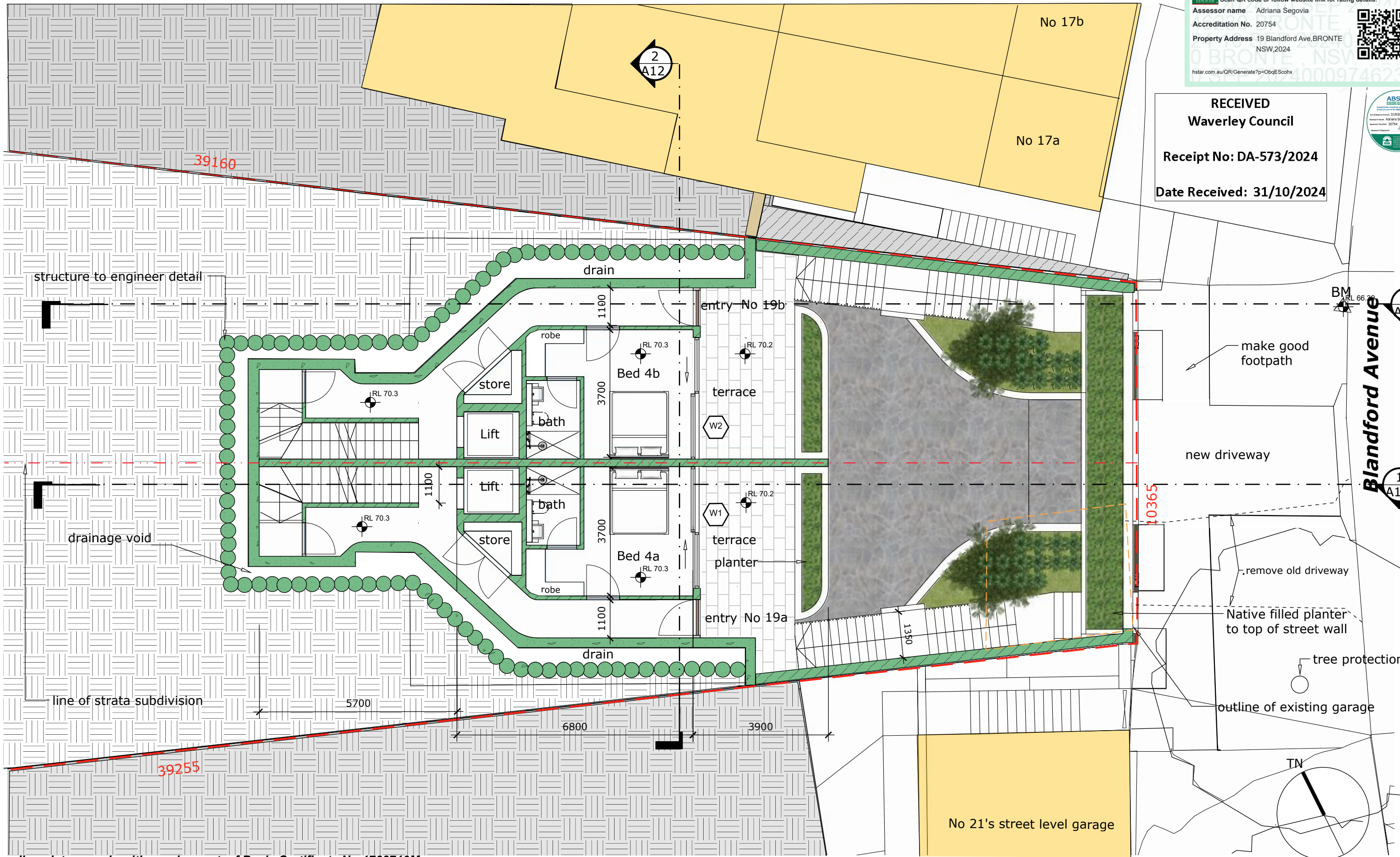



ABSA
Australian Building Surveyors Association
Member No: 31630204-31630205
Assessor Name: Adriana Segovia
Assessor Number: 20754

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Waverley Council

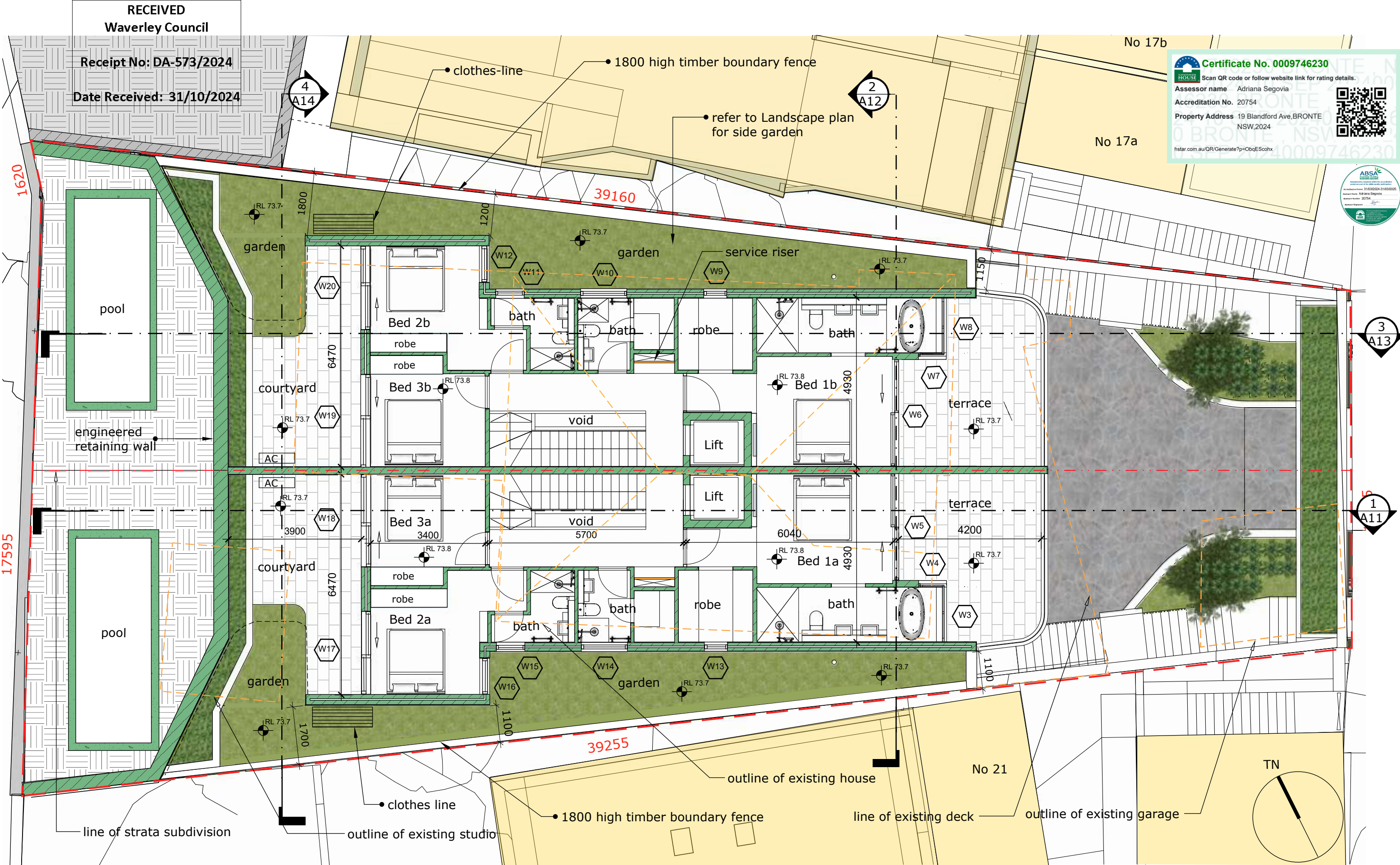
Receipt No: DA-573/2024

Date Received: 31/10/2024

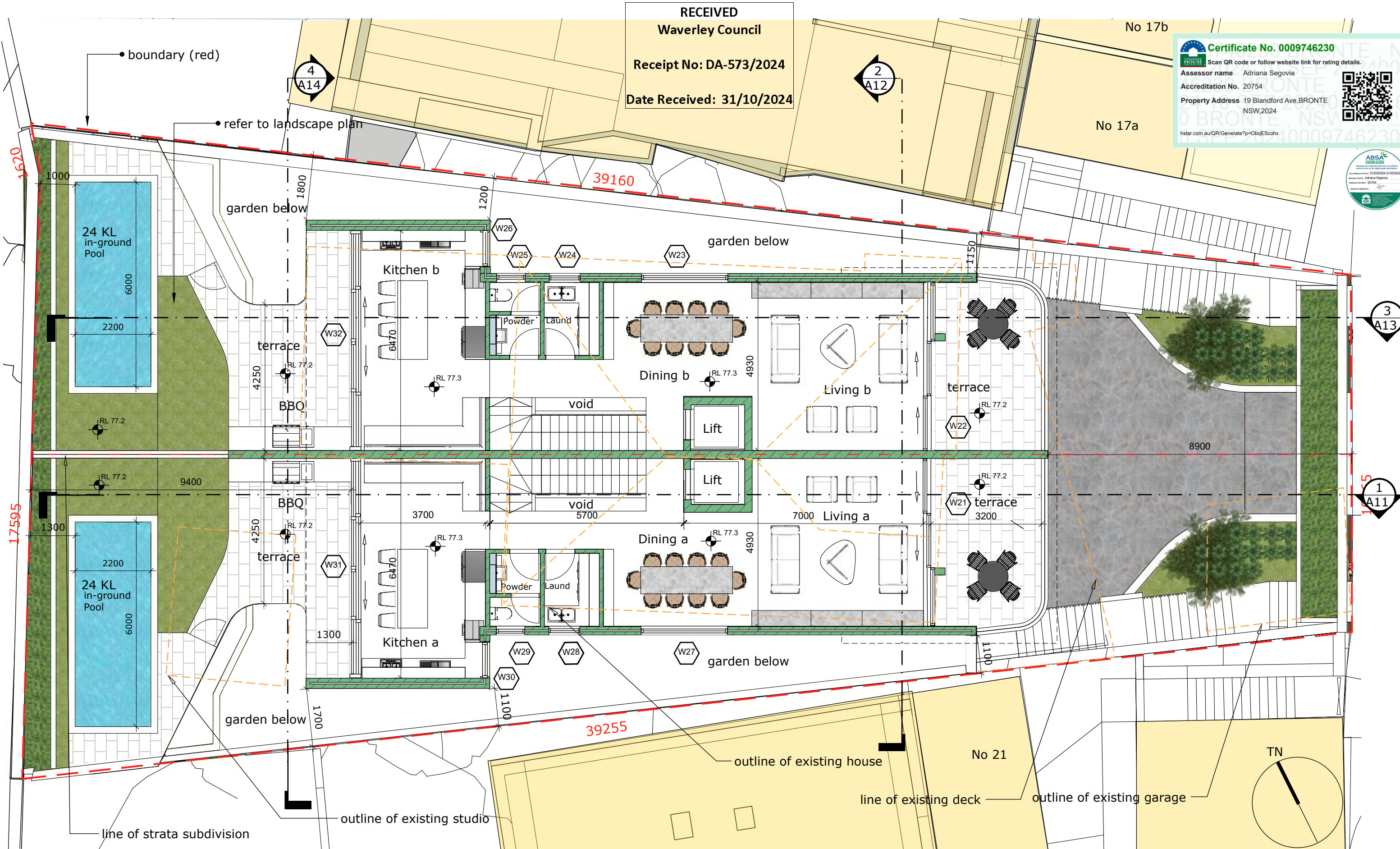


all work to comply with requirement of Basix Certificate No:1763710M

Revisions			Client: BI Pty Ltd	Keith Pike Associates 148 Louisa road, Birchgrove. e:mail: kpike@bigpond.net.au www.keithpikeassociates.com	Project		September 2024	Scale
	September 2024	DA submission			Development Application: 19 Blandford Avenue, Bronte		1:100	
1					Title L2 - Lower Ground Floor Plan		Dwg No A03	
2								
3								



Revisions			Client: BI Pty Ltd	Keith Pike Associates 148 Louisa road, Birchgrove. e:mail: kpike@bigpond.net.au www.keithpikeassociates.com	Project		September 2024	Scale	
	September 2024	DA submission			Development Application: 19 Blandford Avenue, Bronte		1:100		
1					Title L3 - Ground Floor Plan		Dwg No A04		
2									
3									



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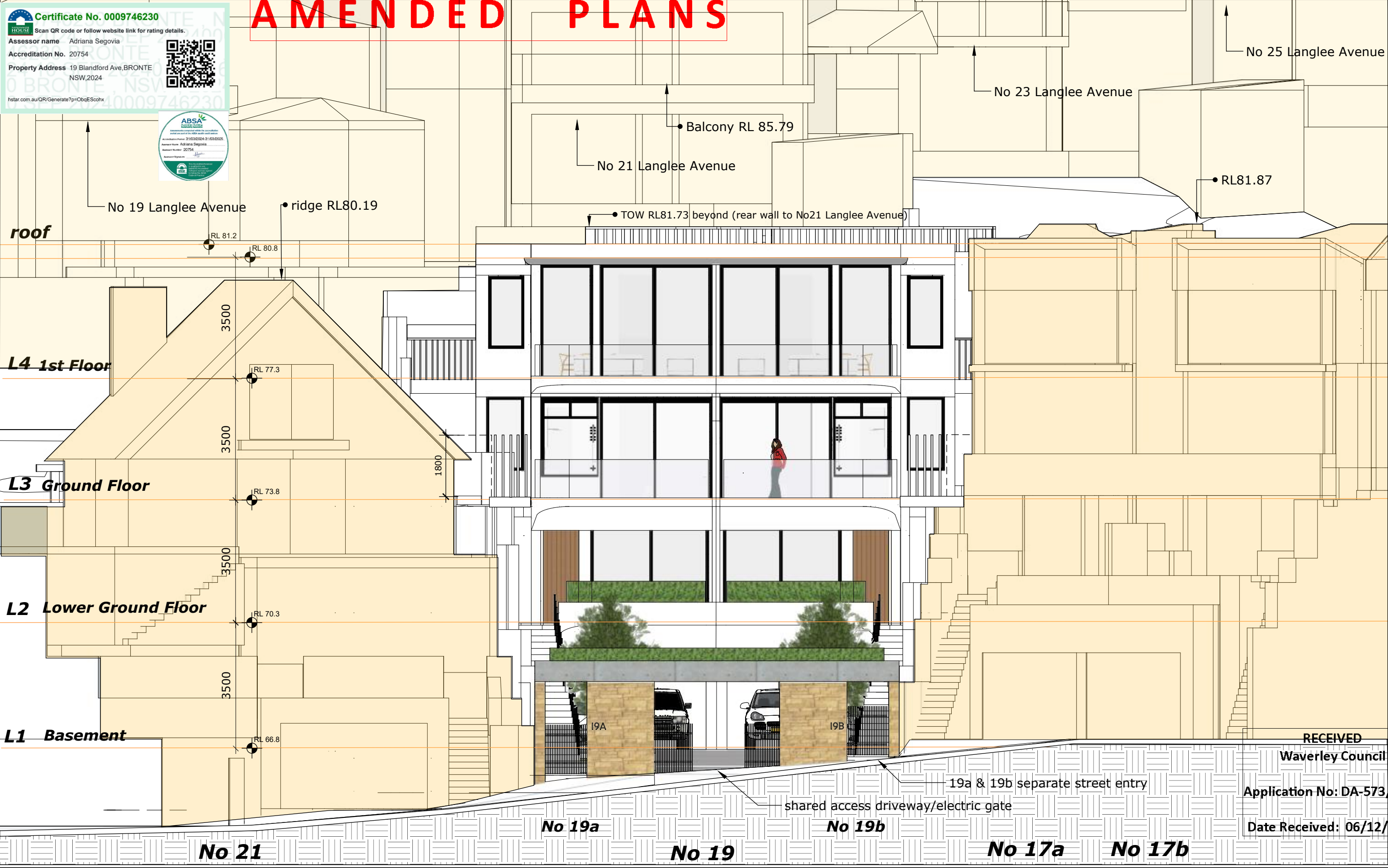
Revisions		Client: BI Pty Ltd	Keith Pike Associates 148 Louisa road, Birchgrove. e.mail: kpike@bigpond.net.au www.keithpikeassociates.com	Project		September 2024	Scale 1:100
	September 2024			Development Application: 19 Blandford Avenue, Bronte			
1				Title L4 - First floor Floor Plan			Dwg No A05
2							
3							

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hstar.com.au/QR/Generate?p=ObqEScohx





AMENDED PLANS



Revisions			Client: BI Pty Ltd	Keith Pike Associates 148 Louisa road, Birchgrove. e:mail: kpike@bigpond.net.au www.keithpikeassociates.com	Project		September 2024	Scale
	September 2024	DA submission			Development Application: 19 Blandford Avenue, Bronte		1:100	
1					Title East Elevation		Dwg No A07	
2								
3								

Certificate No. 0009746230


Scan QR code or follow website link for rating details.


Assessor name Adriana Segovia

Accreditation No. 20754

Property Address 19 Blandford Ave, BRONTE NSW, 2024

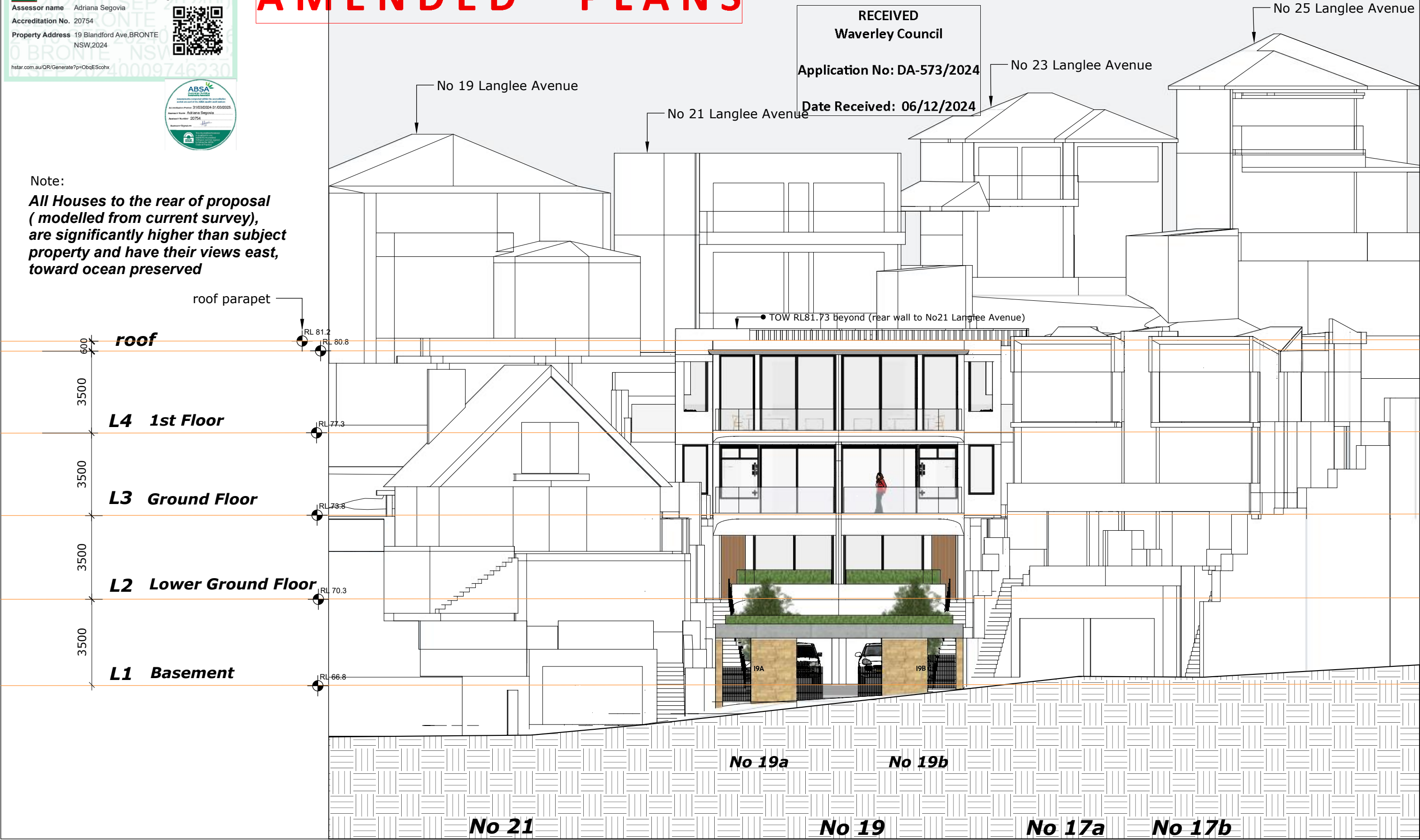
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AMENDED PLANS


all work to comply with requirement of Basix Certificate No:1763710M

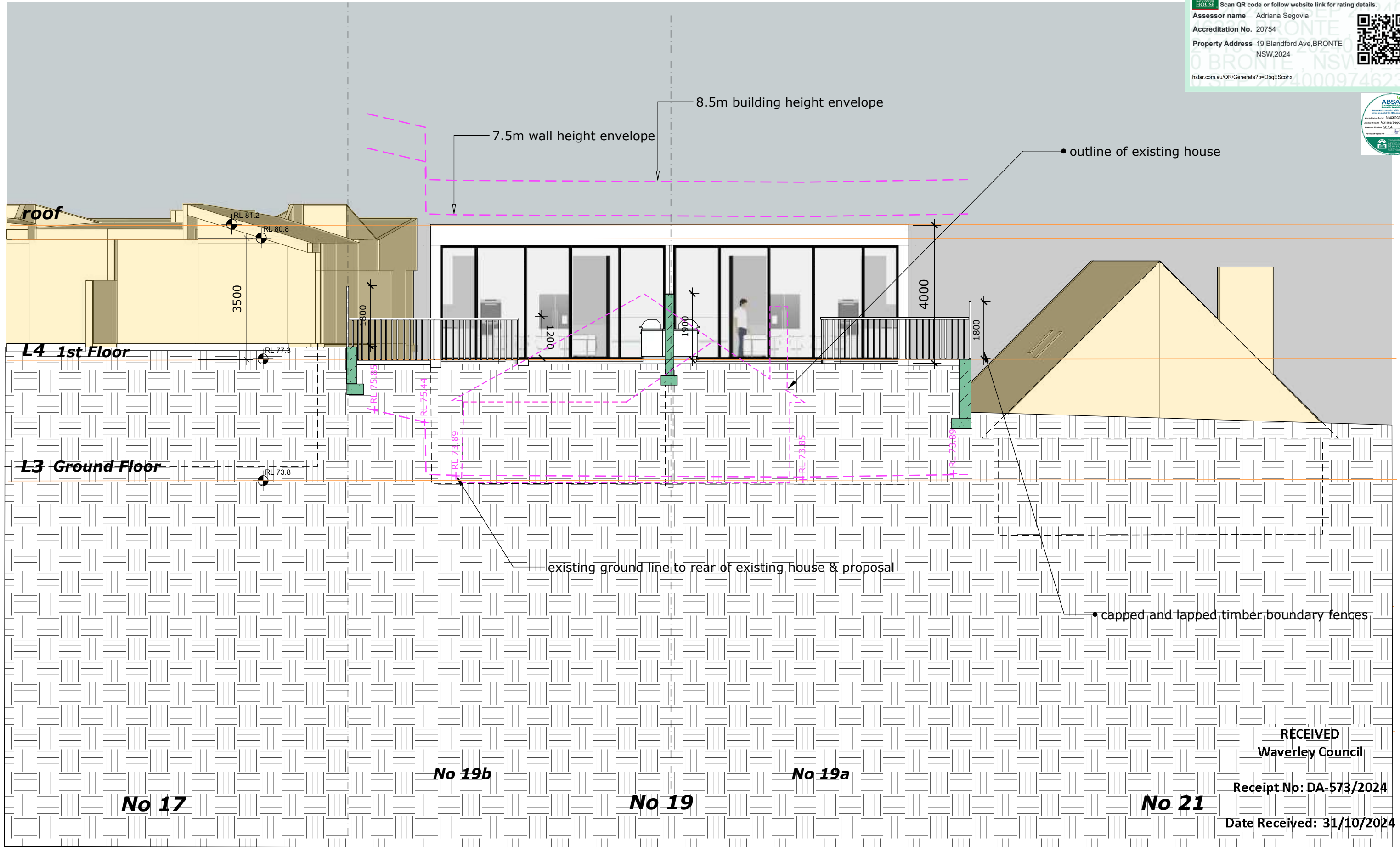


Revisions			Client: BI Pty Ltd	Keith Pike Associates 148 Louisa road, Birchgrove. e:mail: kpike@bigpond.net.au www.keithpikeassociates.com	Project		September 2024	Scale	
	September 2024	DA submission			Development Application: 19 Blandford Avenue, Bronte			1:150	
1					Title			Dwg No	
2									
3									
					East Elevation - surrounding properties			A07A	

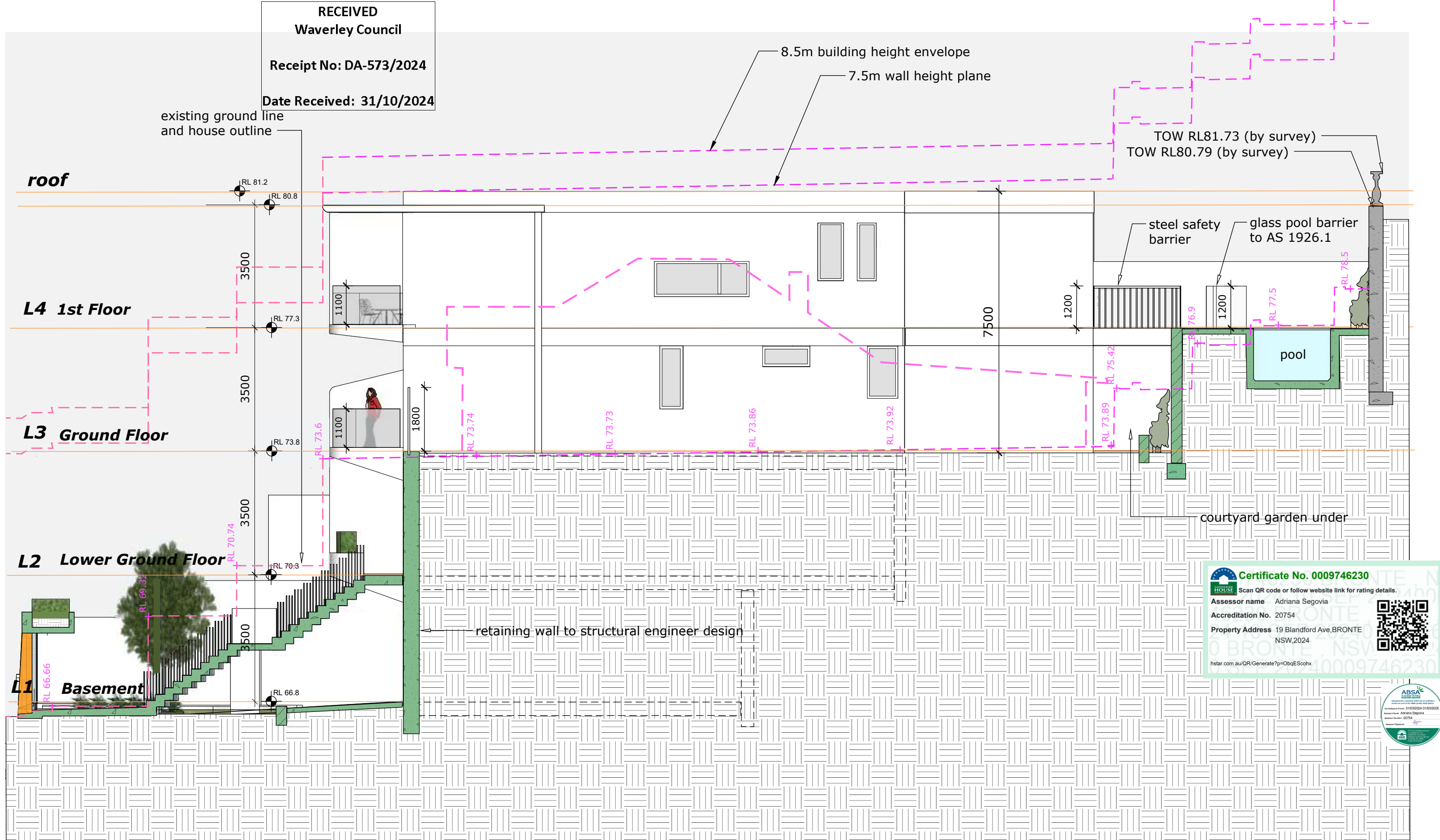
**Certificate No. 0009746230**
Scan QR code or follow website link for rating details.
Assessor name Adriana Segovia
Accreditation No. 20754
Property Address 19 Blandford Ave, BRONTE
NSW, 2024
hstar.com.au/QR/Generate?p=ObqEScohx





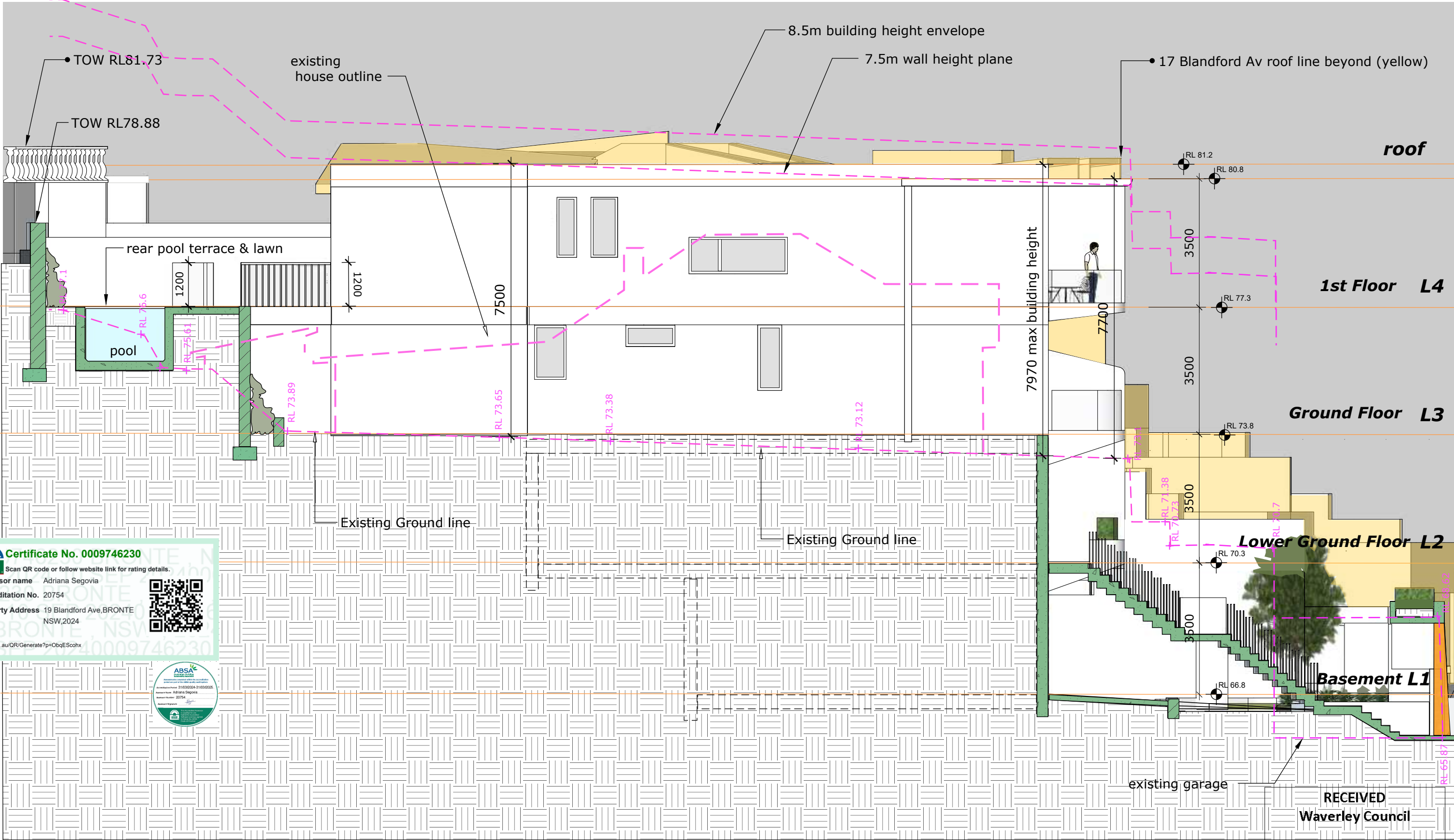


all work to comply with requirement of Basix Certificate No:1763710M																								
<div>Revisions</div> <table><tr><td></td><td>September 2024</td><td>DA submission</td></tr><tr><td>1</td><td></td><td></td></tr><tr><td>2</td><td></td><td></td></tr><tr><td>3</td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr></table>				September 2024	DA submission	1			2			3									<div>Client:</div> <div>BI Pty Ltd</div>	<div>Keith Pike Associates</div> <div>148 Louisa road, Birchgrove.</div> <div>e:mail: kpike@bigpond.net.au</div> <div>www.keithpikeassociates.com</div>	<div>Project</div> <div>September 2024</div> <div>Development Application: 19 Blandford Avenue, Bronte</div>	<div>Scale</div> <div>1:100</div>
	September 2024	DA submission																						
1																								
2																								
3																								
			<div>Title</div> <div>West Elevation</div>	<div>Dwg No</div> <div>A08</div>																				



all work to comply with requirement of Basix Certificate No:1763710M

Revisions		Client: BI Pty Ltd	Keith Pike Associates 148 Louisa road, Birchgrove. e.mail: kpike@bigpond.net.au www.keithpikeassociates.com	Project	September 2024	Scale
	September 2024			Development Application: 19 Blandford Avenue, Bronte		1:100
1				Title	North Elevation	Dwg No
2						A09
3						

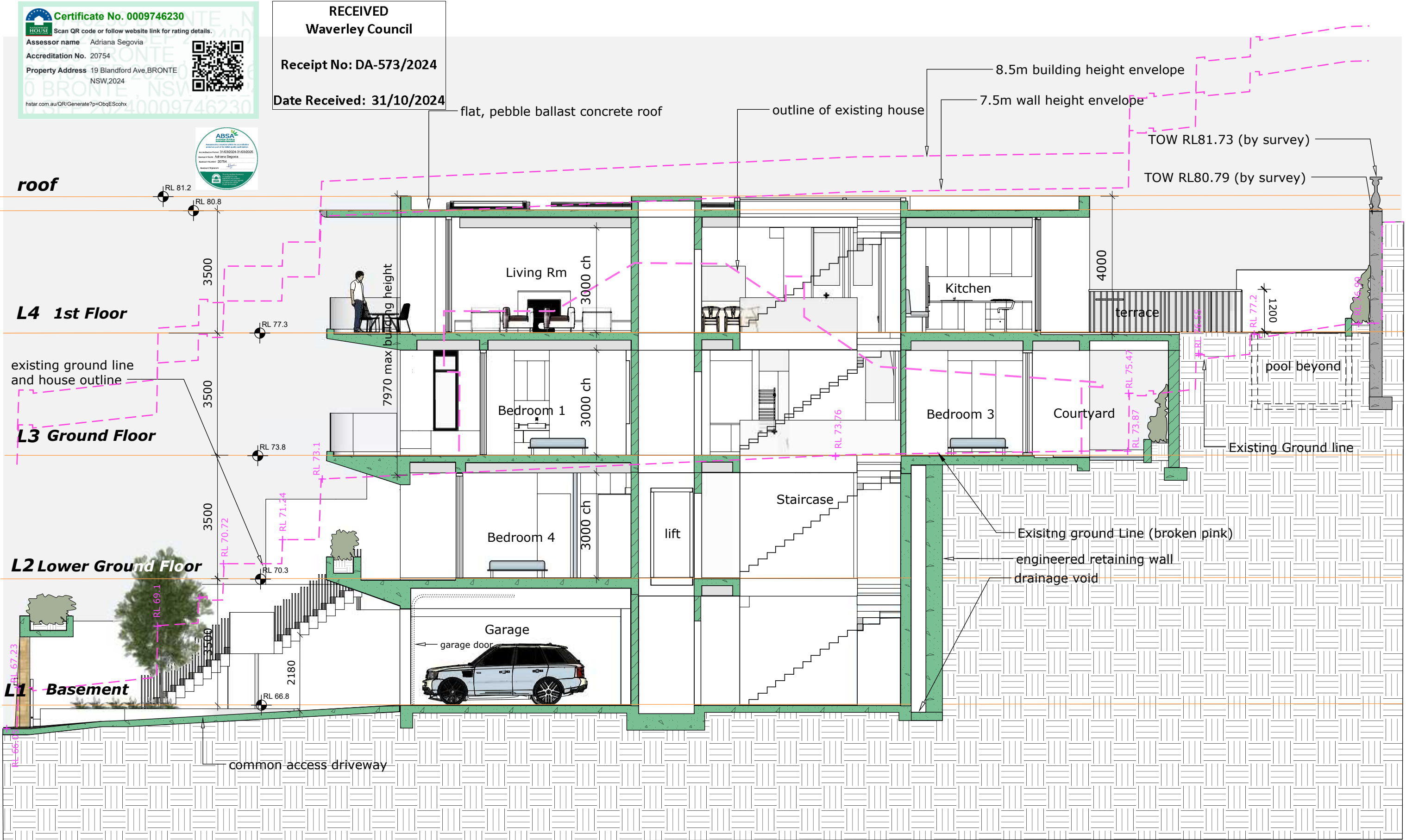


all work to comply with requirement of Basix Certificate No:1763710M

Revisions			Client: BI Pty Ltd	Keith Pike Associates 148 Louisa road, Birchgrove. e:mail: kpike@bigpond.net.au www.keithpikeassociates.com	Project		September 2024	Scale	
	September 2024	DA submission			Development Application: 19 Blandford Avenue, Bronte			1:100	
1					Title South Elevation			Dwg No A10	
2									
3									

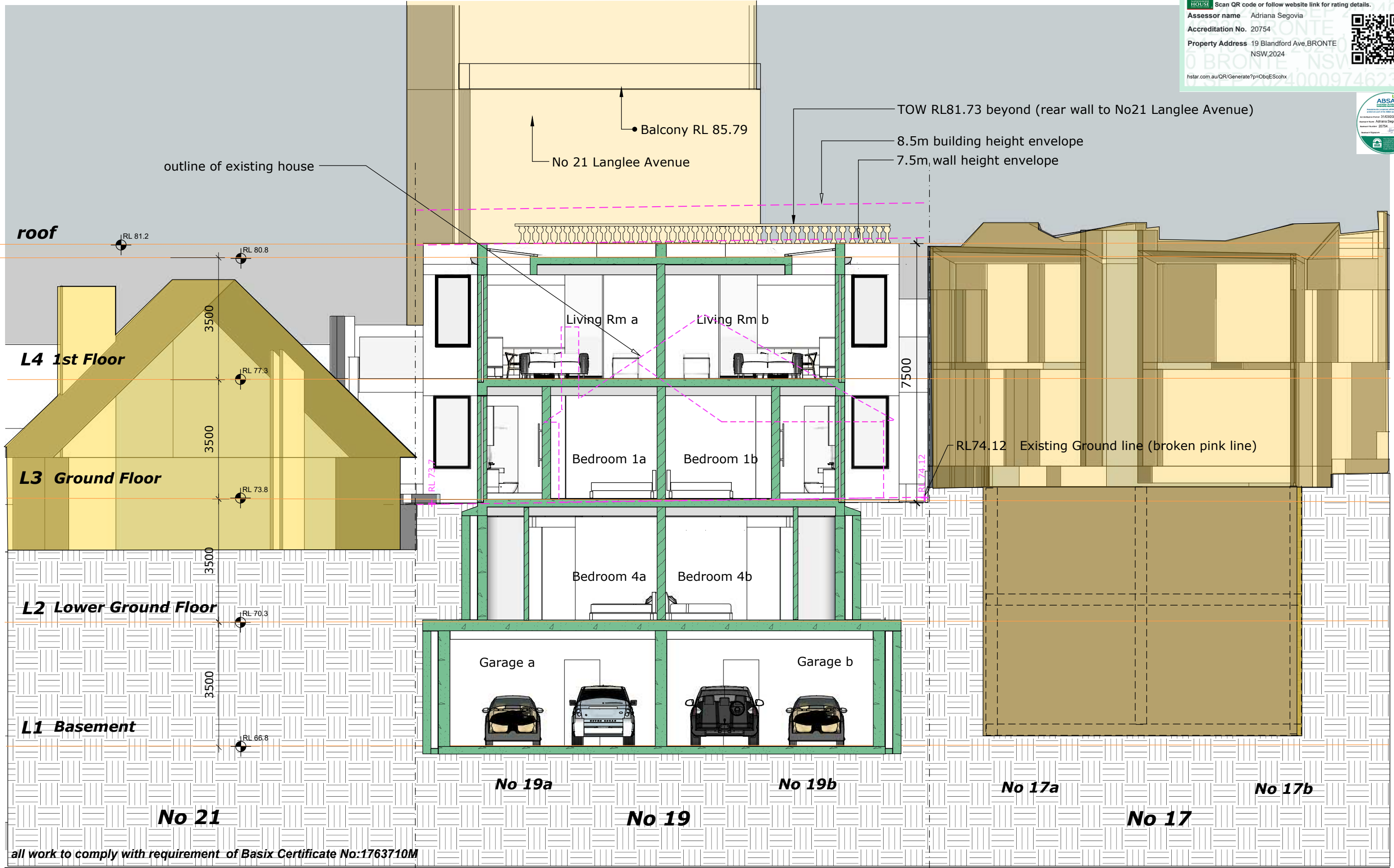
Receipt No: DA-573/2024

Date Received: 31/10/2024

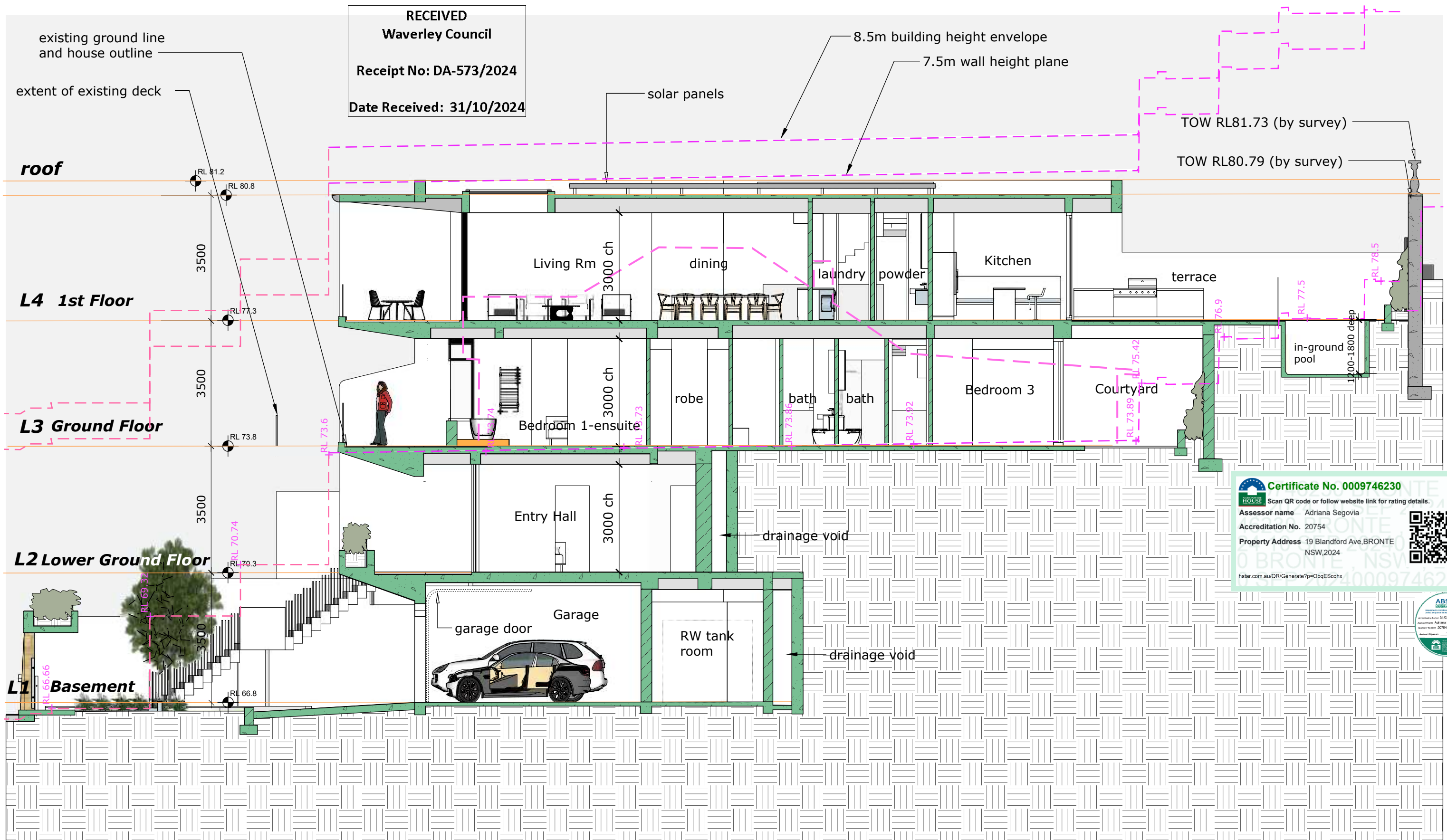


all work to comply with requirement of Basix Certificate No:1763710M

Revisions			Client: BI Pty Ltd	Keith Pike Associates 148 Louisa road, Birchgrove. e:mail: kpike@bigpond.net.au www.keithpikeassociates.com	Project		September 2024	Scale	
	September 2024	DA submission			Development Application: 19 Blandford Avenue, Bronte			1:100	
1					Title			Dwg No A11	
2									
3									
					Section 1				

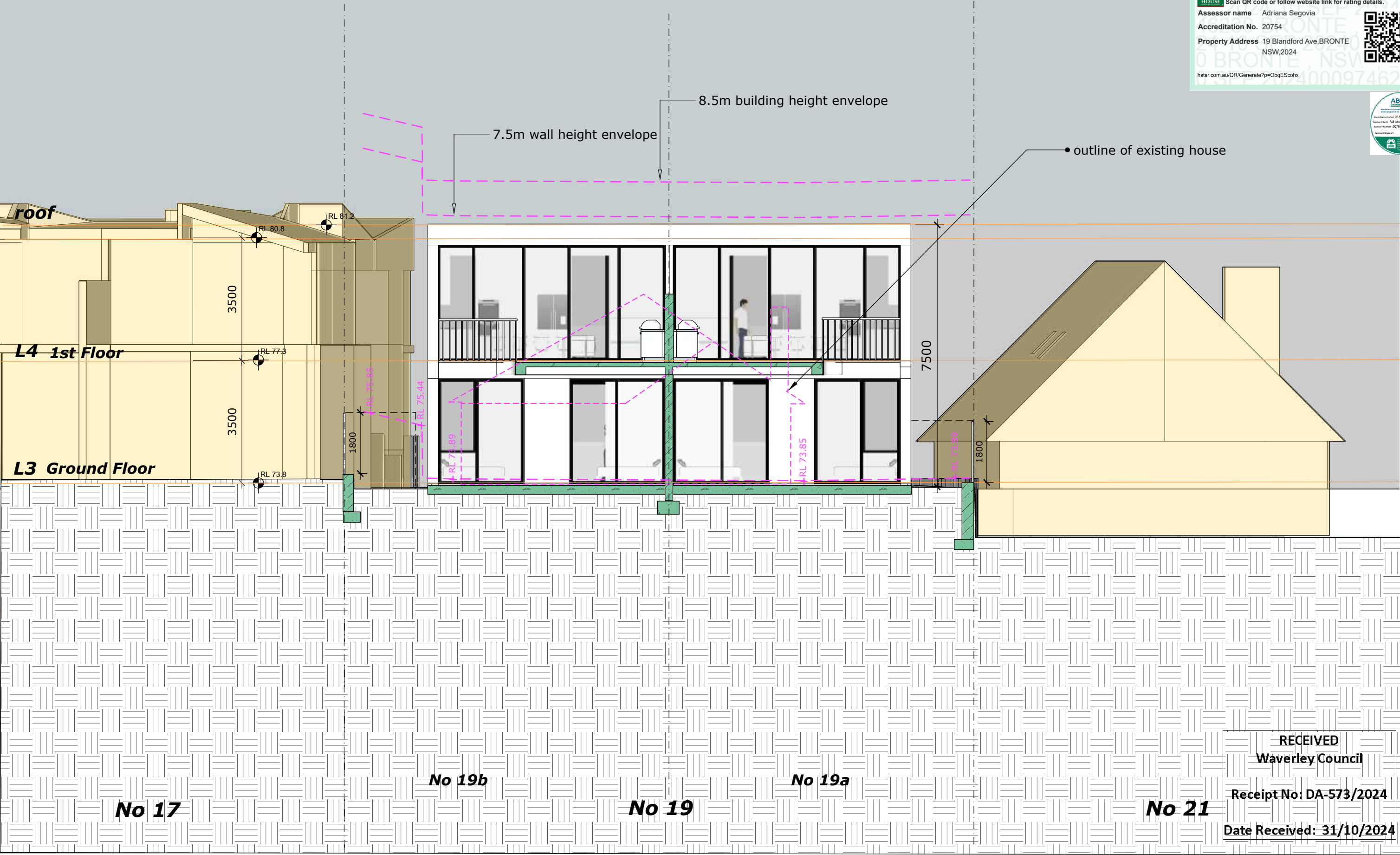


Revisions		Client:		Project		September 2024	Scale
1	September 2024	DA submission	BI Pty Ltd RECEIVED Waverley Council Receipt No: DA-573/2024	Development Application: 19 Blandford Avenue, Bronte			1:100
2				Title			Dwg No
3				Section 2			A12



all work to comply with requirement of Basix Certificate No:1763710M

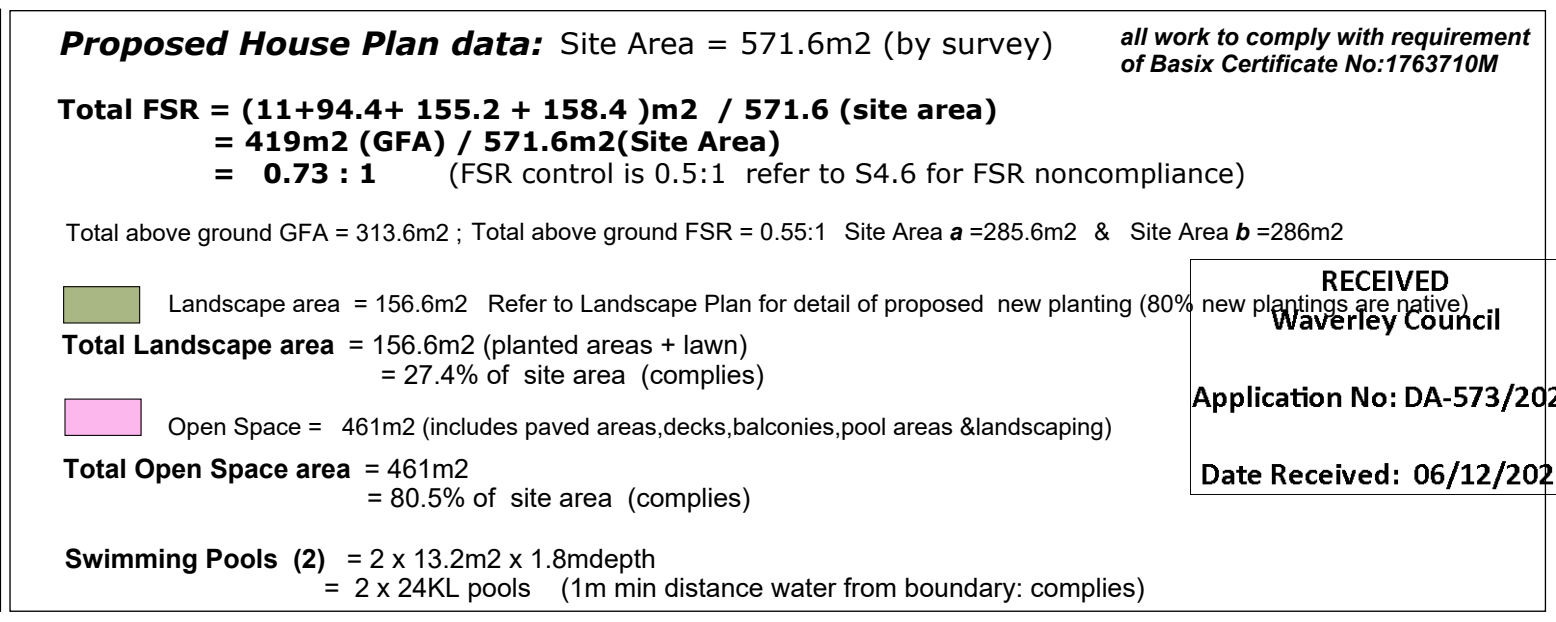
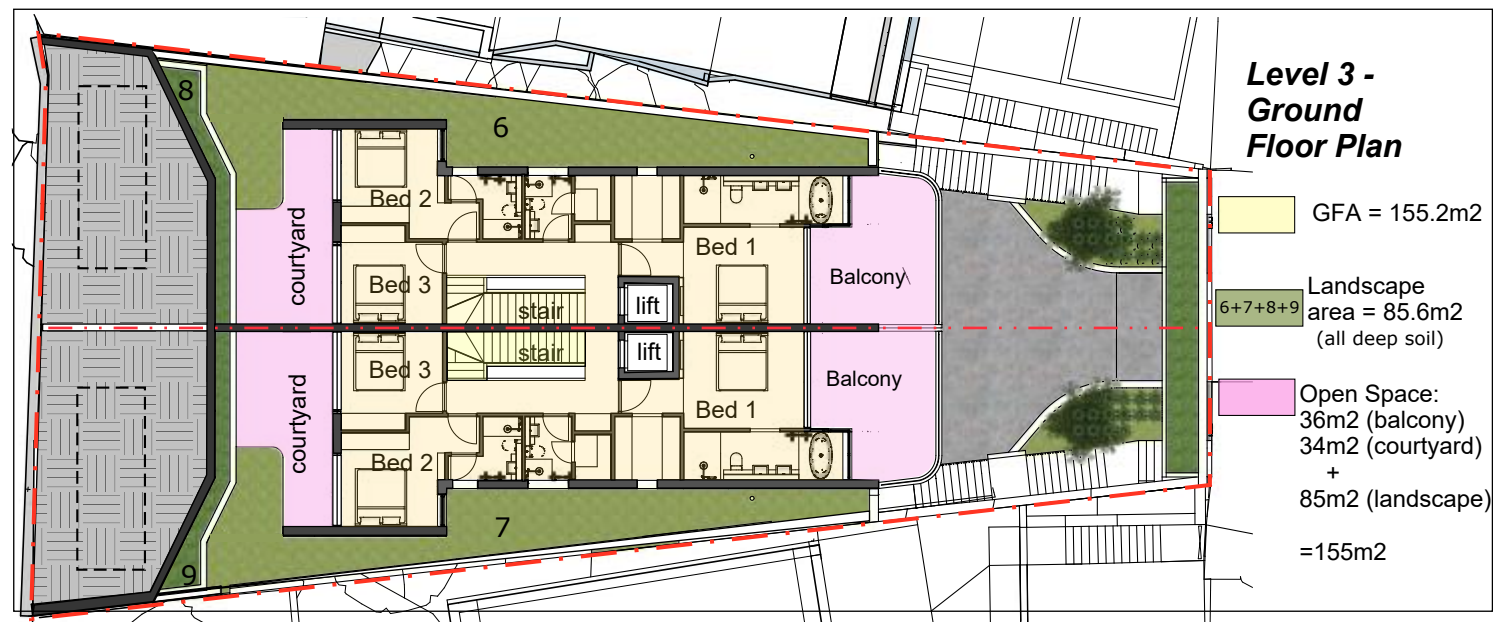
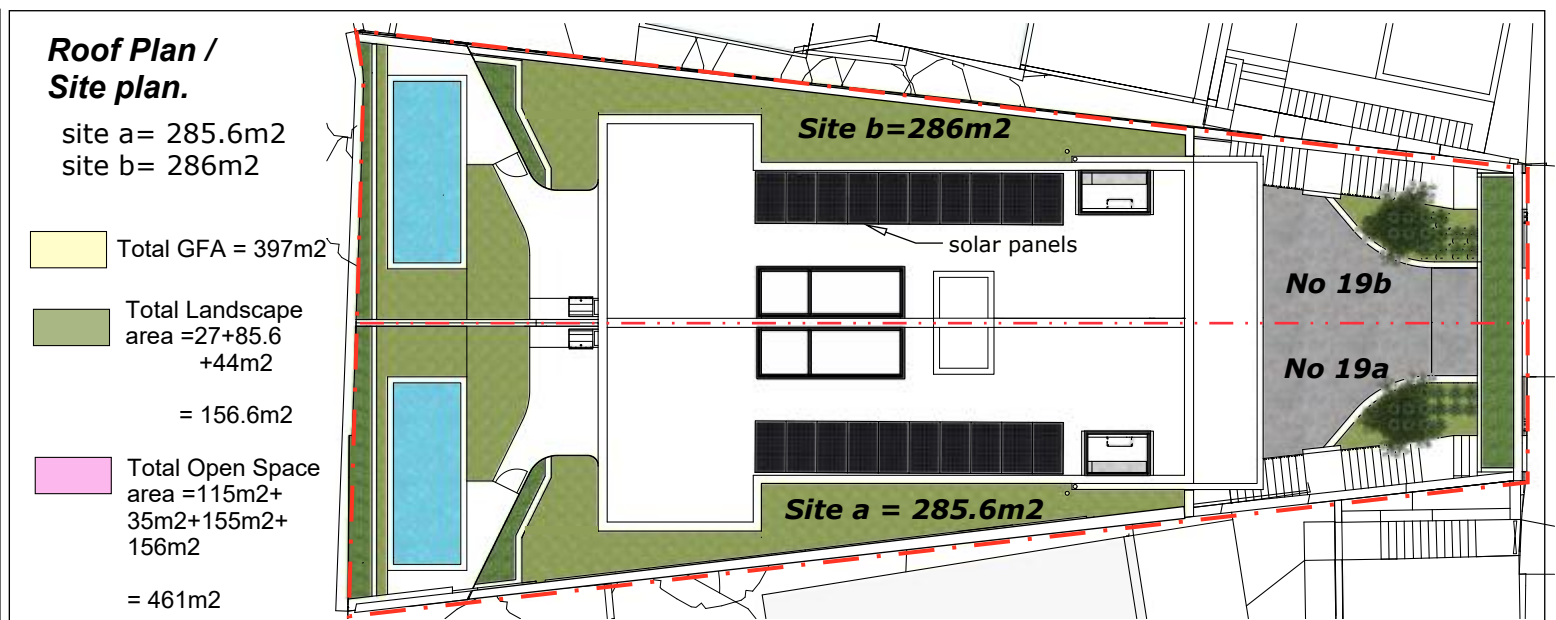
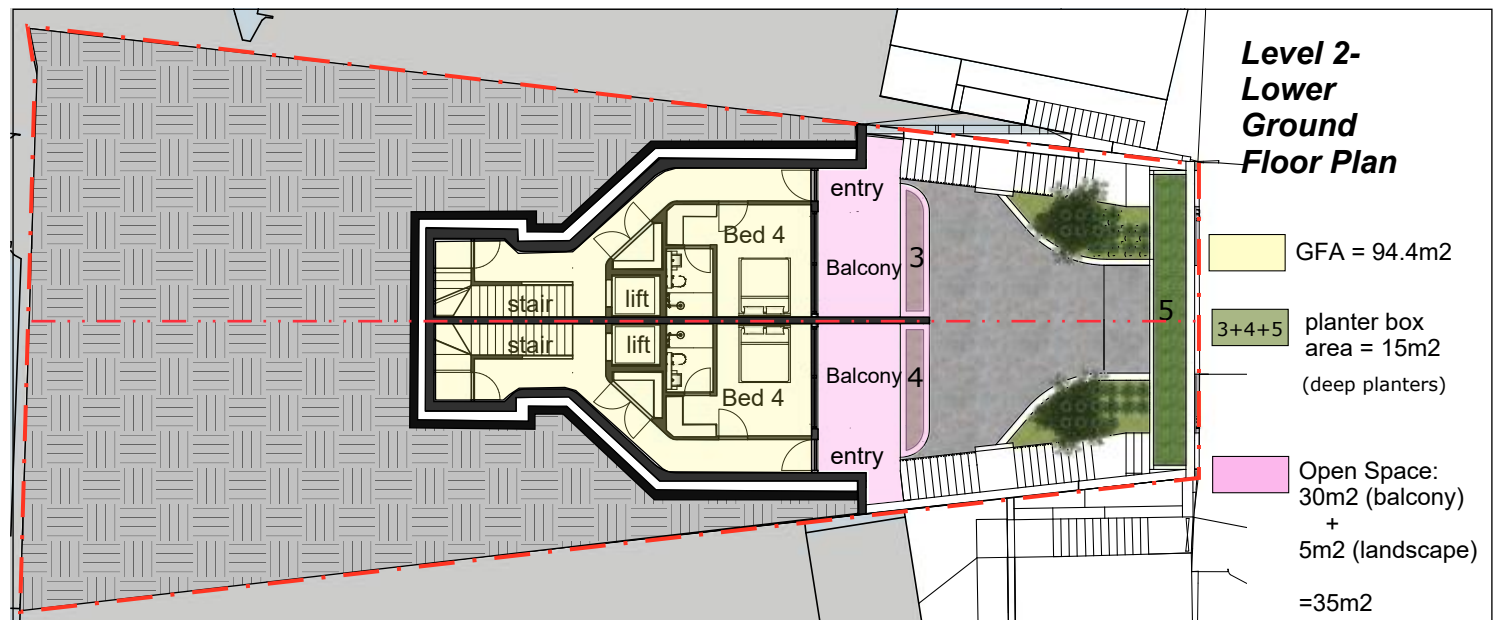
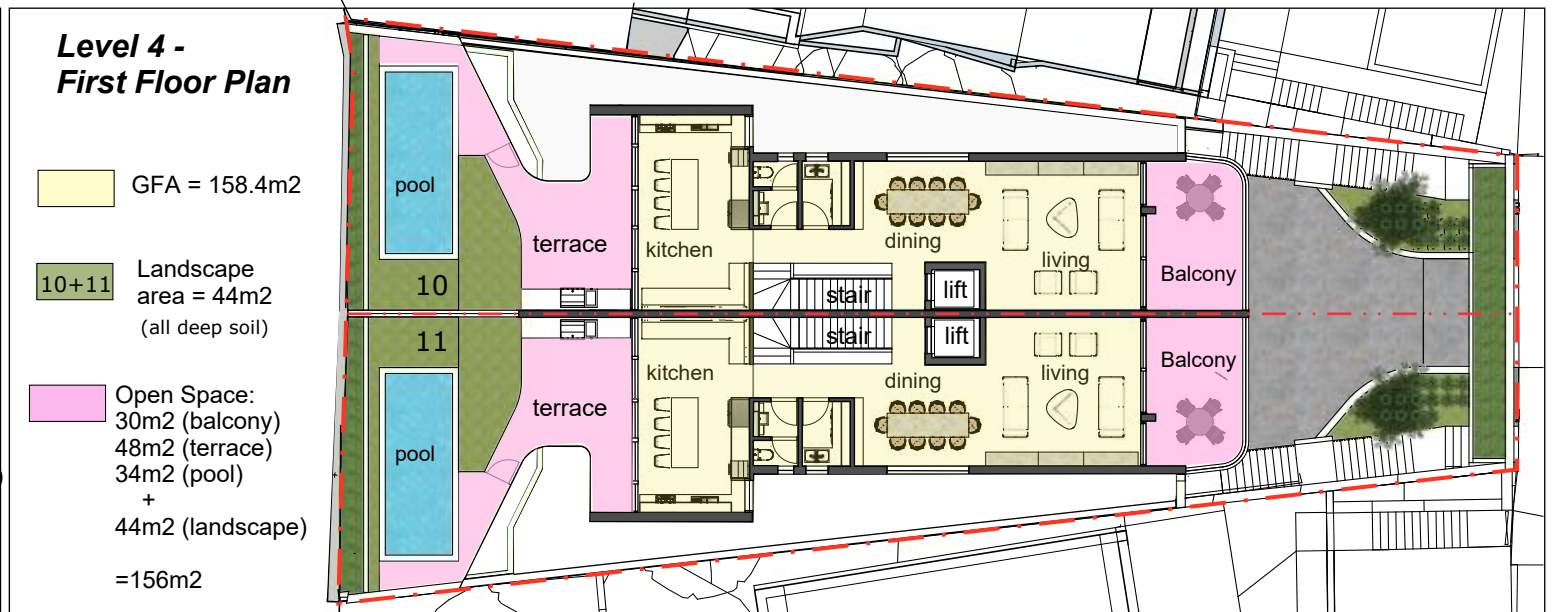
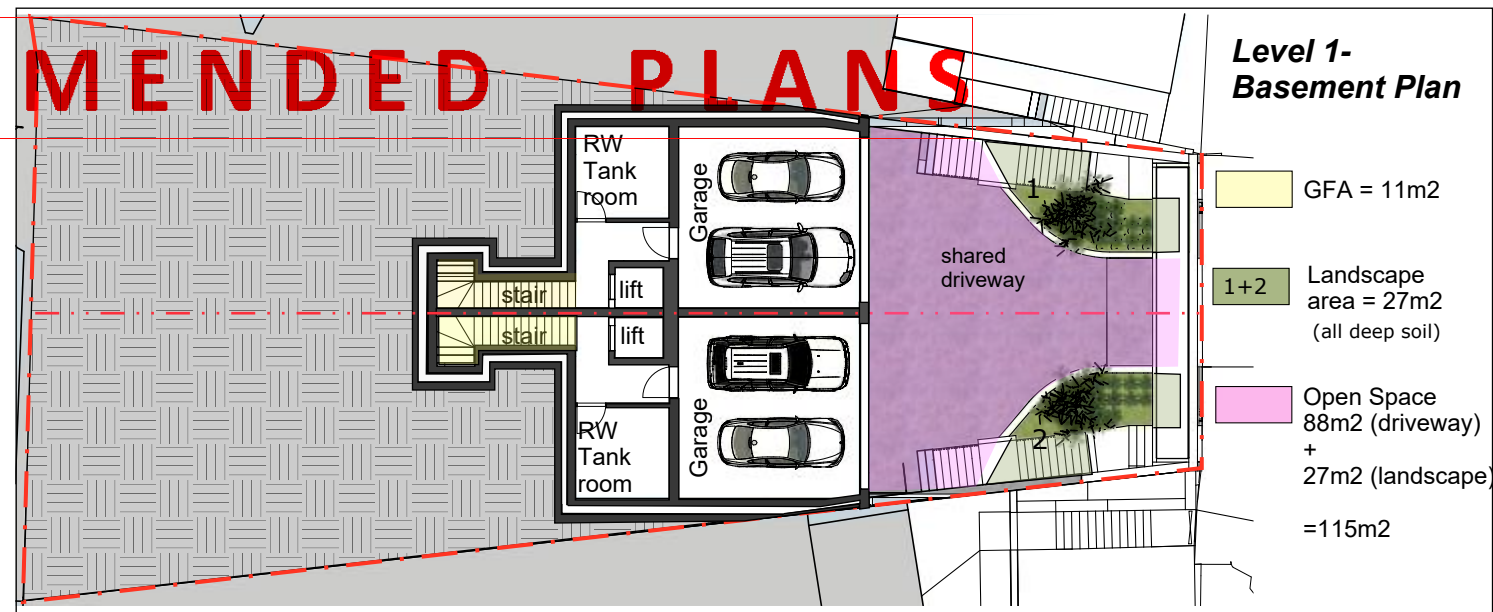
Revisions			Client: BI Pty Ltd	Keith Pike Associates 148 Louisa road, Birchgrove. e:mail: kpike@bigpond.net.au www.keithpikeassociates.com	Project		September 2024	Scale	
	September 2024	DA submission			Development Application: 19 Blandford Avenue, Bronte			1:100	
1					Title			Dwg No	
2									
3									
			Section 3			A13			



all work to comply with requirement of Basix Certificate No:1763710M

Revisions			Client: BI Pty Ltd	Keith Pike Associates 148 Louisa road, Birchgrove. e:mail: kpike@bigpond.net.au www.keithpikeassociates.com	Project		September 2024	Scale	
	August 2024	DA submission			Development Application: 19 Blandford Avenue, Bronte			1:100	
1					Title Section 4			Dwg No A14	
2									
3									

AMENDED PLANS



RECEIVED
Waverley Council
Application No: DA-573/2024
Date Received: 06/12/2024

Revisions			Client: BI Pty Ltd	Keith Pike Associates 148 Louisa road, Birchgrove. e:mail: kpike@bigpond.net.au www.keithpikeassociates.com	Project		September 2024	Scale
	September 2024				Development Application: 19 Blandford Avenue, Bronte		1:250	
1					Title Site Data Plan		Dwg No A16	
2								
3								

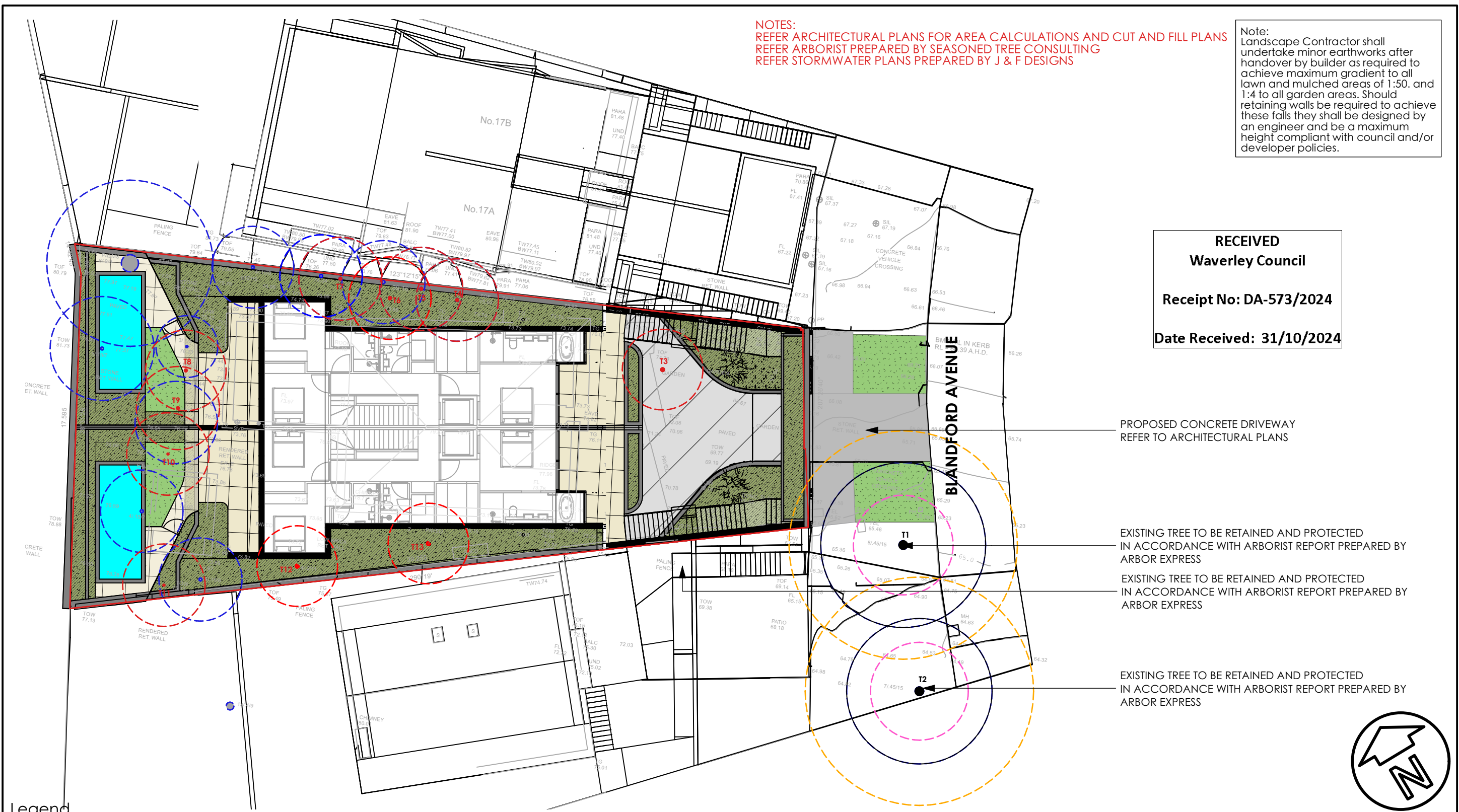
NOTES:
REFER ARCHITECTURAL PLANS FOR AREA CALCULATIONS AND CUT AND FILL PLANS
REFER ARBORIST PREPARED BY SEASONED TREE CONSULTING
REFER STORMWATER PLANS PREPARED BY J & F DESIGNS

Note:
Landscape Contractor shall undertake minor earthworks after handover by builder as required to achieve maximum gradient to all lawn and mulched areas of 1:50. and 1:4 to all garden areas. Should retaining walls be required to achieve these falls they shall be designed by an engineer and be a maximum height compliant with council and/or developer policies.

RECEIVED
Waverley Council

Receipt No: DA-573/2024

Date Received: 31/10/2024



PROPOSED CONCRETE DRIVEWAY
REFER TO ARCHITECTURAL PLANS

EXISTING TREE TO BE RETAINED AND PROTECTED
IN ACCORDANCE WITH ARBORIST REPORT PREPARED BY
ARBOR EXPRESS

EXISTING TREE TO BE RETAINED AND PROTECTED
IN ACCORDANCE WITH ARBORIST REPORT PREPARED BY
ARBOR EXPRESS

EXISTING TREE TO BE RETAINED AND PROTECTED
IN ACCORDANCE WITH ARBORIST REPORT PREPARED BY
ARBOR EXPRESS

Legend

	PROPOSED DRIVEWAY REFER TO ARCHITECTURAL PLANS		EXISTING TREE TO BE REMOVED		TPZ (TREE PROTECTION ZONE)
	PROPOSED LAWN AREA		EXISTING TREE TO BE RETAINED		TPZ (TREE PROTECTION ZONE)
	PROPOSED GARDEN AREA		EXISTING STRELITZIA NICOLAI (GIANT BIRD OF PARADISE) EXEMPT TREE SPECIES TO BE REMOVED		
	PROPOSED PAVED AREA				
	PROPOSED RETAINING WALLS REFER TO ARCHITECTURAL PLANS				

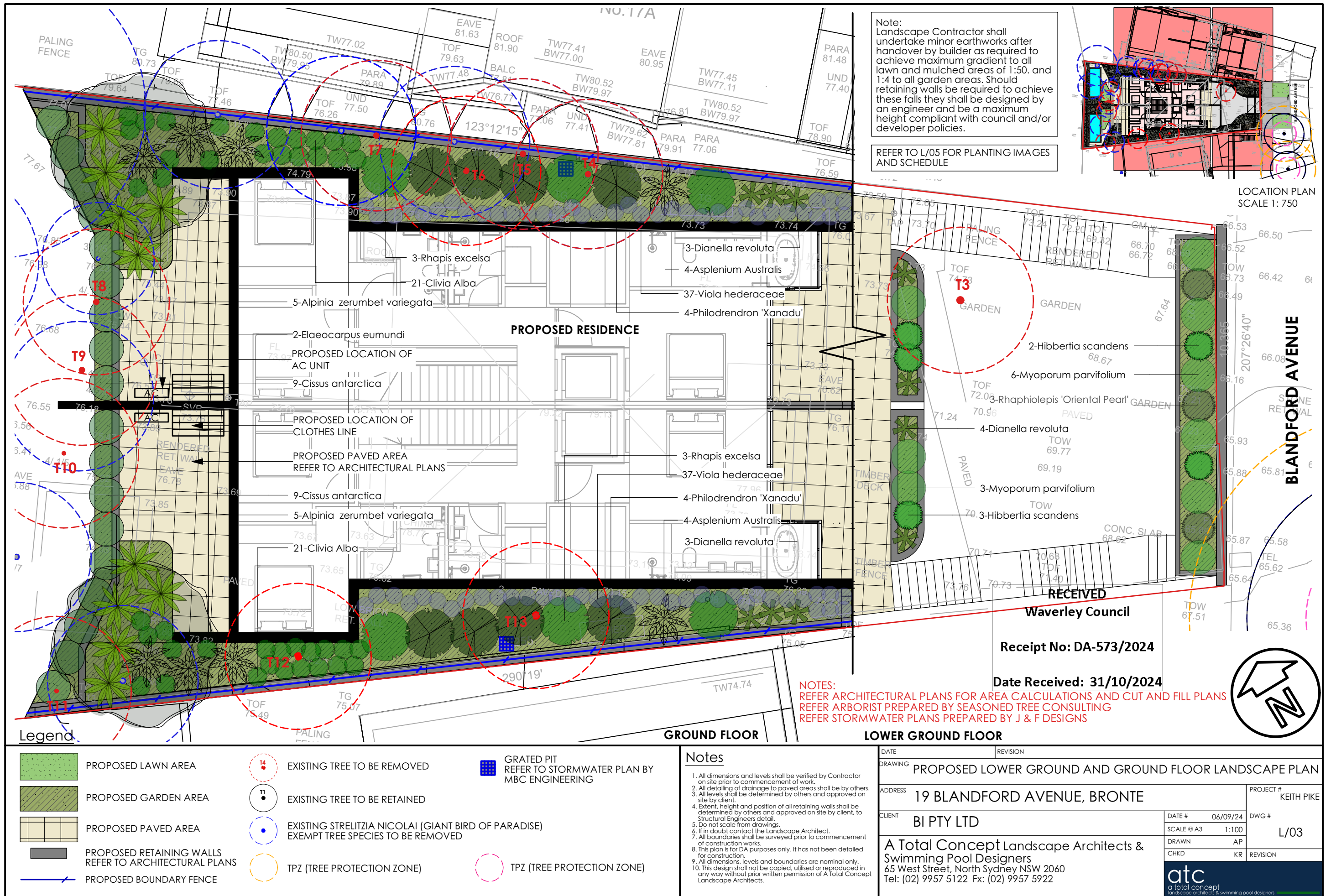
Notes

1. All dimensions and levels shall be verified by Contractor on site prior to commencement of work.
2. All detailing of drainage to paved areas shall be by others.
3. All levels shall be determined by others and approved on site by client.
4. Extent, height and position of all retaining walls shall be determined by others and approved on site by client, to Structural Engineers detail.
5. Do not scale from drawings.
6. If in doubt contact the Landscape Architect.
7. All boundaries shall be surveyed prior to commencement of construction works.
8. This plan is for DA purposes only. It has not been detailed for construction.
9. All dimensions, levels and boundaries are nominal only.
10. This design shall not be copied, utilised or reproduced in any way without prior written permission of A Total Concept Landscape Architects.

DATE	REVISION
DRAWING	SITE PLAN
ADDRESS	19 BLANDFORD AVENUE, BRONTE
CLIENT	BI PTY LTD
DATE #	24/09/24
SCALE @ A3	1:200
DRAWN	AP
CHKD	KR
PROJECT #	KEITH PIKE
DWG #	L/01
REVISION	

A Total Concept Landscape Architects & Swimming Pool Designers
65 West Street, North Sydney NSW 2060
Tel: (02) 9957 5122 Fx: (02) 9957 5922

atc
a total concept
landscape architects & swimming pool designers

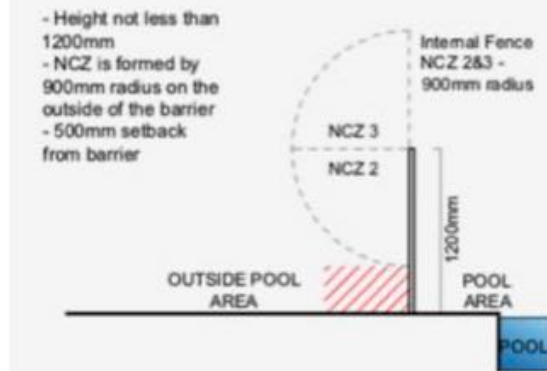


POOL FENCING REQUIREMENTS:

- SWIMMING POOL SAFETY FENCING & SWIMMING POOL SHALL COMPLY WITH;
- COUNCIL CODES
- BUILDING CODE OF AUSTRALIA
- SWIMMING POOLS ACT 1992-NO. 49
- SWIMMING POOL SAFETY AS 1926.1-2007
- SWIMMING POOL SAFETY AS 1926.2-2007
- SWIMMING POOL SAFETY AS 1926.3-2003 AS APPLICABLE.

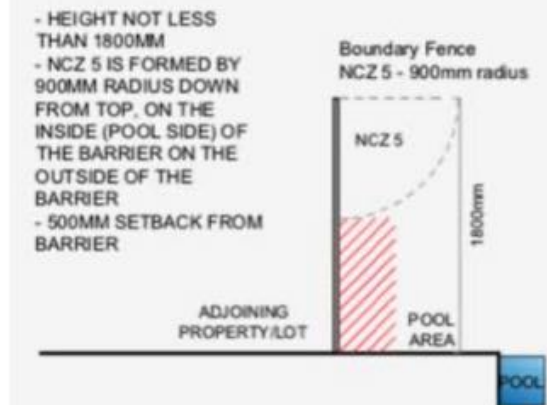
POOL BARRIER TYPES

INTERNAL FENCE USED AS BARRIER:



2012 AS clause 2.3.1 - To maintain the integrity of the barrier height objects, steps, retaining walls, levels changes(decks), woody (climbable) plants to be 500mm from barrier

BOUNDARY FENCE USED AS BARRIER:



2012 AS clause 2.3.1 - To maintain the integrity of the barrier height objects, steps, retaining walls, levels changes(decks), woody (climbable) plants to be 500mm from barrier

Legend

	PROPOSED LAWN AREA		EXISTING TREE TO BE REMOVED		GRATED PIT REFER TO STORMWATER PLAN BY MBC ENGINEERING
	PROPOSED GARDEN AREA		EXISTING TREE TO BE RETAINED		TPZ (TREE PROTECTION ZONE)
	PROPOSED PAVED AREA		EXISTING STRELITZIA NICOLAI (GIANT BIRD OF PARADISE) EXEMPT TREE SPECIES TO BE REMOVED		SRZ (STRUCTURAL ROOT ZONE)
	TIMBER LAWN EDGE		PROPOSED GLASS POOL COMPLIANT SAFETY FENCE		PROPOSED SAFETY BALUSTRADE
	PROPOSED RETAINING WALLS REFER TO ARCHITECTURAL PLANS		PROPOSED BOUNDARY FENCE TO BE UPGARDED AS PER POOL COMPLIANCE		

Notes

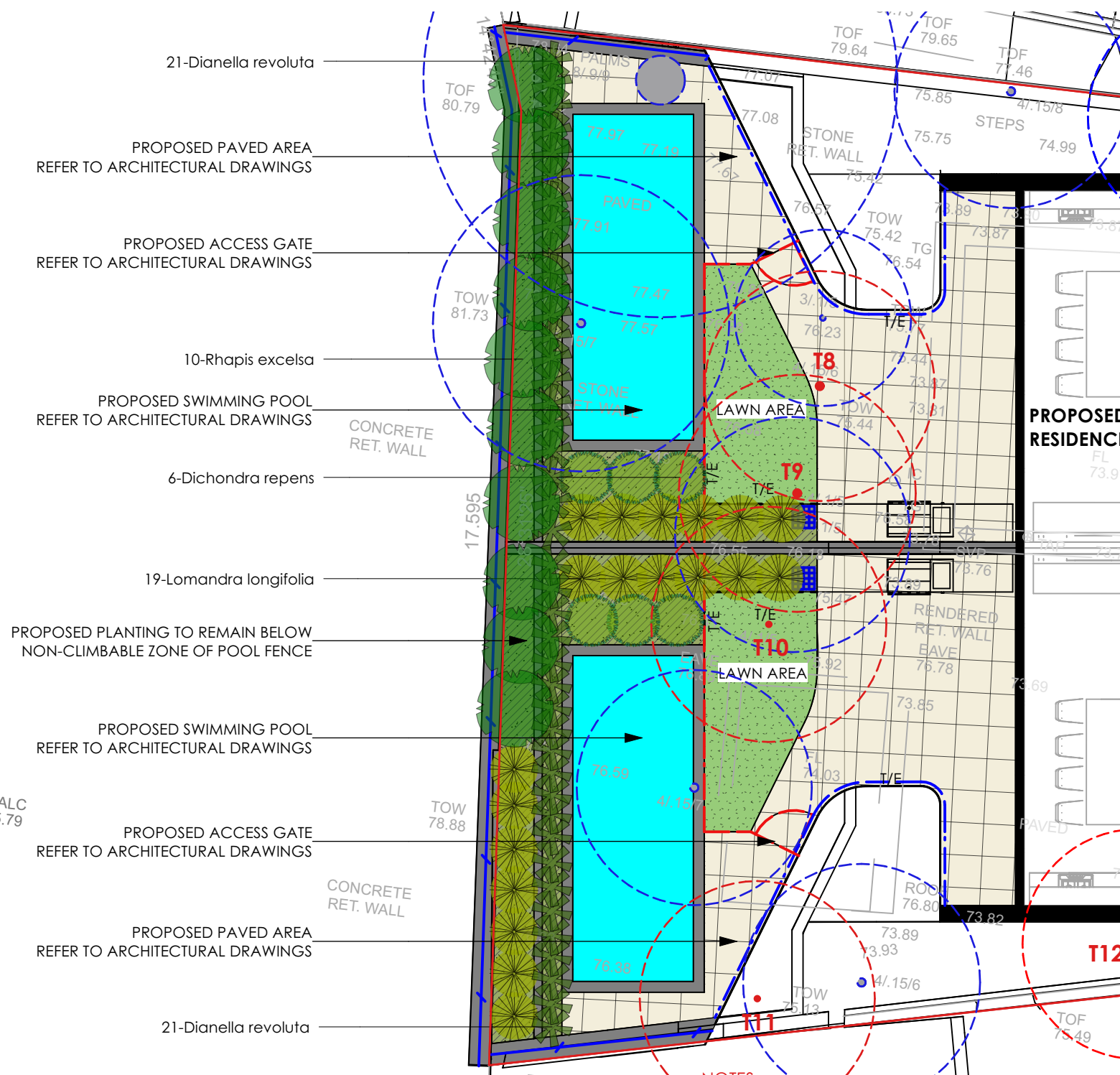
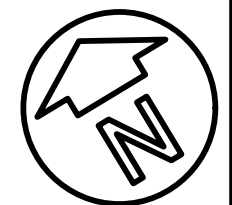
1. All dimensions and levels shall be verified by Contractor on site prior to commencement of work.
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DATE	REVISION
DRAWING	
PROPOSED FIRST FLOOR LANDSCAPE PLAN	
ADDRESS	19 BLANDFORD AVENUE, BRONTE
CLIENT	BI PTY LTD
A Total Concept Landscape Architects & Swimming Pool Designers 65 West Street, North Sydney NSW 2060 Tel: (02) 9957 5122 Fx: (02) 9957 5922	
DATE #	06/09/24
SCALE @ A3	1:100
DRAWN	AP
CHKD	KR
PROJECT #	KEITH PIKE
DWG #	L/04
REVISION	

RECEIVED
Waverley Council

Receipt No: DA-573/2024

Date Received: 31/10/2024



21-Dianella revoluta

PROPOSED PAVED AREA
REFER TO ARCHITECTURAL DRAWINGS

PROPOSED ACCESS GATE
REFER TO ARCHITECTURAL DRAWINGS

10-Rhapis excelsa

PROPOSED SWIMMING POOL
REFER TO ARCHITECTURAL DRAWINGS

6-Dichondra repens

19-Lomandra longifolia

PROPOSED PLANTING TO REMAIN BELOW
NON-CLIMBABLE ZONE OF POOL FENCE

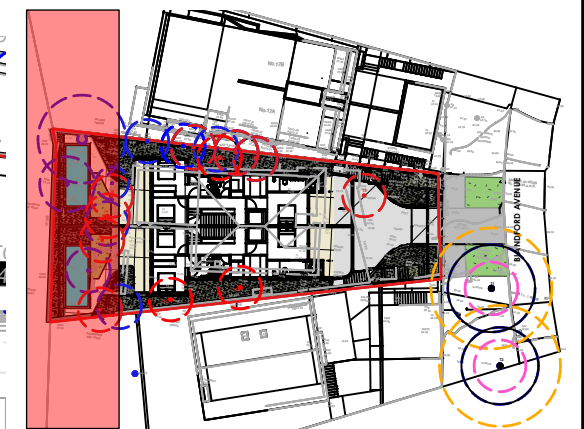
PROPOSED SWIMMING POOL
REFER TO ARCHITECTURAL DRAWINGS

PROPOSED ACCESS GATE
REFER TO ARCHITECTURAL DRAWINGS

PROPOSED PAVED AREA
REFER TO ARCHITECTURAL DRAWINGS

21-Dianella revoluta

NOTES:
REFER ARCHITECTURAL PLANS FOR AREA CALCULATIONS AND CUT AND FILL PLANS
REFER ARBORIST PREPARED BY SEASONED TREE CONSULTING
REFER STORMWATER PLANS PREPARED BY J & F DESIGNS



LOCATION PLAN
SCALE 1: 750

Note:
Landscape Contractor shall undertake minor earthworks after handover by builder as required to achieve maximum gradient to all lawn and mulched areas of 1:50, and 1:4 to all garden areas. Should retaining walls be required to achieve these falls they shall be designed by an engineer and be a maximum height compliant with council and/or developer policies.

REFER TO L/05 FOR PLANTING IMAGES AND SCHEDULE

PLANTING SCHEDULE

Latin Name	Common Name	Quantity	Scheduled Size	Spread	Height
Alpinia zerumbet variegata	Shell Ginger	10	25lt	1500	1000
Alpinia Nutans	Dwarf Cardamom Ginger	10	25lt	1000	1000
Asplenium Australis	Birds Nest Fern	8	5LT	1500	1500
Backhousia Citriodora	Lemon Myrtle	2	25lt	3500	4500
Cissus antarctica	Kangaroo Vine	18	5lt	1000	3000
Clivia Alba	Natal Lily	56	350mm	600	600
Dianella revoluta	Mauve Flax Lily	52	2.5lt	750	500
Dichondra repens	Kidney Weed	6	5lt	1000	100
Elaeocarpus eumundi	Quandong	2	15lt	5000	12000
Hibbertia scandens	Climbing Guinea Flower	5	tube	1000	350
Hymenosporum flavum 'Gold Nugget'	'Gold Nugget' Native Frangipani	28	200mm	750	500
Lomandra longifolia	Native Grass	19	2.5LT	900	900
Myoporum parvifolium	Carpet Spreading Myoporum	9	140mm	1000	300
Philodrendron 'Xanadu'	Dwarf Philodendron	8	5lt	1500	1000
Rhaphiolepis 'Oriental Pearl'	Indian Hawthorn	3	5lt	1000	1000
Rhapis excelsa	Purple Leaved Prunus	16	350mm	1500	2000
Viola hederaceae	Native Violets	74	tube	500	300

DENOTES AUSTRALIAN NATIVE SPECIES



Clivia Alba



Dichondra Repens



Alpinia Nutans



Rhaphiolepis



Dianella Revoluta



Asplenium Australis



Backhousia Citriodora



Cissus Antarctica



Alpinia Zerumbet



Myoporum Parvifolium



Rhapis Excelsa



Elaeocarpus Eumundii



Hibbertia Scandens



Hymenosporum Flavum



Lomandra Longifolia



Viola Hederaceae



Philodendron Xanadu

Notes

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DATE	REVISION
DRAWING	LANDSCAPE SCHEDULE AND IMAGES
ADDRESS	19 BLANDFORD AVENUE, BRONTE
CLIENT	BI PTY LTD
DATE #	24/09/24
SCALE @ A3	1:100
DRAWN	AP
CHKD	KR
PROJECT #	KEITH PIKE
DWG #	L/05
REVISION	

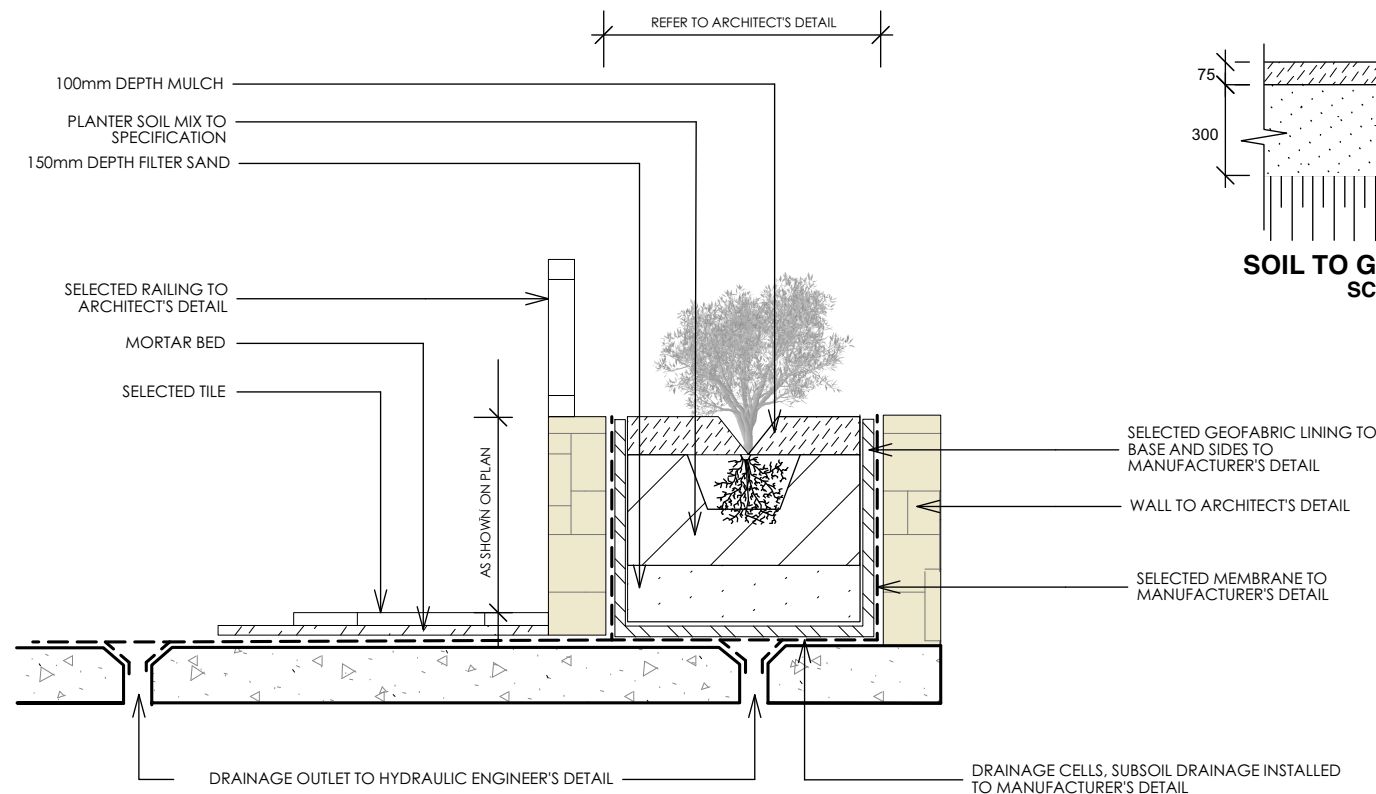
A Total Concept Landscape Architects & Swimming Pool Designers
65 West Street, North Sydney NSW 2060
Tel: (02) 9957 5122 Fx: (02) 9957 5922

atc
a total concept
landscape architects & swimming pool designers

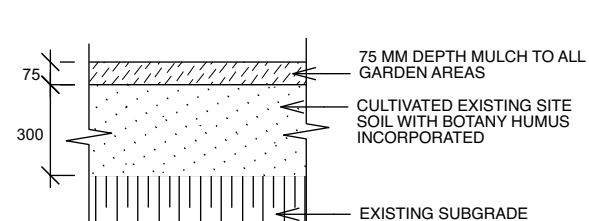
RECEIVED
Waverley Council

Receipt No: DA-573/2024

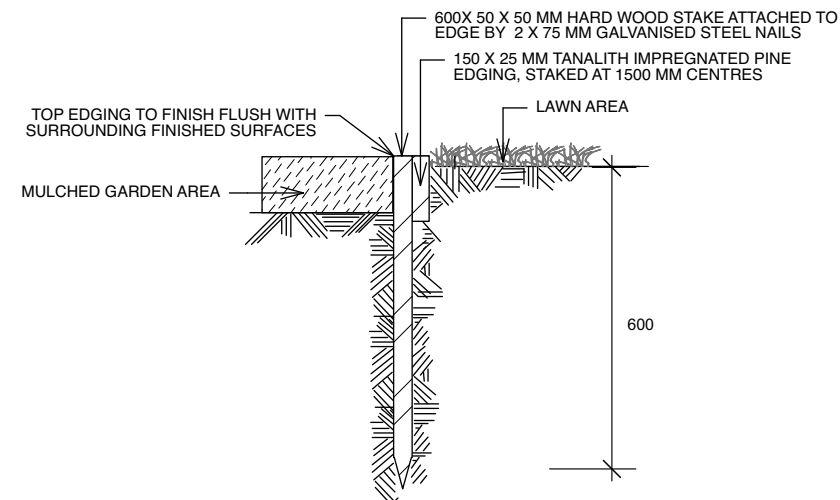
Date Received: 31/10/2024



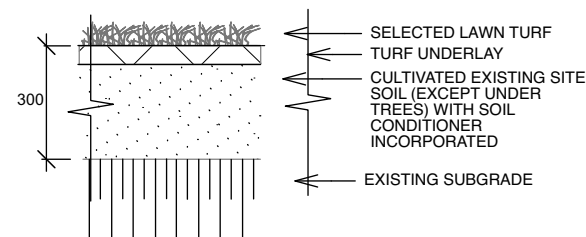
PLANTER BOX DETAIL
SCALE 1:20



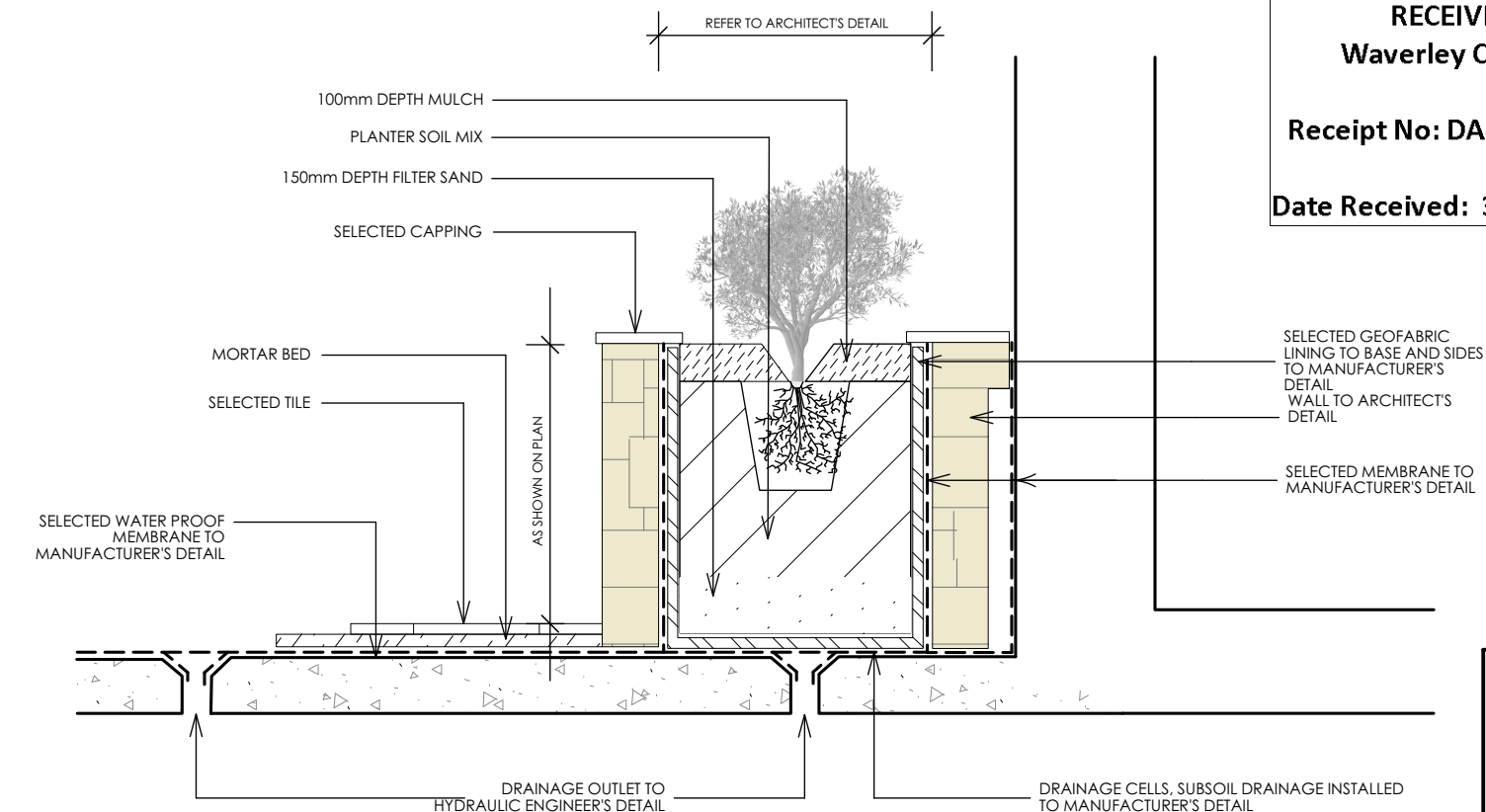
SOIL TO GARDEN AREAS
SCALE 1:20



TYPICAL TIMBER EDGE DETAIL
SCALE 1:10
DO NOT SCALE



TYPICAL TURF DETAIL
SCALE 1:20



PLANTER BOX AGAINST STRUCTURE DETAIL
SCALE 1:20

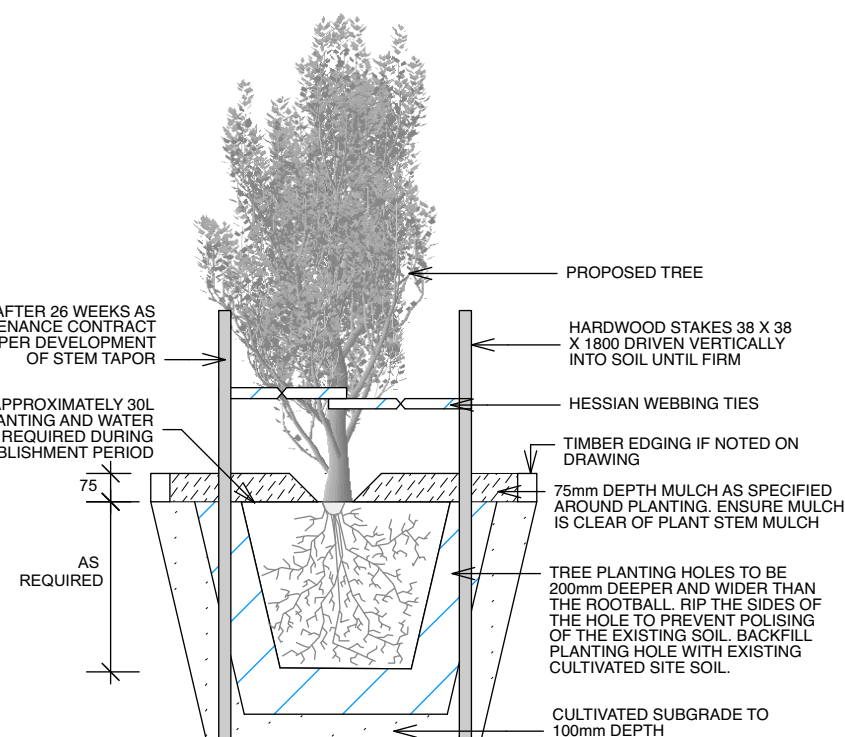
RECEIVED
Waverley Council

Receipt No: DA-573/2024

Date Received: 31/10/2024

REMOVE STAKES AFTER 26 WEEKS AS
PART OF THE MAINTENANCE CONTRACT
TO ALLOW FOR PROPER DEVELOPMENT
OF STEM TAPOR

WATER WITH APPROXIMATELY 30L
AFTER PLANTING AND WATER
REGULARLY AS REQUIRED DURING
PLANT ESTABLISHMENT PERIOD



TREE PLANTING
& STAKING DETAIL
SCALE 1:20

Notes

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DATE	REVISION	PROJECT #
DRAWING	LANDSCAPE DETAILS	KEITH PIKE
ADDRESS	19 BLANDFORD AVENUE, BRONTE	DWG #
CLIENT	BI PTY LTD	L/06
DATE #	24/09/24	REVISION
SCALE @ A3	As noted	
DRAWN	AP	
CHKD	KR	

A Total Concept Landscape Architects & Swimming Pool Designers
65 West Street, North Sydney NSW 2060
Tel: (02) 9957 5122 Fx: (02) 9957 5922

OUTLINE LANDSCAPE SPECIFICATION

Preparation by Builder: Builder shall remove all existing concrete pathways, fences, footings, walls etc. not notated to be retained and complete all necessary excavation work prior to commencement on site by Landscape Contractor (Contractor). Builder shall also install new retaining walls, kerbs, layback kerb, crossover, pathways etc. and make good all existing kerbs, gutters etc. as necessary and to approval of Council. Builder shall ensure that a minimum 450mm of topsoil in garden areas and a minimum 150mm of topsoil in lawn areas exists. Should required depths not exist Builder shall contact Landscape Architect and ask for instructions prior to completion of excavation works. Excavate as necessary, then fill with approved site topsoil to allow for minimum 500mm soil depth in garden areas and 150mm soil depth in lawn areas and to gain required shapes & levels. Ensure all garden and lawn areas drain satisfactorily. All levels & surface drainage shall be determined by others & approved on site by Head Contractor. Note: Approved imported topsoil mix may be utilised if there is insufficient site topsoil available. State in Tender a m3 rate for additional imported topsoil and the quantities of both site topsoil and imported topsoil allowed for in Tender.

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

Tree Protection: Trees to be retained shall be protected during site works and construction by the erection of solid barricades to the specification of Council. Storage of machinery or materials beneath canopy of trees to be retained shall not be permitted. Changes to soil level and cultivation of soil beneath canopy of trees to be retained shall not be permitted unless under direct supervision of Landscape Architect. Existing trees shall be pruned to Landscape Architects onsite instructions.

Soil Preparation: Cultivate to depth of 300mm all proposed lawn & garden areas incorporating minimum 100mm depth of organic clay breaker into existing site soil. Do not cultivate beneath existing trees to be retained. In areas where fill is required gain required shapes & levels using a premium grade soil mix. In areas where excavation is required (if in clay) over excavate as required to to allow for installation of 500mm depth of premium grade topsoil mix to garden areas and 300mm depth of premium grade topsoil mix to lawn areas. Undertake all required action to ensure that no rootballs of proposed plants sit in clay wells and that all garden areas and lawn areas drain satisfactorily. Note it is intended that wherever possible existing levels shall not be altered through garden and lawn areas. It is the Contractors responsibility to ensure that the end result of the project is that all lawn and garden areas drain sufficiently (both surface & subsurface), are at required finished levels and have sufficient soil depths to enable lawn and plants to thrive and grow. Should alternative works to those specified be required to achieve the above result, Contractor shall inform Builder at time of Tender and request instructions.

Lawn Edging and Stepping Stones:(i) 125 x 25mm approved tanalith impregnated pine edging shall be installed, to lines as indicated on plan and staked with approved stakes at maximum 1500mm centres at ends and changes of direction; stakes shall be nailed to edging with approved galvanised steel nails. Top of edging shall finish flush with surrounding surfaces. Top of stakes shall finish 25mm below top of edging. (ii) Contractor shall install approved bricks on edge on a minimum 100mm deep x 90mm wide concrete footing with brick tor set in, to lines nominated on plan as brick edging. Bricks shall be laid with a nominal 10mm wide approved coloured mortar joint. Bricks needing to be cut shall be done so with clean sharp cuts. Top of edging shall finish flush with surrounding finished surfaces. Approved sandstone stepping stones shall be positioned as indicated on plan on a 25mm river sand bed. Approved sandstone stepping stones shall be positioned as indicated on plan on a 25mm river sand bed.

Retaining Walls: Positions, detail and heights of retaining walls shall be by others.

Planting: Purchase plants from an approved nursery. Plants to be healthy & true to type & species. Set out plants to positions indicated on plan. Following approval, plant holes shall be dug approximately twice width and to 100mm deeper than plant rootballs that they are to receive. Base and sides of hole shall be further loosened. Fertiliser, followed by 100mm depth of topsoil mix shall then be placed into base of hole and lightly consolidated. Base of hole shall then be watered. Remove plant container and install plant into hole. Rootball shall be backfilled with surrounding topsoil and topsoil firmed into place. An approved shallow dish shall be formed to contain water around base of stem. Base of stem of plant shall finish flush with finished soil level. Once installed plant shall be thoroughly watered and maintained for the duration of the Contract.

Staking: All trees shall be staked using 2 x 38mm x 38mm x 2000mm long hardwood stakes per plant and with hessian webbing ties installed to Landscape Architect's on site instructions.

Mulching: Install 75mm depth of 25mm diameter hardwood mulch to all garden areas, coving mulch down around all plant stems & to finish flush with adjacent surfaces.

Turfing: Prepare for, level & lay cultivated Palmetto Buffulo turves to all areas nominated on plan as being lawn. Roll, water, fertilise, mow & maintain lawns as necessary until completion of maintenance period. At same time make good all existing lawn areas using same lawn type. Lawns in shade shall be over sown with an approved seed mix. Allow to retrim and returf councils nature strip as required.

Fencing: Retain all existing fences unless advised otherwise by builder. Install timber paling fences to heights indicated on Plan.

Paving: Areas to be paved shall be excavated or filled to allow for installation of bedding materials. Levels and falls shall be as per Plan. Surface drainage on paving shall be towards grated drains with all drains connected to stormwater system and installed by Builder.

Irrigation: Contractor shall supply and install an approved fully automatic, vandal resistant, computerised irrigation system to all garden and lawn areas, excluding council nature strip. Entire system shall be to approval of Water Board and shall utilise pop-up sprinklers and electronic controllers. Contractor shall be responsible to ensure that system is able to satisfactorily operate on available water pressure. Power supply for use by irrigation system shall be provided to an approved location near southwest corner of residence by others and shall consist of an approved weatherproof G.P.O. The irrigation system controller shall be housed in an approved waterproof cabinet mounted to external wall of residence.

Clotheslines: Contractor shall allow for all necessary labour and materials and shall install clotheslines to positions as indicated on plan to manufacturer's instructions to approval of Landscape Architect. Clothesline type shall be equal to 'Hills Foldaline'.

Completion: Prior to practical completion remove from site all unwanted debris occurring from work. Satisfy Council that all landscaping work has been undertaken in strict accordance with Councils landscape codes & guidelines.

Maintenance Period: A twelve month maintenance period shall be undertaken by owner or owners representative as set out herein. Owner shall have care and maintenance of all work specified under this Contract and shall rectify any defective work for a period of 52 weeks following Practical Completion of Landscape Works. This period shall be herein known as the Maintenance Period. Work shall also include for the care and maintenance of all existing vegetation to be retained and proposed vegetation. Site shall be attended at least weekly and as otherwise required. The following works shall be undertaken during the Maintenance Period.

(a) Recurrent works Undertake recurrent works throughout the Maintenance Period. These works shall include but are not limited to watering, weeding, fertilising, pest and disease control, returfing, staking and tying, replanting, cultivation, pruning, aerating, renovating, top dressing and the like.

(b) Watering Regularly water all plants and lawn areas to maintain optimal growing conditions. Contractor shall adjust the water quantity utilised with regard to climatic conditions prevalent at the time.

(c) Replacements Immediately replace plants which die or fail to thrive (at discretion of Landscape Architect) with plants of same species or variety and of same size and quality unless otherwise specified. Plant replacement shall be at Contractors expense, unless replacement is required due to vandalism or theft, which shall be determined by Landscape Architect. Required replacement of plants due to vandalism or theft shall be undertaken by Contractor and shall be paid for by Client at an agreed predetermined rate.

(d) Mulched surfaces Maintain mulched surfaces in clean, tidy, weed-free condition and shall reinstate mulch as necessary to maintain specified depths.

(e) Stakes & ties Adjust and/or replace stakes and ties as required. Remove stakes and ties at end of Maintenance Period if directed by Landscape Architect.

(f) Lawn areas Lawn areas shall be mown at regular intervals to ensure non heading of lawn with a fine-cutting mulching mower and clippings left on lawn to mulch and self-fertilise lawn areas. Primary cut after laying of lawn by others shall be determined on site taking into consideration season, watering and growth rate of lawn. Following the primary cut all lawns shall be regularly mown as required to ensure a healthy lawn and a neat appearance. Care shall always be taken to ensure that no clippings are left on surrounding roads or garden areas after mowing. Replace lawn areas that fail to thrive at discretion of Landscape Architect. All new and made good lawn areas shall be barricaded off from pedestrian traffic by use of star pickets and brightly coloured plastic safety mesh until establishment of lawn. Barricades shall be removed upon establishment of lawn area.

(g) Weeding Remove by hand, or by carefully supervised use of weedicide, any weed growth that may occur throughout Maintenance Period. This work shall be executed at weekly intervals so that all lawn and garden areas may be observed in a weed-free condition.

(h) Pruning Prune new and existing plants (excluding existing trees) as necessary to maintain dense foliage conditions. Any rogue branches, or branches overhanging or obstructing pathways, roads, doorways, etc., shall be removed by approved horticultural methods.

(i) Spraying Spraying for insect, fungal and disease attack shall be undertaken as required and in accordance with spray manufacturers recommendations at intervals taking into account the season of year during which landscape works are to be implemented.

(j) Tree Care Should any existing trees be damaged during construction works immediately engage an experienced arboriculturist and then undertake any rectification work recommended by arboriculturist.

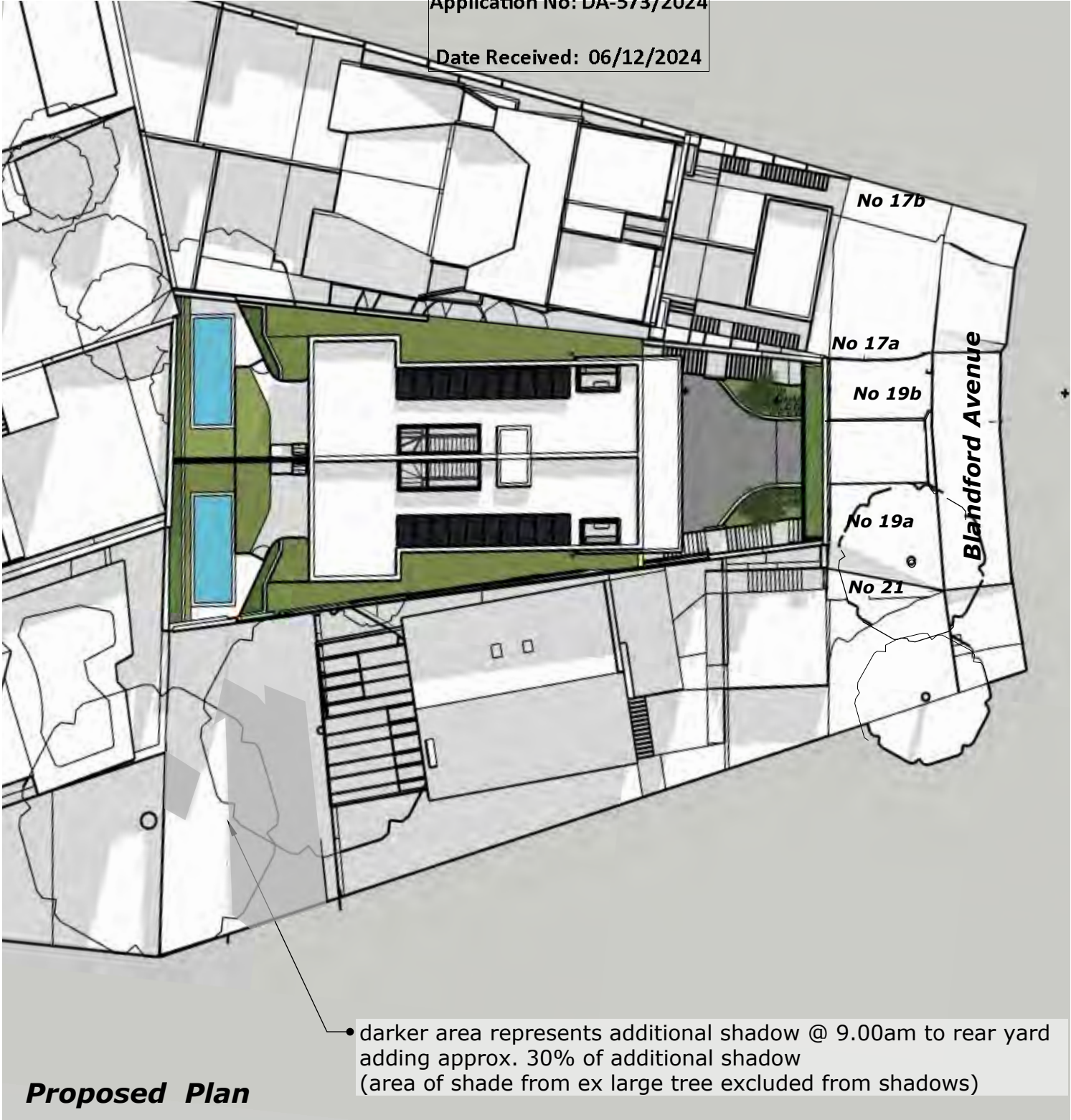
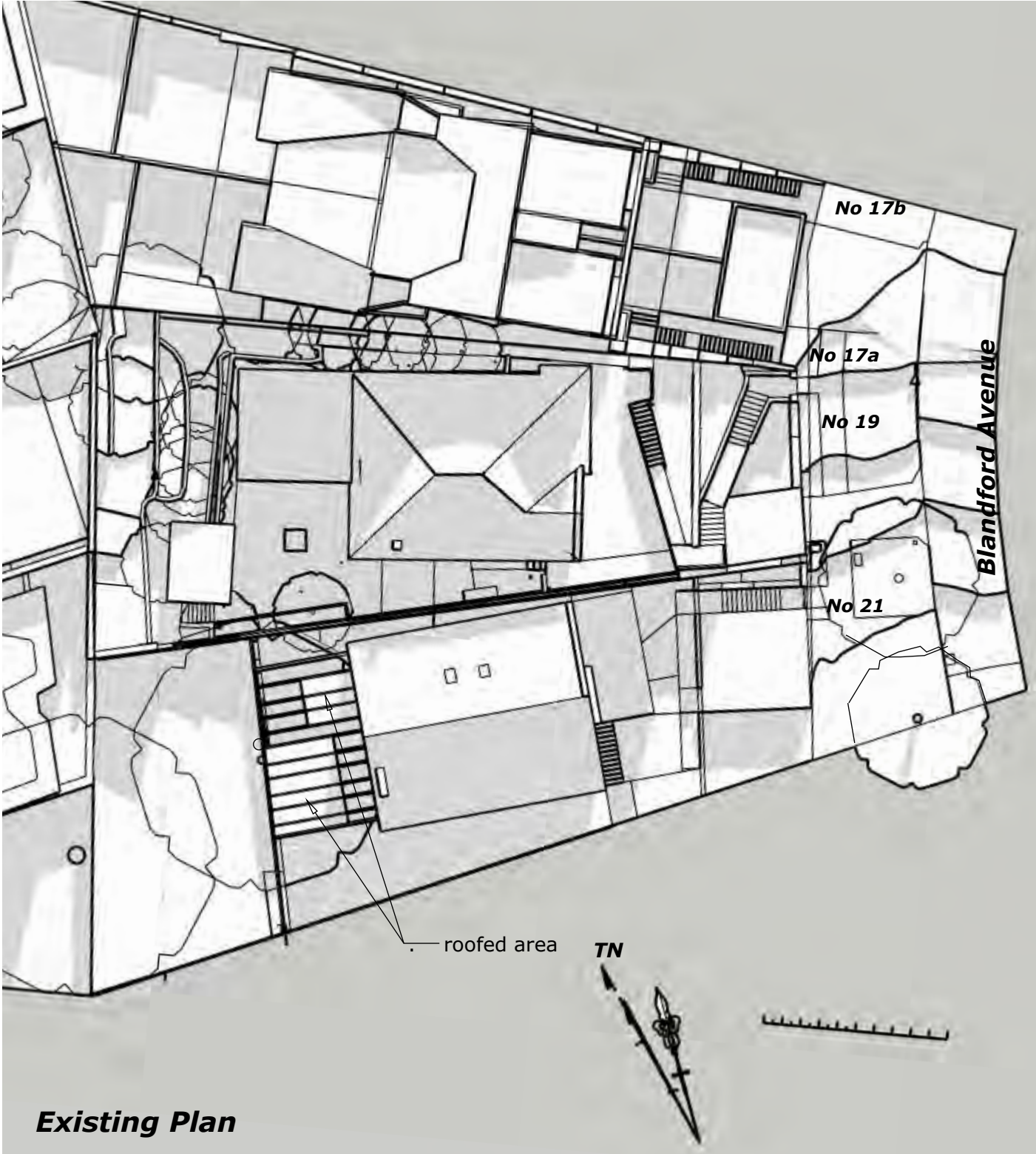
<div>RECEIVED Waverley Council</div> <div>Receipt No: DA-573/2024</div> <div>Date Received: 31/10/2024</div>		Notes		DATE	REVISION
		1. All dimensions and levels shall be verified by Contractor on site prior to commencement of work. 2. All detailing of drainage to paved areas shall be by others. 3. All levels shall be determined by others and approved on site by client. 4. Extent, height and position of all retaining walls shall be determined by others and approved on site by client, to Structural Engineers detail. 5. Do not scale from drawings. 6. If in doubt contact the Landscape Architect. 7. All boundaries shall be surveyed prior to commencement of construction works. 8. This plan is for DA purposes only. It has not been detailed for construction. 9. All dimensions, levels and boundaries are nominal only. 10. This design shall not be copied, utilised or reproduced in any way without prior written permission of A Total Concept Landscape Architects.		DRAWING	LANDSCAPE SPECIFICATIONS
		ADDRESS		19 BLANDFORD AVENUE, BRONTE	PROJECT # KEITH PIKE
		CLIENT	BI PTY LTD	DATE # 24/09/24	DWG # L/07
		A Total Concept Landscape Architects & Swimming Pool Designers 65 West Street, North Sydney NSW 2060 Tel: (02) 9957 5122 Fx: (02) 9957 5922		SCALE @ A3 DRAWN CHKD	AP KR REVISION



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AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-573/2024
Date Received: 06/12/2024

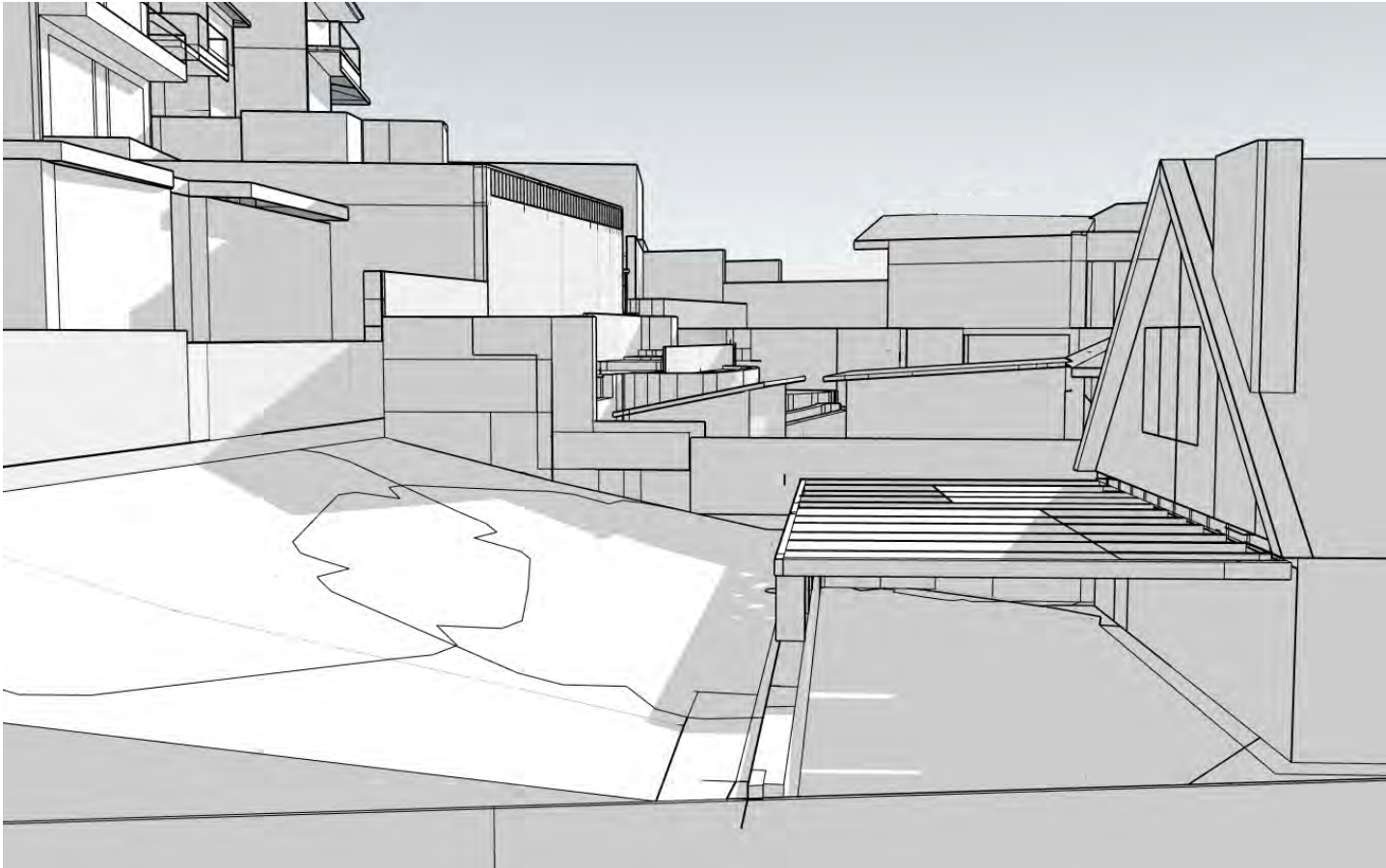


all work to comply with requirement of Basix Certificate No:1763710M

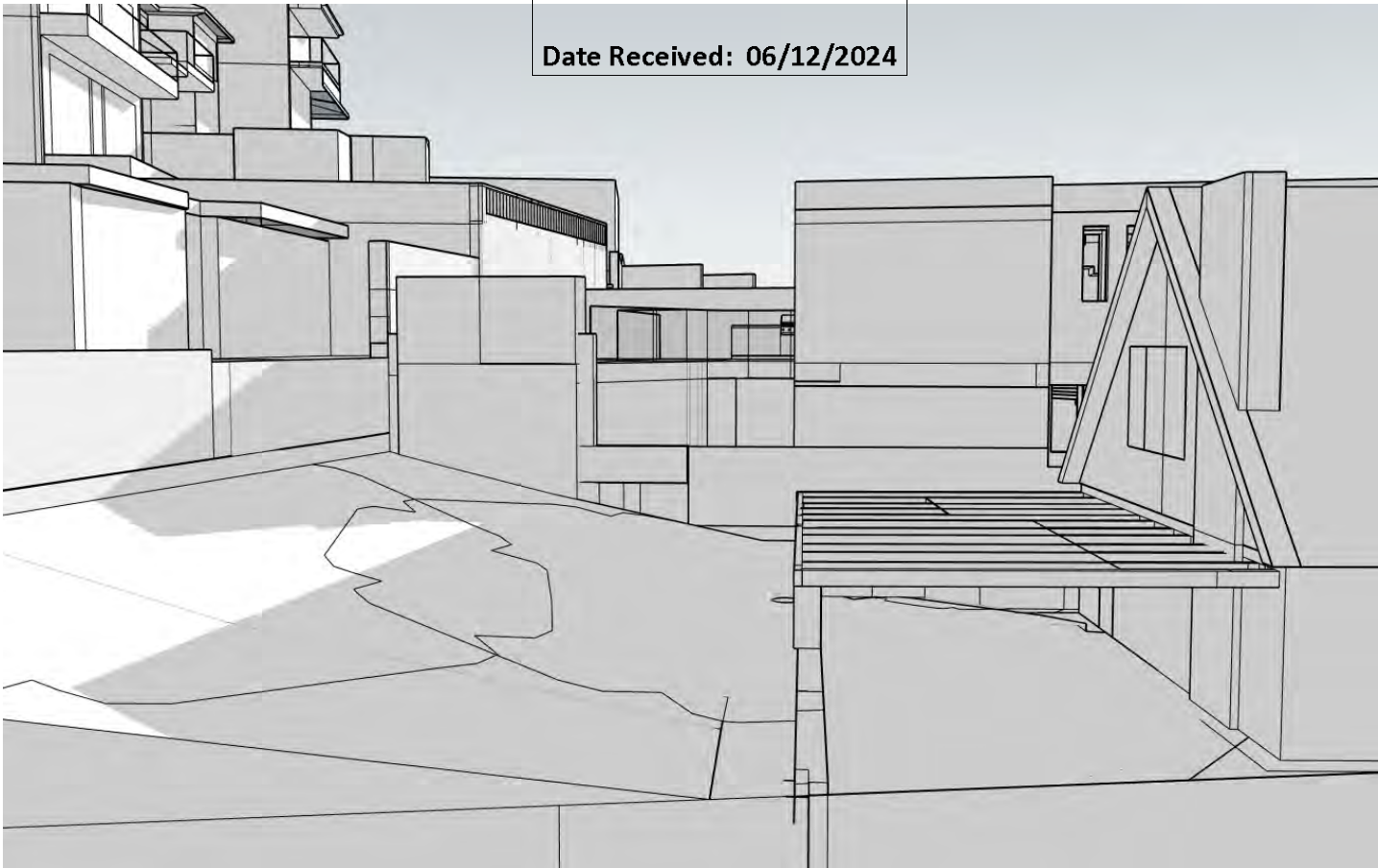
Revisions		Client: BI Pty Ltd	Keith Pike Associates 148 Louisa road, Birchgrove. e.mail: kpike@bigpond.net.au www.keithpikeassociates.com	Project	September 2024	Scale
	September 2024			Development Application: 19 Blandford Avenue, Bronte		1:300
1	updated Dec24			Title Shadow Plan June 21 9am		Dwg No A17
2	drawing updated with more survey info					
3						

AMENDED PLANS

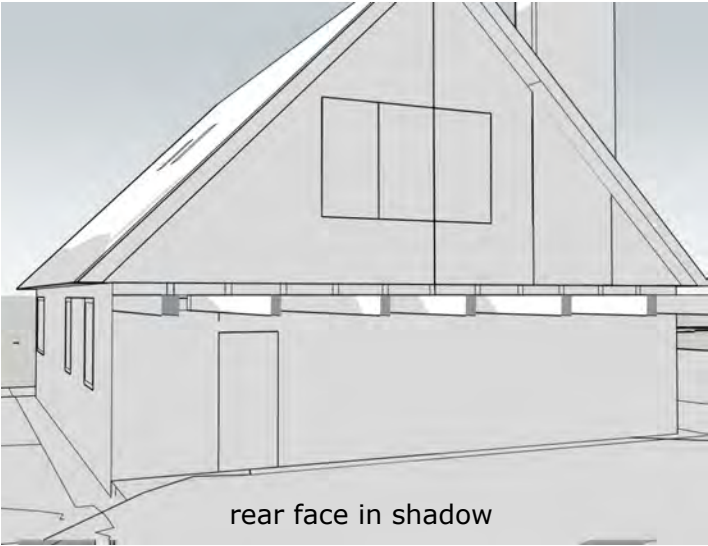
RECEIVED
Waverley Council
Application No: DA-573/2024
Date Received: 06/12/2024



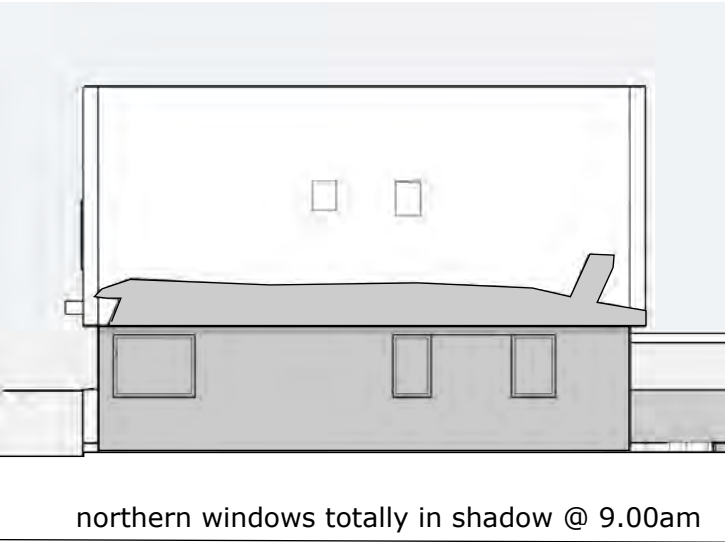
No 21 Blandford Avenue rear yard and area under roofed/ pergola structure -existing



No 21 Blandford Avenue rear yard and area under roofed/ pergola structure - proposed



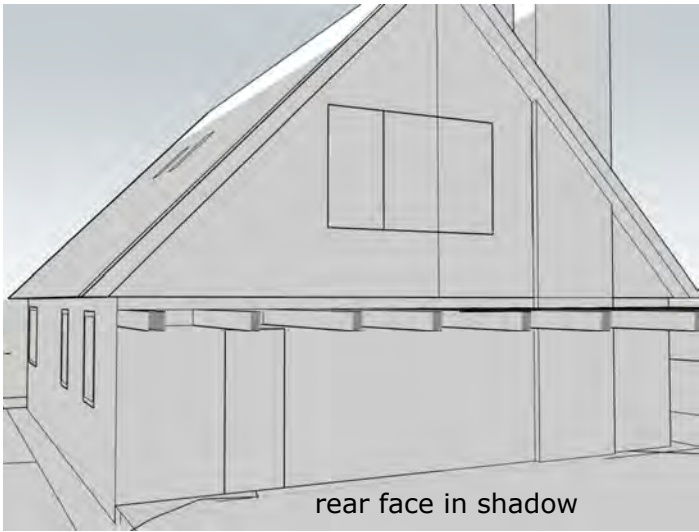
rear face in shadow



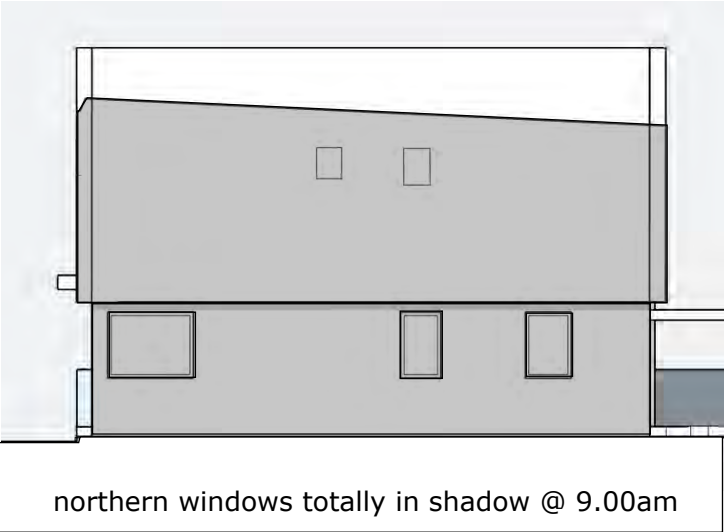
northern windows totally in shadow @ 9.00am

Existing Plan

No 21 Blandford Avenue north and rear elevation - existing



rear face in shadow



northern windows totally in shadow @ 9.00am

Proposed Plan

No 21 Blandford Avenue north and rear elevation - proposed

all work to comply with requirement of Basix Certificate No:1763710M

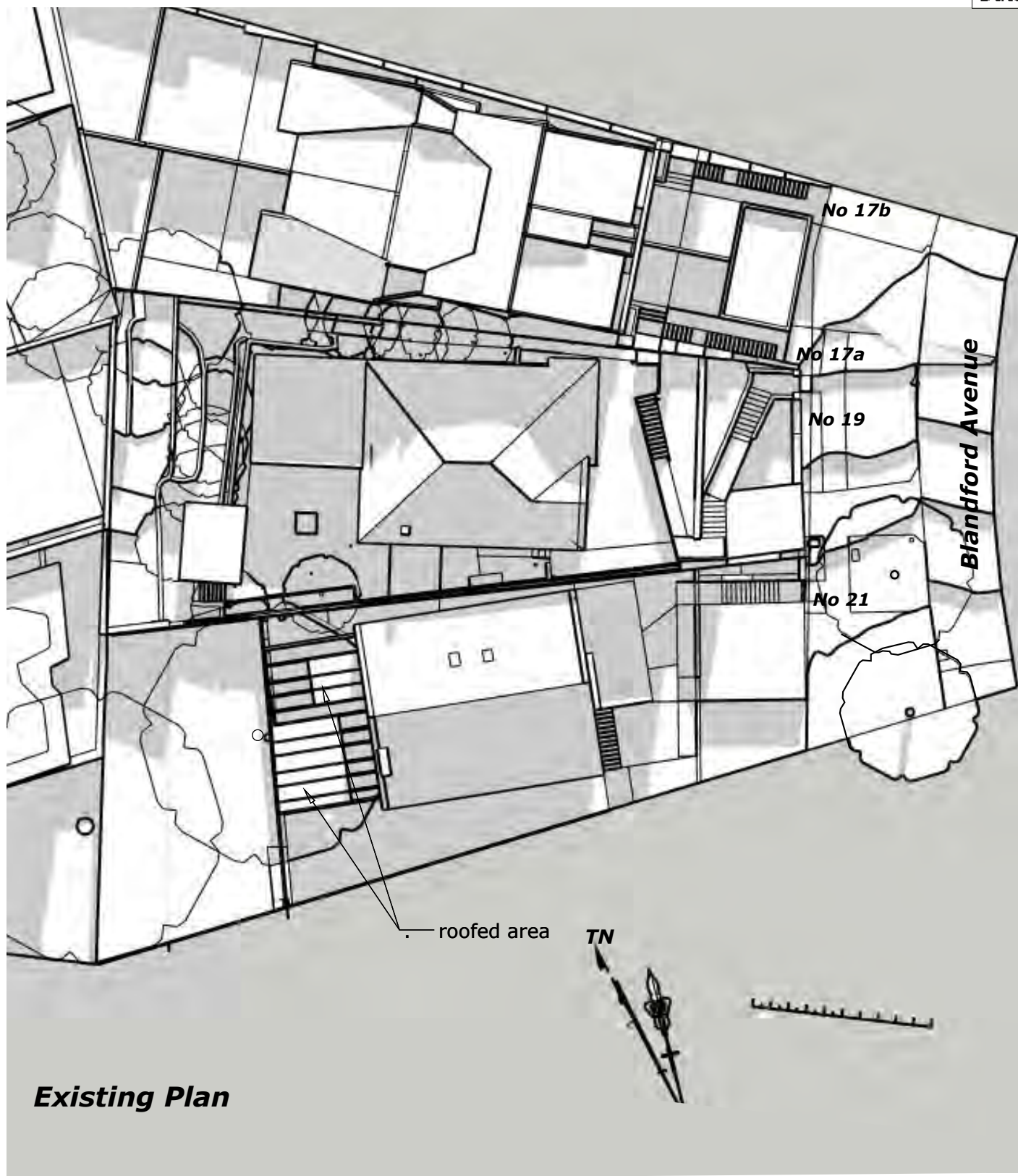
Revisions		Client: BI Pty Ltd	Keith Pike Associates 148 Louisa road, Birchgrove. e.mail: kpike@bigpond.net.au www.keithpikeassociates.com	Project	September 2024	Scale
	September 2024			Development Application: 19 Blandford Avenue, Bronte		1:300
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3						

AMENDED PLANS

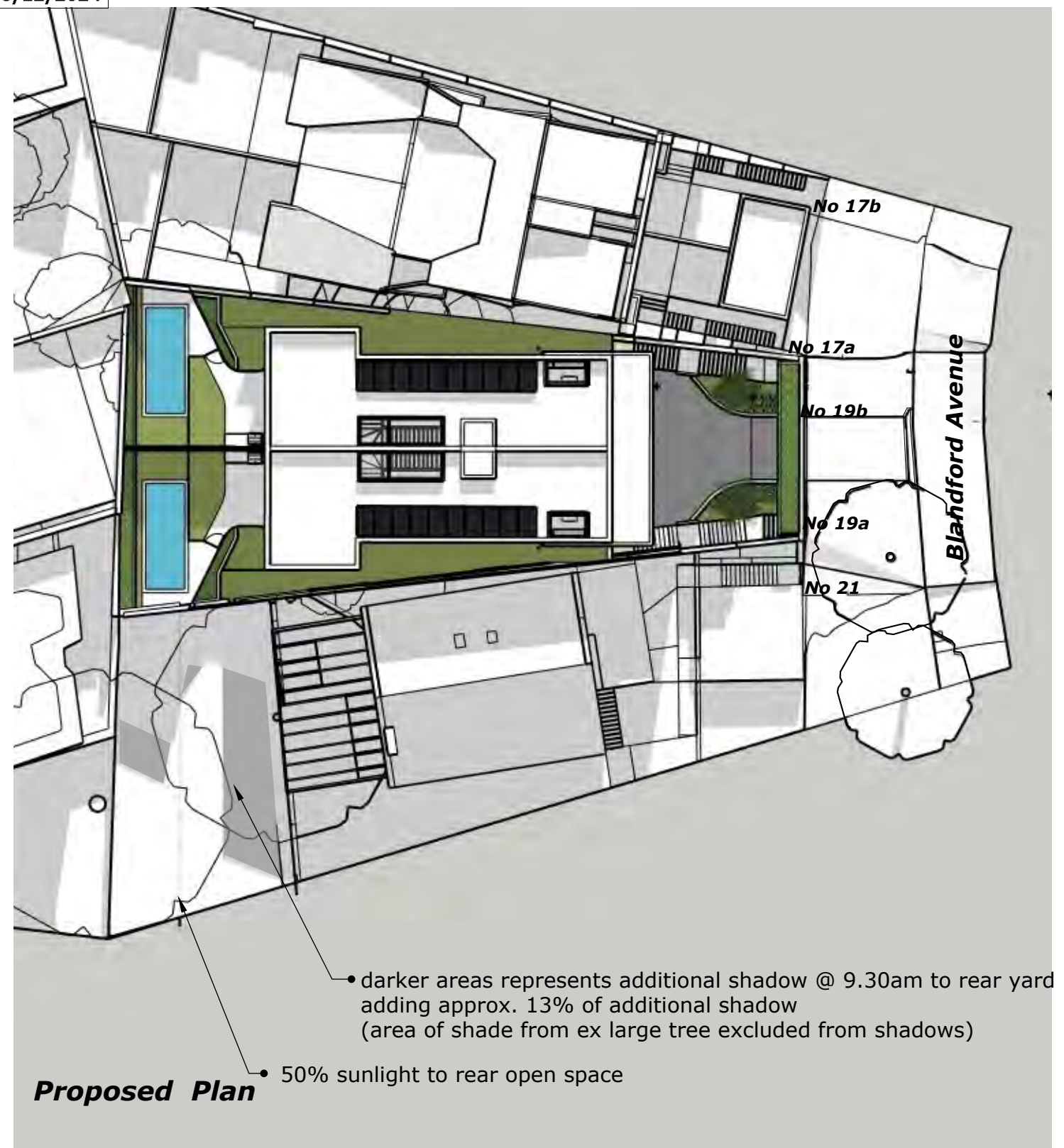
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Application No: DA-573/2024

Date Received: 06/12/2024



Existing Plan



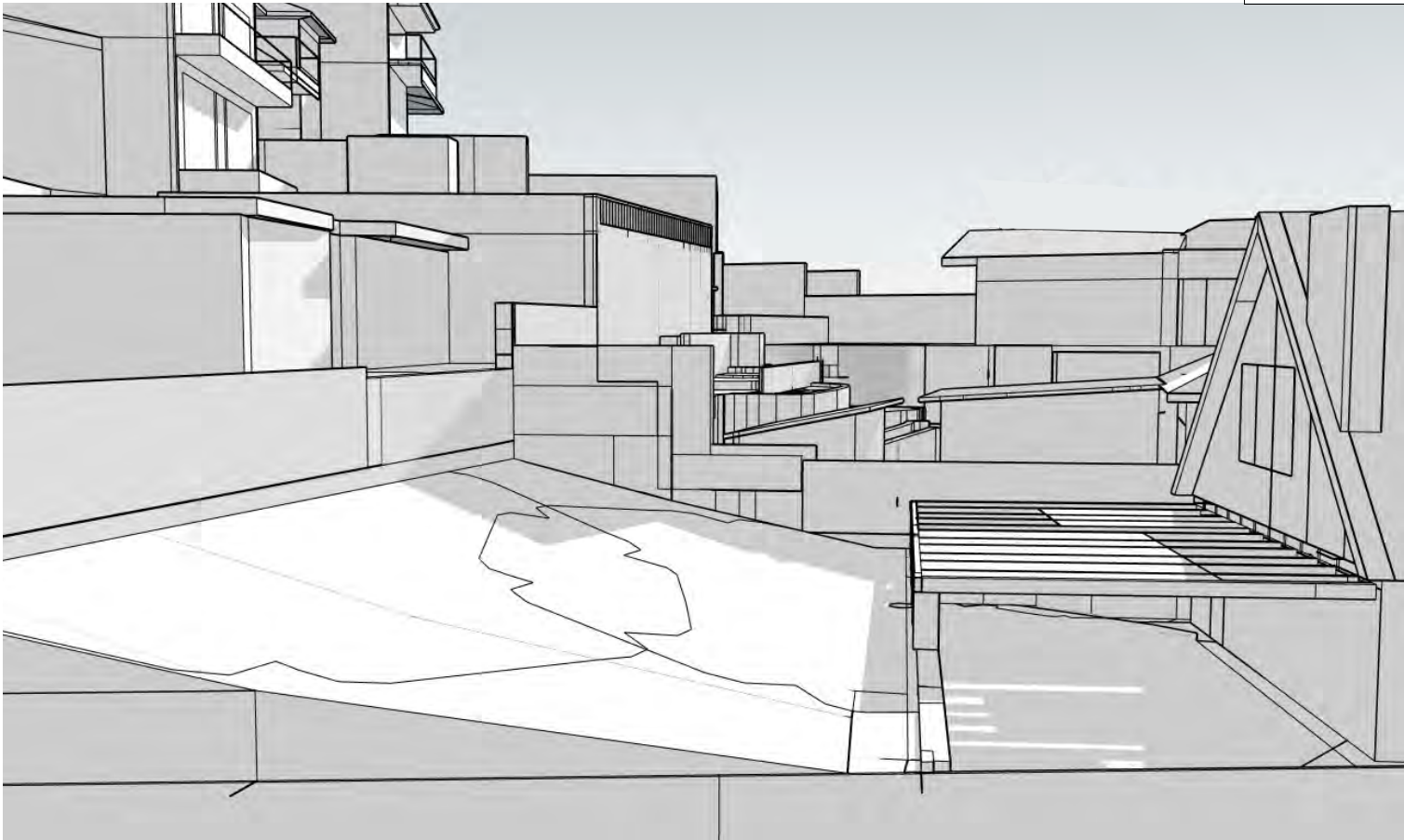
Proposed Plan

all work to comply with requirement of Basix Certificate No:1763710M

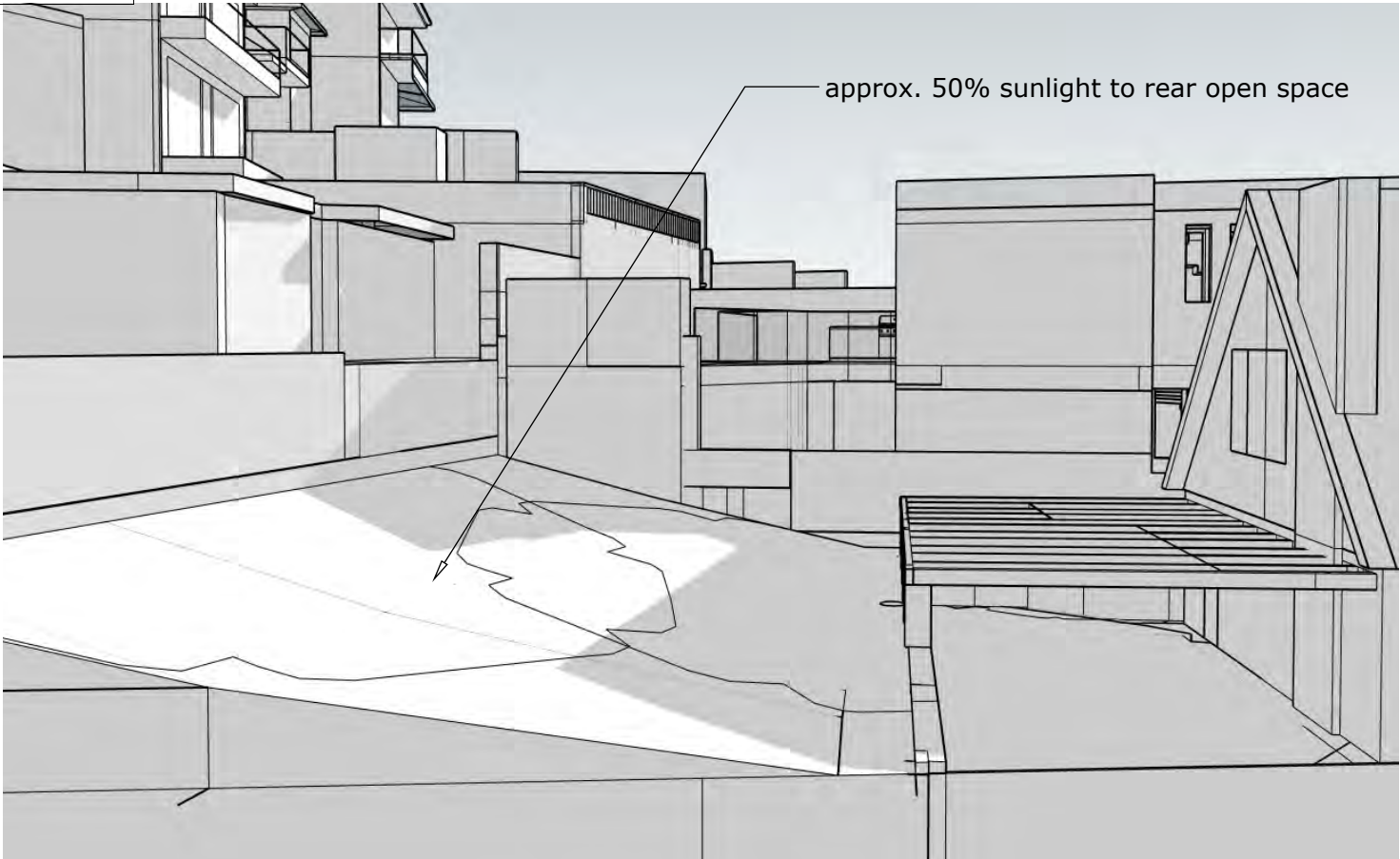
Revisions		Client: BI Pty Ltd	Keith Pike Associates 148 Louisa road, Birchgrove. e.mail: kpike@bigpond.net.au www.keithpikeassociates.com	Project	September 2024	Scale
	September 2024			Development Application: 19 Blandford Avenue, Bronte		1:300
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2	drawing updated with more survey info					
3						

AMENDED PLANS

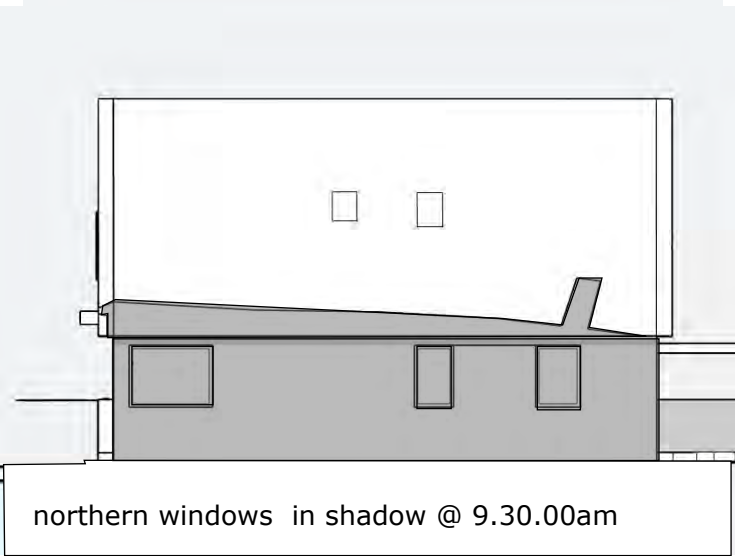
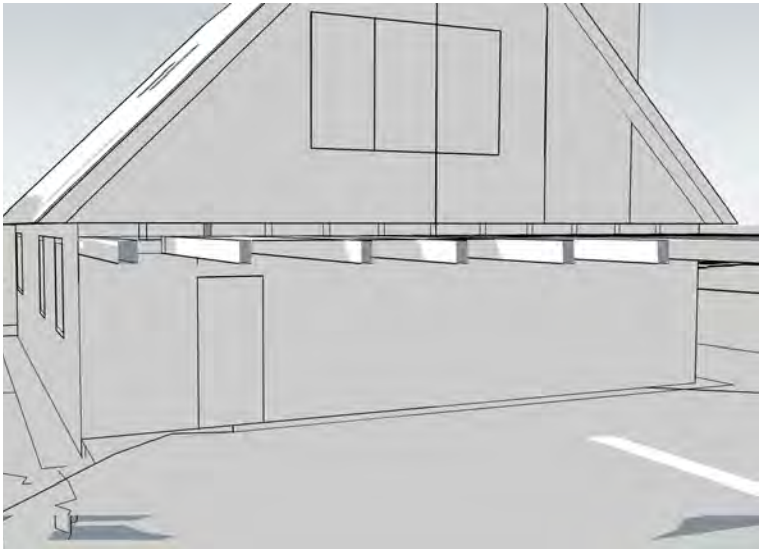
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Waverley Council
Application No: DA-573/2024
Date Received: 06/12/2024



No 21 Blandford Avenue rear yard and area under roofed/ pergola structure -existing

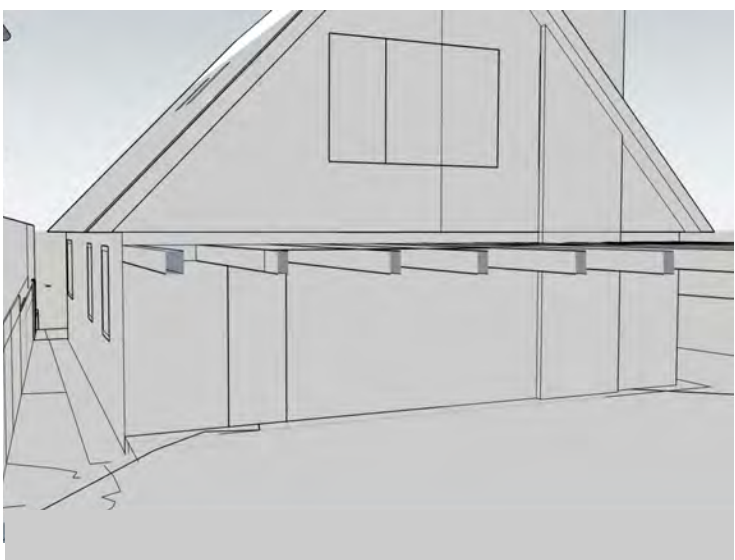


No 21 Blandford Avenue rear yard and area under roofed/ pergola structure - proposed



Existing Plan

No 21 Blandford Avenue north and rear elevation - existing



Proposed Plan

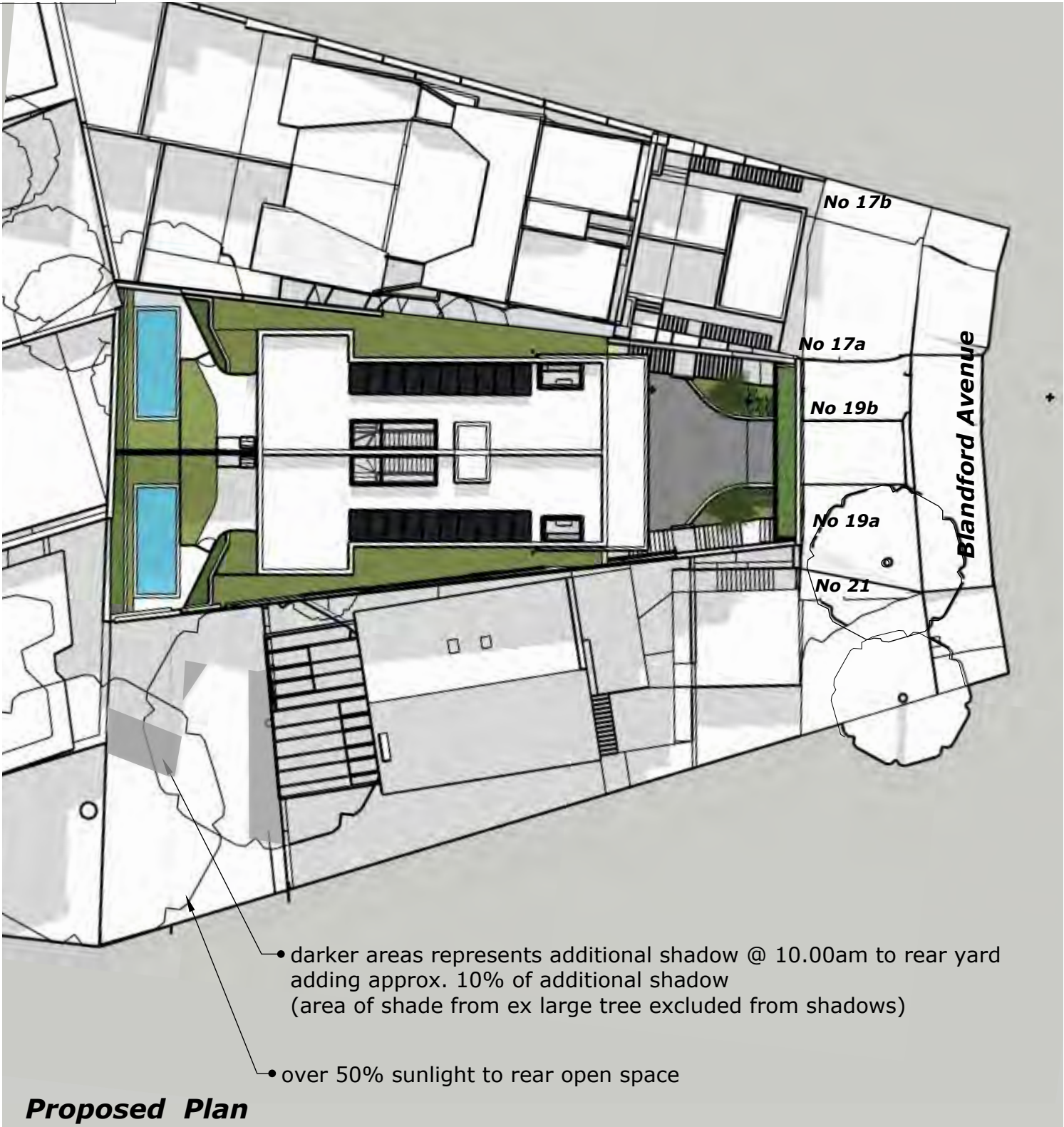
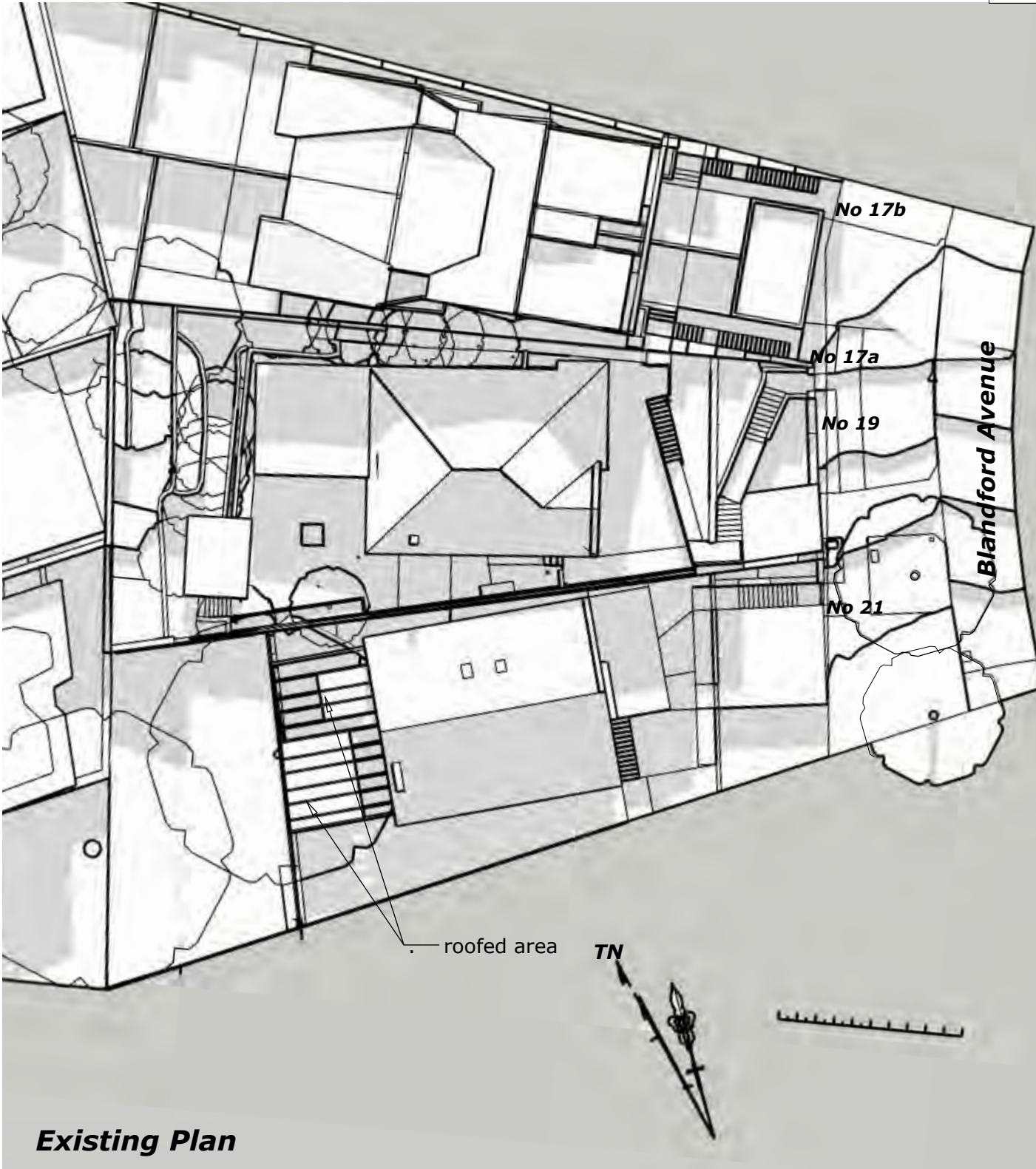
No 21 Blandford Avenue north and rear elevation - proposed

all work to comply with requirement of Basix Certificate No:1763710M

Revisions		Client: BI Pty Ltd	Keith Pike Associates 148 Louisa road, Birchgrove. e.mail: kpike@bigpond.net.au www.keithpikeassociates.com	Project	September 2024	Scale
	September 2024			Development Application: 19 Blandford Avenue, Bronte		1:300
1	Dec24			Title Shadow Plan June 21 9.30am		Dwg No A18a
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3						

AMENDED PLANS

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Waverley Council
Application No: DA-573/2024
Date Received: 06/12/2024

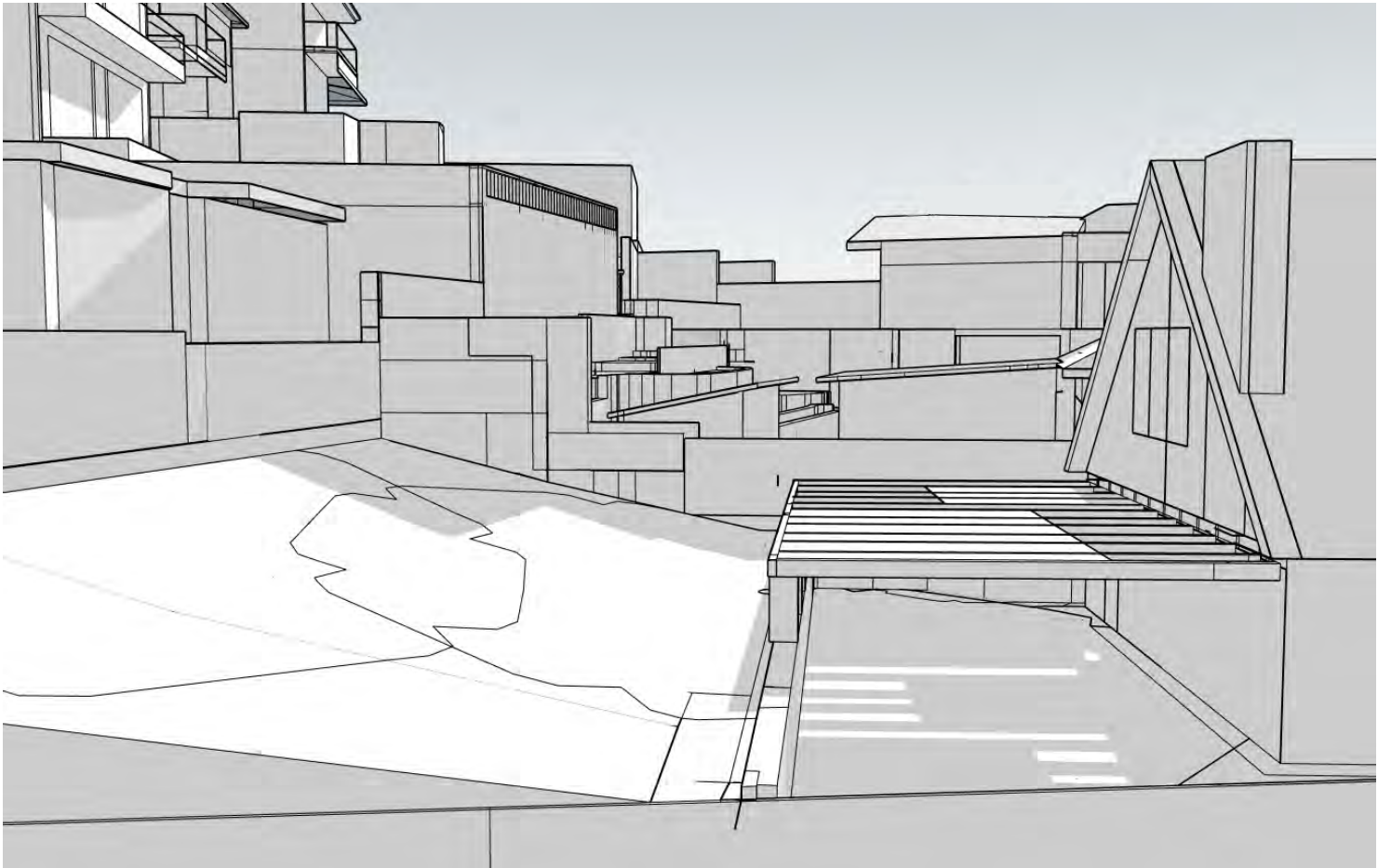


all work to comply with requirement of Basix Certificate No:1763710M

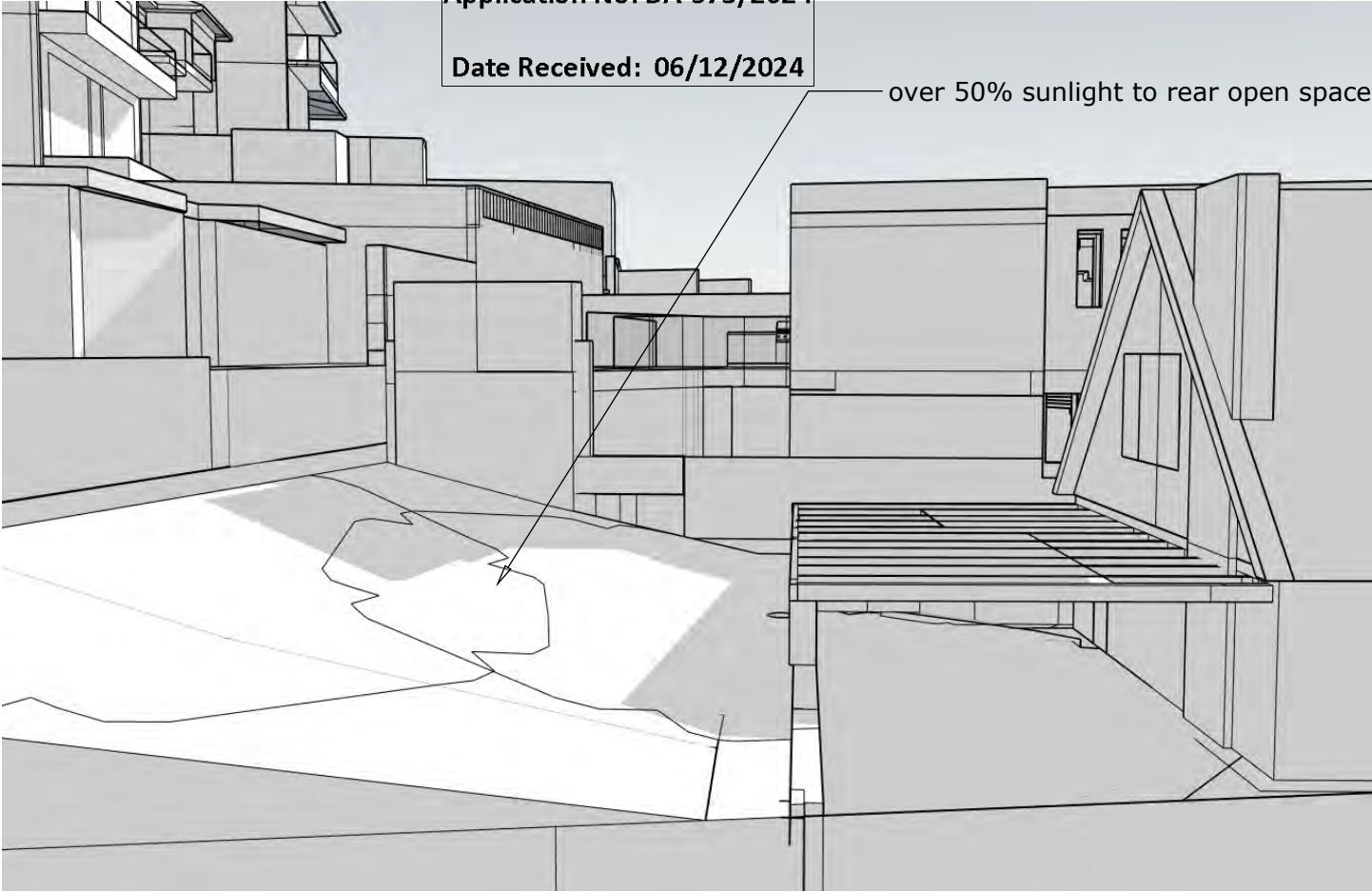
Revisions		Client: BI Pty Ltd	Keith Pike Associates 148 Louisa road, Birchgrove. e.mail: kpike@bigpond.net.au www.keithpikeassociates.com	Project	September 2024	Scale
	September 2024			Development Application: 19 Blandford Avenue, Bronte		1:300
1	updated Dec24			Title Shadow Plan June 21 10am		Dwg No A19
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AMENDED PLANS

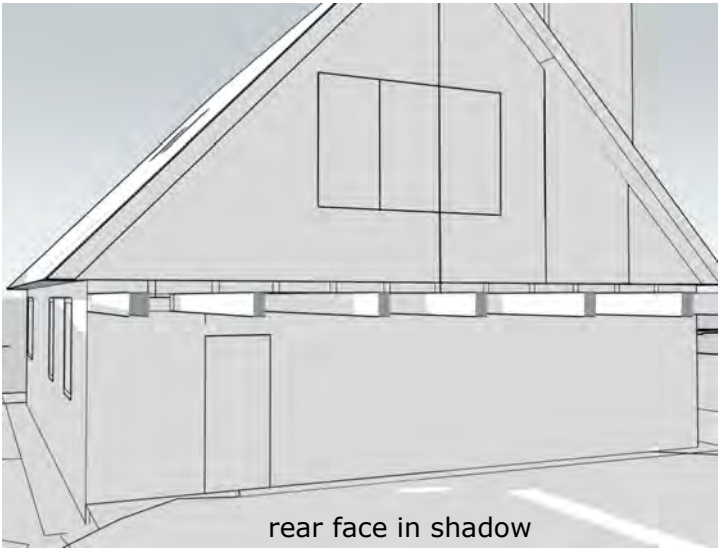
RECEIVED
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Application No: DA-573/2024
Date Received: 06/12/2024



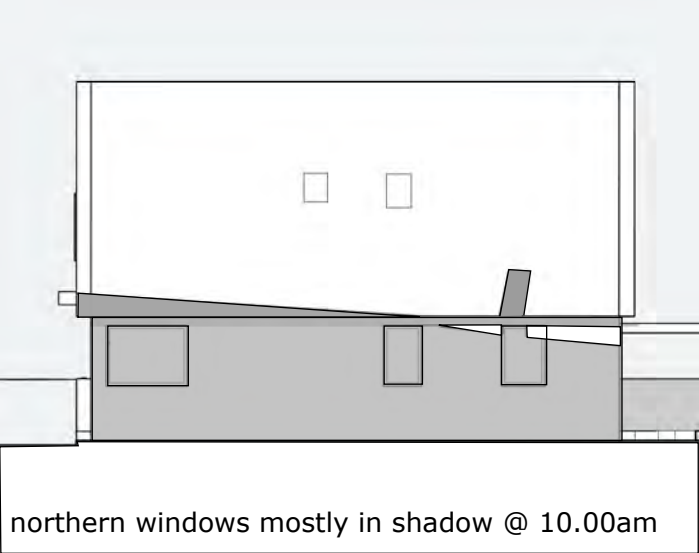
No 21 Blandford Avenue rear yard and area under roofed/ pergola structure -existing



No 21 Blandford Avenue rear yard and area under roofed/ pergola structure - proposed



Existing Plan No 21 Blandford Avenue north and rear elevation - existing



all work to comply with requirement of Basix Certificate No:1763710M



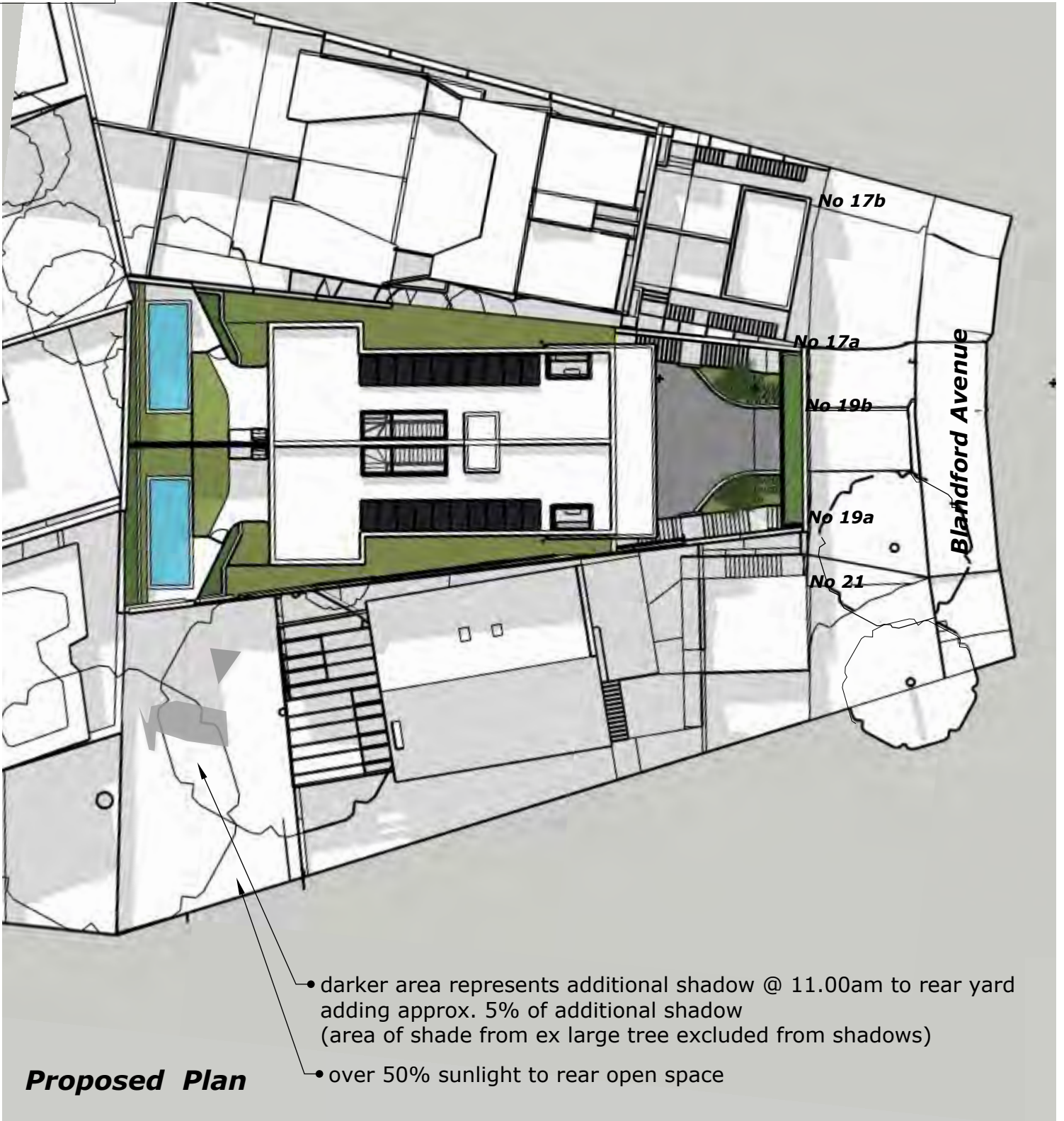
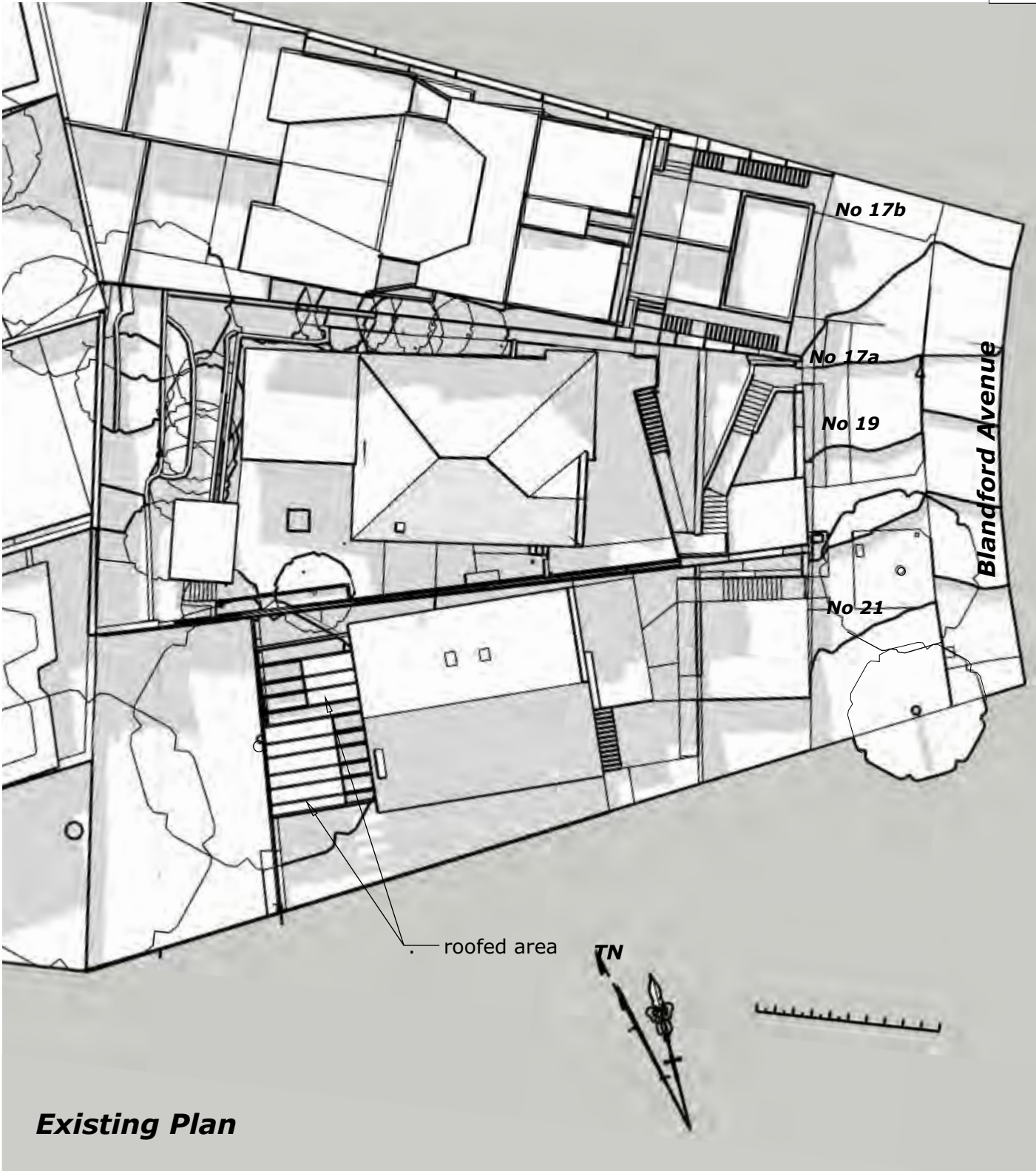
Proposed Plan No 21 Blandford Avenue north and rear elevation - proposed



Revisions		Client: BI Pty Ltd	Keith Pike Associates 148 Louisa road, Birchgrove. e.mail: kpike@bigpond.net.au www.keithpikeassociates.com	Project	September 2024	Scale
	September 2024			Development Application: 19 Blandford Avenue, Bronte		1:300
1	Dec24			Title Shadow Plan June 21 10am		Dwg No A19a
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AMENDED PLANS

RECEIVED
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Application No: DA-573/2024
Date Received: 06/12/2024

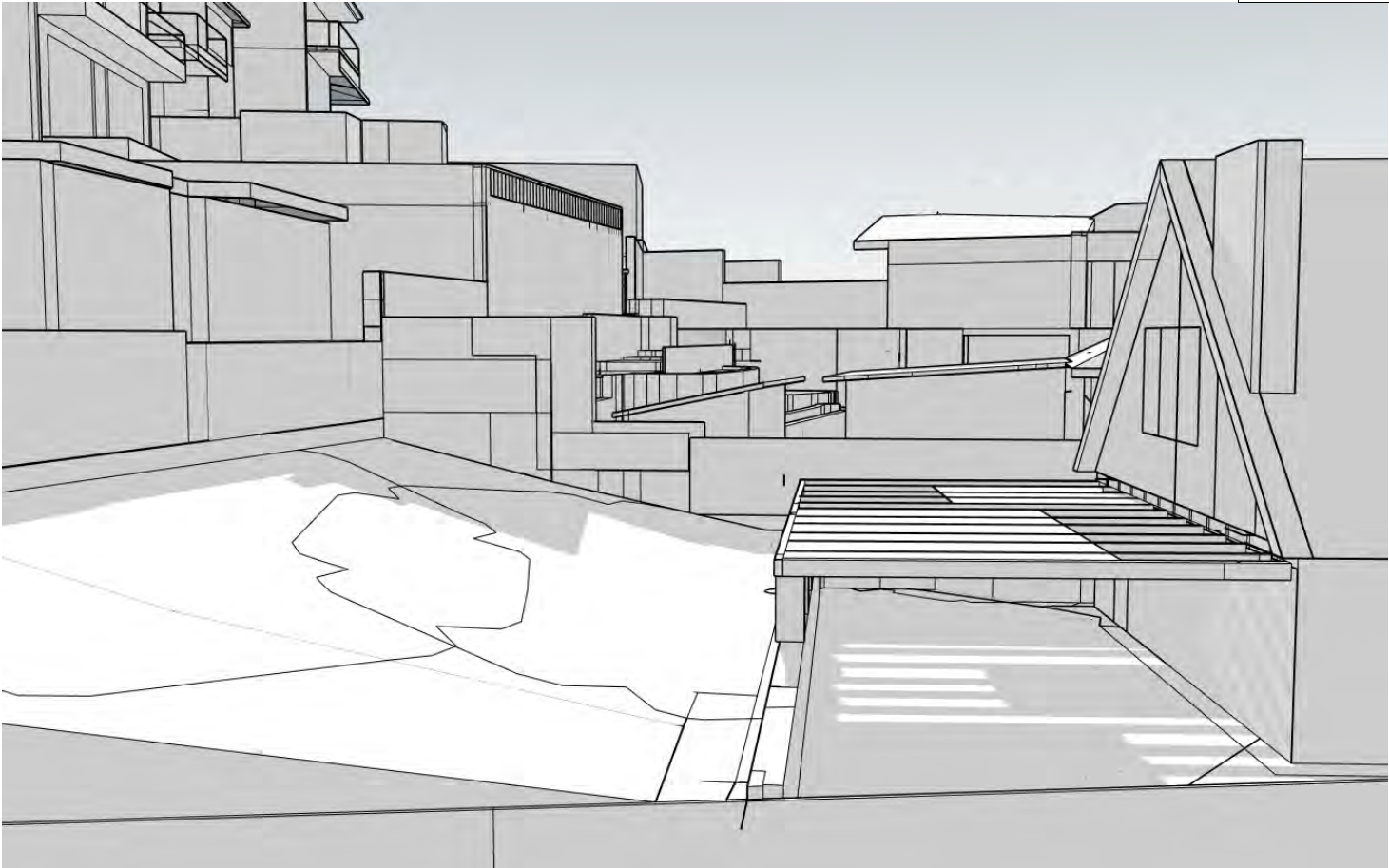


all work to comply with requirement of Basix Certificate No:1763710M

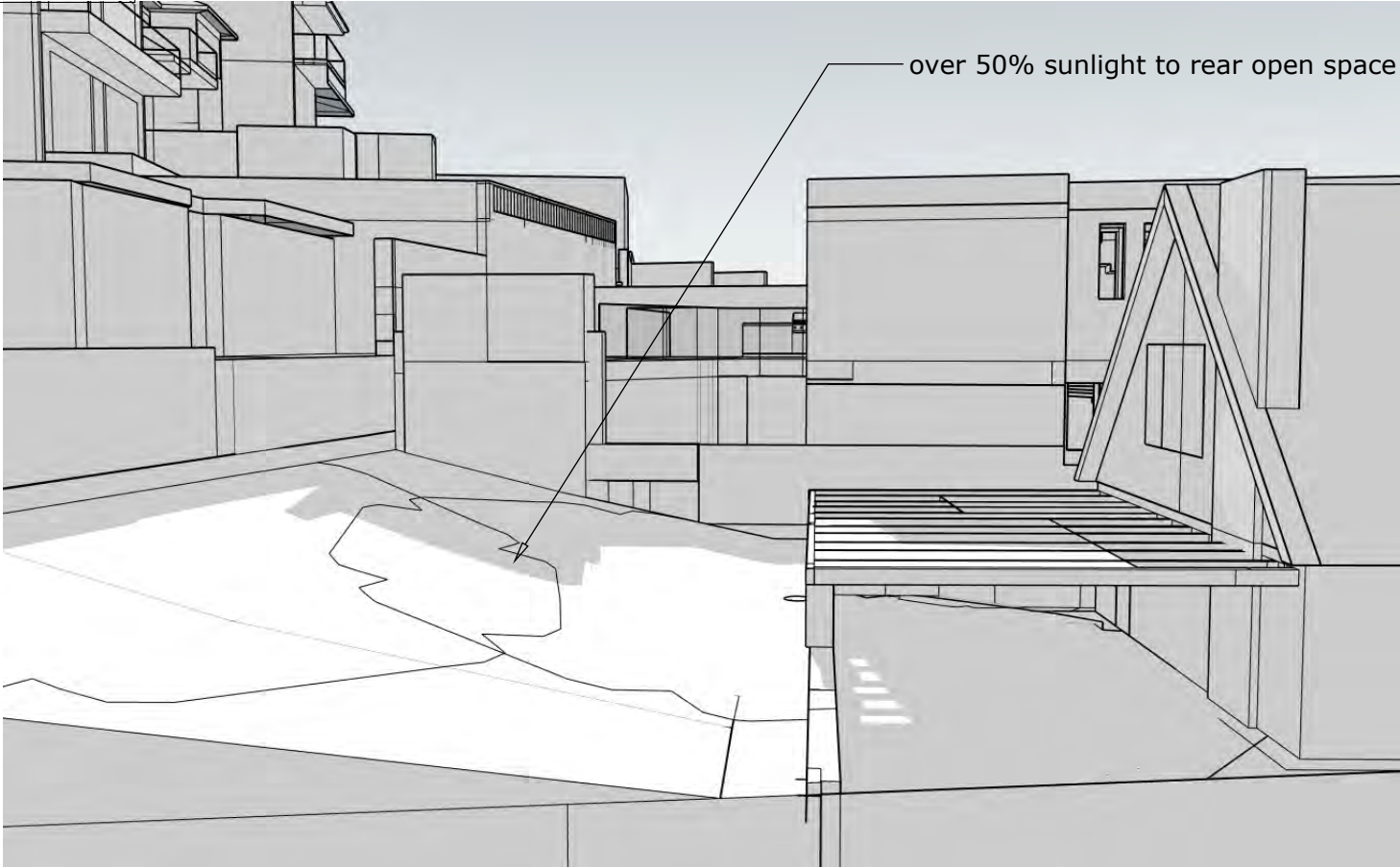
Revisions		Client: BI Pty Ltd	Keith Pike Associates 148 Louisa road, Birchgrove. e.mail: kpike@bigpond.net.au www.keithpikeassociates.com	Project	September 2024	Scale
	September 2024			Development Application: 19 Blandford Avenue, Bronte		1:300
1	updated Dec24			Title Shadow Plan June 21 11am		Dwg No A20
2	drawing updated with more survey info					
3						

AMENDED PLANS

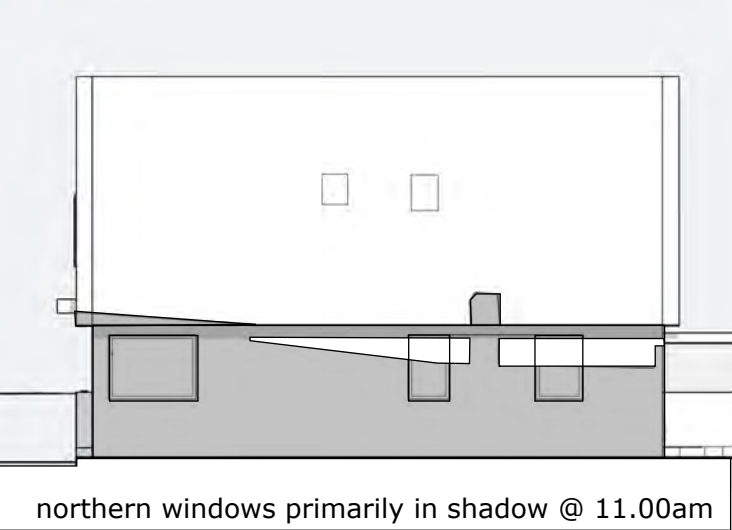
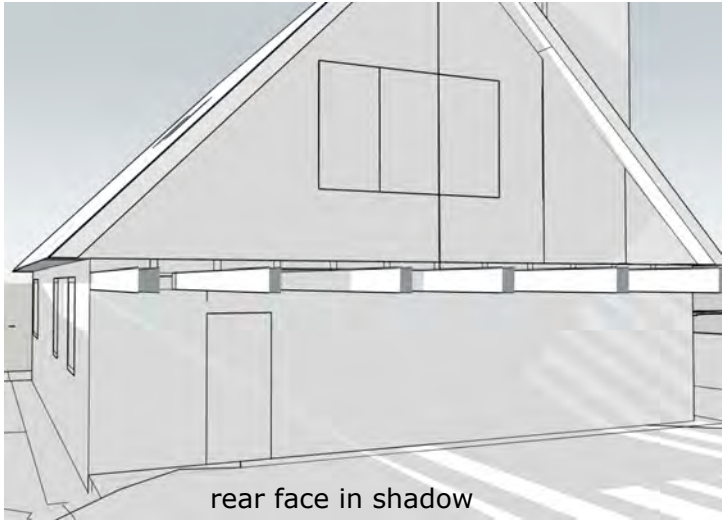
RECEIVED
Waverley Council
Application No: DA-573/2024
Date Received: 06/12/2024



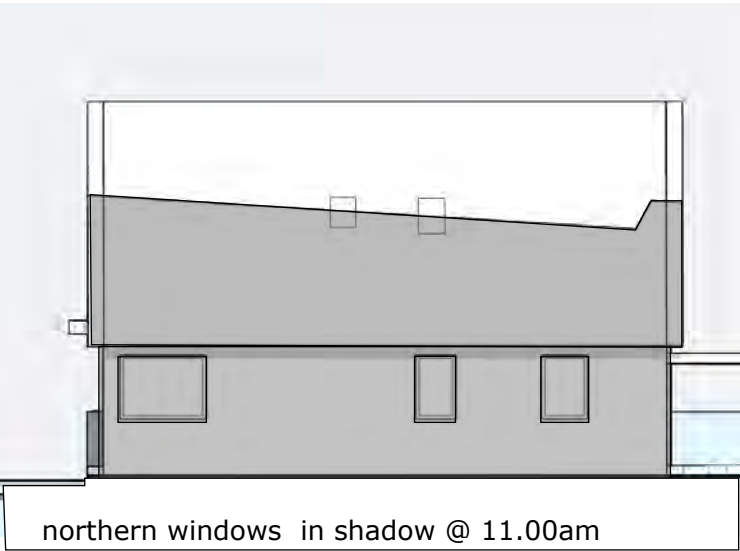
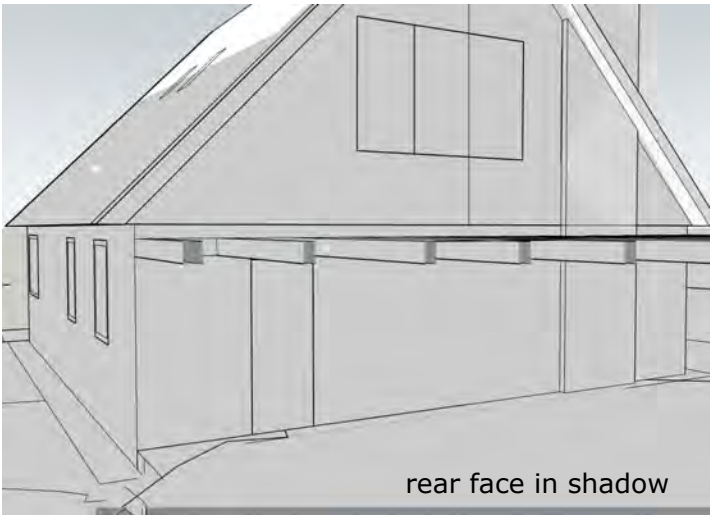
No 21 Blandford Avenue rear yard and area under roofed/pergola structure -existing



No 21 Blandford Avenue rear yard and area under roofed/pergola structure - proposed



Existing Plan No 21 Blandford Avenue north and rear elevation - existing



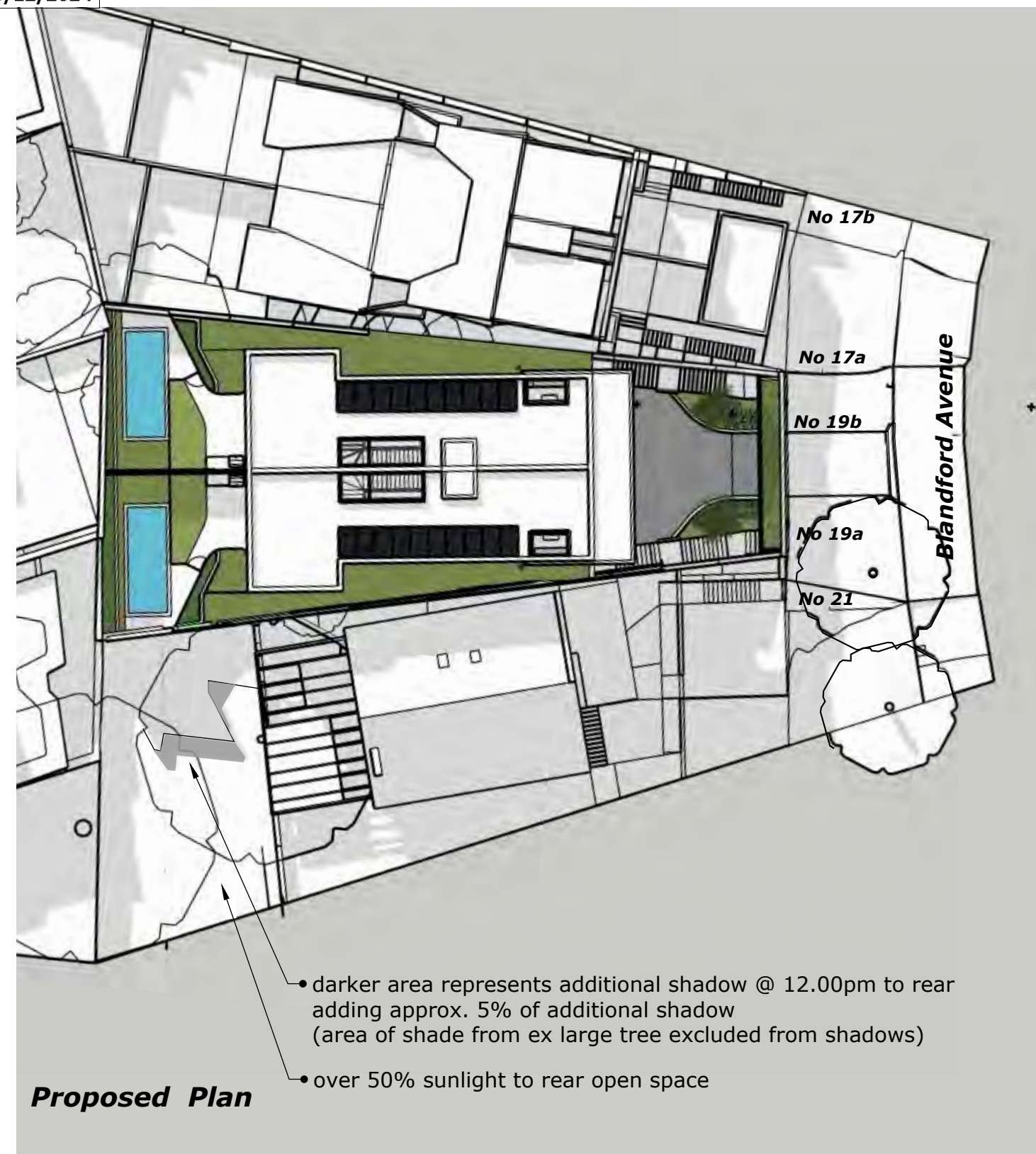
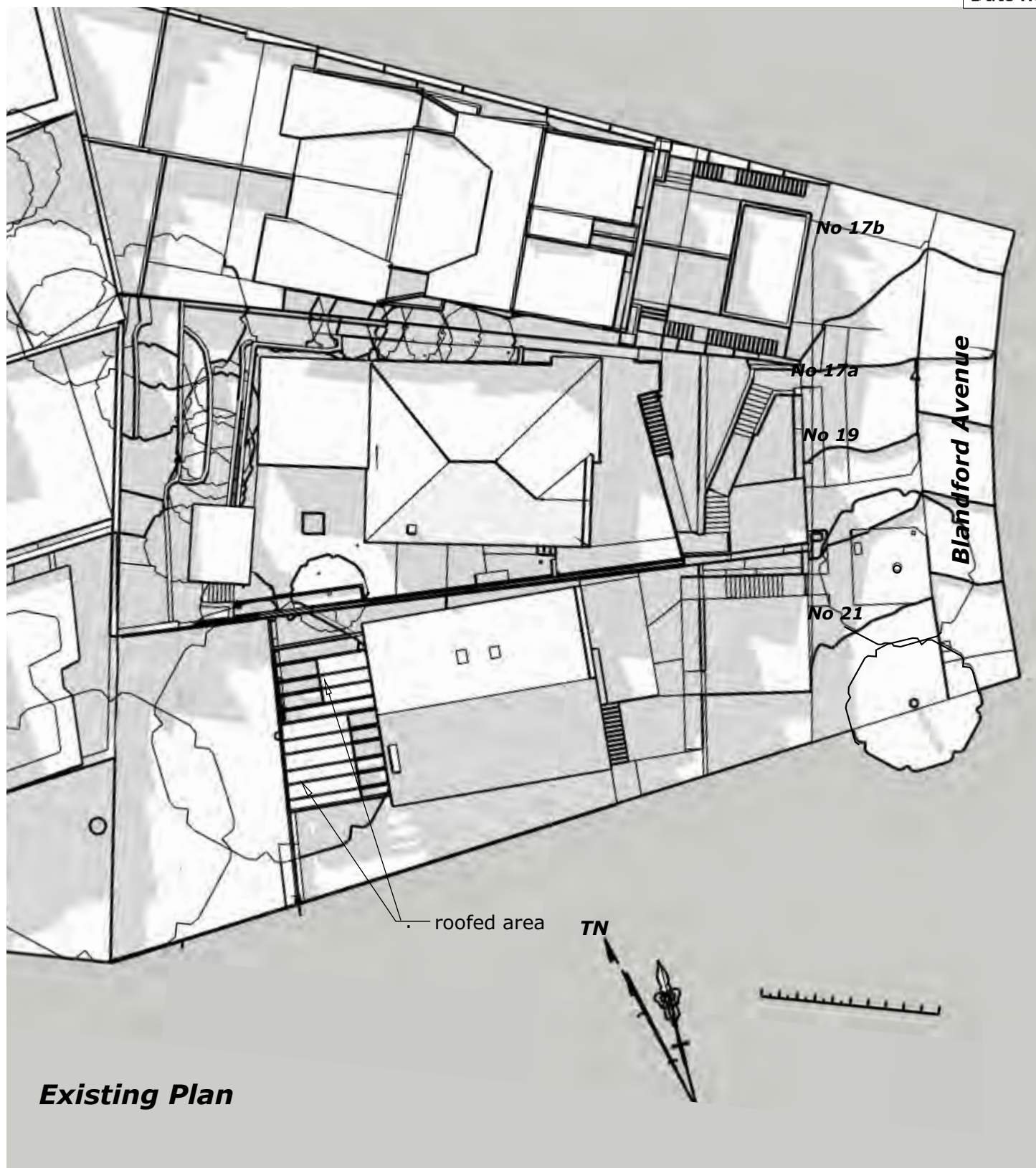
Proposed Plan No 21 Blandford Avenue north and rear elevation - proposed

all work to comply with requirement of Basix Certificate No:1763710M

Revisions		Client: BI Pty Ltd	Keith Pike Associates 148 Louisa road, Birchgrove. e.mail: kpike@bigpond.net.au www.keithpikeassociates.com	Project	September 2024	Scale
	September 2024			Development Application: 19 Blandford Avenue, Bronte		1:300
1	Dec24			Title	Shadow Plan June 21 11am	Dwg No A20a
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AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-573/2024
Date Received: 06/12/2024

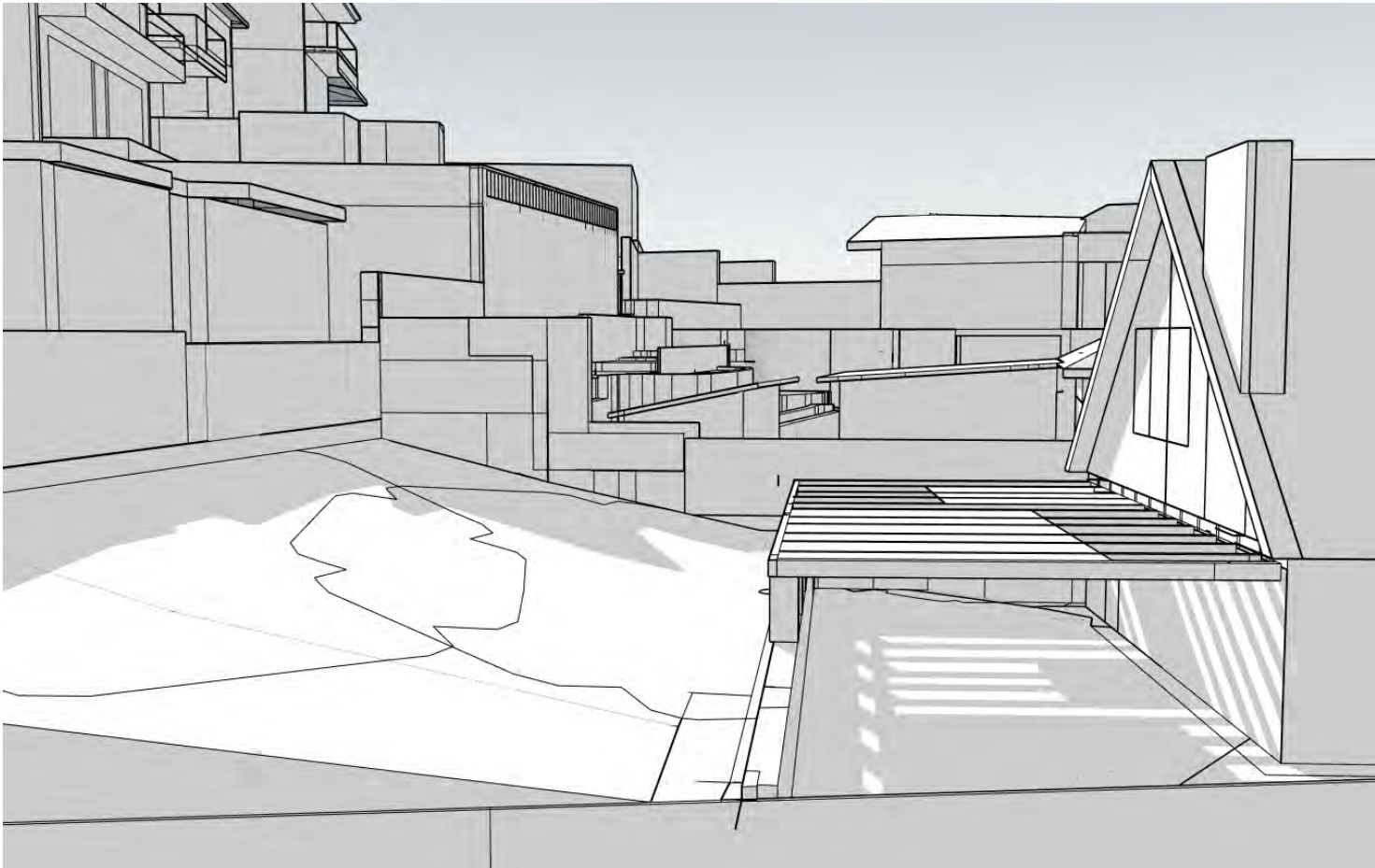


all work to comply with requirement of Basix Certificate No:1763710M

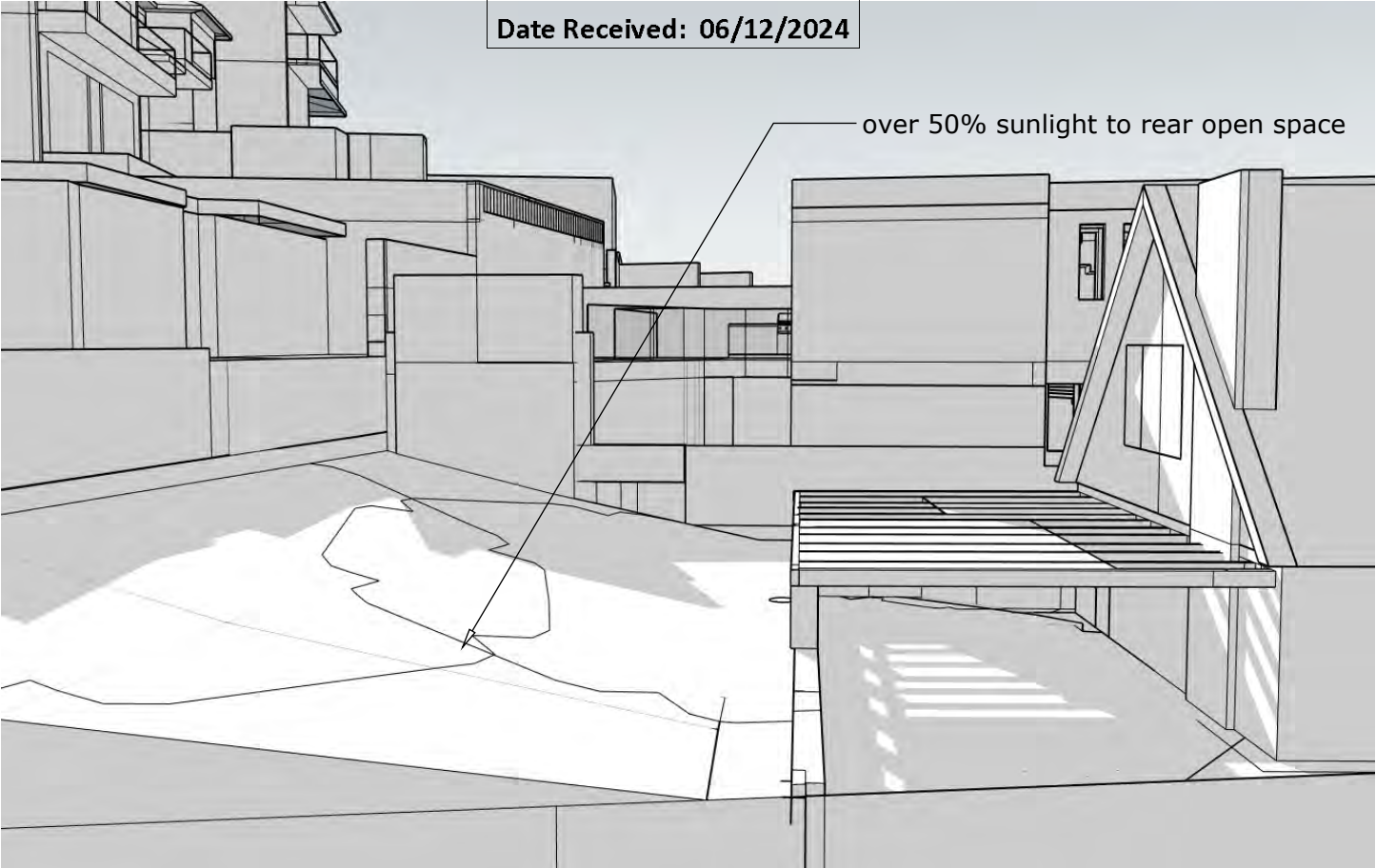
Revisions			Client: BI Pty Ltd	Keith Pike Associates 148 Louisa road, Birchgrove. e:mail: kpike@bigpond.net.au www.keithpikeassociates.com	Project		September 2024	Scale
	September 2024	DA submission			Development Application: 19 Blandford Avenue, Bronte		1:300	
1	updated Dec24	drawing updated with more survey info			Title Shadow Plan June 21 12 noon		Dwg No A21	
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3								

AMENDED PLANS

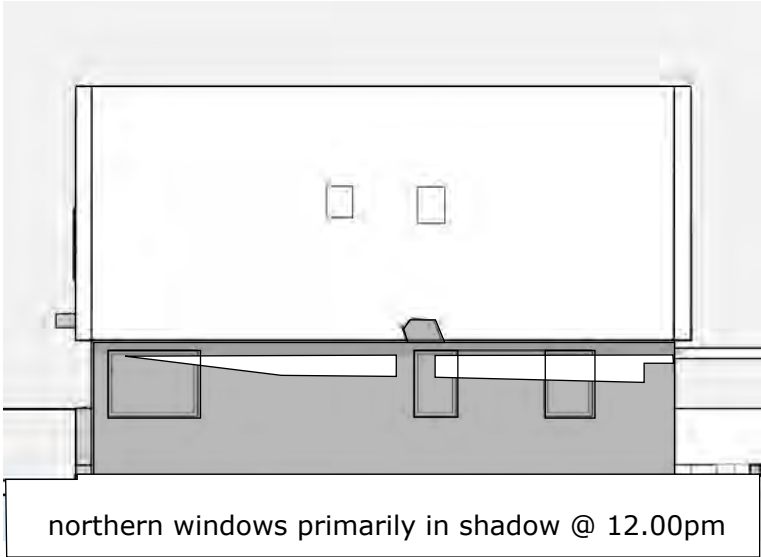
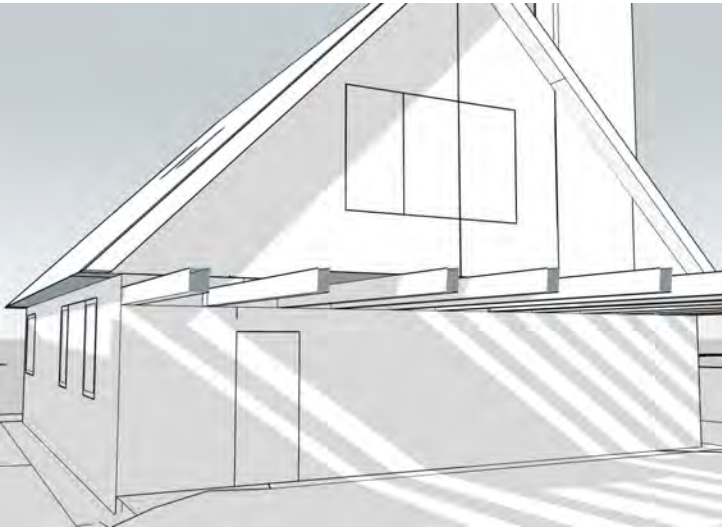
RECEIVED
Waverley Council
Application No: DA-573/2024
Date Received: 06/12/2024



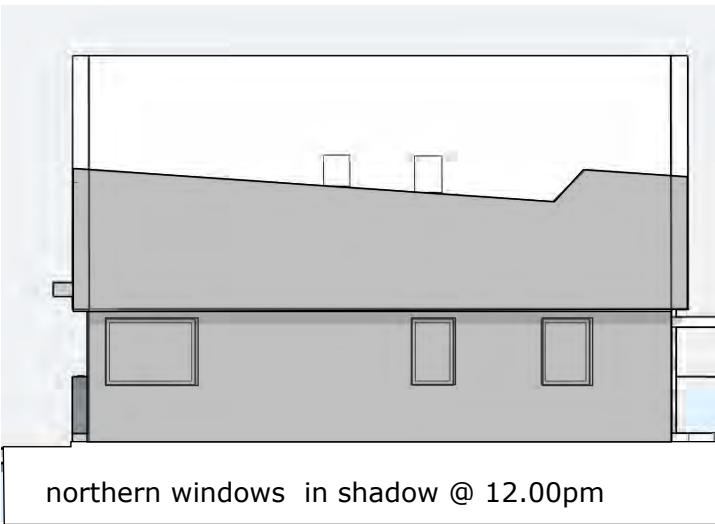
No 21 Blandford Avenue rear yard and area under roofed/ pergola structure -existing



No 21 Blandford Avenue rear yard and area under roofed/ pergola structure - proposed



Existing Plan No 21 Blandford Avenue north and rear elevation - existing



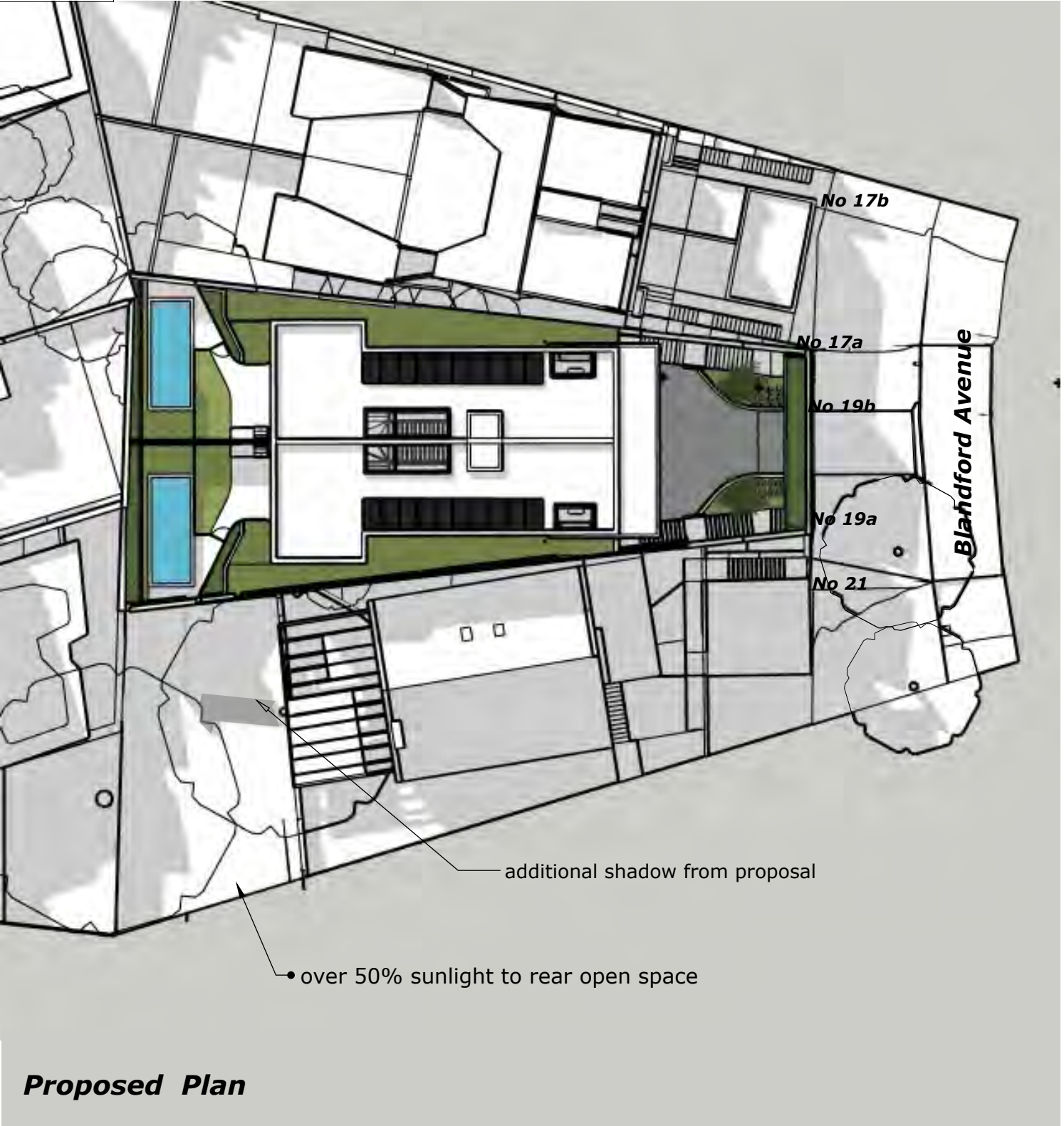
Proposed Plan No 21 Blandford Avenue north and rear elevation - proposed

all work to comply with requirement of Basix Certificate No:1763710M

Revisions		Client: BI Pty Ltd	Keith Pike Associates 148 Louisa road, Birchgrove. e.mail: kpike@bigpond.net.au www.keithpikeassociates.com	Project	September 2024	Scale
	September 2024			Development Application: 19 Blandford Avenue, Bronte		1:300
1	Dec24			Title Shadow Plan June 21 12pm		Dwg No A21a
2						
3						

AMENDED PLANS

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Waverley Council
Application No: DA-573/2024
Date Received: 06/12/2024

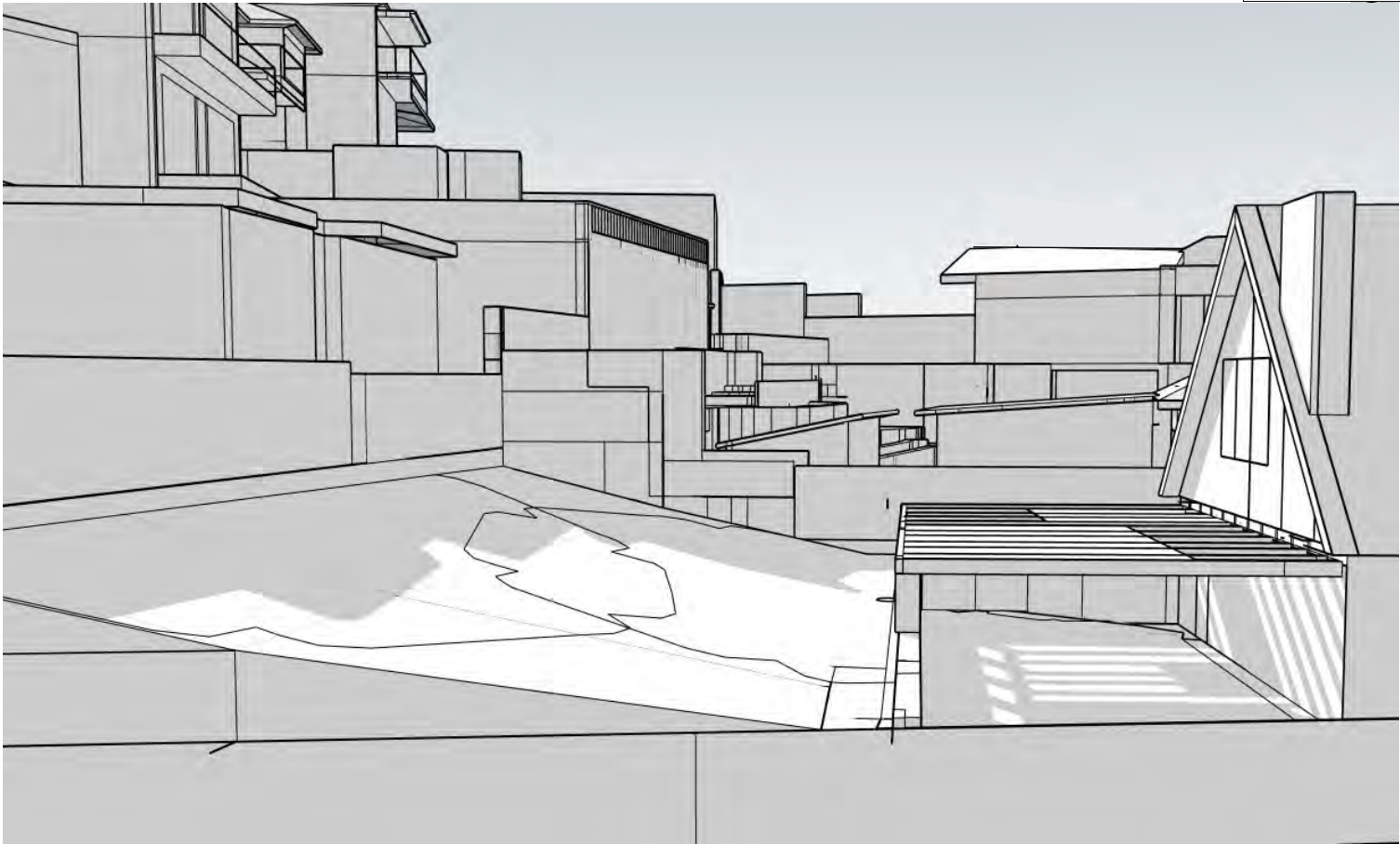


all work to comply with requirement of Basix Certificate No:1763710M

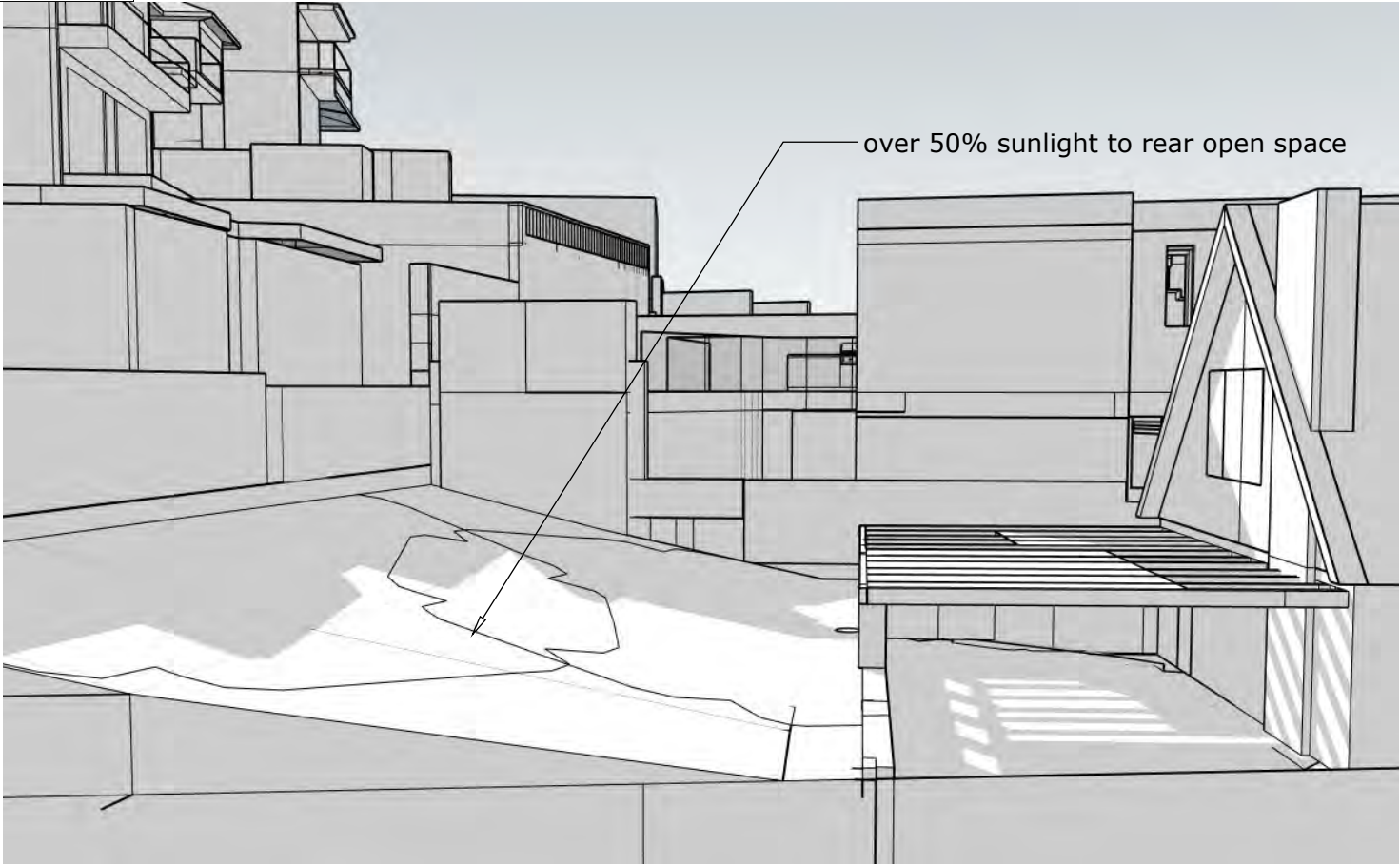
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2	drawing updated with more survey info					
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AMENDED PLANS

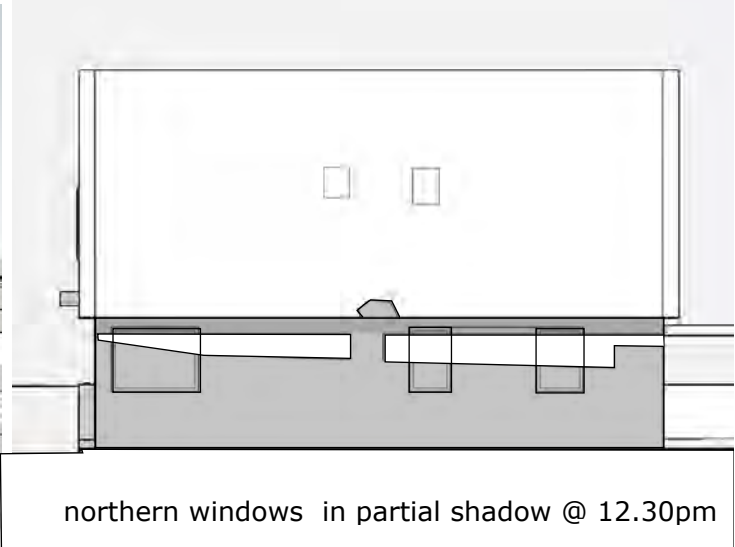
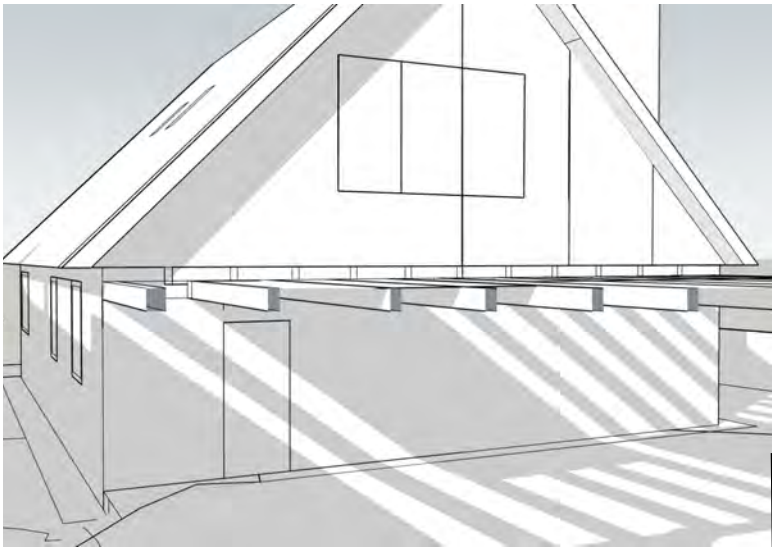
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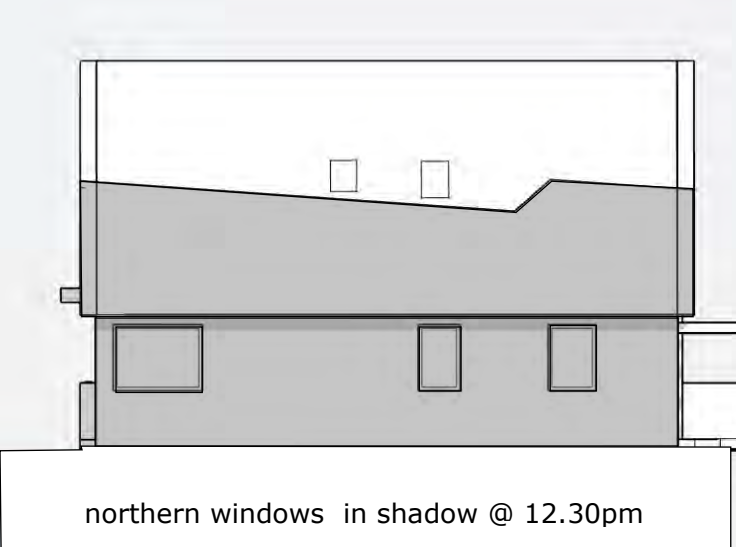
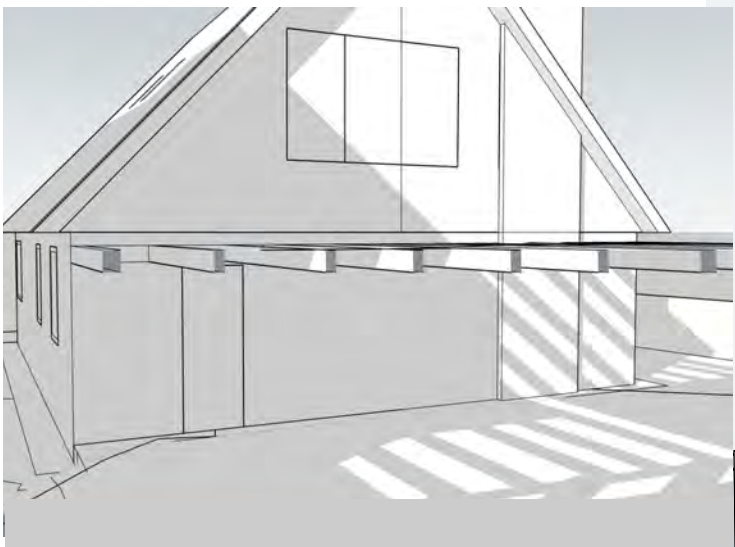
No 21 Blandford Avenue rear yard and area under roofed/pergola structure -existing



No 21 Blandford Avenue rear yard and area under roofed/pergola structure - proposed



Existing Plan No 21 Blandford Avenue north and rear elevation - existing



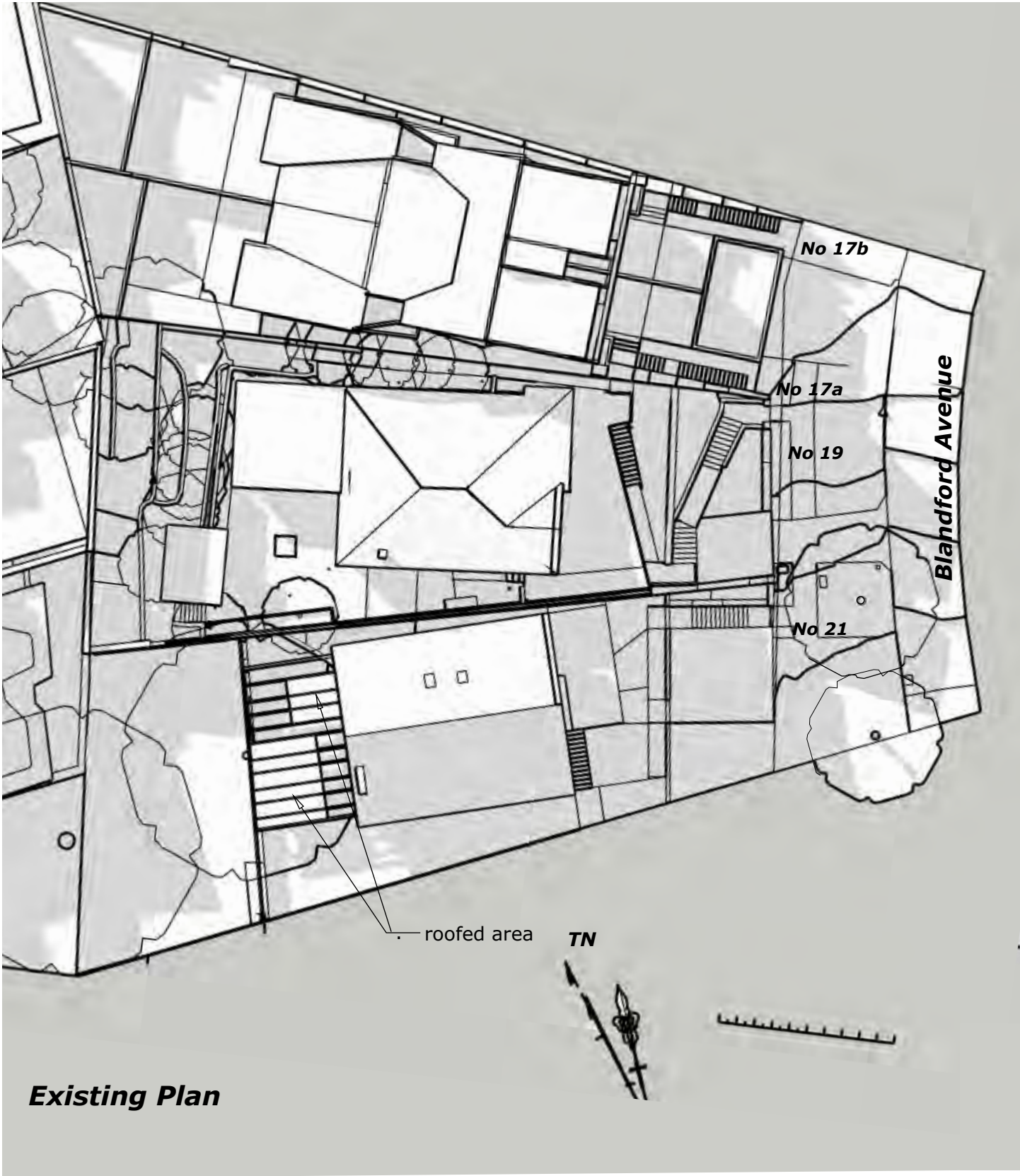
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all work to comply with requirement of Basix Certificate No:1763710M

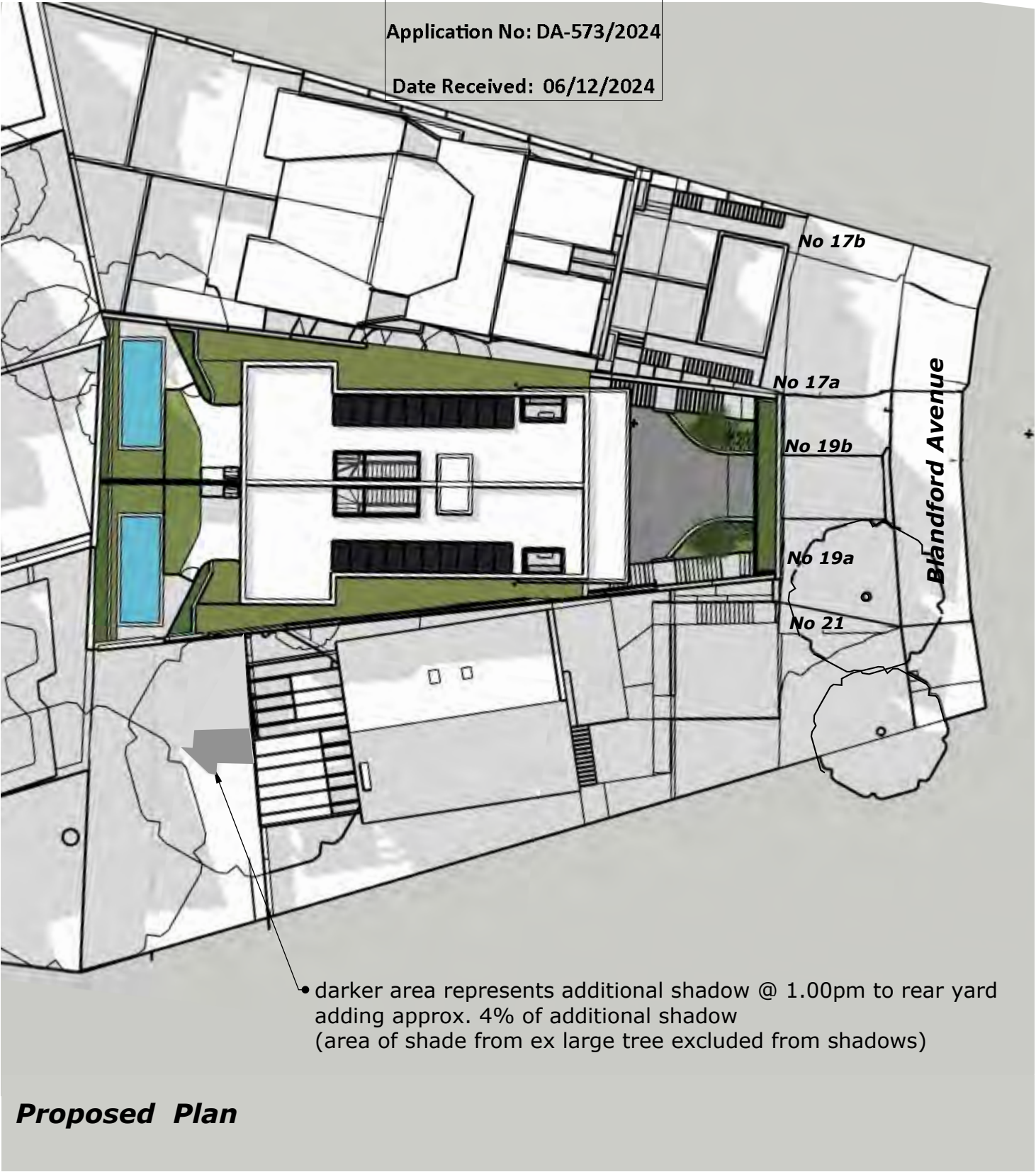
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Existing Plan



Proposed Plan

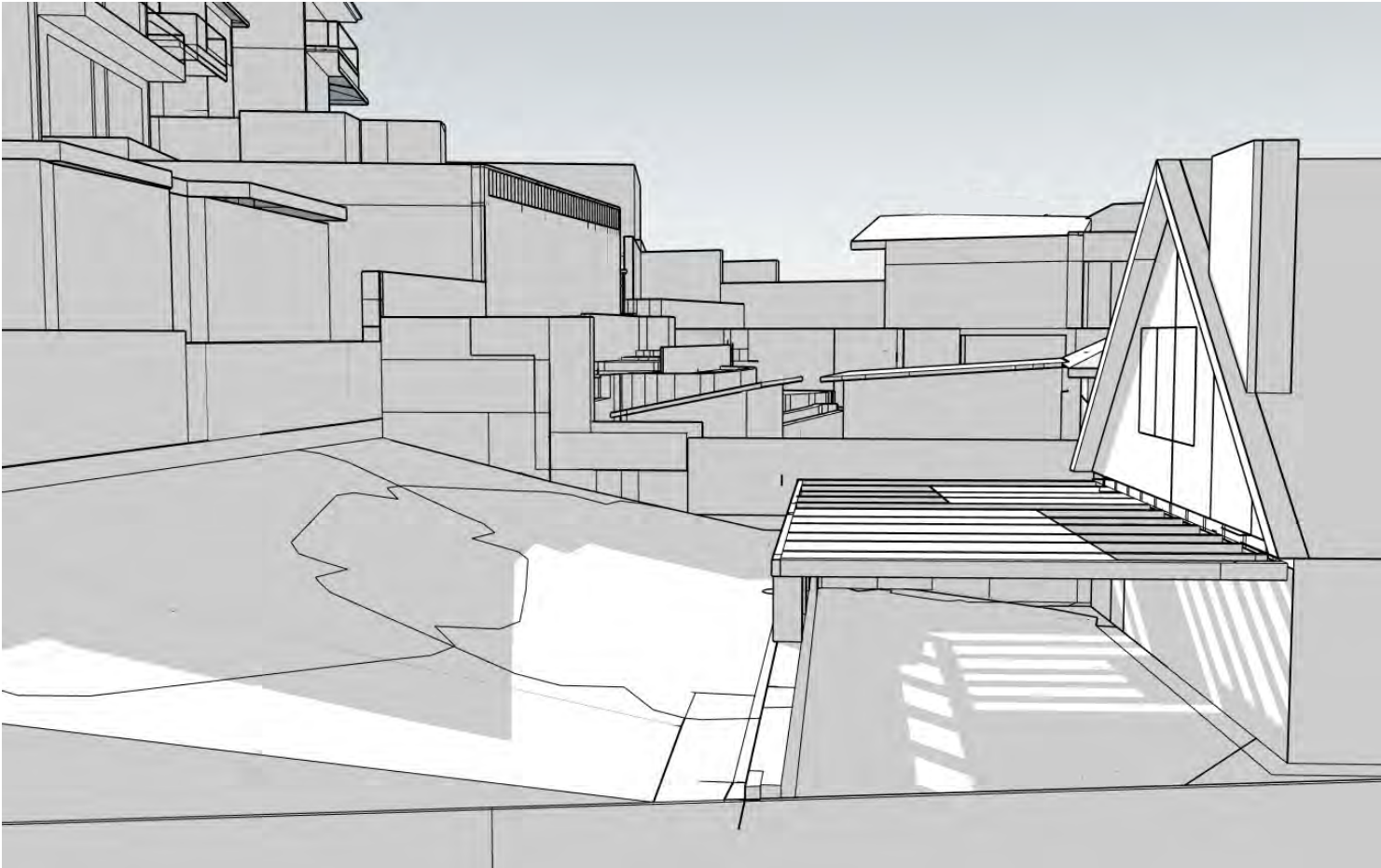
• darker area represents additional shadow @ 1.00pm to rear yard adding approx. 4% of additional shadow (area of shade from ex large tree excluded from shadows)

all work to comply with requirement of Basix Certificate No:1763710M

Revisions		Client: BI Pty Ltd	Keith Pike Associates 148 Louisa road, Birchgrove. e.mail: kpike@bigpond.net.au www.keithpikeassociates.com	Project	September 2024	Scale
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AMENDED PLANS

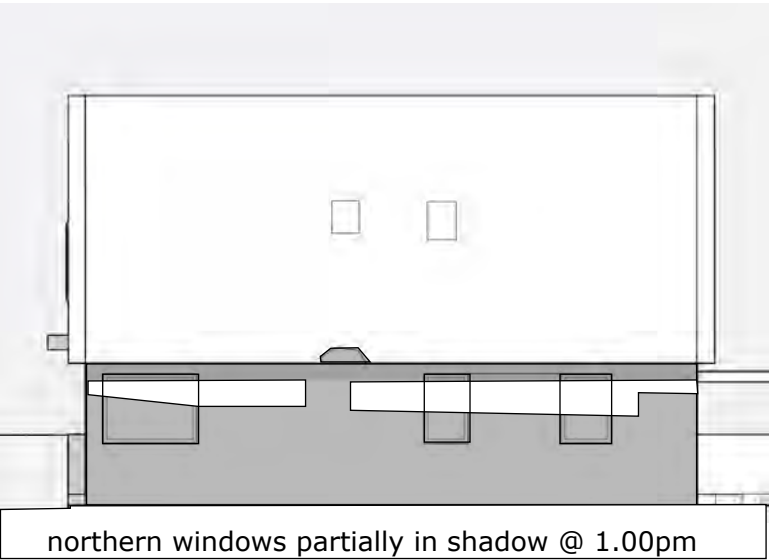
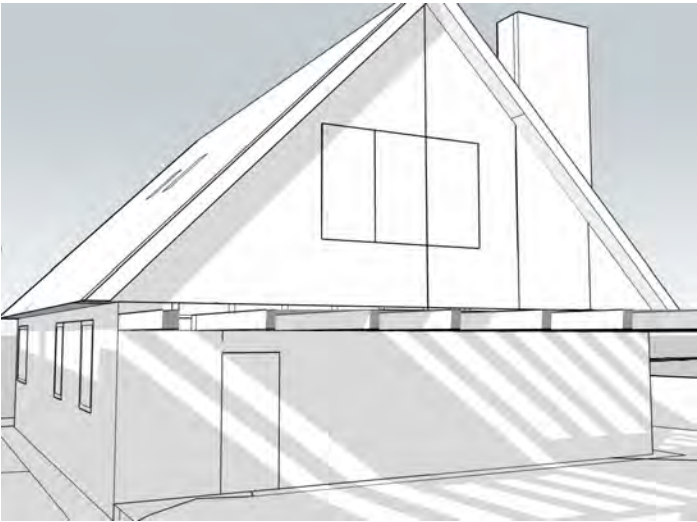
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Application No: DA-573/2024
Date Received: 06/12/2024



No 21 Blandford Avenue rear yard and area under roofed/ pergola structure -existing

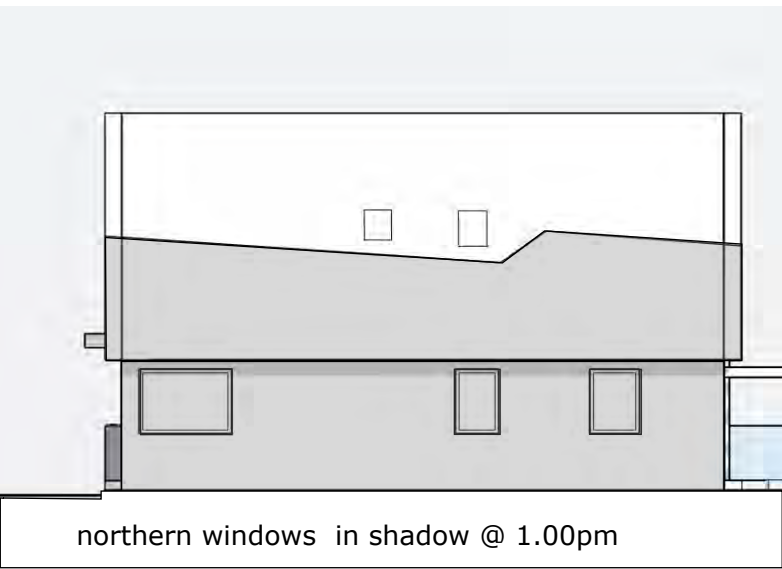
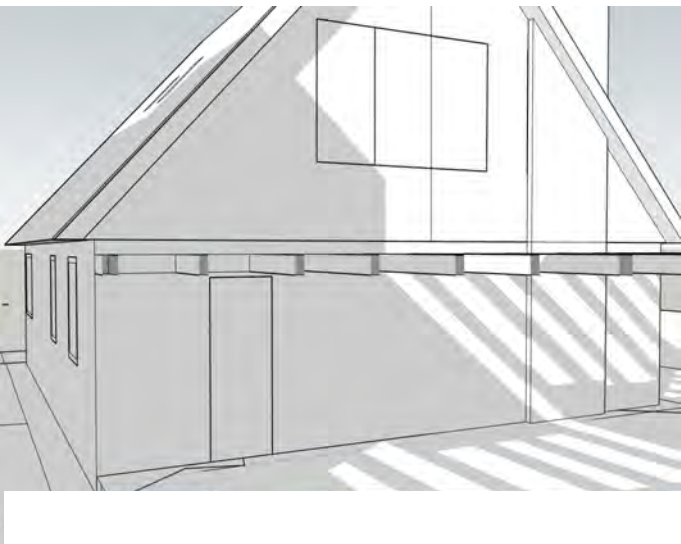


No 21 Blandford Avenue rear yard and area under roofed/ pergola structure - proposed



Existing Plan No 21 Blandford Avenue north and rear elevation - existing

all work to comply with requirement of Basix Certificate No:1763710M

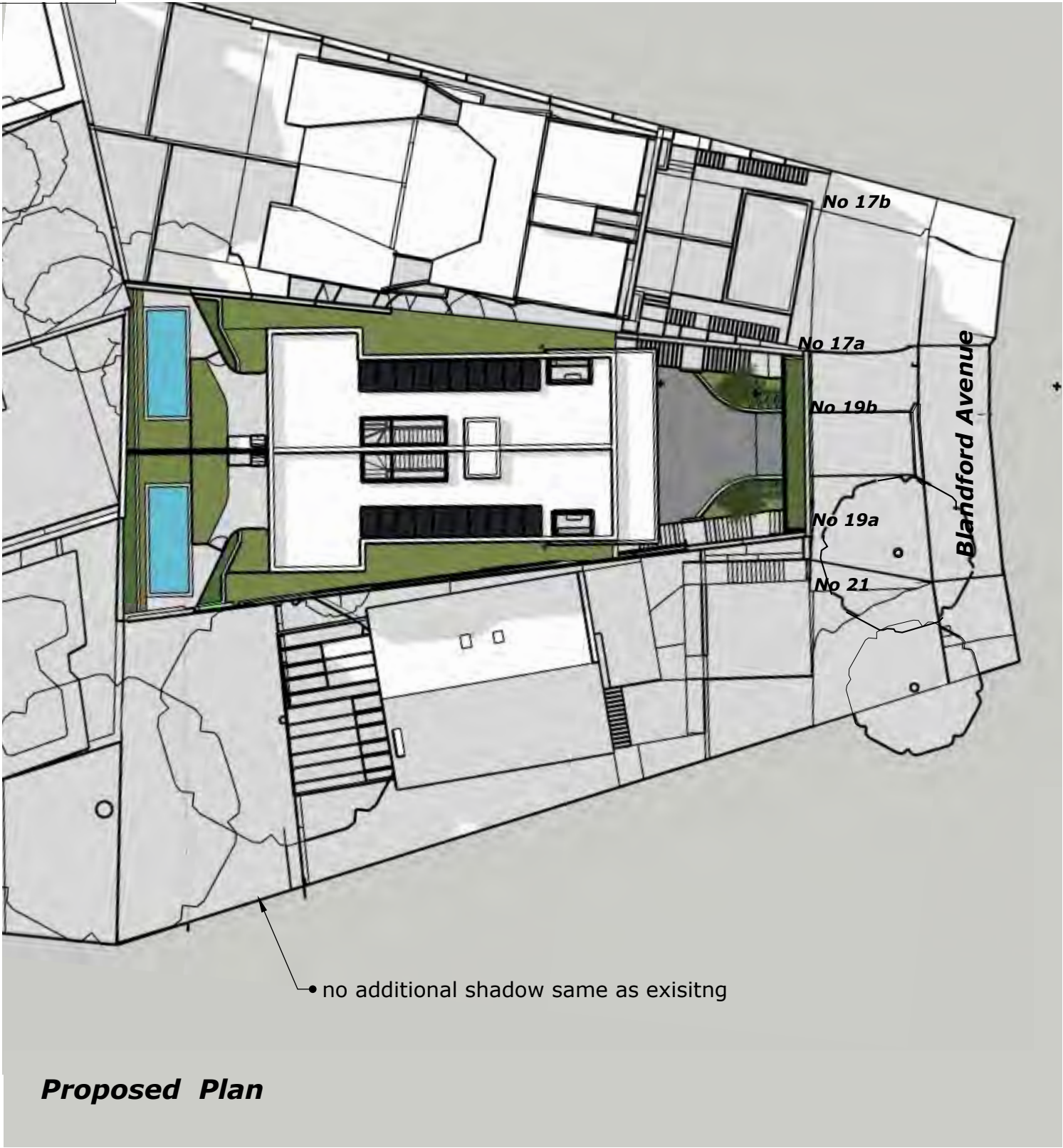
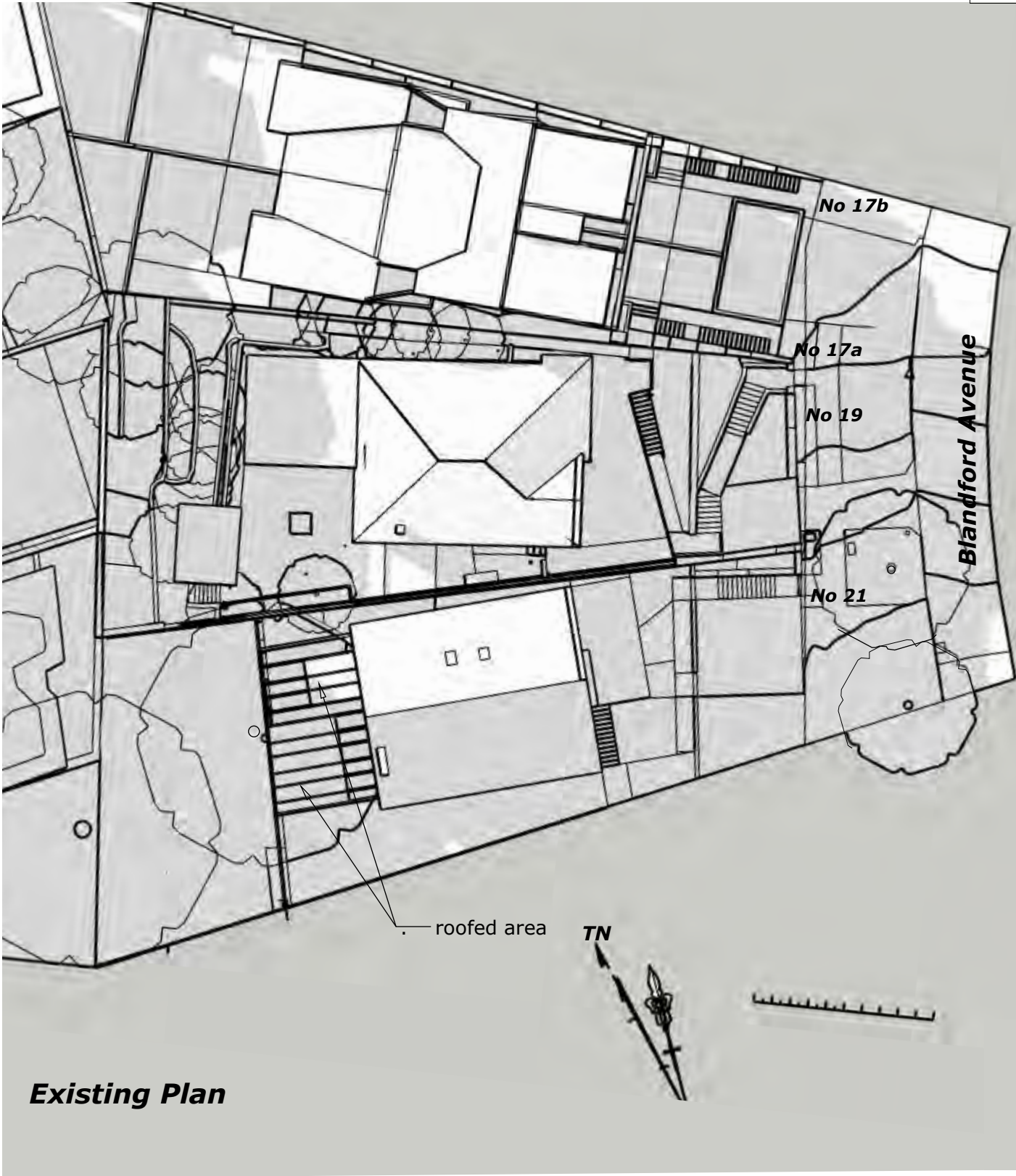


Proposed Plan No 21 Blandford Avenue north and rear elevation - proposed

Revisions			Client: BI Pty Ltd	Keith Pike Associates 148 Louisa road, Birchgrove. e:mail: kpike@bigpond.net.au www.keithpikeassociates.com	Project		September 2024	Scale
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AMENDED PLANS

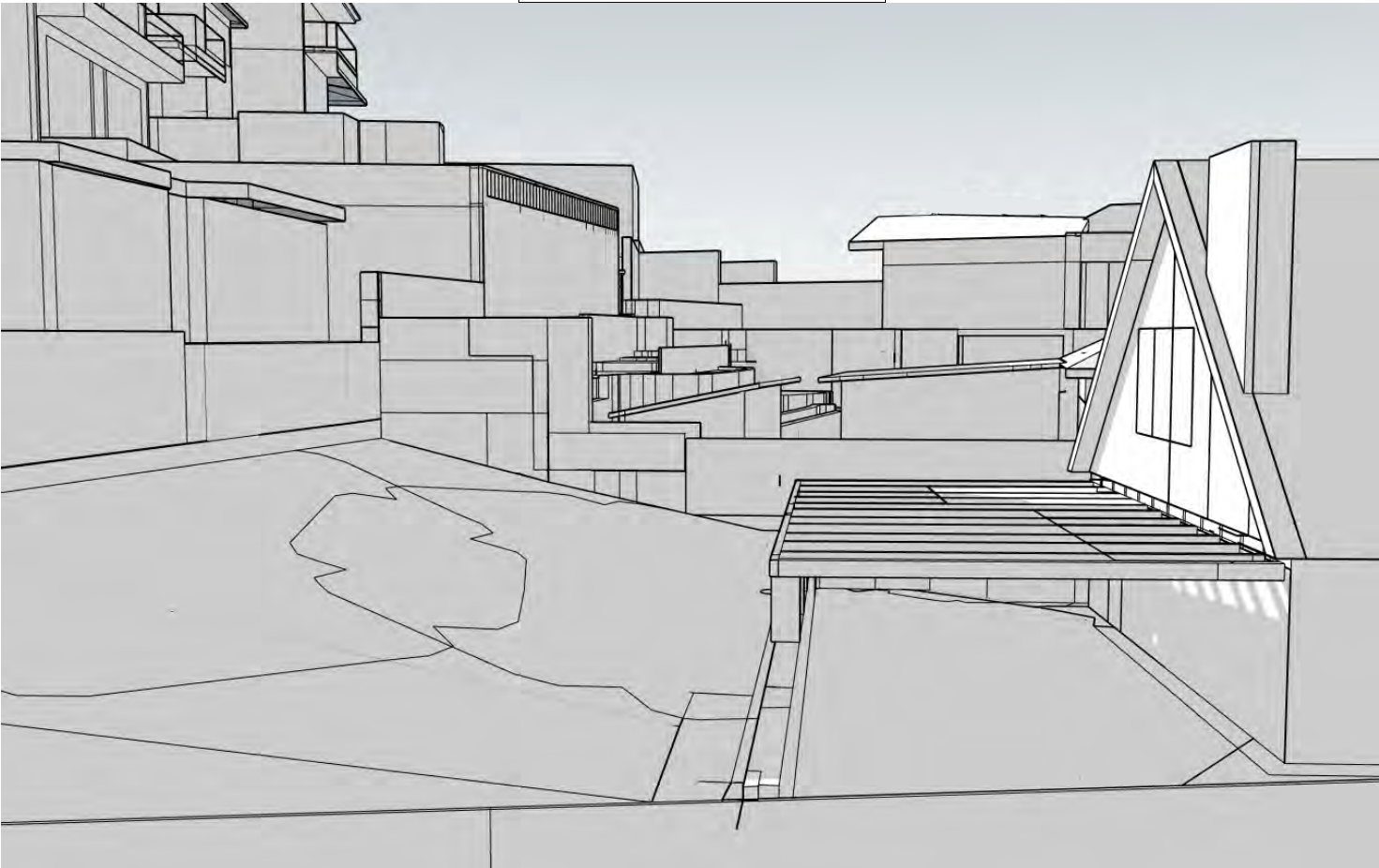
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3						

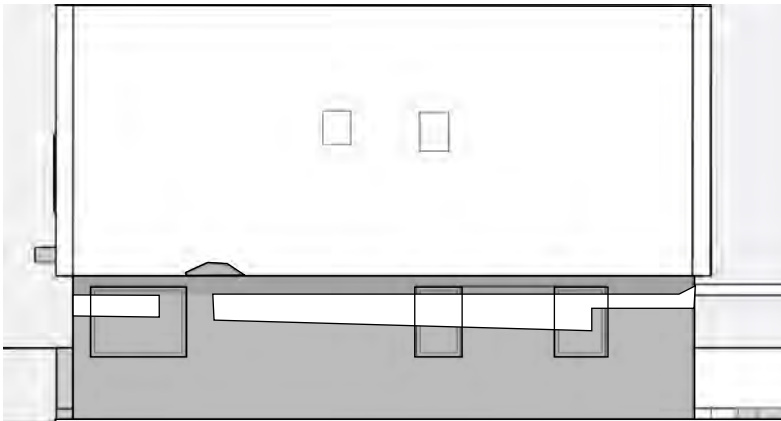
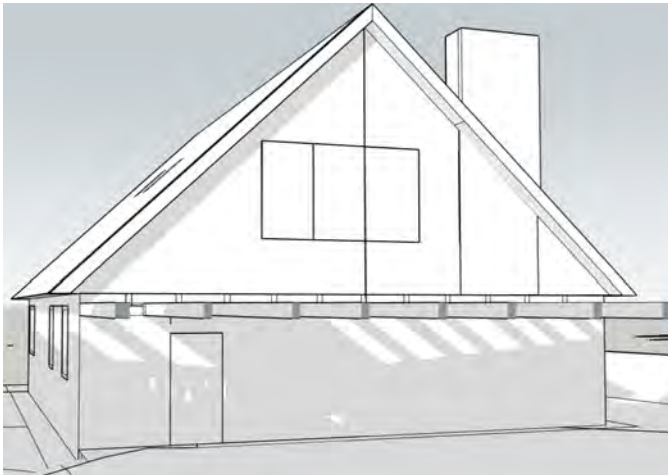
AMENDED PLANS



No 21 Blandford Avenue rear yard and area under roofed/ pergola structure -existing



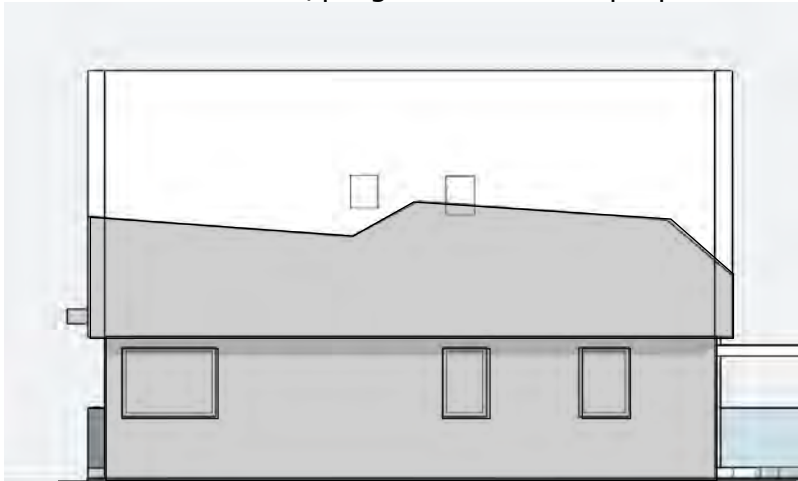
No 21 Blandford Avenue rear yard and area under roofed/ pergola structure - proposed



northern windows partially in shadow @ 2.00pm

Existing Plan No 21 Blandford Avenue north and rear elevation - existing

all work to comply with requirement of Basix Certificate No:1763710M



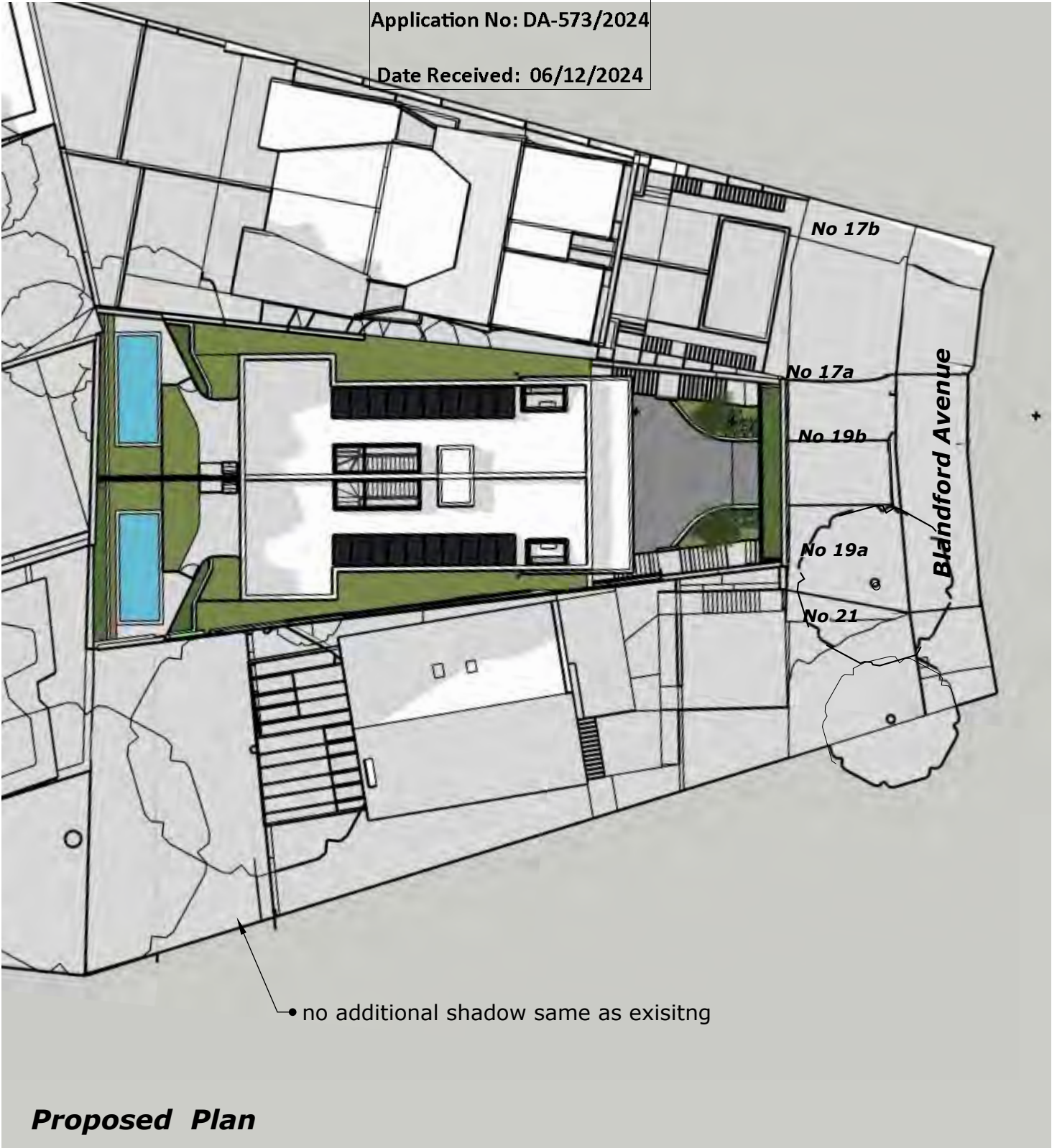
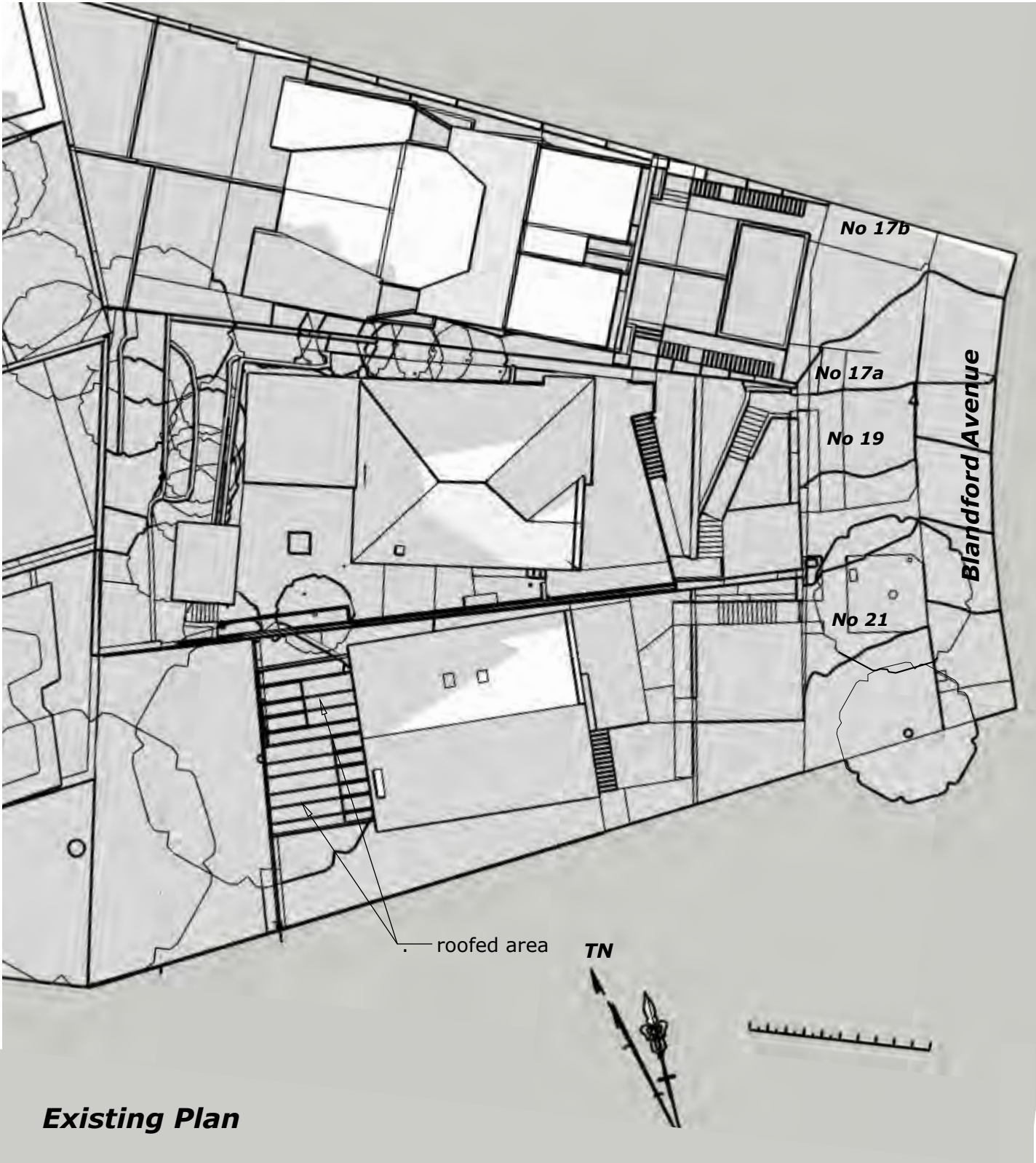
northern windows in shadow @ 2.00pm

Proposed Plan No 21 Blandford Avenue north and rear elevation - proposed

Revisions			Client: BI Pty Ltd	Keith Pike Associates 148 Louisa road, Birchgrove. e:mail: kpike@bigpond.net.au www.keithpikeassociates.com	Project	September 2024	Scale
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AMENDED PLANS

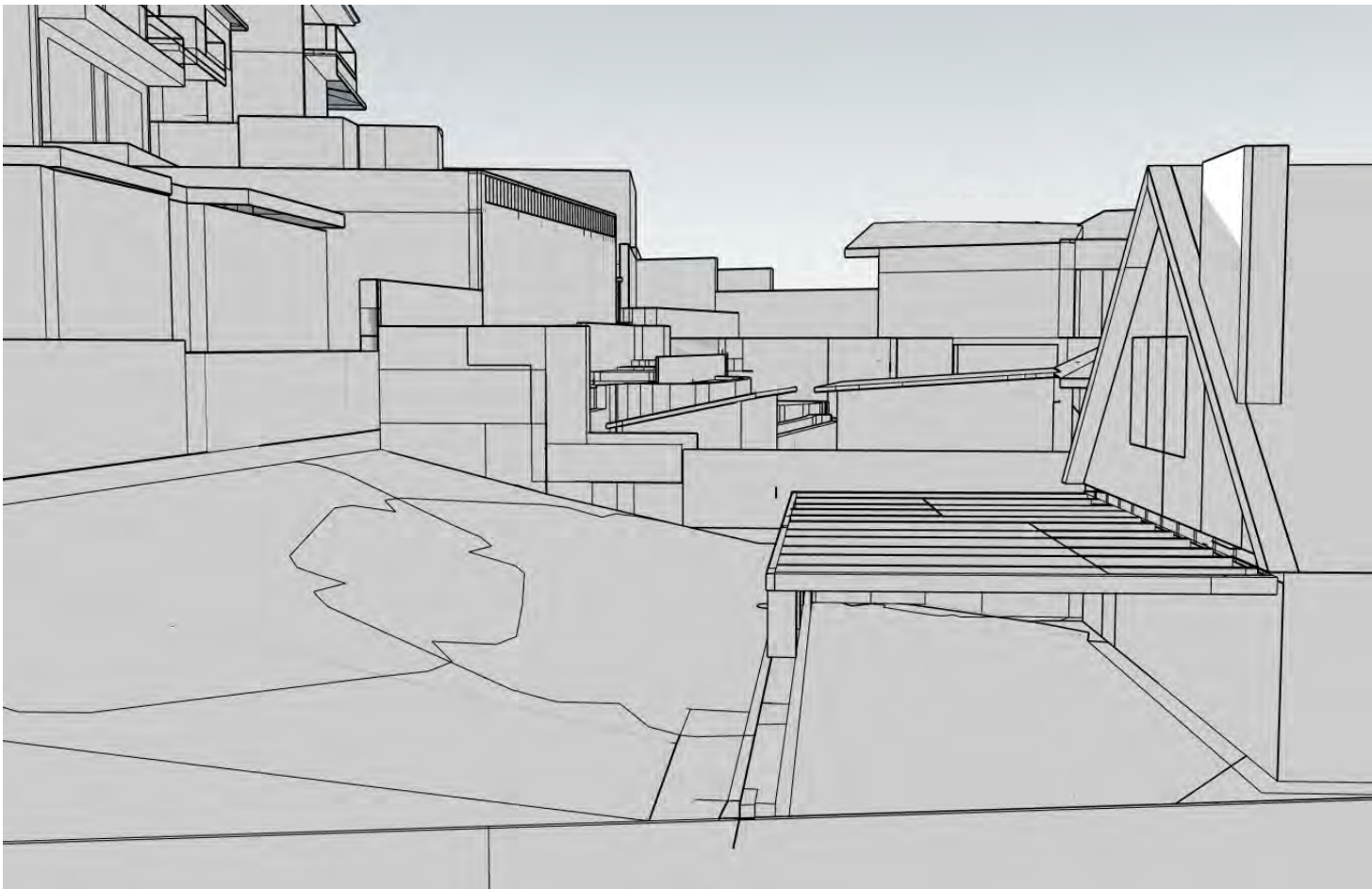
RECEIVED
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2					Title		Shadow Plan June 21 3pm		Dwg No A25	
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AMENDED PLANS

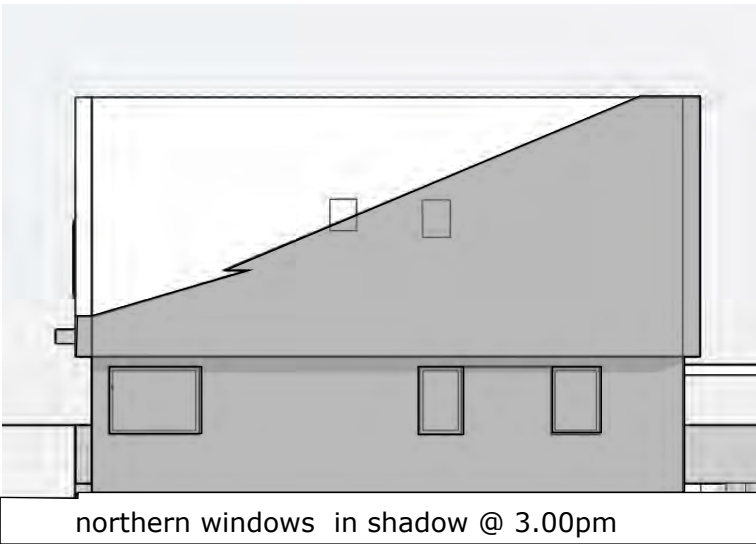
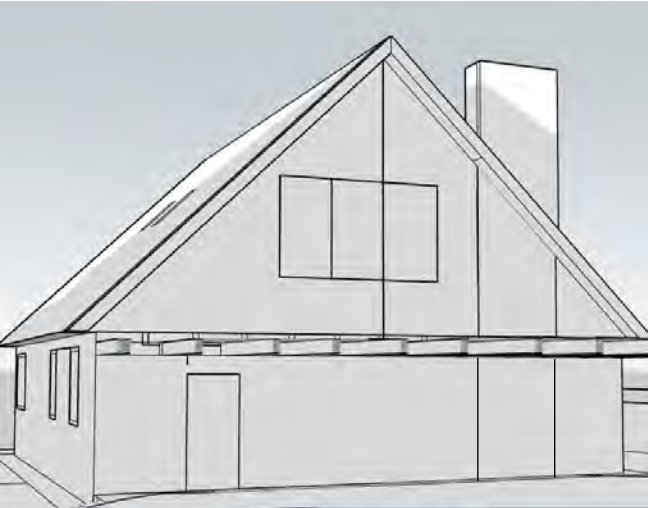
RECEIVED
Waverley Council
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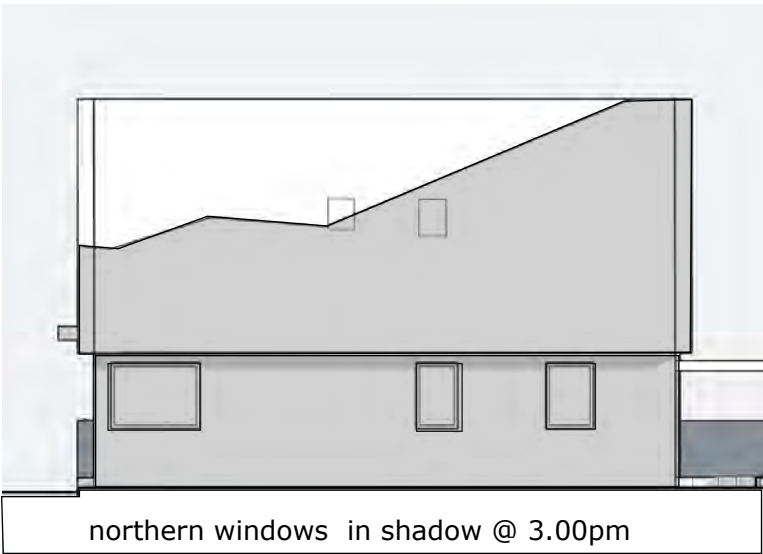
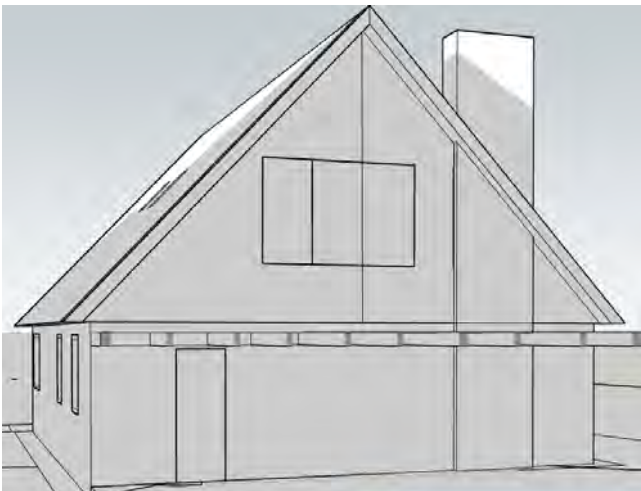
No 21 Blandford Avenue rear yard and area under roofed/ pergola structure -existing



No 21 Blandford Avenue rear yard and area under roofed/ pergola structure - proposed



Existing Plan No 21 Blandford Avenue north and rear elevation - existing
all work to comply with requirement of Basix Certificate No:1763710M



Proposed Plan No 21 Blandford Avenue north and rear elevation - proposed

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	September 2024			Development Application: 19 Blandford Avenue, Bronte		1:300
1	Dec24			Title Shadow Plan June 21 3pm		Dwg No A25a
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Report to the Waverley Local Planning Panel

Application number	DA-690/2024 (PAN-499163)
Site address	16 Loombah Road DOVER HEIGHTS
Proposal	Relocation of elevated swimming pool, new glass balustrades, extension of elevated decking, seating areas, and reconfiguration of private open space areas.
Date of lodgement	23 January 2025
Owner	Mrs J R Sher
Applicant	Decus Interiors P/L
Submissions	Nil
Cost of works	\$1,498,200
Principal Issues	Exceedance of the height development standard
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for the relocation of an elevated swimming pool, new glass balustrades, extension of elevated decking, seating areas, and reconfiguration of private open space areas at the site known as 16 Loombah Road, Dover Heights.

The principal issue arising from the assessment of the application is that the proposal exceeds the height development standard by 5.2m or 61.2% due to the fact that the site has been excavated in the past and it is a steeply sloping site. The proposed works are contained below the maximum height level of the building and will not impact upon surrounding properties or the streetscape.

The assessment finds this issue acceptable.

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 March 2025.

The site is identified as Lot 16 Sec B in DP 5491, known as 16 Loombah Road, Dover Heights.

The site is rectangular in shape with a frontage of 15.24m to Loombah Road. It has an area of 786.2m² and falls steeply from the front (south) towards the rear (north) by approximately 18m.

The site is occupied by a part three and four-storey dwelling house stepping with the slope of the site with vehicular access provided from Loombah Road. The dwelling contains a swimming pool on a raised terrace at the ground floor level.

The site is adjoined by dwellings on either side. The locality is characterised by a variety of low density residential developments.

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



Figure 1: Lower deck to which the swimming pool will be relocated

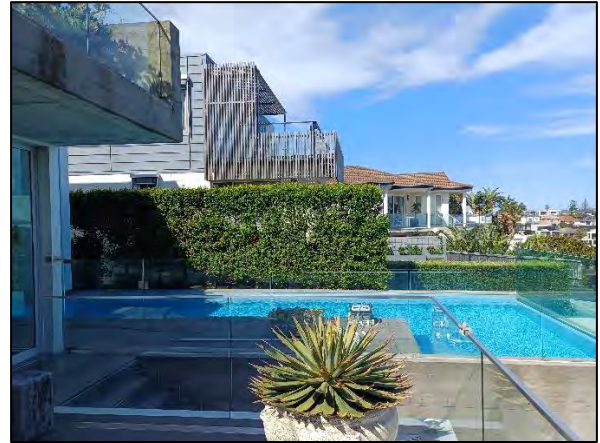


Figure 2: Existing swimming pool at ground level that will be converted to a deck

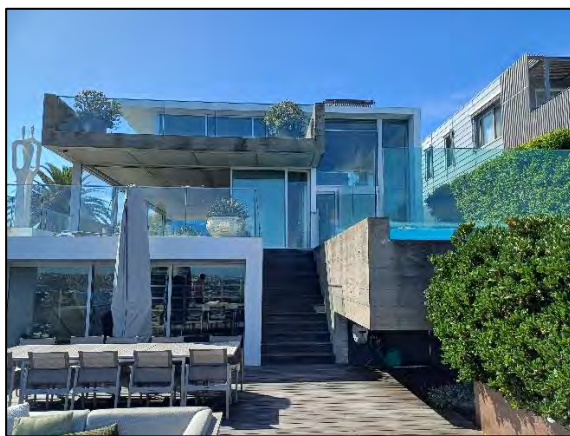


Figure 3: Rear of dwelling as viewed from the lower ground level deck (to which pool will be relocated)

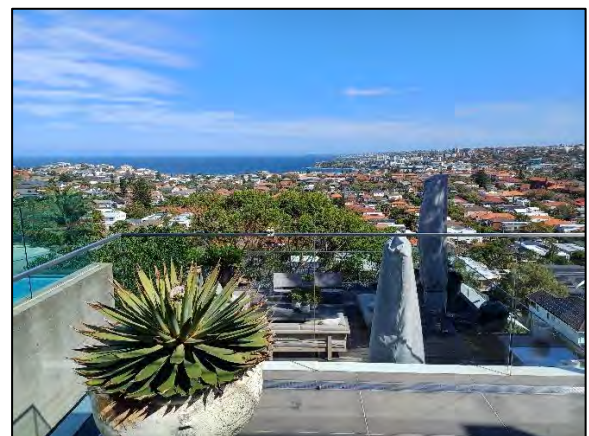


Figure 4: View from existing rear decks indicating that properties to the rear are located at a lower level than the subject site

1.3. Relevant Development History

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

- **DA-480/2008** for demolition of existing dwelling and erection of a new dwelling, swimming pool and landscaping was approved on 5 January 2009 under delegated authority.
- **DA-480/2008/A** for modifications to extend the ground floor on the northern side and add a service deck to the eastern side for pool maintenance was approved on 20 August 2009 under delegated authority.
- **DA-215/2018** for alterations to the existing dwelling was approved on 24 October 2018 by the Waverley Local Planning Panel (WLPP).

1.4. Proposal

The development application seeks consent for alterations and additions to the existing dwelling and specifically includes the following:

- Relocation of the swimming pool to the ground floor terrace including new glass balustrades, decking and seating areas. The pool is to be concrete with tile finish. The surrounding decking will be raised to the height of the pool coping from RL65.9 to RL67.55 (+ 1.65m).
- New sunken lounge and alfresco dining with BBQ area to the ground floor terrace to replace the existing swimming pool. The existing pool is to be filled and the finished floor level to be similar to the existing terrace level except for that part retained as a sunken lounge.
- New retractable awning to the terrace associated with the new pool location.

1.5. Background

The development application was lodged on 23 January 2025 and Council requested further information on 11 February 2025 for the following reasons:

1. *Please provide shadow diagrams which clearly delineate/outline the additional overshadowing caused by the proposed development. The additional overshadowing attributed to the variation to the height development standard must be clearly shown on a single plan. If additional overshadowing falls upon surrounding properties, elevational shadows diagrams showing the impact on that property must also be provided.*
2. *For clarity, please include an outline of the existing building on the proposed plans to ensure it is clear where the building is to be extended.*
3. *Gross floor area diagrams (GFA) are required given the additions at the garage level. Given this area is above existing ground level, it is not a basement and as such, any additional storage rooms are included in the GFA calculations. Please also demonstrate via section if any areas of the garage become enclosed as part of the alterations. If so, these areas are also included in GFA. Council's expectation is that the proposal will comply with the FSR development standard. However, if the proposal exceeds the FSR development standard, a written objection under Clause 4.6 is required to be submitted.*
4. *A view impact assessment is required demonstrating any views from surrounding sites and the impact of the proposal upon those views. If there are any view impacts, the written objection to vary the height development standard will need to be updated to consider this.*

The amended plans received on 4 March 2025 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 and have been considered acceptable in the assessment of this development application:

- 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 are outlined below:

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the LEP.
Part 2 Permitted or prohibited development		
Land Use Table <i>R2 Low Density Residential Zone</i>	Yes	The land use is defined as a dwelling house, which is permitted with consent in the R2 zone. The proposal is consistent with the relevant objectives of the zone.
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 13.7m exceeding the development standard by 5.2m or 61.2%.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none">• 0.5:1	N/A	The proposal does not include internal works and will not result in any increase to the existing FSR.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 6 Additional local provisions		
6.15 Stormwater Management	Yes	The proposal was reviewed by Council's Stormwater Engineers and deemed acceptable. Conditions were recommended which are included in Appendix A.

The following is a detailed discussion of the issues identified in the compliance table above.

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 height development standard of 8.5m. The proposed development has a height of 13.7m, exceeding the standard by 5.2m equating to a 61.2% 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 height 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 overall height and scale of the dwelling is largely unchanged with the proposed works. The dwelling is situated on a steep site with the existing development sitting above the 8.5m height development standard. The works to reconfigure the private open space and pool location does not alter overall established building height in the landscape. No amenity impacts are a result of the new works above the 8.5m height development standard and no view corridors are impacted.
 - (ii) Shadow diagrams have been provided within the architectural set and demonstrate that there is no additional overshadowing impacts caused by the works to either adjoining properties or public areas.
 - (iii) The overall height with regard to the uppermost RL's are not being altered with the works proposed. The new works above the 8.5m height development standard are associated with existing non-compliances due to the steep topography. The established height of the dwelling is maintained in the locality.
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:

- (i) The existing development includes areas that are above the 8.5m height limit which is reflective of the steep topography. The new works above the 8.5m height limit are a result of existing non-compliances.
- (ii) The reconfigurations of the private open space and swimming pool location do not alter the privacy outcome from the existing circumstance. The use of these spaces is still maintained as private open space.
- (iii) The variation does not give rise to any privacy, overshadowing or view loss concerns.
- (iv) The majority of the new works above the 8.5m height development standard relate to new glass balustrades for the relocated swimming pool. In this regard, these balustrades do not result in any privacy, overshadowing or view loss concerns. The new works above the 8.5m height limit which relate to glass balustrades and retractable awnings do not give rise to any unreasonable building bulk or visual impacts when viewed from adjoining properties.
- (v) The reconfiguration of the private open space areas will have a negligible impact on the existing bulk and scale and character of the dwelling within the landscape. The dwellings presentation to the street is unchanged and will continue to be a multi-storey dwelling when viewed from the rear.

Consideration of Applicant's Written Request

The applicant's written request has correctly identified the development standard to be varied, relevant legislation and measured height using the correct ground level. The document also addressed those matters required in Clause 4.6(3)(a) and (b).

Consideration of 4.6(3)(a) whether compliance is unreasonable or unnecessary in the circumstances of the case

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) of *Wehbe v Pittwater Council* (2007) 156 LGERA 446]. The applicant has provided sound justification establishing that the proposal is consistent with the objectives of the height development standard.

The proposal is for external works that are above the height development standard by virtue of excavation in the past. The excavated levels of the building now form the existing ground level and as such, the dwelling is above the height development standard according to the definition within the LEP.

The applicant has demonstrated that the variation to the height development standard will not result in additional overshadowing of adjoining properties, with all new shadows falling within existing. The proposal will not impact upon private or public domain views. Additionally, there are no additional privacy impacts given that the existing decks are being retained with the pool simply being relocated to another deck at a lower level. Although the proposal includes the raising of the decking to align with the pool coping, the raised area will be set back from the edge by the depth of the pool and surrounded by planters ensuring no unreasonable additional privacy impacts. Accordingly, the proposal will preserve the amenity of surrounding properties.

The proposed works are contained at the rear of the site and will not be visible from the street or public domain. The proposal has no effect on the front elevation of the building maintaining the character of the dwelling which continues to present to the street as a two-storey dwelling.

Consideration of 4.6(3)(b) whether there are sufficient environmental planning grounds to justify contravening the development standard.

The applicant has satisfactorily argued that there are sufficient environmental planning grounds to justify contravening the development standard. The proposal maintains a dwelling on the site and the variation is simply due to the fact that previous excavation of the site has altered the ground level. The external works involve only a minor increase in height due to the swimming pool balustrade and side fencing. The proposed works are contained below the maximum level of the building and will not impact upon surrounding properties or the streetscape.

Conclusion

The written request provided by the applicant to vary the height development standard has adequately addressed clause 4.6 of the Waverley LEP 2012 and the justification provided by the applicant is satisfactory.

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

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

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

Development Control	Compliance	Comment
5. Water Management	Yes	Satisfactory. Refer to section 3 of this report on referral commentary in relation to stormwater.
11. Design Excellence	Yes	Satisfactory.

Table 31: 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	The repositioning of the pool and subsequent pool fencing results in an increase in the wall height on the rear lower deck to 12.4m. As previously discussed, the height is considered appropriate and is a consequence of the steep slope of the land and previous excavation of the site.
1.2 Setbacks		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line (adjacent three neighbours on either side) Predominant rear building line at each floor level (adjacent three neighbours or either side) 	N/A	The proposal does not alter the front and rear setback with the proposed works being contained within existing balconies/decks.
1.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 0.9m for ground floor and first floors.) 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. Third floor assessed on merit. 	N/A	The proposal does not alter the side setbacks with the proposed works being contained within existing balconies/decks.

1.3 Streetscape and visual impact		
<ul style="list-style-type: none"> <i>New development to be compatible with streetscape context</i> 	Yes	The proposed external works will be contained to the rear elevation of the building and will not affect the streetscape appearance of the dwelling.
1.5 Visual and acoustic privacy		
	Yes	<p>The proposal is to relocate a swimming pool from a deck at the ground floor level (elevated) to a lower deck. The decks remain as private open space and as such, will not result in any greater privacy impacts than the existing development. There is high degree of mutual overlooking between sites and elevated decks oriented toward views is a feature of the area.</p> <p>The privacy impacts of the proposal are not considered unreasonable.</p>
1.6 Solar access		
<ul style="list-style-type: none"> <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	As previously discussed, the overshadowing from the subject proposal will fall within existing shadows. No further impacts are likely as a result of the proposal.
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	<p>Views are achieved from the site and surrounding properties to Bondi Beach to the south and to the City skyline to the west. Images have been provided from the applicant from terraces to the west of the site which demonstrate that views of the city skyline will not be impacted by the development.</p> <p>No known public views will be impacted.</p>
1.10 Swimming pools and spa pools		
<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 proposed swimming pool will be located at the rear at a lower deck than the existing swimming pool. There will be no additional privacy impacts beyond that which already exists on the site.</p> <p>The properties to the rear of the site sit approximately 16m lower than the level of the swimming pool ensuring sufficient separation</p>

		<p>distance to minimise visual and acoustic privacy impacts. The decking surrounding the swimming pool is set back from the building edge to limit views into adjoining properties.</p> <p>It should be noted that there are other elevated swimming pools to surrounding properties given the steep slope of the land in this locality.</p>
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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 7 March 2025 and 25 March 2025 in accordance with the *Community Engagement Strategy 2023*. 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. Stormwater

The application was reviewed and considered satisfactory. All recommended conditions are included in Appendix A.

4. CONCLUSION

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


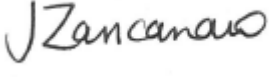

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Managers of Development Assessment (MODA) Review

The application was reviewed by the MODA at the meeting on 15 April 2025 and the MODA concurred with the Assessment Planner's recommendation.

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

Report prepared by:	Application reviewed and agreed by:	Application reviewed and agreed by:
		
Kylie Lucas	Jo Zancanaro	Angela Rossi
Senior Development Assessment Planner	A/Manager, Development Assessment	Executive Manager, Development Assessment
Date: 23 April 2025	Date: 8 May 2025	Date: 14 May 2025

Reason for WLPP referral:

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

OFFICE USE ONLY

Planning Portal Data		
Clause 4.6 register entry required (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)	61.2% variation to height (Clause 4.3)	
	X	Pre-existing non-compliance
	X	No change to overall building height
	X	No change to overall building envelope
	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	

Were the requirements of the Sustainable Buildings SEPP (effective 1 October 2023) met?	N/A
Have any dwellings been approved for affordable Rental Housing under this approval/consent? <small>*This is a planning portal reporting requirement</small>	No
Secondary Dwelling <small>*This is a planning portal reporting requirement</small>	No
Boarding House <small>*This is a planning portal reporting requirement</small>	No
Group Home <small>*This is a planning portal reporting requirement</small>	No
Is the development subject to the Special Infrastructure Contribution (SIC)?	No
Is the development located within an Urban Release area?	No
Waverley Council Data	
Trial Period database entry required	No
VPA submitted – follow up actions required	No
Refer to compliance for investigation	No
Commercial/liquor operational conditions	No
Was there a 'Conflict of Interest' declared	No

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.	APPROVED PLANS AND DOCUMENTATION																																												
	The development must be in accordance with:																																												
	(a) Architectural Plans prepared by Daniel Siric of Project No: 2313 including the following:																																												
	<table><tr><th>Plan Number and Revision</th><th>Plan description</th><th>Plan Date</th><th>Date received by Council</th></tr><tr><td>A001 Rev. K</td><td>SITE PLAN & SITE ANALYSIS</td><td>27/02/2025</td><td>04/03/2025</td></tr><tr><td>A103 Rev. K</td><td>DEMO. GARAGE FLOOR PLAN</td><td>27/02/2025</td><td>04/03/2025</td></tr><tr><td>A104 Rev. K</td><td>DEMO. GROUND & FIRST FLOOR PLANS</td><td>27/02/2025</td><td>04/03/2025</td></tr><tr><td>A105 Rev. K</td><td>PROPOSED GARAGE FLOOR PLAN</td><td>27/02/2025</td><td>04/03/2025</td></tr><tr><td>A106 Rev. K</td><td>PROPOSED GROUND & FIRST FLOOR PLANS</td><td>27/02/2025</td><td>04/03/2025</td></tr><tr><td>A203 Rev. K</td><td>NEW POOL & ALFRESCO AREA</td><td>27/02/2025</td><td>04/03/2025</td></tr><tr><td>A204 Rev. K</td><td>ELEVATIONS</td><td>27/02/2025</td><td>04/03/2025</td></tr><tr><td>A301 Rev. K</td><td>SECTION A</td><td>27/02/2025</td><td>04/03/2025</td></tr><tr><td>A302 Rev. K</td><td>SECTION B</td><td>27/02/2025</td><td>04/03/2025</td></tr><tr><td>A401 Rev. J</td><td>MATERIAL FINISHES BOARD</td><td>27/02/2025</td><td>04/03/2025</td></tr></table>	Plan Number and Revision	Plan description	Plan Date	Date received by Council	A001 Rev. K	SITE PLAN & SITE ANALYSIS	27/02/2025	04/03/2025	A103 Rev. K	DEMO. GARAGE FLOOR PLAN	27/02/2025	04/03/2025	A104 Rev. K	DEMO. GROUND & FIRST FLOOR PLANS	27/02/2025	04/03/2025	A105 Rev. K	PROPOSED GARAGE FLOOR PLAN	27/02/2025	04/03/2025	A106 Rev. K	PROPOSED GROUND & FIRST FLOOR PLANS	27/02/2025	04/03/2025	A203 Rev. K	NEW POOL & ALFRESCO AREA	27/02/2025	04/03/2025	A204 Rev. K	ELEVATIONS	27/02/2025	04/03/2025	A301 Rev. K	SECTION A	27/02/2025	04/03/2025	A302 Rev. K	SECTION B	27/02/2025	04/03/2025	A401 Rev. J	MATERIAL FINISHES BOARD	27/02/2025	04/03/2025
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(b) The Site Waste and Recycling Management Plan (SWRMP) Part 1.																																													
Except where amended by the following conditions of consent.																																													
Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.																																													

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
2.	<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>
3.	<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>
4.	<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>(i) a Cost Summary Report or Building Contract (dated within 12 months) 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 (dated within 12 months) 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 (dated within 12 months) 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>
5.	<p>SECURITY DEPOSIT</p> <p>A deposit (cash or cheque) for the amount of \$29,964 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,</p>

	<p>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>
6.	<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>
7.	<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>
8.	<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>
9.	<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>
10.	<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>
11.	<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> <p>Condition reason: To ensure structural stability of work on site.</p>
12.	<p>STORMWATER MANAGEMENT</p> <p>To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact on 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 NB Consulting Engineers, Job No. 2406079, Drawing No. D01, D02, D03, D04, D05, Job No. 2406079, Issue A, dated 19/09/2024 are considered concept only.</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"> The existing OSD and pump must be adequate to cater for flow increase. Otherwise, the existing OSD system must be re-designed and upgraded in accordance with the Water Management Technical Manual (WMTM). Provide calculations demonstrating that the stormwater drainage system can cater for the relevant design storm event. 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.

	<p>d) Detail the proposed pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location.</p> <p>e) Pits and inspection openings must be provided at all junctions, change in gradient, change in direction, and changes in diameter for access and maintenance purposes.</p> <p>f) Any new downpipes must be located wholly within the property's boundary.</p> <p>g) Any Council infrastructure affected as a 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 if damaged as per the 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 (October 2021) available online must be completed and submitted with any revision of Construction Certificate Plan Submissions. • The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development. • Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council. • Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8655 (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. • Evidence from a suitably qualified and practicing Engineer that the approved design has been adhered to must be submitted to and approved by the Principal Certifying Authority (PCA) prior to the issue of the relevant Construction Certificate application. <p>Condition reason: To ensure the design is in accordance with the Development Consent, relevant Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards, and good engineering practices.</p>
13.	<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> <p>Condition reason: To ensure resource recovery is promoted and the local amenity is protected during construction.</p>
14.	<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>
15.	<p>RENEWABLE ENERGY AND ENERGY EFFICIENCY</p> <p>To enable all development to contribute to net zero greenhouse emissions by 2035, the following shall apply:</p> <ul style="list-style-type: none"> (a) Recommended swimming pool heating systems to include solar thermal only, solar thermal boosted with electric heat pump or electric heat pump. (b) Recommended lighting systems to include LEDs with controls, such as motion sensors, step-dim controls and daylight sensors. <p>The architectural plans shall be updated to notate the above and submitted to the Principal Certifying Authority for approval, prior to the issue of a Construction Certificate.</p> <p>Condition reason: To reduce community greenhouse emissions to net zero by 2035 and ensure all new (or altered) homes have future capacity to be an all-electric building, powered by renewable energy.</p>

BEFORE BUILDING WORK COMMENCES

	Condition
16.	<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>
17.	<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>
18.	TREE PROTECTION

	<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>
19.	<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
20.	<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>
21.	<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>
22.	<p>STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS</p> <p>All building materials and any other items associated with the development are to be stored within the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.</p> <p>Condition reason: To ensure building material is stored in an appropriate location.</p>
23.	<p>CONSTRUCTION INSPECTIONS</p> <p>The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the <i>Building Legislation Amendment (Quality of Construction) Act 2002, Part 8 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> and the requirements of any other applicable legislation or instruments.</p>

	Condition reason: To ensure regular inspections occur throughout the construction process.
24.	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.
25.	CONSTRUCTION OF SWIMMING POOLS AND OUTDOOR SPAS
	The following applies to the construction of swimming pools and outdoor spas:
	<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.
	Condition reason: To ensure pools are constructed in a correct manner.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
26.	<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>
27.	<p>CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE SYSTEM</p> <p>Certification must 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.</p> <p>Certification must be provided from a suitably qualified and practicing Engineer or Plumber, that any retained stormwater drainage system is unblocked, in good working order, and has been repaired or replaced in accordance with Council's Water Management Technical Manual and Development Control Plan and all applicable Codes, Policies, Plans, Standards and good engineering practice.</p> <p>A copy of the certifications must be submitted to the assessing stormwater engineer within Infrastructure Services for approval.</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>
28.	<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>

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>

	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.
5.	<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>
6.	<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>
7.	<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>
8.	<p>SUITABLY QUALIFIED ACOUSTIC CONSULTANT</p> <p>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.</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*.

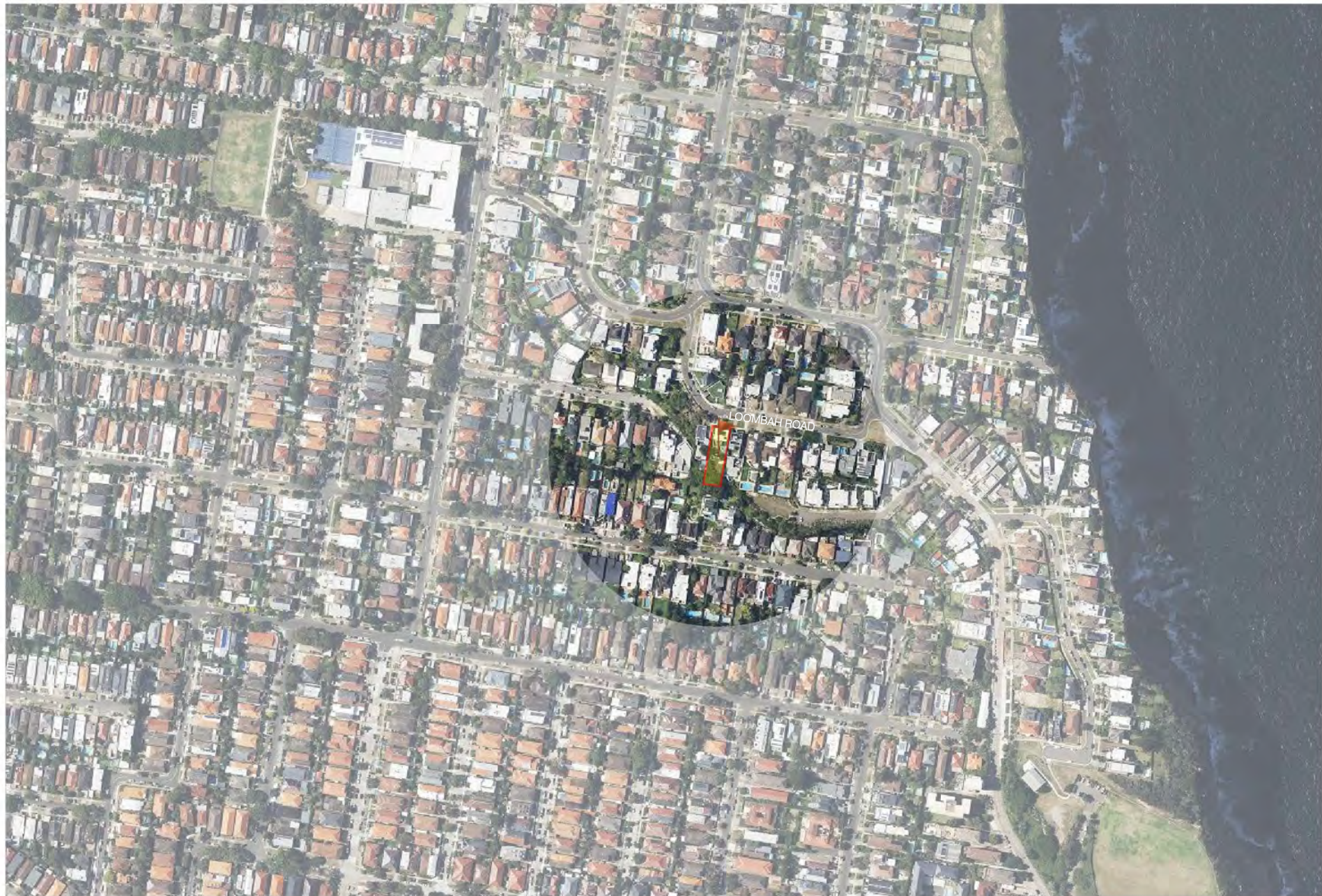
Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

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.

16 Loombah Road, Dover Heights

DRAWING REGISTER			
Drawing No.	Revision	Date	Sheet Name
A000	K	27.02.2025	COVER SHEET
A001	K	27.02.2025	SITE PLAN & SITE ANALYSIS
A011	K	27.02.2025	JUNE SHADOW DIAGRAMS EXISTING
A012	K	27.02.2025	JUNE SHADOW DIAGRAMS PROPOSED
A101	K	27.02.2025	EXISTING GARAGE FLOOR PLAN
A102	K	27.02.2025	EXISTING GROUND & FIRST FLOOR PLANS
A103	K	27.02.2025	DEMO. GARAGE FLOOR PLAN
A104	K	27.02.2025	DEMO. GROUND & FIRST FLOOR PLANS
A105	K	27.02.2025	PROPOSED GARAGE FLOOR PLAN
A106	K	27.02.2025	PROPOSED GROUND & FIRST FLOOR PLANS
A107	K	27.02.2025	EXISTING FLOOR PLANS
A201	K	27.02.2025	EXISTING ELEVATIONS
A202	K	27.02.2025	EXISTING ELEVATIONS
A203	K	27.02.2025	ELEVATIONS
A204	K	27.02.2025	ELEVATIONS
A301	K	27.02.2025	SECTION A
A302	K	27.02.2025	SECTION B
A401	K	27.02.2025	MATERIAL FINISHES BOARD



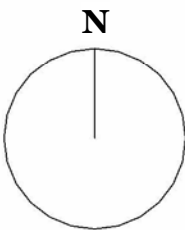
SOURCE: SIX MAPS

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Waverley Council

Application No: DA-690/2024

Date Received: 04/03/2025

AMENDED



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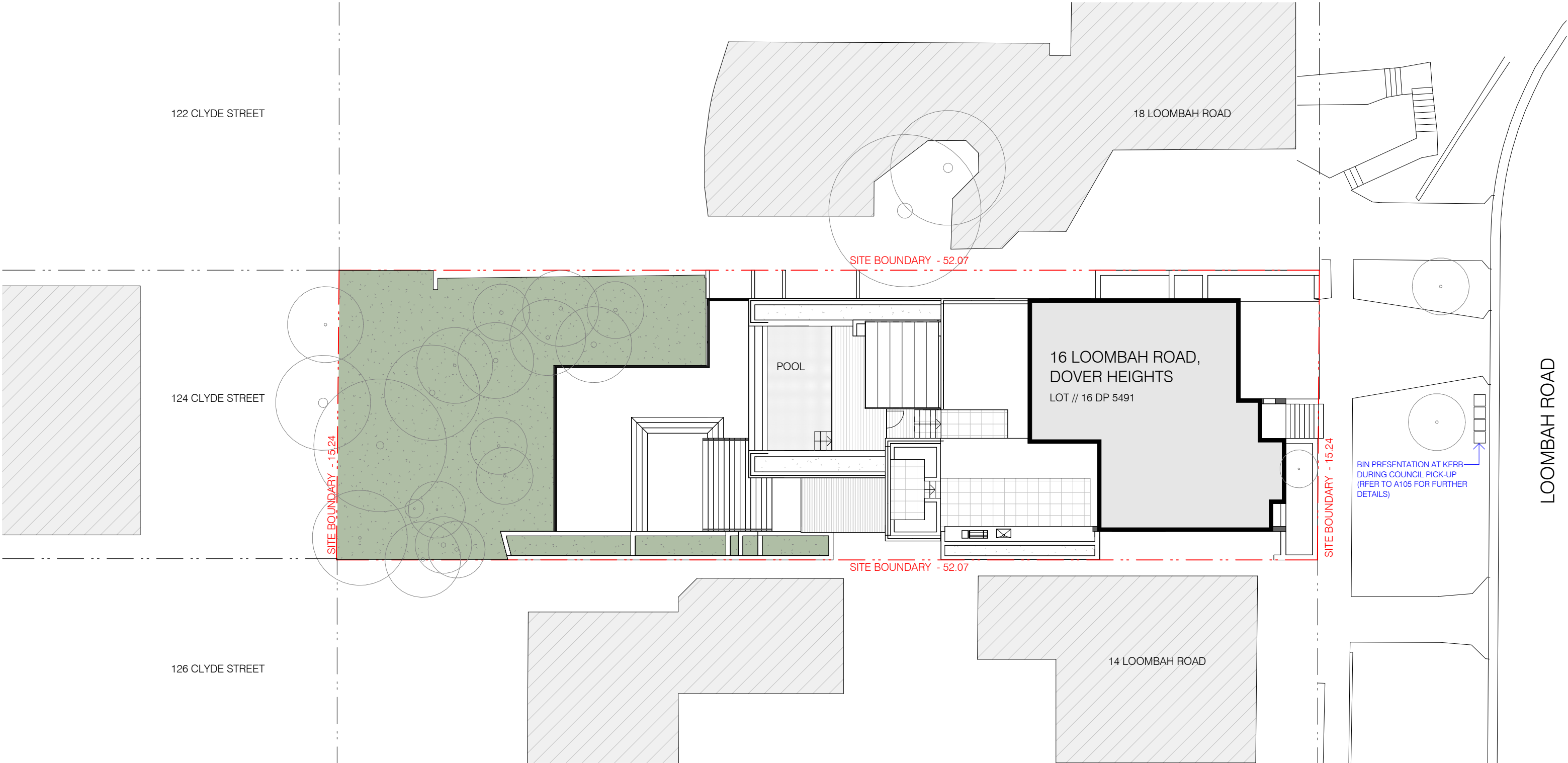
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WINTER SUN PATH

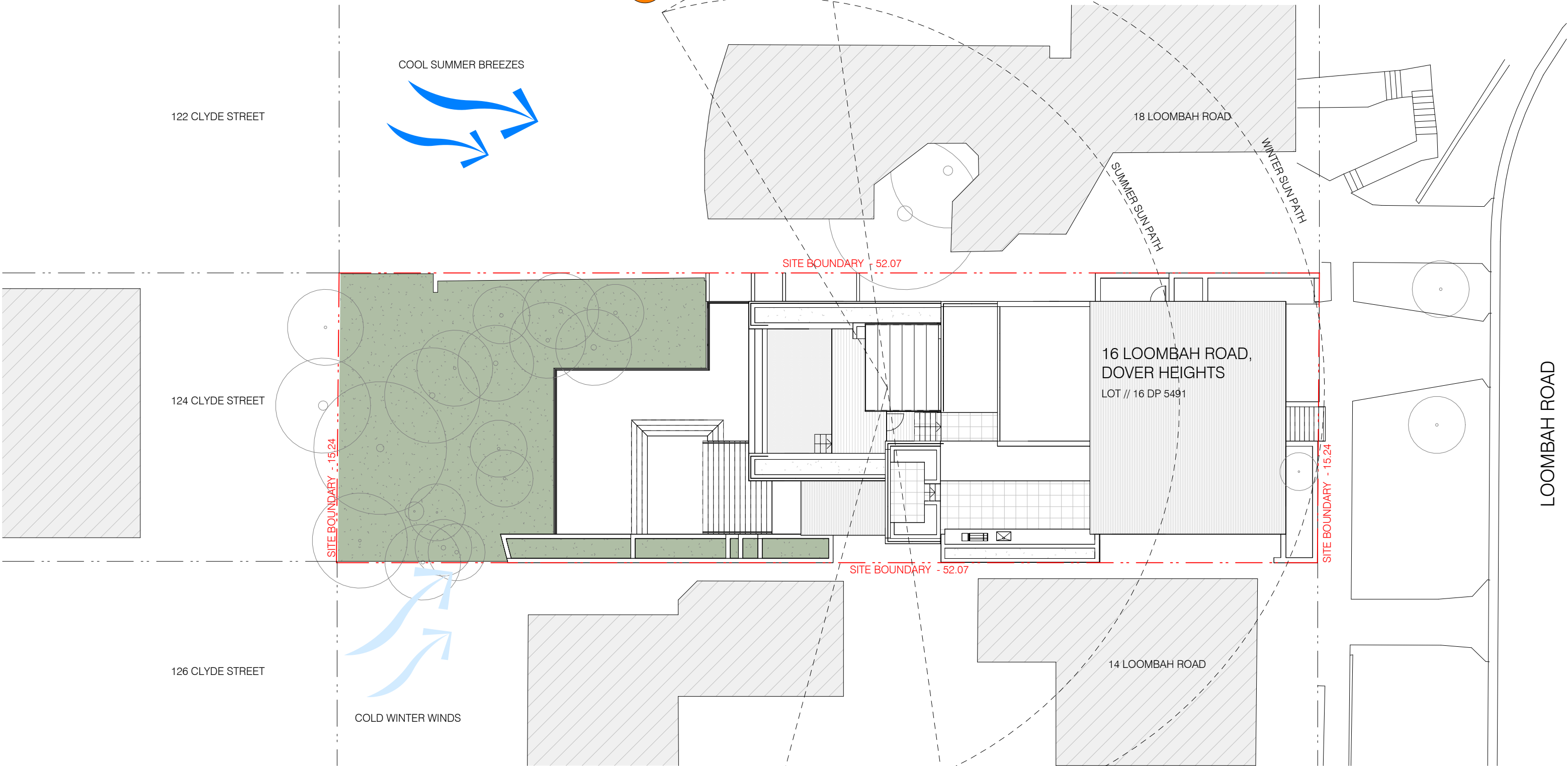
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COOL SUMMER BREEZES

COLD WINTER WINDS

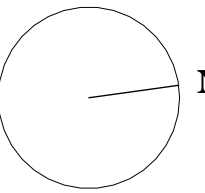


01 SITE PLAN
1 : 200



02 SITE ANALYSIS
1 : 200

AMENDED



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- 2 53 Queen Street, Woollahra NSW 2025
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DATE	REV	NOTE
27.02.2025	K	AMENDED DA

Nominated Architect: Daniel Siric NSW ARB No. 9115 (M) 0414 670 218

STAGE
DEVELOPMENT APPLICATION

DRAWN
MG

REVIEWED
DS

PROJECT
NEW POOL & ALFRESCO AREA

PROJECT ADDRESS
16 LOOMBAH ROAD, DOVER HEIGHTS

2313

DRAWING TITLE
SITE PLAN & SITE ANALYSIS

SCALE @ A1
1 : 200

DRG #
A001

REV
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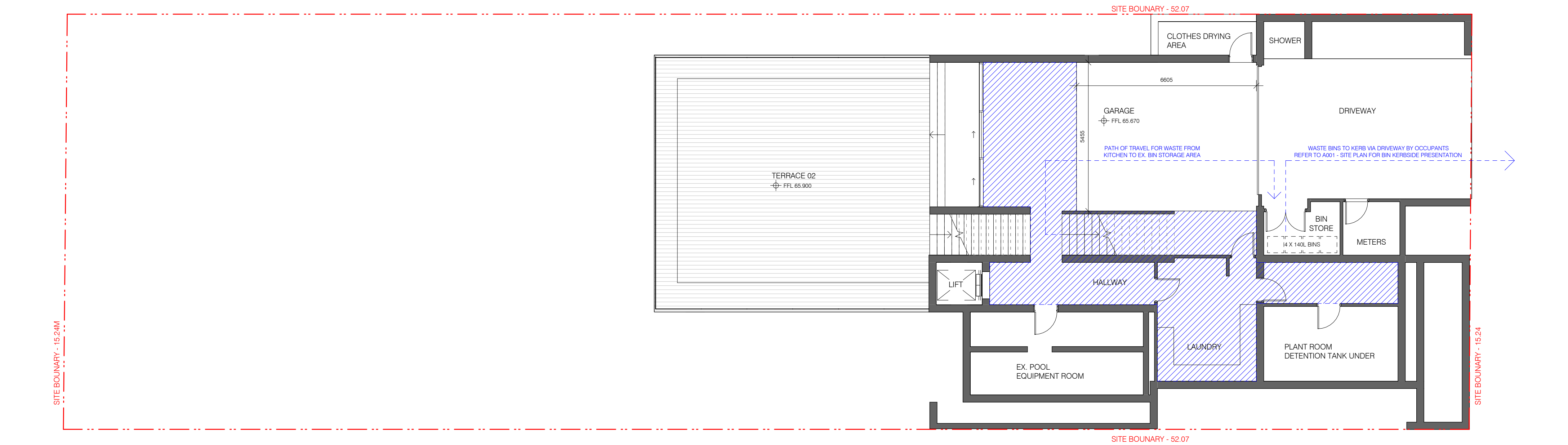
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Waverley Council
Application No: DA-690/2024
Date Received: 04/03/2025



01 GARAGE LEVEL EXISTING
1 : 100

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GFA CALCULATIONS:	
SITE AREA:	786.23m ²
GFA CALCULATIONS - EXISTING	
RUMPUS	79.79m ²
PARENTS LEVEL	96.69m ²
KIDS RUMPUS	96.01m ²
GARAGE	67.22m ²
FAMILY ROOM	112.17m ²
FORMAL LIVING	74.44m ²
TOTAL	526.32m ²
GFA CALCULATIONS - PROPOSED	
RUMPUS	79.79m ²
PARENTS LEVEL	96.69m ²
KIDS RUMPUS	96.01m ²
GARAGE	67.22m ²
FAMILY ROOM	112.17m ²
FORMAL LIVING	74.44m ²
TOTAL	526.32m ²
ALLOWABLE FSR: 0.5-1	393.11m ²

LEGEND	
EXISTING	<div></div>
DEMO	<div></div>

- 1

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- 2

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DATE	REV	NOTE
27.02.2025	K	AMENDED DA

Nominated Architect: Daniel Siric NSW ARB No. 9115 (M) 0414 670 218

STAGE
DEVELOPMENT APPLICATION

DRAWN
MG

REVIEWED
DS

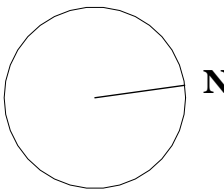
PROJECT
NEW POOL & ALFRESCO AREA

PROJECT ADDRESS
16 LOOMBAH ROAD, DOVER HEIGHTS

#
2313

DRAWING TITLE
EXISTING GARAGE FLOOR PLAN

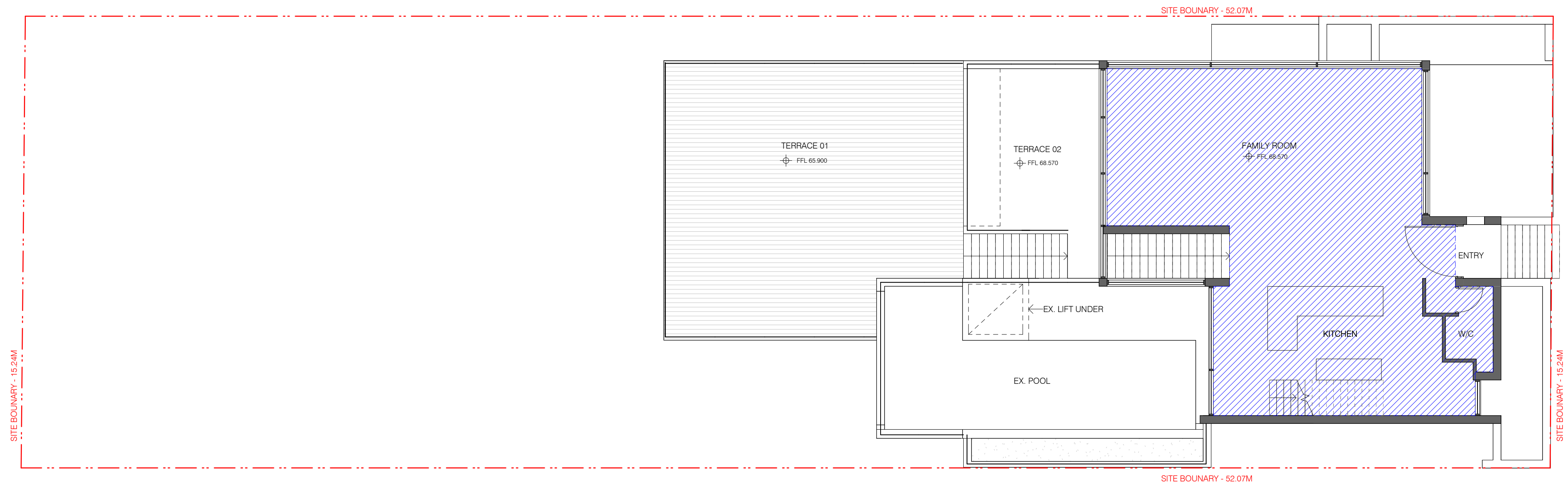
SCALE @ A1	DRG #	REV
As indicated	A101	K







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Waverley Council
Application No: DA-690/2024
Date Received: 04/03/2025


AMENDED



GFA CALCULATIONS:	
SITE AREA:	786.23m ²
	
GFA CALCULATIONS - EXISTING	
RUMPUS	79.79m ²
PARENTS LEVEL	96.69m ²
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FORMAL LIVING	74.44m ²
TOTAL	526.32m ²
ALLOWABLE FSR: 0.5-1	393.11m ²

LEGEND

EXISTING 

DEMO 

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DATE	REV	NOTE
27.02.2025	K	AMENDED DA

Nominated Architect: Daniel Siric NSW ARB No. 9115 (M) 0414 670 218

STAGE
DEVELOPMENT APPLICATION

DRAWN	REVIEWED
MG	DS

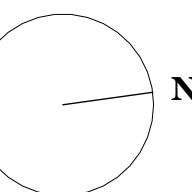
PROJECT
NEW POOL & ALFRESCO AREA

PROJECT ADDRESS
16 LOOMBAH ROAD, DOVER HEIGHTS

2313

DRAWING TITLE
EXISTING GROUND & FIRST FLOOR PLANS

SCALE @ A1	DRG #	REV
As indicated	A102	K

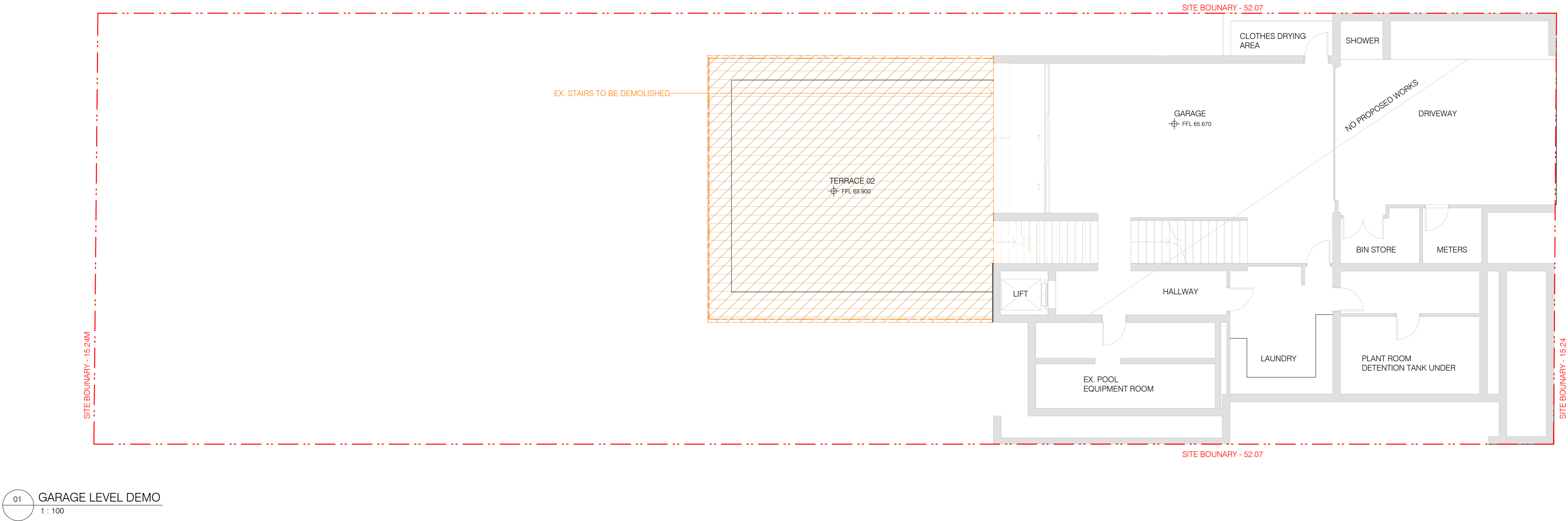


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Waverley Council

Application No: DA-690/2024

Date Received: 04/03/2025

DEMOLITION NOTES	
ALL DEMOLITION WORK MUST BE CARRIED OUT IN ACCORDANCE WITH THE FOLLOWING:	
A.	COMPLIANCE WITH THE REQUIREMENTS OF AUSTRALIAN STANDARD AS 2601 THE DEMOLITION OF STRUCTURES WITH SPECIFIC REFERENCE TO HEALTH AND SAFETY OF THE PUBLIC, HEALTH AND SAFETY OF THE SITE PERSONNEL, PROTECTION OF ADJOINING BUILDINGS AND PROTECTION OF THE IMMEDIATE ENVIRONMENT;
B.	ALL WORKS INVOLVING THE DEMOLITION, REMOVAL, TRANSPORT AND DISPOSAL OF ASBESTOS CEMENT MUST BE CARRIED OUT IN ACCORDANCE WITH THE WORKSAFE CODE OF PRACTICE FOR REMOVAL OF ASBESTOS AND THE REQUIREMENTS OF THE WORKCOVER AUTHORITY OF NSW AND THE DEPARTMENT OF ENVIRONMENT, CLIMATE CHANGE AND WATER
C.	ALL BUILDING MATERIALS ARISING FROM THE DEMOLITION MUST BE DISPOSED OF IN AN APPROVED MANNER IN ACCORDANCE WITH WAVERLEY COUNCIL WASTE MANAGEMENT REQUIREMENTS AND ANY APPLICABLE REQUIREMENTS OF THE DEPARTMENT OF ENVIRONMENT, CLIMATE CHANGE AND WATER
D.	SANITARY DRAINAGE, STORMWATER DRAINAGE, WATER, ELECTRICITY AND TELECOMMUNICATIONS MUST BE DISCONNECTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE RESPONSIBLE AUTHORITIES
E.	THE GENERATION OF DUST AND NOISE ON SITE MUST BE CONTROLLED
F.	THE SITE MUST BE SECURED TO PROHIBIT UNAUTHORISED ENTRY
G.	THE PERSON ACTING ON THIS CONSENT MUST ENSURE THAT ALL CONTRACTORS AND SUBCONTRACTORS ASSOCIATED WITH THE DEMOLITION ARE FULLY AWARE OF THESE REQUIREMENTS



AMENDED

LEGEND	
EXISTING	<div></div>
DEMO	<div></div>

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DATE	REV	NOTE
27.02.2025	K	AMENDED DA

Nominated Architect: Daniel Siric NSW ARB No. 9115 (M) 0414 670 218

STAGE
DEVELOPMENT APPLICATION

DRAWN	REVIEWED
MG	DS

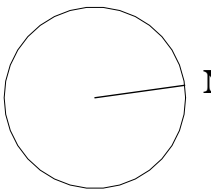
PROJECT
NEW POOL & ALFRESCO AREA

PROJECT ADDRESS
16 LOOMBAH ROAD, DOVER HEIGHTS

#
2313

DRAWING TITLE	
DEMO. GARAGE FLOOR PLAN	

SCALE @ A1	DRG #	REV
1 : 100	A103	K



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DEMOLITION NOTES

ALL DEMOLITION WORK MUST BE CARRIED OUT IN ACCORDANCE WITH THE FOLLOWING:

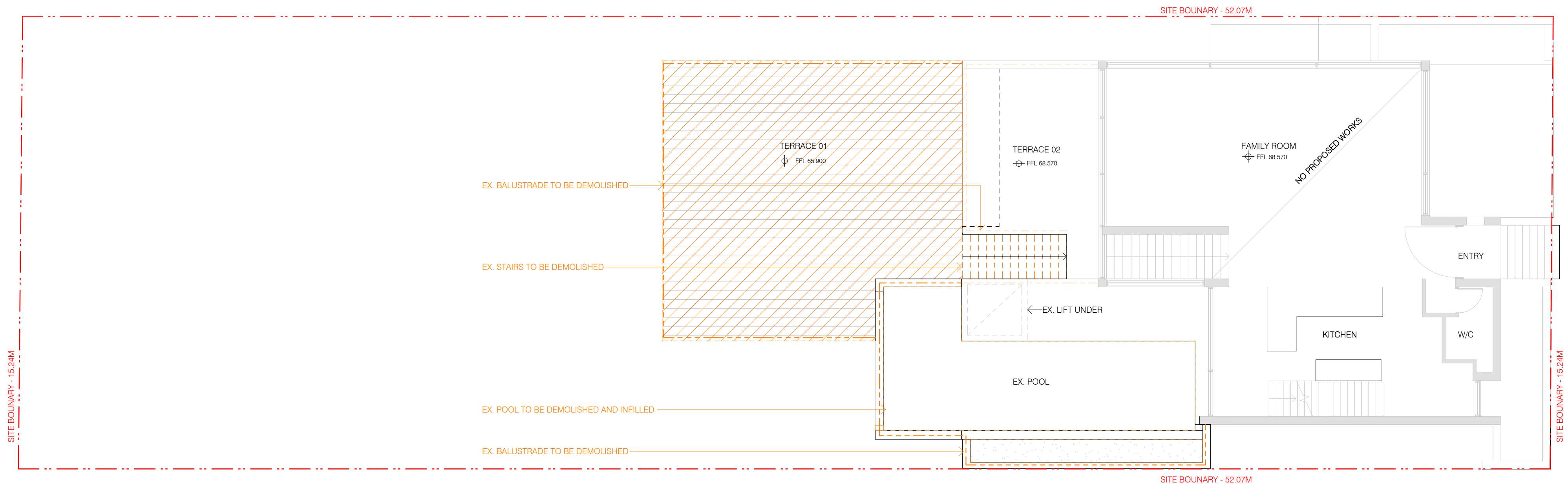
- A. COMPLIANCE WITH THE REQUIREMENTS OF AUSTRALIAN STANDARD AS 2601 THE DEMOLITION OF STRUCTURES WITH SPECIFIC REFERENCE TO HEALTH AND SAFETY OF THE PUBLIC, HEALTH AND SAFETY OF THE SITE PERSONNEL, PROTECTION OF ADJOINING BUILDINGS AND PROTECTION OF THE IMMEDIATE ENVIRONMENT.
- B. ALL WORKS INVOLVING THE DEMOLITION, REMOVAL, TRANSPORT AND DISPOSAL OF ASBESTOS CEMENT MUST BE CARRIED OUT IN ACCORDANCE WITH THE WORKSAFE CODE OF PRACTICE FOR REMOVAL OF ASBESTOS AND THE REQUIREMENTS OF THE WORKCOVER AUTHORITY OF NEW SOUTH WALES OF THE ENVIRONMENT, CLIMATE CHANGE AND WATER.
- C. ALL BUILDING MATERIALS ARISING FROM THE DEMOLITION MUST BE STORED IN AN APPROVED MANNER IN ACCORDANCE WITH **WAVELEY COUNCIL WASTE MANAGEMENT REQUIREMENTS** AND ANY APPLICABLE REQUIREMENTS OF THE WORKCOVER AUTHORITY OF NEW SOUTH WALES OF THE ENVIRONMENT, CLIMATE CHANGE AND WATER.
- D. SITE DRAINAGE, STORMWATER DRAINAGE WATER, ELECTRICITY AND GAS SERVICES AND TELECOMMUNICATIONS MUST BE DISCONNECTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE RESPONSIBLE AUTHORITIES.
- E. THE GENERATION OF DUST AND NOISE ON SITE MUST BE CONTROLLED.
- F. THE SITE MUST BE SECURED TO PROHIBIT UNAUTHORIZED ENTRY.
- G. THE PERSON ACTING ON THIS CONSENT MUST ENSURE THAT ALL CONTRACTORS AND SUB-CONTRACTORS EMPLOYED IN THE DEMOLITION ARE FULLY AWARE OF THESE REQUIREMENTS.



01 DEMO FIRST FLOOR PLAN
1 : 100



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02 DEMO GROUND FLOOR PLAN
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STAGE
DEVELOPMENT APPLICATION

DRAWN
MG

REVIEWED
DS

PROJECT
NEW POOL & ALFRESCO AREA

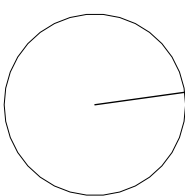
PROJECT ADDRESS
16 LOOMBAH ROAD, DOVER HEIGHTS

2313

DRAWING TITLE
DEMO. GROUND & FIRST FLOOR PLANS

SCALE @ A1
1 : 100

DRG #
A104

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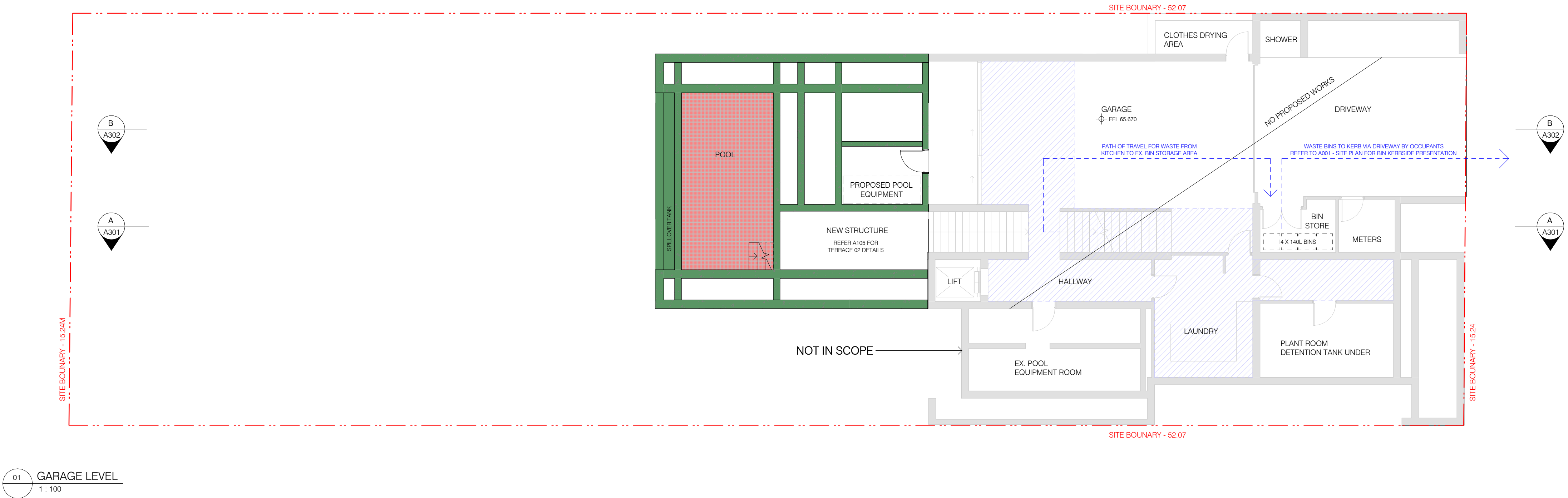
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Application No: DA-690/2024
Date Received: 04/03/2025



01 GARAGE LEVEL
1 : 100

AMENDED

MATERIALS AND FINISHES LEGEND		
CONC	OFF FORM CONCRETE	
GLS	GLASS BALUSTRADE	
MAS	MASONRY	
MTL	METAL, PRIMED, PAINTED	
TILE	OUTDOOR FLOOR TILE	
TIM	TIMBER	
STO	STONE	

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NOTE AMENDED DA

Nominated Architect: Daniel Siric NSW ARB No. 9115 (M) 0414 670 218

STAGE
DEVELOPMENT APPLICATION

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REVIEWED DS

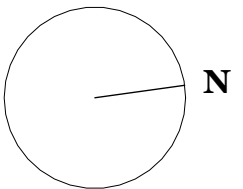
PROJECT
NEW POOL & ALFRESCO AREA

PROJECT ADDRESS
16 LOOMBAH ROAD, DOVER HEIGHTS

2313

DRAWING TITLE
PROPOSED GARAGE FLOOR PLAN

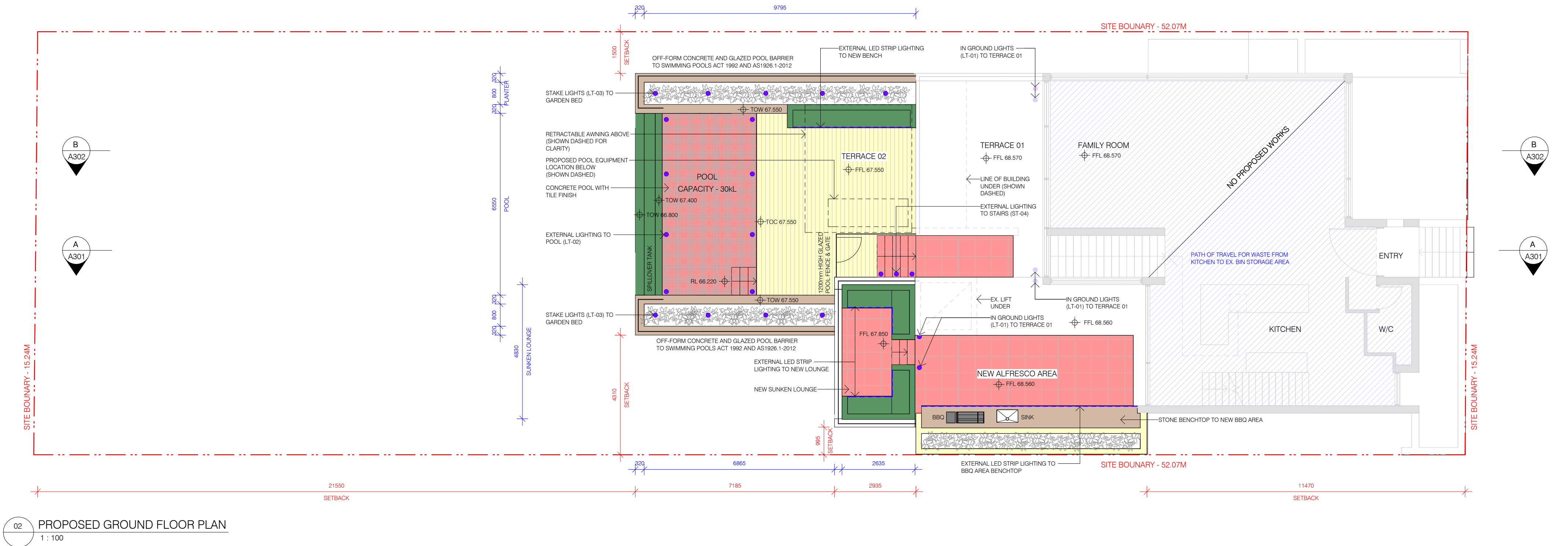
SCALE @ A1 1 : 100
DRG # A105
REV K



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Application No: DA-690/2024
Date Received: 04/03/2025



AMENDED



MATERIALS AND FINISHES LEGEND	
CONC	OFF FORM CONCRETE
GLS	GLASS BALUSTRADE
MAS	MASONRY
MTL	METAL, PRIMED, PAINTED
TILE	OUTDOOR FLOOR TILE
TIM	TIMBER
STO	STONE

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NOTE AMENDED DA

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STAGE
DEVELOPMENT APPLICATION

DRAWN
MG

REVIEWED
DS

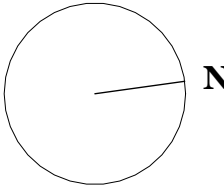
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NEW POOL & ALFRESCO AREA

PROJECT ADDRESS
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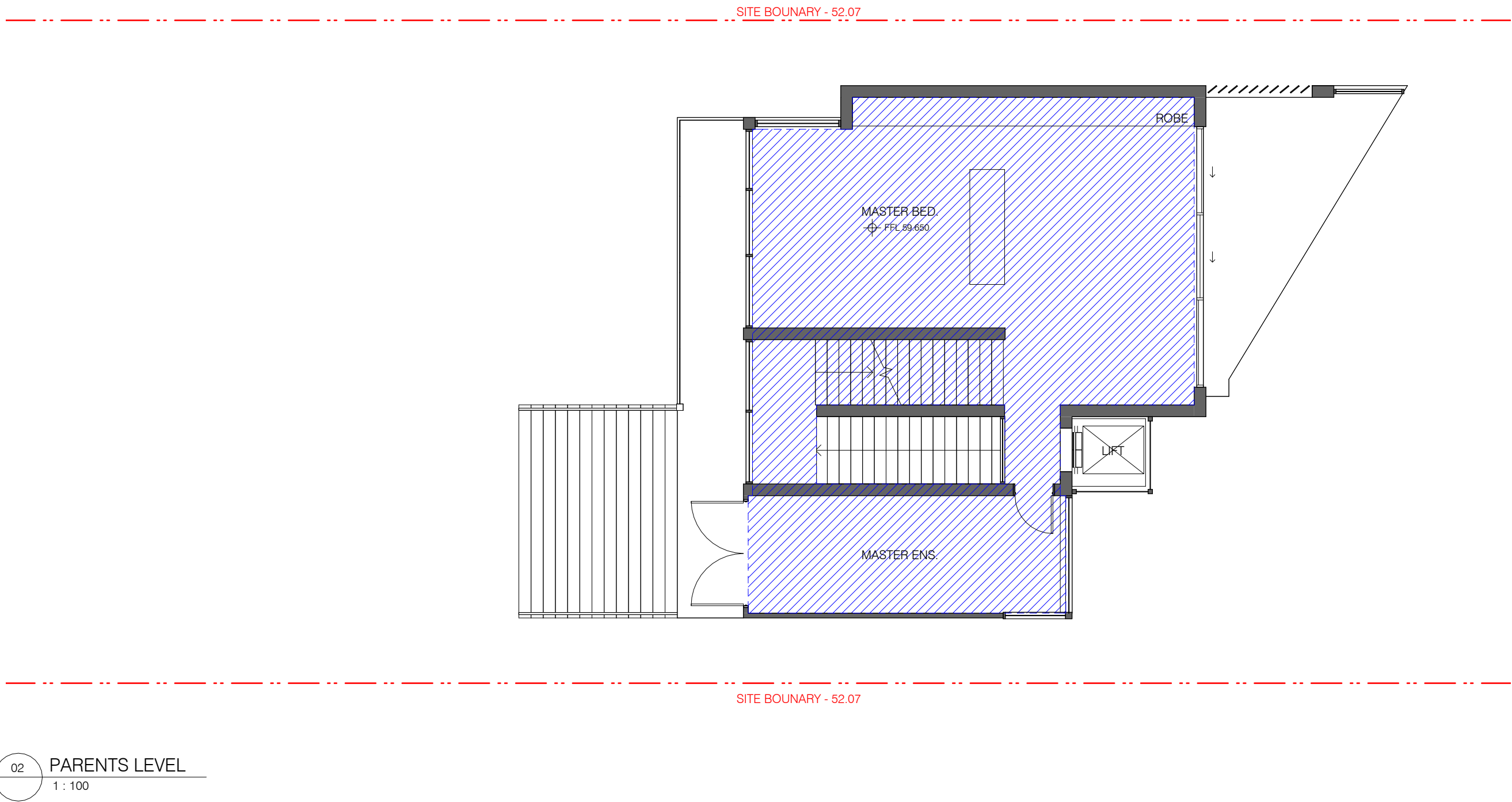
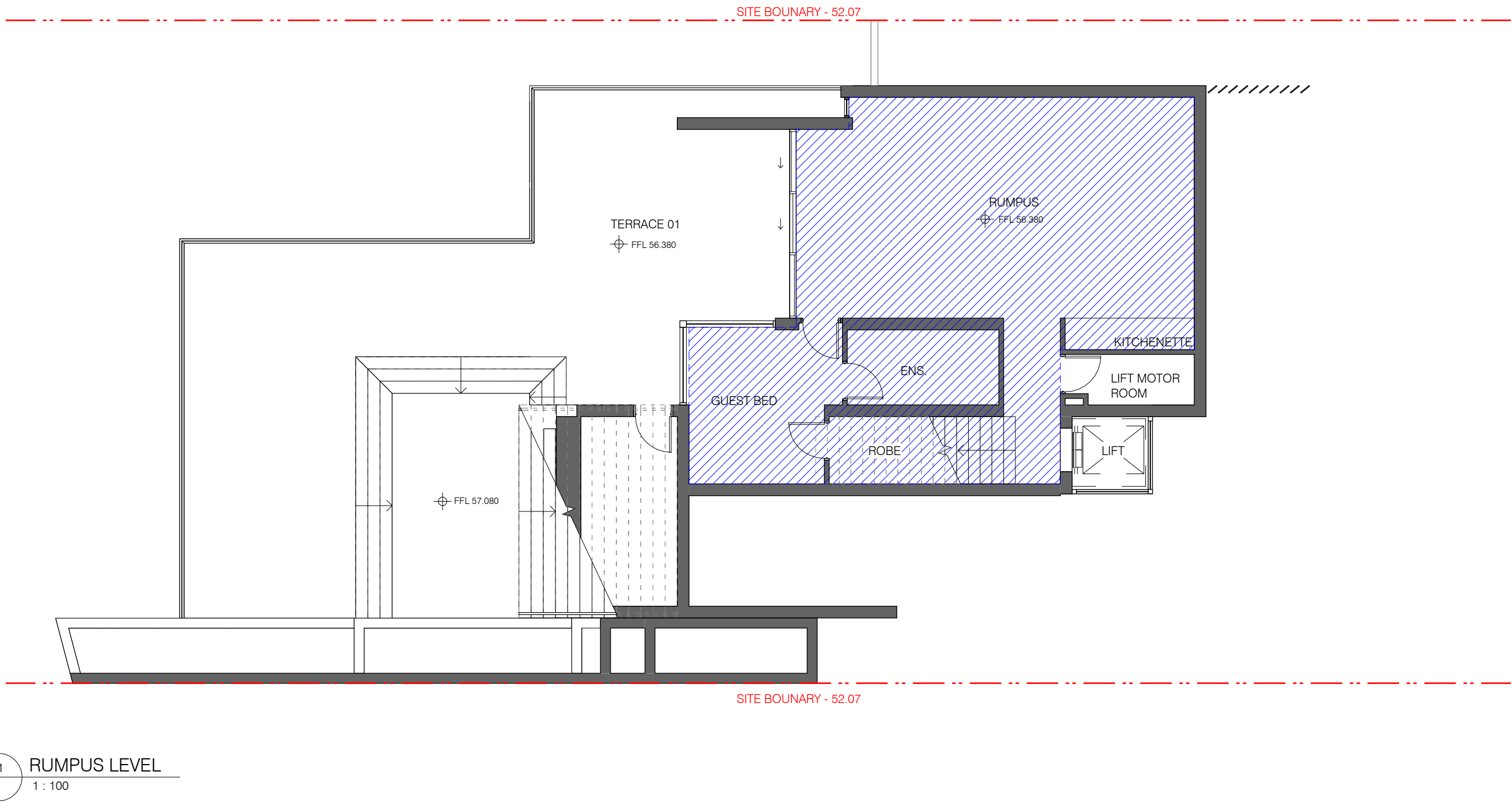
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PROPOSED GROUND & FIRST FLOOR
PLANS

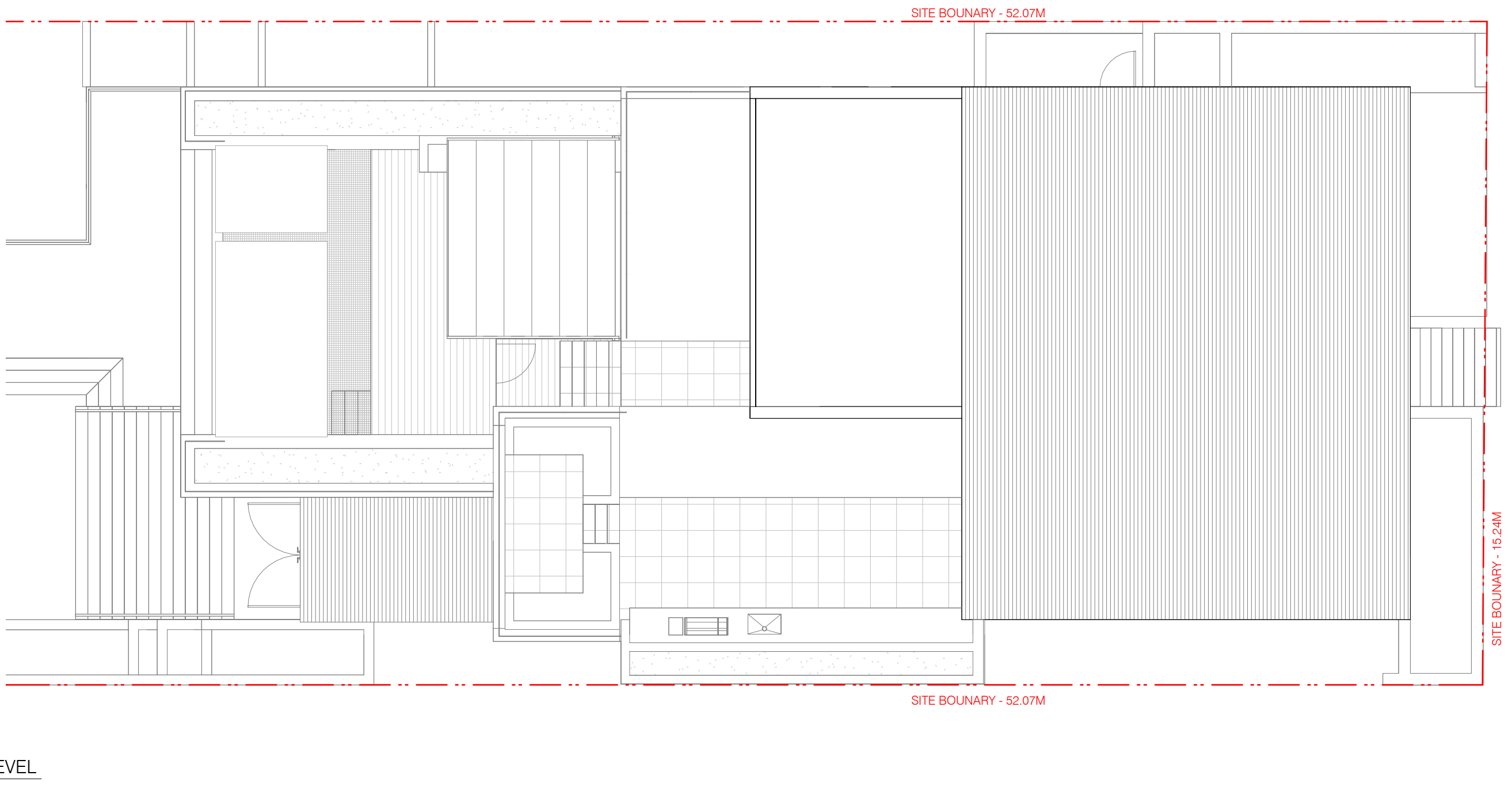
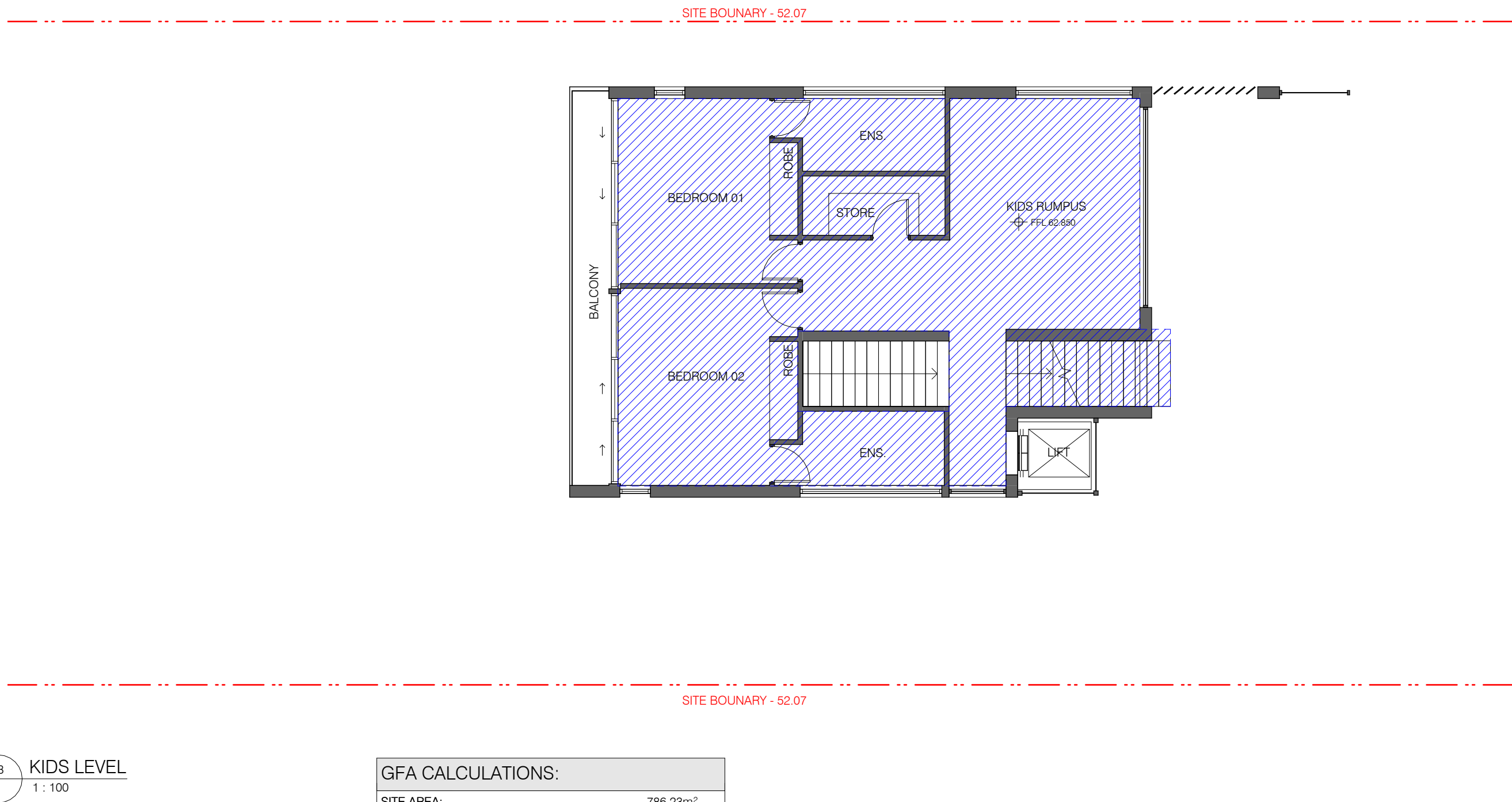
SCALE @ A1 1:100
DRG # A106
REV K



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Date Received: 04/03/2025



NO PROPOSED WORKS

GFA CALCULATIONS:	
SITE AREA:	786.23m ²
GFA CALCULATIONS - EXISTING	
RUMPUS	79.79m ²
PARENTS LEVEL	96.69m ²
KIDS RUMPUS	96.01m ²
GARAGE	67.22m ²
FAMILY ROOM	112.17m ²
FORMAL LIVING	74.44m ²
TOTAL	526.32m ²
GFA CALCULATIONS - PROPOSED	
RUMPUS	79.79m ²
PARENTS LEVEL	96.69m ²
KIDS RUMPUS	96.01m ²
GARAGE	67.22m ²
FAMILY ROOM	112.17m ²
FORMAL LIVING	74.44m ²
TOTAL	526.32m ²
ALLOWABLE FSR: 0.5-1	393.11m ²

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PROJECT
NEW POOL & ALFRESCO AREA

PROJECT ADDRESS
16 LOOMBAH ROAD, DOVER HEIGHTS

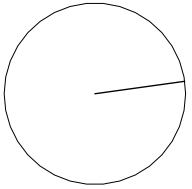
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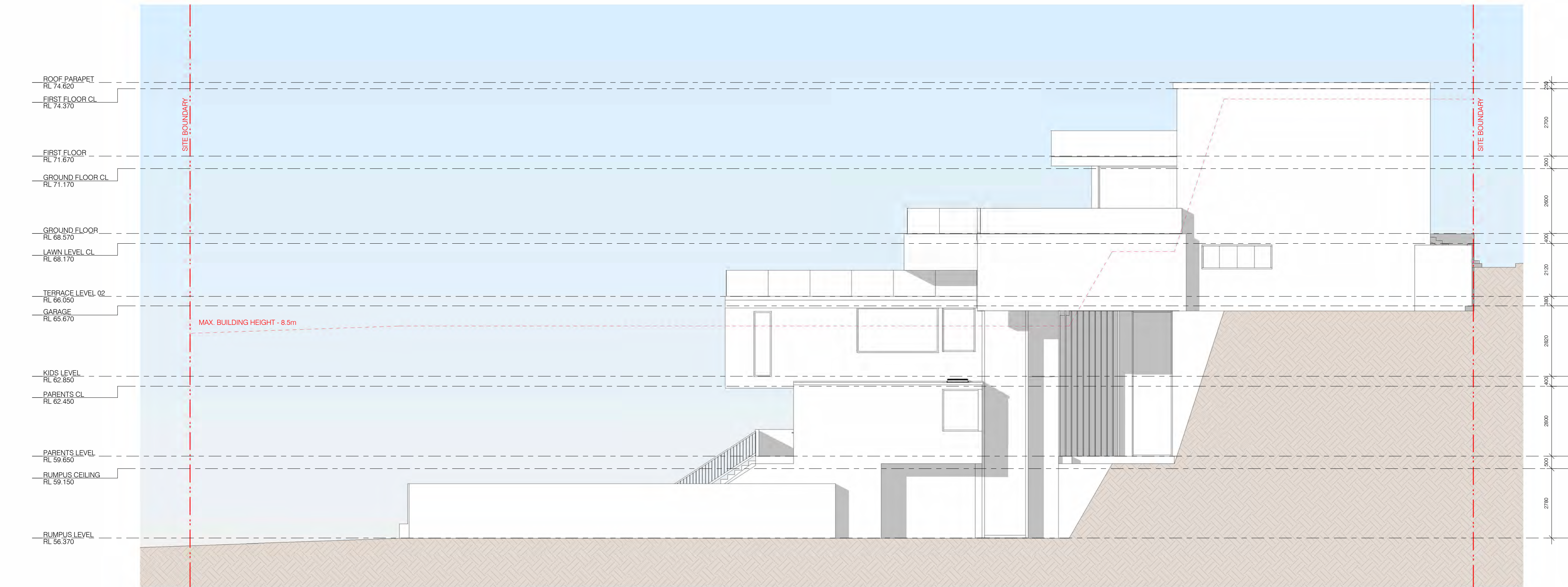
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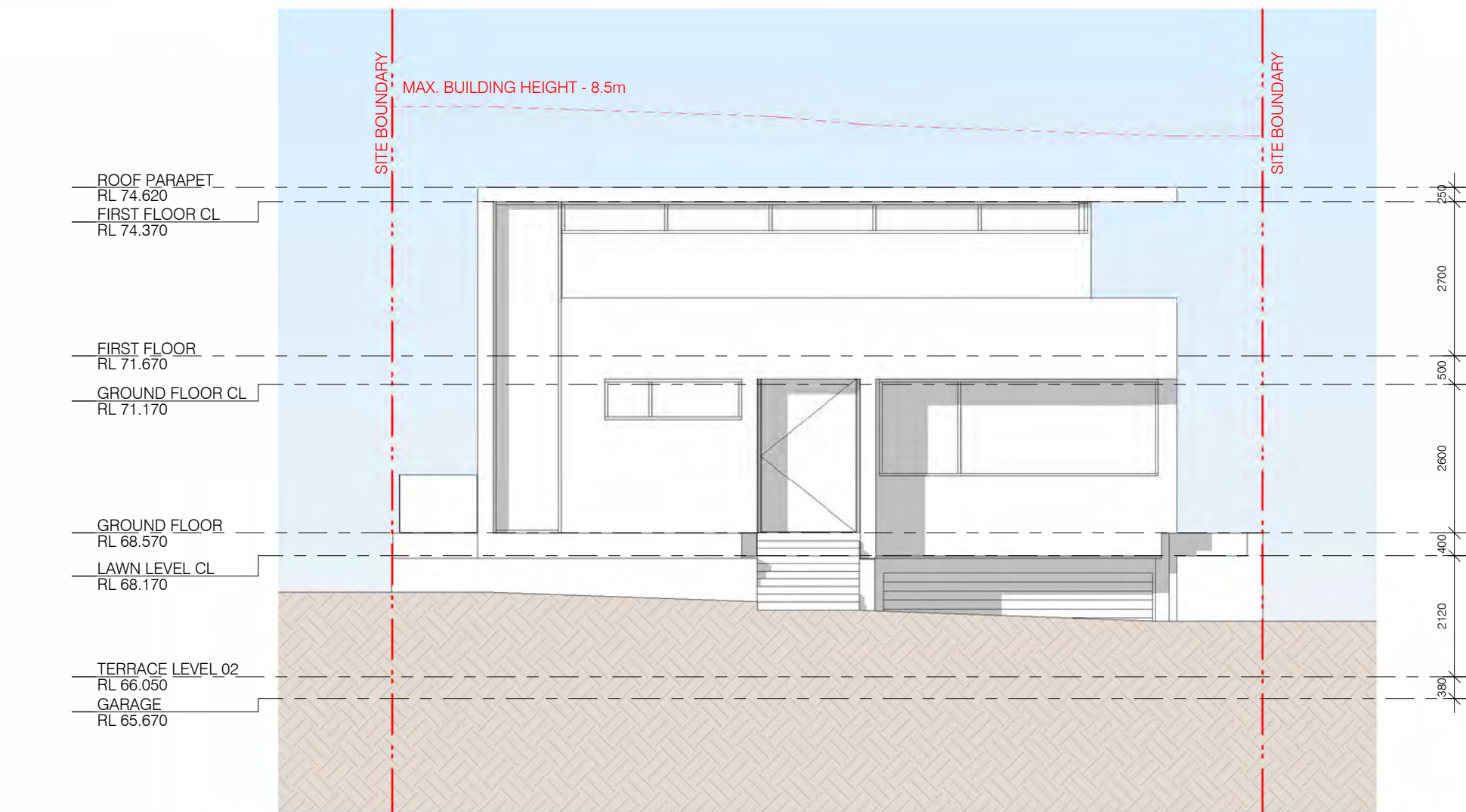
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02 NORTH ELEVATION EXISTING
1 : 100

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REVIEWED DS

PROJECT
NEW POOL & ALFRESCO AREA

PROJECT ADDRESS
16 LOOMBAH ROAD, DOVER HEIGHTS

2313

DRAWING TITLE
EXISTING ELEVATIONS

SCALE @ A1 1 : 100
DRG # A201
REV K

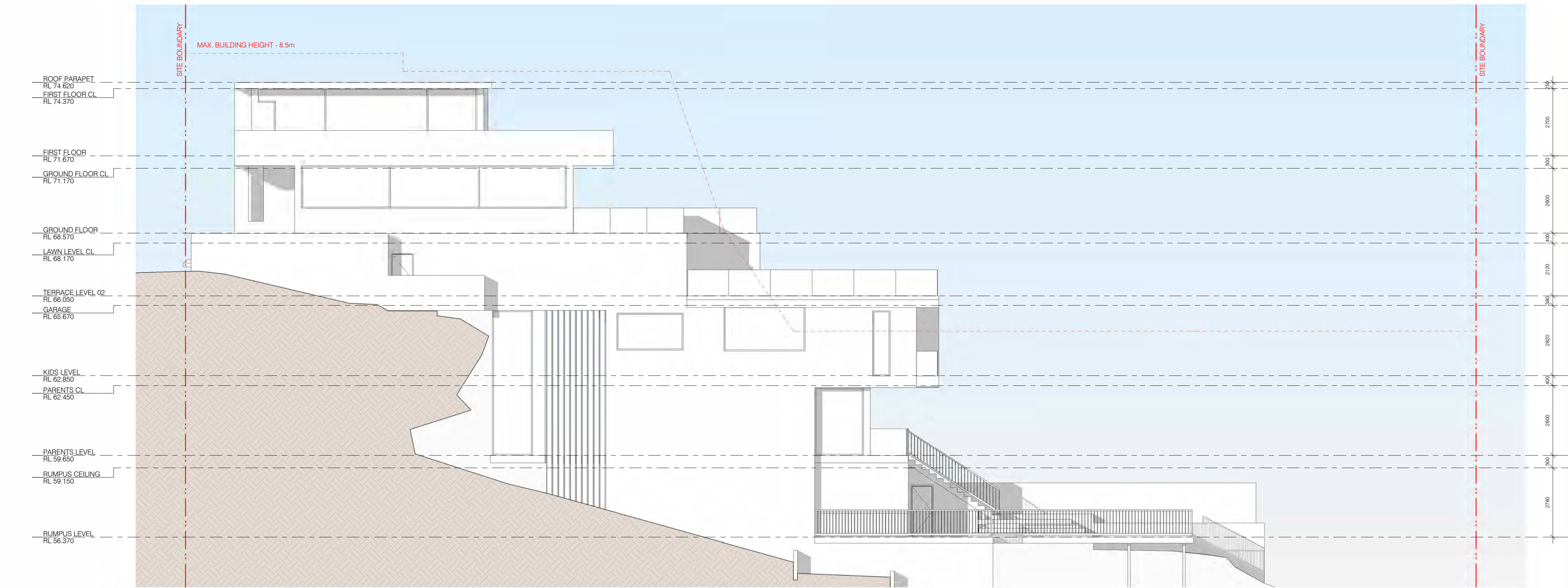
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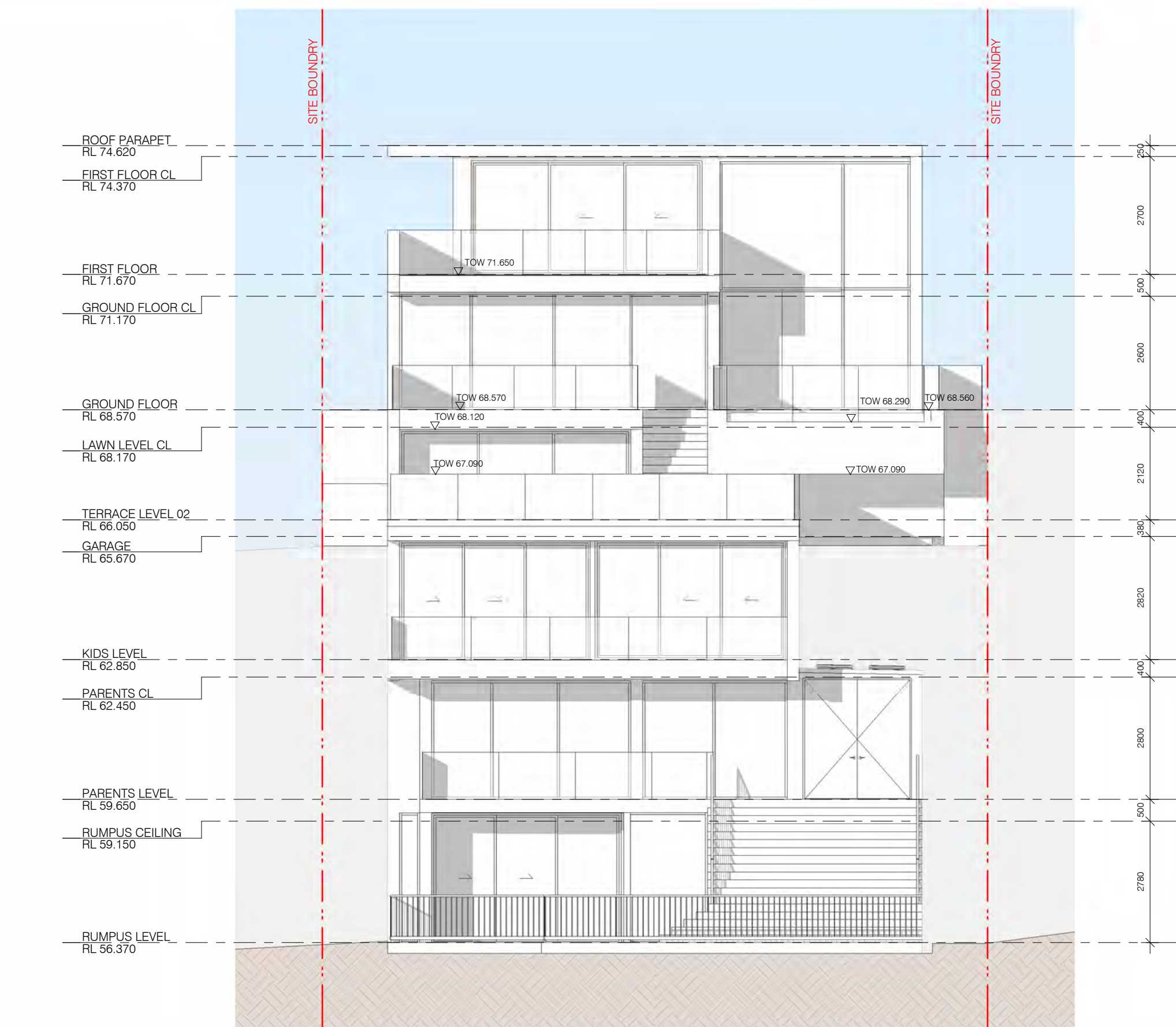
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01 WEST ELEVATION EXISTING
1:100

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02 SOUTH ELEVATION EXISTING
1:100

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STAGE
DEVELOPMENT APPLICATION

DRAWN
MG

REVIEWED
DS

PROJECT
NEW POOL & ALFRESCO AREA

PROJECT ADDRESS
16 LOOMBAH ROAD, DOVER HEIGHTS

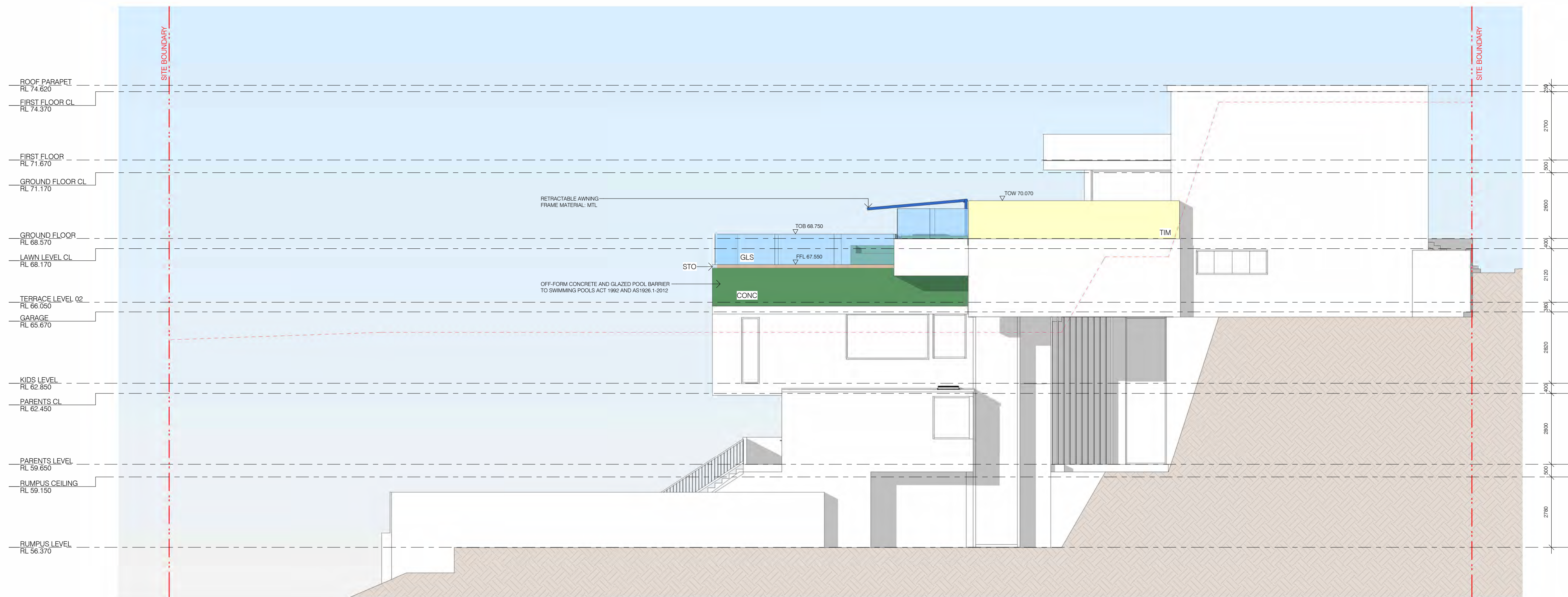
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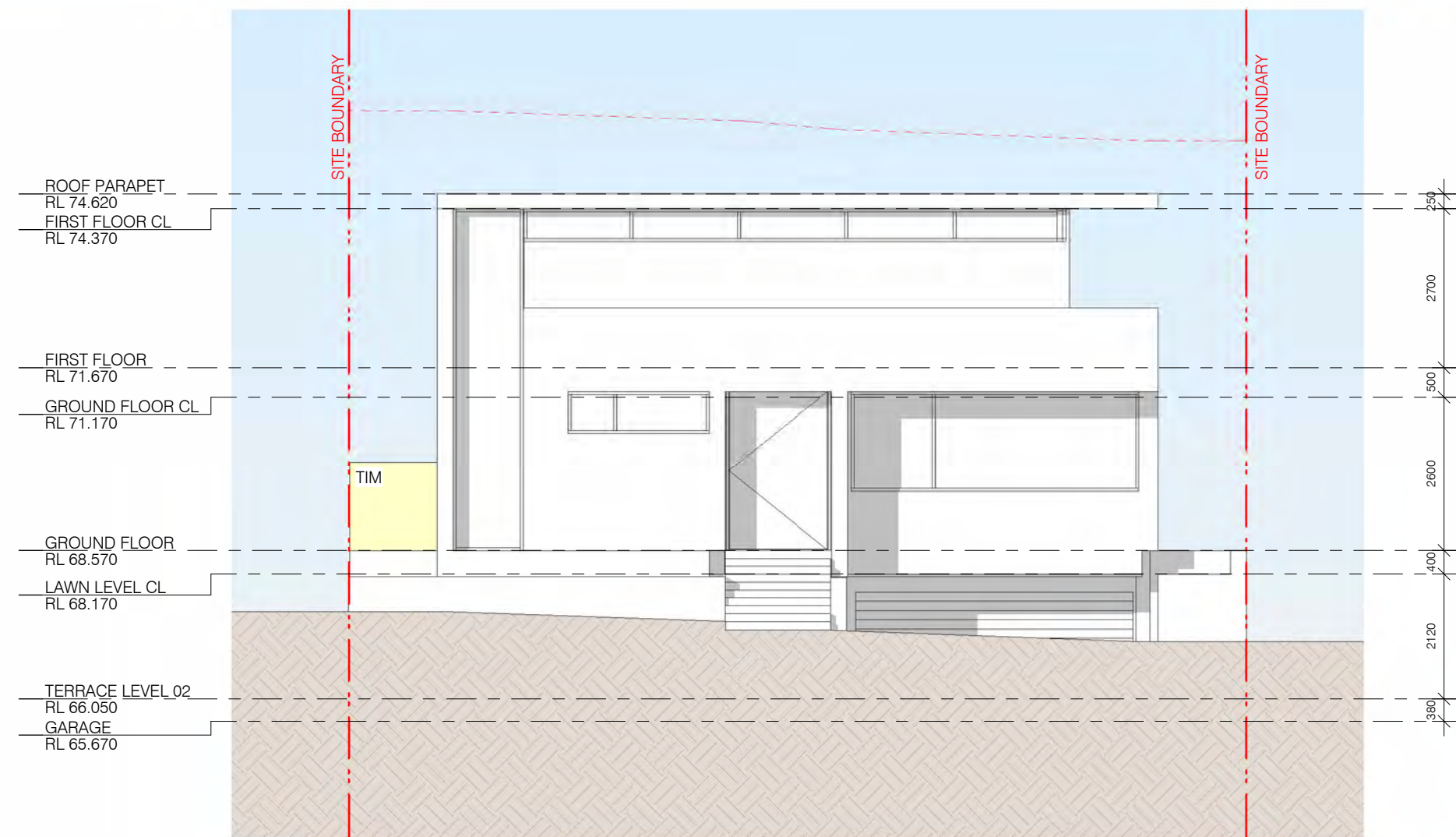
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1 : 100



02 NORTH ELEVATION
1 : 100

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PROJECT
NEW POOL & ALFRESCO AREA

PROJECT ADDRESS
16 LOOMBAH ROAD, DOVER HEIGHTS

2313

DRAWING TITLE
ELEVATIONS

SCALE @ A1
1 : 100

DRG #
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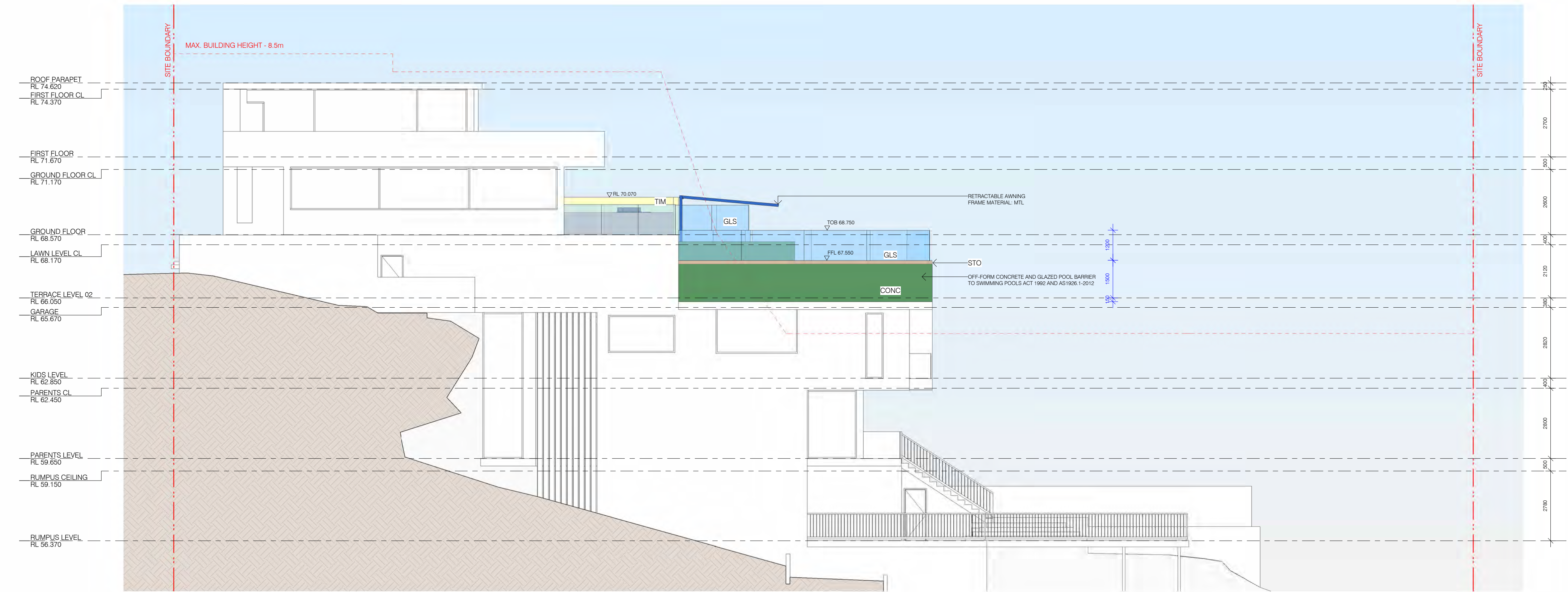
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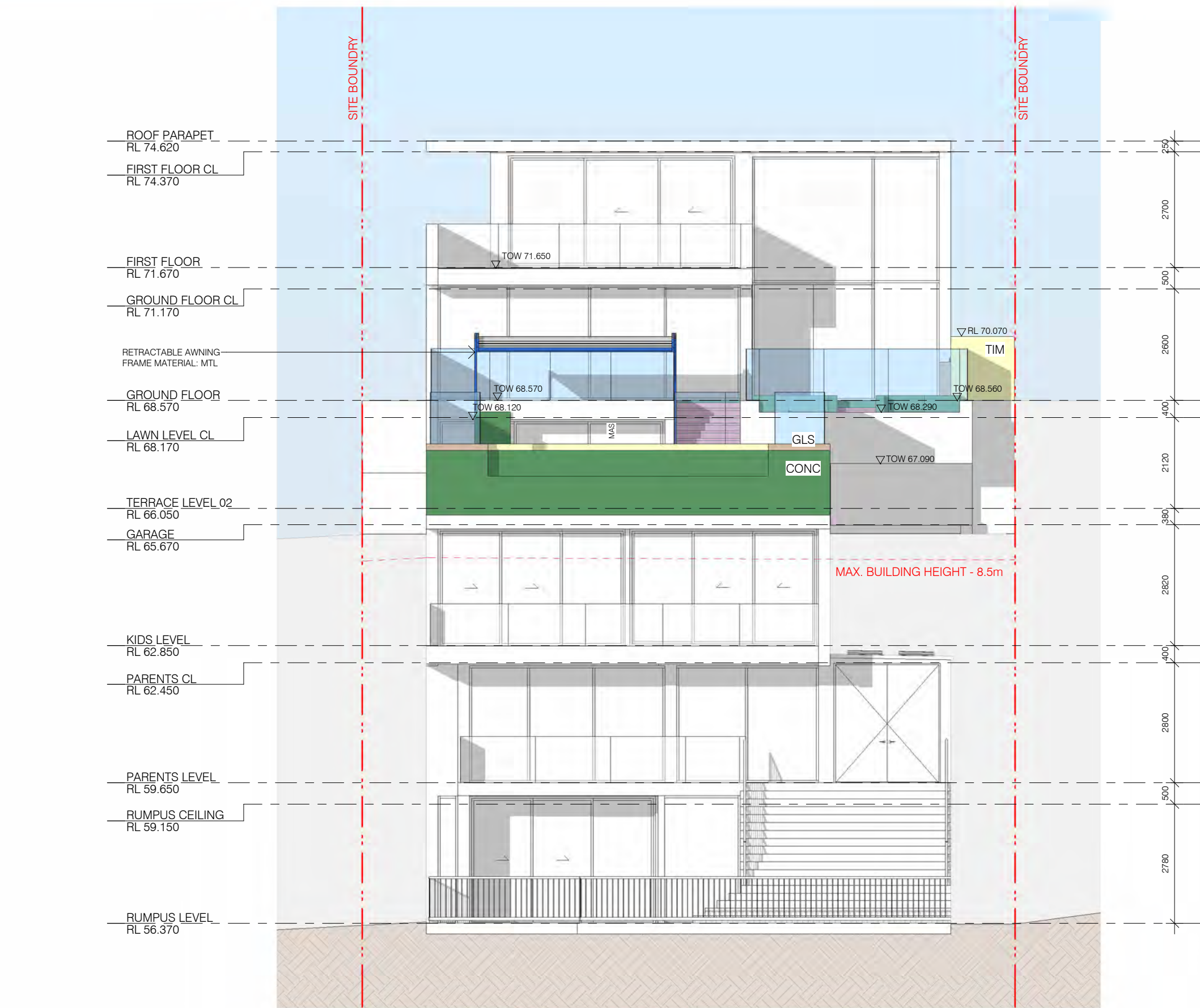
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AMENDED



02 SOUTH ELEVATION
1:100

DATE 27.02.2025
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NOTE AMENDED DA

STAGE
DEVELOPMENT APPLICATION

PROJECT
NEW POOL & ALFRESCO AREA

2313

DRAWING TITLE
ELEVATIONS

Nominated Architect: Daniel Siric NSW ARB No. 9115 (M) 0414 670 218

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PROJECT ADDRESS
16 LOOMBAH ROAD, DOVER HEIGHTS

SCALE @ A1
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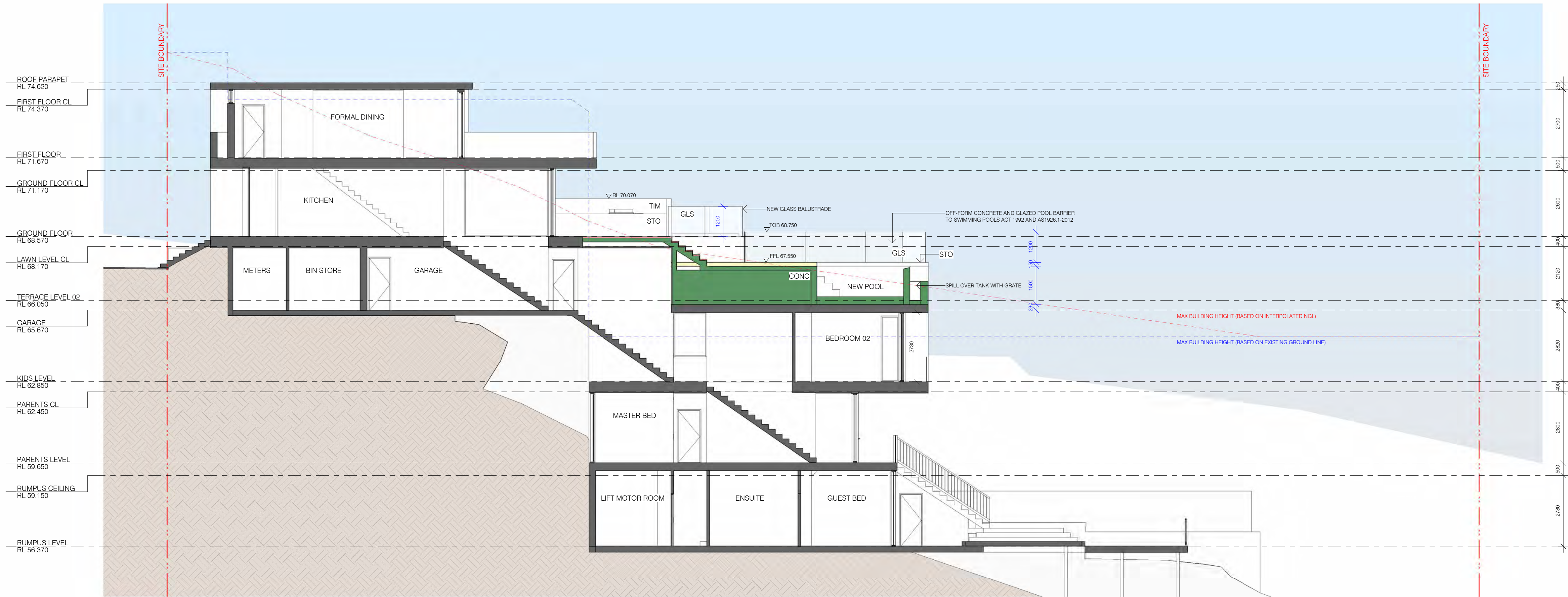
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MATERIALS AND FINISHES LEGEND	
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TILE	OUTDOOR FLOOR TILE
TIM	TIMBER
STO	STONE

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STAGE
DEVELOPMENT APPLICATION

DRAWN MG
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PROJECT
NEW POOL & ALFRESCO AREA

PROJECT ADDRESS
16 LOOMBAH ROAD, DOVER HEIGHTS

2313

DRAWING TITLE
SECTION A

SCALE @ A1 1 : 100
DRG # A301
REV K

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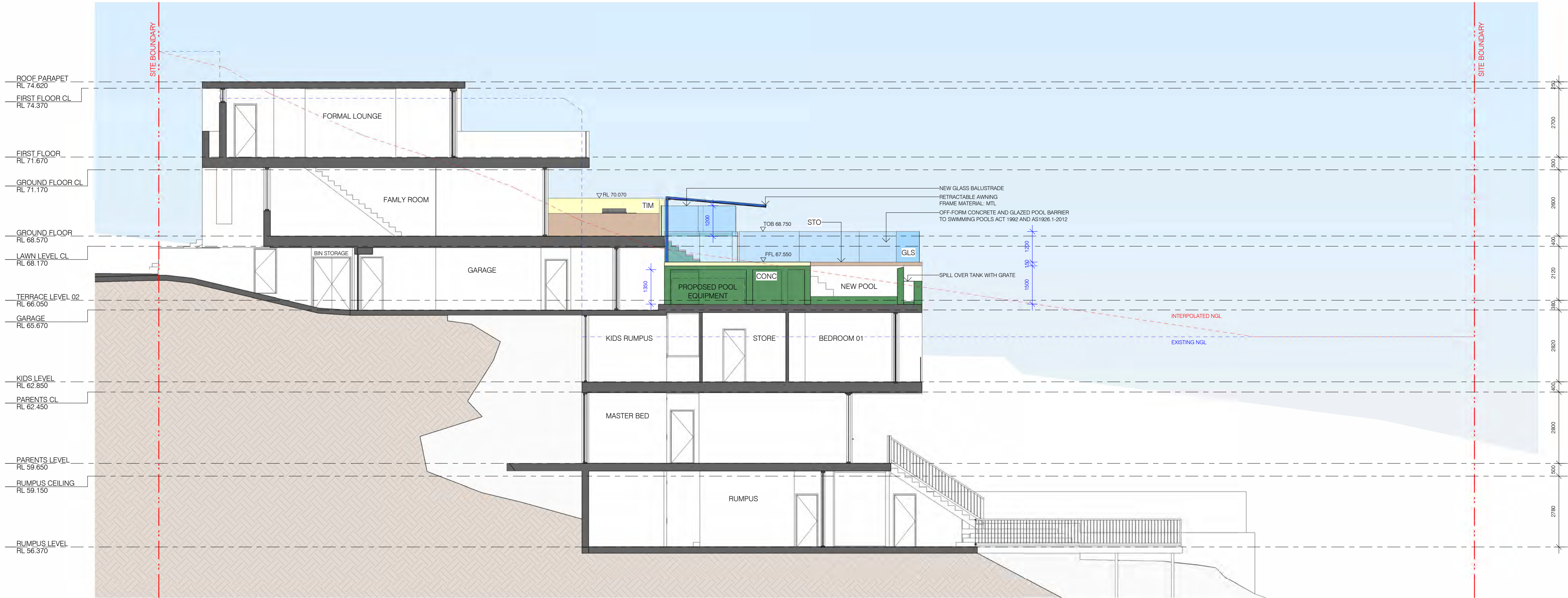
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Date Received: 04/03/2025

MATERIALS AND FINISHES LEGEND			
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TILE	OUTDOOR FLOOR TILE		
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PROJECT
NEW POOL & ALFRESCO AREA

PROJECT ADDRESS
16 LOOMBAH ROAD, DOVER HEIGHTS

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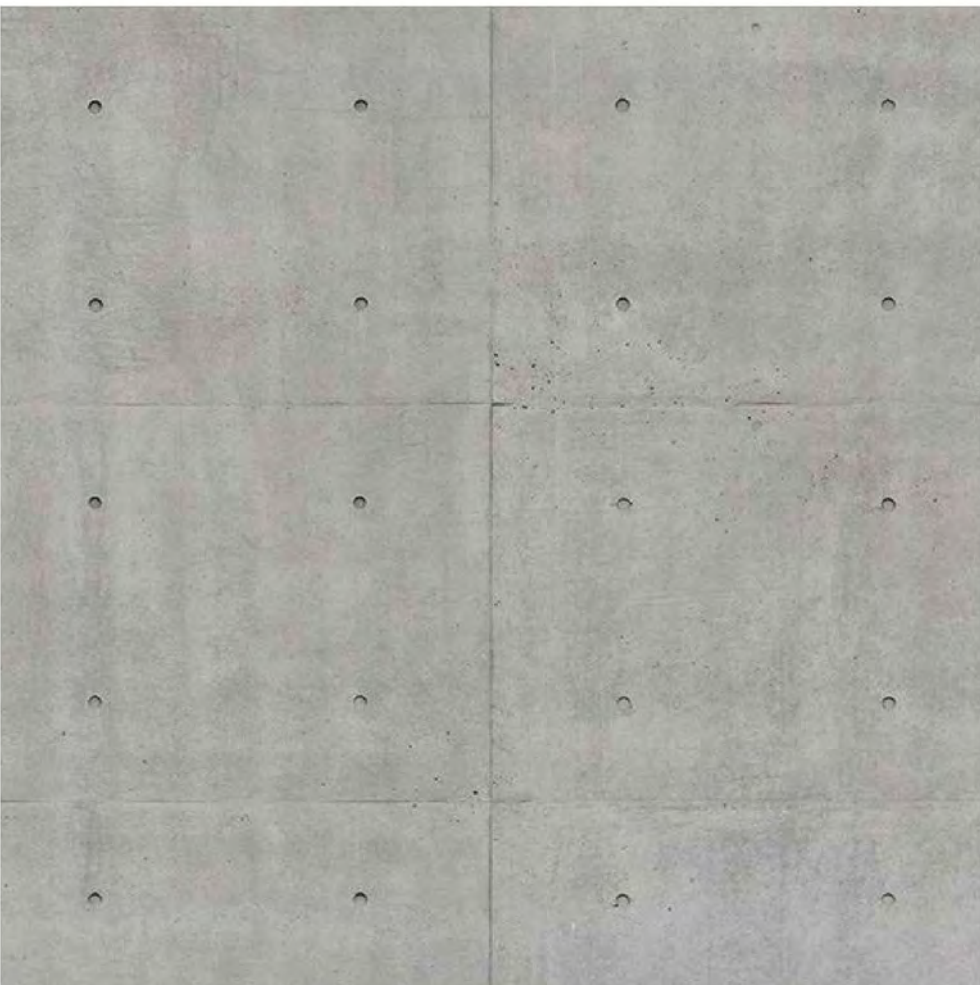
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SECTION B

SCALE @ A1 1 : 100
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REV K

MATERIALS & FINISHES



TIMBER DECK



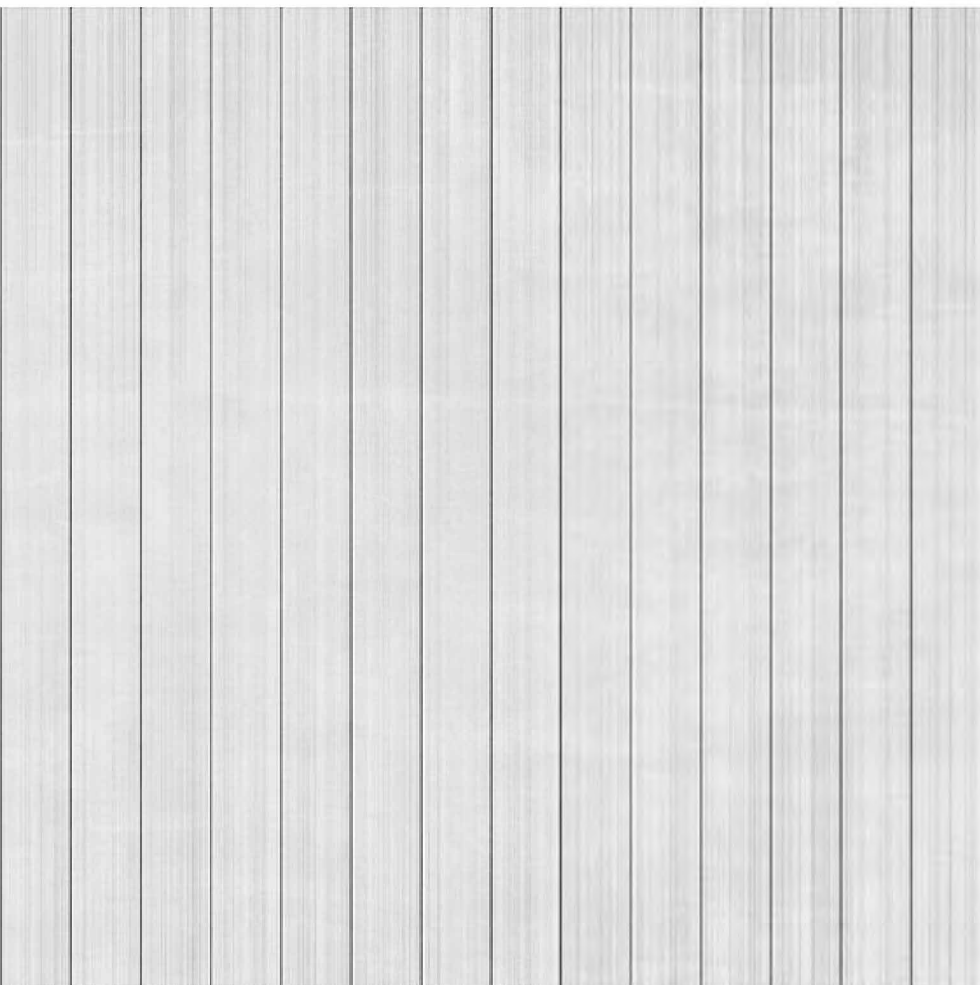
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METAL - FINISHED MATT WHITE



STONE TILE

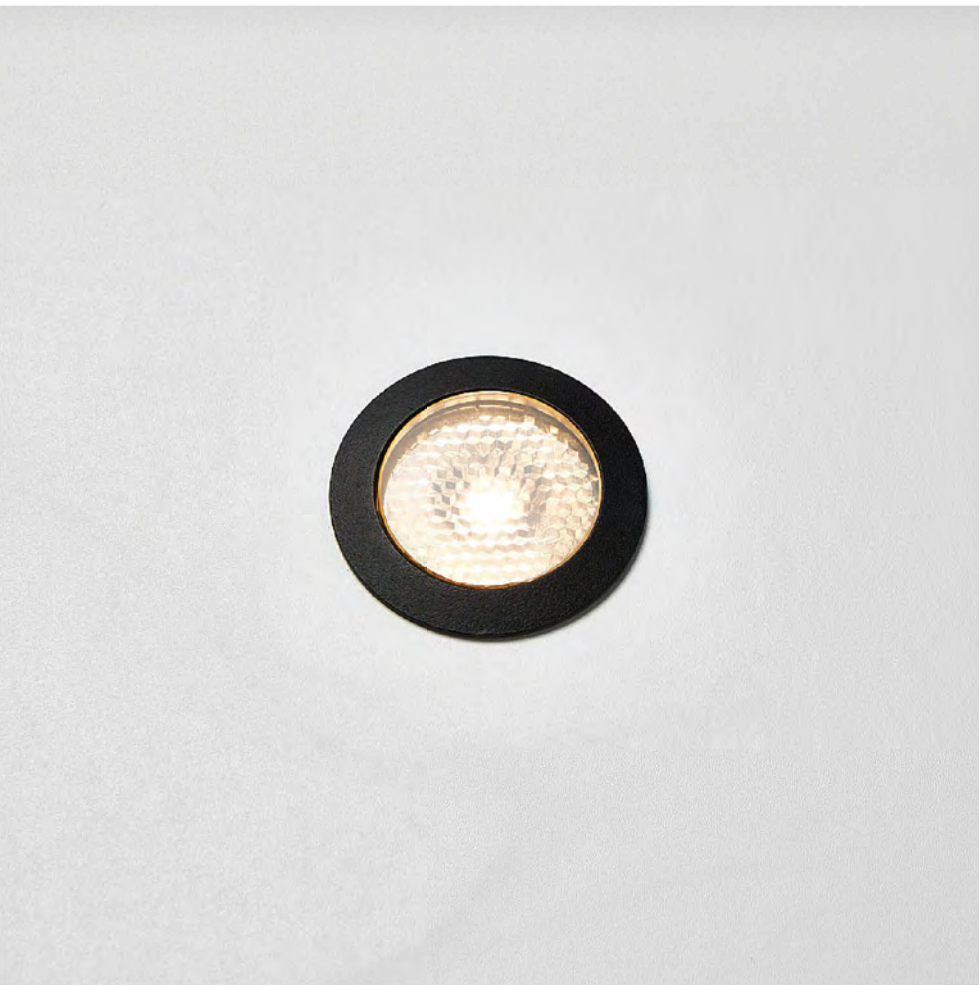


TIMBER FENCE
WHITE PAINTED TIMBER



BUSH HAMMERED STONE

LIGHTING FIXTURES



IN-GROUND EXTERNAL LIGHT
LT-01



POOL LIGHT
LT-02



STAKE LIGHT
LT-03



EXTERNAL STEP LIGHT
LT-04

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Nominated Architect: Daniel Siric NSW ARB No. 9115 (M) 0414 670 218

STAGE
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Author

REVIEWED
Checker

PROJECT
NEW POOL & ALFRESCO AREA

PROJECT ADDRESS
16 LOOMBAH ROAD, DOVER HEIGHTS

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2313

DRAWING TITLE
MATERIAL FINISHES BOARD

DRG #
A401

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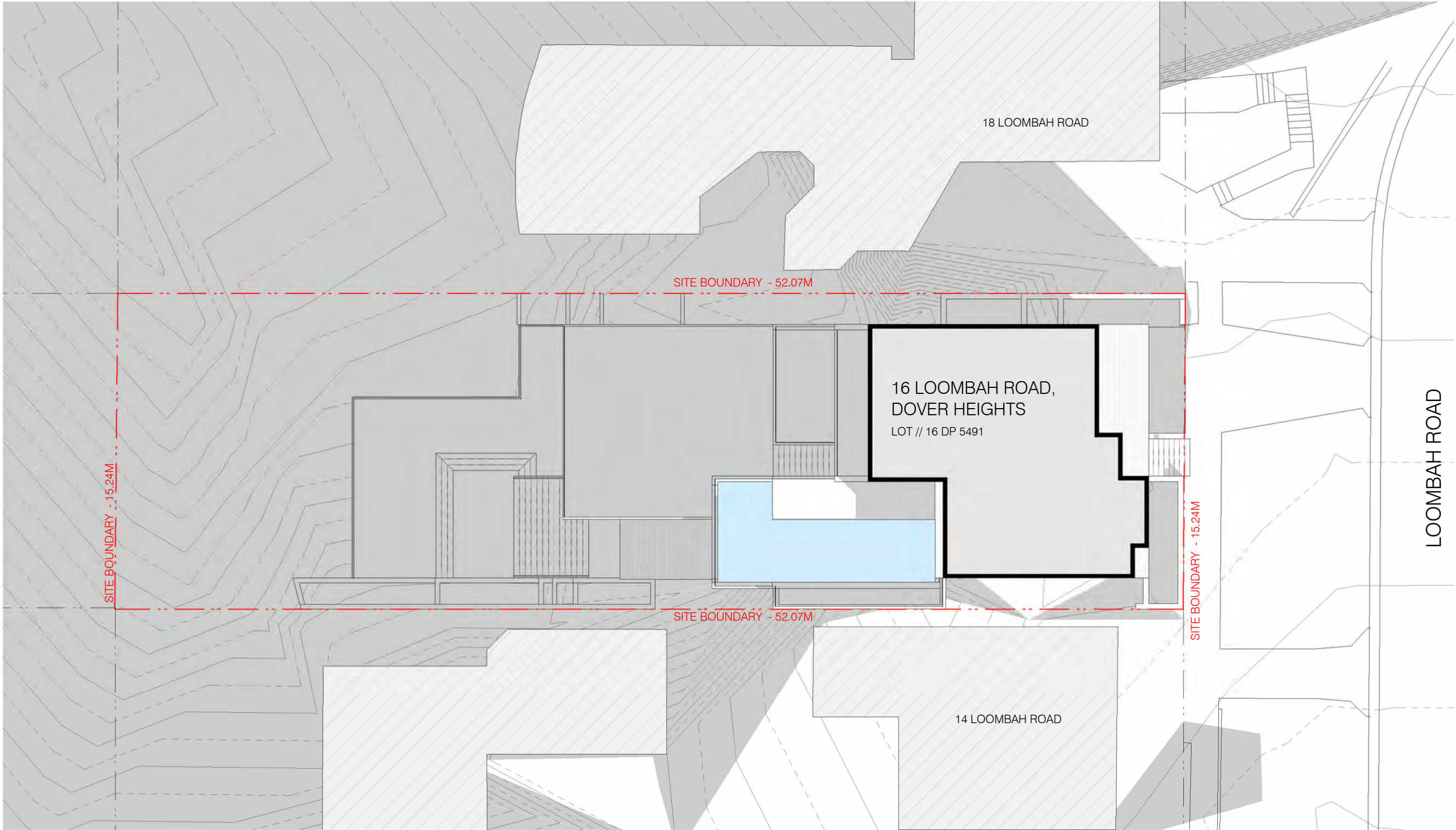
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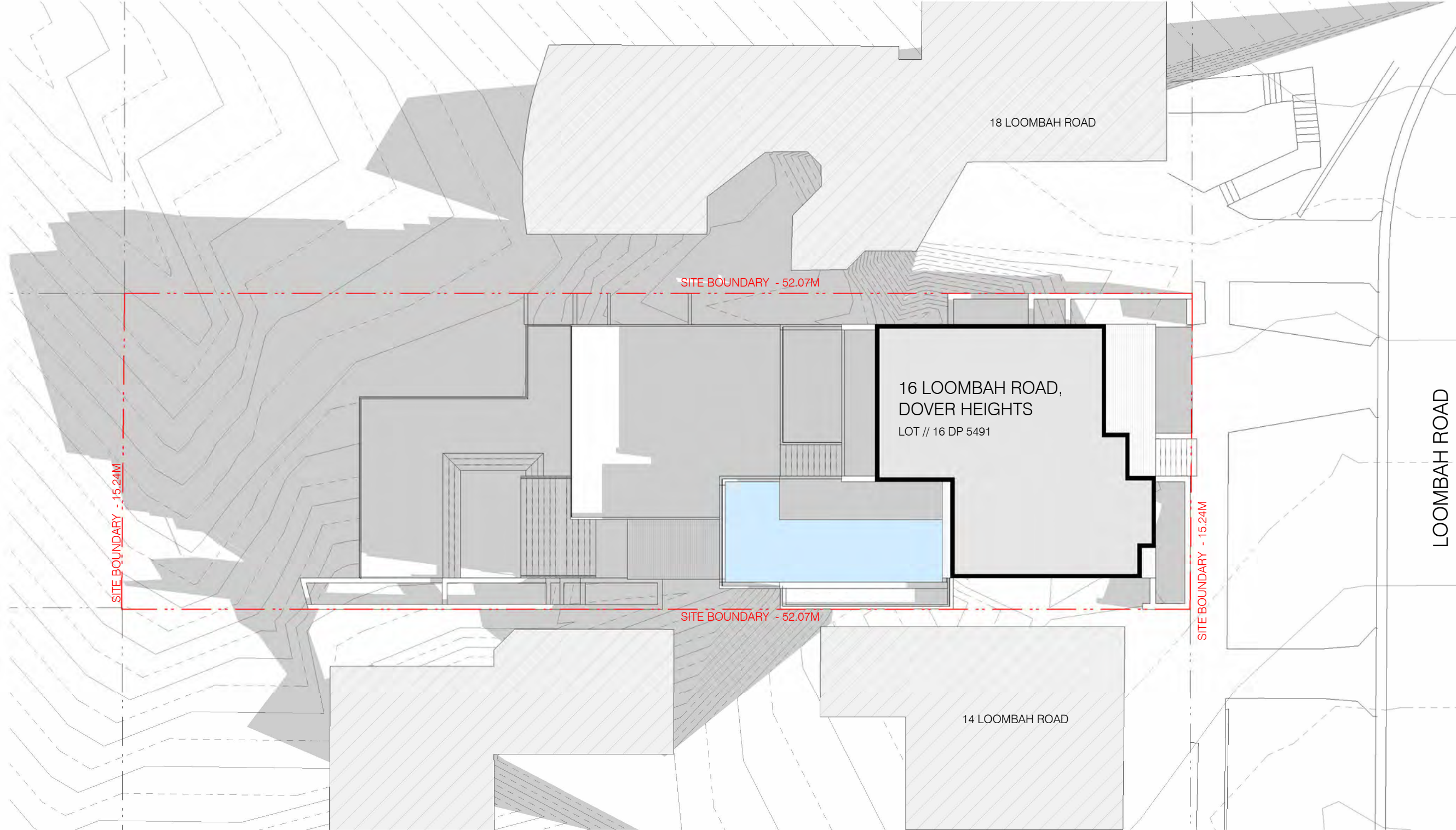
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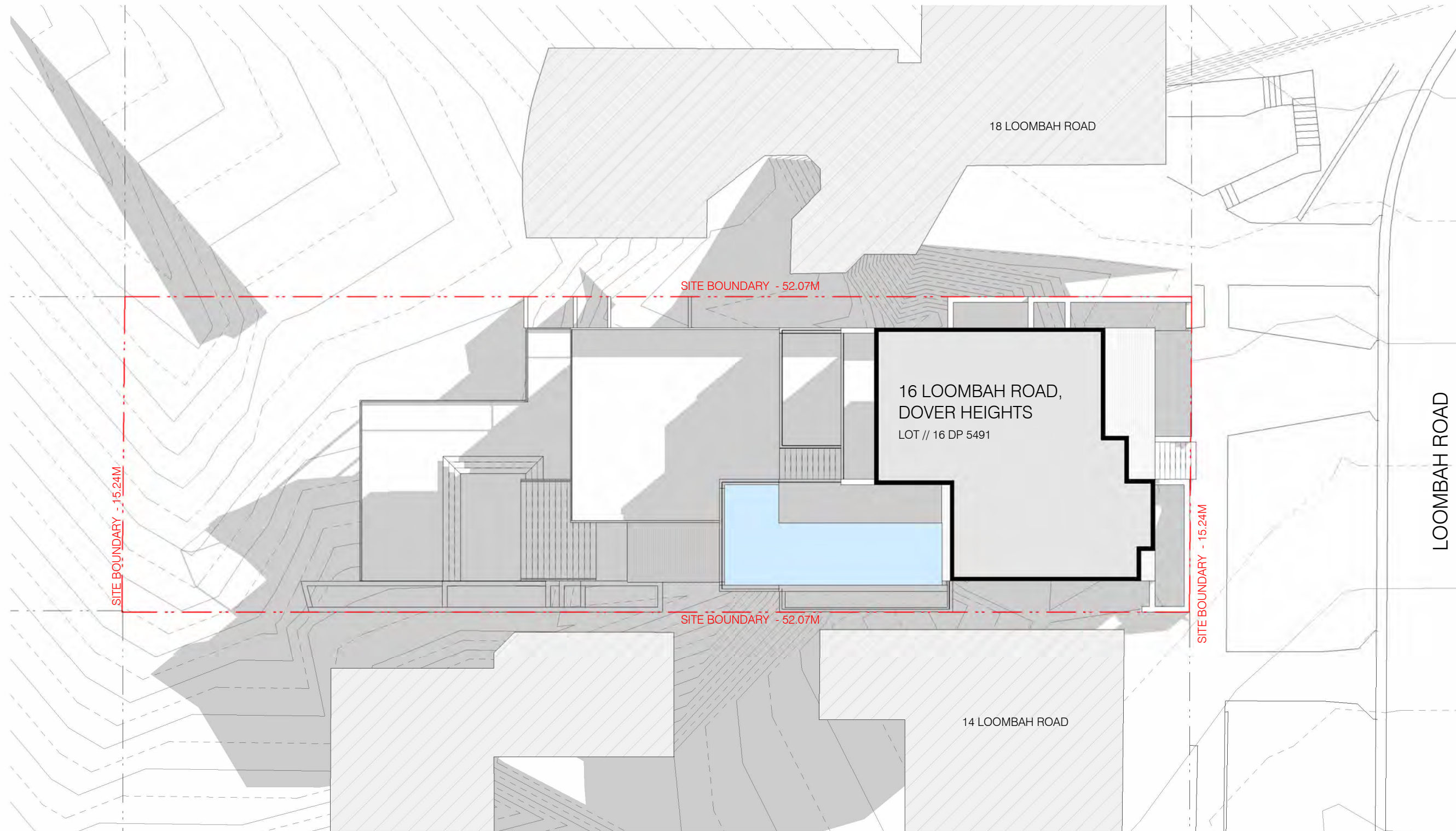
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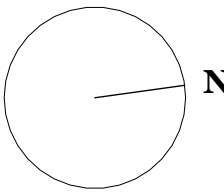


02 JUNE 12 PM EX.
1 : 200



03 JUNE 3PM EX.
1 : 200

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STAGE
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PROJECT
NEW POOL & ALFRESCO AREA

PROJECT ADDRESS
16 LOOMBAH ROAD, DOVER HEIGHTS

2313

DRAWING TITLE
JUNE SHADOW DIAGRAMS EXISTING

SCALE @ A1
1 : 200

DRG #
A011

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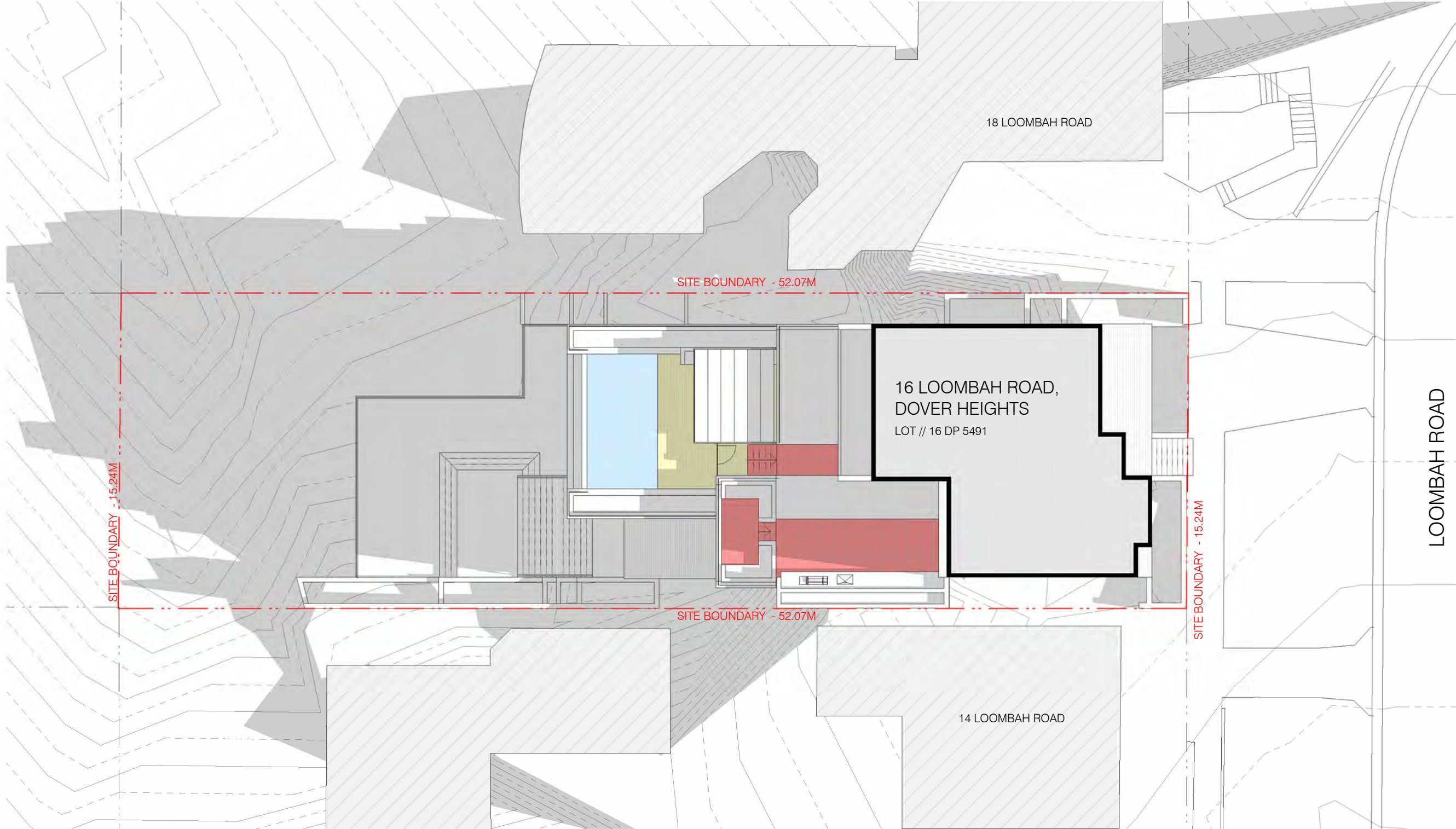
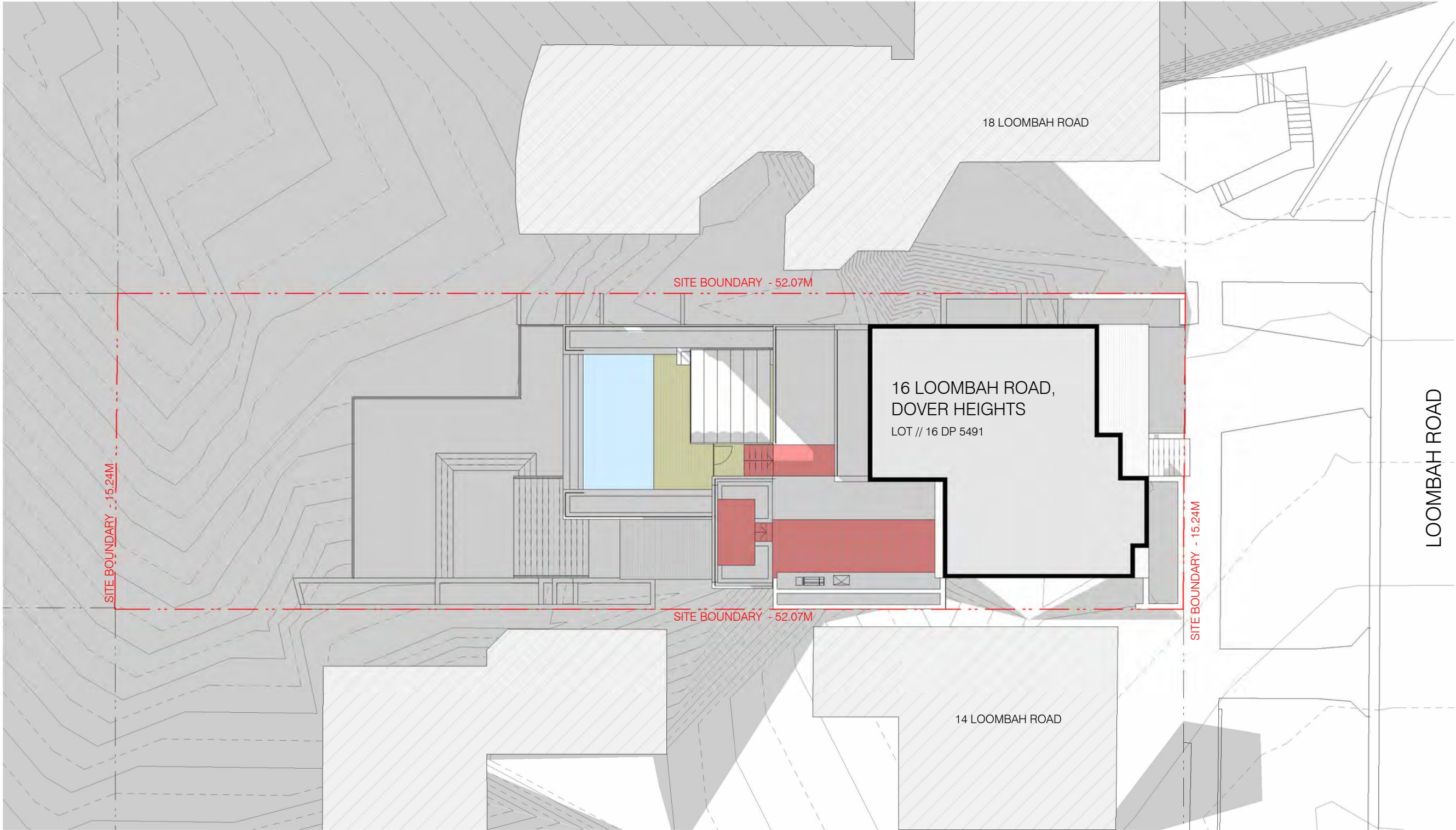
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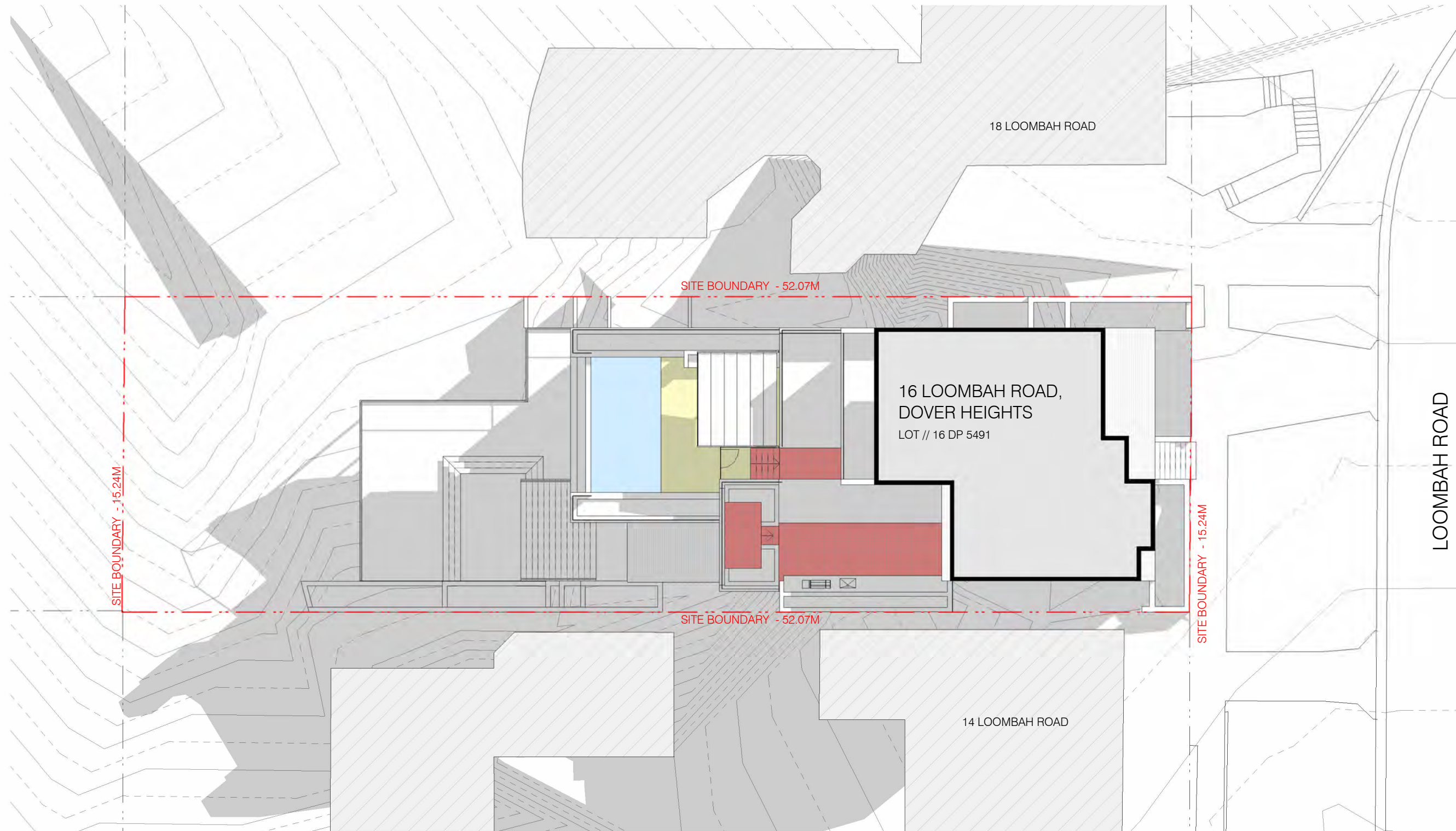
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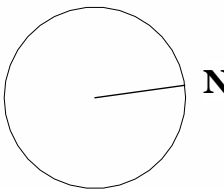
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02 JUNE 12 PM
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2313

DRAWING TITLE
JUNE SHADOW DIAGRAMS PROPOSED

SCALE @ A1
1 : 200

DRG #
A012

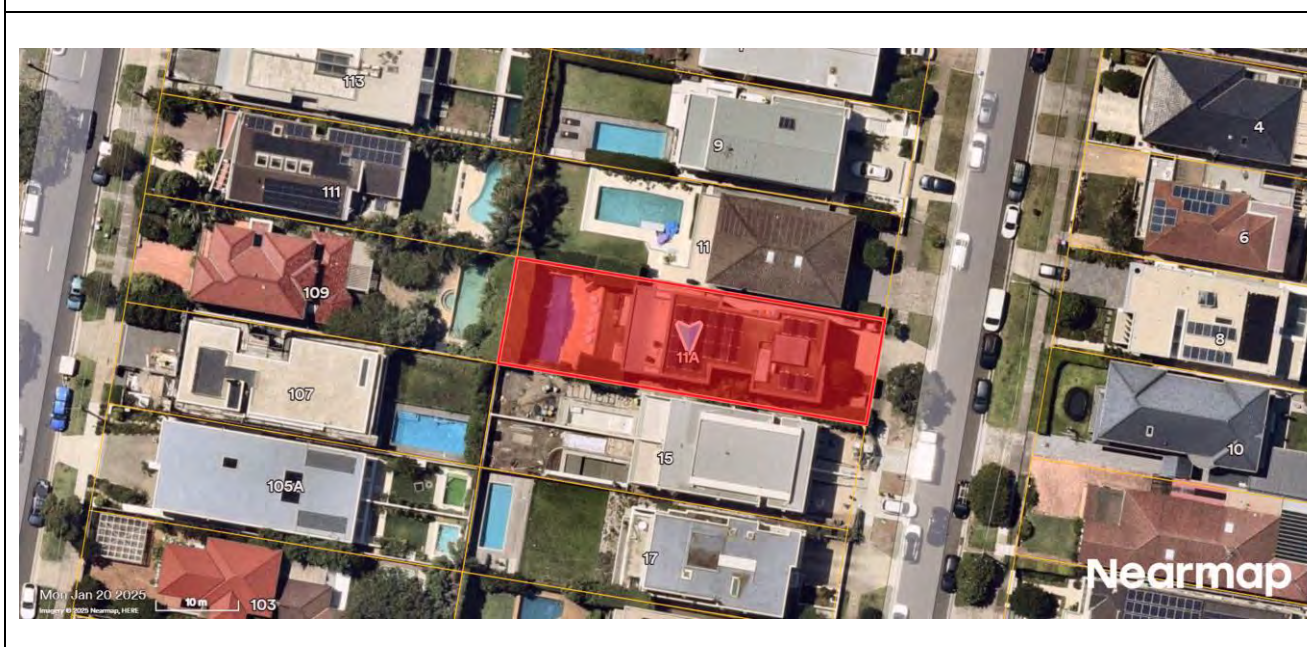
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Report to the Waverley Local Planning Panel

Application number	DA-672/2024
Site address	11A Lord Howe Street, DOVER HEIGHTS NSW 2030
Proposal	Installation of a new lift within the existing courtyard of the dwelling house.
Date of lodgement	12 December 2024
Owner	Mr N Gelber and Mrs S Gelber
Applicant	A Harding
Submissions	Two letter of support
Cost of works	\$110,000.00
Principal Issues	<ul style="list-style-type: none"> • Exceedance of the maximum floor space ratio • Overshadowing of neighbouring property • Landscaping and deep soil area
Recommendation	That the application be REFUSED for the reasons contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for alterations and additions for the installation of a new lift within the existing lightwell area of the dwelling at the site known as 11A Lord Howe Street, Dover Heights.

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

- Exceedance of the maximum floor space ratio (FSR) development standard of *Waverley Local Environmental Plan* (LEP) 2012;
- Overshadowing of neighbouring properties;
- Non-compliant landscaping and deep soil area of the *Waverley Development Control Plan* (DCP) 2022.

The assessment finds these issues unacceptable as the proposal contributes to a very large (non compliant bulk and scale) dwelling getting even larger, that overshadows the windows of the neighbouring property, affecting their solar access amenity of their living space. Council Officers hold the view that the provision of a lift could be supported, where no greater impact is created. In this instance, the existing dwelling is very large and there is scope to rather, install the lift internal of the building (with minimal intrusions to existing built form), that is not to the detriment of the neighbouring property or landscaping of the site. The applicant maintains the proposed location is their preference.

No submissions were received, including from Councillors.

There were no declared conflicts of interest on this application from Council staff.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 19 March 2025.

The site is identified as Lot 158 DP11822, known as 11A Lord Howe Street, Dover Heights.

The site is rectangular in shape with a frontage of 12.8m to Lord Howe Street. It has an area of 585.2m² and falls from the front eastern boundary towards the rear western boundary by approximately 0.47m.

The site is occupied by a three-storey dwelling house with vehicular access provided from Lord Howe Street.

The site is adjoined by two to three-storey detached dwellings on either side. The locality is characterised by a variety of low-density residential developments.

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



Figure 1: Streetview of the subject site



Figure 2: Streetview opposite to the subject site

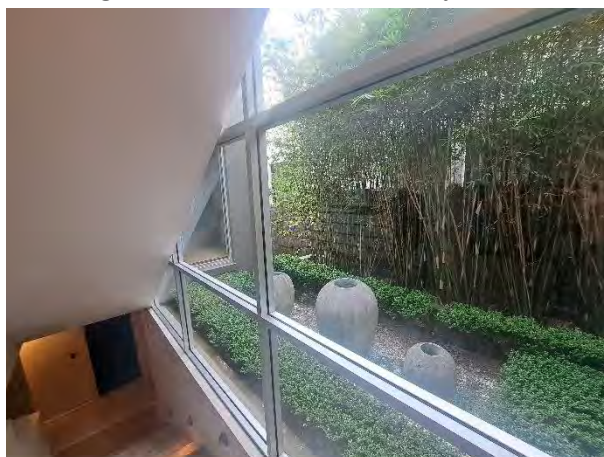


Figure 3: Courtyard view from the internal staircase looking southeast

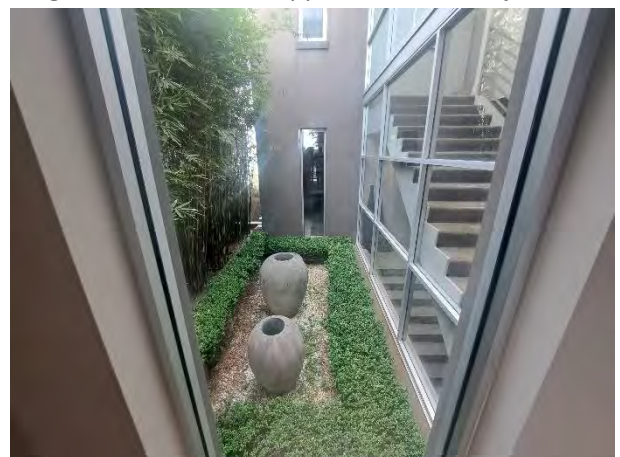


Figure 4: Foyer view looking west into courtyard.



Figure 5: Rear yard view looking west



Figure 6: Rear yard view looking north

1.3. Relevant Development History

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

- L-254/2002: Approved 3 March 2002.
 - Demolition of existing structure construction of new dwelling
- DA-254/2002/A: Refused 29 August 2003.
 - Alterations and additions, including a new internal stairway roof and new window changes
- DA-254/2002/B: Approved 19 November 2003
 - Internal alterations and additions with new roof structure and window changes.
- DA-254/2002/C: Rejected 28 May 2004.
 - Alterations and additions, including roof deck balustrade.
- DA-274/2015: Approved 8 September 2015.
 - Alterations and additions, including ground floor extension and storage to dwelling.

1.4. Proposal

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

- The construction of a lift and lift shaft within the southern courtyard of the dwelling, extending from the lower ground to first floor levels.

1.5. Background

The development application was lodged on 12 December 2024 and additional information was requested on 20 December 2024 to amend the gross floor area (GFA) to include excluded areas. Amended plans were received on 23 January 2025.

The application was then deferred on 9 April 2025 for the following reasons:

1. Exceedance of the maximum FSR development standard of the Waverley LEP 2012 which results in additional overshadowing to the neighbouring property.

The applicant was requested to amend the application to preserve the existing neighbouring amenity by moving the proposed lift shaft to be located within the existing building envelope or alternatively, to withdraw the development application.

No amended plans were submitted and as such, the original 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 and have been considered acceptable in the assessment of this development application:

- SEPP (Sustainable Buildings) 2022
- 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 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 considered consistent with the aims of the plan.																					
Part 2 Permitted or prohibited development																							
Land Use Table <i>R2 low-density residential Zone</i>	Yes	The proposal is defined as a dwelling house, which is permitted with consent in the R2 low-density residential zone.																					
Part 4 Principal development standards																							
4.3 Height of buildings <ul style="list-style-type: none"> • 8.5m 	Yes	The proposed addition has an overall height of 7.4m from the existing ground level of the courtyard.																					
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> • Site: 585.2m² • FSR: 0.5:1 • GFA: 292.6m² 	No	<p>The proposal includes a GFA of 511.84m², equating to an FSR of 0.87:1. A variation of 75%.</p> <table> <tr> <td></td><td>Existing</td><td>proposed</td></tr> <tr> <td>First Floor</td><td>152.31m²</td><td>153.53m²</td></tr> <tr> <td>Ground Floor</td><td>200.73m²</td><td>201.96m²</td></tr> <tr> <td>Lower Ground</td><td>150.38m²</td><td>156.35m²</td></tr> <tr> <td>Net GFA</td><td>503.42m²</td><td>511.84m²</td></tr> <tr> <td>FSR</td><td>0.86:1</td><td>0.87:1</td></tr> <tr> <td>Variation</td><td>72%</td><td>75%</td></tr> </table>		Existing	proposed	First Floor	152.31m ²	153.53m ²	Ground Floor	200.73m ²	201.96m ²	Lower Ground	150.38m ²	156.35m ²	Net GFA	503.42m²	511.84m²	FSR	0.86:1	0.87:1	Variation	72%	75%
	Existing	proposed																					
First Floor	152.31m ²	153.53m ²																					
Ground Floor	200.73m ²	201.96m ²																					
Lower Ground	150.38m ²	156.35m ²																					
Net GFA	503.42m²	511.84m²																					
FSR	0.86:1	0.87:1																					
Variation	72%	75%																					

Provision	Compliance	Comment
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR development standard. A detailed discussion of the variation to the development standard is presented below this table.

Part 6 Additional local provisions		
6.15 Stormwater Management	Yes	The proposal satisfactorily meets clauses (a) (b) and (c).

The following is a detailed discussion of the issues identified in the compliance table above.

Clause 4.6 Exceptions to Development Standards - Floor Space Ratio (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 0.5:1 or a maximum GFA of 292.6m². It is noted that the existing building already exceeds the development standard by 210.82m², equating to an FSR of 0.86:1, an existing variation of 72%. The proposed development has a GFA of 511.84m², equating to an FSR of 0.87:1, exceeding the standard by 219.24m², equating to a 75% variation. The proposal will increase the existing non-compliant GFA by 8.42m², increasing the existing variation by 3%.

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) *Despite the non-compliance, the proposal relates to a minor extension of only 8.42m² above the existing GFA.*
 - (ii) *The additional floor area is due to the installation of a lift within the existing lightwell area of the house.*

- (iii) *The installation of a lift in an existing house provides numerous benefits, particularly for accessibility and long-term functionality. It enables residents to move easily and safely between floors, which is especially valuable for individuals with mobility challenges or families with young children or elderly members.*
 - (iv) *The dwelling will maintain the two-storey presentation to the street and neighbouring properties.*
 - (v) *The proposed rear extension will be on the ground floor, be located behind the predominant rear building line and maintain a high level of rear private open space and landscaped area.*
 - (vi) *The proposal will maintain the existing bulk and scale of the building and its setting within the low-density residential streetscape and maintain the amenity of neighbouring properties in terms of privacy, solar access and views.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *The FSR breach itself does not cause any view loss to neighbouring buildings or from the public domain and does not introduce adverse privacy or overshadowing impacts.*
 - (ii) *The proposed new lift as part of the existing dwelling is permissible within the R2 Low Density Residential zone and is consistent with the zone objectives.*
 - (iii) *The installation of a lift in an existing house provides numerous benefits, particularly for accessibility and long-term functionality. It enables residents to move easily and safely between floors, which is especially valuable for individuals with mobility challenges or families with young children or elderly members.*
 - (iv) *The proposed built form is a well-considered response to the particular constraints of the site, in particular the site surrounding existing built environment and recent developments along Lord Howe Street and the locality in general.*
 - (v) *The lift will not be visible from the street and integrates seamlessly into the existing building footprint without altering the external design or character of the house.*
 - (vi) *The proposed areas of non-compliance will not be easily discernible or visible from the public or private domain.*
 - (vii) *The proposed floor space does not prevent the site from complying with other key controls in relation to height, setbacks, private open space and general amenity impacts on the neighbouring properties.*
 - (viii) *The proposed lift has been thoughtfully designed to align with the existing structure, located within an internal lightwell where it will not be visible from the street. This ensures that the external appearance of the dwelling remains consistent with the low-density residential character of the surrounding area.*

Consideration of Applicant's Written Request

The applicant's written request has correctly identified the development standard to be varied, relevant legislation and calculated the FSR using the definition in the LEP. The document also addresses those matters required in Clause 4.6(3)(a) and (b).

Consideration of 4.6(3)(a) whether compliance is unreasonable or unnecessary in the circumstances of the case

The applicant has not adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case. The applicant 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) of *Wehbe v Pittwater Council* (2007) 156 LGERA 446]

The proposed addition complies with the building height development standard, however, contrary to statements made within the Clause 4.6 written variation request, there is resulting overshadowing to the top-floor window of No. 15 Lord Howe Street. As further discussed below in Table 3, the window in question serves a living and dining room. The reduction in direct solar access to this habitable room does not preserve the amenity of the neighbouring property, therefore, the proposal fails to meet the objectives of the FSR development standard.

Consideration of 4.6(3)(b) whether there are sufficient environmental planning grounds to justify contravening the development standard.

The applicant has not satisfactorily argued that there are sufficient environmental planning grounds to justify contravening the development standard. The proposed addition and variation to the development standard is shown to reduce the amenity of the neighbouring property at No. 15 Lord Howe Street regarding direct solar access to its habitable windows. Consequently, the proposal is considered to be an overdevelopment of the site.

Conclusion

The written request provided by the applicant to vary the FSR development standard has not adequately addressed clause 4.6 of the Waverley LEP 2012 and is not supported.

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

The relevant matters to be considered under the Waverley DCP 2022 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. A Site Waste and Recycling Plan was submitted.
2. Ecologically Sustainable Development	Yes	Satisfactory. A BASIX and NatHERS certificate was submitted.
3. Landscaping, Biodiversity and Vegetation Preservation	Yes	Satisfactory. The proposal is not located within a Habitat Corridor.
5. Water Management	Yes	Satisfactory. The proposal is considered a minor alteration. No referral required.
11. Design Excellence	No	While the proposal improves the circulation of the dwelling for aging and disabled individuals, the additional bulk of the lift causes overshadowing to the neighbouring windows. Due to the further exceedance of the FSR development standard, the proposal is considered to result in an overdevelopment of the site which results in unreasonable impacts on the amenity of the neighbouring property. Should the applicant wish to pursue the installation of a lift, they could explore options to integrate the lift into the existing building envelope in order to avoid amenity impacts to the neighbouring properties (with minimal disruption to the existing built form).
13. Excavation	Yes	Satisfactory. The proposed excavation is located in the side courtyard 1.46m from the side boundary. The proposed excavation is not expected to impact surrounding properties negatively.

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

Development Control	Compliance	Comment
1.0 General Objectives		
	No	The proposal contravenes the general objectives of this part of the DCP as the development breaches the FSR development standard and

Development Control	Compliance	Comment
		creates unreasonable shadowing impacts to 15B Lord Howe Street, Dover Heights.
1.1 Height		
Flat roof dwelling house <ul style="list-style-type: none"> Maximum wall height of 7.5m 	Yes (Acceptable on merit)	The proposed extension features a maximum external wall height of 7.6m from the existing ground level. Although this height surpasses the maximum limit, it aligns with the current external wall heights of the existing building envelope, making it acceptable.

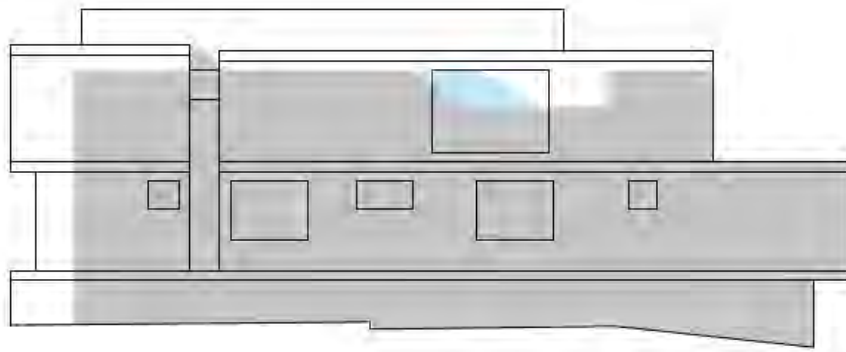
1.2 Setbacks		
1.2.1 Front and rear building lines	Yes	Existing front and rear setbacks are retained.
1.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 0.9m for ground floor and first floors.) 	Yes	The proposed addition within the side courtyard is to have a side setback of 1.46m, matching the existing side setback.
1.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with the streetscape context 	Yes	Satisfactory. The proposed alterations and additions maintain the established character of the building and the surrounding area.
<ul style="list-style-type: none"> Replacement windows to complement the style and proportions of the existing dwelling 	N/A	No proposed windows.
<ul style="list-style-type: none"> Significant landscaping to be maintained. 	Yes	Satisfactory. No proposed changes to the front landscaping are proposed.
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	No new windows are proposed.
1.6 Solar access		
<ul style="list-style-type: none"> Minimum of 3 hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June. 	Yes	Satisfactory. No additional overshadowing will occur on the private open space of the neighbouring properties.
<ul style="list-style-type: none"> Avoid unreasonably overshadowing of solar 	No	

<i>collectors (including habitable windows).</i>		<p>The proposed new lift is shown to cause additional overshadowing to a living/dining room window of No.15B Lord Howe Street at 9am.</p> <p>As the proposal exceeds the maximum FSR development standard, the proposed reduction of direct solar access to a habitable room window is considered unreasonable and is not supported.</p>
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> 	<p>Yes</p> <p>Yes</p>	<p>Satisfactory. No impacts on views have been identified, and no submissions have been received that raise an issue with view loss. As such, the proposal is not expected to result in impacts on any known views enjoyed by surrounding properties.</p>
1.9 Landscaping and open space		
<ul style="list-style-type: none"> <i>Overall open space: 40% of site area (234.08m²)</i> <i>Overall landscaped area: 20% of site area (117.04m²), with at least half deep soil (58.52m²)</i> <i>Minimum area of 25m² for private open space</i> <i>Front open space: 50% of the 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> 	<p>Yes</p> <p>No</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<ul style="list-style-type: none"> Satisfactory. 345.6m² of open space is proposed, equating to 59% of the site area. 97.98m² of landscaping is proposed, equating to 17% of the site area. 44.1m² of which is proposed to be deep soil. The new lift is proposed to be located within an existing landscaped courtyard. This further reduction of the existing site landscaping and deep soil is not supported due to the exceedance of the FSR development standard. No reduction in private open space. No proposed changes to the front setback. Satisfactory. The proposal has ample external space for a portable clothesline.

The following is a detailed discussion of the issues identified in the compliance tables above.

Solar Access

The proposed lift shaft addition within the side courtyard is shown to cause a reduction in direct sunlight access at 9am to a top-floor window of No. 15B Lord Howe Street (**Figure 7**).



JUNE 21, 9AM - 15 Lord Howe Street
Additional shadows cast onto the Northern facade shown in blue

Figure 7: Shadow impacts to No.15B Lord Howe Street at 9am Winter Solstice

Investigation of the floor plans of No.15B Lord Howe Street revealed that the ground floor (**Figure 9**) is comprised of bedrooms, while the first floor (**Figure 10**) is comprised of an open plan kitchen, living and dining room.

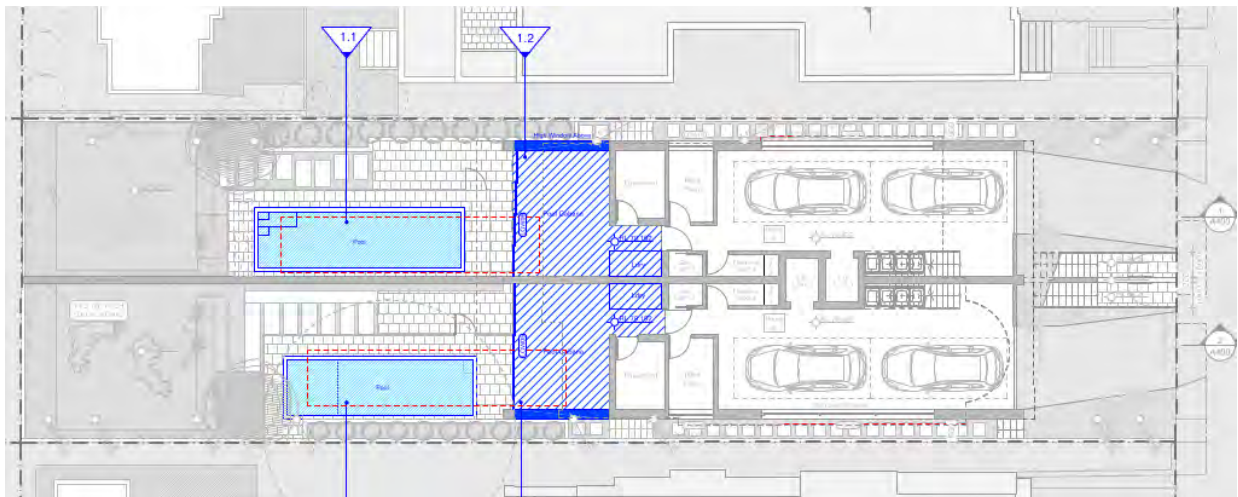


Figure 8: Lower ground floor plan of No.15A and B Lord Howe Street



Figure 9: Ground floor plan of No.15A and B Lord Howe Street

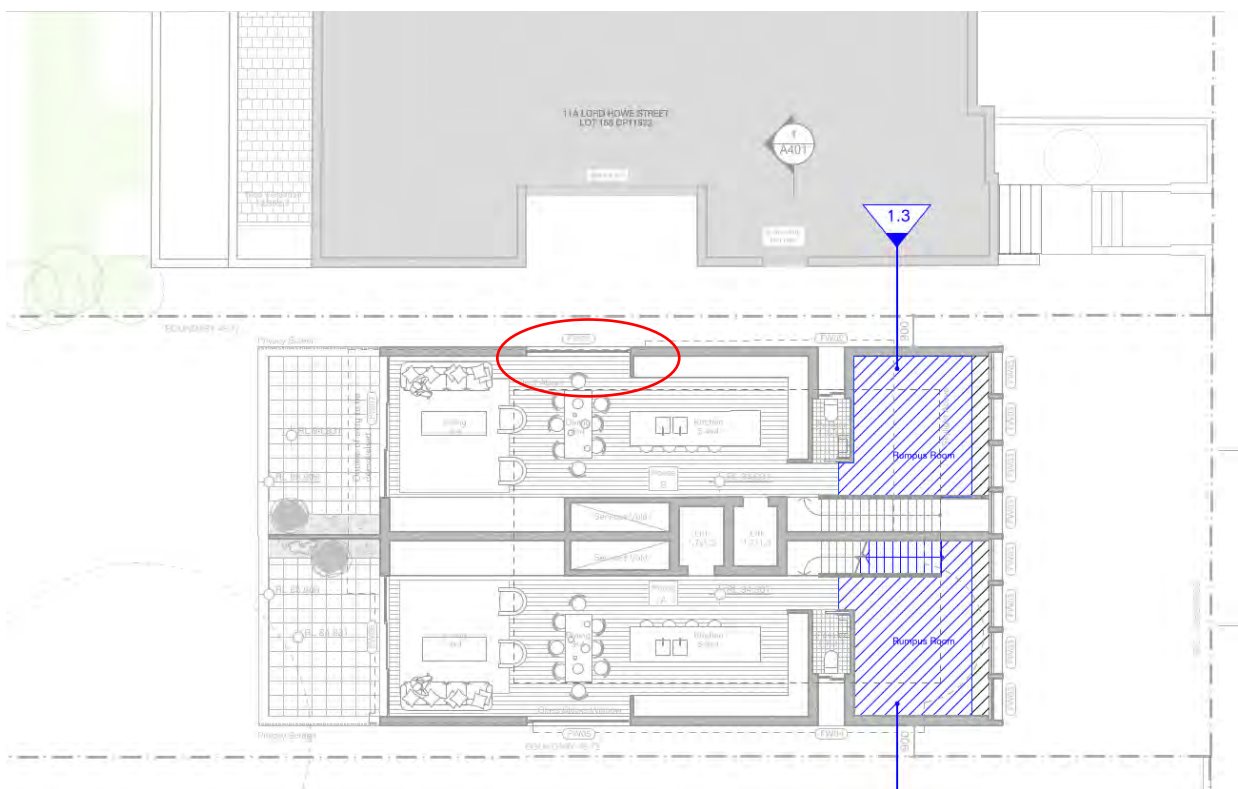


Figure 10: First floor plan of No.15A and B Lord Howe Street. The window circled in red is affected by the proposal.

As seen in **Figures 7 and 10**, the additional overshadowing impacts the living/dining room window of No.15B Lord Howe Street. As the proposal breaches the maximum FSR development standard, any additional overshadowing is considered unreasonable. A preferred option is an alternate location (such as internal of the building), where no greater impact occurs as a result of the new lift.

2.2. Other Impacts of the Development

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

2.3. Suitability of the Site for the Development

The site is not considered suitable for the proposal.

2.4. Any Submissions

The application was notified for 14 days between 24 January 2025 and 11 February 2025 in accordance with the *Community Engagement Strategy 2023*.

Two submissions of support were received from the following properties:

- 15A Lord Howe Street
- 15B Lord Howe Street

Both letters express support and satisfaction concerning the potential impacts of the lift shaft. Although the current owners may endorse the form of the proposal, this does not necessarily indicate that a future owner will accept the resulting impacts. The Council has consistently adopted an approach that evaluates the effect on the property instead of focusing on the perceived impacts of individual owners regarding breaches in planning standards. As previously discussed, the proposal does not adequately preserve the amenity of the neighbouring property at No. 15B, as it causes additional overshadowing to a living and dining room window.

Council officers are also open to the installation of a lift for the dwelling, however the proposed location is not supported. The application was deferred to seek alternatives, however no amendments were forthcoming.

2.5. Public Interest

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

3. REFERRALS

No internal or external referral comments were sought.

4. CONCLUSION

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

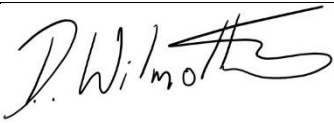
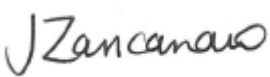

Managers of Development Assessment (MODA) Review

The application was reviewed by the MODA at the meeting on 6 May 2025 and the MODA concurred with the Assessment Planner's recommendation.

MODA members: A Rossi, B McNamara, B Magistrale, and Jo Zancanaro

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the development application be **REFUSED** by the Waverley Local Planning Panel for the reasons contained in Appendix A.

Report prepared by:	Application reviewed and agreed by:	Application reviewed and agreed by:
		
Damien Wilmotte	Jo Zancanaro	Angela Rossi
Development Assessment Planner	A/Manager, Development Assessment	Executive Manager, Development Assessment
Date: 8 May 2025	Date: 9 May 2025	Date: 15 May 2025

Reason for WLPP referral:

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

OFFICE USE ONLY

Planning Portal Data		
Clause 4.6 register entry required (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)	75 % variation to FSR (Clause 4.4)	
	x	Pre-existing non-compliance
	x	No change to overall building height
		No change to overall building envelope
	x	Variation limited to the [lift/plant/parapet/attic] only
		No unreasonable impacts on the amenity of adjoining properties or streetscape
		Sufficient environmental planning grounds
		Consistent with the objectives of the standard
Excavation Register	10m ³ of excavation approved	
		Pre-existing non-compliance
		Located within the building footprint
		No change to overall building envelope

	No unreasonable impacts on the amenity of adjoining properties or streetscape
	Sufficient environmental planning grounds
	Consistent with the objectives of the standard
Determining Authority (Concurrence Authority for Clause 4.6 variation)	Local Planning Panel
Were the requirements of the Sustainable Buildings SEPP (effective 1 October 2023) met?	Yes
Have any dwellings been approved for affordable Rental Housing under this approval/consent? *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
Is the development subject to the Special Infrastructure Contribution (SIC)?	No
Is the development located within an Urban Release area?	No
Waverley Council Data	
Trial Period database entry required	No
VPA submitted – follow up actions required	No
Refer to compliance for investigation	No
Commercial/liquor operational conditions	No
Was there a 'Conflict of Interest' declared	No

APPENDIX A – REASONS FOR REFUSAL

Having regard to section 4.15 (1) of the *Environmental Planning and Assessment Act 1979 (the Act)* the development application (the application) is refused for the following reasons:

1. The application does not satisfy section 4.15 (1)(a)(i) of the Act as it is contrary to the following provisions of *Waverley Local Environmental Plan (LEP) 2012*:

- a. *Clause 4.4 Floor Space Ratio*

The application exceeds the maximum allowable Floor Space Ratio (FSR) of 0.5:1 and the applicant's written request under clause 4.6 of Waverley LEP 2012 has failed to adequately address the required matters under subclauses 4.6 (3)(a) and (b) of Waverley LEP 2012

Details: The proposal is considered an overdevelopment of the site and the proposed development does not preserve the environmental amenity of neighbouring properties and the surrounding locality as required under clause 4.4 (1)(d) of Waverley LEP 2012. The loss of amenity is caused by the proposed overshadowing to habitable windows of No.15B Lord Howe Street, Dover Heights.

2. The application does not satisfy section 4.15 (1)(a)(iii) of the Act as it is contrary to *Waverley Development Control Plan (DCP) 2022*, in respect to the following provisions:

Part B11 Design Excellence

- a. Objective (d) and control (e) under this the Part, as the proposed addition of the lift reduces the solar access amenity of a habitable window located at No. 15B Lord Howe Street, Dover Heights. This reduction in amenity, combined with the exceedance of the FSR development standard, is considered unreasonable.

Part C1 Low Density Residential Development

- b. *Section 1.6 Solar access*, specifically objectives (a), (b) and (d) and controls (b) to (e) as the proposed development causes direct overshadowing of neighbouring habitable windows, reducing the solar amenity of No. 15B Lord Howe Street, Dover Heights. Due to the exceedance of the FSR development standard, this is considered unacceptable.
 - c. *Section 1.9 Landscaping and open space*, specifically controls (c) and (d) as the proposal reduces the landscaping and deep soil area to below the minimum required for the subject site. Considering the exceedance of the FSR development standard, the development is considered an overdevelopment of the site.

DRAWING SCHEDULE

No.	TITLE	SCALE	REV	REV DATE
000	Title Page + Drawing Schedule	NTS @ A3	1	20/11/24
001	Architectural Notes	NTS @ A3	1	20/11/24
100	Part Site Plan - Exiting + Proposed	1:200 @ A3	1	20/11/24
110	Ground Floor Reference Plans - Proposed + Existing	1:200 @ A3	1	20/11/24
111	First Floor Reference Plans - Proposed + Existing	1:200 @ A3	1	20/11/24
112	Roof Reference Plans - Proposed + Existing	1:200 @ A3	1	20/11/24
113	Garage + Basement Level Reference Plans - Proposed + Existing	1:200 @ A3	1	20/11/24
150	Southern Reference Elevations - Proposed + Existing	1:200 @ A3	1	20/11/24
200	Existing Site Plan + Site Analysis	1:200 @ A3	1	20/11/24
210	Existing Ground Floor Plan	1:100 @ A3	1	20/11/24
211	Existing First Floor Plan	1:100 @ A3	1	20/11/24
212	Existing Roof Plan	1:100 @ A3	1	20/11/24
213	Existing Garage + Basement Floor Plan	1:100 @ A3	1	20/11/24
250	Existing Elevation South	1:100 @ A3	1	20/11/24
251	Existing Elevation East	1:100 @ A3	1	20/11/24
252	Existing Elevation West	1:100 @ A3	1	20/11/24
253	Existing Elevation North	1:100 @ A3	1	20/11/24
260	Existing Part Sections	1:100 @ A3	1	20/11/24
300	Proposed Site Plan	1:100 @ A3	1	20/11/24
310	Proposed Ground Floor Plan	1:100 @ A3	1	20/11/24
311	Proposed First Floor Plan	1:100 @ A3	1	20/11/24
312	Proposed Roof Plan	1:100 @ A3	1	20/11/24
313	Proposed Garage + Basement Floor Plan	1:100 @ A3	1	20/11/24
330	Demolition Plans	1:100 @ A3	1	20/11/24
350	Proposed Elevation South	1:100 @ A3	1	20/11/24
360	Part Section - Proposed + Demolition	1:100 @ A3	1	20/11/24
1000	Materials Schedule	1:200 & NTS @ A3	1	20/11/24
1100	Shadow Diagrams - Plan - June 21st @ 9am	1:100 @ A3	1	20/11/24
1101	Shadow Diagrams - Plan - June 21st @ 12pm	1:100 @ A3	1	20/11/24
1102	Shadow Diagrams - Plan - June 21st @ 3pm	1:100 @ A3	1	20/11/24
1103	Shadow Diagrams - Elevation 15 Lord Howe Street	1:200 @ A3	1	20/11/24
1200	GFA Calculations	1:200 @ A3	2	20/1/25
1500	Open Area Plan	1:200 @ A3	2	20/11/24

RECEIVED

Waverley Council

Application No: DA-672/2024

Date Received: 23/01/2025

CONTACT LIST

COUNCIL
WAVERLEY COUNCIL

CERTIFYING AUTHORITY
BUILDING CERTIFICATES
AUSTRALIA

ARCHITECT
STANIC HARDING PTY LTD
FOVO STUDIO 18, LEVEL 1
151 FOVEAUX STREET
SURRY HILLS NSW 2010
T 9167 7916

STRUCTURAL ENGINEER
ALBA & ASSOCIATES
CONSULTING ENGINEERS
SUITE 804, 35 SORING STREET
BONDI JUNCTION NSW 2022

ARCHITECTURAL DRAWINGS

Of works to be executed and materials to be used in the part demolition and in the alterations and additions to:

2404
11A LORD HOWE STREET

AT:

11A Lorde Howe Street, Dover Heights, NSW, 2066

PREPARED BY:

STANIC HARDING PTY LTD
FOVO STUDIO 18, LEVEL 1
151 FOVEAUX STREET SURRY HILLS NSW 2010
T 02 9167 7916

ON BEHALF OF:

Susan and Norm Gelber

ISSUED:

DEVELOPMENT APPLICATION

SITE DETAILS:

LOT & DP: LOT 50, DP 975341
LGA: WAVERLEY COUNCIL
SITE AREA: 585.2 sqm



LOCATION PLAN
source: google maps (www.google.com)

NOTES

GENERAL NOTES

- 1. REFER CODE INDEX AND SCHEDULES FOR CODE DESCRIPTION AND SPECIFICATIONS.
- 2. ALL WORKS TO COMPLY WITH BCA AND AUSTRALIAN STANDARDS AND TO BE PERFORMED IN ACCORDANCE WITH BEST PRACTICE. (DA APPROVAL: 27 OCT 2015)
- 3. ALL INTERNAL FLOOR FINISHES TO ALIGN.
- 4. COMPLY IN ALL RESPECTS TO DEVELOPMENT APPLICATION CONDITIONS OF CONSENT BY URBAN GROWTH AND RANDWICK CITY COUNCIL.
- 5. COMPLY IN ALL RESPECTS TO STRUCTURAL ENGINEERS DOCUMENTATION AND INSTRUCTIONS.
- 6. COMPLY IN ALL RESPECTS TO BASIX REQUIREMENTS.

DEMOLITION/EXCAVATION

- 1. EXCAVATION MUST COMPLY WITH RELEVANT AUSTRALIAN STANDARDS, BA AND APPROVAL CONDITIONS.
- 2. ENSURE EXISTING NEIGHBOURING STRUCTURES ARE STABILISED AND SECURED TO STRUCTURAL ENGINEER'S INSTRUCTIONS.
- 3. LOCATE EXISTING SERVICES AS PER COUNCIL CONDITIONS.
- 4. CAP OFF AND / OR REMOVE REDUNDANT SERVICES.

SKETCH DRAWINGS NOTES

- 1. SKETCH DRAWINGS ARE NOTIONAL, AND ARE PROVIDED FOR INFOMATION PURPOSES ONLY.
- 2. ANY CONFLICTS IN STRUCTURE, MATERIAL OR DIMENSIONING ARE TO BE RESOLVED IN CONJUNCTION WITH THE ARCHITECT.

WET AREA NOTES

- 1. FALL TO WASTE, TYPICAL.
- 2. ROUGH IN & SETOUT OF ALL PLUMBING, FIXTURES & FITTINGS TO ALIGN WITH TILE JOINTS/JUNCTIONS AS SHOWN. * DENOTES TILE DIMENSION TO BE CONFIRMED ON SITE WITH ACTUAL TILE SAMPLE
- 3. TILE SELECTIONS TO BE ON SITE DURING SETOUT TO ENSURE BEST FIT. SET OUT TO FULL TILE DIMENSIONS WHERE POSSIBLE. TO BE CONFIRMED WITH ARCHITECT DURING ROUGH IN.
- 4. BUILDER TO ENSURE PROVISION OF EDQUATE BLOCKING TO SUBSTRATES TO ALLOW CORRECT INSTALLATION OF NOMINATED FIXTURES AND FITTINGS.

DOOR & WINDOW NOTES

- 1. ALL ITEMS DRAWN FROM THE OUTSIDE.
- 2. ALL WINDOW AND DOOR DIMENSIONS ARE TO BE CONFIRMED ON SITE AND SHOPDRAWINGS CONFIRMED BY ARCHITECT PRIOR TO FABRICATION .
- 3. ALL ALUMINIUM FRAMES TO BE ANODISED. COLOUR TO BE CHOSEN BY ARCHITECT.
- 4. ALL SCHUCO SLIDING DOORS TO HAVE CUSTOM MADE SUBSILLS WITH INTEGRATED TILE-DROP-IN DRAINS.
- 5. ALL LOUVRES ADJACENT TO SCHUCO DOORS TO BE FIXED TO SCHUCO FRAMES AND TO HAVE CUSTOM MADE SUBSILLS WITH INTEGRATED TILE-DROP-IN DRAINS TO MATCH THOSE AT THE SLIDERS. REFER TO DETAILS.
- 6. ALL WINDOWS AND DOORS TO COMPLY WITH BASIX CERTIFICATE.

FINISHES ABBREVIATIONS

- AL ALUMINIUM
- ALF ALUMINIUM FLAT BAR
- BAL SELECTED ROOF BALLAST
- CG CLEAR GLASS
- CN CONCRETE
- CONC FACE FINISH OFF FORM CN
- COR CORIAN
- CP COMPOSITE PANEL
- CPT CARPET
- CR CEMENT RENDER + PF
- FW FLOOR WASTE
- GD GRATED DRAIN
- MEM SELECTED MEMBRANE ROOF
- MD METAL DECK ROOFING,
- MS GUTTERS + DOWNPIPES
- NSA MILD STEEL, PAINT FINISH
- PAV SELECTED STONE PAVING
- PB SET PLASTERBOARD CEILING
- PB(E) EXTERNAL GRADE SET PB
- PB(W) WET AREA SET PB
- PF SELECTED PAINT FINISH
- PLY 18MM FORMPLY
- RM RENDERED MASONRY
- RC REINFORCED CONCRETE
- SS SANDSTONE
- ST STONE FLOORING
- TIM TIMBER WALL CLADDING
- TIM-2 TIMBER FENCE
- TF TIMBER FLOOR
- TG TRANSLUCENT GLASS
- VB VILLABOARD

JOINERY FINISHES ABBREVIATIONS

- AL ALUMINIUM
- AS ADJ SHELF
- CPT CARPET
- CG CLEAR GLASS
- COR CORIAN
- CP COMPOSITE PANEL
- CPT CARPET
- COR CORIAN
- FP FIXED PANEL
- FS FIXED SHELF
- FW FLOOR WASTE
- GD GRATED DRAIN
- L LEATHER
- M MIRROR
- MEL MELAMINE
- MJ MITRED JOINT
- MP MIRROR PANEL
- MS MILD STEEL, PAINT FINISH
- MT MOSIAC TILE
- NSA NATURAL SATIN ANODISED
- PB ALUMINIUM
- PB SET PLASTERBOARD CEILING
- PB(E) EXTERNAL GRADE SET PB
- PB(W) WET AREA SET PB
- PF SELECTED PAINT FINISH
- P(S)
- TG
- TOG

KEY TO COLOUR CODES

- Metal
- Render or cement sheet
- Concrete
- Brick
- Aluminium
- Proprietary lift - various materials
- Demolition
- Insulation

BASIX NOTES

ALL BUILDING WORK IS TO COMPLY IN ALL RESPECTS TO THE REQUIREMENTS OF THE BASIX CERTIFICATE. SEE BELOW FOR EXCERPT.

BASIX[®]Certificate

Building Sustainability Index www.basix.nsw.gov.au

Alterations and Additions

Certificate number: A1769493

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

Secretary
Date of issue: Monday, 21 October 2024
To be valid, this certificate must be lodged within 3 months of the date of issue.



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.		✓	✓															
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><tr><th>Construction</th><th>Additional insulation required (R-value)</th><th>Other specifications</th></tr><tr><td>concrete slab on ground floor.</td><td>nil</td><td>N/A</td></tr><tr><td>external wall: other/undecided</td><td>R1.70 (including construction)</td><td></td></tr><tr><td>external wall: other/undecided</td><td>R1.70 (including construction)</td><td></td></tr><tr><td>flat ceiling, flat roof: concrete/bare internal</td><td>ceiling: R2.50 (up), roof: foil/sarking</td><td>medium (solar absorptance 0.475 - 0.70)</td></tr></table>	Construction	Additional insulation required (R-value)	Other specifications	concrete slab on ground floor.	nil	N/A	external wall: other/undecided	R1.70 (including construction)		external wall: other/undecided	R1.70 (including construction)		flat ceiling, flat roof: concrete/bare internal	ceiling: R2.50 (up), roof: foil/sarking	medium (solar absorptance 0.475 - 0.70)			
Construction	Additional insulation required (R-value)	Other specifications																
concrete slab on ground floor.	nil	N/A																
external wall: other/undecided	R1.70 (including construction)																	
external wall: other/undecided	R1.70 (including construction)																	
flat ceiling, flat roof: concrete/bare internal	ceiling: R2.50 (up), roof: foil/sarking	medium (solar absorptance 0.475 - 0.70)																
Legend																		
In these commitments, "applicant" means the person carrying out the development.																		
Commitments identified with a ✓ in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).																		
Commitments identified with a ✓ in the "Show on CC/CDC plans & specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.																		
Commitments identified with a ✓ in the "Certifier check" column must be certified by a certifying authority as having been fulfilled, before a final occupation certificate for the development may be issued.																		

THERMAL COMFORT MODELLING EXCERPT.

THE PAGE BELOW IS A SUMMARY OF THERMAL PERFORMANCE REQUIREMENTS LISTED IN THERMAL COMFORT MODELLING CERTIFICATE 0000438903-15 PREPARED BY EFFICIENT LIVING (ASSESSOR NUMBER 12/1473), AND REFERRED TO IN THE BASIX CERTIFICATE.

REFER TO BASIX CERTIFICATE 743910S AND ASSOCIATED THERMAL COMFORT MODELLING CERTIFICATE FOR FULL CALCULATIONS.
PLEASE REFER TO STANIC HARDING SCHEDULE I FOR SPECIFIED WALL, ROOF AND SLAB INSULATION. PLEASE NOTE THAT "INSULATION F" IS REQUIRED TO SUSPENDED FLOORS ABOVE ENCLOSED SUBFLOORS AS SPECIFIED IN SCHEDULE I IN THE TENDER AND IN THE CONTRACT.

RECEIVED
Waverley Council

Application No: DA-672/2024

Date Received: 23/01/2025



STANIC HARDING PTY LTD
architecture + interiors

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NOMINATED ARCHITECT: A STANIC 5294
ABN 37 003 681 301

REVISION REGISTER		
REV	DATE	DESCRIPTION
1	20/11/2024	Development Application Issue

DRAWING NOTES		
DRAWN	CKD	###
SB	AH	

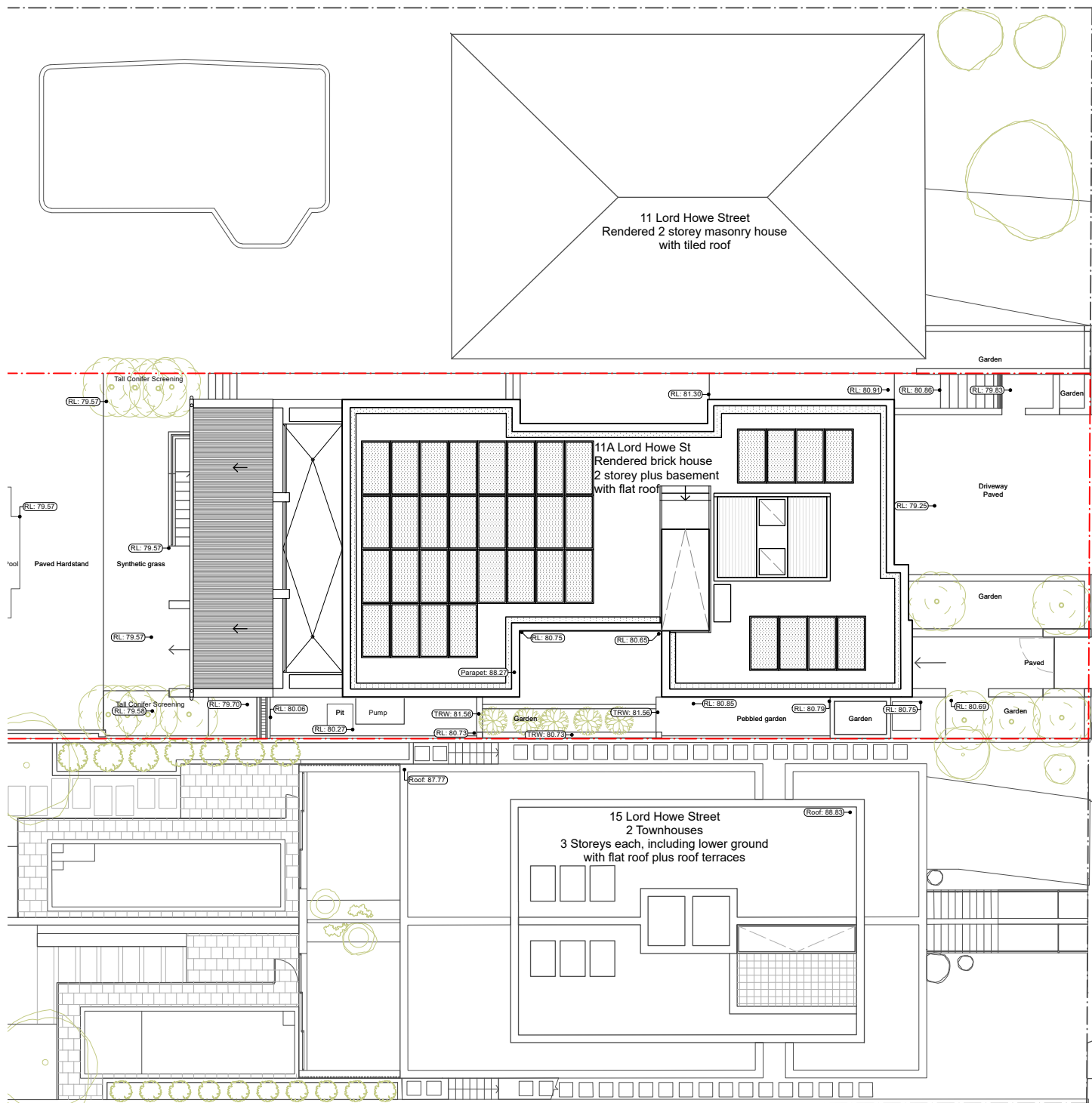
2404

11A LORD HOWE STREET
Susan and Norm Gelber
11A Lord Howe Street, Dover Heights, NSW, 2066

DA 001 Rev 1

DEVELOPMENT APPLICATION
Not for construction

Architectural Notes
NTS @ A3



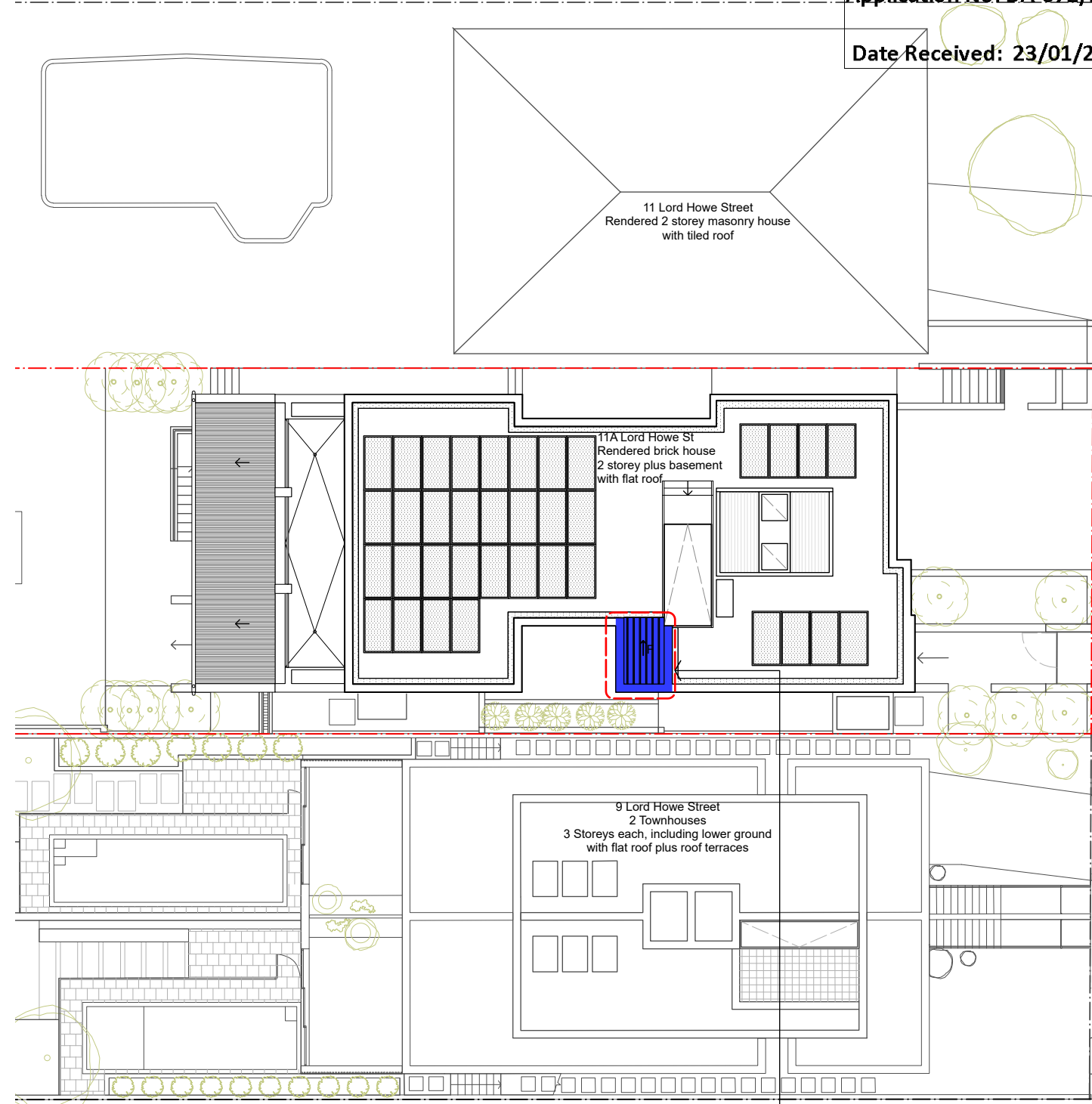
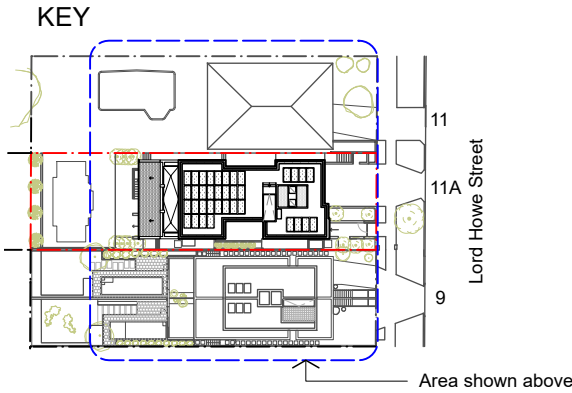
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PART SITE PLAN - EXISTING

Scale: 1:200 @ A3

0 20m

1:200

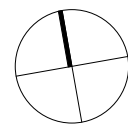


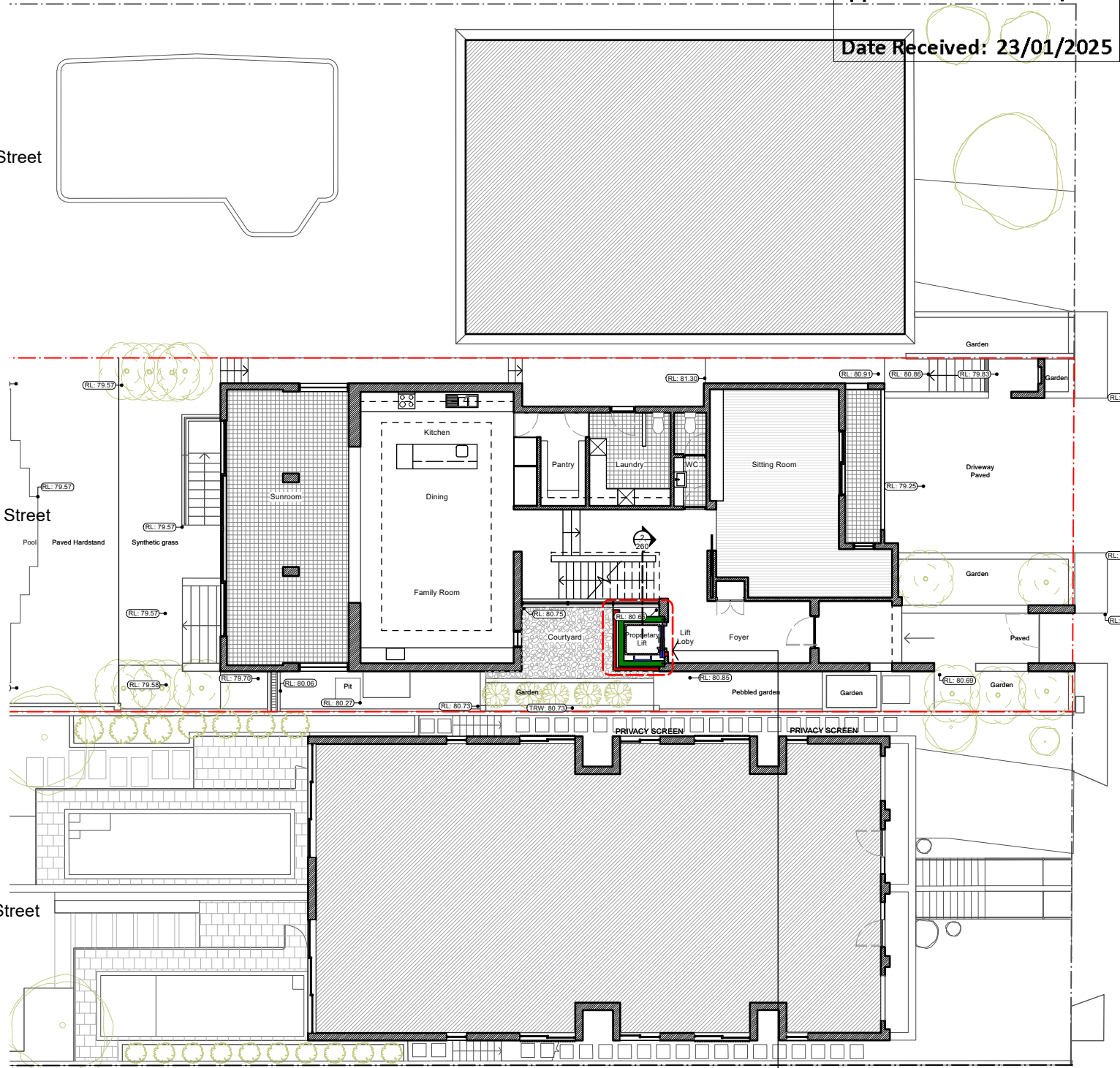
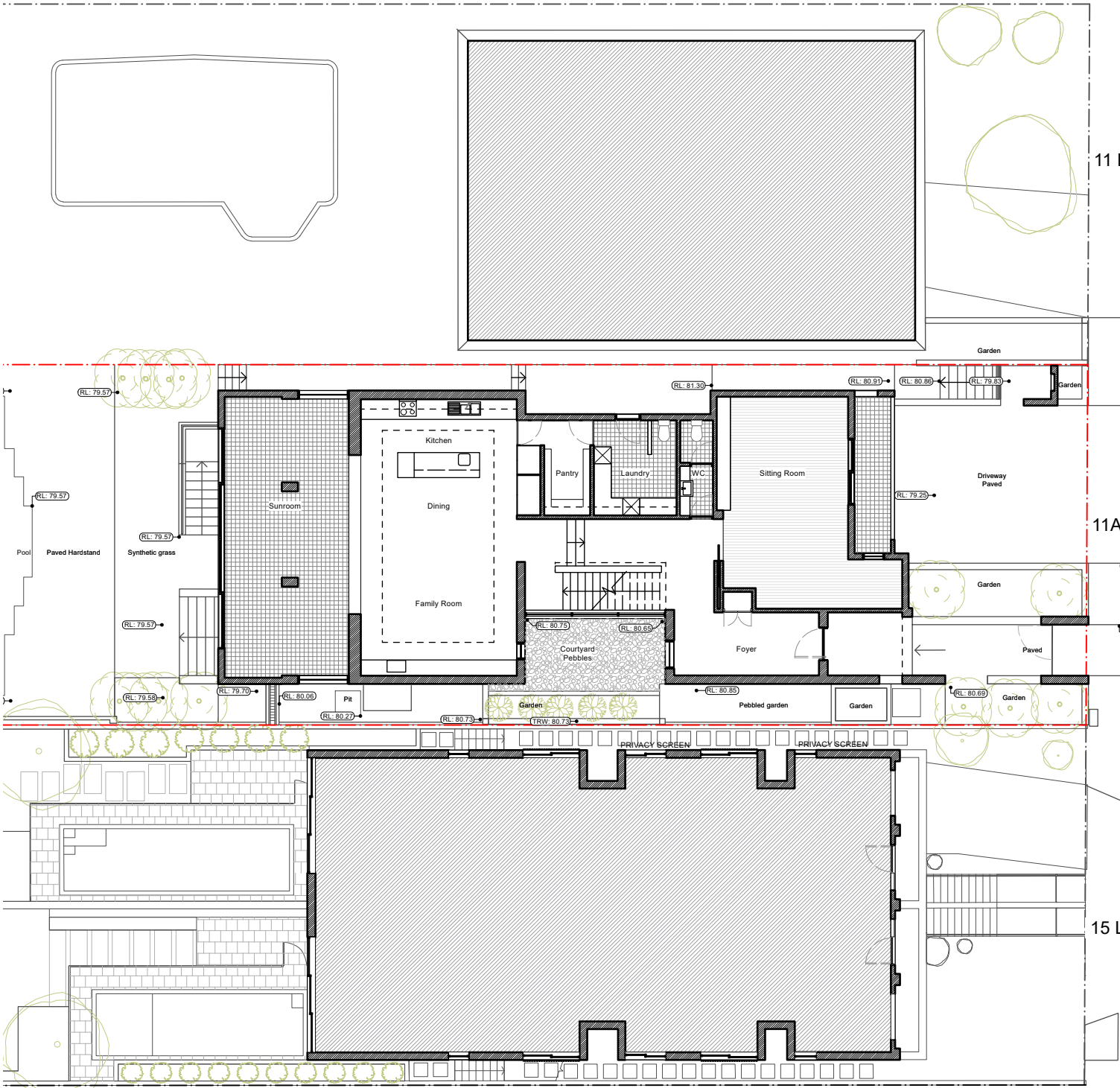
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PART SITE PLAN - PROPOSED

Scale: 1:200 @ A3

Extent of works. Installation of proprietary lift into cast in situ concrete lift shaft with masonry outer skin and metal deck roof

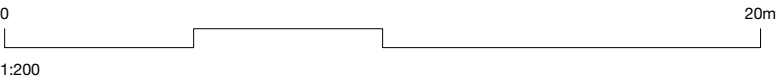




Extent of works. Installation of proprietary lift into cast in situ concrete lift shaft with masonry outer skin and metal deck roof

1 GROUND FLOOR REFERENCE PLAN - EXISTING
Scale: 1:200 @ A3

2 GROUND FLOOR REFERENCE PLAN - PROPOSED
Scale: 1:200 @ A3



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ABN 37 003 681 301

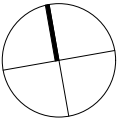
REVISION REGISTER		
REV	DATE	DESCRIPTION
1	20/11/2024	Development Application Issue

DRAWN CKD
SB AH

DRAWING NOTES

NOTE: For 1:100 drawings please refer to:
- DA-210 - Existing Ground Floor Plan
- DA-310 - Proposed Ground Floor Plan

- KEY TO COLOUR CODES
- Metal
 - Render or cement sheet
 - Concrete
 - Brick
 - Aluminium
 - Proprietary lift - various materials
 - Demolition
 - Insulation



2404 11A LORD HOWE STREET

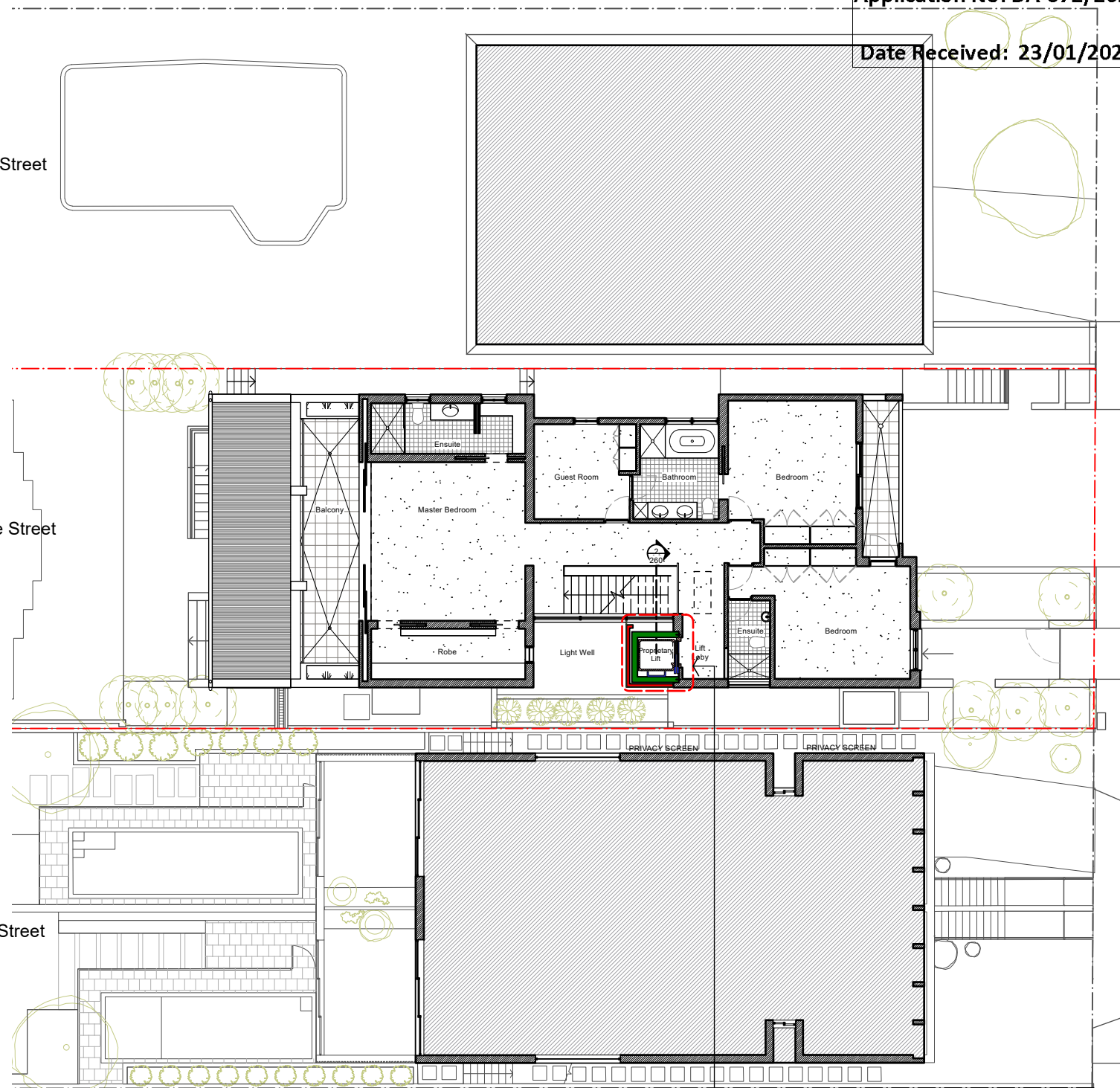
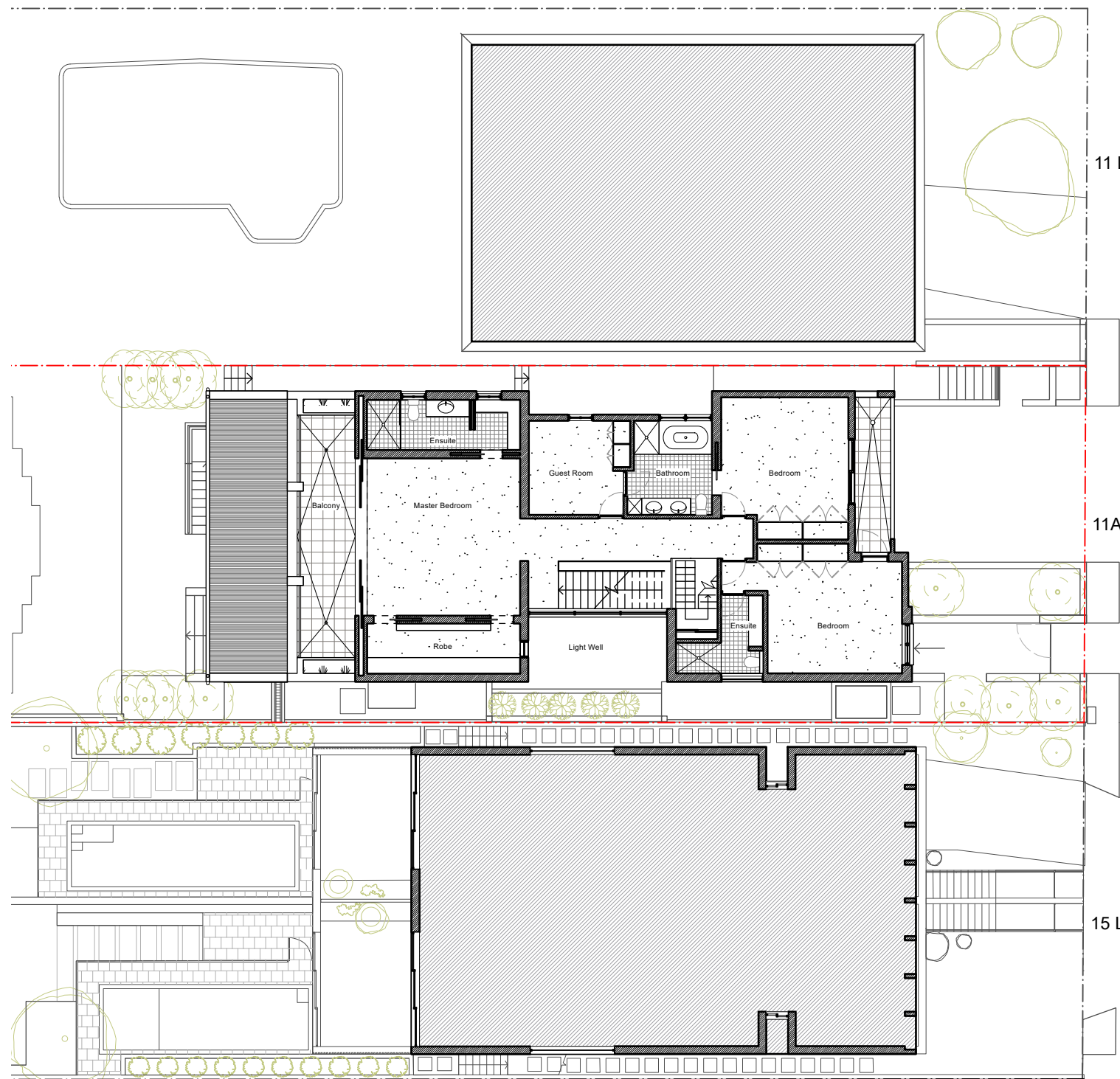
Susan and Norm Gelber
11A Lord Howe Street, Dover Heights, NSW, 2066

DEVELOPMENT APPLICATION
Not for construction

DA 110 Rev 1

Ground Floor
Reference Plans -
Proposed + Existing

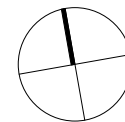
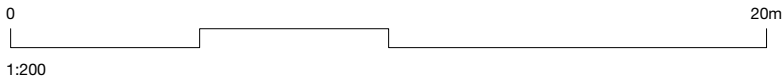
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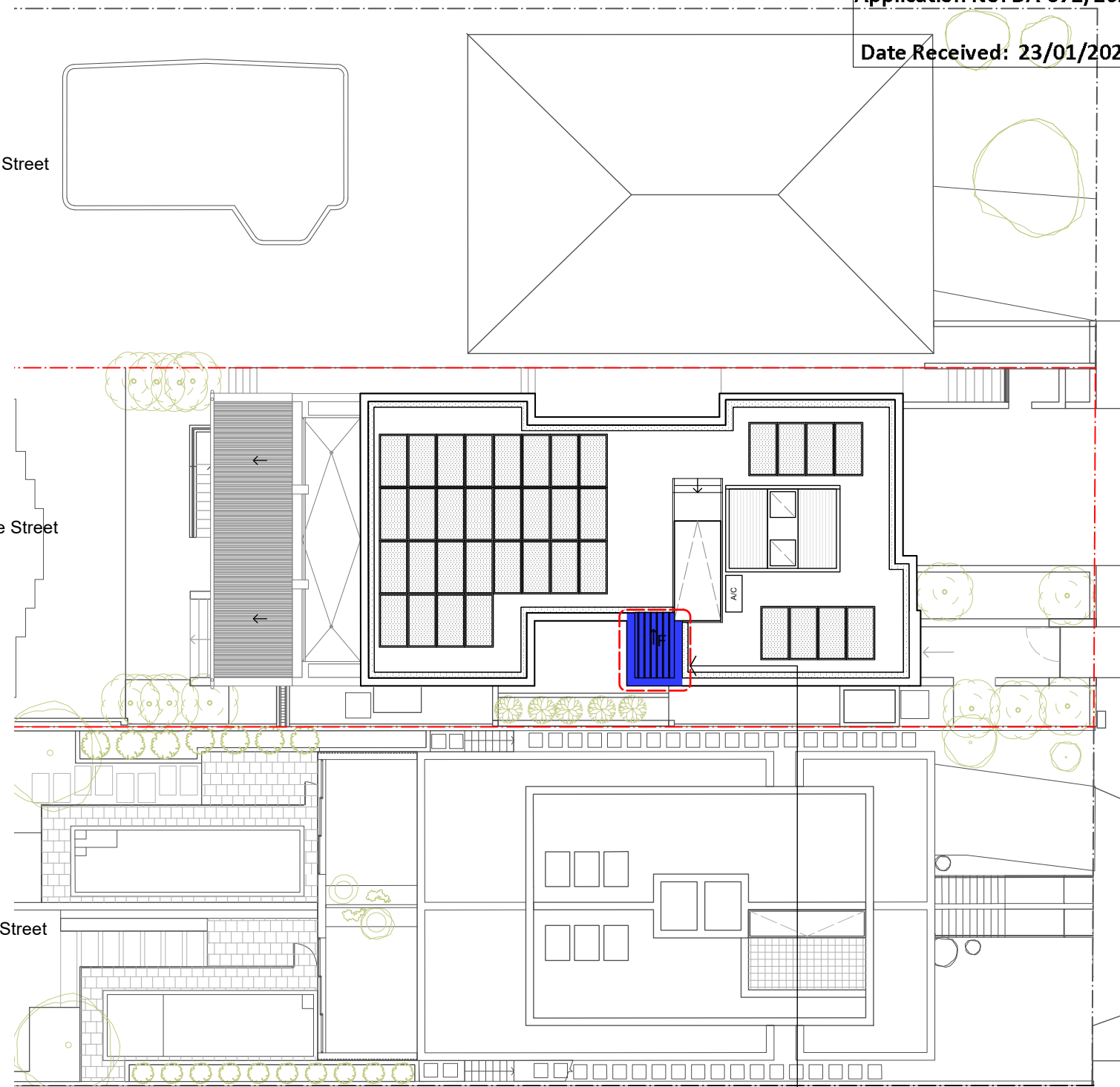
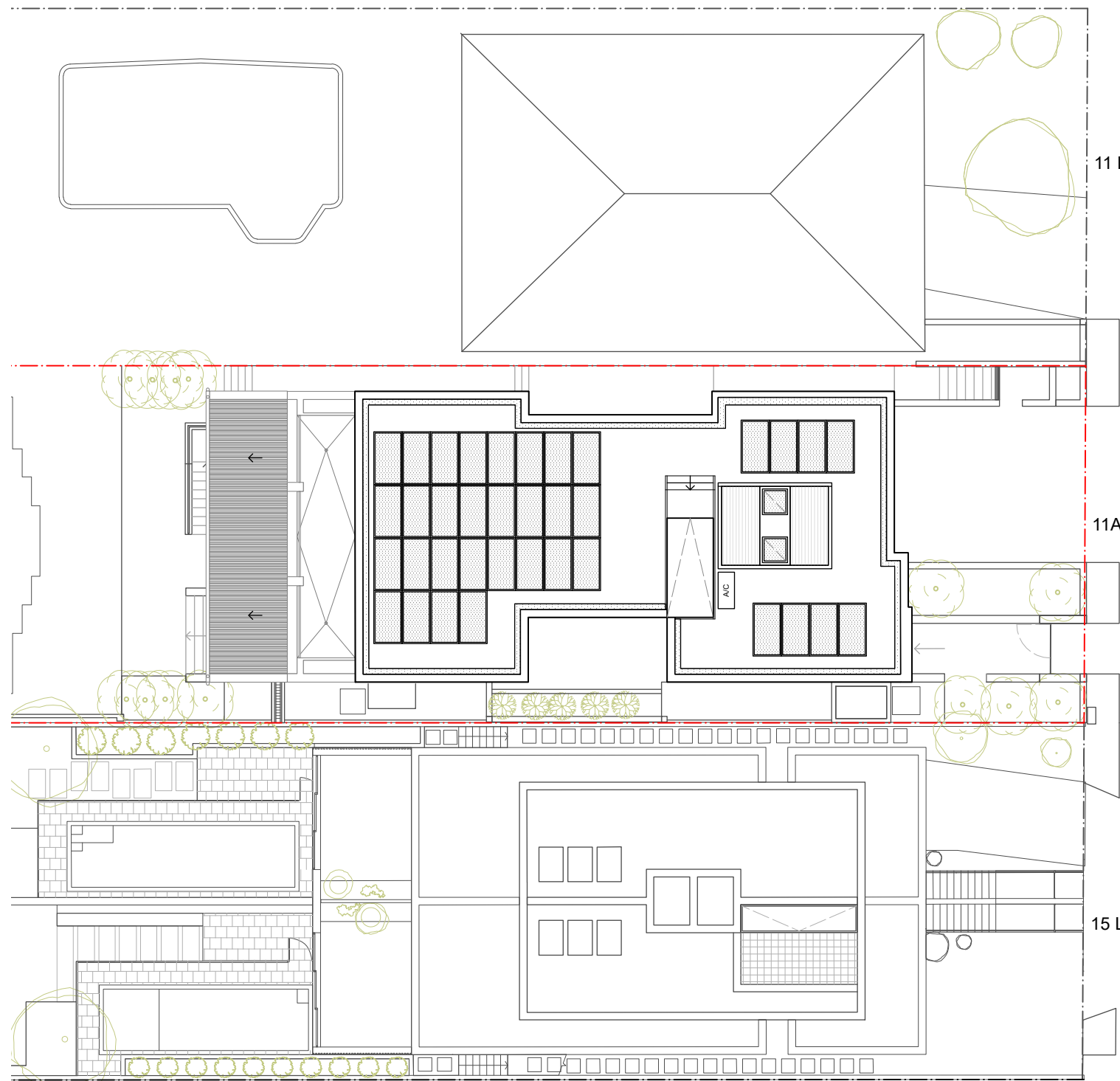


Extent of works. Installation of proprietary lift into cast in situ concrete lift shaft with masonry outer skin and metal deck roof

1 FIRST FLOOR REFERENCE PLAN - EXISTING
Scale: 1:200 @ A3

2 FIRST FLOOR REFERENCE PLAN - PROPOSED
Scale: 1:200 @ A3

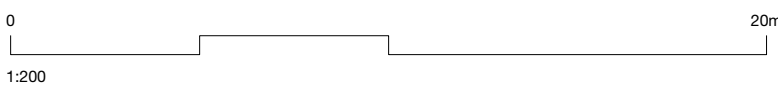


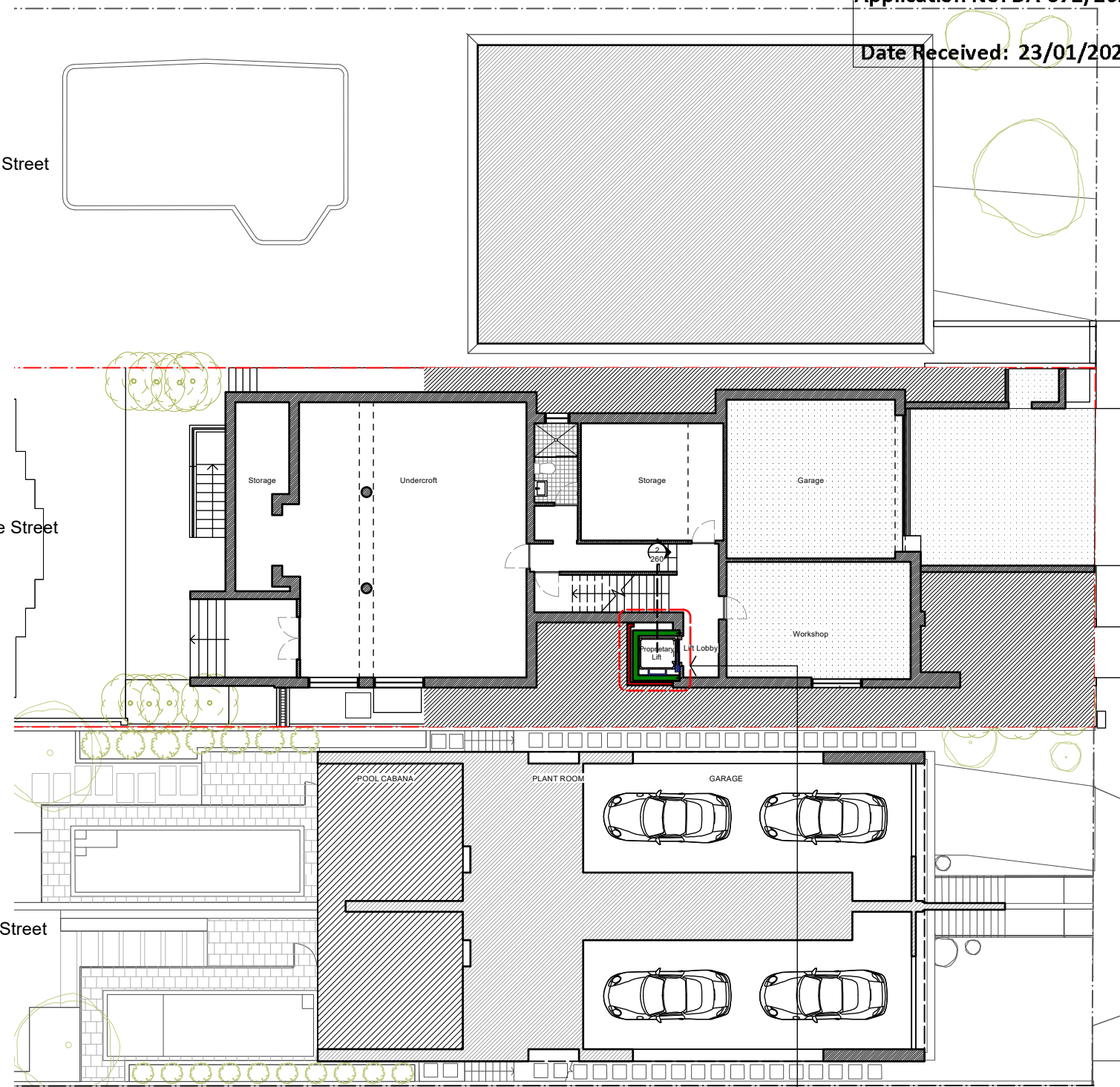
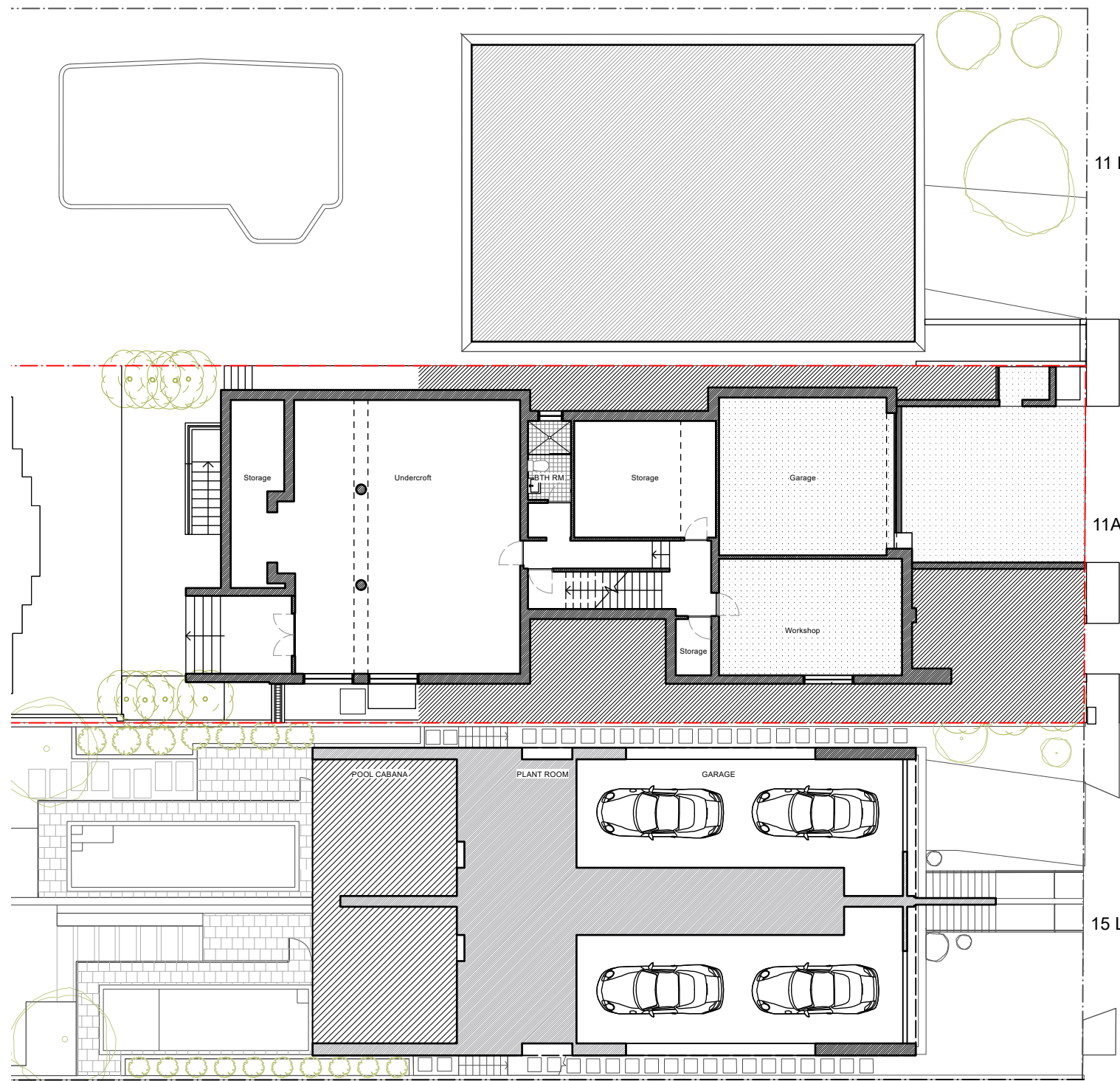


Extent of works. Installation of proprietary lift into cast in situ concrete lift shaft with masonry outer skin and metal deck roof

1 ROOF REFERENCE PLAN - EXISTING
Scale: 1:200 @ A3

2 ROOF REFERENCE PLAN - PROPOSED
Scale: 1:200 @ A3

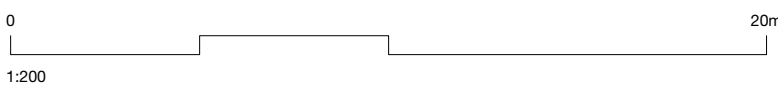


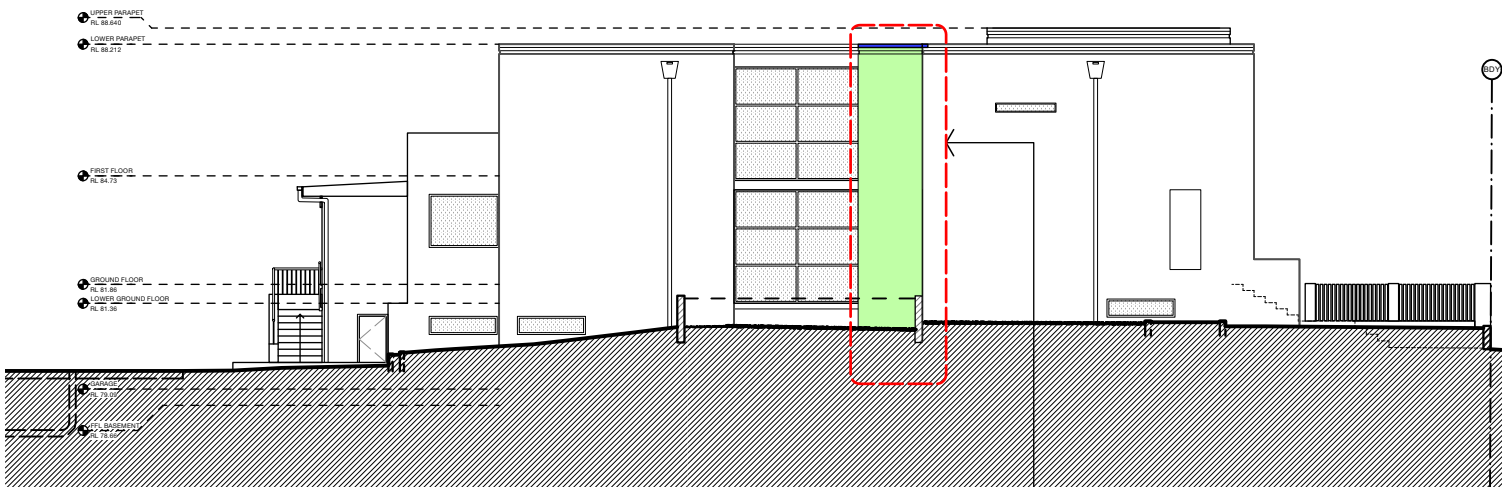
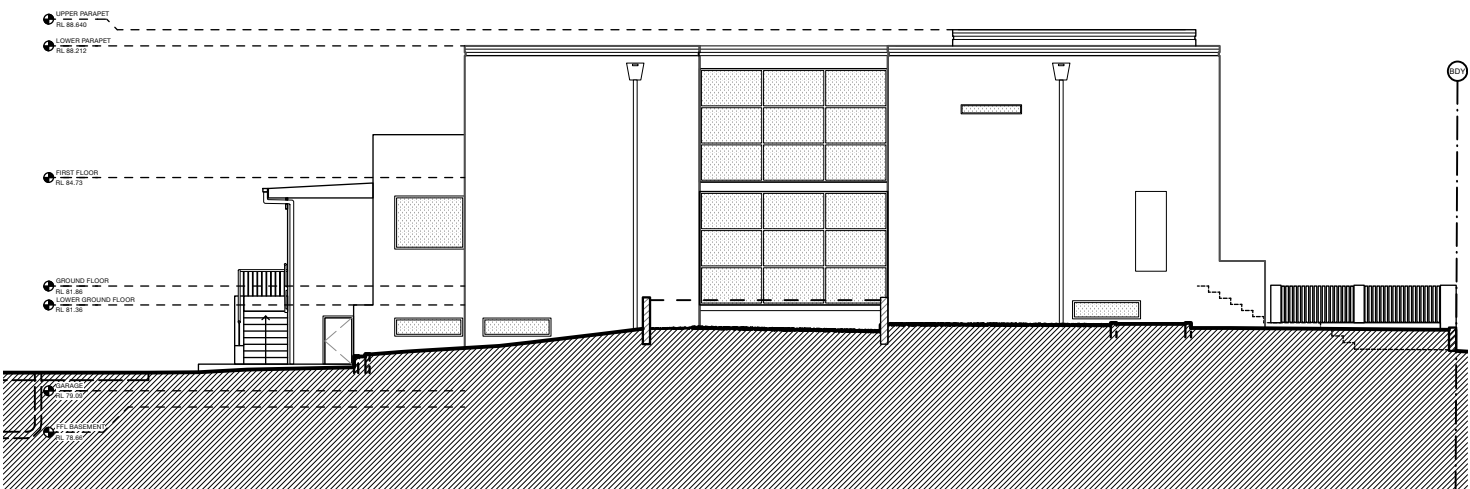


Extent of works. Installation of proprietary lift into cast in situ concrete lift shaft with masonry outer skin and metal deck roof

1 GARAGE LEVEL REFERENCE PLAN - EXISTING
Scale: 1:200 @ A3

2 GARAGELEVEL REFERENCE PLAN - PROPOSED
Scale: 1:200 @ A3





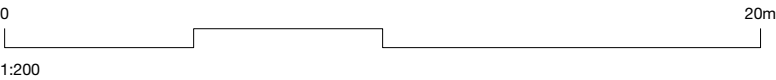
Extent of works. Installation of proprietary lift into cast in situ concrete lift shaft with masonry outer skin and metal deck roof

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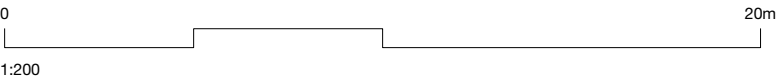
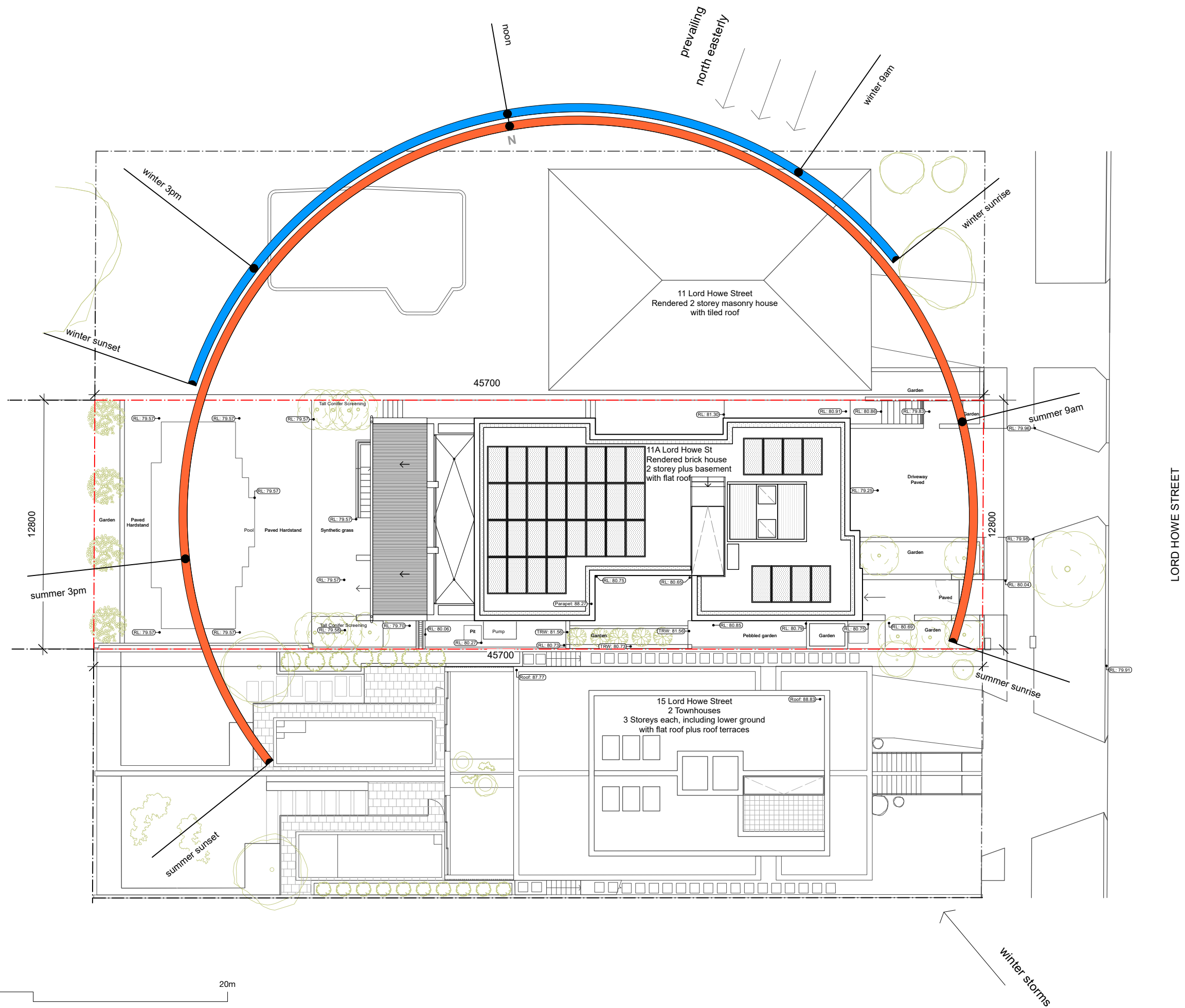
SOUTHERN REFERENCE ELEVATION - EXISTING
Scale: 1:200 @ A3

2

SOUTHERN REFERENCE ELEVATION - PROPOSED
Scale: 1:200 @ A3



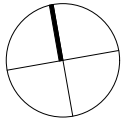
Note:
No trees are proposed to be moved or relocated

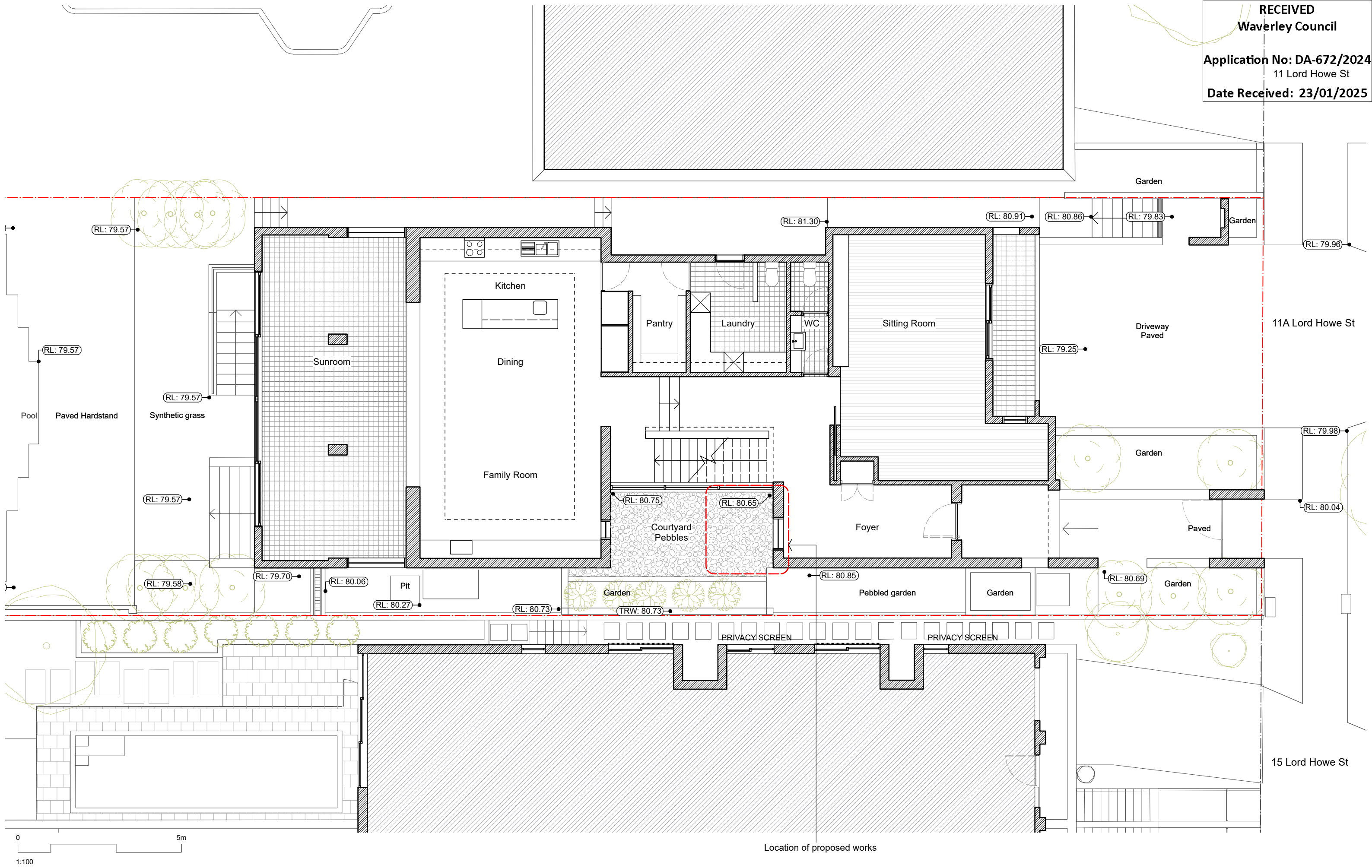


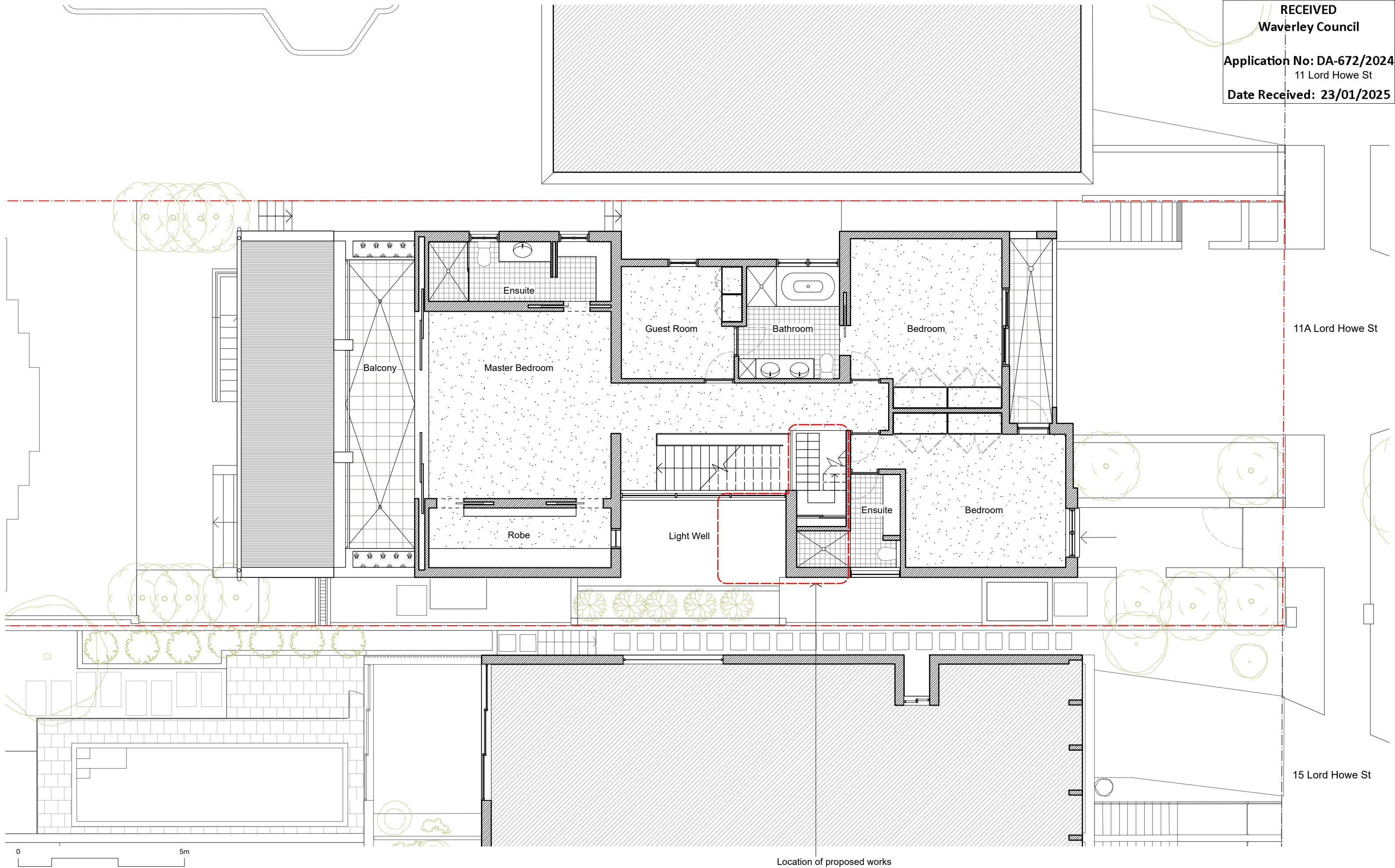
REVISION REGISTER		
REV	DATE	DESCRIPTION
1	20/11/2024	Development Application Issue

DRAWN CKD
SB AH

DRAWING NOTES
Site Area: 581.7 sqm







Location of proposed works



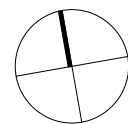
STANIC HARDING PTY LTD
architecture + interiors

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02 9167 7916
architects@stanicharding.com.au

NOMINATED ARCHITECT: A STANIC 5294
ABN 37 003 681 301

REVISION REGISTER		
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DRAWING NOTES	
DRAWN	CKD
SB	AH



2404

11A LORD HOWE STREET

Susan and Norm Gelber
11A Lord Howe Street, Dover Heights, NSW, 2066

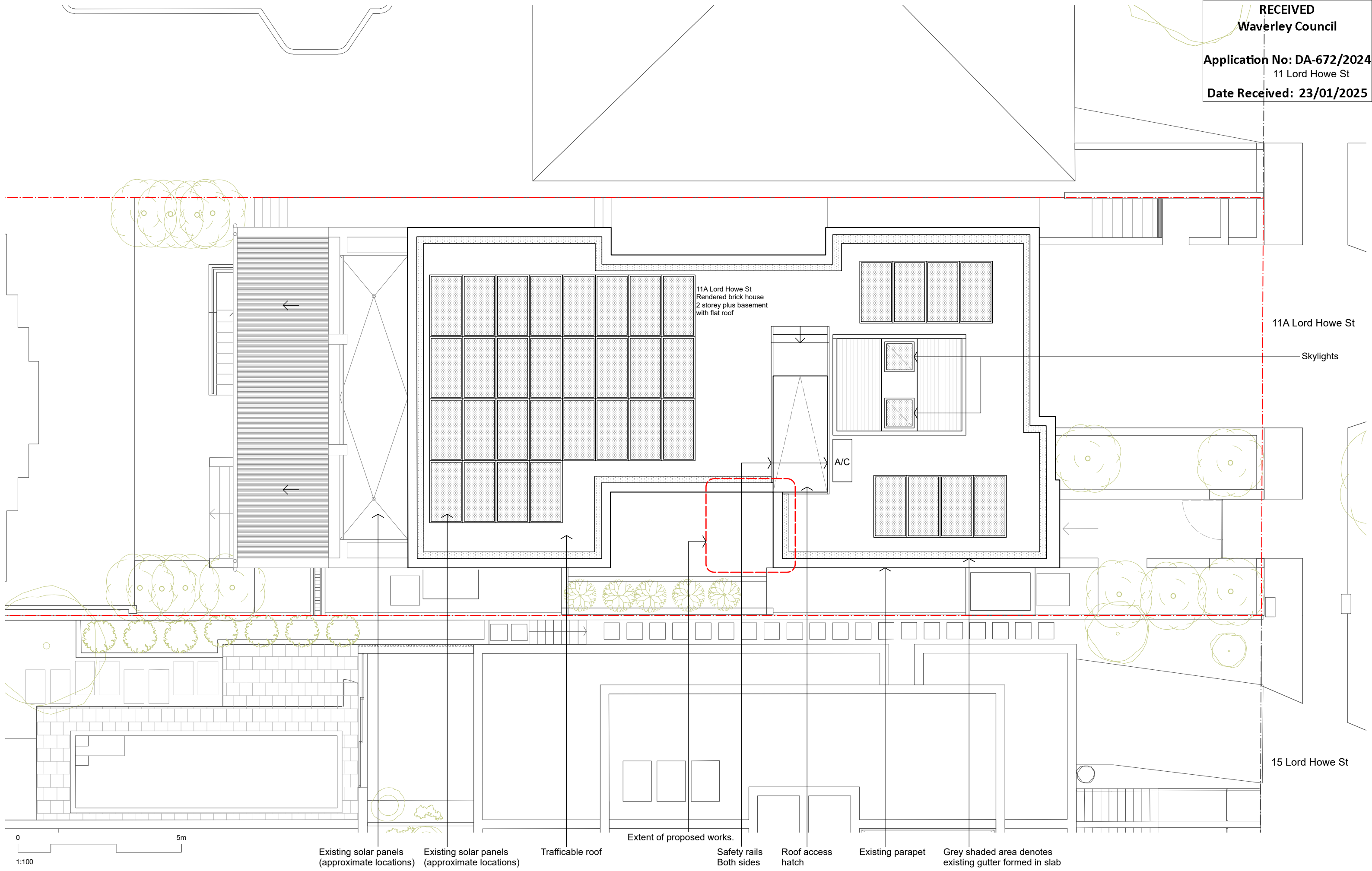
DEVELOPMENT APPLICATION
Not for construction

DA 211

Rev 1

Existing First Floor Plan

1:100 @ A3



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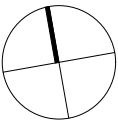
NOMINATED ARCHITECT: A STANIC 5294
ABN 37 003 681 301

REVISION REGISTER		
REV	DATE	DESCRIPTION
1	20/11/2024	Development Application Issue

DRAWN	CKD
SB	AH

DRAWING NOTES

- Extent of proposed works.
- Safety rails Both sides
- Roof access hatch
- Existing parapet
- Grey shaded area denotes existing gutter formed in slab

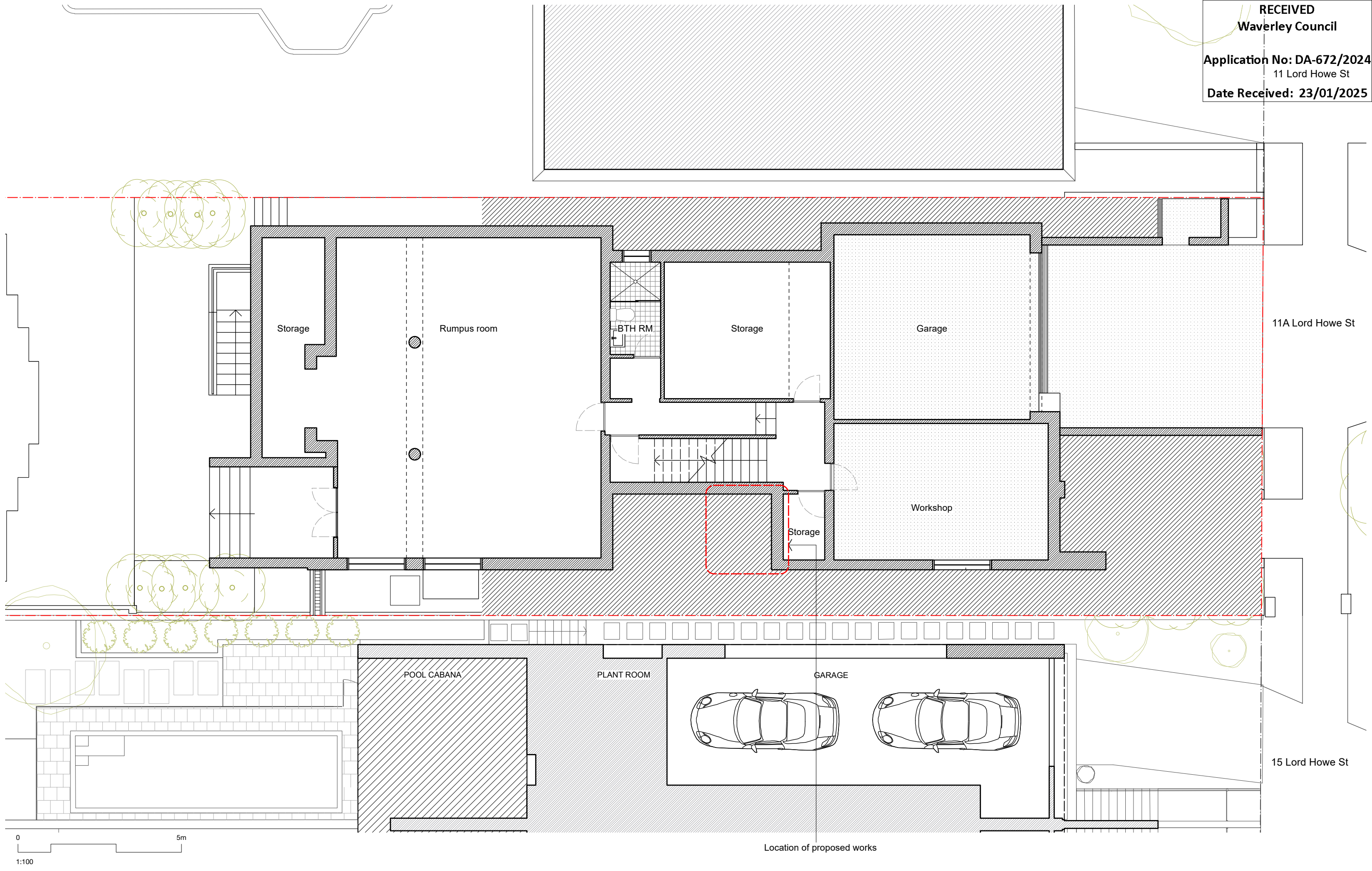


2404 11A LORD HOWE STREET
Susan and Norm Gelber
11A Lord Howe Street, Dover Heights, NSW, 2066

DEVELOPMENT APPLICATION
Not for construction

DA 212 Rev 1

Existing Roof Plan
1:100 @ A3



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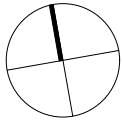
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REVISION REGISTER		
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DRAWN	CKD
SB	AH

DRAWING NOTES



2404 11A LORD HOWE STREET

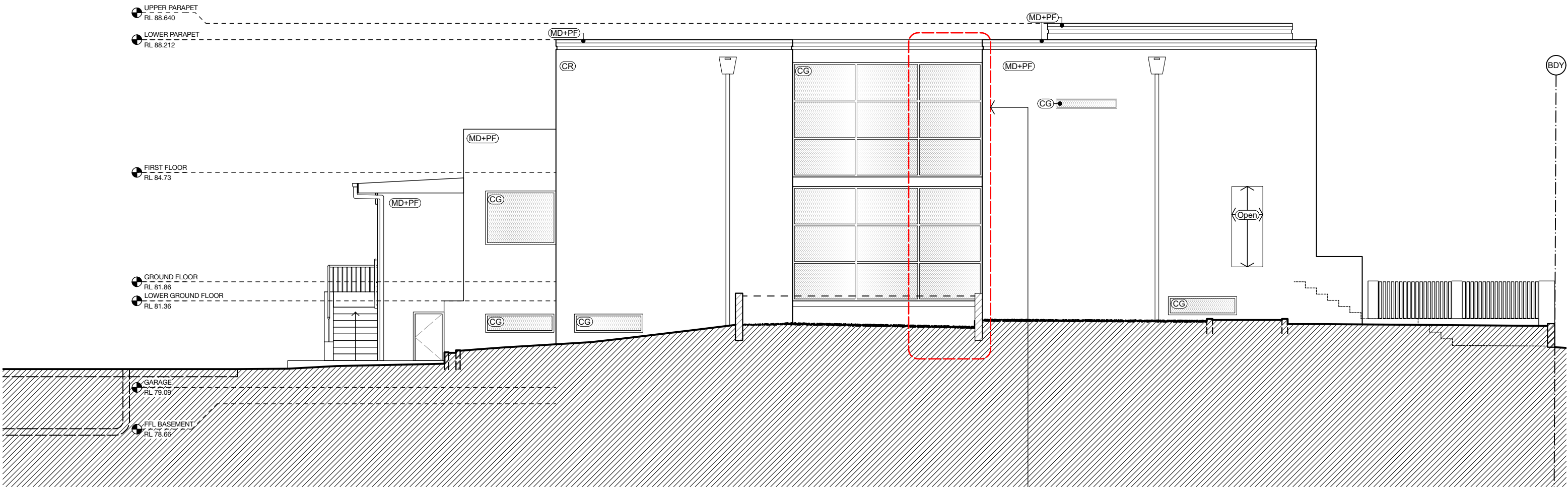
Susan and Norm Gelber
11A Lord Howe Street, Dover Heights, NSW, 2066

DEVELOPMENT APPLICATION
Not for construction

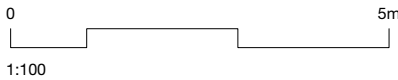
DA 213 Rev 1

Existing Garage +
Basement Floor Plan

1:100 @ A3



Extent of proposed works. Installation of proprietary lift into cast in situ concrete lift shaft with masonry outer skin and metal deck roof

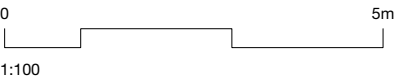
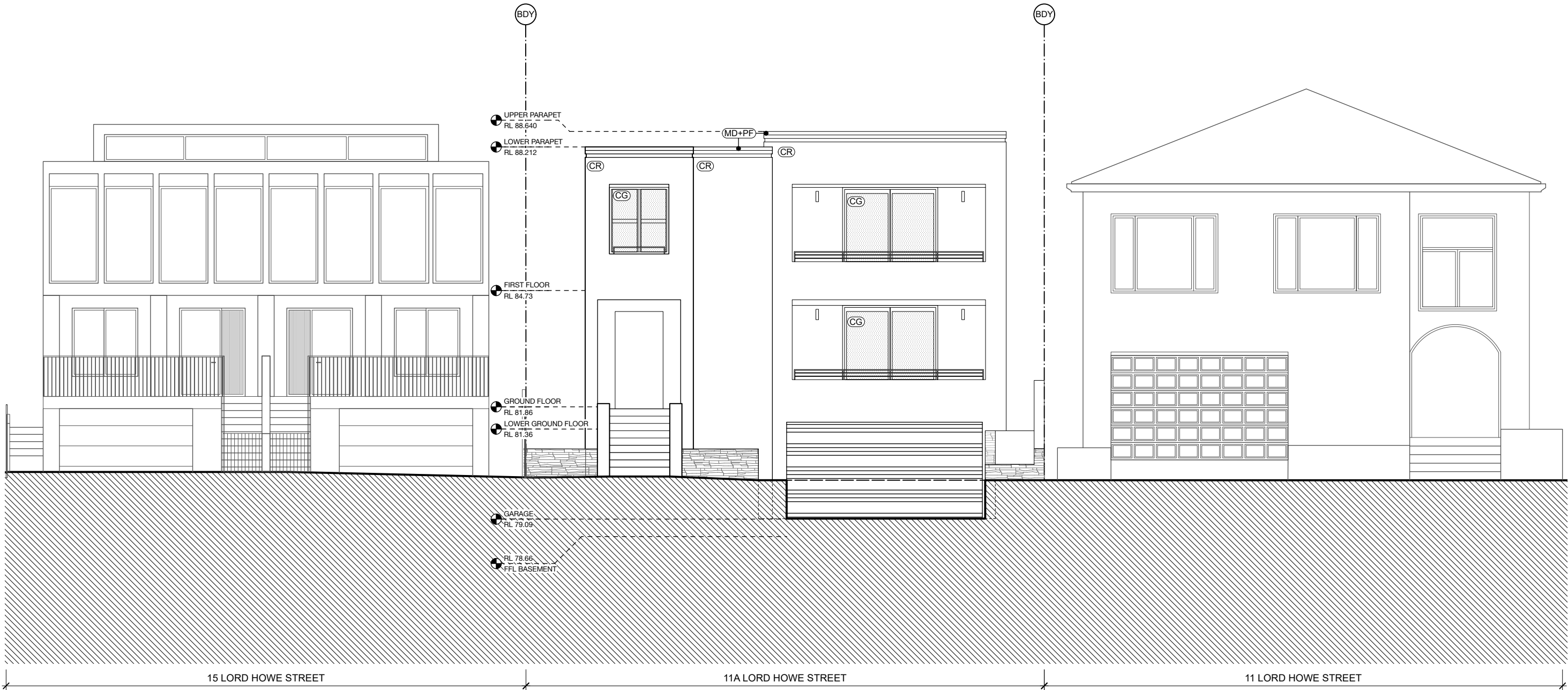


Note:
No alterations or additions are
proposed to this elevation

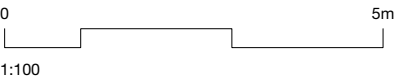
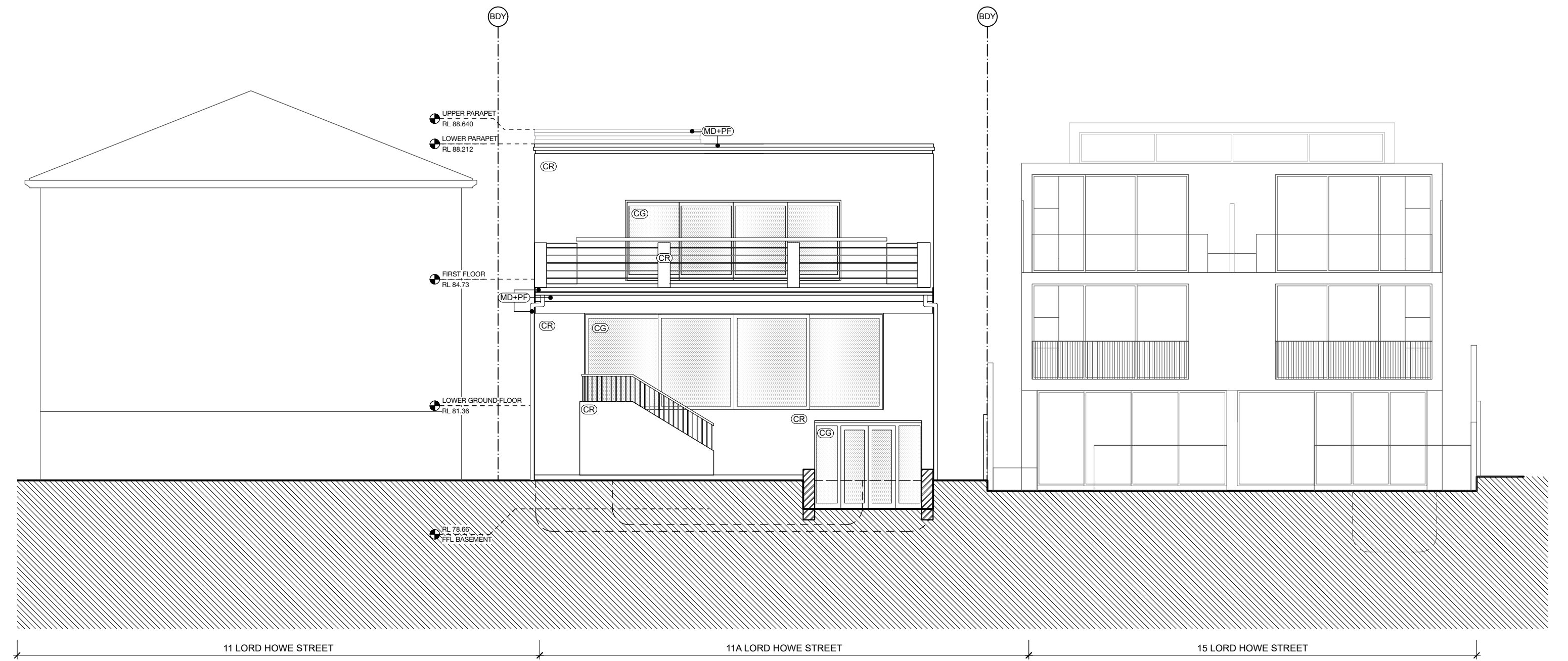
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Waverley Council

Application No: DA-672/2024

Date Received: 23/01/2025



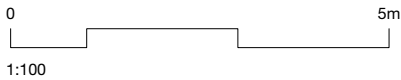
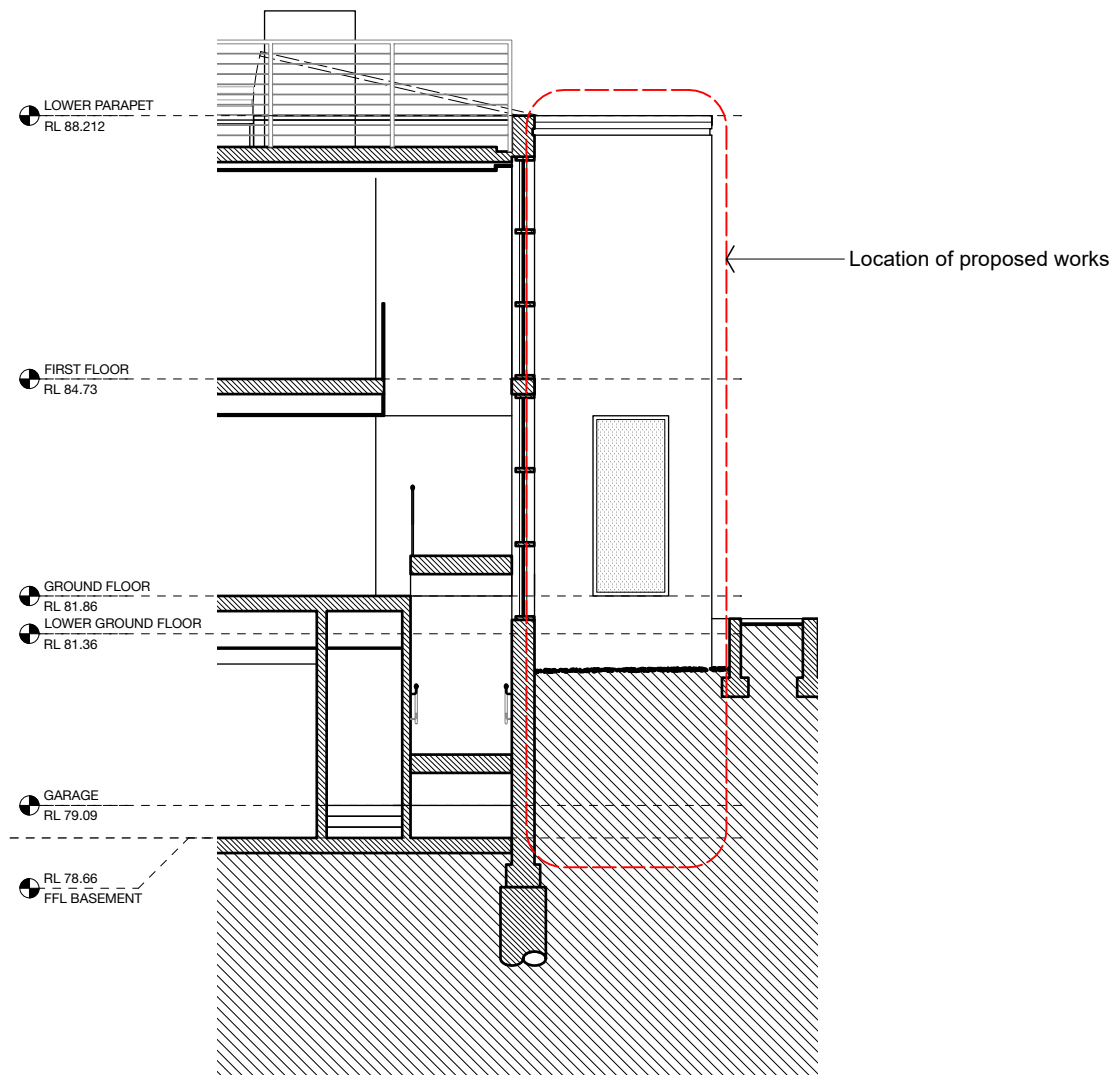
Note:
No alterations or additions are
proposed to this elevation



Note:
No alterations or additions are
proposed to this elevation



0 5m
1:100

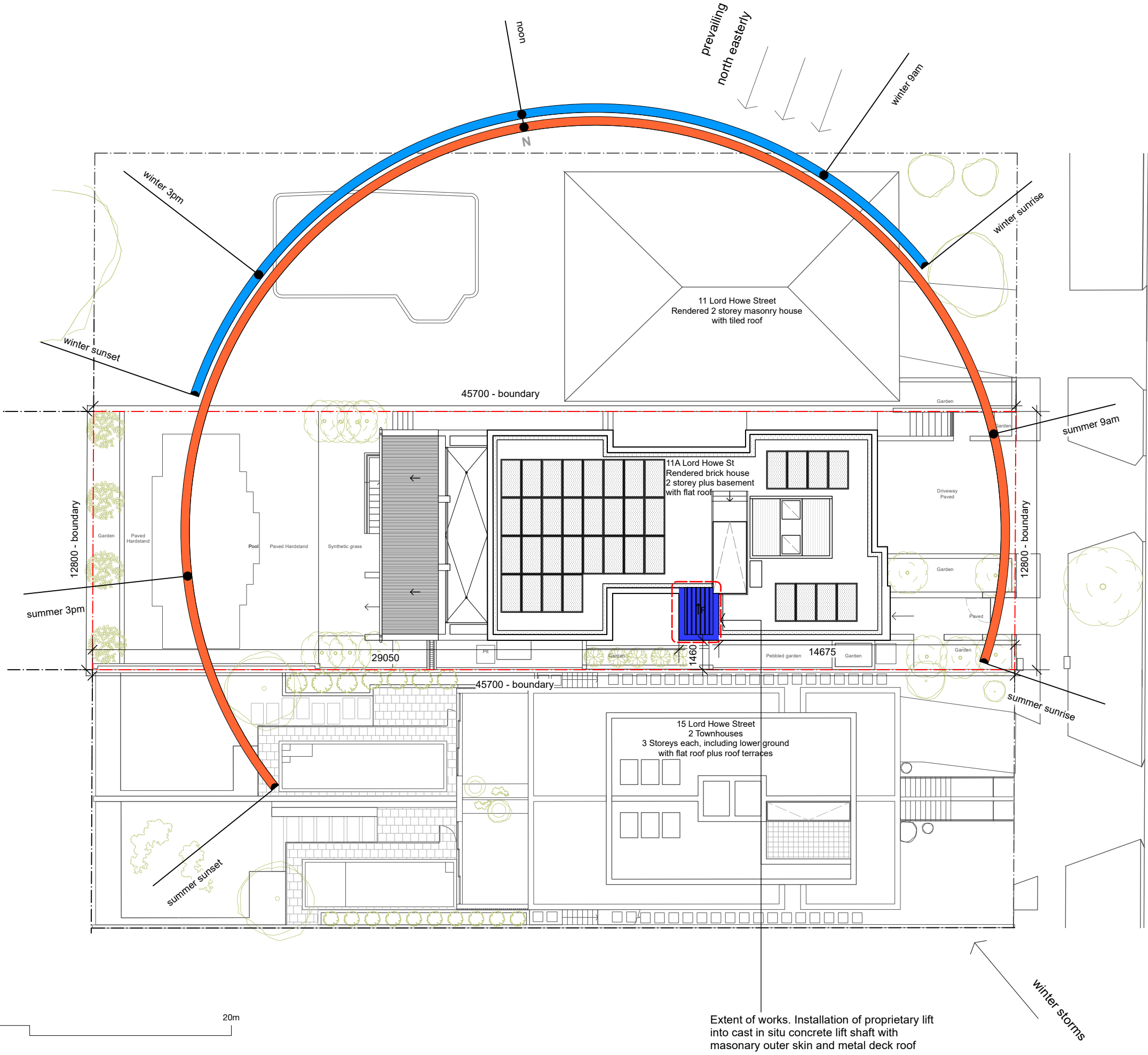


REVISION REGISTER		
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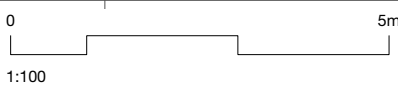
DRAWN	CKD
SB	AH

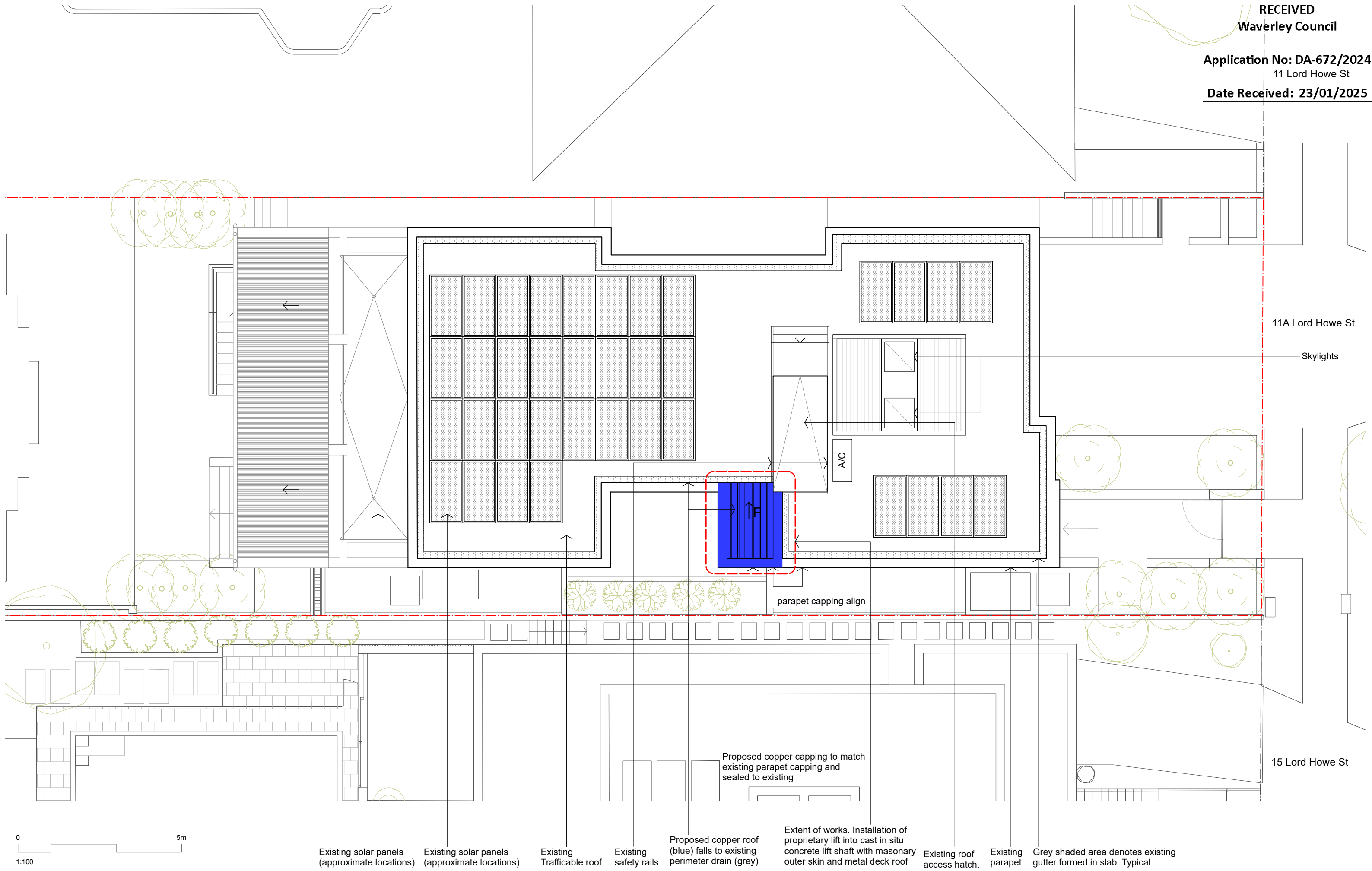
DRAWING NOTES

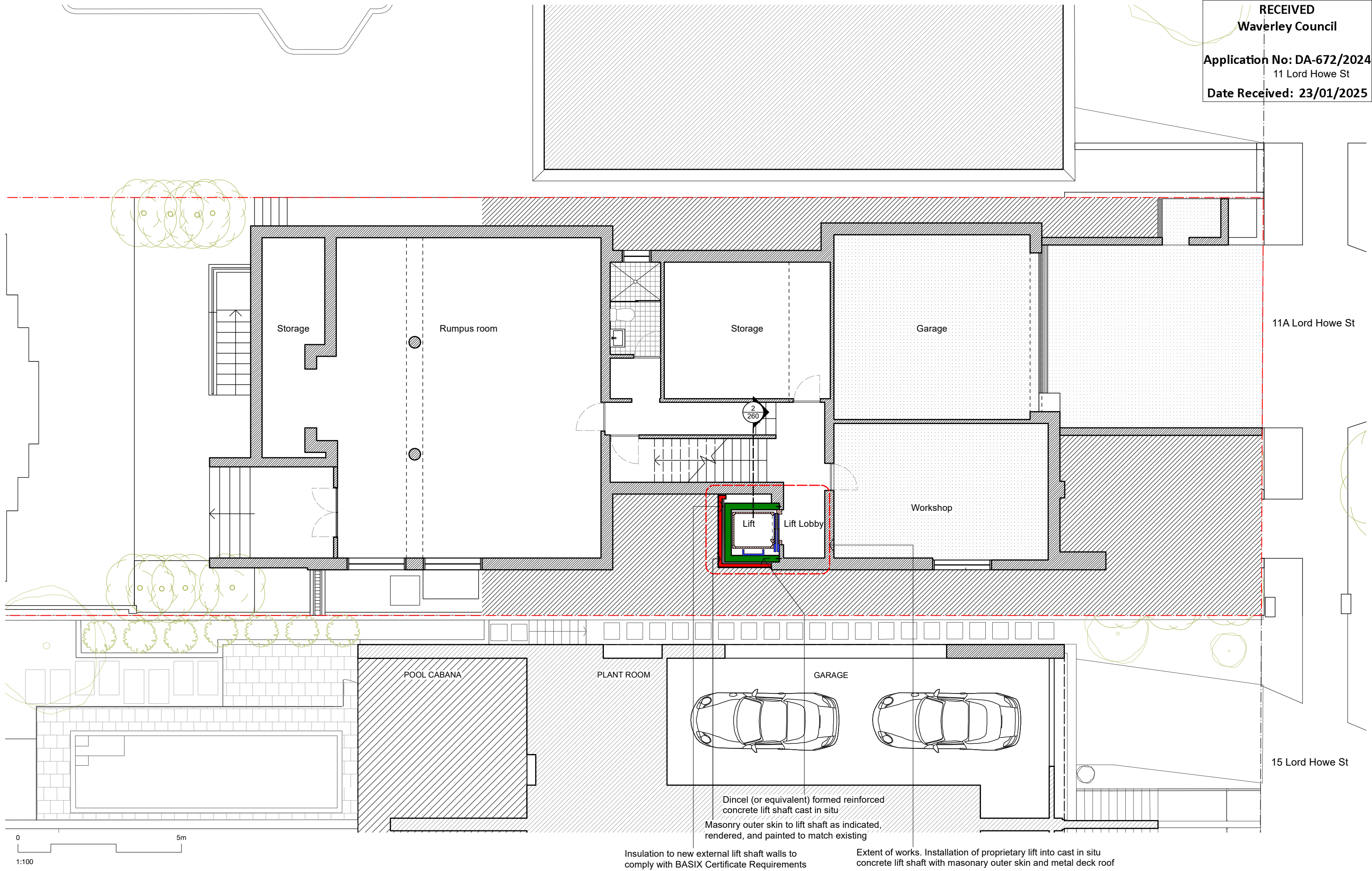
Note:
No trees are proposed to be moved or relocated





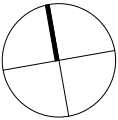


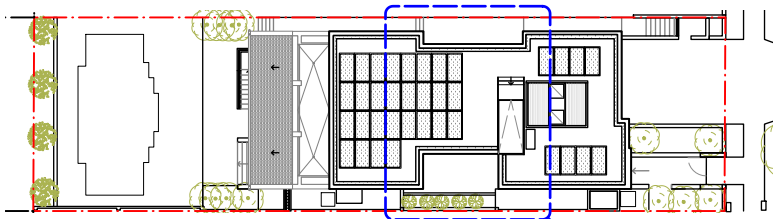




Insulation to new external lift shaft walls to comply with BASIX Certificate Requirements

Extent of works. Installation of proprietary lift into cast in situ concrete lift shaft with masonry outer skin and metal deck roof





1 DEMOLITION PLAN KEY
330 1:500 @ A3

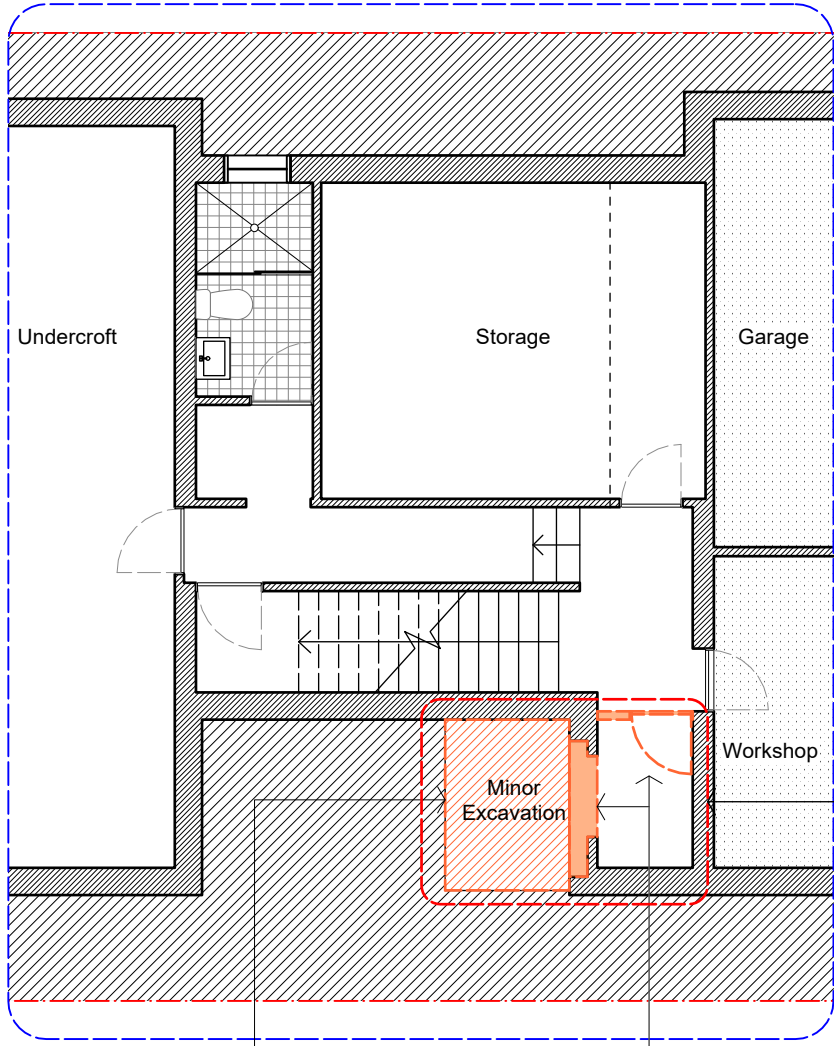
1, 2, 3
220

NOTE: No demolition works at roof level

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Application No: DA-672/2024

Date Received: 23/01/2025

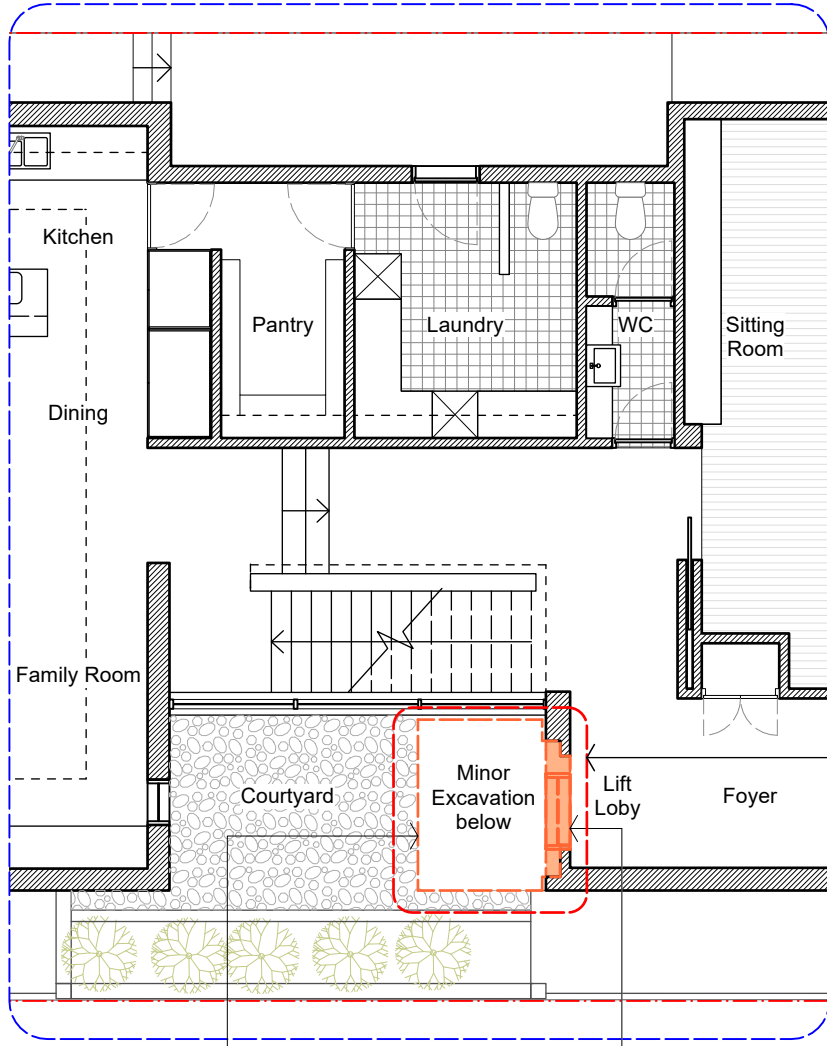
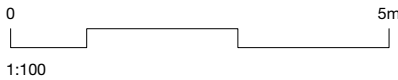


Excavation to accomodate proposed left shaft. Refer to drawing 2 on DA-260 for extent of excavation. Additional temporary excavation may be required but is contained by existing pile walls.

Demolition of portions of wall and removal of wall and doors to existing storage

Extent of works

2 DEMOLITION PLAN - GARAGE LEVEL
330 1:100 @ A3

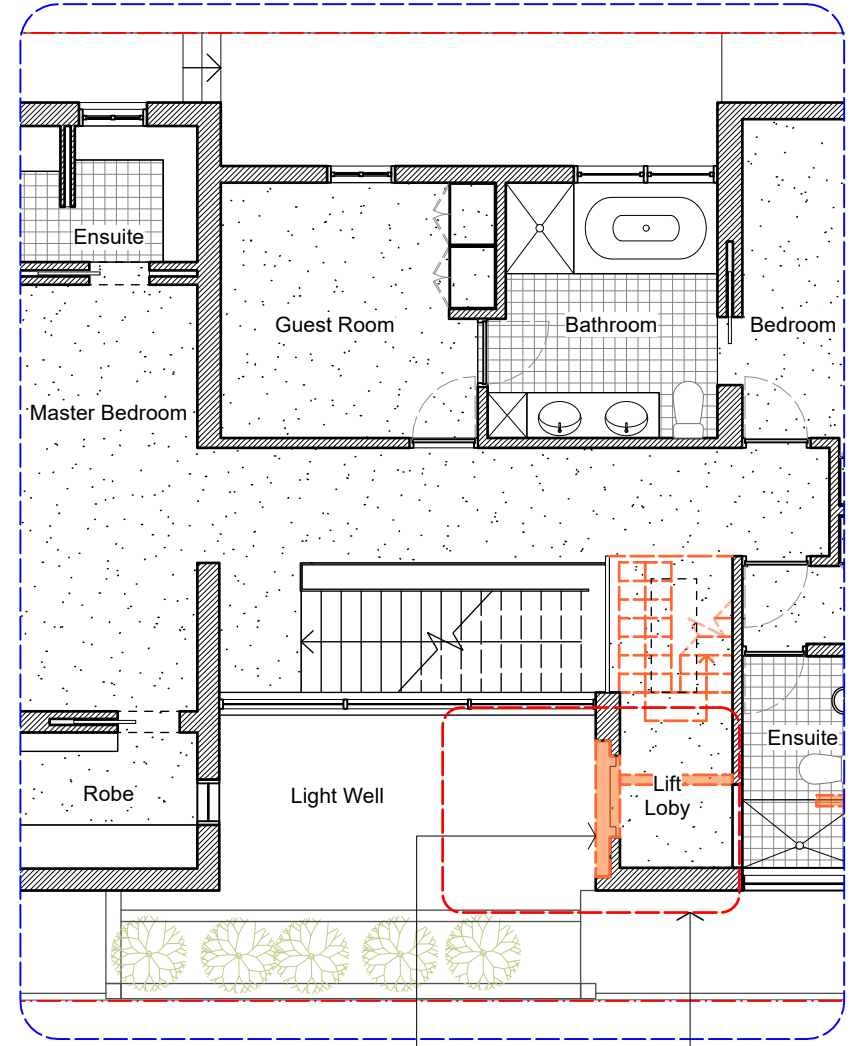


Excavation below to accomodate proposed left shaft, as noted

Demolition of portions of wall and existing window

Extent of works

3 DEMOLITION PLAN - GROUND FLOOR
330 1:100 @ A3



Demolition of portions of wall

Extent of works

4 DEMOLITION PLAN - FIRST FLOOR
330 1:100 @ A3

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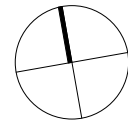
NOMINATED ARCHITECT: A STANIC 5294
ABN 37 003 681 301

REVISION REGISTER		
REV	DATE	DESCRIPTION
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DRAWN CKD
SB AH

DRAWING NOTES

- KEY TO COLOUR CODES
- Metal
 - Render or cement sheet
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 - Brick
 - Aluminium
 - Proprietary lift - various materials
 - Demolition
 - Insulation



2404 11A LORD HOWE STREET
Susan and Norm Gelber
11A Lord Howe Street, Dover Heights, NSW, 2066

DEVELOPMENT APPLICATION
Not for construction

DA 330 Rev 1

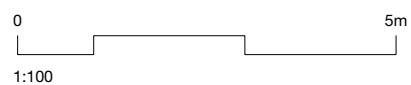
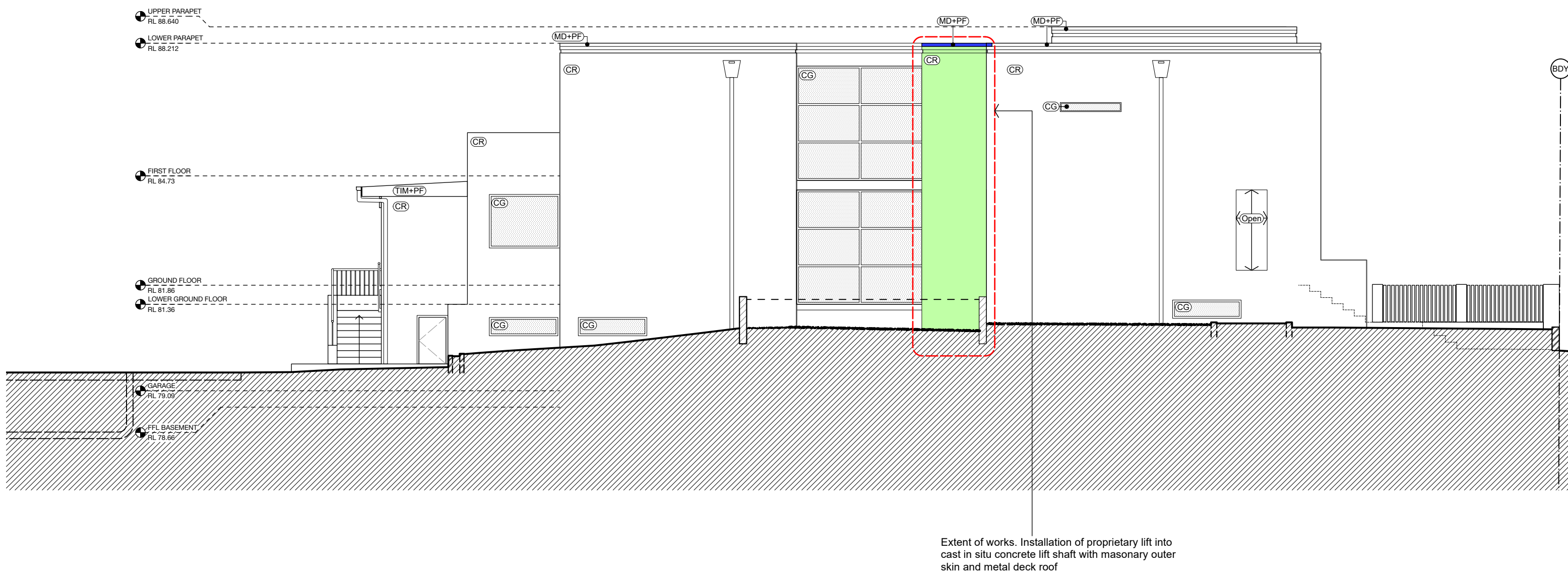
Demolition Plans
1:100 @ A3

NOTE:
Alterations are not visible on any other elevations

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Application No: DA-672/2024

Date Received: 23/01/2025



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architecture + interiors

Fovo Studio 18
151 Foveaux Street, Surry Hills
NSW 2010, Australia
02 9167 7916
architects@stanicharding.com.au

**stanic
harding**









NOMINATED ARCHITECT: STANIC 5294
ENR 37 003 681 301

REVISION REGISTER		
REV	DATE	DESCRIPTION
1	20/11/2024	Development Application Issue

DRAWN CKD
SB AH

DRAWING NOTES

KEY TO COLOUR CODES

	Metal
	Render or cement sheet
	Concrete
	Brick
	Aluminium
	Proprietary lift - various materials
	Demolition
	Insulation

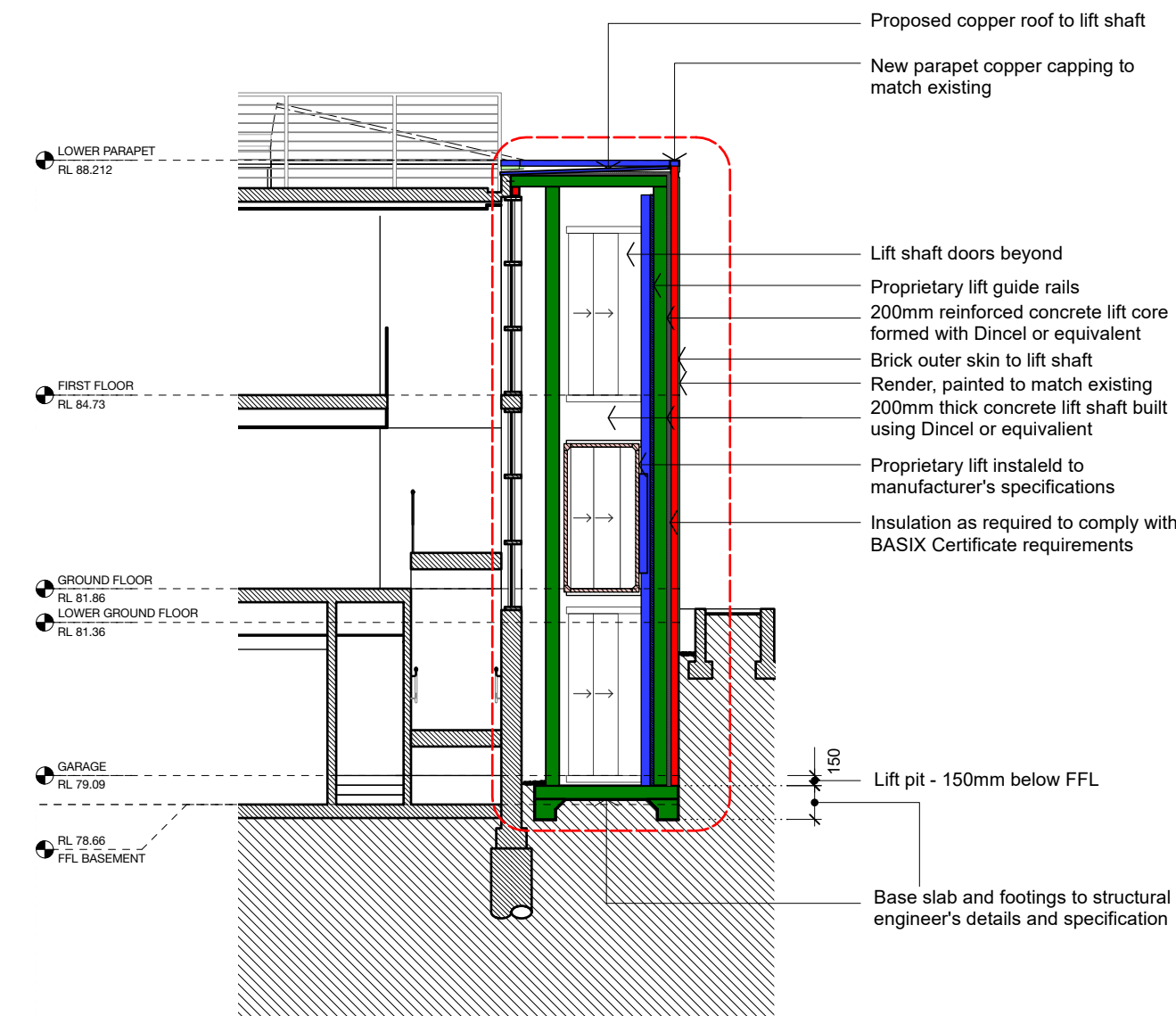
2404

11A LORD HOWE STREET
Susan and Norm Gelber
11A Lord Howe Street, Dover Heights, NSW, 2062

DEVELOPMENT APPLICATION
Not for construction

DA 350 Rev 1

**Proposed Elevation
South**
1:100 @ A3



1 PROPOSED PART SECTION
1:100 @ A3

0 5m
1:100



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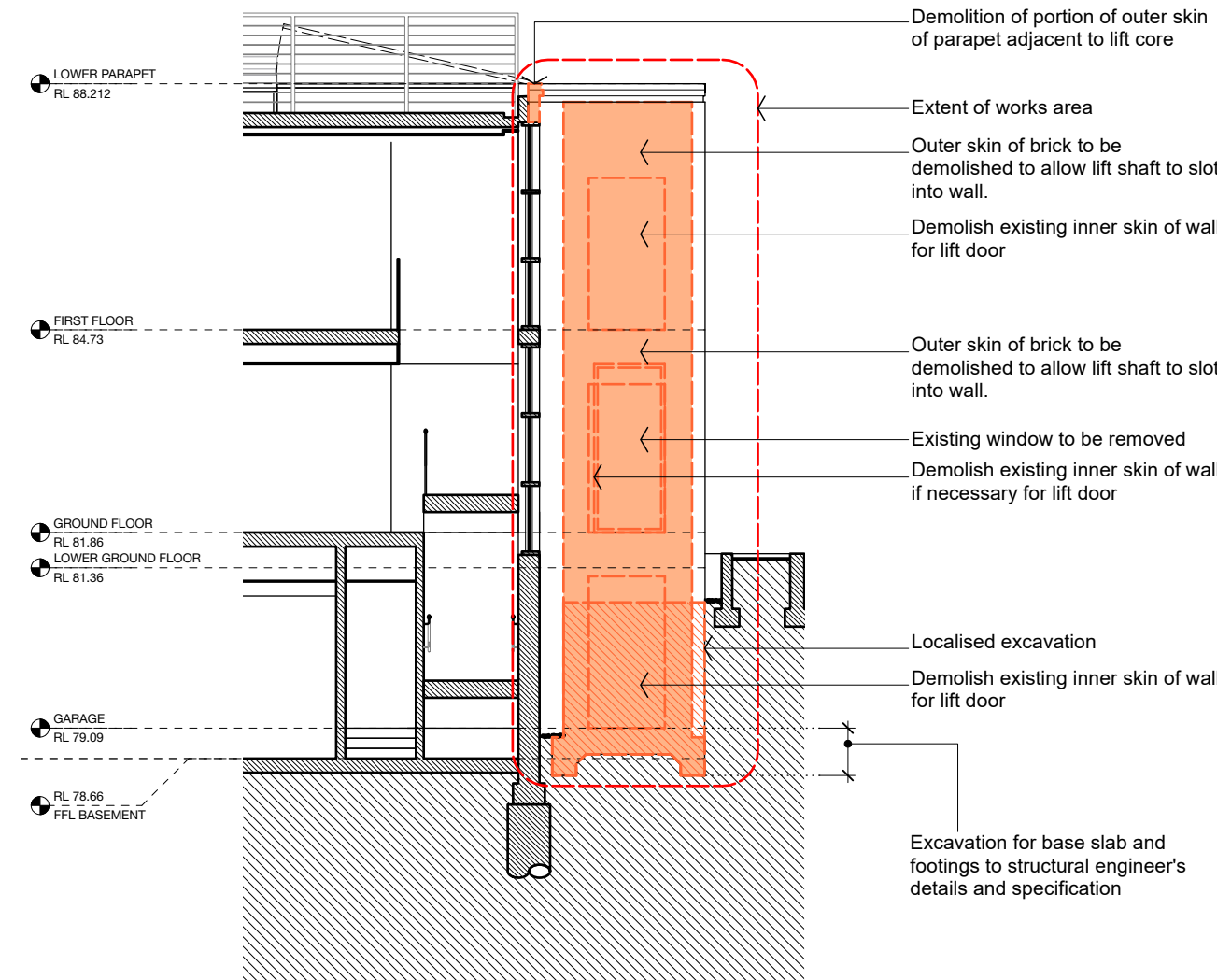
Fovo Studio 18
151 Foveaux Street, Surry Hills
NSW 2010, Australia
02 9167 7916
architects@stanicharding.com.au

NOMINATED ARCHITECT: A STANIC 5294
ABN 37 003 681 301









REVISION REGISTER		
REV	DATE	DESCRIPTION
1	20/11/2024	Development Application Issue

DRAWN CKD
SB AH

DRAWING NOTES



2 DEMOLITION PART SECTION
1:100 @ A3

KEY TO COLOUR CODES	
	Metal
	Render or cement sheet
	Concrete
	Brick
	Aluminium
	Proprietary lift - various materials
	Demolition
	Insulation

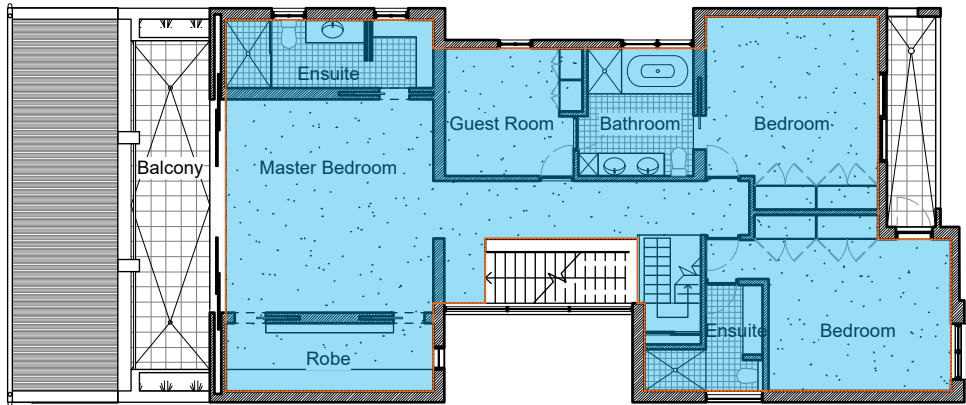
2404 11A LORD HOWE STREET
Susan and Norm Gelber
11A Lord Howe Street, Dover Heights, NSW, 2066

DEVELOPMENT APPLICATION
Not for construction

DA 360 Rev 1

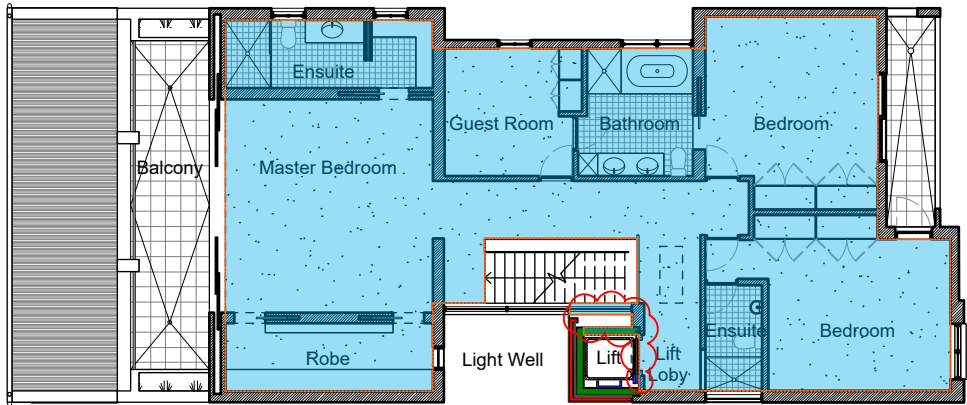
Part Section -
Proposed +
Demolition
1:100 @ A3

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Application No: DA-672/2024
Date Received: 23/01/2025



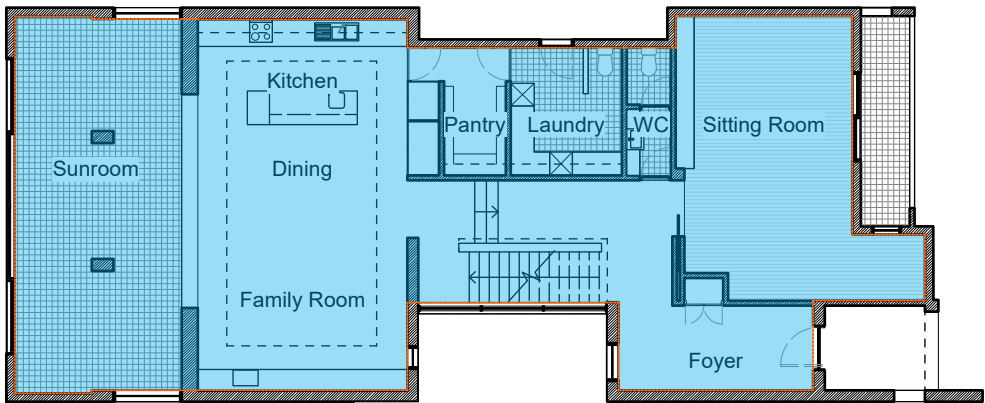
3 EXISTING FIRST FLOOR PLAN
1:100 @ A3

First floor: Existing GFA = 152.31 sqm



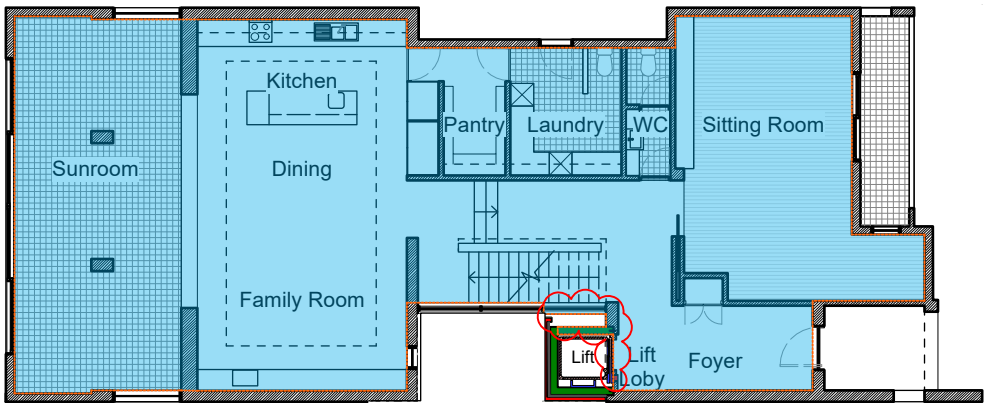
6 PROPOSED FIRST FLOOR PLAN
1:100 @ A3

Level 1: Proposed GFA = 153.53 sqm



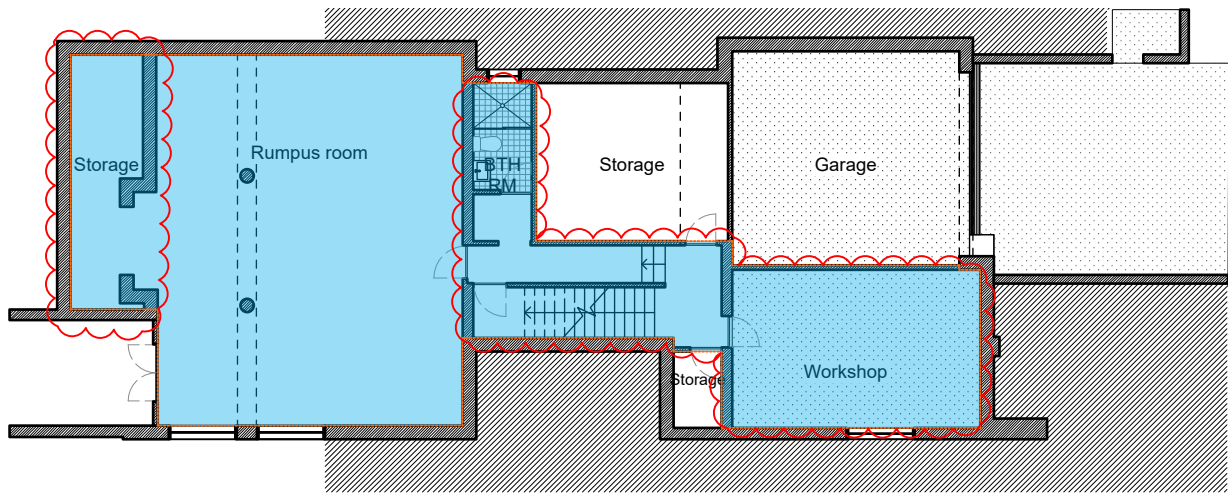
2 EXISTING GROUND FLOOR PLAN
1:100 @ A3

Ground Floor: Existing GFA = 200.73 sqm



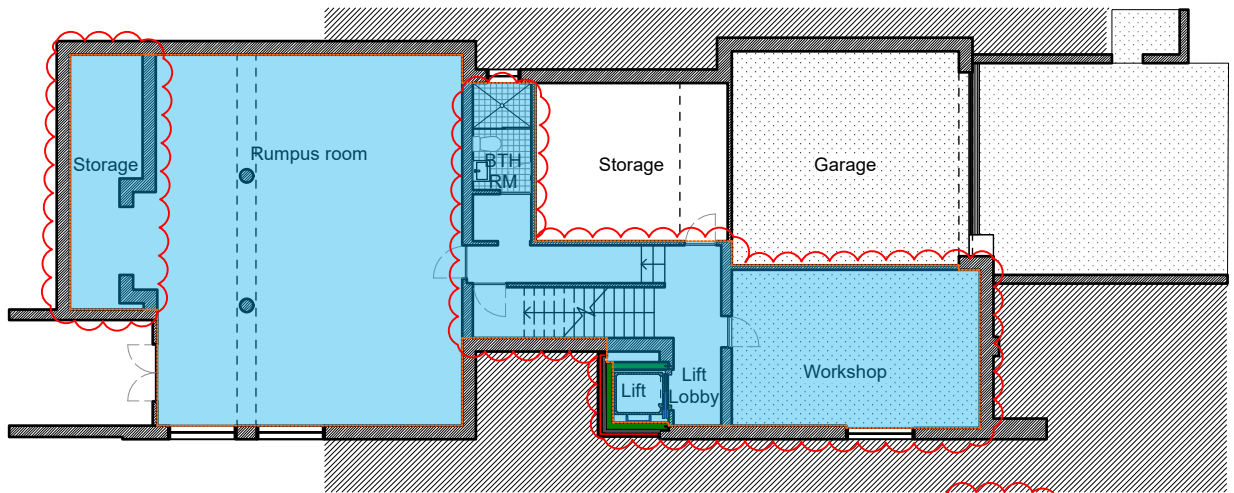
5 PROPOSED GROUND FLOOR PLAN
1:100 @ A3

Ground Floor: Proposed GFA = 201.96 sqm



1 EXISTING GARAGE + BASEMENT PLAN
1:100 @ A3

Garage + Basement Level: Existing GFA = 150.38 sqm

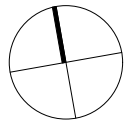
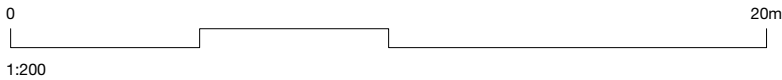


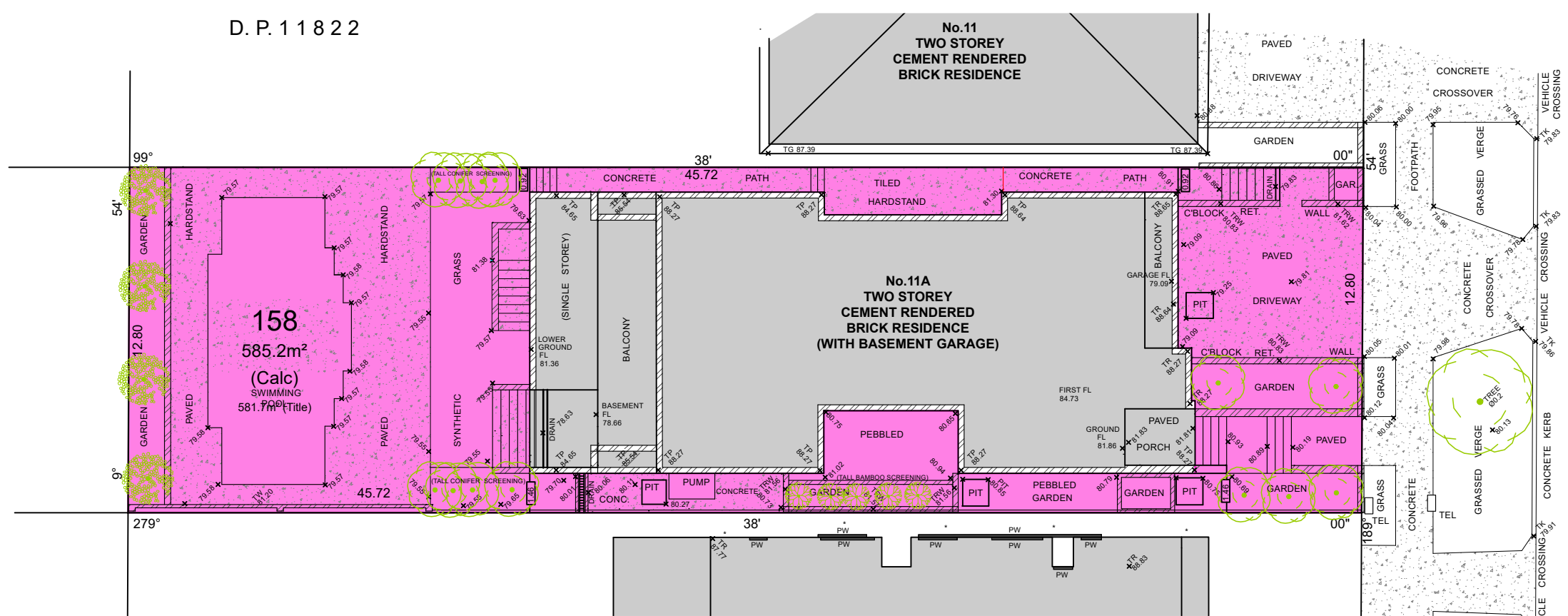
4 PROPOSED GARAGE + BASEMENT PLAN
1:100 @ A3

Basement Level: Proposed GFA = 156.35 sqm

Total Existing GFA: 503.42 sqm
Total Proposed GFA: 511.84 sqm
Nett change in GFA: 8.42 sqm

NOTE:
The amendments shown are required by Council.





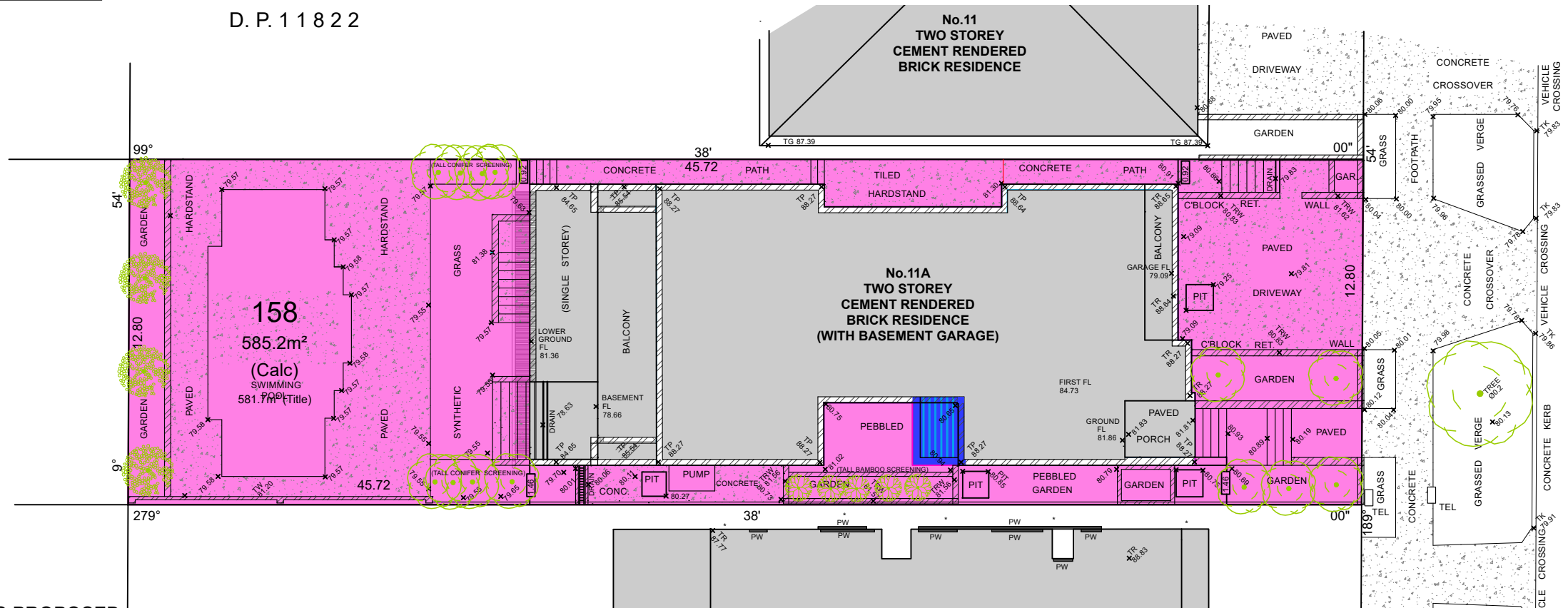
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Application No: DA-672/2024

Date Received: 23/01/2025

Lord Howe St

1 OPEN SPACE AREA AS EXISTING
1500 1:200 @ A3



Lord Howe St

2 OPEN SPACE AREA AS PROPOSED
1500 1:200 @ A3

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NOMINATED ARCHITECT: A STANIC 5294
ABN 37 003 681 301

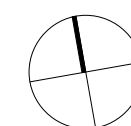
REVISION REGISTER

REV	DATE	DESCRIPTION
1	20/11/2024	Development Application Issue

DRAWN	CKD
SB	AH

DRAWING NOTES

Open Area as existing	= 349.4 sq
Open Area as proposed	= 345.6 sq
Total Site Area	= 585.2 sqm



2404

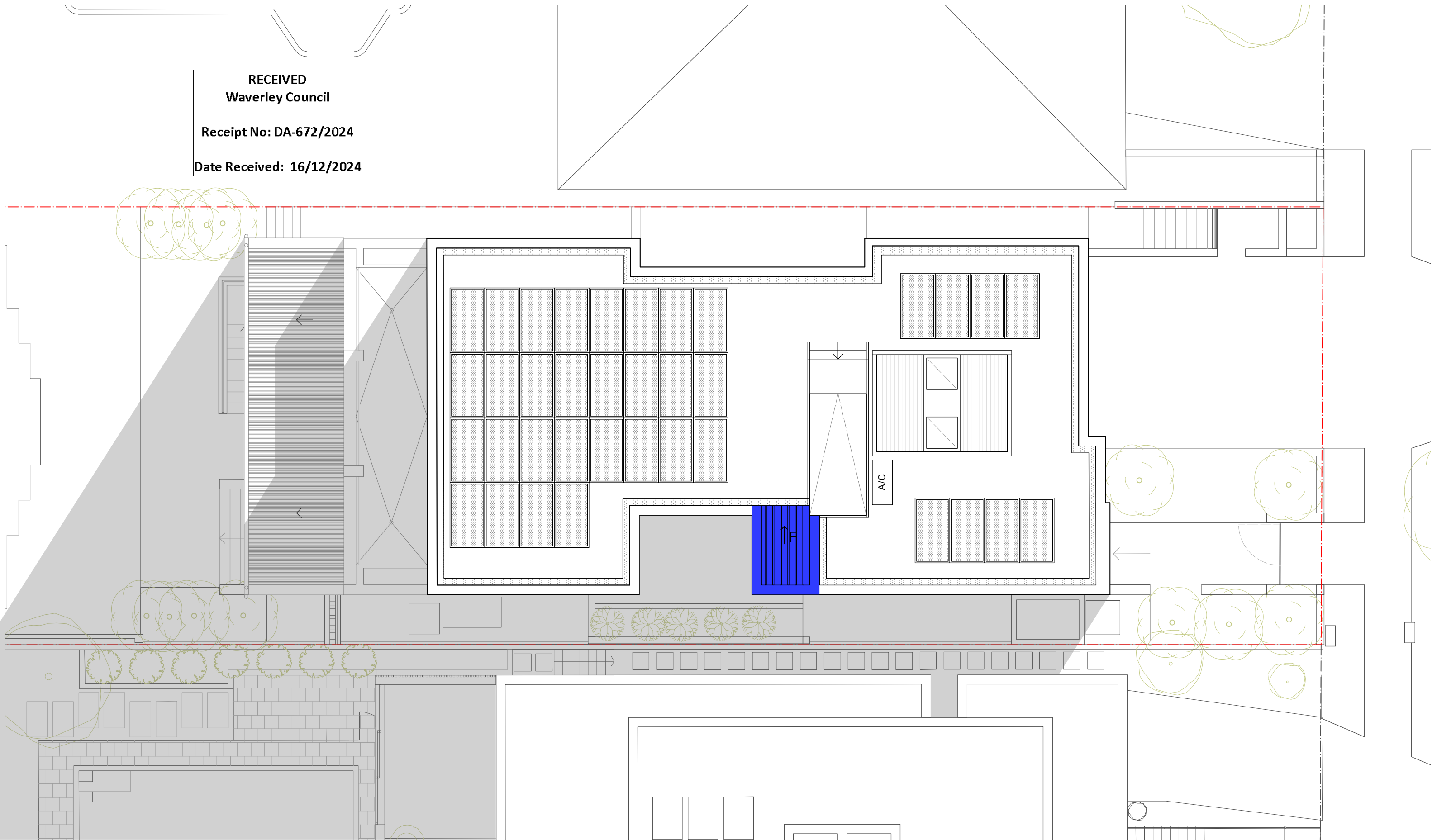
11A LORD HOWE STREET
Susan and Norm Gelber
11A Lord Howe Street, Dover Heights, NSW, 2066

DEVELOPMENT APPLICATION
Not for construction

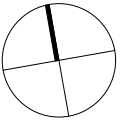
DA 1500 Rev 1

Open Area Plan -
Shown on Survey
1:100 @ A3

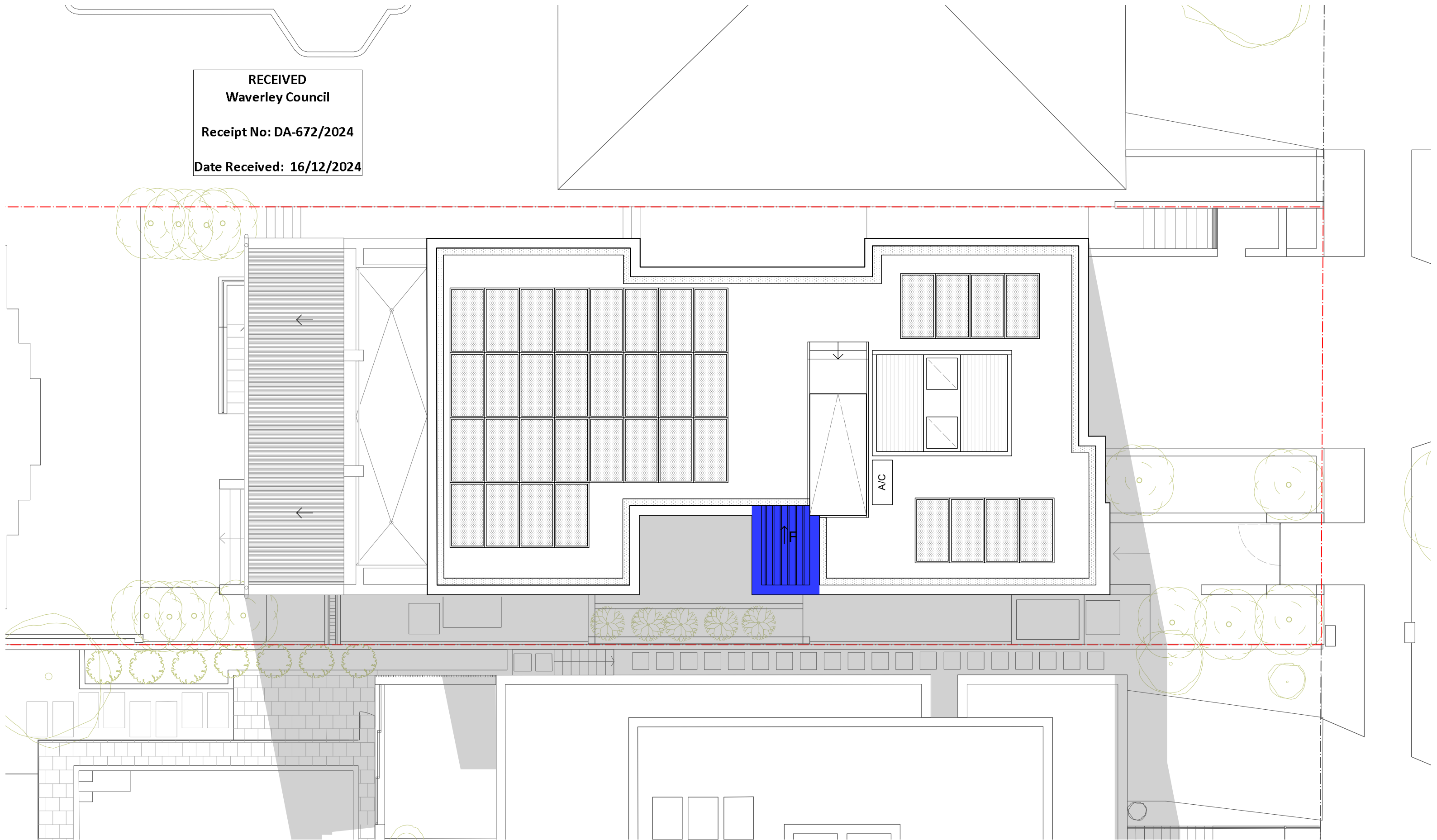
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THERE IS MINIMAL CHANGE IN SHADOW
CASTING ON PLAN TO THE ADJOINING
PROPERTY



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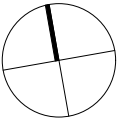


THERE IS MINIMAL CHANGE IN SHADOW
CASTING ON PLAN TO THE ADJOINING
PROPERTY

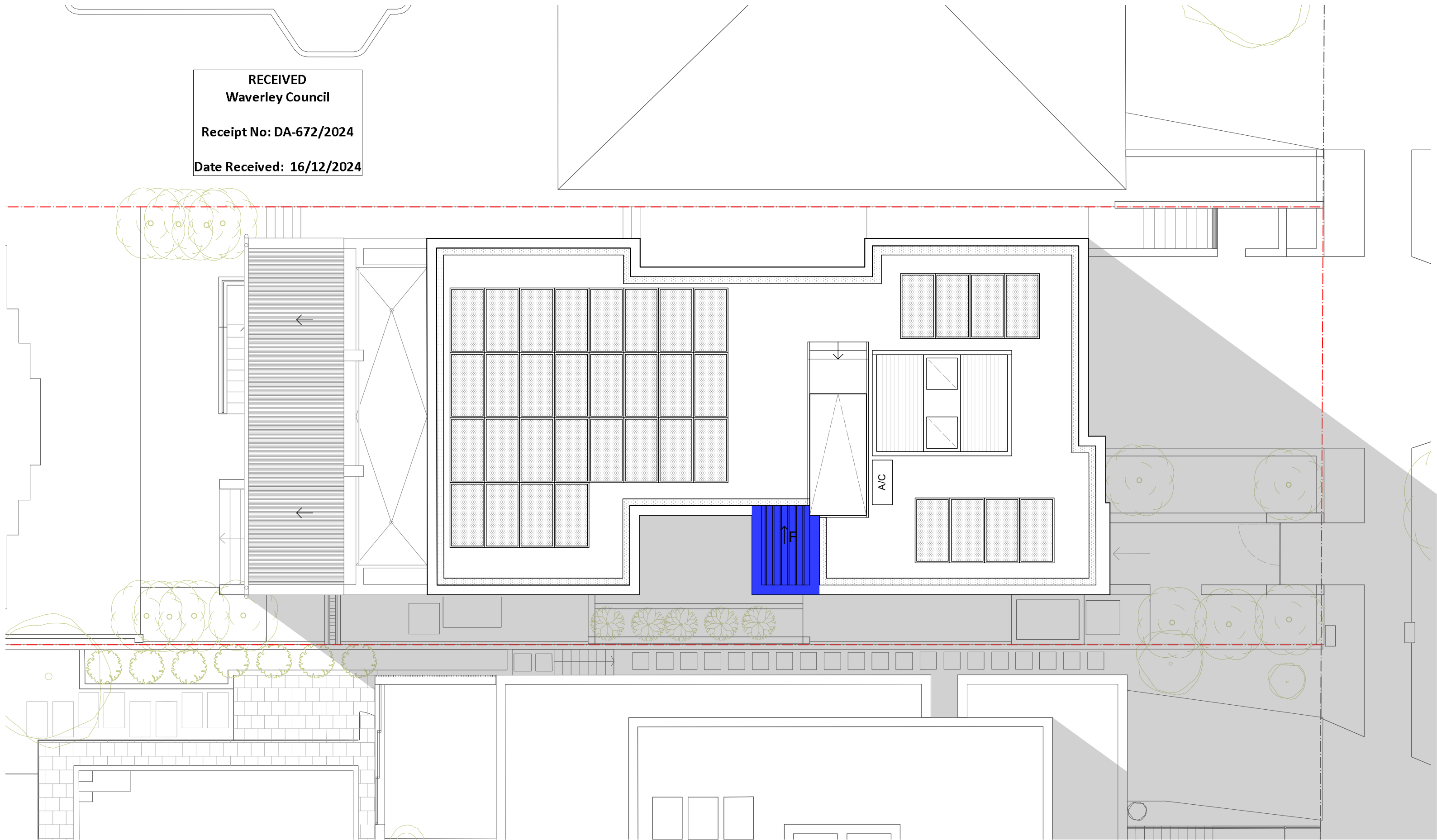
DRAWING NOTES

SHADOW KEY	
SHADOWS CAST BY NO. 8 KNOWLES AVENUE	
<div></div>	EXISTING SHADOWS
<div></div>	PROPOSED SHADOWS

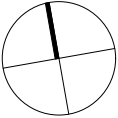
KEY TO COLOUR CODES	
<div></div>	Metal
<div></div>	Render or cement sheet
<div></div>	Concrete
<div></div>	Brick
<div></div>	Aluminium
<div></div>	Proprietary lift - various materials
<div></div>	Demolition
<div></div>	Insulation

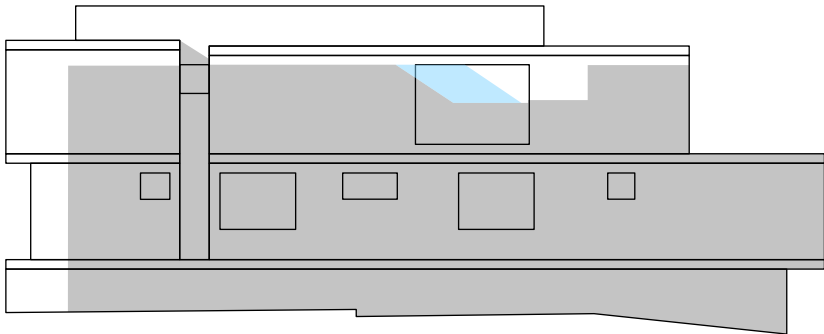


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Waverley Council
Receipt No: DA-672/2024
Date Received: 16/12/2024

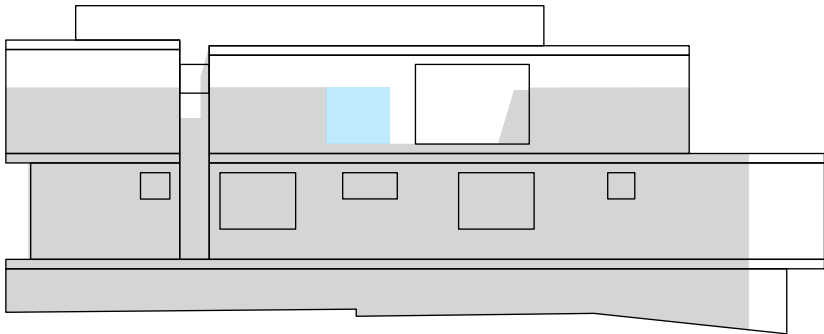


THERE IS MINIMAL CHANGE IN SHADOW
CASTING ON PLAN TO THE ADJOINING
PROPERTY

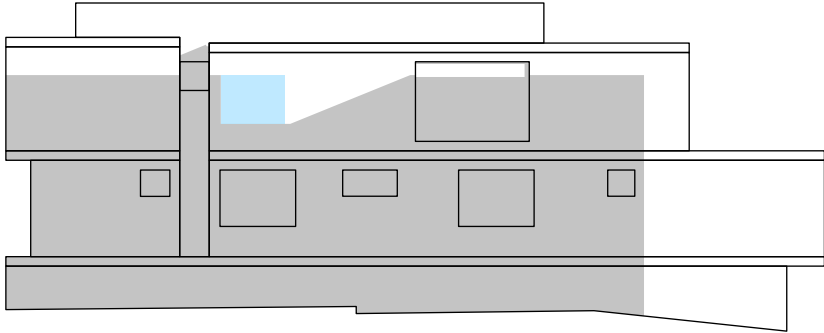




JUNE 21, 9AM - 15 Lord Howe Street
Additional shadows cast onto the Northern facade shown in blue



JUNE 21, 12PM - 15 Lord Howe Street
Additional shadows cast onto the Northern facade shown in blue



JUNE 21, 3PM - 15 Lord Howe Street
Additional shadows cast onto the Northern facade shown in blue

4
1103

SHADOW ANALYSIS - ELEVATION
1:200 @ A3

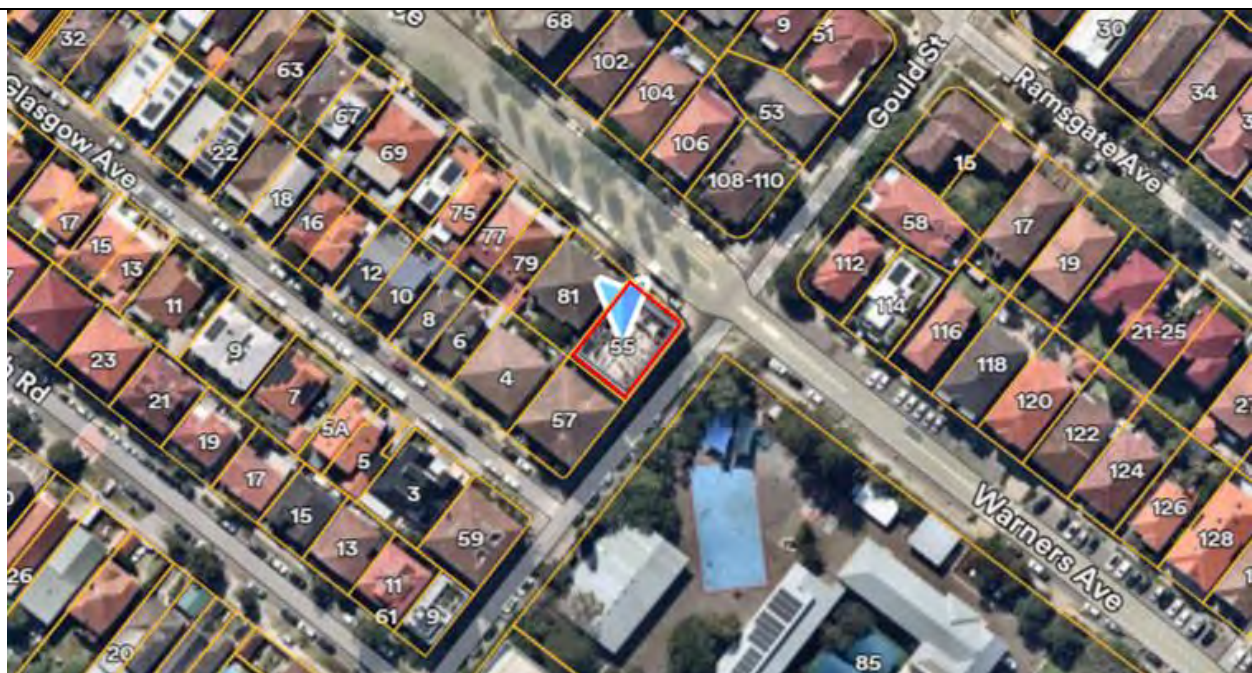
Note: Winter solstice shadows shown on Northern elevation of neighbouring property No. 15 Lord Howe Street



Report to the Waverley Local Planning Panel

Application number	DA-702/2024
Site address	55 Gould Street, BONDI BEACH
Proposal	Amending Development Application (DA) to the approved alterations and additions to the existing residential flat building. The amending DA proposes alterations and additions to the existing building to convert it into an attached dual occupancy building with roof terrace, and Strata subdivision.
Date of lodgement	24 January 2025
Owner	Ivka Newtown Pty Limited, Proprietors of Strata Plan 12847 & Doctor R J Muller
Applicant	Ivka Newtown Pty Limited
Submissions	Four submissions received
Cost of works	\$4,136,197
Principal Issues	<ul style="list-style-type: none"> • Non-compliance with the height of buildings development standard; • Non-compliance with the floor space ratio development standard; • Retention and alterations to an inter-war character building; • 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 an amending DA to the approved alterations and additions under DA-113/2023 which allows for the partial demolition and alterations to the existing residential flat building (RFB) at the site known as 55 Gould Street, Bondi Beach. The approved development includes basement level parking, conversion of 12 units into four, and roof top terraces. Construction work is currently underway in accordance with the consent; however, the amending DA now proposes alterations and additions to the existing building to convert it into an attached dual occupancy building with roof terrace, and Strata subdivision.

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

- Non-compliance with the height of buildings development standard;
- Non-compliance with the floor space ratio (FSR) development standard;
- Retention and alterations to an inter-war character building; and
- Reduction in dwelling numbers.

This assessment finds the above issues acceptable largely as the proposed change of use from a RFB to a dual occupancy will result in the use being permissible in the R2 Low Density Residential zone in which the site is located (where RFB's are currently prohibited) and better conform with the relevant objectives. Furthermore, the proposed changes to the existing building and approved built form in the amending DA are relatively minor so as not to significantly alter any potential visual or amenity impacts to neighbouring properties, the surrounding area or the integrity of the existing building as considered in the approved development. Variations to the applicable principal development standards (building height and FSR) are largely the result of the existing built form and non-compliance with the current planning controls and the extent of variations conforms largely to that of the approved development with a small increase to the degree of height of building variation (which has been conditioned to be reduced to be in line with the approved development) and decrease in the degree of FSR variation.

A total of four submissions were received and the issues raised in the submissions have been considered and addressed in the assessment of the proposal. There were no declared conflicts of interest on this application from Council staff nor any Councillor submissions 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* (the Act). It is recommended for approval subject to conditions of consent.

1.2. Site and Surrounding Locality

A site inspection was conducted on 9 April 2025.

The subject site is legally identified as Strata Plan SP 12847 and situated at 55 Gould Street, Bondi Beach. The site is situated on the north-western side of the road reserve at the corner of Gould Street and

Warners Avenue with the primary frontage and main pedestrian entrance to the subject building to Gould Street. The allotment is a regular rectangular shape with an area of 398.4m² and the terrain is generally flat across the site.

The site contains a four storey Strata subdivided inter-war RFB known as 'St Bartolos' which includes 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. Development in accordance with consent DA-113/2023 is currently underway, including internal demolition and construction works and works to restore and repair the external building façade therefore the existing building is currently covered in scaffolding.

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 surrounding area is characterised by a mix of low and medium density residential development including attached and detached single and two storey dwellings and RFB's. Further field is a mix of other uses such as retail shops and community, entertainment and public recreation facilities such as Bondi Beach, Bondi Beach Park and Bondi Pavilion.

Figures 1 to 7 are photos of the site and its context.



Figure 1: The site as viewed from the corner of Gould Street and Warners Avenue looking west prior to current development.



Figure 2: The site as viewed from the corner of Gould Street and Warners Avenue looking west as it currently appears covered in scaffolding.



Figure 3: The adjoining property to the south-west along Gould Street.

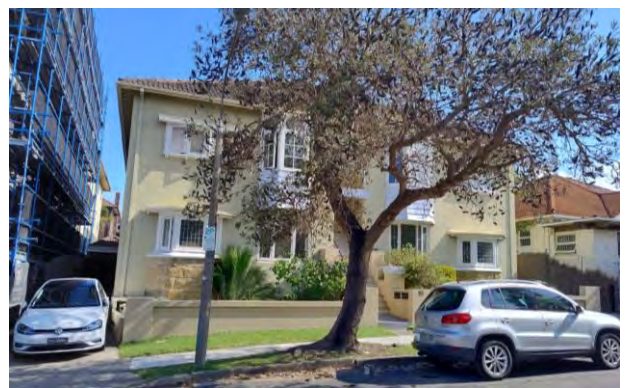


Figure 4: The adjoining property to the north-west along Warners Avenue.



Figure 5: The adjoining properties to the south-west along Gould Street.



Figure 6: An oblique north-westerly view of the existing building and the intersection of Gould Street and Warners Avenue and surrounding area.



Figure 7: An oblique south-easterly view of the existing building, development along Warners Avenue and surrounding area.

1.3. Relevant Development History

As noted previously, DA-113/2023 was approved by Waverley Local Planning Panel (WLPP) on 25 October 2023 which allows for the partial demolition and alterations to the existing RFB, including basement level parking, conversion of 12 units into four, and roof top terraces. Construction work is currently underway in accordance with the consent.

The subject application proposes to amend the approved development as outlined below:

1.4. Proposal

The development application seeks consent for an amending DA to permit alterations and additions to the existing residential flat building to convert it into an attached dual occupancy building with roof terrace, and Strata subdivision.

The proposed development includes the following:

Basement

- The basement level and associated car lift, car lift over run and car shuffle stacker which forms part of the approved development would be deleted from the development with piles provided to the building perimeter and load bearing party wall, internal walls and separate lift cores to replace contiguous piling and perimeter capping beam to provide structural support to the existing building.

Ground Floor

- Each dwelling is provided with a separate driveway and vehicular crossover from Warners Avenue and Gould Street respectively to provide access to two integrated garage parking spaces for each dwelling and associated vehicle turntable, laundry, garbage storage area, lift access and entry foyer from the combined building pedestrian entry doors to the Gould Street façade.
- New landscaping, fencing and gates, letterbox and intercom are proposed within the front setback area.

First Floor

- Bedroom, ensuite, snug, kitchenette and study to the northern dwelling and a bedroom, ensuite, wellness area including steam room, sauna and gym to the southern dwelling.

Second Floor

- Master bedroom with walk-in-robe and ensuite and two additional bedrooms with ensuites to each dwelling.

Third Floor

- Open plan living room, dining room and kitchen with attached balcony, butler's pantry, cellar and additional bathroom to each dwelling.

Roof Terraces

- Outdoor living and dining space with outdoor BBQ and spa, enclosed plant room and lift overrun accessed by lift and stairs to each dwelling. A landscaped privacy wall between dwellings would be provided and additional landscape planters and parapet walls surrounding each roof terrace.

Strata Subdivision

- Strata subdivision of the existing lot into two lots with communal party wall.

In addition to the above, external restoration works are proposed to the brick façade and rooftop parapet and detail changes to bay windows, fenestration and balconies.

1.5. Background

- The development application was lodged on 24 January 2025.
- The application was publicly notified from 12 until 26 February 2025 and as a result four submissions were received by Council which have been addressed further below.
- A site inspection was conducted on 9 April 2025 and the applicant discussed the need for replacement of the existing brick parapet with “like for like” material due to structural failure which was agreed to be conditioned as part of the amending DA works (see **Appendix A**).

2. ASSESSMENT

The following matters are to be considered in the assessment of this development application under section 4.15 of 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 to the subject development:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Sustainable Buildings) 2022; and
- State Environmental Planning Policy (Transport and Infrastructure) 2021.

The proposal generally satisfies the applicable environmental planning instruments which have been assessed in detail below:

State Environmental Planning Policy (Biodiversity and Conservation) 2021

The proposed development does not include the removal of any existing significant trees or vegetation from the subject site that were not part of the approved development therefore the development will be consistent with the requirements of chapter 2 of the SEPP and the relevant objectives. Notwithstanding, a condition of consent has been recommended regarding the removal and replacement of the *Banksia integrifolia* (Coastal Banksia) on the grass verge at the front of the property which formed part of the approved development and continues to form part of the proposed development (see **Appendix A**).

It is noted that the proposed development includes a number of additional landscaping and tree plantings to the subject site and the proposed development coincides with public domain upgrades and these works combined would ensure that the biodiversity, character and appearance of the streetscape is not adversely impacted and will be improved by the development. A number of conditions have been

included in the conditions of consent regarding public domain upgrade works and street tree planting (see **Appendix A**).

State Environmental Planning Policy (Resilience and Hazards) 2021

The site is not identified in Council's records as being contaminated. A site inspection reveals the site is currently used and has a history of residential use, a review of Council records did not reveal any obvious history of previous land use that may have caused contamination and there is no specific evidence that indicates the site is contaminated. No further investigations are required or warranted for the purposes of the proposed development are required by the associated planning guidelines.

Accordingly, Council is satisfied that the land is suitable for the purpose for which the development is proposed to be carried out in accordance with clause 4.6 of the SEPP.

Environmental Planning Policy (Sustainable Buildings) 2022

The application has been accompanied by a BASIX certificate and associated commitments are not on the submitted plans. A condition has been imposed to ensure that the BASIX commitments will be fulfilled prior to occupation of the development (see **Appendix A**).

State Environmental Planning Policy (Transport and Infrastructure) 2021

The application is not subject to clause 2.48 of the SEPP as the development does not propose excavation or works within the vicinity of electricity infrastructure, substation or easement that would trigger a written referral to the energy authority.

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

The relevant matters to be considered under Waverley Local Environmental Plan 2012 (WLEP 2012) for the proposed development are outlined below:

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal meets the aims of the Waverley LEP 2012.
Part 2 Permitted or prohibited development		
2.6 Subdivision – consent requirements	N/A	This clause does not apply to Strata subdivision.
Land Use Table <ul style="list-style-type: none"> <i>Low density residential 'R2' Zone</i> 	Yes	<p>The proposal is defined as a dual occupancy which is permitted with consent in the R2 Low Density Residential zone.</p> <p>It is noted that the current existing use of the site as a RFB is prohibited within the zone.</p>

Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	No	<p>The proposal has a maximum height of 15.55m which exceeds the development standard by 7.05m or 82.9%.</p> <p>See clause 4.6 assessment further below.</p>
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> Max FSR: 0.5:1 199.2m² GFA 	No	<p>The proposal has a gross floor area (GFA) of 732.05m² resulting in an FSR of 1.84:1 which exceeds the development standard by 466.45m² or 176%.</p> <p>See clause 4.6 assessment further below.</p>
4.6 Exceptions to development standards	See clause 4.6 assessment further below.	<p>The application is accompanied by written requests pursuant to clause 4.6 of Waverley LEP 2012 to vary the applicable height of buildings and FSR development standards. A detailed discussion of the proposed variations to the development standards are presented further below.</p>
Part 5 Miscellaneous provisions		
5.10 Heritage conservation <ul style="list-style-type: none"> Warners Avenue Landscape Conservation Area, Item No. C65 with local significance 	Yes (On merit)	<p>The subject site is not identified as a heritage item or situated within a heritage conservation area; however, it adjoins the Warners Avenue Landscape Conservation Area (Item No. C65 with local significance). The development does not involve the removal of any existing significant trees which form part of the conservation area.</p> <p>The proposed changes to landscaping within the subject site and along the grass verge adjoining the site and public domain has been assessed with the view to ensure that the character and appearance of the streetscape is not significantly adversely impacted by the development. Conditions of consent regarding tree planting and public domain upgrades have been recommended for any consent granted (see Appendix A).</p> <p>The site also forms part of the Draft Bondi Basin Urban Heritage Conservation Area adopted by Waverley Council in July 2021 and is in the visual curtilage of local heritage listed sites.</p> <p>While the proposed development is not supported by Council's Heritage Officer, the proposed changes to the building façade, which form part of the proposed development, are considered to be minor in relation to the size and scale of the existing building and site and to the works approved under DA-113/2023. Accordingly, it is considered that the proposed</p>

		development will not negatively impact on the appearance, character or setting of the subject building and/or streetscape and items and conservation areas within vicinity of the site.
Part 6 Additional local provisions		
6.1 Acid sulfate soils • <i>Class 5</i>	Yes	The site is mapped as Class 5 acid sulfate soil. The proposed development does not involve works more than 2m below the natural ground surface or works by which the water table is likely to be lowered more than 2m below the natural ground surface. The development will not disturb, expose or drain acid sulfate soils or cause environmental damage. Accordingly, a 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. Appropriate conditions regarding compliance with supporting application documentation and earthworks have been recommended for any consent granted (see Appendix A).
6.15 Stormwater Management	Yes	The proposal has been suitably designed and conditioned to minimise any potential adverse impacts on stormwater, waterway health and management (See Appendix A).

The following is a detailed discussion of the issues identified in **Table 1: Waverley LEP 2012 Compliance Table** above:

Clause 4.6 Exceptions to Building Height Development Standard

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 building height development standard of 8.5m. The proposal has a maximum height of 15.55m which exceeds the development standard by 7.05m or 82.9%.

It is noted that the existing building has a maximum height of 13.69m which exceeds the development standard by 5.19m or 61% and the approved development under DA-113/2023 has a height of 15.02m which exceeds the development standard by 6.52m or 76.7%.

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 WLPP 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:
- (i) 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. No impact on views from was identified in the approved development or in the current assessment of the proposed development. The solar access assessment by the architects demonstrates that areas above the height standard cause no further impact on the adjoining development to the south-west at 2 Glasgow Avenue or any other property as compared to the existing building. The proposed design entirely preserves solar access to the extent provided by the current building *and* offers some marginal additional sunlight to 2 Glasgow Avenue. The development includes public domain upgrades works and tree plantings which will result in positive impacts on the adjoining public spaces.
 - (ii) Objective (b) relates to Bondi Junction, and is not relevant to the proposal.
 - (iii) 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 improvement to 2 Glasgow Avenue as noted above.
 - (iv) 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 which form part of the proposed development are set back, and located behind a parapet, and therefore will not be visible from the street however a

condition of consent has been included to reduce the height of the proposed privacy screen to the maximum height of the approved development.

- (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 façades 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 proposed development would reduce the approved gross floor area therefore the variation is not a result of non-compliance in this regard.
- (viii) The proposed additional height allows for privacy treatments between the roof terraces, 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 Waverley LEP 2012 and relies on 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 element on the western elevation.
- (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 include the lift overrun and the spa pools located at roof top level which 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 for dwelling occupants.

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 in line with expected development within the zone, 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 FSR Development Standard

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

The existing building has an existing GFA of 913.59m² or 2.29:1 which exceeds the development standard by 714.4m² or 359% and the approved development has a GFA of 794.05m² or 1.99:1 which exceeds the development standard by 594.05 m² or 299%.

The proposed development would reduce the GFA by 62m² or 0.15:1. The proposal has a GFA of 732.05m² resulting in an FSR of 1.84:1 which exceeds the development standard by 466.45m² or 176%.

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) relates to Bondi Junction and is therefore 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 proposed development seeks to reduce the FSR with a small increase in the building height at the site which has been addressed in the height assessment above and would be subject to a reduction in line with the previous approved development. The exceedance of the height standard relates solely to an increase in the height of a rooftop landscaped privacy wall screen that would not be visible from the street.

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 development does not add GFA to the proposal rather reduces the approved GFA and the bulk and scale of the proposed development mirrors that of the original building with changes outside the existing building envelope not 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.

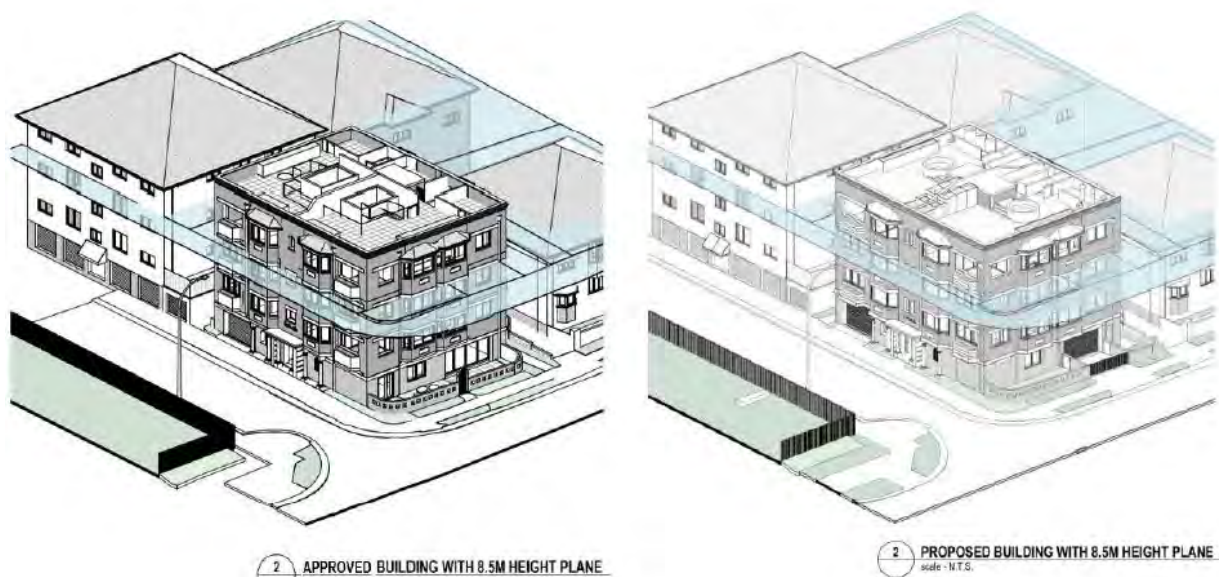


Figure 8 above shows the extent of building height variation in the approved and proposed development schemes.

- (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 Waverley LEP 2012 and relies on 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 the neighbouring property at 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 to conform with the expectations for development within the zone, 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 tree plantings at the site and within the public domain.

Conclusion

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

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

The proposed development is consistent with the relevant objectives and controls of Waverley DCP 2022 and a detailed responses to the relevant matters for consideration are outlined below:

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

Development Control	Compliance	Comment
1. Waste	Yes	A designated space of adequate size has been provided for each dwelling within the proposed ground floor garage of the development which would permit convenient access (internal and external) and movement of bins for regular kerbside collection and cleaning.
2. Ecologically Sustainable Development	Yes	<p>BASIX Certificates were submitted for each unit setting out energy efficiency and glazing requirements in accordance with the scope of the development.</p> <p>Conditions of consent have been recommended for inclusion within any consent to ensure compliance with the relevant BASIX requirements and certification (see Appendix A).</p>
3. Landscaping, Biodiversity and Vegetation Preservation	Yes	<p>Only one existing tree will be removed and replaced as part of the subject application.</p> <p>It is noted that additional trees within the subject site are proposed and that numerous street trees and public domain upgrade works form part of the development to ensure that the biodiversity, character and appearance of the streetscape is not adversely impacted and will be improved by the development. Relevant conditions of consent have been recommended for any consent granted regarding tree replacement and public domain upgrade works and supervision of works by an arborist (see Appendix A).</p>
4.Coastal Risk Management	N/A	The subject site is not identified as a coastal risk area.
5.Water Management	Yes	The proposal has been suitably designed and conditioned to minimise any potential adverse impacts on stormwater, waterway health and management (See Appendix A). The subject site will continue to utilise existing stormwater discharge services within the public road reserve and has appropriately utilised WSUD principles were required. The subject site is not identified within a flood planning or catchment area.
6. Accessibility and Adaptability	Yes	The proposal includes a lift to each dwelling. The application can comply with the relevant Australian Standards and the National Construction Code (NCC).
7. Transport	Yes	The site comprises two off-street parking spaces for each dwelling within the proposed garages

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Streetscape Parking Rates/On-Site Parking Vehicle Access 		<p>which are designed to integrate with the design of the existing building.</p> <p>Although a separate driveway and vehicle crossover is proposed to each proposed dwelling contrary to the shared driveway DCP requirements, one to Gould Street and the other to Warners Avenue, a variation is reasonable in the circumstances of the site with the site being located on a corner with dual frontages and that the development relates to the preservation of the existing building and that the extent and number of current driveways to the site will be reduced (two single crossings to Gould Street and one double crossing to Warners Avenue).</p> <p>A turntable within each garage has been proposed to ensure that forward entry and exit can be accommodated to and from on-site parking and improve any vehicle-pedestrian conflict.</p>
8. Heritage	Yes	See heritage assessment under Table 1 .
9. Safety	Yes	The proposed development would maintain and improve existing natural surveillance of the public domain through provision of a well-lit entry and windows on all building façades which overlook the public domain. Increased and enlarged window openings and balconies will increase the opportunity for natural surveillance of the public domain.
11. Design Excellence	Yes	In light of the approved development, it is considered that the development would not significantly alter or reduce the character, appearance or setting of the original architectural design of the existing building and contribute to the overall urban design quality of Waverley.
12. Subdivision	N/A	No Torrens Title subdivision proposed. The application seeks consent for Strata subdivision.
13. Excavation	Yes	<p>The proposal will delete the approved excavated basement level which will remove any potential significant adverse impact from those approved works.</p> <p>The proposed piles provided to the building perimeter and load bearing party wall will provide adequate structural support for retention of the existing building. The proposed development suitably responds to natural land levels and the topography of the site as well</p>

Development Control	Compliance	Comment
15. Public Domain <ul style="list-style-type: none"> <i>Public domain improvements</i> <i>Solar access and views to/from the public domain</i> <i>Surveillance of the street</i> 	Yes	<p>Numerous street trees and public domain upgrade works form part of the development to ensure that the biodiversity, character and appearance of the streetscape is not adversely impacted and will be improved by the development.</p> <p>The proposed development largely retains the existing bulk and scale of the existing building therefore there would be no significant adverse impacts on access to sunlight or views from the public domain although it is noted that the development will result in a slight increase in solar access to 2 Glasgow Avenue.</p> <p>Existing natural surveillance of the public domain would continue to be provided and improved from the existing building given that existing window openings would be retained and enlarged with views to Gould Street and Warners Avenue.</p>
16. Inter-War Buildings <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> 	Yes	<p>While the subject site is identified as an inter-war building it is not identified as a heritage item or situated within a heritage conservation area.</p> <p>The application does not propose to significantly alter the building envelope, footprint or bulk and scale of the existing building as approved to be modified under DA-113/2023. It is considered that the proposed change of use and alterations would not diminish the design character and qualities of the existing building and would assist in retaining the inter-war character building given the size and scale of the existing building and the site.</p> <p>The proposed development retains an appropriate level of detailing and materials. The majority of existing external fabric will be retained.</p> <p>In light of the proposed changes sought in comparison to the changes approved in the original development, it is considered that the proposal would not result in any additional building bulk or amenity impacts on adjoining properties and will be consistent with the streetscape and scale of developments in the surrounding area.</p>
17. Social Impact Assessment	Yes	While the proposed development would reduce the number of approved dwellings on the site, the proposed use is permissible within the

Development Control	Compliance	Comment
		subject R2 Low Density Residential zone and better meets the objectives of the zone as opposed to a residential flat building which is a prohibited use under the current zoning.

The proposal achieves the general objectives of this part of the DCP subject to the recommended conditions of consent.

Table 32: Waverley DCP 2022 – Part C1 Low Density Residential Development Compliance Table

Development Control	Compliance	Comment
1.0 General Objectives		
	Yes	The proposed change of use from an RFB to a dual occupancy does not contravene the general objectives of this part of the DCP and the proposed development largely retains the existing built form, height, setbacks, external fabric and materiality.
1.1 Height		
Flat roof dwelling house <ul style="list-style-type: none"> <i>Maximum wall height of 7.5m</i> 	No (Acceptable on merit)	While the proposed development does not comply with the maximum external wall height, the development will not alter the existing wall height of the subject building therefore the proposal will not alter the status quo.
1.2 Setbacks		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> <i>Predominant front building line</i> <i>Predominant rear building line at each floor level</i> <i>Development at first floor level and above shall be set back from the rear building line of the ground floor level</i> 	<p>Yes</p> <p>Yes (On merit)</p> <p>Yes</p>	<p>The proposed development will retain the existing building envelope and setbacks which conforms with the building pattern along both Gould Street and Warners Avenue to which the subject building has dual frontage.</p> <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>
1.2.2 Side setbacks <ul style="list-style-type: none"> <i>Minimum of 0.9m for ground floor and first floors.</i> 	Yes	As above.
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> 	Yes	The proposed dual occupancy is compatible with the existing streetscape context given that it retains the existing building form and will improve its relationship with the streetscape through the reduction of vehicle access points, the activation of the ground floor, and through the increase in landscaping.
<ul style="list-style-type: none"> <i>Significant landscaping to be maintained.</i> 	Yes	The proposed development will increase the level of landscaping to the subject site and adjoining public domain. A number of conditions of consent have been recommend for any consent granted regarding tree replacement and plantings as well as public domain upgrades.
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>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>
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	The habitable windows for bedrooms and family rooms at the first floor of the proposed dual occupancy are provided with minimum sill heights of 1.5m to prevent overlooking. Larger windows for walk-in robes and staircases include obscure glazing and fixed privacy screens. The proposal does not result in any unreasonable overlooking or visual impact to the habitable windows or open spaces of the neighbouring dwellings.
<ul style="list-style-type: none"> <i>Maximum size of balconies: 10m² in area (1.5m depth)</i> <i>Roof terrace</i> 	No (Acceptable on merit)	The proposed development includes balconies at the third floor level which moderately exceed 10m ² and a roof terrace with an area of 45m ² for each dwelling which mirrors that of the approved development. The assessment of the roof terraces in the parent consent noted that 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. There has been no contextual change in the characteristics of the surrounding buildings or size and form of the proposed development therefore

Development Control	Compliance	Comment
		<p>the proposal would not significantly alter the potential for significant adverse impacts to neighbouring properties arising from the use of the roof terrace. The proposed development would involve a change of use from residential flat building (four units) to a dual occupancy (two dwellings) would reduce the intensity of the land use.</p> <p>The trafficable area of the roof terrace would continue to be setback approximately 6.5m from the neighbouring property to the north-west and approximately 5.5m from the neighbouring property to the south-west. The roof terrace is not visible from the streetscape and there are no direct windows or views between adjoining properties especially given that the roof terraces are located at or above the roof height of adjoining properties as previously noted and oriented towards Gould Street. The trafficable area of the roof terrace is setback from the parapet of the building and built form elements such as landscape planter boxes, enclosed plant rooms, BBQ, cooking stations and other built form elements such as the lift overrun and stairwell are sited along the north-western parapet edge in particular in order to provide a physical and visual barrier between the users of the roof terraces and adjoining properties. Plans show pool equipment and the like enclosed to reduce potential noise issues.</p> <p>The landscaped privacy wall screen would provide privacy between each roof terrace and a condition of consent has been recommended to reduce the height of the screen to that approved in the parent consent. The screen should be reduced from 2.7m (RL 32.74) to 1.8m (RL 31.81) which would continue to provide sufficient privacy while maintaining the height of the previously approved screen (see Appendix A).</p> <p>Other examples of upper balconies and roof terraces in the immediate vicinity include 59 Gould Street and 9 Beach Road to the south-west of the site and 114 Warners Avenue to the south-east however they have little relevance to the subject development.</p>
1.6 Solar access		

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Minimum of 3 hours of sunlight to 50% of living areas and principal open space areas on 21 June to subject site 	Yes (On merit)	<p>The proposal is unlikely to have material solar access impacts at any time of year given that the existing building envelope, height, bulk and scale will be retained.</p> <p>The proposed development includes dual aspect dwellings which will receive some direct sunlight during mid-winter.</p>
<ul style="list-style-type: none"> Minimum of 3 hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June. 	Yes (On merit)	As above.
<ul style="list-style-type: none"> Avoid unreasonably overshadowing of solar collectors (including habitable windows). 	Yes (On merit)	As above.
1.7 Views		
<ul style="list-style-type: none"> Views from the public domain are to be maintained Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	Yes	The proposed development does not result in any unreasonable view loss of any significant views available to the neighbouring properties to the east of the subject site.
1.8 Car parking		
1.8.1 Design Approach	Yes	There are no site conditions which prohibit on-site parking and existing integrated garage parking currently exists at the site.
<ul style="list-style-type: none"> Parking only allowed where site conditions permit Designed to complement the building and streetscape 	Yes	Parking will be accommodated within the existing integrated garages to the building which is proposed to be converted into a dual occupancy. The appearance, arrangement and operation of parking at the subject site will be consistent with that of the streetscape and maintain the status quo in that regard.
<ul style="list-style-type: none"> Car parking structures to be behind the front building line 	Yes	As noted above, parking would be integrated with the building and setback behind the building line.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> • <i>Driveways are to be located to minimise the loss of on street parking</i> 	Yes	The proposed access arrangements to the site would not result in the loss of any on-street parking given the existing arrangements.
1.8.2 Parking rates <i>≥3 Bedrooms – 0 to 2</i>	Yes	Four parking spaces are proposed, two for each dwelling (containing more than three bedrooms).
1.8.3 Location <ul style="list-style-type: none"> • <i>Parking to be behind front building line for new dwellings</i> 	No (Acceptable on merit)	The development retains use of the integrated garages therefore parking would be located behind the building line consistent with development in the streetscape.
1.8.4 Design <ul style="list-style-type: none"> • <i>Complement the style, massing and detail of the dwelling</i> • <i>Car parking is to be sympathetically integrated into the design of residences and to be secondary in area and appearance to the primary residence and related site</i> • <i>Vehicle access is not to remove existing street planting without consent.</i> • <i>Where parking is provided for dual occupancies, parking is to utilise shared access ways. Parking to dual occupancies is to be located behind the front building line and to utilise open spaces between residences preferably screened from the street.</i> 	Yes Yes Yes No (Acceptable on merit)	<p>The integrated garages at ground floor utilise existing garage space which conform with the original design of the existing building which constitutes the proposed dual occupancy.</p> <p>The design of the integrated garages is integrated into the overall design of the existing building which constitutes the proposed dual occupancy and its appearance is secondary to that of the residential building at large and related site given the scale of the building.</p> <p>No existing street plants/trees would be impacted to accommodate vehicular access.</p> <p>Separate driveways and vehicle crossovers are provided to each dwelling which does not comply with the shared access requirement. Despite this, the development would utilise and consolidate existing driveways and vehicle crossovers to the existing integrated garage spaces set behind the building line. Furthermore, the subject site is a corner site which leads itself to separate accessways particularly where the building is existing. The proposed accessways would not alter the status quo in regards to current access provisions to the site.</p>
1.8.5 Dimensions <ul style="list-style-type: none"> • <i>5.4m x 2.4m per vehicle</i> 	Yes	The footprint of both garages can accommodate the two parked cars proposed for each dwelling. The proposed garages can accommodate vehicles without any part of the vehicle overhanging into the public domain. Sufficient headroom within garages is proposed (2.2m on entry and up to 2.4m internally which complies with the 2.2m Australian Standard) and appropriate driveway width (4.1m proposed which is less than the 5m

Development Control	Compliance	Comment
		maximum width) has been provided as confirmed and conditioned by Council's Traffic Engineer (see referrals comments within Referrals below).
1.8.6 Driveways <ul style="list-style-type: none"> Provide a maximum of 1 vehicle crossing per property. Properties with more than 1 dwelling, are required to share a vehicle crossing to reduce the impact to street parking and allow more space for street trees. Maximum width of 3m at the gutter Crossings not permitted where 2 on street spaces are lost 	No (Conditioned)	<p>As noted above, separate driveways to each dwelling are provided which is considered acceptable in the circumstances of the site. In addition, the proposed access arrangements to the site would not result in the loss of any existing on-street parking.</p> <p>Despite this, the proposed driveways have a width of 3.5m which exceeds the 3m requirement. A condition of consent has been recommended to ensure that driveways are constructed in accordance with Council standards for a single driveway (see Appendix A).</p>
1.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area 	No (Acceptable on merit)	<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 existing built form and by retention of the inter-war building. Despite this, the development would increase deep soil and tree planting provisions compared to the existing and approved development and as additional planting is provided to the building façade balconies and the like and at upper floor level roof terrace.</p>
<ul style="list-style-type: none"> Overall landscaped area: 20% of site area 	No (Acceptable on merit)	As above.
<ul style="list-style-type: none"> Minimum area of 25m² for private open space 	Yes	The development provides in-excess of the private open space required for each dwelling.
<ul style="list-style-type: none"> Front open space: 50% of front building setback area 	No (Acceptable on merit)	The development would increase deep soil and tree planting provisions compared to the existing and approved development.
<ul style="list-style-type: none"> Front landscaped area: 50% of front open space provided 	No (Acceptable on merit)	As above.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <i>Outdoor clothes drying area to be provided</i> 	Yes	Clothes drying facilities are provided to each dwelling situated behind the building line away from public view.
1.10 Swimming pools and spa pools		
<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	The proposed spa pool for each dwelling is located on the roof terrace and would not be visible from the streetscape. The previously approved privacy screen between dwellings on the roof terraces is sought to be increased in height however this has been conditioned to be reduced to maintain the existing approved height while providing sufficient privacy (see Appendix A).
1.15 Dual Occupancy Development		
<ul style="list-style-type: none"> <i>Minimum allotment area of 450m² for attached dwellings</i> <i>Dual occupancy development must provide a single vehicle crossing to the street.</i> 	No (Acceptable on merit)	<p>The site area does not meet the minimum allotment area however the development relates to an existing built form and does not include Torrens title subdivision.</p> <p>The proposed separate driveways for each dwelling have been addressed previously within this report.</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 to be suitable for the proposed development given the compatibility of the development with the surrounding built environment and absence of constraints that could affect the development.

2.4. Any Submissions

The application was notified for 14 days between 12 and 26 February 2025 in accordance with the *Community Engagement Strategy 2023. Waverley Community Development Participation and Consultation Plan*.

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

Table 3: Submission details

Count	Property Address
1.	<i>Unit 1/ 81 Warners Avenue, Bondi Beach</i>

2.	Unit 2/2 Simpson Street, North Bondi
3.	Unit 4/ 57 Gould Street (2 Glasgow Avenue), Bondi Beach
4.	Unit 6/ 57 Gould Street (2 Glasgow Avenue), Bondi Beach

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

Issue: *The objector is amenable to the proposed deletion of the approved excavation in order to accommodate a basement garage.*

Response: Noted.

Issue: *The objector believes that the panel members will decide whether the proposal meets the Council housing goals and community expectations.*

Response: The application will be determined by WLPP. It is noted that while the proposed development would reduce the number of approved dwellings on the site, the proposed use is permissible within the subject R2 Low Density Residential zone and better meets the objectives of the zone as opposed to a residential flat building which is a prohibited use under the current zoning.

Issue: *The objector questions whether this is really an amendment or a new submission/proposal. The developer has started work on the property which has not been approved.*

Response: The development involves an amending DA to the approved development DA-113/2023 (the parent consent) which will require an amended construction certificate to carry out works relating to the proposed development should consent be granted. Development is currently underway in relation to the approved development.

Issue: *Roof terraces are a source of problems for neighbouring properties and they are usually used for rowdy parties.*

Response: The proposed roof terraces mirror those approved under the parent consent DA-113/2023. The roof terraces are considered to be appropriately designed and sited so as to minimise potential amenity impacts by reducing the potential for adverse overlooking or noise. The siting of enclosed plant rooms, lift overrun and stairwell, landscape planters and privacy screens along the north-western side of the roof has increased physical separation and provided a visual barrier between roof terrace users and adjoining properties which will assist in mitigating any significant adverse impacts arising from use of the roof terraces. The roof terraces have been designed to be oriented towards Gould Street which would correspond with potential views towards Bondi Beach. Plant equipment relating to the spa pools and other equipment for each dwelling is enclosed to mitigate noise impacts and would be subject to standard NSW environmental noise regulations.

Issue: *The objector notes that electric HWUs are proposed within the roof terraces and that they have been relocated to the edge of the roof and will therefore cause noise and pollution fumes into dining rooms of adjoining properties.*

Response: The proposed development does not propose to alter the location of the enclosed plant room, which includes electric HWUs, along the north-western side of the rooftop. The development does

involve a change of use from residential flat building (four units) to dual occupancy (two dwellings) therefore the intensity of the use would be reduced by the proposed development and it would therefore be anticipated that any potential noise impacts from plant and equipment would be reduced accordingly. Noise from plant and equipment would be subject to standard NSW environmental noise regulations and relevant conditions have been recommended for any consent granted regarding plant noise and enclosures (see **Appendix A**).

Issue: *The existing roof terrace pool system has been modified to a spa system which will have spa jets and blowers causing significant noise when they are running. Close to living and dining rooms of adjoining property.*

Response: As noted above, conditions have been recommended for any consent granted regarding plant noise and enclosures (see **Appendix A**) to assist in mitigating the potential for significant adverse impacts arising from use of the spa pools and associated plant and equipment.

Issue: *The proposed roof terrace BBQ and cooking stations are very close to the edge of the property which will result in noise and privacy problems and smells for adjoining properties living room area.*

Response: As noted above, a number of conditions of consent have been recommended for any consent granted to ensure that the use and operation of the roof terrace including BBQ and cooking stations does not result in any significant adverse impacts to adjoining properties and the surrounding area (see **Appendix A**).

Issue: *The roots of any trees, in particular Palm trees, may damage foundations of adjoining properties, attract bats, overshadow adjoining properties and reduce sunlight.*

Response: The possibility of potential tree root damage does not eliminate the need to provide landscaping to the subject site. It is considered that the proposed tree plantings are sited at an appropriate distance from neighbouring properties and infrastructure. Trees naturally provide shelter to a range of fauna and treatment of any potential pests should not take precedence over increasing the tree canopy of the Waverley LGA. While the proposed landscaping may result in a small increase in overshadowing, any potential increase would be negligible against the benefits in increasing tree planting.

Issue: *The height of the existing building should remain unchanged and should not be allowed to extend beyond the current height to ensure ocean and beach views are retained.*

Response: While the height of the approved development would be increased by 530mm by the proposed increase to the height to the landscaped privacy wall screen between proposed dwellings on the roof terrace, a condition of consent has been recommended reducing the height of this privacy screen to RL 31.81 to maintain the existing approved height under the parent consent DA-113/2023.

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. GIS / Land Information

The application was referred to Council's GIS and Land Information Team. No objections were raised to the proposed development subject to the recommended allocation of street numbering which has been included in the recommended conditions of consent for the approved development.

3.2. Fire Safety

The application was referred to Council's Fire Safety Engineer however no objections or comments were provided in relation to the proposed development.

3.3. Public Domain

The application was referred to Council's Public Domain Team for comment given that Council's Major Project team will be carrying out intersection works upgrade (project called Gould Street at Warners Avenue, Bondi Beach Continuous Footpath Construction Works) along the subject development site which is due for completion by June 2025. No objection to the proposed development was raised however conditions were recommended for inclusion with any consent granted in relation to public domain upgrade work requirements and new street tree plantations which would also be required (see **Appendix A**).

3.4. Tree Management

The application was referred to Council's Tree Management Team for comment. The approved development included an assessment and imposition of conditions regarding landscaping and tree plantings. The proposed development does not include the removal of any existing significant trees or vegetation from the subject site that were not part of the approved development however a condition regarding the removal and replacement of the *Banksia integrifolia* (Coastal Banksia) on the grass verge at the front of the property has been recommended along with a number of conditions regarding public domain upgrade works and street tree planting (see **Appendix A**).

3.5. Traffic & Development

The application was referred to Council's Traffic Engineer for comment. A number of non-compliances were raised in the referral regarding the number of driveway access crossings, driveway gradients and driveway widths. The non-compliance with the number of driveway access points provided to the subject site has been assessed and justified previously within the report and the gradient of the accessway between the proposed boundary and footpath can be conditioned as it would appear that there are no constraints that would prevent compliance with Council's requirements (see **Appendix A**).

3.6. Stormwater

The application was referred to Council's Stormwater Engineer for comment. The reduced requirements for full tanking of the basement, on-site OSD tanks and the installation of a rainwater tank were noted given the changes sought under the amending DA. A number of standard conditions were recommended for any consent granted (see **Appendix A**).

3.7. Urban Design

The application was referred to Council's Urban Design Team for comment. The referral notes that the proposed development has removed the reinstatement of the bay window brick corner columns and vertical mullions to those windows to increase window openings and that the central window has been reconfigured along Gould Street as a result of the change to a dual occupancy floor configuration.

While these façade elements may add to the overall texture and character of the existing building, the aspects modified in the proposed development are minor in relation to the size and scale of the building and site at large and the development of the site is seen as a positive in relation to retention and restoration of the building which requires structural support being undertaken to the entirety of the existing building as part of the development work.

Figures 9 and 10 below show the building façades of the approved and proposed developments.



Figure 9: A view of the approved external building façade under the parent consent DA-113/2023 from the corner of Gould Street and Warners Avenue.



Figure 10: A view of the amended external building façade from the corner of Gould Street and Warners Avenue as proposed by the subject application.

Concerns regarding the impacts of the proposal on density and housing mix were also raised however this aspect has previously been addressed above and as part of the approved development. Ultimately, the proposal would provide development consistent with the expectation for development within the R2 Low Density Residential zone and provide a permissible use on the subject site where the existing use is currently prohibited.

3.8. Heritage

The application was referred to Council's Heritage Officer for comment and it was noted that the subject site is located within the draft Bondi Basin Urban Heritage Conservation Area adopted by Waverley Council in July 2021 and is in the visual curtilage of local heritage listed sites. The building is a prominent

streetscape element due to form, location, and finishes. The comments provided mirror those of the Urban Design Team emphasising that the proposed development would remove the 'vertical emphasis of the original design [retained to some degree in the previous approval], the outcome being a horizontally emphasised exterior akin to a contemporary residential flat building and not to the notable Inter- War design of Bohringer Taylor & Johnston' and would reduce residential accommodation in Waverley. As noted in the response to the Urban Design Team referral comments above, the changes sought in the proposal development are minor in relation to the size and scale of the existing building site and to the works approved under the parent consent DA-113/2023.

4. CONCLUSION

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



5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Managers of Development Assessment (MODA) Review

The application was reviewed by the MODA at the meeting on 14 April 2025 and the MODA concurred with the Assessment Planner's recommendation.

MODA members: *A Rossi, B McNamara, B Magistrale, and J Zancanaro*

Report prepared by:	Application reviewed and agreed by:
	
Sacha Kaless	Bridget McNamara
Senior Development Assessment Planner	Manager, Development Assessment
Date: 12 May 2025	Date: 16 May 2025

Reason for WLPP referral:

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

OFFICE USE ONLY

Planning Portal Data															
<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>	<p>Height: 82.9% variation to clause 4.3 height of buildings (WLEP 2012)</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></td> <td>No change to overall building envelope</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		No change to overall building envelope	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</p> <p>(Concurrence Authority for Clause 4.6 variation)</p>	Local Planning Panel														
<p>Were the requirements of the Sustainable Buildings SEPP (effective 1 October 2023) met?</p>	Yes														
<p>Have any dwellings been approved for affordable Rental Housing under this approval/consent?</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														
<p>Boarding House</p> <p>*This is a planning portal reporting requirement</p>	No														
<p>Group Home</p> <p>*This is a planning portal reporting requirement</p>	No														
<p>Is the development subject to the Special Infrastructure Contribution (SIC)?</p>	No														

Is the development located within an Urban Release area?	No
Waverley Council Data	
Trial Period database entry required	No
VPA submitted – follow up actions required	No
Refer to compliance for investigation	No
Commercial/liquor operational conditions	No
Was there a 'Conflict of Interest' declared	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.

5.1. GENERAL CONDITIONS

	Condition																																								
1.	APPROVED PLANS AND DOCUMENTATION																																								
	The development must be in accordance with:																																								
	(a) Architectural Plans prepared by Architects Nicholas and Associates including the following:																																								
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	DA108 A	AIRCON SCREEN	29/11/2024	28/01/2025
	DA109 A	FACADE DETAIL 1	29/11/2024	28/01/2025
	DA110 A	FACADE DETAIL 2	29/11/2024	28/01/2025
	DA111 A	FACADE DETAIL 3	29/11/2024	28/01/2025
	DA112 A	EXTERNAL STAIR DETAIL	29/11/2024	28/01/2025
	DA113 A	ROOF TOP PARAPET DETAIL	29/11/2024	28/01/2025
	DA150 A	NORTH ELEVATION	29/11/2024	28/01/2025
	DA151 A	EAST ELEVATION	29/11/2024	28/01/2025
	DA152 A	SOUTH ELEVATION	29/11/2024	28/01/2025
	DA153 A	WEST ELEVATION	29/11/2024	28/01/2025
	DA170 A	SECTION A	29/11/2024	28/01/2025
	DA171 A	SECTION B	29/11/2024	28/01/2025
<p>(b) Landscape Plans No. DA_01, 02, 03, 04, 05, 06 Rev 1 prepared by Wyer & Co, dated 20/11/2024 and received by Council on 28/01/2025;</p> <p>(c) BASIX and NatHERs Certificate/s received by Council 28/01/2025;</p> <p>(d) Geotechnical Investigation prepared by eiasutralia dated 2/12/2024 and received by Council on 28/01/2025;</p> <p>(e) Heritage letter prepared by Weir Phillips Heritage dated 22 November 2024 and received by Council on 28 January 2025</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>				
2.	GENERAL MODIFICATIONS			
	<p>The application is approved subject to the following plan amendments;</p> <p>(a) The Driveway Design Plans are to be amended to show compliance with <i>Australian Standard AS2890.1 Clause 2.6.2 – Gradients of domestic driveways</i>, in particular, a transition is required to be shown for 12.5 % summit grade changes and 15% percent for sag grade changes. Long sections are required to be updated accordingly.</p>			
	Condition reason: To ensure adequate grading for driveways and car parking.			

	(b) The landscaped privacy wall screen on the roof terrace of the development shall be reduced in height to a maximum of RL 31.81 in accordance with the approved development height under parent consent DA-113/2023.
	Condition reason: To ensure visual and acoustic privacy and consistency in development with that of the parent consent DA-113/2023.
	(c) Plans detailing the replacement of the existing brick parapet with “like for like” materials.
	Condition reason: To confirm details of the replacement works and ensure consistency with the original design and materials of the existing inter-war building.
	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.	MODIFICATION OF PARENT CONSENT (DEVELOPMENT CONSENT DA-113/2023)
	Pursuant to section 4.17(1)(b) and (5) of the <i>Environmental Planning and Assessment Act 1979</i> , Development Consent DA-113/2023 granted on 25 October 2023 is modified as necessary so that there is consistency between Development Consent DA-113/2023 and this development consent. In this regard, Condition 1 of Development Consent No. 113/2023 is modified to include the approved architectural plans and BASIX certificate referred to in condition 1 of this development consent.
	Condition reason: To ensure consistency in the development of the site and between the two aforementioned development consents.
4.	RELATIONSHIP TO PARENT CONSENT (DEVELOPMENT CONSENT DA-113/2023)
	This development consent shall operate concurrently with Development Consent DA-113/2023. All conditions of consent imposed on Development Consent DA-113/2023 are to be read and complied with in conjunction with this development consent, unless conditions imposed in this development consent override and/or take precedence over corresponding conditions in Development Consent No. DA-113/2023.
	A consolidated construction certificate application should be sought to combine the approved works under the subject development consent with those under Development Consent DA-113/2023.
	Condition reason: To ensure consistency with the approved development of the site and consistency between the two aforementioned development consents.
5.	PUBLIC DOMAIN IMPROVEMENTS
	The public domain is to be upgraded along Gould Street and Warners Avenue frontages of the development site in accordance with the current <i>Waverley Council Development Control Plan (DCP)</i> and <i>Public Domain Technical Manual (PDTM)</i> at the time of engineering plan approval. A public domain plan for the following works must

	<p>be submitted to Council and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of relevant Construction Certificate.</p> <ul style="list-style-type: none"> a) Road pavement; b) Pedestrian footpath; c) Kerb and gutter; d) Vehicular crossing; e) Stormwater infrastructure; f) Street tree plantations and landscaping. <p>Condition reason: This is to ensure that the public domain is upgraded along the frontage of the development as required and in accordance with the <i>Waverley Development Control Plan 2022</i> and <i>Public Domain Technical Manual</i>.</p>
6.	<p>PUBLIC UTILITIES AND SERVICE ALTERATIONS</p> <p>Any utility services and all public infrastructure which requires alteration due to works associated with the development, both internally and externally of the development boundary, must 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.</p> <p>Condition reason: To ensure that all existing and any proposed alteration or relocation of the utilities as a result of the development are as per utility providers requirements.</p>
7.	<p>ENCROACHMENTS INTO COUNCIL'S ROAD RESERVE</p> <p>Any proposed encroachments into council's road reserve are not supported and must be removed. Waverley Council opposes unauthorised encroachments, and they must be removed to ensure that no part of the building or its structure extends into public land beyond the private property boundaries of the development site. All structures must be retained within the private property boundaries.</p> <p>Condition reason: Under the Roads Act 1993, any encroachments from private property into public land and domain area are not allowed and must be removed. This is due to safety and liability related issues.</p>
8.	<p>STRATA SUBDIVISION</p> <p>This consent includes approval for two (2) 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 <i>Strata Schemes Development Act 2015</i>.</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>

	Condition reason: To ensure the approved development complies with the <i>Strata Schemes Development Act 2015</i> .
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5.2.

5.3. BUILDING WORK

5.4. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
9.	<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>
10.	<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>
11.	<p>SECTION 7.12 CONTRIBUTION</p> <p>As per condition 7 of the parent consent (DA-113/2023), 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) The monetary development contribution is to be calculated based on the cumulative value of the approved development, including additional costs associated with additional and amended works connected to this development consent.</p>

	<p>(b) The cumulative monetary development contribution required by this condition must be paid prior to the issue of the relevant constructive certificate associated with this development consent.</p> <p>Condition reason: To ensure the Section 7.12 Contributions are paid.</p>
12.	<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>
13.	<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 allow for Council assessment officer time to assess engineering plans for approval and ensure payments are made prior to commencement of works. The engineering plans assessment fees are applicable as per Waverley Council's <i>Pricing Policy Fees and Charges 2024-2025</i>, to assess and issue approval on the proposed design and associated works..</p>
14.	<p>STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT</p> <p>To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact on 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 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 must be prepared by a suitably qualified and practising Civil Engineer and comply with the following conditions:</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 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) Pits and inspection openings must be provided at all junctions, change in gradient, change in direction, and changes in diameter for access and maintenance purposes.</p> <p>(d) Provide calculations demonstrating that the proposed stormwater drainage system can cater for the relevant design storm event.</p> <p>(e) A sediment control stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets. A sump must be provided at the outlet point.</p> <p>(f) All connections to Council's below ground drainage system must occur at a stormwater pit.</p> <p>(g) A non-return valve must be installed at the discharge point within the silt arrestor pit near the property boundary so that stormwater cannot surcharge back into the properties private stormwater system.</p> <p>(h) Any new downpipes are to be located wholly within the property's boundary.</p> <p>(i) Sub soil drainage (seepage) water must not be directly or indirectly discharged to Council's street gutter.</p> <p>(j) Council must be notified prior to any connection being made to Council's network and an inspection must be made by a Council officer prior to public domain restoration and backfill at the point of connection. An inspection fee will apply for each inspection visit required by a Council officer, payable prior to any site inspection. Minimum 48 hour's notice must be provided to Council prior to inspection.</p> <p>(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.</p> <p>Notes:</p> <ul style="list-style-type: none"> • Since a sewer main run through the property, plans must also be presented to a Sydney Water for their approval. • 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.
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	<ul style="list-style-type: none"> 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. Evidence from a suitably qualified and practicing Engineer that the approved design has been adhered to must be submitted to and approved by the Principal Certifying Authority (PCA) prior to the issue of the relevant Construction Certificate application. <p>Condition reason: To ensure that the stormwater system is designed and constructed in accordance with Waverley Council's Water Management Technical Manual and will minimise the likelihood of stormwater related issues to the property owner, occupiers, neighbours and broader community.</p>
15.	<p>PRE-CONSTRUCTION STORMWATER PIT DILAPIDATION REPORT</p> <p>Prior to any works commencing, a dilapidation report including photographic evidence of internal conditions of Councils newly constructed stormwater KIP pit on Gould Street fronting the site must be prepared and submitted by an engineer to confirm the existing structural and serviceability condition. Council must be contacted for pit numbers prior to completion at assets@waverley.nsw.gov.au.</p> <p>The report must be dated and submitted to the satisfaction of Council's Executive Manager, Infrastructure Services (or delegate). No works on Council's stormwater infrastructure will commence until given approval by Council.</p> <p>Condition reason: Confirm the condition of the stormwater pipes and pits servicing the site prior to works occurring which may damage them.</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.	TEMPORARY DEWATERING OF UNDERGROUND STRUCTURES
	If any temporary dewatering is required during the construction of underground structures an application must be made with WaterNSW to obtain relevant approval and determine if a licence is required under the Water Management Act 2000, for temporary dewatering . A copy of the aforementioned approval must be submitted to Council. Note that permanent dewatering is not allowed. If temporary dewatering is required and approved, a separate Waverley Council temporary dewatering application must be submitted and approved by the Executive Manager, Infrastructure Services (or delegate) and associated fees paid prior to release of any Construction Certificate by the PCA.
	Condition reason: To ensure safety to the general public.
18.	DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION
	A report shall be prepared by a suitably qualified and practising Structural Engineer/Geotechnical Engineer detailing the proposed methods of bulk excavation, shoring or pile construction, including details of vibration emissions and any possible damage which may occur to adjoining or nearby properties as a result of the proposed building and excavation works. Any practices or procedures specified in the Structural Engineer's report in relation to the avoidance or minimisation of structural damage to adjoining properties are to be fully complied with and incorporated into the plans and specifications together with the Construction Certificate.
	Condition reason: To ensure any excavation, shoring or pile construction is carried out in a safe manner.
19.	ENGINEERING DETAILS
	Structural details are to be prepared and certified by a practicing Structural Engineer in connection with all structural components of the approved works, prior to the issue of the relevant Construction Certificate. Condition reason: To ensure structural stability of work on site.
20.	ENGINEERING CERTIFICATE OF ADEQUACY
	A Certificate of Adequacy prepared by a practicing Structural Engineer is to be provided certifying the adequacy of the existing building structure to carry the extra load of the proposed additions, prior to the issue of the relevant Construction Certificate. Condition reason: To ensure structural stability of work on site.
21.	BASIX
	All requirements of the BASIX Certificate and/or NatHERS documentation are to be shown on the Construction Certificate plans and documentation.
	Condition reason: To ensure BASIX and/or NatHERS requirements are met.

22.	<p>SITE WASTE AND RECYCLING MANAGEMENT PLAN</p> <p>A Site Waste and Recycling Management Plan (SWRMP) - Part 2 is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the SWRMP Part 2 is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.</p> <p>Condition reason: To ensure resource recovery is promoted and the local amenity is protected during construction.</p>
23.	<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>
24.	<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>
25.	<p>RENEWABLE ENERGY AND ENERGY EFFICIENCY</p> <p>To enable all development to contribute to net zero greenhouse emissions by 2035, the following shall apply:</p>

	<p>(a) An electric hot water system is strongly encouraged in all developments. Recommended systems include electric heat pump, solar thermal with electric boost or electric storage.</p> <p>(b) Recommended swimming pool heating systems to include solar thermal only, solar thermal boosted with electric heat pump or electric heat pump.</p> <p>(c) No gas cooktops, gas ovens and gas heating systems are permitted. Alternate options must be used (such as electric, induction).</p> <p>(d) Recommended lighting systems to include LEDs with controls, such as motion sensors, step-dim controls and daylight sensors.</p> <p>The architectural plans shall be updated to notate the above and submitted to the Principal Certifying Authority for approval, prior to the issue of a Construction Certificate.</p> <p>Condition reason: To reduce community greenhouse emissions to net zero by 2035 and ensure all new (or altered) homes have future capacity to be an all-electric building, powered by renewable energy.</p>
28.	<p>PROTECTIVE FENCING</p> <p>or to the issue of any construction certificate:</p> <p>(a) Protective fencing must be erected around each tree nominated for retention and protection;</p> <p>(b) The protective fencing shall remain in place for the duration of the works, it must be secured to restrict access, and must not be removed or altered without approval from the on-site arborist;</p> <p>(c) Fencing should be installed in accordance with <i>Australian Standard AS 4687</i> ;</p> <p>(d) Protective fencing shall comprise of 1800mm high chain link wire mesh fixed to 50mm galvanised steel posts;</p> <p>(e) Portable chain link fencing may be installed;</p> <p>(f) Chain link portable panels must be securely fixed top and bottom to avoid separation.</p> <p>Coloured plastic tape fencing or plain strained fencing wire fixed to steel droppers is unacceptable.</p> <p>Condition Reason: To create an exclusion zone around the tree throughout the construction to ensure all tree parts are protected</p>
29.	<p>TRUNK AND BRANCH PROTECTION</p> <p>where protective fencing is not possible, trunk protection is to be installed with the following:</p> <p>(a) The placement of 1.8m or less lengths of 75mm x 40mm hardwood or pine spaced at 125 mm centres around the trunk secured in place by metal strap bindings or 10-gauge fencing wire fixed at 300 mm centres. Prior to placing battens install a soft protective padding to ends of timbers to prevent damage to bark and conducting tissue.</p> <p>Trunk protection must remain in place for the duration of all site work.</p> <p>Condition Reason: To ensure all tree parts are protected throughout the construction.</p>
30.	<p>TREE PROTECTION ZONE SIGNAGE</p>

	<p>Prior to the issue of a Construction Certificate, signs identifying the Tree Protection Zone (TPZ) are to be placed around the edge of the TPZ and be visible from within the development site. Contact telephone numbers for the site arborist/site manager shall be clearly shown on all warning signs.</p> <p>Condition Reason: To advise contractors and visitors to the site of the purpose for protecting and preserving the tree (s).</p>
31.	<p>TREE PROTECTION CERTIFICATE</p> <p>The onsite arborist is to provide a certificate to Council stating that appropriate tree protection measures have been installed for the trees to be retained and protected.</p> <p>Condition reason: To ensure trees are protected prior to work commencing.</p>
32.	<p>PUBLIC INFRASTRUCTURE WORKS</p> <p>Public infrastructure works must 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 and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of relevant Construction Certificate.</p> <p>The Applicant must submit plans and specifications for the following infrastructure works to Council's Infrastructure Engineer:</p> <p>(a) <u>Road Pavement</u>: The full renewal and reconstruction of asphalt pavement for half road width in Warners Avenue (including both parking and traveling lanes) and full road width in Gould Street frontage of the development site. Details of the road pavement treatments and sub-grade details are to be advised by Council. Line markings is to be Thermoplastic, or as directed by Council. Asphalt joints is to be sealed by liquid crack seal.</p> <p>(b) <u>Footpath, Kerb and Gutter</u>: The existing footpath, kerb and gutter traversing both Gould Street and Warners Avenue frontages 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. 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.</p> <p>(c) <u>Street Trees</u>: A minimum of two (2) <i>Banksia Serrata</i> (Old Man Banksia) with a minimum pot size of 200 litres must be planted along Warners Avenue frontage. For all the proposed trees within the Council verge, it is necessary to install appropriate tree pits and surrounds in accordance with the Waverley Council Public Domain Technical Manual. The new street trees placement must not interfere with the wheel-swept path or obstruct the proposed vehicular crossing. Council must be contacted prior to any street tree plantations.</p>

	<p>(d) Replenish, returf and plantings along the existing Council verge for the full frontage of the development.</p> <p>(e) All mains electrical connections to the development must be routed underground. Council will not accept the erection of newly placed electricity columns within the Council's public domain to support the new development.</p> <p>(f) The public domain and Council's newly build assets traversing the full frontage of the site must be protected from the proposed building works. The applicant will be required to replace any damaged footpath, street trees and landscaping, pavement, kerb and gutter, kerb ramps and Council's infrastructure at no cost to Council.</p> <p>Notes:</p> <ul style="list-style-type: none"> i. Depending on the complexity of the proposed public domain works, the Council's review of each submission of the plans may take a minimum of six (6) weeks. ii. 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. iii. Waverley Council standard drawings for public domain infrastructure assets are available upon request and online at Council Website. Details that are relevant may be replicated in the public domain design submissions; however, Council's title block shall not be replicated. iv. 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. v. Council's contact for the public domain: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8655 (operational hours between 9.30am to 4.00pm Monday to Friday). <p>Condition reason: This condition imposed is to ensure that the public assets within the public domain are upgraded in alignment with Council's LEP, DCP and/or PDTM.</p>
33.	<p>GROUND ANCHORS (WHERE EXCAVATION IS PROPOSED ON A BOUNDARY NEXT TO COUNCIL LAND)</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 8655.</p> <p>Separate approval will be required for ground anchors beneath roadways governed by the Transport for NSW (TfNSW).</p>

	Condition reason: Under the Roads Act 1993, any proposed part of the structure extending beyond the private property must be reviewed and approved by the Roads Authority being Infrastructure Services Team, Waverley Council.
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BEFORE BUILDING WORK COMMENCES

	Condition
34.	<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>
35.	<p>PRE-DEMOLITION DILAPIDATION REPORT</p> <p>To ensure Council's infrastructure is adequately protected, a pre-demolition dilapidation report on the existing public infrastructure in the vicinity of the proposed development and along the travel routes of all construction vehicles is to be submitted to Council. The report must 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 Infrastructure Engineer, prior to any work commencing on the site. All fees and charges associated with the collation of this report must be borne by the Applicant.</p> <p>Council may request a post-construction dilapidation report to ensure the public infrastructure in the vicinity of the development is adequately protected during the construction phase.</p> <p>Condition reason: This condition is imposed to protect Council's existing infrastructure and assets including the roadways and footpath from the construction activities undertaken by the developments.</p>
36.	<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"> • <i>Work Health and Safety Act 2011;</i> • <i>Work Health and Safety Regulation 2017;</i>

	<ul style="list-style-type: none"> • <i>SafeWork NSW Code of Practice for the Safe Removal of Asbestos;</i> • <i>Australian Standard 2601 (2001) – Demolition of Structures;</i> • <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 <i>Australian Standard AS 2601-2001, Demolition of Structure</i> 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>
37.	<p>TREE PROTECTION</p> <p>All trees on site and adjoining properties, including street trees, are to be retained and protected in accordance with <i>Australian Standard AS4970-2009 'Protection of Trees on Construction Sites'</i> 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>
38.	<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> <p>(a) Do not store harmful or bulk materials or spoil under or near trees;</p> <p>(b) Prevent damage to bark and root system;</p> <p>(c) Do not use mechanical methods to excavate within root zones;</p> <p>(d) Do not add or remove topsoil from under the drip line;</p> <p>(e) Do not compact ground under the drip line;</p> <p>(f) Do not mix or dispose of liquids within the drip line of the tree; and</p> <p>(g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter in accordance with <i>Australian Standard AS4970-2009 'Protection of trees on construction sites'</i>.</p> <p>Condition reason: To protect trees during the carrying out of site work.</p>

39.	<p>PROTECTING TREES ON DEVELOPMENT SITES</p> <p>(a) Tree Protection Measures are to be installed on the trees to be retained on the site in accordance with Waverley Council's Development Control Plan 2022, the Landscape Plan, and <i>Australian Standard – AS 4970 – 2009 - Protection of Trees on Development Sites</i>.</p> <p>(b) If any trees identified to be retained and protected are found to be faulty, damaged, dying, or dead, they must be removed and replaced with the same species at the applicant's expense.</p> <p>(c) All approved tree work must be carried out by minimum AQF Level 3 arborist in accordance with <i>Australian Standard AS 4373-2007 'Pruning of amenity trees'</i>.</p> <p>Condition reason: To ensure trees remain unimpacted by construction.</p>
40.	<p>TREE WORK</p> <p>(a) If any trees on neighbouring properties require pruning, then permission must be gained from the owner of the tree(s) and an application to Prune, or Remove Trees on Private Property is then to be presented to Council for processing.</p> <p>(b) If any trees on Council owned land require pruning, the applicant is to supply a tree pruning report from an Arborist with AQF level 5 qualification or above with photos showing the branches that need to be removed.</p> <p>Condition reason: To ensure trees remain unimpacted by construction.</p>
41.	<p>NOTICE OF INTENTION TO COMMENCE PUBLIC DOMAIN WORKS</p> <p>Prior to commencement of the public domain works notice must be submitted to Council's Infrastructure Engineer. This notice must include the name and insurance details of the Contractor who will be responsible for the construction works, and the 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 that works undertaken in the roads, footpaths and verges surrounding the site are undertaken with appropriate planning and approvals in place to maximise safety and limit nuisance to neighbouring properties and members of the public.</p>
42.	<p>APPROVALS FOR WORKING THROUGH/WITHIN THE PUBLIC DOMAIN</p> <p>Road Activity Permits: To carry out work in, on or over a public road, the Consent of Council is required as per <i>Local Government Act 1993</i> and <i>Roads Act 1993</i>. Prior to the commencement of the relevant works and considering the lead times required for each application, permits for the following activities are to be obtained and copies submitted to Council with the Notice of Intention to Commence Public Domain Works.</p> <p>a) <u>Road Opening Permit</u> - The applicant shall apply for a road-opening permit and pay the required fee if there is a requirement to dig up a road, footpath or nature strip (typically trenching for service connection, maintenance or rehabilitation). Common purposes for this permit include electrical, gas, portable water connection, stormwater or telecommunication works. No opening of the road or footpath surface shall be carried out without this permit being obtained and a copy kept on the site. The applicant shall use Council's online portal to apply for a Road Opening Permit.</p>

	<p>b) <u>Occupy/Close a Public Road or Footway</u>: The applicant shall apply for a permit if construction works require the occupation of a parking lane, road lane, cycleway, footpath, or open space. Common reasons for needing this permit include the use of boom or line concrete pump, cherry picker, scissor or boom lift or a mobile crane. Public Liability Insurance of minimum \$20m, a Traffic Guidance Scheme or Traffic Management Plan plus a NSW Police Notification are generally required. The applicant shall use Council's online portal to submit the application.</p> <p>c) <u>Construction Zone Permit</u>: If works require using a public space along the kerb of 9m or more, for a period of 13 weeks or more, a Construction Zone Permit is required. The applicant shall use Council's online portal to submit the application.</p> <p>d) <u>Occupation of Council Footpath</u>: The applicant shall apply for an Occupation of Council Footpath and pay the required fee when construction or other works will impact a footpath, such as the erection of hoarding or scaffolding, or the storage of building materials. Refer to the <i>Hoarding and Scaffolding Guidelines</i> and apply via the PDF application form available online which is submitted directly to Council. For construction impacts that will go beyond the footpath, the applicant must use the 'Occupy/Close a Public Road or Footway' application.</p> <p>e) <u>Stand a Skip Bin / Container / Storage Unit on Public Road</u>: The applicant can pay a fee to temporarily house a bin or storage unit in a roadside parking space, regardless of whether the spot is metered or subject to a residential permit area. Apply via submitting the PDF application available online directly to Council. If there are more elaborate construction impacts on public land such as needing to use a cherry picker or mobile crane, use the Occupy/Close a Public Road or Footway application instead.</p> <p>Condition reason: To ensure that works undertaken in the roads, footpaths and verges surrounding the site are undertaken with appropriate planning and approvals in place to maximise safety and limit nuisance to neighbouring properties and members of the public.</p>
43.	<p>CONSTRUCTION INSPECTIONS</p> <p>The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the <i>Building Legislation Amendment (Quality of Construction) Act 2002</i>, clause 162A of the <i>Environmental Planning and Assessment Regulation 2000</i> and the requirements of any other applicable legislation or instruments.</p> <p>Condition Reason: To comply with legislative requirements.</p>

5.5. DURING BUILDING WORK

	Condition
44.	<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 Infrastructure Engineer for the road pavement, kerb and gutter, stormwater, footpath paving, street trees and landscaping hold points.</p> <p><u>Kerb and Gutter & Footpath Paving</u></p> <ol style="list-style-type: none"> After formwork installation and prior to casting of all drainage structures e.g pits, lintels and surface grates After preparation of subgrade After completion of formwork and prior to casting of concrete After full completion and restoration <p><u>Road Pavement</u></p> <ol style="list-style-type: none"> Subgrade trim & compacted Sub-base spread and compacted Base course spread & compacted Intermediate course spread and compacted Binder course spread & consolidated Wearing course laid <p><u>Landscape</u></p> <ol style="list-style-type: none"> After preparation and clearing of site After completion of plantings After completion of formwork After full completion and restoration <p>All applicable engineering inspection fees in accordance with Council's Pricing policy – Fees & Charges 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: The reason for this condition is to ensure the proposed work within public domain area is constructed in accordance with approved design plans and Council's specifications and guidelines.</p>
45.	<p>ROOT PRUNING</p> <p>If any tree roots are exposed during any approved works, then roots smaller than 30mm are to be pruned as per the specifications below:</p> <ol style="list-style-type: none"> they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (minimum AQF Level 3 Certificate in Horticulture or Certificate 3 in Arboriculture). <p>It is the on-site 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>

	Condition reason: To ensure precautions are taken when working near trees during construction.
46.	CROWN PROTECTION
	<p>(a) Tree crowns may be injured by machinery such as excavators, drilling rigs, cranes, trucks, hoarding installation, and scaffolding. The tree protection zone may need to include additional protection of the above ground parts of the tree.</p> <p>Crown protection may include pruning, tying-back of branches or other measures. If pruning is required, requirements are specified in Australian Standard AS 4373 and should be undertaken before the establishment of the TPZ.</p>
	Condition reason: Precautions shall be taken when working near trees to ensure all tree parts are protected throughout the construction, for trees both on the site and those on adjoining sites.
47.	ACTIVITIES EXCLUDED WITHIN TREE PROTECTION ZONE (TPZ)
	<p>Activities excluded from the TPZ include but are not limited to:</p> <ul style="list-style-type: none"> (a) Stockpiling of bulk materials, spoil or fill; (b) Machine excavation including trenching; (c) Excavation for silt fencing; (d) CultivationPreparation or disposal of chemicals, including preparation of cement products; (e) Parking of vehicles and plant machinery; (f) Refuelling; (g) Dumping of waste; (h) Wash down and cleaning of equipment; (i) Lighting of fires; (j) Soil level changes; (k) Temporary or permanent installation of utilities and signs; (l) Physical damage to the tree; (m) Ground compaction.
	Condition reason: To ensure precautions are taken when working near trees during construction.

5.6. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
48.	FINAL OCCUPATION CERTIFICATE
	Prior to occupation or use of the development, an Occupation Certificate must be obtained.
	The Principal Certifying Authority must be satisfied that the requirements of the <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.
	Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.
49.	CERTIFICATION OF BASIX COMMITMENTS
	The Principal Certifying Authority shall certify that the all the undertakings in the approved BASIX certificate have been completed.
	Condition reason: To ensure all the undertakings in the approved BASIX certificate have been completed.
50.	CERTIFICATION OF STORMWATER SYSTEM
	Prior to issue of an occupation certificate, certification is to be provided from a suitably qualified Hydraulics Engineer, that the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.
	Condition reason: To ensure the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.
51.	CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE SYSTEM
	Prior to the issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practicing Engineer or Plumber, that any new stormwater drainage system has been constructed in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards, and good engineering practice. Similarly, any retained stormwater drainage system is unblocked, in good working order, and to be repaired/replaced to best practice. A copy of the certification must be submitted to Council.
	Condition reason: Ensure Council's stormwater infrastructure was adequately protected and there is no damage due to the construction activities or the connection to the private property connection.
52.	CERTIFICATION OF SWIMMING POOL/OUTDOOR SPA
	Prior to the pool being used, the following must be provided;
	(a) Certification that the pool has been constructed in accordance with the consulting engineers design;

	<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>
53.	<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>
54.	<p>SUPERVISING ENGINEER FINAL CERTIFICATE – PUBLIC DOMAIN</p> <p>Prior to the issue of any Occupation Certificate for the works, the Applicant must 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 must include commentary to support any variations from the approved drawings.</p> <p>Condition reason: This is to ensure that the proposed works constructed within the Council's public domain are as per the approved design plans and certified by the applicant's supervising engineer.</p>
55.	<p>WORK-AS-EXECUTED PLAN – PUBLIC DOMAIN</p> <p>To ensure public infrastructure works required under the consent are completed in accordance with the approved plans and specifications, a Work-as-Executed plan of the completed works, prepared by a registered surveyor, must be submitted for review to the Principal Certifying Authority and the Council. Any required rectification works must be carried out by the Applicant and approved by must be submitted to Council and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of any Occupation Certificate.</p> <p>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 must be submitted to support all variations from the approved plans.</p> <p>WAE plans must include:</p>

	<ul style="list-style-type: none"> a) Footpath levels; b) Newly installed utilities; c) Stormwater Infrastructure; d) Awning dimensions.
	<p>Condition reason: The reason for this condition is to ensure all the proposed works within the public domain are completed by per design approval granted by Waverley Council, and copies of the 'As-Build' brand new assets are provided to Council.</p>
56.	<p>CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS</p> <p>Prior to the issue of any Occupation Certificate, a final Compliance Certificate must be obtained from Council's 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> <ul style="list-style-type: none"> i. 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 is not limited to fees applicable for engineering plans assessment and work inspection fees. ii. The refund of any damage and/or security deposits will be subject to the satisfactory restoration and rectification of all civil infrastructure that have dilapidated as a result of the construction activities associated with this development consent, as determined by the Council. iii. To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works in the road reserve following completion of the development. The defects liability period shall commence from the date of issue of the compliance certificate for the public domain works for the Occupation Certificate. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner during the twelve (12) months' defects liability period. A bond in the form of a cash deposit for the value of the public domain works following final completion of the works shall be lodged with Waverley Council prior upon release of the damage deposit subsequent issuance of the OC Compliance Certificate. The bond will only be refunded when the works are determined to be satisfactory to Council after the expiry of the twelve (12) months defects liability period. <p>Condition reason: This is to ensure that all works are completed as per the approved DA and Council's requirements including any restorations works. This includes rectification of any part of the work which fails to perform during the 12 months defects liability period prior to handing over to Council.</p>
57.	<p>DECOMMISSIONING GROUND ANCHORS</p> <p>Decommissioning of Ground Anchors – Prior to the issue of any Occupation Certificate, the Applicant shall provide Council a certificate from a suitably qualified</p>

	<p>Structural or Geotechnical Engineer confirming that all temporary soil/ground anchors installed into the public road reserve, have been decommissioned and are not transferring any structural loads into the road reserve stratum.</p> <p>Condition reason: Temporary ground anchors were approved, but these must be destressed to prevent ongoing load and or damage to Council assets.</p>
58.	<p>POST-CONSTRUCTION STORMWATER PIT DILAPIDATION REPORT</p> <p>A post-construction dilapidation report including photographic evidence of internal conditions of Councils newly constructed stormwater KIP pit on Gould Street fronting the site following works must be prepared by an engineer or plumber to confirm the final structural and serviceability condition. The Assets team shall be contacted for pit numbers prior to completion.</p> <p>The reports will be used by Council to assess whether any damage has occurred to Council's stormwater pipes associated with the works.</p> <p>The applicant must obtain written approval from Council's Executive Manager, Infrastructure Services (or delegate) of the adequacy of the report and Council assets condition prior to the issue of the Occupation Certificate.</p> <p>Condition reason: Ensure Council's stormwater infrastructure was adequately protected and there is no damage due to the construction activities or the connection to the private property connection.</p>
59.	<p>NOISE – PLANT AND EQUIPMENT</p> <p>A Certificate is to be submitted to Council at the completion of all work and prior to the issue of an Occupation Certificate, from a suitably qualified Acoustic Consultant. The Certificate is to certify all plant and equipment including mechanical supply and exhaust ventilation systems (including the car park) and lift motors comply with the terms of approval in relation to noise.</p> <p>Condition reason: To ensure all installed plant and equipment does not result in any adverse amenity impacts to surrounding properties.</p>
60.	<p>TREE PROTECTION MEASURES TO BE REMOVED</p> <p>All tree protection shall be removed prior to the issuing of the Occupation Certificate.</p> <p>Condition reason: To ensure that the tree can continue to grow post construction.</p>
61.	<p>ALLOCATION OF STREET NUMBER</p> <p>The redevelopment of the property has led to the following allocation of primary and sub- address site numbering for a strata subdivision:</p> <p>The primary premises address site number and location for the common property strata:</p>

	<ul style="list-style-type: none"> ▪ 55 Gould Street, BONDI BEACH - primary premises address <p>As the redevelopment has sub-address sites the following sub-addressing will apply:</p> <ul style="list-style-type: none"> ▪ No. 55A Gould Street for the fill in –north allotment ▪ No. 55B Gould Street for the fill in - south allotment <p>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 Gould Street.</p> <p>The address number for a sub-address site shall not consist of the primary address site number on its own.</p> <p>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>The premises numbers are to be positioned on the site prior to the issue of the Occupation /Subdivision Certificate and Council notified of the corresponding sub-address numbers to lot number 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>

5.7. OCCUPATION AND ONGOING USE

	Condition
62.	USE OF PLANT ROOMS
	The “plant/mech.” rooms at the 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.
	Condition reason: To ensure the plant room is not used for storage purposes.

5.8. GENERAL ADVISORY NOTES

	Condition
1	DEVELOPMENT IS TO COMPLY WITH LEGISLATION 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.
2	DEVELOPMENT MUST MEET CONDITIONS OF CONSENT 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.
3	POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT Various conditions require further input, review or approval by Council in order to be satisfied following the determination of the application (that is, post consent). In those instances, please adhere to the following process to avoid delays: <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	SYDNEY WATER REQUIREMENTS You are required to submit your plans to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If you are increasing the density of the site, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. The application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website.

	Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator , since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
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>ALTERATIONS AND ADDITIONS ONLY</p> <p>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.</p>
9	<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>
10	<p>BONDI - ROSE BAY SAND BODY</p> <p>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.</p>

	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.
11	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.
12	TREE MANAGEMENT GUIDELINES 2022 Details on additional criteria regarding tree on development sites can be found in Waverley Council Tree Management Guidelines 2022, 10. Appendices.
13	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.
14	TRENCHING COUNCIL'S ROAD RESERVE AND RESTORATIONS WORKS Public areas and Council's assets must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas due to construction activities must be made safe to the general public and be regarded as a high-level priority. This includes, but is not limited to works performed for the purpose of connection/s to public utilities, including repair of damaged infrastructure. Should Council discover any unsafe construction activities within the public areas surrounding the development, the works must be resolved immediately to the satisfaction of Council Condition reason: To ensure the ongoing safety of members of the public passing the site
15	DEVELOPMENT WORKS OCCUPYING PUBLIC ROADS (EXCLUDING STATE ROADS) Any works performed in, on or over a public road reserve pursuant to this consent must be carried out in accordance with this consent and with the Road/Footpath Occupancy Permit issued by Council as required under Sections 138 and 139 of the Roads Act 1993 Condition reason: To be consistent with the <i>Roads Act 1993</i> .
16	PARKING PERMITS In accordance with Council's Policy, Residents Preferred Parking permits will not be issued for this development when completed. Condition reason: To ensure compliance with Council's Parking Permit Policy.

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.

AMENDING DEVELOPMENT APPLICATION
55 AND 55A GOULD STREET, BONDI BEACH, NSW 2026

RECEIVED
Waverley Council

Receipt No: DA-702/2024

Date Received: 28/01/2025



DA APPROVED VIEW 1 (DA-113/2023)



DA APPROVED VIEW 2 (DA-113/2023)



UPDATED VIEW 1



UPDATED VIEW 2

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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A 29.11.2024
ISS DATE

ISSUE FOR AMENDING DA
PURPOSE OF ISSUE

PLOTTED : 19/12/2024 12:36:14 PM

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

KEY:

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NICHOLAS +
ASSOCIATES

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DRAWING NO: DA000
ISSUE NO: A
JOB NO: GOU2212

AMENDING DA

DRAWING TITLE:
COVER PAGE + PHOTOMONTAGE

PROJECT ADDRESS:
55 GOULD STREET, BONDI BEACH

CLIENT:
IVKA NEWTOWN PTY LTD

ARCHITECTURAL DRAWING LIST

SHEET NO	SHEET NAME	REV	DATE
DA000	COVER PAGE + PHOTOMONTAGE	A	29.11.2024
DA001	DRAWING REGISTER + BASIX + FINISHES SCHEDULE	A	29.11.2024
DA010	SITE CONTEXT	A	29.11.2024
DA014	SITE ANALYSIS	A	29.11.2024
DA015	SITE PLAN	A	29.11.2024
DA029	DA APPROVED + PROPOSED PLANS - BASEMENT	A	29.11.2024
DA030	DA APPROVED + PROPOSED PLANS - GROUND FLOOR	A	29.11.2024
DA031	DA APPROVED + PROPOSED PLANS - FIRST FLOOR	A	29.11.2024
DA032	DA APPROVED + PROPOSED PLANS - SECOND FLOOR	A	29.11.2024
DA033	DA APPROVED + PROPOSED PLANS - THIRD FLOOR	A	29.11.2024
DA034	DA APPROVED + PROPOSED PLANS - ROOF TERRACE	A	29.11.2024
DA101	LANDSCAPE CALCULATION	A	29.11.2024
DA107	GARAGE DETAIL	A	29.11.2024
DA108	AIRCON SCREEN	A	29.11.2024
DA109	FACADE DETAIL 1	A	29.11.2024
DA110	FACADE DETAIL 2	A	29.11.2024
DA111	FACADE DETAIL 3	A	29.11.2024
DA112	EXTERNAL STAIR DETAIL	A	29.11.2024
DA113	ROOF TOP PARAPET DETAIL	A	29.11.2024
DA120	EXISTING GFA PLANS	A	29.11.2024
DA121	PROPOSED GFA PLANS	A	29.11.2024
DA130	WASTE MANAGEMENT PLAN	A	29.11.2024
DA140	HEIGHT PLANE -8.5 M	A	29.11.2024
DA150	NORTH ELEVATION	A	29.11.2024
DA151	EAST ELEVATION	A	29.11.2024
DA152	SOUTH ELEVATION	A	29.11.2024
DA153	WEST ELEVATION	A	29.11.2024
DA170	SECTION A	A	29.11.2024
DA171	SECTION B	A	29.11.2024
DA600	VISIBILITY OF ROOFTOP FROM PUBLIC DOMAIN	A	29.11.2024
DA601	VIEW OF SITE FROM CORNER OF WARNERS AVE AND MITCHELL ST	A	29.11.2024
DA700	VIEW FROM SUN - JUNE 21 - 9AM	A	29.11.2024
DA701	VIEW FROM SUN - JUNE 21 - 10AM	A	29.11.2024
DA702	VIEW FROM SUN - JUNE 21 - 11AM	A	29.11.2024
DA703	VIEW FROM SUN - JUNE 21 - 12PM	A	29.11.2024
DA704	VIEW FROM SUN - JUNE 21 - 1PM	A	29.11.2024
DA705	VIEW FROM SUN - JUNE 21 - 2PM	A	29.11.2024
DA706	VIEW FROM SUN - JUNE 21 - 3PM	A	29.11.2024
DA707	SHADOW PLAN - JUNE 21- 9AM	A	29.11.2024
DA708	SHADOW PLAN - JUNE 21 - 12PM	A	29.11.2024
DA709	SHADOW PLAN - JUNE 21 - 3PM	A	29.11.2024

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: Sandstone
External walls: Cavity Brick (Uninsulated to existing) plus R1.0 insulation and plasterboard - Unit 55A - Gym only
External walls: Sandstone plus R1.0 insulation and plasterboard - Unit 55A - Foyer only
Glazing: Aluminium Single Glaze Clear: U = 6.70; SHGC = 0.57 - Awning, Casement, Doors - Unit 55
Glazing: Aluminium Single Glaze Clear: U = 6.70; SHGC = 0.70 - Sliding, Fixed, Louvre - Unit 55
Glazing: Aluminium Double Glaze High Solar Gain low-E -Clear: U = 4.1; SHGC = 0.47 - Awning, Casement, Doors - Unit 55A
Glazing: Aluminium Double Glaze High Solar Gain low-E -Clear: U = 4.1; SHGC = 0.52 - Sliding, Fixed, Louvre - Unit 55A
Ground Floor: Bare slab to garage, Tiles on slab to all other areas
Other Floors: Carpet on slab plus airgap and plasterboard to bedrooms, Tiles on slab airgap and plasterboard to all other areas - Unit 55
First Floor: Carpet on slab plus R3.0, airgap and plasterboard to bedrooms, Tiles on slab plus R3.0, airgap and plasterboard to all other areas - Unit 55A above ground floor
Other Floors: Carpet on slab plus R2.0, airgap and plasterboard to bedrooms, Tiles on slab plus R2.0, airgap and plasterboard to all other areas - Unit 55A
Internal walls: Brick with wet plaster
Internal walls: Concrete with wet plaster
Internal walls: Brick with wet plaster and R1.0 insulation and plasterboard - Unit 55A - Laundry to Boot
Internal walls: Concrete with wet plaster and R2.0 insulation and plasterboard - Unit 55A - Garage to Foyer, Lift, Boot
Skylight: Velux: U = 2.6; SHGC = 0.24
Roof: Tiles on Concrete slab with R1.0 insulation and plasterboard - Unit 55
Roof: Tiles on Concrete slab with R4.0 insulation and plasterboard - Unit 55A

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EXTERNAL FINISHES SCHEDULE / PALETTE



ST01
SANDSTONE WALL



BK01
DRY PRESSED BRICKS
TO MATCH EXISTING



CON01
CONCRETE



PT01
NATURAL WHITE RENDERED PAINT FINISH



GL01
CLEAR GLASS



GL02
FLUTED GLASS



RF01
ZINC ROOFING
ZN01
ZINC DOWNPIPE TO MATCH

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

Generated on 17 Dec 2024 using AccuRate Sustainability V24.3.21

Property

Address 55 Gould Street,
Bondi, NSW, 2026

Lot/DP Lot - DP SP 12847

NatHERS climate zone 56

Accredited assessor

Brian Tepicanec
Brian Tepicanec Consultancy
briantepecanec@gmail.com
0407 929 659

Accreditation No. 100588

Assessor Accrediting Organisation ABSA



Verification

To verify this certificate, scan the QR code or visit hstar.com.au/QR/Generate?p=xfQVCloy. When using either link, ensure you are visiting hstar.com.au

Summary of all dwellings

Certificate number and link	Unit Number	Heating load (MJ/m ² /p.a.)	Cooling load (MJ/m ² /p.a.)	Total load (MJ/m ² /p.a.)	Star rating
0011628773		29.85	23.93	53.80	5.8
0011628765-01	A	45.32	13.33	58.65	5.4

(a) Dwellings

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) 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 private 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)	✓	✓	
(c) If a rating is specified in the table below for a future or appliance to be installed in the dwelling, the applicant must ensure that each such future and appliance meets the rating specified for it.		✓	✓
(d) The applicant must install an on demand hot water recirculation system which regulates all hot water use throughout the dwelling, where indicated for the "HW recirculation or diversion" column of the table below.		✓	✓
(e) The applicant must install:			
(aa) a hot water diversion system to all showers, kitchen sinks and all basins in the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below; and		✓	✓
(bb) a separate diversion tank (or tanks) connected to the hot water diversion systems of at least 100 litres. The applicant must connect the hot water diversion tank to all toilets in the dwelling.		✓	✓
(f) The applicant must not install a private swimming pool or spa for the dwelling, with a volume exceeding that specified for it in the table below.	✓	✓	
(g) If specified in the table, that pool or spa (or both) must have a pool cover or shading (or both).		✓	
(h) The pool or spa must be located as specified in the table:		✓	
(i) 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 run-off from the areas specified (excluding any area which supplies any other alternative water supply system), and to divert overflow as specified. Each system must be connected as specified.	✓	✓	✓
(i) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) 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, so that the dwelling's hot water is supplied by that central system.	✓	✓	✓
(c) The applicant must install, in each bathroom, kitchen and laundry of the dwelling, the ventilation system specified for that room in the table below. Each such ventilation system must have the operation control specified for it in the table.		✓	✓
(d) The applicant must install the cooling and heating systems specified for the dwelling under the "Living areas" and "Bedroom areas" headings of the "Cooling" and "Heating" columns in the table below. In the table below, under at least 1 living/bedroom area of the dwelling, if no cooling or heating system is specified in the table for "Living areas" or "Bedroom areas", then no systems may be installed in any such areas, if the term "zoned" is specified beside an air conditioning system, then the system must provide for daylight zoning between living areas and bedrooms.		✓	✓
(e) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Artificial lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that the "primary type of artificial lighting" for each such room in the dwelling is fluorescent lighting or light emitting diode (LED) lighting, if the term "dedicated" is specified for a particular room or area, then the light fittings in that room or area must only be capable of being used for fluorescent lighting or light emitting diode (LED) lighting.		✓	✓
(f) This commitment applies to each room or area of the dwelling which is referred to in a heading to 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 fitted with a window and/or skylight.	✓	✓	✓

(i) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(g) This commitment applies if the applicant installs a water heating system for the dwelling's pool or spa. The applicant must:			
(aa) install the system specified for the pool in the "Individual Pool" column of the table below (or alternatively must not install any system for the pool), if specified, the applicant must install a timer, to control the pool's pump; and		✓	
(bb) install the system specified for the spa in the "Individual Spa" column of the table below (or alternatively must not install any system for the spa), if specified, the applicant must install a timer to control the spa's pump.		✓	
(h) The applicant must install in the dwelling:			
(aa) the kitchen cook-top and oven specified for that dwelling in the "Appliances & other efficiency measures" column of the table below;		✓	
(bb) each appliance for which a rating is specified for that dwelling in the "Appliances & other efficiency measures" column of the table, and ensure that the appliance has that minimum rating; and		✓	✓
(cc) any clothes drying line specified for the dwelling in the "Appliances & other efficiency measures" column of the table;		✓	
(j) If specified in the table, the applicant must carry out the development so that each refrigerator space in the dwelling is "well ventilated".		✓	
(ii) Thermal Comfort	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must attach the certificate referred to under "Assessor details" on the front page of this BASIX certificate (the "Assessor Certificate") to the development application and construction certificate application for the proposed development (or, if the applicant is applying for a complying development certificate for the proposed development, to that application). The applicant must also attach the Assessor Certificate to the application for a final occupation certificate for the proposed development.			
(b) The Assessor Certificate must have been issued by an Accredited Assessor in accordance with the Thermal Comfort Protocol.			
(c) The details of the proposed development on the Assessor Certificate must be consistent with the details shown in this BASIX Certificate, including the details shown in the "Thermal Loads" table below.			
(d) 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 certify that this is the case.	✓		
(e) The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), all thermal performance specifications set out in the Assessor Certificate, and all aspects of the proposed development which were used to calculate those specifications.		✓	
(f) The applicant must construct the development in accordance with all thermal performance specifications set out in the Assessor Certificate, and in accordance with those aspects of the development application or application for a complying development certificate which were used to calculate those specifications.		✓	✓
(g) Where there is an in-slab heating or cooling system, the applicant must:			
(aa) install insulation with an R-value of not less than 1.0 around the vertical edges of the perimeter of the slab; or			
(bb) 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.	✓	✓	✓
(h) The applicant must construct the floors and walls of the development in accordance with the specifications listed in the table below:	✓	✓	✓

LEGEND:

+RL 00.00 FINISHED SPOT OR SURFACE LEVEL

FFL 00.00 FINISHED FLOOR LEVEL

00.000 SURVEY SPOT LEVEL

EXISTING TO BE RETAINED

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EXISTING WINDOW / DOOR



NEW WINDOW / DOOR

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NSW 6672

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DRAWING NO: DA001
ISSUE NO: A
JOB NO: GOU2212

AMENDING DA

DRAWING TITLE:
DRAWING REGISTER + BASIX + FINISHES
SCHEDULE

PROJECT ADDRESS:
55 GOULD STREET, BONDI BEACH

CLIENT:
IVKA NEWTOWN PTY LTD



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 - ± 00.000 SURVEY SPOT LEVEL
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- KEY:
- EXISTING WINDOW / DOOR
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JOB NO: GOU2212

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DRAWING TITLE:
SITE CONTEXT

PROJECT ADDRESS:
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CLIENT:
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1 SITE ANALYSIS
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00.000 SURVEY SPOT LEVEL
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EXISTING TO BE DEMOLISHED

W/D EXISTING WINDOW / DOOR
W/D NEW WINDOW / DOOR

KEY:
Scale 1 : 500 @ A3
0 2.5m 5m 10m 20m

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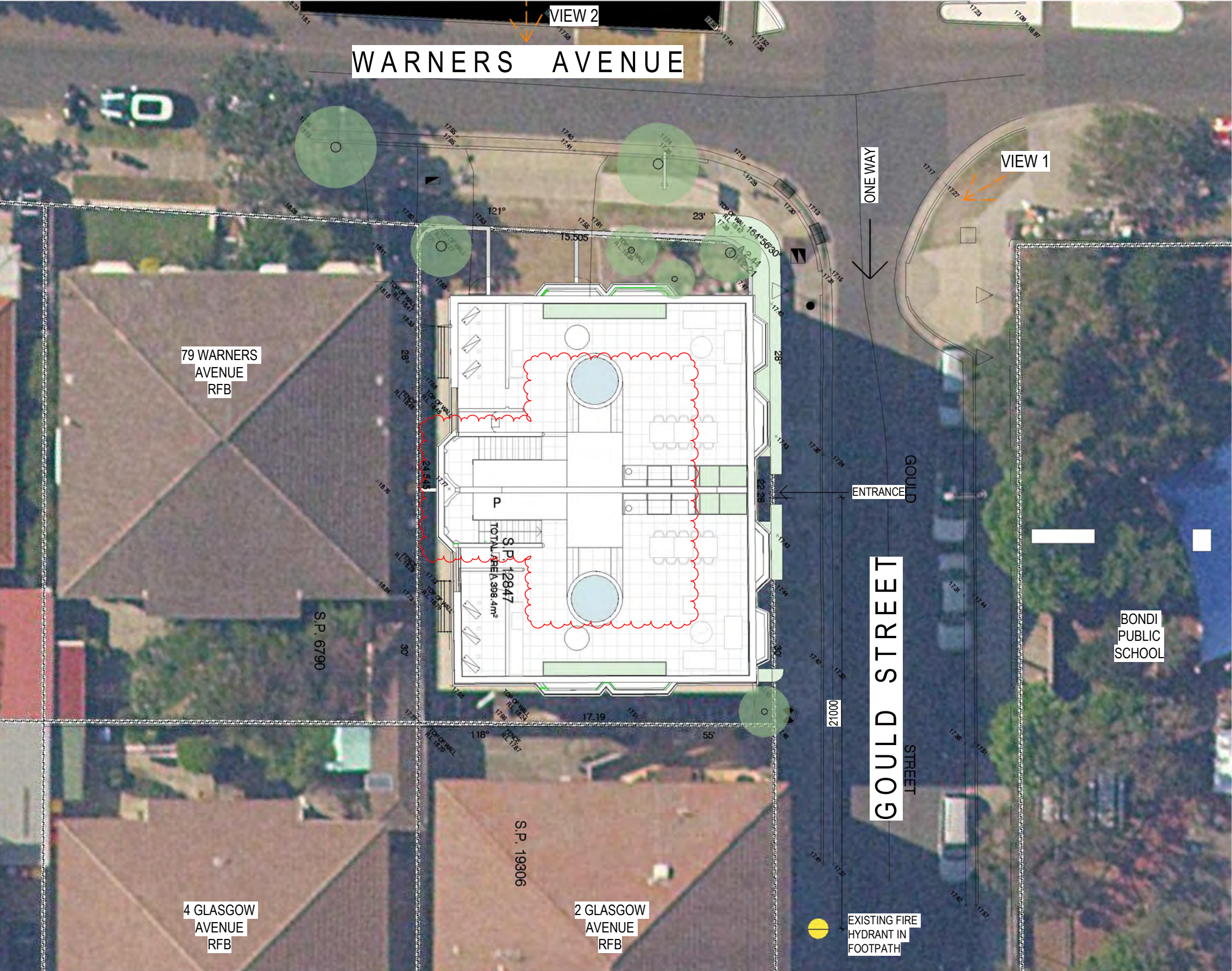
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KEY:

Scale 1 : 200 @ A3

0 1m 2m 4m 8m

EXISTING WINDOW / DOOR

NEW WINDOW / DOOR

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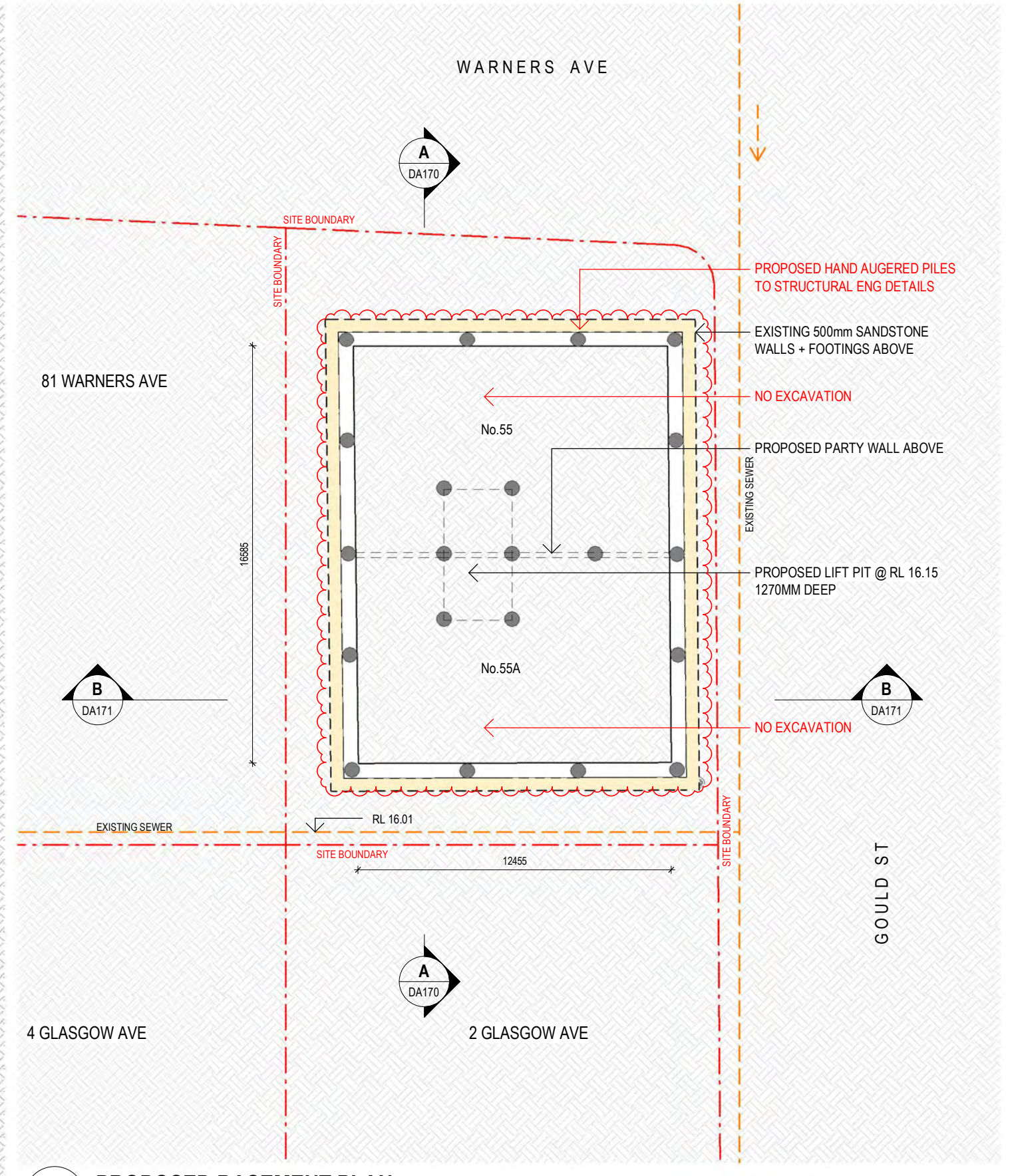
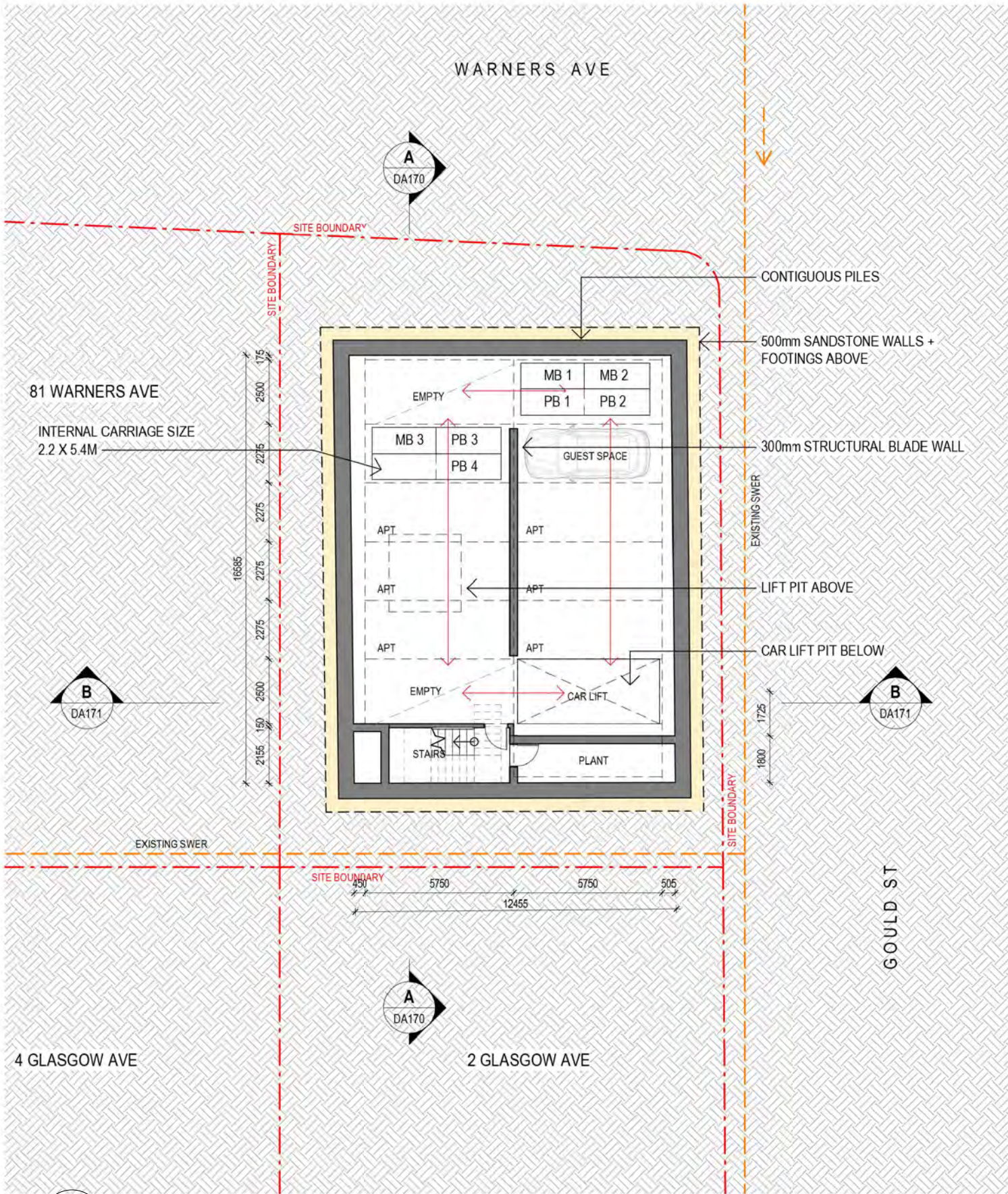
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00.000	SURVEY SPOT LEVEL
	EXISTING TO BE RETAINED
	EXISTING TO BE DEMOLISHED
	EXISTING WINDOW / DOOR
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KEY:
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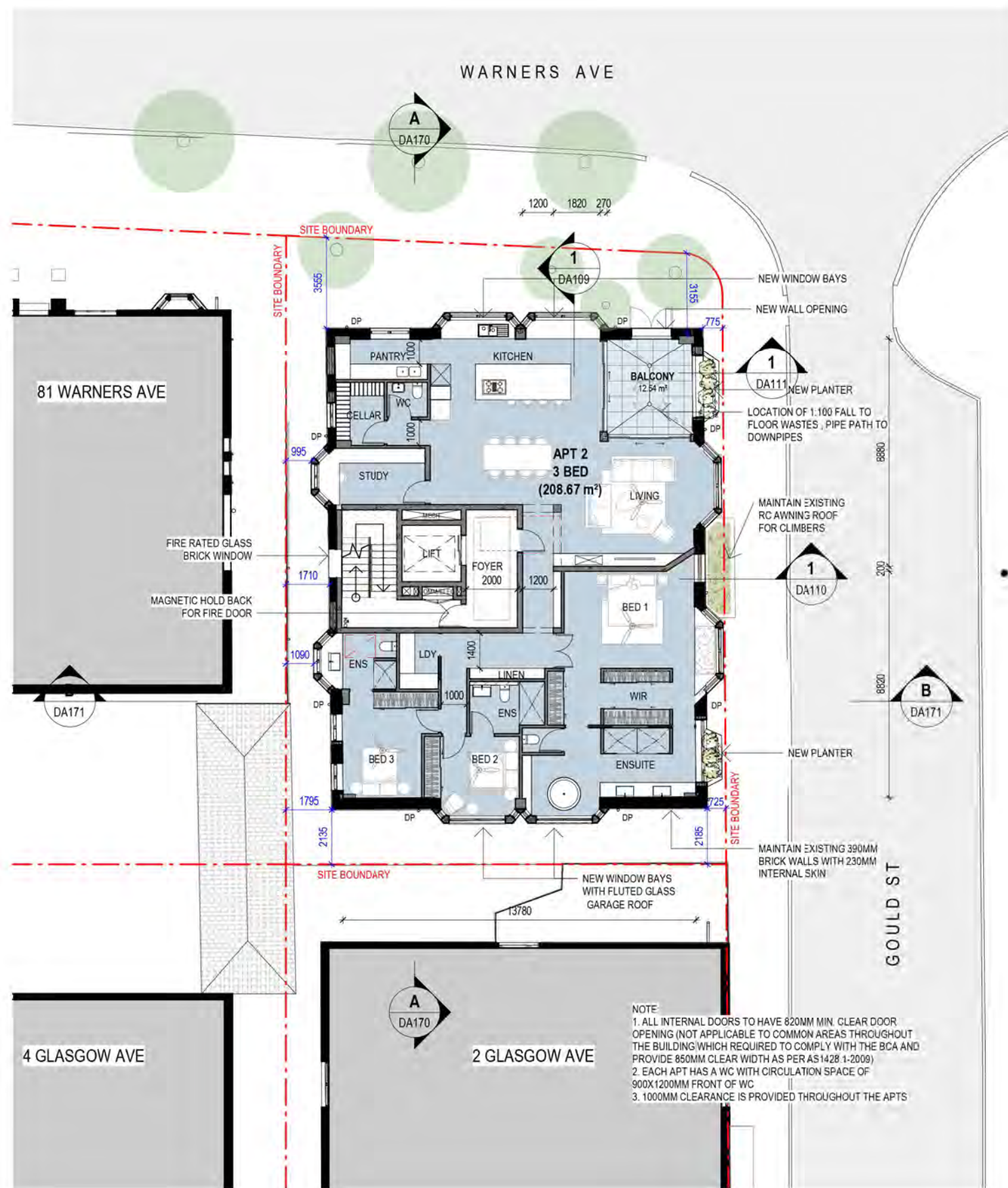
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1 DA APPROVED - FIRST FLOOR
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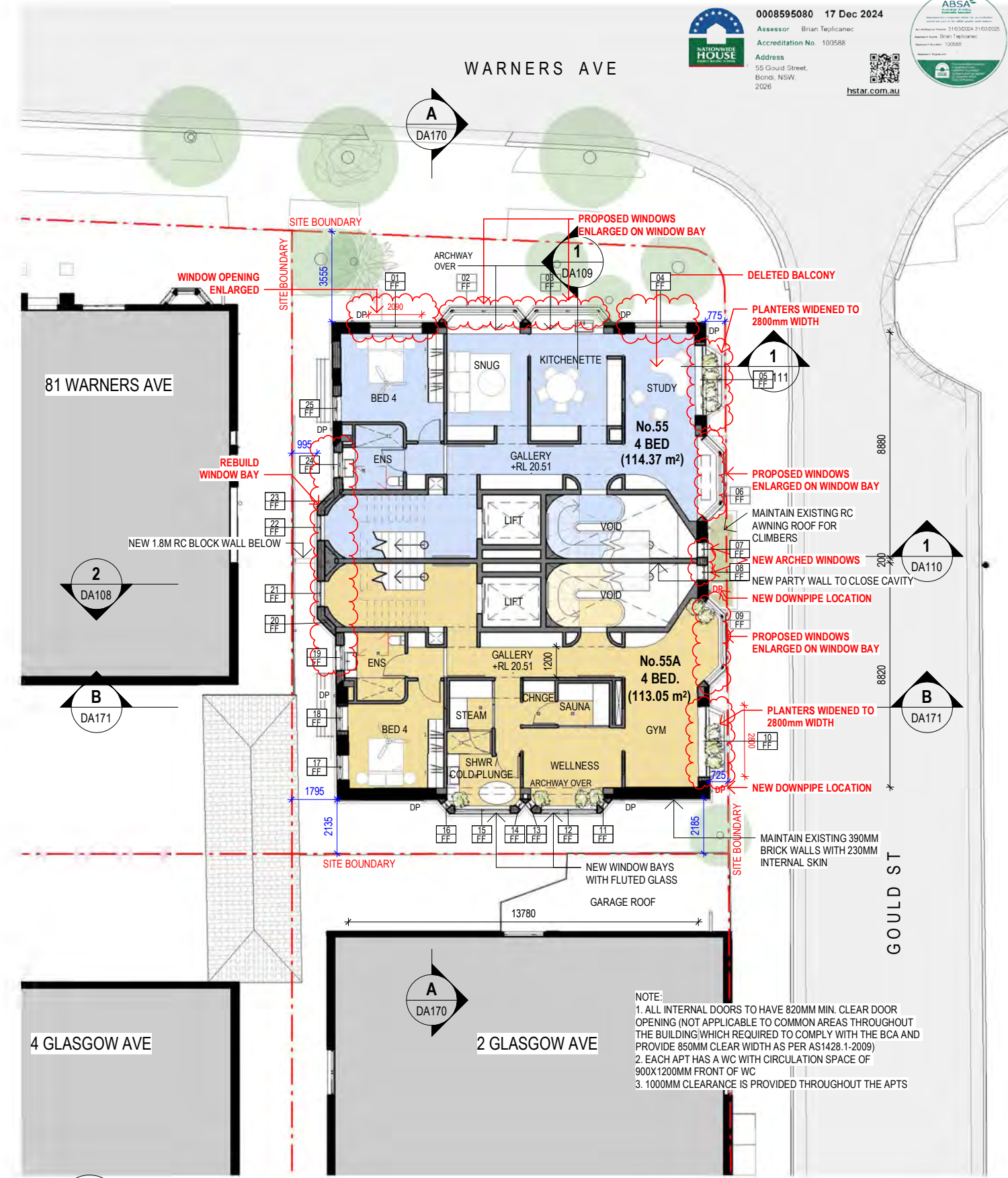
EXISTING WINDOW / DOOR
NEW WINDOW / DOOR

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0 1m 2m 4m 8m

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2 PROPOSED PLAN - FIRST FLOOR
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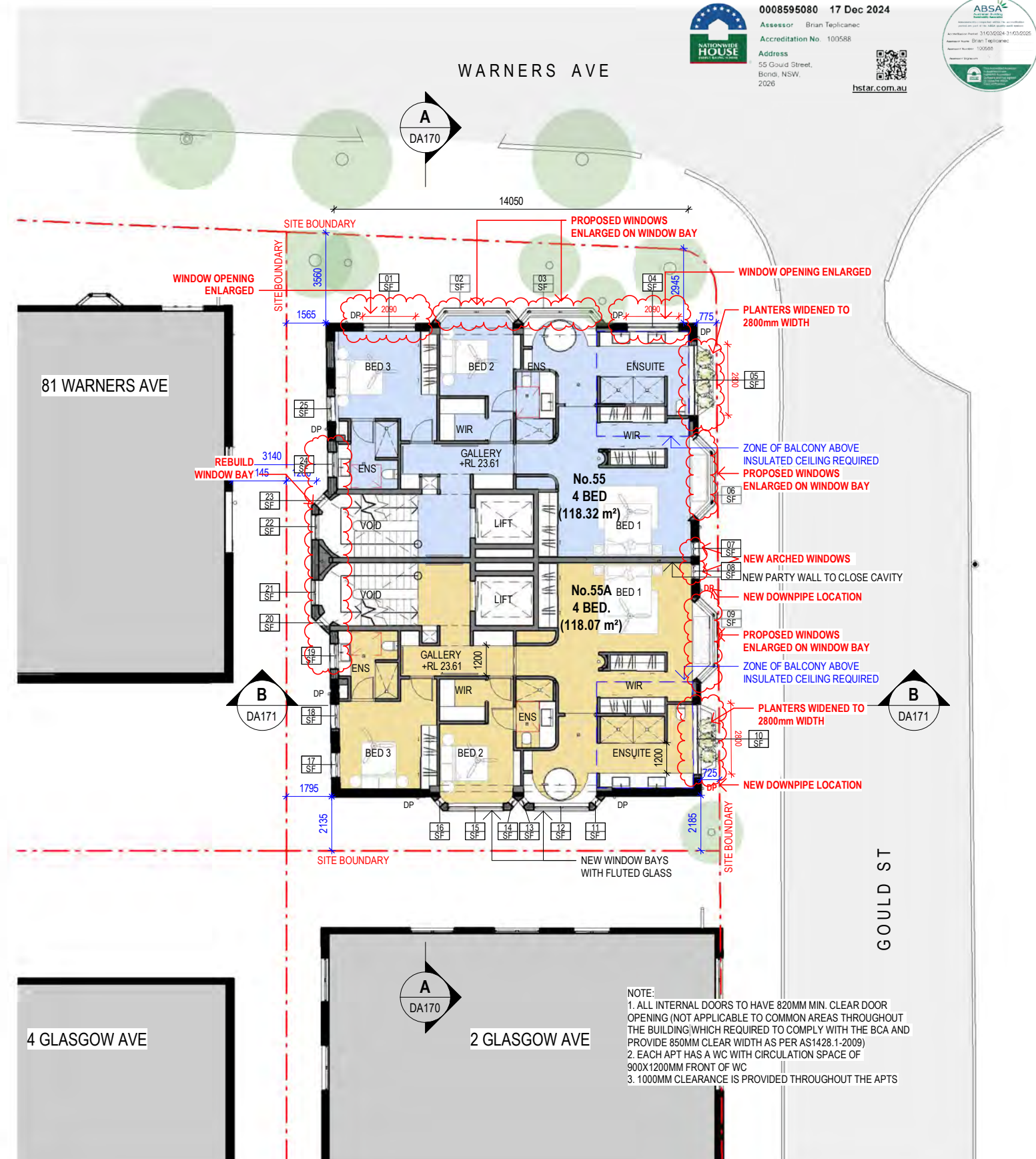
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0008595080 17 Dec 2024
Assessor Brian Tapicaneac
Accreditation No. 100588
Address
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Bondi, NSW,
2026
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1 DA APPROVED - SECOND FLOOR
scale - 1 : 200@ A3

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

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FFL 00.00 FINISHED FLOOR LEVEL
00.00 SURVEY SPOT LEVEL
EXISTING TO BE RETAINED
EXISTING TO BE DEMOLISHED

W/D EXISTING WINDOW / DOOR
W/D NEW WINDOW / DOOR

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

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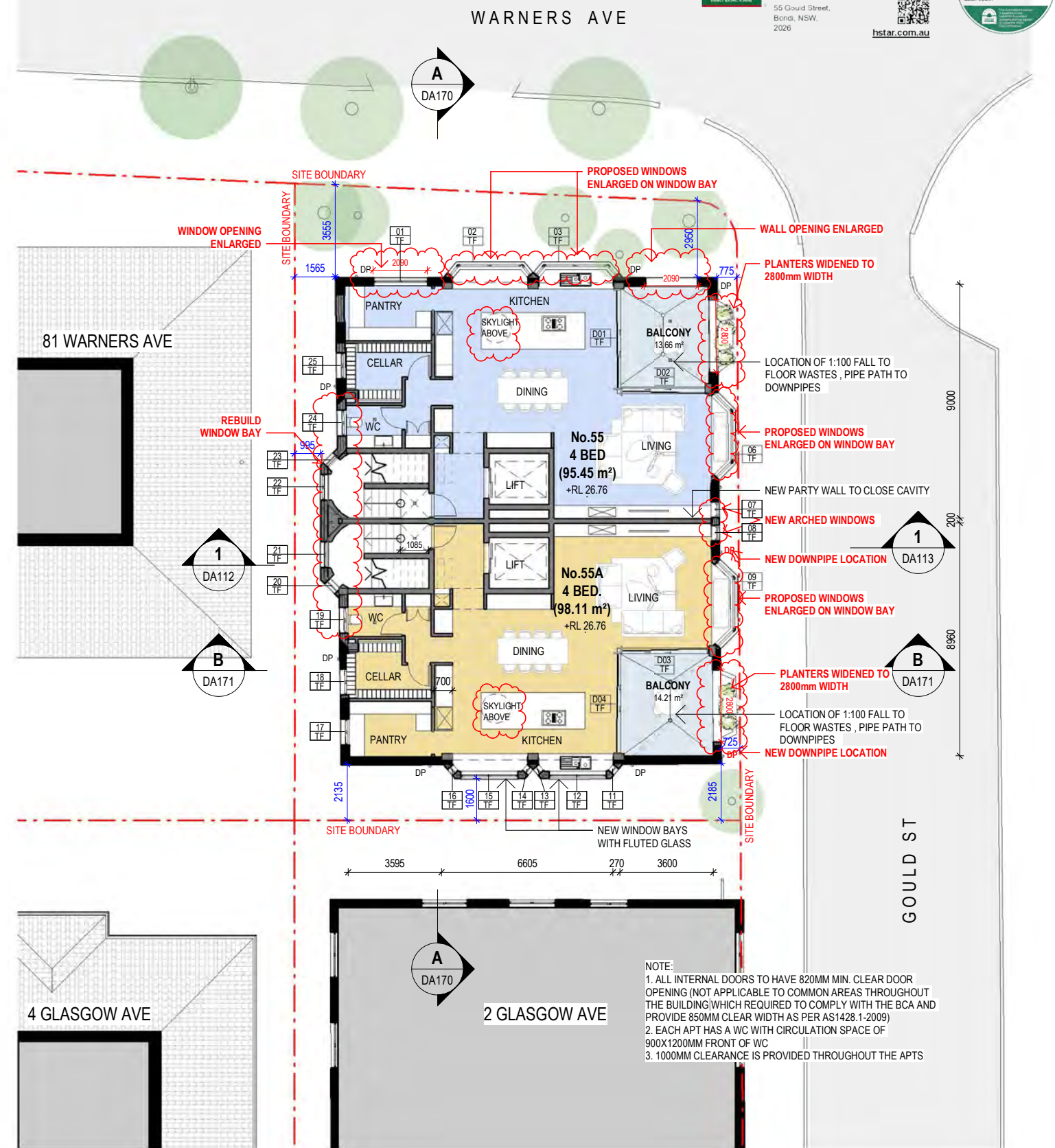
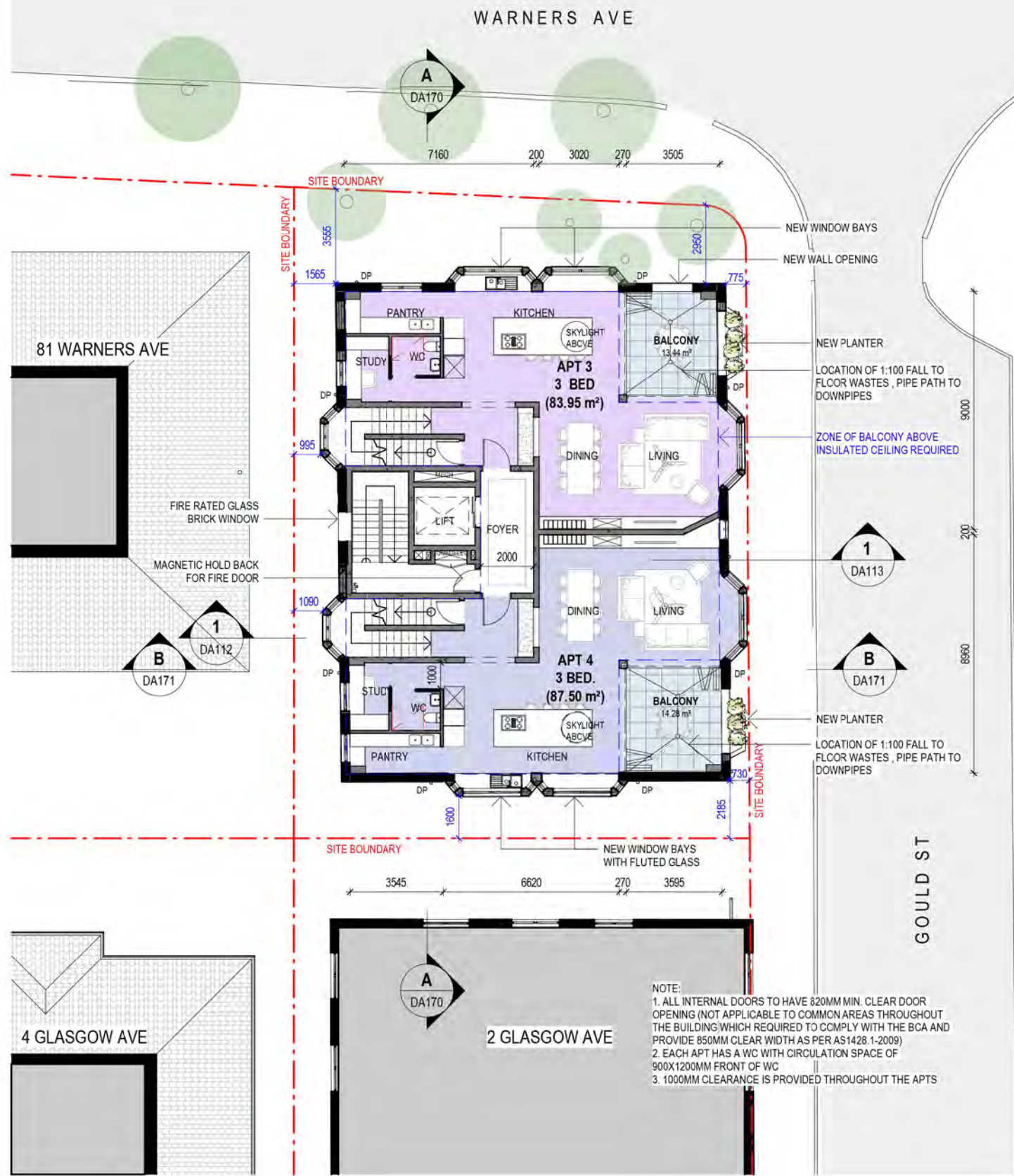
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1 DA APPROVED - THIRD FLOOR
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2 PROPOSED PLAN - THIRD FLOOR
scale - 1 : 200@ A3

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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
0 1m 2m 4m 8m

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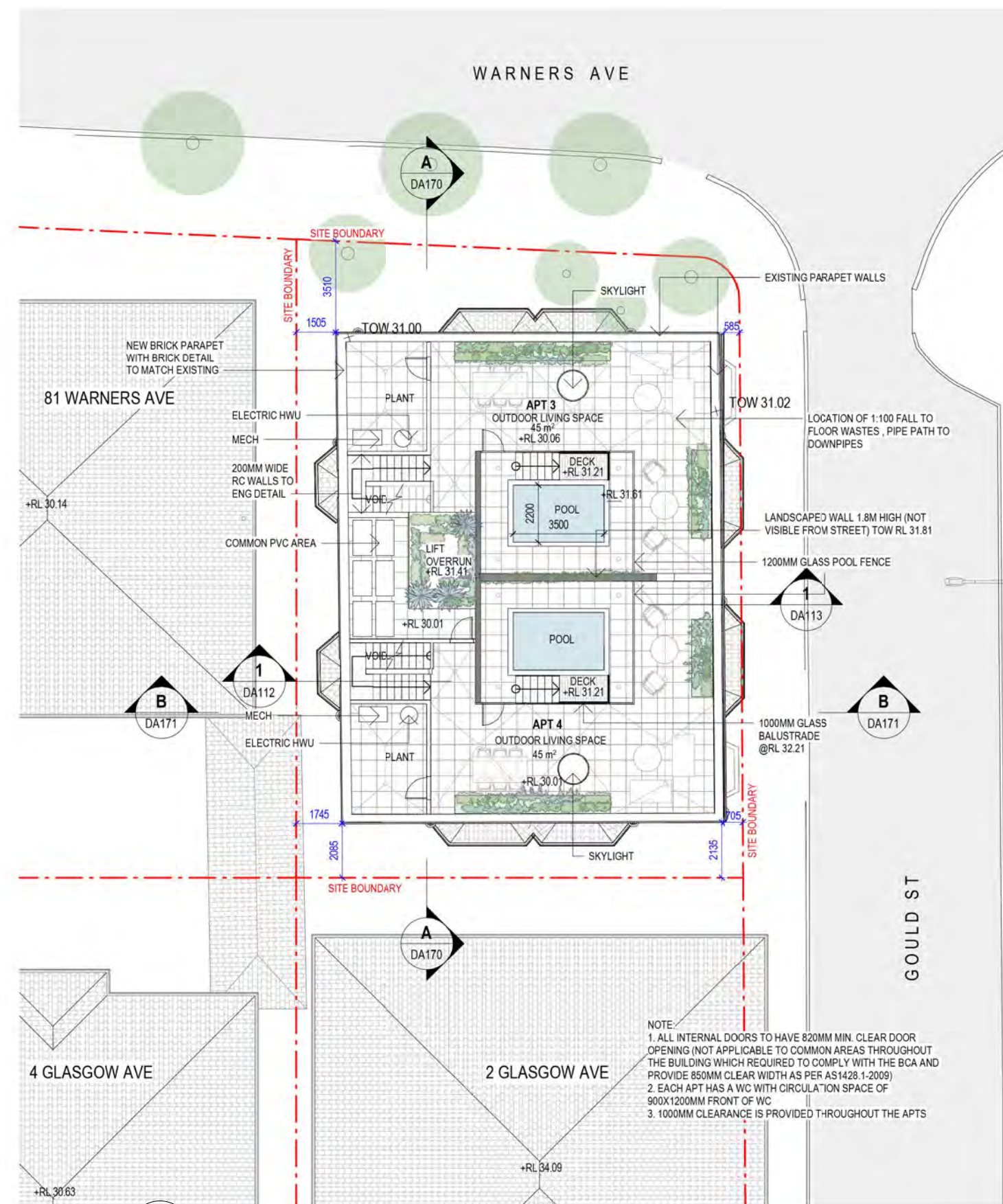
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JOB NO: GOU2212

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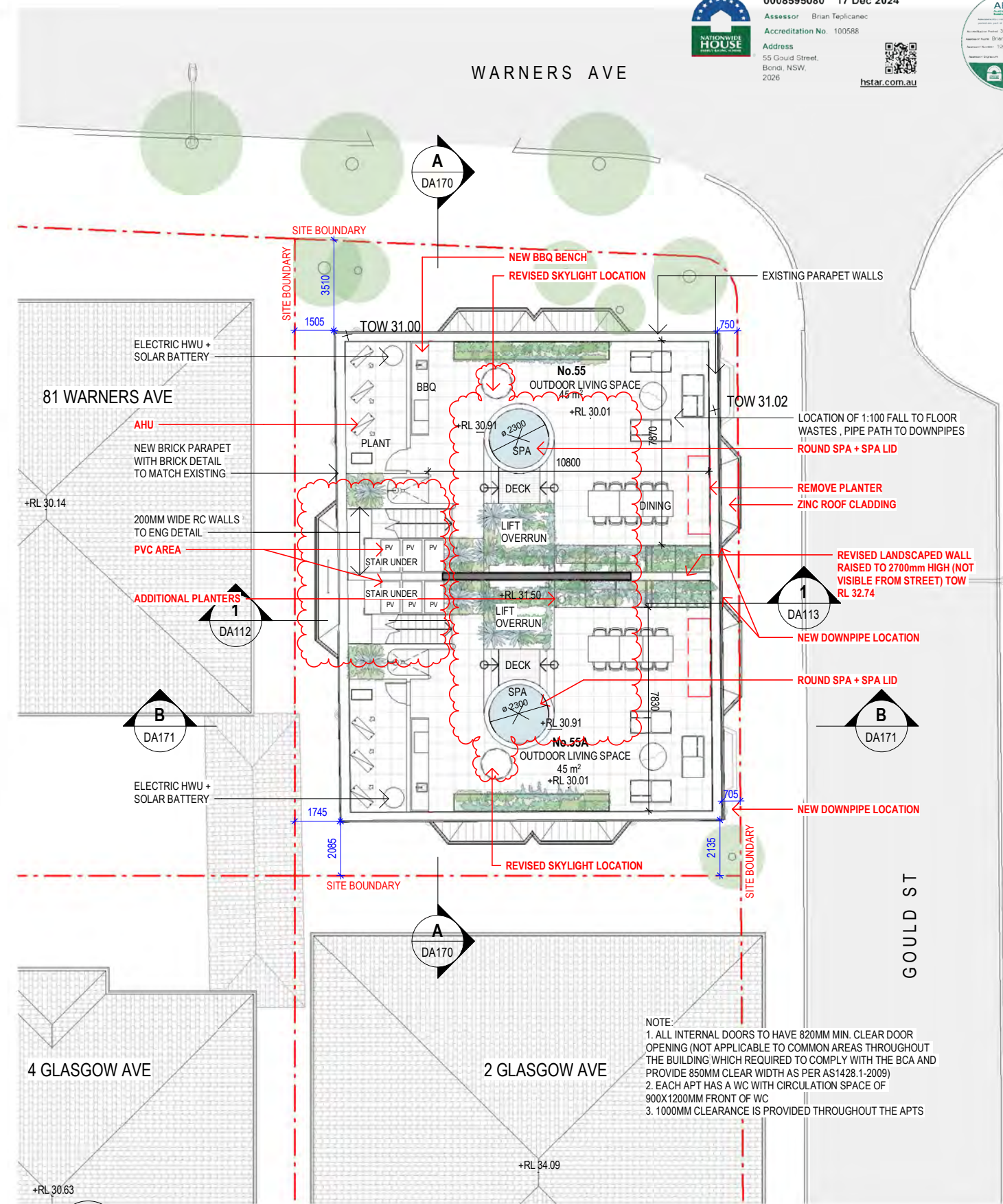
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DA APPROVED + PROPOSED PLANS -
THIRD FLOOR
PROJECT ADDRESS:
55 GOULD STREET, BONDI BEACH
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1 DA APPROVED - ROOF TERRACE
scale - 1 : 200@ A3



2 PROPOSED PLAN - ROOF TERRACE
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EXISTING WINDOW / DOOR
NEW WINDOW / DOOR

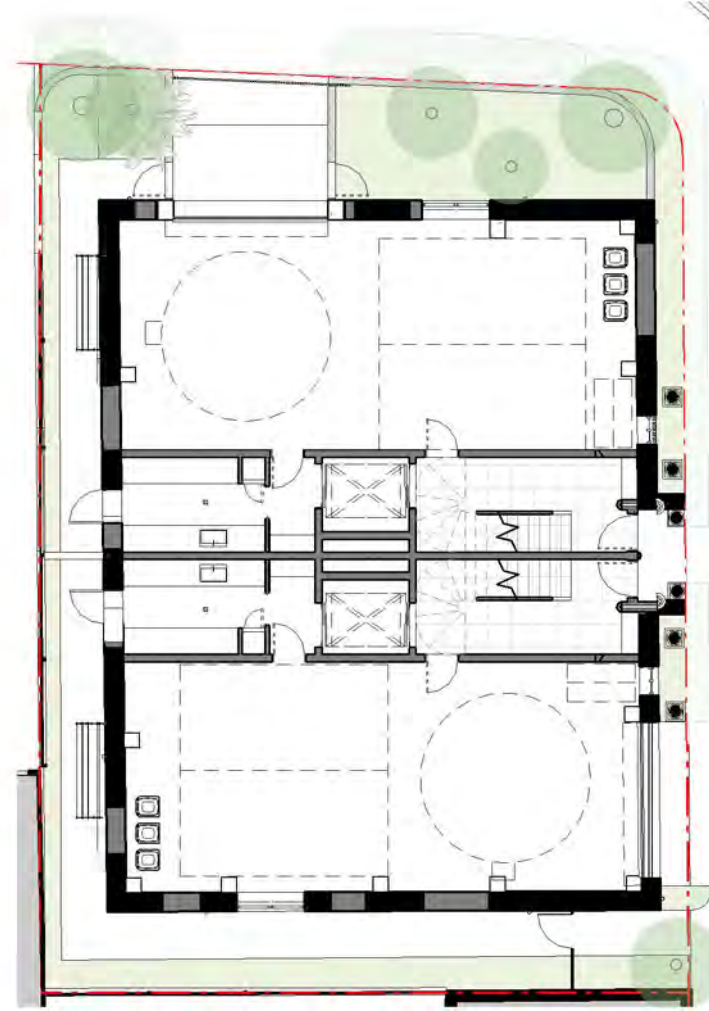
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ISSUE NO: A
JOB NO: GOU2212
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DRAWING TITLE:
DA APPROVED + PROPOSED PLANS - ROOF
TERRACE
PROJECT ADDRESS:
55 GOULD STREET, BONDI BEACH
CLIENT:
IVKA NEWTOWN PTY LTD



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

LANDSCAPING

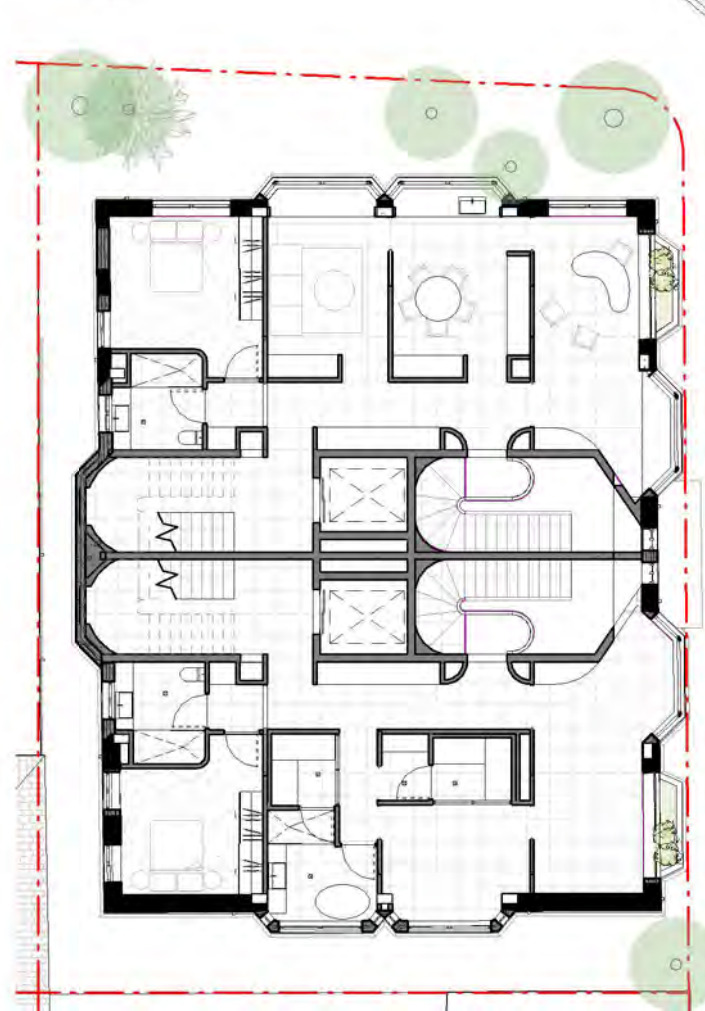
SITE AREA: 398.4 M²
LANDSCAPE AREA REQUIRED: 20% OF SITE AREA = 79.68 M²
DEEP SOIL AREA REQUIRED: 50% OF LANDSCAPE ARE = 39.84M²

PROPOSED LANDSCAPE AREA

GROUND FLOOR: 63.81 M² (DEEP SOIL: 63.81 M²)
LEVEL 1 : 1.97 M²
LEVEL 2 : 1.97 M²
LEVEL 3 : 1.97 M²
ROOFTOP: 41.97 M²

TOTAL LANDSCAPING AREA: 111.69 M²
28% OF SITE AREA

TOTAL DEEP SOIL AREA: 63.81 M²
57.13% OF LANDSCAPE AREA



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

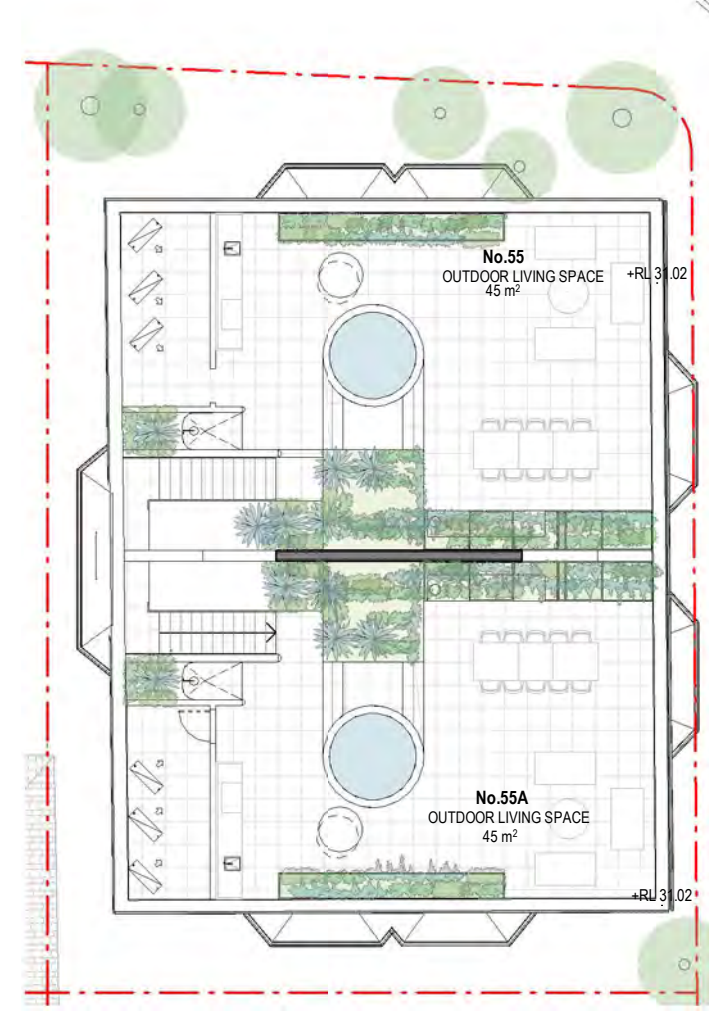
OPEN SPACE

SITE AREA: 398.4 M²
OPEN SPACE AREA REQUIRED: 40% OF SITE AREA = 159.36 M²

PROPOSED OPEN SPACE AREA

ROOFTOP: 183.14 M²

TOTAL OPEN SPACE AREA: 183.14 M²
45.9% OF SITE AREA



3 **PROPOSED PLAN - ROOF TERRACE**
scale - 1 : 200@ A3

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00.000 SURVEY SPOT LEVEL
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W/D EXISTING WINDOW / DOOR
W/D NEW WINDOW / DOOR

KEY:
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0 1m 2m 4m 8m

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ISSUE NO: A
JOB NO: GOU2212

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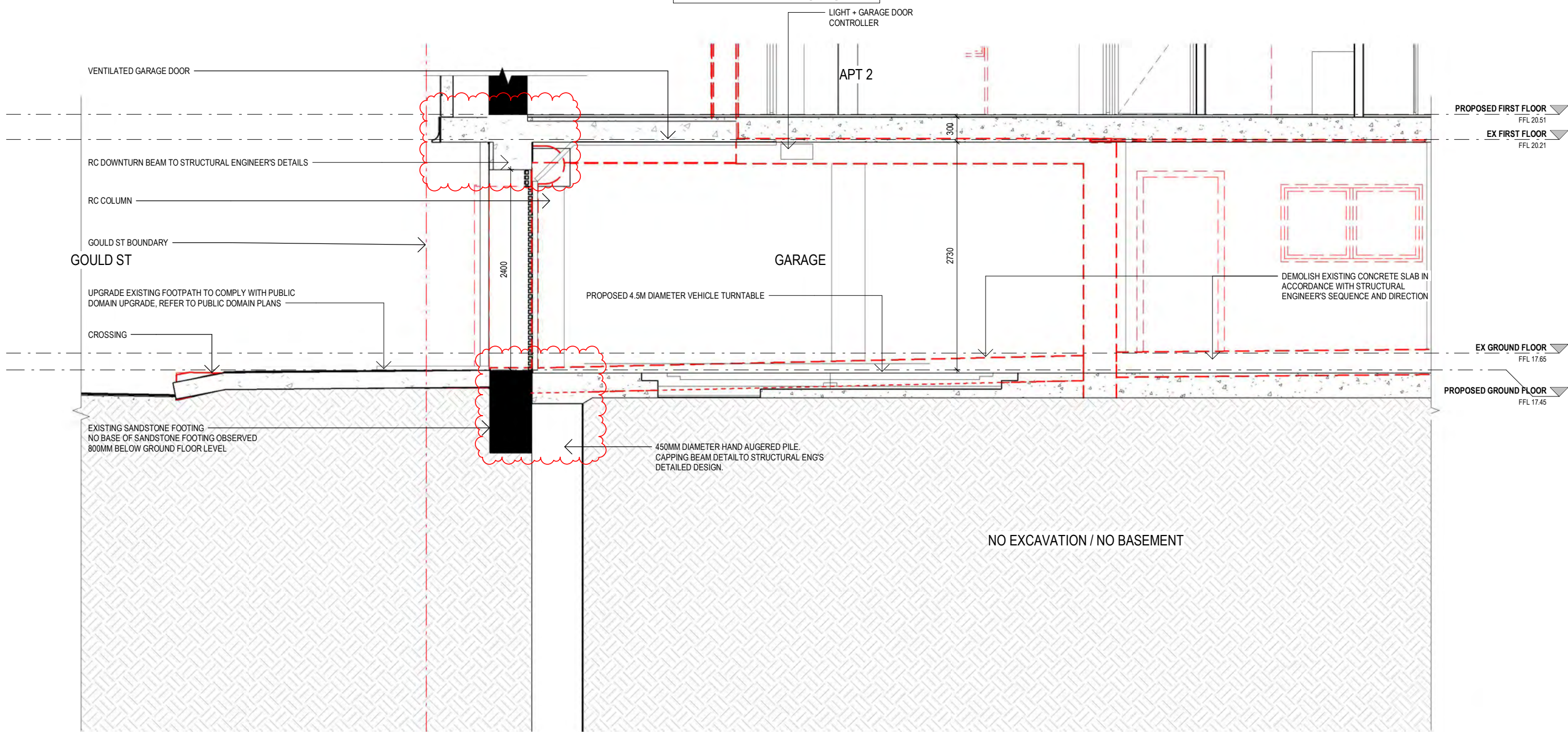
DRAWING TITLE:
LANDSCAPE CALCULATION

PROJECT ADDRESS:
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1 Garage Section - Vehicle loading + unloading joinery
scale - 1 : 50 @ A3

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± 00.000	SURVEY SPOT LEVEL		
	EXISTING TO BE RETAINED		
	EXISTING TO BE DEMOLISHED		

KEY:

Scale 1 : 50 @ A3

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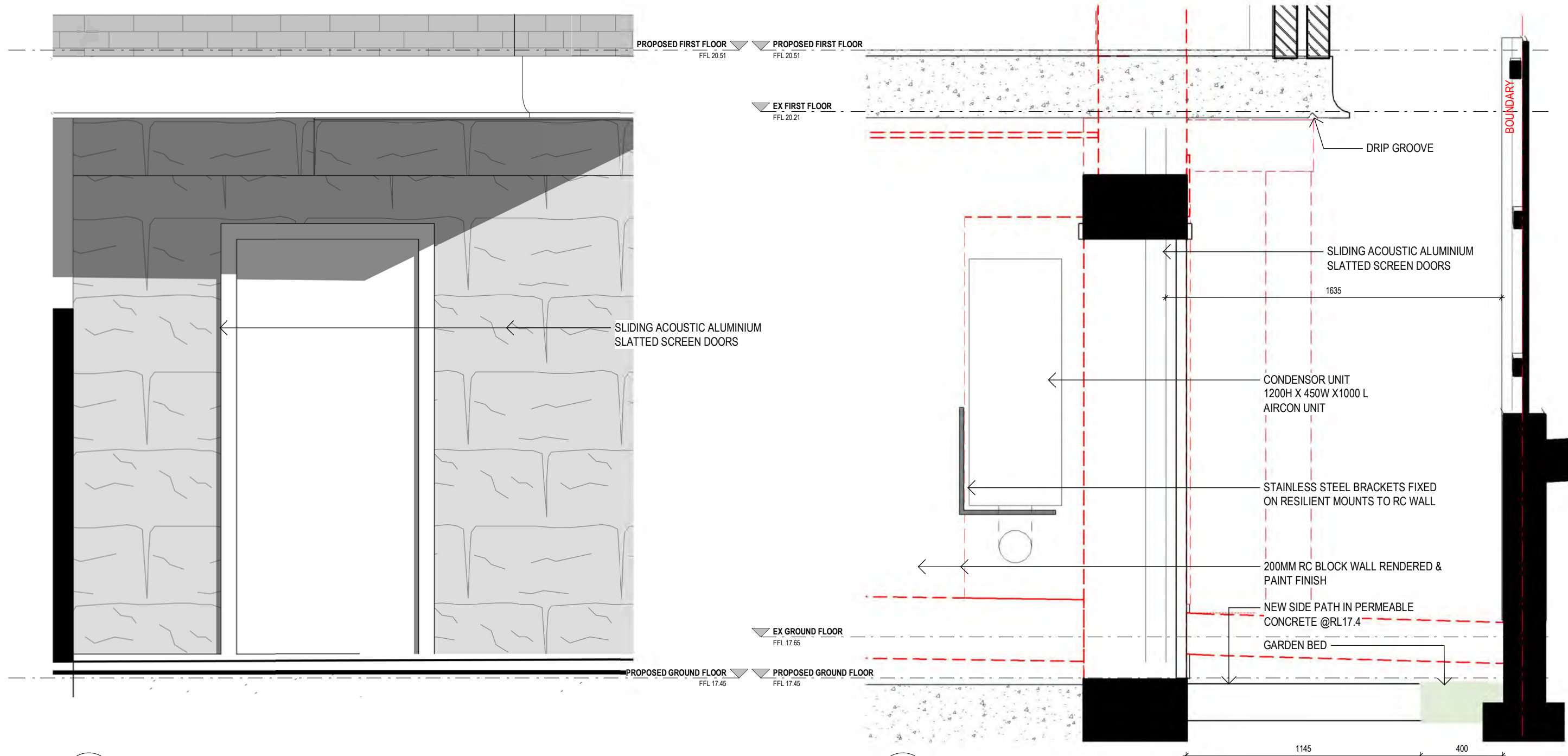
DRAWING NO:	ISSUE NO:	JOB NO:
DA107	A	GOU2212

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DRAWING TITLE:
GARAGE DETAIL

PROJECT ADDRESS:
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1 **PROPOSED WEST ELEVATION - Callout 1**
scale - 1 : 20@ A3

2 **Section 3**
scale - 1 : 20@ A3

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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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KEY:
Scale 1 : 20 @ A3
0 0.1m 0.2m 0.4m 0.8m

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Ben White - PULSE WHITE NOISE ACOUSTICS

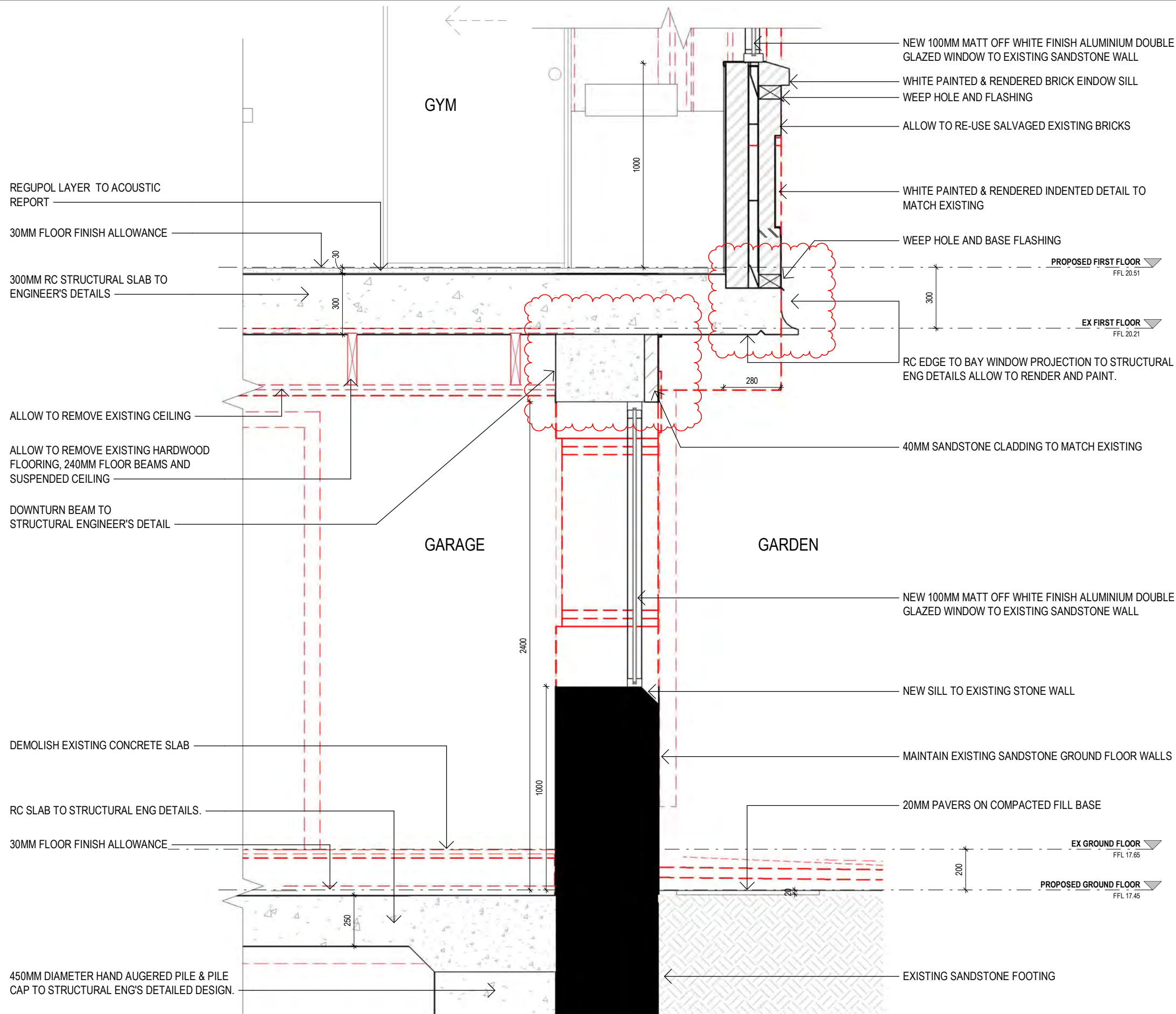
DRAWING NO: DA108
ISSUE NO: A
JOB NO: GOU2212

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DRAWING TITLE:
AIRCON SCREEN

PROJECT ADDRESS:
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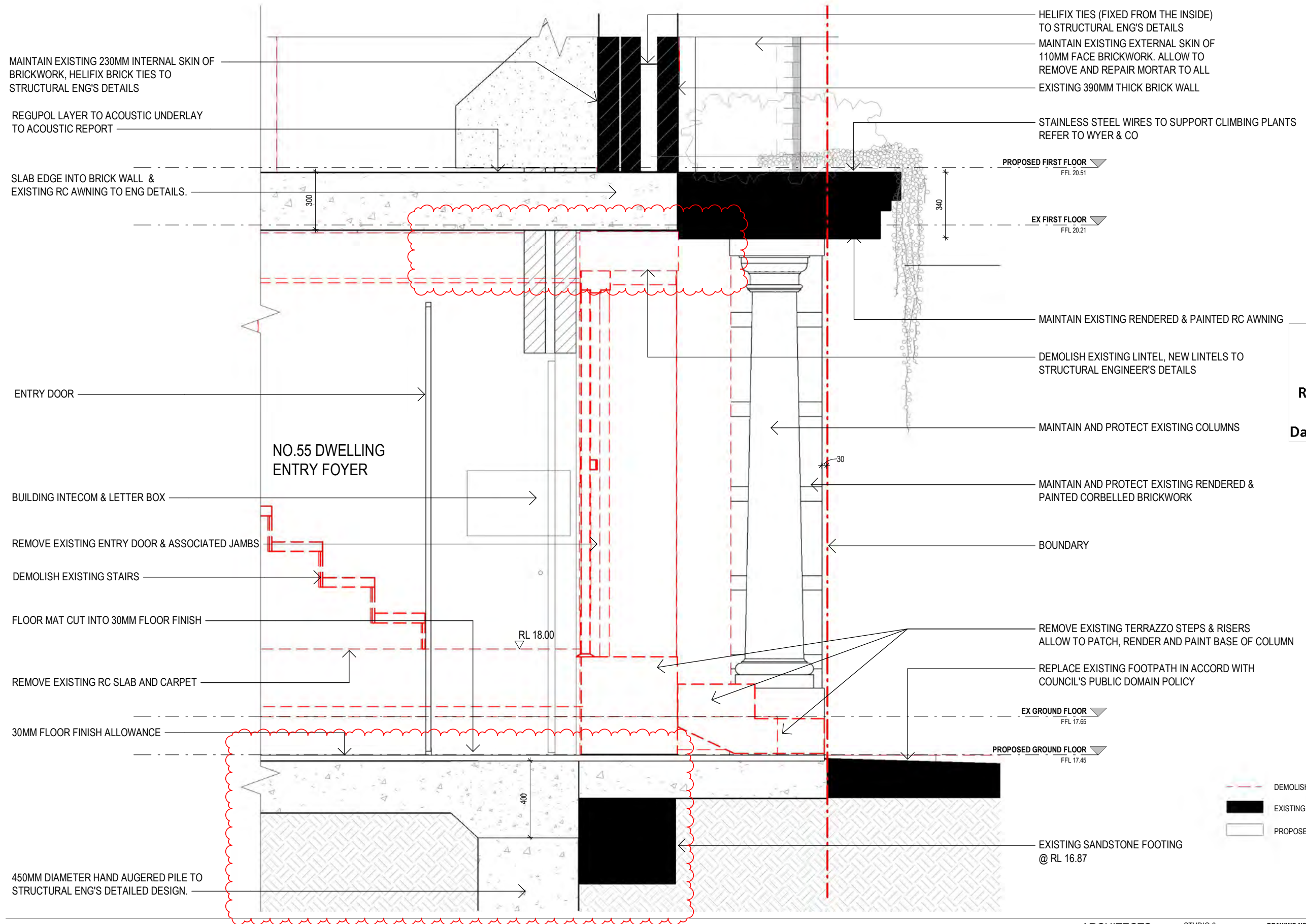
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ISSUE NO: A
JOB NO: GOU2212

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DRAWING TITLE:
FACADE DETAIL 1

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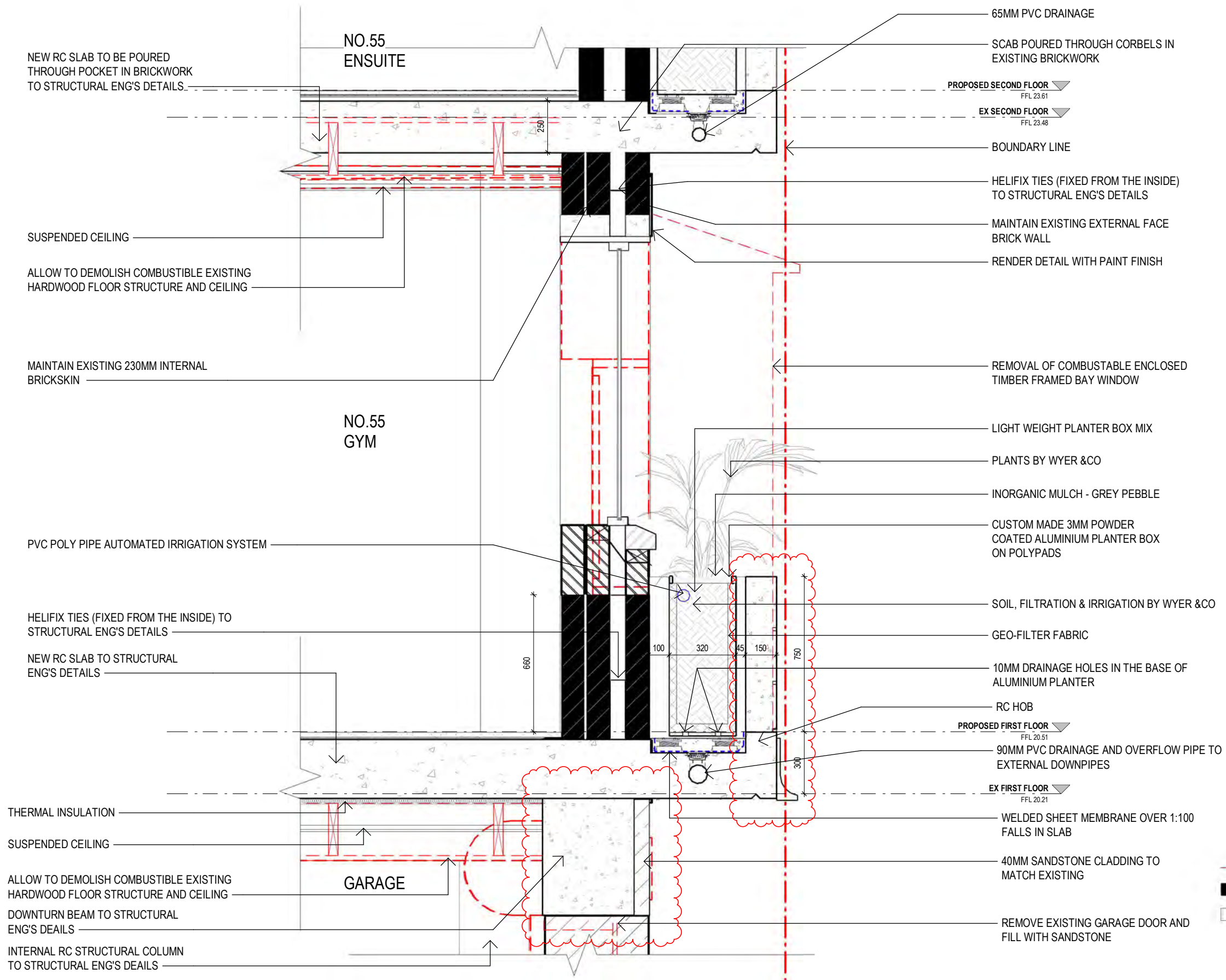
DRAWING NO: DA110
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DRAWING TITLE:
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JOB NO: GOU2212

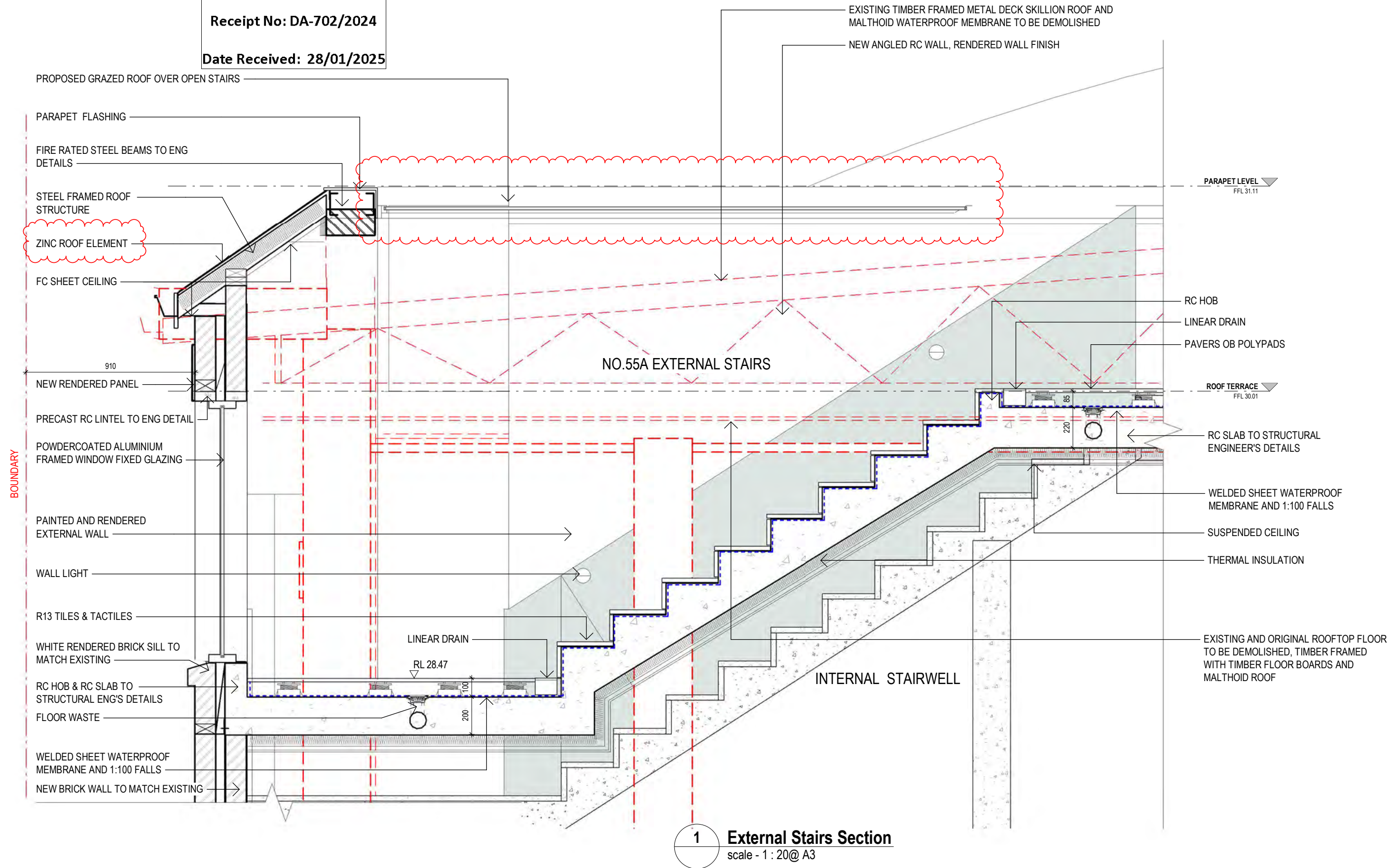
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DRAWING TITLE:
FACADE DETAIL 3

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KEY:

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0 0.1m 0.2m 0.4m 0.8m

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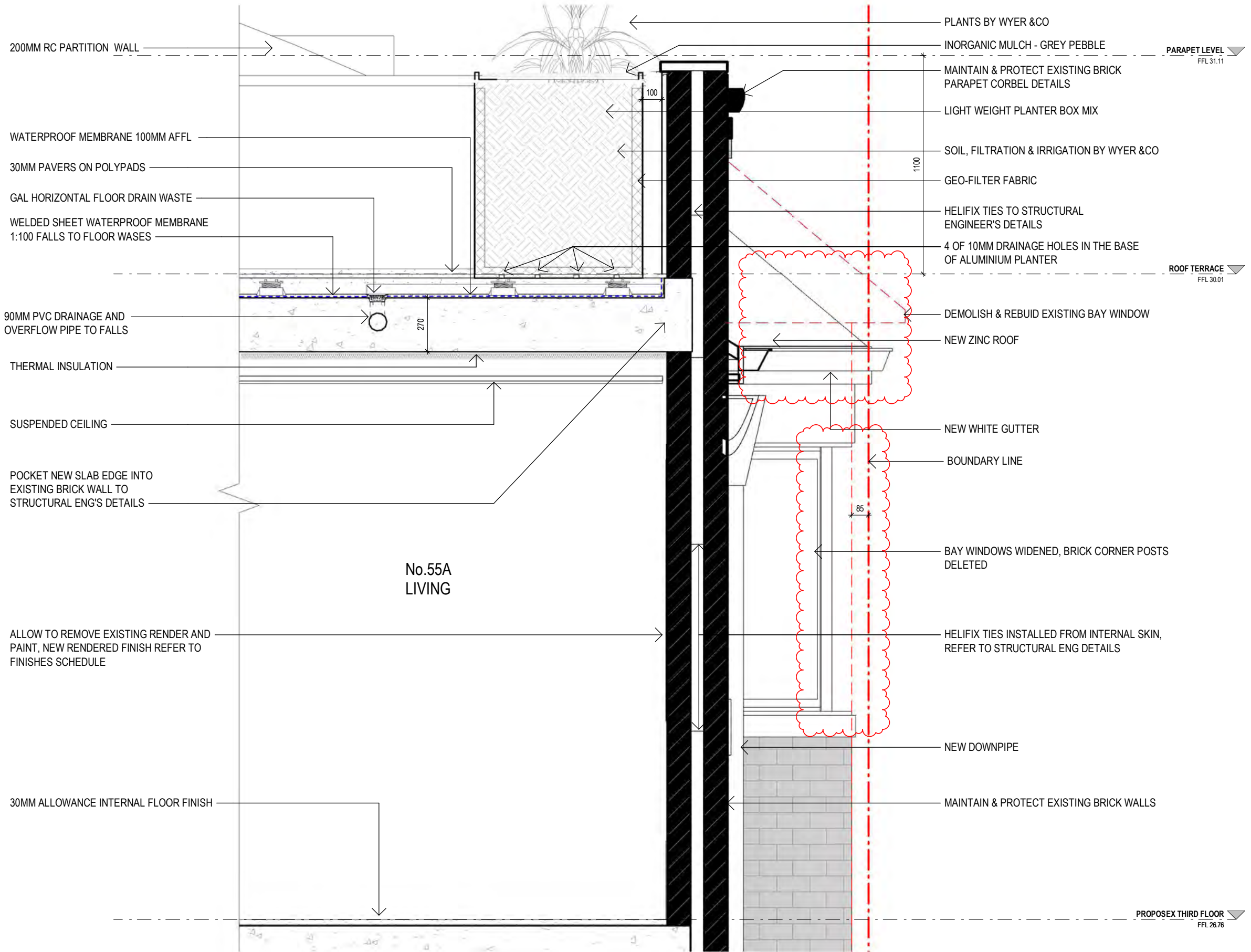
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W/D NEW WINDOW / DOOR

KEY:

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0 0.1m 0.2m 0.4m 0.8m

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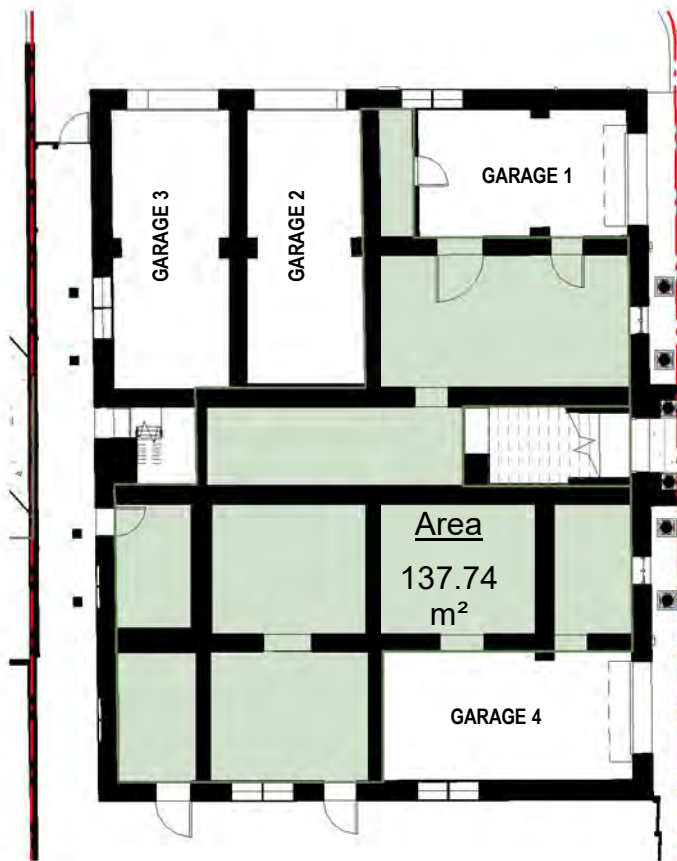
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JOB NO: GOU2212

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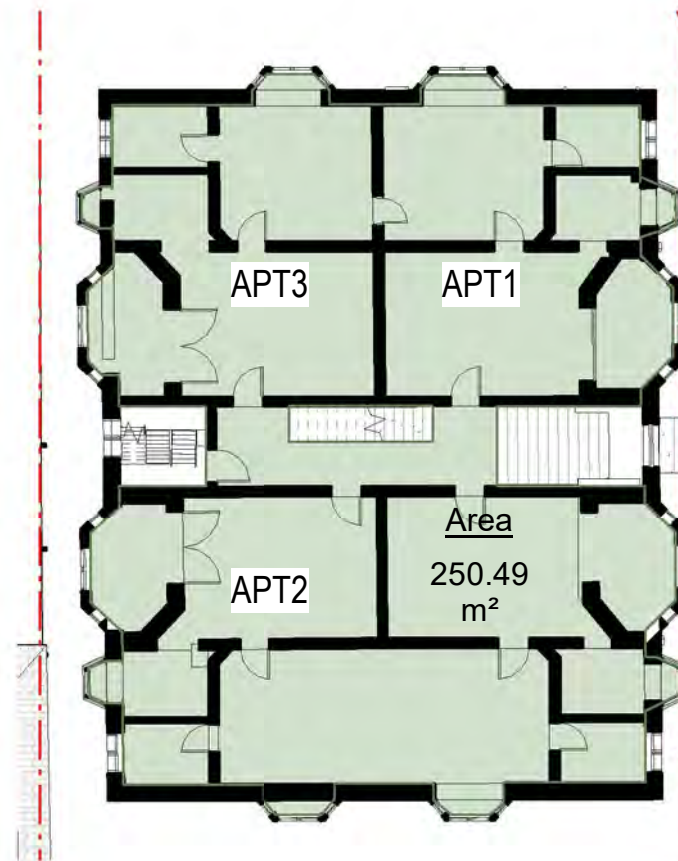
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ROOF TOP PARAPET DETAIL

PROJECT ADDRESS:
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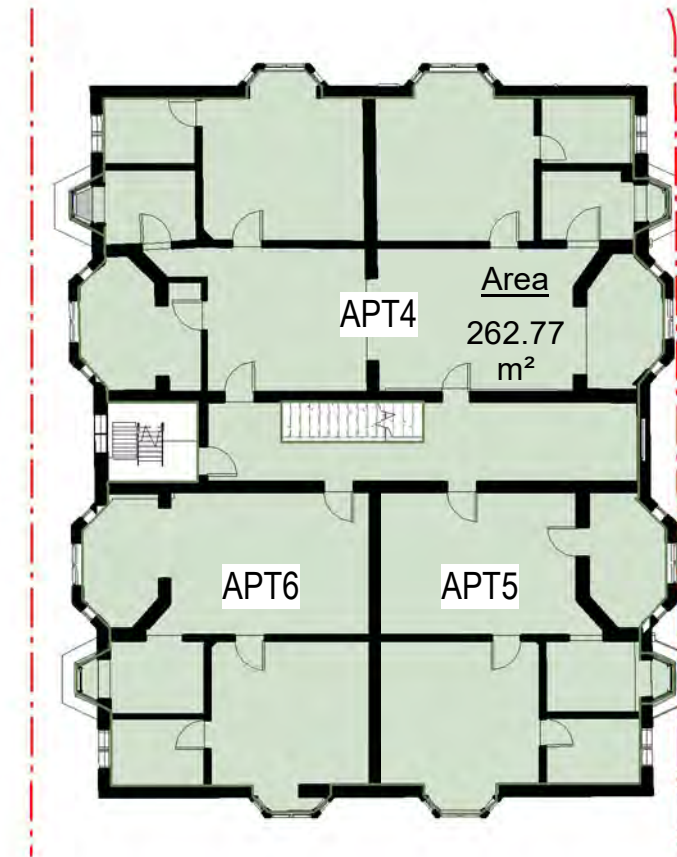
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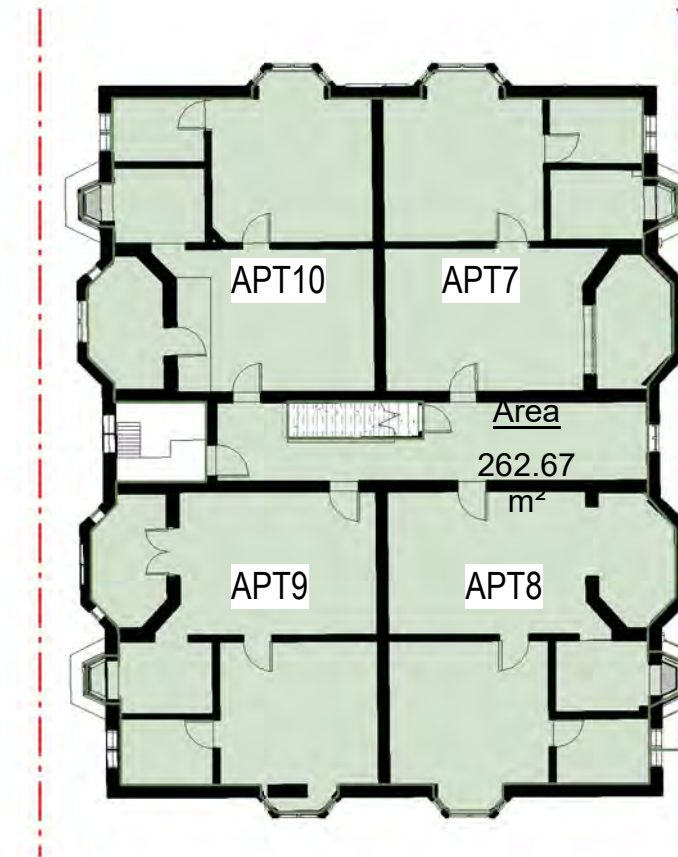
GROUND FLOOR



FIRST FLOOR



SECOND FLOOR



THIRD FLOOR

SITE AREA: 398.4 M²

EXISTING FSR : 2.29 : 1

NO OF APARTMENTS : 10

EXISTING GFA

LEVEL	AREA
PROPOSED GROUND FLOOR	137.74 m ²
PROPOSED FIRST FLOOR	250.49 m ²
PROPOSED SECOND FLOOR	262.77 m ²
PROPOSED THIRD FLOOR	262.67 m ²
TOTAL GFA	913.66 m ²

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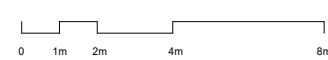
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KEY:

Scale 1 : 200 @ A3



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ISSUE NO: A
JOB NO: GOU2212

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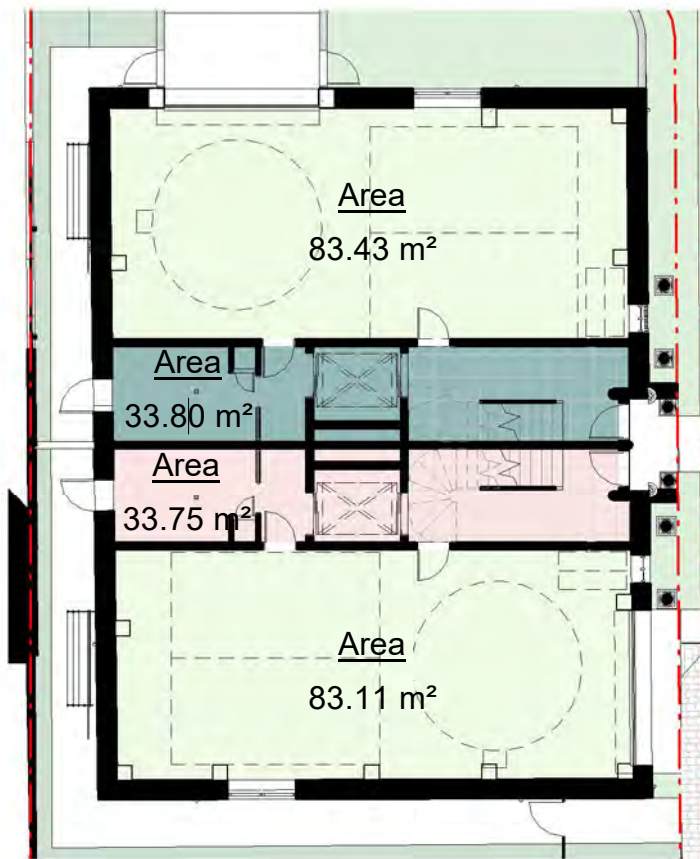
DRAWING TITLE:
EXISTING GFA PLANS

PROJECT ADDRESS:
55 GOULD STREET, BONDI BEACH

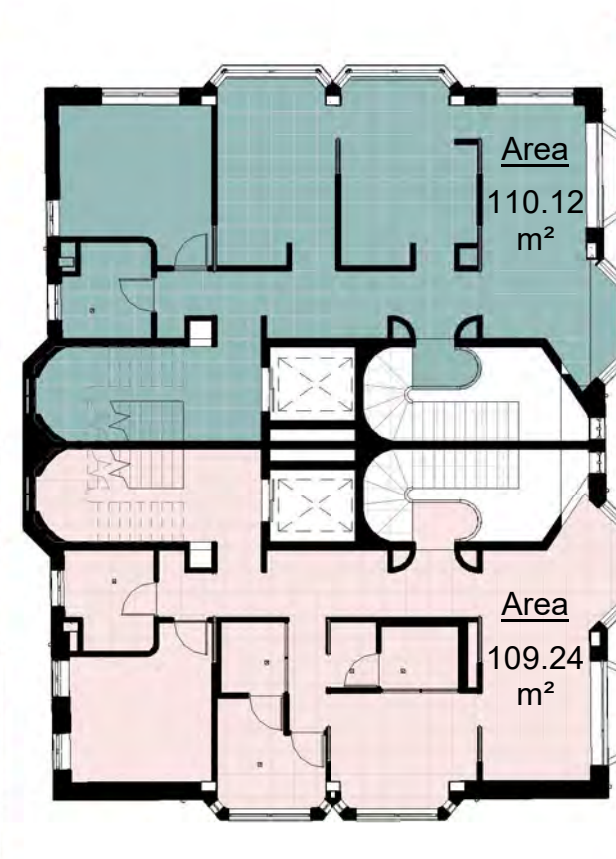
CLIENT:
IVKA NEWTOWN PTY LTD

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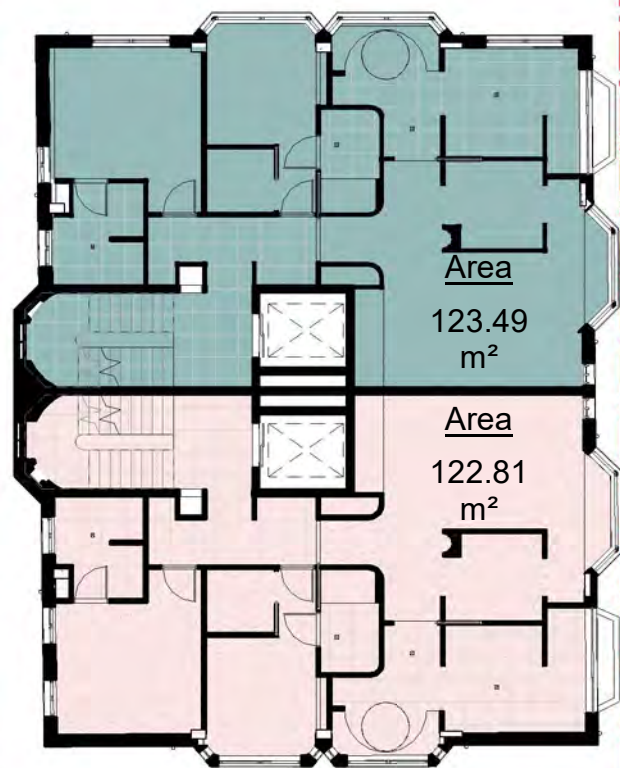
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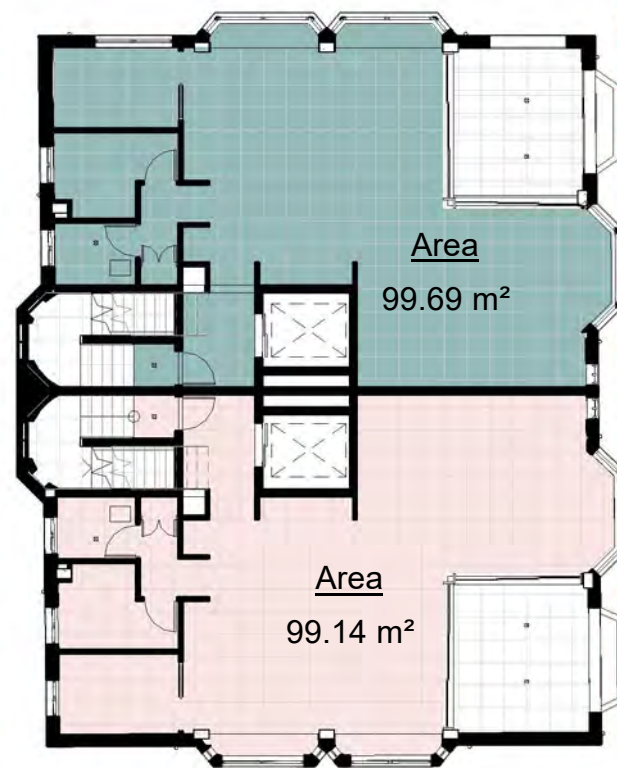
GROUND FLOOR



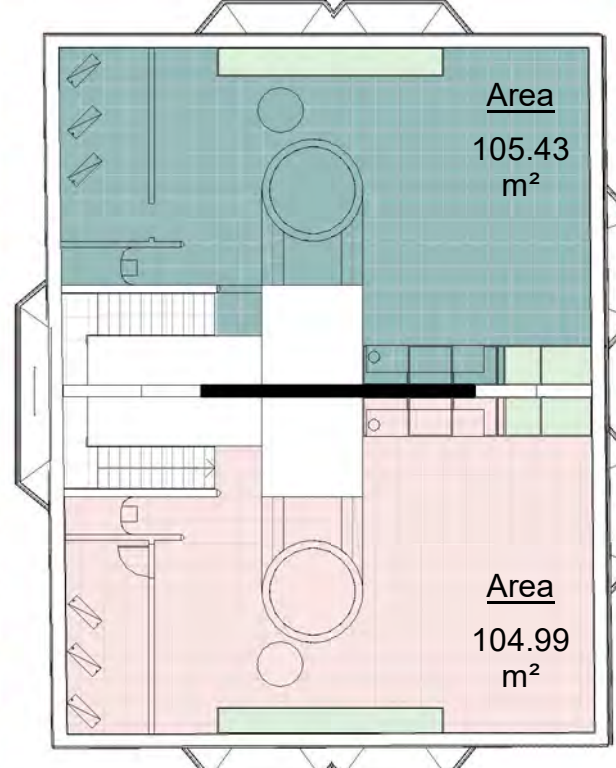
FIRST FLOOR



SECOND FLOOR



THIRD FLOOR



ROOF TERRACE

EXISTING GFA

LEVEL	AREA
PROPOSED GROUND FLOOR	137.74 m²
PROPOSED FIRST FLOOR	250.49 m²
PROPOSED SECOND FLOOR	262.77 m²
PROPOSED THIRD FLOOR	262.67 m²
TOTAL GFA	913.66 m²

SITE AREA: 398.4 M²

913.66 - 707.29 = 206.37 M² REDUCTION IN GFA

EXISTING FSR: 2.29 : 1

NO OF APARTMENTS: 10

PROPOSED GFA

LEVEL	GFA m²
PROPOSED GROUND FLOOR	33.75 m²
PROPOSED GROUND FLOOR	33.80 m²
PROPOSED THIRD FLOOR	99.14 m²
PROPOSED THIRD FLOOR	99.69 m²
PROPOSED FIRST FLOOR	109.24 m²
PROPOSED FIRST FLOOR	110.12 m²
PROPOSED SECOND FLOOR	122.81 m²
PROPOSED SECOND FLOOR	123.49 m²
TOTAL GFA	732.05 m²

PROPOSED FSR: 1.84 : 1

794.05 - 732.05 = 62 M² REDUCTION IN GFA FROM PREVIOUS DA SUBMISSION

NO OF UNITS: 2

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0 1m 2m 4m 8m

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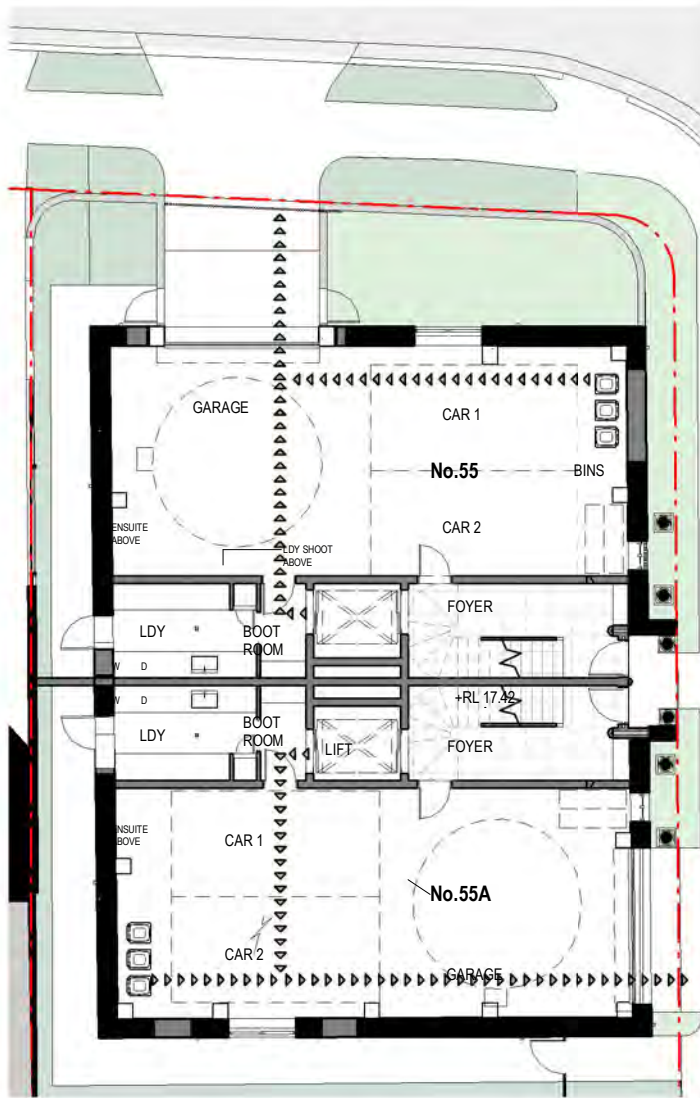
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ISSUE NO: A
JOB NO: GOU2212

AMENDING DA

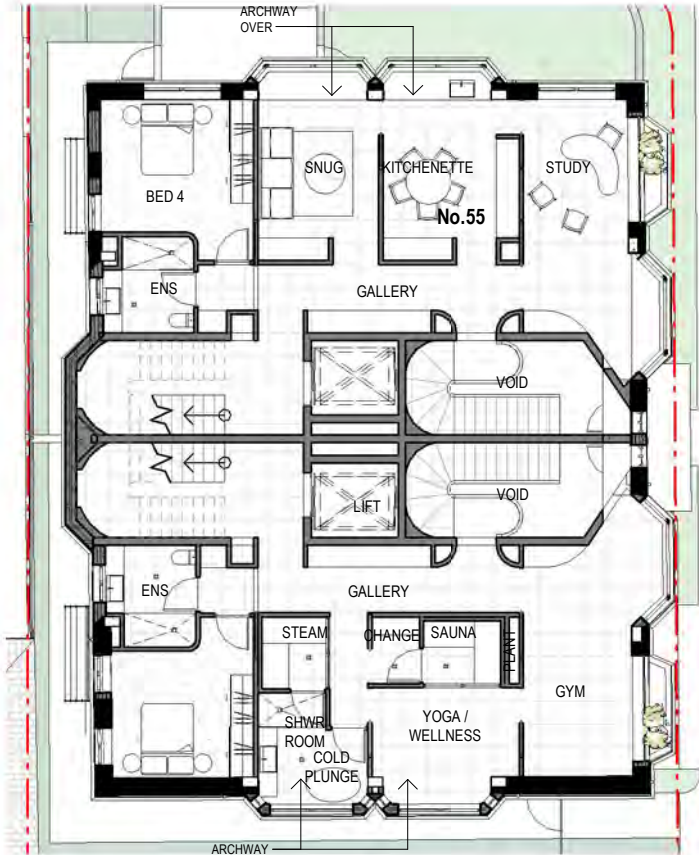
DRAWING TITLE:
PROPOSED GFA PLANS

PROJECT ADDRESS:
55 GOULD STREET, BONDI BEACH

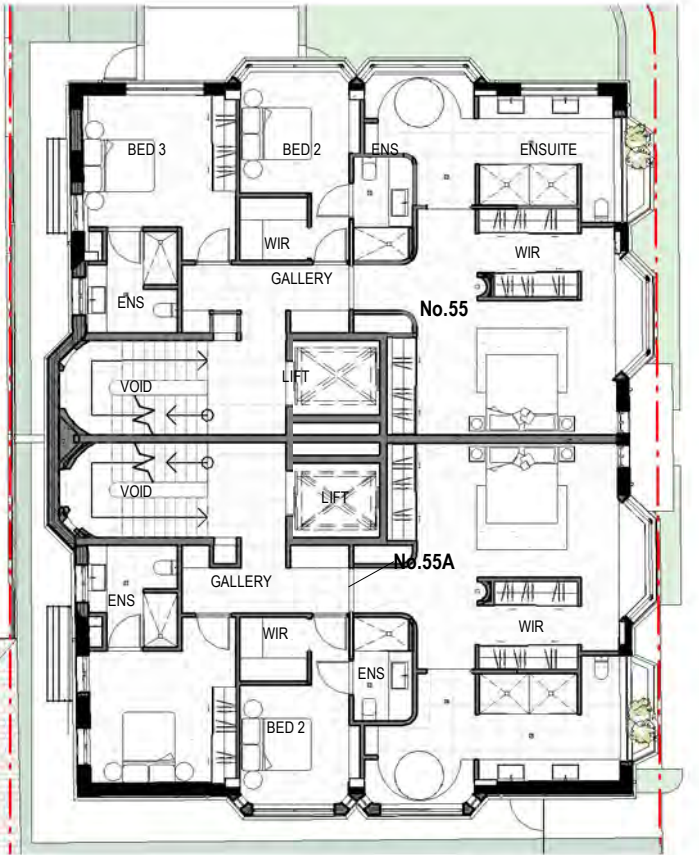
CLIENT:
IVKA NEWTOWN PTY LTD



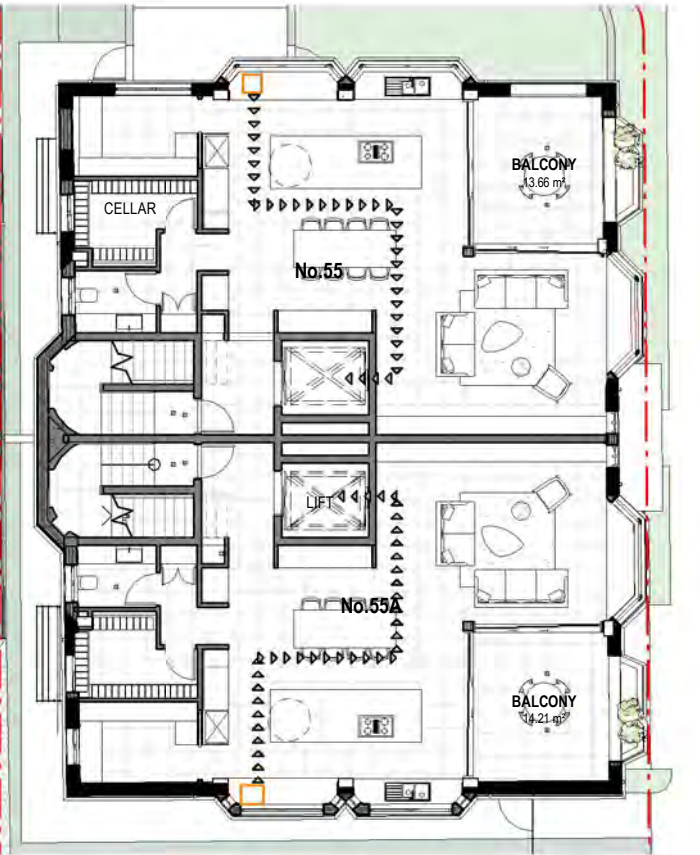
PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN



PROPOSED SECOND FLOOR PLAN



PROPOSED THIRD FLOOR PLAN

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Waverley Council

Receipt No: DA-702/2024

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PURPOSE OF ISSUE

PLOTTED : 19/12/2024 12:36:49 PM

LEGEND:

+RL 00.00 FINISHED SPOT OR SURFACE LEVEL

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00.000 SURVEY SPOT LEVEL

EXISTING TO BE RETAINED

EXISTING TO BE DEMOLISHED

EXISTING WINDOW / DOOR

NEW WINDOW / DOOR

KEY:

Scale 1 : 200 @ A3

0 1m 2m 4m 8m

ARCHITECTS
NICHOLAS +
ASSOCIATES

ANNA

NOMINATED ARCHITECT
PATRICK NICHOLAS
NSW 6672

STUDIO 6,
1 MARY'S PLACE
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DRAWING NO: DA130
ISSUE NO: A
JOB NO: GOU2212

AMENDING DA

DRAWING TITLE:
WASTE MANAGEMENT PLAN

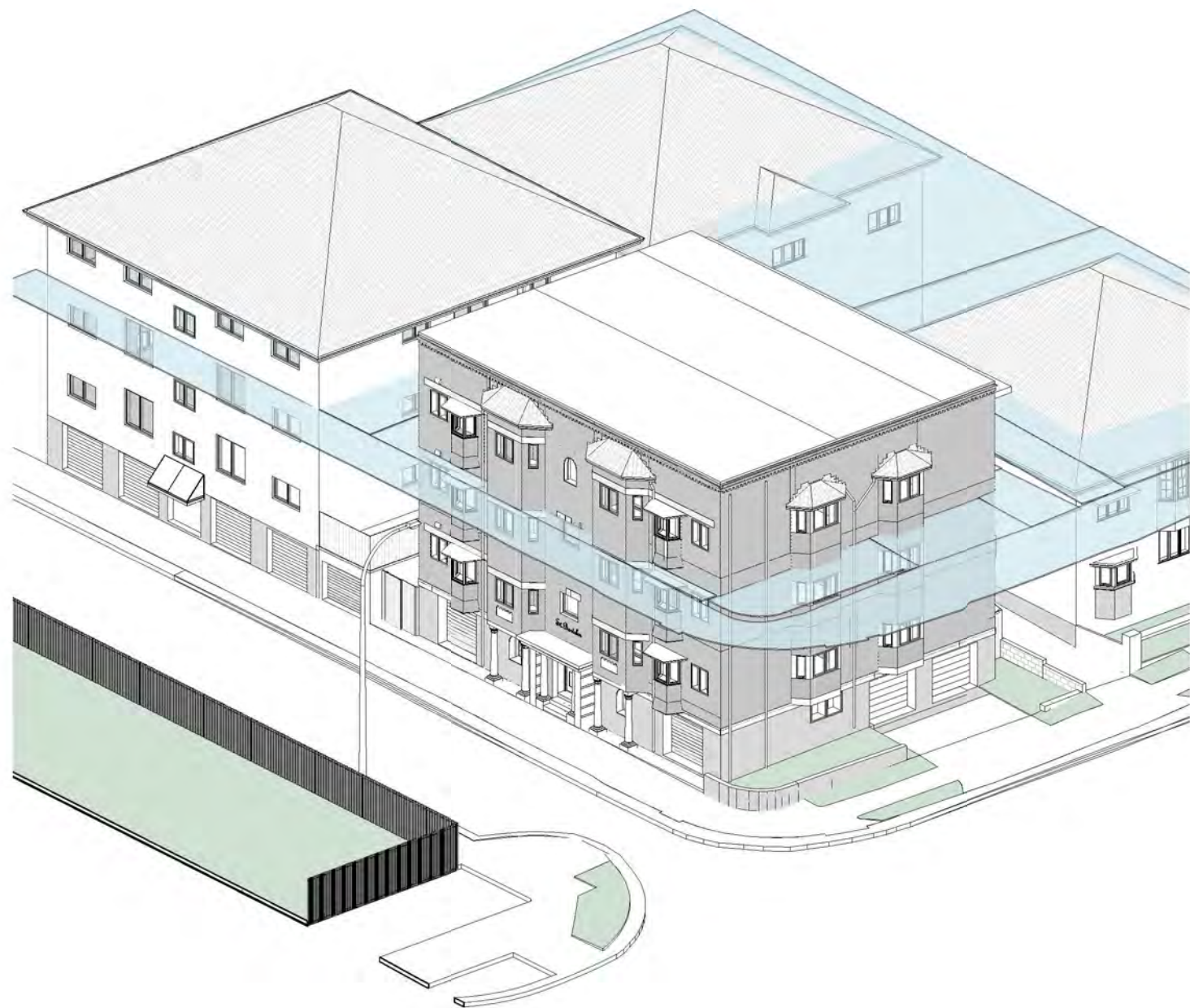
PROJECT ADDRESS:
55 GOULD STREET, BONDI BEACH

CLIENT:
IVKA NEWTOWN PTY LTD

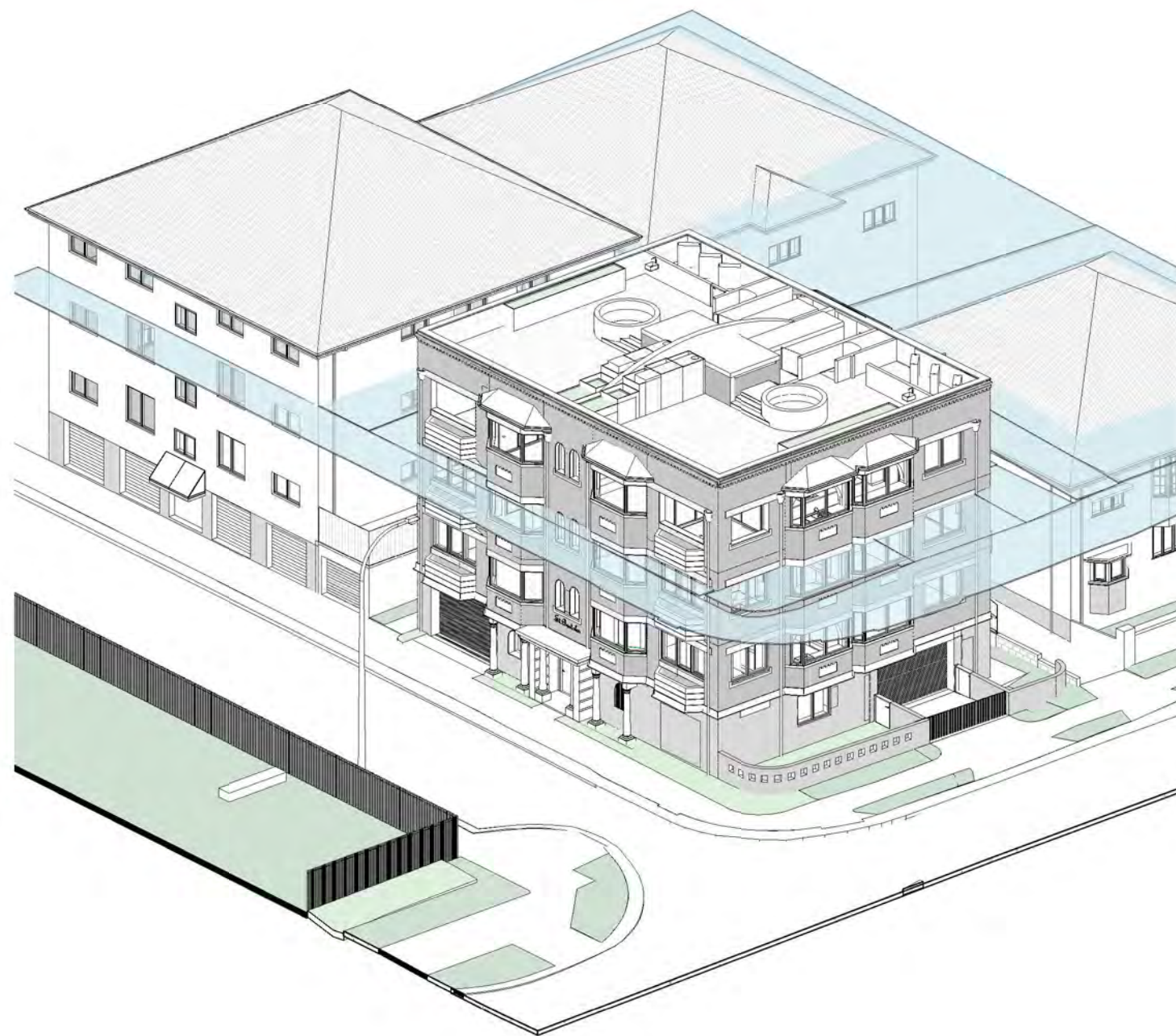
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1 EXISTING BUILDING WITH 8.5M HEIGHT PLANE
scale - N.T.S.



2 PROPOSED BUILDING WITH 8.5M HEIGHT PLANE
scale - N.T.S.

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00.000 SURVEY SPOT LEVEL
EXISTING TO BE RETAINED
EXISTING TO BE DEMOLISHED



- EXISTING WINDOW / DOOR
NEW WINDOW / DOOR

KEY:

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NICHOLAS +
ASSOCIATES



NOMINATED ARCHITECT
PATRICK NICHOLAS
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DRAWING NO: DA140
ISSUE NO: A
JOB NO: GOU2212

AMENDING DA

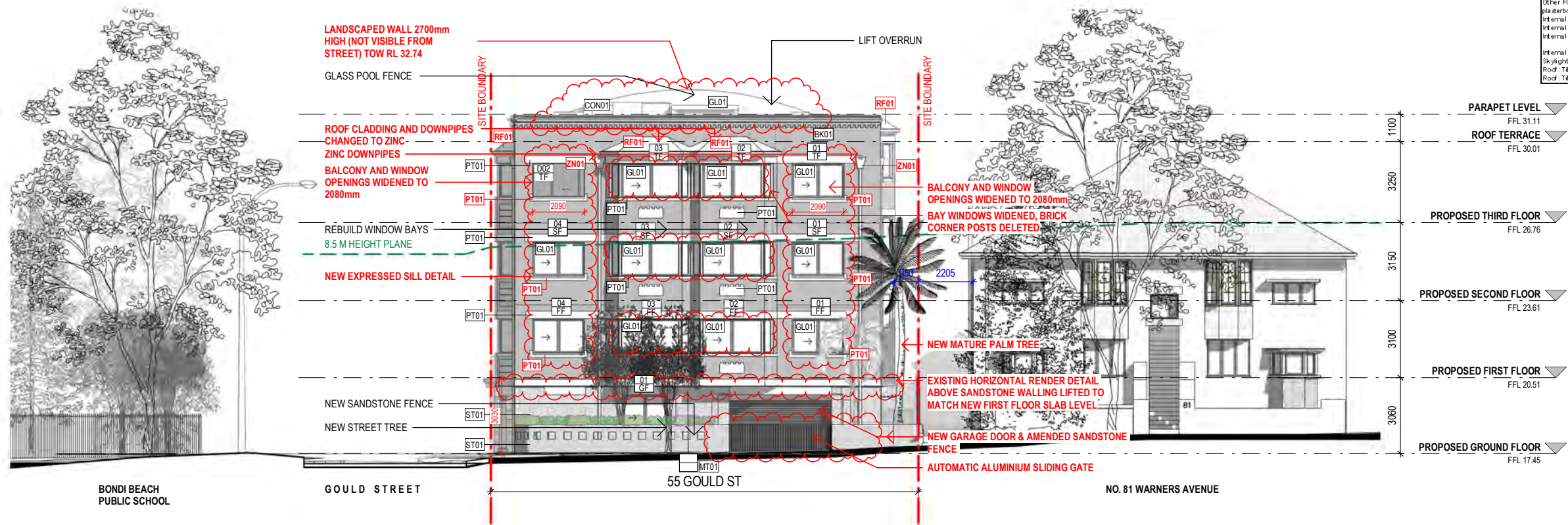
DRAWING TITLE:
HEIGHT PLANE -8.5 M

PROJECT ADDRESS:
55 GOULD STREET, BONDI BEACH

CLIENT:
IVKA NEWTOWN PTY LTD



1 EX NORTH ELEVATION - WARNERS AVE
scale - 1 : 200@ A3



2 PROPOSED NORTH ELEVATION - WARNERS AVE
scale - 1 : 200@ A3

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: Sandstone
External walls: Cavity Brick (Uninsulated to existing) plus R1.0 insulation and plasterboard - Unit 55A - Gym only
External walls: Sandstone plus R1.0 insulation and plasterboard - Unit 55A - Foyer only
Glazing: Aluminium Single Glaze Clear: U = 6.70; SHGC = 0.67 - Awning, Casement, Doors - Unit 55
Glazing: Aluminium Single Glaze Clear: U = 6.70; SHGC = 0.70 - Sliding, Fixed, Louvre - Unit 55
Glazing: Aluminium Double Glaze High Solar Gain low-E-Clear: U = 4.1; SHGC = 0.47 - Awning, Casement, Doors - Unit 55A
Glazing: Aluminium Double Glaze High Solar Gain low-E-Clear: U = 4.1; SHGC = 0.52 - Sliding, Fixed, Louvre - Unit 55A
Ground Floor: Bare slab to garage, Tiles on slab to all other areas
Other Floors: Carpet on slab plus airgap and plasterboard to bedrooms, Tiles on slab airgap and plasterboard to all other areas - Unit 55
First Floor: Carpet on slab plus R3.0, airgap and plasterboard to bedrooms, Tiles on slab plus R3.0, airgap and plasterboard to all other areas - Unit 55A above ground floor
Other Floors: Carpet on slab plus R2.0, airgap and plasterboard to bedrooms, Tiles on slab plus R2.0, airgap and plasterboard to all other areas - Unit 55A
Internal walls: Brick with wet plaster
Internal walls: Concrete with wet plaster
Internal walls: Brick with wet plaster and R1.0 insulation and plasterboard - Unit 55A - Laundry to Boot
Internal walls: Concrete with wet plaster and R2.0 insulation and plasterboard - Unit 55A - Garage to Foyer, Lift, Boot
Skylight: Velux: U = 2.6; SHGC = 0.24
Roof: Tiles on Concrete slab with R1.0 insulation and plasterboard - Unit 55
Roof: Tiles on Concrete slab with R4.0 insulation and plasterboard - Unit 55A

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00.000 SURVEY SPOT LEVEL
EXISTING TO BE RETAINED
EXISTING TO BE DEMOLISHED

EXISTING WINDOW / DOOR
NEW WINDOW / DOOR

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

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DRAWING NO: DA150
ISSUE NO: A
JOB NO: GOU2212

AMENDING DA

DRAWING TITLE:
NORTH ELEVATION

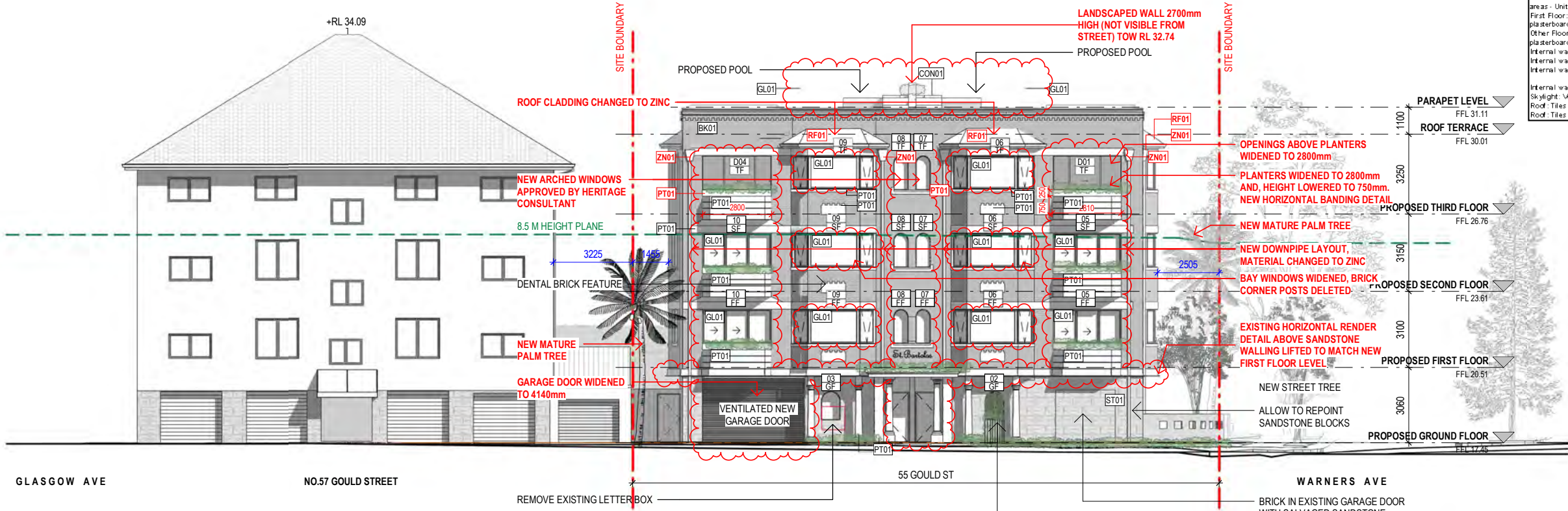
PROJECT ADDRESS:
55 GOULD STREET, BONDI BEACH

CLIENT:
IVKA NEWTOWN PTY LTD

NOMINATED ARCHITECT
PATRICK NICHOLAS
NSW 6672



1 EX EAST ELEVATION - GOULD STREET
scale - 1 : 200@ A3



2 PROPOSED EAST ELEVATION - GOULD STREET
scale - 1 : 200@ A3

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: Sandstone
External walls: Cavity Brick (Uninsulated to existing) plus R1.0 insulation and plasterboard - Unit 55A - Gym only
External walls: Sandstone plus R1.0 insulation and plasterboard - Unit 55A - Foyer only
Glazing: Aluminium Single Glaze Clear: U = 6.70; SHGC = 0.67 - Awning, Casement, Doors - Unit 55
Glazing: Aluminium Single Glaze Clear: U = 6.70; SHGC = 0.70 - Sliding, Fixed, Louvre - Unit 55
Glazing: Aluminium Double Glaze High Solar Gain low-E: Clear: U = 4.1; SHGC = 0.47 - Awning, Casement, Doors - Unit 55A
Glazing: Aluminium Double Glaze High Solar Gain low-E: Clear: U = 4.1; SHGC = 0.52 - Sliding, Fixed, Louvre - Unit 55A
Ground Floor: Bare slab to garage, Tiles on slab to all other areas
Other Floors: Carpet on slab plus airgap and plasterboard to bedrooms, Tiles on slab airgap and plasterboard to all other areas - Unit 55
First Floor: Carpet on slab plus R3.0, airgap and plasterboard to bedrooms, Tiles on slab plus R3.0, airgap and plasterboard to all other areas - Unit 55A above ground floor
Other Floors: Carpet on slab plus R2.0, airgap and plasterboard to bedrooms, Tiles on slab plus R2.0, airgap and plasterboard to all other areas - Unit 55A
Internal walls: Brick with wet plaster
Internal walls: Concrete with wet plaster
Internal walls: Brick with wet plaster and R1.0 insulation and plasterboard - Unit 55A - Laundry to Boot
Internal walls: Concrete with wet plaster and R2.0 insulation and plasterboard - Unit 55A - Garage to Foyer, Lift, Boot
Skylight: Velux: U = 2.8; SHGC = 0.24
Roof: Tiles on Concrete slab with R1.0 insulation and plasterboard - Unit 55
Roof: Tiles on Concrete slab with R4.0 insulation and plasterboard - Unit 55A

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

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NICHOLAS +
ASSOCIATES

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NOMINATED ARCHITECT
PATRICK NICHOLAS
NSW 6672

DRAWING NO: DA151
ISSUE NO: A
JOB NO: GOU2212
AMENDING DA

DRAWING TITLE:
EAST ELEVATION

PROJECT ADDRESS:
55 GOULD STREET, BONDI BEACH

CLIENT:
IVKA NEWTOWN PTY LTD



1 EX SOUTH ELEVATION
scale - 1 : 200@ A3

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: Sandstone

External walls: Cavity Brick (Uninsulated to existing) plus R1.0 insulation and plasterboard - Unit 55A - Gym only

External walls: Sandstone plus R1.0 insulation and plasterboard - Unit 55A - Foyer only

Glazing: Aluminium Single Glaze Clear - U = 6.70; SHGC = 0.57 - Aiming, Casement, Doors - Unit 55

Glazing: Aluminium Single Glaze Clear - U = 6.70; SHGC = 0.70 - Sliding, Fixed, Louvre - Unit 55

Glazing: Aluminium Double Glaze High Solar Gain low-E Clear - U = 4.1; SHGC = 0.47 - Aiming, Casement, Doors - Unit 55A

Glazing: Aluminium Double Glaze High Solar Gain low-E Clear - U = 4.1; SHGC = 0.52 - Sliding, Fixed, Louvre - Unit 55A

Ground Floor: Bare slab to garage, Tiles on slab to all other areas

Other Floors: Carpet on slab plus airgap and plasterboard to bedrooms, Tiles on slab airgap and plasterboard to all other areas - Unit 55

First Floor: Carpet on slab plus R2.0, airgap and plasterboard to bedrooms, Tiles on slab plus R2.0, airgap and plasterboard to all other areas - Unit 55A above ground floor

Other Floors: Carpet on slab plus R2.0, airgap and plasterboard to bedrooms, Tiles on slab plus R2.0, airgap and plasterboard to all other areas - Unit 55A

Internal walls: Brick with wet plaster

Internal walls: Concrete with wet plaster

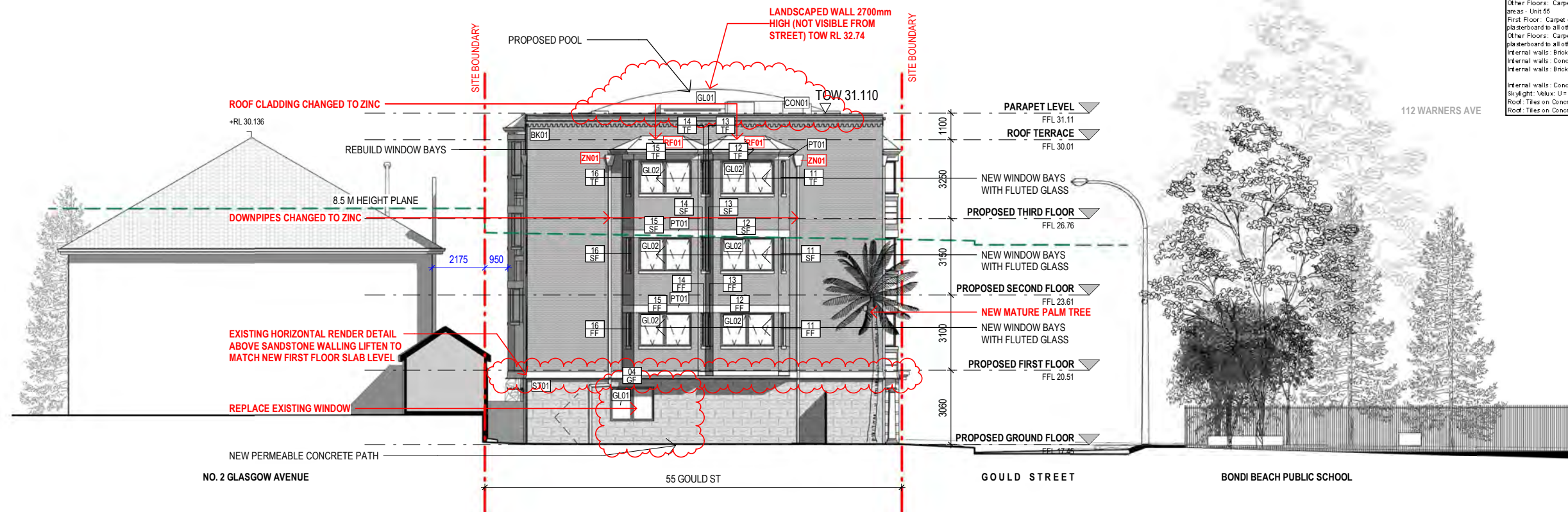
Internal walls: Brick with wet plaster and R1.0 insulation and plasterboard - Unit 55A - Laundry to Boot

Internal walls: Concrete with wet plaster and R2.0 insulation and plasterboard - Unit 55A - Garage to Foyer, Lift, Boot

Skylight: Velux - U = 2.8; SHGC = 0.24

Roof: Tiles on Concrete slab with R1.0 insulation and plasterboard - Unit 55

Roof: Tiles on Concrete slab with R4.0 insulation and plasterboard - Unit 55A



2 PROPOSED SOUTH ELEVATION
scale - 1 : 200@ A3

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00.00 SURVEY SPOT LEVEL

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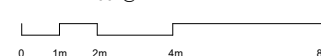
EXISTING TO BE DEMOLISHED

EXISTING WINDOW / DOOR

NEW WINDOW / DOOR

KEY:

Scale 1 : 200 @ A3



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DRAWING NO:
DA152

ISSUE NO:
A

JOB NO:
GOU2212

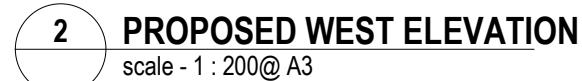
AMENDING DA

DRAWING TITLE:
SOUTH ELEVATION

PROJECT ADDRESS:
55 GOULD STREET, BONDI BEACH

CLIENT:
IVKA NEWTOWN PTY LTD

NOMINATED ARCHITECT
PATRICK NICHOLAS
NSW 6672



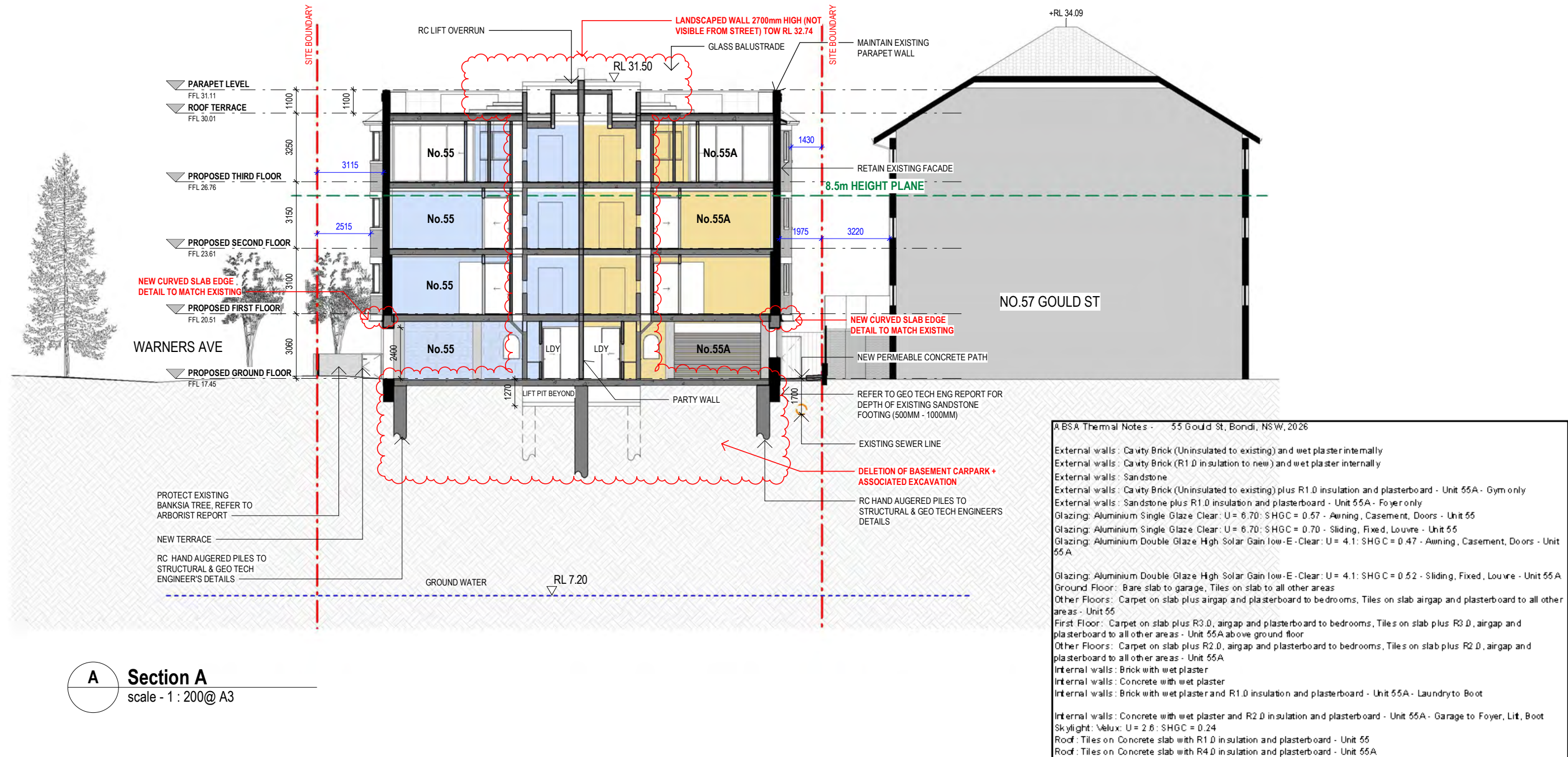
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ABSA Thermal Notes - 55 Gould St, Bondi, NSW, 2026

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 : Sandstone
External walls : Cavity Brick (Uninsulated to existing) plus R1.0 insulation and plasterboard - Unit 55A - Gym only
External walls : Sandstone plus R1.0 insulation and plasterboard - Unit 55A - Foyer only
Glazing: Aluminium Single Glaze Clear: U = 6.70: SHGC = 0.57 - Awning, Casement, Doors - Unit 55
Glazing: Aluminium Single Glaze Clear: U = 6.70: SHGC = 0.70 - Sliding, Fixed, Louvre - Unit 55
Glazing: Aluminium Double Glaze High Solar Gain low-E Clear: U = 4.1: SHGC = 0.47 - Awning, Casement, Doors - Unit 55A
Glazing: Aluminium Double Glaze High Solar Gain low-E Clear: U = 4.1: SHGC = 0.52 - Sliding, Fixed, Louvre - Unit 55A
Ground Floor: Bare slab to garage, Tiles on slab to all other areas
Other Floors: Carpet on slab plus airgap and plasterboard to bedrooms, Tiles on slab airgap and plasterboard to all other areas - Unit 55
First Floor: Carpet on slab plus R3.0, airgap and plasterboard to bedrooms, Tiles on slab plus R3.0, airgap and plasterboard to all other areas - Unit 55A above ground floor
Other Floors: Carpet on slab plus R2.0, airgap and plasterboard to bedrooms, Tiles on slab plus R2.0, airgap and plasterboard to all other areas - Unit 55A
Internal walls: Brick with wet plaster
Internal walls: Concrete with wet plaster
Internal walls: Brick with wet plaster and R1.0 insulation and plasterboard - Unit 55A - Laundry to Boot
Internal walls: Concrete with wet plaster and R2.0 insulation and plasterboard - Unit 55A - Garage to Foyer, Lit, Boot
Skylight: Velux: U = 2.6: SHGC = 0.24
Roof: Tiles on Concrete slab with R1.0 insulation and plasterboard - Unit 55
Roof: Tiles on Concrete slab with R4.0 insulation and plasterboard - Unit 55A

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0008595080 17 Dec 2024

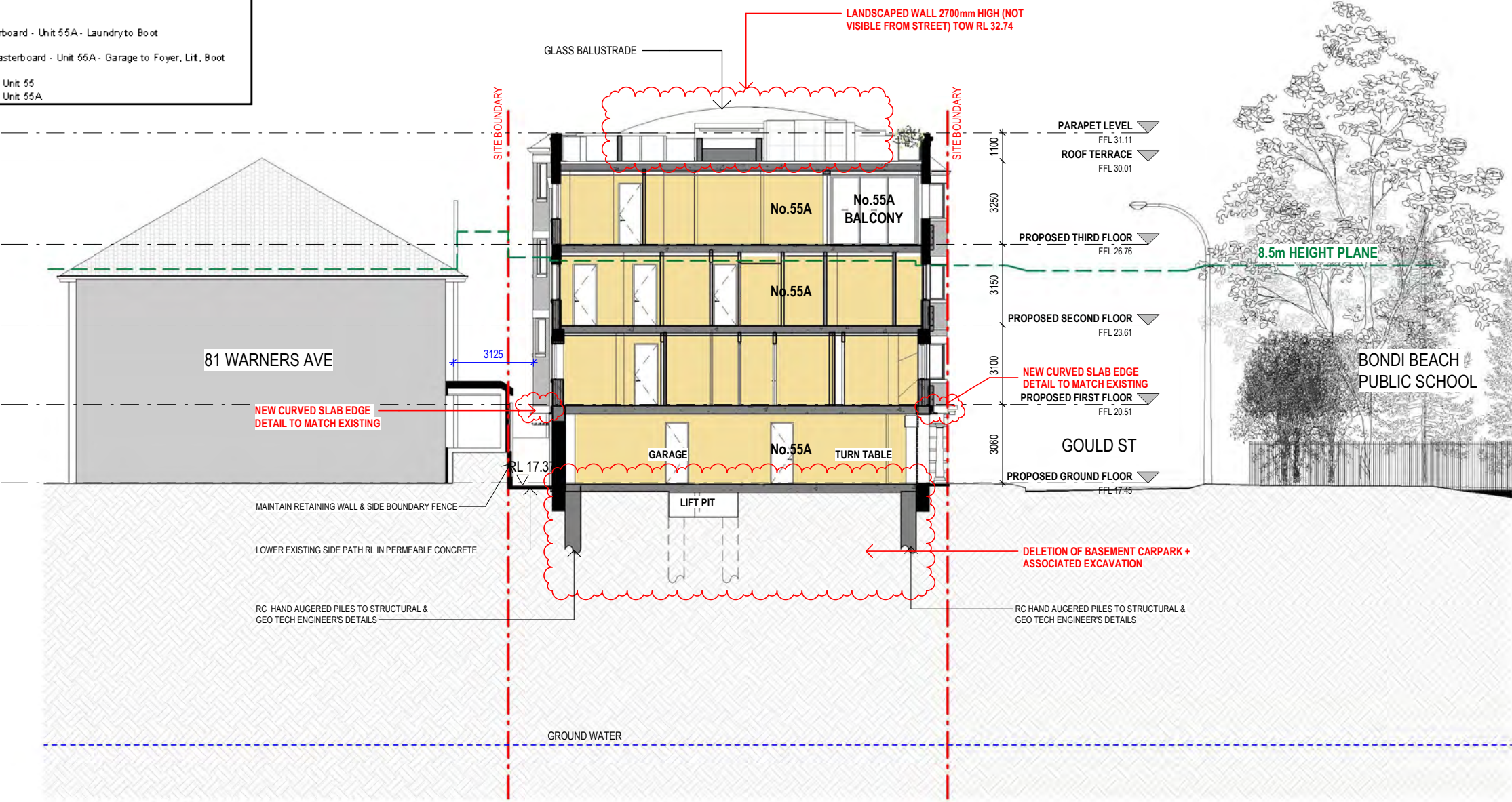
Assessor Brian Tepicaneac

Accreditation No. 100588

Address
55 Gould Street,
Bondi, NSW,
2026

hstar.com.au





B Section B
scale - 1 : 200@ A3

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- EXISTING TO BE DEMOLISHED

KEY:

Scale 1 : 200 @ A3

0 1m 2m 4m 8m

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NOMINATED ARCHITECT
PATRICK NICHOLAS
NSW 6672

DRAWING NO: DA171
ISSUE NO: A
JOB NO: GOU2212

DRAWING TITLE:
SECTION B

PROJECT ADDRESS:
55 GOULD STREET, BONDI BEACH

CLIENT:
IVKA NEWTOWN PTY LTD



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3D View A

NOTE: UPDATED ROOF TERRACE DESIGN NOT VISIBLE FROM STREET



3D View B



3D View C

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 00.000 SURVEY SPOT LEVEL
 EXISTING TO BE RETAINED
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EXISTING WINDOW / DOOR
 NEW WINDOW / DOOR

KEY:

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NOMINATED ARCHITECT
 PATRICK NICHOLAS
 NSW 6672

DRAWING NO: DA600
 ISSUE NO: A
 JOB NO: GOU2212

AMENDING DA

DRAWING TITLE:
 VISIBILITY OF ROOFTOP FROM PUBLIC
 DOMAIN

PROJECT ADDRESS:
 55 GOULD STREET, BONDI BEACH

CLIENT:
 IVKA NEWTOWN PTY LTD



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Receipt No: DA-702/2024

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NOTE: UPDATED ROOF TERRACE DESIGN NOT VISIBLE FROM STREET

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

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PATRICK NICHOLAS
NSW 6672

DRAWING NO:	ISSUE NO:	JOB NO:
DA601	A	GOU2212

AMENDING DA

DRAWING TITLE:
VIEW OF SITE FROM CORNER OF WARNERS
AVE AND MITCHELL ST
PROJECT ADDRESS:
55 GOULD STREET, BONDI BEACH

CLIENT:
IVKA NEWTOWN PTY LTD

AMENDING DA LANDSCAPE DOCUMENTATION - REV 01 - 20.11.24

55 and 55a Gould Street,
Bondi Beach NSW 2026

COUNCIL REQUIREMENTS - WAVERLEY COUNCIL RESIDENTIAL DEVELOPMENT APPLICATION

THE LANDSCAPE PLAN IS IN GENERAL ACCORDANCE WITH COUNCIL PLANNING CONTROLS:
• DCP (WAVERLEY DEVELOPMENT CONTROL PLAN 2022)
PART B GENERAL PROVISIONS - CHAPTER B3 LANDSCAPING AND BIODIVERSITY
PART C RESIDENTIAL DEVELOPMENT - CHAPTER C2 OTHER RESIDENTIAL DEVELOPMENT

CONTROLS

SITE AREA: 398.4m²

LANDSCAPE AREA REQUIRED
30% OF THE SITE AREA = 119.5m²
50% OF THE LANDSCAPE AREA = 59.75m²

LANDSCAPE AREA ACHIEVED
GROUND FLOOR = 63.54m² (DEEP SOIL = 63.54m²)
LEVEL 01 = 1.95m²
LEVEL 02 = 1.95m²
LEVEL 03 = 1.95m²
ROOFTOP = 39.8m²
TOTAL LANDSCAPING = 109.1m² (DEEP SOIL 63.54m² / 58.2% OF LANDSCAPE AREA ACHIEVED)

LANDSCAPE INSTALLATION SPECIFICATION

- PLANTER BEDS
- Soil for plantings over slab or contained areas. Minimum soil depths for planting on any slab:
 - Trees: Min 800mm excluding 75mm mulch
 - Shrubs: Min 600mm excluding 75mm mulch
 - Groundcovers & Turf: Min 300mm
 - 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.

- TURFING
- Turf to be laid on minimum 100mm turf underlay.
 - Turf underlay to be ANL Sand / Soil Blend, or equivalent.
 - Turf to be Sir Walter Turf – Premium Buffalo Grass (Registered PBR), supplied by President Turf, or equivalent.

- 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 centre of hole and backfill with soil. Firm about root ball.
 - All plant material, 45 Litres or over, to be staked.

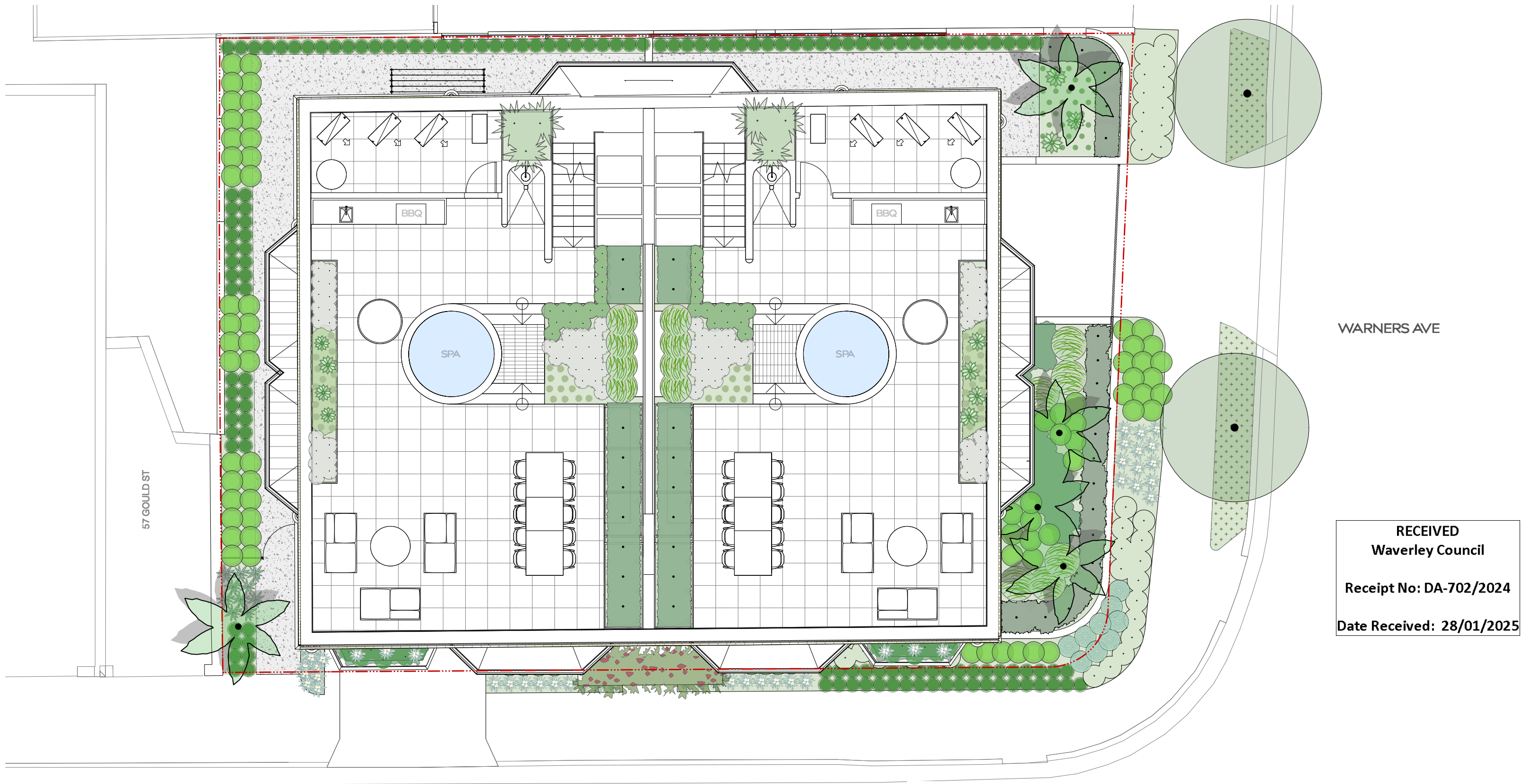
- IRRIGATION
- Automated irrigation system to be implemented. Reputable irrigation brands are to be sourced.
 - Use drip lines with emitters at 300mm spacing's for all garden beds.
 - Use pop-up spray heads for all lawn areas. Pop-up spray heads are to be spaced according to product specification.
 - 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.

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PLANT SCHEDULE							
ID	QTY	BOTANICAL NAME	COMMON NAME	SCHEDULED SIZE	MATURE SPREAD	MATURE HEIGHT	REMARKS
Trees							
Bs	2	Banksia serrata	Old Man Banksia	75 Ltr	2.0 - 4.0 m	3.0 -15.0 m	Listed on DCP B3-1 Plant List. Street Tree
Palms - Cycads							
Hf	5	Howea forsteriana	Kentia Palm	100 Ltr	3.5 - 5.0 m	5.0 - 8.0 m	Australian native
Shrubs							
Ca	34	Correa alba	White Correa	200 mm	1.5 - 2.0 m	1.0 - 2.0 m	Listed on DCP B3-1 Plant List
Mt	37	Metrosideros thomasi	NZ Christmas Bush	300 mm	3.5 - 6m	1.5 - 3m	Maintained as hedge
Perennials							
Deg	6	Doryanthes excelsa	Gymea Lily	400 mm	1.5 - 2.0 m	1.5 - 3.0 m	
Px	40	Philodendron 'Xanadu'	Philodendron	200 mm			
Sj	10	Strelitzia juncea	Bird of Paradise	200 mm	1.2 - 1.5 m	0.9 - 1.5 m	
Grasses							
Li	90	Lomandra longifolia	Mat Rush	140 mm	0.6 - 0.9 m	0.6 - 0.9 m	Listed on DCP B3-1 Plant List
Dc	136	Dianella caerulea	Blue Flax Lily	140 mm	0.6 - 0.7 m	0.6 - 0.7 m	Listed on DCP B3-1 Plant List
MsA	9	Miscanthus sinensis 'Adagio'	Dwarf Maiden Grass	140 mm	0.8 - 0.9 m	0.8 - 0.9 m	
Msg	14	Miscanthus sinensis 'Gracillimus'	Maiden Grass	200mm			
Groundcovers							
Cg	49	Carpobrotus glaucescens	Pigface	140 mm	1.2 - 2.0 m	0.3 m	Listed on DCP B3-1 Plant List
Dr	33	Dichondra repens	Kidney Weed	140 mm	0.9 - 1.2 m	0.3 m	Listed on DCP B3-1 Plant List
Hs	42	Hibbertia scandens	Golden Guinea Flower, Snake	140 mm	3.5 - 6 m	0.3 m	Listed on DCP B3-1 Plant List
RoP	26	Rosmarinus officinalis 'Prostratus'	Creeping Rosemary	140 mm	1.0 - 2.0 m	0.3 - 0.4 m	
Sc	71	Santolina chamaecyparissus	Cotton Lavender	140 mm	0.4 - 0.5 m	0.3 m	
Succulents							
ABBY	59	Aloe 'Bush Baby Yellow'	Bush Baby Yellow	140 mm	0.3 - 0.3 m	0.3 - 0.3 m	Water saving succulent
ABG	11	Agave 'Blue Glow'	Century Plant 'Blue Glow'	200 mm	0.5 - 0.7 m	0.5 - 0.7 m	Water saving succulent
Climbers							
BgCO	2	Bougainvillea glabra 'Scarlet O'hara'	Bougainvillea	140 mm	4.0 - 5.0 m	0.5 - 1.0 m	
Tj	2	Trachelospermum jasminoides	Chinese Star Jasmine	300 mm	3.5 - 6m	1.5 - 3m	
Total:	678						



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LEGEND

--- BOUNDARY LINE	PERMEABLE PAVING PER ARCHITECTS SPECIFICATIONS	+ EL 35.40 + RL 35.40	EXISTING LEVELS PROPOSED LEVELS
--- STRUCTURE ABOVE	PAVING PER ARCHITECTS SPECIFICATIONS	+ TOW 35.40	TOP OF WALL LEVELS
○ STONE STEPPERS MATERIAL TO FUTURE SPECIFICATION	LAWN SIR WALTER BUFFALO		

PROJECT

55 & 55A GOULD STREET,
BONDI BEACH

DRAWING TITLE

AMENDING DA
MASTERPLAN

DRAWN BY

LC

REVISION

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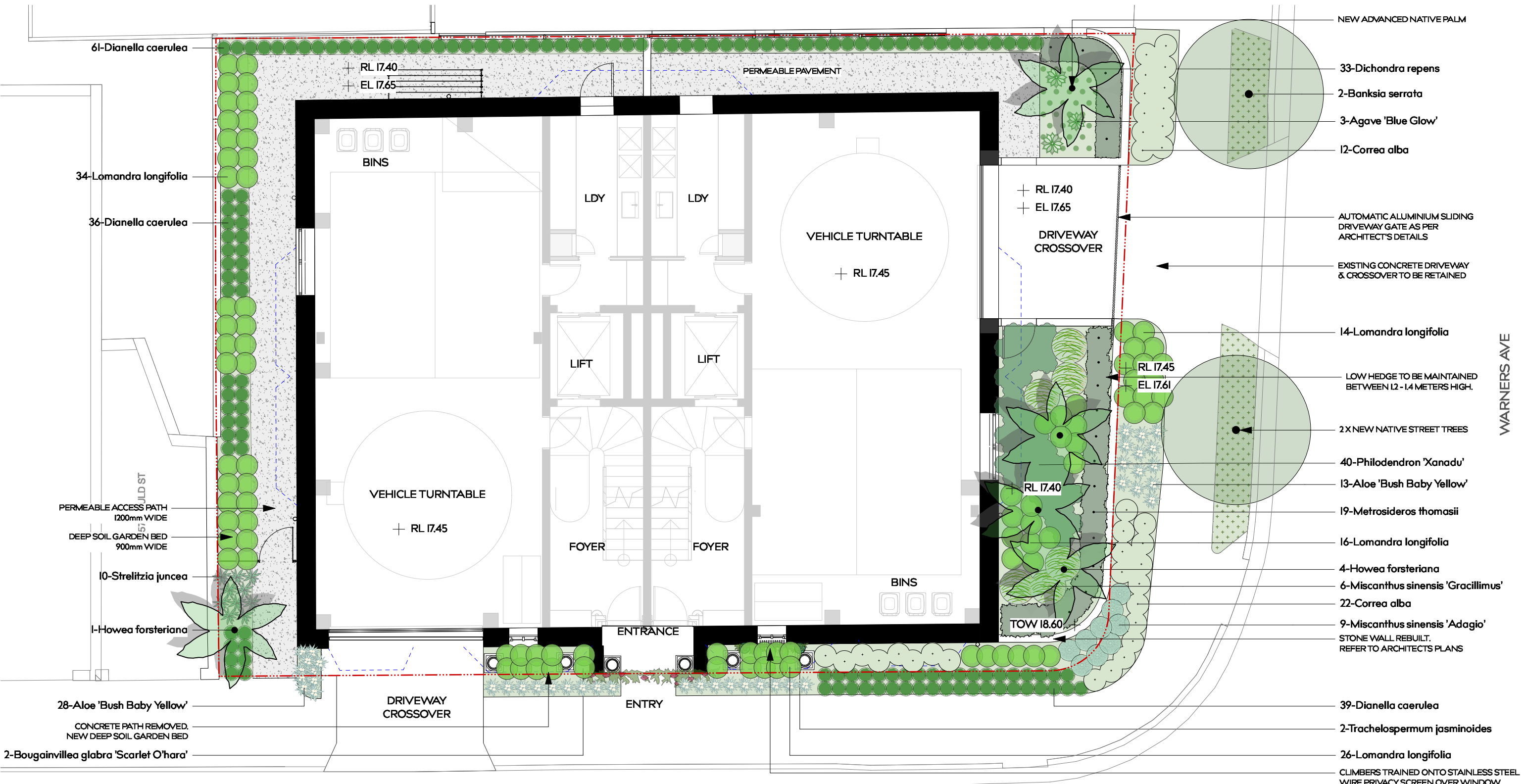
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--- STRUCTURE ABOVE	PAVING PER ARCHITECTS SPECIFICATIONS	+ RL 35.40	PROPOSED LEVELS
STONE STEPPERS MATERIAL TO FUTURE SPECIFICATION	LAWN SIR WALTER BUFFALO	+ TOW 35.40	TOP OF WALL LEVELS

PROJECT
55 & 55A GOULD STREET,
BONDI BEACH

DRAWING TITLE
AMENDING DA
GROUND FLOOR

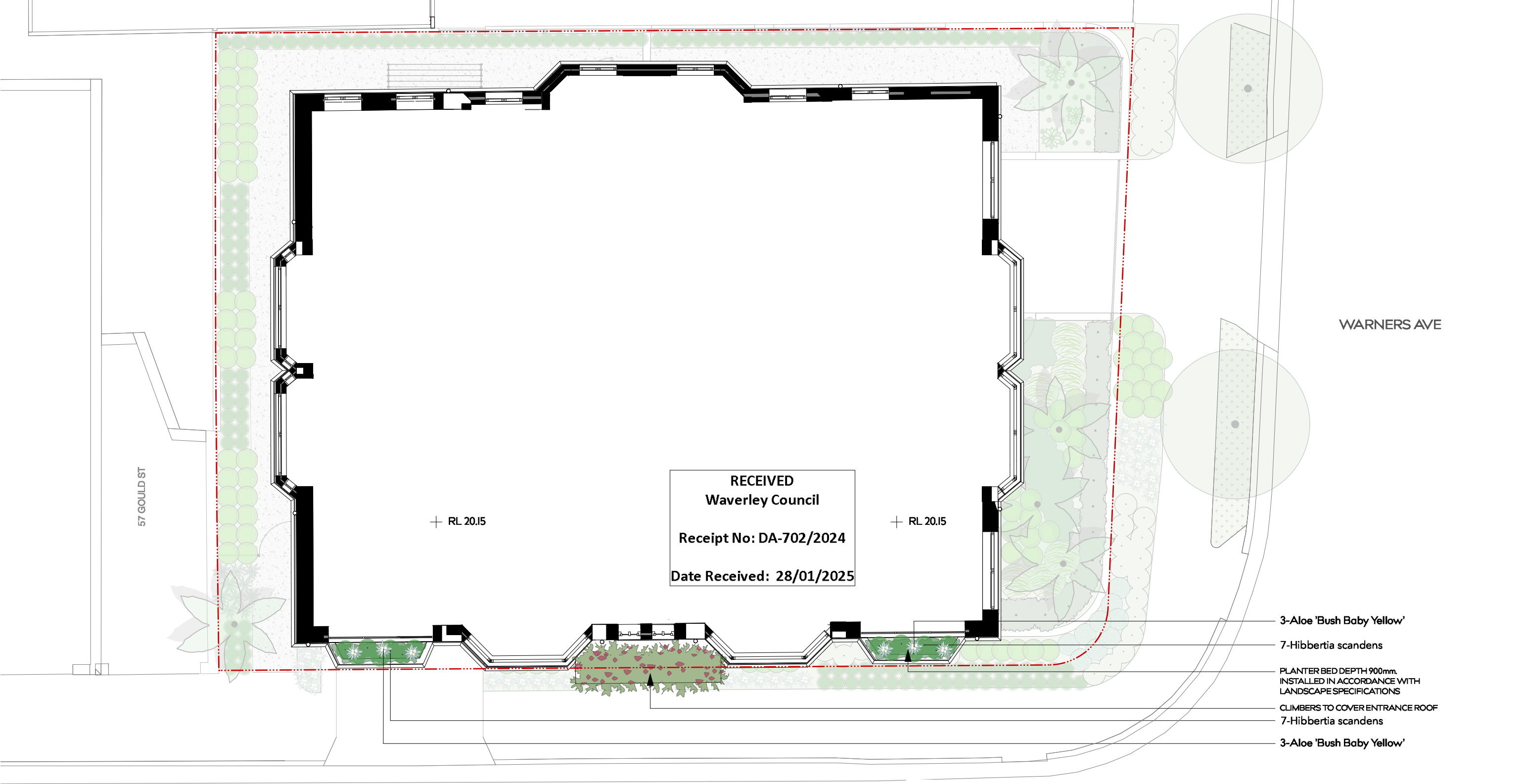
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LEGEND

BOUNDARY LINE

STRUCTURE ABOVE

STONE STEPPERS
MATERIAL TO FUTURE
SPECIFICATION

PERMEABLE PAVING
PER ARCHITECTS
SPECIFICATIONS

PAVING PER ARCHITECTS
SPECIFICATIONS

LAWN
SIR WALTER BUFFALO

+ EL 35.40

EXISTING LEVELS

+ RL 35.40

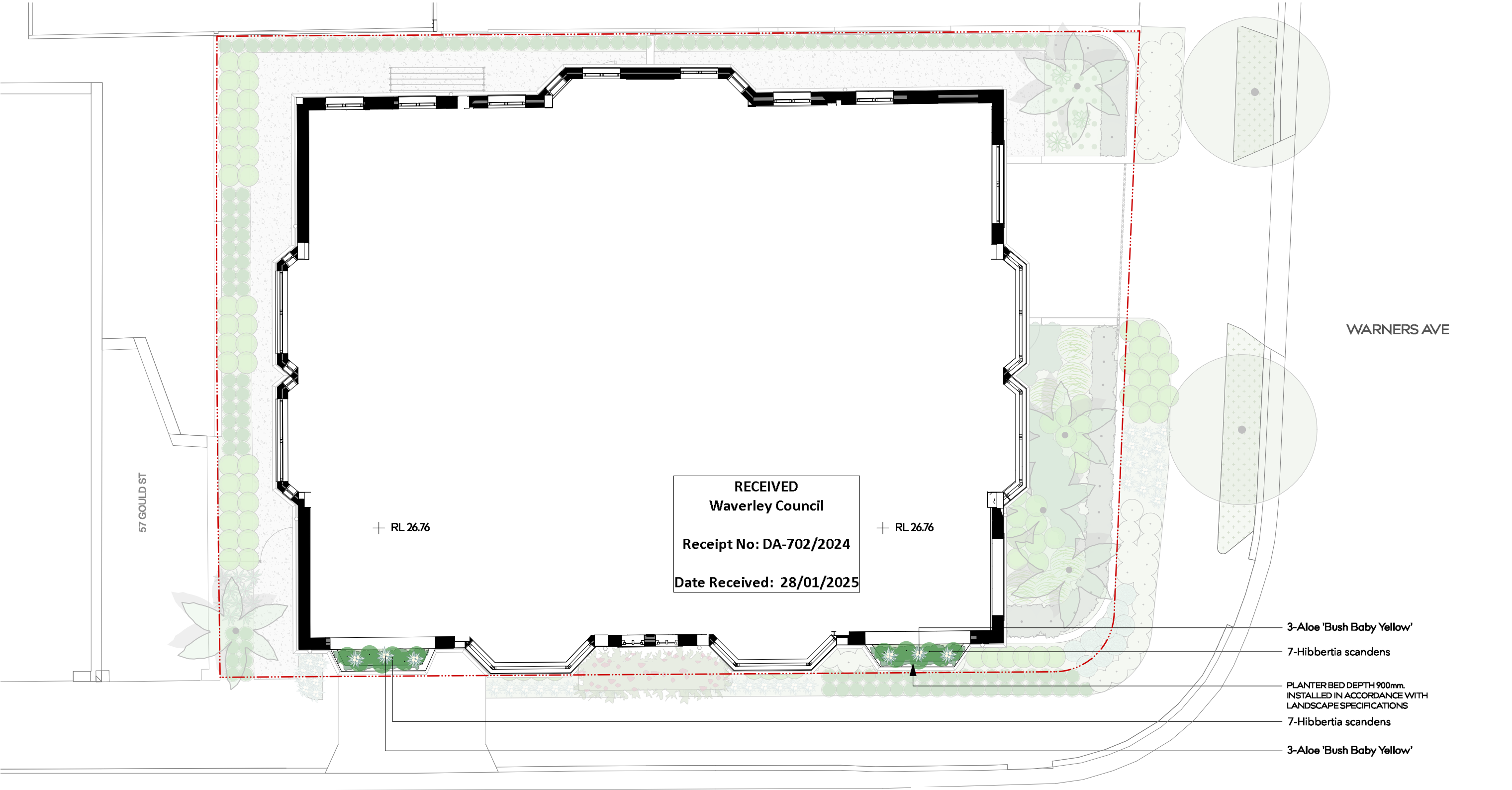
PROPOSED LEVELS

+ TOW 35.40

TOP OF WALL LEVELS

PROJECT	DRAWING TITLE.	DRAWN BY	DATE	JOB NUMBER	DRAWING NUMBER	
55 & 55A GOULD STREET, BONDI BEACH	AMENDING DA LEVEL 01	LC	20.11.24	23.011	DA_03	
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PROJECT

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LEVEL 03

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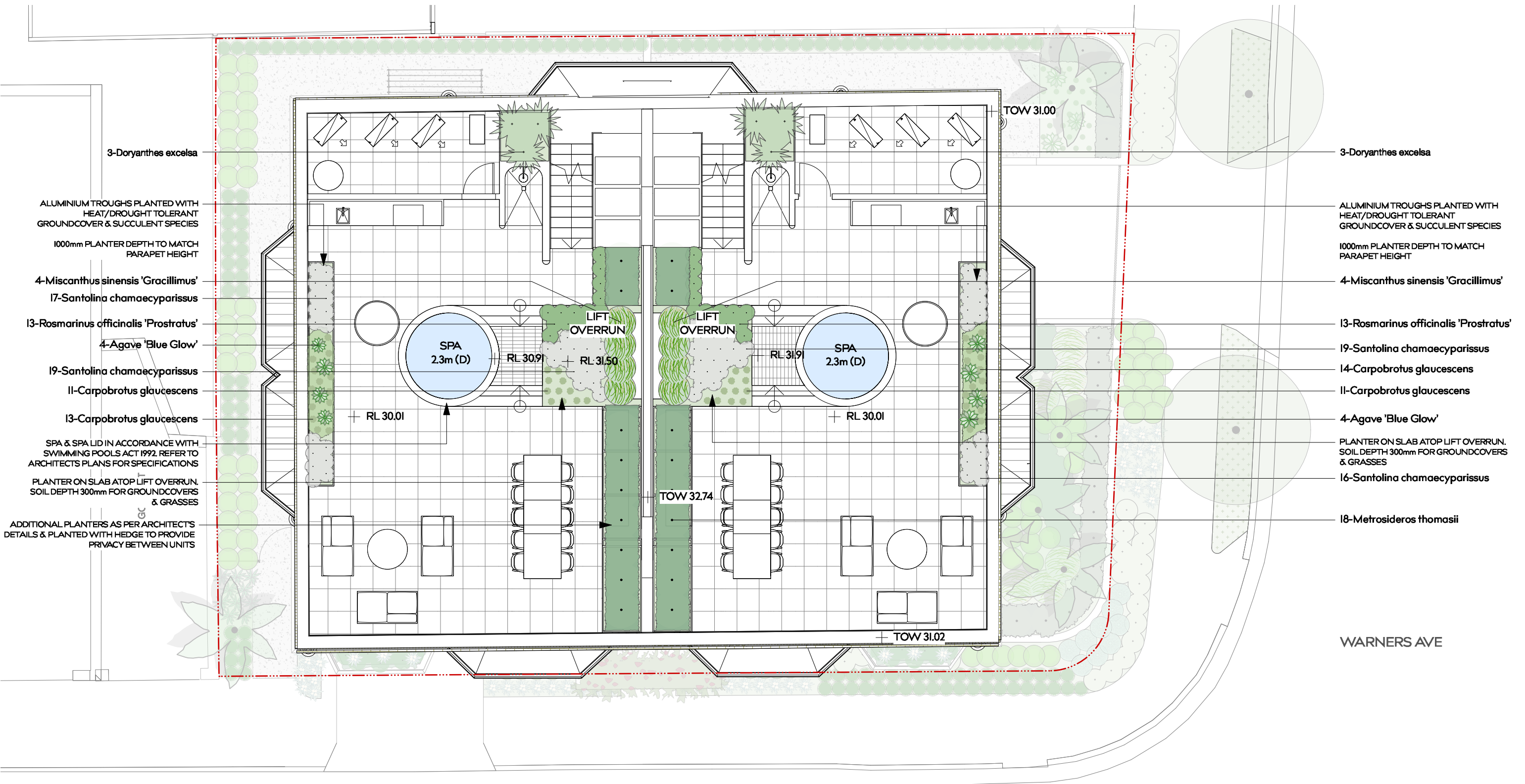
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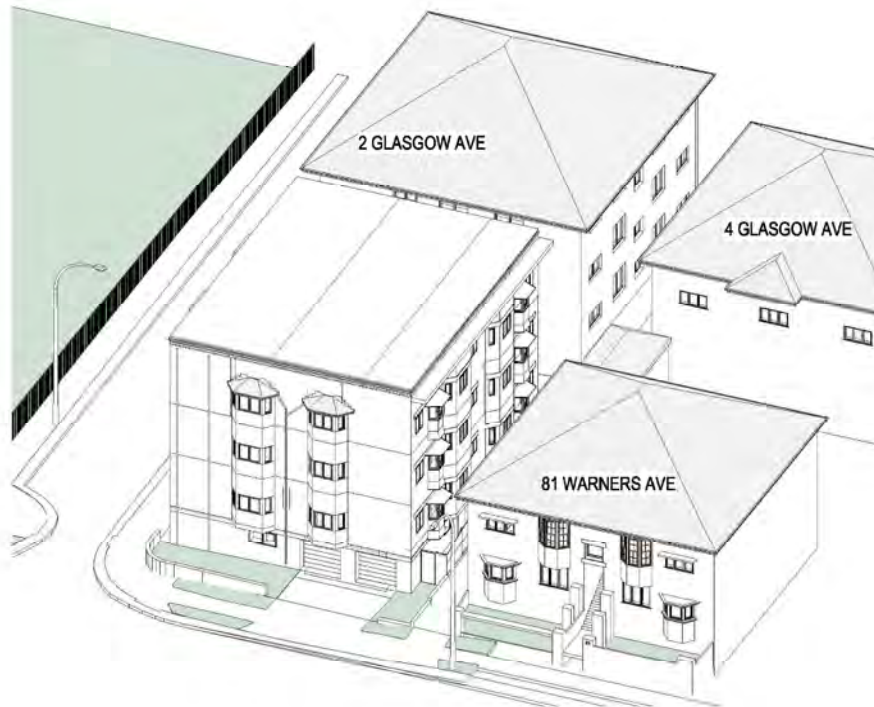
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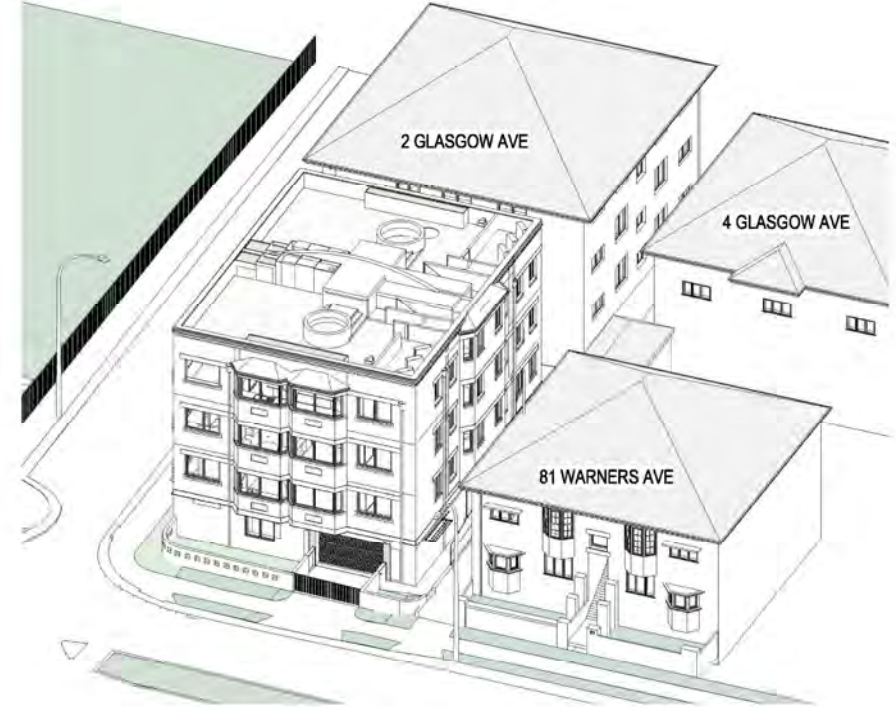
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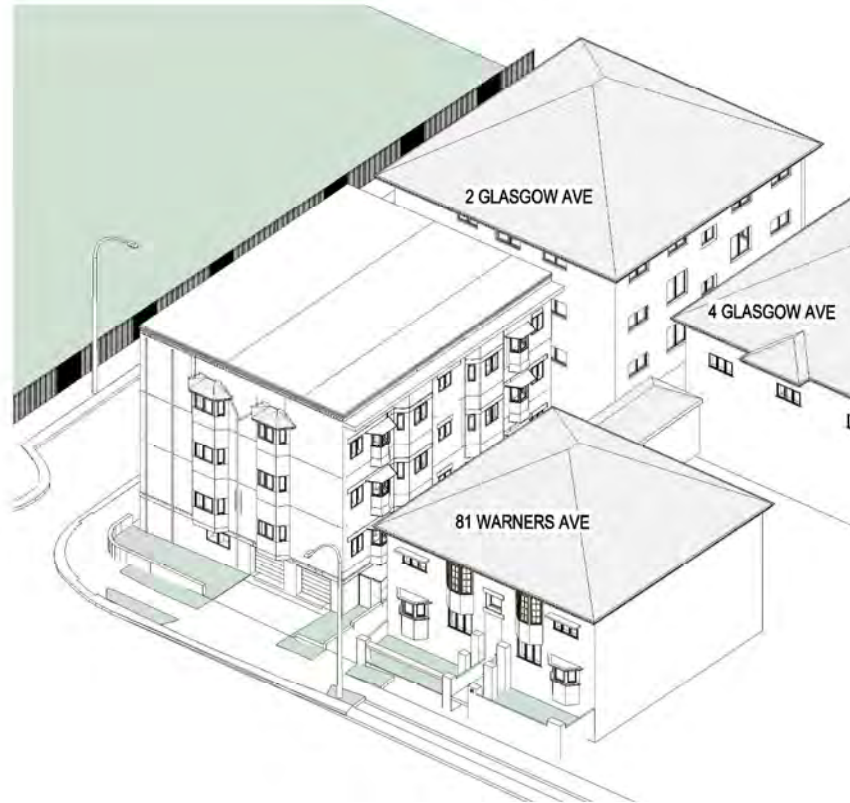
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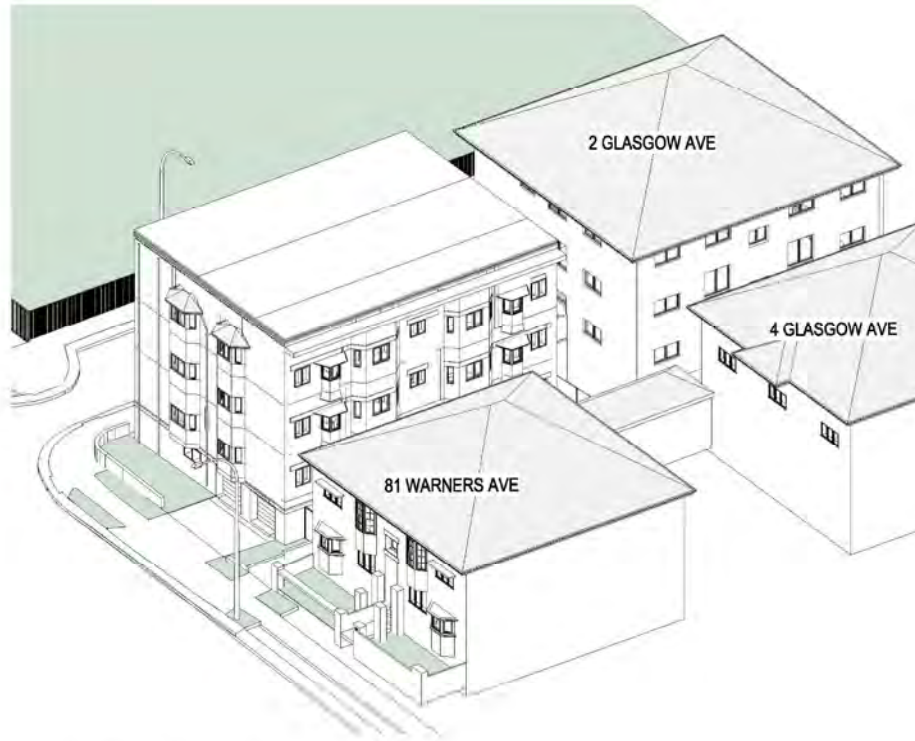
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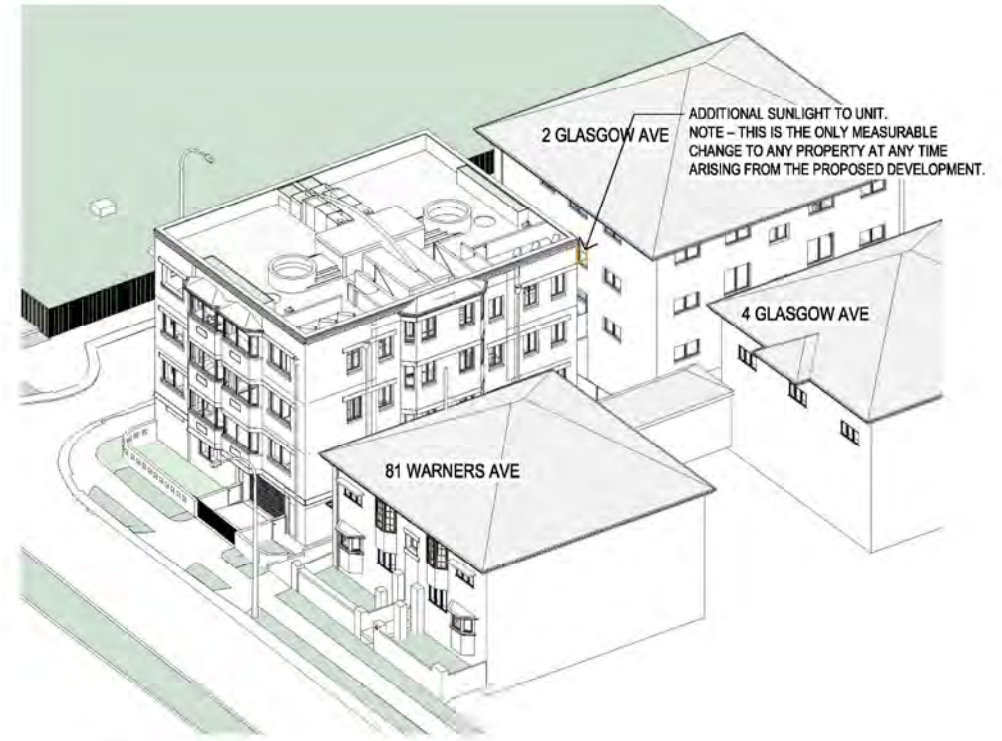
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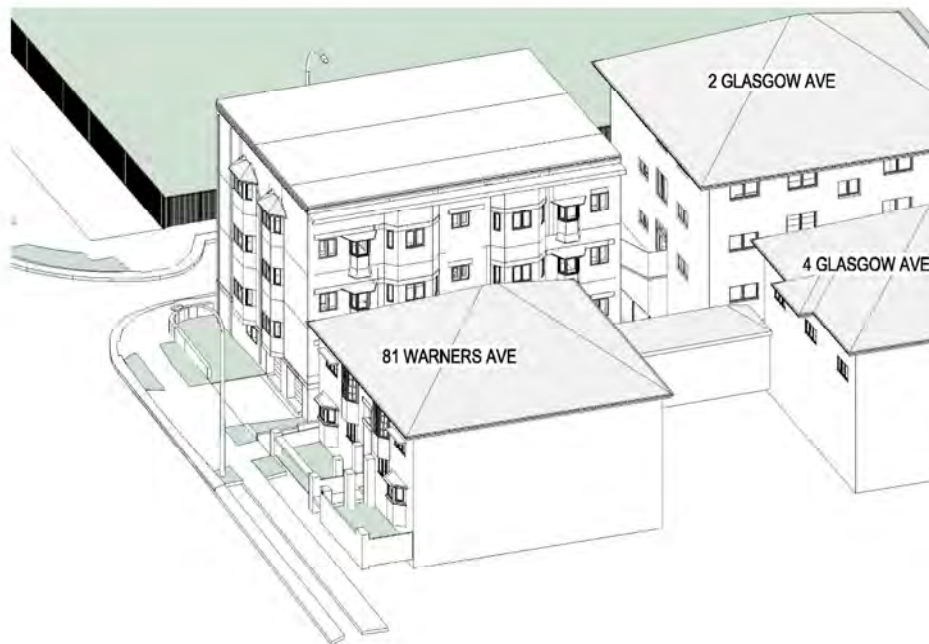
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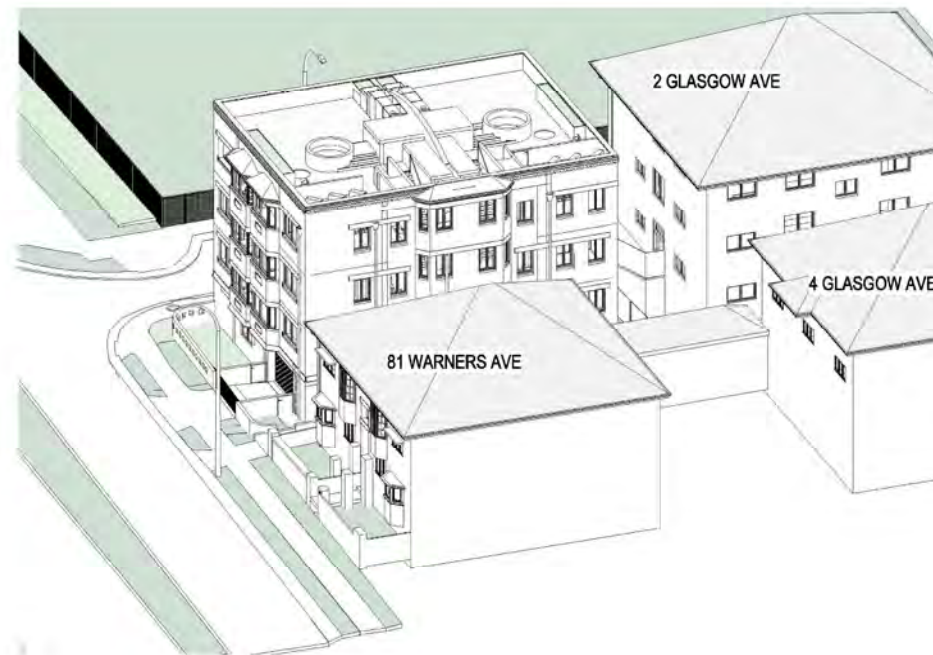
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JOB NO: GOU2212

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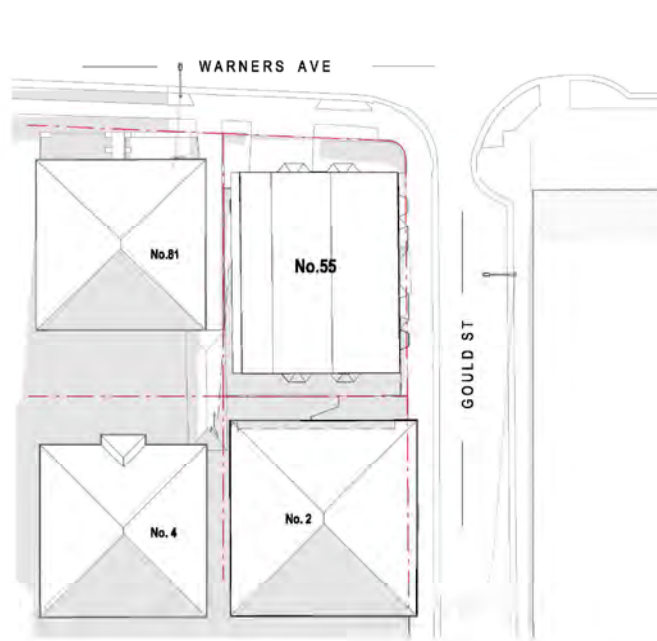
PROJECT ADDRESS:
55 GOULD STREET, BOND BEACH

CLIENT:
IVKA NEWTOWN PTY LTD

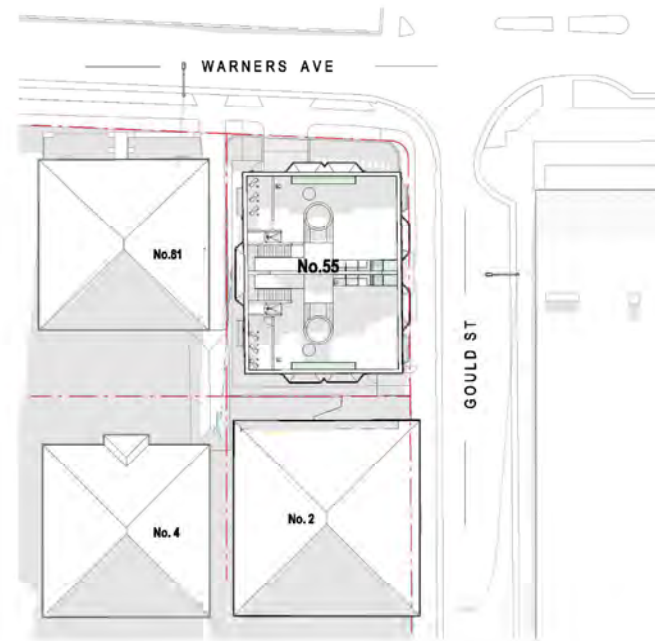
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Receipt No: DA-702/2024

Date Received: 28/01/2025



1 **SHADOW PLAN - EXISTING - JUNE 21 - 9AM**
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2 **SHADOW PLAN - PROPOSED - JUNE 21 - 9AM**
scale - 1 : 500@ A3

— OUTLINE OF EXISTING SHADOW
— AREA OF INCREASED SHADOW
— AREA OF REDUCED SHADOW

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A 25.11.2024
ISS DATE

ISSUE FOR AMENDING DA
PURPOSE OF ISSUE

PLOTTED : 19/12/2024 12:38:20 PM

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FRL 00.00 FINISHED FLOOR LEVEL
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— EXISTING TO BE RETAINED
--- EXISTING TO BE DEMOLISHED

W/D EXISTING WINDOW / DOOR
W/D NEW WINDOW / DOOR

KEY:

Scale 1 : 500 @ A3
0 2.5m 5m 10m 20m

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DRAWING NO: DA707 ISSUE NO: A JOB NO: GOU2212

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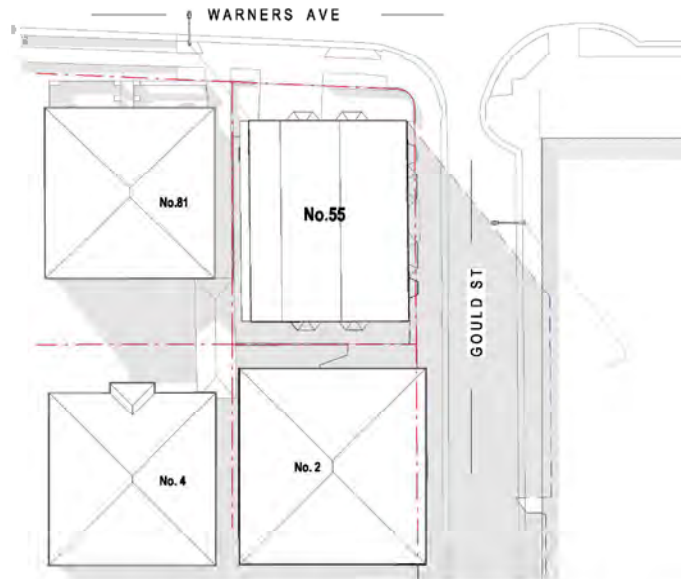
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CLIENT:
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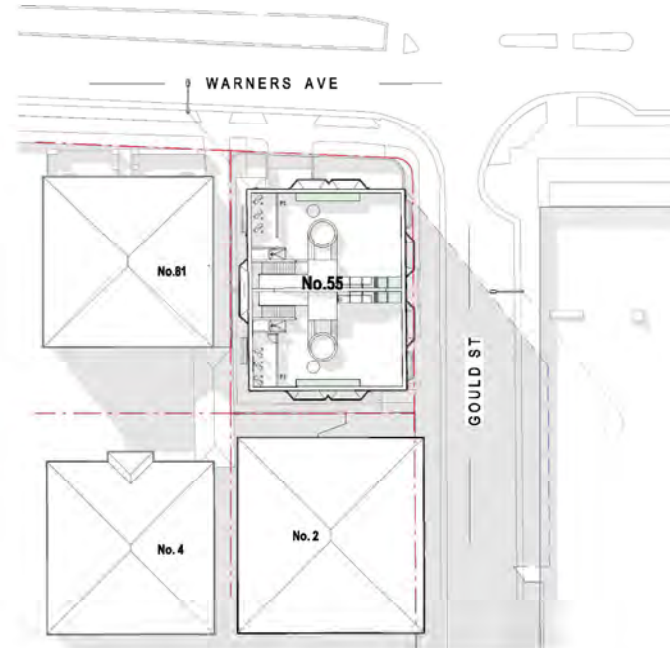
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1 SHADOW PLAN - EXISTING - JUNE 21 - 12PM
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ISSUE NO: A
JOB NO: GOU2212

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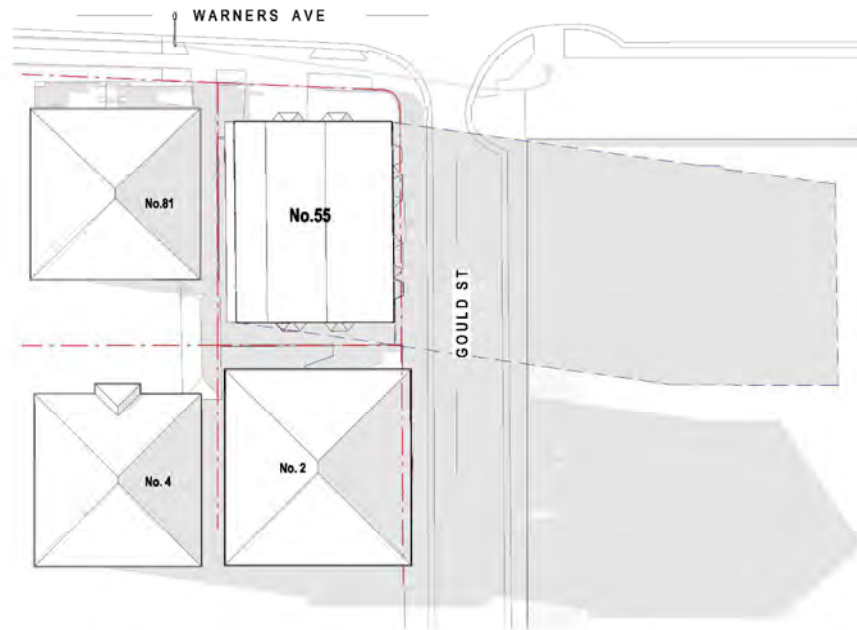
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- OUTLINE OF EXISTING SHADOW
- AREA OF INCREASED SHADOW
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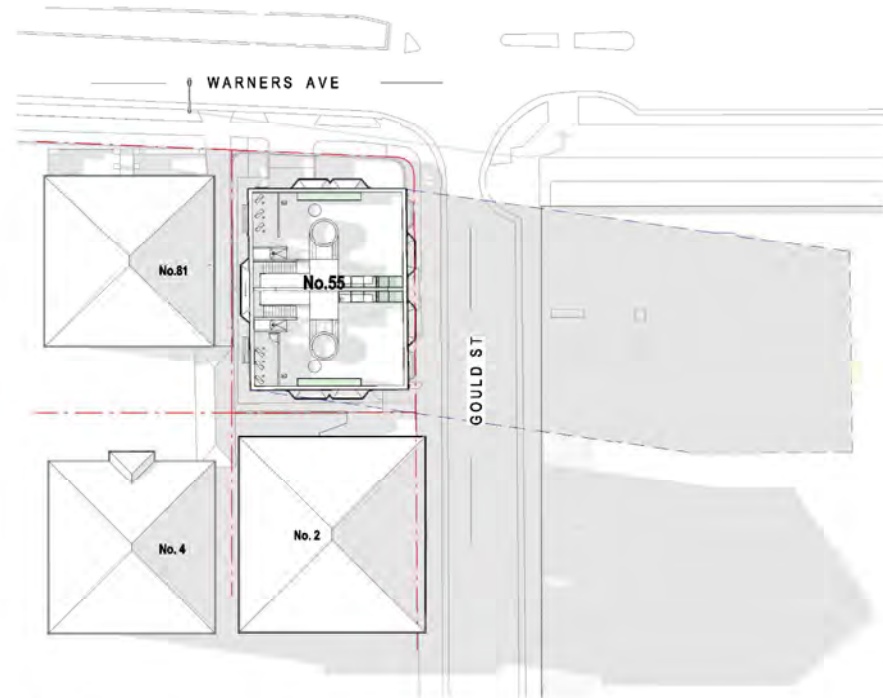
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Receipt No: DA-702/2024

Date Received: 28/01/2025



1 SHADOW PLAN - EXISTING - JUNE 21 - 3PM
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KEY:
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0 5m 10m 15m 20m

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DRAWING NO: DA709 ISSUE NO: A JOB NO: GOU2212
AMENDING DA

DRAWING TITLE:
SHADOW PLAN - JUNE 21 - 3PM

PROJECT ADDRESS:
55 GOULD STREET, BONDI BEACH
CLIENT:
IVKA NEWTOWN PTY LTD

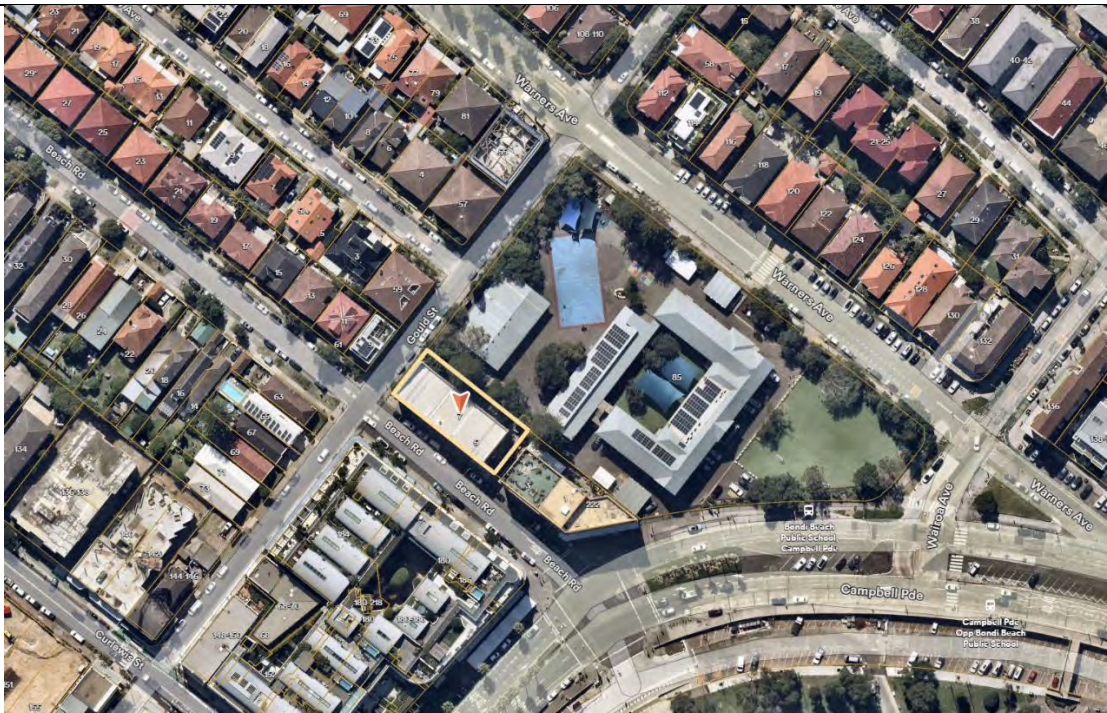




Report to the Waverley Local Planning Panel

Application number	DA-562/2024
Site address	7 Beach Road, Bondi Beach
Proposal	Alterations and additions to an existing residential flat building to convert the shared laundry and private storage to a new one-bedroom apartment, expand a two-bedroom apartment into a three-bedroom apartment with associated Strata subdivision and create three new windows to Unit 28, all at Lower Ground level.
Date of lodgement	7 November 2024
Owner	Proprietors of Strata Plan 13281
Applicant	Mr C Schulman
Submissions	1 submission
Cost of works	\$198,495
Principal Issues	<ul style="list-style-type: none"> Breach to Floor Space Ratio development standard Solar and cross ventilation
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 existing residential flat building (RFB) to convert the shared laundry and private storage to a new one-bedroom apartment (Unit 30), expand a two-bedroom apartment to a three-bedroom apartment (Unit 27) with associated Strata subdivision and create three new windows to Unit 28 all at Lower Ground level, at the site known as 7 Beach Road, Bondi Beach.

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

- Breach of Floor Space Ratio (FSR) development standard; and
- Solar and cross ventilation.

The assessment finds these issues acceptable as the RFB has an existing variation to the FSR development standard and will be converting a portion of existing floor space (the existing shared laundry) to a one-bedroom apartment. While the conversion of private storage, previously not calculable floor space, to create the new one-bedroom apartment and extend the existing apartment (Unit 27) will increase the variation, all work is contained in the existing building envelope.

While the new one-bedroom unit will receive borrowed light through the dining/kitchen and does not provide cross ventilation, this is considered acceptable as it provides additional housing choice to the building and conditions are recommended to ensure ceiling fans are provided. The other two units being amended will be provided with additional windows, which assist in ventilation.

Notwithstanding this, the proposed development meets the relevant objectives of the R3 Medium Density Residential Zone by providing for the housing needs of the community and offering a variety of housing types such as a one-bedroom and three-bedroom apartment. Further, the development is compatible with the desired future character and amenity of the surrounding Bondi Beach neighbourhood.

One submission was received from three separate addresses 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* (the Act). It is recommended for approval subject to conditions of consent.

1.2. Site and Surrounding Locality

A site visit was carried out on 22 January 2025.

The site is identified as Lot SP 13281, known as 7 Beach Road, Bondi Beach.

The site is rectangular in shape with a primary south-western frontage to Beach Road of 37.8m and a secondary north-western frontage to Gould Street of 14.6m. The site has an area of 840m² and slopes to the south-east towards Bondi Beach.

The site is occupied by a three storey RFB with a lower level or basement. It is within this lower level that the new one-bedroom apartment and existing two-bedroom (expanding to three-bedrooms) apartment are contained. There is no on-site parking provided by the development and consequently there is no vehicular access. Pedestrian access is granted from Beach Road and Gould Street. There is minimal landscaping or private open space over the site. None of the existing apartments contain any balconies and the proposal does not seek to create any balconies.

The lower level or basement contains four x one-bedroom apartments and one x two-bedroom apartment which is proposed to be increased to three-bedrooms under the proposal. The upper levels of the RFB comprise one-bedroom apartments.

The area for the proposed one-bedroom apartment (Unit 30) currently consists of the shared laundry and private storage. The extension or additional bedroom proposed to the existing two-bedroom apartment (Unit 27) will also replace private storage.

The site adjoins Bondi Beach Public School to the north-east and a similar brick RFB to the east at 1 Beach Road, Bondi Beach. 1 Beach Road also includes some ground floor commercial premises fronting Campbell Parade. The area to the immediate north-west of the site is zoned R2 Low Density Residential and contains a variety of low-density residential development such as dwelling houses and includes a RFB named Mayfair at 9 Beach Road, Bondi Beach as an anomaly. The area to the south of the site is zoned E1 Local Centre and contains hotel accommodation such as QT Bondi and Hotel Bondi, and commercial premises such as food and drink premises, shops and indoor recreational facilities.

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



Figure 1: Subject RFB and surrounding urban context (Source: Nearmap, 2025)

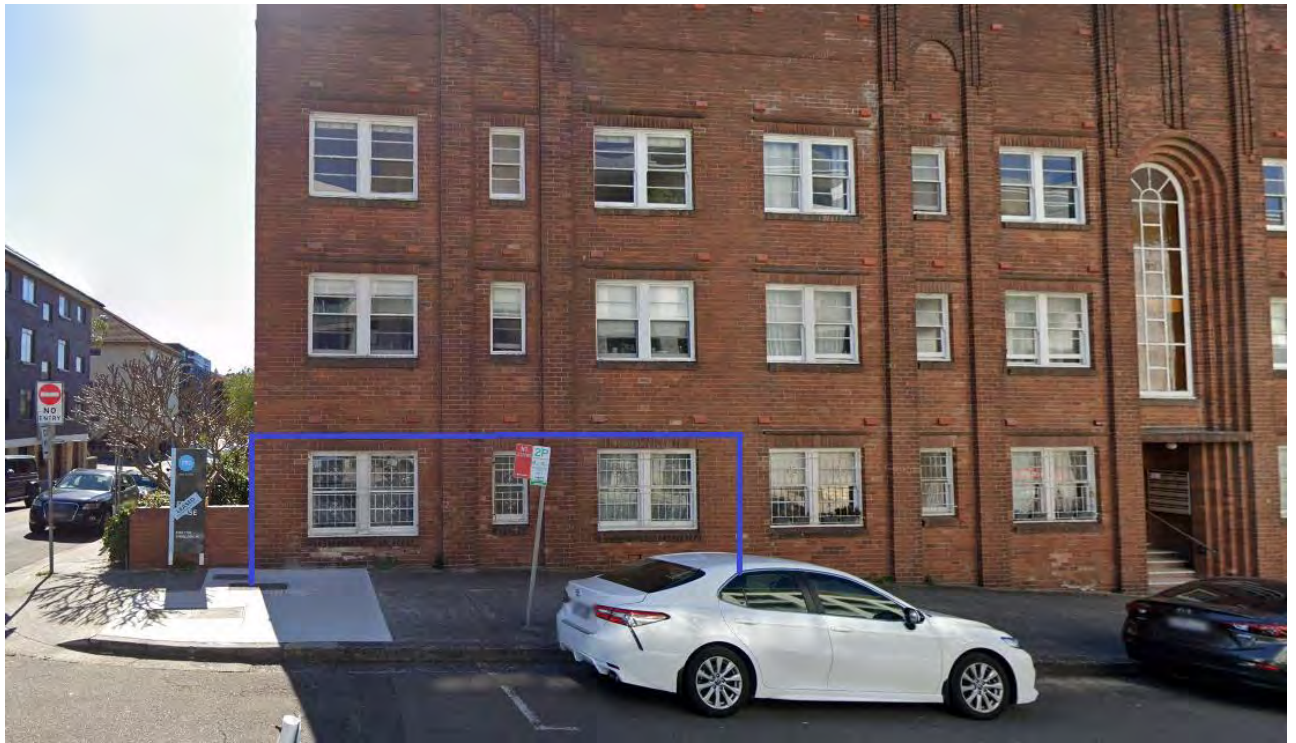


Figure 2: Annotated Beach Road view of subterranean Unit 30, proposed one bedroom apartment (Source: Google Streetview 2025)



Figure 3: Annotated Beach Road view of subterranean Unit 27 and location of proposed windows in line with existing window arrangement, proposed three-bedroom apartment (Source: Google Streetview 2025)



Figure 4: View of existing shared laundry and subterranean floor space to be converted to habitable space to create Unit 30, facing south.

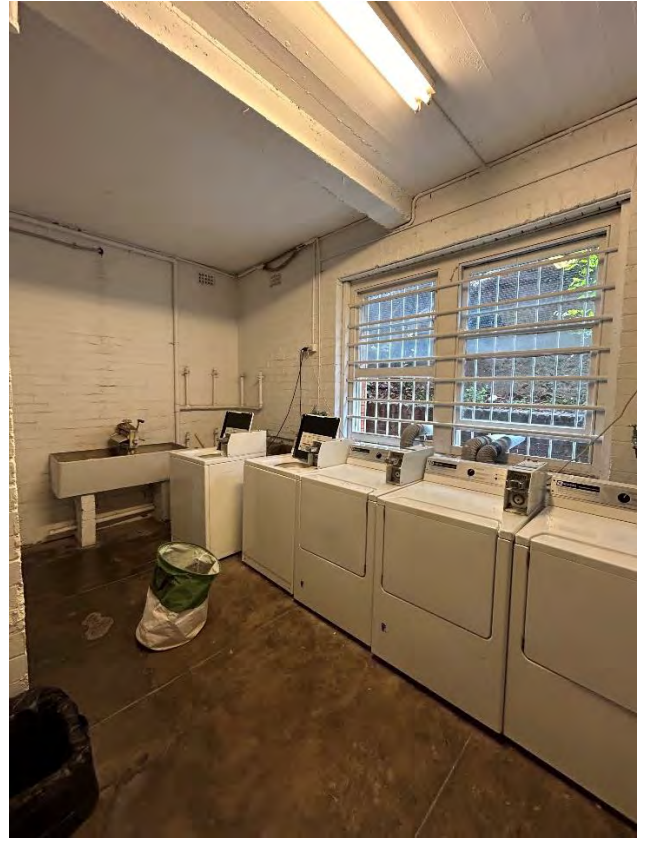


Figure 5: Internal shared laundry and existing subterranean windows to Gould Street, facing west.

1.3. Relevant Development History

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

- **CDC-157/2023**
 - For the internal reconfiguration of a single occupancy unit, new kitchen and bathroom.
 - Approved 16 September 2023.
- **DA-520/2017**
 - For internal alterations to a unit including the addition of study space, noting work has been completed.
 - Determined 8 December 2017.
- **PD-10/2020**
 - Pre-DA to convert common area to habitable space to add a bedroom to Unit 13 including changes to a Strata plan.
 - Finalised 23 April 2020.

- **PD-30/2023**
 - Pre-DA for alterations to a RFB, comprising the addition of two new units.
 - Finalised 16 October 2023.
- **HEC-58/2023**
 - For brick and masonry remediation works and the replacement of existing timber windows with new timber windows.
 - Finalised 19 December 2023.
- **HEC-13/2025**
 - To repair brick ties, repoint brick work and remediate and paint existing windows
 - Under assessment.

1.4. Proposal

The development application seeks consent for alterations and additions to an existing RFB, and specifically includes the following:

- Convert the shared laundry and private storage to a new one-bedroom apartment (Unit 30) including the removal of two internal walls and the replacement of an external wall with a glass door and new external windows.
- Expand an existing two-bedroom apartment to a three-bedroom apartment (Unit 27), removing part of an internal wall to create an opening and the addition of three new external windows to bedroom 3.
- Relocate the shared laundry to previous shared storage area and create additional storage space within existing foyer.
- Strata subdivision to reflect the above internal changes.
- Construct three new external window to existing Unit 28.

1.5. Background

The development application was lodged on 7 November 2024 and deferred on 11 April 2025 for the following reasons:

1. Revised plans, specifically a site plan, floor plan and eastern elevation plan were requested to include detail of the new windows to Unit 28.
2. A response to the issues of the provision of natural light and natural ventilation to the bedroom of Unit 30 was requested.
3. A revised floor plan detailing the deletion of the external door to bedroom 3 of Unit 27, in order to remove the possibility for the creation of a separate domicile, was requested.
4. A response to the minimum storage requirements for the proposed units in RFB.s, as set out in the Waverley Development Control Plan 2022 (Waverley DCP 2022) was requested. Further

information regarding the allocation of storage throughout the building was also requested following the conversion of private storage to habitable space.

5. A revised subdivision plan was requested to correct an error in the subdivision plan which resulted in the incorrect allocation a lot to a sub address number.
6. Council's Stormwater Engineer requested a copy of the statement referenced in the Statement of Environmental Effects prepared by We Architects and dated November 2024. The requested statement included input from a civil engineer on issues relating to stormwater.
7. Council's Heritage Adviser requested revised plans, specifically elevations which reflect design recommendations to preserve the heritage value of the RFB.

The amended plans and documentation received on 30 April 2025 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 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 (Sustainable Buildings) 2022
- SEPP (Housing) 2021
- SEPP (Resilience and Hazards) 2021

A detailed discussion is provided for relevant SEPPs as follows:

SEPP (Housing) 2021

The application was not referred to the Waverley Design Advisory Excellence Panel (DEAP) due to the nature of the works, involving the conversion of existing floorspace within the building envelope to create a new apartment and expand an existing apartment, not comprising what is defined in Chapter 4 of the SEPP (Housing) 2021 as 'the substantial redevelopment or substantial refurbishment of an existing building'.

Notwithstanding this, consideration of the proposal against the nine design principles under Schedule 9 of the SEPP (Housing) 2021 has been given as set out in **Table 1**.

Table 1: Assessment against the Nine Design Principles

Principle	Planning Comment
1. Context and Neighbourhood	The proposal responds to the site context and respects the existing character of the Bondi Beach general heritage conservation area in retaining the building façade and limiting all works to the existing building envelope.
2. Built form and Scale	All proposed works are contained within the existing building envelope and will bear no impact on the existing scale, bulk and height of the building.
3. Density	The density of the site will be increased through the creation of a new one-bedroom apartment and the expansion of an existing two-bedroom apartment to a three-bedroom apartment. This increase in density is deemed appropriate and consistent with the existing and projected population of Bondi Beach.
4. Sustainability	The proposal will impose conditions requiring ceiling fans to be installed in the new bedrooms in order to ensure appropriate ventilation and negate the need for air conditioning.
5. Landscape	The proposal does not include landscaping.
6. Amenity	The amenity of the new one-bedroom unit and new three-bedroom unit, specifically aspects of access to sunlight, natural ventilation and outlook are limited due to the design of the existing building and subterranean nature of the converted floorspace.
7. Safety	The proposal has adopted design changes which will improve security measures to proposed windows and create further opportunities for passive surveillance.
8. Housing Diversity and Social Interaction	The proposal will create a new one-bedroom apartment and expand an existing two-bedroom apartment to create a three-bedroom apartment, delivering a mix of apartment sizes and offering housing choice.
9. Aesthetics	External changes are limited to the creation of new windows which will be in keeping with the existing window arrangements of the residential flat building, as is required to maintain the heritage value of the building which was likely built circa 1920.

Apartment Design Guide (ADG)

As stated, Chapter 4 of the SEPP (Housing) 2021 outlines the application of the chapter and the ADG to certain development types. The proposal while excluded from an assessment against the policy and supporting guideline, has been considered against the provisions within the ADG in **Table 2** of this report.

Clause 149 of SEPP (Housing) 2021 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.

Table 2: ADG

Design Criteria	Compliance	Comment
3F Visual privacy		
	N/A	The proposal comprising internal alterations and additions to an existing RFB (with the exception of new windows to Unit 28), maintains existing setbacks to side and rear boundaries and therefore preserves visual privacy.
4A Solar and daylight access		
<ul style="list-style-type: none"> <i>Living rooms and private open spaces of at least 70% of units receive minimum of 2 hours direct sunlight between 9am-3pm mid-winter</i> <i>A maximum of 15% receive no direct sunlight between 9am-3pm mid-winter.</i> 	No, acceptable on merit.	<p>An assessment of solar access has been isolated to the proposal, with the creation of a new one-bedroom apartment and the addition of a third bedroom to an existing two-bedroom apartment.</p> <p>The design of the existing building and the subterranean location of this converted floorspace makes it difficult to achieve adequate solar and daylight access. Windows are proposed to both affected units, and the existing one-bedroom unit (Unit 28) and will improve solar access. Generally, the proposal will rely on borrowed natural light from adjoining rooms with windows in the case of Unit 30 or adjoining rooms with larger windows in the case of Unit 27.</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> 	No, acceptable on merit.	The provision of natural ventilation has been assessed in relation the new one-bedroom apartment and new three-bedroom apartment and is deemed inadequate. No window is proposed to the bedroom of Unit 30 as it is located below ground level and will create a reliance on borrowed natural ventilation from the adjacent living room, like a studio. No cross ventilation can be achieved due to the nature of existing building design and site context. Again, the provision of windows and a glass door to Unit

Design Criteria	Compliance	Comment
		30 will improve the existing limited opportunities for natural ventilation.
4C Ceiling heights		
<ul style="list-style-type: none"> Habitable rooms – 2.7m Non-habitable rooms – 2.4m 	Yes	The minimum floor to ceiling heights across new habitable rooms and non-habitable rooms will be 2.8m.
4D Apartment size and layout		
<p>The following minimum internal areas apply:</p> <ul style="list-style-type: none"> 1 Bed = 50 m² 3 Bed = 90 m² Add 5m² for each additional bathroom (above 1) <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room</p>	<p>Yes</p> <p>No, acceptable on merit.</p>	<p>The apartment sizes are deemed acceptable with the one-bedroom apartment (Unit 30) proposing an internal area of 50m² and the three-bedroom apartment (Unit 27) proposing an internal area of 100m². While there is an additional bathroom proposed to Unit 27 the provision of an additional 5m² of floor space is inappropriate considering the existing limitations of the building.</p> <p>The bedroom to Unit 30 does not include a window due to its location below existing ground level.</p>
4E Private open space and balconies		
<p>All apartments provide primary balcony as follows:</p> <ul style="list-style-type: none"> 1-bed – 8m² & 2m depth 3+bed - 12m² & 2.4m depth Ground level, min 15m² & 3m depth 	N/A	None of the existing apartments within the building contain balconies or deliver private open space. Similarly, the application proposes no balconies.
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	Under the proposal, a total of six apartments will be accessed from the circulation core of the lower level of the building.
4G Storage		
<p>In addition to kitchens, bathrooms and bedrooms, the following is provided:</p> <ul style="list-style-type: none"> 1-bed – 6m³ 3+bed – 10m³ 	Yes	<p>6m³ of internal storage is provided to the proposed one-bedroom apartment while existing and proposed storage to the three-bedroom apartment will total 10m³.</p> <p>The proposal involves the conversion of existing private storage areas to calculable floor space.</p>

Design Criteria	Compliance	Comment
		The designated area for shared storage has been reduced following the relocation of the shared laundry into the existing shared storage area. Despite this a total area of 39.2m ³ is provided for shared storage.

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 is considered to be consistent with the aims of the Waverley LEP 2012.
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 a RFB, which is permitted with consent in the R3 Medium Density Residential zone.
Part 4 Principal development standards		
4.1 Minimum subdivision lot size • 325m ²	N/A	Strata subdivision is proposed under the application, making the proposal exempt from the minimum lot size development standard.
4.3 Height of buildings • 12.5m	N/A	The height of the RFB is unchanged by the proposal.
4.4 Floor space ratio (FSR) • Lot size: 840m ² • Max FSR: 0.9:1 • Max GFA: 756m ²	No	The application proposes a floor space ratio of 2.33:1 or a gross floor (GFA) area of 1,957.55m ² . GFA calculations: Lower floor: 450.35m ² Ground floor: 495.3m ² First floor: 502.3m ² Second floor: 509.6m ² Total GFA: 1,957.55m²
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP

Provision	Compliance	Comment
		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 subject site is located within the Bondi Beach General Heritage Conservation Area. Council's Heritage Adviser reviewed the application and raised no objection to the proposal following the adoption of recommended design changes, which have been undertaken regarding window design.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The subject site is located within a Class 5 Acid Sulfate Soils overlay. The proposal is contained within the existing building envelope of the residential flat building and will bear no impact on the water 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 FSR development standard in clause 4.4 under Waverley LEP 2012.

The site is subject to a maximum FSR development standard of 0.9:1 (756m²). The proposed development has a FSR of 2.33:1 (1957.55m²), exceeding the standard by 1,201.55m² and equating to a variation of 158.9%. It is noted that the existing RFB already exceeds the development standard, with an existing FSR of 2.27:1 (1909.6m²), exceeding the standard by 1153.6m² and equating to a variation of 152.6%.

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 as the development achieves the objectives of the development standard notwithstanding the non-compliance, as follows:

Objective (a) to ensure sufficient floor space can be accommodated within the Bondi Junction Centre to meet foreseeable future needs.

The site is not located within the Bondi Junction Centre.

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

The proposed increase in gross floor area contained within the existing building envelope of the residential flat building has resulted from the conversion of previously non calculable floor space in the form of basement storage, to habitable space. Notwithstanding this, the additional or converted floor area, contained within the existing building envelope will not result in an increase in building height or increased bulk. The additional floor space will complement the existing scale and character of the existing building and will not be visible from either Gould Street or Beach Road due to the subterranean location of this floor space.

The maintained building envelope and additional floor space is consistent with nearby development, particularly the development to the immediate west at 9 Beach Road, Bondi Beach which also includes substantial variations to the floor space ratio development standard.

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

The additional floor space, contained within the existing building envelope will maintain the existing bulk and scale of the residential flat building which presently, is compatible with the bulk and scale of the desired future character of the locality that is Bondi Beach.

The maintained bulk and scale of the residential flat building is compatible with nearby development which comprises historical residential flat buildings with a similar extent of bulk and scale which is reminiscent of Inter War Building architecture.

The existing residential flat building and additional floor space is aligned with the desired future character of the locality which predominantly consists of low to medium residential development. The immediate area to the north, east and west of the site all include residential flat buildings of similar bulk and scale and further reinforces the compatibility of the building.

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

The proposal as contained within the existing building envelope of the residential flat building is not anticipated to significantly impact the environmental amenity of neighbouring properties both within and outside the residential flat building and outside, or the wider locality.

The location of the proposed new one- bedroom apartment within the existing subterranean or lower level of the building will not be visible from either Beach Road or Gould Street. The windows proposed to this new apartment will be completely located below existing ground level and will therefore pose minimal impacts on amenity.

Similarly, the extension proposed to the existing two-bedroom apartment to create a three bedroom apartment will largely be located below existing ground level. The three windows proposed to this bedroom and bathroom will however be visible from Beach Road. The addition of these windows will not have an adverse impact on the amenity of the locality and will in fact boost opportunities for passive surveillance.

The proposed location of the new one-bedroom apartment is adjacent to other existing one-bedroom apartments and therefore will complement existing residential uses. It is therefore not anticipated that the creation of a new one-bedroom unit will pose a significant impact on existing noise levels.

From a built form perspective the proposal, as contained within the existing residential flat building will continue to model appropriate built form which is sensitive to the existing streetscape, neighbouring development and wider locality.

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

The proposal presents a lack of environmental impact on neighbouring dwellings and the wider locality as it does not cause any view loss to neighbouring dwellings or the public domain, poses no overshadowing impacts and respects the privacy and amenity of neighbours within the existing residential flat building and those users of the locality with respect to Beach Road and Gould Street.

The lack of environmental impact in turn promotes alternative solutions to housing, in converting under utilised floor space into functional habitable space which delivers housing and housing choice which is consistent with the objectives of the R3 Medium Density Residential Zone.

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

The proposed development has satisfactorily demonstrated that despite the numerical breach to the FSR development standard, the environmental amenity of neighbouring dwellings and the wider locality is protected.

The subterranean nature of the units proposed significantly limit the potential for any detrimental impact, posing no overshadowing or overlooking impacts to neighbours. The provision of three new windows to the new bedroom to the existing two-bedroom apartment will create increased opportunities for passive surveillance to Beach Road and can be seen as having a positive impact on the streetscape and public domain.

With the proposal contained to the existing building envelope of the RFB over the site, compatibility with the bulk and scale of the desired future character of the locality is unchanged. The proposal also satisfies the objectives of the R3 Medium Density Development Zone through the provision of housing, and

housing variety, offering a one-bedroom apartment and expanding an existing two-bedroom apartment to accommodate a three-bedroom apartment. This is significant when considering the majority of units within the RFB comprise one-bedroom apartments. Housing diversity and choice is offered within a locality which is well resourced by transport and active transport linkages.

The applicant has submitted a sound response to the requirements of Clause 4.6, identifying the development standard to be varied, submitting responses to relevant legislation and correctly calculating GFA against the definition of GFA.

Consideration of 4.6(3)(a) – whether compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

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) of *Wehbe v Pittwater Council* (2007) [156 LGERA 446] outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. The applicant has submitted a sound justification for the breach to the FSR development standard, maintaining that despite this breach, the relevant objectives of the development standard are met and satisfied.

Consideration of 4.6(3)(b) – whether there are sufficient environmental planning ground to justify contravening the development standard

The applicant has adequately addressed that there is sufficient environmental planning ground to justify contravening the development standard through a consideration of its lack of environmental impact on neighbouring dwellings and the locality. This lack of environmental impact translates to no overshadowing or overlooking, and instead the proposal can be seen to make a positive contribution to the environment. This is largely due to the subterranean location of the apartments, which are not visible from the street and in turn create opportunities for passive surveillance.

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 proposal satisfies the objectives set out for the R3 Medium Density Residential Zone and FSR development standard through the provision of various housing types, including a one bedroom and three-bedroom apartment and delivers density or housing options which are consistent with medium density development. The locality of the area being well serviced by public transport and walking routes also maximises public transport patronage and encourages active transport such as walking and cycling.

Conclusion

For the reasons provided above the requested variation to the floor space ratio development standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6 of the Waverley LEP 2012, with the proposed development deemed to be in the public interest due to its consistency with the objectives of the FSR development standard, as well as the objectives of 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 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	Council's Waste Officer reviewed the application and raised no objection to the proposed waste management.
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, conditional.	A BASIX certificate has been submitted with the application and conditions of consent will be imposed to ensure the provision of ceiling fans to the new bedrooms. Similarly, a condition of consent will recommend the adoption of electric cooking facilities in the kitchen of the new one-bedroom apartment.
5. Water Management	Yes	Council's Stormwater Engineer reviewed the application and raised no objection to the proposed stormwater management.
8. Heritage	Yes	Council's Heritage Adviser reviewed the application and deemed the proposal to have an

Development Control	Compliance	Comment
		acceptable impact on Bondi Beach General Heritage Conservation Area.
9. Safety	Yes	The proposal will increase opportunities for passive surveillance to Beach Road and will enhance security and safety.
11. Design Excellence	Yes	The proposal is largely restricted to the existing building envelope of the RFB with window additions to Unit 30 and Unit 28 not visible from either street frontage. The addition of three windows to Unit 27 will complement the existing window arrangement fronting Beach Road and achieve to the objectives of design excellence.
15. Public Domain	Yes	The proposal will result in three new windows to Beach Road which will be visible from the street and have a positive impact on the public domain, creating opportunities for passive surveillance and interrupting built form.
16. Inter War Buildings	Yes	The existing RFB was likely built circa 1920 and therefore forms part of the Inter War Building stock within Waverley. The proposal is contained to the existing building envelope and the addition of new windows will bear little impact on the Inter War Building value of the building.

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

Development Control	Compliance	Comment
2.3 Setbacks		
2.3.1 Street setbacks • <i>Consistent street setback</i>	N/A	The existing primary street setback to Beach Road and secondary street setback to Gould Street are unchanged by the proposal.
2.3.2 Side and rear setbacks	N/A	With the proposal confined to the existing building envelope the existing side and rear setbacks of the RFB are maintained.
2.4 Length and depth of buildings		
	N/A	The length of the existing residential flat building is approximately 37m while the depth is approximately 14m however both remain unchanged under the proposal.

Development Control	Compliance	Comment
2.5 Building design and streetscape		
<ul style="list-style-type: none"> <i>Sympathetic external finishes</i> <i>Removal of original architectural features not supported</i> 	Yes	The proposed one-bedroom apartment and extension to the existing two-bedroom apartment to create a third bedroom will be confined within the existing building envelope. The proposed windows are in keeping with the existing finishes and architectural features.
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>Legible, safe, well-lit</i> 	N/A	Pedestrian access to the RFB is existing, provided from both Beach Road and Gould Street, and is unchanged by the proposal.
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: 252m²</i> <i>50% of the above is to be deep soil: 126m²</i> 	N/A	Landscaped area over the site is minimal and the allocation of landscaped area or existing hard areas is unchanged by the proposal.
2.10 Communal open space		
	N/A	The existing RFB development does not provide communal open space and no communal open space is proposed under the application. This is deemed acceptable given the historic build and proximity of the subject site to open space and nearby Bondi Beach.
2.12 Vehicular access and parking		
	N/A	The existing RFB does not include on-site parking and does not offer any vehicular access to Beach Road or Gould Street. This will remain unchanged by the proposal.
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> 	No, acceptable on merit.	The design of the existing build and subterranean location of the proposed one-bedroom apartment (Unit 30) and extension to the existing two-bedroom apartment will see both units receive inadequate solar access. It is understood both units will receive limited direct light and benefit from some indirect light.

Development Control	Compliance	Comment
		<p>It should be noted that no windows are proposed to the bedroom of Unit 30, resulting in a severe lack of solar access and amenity. Notwithstanding this the applicant has indicated that Unit 30 will satisfy the provision of natural light through Clause F6D4 Natural light borrowed from an adjoining room of the NCC. This natural light will be borrowed from the adjoining living room within the same sole occupancy unit.</p> <p>An assessment against Part 4A of the ADG has also been undertaken and is contained in Table 2 despite the proposal not being considered development involving the substantial redevelopment or substantial refurbishment of an existing building.</p>
2.14 Views and view sharing		
	N/A	The proposal is confined to the existing building envelope and will bear no impact on views to Bondi Beach.
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> 	Yes	The proposal is contained within existing RFB and so orientation is fixed. Street entrances from Beach Road and Gould Street are unchanged by the proposal.
<ul style="list-style-type: none"> <i>Privacy must be considered in relation to context density, separation use and design</i> 	Yes	The proposal will preserve the visual privacy afforded to the existing units within the residential flat building and will not create opportunities for overlooking.
2.17 Ceiling heights		
<ul style="list-style-type: none"> <i>Min 2.7m floor to ceiling height residential floors</i> 	Yes	2.8m floor to ceiling heights are proposed to the new one-bedroom apartment and third bedroom to the new three-bedroom apartment.
2.18 Storage		
<ul style="list-style-type: none"> <i>In addition to kitchen cupboards and bedroom wardrobes, min storage required is: Studio and 1 bed = 6m³</i> 	Yes	The proposal does impact the distribution of storage throughout the building with private storage converted to habitable space to create a one-bedroom apartment and the shared laundry

Development Control	Compliance	Comment
<p><i>3 or more bed = 10m³</i></p> <p><i>All to provide bulk storage area in basement or ancillary structure</i></p>		<p>relocated into the existing shared storage area as a result. Notwithstanding this the proposed one-bedroom apartment will achieve 6m³ of internal storage.</p> <p>The proposed three-bedroom apartment will also deliver a total 10m³ of storage. Under the proposal, a remaining 39.2m³ is dedicated to shared storage.</p>
2.19 Acoustic privacy		
<ul style="list-style-type: none"> <i>Internal amenity by locating noisy areas away from quiet areas</i> 	Yes	The newly created one-bedroom apartment will be adjacent to existing one-bedroom apartments within the lower level of the RFB and therefore will be appropriately located.
2.20 Natural ventilation		
<ul style="list-style-type: none"> <i>All dwellings to be naturally cross-ventilated</i> <i>Building to be orientated to maximise breezes</i> <i>Ceiling fans are to be provided in all habitable rooms</i> 	<p>No, acceptable on merit.</p> <p>Yes</p> <p>Yes, conditional.</p>	<p>The proposed one-bedroom apartment (Unit 30) will not achieve natural cross ventilation due to the subterranean location of the unit and consequential limitation on the provision of a window to the bedroom.</p> <p>Similarly to the above issue of solar access for Unit 30, the applicant has submitted a reliance on Clause F6D8 Ventilation borrowed from adjoining room of the NCC to achieve natural ventilation to the subterranean unit and improve amenity.</p> <p>Window sizes were altered through amended plans to ensure compliance against the Code and achieve improved ventilation.</p> <p>The proposal provides new windows which will serve to maximise breezes and improve overall amenity.</p> <p>A condition of consent will be imposed to ensure the ceiling fans are provided to the new bedrooms.</p>

Table 6: Waverley DCP 2012 – E2 Bondi Beachfront Area Compliance Table

Development Control	Compliance	Comment
2.1 General Controls		
2.1.1 Public Domain Interface	Yes	Majority of the proposal, largely restricted to the conversion of floor space within the subterranean

Development Control	Compliance	Comment
		level of the existing RFB will not be visible from the street; however, the provision of three new windows to Unit 27 and Beach Road will have a positive impact on the Bondi Beachfront public domain interface.
2.1.2 Building Use	Yes	The proposal will consist of residential development on all floors and will improve passive surveillance to the Bondi Beachfront Area through the creation of new windows to Beach Road.
2.1.6 Heritage conservation	Yes	The subject site is located within the Bondi Beach General Heritage Conservation Area and the proposal, confined to the existing building envelope of the residential flat building will conserve the existing Inter War Building façade.

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 3 and 19 December 2024 in accordance with the *Community Engagement Strategy 2023*.

Following the receipt of amended plans and additional information the application was not re-notified as the amended plans and additional information have a lesser or the same effect as the original application, as detailed in the *Community Engagement Strategy 2023*. The amendments were requested to inform an assessment of the application.

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

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

Count	Property Address
1.	13/7 Beach Road, Bondi Beach
	26/7 Beach Road, Bondi Beach
	4/7 Beach Road, Bondi Beach

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

- Further exceedance of the floor space ratio development standard; and
- Solar access and natural ventilation to Unit 30

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

Issue: *Construction involved in converting the laundry into a new one-bedroom apartment will pose a significant risk on the structural integrity of the building's foundations.*

Response: The conversion of the shared laundry into a new one-bedroom apartment will involve minimal building work due to this unit being wholly contained within the existing building envelope of the RFB. An assessment of the proposed floor plan for the unit against the existing floor plan for the shared laundry indicates two walls will need to be removed to create an open plan design in order to achieve a better design outcome. Conditions of consent will be imposed to ensure building work is appropriately managed and complies with relevant construction management guidelines.

Issue: *The proposed new unit will fail to meet the minimum one-bedroom dwelling size requirement of an area of 50m².*

Response: A floor space area calculation taken against the Proposed Lower Level Plan (A02-02, Rev A) dated 22 December 2023 and submitted by We Architects indicates the proposed one-bedroom apartment will comply with the minimum dwelling size requirement of 50m² for one-bedroom apartments as is set out in the ADG. Similarly, a floor space area calculation undertaken against the amended Proposed Lower Level Plan (A02-02, Rev B) dated 29 April 2025 and submitted by We Architects still indicated compliance with the development control.

Issue: *The proposed new unit will likely attract only short term Airbnb rental tenants and create negative impacts such as increased noise, overcrowding and may disrupt social and neighbourly cohesion within the building.*

Response: Short term rental accommodation (STRA) or holiday letting is not managed by Council and requires an owner to register the property via the NSW Planning Portal where owners are subject to a code of conduct. The NSW Department of Planning, Housing and Infrastructure manage the regulatory framework for STRA in New South Wales.

The proposed one-bedroom apartment will not share any walls with neighbouring units and as a result the possibility for noise impacts to travel between units will be mitigated. An existing number of units are located within the lower level of the RFB and it is anticipated the noise generated from the use of the one bedroom unit will not be dissimilar to the noise already experienced.

The issue of overcrowding and the potential creation of a separate domicile to the existing two-bedroom apartment (Unit 27) through the addition of a third bedroom was addressed in Point 3 in Council's deferral letter dated 11 April 2025. The amended Proposed Lower Level Plan (A02-02, Rev B) dated 29 April 2025 and submitted by We Architects has detailed the external door to bedroom 3 to be infilled.

2.5. Public Interest

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

3. REFERRALS

The following internal referral comments were sought:

3.1. Stormwater

Council's Stormwater Engineer requested a copy of the statement referenced in the Statement of Environmental Effects prepared by We Architects and dated November 2024 in order to inform an assessment of the proposal against stormwater requirements.

The request was included in Council's deferral letter dated 11 April and a statement including input from a civil engineer was prepared and submitted in response.

Council's Stormwater Engineer on review of the statement, concurred that existing stormwater infrastructure over the site was adequate in supporting the proposal as there would be no increase to the building footprint or impervious surface area. As a result, no stormwater conditions were imposed.

3.2. Heritage Adviser

An internal referral was sought from Council's Heritage Adviser due to the site's inclusion in the Bondi Beach General Heritage Conservation Area and its proximity to an adjoining local heritage item (I132) to the north of the site, Bondi Beach Public School.

Council's Heritage Adviser requested amendments to improve the proportions of the new window openings to reflect the pattern of existing windows and ensure window frames and doors match existing. Following the adoption of the recommended design changes Council's Heritage Adviser raised no objection to the proposal and offering no conditions.

3.3. Fire Safety Officer

An internal referral was sought from Council's Fire Safety Officer who raised no objection to the proposal subject to the imposition of conditions of consent requiring the building work to be carried out in accordance with the NCC, and details of fire safety measures.

3.4. GIS Officer

An internal referral was sought from Council's GIS Officer who raised no objection to the proposal subject to the imposition of conditions of consent relating to the appropriate numbering of the units for the amended Strata Plan.

3.5. Waste

An internal referral was sought from Council's Waste Officer who on review of the application, deemed the existing waste management over the site appropriate to support the addition of the proposed one-bedroom apartment. No conditions of consent were offered.

3.6. Strategic

Council's Strategic unit stated that as this proposed development results in a relatively minor increase in GFA, all contained within the existing building footprint, and relates to the creation of only a single strata unit, no Planning Agreement is applicable on this site. It is therefore of the opinion that the Waverley Planning Agreement Policy is not designed or intended to cover the kind of development proposed under this DA.

4. CONCLUSION

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

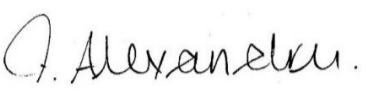

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Managers of Development Assessment (MODA) Review

The application was reviewed by the MODA at the meeting on 8 April 2025 and the MODA concurred with the Assessment Planner's recommendation.

MODA members: *B McNamara, B Magistrale, E Finnegan, and D Knight*

Report prepared by:	Application reviewed and agreed by:
	
Isabelle Alexandru	Bridget McNamara
Development Assessment Planner	Manager, Development Assessment
Date: 16/05/2025	Date: 19 May 2025

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	158.9% variation to FSR (Clause 4.4)	
	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	
Determining Authority <small>(Concurrence Authority for Clause 4.6 variation)</small>	Local Planning Panel	
Affordable Rental Housing Units?	No	
Secondary Dwelling	No	
Boarding House	No	
Group Home	No	
Trial Period database entry required	No	
VPA submitted – follow up actions required	No	
Refer to compliance for investigation	No	
Commercial/liquor operational conditions	No	
Other (please specify):	No	

APPENDIX A – CONDITIONS OF CONSENT

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.	APPROVED PLANS AND DOCUMENTATION																																												
	The development must be in accordance with:																																												
	(a) Architectural Plans prepared by Architects Nicholas and Associates including the following:																																												
	<table><tr><th>Plan Number and Revision</th><th>Plan description</th><th>Plan Date</th><th>Date received by Council</th></tr><tr><td>DA 100.05 Issue 05</td><td>Site Plan and Site Analysis, Waste Management Plan, Construction Plan, Erosion and Sediment Control Plan</td><td>28/10/2024</td><td>04/02/2025</td></tr><tr><td>DA 110.2 Issue 02</td><td>Roof Plan</td><td>28/10/2024</td><td>04/02/2025</td></tr><tr><td>DA 202.3 Issue 03</td><td>Upper Ground Floor Plan - Proposed</td><td>28/10/2024</td><td>04/02/2025</td></tr><tr><td>DA 201.3 Issue 03</td><td>Lower Ground Floor Plan - Proposed</td><td>28/10/2024</td><td>04/02/2025</td></tr><tr><td>DA 200.3 Issue 03</td><td>Basement Floor Plan</td><td>28/10/2024</td><td>04/02/2025</td></tr><tr><td>DA 210.2 Issue 02</td><td>Construction Plan Erosion & Sediment</td><td>28/10/2024</td><td>04/02/2025</td></tr><tr><td>DA 350.3 Issue 03</td><td>East Elevation</td><td>28/10/2024</td><td>04/02/2025</td></tr><tr><td>DA 351.3 Issue 03</td><td>North Façade</td><td>28/10/2024</td><td>04/02/2025</td></tr><tr><td>DA 354.1 Issue 01</td><td>Rear Street Elevation</td><td>18/02/2025</td><td>19/02/2025</td></tr><tr><td>3957-DP</td><td>Plan of Subdivision of Lot 1 in DP 129306 and Lot B in DP 437379, Sheets 1 of 2 and 2 of 2</td><td>29/01/2024</td><td>19/02/2025</td></tr></table>	Plan Number and Revision	Plan description	Plan Date	Date received by Council	DA 100.05 Issue 05	Site Plan and Site Analysis, Waste Management Plan, Construction Plan, Erosion and Sediment Control Plan	28/10/2024	04/02/2025	DA 110.2 Issue 02	Roof Plan	28/10/2024	04/02/2025	DA 202.3 Issue 03	Upper Ground Floor Plan - Proposed	28/10/2024	04/02/2025	DA 201.3 Issue 03	Lower Ground Floor Plan - Proposed	28/10/2024	04/02/2025	DA 200.3 Issue 03	Basement Floor Plan	28/10/2024	04/02/2025	DA 210.2 Issue 02	Construction Plan Erosion & Sediment	28/10/2024	04/02/2025	DA 350.3 Issue 03	East Elevation	28/10/2024	04/02/2025	DA 351.3 Issue 03	North Façade	28/10/2024	04/02/2025	DA 354.1 Issue 01	Rear Street Elevation	18/02/2025	19/02/2025	3957-DP	Plan of Subdivision of Lot 1 in DP 129306 and Lot B in DP 437379, Sheets 1 of 2 and 2 of 2	29/01/2024	19/02/2025
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	<p>(b) Preliminary Engineering Plan Job No., 03910, Drawing Nos S00-01 Revision A, S00-02 Revision A, S00-11 Revision A, S00-12 Revision A, S00-13 Revision A, S00-14 Revision A, S00-15 Revision A, S01-11 Revision A, S02-00 Revision B, S02-11 Revision B, S02-12 Revision A, S03-00 Revision A, S03-11 Revision A, S04-00 Revision A, S04-11 Revision A, S05-00 Revision A, S05-11 Revision A, S06-00 Revision A, S06-11 Revision A, all prepared by Cantilever and received by Council on 04/02/2025;</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>
2.	<p>GENERAL MODIFICATIONS</p> <p>The application is approved subject to the following plan amendments;</p> <p>(a) The proposed front fencing to Arden Street is not to exceed 1.2m in height at any point when measured from the footpath level. Where a height exceedance is present, the fence shall be stepped to coincide with the downward slope of the footpath.</p> <p>Condition reason: To ensure that fencing does not visually dominate or detract from the visual character and amenity of the streetscape and associated dwelling.</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>
3.	<p>ENCROACHMENTS INTO COUNCIL'S ROAD RESERVE</p> <p>Any proposed encroachments into council's road reserve are not supported and must be removed. Waverley Council opposes unauthorised encroachments, and they must be removed to ensure that no part of the building or its structure extends into public land beyond the private property boundaries of the development site. All structures must be retained within the private property boundaries.</p> <p>Condition reason: Under the Roads Act 1993, any encroachments from private property into public land and domain area are not allowed and must be removed. This is due to safety and liability related issues.</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> <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 2021</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>
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> <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 (dated within 12 months) 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 (dated within 12 months) prepared by a registered Quantity Surveyor, Building Contract, or similar is to be submitted to Council's Customer Service Centre to process payment.

	<p>(c) Where the total development cost is \$1,000,000 or more:</p> <ul style="list-style-type: none"> (i) a Detailed Cost Report (dated within 12 months) 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 attention 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>
7.	<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>SECURITY DEPOSIT</p> <p>A deposit (cash or cheque) for the amount of \$1,955.00 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>
9.	<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>
10.	<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>
11.	<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> <p>Condition reason: To ensure structural stability of work on site.</p>

BEFORE BUILDING WORK COMMENCES

	Condition
12.	<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>
13.	<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>All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to <i>Australian Standard AS1716 Respiratory Protective Devices</i>.</p> <p>Condition reason: To ensure the safety of workers and the general public.</p>
14.	<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>
15.	<p>STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS</p> <p>All building materials and any other items associated with the development are to be stored within the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.</p> <p>Condition reason: To ensure building material is stored in an appropriate location.</p>

16.	CONSTRUCTION INSPECTIONS
	The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the <i>Building Legislation Amendment (Quality of Construction) Act 2002</i> , clause 162A of the <i>Environmental Planning and Assessment Regulation 2021</i> and the requirements of any other applicable legislation or instruments.
	Condition reason: To ensure regular inspections occur throughout the construction process.
17.	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.
18.	TREE PROTECTION
	All trees on site and adjoining properties, including street trees, are to be retained and protected in accordance with <i>Australian Standard AS4970-2009 'Protection of Trees on Construction Sites'</i> and to be certified by an Arborist with AQF level 5 qualification or above, unless approved to be removed in this development consent.
	Condition reason: To protect and retain trees.
19.	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> <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 <i>Australian Standard AS4970-2009 'Protection of trees on construction sites'</i>.
	Condition reason: To protect trees during the carrying out of site work.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
20.	FINAL OCCUPATION CERTIFICATE
	Prior to occupation or use of the development, an Occupation Certificate must be obtained.
	The Principal Certifying Authority must be satisfied that the requirements of the <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.
	Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.
21.	TREE PROTECTION MEASURES TO BE REMOVED
	All tree protection shall be removed prior to the issuing of the Occupation Certificate.
	Condition reason: To ensure that the tree can continue to grow post construction.
22.	SUBDIVISION CERTIFICATE
	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.
	Condition reason: To ensure registration of plans.

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</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	<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>ALTERATIONS AND ADDITIONS ONLY</p> <p>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.</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>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>
11	<p>BONDI - ROSE BAY SAND BODY</p> <p>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</p>

	<p>construction period associated with this development, works are to immediately cease and the NSW National Parks and Wildlife Service must be contacted.</p> <p>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.</p>
12	<p>DEVELOPMENT WORKS OCCUPYING PUBLIC ROADS (EXCLUDING STATE ROADS)</p> <p>Any works performed in, on or over a public road reserve pursuant to this consent must be carried out in accordance with this consent and with the Road/Footpath Occupancy Permit issued by Council as required under Sections 138 and 139 of the Roads Act 1993</p> <p>Condition reason: To be consistent with the <i>Roads Act 1993</i>.</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*.

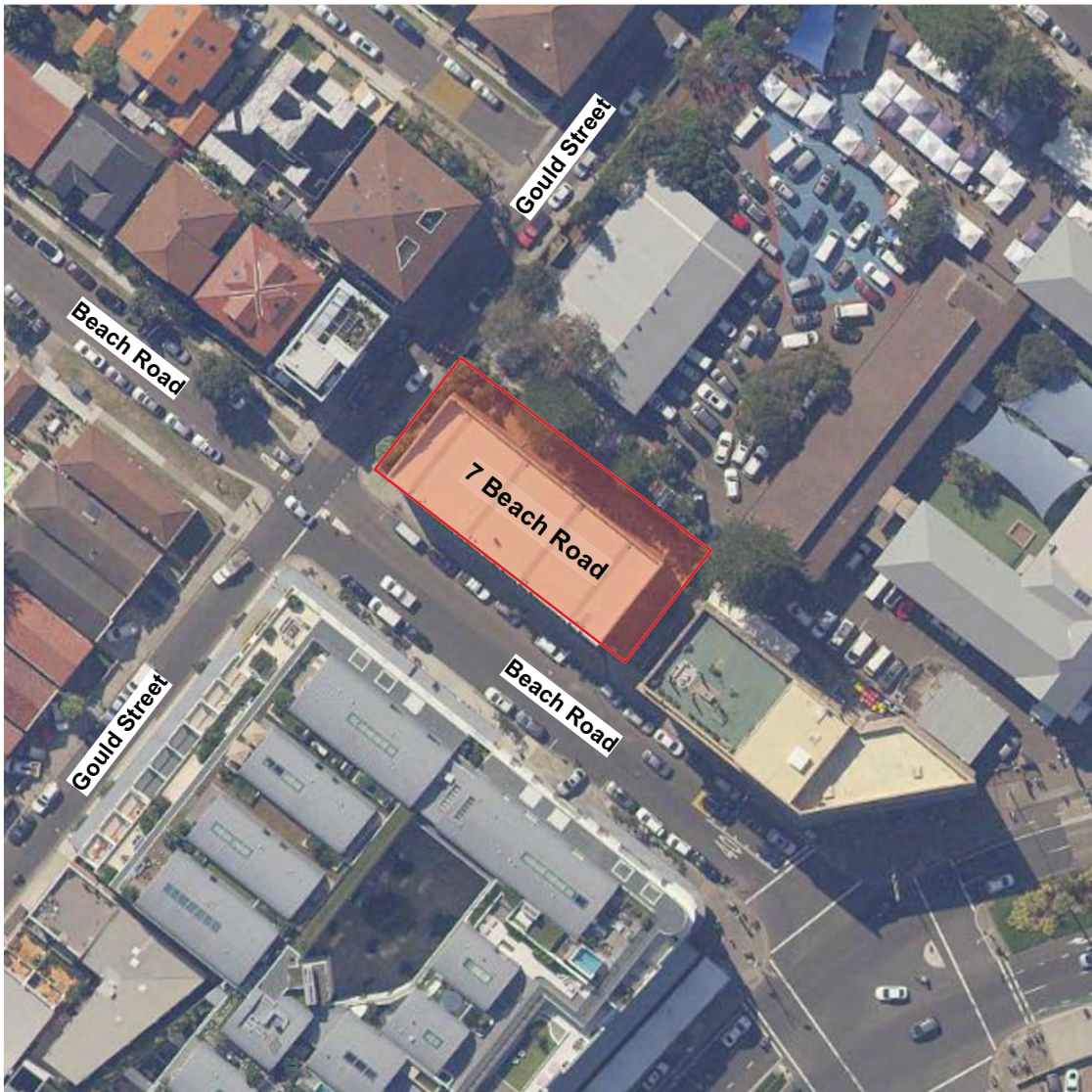
Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

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.

7 Beach Rd, Bondi Beach, 2026

Development Application Drawings



Locality Plan (NTS)

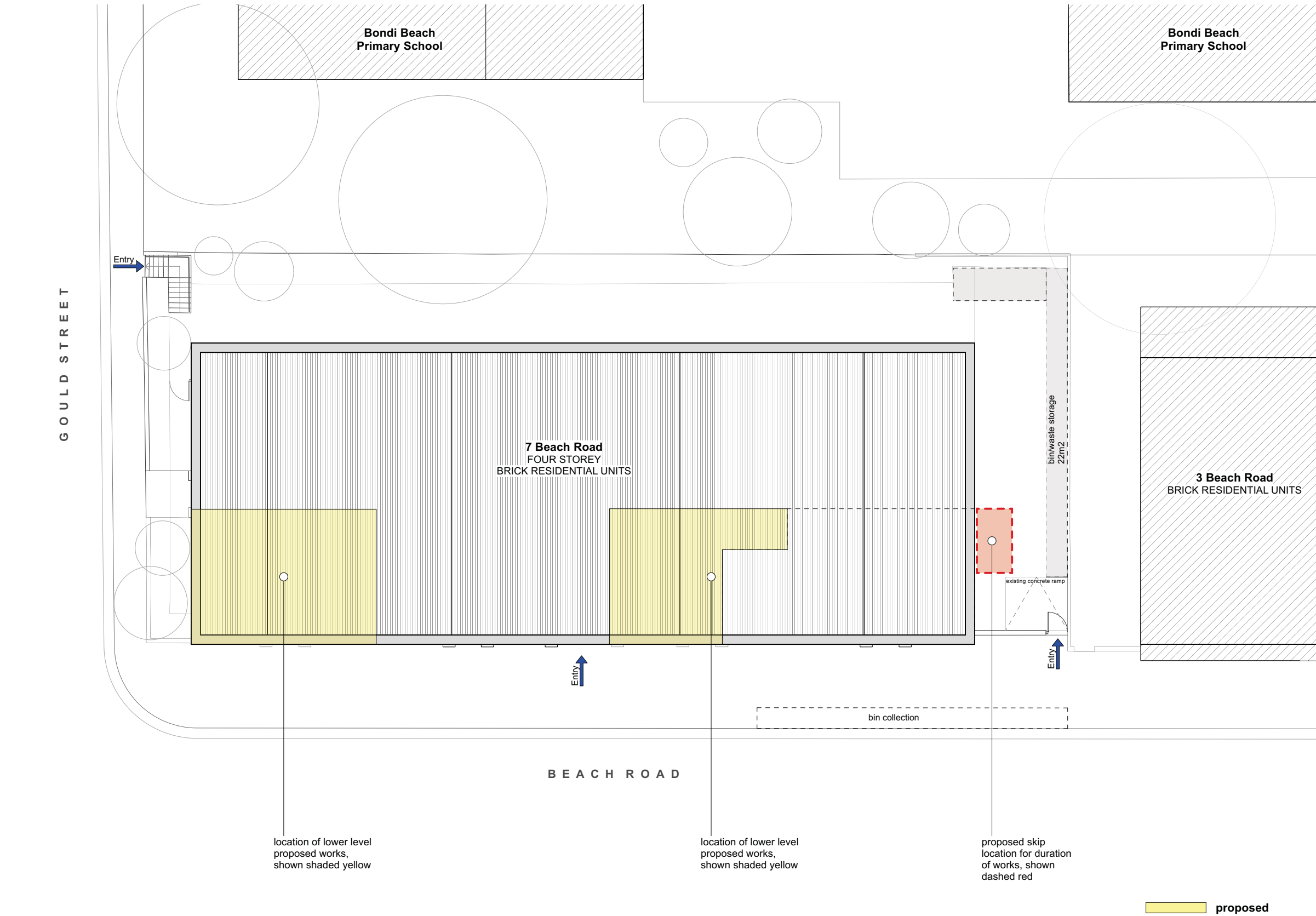
DRAWING REGISTER

Dwg No.	Drawing Name
A00-01	Cover Page and Site Plan
A02-01	Existing Lower Level
A02-02	Proposed Lower Level
A04-01	Southern Elevation
A04-02	Eastern and Western Elevations
A05-01	Existing Section A
A05-02	Proposed Section A
A11-01	Area Calculation Diagrams
A11-02	Solar Access & Ventilation Diagrams

RECEIVED
Waverley Council

Receipt No: DA-562/2024

Date Received: 07/11/2024



Certificate No. 0009165424-01

Scan QR code or follow website link for rating details.

Assessor name Rachel Clarke

Accreditation No. 20824

Property Address Unit 30, 7 Beach Road, Bondi Beach NSW, 2026

hstar.com.au/QR/Generate?pradogo0aig

ABSA

Australian Building Sustainability Association

Assessments completed within the accreditation period are part of the ABSA quality mark scheme

Accreditation Period: 31/03/2023-31/03/2024

Assessor Name: Rachel Clarke

Assessor Number: 20824

Assessor Signature: R. M. Clarke

This Accredited Assessor is responsible for the assessment and reporting to the ABSA Quality Mark Scheme

Site Plan & Waste Management (1:200)

A	22/12/23			A	22/12/23	Issue for Development Application
No.	Date	REVISION	By	No.	Date	ISSUE

Reason For Issue:

For Development Application

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Cover Page

7 Beach Rd, Bondi Beach

J Minto

WeArchitects.

www.wearchitects.com.au

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M: +61 400 648 136

Project No. 2305

Drawing No. A00-01

SCALE NTS @ A2

Drawn By ED

Rev A



Image 01
Existing timber framed window above proposed location of new window (bedroom 3)



Image 02
Existing steel security bars over street facing window at 7 Beach Rd, North Bondi

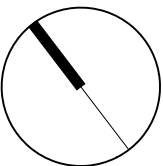


RECEIVED
Waverley Council
Application No: DA-562/2024
Date Received: 30/04/2025

0 Southern Elevation
Scale: 1:100@ A2

new window to match existing timber window proportions and profile (ref. image 01)
steel security bars to match bars on existing windows (ref. image 02)

AMENDED PLANS



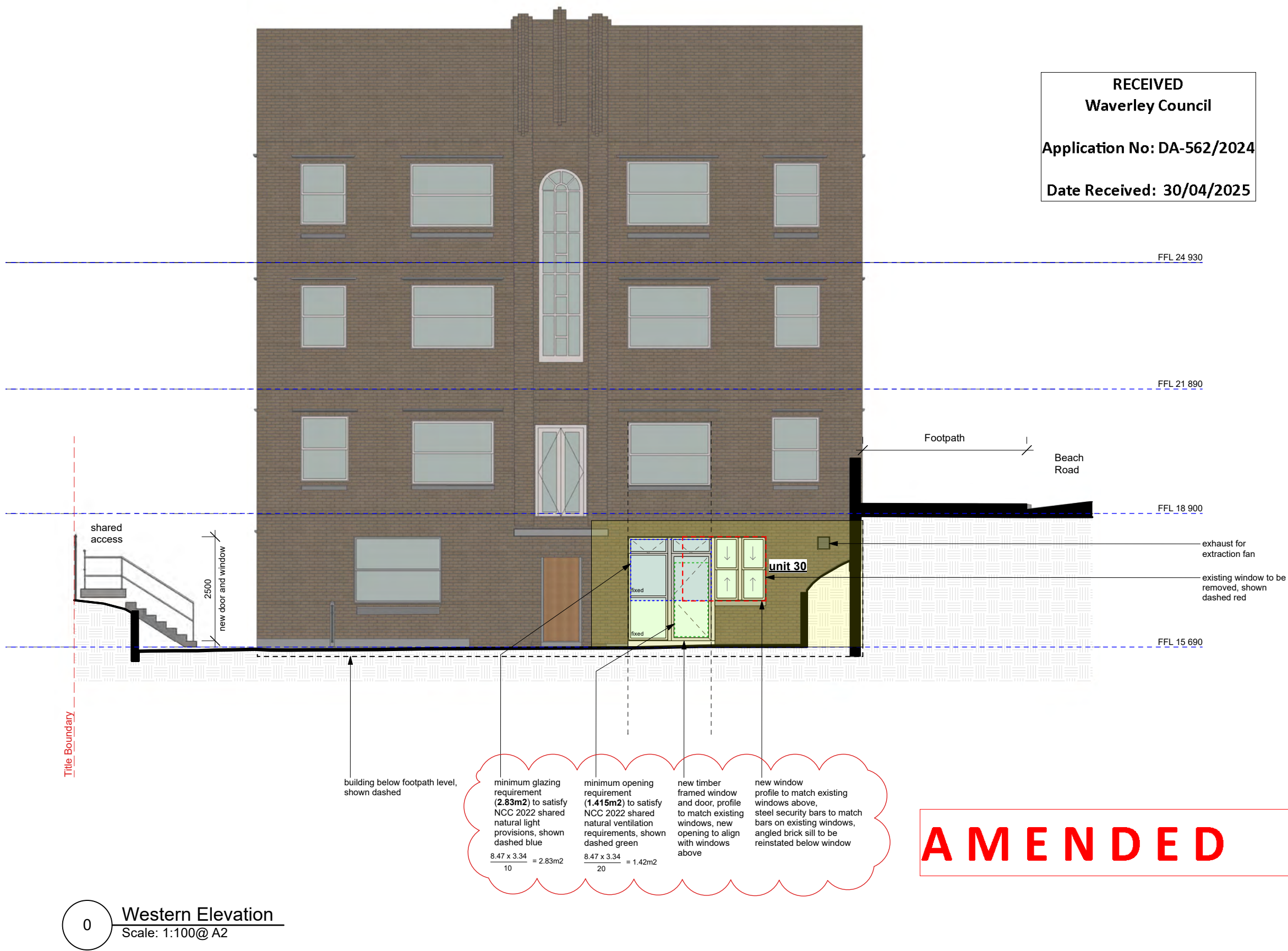
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Project No. 2305		Drawing No. A04-01	
SCALE 1:100 @ A2		Drawn By ED	Rev B

B	29/4/25	Defferal Letter Amendments - Ballooned Red Issue for Development Application	GD
A	10/9/24		GD
No.	Date	REVISION	By

Reason For Issue: For Development Application		
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No.	Date	ISSUE

Southern Elevation	
7 Beach Rd, Bondi Beach	
J Minto	



AMENDED PLANS

B A	29/4/25 10/9/24	Defferal Letter Amendments - Ballooned Red Issue for Development Application	GD GD						Reason For Issue:		Eastern & Western Elevations			<div>WeArchitects. www.wearchitects.com.au E. hello@WeArchitects.com.au M. +61 400 648 136</div>	
									For Development Application		7 Beach Rd, Bondi Beach			Project No. 2305 Drawing No. A04-02	
No.	Date	REVISION	By		No.	Date	ISSUE	By	Copyright : This design and drawings are not to be used or reproduced wholly or in part without written permission of WeArchitects. All dimensions are given in millimetres. All dimensions are to be checked on site by the Builder. Do not scale off the drawing. Nominated Architect: Ed Gordon Reg. No. 9992		J Minto		SCALE 1:100 @ A2	Drawn By ED	Rev B

Architectural floor plan of a residential building with 30 units. The plan shows a grid of units, with units 1-10 and 16-25 shaded with diagonal lines to indicate private areas. Units 11-15 and 26-30 are shown in more detail, including kitchen, living, dining, and bedroom areas. The plan includes dimensions, level markers (FFL 15 690, FFL 18 900, FFL 21 890, FFL 24 930, RL 30 640), and a title boundary. A dashed green line indicates a footpath behind the building. A legend shows a hatched pattern for 'private' areas.

Units shown: unit 1, unit 2, unit 7, unit 8, unit 9, unit 10, unit 16, unit 17, unit 18, unit 19, unit 24, unit 25, unit 27, unit 30.

Rooms shown: kitchen / living / dining, bath, bed 1, bed 2, ensuite, bed 3, shared store / future shared laundry, private store, bed, living, kitchen, entry.

Dimensions: 2977, 1942, 3427, 3293, 4801, 2712, 16954, 3361, 8797, 5361, 2414.

Level markers: RL 30 640, FFL 24 930, FFL 21 890, FFL 18 900, FFL 15 690.

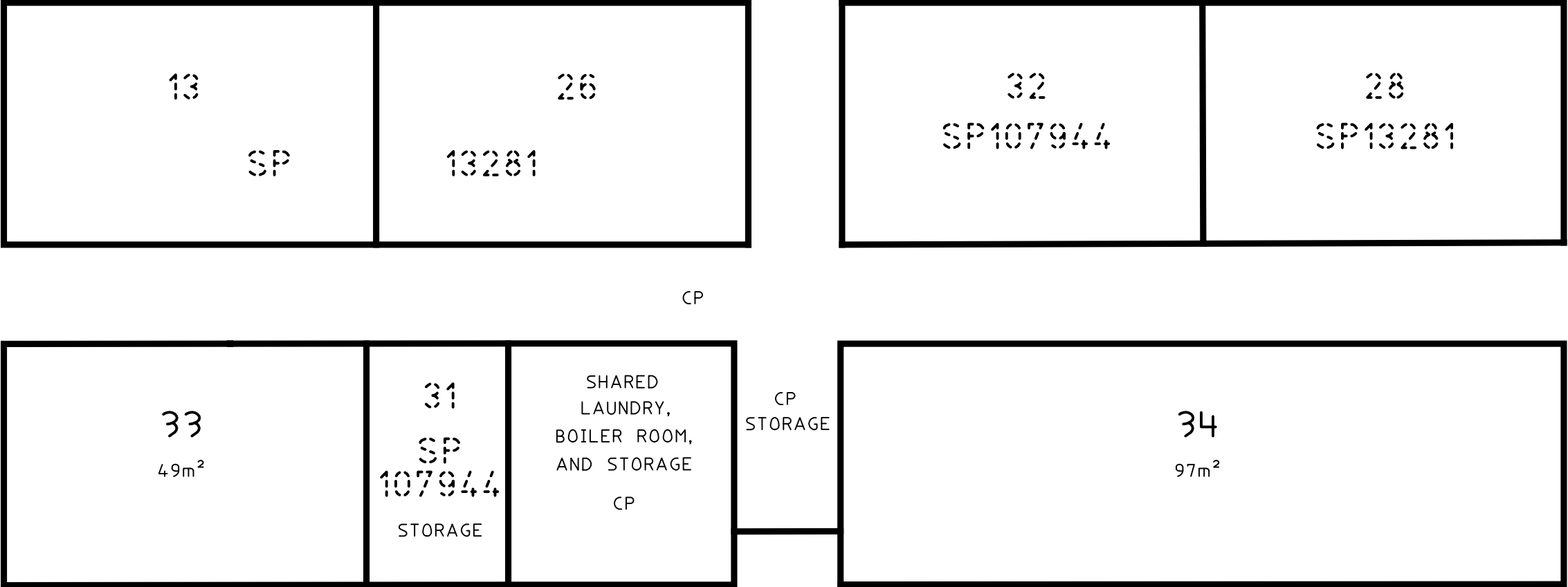
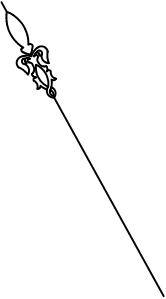
Footpath: shown behind dashed green line.

Legend: private (hatched pattern).



BASEMENT LEVEL

SEE SPI328I FOR LOCATION PLAN



NOTE:
CP DENOTES COMMON PROPERTY IN SPI328I

<div>SURVEYOR</div> <div>Name: KARL ROBERTSON</div> <div>Date:</div> <div>Reference: 22845A_DSP</div>	<div>STRATA PLAN OF SUBDIVISION OF LOT 30</div> <div>SP107944, LOT 27 SP13281 AND COMMON</div> <div>PROPERTY IN SP13281</div>	<div>LGA: WAVERLEY</div> <div>Locality: BONDI BEACH</div> <div>Reduction Ratio: 1: 125</div> <div>Lengths are in metres.</div>	<div>Registered</div>	<div>DRAFT</div> <div>PRINTED 30 APRIL 2025</div> <div>ISSUE 2</div>
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Report to the Waverley Local Planning Panel

Application number	DA-681/2024
Site address	69-71 Warners Avenue, Bondi Beach
Proposal	Torrens Title subdivision into two lots.
Date of lodgement	14 January 2025
Owner	Mr J A Leis and Mrs J E Leis
Applicant	Mr J A Leis
Submissions	No submissions
Cost of works	N/A
Principal Issues	Variation to the minimum subdivision lot size.
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 Torrens Title subdivision at the site known as 69-71 Warners Avenue, Bondi Beach.

The principal issue arising from assessment of the application is variation to the minimum lot size of the Waverley Local Environment Plan 2012 (Waverley LEP 2012) for subdivision. The assessment finds this issue acceptable because the proposed lots are consistent in dimensions, area and orientation to surrounding lots on Warners Avenue. Despite the variation to the minimum lot size, the site can accommodate future residential development, indicative of the approved Complying Development Certificate (CDC) on the site for a dual occupancy two storey duplex with basement car parking and swimming pools.

No public or Councillor submissions were received and there were no declared conflicts of interest on this application from Council staff.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 30 April 2025.

The site is identified as Lot 14 in DP 12561, known as 69-71 Warners Avenue, Bondi Beach.

The site is mostly rectangular in shape with a slightly irregular frontage to Warners Avenue, measuring 18.305m. The site has a total area of 499.2m² and is generally flat.

The site is occupied by a single storey dual occupancy, with each dwelling containing three bedrooms, a rear deck and side driveway to a detached single car garage at the rear.

The site is adjoined by one and two storey semi-detached dwellings to the east and two storey semi-detached dwellings to the west. The locality is characterised by a variety of low to medium density residential developments.

Figures 1 to 3 are photos of the site and its context.



Figure 1: Subject site frontage, No. 69-71 Warners Avenue, facing south.



Figure 2: Neighbouring properties to the west being Nos. 67 and 65 Warners Avenue, facing south.



Figure 3: Neighbouring properties to the west, being Nos. 73 and 75 Warners Avenue, facing south.

1.3. Relevant Development History

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

- CD-249/2024, CDC for demolition works and erection of dual occupancy with swimming pools, issued by a Private Certifier and registered with Council on 4 December 2024.

1.4. Proposal

The development application seeks consent for the Torrens Title subdivision into two lots, Lot A (north-west) with an area of 251.6m² and Lot B (south-east) with an area of 247.6m², both lots have a frontage of 9.155m.

2. ASSESSMENT

The following matters are to be considered in the assessment of this development application under section 4.15 of 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 and have been considered acceptable in the assessment of this development application:

- SEPP (Sustainable Buildings) 2022
- 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 are outlined below:

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
2.6 Subdivision – consent requirements	Yes	The proposal seeks consent for Torrens Title subdivision. The proposal will not result in a secondary dwelling being on its own lot of land.
Land Use Table <i>R2 Low Density Residential Zone</i>	Yes	The proposal is defined as Torrens Title subdivision, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.1 Minimum subdivision lot size <ul style="list-style-type: none">• 325m²	No	The application proposes to subdivide the site to create two Torrens Title lots with the following areas: <ul style="list-style-type: none">• Lot A: 251.6m² (variation of 73.4m² or 22.58%)• Lot B: 247.6m² (variation of 77.4m² or 23.81%)
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. 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.

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 Torrens Title allotments have an area of 251.6m² (Lot A) and 247.6m² (Lot B), with a variation of 73.4m² or 22.58% for Lot A and 77.4m² or 23.81% for Lot B.

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 precedence of Lot sizes within the subject block that is already below the standard, which has set the predominant subdivision pattern for the area.*
 - (ii) The proposed Torrens title subdivision will not result in any adverse amenity impacts on adjoining properties. The proposed subdivision does not change the density on site which is and will be two separate dwellings.*
 - (iii) The proposed Lot size resulting from the subdivision was considered as part of the recent approval of Complying Development which demonstrated that the dwellings can be accommodated within the Lot sizes proposed without resulting in any adverse amenity impacts on adjoining properties.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) The subdivision facilitates the retention of 2 dwellings on the site, whereas one is currently possible on the single lot. This provides, and through future dual ownership will entrench, an appropriate low-density outcome for 2 families rather than 1. The proposed subdivision provides for the housing needs of the population by facilitating dual ownership within a low-density environment.*
 - (ii) The proposed Lots are compatible with the adjoining and surrounding Lot sizes, allowing for appropriately scaled low-density residential development;*

- (iii) The proposed matching Lot sizes offer the greatest opportunity for the orderly and economic development of this land, satisfying a key Object of the EP&A Act 1979;*
- (iv) The proposed subdivision does not create adverse amenity impacts with regards to increase in density, particularly since the density on site is maintained, being two dwellings on the land.*
- (v) The provision of equivalent sized Lots with a matching width continues to facilitate future buildings to have a more balanced streetscape appearance;*
- (vi) The proposal is consistent with the objectives of the development standard and the objectives of the zone.*

Consideration of Applicant's Written Request

The applicant's written request has correctly identified the development standard to be varied, relevant legislation and the variation to the minimum lot size for subdivision development standard. The document also addressed those matters required in Clause 4.6(3)(a) and (b).

The proposal does not change the density on the site which will remain as dual occupancy dwellings with a common location for the central party wall, once the site is redeveloped under the approved CDC. **Figure 4** shows the current subdivision pattern of Warners Avenue, reflecting the predominant lot size and subdivision pattern within the street, which demonstrates that the subject site is one of the only remaining lots that has not yet been subdivided. The proposed subdivision and creation of two lots is compatible and consistent with surrounding lot sizes, and the existing subdivision pattern of Warners Avenue.



Figure 4: Current subdivision pattern overlaid with a 1943 aerial of the site, *Source: LK Planning*

Accordingly, the proposal is consistent with the existing subdivision pattern and despite the variation with the minimum lot size for subdivision, Council agrees that the proposal will ensure lots along this part of Warners Avenue will have an equivalent width and a balanced streetscape appearance.

Consideration of 4.6(3)(a) whether compliance is unreasonable or unnecessary in the circumstances of the case

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) of *Wehbe v Pittwater Council* (2007) 156 LGERA 446]. The applicant notes that there is an existing precedence of lot sizes within the subject block that are below the standard, which has set the subdivision pattern for the area. Council agrees that the majority of lots along this part of Warner Avenue are below the minimum lot size for subdivision and therefore the request to vary the lot size would not result in an anomaly and is reasonable in this instance.

In addition, the proposed Torrens Title subdivision would not result in adverse amenity impacts on adjoining properties, nor would the proposal change the density on the site given the approved CDC for dual occupancy dwellings, demonstrating that the proposal can be appropriately accommodated within the lot sizes proposed. Council is satisfied that the applicant has adequately justified the variation request and that requiring compliance with the standard is unreasonable in this instance.

Consideration of 4.6(3)(b) whether there are sufficient environmental planning grounds to justify contravening the development standard.

The applicant has satisfactorily argued that there are sufficient environmental planning grounds to justify contravening the development standard. As outlined above, the proposed subdivision would result in lots that are compatible with adjoining sites and the density on these sites. The resultant planning outcome will facilitate sites of a consistent width and facilitate future development with a balanced streetscape appearance.

Conclusion

The written request provided by the applicant to vary the minimum subdivision lot size development standard has adequately addressed clause 4.6 of the Waverley LEP 2012 and the justification provided by the applicant is satisfactory.

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

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

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

Development Control	Compliance	Comment
12. Subdivision		
<ul style="list-style-type: none">• <i>Minimum lot size of 325m²</i>	No, acceptable	The proposed Torrens Title lots have an area of 251.6m ² (Lot A) and 247.6m ² (Lot B). As discussed in section 2.1.2, the proposed Torrens Title subdivision is consistent with the existing subdivision pattern of this section of Warners Avenue with the majority of neighbouring sites comprising a similar area. The proposal will be in keeping with surrounding lots and is therefore appropriate. A CDC has been approved on the site for dual occupancy dwellings indicating that the new lots are capable of accommodating future buildings on the site taking account of the site features. The resulting lots will reflect the subdivision pattern, dimensions, area and orientation of lots along this section Warners Avenue. Both Torrens Title lots will front Warners Avenue. The approved CDC comprises landscaping and retention of the street tree in the site's frontage.
<ul style="list-style-type: none">• <i>The new lot is capable for accommodating future buildings</i>	Yes	
<ul style="list-style-type: none">• <i>Existing features of the site must be considered</i>	Yes	
<ul style="list-style-type: none">• <i>Proposed lots must meet the subdivision pattern of the locality</i>	Yes	
<ul style="list-style-type: none">• <i>All lots must have at least one street frontage</i>	Yes	

2.2. Other Impacts of the Development

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

2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.4. Any Submissions

The application was notified for over 14 days between 29 January and 17 February 2025 in accordance with the *Community Engagement Strategy 2023*. 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. GIS

The application was referred to Council's GIS team. No objections were raised, subject to the recommended street numbering for the Torrens Title subdivided sites, which will follow consistent numbering as currently used.

4. CONCLUSION

The development application seeks consent for Torrens Title subdivision at the site known as 69-71 Warners Avenue, Bondi Beach.

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.




Managers of Development Assessment (MODA) Review

The application was reviewed by the MODA at the meeting on 18 March 2025 and the MODA concurred with the Assessment Planner's recommendation.

MODA members: A Rossi, B McNamara, B Magistrale, 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:
		
Alana Jelfs	Bridget McNamara	Angela Rossi
Senior Development Assessment Planner	Manager, Development Assessment	Executive Manager, Development Assessment
Date: 6 May 2025	Date: 7 May 2025	Date: 14 May 2025

Reason for WLPP referral:

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

OFFICE USE ONLY

Planning Portal Data							
Clause 4.6 register entry required (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)	Lot A: 22.58% & Lot B: 23.81% variation to lot size (Clause 4.1), Reason: <table border="1"> <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	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	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						
Were the requirements of the Sustainable Buildings SEPP (effective 1 October 2023) met?	N/A						
Have any dwellings been approved for affordable Rental Housing under this approval/consent? *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						
Is the development subject to the Special Infrastructure Contribution (SIC)?	No						
Is the development located within an Urban Release area?	No						
Waverley Council Data							
Trial Period database entry required	No						
VPA submitted – follow up actions required	No						
Refer to compliance for investigation	No						
Commercial/liquor operational conditions	No						
Was there a 'Conflict of Interest' declared	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.	APPROVED PLANS AND DOCUMENTATION
	The development must be in accordance with:
	(a) Draft Subdivision Plan prepared by Robert Francis Lyon dated 08/12/2024 and received by Council 14/01/2025.
	Except where amended by the following conditions of consent.
	Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

	Condition								
2.	<p>HOUSING AND PRODUCTIVITY CONTRIBUTIONS</p> <p>Before the issue of Subdivision Certificate, the housing and productivity contribution (HPC) set out in the table below is required to be made.</p> <table border="1"> <thead> <tr> <th>Housing and productivity contribution</th><th>Amount</th></tr> </thead> <tbody> <tr> <td>Housing and productivity contribution (base component)</td><td>\$ 12,852.78</td></tr> <tr> <td>Transport project component</td><td>Nil</td></tr> <tr> <td>Total housing and productivity contribution</td><td>\$ 12,852.78</td></tr> </tbody> </table> <p>The HPC must be paid using the NSW planning portal.</p> <p>At the time of payment, the amount of the HPC is to be adjusted in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order).</p> <p>The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the <i>Environmental Planning and Assessment Act 1979</i> agrees.</p> <p>The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the <i>Environmental Planning and Assessment Act 1979</i> to the development, or the HPC Order exempts the development from the contribution.</p> <p>The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.</p> <p>Condition reason: To require contributions towards the provision of regional infrastructure.</p>	Housing and productivity contribution	Amount	Housing and productivity contribution (base component)	\$ 12,852.78	Transport project component	Nil	Total housing and productivity contribution	\$ 12,852.78
Housing and productivity contribution	Amount								
Housing and productivity contribution (base component)	\$ 12,852.78								
Transport project component	Nil								
Total housing and productivity contribution	\$ 12,852.78								
3.	<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</p>								

	<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 compliance with Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i>.</p>
4.	<p>SUBDIVISION CERTIFICATE</p> <p>A Subdivision Certificate must be obtained from Council in accordance with the <i>Environmental Planning and Assessment Act 1979</i> prior to the registration of the subdivision plans.</p> <p>Condition reason: To comply with the relevant legislation.</p>
5.	<p>ALLOCATION OF STREET NUMBERING</p> <p>The subdivision of the properties/parcels has led to the following allocation of address numbering:</p> <ul style="list-style-type: none"> – No. 69 Warners Avenue for the fill in - west allotment - proposed Lot A or adjoining 67 Warners Avenue. – No. 71 Warners Avenue for the fill in - east allotment - proposed Lot B or adjoining 73 Warners Avenue. <p>The primary address site number for the properties shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary, located near the entry point and be clearly visible from Hall Street.</p> <p>The primary address site number shall be positioned on the site prior to the issue of the Subdivision Certificate.</p> <p>Any variation to the above address 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>

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>

	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.
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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.

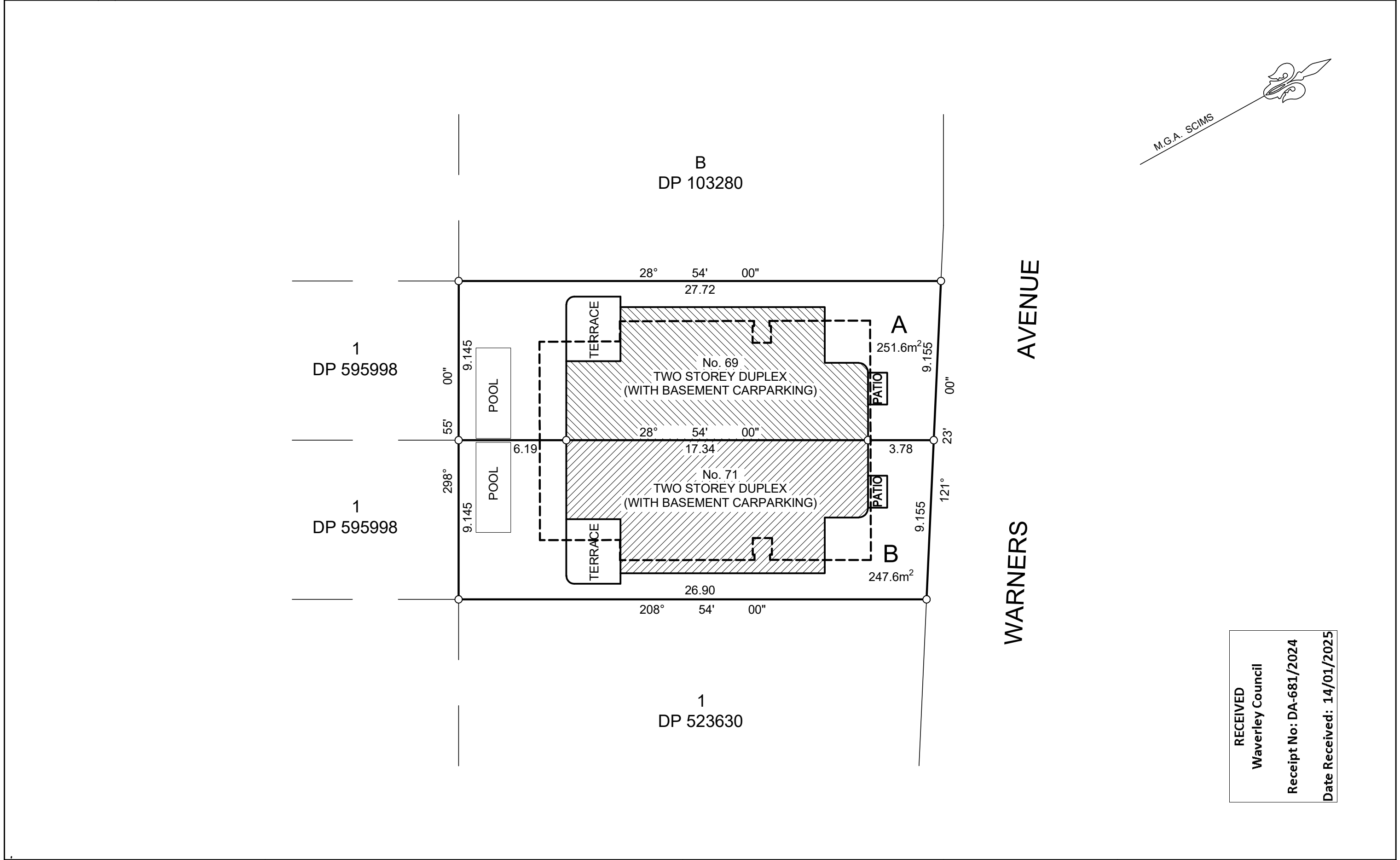
Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

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



RECEIVED

Waverley Council

Receipt No: DA-681/2024

Date Received: 14/01/2025

Surveyor : ROBERT FRANCIS LYON Date of Survey : 8/12/2024 Surveyors Ref : 3002 DRAFT DP	PROPOSED PLAN OF SUBDIVISION OF LOT 14 IN DP 12561	L.G.A : WAVERLEY LOCALITY : BONDI BEACH Reduction Ratio 1:200 Lengths are in metres	REGISTERED	
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DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 1 of 2 sheet(s)

Office Use Only	Office Use Only
Registered:	
Title System:	
PROPOSED PLAN OF SUBDIVISION OF LOT 14 IN DP 12561	LGA: WAVERLEY Locality: BONDI BEACH Parish: ALEXANDRIA County: CUMBERLAND
<p style="text-align: center;">Survey Certificate</p> <p>I, ROBERT FRANCIS LYON, A.R.P. SURVEYORS PTY LTD Of 27/19-21 CENTRAL ROAD, MIRANDA NSW 2229 a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i>, certify that:</p> <p>*(a) The land shown in the plan was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>, is accurate and the survey was completed on 8TH December 2024, or</p> <p>*(b) The part of the land shown in the plan (*being/*excluding **.....) was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>, the part surveyed is accurate and the survey was completed on,..... the part not surveyed was compiled in accordance with that Regulation, or</p> <p>*(c) The land shown in this plan was compiled in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>.</p> <p>Datum Line: 'X' – 'Y'</p> <p>Type: *Urban/*Rural</p> <p>The terrain is *Level Undulating / *Steep-Mountainous.</p> <p>Signature: Dated: 08/12/2024</p> <p>Surveyor Identification No: 9104</p> <p>Surveyor registered under the <i>Surveying and Spatial Information Act 2002</i></p> <p>*Strike out inappropriate words.</p> <p>**Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.</p>	<p style="text-align: center;">Crown Lands NSW/Western Lands Office Approval</p> <p>I, (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given.</p> <p>Signature:</p> <p>Date:</p> <p>File Number:</p> <p>Office:</p>
	<p style="text-align: center;">Subdivision Certificate</p> <p>I, *Authorised Person/*General Manager/*Registered Certifier, certify that the provisions of s.6.15 of the <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein.</p> <p>Signature:</p> <p>Registration number:</p> <p>Consent Authority:</p> <p>Date of endorsement:</p> <p>Subdivision Certificate number:</p> <p>File number:</p> <p>*Strike through if inapplicable.</p>
Plans used in the preparation of survey/compilation. DP 12561	Statements of intention to dedicate public roads create public reserves and drainage reserves, acquire/resume land.
Surveyor's Reference: 3002 DRAFT DP	Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A

Office Use Only

Office Use Only

Registered:**PROPOSED PLAN OF SUBDIVISION OF LOT 14
IN DP 12561**

Subdivision Certificate number:

Date of Endorsement:

This sheet is for the provision of the following information as required:

- A schedule of lots and addresses - See 60(c) *SSI Regulation 2017*
- Statements of intention to create and release affecting interests in accordance with section 88B *Conveyancing Act 1919*
- Signatures and seals- see 195D *Conveyancing Act 1919*
- Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.

Lot	Street number	Street name	Street type	Locality
A	69	WARNERS	AVENUE	BONDI BEACH
B	71	WARNER	AVENUE	BONDI BEACH

.....
(Name of Proprietor).....
(Signature of Proprietor)

Surveyor's Reference: 3002 DRAFT DP



Report to the Waverley Local Planning Panel

Application number	DA-704/2024
Site address	4 Arden Street, Waverley
Proposal	Boundary realignment, new front fence and extension of garage roof.
Date of lodgement	4 February 2025
Owner	Mr C R Andersen & Ms S C Sasson
Applicant	M Day
Submissions	Nil
Cost of works	\$100,000
Principal Issues	<ul style="list-style-type: none"> • Non-compliance with the minimum lot size development standard; • Boundary change and minor works on land containing a heritage item; and • Height of front fencing.
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 a boundary realignment, new front fence and extension of garage roof at the site known as 4 Arden Street, Waverley.

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

- Non-compliance with the minimum lot size development standard;
- Boundary change and minor works on land containing a heritage item; and
- Height of front fencing.

The assessment finds these issues generally acceptable notwithstanding the variation to the minimum lot size development standard as a clause 4.6 written justification has been considered to adequately demonstrate that the objectives of the R2 Low Density Residential zone and minimum lot size provisions under the Waverley Local Environmental Plan 2012 (Waverley LEP 2012) have been achieved.

The boundary realignment and associated works are considered to be minor and would not significantly alter the appearance, character or setting of the associated item, those adjoining or within the vicinity of the site, particularly given that no works to the dwelling are involved. There is no predominant subdivision pattern as the allotment shape and sizing of the subject site and adjoining properties is divergent and the variation to the adjoining lot would only minorly affect the degree of existing non-compliance with the current minimum lot size requirement.

While the proposed front fencing height on the higher side of the street would be compatible with fencing heights of adjoining development, the additions to the lower side of the street would raise the height of the fence unacceptable above 1.2m in height therefore a condition of consent has been recommended in order to step down the height of the fence to correspond with the topography of the street and ensure that the appearance of the fence does not visually dominate.

No submissions were received during the notification or assessment of this application. No Councillor submissions were received, and no conflicts of interest were raised by Council officers.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 5 April 2025.

The subject site is legally identified as Lot 1 in Deposited Plan 129306 known as 4 Arden Street, Waverley. The site is situated on the south-western side of the road reserve with a primary frontage to Arden Street and a secondary frontage to Carlton Street. The allotment is an irregular trapezoidal shape; with the primary frontage (eastern front boundary) measuring 25.14m, side boundaries measuring 32.45m

(northern) and 40.825m (southern) and rear secondary frontage (western) measuring 6.44m, encompassing a total area of 514.74sqm. There is a considerable change in land levels on the site with a drop of up to approx. 2.9m to the rear of the site as the land slopes down from east to west with a small crossfall from north to south of approximately 400mm.

The site is occupied by a freestanding timber weather board house constructed in the late Federation style which has recently been the subject of further development to create a part one and two storey dwelling house with a rear garage to Carlton Street. The dwelling is identified as a heritage item, Item No. I447 “Federation bungalow style residence” with local significance but is not contained within a heritage conservation area. The existing front fence has masonry piers and masonry infill panels which is not original to the dwelling. The front setback contains a large landscaped area and a number of significant trees are sited on the subject site and adjoining properties.

The site also adjoins a heritage Item to the south of the site at 4A Arden Street, Item No. I446 “Victorian Italianate Villa” with local significance and is sited opposite a landscape conservation area, Item C50 “Macpherson Park Landscape Conservation Area”.



Figure 1: Heritage mapping of the subject site and surrounding area.

A small triangular shaped piece of land fronting Carlton Street attached to the adjoining property to the north-west at 2A Arden Street (Lot B in Deposited Plan 437379) also forms part of the development area. The piece of land, approx. 0.46sqm, is currently located alongside the side boundary to the subject property between the rear garage and entry gate as shown in **Figure 2**.

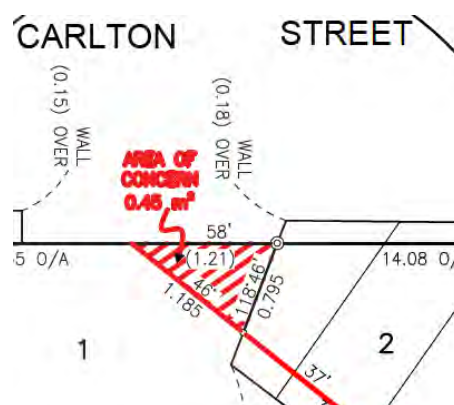


Figure 2: Part of the draft subdivision plan showing the area on the adjoining property which forms part of the boundary realignment.

The surrounding locality is characterised by predominantly low-density residential development with Macpherson Park adjacent to the site and local shops a short distance away.

Figures 3 to 7 are photos of the site and its context.



Figure 3: Oblique view of the subject site and surrounds.



Figure 4: View of the existing masonry front fencing and dwelling house on the subject site viewed from Arden Street.



Figure 5: The adjoining property to the north-west at 2A Arden Street.



Figure 6: View of the adjoining property to the south at 4A Arden Street.



Figure 7: View of the rear of the subject site currently under development and adjoining area of the boundary realignment.

1.3. Relevant Development History

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

- DA-499/2021 for alterations and additions to the dwelling house including demolition and construction of a garage with green roof above and plunge pool at rear approved on 3 March 2022; and
- DA-499/2021/A subsequently modified the above consent by way of deletion of the underground carpark and replacement with a garage to the rear, deletion of swimming pool and extension of the attic on 22 July 2024.

Development in accordance with the above consent (as modified) is currently underway.

1.4. Proposal

The development application seeks consent for the construction of a new front fence and bin storage area to Arden Street and a small boundary realignment at the rear side to the adjoining property at 2A Arden Street to extend the garage and green roof currently under construction (approved by DA-499/2021/A). The existing masonry fence would be retained by the proposal however timber paling would be added to the exterior and a bin enclosure with an area of approx. 2.77m x 1.5m would be installed in the north-eastern corner of the site abutting the Arden Street footpath incorporating associated retaining wall section due to the land level changes between the site to the footpath.

1.5. Background

- The development application was lodged on 4 February 2025.
- The application was publicly notified and advertised with a public site notice erected at the front of the site from 19 February until 12 March 2025.
- A request for additional information was sent to the applicant on 4 March 2025 requesting a recent accurate survey as well as a written Clause 4.6 variation request given that the development involves a variation to the minimum lot size development standard.
- A site visit was carried out on 5 April 2025.

2. ASSESSMENT

The following matters are to be considered in the assessment of this development application under section 4.15 of 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 and have been considered acceptable in the assessment of this development application:

- SEPP (Biodiversity and Conservation) 2021;
- SEPP (Sustainable Buildings) 2022; and
- 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 are outlined below:

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal meets the aims of the Waverley LEP 2012.
Part 2 Permitted or prohibited development		
2.6 Subdivision – consent requirements	Yes	The proposed subdivision is not classified as exempt development and therefore development consent is required. The proposal seeks a minor boundary realignment.
Land Use Table <i>R2 Low Density Residential Zone</i>	Yes	The proposal relates to land containing an existing dwelling house, which continues to be permissible within the zone.
Part 4 Principal development standards		
4.1 Minimum subdivision lot size <ul style="list-style-type: none">• 325m²	No	The proposal includes a minor boundary realignment of the following land: <ul style="list-style-type: none">• 4 Arden Street (subject site): 515.2sqm (plus 0.46m²);• 2A Arden Street (adjoining land): 230sqm (minus 0.46m²). The above would further increase the variation to the minimum lot size for the existing allotment 2A Arden Street from 29.2 to 29.4%. A Clause 4.6 has been provided which is discussed further below.
4.6 Exceptions to development standards	See clause 4.6 variation	The application is accompanied by a written request pursuant to clause 4.6 of

Provision	Compliance	Comment
	discussion below	Waverley LEP 2012 to vary the minimum lot size development standards. A detailed discussion of the variation to the development standard is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	<p>The site contains a heritage item (Item No. I446) and is in the immediate context of other listed residences but is not within a heritage conservation area. The site is located adjacent to MacPherson Park Conservation Area (Item No. C50).</p> <p>The boundary adjustment and associated works are considered to be minor and would not significantly alter the appearance, character or setting of the associated item, those adjoining or within the vicinity of the site, particularly given that no works to the dwelling are involved. There is no predominant subdivision pattern as the allotment shape and sizing of the subject site and adjoining properties is divergent.</p> <p>A condition of consent has been recommended to lower the height of the fence on the lower side of the street so as to ensure that the proposed front fencing does not visually dominate or detract from the significance of the site and surrounds (see Appendix A).</p>

The following is a detailed discussion of the issues identified in the compliance table above.

Clause 4.6 Exceptions to Minimum Lot Size Development Standard

The application seeks to vary the minimum subdivision lot size in clause 4.1 under Waverley LEP 2012.

The site and adjoining property to the north west at 2A Arden Street is subject to a minimum lot size development standard of 325m².

Clause 4.1 of the LEP specifies a minimum lot size control of 325m² and the proposed boundary adjustment results in the adjoining property at 2A Arden Street having an area of 230m² (proposed to be reduced by 0.46m²) and the subject site at 4 Arden Street having an area of 515.2m² (proposed to be increased by 0.46m²).

It is noted that the existing lot size of 2A Arden Street already does not comply with the minimum lot sizes development standard and the extent of variation to the standard is largely due to this existing situation and the reduction in the existing site area of 2A Arden Street of 0.46m² represents a change of less than 0.02%.

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 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 boundary adjustment is extremely minor in nature and will have no material impact on the predominant subdivision pattern of the area. Further, the reduction in the existing site area of No. 2A Arden Street of 0.46m² represents a change of less than 0.02%.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) *the boundary adjustment reflects the existing/approved structures on the site and will have no impact on the amenity of any neighbouring property.*

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 Waverley LEP 2012 and relies on 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 the proposed development is considered appropriate within the locality as requiring the proposal to comply with the development standard would not achieve the objectives as the minor boundary adjustment would not detract from any predominant subdivision pattern within the surrounding area or increase density. The boundary realignment and associated works would facilitate development that is present along Carlton Street, would not change the built form outcome or use of the land and as such would sit comfortably within the wider visual context. The adjustment in the small area which is currently under utilised would not result in any unreasonable amenity impacts to neighbouring properties or the public domain.
- (b) Objective (b) is achieved as the boundary adjustment is a minor change to straighten a portion of the common side boundary resulting in a minor non-compliance with the lot size by 0.46m². This will improve the subdivision pattern and allow for a more orderly development to be constructed on site and would not result in any significant impacts on the amenity of neighbouring properties. The variation to the adjoining lot would only minorly affect the degree of existing non-compliance with the current minimum lot size requirement.

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 and emphasised the following:

The numerical variation to the minimum lot size control is reasonable and appropriate in the particular circumstances on the basis that:

- *the reduction in the existing site area of No. 2A Arden Street of 0.46m² represents a change of less than 0.02%;*
- *the boundary adjustment is extremely minor in nature and will have no material impact on the predominant subdivision pattern of the area;*
- *the boundary adjustment reflects the existing/approved structures on the site and will have no impact on the amenity of any neighbouring property;*
- *the retention of the existing lot boundaries would maintain the inefficiency of the existing situation whereby the triangular area cannot be accessed from No. 2A Arden Street;*

- *the proposed development will promote good design and the amenity of the built environment which is a recently incorporated object of the Act: “(g) to promote good design and amenity of the built environment”;*
- *the Council has adopted an orderly but very flexible approach to the implementation of development standards (including the minimum lot size control) in appropriate circumstances, including when the objectives of the standard are achieved, notwithstanding numerical variations;*
- *a review of the Council’s Register of Variations to Development Standards reveals that for the period between January 2020 and June 2023, Development Consent has been granted to approximately 344 DA’s involving variations to development standards, including variations to the minimum lot size control;*
- *the proposed development achieves the relevant objectives of the R2 – Low Density Residential zone; and*
- *the proposed development achieves the objectives of the minimum lot size control notwithstanding the numerical variation.*

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 the development will continue to facilitate housing, would not increase the density of the site or adjoining property, would not impact on other land uses, would not discourage walking and cycling as the site would continue to be identified as an accessible location, improves accessibility at the site and would not significantly affect existing levels of 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.

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

The relevant matters to be considered under the Waverley DCP 2022 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	A designated waste bin enclosure space of adequate size has been proposed along Arden Street which would permit convenient access and movement of bins for regular kerbside collection and cleaning.
2. Ecologically Sustainable Development	N/A	The development is not a BASIX affected development.
3. Landscaping, Biodiversity and Vegetation Preservation	Yes	No landscaping or trees would be significantly affected by the proposal or removed.
5. Water Management	Yes	The development would not significantly alter existing water management measures or drainage.
7. Transport	Yes	The proposed development would not alter the use or capacity of the existing garage approved under DA-499/2021 as modified.
8. Heritage	No (Conditioned)	<p>The existing dwelling façade would not be obscured by the proposed fencing as the house is elevated above the footpath level and there are no alterations proposed to the dwelling as part of the subject application.</p> <p>The proposed works do not impinge on the architectural style of the dwelling for the section of fencing in front of the dwelling. Despite this, as the street slopes down along Arden Street the proposed fence height increases above 1.2m in height due to the topography of the area which in the context of the streetscape would increase the visual</p>

Development Control	Compliance	Comment
		dominance of the front fence impacting on the character and appearance of both the site and adjoining properties and there is no precedence for fencing of the height proposed. To mitigate against the proposed impacted from the increased height, a condition of consent has been recommended to reduce the height of the fence so that it steps down in accordance with the topography where it starts to exceed 1.2m in height along Arden Street (see Appendix A).
11. Design Excellence	Yes	The materials and finishes are of high quality and the height and scale of the proposed works are compatible and consistent with surrounding development.
12. Subdivision	Yes	The proposed boundary realignment would not affect any predominant subdivision pattern within the surrounding area. The variation to the minimum lot size for 2A Arden Street which is largely the result of existing non-compliance, has been addressed within this report and has been considered to be acceptable in the circumstances of the site.
13. Excavation	Yes	The proposal involves minor excavation within acceptable levels to accommodate the new waste bin enclosure.

Table 3: Waverley DCP 2022 – Part C1 Low Density Residential Development Compliance Table

Development Control	Compliance	Comment
1.0 General Objectives		
<ul style="list-style-type: none"> <i>Development does not detract from the amenity, privacy or public/private views.</i> <i>Development to be of high design standard, built in accordance with the objectives and controls of this Part.</i> 	Yes	The proposal does not contravene the general objectives of this part of the Waverley DCP 2022.

Development Control	Compliance	Comment
1.1 Height		
	N/A	The development does not propose to alter the existing dwelling house roof and would only extend a small portion of the garage green roof over the proposed boundary alignment area at the rear of the property fronting Carlton Street in accordance with the existing approved garage height (DA-499/2021/A which is currently under construction).
1.2 Setbacks		
1.2.1 Front and rear building lines	N/A	The proposal does not involve any changes to existing front or building lines with the exception of the front fence and waste bin enclosure along the Arden Street frontage.
1.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 0.9m for ground floor and first floors. 	Yes	No changes are proposed to the setback of the dwelling and the approved rear garage on the subject site will continue to abut the north-western side and rear boundary corner albeit into the new boundary alignment area.
1.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context; Significant landscaping to be maintained. 	No (Conditioned)	<p>Subject to the lowering of the front fence where it exceeds 1.2m in height by way of a consent condition as previously discussed in Table 1 above, the proposed development would not result in an adverse impact upon the appearance of the existing dwelling or streetscape.</p> <p>No changes are sought to the dwelling, trees or landscaping as part of the subject application.</p>
1.4 Fences		
<u>Front:</u> <ul style="list-style-type: none"> Maximum height of 1.2m <u>Side and Rear:</u> <ul style="list-style-type: none"> Maximum height of 1.8m 	No (Conditioned)	Subject to the lowering of the front fence where it exceeds 1.2m in height by way of a consent condition as previously discussed in Table 1 above, the proposed front fencing would otherwise comply with the DCP requirements and satisfy the relevant objectives.
1.7 Views		
<ul style="list-style-type: none"> Views from the public domain are to be maintained; 	N/A	The proposal will not result in any impacts on public or private views.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 		
1.8 Car parking		
<ul style="list-style-type: none"> Complement the style, massing and detail of the dwelling. 	Yes	The proposed development would not alter the car parking arrangements of the approved development under DA-499/2021 as modified and the proposal would only minorly extend the green garage roof and Carlton Street elevation of that development into the redundant space the subject of the boundary realignment.
1.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area; Overall landscaped area: 20% of site area, with at least half deep soil; Minimum area of 25m² for private open space; Front open space: 50% of front building setback area; Front landscaped area: 50% of front open space provided. 	Yes	The subject site will continue to provide landscaping in-excess of the DCP requirements and only minor changes are sought as part of the proposed development.

3.1. 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.

3.2. Suitability of the Site for the Development

The site is considered to be suitable for the proposed development given the compatibility of the development with the surrounding built environment and absence of constraints that could affect the development.

3.3. Any Submissions

The application was publicly notified and advertised with a public site notice erected at the front of the site from 19 February until 12 March 2025 in accordance with the *Community Engagement Strategy 2023*. No submissions were received.

3.4. Public Interest

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

4. REFERRALS

The following internal referral comments were sought:

4.1. Heritage

The application was referred to Council's Heritage Officer for comment and it was noted that the works, which are limited in nature, are considered cohesive with the residence and streetscape and are considered to have minimal and acceptable impact on the heritage significance of the site. Accordingly, the development is supported from a heritage perspective and no conditions were recommended.

4.2. Stormwater

The application was referred to Council's Stormwater Engineer for comment. No objections were raised to the development subject to recommended conditions regarding stormwater drainage and management. It is noted that the recommended conditions are addressed in the development consent for the works currently underway under DA-499/2021 (as modified) which would be integrated with the proposed development.

4.3. Tree Management

The application was referred to Council's Fire Safety Engineer however no objections or comments were provided in relation to the proposed development.

5. 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.



6. 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.

Managers of Development Assessment (MODA) Review

The application was reviewed by the MODA at the meeting on 14 April 2025 and the MODA concurred with the Assessment Planner's recommendation.

MODA members: A Rossi, B McNamara, B Magistrale

Report prepared by:	Application reviewed and agreed by:
	
Sacha Kaless	Bridget McNamara
Senior Development Assessment Planner	Manager, Development Assessment
Date: 16 May 2025	Date: 16 May 2025

Reason for WLPP referral:

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

OFFICE USE ONLY

Planning Portal Data															
Clause 4.6 register entry required	29.4% variation to minimum lot size development standard (Clause 4.1, WLEP 2012)														
	<table border="1"> <tr> <td>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>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		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
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		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														
Were the requirements of the Sustainable Buildings SEPP (effective 1 October 2023) met?	Yes														

Have any dwellings been approved for affordable Rental Housing under this approval/consent? <small>*This is a planning portal reporting requirement</small>	No
Secondary Dwelling <small>*This is a planning portal reporting requirement</small>	No
Boarding House <small>*This is a planning portal reporting requirement</small>	No
Group Home <small>*This is a planning portal reporting requirement</small>	No
Is the development subject to the Special Infrastructure Contribution (SIC)?	No
Is the development located within an Urban Release area?	No
Waverley Council Data	
Trial Period database entry required	No
VPA submitted – follow up actions required	No
Refer to compliance for investigation	No
Commercial/liquor operational conditions	No
Was there a 'Conflict of Interest' declared	No
Excavation	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.	APPROVED PLANS AND DOCUMENTATION																																												
	The development must be in accordance with:																																												
	(a) Architectural Plans prepared by Architects Nicholas and Associates including the following:																																												
	<table><tr><th>Plan Number and Revision</th><th>Plan description</th><th>Plan Date</th><th>Date received by Council</th></tr><tr><td>DA 100.05 Issue 05</td><td>Site Plan and Site Analysis, Waste Management Plan, Construction Plan, Erosion and Sediment Control Plan</td><td>28/10/2024</td><td>04/02/2025</td></tr><tr><td>DA 110.2 Issue 02</td><td>Roof Plan</td><td>28/10/2024</td><td>04/02/2025</td></tr><tr><td>DA 202.3 Issue 03</td><td>Upper Ground Floor Plan - Proposed</td><td>28/10/2024</td><td>04/02/2025</td></tr><tr><td>DA 201.3 Issue 03</td><td>Lower Ground Floor Plan - Proposed</td><td>28/10/2024</td><td>04/02/2025</td></tr><tr><td>DA 200.3 Issue 03</td><td>Basement Floor Plan</td><td>28/10/2024</td><td>04/02/2025</td></tr><tr><td>DA 210.2 Issue 02</td><td>Construction Plan Erosion & Sediment</td><td>28/10/2024</td><td>04/02/2025</td></tr><tr><td>DA 350.3 Issue 03</td><td>East Elevation</td><td>28/10/2024</td><td>04/02/2025</td></tr><tr><td>DA 351.3 Issue 03</td><td>North Façade</td><td>28/10/2024</td><td>04/02/2025</td></tr><tr><td>DA 354.1 Issue 01</td><td>Rear Street Elevation</td><td>18/02/2025</td><td>19/02/2025</td></tr><tr><td>3957-DP</td><td>Plan of Subdivision of Lot 1 in DP 129306 and Lot B in DP 437379, Sheets 1 of 2 and 2 of 2</td><td>29/01/2024</td><td>19/02/2025</td></tr></table>	Plan Number and Revision	Plan description	Plan Date	Date received by Council	DA 100.05 Issue 05	Site Plan and Site Analysis, Waste Management Plan, Construction Plan, Erosion and Sediment Control Plan	28/10/2024	04/02/2025	DA 110.2 Issue 02	Roof Plan	28/10/2024	04/02/2025	DA 202.3 Issue 03	Upper Ground Floor Plan - Proposed	28/10/2024	04/02/2025	DA 201.3 Issue 03	Lower Ground Floor Plan - Proposed	28/10/2024	04/02/2025	DA 200.3 Issue 03	Basement Floor Plan	28/10/2024	04/02/2025	DA 210.2 Issue 02	Construction Plan Erosion & Sediment	28/10/2024	04/02/2025	DA 350.3 Issue 03	East Elevation	28/10/2024	04/02/2025	DA 351.3 Issue 03	North Façade	28/10/2024	04/02/2025	DA 354.1 Issue 01	Rear Street Elevation	18/02/2025	19/02/2025	3957-DP	Plan of Subdivision of Lot 1 in DP 129306 and Lot B in DP 437379, Sheets 1 of 2 and 2 of 2	29/01/2024	19/02/2025
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	<p>(b) Preliminary Engineering Plan Job No., 03910, Drawing Nos S00-01 Revision A, S00-02 Revision A, S00-11 Revision A, S00-12 Revision A, S00-13 Revision A, S00-14 Revision A, S00-15 Revision A, S01-11 Revision A, S02-00 Revision B, S02-11 Revision B, S02-12 Revision A, S03-00 Revision A, S03-11 Revision A, S04-00 Revision A, S04-11 Revision A, S05-00 Revision A, S05-11 Revision A, S06-00 Revision A, S06-11 Revision A, all prepared by Cantilever and received by Council on 04/02/2025;</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>
2.	<p>GENERAL MODIFICATIONS</p> <p>The application is approved subject to the following plan amendments;</p> <p>(a) The proposed front fencing to Arden Street is not to exceed 1.2m in height at any point when measured from the footpath level. Where a height exceedance is present, the fence shall be stepped to coincide with the downward slope of the footpath.</p> <p>Condition reason: To ensure that fencing does not visually dominate or detract from the visual character and amenity of the streetscape and associated dwelling.</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>
3.	<p>ENCROACHMENTS INTO COUNCIL'S ROAD RESERVE</p> <p>Any proposed encroachments into council's road reserve are not supported and must be removed. Waverley Council opposes unauthorised encroachments, and they must be removed to ensure that no part of the building or its structure extends into public land beyond the private property boundaries of the development site. All structures must be retained within the private property boundaries.</p> <p>Condition reason: Under the Roads Act 1993, any encroachments from private property into public land and domain area are not allowed and must be removed. This is due to safety and liability related issues.</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> <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 2021</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>
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> <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 (dated within 12 months) 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 (dated within 12 months) prepared by a registered Quantity Surveyor, Building Contract, or similar is to be submitted to Council's Customer Service Centre to process payment.

	<p>(c) Where the total development cost is \$1,000,000 or more:</p> <ul style="list-style-type: none"> (i) a Detailed Cost Report (dated within 12 months) 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 attention 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>
7.	<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>SECURITY DEPOSIT</p> <p>A deposit (cash or cheque) for the amount of \$1,955.00 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>
9.	<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>
10.	<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>
11.	<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> <p>Condition reason: To ensure structural stability of work on site.</p>

BEFORE BUILDING WORK COMMENCES

	Condition
12.	<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>
13.	<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>All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to <i>Australian Standard AS1716 Respiratory Protective Devices</i>.</p> <p>Condition reason: To ensure the safety of workers and the general public.</p>
14.	<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>
15.	<p>STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS</p> <p>All building materials and any other items associated with the development are to be stored within the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.</p> <p>Condition reason: To ensure building material is stored in an appropriate location.</p>

16.	CONSTRUCTION INSPECTIONS
	<p>The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the <i>Building Legislation Amendment (Quality of Construction) Act 2002</i>, clause 162A of the <i>Environmental Planning and Assessment Regulation 2021</i> and the requirements of any other applicable legislation or instruments.</p> <p>Condition reason: To ensure regular inspections occur throughout the construction process.</p>
17.	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>
18.	TREE PROTECTION
	<p>All trees on site and adjoining properties, including street trees, are to be retained and protected in accordance with <i>Australian Standard AS4970-2009 'Protection of Trees on Construction Sites'</i> 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>
19.	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> <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 <i>Australian Standard AS4970-2009 'Protection of trees on construction sites'</i>. <p>Condition reason: To protect trees during the carrying out of site work.</p>

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition	
20.	FINAL OCCUPATION CERTIFICATE
	Prior to occupation or use of the development, an Occupation Certificate must be obtained.
	The Principal Certifying Authority must be satisfied that the requirements of the <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.
	Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.
21.	TREE PROTECTION MEASURES TO BE REMOVED
	All tree protection shall be removed prior to the issuing of the Occupation Certificate.
	Condition reason: To ensure that the tree can continue to grow post construction.
22.	SUBDIVISION CERTIFICATE
	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.
	Condition reason: To ensure registration of plans.

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</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	<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>ALTERATIONS AND ADDITIONS ONLY</p> <p>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.</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>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>
11	<p>BONDI - ROSE BAY SAND BODY</p> <p>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</p>

	<p>construction period associated with this development, works are to immediately cease and the NSW National Parks and Wildlife Service must be contacted.</p> <p>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.</p>
12	<p>DEVELOPMENT WORKS OCCUPYING PUBLIC ROADS (EXCLUDING STATE ROADS)</p> <p>Any works performed in, on or over a public road reserve pursuant to this consent must be carried out in accordance with this consent and with the Road/Footpath Occupancy Permit issued by Council as required under Sections 138 and 139 of the Roads Act 1993</p> <p>Condition reason: To be consistent with the <i>Roads Act 1993</i>.</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.

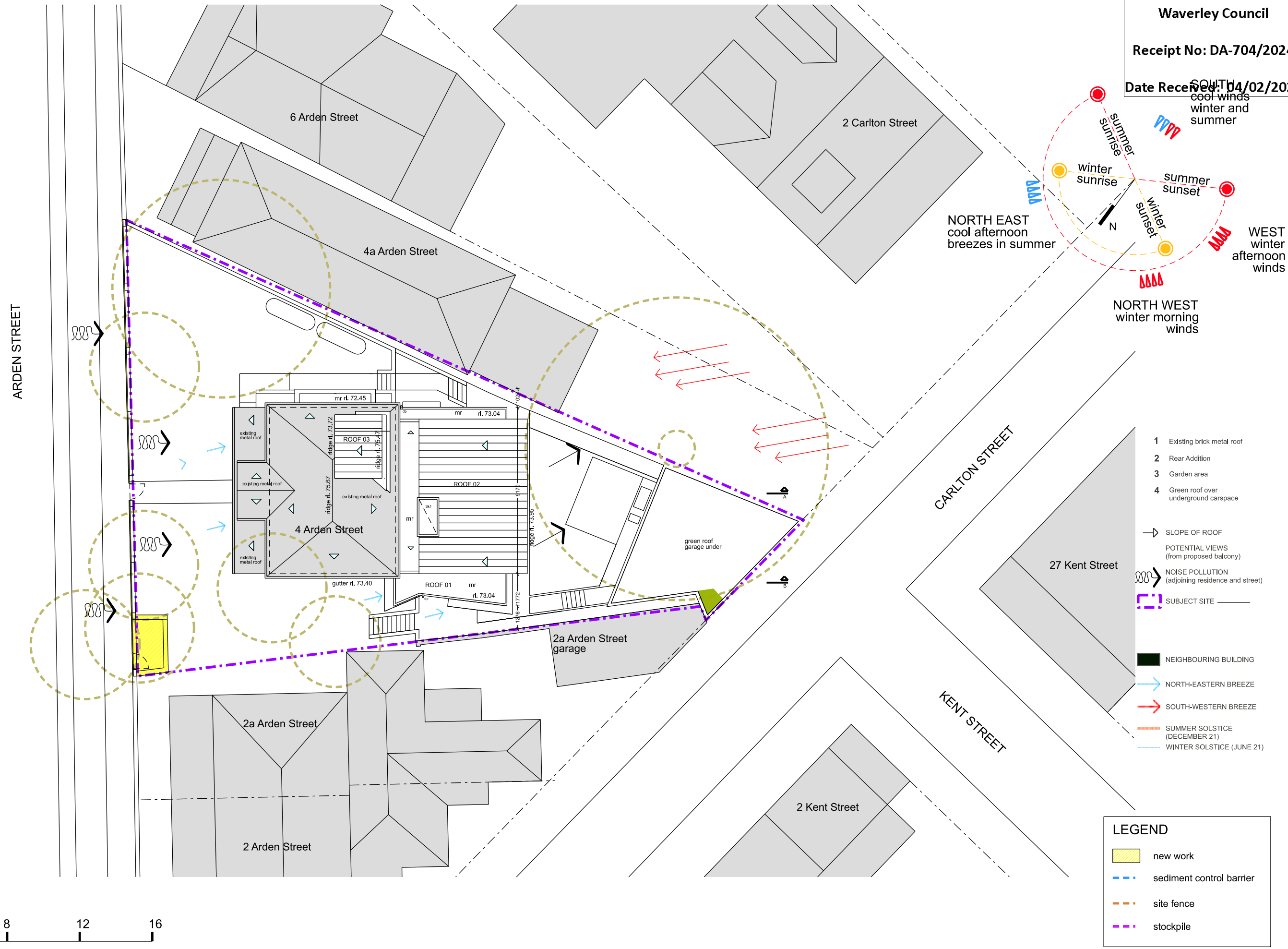
Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

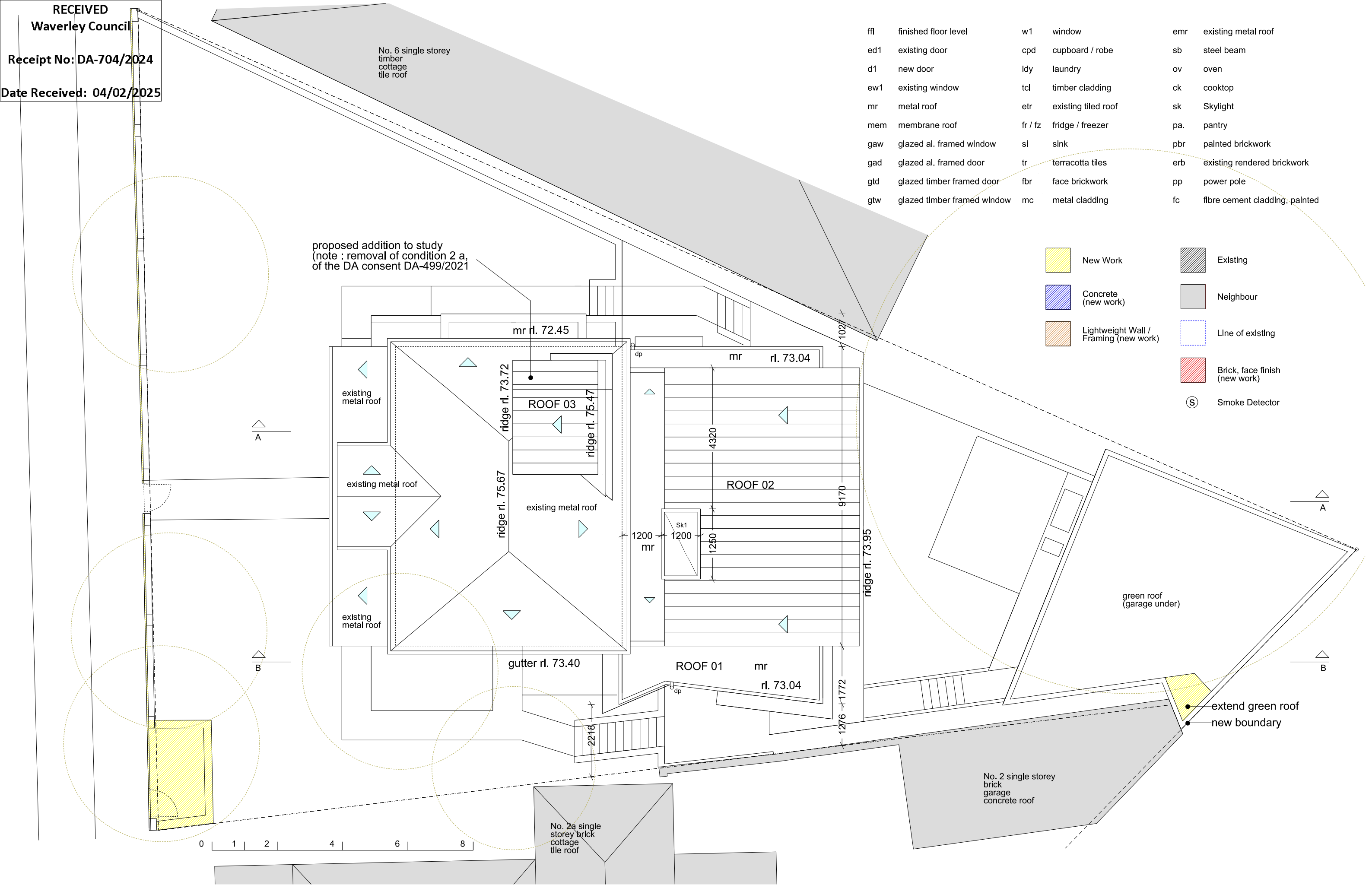
Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

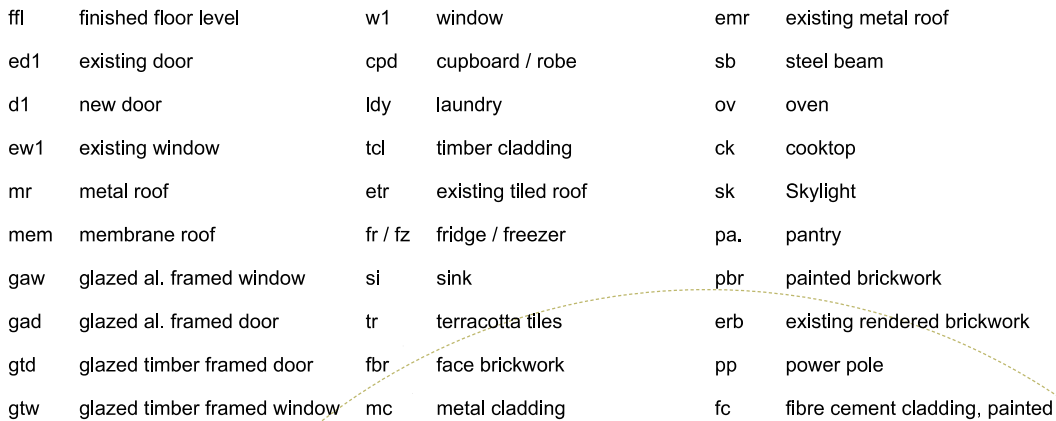
Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

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.















No. 6 single storey
timber
cottage
tile roof

ffl	finished floor level	w1	window	emr	existing metal roof
ed1	existing door	cpd	cupboard / robe	sb	steel beam
d1	new door	ldy	laundry	ov	oven
ew1	existing window	tcl	timber cladding	ck	cooktop
mr	metal roof	etr	existing tiled roof	sk	Skylight
mem	membrane roof	fr / fz	fridge / freezer	pa.	pantry
gaw	glazed al. framed window	si	sink	pbr	painted brickwork
gad	glazed al. framed door	tr	terracotta tiles	erb	existing rendered brickwork
gtd	glazed timber framed door	fbr	face brickwork	ss	sand stone
gtw	glazed timber framed window	mc	metal cladding	fc	fibre cement cladding, painted

	New Work		Existing / DA approved
	Concrete (new work)		Neighbour
	Lightweight Wall / Framing (new work)		Line of existing
			Brick, face finish (new work)
			Smoke Detector


A


B

0 | 1 | 2 | 4 | 6 | 8

No. 2a single
storey brick
cottage
tile roof

NORTH

Project:	4 ARDEN STREET, WAVERLEY
Client	ANDERSEN SASSON
Job no.:	2002

drawing:
LOWER GROUND
FLOOR PLAN - proposed

drawn by: md checked by: md

scale:1 : 100 @ A3

DA

201.3

ISSUE 03: 28.10.2024

- New Work
- Concrete
(new work)
- Lightweight Wall /
Framing (new work)
- Existing
- Neighbour
- Line of existing
- Brick, face finish
(new work)
- S

Smoke Detector

- ffl

finished floor level
- ed1

existing door
- d1

new door
- ew1

existing window
- mr

metal roof
- mem

membrane roof
- gaw

glazed al. framed window
- gad

glazed al. framed door
- gtd

glazed timber framed door
- gtw

glazed timber framed window
- w1

window
- cpd

cupboard / robe
- ldy

laundry
- tcl

timber cladding
- etr

existing tiled roof
- fr / fz

fridge / freezer
- si

sink
- tr

terracotta tiles
- fbr

face brickwork
- mc

metal cladding
- emr

existing metal roof
- sb

steel beam
- ov

oven
- ck

cooktop
- sk

Skylight
- pa.

pantry
- pbr

painted brickwork
- erb

existing rendered brickwork
- ss

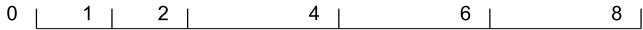
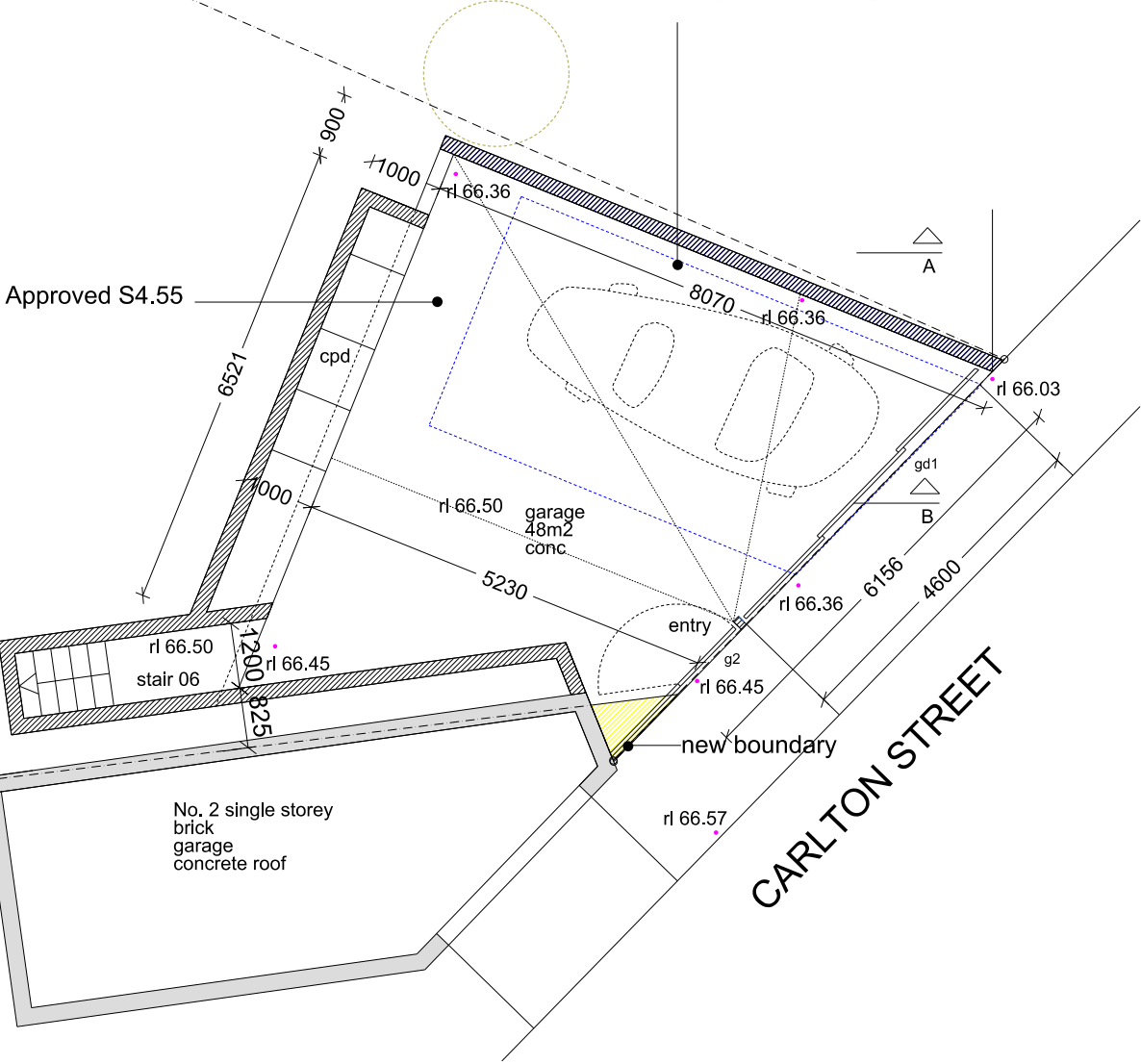
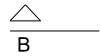
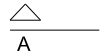
sand stone
- fc

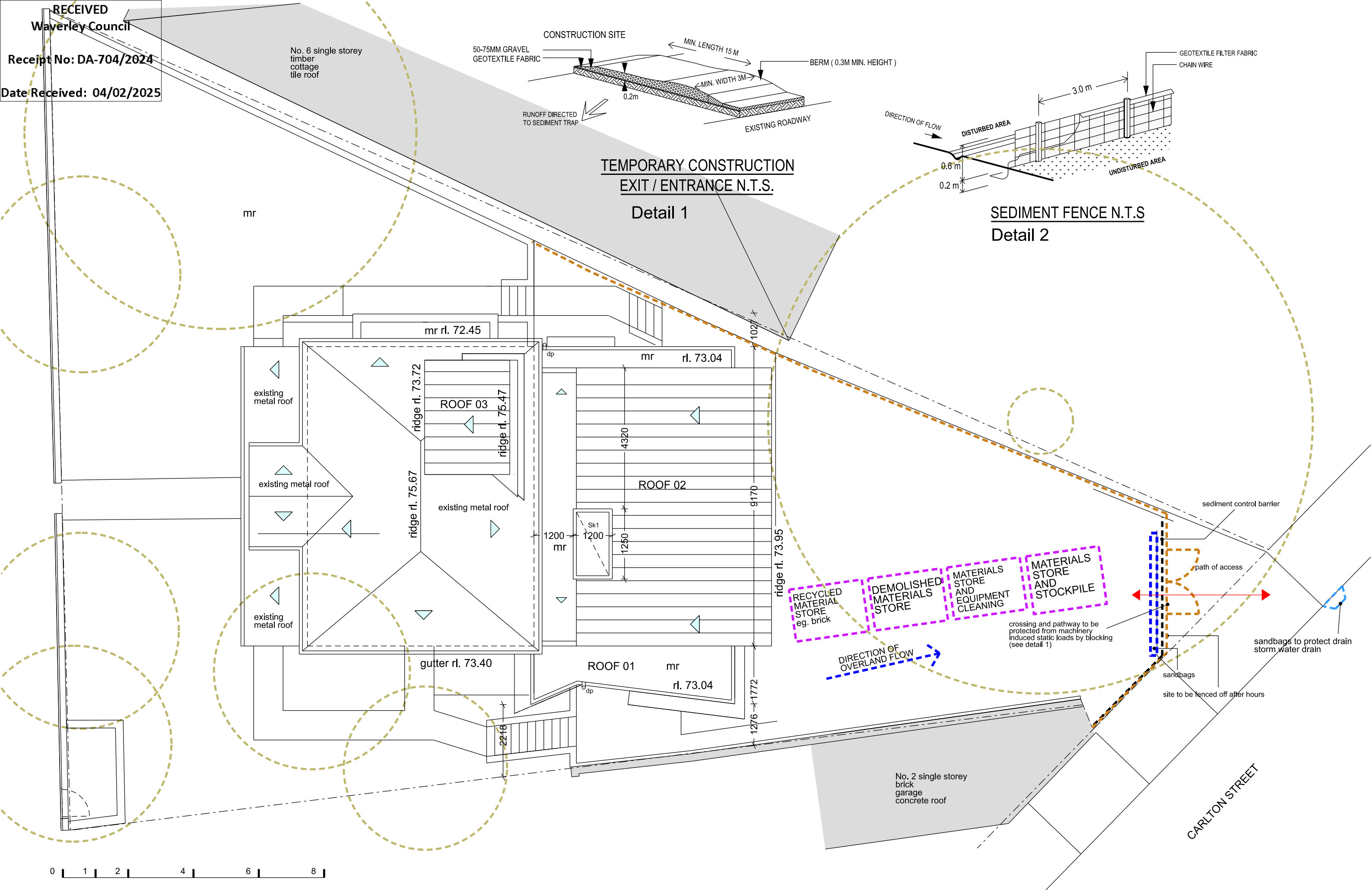
fibre cement cladding, painted

DEVELOPMENT STATISTICS

	proposed development	existing building	DCP and LEP, SEPP
site area	515.2 sq m	515.2 sq m	
gross floor area	185 sq m excl. basement	157 sq m	
carparking / basement	1 / 48 sqm	1 / 20 sqm	
floor space ratio	0.37 : 1 excl. basement	0.30 : 1	0.50 : 1
	0.46 : 1 incl. basement	0.35 : 1	
height	8		
open space	316 sqm / 61.5%		max 8.5m, max wall 7.5m
soft landscape	187 sqm / 36.5%	220 sqm / 43%	min. 40%
			min. 15%

existing garage (dotted in blue)





0 | 1 | 2 | 4 | 6 | 8 |

MATT DAY ARCHITECT

Suite 1 & 2
6 Waratah Street, Mona Vale NSW 2103
email : matt@mattdayarchitect.com.au
mob. 0400 661 788
registered architect : matt day no. 7748

SPECIFICATION :
The proposed building works must comply with all relevant Australian Standards and the Building Code of Australia.



Project:	4 ARDEN STREET, WAVERLEY
Client	ANDERSEN SASSON
Job no.:	2002

drawing: CONSTRUCTION PLAN
erosion and sediment

drawn by: md checked by: md

DA

210.2

scale: 1 : 100 @ A3

ISSUE 02: 28.10.2024

DEVELOPMENT STATISITCS

	proposed development	existing building	DCP and LEP, SEPP
site area	512.2 sq m	512.2 sq m	
gross floor area	185 sq m excl. basement	157 sq m	
carparking / basement	1 / 70 sqm	1 / 20 sqm	
floor space ratio	0.37 : 1 excl. basement	0.30 : 1	0.50 : 1
	0.50 : 1 incl. basement	0.35 : 1	
height	8		max 8.5m, max wall 7.5m
open space	327 sqm / 64%		min. 40%
soft landscape	200 sqm / 39%	220 sqm / 43%	min. 15%

<div></div>	New Work	<div></div>	Existing
<div></div>	Concrete (new work)	<div></div>	Neighbour
<div></div>	Lightweight Wall / Framing (new work)	<div></div>	Line of existing
		<div></div>	Brick, face finish (new work)
		<div></div>	Smoke Detector

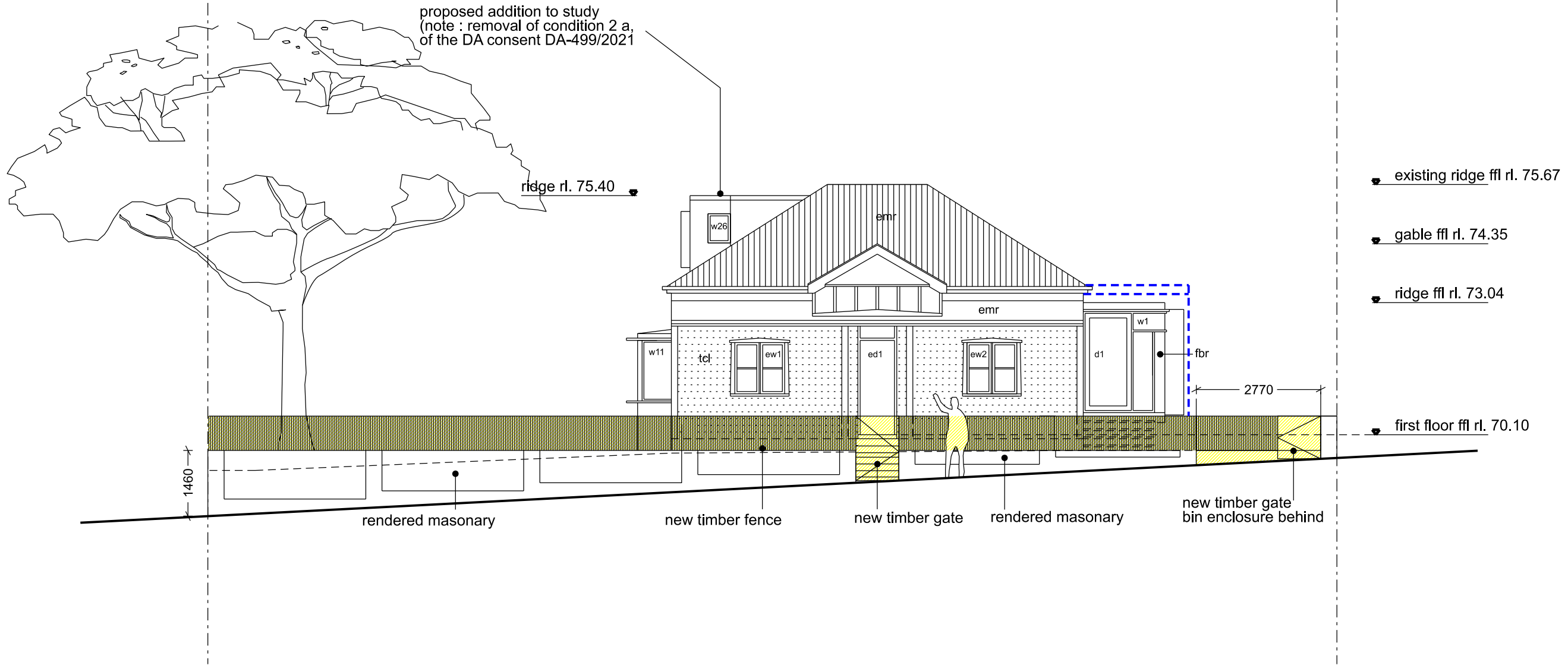
ffl	finished floor level	w1	window	emr	existing metal roof
ed1	existing door	cpd	cupboard / robe	sb	steel beam
d1	new door	ldy	laundry	ov	oven
ew1	existing window	tcl	timber cladding	ck	cooktop
mr	metal roof	etr	existing tiled roof	sk	Skylight
mem	membrane roof	fr / fz	fridge / freezer	pa.	pantry
gaw	glazed al. framed window	si	sink	pbr	painted brickwork
gad	glazed al. framed door	tr	terracotta tiles	erb	existing rendered brickwork
gtd	glazed timber framed door	fbr	face brickwork	pp	power pole
gtw	glazed timber framed window	mc	metal cladding	fc	fibre cement cladding, painted

RECEIVED

Waverley Council

Receipt No: DA-704/2024

Date Received: 04/02/2025



0 1 2 4 6 8

MATT DAY ARCHITECT
Suite 1 & 2
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mob. 0400 661 788
registered architect : matt day no. 7748

SPECIFICATION :
The proposed building works must comply with all
relevant Australian Standards
and the Building Code of Australia.



Project:	4 ARDEN STREET, WAVERLEY
Client	ANDERSEN SASSON
Job no.:	2002

drawing:
EAST ELEVATION

drawn by: md checked by: md

scale: 1 : 100 @ A3

DA

350.3

ISSUE 03: 28.10.2024

New Work

Concrete
(new work)

Lightweight Wall /
Framing (new work)

Existing

Neighbour

Line of existing

Brick, face finish
(new work)

Smoke Detector

ffl	finished floor level	w1	window	emr	existing metal roof
ed1	existing door	cpd	cupboard / robe	sb	steel beam
d1	new door	ldy	laundry	ov	oven
ew1	existing window	tcl	timber cladding	ck	cooktop
mr	metal roof	etr	existing tiled roof	sk	Skylight
mem	membrane roof	fr / fz	fridge / freezer	pa.	pantry
gaw	glazed al. framed window	si	sink	pbr	painted brickwork
gad	glazed al. framed door	tr	terracotta tiles	erb	existing rendered brickwork
gtd	glazed timber framed door	fbr	face brickwork	pp	power pole
gtw	glazed timber framed window	mc	metal cladding	fc	fibre cement cladding, painted

RECEIVED

Waverley Council

Receipt No: DA-704/2024

Date Received: 04/02/2025

MATT DAY ARCHITECT
Suite 1 & 2
6 Waratah Street, Mona Vale NSW 2103
email : matt@mattdayarchitect.com.au
mob. 0400 661 788
registered architect : matt day no. 7748

SPECIFICATION :
The proposed building works must comply with all
relevant Australian Standards
and the Building Code of Australia.

Project:	4 ARDEN STREET, WAVERLEY
Client	ANDERSEN SASSON
Job no.:	2002

drawing:
NORTH FACADE
drawn by: md checked by: md

scale: 1 : 100 @ A3

DA

351.3

ISSUE 03: 28.10.2024

Page 396 of 398

<div></div>	New Work	<div></div>	Existing	ffl	finished floor level	w1	window	emr	existing metal roof
<div></div>	Concrete (new work)	<div></div>	Neighbour	ed1	existing door	cpd	cupboard / robe	sb	steel beam
<div></div>	Lightweight Wall / Framing (new work)	<div></div>	Line of existing	d1	new door	ldy	laundry	ov	oven
		<div></div>	Brick, face finish (new work)	ew1	existing window	tcl	timber cladding	ck	cooktop
		<div></div>	Smoke Detector	mr	metal roof	etr	existing tiled roof	sk	Skylight
				mem	membrane roof	fr / fz	fridge / freezer	pa.	pantry
				gaw	glazed al. framed window	si	sink	pbr	painted brickwork
				gad	glazed al. framed door	tr	terracotta tiles	erb	existing rendered brickwork
				gtd	glazed timber framed door	fbr	face brickwork	pp	power pole
				gtw	glazed timber framed window	mc	metal cladding	fc	fibre cement cladding, painted

AMENDED

RECEIVED

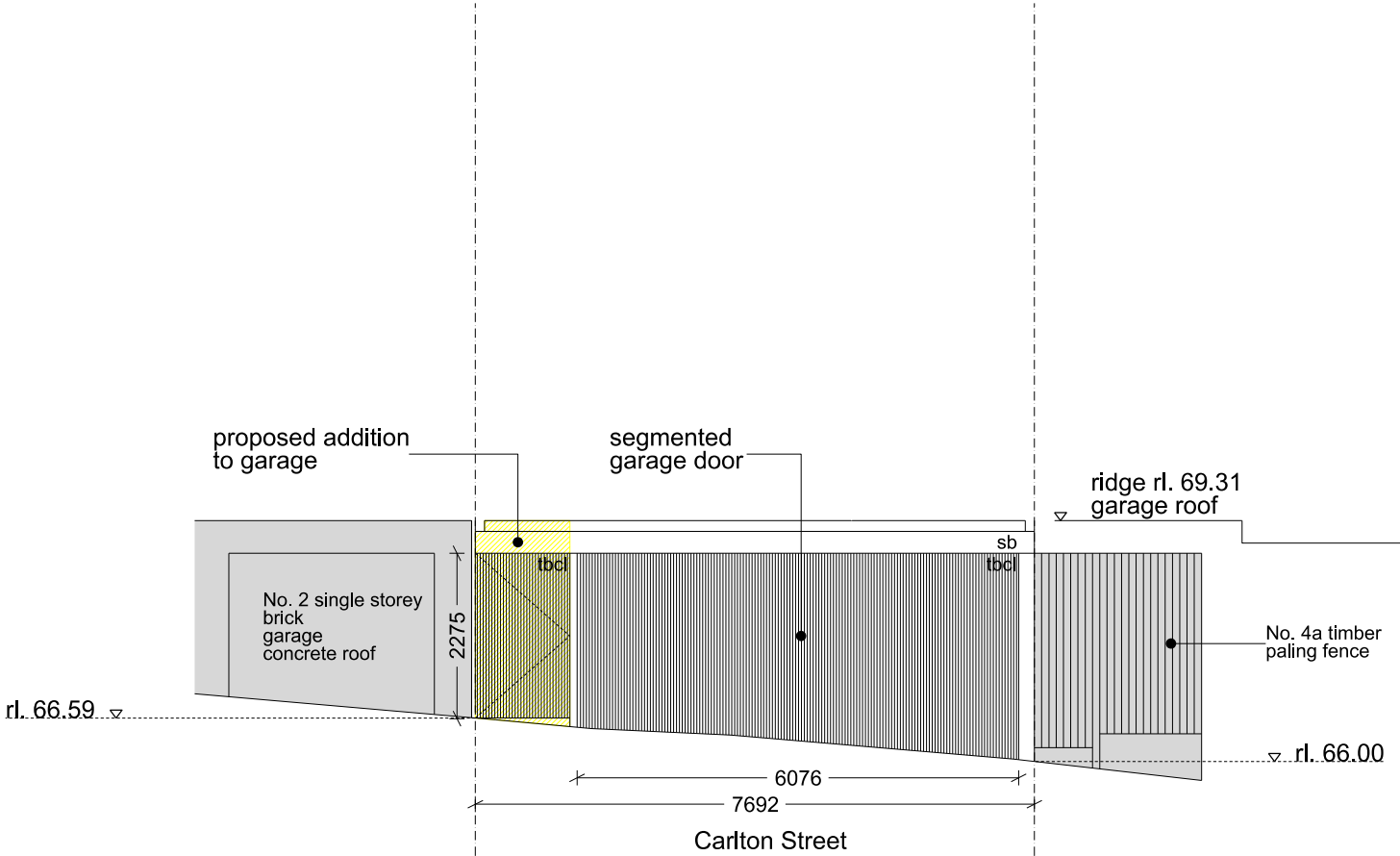
Waverley Council

Application No: DA-704/2024

Date Received: 19/02/2025

DEVELOPMENT STATISITCS

	proposed development	existing building	DCP and LEP, SEPP
site area	512.7 sq m	512.2 sq m	
gross floor area	185 sq m excl. basement	157 sq m	
carparking / basement	1 / 70 sqm	1 / 20 sqm	
floor space ratio	0.37 : 1 excl. basement 0.50 : 1 incl. basement	0.30 : 1 0.35 : 1	0.50 : 1
height	8		max 8.5m, max wall 7.5m
open space	327 sqm / 64%		min. 40%
soft landscape	200 sqm / 39%	220 sqm / 43%	min. 15%



0 | 1 | 2 | 4 | 6 | 8 |

<div>MATT DAY ARCHITECT</div> <div>Suite 1 & 2</div> <div>6 Waratah Street, Mona Vale NSW 2103</div> <div>email : matt@mattdayarchttect.com.au</div> <div>mob. 0400 661 788</div> <div>registered architect : matt day no. 7748</div>	SPECIFICATION : The proposed building works must comply with all relevant Australian Standards and the Building Code of Australia.		Project:	4 ARDEN STREET, WAVERLEY	drawing: REAR STREET ELEVATION	DA	354.1
			Client	ANDERSEN SASSON			
			Job no.:	2002	drawn by: wl checked by: md	scale: 1 : 100 @ A3	ISSUE 01 18.02.2025

PLAN SHOWING THE ORIGINAL BOUNDARY IN RED

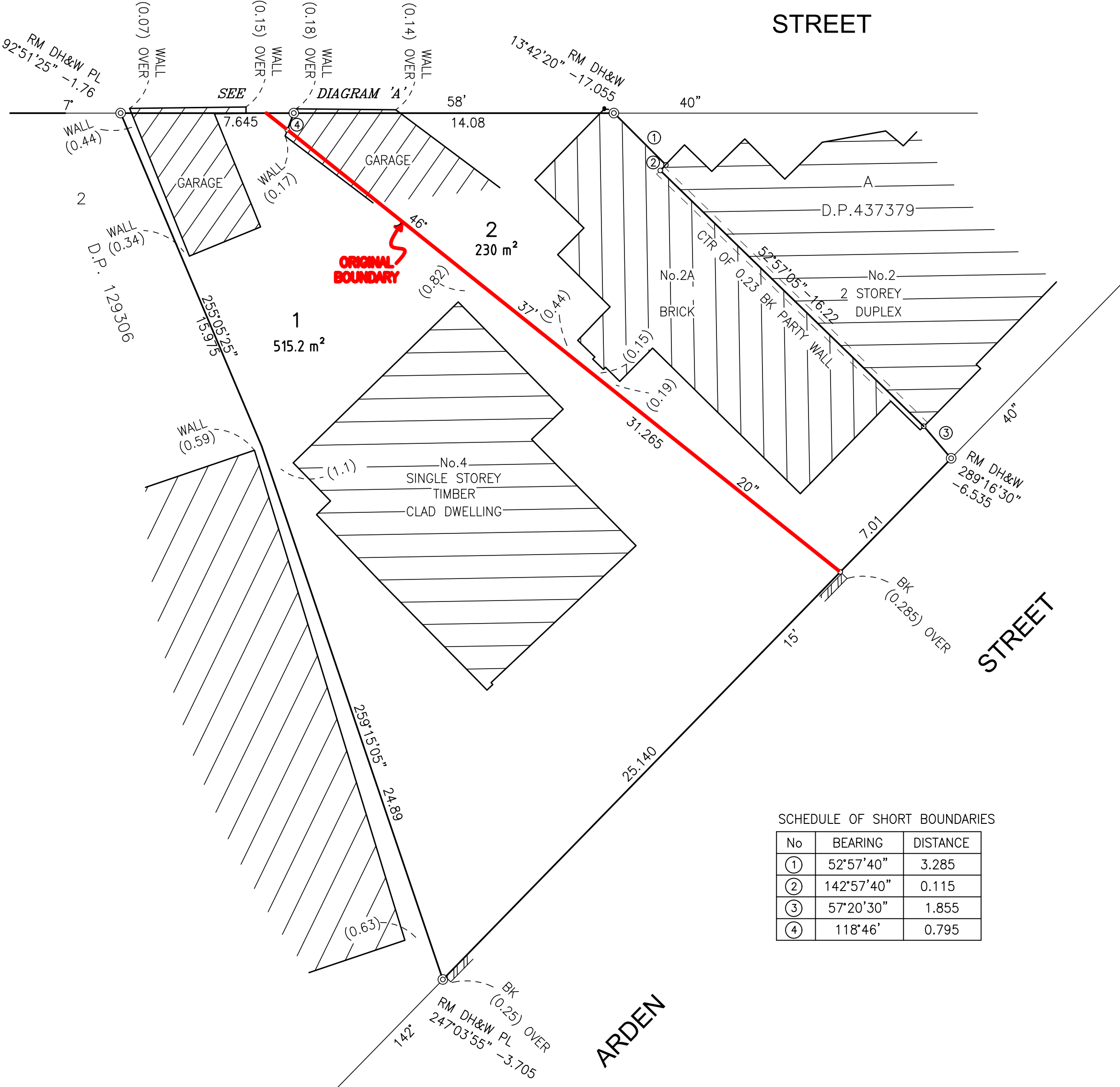
CARLTON

STREET

RECEIVED
Waverley Council

Application No: DA-704/2022

Date Received: 19/02/2025

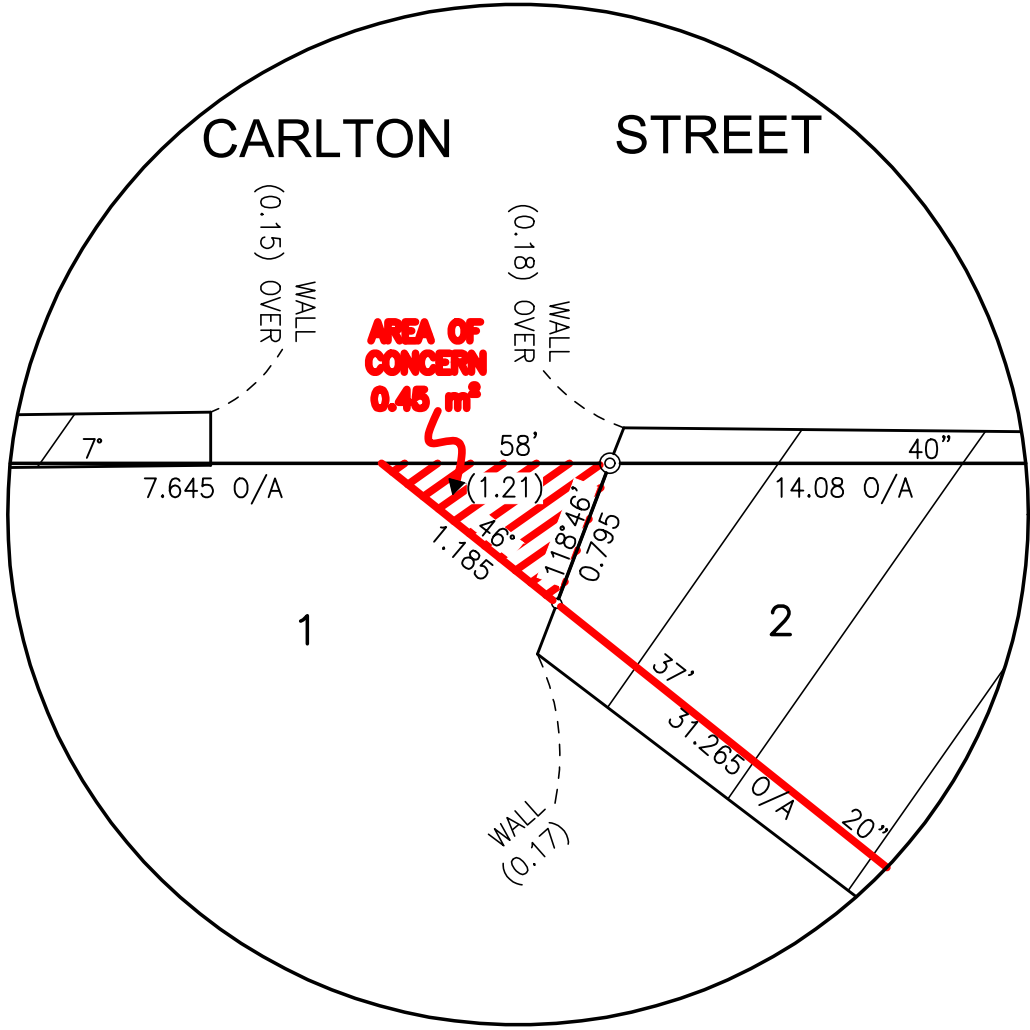


SCHEDULE OF SHORT BOUNDARIES

No	BEARING	DISTANCE
①	52°57'40"	3.285
②	142°57'40"	0.115
③	57°20'30"	1.855
④	118°46'	0.795

NOTE:
RED LINE DENOTES EXISTING BOUNDARY LINE

DIAGRAM 'A'



N.T.S.

SCIMS
MGA

Surveyor :SIMON PAK YAN HO Date of Survey : 29/01/2024 Surveyor's Ref : 3957—dp	PLAN OF SUBDIVISION OF LOT 1 IN D.P.129306 AND LOT B IN D.P.437379	LGA: WAVERLEY Locality : WAVERLEY Subdivision No: Lengths are in metres. Reduction Ratio 1: 400	Registered	
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