19 June 2024

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

11.00AM WEDNESDAY, 26 June 2024

QUORUM: Three Panel members.

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

AGENDA

WLPP-2406
Apologies

WLPP-2406.DI
Declarations of Interest

The Chair will call for any declarations of interest.

WLPP-2406.1 **PAGE 5**
49C Bondi Road BONDI JUNCTION NSW 2022 - To formalise the use of the community room at Margaret Whitlam Recreation Centre for functions. **(DA-353/2023)**

Report dated 14 June 2024 from MoDA.

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

WLPP-2406.2 **PAGE 82**
2 Harlowe Place BRONTE NSW 2024 - Demolition of existing dwelling and construction of a new three storey dwelling with integrated garage and swimming pool at the rear. **(DA-156/2023)**

Report dated 14 June 2024 from MoDA.

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

WLPP-2406.3 **PAGE 255**
138 Hastings Parade NORTH BONDI NSW 2026 - Modifications for internal configuration of apartment to provide internal stair access to new roof terrace (private) and external alterations. **(DA-439/2021/G)**

Report dated 14 June 2024 from MoDA.

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

WLPP-2406.4 **PAGE 343**
36 Gilbert Street DOVER HEIGHTS NSW 2030 - Alterations and additions to dwelling house including new first-floor addition, balconies and ground floor extension. (**DA-14/2024)**

Report dated 14 June 2024 from MoDA

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

WLPP-2406.5 **PAGE 449**
6 Wallace Street WAVERLEY NSW 2024 - Alterations and additions to dwelling including new first-floor addition, rear addition and garage with secondary dwelling above. **(DA-383/2023)**

Report dated 17 June 2024 from MoDA

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

WLPP-2406.6 **PAGE 528**
97 Ramsgate Avenue NORTH BONDI NSW 2026 – Modification to roof, colour scheme, new high light window at attic level and various other alterations. **(DA-349/2013/C)**

Report dated 17 June 2024 from MoDA

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

WLPP-2406.7 **PAGE 584**
92 Ramsgate Avenue BONDI BEACH NSW 2026 - Alterations and additions and change of use of approved dual occupancy development to a dwelling house and Planning Agreement.
(**DA-387/2023)**

Report dated 17 June 2024 from MoDA

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

WLPP-2406.8 **PAGE 650**
67 Avoca Street BONDI NSW 2026 - Alterations and additions to dwelling including new first floor addition. **(DA-5/2024)**

Report dated 14 June 2024 from MoDA

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

WLPP-2406.9 **PAGE 697**

1 & 3 Castlefield Street BONDI NSW 2026 - Alterations and additions to No. 3, including a new ground floor side window; demolition of existing garage on No. 1 and construction of a new double garage with studio above for No. 3, boundary adjustment and new driveway crossover to Castlefield Lane. **(DA-3/2024)**

Report dated 14 June 2024 from MoDA

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

WLPP-2406.10 **PAGE 748**

Unit 8, 55-57 Brighton Boulevarde BONDI BEACH NSW 2026 - Alterations and additions to unit 8 and roof terrace. **(DA-351/2023)**

Report dated 14 June 2024 from MoDA

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

WLPP-2406.11 **PAGE 802**

7 Park Parade BONDI NSW 2026 - Demolition and construction of a part two, part three storey, semi-detached dwelling development with integrated parking, inground swimming pools and Torrens Title subdivision. **(DA-369/2023)**

Report dated 17 June 2024 from MoDA

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

WLPP-2406.12 **PAGE 894**

287 Birrell Street TAMARAMA NSW 2026 - Alterations and additions to dwelling including garage extension and new solar panels. **(DA-37/2024)**

Report dated 14 June 2024 from MoDA

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

WLPP-2406.13 **PAGE 937**

134 Hewlett Street BRONTE NSW 2024 - Modifications to the approved new dwelling house including internal reconfigurations, additional floor space, excavation and other amendments. **(DA-19/2023/A)**

Report dated 14 June 2024 from MoDA

Council Recommendation: That the modification application be APPROVED by the Waverley Local Planning Panel subject to modified and new conditions in Appendix A.

Report to the Waverley Local Planning Panel

Application number	DA-353/2023
Site address	Margaret Whitlam Recreation Centre, Waverley Park, Bondi Road, Bondi Junction 2022
Proposal	To formalise the use of the community room at Margaret Whitlam Recreation Centre for functions.
Date of lodgement	27 November 2023
Owner	Waverley Council
Applicant	Milestone Pty Ltd
Submissions	41 submissions (including a Councillor submission)
Cost of works	Nil
Principal Issues	• Noise impacts; • Hours of operation; and • Management and operation of the hire venue.
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP

Source: Nearmap

1. PREAMBLE

1.1. Executive Summary

The development application seeks consent to formalise the use of the Community Room at Margaret Whitlam Recreation Centre for functions and events at the site known as Margaret Whitlam Recreation Centre, Waverley Park, Bondi Road, Bondi Junction.

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

- Noise impacts;
- Hours of operation; and
- Management and operation of the hire venue.

The assessment finds these issues acceptable as the Community Room has been used for functions since its construction in 2012 and has been operating without any time restrictions so this application seeks to formalise the operations, provide parameters, and give certainty about the use of the Community Room. Its on-going operation is subject to the recommended conditions including a one year trial with the extended hours of operation from Monday to Sunday 7am to 12am and full compliance with the updated Acoustic Report.

A total of 41 submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the recommendation.

There was a submission from Councillor Tony Kay during the notification period regarding the notification process and managing conflicts of interests for Council-related development. The application was raised at a Council meeting under a Notice of Motion to investigate the notification process of the application and the application was found to have been notified appropriately. A Conflict of Interest Management Statement has been prepared and is available to view on Council's online DA Tracker.

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 18 January 2024.

The site is identified as Lot 31 in DP1087364, known as Waverley Park, 49C Bondi Road, Bondi Junction. The site is irregular in shape with frontages to Bondi Road, Park Parade, and Birrell Street. It has an area of 101,803m². The site is identified as Crown Land, which is managed and leased by Waverley Council from Crown Lands as Trustee.

The site is a public park with sports facilities, a playground, memorial park, water reservoirs and open green space. The application relates to the modern three storey Margaret Whitlam Pavilion building located toward the north of the site. The building includes indoor courts, changing rooms, Council offices, kiosk and storage on the lower ground floor, the community room on the ground floor and a café, public toilets, and grandstand seating on the upper floor.

The Community Room is sunken below the café and built into the sloping hill on the side of the Waverley Oval (see photos in **Figures 1-4**) and surrounding dense vegetation in the park. The function room has a space of 170m^2 with commercial size kitchen and one accessible unisex bathroom, a female bathroom with four toilets and a male bathroom with two urinals and a toilet. There is no direct vehicular access to the site but there is a Council car park off Paul Street which houses the waste storage for the centre. See the following link to the 3D model of the room:
https://matterport.com/discover/space/ueg7PH4M8Vg

The northern part of the park is adjoined by residential development to the north of Bondi Road, to the east of Park Parade, and to the west of Paul Street. The Council Chambers building adjoins the park to the north-west. The locality is characterised by a variety of medium and high density residential developments surrounding the site.

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

Figure 1: Southerly view of the Margaret Whitlam Centre.

Figure 2: Westerly view of the grandstand and oval.

Figure 3: Westerly view of the outside area of the community functions area.

Figure 4: Southerly view of the outside area of the community functions area.

Figure 5: Internal layout of the Community Room.

Figure 6: Internal layout of the Community Room.

Figure 7: Community Room kitchen.

Figure 8: Existing Plan of the Community Room, kitchen and external area.

1.3. Relevant Development History

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

- DA-289/2009 – Development consent was granted on 22 September 2009 for the demolition of an existing pavilion building and construction of a new pavilion including clubroom, community room, multipurpose court, public amenities and a café.

  The conditions of consent include environmental health conditions relating to noise and food premises fitout and operation, but do not include ongoing operation conditions including any limitations on hours of operation or maximum patron numbers in the community room.

The approved development has been constructed on site and has been operating and been available for hire as a community room, café and sports facility.

- DA-347/2009 – Development Consent was granted on 22 September 2009 for the demolition of the Waverley Park Pavilion.

- DA-19/2022 – Development consent was granted on 13 May 2022 for the new operating hours from 6.00am to 6.00pm, for 31 patrons and new signage zones, at existing Cafe at Waverley Pavilion (located directly above the subject tenancy/centre).

- DA-19/2022/A – Development consent was granted on 24 June 2022 for modifications to the patron capacity increasing to 48, at existing Cafe at Waverley Pavilion.

1.4. Proposal

The development application seeks consent to formalise the use of the Community Room at Margaret Whitlam Recreation Centre for functions as the original consent DA-289/2009 did not include clear operational conditions for the Community Room.

The proposed hours of operation for the premises are as follows:

- Events permitted between 7:00am and 12:00am Monday to Saturday;
- Events permitted between 8:00am and 12:00am Sundays and Public Holidays; and
- Bump in and bump out for events is permitted up to 1 hour before and after the event times.

The total proposed capacity of the premises is 120 persons standing or 90 persons seated. The use of the Community Room, including the indoor function area and adjoining outdoor paved area, will be for community events including but not limited to:

- Celebrations;
- Conferences;
- Voting;
- Photo shoots;
- Team building functions;
- Book launches;
- Fundraisers;
- Seniors groups;
- Local community groups;
- Classes/workshops; and
- Networking events.

Service of food and alcohol is permitted, provided food and drink caterers/vendors operating from the Community Room have a valid liquor licence.

1.5. Background

The development application was lodged on 27 November 2023 and a 'Stop the Clock' was issued on 12 December 2023, requesting the missing Plan of Management (PoM). The PoM was lodged on 19 December 2023.

The application was deferred on 1 March 2024 for the following reasons:

1. Additional detail required in the Acoustic Report including further testing after 10pm for different activities from the closest residential receives (55 Bondi Road and 5 Park Parade);
2. Reduction to the proposed hours of operation;
3. PoM is inadequate and does not address the noise issues, management of the site after hours including security;
4. Response to neighbour objections.

The amended plans received on 11 April 2024 form the basis of the assessment. An updated Acoustic Plan with additional noise testing, operating hours reduced, additional details were included in the PoM and response to the deferral letter appropriately addressed the above concerns.

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. Environmental Planning and Assessment Regulation 2021

It is acknowledged that the Waverley Park is listed as Crown Land Reserve. There is an exception to requiring owners' consent from Crown Lands, as there is a precondition for development applications made by public authorities, provided that certain actions are undertaken. This exception can be found in section 23 of the Environmental Planning and Assessment Regulation 2021 (2021 Reg):

> *(2) The consent of the owner of the land is not required for a development application made by a public authority, or for a development application for public notification development, if the applicant instead gives notice of the application—*
>
> *(a) to the owner of the land before the application is made, or*
>
> *(b) by publishing a notice no later than 14 days after the application is made—*
>
> *(i) in a newspaper circulating in the area in which the development is to be carried out, and*

(ii) in the case of an application made by a public authority, on the public authority's website, or, in the case of public notification development, on the NSW planning portal.

The application has been publicly exhibited on Council's website via the Waverley 'Have Your Say' page for 50 days, therefore satisfying clause 2.b(ii) and obtaining valid consent.

2.1.2. 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.

2.1.3. 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 complies with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table *RE1 Public Recreation Zone*	Yes	The proposal seeks to formalise the hours of use and maximum patronage of the community facility, which is a permitted use with consent in the RE1 zone. Operating the community room as a function space meets the objectives of the zone by providing a range of recreational settings and activities. The community facility also aligns with the definition in the LEP Dictionary meaning *a building or place –* *(a) owned or controlled by a public authority or non-profit community organisation, and* *(b) used for the physical, social, cultural or intellectual development or welfare of the community.* *but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.*

Provision	Compliance	Comment
		The community room has been hired out to community groups for celebrations, workshops and other cultural events since 2012.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	The site is located within the Waverley Park landscape heritage conservation area (C67). The proposal is to formalise the hours of operation of the community room and maximum patronage numbers. No physical works are proposed and therefore will not impact on the heritage landscape significance of the conservation area.

2.1.4. Waverley Development Control Plan 2022 (Waverley DCP 2022) – Amendment No.9

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 • *Garbage bins are to be stored in an appropriate location.*	Yes	No change to the existing waste management and collection point from the Council car park, accessed off Paul Street. Colour-coded bins are provided within the community room. Council may provide the hirer with one general waste and one recyclable 240L wheelie bin upon request, which will be left in the outdoor paved area and collected following the event.
7. Transport	Yes	There is no change to the existing on-street parking options around Waverley Park. The community room has been operating since its completion in 2012 and it is not expected that development consent (subject to this development application) would result in an increase to the existing traffic generation of the use. The continued use of the Community Room will have no impact on the surrounding road network and traffic generation rates.
8. Heritage	Yes	Satisfactory.
9. Safety	Yes	No changes to the built form are proposed but the Waverley Park has an existing CCTV system and lighting surrounding the community room.
11. Design Excellence	N/A	No works are proposed to the site.

Table 3: Waverley DCP 2022 – Part D1 Commercial and Retail Development Compliance Table

Development Control	Compliance	Comment
1.1 Other Policies, Strategies and Standards		
1.2 Design		
1.2.3 Lighting	Yes	No changes are proposed to the existing lighting surrounding the community room in Waverley Park.
1.2.3 General Amenity	Yes Yes Yes	No changes are proposed to the design and existing use of the community room as a venue for hire, already overseen and managed by Council's Facilities Department. The room has been available for hire since its construction and has been operating with reasonable mitigation measures until a complaint was received 19 November 2022 regarding drumming and brass instruments being used at night. This was investigated to reveal that the development consent of the community room had never classified the hours of operation for events and functions. This is the main reason for the lodgement of the subject development application to ensure transparency with operational measures into the future. The community room has a space of 170m^2, which provides for ample space for 90 seated or 120 standing people. The room provides for one unisex accessible bathroom, a female bathroom with four toilets and a male bathroom with two urinals and a toilet. In accordance with the requirements under the National Construction Code, three toilets are to be provided for the maximum of 60 females and therefore the proposed capacity can cater for a maximum of 60 female patrons calculated off a 50/50 split of gender of the overall proposed standing capacity of 120 standing patrons.
1.2.4 Noise	Yes	The revised Acoustic Report is supported by Council's Environmental Health Officer and the continued operation of the community room will have reasonable noise impacts on surrounding neighbours subject to recommended operational conditions including: • No live music; • No outside audio equipment or instruments; • Closing of doors after 10:00pm;

Development Control	Compliance	Comment
		• Inform hirer of the obligations. The inhouse sound system is the only option for playing music during functions and events and microphones may also be permitted. Conditions have been included to prohibit live music and third party sound systems and restrict amplified music by only permitting the use of the two existing speakers within the Community Room. Council's Environmental Health Officer has recommended installing a noise limiter to ensure the speaker system is no louder than the noise levels outlined in the Acoustic Report.
1.3 Hours of operation		
Bondi Road – *(a) General base trading hours:* *(i) Monday to Saturday: 7.00am to 11.00pm; and* *(ii) Sunday: 7.00am to 10.00pm.* *(b) Extended trading hours on a 1 year trial basis will be considered up to:* *(i) Monday – Sunday: 6.00am to midnight.*	Merit Assessment	It is noted that the subject site does not directly correlate with the hours of operation Table 1, as the site is within the RE1 – Public Recreation zone and is not located within the Bondi Road Local Centre which is directly opposite the park on Park Parade. See discussion below.

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

Operational conditions

The most recent development consent for the use of the Pavilion and Community Room do not clearly regulate hours of operation and patron capacity. As such, this development application aims to limit events and functions that that are held in the Community Room. This includes the maximum patron capacity at 120 standing and 90 seated. The amended Acoustic Report requires the doors to be shut and the outdoor area of the community room to be restricted from 10pm and not allow live music or DJs.

Service of food and alcohol is permitted, however a caterer's licence is to be held by the caterers/vendors holding functions if alcohol is to be served. A recommended condition of consent requires functions for 16-21 birthday celebrations, 'bucks' and 'hens' parties to not occur on the premises without prior written approval by the Commander (or delegate) of the Eastern Suburbs Local Police Command. This is consistent with other event spaces within the municipality (such as surf clubs). Hirers must sign their agreement to operational matters, including their adherence to the requirements of the Plan of Management and Operational Manual, to appropriately manage patron behaviour during and after the event to protect the amenity of the local area.

Hours of Operation

The existing conditions of consent for the Community Room use do not have any restrictions relating to hours of operation. The Community Room has been operating since the opening of the Pavilion in 2012 and has been typically hired out on Mondays to Thursday, 7am to 10pm, Friday to Sunday 7am to 12am. The proposal is to formalise hours of operation of 7.00am to 12.00am, Mondays to Saturdays and 8.00am to 12.00am Sundays and Public Holidays. The Community Room maintains a modest separation between any surrounding residential properties, with the closest located at 55 Flood Street (80m to the north) and 4 Park Pde (153m to the east). An approved café is located directly above the community room. The Community Room is not located within close proximity to residential dwellings and the continued operation of the premises subject to the additional conditions for on-going management will not have an adverse impact on any other land uses.

The DCP does not specify hours of operation for the Waverley Park as the site sits outside of the Bondi Road Centre which ends of Park Parade opposite the park (see **Figure 9** below). The proposed hours are considered acceptable in the context of the site which is located within the RE1 Public Recreation zone and bordering the Bondi Road Centre. The hours are compliant with the trial hours for the Bondi Road Centre. A one year trial of extended trading hours is recommended for:

- 11.00pm -12.00am Monday to Saturday;
- 10.00pm – 12am Sundays and public holidays.

Given that the function room is not a pub, nightclub, restaurant or licensed premises, these hours are considered reasonable and provide opportunity to support a wide range of community events. This flexibility will allow functions such as workshops and networking events to occur through the week and celebrations to occur later in the week and on weekends (subject to Police and Council approval).

The outdoor area to the community room from the stairs to the balcony (see **Figure 8** of this report), is to be restricted to 10pm each day based on the testing and recommendation of the Acoustic Report also requiring the doors of the community room to remain closed from 10pm. All furniture shall be packed away and room cleaned within 30 minutes from the cease of the outdoor and indoor hours of operations.

Figure 9: Bondi Road Centre adjacent to the Waverley Park to the west off Park Parade.

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 a total of 50 days between 21 December 2023 and 9 February 2024 and three site notices were erected on the site in accordance with the *Community Engagement Strategy 2023 (CES)*. The application was also publicly exhibited (advertised) on Waverley Council's 'Have Your Say' website. The CES requires a radius of 40m from the boundary of the Margaret Whitlam Community Room as this application is to be determined by the Waverley Local Planning Panel (WLPP). Regardless of this requirement, Council notified properties some 139m (Bondi Road) and 231m (Park Parade) away from the facility, well above the maximum 75m radius the CES that typically relates to regionally significant development.

Following receipt of amended plans and additional information, the application was not notified as the amended form of the proposal represents a lesser impact than that of the original form that was publicly notified, for the following reasons:

- Further noise testing was completed for the Acoustic Report;
- Operating hours were reduced; and
- Additional details were included in the PoM.

A total of 41 unique submissions were received from the following outlined in **Table 4**. This count includes a submission from a Councillor, three separate unique submissions from the Bondi Heights Precinct and eight submissions from unidentified addresses, which are all unique submissions (i.e. counted as eight separate submissions) as outlined in **Table 4** below.

Table 4: Submission details

Count	Property Address
1.	Councillor Tony Kay
2 to 4.	Bondi Heights Precinct x 3 unique objections
5.	104 Bondi Road, Bondi Junction
6.	104a Bondi Road, Bondi Junction
7.	49 Bennett Street, Bondi
8.	270 Birrell Street, Bondi
9.	53 Flood Street, Bondi
10.	7 Goldie Avenue, Bondi Junction
11.	17-19 Gowrie Avenue, Bondi Junction
12.	32 Henrietta Street, Waverley

13.	30 Kenilworth Street, Bondi Junction
14.	Residence of 29-31 Paul Street, Bondi Junction
15.	1/29-31 Paul Street, Bondi Junction
16.	4/29-31 Paul Street, Bondi Junction
17.	13/29-31 Paul Street, Bondi Junction
18.	14/29-31 Paul Street, Bondi Junction
19.	32/29-31 Paul Street, Bondi Junction
20.	34/29-31 Paul Street, Bondi Junction
21.	40/29-31 Paul Street, Bondi Junction
22.	Resident of Park Parade, Bondi
23.	17 Park Parade, Bondi
24.	18 Park Parade Bondi
25.	26 Park Parade, Bondi
26.	28 Park Parade, Bondi
27.	29 Park Parade, Bondi
28.	30 Park Parade, Bondi
29.	31/53-63 Penkivil Street, Bondi
30.	2/2 Simpson Street, North Bondi
31.	5 Woodstock Street, Bondi Junction
32.	13/39 Woodstock Street, Bondi Junction
33.	15/39 Woodstock Street, Bondi Junction
34 to 41.	No address listed x 8

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

- Plan of Management and anti-social behaviour;
- Hours of Operation;
- Amplified music and noise issues; and
- Conflict of interest.

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

Issue: *How will Council ensure the hirers comply?*

Response: Council's Venue Hire Office will ensure that the 'Margaret Whitlam Recreation Centre – Community Room and Kitchen Hire Conditions of Hire Form' is signed and agreed by all hirers. Failure to adhere to the terms and conditions of the venue hire may result in necessary action and the bond held by Council being withheld. A recommended condition of consent requires functions for 16-21 birthday celebrations, 'bucks' and 'hens' parties to not occur on the premises without prior written approval by the Commander (or delegate), of the Eastern Suburbs Local Police Command.

Issue: *Notification process and conflict of interest.*

Response: The DA was notified in accordance with the Community Engagement Strategy (CES) 2023. As outlined in the Conflict of Interest Management Statement, the application falls under the category of development being a 'minor DA' (as per 'Managing Conflicts of Interest for Council-related Development

Policy') because it is small scale, is an existing community facility (approved in 2009) and no works are proposed. It is formalising the use and operations of the community room at Margaret Whitlam Recreation Centre for functions. Therefore, this application is to be assessed internally by Council's Development Assessment Department and will be referred to the Waverley Local Planning Panel (WLPP) for determination.

This DA has been initiated by the Community, Culture and Customer Experience Directorate of Council. In lodging the DA, Owners' Consent, signed by the General Manager has been provided. These sections of Council are separate to the Development Assessment Department, undertaking the assessment of the application.

Issue: *Increased parking and traffic issues.*

Response: The continued use of the premises as a community room has a minimal impact on local amenity, and does not result in significant noise or other emissions, and does not produce any significant traffic movements. It is anticipated there will be no greater impact than existing (given operation of the centre commenced use in 2012).

Issue: *Site intensification and change of use from civic and recreational functions.*

Response: There is no change of use, as development consent was granted on 22 September 2009 for the demolition of an existing pavilion building and construction of a new pavilion including clubroom, community room, multipurpose court, public amenities and a café. The conditions of consent include environmental health conditions relating to noise and food premises fit out and operation, but do not include any limitations on hours of operation or patron numbers. The approved development has been constructed on site and the Community Room has been operating functions on site.

Granting of this development consent actually provides greater ability to manage and control operations and provide greater certainty to local residents of anticipated activities, than what has been in place since the use commenced in 2012. Recommended conditions will include patron capacity, hours of operation and acoustic mitigation measures as part of any approval, which assist with managing the premises into the future. This is considered to be an improvement from existing and will better manage amenity concerns from local residents.

Issue: *Community and mental health impact.*

Response: This is not a planning related matter and the application has been assessed against all relevant planning legislation and development controls. The community room has been operating as a function space for 12 years and this application aims to limit the hours of operation, noise and amount of patrons. A Social Impact Statement is not required for the proposal as per the Waverley Social Impact Assessment Guidelines 2022, and the continued use of the Community Room for functions and events is deemed reasonable and is permissible within the RE1 Public Recreation Zone.

Rather, the provision of event / community spaces will enhance opportunities for community events and activities which is deemed to contribute in a positive manner for the local community.

2.5. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1. NSW Police

The application was referred to the NSW Police for comment and they did not object to the formalisation of the premises however seek the following conditions to be included in the development consent to mitigate alcohol related harms that may arise from the functions at the site:

- Operation in accordance with a plan of management;
- Neighbourhood amenity controls;
- Copies of consents and management plans to be provided to hirer's or available on site for inspection, when required; and
- Surveillance cameras to be maintained on the premises (licensed venues).

All of the listed conditions have been included in the Recommendation.

3.2. Environmental Health

The application was referred to Council's Environmental Health Officer, who identified that the original Acoustic Report did not have enough information to demonstrate compliance with noise legislation, specifically for activities past 10pm and requested additional testing.

The amended Acoustic Report assessed noise in the night shoulder period defined as 10pm to midnight. The Acoustic report did not assess noise during the bump out period of midnight to 1am and the Health Officer opposes activities in this period other than those activities permitted under Commercial and Retail Development D1, 1.3 Hours of Operation Control (a) of the Waverley Development Control Plan 2022. The Environmental Health Officer recommends a one year trial period for operations during the 10pm to midnight period from Monday to Sunday.

3.3. Heritage

The application was verbally discussed with the Heritage Adviser at the Waverley Heritage Assessment Meeting on 2 February 2024, who confirmed there are no heritage impacts arising to formalise the use of the Community Room for private functions/events as there is no proposed new building work sought by this DA.

3.4. Sustainable Development

There are no sustainability related DCP requirements as this DA is limited to formalising the use of the existing community room for private functions/events including amplified music and there are no proposed new building work.

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.

Managers of Development Assessment (MODA) Review

The application was reviewed by the MODA at the meeting on 14 May 2024 and the MODA concurred with the Assessment Planner's recommendation.

MODA members: *B McNamara, K Johnstone and Jo Zancanaro*

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	**Application reviewed and agreed by:**	**Application reviewed and agreed by:**
Edwina Ross	Ben Magistrale	Angela Rossi
Development Assessment Planner	**Manager, Development Assessment**	**Executive Manager, Development Assessment**
Date: 5/06/2024	**Date:** 12/06/2024	**Date:** 14/06/2024

Reason for WLPP referral:

1. Conflict of interest – Waverley Council own property
2. Contentious development (10 or more objections)

OFFICE USE ONLY

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	Yes
VPA submitted – follow up actions required	No
Refer to compliance for investigation	No
Commercial/liquor operational conditions	Yes
Was there a 'Conflict of Interest' declared	Yes

O:\Building Waverley\Development Assessment\DA Assessment Team Reports\Waverley Park - Bondi Rd, 49C\DA-353.2023 - Functions\WLPP Assessment Report - Waverley Park.Docx

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) Noise Impact Assessment (Ref:23159.1-Revision2) prepared by VMS Australia Ptd Ltd dated 4 April 2024, and received by Council on 11/04/2024; (b) Plan of Management prepared by Milestone dated April 2024, and received by Council on (11/04/2024). 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.
2.	**GENERAL MODIFICATIONS**
	The application is approved subject to the following plan amendments; (a) The Plan of Management is to be updated to correctly reflect the conditions relating to hours of operation and signage specified in this development consent.
	Condition reason: To align the supported documents will the conditions.
	The amendments are to be approved by the **Executive Manager, Development Assessment or delegate** prior to the issue of the final Occupation 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.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
3.	**FINAL OCCUPATION CERTIFICATE**
	Prior to occupation or use of the development, an Occupation Certificate must be obtained. The Principal Certifying Authority must be satisfied that the requirements of the *Environmental Planning & Assessment Act 1979* have been satisfied.
	Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.

OCCUPATION AND ONGOING USE

	Condition
4.	**FOOD PREMISES**
	The premises are to be registered with Waverley Council and inspected by Council's Environmental Health Officer.
	Condition reason: To ensure the food and drink premises is registered with Waverley Council.
5.	**HOURS OF OPERATION**
	The hours of operation for the premises are restricted to: <u>INDOOR AREA</u> Monday to Saturday: 7.00am to 10.00pm Sunday and Public Holidays: 8.00am to 10.00pm. <u>OUTDOOR AREA</u> Monday to Saturday: 7.00am to 10.00pm Sunday and Public Holidays: 8.00am to 10.00pm. All furniture shall be packed away and room cleaned within 30 minutes from the cease of the outdoor and indoor area (as specified in the hours of operations as contained above).
	Condition reason: To protect the amenity of the local area.
6.	**HOURS OF OPERATION WITH ONE YEAR TRIAL FOR EXTENDED HOURS**
	This consent allows for a one (1) year trial period for indoor as follows: Monday to Sunday and Public Holidays: 10.00pm to 12.00am midnight The trial period starts from the date of approval and ceases on the anniversary of that date. A further application may be lodged before the expiration date for Council's consideration for the continuation of the trial hours. Council's consideration of any further application will take into account matters including but not limited to: i. compliance of the premises in terms of security and its general management; ii. number and nature of substantiated complaints regarding the operation of the premises; iii. compliance with conditions of consent.
	Condition reason: To protect the amenity of the local area.
7.	**MAXIMUM PATRON CAPACITY**
	(a) The approved patron capacity for the premises is limited to: Total of 120 patrons.

	(b) A comfortable dining position must be available for each patron upon the premises. This will include a seat and access to table / bench space generally in accordance with the approved plans. (c) Any person/s attending the premises for the purpose of 'takeaway' products / services will not be considered a 'patron' for the purposes of subclause (a), provided no food and or drink is consumed by those persons on the premises. (d) Management are responsible for ensuring the number of patrons in the premises does not exceed the approved capacity specified in sub clause (a).
	Condition reason: To provide patrons with details of the operator and maximum number of persons permitted on the premises.
8.	**SIGNAGE TO BE DISPLAYED**
	(a) Signage (in lettering not less than 25mm in height on a contrasting background) is to be erected in a prominent position near the main entry to the premises. The signage shall state: Approved hours of operation - Indoor Area Monday to Saturday: 7.00am to 12.00am Sunday and Public Holidays: 8.00am to 12.00am (Trial Period) Approved hours of operation - Outdoor Area Monday to Saturday: 7.00am to 10.00pm Sunday: 8.00am to 10.00pm Approved patron capacity 120 patrons (b) Signage (in lettering not less than 25mm in height on a contrasting background) is to be erected near the main entry to the premises, in such manner that it would be reasonable to expect that a person leaving the premises will be alerted to its contents. The signage shall state: *Upon leaving please respect local residents by minimising noise* Signage specified in sub clauses (a) and (b) is to be erected prior to the commencement of operations.
	Condition reason: To protect the amenity of the local area.
9.	**FUNCTION ACTIVITY**
	The following function activity shall not occur on the premises without prior written approval by the **Commander (or delegate), of the Eastern Suburbs Local Police Command;** (a) Functions for 16 - 21 year old persons including 18th and 21st birthday celebrations.

	(b) 'Bucks' and 'hens' nights. (c) Any function in which dancing, dance party, rave, DJ performance, or other entertainment act is the primary activity. In such circumstances that approval is sought for these types of functions to take place, management must provide such request a minimum of 14 days prior to the scheduled function. Should approval be given, management must adhere to any conditions that accompany such written approval as issued by the Commander (or delegate), of the Eastern Suburbs Local Police Command. (i) Council reserves the right to further include (by way of written advice) types of other functions considered under this condition. (ii) Food of a nature and quantity consistent with the responsible sale, supply and service of alcohol must be made available whenever liquor is made available at the function. (iii) No use of the external areas adjacent to the Community Room is to occur after 10.00pm (other than for egress). In this regard, the doors of the Community Room shall remain closed after 10.00pm. The PoM is to be updated to reflect these aspects of this condition.
	Condition reason: To protect the amenity of the local area.
10.	**FUTURE TENANT OR HIRER OF EVENT/FUNCTION SPACE**
	Prior to commencement of operations, an Operation Manual shall be implemented in conjunction with **Council's Executive Manager, Property and Facilities (or delegate)** for the Margaret Whitlam Community Room that provides all relevant operational conditions applicable to the use and management of rooms or event space. The Operational Manual shall be provided to all future tenants, leaseholders or hirer's of space within the Margaret Whitlam Community Room (as part of their lease agreement) to ensure those persons are familiar with relevant conditions of this consent that apply to their use and management of a space. Elements to include though not limited to; approved management plans, emergency evacuation procedures, outdoor dining zone, maximum patron capacity, hours of operation etc.
	Condition reason: To protect the amenity of the local area.
11.	**OPERATION IN ACCORDANCE WITH PLAN OF MANAGEMENT (PoM)**
	a. The operation and management of the premises shall be in accordance with a Council approved Plan of Management (PoM) at all times. b. The approved PoM shall be adopted by the Management of the premises. c. The plan shall be reviewed (at minimum) on an annual basis, and at any time there is a change in business ownership of the premises.
	Condition reason: To protect the amenity of the local area.

12.	**COPIES OF CONSENTS AND MANAGEMENT PLAN**
	A full copy of all current development consents (including approved plans) for the operation of the premises, any Registers required and any required Plan of Managements must be kept on the premises and made available for inspection immediately upon request by Council Officers, Police Officers and/or ILGR Authorised Officers.
	Condition reason: To ensure consents and management plan are easily available.
13.	**AMENITY**
	The management of the premises/ hirer is to: (a) Ensure that the manner in which the business of the premises is conducted and/or the behaviour of persons entering and leaving the premises does not cause undue disturbance to the amenity of the neighbourhood. (b) Record in a formal register full details of any disturbance complaint/s made by a person to management or staff in respect to the manner in which the business of the premises is conducted and/or the behaviour of persons entering or leaving the premises. Such recording will include time, date, nature of the complaint/s and any complainant details if provided. (c) Respond to any disturbance complaint/s in a timely and effective manner. All actions undertaken by management / staff to resolve such complaint/s shall be recorded in the register.
	Condition reason: To protect the amenity of the local area.
14.	**CLOSURE OF WINDOWS / LOUVRES**
	To minimise any transmission of noise from the premises to nearby residential buildings all windows, louvres and other openings of the Community Room shall be closed by 10pm, each day an event is held.
	Condition reason: To protect the amenity of the local area.
15.	**PATRON BEHAVIOUR**
	The management shall ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management shall be responsible for the control of noise and litter generated by patrons of the premises and shall ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council. If so directed by council, the management is to employ private security staff to ensure that this condition is complied with.
	Condition reason: To protect the amenity of the local area.
16.	**NOISE EMISSIONS**
	The use of the premises shall not give rise to the transmission of "Offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.
	Condition reason: To protect the amenity of the local area.

17.	**AIR EMISSIONS**
	The use of the premises shall not give rise to air impurities in contravention of the Protection of the Environment Operations Act, 1997.
	Condition reason: To protect the amenity of the local area.
18.	**WASTE MANAGEMENT PLAN REVIEW**
	After 5 years of operation under this development consent, the Approved Waste Management Plan is to be reviewed to ensure that the details including contracts, roles and responsibilities, commercial tenants (if relevant) are current. The updated plan is to supersede the previous plan.
	Condition reason: To ensure the management of waste is ongoing.
19.	**ACOUSTIC REPORT RECOMMENDATIONS**
	The "recommendations" in the Noise Impact Assessment [Ref:23159.1Revision2] prepared by VMS Australia Ptd Ltd dated 4 April 2024 shall be implemented in full. A Certificate of Compliance prepared by a suitably qualified acoustic consultant is to be submitted to Council's Executive Manager Compliance, certifying that all acoustic recommendations and conditions of consent (including the operational conditions) have been incorporated into the development and can be satisfied.
	Condition reason: To protect the amenity of the local area.
20.	**NOISE LIMITER**
	All amplification equipment used in the premises is to be controlled by a root mean square (RMS) noise limiter, calibrated by an acoustic engineer. The equipment must be tamper proof and only operable by the management or their nominee. The RMS noise limiter is to be set at LAeq(15 min) 85dB all other times, where inconsistencies with other conditions of this consent occur the latter shall take precedence.
	Condition reason: To protect the amenity of the local area, to ensure compliance with the recommendations in Noise Impact Assessment [Ref:23159.1Revision2] prepared by VMS Australia Ptd Ltd dated 4 April 2024,
21.	**AMPLIFIED NOISE**
	No live music is to be performed on the premises. No bands are to play on the premises, no acoustic instruments or drums are permitted to be played on the premises.
	Condition reason: To protect the amenity of the local area, to ensure compliance with the recommendations in Noise Impact Assessment [Ref:23159.1Revision2] prepared by VMS Australia Ptd Ltd dated 4 April 2024.
22.	**NOISE COMPLAINTS**

	If, during on-going use of the premises, substantiated complaints of breaches of noise emission conditions and/or the *Protection of the Environment Operations Act, 1997* occur, an acoustic report assessing the impact of the operation will be required to be carried out by a suitably qualified acoustic consultant. The report is to be submitted to the satisfaction of Council's Environmental Health Compliance Unit within 60 days of written request. The investigation shall include, but not be limited to: (a) The identification of sensitive noise receivers potentially impacted by the proposal; (b) The quantification of the existing acoustic environment at the receiver locations (measurement techniques and assessment period should be fully justified and accordance with relevant Australian Standards and NSW Environment Protection Authority (EPA) requirements); (c) The formation of a suitable assessment criteria having regard to the guidelines contained in the NSW EPA Industrial Noise Policy; (d) The identification of operational noise producing facets of the use and the subsequent predictions of resultant noise at the identified sensitive receiver locations from the operation of the use. Where appropriate the predication procedures must be justified and include an evaluation of prevailing atmospheric conditions that may promote noise propagation; (e) A statement indicating that the operation of the premises complies with the relevant criteria together with details of acoustic control measures that will be incorporated into the development/use, will not create adverse noise impacts to surrounding development.
	Condition reason: To protect the amenity of the local area.
23.	**NOISE – MECHANICAL PLANT (COMMERCIAL PREMISES)**
	Noise associated with mechanical plant shall not give rise to any one or more of the following: (a) Transmission of "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy. (b) A sound pressure level at any affected property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use. The source noise level must be assessed as a LAeq, 15 minute. (c) Notwithstanding compliance with (a) and (b) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am.
	Condition reason: To protect the amenity of the local area.
24.	**NO BARBECUE OR CHARCOAL TYPE COOKING ON SITE**

	This approval does not permit the installation of barbecue or charcoal type cooking appliances. Comprehensive details must be submitted with a formal application to Council for approval prior to the installation of any such equipment.
	Condition reason: To protect the amenity of the local area.
25.	**REFRIGERATION UNITS & MECHANICAL PLANT**
	Refrigeration motors/units and other mechanical plant (i.e. air conditioning) are not to be installed outside the building without the prior consent of Council in order to assess the cumulative impacts of noise to adjoining properties. All plant is to be installed within the confines of the building and be acoustically treated to ensure that it within the acceptable limits.
	Condition reason: To protect the amenity of the local area.
26.	**HIRER RESPONSIBILITY**
	The hirer of the premises shall be responsible for: (a) Ensuring patrons do not loiter at the front of the premises. (b) Ensure no crowding in front of the premises occurs that obstructs pedestrian access and flow. (c) Patron's behaviour of those utilising the sanitary facilities.
	Condition reason: To protect the amenity of the local area.
27.	**LIQUOR SALE / SUPPLY / CONSUMPTION**
	(a) No liquor may be sold, supplied or consumed on the premises except with the approval and authorisation from the relevant Liquor Authority. (b) The sale and/or supply of liquor must cease 15 minutes prior to the cessation of the respective hours of operation for the specified indoor and outdoor seating areas. (c) Liquor may only be sold or supplied on the premises by way of opened cans, opened bottles, or other opened containers. (d) There is to be no consumption, possession or movement of opened liquor beyond the external terrace of the venue (ie no liquor in parklands). (e) Management is to ensure that persons are not permitted to leave the facility in the possession of open liquor.
	Condition reason: To protect the amenity of the local area.

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: • 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.	**TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)**
	Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.
5.	**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.

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.

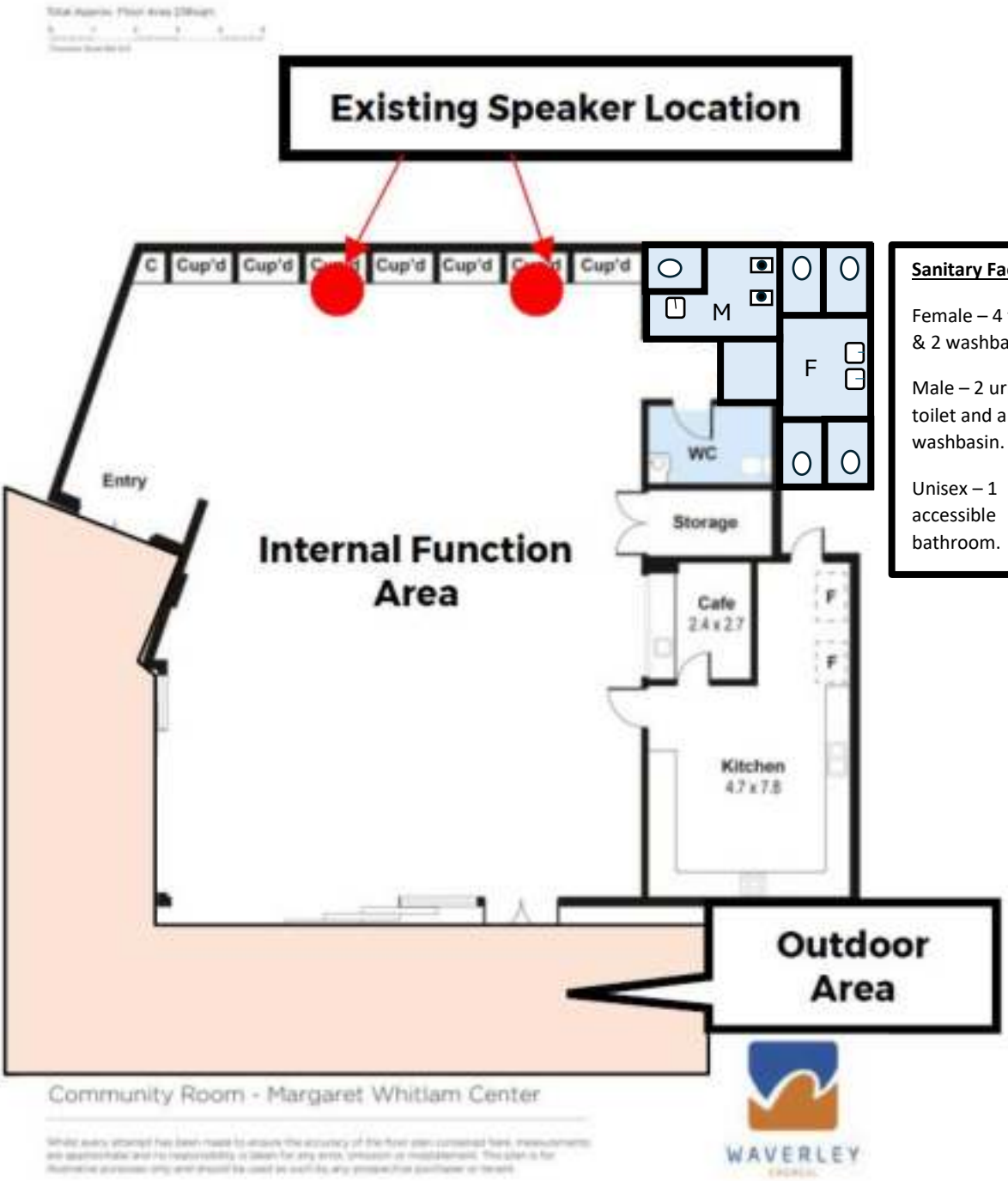
Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

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.



Sanitary Facilities:

Female – 4 toilets & 2 washbasins.

Male – 2 urinals, 1 toilet and a washbasin.

Unisex – 1 accessible bathroom.

Waverley Park Map

Noise Impact Assessment

Margaret Whitlam Recreation Centre

Waverley Park, Bondi Road, Bondi Junction NSW 2022

Report Number 23159.1

Milestone (AUST) Pty Limited

Suite 9, 17 Thurlow Street
REDFERN NSW 2016

RECEIVED
Waverley Council

Receipt No: DA-353/2023

Date Received: 11/04/2024

ABN: 52 168 418 013
Unit 45, 45 Green Street
BANKSMEADOW NSW 2019

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Prepared For: **MILESTONE (AUST) PTY LIMITED**
Suite 9, 17 Thurlow Street
REDFERN NSW 2016

RECEIVED
Waverley Council

Receipt No: DA-353/2023

Date Received: 11/04/2024

PREPARED BY: **VMS Australia Pty Ltd**
Unit 45, 45 Green Street
BANKSMEADOW NSW 2019
ABN: 52 168 418 013

Quality Management

Reference	Status	Date	Prepared	Checked	Authorised
23159.1	Draft 1	7 September 2023	Joe McNamara	Sam Demasi	Sam Demasi
23159.1	Revision 0	10 October 2023	Joe McNamara	Sam Demasi	Sam Demasi
23159.1	Revision 1	2 April 2024	Joe McNamara	Sam Demasi	Sam Demasi
23159.1	Revision 2	4 April 2024	Joe McNamara	Sam Demasi	Sam Demasi

This report has been prepared by Mr Joe McNamara and Mr Sam Demasi. Both are qualified mechanical engineers and both have membership with the Australian Acoustical Society (AAS).
Mr Demasi is the peer reviewer of the NIS and has been working in acoustics for over 25 years. He was admitted to the grade of Member of the AAS in 2008.
Mr McNamara's AAS Member ID is 2879 and Mr Demasi's AAS Member ID is 1033.

This Report by VMS Australia Pty Ltd is prepared for the Client listed above and is based on the objective, scope, conditions and limitations as agreed. The Report presents only the information that VMS Australia Pty Ltd believes, in its professional opinion, is relevant and necessary to describe the issues involved. The Report should not be used for anything other than the intended purpose. All surveys, forecasts, projections, and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to VMS Australia Pty Ltd at the date of this report, and upon which VMS Australia Pty Ltd relied.

VMS Australia Pty Ltd does not accept any liability or responsibility to any party with respect to the information and opinions contained in this report.

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Receipt No: DA-353/2023

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RECEIVED
Waverley Council

Receipt No: DA-353/2023

Date Received: 11/04/2024

1 Introduction

VMS Australia Pty Ltd (VMS) has been commissioned by Milestone (AUST) Pty Limited (Milestone) to undertake an acoustic assessment in relation to the proposed Development Application in regard to the use of the Margaret Whitlam Recreation Centre Community Room (Community Room) located at Waverley Park, Bondi Road, Bondi Junction NSW 2022. The Community Room is currently operated by Waverley Council (Council) and it will continue with this approach. Following the submission of the Development Application (DA-353/2023), a Deferral Letter (dated 1 March 2024) was issued by Waverley Council including comments pertaining to noise.

The aim of the assessment is to confirm the potential noise impacts and associated acoustic risk of functions occurring at the Community Room during day, evening, and night periods in accordance with the NSW *Noise Policy for Industry* (NPfI), and satisfy the items outlined in the Deferral Letter.

The night period is only assessed between 10:00pm to midnight as the Community Room is not proposed to host events after midnight.

The Community Room includes an internal function room with outdoor areas located to the East and North. Residential receivers are located surrounding the Community Room as close as approximately 90m. Additionally, this report sets out to satisfy the requirements outlined in the Deferral Letter.

Following a site inspection, long-term noise monitoring, and computational noise impact modelling, this report presents an assessment of noise emission impacts to surrounding receivers from the Community Room based on a number of potential worst-case operational scenarios.

A glossary of the acoustical terminology used throughout this report is contained within **Appendix A**.

RECEIVED
Waverley Council

Receipt No: DA-353/2023

Date Received: 11/04/2024

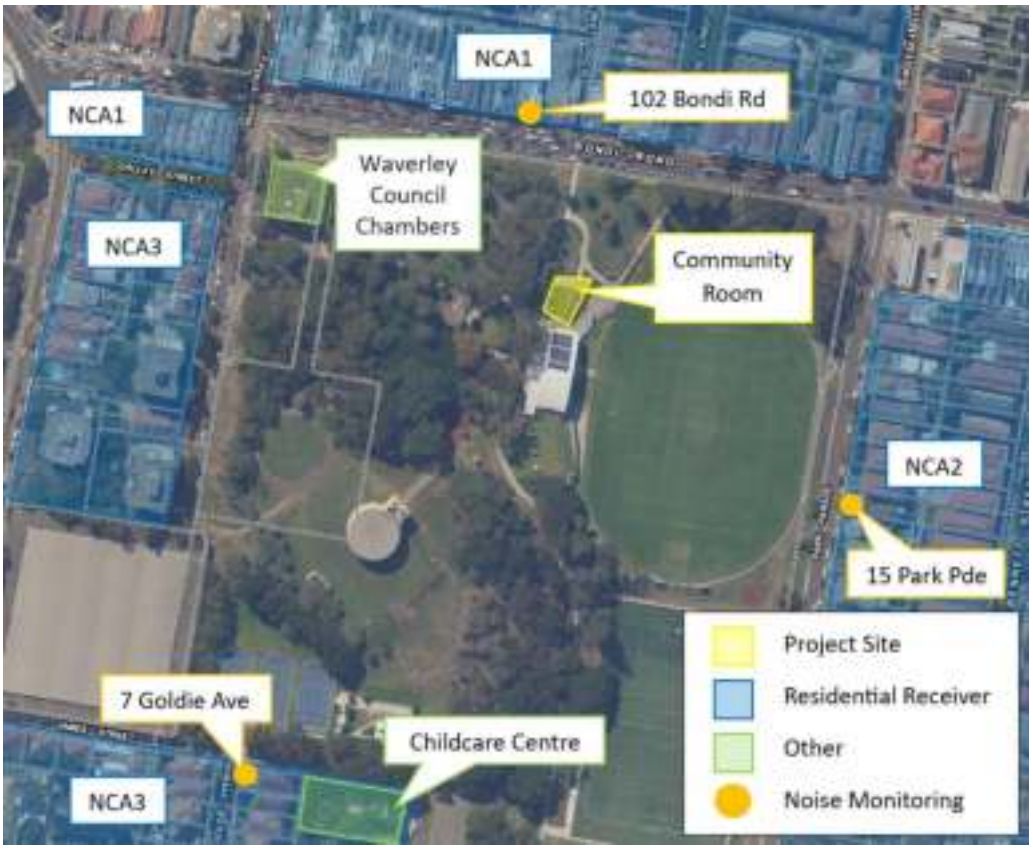
2 Development

2.1 Site Location

The Community Room is located on the northern end of the Recreation Centre surrounded by residential receivers opposite Bondi Road to the north, opposite Park Parade to the east, bordering Waverley Park to the south, and opposite Paul Street to the west. Considering similar existing noise environments, residential receivers are categorised into three Noise Catchment Areas (NCA).

Non-residential receivers include the Waverley Council Chambers and WEE Care Kindergarten. Potentially impacted receivers are presented with respect to the location of the Community Room in **Figure 1**.

Figure 1 Site Location and Surrounding Receivers



Source: SIX Maps (marked up by VMS)

There is no specific parking assigned to the Community Room.

Options for parking include nearby streets and two Council public carpark areas. One carpark adjoins the Netball Courts, and is accessed via St Marys Avenue and the other carpark adjoins the Council Chambers and is accessed via Paul Street.

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2.2 Site Layout

The Community Room has dimensions 13m by 14.5m and is a predominantly indoor establishment with a small terrace to the north and west of the room.

The Community Room includes two small JBL surface mount speakers to which Hirer's may play music through, or connect the venue provided microphone to. The two speakers are mounted directly to the wall above the cupboards. Hirers are not permitted live music, nor to provide their own instruments, speakers, sound systems, or amplification devices.

The extent of the Community Room including areas accessible to Hirer's is illustrated in **Figure 2**. The location of the two speakers within the Community Room is outlined in **Figure 3**. A photograph of the two speakers provided by Council is presented in **Figure 4**.

Figure 2 Community Room Layout

Source: Google Earth (marked up by VMS).

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Figure 3 Location of Speakers

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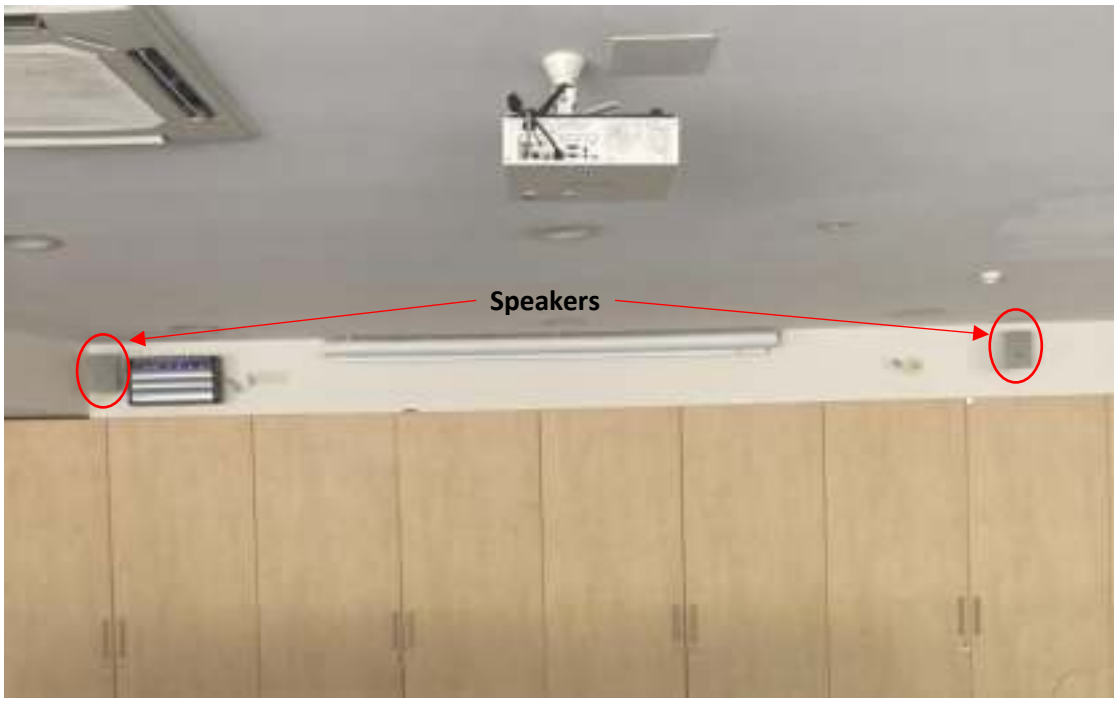
Source: Waverley Council Website (marked up by VMS).

Figure 4 Photograph of Speakers



Source: Waverley Council Website (marked up by VMS).

2.3 Proposed Operations

As advised by Council, the Community Room is proposed to operate in accordance with the below days and times:

- Mondays to Saturdays: 7:00am to midnight.
- Sundays and Public Holidays: 8:00am to midnight.

3 Assessment Criteria

3.1 Unattended Noise Monitoring

Unattended noise monitoring at three locations, one for each NCA, was conducted between Friday 21 July 2023 to Thursday 3 August 2023 at the locations presented in **Figure 1** in order to characterise the existing acoustical environment. The equipment used, locations selected, and subsequently derived Project Noise Trigger Levels (PNTLs) are considered by VMS to be consistent with the NPfI procedures. The measured data has been filtered to remove periods affected during adverse weather conditions following consultation of weather reports recorded at the Bureau of Meteorology (BOM) Fort Denison weather station. Unattended noise monitoring data is graphically presented in **Appendix B** to **Appendix D** for monitoring conducted for NCA1 to NCA3, respectively.

3.2 Noise Policy for Industry (NPfI)

To assess potential noise impacts in accordance with the NPfI, rated background levels (RBL) and subsequent project noise trigger levels (PNTLs) are developed for each NCA for the day, evening, and a night shoulder period. The NPfI defines these periods as defined as:

- Day - 7:00am to 6:00pm Monday to Saturday (day begins at 8:00am on Sundays and Public Holidays).
- Evening - 6:00pm to 10:00pm.
- Night Shoulder - 10:00pm to 12:00am (midnight).

For the development of PNTLs there are two sets of criteria presented in the NPfI which are required to be adhered with, namely the intrusiveness noise level criteria and project amenity noise level criteria. The PNTL is then ultimately set as the lower of either of the two noise criteria established. Noise levels are to be measured externally at the nearby receiver's boundary or appropriate location.

Additionally, as operations are proposed to extend into the night period, potential sleep disturbance impacts are also assessed for residential receivers in line with the procedures outlined in the NPfI.

3.2.1 Intrusiveness Noise Level Criteria

The NPfI Intrusiveness Noise Level Criteria has been set to minimise noise emission at nearby residential receivers and requires that the $L_{eq(15min)}$ noise level (dBA) measured at a nearby residential property's boundary does not exceed the rated background noise level (RBL), established through unattended noise monitoring, by more than 5dB. Intrusive noise levels only apply to residential receivers.

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3.2.2 Project Amenity Noise Level Criteria

The NPfI Project Amenity Noise Level Criteria, in comparison with the Intrusiveness Noise Level Criteria, is set to preserve the community's amenity and is applicable to all receiver types. The NPfI provides 3 categories to distinguish different residential localities according to the RBL. These localities are stated as rural, suburban, and urban. With regard to this development, the general environment has been categorised as suburban based on unattended monitoring results.

As no other significant industrial noise sources have been identified nearby, the 5dB correction outlined in the NPfI to control cumulative industrial noise impacts is not deemed relevant. In accordance with the NPfI, project amenity criteria for residential receivers are converted from $L_{eq(period)}$ to $L_{eq(15min)}$ noise levels by adding 3dB.

3.2.3 Sleep Disturbance (Screening) Criteria

The NPfI requires consideration of maximum noise level events from the operation of premises during the night period to assess the risk of sleep disturbance. For this project, there may be some operation during the night shoulder. The approach recommended by the NPfI is to initially apply screening levels as follows:

- $L_{eq,15min}$ 40dBA or the prevailing RBL + 5dB, whichever is the greater; and/or
- L_{Fmax} 52dBA or the prevailing RBL + 15dB, whichever is the greater.

3.3 Project Noise Trigger Levels

PNTLs are established for each NCA and non-residential receivers. Amenity and intrusiveness noise levels along with respective RBLs are presented in **Table 1**. The most stringent level, this being the lowest, form the PNTLs.

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Table 1 Project Noise Trigger Levels

Receiver	Time Period	RBL	Intrusiveness Noise Level $L_{eq(15min)}$ dBA	Amenity Noise Level $L_{eq(15min)}$ dBA	PNTL $L_{eq(15min)}$ dBA	Sleep Disturbance L_{Fmax} dBA
Residential - NCA1	Day	56	61	58	58	57
	Evening	50	55	55[6]	55	
	Night Shoulder[4]	42	47	n/a[7]	47	
Residential - NCA2	Day	44	49	58	49	52
	Evening	40	45	48	45	
	Night Shoulder[4]	36	41	n/a[7]	41	
Residential - NCA3	Day	39	44	58	44	52
	Evening	33	38	48	38	
	Night Shoulder[4]	31	36	n/a[7]	36	
Child Care[1]	Day[5]	n/a	n/a	48	48	n/a
Waverley Council Chambers[2]	Day[5]	n/a	n/a	68	68	n/a
Waverley Oval[3]	Day and Evening[5]	n/a	n/a	58	58	n/a

Note 1: Assessed as 'school classroom', with 10dB internal to external correction as per NPfI.
Note 2: Assessed as 'commercial premises' as per NPfI.
Note 3: Assessed as 'active recreation area' as per NPfI.
Note 4: For this project, the night shoulder has been defined as the period 10:00pm to midnight.
Note 5: Expected to be not in use outside of Day and or Evening periods.
Note 6: Period amenity level defined as $L_{eq,period(traffic)}$ (67 dBA) minus 15dB, due to high contribution of traffic noise at receiver. This is followed by the + 3 dB for period to 15minute correction.
Note 7: Amenity level not applicable during shoulder periods.

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4 Noise Impact Assessment

4.1 Noise Impact Modelling

Site-related noise impacts to nearby potentially noise effected receivers were predicted through computational noise modelling using the iNoise 2023 noise prediction software. Factors that are addressed in the modelling are:

- Source locations and sound emission levels, both L_{eq} and L_{max};
- Screening effects from buildings and barriers;
- Receiver locations;
- Ground topography;
- Noise attenuation due to geometric spreading;
- Ground absorption; and
- Atmospheric absorption.

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4.2 Noise Sources

Following an on-site inspection, it was identified that mechanical plant had negligible acoustic impact on nearby receivers and therefore this assessment focuses on noise impacts due to patron activity and music.

For the assessment of noise emissions in accordance with information provided by Council, and following guidance from the *Associate of Australian Acoustical Consultants: Licensed Premises and Patron Noise Assessment Technical Guideline Version 3* (AAAC), dated April 2023, the following assumptions were made in the conduction of the noise impact assessment:

- For the determination of patron noise, 1 out of 2 people are assumed to be speaking at a time which has been modelled using the sound power level of a conversation at a raised voice at $L_{eq(15min)}$ 74dBA. This is considered to be a conservative approach more akin to a worst-case event. Such events are likely to be sustained for only a short period of time.
- While such a scenario is not considered typical for the types of events proposed to be held at the venue, a scenario in which 1 out of 2 patrons for a maximum capacity function are singing along to a song (this equating to 60 people singing at the same time) at a 'loud' vocal effort (sound power level of $L_{eq(15min)}$ 82dBA for 50/50 male to female split) is assessed in response to the deferral letter. It is considered unlikely that singing at a 'loud' vocal will be sustained for more than 3 to 5 minutes during a song, where such noise levels are expected to be limited to shorter durations such as during a chorus of a song. Such a scenario is not considered typical for the venue, i.e. no bands/ live music is proposed. Nevertheless, in the event that the above was to take place, predicted noise impacts to surrounding receivers are presented.
- Maximum noise levels associated with the possibility of patrons shouting, if to take place, are expected to take place over a short time interval and therefore noise levels and associated potential sleep disturbance impacts are assessed for a shout with L_{max} 97dBA in addition to cumulative noise impacts from standard operations.
- Assessments are conducted for events with foreground music, background music, and no music. Events encompassing foreground background music are defined with reference to the AAAC as follows:
    - **Background music**: Internal level 77 dBA. Events which allow for conversation at raised vocal effort at 600mm separation.

- **Foreground music**: Internal level 85 dBA. Events with music at the minimum level patrons expect for amplified music to be when the music is to be the dominating soundscape (i.e. levels below this would be considered not loud enough.) Typical night club level at the start of the night.

- There will be a maximum capacity of 120 patrons standing or 90 patrons sitting. For the purpose of a worst-case scenario, a maximum capacity of 120 patrons is assumed.
- Where patrons are allowed outdoors, a typical indoor/outdoor split of 80/20 for patrons within the venue is assumed as confirmed by Council Officers managing the Community Room.
- For the assessment of potential noise impacts associated with patrons exiting that may use one of the two Council public carpark areas, neither of which are considered part of the site, a sound power level of L_{Fmax} 84dBA is adopted. This level is representative of 'loud' vocal efforts for a male speaker as per the ACCC and is used to predict the maximum potential noise level at a receiver, in order to assess the risk of sleep disturbance. Additionally, a sound power level of L_{Fmax} 94dBA is considered typical for maximum noise levels associated with either a car door closing or a car engine starting. The above activities, if to take place, are expected to be very short-term in nature and are considered representative of the maximum noise levels that may be experienced in a carpark when patrons are exiting a premise.
- Noise associated with cleaning the venue, i.e. moving bins and collecting glass bottles, is expected to have minimal acoustic impact and therefore no detailed acoustic assessment is considered warranted. Noise associated with patrons exiting the venue is assessed as per above.
- Potential impacts are assessed in accordance with the operational scenarios presented in **Table 2**.

Table 2 Operational Scenarios

Scenario	Description
Scenario 1	Foreground music with doors open and patrons inside and outside.
Scenario 2	Background music with doors open and patrons inside and outside.
Scenario 3	Foreground music with doors closed and patrons inside and outside.
Scenario 4	No music with doors open and patrons inside and outside.
Scenario 5	Foreground music with doors open and patrons inside and outside. Patrons singing.
Scenario 6	Foreground music with doors closed and patrons inside and outside. Patrons singing.

4.3 Noise Impacts

4.3.1 Maximum Noise Levels

Maximum noise levels associated with a patron shouting outdoors within the boundary of the venue is predicted to result in a maximum level of 50dBA at the nearest receivers, below the most stringent sleep disturbance screening criteria of 52dBA. Therefore, such activities are identified as meeting the NPfI screening criteria and on this basis have negligible sleep disturbance risk.

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With regard to sleep disturbance impacts associated with patrons exiting either carpark, a worst-case scenario is considered to be the slamming of a car door/car starting within either carpark and nearby residential receivers. Such an event could result in a maximum level of approximately 58dBA to residences across Paul Street and 62dBA at residences across St Marys Avenue. Such levels are above the most stringent sleep disturbance screening criteria of 52dBA. This warrants a detailed maximum noise level event assessment as per the NPfI. Through a conversion of the sound level from an external level to an internal level (-10 dB in accordance with the NPfI, resulting in a typical worst-case internal level of 52 dBA), the potential impact of the maximum level may be assessed in accordance with the current scientific literature.

The NPfI makes reference to the NSW Road Noise Policy (RNP) which states the following latest advice regarding maximum internal noise levels:

- Maximum internal noise levels below 50 to 55 dBA are unlikely to cause awakening reactions.
- One or two noise events per night, with maximum internal noise levels of 65 to 70 dBA, are not likely to affect health and wellbeing significantly.

In accordance with the above, it is evident that such events at 52 dBA are unlikely to cause awakening reactions.

It is also important to note that neither of the two Council public carpark areas are associated with the Community Room, and therefore similar noise events are expected to occur regardless.

4.3.2 Operational Scenarios

Predicted $L_{eq(15min)}$ noise impact levels at receivers for scenarios 1 to 6 are presented in **Table 3** to **Table 8**, respectively.

Table 3 Scenario 1 Predicted Noise Impacts - Foreground Music with Doors Open

Receiver	Time Period	PNTL $L_{eq(15min)}$ dBA	Impact $L_{eq(15min)}$ dBA	Compliance
Residential - NCA1	Day	58	48	Complies
	Evening	55		Complies
	Night Shoulder[1]	47		Exceeds[2]
Residential - NCA2	Day	49	44	Complies
	Evening	45		Complies
	Night Shoulder[1]	41		Exceeds[3]
Residential - NCA3	Day	44	36	Complies
	Evening	38		Complies
	Night Shoulder[1]	36		Complies
Child Care	Day[4]	48	<30	Complies
Waverley Council Chambers	Day[4]	68	41	Complies
Waverley Oval	Day and Evening[4]	58	58	Complies

Note 1: For this project, the night shoulder has been defined as the period 10:00pm to midnight.
Note 2: With reference to the NPfI, residual noise impacts (exceedances) ≤2dB are considered negligible.
Note 3: With reference to the NPfI, residual noise impacts ≥2dB and ≤5dB are typically considered marginal.
Note 4: Expected to be not in use outside of nominated periods.

Table 4 Scenario 2 Predicted Noise Impacts - Background Music with Doors Open

Receiver	Time Period	PNTL $L_{eq(15min)}$ dBA	Impact $L_{eq(15min)}$ dBA	Compliance
Residential - NCA1	Day	58	44	Complies
	Evening	55		Complies
	Night Shoulder[1]	47		Complies
Residential - NCA2	Day	49	41	Complies
	Evening	45		Complies
	Night Shoulder[1]	41		Complies
Residential - NCA3	Day	44	32	Complies
	Evening	38		Complies
	Night Shoulder[1]	36		Complies
Child Care	Day[2]	48	<30	Complies
Waverley Council Chambers	Day[2]	68	37	Complies
Waverley Oval	Day and Evening[2]	58	55	Complies

Note 1: For this project, the night shoulder has been defined as the period 10:00pm to midnight.
Note 2: Expected to be not in use outside of nominated periods.

Table 5 Scenario 3 Predicted Noise Impacts - Foreground Music with Doors Closed

Receiver	Time Period	PNTL $L_{eq(15min)}$ dBA	Impact $L_{eq(15min)}$ dBA	Compliance
Residential - NCA1	Day	58	37	Complies
	Evening	55		Complies
	Night Shoulder[1]	47		Complies
Residential - NCA2	Day	49	32	Complies
	Evening	45		Complies
	Night Shoulder[1]	41		Complies
Residential - NCA3	Day	44	25	Complies
	Evening	38		Complies
	Night Shoulder[1]	36		Complies
Child Care	Day[2]	48	<30	Complies
Waverley Council Chambers	Day[2]	68	30	Complies
Waverley Oval	Day and Evening[2]	58	48	Complies

Note 1: For this project, the night shoulder has been defined as the period 10:00pm to midnight.
Note 2: Expected to be not in use outside of nominated periods.

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Table 6 Scenario 4 Predicted Noise Impacts - No Music with Doors Open

Receiver	Time Period	PNTL $L_{eq(15min)}$ dBA	Impact $L_{eq(15min)}$ dBA	Compliance
Residential - NCA1	Day	58	43	Complies
	Evening	55		Complies
	Night Shoulder[1]	47		Complies
Residential - NCA2	Day	49	40	Complies
	Evening	45		Complies
	Night Shoulder[1]	41		Complies
Residential - NCA3	Day	44	31	Complies
	Evening	38		Complies
	Night Shoulder[1]	36		Complies
Child Care	Day[2]	48	<30	Complies
Waverley Council Chambers	Day[2]	68	36	Complies
Waverley Oval	Day and Evening[2]	58	54	Complies

Note 1: For this project, the night shoulder has been defined as the period 10:00pm to midnight.
Note 2: Expected to be not in use outside of nominated periods.

Table 7 Scenario 5 Predicted Noise Impacts - Foreground Music with Doors Open and Patrons Singing

Receiver	Time Period	PNTL $L_{eq(15min)}$ dBA	Impact $L_{eq(15min)}$ dBA	Compliance
Residential - NCA1	Day	58	49	Complies
	Evening	55		Complies
	Night Shoulder[1]	47		Exceeds[2]
Residential - NCA2	Day	49	45	Complies
	Evening	45		Complies
	Night Shoulder[1]	41		Exceeds[3]
Residential - NCA3	Day	44	37	Complies
	Evening	38		Complies
	Night Shoulder[1]	36		Exceeds[2]
Child Care	Day[4]	48	n/a[5]	Complies
Waverley Council Chambers	Day[4]	68	n/a[5]	Complies
Waverley Oval	Day and Evening[4]	58	n/a[5]	Complies

Note 1: For this project, the night shoulder has been defined as the period 10:00pm to midnight.
Note 2: With reference to the NPfI, residual noise impacts (exceedances) ≤2dB are considered negligible.
Note 3: With reference to the NPfI, residual noise impacts ≥2dB and ≤5dB are typically considered marginal.
Note 4: Expected to be not in use outside of nominated periods.
Note 5: Singing activities, if to take place are expected to take place over a short duration, i.e. 5 mins, and therefore will have negligible impact over amenity criteria which consider the acoustic energy over significantly larger periods of time, i.e. 11hr, 4 hr, and 9hr periods for typical day, evening, and night amenity assessment periods.

Table 8 Scenario 6 Predicted Noise Impacts - Foreground Music with Doors Closed and Patrons Singing

Receiver	Time Period	PNTL $L_{eq(15min)}$ dBA	Impact $L_{eq(15min)}$ dBA	Compliance
Residential - NCA1	Day	58	40	Complies
	Evening	55		Complies
	Night Shoulder[1]	47		Complies
Residential - NCA2	Day	49	34	Complies
	Evening	45		Complies
	Night Shoulder[1]	41		Complies
Residential - NCA3	Day	44	28	Complies
	Evening	38		Complies
	Night Shoulder[1]	36		Complies
Child Care	Day[2]	48	n/a[3]	Complies
Waverley Council Chambers	Day[2]	68	n/a[3]	Complies
Waverley Oval	Day and Evening[2]	58	n/a[3]	Complies

Note 1: For this project, the night shoulder has been defined as the period 10:00pm to midnight.
Note 2: Expected to be not in use outside of nominated periods.
Note 3: Singing activities, if to take place are expected to take place over a short duration, i.e. 5 mins, and therefore will have negligible impact over amenity criteria which consider the acoustic energy over significantly larger periods of time, i.e. 11hr, 4 hr, and 9hr periods for typical day, evening, and night amenity assessment periods.

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5 Recommended Operations

5.1 Compliant Operations

To comply with the PNTLs nominated in **Table 1** and with reference to the operational scenarios assessed in **Table 3** to **Table 8**, the compliant operations and corresponding operational hours are presented in **Table 9**.

Table 9 Compliant Operations

Time Period	Operations
Monday to Saturday 7:00am (Sundays and Public Holidays 8:00am) to 10:00pm.	All events permitted (Compliance with Scenarios 1-6)
7 Days a week 10:00pm to midnight.	All events permitted subject to having: • Doors closed for events with foreground music. (Compliance with Scenarios 2-4, and 6)
7 Days a week midnight onwards.	Events past midnight are not proposed.

5.2 Recommended Operations

It is noted that Council proposes to operate in accordance with and to ensure compliance to the assumptions made in this report through the managing of the types of events that are proposed to take place in the Community Room.

It is noted that the Community Room does not allow for events incorporating live music, and does not allow for hirers to bring their own audio equipment or instruments. All events allowed for in the Community Room will generally fall within the below categories:

- Celebrations;
- Conferences;
- Photo shoots;
- Team building functions;
- Book launches;
- Fundraisers;
- Seniors groups;
- Local community groups;
- Yoga;
- Classes/workshops; and
- Networking events.

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In addition to the type of events, and as can be seen from the predictions, six typical worst-case scenarios have been considered with conservative assumptions. In the event that these worst-case scenarios occur, exceedances of the night shoulder period only have been predicted. If these scenarios occur and are proposed to continue into the night shoulder, impacts can be easily managed by the closing of doors after 10:00pm. In this regard, the Hirer can be informed of this requirement at the time of booking.

6 Conclusion

Following the submission of the Development Application (DA-353/2023), a Deferral Letter (dated 1 March 2024) was issued by Waverley Council including comments pertaining to potential noise impacts.

On this basis, VMS Australia Pty Ltd has undertaken an updated acoustic assessment for the proposed Development Application in regard to the continued use of the Margaret Whitlam Recreation Centre Community Room (the Project Site) located at Waverley Park, Bondi Road, Bondi Junction NSW 2022.

Considering worst-case operations, noise emissions from the development are predicted to meet the relevant criteria as derived in this report and satisfy the relevant acoustic requirements outlined in the NPfI subject to compliance with the permitted operations listed in **Table 9**.

In this regard, there are only two of the six operational scenarios, where if a worst-case event was to occur during the night shoulder, a potential exceedance of project noise trigger levels may occur. Both scenarios assume maximum patron capacity, doors open and foreground music. Such exceedances, if they occur would be perceived as marginal at best and could be easily controlled by closing doors after 10:00pm during these type of scenarios.

Terminology Relating to Noise and Vibration

Sound Pressure	Sound, or sound pressure, is a fluctuation in air pressure over the static ambient pressure.
Sound Power	Sound Power is the rate at which sound energy is emitted, reflected, transmitted or received, per unit time. Unlike sound pressure, sound power is neither room-dependent nor distance-dependent.
Sound Pressure Level (SPL)	The sound level is the sound pressure relative to a standard reference pressure of 20µPa ($20x10^{-6}$ Pascals) on a decibel scale.
Sound Power Level (SWL)	The Sound Power Level is the sound power relative to a standard reference pressure of 1pW ($20x10^{-12}$ Watts) on a decibel scale. The SWL of a simple point source may be used to calculate the SPL at a given distance (r) using the following formula: $SPL = SWL – 10 \times Log_{10}(4 \times \pi \times r^2)$ Note that the above formula is only valid for sound propagation in the free-field (see below).
Decibel (dB)	A scale for comparing the ratios of two quantities, including sound pressure and sound power. The difference in level between two sounds s1 and s2 is given by 20 log10 (s1 / s2). The decibel can also be used to measure absolute quantities by specifying a reference value that fixes one point on the scale. For sound pressure, the reference value is 20µPa.
A-weighting, dBA	The unit of sound level, weighted according to the A-scale, which takes into account the increased sensitivity of the human ear at some frequencies.
Noise Level Indices	Noise levels usually fluctuate over time, so it is often necessary to consider an average or statistical noise level. This can be done in several ways, so a number of different noise indices have been defined, according to how the averaging or statistics are carried out.
Leq,T	A noise level index called the equivalent continuous noise level over the time period T. This is the level of a notional steady sound that would contain the same amount of sound energy as the actual, possibly fluctuating, sound that was recorded.
Lmax,T	A noise level index defined as the maximum noise level during the period T. Lmax is sometimes used for the assessment of occasional loud noises, which may have little effect on the overall Leq noise level but will still affect the noise environment. Unless described otherwise, it is measured using the 'fast' sound level meter response.
L90,T	A noise level index. The noise level exceeded for 90% of the time over the period T. L90 can be considered to be the "average minimum" noise level and is often used to describe the background noise.
L10,T	A noise level index. The noise level exceeded for 10% of the time over the period T. L10 can be considered to be the "average maximum" noise level. Generally used to describe road traffic noise.
Free-Field	Far from the presence of sound reflecting objects (except the ground), usually taken to mean at least 3.5m
Fast/Slow Time Weighting	Averaging times used in sound level meters.
Octave Band	A range of frequencies whose upper limit is twice the frequency of the lower limit.
DnT,w	The single number quantity that characterises airborne sound insulation between rooms over a range of frequencies.
Rw	Single number quantity that characterises the airborne sound insulating properties of a material or building element over a range of frequencies.
Reverberation	The persistence of sound in a space after a sound source has been stopped.
PPV	The particles of a medium are displaced from their random motion in the presence of a vibration wave. The greatest instantaneous velocity of a particle during this displacement is called the Peak Particle Velocity (PPV) and is typically measured in the units of mm/s.
Hertz, Hz	The unit of Frequency (or Pitch) of a sound or vibration. One hertz equals one cycle per second. 1 kHz = 1000 Hz, 2 kHz = 2000 Hz, etc.
Acceleration	Acceleration is defined as the rate of change of Velocity of a particle over a period of time and is typically measured in the units of m/sec^2.
Vibration Dose, VDV	When assessing intermittent vibration it is necessary to use the vibration dose value (VDV), a cumulative measurement of the vibration level received over an 8-hour or 16-hour period. The VDV formulae uses the RMS Acceleration raised to the fourth power and is known as the Root-mean-quad method. This technique ensures the VDV is more sensitive to the peaks in the acceleration levels. VDVs are typically measured in the units of $m/s^{1.75}$.

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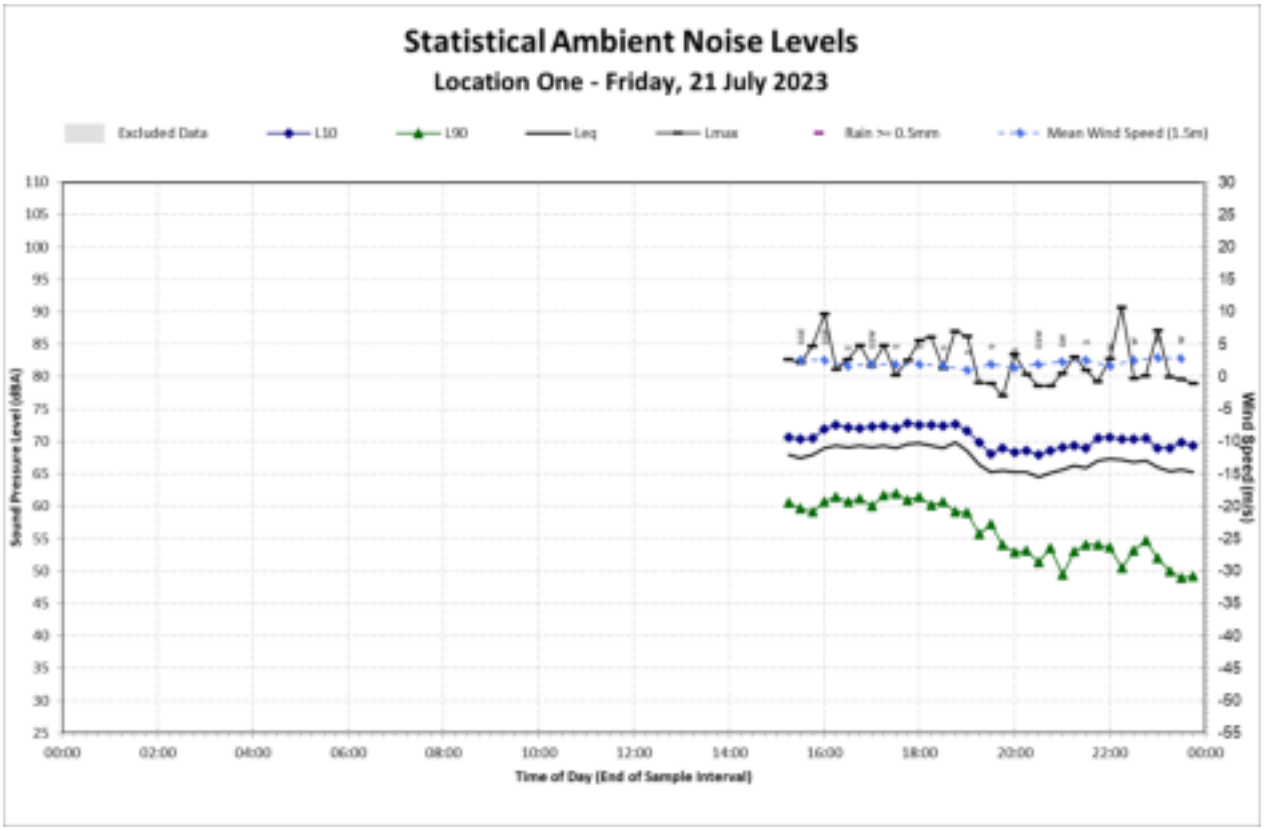

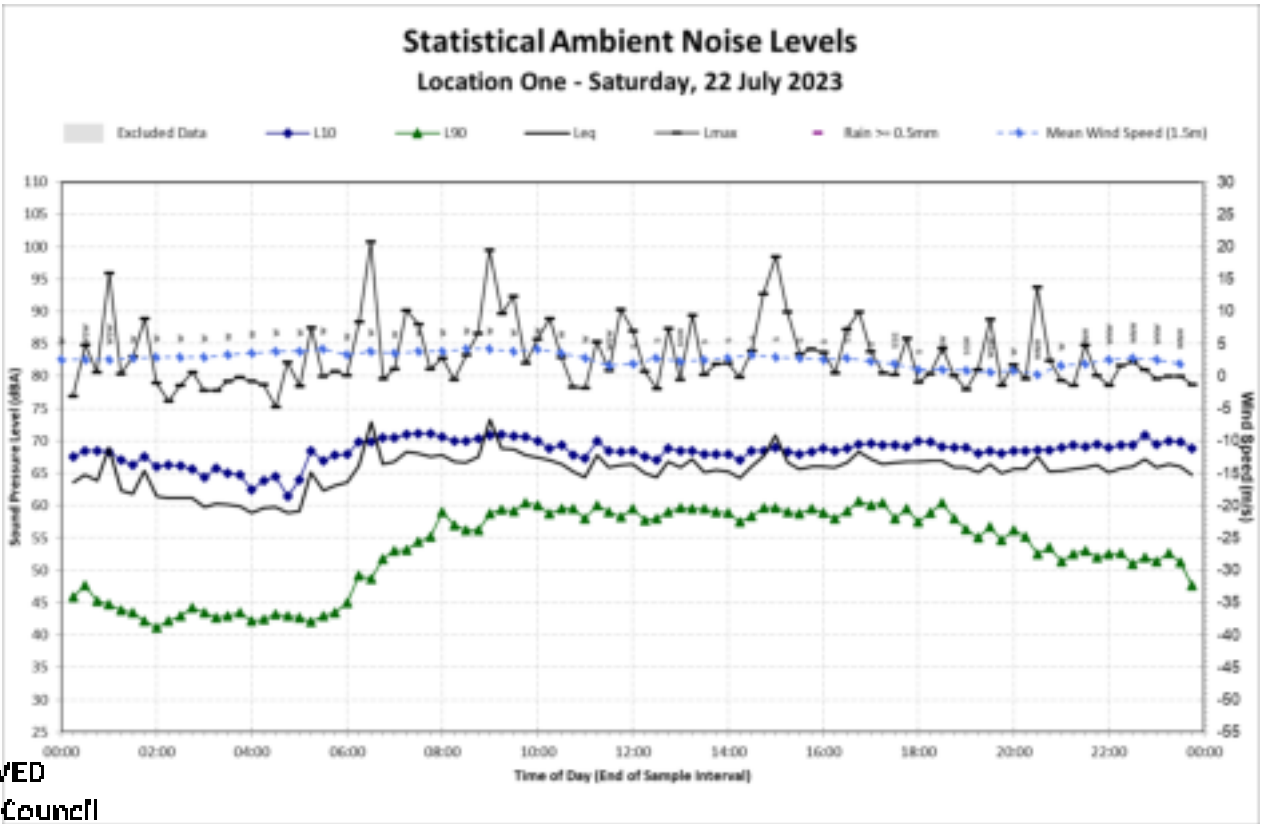

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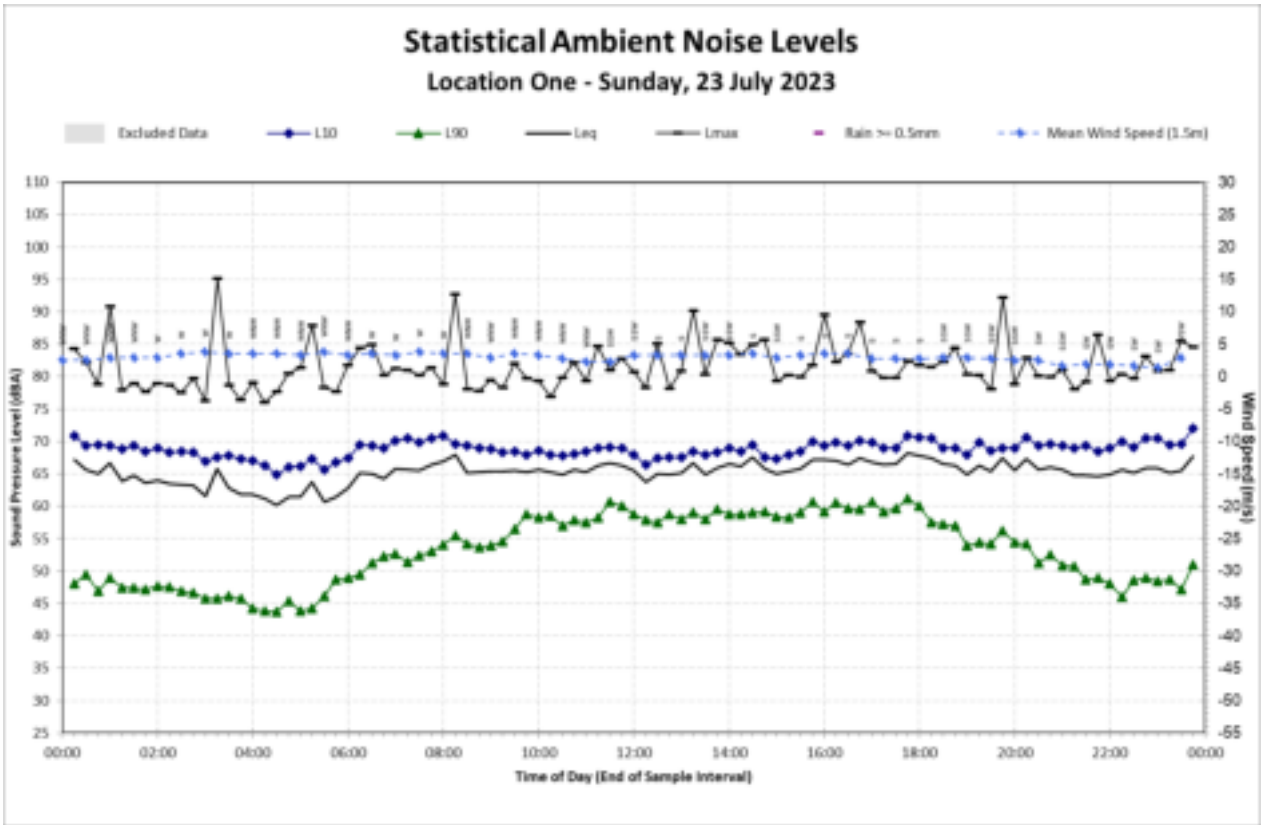

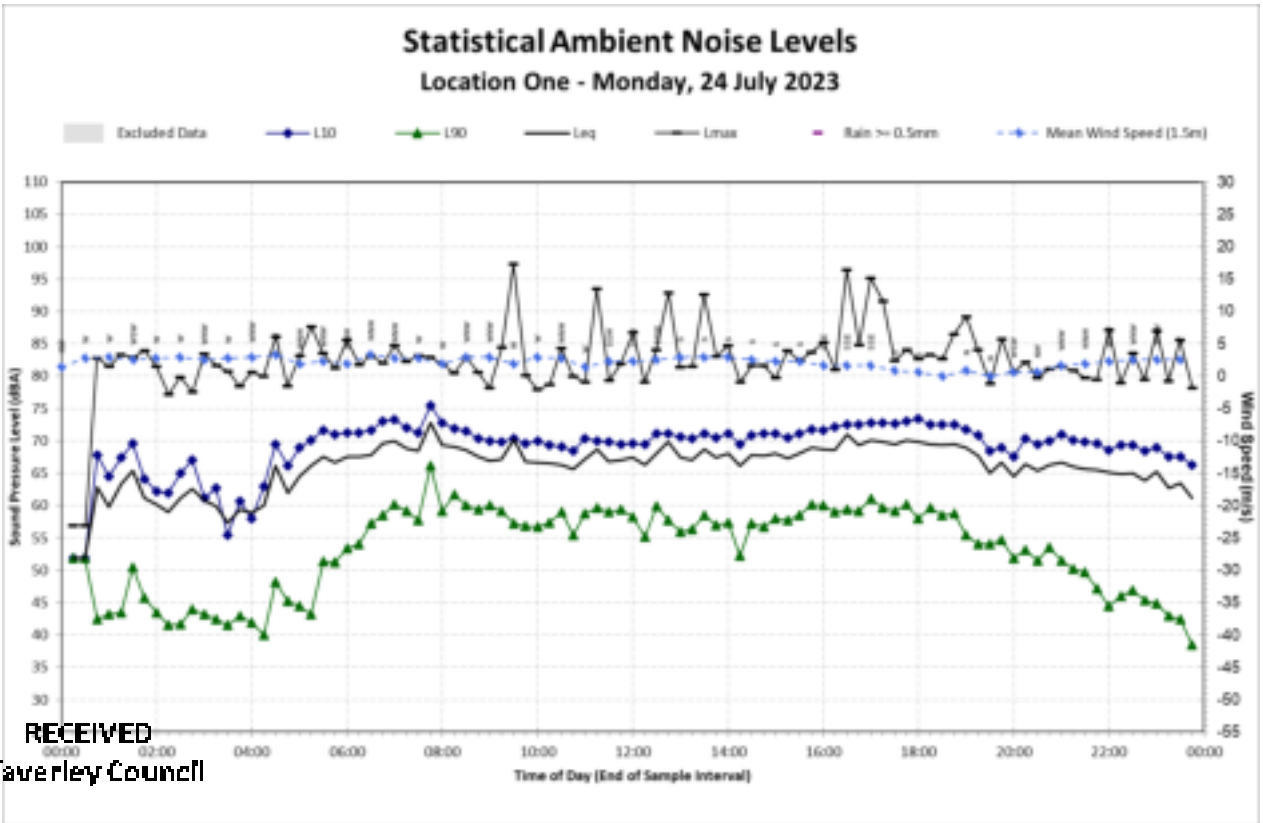

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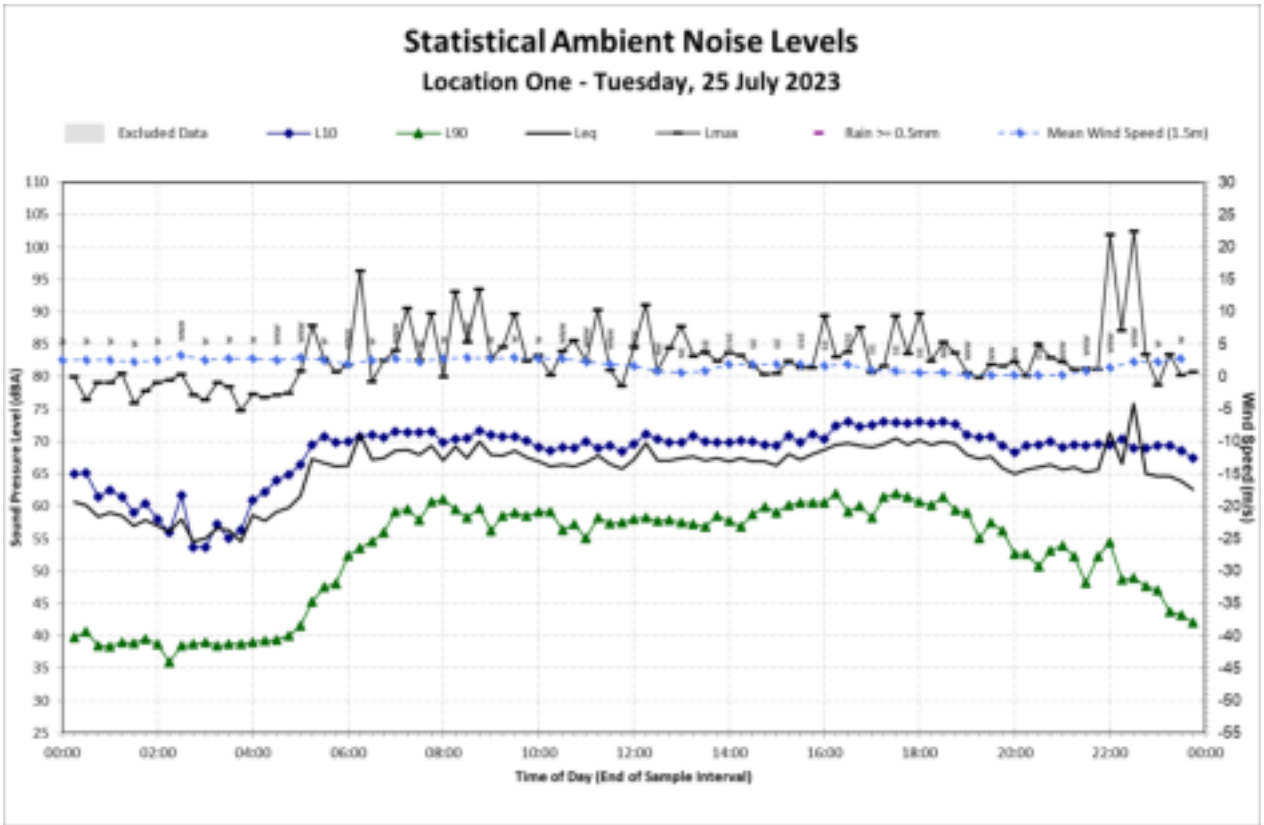

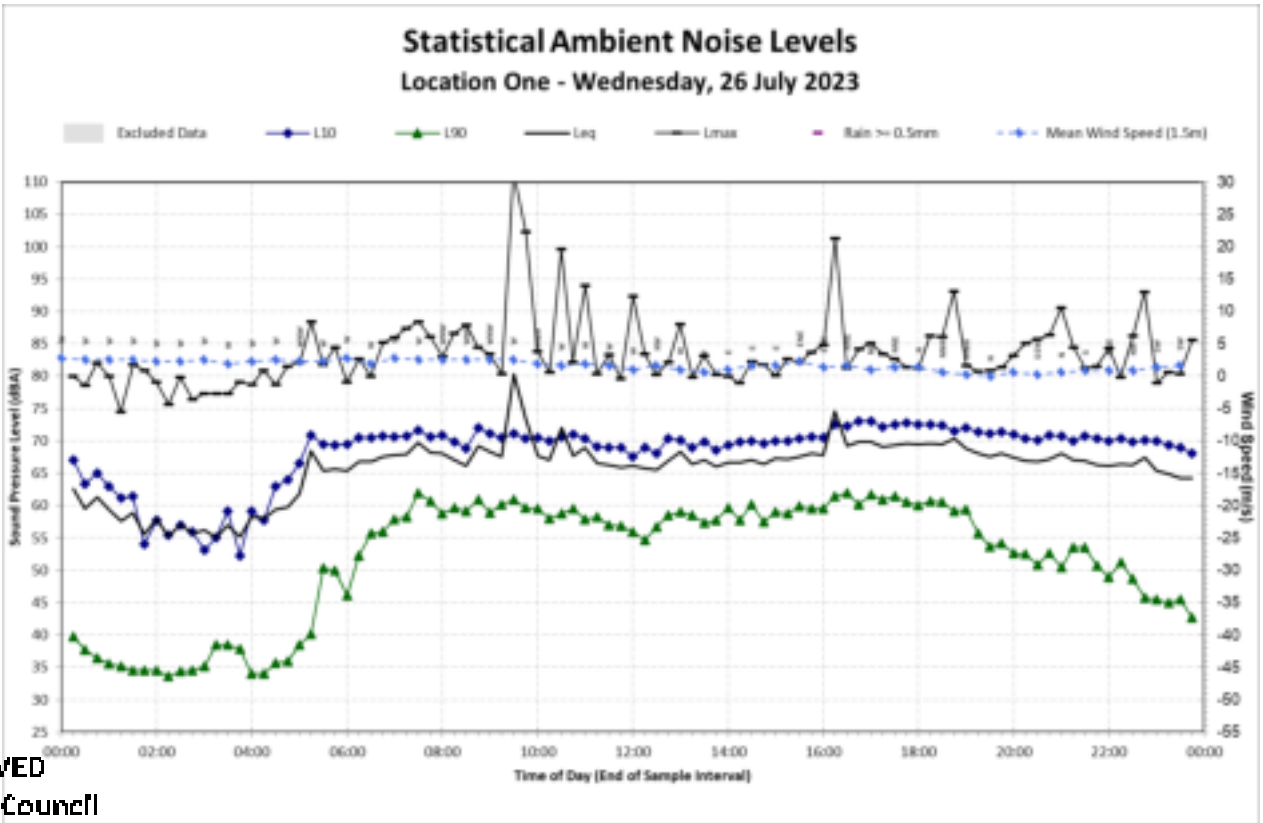

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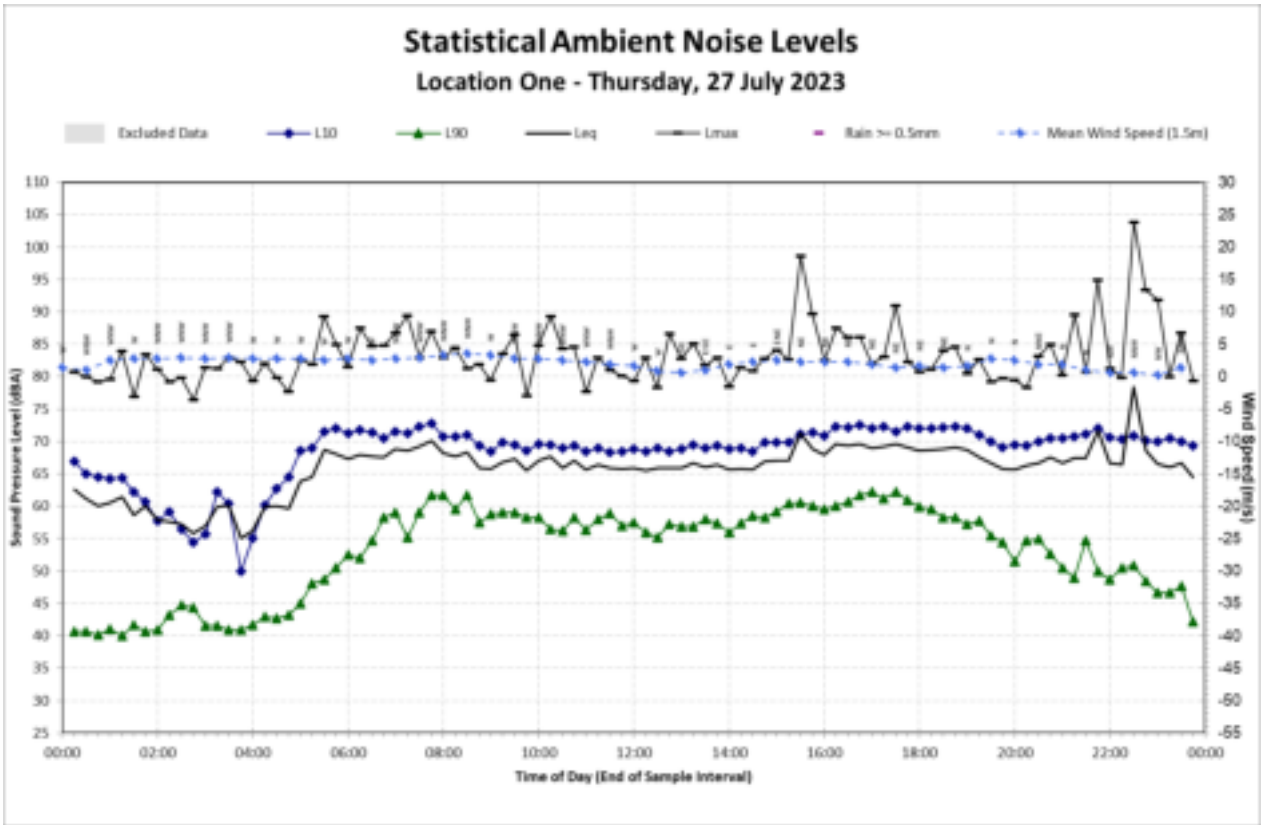

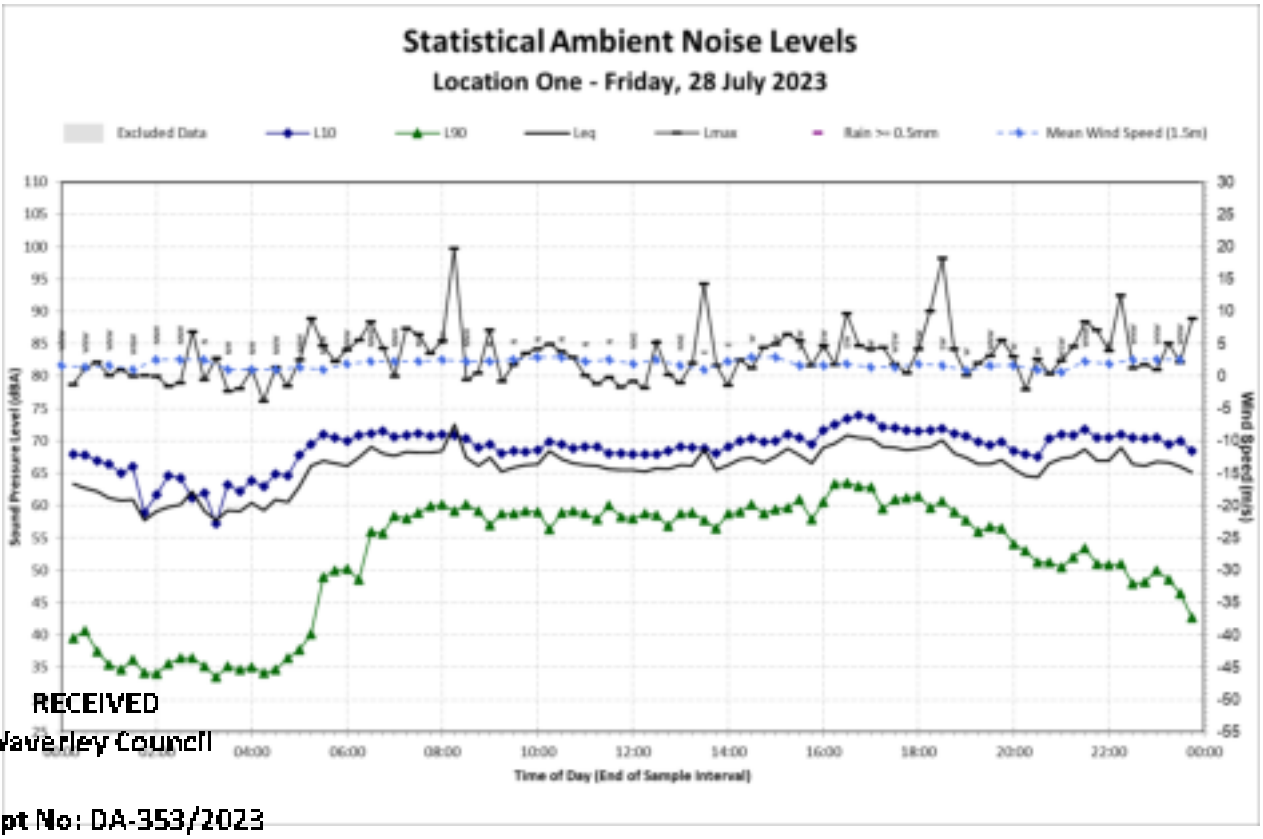

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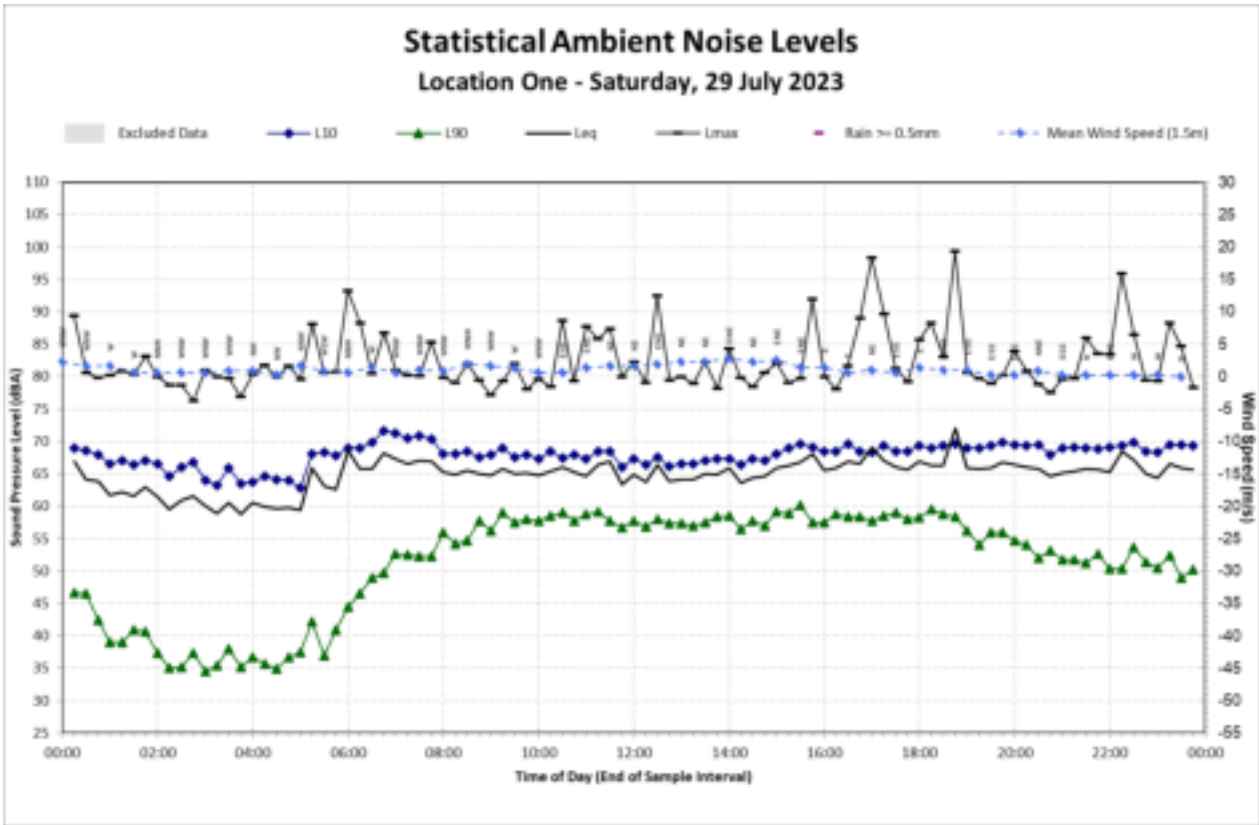

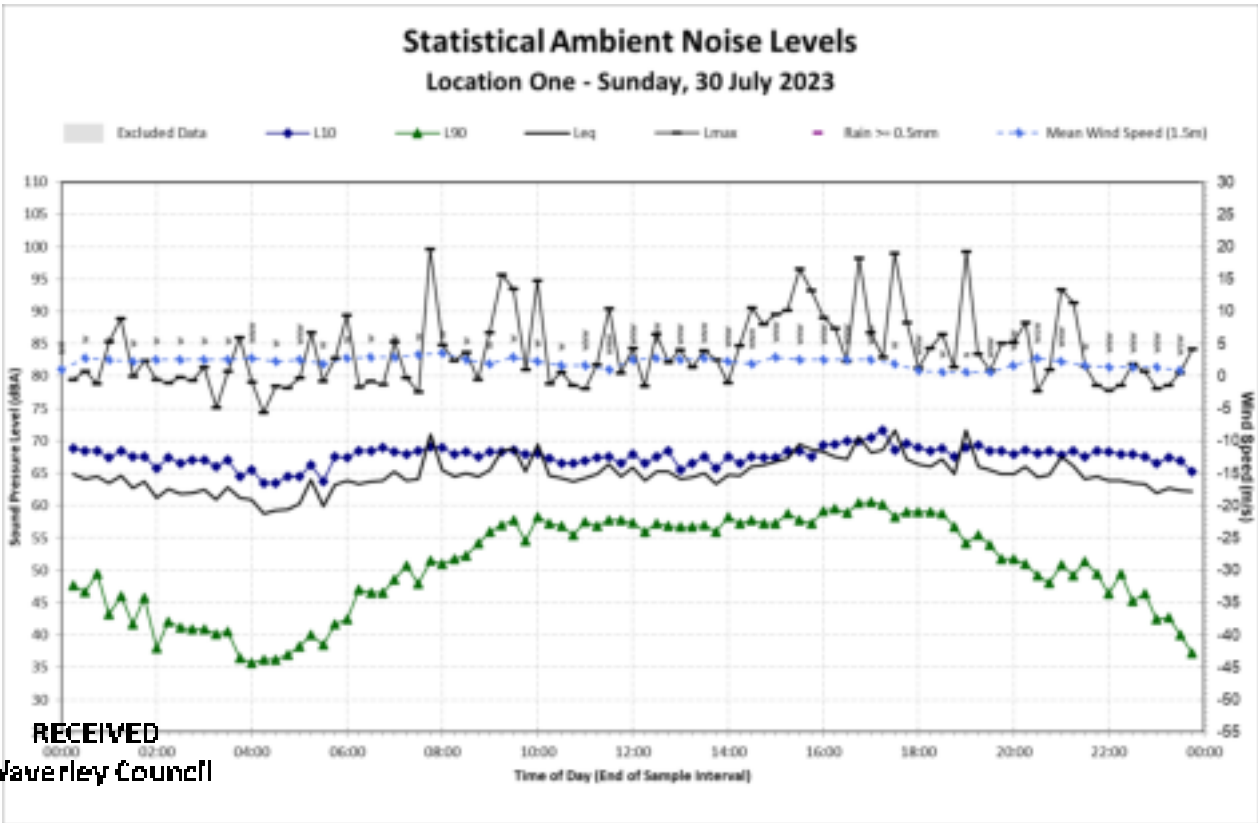

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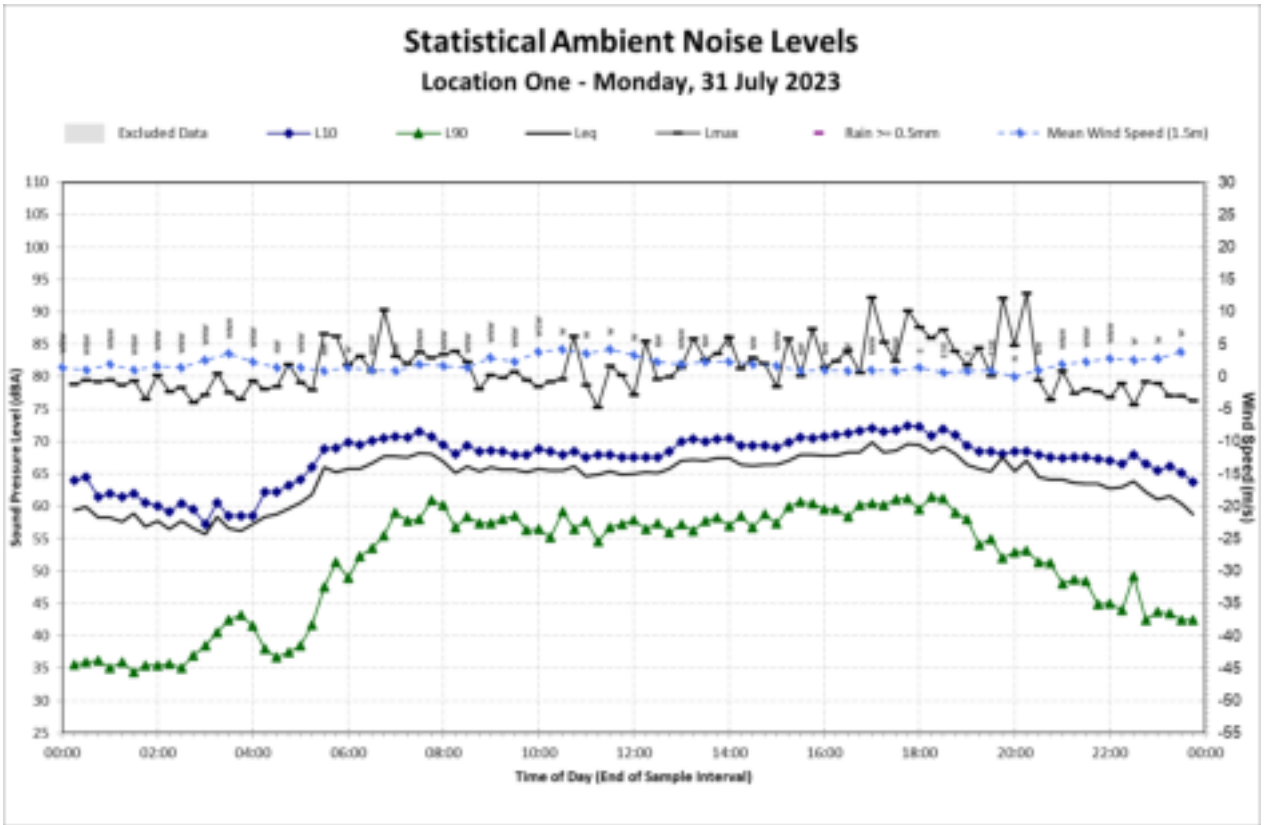

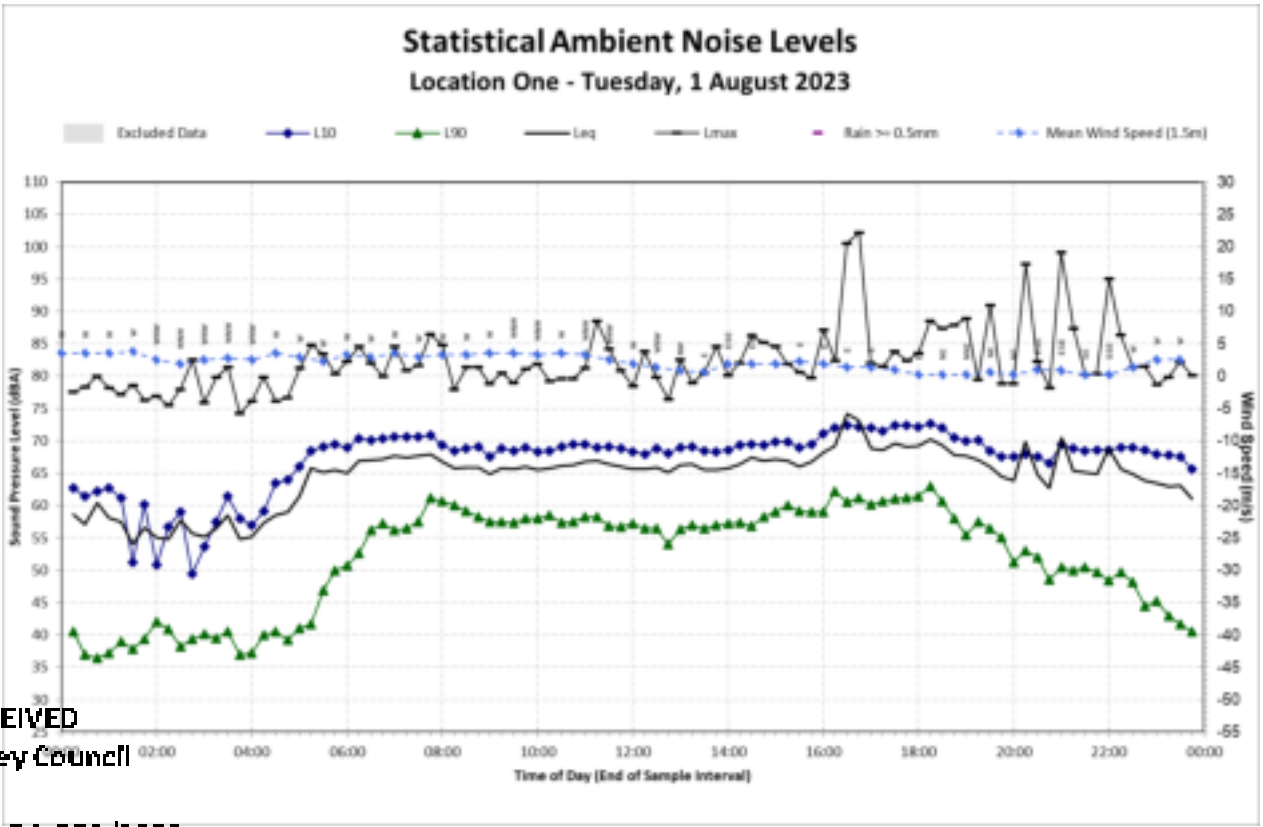

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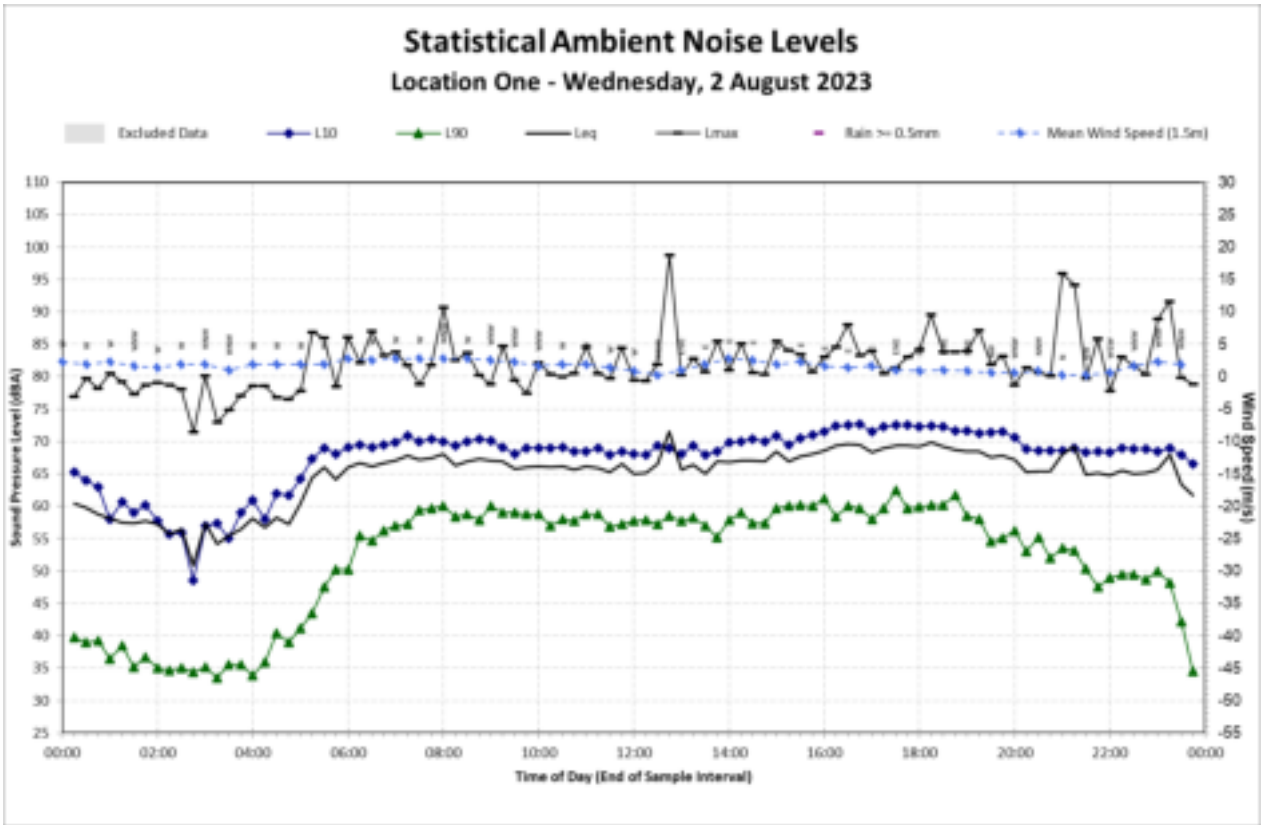

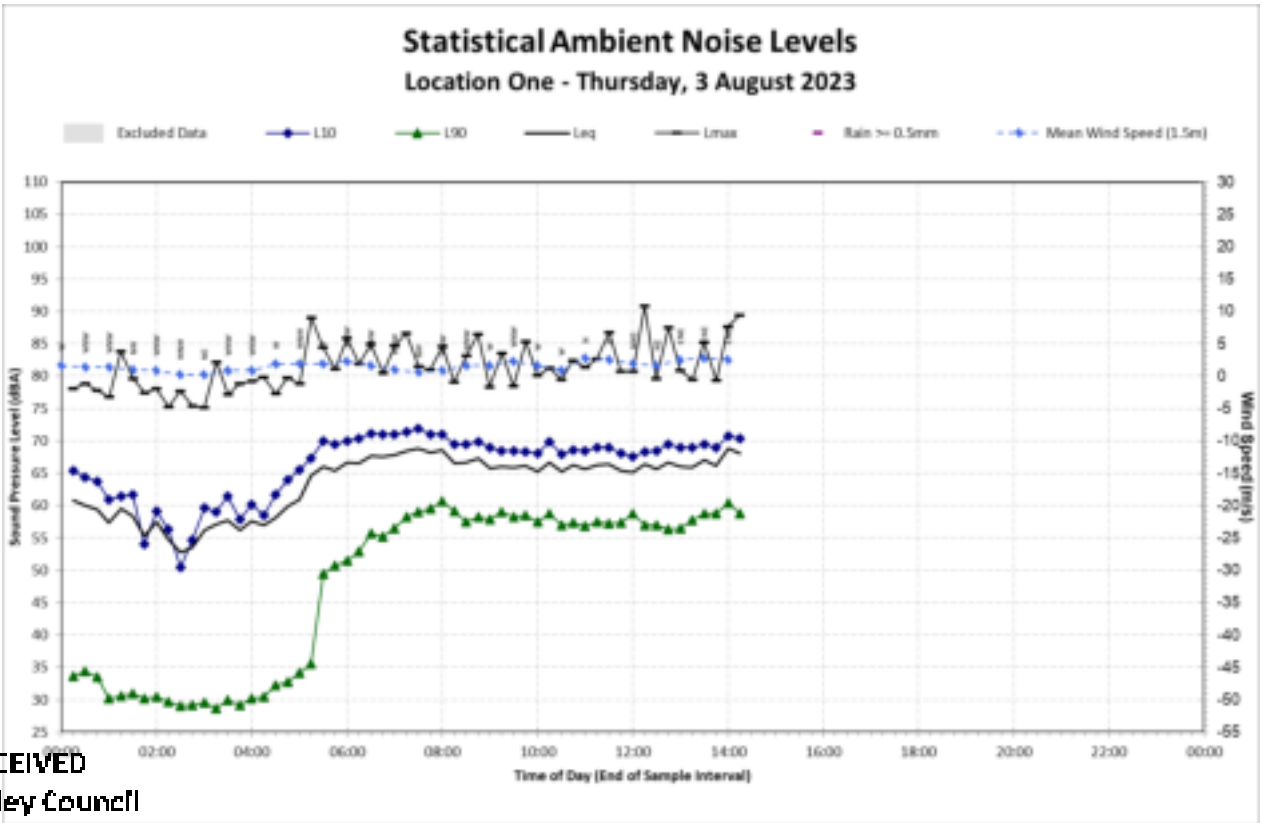

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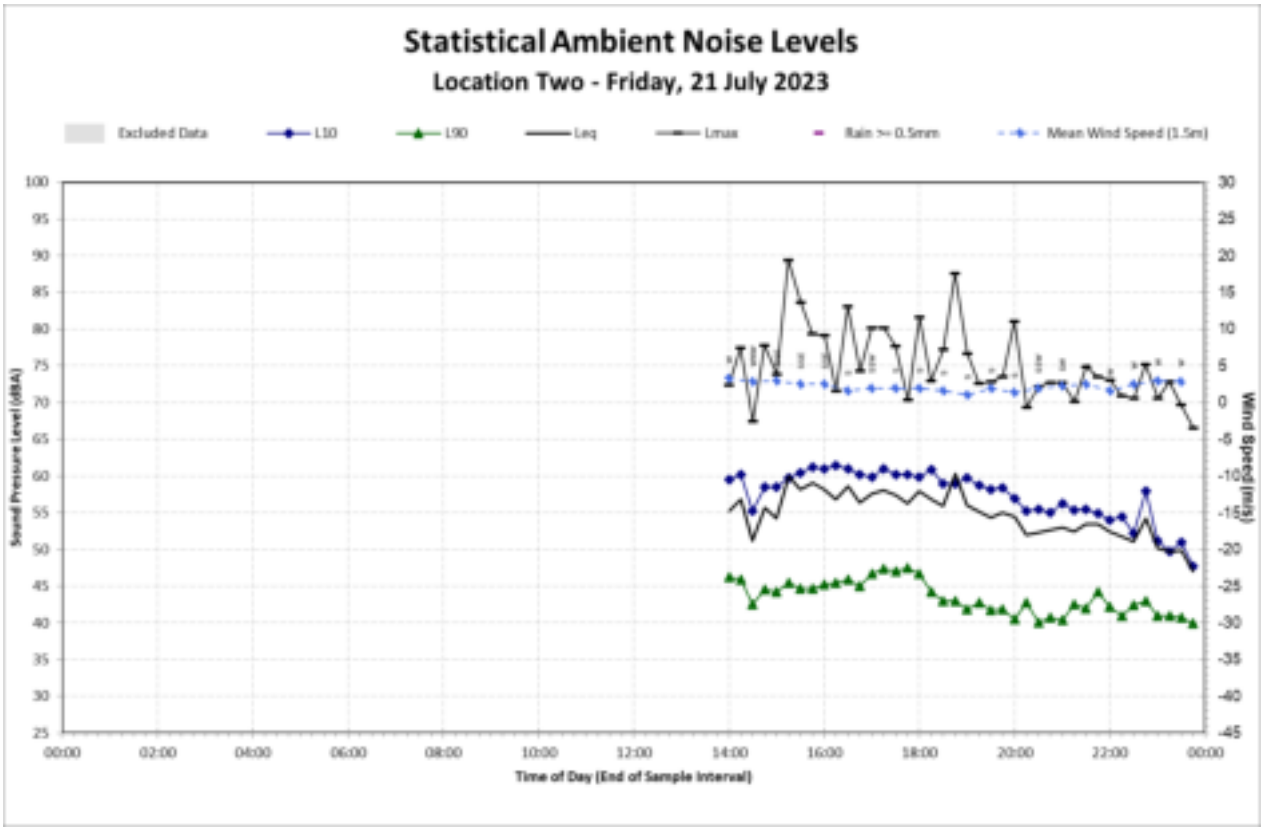

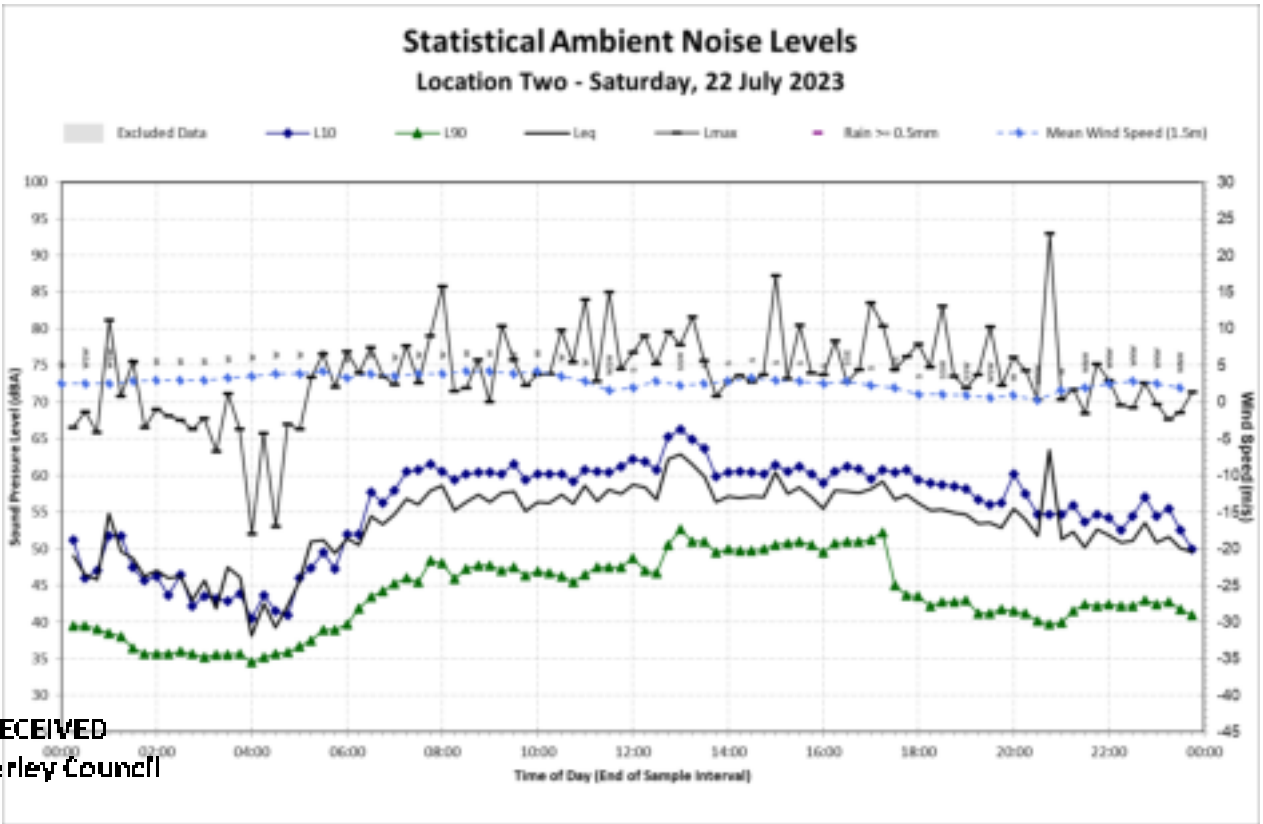

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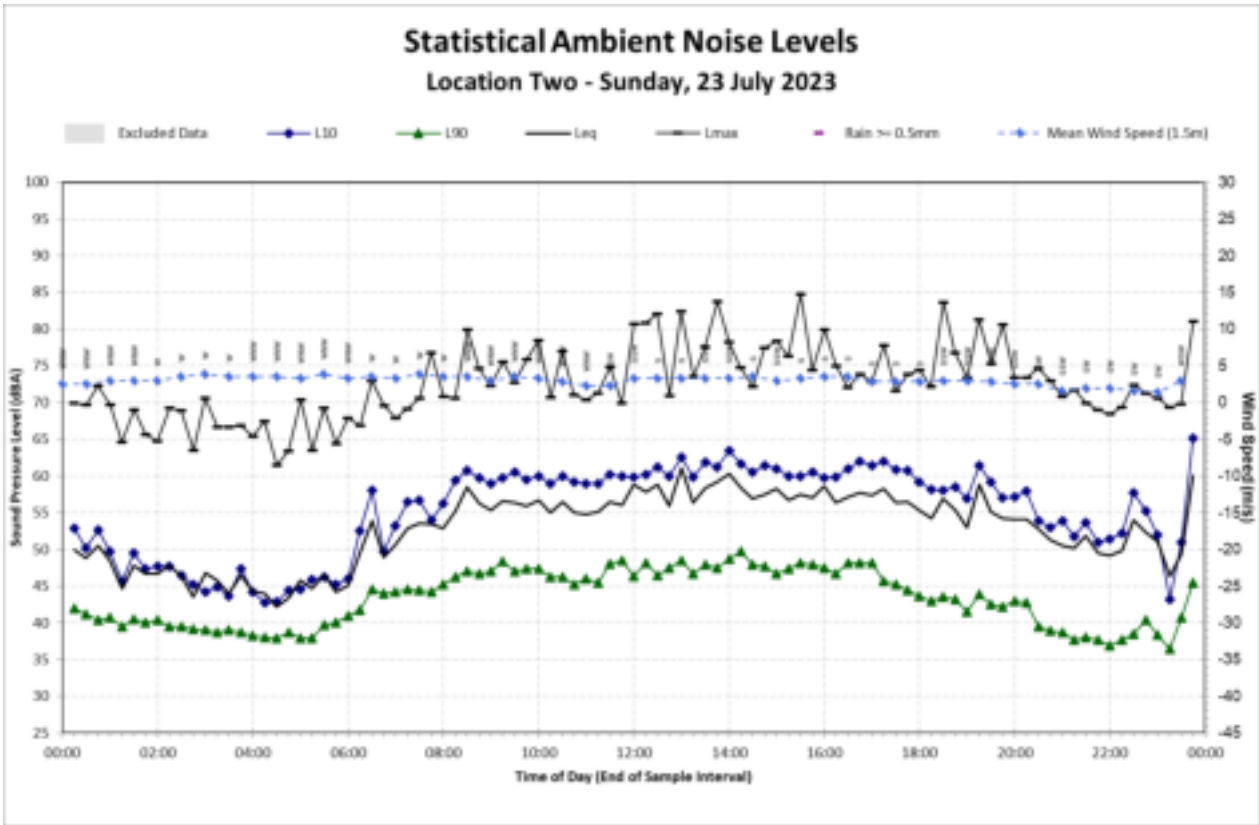

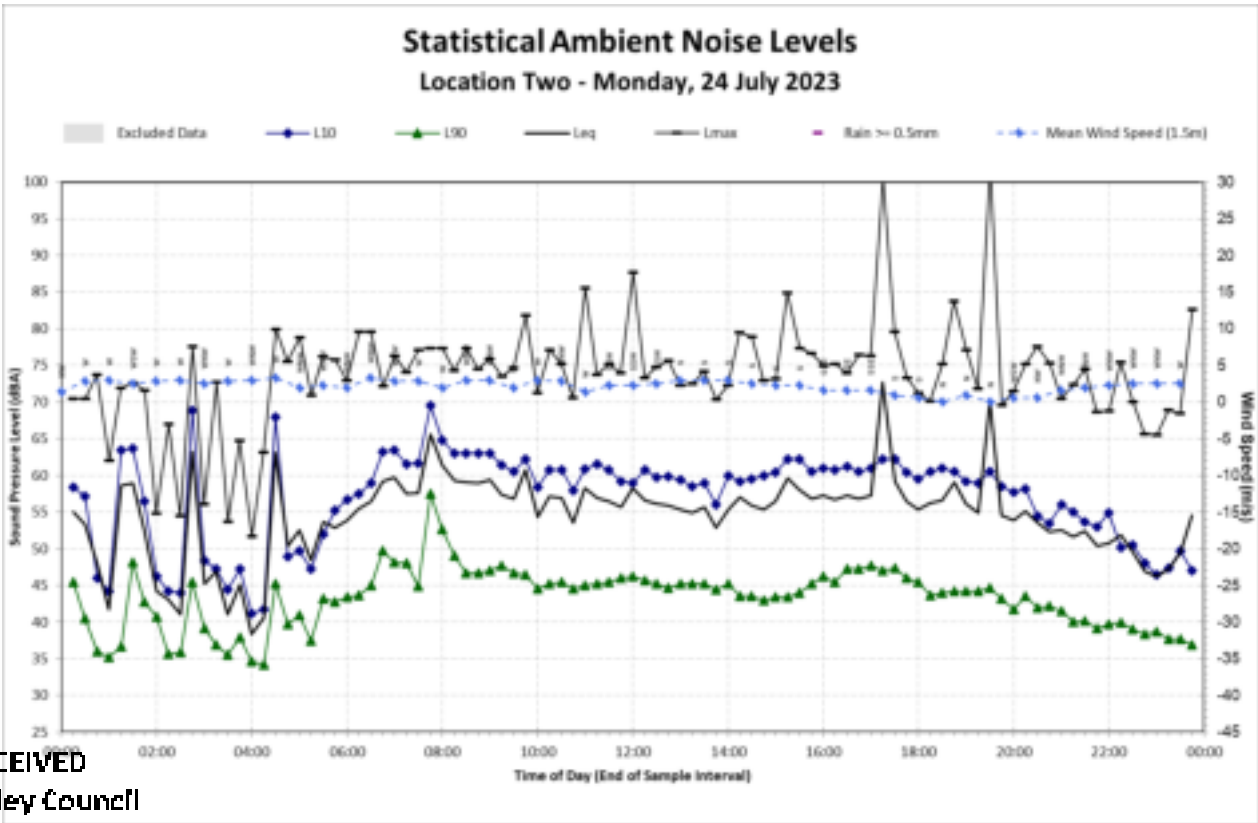

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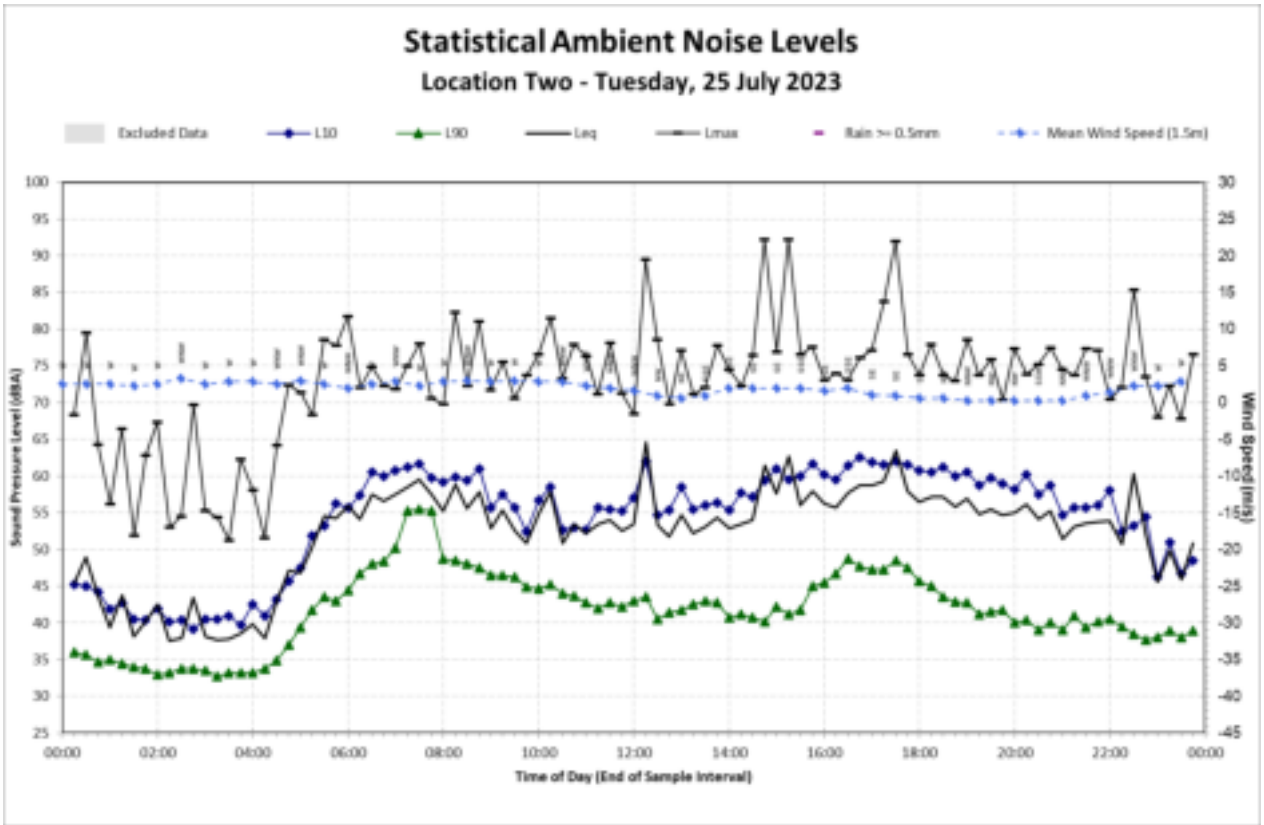

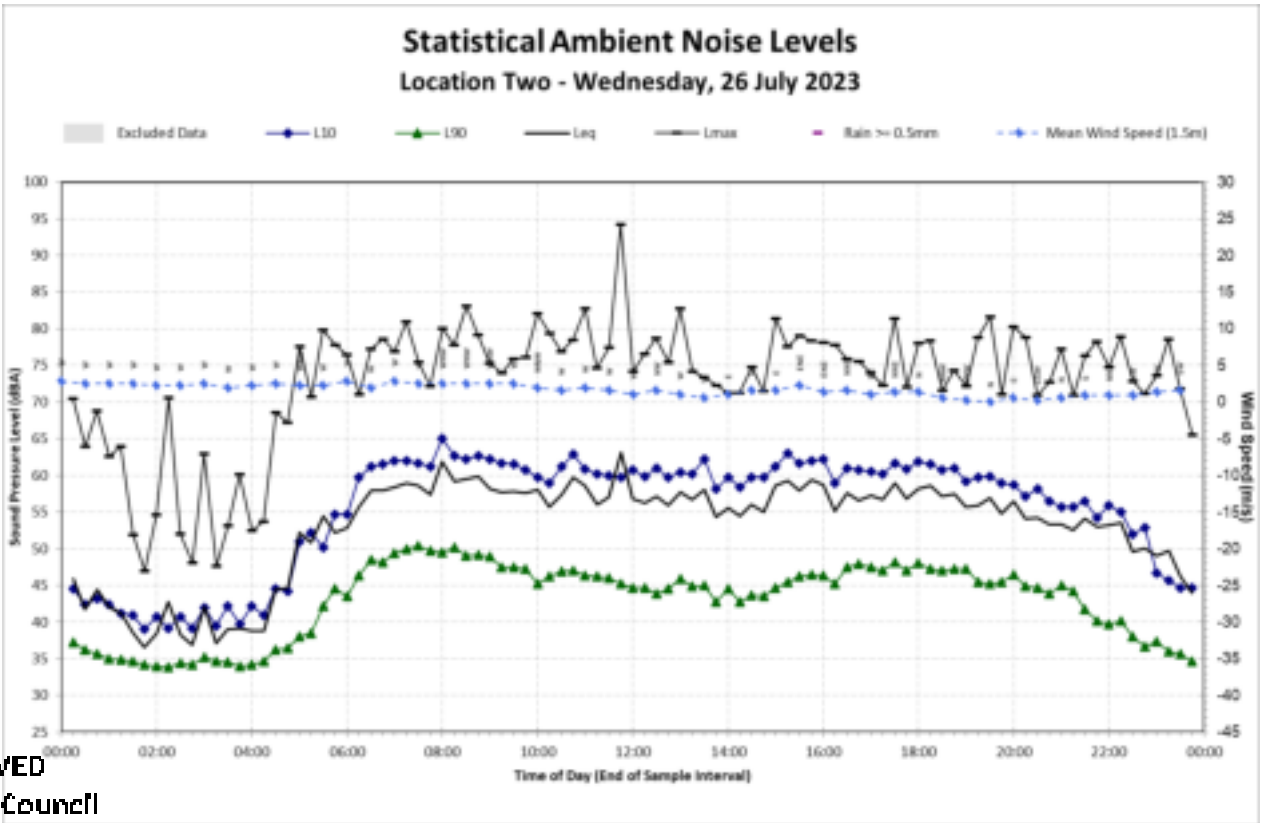

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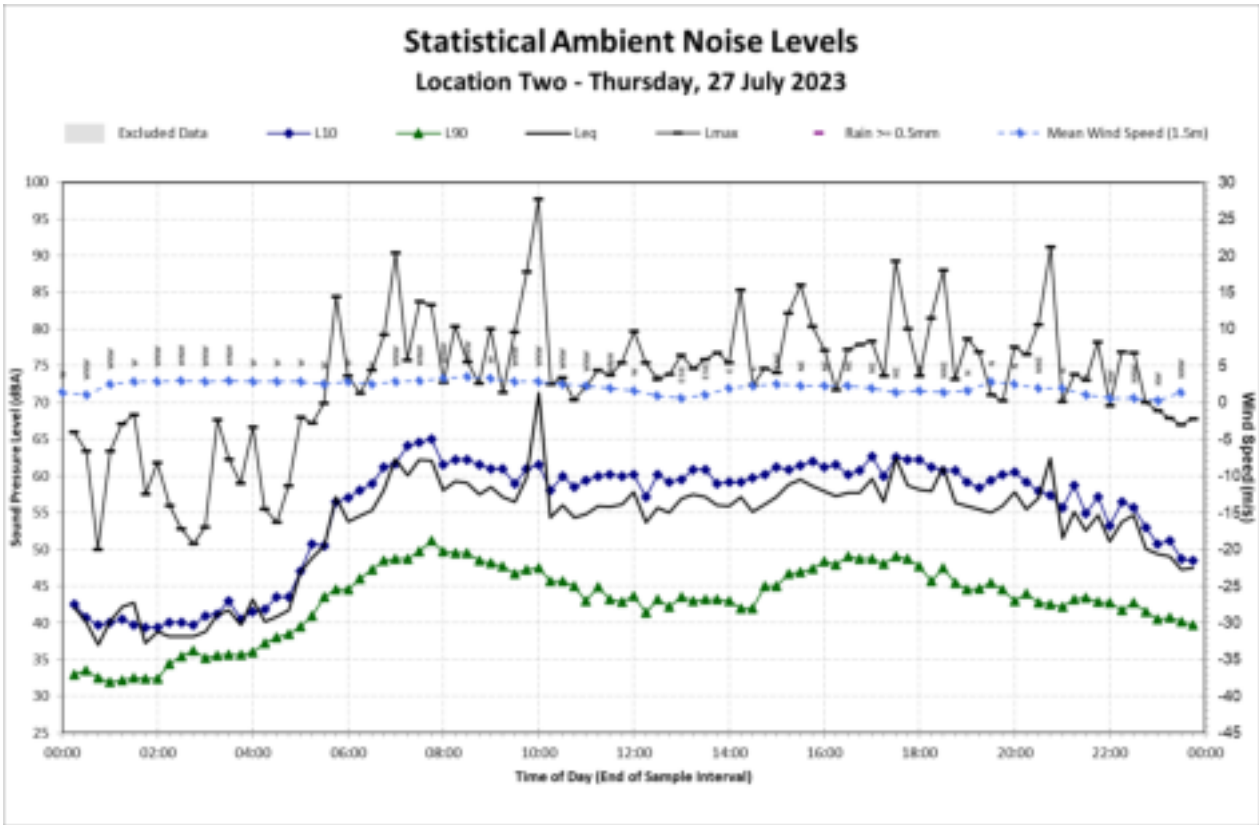

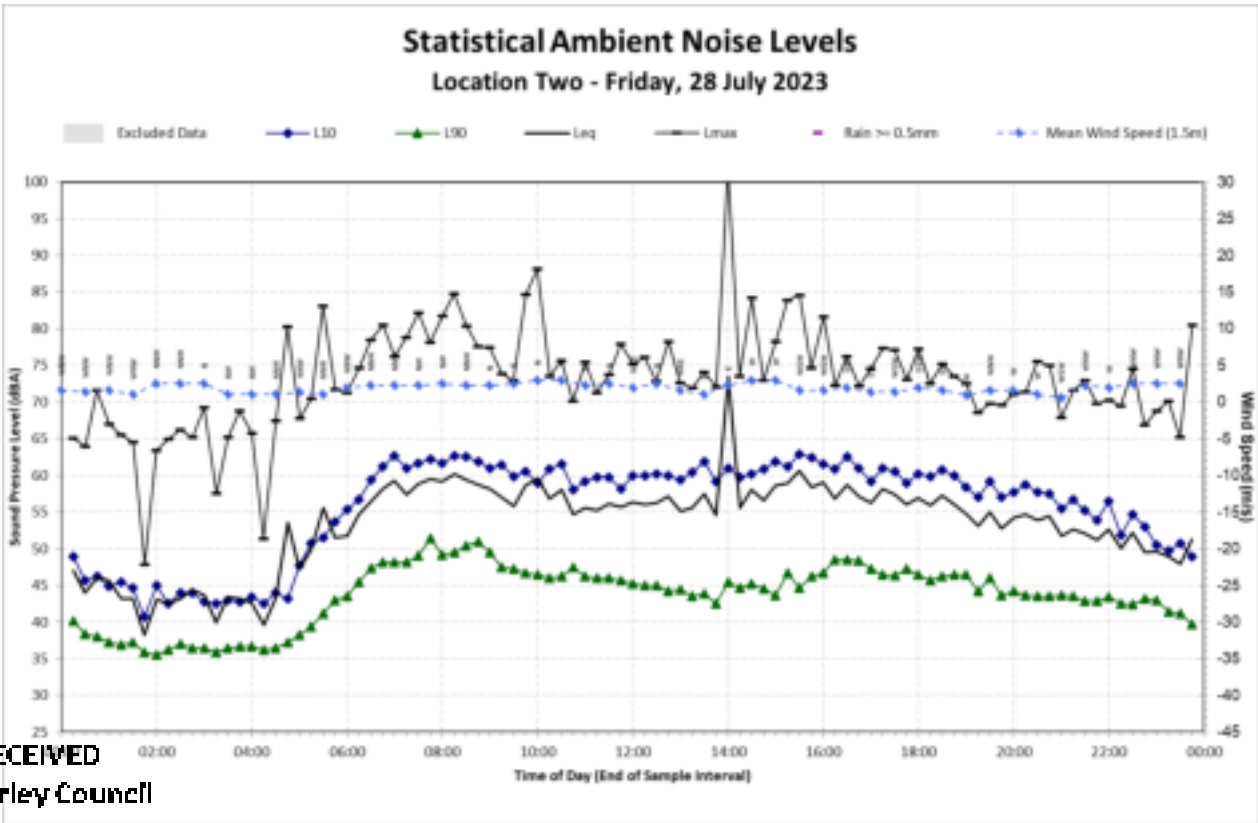

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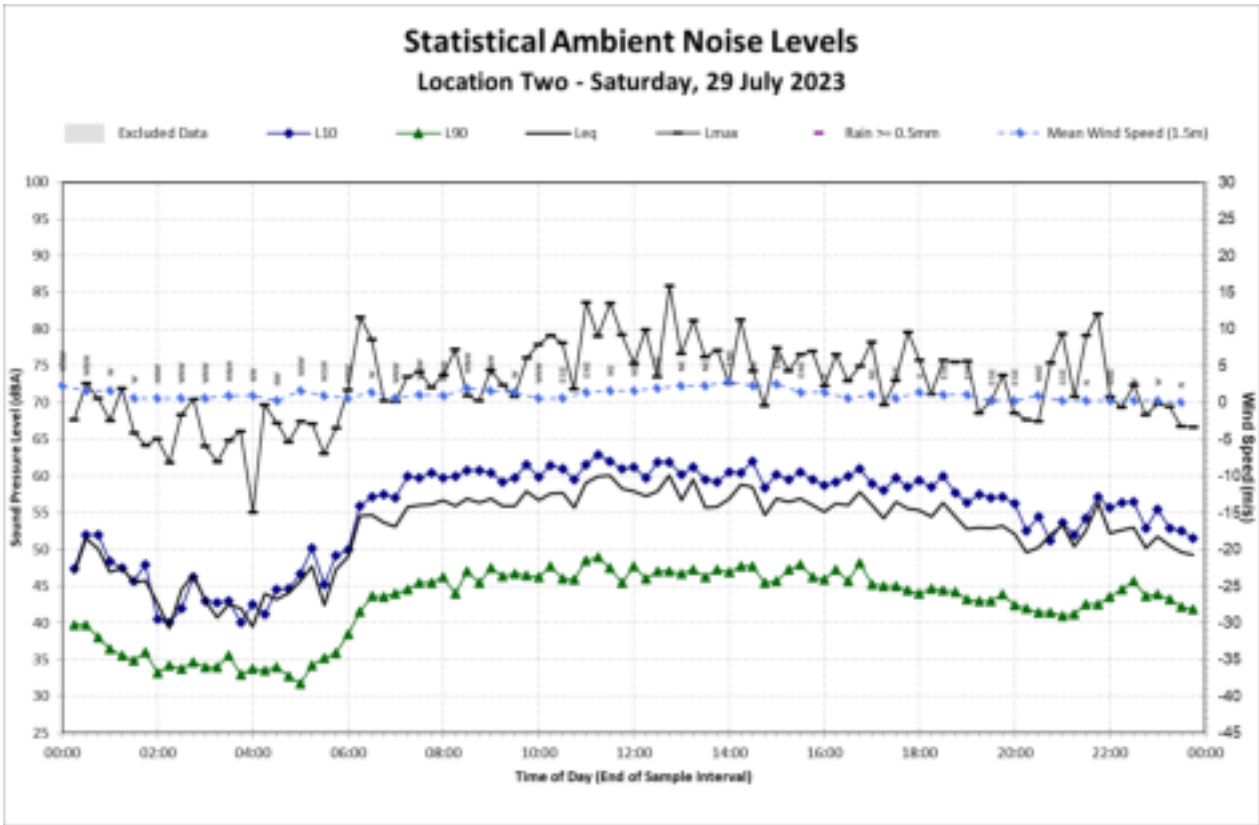

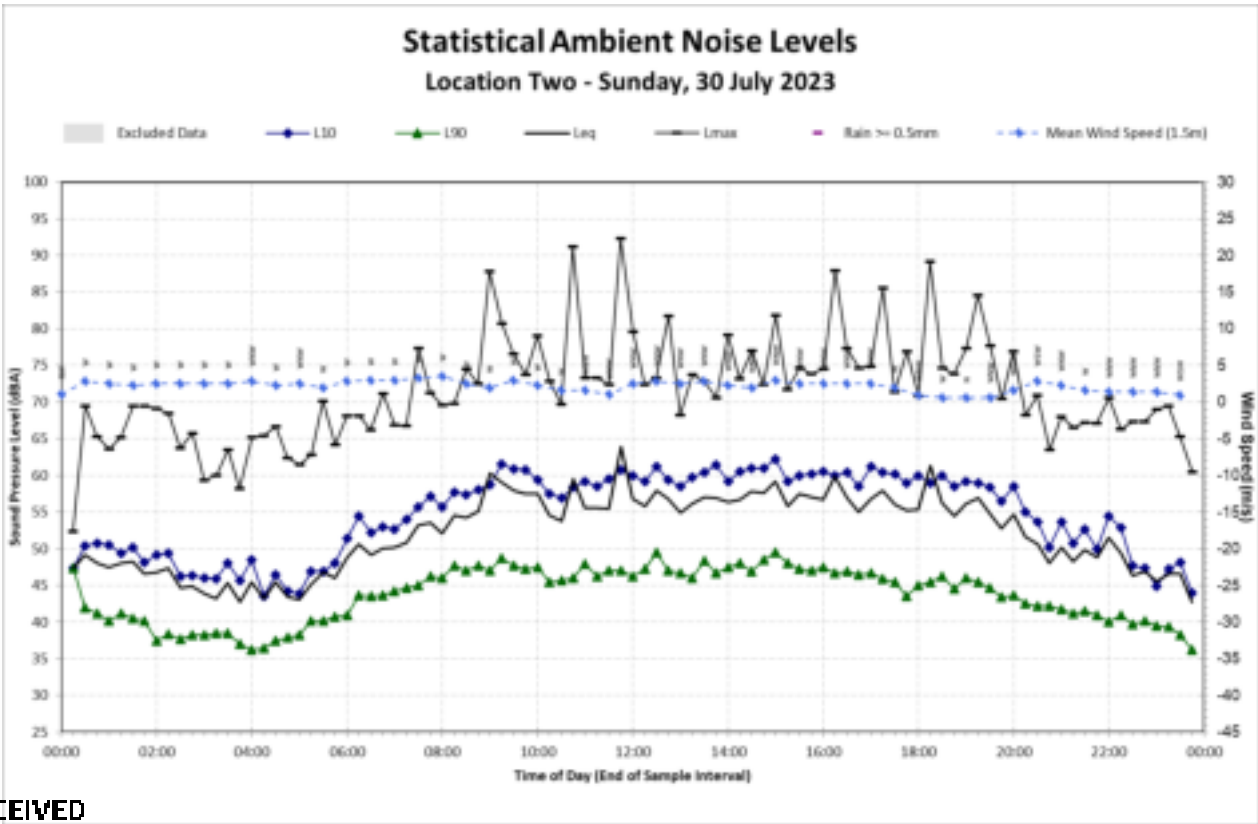

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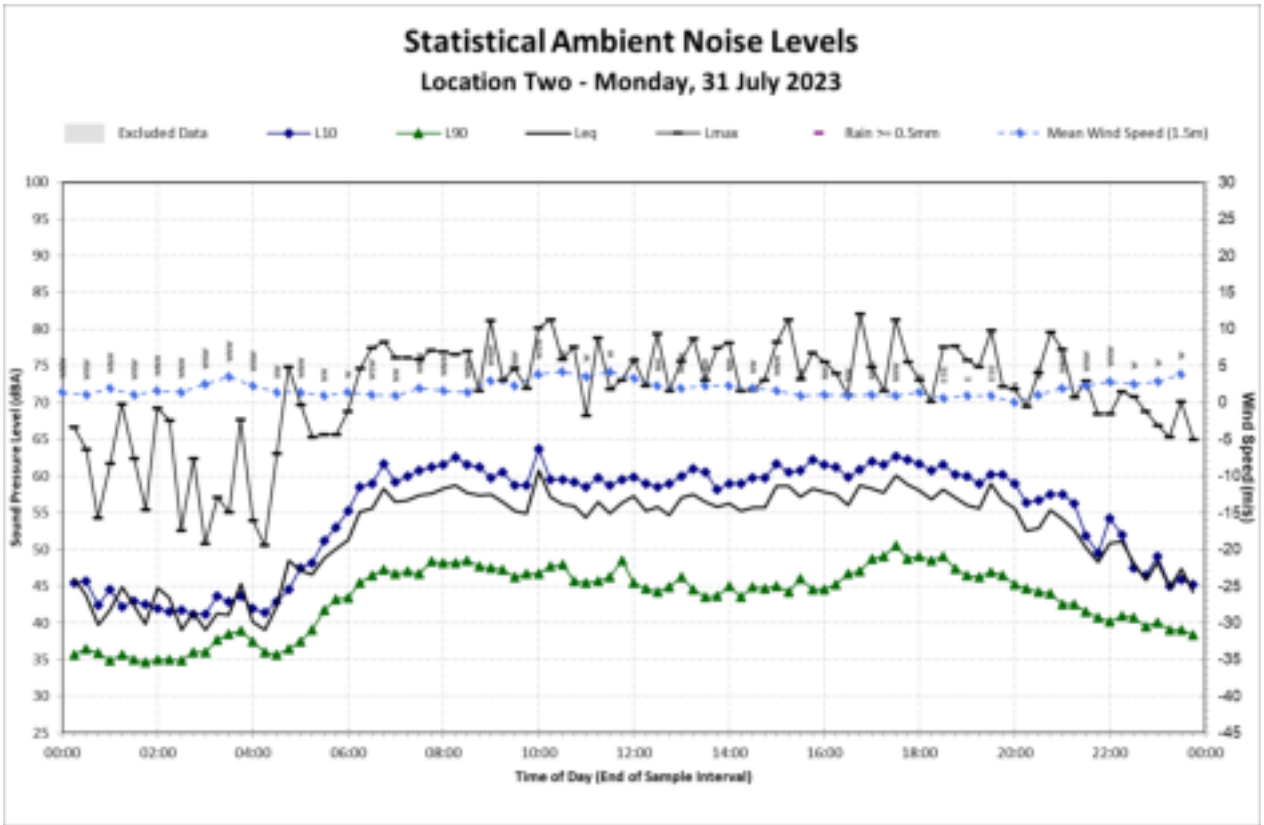

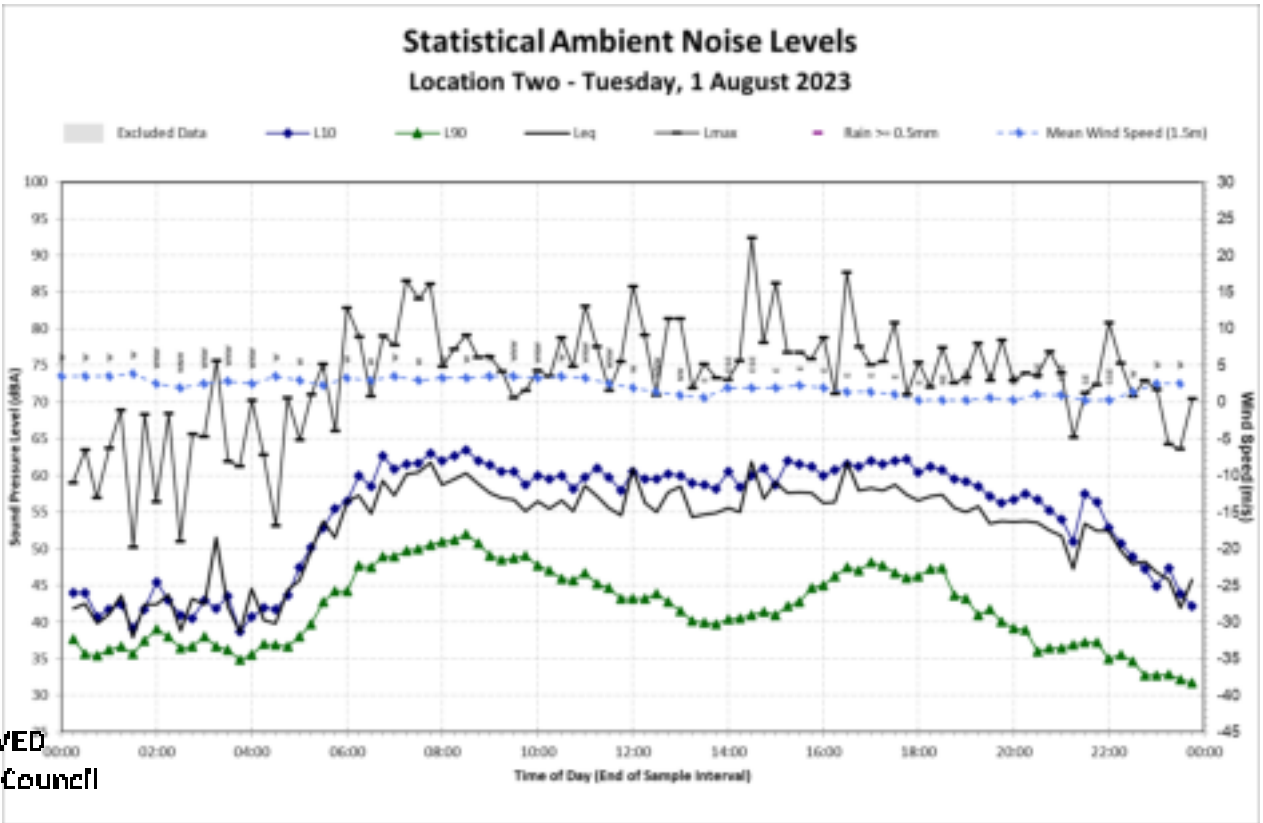

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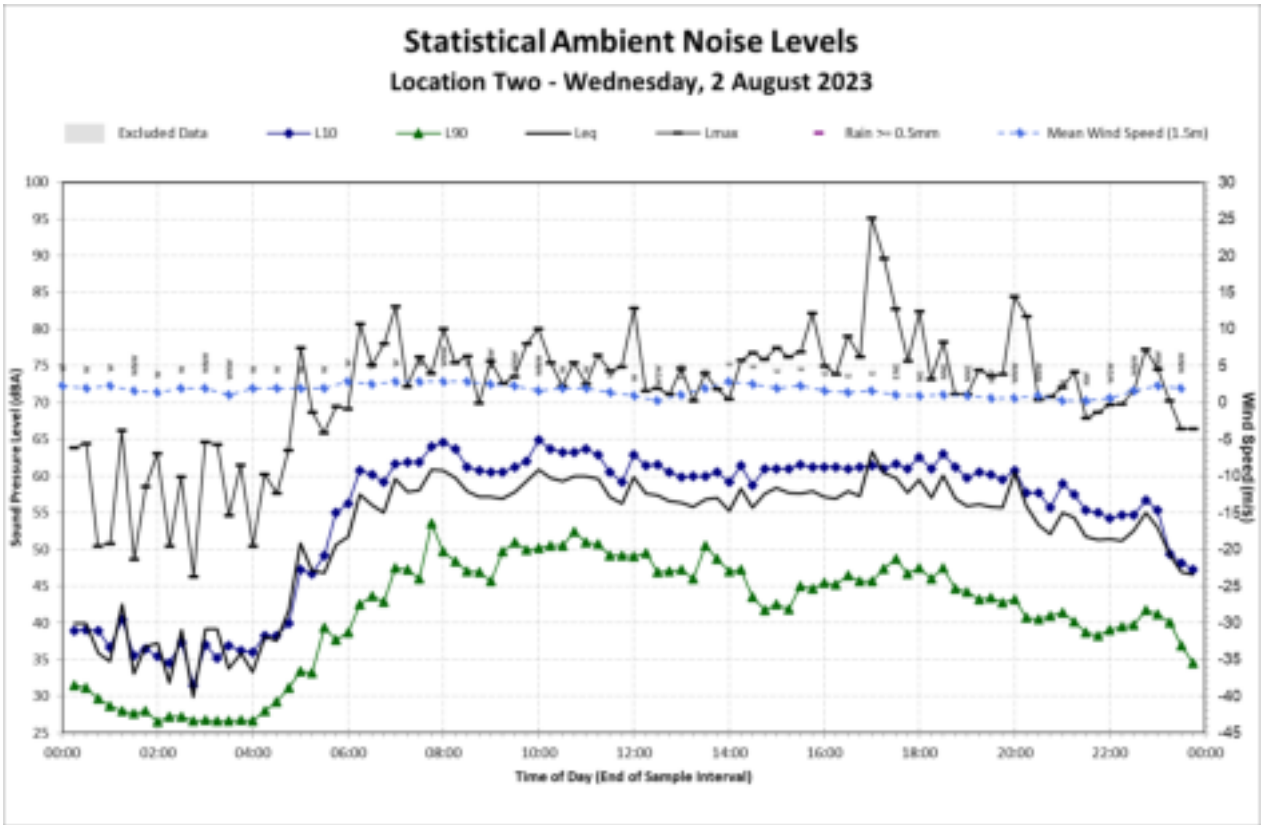

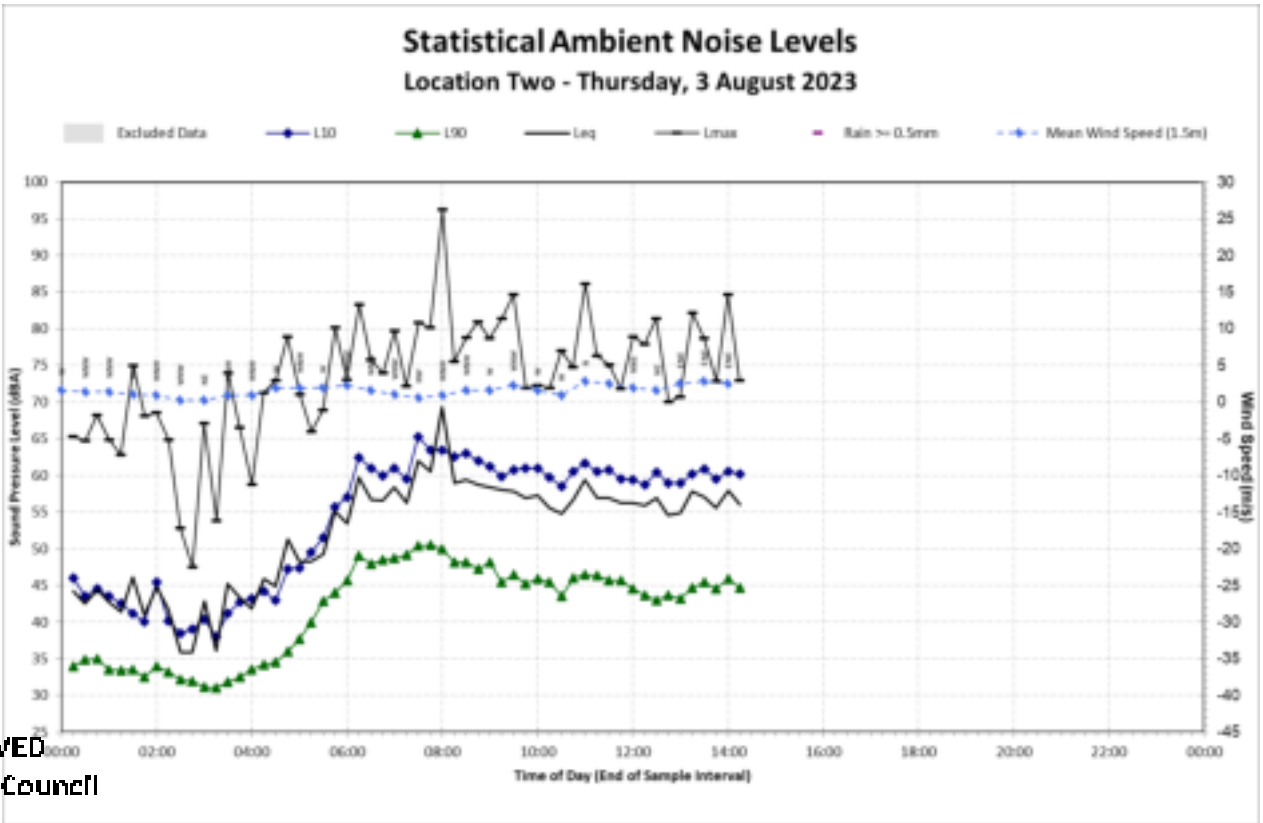

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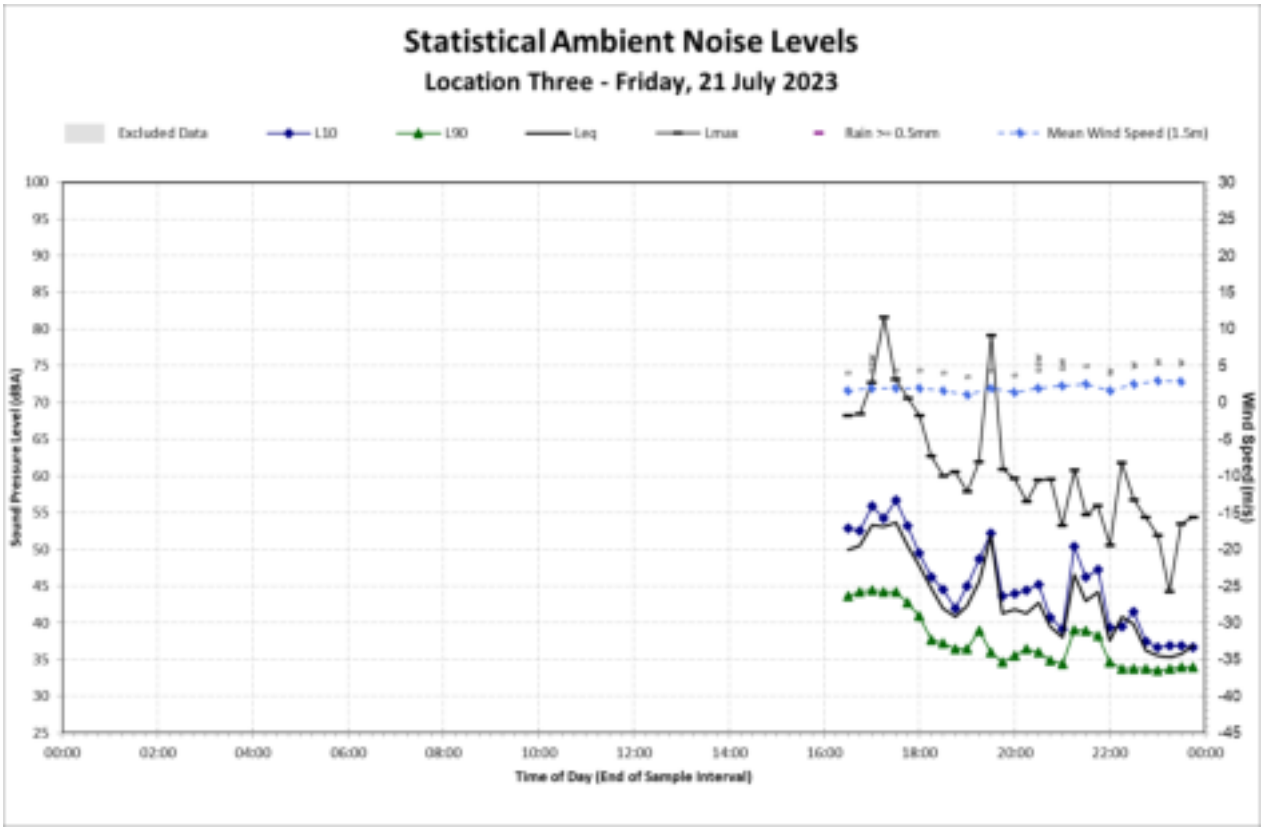

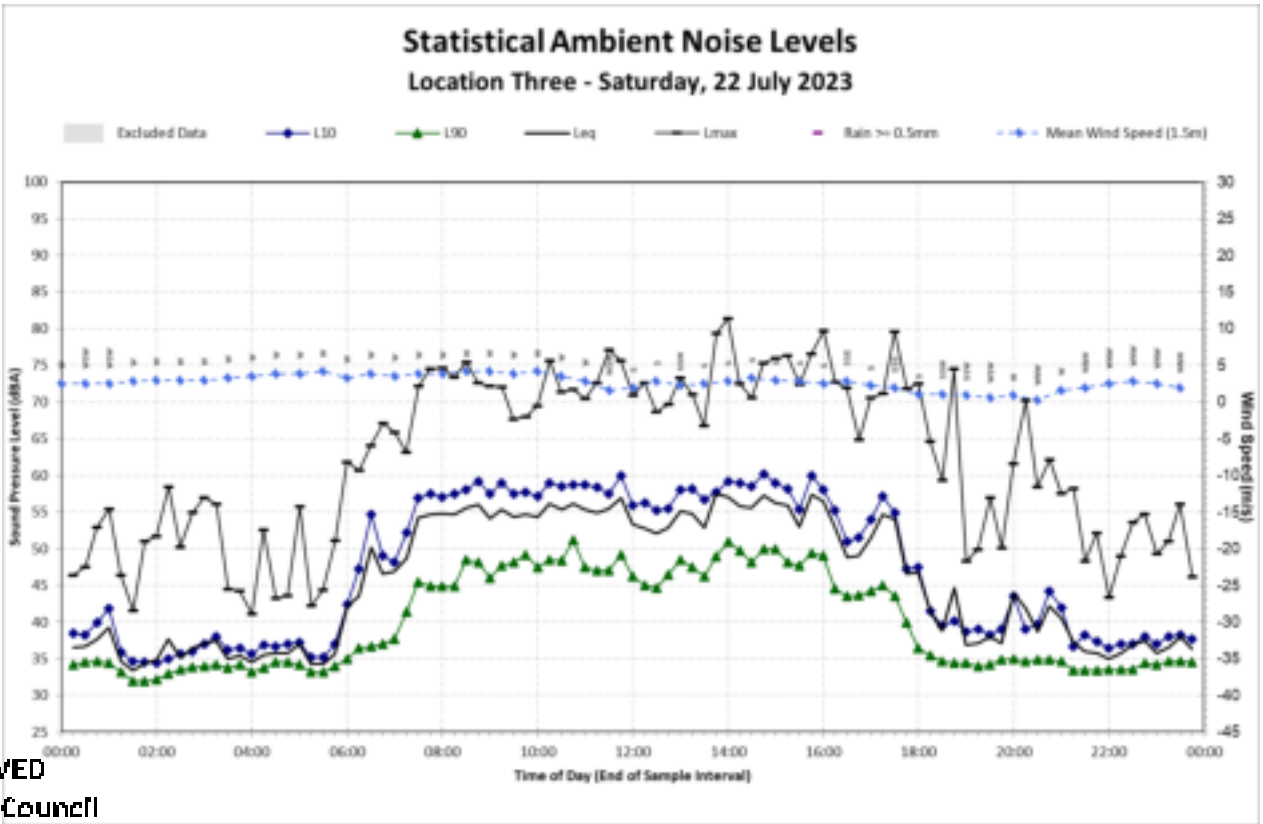

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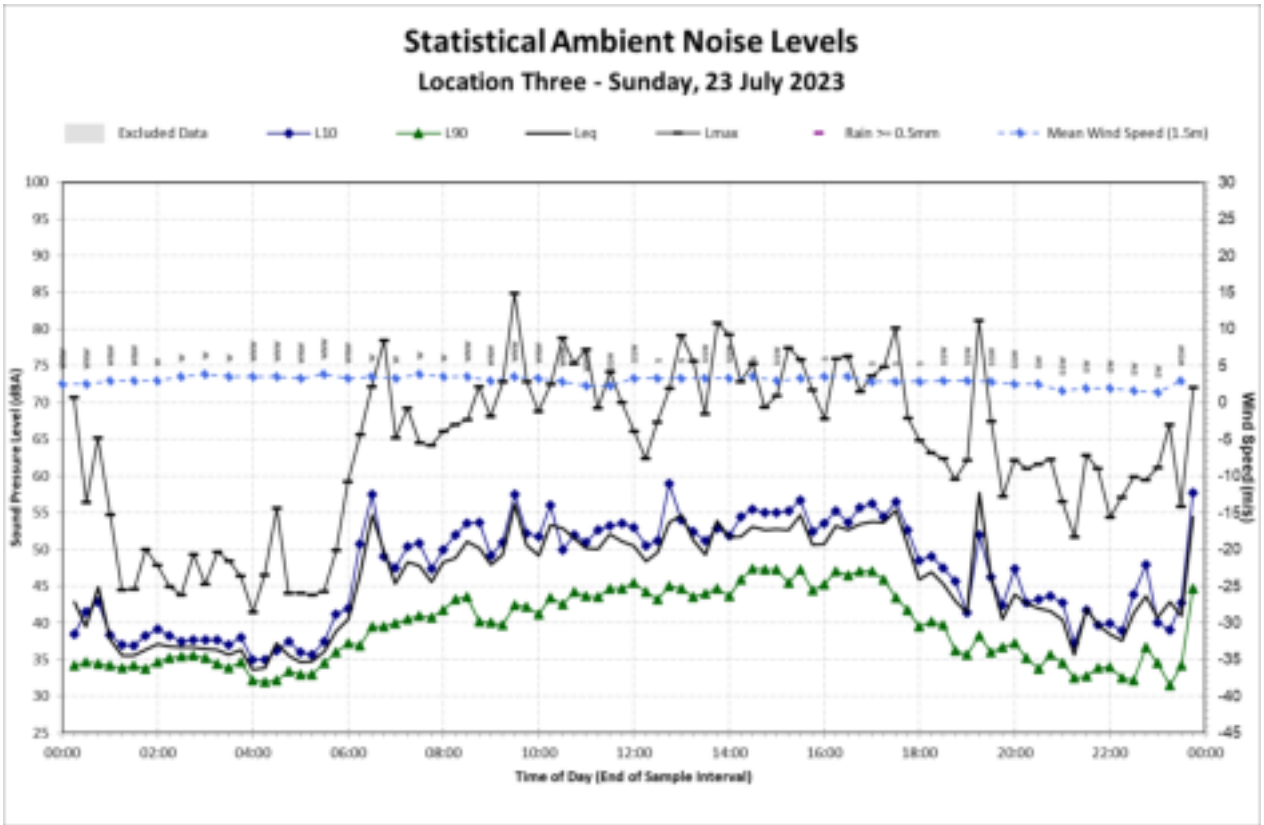

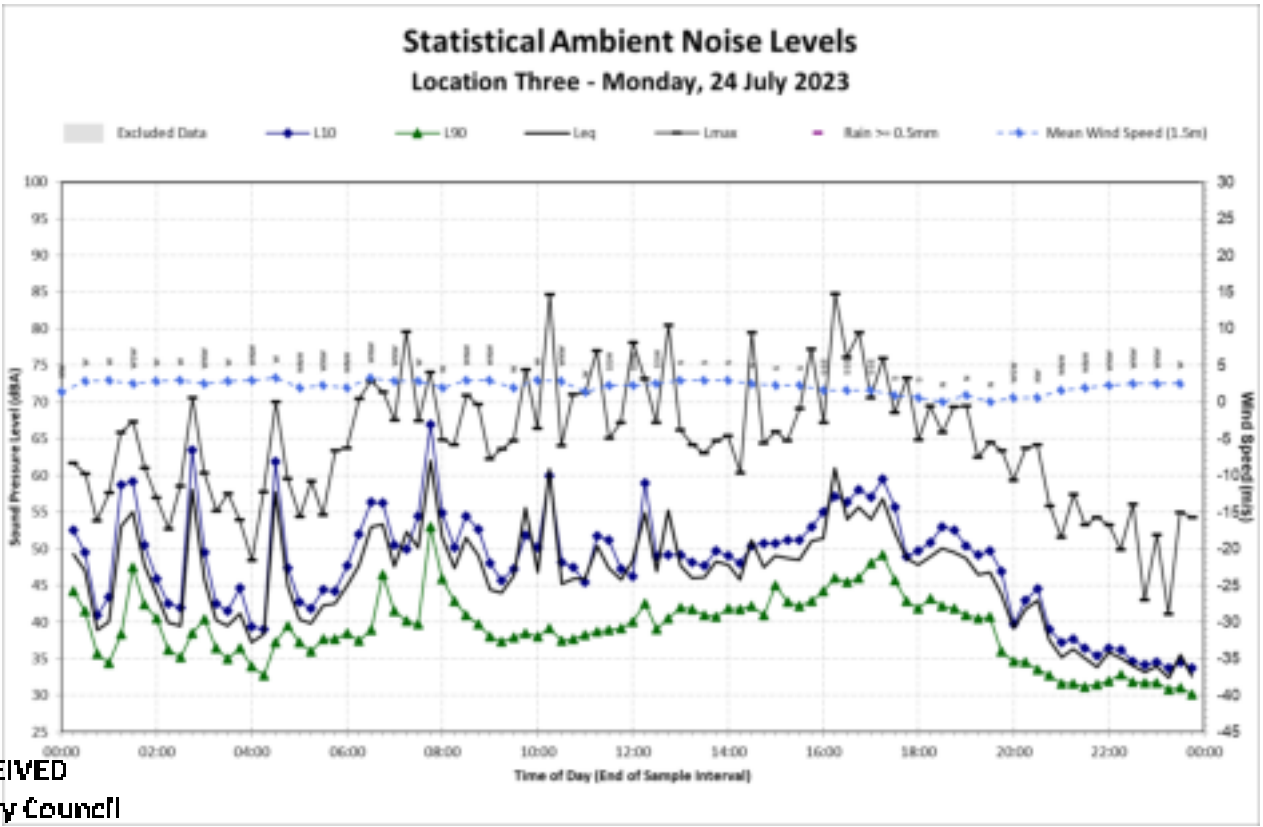

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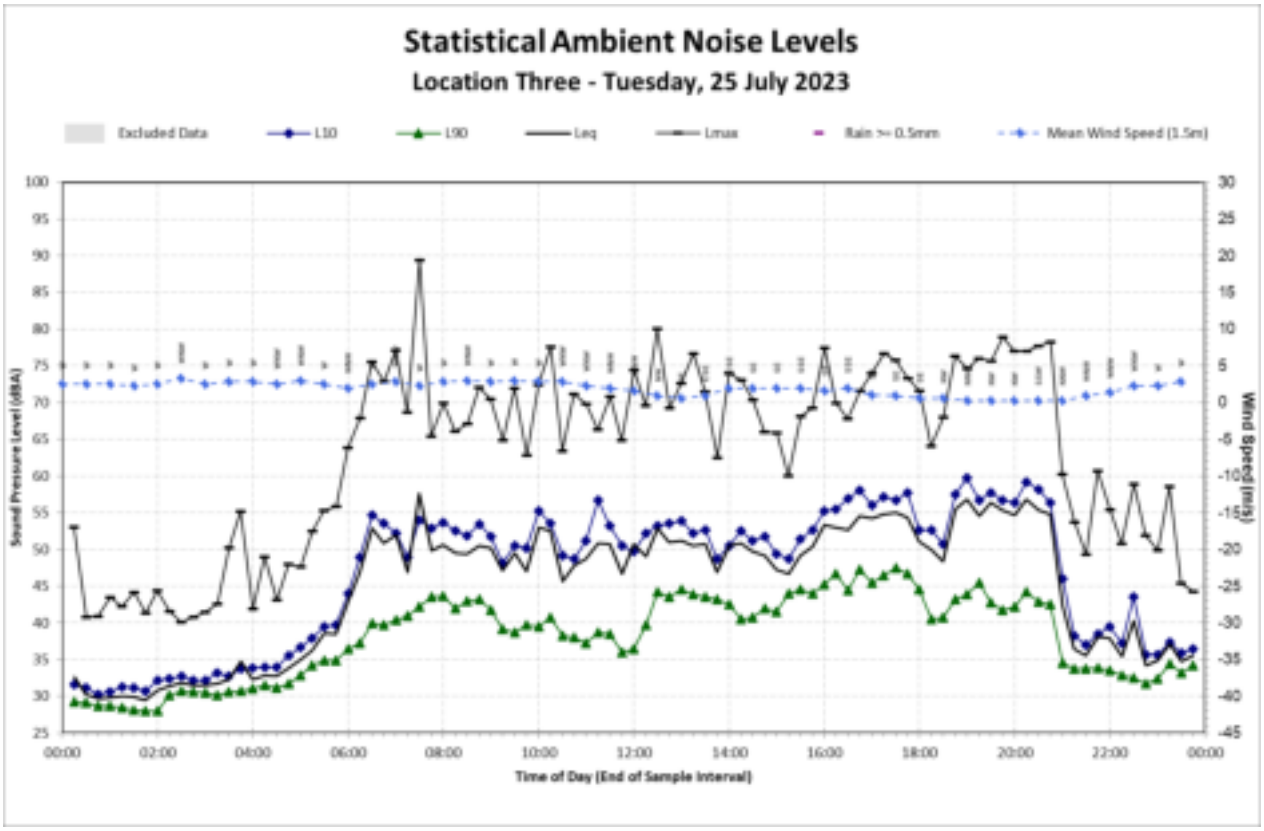

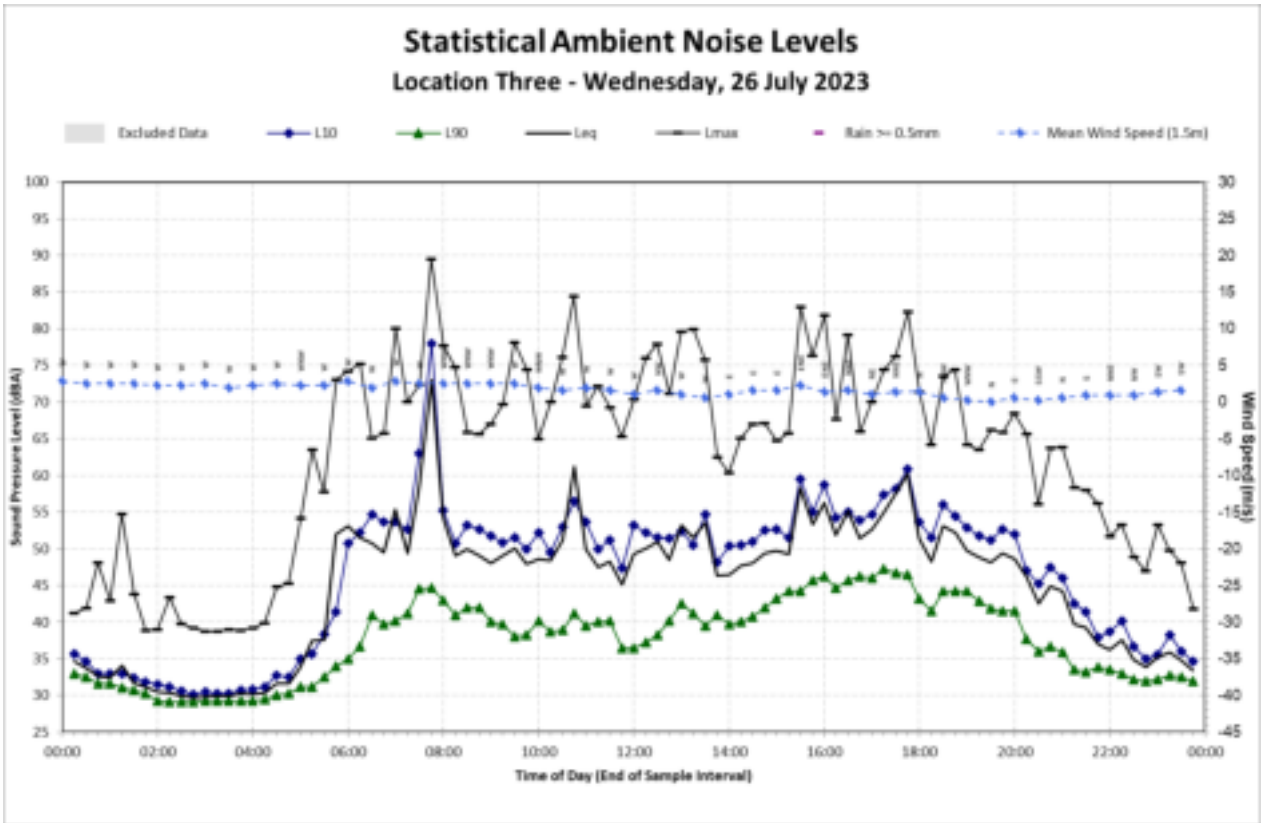

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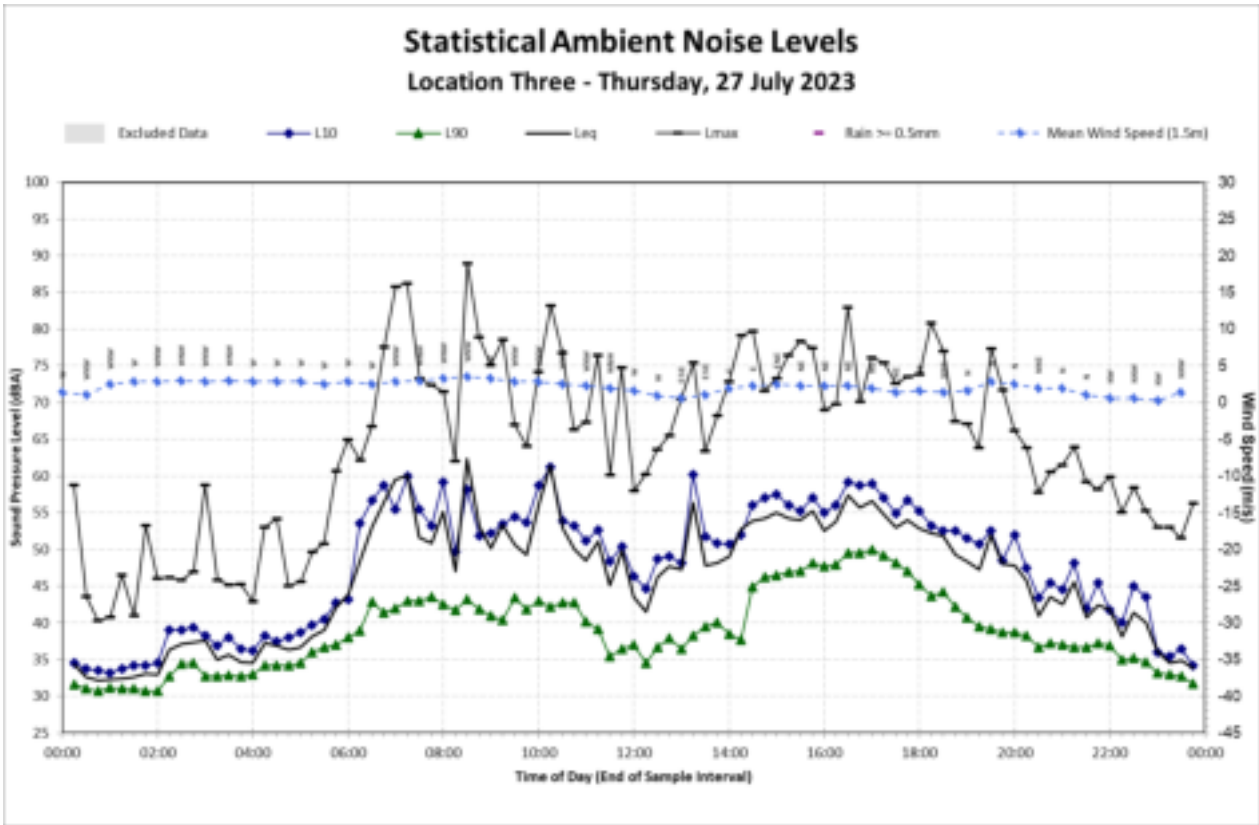

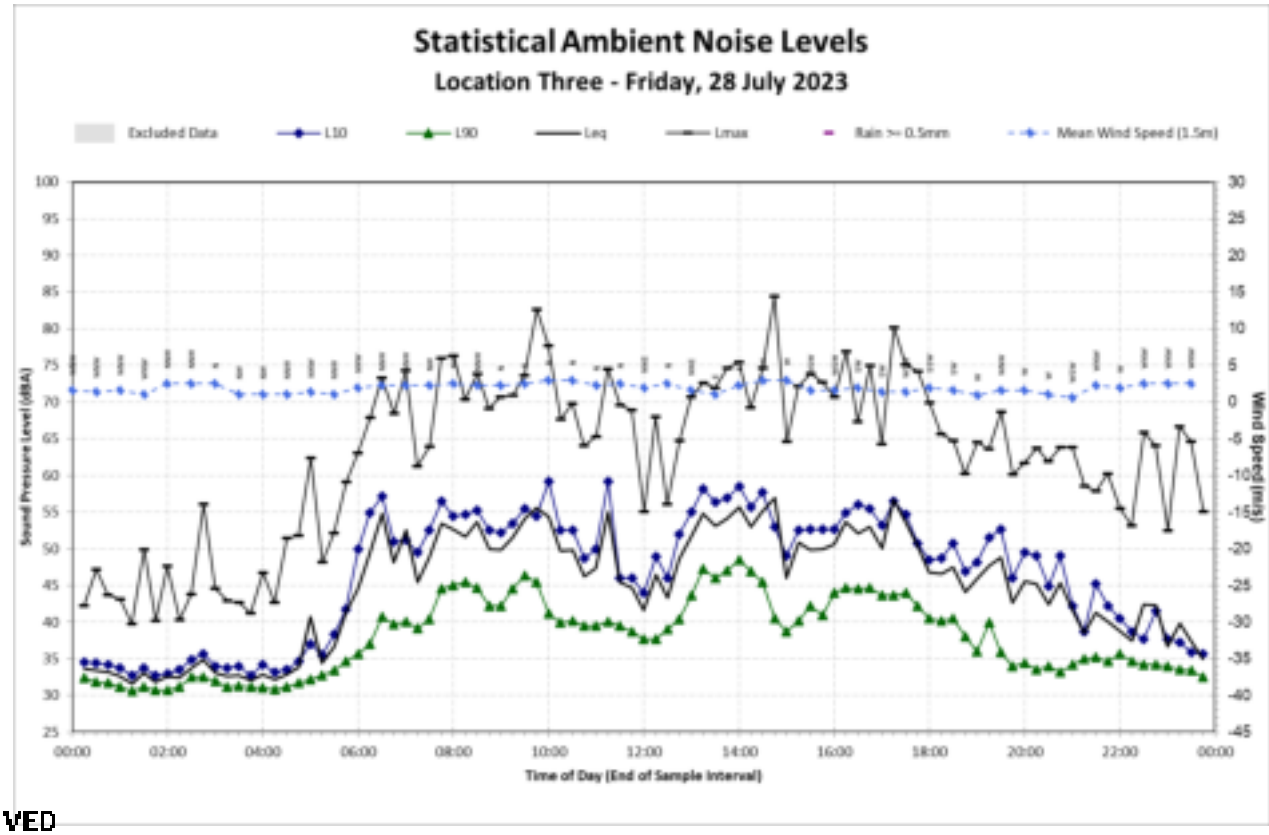

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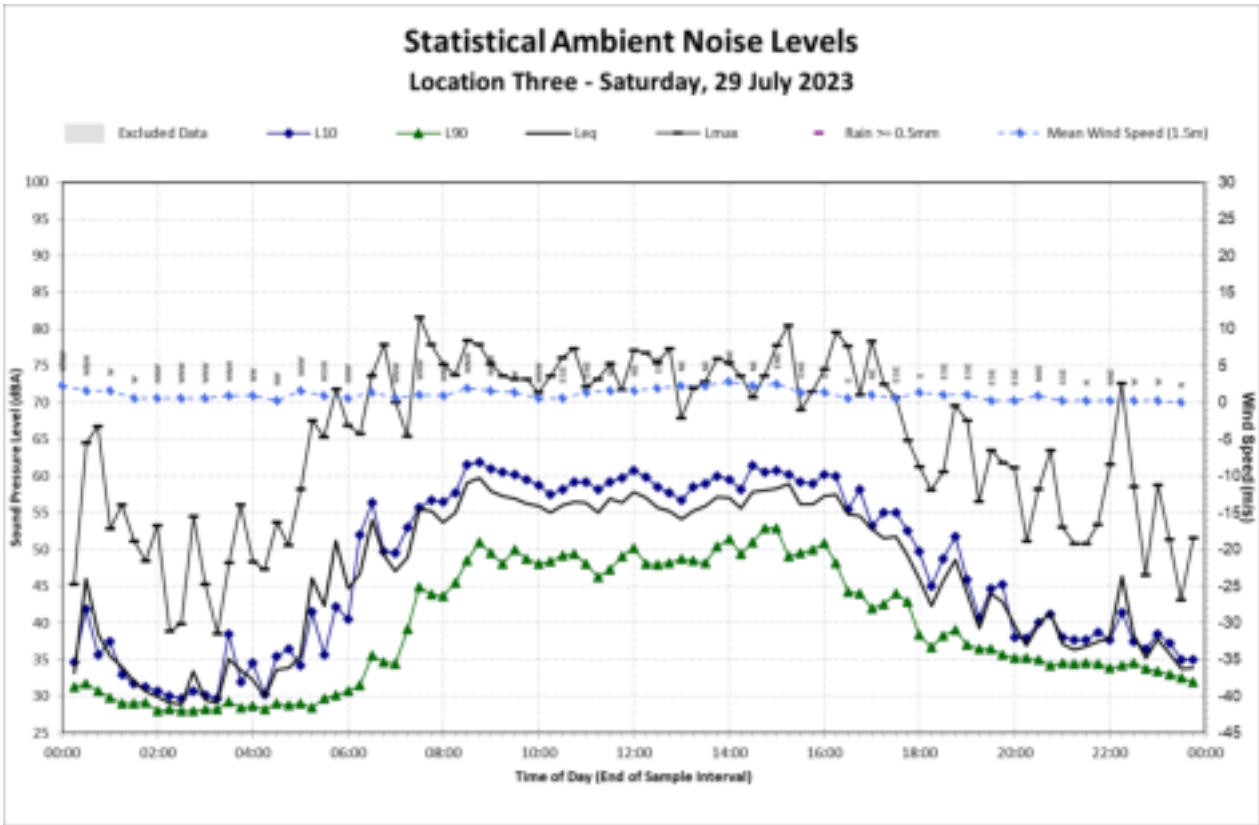

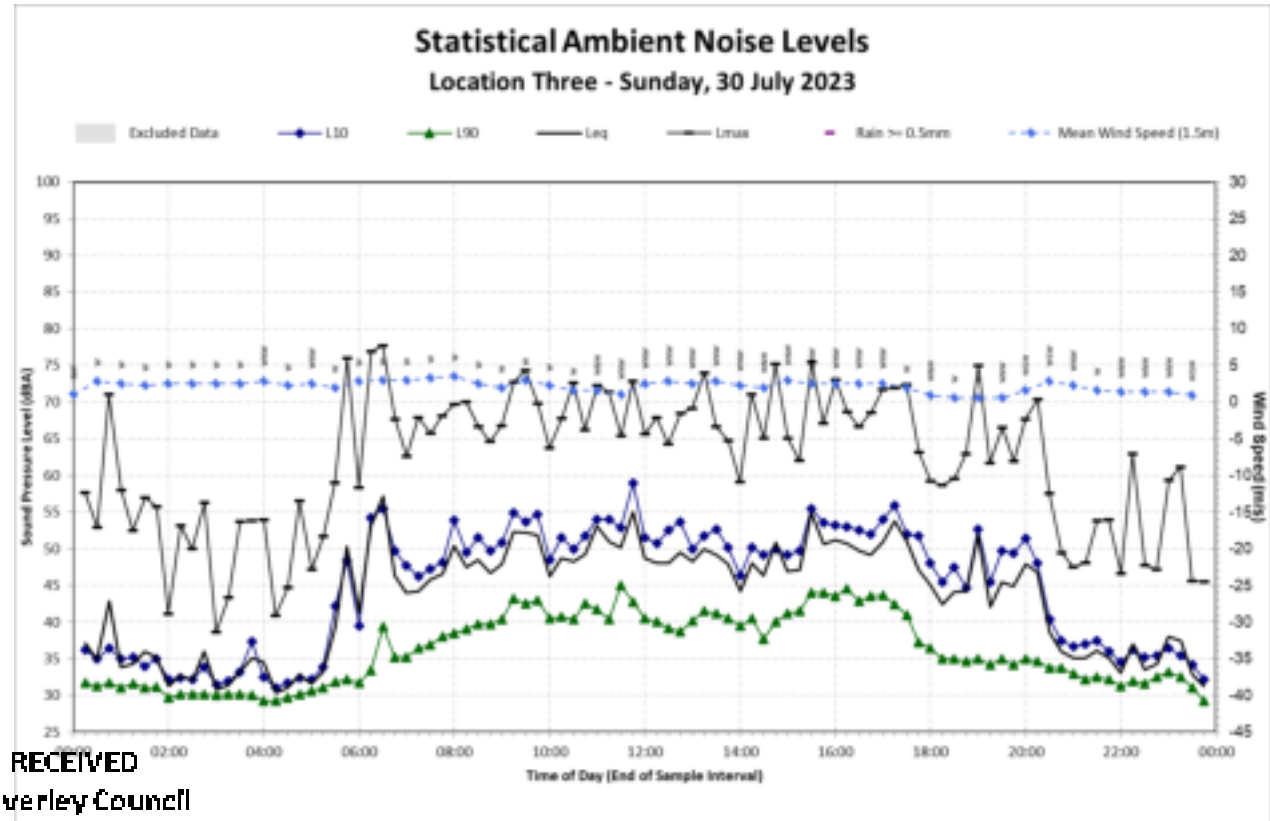

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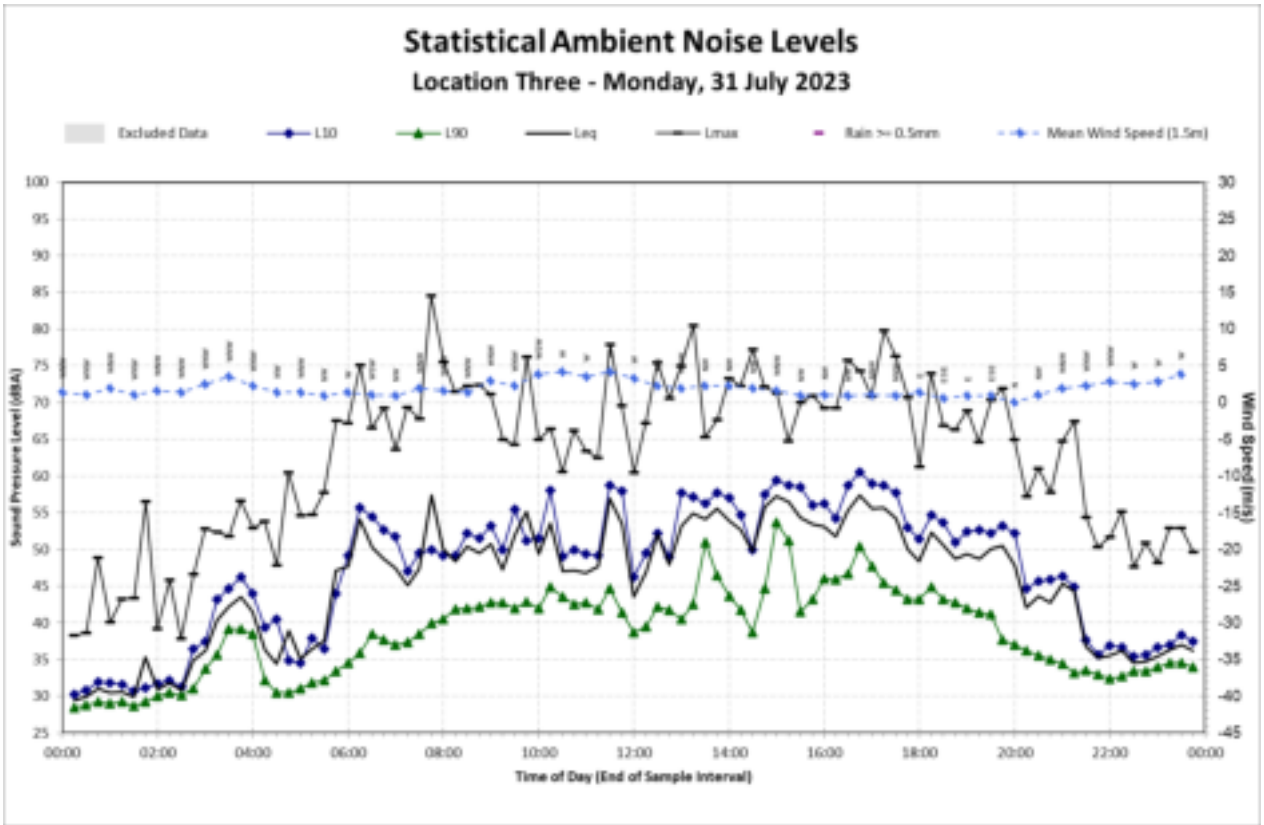

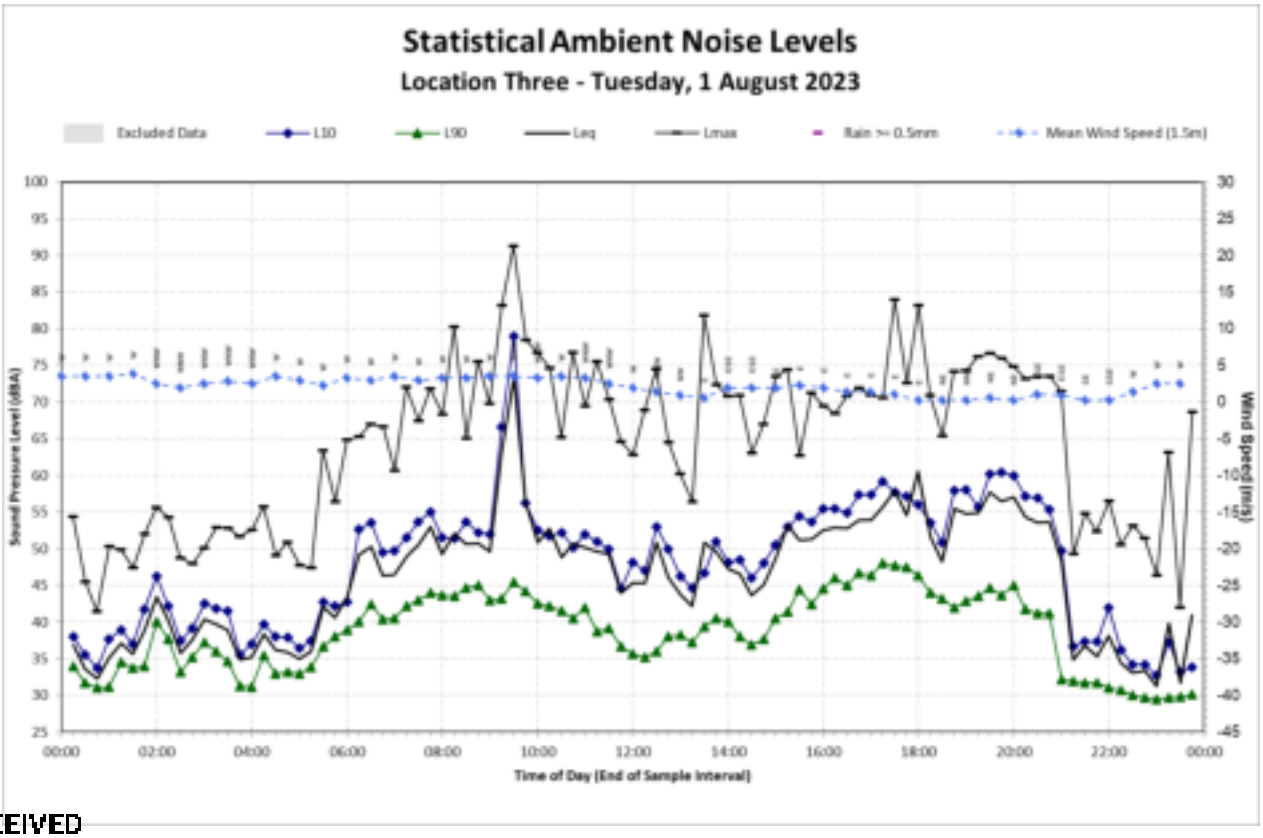

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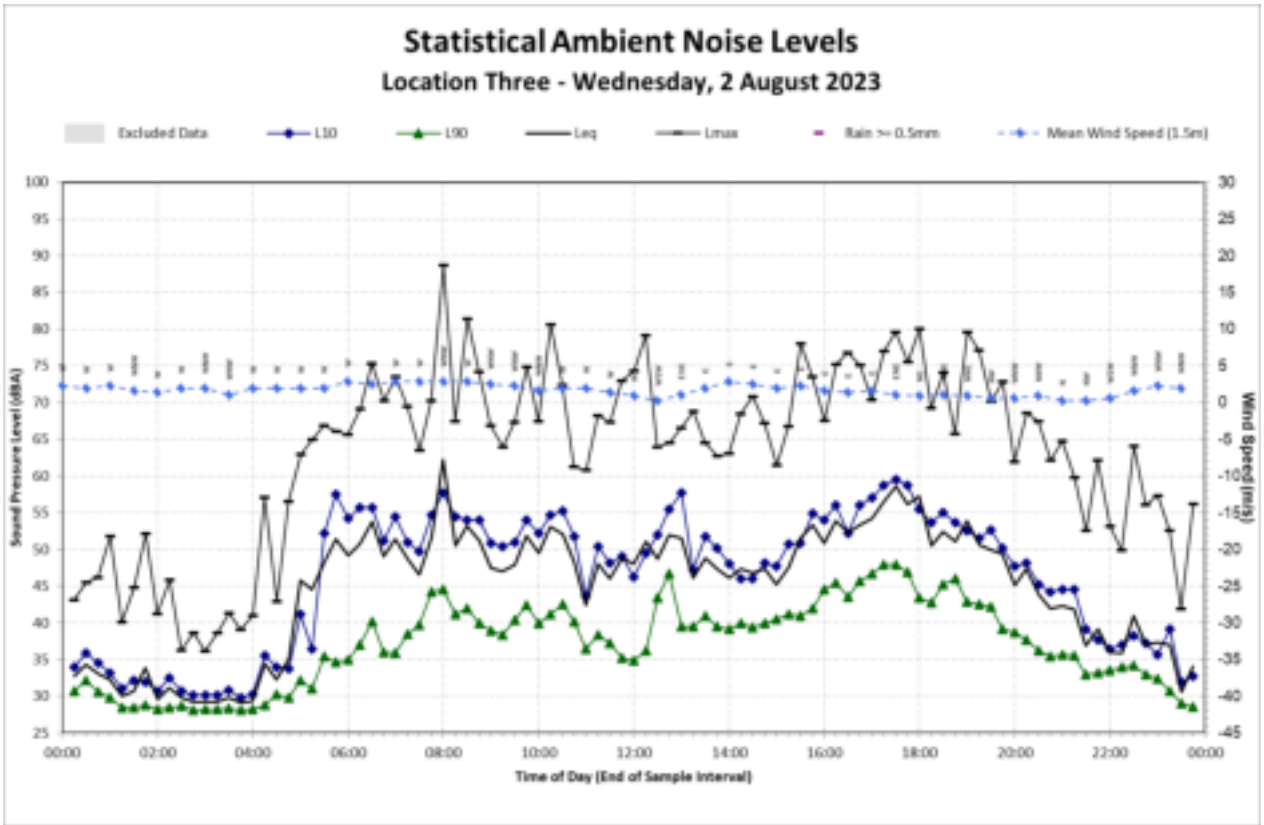

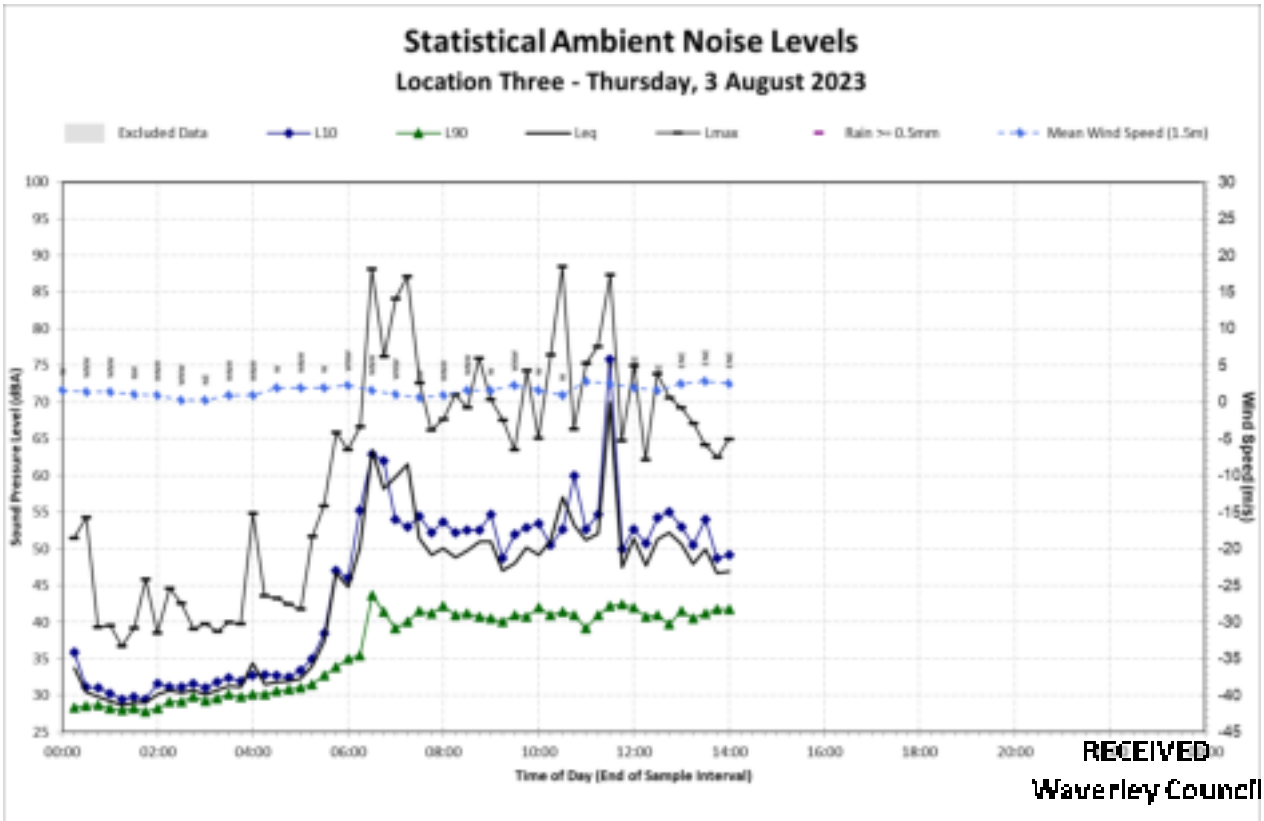

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PLAN OF MANAGEMENT – DEVELOPMENT APPLICATION NO. DA353/2023

COMMUNITY ROOM, MARGARET WHITLAM RECREATION CENTRE – WAVERLEY PARK

49C BONDI ROAD, BONDI JUNCTION (LOT 31 DP 1087364)

APRIL 2024

1. INTRODUCTION

This Revised Plan of Management has been prepared by Milestone (AUST) Pty Limited (Milestone) on behalf of Waverley Council (Council) for the existing Community Room in the Margaret Whitlam Recreation Centre located in Waverley Park known as 49C Bondi Road, Bondi Junction (Lot 31 DP 1087364). This Plan of Management has been prepared to support Development Application No. DA353/2023 currently under assessment by Council and in response to a Request for Further Information (RFI) received from Council on 1 March 2024. The proposal seeks consent to formalise the use of the existing Community Room for private functions/events including to permit amplified music if requested, which is only permitted via the existing two inhouse sound system speakers in the Community Room. The Community Room has been used by the community for events and functions for over 12 years.

2. SITE DETAILS

The subject site is located at 49C Bondi Road, Bondi Junction and is legally described as Lot 31 in DP 1087364. The Community Room is located on the ground floor level of the Margaret Whitlam Recreation Centre located in Waverley Park, and comprises an indoor function area with kitchen amenities and adjoining paved outdoor areas located to the east and north of the internal function area.

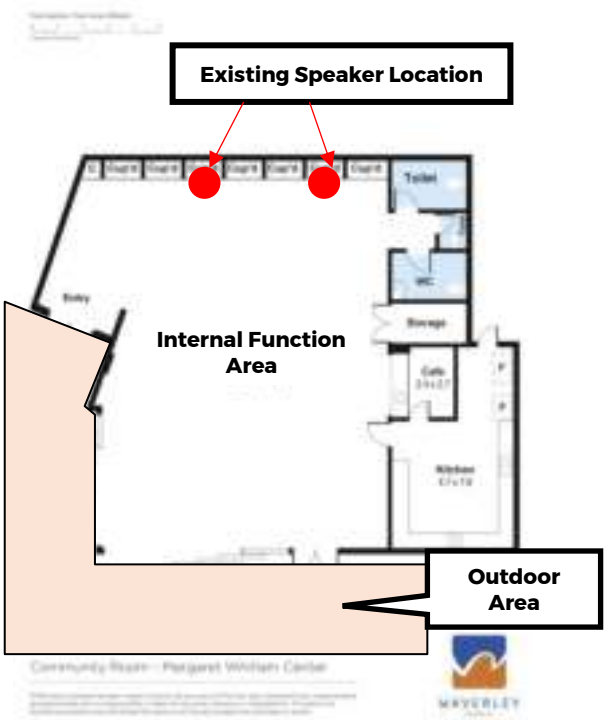

Figure 1: Community Room Floor Plan and Adjacent Paved Outdoor Areas
Source: Waverley Council, 2023 (marked by Milestone)

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3. OPERATIONAL DETAILS

(a) Use of the Community Room

The use of the Community Room, including the indoor function area and adjoining outdoor paved area, will be for events including but not limited to:

- Celebrations;
- Conferences;
- Photo shoots;
- Team building functions;
- Book launches;
- Fundraisers;
- Seniors groups;
- Local community groups;
- Yoga;
- Classes/workshops; and
- Networking events.

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Service of food and alcohol is permitted.

All bookings will be approved and managed by Council. Bookings are made through an email request to venuehire@waverley.nsw.gov.au or via telephone on 9083 8300.

(b) Hours of Operation

Typical hours of operation for the Community Room will be:

7am – 10pm Monday to Thursday
7am- 12am Friday and Saturday
8am -10pm Sunday.

Subject to further approval by Council via Council's Community Venue Enquiry Form:

- Events permitted between 7:00am and 12:00am Monday to Saturday;
- Events permitted between 8:00am and 12:00am Sundays and Public Holidays; and
- Bump in and bump out for events is permitted up to 1 hour before and after the event times.

Events are not permitted to run past midnight under any circumstance.

The above hours of operation are subject to compliance with the noise mitigation measures held at **Section 4** of this Plan of Management.

(c) Maximum Capacity

The Community Room will be limited to a maximum capacity of 120 patrons standing or 90 persons seated.

(d) Waste Management

Colour-coded bins are provided within of the community room. Council may provide the hirer with one general waste and one recyclable 240L wheelie bin upon request, which will be left in the outdoor paved area and collected following the event.

All waste from the Community Room will be collected by Council cleaners after the event and transferred to the central bin collection area for Waverley Park within the car park at the rear of the Council Chambers building on site. Bins are collected by waste contractors on a daily basis in accordance with the current waste collection procedures. Care will be taken to minimise noise impacts on the surrounding residential properties when moving and emptying bins on-site.

(e) Cleaning of Premises

It is the responsibility of the hirer that the venue is left as found, and the rubbish is disposed of within the colour-coded bins on the site or taken off site if the waste cannot be accommodated by the bins provided.

(f) Security and Safety

Access

Access to the venue is strictly limited to the booked hours as per the period of hire stated on the Event Sheet prepared and issued by Council's Venue Hire Office. An access pin code to gain entry will be provided to the hirer via email one business day prior to the event. The email includes lockdown procedures and instructions for the venue. The code will provide access to the venue 5 minutes prior to the start of the booking unless otherwise negotiated.

Venue Lockdown, Evacuation Plan and Fire Safety

The hirer is responsible for ensuring that the venue lockdown procedure and evacuation plan is followed in full. A copy of the lockdown procedure and evacuation plan will be provided to the hirer via email prior to the event, and displayed in the Community Room.

Fire safety equipment including fire extinguishers and fire hoses will be provided in the Community Room. Hirers must make all attendees aware of the location of fire safety equipment and the evacuation plan.

For any health related emergency or safety threat, hirers will contact 000.

For any venue related emergency or security issued, hirers will contact Council's Community Venues Team on 0404 199 352.

Council's Venue Hire Office can be contacted Monday to Friday, 8.30am – 4.30pm on 9083 8300.

First Aid

A First Aid Kit is provided in the community room. Instructions on first aid procedures are included in the kit. Regular audits are conducted to ensure kits are adequately stocked.

CCTV Surveillance Cameras

The indoor Community Room and adjacent outdoor pavement area is monitored by CCTV surveillance cameras. Given the type of events that will be held within the Community Room and the restriction of operating hours to midnight, it is not necessary to provide a more expansive CCTV network throughout the park.

Security Guards

Council's Venue Hire Office will determine on a case by case basis if security guards are required to be engaged for events. Types of events that may require security guards include the service of alcohol past 10.00pm and events where alcohol will be sold, subject to a separate liquor license obtained by the hirer.

Alcohol Licensing

The Community Room is not a licensed premises and Council will not apply for a liquor license. If a hirer wishes to sell alcohol from the premises during an event, they will be required to obtain a liquor license from Liquor and Gaming NSW.

Smoking

Smoking is not permitted in the Community Room, or within 10 metres of any opening into a building in accordance with Waverley Council's No Smoking Policy.

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Receipt No: DA-353/2023

Date Received: 11/04/2024

(g) Traffic and Deliveries

The Margaret Whitlam Recreation Centre including the Community Room has no on-site car parking and no vehicles are permitted in Waverley Park. A Loading Zone situated on Bondi Road must be used when dropping off/picking up goods or equipment. Council can provide a trolley on request.

The hirer must advise guests that no dedicated car parking is available for the Community Room, and that vehicles must be parked in the surrounding street network, the Council car park adjoining the Waverley Council Administration Building or the Council car park adjoining the netball courts on St Marys Avenue.

Where possible, guests will be encouraged to utilise public transport options to travel to and from the site.

4. IDENTIFICATION OF NOISE

(a) Amplified Music

The inhouse sound system will be the only sound system permitted to be used. Microphones linked to this sound system may also be permitted for functions and events however the use of this microphone is limited to speaking/presenting and cannot be used for singing. No live music, third party sound systems, DJ's or the like are permitted within the Community Room and associated outdoor areas.

VMS Australia Pty Ltd, Acoustic Consultant, has prepared a Revised Acoustic Report dated 4 April 2024 detailing the potential acoustic impact on the surrounding residential properties. The Revised Acoustic Report concludes that based on worst case scenario assumptions, the operation of the Community Room can satisfy the relevant acoustic requirements outlined in the Noise Policy for Industry 2017, subject to the recommendations held at **Table 2**.

Table 1: Operational Scenarios

Scenario	Description
Scenario 1	Foreground music with doors open and patrons inside and outside.
Scenario 2	Background music with doors open and patrons inside and outside.
Scenario 3	Foreground music with doors closed and patrons inside and outside.
Scenario 4	No music with doors open and patrons inside and outside.
Scenario 5	Foreground music with doors open and patrons inside and outside. Patrons singing.
Scenario 6	Foreground music with doors closed and patrons inside and outside. Patrons singing.

The following operational restrictions must be applied to ensure that compliance is achieved at all times for all events:

Table 2: Acoustic Recommendations

Time Period	Operations
Monday to Saturday 7.00am to 10.00pm	All 6 scenarios permitted.
Sundays and Public Holidays 8.00am to 10.00pm	All 6 scenarios permitted.
Monday to Sunday 10.00pm to midnight	Scenarios 2-4 and 6 permitted.

The operation of the Community Room will occur in accordance with the operational requirements held at **Table 1** and **Table 2**. For events finishing at 10.00pm, no operational restrictions are necessary, however for events proposed to operate between 10.00pm and 12.00am careful consideration from Council at the booking stage will be required to ensure compliance with Scenarios 2-4 and 6. Council's *'Margaret Whitlam Recreation Centre – Community Room & Kitchen Hire Conditions of Hire Form'* will be updated to reflect additional questions to ensure only suitable events are held after 10.00pm.

(b) Measures to Minimise Noise

The hirer is responsible for ensuring that the event including amplified music complies with the operational hours in **Table 2** of this Plan of Management. No external amplification equipment can be used by the hirer and no live music is permitted in the venue. Any request from Council to reduce noise levels must be complied with immediately.

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(c) Terms and Conditions of Venue Hire

Council's Venue Hire Office will ensure that the *Margaret Whitlam Recreation Centre – Community Room & Kitchen Hire Conditions of Hire Form'* is signed and agreed by all hirers. Failure to adhere to the terms and conditions of the venue hire may result in the bond held by Council being withheld.

5. COMPLAINT HANDLING PROCESS

Council's Venue Hire Office will diligently respond and manage any complaints in a timely manner and will record the complaints. Any complaint received by Council is logged and managed via Council's customer management system.

A register will be maintained by Council's Venue Hire Office and will include the following:

- Register of all events at the site;
- Register of all incidents at the site; and
- Register of all complaints received for the site.

A copy of this register can be made available to Police or Emergency Services upon request.

MILESTONE (AUST) PTY LIMITED

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Waverley Council

Receipt No: DA-353/2023

Date Received: 11/04/2024

Report to the Waverley Local Planning Panel

Application number	DA-156/2023
Site address	2 Harlowe Place, Bronte
Proposal	Demolition of existing dwelling and construction of a new three storey dwelling with integrated garage and swimming pool at the rear
Date of lodgement	16 June 2023
Owner	Mr B and Mrs L Gillespie
Applicant	Tobias Partners Pty Ltd
Submissions	Original notification – Eleven (11) submissions received Six (6) additional submissions received following receipt of amended plans Total submissions – seventeen (17) submissions received
Cost of works	$1,682,924.00
Principal Issues	• Exceedance of height of building development standard • Side and rear setbacks • View loss impacts.
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.
SITE MAP	

Marlowe Pl
Grove St
Anzac Ave
Anzac Ave

1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for demolition of the existing dwelling and construction of a new three storey dwelling with an integrated double garage, new swimming pool at the rear and associated landscape works at the site known as 2 Harlowe Place, Bronte.

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

- Exceedance of height of buildings development standard;
- Side and rear setbacks; and
- View loss.

The assessment finds these issues acceptable as the proposal has demonstrated the extent of the variation to the height of buildings development standard will not result in excessive building bulk or scale and preserves the environmental amenity of neighbouring properties as it does not result in any additional overshadowing, privacy or view loss impacts. The proposed privacy wall along the northern side of the first floor rear balcony will not result in adverse view loss impacts from the adjoining property subject to design modifications to reduce the height of the privacy wall to enhance view sharing.

A total number of 17 submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the recommendation. No Councillor submissions have been received. There 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 approval subject to conditions of consent.

1.2. Site and Surrounding Locality

A site visit was carried out on 18 July 2023.

The site is identified as Lot 4 in DP 25991, known as 2 Harlowe Place, Bronte.

The site is located at the eastern end of the Harlowe Place cul-de-sac which comprises 4 properties occupied by two and three storey dwelling houses.

The site is irregular in shape with a curved frontage to Harlowe Place measuring 7.92m, a splayed northern boundary adjoining 1 Harlowe Place measuring a total of 23.03m, a north-eastern boundary adjoining 14 Thompson Street measuring 9.14m and a southern boundary to 3 Harlowe Place measuring 23.91m. The site shares its eastern boundary, measuring 23.775m, with five (5) properties known as 2, 4, 4A, 6 and 8 Mirimar Avenue. The site has an area of 419.3m^2 and is generally flat to the west fronting Harlowe Place and falls approximately 1.96m from west to east at the centre of the site. Within the rear

private open space there are various low retaining walls creating steps within the topography from west to east.

The site is occupied by a two storey dwelling house with a detached garage located at the south-east corner of the site accessed by a vehicular crossing from Harlowe Place. The site is adjoined to the north and south by three storey dwellings with vehicular access from Harlowe Place. Due to the irregular shape of the site, the rear boundary to the north and east is shared with six (6) adjoining properties containing two and three storey dwellings and semi-detached dwellings.

The locality is predominantly characterised by a variety of low density residential development comprising detached and semi-detached dwellings and some three to four storey residential flat buildings further to the west of the site and within the neighbourhood.

Figures 1 to **10** are photos of the site and its context.

Figure 1: View of site and immediately adjoining properties, looking east on Harlowe Place

Figure 2: View of existing surrounding properties to the south, looking south on Harlowe Place

Figure 3: View of surrounding developments looking west from Harlowe Place

Figure 4: Looking north from existing front setback towards front building line of 1 Harlowe Place

Figure 5: Looking south from existing front setback towards front building line of 3 Harlowe Place

Figure 6: View of rear of existing dwelling and 1 Harlowe Place, looking south-west from rear yard

Figure 7: Looking north-east from rear yard towards adjoining properties

Figure 8: Looking south-east from existing rear patio towards the rear boundary

Figure 9: Existing view from first floor of dwelling, looking north to north-east

Figure 10: Existing view from first floor of dwelling looking east

1.3. Relevant Development History

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

1.4. Proposal

The development application seeks consent for demolition of the existing two storey dwelling and construction of a new three storey dwelling house, including an integrated double garage, new swimming pool at the rear, tree removal and associated landscape works, specifically the following:

<u>Ground Floor</u>

- Excavation to provide a consistent level from the new driveway to the garage and ground floor of the dwelling;
- Excavation within the rear and side setback to provide useable outdoor living space and new swimming pool;
- Demolition of existing masonry front fence and existing driveway crossing to construct a new driveway crossing centrally located along the front boundary;

- Construction of garbage bin and meters storage within the front building line adjacent to the northern side boundary;
- A new double garage, plant room, rumpus, laundry, separate bathroom and WC, three bedrooms and an ensuite, and lift and stairs to floors above;
- New drying court at the southern corner of the site;
- New decking along the eastern side of the dwelling with stairs down to a pool deck and swimming pool;
- New landscaping within the front, side and rear setbacks; and
- New timber lap and capped fencing along the northern and eastern side boundaries.

First Floor

- Open plan living area with balcony on the east elevation;
- Built in BBQ and privacy wall along the northern side of the balcony;
- Fireplace to living area;
- A pantry and cellar adjacent to kitchen;
- A power room, study, lift and stairs adjacent to living area; and
- Planter boxes along the eastern elevation returning to the south elevation, adjacent to the balcony and habitable windows.

Second Floor

- Master bedroom with walk in robe, ensuite and sitting area;
- Lift and stairs to floors below;
- Balustrade adjacent to sliding glass door on the south elevation; and
- Planter on the east, south and west elevations.

Roof

- Flat ballasted roof with solar panels and a skylight; and
- Pop up roof with clerestory window on the western elevation.

1.5. Background

The development application was lodged on 16 June 2023 and deferred on 22 September 2023 for the following reasons:

1. The predominant front and rear building lines have not been determined accurately and does not take into account the irregular shape of the street alignment, shape of the subject site and adjoining properties and orientation of existing surrounding dwellings.
2. The side setbacks are less than the minimum 1.5m required for a new three storey dwelling and are inconsistent with the setback of adjoining properties. In particular, the northern side setbacks on all floor levels are insufficient and will impact on the amenity of the adjoining property.
3. The rear setback of part of the south-eastern portion of the ground floor is inadequate and will result in unreasonable building bulk and scale, and amenity impacts to the private open space and habitable rooms of adjoining properties.

4. The rear first floor balcony projects beyond the predominant rear building line, exceeds the maximum permitted dimension and area for an elevated balcony, and will have amenity impacts on adjoining properties.
5. Sightline from proposed private open space and habitable room windows are to be shown on section drawings demonstrating any direct overlooking of adjoining private open spaces and habitable windows.
6. Amended shadow diagrams are required to be submitted responding to the front, side and rear building lines and design amendments required to be incorporated into the amended architectural plans. Shadow diagrams including views from the sun are to clearly show the comparison between shadows cast by a compliant building envelope and the proposal.
7. A view loss analysis identifying existing views obtained from adjoining properties and views that will be impacted by the proposal is to be prepared and assessed against the general principles for views and view sharing in accordance with *Tenacity Consulting v Warringah [2004] NSWLEC 140*.
8. The proposal exceeds the maximum FSR development standard. Given the non-compliance with setback controls, the proposal results in unreasonable building bulk and scale that are not compatible with the character of surrounding properties or the neighbourhood. The proposal has not demonstrated that notwithstanding the variation to the development standard, the amenity of surrounding properties will be preserved in accordance with the objectives of the development standard.
9. Insufficient details have been provided on the submitted architectural plans to clearly show the full extent of the proposal, contextual information to enable an assessment of the proposal against existing surrounding developments and additional materials in the schedule of materials and finishes including the proposed boundary fences.
10. An amended landscape plan corresponding with the design amendments recommended for the dwelling and identifying the mature spread of proposed trees to demonstrate the viability or suitability of plantings adjacent to the site boundaries.
11. Amended stormwater management plan details demonstrating compliance with Council's stormwater provisions.

The amended plans and supporting documentation received on 11 March 2024 form the basis of the assessment. A detailed description of amendments made to the original plans, as publicly exhibited, is provided in section 2.4 of this report.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

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

Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table • *R2 Low Density Residential Zone*	Yes	The proposal is defined as a dwelling house, which is permitted with consent in the R2 zone. The proposal satisfies the relevant objectives of the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings • *8.5m*	No	The proposal has a maximum building height of 9.5m measured to the top of the pop-up roof (RL60.75), equating to a variation of 1m or 11.8% to the development standard.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio • *0.64:1 (268.35m²)*	Yes	The proposal has a total gross floor area of 267.1m², equating to a FSR of 0.637:1, and is consistent with the maximum FSR development standard.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of buildings development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site is identified as containing Class 5 Acid Sulfate soils and is located within 143m of Class 4 Acid Sulfate soils to the north-east at Tamarama Beach.

Provision	Compliance	Comment
		A Geotechnical Report was prepared and submitted as part of this application. No ground water was encountered during investigations and the proposed excavation is not expected to disturb the water table or Acid Sulfate soils in the surrounding locality.
6.2 Earthworks	Yes	Excavation is proposed to provide consistent ground levels within the proposed dwelling and enhance useability of the rear private open space. The extent of excavation is acceptable, subject to conditions to ensure minimising impacts on surrounding properties and the environment.
6.15 Stormwater management	No – acceptable subject to conditions	The proposed stormwater management plan has been reviewed by Council's Stormwater Engineer who raised concerns regarding compliance with design requirements in accordance with Council's drainage controls. The proposal can be supported subject to conditions requiring design amendments to achieve compliance with stormwater management provisions which have been included in the recommendation.

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

Clause 4.6 Exceptions to Development Standards

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

The site is subject to a maximum height of buildings development standard of 8.5m. The proposed development has a building height of 9.5m, exceeding the standard by 1m equating to a 11.8% 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.

<u>Applicant's Written Request - Clause 4.6(3)(a) and (b)</u>

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

(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
   (i) The proposal achieves the objectives of the development standard particularly as the extent of the variation preserves the environmental amenity of adjoining properties and the public domain as there are view loss or privacy impacts compared to a building with a compliant building height.
   (ii) Satisfactory solar access is maintained to surrounding properties and the public domain as the proposal does not result in any additional overshadowing compared to a proposal that is compliant with the development standard.
   (iii) Notwithstanding the variation resulting from the pop up roof, the proposed bulk and scale are consistent with the three storey built form of immediately adjoining buildings and complements the existing scale of development within the streetscape and the surrounding locality.

(b) That there are sufficient environmental planning grounds to justify contravening the standard:
   (i) The extent of the variation contains a pop up roof that is not visually prominent when viewed from the public domain and does not result in unreasonable visual bulk. The proposal is consistent with the bulk and scale of three storey buildings of adjoining properties and is compatible with the desired future character of the area.
   (ii) The proposal consisting of a stepped built form presents a better design outcome than the existing development and mitigates any adverse visual or amenity impacts from the extent of the variation on adjoining properties or the public domain.

<u>Consideration of Applicant's Written Request</u>

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

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

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's written request adequately demonstrates that the extent of the variation to the height of buildings development standard achieves compliance with the relevant objectives of the development standard as the proposed built form is consistent with the scale of existing surrounding developments within the streetscape and the desired future character of the area, and preserves the environmental amenity of surrounding properties and the public domain. In this circumstance, compliance with the development standard will not result in a better design outcome or reduce amenity impacts and is therefore unreasonable and unnecessary.

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

The applicant has satisfactorily argued that that there are sufficient environmental planning grounds to justify contravening the development standard. In particular, the extent of the variation to the height of building development standard is contained within the pop up roof at the centre of the roof area and part of the roof slab and parapet on the western elevation and does not contribute to unreasonable visual bulk or scale compared to the built form of immediately adjoining properties within the streetscape. The extent of the variation does not result in any additional overshadowing impacts to adjoining habitable room windows, solar collectors or private open space beyond the expected shadows that would be cast by a compliant building envelope and will not adversely affect the amenity of surrounding properties or the public domain.

<u>Conclusion</u>

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

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

The relevant matters to be considered under the Waverley DCP 2022 (Amendment No. 2) for the proposed development are outlined below:

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

Development Control	Compliance	Comment
1. Waste • *Garbage bins are to be stored in an appropriate location.*	Yes	Satisfactory. An adequate bin storage area is proposed adjacent to the driveway and northern side setback.
2. Ecologically Sustainable Development • *Ceiling or wall mounted fans* • *No gas cooktops, gas ovens or gas internal space heating systems.*	Yes Yes	A BASIX certificate and NatHERS assessment have been submitted demonstrating compliance with ecological sustainable requirements. The proposal provides ceiling fans in bedrooms and living areas to enhance thermal comfort and use of an induction cooktop, electric oven and electric heating. The proposal satisfies the requirements of the DCP and is acceptable.
3. Landscaping, Biodiversity and Vegetation Preservation	Yes	The site is located within the Biodiversity Habitat Corridor. The proposal seeks to remove five existing trees within the site that have a height of 3m or greater and spread between 1m to 3m. An Arborist Report assessing the health and significance of the subject trees have been reviewed by Council's Tree Management Officer who raises no objection subject to appropriate replacement plantings and tree management conditions to protect existing trees to be retained on the site and within adjoining properties.
5.Water Management	Yes – subject to conditions	Refer to section 3 of this report on referral commentary in relation to stormwater.
7. Transport **7.1 Streetscape** **7.2 On-Site Parking** **7.2.1 Vehicle Access** **7.2.2 Parking Rates** *Minimum parking rate:* • *Nil* *Maximum parking rate:* • *2*	 Yes Yes Yes Yes	The site and immediately adjoining properties have vehicular access from Harlowe Place and off street parking spaces. The proposal to relocate the vehicular crossing and provision of a double garage is consistent with the streetscape and is acceptable. The subject site is located within Parking Zone 2. The proposal provides two off street parking spaces which complies with the development standard and will not reduce the number of existing on street car parking spaces.
11. Design Excellence	Yes	The proposal has demonstrated design excellence as the building footprint and envelope responds appropriately to the irregular shape of the lot and the existing front and rear building lines of

Development Control	Compliance	Comment
		adjoining properties. The proposal provides visual interest within the streetscape and does not result in any adverse environmental amenity impacts on adjoining properties, subject to recommended design amendments to achieve view sharing principles as discussed in detail below this table.
13. Excavation • *Maximum excavation permitted for low-density: 133.86m³*	No – acceptable on merit	The proposal seeks consent for 193m³ of excavation of which 154m³ is contained within the building footprint, 25m³ for the swimming pool and 14m³ for landscaping within the rear open space. The extent of the variation to the maximum excavation control is acceptable as it is contained within the permissible building footprint and will not contribute to excessive building bulk or scale.

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

Development Control	Compliance	Comment
1.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
1.1 Height		
Flat roof dwelling house • *Maximum wall height of 7.5m*	No – acceptable on merit	The proposal has a building wall height measuring 8.7m on the western (front) elevation and 8.5m at the eastern (rear) elevation, measured above existing ground level to the parapet of Level 2 which has a setback of 2.3m from the predominant front building line and 1.3m from the predominant rear building line for the upper level. The variation is adequately set back from the ground floor and Level 1, does not result in unreasonable or excessive bulk or scale and is therefore acceptable.
1.2 Setbacks		
1.2.1 Front and rear building lines • *Predominant front building line (adjacent three neighbours on either side)* • *Predominant rear building line at each floor level (adjacent three neighbours or either side)*	Yes No – acceptable on merit	The proposed front setbacks of the three storey dwelling respond appropriately to the streetscape as the front setbacks on each level do not project beyond the existing setback of adjoining properties. The front setback of Levels 1 and 2 are stepped from the ground floor to reduce building bulk. The proposed rear building line on each floor level partially projects beyond the predominant rear building line established by adjoining properties and follows the curvature of the front boundary, as agreed by Council's Assessment Officer. Having

Development Control	Compliance	Comment
		regard to the irregular shape of the subject site and adjoining properties at the end of the cul-de-sac, the variations to the rear building line are considered acceptable as the proposal does not result in unreasonable building bulk or scale and does not result in adverse impacts on the amenity of adjoining properties. This issue is discussed below this table.
1.2.2 Side setbacks • *Where a brand new three storey structure is proposed, all floors must be setback by 1.5m*	No – acceptable on merit	The proposed garage has a setback of 900mm from the northern side boundary which does not achieve the minimum 1.5m side setback control, however the 900mm setback only extends the width of the garage and is limited to the ground floor level and will not result in any adverse amenity impacts on the adjoining property. The northern side setback of the remainder of the ground floor level and at Levels 1 and 2 measure 1.5m and are compliant with the setback control. The southern side setback of the proposed dwelling varies between 1.5m and 0.6m at the ground floor, 1.5m to 1.26m on Level 1 and 1.4-1.3m on Level 2. The variation to the 1.5m side setback control is acceptable having regard to the irregular shaped building footprint and setback of the adjoining property at 3 Harlowe Place and the proposed stepped building footprint will provide better visual relief than a blank wall built parallel to the southern side boundary. Notwithstanding the variation to the side setback control, the applicant has demonstrated that the proposal will not result in any additional overshadowing or loss of privacy impacts beyond that of a compliant building envelope. As such, the proposal side setbacks are supported on merit.
1.3 Streetscape and visual impact		
• *New development to be compatible with streetscape context* • *Significant landscaping to be maintained.*	Yes Yes	The proposed three storey dwelling is of a high quality contemporary design that complements the existing and desired future character of the streetscape and locality. Landscaping is proposed within the front setback and along the southern side boundary which will be visible from the public domain and will contribute to the streetscape. Sufficient landscaping will also be provided within the rear open space and along the boundaries of the site to enhance the amenity of future occupants and adjoining properties.

Development Control	Compliance	Comment
1.4 Fences		
<u>Front:</u> • *Maximum height of 1.2m* • *Solid section no more than 0.6m in height* *<u>Side and Rear:</u>* • *Maximum height of 1.8m*	N/A Side fences – Yes Rear fences – No, acceptable on merit	The proposal seeks to demolish the existing front masonry fence. No new front fence is proposed. The existing rear boundary fences adjoining 14 Thompson Street and 2 to 8 Mirimar Avenue comprises retaining walls and solid fences measuring between 1.5m and 2.6m high, measured above the existing ground level of the adjoining properties. The proposal seeks to erect new 2.2m high lap and cap timber fences adjacent to the existing boundary fences and wholly within the subject site. The timber fencing will project above the existing rear solid retaining wall/fence by 1.1m at 6 Mirimar Avenue), 700mm at 4A Mirimar, 800mm at 4 Mirimar, 900mm at 2 Mirimar Avenue and 800mm at 14 Thompson Street. The proposed fence height is acceptable in this circumstance as the fence will assist in reducing direct overlooking of adjoining private open space and living area. The use of timber for the proposed fence provides a visual break from the existing solid retaining walls when viewed from adjoining properties. Proposed landscaping will also provide visual relief when viewed from adjoining properties and is considered acceptable.
1.5 Visual and acoustic privacy		
• *Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design* • *External stairs are not acceptable.* • *Maximum size of balconies:* *10m^2 in area* *1.5m deep*	Yes No – acceptable on merit No – acceptable on merit	Habitable rooms on the ground floor are adequately set back and screened from adjoining private open spaces and windows by fences and existing and proposed landscape planting. The windows and balcony on Level 1 of the dwelling on the east elevation are primarily contained within the rear setback control, except part of the eastern and south-eastern portion of the balcony. A portion of the balcony projects beyond the curved rear setback line. Planter boxes with plant species ranging in mature heights of between 600mm to 2m high are proposed adjacent to the eastern and southern side of the balcony and windows. The planter boxes, landscaping and proposed eastern boundary fence will minimise direct overlooking and privacy impacts on adjoining properties.

Development Control	Compliance	Comment
• *Roof tops to be non-trafficable unless predominant in the immediate vicinity*	Yes	The proposal includes two sets of external stairs with a set of stairs from the rear ground floor deck down to the proposed pool deck and from the drying court to the landscaped passageway along the southern side boundary. The stairs from the rear ground floor deck down to the pool deck is set back approximately 2m from the northern side boundary with screen planting. The stairs from the drying court up to the southern side setback will be screened by a retaining wall. The stairs respond appropriately to the fall of the site and is acceptable as it will not result in any unreasonable privacy impacts on adjoining properties. The proposed rear balcony on Level 1 is accessed directly from the open plan living area with a depth of 2.5m and an area of 19.22m² excluding the proposed built in BBQ along the northern side of the balcony. The proposed balcony exceeds the depth and area controls under the DCP but will not result in unreasonable amenity impacts on adjoining properties as the predominant area of the balcony is set back behind the rear building line and extensive planter boxes. The proposed 2.7m high privacy wall on the northern elevation to screen the BBQ and balcony from 1 Harlowe Place is considered excessive and will result in visual bulk and view loss for the adjoining property. A condition requiring a reduction in the height of the privacy wall to reduce visual bulk and achieve view sharing principles has been included in the recommendation. See discussion below this table.
1.6 Solar access		
• *Minimum of 3 hours of sunlight to 50% of living areas and principal open space areas on 21 June to subject site* • *Minimum of 3 hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June.* • *Avoid unreasonably overshadowing of solar*	Yes Yes Yes	The proposal will provide direct solar access to proposed principal living areas and private open spaces between 9am and 12.00noon on 21 June. The proposed additional overshadowing cast over the rear private open space at 3 Harlowe Place immediately to the south of the site does not exceed the expected overshadowing cast by a compliant building envelope. In particular, the extent of the proposed dwelling projecting beyond the rear building line and height of buildings development standard does not result in

Development Control	Compliance	Comment
collectors (including habitable windows).		additional overshadowing of habitable windows or private open spaces. Some additional overshadowing beyond the shadows cast by a compliant building envelope will fall across the northern side setback at 8 Mirimar Avenue at 3pm on 21 June. This area does not comprise windows to a habitable rooms or principal private open spaces and will not be adversely impacted by the proposal. The proposal will not result in any unreasonable solar access impacts on adjoining properties beyond the expected overshadowing from a compliant building envelope as demonstrated by the submitted shadow diagrams.
1.7 Views		
• *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 Yes – subject to design modification condition	There are no views from the public domain that will be impacted by the proposal. The rear of the proposed dwelling will impact existing views of the ocean and headlands from habitable windows and balconies at 1 Harlowe Place. An assessment of the proposed view loss impacts having regard to the planning principals in accordance with *Tenacity Consulting v Warringah [2004] NSWLEC 140* is discussed below this table.
1.8 Car parking		
1.8.1 Design Approach • *Parking only allowed where site conditions permit* • *Designed to complement the building and streetscape* • *Car parking structures to be behind the front building line* • *Driveways are to be located to minimise the loss of on street parking*	Yes Yes Yes Yes	The site currently has a vehicle crossing from Harlowe Place and car parking in a detached garage located at the south-east rear corner. The proposal to remove the existing vehicle crossing and construct a new centrally located vehicle crossing on Harlowe Place to an integrated double garage is compatible with the existing streetscape. The proposal will not result in additional loss of on street car parking and is acceptable.
1.8.2 Parking rates	Yes	Parking rates are set by Part B7 of Waverley DCP 2022.
1.8.3 Location • *Parking to be behind front building line for new dwellings* • *Existing development to be in accordance with*	Yes Yes	The location of the new garage is acceptable having regard to the curved street alignment at the end of the cul-del-sac and the setback from the front boundary which does not exceed the existing front setback of adjoining properties.

Development Control	Compliance	Comment
the hierarchy of preferred car parking locations		
1.8.4 Design • *Complement the style, massing and detail of the dwelling* • *Secondary in area and appearance to the design of the residences*	Yes Yes	The garage is integrated into the design of the dwelling and is consistent with the contemporary architectural style of dwelling and existing developments within the streetscape.
1.8.5 Dimensions • *5.4m x 2.4m per vehicle*	Yes	The internal design of the garage adequately accommodates two vehicles.
1.8.6 Driveways • *Maximum of one per property* • *Maximum width of 3m at the gutter (excluding splay)* • *Crossings not permitted where 2 on street spaces are lost*	Yes No – acceptable on merit Yes	The proposal replaces an existing vehicle crossing with a new single vehicle crossing. The width of the proposed vehicle crossing measures 4m at the property boundary and 4.3m (excluding splays) at the street boundary. The proposed variation is acceptable having regard to the constraints presented by the curved street alignment at the end of the cul-de-sac. Council's Traffic Engineer has raised no objection to the variation to the proposed width of the vehicle crossing as it will ensure safe vehicle access and egress. The proposal will not result in the loss of more than 2 street car parking spaces and is acceptable.
1.9 Landscaping and open space		
• *Overall open space: 40% of site area (167.72m²)* • *Overall landscaped area: 20% of site area (83.9m²), with at least half deep soil* • *Minimum area of 25m² for private open space* • *Front open space: 50% of front building setback area (24.8m²)* • *Front landscaped area: 50% of front open space provided (22.4m²)* • *Outdoor clothes drying area to be provided*	Yes Yes Yes Yes No – acceptable on merit Yes	The proposal provides 214.4m² of open space equating to 51% of the site area. The proposal provides 109.m² of landscaped area equating to 26% of the site area. An additional 50.6m² of planting is provided in planter boxes and green roof space to enhance landscaping of the site. The front open space measures 44.8m² equating to 91% of the front setback area. The landscaped area within the front open space measures 18.4m² equating to 41% of the front open space. Whilst the landscaped area does not achieve the minimum 50% of the front open space, the proposed landscape character is consistent with adjoining front setbacks and is acceptable.

Development Control	Compliance	Comment
		An outdoor clothes drying area is proposed adjacent to the southern side boundary at the rear.
1.10 Swimming pools and spa pools		
• *Located in the rear of property* • *Pool decks on side boundaries must consider visual privacy* • *All pool equipment to be enclosed within an acoustically treated enclosure*	Yes Yes Not shown – conditions recommended	The proposed swimming pool is located within the rear private open space and adjacent to the rear boundary. The proposed pool deck is set back a minimum 1m from the eastern boundary and 2m from the northern boundary. The proposed pool deck measures 3.6m below the top of the northern boundary fence and 2.175m below the eastern side boundary fence. The pool deck will not result in any loss of visual privacy for adjoining properties as sightlines will be adequately screened by the boundary fences and landscaping. The location of pool plant equipment has not been shown on the architectural plans. A condition requiring the location of pool plant equipment within an acoustically treated enclosure has been included in the recommendation.

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

Rear building line

In accordance with the rear building line controls under the DCP, the rear building line for the site has been determined by the rear building line of immediately adjoining properties (Nos. 1 and 3 Harlowe Place) and having regard to the irregular shape of the site. Council's Assessment Officer considers it to be contextually appropriate for the rear building line to be determined by the existing rear building lines of 1 and 3 Harlowe Place in an arc that is parallel to the alignment of the front boundary to enable a practical building footprint that responds appropriately to existing surrounding properties. As a result, the rear building line control at each floor level has been set as follows:

- Ground Floor – between 2.9m and 9.4m
- First Floor – between 5.8m and 10.7m
- Second Floor – between 7.2m and 12.9m

Ground Floor

As shown in **Figure 11** below, the proposed ground floor building footprint is predominantly contained within the rear building line except for partial projections of the north-eastern wall and south-eastern wall. The projections beyond the rear building line at the north-eastern and south-eastern corners of the

ground floor are minor portions of the building footprint that do not comprise habitable floor area or window openings. The variation to the ground floor rear building line will not result in any unreasonable visual bulk or overlooking impacts for adjoining properties. The proposed boundary fences and landscaping within the site as well as existing landscaping within the rear of adjoining properties will minimise visual bulk or scale of the ground floor level when viewed from the rear of adjoining properties.

Figure 11: Proposed ground floor plan with rear building line control show in orange.

First Floor

The first floor rear building line for the site has been determined having regard to the existing rear building line of 1 and 3 Harlowe Place and utilising the alignment of the arc of the front boundary. The proposal, as amended, does not extend beyond the rear setback of the first floor roofline at 1 Harlowe Place to the north and complements the irregular first floor roofline at 3 Harlowe Place, except for the south-eastern portion of the rear balcony and planter boxes on the eastern elevation that returns to the south elevation.

The south-eastern portion of the balcony that projects beyond the rear building line, extends a maximum depth of 1.2m beyond the first floor rear building line and has a triangular shaped area of approximately 2.55m². The non-compliant rear setback of the balcony is considered acceptable in this instance as the balcony provides accessible outdoor open space directly from the principal living area and achieves view sharing principles, subject to a design amendment condition requiring the reduction in height of the proposed privacy wall along the northern side of the balcony.

Although the proposed planter boxes on the eastern and southern elevations exceed the first floor rear building line, the planter boxes are wholly contained within the ground floor building footprint and will

result in a better visual and amenity outcome than a roof structure with no landscaping. Therefore, the planter boxes are considered appropriate and supported on merit.

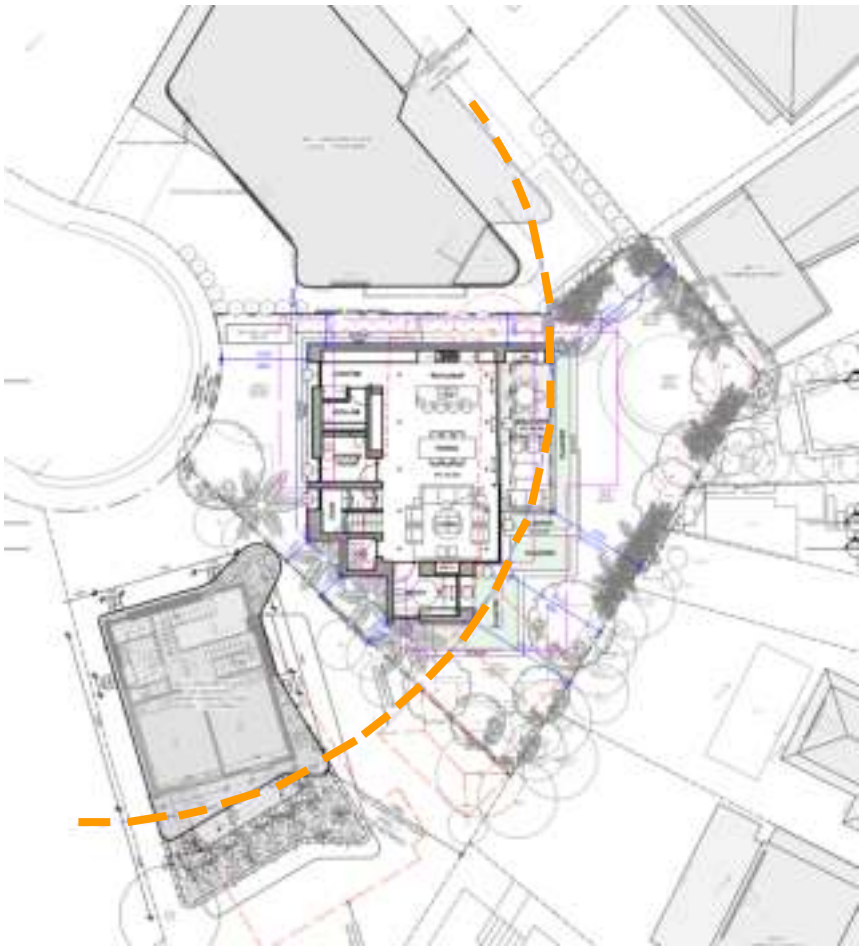


Figure 12: Proposed first floor plan with rear building line control shown in orange.

Second Floor

The proposed second is predominantly contained within the rear building line except for the south-eastern portion of the planter box and non-trafficable area adjacent to the window openings on the eastern elevation. The planter boxes are contained within the footprint of the first floor immediately below and will not result in any unreasonable or excessive building bulk. The proposed landscaping at the upper level will contribute positively to the appearance of the dwelling when viewed from properties to the east and minimise direct sightlines to adjoining properties to the north and east of the site.

All proposed windows on the eastern elevation are contained within the rear building line and are therefore considered to be adequately set back from adjoining private open spaces and window openings. As such, the proposed rear setback of the second floor including the south-eastern portion of the planter boxes is considered acceptable on merit.

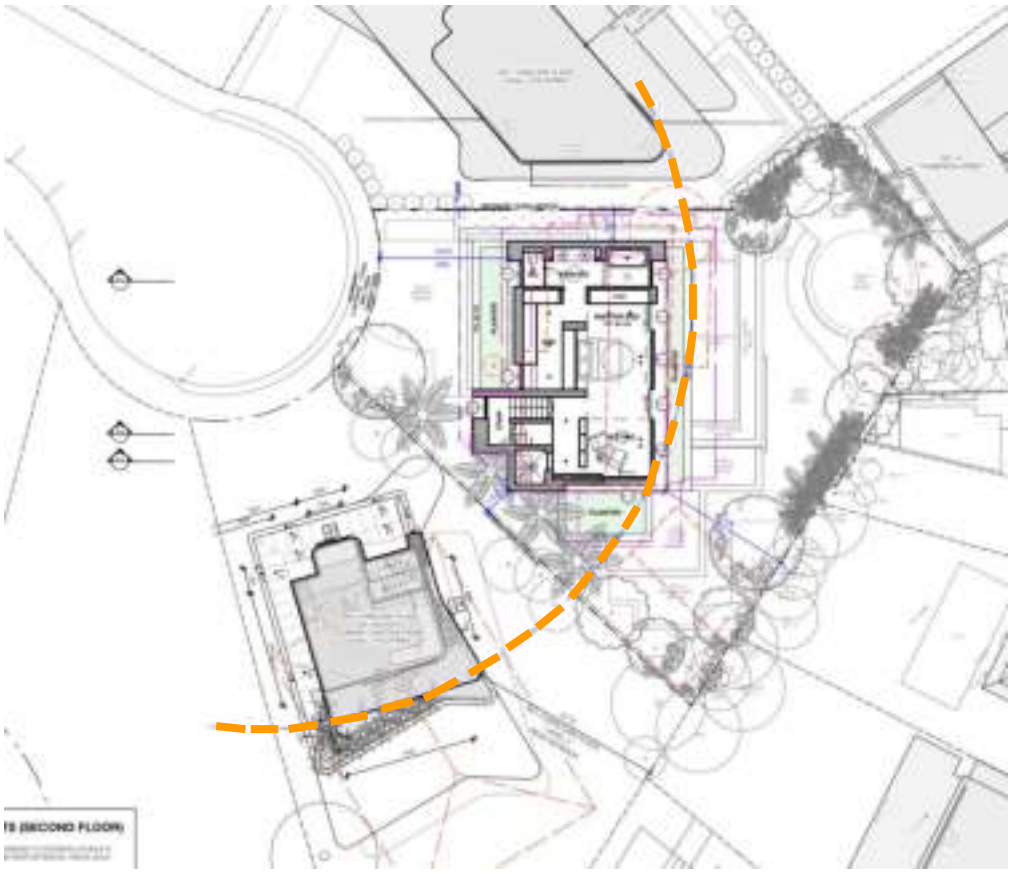


Figure 13: Proposed second floor plan with rear building line control shown in orange.

View loss

Section 1.7 in Part C1 details the objectives and controls for minimising impacts on existing views and view sharing from private properties and the public domain.

The proposal will not result in any loss of views from the public domain and is considered consistent with the objectives and provisions of the DCP.

<u>1 Harlowe Place</u>

During the notification period, concerns of view loss were received from the adjoining property at 1 Harlowe Place to the north. The existing development at 1 Harlowe Place consists of a three storey dwelling with expansive views of the ocean, headlands and district views to the east and south on the first and second floors. The owners of 1 Harlowe Place raised concerns related to view loss of the ocean, horizon and headland across the side boundary from existing bedroom and balconies.

As such, potential view loss impacts from 1 Harlowe Place has been assessed in accordance with the NSW Land and Environment Court Planning Principle based on *Tenacity Consulting v Warringah [2004] NSWLEC 140*. The view sharing planning principle requires a four step assessment to determine if view sharing is reasonable as follows:

1. The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

2. The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are mare difficult to protect than standing views. The expectation ta retain side views and sitting views is often unrealistic.

3. The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them).

4. The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered mare reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. if the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

Figures 14 to **19** show existing views from east and south facing windows and balcony at 1 Harlowe Place.

Figure 14: View from first floor bedroom, looking east.

Figure 15: View from first floor balcony, looking east.

Figure 16: View from eastern edge of the first floor balcony, looking south-east across the side boundary and over the subject site.

Figure 17: Existing view from second floor bedroom, looking east.

Figure 18: Existing view from second floor bedroom, looking south-east.

Figure 19: Existing view from at second floor bedroom window, looking south.

As shown in **Figures 14** to **19** above, ocean and district views are currently obtained from the first and second floors bedroom windows and balcony looking east and south at 1 Harlowe Place. Views of the ocean are visible from both standing and sitting positions within the habitable rooms and on the rear balcony. It is noted that views of the ocean from the first floor are partially obstructed views over the rooftops of existing surrounding properties to the east and south of the site and established mature tree canopies.

Existing views of the ocean, water and land interface and district views obtained from sitting and standing positions from the bedroom and balcony on the second floor of 1 Harlowe Place to the east are panoramic and predominantly unobstructed. Views of the ocean and water and land interface to the south-east and south are partially obstructed by existing properties and established mature tree canopies. In accordance with the development consent DA-856/2004 and as amended by Modifications A and B for 1 Harlowe Place, the east and south facing windows to the second floor bedroom were approved with external privacy louvres. A site inspection by Council's Assessment Officer and as shown in **Figures 17** to **19**, the approved external privacy louvres have not been erected to the second floor

bedroom windows. Therefore, the current views to the south and south-east are not obstructed as it would be if the privacy louvres were installed in accordance with the development consent.

The existing views particularly unobstructed views of the ocean and water and land interfaces to the east and south-east are identified as highly valued. The partially obstructed views to the south-east and south are not identified as highly valued.

The proposal does not reduce or impact the current ocean or district views looking east from the first and second floor bedrooms or first floor balcony. The proposal will result in some loss of partial views of the ocean and horizon and views of the sky currently obtained across the side boundary and looking south-east across the subject site from the first and second floor windows and floor rear balcony. Views of the sky are not identified as highly valued views and retention of such views across a side boundary is considered difficult.

As shown in the view impact assessment prepared by the applicant in **Figures 20** to **23** below, the extent of views to the south-east and south from the first and second floor windows and first floor balcony are partially obscured by surrounding buildings and established tree canopies. These views are not as highly valued compared to the expansive views looking east.

The views currently obtained from the second floor bedroom windows looking south and south-west consists of district views that contribute to the amenity but do not contain iconic or highly valued views that will be significantly impacted by the proposal. As shown in the view impact assessment and **Figure 24**, the proposed front setback of the first and second floor levels are greater than the predominant front building line and will retain more district views than the permissible building envelope. As such, the proposed built form will not result in any unreasonable view loss particularly looking south and south-west from the second floor of 1 Harlowe Place and is acceptable.

Council's Assessment Officer acknowledges that the retention of the existing partial views to the south-east and south on the first and second floors is difficult across a side boundary having regard to the predominant rear building line and permissible building height controls permitting a building envelope to extends further to the rear than the existing dwelling. The proposed built form, particularly adjacent to the northern side boundary is compliant with front, side and rear setbacks and building height controls and does not result in unreasonable view loss impacts, except the view loss caused by the privacy wall on the north side of the first floor balcony measuring 2.7m high. The height of the privacy wall is considered excessive, visually prominent and will unreasonably obstructs views of the horizon when looking south-east and south from the balcony and bedroom on the first floor of 1 Harlowe Place. A condition requiring a design amendment to reduce the height of the privacy wall to a maximum of 1.8m, measured above the finished floor level of the balcony, will represent a more skilful design that achieves the principles of view sharing, minimises excessive visual bulk and scale whilst providing reasonable privacy between the properties.

Figure 20: Proposed view loss from first floor balcony at 1 Harlowe Place looking south-east (permissible building envelope shown in red outline, proposed building envelope shown in yellow outline and height of privacy wall outlined in black)

Figure 21: Proposed view from first floor bedroom at 1 Harlowe Place looking south-east (permissible building envelope in red outline and proposed building envelope shown in yellow outline)

Figure 22: View from second floor bedroom at 1 Harlowe Place looking south-east, with external privacy louvres as approved under DA-856/2004/B (but not installed) superimposed.

Figure 23: Proposed view impacts looking south-east from the second floor bedroom at 1 Harlowe Place including approved external privacy louvres (not been installed) (permissible building envelope shown in red outline and proposed building envelope shown in yellow outline)

Figure 24: Proposed view impacts looking south and south-west from the second floor bedroom at 1 Harlowe Place including approved external privacy louvres (not been installed) (permissible building envelope shown in red outline and proposed building envelope shown in yellow outline)

Estimated cost of works

The proposal indicates an estimated cost of development of $1,682,924. Having regard to the scale of development and location, this is considered to be vastly under estimated. A condition shall be imposed requiring an adjustment to the applicable fees and charges.

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 27 June and 13 July 2023 in accordance with the *Waverley Community Development Participation and Consultation Plan*. Eleven (11) submissions were received during the notification period.

Following receipt of amended plans and additional information, the application was not notified as the amended form of the proposal represents a lesser impact than that of the original form that was publicly notified, for the following reasons:

- Reduction in GFA achieving compliance with the maximum FSR development standard;
- Increase front setback to align the proposed garage with the existing front building line of 1 Harlowe Place;

- Reduce front setback of the first and second floor levels whilst not exceeding the front building line of adjoining properties;
- Delete front planter on the first floor and reduce the width of the front planter on the second floor;
- Increase side setback from the northern side boundary by 900mm along the length of the garage and 1.5m for the ground, first and second floors of the dwelling;
- Increase rear setback to the south-eastern portion of the ground floor, increase landscaping and reduce visual bulk and amenity impacts on adjoining properties;
- Reconfiguration of south-western elevation including deletion of two doors openings to the southern side setback, stepping of the building footprint and landscape screening;
- Reduction in depth and area of first floor rear balcony to be contained within the rear building setback adjacent to the northern side boundary;
- Reduce width of planter box on the second floor along the eastern elevation;
- Repositioning of pop up roof, skylight and solar panels with no additional visual or amenity impacts on adjoining properties or the streetscape;
- Reduce width of proposed driveway crossing;
- Reduce finished floor levels of the outdoor living area and pool deck;
- Reduce size of pool and reposition to provide greater setback to property boundaries; and
- Additional landscaping and screen planting along the side and rear boundaries to enhance visual amenity of future occupants and adjoining properties.

The amended plans and additional information were made publicly available on Council's DA Tracker and six (6) additional submissions were subsequently received.

A total of seventeen (17) unique submissions were received from the following properties:

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

Count	Property Address
1. – 4.	1 Harlowe Place, Tamarama (4 submissions)
5. & 6.	2 Mirimar Avenue, Tamarama (2 submissions)
7. & 8.	4 Mirimar Avenue, Tamarama (2 submissions)
11. & 10.	4a Mirimar Avenue, Tamarama (2 submissions)
12. & 12.	6 Mirimar Avenue, Tamarama (2 submissions)
13.	12 Thompson Street, Tamarama
14.	14 Thompson Street, Tamarama
15.	15 Thompson Street, Tamarama
16.	33 Douglas Street, Clovelly
17.	No address provided

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

- Exceedance of building height, FSR and wall height results in excessive building bulk and scale;
- Incorrect identification of rear setback line;

- Overdevelopment of the site;
- Inconsistent with development and character of the surrounding neighbourhood;
- View loss;
- Overlooking and loss of privacy;
- The pop up roof exceeds the building height control and should be deleted;
- Insufficient side and rear setbacks resulting in visual and noise impacts on neighbouring properties;
- Excessive excavation 250mm to the property northern side boundary and across the site will potentially impact structural stability of adjoining properties;
- Loss of vegetation will increase privacy impacts on neighbouring properties;
- Overshadowing of private open spaces and habitable windows;
- Location of swimming pool equipment not shown on plans;
- Oversized swimming pool reduces area of open space for the site;
- Insufficient details demonstrating how construction of the swimming pool, pool drainage and stormwater drainage will be managed to not impact adjoining properties;
- Insufficient investigations undertaken as part of the Geotechnical Assessment Report;
- Insufficient landscaping along the northern side boundary;
- Clause 4.6 written requests for the height of buildings and FSR development standards are not well founded;
- Excessive height of boundary fences;
- Existing vegetation on adjoining properties must not be damaged by the development and damaged plants must be replaced to maintain privacy and amenity; and
- Use of absorption pits for stormwater management is not acceptable given site condition.

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

Issue: Inaccurate measurement of building height using existing floor level of the dwelling and not existing ground level.

Response: An investigation of the site by the applicant revealed that the area immediately below the existing building footprint comprises rock and fill. As there is no void under the existing floor level of the dwelling, the existing ground floor level within the building footprint is taken to be the finished floor level of the ground floor. The existing ground level beyond the existing building footprint has been taken from the surveyed levels of the concrete pathways, garden beds and lawn. The measurement of existing ground level is accurate.

Issue: Encroachment on neighbouring properties.

Response: The proposal is contained wholly within the boundaries of the subject site. A condition restricting all works to be contained within the site boundaries is also included in the recommendation.

Issue: No sightline analysis was submitted with the proposal to assess overlooking impacts on adjoining properties.

Response: At the request of Council's Assessment Officer, a sightline analysis was incorporated into amended architectural plans to demonstrate sightlines from the proposed window openings and balcony on the eastern elevation to adjoining properties.

Issue: Inaccurate statements provided within the Statement of Environmental Effects (SEE) in regard to relevant controls and amenity impacts on adjoining properties.

Response: Errors contained with the SEE have been noted. Council's Assessment Officer has undertaken a detailed assessment against relevant development controls notwithstanding the commentary provided in the SEE.

Issue: Subsoil drainage should be required along the rear wall and divert water to avoid overland water flow entering properties to the east.

Response: Council's Stormwater Engineer has provided conditions requiring amendments to the stormwater management plan to achieve compliance with Council's stormwater drainage requirements and to mitigate overflow drainage impacts on adjoining properties.

Issue: Insufficient setback between the pool and rear boundary for adequate deep soil screen planting.

Response: The proposed landscaped setback between the pool and eastern boundary fence varies in width between 1.1m and 2m. The setback is considered adequate to enable the screen planting species to grow reasonably and provide satisfactory screening above the height of the proposed fence.

Issue: Future conversion of proposed planter areas to balconies will impact the amenity of surrounding properties.

Response: The proposed planters are proposed to be non-trafficable areas. A condition has been imposed restricting planters and roof areas to be non-trafficable. Any future proposal to convert approved planters and roof areas to balconies will require a separate application and will be assessed against relevant development controls and any amenity impacts on adjoining properties.

Issue: Visual impact of a blank two storey wall to the northern side of the first floor balcony adjacent to the northern side boundary with no landscaping will impact the outlook and amenity at 1 Harlowe Place.

Response: As discussed in the report above, the proposed height of the privacy wall on the northern side of the first floor balcony is considered excessive and a condition requiring a reduction in height to a maximum height of 1.8m measured above the finished floor level of the balcony has been included in the recommendation. It is noted that the privacy wall is contained with the rear and side setback controls and there are no specific development controls that require further articulation or landscaping.

Issue: Retractable awning/pergola to first floor balcony will contribute to building bulk and scale.

Response: The originally proposed retractable awing over the first floor rear balcony has been deleted from the amended architectural plans and does not form part of the assessment.
Issue: New trees along the eastern boundary with mature heights of 6m will overhang adjoining yards and cause loss of solar access.

Response: As demonstrated in the shadow diagrams, the site and any future mature plantings along the eastern boundary will not result in any additional solar access impacts to adjoining properties to the east between 9am and 12noon on 21 June. The rear of dwellings and private open spaces to the east of the site are currently extensively overshadowed by 3pm on 21 June and will not be adversely impacted by proposed landscaping. The pruning of any branches growing across property boundaries is permissible and is a private matter between property owners.

Issue: The first floor rear balcony should be relocated a further 1.5m from the northern side boundary to reduce privacy, noise and odour impacts on the adjoining property.

Response: The proposed first floor rear balcony is set back 1.5m from the northern side boundary and is compliant with the minimum side setback control under the Waverley DCP 2022. The location of the balcony is acceptable as it is directly accessible from internal living areas and the principal orientation is to the east with views towards the ocean and horizon. The proposed solid privacy wall along the northern side of the balcony provides appropriate visual and privacy between the site and 1 Harlowe Place. There are no specific controls restricting the placement of barbeques on a private residential balcony.

Issue: First floor rear planters cannot be relied upon to mitigate privacy impacts.

Response: The proposed planters with plant species with varying mature heights between 100mm to 2m will contribute to the landscape character of the site and minimise direct overlooking from the balcony and window openings on the east elevation. However, the planters are not the primary source of addressing privacy between the site and adjoining properties as the eastern setback of the balcony is predominantly within the rear building line with projections setback greater than 6m from the eastern boundary. Proposed window openings on the first and second floor levels of the eastern elevation are set back behind the rear building line and are a minimum of 7.5m (on the first floor) and 8.3 (on the second floor) from the eastern boundary.

Issue: Proposed landscape planting should not have mature heights that will result in view loss.

Response: A condition requiring proposed tree species along the northern and eastern boundaries to have a species with mature height no greater than 6m has been included in the recommendation to minimise impacts on view loss from adjoining properties.

Issue: Excavated ground level should be surveyed and certified prior to pouring of the ground slab to ensure compliance with overall building height as approved.

Response: A condition requiring certification of floor levels during construction has been included in the recommendation.

Issue: Construction will impact survival of existing screen planting and trees.

Response: Conditions requiring retention and protection of trees located on adjoining properties have been included in the recommendation.

2.5. Public Interest

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

3. REFERRALS

The following internal referral comments were sought:

3.1. Traffic and Development

Council's Traffic Engineer has reviewed the proposal and raise no objections, subject to conditions relating to the design of the vehicular crossing, vehicle access and traffic management which have been included in the recommendation.

3.2. Stormwater

Council's Stormwater Engineer has reviewed the proposal and identified insufficient depths for soil beneath the infiltration system and inaccurate discharge calculations. However, no objection is raised, subject to conditions requiring amended stormwater management plans that demonstrate compliance with relevant Council provisions.

Council's Stormwater Engineer has also recommended conditions relating to drainage of the site to ensure the development does not adversely impact adjoining properties.

3.3. Tree Management

Council's Tree Management Officer has reviewed the proposal and raise no objection to the removal of four trees on the site as the trees are not identified as being significant. The proposal is supported subject to conditions requiring the protection of trees on adjoining properties which have been included in the recommendation.

3.4. Biodiversity

Council's Biodiversity Officer has reviewed the proposal and raised concerns that the submitted landscape plans do not satisfy the minimum native species planting requirements within a biodiversity habitat corridor under Part B3 of Waverley DCP 2022. A condition requiring amended landscape plans to incorporate native species in accordance with Waverley DCP 2022 has been included in the recommendation.

4. CONCLUSION

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

Managers of Development Assessment (MODA) Review

The application was reviewed by the MODA at the meeting on 16 April 2024 and the MODA concurred with the Assessment Planner's recommendation.

MODA members: *B Magistrale, D Knight, J Zancanaro and K Johnstone*

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	**Application reviewed and agreed by:**	**Application reviewed and agreed by:**
Peggy Wong	Ben Magistrale	Angela Rossi
Senior Development Assessment Planner	**Manager, Development Assessment**	**Executive Manager, Development Assessment**
Date: 5 June 2024	**Date:** 12 June 2024	**Date:** 14 June 2024

Reason for WLPP referral:

1. Contentious development (10 or more objections)
2. Departure from any development standard in an EPI by more than 10%

OFFICE USE ONLY

Planning Portal Data	
Clause 4.6 register entry required	11.8% variation to height (Clause 4.3)

		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
Excavation Register	193m³of excavation approved	
		Pre-existing non-compliance
	X	Located within the building footprint
		No change to overall building envelope
	X	No unreasonable impacts on the amenity of adjoining properties or streetscape
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 (ie. Lodged before 1 October 2023)	
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) Architectural Plans prepared by Tobias Partners of Project No: 0465 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
A0.102B, Rev B	Site Plan & Site Analysis	27.02.2024	11.03.2024
A1.101B, Rev B	Plan – Ground Floor	27.02.2024	11.03.2024
A1.102B, Rev B	Plan – First Floor	27.02.2024	11.03.2024
A1.103B, Rev B	Plan – Second Floor	27.02.2024	11.03.2024
A1.104B, Rev B	Plan - Roof	27.02.2024	11.03.2024
A2.001B, Rev B	Elevation – West (Harlowe Place) + West Boundary	27.02.2024	11.03.2024
A2.002B, Rev B	Elevation – East (Rear) + East Boundary	27.02.2024	11.03.2024
A2.003B, Rev B	Elevtion – North (Side – No. 1 Harlowe Place) + North Boundary	27.02.2024	11.03.2024
A2.004B, Rev B	Elevation – South (Side – No. 3 Harlowe Place) + South Boundary	27.02.2024	11.03.2024
A3.001B, Rev B	Section A-A	27.02.2024	11.03.2024
A3.002B, Rev B	Section B-B	27.02.2024	11.03.2024
A3.003B, Rev B	Section C-C	27.02.2024	11.03.2024

(b) Landscape Plan No. DA-01 to DA-05 (inclusive), Revision 4 and documentation prepared by Wyer & Co, dated 15 February 2024 and received by Council on 11 March 2024.

(c) BASIX and NatHERs Certificate/s.

	(d) Arboricultural Impact Assessment Report prepared by Martin Peacock Tree Care dated 8 May 2023, and received by Council on 16 June 2023. (e) Infiltration Testing Report prepared by Crozier Geotechnical Consultants dated 2 May 2023, and received by Council on 16 June 2023. (f) Schedule of external finishes and colours, Drawing No. A9.004B, Revision B prepared by Tobias Partners, and received by Council on 11 March 2024. (g) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 16 June 2023. 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.
2.	**GENERAL MODIFICATIONS**
	The application is approved subject to the following plan amendments; (a) The solid privacy wall on the northern side of the first floor rear balcony is to be a maximum height of 1.8m, measured above the finished floor level of the balcony, to mitigate direct overlooking to and from the adjoining property and maintain view sharing.
	Condition reason: To ensure direct overlooking between properties is minimised whilst maintaining view sharing.
	(b) Balustrades measuring a minimum 1m in height are to be installed to openings on the eastern elevation of the second floor to restrict access from the master bedroom and sitting area to the adjacent planter. The areas immediately to the east of the window openings and the planter must be non-trafficable except for servicing purposes.
	Condition reason: To ensure the roof and planter area immediately adjacent to openings on the second floor are non-trafficable.
	(c) An amended landscape plan is required to replace tree species along the northern, eastern and southern boundaries with species that have a maximum mature height of 6m to maintain view sharing for adjoining properties.
	Condition reason: To ensure selected tree species maintain view sharing for adjoining properties.
	The amendments are to be approved by the **Principal Certifying Authority** prior to the issue of any Construction Certificate.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
3.	**NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE**
	The building work, or demolition work, must not be commenced until: (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the *Environmental Planning and Assessment Act 1979*; (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*; and (c) Council is given at least two days' notice in writing of the intention to commence the building works.
	Condition reason: To ensure a Construction Certificate is obtained prior to work commencing.
4.	**HOME BUILDING ACT**
	The builder or person who does the residential building work shall comply with the applicable requirements of Part 6 of the *Home and Building Act 1989*. In this regard a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy the Principal Certifying Authority that they have complied with the applicable requirements of Part 6, before any work commences.
	Condition reason: To ensure the builder or person who does the residential building work, complies with the applicable requirements of Part 6 of the *Home and Building Act 1989*.
5.	**SECTION 7.12 CONTRIBUTION**
	A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Waverley Council Development Contributions Plan in accordance with the following: (a) Where the total development cost is $500,000 or less: (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:

	(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. (c) Where the total development cost is $1,000,000 or more: (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). • Please forward documents to info@waverley.nsw.gov.au attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy. (ii) Upon confirmation of the contribution amount by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate), payment is to be processed via the Customer Service Centre. (iii) Should there be a discrepancy between the cost of works approved in subclause (b)(i) and the DA fee nominated in the original DA, then additional DA Fees may be payable prior to the issue of a Construction Certificate. A copy of the required format for the cost reports are provided in the Waverley Council Contributions Plan, available on Council's website. (d) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, the levy must be paid in accordance with the following; (i) A development valued at $100,000 or less will be exempt from the levy; (ii) A development valued at $100,001 - $200,000 will attract a levy of 0.5% of the full cost of the development; or (iii) A development valued at more than $200,000 will attract a levy of 1% of the full cost of the development. Prior to the issue of any Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than $100,000.
	Condition reason: To ensure the Section 7.12 Contributions are paid.
6.	**ADDITIONAL DA FEE REQUIRED**
	Council considers the estimated cost of the proposed building work to be a minimum of $3,000,000 in lieu of $1,682,924 as indicated on the development application form. In this regard, an additional development application fee of **$5,014.38** ($3342.92 DA lodgement + $1671.46 amended DA fee) is to be paid. Should the Detailed Cost Report (required as per the s7.12 Contribution condition) be higher, then this fee shall be adjusted accordingly and the additional fee payable.

	Fees are to be paid to Council, prior to the issue of any Construction Certificate.
	Condition reason: To ensure Council fees are paid.
7.	**SECURITY DEPOSIT**
	A deposit (cash or cheque) for the amount of **$33,658.48** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent. This deposit (cash or cheque) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs for any repair of damage to Council property or rectification of unauthorised works on Council property, will be refunded after satisfactory completion all of works associated with this consent (including the required public works) to the person who paid the deposit.
	Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.
8.	**LONG SERVICE LEVY**
	A long service levy, as required under section 34 of the *Building and Construction Industry Long Service Payments Act, 1986*, is to be paid in respect of this building work. Evidence that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate. <u>Note</u>: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.25% of building work costing $250,000 or more.
	Condition reason: To ensure the long service levy is paid.
9.	**ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES**
	The applicant is to pay to Council fees for assessment of all engineering plans and inspection of the completed works in the public domain inclusive of all stormwater assessment, in accordance with Council's Schedule of Fees & Charges at the time of engineering plan approval, prior to such approval being granted by Council. An invoice will be issued to the applicant for the amount payable, which will be calculated based on the design plans for the subject development.
	Condition reason: To ensure Council assessment fees are paid.
10.	**HOARDING**
	To ensure the site is contained during construction, a hoarding is required for the approved works, which is to be designed and constructed in accordance with the requirements of Safe Work NSW. Where the hoarding is to be erected over the footpath or any public place, the approval of Council's Compliance Unit must be obtained and the applicable fees paid, prior to the erection of the hoarding.

	Condition reason: To ensure safety to the general public.
11.	**EROSION & SEDIMENT CONTROL**
	A Soil and Water Management Plan (SWMP), also known as an Erosion and Sediment Control Plan must be prepared in accordance with Waverley Council's Water Management Technical Manual. The SWMP must be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request. The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.
	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
12.	**DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION**
	A report shall be prepared by a suitably qualified and practising Structural Engineer/Geotechnical Engineer detailing the proposed methods of bulk excavation, shoring or pile construction, including details of vibration emissions and any possible damage which may occur to adjoining or nearby properties as a result of the proposed building and excavation works. Any practices or procedures specified in the Structural Engineer's report in relation to the avoidance or minimisation of structural damage to adjoining properties are to be fully complied with and incorporated into the plans and specifications together with the Construction Certificate.
	Condition reason: To ensure any excavation, shoring or pile construction is carried out in a safe manner.
13.	**ENGINEERING DETAILS**
	Structural details are to be prepared and certified by a practicing Structural Engineer in connection with all structural components of the approved works, prior to the issue of the relevant Construction Certificate.
	Condition reason: To ensure structural stability of work on site.
14.	**STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT**
	To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact on neighbouring properties and downstream systems, an updated detailed plan and certification of the development's stormwater management system must be submitted and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate. The submitted stormwater management plans prepared by ITM Design, Job No. 22/181, Drawing No. H-DA-00, H-DA-01, H-DA-02, Rev. C dated 23/02/2024 are considered concept only.

	The applicant must submit amended plans and specifications to comply with the current Waverley Council Water Management Technical Manual and Development Control Plan 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: (a) All efforts must be made to collect the overland runoff of the site and discharge it into the pump out system. Any bypass runoff must not adversely impact the adjoining/downstream properties. (b) An Erosion and Sediment Control Plan must be prepared in accordance with Section 9.2.2 of Waverley Council Water Management Technical Manual. Erosion and sediment control measures must be installed and maintained until construction activities have been completed and the site is fully stabilised. (c) The summation of the discharge rate to the kerb and gutter and the rate of runoff from the bypass areas during a 1% AEP storm event must not exceed the permissible site discharge (PSD). (d) It is indicated in the geotechnical report prepared by Crozier Geotechnical Consultants that the property is not suitable for onsite disposal via absorption method. The proposed infiltration system is not supported. The depth of soil available is insufficient. (e) All gutters, downpipes and pipes in the charged system must be designed for a 1% AEP storm event. (f) A dribble pit incorporating a pipe with a screw cap on the end and a hole in the cap, must be provided at the lowest point in the charged system. The base of the pit will have weep holes which drain into an aggregate bed underneath the pit. The location of the dribble pit must be shown on the engineering plans. (g) Sub soil drainage (seepage) water must not be directly or indirectly discharged to Council's street gutter. (h) Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council. (i) When proposing a pump out system, evidence must be submitted to Council that an honest and reasonable attempt has been made to acquire an easement to drain water through any of the downstream properties or demonstrate that all avenues to establish an easement are impractical or unviable. (j) The pump out system must be redesigned to cater for the full discharge of the site. (k) The pump out system must be designed for a range of events up to and including the 1% AEP storm event. (l) Full hydraulic details and pump manufacturer specifications must be provided.

(m) An audible alarm must be set to activate when the water level in the storage area reaches a pre-determined level. Consideration of the consequences of a power failure must be made when sizing a buffer storage.

(n) In the event of pump failure one of the following must be provided:
   i. an overland flow path is provided; or
   ii. pondage in a suitably visible area is provided. These areas must be sited with a view to minimising the cost of damage to occupiers of the property and include signage warning residents that inundation of the area may occur in the event of a pump failure.

(o) A grated trench drain must be provided across the (garage entrance/driveway/street boundary) within private property. Unless otherwise sized by a suitably qualified and practising Engineer, the dimensions of the trench grate shall be no less than 300mm wide by 100mm deep at the shallow end and have a "bottom" slope of 2%. This trench drain shall be connected to an approved drainage system.

(p) Pits/inspection openings must be provided at all junctions, change in gradient, change in direction, and change in diameter for access and maintenance purposes.

Notes

i. The stormwater management plans must be updated to be consistent with the architectural/landscape drawings.
ii. 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 must be replaced if damaged as per the Waverley Council Public Domain Technical Manual. All associated costs will be borne by the applicant.
iii. 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.
iv. 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.
v. Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block must not be replicated.
vi. 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.
vii. 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. viii. 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.
	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.

15.	**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.
16.	**SITE WASTE AND RECYCLING MANAGEMENT PLAN**
	A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the *SWRMP Part 2* is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.
	Condition reason: To ensure resource recovery is promoted and the local amenity is protected during construction.
17.	**GREEN ROOF LANDSCAPING DETAILS**
	The construction certificate landscape plans are to comply with the controls for green roofs in Part B3.2.3 of the Waverley Development Control Plan 2022 including; (a) Comprise plants that are suitable for the site in relation to the environmental conditions (sun, wind and views) and include indigenous or local native plants to Waverley (see Annexure B3 – 1). (b) Have a minimum soil depth of 300mm and use lightweight soil mixes that are porous, able to drain freely, and suitable for the selected plant species. (c) The green roof is to be designed to be a non-trafficable area (with no balustrades) and must be irrigated without requiring frequent maintenance access. Any access to the roof is to be for servicing purposes only. A qualified landscape architect must review the design and verify that it complies with the above requirements.

	Condition reason: To ensure the longevity of the green roof.
18.	**LANDSCAPE WORKS IN A HABITAT CORRIDOR**
	The landscape plans must be amended to comply with the abovementioned controls, including the inclusion of a planting schedule, and then resubmitted for assessment. A landscape plan is to be submitted to and approved by Council's Executive Manager, Environmental Sustainability (or delegate) with a plant species list having a minimum of 50% of the proposed trees, 50% of the shrubs and 50% of the grasses and groundcovers (not including turfed areas) are to be indigenous or local native plants listed in Annexure B3-1 of the Waverley Development Control Plan 2022. Cultivars or hybrids of listed plant species are not to be counted towards this requirement. Landscape plans must include a planting schedule that lists all plant species proposed, the number of plants of each species proposed, and indicate whether each plant species proposed is listed in Annexure B3-1 Three strata of vegetation are required to be included in landscape design, e.g. (i) tree or tall shrub canopy, (ii) mid-storey and (ii) groundcover layer.
	Condition reason: To protect the habitat corridor by ensuring indigenous and local native plants are provided for local biodiversity.
19.	**CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)**
	The applicant is to submit a Construction Traffic Management Plan (CTMP) for the approval of Council's Executive Manager, Infrastructure Services, or delegate, prior to the issue of any Construction Certificate. For further information on what is required in the CTMP, please refer to Council's website at: https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent
	Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.
20.	**DILAPIDATION REPORT**
	Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land to the satisfaction of the Principal Certifying Authority. At minimum, the following properties are to be included: (a) 1 Harlowe Place, Bronte (b) 3 Harlowe Place, Bronte (c) 14 Thompson Street, Tamarama (d) 2 Mirimar Avenue, Tamarama (e) 4 Mirimar Avenue, Tamarama (f) 4a Mirimar Avenue, Tamarama (g) 6 Mirimar Avenue, Tamarama (h) 8 Mirimar Avenue, Tamarama

	Where access has not been granted to an adjoining property to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the Principal Certifying Authority that all reasonable steps were taken to obtain access to the adjoining properties. The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site. No less than 14 days before any site work commences, adjoining property owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to council (where council is not the principal certifier) at the same time. Note: Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out. Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.
	Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.
21.	**RENEWABLE ENERGY AND ENERGY EFFICIENCY**
	To enable all development to contribute to net zero greenhouse emissions by 2035, the following shall apply: (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. (b) Recommended swimming pool heating systems to include solar thermal only, solar thermal boosted with electric heat pump or electric heat pump. (c) No gas cooktops, gas ovens and gas heating systems are permitted. Alternate options must be used (such as electric, induction). (d) Recommended lighting systems to include LEDs with controls, such as motion sensors, step-dim controls and daylight sensors. 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.
	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.

BEFORE BUILDING WORK COMMENCES

	Condition
22.	**CONSTRUCTION SIGNS**
	Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.
	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.
23.	**DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS**
	The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including: • Work Health and Safety Act 2011; • Work Health and Safety Regulation 2017; • SafeWork NSW Code of Practice for the Safe Removal of Asbestos; • Australian Standard 2601 (2001) – Demolition of Structures; • *Protection of the Environment Operations Act 1997.* At least 5 days prior to the demolition, renovation work or alterations and additions to any building, the person acting on the consent shall submit a Work Plan to the Principal Certifying Authority in accordance with Australian Standard AS 2601-2001, Demolition of Structure and a Hazardous Materials Assessment prepared by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall: (a) Outline the identification of any hazardous materials, including surfaces coated with lead paint; (b) Confirm that no asbestos products are present on the subject land, or (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by SafeWork NSW (catalogue WC03561); (d) Describe the method of demolition; (e) Describe the precautions to be employed to minimise any dust nuisance; and (f) Describe the disposal methods for hazardous materials.
	Condition reason: To ensure the safety of workers and the general public.
24.	**TREE PROTECTION**

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

Condition reason: To protect and retain trees.

25. **TREES PERMITTED TO BE REMOVED**

The following trees are permitted to be removed;

Tree No.	Tree Species and approximate height	Location
T1	*Mognolia grandiflora* (Bull Bay Magnolia)	On site
T2	*Plumeria acutifolia* (Frangipani)	On site
G3	*Camellia japonica* (Japanese Camellia) x2	On site
T4	*Cestrum parqui* (Green Cestrum)	On site

Condition reason: To identify existing trees that are permitted to be removed.

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

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

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

Condition reason: To protect trees during the carrying out of site work.

27. **TREE PROTECTION FOR TREES ON NEIGHBOURING PROPERTIES**

Council is to be notified when tree protection has been erected around the trees on neighbouring properties that are to be retained and protected for the duration of all site and construction works.

Protective fencing

- Tree protection fencing is required around the TPZs (where viable) to preserve their root zones. This is to consist of 1.8-metre-high steel mesh fencing anchored with concrete blocks, or, red high-visibility plastic mesh fencing attached to star pickets. Tree protection fencing may be relocated with the project arborist’s permission to access the work site. TPZ signage with the project arborist’s contact details is to be attached to the tree protection fencing and read ‘Tree Protection Zone: Do Not Enter’ written in large font with waterproof ink, in accordance with Australian Standard® AS 1319-1994 – Safety Signage.

	• Protective fencing must be erected around each tree nominated for preservation before site clearing and establishment and before any materials are brought on site and prior to the commencement of civil and construction works. The protective fencing shall remain in place for the duration of the works and must not be removed or altered without approval on an arborist. AS 4687 specifies applicable fencing requirements. • Protective fencing shall comprise 1800mm.high chain link wire mesh fixed to 50 mm. galvanised steel posts. Portable chain link fencing may be installed. Coloured plastic tape fencing or plain strained fencing wire fixed to steel droppers is unacceptable. Chain link portable panels must be securely fixed top and bottom to avoid separation. • No storage of building materials, tools, paint, fuel or contaminants and the like shall be placed within the fenced area. Ropes, ties or signs must not be attached to any part of a tree (s) to be preserved. **Trunk Protection** • Where space does not permit the erection of protective fencing install trunk protection. Trunk protection shall comprise the placement of 1.8m or less lengths of 75 mm x 40 mm 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. • Trunk protection must remain in place for the duration of all site work. • Trunk protection to be removed at the issue of the Occupation Certificate subject to the satisfaction of Council. **Warning Signs** • Advise contractors and visitors to the site of the purpose for protecting and preserving the tree (s) by the placement of suitable warning signs fixed to all tree protection fences and trunk protection throughout the site. Contact telephone numbers shall be clearly shown on all warning signs. **Ground Protection** • Mulch ground cover protection is required over the TPZs (where viable) of tree 4 Stringy Bark (Eucalyptus delegatensis) to minimise soil compaction and root damage. This is to consist of 75mm depth layers of clean and certified Eucalyptus spp. mulch. • For trees installed with Trunk Protection timbers an area not less than a 2.5 m radius shall have the entire ground surface mulched to a depth of 100 mm with composted Eucalyptus leaf and woodchip or similar cushioning mulch to reduce compaction of the surround soil and to help retain soil moisture and reduce erosion. **Crown protection** • 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.

	• Crown protection may include pruning, tying-back of branches or other measures. If pruning is required, requirements are specified in AS 4373 and should be undertaken before the establishment of the TPZ. • 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. **Tree removal and pruning** • Trees for removal should be marked onsite as per the approved tree protection plan. Before removal, the project arborist should confirm that all marked trees correspond with those shown on the schedule or plan. Other tree work may be specified in the tree protection plan. • Tree removal should be carried out prior to erection of protection fencing. Contractors should be instructed to avoid damage to trees within protection areas when removing or pruning trees. This may include restrictions of vehicle movements. • Any approved pruning required to allow for works should be done at this stage by an Arborist with min AQF Level 4 qualifications, in accordance with AS 4373 the pruning of amenity trees. • Stumps to be removed from within a TPZ must be removed in a manner that avoids damaging or disturbing roots of trees to be retained. • The project arborist should supervise tree removal and pruning and certify the works on completion. **Encroachments** • Minor encroachments within Structural Root Zones are acceptable. • The preferred method of examination and or excavation within the SRZ is the application of non-invasive vacuum or hydro excavation. • This practice is now widely adopted in sensitive situations that require root investigation. • Tree sensitive construction measures such as pier and beam, suspended slabs, cantilevered building sections, screw piles and contiguous piling may be adopted to minimize the impact of encroachment. • If any tree roots are exposed during any approved works, then roots smaller than 30mm are to be pruned as per the specifications below. <u>Any roots greater than 30mm are to be assessed by a qualified arborist before any pruning is undertaken</u>. • If tree roots are required to be removed for the purposes of constructing the approved works, <u>they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).</u> • It is the arborist's responsibility to determine if such root pruning is suitable. If there are any concerns regarding this process, then Waverley Council's Tree Management Officer is to be contacted to make final determination. If any trees on neighbouring properties require pruning or removal, 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.
	Condition reason: To protect trees that are to be retained on neighbouring properties.

DURING BUILDING WORK

	Condition
28.	**CONTROL OF DUST ON CONSTRUCTION SITES**
	The following requirements apply to demolition and construction works on site: (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries. (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices.
	Condition reason: To ensure the safety of workers and the general public.
29.	**CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS**
	Prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines 2014.
	Condition reason: To ensure compliance with the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines 2014.
30.	**EXCAVATION AND BACKFILLING**
	All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property. If an excavation associated with the erection or demolition or a building extends below the level of the footings of a building on an adjoining allotment of land, the excavation is to be managed by a practising structural engineer.
	Condition reason: To ensure structural stability of work on site and general safety.
31.	**CONSTRUCTION HOURS**
	Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays, with no work to be carried out on Sundays and public holidays.

	Excavation works involving the use of heavy earth movement equipment, including rock breakers and the like, must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays, with no such work to be carried out on Saturday, Sunday or a public holiday. Noise from construction activities shall comply with the *Protection of the Environmental Operations (Noise Control) Regulation 2017*.
	Condition reason: To protect the amenity of the surrounding area.
32.	**STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS**
	All building materials and any other items associated with the development are to be stored within the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.
	Condition reason: To ensure building material is stored in an appropriate location.
33.	**CONSTRUCTION INSPECTIONS**
	The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the *Building Legislation Amendment (Quality of Construction) Act 2002,* clause 162A of the *Environmental Planning and Assessment Regulation 2021* and the requirements of any other applicable legislation or instruments.
	Condition reason: To ensure regular inspections occur throughout the construction process.
34.	**CERTIFICATE OF SURVEY - LEVELS**
	All construction works are to be in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels is to be submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
35.	**CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING**
	A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the location of the building on the site is to be submitted to the Principal Certifying Authority to certify the building is located in accordance with the development consent plans. The Certificate is to be submitted prior to the construction of the external walls above the ground floor level of the building.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
36.	**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.

37.	**CONSTRUCTION OF SWIMMING POOLS AND OUTDOOR SPAS**
	The following applies to the construction of swimming pools and outdoor spas: (a) Reinforcement of the swimming pool/outdoor spa is to be inspected by an Accredited Officer or other suitably qualified person prior to the pouring of concrete (b) The electrical wiring system for any proposed underwater artificial lighting installation to the pool/spa is to be installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules (c) The swimming pool/outdoor spa water is to be treated by an approved water treatment and filtration unit (d) To prevent noise nuisance to surrounding properties, the swimming pool/outdoor spa filtration motor and pump unit is to be housed within a ventilated soundproof enclosure (e) Waste waters from the swimming pool/outdoor spa are to be discharged into Sydney Water's sewerage system and in this regard, approved plans MUST be submitted to Sydney Water at least 14 days prior to commencement of building operations.
	Condition reason: To ensure pools are constructed in a correct manner.
38.	**RECONSTRUCT VEHICLE CROSSING**
	The existing vehicle crossing is to be demolished and a new crossing constructed to provide access to the proposed garage. A separate application is required for the vehicle crossing, with all work to be carried out with the approval of and in accordance with the requirements of Council. The crossing is to be a maximum of 4.0 metres wide at the property boundary. The width at the street is to be a maximum of 4.3 metres plus 0.45 metre splays. The proposed widths are to be submitted to Council for the approval of Council's Executive Manager Infrastructure Services or delegate.
	Condition reason: To ensure an appropriate vehicle crossing is constructed.
39.	**VEHICULAR ACCESS – FINISHED LEVEL TO FOOTPATH**
	The finished level at the property boundary on both sides of the vehicle crossing is to match the level of the existing concrete footpath.
	Condition reason: To ensure the constructed vehicle crossing is consistent with the level of the public domain.
40.	**HEADROOM CLEARANCE**
	The headroom clearance on the entry and within the garage is to be a minimum of 2.2 metres.
	Condition reason: To ensure sufficient headroom clearance at the entry of the garage.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
41.	**FINAL OCCUPATION CERTIFICATE**
	Prior to occupation or use of the development, an Occupation Certificate must be obtained. The Principal Certifying Authority must be satisfied that the requirements of the *Environmental Planning & Assessment Act 1979* have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.
	Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.
42.	**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.
43.	**CERTIFICATION OF NEWLY CONSTRUCTED STORMWATER DRAINAGE SYSTEM**
	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. A copy of the certifications must be submitted to the assessing stormwater engineer within Infrastructure Services for approval.
	Condition reason: To ensure the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.
44.	**WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM**
	A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared, stamped, and signed by a Registered Surveyor. This drawing must detail the alignment of all pipelines, pits, basement pump-out facility, rainwater harvesting facility, and other drainage-related infrastructure. An original or a colour copy must be submitted to Waverley Council. Where changes have occurred, the Council-approved plans must be marked-up in red ink and must include levels and locations for the drainage structures and works. A suitably qualified and practising Engineer must provide certification of the WAED of the stormwater drainage system that the stormwater drainage works, and basement pump-out facility were constructed to their satisfaction and in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards, and good engineering practice.

	A copy of the aforementioned letter of certification must be submitted to Council. Condition reason: Ensure Council is aware of the stormwater drainage systems on site and able to provide advice for any future or remedial works.
45.	**CREATION OF POSITIVE COVENANT AND RESTRICTION FOR PUMP OUT SYSTEM** A "Positive Covenant" and "Restriction on the Use of Land" must be created for the pump out system, under Section 88E of the Conveyancing Act 1919. This is to place a restriction on the Title that the pump out system are maintained and kept free of debris/weed to allow unobstructed passage of stormwater through the site and underneath the residence. The property owner/occupant must not modify or remove the pump out system without consent from Council. The wording of the Instrument must be submitted to and approved by Executive Manager, Infrastructure Services (or delegate) prior to lodgement at NSW Land Registry Services. Where a Title exists, the Positive Covenant and Restriction on the Use of Land must be created via an application to the NSW Land Registry Services using forms 13PC and 13RPA. Accompanying this form is the requirement for a plan to scale showing the relative location of the pump out system, including its relationship to the building footprint. Electronic colour photographs of the pump out system must accompany the application for the Positive Covenant and Restriction on the Use of Land. The Instrument must be registered and a registered copy of the document must be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate or use of the building. The property owner/occupant must not modify or remove the pump out system without consent from Council. All associated costs will be borne by the applicant. Condition reason: This is to ensure these stormwater management controls are not modified, removed or unmaintained, in order to minimise flooding impacts within the downstream catchment.
46.	**PLANNED PREVENTATIVE MAINTENANCE SCHEDULE FOR PUMP OUT SYSTEM** The registered proprietor will be required to submit written intent to establish and maintain a Planned Preventative Maintenance (PPM) schedule of the pump out system prior to the issue of Occupation Certificate. Council will not be liable for any claims for damages arising from the failure of the pump out system. Evidence must be submitted to the Executive Manager, Infrastructure Services or delegate prior to the issue of the Occupation Certificate

	Condition reason: Ensure pump out systems are maintained and continue to operate as intended.
47.	**CERTIFICATION OF SWIMMING POOL/OUTDOOR SPA**
	Prior to the pool being used, the following must be provided; (a) Certification that the pool has been constructed in accordance with the consulting engineers design; (b) Evidence that the swimming pool/outdoor spa has been registered on the State Government Swimming Pool Register (http://www.swimmingpoolregister.gov.au); (c) A sign outlining details of resuscitation techniques for adults, children and infants has been placed in a prominent position, close to the pool/outdoor spa. Signs are available from Council; (d) A copy of the occupation certificate must be submitted to Council. Note: Swimming/spa pool pumps are restricted from use between 8pm to 7am weekdays and Saturdays, 8pm to 8am on Sundays and public holidays in accordance with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2017.
	Condition reason: To ensure the swimming pool/outdoor spa has been constructed appropriately to ensure the safety of users.
48.	**REMOVAL OF TREE PROTECTION**
	Trunk protection works are to be removed at the issue of the Occupation Certificate, subject to the satisfaction of Council.
	Condition reason: To ensure tree protection is maintained during construction works.

OCCUPATION AND ONGOING USE

	Condition
49.	**USE OF PLANT ROOMS**
	The "plant/mech." room 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.
50.	**ONGOING MAINTENANCE – RAINWATER HARVESTING AND REUSE**
	The operation of all devices or appliances installed within the development approved by this consent as required by conditions pertinent to rainwater harvesting and rainwater reuse must be maintained in good operating order at all times.
	Condition reason: Ensure the rainwater harvesting and reuse systems are maintained and continue to operate as intended.

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: • 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.	**DIAL BEFORE YOU DIG**
	Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
6.	**TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)**
	Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.
7.	**SITE RECTIFICATION WORKS**
	The vacant site is to be maintained in a safe and secure manner. Fencing is to be erected around the permitter of the site once demolition has been completed to secure the site. The site is to be protected from windblown soil loss and stormwater erosion at all times. If the site is commenced to be developed and there is suspension in activity for 6months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to: (a) Require certain works to be carried out, including but not limited to: i. Make the building/site safe and of an appearance acceptable to Council; ii. Allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; iii. For the hole to be covered to allow it to be landscaped and made attractive from any public vantage point. iv. Council may call on any bank guarantee to cover the cost thereof. (b) In the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the costs of the works.
8.	**EXCAVATION TO BE LIMITED**
	Excavation shall be limited to that shown in the approved plans. Any further excavation will require Council approval.
9.	**TREE REMOVAL/PRESERVATION**

	Any trees not identified for removal in this application have not been assessed and separate approval may be required. Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building may also require approval.
10.	**SUITABLY QUALIFIED ACOUSTIC CONSULTANT**
	In these conditions, reference to a suitably qualified acoustic consultant means an individual who possesses the qualifications to render them eligible for membership of both the Australian Acoustics Society and Institution of Engineers Australia at the grade of member or an individual who is employed by a member firm of the Association of Australian Acoustic Consultants.

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.

NatHERS AND BASIX COMMITMENTS

AMENDED PLANS

Thermal Performance Specifications

These are the Specifications upon which the Certified Assessment is based. If details included in these Specifications vary from other drawings or written specifications, these Specifications shall take precedence. If only one specification option is detailed for a building element, that specification must apply to all instances of that element for the project. If alternate specifications are detailed for a building element, the location and extent of alternate specifications must be detailed below and / or clearly indicated on referenced documents

Windows	Product ID	Glass	Frame	U value	SHGC	Area M²	Detail
As per Window Schedule		Double Low-E	Timber	2.6	0.53		Fixed
As per Window Schedule		Double Low-E	Aluminium	2.9	0.51		Sliding
As per Window Schedule		Double Low-E	Aluminium	3.5	0.64		Louvre

Skylights	Product ID	Glass	Frame	U value	SHGC	Area M²	Detail
		Double Low-E	Aluminium	2.7	0.24		As per plan

Window and skylight U and SHGC values, if specified, are according to AFRC. Alternate products or specifications may be used if their U value is lower, and the SHGC value is less than 10% higher or lower, than the U and SHGC values of the product specified above.

External walls	Construction	Insulation	Colour – solar abs.	Detail
Cavity Brick		None	Light – SA < 0.7	Garage / Plant
Cavity Brick		25mm Kooltherm	Light – SA < 0.7	As per plans (R1.0 XPS insulation in Cavity)
Cavity Concrete Brick		25mm Kooltherm	Light – SA < 0.7	As per plans (R1.0 XPS insulation in Cavity)
Timber / Cavity Brick		25mm Kooltherm	Medium – SA 0.475–0.7	As per plans (R1.0 XPS insulation in Cavity)

Internal walls	Construction	Insulation	Detail
Brick Plaster		None	As per plans
Brick Plaster		R1.0 XPS	Garage / Plant

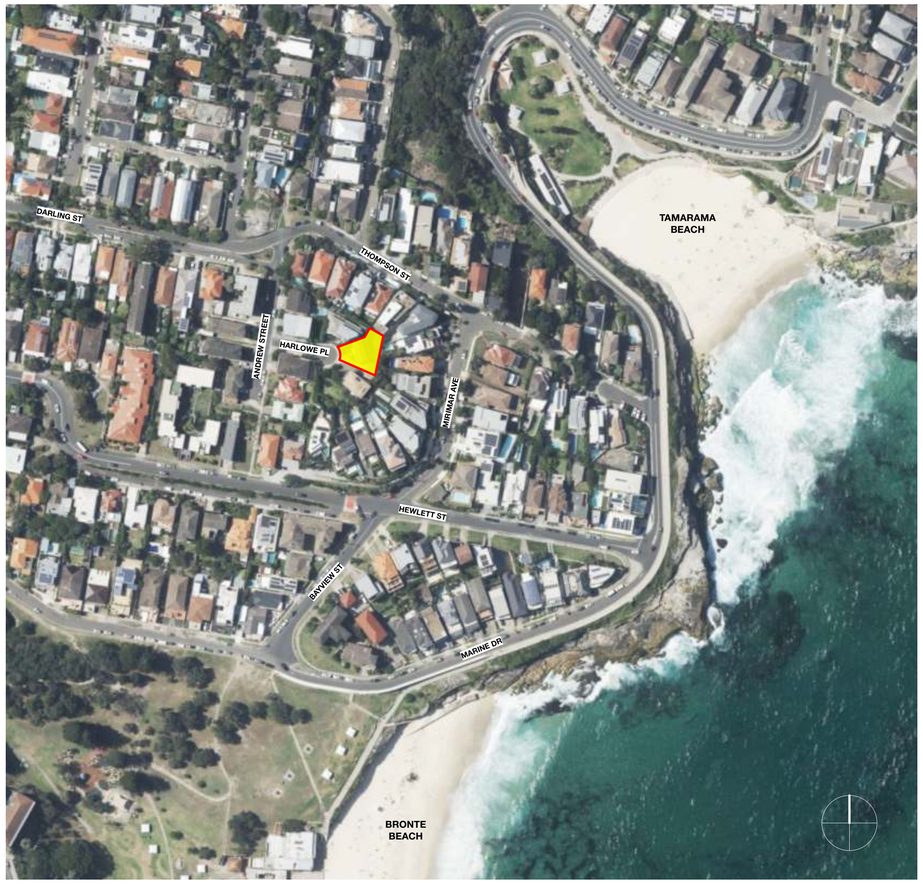
Floors	Construction	Insulation	Covering	Detail
Concrete		None	None	As per plan
Concrete		None	Tiles / Timber	As per plan

Ceilings	Construction	Insulation	Detail
Concrete Plasterboard		R4.0 XPS	Roof Above (Inc Garage / Plant Ceilings)

Roof	Construction	Insulation	Colour – solar abs.	Detail
Concrete		**	Medium – SA 0.475–0.7	** Insulation in Ceiling Below

Overshadowing	Overshadowing structures
1 Harlowe Place	

Orientation, Exposure, Ventilation and Infiltration	
Orientation of nominal north:	340
Terrain category:	Suburban
Seals to windows and doors:	Yes
Lighting plan provided:	Yes
Recessed downlights:	Yes **(UNSEALED)**
Ceiling exhaust fans	Yes **(SEALED)**



LOCATION MAP - NTS

DEVELOPMENT APPLICATION

NEW RESIDENCE AT 2 HARLOWE PLACE BRONTE

Drawing No.	Drawing Name	Scale @ A1
A0.001B	COVER PAGE & LOCATION MAP	NTS
A0.101B	COUNCIL CONTROL ANALYSIS	1:200
A0.102B	SITE PLAN & SITE ANALYSIS	1:200
A0.103B	STREETSCAPE ANALYSIS	1:100
A1.101B	PLAN - GROUND FLOOR	1:100
A1.102B	PLAN - FIRST FLOOR	1:100
A1.103B	PLAN - SECOND FLOOR	1:100
A1.104B	PLAN - ROOF	1:100
A2.001B	ELEVATION - WEST (HARLOWE PLACE) + WEST BOUNDARY	1:100
A2.002B	ELEVATION - EAST (REAR) + EAST BOUNDARY	1:100
A2.003B	ELEVATION - NORTH (SIDE NO. 1 HARLOWE PLACE) + NORTH BOUNDARY	1:100
A2.004B	ELEVATION - SOUTH (SIDE NO. 3 HARLOWE PLACE) + SOUTH BOUNDARY	1:100
A3.001B	SECTION A-A	1:100
A3.002B	SECTION B-B	1:100
A3.003B	SECTION C-C	1:100
A9.001B	COUNCIL CONTROLS - AREA CALCULATIONS	1:100
A9.002B	COUNCIL CONTROLS - EXCAVATION CALCULATIONS	1:100
A9.003B	PHOTOMONTAGE	NTS
A9.004B	EXTERNAL MATERIALS PALETTE	NTS

CONSULTANTS

ARBORIST	MARTIN PEACOCK TREE CARE
BASIX CONSULTANT	TAYLOR SMITH CONSULTING
DRIVEWAY ENGINEER	HEMANOTE CONSULTANTS
GEOTECHNICAL ENGINEER	CROZIER GEOTECHNICAL CONSULTANTS
LANDSCAPE ARCHITECT	WYER & CO
PHOTOMONTAGE CONSULTANT	DIGITAL LINE
STORMWATER ENGINEER	ITM DESIGN
SHADOWS CONSULTANT	DIGITAL LINE
TOWN PLANNER	GSA PLANNING

RECEIVED
Waverley Council

Application No: DA-156/2023

Date Received: 11/03/2024

REV	DATE	REVISION
B	27.02.24	AMENDED AS REFLECTED IN THE ATTACHED SCHEDULE OF AMENDMENTS IN RESPONSE TO COUNCIL'S DEFERRAL LETTER - DATED 22.09.23
A	15.05.23	DEVELOPMENT APPLICATION ISSUE

PROJECT
DEVELOPMENT APPLICATION FOR NEW RESIDENCE

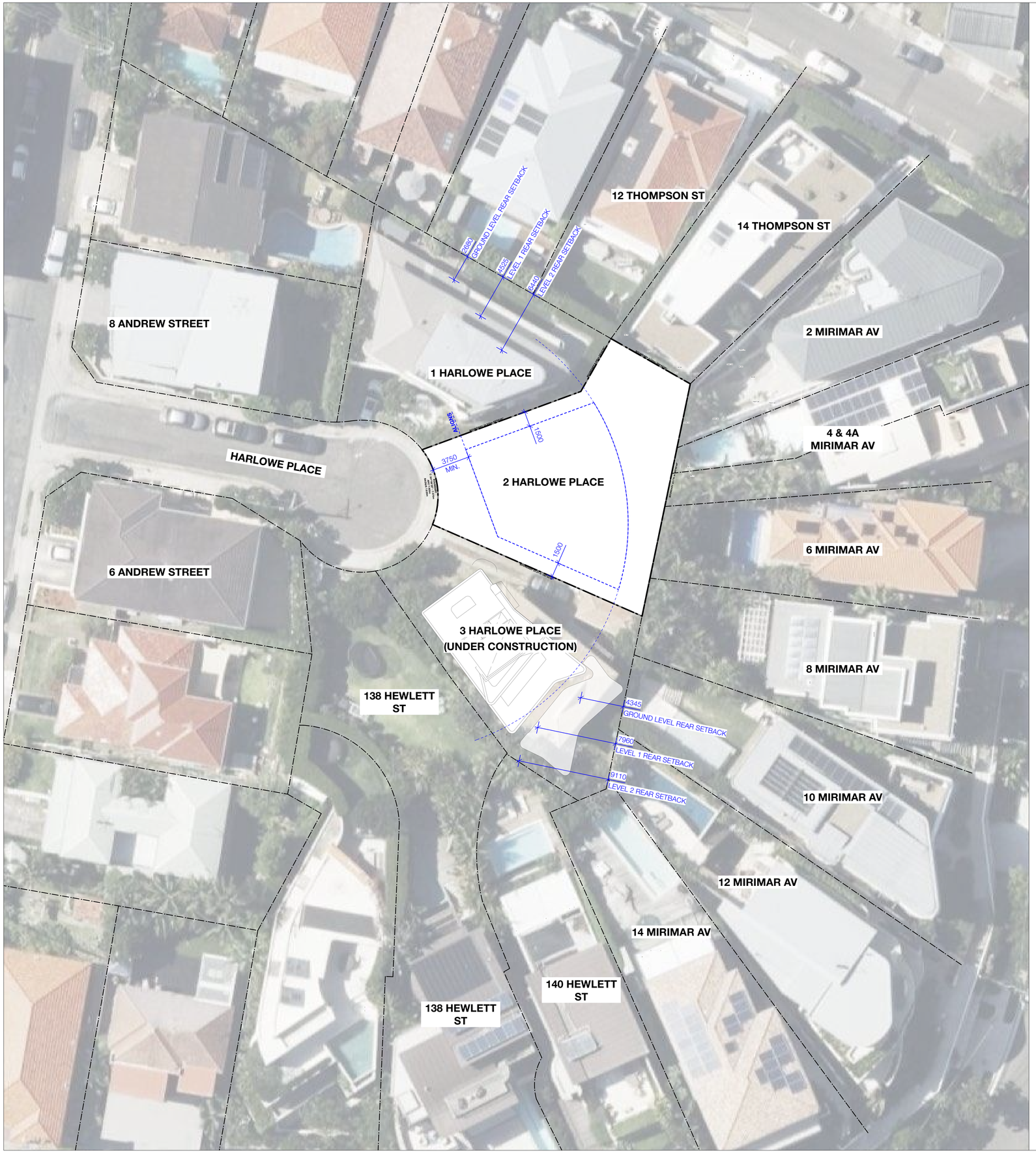
ADDRESS
2 HARLOWE PLACE BRONTE

CLIENT
B & L GILLESPIE

DRAWING
COVER PAGE & LOCATION MAP

TOBIAS PARTNERS
27 Renny Street Paddington NSW Australia 2021
T +61 2 9361 4800
F +61 2 9361 4900
E studio@tobiaspartners.com
NOMINATED ARCHITECT: NICHOLAS TOBIAS 6871

project no	drawing number
0465	A0.001B
date: FEB 2024	
scale @ A1: NTS	
drawn by: AL / checked by: JR	Revision: **B**



LEGEND

AMENDED PLANS

LOT BOUNDARY

AMENDED SETBACKS
(AS AGREED WITH COUNCIL 12.10.23)

RECEIVED
Waverley Council

Application No: DA-156/2023

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COUNCIL CONTROLS

WAVERLEY MUNICIPAL COUNCIL CONTROLS

SITE AREA **419.3 m²**

SIDE SETBACKS

DETERMINED BY DCP

SIDE SETBACKS = **1.5 m**

FRONT SETBACK

THE 'PREDOMINANT BUILDING LINE OF THE STREET' ALIGNS WITH THE SOUTHERN PORTION OF THE DWELLING AT NO. 1 HARLOWE PLACE IN ACCORDANCE WITH COUNCIL'S FEEDBACK AND AS AGREED BY EMAIL ON 29TH SEPTEMBER 2023.

REAR SETBACK

THE 'PREDOMINANT REAR BUILDING LINES' AT GROUND, FIRST AND SECOND FLOOR LEVEL ARE AN ARC INTERSECTING THE CLOSEST POINT AT EACH LEVEL OF THE DWELLINGS AT NO. 1 AND 3 HARLOWE PLACE IN ACCORDANCE WITH COUNCIL'S FEEDBACK AND AS AGREED BY EMAIL ON 12TH OCTOBER 2023.

FLOOR SPACE RATIO

SITE IS IN ZONE 'D' (FSR = 0.5 : 1)

LEP CLAUSE 4.4A (EXCEPTIONS TO FLOOR SPACE RATIO) FOR SITES BETWEEN 100 m² AND 550 m²:

SITE AREA = 419.3 m²

FSR

0.644 : 1

GROSS FLOOR AREA

419.3 m² X 0.644 = **270 m²**

SCHEDULE OF AMENDMENTS (GENERAL)

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- THE ARCHITECTURAL PLANS HAVE BEEN EXTENDED TO INCLUDE THE WHOLE PROPERTY BOUNDARIES BUILDING FOOTPRINTS (AT EACH FLOOR LEVEL) OF NO. 1 AND 3 HARLOWE PLACE IN ACCORDANCE WITH COUNCIL'S FEEDBACK.
- THE 'PREDOMINANT FRONT BUILDING LINE' HAS BEEN ADJUSTED SUCH THAT IT ALIGNS WITH THE SOUTHERN PORTION OF THE DWELLING AT NO. 1 HARLOWE PLACE IN ACCORDANCE WITH COUNCIL'S FEEDBACK AND AS AGREED BY EMAIL ON 29TH SEPTEMBER 2023.
- THE 'PREDOMINANT REAR BUILDING LINES' AT GROUND, FIRST AND SECOND FLOOR LEVEL HAVE BEEN ADJUSTED SUCH THEY ARE AN ARC INTERSECTING THE CLOSEST POINT AT EACH LEVEL OF THE DWELLINGS AT NO. 1 AND 3 HARLOWE PLACE IN ACCORDANCE WITH COUNCIL'S FEEDBACK AND AS AGREED BY EMAIL ON 12TH OCTOBER 2023.
- THE PROPOSED BUILDING FOOTPRINT (OVER ALL LEVELS) HAS BEEN AMENDED TO ADDRESS COUNCIL'S CONCERNS WITH RESPECT TO THE FRONT, SIDE AND REAR SETBACKS, FSR, VISUAL BULK AND SCALE, ETC.
- IN ACCORDANCE WITH COUNCIL'S FEEDBACK THE DESIGN HAS BEEN AMENDED RESULTING IN A REDUCTION IN GFA SUCH THE PROPOSAL NOW COMPLIES WITH THE FSR DEVELOPMENT STANDARD.
- THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN AN INCREASE IN THE FRONT SETBACK SUCH THAT THE FRONT ALIGNMENT OF THE GARAGE (AND ENTRY PORCH), AT GROUND FLOOR LEVEL, ALIGNS WITH THE SOUTHERN PORTION OF THE DWELLING AT NO. 1 HARLOWE PLACE IN ACCORDANCE WITH COUNCIL'S FEEDBACK.
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- THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN AN INCREASE IN THE REAR SETBACK SUCH THAT THE SOUTH-EASTERN PORTION OF THE GROUND FLOOR IS SETBACK FROM THE REAR BOUNDARY BY A MINIMUM OF 2485MM IN RESPONSE TO COUNCIL'S FEEDBACK.
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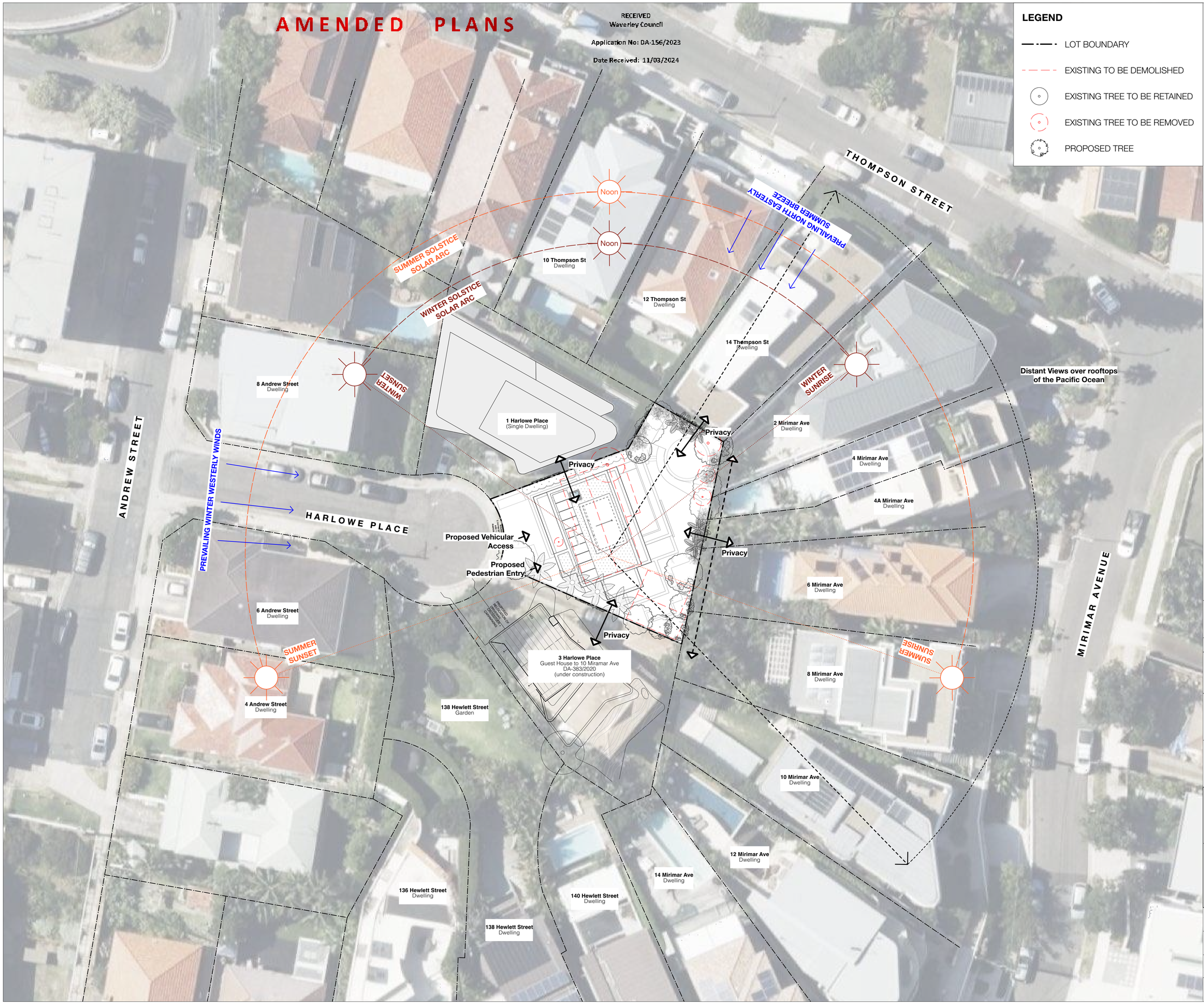
Revision	B



LEGEND

- LOT BOUNDARY
- EXISTING TO BE DEMOLISHED
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- EXISTING TREE TO BE REMOVED
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PROJECT

DEVELOPMENT APPLICATION FOR NEW RESIDENCE

ADDRESS

2 HARLOWE PLACE BRONTE

CLIENT

B & L GILLESPIE

DRAWING

SITE PLAN & SITE ANALYSIS

TOBIAS PARTNERS
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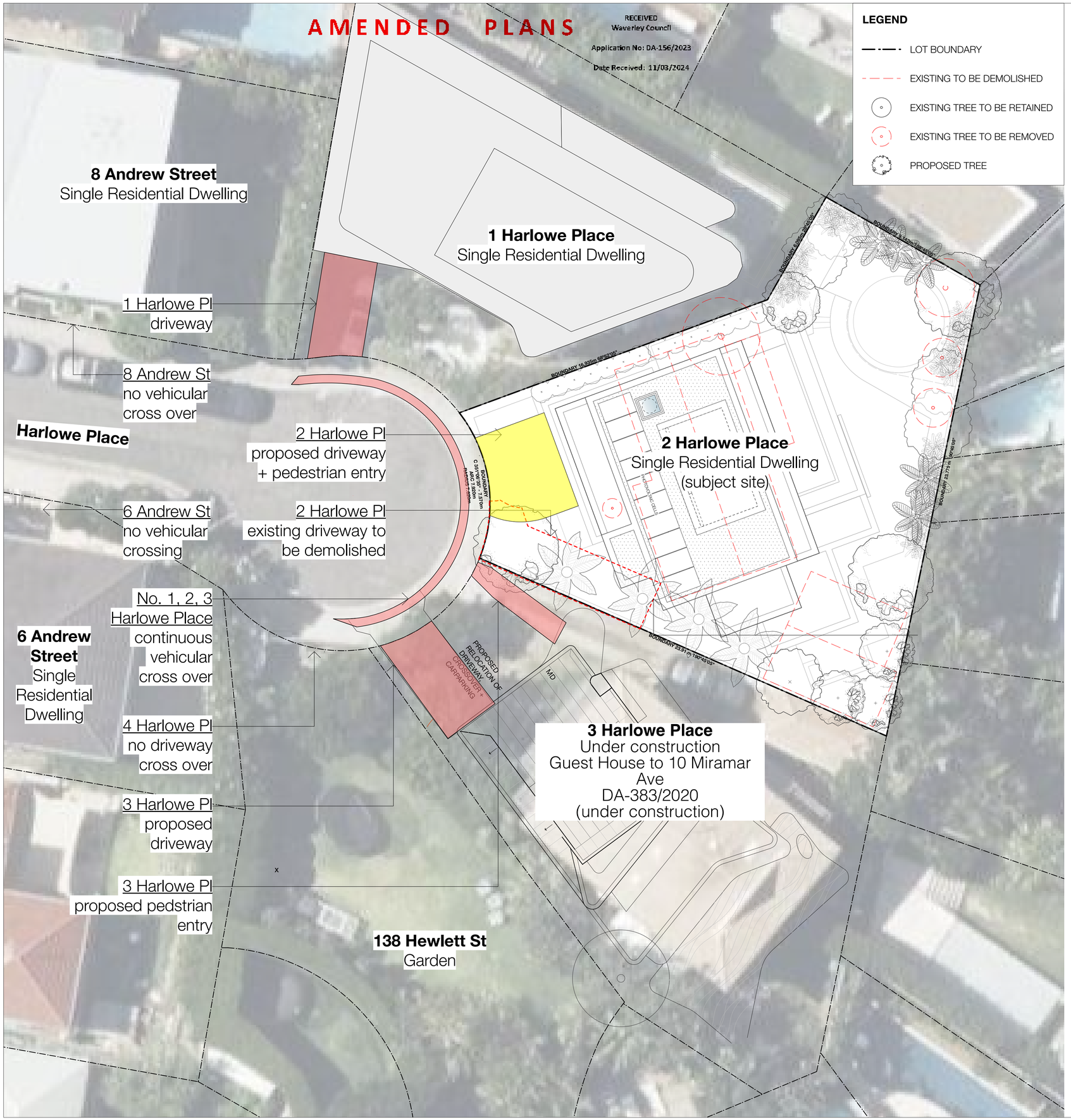
Revision	B



Existing Photo - No.1 Harlowe Place

Existing Photo - No.2 & 3 Harlowe Place
Note: No.3 currently under construction

Photomontage by Luigi Roselli Architects - 3 Harlowe Place
Note: Currently under construction

Existing Photo - 4 Harlowe Place

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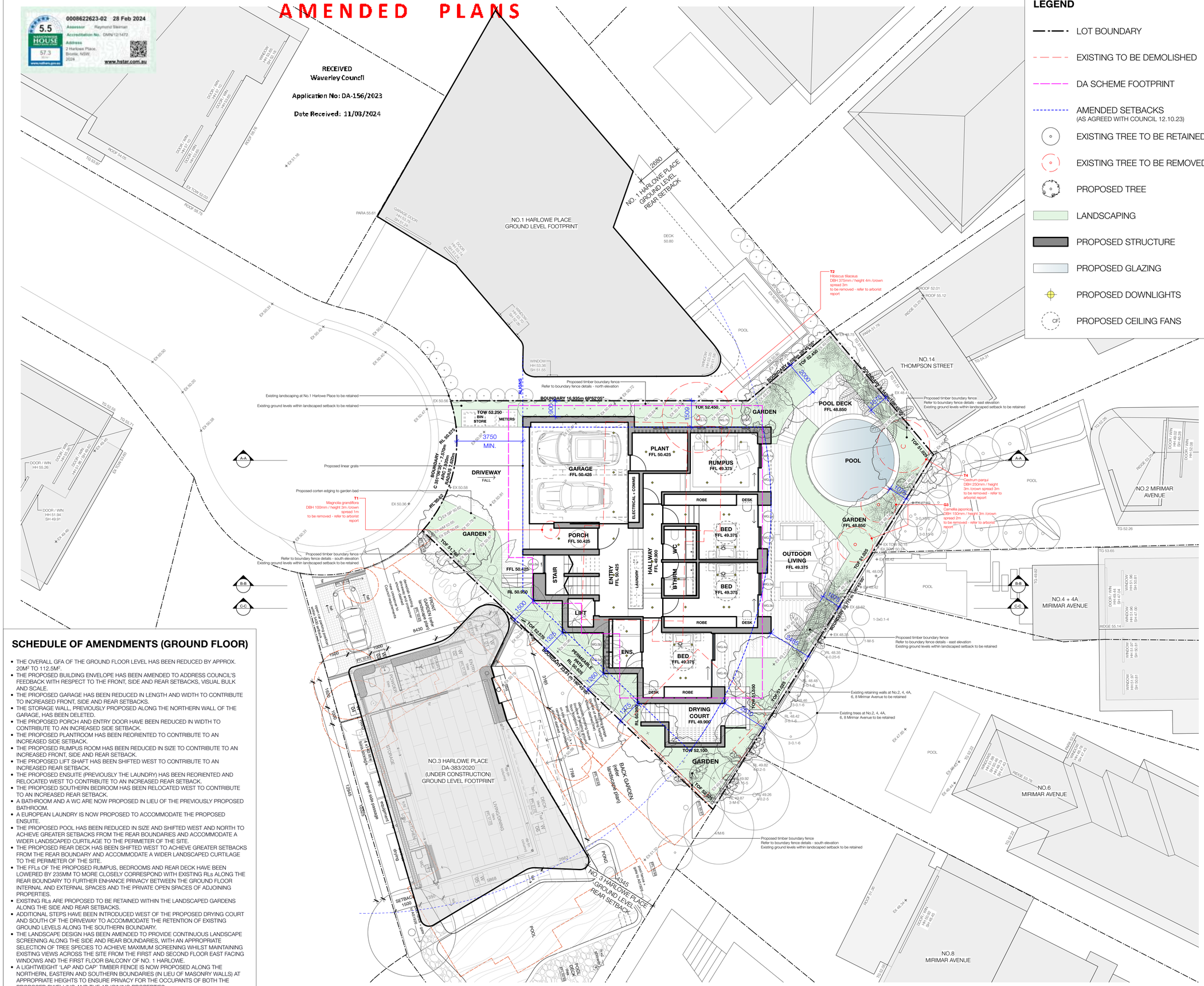
AMENDED PLANS



LEGEND

- LOT BOUNDARY
- EXISTING TO BE DEMOLISHED
- DA SCHEME FOOTPRINT
- AMENDED SETBACKS (AS AGREED WITH COUNCIL 12.10.23)
- EXISTING TREE TO BE RETAINED
- EXISTING TREE TO BE REMOVED
- PROPOSED TREE
- LANDSCAPING
- PROPOSED STRUCTURE
- PROPOSED GLAZING
- PROPOSED DOWNLIGHTS
- PROPOSED CEILING FANS

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- IN ACCORDANCE WITH COUNCIL'S FEEDBACK THE DESIGN HAS BEEN AMENDED RESULTING IN A REDUCTION IN GFA SUCH THE PROPOSAL NOW COMPLIES WITH THE FSR DEVELOPMENT STANDARD.
- THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN AN INCREASE IN THE FRONT SETBACK SUCH THAT THE FRONT ALIGNMENT OF THE GARAGE (AND ENTRY PORCH), AT GROUND FLOOR LEVEL, ALIGNS WITH THE SOUTHERN PORTION OF THE DWELLING AT NO. 1 HARLOWE PLACE IN ACCORDANCE WITH COUNCIL'S FEEDBACK.
- IN RESPONSE TO COUNCIL'S FEEDBACK, THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN AN INCREASE IN THE REAR SETBACK SUCH THAT THE PROPOSED BUILDING ENVELOPE AT ALL LEVELS IS CONTAINED, PREDOMINANTLY, BEHIND THE AMENDED PREDOMINANT REAR BUILDING LINE AT EACH RESPECTIVE LEVEL, WITH ONLY MINOR PROTRUSIONS WHERE THEY DO NOT RESULT IN AMENITY IMPACTS ON ADJOINING PROPERTIES.
- THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN AN INCREASE IN THE REAR SETBACK SUCH THAT THE SOUTH-EASTERN PORTION OF THE GROUND FLOOR IS SETBACK FROM THE REAR BOUNDARY BY A MINIMUM OF 2485MM IN RESPONSE TO COUNCIL'S FEEDBACK.
- IN RESPONSE TO COUNCIL'S FEEDBACK, THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN AN INCREASE IN THE REAR SETBACK OF THE FIRST FLOOR REAR BALCONY SUCH THAT THE SETBACK OF THE BALCONY'S NORTH-EASTERN CORNER FROM THE NORTH-EASTERN (REAR) BOUNDARY HAS INCREASED BY APPROX. 2700MM (TO 7610MM), AND THE SETBACK OF ITS SOUTH-EASTERN CORNER FROM THE EASTERN (REAR) BOUNDARY HAS INCREASED BY APPROX. 1350MM (TO 5225MM).
- IN RESPONSE TO COUNCIL'S FEEDBACK, THE PROPOSED DESIGN HAS BEEN AMENDED SUCH THAT THE FIRST FLOOR REAR BALCONY (INCLUDING THE PRIVACY SCREEN WALL ALONG ITS NORTHERN EDGE) ARE CONTAINED, PREDOMINANTLY, BEHIND THE AMENDED FIRST FLOOR PREDOMINANT REAR BUILDING LINE, EXCEPT FOR A MINOR PROTRUSION IN ITS SOUTH-EASTERN CORNER, WHICH DOES NOT RESULT IN UNACCEPTABLE AMENITY IMPACTS ON ADJOINING PROPERTIES.
- IN RESPONSE TO COUNCILS FEEDBACK THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN A REDUCTION IN THE TRAFFICABLE AREA OF THE FIRST FLOOR REAR BALCONY TO 20M².
- IN RESPONSE TO COUNCIL'S FEEDBACK THE DESIGN HAS BEEN AMENDED SUCH THAT THE PLANTER ALONG THE EASTERN EDGE OF THE FIRST FLOOR BALCONY HAS BEEN EXTENDED TO RETURN ALONG THE BALCONY'S SOUTHERN EDGE AND HAS BEEN INCREASED IN WIDTH, TO 1220MM, TO FURTHER ENHANCE VISUAL PRIVACY BETWEEN THE BALCONY AND THE PRIVATE OPEN SPACE AND HABITABLE ROOM WINDOWS OF ADJOINING PROPERTIES.
- IN RESPONSE TO COUNCIL'S FEEDBACK THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN AN INCREASE IN THE NORTHERN SIDE SETBACK SUCH THAT THE PROPOSED BUILDING ENVELOPE IS SETBACK FROM THE NORTHERN BOUNDARY BY 1500MM AT GROUND, FIRST AND SECOND FLOOR LEVELS, EXCEPT FOR THE GARAGE AT GROUND LEVEL, ONLY WHICH IS PROPOSED TO BE SETBACK FROM THE NORTHERN BOUNDARY BY 900MM.
- IN RESPONSE TO COUNCIL'S FEEDBACK THE PROPOSED DESIGN HAS BEEN EMENDED SUCH THAT A LIGHTWEIGHT 'LAP AND CAP' TIMBER FENCE IS NOW PROPOSED ALONG THE NORTHERN, EASTERN AND SOUTHERN BOUNDARIES (IN LIEU OF MASONRY WALLS) AS SHOWN IN THE BOUNDARY FENCE ELEVATIONS PROVIDED.
- THE PROPOSED OPEN SPACE (TOTAL) HAS BEEN INCREASED BY 21.2M² TO 214.4M².
- THE PROPOSED PRIVATE OPEN SPACE HAS BEEN DECREASED BY 6.1M² TO 53M².
- THE PROPOSED LANDSCAPE AREA (GROUND LEVEL GARDEN BEDS) HAS BEEN INCREASED BY 20.3M² TO 109.8M².
- THE PROPOSED LANDSCAPE AREA (PLANTER BOXES + GREEN ROOFS) HAS BEEN DECREASED BY 15.4M² TO 50.6M².
- THE PROPOSED DEEP SOIL AREA HAS BEEN INCREASED BY 12.5M² TO 68.1M².

SCHEDULE OF AMENDMENTS (GROUND FLOOR)

- THE OVERALL GFA OF THE GROUND FLOOR LEVEL HAS BEEN REDUCED BY APPROX. 20M² TO 112.5M².
- THE PROPOSED BUILDING ENVELOPE HAS BEEN AMENDED TO ADDRESS COUNCIL'S FEEDBACK WITH RESPECT TO THE FRONT, SIDE AND REAR SETBACKS, VISUAL BULK AND SCALE.
- THE PROPOSED GARAGE HAS BEEN REDUCED IN LENGTH AND WIDTH TO CONTRIBUTE TO INCREASED FRONT, SIDE AND REAR SETBACKS.
- THE STORAGE WALL, PREVIOUSLY PROPOSED ALONG THE NORTHERN WALL OF THE GARAGE, HAS BEEN DELETED.
- THE PROPOSED PORCH AND ENTRY DOOR HAVE BEEN REDUCED IN WIDTH TO CONTRIBUTE TO AN INCREASED SIDE SETBACK.
- THE PROPOSED PLANTROOM HAS BEEN REORIENTED TO CONTRIBUTE TO AN INCREASED SIDE SETBACK.
- THE PROPOSED RUMPUS ROOM HAS BEEN REDUCED IN SIZE TO CONTRIBUTE TO AN INCREASED FRONT, SIDE AND REAR SETBACK.
- THE PROPOSED LIFT SHAFT HAS BEEN SHIFTED WEST TO CONTRIBUTE TO AN INCREASED REAR SETBACK.
- THE PROPOSED ENSUITE (PREVIOUSLY THE LAUNDRY) HAS BEEN REORIENTED AND RELOCATED WEST TO CONTRIBUTE TO AN INCREASED REAR SETBACK.
- THE PROPOSED SOUTHERN BEDROOM HAS BEEN RELOCATED WEST TO CONTRIBUTE TO AN INCREASED REAR SETBACK.
- A BATHROOM AND A WC ARE NOW PROPOSED IN LIEU OF THE PREVIOUSLY PROPOSED BATHROOM.
- A EUROPEAN LAUNDRY IS NOW PROPOSED TO ACCOMMODATE THE PROPOSED ENSUITE.
- THE PROPOSED POOL HAS BEEN REDUCED IN SIZE AND SHIFTED WEST AND NORTH TO ACHIEVE GREATER SETBACKS FROM THE REAR BOUNDARIES AND ACCOMMODATE A WIDER LANDSCAPED CURTILAGE TO THE PERIMETER OF THE SITE.
- THE PROPOSED REAR DECK HAS BEEN SHIFTED WEST TO ACHIEVE GREATER SETBACKS FROM THE REAR BOUNDARY AND ACCOMMODATE A WIDER LANDSCAPED CURTILAGE TO THE PERIMETER OF THE SITE.
- THE FFLs OF THE PROPOSED RUMPUS, BEDROOMS AND REAR DECK HAVE BEEN LOWERED BY 235MM TO MORE CLOSELY CORRESPOND WITH EXISTING RLs ALONG THE REAR BOUNDARY TO FURTHER ENHANCE PRIVACY BETWEEN THE GROUND FLOOR INTERNAL AND EXTERNAL SPACES AND THE PRIVATE OPEN SPACES OF ADJOINING PROPERTIES.
- EXISTING RLs ARE PROPOSED TO BE RETAINED WITHIN THE LANDSCAPED GARDENS ALONG THE SIDE AND REAR SETBACKS.
- ADDITIONAL STEPS HAVE BEEN INTRODUCED WEST OF THE PROPOSED DRYING COURT AND SOUTH OF THE DRIVEWAY TO ACCOMMODATE THE RETENTION OF EXISTING GROUND LEVELS ALONG THE SOUTHERN BOUNDARY.
- THE LANDSCAPE DESIGN HAS BEEN AMENDED TO PROVIDE CONTINUOUS LANDSCAPE SCREENING ALONG THE SIDE AND REAR BOUNDARIES, WITH AN APPROPRIATE SELECTION OF TREE SPECIES TO ACHIEVE MAXIMUM SCREENING WHILST MAINTAINING EXISTING VIEWS ACROSS THE SITE FROM THE FIRST AND SECOND FLOOR EAST FACING WINDOWS AND THE FIRST FLOOR BALCONY OF NO. 1 HARLOWE.
- A LIGHTWEIGHT 'LAP AND CAP' TIMBER FENCE IS NOW PROPOSED ALONG THE NORTHERN, EASTERN AND SOUTHERN BOUNDARIES (IN LIEU OF MASONRY WALLS) AT APPROPRIATE HEIGHTS TO ENSURE PRIVACY FOR THE OCCUPANTS OF BOTH THE PROPOSED DWELLING AND THE ADJOINING PROPERTIES.

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PROJECT

DEVELOPMENT APPLICATION FOR NEW RESIDENCE

ADDRESS

2 HARLOWE PLACE BRONTE

CLIENT

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DRAWING

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project no	0465	drawing number	A1.101B
date	FEB 2024		
scale @ A1	1:100		
drawn by AL	checked by JR	Revision	B

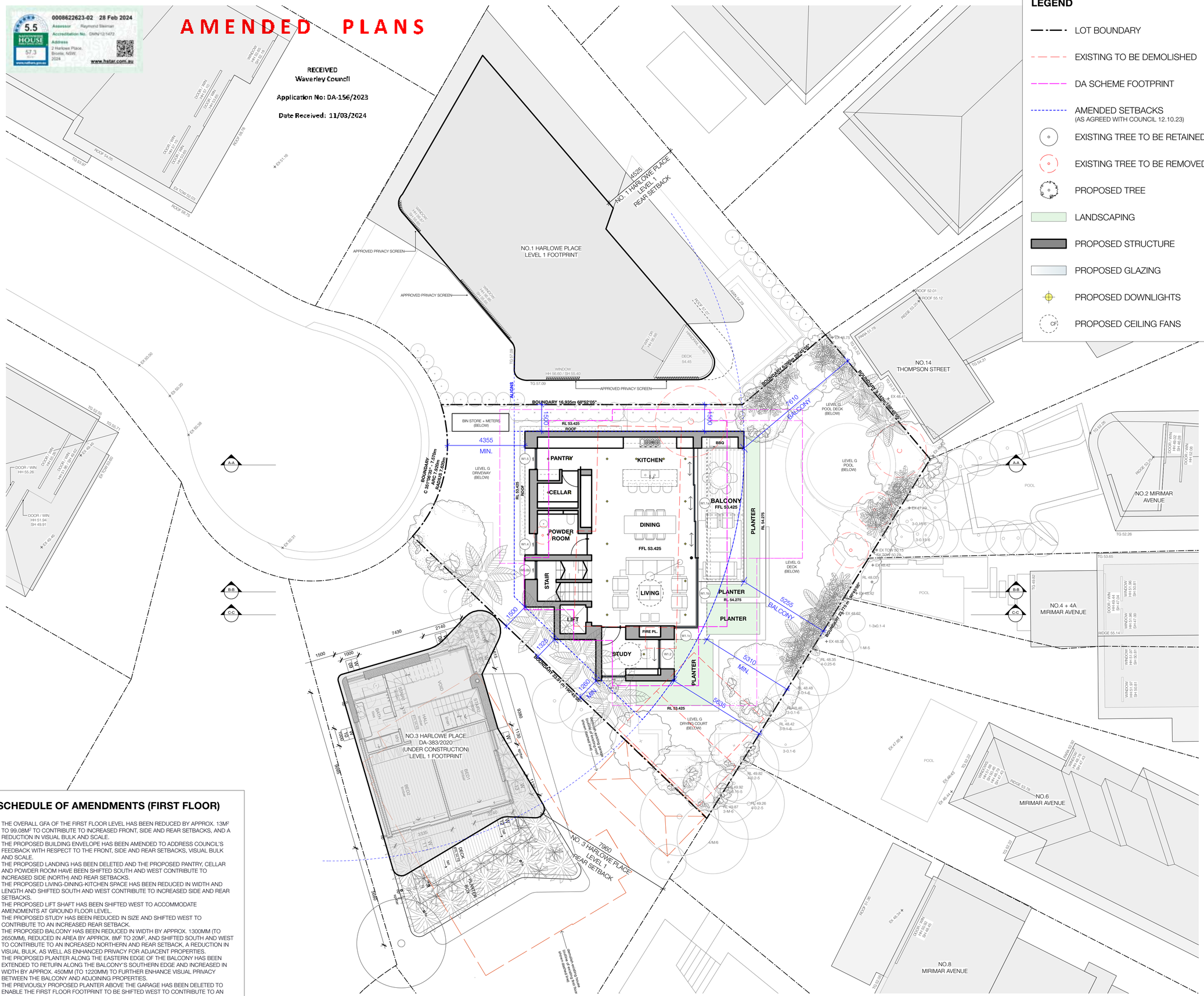
AMENDED PLANS

0008622623-02 28 Feb 2024
Assessor Raymond Sleiman
Accreditation No. DMN/12/1472
Address 2 Harlowe Place, Bronte, NSW, 2024
www.hstar.com.au
5.5 NATIONWIDE HOUSE ENERGY RATING 57.3 MJ/m² www.nathers.gov.au

RECEIVED
Waverley Council

Application No: DA-156/2023

Date Received: 11/03/2024



LEGEND

- LOT BOUNDARY
- EXISTING TO BE DEMOLISHED
- DA SCHEME FOOTPRINT
- AMENDED SETBACKS (AS AGREED WITH COUNCIL 12.10.23)
- EXISTING TREE TO BE RETAINED
- EXISTING TREE TO BE REMOVED
- PROPOSED TREE
- LANDSCAPING
- PROPOSED STRUCTURE
- PROPOSED GLAZING
- PROPOSED DOWNLIGHTS
- PROPOSED CEILING FANS

SCHEDULE OF AMENDMENTS (GENERAL)

- THE ARCHITECTURAL PLANS HAVE BEEN AMENDED TO INCLUDE GREATER CONTEXTUAL INFORMATION OF ADJOINING PROPERTIES AT NO. 1 AND 3 HARLOWE PLACE, NO. 14 THOMPSON STREET AND NO. 2, 4, 4A, 6 AND 8 MIRIMAR, IN ACCORDANCE WITH COUNCIL'S FEEDBACK.
- THE ARCHITECTURAL PLANS HAVE BEEN EXTENDED TO INCLUDE THE WHOLE PROPERTY BOUNDARIES BUILDING FOOTPRINTS (AT EACH FLOOR LEVEL) OF NO. 1 AND 3 HARLOWE PLACE IN ACCORDANCE WITH COUNCIL'S FEEDBACK.
- THE 'PREDOMINANT FRONT BUILDING LINE' HAS BEEN ADJUSTED SUCH THAT IT ALIGNS WITH THE SOUTHERN PORTION OF THE DWELLING AT NO. 1 HARLOWE PLACE IN ACCORDANCE WITH COUNCIL'S FEEDBACK AND AS AGREED BY EMAIL ON 29TH SEPTEMBER 2023.
- THE 'PREDOMINANT REAR BUILDING LINES' AT GROUND, FIRST AND SECOND FLOOR LEVEL HAVE BEEN ADJUSTED SUCH THEY ARE AN ARC INTERSECTING THE CLOSEST POINT AT EACH LEVEL OF THE DWELLINGS AT NO. 1 AND 3 HARLOWE PLACE IN ACCORDANCE WITH COUNCIL'S FEEDBACK AND AS AGREED BY EMAIL ON 12TH OCTOBER 2023.
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- IN ACCORDANCE WITH COUNCIL'S FEEDBACK THE DESIGN HAS BEEN AMENDED RESULTING IN A REDUCTION IN GFA SUCH THE PROPOSAL NOW COMPLIES WITH THE FSR DEVELOPMENT STANDARD.
- THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN AN INCREASE IN THE FRONT SETBACK SUCH THAT THE FRONT ALIGNMENT OF THE GARAGE (AND ENTRY PORCH), AT GROUND FLOOR LEVEL, ALIGNS WITH THE SOUTHERN PORTION OF THE DWELLING AT NO. 1 HARLOWE PLACE IN ACCORDANCE WITH COUNCIL'S FEEDBACK.
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- THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN AN INCREASE IN THE REAR SETBACK SUCH THAT THE SOUTH-EASTERN PORTION OF THE GROUND FLOOR IS SETBACK FROM THE REAR BOUNDARY BY A MINIMUM OF 2485MM IN RESPONSE TO COUNCIL'S FEEDBACK.
- IN RESPONSE TO COUNCIL'S FEEDBACK, THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN AN INCREASE IN THE REAR SETBACK OF THE FIRST FLOOR REAR BALCONY SUCH THAT THE SETBACK OF THE BALCONY'S NORTH-EASTERN CORNER FROM THE NORTH-EASTERN (REAR) BOUNDARY HAS INCREASED BY APPROX. 2700MM (TO 7610MM), AND THE SETBACK OF ITS SOUTH-EASTERN CORNER FROM THE EASTERN (REAR) BOUNDARY HAS INCREASED BY APPROX. 1350MM (TO 5225MM).
- IN RESPONSE TO COUNCIL'S FEEDBACK, THE PROPOSED DESIGN HAS BEEN AMENDED SUCH THAT THE FIRST FLOOR REAR BALCONY (INCLUDING THE PRIVACY SCREEN WALL ALONG ITS NORTHERN EDGE) ARE CONTAINED, PREDOMINANTLY, BEHIND THE AMENDED FIRST FLOOR PREDOMINANT REAR BUILDING LINE, EXCEPT FOR A MINOR PROTRUSION IN ITS SOUTH-EASTERN CORNER, WHICH DOES NOT RESULT IN UNACCEPTABLE AMENITY IMPACTS ON ADJOINING PROPERTIES.
- IN RESPONSE TO COUNCILS FEEDBACK THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN A REDUCTION IN THE TRAFFICABLE AREA OF THE FIRST FLOOR REAR BALCONY TO 20M².
- IN RESPONSE TO COUNCIL'S FEEDBACK THE DESIGN HAS BEEN AMENDED SUCH THAT THE PLANTER ALONG THE EASTERN EDGE OF THE FIRST FLOOR BALCONY HAS BEEN EXTENDED TO RETURN ALONG THE BALCONY'S SOUTHERN EDGE AND HAS BEEN INCREASED IN WIDTH, TO 1220MM, TO FURTHER ENHANCE VISUAL PRIVACY BETWEEN THE BALCONY AND THE PRIVATE OPEN SPACE AND HABITABLE ROOM WINDOWS OF ADJOINING PROPERTIES.
- IN RESPONSE TO COUNCIL'S FEEDBACK THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN AN INCREASE IN THE NORTHERN SIDE SETBACK SUCH THAT THE PROPOSED BUILDING ENVELOPE IS SETBACK FROM THE NORTHERN BOUNDARY BY 1500MM AT GROUND, FIRST AND SECOND FLOOR LEVELS, EXCEPT FOR THE GARAGE AT GROUND LEVEL ONLY WHICH IS PROPOSED TO BE SETBACK FROM THE NORTHERN BOUNDARY BY 900MM.
- IN RESPONSE TO COUNCIL'S FEEDBACK THE PROPOSED DESIGN HAS BEEN EMENDED SUCH THAT A LIGHTWEIGHT 'LAP AND CAP' TIMBER FENCE IS NOW PROPOSED ALONG THE NORTHERN, EASTERN AND SOUTHERN BOUNDARIES (IN LIEU OF MASONRY WALLS) AS SHOWN IN THE BOUNDARY FENCE ELEVATIONS PROVIDED.
- THE PROPOSED OPEN SPACE (TOTAL) HAS BEEN INCREASED BY 21.2M² TO 214.4M².
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- THE PROPOSED LANDSCAPE AREA (GROUND LEVEL GARDEN BEDS) HAS BEEN INCREASED BY 20.3M² TO 109.8M².
- THE PROPOSED LANDSCAPE AREA (PLANTER BOXES + GREEN ROOFS) HAS BEEN DECREASED BY 15.4M² TO 50.6M².
- THE PROPOSED DEEP SOIL AREA HAS BEEN INCREASED BY 12.5M² TO 68.1M².

SCHEDULE OF AMENDMENTS (FIRST FLOOR)

- THE OVERALL GFA OF THE FIRST FLOOR LEVEL HAS BEEN REDUCED BY APPROX. 13M² TO 99.08M² TO CONTRIBUTE TO INCREASED FRONT, SIDE AND REAR SETBACKS, AND A REDUCTION IN VISUAL BULK AND SCALE.
- THE PROPOSED BUILDING ENVELOPE HAS BEEN AMENDED TO ADDRESS COUNCIL'S FEEDBACK WITH RESPECT TO THE FRONT, SIDE AND REAR SETBACKS, VISUAL BULK AND SCALE.
- THE PROPOSED LANDING HAS BEEN DELETED AND THE PROPOSED PANTRY, CELLAR AND POWDER ROOM HAVE BEEN SHIFTED SOUTH AND WEST CONTRIBUTE TO INCREASED SIDE (NORTH) AND REAR SETBACKS.
- THE PROPOSED LIVING-DINING-KITCHEN SPACE HAS BEEN REDUCED IN WIDTH AND LENGTH AND SHIFTED SOUTH AND WEST CONTRIBUTE TO INCREASED SIDE AND REAR SETBACKS.
- THE PROSED LIFT SHAFT HAS BEEN SHIFTED WEST TO ACCOMMODATE AMENDMENTS AT GROUND FLOOR LEVEL.
- THE PROPOSED STUDY HAS BEEN REDUCED IN SIZE AND SHIFTED WEST TO CONTRIBUTE TO AN INCREASED REAR SETBACK.
- THE PROPOSED BALCONY HAS BEEN REDUCED IN WIDTH BY APPROX. 1300MM (TO 2650MM), REDUCED IN AREA BY APPROX. 8M² TO 20M², AND SHIFTED SOUTH AND WEST TO CONTRIBUTE TO AN INCREASED NORTHERN AND REAR SETBACK, A REDUCTION IN VISUAL BULK, AS WELL AS ENHANCED PRIVACY FOR ADJACENT PROPERTIES.
- THE PROPOSED PLANTER ALONG THE EASTERN EDGE OF THE BALCONY HAS BEEN EXTENDED TO RETURN ALONG THE BALCONY'S SOUTHERN EDGE AND INCREASED IN WIDTH BY APPROX. 450MM (TO 1220MM) TO FURTHER ENHANCE VISUAL PRIVACY BETWEEN THE BALCONY AND ADJOINING PROPERTIES.
- THE PREVIOUSLY PROPOSED PLANTER ABOVE THE GARAGE HAS BEEN DELETED TO ENABLE THE FIRST FLOOR FOOTPRINT TO BE SHIFTED WEST TO CONTRIBUTE TO AN INCREASED REAR SETBACK.

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A	15.05.23	DEVELOPMENT APPLICATION ISSUE

PROJECT
DEVELOPMENT APPLICATION FOR NEW RESIDENCE

ADDRESS
2 HARLOWE PLACE BRONTE

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DRAWING
PLAN - FIRST FLOOR

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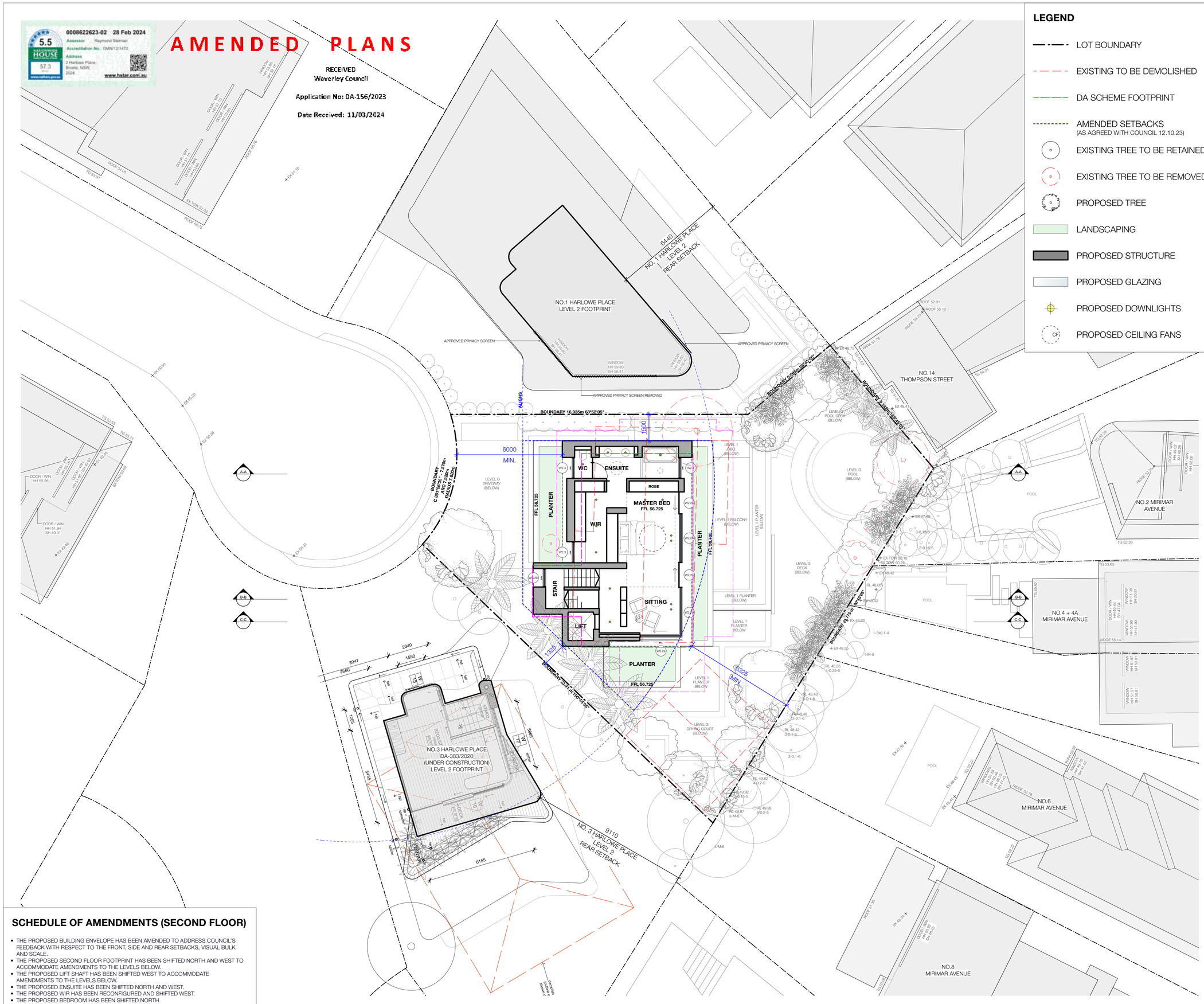
NOMINATED ARCHITECT: NICHOLAS TOBIAS 6871

project no	0465
date	FEB 2024
scale @ A1	1:100
drawn by	AL
checked by	JR
drawing number	A1.102B
Revision	B



LEGEND

- LOT BOUNDARY
- EXISTING TO BE DEMOLISHED
- DA SCHEME FOOTPRINT
- AMENDED SETBACKS (AS AGREED WITH COUNCIL 12.10.23)
- EXISTING TREE TO BE RETAINED
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- THE 'PREDOMINANT FRONT BUILDING LINE' HAS BEEN ADJUSTED SUCH THAT IT ALIGNS WITH THE SOUTHERN PORTION OF THE DWELLING AT NO. 1 HARLOWE PLACE IN ACCORDANCE WITH COUNCIL'S FEEDBACK AND AS AGREED BY EMAIL ON 29TH SEPTEMBER 2023.
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- THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN AN INCREASE IN THE REAR SETBACK SUCH THAT THE SOUTH-EASTERN PORTION OF THE GROUND FLOOR IS SETBACK FROM THE REAR BOUNDARY BY A MINIMUM OF 2485MM IN RESPONSE TO COUNCIL'S FEEDBACK.
- IN RESPONSE TO COUNCIL'S FEEDBACK, THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN AN INCREASE IN THE REAR SETBACK OF THE FIRST FLOOR REAR BALCONY SUCH THAT THE SETBACK OF THE BALCONY'S NORTH-EASTERN CORNER FROM THE NORTH-EASTERN (REAR) BOUNDARY HAS INCREASED BY APPROX. 2700MM (TO 7610MM), AND THE SETBACK OF ITS SOUTH-EASTERN CORNER FROM THE EASTERN (REAR) BOUNDARY HAS INCREASED BY APPROX. 1350MM (TO 5225MM).
- IN RESPONSE TO COUNCIL'S FEEDBACK, THE PROPOSED DESIGN HAS BEEN AMENDED SUCH THAT THE FIRST FLOOR REAR BALCONY (INCLUDING THE PRIVACY SCREEN WALL ALONG ITS NORTHERN EDGE) ARE CONTAINED, PREDOMINANTLY, BEHIND THE AMENDED FIRST FLOOR PREDOMINANT REAR BUILDING LINE, EXCEPT FOR A MINOR PROTRUSION IN ITS SOUTH-EASTERN CORNER, WHICH DOES NOT RESULT IN UNACCEPTABLE AMENITY IMPACTS ON ADJOINING PROPERTIES.
- IN RESPONSE TO COUNCILS FEEDBACK THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN A REDUCTION IN THE TRAFFICABLE AREA OF THE FIRST FLOOR REAR BALCONY TO 20M².
- IN RESPONSE TO COUNCIL'S FEEDBACK THE DESIGN HAS BEEN AMENDED SUCH THAT THE PLANTER ALONG THE EASTERN EDGE OF THE FIRST FLOOR BALCONY HAS BEEN EXTENDED TO RETURN ALONG THE BALCONY'S SOUTHERN EDGE AND HAS BEEN INCREASED IN WIDTH, TO 1220MM, TO FURTHER ENHANCE VISUAL PRIVACY BETWEEN THE BALCONY AND THE PRIVATE OPEN SPACE AND HABITABLE ROOM WINDOWS OF ADJOINING PROPERTIES.
- IN RESPONSE TO COUNCIL'S FEEDBACK THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN AN INCREASE IN THE NORTHERN SIDE SETBACK SUCH THAT THE PROPOSED BUILDING ENVELOPE IS SETBACK FROM THE NORTHERN BOUNDARY BY 1500MM AT GROUND, FIRST AND SECOND FLOOR LEVELS, EXCEPT FOR THE GARAGE AT GROUND LEVEL ONLY WHICH IS PROPOSED TO BE SETBACK FROM THE NORTHERN BOUNDARY BY 900MM.
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ADDRESS

2 HARLOWE PLACE BRONTE

CLIENT

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DRAWING

PLAN - SECOND FLOOR

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NOMINATED ARCHITECT: NICHOLAS TOBIAS 6871

project no	0465
date	FEB 2024
scale @ A1	1:100
drawn by	AL
checked by	JR
drawing number	A1.103B
Revision	B

SCHEDULE OF AMENDMENTS (SECOND FLOOR)

- THE PROPOSED BUILDING ENVELOPE HAS BEEN AMENDED TO ADDRESS COUNCIL'S FEEDBACK WITH RESPECT TO THE FRONT, SIDE AND REAR SETBACKS, VISUAL BULK AND SCALE.
- THE PROPOSED SECOND FLOOR FOOTPRINT HAS BEEN SHIFTED NORTH AND WEST TO ACCOMMODATE AMENDMENTS TO THE LEVELS BELOW.
- THE PROPOSED LIFT SHAFT HAS BEEN SHIFTED WEST TO ACCOMMODATE AMENDMENTS TO THE LEVELS BELOW.
- THE PROPOSED ENSUITE HAS BEEN SHIFTED NORTH AND WEST.
- THE PROPOSED WIR HAS BEEN RECONFIGURED AND SHIFTED WEST.
- THE PROPOSED BEDROOM HAS BEEN SHIFTED NORTH.

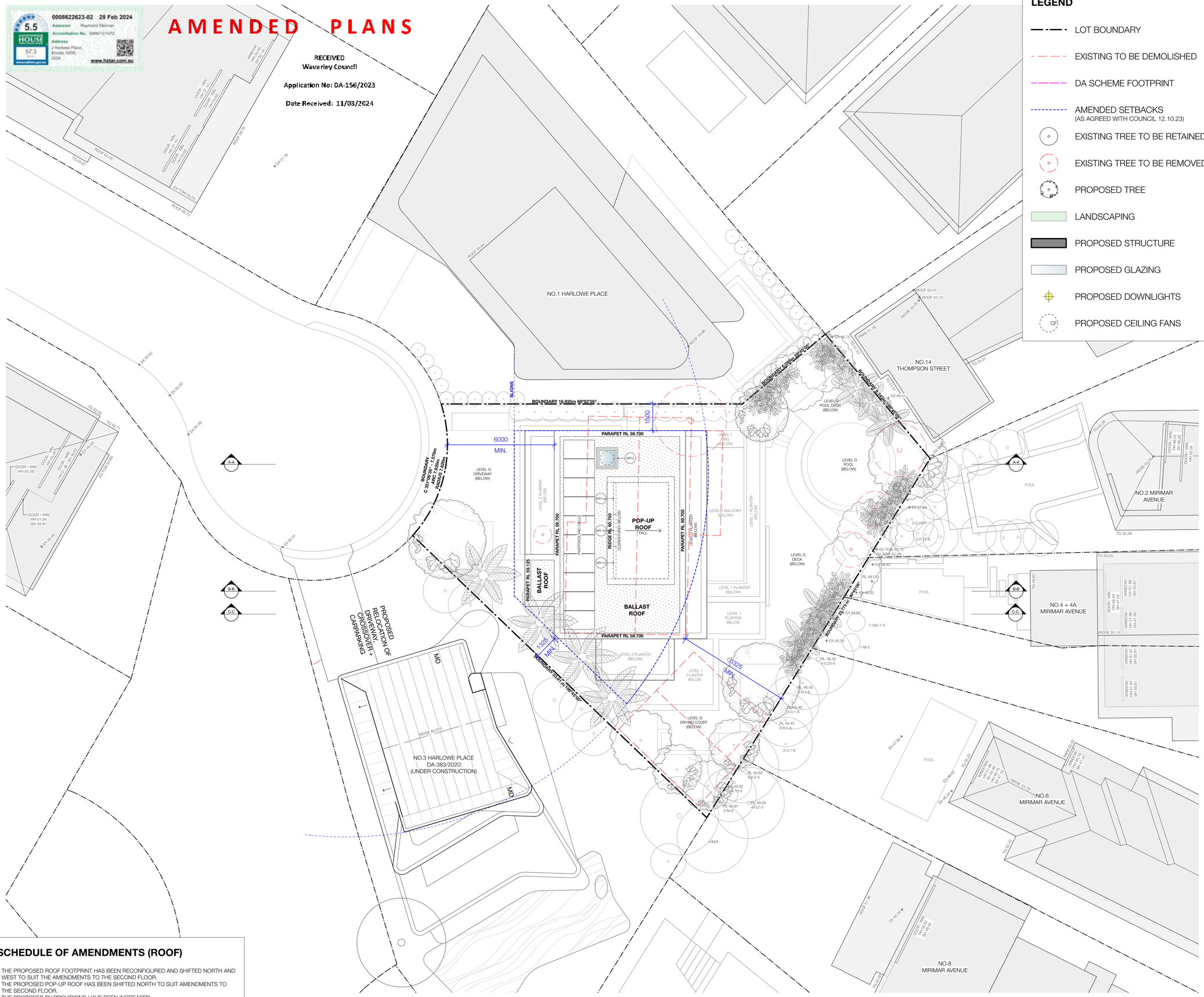
AMENDED PLANS

0008622623-02 28 Feb 2024
Assessor Raymond Sleiman
Accreditation No. DMN/12/1472
Address 2 Harlowe Place, Bronte, NSW, 2024
5.5 NATIONWIDE HOUSE ENERGY RATING 57.3 MJ/m²
www.hstar.com.au
www.nathers.gov.au

RECEIVED
Waverley Council

Application No: DA-156/2023

Date Received: 11/03/2024



LEGEND

- LOT BOUNDARY
- EXISTING TO BE DEMOLISHED
- DA SCHEME FOOTPRINT
- AMENDED SETBACKS (AS AGREED WITH COUNCIL 12.10.23)
- EXISTING TREE TO BE RETAINED
- EXISTING TREE TO BE REMOVED
- PROPOSED TREE
- LANDSCAPING
- PROPOSED STRUCTURE
- PROPOSED GLAZING
- PROPOSED DOWNLIGHTS
- PROPOSED CEILING FANS

SCHEDULE OF AMENDMENTS (GENERAL)

- THE ARCHITECTURAL PLANS HAVE BEEN AMENDED TO INCLUDE GREATER CONTEXTUAL INFORMATION OF ADJOINING PROPERTIES AT NO. 1 AND 3 HARLOWE PLACE, NO. 14 THOMPSON STREET AND NO. 2, 4, 4A, 6 AND 8 MIRIMAR, IN ACCORDANCE WITH COUNCIL'S FEEDBACK.
- THE ARCHITECTURAL PLANS HAVE BEEN EXTENDED TO INCLUDE THE WHOLE PROPERTY BOUNDARIES BUILDING FOOTPRINTS (AT EACH FLOOR LEVEL) OF NO. 1 AND 3 HARLOWE PLACE IN ACCORDANCE WITH COUNCIL'S FEEDBACK.
- THE 'PREDOMINANT FRONT BUILDING LINE' HAS BEEN ADJUSTED SUCH THAT IT ALIGNS WITH THE SOUTHERN PORTION OF THE DWELLING AT NO. 1 HARLOWE PLACE IN ACCORDANCE WITH COUNCIL'S FEEDBACK AND AS AGREED BY EMAIL ON 29TH SEPTEMBER 2023.
- THE 'PREDOMINANT REAR BUILDING LINES' AT GROUND, FIRST AND SECOND FLOOR LEVEL HAVE BEEN ADJUSTED SUCH THEY ARE AN ARC INTERSECTING THE CLOSEST POINT AT EACH LEVEL OF THE DWELLINGS AT NO. 1 AND 3 HARLOWE PLACE IN ACCORDANCE WITH COUNCIL'S FEEDBACK AND AS AGREED BY EMAIL ON 12TH OCTOBER 2023.
- THE PROPOSED BUILDING FOOTPRINT (OVER ALL LEVELS) HAS BEEN AMENDED TO ADDRESS COUNCIL'S CONCERNS WITH RESPECT TO THE FRONT, SIDE AND REAR SETBACKS, FSR, VISUAL BULK AND SCALE, ETC.
- IN ACCORDANCE WITH COUNCIL'S FEEDBACK THE DESIGN HAS BEEN AMENDED RESULTING IN A REDUCTION IN GFA SUCH THE PROPOSAL NOW COMPLIES WITH THE FSR DEVELOPMENT STANDARD.
- THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN AN INCREASE IN THE FRONT SETBACK SUCH THAT THE FRONT ALIGNMENT OF THE GARAGE (AND ENTRY PORCH), AT GROUND FLOOR LEVEL, ALIGNS WITH THE SOUTHERN PORTION OF THE DWELLING AT NO. 1 HARLOWE PLACE IN ACCORDANCE WITH COUNCIL'S FEEDBACK.
- IN RESPONSE TO COUNCIL'S FEEDBACK, THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN AN INCREASE IN THE REAR SETBACK SUCH THAT THE PROPOSED BUILDING ENVELOPE AT ALL LEVELS IS CONTAINED, PREDOMINANTLY, BEHIND THE AMENDED PREDOMINANT REAR BUILDING LINE AT EACH RESPECTIVE LEVEL, WITH ONLY MINOR PROTRUSIONS WHERE THEY DO NOT RESULT IN AMENITY IMPACTS ON ADJOINING PROPERTIES.
- THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN AN INCREASE IN THE REAR SETBACK SUCH THAT THE SOUTH-EASTERN PORTION OF THE GROUND FLOOR IS SETBACK FROM THE REAR BOUNDARY BY A MINIMUM OF 2485MM IN RESPONSE TO COUNCIL'S FEEDBACK.
- IN RESPONSE TO COUNCIL'S FEEDBACK, THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN AN INCREASE IN THE REAR SETBACK OF THE FIRST FLOOR REAR BALCONY SUCH THAT THE SETBACK OF THE BALCONY'S NORTH-EASTERN CORNER FROM THE NORTH-EASTERN (REAR) BOUNDARY HAS INCREASED BY APPROX. 2700MM (TO 7610MM), AND THE SETBACK OF ITS SOUTH-EASTERN CORNER FROM THE EASTERN (REAR) BOUNDARY HAS INCREASED BY APPROX. 1350MM (TO 5225MM).
- IN RESPONSE TO COUNCIL'S FEEDBACK, THE PROPOSED DESIGN HAS BEEN AMENDED SUCH THAT THE FIRST FLOOR REAR BALCONY (INCLUDING THE PRIVACY SCREEN WALL ALONG ITS NORTHERN EDGE) ARE CONTAINED, PREDOMINANTLY, BEHIND THE AMENDED FIRST FLOOR PREDOMINANT REAR BUILDING LINE, EXCEPT FOR A MINOR PROTRUSION IN ITS SOUTH-EASTERN CORNER, WHICH DOES NOT RESULT IN UNACCEPTABLE AMENITY IMPACTS ON ADJOINING PROPERTIES.
- IN RESPONSE TO COUNCILS FEEDBACK THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN A REDUCTION IN THE TRAFFICABLE AREA OF THE FIRST FLOOR REAR BALCONY TO 20M².
- IN RESPONSE TO COUNCIL'S FEEDBACK THE DESIGN HAS BEEN AMENDED SUCH THAT THE PLANTER ALONG THE EASTERN EDGE OF THE FIRST FLOOR BALCONY HAS BEEN EXTENDED TO RETURN ALONG THE BALCONY'S SOUTHERN EDGE AND HAS BEEN INCREASED IN WIDTH, TO 1220MM, TO FURTHER ENHANCE VISUAL PRIVACY BETWEEN THE BALCONY AND THE PRIVATE OPEN SPACE AND HABITABLE ROOM WINDOWS OF ADJOINING PROPERTIES.
- IN RESPONSE TO COUNCIL'S FEEDBACK THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN AN INCREASE IN THE NORTHERN SIDE SETBACK SUCH THAT THE PROPOSED BUILDING ENVELOPE IS SETBACK FROM THE NORTHERN BOUNDARY BY 1500MM AT GROUND, FIRST AND SECOND FLOOR LEVELS, EXCEPT FOR THE GARAGE AT GROUND LEVEL ONLY WHICH IS PROPOSED TO BE SETBACK FROM THE NORTHERN BOUNDARY BY 900MM.
- IN RESPONSE TO COUNCIL'S FEEDBACK THE PROPOSED DESIGN HAS BEEN EMENDED SUCH THAT A LIGHTWEIGHT 'LAP AND CAP' TIMBER FENCE IS NOW PROPOSED ALONG THE NORTHERN, EASTERN AND SOUTHERN BOUNDARIES (IN LIEU OF MASONRY WALLS) AS SHOWN IN THE BOUNDARY FENCE ELEVATIONS PROVIDED.
- THE PROPOSED OPEN SPACE (TOTAL) HAS BEEN INCREASED BY 21.2M² TO 214.4M².
- THE PROPOSED PRIVATE OPEN SPACE HAS BEEN DECREASED BY 6.1M² TO 53M².
- THE PROPOSED LANDSCAPE AREA (GROUND LEVEL GARDEN BEDS) HAS BEEN INCREASED BY 20.3M² TO 109.8M².
- THE PROPOSED LANDSCAPE AREA (PLANTER BOXES + GREEN ROOFS) HAS BEEN DECREASED BY 15.4M² TO 50.6M².
- THE PROPOSED DEEP SOIL AREA HAS BEEN INCREASED BY 12.5M² TO 68.1M².

SCHEDULE OF AMENDMENTS (ROOF)

- THE PROPOSED ROOF FOOTPRINT HAS BEEN RECONFIGURED AND SHIFTED NORTH AND WEST TO SUIT THE AMENDMENTS TO THE SECOND FLOOR.
- THE PROPOSED POP-UP ROOF HAS BEEN SHIFTED NORTH TO SUIT AMENDMENTS TO THE SECOND FLOOR.
- THE PROPOSED PV PROVISIONS HAVE BEEN INCREASED.

REV	DATE	REVISION
B	27.02.24	AMENDED AS REFLECTED IN THE ATTACHED SCHEDULE OF AMENDMENTS IN RESPONSE TO COUNCIL'S DEFERRAL LETTER - DATED 22.09.23
A	15.05.23	DEVELOPMENT APPLICATION ISSUE

PROJECT
DEVELOPMENT APPLICATION FOR NEW RESIDENCE

ADDRESS
2 HARLOWE PLACE BRONTE

CLIENT
B & L GILLESPIE

DRAWING
PLAN - ROOF

TOBIAS PARTNERS
27 Renny Street Paddington NSW Australia 2021
T +61 2 9361 4800
F +61 2 9361 4900
E studio@tobiaspartners.com
NOMINATED ARCHITECT: NICHOLAS TOBIAS 6871

project no	0465
date	FEB 2024
scale @ A1	1:100
drawn by	AL
checked by	JR
drawing number	A1.104B
Revision	B

5.5 NATHERS HOUSE 57.3 MJ/m²
0008622623-02 28 Feb 2024
Assessor Raymond Sleiman
Accreditation No. DMN/12/1472
Address 2 Harlowe Place, Bronte, NSW, 2024
www.nathers.gov.au
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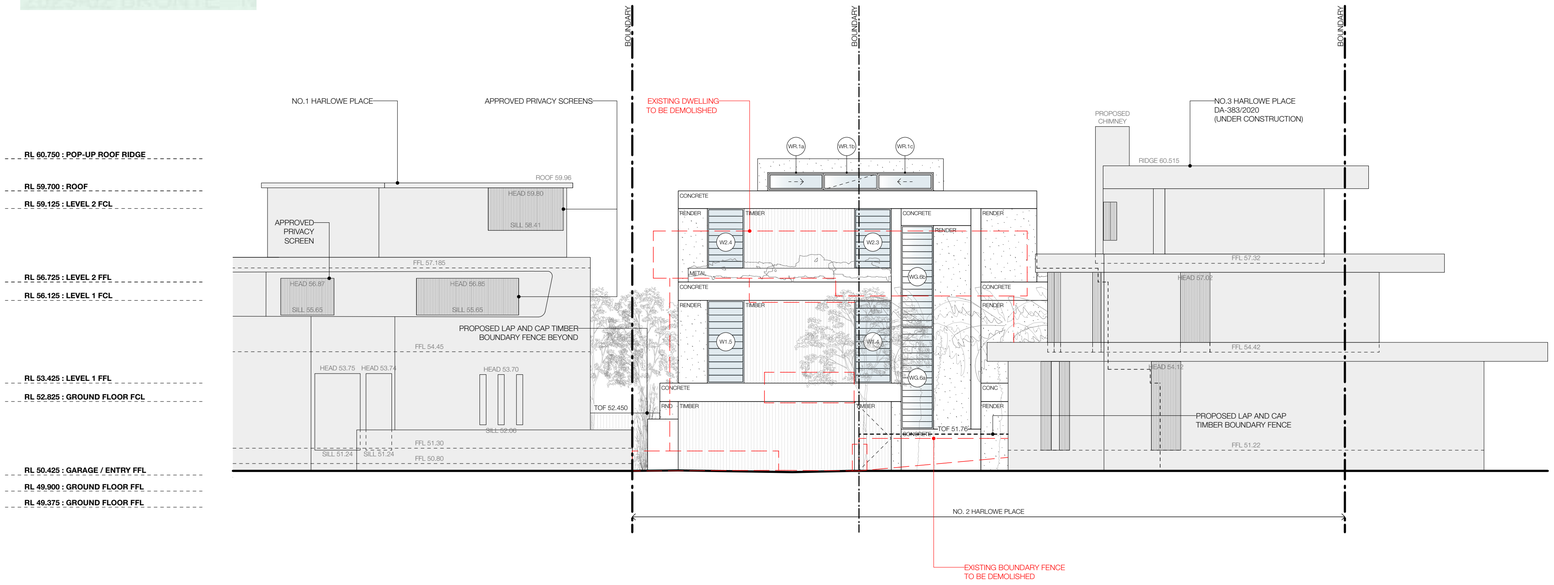
AMENDED PLANS

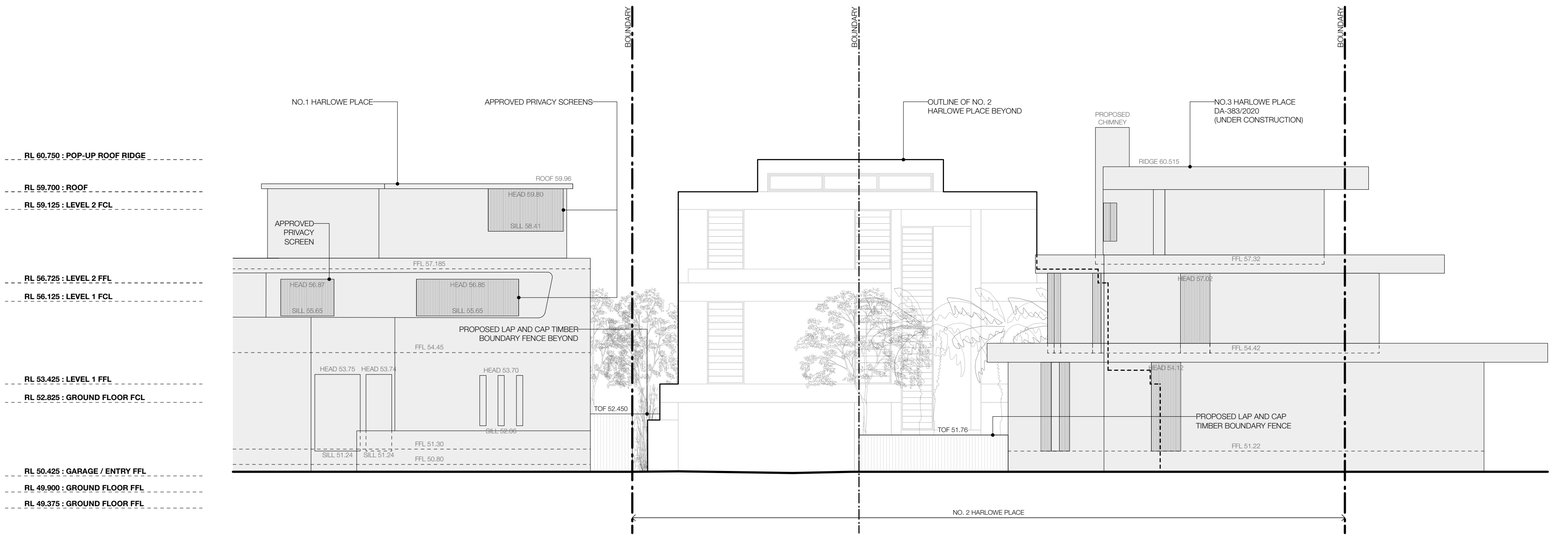
RECEIVED
Waverley Council

Application No: DA-156/2023

Date Received: 11/03/2024



1 WEST ELEVATION
1:100 @ A1



2 WEST ELEVATION - BOUNDARY
1:100 @ A1

LEGEND

LOT BOUNDARY

EXISTING TO BE DEMOLISHED

PROPOSED GLAZING

WINDOW SCHEDULE

Location	Window number	Window Configuration	Clear Opening Height of window (mm)	Clear Opening Width of window (mm)	General Orientation	External retractable solar blind or awning?	Internal blinds or curtains? (Not to be relied upon for BASIX compliance)	Notes
GROUND FLOOR								
Rumpus	WG.1a	1 fixed panel (timber framed)	3450	1366	East	None preferred	Curtains	• 545mm deep projecting slab overhead
	WG.1b	1 sliding panel (aluminium framed)	3450	1366	East	None preferred	Curtains	• 545mm deep projecting slab overhead • Fully operable
Bed	WG.2a	1 sliding panel (aluminium framed)	3450	1238	East	None preferred	Curtains	• 540mm deep projecting slab overhead • Fully operable
	WG.2b	1 fixed panel (timber framed)	3450	1238	East	None preferred	Curtains	• 540mm deep projecting slab overhead
	WG.3a	1 fixed panel (timber framed)	3450	1238	East	None preferred	Curtains	• 540mm deep projecting slab overhead
	WG.3b	1 sliding panel (aluminium framed)	3450	1238	East	None preferred	Curtains	• 540mm deep projecting slab overhead • Fully operable
	WG.4a	1 fixed panel (timber framed)	3450	1520	East	None preferred	Curtains	• 555mm deep projecting slab overhead
	WG.4b	1 sliding panel (aluminium framed)	3450	1520	East	None preferred	Curtains	• 555mm deep projecting slab overhead • Fully operable
Ensuite	WG.5a	Multiple operable louvre panels (aluminium framed)	1250	900	West	None preferred	None	• 175mm deep projecting slab overhead • Fully operable
Ensuite	WG.5b	Multiple operable louvre panels (aluminium framed)	1250	900	West	None preferred	None	• 175mm deep projecting slab overhead • Fully operable
Stair	WG.6a	Multiple operable louvre panels (aluminium framed)	3325	1055	West	None preferred	None	• 550mm deep projecting slab overhead • Fully operable
Stair	WG.6b	Multiple operable louvre panels (aluminium framed)	3325	1055	West	None preferred	None	• 550mm deep projecting slab overhead • Fully operable
Rumpus	WG.7a	Multiple operable louvre panels (aluminium framed)	1250	1305	North	None preferred	None	• 175mm deep projecting slab overhead • Fully operable
Rumpus	WG.7b	Multiple operable louvre panels (aluminium framed)	1250	1305	North	None preferred	None	• 175mm deep projecting slab overhead • Fully operable
Rumpus	WG.7c	Multiple operable louvre panels (aluminium framed)	1250	1305	North	None preferred	None	• 175mm deep projecting slab overhead • Fully operable
FIRST FLOOR								
Kitchen / Dining / Living	W1.1a	1 sliding panels (aluminium framed)	2700	6145	East	None preferred	Curtains	• 515mm deep projecting slab overhead • Fully operable
	W1.1b	1 fixed panel (timber framed)	2700	3995	East	None preferred	Curtains	• 515mm deep projecting slab overhead
	W1.1c	1 fixed panel (timber framed)	2700	1365	South	None preferred	Curtains	• 615mm deep projecting slab overhead
Study	W1.2	1 sliding panel (aluminium framed)	2700	1550	East	None preferred	Curtains	• 765mm deep projecting slab overhead • Restricted to 350mm opening
	W1.3	Multiple operable louvre panels (aluminium framed)	2700	1355	South	None preferred	None	• 175mm deep projecting slab overhead • Fully operable
Powder	W1.4	Multiple operable louvre panels (aluminium framed)	2700	1200	West	None preferred	None	• 550mm deep projecting slab overhead • Fully operable
Pantry	W1.5	Multiple operable louvre panels (aluminium framed)	2700	1200	West	None preferred	None	• 550mm deep projecting slab overhead • Fully operable
SECOND FLOOR								
Ensuite	W2.1	Multiple operable louvre panels (aluminium framed)	2400	1200	East	None preferred	None	• 615mm deep projecting slab overhead • Fully operable
Bed	W2.2a	1 sliding panel (aluminium framed)	2400	1225	East	None preferred	Curtains	• 555mm deep projecting slab overhead • Restricted to 120mm opening
	W2.2b	1 fixed window (timber framed)	2400	2810	East	None preferred	Curtains	• 555mm deep projecting slab overhead
	W2.2c	1 sliding panel (aluminium framed)	2400	1380	East	None preferred	Curtains	• 555mm deep projecting slab overhead • Restricted to 120mm opening
	W2.2d	1 fixed window (timber framed)	2400	2860	East	None preferred	Curtains	• 555mm deep projecting slab overhead
	W2.2e	1 sliding panel (aluminium framed)	2400	2415	South	None preferred	Curtains	• 615mm deep projecting slab overhead • Fully operable with external balustrade
Robe	W2.3	Multiple operable louvre panels (aluminium framed)	2400	1200	West	None preferred	None	• 550mm deep projecting slab overhead • Fully operable
Ensuite	W2.4	Multiple operable louvre panels (aluminium framed)	2400	1200	West	None preferred	None	• 550mm deep projecting slab overhead • Fully operable
Clerestory window over Bed	WR.1a	1 sliding panel (aluminium framed)	600	1805	West	None preferred	Internal Blinds	• 300mm deep projecting roof eave overhead • Fully operable
	WR.1b	1 fixed window (timber framed)	600	1805	West	None preferred	Internal Blinds	• 300mm deep projecting roof eave overhead
	WR.1c	1 sliding panel (aluminium framed)	600	1805	West	None preferred	Internal Blinds	• 300mm deep projecting roof eave overhead • Fully operable
Ensuite skylight	WR.2	1 fixed skylight (aluminium framed)	N/A	750Ø	N/A	None preferred	None	

SCHEDULE OF AMENDMENTS (GENERAL)

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- THE 'PREDOMINANT FRONT BUILDING LINE' HAS BEEN ADJUSTED SUCH THAT IT ALIGNS WITH THE SOUTHERN PORTION OF THE DWELLING AT NO. 1 HARLOWE PLACE IN ACCORDANCE WITH COUNCIL'S FEEDBACK AND AS AGREED BY EMAIL ON 29TH SEPTEMBER 2023.
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- IN RESPONSE TO COUNCIL'S FEEDBACK, THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN AN INCREASE IN THE REAR SETBACK OF THE FIRST FLOOR REAR BALCONY SUCH THAT THE SETBACK OF ITS NORTH-EASTERN CORNER FROM THE NORTH-EASTERN (REAR) BOUNDARY HAS INCREASED BY APPROX. 2700MM (TO 7610MM), AND THE SETBACK OF ITS SOUTH-EASTERN CORNER FROM THE EASTERN (REAR) BOUNDARY HAS INCREASED BY APPROX. 1350MM (TO 5225MM).
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- IN RESPONSE TO COUNCILS FEEDBACK THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN A REDUCTION IN THE TRAFFICABLE AREA OF THE FIRST FLOOR REAR BALCONY TO 20M².
- IN RESPONSE TO COUNCIL'S FEEDBACK THE DESIGN HAS BEEN AMENDED SUCH THAT THE PLANTER ALONG THE EASTERN EDGE OF THE FIRST FLOOR BALCONY HAS BEEN EXTENDED TO RETURN ALONG THE BALCONY'S SOUTHERN EDGE AND HAS BEEN INCREASED IN WIDTH, TO 1220MM, TO FURTHER ENHANCE VISUAL PRIVACY BETWEEN THE BALCONY AND THE PRIVATE OPEN SPACE AND HABITABLE ROOM WINDOWS OF ADJOINING PROPERTIES.
- IN RESPONSE TO COUNCIL'S FEEDBACK THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN AN INCREASE IN THE NORTHERN SIDE SETBACK SUCH THAT THE PROPOSED BUILDING ENVELOPE IS SETBACK FROM THE NORTHERN BOUNDARY BY 1500MM AT GROUND, FIRST AND SECOND FLOOR LEVELS, EXCEPT FOR THE GARAGE AT GROUND LEVEL ONLY WHICH IS PROPOSED TO BE SETBACK FROM THE NORTHERN BOUNDARY BY 900MM.
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- THE PROPOSED PRIVATE OPEN SPACE HAS BEEN DECREASED BY 6.1M² TO 53M².
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- THE PROPOSED LANDSCAPE AREA (PLANTER BOXES + GREEN ROOFS) HAS BEEN DECREASED BY 15.4M² TO 50.6M².
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REV	DATE	REVISION
B	27.02.24	AMENDED AS REFLECTED IN THE ATTACHED SCHEDULE OF AMENDMENTS IN RESPONSE TO COUNCIL'S DEFERRAL LETTER - DATED 22.09.23
A	15.05.23	DEVELOPMENT APPLICATION ISSUE

PROJECT
DEVELOPMENT APPLICATION FOR NEW RESIDENCE

ADDRESS
2 HARLOWE PLACE BRONTE

CLIENT
B & L GILLESPIE

DRAWING
ELEVATION - WEST (HARLOWE PLACE) + WEST BOUNDARY

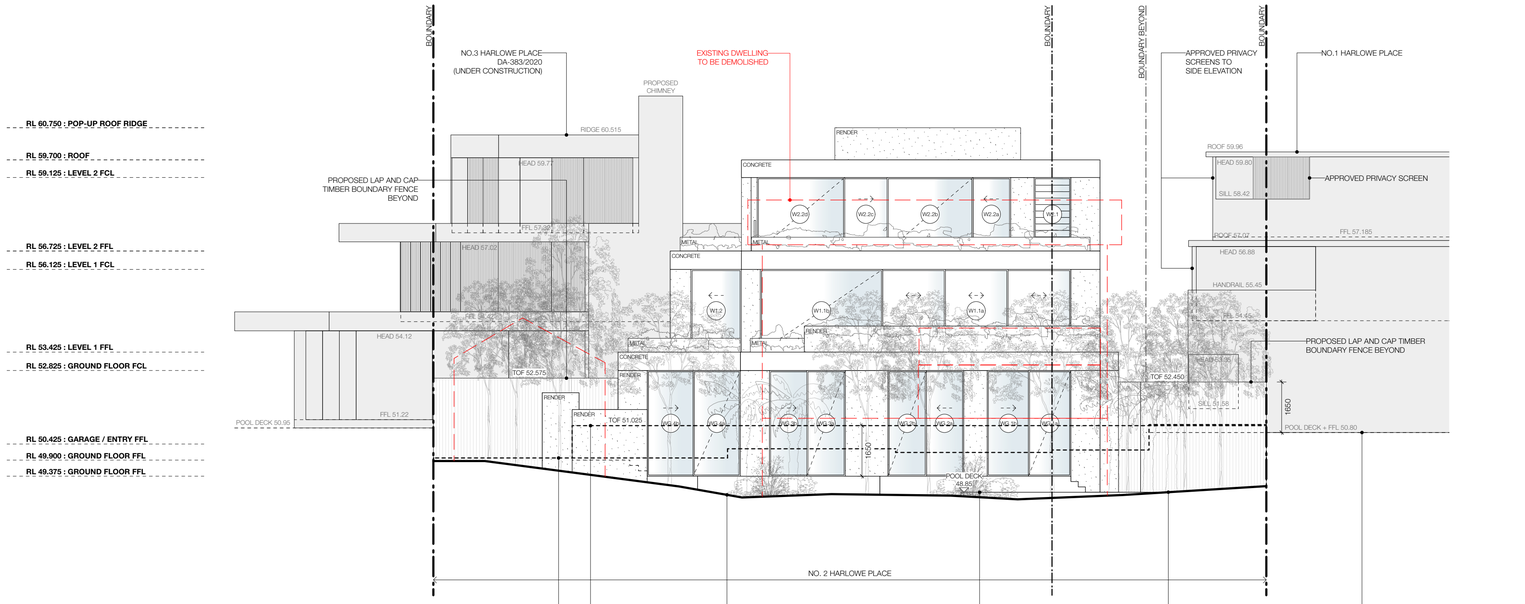
TOBIAS PARTNERS
27 Renny Street Paddington NSW Australia 2021
T +61 2 9361 4800
F +61 2 9361 4900
E studio@tobiaspartners.com
NOMINATED ARCHITECT: NICHOLAS TOBIAS 6871

project no	0465
drawing number	A2.001B
date	FEB 2024
scale @	A1 1:100
drawn by	AL
checked by	JR
Revision	B

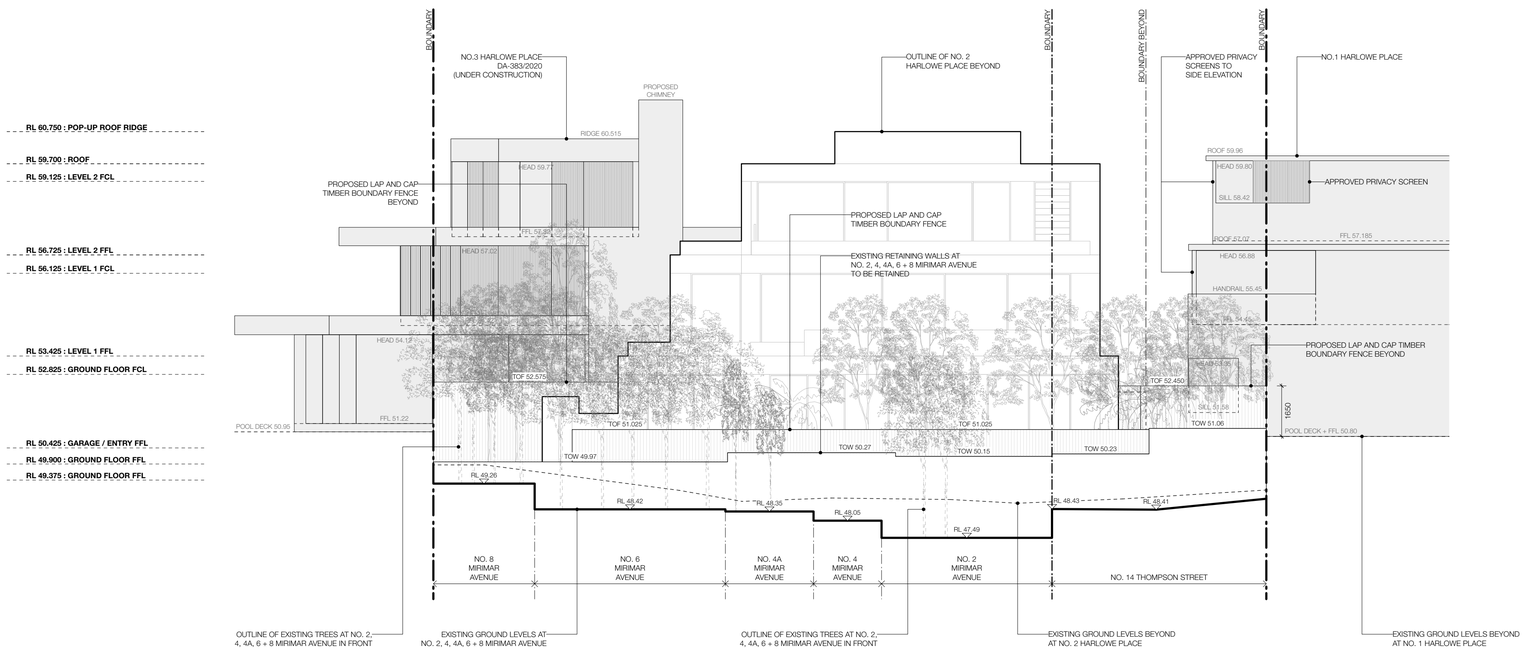
AMENDED PLANS

5.5 NATIONWIDE HOUSE ENERGY RATING
57.3 MJ/m²
www.nathers.gov.au

0008622623-02 28 Feb 2024
Assessor Raymond Sleiman
Accreditation No. DMN/12/1472
Address 2 Harlowe Place, Bronte, NSW, 2024
www.hstar.com.au



1 EAST ELEVATION
1:100 @ A1



2 EAST ELEVATION - BOUNDARY
1:100 @ A1

LEGEND

LOT BOUNDARY

EXISTING TO BE DEMOLISHED

PROPOSED GLAZING

WINDOW SCHEDULE

Location	Window number	Window Configuration	Clear Opening Height of window (mm)	Clear Opening Width of window (mm)	General Orientation	External retractable solar blind or awning?	Internal blinds or curtains? (Not to be relied upon for BASIX compliance)	Notes
GROUND FLOOR								
Rumpus	WG.1a	1 fixed panel (timber framed)	3450	1366	East	None preferred	Curtains	• 545mm deep projecting slab overhead
	WG.1b	1 sliding panel (aluminium framed)	3450	1366	East	None preferred	Curtains	• 545mm deep projecting slab overhead • Fully operable
Bed	WG.2a	1 sliding panel (aluminium framed)	3450	1238	East	None preferred	Curtains	• 540mm deep projecting slab overhead • Fully operable
	WG.2b	1 fixed panel (timber framed)	3450	1238	East	None preferred	Curtains	• 540mm deep projecting slab overhead
	WG.3a	1 fixed panel (timber framed)	3450	1238	East	None preferred	Curtains	• 540mm deep projecting slab overhead
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	WG.4a	1 fixed panel (timber framed)	3450	1520	East	None preferred	Curtains	• 555mm deep projecting slab overhead
	WG.4b	1 sliding panel (aluminium framed)	3450	1520	East	None preferred	Curtains	• 555mm deep projecting slab overhead • Fully operable
Ensuite	WG.5a	Multiple operable louvre panels (aluminium framed)	1250	900	West	None preferred	None	• 175mm deep projecting slab overhead • Fully operable
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Rumpus	WG.7c	Multiple operable louvre panels (aluminium framed)	1250	1305	North	None preferred	None	• 175mm deep projecting slab overhead • Fully operable
FIRST FLOOR								
Kitchen / Dining / Living	W1.1a	1 sliding panels (aluminium framed)	2700	6145	East	None preferred	Curtains	• 515mm deep projecting slab overhead • Fully operable
	W1.1b	1 fixed panel (timber framed)	2700	3995	East	None preferred	Curtains	• 515mm deep projecting slab overhead
	W1.1c	1 fixed panel (timber framed)	2700	1365	South	None preferred	Curtains	• 615mm deep projecting slab overhead
Study	W1.2	1 sliding panel (aluminium framed)	2700	1550	East	None preferred	Curtains	• 765mm deep projecting slab overhead • Restricted to 350mm opening
	W1.3	Multiple operable louvre panels (aluminium framed)	2700	1355	South	None preferred	None	• 175mm deep projecting slab overhead • Fully operable
Powder	W1.4	Multiple operable louvre panels (aluminium framed)	2700	1200	West	None preferred	None	• 550mm deep projecting slab overhead • Fully operable
Pantry	W1.5	Multiple operable louvre panels (aluminium framed)	2700	1200	West	None preferred	None	• 550mm deep projecting slab overhead • Fully operable
SECOND FLOOR								
Ensuite	W2.1	Multiple operable louvre panels (aluminium framed)	2400	1200	East	None preferred	None	• 615mm deep projecting slab overhead • Fully operable
Bed	W2.2a	1 sliding panel (aluminium framed)	2400	1225	East	None preferred	Curtains	• 555mm deep projecting slab overhead • Restricted to 120mm opening
	W2.2b	1 fixed window (timber framed)	2400	2810	East	None preferred	Curtains	• 555mm deep projecting slab overhead
	W2.2c	1 sliding panel (aluminium framed)	2400	1380	East	None preferred	Curtains	• 555mm deep projecting slab overhead • Restricted to 120mm opening
	W2.2d	1 fixed window (timber framed)	2400	2860	East	None preferred	Curtains	• 555mm deep projecting slab overhead
	W2.2e	1 sliding panel (aluminium framed)	2400	2415	South	None preferred	Curtains	• 615mm deep projecting slab overhead • Fully operable with external balustrade
Robe	W2.3	Multiple operable louvre panels (aluminium framed)	2400	1200	West	None preferred	None	• 550mm deep projecting slab overhead • Fully operable
Ensuite	W2.4	Multiple operable louvre panels (aluminium framed)	2400	1200	West	None preferred	None	• 550mm deep projecting slab overhead • Fully operable
Clerestory window over Bed	WR.1a	1 sliding panel (aluminium framed)	600	1805	West	None preferred	Internal Blinds	• 360mm deep projecting roof eave overhead • Fully operable
	WR.1b	1 fixed window (timber framed)	600	1805	West	None preferred	Internal Blinds	• 360mm deep projecting roof eave overhead
	WR.1c	1 sliding panel (aluminium framed)	600	1805	West	None preferred	Internal Blinds	• 360mm deep projecting roof eave overhead • Fully operable
Ensuite skylight	WR.2	1 fixed skylight (aluminium framed)	N/A	750Ø	N/A	None preferred	None	

RECEIVED
Waverley Council

Application No: DA-156/2023

Date Received: 11/03/2024

SCHEDULE OF AMENDMENTS (GENERAL)

- THE ARCHITECTURAL PLANS HAVE BEEN AMENDED TO INCLUDE GREATER CONTEXTUAL INFORMATION OF ADJOINING PROPERTIES AT NO. 1 AND 3 HARLOWE PLACE, NO. 14 THOMPSON STREET AND NO. 2, 4, 4A, 6 AND 8 MIRIMAR, IN ACCORDANCE WITH COUNCIL'S FEEDBACK.
- THE ARCHITECTURAL PLANS HAVE BEEN EXTENDED TO INCLUDE THE WHOLE PROPERTY BOUNDARIES BUILDING FOOTPRINTS (AT EACH FLOOR LEVEL) OF NO. 1 AND 3 HARLOWE PLACE IN ACCORDANCE WITH COUNCIL'S FEEDBACK.
- THE 'PREDOMINANT FRONT BUILDING LINE' HAS BEEN ADJUSTED SUCH THAT IT ALIGNS WITH THE SOUTHERN PORTION OF THE DWELLING AT NO. 1 HARLOWE PLACE IN ACCORDANCE WITH COUNCIL'S FEEDBACK AND AS AGREED BY EMAIL ON 29TH SEPTEMBER 2023.
- THE 'PREDOMINANT REAR BUILDING LINES' AT GROUND, FIRST AND SECOND FLOOR LEVEL HAVE BEEN ADJUSTED SUCH THEY ARE AN ARC INTERSECTING THE CLOSEST POINT AT EACH LEVEL OF THE DWELLINGS AT NO. 1 AND 3 HARLOWE PLACE IN ACCORDANCE WITH COUNCIL'S FEEDBACK AND AS AGREED BY EMAIL ON 12TH OCTOBER 2023.
- THE PROPOSED BUILDING FOOTPRINT (OVER ALL LEVELS) HAS BEEN AMENDED TO ADDRESS COUNCIL'S CONCERNS WITH RESPECT TO THE FRONT, SIDE AND REAR SETBACKS, FSR, VISUAL BULK AND SCALE, ETC.
- IN ACCORDANCE WITH COUNCIL'S FEEDBACK THE DESIGN HAS BEEN AMENDED RESULTING IN A REDUCTION IN GFA SUCH THE PROPOSAL NOW COMPLIES WITH THE FSR DEVELOPMENT STANDARD.
- THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN AN INCREASE IN THE FRONT SETBACK SUCH THAT THE FRONT ALIGNMENT OF THE GARAGE (AND ENTRY PORCH), AT GROUND FLOOR LEVEL, ALIGNS WITH THE SOUTHERN PORTION OF THE DWELLING AT NO. 1 HARLOWE PLACE IN ACCORDANCE WITH COUNCIL'S FEEDBACK.
- IN RESPONSE TO COUNCIL'S FEEDBACK, THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN AN INCREASE IN THE REAR SETBACK SUCH THAT THE PROPOSED BUILDING ENVELOPE AT ALL LEVELS IS CONTAINED, PREDOMINANTLY, BEHIND THE AMENDED PREDOMINANT REAR BUILDING LINE AT EACH RESPECTIVE LEVEL, WITH ONLY MINOR PROTRUSIONS WHERE THEY DO NOT RESULT IN AMENITY IMPACTS ON ADJOINING PROPERTIES.
- THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN AN INCREASE IN THE REAR SETBACK SUCH THAT THE SOUTH-EASTERN PORTION OF THE GROUND FLOOR IS SETBACK FROM THE REAR BOUNDARY BY A MINIMUM OF 2485MM IN RESPONSE TO COUNCIL'S FEEDBACK.
- IN RESPONSE TO COUNCIL'S FEEDBACK, THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN AN INCREASE IN THE REAR SETBACK OF THE FIRST FLOOR REAR BALCONY SUCH THAT THE SETBACK OF THE BALCONY'S NORTH-EASTERN CORNER FROM THE NORTH-EASTERN (REAR) BOUNDARY HAS INCREASED BY APPROX. 2700MM (TO 7610MM), AND THE SETBACK OF ITS SOUTH-EASTERN CORNER FROM THE EASTERN (REAR) BOUNDARY HAS INCREASED BY APPROX. 1350MM (TO 5225MM).
- IN RESPONSE TO COUNCIL'S FEEDBACK, THE PROPOSED DESIGN HAS BEEN AMENDED SUCH THAT THE FIRST FLOOR REAR BALCONY (INCLUDING THE PRIVACY SCREEN WALL ALONG ITS NORTHERN EDGE) ARE CONTAINED, PREDOMINANTLY, BEHIND THE AMENDED FIRST FLOOR PREDOMINANT REAR BUILDING LINE, EXCEPT FOR A MINOR PROTRUSION IN ITS SOUTH-EASTERN CORNER, WHICH DOES NOT RESULT IN UNACCEPTABLE AMENITY IMPACTS ON ADJOINING PROPERTIES.
- IN RESPONSE TO COUNCILS FEEDBACK THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN A REDUCTION IN THE TRAFFICABLE AREA OF THE FIRST FLOOR REAR BALCONY TO 20M².
- IN RESPONSE TO COUNCIL'S FEEDBACK THE DESIGN HAS BEEN AMENDED SUCH THAT THE PLANTER ALONG THE EASTERN EDGE OF THE FIRST FLOOR BALCONY HAS BEEN EXTENDED TO RETURN ALONG THE BALCONY'S SOUTHERN EDGE AND HAS BEEN INCREASED IN WIDTH, TO 1220MM, TO FURTHER ENHANCE VISUAL PRIVACY BETWEEN THE BALCONY AND THE PRIVATE OPEN SPACE AND HABITABLE ROOM WINDOWS OF ADJOINING PROPERTIES.
- IN RESPONSE TO COUNCIL'S FEEDBACK THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN AN INCREASE IN THE NORTHERN SIDE SETBACK SUCH THAT THE PROPOSED BUILDING ENVELOPE IS SETBACK FROM THE NORTHERN BOUNDARY BY 1500MM AT GROUND, FIRST AND SECOND FLOOR LEVELS, EXCEPT FOR THE GARAGE AT GROUND LEVEL, ONLY WHICH IS PROPOSED TO BE SETBACK FROM THE NORTHERN BOUNDARY BY 900MM.
- IN RESPONSE TO COUNCIL'S FEEDBACK THE PROPOSED DESIGN HAS BEEN EMENDED SUCH THAT A LIGHTWEIGHT 'LAP AND CAP' TIMBER FENCE IS NOW PROPOSED ALONG THE NORTHERN, EASTERN AND SOUTHERN BOUNDARIES (IN LIEU OF MASONRY WALLS) AS SHOWN IN THE BOUNDARY FENCE ELEVATIONS PROVIDED.
- THE PROPOSED OPEN SPACE (TOTAL) HAS BEEN INCREASED BY 21.2M² TO 214.4M².
- THE PROPOSED PRIVATE OPEN SPACE HAS BEEN DECREASED BY 6.1M² TO 53M².
- THE PROPOSED LANDSCAPE AREA (GROUND LEVEL GARDEN BEDS) HAS BEEN INCREASED BY 20.3M² TO 109.8M².
- THE PROPOSED LANDSCAPE AREA (PLANTER BOXES + GREEN ROOFS) HAS BEEN DECREASED BY 15.4M² TO 50.6M².
- THE PROPOSED DEEP SOIL AREA HAS BEEN INCREASED BY 12.5M² TO 68.1M².

REV	DATE	REVISION
B	27.02.24	AMENDED AS REFLECTED IN THE ATTACHED SCHEDULE OF AMENDMENTS IN RESPONSE TO COUNCIL'S DEFERRAL LETTER - DATED 22.09.23
A	15.05.23	DEVELOPMENT APPLICATION ISSUE

PROJECT
DEVELOPMENT APPLICATION FOR NEW RESIDENCE

ADDRESS
2 HARLOWE PLACE BRONTE

CLIENT
B & L GILLESPIE

DRAWING
ELEVATION - EAST (REAR) + EAST BOUNDARY

TOBIAS PARTNERS
27 Renny Street Paddington NSW Australia 2021
T +61 2 9361 4800
F +61 2 9361 4900
E studio@tobiaspartners.com
NOMINATED ARCHITECT: NICHOLAS TOBIAS 6871

project no	drawing number
0465	A2.002B
date: FEB 2024	
scale @ A1: 1:100	
drawn by: AL / checked by: JR	Revision: **B**

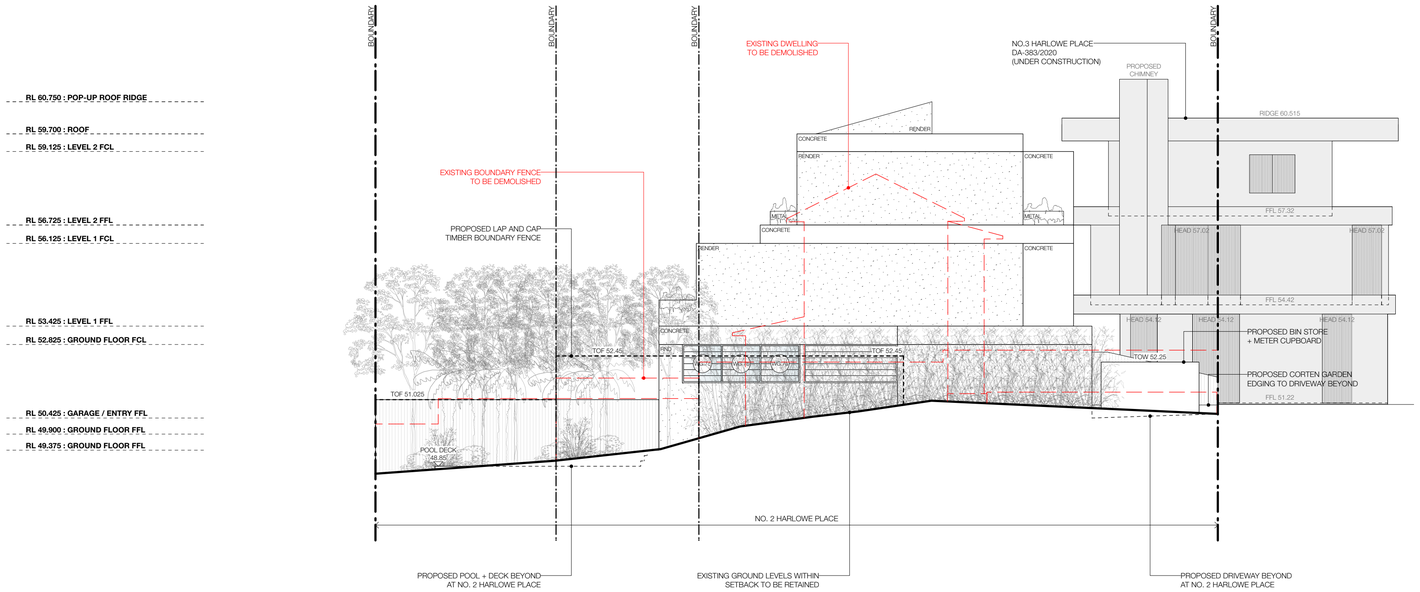
5.5 NATIONWIDE HOUSE ENERGY RATING
57.3 MJ/m²
www.nathers.gov.au
0008622623-02 28 Feb 2024
Assessor Raymond Sleiman
Accreditation No. DMN/12/1472
Address 2 Harlowe Place, Bronte, NSW, 2024
www.hstar.com.au

AMENDED PLANS

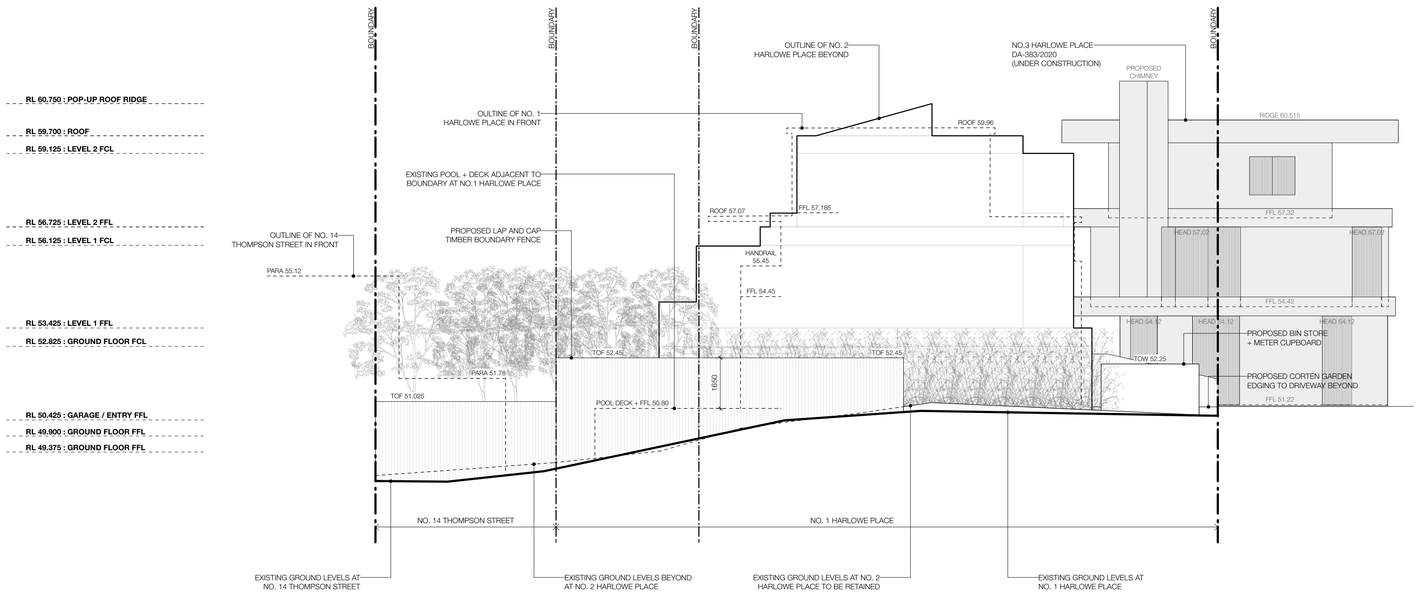
RECEIVED
Waverley Council

Application No: DA-156/2023

Date Received: 11/03/2024



1 NORTH ELEVATION
1:100 @ A1



2 NORTH ELEVATION - BOUNDARY
1:100 @ A1

LEGEND

LOT BOUNDARY

EXISTING TO BE DEMOLISHED

PROPOSED GLAZING

WINDOW SCHEDULE

Location	Window number	Window Configuration	Clear Opening Height of window (mm)	Clear Opening Width of window (mm)	General Orientation	External retractable solar blind or awning?	Internal blinds or curtains? (Not to be relied upon for BASIX compliance)	Notes
GROUND FLOOR								
Rumpus	WG.1a	1 fixed panel (timber framed)	3450	1366	East	None preferred	Curtains	• 545mm deep projecting slab overhead
	WG.1b	1 sliding panel (aluminium framed)	3450	1366	East	None preferred	Curtains	• 545mm deep projecting slab overhead • Fully operable
Bed	WG.2a	1 sliding panel (aluminium framed)	3450	1238	East	None preferred	Curtains	• 540mm deep projecting slab overhead • Fully operable
	WG.2b	1 fixed panel (timber framed)	3450	1238	East	None preferred	Curtains	• 540mm deep projecting slab overhead
	WG.3a	1 fixed panel (timber framed)	3450	1238	East	None preferred	Curtains	• 540mm deep projecting slab overhead
	WG.3b	1 sliding panel (aluminium framed)	3450	1238	East	None preferred	Curtains	• 540mm deep projecting slab overhead • Fully operable
	WG.4a	1 fixed panel (timber framed)	3450	1520	East	None preferred	Curtains	• 555mm deep projecting slab overhead
	WG.4b	1 sliding panel (aluminium framed)	3450	1520	East	None preferred	Curtains	• 555mm deep projecting slab overhead • Fully operable
Ensuite	WG.5a	Multiple operable louvre panels (aluminium framed)	1250	900	West	None preferred	None	• 175mm deep projecting slab overhead • Fully operable
Ensuite	WG.5b	Multiple operable louvre panels (aluminium framed)	1250	900	West	None preferred	None	• 175mm deep projecting slab overhead • Fully operable
Stair	WG.6a	Multiple operable louvre panels (aluminium framed)	3325	1055	West	None preferred	None	• 550mm deep projecting slab overhead • Fully operable
Stair	WG.6b	Multiple operable louvre panels (aluminium framed)	3325	1055	West	None preferred	None	• 550mm deep projecting slab overhead • Fully operable
Rumpus	WG.7a	Multiple operable louvre panels (aluminium framed)	1250	1305	North	None preferred	None	• 175mm deep projecting slab overhead • Fully operable
Rumpus	WG.7b	Multiple operable louvre panels (aluminium framed)	1250	1305	North	None preferred	None	• 175mm deep projecting slab overhead • Fully operable
Rumpus	WG.7c	Multiple operable louvre panels (aluminium framed)	1250	1305	North	None preferred	None	• 175mm deep projecting slab overhead • Fully operable
FIRST FLOOR								
Kitchen / Dining / Living	W1.1a	1 sliding panels (aluminium framed)	2700	6145	East	None preferred	Curtains	• 515mm deep projecting slab overhead • Fully operable
	W1.1b	1 fixed panel (timber framed)	2700	3995	East	None preferred	Curtains	• 515mm deep projecting slab overhead
	W1.1c	1 fixed panel (timber framed)	2700	1365	South	None preferred	Curtains	• 615mm deep projecting slab overhead
Study	W1.2	1 sliding panel (aluminium framed)	2700	1550	East	None preferred	Curtains	• 765mm deep projecting slab overhead • Restricted to 350mm opening
	W1.3	Multiple operable louvre panels (aluminium framed)	2700	1355	South	None preferred	None	• 175mm deep projecting slab overhead • Fully operable
Powder	W1.4	Multiple operable louvre panels (aluminium framed)	2700	1200	West	None preferred	None	• 550mm deep projecting slab overhead • Fully operable
Pantry	W1.5	Multiple operable louvre panels (aluminium framed)	2700	1200	West	None preferred	None	• 550mm deep projecting slab overhead • Fully operable
SECOND FLOOR								
Ensuite	W2.1	Multiple operable louvre panels (aluminium framed)	2400	1200	East	None preferred	None	• 615mm deep projecting slab overhead • Fully operable
Bed	W2.2a	1 sliding panel (aluminium framed)	2400	1225	East	None preferred	Curtains	• 555mm deep projecting slab overhead • Restricted to 120mm opening
	W2.2b	1 fixed window (timber framed)	2400	2810	East	None preferred	Curtains	• 555mm deep projecting slab overhead
	W2.2c	1 sliding panel (aluminium framed)	2400	1380	East	None preferred	Curtains	• 555mm deep projecting slab overhead • Restricted to 120mm opening
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	W2.2e	1 sliding panel (aluminium framed)	2400	2415	South	None preferred	Curtains	• 615mm deep projecting slab overhead • Fully operable with external balustrade
Robe	W2.3	Multiple operable louvre panels (aluminium framed)	2400	1200	West	None preferred	None	• 550mm deep projecting slab overhead • Fully operable
Ensuite	W2.4	Multiple operable louvre panels (aluminium framed)	2400	1200	West	None preferred	None	• 550mm deep projecting slab overhead • Fully operable
Clerestory window over Bed	WR.1a	1 sliding panel (aluminium framed)	600	1805	West	None preferred	Internal Blinds	• 360mm deep projecting roof eave overhead • Fully operable
	WR.1b	1 fixed window (timber framed)	600	1805	West	None preferred	Internal Blinds	• 360mm deep projecting roof eave overhead
	WR.1c	1 sliding panel (aluminium framed)	600	1805	West	None preferred	Internal Blinds	• 360mm deep projecting roof eave overhead • Fully operable
Ensuite skylight	WR.2	1 fixed skylight (aluminium framed)	N/A	750Ø	N/A	None preferred	None	

SCHEDULE OF AMENDMENTS (GENERAL)

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- IN RESPONSE TO COUNCIL'S FEEDBACK, THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN AN INCREASE IN THE REAR SETBACK OF THE FIRST FLOOR REAR BALCONY SUCH THAT THE SETBACK OF THE BALCONY'S NORTH-EASTERN CORNER FROM THE NORTH-EASTERN (REAR) BOUNDARY HAS INCREASED BY APPROX. 2700MM (TO 7610MM), AND THE SETBACK OF ITS SOUTH-EASTERN CORNER FROM THE EASTERN (REAR) BOUNDARY HAS INCREASED BY APPROX. 1350MM (TO 5225MM).
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- IN RESPONSE TO COUNCILS FEEDBACK THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN A REDUCTION IN THE TRAFFICABLE AREA OF THE FIRST FLOOR REAR BALCONY TO 20M².
- IN RESPONSE TO COUNCIL'S FEEDBACK THE DESIGN HAS BEEN AMENDED SUCH THAT THE PLANTER ALONG THE EASTERN EDGE OF THE FIRST FLOOR BALCONY HAS BEEN EXTENDED TO RETURN ALONG THE BALCONY'S SOUTHERN EDGE AND HAS BEEN INCREASED IN WIDTH, TO 1220MM, TO FURTHER ENHANCE VISUAL PRIVACY BETWEEN THE BALCONY AND THE PRIVATE OPEN SPACE AND HABITABLE ROOM WINDOWS OF ADJOINING PROPERTIES.
- IN RESPONSE TO COUNCIL'S FEEDBACK THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN AN INCREASE IN THE NORTHERN SIDE SETBACK SUCH THAT THE PROPOSED BUILDING ENVELOPE IS SETBACK FROM THE NORTHERN BOUNDARY BY 1500MM AT GROUND, FIRST AND SECOND FLOOR LEVELS, EXCEPT FOR THE GARAGE AT GROUND LEVEL ONLY WHICH IS PROPOSED TO BE SETBACK FROM THE NORTHERN BOUNDARY BY 900MM.
- IN RESPONSE TO COUNCIL'S FEEDBACK THE PROPOSED DESIGN HAS BEEN EMENDED SUCH THAT A LIGHTWEIGHT 'LAP AND CAP' TIMBER FENCE IS NOW PROPOSED ALONG THE NORTHERN, EASTERN AND SOUTHERN BOUNDARIES (IN LIEU OF MASONRY WALLS) AS SHOWN IN THE BOUNDARY FENCE ELEVATIONS PROVIDED.
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- THE PROPOSED LANDSCAPE AREA (PLANTER BOXES + GREEN ROOFS) HAS BEEN DECREASED BY 15.4M² TO 50.6M².
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REV	DATE	REVISION
B	27.02.24	AMENDED AS REFLECTED IN THE ATTACHED SCHEDULE OF AMENDMENTS IN RESPONSE TO COUNCIL'S DEFERRAL LETTER - DATED 22.09.23
A	15.05.23	DEVELOPMENT APPLICATION ISSUE

PROJECT
DEVELOPMENT APPLICATION FOR NEW RESIDENCE

ADDRESS
2 HARLOWE PLACE BRONTE

CLIENT
B & L GILLESPIE

DRAWING
ELEVATION - NORTH (SIDE - NO. 1 HARLOWE PLACE) + NORTH BOUNDARY

TOBIAS PARTNERS
27 Renny Street Paddington NSW Australia 2021
T +61 2 9361 4800
F +61 2 9361 4900
E studio@tobiaspartners.com
NOMINATED ARCHITECT: NICHOLAS TOBIAS 6871

project no	0465
drawing number	A2.003B
date	FEB 2024
scale @	A1 1:100
drawn by	AL
checked by	JR
Revision	B

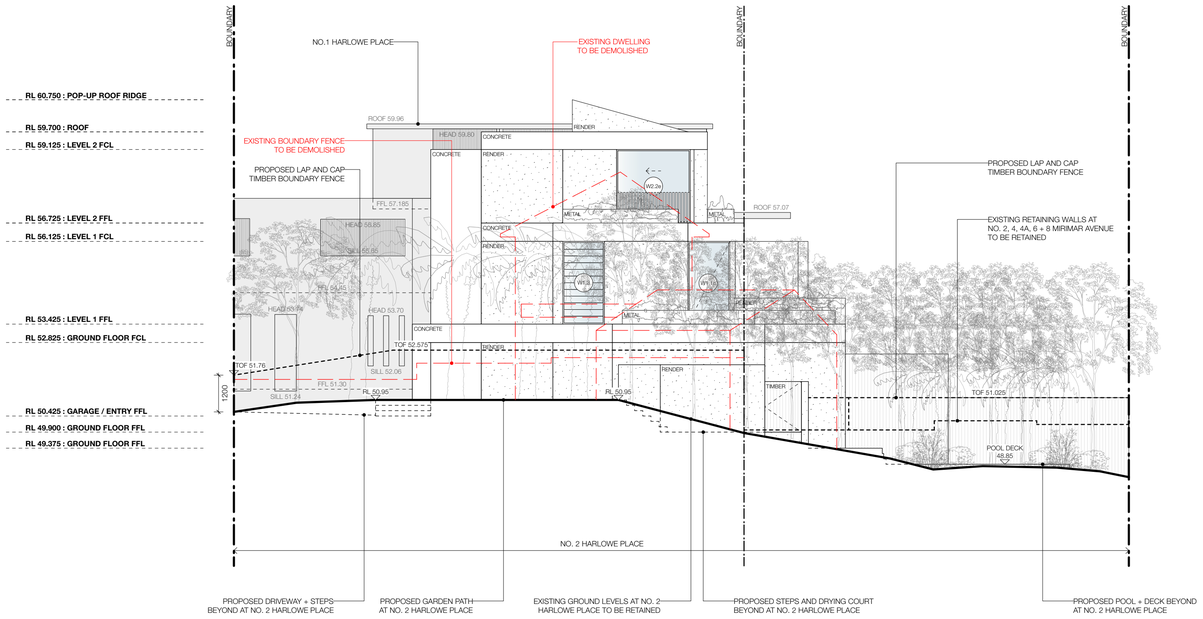
5.5 NATIONWIDE HOUSE ENERGY RATING 57.3 MJ/m²
0008622623-02 28 Feb 2024
Assessor Raymond Sleiman
Accreditation No. DMN/12/1472
Address 2 Harlowe Place, Bronte, NSW, 2024
www.hstar.com.au
www.nathers.gov.au

AMENDED PLANS

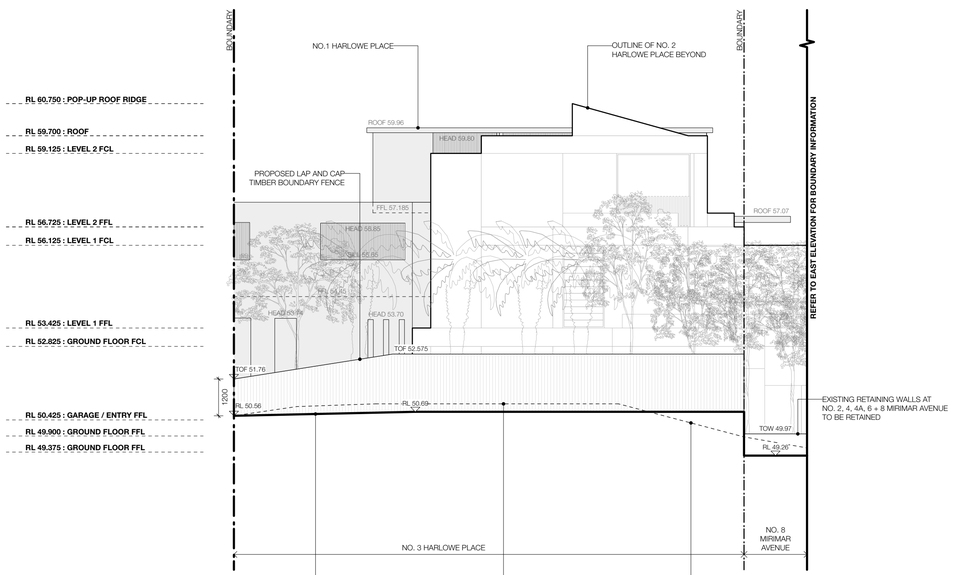
RECEIVED
Waverley Council

Application No: DA-156/2023

Date Received: 11/03/2024



1 SOUTH ELEVATION
1:100 @ A1



2 SOUTH ELEVATION - BOUNDARY
1:100 @ A1

LEGEND

LOT BOUNDARY

EXISTING TO BE DEMOLISHED

PROPOSED GLAZING

WINDOW SCHEDULE

Location	Window number	Window Configuration	Clear Opening Height of window (mm)	Clear Opening Width of window (mm)	General Orientation	External retractable solar blind or awning?	Internal blinds or curtains? (Not to be relied upon for BASIX compliance)	Notes
GROUND FLOOR								
Rumpus	WG.1a	1 fixed panel (timber framed)	3450	1366	East	None preferred	Curtains	• 545mm deep projecting slab overhead
	WG.1b	1 sliding panel (aluminium framed)	3450	1366	East	None preferred	Curtains	• 545mm deep projecting slab overhead • Fully operable
Bed	WG.2a	1 sliding panel (aluminium framed)	3450	1238	East	None preferred	Curtains	• 540mm deep projecting slab overhead • Fully operable
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	WG.3a	1 fixed panel (timber framed)	3450	1238	East	None preferred	Curtains	• 540mm deep projecting slab overhead
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	WG.4a	1 fixed panel (timber framed)	3450	1520	East	None preferred	Curtains	• 555mm deep projecting slab overhead
	WG.4b	1 sliding panel (aluminium framed)	3450	1520	East	None preferred	Curtains	• 555mm deep projecting slab overhead • Fully operable
Ensuite	WG.5a	Multiple operable louvre panels (aluminium framed)	1250	900	West	None preferred	None	• 175mm deep projecting slab overhead • Fully operable
Ensuite	WG.5b	Multiple operable louvre panels (aluminium framed)	1250	900	West	None preferred	None	• 175mm deep projecting slab overhead • Fully operable
Stair	WG.6a	Multiple operable louvre panels (aluminium framed)	3325	1055	West	None preferred	None	• 550mm deep projecting slab overhead • Fully operable
Stair	WG.6b	Multiple operable louvre panels (aluminium framed)	3325	1055	West	None preferred	None	• 550mm deep projecting slab overhead • Fully operable
Rumpus	WG.7a	Multiple operable louvre panels (aluminium framed)	1250	1305	North	None preferred	None	• 175mm deep projecting slab overhead • Fully operable
Rumpus	WG.7b	Multiple operable louvre panels (aluminium framed)	1250	1305	North	None preferred	None	• 175mm deep projecting slab overhead • Fully operable
Rumpus	WG.7c	Multiple operable louvre panels (aluminium framed)	1250	1305	North	None preferred	None	• 175mm deep projecting slab overhead • Fully operable
FIRST FLOOR								
Kitchen / Dining / Living	W1.1a	1 sliding panels (aluminium framed)	2700	6145	East	None preferred	Curtains	• 515mm deep projecting slab overhead • Fully operable
	W1.1b	1 fixed panel (timber framed)	2700	3995	East	None preferred	Curtains	• 515mm deep projecting slab overhead
	W1.1c	1 fixed panel (timber framed)	2700	1365	South	None preferred	Curtains	• 615mm deep projecting slab overhead
Study	W1.2	1 sliding panel (aluminium framed)	2700	1550	East	None preferred	Curtains	• 765mm deep projecting slab overhead • Restricted to 350mm opening
	W1.3	Multiple operable louvre panels (aluminium framed)	2700	1355	South	None preferred	None	• 175mm deep projecting slab overhead • Fully operable
Powder	W1.4	Multiple operable louvre panels (aluminium framed)	2700	1200	West	None preferred	None	• 550mm deep projecting slab overhead • Fully operable
Pantry	W1.5	Multiple operable louvre panels (aluminium framed)	2700	1200	West	None preferred	None	• 500mm deep projecting slab overhead • Fully operable
SECOND FLOOR								
Ensuite	W2.1	Multiple operable louvre panels (aluminium framed)	2400	1200	East	None preferred	None	• 615mm deep projecting slab overhead • Fully operable
Bed	W2.2a	1 sliding panel (aluminium framed)	2400	1225	East	None preferred	Curtains	• 555mm deep projecting slab overhead • Restricted to 120mm opening
	W2.2b	1 fixed window (timber framed)	2400	2810	East	None preferred	Curtains	• 555mm deep projecting slab overhead
	W2.2c	1 sliding panel (aluminium framed)	2400	1380	East	None preferred	Curtains	• 555mm deep projecting slab overhead • Restricted to 120mm opening
	W2.2d	1 fixed window (timber framed)	2400	2860	East	None preferred	Curtains	• 555mm deep projecting slab overhead
	W2.2e	1 sliding panel (aluminium framed)	2400	2415	South	None preferred	Curtains	• 615mm deep projecting slab overhead • Fully operable with external balustrade
Robe	W2.3	Multiple operable louvre panels (aluminium framed)	2400	1200	West	None preferred	None	• 550mm deep projecting slab overhead • Fully operable
Ensuite	W2.4	Multiple operable louvre panels (aluminium framed)	2400	1200	West	None preferred	None	• 550mm deep projecting slab overhead • Fully operable
Clerestory window over Bed	WR.1a	1 sliding panel (aluminium framed)	600	1805	West	None preferred	Internal Blinds	• 360mm deep projecting roof eave overhead • Fully operable
	WR.1b	1 fixed window (timber framed)	600	1805	West	None preferred	Internal Blinds	• 360mm deep projecting roof eave overhead
	WR.1c	1 sliding panel (aluminium framed)	600	1805	West	None preferred	Internal Blinds	• 360mm deep projecting roof eave overhead • Fully operable
Ensuite skylight	WR.2	1 fixed skylight (aluminium framed)	N/A	750Ø	N/A	None preferred	None	

SCHEDULE OF AMENDMENTS (GENERAL)

- THE ARCHITECTURAL PLANS HAVE BEEN AMENDED TO INCLUDE GREATER CONTEXTUAL INFORMATION OF ADJOINING PROPERTIES AT NO. 1 AND 3 HARLOWE PLACE, NO. 14 THOMPSON STREET AND NO. 2, 4, 4A, 6 AND 8 MIRIMAR, IN ACCORDANCE WITH COUNCIL'S FEEDBACK.
- THE ARCHITECTURAL PLANS HAVE BEEN EXTENDED TO INCLUDE THE WHOLE PROPERTY BOUNDARIES BUILDING FOOTPRINTS (AT EACH FLOOR LEVEL) OF NO. 1 AND 3 HARLOWE PLACE IN ACCORDANCE WITH COUNCIL'S FEEDBACK.
- THE 'PREDOMINANT FRONT BUILDING LINE' HAS BEEN ADJUSTED SUCH THAT IT ALIGNS WITH THE SOUTHERN PORTION OF THE DWELLING AT NO. 1 HARLOWE PLACE IN ACCORDANCE WITH COUNCIL'S FEEDBACK AND AS AGREED BY EMAIL ON 29TH SEPTEMBER 2023.
- THE 'PREDOMINANT REAR BUILDING LINES' AT GROUND, FIRST AND SECOND FLOOR LEVEL HAVE BEEN ADJUSTED SUCH THEY ARE AN ARC INTERSECTING THE CLOSEST POINT AT EACH LEVEL OF THE DWELLINGS AT NO. 1 AND 3 HARLOWE PLACE IN ACCORDANCE WITH COUNCIL'S FEEDBACK AND AS AGREED BY EMAIL ON 12TH OCTOBER 2023.
- THE PROPOSED BUILDING FOOTPRINT (OVER ALL LEVELS) HAS BEEN AMENDED TO ADDRESS COUNCIL'S CONCERNS WITH RESPECT TO THE FRONT, SIDE AND REAR SETBACKS, FSR, VISUAL BULK AND SCALE, ETC.
- IN ACCORDANCE WITH COUNCIL'S FEEDBACK THE DESIGN HAS BEEN AMENDED RESULTING IN A REDUCTION IN GFA SUCH THE PROPOSAL NOW COMPLIES WITH THE FSR DEVELOPMENT STANDARD.
- THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN AN INCREASE IN THE FRONT SETBACK SUCH THAT THE FRONT ALIGNMENT OF THE GARAGE (AND ENTRY PORCH), AT GROUND FLOOR LEVEL, ALIGNS WITH THE SOUTHERN PORTION OF THE DWELLING AT NO. 1 HARLOWE PLACE IN ACCORDANCE WITH COUNCIL'S FEEDBACK.
- IN RESPONSE TO COUNCIL'S FEEDBACK, THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN AN INCREASE IN THE REAR SETBACK SUCH THAT THE PROPOSED BUILDING ENVELOPE AT ALL LEVELS IS CONTAINED, PREDOMINANTLY, BEHIND THE AMENDED PREDOMINANT REAR BUILDING LINE AT EACH RESPECTIVE LEVEL, WITH ONLY MINOR PROTRUSIONS WHERE THEY DO NOT RESULT IN AMENITY IMPACTS ON ADJOINING PROPERTIES.
- THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN AN INCREASE IN THE REAR SETBACK SUCH THAT THE SOUTH-EASTERN PORTION OF THE GROUND FLOOR IS SETBACK FROM THE REAR BOUNDARY BY A MINIMUM OF 2485MM IN RESPONSE TO COUNCIL'S FEEDBACK.
- IN RESPONSE TO COUNCIL'S FEEDBACK, THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN AN INCREASE IN THE REAR SETBACK OF THE FIRST FLOOR REAR BALCONY SUCH THAT THE SETBACK OF THE BALCONY'S NORTH-EASTERN CORNER FROM THE NORTH-EASTERN (REAR) BOUNDARY HAS INCREASED BY APPROX. 2700MM (TO 7610MM), AND THE SETBACK OF ITS SOUTH-EASTERN CORNER FROM THE EASTERN (REAR) BOUNDARY HAS INCREASED BY APPROX. 1350MM (TO 5225MM).
- IN RESPONSE TO COUNCIL'S FEEDBACK, THE PROPOSED DESIGN HAS BEEN AMENDED SUCH THAT THE FIRST FLOOR REAR BALCONY (INCLUDING THE PRIVACY SCREEN WALL ALONG ITS NORTHERN EDGE) ARE CONTAINED, PREDOMINANTLY, BEHIND THE AMENDED FIRST FLOOR PREDOMINANT REAR BUILDING LINE, EXCEPT FOR A MINOR PROTRUSION IN ITS SOUTH-EASTERN CORNER, WHICH DOES NOT RESULT IN UNACCEPTABLE AMENITY IMPACTS ON ADJOINING PROPERTIES.
- IN RESPONSE TO COUNCILS FEEDBACK THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN A REDUCTION IN THE TRAFFICABLE AREA OF THE FIRST FLOOR REAR BALCONY TO 20M².
- IN RESPONSE TO COUNCIL'S FEEDBACK THE DESIGN HAS BEEN AMENDED SUCH THAT THE PLANTER ALONG THE EASTERN EDGE OF THE FIRST FLOOR BALCONY HAS BEEN EXTENDED TO RETURN ALONG THE BALCONY'S SOUTHERN EDGE AND HAS BEEN INCREASED IN WIDTH, TO 1220MM, TO FURTHER ENHANCE VISUAL PRIVACY BETWEEN THE BALCONY AND THE PRIVATE OPEN SPACE AND HABITABLE ROOM WINDOWS OF ADJOINING PROPERTIES.
- IN RESPONSE TO COUNCIL'S FEEDBACK THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN AN INCREASE IN THE NORTHERN SIDE SETBACK SUCH THAT THE PROPOSED BUILDING ENVELOPE IS SETBACK FROM THE NORTHERN BOUNDARY BY 1500MM AT GROUND, FIRST AND SECOND FLOOR LEVELS, EXCEPT FOR THE GARAGE AT GROUND LEVEL ONLY WHICH IS PROPOSED TO BE SETBACK FROM THE NORTHERN BOUNDARY BY 900MM.
- IN RESPONSE TO COUNCIL'S FEEDBACK THE PROPOSED DESIGN HAS BEEN EMENDED SUCH THAT A LIGHTWEIGHT 'LAP AND CAP' TIMBER FENCE IS NOW PROPOSED ALONG THE NORTHERN, EASTERN AND SOUTHERN BOUNDARIES (IN LIEU OF MASONRY WALLS) AS SHOWN IN THE BOUNDARY FENCE ELEVATIONS PROVIDED.
- THE PROPOSED OPEN SPACE (TOTAL) HAS BEEN INCREASED BY 21.2M² TO 214.4M².
- THE PROPOSED PRIVATE OPEN SPACE HAS BEEN DECREASED BY 6.1M² TO 53M².
- THE PROPOSED LANDSCAPE AREA (GROUND LEVEL GARDEN BEDS) HAS BEEN INCREASED BY 20.3M² TO 109.8M².
- THE PROPOSED LANDSCAPE AREA (PLANTER BOXES + GREEN ROOFS) HAS BEEN DECREASED BY 15.4M² TO 50.6M².
- THE PROPOSED DEEP SOIL AREA HAS BEEN INCREASED BY 12.5M² TO 68.1M².

REV	DATE	REVISION
B	27.02.24	AMENDED AS REFLECTED IN THE ATTACHED SCHEDULE OF AMENDMENTS IN RESPONSE TO COUNCIL'S DEFERRAL LETTER - DATED 22.09.23
A	15.05.23	DEVELOPMENT APPLICATION ISSUE

PROJECT
DEVELOPMENT APPLICATION FOR NEW RESIDENCE

ADDRESS
2 HARLOWE PLACE BRONTE

CLIENT
B & L GILLESPIE

DRAWING
ELEVATION - SOUTH (SIDE - NO. 3 HARLOWE PLACE) + SOUTH BOUNDARY

TOBIAS PARTNERS
27 Renny Street Paddington NSW Australia 2021
T +61 2 9361 4800
F +61 2 9361 4900
E studio@tobiaspartners.com
NOMINATED ARCHITECT: NICHOLAS TOBIAS 6871

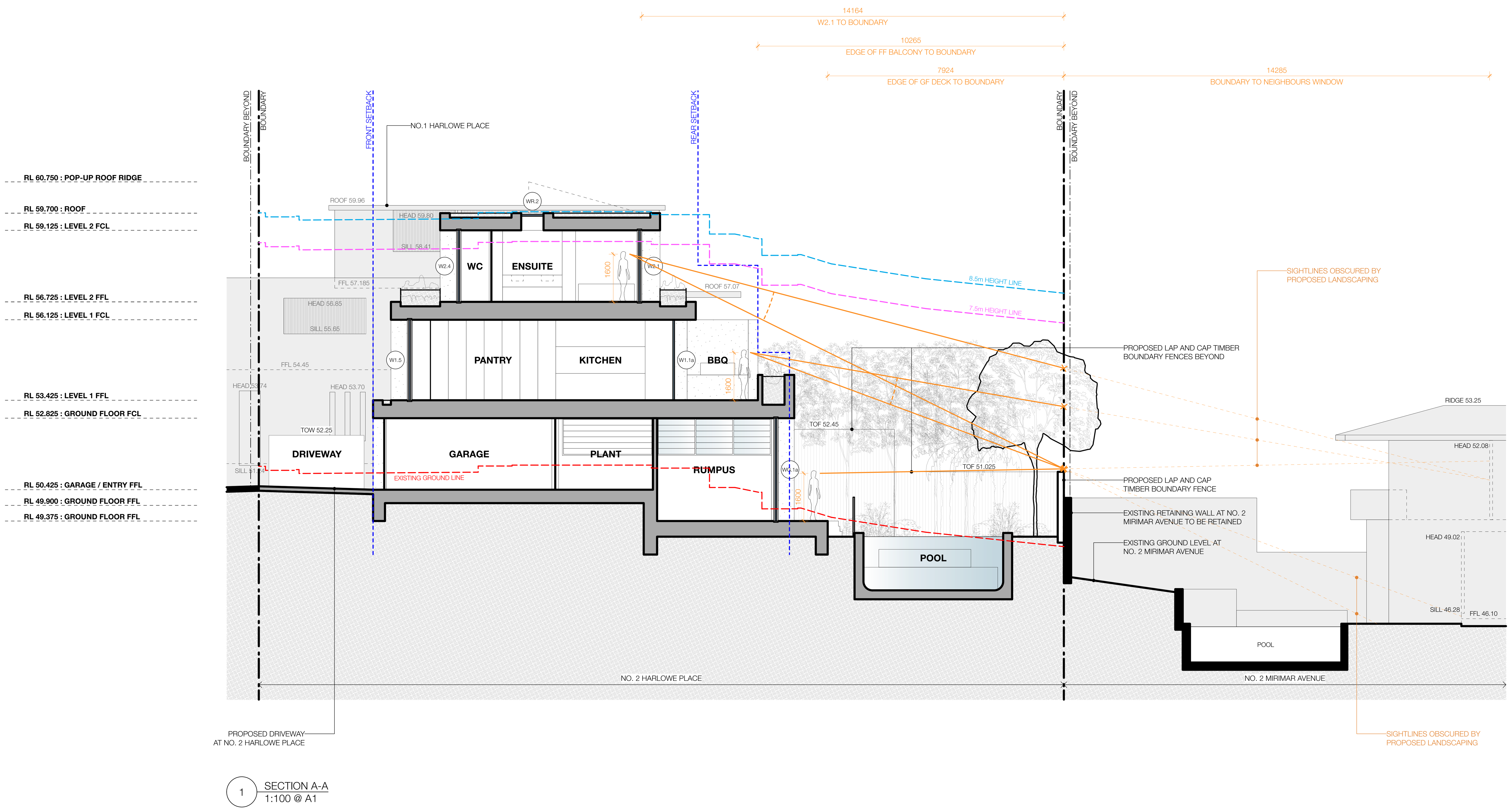
project no	0465
drawing number	A2.004B
date	FEB 2024
scale @	A1 1:100
drawn by	AL
checked by	JR
Revision	B

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-156/2023

Date Received: 11/03/2024



1 SECTION A-A
1:100 @ A1

LEGEND

- LOT BOUNDARY
- EXISTING TO BE DEMOLISHED
- AMENDED SETBACKS (AS AGREED WITH COUNCIL 12.10.23)
- PROPOSED STRUCTURE
- PROPOSED GLAZING

WINDOW SCHEDULE

Location	Window number	Window Configuration	Clear Opening Height of window (mm)	Clear Opening Width of window (mm)	General Orientation	External retractable solar blind or awning?	Internal blinds or curtains? (Not to be relied upon for BASIX compliance)	Notes
GROUND FLOOR								
Rumpus	WG.1a	1 fixed panel (timber framed)	3450	1366	East	None preferred	Curtains	• 540mm deep projecting slab overhead
	WG.1b	1 sliding panel (aluminium framed)	3450	1366	East	None preferred	Curtains	• 540mm deep projecting slab overhead • Fully operable
Bed	WG.2a	1 sliding panel (aluminium framed)	3450	1238	East	None preferred	Curtains	• 540mm deep projecting slab overhead • Fully operable
	WG.2b	1 fixed panel (timber framed)	3450	1238	East	None preferred	Curtains	• 540mm deep projecting slab overhead
	WG.3a	1 fixed panel (timber framed)	3450	1238	East	None preferred	Curtains	• 540mm deep projecting slab overhead
	WG.3b	1 sliding panel (aluminium framed)	3450	1238	East	None preferred	Curtains	• 540mm deep projecting slab overhead • Fully operable
	WG.4a	1 fixed panel (timber framed)	3450	1520	East	None preferred	Curtains	• 555mm deep projecting slab overhead
	WG.4b	1 sliding panel (aluminium framed)	3450	1520	East	None preferred	Curtains	• 555mm deep projecting slab overhead • Fully operable
Ensuite	WG.5a	Multiple operable louvre panels (aluminium framed)	1250	900	West	None preferred	None	• 175mm deep projecting slab overhead • Fully operable
Ensuite	WG.5b	Multiple operable louvre panels (aluminium framed)	1250	900	West	None preferred	None	• 175mm deep projecting slab overhead • Fully operable
Stair	WG.6a	Multiple operable louvre panels (aluminium framed)	3325	1055	West	None preferred	None	• 550mm deep projecting slab overhead • Fully operable
Stair	WG.6b	Multiple operable louvre panels (aluminium framed)	3325	1055	West	None preferred	None	• 550mm deep projecting slab overhead • Fully operable
Rumpus	WG.7a	Multiple operable louvre panels (aluminium framed)	1250	1305	North	None preferred	None	• 175mm deep projecting slab overhead • Fully operable
Rumpus	WG.7b	Multiple operable louvre panels (aluminium framed)	1250	1305	North	None preferred	None	• 175mm deep projecting slab overhead • Fully operable
Rumpus	WG.7c	Multiple operable louvre panels (aluminium framed)	1250	1305	North	None preferred	None	• 175mm deep projecting slab overhead • Fully operable
FIRST FLOOR								
Kitchen / Dining / Living	W1.1a	3 sliding panels (aluminium framed)	2700	6145	East	None preferred	Curtains	• 515mm deep projecting slab overhead • Fully operable
	W1.1b	1 fixed panel (timber framed)	2700	3995	East	None preferred	Curtains	• 515mm deep projecting slab overhead
	W1.1c	1 fixed panel (timber framed)	2700	1365	South	None preferred	Curtains	• 615mm deep projecting slab overhead
Study	W1.2	1 sliding panel (aluminium framed)	2700	1650	East	None preferred	Curtains	• 765mm deep projecting slab overhead • Restricted to 350mm opening
	W1.3	Multiple operable louvre panels (aluminium framed)	2700	1355	South	None preferred	None	• 175mm deep projecting slab overhead • Fully operable
Powder	W1.4	Multiple operable louvre panels (aluminium framed)	2700	1200	West	None preferred	None	• 550mm deep projecting slab overhead • Fully operable
Pantry	W1.5	Multiple operable louvre panels (aluminium framed)	2700	1200	West	None preferred	None	• 550mm deep projecting slab overhead • Fully operable
SECOND FLOOR								
Ensuite	W2.1	Multiple operable louvre panels (aluminium framed)	2400	1200	East	None preferred	None	• 615mm deep projecting slab overhead • Fully operable
Bed	W2.2a	1 sliding panel (aluminium framed)	2400	1225	East	None preferred	Curtains	• 555mm deep projecting slab overhead • Restricted to 120mm opening
	W2.2b	1 fixed window (timber framed)	2400	2810	East	None preferred	Curtains	• 555mm deep projecting slab overhead
	W2.2c	1 sliding panel (aluminium framed)	2400	1380	East	None preferred	Curtains	• 555mm deep projecting slab overhead • Restricted to 120mm opening
	W2.2d	1 fixed window (timber framed)	2400	2860	East	None preferred	Curtains	• 555mm deep projecting slab overhead
	W2.2e	1 sliding panel (aluminium framed)	2400	2415	South	None preferred	Curtains	• 615mm deep projecting slab overhead • Fully operable with external balustrade
Robe	W2.3	Multiple operable louvre panels (aluminium framed)	2400	1200	West	None preferred	None	• 550mm deep projecting slab overhead • Fully operable
Ensuite	W2.4	Multiple operable louvre panels (aluminium framed)	2400	1200	West	None preferred	None	• 550mm deep projecting slab overhead • Fully operable
Clerestory window over Bed	WR.1a	1 sliding panel (aluminium framed)	600	1805	West	None preferred	Internal Blinds	• 350mm deep projecting roof eave overhead • Fully operable
	WR.1b	1 fixed window (timber framed)	600	1805	West	None preferred	Internal Blinds	• 350mm deep projecting roof eave overhead
	WR.1c	1 sliding panel (aluminium framed)	600	1805	West	None preferred	Internal Blinds	• 350mm deep projecting roof eave overhead • Fully operable
Ensuite skylight	WR.2	1 fixed skylight (aluminium framed)	N/A	750Ø	N/A	None preferred	None	

SCHEDULE OF AMENDMENTS (GENERAL)

- THE ARCHITECTURAL PLANS HAVE BEEN AMENDED TO INCLUDE GREATER CONTEXTUAL INFORMATION OF ADJOINING PROPERTIES AT NO. 1 AND 3 HARLOWE PLACE, NO. 14 THOMPSON STREET AND NO. 2, 4, 4A, 6 AND 8 MIRIMAR, IN ACCORDANCE WITH COUNCIL'S FEEDBACK.
- THE ARCHITECTURAL PLANS HAVE BEEN EXTENDED TO INCLUDE THE WHOLE PROPERTY BOUNDARIES BUILDING FOOTPRINTS (AT EACH FLOOR LEVEL) OF NO. 1 AND 3 HARLOWE PLACE IN ACCORDANCE WITH COUNCIL'S FEEDBACK.
- THE 'PREDOMINANT FRONT BUILDING LINE' HAS BEEN ADJUSTED SUCH THAT IT ALIGNS WITH THE SOUTHERN PORTION OF THE DWELLING AT NO. 1 HARLOWE PLACE IN ACCORDANCE WITH COUNCIL'S FEEDBACK AND AS AGREED BY EMAIL ON 29TH SEPTEMBER 2023.
- THE 'PREDOMINANT REAR BUILDING LINES' AT GROUND, FIRST AND SECOND FLOOR LEVEL HAVE BEEN ADJUSTED SUCH THEY ARE AN ARC INTERSECTING THE CLOSEST POINT AT EACH LEVEL OF THE DWELLINGS AT NO. 1 AND 3 HARLOWE PLACE IN ACCORDANCE WITH COUNCIL'S FEEDBACK AND AS AGREED BY EMAIL ON 12TH OCTOBER 2023.
- THE PROPOSED BUILDING FOOTPRINT (OVER ALL LEVELS) HAS BEEN AMENDED TO ADDRESS COUNCIL'S CONCERNS WITH RESPECT TO THE FRONT, SIDE AND REAR SETBACKS, FSR, VISUAL BULK AND SCALE, ETC.
- IN ACCORDANCE WITH COUNCIL'S FEEDBACK THE DESIGN HAS BEEN AMENDED RESULTING IN A REDUCTION IN GFA SUCH THE PROPOSAL NOW COMPLIES WITH THE FSR DEVELOPMENT STANDARD.
- THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN AN INCREASE IN THE FRONT SETBACK SUCH THAT THE FRONT ALIGNMENT OF THE GARAGE (AND ENTRY PORCH), AT GROUND FLOOR LEVEL, ALIGNS WITH THE SOUTHERN PORTION OF THE DWELLING AT NO. 1 HARLOWE PLACE IN ACCORDANCE WITH COUNCIL'S FEEDBACK.
- IN RESPONSE TO COUNCIL'S FEEDBACK, THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN AN INCREASE IN THE REAR SETBACK SUCH THAT THE PROPOSED BUILDING ENVELOPE AT ALL LEVELS IS CONTAINED, PREDOMINANTLY, BEHIND THE AMENDED PREDOMINANT REAR BUILDING LINE AT EACH RESPECTIVE LEVEL, WITH ONLY MINOR PROTRUSIONS WHERE THEY DO NOT RESULT IN AMENITY IMPACTS ON ADJOINING PROPERTIES.
- THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN AN INCREASE IN THE REAR SETBACK SUCH THAT THE SOUTH-EASTERN PORTION OF THE GROUND FLOOR IS SETBACK FROM THE REAR BOUNDARY BY A MINIMUM OF 2485MM IN RESPONSE TO COUNCIL'S FEEDBACK.
- IN RESPONSE TO COUNCIL'S FEEDBACK, THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN AN INCREASE IN THE REAR SETBACK OF THE FIRST FLOOR REAR BALCONY SUCH THAT THE SETBACK OF THE BALCONY'S NORTH-EASTERN CORNER FROM THE NORTH-EASTERN (REAR) BOUNDARY HAS INCREASED BY APPROX. 2700MM (TO 7610MM), AND THE SETBACK OF ITS SOUTH-EASTERN CORNER FROM THE EASTERN (REAR) BOUNDARY HAS INCREASED BY APPROX. 1350MM (TO 5225MM).
- IN RESPONSE TO COUNCIL'S FEEDBACK, THE PROPOSED DESIGN HAS BEEN AMENDED SUCH THAT THE FIRST FLOOR REAR BALCONY (INCLUDING THE PRIVACY SCREEN WALL ALONG ITS NORTHERN EDGE) ARE CONTAINED, PREDOMINANTLY, BEHIND THE AMENDED FIRST FLOOR PREDOMINANT REAR BUILDING LINE, EXCEPT FOR A MINOR PROTRUSION IN ITS SOUTH-EASTERN CORNER, WHICH DOES NOT RESULT IN UNACCEPTABLE AMENITY IMPACTS ON ADJOINING PROPERTIES.
- IN RESPONSE TO COUNCILS FEEDBACK THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN A REDUCTION IN THE TRAFFICABLE AREA OF THE FIRST FLOOR REAR BALCONY TO 20M².
- IN RESPONSE TO COUNCIL'S FEEDBACK THE DESIGN HAS BEEN AMENDED SUCH THAT THE PLANTER ALONG THE EASTERN EDGE OF THE FIRST FLOOR BALCONY HAS BEEN EXTENDED TO RETURN ALONG THE BALCONY'S SOUTHERN EDGE AND HAS BEEN INCREASED IN WIDTH, TO 1220MM, TO FURTHER ENHANCE VISUAL PRIVACY BETWEEN THE BALCONY AND THE PRIVATE OPEN SPACE AND HABITABLE ROOM WINDOWS OF ADJOINING PROPERTIES.
- IN RESPONSE TO COUNCIL'S FEEDBACK THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN AN INCREASE IN THE NORTHERN SIDE SETBACK SUCH THAT THE PROPOSED BUILDING ENVELOPE IS SETBACK FROM THE NORTHERN BOUNDARY BY 1500MM AT GROUND, FIRST AND SECOND FLOOR LEVELS, EXCEPT FOR THE GARAGE AT GROUND LEVEL ONLY WHICH IS PROPOSED TO BE SETBACK FROM THE NORTHERN BOUNDARY BY 900MM.
- IN RESPONSE TO COUNCIL'S FEEDBACK THE PROPOSED DESIGN HAS BEEN EMENDED SUCH THAT A LIGHTWEIGHT 'LAP AND CAP' TIMBER FENCE IS NOW PROPOSED ALONG THE NORTHERN, EASTERN AND SOUTHERN BOUNDARIES (IN LIEU OF MASONRY WALLS) AS SHOWN IN THE BOUNDARY FENCE ELEVATIONS PROVIDED.
- THE PROPOSED OPEN SPACE (TOTAL) HAS BEEN INCREASED BY 21.2M² TO 214.4M².
- THE PROPOSED PRIVATE OPEN SPACE HAS BEEN DECREASED BY 6.1M² TO 53M².
- THE PROPOSED LANDSCAPE AREA (GROUND LEVEL GARDEN BEDS) HAS BEEN INCREASED BY 20.3M² TO 109.8M².
- THE PROPOSED LANDSCAPE AREA (PLANTER BOXES + GREEN ROOFS) HAS BEEN DECREASED BY 15.4M² TO 50.6M².
- THE PROPOSED DEEP SOIL AREA HAS BEEN INCREASED BY 12.5M² TO 68.1M².

REV	DATE	REVISION
B	27.02.24	AMENDED AS REFLECTED IN THE ATTACHED SCHEDULE OF AMENDMENTS IN RESPONSE TO COUNCIL'S DEFERRAL LETTER - DATED 22.09.23
A	15.05.23	DEVELOPMENT APPLICATION ISSUE

PROJECT
DEVELOPMENT APPLICATION FOR NEW RESIDENCE

ADDRESS
2 HARLOWE PLACE BRONTE

CLIENT
B & L GILLESPIE

DRAWING
SECTION A-A

27 Renny Street Paddington NSW Australia 2021
T +61 2 9361 4800
F +61 2 9361 4900
E studio@tobiaspartners.com
NOMINATED ARCHITECT: NICHOLAS TOBIAS 6871

project no 0465
drawing number A3.001B
date FEB 2024
scale @ A1 1:100
drawn by AL
checked by JR
Revision **B**

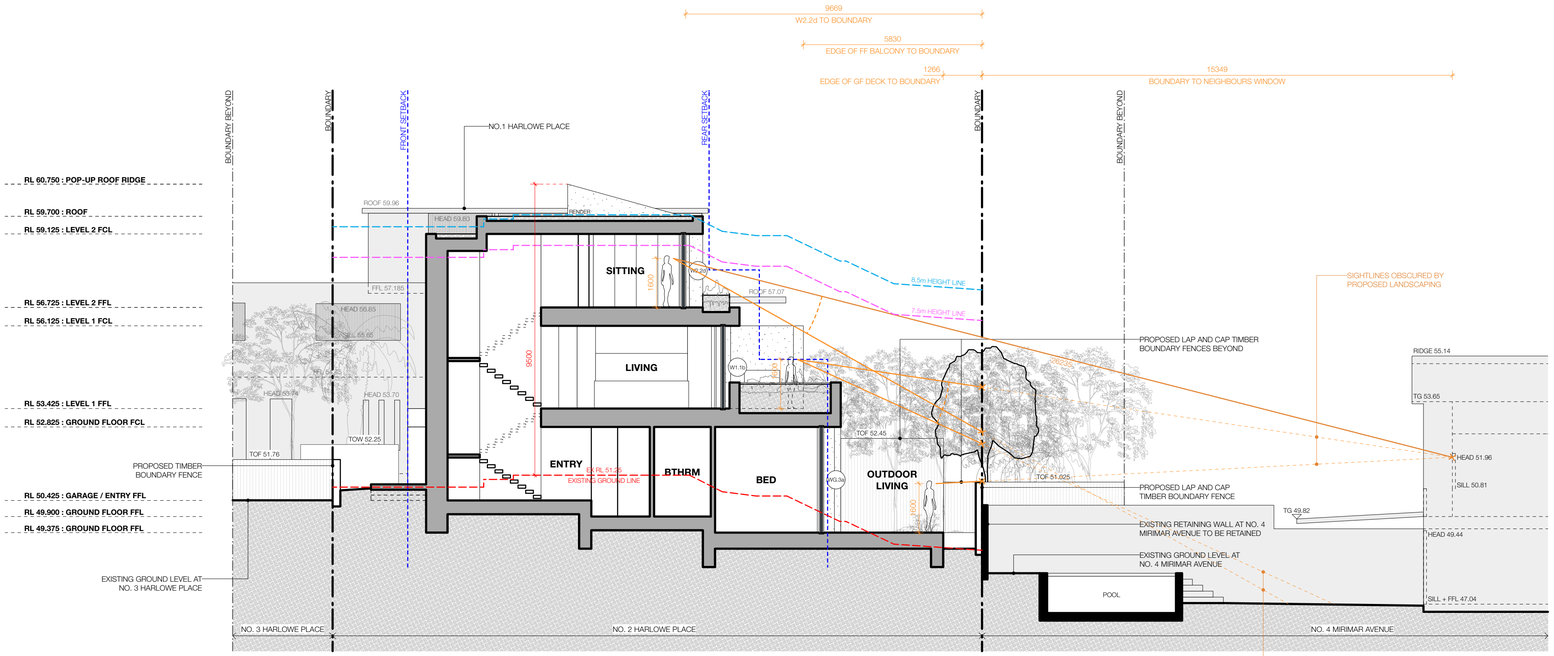
AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-156/2023

Date Received: 11/03/2024

0008622623-02 28 Feb 2024
Assessor Raymond Sleiman
Accreditation No. DMN/12/1472
Address 2 Harlowe Place, Bronte, NSW, 2024
5.5 NATIONWIDE HOUSE ENERGY RATING 57.3 MJ/m²
www.hstar.com.au
www.nathers.gov.au



1 SECTION B-B
1:100 @ A1

LEGEND

- LOT BOUNDARY
- EXISTING TO BE DEMOLISHED
- AMENDED SETBACKS (AS AGREED WITH COUNCIL 12.10.23)
- PROPOSED STRUCTURE
- PROPOSED GLAZING

WINDOW SCHEDULE

Location	Window number	Window Configuration	Clear Opening Height of window (mm)	Clear Opening Width of window (mm)	General Orientation	External retractable solar blind or awning?	Internal blinds or curtains? (Not to be relied upon for BASIX compliance)	Notes
GROUND FLOOR								
Rumpus	WG.1a	1 fixed panel (timber framed)	3450	1366	East	None preferred	Curtains	• 540mm deep projecting slab overhead
	WG.1b	1 sliding panel (aluminium framed)	3450	1366	East	None preferred	Curtains	• 540mm deep projecting slab overhead • Fully operable
Bed	WG.2a	1 sliding panel (aluminium framed)	3450	1238	East	None preferred	Curtains	• 540mm deep projecting slab overhead • Fully operable
	WG.2b	1 fixed panel (timber framed)	3450	1238	East	None preferred	Curtains	• 540mm deep projecting slab overhead
	WG.3a	1 fixed panel (timber framed)	3450	1238	East	None preferred	Curtains	• 540mm deep projecting slab overhead
	WG.3b	1 sliding panel (aluminium framed)	3450	1238	East	None preferred	Curtains	• 540mm deep projecting slab overhead • Fully operable
	WG.4a	1 fixed panel (timber framed)	3450	1520	East	None preferred	Curtains	• 550mm deep projecting slab overhead
	WG.4b	1 sliding panel (aluminium framed)	3450	1520	East	None preferred	Curtains	• 550mm deep projecting slab overhead • Fully operable
Ensuite	WG.5a	Multiple operable louvre panels (aluminium framed)	1250	900	West	None preferred	None	• 175mm deep projecting slab overhead • Fully operable
Ensuite	WG.5b	Multiple operable louvre panels (aluminium framed)	1250	900	West	None preferred	None	• 175mm deep projecting slab overhead • Fully operable
Stair	WG.6a	Multiple operable louvre panels (aluminium framed)	3325	1055	West	None preferred	None	• 550mm deep projecting slab overhead • Fully operable
Stair	WG.6b	Multiple operable louvre panels (aluminium framed)	3325	1055	West	None preferred	None	• 550mm deep projecting slab overhead • Fully operable
Rumpus	WG.7a	Multiple operable louvre panels (aluminium framed)	1250	1305	North	None preferred	None	• 175mm deep projecting slab overhead • Fully operable
Rumpus	WG.7b	Multiple operable louvre panels (aluminium framed)	1250	1305	North	None preferred	None	• 175mm deep projecting slab overhead • Fully operable
Rumpus	WG.7c	Multiple operable louvre panels (aluminium framed)	1250	1305	North	None preferred	None	• 175mm deep projecting slab overhead • Fully operable
FIRST FLOOR								
Kitchen / Dining / Living	Wt.1a	3 sliding panels (aluminium framed)	2700	6145	East	None preferred	Curtains	• 515mm deep projecting slab overhead • Fully operable
	Wt.1b	1 fixed panel (timber frame)	2700	3995	East	None preferred	Curtains	• 515mm deep projecting slab overhead
	Wt.1c	1 fixed panel (timber frame)	2700	1365	South	None preferred	Curtains	• 515mm deep projecting slab overhead
Study	Wt.2	1 sliding panel (aluminium framed)	2700	1650	East	None preferred	Curtains	• 765mm deep projecting slab overhead • Restricted to 350mm opening
	Wt.3	Multiple operable louvre panels (aluminium framed)	2700	1355	South	None preferred	None	• 175mm deep projecting slab overhead • Fully operable
Powder	Wt.4	Multiple operable louvre panels (aluminium framed)	2700	1200	West	None preferred	None	• 550mm deep projecting slab overhead • Fully operable
Pantry	Wt.5	Multiple operable louvre panels (aluminium framed)	2700	1200	West	None preferred	None	• 550mm deep projecting slab overhead • Fully operable
SECOND FLOOR								
Ensuite	W2.1	Multiple operable louvre panels (aluminium framed)	2400	1200	East	None preferred	None	• 615mm deep projecting slab overhead • Fully operable
Bed	W2.2a	1 sliding panel (aluminium framed)	2400	1225	East	None preferred	Curtains	• 555mm deep projecting slab overhead • Restricted to 120mm opening
	W2.2b	1 fixed window (timber framed)	2400	2810	East	None preferred	Curtains	• 555mm deep projecting slab overhead
	W2.2c	1 sliding panel (aluminium framed)	2400	1380	East	None preferred	Curtains	• 555mm deep projecting slab overhead • Restricted to 120mm opening
	W2.2d	1 fixed window (timber framed)	2400	2860	East	None preferred	Curtains	• 555mm deep projecting slab overhead
	W2.2e	1 sliding panel (aluminium framed)	2400	2415	South	None preferred	Curtains	• 615mm deep projecting slab overhead • Fully operable with external balustrade
Robe	W2.3	Multiple operable louvre panels (aluminium framed)	2400	1200	West	None preferred	None	• 550mm deep projecting slab overhead • Fully operable
Ensuite	W2.4	Multiple operable louvre panels (aluminium framed)	2400	1200	West	None preferred	None	• 550mm deep projecting slab overhead • Fully operable
Clerestory window over Bed	WR.1a	1 sliding panel (aluminium framed)	600	1805	West	None preferred	Internal Blinds	• 350mm deep projecting roof eave overhead • Fully operable
	WR.1b	1 fixed window (timber framed)	600	1805	West	None preferred	Internal Blinds	• 350mm deep projecting roof eave overhead
	WR.1c	1 sliding panel (aluminium framed)	600	1805	West	None preferred	Internal Blinds	• 350mm deep projecting roof eave overhead • Fully operable
Ensuite skylight	WR.2	1 fixed skylight (aluminum framed)	N/A	750D	N/A	None preferred	None	

SCHEDULE OF AMENDMENTS (GENERAL)

- THE ARCHITECTURAL PLANS HAVE BEEN AMENDED TO INCLUDE GREATER CONTEXTUAL INFORMATION OF ADJOINING PROPERTIES AT NO. 1 AND 3 HARLOWE PLACE, NO. 14 THOMPSON STREET AND NO. 2, 4, 4A, 6 AND 8 MIRIMAR, IN ACCORDANCE WITH COUNCIL'S FEEDBACK.
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- THE 'PREDOMINANT REAR BUILDING LINES' AT GROUND, FIRST AND SECOND FLOOR LEVEL HAVE BEEN ADJUSTED SUCH THEY ARE AN ARC INTERSECTING THE CLOSEST POINT AT EACH LEVEL OF THE DWELLINGS AT NO. 1 AND 3 HARLOWE PLACE IN ACCORDANCE WITH COUNCIL'S FEEDBACK AND AS AGREED BY EMAIL ON 12TH OCTOBER 2023.
- THE PROPOSED BUILDING FOOTPRINT (OVER ALL LEVELS) HAS BEEN AMENDED TO ADDRESS COUNCIL'S CONCERNS WITH RESPECT TO THE FRONT, SIDE AND REAR SETBACKS, FSR, VISUAL BULK AND SCALE, ETC.
- IN ACCORDANCE WITH COUNCIL'S FEEDBACK THE DESIGN HAS BEEN AMENDED RESULTING IN A REDUCTION IN GFA SUCH THE PROPOSAL NOW COMPLIES WITH THE FSR DEVELOPMENT STANDARD.
- THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN AN INCREASE IN THE FRONT SETBACK SUCH THAT THE FRONT ALIGNMENT OF THE GARAGE (AND ENTRY PORCH), AT GROUND FLOOR LEVEL, ALIGNS WITH THE SOUTHERN PORTION OF THE DWELLING AT NO. 1 HARLOWE PLACE IN ACCORDANCE WITH COUNCIL'S FEEDBACK.
- IN RESPONSE TO COUNCIL'S FEEDBACK, THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN AN INCREASE IN THE REAR SETBACK SUCH THAT THE PROPOSED BUILDING ENVELOPE AT ALL LEVELS IS CONTAINED, PREDOMINANTLY, BEHIND THE AMENDED PREDOMINANT REAR BUILDING LINE AT EACH RESPECTIVE LEVEL, WITH ONLY MINOR PROTRUSIONS WHERE THEY DO NOT RESULT IN AMENITY IMPACTS ON ADJOINING PROPERTIES.
- THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN AN INCREASE IN THE REAR SETBACK SUCH THAT THE SOUTH-EASTERN PORTION OF THE GROUND FLOOR IS SETBACK FROM THE REAR BOUNDARY BY A MINIMUM OF 2485MM IN RESPONSE TO COUNCIL'S FEEDBACK.
- IN RESPONSE TO COUNCIL'S FEEDBACK, THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN AN INCREASE IN THE REAR SETBACK OF THE FIRST FLOOR REAR BALCONY SUCH THAT THE SETBACK OF THE BALCONY'S NORTH-EASTERN CORNER FROM THE NORTH-EASTERN (REAR) BOUNDARY HAS INCREASED BY APPROX. 2700MM (TO 7610MM), AND THE SETBACK OF ITS SOUTH-EASTERN CORNER FROM THE EASTERN (REAR) BOUNDARY HAS INCREASED BY APPROX. 1350MM (TO 5225MM).
- IN RESPONSE TO COUNCIL'S FEEDBACK, THE PROPOSED DESIGN HAS BEEN AMENDED SUCH THAT THE FIRST FLOOR REAR BALCONY (INCLUDING THE PRIVACY SCREEN WALL ALONG ITS NORTHERN EDGE) ARE CONTAINED, PREDOMINANTLY, BEHIND THE AMENDED FIRST FLOOR PREDOMINANT REAR BUILDING LINE, EXCEPT FOR A MINOR PROTRUSION IN ITS SOUTH-EASTERN CORNER, WHICH DOES NOT RESULT IN UNACCEPTABLE AMENITY IMPACTS ON ADJOINING PROPERTIES.
- IN RESPONSE TO COUNCILS FEEDBACK THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN A REDUCTION IN THE TRAFFICABLE AREA OF THE FIRST FLOOR REAR BALCONY TO 20M².
- IN RESPONSE TO COUNCIL'S FEEDBACK THE DESIGN HAS BEEN AMENDED SUCH THAT THE PLANTER ALONG THE EASTERN EDGE OF THE FIRST FLOOR BALCONY HAS BEEN EXTENDED TO RETURN ALONG THE BALCONY'S SOUTHERN EDGE AND HAS BEEN INCREASED IN WIDTH, TO 1220MM, TO FURTHER ENHANCE VISUAL PRIVACY BETWEEN THE BALCONY AND THE PRIVATE OPEN SPACE AND HABITABLE ROOM WINDOWS OF ADJOINING PROPERTIES.
- IN RESPONSE TO COUNCIL'S FEEDBACK THE PROPOSED DESIGN HAS BEEN AMENDED RESULTING IN AN INCREASE IN THE NORTHERN SIDE SETBACK SUCH THAT THE PROPOSED BUILDING ENVELOPE IS SETBACK FROM THE NORTHERN BOUNDARY BY 1500MM AT GROUND, FIRST AND SECOND FLOOR LEVELS, EXCEPT FOR THE GARAGE AT GROUND LEVEL ONLY WHICH IS PROPOSED TO BE SETBACK FROM THE NORTHERN BOUNDARY BY 900MM.
- IN RESPONSE TO COUNCIL'S FEEDBACK THE PROPOSED DESIGN HAS BEEN EMENDED SUCH THAT A LIGHTWEIGHT 'LAP AND CAP' TIMBER FENCE IS NOW PROPOSED ALONG THE NORTHERN, EASTERN AND SOUTHERN BOUNDARIES (IN LIEU OF MASONRY WALLS) AS SHOWN IN THE BOUNDARY FENCE ELEVATIONS PROVIDED.
- THE PROPOSED OPEN SPACE (TOTAL) HAS BEEN INCREASED BY 21.2M² TO 214.4M².
- THE PROPOSED PRIVATE OPEN SPACE HAS BEEN DECREASED BY 6.1M² TO 53M².
- THE PROPOSED LANDSCAPE AREA (GROUND LEVEL GARDEN BEDS) HAS BEEN INCREASED BY 20.3M² TO 109.8M².
- THE PROPOSED LANDSCAPE AREA (PLANTER BOXES + GREEN ROOFS) HAS BEEN DECREASED BY 15.4M² TO 50.6M².
- THE PROPOSED DEEP SOIL AREA HAS BEEN INCREASED BY 12.5M² TO 68.1M².

REV	DATE	REVISION
B	27.02.24	AMENDED AS REFLECTED IN THE ATTACHED SCHEDULE OF AMENDMENTS IN RESPONSE TO COUNCIL'S DEFERRAL LETTER - DATED 22.09.23
A	15.05.23	DEVELOPMENT APPLICATION ISSUE

PROJECT
DEVELOPMENT APPLICATION FOR NEW RESIDENCE

ADDRESS
2 HARLOWE PLACE BRONTE

CLIENT
B & L GILLESPIE

DRAWING
SECTION B-B

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NOMINATED ARCHITECT: NICHOLAS TOBIAS 6871

project no	0465
drawing number	A3.002B
date	FEB 2024
scale @ A1	1:100
drawn by	AL
checked by	JR
Revision	B

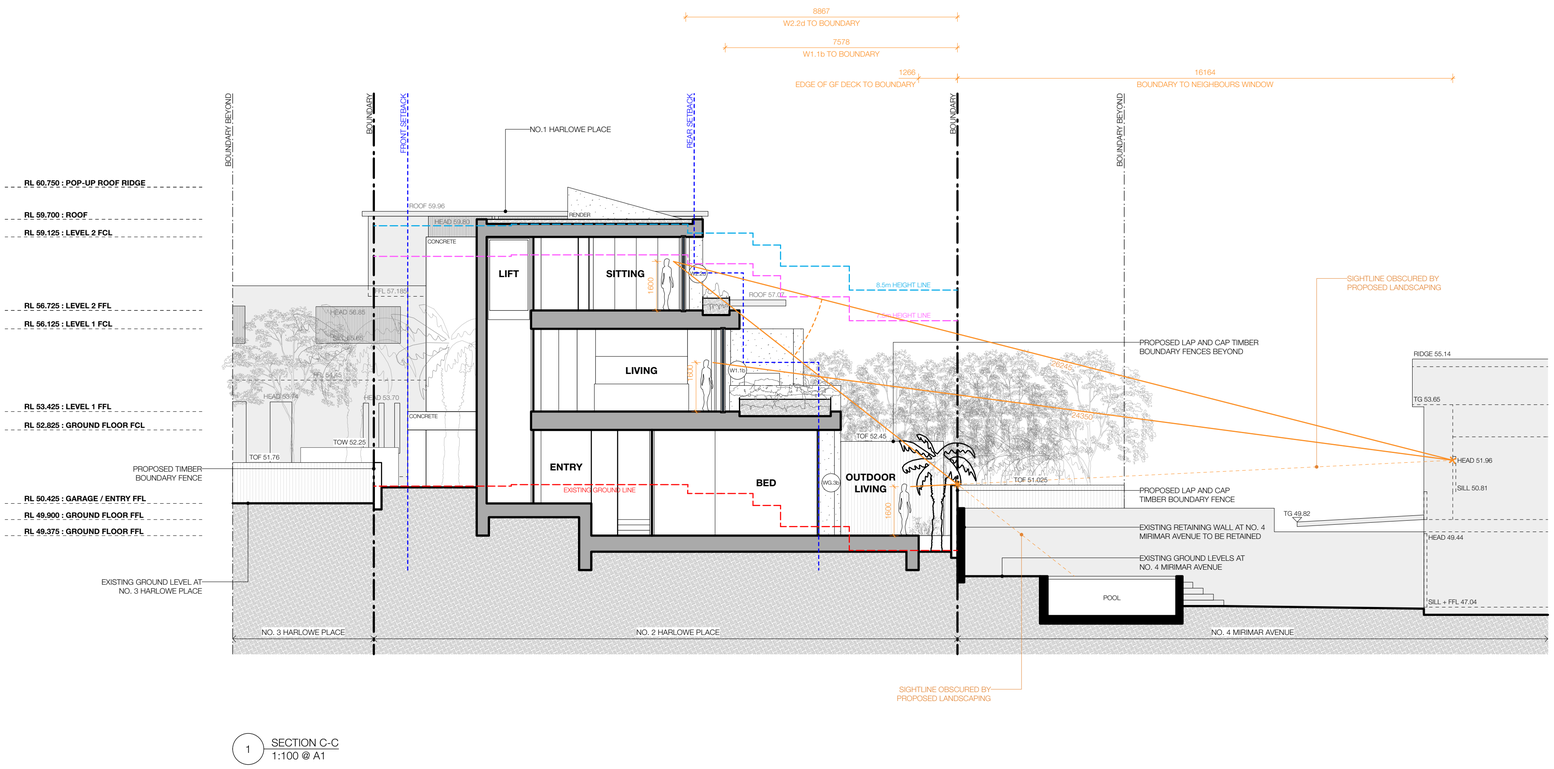
0008622623-02 28 Feb 2024
Assessor Raymond Sleiman
Accreditation No. DMN/12/1472
Address 2 Harlowe Place, Bronte, NSW, 2024
5.5 NATIONWIDE HOUSE ENERGY RATING 57.3 www.nathers.gov.au
www.hstar.com.au

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-156/2023

Date Received: 11/03/2024



1 SECTION C-C
1:100 @ A1

LEGEND

- LOT BOUNDARY
- EXISTING TO BE DEMOLISHED
- AMENDED SETBACKS (AS AGREED WITH COUNCIL 12.10.23)
- PROPOSED STRUCTURE
- PROPOSED GLAZING

WINDOW SCHEDULE

Location	Window number	Window Configuration	Clear Opening Height of window (mm)	Clear Opening Width of window (mm)	General Orientation	External retractable solar blind or awning?	Internal blinds or curtains? (Not to be relied upon for BASIX compliance)	Notes
GROUND FLOOR								
Rumpus	WG.1a	1 fixed panel (timber framed)	3450	1366	East	None preferred	Curtains	• 540mm deep projecting slab overhead
	WG.1b	1 sliding panel (aluminium framed)	3450	1366	East	None preferred	Curtains	• 540mm deep projecting slab overhead • Fully operable
Bed	WG.2a	1 sliding panel (aluminium framed)	3450	1238	East	None preferred	Curtains	• 540mm deep projecting slab overhead • Fully operable
	WG.2b	1 fixed panel (timber framed)	3450	1238	East	None preferred	Curtains	• 540mm deep projecting slab overhead
	WG.3a	1 fixed panel (timber framed)	3450	1238	East	None preferred	Curtains	• 540mm deep projecting slab overhead
	WG.3b	1 sliding panel (aluminium framed)	3450	1238	East	None preferred	Curtains	• 540mm deep projecting slab overhead • Fully operable
	WG.4a	1 fixed panel (timber framed)	3450	1520	East	None preferred	Curtains	• 550mm deep projecting slab overhead
	WG.4b	1 sliding panel (aluminium framed)	3450	1520	East	None preferred	Curtains	• 550mm deep projecting slab overhead • Fully operable
Ensuite	WG.5a	Multiple operable louvre panels (aluminium framed)	1250	900	West	None preferred	None	• 175mm deep projecting slab overhead • Fully operable
Ensuite	WG.5b	Multiple operable louvre panels (aluminium framed)	1250	900	West	None preferred	None	• 175mm deep projecting slab overhead • Fully operable
Stair	WG.6a	Multiple operable louvre panels (aluminium framed)	3325	1055	West	None preferred	None	• 500mm deep projecting slab overhead • Fully operable
Stair	WG.6b	Multiple operable louvre panels (aluminium framed)	3325	1055	West	None preferred	None	• 500mm deep projecting slab overhead • Fully operable
Rumpus	WG.7a	Multiple operable louvre panels (aluminium framed)	1250	1305	North	None preferred	None	• 175mm deep projecting slab overhead • Fully operable
Rumpus	WG.7b	Multiple operable louvre panels (aluminium framed)	1250	1305	North	None preferred	None	• 175mm deep projecting slab overhead • Fully operable
Rumpus	WG.7c	Multiple operable louvre panels (aluminium framed)	1250	1305	North	None preferred	None	• 175mm deep projecting slab overhead • Fully operable
FIRST FLOOR								
Kitchen / Dining / Living	Wf.1a	3 sliding panels (aluminium framed)	2700	6145	East	None preferred	Curtains	• 515mm deep projecting slab overhead • Fully operable
	Wf.1b	1 fixed panel (timber framed)	2700	3995	East	None preferred	Curtains	• 515mm deep projecting slab overhead
	Wf.1c	1 fixed panel (timber framed)	2700	1365	South	None preferred	Curtains	• 515mm deep projecting slab overhead
Study	Wf.2	1 sliding panel (aluminium framed)	2700	1650	East	None preferred	Curtains	• 760mm deep projecting slab overhead • Restricted to 350mm opening
	Wf.3	Multiple operable louvre panels (aluminium framed)	2700	1355	South	None preferred	None	• 175mm deep projecting slab overhead • Fully operable
Powder	Wf.4	Multiple operable louvre panels (aluminium framed)	2700	1200	West	None preferred	None	• 550mm deep projecting slab overhead • Fully operable
Pantry	Wf.5	Multiple operable louvre panels (aluminium framed)	2700	1200	West	None preferred	None	• 550mm deep projecting slab overhead • Fully operable
SECOND FLOOR								
Ensuite	W2.1	Multiple operable louvre panels (aluminium framed)	2400	1200	East	None preferred	None	• 615mm deep projecting slab overhead • Fully operable
Bed	W2.2a	1 sliding panel (aluminium framed)	2400	1225	East	None preferred	Curtains	• 555mm deep projecting slab overhead • Restricted to 120mm opening
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Robe	W2.3	Multiple operable louvre panels (aluminium framed)	2400	1200	West	None preferred	None	• 550mm deep projecting slab overhead • Fully operable
Ensuite	W2.4	Multiple operable louvre panels (aluminium framed)	2400	1200	West	None preferred	None	• 550mm deep projecting slab overhead • Fully operable
Clerestory window over Bed	WR.1a	1 sliding panel (aluminium framed)	600	1805	West	None preferred	Internal Blinds	• 350mm deep projecting roof eave overhead • Fully operable
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	WR.1c	1 sliding panel (aluminium framed)	600	1805	West	None preferred	Internal Blinds	• 350mm deep projecting roof eave overhead • Fully operable
Ensuite skylight	WR.2	1 fixed skylight (aluminium framed)	N/A	750Ø	N/A	None preferred	None	

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A	15.05.23	DEVELOPMENT APPLICATION ISSUE

PROJECT
DEVELOPMENT APPLICATION FOR NEW RESIDENCE

ADDRESS
2 HARLOWE PLACE BRONTE

CLIENT
B & L GILLESPIE

DRAWING
SECTION C-C

TOBIAS PARTNERS
27 Renny Street Paddington NSW Australia 2021
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NOMINATED ARCHITECT: NICHOLAS TOBIAS 6871

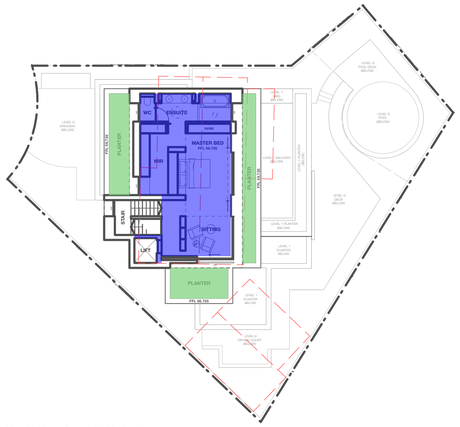
project no	0465
drawing number	A3.003B
date	FEB 2024
scale @ A1	1:100
drawn by	AL
checked by	JR
Revision	B

AMENDED PLANS

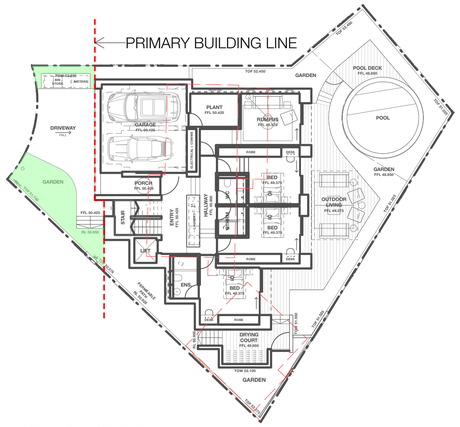
RECEIVED
Waverley Council

Application No: DA-156/2023

Date Received: 11/03/2024



SECOND FLOOR PLAN
GFA 58.1m²
LANDSCAPED AREA 26.0m²



GROUND FLOOR PLAN
FRONT AREA - LANDSCAPED 18.4m²

FIRST FLOOR PLAN
GFA 98.7m²
PRIVATE OPEN SPACE 17.8m²
LANDSCAPED AREA 24.6m²

GROUND FLOOR PLAN
FRONT AREA - OPEN SPACE 44.8m²

GROUND FLOOR PLAN
DEEP SOIL AREA 68.1m²

GROUND FLOOR PLAN
GFA 110.3m²
PRIVATE OPEN SPACE 35.2m²
LANDSCAPED AREA 109.8m²

GROUND FLOOR PLAN
FRONT AREA 49.5m²

GROUND FLOOR PLAN
OPEN SPACE AREA 214.4m²

LEGEND

- PROPOSED GFA
- OPEN SPACE AREA
- PRIVATE OPEN SPACE
- LANDSCAPED AREA
- DEEP SOIL AREA
- FRONT AREA
- FRONT AREA - OPEN SPACE
- FRONT AREA - LANDSCAPED

AREA CALCULATIONS

WAVERLEY MUNICIPAL COUNCIL CONTROLS

SITE AREA	**419.3 m²**
COUNCIL CONTROL GFA	**270.0 m²**
COUNCIL CONTROL FSR	**0.644 : 1**
PROPOSED TOTAL GFA	
GROUND FLOOR	110.3
FIRST FLOOR	98.7
SECOND FLOOR	58.1
TOTAL GFA	**267.1 m²**
PROPOSED FSR	**0.637 : 1**
OPEN SPACE AREA	
COUNCIL CONTROL	167.7 m² (40% of site area)
PROPOSED	214.4 m² (51% of site area)
LANDSCAPED AREA	
COUNCIL CONTROL	83.9 m² (20% of site area)
LANDSCAPED AREA (not built under or over)	
PROPOSED	109.8 m² (26% of site area)
LANDSCAPED AREA (built in planter boxes / green roof)	
PROPOSED L2	26.0
PROPOSED L1	24.6
TOTAL PROPOSED	50.6 m² (12% of site)
PROPOSED LANDSCAPED AREA	**160.4 m² (38% of site area)**
DEEP SOIL AREA	
COUNCIL CONTROL	42.0 m² (50% of min. landscaped area)
PROPOSED	68.1 m² (81% of min. landscaped area)
PRIVATE OPEN SPACE	
COUNCIL CONTROL	25 m²
PROPOSED GF DECK	35.2 m²
PROPOSED L1 DECK	17.8 m²
MIN. 50% OF THE AREA BETWEEN THE FRONT OF THE PRIMARY BUILDING AND THE STREET ALIGNMENT IS TO BE OPEN SPACE	
PROPOSED FRONT AREA	49.5 m²
COUNCIL CONTROL	24.8 m² (50% of front area)
PROPOSED FRONT OPEN SPACE	44.8 m² (91% of front area)
MIN. 50% OF THE OPEN SPACE PROVIDED AT THE FRONT BUILDING SETBACK CONTROL IS TO BE LANDSCAPED AREA	
COUNCIL COUNTROL	22.4 m² (50% of front open space)
PROPOSED	18.4 m² (41% of front open space)

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A	15.05.23	DEVELOPMENT APPLICATION ISSUE

PROJECT
DEVELOPMENT APPLICATION FOR NEW RESIDENCE

ADDRESS
2 HARLOWE PLACE BRONTE

CLIENT
B & L GILLESPIE

DRAWING
COUNCIL CONTROLS - AREA CALCULATIONS

TOBIAS PARTNERS
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E studio@tobiaspartners.com
NOMINATED ARCHITECT: NICHOLAS TOBIAS 6871

project no	0465
date	FEB 2024
scale @ A1	1:200
drawn by	AL
checked by	JR
drawing number	A9.001B
Revision	B

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-156/2023

Date Received: 11/03/2024

GROUND FLOOR PLAN

LEGEND

- SWIMMING POOL
- LANDSCAPING
- GARAGE
- BUILDING FOOTPRINT

EXCAVATION CALCULATIONS

WAVERLEY MUNICIPAL COUNCIL CONTROLS

SITE AREA	**419.3 m²**
EXCAVATION COUNCIL CONTROL GFA	133 m³ (approx)
PROPOSED EXCAVATION	
GARAGE AREA	18 m³
BUILDING FOOTPRINT	136 m³
LANDSCAPING	14 m³
SWIMMING POOL	25 m³
TOTAL	**193 m³**

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B & L GILLESPIE

DRAWING

COUNCIL CONTROLS - EXCAVATION CALCULATIONS

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project no	0465
date	FEB 2024
scale @ A1	1:100
drawn by	AL
checked by	JR
drawing number	A9.002B
Revision	**B**

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-156/2023

Date Received: 11/03/2024

OFF FORM CONCRETE

RENDERED WALLS

TIMBER CLADDING

LAP AND CAP TIMBER FENCE

ALUMINIUM FRAMED CLEAR GLAZING

TIMBER FRAMED CLEAR GLAZING

WHITE METAL WORK

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CLIENT

B & L GILLESPIE

DRAWING

EXTERNAL MATERIALS PALETTE

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project no	0465
drawing number	A9.004B
date	FEB 2024
scale @ A1	NTS
drawn by	AL
checked by	JR
Revision	**B**

A3

AMENDED PLANS

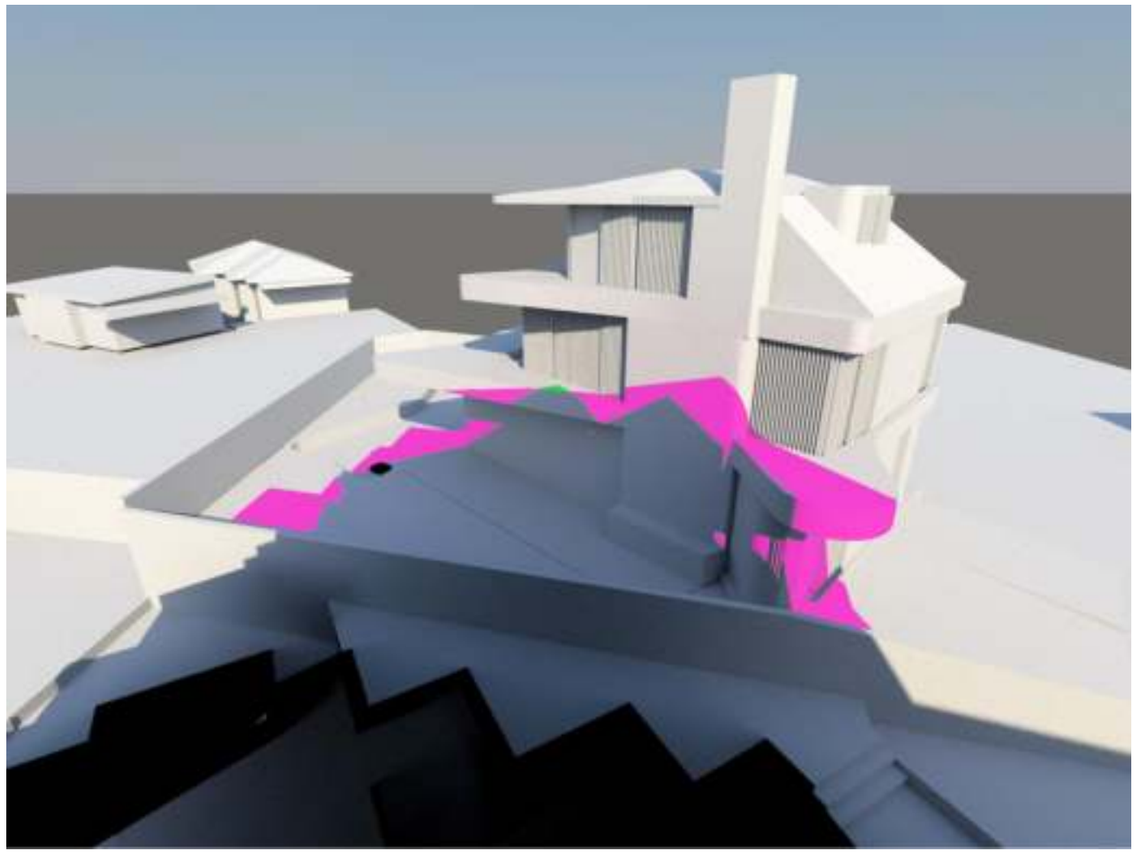
SOLAR STUDY
2 HARLOWE PLACE, BRONTE
Shadow Diagrams and Views from the Sun

07.03.2024

RECEIVED
Waverley Council

Application No: DA-156/2023

Date Received: 11/03/2024



CMS SURVEYORS PTY LTD
ACN 096 240 201
PO Box 463 Dee Why, NSW, 2099
2/99A South Creek Road, Dee Why, NSW, 2099
☎ (02) 9971 4802
info@cmssurveyors.com.au
www.cmssurveyors.com.au

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-156/2023

Date Received: 11/03/2024

SOLAR STUDY PROCESS

Preamble

CMS Surveyors has been engaged to prepare the following survey-accurate representation of the solar impacts of the proposed development. CMS Surveyors have developed this methodology based on sound knowledge of coordinate systems, survey data, 3D modelling software and photography

This solar study has been primarily produced to verify the architect's own documentation prepared for the proposed development. In order to produce our own solar study CMS Surveyors has collected surveyed point cloud data and photography on site, related this information to a coordinate system, and prepared rendered views using virtual 3D models of both the existing scene and the proposal (as supplied), the 3D Point Cloud and photography to confirm the process.

Process

The site and existing building(s) are surveyed using a Laser scanner which creates a 'point cloud' consisting of tens of millions of points representing the scene, akin to a 3D photograph. The scan data is related by survey methods to to the Australian Height Datum (AHD) and the Map Grid of Australia (MGA) and the proposed development model has been aligned and referenced to the survey data captured on site, including existing physical features and/or the boundaries of the site. Where necessary, the existing buildings/structures have been modelled to match the point cloud data.

The methodology used for scene setup is further described in the images on the right of this page.

Notes:

- Any materials or colours shown are indicative only. Refer to Architect's documentation for final materials and finishes.
- This solar study has been produced using a 3D model provided by John Richards of Tobias Partners. File Ref 240223_0465_Harlowe_Gillespie_Overall.skp supplied by dropbox link 23.02.2024
- The model provided has been checked for conistsency with DA plans dated February 2024
- The 3D model of the residence at No. 3 Harlowe Place (currently under construction) has been developed from the DA Approved plans and may not necessarily represent the 'as-constructed' state.
- Point Cloud data surveyed May 2022 and October 2023 using a Leica RTC 360 Laser Scanner and survey control has been placed using theodolite measurements.
- Existing and Proposed vegetation has been excluded from the scene for the purpose of this shadow study under direction of the Architect.

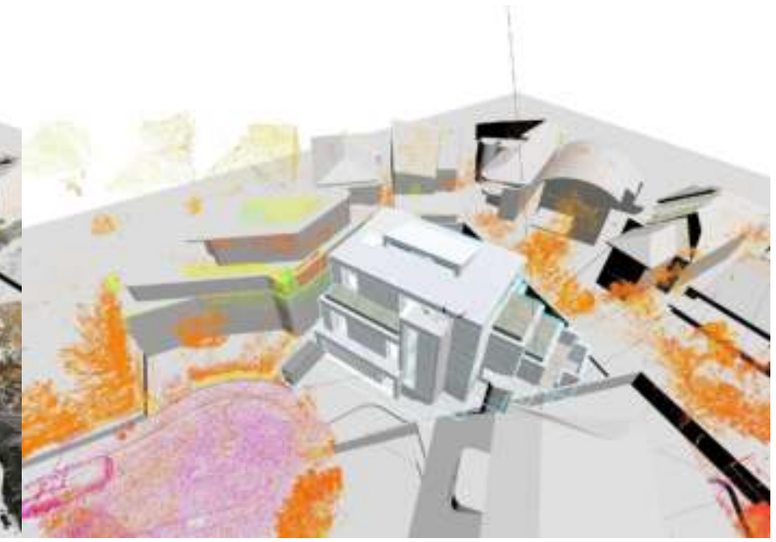
Methodology

Step 1

The scene is setup in 3DS Max by combining survey accurate data - boundary locations, point cloud and the existing scene model.

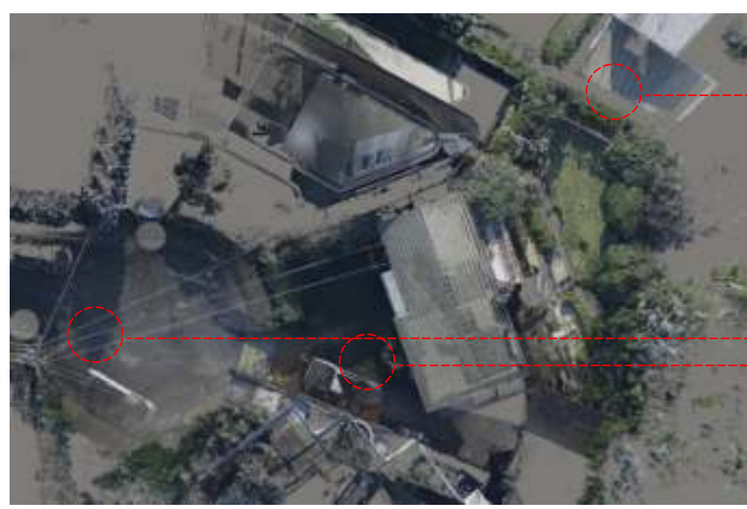
Step 2

The existing building model is replaced by the proposal and a 'sun-system' is inserted into the scene (ensuring the correct location information and local deviation between the MGA coordinated survey data and true (solar) north).



Step 3

An aerial photo is sourced to aid the 'proof' - in this case the aerial photo is from Nearmap and is known to have been captured 02.08.2022 @ 11:41 AEST.



Step 4

The scene is set to the same date and time and the shadows are rendered out. Note the reliable position match between the shadows in the photos and those in the rendered image. Now confirmed, other dates/times and views can be rendered as required.

This report has been produced by Christopher Larmour B. Eng (Surveying and Spatial Information Systems), NSW Registered Surveyor 8786

Christopher Larmour
NSW Registered Surveyor 8786

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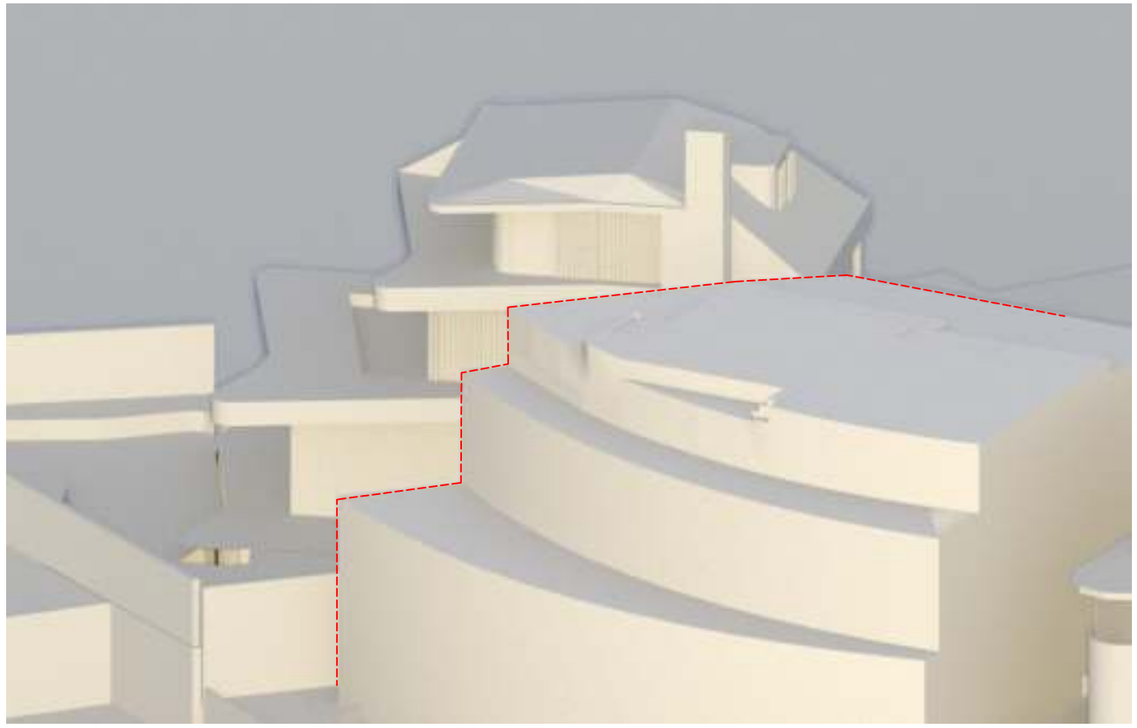
A3

VIEWS FROM THE SUN (ORTHOGONAL PROJECTIONS)

21 June - 09:00

Proposed

Compliant Envelope



AMENDED PLANS

Comparison

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VIEWS FROM THE SUN (ORTHOGONAL PROJECTIONS)

21 June - 12:00

Proposed

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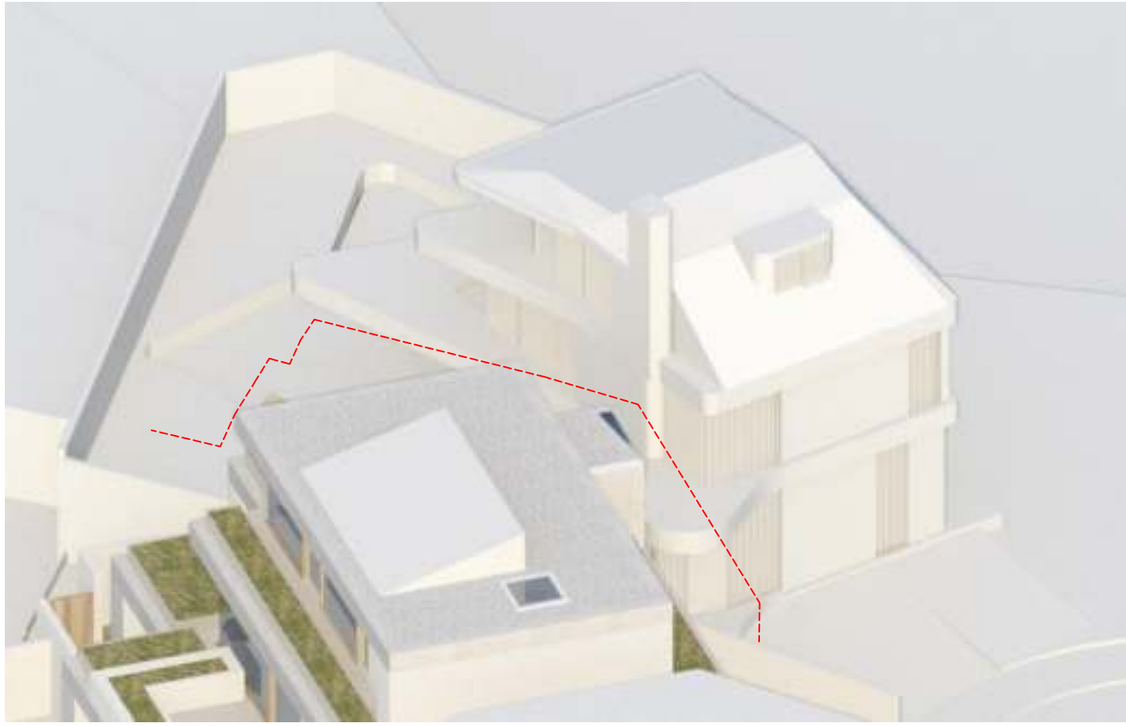
AMENDED PLANS

Comparison



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VIEWS FROM THE SUN (ORTHOGONAL PROJECTIONS)

21 June - 15:00

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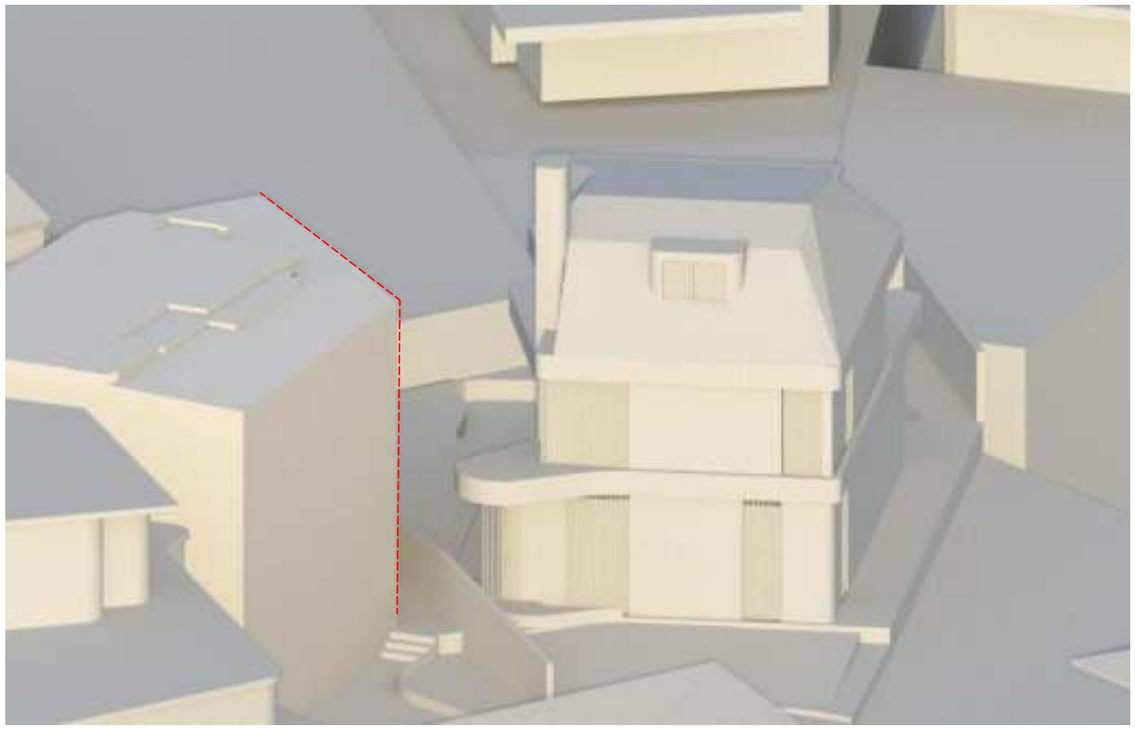
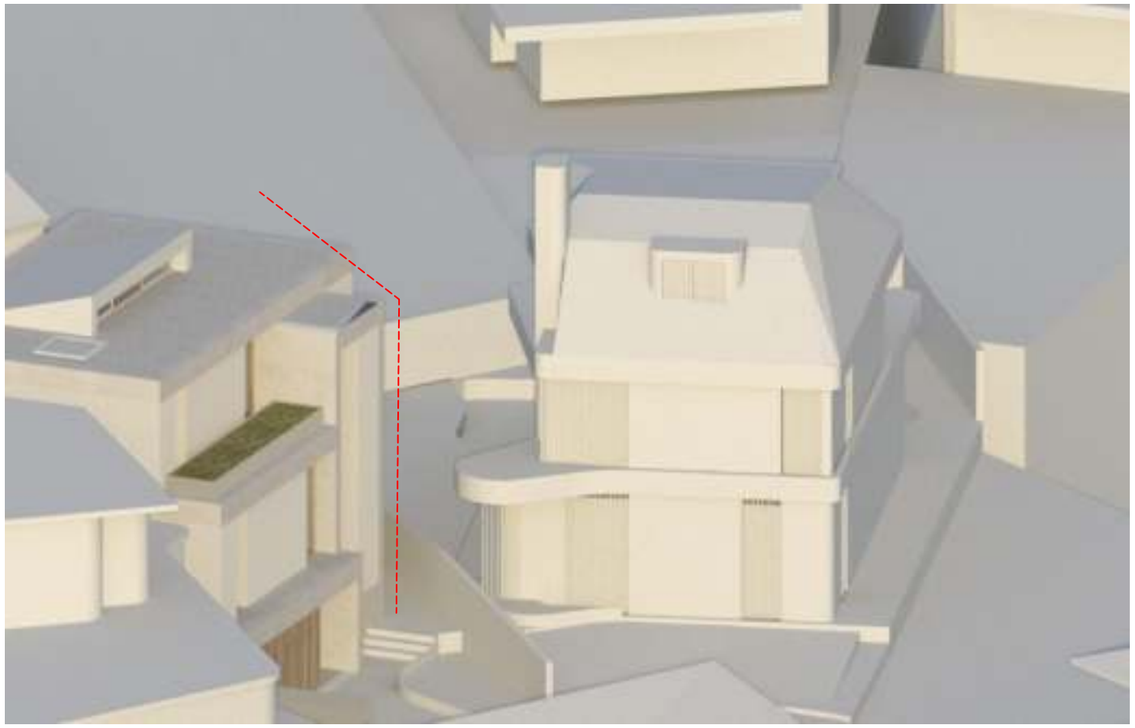
Compliant Envelope



AMENDED PLANS

Comparison



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IMPACT ON No 3 HARLOWE PLACE

21 June - 09:00

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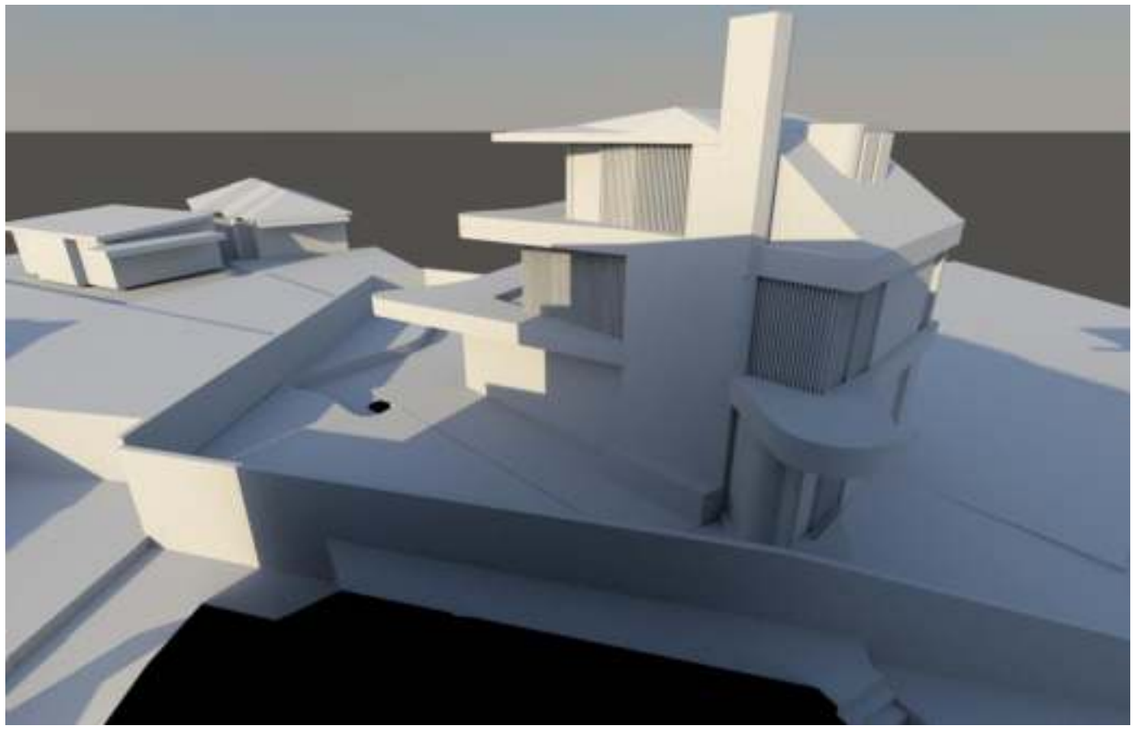

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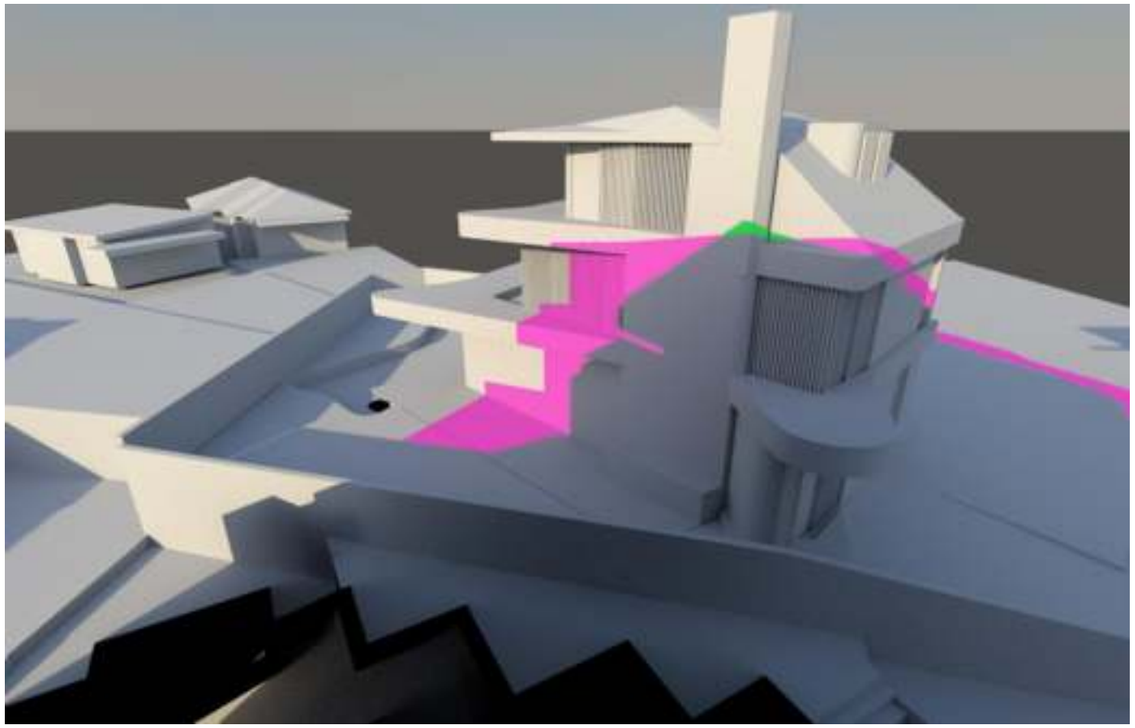

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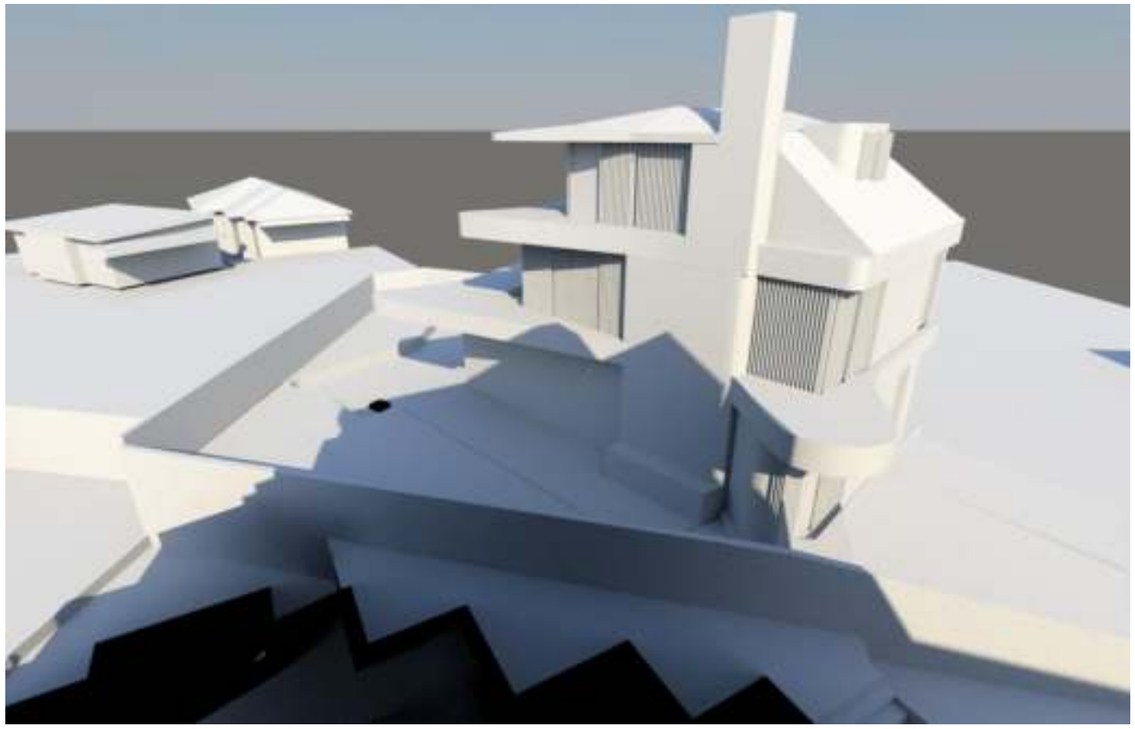
AMENDED PLANS

IMPACT ON No 3 HARLOWE PLACE

21 June - 12:00

Proposed



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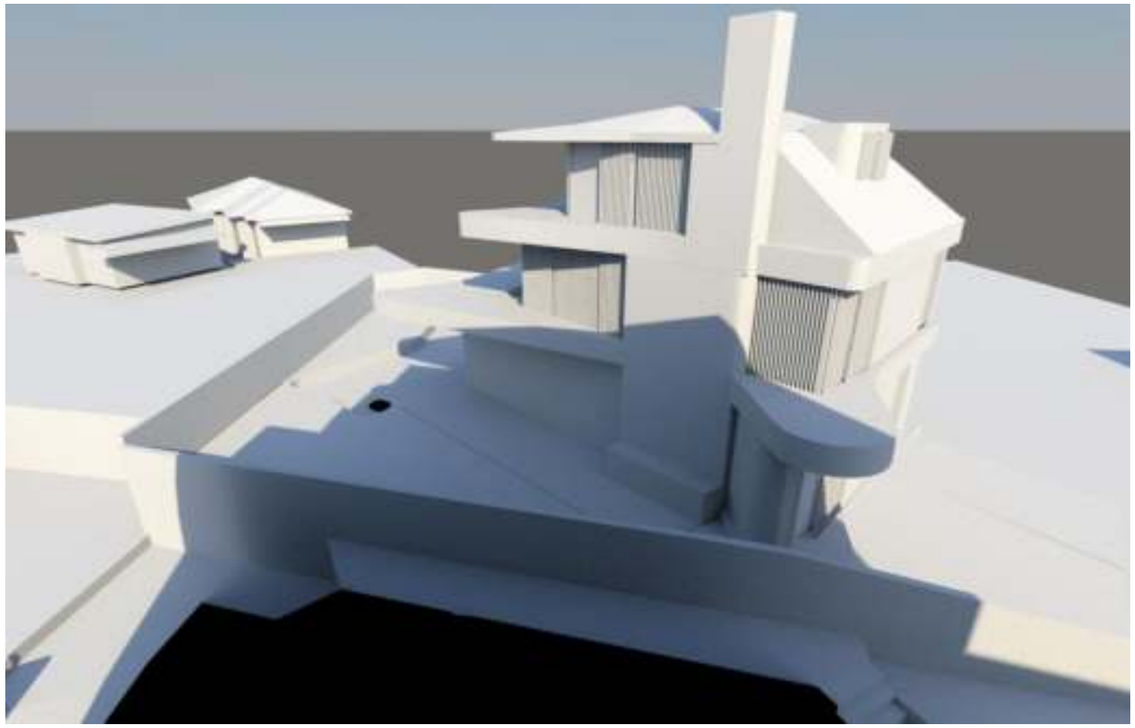

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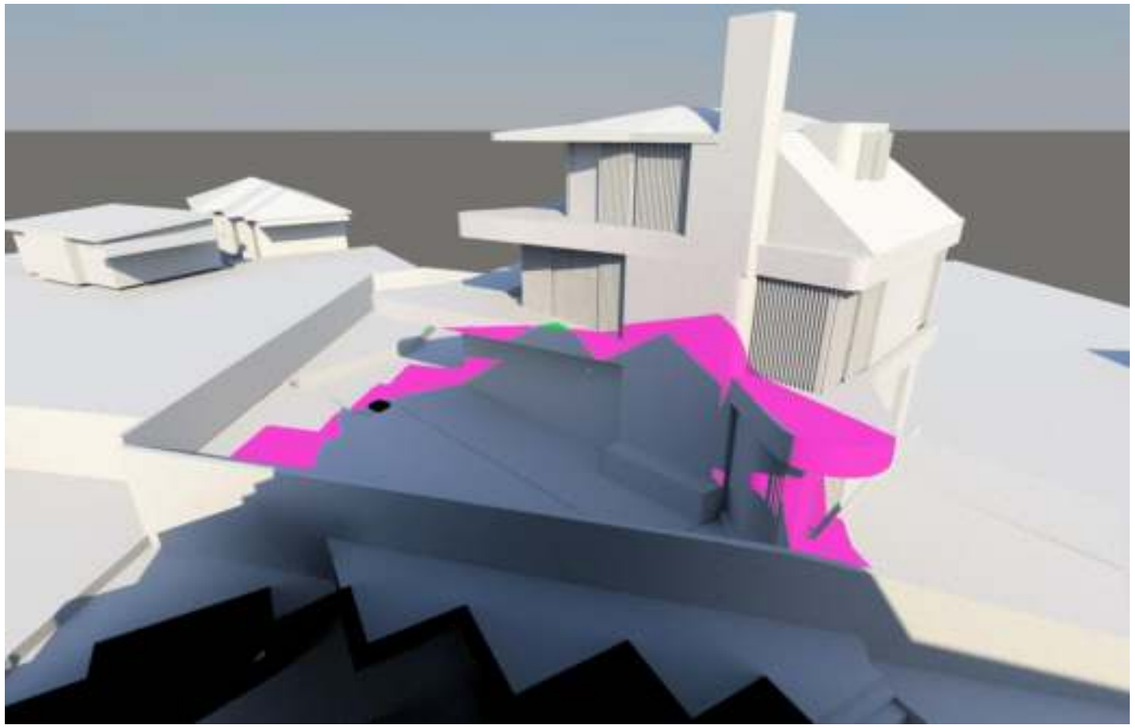

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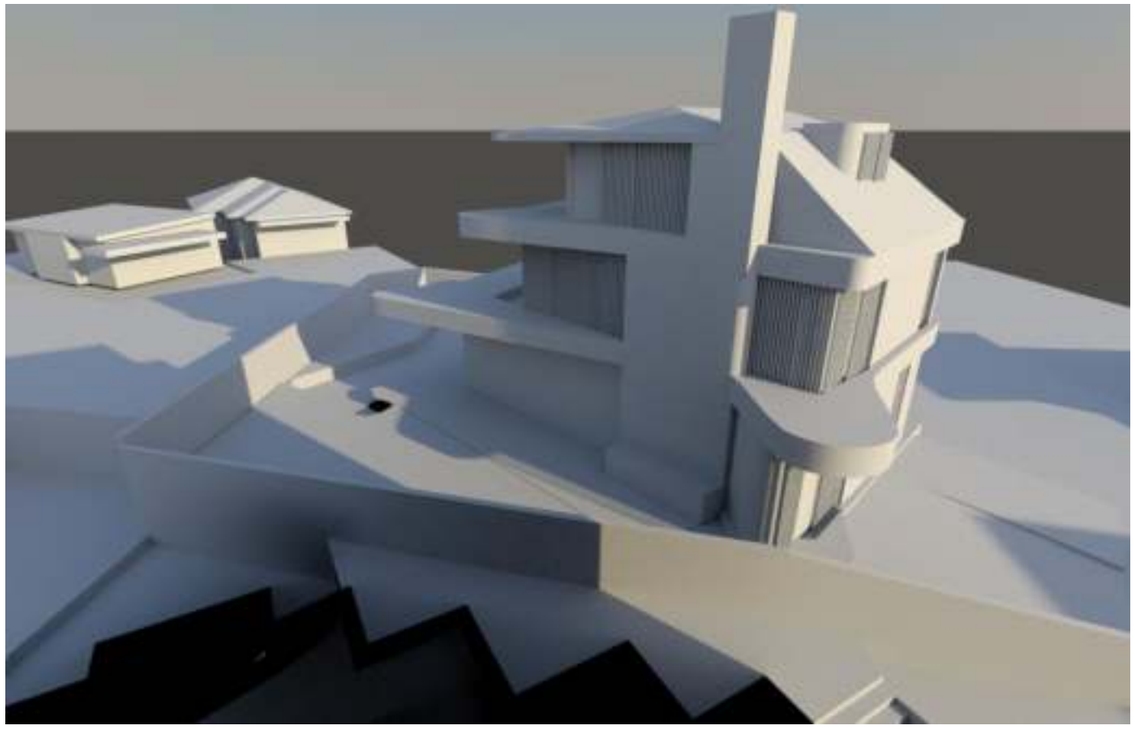
AMENDED PLANS

IMPACT ON No 3 HARLOWE PLACE

21 June - 15:00

Proposed



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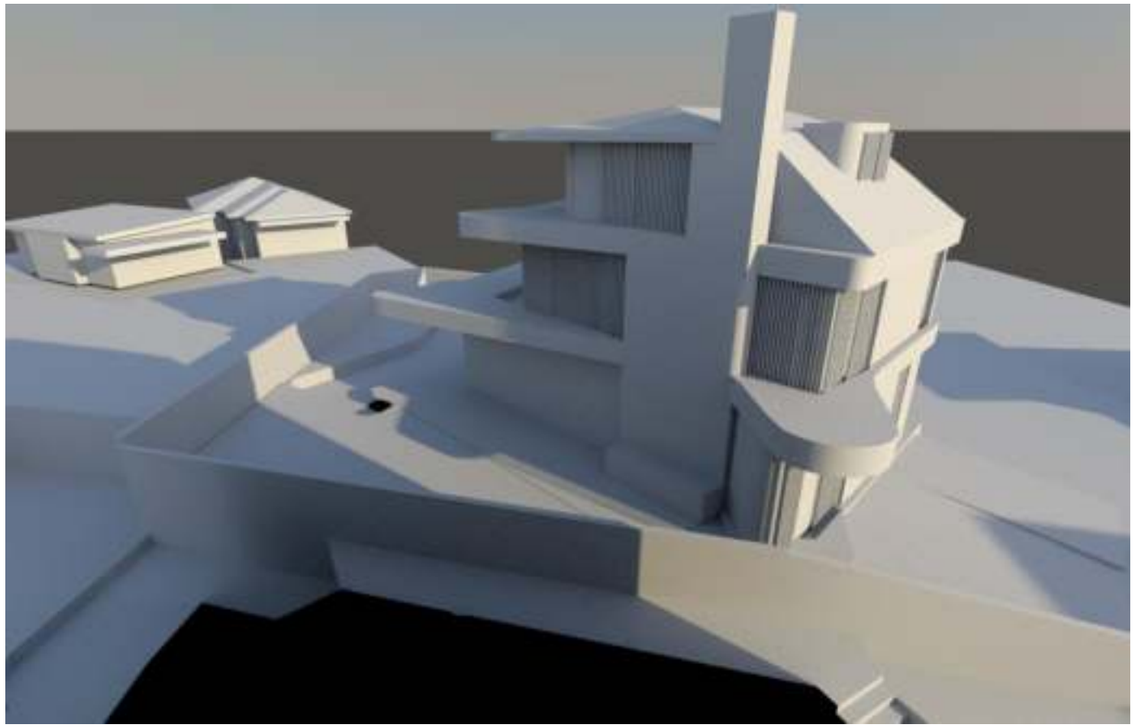

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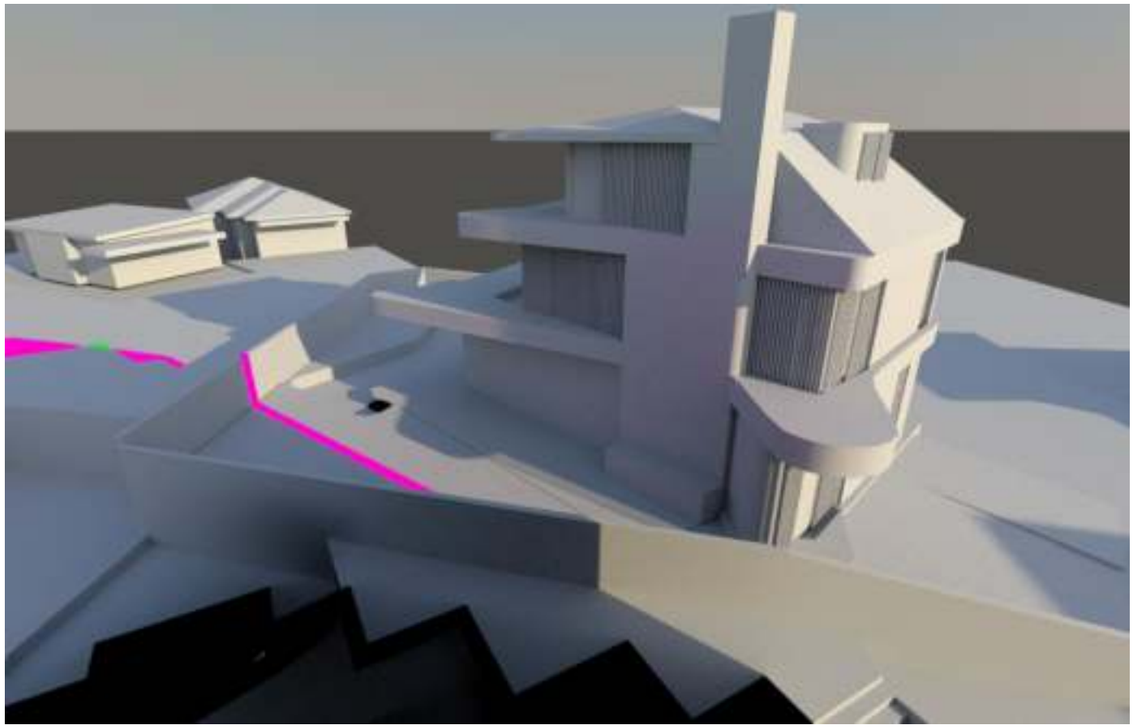

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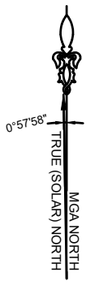
AMENDED PLANS

PLAN VIEW SHADOW DIAGRAMS

21 June - 09:00



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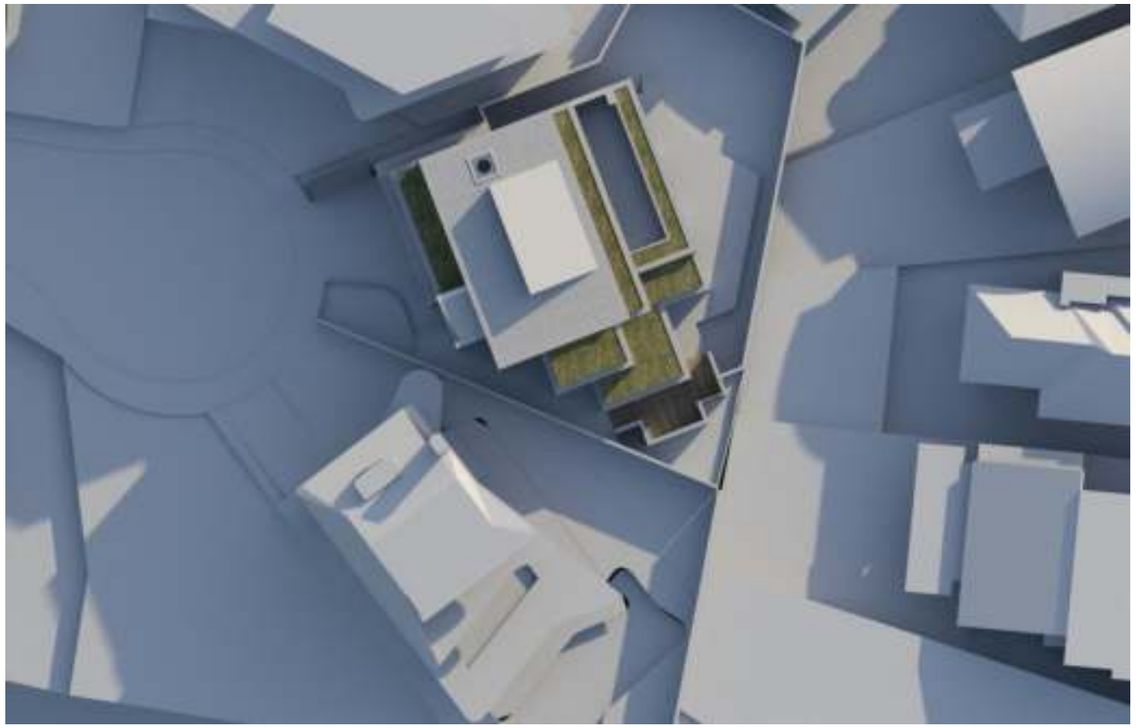

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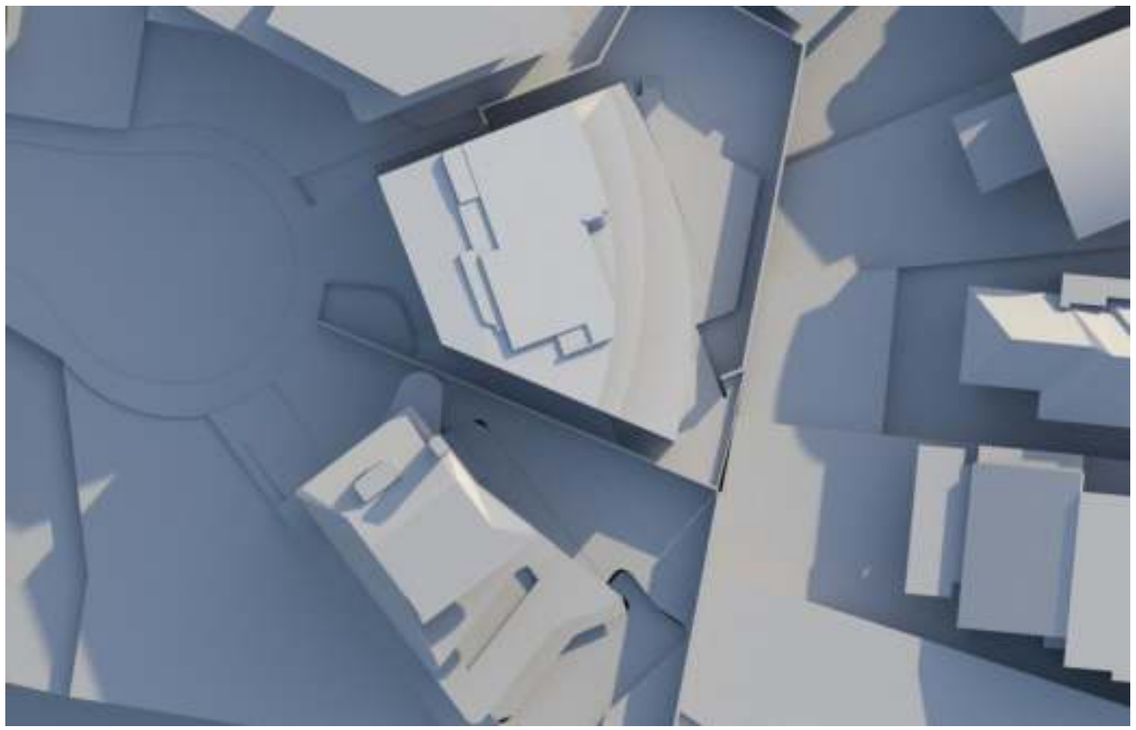

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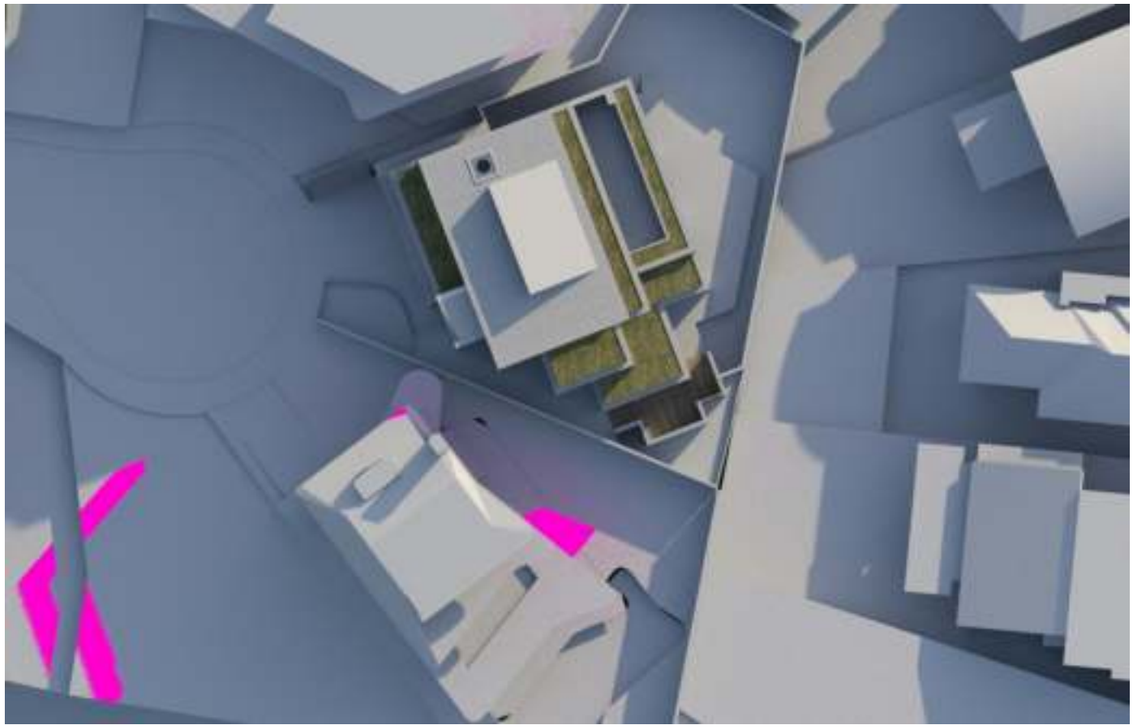

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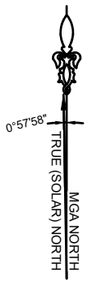

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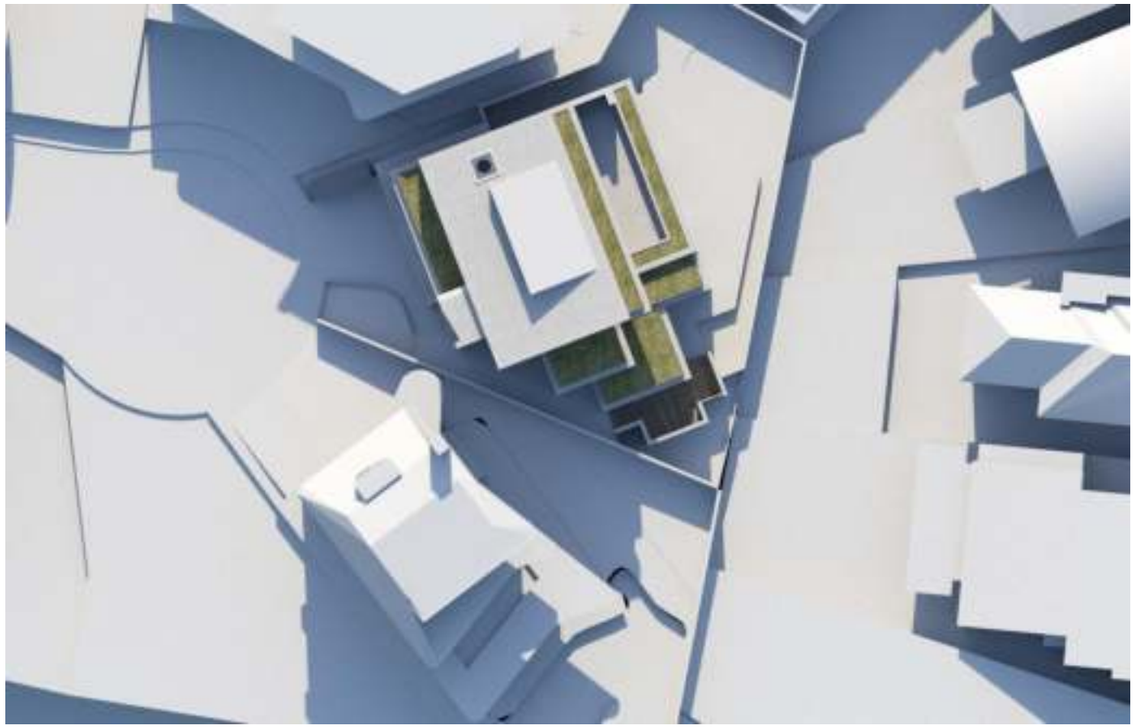

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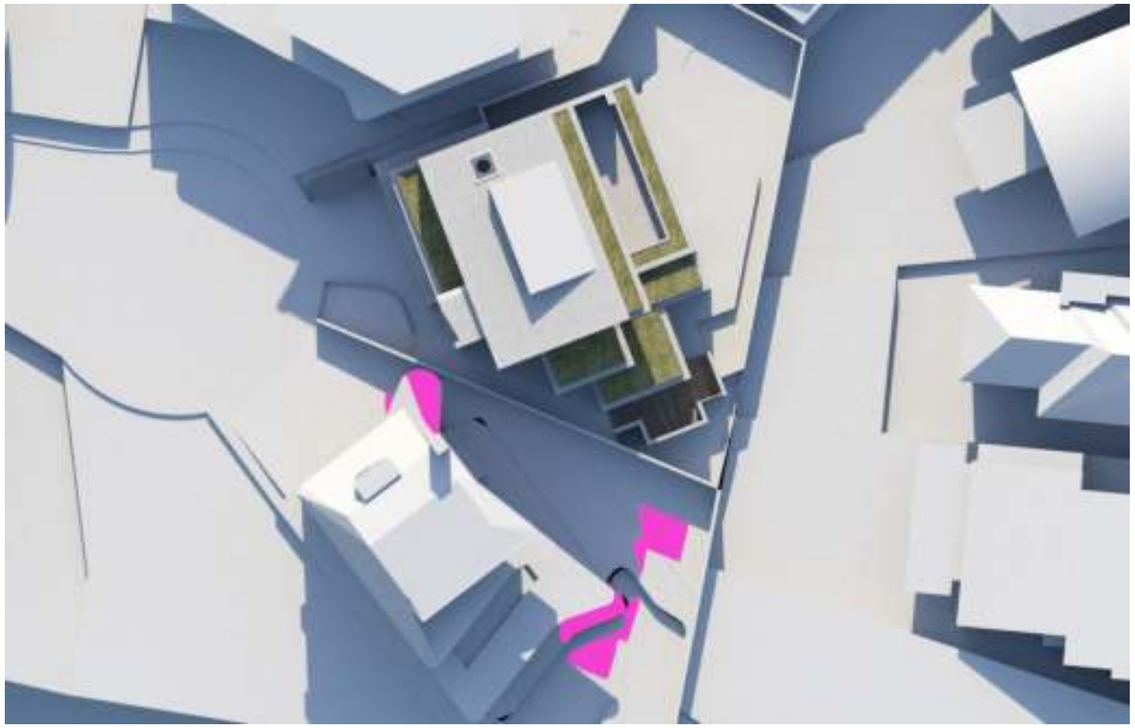

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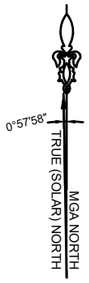

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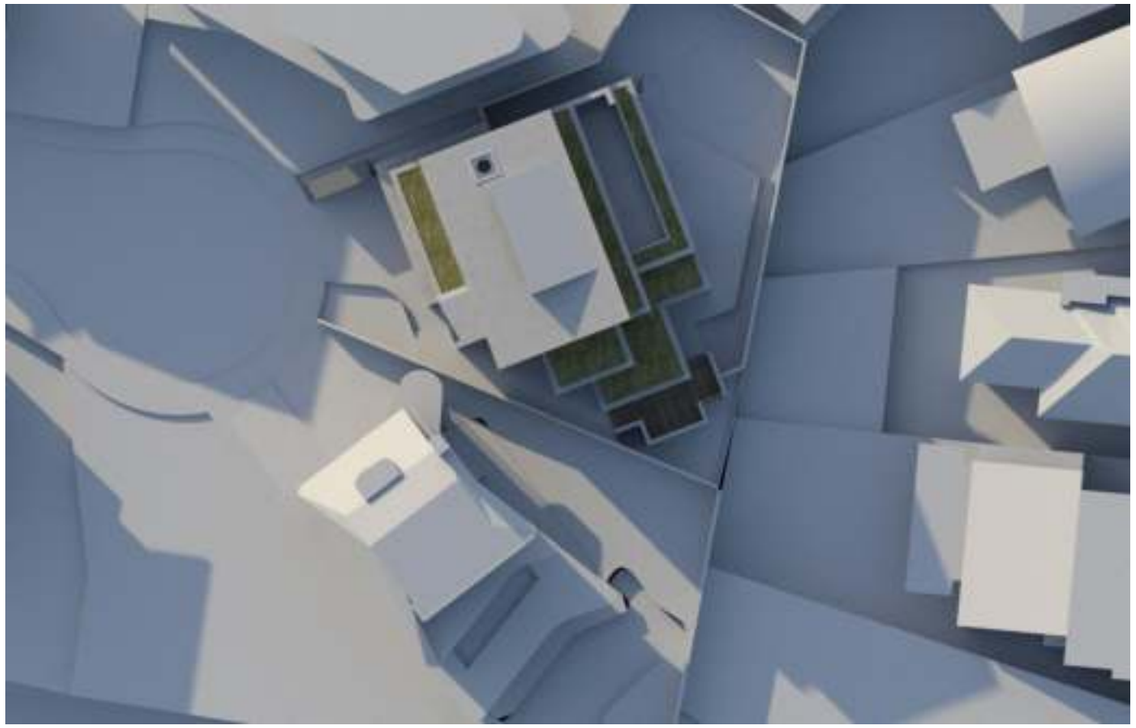

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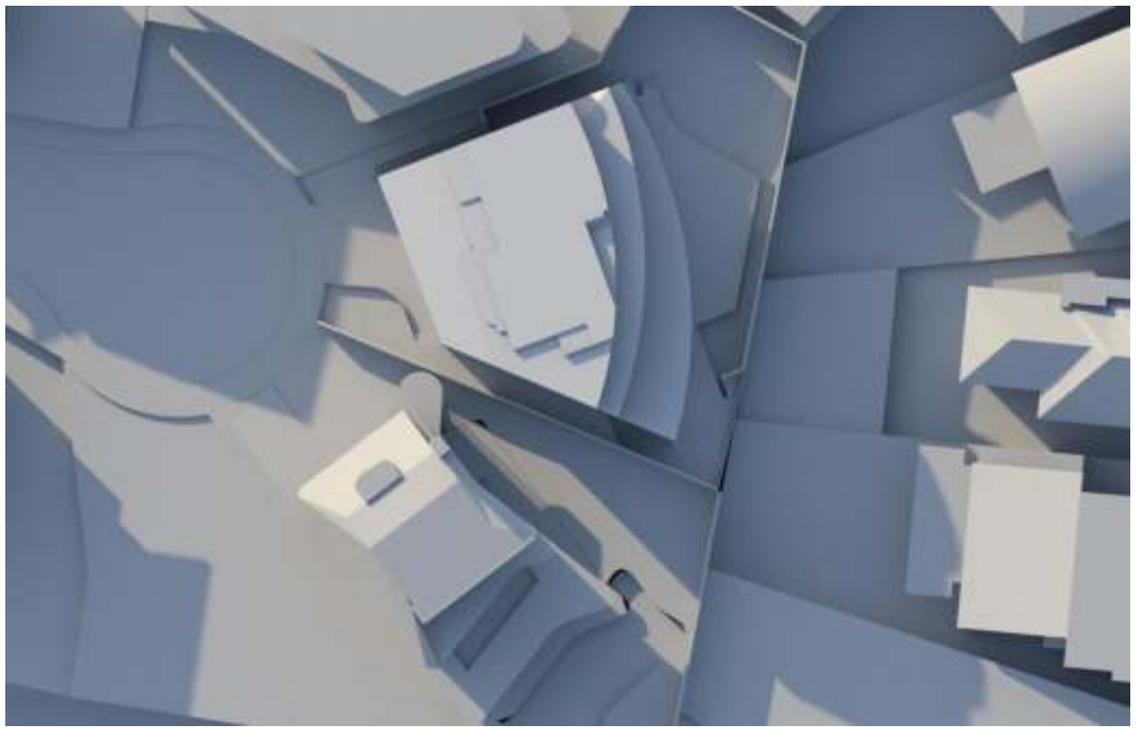

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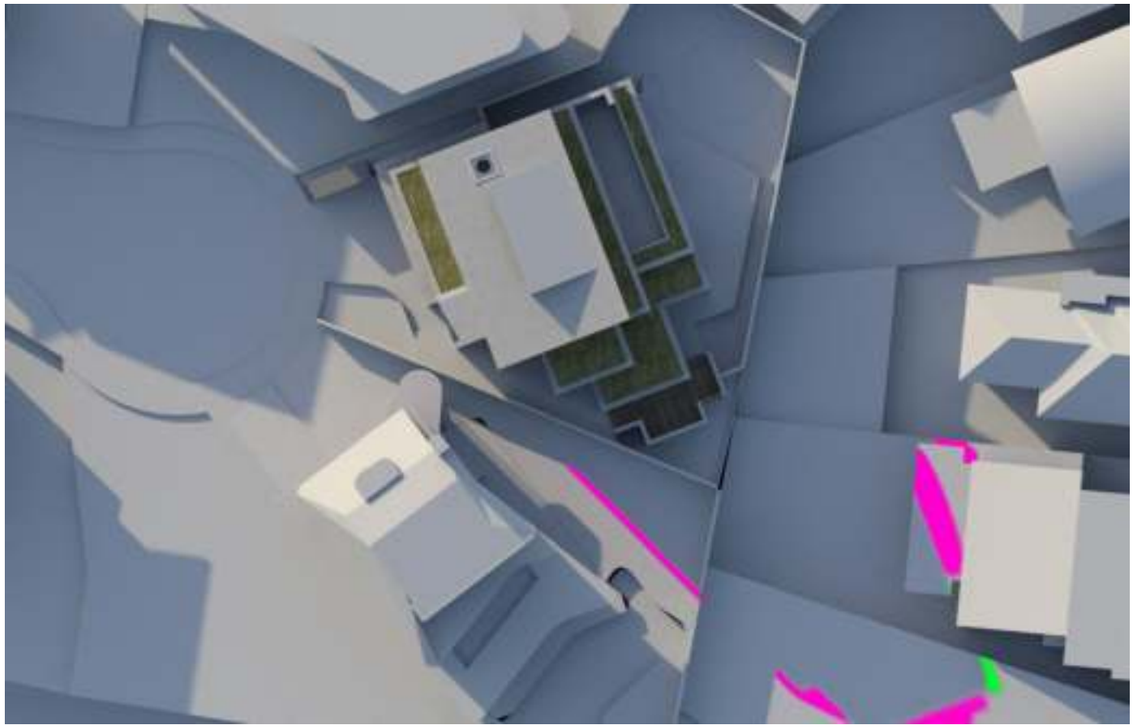

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WYER & CO **AMENDED PLANS**

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Waverley Council

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Date Received: 11/03/2024

LANDSCAPE DA DOCUMENTATION - REV 04 - 15.02.2024

2 Harlowe Place, Bronte, NSW 2024

COUNCIL REQUIREMENT'S - 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 C1 LOW DENSITY RESIDENTIAL DEVELOPMENT

CONTROLS
SITE AREA: 419.3m²

LANDSCAPE AREA REQUIRED
20% OF SITE = 83.9m²

LANDSCAPE AREA ACHEIVED
(NOT BUILT OVER OR UNDER STRUCTURE)
GROUND FLOOR = 109.7m²
TOTAL = 109.7m² (26% OF SITE)

LANDSCAPE AREA ACHIEVED
(BUILT IN PLANTER BOXES / GREEN ROOF)
GROUND FLOOR = 0.0 m²
LEVEL 01 = 24.6 m²
LEVEL 02 = 26.0m²
TOTAL = 50.6 m² (12% OF SITE)

TOTAL PROPOSED LANDSCAPE AREA - 160.3 m² (38% OF SITE)

DEEP SOIL AREA REQUIRED
50% OF MIN. LANDSCAPE AREA = 42.0m²

DEEP SOIL AREA AREA ACHEIVED
GROUND FLOOR = 68.1m²

TOTAL PROPOSED DEEP SOIL AREA - 68.1 m² (81% OF MIN. LANDSCAPE AREA)

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 a 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.

EXISTING TREE SCHEDULE

TREE NO.	GENUS SPECIES	COMMON NAME	HEIGHT	CANOPY	CALLIPER	ACTION/COMMENT
5U	Camellia japonica	Japanese Camellia	3000	2000	150	Remove
5U	Camellia japonica	Japanese Camellia	3000	2000	150	Remove
1	Magnolia grandiflora	Bull Bay Magnolia	3000	1000	100	Remove
2	Plumeria acutifolia	Frangipani	5000	3000	250	Remove
4	Cestrum parqui	Green Cestrum	3000	3000	250	Remove

PLANT SCHEDULE

ID	QTY	BOTANICAL NAME	COMMON NAME	SCHEDULED SIZE	MATURE SPREAD	MATURE HEIGHT	REMARKS
Trees							
Bin	6	Banksia integrifolia	Coastal Banksia	45 Ltr	3.5 - 6.0m	5.0 - 7.0m	Native*
Can	3	Cupaniopsis anacardioides	Tuckeroo	45 Ltr	3.5 - 6.0m	6.0 - 8.0m	Native*
Ill	3	Irieanthera laurina	Water Gum	45 Ltr	3.0 - 5.0m	5.0 - 8.0m	Native*
Palms - Cycads							
Hpe	4	Howea forsteriana	Kentia Palm	45 Ltr	3.5 - 5.0m	5.0 - 10.0m	Native
Pro	5	Phoenix roebelenii	Dwarf Date palm	45 Ltr	1.5 - 3.0m	3.0 - 4.0m	
Rp	6	Rhapis excelsa	Lady Palm	300mm	1.0 - 2.0m	3.0 - 4.0m	
Shrubs							
Cca	40	Correa alba	Correa	200mm	1.5 - 2.0m	1.5 - 2.0m	Native*
Csp	11	Grevillea species	Red Spider Flower	200mm	0.6 - 0.9m	0.6 - 0.9m	Native*
Lfm	24	Lilly pilly 'Elite Big Nights'	Clam Claw	300mm	1.0 - 2.0m	2.0 - 4.0m	
Syr	14	Syzygium australe 'Resilience'	Lillypilly	45 Ltr	2.0 - 4.0m	3.0 - 5.0m	Native
Wf	6	Westringia fruticosa	Coastal Rosemary	200mm	1.5 - 2.0m	1.5 - 2.0m	Native*
Perennials							
Acu	15	Alocasia brisbanensis	Cunjevoi	200mm	1.5 - 2.0m	1.5 - 2.0m	Native*
Lr	42	Ligularia reniformis	Leopard Plant	200mm	0.3 - 0.6m	0.4 - 0.6m	
Grasses							
Dtj	119	Dianella caerulea	Flax Lily	200mm	0.4 - 0.6m	0.4 - 0.6m	Native*
Dre	94	Dianella revoluta	Parce Lily	200mm	0.3 - 0.6m	0.3 - 0.45m	Native*
Lle	87	Lomandra longifolia	Mat-rush	200mm	0.5 - 1.0m	0.5 - 1.0m	Native*
Mis	22	Miscanthus 'Yakushima Dwarf'	Chinese Silver Grass	200mm	0.9 - 1.2m	1.0 - 1.5m	
Groundcovers							
Cal	76	Carpobrotus glaucescens	Pigface	140mm	1.0 - 2.0m	0.1 - 0.3m	Native*
Sca	26	Scaevola calendulacea	Coastal Fan Flower	140mm	0.5 - 1.0m	0.0 - 0.3m	Native*
Vh	127	Viola hederacea	Native Violet	140mm	1.0 - 2.0m	0.0 - 0.3m	Native*
Climbers							
Tp	15	Trachelospermum jasminoides	Creeping Fig	140mm	2.5 - 4.0m	0.0 - 0.3m	
Ferns							
Asu	3	Asplenium australasicum	Birds Nest Fern	200mm	0.6 - 1.0m	0.6 - 1.0m	Native*
Total:	**730**						

*DENOTES LOCALLY NATIVE PLANTS AS PER ANNEXURE 3 - OF THE WAVERLEY DCP

BIODIVERSITY HABITAT CORRIDOR CONTROL: A MIN. 50% OF TREES, 50% OF SHRUBS, AND 50% OF GRASSES AND GROUNDCOVERS ARE TO BE NATIVE PLANTS LISTED IN ANNEXURE 3 - OF THE WAVERLEY DCP

NATIVE TREE SPECIES TOTAL = 3
60% OF PROPOSED TREES

NATIVE SHRUBS SPECIES TOTAL = 3
50% OF PROPOSED SHRUBS

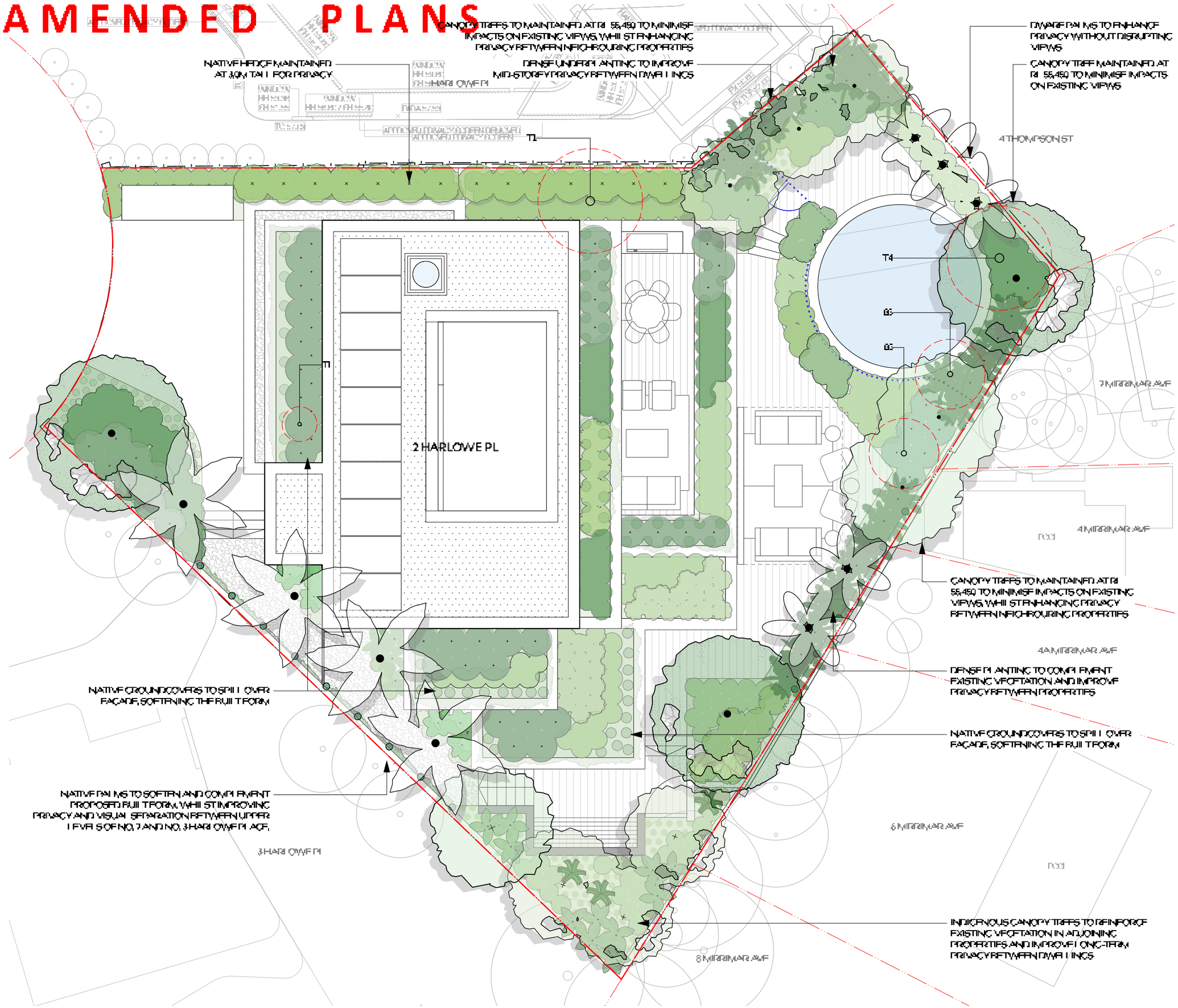
NATIVE GRASSES AND GROUNDCOVERS SPECIES TOTAL = 8
77% OF PROPOSED GRASSES AND GROUNDCOVERS

NATIVE TREE QUANTITY TOTAL = 7
57% OF PROPOSED TREES

NATIVE SHRUBS QUANTITY TOTAL = 65
63% OF PROPOSED SHRUBS

NATIVE GRASSES AND GROUNDCOVERS QUANTITY TOTAL = 512
86% OF PROPOSED GRASSES AND GROUNDCOVERS

AMENDED PLANS



PROJECT

GILLESPIE RESIDENCE
2 HARLOWE PLACE, BRONTE

DRAWING TITLE

LANDSCAPE DA
Landscape Site Plan

RECEIVED
Waverley Council

Application No: DA-156/2023

Date Received: 11/03/2024

LEGEND

	BOUNDARY
	ARCHITECTURE ABOVE
RL 48.880	EXISTING GROUND LEVEL
FRDW 48.880	EXISTING BOTTOM OF WALL LEVEL
FTDW 48.880	EXISTING TOP OF WALL LEVEL
FTDF 48.880	EXISTING TOP OF FENCE LEVEL
RL 48.880	PROPOSED GROUND LEVEL
TDF 48.880	PROPOSED TOP OF FENCE LEVEL
	DECKING TO ARCHITECTS SPECIFICATION
	DECORATIVE GRAVEL

DRAWN BY	DATE
MF	15.02.24
REVISION	SCALE
04	1:100 @ A3
JOB NUMBER	DRAWING NUMBER
23.002	DA-01

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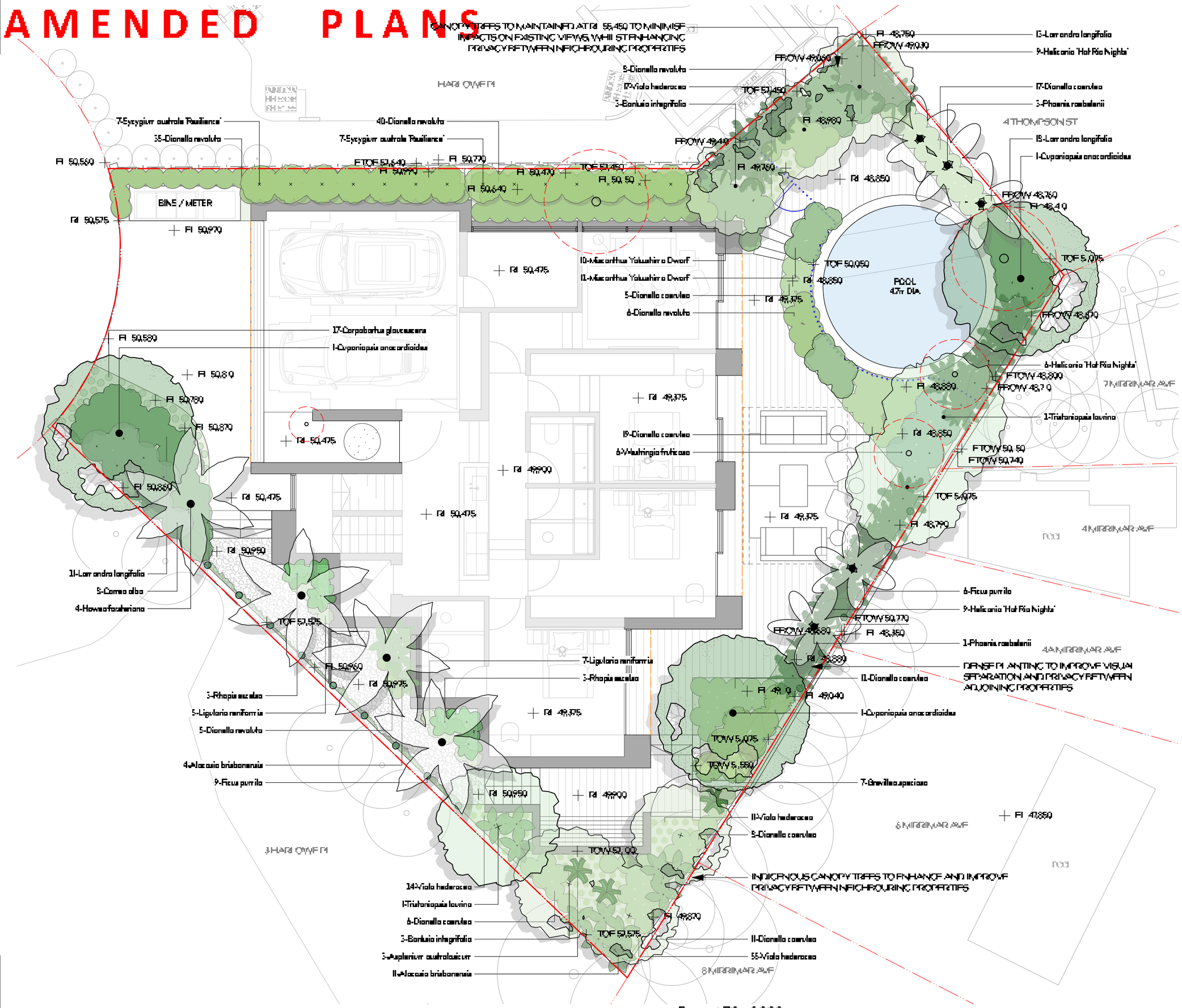

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GILLESPIE RESIDENCE
2 HARLOWE PLACE, BRONTE

DRAWING TITLE

LANDSCAPE DA
Landscape Plan
Ground Floor

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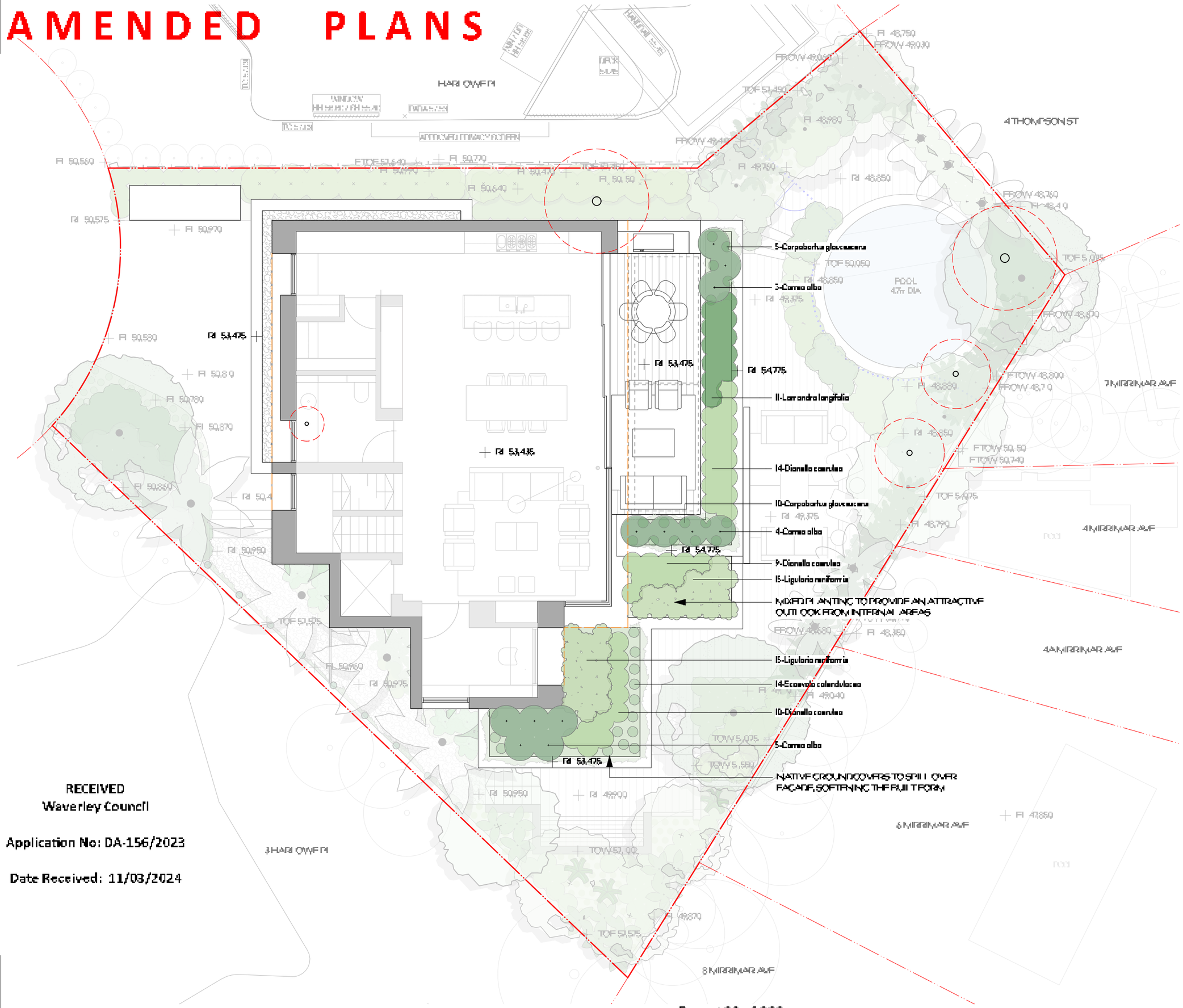

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PROJECT

GILLESPIE RESIDENCE
2 HARLOWE PLACE, BRONTE

DRAWING TITLE

LANDSCAPE DA
Landscape Plan
First Floor

LEGEND

	BOUNDARY
	ARCHITECTURE ABOVE
RL 48.880	EXISTING GROUND LEVEL
FBOW 48.880	EXISTING BOTTOM OF WALL LEVEL
FTOW 48.880	EXISTING TOP OF WALL LEVEL
FTOF 48.880	EXISTING TOP OF FENCE LEVEL
RL 48.880	PROPOSED GROUND LEVEL
TOF 48.880	PROPOSED TOP OF FENCE LEVEL
	DECKING TO ARCHITECTS SPECIFICATION
	DECORATIVE GRAVEL

DRAWN BY	DATE
MF	15.02.24
REVISION	SCALE
04	1:100 @ A3
JOB NUMBER	DRAWING NUMBER
23.002	DA-03

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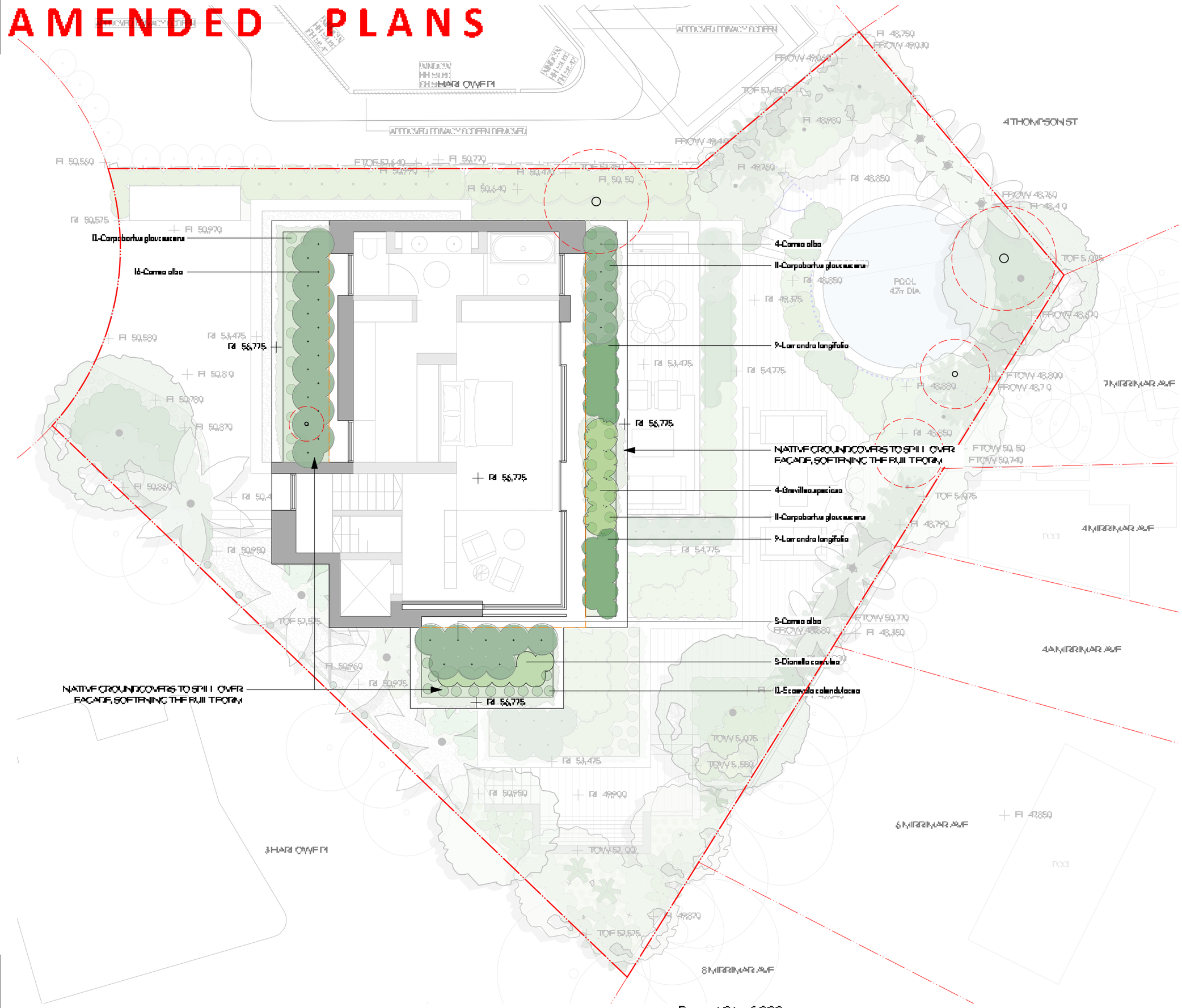
WYER & CO

AMENDED PLANS



PROJECT

GILLESPIE RESIDENCE
2 HARLOWE PLACE, BRONTE

DRAWING TITLE

LANDSCAPE DA
Landscape Plan
Second Floor

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LEGEND

	BOUNDARY
	ARCHITECTURE ABOVE
FL 48,880	EXISTING GROUND LEVEL
FBOW 48,880	EXISTING BOTTOM OF WALL LEVEL
FTOW 48,880	EXISTING TOP OF WALL LEVEL
FTOF 48,880	EXISTING TOP OF FENCE LEVEL
RL 48,880	PROPOSED GROUND LEVEL
TOF 48,880	PROPOSED TOP OF FENCE LEVEL
	DECKING TO ARCHITECTS SPECIFICATION
	DECORATIVE GRAVEL

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REVISION: 04	SCALE: 1:100 @ A3
JOB NUMBER: 23.002	DRAWING NUMBER: DA-04

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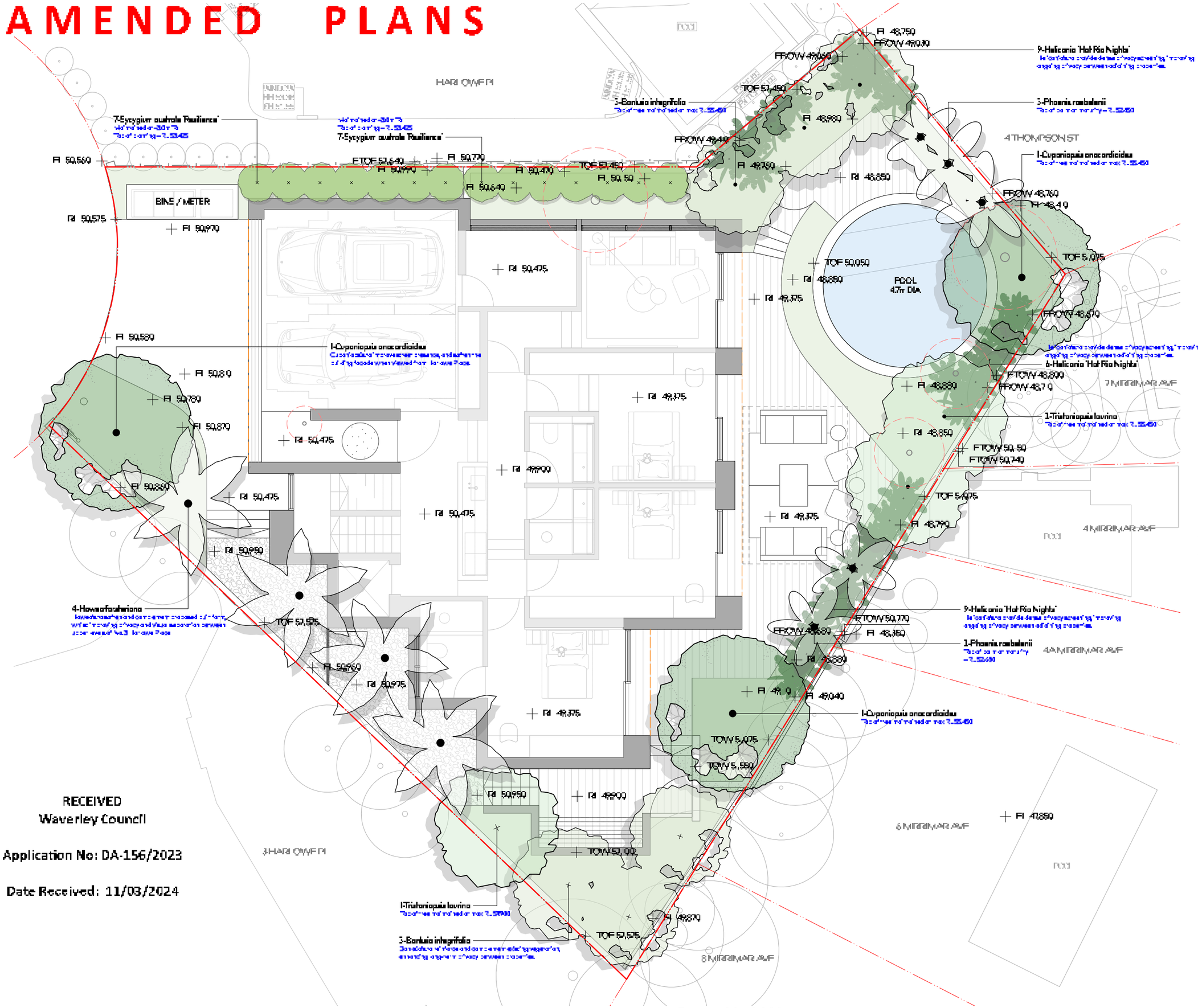
AMENDED PLANS



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PROJECT

GILLESPIE RESIDENCE
2 HARLOWE PLACE, BRONTE

DRAWING TITLE

LANDSCAPE DA
Tree Height Plan

LEGEND

	BOUNDARY
	ARCHITECTURE ABOVE
FL 48.880	EXISTING GROUND LEVEL
FROW 48.880	EXISTING BOTTOM OF WALL LEVEL
FTOW 48.880	EXISTING TOP OF WALL LEVEL
FTOF 48.880	EXISTING TOP OF FENCE LEVEL
FL 48.880	PROPOSED GROUND LEVEL
TOF 48.880	PROPOSED TOP OF FENCE LEVEL
	DECKING TO ARCHITECTS SPECIFICATION
	DECORATIVE GRAVEL

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23.002	DA-05

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WYER & CO

VISUAL IMPACT STUDY - 2 HARLOWE PLACE, BRONTE

29.02.2024

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VISUAL IMPACT STUDY PROCESS

Preamble

CMS Surveyors has been engaged to prepare the following survey accurate representation of the visual impact of the proposed development.

CMS Surveyors have developed this methodology based on sound knowledge of coordinate systems, survey data, 3D modelling software and Photography.

In preparing this documentation to support the Visual Impact Study, CMS Surveyors has collected survey data and photography on site, related this information to a coordinate system, and prepared rendered views from a composition of the design model (as supplied), the 3D Point Cloud and the captured photographs.

Process

The site and existing building(s) are surveyed using a Laser scanner which is able to capture millions of points to an accuracy of 3mm at 50m from the scanner and is able to scan almost any material or surface. The scan data is related to the Australian Height Datum (AHD) and the Map Grid of Australia (MGA). The location of the physical camera was scanned at the time of photography so that the camera exists within the point cloud. The virtual camera is then aligned with the scanned camera and orientation is determined using the 3D point cloud.

The proposed development model has been supplied by the Architect and has been aligned and referenced to survey data captured on site, including existing physical features and/or the boundaries of the site. Virtual Camera View Points are positioned exactly in the 3D scene with the vertical and horizontal coordinates listed for reference.

The methodology used for scene setup is further described in the images on the right of this page. Please refer to the notes on page 4 of this report for further information about the 3D scene and photographs.

View Points and Lens Choice

Various view points have been produced to ascertain the impact of the proposed development on the existing "high value" view elements as per the client's directions.

The photos in this study have been captured using a number of different focal lengths representing fields of view as shown in the table on the following page. The field of view of human vision is subject to conjecture and the way an image of a scene is viewed on a flat piece of paper or screen is different to how it is perceived in reality. Due to the variabilities in the way the scene is perceived to the viewer, to be most confident in how the proposed development will look in reality, the photomontages are best viewed on site in the position of the camera to get the best 'feel' for the visual impact of the proposal.

This report has been produced by Christopher Larmour B. Eng (Surveying and Spatial Information Systems), NSW Registered Surveyor 8786

Christopher Larmour
NSW Registered Surveyor 8786

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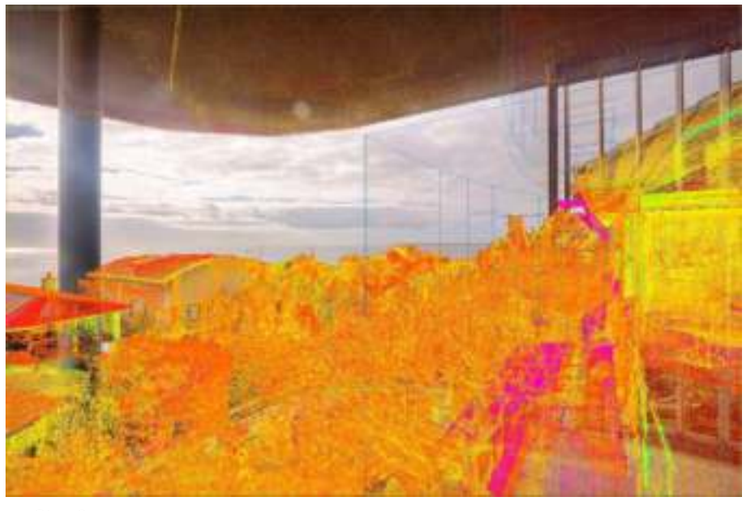
VIRTUAL SCENE SETUP

Step 1:
- Laser scan existing location and surrounds on MGA coordinates (Location) and AHD (height).
- Carry out boundary survey to accurately position boundaries.
- Take photos on site at known coordinates pointing towards measured target.
- Set up scene in 3D graphics software

REAL + VIRTUAL CAMERA ALIGNMENT PROOF



Step 2:
- Using the surveyed (or software-determined) camera position and the point cloud data, accurately align the virtual camera to the captured 3D data and check the alignment on the photograph background
- This image shows the alignment of the 3D Scanner point cloud data overlaid on the 2D photograph proving correct camera position, direction and characteristics.

INSERT PROPOSAL

Step 3:
- Position proposed development in CAD software based on DA plans, surveyed boundaries and existing features.
- Import 3D model of proposed development into scene (including proposed vegation - see note on sheet 4)

FINAL COMPOSITION

Step 4:
- Render out model and re-layer with any foreground objects. Note that any colour, lighting and materials of the proposed development is strictly indicative only (see notes sheet 4)

A3 PLAN SHOWING PHOTO LOCATIONS

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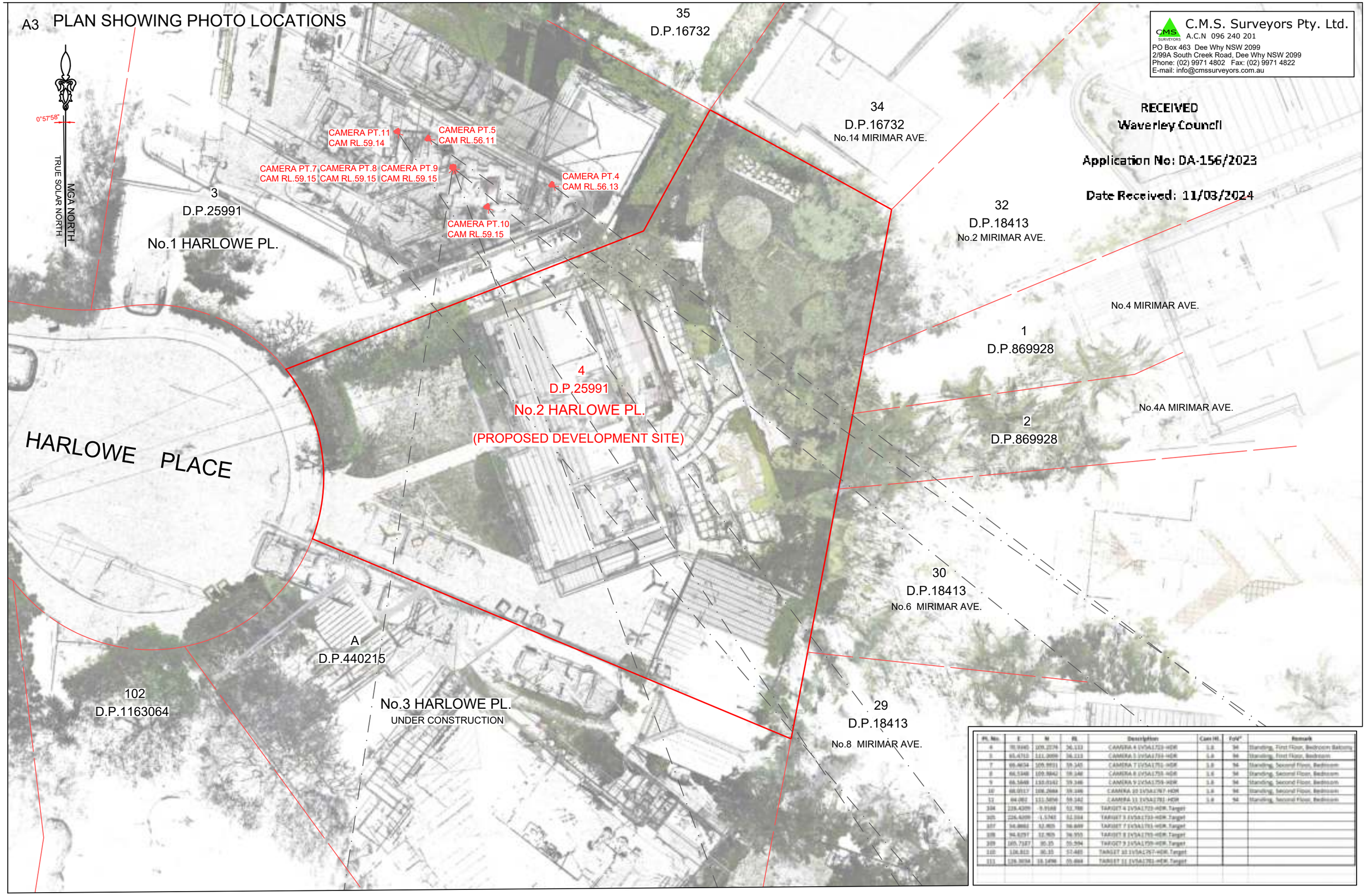

Pt. No.	E	N	RL	Description	Cam Ht.	FoV°	Remark
4	70.9445	109.2279	56.133	CAMERA 4 LV5A1703-HDR	1.8	94	Standing, First Floor, Bedroom Balcony
5	65.4753	111.3099	56.113	CAMERA 5 LV5A1704-HDR	1.8	94	Standing, First Floor, Bedroom
7	66.4634	109.9931	59.140	CAMERA 7 LV5A1751-HDR	1.8	94	Standing, Second Floor, Bedroom
8	66.5348	109.9842	59.146	CAMERA 8 LV5A1753-HDR	1.8	94	Standing, Second Floor, Bedroom
9	66.5848	110.0142	59.146	CAMERA 9 LV5A1755-HDR	1.8	94	Standing, Second Floor, Bedroom
10	68.0517	108.2664	59.146	CAMERA 10 LV5A1757-HDR	1.8	94	Standing, Second Floor, Bedroom
11	64.082	111.5854	59.142	CAMERA 11 LV5A1761-HDR	1.8	94	Standing, Second Floor, Bedroom
104	226.4209	-9.9168	52.788	TARGET 4 LV5A1703-HDR.Target			
105	226.6209	-1.5745	52.554	TARGET 5 LV5A1704-HDR.Target			
107	94.8661	32.805	56.849	TARGET 7 LV5A1751-HDR.Target			
108	94.6797	32.905	56.955	TARGET 8 LV5A1753-HDR.Target			
109	105.7187	30.35	55.594	TARGET 9 LV5A1755-HDR.Target			
110	126.813	30.35	57.485	TARGET 10 LV5A1757-HDR.Target			
111	126.3034	33.1498	55.464	TARGET 11 LV5A1761-HDR.Target			

3	REVISED DESIGN	SURVEY INSTRUCTION	21396A	SCALE		DATE	29.02.2024	FILE REF	21396A_VIS3	PAGE	03 OF 59	ISSUE 3

Notes:

- This Visual impact study has been produced under direction of John Richards, Tobias Partners
- Proposed Design 3D model has been provided by Julia at Tobias Partners. File Ref 240223_0465_Harlowe_Gillespie_Overall.skp supplied by dropbox link 23.02.2024
- Any materials or colours shown are indicative only. Refer to Architect's documentation for final materials and finishes.
- The model has been checked for consistency with DA plans dated Feb 2024.
- Louvres at No.1 are currently adjustable, and during the site photography were adjusted to give the best possible view throught the window. Fixed louvres have subsequently been modelled into place in their intended position and angle, in accordance with approved DA plans for No.1 Harlowe Ave, dated 9.3.2016 (annexed to this report).
- Retained vegetation as shown in the 'proposed' scenarios has been estimated based on the design plans and may not be representative of the post-construction scene. Note that LEC Approval (Appeal No. 11233 of 2015) specifies that the north Eastern boundary of No.1 Harlowe is to maintain a screen of shrubs reaching a height of at least 3m - the exising shrubs meet this criteria.
- Where existing trees are proposed to be removed as part of the DA, these (as much as possible) have been digitally removed from the images.
- Proposed vegetation has been inserted into the scene to reflect the type, location and size at maturity with reference to Wyer & Co. Landscape site plans - Rev 4 dated 15.02.2024
- Point Cloud data surveyed May 2022 and Octobed 2023 using a Leica RTC 360 Laser Scanner and survey control has been placed using theodolite measurements.
- Photos have been captured at RLs and heights as shown in the accompanying table on the previous page.
- Coordinates provided are on truncated MGA56-GDA2020* and are relative to the Australian Height Datum (AHD). *Full MGA coordinates have been truncated - Tuncated coordinate 0,0 = full MGA E339800,N6247400

Scene Image showing existing scene (point cloud survey), proposed design and allowable building envelope (in red).

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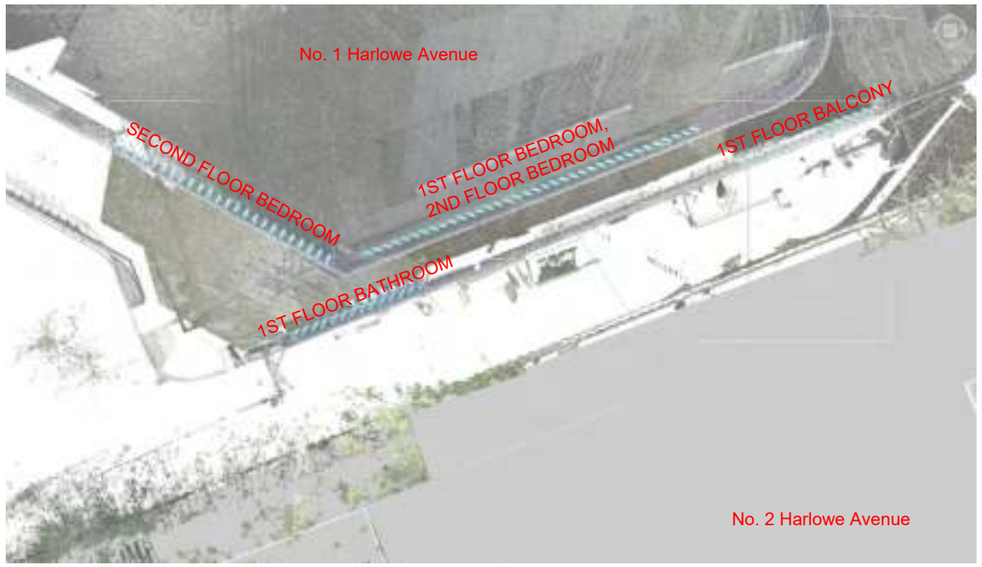

Image showing location and angle of privacy louvres that have been modelled into scene as per design drawings (LEC Approval - Appeal No. 11233 of 2015). These drawings are annexed to this report.

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4 - 1V5A1723-HDR as shot, with Privacy Louvres modelled in Accordance with Development Consent (DA856/2004/A)
View towards South-East from First Floor Balcony

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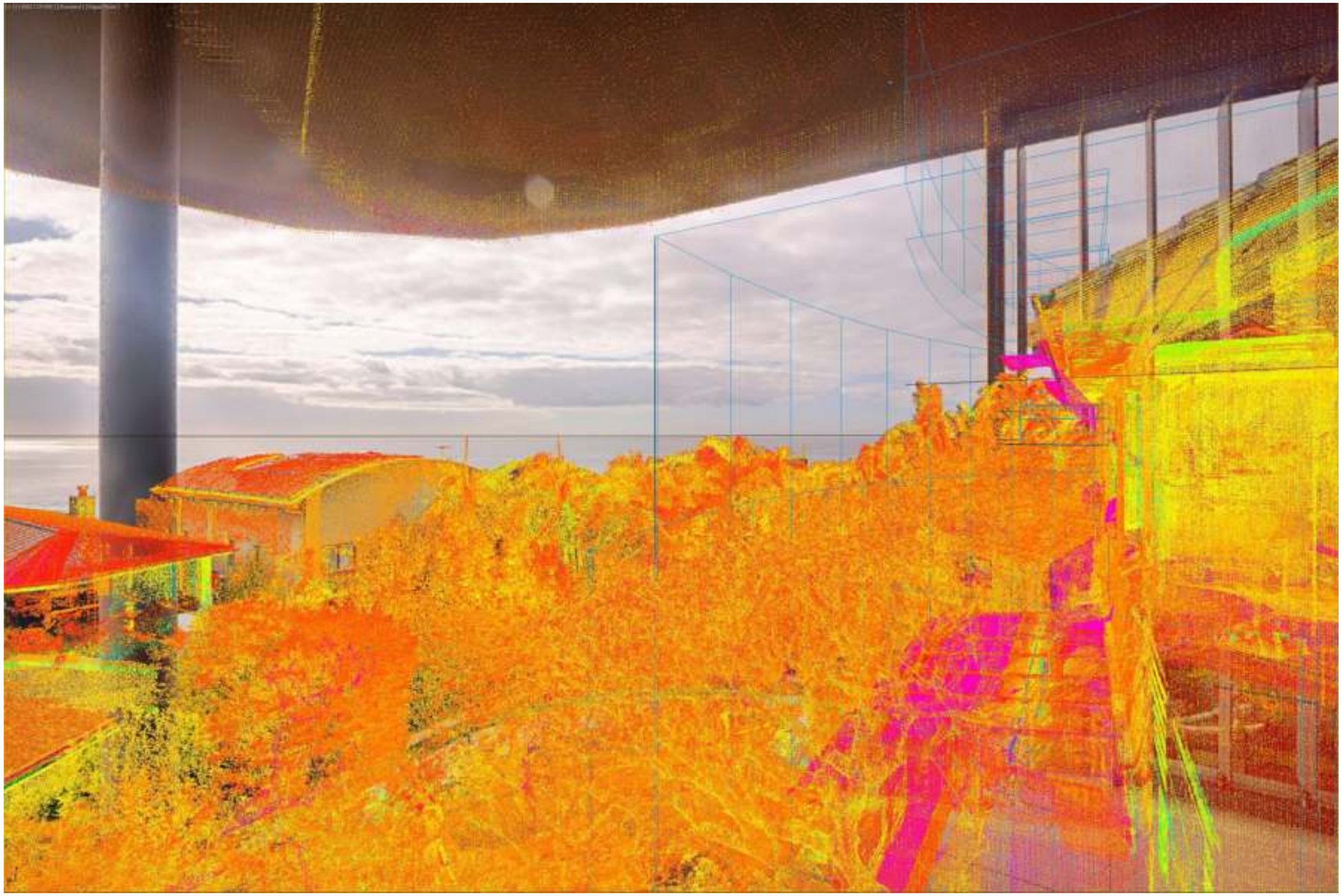

4 - 1V5A1723-HDR Proof Showing Point Cloud Alignment with Photo

View towards South-East from First Floor Balcony

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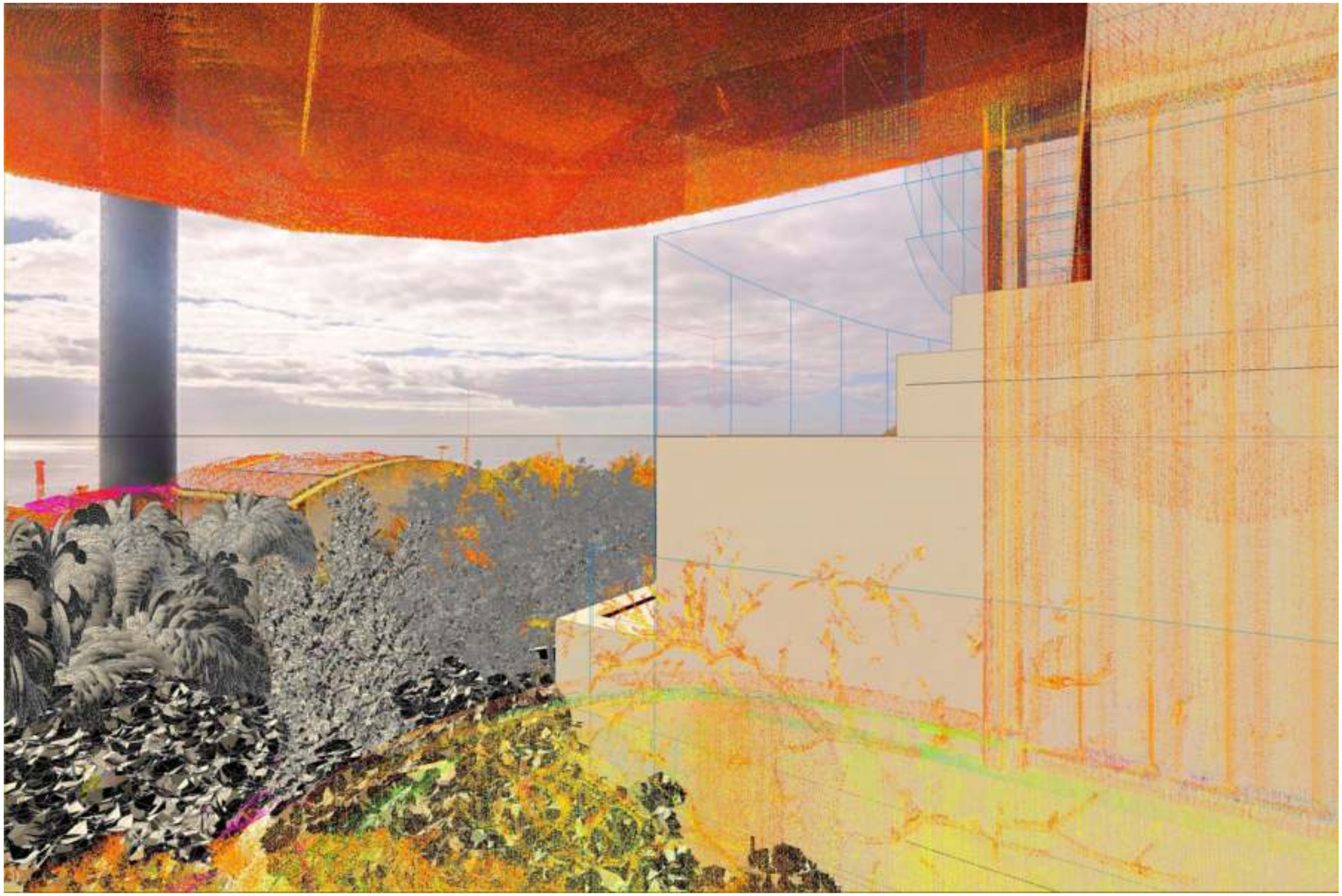

4 - 1V5A1723-HDR Proof with Proposal

View towards South-East from First Floor Balcony

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4 - 1V5A1723-HDR Showing Proposal outline (Yellow) and Allowable Building Envelope outline (Red)
View towards South-East from First Floor Balcony

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4 - 1V5A1723-HDR With Proposal & Privacy Louvres modelled in Accordance with Development Consent (DA856/2004/A)
View towards South-East from First Floor Balcony

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5 - 1V5A1733-HDR as shot, with Privacy Louvres modelled in Accordance with Development Consent (DA856/2004/A)
View towards South-East from First Floor Bedroom

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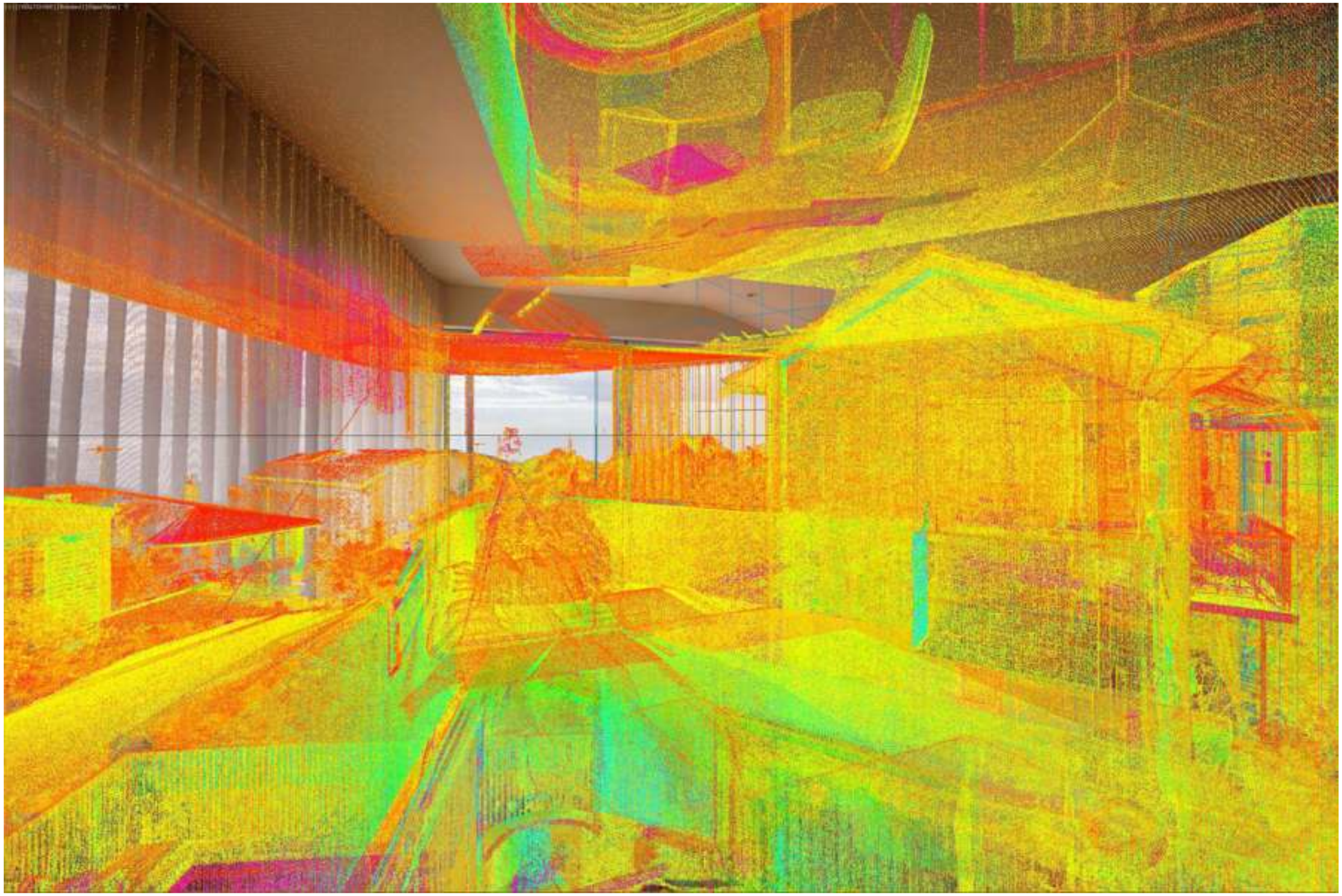

5 - 1V5A1733-HDR Proof Showing Point Cloud Alignment with Photo
View towards South-East from First Floor Bedroom

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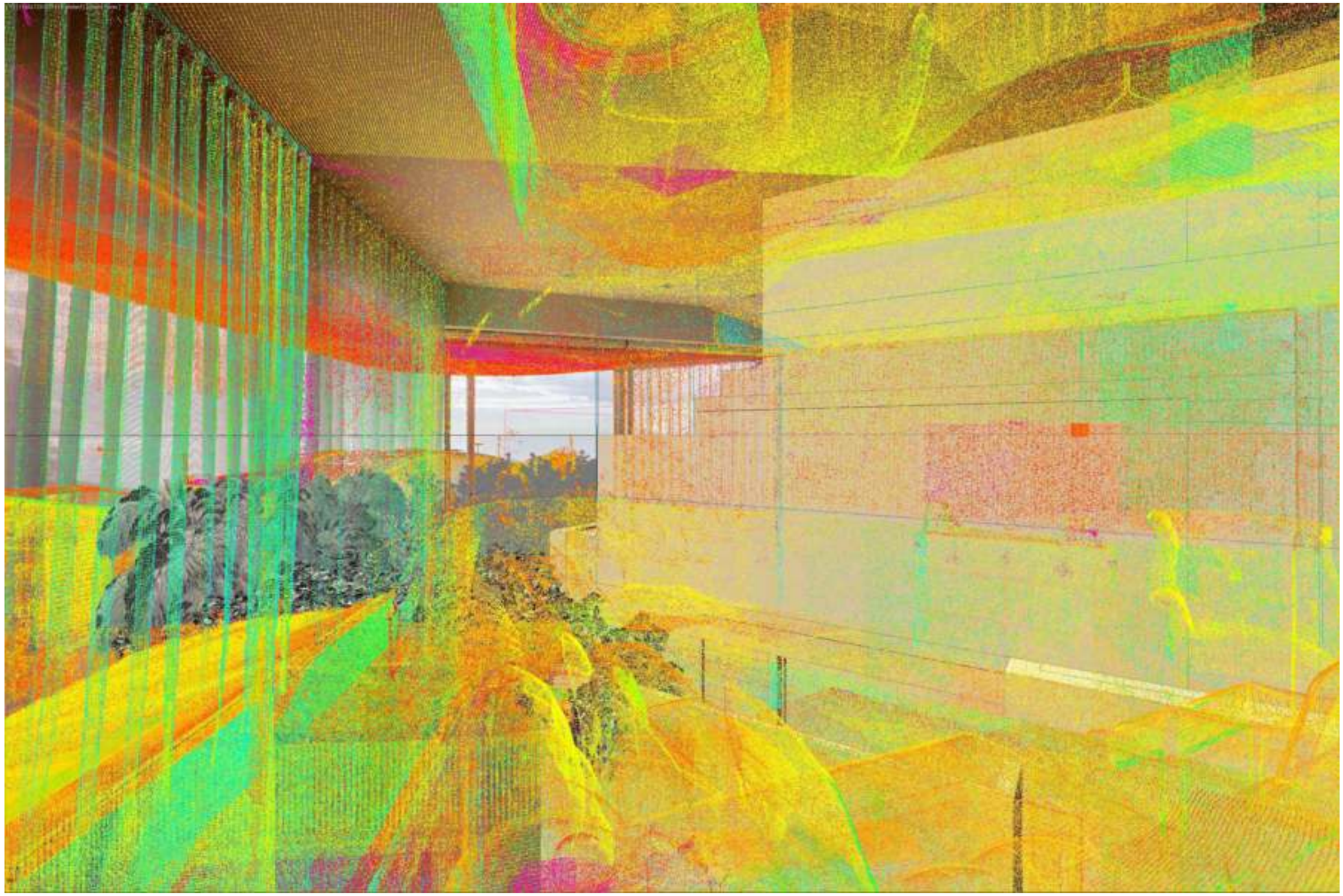

5 - 1V5A1733-HDR Proof with Proposal

View towards South-East from First Floor Bedroom

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5 - 1V5A1733-HDR Showing Allowable Building Envelope (Red) and Proposal (Yellow)
View towards South-East from First Floor Bedroom

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5 - 1V5A1733-HDR With Proposal & Privacy Louvres modelled in Accordance with Development Consent (DA856/2004/A)
View towards South-East from First Floor Bedroom

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7 - 1V5A1751-HDR As shot, with Privacy Louvres modelled in Accordance with Development Consent (DA856/2004/A)
View towards South-West from Second Floor Bedroom

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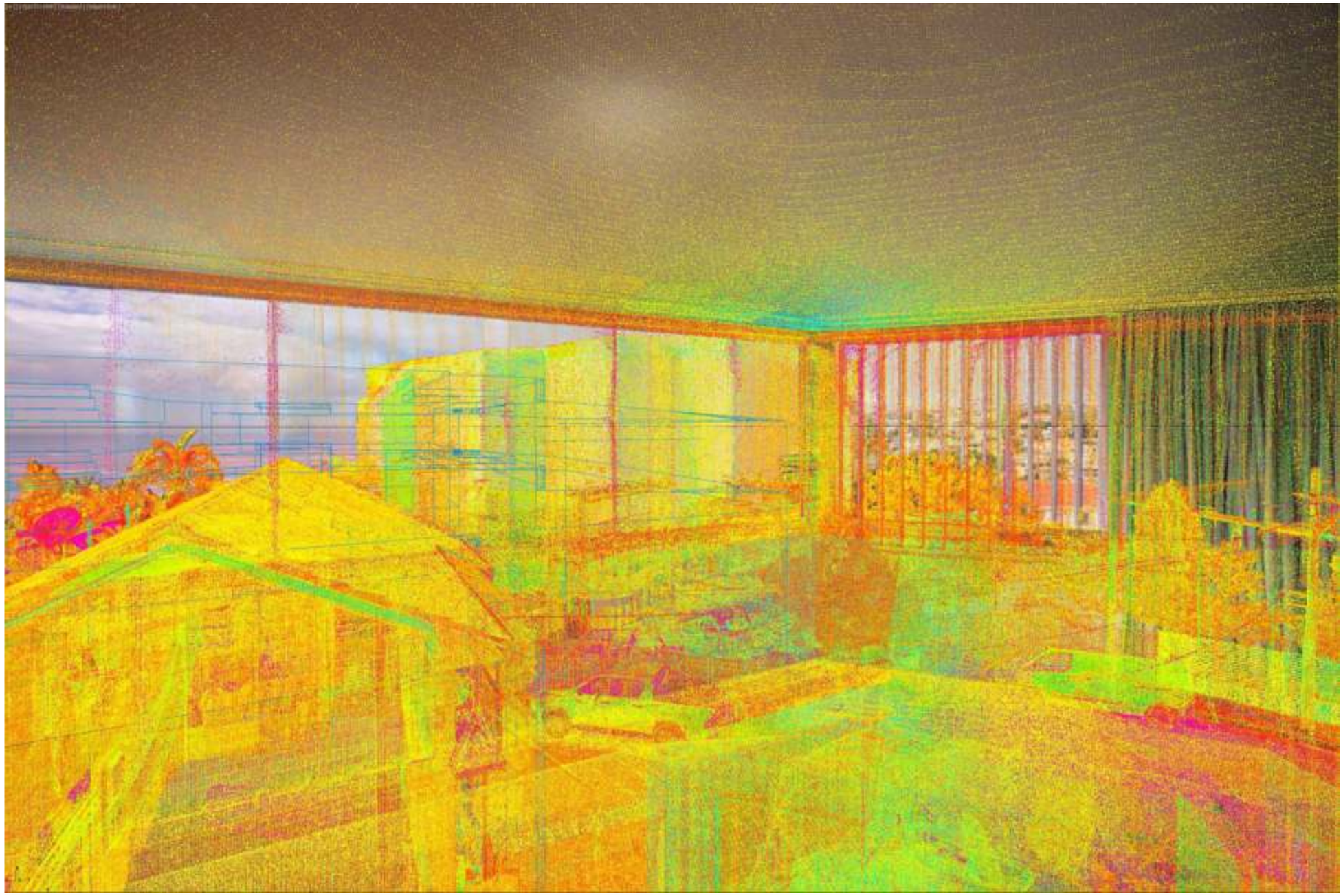

7 - 1V5A1751-HDR Proof Showing Point Cloud Alignment with Photo
View towards South-West from Second Floor Bedroom

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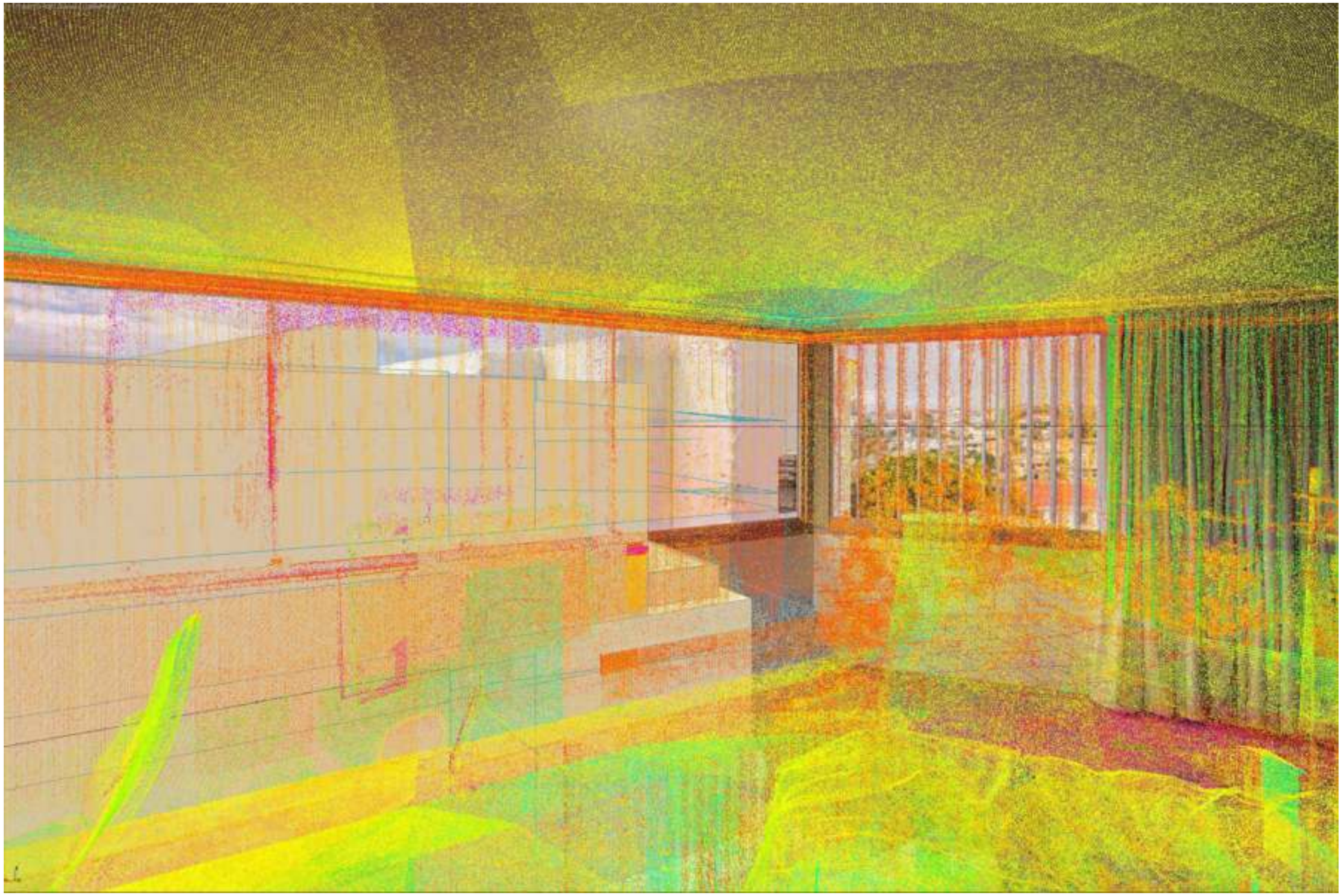

7 - 1V5A1751-HDR Proof with Proposal

View towards South-West from Second Floor Bedroom

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7 - 1V5A1751-HDR Showing Proposal outline (Yellow) and Allowable Building Envelope outline (Red)
View towards South-West from Second Floor Bedroom

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7 - 1V5A1751-HDR With Proposal, No.3 Harlowe Design Model & Privacy Louvres modelled in Accordance with Development Consent (DA856/2004/A)
View towards South-West from Second Floor Bedroom

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8 - 1V5A1755-HDR As shot, with Privacy Louvres modelled in Accordance with Development Consent (DA856/2004/A)
View towards South from Second Floor Bedroom

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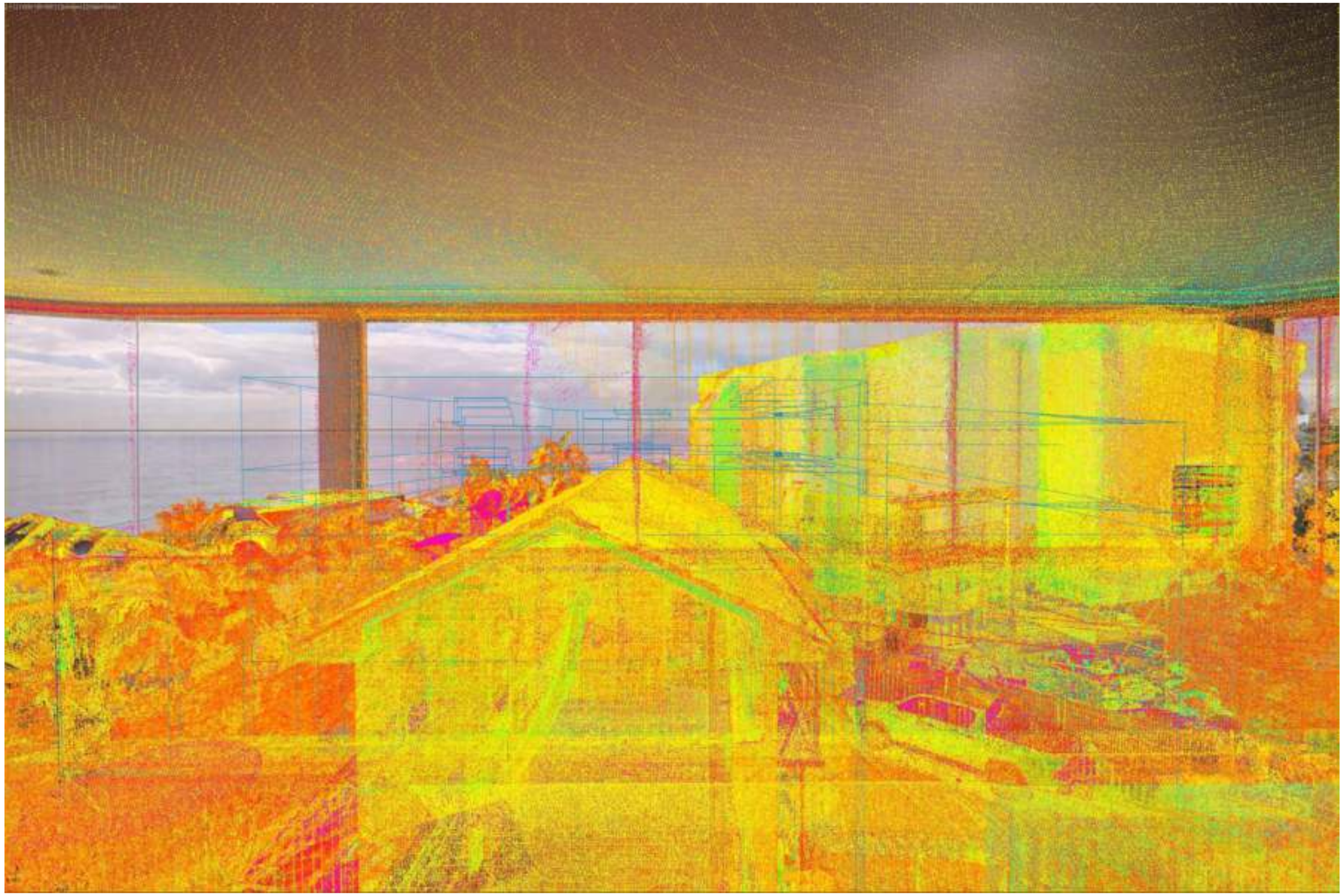

8 - 1V5A1755-HDR Proof Showing Point Cloud Alignment with Photo
View towards South from Second Floor Bedroom

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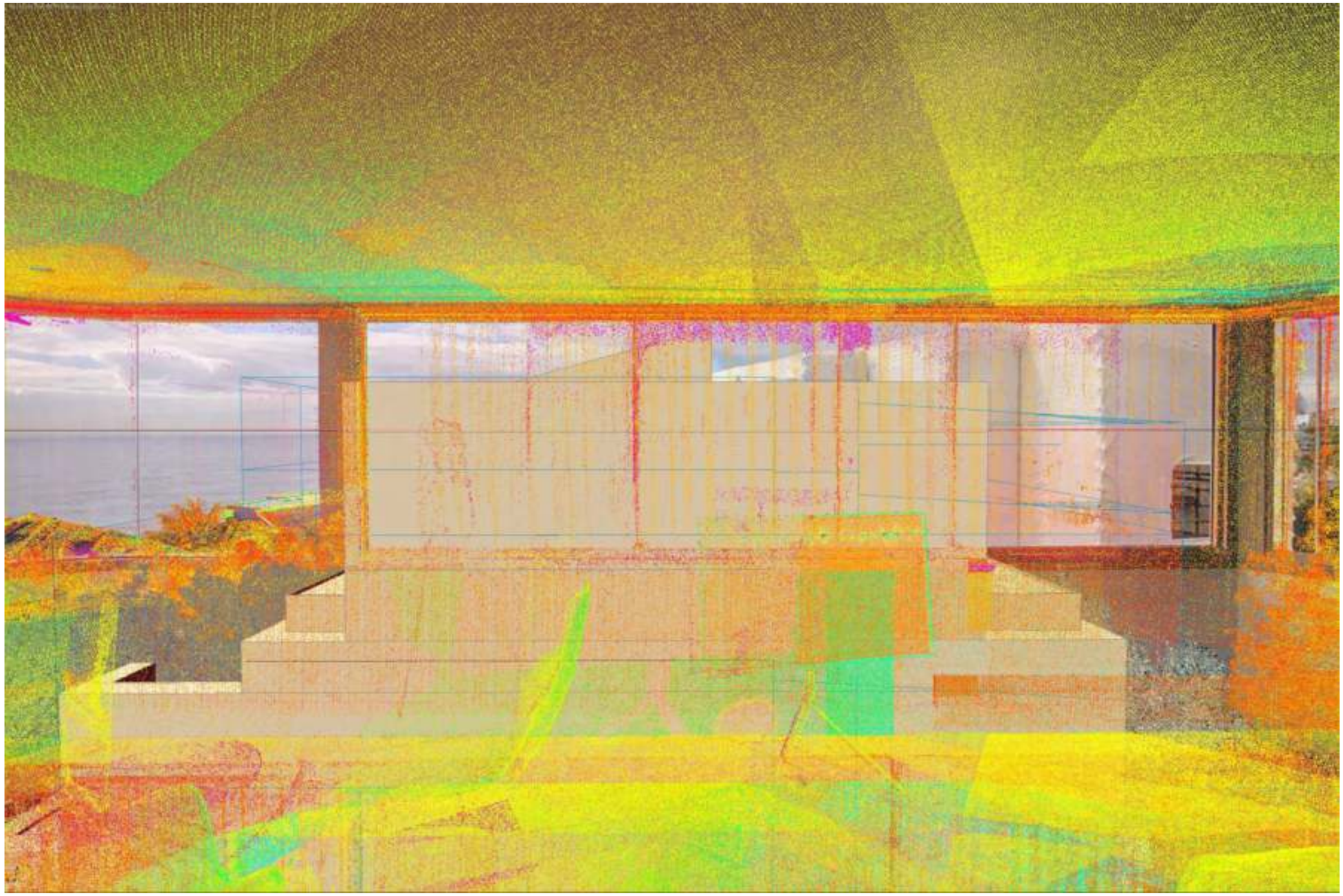

8 - 1V5A1755-HDR Proof with Proposal

View towards South from Second Floor Bedroom

C.M.S. Surveyors Pty. Ltd.
A.C.N 096 240 201
PO Box 463 Dee Why NSW 2099
2/99A South Creek Road, Dee Why NSW 2099
Phone: (02) 9971 4802 Fax: (02) 9971 4822
E-mail: info@cmssurveyors.com.au

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Date Received: 11/03/2024

8 - 1V5A1755-HDR Showing Allowable Building Envelope (Red) and Proposal (Yellow)
View towards South from Second Floor Bedroom

C.M.S. Surveyors Pty. Ltd.
A.C.N 096 240 201
PO Box 463 Dee Why NSW 2099
2/99A South Creek Road, Dee Why NSW 2099
Phone: (02) 9971 4802 Fax: (02) 9971 4822
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8 - 1V5A1755-HDR With Proposal & Privacy Louvres modelled in Accordance with Development Consent (DA856/2004/A)
View towards South from Second Floor Bedroom

C.M.S. Surveyors Pty. Ltd.
A.C.N 096 240 201
PO Box 463 Dee Why NSW 2099
2/99A South Creek Road, Dee Why NSW 2099
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Application No: DA-156/2023

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9 - 1V5A1759-HDR As shot, with Privacy Louvres modelled in Accordance with Development Consent (DA856/2004/A)
View towards South-East from Second Floor Bedroom

C.M.S. Surveyors Pty. Ltd.
A.C.N 096 240 201
PO Box 463 Dee Why NSW 2099
2/99A South Creek Road, Dee Why NSW 2099
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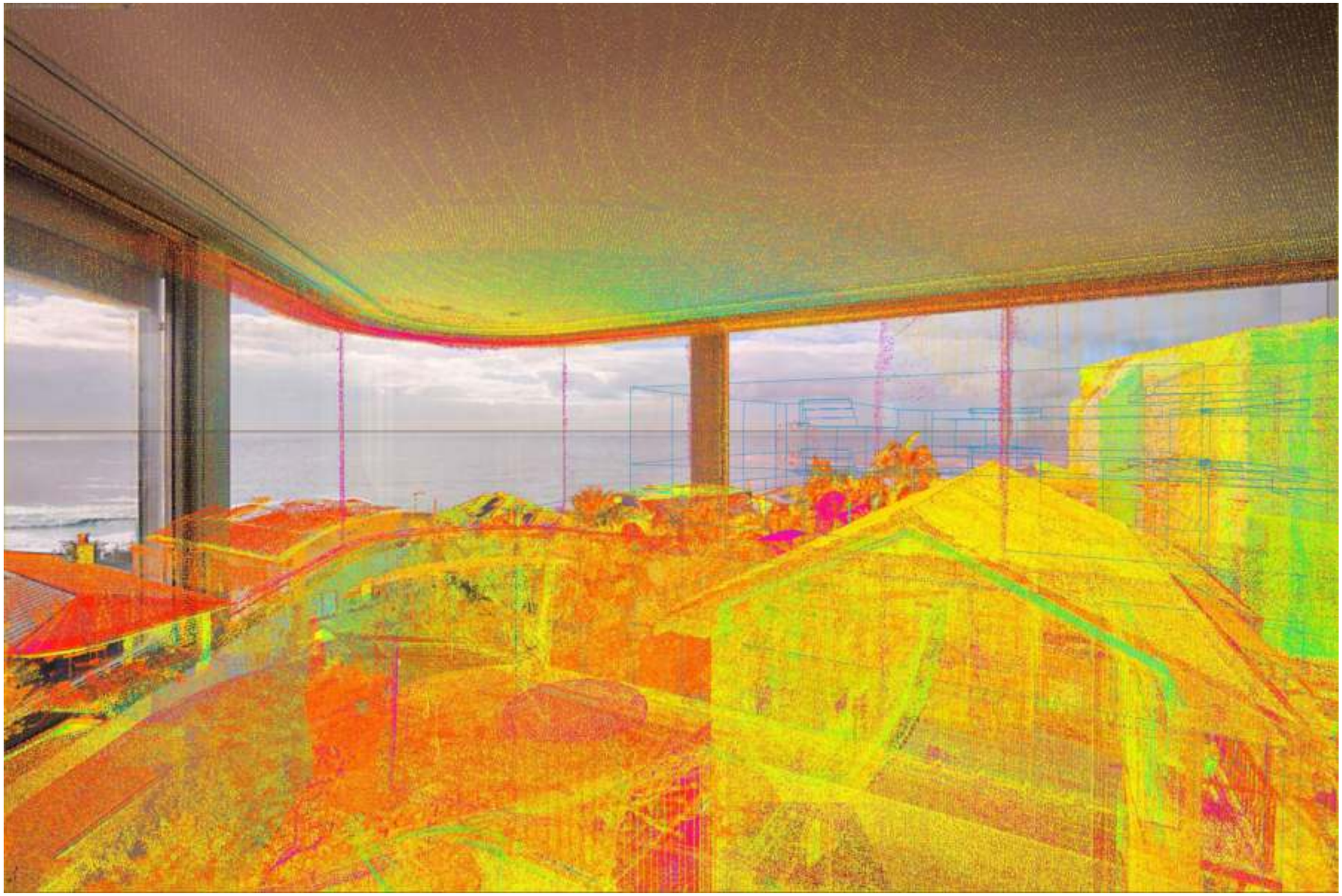

9 - 1V5A1759-HDR Proof Showing Point Cloud Alignment with Photo
View towards South-East from Second Floor Bedroom

C.M.S. Surveyors Pty. Ltd.
A.C.N 096 240 201
PO Box 463 Dee Why NSW 2099
2/99A South Creek Road, Dee Why NSW 2099
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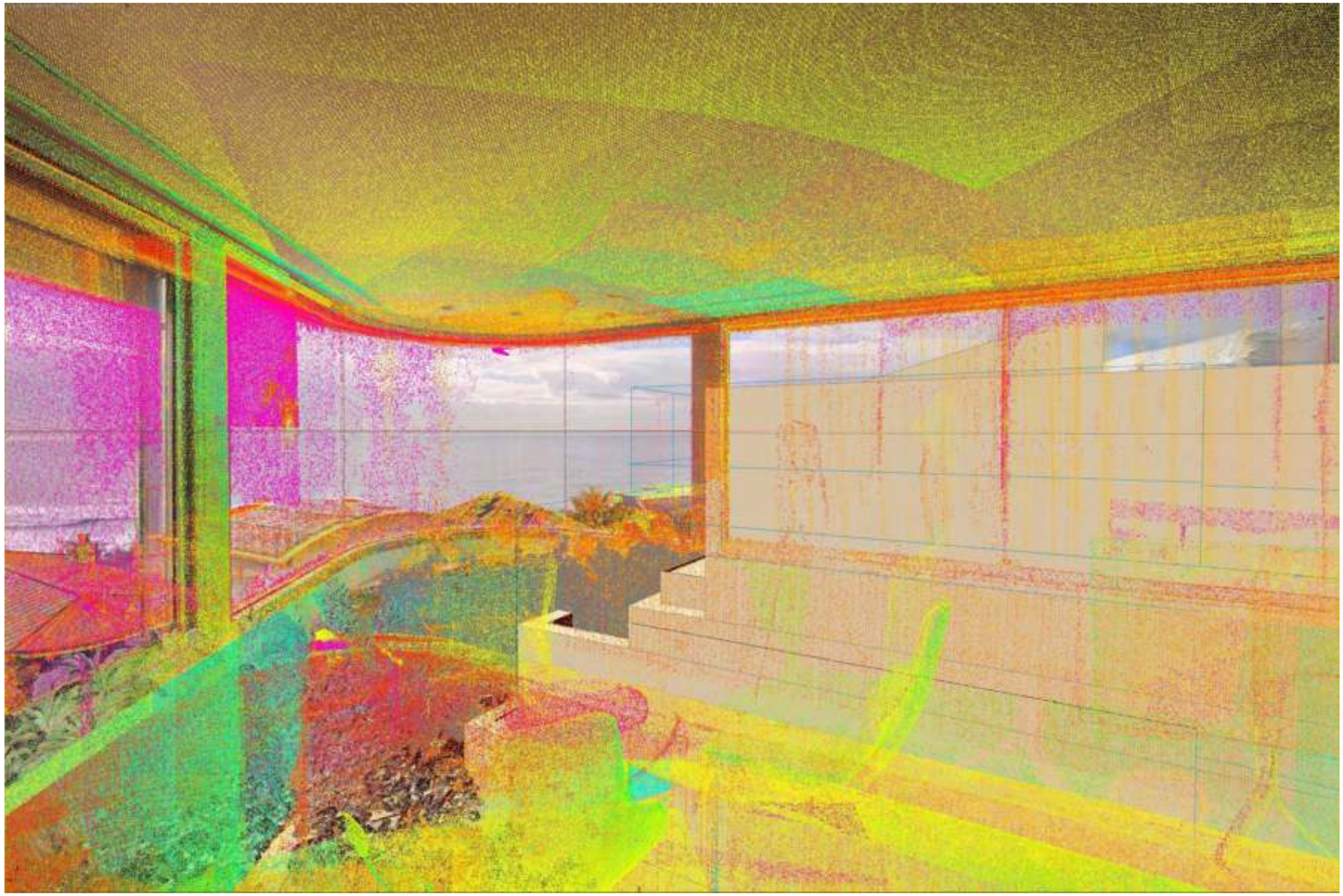

9 - 1V5A1759-HDR Proof with Proposal

View towards South-East from Second Floor Bedroom

C.M.S. Surveyors Pty. Ltd.
A.C.N 096 240 201
PO Box 463 Dee Why NSW 2099
2/99A South Creek Road, Dee Why NSW 2099
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Application No: DA-156/2023

Date Received: 11/03/2024

9 - 1V5A1759-HDR Showing Proposal outline (Yellow) and Allowable Building Envelope outline (Red)
View towards South-East from Second Floor Bedroom

C.M.S. Surveyors Pty. Ltd.
A.C.N 096 240 201
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Application No: DA-156/2023

Date Received: 11/03/2024

9 - 1V5A1759-HDR Proposal & Privacy Louvres modelled in Accordance with Development Consent (DA856/2004/A)
View towards South-East from Second Floor Bedroom

C.M.S. Surveyors Pty. Ltd.
A.C.N 096 240 201
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Application No: DA-156/2023

Date Received: 11/03/2024

1 - 1V5A1767-HDR As shot, with Privacy Louvres modelled in Accordance with Development Consent (DA856/2004/A)
Zoomed View towards South-East from Second Floor Bedroom

C.M.S. Surveyors Pty. Ltd.
A.C.N 096 240 201
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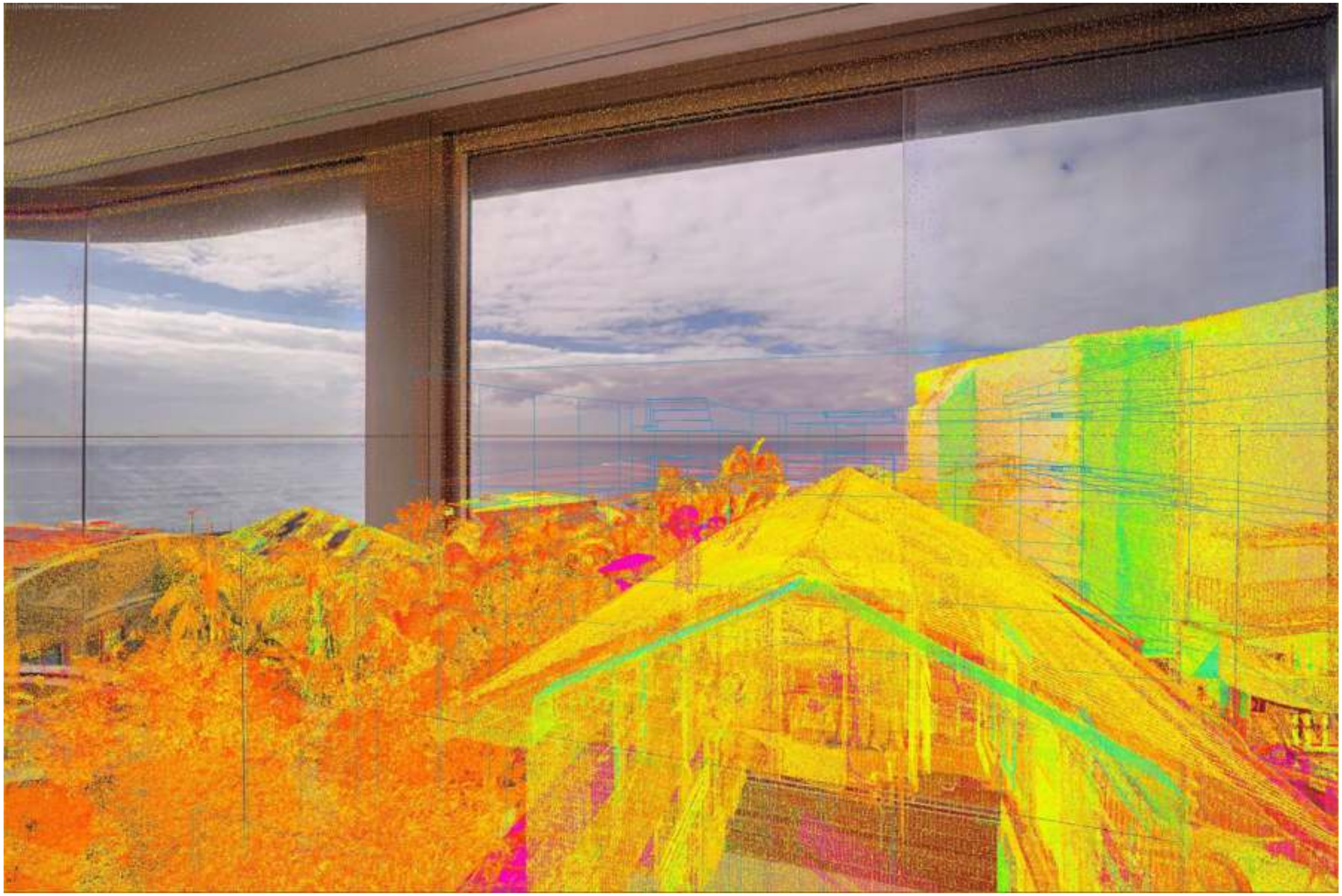

1 - 1V5A1767-HDR.jpg Proof Showing Point Cloud Alignment with Photo
Zoomed View Towards South-East from Second Floor Bedroom

C.M.S. Surveyors Pty. Ltd.
A.C.N 096 240 201
PO Box 463 Dee Why NSW 2099
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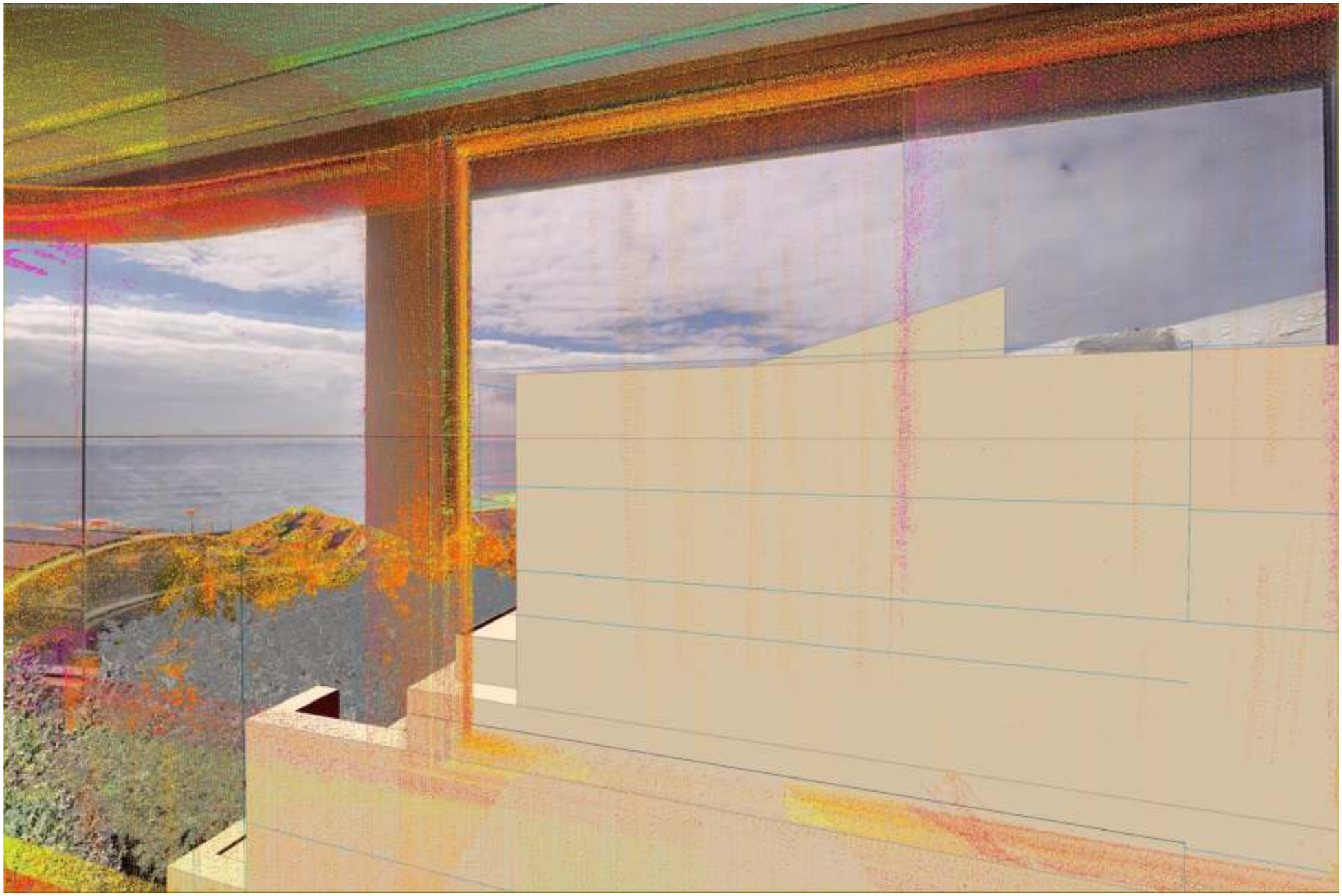

1 - 1V5A1767-HDR.jpg Proof with Proposal

Zoomed View Towards South-East from Second Floor Bedroom

C.M.S. Surveyors Pty. Ltd.
A.C.N 096 240 201
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Application No: DA-156/2023

Date Received: 11/03/2024

1 - 1V5A1767-HDR Showing Proposal outline (Yellow) and Allowable Building Envelope outline (Red)
Zoomed View Towards South-East from Second Floor Bedroom

C.M.S. Surveyors Pty. Ltd.
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1 - 1V5A1767-HDR Proposal & Privacy Louvres modelled in Accordance with Development Consent (DA856/2004/A)
Zoomed View Towards South-East from Second Floor Bedroom

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Application No: DA-156/2023

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11 - 1V5A1781-HDR As shot, with Privacy Louvres modelled in Accordance with Development Consent (DA856/2004/A)
Wide-angle View Towards South-East from Second Floor Bedroom

C.M.S. Surveyors Pty. Ltd.
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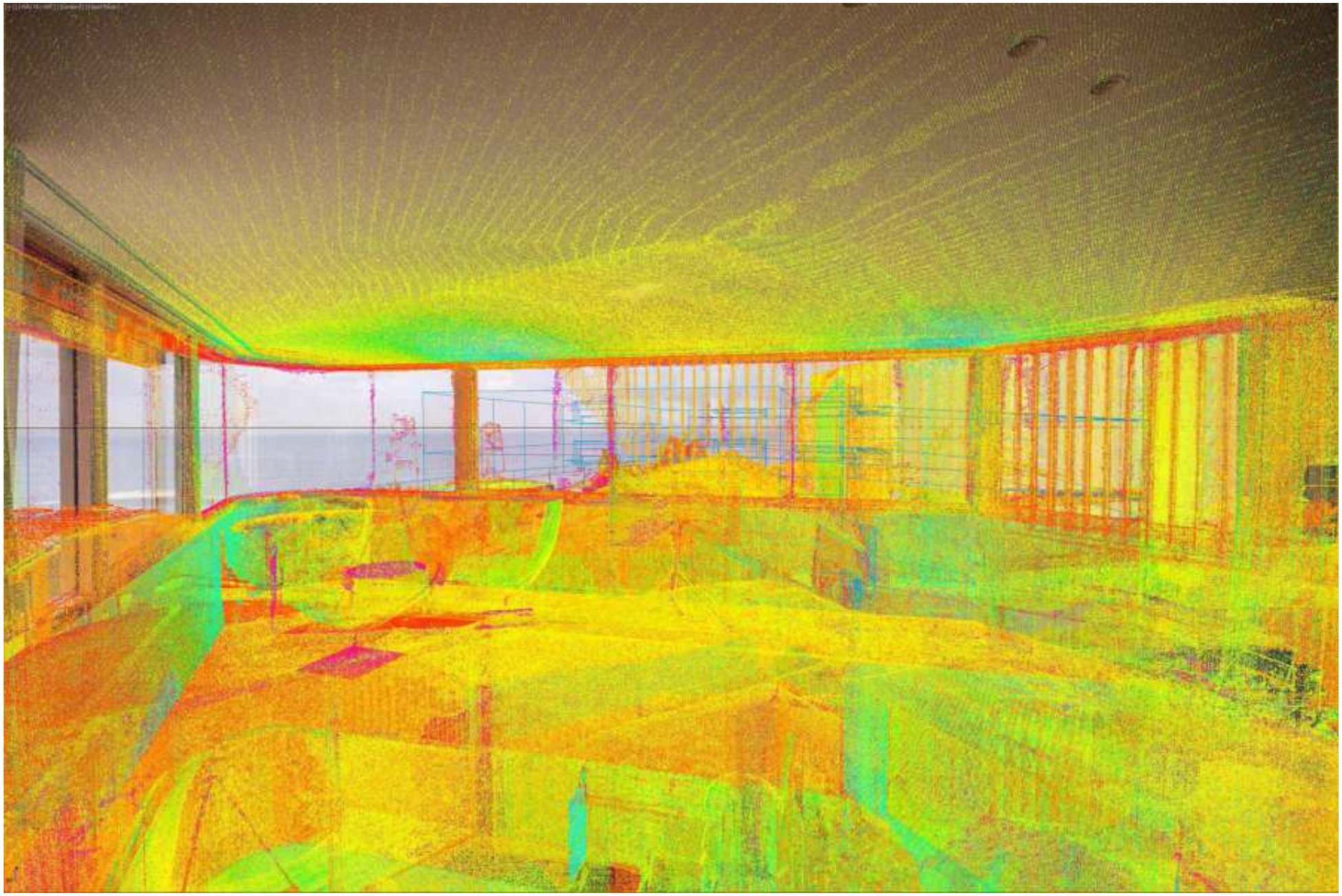

11 - 1V5A1781-HDR Proof Showing Point Cloud Alignment with Photo
Wide-angle View Towards South-East from Second Floor Bedroom

C.M.S. Surveyors Pty. Ltd.
A.C.N 096 240 201
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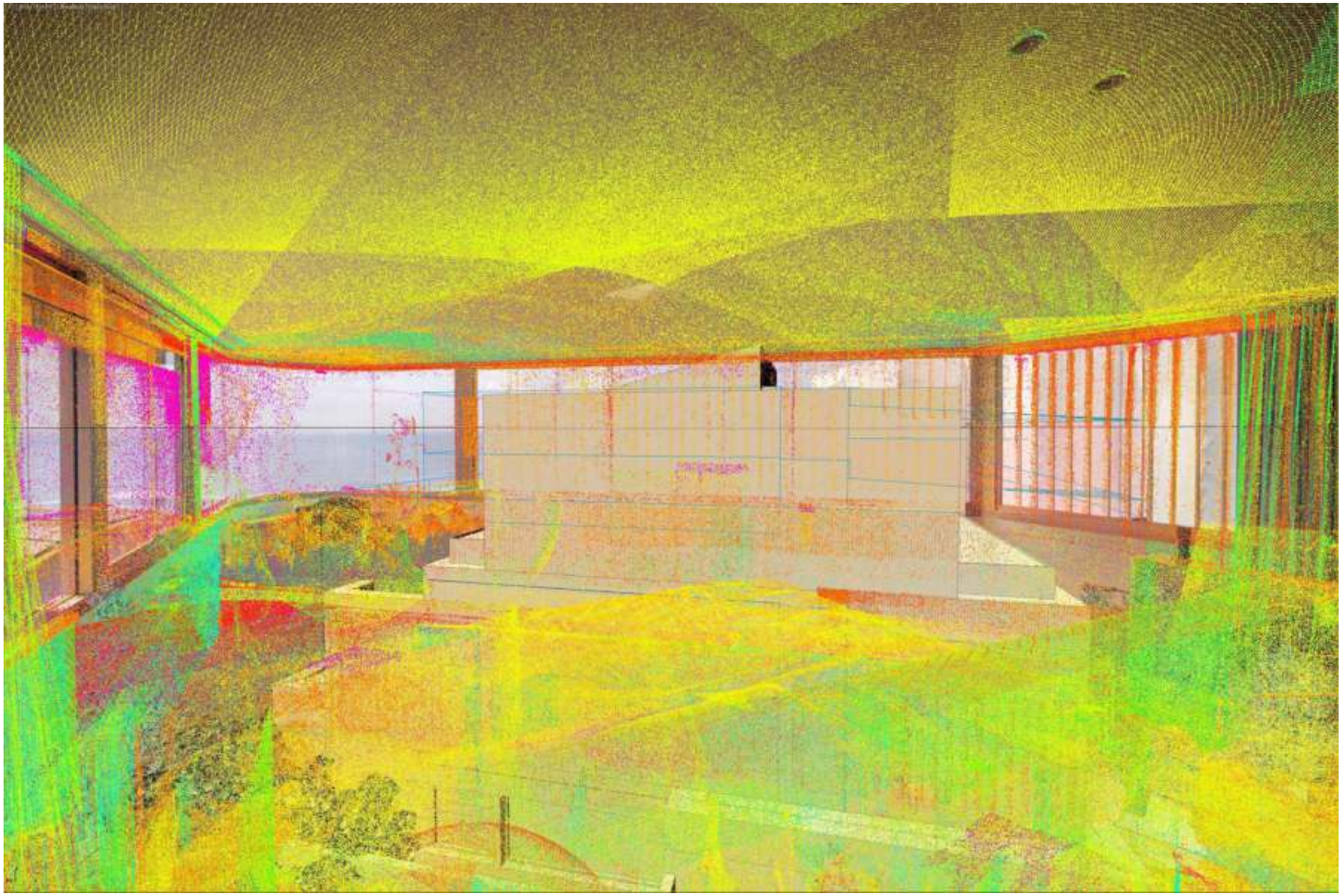

11 - 1V5A1781-HDR Proof with Proposal

Wide-angle View Towards South-East from Second Floor Bedroom

C.M.S. Surveyors Pty. Ltd.
A.C.N 096 240 201
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11 - 1V5A1781-HDR Showing Proposal outline (Yellow) and Allowable Building Envelope outline (Red)
Wide-angle View Towards South-East from Second Floor Bedroom

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Wide-angle View Towards South-East from Second Floor Bedroom

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Application No: DA-156/2023

Date Received: 11/03/2024

1 - 1V5A1693-HDR as shot

View towards South-East from Ground Floor Music Room

C.M.S. Surveyors Pty. Ltd.
A.C.N 096 240 201
PO Box 463 Dee Why NSW 2099
2/99A South Creek Road, Dee Why NSW 2099
Phone: (02) 9971 4802 Fax: (02) 9971 4822
E-mail: info@cmssurveyors.com.au

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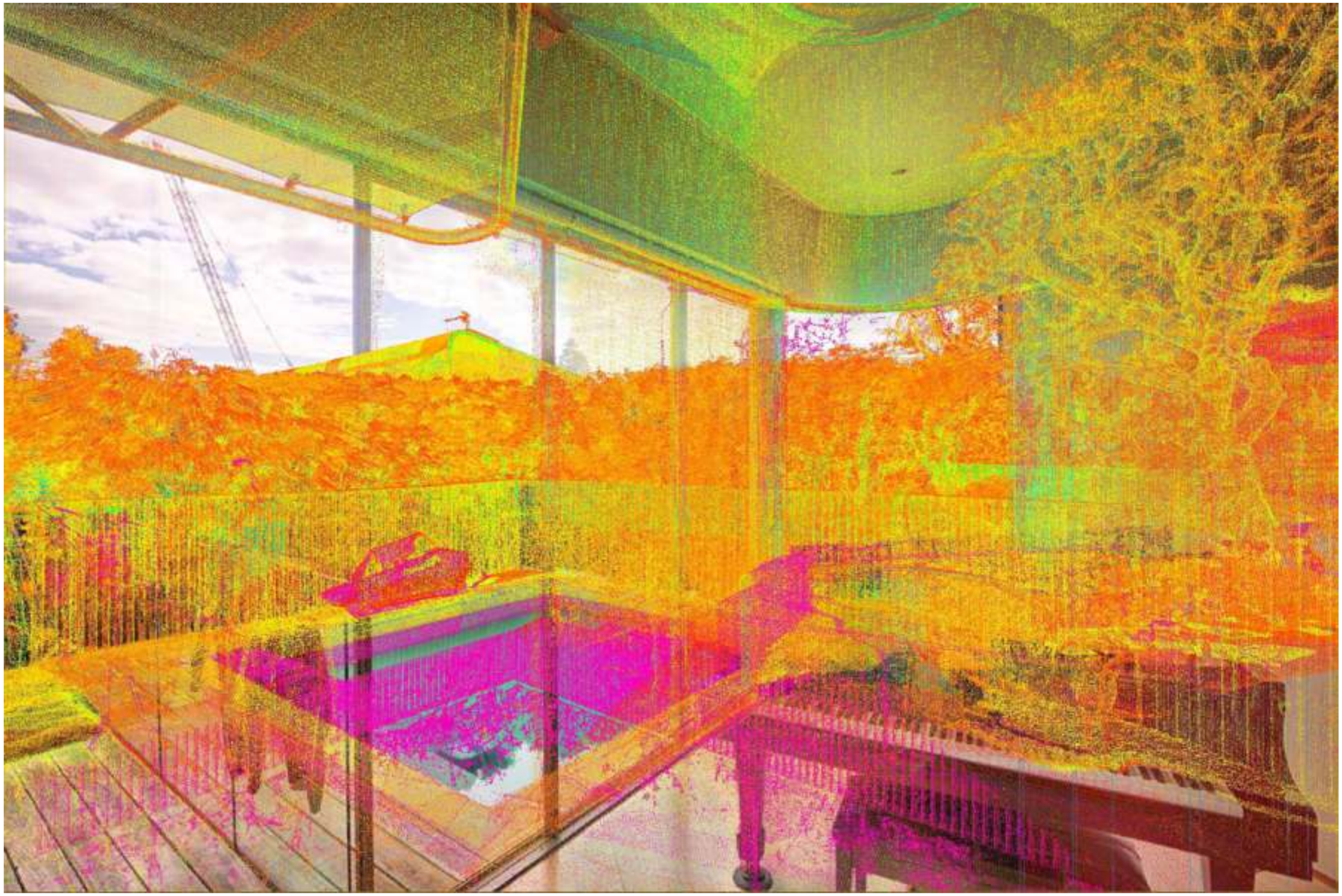

1 - 1V5A1693-HDR Proof Showing Point Cloud Alignment with Photo
View towards South-East from Ground Floor Music Room

C.M.S. Surveyors Pty. Ltd.
A.C.N 096 240 201
PO Box 463 Dee Why NSW 2099
2/99A South Creek Road, Dee Why NSW 2099
Phone: (02) 9971 4802 Fax: (02) 9971 4822
E-mail: info@cmssurveyors.com.au

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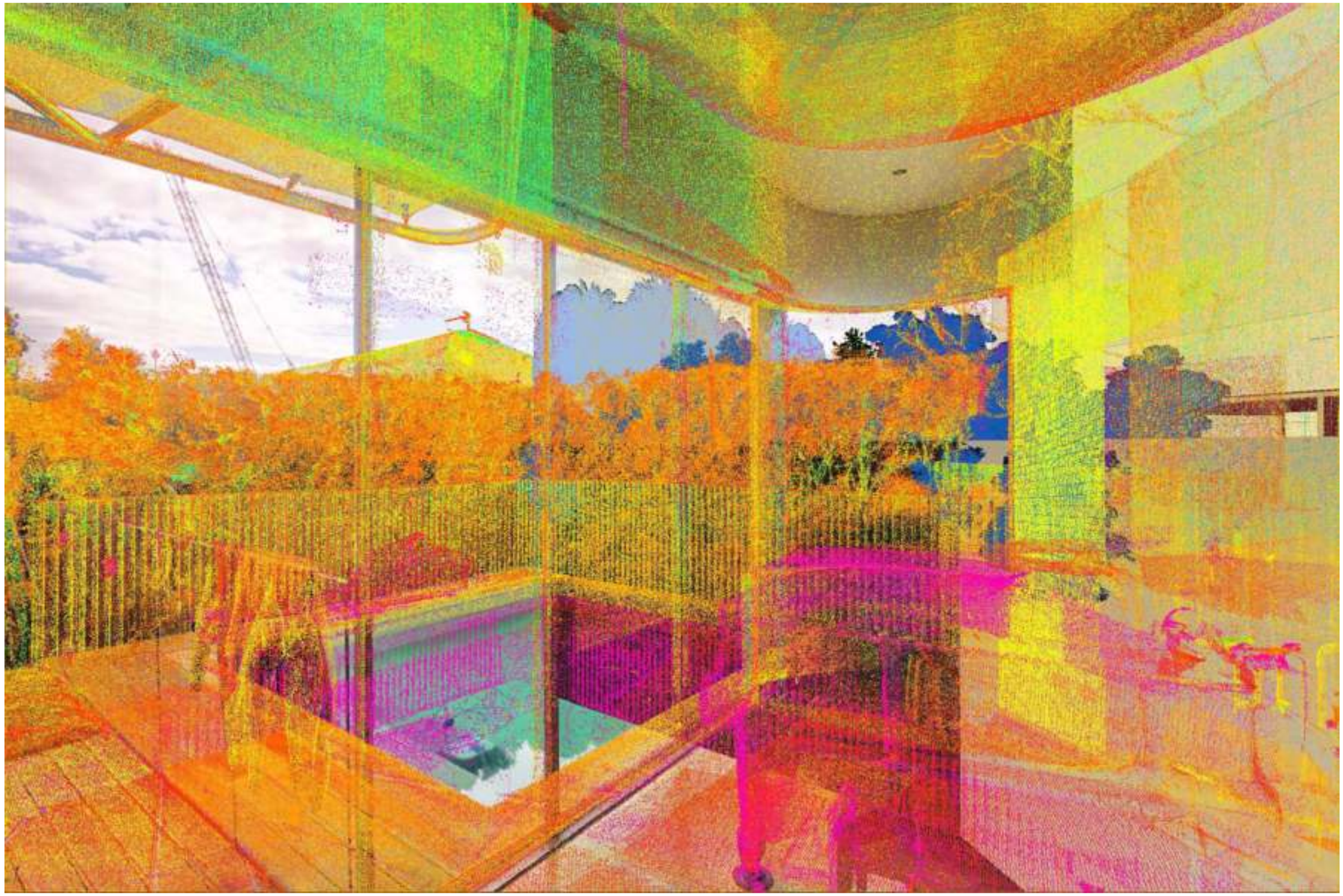
Application No: DA-156/2023

Date Received: 11/03/2024



1 - 1V5A1693-HDR Proof with Proposal

View towards South-East from Ground Floor Music Room

C.M.S. Surveyors Pty. Ltd.
A.C.N 096 240 201
PO Box 463 Dee Why NSW 2099
2/99A South Creek Road, Dee Why NSW 2099
Phone: (02) 9971 4802 Fax: (02) 9971 4822
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Application No: DA-156/2023

Date Received: 11/03/2024

1 - 1V5A1693-HDR Showing Proposal outline (Yellow) and Allowable Building Envelope outline (Red)
View towards South-East from Ground Floor Music Room

C.M.S. Surveyors Pty. Ltd.
A.C.N 096 240 201
PO Box 463 Dee Why NSW 2099
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Application No: DA-156/2023

Date Received: 11/03/2024

1 - 1V5A1693-HDR With Proposal

View towards South-East from Ground Floor Music Room

C.M.S. Surveyors Pty. Ltd.
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Application No: DA-156/2023

Date Received: 11/03/2024

2 - 1V5A1701-HDR as shot

View towards South-East from Ground Floor Family Room

C.M.S. Surveyors Pty. Ltd.
A.C.N 096 240 201
PO Box 463 Dee Why NSW 2099
2/99A South Creek Road, Dee Why NSW 2099
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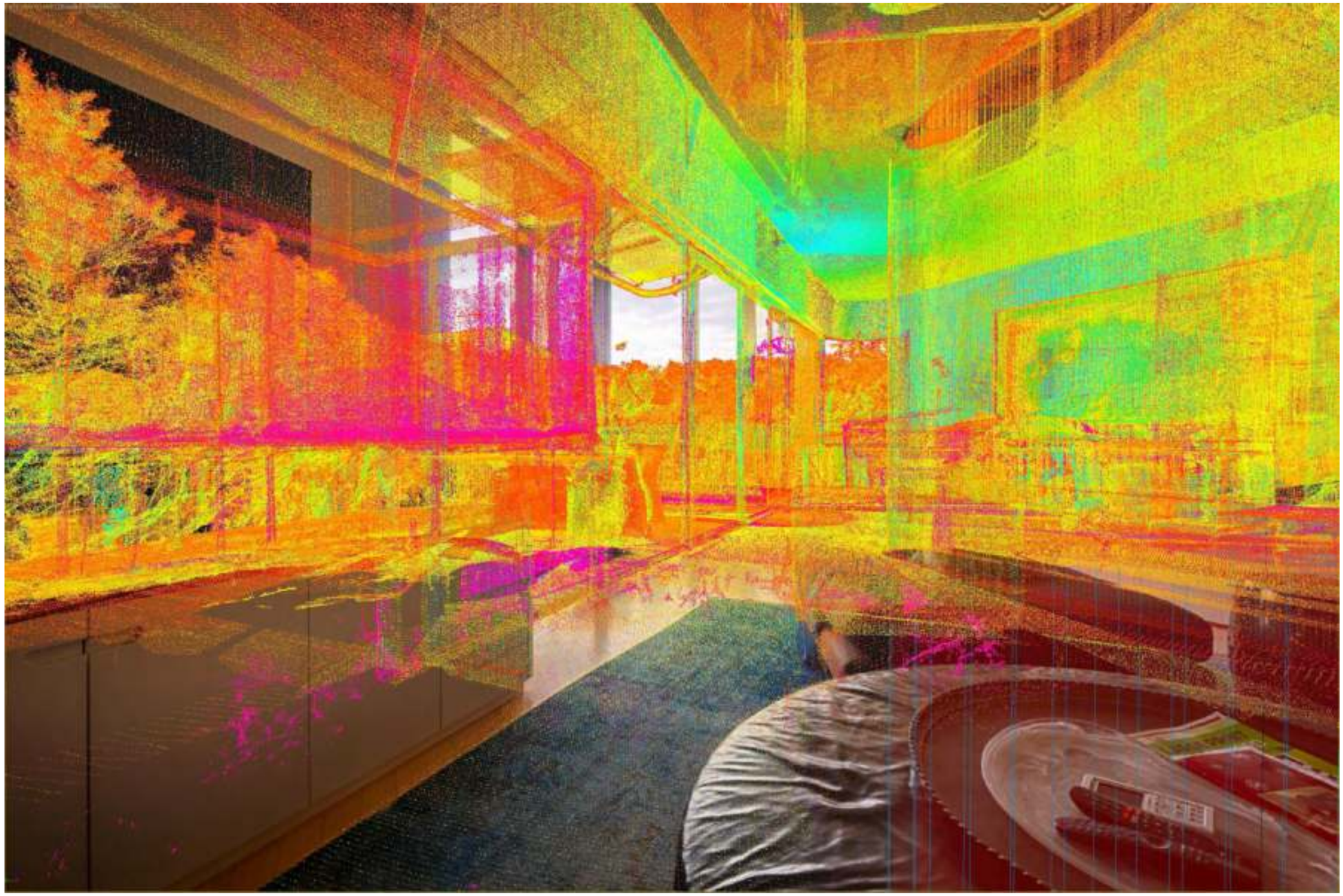

2 - 1V5A1701-HDR Proof Showing Point Cloud Alignment with Photo
View towards South-East from Ground Floor Family Room

C.M.S. Surveyors Pty. Ltd.
A.C.N 096 240 201
PO Box 463 Dee Why NSW 2099
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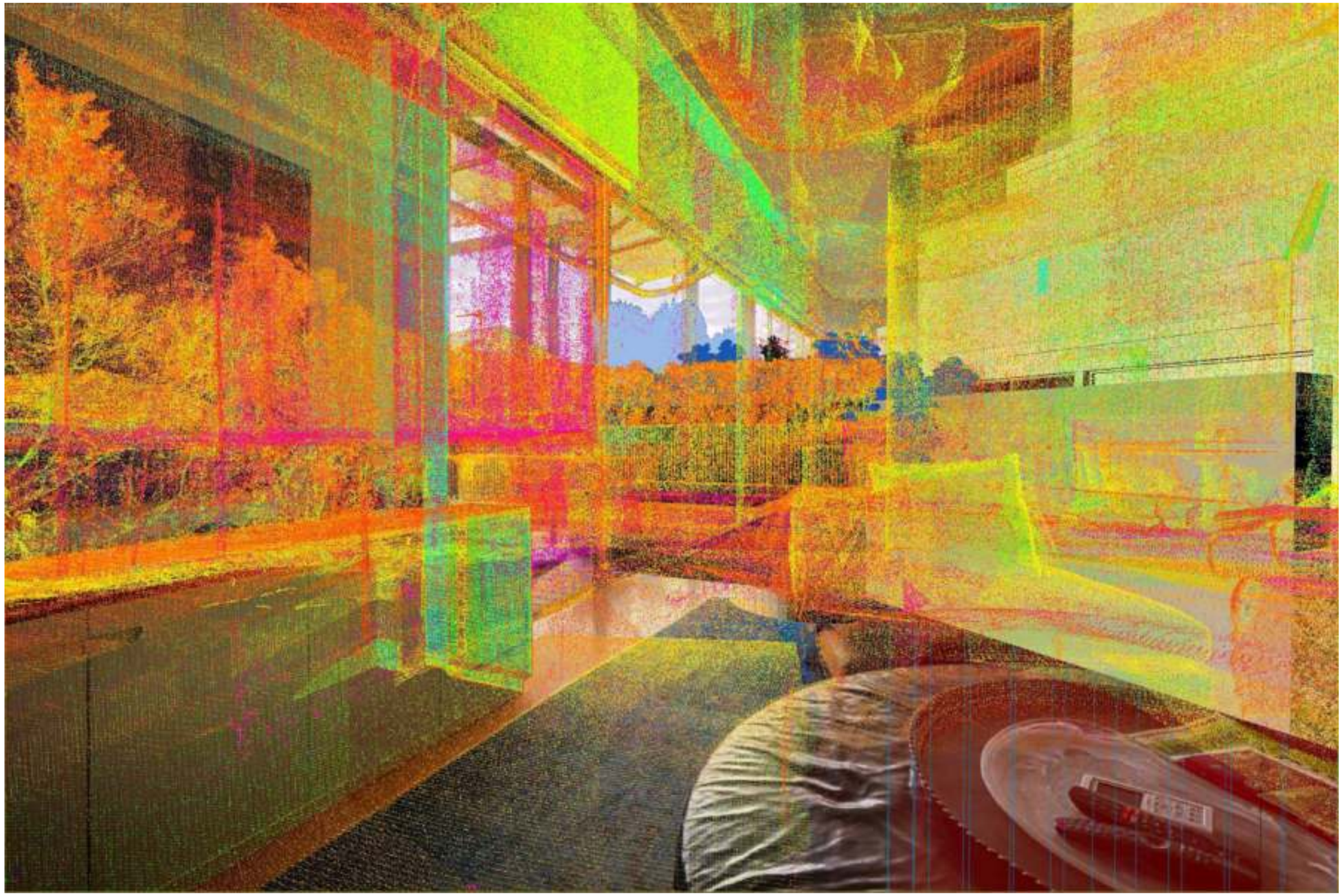

2 - 1V5A1701-HDR Proof with Proposal

View towards South-East from Ground Floor Family Room

C.M.S. Surveyors Pty. Ltd.
A.C.N 096 240 201
PO Box 463 Dee Why NSW 2099
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2 - 1V5A1701-HDR Showing Proposal outline (Yellow) and Allowable Building Envelope outline (Red)
View towards South-East from Ground Floor Family Room

C.M.S. Surveyors Pty. Ltd.
A.C.N 096 240 201
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2 - 1V5A1701-HDR With Proposal

View towards South-East from Ground Floor Family Room

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Application No: DA-156/2023

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12 - 1V5A1706-EDIT as shot

View towards South-East from Ground Floor Kitchen

C.M.S. Surveyors Pty. Ltd.
A.C.N 096 240 201
PO Box 463 Dee Why NSW 2099
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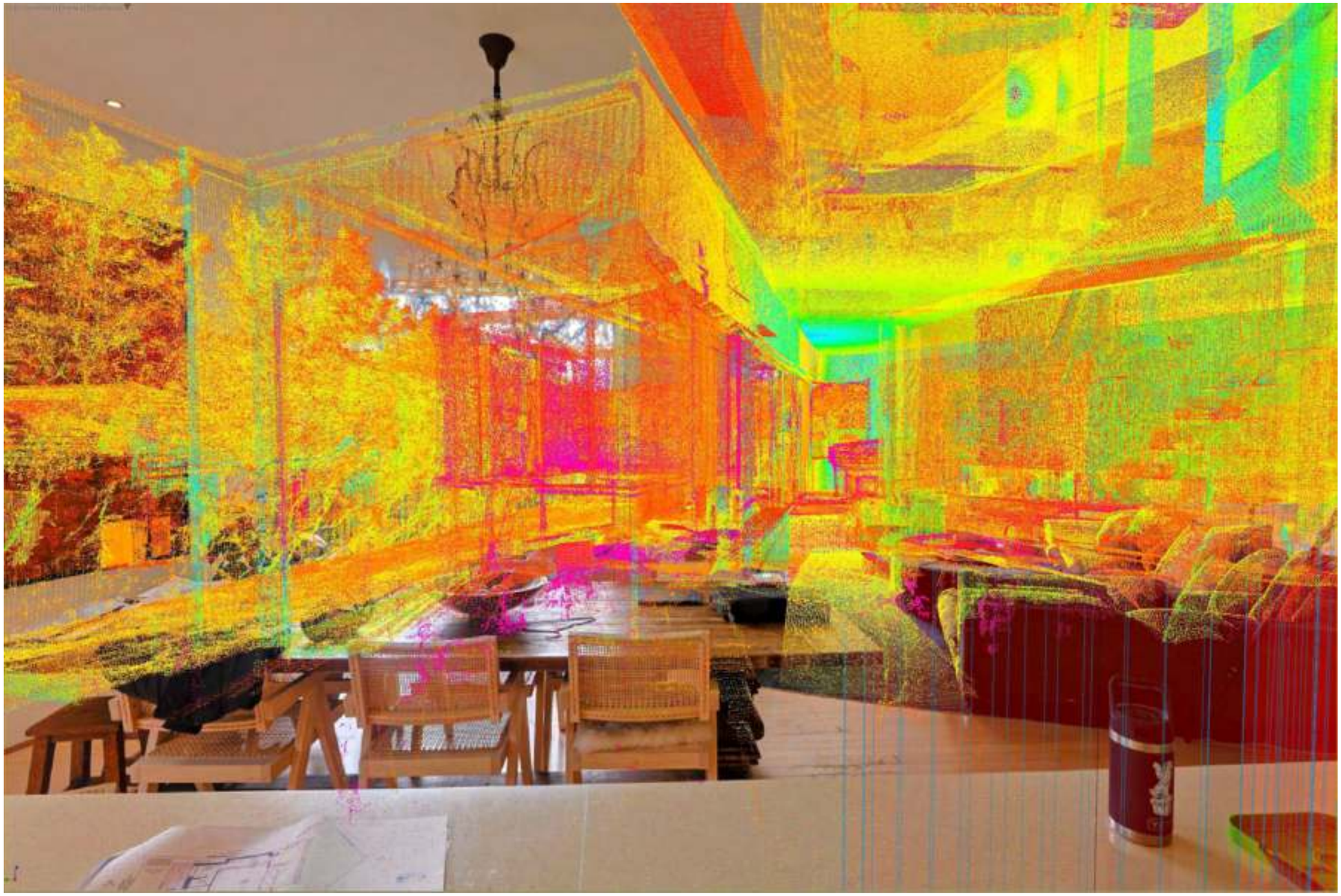

12 - 1V5A1706-EDIT Proof Showing Point Cloud Alignment with Photo
View towards South-East from Ground Floor Kitchen

C.M.S. Surveyors Pty. Ltd.
A.C.N 096 240 201
PO Box 463 Dee Why NSW 2099
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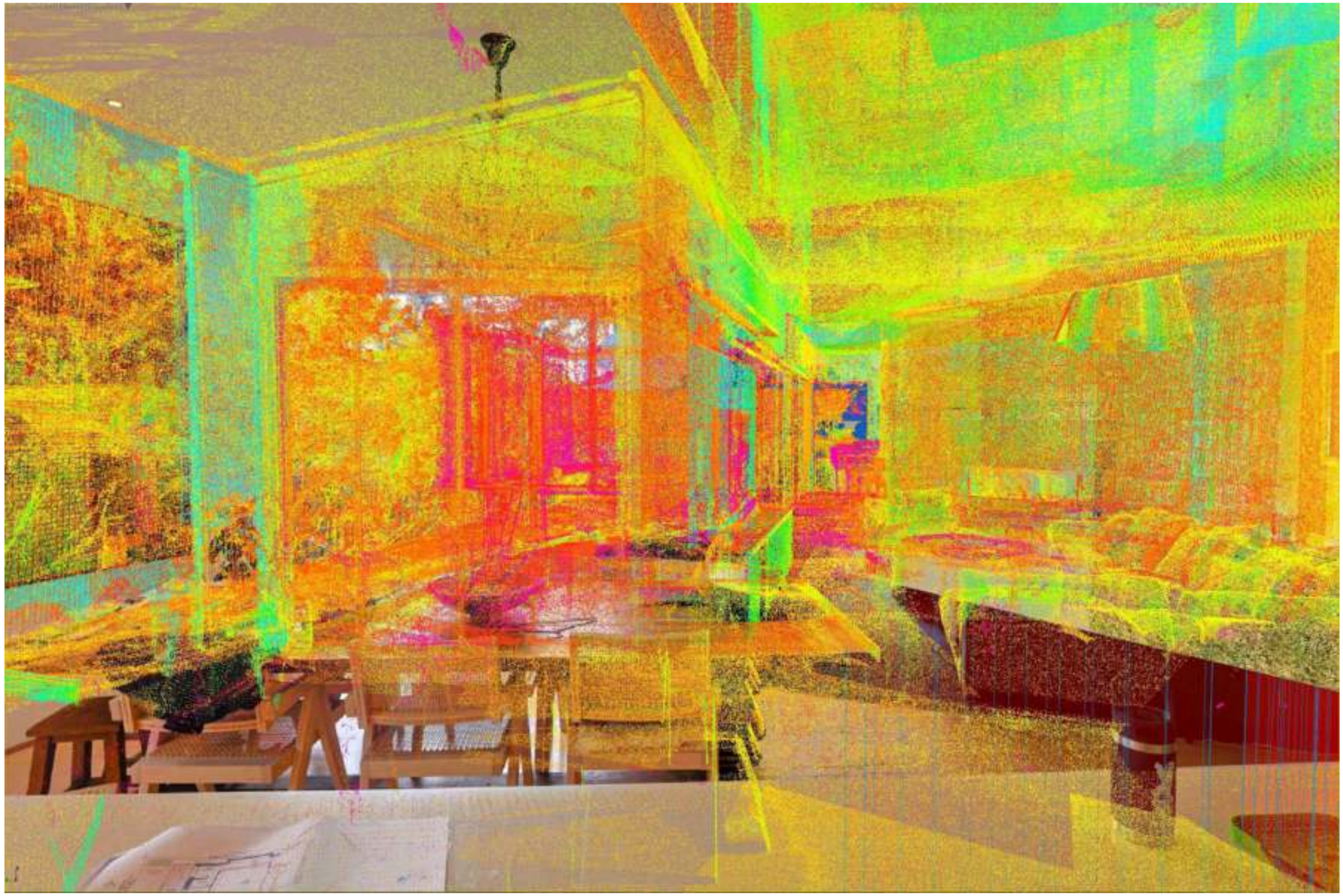

12 - 1V5A1706-EDIT Proof with Proposal

View towards South-East from Ground Floor Kitchen

C.M.S. Surveyors Pty. Ltd.
A.C.N 096 240 201
PO Box 463 Dee Why NSW 2099
2/99A South Creek Road, Dee Why NSW 2099
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Application No: DA-156/2023

Date Received: 11/03/2024

12 - 1V5A1706-EDIT Showing Proposal outline (Yellow) and Allowable Building Envelope outline (Red)
View towards South-East from Ground Floor Kitchen

C.M.S. Surveyors Pty. Ltd.
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Application No: DA-156/2023

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12 - 1V5A1706-EDIT With Proposal

View towards South-East from Ground Floor Kitchen

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Application No: DA-156/2023

Date Received: 11/03/2024

3 - 1V5A1717-HDR As shot

View towards South-East from Rear Garden

C.M.S. Surveyors Pty. Ltd.
A.C.N 096 240 201
PO Box 463 Dee Why NSW 2099
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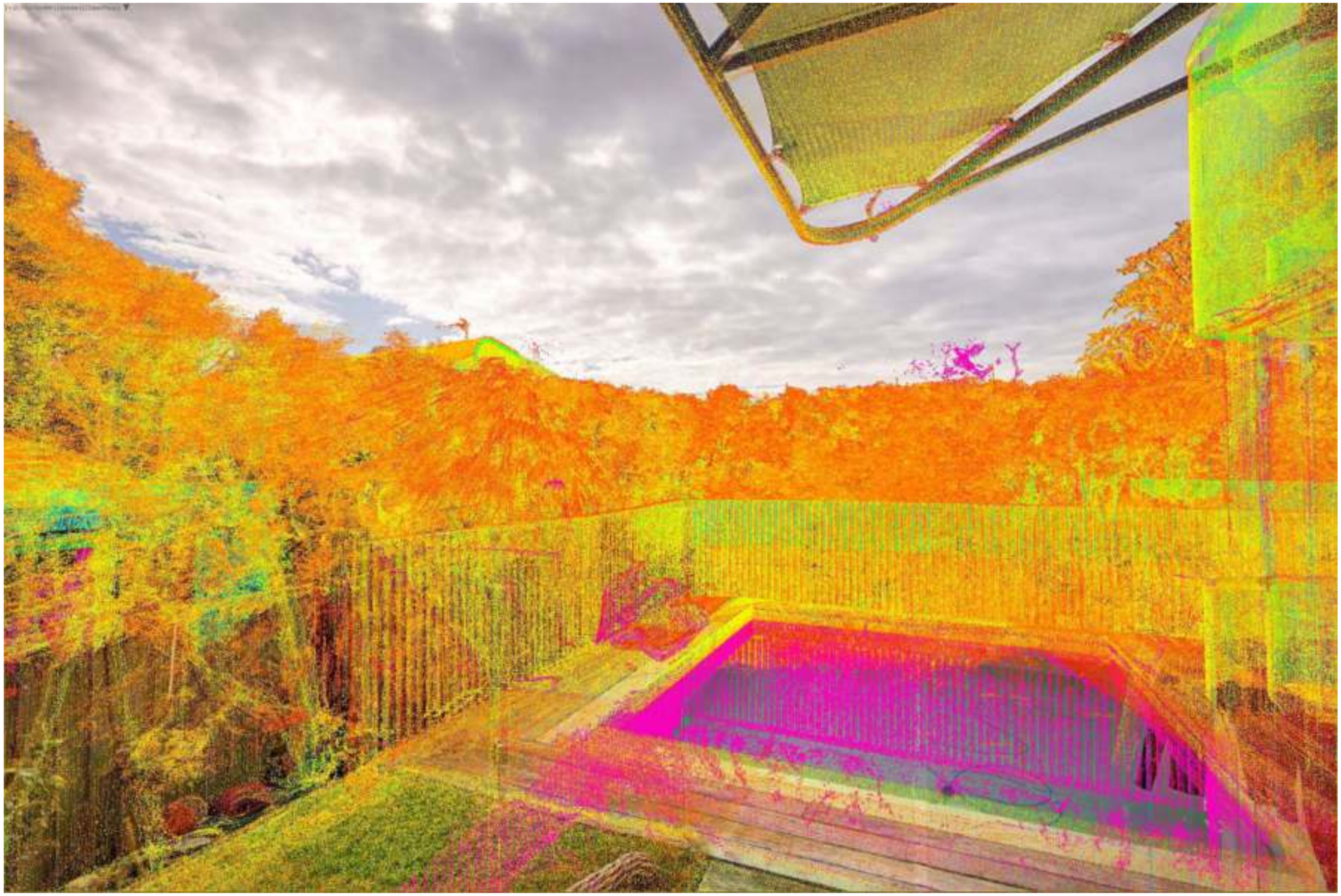

3 - 1V5A1717-HDR Proof Showing Point Cloud Alignment with Photo
View towards South-East from Rear Garden

C.M.S. Surveyors Pty. Ltd.
A.C.N 096 240 201
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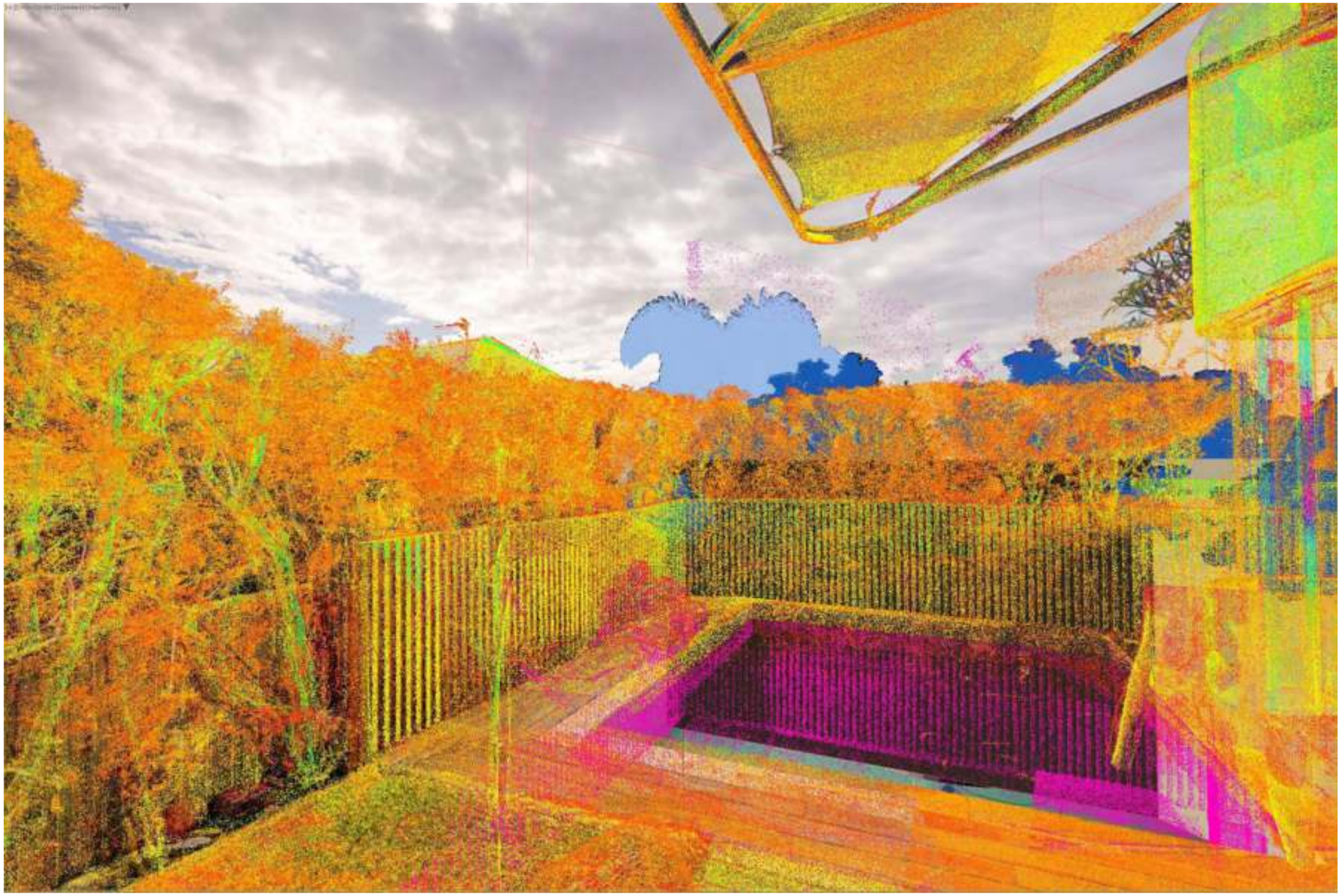

3 - 1V5A1717-HDR Proof with Proposal

View towards South-East from Rear Garden

C.M.S. Surveyors Pty. Ltd.
A.C.N 096 240 201
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3 - 1V5A1717-HDR Showing Proposal outline (Yellow) and Allowable Building Envelope outline (Red)
View towards South-East from Rear Garden

C.M.S. Surveyors Pty. Ltd.
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3 - 1V5A1717-HDR With Proposal
View towards South-East from Rear Garden

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PO Box 463 Dee Why NSW 2099
2/99A South Creek Road, Dee Why NSW 2099
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Application No: DA-156/2023

Date Received: 11/03/2024

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APPENDIX - 'AS-SHOT' IMAGES

C.M.S. Surveyors Pty. Ltd.
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1V5A1693-HDR As shot

View towards South-East from Ground Floor Music Room

C.M.S. Surveyors Pty. Ltd.
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Application No: DA-156/2023

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1V5A1701-HDR As Shot

View towards South-East from Ground Floor Family Room

C.M.S. Surveyors Pty. Ltd.
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3 - 1V5A1717-HDR As shot

Zoomed View towards South-East from Rear Garden

C.M.S. Surveyors Pty. Ltd.
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Application No: DA-156/2023

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1V5A1723-HDR As shot

View towards South-East from First Floor Balcony

C.M.S. Surveyors Pty. Ltd.
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Application No: DA-156/2023

Date Received: 11/03/2024

1V5A1733-HDR As shot

View towards South-East from Level One Bedroom

C.M.S. Surveyors Pty. Ltd.
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Application No: DA-156/2023

Date Received: 11/03/2024

1V5A1745-HDR As shot

View towards South-West from Level One Bathroom

C.M.S. Surveyors Pty. Ltd.
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Application No: DA-156/2023

Date Received: 11/03/2024

1V5A1751-HDR As shot

View towards South west from Level Two Bedroom

C.M.S. Surveyors Pty. Ltd.
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Application No: DA-156/2023

Date Received: 11/03/2024

1V5A1755-HDR As shot

View towards South from Level Two Bedroom

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Application No: DA-156/2023

Date Received: 11/03/2024

1V5A1759-HDR As shot

View towards South-East from Second Floor Bedroom

C.M.S. Surveyors Pty. Ltd.
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Application No: DA-156/2023

Date Received: 11/03/2024

1V5A1767-HDR As shot

Zoomed View towards South-East from Second Floor Bedroom

C.M.S. Surveyors Pty. Ltd.
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Application No: DA-156/2023

Date Received: 11/03/2024

1V5A1781-HDR As Shot

Wide Angle View towards South-East from Second Floor Bedroom

C.M.S. Surveyors Pty. Ltd.
A.C.N 096 240 201
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Waverley Council

Application No: DA-156/2023

Date Received: 11/03/2024

1V5A1706-EDIT As shot

View towards South-East from Ground Floor Kitchen

C.M.S. Surveyors Pty. Ltd.
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RECEIVED
Waverley Council

Application No: DA-156/2023

Date Received: 11/03/2024

Report to the Waverley Local Planning Panel

Application number	DA-439/2021/G
Site address	138 Hastings Parade, North Bondi
Proposal	Modifications for internal configuration of apartment to provide internal stair access to new roof terrace (private) and external alterations.
Description of Approved Development	Alterations and additions to reduce the number of units, realignment of the top level, increased set back height, facade upgrade, reinstatement of swimming pool and various internal and external changes.
Date of lodgement	10 April 2024
Owner	Proprietors of Strata Plan 14991
Applicant	Karimbla Constructions Services (NSW) Pty Ltd
Submissions	One (1) submission received
Amended cost of works	$4,257,488 (consisting of an additional $94,768)
Principal Issues	• Exceedance of height of buildings development standard • Exceedance of floor space ratio (FSR) 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 modification application seeks to modify development consent, known as DA-439/2021 for an amending development application to DA-14/2011 for alterations and additions to the residential flat building including reduction in unit numbers, façade upgrade, alterations to windows, doors, balconies, setback and height and reinstatement of the swimming pool at the site known as 138 Hastings Parade, North Bondi. In summary, the proposed modifications are for a new roof terrace with internal stair access from the second floor, internal reconfiguration to provide a new WC in the basement, and external alterations including new glass balustrades to the landscaped roof areas.

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

- Exceedance of height of buildings development standard; and
- Exceedance of FSR development standard.

The assessment finds these issues acceptable as the design of the roof terrace does not result in any additional solar access impacts, loss of views or unreasonable privacy impacts to habitable room windows or balconies of adjoining properties and is not visually prominent when viewed from the public domain. Notwithstanding the variation to the height of buildings development standard, the proposal is consistent with the bulk and scale of immediately adjoining developments and demonstrates compliance with the objectives of the development standard. The variation sought to the FSR development standard is acceptable as the additional floor area is wholly contained within the basement of the approved building envelope and will not result in any additional environmental amenity impacts on adjoining properties or the locality and achieves the objectives of the development standard.

A total number of one (1) submission was received and the issues raised in the submission has been considered and addressed in this report and in the recommendation. No Councillor submissions have been received. There were no declared conflicts of interest on this application from Council staff.

The modification application is a Section 4.55(2) application and is referred to the Waverley Local Planning Panel for determination as the originally approved development was determined by the Panel.

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

1.2. Site and Surrounding Locality

A site visit was carried out during the assessment of the original development application and again on 27 February 2024.

The site is identified as SP 14991, known as 138 Hastings Parade, North Bondi.

The site is rectangular in shape with a frontage to Hastings Parade measuring 12.8m. It has an area of 501.3m^2 and falls from the rear towards the front by approximately 7m.

The site originally exhibited a two storey residential flat building above ground floor garages fronting Hastings Parade. Construction works approved under DA-439/2021 have commenced on the site for a three storey building comprising three apartments, with garages fronting Hastings Parade and a basement level.

The site is adjoined by residential flat buildings on either side. The locality is characterised by a variety of medium density residential development. To the rear (north-east) of the site is Bondi Golf Course and the Pacific Ocean.

The site is within a medium density residential locality and is located within the Ben Buckler Special Character Area.

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

Figure 1: View of site and adjoining properties looking north on Hastings Parade

Figure 2: View of site looking south-east on Hastings Parade

1.3. Details of Approved Development

The original development application, known as DA-439/2021 for alterations and additions to the residential flat building (amending Development Consent DA-14/2011) to reduce the number of units to three units, realignment of the top level, increase setback, height, façade upgrade, reinstatement of swimming pool and external alterations was approved on 22 June 2022 under delegated authority.

Previous modification applications have been determined as follows:

- DA-439/2021/A for removal of existing trees at the rear of the site and tree pruning was approved under delegated authority on 7 February 2023.
- DA-439/2021/B to amend the development consent by deleting references to the modification application DA-14/2011/A under conditions 2 and 3 was withdrawn by the applicant.
- DA-439/2021/C for alterations to the internal reconfiguration of apartments, replace timber posts with metal posts on the southern elevation, erection of a steel posted pergola with retractable shade cloths and replace the awning over the rear terrace with a motorised vergola was approved under delegated authority on 21 April 2023.
- DA-439/2021/D for alterations to internal apartment layouts, replace the steel framed pergola over the swimming pool with timber, alterations to windows and erection of kitchen and bathroom exhausts and solar panels on the roof was approved under delegated authority on 18 December 2023.
- DA-439/2021/E for relocation of mailboxes, reconfiguration of internal layout of apartments, reconfiguration of basement, alteration to balustrades, landscape works and solar panels on the roof was approved under delegated authority on 22 March 2024. A condition was imposed deleting the proposed powder room in the basement as it removed a bulky waste storage area.
- DA-439/2021/F for alterations to internal layouts, new stairs and lift access from the second floor to a new roof terrace, alterations to windows and solar panels was lodged as a Section 4.55(1A) modification application on 23 January 2024. In Council's letter dated 30 January 2024, the applicant was advised that the scope of the modification is inconsistent with a Section 4.55(1A) modification application and is required to be lodged as a Section 4.55(2) application. Subsequently, the applicant withdrew the application on 19 April 2024.

The following conditions from the development consent have direct relevance to this modification application:

- Condition 1 of DA-439/2021 (as amended by Modifications A to E inclusive) relating to approved architectural plans has direct relevance to this modification application which seeks to incorporate amendments as detailed below; and
- Condition 2(c) did not approve a powder room adjacent to the garbage storage area in the basement to maintain an adequate bulky waste storage area.

1.4. Proposal

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

<u>Basement</u>

- Relocation of mailboxes from the western wall of the pedestrian entry to the eastern wall;
- Reconfiguration of garbage storage room to provide a new powder room adjacent to Garage 1; and
- Relocation of storage for Apartment 3 to provide bulky waste storage area in the storage room to the east.

Second Floor

- New internal stair access to roof level; and
- Additional 450mm high glazed balustrades above parapet to the perimeter of non-trafficable roof garden on the east and west elevations.

Roof

- Automated hatch roof from new internal stairs below;
- New roof terrace (35m²) with clear and translucent glass balustrades;
- Deletion of operable louvres over second floor rear terrace; and
- Relocation of solar panels on the roof.

1.5. Background

The modification application was lodged on 10 April 2024 and deferred on 18 April 2024 for the following reasons:

1. The maximum building height development standard of 9.5m, measured from the existing ground level, is to be clearly shown on all elevations and sections to identify the extent of the variation sought as part of this application.
2. Additional details showing the RL of the proposed glass balustrades on the second floor are to be shown on the architectural plans.
3. Estimated cost of works for the application is required to be provided.

The additional information received on 19 April 2024 and amended plans received on 24 April and 22 May 2024 form the basis of this report. The amended plans also included alterations to the layout of the basement garbage store room to include a new powder room. As a powder room is not excluded from gross floor area (GFA) calculations, the amended plans result in additional GFA and variation to the FSR development standard.

On 29 May 2024, the applicant was advised that written justification addressing the variation to the FSR development standard was required for consideration.

On 30 May 2024, the applicant submitted a written justification for the variation to the FSR development standard.

2. ASSESSMENT

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

2.1. Section 4.55 – Modification of consents – generally

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

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

The application was publicly notified and one (1) submission was received. The issues and matters raised in public submissions are discussed in section 2.2.4 of this report.

2.2. Evaluation of Matters for Consideration under Section 4.15

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

2.2.1. Planning Instruments and Development Control Plans

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

2.3.1.1 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 (Resilience and Hazards) 2021

2.3.1.2 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

The land use definition of the approved development as a residential flat building remains unchanged and continues to be permitted development in the R3 Medium Density Residential zone under Waverley LEP 2012.

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Approved	Proposed Modified	Compliance
4.3 Height of buildings • *9.5m*	13.8m (RL38.85)	14.69m (RL39.74), 5.19m or 55% variation	No
• **4.4 Floor space ratio** *0.6:1 (300.78m²)*	541.23m² (1.07:1)	Additional 7.6m² equating to a total GFA	No

Provision	Approved	Proposed Modified	Compliance
		of 548.83m² (1.09:1 and 82% variation)	

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

Height of Buildings

The proposed modifications result in a net increase of building height of 890mm, resulting in an overall building height of 14.69m measured to the top of the translucent glass balustrades along the eastern and western sides of the roof terrace. This culminates in an overall exceedance of the height of buildings development standard by 5.19m or 55%.

The originally approved development had a building height of 13.8m which exceeded the development standard by 4.3m or 45%. The net increase of building height due to the proposed modifications represents 17% of the overall exceedance of the standard.

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

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

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

- The proposed roof terrace and associated structures on the roof level remain consistent with the height of neighbouring developments and the existing and future desired character of the streetscape;
- The roof terrace and access point are contained within the building footprint of the approved building; and
- The proposal minimises additional privacy impacts, does not result in additional overshadowing and will maintain view sharing for adjoining properties.

The proposed roof terrace and associated structures result in a further non-compliance with the height of buildings development standard, however the positioning and design of the roof terrace satisfies the

objectives of the development standard as the proposal will not be visually prominent when viewed from the public domain, comprises of lightweight materials and finishes, and is consistent with the bulk and scale of surrounding residential flat buildings within the streetscape. The proposal will preserve the environmental amenity of adjoining properties as it will not impact existing views, solar access or visual privacy to habitable windows and balconies of adjoining properties.

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

Floor Space Ratio (FSR)

The proposed modifications result in a net increase of gross floor area (GFA) of 7.6m^2, resulting in an overall FSR of 1.09:1. This culminates in an overall exceedance of the FSR development standard by 248.05m^2 or 82%. The originally approved development has a GFA of 541.23m^2, resulting in an FSR of 1.07:1 or variation of 79.9% to the development standard. The net increase of FSR due to the proposed modifications represents 2.1% of the overall exceedance of the standard.

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

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

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

- The additional GFA is contained within the existing footprint and envelope of the building and does not result in additional building height or alter the external appearance of the building;
- The additional GFA does not contribute to additional density of the development;
- The proposal has no additional impact on the future character of the locality; and
- The proposal will preserve the environmental amenity of surrounding properties as there is no change to the bulk and scale of the development.

Having regard to the approved variation to the FSR development standard, the proposed net increase of GFA is minor and will not result in any additional environmental impacts on surrounding properties or the public domain as it is contained wholly within the approved building envelope. As such, the proposal achieves the objectives of the FSR development standard as the development will remain compatible

with the desired future character of the locality and preserve the environmental amenity of surrounding properties.

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

2.3.1.3 Waverley Development Control Plan 2022 (Waverley DCP 2022)

The approved development, as proposed to be modified, continues to comply with the relevant parts and sections of Waverley DCP 2022. Only the parts and sections of Waverley DCP 2022 that apply to the proposed modifications are outlined in **Tables 2 to 4** and detailed discussion provided below.

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

Development Control	Compliance	Comment
1. Waste • *Garbage bins are to be stored in an appropriate location.*	Yes	Satisfactory. Council's Waste Management Officer has reviewed the proposal and raised no objection to the relocation of the bulky waste storage area within the basement level.
11. Design Excellence	Yes	Satisfactory. The proposal has demonstrated design excellence and compliance with the objectives and controls in the DCP, particularly as the roof terrace is consistent with the architectural style and form of the originally approved building and will not detract from the character of the streetscape, locality or amenity of adjoining properties.

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

Development Control	Compliance	Comment
2.3 Setbacks		
2.3.1 Street setbacks • *Consistent street setback*	Yes	The roof terrace is set back 8.8m from the street and 3m behind the approved roof over the second floor balcony. The proposed setback is appropriate and acceptable on merit as it will not be visually prominent when viewed from the street and does not detract from the built form and scale of the originally approved development or the streetscape.
2.3.2 Side and rear setbacks • *Minimum side setback: 1.5-2.5m* • *Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback*	Yes Yes	The roof terrace and access handle are set back between 5.5m and 8.8m from the eastern side boundary and 2.6m and 3.4m from the western side boundary and wholly contained within the approved building footprint.

Development Control	Compliance	Comment
		There is no predominant rear building line for the roof level. The proposed glazed balustrade to the northern side of the hatch access is set back 15.3m from the northern (rear) boundary. The roof terrace is set back 21.5m from the rear boundary. The proposal is sufficiently set back from the side and rear boundaries of the site and achieves the objectives of the DCP.
2.5 Building design and streetscape		
• *Respond to streetscape* • *Sympathetic external finishes*	Yes Yes	The proposed roof terrace will not detract from the existing and desired future character of the locality as it will not be visually prominent when viewed from the public domain. The proposed roof terrace comprises of clear and translucent glazed balustrades which remain consistent with the architectural style of the approved building.
2.11 Private Open Space		
2.11.2 – Balconies/decks • *No wrap around balconies* • *Located to maximise solar access and privacy*	No No	The proposal to install 450mm glazed balustrades above the approved 600mm parapet will provide a balustrade height of 1.05m around the perimeter of the non-trafficable roof gardens on the second floor. The applicant's justification for the installation of the proposed 450mm glazed balustrade to provide wind protection for the plants is not considered well founded as plant species that are better suited to the environment can be planted. The proposed balustrades will enable the roof area to be trafficable. The use of the roof garden areas by future occupants will adversely impact on the amenity of adjoining properties as the roof gardens are set back 1.3m and 1.5m from the west and east boundaries, respectively, and have direct sightlines to adjoining habitable windows. The balustrades are contrary to the intent of the original approval for non-trafficable roof gardens to minimise amenity impacts on adjoining properties. As such, a condition is recommended requiring the deletion of the glazed balustrades above the approved parapet of the non-trafficable roof gardens.
2.13 Solar access and overshadowing		
• *New development should maintain at least 2 hours*	As approved	The proposal will not result in any additional overshadowing of adjoining habitable room

Development Control	Compliance	Comment
of sunlight to solar collectors on adjoining properties in mid winter • *Direct sunlight to north facing windows of habitable rooms on all private open space areas of adjacent dwellings to less than 3 hours of sunlight on 21 June*	As approved	windows or private open spaces compared to the originally approved development.
2.14 Views and view sharing		
• *Minimise view loss through design* • *Views from public spaces to be maintained*	Yes Yes	There are no views from the public domain or adjoining properties that will be impacted by the proposal. Outlook from east and west facing windows of adjoining properties at 136 Hastings Parade and 140-144 Hastings Parade are obtained across the side boundaries of the site and are predominantly partial outlooks to the sky. The proposed glazed balustrades to the roof terrace will result in some additional loss of views of the sky however, there are no development controls protecting views of the sky for adjoining properties. As the balustrades will be translucent and compliant with side and rear setback controls, the proposal will not result in any unreasonable view loss impacts and is acceptable.
2.15 Visual privacy and security		
• *Above ground open space must not overlook rooms and private landscaped areas of adjoining properties or be screened* • *Privacy be considered in relation to context density, separation use and design* • *Prevent overlooking of more than 50% of private open space of lower-level dwellings in same development* • *Roof tops a may be used to meet communal open space requirements*	Yes Yes Yes No	The proposed roof top terrace is private open space accessed exclusively from the second floor of Apartment No. 3. The 1.5m high translucent glazed balustrades along the east and west sides of the roof terrace will obscure direct sightlines to adjoining properties and adequately maintains privacy impacts. The proposed roof terrace is adequately set back from the front, rear and side boundaries and will not overlook private open space of apartments within the same development. No communal open space was approved the original application, which was considered acceptable as the development comprises three apartments with adequate private open space for passive recreation. The site is also in close proximity to North Bondi Beach and public parks.

2.19 Acoustic privacy		
• *Internal amenity by locating noisy areas away from quiet areas*	Yes	The finished floor level of the roof terrace is located above the finished floor level and windows of and balconies of adjoining properties. As the roof terrace is for private use of Apartment 3 and is not the principal private open space adjacent to the living areas, use of the roof terrace is not likely to be regular compared to the rear garden and balconies on the first and second floors.
2.21 Building services		
• *Services are to be integrated into the design of buildings (garbage rooms, mail boxes, fire hydrants boosters, electrical substations, down pipes, plant rooms, satellite/communications structures*	Yes	The proposed relocation of the bulky waste storage area in the basement is satisfactory as sufficient space is provided to meet the waste storage needs of future occupants. The relocation of mailboxes at the pedestrian entry to the development has negligible impact and is supported.
• *Services on roof not to be seen from street or impact public or private views and be min 2m from the building edge.*	Yes	The relocation of solar panels on the roof will not result in visual impacts when viewed from the street and will not detract from the outlook of adjoining properties.

Table 4: Waverley DCP 2022 – Part E4 – Special Character Areas

Development Control	Compliance	Comment
4.3 Ben Buckler		
Desired Future Character Objectives • Maintain Landscape Character • Maintain rhythm of buildings to the street • Allow ocean glimpses through side setbacks • Respect character and architectural elements • View Sharing	Yes	The proposal does not have any additional impact on the landscaped character of the locality or the built form character of the streetscape as the roof terrace is adequately set back from the approved building envelope. The proposed lightweight materials on the roof will not adversely impact on existing views and outlook from adjoining properties or the public domain and satisfies the principles for view sharing. Conditions restricting the maximum height of the development and erection of any fixed structures or furniture on the roof terrace that exceeds the height of the development have been included in the recommendation to ensure the construction and use of the roof terrace does not result in additional building bulk or scale when viewed from the public domain or adjoining properties.

Controls *(f) Rendered and painted finish is appropriate in this area.* *(h) Roof-top terraces are discouraged due to the great potential impact in higher density areas.*	N/A No – acceptable on merit	No change is proposed to the approved external materials and finishes for the residential flat building. The materials and finishes for the roof terrace comprise of clear and translucent glazed balustrades that will have a lightweight appearance and complements the architectural character of the building. The contemporary style of the proposal does not detract from the character of existing and emerging developments in the locality. The proposed roof terrace will not result in any adverse visual building bulk or amenity impacts on adjoining properties or the public domain, direct overlooking or loss of views for adjoining properties, subject to conditions included in the recommendation.

2.2.2. Other Impacts of the Development

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

2.2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.2.4. Any Submissions

The application was notified for 14 days between 26 April and 14 May 2024 in accordance with the *Community Engagement Strategy 2023*.

Following receipt of amended plans and additional information, the application was not re-notified as no change was proposed to the external form or scale of the development and the amendments are not considered to have a greater impact on neighbouring properties.

A total of one (1) unique submission was received Unit 6, 140-144 Hastings Parade, North Bondi.

The issues raised in the submission are summarised and discussed below.

Issue: Visibility of the roof terrace from the street.

Response: The proposed roof terrace will not be visually prominent when viewed from the street as it is set back 8.8m from the street (south) boundary, 5.5m from the eastern side boundary and 3.4m from the west side boundary. The balustrades comprise of clear and translucent glazing and will minimise the prominence of the roof terrace when viewed from the street.

Issue: Submitted images of the proposed development does not appear to clearly illustrate what the proposal will look like when viewed from the side or rear.

Response: The submitted photomontages and images of the proposal and surrounding developments are considered to accurately depict the presentation of the development from the public domain and surrounding properties. The proposal is not considered to result in any adverse visual bulk, scale or loss of view impacts from adjoining properties.

Issue: The proposed 1.6m high translucent balustrade will impact solar access to adjoining properties and the area should be counted as GFA given height of screens.

Response: The proposed translucent glazed balustrades along the eastern and western sides of the roof terrace and the access handle measures 1.5m from the finished floor level of the roof terrace as shown on the architectural plans. The subjected view from the sun diagrams demonstrates that there will be no additional overshadowing impacts to adjoining window openings, particularly habitable windows between 9am and 3pm on 21 June. The roof terrace does not contain any enclosed structures and therefore is excluded from GFA calculations as defined under Gross Floor Area in the Waverley LEP 2012.

Issue: Noise impacts from use of large roof terrace.

Response: The proposed roof terrace is for the private use of one apartment and is a secondary open space, as primary open spaces are directly accessed from living areas located on the second floor below and the rear open space. Use of the roof terrace is not likely to result in unreasonable noise disturbances to adjoining properties.

Issue: The golf club should be protected for the enjoyment of the local community and tourists.

Response: The proposed modifications retain the approved residential flat building use and will not impact on the use of the golf course by patrons.

Issue: Continuous lodgement of modification applications to the original development application is a tactic to fatigue residents.

Response: There is no restriction under the *Environmental Planning and Assessment Act 1979* for the number of modification applications that can be lodged to amend a valid development consent. Each application lodged with Council is required to be assessed in accordance with the *Environmental Planning and Assessment Act 1979* and is assessed on its merits.

2.2.5. Public Interest

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

3. REFERRALS

The following internal referral comments were sought:

3.1. Waste Management

Council's Waste Management Officer has reviewed the proposal and raised no objection, as a sufficient bulky waste storage area is maintained within the basement level to service the needs of future occupants. No additional or amended conditions have been recommended.

4. CONCLUSION

The modification application has been assessed against relevant sections of the Act and 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 4 June 2024 and the MODA concurred with the Assessment Planner's recommendation.

DBU members: *A Rossi, B McNamara, B Magistrale*

Report prepared by:	**Application reviewed and agreed by:**	**Application reviewed and agreed by:**
Peggy Wong	Katie Johnstone	Angela Rossi
Senior Development Assessment Planner	**A/Manager, Development Assessment**	**Executive Manager, Development Assessment**
Date: 4 June 2024	**Date:** 11 June 2024	**Date:** 14 June 2024

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Reason for WLPP referral:

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

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

OFFICE USE ONLY

Planning Portal Data	
Determining Authority (Concurrence Authority)	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	No

*This is a planning portal reporting requirement	
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 TO BE MODIFIED

A. Amended/Deleted Conditions

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by Architects Nicholas + Associates of Project No: TRI2102 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA000 Issue C	Cover page	18/2/22	21/2/22
DA001 Issue C	Basix and external finishes schedule	18/2/22	21/2/22
DA015 Issue C	Proposed plan – basement	18/2/22	21/2/22
DA016 Issue C	Proposed plan – ground floor	18/2/22	21/2/22
DA017 Issue C	Proposed plan – first floor	18/2/22	21/2/22
DA018 Issue C	Proposed plan – second floor	18/2/22	21/2/22
DA019 Issue C	Proposed plan – roof	18/2/22	21/2/22
DA150 Issue C	South elevation – street	18/2/22	21/2/22
DA151 Issue C	North elevation	18/2/22	21/2/22
DA152 Issue C	East elevation	18/2/22	21/2/22
DA153 Issue C	West elevation	18/2/22	21/2/22
DA170 Issue C	Section A	18/2/22	21/2/22
DA171 Issue C	Section B	18/2/22	21/2/22

And as amended by architectural plans prepared by Meriton Group Pty Ltd including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA001 Issue E	Basix and external finishes schedule	03.02.2023	24.02.2023
DA016 Issue E	Proposed plan – ground floor	03.02.2023	24.02.2023
DA017 Issue E	Proposed plan – first floor	03.02.2023	24.02.2023

DA018 Issue E	Proposed plan – second floor	03.02.2023	24.02.2023
DA019 Issue E	Proposed plan – roof	03.02.2023	24.02.2023
DA150 Issue D	South elevation – street	03.02.2023	24.02.2023
DA151 Issue D	North elevation	03.02.2023	24.02.2023
DA152 Issue D	East elevation	03.02.2023	24.02.2023
DA153 Issue D	West elevation	03.02.2023	24.02.2023
DA170 Issue D	Section A	03.02.2023	24.02.2023

(Amended by DA-439/2021/C)

And as amended by architectural plans prepared by Meriton Group Pty Ltd including the following:

Plan Number and Revision	**Plan description**	**Plan Date**	**Date received by Council**
DA000 Issue F	Cover Page + Photomontage	06.07.2023	31.08.2023
DA001 Issue G	Basix and external finishes schedule	16.08.2023	31.08.2023
DA016 Issue F	Proposed plan – ground floor	06.07.2023	31.08.2023
DA017 Issue F	Proposed plan – first floor	06.07.2023	31.08.2023
DA018 Issue G	Proposed plan – second floor	16.08.2023	31.08.2023
DA019 Issue F	Proposed plan – roof	06.07.2023	31.08.2023
DA150 Issue E	South elevation – street	06.07.2023	31.08.2023
DA151 Issue F	North elevation	16.08.2023	31.08.2023
DA152 Issue F	East elevation	16.08.2023	31.08.2023
DA153 Issue F	West elevation	16.08.2023	31.08.2023
DA170 Issue F	Section A	16.08.2023	31.08.2023
DA171 Issue F	Section B	16.08.2023	31.08.2023

(Amended by DA-439/2021/D)

And as amended by architectural plans prepared by Meriton Group Pty Ltd including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA000 Issue G	Cover Page + Photomontage	30.11.2023	11.01.2024
DA001 Issue H	Basix and External Finishes Schedule	30.11.2023	11.01.2024

DA015 Issue E	Proposed plan – basement floor	30.11.2023	11.01.2024
DA016 Issue G	Proposed plan – ground floor	30.11.2023	11.01.2024
DA017 Issue G	Proposed plan – first floor	30.11.2023	11.01.2024
DA018 Issue H	Proposed plan – second floor	30.11.2023	11.01.2024
DA019 Issue G	Proposed plan – roof	30.11.2023	11.01.2024
DA150 Issue F	South elevation – street	30.11.2023	11.01.2024
DA151 Issue G	North elevation	30.11.2023	11.01.2024
DA152 Issue G	East elevation	30.11.2023	11.01.2024
DA153 Issue G	West elevation	30.11.2023	11.01.2024
DA170 Issue G	Section A	30.11.2023	11.01.2024
DA171 Issue G	Section B	30.11.2023	11.01.2024

(Amended by DA-439/2021/E)

And as amended by architectural plans prepared by Meriton Group Pty Ltd including the following:

Plan Number and Revision	***Plan description***	***Plan Date***	***Date received by Council***
DA001 Issue H	***Drawing Register + External Finishes Schedule***	***23.04.2024***	***24.04.2024***
DA015 Issue F	***Proposed plan – basement floor***	***22.05.2024***	***22.05.2024***
DA018 Issue M	***Proposed plan – second floor***	***18.04.2024***	***24.04.2024***
DA019 Issue L	***Proposed plan – roof***	***18.04.2024***	***24.04.2024***
DA150 Issue K	***South elevation – street***	***23.04.2024***	***24.04.2024***
DA151 Issue L	***North elevation***	***23.04.2024***	***24.04.2024***
DA152 Issue L	***East elevation***	***23.04.2024***	***24.04.2024***
DA153 Issue L	***West elevation***	***23.04.2024***	***24.04.2024***
DA170 Issue L	***Section A***	***23.04.2024***	***24.04.2024***
DA171 Issue L	***Section B***	***23.04.2024***	***24.04.2024***

(Amended by DA-439/2021/G)

(b) Landscape Plan No. DA600, DA601, DA602 all Revision B and documentation prepared by Architects Nicholas + Associates, dated 28 September 2021 and received by Council on 13 October 2021.

(c) BASIX and NatHERs Certificates.

(d) BCA Assessment and documentation prepared by Building Control Group dated 18 May 2021, and received by Council on 13 October 2021.

(e) Access Report and documentation prepared by Morris Goding Access Consulting, dated 18 May 2021, and received by Council on 13 October 2021.

(f) Acoustic Report and documentation prepared by Pulse White Noise Acoustics, dated 14 May 2021, and received by Council on 13 October 2021.

(g) Fire Safety Report and documentation prepared by Scientific Fire Services dated 19 May 2021, and received by Council on 13 October 2021.

(h) Geotechnical Report and documentation prepared by JK Geotechnics dated 18 May 2021, and received by Council on 13 October 2021.

(i) Structural Advice – Shoring System prepared by Indesco, dated 6 October 2021, and received by Council on 13 October 2021.

(j) Traffic and Transport documentation prepared by Transport and Traffic Planning Associates, dated 17 February 2022, and received by Council on 21 February 2022.

(k) Arborist Report prepared by Jacksons Nature Works dated 18 May 2021, and received by Council on 13 October 2021.

(l) Approved stormwater plans and documents in accordance with condition 24 of this development consent.

(m) The Site Waste and Recycling Management Plan (SWRMP) Part 1 13 October 2021

Except where amended by the following conditions of consent.

3A. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

(a) Privacy treatment such as obscure glazing to a minimum height of 1.6m above the finished floor level is to be installed to ensuite windows, Window Nos. W01 and W02 on the first floor east elevation, to minimise direct overlooking of the adjoining property.

(b) The external materials and finishes of the kitchen and bathroom exhaust vents are to match the render and colour identified as R2 on the external finishes schedule (Drawing DA0001, Issue G prepared by Meriton and dated 16 August 2023.

~~***(c) The powder room adjacent to the garbage storage area in the basement is not approved and is to be deleted from the architectural plans. The bulky waste storage area in the basement with an area of 4m², as originally approved, is to be reinstated on the architectural plans.***~~

~~***(Amended by DA-439/2021/E)***~~

(d) The new 450mm glazed balustrades above the 600mm high parapet to the perimeter of the non-trafficable roof gardens on the second floor are not approved and are to be deleted from the architectural plans.

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

(Amended by DA-439/2021/G)

B. New Conditions

59A. MAXIMUM HEIGHT OF DEVELOPMENT

(a) The height of the buildings must not exceed the following RLs (AHD) to the top of the buildings and (where relevant) to the top of building parapets:

i. Ridge/parapet height: RL38.20
ii. top of the translucent glass balustrade: RL39.74
iii. lift overrun: 38.85

Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.

(Added by DA-439/2021/G)

3B. NO FIXED STRUCTURES OR FIXED FURNITURE ON ROOF TERRACE ABOVE MAXIMUM BUILDING HEIGHT

No fixed structures above the roof terrace area or fixed furniture are permitted to extend above the maximum height of the glass balustrade on the roof terrace (RL39.74).

(Added by DA-439/2021/G)

61. OPERATION OF ROOF HATCH

The automated roof hatch providing access to the roof terrace must be kept fully closed and flush with the frame of the hatch when not in use.

(Added by DA-439/2021/G)

62. NON TRAFFICABLE AREAS

The planters to the front and rear of the building, the roof gardens to each side of the building and the roof (beyond terrace area) are to be non trafficable and accessed for maintenance purposes only.

(Added by DA-439/2021/G)

APPENDIX B – FULL SET OF CONDITIONS

Terms and Reasons for Conditions

Under section 118(3)(a) 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.

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by Architects Nicholas + Associates of Project No: TRI2102 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA000 Issue C	Cover page	18/2/22	21/2/22
DA001 Issue C	Basix and external finishes schedule	18/2/22	21/2/22
DA015 Issue C	Proposed plan – basement	18/2/22	21/2/22
DA016 Issue C	Proposed plan – ground floor	18/2/22	21/2/22
DA017 Issue C	Proposed plan – first floor	18/2/22	21/2/22
DA018 Issue C	Proposed plan – second floor	18/2/22	21/2/22
DA019 Issue C	Proposed plan – roof	18/2/22	21/2/22
DA150 Issue C	South elevation – street	18/2/22	21/2/22
DA151 Issue C	North elevation	18/2/22	21/2/22
DA152 Issue C	East elevation	18/2/22	21/2/22
DA153 Issue C	West elevation	18/2/22	21/2/22
DA170 Issue C	Section A	18/2/22	21/2/22
DA171 Issue C	Section B	18/2/22	21/2/22

And as amended by architectural plans prepared by Meriton Group Pty Ltd including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA001 Issue E	Basix and external finishes schedule	03.02.2023	24.02.2023
DA016 Issue E	Proposed plan – ground floor	03.02.2023	24.02.2023
DA017 Issue E	Proposed plan – first floor	03.02.2023	24.02.2023
DA018 Issue E	Proposed plan – second floor	03.02.2023	24.02.2023
DA019 Issue E	Proposed plan – roof	03.02.2023	24.02.2023
DA150 Issue D	South elevation – street	03.02.2023	24.02.2023
DA151 Issue D	North elevation	03.02.2023	24.02.2023
DA152 Issue D	East elevation	03.02.2023	24.02.2023
DA153 Issue D	West elevation	03.02.2023	24.02.2023
DA170 Issue D	Section A	03.02.2023	24.02.2023

(Amended by DA-439/2021/C)

And as amended by architectural plans prepared by Meriton Group Pty Ltd including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA000 Issue F	Cover Page + Photomontage	06.07.2023	31.08.2023
DA001 Issue G	Basix and external finishes schedule	16.08.2023	31.08.2023
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DA017 Issue F	Proposed plan – first floor	06.07.2023	31.08.2023
DA018 Issue G	Proposed plan – second floor	16.08.2023	31.08.2023
DA019 Issue F	Proposed plan – roof	06.07.2023	31.08.2023
DA150 Issue E	South elevation – street	06.07.2023	31.08.2023
DA151 Issue F	North elevation	16.08.2023	31.08.2023
DA152 Issue F	East elevation	16.08.2023	31.08.2023
DA153 Issue F	West elevation	16.08.2023	31.08.2023
DA170 Issue F	Section A	16.08.2023	31.08.2023
DA171 Issue F	Section B	16.08.2023	31.08.2023

(Amended by DA-439/2021/D)

And as amended by architectural plans prepared by Meriton Group Pty Ltd including the following:

Plan Number and Revision	**Plan description**	**Plan Date**	**Date received by Council**
DA005 Issue F	Cover Page + Photomontage	30.11.2023	11.01.2024
DA15 Issue E	Basix and external finishes schedule	30.11.2023	11.01.2024
DA016 Issue G	Proposed plan – ground floor	30.11.2023	11.01.2024
DA017 Issue G	Proposed plan – first floor	30.11.2023	11.01.2024
DA018 Issue H	Proposed plan – second floor	30.11.2023	11.01.2024
DA019 Issue G	Proposed plan – roof	30.11.2023	11.01.2024
DA150 Issue F	South elevation – street	30.11.2023	11.01.2024
DA151 Issue G	North elevation	30.11.2023	11.01.2024
DA152 Issue G	East elevation	30.11.2023	11.01.2024
DA153 Issue G	West elevation	30.11.2023	11.01.2024
DA170 Issue G	Section A	30.11.2023	11.01.2024
DA171 Issue G	Section B	30.11.2023	11.01.2024

(Amended by DA-439/2021/E)

And as amended by architectural plans prepared by Meriton Group Pty Ltd including the following:

Plan Number and Revision	**Plan description**	**Plan Date**	**Date received by Council**
DA001 Issue H	Drawing Register + External Finishes Schedule	23.04.2024	24.04.2024
DA015 Issue F	Proposed plan – basement floor	22.05.2024	22.05.2024
DA018 Issue M	Proposed plan – second floor	18.04.2024	24.04.2024
DA019 Issue L	Proposed plan – roof	18.04.2024	24.04.2024
DA150 Issue K	South elevation – street	23.04.2024	24.04.2024
DA151 Issue L	North elevation	23.04.2024	24.04.2024
DA152 Issue L	East elevation	23.04.2024	24.04.2024
DA153 Issue L	West elevation	23.04.2024	24.04.2024
DA170 Issue L	Section A	23.04.2024	24.04.2024
DA171 Issue L	Section B	23.04.2024	24.04.2024

(Amended by DA-439/2021/G)

(b) Landscape Plan No. DA600, DA601, DA602 all Revision B and documentation prepared by Architects Nicholas + Associates, dated 28 September 2021 and received by Council on 13 October 2021.

(c) BASIX and NatHERs Certificates.

(d) BCA Assessment and documentation prepared by Building Control Group dated 18 May 2021, and received by Council on 13 October 2021.

(e) Access Report and documentation prepared by Morris Goding Access Consulting, dated 18 May 2021, and received by Council on 13 October 2021.

(f) Acoustic Report and documentation prepared by Pulse White Noise Acoustics, dated 14 May 2021, and received by Council on 13 October 2021.

(g) Fire Safety Report and documentation prepared by Scientific Fire Services dated 19 May 2021, and received by Council on 13 October 2021.

(h) Geotechnical Report and documentation prepared by JK Geotechnics dated 18 May 2021, and received by Council on 13 October 2021.

(i) Structural Advice – Shoring System prepared by Indesco, dated 6 October 2021, and received by Council on 13 October 2021.

(j) Traffic and Transport documentation prepared by Transport and Traffic Planning Associates, dated 17 February 2022, and received by Council on 21 February 2022.

(k) Arborist Report prepared by Jacksons Nature Works dated 18 May 2021, and received by Council on 13 October 2021.

(l) Approved stormwater plans and documents in accordance with condition 24 of this development consent.

(m) The Site Waste and Recycling Management Plan (SWRMP) Part 1 13 October 2021

Except where amended by the following conditions of consent.

2. MODIFICATION OF DEVELOPMENT CONSENT DA-14/2011

Pursuant to section 4.17(1)(b) and (5) of the *Environmental Planning and Assessment Act 1979*, Development Consent DA-14/2011 is modified as necessary so that there is consistency between Development Consent DA-14/2011 and this development consent.

(Amended by DA-439/2021/B)

3. RELATIONSHIP TO DEVELOPMENT CONSENT DA-14/2011

This development consent shall operate concurrently with Development Consent DA-14/2011. All conditions of consent imposed on Development Consent DA-14/2011 are to be read and complied with in conjunction with this development consent. A consolidated construction certificate application should be sought to combine the approved works under the subject development consent with those under Development Consent DA-14/2011.

(Amended by DA-439/2021/B)

3A. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

(a) Privacy treatment such as obscure glazing to a minimum height of 1.6m above the finished floor level is to be installed to ensuite windows, Window Nos. W01 and W02 on the first floor east elevation, to minimise direct overlooking of the adjoining property

(b) The external materials and finishes of the kitchen and bathroom exhaust vents are to match the render and colour identified as R2 on the external finishes schedule (Drawing DA0001, Issue G prepared by Meriton and dated 16 August 2023.

(c) Deleted

(Amended by DA-439/2021/E)

(d) The new 450mm glazed balustrades above the 600mm high parapet to the perimeter of the non-trafficable roof gardens on the second floor are not approved and are to be deleted from the architectural plans.

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

(Amended by DA-439/2021/G)

3B. NO FIXED STRUCTURES OR FIXED FURNITURE ON ROOF TERRACE ABOVE MAXIMUM BUILDING HEIGHT

No fixed structures above the roof terrace area or fixed furniture are permitted to extend above the maximum height of the glass balustrade on the roof terrace (RL39.74).

(Added by DA-439/2021/G)

4. PUBLIC DOMAIN IMPROVEMENTS

The public domain is to be upgraded along Hastings Parade frontages of the development site in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval.

A public domain plan for the following works shall be submitted to, and approved by the Executive Manager, Infrastructure Services prior to the issue of the Construction Certificate.

- Footpath
- Vehicular Crossing
- Kerb and gutter
- Stormwater infrastructure

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

GENERAL REQUIREMENTS

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

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

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

CONTRIBUTIONS, FEES & BONDS

6. SECTION 7.12 CONTRIBUTION

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

(a) A cost report indicating the itemised cost of the development shall be completed andsubmitted to Council:

(i) Where the total development cost is less than $500,000:

"Waverley Council Cost Summary Report"; or,

(ii) Where the total development cost is $500,000 or more:

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

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

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

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

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

7. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of **$81,556** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

8. LONG SERVICE LEVY

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

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

9. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

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

An invoice will be issued to the Applicant for the amount payable, which will be calculated based on the design plans for the public domain works.

PLAN DETAILS

10. BASEMENT STORAGE

The basement level is to provide separate and secure storage areas (in the form of lockable storage cages or the like), allocated to each apartment in the development for larger bulkier items (surfboards, boxes, camping equipment etc.) which are not suited to be stored within each individual apartment. Storage is to be allocated to individual units in accordance with the requirements of the Waverley Development Control Plan 2012.

11. FIRE SAFETY UPGRADING WORKS

(a) In addition to all new works fully comply with the Building Code of Australia, pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, all existing areas of the building must be upgraded to comply with the following provisions of the Building Code of Australia (BCA):

(i) Fire resistance and stability – Part C1;
(ii) Compartmentation and separation – Part C2;
(iii) Protection of openings – Part C3

(iv) Provision for escape – Part D1;
(v) Construction of exits – Part D2;
(vi) Fire fighting equipment – Part E1;
(vii) Smoke hazard management – Part E2;
(viii) Lift installations – Part E3;
(ix) Emergency lighting, exit signs and warning systems – Part E4;
(x) Sanitary and other facilities – Part F2;
(xi) Room heights – Part F3;
(xii) Light and ventilation – Part F4; and
(xiii) Sound transmission and insulation - Part F5.

(b) If compliance with the deemed-to-satisfy provisions of the BCA and the matters listed in condition (a) above cannot be achieved, a performance solution in accordance with Part A2 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia.

(c) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 4.55 of the Act to be lodged with Council to amend this consent.

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

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

CONSTRUCTION & SITE MATTERS

12. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

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

https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent

13. HOARDING

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

14. EROSION & SEDIMENT CONTROL

A Soil and Water Management Plan (SWMP), also known as an Erosion and Sediment Control Plan must be prepared in accordance with Waverley Council's Water Management Technical Manual.

The SWMP must be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request.

The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.

15. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

A report shall be prepared by a suitably qualified and practising Structural Engineer/Geotechnical Engineer detailing the proposed methods of bulk excavation, shoring or pile construction, including details of vibration emissions and any possible damage which may occur to adjoining or nearby properties as a result of the proposed building and excavation works.

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.

16. ENGINEERING DETAILS

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

17. TELECOMMUNICATIONS IN NEW RESIDENTIAL FLAT BUILDING AND MIXED USE DEVELOPMENTS

Evidence is to be provided to the Principal Certifier that arrangements have been made for;

(a) The installation of fibre-ready facilities to all individual lots and/or premises to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and

(b) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises demonstrated through an agreement with a carrier.

<u>ENERGY EFFICIENCY & SUSTAINABILITY</u>

18. BASIX

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

WASTE

19. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

20. WASTE STORAGE AREAS

The development must have a bin storage area with sufficient space to accommodate the following minimum number of bins for the residential and/or commercial components of the development;

Residential

- 2 x 240L Mobile Garbage Bins (MGBs) for general waste (collected weekly)
- 2 x 240L MGBs for paper and cardboard recycling (collected fortnightly)
- 2 x 240L MGBs for container recycling (collected fortnightly)
- 1 x 240L MGB for garden organics waste should this type of waste be generated at the property (collected fortnightly)

Space must be allocated to store bulky household waste awaiting collection along with any problem waste streams (such as electronic waste or textile waste).

All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B1 of the *Waverley Council Development Control Plan 2012* to the satisfaction of the Principal Certifying Authority.

NOISE

21. NOISE – ACOUSTIC REPORT

An Acoustic Assessment Report prepared by a suitably qualified acoustic consultant shall be prepared to assess the impacts of the development (internal and external areas) including any mechanical plant, refrigeration motors and air conditioning units and make recommendations to ensure that the noise from the development will be within the acceptable limits of the Protection of the Environment Operations Act 1997 and relevant legislation.

22. ACOUSTIC REPORT

The recommendations made in acoustic report (Project no 210149) prepared by Pulse White Noise Acoustics Pty Ltd dates and dated 14 May 2021 shall be implemented in full.

A Certificate of Compliance prepared by a suitably qualified acoustic consultant is to be submitted to Council certifying that the recommendations made in the above report have been complied with and Council's noise criteria and the requirements of the Protection of the Environment Operations Act 1997 have been complied with prior to the issue of an Occupation Certificate.

PUBLIC DOMAIN

23. PUBLIC INFRASTRUCTURE WORKS

All Public infrastructure works traversing the development frontage must be completed to Council's satisfaction at no cost to Council.

Full design engineering drawings to be prepared by a suitably qualified and experienced engineering professional and be submitted to Council for the approval of the Executive Manager, Infrastructure Services prior to the issue of the Construction Certificate.

The Applicant must submit plans and specifications for the following infrastructure works to Council's Public Domain Engineer:

(a) Driveway, Footpath, Kerb and Gutter: The existing Driveway, footpath along Hastings Pde frontages 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 driveway crossover, kerb, and gutter profiles to include longitudinal and cross sections to ensure proper connections to the existing Council infrastructure traversing the development site. Any stormwater infrastructure within the extent of public domain works, inclusive of the kerb inlet pit shall be replaced.

(b) The provision of utility pillars is to be installed in accordance with Ausgrid standards/other provider requirements and policies.

(Amended by DA-439/2021/B)

STORMWATER

24. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT

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

The submitted stormwater management plan prepared by Enspire Solutions Pty Ltd, Project No. 210053, Drawing No. C01.01, C02.01, C02.11, C03.01, C03.02, C03.03, C06.01 & & C20.01, Revision 1, dated 18/02/2022 is considered concept only.

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

(a) The plans shall provide a complete and detailed OSD design including multiple cross-sections (drawn to a suitable scale), proposed construction materials, and full orifice details. The checklist as set out in Council's Water Management Technical Manual shall be completed and submitted.

(b) A certificate from a registered structural engineer certifying the structural adequacy of the OSD tank structure is to be provided.

(c) Details of any rainwater tank required by BASIX commitments or as nominated on the architectural plan, including the overflow connection to the approved stormwater drainage system are to be submitted. Where a rainwater reuse system is proposed in a basement, it shall be designed to adequately withstand all service loads and provide adequate service life (minimum 50 years).

(d) Show sub-soil drainage restricted from entering the basement areas of the building and the stormwater drainage system by waterproofing and tanking the basement areas of the building.

(e) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location shall be provided. Calculations demonstrating that the proposed stormwater drainage system can cater for the relevant design storm event shall be provided.

(f) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.

(g) Any proposed pipeline within the footpath verge of Hastings Parade must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres and fall by gravity at 1% minimum.

(h) The building works appear to be located within the path of the natural runoff caused by the localised upstream catchment from the rear. Given that the site incorporates OSD, the engineer shall demonstrate that the water caused from the upstream catchment can be captured and redirected to the kerb and gutter via a swale and pipe or pit and pipe system along the boundaries (independent of the OSD system). Calculations in relation to the upstream catchment and the proposed system shall be submitted to Council demonstrating that the proposed system has sufficient capacity to capture and discharge the flows generated during the relevant design storm event independent of the OSD system.

(i) Interceptor drain(s) at the site boundary to prevent stormwater flows from the site crossing the footpath shall be provided.

(j) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.

Notes:

- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated.
- Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.

25. DILAPIDATION REPORT

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

The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site.

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

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

26. CONSTRUCTION SIGNS

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

DEMOLITION

27. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

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

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

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

(a) Outline the identification of any hazardous materials, including surfaces coated with lead paint;

(b) Confirm that no asbestos products are present on the subject land, or

(c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by SafeWork NSW (catalogue WC03561);

(d) Describe the method of demolition;

(e) Describe the precautions to be employed to minimise any dust nuisance; and

(f) Describe the disposal methods for hazardous materials.

28. CONTROL OF DUST ON CONSTRUCTION SITES

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

(a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

(b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices.

29. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

Prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste Classification Guidelines 2014.

30. EXCAVATION AND BACKFILLING

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.

If an excavation associated with the erection or demolition or a building extends below the level of the footings of a building on an adjoining allotment of land, the excavation is to be managed by a practising structural engineer.

<u>CONSTRUCTION MATTERS</u>

31. CONSTRUCTION HOURS

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

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

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

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

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

33. FIRE SAFETY UPGRADE REPORT

Fire safety upgrading works are to be undertaken in accordance with condition 11 of this development consent.

34. CONSTRUCTION INSPECTIONS

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the *Building Legislation Amendment (Quality of Construction) Act 2002,* clause 162A of the *Environmental Planning and Assessment Regulation 2000* and the requirements of any other applicable legislation or instruments.

35. CERTIFICATE OF SURVEY – LEVELS

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

36. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

37. WORK OUTSIDE PROPERTY BOUNDARY

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

38. CONSTRUCTION OF SWIMMING POOLS AND OUTDOOR SPAS

The following applies to the construction of swimming pools and outdoor spas:

(a) Reinforcement of the swimming pool/outdoor spa is to be inspected by an Accredited Officer or other suitably qualified person prior to the pouring of concrete.
(b) The electrical wiring system for any proposed underwater artificial lighting installation to the pool/spa is to be installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules.
(c) The swimming pool/outdoor spa water is to be treated by an approved water treatment and filtration unit.
(d) To prevent noise nuisance to surrounding properties, the swimming pool/outdoor spa filtration motor and pump unit is to be housed within a ventilated soundproof enclosure.
(e) Waste waters from the swimming pool/outdoor spa are to be discharged into Sydney Water's sewerage system and in this regard, approved plans MUST be submitted to Sydney Water at least 14 days prior to commencement of building operations.

TREE PROTECTION AND REMOVAL

39. TREE REMOVAL AND RETENTION

Trees to be removed as per the Arborist Report prepared by Ross Jackson, Jackson Nature Works, dated 20 October 2022:

Tree No.	Species	Location	Action
T4	*Schefflera arboricola*	On site	Remove as per Arborist report
T6	*Schefflera arboricola*	On site	Remove as per Arborist report
T7	*Araucaria columnaris*	On site	Remove as per Arborist report
T10	*Plumeria rubra var. acutifolia*	On site	Remove as per Arborist report
T11	*Olea europaea subsp. Cupsidata*	On site	Remove as per Arborist report
T12	*Olea europaea subsp. Cupsidata*	On site	Remove as per Arborist report

Trees to be retained as per the Arborist Report prepared by Ross Jackson, Jackson Nature Works, dated 18 May 2021:

Tree No.	Species	Location	Action
T1	*Lagunaria patersonii*	Adjoining property	Retain as per Arborist report
T2	*Strelitzia nicolai*	Adjoining property	Retain as per Arborist report
T3	*Beaucarnea recurvata*	Adjoining property	Retain as per Arborist report
T8	*Banksia integrifolia*	On site	Retain as per Arborist report
T9	*Dead tree*	Adjoining property	Retain as per Arborist report

(Modified by DA-439/2021/A)

40. TREE PROTECTION

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

41. STREET TREES TO BE RETAINED/TREE PROTECTION

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

(a) Do not store harmful or bulk materials or spoil under or near trees;

(b) Prevent damage to bark and root system;

(c) Do not use mechanical methods to excavate within root zones;

(d) Do not add or remove topsoil from under the drip line;

(e) Do not compact ground under the drip line;

(f) Do not mix or dispose of liquids within the drip line of the tree; and

(g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter in accordance with AS4970-2009 "Protection of trees on construction sites.

VEHICLE ACCESS & PUBLIC DOMAIN WORKS

42. NEW VEHICLE CROSSING

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

Note: Prior to the submission of the vehicle crossing application, works as executed drawings shall be submitted to Council for the approval of the Executive Manager Creating Waverley confirming the finished levels of the internal driveway between the property boundary and the garage floor comply with the approved driveway long sections.

43. VEHICULAR ACCESS - FINISHED LEVEL TO VEHICLE CROSSING

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

44. NOTICE OF INTENTION TO COMMENCE PUBLIC DOMAIN WORKS

Prior to commencement of the public domain works notice shall be submitted to Councils Public Domain Engineer. This notice shall include the name and insurance details of the Contractor who will be responsible for the construction works, and details of the managing site supervisor/engineer. The applicant is also responsible for obtaining all Road Activity Permits required for the works, from the respective authorities.

45. PRE-CONSTRUCTION DILAPIDATION REPORT

To ensure Council's infrastructure is adequately protected a pre-construction dilapidation report on the existing public infrastructure within the vicinity of the proposed development and along the travel routes of all construction vehicles, up to 100m either side of the development site, is to be submitted to Council.

The report shall detail, but not be limited to, the location, description, and photographic record (in colour) of any observable defects to the following infrastructure where applicable:

- Road pavement
- Kerb and gutter
- Footpath
- Drainage pits and lintels
- Traffic signs
- Any other relevant infrastructure

The report is to be dated, submitted to, and accepted by Council's Public Domain Engineer, prior to any work commencing on the site. All fees and charges associated with the collation of this report shall be at the cost of the Applicant.

46. PUBLIC DOMAIN ENGINEERING INSPECTIONS -CONSTRUCTION DILAPIDATION REPORT

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 Engineer for the kerb and gutter, footpath paving and nature strip hold points.

All applicable engineering inspection fees in accordance with Council's Management Plan are to be fully paid prior to issue of Construction Certificate for the works. A minimum 48 hours' notice will be required when booking for the site inspections.

D. PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE OR SUBDIVISION CERTIFICATE

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

CERTIFICATES, LICENCES, EASEMENTS AND RESTRICTIONS

47. FINAL OCCUPATION CERTIFICATE

Prior to occupation or use of the development, an Occupation Certificate must be obtained.

The Principal Certifying Authority must be satisfied that the requirements of the *Environmental Planning & Assessment Act 1979* have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.

48. CERTIFICATION OF BASIX COMMITMENTS

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

49. CERTIFICATION OF LANDSCAPING

At the completion of all works a certificate is to be submitted to the Principal Certifying Authority from a qualified Landscape and/or Arboriculture Consultant certifying that the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established. If relevant, the waterproofing on any green roof is to be tested and evidence of the test is to be provided with the certification.

50. FIRE SAFETY WORKS

The Occupation Certificate shall not be issued until all fire safety works are completed and a Final Fire Safety Certificate has been submitted to Council.

51. WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM

(a) A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared, stamped and signed by a Registered Surveyor. This drawing must detail the alignment of all pipelines, pits, the detention facility, rainwater harvesting facility and other drainage related infrastructure. An original or a colour copy must be submitted to Waverley Council. Where changes have occurred, the Council approved plans shall be marked-up in red ink and shall include levels and location for the drainage structures and works.

(b) A suitably qualified and practising Engineer must provide certification of the WAED of the stormwater drainage system that the stormwater drainage works were constructed to their satisfaction and in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice. A copy of the aforementioned letter of certification must be submitted to Council.

52. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD

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

The wording of the Instrument shall be submitted to and approved by Executive Manager, Infrastructure Services (or delegate) prior to lodgement at NSW Land Registry Services.

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created via an application to the NSW Land Registry Services using forms 13PC and 13RPA. Accompanying this form is the requirement for a plan to scale showing the relative location of the OSD system, including its relationship to the building footprint. Electronic colour photographs of the OSD system shall accompany the application for the Positive Covenant and Restriction on the Use of Land.

The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate or use of the building. All associated costs shall be borne by the applicant.

53. SUPERVISING ENGINEER FINAL CERTIFICATE – PUBLIC DOMAIN

Prior to the issue of any Occupation Certificate for the works, the Applicant shall submit to Council, a Final Certificate from the Supervising Engineer confirming that the public domain works have been constructed in accordance with the Council approved plans and Waverley Council standards and specifications. The certificate shall include commentary to support any variations from the approved drawings.

54. WORK-AS-EXECUTED PLAN – PUBLIC DOMAIN

To ensure public infrastructure works required under the consent are completed in accordance with approved plans and specifications, a Work-as-Executed plan of the works, prepared by a registered surveyor is to be submitted to the principal certifying Authority and Council for review with any required rectification works completed and approved by Council prior to issue of any Occupation Certificate.

The W.A.E plans are to note all departures clearly in red on a copy of the approved Construction Certificate plans and certification from an experienced chartered civil engineer shall be submitted to support all variations from approved plans.

55. CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS

Prior to the issue of any Occupation Certificate, a Final Compliance Certificate shall be obtained from Council confirming that all works in the road reserve including all public domain infrastructure works and restoration, have been completed to Council's satisfaction.

Notes:

- The issue of a Final Compliance Certificate from the Council Engineer will be withheld should there be any outstanding fees and charges applicable to the development. This includes but not limited to fees applicable for engineering plans assessment and work inspection fees.
- The refund of any damage and/or security deposits will be subject to satisfactory restoration and rectification of all civil infrastructure that have dilapidated as a result of the construction activities associated with this development consent.
- To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works completed by the applicant/developer following completion of the development. The defects liability period shall commence from the date of issue of the Occupation Certificate for the development. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification, during the twelve (12) months' defects liability period.

56. CERTIFICATION OF SWIMMING POOL/OUTDOOR SPA

Prior to the pool being used, the following must be provided;

(a) Certification that the pool has been constructed in accordance with the consulting engineers design;

(b) Evidence that the swimming pool/outdoor spa has been registered on the State Government Swimming Pool Register (http://www.swimmingpoolregister.gov.au);

(c) A sign outlining details of resuscitation techniques for adults, children and infants has been placed in a prominent position, close to the pool/outdoor spa. Signs are available from Council;

(d) A copy of the occupation certificate must be submitted to Council.

Note: Swimming/spa pool pumps are restricted from use between 8pm to 7am weekdays and Saturdays, 8pm to 8am on Sundays and public holidays in accordance with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2017.

MANAGEMENT PLANS

57. PLAN OF MANAGEMENT – WASTE AND RECYCLING STORAGE

A Waste Management Plan must be submitted to Council's Executive Manager, Environmental Sustainability (or delegate) and include including the following where relevant;

(a) All arrangements including relevant and current contracts for recyclables and all other waste (collection and disposal)

(b) The waste storage area and bins must be cleaned and maintained regularly with appropriate lighting.

(c) The role and responsibility of managing composting facilities (if provided);

(d) Clear signage identifying the different bin types, space for reusable items such as crates and pallets, bulky household waste and problem waste must be displayed.

(e) The recycling bins must be placed alongside the general waste bins for ease of access and to encourage recycling habits.

(f) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of bins, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants and must comply with Council's relevant policies for placing waste in the public place for collection.

(g) The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan is be available on site when requested.

(h) At no times shall bins or waste of any kind be stored on the public domain (e.g. footpaths).

VEHICLE ACCESS AND PARKING

58. CAR PARKING

A total of **6** car vehicle parking spaces are to be provided within the development.

No more than 3 spaces are to be allocated to Unit 3 (the 4-bedroom dwelling). All other units are to be allocated no more than 2 car parking spaces. All car spaces and to be appropriately signposted and parked.

Car parking spaces shall not be independent lots, but rather part lots attached to units in any future Subdivision Plans.

59. STREET NUMBER/S

The street number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary that fronts the street. Should the number be fixed to an awning then it shall be a minimum 150mm high.

59A. MAXIMUM HEIGHT OF DEVELOPMENT

(b) The height of the buildings must not exceed the following RLs (AHD) to the top of the buildings and (where relevant) to the top of building parapets:

i. Ridge/parapet height: RL38.20
ii. top of the translucent glass balustrade: RL39.74
iii. lift overrun: 38.85

Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.

(Added by DA-439/2021/G)

E. OPERATIONAL MATTERS

60. WASTE MANAGEMENT PLAN REVIEW

After 5 years of operation under this development consent, the Approved Waste Management Plan is to be reviewed to ensure that the details including contracts, roles and responsibilities, commercial tenants (if relevant) are current. The updated plan is to supersede the previous plan.

61. OPERATION OF ROOF HATCH

The automated roof hatch providing access to the roof terrace must be kept fully closed and flush with the frame of the hatch when not in use.

(Added by DA-439/2021/G)

62. NON TRAFFICABLE AREAS

The planters to the front and rear of the building, the roof gardens to each side of the building and the roof (beyond terrace area) are to be non trafficable and accessed for maintenance purposes only.

(Added by DA-439/2021/G)

ADVISORY MATTERS

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

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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

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

AD2. SYDNEY WATER REQUIREMENTS

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

Contact Sydney Water for more information.

AD3. DIAL BEFORE YOU DIG

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

and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

AD4. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on 1800 810 443.

AD5. ALTERATIONS AND ADDITIONS ONLY

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

AD6. EXCAVATION TO BE LIMITED

Excavation shall be limited to that shown in the approved plans. Any further excavation will require Council approval.

AD7. BONDI - ROSE BAY SAND BODY

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

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

AD8. 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.

AD9. RAINWATER HARVESTING AND REUSE

The operation of all devices or appliances installed within the development approved by this consent as required by conditions pertinent to rainwater harvesting and rainwater reuse must be maintained in good operating order at all times.

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-439/2021/G

Date Received: 24/04/2024

PROPOSED ROOF TERRACE FOR DISCUSSION

138 HASTINGS PARADE, NORTH BONDI, NSW 2026

1 PROPOSED ROOF TERRACE; STREET VIEW
REMAIN UNCHANGED

THE CASCADES

NORTH BONDI

GENERAL NOTES:

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S4.55 APPLICATION

ISSUE	DATE	REVISION
J	18.03.2024	ISSUE FOR S4.55
I	09.02.2024	ISSUE FOR DISCUSSION
H	07.12.2023	ISSUE FOR S4.55
G	30.11.2023	ISSUE FOR S4.55
F	06.07.2023	ISSUE FOR S4.55
E	03.02.2023	ISSUE FOR S4.55
D	27.09.2022	ISSUE FOR TREE REMOVAL APPLICATION
C	18.02.2022	ISSUE FOR AMENDING DA
B	28.09.2021	ISSUE FOR AMENDING DA
A	14.05.2021	ISSUE FOR S4.55

LEGEND:

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- +RL 00.00 — FINISHED SPOT OR SURFACE LEVEL
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- 00.000 — SURVEY SPOT LEVEL
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- W/D — NEW WINDOW/ DOOR
- EXISTING TO BE RETAINED
- EXISTING TO BE DEMOLISHED
- NEW STRUCTURE

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DRAWING NO: DA000
ISSUE NO: J

S4.55 APPLICATION

DRAWING TITLE:
COVER PAGE + PHOTOMONTAGE

PROJECT NAME:
138 HASTINGS PDE NORTH BONDI

CLIENT:
ORNA TRIGUBOFF

AMENDED PLANS

ARCHITECTURAL DRAWINGS LIST

	SHEET NO	SHEET NAME	REV	DATE
	DA000	COVER PAGE + PHOTOMONTAGE	J	18.03.2024
1	DA001	DRAWING REGISTER + EXTERNAL FINISHES SCHEDULE	L	23.04.2024
	DA005	PHOTOMONTAGES	J	18.03.2024
	DA018	PROPOSED PLAN - SECOND FLOOR	M	18.04.2024
	DA019	PROPOSED PLAN - ROOF	L	18.04.2024
1	DA150	SOUTH ELEVATION - STREET	K	23.04.2024
	DA151	NORTH ELEVATION	L	23.04.2024
	DA152	EAST ELEVATION	L	23.04.2024
	DA153	WEST ELEVATION	L	23.04.2024
	DA170	SECTION A	L	23.04.2024
	DA171	SECTION B	L	23.04.2024
	DA700	VIEW FROM SUN - JUNE 21 - 9AM	H	18.03.2024
	DA701	VIEW FROM SUN - JUNE 21 - 10AM	H	18.03.2024
	DA702	VIEW FROM SUN - JUNE 21 - 11AM	H	18.03.2024
	DA703	VIEW FROM SUN - JUNE 21 - 12PM	H	18.03.2024
	DA704	VIEW FROM SUN - JUNE 21 - 1PM	H	18.03.2024
	DA705	VIEW FROM SUN - JUNE 21 - 2PM	H	18.03.2024
	DA706	VIEW FROM SUN - JUNE 21 - 3PM	H	18.03.2024
	DA800	136 HASTINGS PDE UNIT 5 BATHROOM VIEW	C	18.03.2024
	DA801	136 HASTINGS PDE UNIT 5 BEDROOM VIEW	C	18.03.2024
	DA802	136 HASTINGS PDE UNIT 5 KITCHEN VIEW	C	18.03.2024
	DA803	136 HASTINGS PDE UNIT 6 LAUNDRY VIEW	C	18.03.2024
	DA804	136 HASTINGS PDE UNIT 6 KITCHEN VIEW	C	18.03.2024
	DA805	136 HASTINGS PDE UNIT 6 LIVING VIEW	C	18.03.2024
	DA806	136 HASTINGS PDE UNIT 6 BALCONY VIEW	C	18.03.2024
	DA807	140 HASTINGS PDE UNIT 9 BALCONY VIEW	C	18.03.2024
	DA808	140 HASTINGS PDE UNIT 9 BATHROOM VIEW	C	18.03.2024
	DA809	140 HASTINGS PDE UNIT 9 BEDROOM VIEW	C	18.03.2024
	DA810	140 HASTINGS PDE UNIT 9 KITCHEN VIEW	C	18.03.2024
	DA811	140 HASTINGS PDE UNIT 10 KITCHEN VIEW	C	18.03.2024
	DA812	140 HASTINGS PDE UNIT 10 BEDROOM VIEW	C	18.03.2024
	DA813	140 HASTINGS PDE UNIT 10 BATHROOM VIEW	C	18.03.2024
	DA814	140 HASTINGS PDE UNIT 10 BALCONY VIEW	C	18.03.2024
	DA919	ROOF VIEWPOINT PLAN	B	18.03.2024
	DA923	ROOF VIEW 1 & 2	B	18.03.2024
	DA924	ROOF VIEW 3 & 4	B	18.03.2024
	DA925	ROOF VIEW 5 & 6	B	18.03.2024
	DA926	ROOF VIEW 7 & 8	B	18.03.2024
	DA927	ROOF VIEW 9 & 10	A	18.03.2024
	DA928	ROOF VIEW 11 & 12	A	18.03.2024

1 S4.55 DRAWING LIST REVISION AND DATE UPDATED

EXTERNAL FINISHES SCHEDULE

CODE: TB1
POWDER COATED ALUMINIUM BATTENS TO BALCONY BALUSTRADES-
DULUX SEAFOAM QUARTER OR SIMILAR

CODE:R2
WALL RENDER
COLOUR: WHITE

PRIVACY SCREENS
COLOUR: TO MATCH DULUX SEAFOAM QUARTER

CODE: R1
WALL RENDER
COLOUR: DULUX SEAFOAM QUARTER OR SIMILAR

CASCADING PLANTING
REFER LANDSCAPE PLANS

WINDOWS & DOORS
COLOUR: SILVERY NATURAL ANODISED

RECEIVED
Waverley Council

Application No: DA-439/2021/G

Date Received: 24/04/2024

BASIX COMMITMENTS

138 Hastings Parade North Bondi

SUMMARY OF BASIX COMMITMENTS FOR EACH UNIT

This is a summary of the BASIX Commitments as detailed in the BASIX Certificate.
Refer to the CURRENT BASIX Certificate for Complete details.
For definitions refer to basix.nsw.gov.au

WATER COMMITMENTS					
Fixtures					
4 Star Shower Heads	Yes (> 4.5 but <= 6 L/min)				
5 Star Kitchen / Basin Taps	Yes	**4 Star Toilet**	Yes		
Alternative Water					
Common Tank Size (L)	2000	**Collected from Roof Area (m2)**	80		
Tank Connected To:					
All Toilets	Yes	**Laundry W/M Cold Tap**	No		
One Outdoor Tap	No				
THERMAL COMFORT COMMITMENTS - Refer to TPA Specification on plans					
ENERGY COMMITMENTS					
Hot Water	Gas Instantaneous 6 Star				
Cooling System	**Living**	1 Phase A/C Zoned	EER 3.0 - 3.5		
	Bedrooms	1 Phase A/C Zoned	EER 3.0 - 3.5		
Heating System	**Living**	1 Phase A/C Zoned	EER 3.0 - 3.5		
	Bedrooms	1 Phase A/C Zoned	EER 3.0 - 3.5		
Ventilation	**1 x Bathroom**	Fan ducted to exterior	Manual on/off		
	Kitchen	Fan ducted to exterior	Manual on/off		
	Laundry	As drawn			
Natural Lighting	**Window/Skylight in Kitchen**	Yes			
	Window/Skylight in Bathrooms/Toilets	As drawn			
Artificial Lighting (rooms to be primarily lit by fluorescent or LED lights)	**Number of bedrooms**	All	Dedicated	Yes	
	Number of Living/Dining rooms	All	Dedicated	Yes	
	Kitchen	Yes	Dedicated	Yes	
	All Bathrms/Toilets	Yes	Dedicated	Yes	
	Laundry	Yes	Dedicated	Yes	
	All Hallways	Yes	Dedicated	Yes	
OTHER COMMITMENTS					
Outdoor clothes line	No	**Ventilated refrigerator space**	Yes		
Stove/Oven	Gas cooktop & electric oven				
Alternative Energy	Photovoltaic System: 4.5kW common system				
Pool	Max Vol: 28 KL, heat pump, pump with timer, pool cover - U3 only				

May 2021 **BSA Reference: 16882**
Building Sustainability Assessments **Ph: (02) 4962 3439**
enquiries@buildingsustainability.net.au **www. buildingsustainability.net.au**

Important Note
The following specification was used to achieve the thermal performance values indicated on the Assessor Certificate and takes precedence over any other specification.
If different construction elements are applied then the Assessor Certificate is no longer valid.

Thermal Performance Specifications (does not apply to garage)

External Wall Construction				*Added Insulation*
Cavity Brick				R1.0
Lightweight				R2.0
Internal Wall Construction				*Added Insulation*
Plasterboard on studs				None
Double Brick				None
Cavity Brick (party walls)				None
Ceiling Construction				*Added Insulation*
Plasterboard	R3.5 to ceilings adjacent to roof space and decks above			
Roof Construction	*Colour*			*Added Insulation*
Concrete	Any			None
Floor Construction	*Covering*			*Added Insulation*
Concrete	As drawn			None
Windows	*Glass and frame type*	*U Value*	*SHGC Range*	*Area sq m*
ALM-001-01 A	Aluminium Type A Single clear	*6.70*	*0.51 - 0.63*	As drawn
ALM-002-01 A	Aluminium Type B Single clear	*6.70*	*0.63 - 0.77*	As drawn

Type A windows are awning windows, bifolds, casements, tilt 'n 'turn' windows, entry doors, french doors
Type B windows are double hung windows, sliding windows & doors, fixed windows, stacker doors, louvres

Skylights	*Glass and frame type*	*U Value*	*SHGC*	*Area sq m*

U and SHGC values are according to AFRC. Alternate products may be used if the U value is lower and the SHGC is within the range specified

External Window Shading *(eaves, verandahs, pergolas, awnings etc)*
All shade elements modelled as drawn

Ceiling Penetrations *(downlights, exhaust fans, flues etc)*
No adjustment has been made for losses to insulation arising from ceiling penetrations.

Ceiling Fans used in the Modelling and to be installed in the following areas
Living areas = None, Bedrooms = None

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S4.55 APPLICATION

ISSUE	DATE	REVISION
L	23.04.2024	RFI GROUND LEVEL COUNCIL'S DEFINITION
K	18.04.2024	ISSUE FOR S4.55
J	18.03.2024	ISSUE FOR S4.55
I	07.12.2023	ISSUE FOR S4.55
H	30.11.2023	ISSUE FOR S4.55
G	16.08.2023	ISSUE FOR S4.55
F	06.07.2023	ISSUE FOR S4.55
E	03.02.2023	ISSUE FOR S4.55
D	27.09.2022	ISSUE FOR TREE REMOVAL APPLICATION
C	18.02.2022	ISSUE FOR AMENDING DA

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- W/D — NEW WINDOW/ DOOR
- EXISTING TO BE RETAINED
- EXISTING TO BE DEMOLISHED
- NEW STRUCTURE

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DRAWING NO: DA001
ISSUE NO: L

S4.55 APPLICATION

DRAWING TITLE: DRAWING REGISTER + EXTERNAL FINISHES SCHEDULE
PROJECT NAME: 138 HASTINGS PDE NORTH BONDI
CLIENT: ORNA TRIGUBOFF

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-439/2021/G

Date Received: 24/04/2024

1 PROPOSED ROOF TERRACE; SIDE STREET VIEW
REMAIN UNCHANGED

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- EXISTING TO BE DEMOLISHED
- NEW STRUCTURE

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DRAWING NO: DA005
ISSUE NO: I

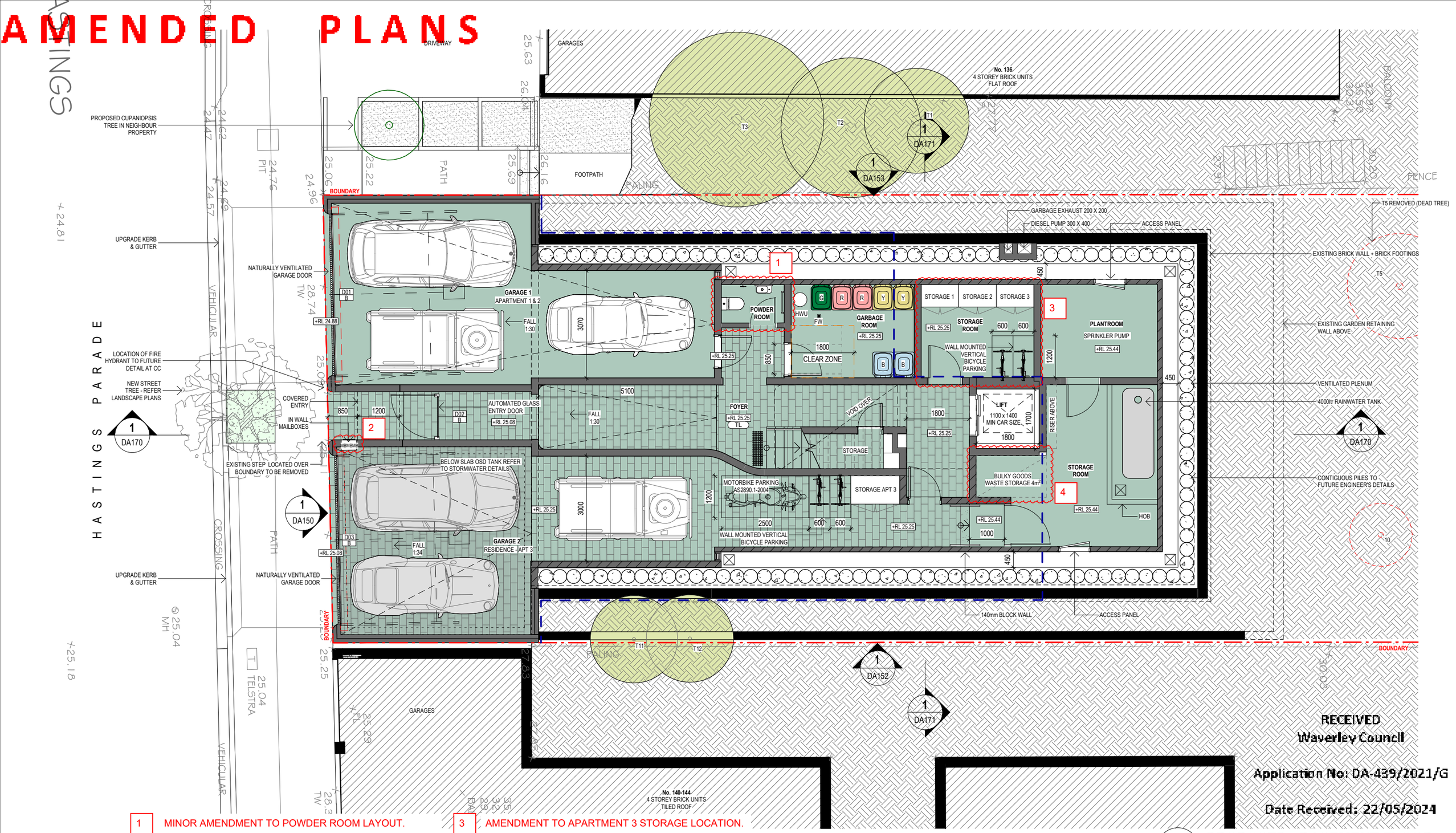
S4.55 APPLICATION

DRAWING TITLE: PHOTOMONTAGES

PROJECT NAME: 138 HASTINGS PDE NORTH BONDI

CLIENT: ORNA TRIGUBOFF

AMENDED PLANS



RECEIVED
Waverley Council

Application No: DA-439/2021/G

Date Received: 22/05/2024

1 MINOR AMENDMENT TO POWDER ROOM LAYOUT.

2 AMENDMENT TO LETTERBOXES LOCATION.

3 AMENDMENT TO APARTMENT 3 STORAGE LOCATION.

4 AMENDMENT TO BULKY GOODS WASTE STORAGE LOCATION.

1 PROPOSED - BASEMENT FLOOR

scale - 1 : 100@ A3

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S4.55 APPLICATION

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F	22.05.2024	ISSUE FOR S4.55
E	30.11.2023	ISSUE FOR S4.55
D	03.02.2023	ISSUE FOR S4.55
C	18.02.2022	ISSUE FOR AMENDING DA
P2	15.02.2022	FOR COORDINATION
P1	10.02.2022	FOR COORDINATION
B	28.09.2021	ISSUE FOR AMENDING DA
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KEY:
Scale 1 : 100 @ A3
0 0.5m 1m 2m 4m

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DRAWING NO: DA015
ISSUE NO: F

S4.55 APPLICATION

DRAWING TITLE: PROPOSED PLAN - BASEMENT

PROJECT NAME: 138 HASTINGS PDE NORTH BONDI

CLIENT: ORNA TRIGUBOFF

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-439/2021/G

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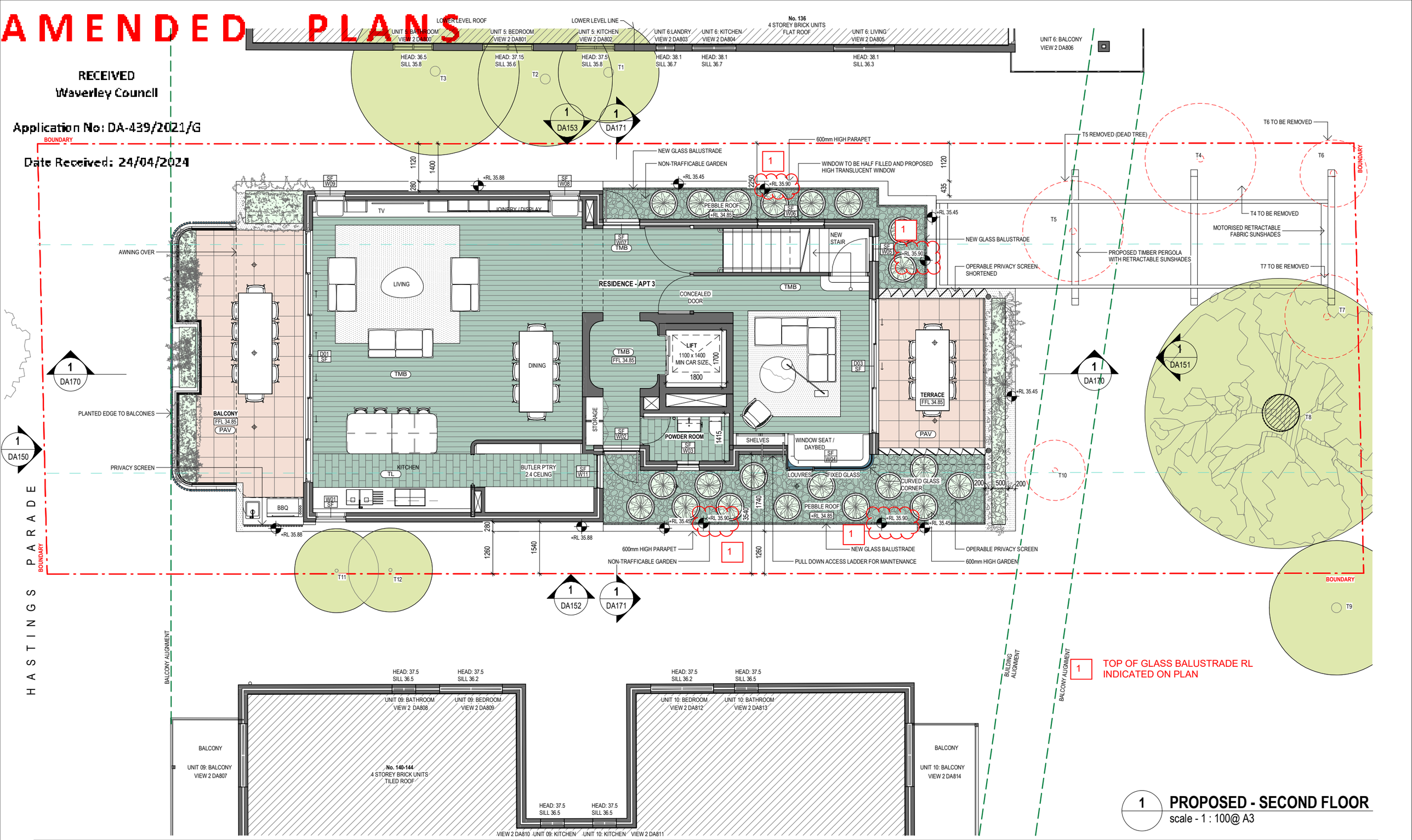

TOP OF GLASS BALUSTRADE RL INDICATED ON PLAN

1 PROPOSED - SECOND FLOOR

scale - 1 : 100@ A3

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F	06.07.2023	ISSUE FOR S4.55
E	03.02.2023	ISSUE FOR S4.55
D	27.09.2022	ISSUE FOR TREE REMOVAL APPLICATION
C	18.02.2022	ISSUE FOR AMENDING DA

LEGEND:

- FSL 00.00 — FINISHED STRUCTURAL LEVEL
- +RL 00.00 — FINISHED SPOT OR SURFACE LEVEL
- FFL 00.00 — FINISHED FLOOR LEVEL
- 100.000 — SURVEY SPOT LEVEL
- 00.000 — EXISTING LEVEL
- W/D — EXISTING WINDOW/ DOOR
- W/D — NEW WINDOW/ DOOR
- EXISTING TO BE RETAINED
- EXISTING TO BE DEMOLISHED
- NEW STRUCTURE

WAVERLEY CONCIL MATERIAL COLOUR CODES:

- TIMBER
- PAVING
- BRICK
- METAL
- CONCRETE
- EARTH

KEY:
Scale 1 : 100 @ A3
0 0.5m 1m 2m 4m

MERITON
Level 11, Meriton Tower
528 Kent St, Sydney 2000
T: +612 9287 2888
F: +612 9287 2777

DRAWING NO: DA018
ISSUE NO: M

S4.55 APPLICATION

DRAWING TITLE: PROPOSED PLAN - SECOND FLOOR

PROJECT NAME: 138 HASTINGS PDE NORTH BONDI

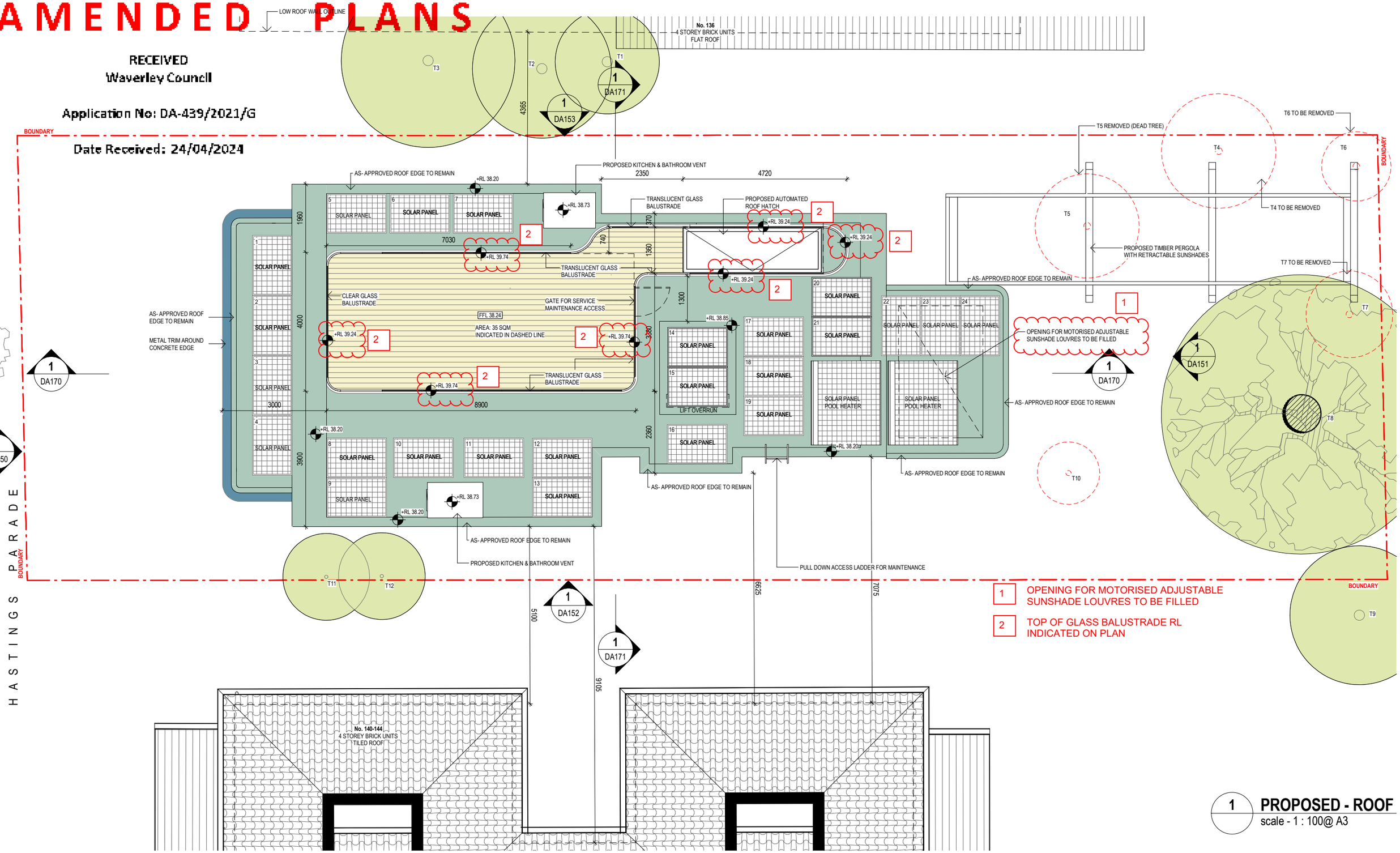
CLIENT: ORNA TRIGUBOFF

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-439/2021/G

Date Received: 24/04/2024



1 **PROPOSED - ROOF**
scale - 1 : 100@ A3

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MINOR CHANGES TO FORM AND CONFIGURATION MAY BE REQUIRED WHEN DRAWINGS ARE SUBSEQUENTLY PREPARED FOR CONSTRUCTION PURPOSES AFTER THE GRANT OF DEVELOPMENT CONSENT

S4.55 APPLICATION

ISSUE	DATE	REVISION
L	18.04.2024	ISSUE FOR S4.55
K	18.03.2024	ISSUE FOR S4.55
J	21.02.2024	ISSUE FOR DISCUSSION
I	09.02.2024	ISSUE FOR DISCUSSION
H	07.12.2023	ISSUE FOR S4.55
G	30.11.2023	ISSUE FOR S4.55
F	06.07.2023	ISSUE FOR S4.55
E	03.02.2023	ISSUE FOR S4.55
D	27.09.2022	ISSUE FOR TREE REMOVAL APPLICATION
C	18.02.2022	ISSUE FOR AMENDING DA
P1	10.02.2022	FOR COORDINATION

LEGEND:

- FSL 00.00 — FINISHED STRUCTURAL LEVEL
- +RL 00.00 — FINISHED SPOT OR SURFACE LEVEL
- FFL 00.00 — FINISHED FLOOR LEVEL
- 00.000 — SURVEY SPOT LEVEL
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- W/D — EXISTING WINDOW/ DOOR
- W/D — NEW WINDOW/ DOOR
- EXISTING TO BE RETAINED
- EXISTING TO BE DEMOLISHED
- NEW STRUCTURE

WAVERLEY CONCIL MATERIAL COLOUR CODES:

- TIMBER
- PAVING
- BRICK
- METAL
- CONCRETE
- EARTH

KEY:
Scale 1 : 100 @ A3
0 0.5m 1m 2m 4m

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528 Kent St, Sydney 2000
T: +612 9287 2888
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DRAWING NO: DA019
ISSUE NO: L

S4.55 APPLICATION

DRAWING TITLE:
PROPOSED PLAN - ROOF

PROJECT NAME:
138 HASTINGS PDE NORTH BONDI

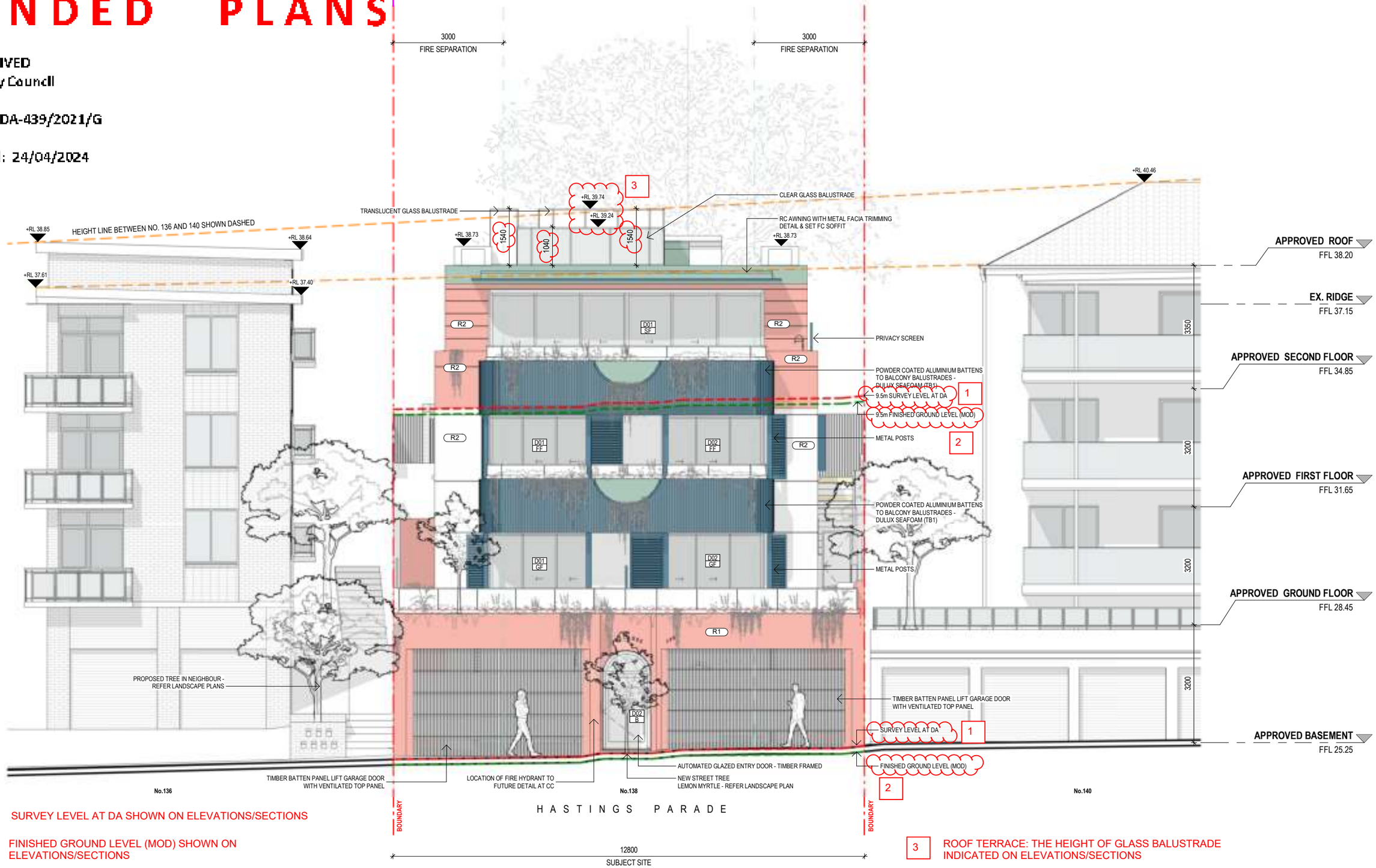
CLIENT:
ORNA TRIGUBOFF

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-439/2021/G

Date Received: 24/04/2024



1 SURVEY LEVEL AT DA SHOWN ON ELEVATIONS/SECTIONS

2 FINISHED GROUND LEVEL (MOD) SHOWN ON ELEVATIONS/SECTIONS

3 ROOF TERRACE: THE HEIGHT OF GLASS BALUSTRADE INDICATED ON ELEVATIONS/SECTIONS

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S4.55 APPLICATION

ISSUE	DATE	REVISION
K	23.04.2024	RFI GROUND LEVEL COUNCIL'S DEFINITION
J	18.04.2024	ISSUE FOR S4.55
I	18.03.2024	ISSUE FOR S4.55
H	09.02.2024	ISSUE FOR DISCUSSION
G	07.12.2023	ISSUE FOR S4.55
F	30.11.2023	ISSUE FOR S4.55
E	06.07.2023	ISSUE FOR S4.55
D	03.02.2023	ISSUE FOR S4.55
C	18.02.2022	ISSUE FOR AMENDING DA
B	28.09.2021	ISSUE FOR AMENDING DA
A	14.05.2021	ISSUE FOR S4.55

LEGEND:

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- EXISTING TO BE RETAINED
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- NEW STRUCTURE

WAVERLEY CONCIL MATERIAL COLOUR CODES:

- TIMBER
- PAVING
- BRICK
- METAL
- CONCRETE
- EARTH

KEY:
Scale 1 : 100 @ A3
0 0.5m 1m 2m 4m

MERITON
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DRAWING NO: DA150
ISSUE NO: K

S4.55 APPLICATION

DRAWING TITLE:
SOUTH ELEVATION - STREET

PROJECT NAME:
138 HASTINGS PDE NORTH BONDI

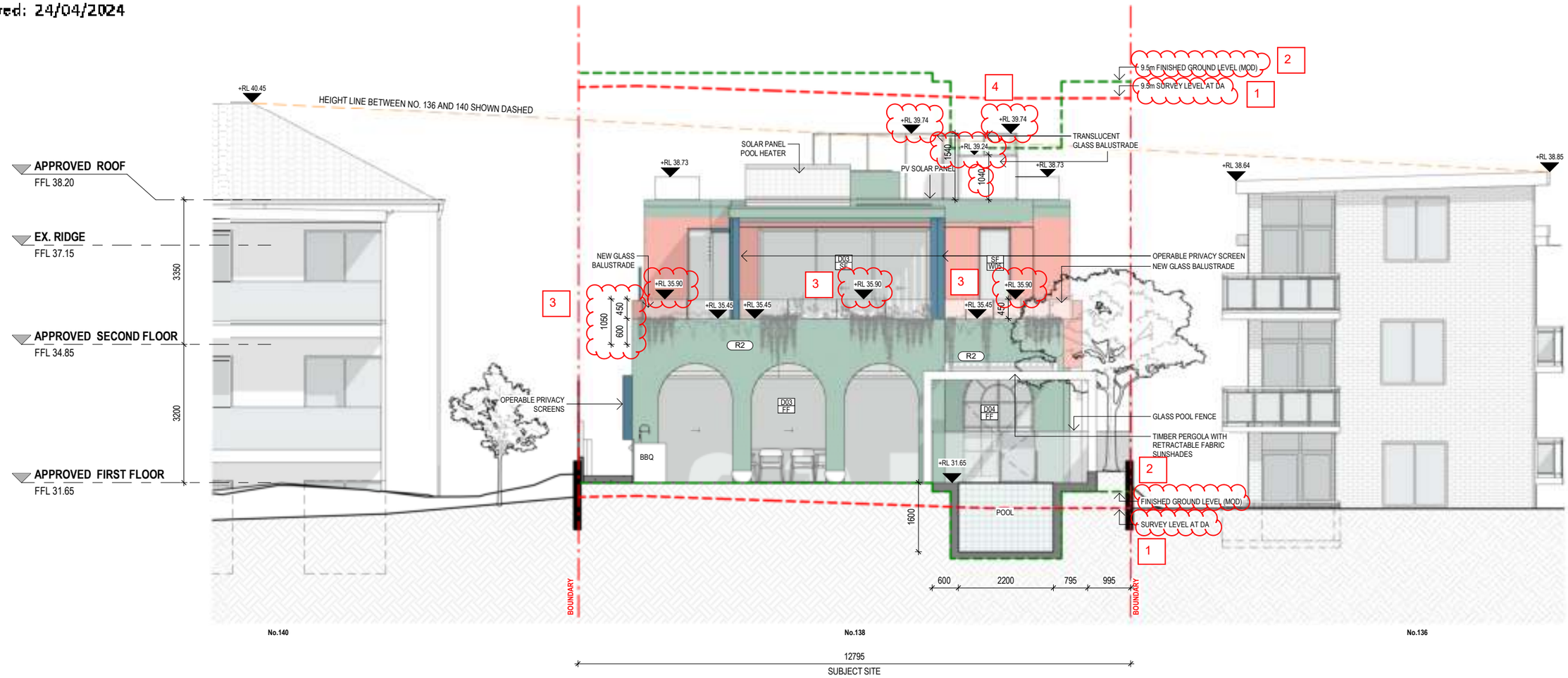
CLIENT:
ORNA TRIGUBOFF

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-439/2021/G

Date Received: 24/04/2024



1 SURVEY LEVEL AT DA SHOWN ON ELEVATIONS/SECTIONS

2 FINISHED GROUND LEVEL (MOD) SHOWN ON ELEVATIONS/SECTIONS

3 SECOND FLOOR: THE HEIGHT OF GLASS BALUSTRADE INDICATED ON ELEVATIONS/SECTIONS

4 ROOF TERRACE: THE HEIGHT OF GLASS BALUSTRADE INDICATED ON ELEVATIONS/SECTIONS

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S4.55 APPLICATION

ISSUE	DATE	REVISION
L	23.04.2024	RFI GROUND LEVEL COUNCIL'S DEFINITION
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G	30.11.2023	ISSUE FOR S4.55
F	16.08.2023	ISSUE FOR S4.55
E	06.07.2023	ISSUE FOR S4.55
D	03.02.2023	ISSUE FOR S4.55
C	18.02.2022	ISSUE FOR AMENDING DA
B	28.09.2021	ISSUE FOR AMENDING DA

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- EXISTING TO BE RETAINED
- EXISTING TO BE DEMOLISHED
- NEW STRUCTURE

WAVERLEY CONCIL MATERIAL COLOUR CODES:

- TIMBER
- PAVING
- BRICK
- METAL
- CONCRETE
- EARTH

KEY:
Scale 1 : 100 @ A3
0 0.5m 1m 2m 4m

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DRAWING NO: DA151
ISSUE NO: L

S4.55 APPLICATION

DRAWING TITLE: NORTH ELEVATION

PROJECT NAME: 138 HASTINGS PDE NORTH BONDI

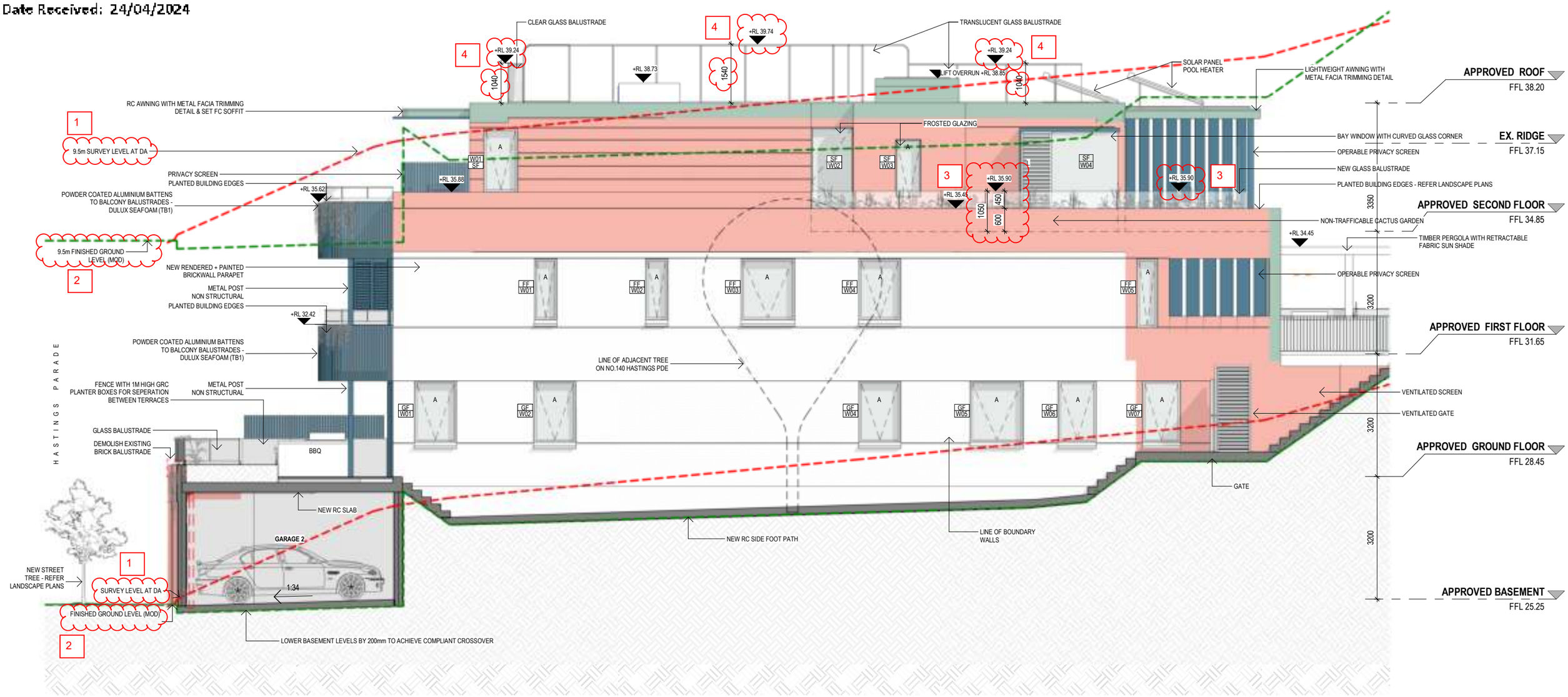
CLIENT: ORNA TRIGUBOFF

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-439/2021/G

Date Received: 24/04/2024



1 SURVEY LEVEL AT DA SHOWN ON ELEVATIONS/SECTIONS

2 FINISHED GROUND LEVEL (MOD) SHOWN ON ELEVATIONS/SECTIONS

3 SECOND FLOOR: THE HEIGHT OF GLASS BALUSTRADE INDICATED ON ELEVATIONS/SECTIONS

4 ROOF TERRACE: THE HEIGHT OF GLASS BALUSTRADE INDICATED ON ELEVATIONS/SECTIONS

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S4.55 APPLICATION

ISSUE	DATE	REVISION
L	23.04.2024	RFI GROUND LEVEL COUNCIL'S DEFINITION
K	18.04.2024	ISSUE FOR S4.55
J	18.03.2024	ISSUE FOR S4.55
I	09.02.2024	ISSUE FOR DISCUSSION
H	07.12.2023	ISSUE FOR S4.55
G	30.11.2023	ISSUE FOR S4.55
F	16.08.2023	ISSUE FOR S4.55
E	06.07.2023	ISSUE FOR S4.55
D	03.02.2023	ISSUE FOR S4.55
C	18.02.2022	ISSUE FOR AMENDING DA
B	28.09.2021	ISSUE FOR AMENDING DA

LEGEND:

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- EXISTING TO BE DEMOLISHED
- NEW STRUCTURE

WAVERLEY CONCIL MATERIAL COLOUR CODES:

- TIMBER
- PAVING
- BRICK
- METAL
- CONCRETE
- EARTH

KEY:
Scale 1 : 100 @ A3
0 0.5m 1m 2m 4m

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DRAWING NO: DA152
ISSUE NO: L

S4.55 APPLICATION

DRAWING TITLE: EAST ELEVATION

PROJECT NAME: 138 HASTINGS PDE NORTH BONDI

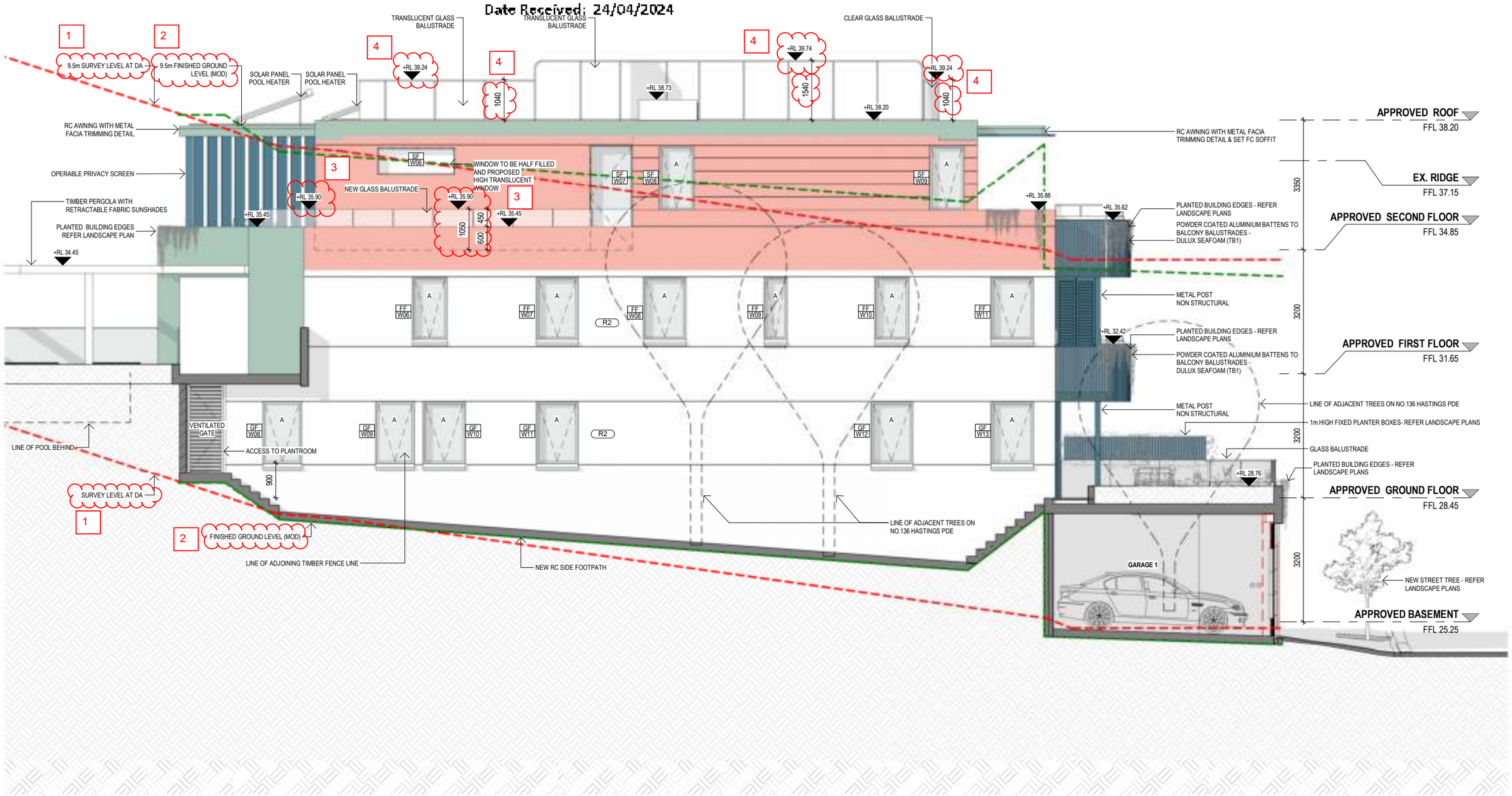
CLIENT: ORNA TRIGUBOFF

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-439/2021/G

Date Received: 24/04/2024



1 SURVEY LEVEL AT DA SHOWN ON ELEVATIONS/SECTIONS

2 FINISHED GROUND LEVEL (MOD) SHOWN ON ELEVATIONS/SECTIONS

3 SECOND FLOOR: THE HEIGHT OF GLASS BALUSTRADE INDICATED ON ELEVATIONS/SECTIONS

4 ROOF TERRACE: THE HEIGHT OF GLASS BALUSTRADE INDICATED ON ELEVATIONS/SECTIONS

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S4.55 APPLICATION

ISSUE	DATE	REVISION
L	23.04.2024	RFI GROUND LEVEL COUNCIL'S DEFINITION
K	18.04.2024	ISSUE FOR S4.55
J	18.03.2024	ISSUE FOR S4.55
I	09.02.2024	ISSUE FOR DISCUSSION
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G	30.11.2023	ISSUE FOR S4.55
F	16.08.2023	ISSUE FOR S4.55
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D	03.02.2023	ISSUE FOR S4.55
C	18.02.2022	ISSUE FOR AMENDING DA
B	28.09.2021	ISSUE FOR AMENDING DA

LEGEND:

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- EXISTING TO BE DEMOLISHED
- NEW STRUCTURE

WAVERLEY CONCIL MATERIAL COLOUR CODES:

- TIMBER
- PAVING
- BRICK
- METAL
- CONCRETE
- EARTH

KEY:
Scale 1 : 100 @ A3
0 0.5m 1m 2m 4m

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DRAWING NO: DA153
ISSUE NO: L

S4.55 APPLICATION

DRAWING TITLE: WEST ELEVATION

PROJECT NAME: 138 HASTINGS PDE NORTH BONDI

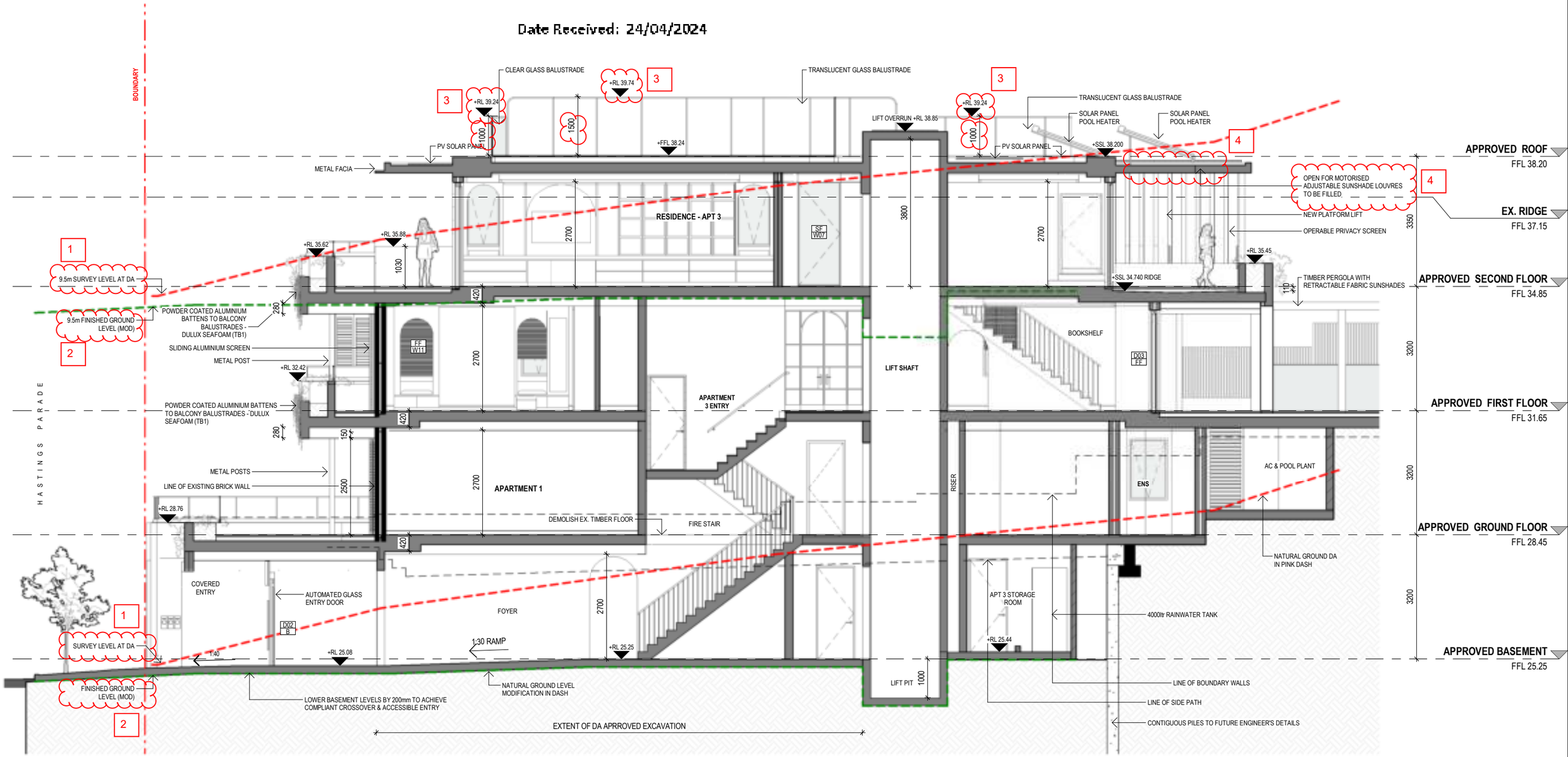
CLIENT: ORNA TRIGUBOFF

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-439/2021/G

Date Received: 24/04/2024



1 SURVEY LEVEL AT DA SHOWN ON ELEVATIONS/SECTIONS

2 FINISHED GROUND LEVEL (MOD) SHOWN ON ELEVATIONS/SECTIONS

3 ROOF TERRACE: THE HEIGHT OF GLASS BALUSTRADE INDICATED ON ELEVATIONS/SECTIONS

4 OPENING FOR MOTORISED ADJUSTABLE SUNSHADE LOUVRES TO BE FILLED

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S4.55 APPLICATION

ISSUE	DATE	REVISION
L	23.04.2024	RFI GROUND LEVEL COUNCIL'S DEFINITION
K	18.04.2024	ISSUE FOR S4.55
J	18.03.2024	ISSUE FOR S4.55
I	09.02.2024	ISSUE FOR DISCUSSION
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C	18.02.2022	ISSUE FOR AMENDING DA
B	28.09.2021	ISSUE FOR AMENDING DA

LEGEND:

- FSL 00.00 — FINISHED STRUCTURAL LEVEL
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- EXISTING TO BE DEMOLISHED
- NEW STRUCTURE

KEY:
Scale 1 : 100 @ A3
0 0.5m 1m 2m 4m

MERITON
Level 11, Meriton Tower
528 Kent St, Sydney 2000
T: +612 9287 2888
F: +612 9287 2777

DRAWING NO: DA170
ISSUE NO: L

S4.55 APPLICATION

DRAWING TITLE: SECTION A

PROJECT NAME: 138 HASTINGS PDE NORTH BONDI

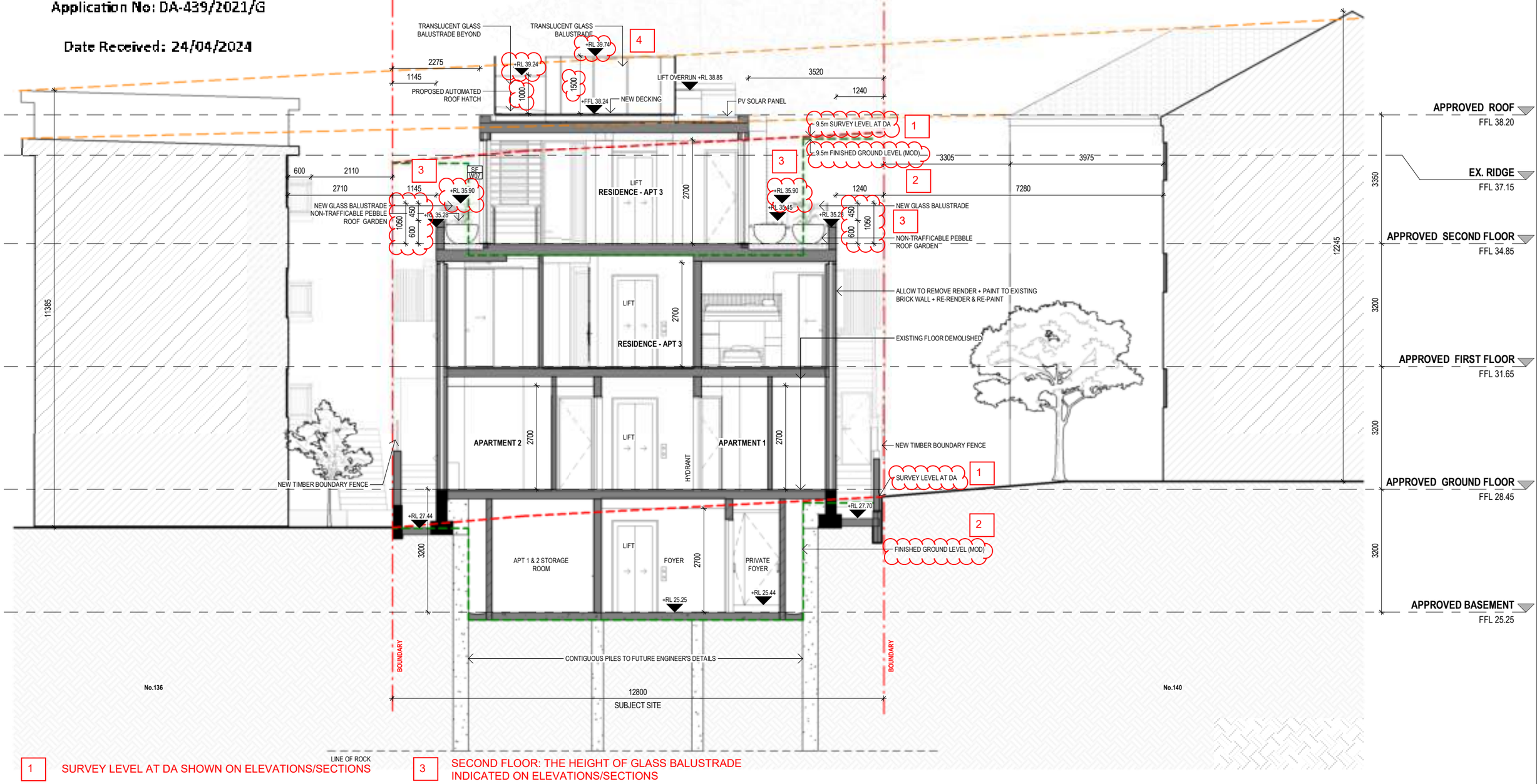
CLIENT: ORNA TRIGUBOFF

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-439/2021/G

Date Received: 24/04/2024



1 SURVEY LEVEL AT DA SHOWN ON ELEVATIONS/SECTIONS

2 FINISHED GROUND LEVEL (MOD) SHOWN ON ELEVATIONS/SECTIONS

3 SECOND FLOOR: THE HEIGHT OF GLASS BALUSTRADE INDICATED ON ELEVATIONS/SECTIONS

4 ROOF TERRACE: THE HEIGHT OF GLASS BALUSTRADE INDICATED ON ELEVATIONS/SECTIONS

GENERAL NOTES:

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S4.55 APPLICATION

ISSUE	DATE	REVISION
L	23.04.2024	RFI GROUND LEVEL COUNCIL'S DEFINITION
K	18.04.2024	ISSUE FOR S4.55
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B	28.09.2021	ISSUE FOR AMENDING DA

LEGEND:

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- 00.000 — SURVEY SPOT LEVEL
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KEY:
Scale 1 : 100 @ A3
0 0.5m 1m 2m 4m

MERITON
Level 11, Meriton Tower
528 Kent St, Sydney 2000
T: +612 9287 2888
F: +612 9287 2777

DRAWING NO: DA171
ISSUE NO: L

S4.55 APPLICATION

DRAWING TITLE: SECTION B

PROJECT NAME: 138 HASTINGS PDE NORTH BONDI

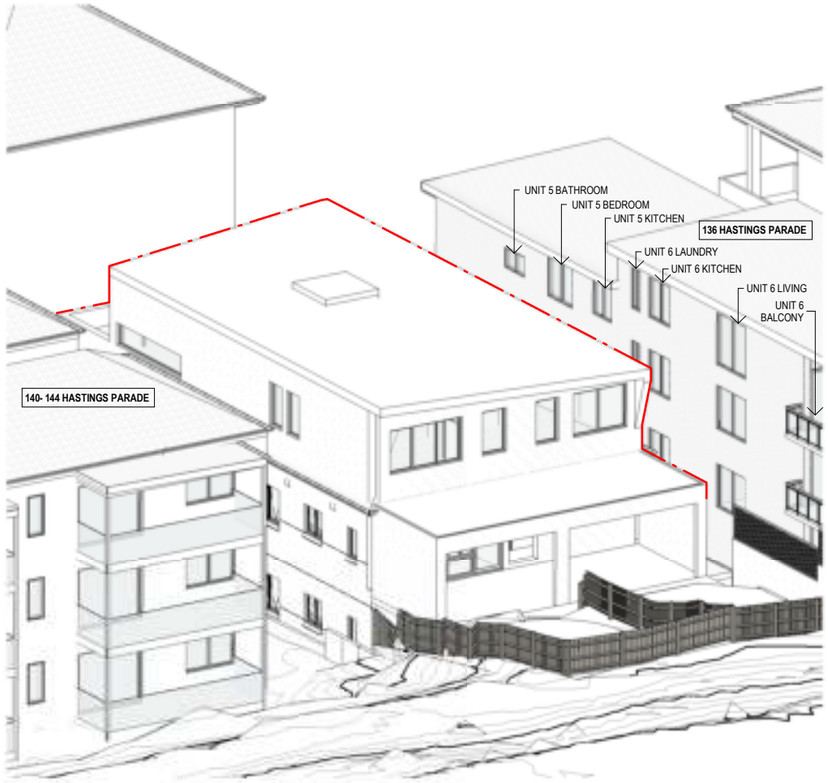
CLIENT: ORNA TRIGUBOFF

AMENDED PLANS

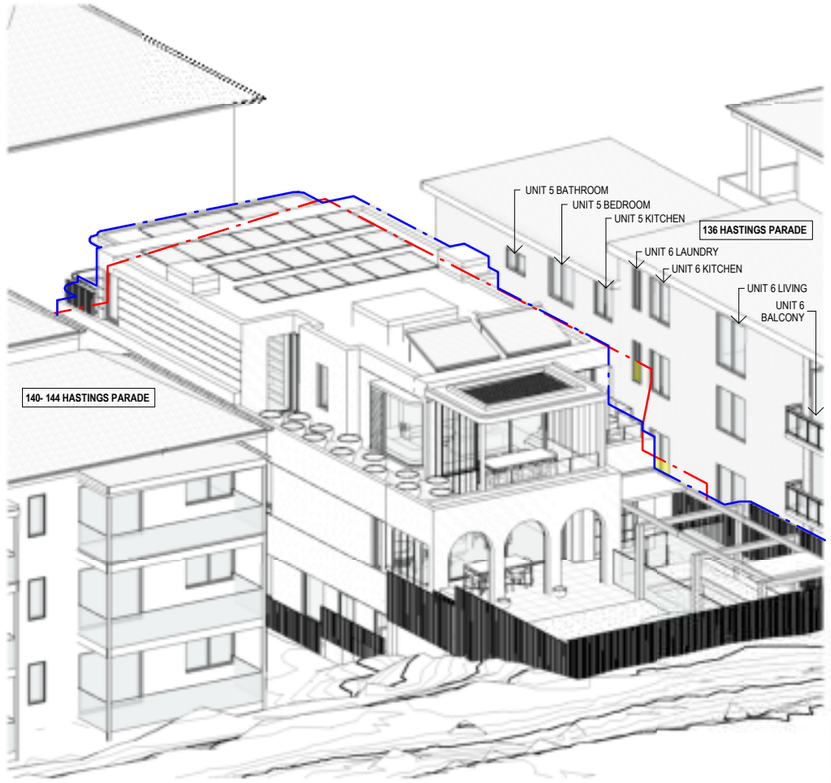
RECEIVED
Waverley Council

Application No: DA-439/2021/G

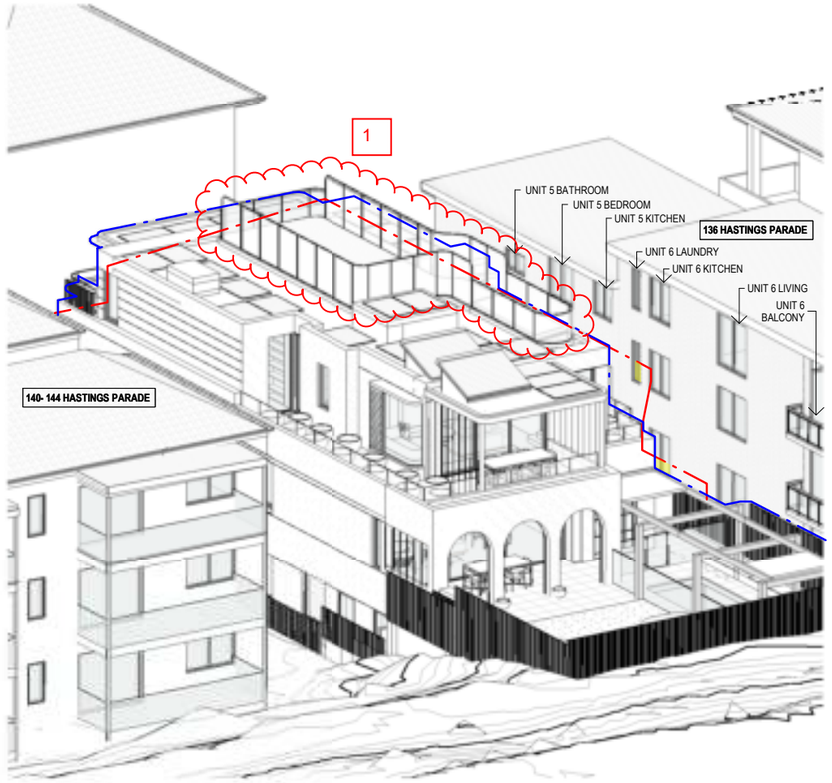
Date Received: 24/04/2024



1 - 9am - PREVIOUS DA APPROVAL



1 - 9am - CURRENT DA



1 - 9am - PROPOSED ROOF TERRACE

1 AMENDMENT TO PROPOSED ROOF TERRACE,
NO ADDITIONAL SHADOWING OF NEIGHBOURING WINDOW

GENERAL NOTES:

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S4.55 APPLICATION

ISSUE	DATE	REVISION
H	18.03.2024	ISSUE FOR S4.55
G	21.02.2024	ISSUE FOR DISCUSSION
F	09.02.2024	ISSUE FOR DISCUSSION
E	07.12.2023	ISSUE FOR S4.55
D	13.11.2023	ISSUE FOR S4.55
C	18.02.2022	ISSUE FOR AMENDING DA
P1	21.12.2021	FOR REVIEW
B	28.09.2021	ISSUE FOR AMENDING DA
A	14.05.2021	ISSUE FOR S4.55

LEGEND:

- FSL 00.00 — FINISHED STRUCTURAL LEVEL
- +RL 00.00 — FINISHED SPOT OR SURFACE LEVEL
- FFL 00.00 — FINISHED FLOOR LEVEL
- 00.000 — SURVEY SPOT LEVEL
- 00.000 — EXISTING LEVEL
- W/D — EXISTING WINDOW/ DOOR
- W/D — NEW WINDOW/ DOOR
- EXISTING TO BE RETAINED
- EXISTING TO BE DEMOLISHED
- NEW STRUCTURE
- PREVIOUS DA APPROVAL BUILDING OUTLINE
- CURRENT DA BUILDING OUTLINE
- SOLAR GAIN

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DRAWING NO: DA700
ISSUE NO: H

S4.55 APPLICATION

DRAWING TITLE: VIEW FROM SUN - JUNE 21 - 9AM

PROJECT NAME: 138 HASTINGS PDE NORTH BONDI

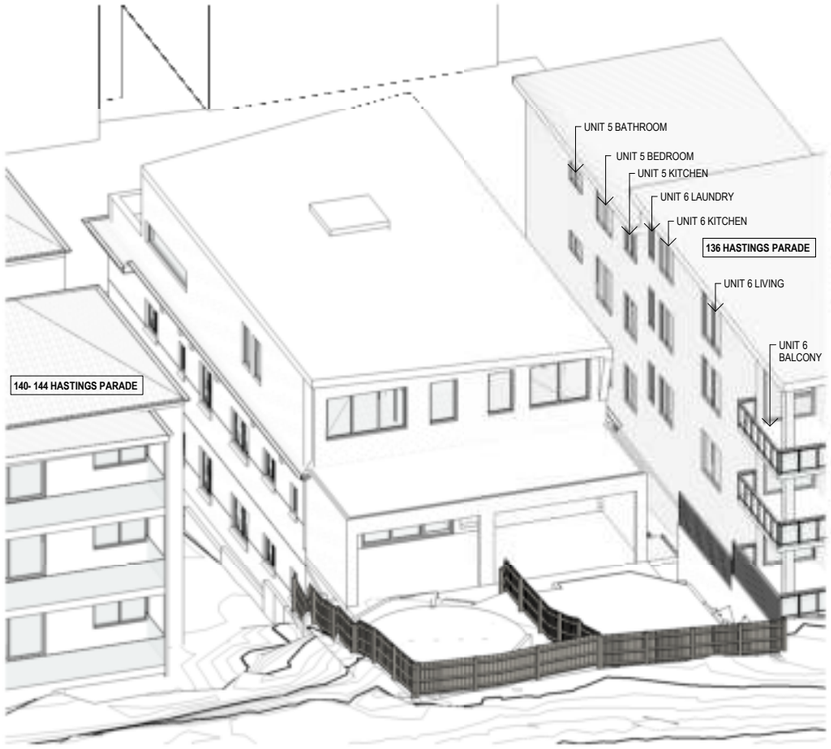
CLIENT: ORNA TRIGUBOFF

AMENDED PLANS

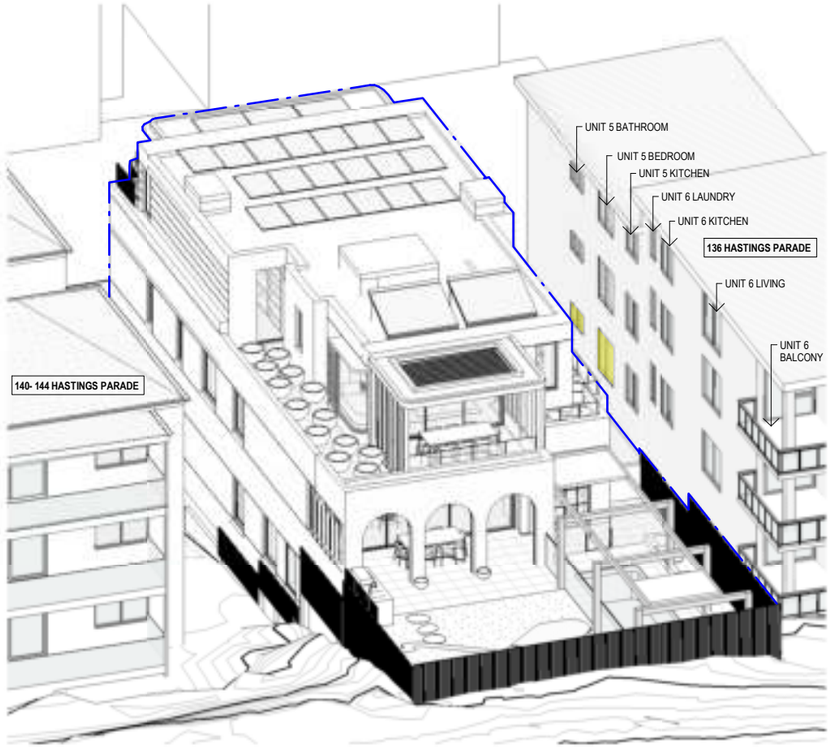
RECEIVED
Waverley Council

Application No: DA-439/2021/G

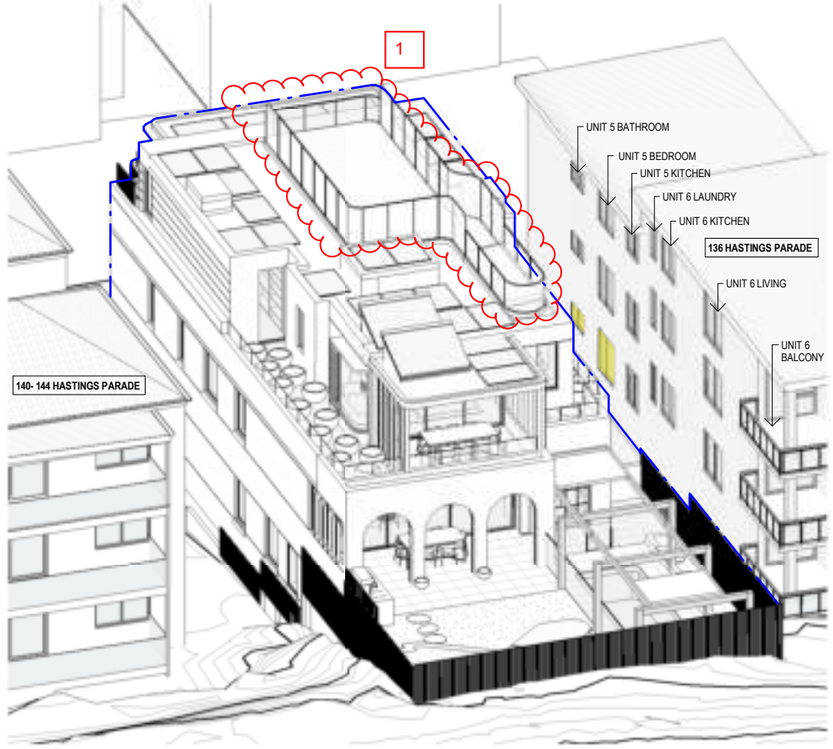
Date Received: 24/04/2024



2 - 10am - PREVIOUS DA APPROVAL



2 - 10am - CURRENT DA



2 - 10am - PROPOSED ROOF TERRACE

1 AMENDMENT TO PROPOSED ROOF TERRACE,
NO ADDITIONAL SHADOWING OF NEIGHBOURING WINDOW

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S4.55 APPLICATION

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A	14.05.2021	ISSUE FOR S4.55

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- 00.000 — SURVEY SPOT LEVEL
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- NEW STRUCTURE
- PREVIOUS DA APPROVAL BUILDING OUTLINE
- CURRENT DA BUILDING OUTLINE
- SOLAR GAIN

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Level 11, Meriton Tower
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T: +612 9287 2888
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DRAWING NO: DA701
ISSUE NO: H

S4.55 APPLICATION

DRAWING TITLE: VIEW FROM SUN - JUNE 21 - 10AM

PROJECT NAME: 138 HASTINGS PDE NORTH BONDI

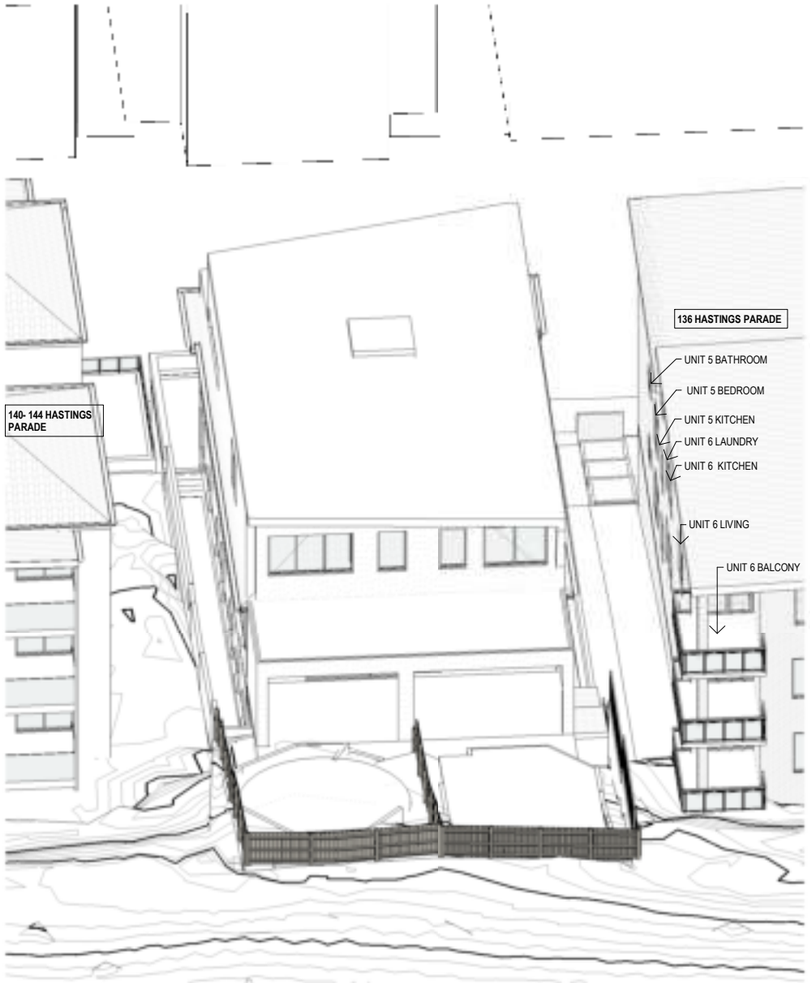
CLIENT: ORNA TRIGUBOFF

AMENDED PLANS

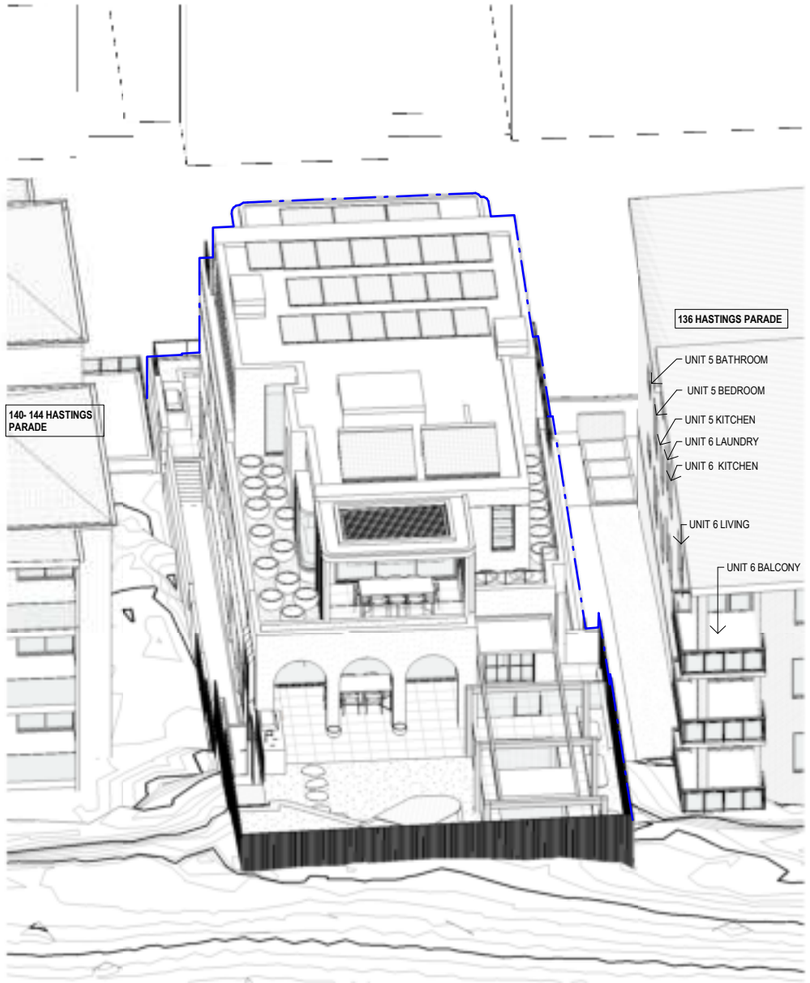
RECEIVED
Waverley Council

Application No: DA-439/2021/G

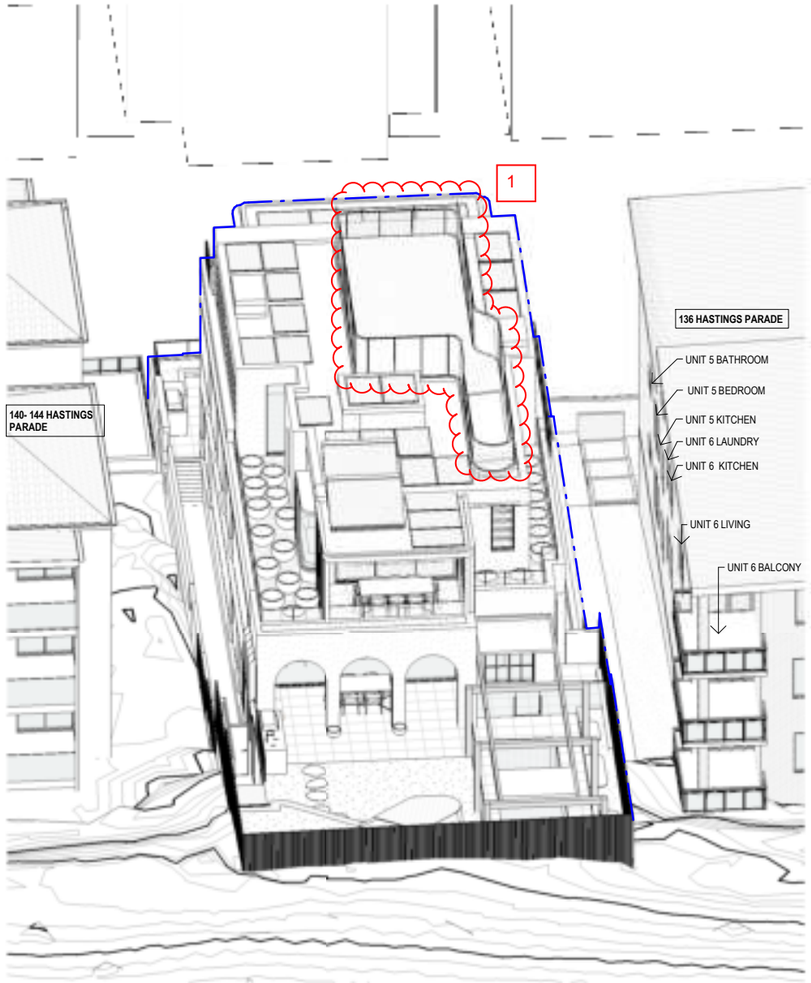
Date Received: 24/04/2024



3 - 11am - PREVIOUS DA APPROVAL



3 - 11am - CURRENT DA



3 - 11am - PROPOSED ROOF TERRACE

1 AMENDMENT TO PROPOSED ROOF TERRACE,
NO ADDITIONAL SHADOWING OF NEIGHBOURING WINDOW

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S4.55 APPLICATION

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A	14.05.2021	ISSUE FOR S4.55

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- NEW STRUCTURE
- PREVIOUS DA APPROVAL BUILDING OUTLINE
- CURRENT DA BUILDING OUTLINE
- SOLAR GAIN

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DRAWING NO: DA702
ISSUE NO: H

S4.55 APPLICATION

DRAWING TITLE: VIEW FROM SUN - JUNE 21 - 11AM

PROJECT NAME: 138 HASTINGS PDE NORTH BONDI

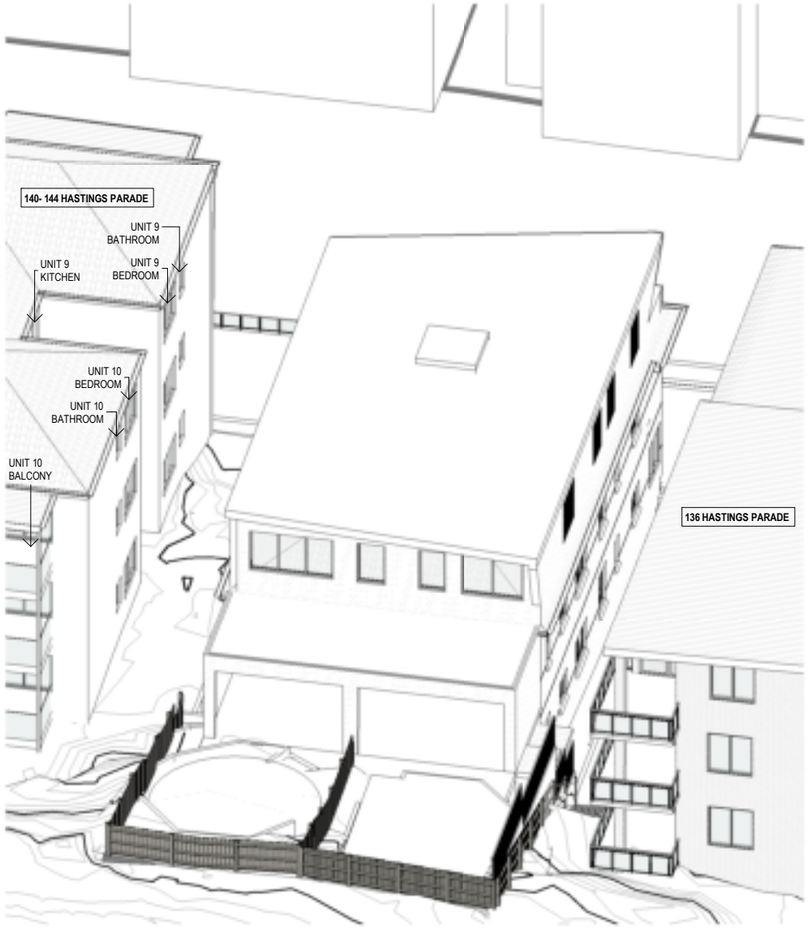
CLIENT: ORNA TRIGUBOFF

AMENDED PLANS

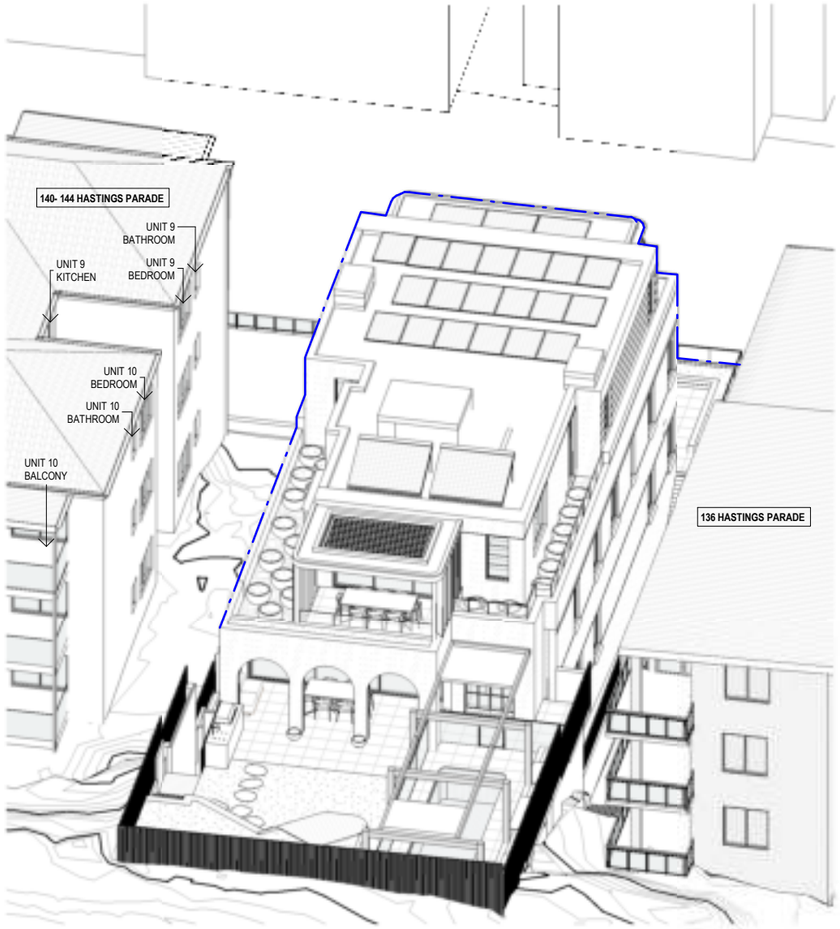
RECEIVED
Waverley Council

Application No: DA-439/2021/G

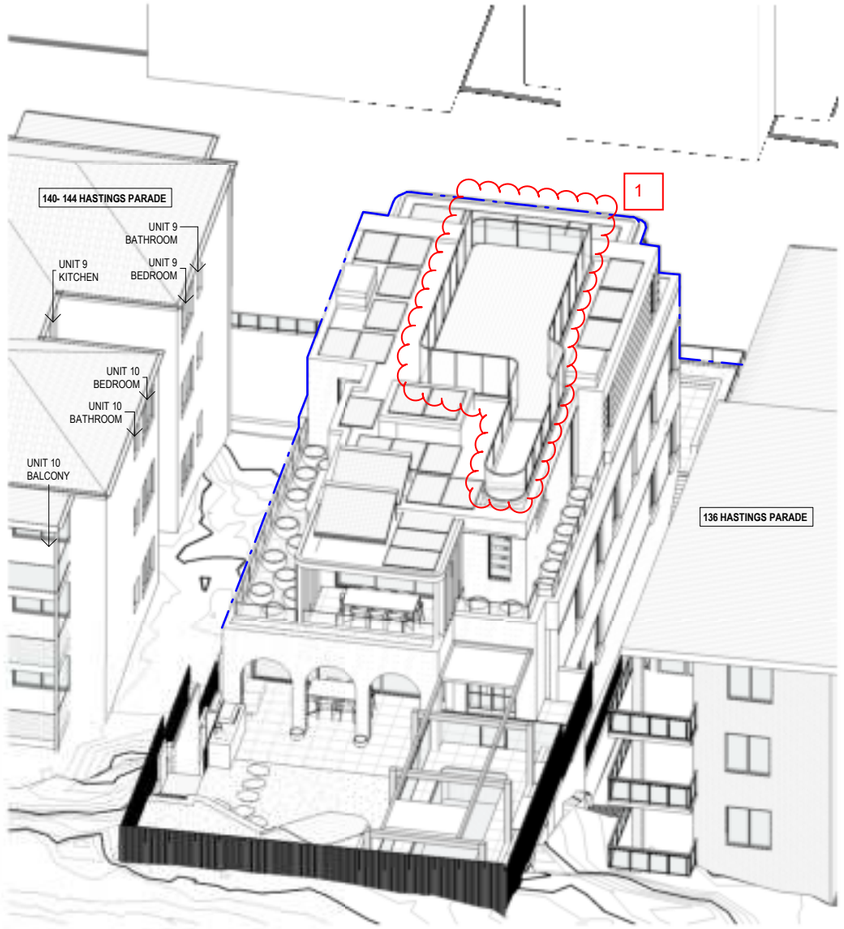
Date Received: 24/04/2024



4 - 12pm - PREVIOUS DA APPROVAL



4 - 12pm - CURRENT DA



4 - 12pm - PROPOSED ROOF TERRACE

1 AMENDMENT TO PROPOSED ROOF TERRACE,
NO ADDITIONAL SHADOWING OF NEIGHBOURING WINDOW

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S4.55 APPLICATION

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C	18.02.2022	ISSUE FOR AMENDING DA
P1	21.12.2021	FOR REVIEW
B	28.09.2021	ISSUE FOR AMENDING DA
A	14.05.2021	ISSUE FOR S4.55

LEGEND:

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- +RL 00.00 — FINISHED SPOT OR SURFACE LEVEL
- FFL 00.00 — FINISHED FLOOR LEVEL
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- NEW STRUCTURE
- PREVIOUS DA APPROVAL BUILDING OUTLINE
- CURRENT DA BUILDING OUTLINE
- SOLAR GAIN

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Level 11, Meriton Tower
528 Kent St, Sydney 2000
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F: +612 9287 2777

DRAWING NO: DA703
ISSUE NO: H

S4.55 APPLICATION

DRAWING TITLE: VIEW FROM SUN - JUNE 21 - 12PM

PROJECT NAME: 138 HASTINGS PDE NORTH BONDI

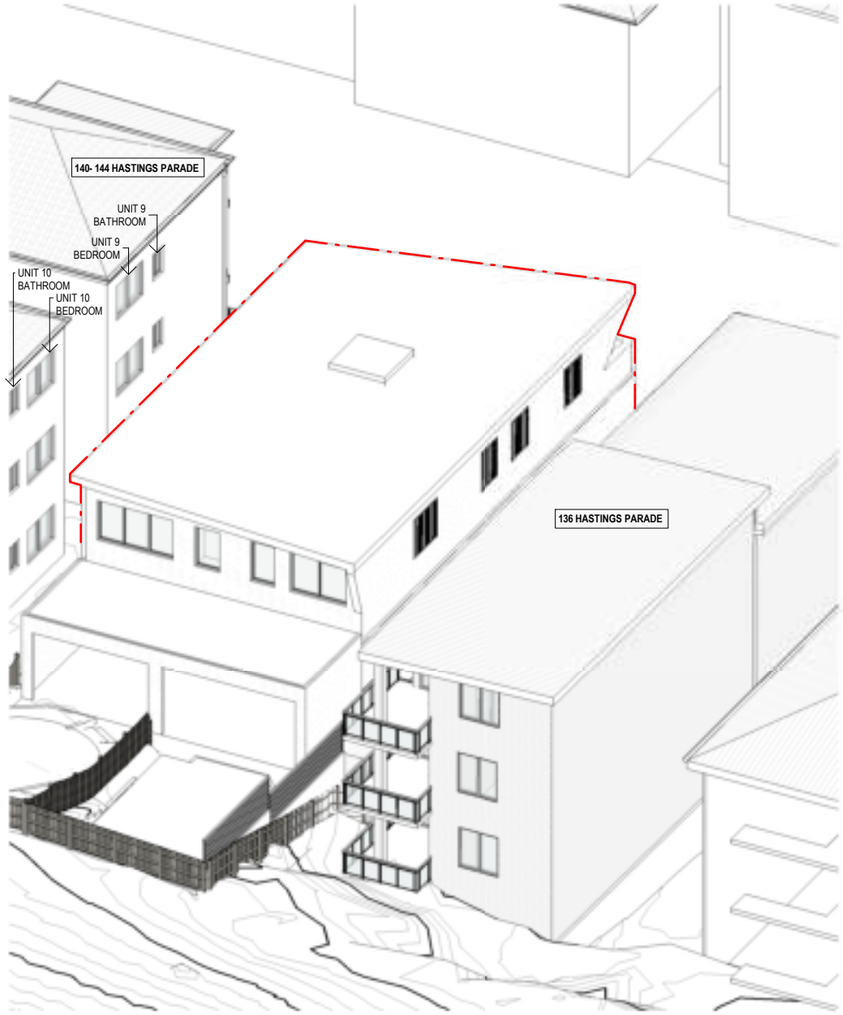
CLIENT: ORNA TRIGUBOFF

AMENDED PLANS

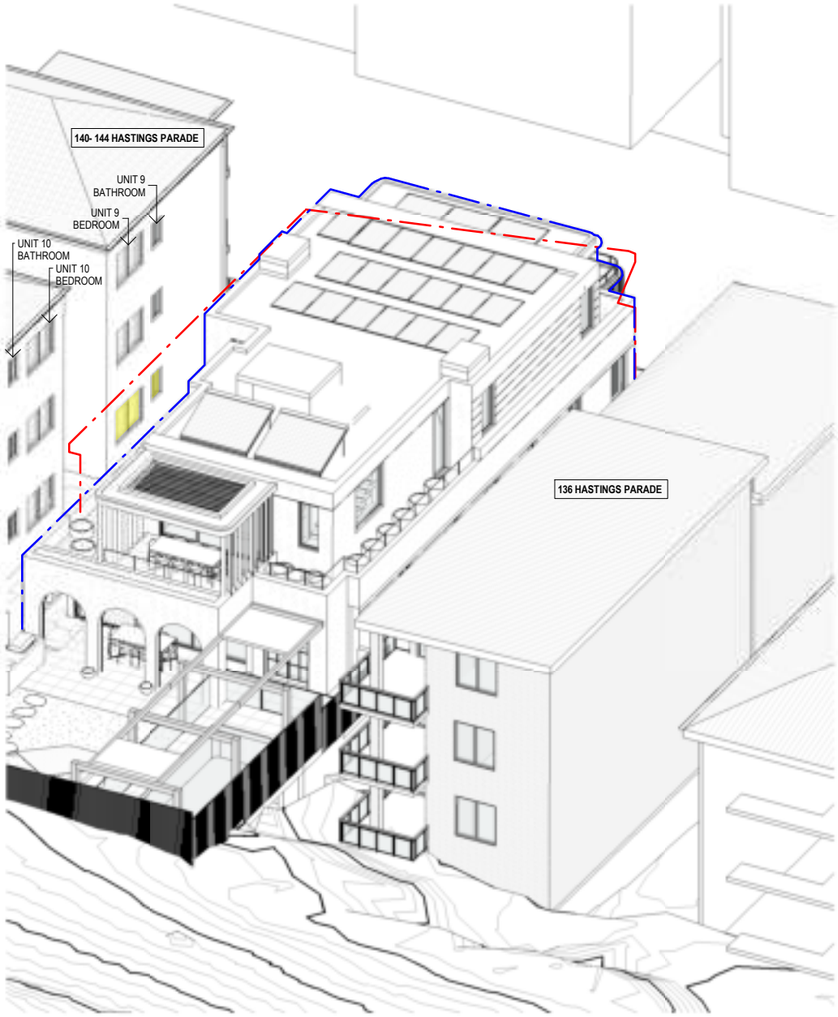
RECEIVED
Waverley Council

Application No: DA-439/2021/G

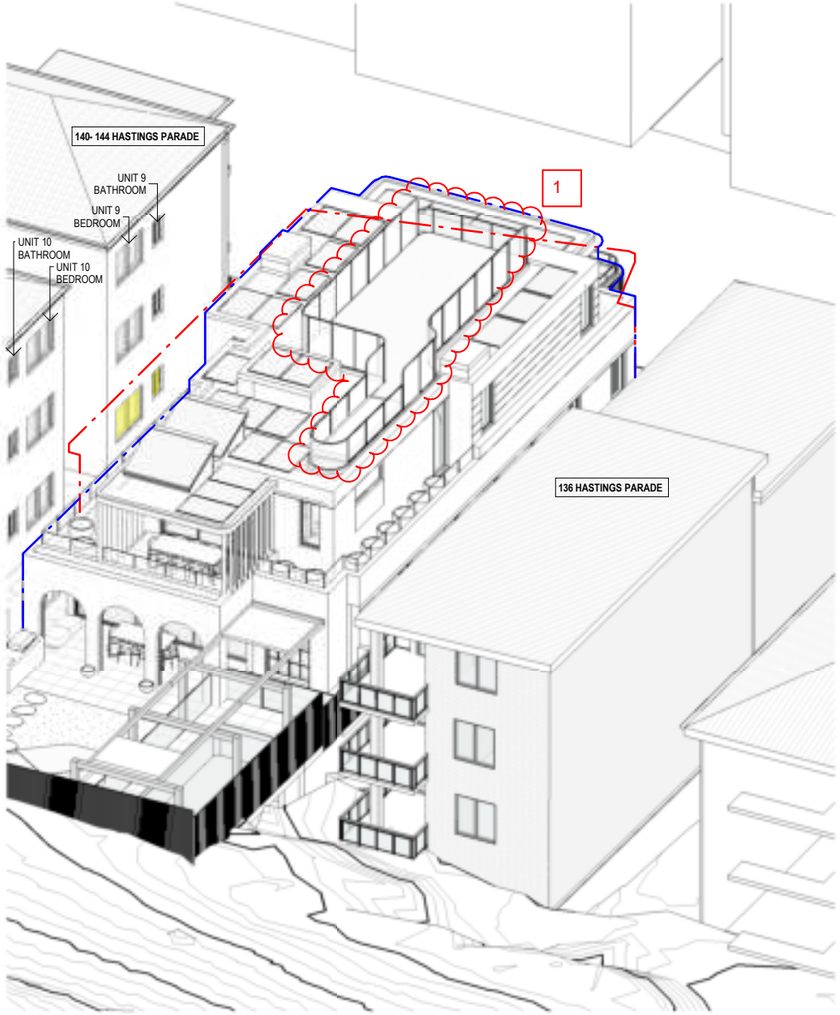
Date Received: 24/04/2024



5 - 1pm - PREVIOUS DA APPROVAL



5 - 1pm - CURRENT DA



5 - 1pm - PROPOSED ROOF TERRACE

1 AMENDMENT TO PROPOSED ROOF TERRACE,
NO ADDITIONAL SHADOWING OF NEIGHBOURING WINDOW

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S4.55 APPLICATION

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H	18.03.2024	ISSUE FOR S4.55
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D	13.11.2023	ISSUE FOR S4.55
C	18.02.2022	ISSUE TO COUNCIL
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B	28.09.2021	ISSUE FOR AMENDING DA
A	14.05.2021	ISSUE FOR S4.55

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- NEW STRUCTURE
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- CURRENT DA BUILDING OUTLINE
- SOLAR GAIN

MERITON
Level 11, Meriton Tower
528 Kent St, Sydney 2000
T: +612 9287 2888
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DRAWING NO: DA704
ISSUE NO: H

S4.55 APPLICATION

DRAWING TITLE: VIEW FROM SUN - JUNE 21 - 1PM

PROJECT NAME: 138 HASTINGS PDE NORTH BONDI

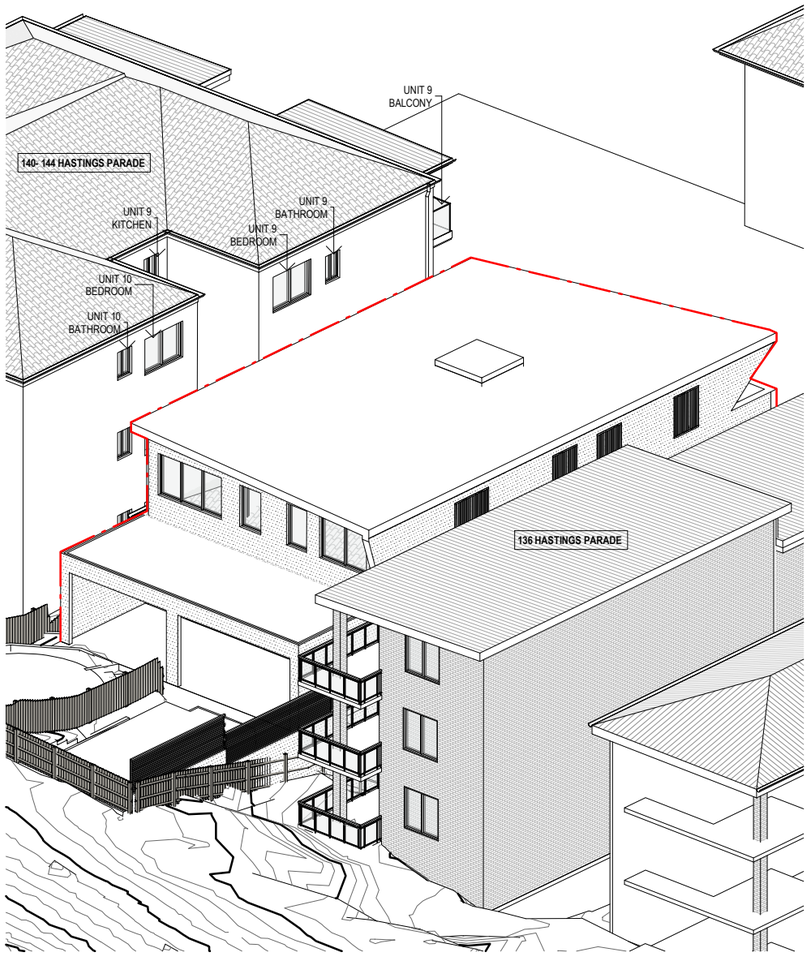
CLIENT: ORNA TRIGUBOFF

AMENDED PLANS

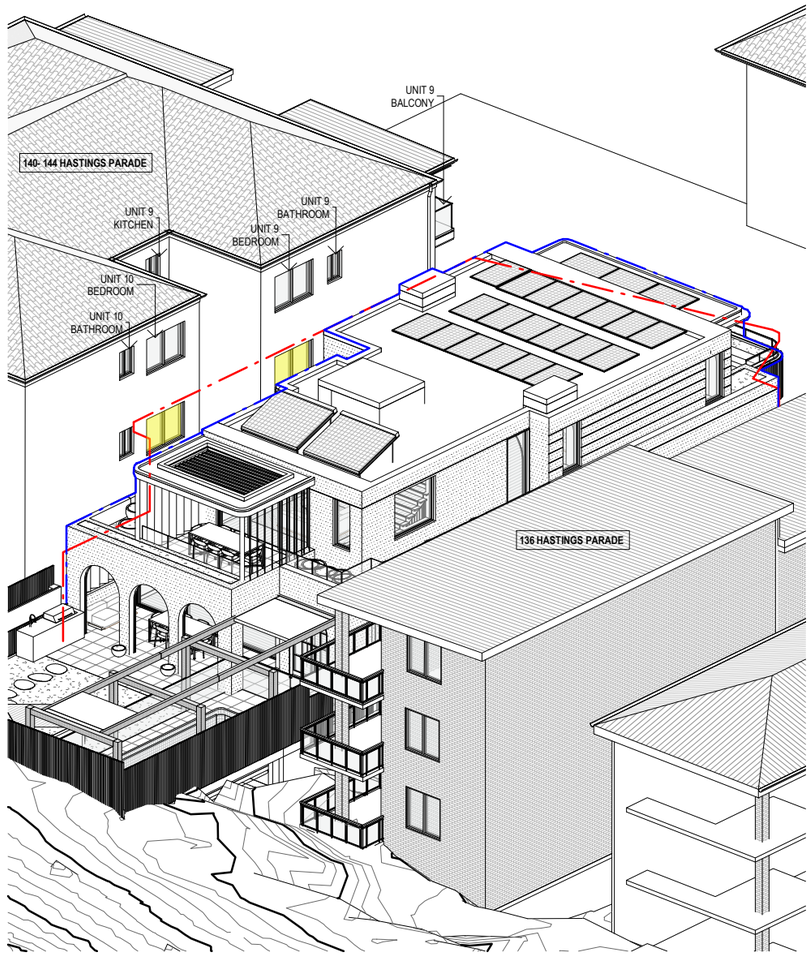
RECEIVED
Waverley Council

Application No: DA-439/2021/G

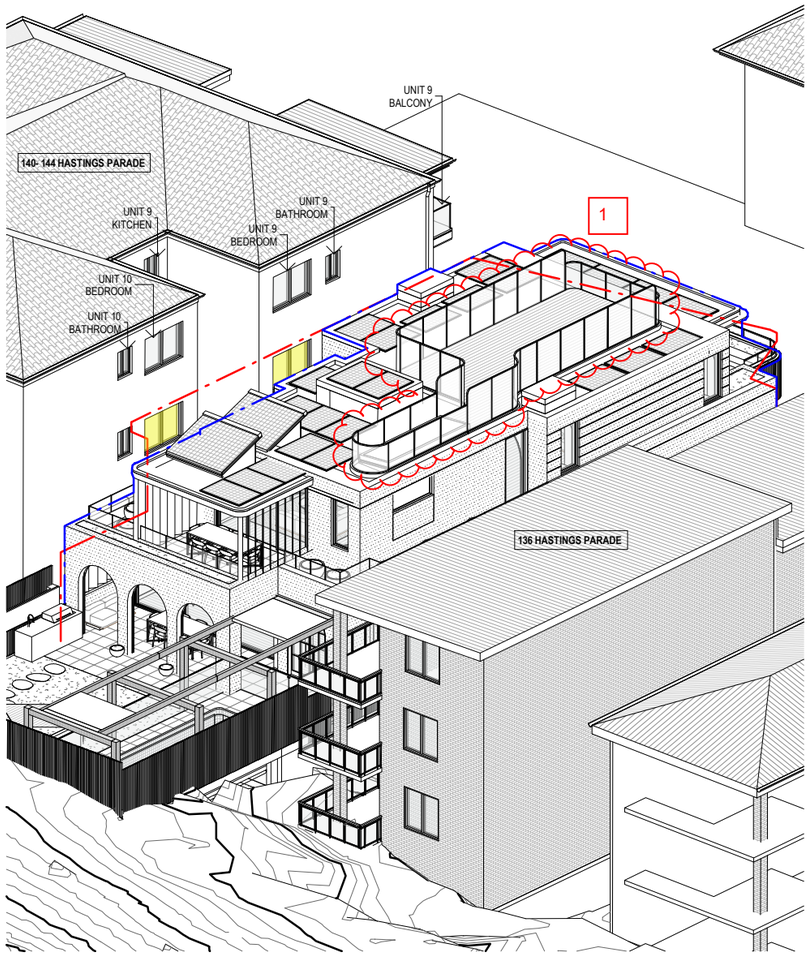
Date Received: 24/04/2024



6 - 2pm - PREVIOUS DA APPROVAL



6 - 2pm - CURRENT DA



6 - 2pm - PROPOSED ROOF TERRACE

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S4.55 APPLICATION

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A	14.05.2021	ISSUE FOR S4.55

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- SP 00.000 — SURVEY SPOT LEVEL
- 00.000 — EXISTING LEVEL
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- NEW STRUCTURE
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- CURRENT DA BUILDING OUTLINE
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MERITON
Level 11, Meriton Tower
528 Kent St, Sydney 2000
T: +612 9287 2888
F: +612 9287 2777

DRAWING NO: DA705
ISSUE NO: H

S4.55 APPLICATION

DRAWING TITLE:
VIEW FROM SUN - JUNE 21 - 2PM

PROJECT NAME:
138 HASTINGS PDE NORTH BONDI

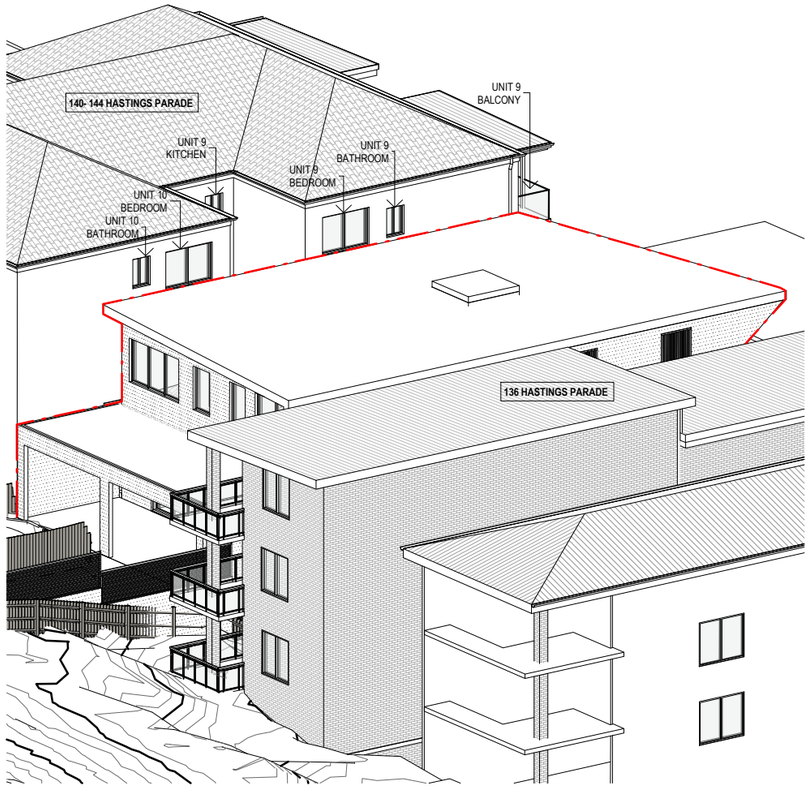
CLIENT:
ORNA TRIGUBOFF

AMENDED PLANS

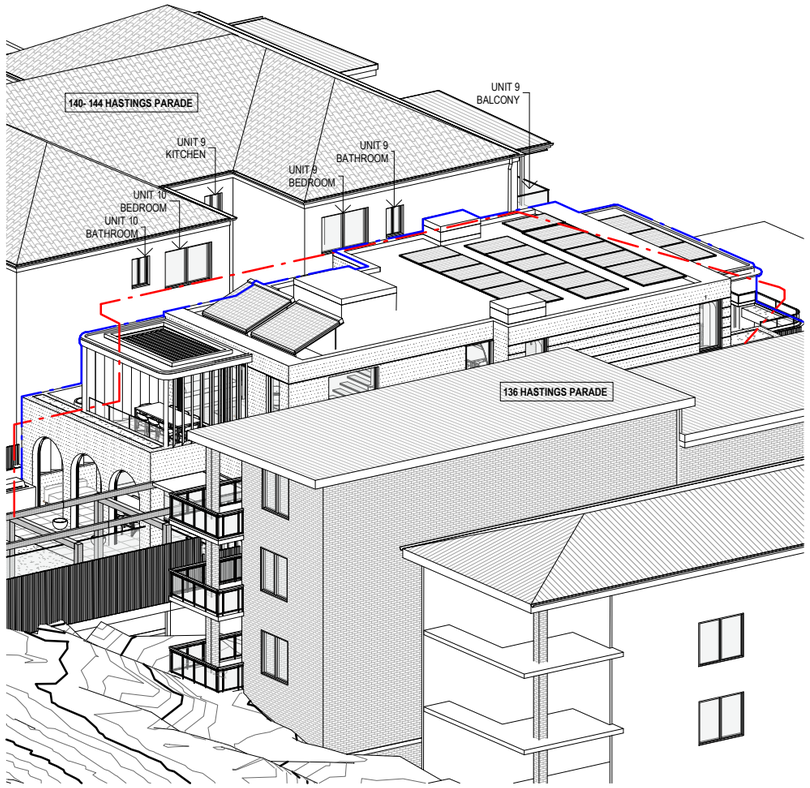
RECEIVED
Waverley Council

Application No: DA-439/2021/G

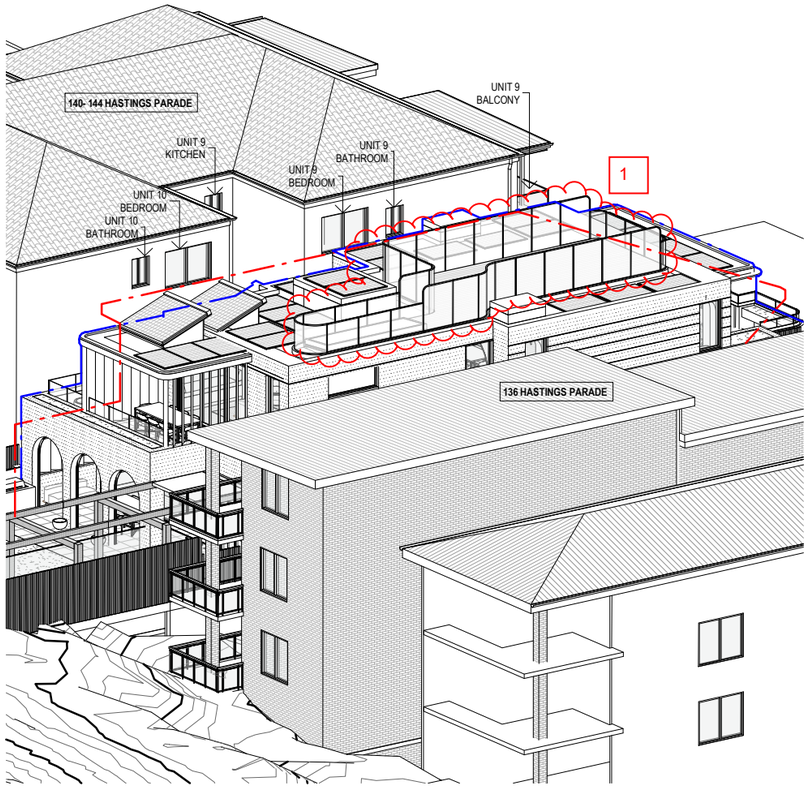
Date Received: 24/04/2024



7 - 3pm - PREVIOUS DA APPROVAL



7 - 3pm - CURRENT DA



7 - 3pm - PROPOSED ROOF TERRACE

1 AMENDMENT TO PROPOSED ROOF TERRACE
NO ADDITIONAL SHADOWING OF NEIGHBOURING WINDOW

GENERAL NOTES:

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S4.55 APPLICATION

ISSUE	DATE	REVISION
H	18.03.2024	ISSUE FOR S4.55
G	21.02.2024	ISSUE FOR DISCUSSION
F	09.02.2024	ISSUE FOR DISCUSSION
E	07.12.2023	ISSUE FOR S4.55
D	13.11.2023	ISSUE FOR S4.55
C	18.02.2022	ISSUE FOR AMENDING DA
P1	21.12.2021	FOR REVIEW
B	28.09.2021	ISSUE FOR AMENDING DA
A	14.05.2021	ISSUE FOR S4.55

LEGEND:

- FSL 00.00 — FINISHED STRUCTURAL LEVEL
- +RL 00.00 — FINISHED SPOT OR SURFACE LEVEL
- FFL 00.00 — FINISHED FLOOR LEVEL
- 00.000 — SURVEY SPOT LEVEL
- 00.000 — EXISTING LEVEL
- W/D — EXISTING WINDOW/ DOOR
- W/D — NEW WINDOW/ DOOR
- EXISTING TO BE RETAINED
- EXISTING TO BE DEMOLISHED
- NEW STRUCTURE
- PREVIOUS DA APPROVAL BUILDING OUTLINE
- CURRENT DA BUILDING OUTLINE
- SOLAR GAIN

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528 Kent St, Sydney 2000
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DRAWING NO: DA706
ISSUE NO: H

S4.55 APPLICATION

DRAWING TITLE: VIEW FROM SUN - JUNE 21 - 3PM

PROJECT NAME: 138 HASTINGS PDE NORTH BONDI

CLIENT: ORNA TRIGUBOFF

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-439/2021/G

Date Received: 24/04/2024

VIEW 1: 136 HASTINGS PDE UNIT 5 BATHROOM (CURRENT DA)

1

VIEW 2: 136 HASTINGS PDE UNIT 5 BATHROOM (PROPOSED ROOF TERRACE)

1 AMENDMENT TO PROPOSED ROOF TERRACE

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S4.55 APPLICATION

ISSUE	DATE	REVISION
C	18.03.2024	ISSUE FOR S4.55
B	09.02.2024	ISSUE FOR DISCUSSION
A	07.12.2023	ISSUE FOR S4.55

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- W/D — EXISTING WINDOW/ DOOR
- W/D — NEW WINDOW/ DOOR
- EXISTING TO BE RETAINED
- EXISTING TO BE DEMOLISHED
- NEW STRUCTURE

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DRAWING NO: DA800
ISSUE NO: C

S4.55 APPLICATION

DRAWING TITLE: 136 HASTINGS PDE UNIT 5 BATHROOM VIEW

PROJECT NAME: 138 HASTINGS PDE NORTH BONDI

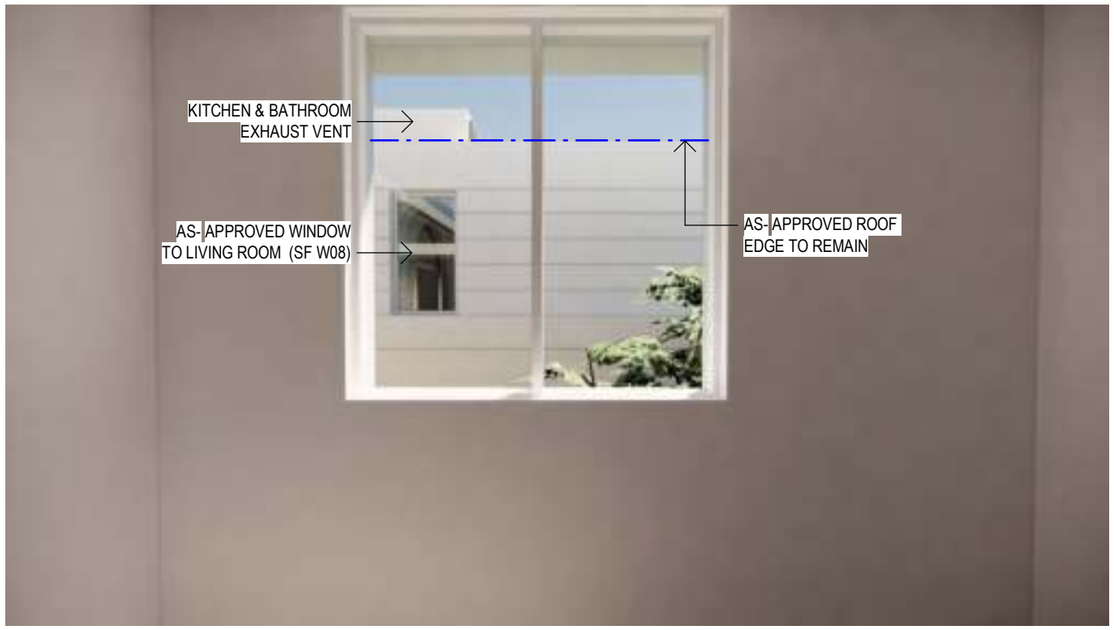
CLIENT: ORNA TRIGUBOFF

AMENDED PLANS

RECEIVED
Waverley Council

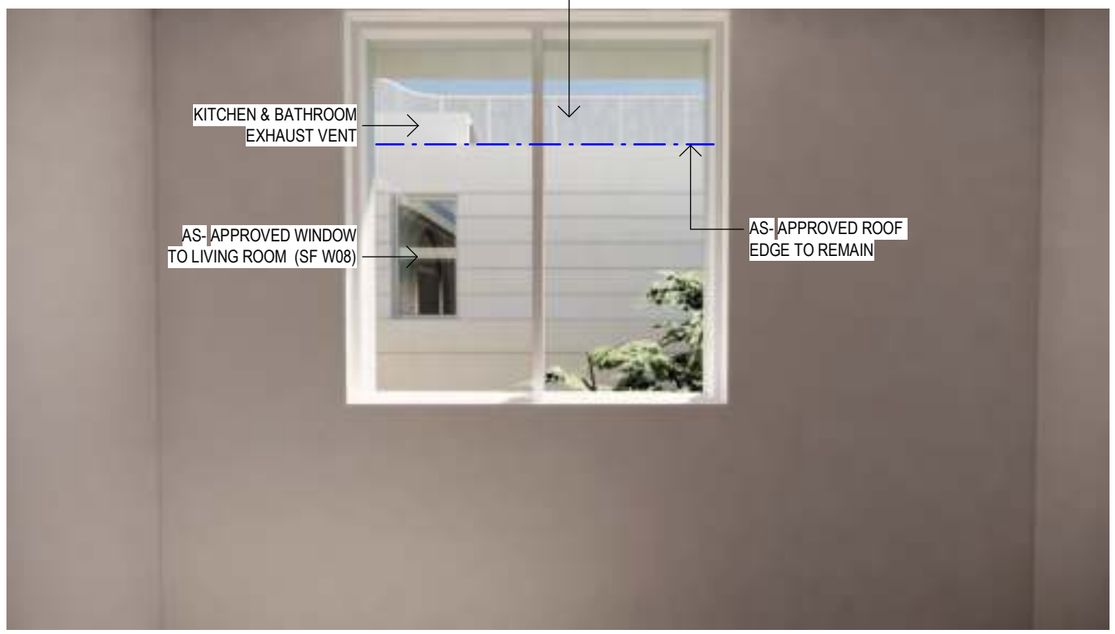
Application No: DA-439/2021/G

Date Received: 24/04/2024



VIEW 1: 136 HASTINGS PDE UNIT 5 BEDROOM (CURRENT DA)

1



VIEW 2: 136 HASTINGS PDE UNIT 5 BEDROOM (PROPOSED ROOF TERRACE)

1 AMENDMENT TO PROPOSED ROOF TERRACE

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S4.55 APPLICATION

ISSUE	DATE	REVISION
C	18.03.2024	ISSUE FOR S4.55
B	09.02.2024	ISSUE FOR DISCUSSION
A	07.12.2023	ISSUE FOR S4.55

LEGEND:

FSL 00.00	FINISHED STRUCTURAL LEVEL
+RL 00.00	FINISHED SPOT OR SURFACE LEVEL
FFL 00.00	FINISHED FLOOR LEVEL
00.000	SURVEY SPOT LEVEL
00.000	EXISTING LEVEL
W/D	EXISTING WINDOW/ DOOR
W/D	NEW WINDOW/ DOOR
	EXISTING TO BE RETAINED
	EXISTING TO BE DEMOLISHED
	NEW STRUCTURE

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DRAWING NO: DA801
ISSUE NO: C

S4.55 APPLICATION

DRAWING TITLE: 136 HASTINGS PDE UNIT 5 BEDROOM VIEW

PROJECT NAME: 138 HASTINGS PDE NORTH BONDI

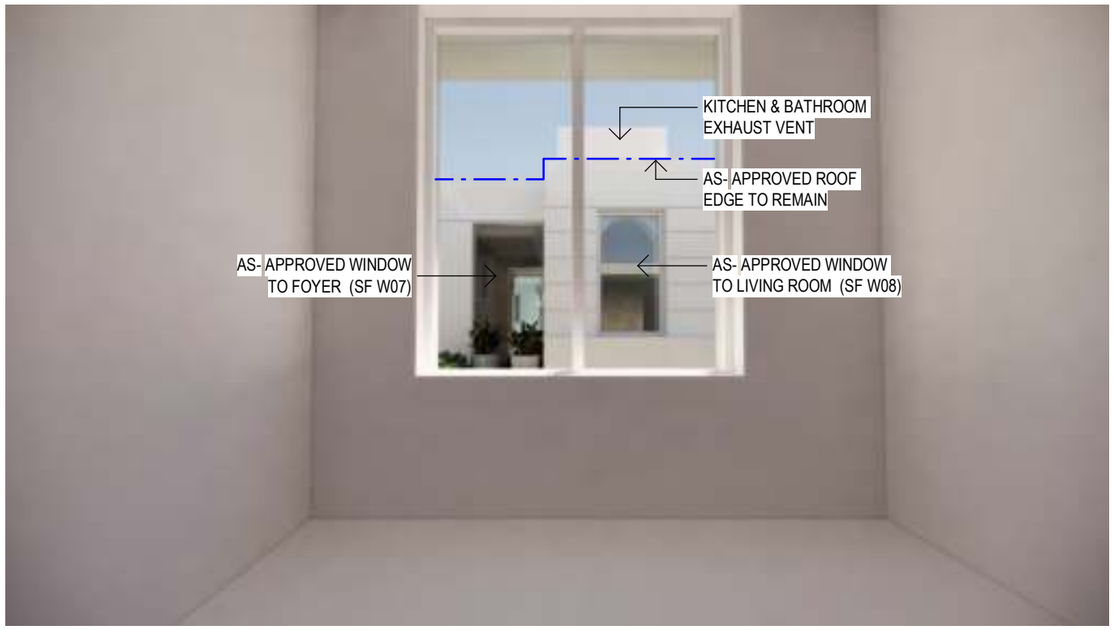
CLIENT: ORNA TRIGUBOFF

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-439/2021/G

Date Received: 24/04/2024



VIEW 1: 136 HASTINGS PDE UNIT 5 KITCHEN (CURRENT DA)

1

VIEW 2: 136 HASTINGS PDE UNIT 5 KITCHEN (PROPOSED ROOF TERRACE)

1 AMENDMENT TO PROPOSED ROOF TERRACE

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S4.55 APPLICATION

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- W/D — NEW WINDOW/ DOOR
- EXISTING TO BE RETAINED
- EXISTING TO BE DEMOLISHED
- NEW STRUCTURE

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528 Kent St, Sydney 2000
T: +612 9287 2888
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DRAWING NO: DA802
ISSUE NO: C

S4.55 APPLICATION

DRAWING TITLE: 136 HASTINGS PDE UNIT 5 KITCHEN VIEW

PROJECT NAME: 138 HASTINGS PDE NORTH BONDI

CLIENT: ORNA TRIGUBOFF

AMENDED PLANS

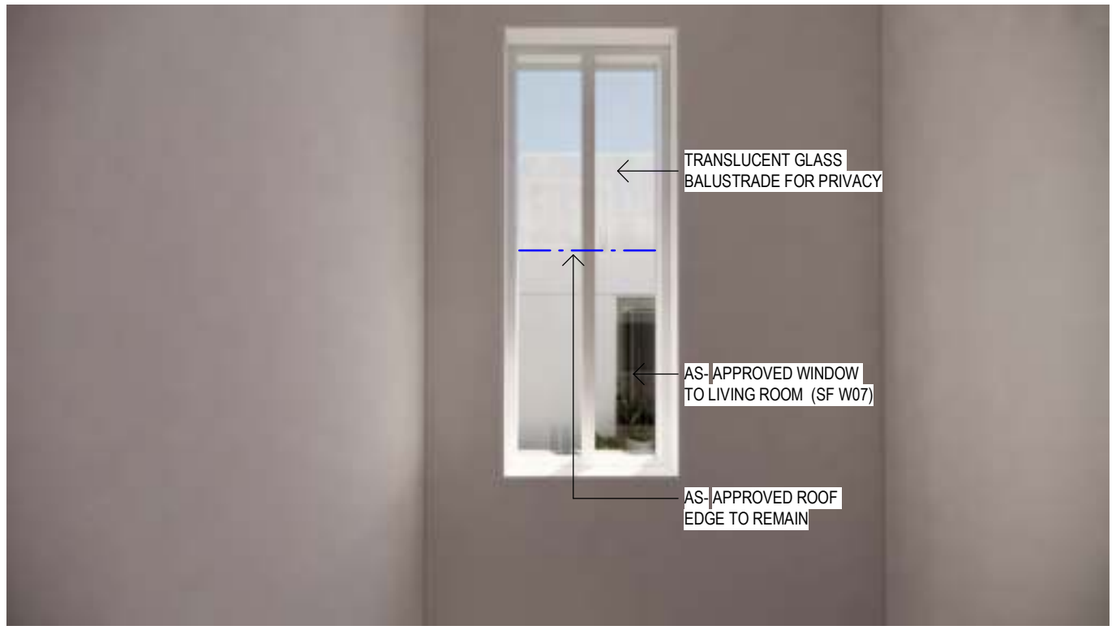
RECEIVED
Waverley Council

Application No: DA-439/2021/G

Date Received: 24/04/2024

VIEW 1: 136 HASTINGS PDE UNIT 6 LAUNDRY (CURRENT DA)

1



VIEW 2: 136 HASTINGS PDE UNIT 6 LAUNDRY (PROPOSED ROOF TERRACE)

1 AMENDMENT TO PROPOSED ROOF TERRACE

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S4.55 APPLICATION

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- W/D — NEW WINDOW/ DOOR
- EXISTING TO BE RETAINED
- EXISTING TO BE DEMOLISHED
- NEW STRUCTURE

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528 Kent St, Sydney 2000
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DRAWING NO: DA803
ISSUE NO: C

S4.55 APPLICATION

DRAWING TITLE: 136 HASTINGS PDE UNIT 6 LAUNDRY VIEW

PROJECT NAME: 138 HASTINGS PDE NORTH BONDI

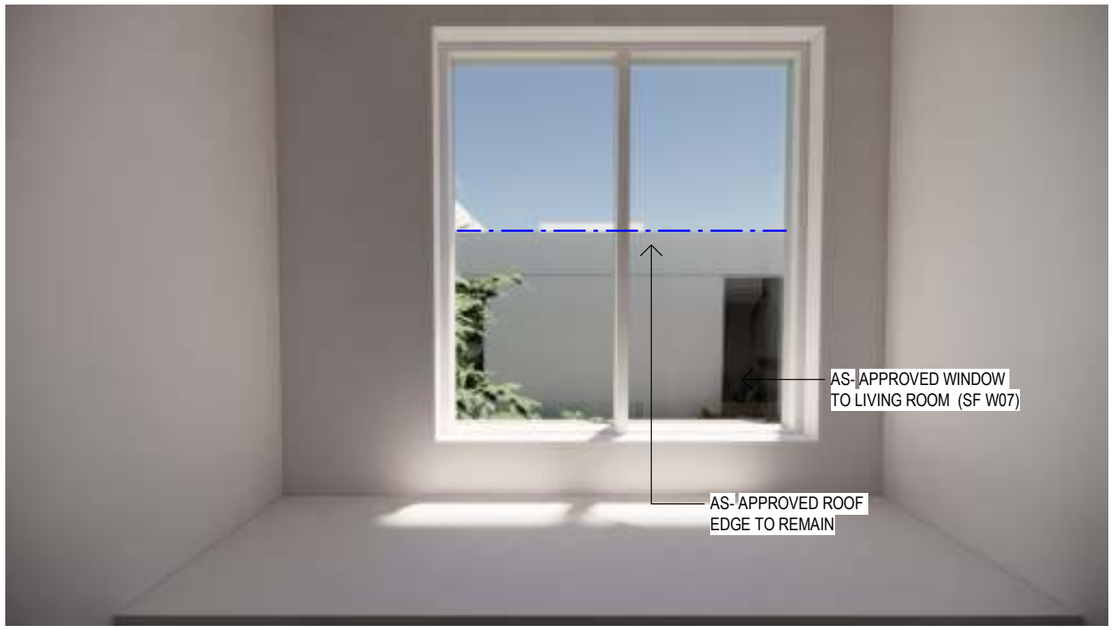
CLIENT: ORNA TRIGUBOFF

AMENDED PLANS

RECEIVED
Waverley Council

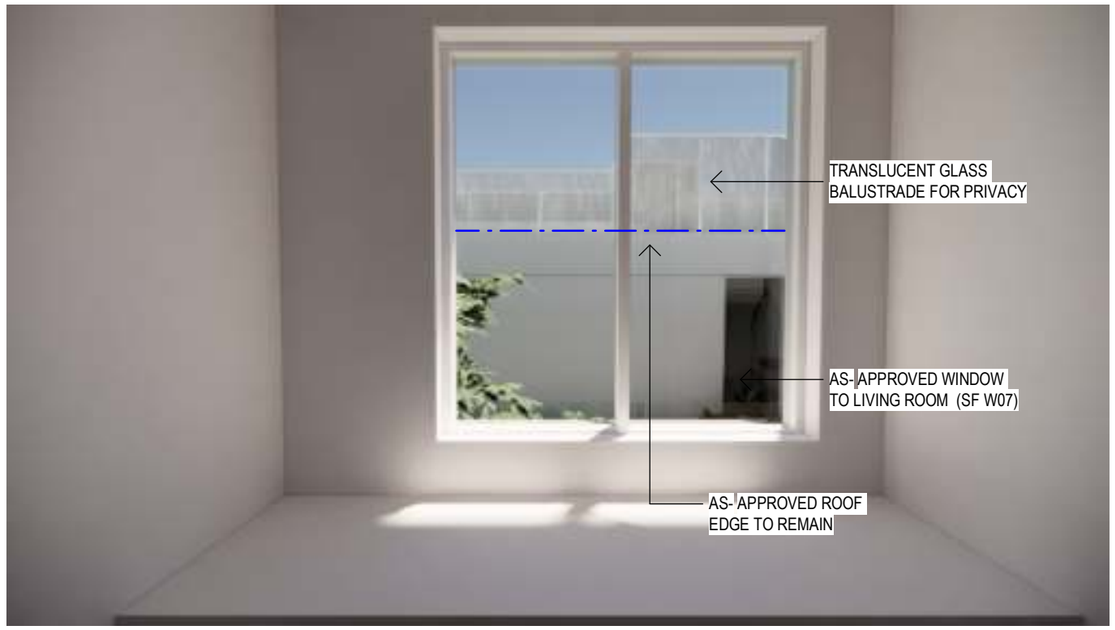
Application No: DA-439/2021/G

Date Received: 24/04/2024



VIEW 1: 136 HASTINGS PDE UNIT 6 KITCHEN (CURRENT DA)

1



VIEW 2: 136 HASTINGS PDE UNIT 6 KITCHEN (PROPOSED ROOF TERRACE)

1 AMENDMENT TO PROPOSED ROOF TERRACE

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S4.55 APPLICATION

ISSUE	DATE	REVISION
C	18.03.2024	ISSUE FOR S4.55
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A	07.12.2023	ISSUE FOR S4.55

LEGEND:

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- 00.000 — EXISTING LEVEL
- W/D — EXISTING WINDOW/ DOOR
- W/D — NEW WINDOW/ DOOR
- EXISTING TO BE RETAINED
- EXISTING TO BE DEMOLISHED
- NEW STRUCTURE

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528 Kent St, Sydney 2000
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DRAWING NO: DA804
ISSUE NO: C

S4.55 APPLICATION

DRAWING TITLE: 136 HASTINGS PDE UNIT 6 KITCHEN VIEW

PROJECT NAME: 138 HASTINGS PDE NORTH BONDI

CLIENT: ORNA TRIGUBOFF

AMENDED PLANS

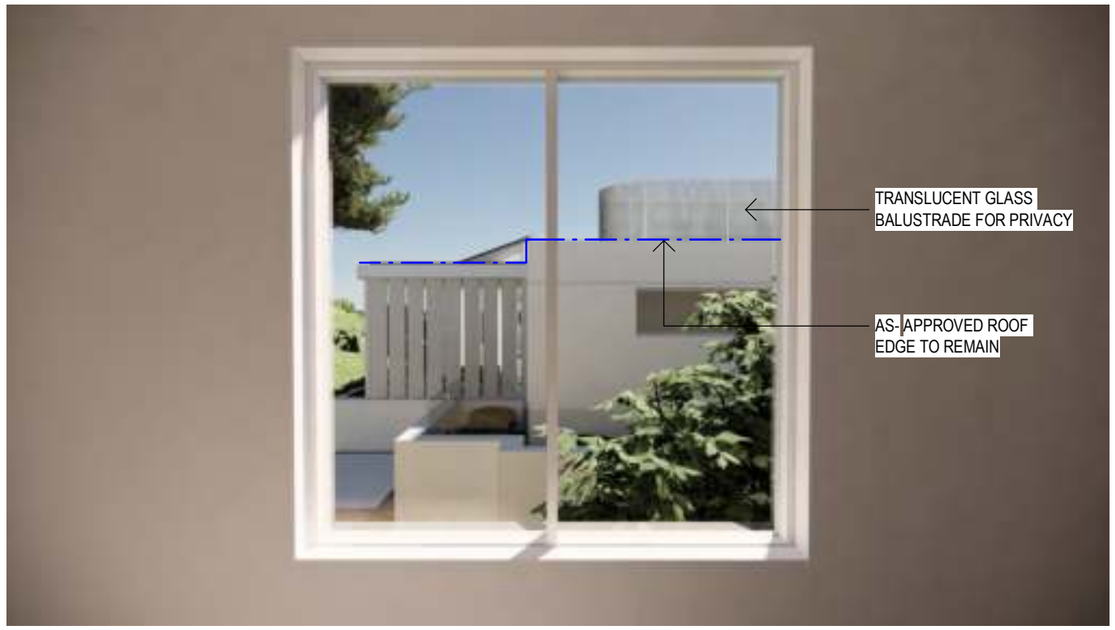
RECEIVED
Waverley Council

Application No: DA-439/2021/G

Date Received: 24/04/2024

VIEW 1: 136 HASTINGS PDE UNIT 6 LIVING (CURRENT DA)

1



VIEW 2: 136 HASTINGS PDE UNIT 6 LIVING (PROPOSED ROOF TERRACE)

1 AMENDMENT TO PROPOSED ROOF TERRACE

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S4.55 APPLICATION

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- EXISTING TO BE RETAINED
- EXISTING TO BE DEMOLISHED
- NEW STRUCTURE

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DRAWING NO: DA805
ISSUE NO: C

S4.55 APPLICATION

DRAWING TITLE: 136 HASTINGS PDE UNIT 6 LIVING VIEW

PROJECT NAME: 138 HASTINGS PDE NORTH BONDI

CLIENT: ORNA TRIGUBOFF

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-439/2021/G

Date Received: 24/04/2024

VIEW 1: 136 HASTINGS PDE UNIT 6 BALCONY (CURRENT DA)

1

VIEW 2: 136 HASTINGS PDE UNIT 6 BALCONY (PROPOSED ROOF TERRACE)

1 AMENDMENT TO PROPOSED ROOF TERRACE

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S4.55 APPLICATION

ISSUE	DATE	REVISION
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A	07.12.2023	ISSUE FOR S4.55

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

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F: +612 9287 2777

DRAWING NO: DA806
ISSUE NO: C

S4.55 APPLICATION

DRAWING TITLE: 136 HASTINGS PDE UNIT 6 BALCONY VIEW

PROJECT NAME: 138 HASTINGS PDE NORTH BONDI

CLIENT: ORNA TRIGUBOFF

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-439/2021/G

Date Received: 24/04/2024

VIEW 1: 140 HASTINGS PDE UNIT 9 BALCONY (CURRENT DA)

1

VIEW 2: 140 HASTINGS PDE UNIT 9 BALCONY (PROPOSED ROOF TERRACE)

1 AMENDMENT TO PROPOSED ROOF TERRACE

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S4.55 APPLICATION

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- EXISTING TO BE RETAINED
- EXISTING TO BE DEMOLISHED
- NEW STRUCTURE

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Level 11, Meriton Tower
528 Kent St, Sydney 2000
T: +612 9287 2888
F: +612 9287 2777

DRAWING NO: DA807
ISSUE NO: C

S4.55 APPLICATION

DRAWING TITLE:
140 HASTINGS PDE UNIT 9 BALCONY VIEW

PROJECT NAME:
138 HASTINGS PDE NORTH BONDI

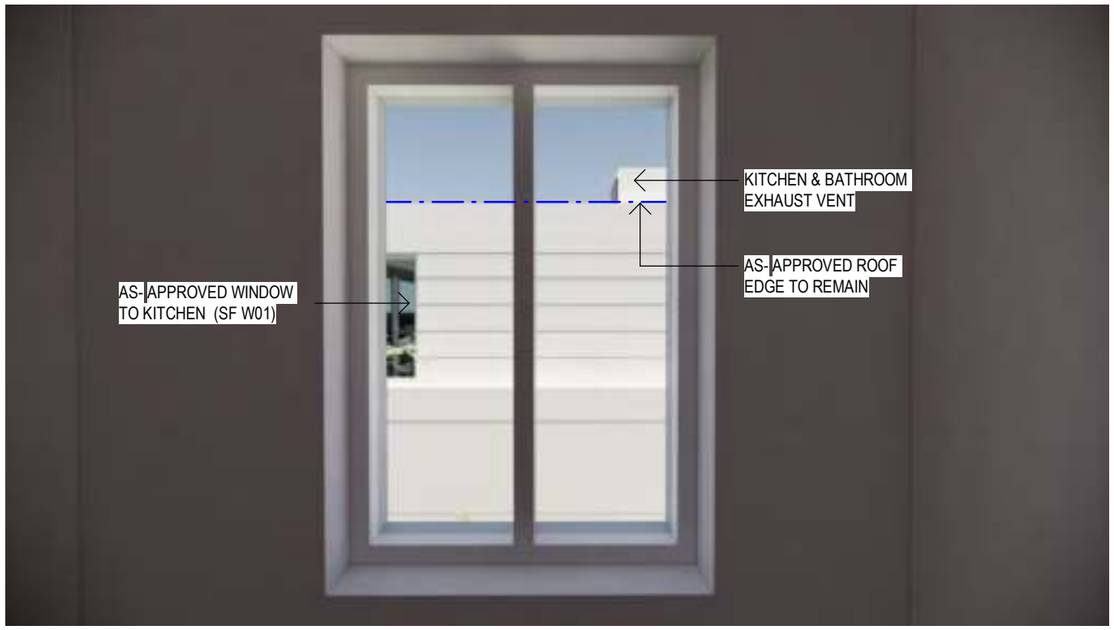
CLIENT:
ORNA TRIGUBOFF

AMENDED PLANS

RECEIVED
Waverley Council

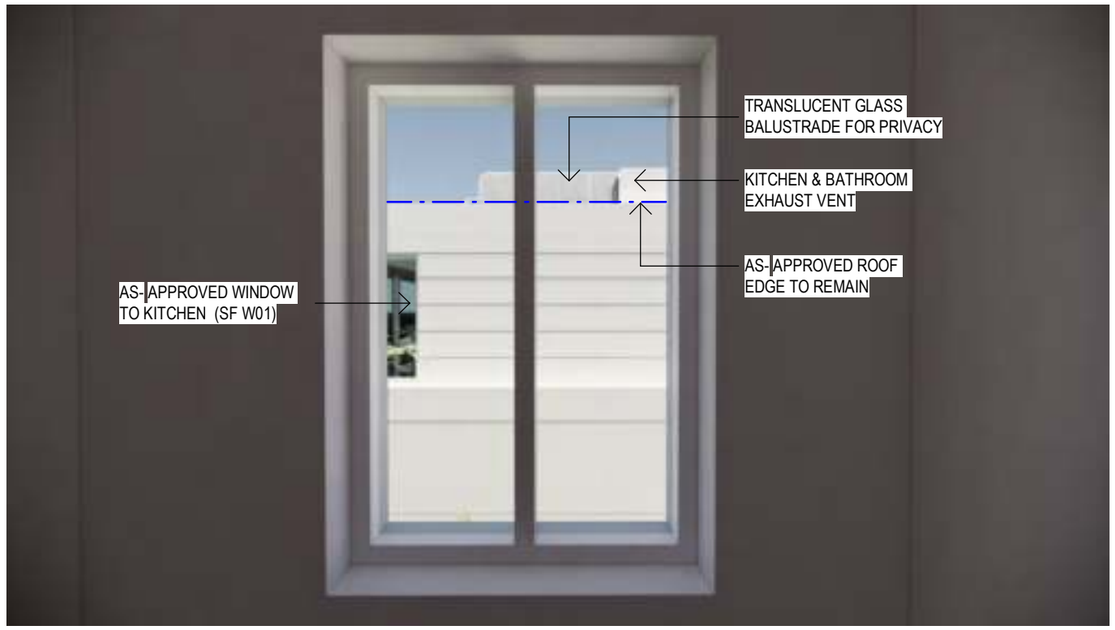
Application No: DA-439/2021/G

Date Received: 24/04/2024



VIEW 1: 140 HASTINGS PDE UNIT 9 BATHROOM (CURRENT DA)

1



VIEW 2: 140 HASTINGS PDE UNIT 9 BATHROOM (PROPOSED ROOF TERRACE)

1 AMENDMENT TO PROPOSED ROOF TERRACE

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S4.55 APPLICATION

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- 00.000 — EXISTING LEVEL
- W/D — EXISTING WINDOW/ DOOR
- W/D — NEW WINDOW/ DOOR
- EXISTING TO BE RETAINED
- EXISTING TO BE DEMOLISHED
- NEW STRUCTURE

MERITON
Level 11, Meriton Tower
528 Kent St, Sydney 2000
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DRAWING NO: DA808
ISSUE NO: C

S4.55 APPLICATION

DRAWING TITLE:
140 HASTINGS PDE UNIT 9 BATHROOM VIEW

PROJECT NAME:
138 HASTINGS PDE NORTH BONDI

CLIENT:
ORNA TRIGUBOFF

AMENDED PLANS

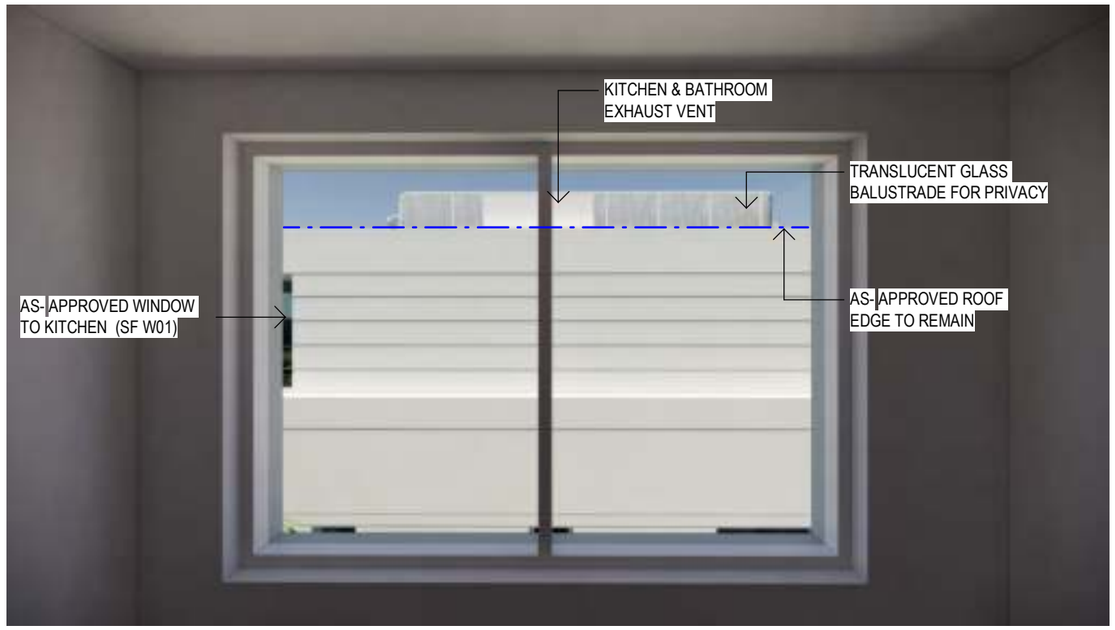
RECEIVED
Waverley Council

Application No: DA-439/2021/G

Date Received: 24/04/2024

VIEW 1: 140 HASTINGS PDE UNIT 9 BEDROOM (CURRENT DA)

1



VIEW 2: 140 HASTINGS PDE UNIT 9 BEDROOM (PROPOSED ROOF TERRACE)

1 AMENDMENT TO PROPOSED ROOF TERRACE

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S4.55 APPLICATION

ISSUE	DATE	REVISION
C	18.03.2024	ISSUE FOR S4.55
B	09.02.2024	ISSUE FOR DISCUSSION
A	07.12.2023	ISSUE FOR S4.55

LEGEND:

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- EXISTING TO BE RETAINED
- EXISTING TO BE DEMOLISHED
- NEW STRUCTURE

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528 Kent St, Sydney 2000
T: +612 9287 2888
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DRAWING NO: DA809
ISSUE NO: C

S4.55 APPLICATION

DRAWING TITLE: 140 HASTINGS PDE UNIT 9 BEDROOM VIEW

PROJECT NAME: 138 HASTINGS PDE NORTH BONDI

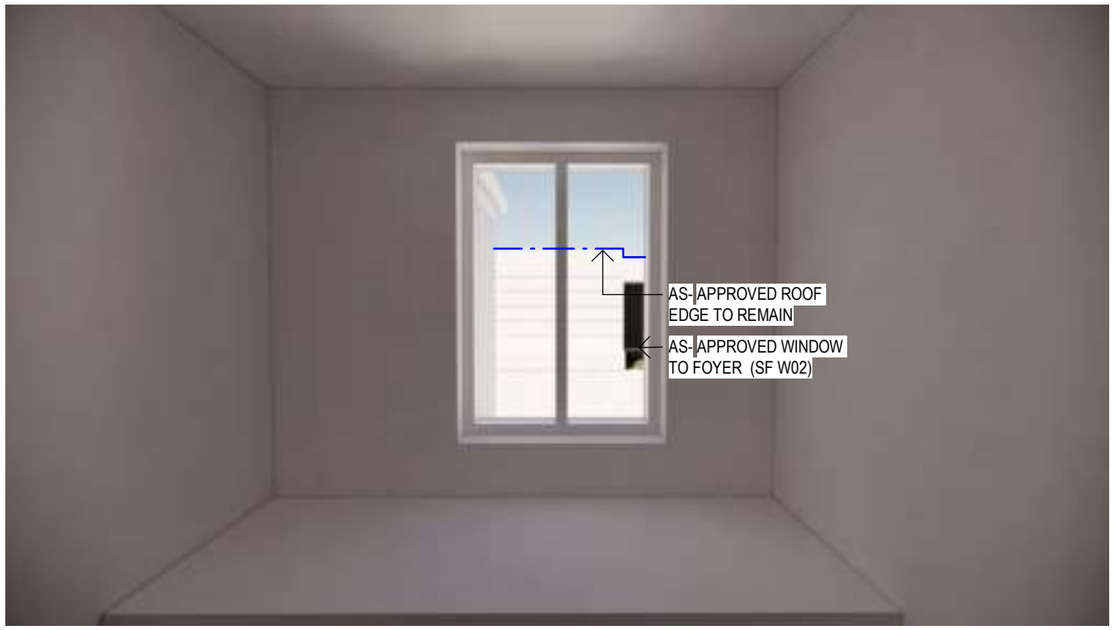
CLIENT: ORNA TRIGUBOFF

AMENDED PLANS

RECEIVED
Waverley Council

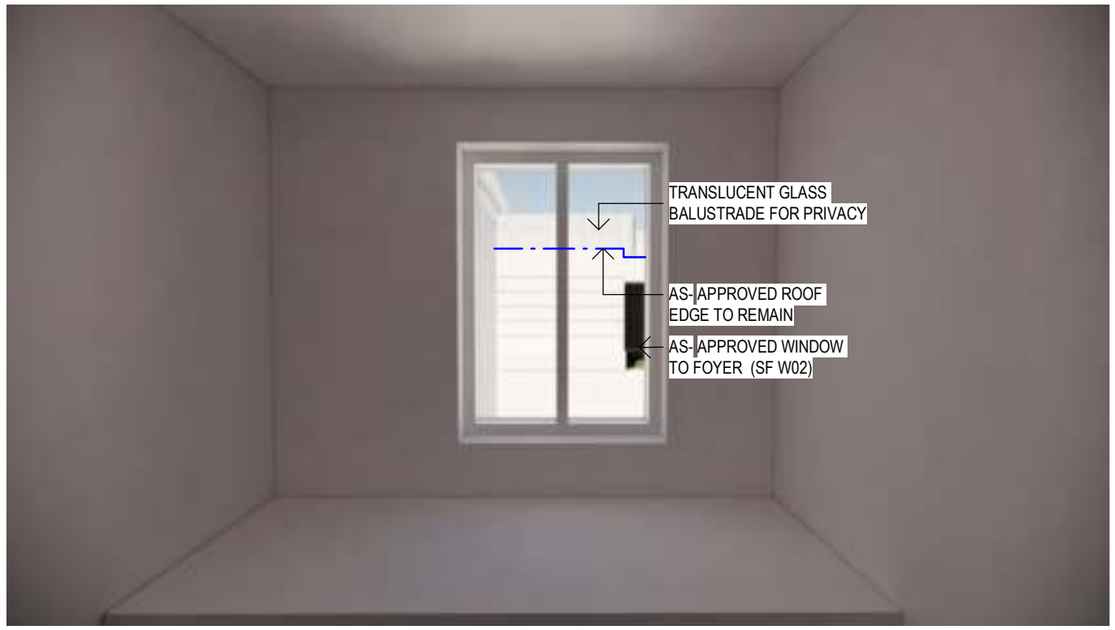
Application No: DA-439/2021/G

Date Received: 24/04/2024



VIEW 1: 140 HASTINGS PDE UNIT 9 KITCHEN (CURRENT DA)

1



VIEW 2: 140 HASTINGS PDE UNIT 9 KITCHEN (PROPOSED ROOF TERRACE)

1 AMENDMENT TO PROPOSED ROOF TERRACE

GENERAL NOTES:

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S4.55 APPLICATION

ISSUE	DATE	REVISION
C	18.03.2024	ISSUE FOR S4.55
B	09.02.2024	ISSUE FOR DISCUSSION
A	07.12.2023	ISSUE FOR S4.55

LEGEND:

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- W/D — NEW WINDOW/ DOOR
- EXISTING TO BE RETAINED
- EXISTING TO BE DEMOLISHED
- NEW STRUCTURE

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DRAWING NO: DA810
ISSUE NO: C

S4.55 APPLICATION

DRAWING TITLE:
140 HASTINGS PDE UNIT 9 KITCHEN VIEW

PROJECT NAME:
138 HASTINGS PDE NORTH BONDI

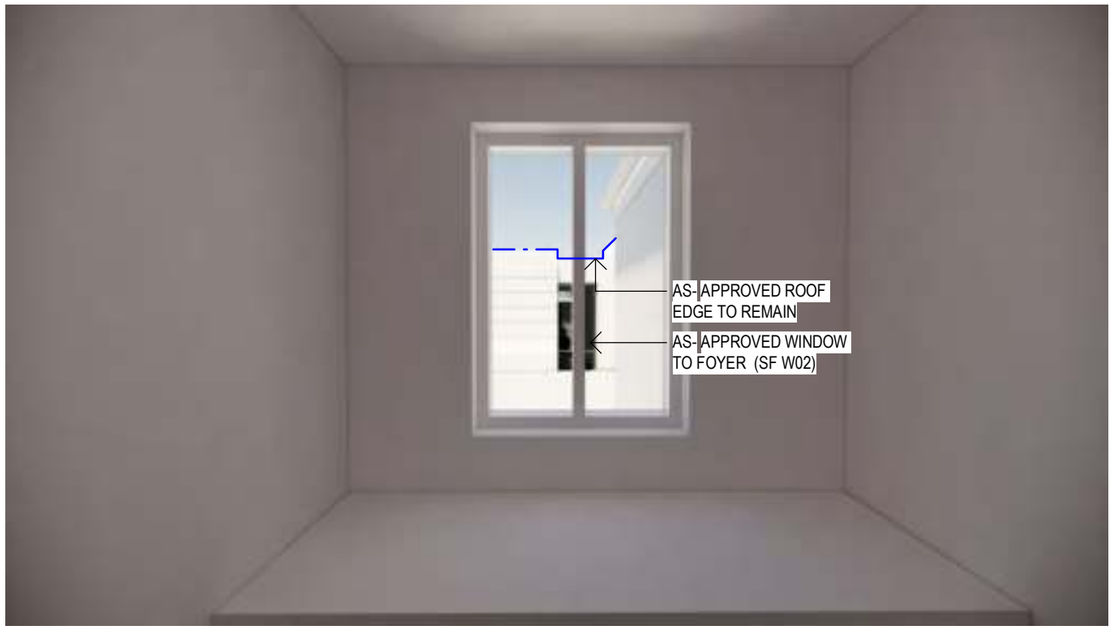
CLIENT:
ORNA TRIGUBOFF

AMENDED PLANS

RECEIVED
Waverley Council

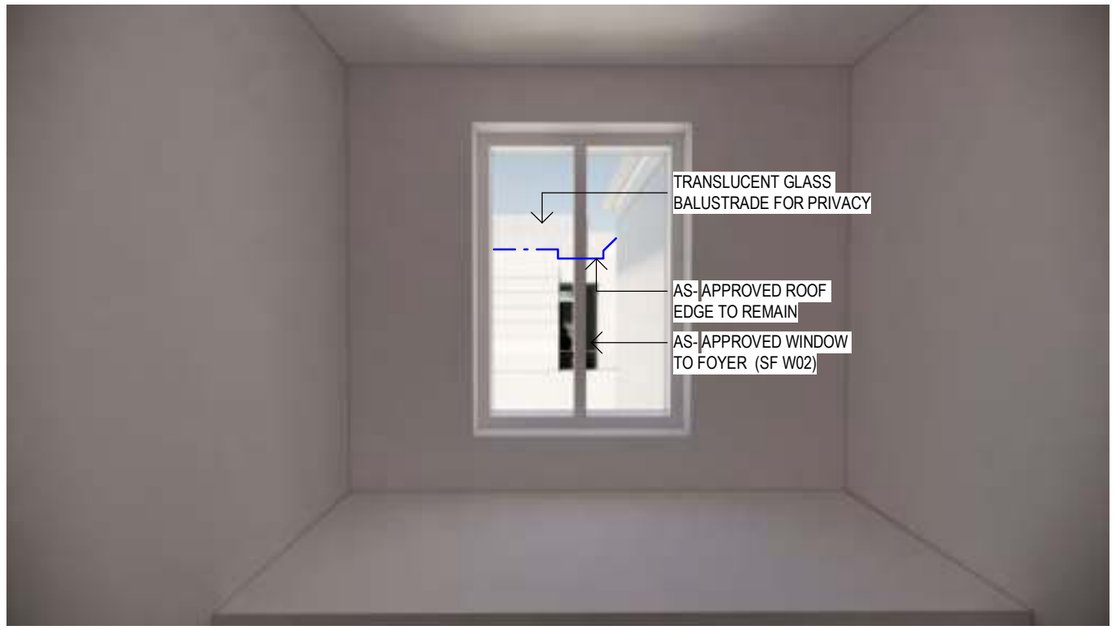
Application No: DA-439/2021/G

Date Received: 24/04/2024



VIEW 1: 140 HASTINGS PDE UNIT 10 KITCHEN (CURRENT DA)

1



VIEW 2: 140 HASTINGS PDE UNIT 10 KITCHEN (PROPOSED ROOF TERRACE)

1 AMENDMENT TO PROPOSED ROOF TERRACE

GENERAL NOTES:

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S4.55 APPLICATION

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C	18.03.2024	ISSUE FOR S4.55
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LEGEND:

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- W/D — EXISTING WINDOW/ DOOR
- W/D — NEW WINDOW/ DOOR
- EXISTING TO BE RETAINED
- EXISTING TO BE DEMOLISHED
- NEW STRUCTURE

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DRAWING NO: DA811
ISSUE NO: C

S4.55 APPLICATION

DRAWING TITLE: 140 HASTINGS PDE UNIT 10 KITCHEN VIEW

PROJECT NAME: 138 HASTINGS PDE NORTH BONDI

CLIENT: ORNA TRIGUBOFF

AMENDED PLANS

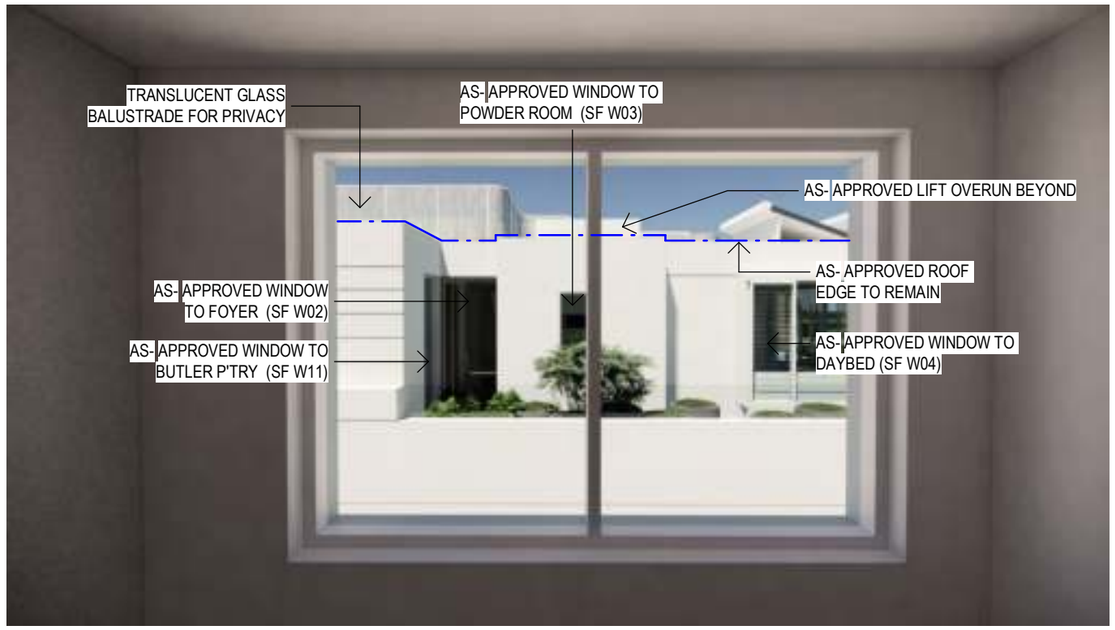
RECEIVED
Waverley Council

Application No: DA-439/2021/G

Date Received: 24/04/2024

VIEW 1: 140 HASTINGS PDE UNIT 10 BEDROOM (CURRENT DA)

1



VIEW 2: 140 HASTINGS PDE UNIT 10 BEDROOM (PROPOSED ROOF TERRACE)

1 AMENDMENT TO PROPOSED ROOF TERRACE

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S4.55 APPLICATION

ISSUE	DATE	REVISION
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- EXISTING TO BE RETAINED
- EXISTING TO BE DEMOLISHED
- NEW STRUCTURE

MERITON
Level 11, Meriton Tower
528 Kent St, Sydney 2000
T: +612 9287 2888
F: +612 9287 2777

DRAWING NO: DA812
ISSUE NO: C

S4.55 APPLICATION

DRAWING TITLE:
140 HASTINGS PDE UNIT 10 BEDROOM VIEW

PROJECT NAME:
138 HASTINGS PDE NORTH BONDI

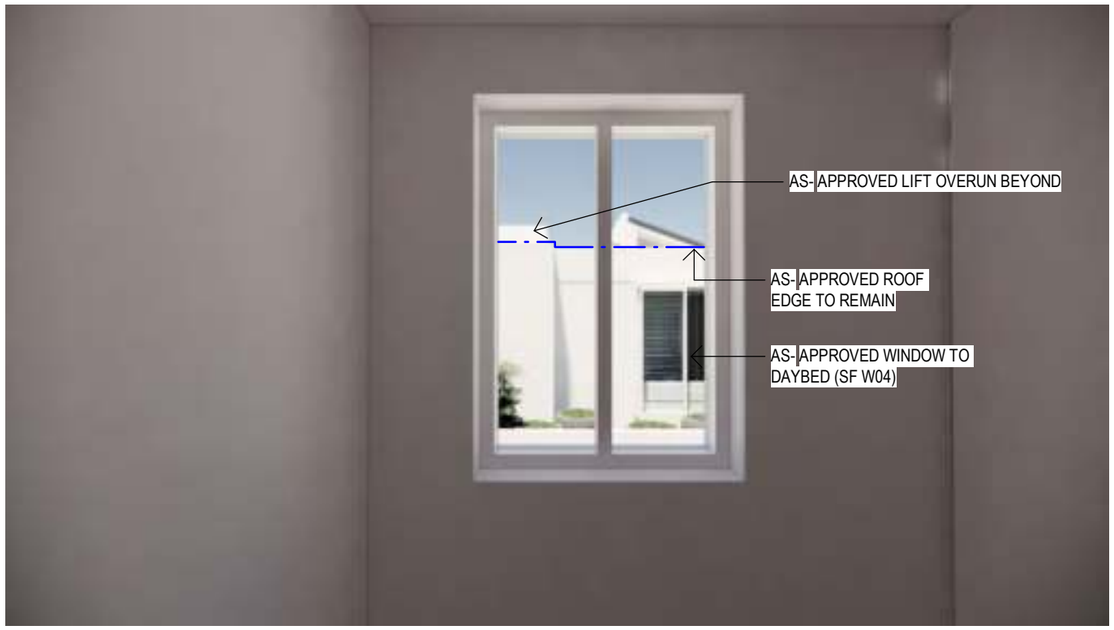
CLIENT:
ORNA TRIGUBOFF

AMENDED PLANS

RECEIVED
Waverley Council

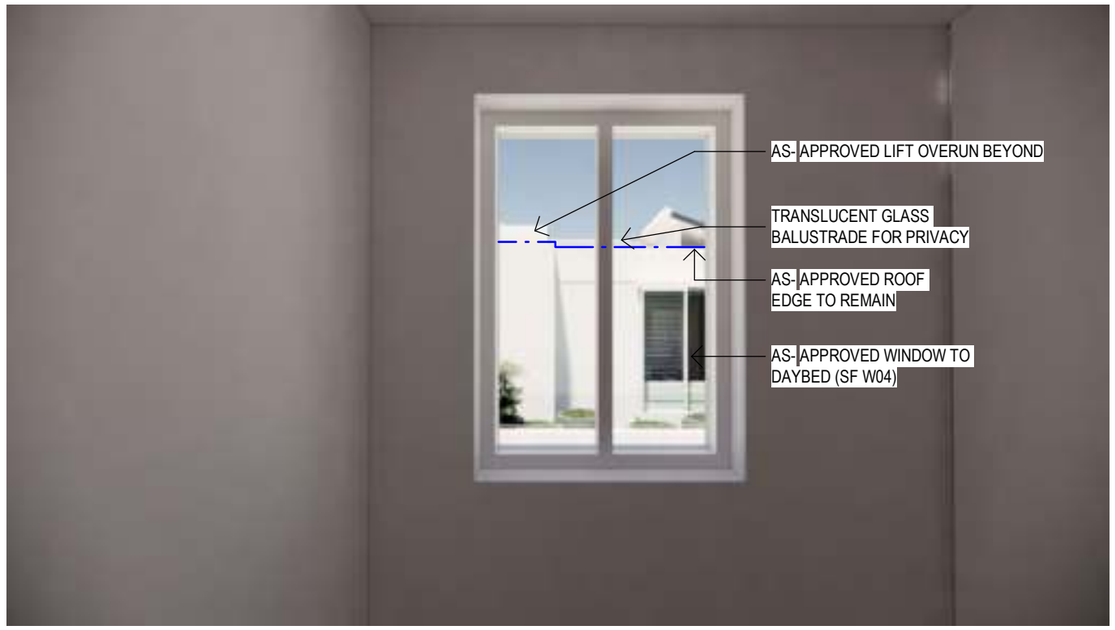
Application No: DA-439/2021/G

Date Received: 24/04/2024



VIEW 1: 140 HASTINGS PDE UNIT 10 BATHROOM (CURRENT DA)

1



VIEW 2: 140 HASTINGS PDE UNIT 10 BATHROOM (PROPOSED ROOF TERRACE)

1 AMENDMENT TO PROPOSED ROOF TERRACE

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S4.55 APPLICATION

ISSUE	DATE	REVISION
C	18.03.2024	ISSUE FOR S4.55
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- W/D — EXISTING WINDOW/ DOOR
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- EXISTING TO BE RETAINED
- EXISTING TO BE DEMOLISHED
- NEW STRUCTURE

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DRAWING NO: DA813
ISSUE NO: C

S4.55 APPLICATION

DRAWING TITLE: 140 HASTINGS PDE UNIT 10 BATHROOM VIEW

PROJECT NAME: 138 HASTINGS PDE NORTH BONDI

CLIENT: ORNA TRIGUBOFF

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-439/2021/G

Date Received: 24/04/2024

VIEW 1: 140 HASTINGS PDE UNIT 10 BALCONY (CURRENT DA)

1

VIEW 2: 140 HASTINGS PDE UNIT 10 BALCONY (PROPOSED ROOF TERRACE)

1 AMENDMENT TO PROPOSED ROOF TERRACE

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S4.55 APPLICATION

ISSUE	DATE	REVISION
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- EXISTING TO BE DEMOLISHED
- NEW STRUCTURE

MERITON
Level 11, Meriton Tower
528 Kent St, Sydney 2000
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DRAWING NO: DA814
ISSUE NO: C

S4.55 APPLICATION

DRAWING TITLE: 140 HASTINGS PDE UNIT 10 BALCONY VIEW

PROJECT NAME: 138 HASTINGS PDE NORTH BONDI

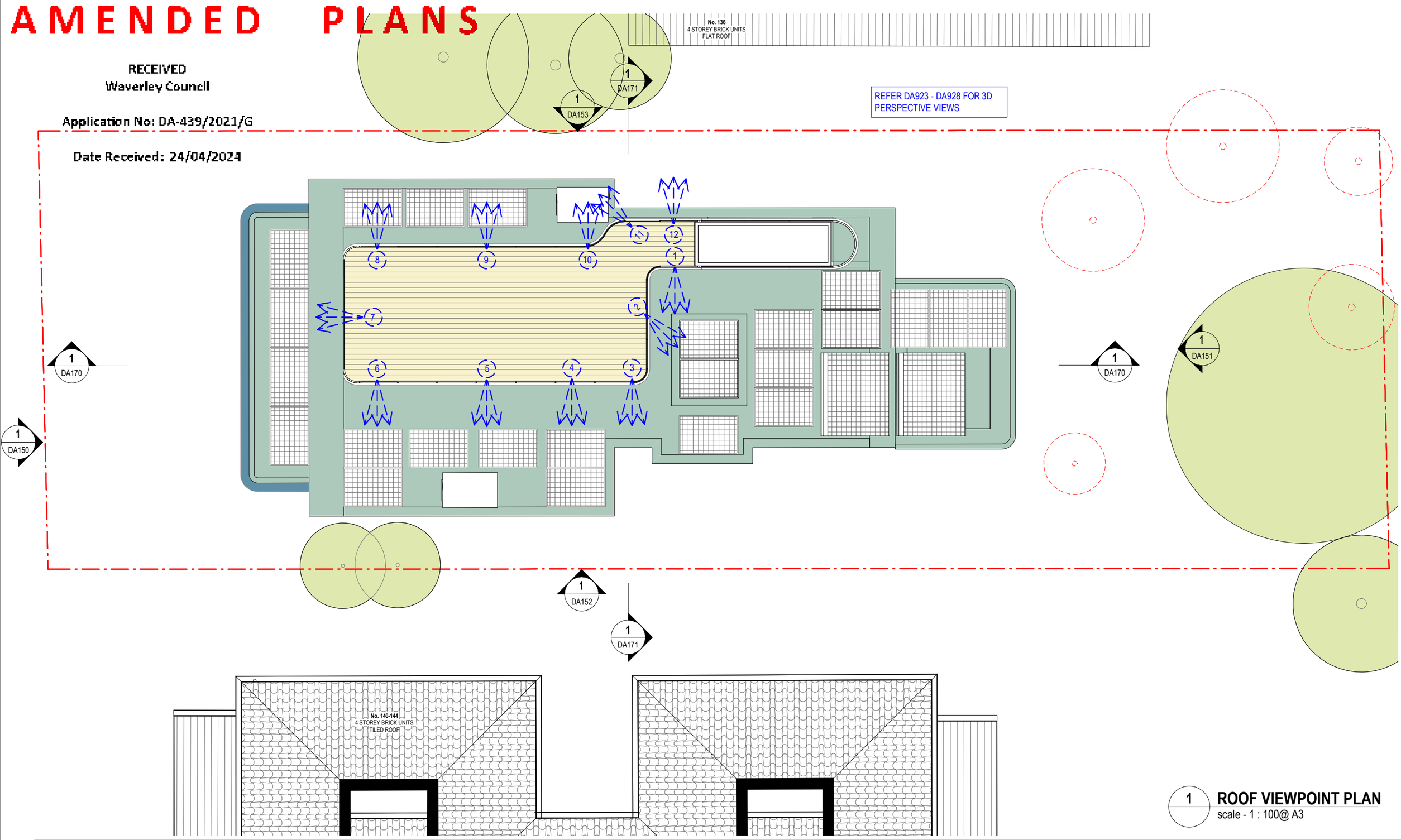
CLIENT: ORNA TRIGUBOFF

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-439/2021/G

Date Received: 24/04/2024



1 ROOF VIEWPOINT PLAN

scale - 1 : 100@ A3

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S4.55 APPLICATION

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- EXISTING TO BE RETAINED
- EXISTING TO BE DEMOLISHED
- NEW STRUCTURE

KEY:
Scale 1 : 100 @ A3
0 0.5m 1m 2m 4m

MERITON
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DRAWING NO: DA919
ISSUE NO: B

S4.55 APPLICATION

DRAWING TITLE: ROOF VIEWPOINT PLAN

PROJECT NAME: 138 HASTINGS PDE NORTH BONDI

CLIENT: ORNA TRIGUBOFF

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-439/2021/G

Date Received: 24/04/2024

REFER DA919 FOR VIEWPOINT

ROOF: VIEW 1

ROOF: VIEW 2

NOTE: DRAWINGS INDICATE VIEWS MEASURED AT 1.6m BASED ON AN AVERAGE HEIGHT OF EYE LEVELS

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S4.55 APPLICATION

ISSUE	DATE	REVISION
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- 00.000 — EXISTING LEVEL
- W/D — EXISTING WINDOW/ DOOR
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- EXISTING TO BE RETAINED
- EXISTING TO BE DEMOLISHED
- NEW STRUCTURE

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528 Kent St, Sydney 2000
T: +612 9287 2888
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DRAWING NO: DA923
ISSUE NO: B

S4.55 APPLICATION

DRAWING TITLE: ROOF VIEW 1 & 2

PROJECT NAME: 138 HASTINGS PDE NORTH BONDI

CLIENT: ORNA TRIGUBOFF

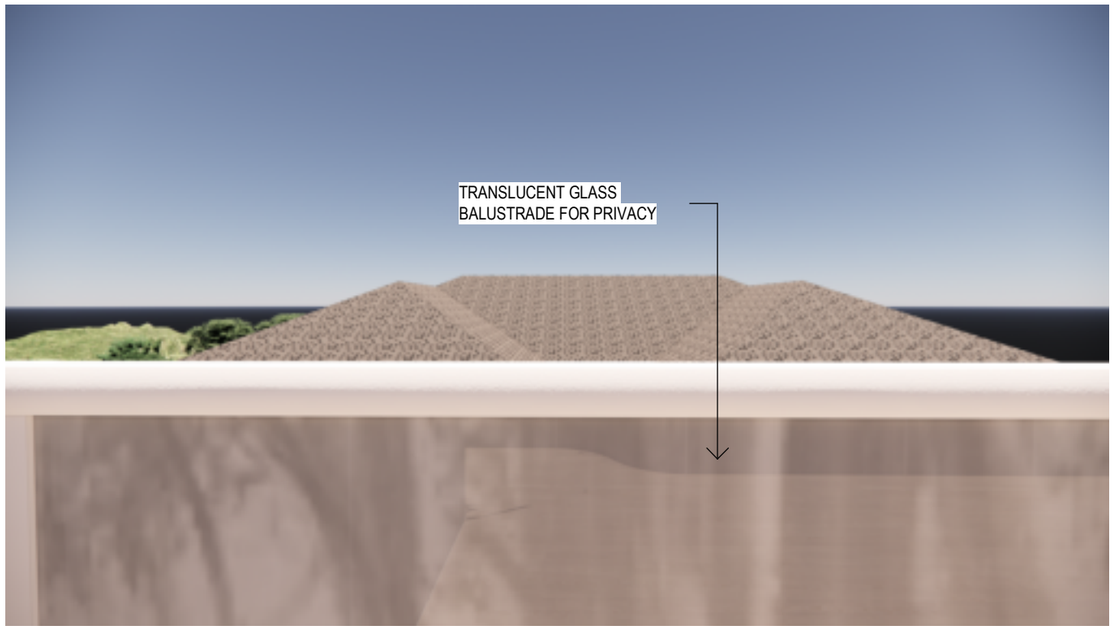
AMENDED PLANS

RECEIVED
Waverley Council

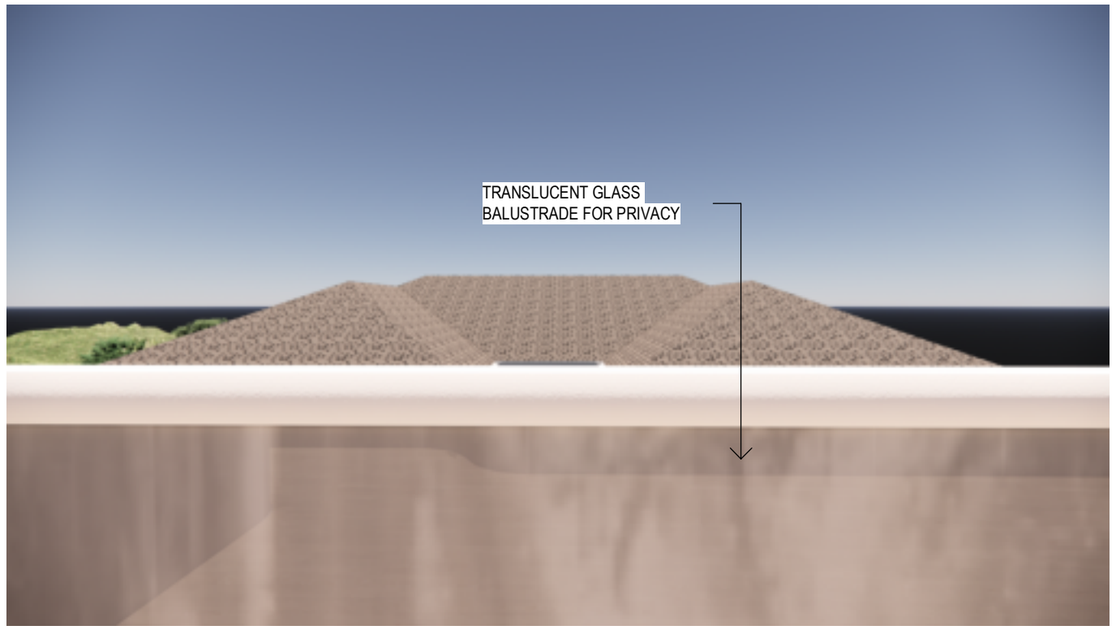
Application No: DA-439/2021/G

Date Received: 24/04/2024

REFER DA919 FOR VIEWPOINT



ROOF: VIEW 3



ROOF: VIEW 4

NOTE: DRAWINGS INDICATE VIEWS MEASURED AT 1.6m BASED ON AN AVERAGE HEIGHT OF EYE LEVELS

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S4.55 APPLICATION

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- EXISTING TO BE DEMOLISHED
- NEW STRUCTURE

MERITON
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528 Kent St, Sydney 2000
T: +612 9287 2888
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DRAWING NO: DA924
ISSUE NO: B

S4.55 APPLICATION

DRAWING TITLE: ROOF VIEW 3 & 4

PROJECT NAME: 138 HASTINGS PDE NORTH BONDI

CLIENT: ORNA TRIGUBOFF

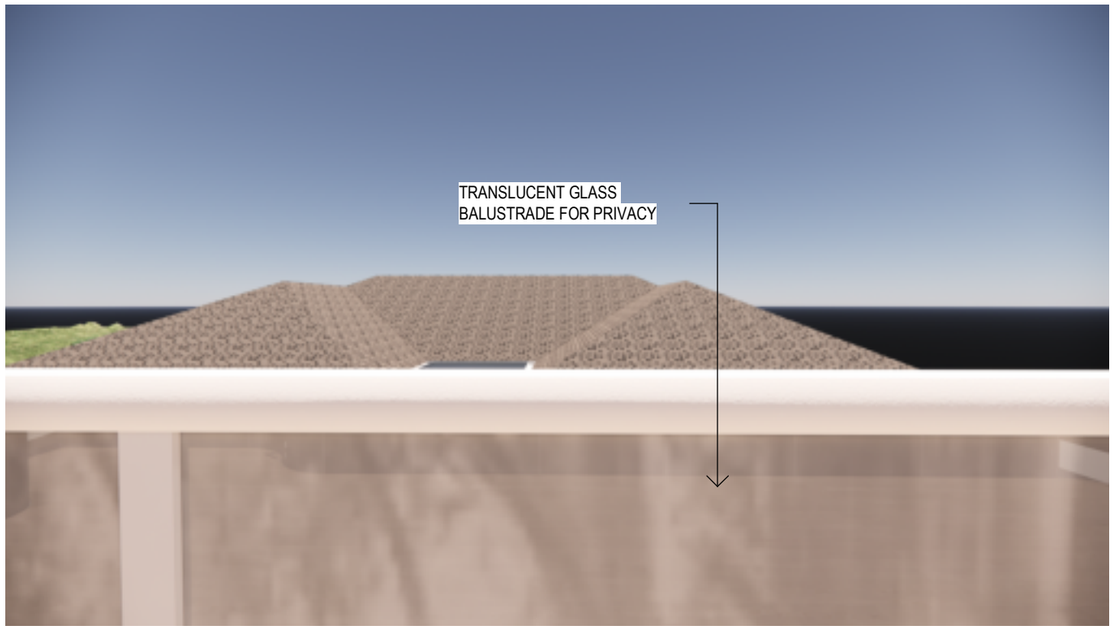
AMENDED PLANS

RECEIVED
Waverley Council

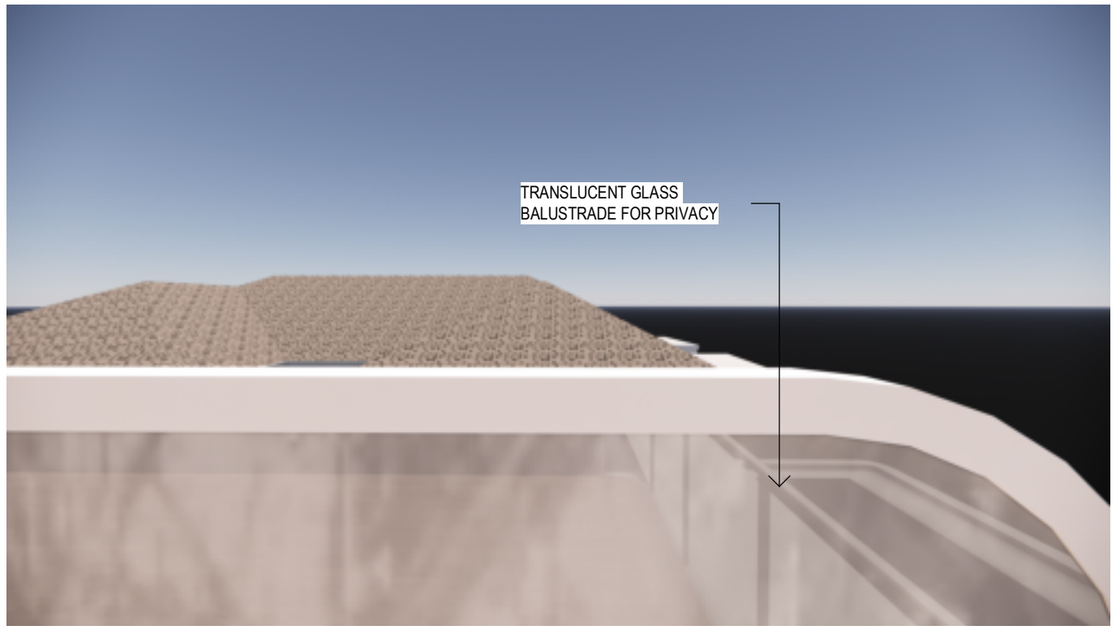
Application No: DA-439/2021/G

Date Received: 24/04/2024

REFER DA919 FOR VIEWPOINT



ROOF: VIEW 5



ROOF: VIEW 6

NOTE: DRAWINGS INDICATE VIEWS MEASURED AT 1.6m BASED ON AN AVERAGE HEIGHT OF EYE LEVELS

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S4.55 APPLICATION

ISSUE	DATE	REVISION
B	18.03.2024	ISSUE FOR S4.55
A	21.02.2024	ISSUE FOR DISCUSSION

LEGEND:

- FSL 00.00 — FINISHED STRUCTURAL LEVEL
- +RL 00.00 — FINISHED SPOT OR SURFACE LEVEL
- FFL 00.00 — FINISHED FLOOR LEVEL
- 00.000 — SURVEY SPOT LEVEL
- 00.000 — EXISTING LEVEL
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- W/D — NEW WINDOW/ DOOR
- EXISTING TO BE RETAINED
- EXISTING TO BE DEMOLISHED
- NEW STRUCTURE

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DRAWING NO: DA925
ISSUE NO: B

S4.55 APPLICATION

DRAWING TITLE: ROOF VIEW 5 & 6

PROJECT NAME: 138 HASTINGS PDE NORTH BONDI

CLIENT: ORNA TRIGUBOFF

AMENDED PLANS

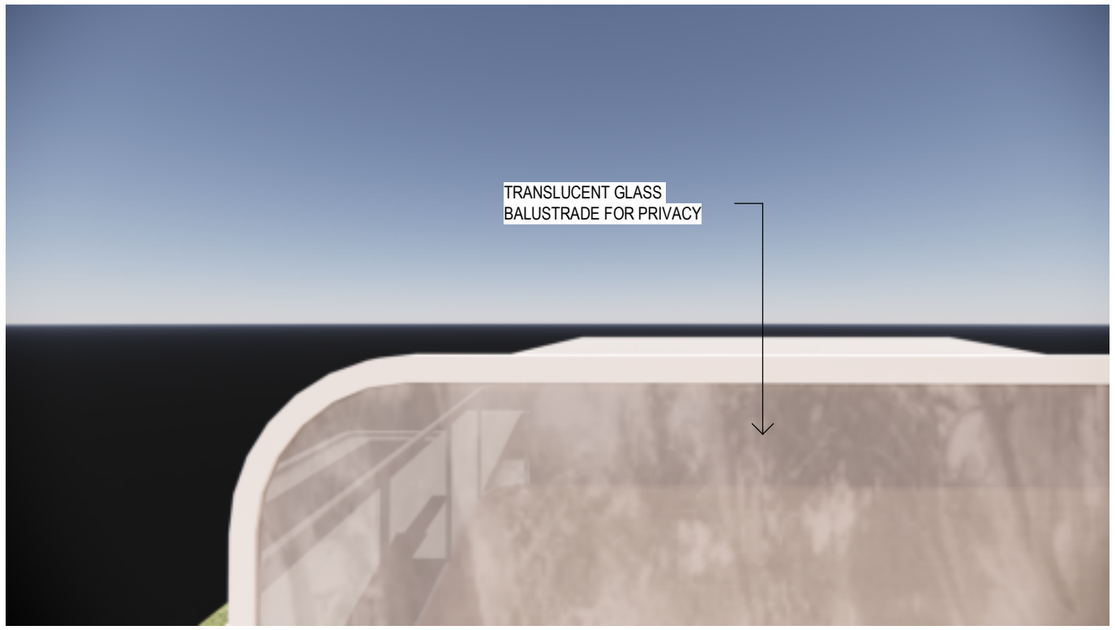
RECEIVED
Waverley Council

Application No: DA-439/2021/G

Date Received: 24/04/2024

REFER DA919 FOR VIEWPOINT

ROOF: VIEW 7



ROOF: VIEW 8

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S4.55 APPLICATION

ISSUE	DATE	REVISION
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DRAWING NO: DA926
ISSUE NO: B

S4.55 APPLICATION

DRAWING TITLE: ROOF VIEW 7 & 8

PROJECT NAME: 138 HASTINGS PDE NORTH BONDI

CLIENT: ORNA TRIGUBOFF

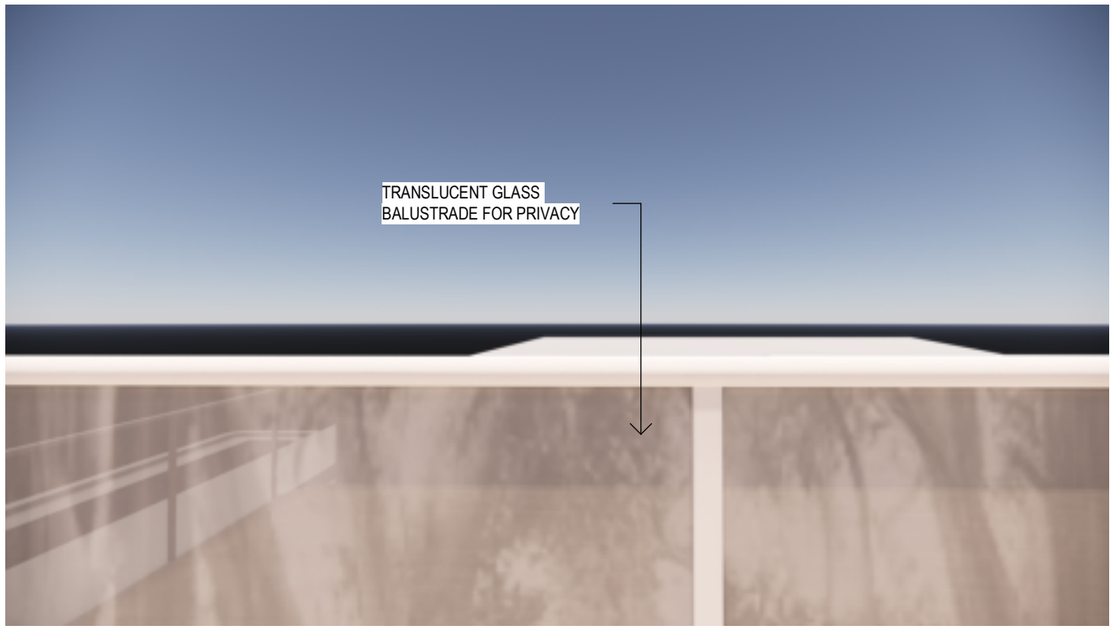
AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-439/2021/G

Date Received: 24/04/2024

REFER DA919 FOR VIEWPOINT



ROOF: VIEW 9

ROOF: VIEW 10

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DRAWING NO: DA927
ISSUE NO: A

S4.55 APPLICATION

DRAWING TITLE: ROOF VIEW 9 & 10

PROJECT NAME: 138 HASTINGS PDE NORTH BONDI

CLIENT: ORNA TRIGUBOFF

AMENDED PLANS

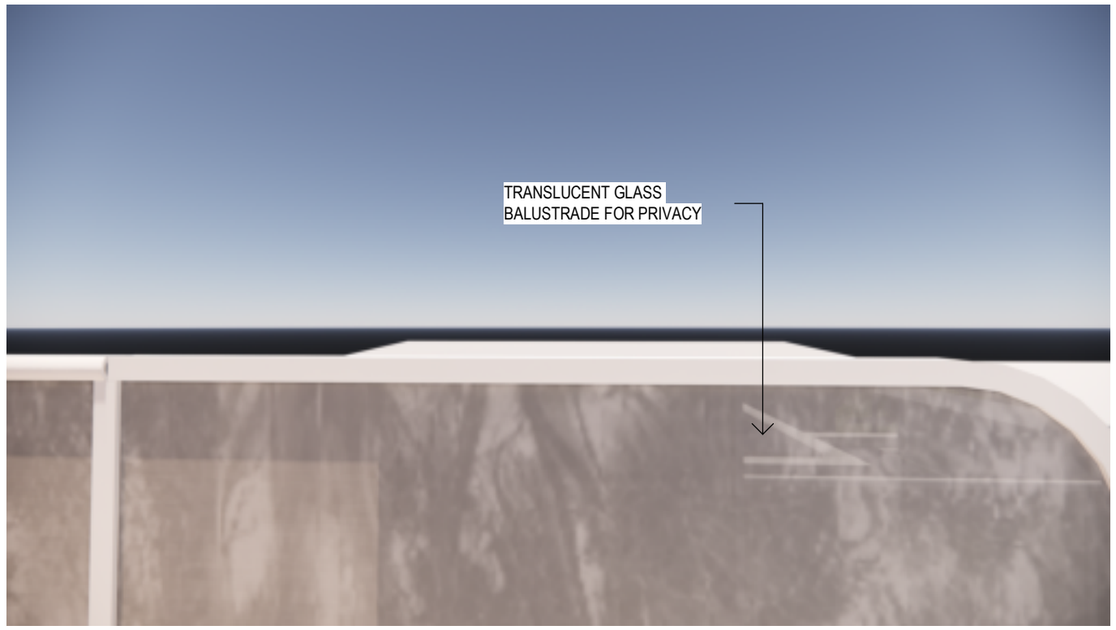
RECEIVED
Waverley Council

Application No: DA-439/2021/G

Date Received: 24/04/2024

REFER DA919 FOR VIEWPOINT

ROOF: VIEW 11



ROOF: VIEW 12

NOTE: DRAWINGS INDICATE VIEWS MEASURED AT 1.6m BASED ON AN AVERAGE HEIGHT OF EYE LEVELS

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S4.55 APPLICATION

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DRAWING NO: DA928
ISSUE NO: A

S4.55 APPLICATION

DRAWING TITLE: ROOF VIEW 11 & 12

PROJECT NAME: 138 HASTINGS PDE NORTH BONDI

CLIENT: ORNA TRIGUBOFF

Report to the Waverley Local Planning Panel

Application number	DA-14/2024
Site address	36 Gilbert Street, Dover Heights
Proposal	Alterations and additions to a dwelling house including a new first-floor addition, balconies and ground floor extension.
Date of lodgement	18 January 2024
Owner	Mr B Given and Mrs J D Gien
Applicant	Cape Cod Australia Pty Ltd
Submissions	4 (3 from the same property)
Cost of works	$939,990
Principal Issues	• Breach to the height of buildings development standard • Breach to wall height • Visual and acoustic privacy
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP

(Source: Nearmap, 2024)

1. PREAMBLE

1.1. Executive Summary

The Development Application (DA) seeks consent for alterations and additions to a dwelling house including a new first-floor addition, balconies and ground floor extension at the site known as 36 Gilbert Street, Dover Heights.

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

- Breach to the height of buildings development standard;
- Breach to wall height; and
- Visual and acoustic privacy

The assessment finds these issues acceptable. A well-founded clause 4.6 variation has been provided which justified that despite the breach to the numerical standard, the proposed development achieves the objectives of the height of buildings development standard. In particular, it was demonstrated that the proposed addition does not create unreasonable amenity impacts of overshadowing or view loss to neighbouring properties.

In terms of the breach to wall height, the proposed first floor addition is set in from the ground floor walls below, creating articulation to the dwelling and a well-founded clause 4.6 variation has outlined that the breach to overall height is acceptable in terms of preserving the environmental amenity of neighbouring properties.

Additionally, despite the large balcony to the front of the first floor addition, it is deemed acceptable due to there being precedence of large balconies to the front of dwellings to this portion of Gilbert Street to capture iconic views to the west. Moreover, the balcony overlooks the public domain rather than private open space.

A total number of 4 submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the recommendation.

No Councillor submissions were received. 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 approval subject to conditions of consent.

1.2. Site and Surrounding Locality

A site visit was carried out on 19 March 2024.

The site is identified as Lot 1 in DP 12896, known as 36 Gilbert Street, Dover Heights.

The site is rectangular in shape with a western frontage of 13.41m to Gilbert Street. It has an area of 663.9m^2 and falls from the east to the west by approximately 4.4m.

The site is occupied by a part one, part two storey dwelling with vehicle access to Gilbert Street to an attached garage which is located below ground level of the dwelling.

The site is adjoined by large part two, part three storey dwellings on either side. The locality is characterised by low density residential developments.

Figures 1 to **3** are photos of the site and its context.

Figure 1. Front of the subject site as viewed from Gilbert Street, looking east. (Source: Google Maps, 2024)

Figure 2. Rear of the dwelling and associated private open space, looking west.

Figure 3. Private open space and associated in-ground swimming pool, looking east.

1.3. Relevant Development History

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

1.4. Proposal

The DA seeks consent alterations and additions to a dwelling house including a new first-floor addition, balconies, and ground floor extension. The works specifically include:

- Enlarge family room to the rear of the ground floor.
- Construction of a new first floor addition containing:
    - Primary bedroom with walk-in-robe and ensuite.
    - Secondary bedroom with rear balcony.
    - Bathroom.
    - Living room.
    - Balcony to the front of the dwelling.

1.5. Background

The DA was deferred on 27 March 2024 for the following reasons:

1. It must be demonstrated that the portion of the development that breaches height does not result in additional environmental amenity impacts in terms of overshadowing or view loss.
2. The Gross Floor Area (GFA) calculation was to be amended to include both set of stairs in the calculation.
3. Ceiling fans were to be installed within all habitable rooms.
4. The rear first floor balcony was to be reduced to a depth of 1.5m and privacy screens were to be erected on either side to increase visual privacy to surrounding properties.
5. It was to be demonstrated that 40% of the site is dedicated to open space.

The amended plans were received by Council on 15 May 2024. The amendments to the architectural plans included the following:

1. The rear first floor balcony was reduced in depth to 1.5m and 1.6m privacy screens were proposed to either side.
2. The roof form to the front of the dwelling was amended.
3. Ceiling fans were installed to the habitable rooms of the proposed first floor addition.

Further amended plans that complied with FSR were received by Council on 30 May 2024. The amendments to the architectural plans included the following:

1. Minor increased setback of the first floor from the front boundary line.
2. Increased side setback to the first floor ensuite from the north side boundary line.

Amended shadow diagrams were not requested to reflect the architectural plans dated 30 May 2024 (they were prepared for the architectural plans 15 May 2024), as the built form of the first floor was slightly reduced to a achieve a complaint FSR. Therefore, the amended plans would not result in

increased shadowing from the shadow diagrams prepared. The amended plans received on 30 May 2024 form the basis of the assessment.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

- SEPP (Sustainable Buildings) 2022
- 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		
Land Use Table *Low Density Residential 'R2' Zone*	Yes	The proposal is defined as alterations and additions to a dwelling house, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings • *8.5m*	No	The development has a height of 9.85m, breaching the control by 1.35m or 15.88%.
4.4 Floor Space Ratio (FSR)and 4.4A Exceptions to FSR • *Site Area: 663.9m²* • *Max FSR: 0.5:1* • *Max GFA: 331.95m²*	Yes	<u>Gross Floor Area (GFA) Calculation</u> Lower Ground: 26.19m² Ground: 207.58m² First: 97.97m² Total GFA: 331.74m² Total FSR: 0.5:1

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 height of buildings development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 5 Miscellaneous provisions		
5.21 Flood planning	Yes	The property is generally well outside the 1% Annual Exceedance Probability (AEP) flood extents. In addition, there are no proposed works within the 1% AEP flood extents. It is therefore unlikely that the development will change the existing flood behaviour.

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 the Waverley LEP 2012.

The site is subject to a maximum height of buildings development standard of 8.5m. The proposed development has a height of 9.85m, exceeding the standard by 1.35m equating to a 15.88% variation.

Figure 4. Area of non-compliant height shaded red. (Source: aSquare Planning, 2024)

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

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

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

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

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

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

(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:

(i) The development meets the objectives of the height of buildings development standard.

a. **Objective (a): To ensure building heights preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views.**

Objective (a) has high threshold for achievement with the use of the word "preserve."

The proposal results in a building that preserves environmental amenity in a manner that is similar with the existing situation.

In terms of privacy, the northern elevation of the addition includes only one narrow window partly above the height standard. This window has a high, 1.8m sill height and is to a low-trafficked bedroom.

As No. 38 Gilbert Street is set back from the street, the south facing window which extends partially above the height line only overlooks the front yard of this adjoining property.

The floor level of the new balcony to the front is below the height line but the roof extends above the height. This balcony is oriented to the street and therefore does not impact on the private open space of neighbouring dwellings.

The proposal is for alterations and additions to a dwelling house which is unlikely to give rise to excessive noise or disturbance. Accordingly, the proposal is satisfactory with regard to acoustic and visual privacy.

In terms of views, the proposal will preserve the key westerly views towards the city and harbour from the neighbouring properties to the rear (35, 37 and 39 Portland Street) beyond that which would occur from a compliant development. The rear of the dwelling will remain below the height control ensuring that iconic views of the city will be preserved.

The breach at the front is a consequence of the change in topography with the existing ground level to the front being almost 3m lower due to the existing garage level. Given the level at the gutter level at the front will match that at the rear with only minor changes across the roof profile, the proposal will provide a better outcome than would

occur from a compliant height at the rear. The breach to the front will not result in a loss of the iconic view of the City, Harbour Bridge or opera House.

Overall, it can be said that views are retained in manner consistent with the existing situation. This is demonstrated in the submitted View Analysis prepared by CMS Surveyors dated 14 May 2024.

The proposal will not give rise to additional visual impact as the proposed form is entirely compatible with development along Gilbert Street. No. 34, No.32 and No. 30 Gilbert Street all have two-storeys above a lower-ground level and garage as per the form proposed. Accordingly, the proposed building will be in harmony with surrounding development and will not cause visual impact for passers-by on Gilbert Street.

Finally, in term of solar access shadow diagrams have been prepared that showing solar access for existing, proposed and a compliant scheme. It is clear from the shadow diagrams that the impact to no. 38 Gilbert Street to the south would be effectively the same for a compliant scheme as that proposed.

In the morning, additional shadows are cast largely over the front of the site and Gilbert Street. In the afternoon the shadows fall only on areas already overshadowed by neighbouring dwellings. Elevational shadow diagrams show that the impact to windows at no.38 is much the same as existing.

Accordingly, the proposal is satisfactory with regard to privacy, views, visual bulk and solar access and the proposal satisfies objective (a).

b. **Objective (b): To accommodate taller buildings on land in Zone E2 Commercial Centre in the Bondi Junction Centre and establish a transition in scale between adjoining zones to protect local amenity.**

   The site is not within an E2 Commercial Centre Zone or in Bondi Junction. As such, this objective is not applicable.

c. **Objective (c): To maintain satisfactory solar access to existing buildings and public areas.**

   The proposal does not give rise to additional overshadowing of nearby public spaces. As mentioned above, the proposal satisfies the controls for solar access in the WDCP and is satisfactory with regard to the retention of sunlight.

d. **Objective (d): To establish building heights that are consistent with the desired future character of the locality.**

   Desired future character is not defined in the WLEP. The Court has held when not defined explicitly, desired future character can be determined 'not only by the provisions of LEP, including the development standards themselves, but also other factors, including approved development that contravenes the development standard.'

   In this regard, we note that other buildings exist on Gilbert Street that are of a similar form, and which exhibit a height breach similar to that proposed, including:

- 22 Gilbert Street – Approved for 9.135m (635mm or 7.47% breach);
- 50 Gilbert Street – Approved for 9.805m (1305mm or 15.35% breach)
- 52 Gilbert Street – Approved for 10.5m (2000mm or 23.52% breach);
- 68 Gilbert Street – Approved for 9.17m (670mm or 7.88% breach);
- 74 Gilbert Street – Approved for 9.43m (930mm or 10.94% breach)

In accordance with the ruling in Woollahra Municipal Council v SJD DB2 Pty Limited [2020] NSWLEC 115, the existence of these developments shows that dwellings with small variations to the FSR development standard are considered by Council to be consistent with the desired future character of the locality. Accordingly, the subject dwelling must also be considered consistent with character and the development meets objective (d).

(b) That there are sufficient environmental planning grounds to justify contravening the standard:
   (i) *There are a lack of environmental impacts as a result of the development.*
   (ii) *The variation arises as a consequence of the site's steep topography.*
   (iii) *Despite the exceedance in height, the proposal continues to apply with the majority of standards in the WDCP and WLEP.*

<u>Consideration of Applicant's Written Request</u>

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).

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

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

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

applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary.

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. The applicant has demonstrated that despite the breach to the height of buildings numerical standard, the proposed development meets the objectives of the development standard.

The assessment planner agrees with the justification provided by the applicant. The proposed development, despite the breach to the height of building development standards, preserves the views and solar access of neighbouring properties.

The view loss analysis completed by CMS Surveyors has demonstrated that the proposed first floor addition results in no impacts to the views accessed from 35 – 39 Portland Street.

Additionally, the submitted shadow diagrams demonstrate that the only additional shadowing created from the non-compliant portion of the dwelling falls to the front open space of 40 Gilbert Street at 12 noon. As this is to an area of the front open space that is occupied by vegetation, the minor additional overshadowing is deemed acceptable. **Figure 5** and **6** below shows the additional section of overshadowing to 40 Gilbert Street.

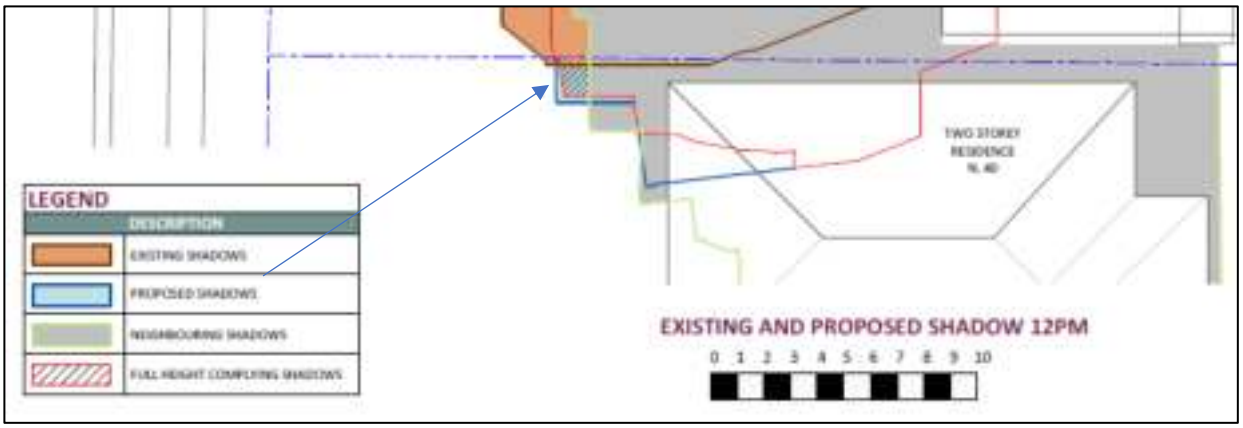

Figure 5. Additional shadowing to 40 Gilbert Street at 12 noon. (Source: Cape Cod Australia, 2024)

Figure 6. Approximate location of additional shadowing to 40 Gilbert Street, Dover Heights. (Source: Realestate.com, 2019)

The proposed development meets the relevant objectives of the low density residential zone, as it provides housing needs for the community within a low density residential environment.

<u>Conclusion</u>

The written request provided by the applicant to vary the height of buildings 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
1. Waste • *Garbage bins are to be stored in an appropriate location.*	Yes	Satisfactory. No changes are proposed to the existing bin storage area on site.
2. Ecologically Sustainable Development • *Ceiling or wall mounted fans*	Yes	The architectural plans show ceiling fans to the proposed habitable rooms of the first floor addition.

Development Control	Compliance	Comment
• *Gas cooktops, gas ovens or gas internal space heating systems.*	N/A	The kitchen is not proposed to be renovated, therefore electric cooking facilities are not required to be installed.
5.Water Management	Yes (conditional)	Satisfactory. Council's Stormwater Engineer reviewed the application and raised no objections, subject to recommended standard conditions of consent, which are provided in Appendix A of this report.
11. Design Excellence	Yes	The external finish of the proposed first floor addition is a neutral vanilla quake polystyrene wall cladding. Additionally, the proposed flat room form as identified from the streetscape will complement the existing flat roofs in the street whilst maintaining views to dwellings located behind the subject site.

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

Development Control	Compliance	Comment
1.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
1.1 Height		
Flat roof dwelling house • *Maximum wall height of 7.5m*	No (merit)	The proposed development has a maximum wall height of 9.7m. Although this breaches the 7.5m control, it is supported on the following merit: • The proposed first floor addition is set in from the ground floor walls below, creating articulation to the dwelling. • A well-founded clause 4.6 variation has outlined that the breach to overall height is acceptable in terms of preserving the environmental amenity of neighbouring properties.
1.2 Setbacks		
1.2.1 Front and rear building lines • *Predominant front building line (adjacent three neighbours on either side)* • *Predominant rear building line at each floor level (adjacent three neighbours or either side)*	Yes Yes Yes	The front building line to the proposed first floor addition will not extend forward of the neighbouring front building line beyond 30, 32 and 34 Gilbert Street, which appears to be the predominant building line in the street. The proposed rear addition to the ground floor will align with the existing ground floor rear building line of the subject dwelling. The rear building line to the proposed first floor addition will not extend beyond the rear building line at 34 or 38 Gilbert Street.

Development Control	Compliance	Comment
1.2.2 Side setbacks • *Minimum of 0.9m for ground floor and first floors.)*	Yes	The proposed works are set back more than 0.9m from both side boundaries.
1.3 Streetscape and visual impact		
• *New development to be compatible with streetscape context*	Yes Yes	The proposed first floor addition as viewed from Gilbert Street contains a flat roof, large window opening and associated balcony. These features reflect the other first floors to this portion of Gilbert Street. In addition, the proposed Vanilla Quake Polystyrene wall cladding is neutral in colour and will appropriately sit atop of the existing dwelling.
1.5 Visual and acoustic privacy		
• *Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design*	Yes Yes	The proposed windows to the first floor of the northern elevation will have a sill height of 1.8m from the first floor finished floor level. The sill heights will restrict the outlook to neighbouring properties. Due to the sloped nature of the locality, the proposed windows to the first floor of the southern elevation will be positioned higher than the northern elevational windows of 38 Gilbert Street, avoiding direct onlooking.
• *Maximum size of balconies:* *10m² in area* *1.5m deep*	No (merit) Yes	The proposed front balcony to the first floor addition has a depth of 3.4m and an area of 30.7m². Although this exceeds the maximum size and depth of balconies it is considered acceptable on the following basis: • There are precedence of large balconies to the front of dwellings to this portion of Gilbert Street to capture iconic views to the west. • The balcony overlooks the public domain rather than private open space. The proposed rear balcony to the first floor addition has a depth of 1.5m and an area of 4.6m², complying with the maximum permitted depth and area for balconies. In addition, 1.6m high privacy walls are proposed to each side of the balcony, increasing visual privacy to neighbouring dwellings.
1.6 Solar access		
• *Minimum of 3 hours of sunlight to 50% of living areas and principal open*	Yes	The subject site receives compliant levels of solar access to its open space and living areas throughout the day.

Development Control	Compliance	Comment
space areas on 21 June to subject site • *Minimum of 3 hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June.*	Yes	Neighbouring private open space maintains three hours of solar access to 50% of its private open space.
1.7 Views		
• *Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks.*	Yes	View impacts have been addressed within the clause 4.6 variation above and are further discussed below this table.
1.9 Landscaping and open space		
• *40% open space*	Yes	The site will maintain more than 40% open space.

View Impacts

The view loss analysis prepared by CMS Surveyors confirmed that the proposed development and the portion of the development that breaches the height of buildings development standard preserves the iconic views of the city skyline, harbour, harbour bridge and opera house from 35 – 39 Portland Street, Dover Heights. This is demonstrated in **Figures 6 – 14** below. As the views are preserved, an assessment against the principles of Tenacity is not deemed necessary.

Figure 5. Location of the subject site in context fronting Gilbert Street with 35 – 39 Portland Street, Dover Heights, being 3 sites directly to the rear. (Source: Nearmap, 2024)

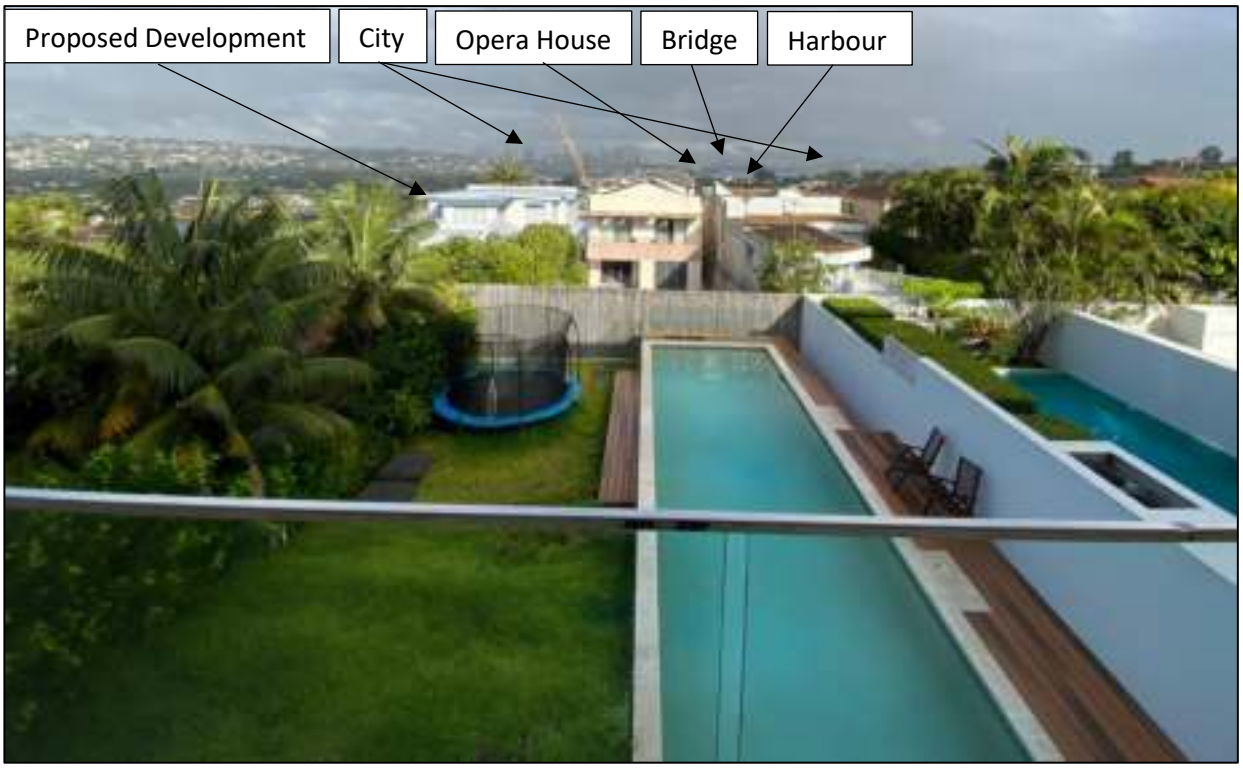

Figure 6. View from 35 Portland Street's ground floor balcony (standing) with the proposed development. (Source: CMS Surveyors, 2024)

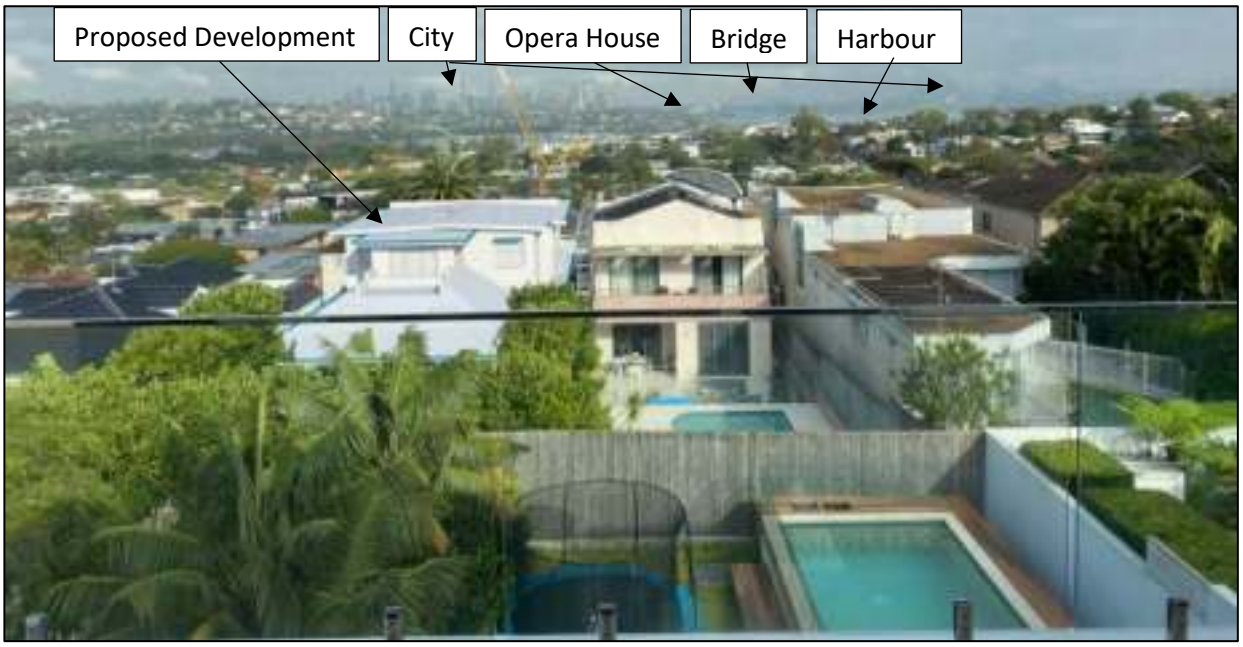

Figure 7. View from 35 Portland Street's first floor bedroom (standing) with the proposed development. (Source: CMS Surveyors, 2024)

Figure 8. View from 35 Portland Street's ground floor living room (standing) with the proposed development. (Source: CMS Surveyors, 2024)

Figure 9. View from 37 Portland Street's ground floor balcony (sitting) with the proposed development. (Source: CMS Surveyors, 2024)

Figure 10. View from 37 Portland Street's ground floor dining room (sitting) with the proposed development. (Source: CMS Surveyors, 2024)

Figure 11. View from 37 Portland Street's ground floor dining room (standing) with the proposed development. (Source: CMS Surveyors, 2024)

Figure 12. View from 39 Portland Street's upper level floor balcony (standing) with the proposed development. (Source: CMS Surveyors, 2024 (photo sourced from Realestate.com))

Figure 13. View from 39 Portland Street's ground floor living room (standing) with the proposed development. (Source: CMS Surveyors, 2024 (photo sourced from Realestate.com))

Figure 14. View from 39 Portland Street's upper level balcony (sitting) with the proposed development. (Source: CMS Surveyors, 2024 (photo sourced from Realestate.com))

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 28 February and 15 March 2024 in accordance with the *Community Engagement Strategy 2023*.

Following receipt of amended plans and additional information, the application was not re-notified as the amended form of the proposal represents a lesser impact than that of the original form that was publicly notified, for the following reasons:

1. The rear first floor balcony was reduced in depth to 1.5m and 1.6m privacy screens were proposed to either side.
2. The roof form to the front of the dwelling was amended.
3. Minor increased setback of the first floor from the front boundary line was provided.
4. Increased side setback to the first floor ensuite from the north side boundary line was provided.

A total of 4 unique submissions were received from the following properties:

Table 4: Submission details

Count	Property Address
1	35 Portland Street, Dover Heights
2-4	37 Portland Street, Dover Heights (3 submissions)

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

- Impact of views
- Breach to height

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

Issue: Clarification on type of roof form.
Response: The addition proposes a flat roof that is slightly angled.

Issue: Whirlybird on top of roof will further block views.
Response: The view loss analysis confirms the whirlybird will not impact views.

Issue: Solar panels will impact views.
Response: Solar panels are not proposed as part of the development, therefore this cannot be assessed.

2.5. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Stormwater

An internal referral was sought from Council's Stormwater Engineer who recommended conditions of consent.

3.2. Tree Management

An internal referral was sought from Council's Tree Officer who raised no objection to the proposed development.

4. CONCLUSION

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

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 19 March 2024 and the MODA concurred with the Assessment Planner's recommendation.

MODA members: *A Rossi, B McNamara, B Magistrale and K Johnstone*

Report prepared by:	**Application reviewed and agreed by:**	**Application reviewed and agreed by:**
Joseph Somerville	Katie Johnstone	Angela Rossi
Senior Development Assessment Planner	**Manager, Development Assessment**	**Executive Manager, Development Assessment**
Date: 31 May 2024	**Date:** 6 June 2024	**Date:** 14 June 2024

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	15.88% variation to height (Clause 4.3)
Determining Authority	Local Planning Panel

	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

(Concurrence Authority for Clause 4.6 variation)	
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?	N
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) Architectural Plans prepared by Cape Cod Australia including the following: (b) BASIX Certificate (c) Schedule of external finishes and colours received by Council on 18 January 2024. (d) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 18 January 2024. 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.

Plan Number and Revision	Plan description	Plan Date	Date received by Council
Page 2 / Rev H	Site Plan	29/05/2024	30/05/2024
Page 4 / Rev H	Proposed Ground Floor Plan	29/05/2024	30/05/2024
Page 5 / Rev H	Proposed First Floor	29/05/2024	30/05/2024
Page 6 / Rev H	Proposed Roof Plan	29/05/2024	30/05/2024
Page 8 / Rev H	East and West Elevations	29/05/2024	30/05/2024
Page 9 / Rev H	North and South Elevations	29/05/2024	30/05/2024
Page 10 / Rev H	Section AA and BB	29/05/2024	30/05/2024

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
2.	**NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE**
	The building work, or demolition work, must not be commenced until: (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the *Environmental Planning and Assessment Act 1979*; (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*; and (c) Council is given at least two days' notice in writing of the intention to commence the building works.
	Condition reason: To ensure a Construction Certificate is obtained prior to work commencing.
3.	**HOME BUILDING ACT**
	The builder or person who does the residential building work shall comply with the applicable requirements of Part 6 of the *Home and Building Act 1989*. In this regard a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy the Principal Certifying Authority that they have complied with the applicable requirements of Part 6, before any work commences.
	Condition reason: To ensure the builder or person who does the residential building work, complies with the applicable requirements of Part 6 of the *Home and Building Act 1989*.
4.	**SECTION 7.12 CONTRIBUTION**
	A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Waverley Council Development Contributions Plan in accordance with the following: (a) Where the total development cost is $500,000 or less: (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:

	(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. (c) Where the total development cost is $1,000,000 or more: (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). Please forward documents to info@waverley.nsw.gov.au attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy. (ii) Upon confirmation of the contribution amount by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate), payment is to be processed via the Customer Service Centre. (iii) Should there be a discrepancy between the cost of works approved in subclause (b)(i) and the DA fee nominated in the original DA, then additional DA Fees may be payable prior to the issue of a Construction Certificate. A copy of the required format for the cost reports are provided in the Waverley Council Contributions Plan, available on Council's website. (d) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, the levy must be paid in accordance with the following; (i) A development valued at $100,000 or less will be exempt from the levy; (ii) A development valued at $100,001 - $200,000 will attract a levy of 0.5% of the full cost of the development; or (iii) A development valued at more than $200,000 will attract a levy of 1% of the full cost of the development. Prior to the issue of any Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than $100,000.
	Condition reason: To ensure the Section 7.12 Contributions are paid.
5.	**SECURITY DEPOSIT**
	A deposit (cash or cheque) for the amount of $26,260 must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent. This deposit (cash or cheque) 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.
	Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.
6.	**LONG SERVICE LEVY**
	A long service levy, as required under section 34 of the *Building and Construction Industry Long Service Payments Act, 1986*, is to be paid in respect of this building work. Evidence that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate. <u>Note</u>: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.25% of building work costing $250,000 or more.
	Condition reason: To ensure the long service levy is paid.
7.	**ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES**
	The applicant is to pay to Council fees for assessment of all engineering plans and inspection of the completed works in the public domain inclusive of all stormwater assessment, in accordance with Council's Schedule of Fees & Charges at the time of engineering plan approval, prior to such approval being granted by Council. An invoice will be issued to the applicant for the amount payable, which will be calculated based on the design plans for the subject development.
	Condition reason: To ensure Council assessment fees are paid.
8.	**HOARDING**
	To ensure the site is contained during construction, a hoarding is required for the approved works, which is to be designed and constructed in accordance with the requirements of Safe Work NSW. Where the hoarding is to be erected over the footpath or any public place, the approval of Council's Compliance Unit must be obtained and the applicable fees paid, prior to the erection of the hoarding.
	Condition reason: To ensure safety to the general public.
9.	**EROSION & SEDIMENT CONTROL**
	A Soil and Water Management Plan (SWMP), also known as an Erosion and Sediment Control Plan must be prepared in accordance with Waverley Council's Water Management Technical Manual. The SWMP must be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request. The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.

	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
10.	**ENGINEERING DETAILS**
	Structural details are to be prepared and certified by a practicing Structural Engineer in connection with all structural components of the approved works, prior to the issue of the relevant Construction Certificate.
	Condition reason: To ensure structural stability of work on site.
11.	**ENGINEERING CERTIFICATE OF ADEQUACY**
	A Certificate of Adequacy prepared by a practicing Structural Engineer is to be provided certifying the adequacy of the existing building structure to carry the extra load of the proposed additions, prior to the issue of the relevant Construction Certificate.
	Condition reason: To ensure structural stability of work on site.
12.	**STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS**
	Prior to the issue of a Construction Certificate, a report or certification from a practicing structural engineer must be submitted to the Principal Certifying Authority to explain how the retained building elements, such as building facades or chimneys are to be retained, supported and not undermined by the proposed development and give details of any intervention or retrofitting needed.
	Condition reason: To ensure structural stability of retained building elements.
13.	**STORMWATER MANAGEMENT**
	The submitted stormwater management plan prepared by Kneebone & Beretta Consulting Pty Ltd, Drawing No. 93257-D1, Rev. A dated 01/12/2023 is considered concept only. a) 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. b) 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 aforementioned conditions. c) The checklist as set out on pages 68-76 in Council's Water Management Technical Manual (October 2021) available online must be completed and submitted with any revision of Construction Certificate Plan Submission. d) Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block must not be replicated. e) Evidence from a suitably qualified and practicing Engineer that this design requirement 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.
	Condition reason: Ensure stormwater management plans are appropriated for the proposed development and site, and all requirements in the Waverley Council Water Technical Manual are met.
14.	**DISPOSAL CONNECTION TO COUNCIL'S KERB AND GUTTER**
	a) Any proposed pipeline within the footpath verge of the street must be hot dipped galvanised steel hollow section with the size of 125mm x 75mm x 4mm (w x h x t). Note a minimum width of 1m of concrete kerb and gutter must be replaced surrounding this connection with 10mm thick mastic expansion joints installed on both sides (full depth) and with a 600mm asphalt adjustment and liquid crack sealing if the asphalt is damaged as part of the works or in a deteriorated state). b) Discharge to the street gutter is limited to two outlet points, to be located directly in the front of the site. Where two outlets are proposed, a minimum clear separation of 200 mm must be provided at the kerb. c) 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. d) Piped drainage within all Council land including roads and footways will be laid at minimum 1% gravity fall directed toward the point of discharge. The permissible site discharge shouldn't be more than 25L/s according to water technical manual.
	Condition reason: Limit large quantities of stormwater and sediment from being discharged to the public domain, and reduce maintenance requirements of stormwater pipes in the public domain.
15.	**ROOF DRAINAGE SYSTEMS**
	Any new downpipes are to be located wholly within the property's boundary.
	Condition reason: Ensure roof drainage system can cater for the required design storms.
16.	**RETAINING EXISTING INTERNAL DRAINAGE DESIGN**
	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.
	Condition reason: Ensure existing drainage infrastructure is appropriate for the proposed works.
17.	**SIGNIFICANT UPSTREAM CATCHMENT**
	The design must provide for the natural flow of stormwater runoff from uphill/upstream properties/lands. If no overland flow path is provided, the design must include the collection of such waters and discharge to the Council drainage system independent of any OSD system.

	Condition reason: Ensure natural flow of stormwater runoff is not impacted by any proposed works creating adverse impacts upstream or downstream.
18.	**PROPOSED INTERNAL DRAINAGE DESIGN**
	a) Detail the proposed pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location. b) Pits and inspection openings are to be provided at all junctions, change in gradient, change in direction, and change in diameter for access and maintenance purposes. c) Provide calculations demonstrating that the proposed stormwater drainage system can cater for the relevant design storm event. d) A stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets. e) A grated trench drain will be provided across the (garage entrance/driveway/street boundary) within private property to prevent stormwater flows from the site crossing the footpath. Unless otherwise sized by a suitably qualified and practising Engineer, the dimensions of the trench grate is no less than 300 mm wide by 100 mm deep at the shallow end and have a "bottom" slope of 2%. This trench drain will be connected to an approved drainage system.
	Condition reason: Ensure proposed drainage infrastructure is appropriate for the proposed works.
19.	**PITS AND PIPES IN COUNCIL ROAD RESERVE**
	The proposed kerb inlet pit/pipes must be constructed to Council's satisfaction. Details are to form part of the stormwater management plans.
	Condition reason: Reduce maintenance requirements of stormwater pipes in the public domain.
20.	**EROSION AND SEDIMENT CONTROL**
	A Basic Control Plan/ an Erosion and Sediment Control Plan must be submitted.
	Condition reason: Ensure sediment is contained within the site and there is no adverse erosion during construction.
21.	**SEEPAGE**
	a) Seepage water must not be directly or indirectly discharged to Council's street gutter. Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council. b) Demonstrate in the stormwater management plans how the sub-soil drainage is being captured and discharged to Council's stormwater drainage systems.
	Condition reason: Ensure any water discharge from the site is restricted to the one established stormwater disposal points as set out in the stormwater management plans.

22.	**WORKS IN PUBLIC DOMAIN**
	a) Any Council infrastructure affected as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works will be replaced as per Waverley Council Public Domain Technical Manual. All associated costs will be borne by the applicant. b) The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development. c) Council must be notified when the connection has been made to the kerb inlet pit and an inspection must be made by a Council officer prior to public domain restoration and backfill at the point of connection. An inspection fee will apply for each inspection visit required by a Council officer, payable prior to any site inspection. Minimum 48 hour's notice must be provided to Council prior to inspection.
	Condition reason: Ensure all council owned assets are not adversely impacted as a result of the proposed works.
23.	**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.
24.	**SITE WASTE AND RECYCLING MANAGEMENT PLAN**
	A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the *SWRMP Part 2* is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.
	Condition reason: To ensure resource recovery is promoted and the local amenity is protected during construction.
25.	**CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)**
	The applicant is to submit a Construction Traffic Management Plan (CTMP) for the approval of Council's Executive Manager, Infrastructure Services, or delegate, prior to the issue of any Construction Certificate. For further information on what is required in the CTMP, please refer to Council's website at: https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent
	Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

26.	**RENEWABLE ENERGY AND ENERGY EFFICIENCY**
	To enable all development to contribute to net zero greenhouse emissions by 2035, the following shall apply (to new components): (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. (b) Recommended swimming pool heating systems to include solar thermal only, solar thermal boosted with electric heat pump or electric heat pump. (c) No gas cooktops, gas ovens and gas heating systems are permitted. Alternate options must be used (such as electric, induction). (d) Recommended lighting systems to include LEDs with controls, such as motion sensors, step-dim controls and daylight sensors. 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.
	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.

BEFORE BUILDING WORK COMMENCES

	Condition
27.	**CONSTRUCTION SIGNS**
	Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.
	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.
28.	**DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS**
	The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including: • Work Health and Safety Act 2011; • Work Health and Safety Regulation 2017; • SafeWork NSW Code of Practice for the Safe Removal of Asbestos; • Australian Standard 2601 (2001) – Demolition of Structures; • *Protection of the Environment Operations Act 1997.* At least 5 days prior to the demolition, renovation work or alterations and additions to any building, the person acting on the consent shall submit a Work Plan to the Principal Certifying Authority in accordance with Australian Standard AS 2601-2001, Demolition of Structure and a Hazardous Materials Assessment prepared by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall: (a) Outline the identification of any hazardous materials, including surfaces coated with lead paint; (b) Confirm that no asbestos products are present on the subject land, or (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by SafeWork NSW (catalogue WC03561); (d) Describe the method of demolition; (e) Describe the precautions to be employed to minimise any dust nuisance; and (f) Describe the disposal methods for hazardous materials.
	Condition reason: To ensure the safety of workers and the general public.

29.	**TREE PROTECTION**
	All trees on site and adjoining properties, including street trees, are to be retained and protected in accordance with AS4970-2009 'Protection of Trees on Construction Sites' and to be certified by an Arborist with AQF level 5 qualification or above, unless approved to be removed in this development consent.
	Condition reason: To protect and retain trees.
30.	**STREET TREES TO BE RETAINED/TREE PROTECTION**
	No existing street trees shall be removed without Council approval. Precautions shall be taken when working near trees to ensure their retention, including the following: (a) Do not store harmful or bulk materials or spoil under or near trees; (b) Prevent damage to bark and root system; (c) Do not use mechanical methods to excavate within root zones; (d) Do not add or remove topsoil from under the drip line; (e) Do not compact ground under the drip line; (f) Do not mix or dispose of liquids within the drip line of the tree; and (g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter in accordance with AS4970-2009 “Protection of trees on construction sites.
	Condition reason: To protect trees during the carrying out of site work.

DURING BUILDING WORK

	Condition
31.	**CONTROL OF DUST ON CONSTRUCTION SITES**
	The following requirements apply to demolition and construction works on site: (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries. (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices.
	Condition reason: To ensure the safety of workers and the general public.
32.	**CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS**
	Prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines 2014.
	Condition reason: To ensure compliance with the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines 2014.
33.	**EXCAVATION AND BACKFILLING**
	All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property. If an excavation associated with the erection or demolition or a building extends below the level of the footings of a building on an adjoining allotment of land, the excavation is to be managed by a practising structural engineer.
	Condition reason: To ensure structural stability of work on site and general safety.
34.	**CONSTRUCTION HOURS**
	Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays, with no work to be carried out on Sundays and public holidays. Excavation works involving the use of heavy earth movement equipment, including rock breakers and the like, must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays, with no such work to be carried out on Saturday, Sunday or a public holiday.

	Noise from construction activities shall comply with the *Protection of the Environmental Operations (Noise Control) Regulation 2017*.
	Condition reason: To protect the amenity of the surrounding area.
35.	**STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS**
	All building materials and any other items associated with the development are to be stored within the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.
	Condition reason: To ensure building material is stored in an appropriate location.
36.	**CONSTRUCTION INSPECTIONS**
	The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the *Building Legislation Amendment (Quality of Construction) Act 2002, Part 8 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* and the requirements of any other applicable legislation or instruments.
	Condition reason: To ensure regular inspections occur throughout the construction process.
37.	**CERTIFICATE OF SURVEY - LEVELS**
	All construction works are to be in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels is to be submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
38.	**CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING**
	A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the location of the building on the site is to be submitted to the Principal Certifying Authority to certify the building is located in accordance with the development consent plans. The Certificate is to be submitted prior to the construction of the external walls above the ground floor level of the building.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
39.	**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.

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: • 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.	**SYDNEY WATER CERTIFICATE**
	A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. **Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website.** Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact **with the Coordinator**, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
6.	**DIAL BEFORE YOU DIG**
	Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
7.	**TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)**
	Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.
8.	**ALTERATIONS AND ADDITIONS ONLY**
	This consent is for alterations and additions to the existing building only and should during the course of construction a significant amount of the remaining fabric of the building be required to be removed, works must cease immediately and a new development application will be required to be submitted for assessment.
9.	**EXCAVATION TO BE LIMITED**
	Excavation shall be limited to that shown in the approved plans. Any further excavation will require Council approval.
10.	**BONDI - ROSE BAY SAND BODY**
	This site may be located within the Bondi - Rose Bay Sand Body as identified in Council's Aboriginal Cultural Heritage Study 2009. Should an object of potential Aboriginal or archaeological significance be discovered during the demolition, excavation or construction period associated with this development, works are to immediately cease and the NSW National Parks and Wildlife Service must be contacted.

	Waverley Council must be notified of any referral to the NSW National Parks and Wildlife Service and be provided with a copy of any subsequent response.
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.	**WORK OUTSIDE PROPERTY BOUNDARY**
	This consent does not authorise any work outside the property boundary.
13.	**WAVERLEY LGA FLOOD STUDY 2021**
	The property is on land identified as flood affected under the Council endorsed Waverley LGA Flood Study 2021. The registered proprietor's attention is drawn to the likelihood that the development may be inundated by flood waters during a 1% Annual Exceedance Probability (AEP) storm event. As flood events can cause significant damage to property and pose risk to life, it is advised that the following measures are undertaken: e) All new building material must be flood resistant or flood compatible to a height of 1% AEP flood level + 300 mm freeboard. f) All new internal electrical switches, power points or similar utilities liable to flood damage must be set at or above the 1% AEP flood level + 300 mm freeboard. g) A suitably qualified engineer certifies that any new structure can withstand the forces of floodwater, scour debris and buoyancy up to and including the 1% AEP flood level + 300 mm freeboard. h) A storage area must be provided at or above the 1% AEP flood level + 300 mm freeboard for the storage of goods that can be damaged or mobilised by flooding, or goods that have potential to cause pollution during flooding. i) Any proposed fencing must be built using flood compatible material. In addition, it is recommended that before occupation or prior to the issue of any Occupation Certificate, a site flood emergency response plan is prepared, and any required flood warning system are installed and fully tested. If a plan is created, a copy of this plan must be submitted to the Private Certifier and to Waverley Council. Certification from a suitably qualified engineer to the effect that the plan has been prepared and where required, the flood warning system have been installed and tested, must be included with the Occupation Certificate. The site flood emergency response warning systems and plan must be regularly maintained, reviewed and/or updated and be in good working order at all times.

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

Application No: DA-14/2024

Date Received: 30/05/2024

AMENDED PLANS

WORKING PLANS SHEET LIST

SHEET NO.	SHEET TITLE
1	TITLE
2	SITE PLAN
3	EXISTING LOWER GROUND FLOOR PLAN
4	PROPOSED GROUND FLOOR PLAN
5	PROPOSED FIRST FLOOR PLAN
6	PROPOSED ROOF PLAN
7	GROSS FLOOR AREA PLAN
8	ELEVATIONS
9	ELEVATIONS
10	SECTIONS
11	BASIX COMMITMENTS
12	GENERAL SPECIFICATIONS
13	GLAZING SPECIFICATIONS

VERSION

#	DESCRIPTION		DATE
A	TECHNICAL	EM	28.06.23
B	TO CLIENT	SM	21.07.23
C	POV 105292,105390-105393 & 105395-105402	CS	05.09.23
D	POV 105438	SM	10.11.23
E	BASIX ADDED AND TO COUNCIL	AT	20.12.23
F	AMENDED FOR COUNCIL	JC	09.02.24
G	COUNCIL REDESIGN & POV 106119	SE	15.05.24
H	AMENDED FOR COUNCIL	SE	29.05.24

SPECIAL NOTES

- CONNECT/INSTALL THIRTY FOUR (34) DOWNLIGHT FITTINGS, TWO (2) EXTERNAL LIGHT POINTS AND TWO (2) FAN/LIGHT/HEATER UNITS (AS SUPPLIED BY OWNER)

GENERAL SPECIAL NOTES

THIS PLAN IS TO BE READ IN CONJUNCTION WITH THE WRITTEN PROPOSAL:

- PROVIDE MARINE GRADE BRICKS, MORTAR & TIES IN ACCORDANCE WITH AS3700 AS SITE IS WITHIN 1KM OF OCEAN

SMOKE DETECTORS

	GROUND FLOOR	EXISTING TO BE CONFIRMED BY ELECTRICIAN ON SITE TO DETERMINE NCC COMPLIANCE.NEW SMOKE DETECTOR TO BE SUPPLIED & INSTALLED BY CAPECOD TO COMPLY WITH NCC STANDARD IF REQUIRED	1
	FIRST FLOOR	SUPPLIED & INSTALLED BY CAPE COD TO COMPLY WITH NCC STANDARD	1

WORKS BY OWNER

- SUPPLY, INSTALLATION AND/OR RELOCATION OF SOLAR PANELS IF REQUIRED.
- MAKING GOOD TO EXISTING ENGINEERED FLOOR FINISH AND PROVISION OF NEW FLOOR FINISH TO GROUND FLOOR EXTENSION
- WALK-IN-ROBE FITOUT
- RELOCATION AND/OR ADJUSTMENT TO EXISTING AC SYSTEM
- SUPPLY OF THIRTY FOUR (34) DOWNLIGHT FITTINGS, TWO (2) EXTERNAL LIGHT POINTS, TWO (2) FAN/LIGHT/HEATER UNITS & FOUR (4) CEILING SWEEP FANS
- SUPPLY AND INSTALLATION OF MIRROR TO ENSUITE VANITY

PROPOSED ADDITION FOR:

MR B & MRS J GIEN
36 GILBERT STREET
DOVER HEIGHTS NSW 2030

JOB NUMBER: **8236**

COUNCIL: **WAVERLY**

PROJECT DESIGNER: **BARBARA SZYMANSKI**

Cape Cod AUSTRALIA

A.B.N. 54 OOO 605 407

P O BOX 2002
NORTH PARRAMATTA 1750
PHONE: (02) 9849 4444
BUILDERS LICENCE NO. 5519

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SITE PLAN

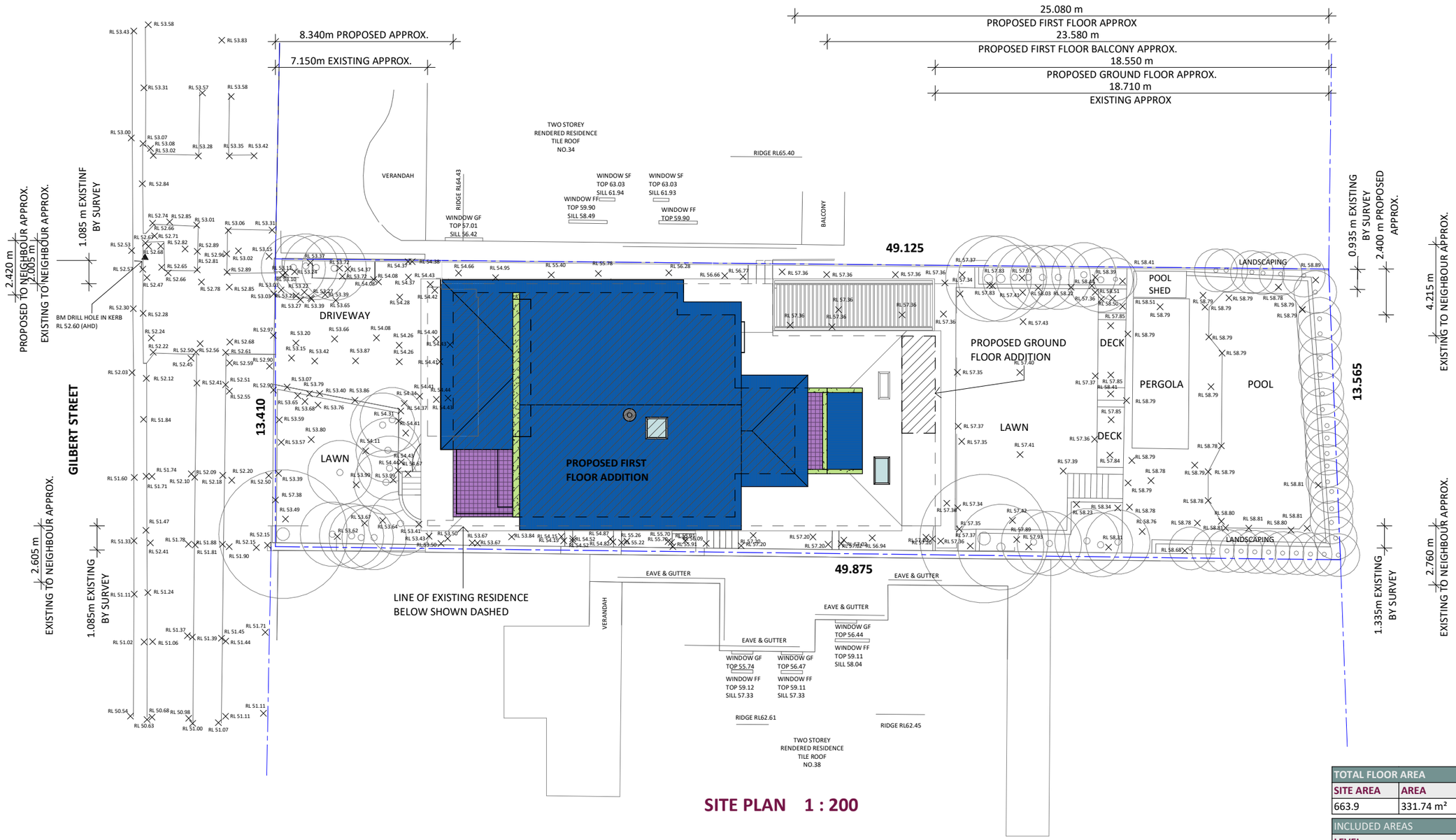
RECEIVED
Waverley Council

Application No: DA-14/2024

Date Received: 30/05/2024

PROPERTY INFORMATION		
PROPERTY NO.	LOT NO.	DP NO.
36	1	12896

SITE AREA INFORMATION	
BY SURVEY (m2)	BY TITLE (m2)
663.90	663.90



SITE PLAN 1 : 200

TOTAL FLOOR AREA		
SITE AREA	AREA	FSR
663.9	331.74 m²	0.50

INCLUDED AREAS	
LEVEL	AREA
LOWER GROUND FLOOR	26.19 m²
GROUND FLOOR	207.58 m²
FIRST FLOOR	97.97 m²
TOTAL	331.74 m²

Exclusions:
Lower Ground Floor Garage and Subfloor Foundation Area
Ground Floor Balcony, Deck and First Floor Balconies

AMENDED PLANS

PROPOSED ADDITION FOR:
8236 MR B & MRS J GIEN. 36 GILBERT STREET, DOVER HEIGHTS NSW 2030

WORKING PLANS PAGE 2 OF 13 ISSUE H

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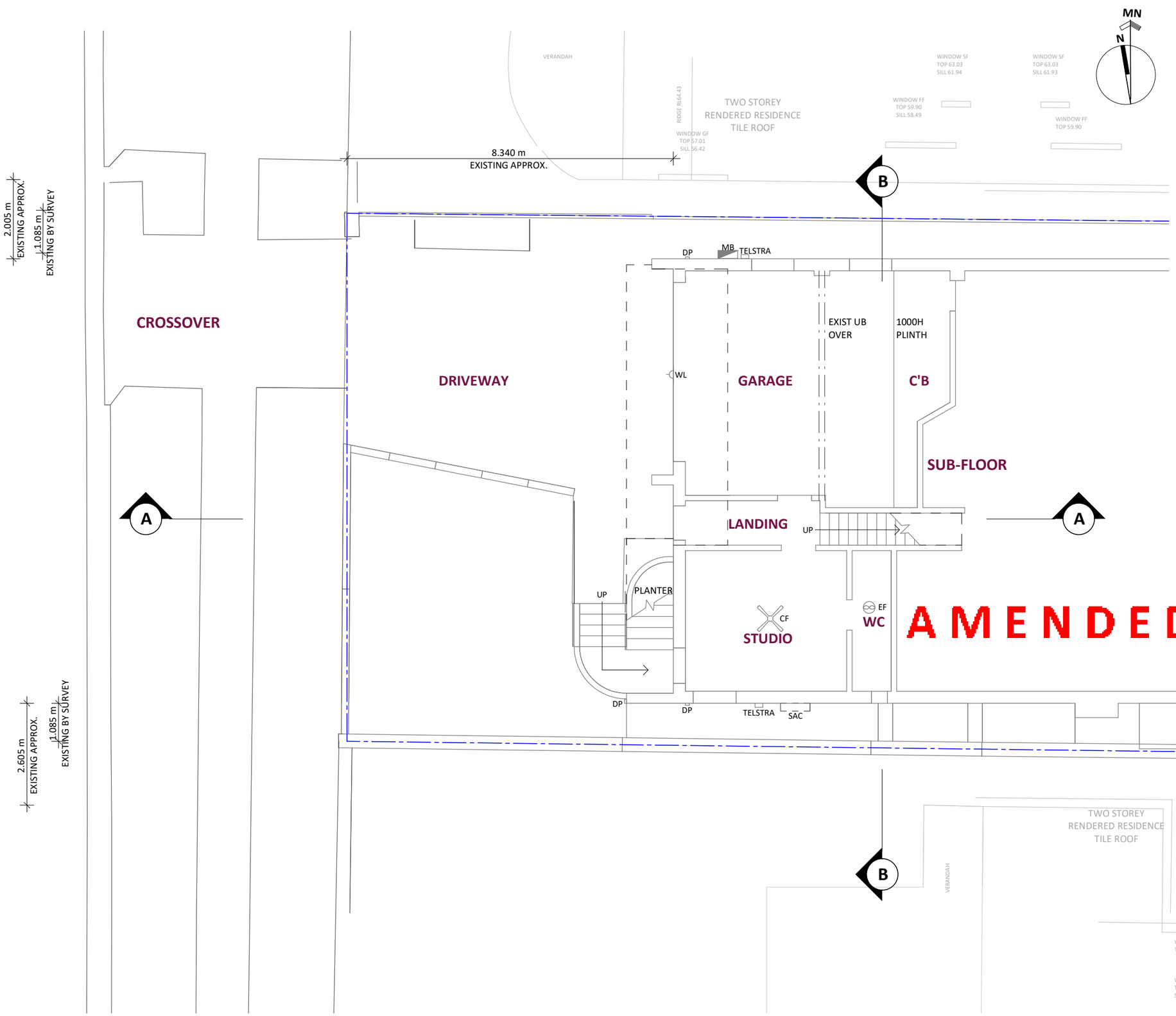
EXISTING LOWER GROUND FLOOR PLAN



AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-14/2024

Date Received: 30/05/2024

SERVICES LEGEND

	DESCRIPTION
SAC	AIRCONDITIONING COMPRESSOR
CF	CEILING FAN
DP	DOWNPIPE - METAL QUAD
MB	ELECTRICAL METER BOX
EF	EXHAUST FAN
TB	TELSTRA BOX
WL	WALL LIGHT

AREA (m²)

NAME	AREA
LOWER GROUND FLOOR	26.19 m²

EXISTING LOWER GROUND FLOOR PLAN 1 : 100

PROPOSED ADDITION FOR:
8236 MR B & MRS J GIEN. 36 GILBERT STREET, DOVER HEIGHTS NSW 2030

WORKING PLANS PAGE 3 OF 13 ISSUE H

Cape Cod AUSTRALIA

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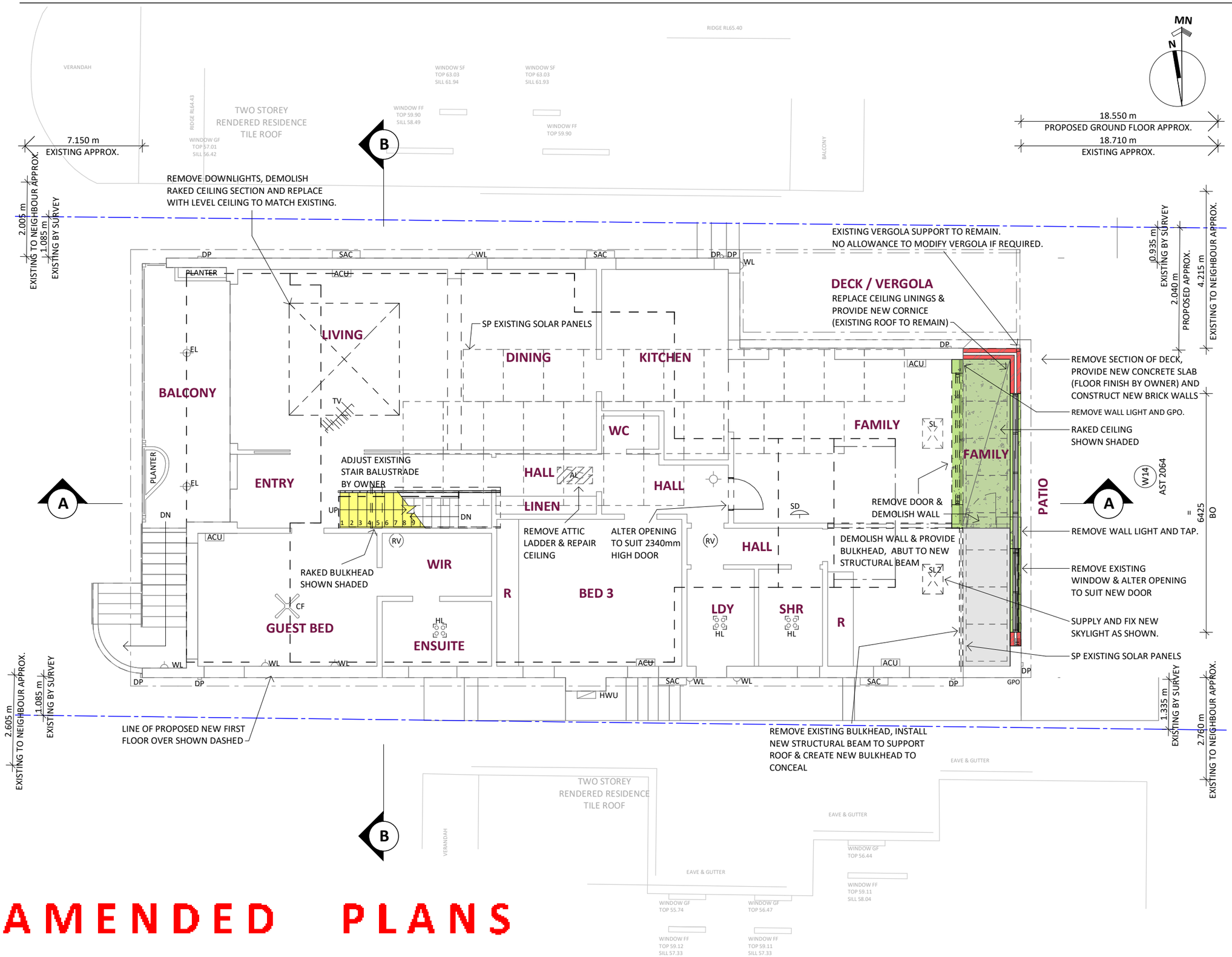
PROPOSED GROUND FLOOR PLAN



SERVICES LEGEND

	DESCRIPTION
AC	AIRCONDITIONER WALL MOUNTED
SAC	AIRCONDITIONING COMPRESSOR
AL	ATTIC LADDER
CF	CEILING FAN
DP	DOWNPIPE - METAL QUAD
DP	DOWNPIPE - PVC
EL	EAVE LIGHT
HL	HEATER/LIGHT/FAN UNIT
HWU	HOT WATER UNIT - WALL MOUNTED
RV	POWERED ROOF VENTILATOR
SD	SATELITE DISH
SL2	SKYLIGHT - FIXED VELUX SO1 700 x 1140
	SMOKE DETECTOR - EXISTING
S	SMOKE DETECTOR - NEW
SP	SOLAR PANEL ROOF
TV	TV ANTENNA
WL	WALL LIGHT

AREA (m²)	
NAME	AREA
GROUND FLOOR	207.58 m²

RECEIVED
Waverley Council

Application No: DA-14/2024

Date Received: 30/05/2024

AMENDED PLANS

PROPOSED GROUND FLOOR PLAN 1 : 100

PROPOSED ADDITION FOR:
8236 MR B & MRS J GIEN. 36 GILBERT STREET, DOVER HEIGHTS NSW 2030

WORKING PLANS PAGE 4 OF 13 ISSUE H

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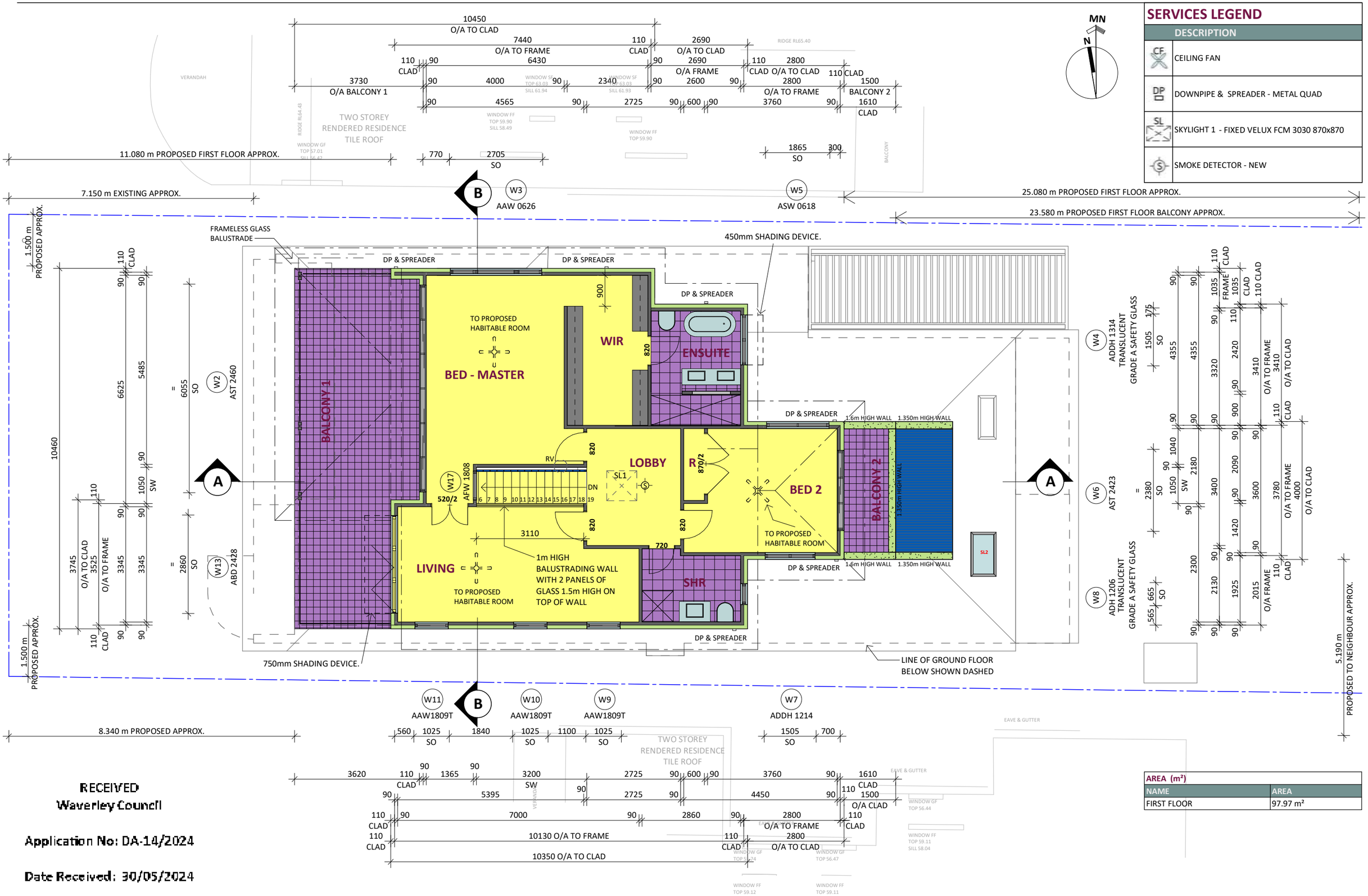
PROPOSED FIRST FLOOR PLAN

AMENDED PLANS



SERVICES LEGEND

DESCRIPTION	
CF	CEILING FAN
DP	DOWNPIPE & SPREADER - METAL QUAD
SL	SKYLIGHT 1 - FIXED VELUX FCM 3030 870x870
S	SMOKE DETECTOR - NEW

AREA (m²)	
NAME	AREA
FIRST FLOOR	97.97 m²

RECEIVED
Waverley Council

Application No: DA-14/2024

Date Received: 30/05/2024

PROPOSED FIRST FLOOR 1 : 100

PROPOSED ADDITION FOR:
8236 MR B & MRS J GIEN. 36 GILBERT STREET, DOVER HEIGHTS NSW 2030

WORKING PLANS PAGE 5 OF 13 ISSUE H

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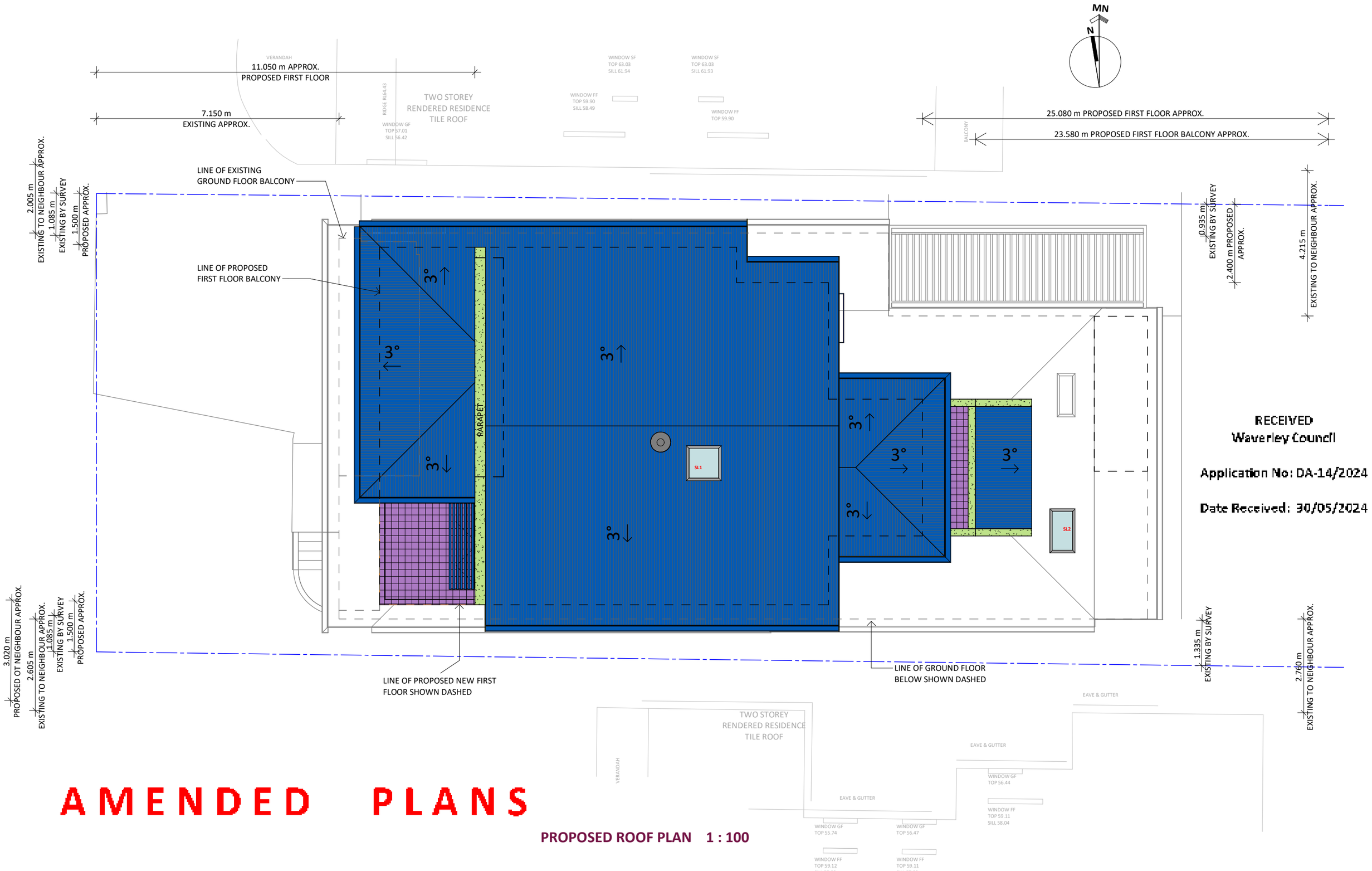
PROPOSED ROOF PLAN



RECEIVED
Waverley Council

Application No: DA-14/2024

Date Received: 30/05/2024

AMENDED PLANS

PROPOSED ROOF PLAN 1 : 100

PROPOSED ADDITION FOR:
8236 MR B & MRS J GIEN. 36 GILBERT STREET, DOVER HEIGHTS NSW 2030

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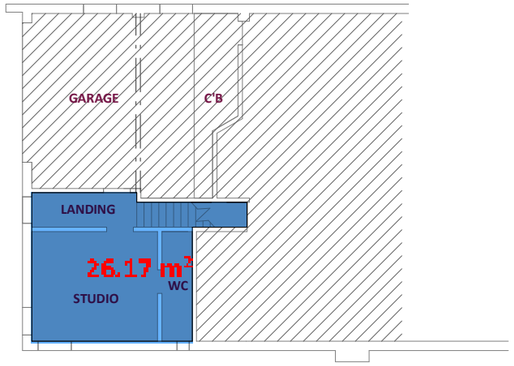
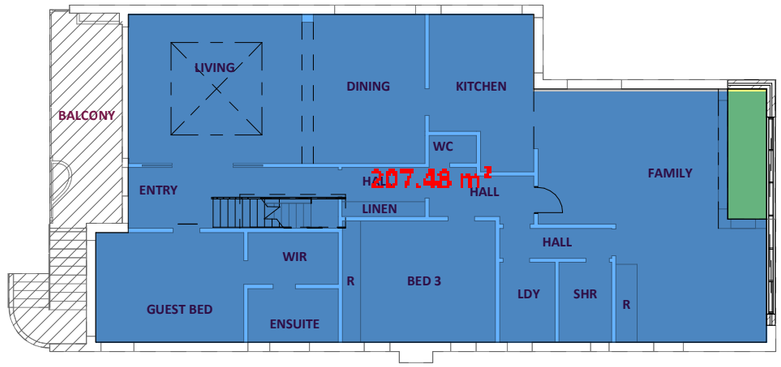
GROSS FLOOR AREA PLAN

PROPERTY INFORMATION		
PROPERTY NO.	LOT NO.	DP NO.
36	1	12896

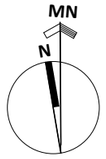
SITE AREA INFORMATION	
BY SURVEY (m2)	BY TITLE (m2)
663.90	663.90



EXISTING LOWER GROUND FLOOR PLAN 1 : 200



PROPOSED GROUND FLOOR PLAN 1 : 200



LEGEND

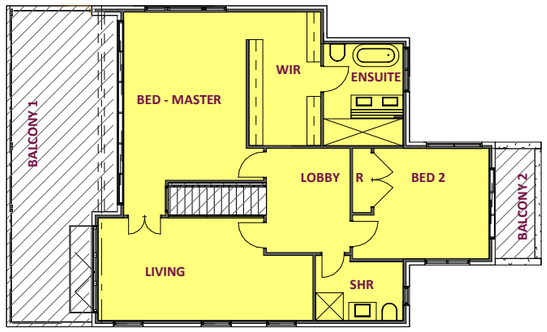
DESCRIPTION	
	PROPOSED FLOOR AREA
	EXISTING FLOOR AREA
	EXCLUDED FLOOR AREA

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

RECEIVED
Waverley Council

Application No: DA-14/2024

Date Received: 30/05/2024



PROPOSED FIRST FLOOR 1 : 200

PROJECT COMPLIANCE		
SITE AREA	AREA	% FSR
663.9	331.74 m²	0.50

INCLUDED AREA	
LEVEL	AREA
LOWER GROUND FLOOR	26.19 m²
GROUND FLOOR	207.58 m²
FIRST FLOOR	97.97 m²

EXCLUSIONS: LOWER GROUND FLOOR GARAGE AND SUBFLOOR FOUNDATION AREA, GROUND FLOOR BALCONY, DECK AND FIRST FLOOR BALCONIES

PROPOSED ADDITION FOR:
8236 MR B & MRS J GIEN. 36 GILBERT STREET, DOVER HEIGHTS NSW 2030

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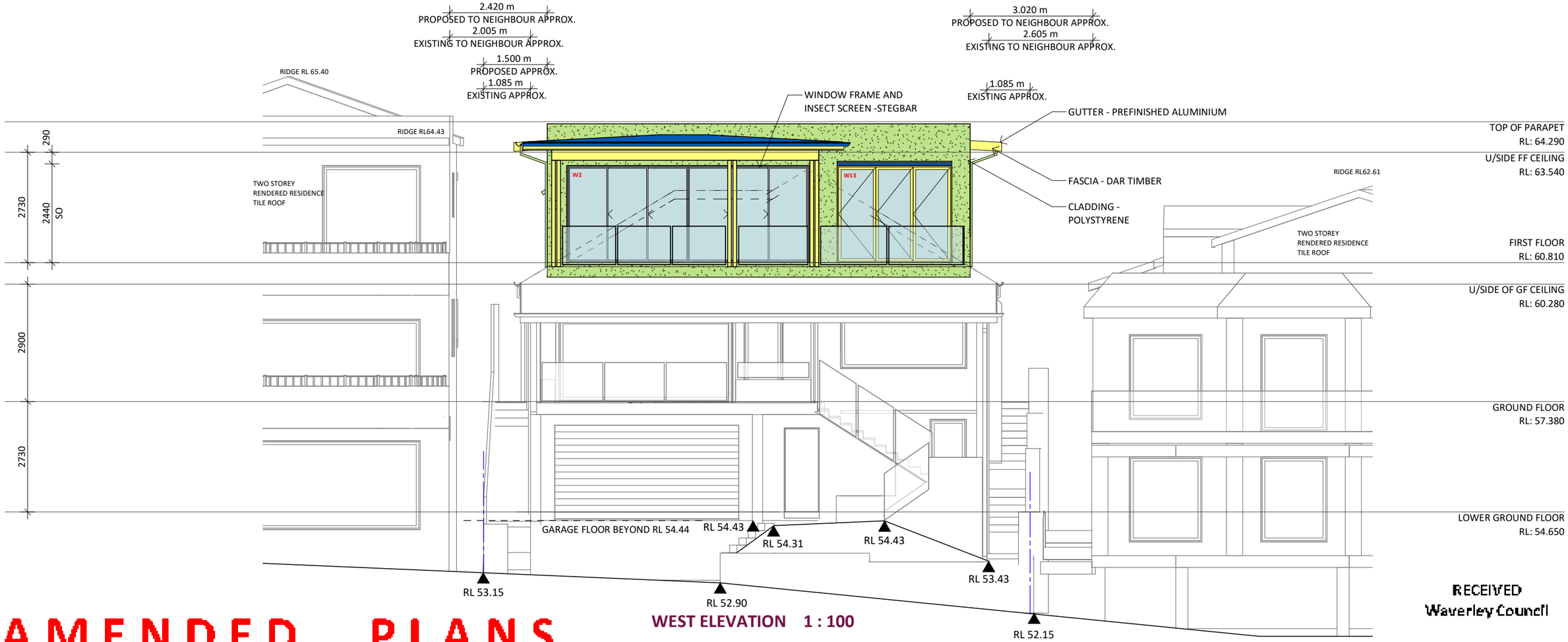
REVIT VERSION V016

Cape Cod AUSTRALIA

ELEVATIONS



WEST ELEVATION 1 : 100

AMENDED PLANS

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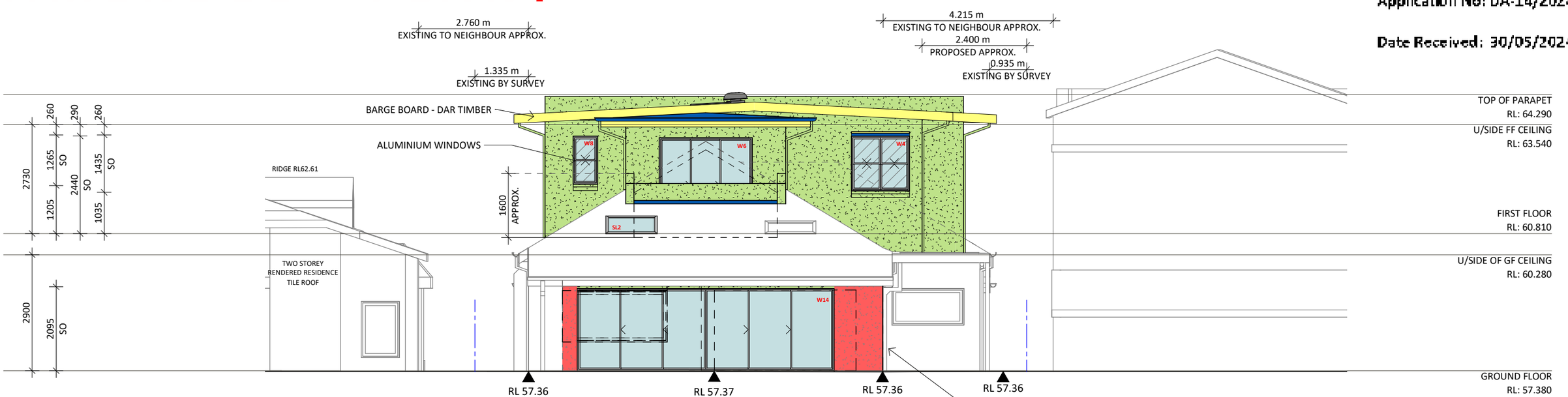
Application No: DA-14/2024

Date Received: 30/05/2024



EAST ELEVATION 1 : 100

PROPOSED ADDITION FOR:
8236 MR B & MRS J GIEN. 36 GILBERT STREET, DOVER HEIGHTS NSW 2030

WORKING PLANS PAGE 8 OF 13 ISSUE H

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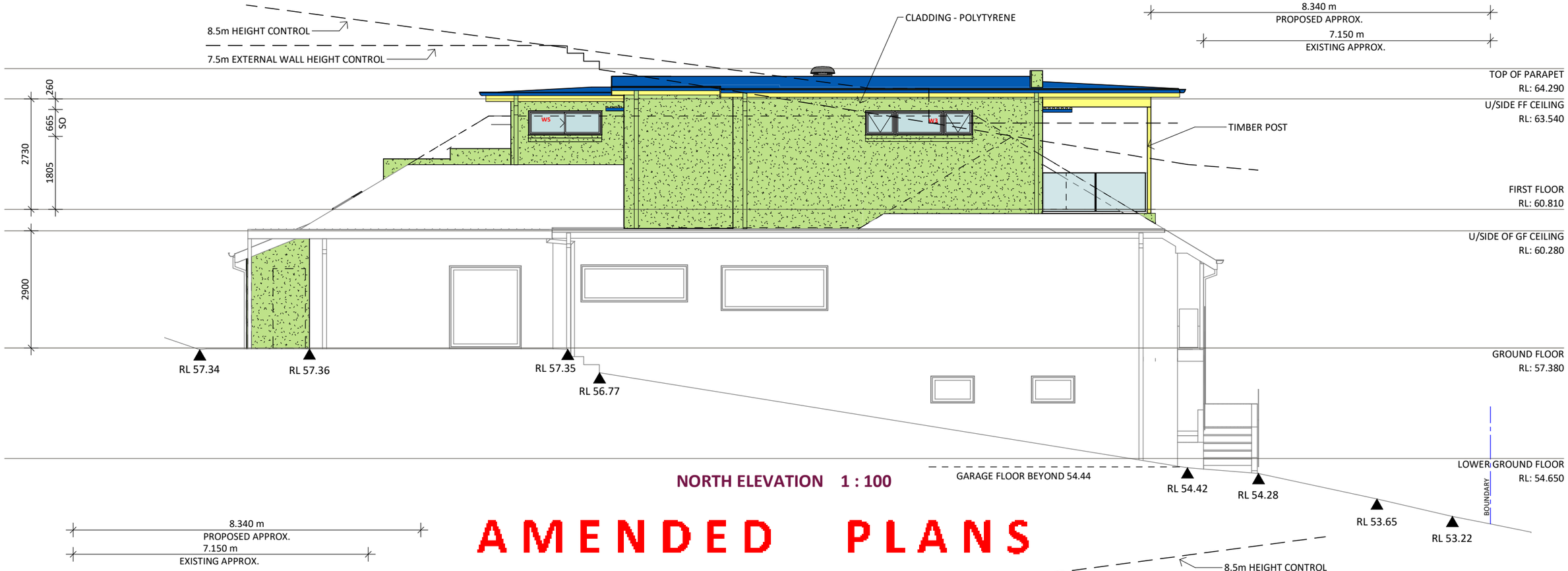
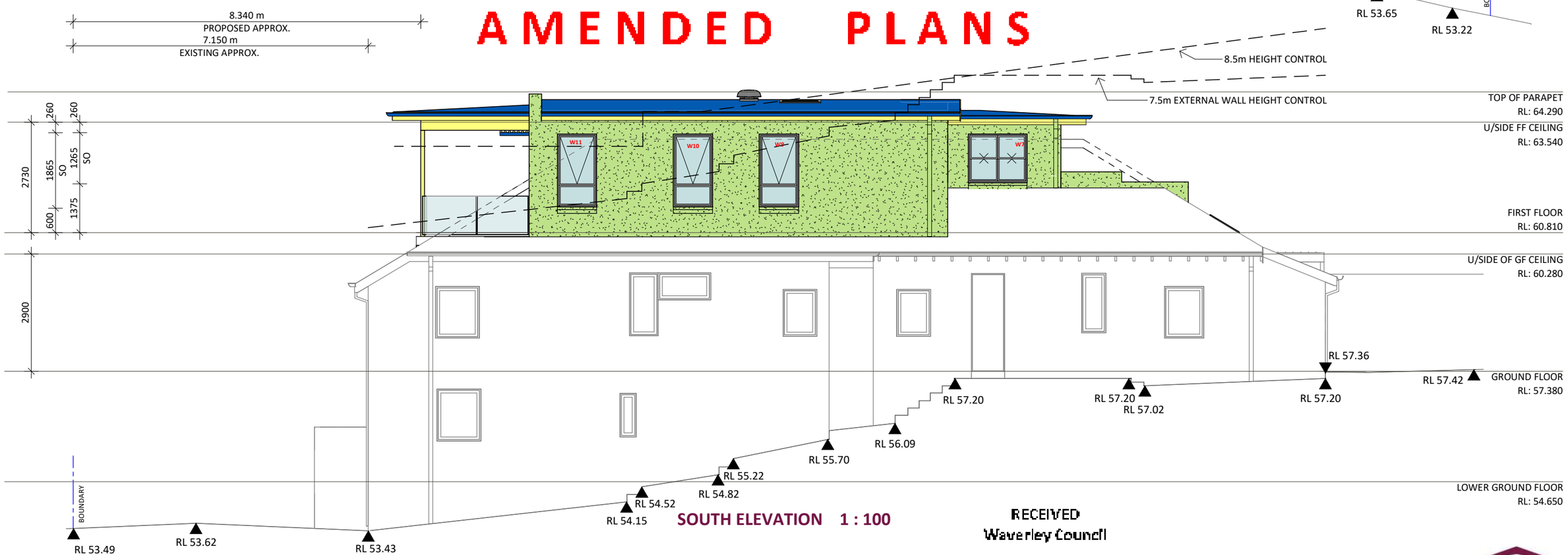
ELEVATIONS



NORTH ELEVATION 1 : 100

AMENDED PLANS



SOUTH ELEVATION 1 : 100

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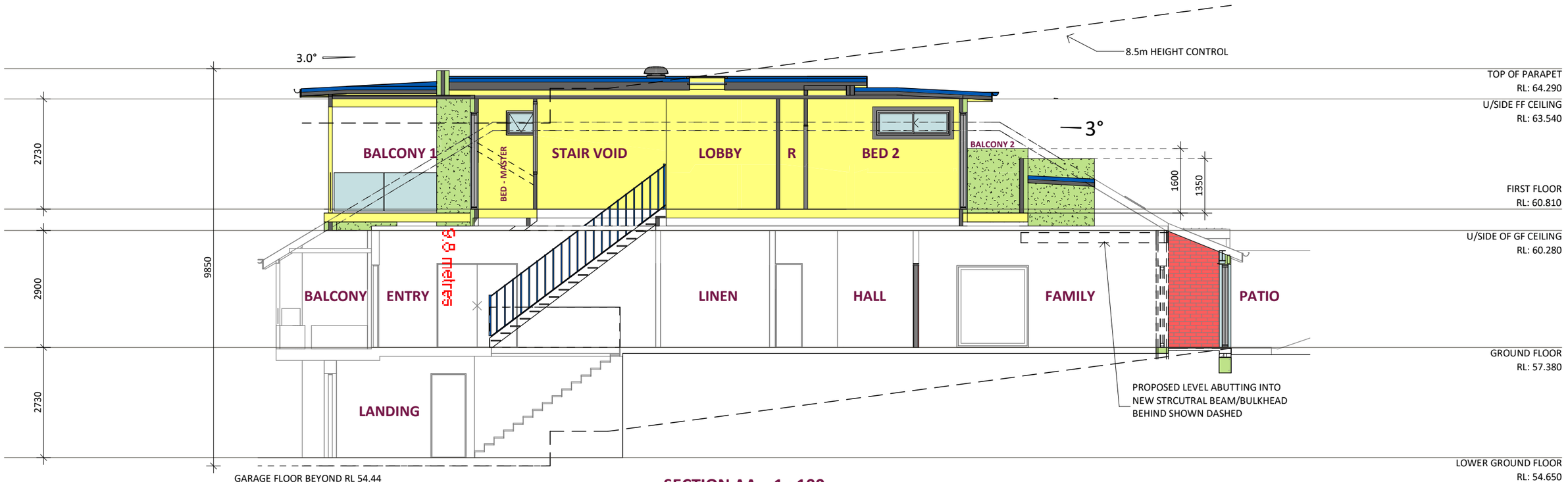
SECTIONS



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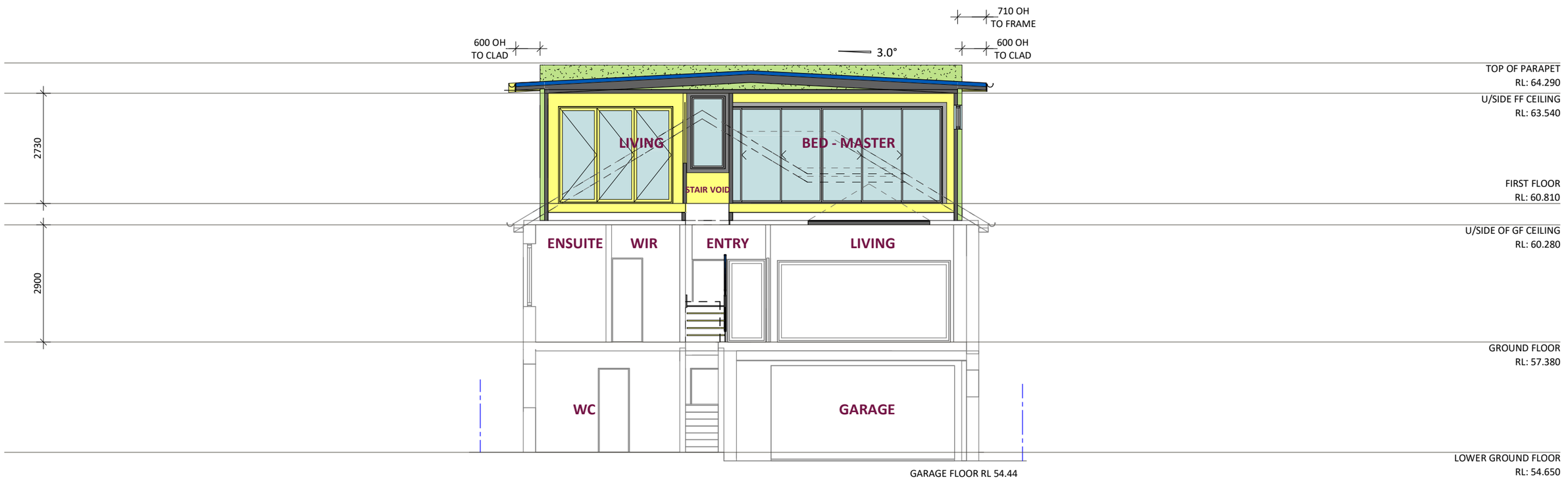

SECTION BB 1 : 100

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BASIX COMMITMENTS

COUNCIL	BASIX NUMBER
WAVERLY	A1730428_02

LIGHTING AND SYSTEMS

FIXTURES AND SYSTEMS	
LIGHTING	MIN 40% OF NEW OR ALTERED LIGHT FIXTURES TO BE FITTED WITH FLUORESCENT, COMPACT FLUORESCENT OR LIGHT-EMITTING-DIODE (LED) LAMPS
WET AREAS (NEW OR ALTERED	**SHOWER HEADS:** 3 STAR RATED **TOILETS:** 3 STAR RATED **TAPS:** 3 STAR RATED

INSULATION

Construction	Additional insulation required (R-value)	Other specifications
concrete slab on ground floor.	nil	N/A
floor above existing dwelling or building.	nil	N/A
external wall: cavity brick	nil	
external wall: external insulated façade system (EIFS)(façade panel: 75 mm)	nil	
flat ceiling, flat roof: framed	ceiling: R1.58 (up), roof: foil backed blanket (55 mm)	dark (solar absorptance > 0.70)

GLAZING AND SHADING DEVICES

Window/door number	Orientation	Area of glass including frame (m2)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type
W2	W	14.4	0	0	eave/ verandah/ pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W3	N	1.79	0	0	eave/ verandah/ pergola/balcony >=750 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W4	E	1.99	0	0	eave/ verandah/ pergola/balcony >=450 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)
W5	N	1.09	0	0	eave/ verandah/ pergola/balcony >=750 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W6	E	5.58	0	0	eave/ verandah/ pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)

GLAZING AND SHADING DEVICES

Window/door number	Orientation	Area of glass including frame (m2)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type
W7	S	1.74	0	0	eave/ verandah/ pergola/balcony >=750 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W8	E	0.73	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W9	S	1.75	0	0	eave/ verandah/ pergola/balcony >=750 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W10	S	1.75	0	0	eave/ verandah/ pergola/balcony >=750 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W11	S	1.75	0	0	eave/ verandah/ pergola/balcony >=750 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W13	W	6.81	0	0	eave/ verandah/ pergola/balcony >=750 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)
W14	E	13.22	0	0	eave/ verandah/ pergola/balcony >=450 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)

AMENDED PLANS

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GENERAL SPECIFICATIONS

ROOF SYSTEMS

ROOF COVERING MATERIAL	ROOF SARKING	ROOF INSULATION	BARGE MATERIAL	FASCIA MATERIAL	GUTTER & DP MATERIAL	GUTTER PROFILE	EAVE LINING	CEILING LINING
PREFINISHED STRAMIT SPEED DECK ZINCALUME ROOF SHEETING.	ALUMINIUM FOIL BACKED "ANTICON" INSULATION BLANKET	R3.0 FIBREGLASS INSULATION BATTS TO FIRST FLOOR ADDITION CEILING AREA (165mm)	DAR TIMBER	DAR TIMBER	PREFINISHED ZINCALUME GUTTER PAINT FINISH TO DOWNPIPES	HALF ROUND	4.5mm FIBRE CEMENT SHEET	10mm PLASTERBOARD. 6.0mm FIBRE CEMENT SHEET TO WET AREAS. 6.0mm FIBRE CEMENT SHEET TO BALCONIES.

FLOOR SYSTEMS

FLOOR STRUCTURE	FLOORING OVER	FLOOR FINISH	T&G SIZE	INSULATION	SPECIAL NOTES
FLOOR JOISTS TO STRUCTURAL DETAILS	19MM STRUCTURAL PARTICLEBOARD, 19mm STRUCTURAL WET AREA PARTICLEBOARD TO ENSUITE AND SHOWER AND 15MM STRUCTURAL PLYWOOD TO BALCONIES.	BY OWNER	- NOT APPLICABLE	- NOT APPLICABLE	REINFORCED CONCRETE SLAB TO GROUND FLOOR. FLOOR FINISH BY OWNER.

HOT WATER UNIT

	DESCRIPTION	CONNECTION
HWU	HOT WATER UNIT - WALL MOUNTED	CONNECT TO EXISTING M/P INSTANT GAS UNIT

EXTERNAL WALL SYSTEMS

WALL DESCRIPTION	WALL STRUCTURE	INSULATION	INTERNAL LINING	GABLE FINISH
FULL BRICK WALL	COMMON BRICKWORK FOR RENDER AND PAINT FINISH	NOT APPLICABLE	CEMENT RENDER	NOT APPLICABLE
POLYSTYRENE CLAD WALL	75mm POLYSTYRENE WALL SHEETING OVER POLYSTYRENE CORE WALL INSULATION WITH APPLIED TEXTURE PAINT FINISH	R2.0 FIBREGLASS INSULATION BATTS TO FIRST FLOOR EXTERNAL WALL FRAME (90mm)	10mm GYPSUM PLASTERBOARD. 6mm WET AREA BOARD TO WET AREAS	75mm POLYSTYRENE WALL SHEETING OVER POLYSTYRENE CORE WALL INSULATION WITH APPLIED TEXTURE PAINT FINISH

INTERIOR WALLS

WALLS STRUCTURE	WIDTH	WALL INSULATION	WALL INTERNAL LINING
90 x 35 STUDS @ 450 CENTRES	90 mm	NOT APPLICABLE	10mm GYPSUM PLASTERBOARD. 6mm WET AREA BOARD TO WET AREAS

STAIRS

STAIR TYPE	DESCRIPTION	WIDTH	NO. OF RISERS	RISER HEIGHT	TREAD DEPTH
OPEN TIMBER	MAPLE TREADS & STRINGERS	1000 mm OVERALL STRINGER	19	181 mm	240 mm

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INTERNAL DOORS

DOOR DESCRIPTION	DOOR TYPE	FINISH TYPE/MODEL
INTERNAL DOOR - SINGLE HINGED: 720	SOLID CORE	CORINTHIAN "FLUSH"
INTERNAL DOOR - SINGLE HINGED: 820	SOLID CORE	CORINTHIAN "FLUSH"
INTERNAL DOOR - DOUBLE HINGED: 2x520	SOLID CORE	CORINTHIAN "FLUSH"
INTERNAL DOOR - DOUBLE HINGED: 2x870	HOLLOW CORE	CORINTHIAN "FLUSH"

FIXINGS

CORNICES	SKIRTINGS	WINDOW ARCHITRAVES (INTERNAL)	WINDOW ARCHITRAVES (EXTERNAL)
90mm COVE	FINGER JOINTED PINE EX 150mm x 25mm	FINGER JOINTED PINE EX 100mm x 25mm	NOT APPLICABLE

AMENDED PLANS

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WINDOW, DOOR & SKYLIGHT SCHEDULE

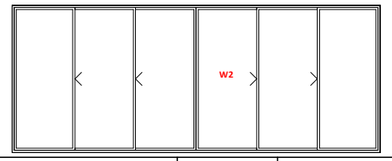
BASIX CERTIFICATE NUMBER: A1730428_02 WIND LOAD: W41N TERRAIN: 3

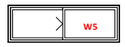
STANDARD NOTES:

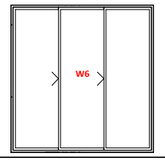
- WINDOWS & DOORS ARE DRAWN AS VIEWED FROM OUTSIDE. IMAGE IS NOT TO SCALE.
- ALL WINDOWS COME WITH "KEYED ALIKE" LOCKS
- SOME WINDOW OPENINGS MAY BE RESTRICTED TO COMPLY WITH THE NCC 3.9.2.6 (REFER WINDOW SCHEDULE SPECIAL NOTES)

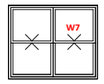
ALUMINIUM STEGBAR WINDOWS: **EX-STOCK COLOURS:** PEARL WHITE GLOSS, APO GREY GLOSS, STONE BEIGE, WOODLAND GREY, CUSTOM BLACK, ANODISED 20UM CLEAR, NOTRE DAME, SURFMIST. **DESIGNER'S COLOURS AVAILABLE:** POTTERY SATIN, DEEP OCEAN MATT, WHITE BIRCH GLOSS, HAMERSLEY BROWN SATIN, PRIMROSE GLOSS

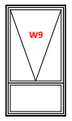
W1 DELETED

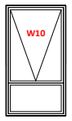


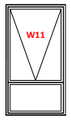












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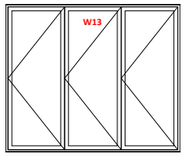

W15 DELETED

W16 DELETED

GLAZED WINDOW & DOOR: FIRST FLOOR

#	ROOM	ELEVATION	WINDOW INFORMATION									INSECT SCREEN INFORMATION			SPECIAL NOTES
			MANUFACT.	CODE	FRAME MATERIAL	FRAME COLOUR	REVEAL SIZE	TYPE	CONFIG	WINDOW GLAZING ALUMINIUM	RESTRICTOR (NCC REQUIRED)	FRAME MATERIAL	FRAME COLOUR	MESH MATERIAL	
W2	BED - MASTER	WEST	STEGBAR	AST 2460	PREFINISHED ALUMINIUM	PEARL WHITE	130mm	STACKING	FXXXXF	6.38 LAMINATED CLEAR		ALUMINIUM	PEARL WHITE	FIBREGLASS	
W3	BED - MASTER	NORTH	STEGBAR	AAW 0626	PREFINISHED ALUMINIUM	PEARL WHITE	130mm	AWNING	XFX	6.38 LAMINATED CLEAR		ALUMINIUM	PEARL WHITE	FIBREGLASS	PROPORTIONS AAW0607/AFW0611/AAW0607
W4	ENSUITE	EAST	STEGBAR	ADDH 1314	PREFINISHED ALUMINIUM	PEARL WHITE	130mm	DOUBLE HUNG	XX	6.38 LAMINATED TRANSLUCENT LOW E		ALUMINIUM	PEARL WHITE	FIBREGLASS	TRANSLUCENT GRADE A SAFETY GLASS
W5	BED 2	NORTH	STEGBAR	ASW 0618	PREFINISHED ALUMINIUM	PEARL WHITE	130mm	SLIDING	XF	6.38 LAMINATED CLEAR		ALUMINIUM	PEARL WHITE	FIBREGLASS	
W6	BED 2	EAST	STEGBAR	AST 2423	PREFINISHED ALUMINIUM	PEARL WHITE	130mm	STACKING	FXX	6.38 LAMINATED CLEAR		ALUMINIUM	PEARL WHITE	FIBREGLASS	
W7	BED 2	SOUTH	STEGBAR	ADDH 1214	PREFINISHED ALUMINIUM	PEARL WHITE	130mm	DOUBLE HUNG	XX	6.38 LAMINATED CLEAR	RESTRICT BOTTOM SASH OPENINGS TO 125mm TO COMPLY WITH NCC	ALUMINIUM	PEARL WHITE	FIBREGLASS	
W8	SHR	EAST	STEGBAR	ADH 1206	PREFINISHED ALUMINIUM	PEARL WHITE	130mm	DOUBLE HUNG	X	6.38 LAMINATED TRANSLUCENT		ALUMINIUM	PEARL WHITE	FIBREGLASS	TRANSLUCENT GRADE A SAFETY GLASS
W9	LIVING	SOUTH	STEGBAR	AAW1809T	PREFINISHED ALUMINIUM	PEARL WHITE	130mm	AWNING	X_F	6.38 LAMINATED CLEAR		ALUMINIUM	PEARL WHITE	FIBREGLASS	
W10	LIVING	SOUTH	STEGBAR	AAW1809T	PREFINISHED ALUMINIUM	PEARL WHITE	130mm	AWNING	X_F	6.38 LAMINATED CLEAR		ALUMINIUM	PEARL WHITE	FIBREGLASS	
W11	LIVING	SOUTH	STEGBAR	AAW1809T	PREFINISHED ALUMINIUM	PEARL WHITE	130mm	AWNING	X_F	6.38 LAMINATED CLEAR		ALUMINIUM	PEARL WHITE	FIBREGLASS	
W13	LIVING	WEST	STEGBAR	ABD 2428	PREFINISHED ALUMINIUM	PEARL WHITE	130mm	BI FOLD DOOR	4L	6.38 LAMINATED CLEAR LOW E		ALUMINIUM	PEARL WHITE	FIBREGLASS	
W17	BED - MASTER	NA	STEGBAR	AFW 1808	PREFINISHED ALUMINIUM	PEARL WHITE	140mm	FIXED	F	NOT APPLICABLE		N/A	N/A	NA	INTERNAL WINDOW

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GLAZED WINDOW & DOOR: GROUND FLOOR

#	ROOM	ELEVATION	WINDOW INFORMATION								INSECT SCREEN INFORMATION			SPECIAL NOTES
			MANUFACT.	CODE	FRAME MATERIAL	FRAME COLOUR	REVEAL SIZE	TYPE	CONFIG	WINDOW GLAZING ALUMINIUM	FRAME MATERIAL	FRAME COLOUR	MESH MATERIAL	
W14	FAMILY	EAST	STEGBAR	AST 2064	PREFINISHED ALUMINIUM	PEARL WHITE	170mm	STACKING	FXXXXF	6.38 LAMINATED CLEAR LOW E	ALUMINIUM	PEARL WHITE	FIBREGLASS	

SKYLIGHTS

CODE	TYPE	MANUFACT. CODE	HEIGHT	WIDTH	GLAZING
SL1	FCM 3030 (870x870)	FS (FIXED)	870	870	SKYLIGHT TIMBER, INTERNAL/ ARGON FILL/ CLEAR EXTERNAL, (U-VALUE: 2.5, SHGC: 0.456)
SL2	S01 700 x 1140	FS (FIXED)	700	1140	SKYLIGHT TIMBER, INTERNAL/ ARGON FILL/ CLEAR EXTERNAL, (U-VALUE: 2.5, SHGC: 0.456)

PROPOSED ADDITION FOR:

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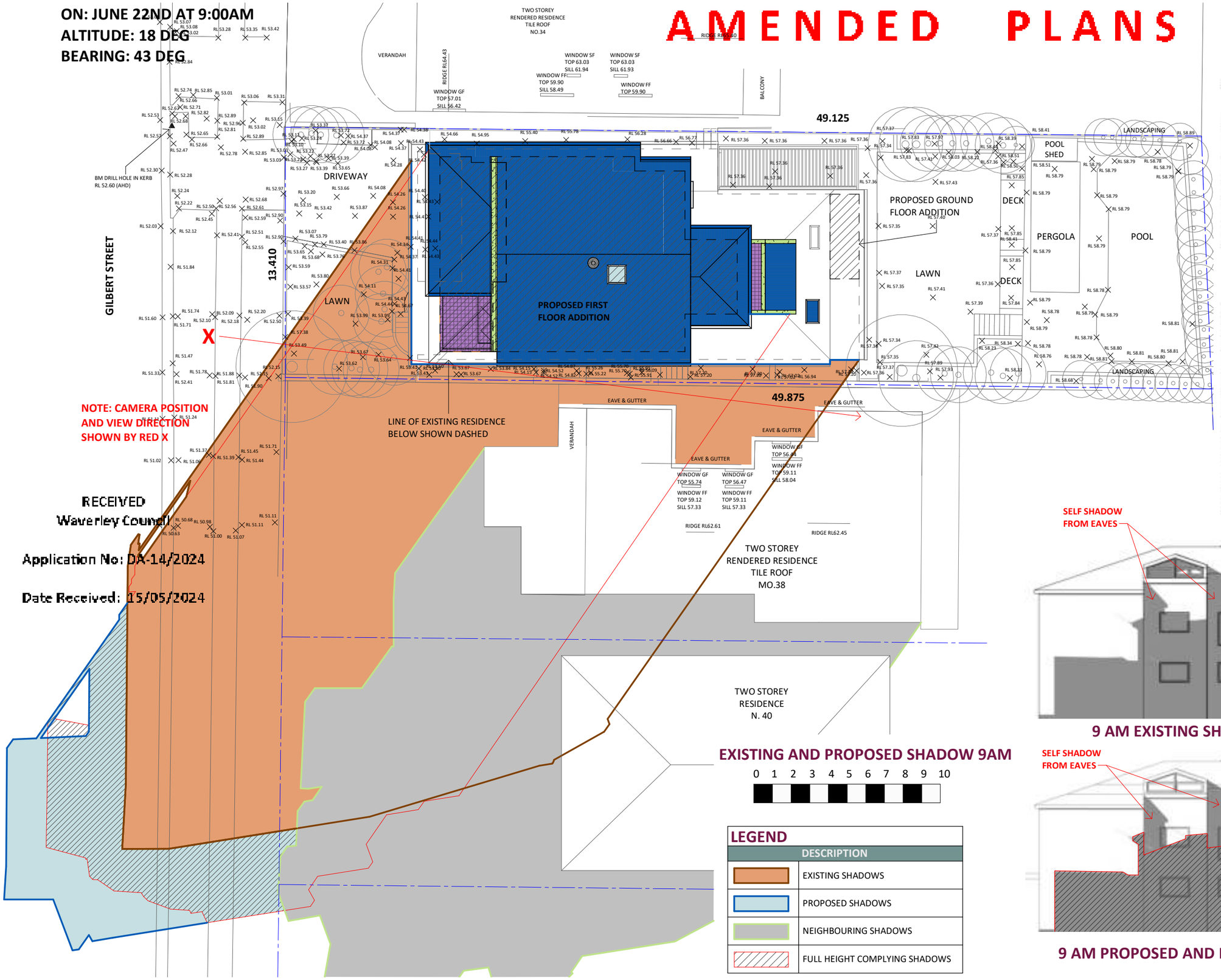
MID WINTER SHADOW DIAGRAM

ON: JUNE 22ND AT 9:00AM
ALTITUDE: 18 DEG
BEARING: 43 DEG



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SHADOW DIAGRAMS PAGE 1 OF 3 ISSUE G

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Cape Cod AUSTRALIA

MID WINTER SHADOW DIAGRAM

ON: JUNE 22ND AT 12:00PM
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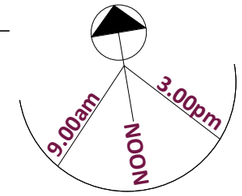
BEARING: 00 DEG



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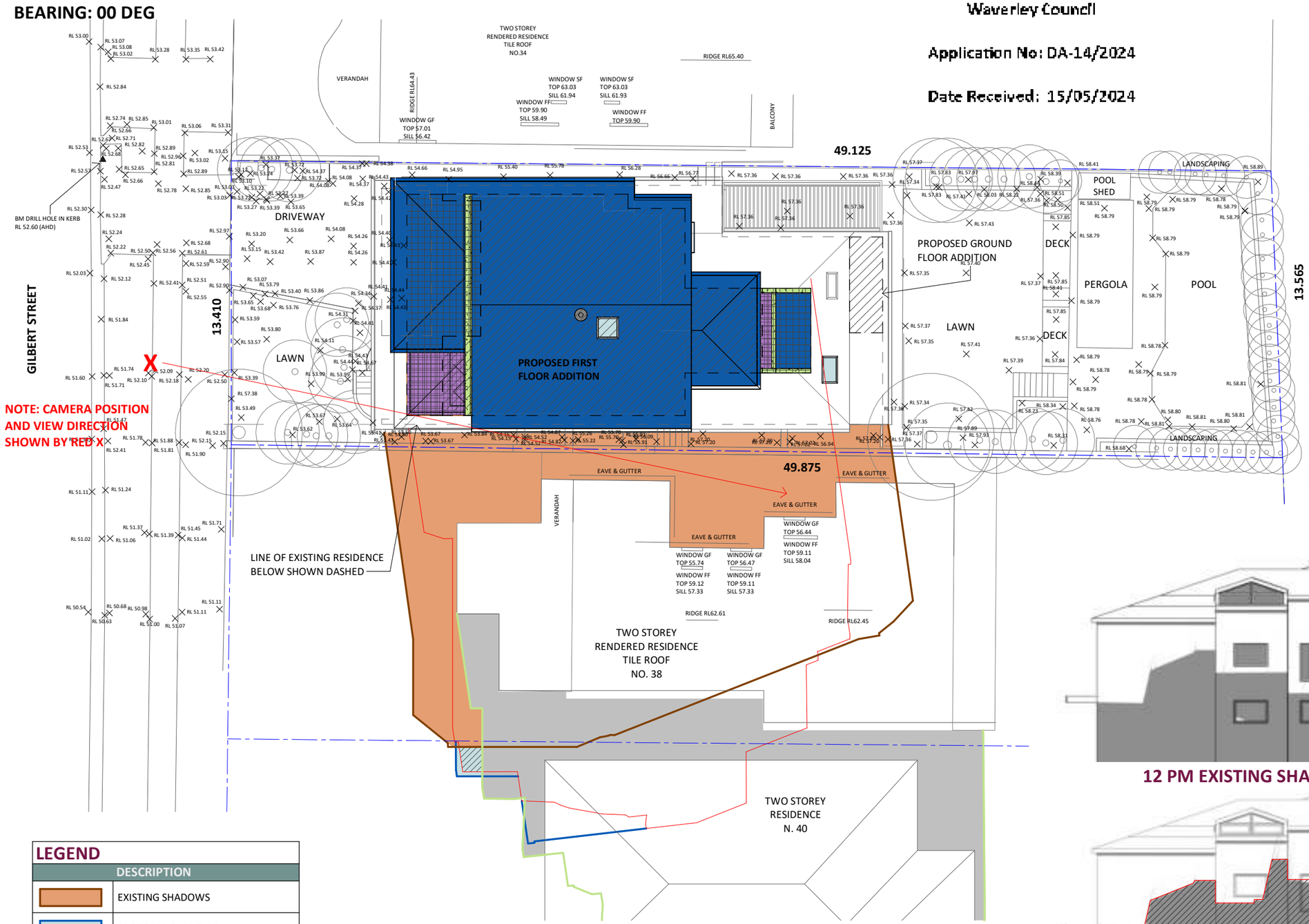

EXISTING AND PROPOSED SHADOW 12PM

0 1 2 3 4 5 6 7 8 9 10

EXISTING 12PM

PROPOSED 12PM

12 PM EXISTING SHADOWS ELEVATION

12 PM PROPOSED AND FULL HEIGHT COMPLIANT SHADOWS ELEVATION

LEGEND

	DESCRIPTION
	EXISTING SHADOWS
	PROPOSED SHADOWS
	NEIGHBOURING SHADOWS
	FULL HEIGHT COMPLYING SHADOWS

PROPOSED ADDITION FOR:
8236 MR B & MRS J GIEN. 36 GILBERT STREET, DOVER HEIGHTS NSW 2030

SHADOW DIAGRAMS PAGE 2 OF 3 ISSUE G

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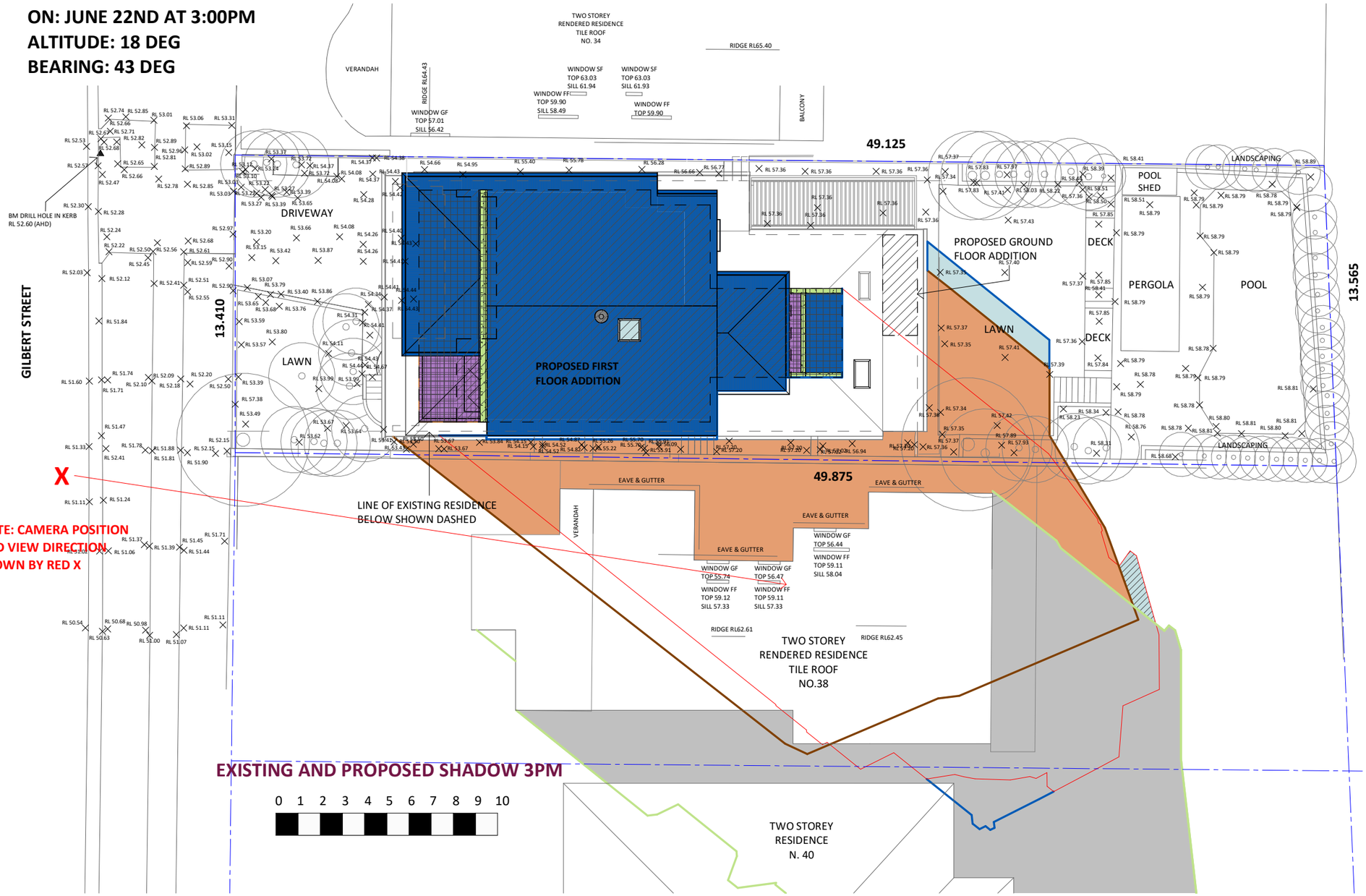
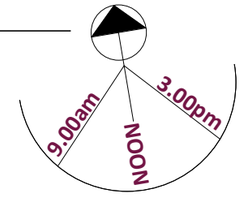
MID WINTER SHADOW DIAGRAM

ON: JUNE 22ND AT 3:00PM
ALTITUDE: 18 DEG
BEARING: 43 DEG



EXISTING AND PROPOSED SHADOW 3PM



EXISTING 3PM

PROPOSED 3PM

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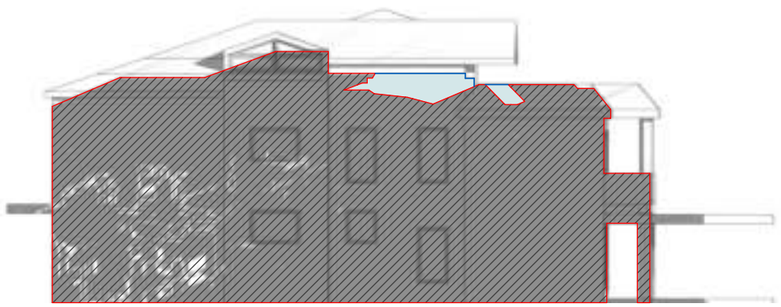
3 PM EXISTING SHADOWS ELEVATION



3 PM PROPOSED AND FULL HEIGHT COMPLIANT SHADOWS ELEVATION

LEGEND	
DESCRIPTION	
	EXISTING SHADOWS
	PROPOSED SHADOWS
	NEIGHBOURING SHADOWS
	FULL HEIGHT COMPLYING SHADOWS

PROPOSED ADDITION FOR:
8236 MR B & MRS J GIEN. 36 GILBERT STREET, DOVER HEIGHTS NSW 2030

SHADOW DIAGRAMS PAGE 3 OF 3 ISSUE G

Cape Cod AUSTRALIA

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VISUAL IMPACT STUDY - 36 Gilbert Street, Dover Heights

14.05.2024

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Waverley Council

Application No: DA-14/2024

Date Received: 15/05/2024

CMS SURVEYORS PTY LTD
ACN 096 240 201
PO Box 463 Dee Why, NSW, 2099
2/99A South Creek Road, Dee Why, NSW, 2099
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VISUAL IMPACT STUDY PROCESS

Preamble

CMS Surveyors has been engaged to prepare the following survey-accurate representation of the visual impact of the proposed development. CMS Surveyors have developed this methodology based on sound knowledge of coordinate systems, survey data, 3D modelling software and Photography.

In preparing this documentation to support the Visual Impact Study, CMS Surveyors has collected survey data and photography on site, related this information to a coordinate system, and prepared rendered views from a composition of the design model (as supplied), the 3D Point Cloud and the captured photographs.

Process

The site and existing building(s) are surveyed using a Laser scanner which creates a 'point cloud' consisting of tens of millions of points representing the scene, akin to a 3D photograph. The scan data is related by survey methods to to the Australian Height Datum (AHD) and the Map Grid of Australia (MGA) and the proposed development model has been aligned and referenced to the survey data captured on site, including existing physical features and/or the boundaries of the site.

Calculated Camera Position photomontages:

The photographs used in the following Visual Impact Study have been captured by a third-party.

The camera position for each photograph has been determined using the scanned point cloud data as control points in camera perspective matching software to calculate the position, orientation and characteristics of the physical camera.

View Points and Lens Choice

Various view points have been produced to ascertain the impact of the proposed development on the existing "high value" view elements as per the client's directions.

The photos in this study have been captured using a number of different focal lengths representing multiple different fields of view. The field of view of human vision is subject to conjecture and the way an image of a scene is viewed on a flat piece of paper or screen is different to how it is perceived in reality. Due to the variabilities in the way the scene is perceived to the viewer, to be most confident in how the proposed development will look in reality, the photomontages are best viewed on site in the position of the camera to get the best 'feel' for the visual impact of the proposal.

This report has been produced by Christopher Larmour B. Eng (Surveying and Spatial Information Systems), NSW Registered Surveyor 8786

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Christopher Larmour
NSW Registered Surveyor 8786

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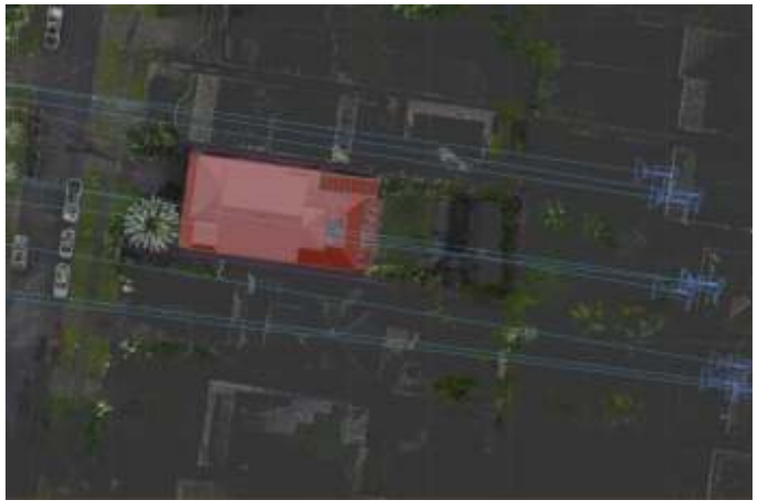
VIRTUAL SCENE SETUP



Step 1:
- The existing scene and surrounds is laser scanned on MGA coordinates (Location) and AHD (height).
- Relevant features are captured to position the design correctly within the scene (boundary survey, control points etc).
- Photography is captured on site and the camera position is scanned as part of the point cloud
- The scene is setup in 3D graphics software combining the point cloud and proposed model

REAL + VIRTUAL CAMERA ALIGNMENT PROOF

Step 2:
- Using the surveyed (or software-determined) camera position and the point cloud data, accurately align the virtual camera to the captured 3D point cloud data and check the alignment on the photograph background
- This 'proof' image (often referred to as a 'wireframe') illustrates the alignment of the 3D scene data with the background photograph proving correct camera location, orientation and lens parameters.

PROPOSED SCENE PROOF

Step 3:
- The proposed development is inserted into the scene in the correct spatial location and overlaid onto the photograph to produce the 'proposed scene proof'.

PROPOSED SCENE

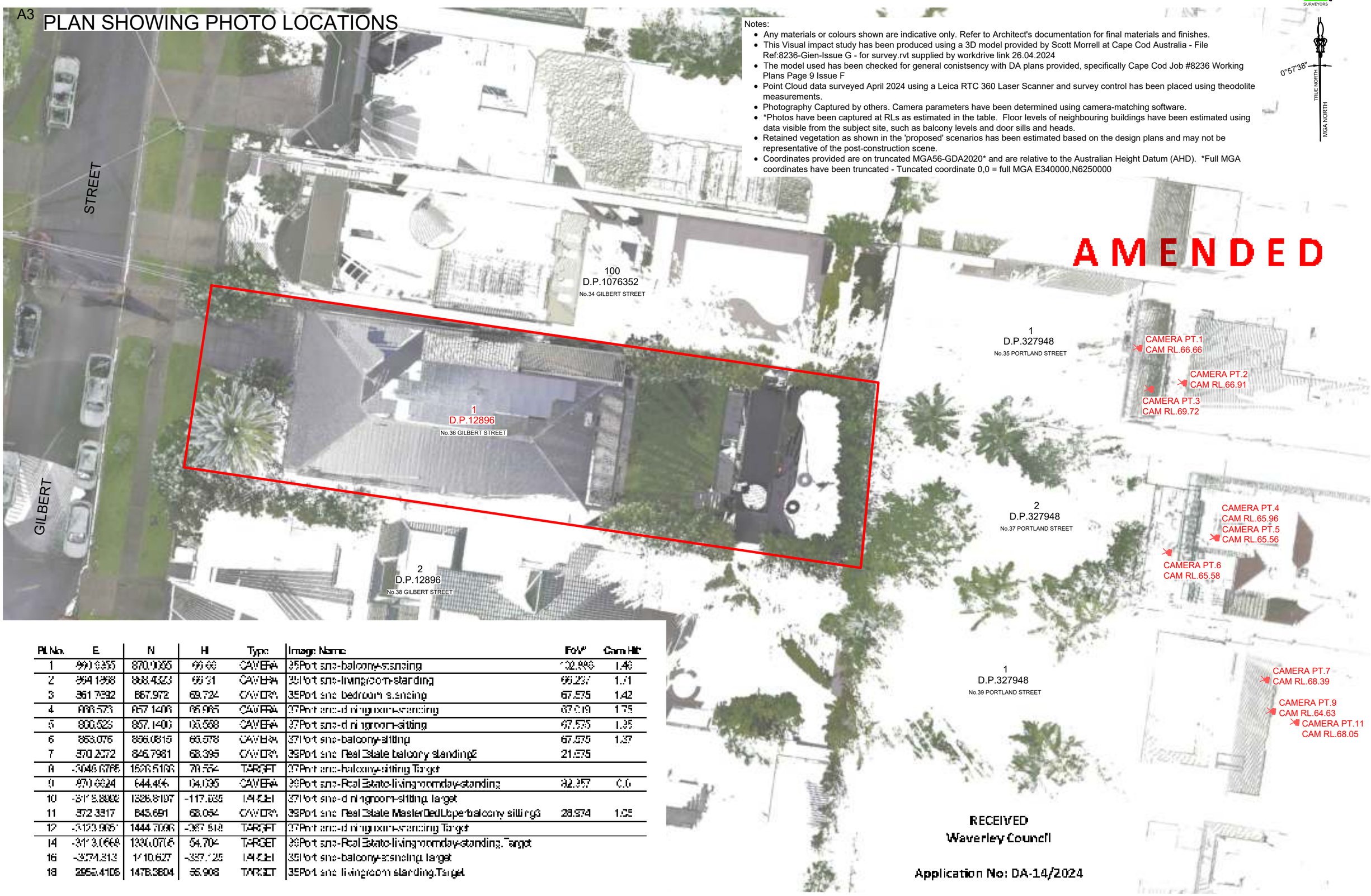
Step 4:
- The scene is rendered at high resolution and, if necessary, re-layered with any foreground objects. Note that colour, lighting/shadows, materials etc is indicative only - please refer to achitectural documentation.

A3

PLAN SHOWING PHOTO LOCATIONS

Notes:

- Any materials or colours shown are indicative only. Refer to Architect's documentation for final materials and finishes.
- This Visual impact study has been produced using a 3D model provided by Scott Morrell at Cape Cod Australia - File Ref:8236-Gien-Issue G - for survey.rvt supplied by workdrive link 26.04.2024
- The model used has been checked for general conistsency with DA plans provided, specifically Cape Cod Job #8236 Working Plans Page 9 Issue F
- Point Cloud data surveyed April 2024 using a Leica RTC 360 Laser Scanner and survey control has been placed using theodolite measurements.
- Photography Captured by others. Camera parameters have been determined using camera-matching software.
- *Photos have been captured at RLs as estimated in the table. Floor levels of neighbouring buildings have been estimated using data visible from the subject site, such as balcony levels and door sills and heads.
- Retained vegetation as shown in the 'proposed' scenarios has been estimated based on the design plans and may not be representative of the post-construction scene.
- Coordinates provided are on truncated MGA56-GDA2020* and are relative to the Australian Height Datum (AHD). *Full MGA coordinates have been truncated - Tuncated coordinate 0,0 = full MGA E340000,N6250000



Pt No.	E	N	H	Type	Image Name	FoV*	Cam Ht*
1	990.9355	870.0005	66.66	CAMERA	35Port sns-balcony-standing	102.995	1.46
2	994.1958	868.4323	66.91	CAMERA	35Port sns-livingroom-standing	66.237	1.71
3	991.7932	867.972	69.724	CAMERA	35Port sns-bedroom-standing	67.575	1.42
4	998.573	857.1406	65.965	CAMERA	37Port sns-dining room-standing	67.519	1.75
5	999.523	857.1400	65.558	CAMERA	37Port sns-dining room-sitting	67.575	1.35
6	993.076	856.0815	65.578	CAMERA	37Port sns-balcony-sitting	67.575	1.27
7	970.2572	845.7981	68.395	CAMERA	35Port sns-Real Estate balcony standing2	21.575	
8	-3048.6786	1576.5193	70.554	TARGET	37Port sns-balcony-sitting Target		
9	970.6624	644.464	64.035	CAMERA	35Port sns-Real Estate-livingroomday-standing	82.357	0.0
10	-3175.8888	1326.8197	-117.835	TARGET	37Port sns-dining room-sitting target		
11	972.3317	845.691	68.054	CAMERA	35Port sns-Real Estate MasterBedUpperbalcony sitting3	28.574	1.25
12	-3133.9067	1444.7006	-287.918	TARGET	37Port sns-dining room-standing Target		
14	-3173.0668	1330.0716	54.704	TARGET	35Port sns-Real Estate-livingroomday-standing. Target		
16	-3274.212	1710.627	-337.725	TARGET	35Port sns-balcony-standing target		
18	2952.4106	1478.3804	55.908	TARGET	35Port sns-livingroom standing.Target		

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Image showing Proposal at 36 Gilbert Street in relation to Neighbouring properties

Image showing Existing in relation to the 'Compliant Envelope'*

Image showing Proposal in relation to the 'Compliant Envelope'*

*The 'Compliant Envelope' is a 3D shape that represents 8.5m above the natural ground level

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35 Portland balcony-standing

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35 Portland balcony-standing: Proof showing camera alignment with 3D scene

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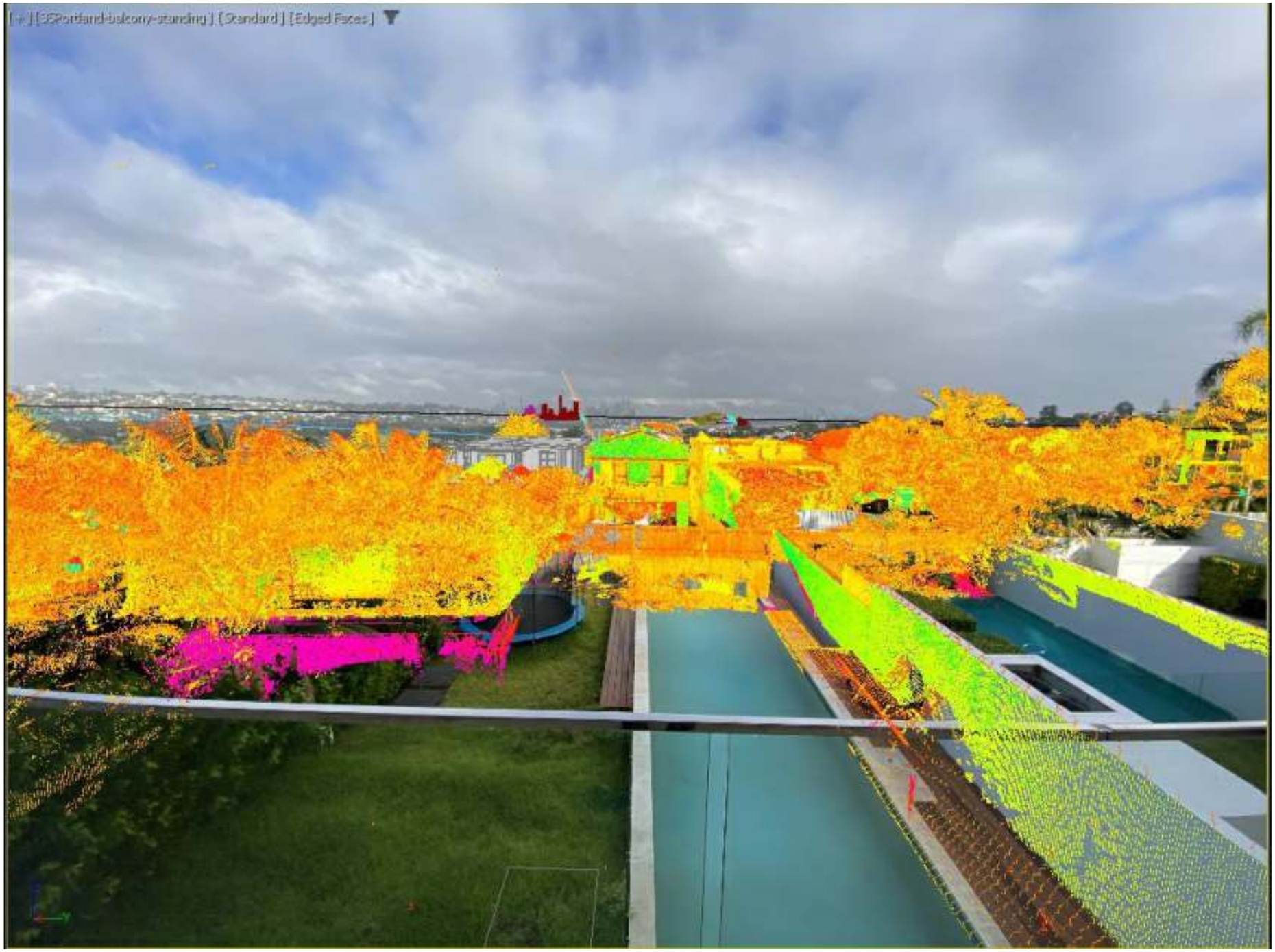

35 Portland balcony-standing: Proof with Proposal added

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35 Portland balcony-standing: Compliant Envelope (Green) and Proposal (Red) outlines

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35 Portland balcony-standing: Photomontage of proposed scene

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35 Portland bedroom-standing

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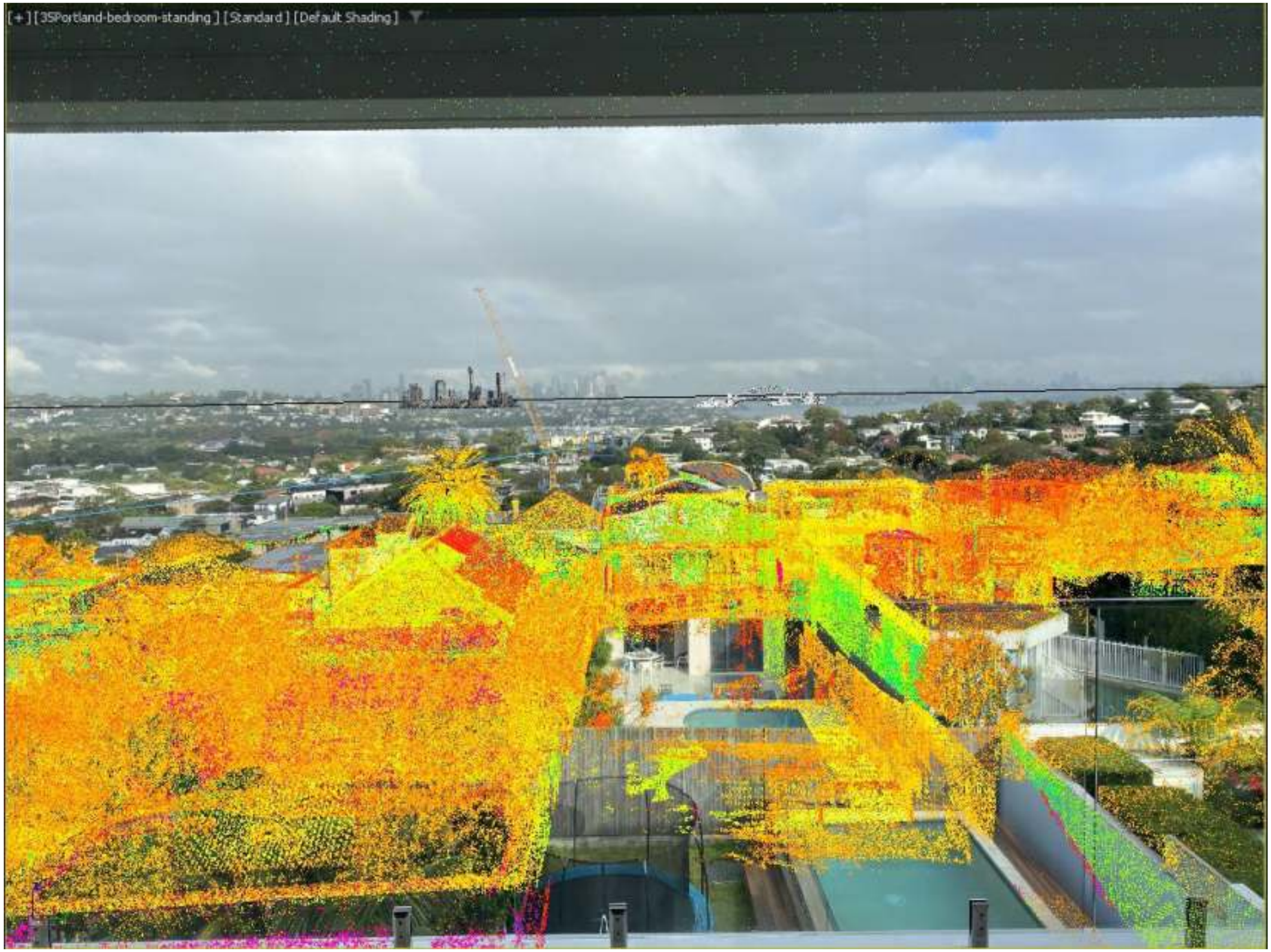

35 Portland bedroom-standing: Proof showing camera alignment with 3D scene

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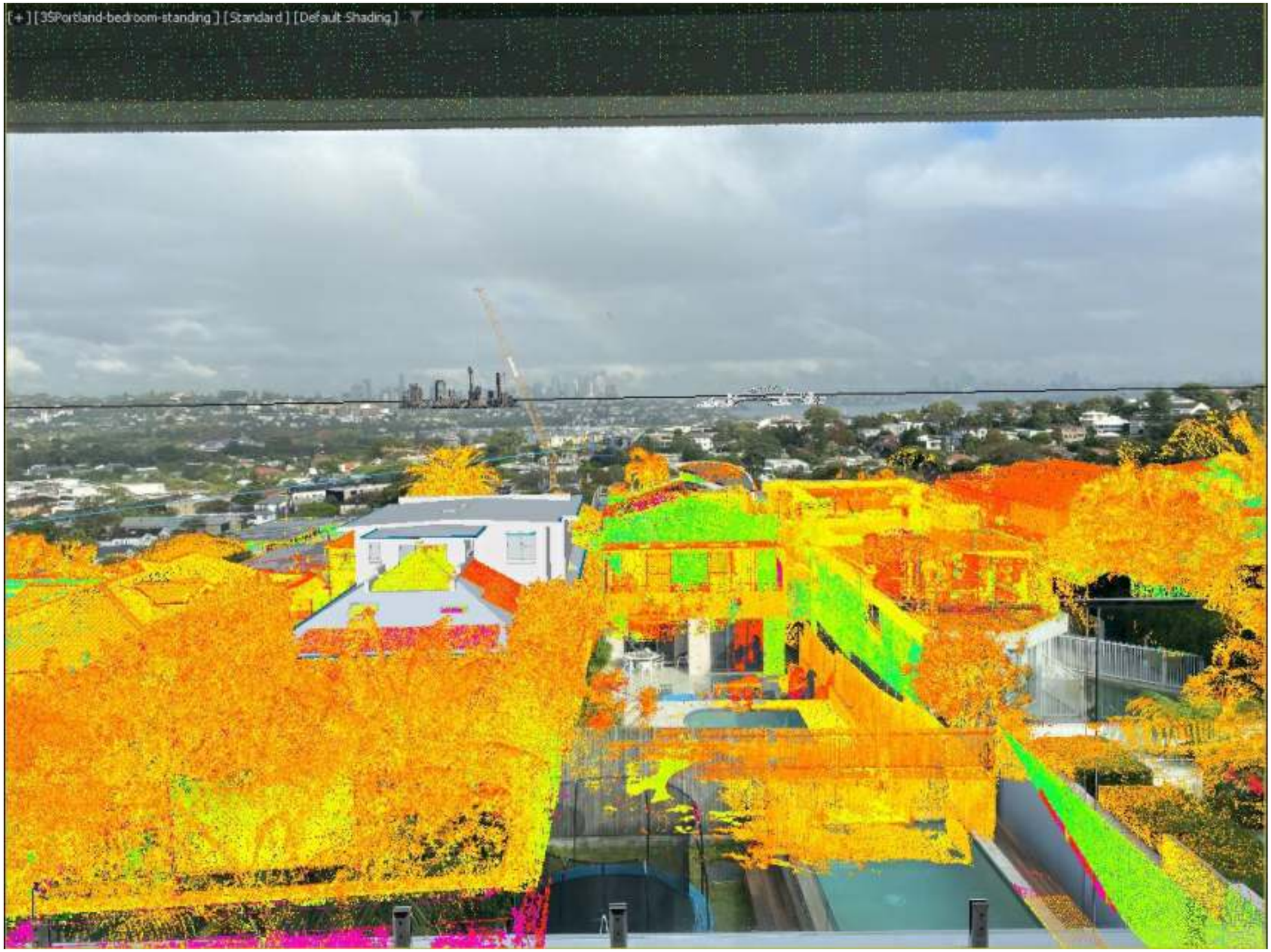

35 Portland bedroom-standing: Proof with Proposal added

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35 Portland bedroom-standing: Compliant Envelope (Green) and Proposal (Red) outlines

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35 Portland bedroom-standing: Photomontage of proposed scene

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35 Portland livingroom-standing

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35 Portland livingroom-standing: Proof showing camera alignment with 3D scene

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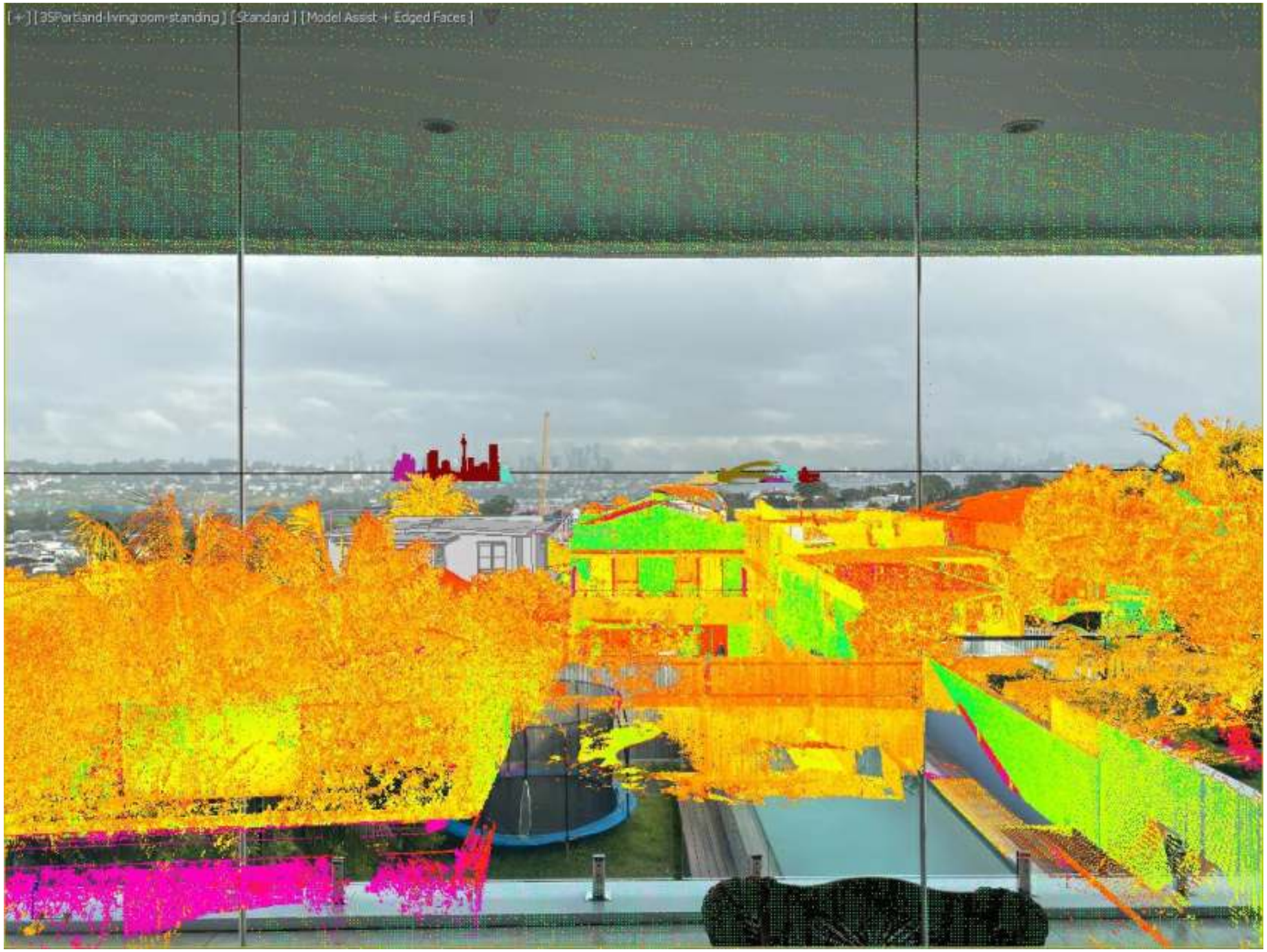

35 Portland livingroom-standing: Proof with Proposal added

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35 Portland livingroom-standing: Compliant Envelope (Green) and Proposal (Red) outlines

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35 Portland livingroom-standing: Photomontage of proposed scene

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37 Portland balcony-sitting

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37 Portland balcony-sitting: Proof showing camera alignment with 3D scene

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37 Portland balcony-sitting: Proof with Proposal added

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37 Portland balcony-sitting: Photomontage of proposed scene

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37 Portland diningroom-sitting

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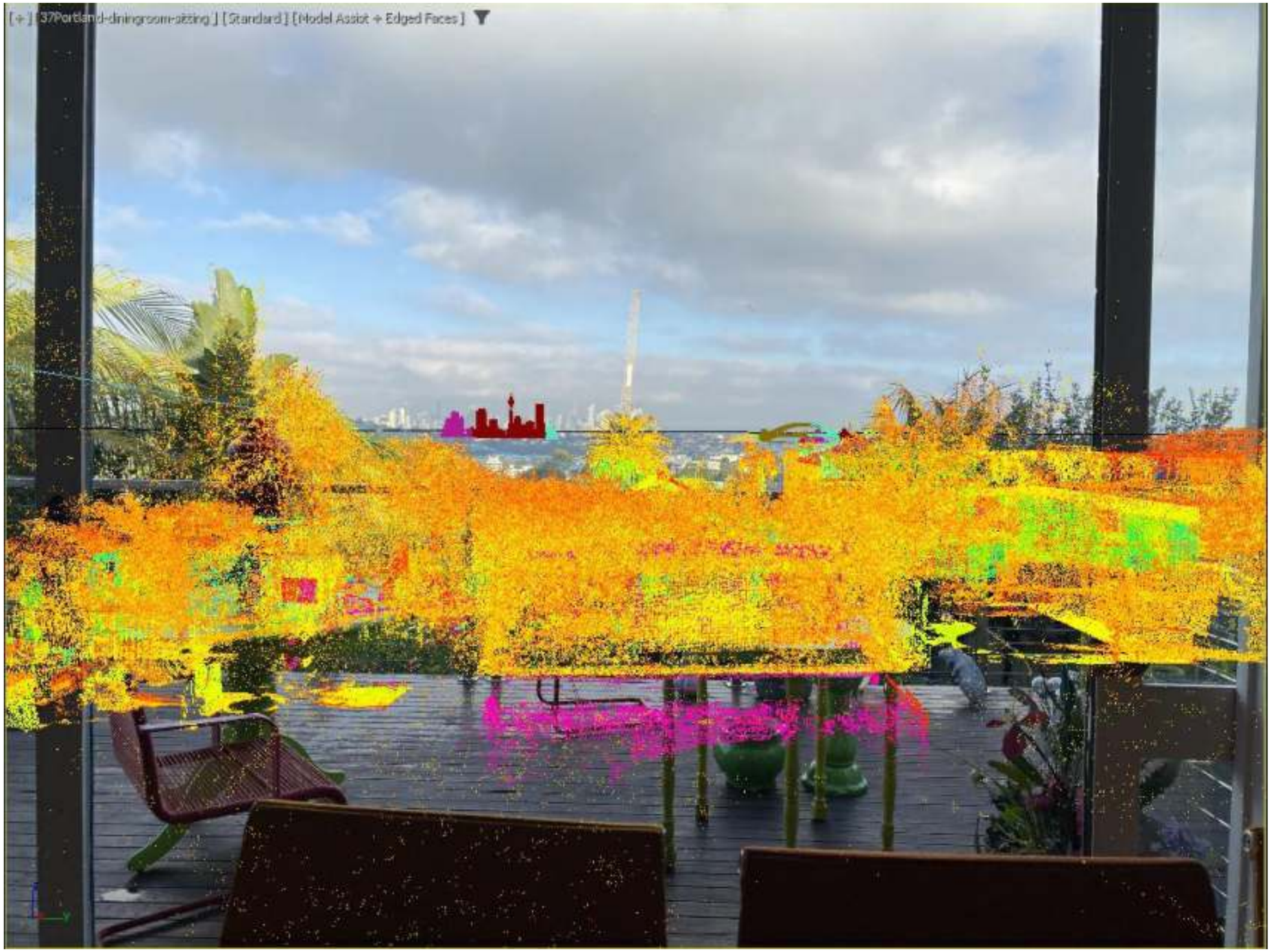

37 Portland diningroom-sitting: Proof showing camera alignment with 3D scene

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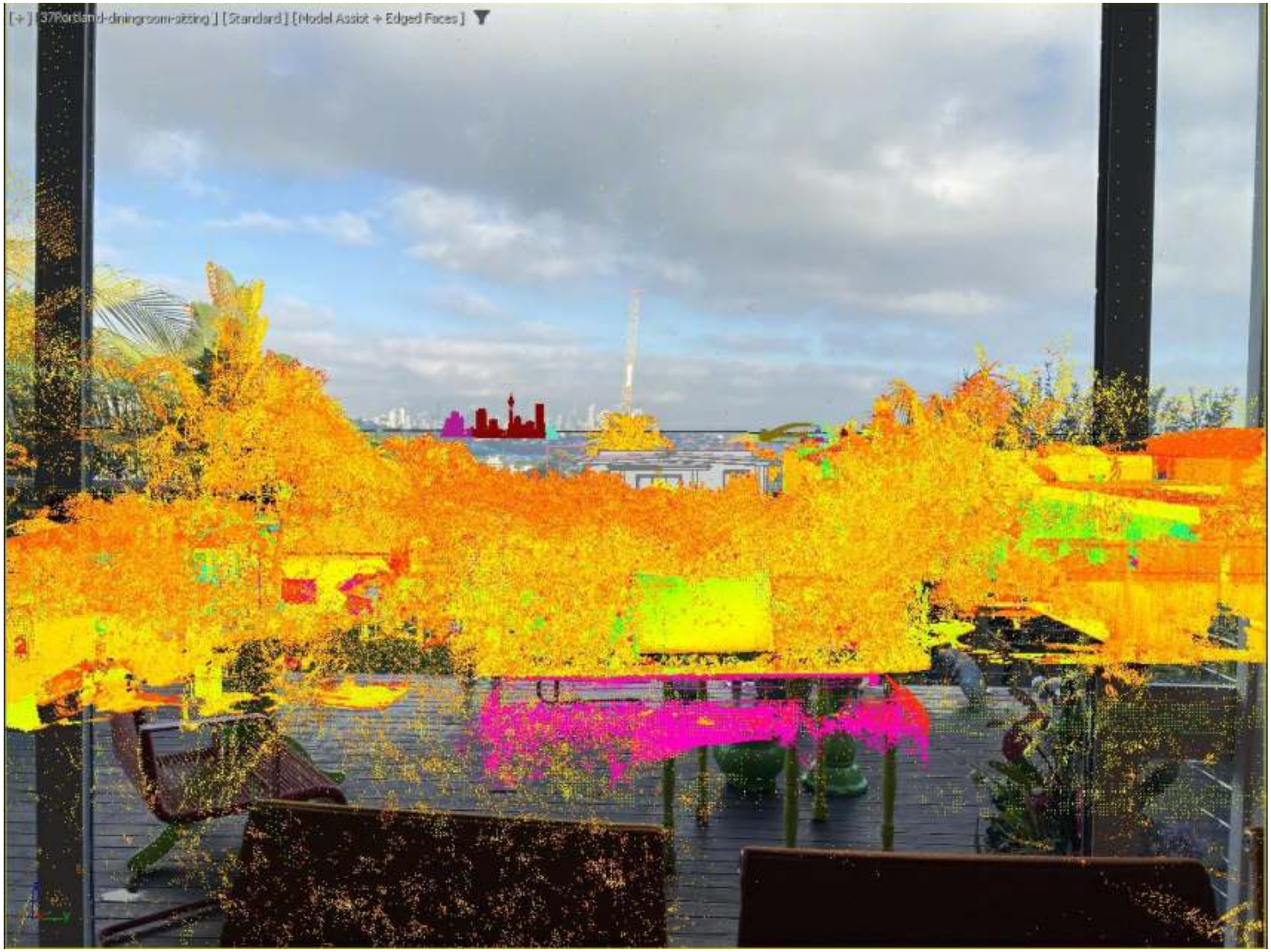

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37 Portland diningroom-sitting: Proof with Proposal added

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37 Portland diningroom-sitting: Compliant Envelope (Green) and Proposal (Red) outlines

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37 Portland diningroom-sitting: Photomontage of proposed scene

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37 Portland diningroom-standing

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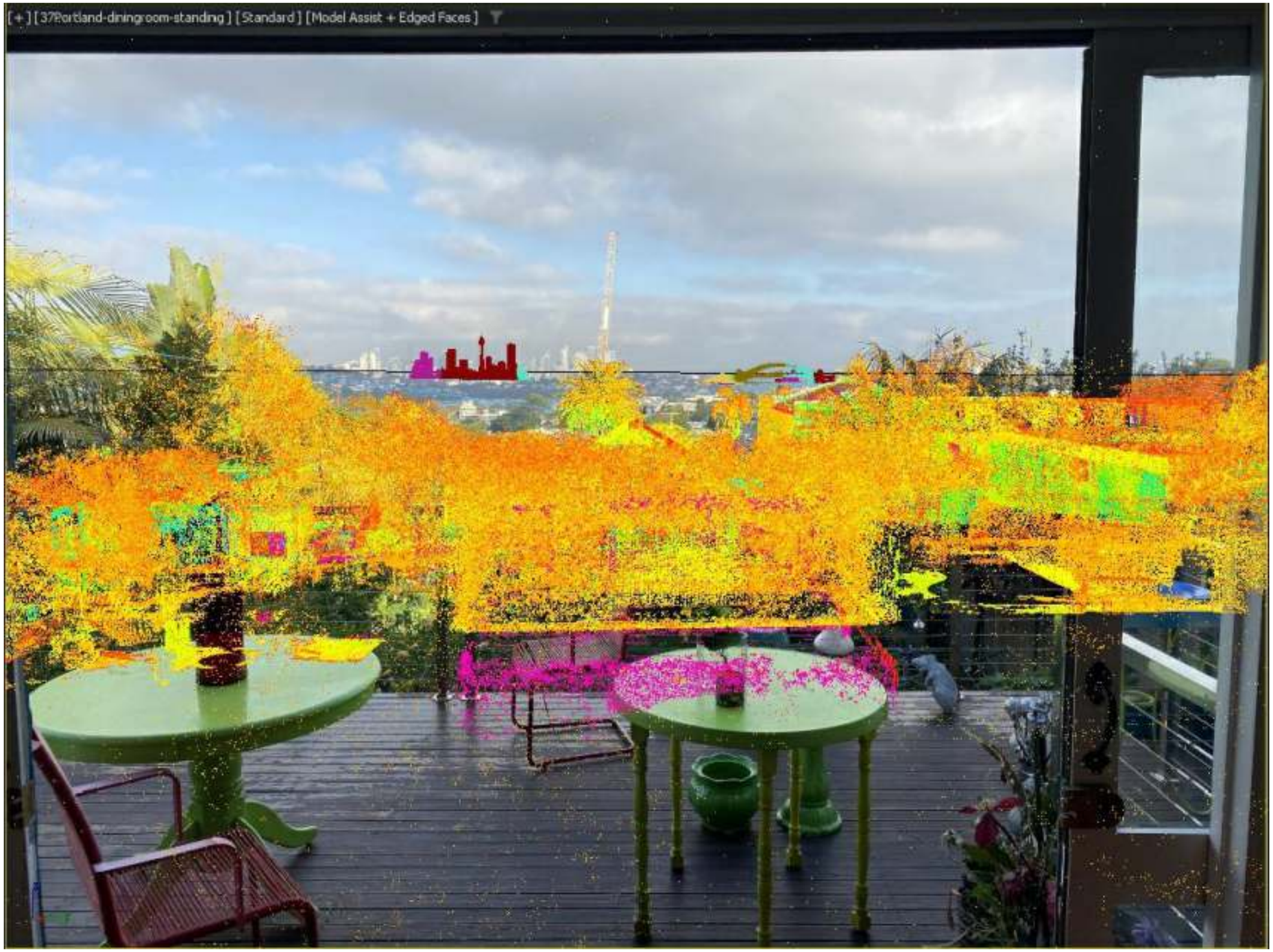

37 Portland diningroom-standing: Proof showing camera alignment with 3D scene

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37 Portland diningroom-standing: Proof with Proposal added

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37 Portland diningroom-standing: Compliant Envelope (Green) and Proposal (Red) outlines

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37 Portland diningroom-standing: Photomontage of proposed scene

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39 Portland RealEstate-balcony-standing2

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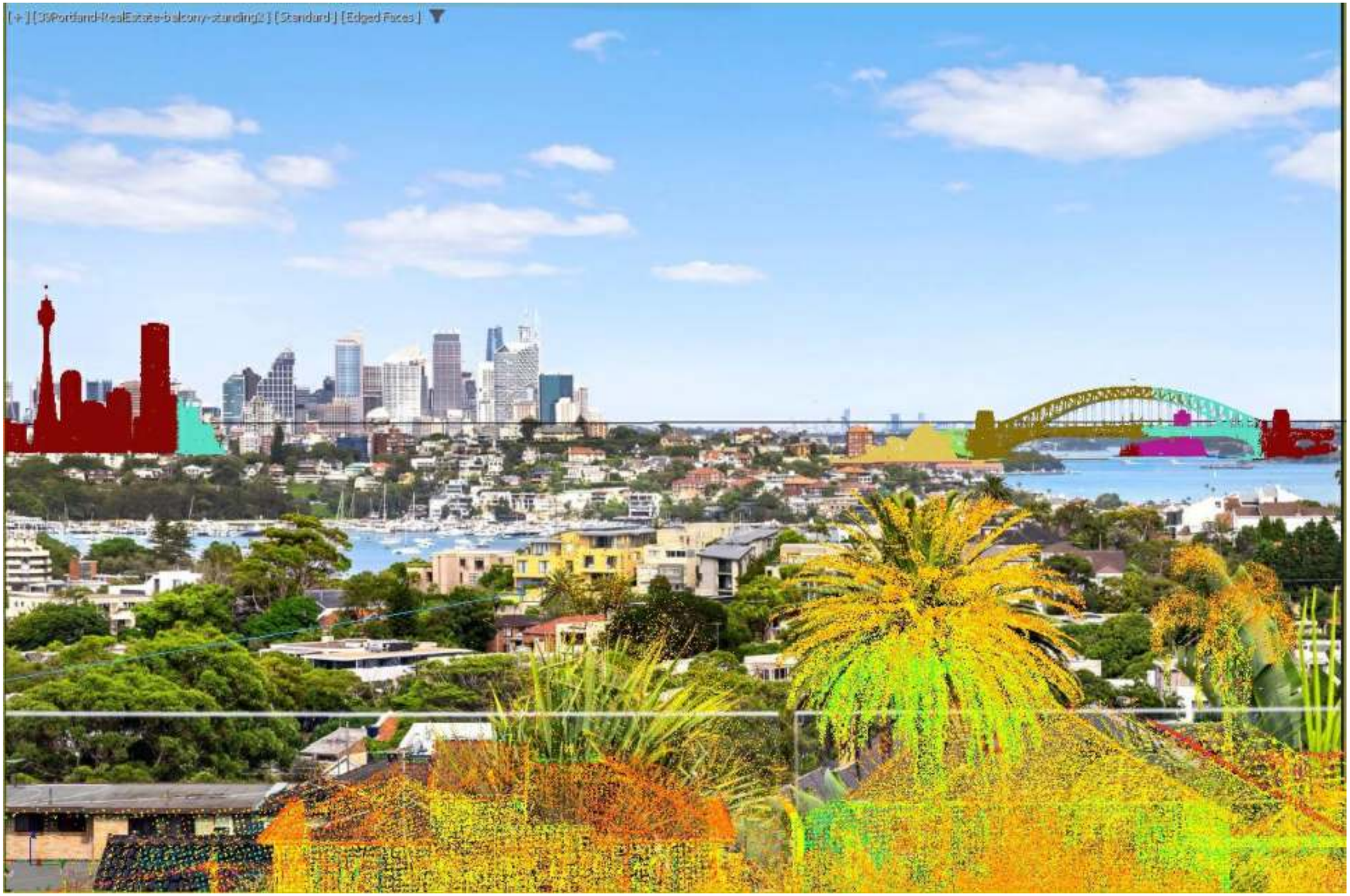

39 Portland RealEstate-balcony-standing2: Proof showing camera alignment with 3D scene

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39 Portland RealEstate-balcony-standing2: Proof with Proposal added

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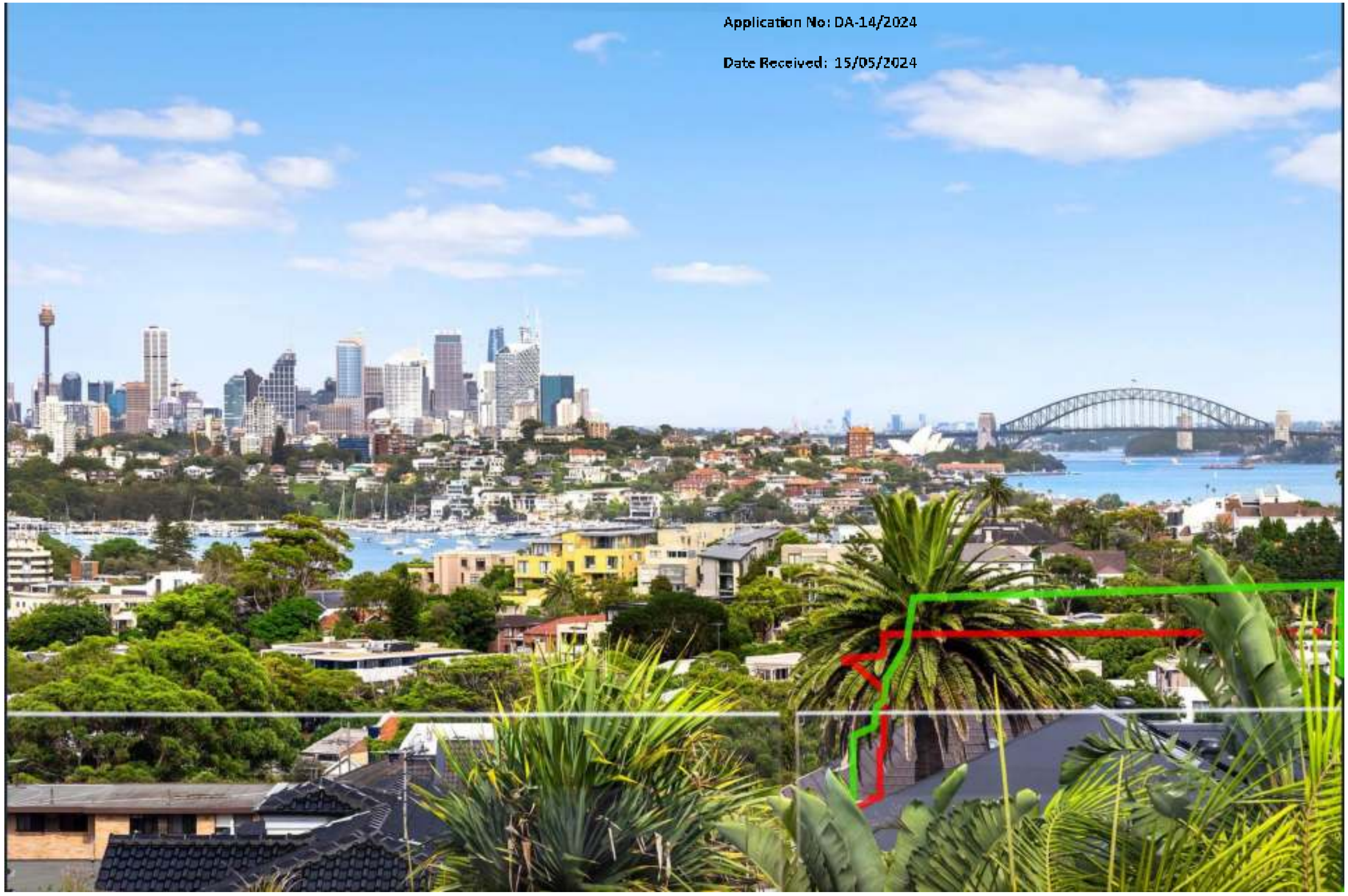

39 Portland RealEstate-balcony-standing2: Compliant Envelope (Green) and Proposal (Red) outlines

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39 Portland RealEstate-balcony-standing2: Photomontage of proposed scene

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39 Portland RealEstate-livingroomday-standing

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39 Portland RealEstate-livingroomday-standing: Proof showing camera alignment with 3D scene

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39 Portland RealEstate-livingroomday-standing: Proof with Proposal added

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39 Portland RealEstate-livingroomday-standing: Compliant Envelope (Green) and Proposal (Red) outlines

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39 Portland RealEstate-livingroomday-standing: Photomontage of proposed scene

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39 Portland RealEstate-MasterBedUpperbalcony-sitting3

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39 Portland RealEstate-MasterBedUpperbalcony-sitting3: Proof showing camera alignment with 3D scene

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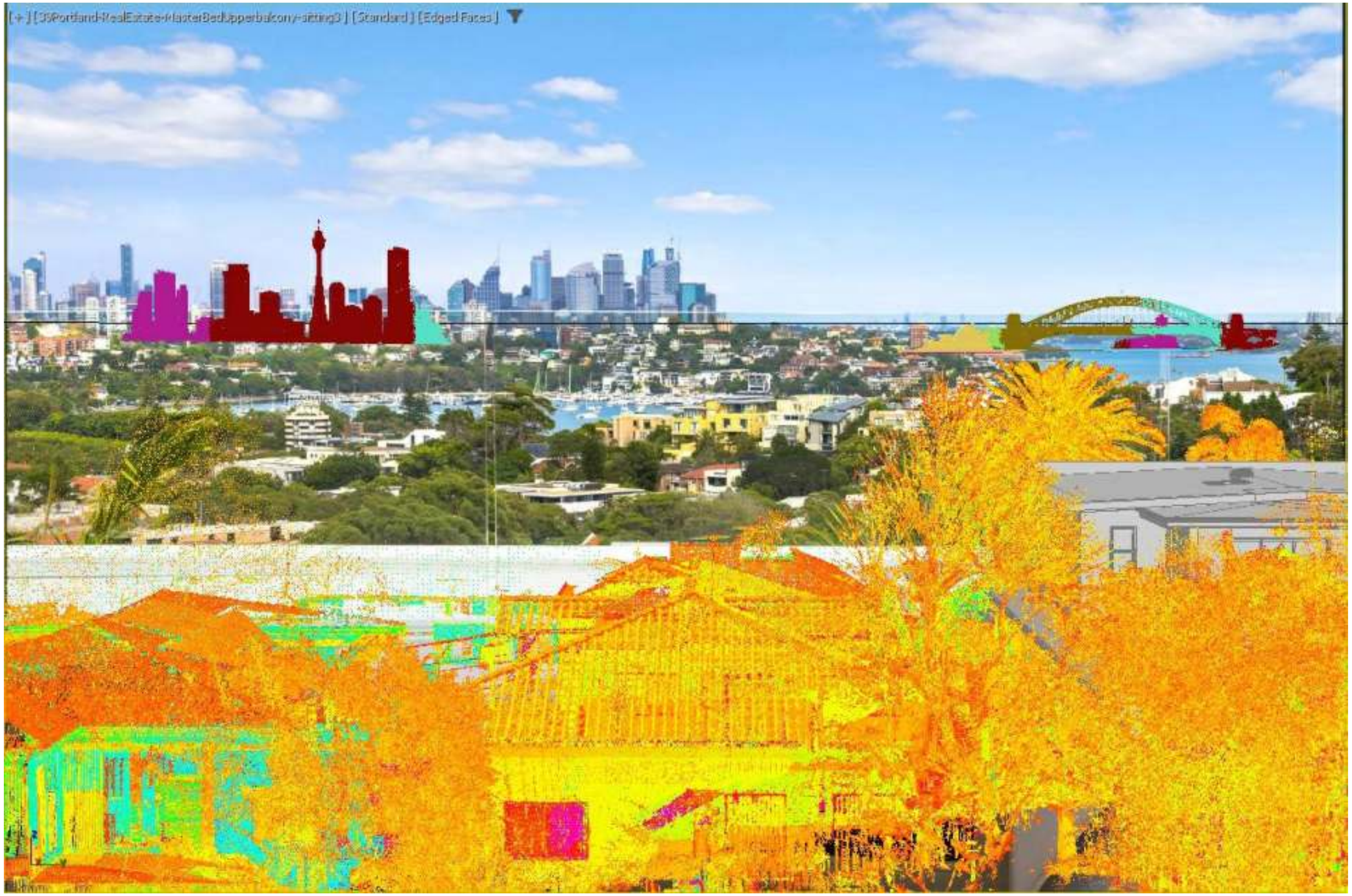

39 Portland RealEstate-MasterBedUpperbalcony-sitting3: Proof with Proposal added

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39 Portland RealEstate-MasterBedUpperbalcony-sitting3: Compliant Envelope (Green) and Proposal (Red) outlines

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39 Portland RealEstate-MasterBedUpperbalcony-sitting3: Photomontage of proposed scene

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Report to the Waverley Local Planning Panel

Application number	DA-383/2023
Site address	6 Wallace Street, Waverley
Proposal	Alterations and additions to dwelling, including new first-floor addition, rear addition, and garage with secondary dwelling above.
Date of lodgement	2 January 2024
Owner	Mr L K L Sinn and J S W Kwan
Applicant	David Fleeting Architects
Submissions	One objection
Cost of works	$1,584,000
Principal Issues	• Exceedance of height of buildings development standard • Non-compliance with secondary dwelling development standards • Non-compliance with side setback controls • Protection of a mature Port Jackson fig tree • Location of proposed secondary dwelling
Recommendation	That the application be APPROVED in accordance with the conditions contained in the APPENDIX.

SITE MAP

1. PREAMBLE

1.1. Executive Summary

The development application (DA) seeks consent for alterations and additions to the existing dwelling house including a first floor addition, partial demolition of the existing rear wing, a three storey rear addition, and a two storey laneway building set back 4.6m from the laneway with parking at ground level and a secondary dwelling at first floor level at the site known as 6 Wallace Street, Waverley.

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

- Exceedance of height of buildings development standard;
- Non-compliance with secondary dwelling development standards;
- Non-compliance with side setback controls;
- Protection of a mature Port Jackson fig tree and neighbouring tree/s; and
- Location of proposed secondary dwelling.

The assessment finds these issues acceptable as set out below.

The proposed exceedance of the height of buildings development standard is limited to the proposed roof ridge above part of the proposed first floor and rear addition and will not result in any adverse amenity impacts on neighbouring properties or in any streetscape impacts.

The non-compliances with secondary dwelling development standards are technical in nature and have no adverse environmental planning impacts.

The non-compliance with the side setback controls is acceptable on merit as it reflects the existing pattern of development in the locality and does not result in any unreasonable environmental planning impacts.

The location of the proposed secondary dwelling, which is set back 4.5m from the rear boundary with Albion Lane, is acceptable on merit, as its location ensures the protection of the mature Port Jackson fig tree at the rear of the site and as the design of the building retains good amenity for neighbouring occupants.

One submission was received, and the issues raised in the submission have been considered and addressed in this report and in the recommendation. No Councillor submissions were received as a result of the public exhibition. 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 20 March 2024.

The site is identified as Lot 1 DP313153, known as 6 Wallace Street, Waverley.

The site is rectangular in shape with a primary frontage of 5.9m to the north side of Wallace Street and a secondary frontage of 5.9m to the south side of Albion Lane. It has an area of 341.4m^2 and the site falls from the south to the north by approximately 3m. Land surrounding the site falls from west to east, with land at the adjoining site at 8 Wallace Street, to the east, being approximately 1m lower than land at the subject site toward the central and southern parts of the site.

The site is occupied by a single storey dwelling house. There is a large Port Jackson fig tree within the rear (northern end) of the rear yard adjacent to Albion Lane.

The site is adjoined by a single storey dwelling house to the west at 4 Wallace Street and a part single-storey, part two-storey residential flat building to the west at 8 Wallace Street. The site at 8 Wallace Street features a three-car garage accessed from Albion Lane.

The locality is characterised by a variety of low and medium density residential developments including dwelling houses, semi-detached dwellings and residential flat buildings.

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

Figure 1: Site viewed from Wallace Street, looking north.

Figure 2: Rear of existing dwelling house viewed from rear yard, looking south.

Figure 3: View of rear yard, looking north.

Figure 4: Site including fig tree viewed from Albion Lane, looking south.

1.3. Relevant Development History

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

Pre-development application advice PD-31/2022

On 27 September 2022 the Applicant requested pre-development application advice regarding a proposal for alterations and additions to the existing dwelling, including first floor addition, rear addition, and laneway building with parking and studio above. On 3 November 2022 Council provided the following advice and feedback:

1. A clause 4.6 request for an exception to the height of buildings development standard is required, and documentation is required to demonstrate the environmental amenity of surrounding properties is preserved. The first floor addition should be reduced in size to minimise solar access impacts.
2. The proposed exceedance of the floor space ratio development standard is not supported.
3. It is recommended that the first floor addition be set behind the principal roof ridgeline to retain the existing roof form.
4. The proposed three car parking spaces are not supported. Only two car parking spaces can be supported.
5. The studio is not supported as the floor space ratio development standard for the site is exceeded and as the proposed studio height of 6.3m exceeds the maximum 6m *Waverley Development Control Plan 2022* height for laneway buildings.
6. Council's traffic team advised that the number of parking spaces should be reduced to two, that the area between the proposed laneway building and Albion Lane should not be used for parking, and that the laneway building setback to Albion Lane should be reduced to 3m.
7. Council's tree management officer advised that the laneway building may have a major impact on the Port Jackson fig tree in the rear yard, and that an arborist report with root mapping is required.

1.4. Proposal

The development application seeks consent for alterations and additions to the existing dwelling house including a first floor addition, partial demolition of the existing rear wing, a three storey rear addition, and a two storey laneway building set back 4.6m from the laneway with parking at ground level and a secondary dwelling at first floor level.

The proposal results in a three bedroom dwelling with four living/dining/sitting/family rooms, two parking spaces, and a secondary dwelling. The development specifically includes the following.

Main dwelling

Lower ground floor level:

- Partial demolition of existing rear wing, excavation to a depth of approximately 1m, and construction of new rear wing containing "garden room", bathroom and undercroft terrace area; and
- Landscaping.

Ground floor / upper ground floor level:

- Partial demolition of existing rear wing, and construction of new rear wing containing a family room and a bathroom;
- Rear balcony accessed from family room; and
- Internal reconfiguration.

First floor:

- First floor addition set back 2.5m from front façade containing living / dining / kitchen room, study room, sitting room, and bedroom with en-suite; and
- Rear balcony accessed from bedroom.

Laneway building

Ground floor:

- Two parking spaces within a partially open-sided carport area accessed from Albion Lane via a new driveway, and
- Gates and fence to Albion Lane.

First floor:

- Secondary dwelling; and
- Rear balcony facing Albion Lane.

1.5. Background

The development application was lodged on 2 January 2024. The application was deferred on 28 March, with Council requesting the following issues be addressed:

1. Clause 4.6 written requests for exceptions to the SEPP (Housing) 2021 secondary dwelling development standards relating to site area and the number of parking spaces are required.

2. The proposed setbacks from the front, rear and western side boundaries must be increased for the extensions to the main dwelling.

3. Additional information should be provided to demonstrate acceptable solar access and visual privacy impacts.

The amended plans and documentation received on 30 April 2024 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 and have been considered in the assessment of this development application:

- SEPP (Sustainable Buildings) 2022
- SEPP (Housing) 2021
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021

A detailed discussion is provided regarding the provisions of SEPP (Housing) 2021 is provided below.

SEPP (Housing) 2021

Table 1: SEPP (Housing) 2021 Compliance Table

Provision	Compliance	Comment
Chapter 3 Part 1 Secondary Dwellings		
52 Development may be carried out with consent *Consent must not be granted unless:*		

Provision	Compliance	Comment
• *There are no dwellings other than the principal and secondary dwelling*	Yes	There are no additional dwellings at the site.
• *The total floor area does not exceed the maximum floor area for the site*	Yes	The proposal does not exceed any maximum floor area development standard for the site.
• *The secondary dwelling floor area is no more than 60m²*	Yes	The secondary dwelling has a floor area of 36.5m² in compliance with the control.
53 Non-discretionary development standards		
• *Minimum site area of 450m²*	No	The site area is 341.4m², which is 24.1% less than the development standard.
• *The number of parking spaces at the site must not change*	No	The number of parking spaces at the site is proposed to increase from none to two contrary to the development standard. Written requests under clause 4.6 of the *Waverley Local Environmental Plan 2012* (Waverley LEP 2012) have been prepared by the applicant in relation to the above two exceedances. Further discussion is found below the Waverley LEP 2012 compliance table in this report below.

2.1.2. Waverley LEP 2012

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

Table 2: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal aligns with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table *R2 Low Density Residential Zone*	Yes	The proposal is defined as a dwelling house and a secondary dwelling, which are permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings • *8.5m*	No	The proposal has a maximum height of 9.2m, which is 700mm above the maximum

Provision	Compliance	Comment
		permitted height representing an 8.2% exceedance of the development standard.
4.4 Floor space ratio and **4.4A Exceptions to floor space ratio** • *0.73:1 FSR* • *249m² GFA*	Yes	The proposal has gross floor area (GFA) of 244.5m², resulting in a floor space ratio (FSR) of 0.72:1 in compliance with the development standard.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the SEPP (Housing) 2021 minimum site area and number of parking spaces development standards, and the Waverley LEP 2012 height of buildings development standard. A detailed discussion of the variation to the development standards is presented below this table.
Part 5 Miscellaneous provisions		
5.4 (9) Secondary dwellings • *The total floor area of a secondary dwelling must not exceed 60m² or 30% of the floor area of the principal dwelling*	Yes	The proposed secondary dwelling has a floor area of 35m² which is 16.5% of the floor area of the principal dwelling in compliance with the development standard.
Part 6 Additional local provisions		
6.2 Earthworks	Yes	The proposal includes minor excavation to a depth of approximately 1m. The limited extent of the excavation is unlikely to cause material environmental planning impacts subject to the imposition of conditions imposed at Appendix A of this report.

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

Clause 4.6 Exceptions to Development Standards – Secondary dwelling minimum site area

The application seeks to vary the minimum site area development standard for detached secondary dwellings under SEPP (Housing) 2021 section 53(2)(a).

The site is subject to a minimum site area development standard of 450m². The proposed development has a site area of 341.4m², which is which is 108.6m² or 24.1% less than the development standard.

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 site area 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 principles of section 3 of the SEPP (Housing) 2021 are achieved as set out below:

(i) Principle (a), *enabling the development of diverse housing types, including purpose-built rental housing*, is achieved as *the development of secondary dwellings is controlled by Chapter 3 Housing SEPP which sets provisions for diverse housing, ergo identifying such developments as a diverse* housing type.

(ii) Principle (b), *encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability*, is achieved as *the construction of a new secondary dwelling on site will result in a new dwelling capable of being occupied by a vulnerable member of the community. The secondary dwelling will result in a new, liveable dwelling that could potentially be leased low to moderate income residents.*

(iii) Principle (c), *ensuring new housing development provides residents with a reasonable level of amenity*, is achieved as:

a. *The secondary dwelling... will be bathed in sunlight throughout the year, including on the 21st of June. Sunlight is maintained to the principal private open spaces and north facing windows of adjacent properties on the 21June*.

b. The main windows in the secondary dwelling face north, toward Albion Lane and thus only overlook the laneway and parking at adjacent properties. South facing windows are small and largely screened by the stairway banisters. This ensures that overlooking of the shared rear yard is minimal.

c. The proposal is for a single-room residential studio, which is not likely to generate much in the way of noise or disturbance.

d. The low height of the secondary dwelling, coupled with the northern fall of the site's topography ensure that nearby properties (including the principal dwelling) maintain reasonable outlook from their properties. The proposal will not affect any significant views from adjoining properties.

(iv) Principle (d), *promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services*, is achieved as *the proposal is*

located within an established urban area that is already connected to all essential utilities and services, including electricity, sewage, water and telecommunication services.

(v) Principle (e), *minimising adverse climate and environmental impacts of new housing development*, is achieved as *the development is accompanied by a BASIX certificate, demonstrating compliance with BASIX targets for Water, Energy and Thermal Comfort and which applies to this development.*

(vi) Principle (f), *reinforcing the importance of designing housing in a way that reflects and enhances its locality*, is achieved as *the secondary dwelling and garage sit comfortably in its context, matching similar such developments facing Albion Lane. Albion Lane is typified by garages, and flats built to and directly accessed from the laneway. The proposed development is compatible with this surrounding development and when viewed by a passer-by on Albion Lane, will appear entirely in character with its context.*

(vii) Principle (g), *supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use*, is achieved as *the secondary dwelling is capable of supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, with limited social and environmental impacts from this use.*

(viii) Principle (h), *mitigating the loss of existing affordable rental housing*, is achieved as *the proposal adds to, rather than reduces the stock of potential rental accommodation in Waverley. Accordingly, the proposal meets principle (h) and the shortfall in site area does not inhibit this.*

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

(i) Despite the shortfall in site area, the proposal provides a complaint area of landscaping, deep soil or open space.

(ii) The proposal continues to comply with the WLEP standard for floor space ratio at clause 4.4A and the maximum floor area control in the Housing SEPP.

(iii) The proposal is for a single-room residential studio, which is not likely to generate much in the way of noise or disturbance.

(iv) Albion Lane is typified by garages and structures built to the rear boundary, meaning that the proposal does not give rise to unreasonable levels of visual impact and the proposal is consistent with the character of this laneway.

(v) The low height of the secondary dwelling, coupled with the northern fall of the site's topography ensure that nearby properties (including the principal dwelling) maintain reasonable outlook from their properties. The proposal will not affect any significant views from adjoining properties.

(vi) The shortfall in site area does not result in compromised amenity for the subject site or adjoining sites.

Consideration of Applicant's Written Request

The applicant's written request has correctly identified the development standard to be varied, relevant legislation and correctly calculated the site area. 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 by referring to the following justifications as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

- *the objectives of the development standard are achieved notwithstanding non-compliance with the standard;*

The SEPP (Housing) 2021 secondary dwelling minimum site area development standard does not have any objectives. In these circumstances achievement of the principles of the SEPP (Housing) 2021 as referenced by the applicant is considered a suitable alternative justification.

The proposal achieves the SEPP (Housing) principles as set out in full above. The proposed secondary dwelling contributes to the diversification of housing types in the area, is capable of providing housing to vulnerable members of the community, provides a good level of amenity for future occupants, is located in a suitable area for housing, meets sustainability requirements, is comfortably accommodated within the site, complies with built-form and landscaping controls for the site, is compatible with the character of the area, and does not have any unreasonable amenity impacts on neighbouring sites.

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 that there are sufficient environmental planning grounds to justify contravening the development standard. The proposal provides good amenity for future occupants, does not result in any unreasonable amenity impacts for neighbours, and is suitable within the existing streetscape.

Conclusion

The written request provided by the applicant to vary the SEPP (Housing) 2021 secondary dwelling minimum site area development standard has adequately addressed clause 4.6 of the Waverley LEP 2012 and the justification provided by the applicant is satisfactory.

Clause 4.6 Exceptions to Development Standards – Change in number of parking spaces at site

The application seeks to vary the SEPP (Housing) 2021 section 53(2)(b) development standard which states that, for development which involves a secondary dwelling, the number of parking spaces at the site must the same as the number of parking spaces at the site immediately before the development is carried out.

The proposal changes the number of parking spaces at the site from nil to two. The proposal therefore contravenes the non-numerical development standard.

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.

<u>Applicant's Written Request - Clause 4.6(3)(a) and (b)</u>

The applicant seeks to justify the contravention of the minimum site area 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 principles of section 3 of the SEPP (Housing) 2021. See section Clause 4.6 Exceptions to Development Standards – Secondary dwelling minimum site area of this report above for a complete summary of the relevant principles and of how the proposal achieves the principles.

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

(i) "The proposed parking does not come at the expense of a complaint area of landscaping, deep soil or open space. In addition, the proposal complies with the WLEP standard for floor space ratio at clause 4.4A and Housing SEPP floor area control.

(ii) The total number of parking spaces proposed is two, which is a compliant number of spaces for dwelling houses in a low-density environment as per the Waverley Development Control Plan 2022.

(iii) The provision of parking does not result in compromised amenity for the subject site or adjoining sites.

(iv) To a casual observer, the proposed form will appear consistent with the character surrounding development facing Albion Lane, which is predominately made up of garages and buildings built to the rear boundary. The provision of parking does not result in incompatible development on the site.

(v) The proposal is for a single-bedroom secondary dwelling and works to the existing dwelling, which is not likely to generate traffic beyond the capacity that could be reasonably expected of the local road network.

(vi) The proposal will require a crossover to Albion Lane. This will not result in any loss of parking during the day as Albion Lane prohibits parking on the side where the crossover is proposed.

Consideration of Applicant's Written Request

The applicant's written request has correctly identified the development standard to be varied, relevant legislation and correctly calculated the site area. 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 by referring to the following justifications as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

- *the objectives of the development standard are achieved notwithstanding non-compliance with the standard;*

The SEPP (Housing) 2021 change in number of parking spaces development standard does not have any objectives. In these circumstances achievement of the principles of the SEPP (Housing) 2021 as referenced by the applicant is considered a suitable alternative justification.

The proposal achieves the SEPP (Housing) principles as set out in full above. The proposed secondary dwelling contributes to the diversification of housing types in the area, is capable of providing housing to vulnerable members of the community, provides a good level of amenity for future occupants, is located in a suitable area for housing, meets sustainability requirements, is comfortably accommodated within the site, complies with built-form and landscaping controls for the site, is compatible with the character of the area, and does not have any unreasonable amenity impacts on neighbouring sites.

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 that there are sufficient environmental planning grounds to justify contravening the development standard. The proposal provides good amenity for future occupants, does not result in any unreasonable amenity impacts for neighbours, is suitable within the existing streetscape, and will have no material traffic impacts.

Conclusion

The written request provided by the applicant to vary the SEPP (Housing) 2021 change in number of parking spaces development standard has adequately addressed clause 4.6 of the Waverley LEP 2012 and the justification provided by the applicant is satisfactory.

Clause 4.6 Exceptions to Development Standards - Height

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

The site is subject to a maximum height of building development standard of 8.5m. The proposal has a maximum height of 9.2m, which is 700mm above the maximum permitted height representing a 8.2%

exceedance of the development standard. The area of the building which exceeds the development standard is limited to the roof ridge.

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.

<u>Applicant's Written Request - Clause 4.6(3)(a) and (b)</u>

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 objectives of the development standard are achieved 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 exceedance does not have any privacy impacts. The exceedance only relates to the roof ridge which does not contain any windows and which does not have any acoustic impacts.
- The locality does not feature any significant views. Nearby properties will maintain reasonable outlook.
- The proposal will not give rise to visual impacts as the proposed two storey form is found elsewhere along Wallace Street and as the first floor level has been set back behind the existing ridge.
- The proposal continues to provide sunlight to 50% of neighbouring rear open spaces on 21 June and as north-facing windows at adjacent sites continue to receive sunlight. The exceedance does not result in any additional overshadowing beyond a compliant development.

(ii) Objective (b) relates to Bondi Junction and is not relevant to the development.

(iii) Objective (c), *to maintain satisfactory solar access to existing buildings and public areas,* is achieved as the proposal satisfies the controls for solar access in the Waverley Development Control Plan 2022 and as the exceedance does not result in any additional overshadowing beyond that which would occur from a compliant development.

(iv) Objective (d) *to establish building heights that are consistent with the desired future character of the locality*, is achieved as the proposal is compatible with the existing streetscape which includes buildings of greater heights including buildings at 9, 13 and 15 Wallace Street. The

proposed small variation with the height of buildings development standard is limited to the proposed roof form, is set back behind the original.

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

(i) The exceedance of the development standard is minor, relates only to part of the roof, and does not result in any environmental planning or amenity impacts as discussed above in relation to the objectives of the development standard.

(ii) The exceedance relates the proposed pitched roof which is characteristic of the area. A flat roof which complies with the development standard could be provided instead, however this would be out-of-character with the area.

(iii) The variation arises as a consequence of the site's steep topography, with ground levels falling from south to north. The exceedance arises at one of the steepest parts of the site, and would not arise if the site were flat.

Consideration of Applicant's Written Request

The applicant's written request has correctly identified the development standard to be varied, relevant legislation and correctly 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 by referencing the following justification as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

(a) the objectives of the development standard are achieved notwithstanding non-compliance with the standard;

The applicant's justification is sound. The exceedance is minor in nature and relates only to the upper parts of the proposed pitched roof form.

Objectives (a) and (c) are achieved as the exceeding roof form does not result in any privacy impacts, any solar access impacts, nor any other amenity impacts including any view impacts.

Objective (d) is achieved as the area of exceedance is set back behind the original roof form and behind the front part of the first floor addition. The exceedance will not be readily discernible from the street and the development will have a similar height to other two storey buildings in the area.

In the circumstances outlined above, compliance with the development standard is considered unreasonable and unnecessary.

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 that there are sufficient environmental planning grounds to justify contravening the development standard.

The exceedance is minor in nature and relates only to the upper parts of the proposed pitched roof form. The exceedance does not result in any environmental planning or amenity impacts, and has an appropriate height and form in the context of the existing streetscape.

Furthermore, the exceedance is a result of the steep topography of the site in combination with the valid design decision to provide a pitched roof form which is compatible with the characteristics of the surrounding area.

In these circumstances the applicant has demonstrated sufficient environmental planning grounds.

Conclusion

The written request provided by the applicant to vary the height of buildings 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 3: Waverley DCP 2022 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste • *Garbage bins are to be stored in an appropriate location.*	Yes	Satisfactory.
2. Ecologically Sustainable Development • *Ceiling or wall mounted fans* • *Gas cooktops, gas ovens or gas internal space heating systems.*	Yes (subject to conditions)	Conditions are recommended at Appendix A requiring the use of fans and non-gas appliances.
3. Landscaping, Biodiversity and Vegetation Preservation • *Within habitat corridors a minimum of 50% of plantings are to be native plants*	No	The applicant has not provided sufficient information to demonstrate compliance. A condition of consent is recommended at Appendix A requiring amended landscape plans with full planting schedules to demonstrate 50% native planting will be achieved.

Development Control	Compliance	Comment
• *Consent is required to remove a tree that is 3m or greater in height, or 3m or greater in spread.*	Yes	The proposal has been designed to protect the existing Port Jackson fig tree within the rear yard of the site. Conditions of consent to ensure protection of the tree are recommended in Appendix A of this report.
5.Water Management	Yes	Satisfactory. Conditions of consent are included at Appendix A requiring the submission of finalised stormwater plans to demonstrate compliance with Council's technical standards.
7. Transport *Maximum parking rate:* • *2*	Yes	The proposal includes two parking spaces, in compliance with the control.
11. Design Excellence	Yes	Satisfactory. The proposed form of the development responds to the character of the existing building and the locality, and does not have any unreasonable amenity impacts.
13. Excavation • *118.28m^2 maximum excavation* • *900mm setbacks from side boundaries*	Yes No (acceptable on merit)	55m^3 of excavation is proposed, in compliance with the control. The proposal includes excavation adjacent to the eastern boundary to a depth of approximately 1m for the staircase down to the lower ground floor level. The application is otherwise designed to avoid excavation within 900mm of the boundary. The proposed excavation is minor in nature both in terms of depth and area, and therefore is not anticipated to result in any material geotechnical or structural impacts subject to excavation conditions of consent are recommended in Appendix A of this report.

Table 34: 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		
Pitched roof dwelling house • *Maximum external wall height of 7m*	No (acceptable on merit)	The proposed wall heights of the first floor and rear additions are approximately 6.4m high measured from Albion Street level. However, the same walls are approximately 8m high measured from levels at 8 Wallace Street along the easter boundary of the subject site, contrary to the control.

Development Control	Compliance	Comment
		The non-compliance is acceptable on merit as it is a result of the steep slope of the subject site from south to north, and due to the site at Wallace Street being approximately 1m. The proposal presents as a compliant development from the street, has an appropriate bulk and form, and will not result in any unreasonable amenity impacts.
1.2 Setbacks		
1.2.1 Front and rear building lines • *Predominant front building line (adjacent three neighbours on either side)* • *Predominant rear building line at each floor level (adjacent three neighbours or either side)* • *Development at first floor level and above shall be set back from the rear building line of the ground floor level*	Yes Yes Yes	The proposed first floor addition is set back behind the front building line. The proposal does not exceed the predominant rear building line at any floor level. The proposed upper ground floor addition is set back further from the rear boundary than the adjacent building at 8 Wallace Street. There is currently no proposed predominant first floor rear building line, as adjacent properties do not feature first floors. The proposed first floor setback from the rear boundary is acceptable as it is greater than the setbacks at lower levels, as the proposal complies with the FSR development standard for the site, and as the proposal maintains amenity for neighbouring sites in compliance with the provisions of the Waverley DCP 2022. The proposed first floor level is set back further from the rear boundary than the upper ground floor level in compliance with the control.
1.2.2 Side setbacks • *Minimum of 0.9m for ground floor and first floors.)* • *The side setbacks may be reduced if the proposed dwelling or alteration adjoins another dwelling without a setback along the shared boundary. This applies only to that section of the boundary which the neighbouring dwelling is built*	Yes No (acceptable on merit)	The proposed three storey rear addition and the proposed first floor addition above the original dwelling house are set back 900mm from the western side boundary in compliance with the control. The proposed nil setback from the eastern side boundary partially complies with the control. The proposed nil setback for the rear addition is adjacent to nil setback 8 Wallace Street in compliance with the control. However, the proposed nil setback to the first floor addition above the original dwelling at the front part of the site is contrary to the control as this part of the development is not adjacent to a neighbouring nil setback.

Development Control	Compliance	Comment
		The non-compliance is acceptable on merit in the context of the site and due to the design of the proposal as discussed below. The site is located within a group of buildings at 2, 4, 6 and 8 Wallace Street which all have nil setbacks from each site's eastern boundary. Within this context it reasonable to anticipate that additional stories at each property will follow the existing pattern of historic nil setbacks. The design of the proposal ensures that the nil setback is appropriate within the existing streetscape. The first floor addition is set back 3.9m from the face of the front verandah and is set behind the existing main roof ridge. The proposed front setbacks ensure the first floor addition will not dominate the streetscape. Furthermore, the nil setback will not result in any unreasonable solar access impacts.
1.3 Streetscape and visual impact		
• *New development to be compatible with streetscape context*	Yes	The proposed first floor addition is set back behind the original main roof ridge. This proposed front setback retains the original character of the building and ensures the first floor addition will not dominate the streetscape.
1.4 Fences		
Side and Rear: • *Maximum height of 1.8m*	No	The rear boundary fence and gate is between 1.8m high adjacent to the western boundary and 2.5m high adjacent to the eastern boundary, contrary to the 1.8m maximum fence height control. A condition of consent is recommended in appendix A requiring the gate to be reduced in height to be no more than 2.2m high. The height maximum height of 2.2m accounts for the slope of the land, which makes it unviable for the entirety of the gate to be no higher than 1.8m.
1.5 Visual and acoustic privacy		
• *Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures*	Yes (subject to conditions of consent)	The proposed windows do not directly overlook neighbouring properties with the exception of one proposed window at upper ground floor window placed directly on the eastern boundary. The window is not supported due to potential privacy impacts and due to its nil setback from the boundary. A condition of consent is included at Appendix A requiring the deletion of the window.

Development Control	Compliance	Comment
are incorporated into the design • *Maximum size of balconies:* *10m² in area* *1.5m deep*	No (acceptable on merit)	The first floor rear balcony complies with the controls. The proposed upper ground floor balcony has a depth of 2.4m in excess of the 1.5m depth control. The visual and acoustic privacy impacts of the balcony are acceptable on merit, as the size of the balcony is limited to 9.5m² in compliance with the control, and as the sides of the balcony are enclosed by a solid masonry wall to the east and a privacy screen to the west to prevent overlooking.
1.6 Solar access		
• *Minimum of 3 hours of sunlight to 50% of living areas and principal open space areas on 21 June to subject site* • *Minimum of 3 hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June.* • *Avoid unreasonably overshadowing of solar collectors (including habitable windows).*	No (acceptable on merit) Yes Yes	The proposal does not achieve 50% solar access to the private open space of the subject site for three hours at midwinter. However, the non-compliance is acceptable on merit as a significant useable area of solar access is retained between the hours of 9am and 2pm, resulting in good amenity for the subject site. 50% solar access to private open space for three hours at midwinter is achieved for neighbouring dwellings in compliance with the control. The proposal does not result in any unreasonable overshadowing of neighbouring solar collectors.
1.8 Car parking		
1.8.1 Design Approach • *Parking to be provided from secondary streets or lanes where possible.* • *Driveways are to be located to minimise the loss of on street parking*	Yes	The proposed parking is accessed from the rear of the site via Albion Lane, and will not result in the loss of any on-street parking.
1.8.2 Parking rates	Yes	The proposal is consistent with the parking rates set out under Part B7 of Waverley DCP 2022.
1.8.3 Location • *Existing development to be in accordance with the hierarchy of preferred car parking locations*	Yes	The proposed parking is accessed from the rear of the site via Albion Lane in compliance with the control.
1.8.4 Design	Yes	The proposed parking gate adjacent to the lane, and the proposed secondary dwelling and

Development Control	Compliance	Comment
• *Complement the style, massing and detail of the dwelling* • *Secondary in area and appearance to the design of the residences*		parking structure, is suited to the varied streetscape of Albion Lane which currently features a variety of one and two storey structures with parking at ground level.
1.8.5 Dimensions • *5.4m x 2.4m per vehicle*	Yes	The proposal achieves the minimum dimensions.
1.8.6 Driveways • *Maximum of one per property* • *Maximum width of 3m at the gutter (excluding splay)*	Yes	The proposal results in one 3-metre-wide driveway at the site in compliance with the control.
1.9 Landscaping and open space		
• *Overall open space: 40% of site area* • *Overall landscaped area: 20% of site area, with at least half deep soil* • *Minimum area of 25m^2 for private open space* • *Front open space: 50% of front building setback area* • *Front landscaped area: 50% of front open space provided*	Yes Yes Yes N/A N/A	51% open space is achieved in compliance with the control. 27% landscape area is achieved in compliance with the control, with 100% of the landscape area being deep soil. 90m^2 private open space is achieved. No change is proposed to the front setback.
1.14 Dual Frontage Development		
1.14.1 General Controls • *Primary and secondary frontage to be defined* • *Appropriate forms to be provided to each street* • *Garage studios and rear lane garage develops are to be provided with landscaping*	Yes	The proposal retains a clear distinction between the primary frontage to Wallace Street and the secondary frontage to Albion Lane. An appropriate form is provided to both frontages, as discussed in this Waverley DCP compliance table above. Landscaping is provided between the secondary dwelling and laneway in compliance with the control.
1.14.2 - Laneway Design Provisions		The proposed secondary dwelling does not have any walls immediately adjoining the laneway.

Development Control	Compliance	Comment
• *Maximum external wall height of 3.6m* • *Maximum overall height of 6m to the roof ridge* • *Gable ends facing side boundaries appropriate in circumstances where amenity impacts are acceptable* • *External stairs not acceptable*	N/A Yes Yes Yes	The proposed secondary dwelling has a height of 6m in compliance with the control. The proposal features gable ends facing the side boundaries. The proposal does not result in any unreasonable amenity impacts on neighbours, including solar access and privacy impacts. The proposed design is therefore supported. The proposed staircase is internal.
1.16 Secondary dwellings and ancillary buildings		
1.16.1 - Secondary dwellings • *Read as a secondary structure* • *Secondary dwellings are not to significantly impact upon the privacy and amenity of neighbouring properties.* • *Side setbacks of secondary dwellings are to be determined on a site by site basis, with consideration given to the context and amenity of neighbouring properties.*	Yes	The proposed location of the secondary dwelling, which is set back 4.5m from the rear boundary with Albion Lane, is acceptable on merit in the circumstances of the site. The setback is necessary to ensure the protection of the existing mature Port Jackson Fig Tree at the rear of the site, as a structure immediately adjacent to the laneway would result in an unacceptable incursion into the structural root zone of the tree. Despite proposed location of the secondary dwelling, the proposal maintains good amenity including solar access and visual privacy to neighbouring properties. The proposed nil side setbacks are appropriate in the context of adjoining neighbouring properties which also feature nil setbacks, and in the context of the proposed acceptable amenity impacts. The proposed secondary dwelling reads as a secondary structure, and does not impinge on the prominence of the primary dwelling.

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 for notified for 14 days between 9 February and 23 February 2024 in accordance with the *Community Engagement Strategy 2023*.

Following receipt of amended plans and additional information, the application was not renotified as the amended design increased setbacks from side, front and rear boundaries and generally decreased the scale of the proposal. The amended design results in lesser environmental planning impacts than the original design, and therefore renotification is not required.

One unique submission was received from a resident who did not disclose their address.

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

- Non-compliance with the height of buildings development standard

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

Issue: Deterioration of streetscape due to substantial alterations to the front of the building.

Response: The applicant has amended the proposal during the course of the assessment to provide a significant setback at first floor level. The amended proposal is set back behind the original main roof ridge, resulting in a first floor building form which will not dominate the original building nor the surrounding streetscape. Further discussion regarding design and streetscape impacts is found within the Waverley DCP 2022 compliance table in this report above.

Issue: Visual and acoustic privacy impacts on rear yards of properties along Fern Street caused by proposed first floor front balcony and large windows.

Response: The applicant has amended the proposal during the course of the assessment to delete the previously proposed first floor front balcony and to increase the first floor setback from the front boundary. The amended design does not result in any unreasonable or significant visual or acoustic privacy impacts on neighbouring properties. The proposed first floor front windows will be located a minimum of 14m from rear yards of properties along Fern Street. The first floor windows face the Wallace Street, and are appropriate for the primary frontage of the site.

2.5. Public Interest

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

3. REFERRALS

The following internal referral comments were sought:

3.1. Traffic and Development

Council's traffic engineer supported the proposal subject to standard conditions of consent regarding vehicle crossings and parking which are included at Appendix A of this report.

3.2. Stormwater

Council's stormwater engineer supported the proposal subject to standard conditions of consent regarding stormwater management which are included at Appendix A of this report.

3.3. Tree Management

Council's tree management officer supported the proposal subject to conditions of consent to ensure the retained Port Jackson fig tree at the rear of the site is suitably protected. The conditions are included at Appendix A of this report.

3.4. Biodiversity

Council's biodiversity officer did not support the proposal as the site is located within a biodiversity habitat corridor, however the proposal does not achieve 50% indigenous species. A condition of consent requiring amended landscape plans to achieve 50% indigenous species is included at Appendix A of this report.

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.

Managers of Development Assessment (MODA) Review

The application was reviewed by the MODA at the meeting on 26 March 2024 and the MODA determined that the application is acceptable and should be approved, subject to the conditions in Appendix A.

MODA members: *B McNamara, B Magistrale, and Peggy Wong*

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	**Application reviewed and agreed by:**	**Application reviewed and agreed by:**
David Knight	Bridget McNamara	Angela Rossi
Senior Development Assessment Planner	**Manager, Development Assessment**	**Executive Manager, Development Assessment**
Date: 13 June 2024	**Date:** 17 June 2024	**Date:** 17 June 2024

Reason for WLPP referral:

1. Departure from a development standard by more than 10%.
2. Departure from a non-numerical development standard.

OFFICE USE ONLY

<table>
<tr><td>Clause 4.6 register entry required</td><td>24.1% variation to secondary dwelling minimum site area (State Environmental Planning Policy (Housing) 2021 53(2)(a))
Reason (place a X next to <u>all</u> that apply):<table>
<tr><td></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>
<tr><td></td><td>[insert another reason here if required]</td></tr>
</table></td></tr>
<tr><td>Clause 4.6 register entry required</td><td>Variation to change in number of parking spaces at site development standard (State Environmental Planning Policy (Housing) 2021 53(2)(b)) – non-numerical development standard<table>
<tr><td></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>
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<tr><td></td><td>[insert another reason here if required]</td></tr>
</table></td></tr>
</table>

<table>
<tr><td>Clause 4.6 register entry required</td><td>8.2% variation to height (Clause 4.3)
<table>
<tr><td></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>
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<tr><td>X</td><td>Consistent with the objectives of the standard</td></tr>
<tr><td></td><td>[insert another reason here if required]</td></tr>
</table></td></tr>
<tr><td>Determining Authority
(Concurrence Authority for Clause 4.6 variation)</td><td>Local Planning Panel</td></tr>
<tr><td>Were the requirements of the Sustainable Buildings SEPP (effective 1 October 2023) met?</td><td>Yes</td></tr>
<tr><td>Have any dwellings been approved for affordable Rental Housing under this approval/consent?
*This is a planning portal reporting requirement</td><td>No</td></tr>
<tr><td>Secondary Dwelling
*This is a planning portal reporting requirement</td><td>No</td></tr>
<tr><td>Boarding House
*This is a planning portal reporting requirement</td><td>No</td></tr>
<tr><td>Group Home
*This is a planning portal reporting requirement</td><td>No</td></tr>
<tr><td>Is the development subject to the Special Infrastructure Contribution (SIC)?</td><td>No</td></tr>
<tr><td>Is the development located within an Urban Release area?</td><td>No</td></tr>
<tr><td>Waverley Council Data</td><td></td></tr>
<tr><td>Trial Period database entry required</td><td>No</td></tr>
<tr><td>VPA submitted – follow up actions required</td><td>No</td></tr>
<tr><td>Refer to compliance for investigation</td><td>No</td></tr>
<tr><td>Commercial/liquor operational conditions</td><td>No</td></tr>
<tr><td>Was there a ‘Conflict of Interest’ declared</td><td>No</td></tr>
<tr><td>Excavation</td><td>Yes 55m^3</td></tr>
</table>

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 David Fleeting Architects including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
C01 D	Proposed site plan	30/04/2024	30/04/2024
C04 D	Proposed lower ground floor plan	30/04/2024	30/04/2024
C04.1 D	Proposed parking (lower ground floor plan)	30/04/2024	30/04/2024
C05 D	Proposed ground floor plan	30/04/2024	30/04/2024
C05.1 D	Proposed ground floor (upper floor – studio)	30/04/2024	30/04/2024
C06 D	Proposed upper floor plan	30/04/2024	30/04/2024
C06.1 D	Proposed upper floor plan (roof plan – studio)	30/04/2024	30/04/2024
C07 D	Proposed roof plan	30/04/2024	30/04/2024
C20 D	Proposed long section AA	30/04/2024	30/04/2024
C20.1 D	Proposed long section AA (studio)	30/04/2024	30/04/2024
C21 D	Proposed long section BB	30/04/2024	30/04/2024
C21.1 D	Proposed long section BB (studio)	30/04/2024	30/04/2024
C22 D	Proposed cross section	30/04/2024	30/04/2024
C23 D	Proposed cross section DD	30/04/2024	30/04/2024
C24 D	Proposed cross section EE	30/04/2024	30/04/2024
C30 D	Proposed east elevation (house)	30/04/2024	30/04/2024
C30.1 D	Proposed east elevation (studio)	30/04/2024	30/04/2024
C31 D	Proposed west elevation (house)	30/04/2024	30/04/2024
C31.1 D	Proposed west elevation (studio)	30/04/2024	30/04/2024
C32 D	Proposed north elevation (house)	30/04/2024	30/04/2024

C32.2 D	Proposed north elevation (from lane)	30/04/2024	30/04/2024
C33 D	Proposed south elevation (house)	30/04/2024	30/04/2024
C33.1 D	Proposed south elevation (studio)	30/04/2024	30/04/2024

(b) BASIX and NatHERs Certificate/s

(c) Stormwater Details and documentation prepared by Engineering Services dated November 2023, and received by Council on 19/12/2023

(d) Arborist Report prepared by George Palmer, Botanics P/L. dated September 2023, and received by Council on 19/12/2023

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.

2. **GENERAL MODIFICATIONS**

The application is approved subject to the following plan amendments;

(a) The rear vehicle access gate must be reduced in height to be no higher than 2.2 measured from street level at the eastern part of the gate. Subsequently the top of the gate must be no higher than RL 73840.

Condition reason: To reduce impact of the fence on Albion Lane.

(b) The boundary window on the eastern elevation is to be fire rated, translucent and non operable. In the event that future development on the adjoining site occurs (8 Wallace Street), it should be noted that this window may be blocked up.

Condition reason: To ensure compliance with Fire Safety provisions and potential future development.

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

3. **APPROVED USE - DWELLING HOUSE AND SECONDARY DWELLING**

(a) This development consent authorises the use of the site as a single dwelling house, known as the 'principal dwelling'.

(b) The development consent also authorises the laneway development to accommodate a secondary dwelling.

(c) The secondary dwelling:

(i) must be established in conjunction with and be located on the same lot of land as the principal dwelling; and

(ii) cannot be subdivided for the purposes of it being located on its own lot and separate to the lot comprising the principal dwelling.

	Condition reason: To confirm the approved use of a dwelling house and a secondary dwelling.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
4.	**NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE**
	The building work, or demolition work, must not be commenced until: (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the *Environmental Planning and Assessment Act 1979*; (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*; and (c) Council is given at least two days' notice in writing of the intention to commence the building works.
	Condition reason: To ensure a Construction Certificate is obtained prior to work commencing.
5.	**HOME BUILDING ACT**
	The builder or person who does the residential building work shall comply with the applicable requirements of Part 6 of the *Home and Building Act 1989*. In this regard a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy the Principal Certifying Authority that they have complied with the applicable requirements of Part 6, before any work commences.
	Condition reason: To ensure the builder or person who does the residential building work, complies with the applicable requirements of Part 6 of the *Home and Building Act 1989*.
6.	**SECTION 7.12 CONTRIBUTION**
	A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Waverley Council Development Contributions Plan in accordance with the following: (a) Where the total development cost is $500,000 or less: (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:

	(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. (c) Where the total development cost is $1,000,000 or more: (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). - Please forward documents to info@waverley.nsw.gov.au attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy. (ii) Upon confirmation of the contribution amount by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate), payment is to be processed via the Customer Service Centre. (iii) Should there be a discrepancy between the cost of works approved in subclause (b)(i) and the DA fee nominated in the original DA, then additional DA Fees may be payable prior to the issue of a Construction Certificate. A copy of the required format for the cost reports are provided in the Waverley Council Contributions Plan, available on Council's website. (d) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, the levy must be paid in accordance with the following; (i) A development valued at $100,000 or less will be exempt from the levy; (ii) A development valued at $100,001 - $200,000 will attract a levy of 0.5% of the full cost of the development; or (iii) A development valued at more than $200,000 will attract a levy of 1% of the full cost of the development. Prior to the issue of any Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than $100,000.
	Condition reason: To ensure the Section 7.12 Contributions are paid.
7.	**SECURITY DEPOSIT**
	A deposit (cash or cheque) for the amount of $31,680 must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent. This deposit (cash or cheque) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs for any repair of damage to Council property or rectification of unauthorised works on

	Council property, will be refunded after satisfactory completion all of works associated with this consent (including the required public works) to the person who paid the deposit.
	Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.
8.	**LONG SERVICE LEVY**
	A long service levy, as required under section 34 of the *Building and Construction Industry Long Service Payments Act, 1986*, is to be paid in respect of this building work. Evidence that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate. Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.25% of building work costing $250,000 or more.
	Condition reason: To ensure the long service levy is paid.
9.	**ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES**
	The applicant is to pay to Council fees for assessment of all engineering plans and inspection of the completed works in the public domain inclusive of all stormwater assessment, in accordance with Council's Schedule of Fees & Charges at the time of engineering plan approval, prior to such approval being granted by Council. An invoice will be issued to the applicant for the amount payable, which will be calculated based on the design plans for the subject development.
	Condition reason: To ensure Council assessment fees are paid.
10.	**HOARDING**
	To ensure the site is contained during construction, a hoarding is required for the approved works, which is to be designed and constructed in accordance with the requirements of Safe Work NSW. Where the hoarding is to be erected over the footpath or any public place, the approval of Council's Compliance Unit must be obtained and the applicable fees paid, prior to the erection of the hoarding.
	Condition reason: To ensure safety to the general public.
11.	**EROSION & SEDIMENT CONTROL**
	A Soil and Water Management Plan (SWMP), also known as an Erosion and Sediment Control Plan must be prepared in accordance with Waverley Council's Water Management Technical Manual. The SWMP must be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request. The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.

	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
12.	**DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION**
	A report shall be prepared by a suitably qualified and practising Structural Engineer/Geotechnical Engineer detailing the proposed methods of bulk excavation, shoring or pile construction, including details of vibration emissions and any possible damage which may occur to adjoining or nearby properties as a result of the proposed building and excavation works. Any practices or procedures specified in the Structural Engineer's report in relation to the avoidance or minimisation of structural damage to adjoining properties are to be fully complied with and incorporated into the plans and specifications together with the Construction Certificate.
	Condition reason: To ensure any excavation, shoring or pile construction is carried out in a safe manner.
13.	**ENGINEERING DETAILS**
	Structural details are to be prepared and certified by a practicing Structural Engineer in connection with all structural components of the approved works, prior to the issue of the relevant Construction Certificate.
	Condition reason: To ensure structural stability of work on site.
14.	**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.
15.	**STORMWATER MANAGEMENT**
	To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream systems, a detailed plan and certification of the development's stormwater management system must be submitted and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate. The submitted stormwater management plan prepared by Engineering Services, Project No. ES_28_23, Drawing H-101, Revision 02, dated 13/12/2023 is considered <u>concept only.</u> The applicant must submit amended plans and specifications to comply with the current Waverley Council Water Management Technical Manual and Development Control Plan (DCP) at the time of engineering plan approval. The submitted plans must be prepared by a suitably qualified and practising Civil Engineer and comply with the following conditions:

	a) The stormwater management plans are to provide details of any required On-Site Stormwater Detention (OSD) system and its details e.g. pit dimensions, cross & long sections, significant water invert levels of inlet and outlet pipes, details of discharge control pit, orifice plate details including orifice diameter, depth of water above centreline of orifice etc., pit overflow, OSD plaque, OSD warning sign and catchment plan. b) The above-ground OSD system must be designed to the 1% AEP storm event. c) Details of any rainwater tank required by BASIX commitments or as nominated are to be shown on the architectural plan, including the overflow connection to the approved stormwater drainage system. d) Any new downpipes are to be located wholly within the property's boundary. e) Piped drainage within all Council land including roads and footways shall be laid at a minimum 1% gravity fall directed toward the point of discharge. f) Seepage water must not be directly or indirectly discharged to Council's street gutter. g) Detail the proposed pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location. h) A sediment control stormwater pit is to be installed inside the property, adjacent to the boundary, for all stormwater outlets. A sump is to be provided at the outlet point. i) Show an alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure. j) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant. Notes: i. The checklist as set out on pages 68-76 in Council's Water Management Technical Manual (October 2021) available online must be completed and submitted with any revision of Construction Certificate Plan Submission. ii. Since a sewer main runs through the property, plans must also be presented to Sydney Water for their approval. iii. The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development. iv. Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block must not be replicated. v. Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged

	assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council. vi. Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au 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.
	Condition reason: To ensure the proper management of stormwater runoff.
16.	**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.
17.	**SITE WASTE AND RECYCLING MANAGEMENT PLAN**
	A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the *SWRMP Part 2* is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.
	Condition reason: To ensure resource recovery is promoted and the local amenity is protected during construction.
18.	**LANDSCAPE WORKS IN A HABITAT CORRIDOR**
	(a) A landscape plan is to be submitted to and approved by Council's Executive Manager, Environmental Sustainability (or delegate) with a plant species list having a minimum of 50% of the proposed trees, 50% of the shrubs and 50% of the grasses and groundcovers (not including turfed areas) are to be indigenous or local native plants listed in Annexure B3-1 of the Waverley Development Control Plan 2022. (b) Three strata of vegetation are required to be included in landscape design, e.g. (i) tree or tall shrub canopy, (ii) mid-storey and (ii) groundcover layer.
	Condition reason: To protect the habitat corridor by ensuring indigenous and local native plants are provided for local biodiversity.
19.	**CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)**
	The applicant is to submit a Construction Traffic Management Plan (CTMP) for the approval of Council's Executive Manager, Infrastructure Services, or delegate, prior to the issue of any Construction Certificate. For further information on what is required in the CTMP, please refer to Council's website at:

	https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent
	Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.
20.	**DILAPIDATION REPORT**
	Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land to the satisfaction of the Principal Certifying Authority. At minimum, the following properties are to be included: (a) 4 Wallace Street, Waverley (b) 8 Wallace Street, Waverley Where access has not been granted to an adjoining property to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the Principal Certifying Authority that all reasonable steps were taken to obtain access to the adjoining properties. The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site. No less than 14days before any site work commences, adjoining property owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to council (where council is not the principal certifier) at the same time. Note: Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out. Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.
	Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.
21.	**RENEWABLE ENERGY AND ENERGY EFFICIENCY**
	To enable all development to contribute to net zero greenhouse emissions by 2035, the following shall apply: (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. (b) Recommended swimming pool heating systems to include solar thermal only, solar thermal boosted with electric heat pump or electric heat pump. (c) No gas cooktops, gas ovens and gas heating systems are permitted. Alternate options must be used (such as electric, induction). (d) Recommended lighting systems to include LEDs with controls, such as motion sensors, step-dim controls and daylight sensors.

	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.
	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.

BEFORE BUILDING WORK COMMENCES

	Condition
22.	**CONSTRUCTION SIGNS**
	Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.
	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.
23.	**DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS**
	The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including: • Work Health and Safety Act 2011; • Work Health and Safety Regulation 2017; • SafeWork NSW Code of Practice for the Safe Removal of Asbestos; • Australian Standard 2601 (2001) – Demolition of Structures; • *Protection of the Environment Operations Act 1997.* At least 5 days prior to the demolition, renovation work or alterations and additions to any building, the person acting on the consent shall submit a Work Plan to the Principal Certifying Authority in accordance with Australian Standard AS 2601-2001, Demolition of Structure and a Hazardous Materials Assessment prepared by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall: (a) Outline the identification of any hazardous materials, including surfaces coated with lead paint; (b) Confirm that no asbestos products are present on the subject land, or (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by SafeWork NSW (catalogue WC03561); (d) Describe the method of demolition; (e) Describe the precautions to be employed to minimise any dust nuisance; and (f) Describe the disposal methods for hazardous materials.
	Condition reason: To ensure the safety of workers and the general public.

24.	**TREE PROTECTION**
	Precautions shall be taken when working near trees to ensure their retention, including the following: (a) Do not store harmful or bulk materials or spoil under or near trees; (b) Prevent damage to bark and root system; (c) Do not use mechanical methods to excavate within root zones; (d) Do not add or remove topsoil from under the drip line; (e) Do not compact ground under the drip line; (f) Do not mix or dispose of liquids within the drip line of the tree; and (g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter. **Protective fencing** • Protective fencing must be erected around each tree nominated for preservation before site clearing and establishment and before any materials are brought on site and prior to the commencement of civil and construction works. The protective fencing shall remain in place for the duration of the works and must not be removed or altered without approval on an arborist. AS 4687 specifies applicable fencing requirements. • Protective fencing shall comprise 1800mm.high chain link wire mesh fixed to 50 mm. galvanised steel posts. Portable chain link fencing may be installed. Colored plastic tape fencing or plain strained fencing wire fixed to steel droppers is unacceptable. Chain link portable panels must be securely fixed top and bottom to avoid separation. • No storage of building materials, tools, paint, fuel or contaminants and the like shall be placed within the fenced area. Ropes, ties or signs must not be attached to any part of a tree (s) to be preserved. **Trunk Protection** • Where space does not permit the erection of protective fencing install trunk protection. Trunk protection shall comprise the placement of 1.8m or less lengths of 75 mm x 40 mm hardwood or pine spaced at 125 mm centers 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. • Trunk protection must remain in place for the duration of all site work. • Trunk protection to be removed at the issue of the Occupation Certificate subject to the satisfaction of Council. **Warning Signs** • Advise contractors and visitors to the site of the purpose for protecting and preserving the tree (s) by the placement of suitable warning signs fixed to all tree protection fences and trunk protection throughout the site. Contact telephone numbers shall be clearly shown on all warning signs. **Ground Protection** • For trees installed with Trunk Protection timbers an area not less than a 2.5 m radius shall have the entire ground surface mulched to a depth of 100 mm with composted Eucalyptus leaf and woodchip or similar cushioning mulch to

	reduce compaction of the surround soil and to help retain soil moisture and reduce erosion. **Crown protection** • 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. • Crown protection may include pruning, tying-back of branches or other measures. If pruning is required, requirements are specified in AS 4373 and should be undertaken before the establishment of the TPZ. • 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. **Encroachments** • Minor encroachments within Structural Root Zones are acceptable. • The preferred method of examination and or excavation within the SRZ is the application of noninvasive vacuum or hydro excavation. • This practice is now widely adopted in sensitive situations that require root investigation. • Tree sensitive construction measures such as pier and beam, suspended slabs, cantilevered building sections, screw piles and contiguous piling may be adopted to minimize the impact of encroachment. • If any tree roots are exposed during any approved works, then roots smaller than 30mm are to be pruned as per the specifications below. Any roots greater than 30mm are to be assessed by a qualified arborist before any pruning is undertaken. • If tree roots are required to be removed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate). • It is the arborist's responsibility to determine if such root pruning is suitable. If there are any concerns regarding this process, then Waverley Council's Tree Management **Officer is to be contacted to make final determination**. • The recommendations of the Arborist Report prepared by George Palmer, Botanics Tree Wise People dated September 2023 must be followed.
	Condition reason: To protect and retain trees.
25.	**TREE PRUNING ON ADJOINING PROPERTIES**
	Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building will require consent under a separate Tree Preservation Order (TPO) application for works to the trees. No works can occur to these trees without a valid TPO. The TPO application shall be supported by an Arborist report prepared by an Arborist with AQF level 5 qualification or above, certifying that the affected trees

	will be maintained in a healthy manner after the pruning works, to the satisfaction of Council's Tree Management Officer. A valid TPO for the works to neighbouring site trees is to be presented to the Certifying Authority prior to the issue of the relevant Construction Certificate and prior to any pruning of trees.
	Condition reason: protect trees on adjoining properties.

DURING BUILDING WORK

	Condition
26.	**CONTROL OF DUST ON CONSTRUCTION SITES**
	The following requirements apply to demolition and construction works on site: (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries. (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices.
	Condition reason: To ensure the safety of workers and the general public.
27.	**CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS**
	Prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines 2014.
	Condition reason: To ensure compliance with the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines 2014.
28.	**EXCAVATION AND BACKFILLING**
	All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property. If an excavation associated with the erection or demolition or a building extends below the level of the footings of a building on an adjoining allotment of land, the excavation is to be managed by a practising structural engineer.
	Condition reason: To ensure structural stability of work on site and general safety.
29.	**CONSTRUCTION HOURS**
	Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays, with no work to be carried out on Sundays and public holidays. Excavation works involving the use of heavy earth movement equipment, including rock breakers and the like, must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays, with no such work to be carried out on Saturday, Sunday or a public holiday.

	Noise from construction activities shall comply with the *Protection of the Environmental Operations (Noise Control) Regulation 2017*.
	Condition reason: To protect the amenity of the surrounding area.
30.	**STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS**
	All building materials and any other items associated with the development are to be stored within the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.
	Condition reason: To ensure building material is stored in an appropriate location.
31.	**CONSTRUCTION INSPECTIONS**
	The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the *Building Legislation Amendment (Quality of Construction) Act 2002, Part 8 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* and the requirements of any other applicable legislation or instruments.
	Condition reason: To ensure regular inspections occur throughout the construction process.
32.	**CERTIFICATE OF SURVEY - LEVELS**
	All construction works are to be in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels is to be submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
33.	**CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING**
	A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the location of the building on the site is to be submitted to the Principal Certifying Authority to certify the building is located in accordance with the development consent plans. The Certificate is to be submitted prior to the construction of the external walls above the ground floor level of the building.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
34.	**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.
35.	**NEW VEHICLE CROSSING**
	A new vehicle crossing is to be provided to access the proposed garage. A separate application is required for the vehicle crossing, with all work to be carried out with the approval of and in accordance with the requirements of Council.

	The crossing is to be 3.0 metres wide at the property boundary. The width at the street is to be 3.0 metres plus 0.45 metre splays. Prior to the submission of the vehicle crossing application, works as executed drawings shall be submitted to Council for the approval of Council's Executive Manager Infrastructure Services or delegate confirming the finished levels of the internal driveway between the property confirming the finished levels of the internal driveway between the property boundary and the car parking spaces/s comply with the approved levels.
	Condition reason: To ensure an appropriate vehicle crossing is constructed.
36.	**VEHICULAR ACCESS - FINISHED LEVEL**
	The finished level at the property boundary on both sides of the vehicle crossing is to match the level of the existing concrete vehicle crossing.
	Condition reason: To ensure an appropriate vehicle crossing is constructed.
37.	**HEADROOM CLEARANCE**
	The headroom clearance on the entry and within the garage is to be a minimum of 2.2 metres.
	Condition reason: To ensure an appropriate vehicle crossing is constructed.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
38.	**FINAL OCCUPATION CERTIFICATE**
	Prior to occupation or use of the development, an Occupation Certificate must be obtained. The Principal Certifying Authority must be satisfied that the requirements of the *Environmental Planning & Assessment Act 1979* have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.
	Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.
39.	**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.
40.	**WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM**
	a) A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared, stamped, and signed by a Registered Surveyor. This drawing must detail the alignment of all pipelines, pits, detention facility, rainwater harvesting facility, and other drainage-related infrastructure. An original or a colour copy must be submitted to Waverley Council. Where changes have occurred, the Council-approved plans must be marked-up in red ink and must include levels and locations for the drainage structures and works. b) A suitably qualified and practicing Engineer must provide certification of the WAED of the stormwater drainage system that the stormwater drainage works were constructed to their satisfaction and in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards, and good engineering practice. A copy of the aforementioned letter of certification must be submitted to Council.
	Condition reason: Ensure council are aware of the stormwater drainage systems on site and able to provide advice for any future or remedial works.
41.	**CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD**
	Prior to the issue of an Occupation Certificate, a “Positive Covenant” and “Restriction on the Use of Land” must be created for the On-Site Stormwater Detention (OSD) system under Section 88E of the Conveyancing Act 1919. This is to place a restriction on the Title that the OSD system is maintained and kept free of debris/weed to allow unobstructed passage of stormwater through the site and underneath the residence. The property owner/occupant must not modify or remove the OSD system without consent from Council.

	The wording of the Instrument must be submitted to and approved by Executive Manager, Infrastructure Services (or delegate) prior to lodgement at NSW Land Registry Services. Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created via an application to the NSW Land Registry Services using forms 13PC and 13RPA. Accompanying this form is the requirement for a plan to scale showing the relative location of the OSD system including its relationship to the building footprint. Electronic colour photographs of the OSD system must accompany the application for the Positive Covenant and Restriction on the Use of Land. The Instrument must be registered and a registered copy of the document must be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate or use of the building. All associated costs will be borne by the applicant.
	Condition reason: This is to place a restriction on the Title that the OSD system is maintained and kept free of debris to allow unobstructed passage of stormwater through the site and underneath the residence.
42.	**CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE SYSTEM**
	a) 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. b) Certification is to 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. c) A copy of the certification must be submitted to Council.
	Condition reason: To ensure the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.

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: • 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.	**DIAL BEFORE YOU DIG**
	Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
6.	**TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)**
	Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.
7.	**ALTERATIONS AND ADDITIONS ONLY**
	This consent is for alterations and additions to the existing building only and should during the course of construction a significant amount of the remaining fabric of the building be required to be removed, works must cease immediately and a new development application will be required to be submitted for assessment.
8.	**EXCAVATION TO BE LIMITED**
	Excavation shall be limited to that shown in the approved plans. Any further excavation will require Council approval.
9.	**BONDI - ROSE BAY SAND BODY**
	This site may be located within the Bondi - Rose Bay Sand Body as identified in Council's Aboriginal Cultural Heritage Study 2009. Should an object of potential Aboriginal or archaeological significance be discovered during the demolition, excavation or construction period associated with this development, works are to immediately cease and the NSW National Parks and Wildlife Service must be contacted. Waverley Council must be notified of any referral to the NSW National Parks and Wildlife Service and be provided with a copy of any subsequent response.
10.	**TREE REMOVAL/PRESERVATION**
	Any trees not identified for removal in this application have not been assessed and separate approval may be required. Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building may also require approval.

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.

INSULATION
ALL NEW OR ALTERED CONSTRUCTION (FLOOR(S), WALLS, AND CEILINGS/ROOFS) IN ACCORDANCE WITH THE SPECIFICATIONS LISTED IN THE TABLE, EXCEPT THAT A) ADDITIONAL INSULATION IS NOT REQUIRED WHERE THE AREA OF NEW CONSTRUCTION IS LESS THAN 2M2, B) INSULATION SPECIFIED IS NOT REQUIRED FOR PARTS OF ALTERED CONSTRUCTION WHERE INSULATION ALREADY EXISTS.

Construction	Additional insulation required (R-value)	Other specifications
concrete slab on ground floor	nil	NA
suspended floor with enclosed subfloor: framed (R2.7).	(R0.80 (down) (or R1.30 including construction)	NA
floor above existing dwelling or building.	nil	NA
external wall: cavity brick	nil	
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)	
flat ceiling, pitched roof	ceiling: R1.85 (up), roof: foil backed blanket (55 mm)	medium (solar absorptance 0.475 - 0.70)
raked ceiling, pitched/skillion roof: framed	ceiling: R2.24 (up), roof: foil backed blanket (55 mm)	medium (solar absorptance 0.475 – 0.70)

WINDOWS AND GLAZED DOORS
ALL WINDOWS AND GLAZED DOORS MUST TO BE INSTALLED AS PER THE OVERSHADOWING SPECIFICATIONS MENTIONED IN THE **BASIX CERTIFICATE NO: A1744972**

- THE RATIO OF THE PROJECTION REQUIRED IS NOTED ON ALL WINDOWS AND DOORS AS PER THE BASIX CERTIFICATE.

- OVERSHADOWING BUILDINGS AND VEGETATION MUST BE OF THE HEIGHT AND DISTANCE FROM THE CENTRE AND BASE OF THE WINDOW AND GLAZED DOORS AS PER THE BASIX CERTIFICATE

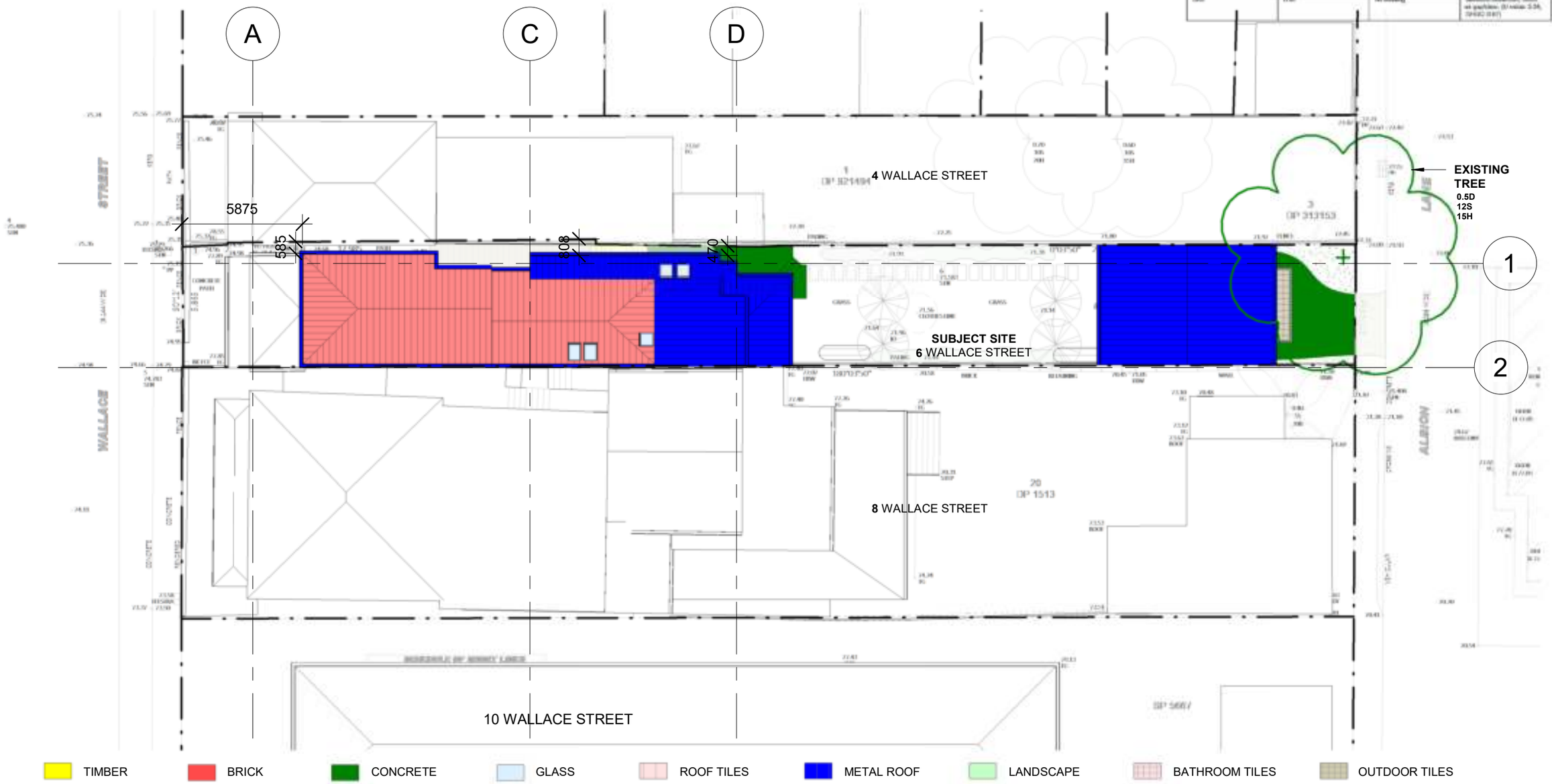
HOT WATER SYSTEM
GAS INSTANTANEOUS HOT WATER SYSTEM TO BE INSTALLED AS PER **BASIX CERTIFICATE NO: A1744972**

ALL PROPOSED WORKS SHOULD BE IN ACCORDANCE WITH THE **BASIX CERTIFICATE NO: A1744972**

GLAZED ROOF REQUIREMENTS
ALL SKYLIGHTS SHOULD BE AS PER THE **BASIX CERTIFICATE NO: A1744972** AND SHOULD FOLLOW THE REQUIREMENTS BELOW

Glazed roofs glazing requirements

Glazed roof location	Area of glazing (m2)	Shading device	Glass type
SK1	0.6	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)
SK2	0.6	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)
SK3	0.49	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)
SK4	0.49	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)
SK5	0.49	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)



DAVID FLEETING ARCHITECTS
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E: davidf@dfarchitects.com.au

Rev.	Date	Revision Description
B	29/11/2023	DEVELOPMENT APPLICATION
C	05/02/2024	ADDITIONAL INFORMATION REQUEST
D	30/04/2024	ADDITIONAL INFORMATION FOR DEFERAL LETTER

DO NOT SCALE.
CHECK DIMENSIONS ON SITE.
DRAWING COPYRIGHT:
DAVID FLEETING ARCHITECTS.
IF CONTRADICTIONS OCCUR CONTACT THE ARCHITECT

North

Owner
Joanna Kwan & Leslie Sinn

6 Wallace Street WAVERLEY
Lot 1/-/DP 313153

PROPOSED SITE PLAN

Drw: Author
Chk: Checker
Proj Date: 27/11/2023
Scale As indicated A3

Dwg Set	Drawing Number		Rev
DA	1	C01	D

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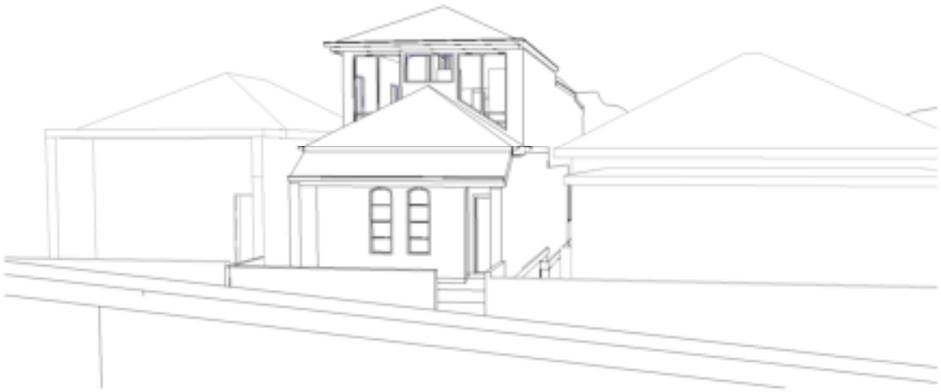
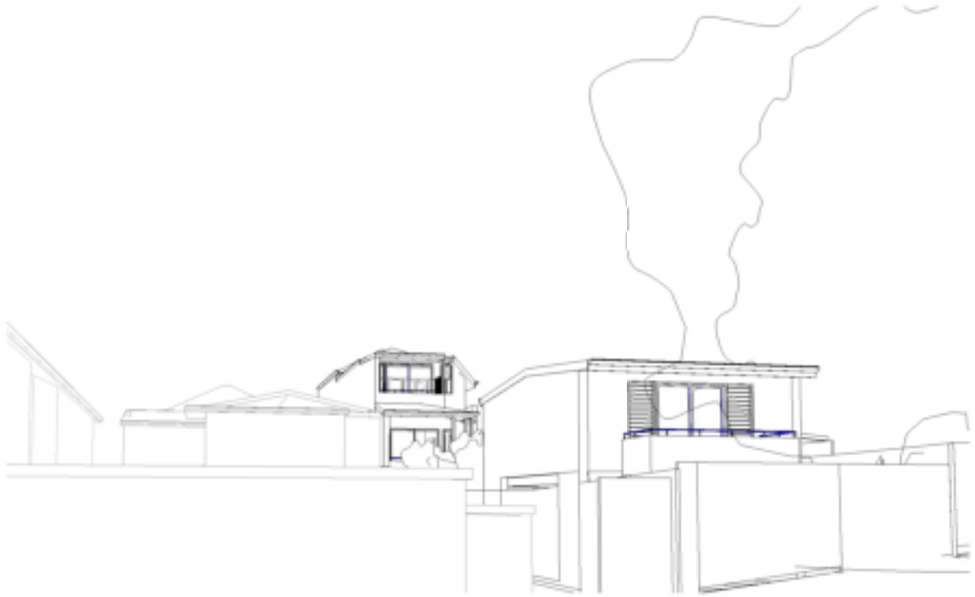
ALL PROPOSED WORKS SHOULD BE IN ACCORDANCE
WITH THE **BASIX CERTIFICATE NO: A1744972**



PROPOSED EYE LEVEL VIEW FROM SOUTH EAST

PROPOSED EYE LEVEL VIEW FROM SOUTH WEST

PROPOSED EYE LEVEL VIEW FROM NORTH WEST



PROPOSED EYE LEVEL VIEW FROM NORTH EAST

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Owner
Joanna Kwan & Leslie Sinn

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Lot 1/-/DP 313153

PROPOSED EYE LEVEL 3D VIEWS

Drw: Author
Chk: Checker Proj Date: 27/11/2023 Scale @A3

Dwg Set: DA
Drawing Number: 1 C02
Rev: D

30/04/2024 12:38:11 PM

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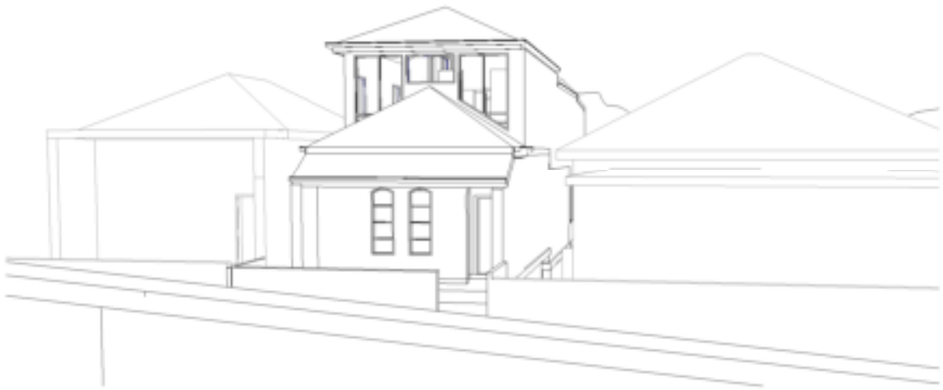

PROPOSED EYE LEVEL VIEW FROM SOUTH EAST

PROPOSED EYE LEVEL VIEW FROM SOUTH WEST

PROPOSED EYE LEVEL VIEW FROM NORTH WEST

PROPOSED EYE LEVEL VIEW FROM NORTH EAST

DAVID FLEETING ARCHITECTS
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Rev.	Date	Revision Description
B	29/11/2023	DEVELOPMENT APPLICATION
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PROPOSED EYE LEVEL 3D VIEWS (HOUSE)

Drw: Author
Chk: Checker Proj Date: 27/11/2023 Scale @A3

Dwg Set: DA
Drawing Number: 1 C02.1
Rev

30/04/2024 12:38:12 PM

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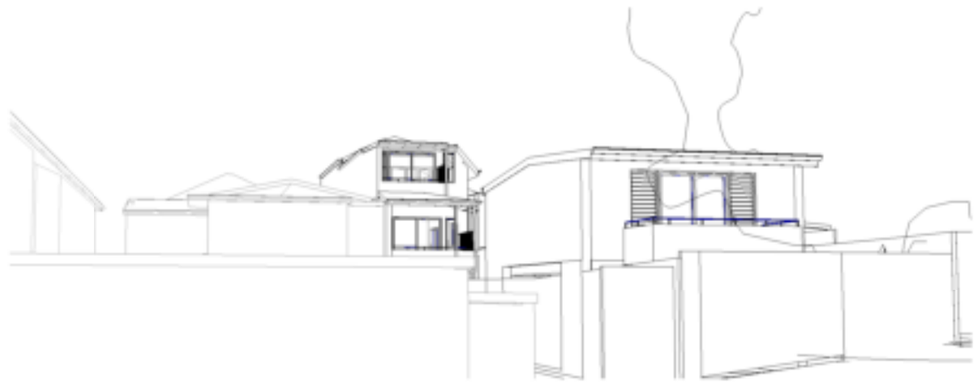
WITH THE **BASIX CERTIFICATE NO: A1744972**

PROPOSED EYE LEVEL VIEW FROM SOUTH EAST

PROPOSED EYE LEVEL VIEW FROM SOUTH WEST

PROPOSED EYE LEVEL VIEW FROM NORTH WEST



PROPOSED EYE LEVEL VIEW FROM NORTH EAST

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PROPOSED EYE LEVEL 3D VIEWS (STUDIO)

Drw: Author
Chk: Checker Proj Date: 27/11/2023 Scale @A3

Dwg Set: DA
Drawing Number: 1 C02.2
Rev: D

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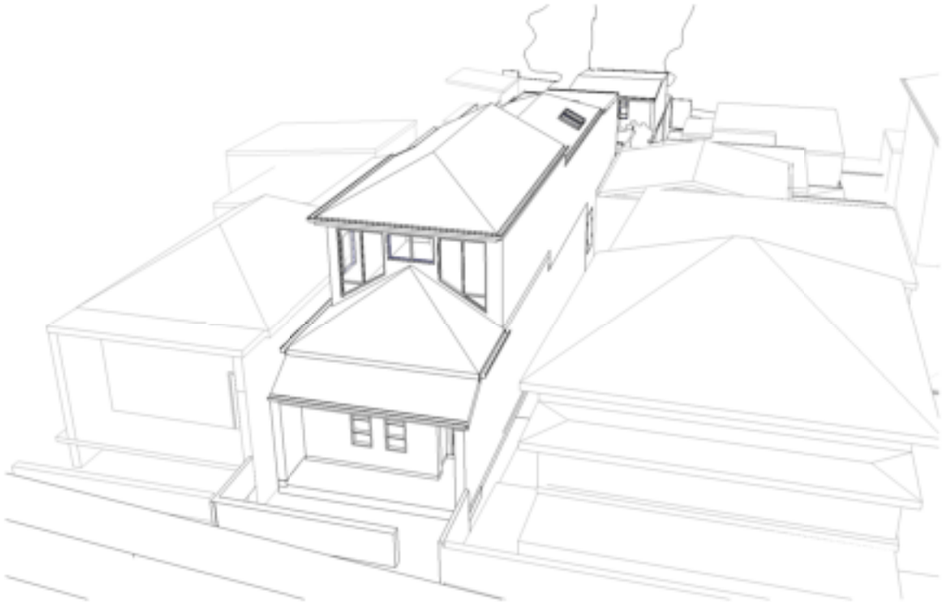
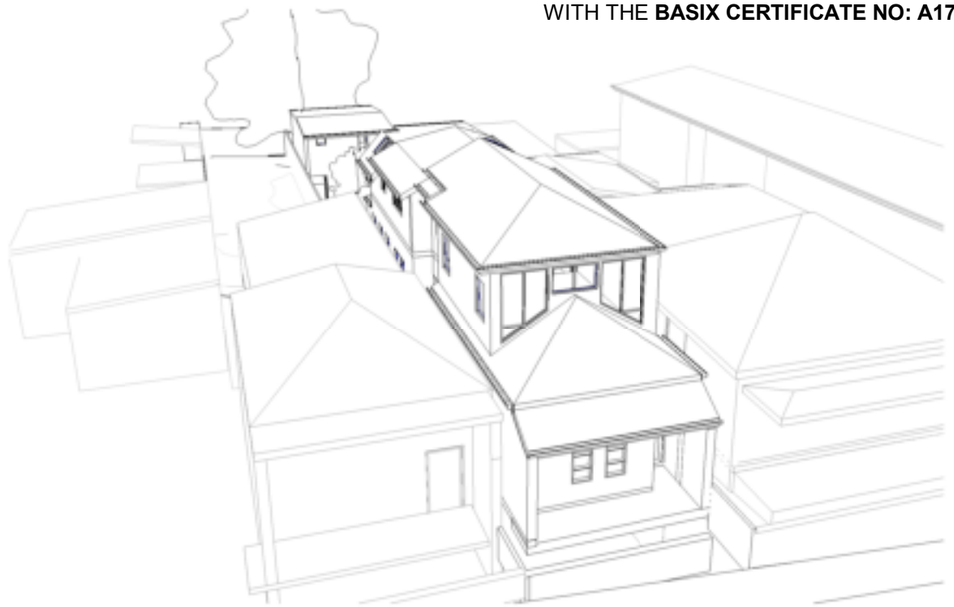
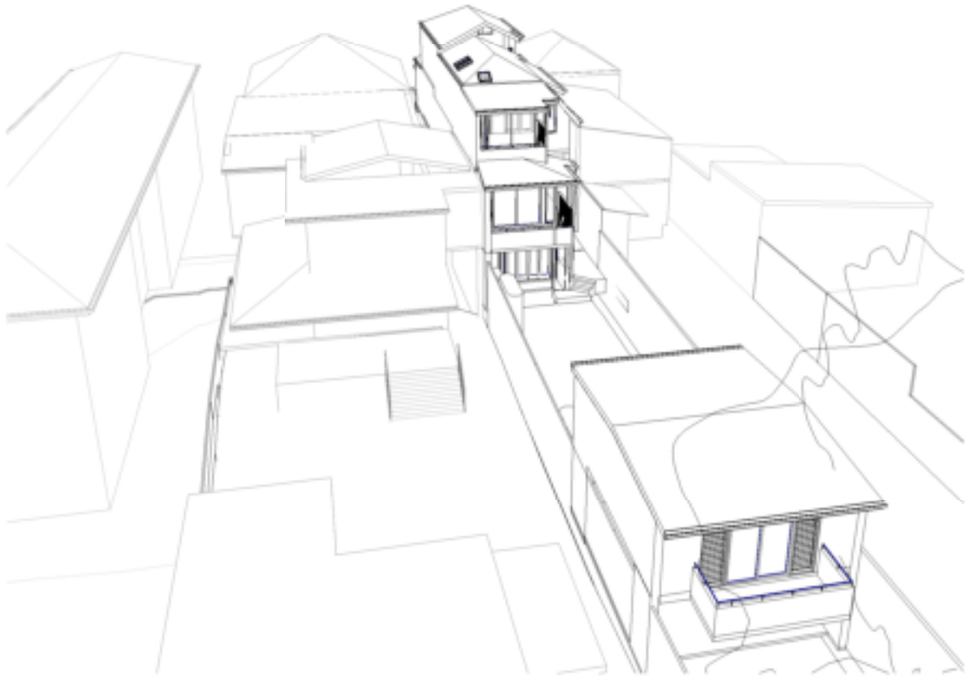
ALL PROPOSED WORKS SHOULD BE IN ACCORDANCE WITH THE **BASIX CERTIFICATE NO: A1744972**



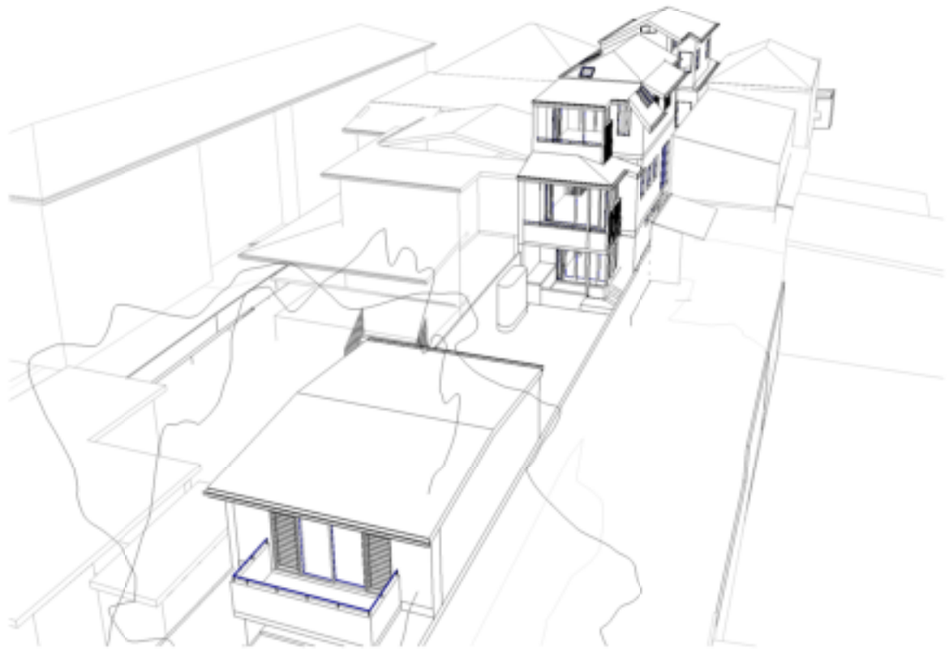
PROPOSED BIRDS EYE VIEW FROM SOUTH EAST



PROPOSED BIRDS EYE VIEW FROM SOUTH WEST



PROPOSED BIRDS EYE VIEW FROM NORTH WEST



PROPOSED BIRDS EYE VIEW FROM NORTH EAST

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Owner
Joanna Kwan & Leslie Sinn

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PROPOSED BIRDS EYE 3D VIEWS

Drw: Author
Chk: Checker Proj Date: 27/11/2023 Scale @A3

Dwg Set: DA | Drawing Number: 1 C03 | Rev: D

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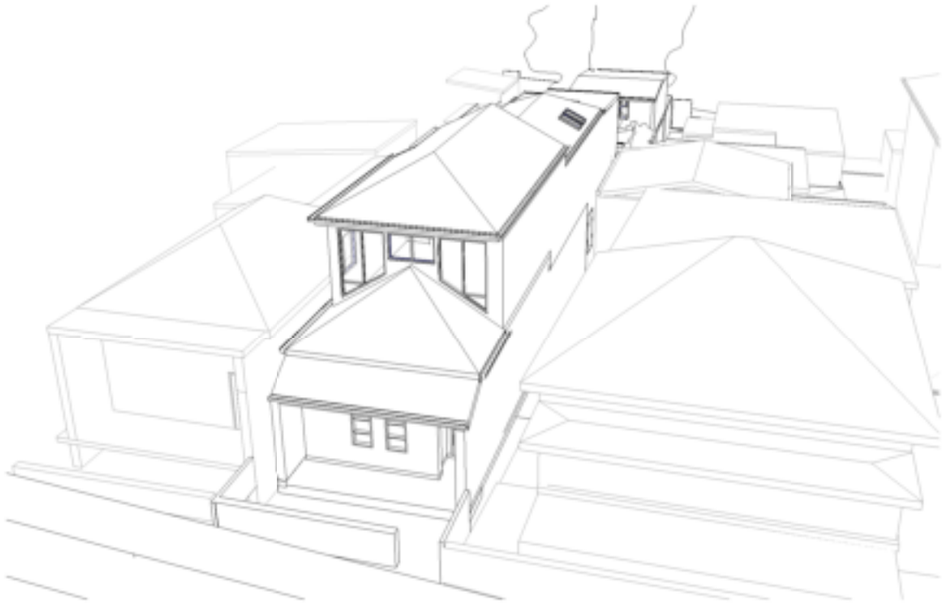
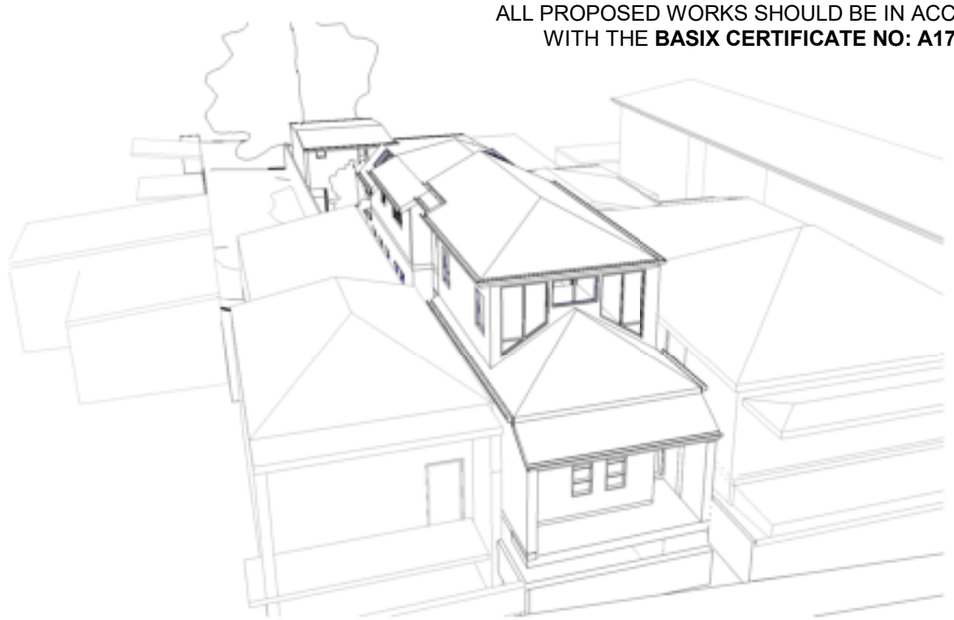
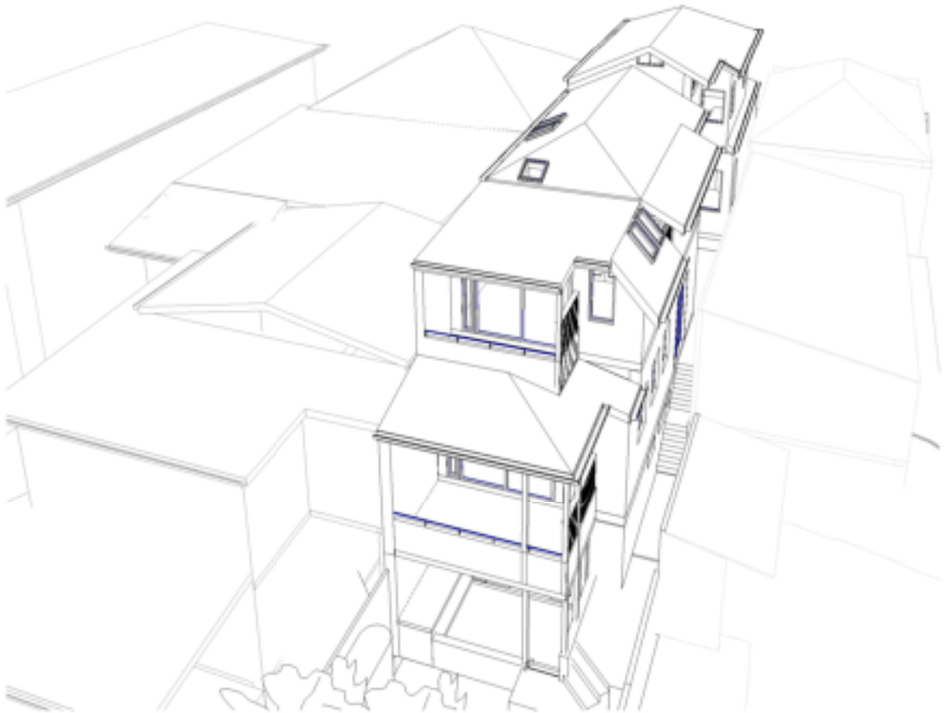


PROPOSED BIRDS EYE VIEW FROM SOUTH EAST



PROPOSED BIRDS EYE VIEW FROM SOUTH WEST



PROPOSED BIRDS EYE VIEW FROM NORTH WEST

PROPOSED BIRDS EYE VIEW FROM NORTH EAST

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PROPOSED BIRDS EYE 3D VIEWS (HOUSE)

Drw: Author
Chk: Checker
Proj Date: 27/11/2023
Scale @A3

Dwg Set: DA
Drawing Number: 1 C03.1
Rev: D

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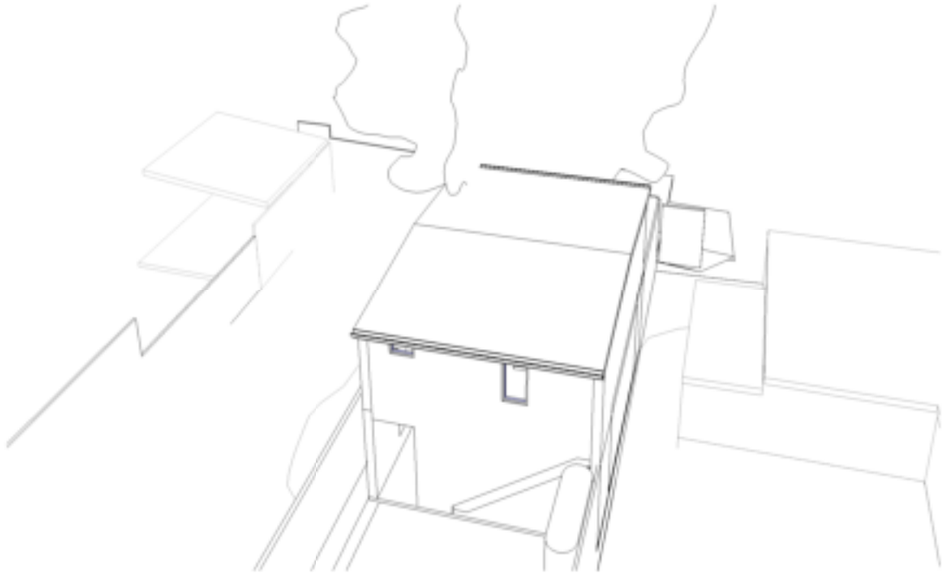
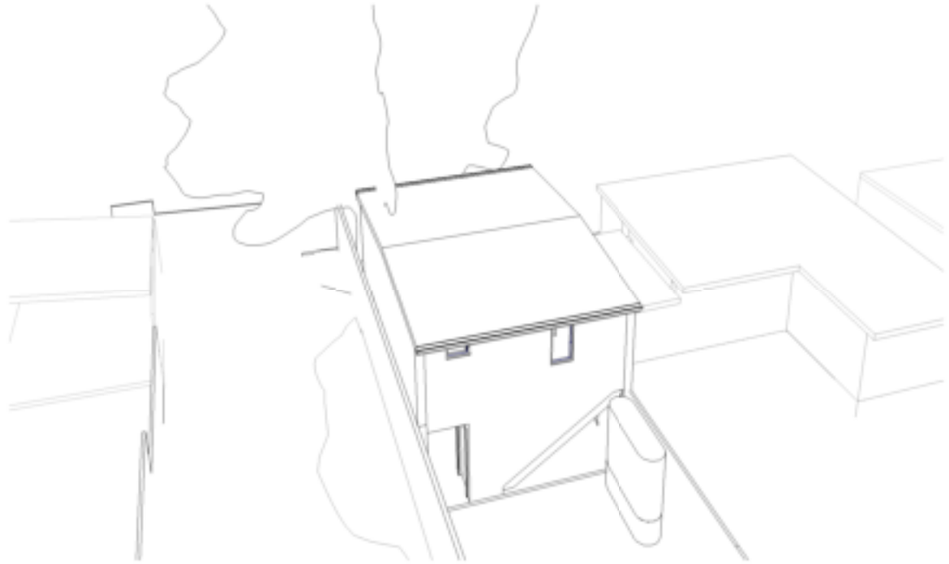
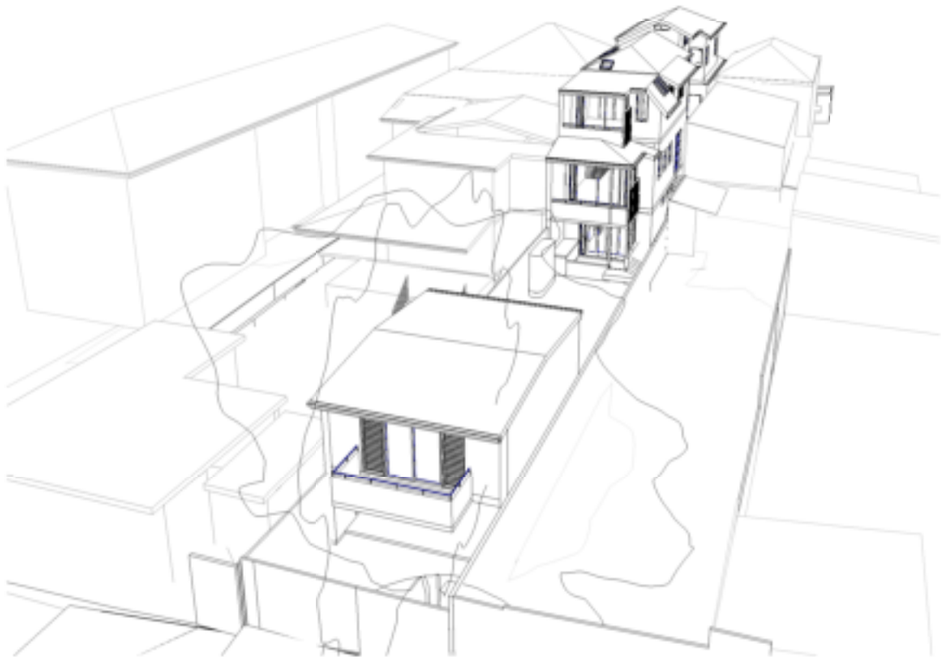
ALL PROPOSED WORKS SHOULD BE IN ACCORDANCE
WITH THE **BASIX CERTIFICATE NO: A1744972**



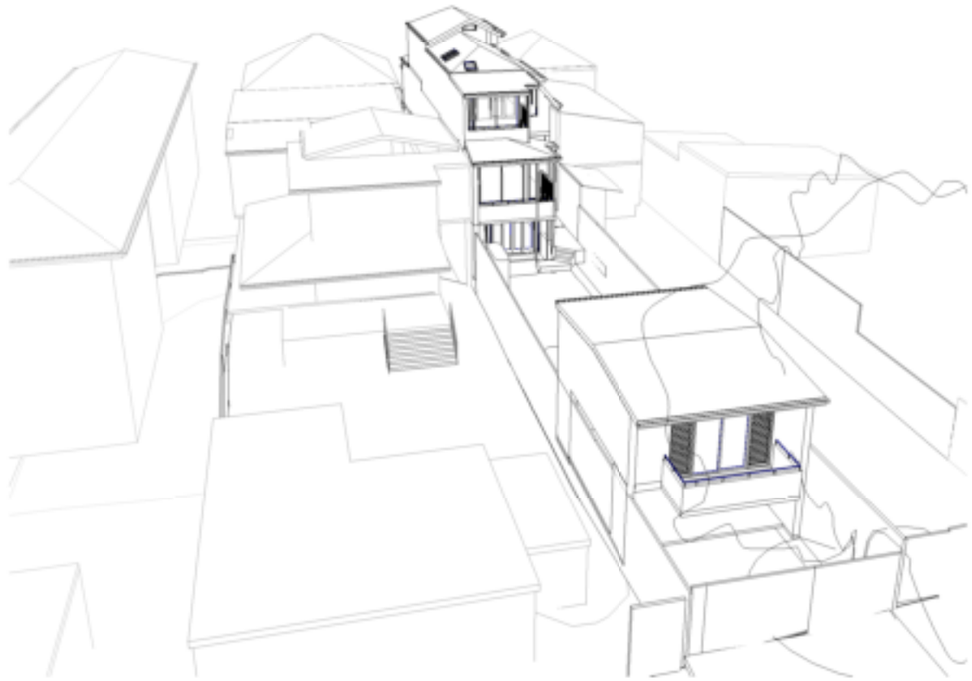
PROPOSED BIRDS EYE VIEW FROM SOUTH EAST



PROPOSED BIRDS EYE VIEW FROM SOUTH WEST



PROPOSED BIRDS EYE VIEW FROM NORTH WEST



PROPOSED BIRDS EYE VIEW FROM NORTH EAST

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PROPOSED BIRDS EYE 3D VIEWS (STUDIO)

Drw: Author
Chk: Checker Proj Date: 27/11/2023 Scale @A3

Dwg Set: DA
Drawing Number: 1 C03.2
Rev: D

30/04/2024 12:38:18 PM

INSULATION
ALL NEW OR ALTERED CONSTRUCTION (FLOOR(S), WALLS, AND CEILINGS/ROOFS) IN ACCORDANCE WITH THE SPECIFICATIONS LISTED IN THE TABLE, EXCEPT THAT A) ADDITIONAL INSULATION IS NOT REQUIRED WHERE THE AREA OF NEW CONSTRUCTION IS LESS THAN 2M2, B) INSULATION SPECIFIED IS NOT REQUIRED FOR PARTS OF ALTERED CONSTRUCTION WHERE INSULATION ALREADY EXISTS.

Construction	Additional insulation required (R-value)	Other specifications
concrete slab on ground floor	nil	NIA
suspended floor with enclosed subfloor: framed (R2.7).	(R0.80 (down) (or R1.30 including construction)	NIA
floor above existing dwelling or building.	nil	NIA
external wall: cavity brick	nil	
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)	
flat ceiling, pitched roof	ceiling: R1.85 (up), roof: foil backed blanket (55 mm)	medium (solar absorptance 0.475 - 0.70)
raked ceiling, pitched/skillion roof: framed	ceiling: R2.24 (up), roof: foil backed blanket (55 mm)	medium (solar absorptance 0.475 - 0.70)

WINDOWS AND GLAZED DOORS
ALL WINDOWS AND GLAZED DOORS MUST TO BE INSTALLED AS PER THE OVERSHADOWING SPECIFICATIONS MENTIONED IN THE **BASIX CERTIFICATE NO: A1744972**

- THE RATIO OF THE PROJECTION REQUIRED IS NOTED ON ALL WINDOWS AND DOORS AS PER THE BASIX CERTIFICATE.

- OVERSHADOWING BUILDINGS AND VEGETATION MUST BE OF THE HEIGHT AND DISTANCE FROM THE CENTRE AND BASE OF THE WINDOW AND GLAZED DOORS AS PER THE BASIX CERTIFICATE

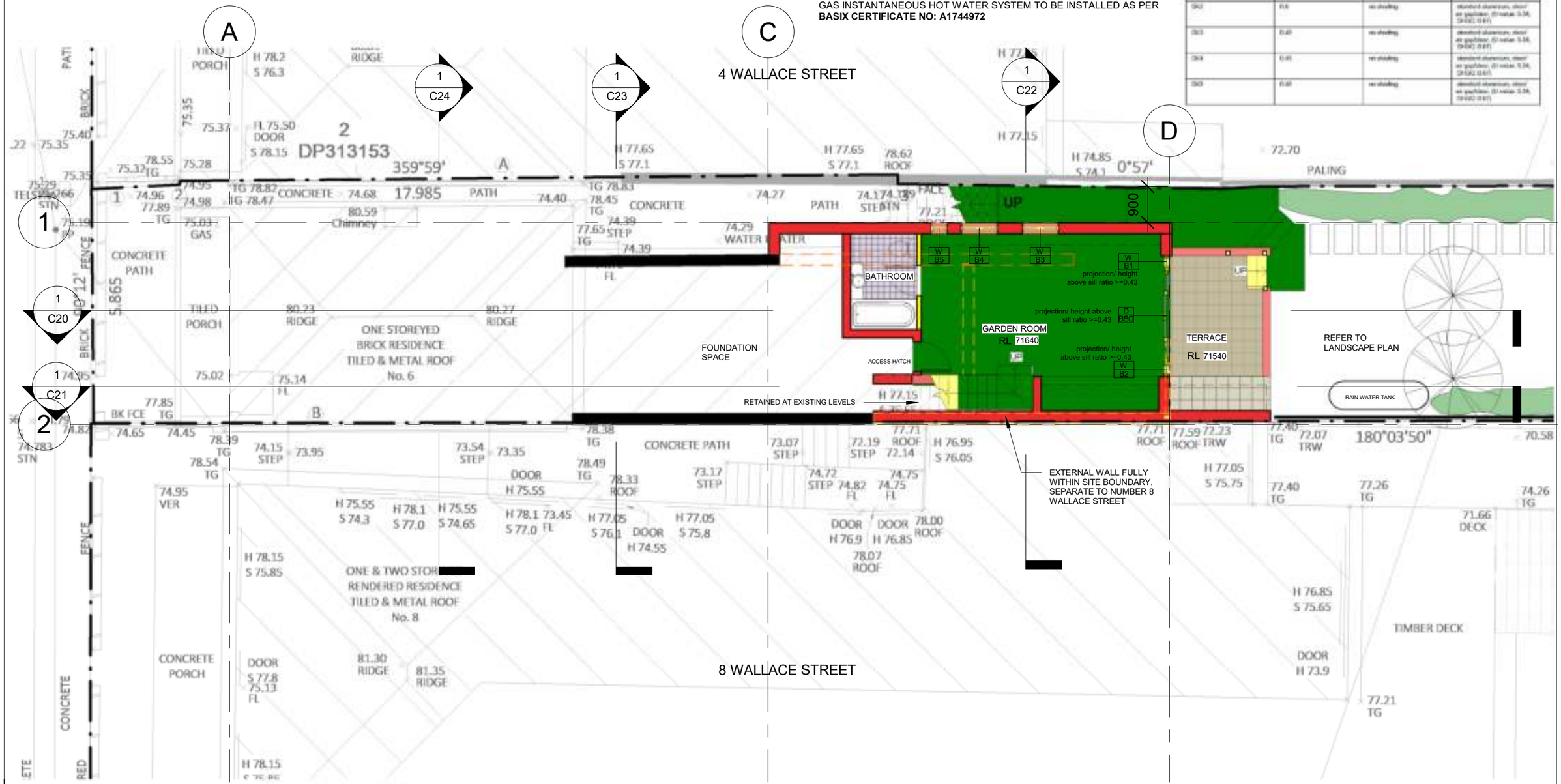
HOT WATER SYSTEM
GAS INSTANTANEOUS HOT WATER SYSTEM TO BE INSTALLED AS PER **BASIX CERTIFICATE NO: A1744972**

ALL PROPOSED WORKS SHOULD BE IN ACCORDANCE WITH THE **BASIX CERTIFICATE NO: A1744972**

GLAZED ROOF REQUIREMENTS
ALL SKYLIGHTS SHOULD BE AS PER THE **BASIX CERTIFICATE NO: A1744972** AND SHOULD FOLLOW THE REQUIREMENTS BELOW

Glazed roofs glazing requirements

Glazed roof location	Area of glazing (m2)	Shading device	Glass type
SK1	0.6	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)
SK2	0.6	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)
SK3	0.49	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)
SK4	0.49	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)
SK5	0.49	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)



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6 Wallace Street WAVERLEY
Lot 1/-/DP 313153

PROPOSED LOWER GROUND FLOOR PLAN

Drw: Author
Chk: Checker Proj Date: 27/11/2023 Scale 1 : 100 @A3

Dwg Set	Drawing Number		Rev
DA	1	C04	D

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INSULATION
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Construction	Additional insulation required (R-value)	Other specifications
concrete slab on ground floor	nil	NA
suspended floor with enclosed subfloor: framed (R2.7)	(R0.80 (down) (or R1.30 including construction)	NA
floor above existing dwelling or building	nil	NA
external wall: cavity brick	nil	
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)	
flat ceiling, pitched roof	ceiling: R1.86 (up); roof: foil backed blanket (55 mm)	medium (solar absorptance 0.475 - 0.70)
raked ceiling, pitched/skillion roof: framed	ceiling: R2.24 (up); roof: foil backed blanket (55 mm)	medium (solar absorptance 0.475 – 0.70)

WINDOWS AND GLAZED DOORS
ALL WINDOWS AND GLAZED DOORS MUST TO BE INSTALLED AS PER THE OVERSHADOWING SPECIFICATIONS MENTIONED IN THE **BASIX CERTIFICATE NO: A1744972**

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- OVERSHADOWING BUILDINGS AND VEGETATION MUST BE OF THE HEIGHT AND DISTANCE FROM THE CENTRE AND BASE OF THE WINDOW AND GLAZED DOORS AS PER THE BASIX CERTIFICATE

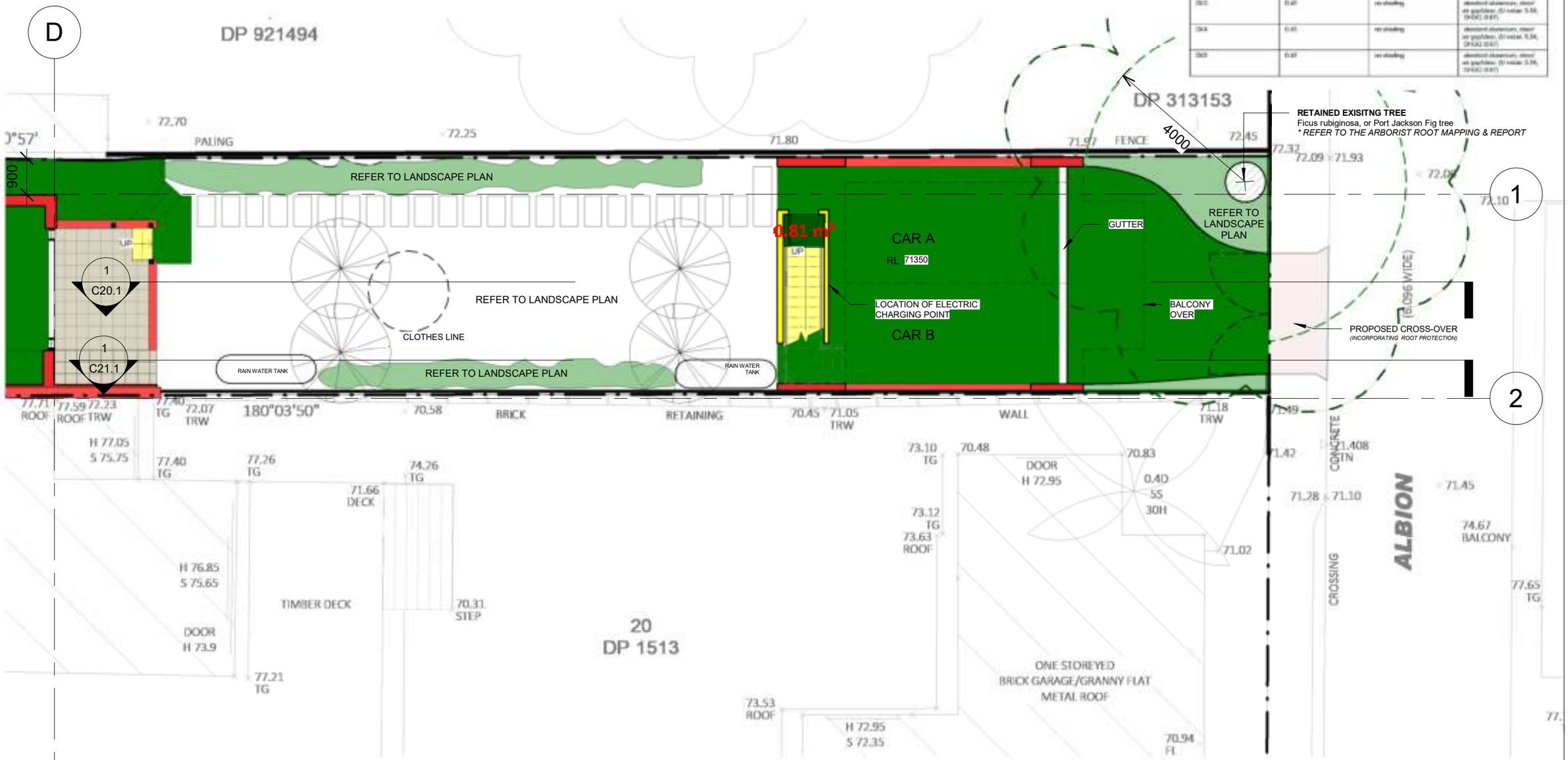
HOT WATER SYSTEM
GAS INSTANTANEOUS HOT WATER SYSTEM TO BE INSTALLED AS PER **BASIX CERTIFICATE NO: A1744972**

ALL PROPOSED WORKS SHOULD BE IN ACCORDANCE WITH THE **BASIX CERTIFICATE NO: A1744972**

GLAZED ROOF REQUIREMENTS
ALL SKYLIGHTS SHOULD BE AS PER THE **BASIX CERTIFICATE NO: A1744972** AND SHOULD FOLLOW THE REQUIREMENTS BELOW

Glazed roofs glazing requirements

Glazed roof location	Area of glazing (m2)	Shading device	Glass type
SK1	0.6	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)
SK2	0.6	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)
SK3	0.49	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)
SK4	0.49	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)
SK5	0.49	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)



TIMBER | BRICK | CONCRETE | GLASS | ROOF TILES | METAL ROOF | LANDSCAPE | BATHROOM TILES | OUTDOOR TILES

DEMOLISHED | EXISTING

DAVID FLEETING ARCHITECTS
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Owner
Joanna Kwan & Leslie Sinn

6 Wallace Street WAVERLEY
Lot 1/-/DP 313153

PROPOSED PARKING (LOWER GROUND FLOOR PLAN)

Drw: Author
Chk: Checker Proj Date: 27/11/2023 Scale 1 : 100 @A3

Dwg Set	Drawing Number	Rev
DA	1 C04.1	D

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INSULATION
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Construction	Additional insulation required (R-value)	Other specifications
concrete slab on ground floor	nil	NIA
suspended floor with enclosed subfloor: framed (R2.7).	(R0.80 (down) (or R1.30 including construction)	NIA
floor above existing dwelling or building.	nil	NIA
external wall: cavity brick	nil	
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)	
flat ceiling, pitched roof	ceiling: R1.85 (up), roof: foil backed blanket (55 mm)	medium (solar absorptance 0.475 - 0.70)
raked ceiling, pitched/skillion roof: framed	ceiling: R2.24 (up), roof: foil backed blanket (55 mm)	medium (solar absorptance 0.475 – 0.70)

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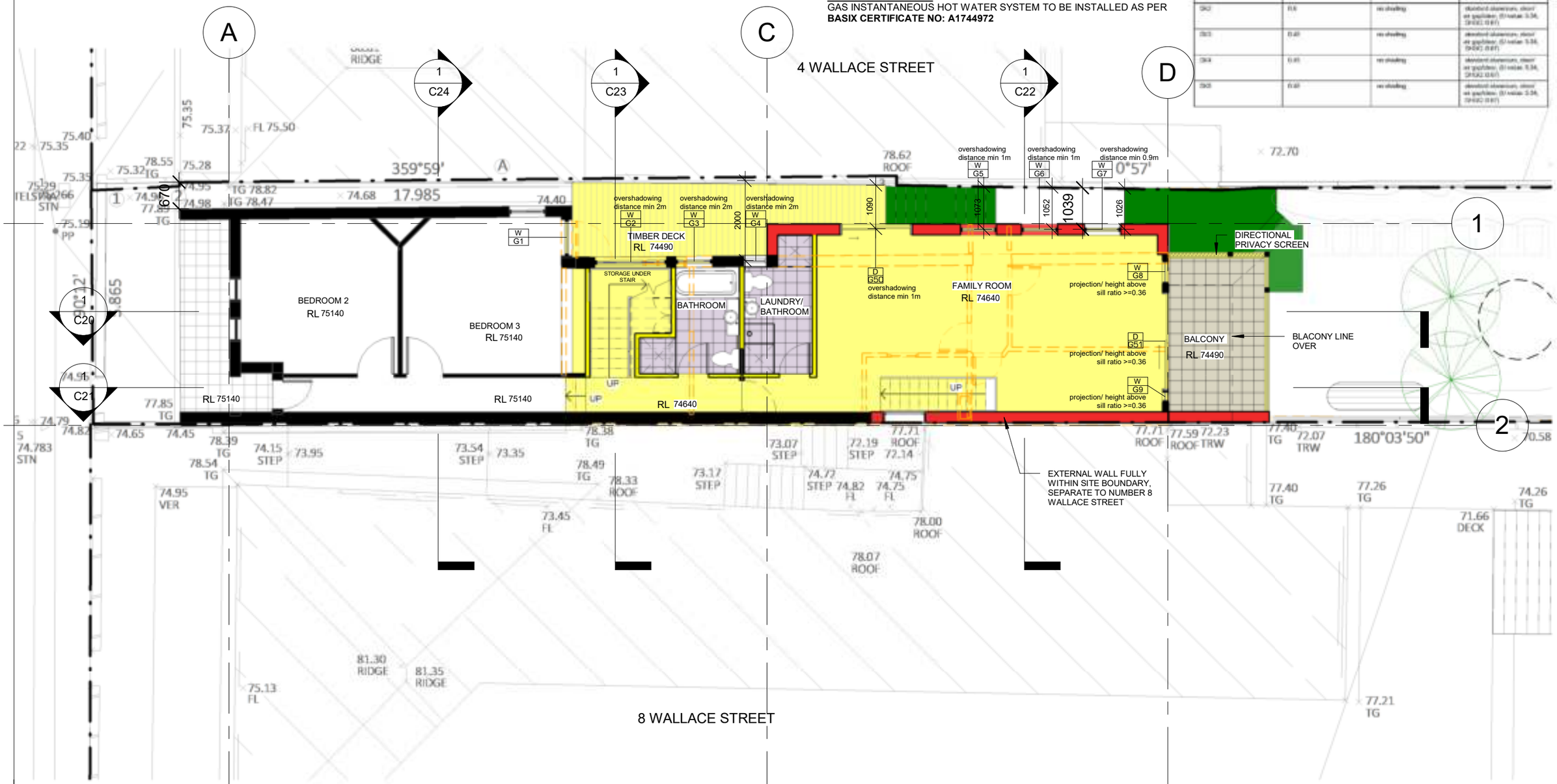
HOT WATER SYSTEM
GAS INSTANTANEOUS HOT WATER SYSTEM TO BE INSTALLED AS PER **BASIX CERTIFICATE NO: A1744972**

ALL PROPOSED WORKS SHOULD BE IN ACCORDANCE WITH THE **BASIX CERTIFICATE NO: A1744972**

GLAZED ROOF REQUIREMENTS
ALL SKYLIGHTS SHOULD BE AS PER THE **BASIX CERTIFICATE NO: A1744972** AND SHOULD FOLLOW THE REQUIREMENTS BELOW

Glazed roofs glazing requirements

Glazed roof location	Area of glazing (m2)	Shading device	Glass type
SK1	0.6	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)
SK2	0.6	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)
SK3	0.49	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)
SK4	0.49	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)
SK5	0.49	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)



TIMBER | BRICK | CONCRETE | GLASS | ROOF TILES | METAL ROOF | LANDSCAPE | BATHROOM TILES | OUTDOOR TILES

DEMOLISHED | EXISTING

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Owner
Joanna Kwan & Leslie Sinn

6 Wallace Street WAVERLEY
Lot 1/-/DP 313153

PROPOSED GROUND FLOOR PLAN

Drw: Author
Chk: Checker
Proj Date: 27/11/2023
Scale 1 : 100 @A3

Dwg Set	Drawing Number		Rev
DA	1	C05	D

30/04/2024 12:38:23 PM

INSULATION
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concrete slab on ground floor	nil	NIA
suspended floor with enclosed subfloor: framed (R2.7).	(R0.80 (down) (or R1.30 including construction)	NIA
floor above existing dwelling or building.	nil	NIA
external wall: cavity brick	nil	
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)	
flat ceiling, pitched roof	ceiling: R1.86 (up), roof: foil backed blanket (55 mm)	medium (solar absorptance 0.475 - 0.70)
raked ceiling, pitched/skillion roof: framed	ceiling: R2.24 (up), roof: foil backed blanket (55 mm)	medium (solar absorptance 0.475 – 0.70)

WINDOWS AND GLAZED DOORS
ALL WINDOWS AND GLAZED DOORS MUST TO BE INSTALLED AS PER THE OVERSHADOWING SPECIFICATIONS MENTIONED IN THE **BASIX CERTIFICATE NO: A1744972**

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- OVERSHADOWING BUILDINGS AND VEGETATION MUST BE OF THE HEIGHT AND DISTANCE FROM THE CENTRE AND BASE OF THE WINDOW AND GLAZED DOORS AS PER THE BASIX CERTIFICATE

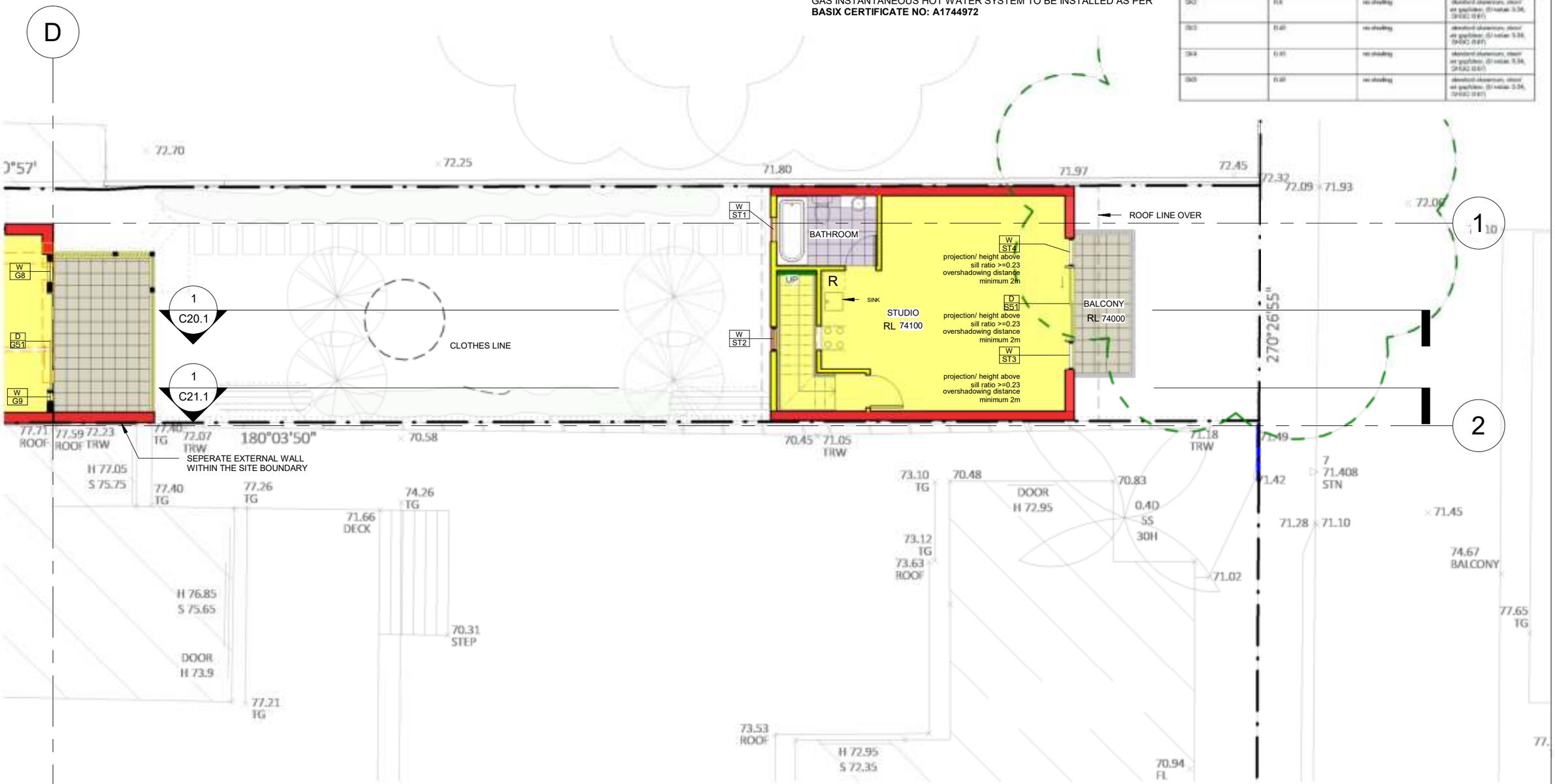
HOT WATER SYSTEM
GAS INSTANTANEOUS HOT WATER SYSTEM TO BE INSTALLED AS PER **BASIX CERTIFICATE NO: A1744972**

ALL PROPOSED WORKS SHOULD BE IN ACCORDANCE WITH THE **BASIX CERTIFICATE NO: A1744972**

GLAZED ROOF REQUIREMENTS
ALL SKYLIGHTS SHOULD BE AS PER THE **BASIX CERTIFICATE NO: A1744972** AND SHOULD FOLLOW THE REQUIREMENTS BELOW

Glazed roofs glazing requirements

Glazed roof location	Area of glazing (m2)	Shading device	Glass type
SK1	0.6	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)
SK2	0.6	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)
SK3	0.49	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)
SK4	0.49	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)
SK5	0.49	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)



TIMBER | BRICK | CONCRETE | GLASS | ROOF TILES | METAL ROOF | LANDSCAPE | BATHROOM TILES | OUTDOOR TILES

DEMOLISHED | EXISTING

DAVID FLEETING ARCHITECTS
PO BOX 364 WAVERLEY NSW 2024 AUSTRALIA
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E: davidf@dfarchitects.com.au

Rev.	Date	Revision Description
B	29/11/2023	DEVELOPMENT APPLICATION
C	05/02/2024	ADDITIONAL INFORMATION REQUEST
D	30/04/2024	ADDITIONAL INFORMATION FOR DEFERAL LETTER

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North

Owner
Joanna Kwan & Leslie Sinn

6 Wallace Street WAVERLEY
Lot 1/-/DP 313153

PROPOSED GROUND FLOOR (UPPER FLOOR - STUDIO)

Drw: Author
Chk: Checker
Proj Date: 27/11/2023
Scale 1 : 100 @A3

Dwg Set: DA
Drawing Number: 1 C05.1
Rev: D

30/04/2024 12:38:25 PM

INSULATION
ALL NEW OR ALTERED CONSTRUCTION (FLOOR(S), WALLS, AND CEILINGS/ROOFS) IN ACCORDANCE WITH THE SPECIFICATIONS LISTED IN THE TABLE, EXCEPT THAT A) ADDITIONAL INSULATION IS NOT REQUIRED WHERE THE AREA OF NEW CONSTRUCTION IS LESS THAN 2M2, B) INSULATION SPECIFIED IS NOT REQUIRED FOR PARTS OF ALTERED CONSTRUCTION WHERE INSULATION ALREADY EXISTS.

Construction	Additional insulation required (R-value)	Other specifications
concrete slab on ground floor	nil	NIA
suspended floor with enclosed subfloor: framed (R2.7).	(R0.80 (down) (or R1.30 including construction)	NIA
floor above existing dwelling or building.	nil	NIA
external wall: cavity brick	nil	
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)	
flat ceiling, pitched roof	ceiling: R1.85 (up), roof: foil backed blanket (55 mm)	medium (solar absorptance 0.475 - 0.70)
raked ceiling, pitched/skillion roof: framed	ceiling: R2.24 (up), roof: foil backed blanket (55 mm)	medium (solar absorptance 0.475 – 0.70)

WINDOWS AND GLAZED DOORS
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HOT WATER SYSTEM
GAS INSTANTANEOUS HOT WATER SYSTEM TO BE INSTALLED AS PER **BASIX CERTIFICATE NO: A1744972**

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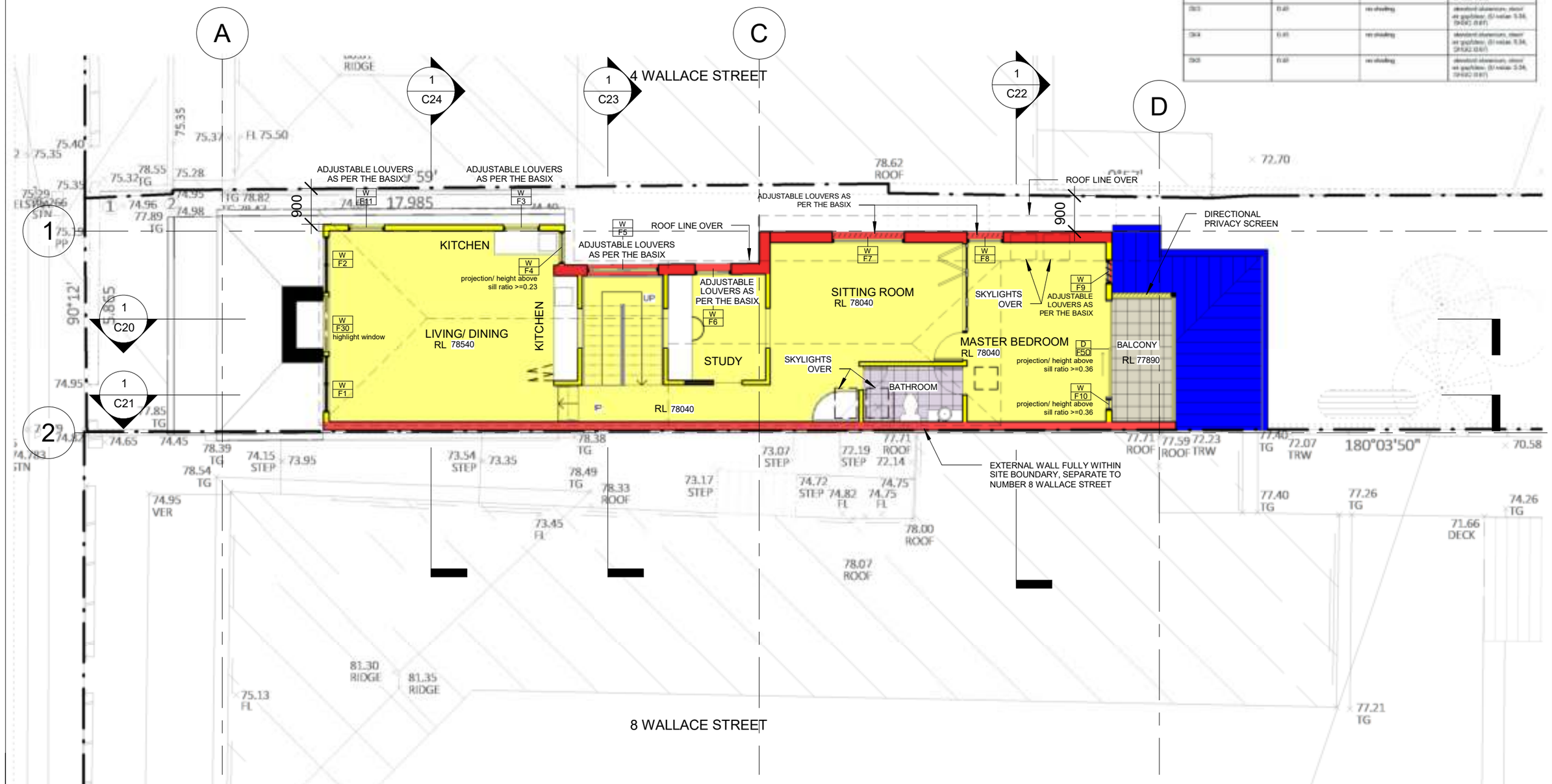
GLAZED ROOF REQUIREMENTS
ALL SKYLIGHTS SHOULD BE AS PER THE **BASIX CERTIFICATE NO: A1744972** AND SHOULD FOLLOW THE REQUIREMENTS BELOW

Glazed roofs glazing requirements

Glazed roof location	Area of glazing (m2)	Shading device	Glass type
SK1	0.6	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)
SK2	0.6	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)
SK3	0.49	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)
SK4	0.49	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)
SK5	0.49	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)



TIMBER | BRICK | CONCRETE | GLASS | ROOF TILES | METAL ROOF | LANDSCAPE | BATHROOM TILES | OUTDOOR TILES

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North

Owner
Joanna Kwan & Leslie Sinn

6 Wallace Street WAVERLEY
Lot 1/-/DP 313153

PROPOSED UPPER FLOOR PLAN

Drw: Author
Chk: Checker
Proj Date: 27/11/2023
Scale 1 : 100 @A3

Dwg Set: DA
Drawing Number: 1 C06
Rev: D

30/04/2024 12:38:27 PM

INSULATION
ALL NEW OR ALTERED CONSTRUCTION (FLOOR(S), WALLS, AND CEILINGS/ROOFS) IN ACCORDANCE WITH THE SPECIFICATIONS LISTED IN THE TABLE, EXCEPT THAT A) ADDITIONAL INSULATION IS NOT REQUIRED WHERE THE AREA OF NEW CONSTRUCTION IS LESS THAN 2M2, B) INSULATION SPECIFIED IS NOT REQUIRED FOR PARTS OF ALTERED CONSTRUCTION WHERE INSULATION ALREADY EXISTS.

Construction	Additional insulation required (R-value)	Other specifications
concrete slab on ground floor	nil	NA
suspended floor with enclosed subfloor: framed (R2.7)	(R0.80 (down) (or R1.30 including construction)	NA
floor above existing dwelling or building	nil	NA
external wall: cavity brick	nil	
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)	
flat ceiling, pitched roof	ceiling: R1.86 (up), roof: foil backed blanket (55 mm)	medium (solar absorptance 0.475 - 0.70)
raked ceiling, pitched/skillion roof: framed	ceiling: R2.24 (up), roof: foil backed blanket (55 mm)	medium (solar absorptance 0.475 – 0.70)

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GLAZED ROOF REQUIREMENTS
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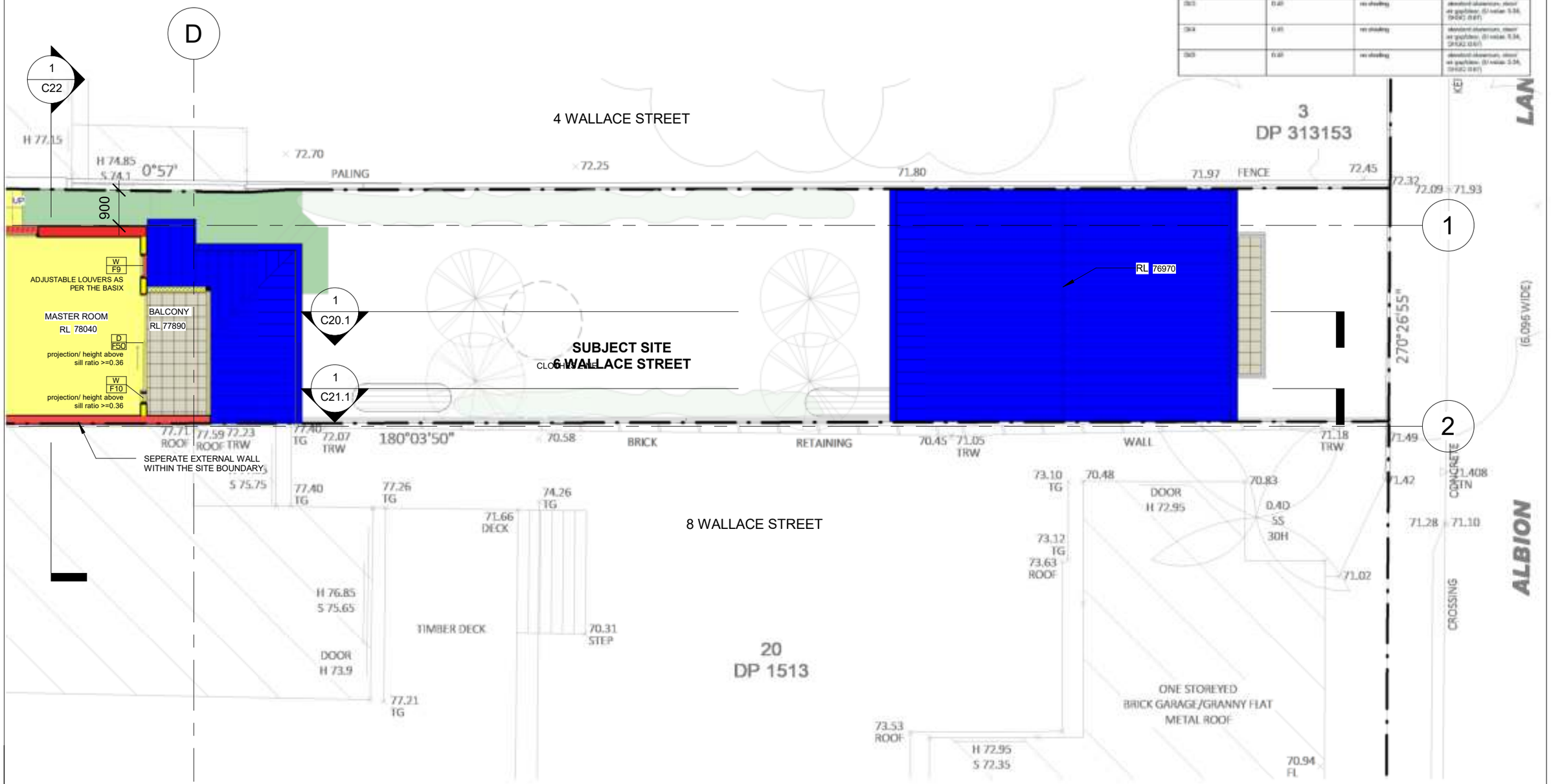
Glazed roofs glazing requirements

Glazed roof number	Area of glazing (m2)	Shading device	Glass type
SK1	0.6	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)
SK2	0.6	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)
SK3	0.49	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)
SK4	0.49	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)
SK5	0.49	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)



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North

Owner
Joanna Kwan & Leslie Sinn

6 Wallace Street WAVERLEY
Lot 1/-/DP 313153

PROPOSED UPPER FLOOR PLAN (ROOF PLAN - STUDIO)

Drw: Author
Chk: Checker
Proj Date: 27/11/2023
Scale 1 : 100 @A3

Dwg Set: DA
Drawing Number: 1 C06.1
Rev: D

30/04/2024 12:38:28 PM

INSULATION
ALL NEW OR ALTERED CONSTRUCTION (FLOOR(S), WALLS, AND CEILINGS/ROOFS) IN ACCORDANCE WITH THE SPECIFICATIONS LISTED IN THE TABLE, EXCEPT THAT A) ADDITIONAL INSULATION IS NOT REQUIRED WHERE THE AREA OF NEW CONSTRUCTION IS LESS THAN 2M2, B) INSULATION SPECIFIED IS NOT REQUIRED FOR PARTS OF ALTERED CONSTRUCTION WHERE INSULATION ALREADY EXISTS.

Construction	Additional insulation required (R-value)	Other specifications
concrete slab on ground floor	nil	NA
suspended floor with enclosed subfloor: framed (R2.7)	(R0.80 (down) (or R1.30 including construction)	NA
floor above existing dwelling or building	nil	NA
external wall: cavity brick	nil	
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)	
flat ceiling, pitched roof	ceiling: R1.86 (up); roof: foil backed blanket (55 mm)	medium (solar absorptance 0.475 - 0.70)
raked ceiling, pitched/skillion roof: framed	ceiling: R2.24 (up); roof: foil backed blanket (55 mm)	medium (solar absorptance 0.475 – 0.70)

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HOT WATER SYSTEM
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GLAZED ROOF REQUIREMENTS
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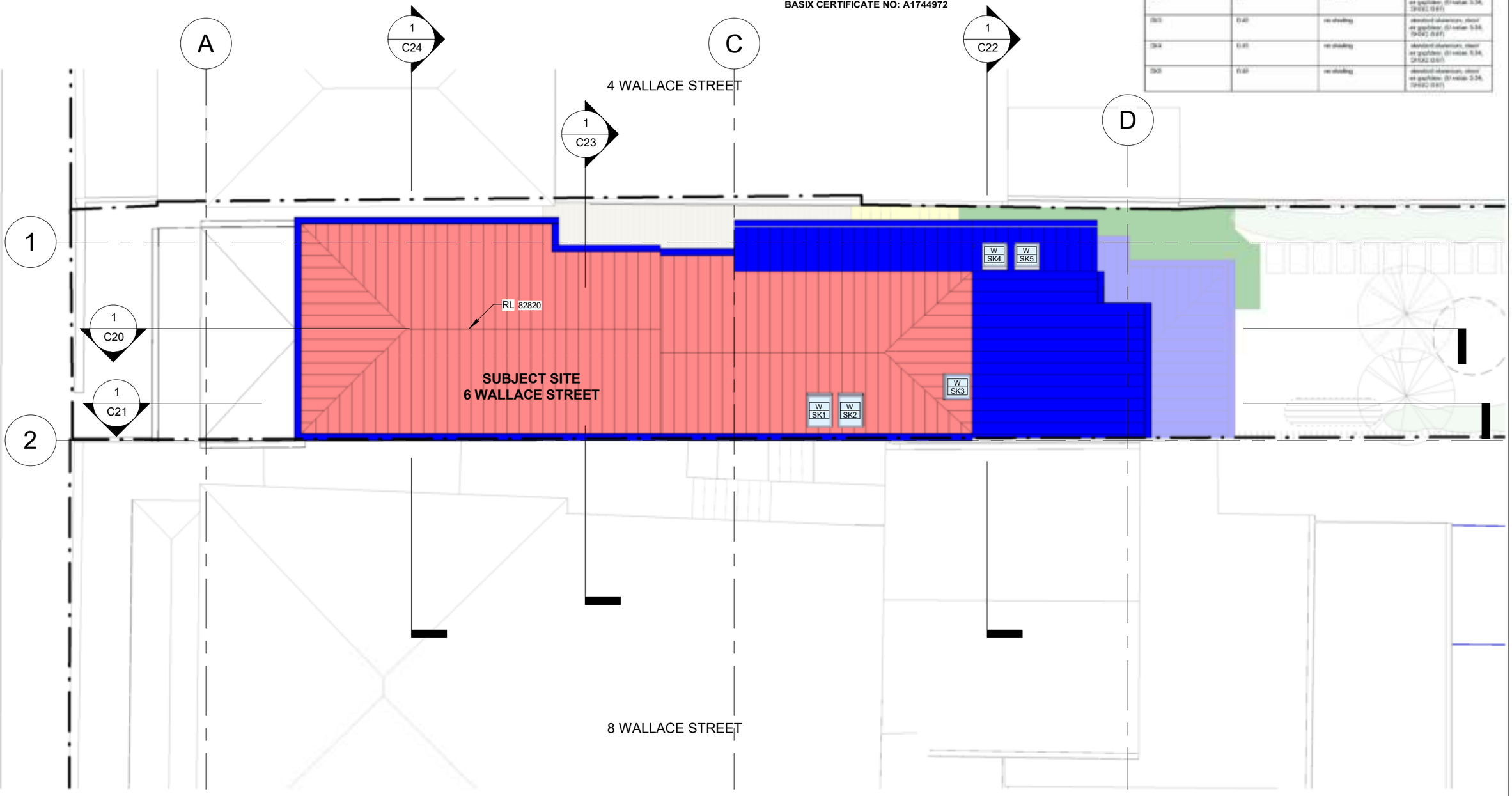
Glazed roofs glazing requirements

Glazed roof location	Area of glazing (m2)	Shading device	Glass type
SK1	0.5	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)
SK2	0.5	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)
SK3	0.45	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)
SK4	0.45	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)
SK5	0.45	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)



TIMBER | BRICK | CONCRETE | GLASS | ROOF TILES | METAL ROOF | LANDSCAPE | BATHROOM TILES | OUTDOOR TILES

DAVID FLEETING ARCHITECTS
PO BOX 364 WAVERLEY NSW 2024 AUSTRALIA
M: 0407 414 755
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North

Owner
Joanna Kwan & Leslie Sinn

6 Wallace Street WAVERLEY
Lot 1/-/DP 313153

PROPOSED ROOF PLAN

Drw: Author
Chk: Checker Proj Date: 27/11/2023 Scale 1 : 100 @A3

Dwg Set	Drawing Number		Rev
DA	1	C07	D

30/04/2024 12:38:29 PM

INSULATION
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Construction	Additional insulation required (R-value)	Other specifications
concrete slab on ground floor	nil	NA
suspended floor with enclosed subfloor: framed (R2.7).	R0.80 (down) (or R1.30 including construction)	NA
floor above existing dwelling or building.	nil	NA
external wall: cavity brick	nil	
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)	
flat ceiling, pitched roof	ceiling: R1.86 (up); roof: foil backed blanket (55 mm)	medium (solar absorptance 0.475 - 0.70)
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GLAZED ROOF REQUIREMENTS
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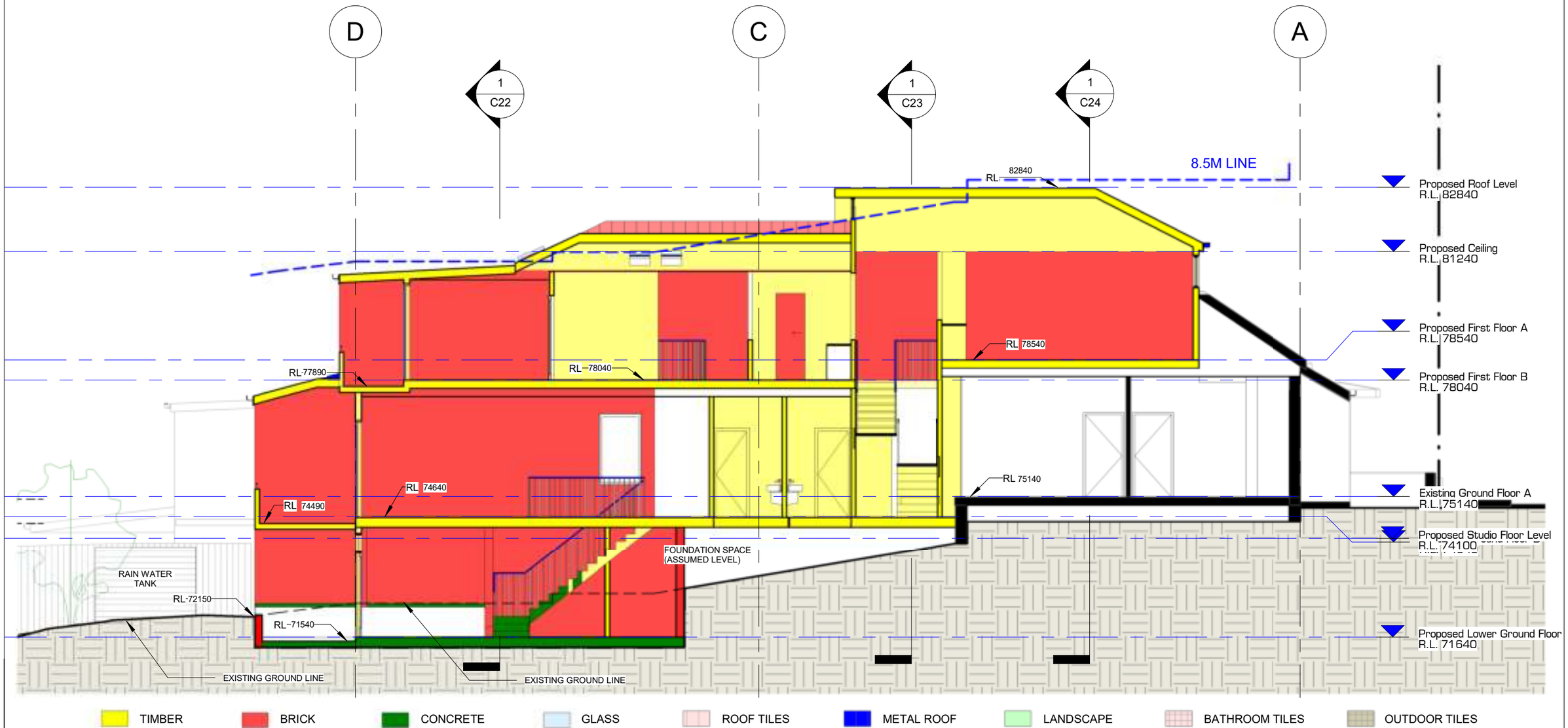
Glazed roofs glazing requirements

Glazed roof location	Area of glazing (m2)	Shading device	Glass type
SK1	0.6	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)
SK2	0.6	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)
SK3	0.49	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)
SK4	0.49	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)
SK5	0.49	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)



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North

Owner
Joanna Kwan & Leslie Sinn

6 Wallace Street WAVERLEY
Lot 1/-/DP 313153

PROPOSED LONG SECTION AA

Drw: Author
Chk: Checker Proj Date: 27/11/2023 Scale 1 : 100 @A3

Dwg Set	Drawing Number		Rev
DA	1	C20	D

30/04/2024 12:38:31 PM

INSULATION
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Construction	Additional insulation required (R-value)	Other specifications
concrete slab on ground floor	nil	NA
suspended floor with enclosed subfloor: framed (R2.7).	R0.80 (down) (or R1.30 including construction)	NA
floor above existing dwelling or building.	nil	NA
external wall: cavity brick	nil	
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)	
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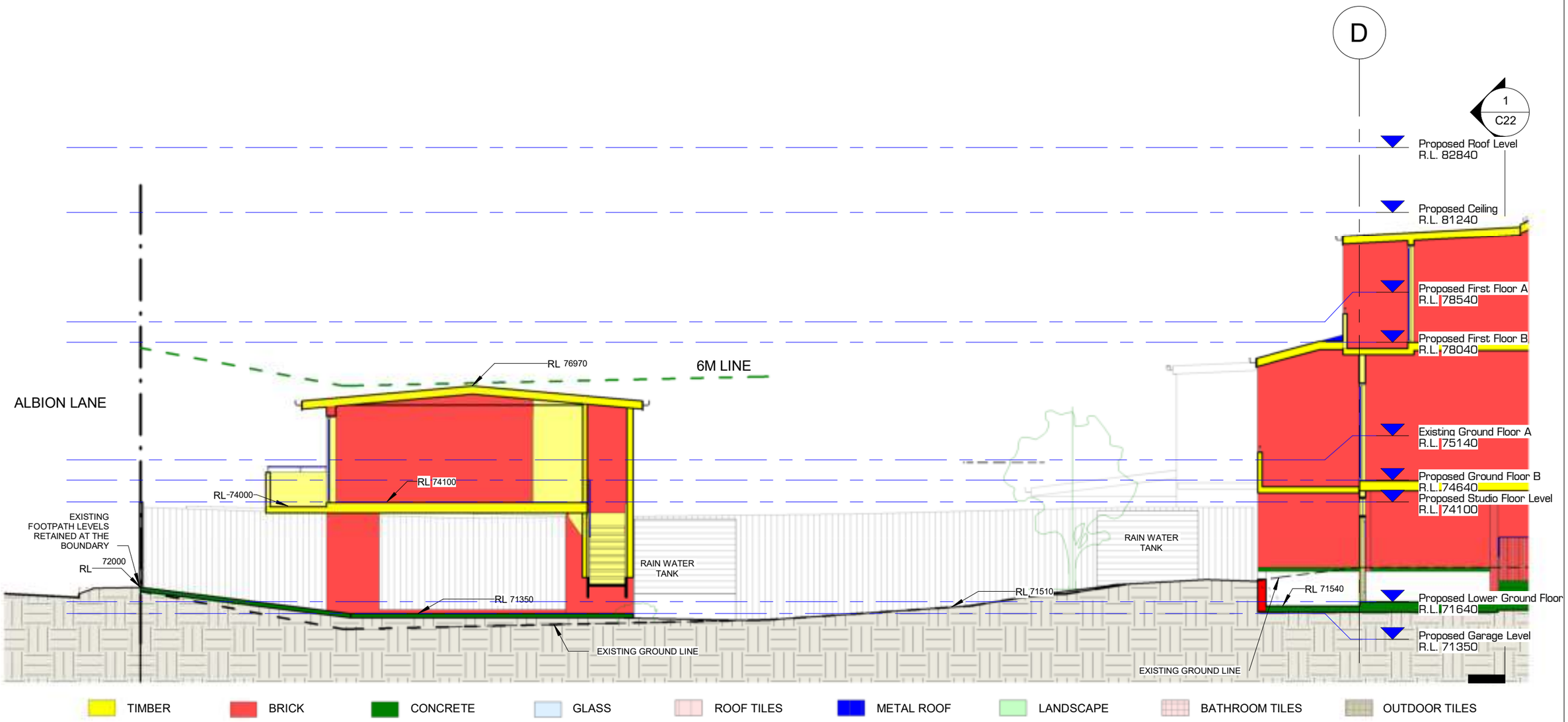
Glazed roofs glazing requirements

Glazed roof location	Area of glazing (m2)	Shading device	Glass type
SK1	0.6	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)
SK2	0.6	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)
SK3	0.49	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)
SK4	0.49	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)
SK5	0.49	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)



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North

Owner
Joanna Kwan & Leslie Sinn

6 Wallace Street WAVERLEY
Lot 1/-/DP 313153

PROPOSED LONG SECTION AA (STUDIO)

Drw: Author
Chk: Checker Proj Date: 27/11/2023 Scale 1 : 100 @A3

Dwg Set	Drawing Number	Rev
DA	1 C20.1	D

30/04/2024 12:38:32 PM

INSULATION
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suspended floor with enclosed subfloor: framed (R2.7).	R0.80 (down) (or R1.30 including construction)	NA
floor above existing dwelling or building.	nil	NA
external wall: cavity brick	nil	
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)	
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GLAZED ROOF REQUIREMENTS
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Glazed roofs glazing requirements

Glazed roof number	Area of glazing (m2)	Shading device	Glass type
SK1	0.5	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)
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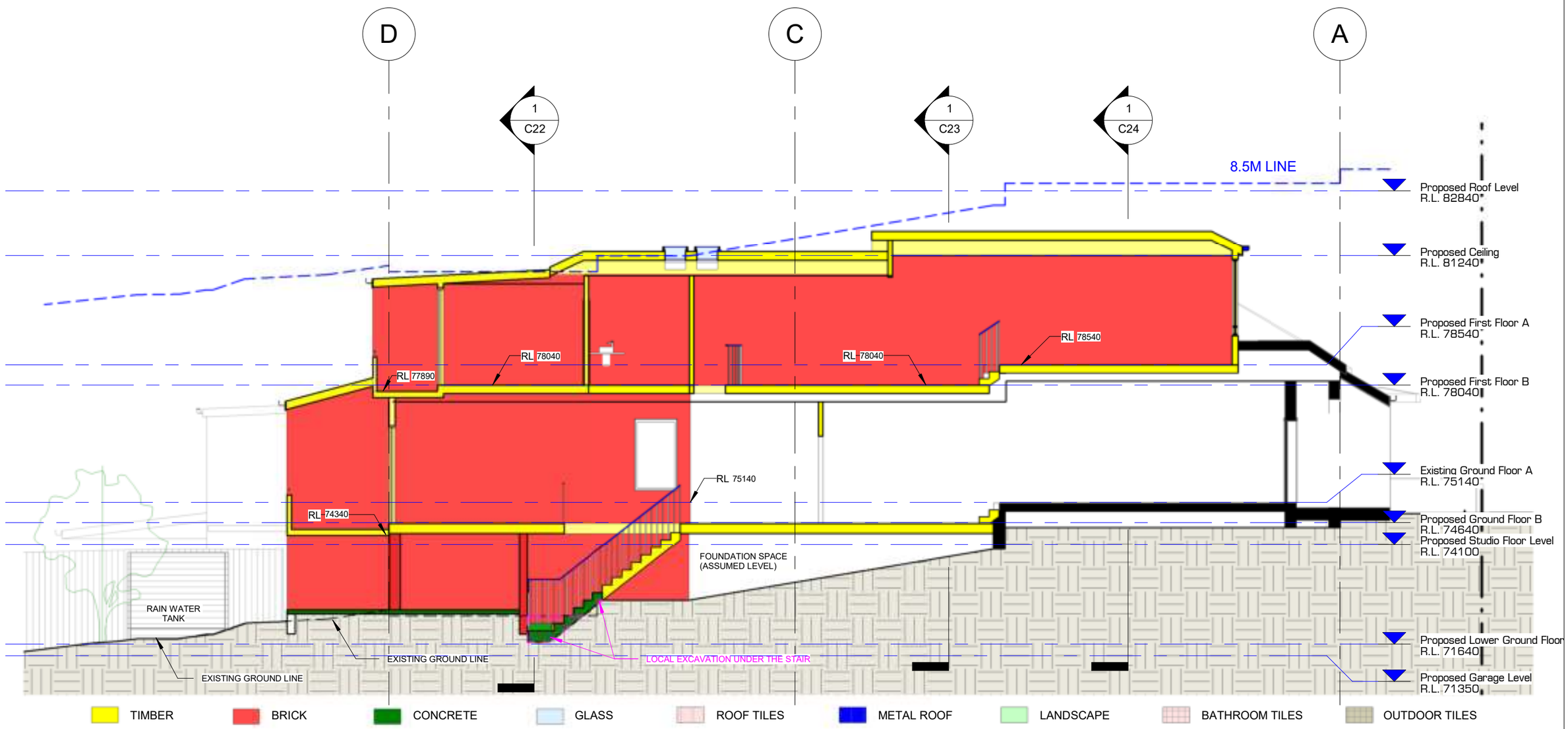

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Rev.	Date	Revision Description
B	29/11/2023	DEVELOPMENT APPLICATION
C	05/02/2024	ADDITIONAL INFORMATION REQUEST
D	30/04/2024	ADDITIONAL INFORMATION FOR DEFERAL LETTER

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North

Owner
Joanna Kwan & Leslie Sinn

6 Wallace Street WAVERLEY
Lot 1/-/DP 313153

PROPOSED LONG SECTION BB

Drw: Author
Chk: Checker
Proj Date: 27/11/2023
Scale 1 : 100 @A3

Dwg Set	Drawing Number	Rev
DA	1 C21	D

30/04/2024 12:38:33 PM

INSULATION
ALL NEW OR ALTERED CONSTRUCTION (FLOOR(S), WALLS, AND CEILINGS/ROOFS) IN ACCORDANCE WITH THE SPECIFICATIONS LISTED IN THE TABLE, EXCEPT THAT A) ADDITIONAL INSULATION IS NOT REQUIRED WHERE THE AREA OF NEW CONSTRUCTION IS LESS THAN 2M2, B) INSULATION SPECIFIED IS NOT REQUIRED FOR PARTS OF ALTERED CONSTRUCTION WHERE INSULATION ALREADY EXISTS.

Construction	Additional insulation required (R-value)	Other specifications
concrete slab on ground floor	nil	NA
suspended floor with enclosed subfloor: framed (R2.7).	R0.80 (down) (or R1.30 including construction)	NA
floor above existing dwelling or building.	nil	NA
external wall: cavity brick	nil	
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)	
flat ceiling, pitched roof	ceiling: R1.85 (up), roof: foil backed blanket (55 mm)	medium (solar absorptance 0.475 - 0.70)
raked ceiling, pitched/skillion roof: framed	ceiling: R2.24 (up), roof: foil backed blanket (55 mm)	medium (solar absorptance 0.475 – 0.70)

WINDOWS AND GLAZED DOORS
ALL WINDOWS AND GLAZED DOORS MUST TO BE INSTALLED AS PER THE OVERSHADOWING SPECIFICATIONS MENTIONED IN THE **BASIX CERTIFICATE NO: A1744972**

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HOT WATER SYSTEM
GAS INSTANTANEOUS HOT WATER SYSTEM TO BE INSTALLED AS PER **BASIX CERTIFICATE NO: A1744972**

ALL PROPOSED WORKS SHOULD BE IN ACCORDANCE WITH THE **BASIX CERTIFICATE NO: A1744972**

GLAZED ROOF REQUIREMENTS
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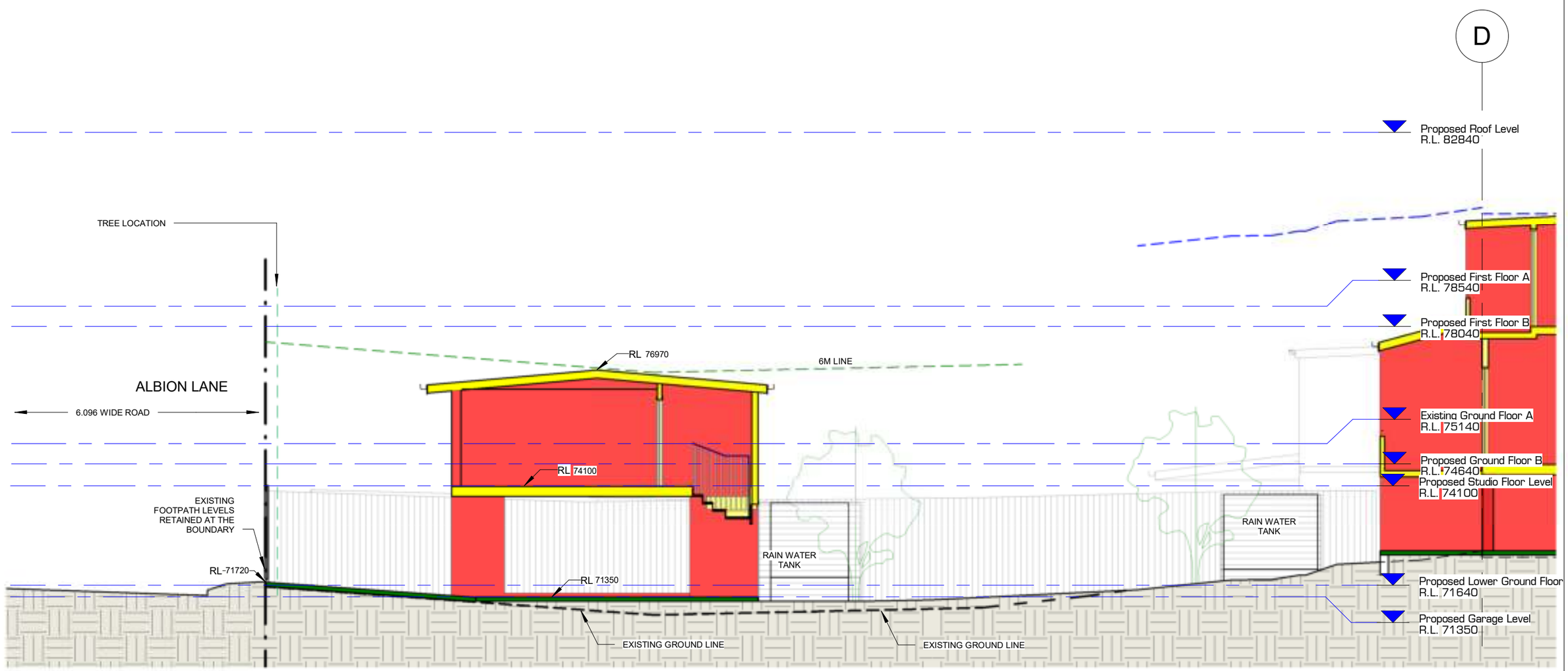

TIMBER | BRICK | CONCRETE | GLASS | ROOF TILES | METAL ROOF | LANDSCAPE | BATHROOM TILES | OUTDOOR TILES

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Owner
Joanna Kwan & Leslie Sinn

6 Wallace Street WAVERLEY
Lot 1/-/DP 313153

PROPOSED LONG SECTION BB (STUDIO)

Drw: Author
Chk: Checker Proj Date: 27/11/2023 Scale 1 : 100 @A3

Dwg Set: DA | Drawing Number: 1 C21.1 | Rev: D

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INSULATION
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Construction	Additional insulation required (R-value)	Other specifications
concrete slab on ground floor	nil	NA
suspended floor with enclosed subfloor: framed (R2.7)	(R0.80 (down) (or R1.30 including construction)	NA
floor above existing dwelling or building	nil	NA
external wall: cavity brick	nil	
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)	
flat ceiling, pitched roof	ceiling: R1.86 (up), roof: foil backed blanket (55 mm)	medium (solar absorptance 0.475 - 0.70)
raked ceiling, pitched/skillion roof: framed	ceiling: R2.24 (up), roof: foil backed blanket (55 mm)	medium (solar absorptance 0.475 – 0.70)

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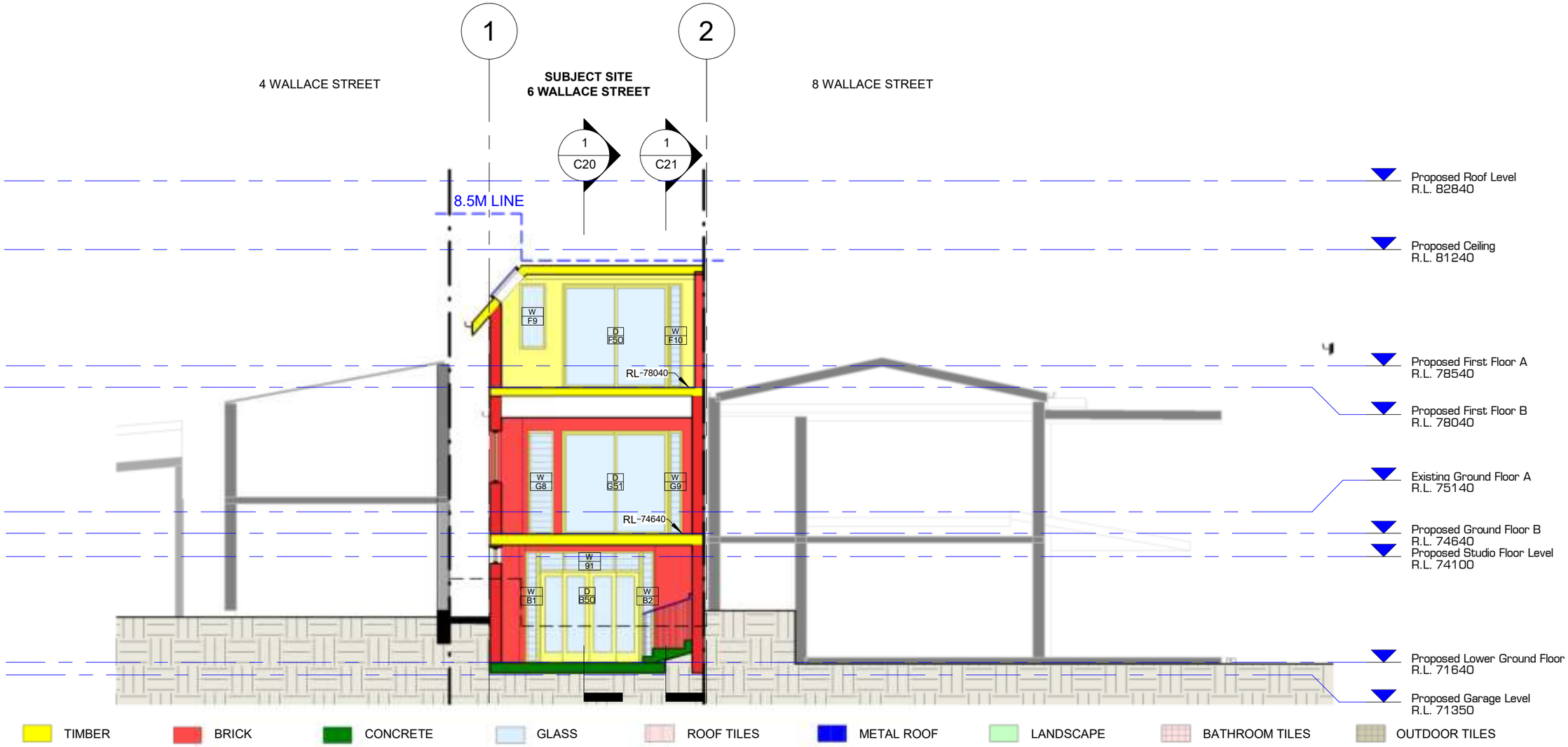

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Lot 1/-/DP 313153

PROPOSED CROSS SECTION CC

Drw: Author
Chk: Checker Proj Date: 27/11/2023 Scale 1 : 100 @A3

Dwg Set	Drawing Number	Rev
DA	1 C22	D

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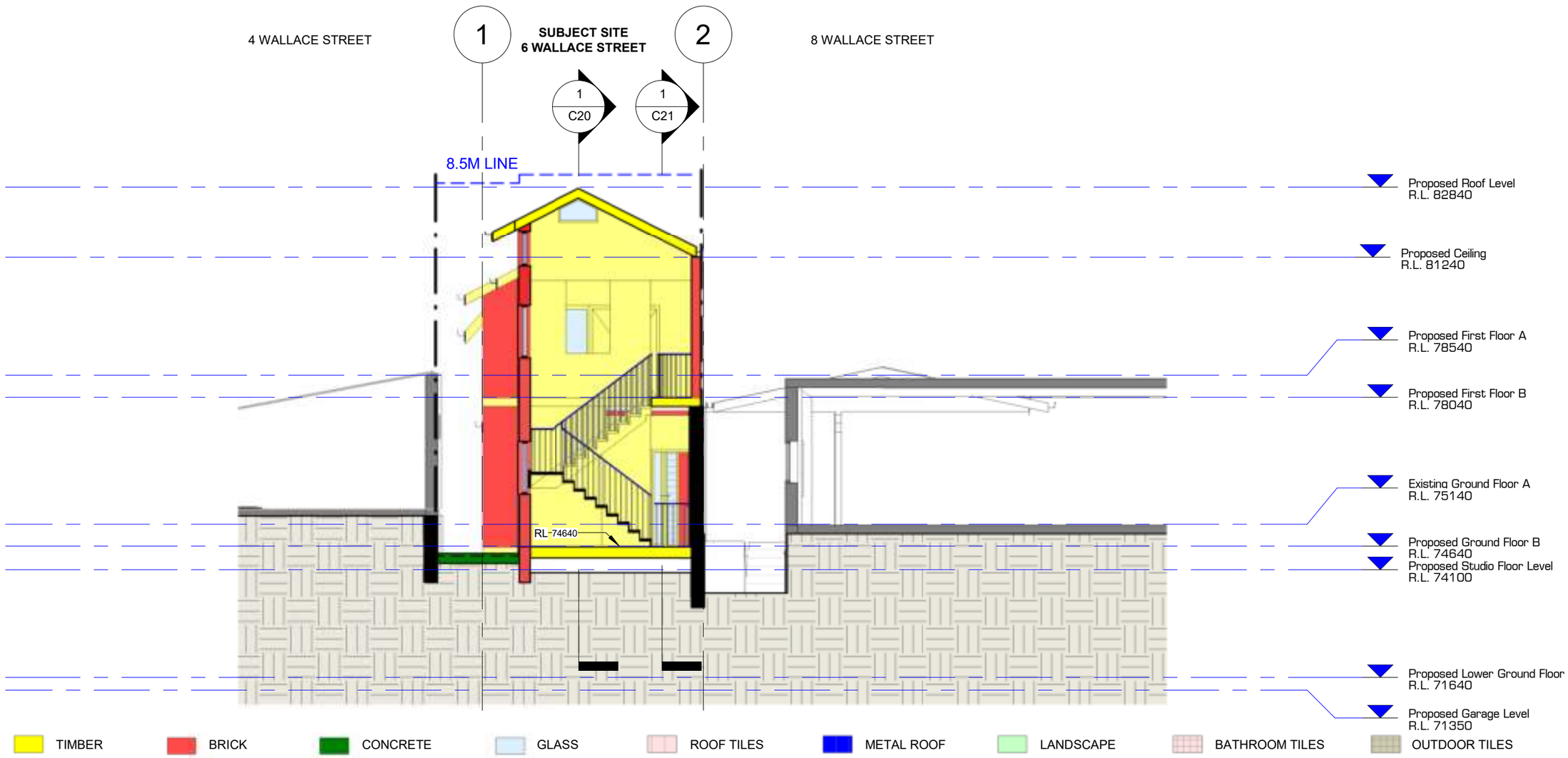

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6 Wallace Street WAVERLEY
Lot 1/-/DP 313153

PROPOSED CROSS SECTION DD

Drw: Author
Chk: Checker Proj Date: 27/11/2023 Scale 1 : 100 @A3

Dwg Set: DA | Drawing Number: 1 C23 | Rev: D

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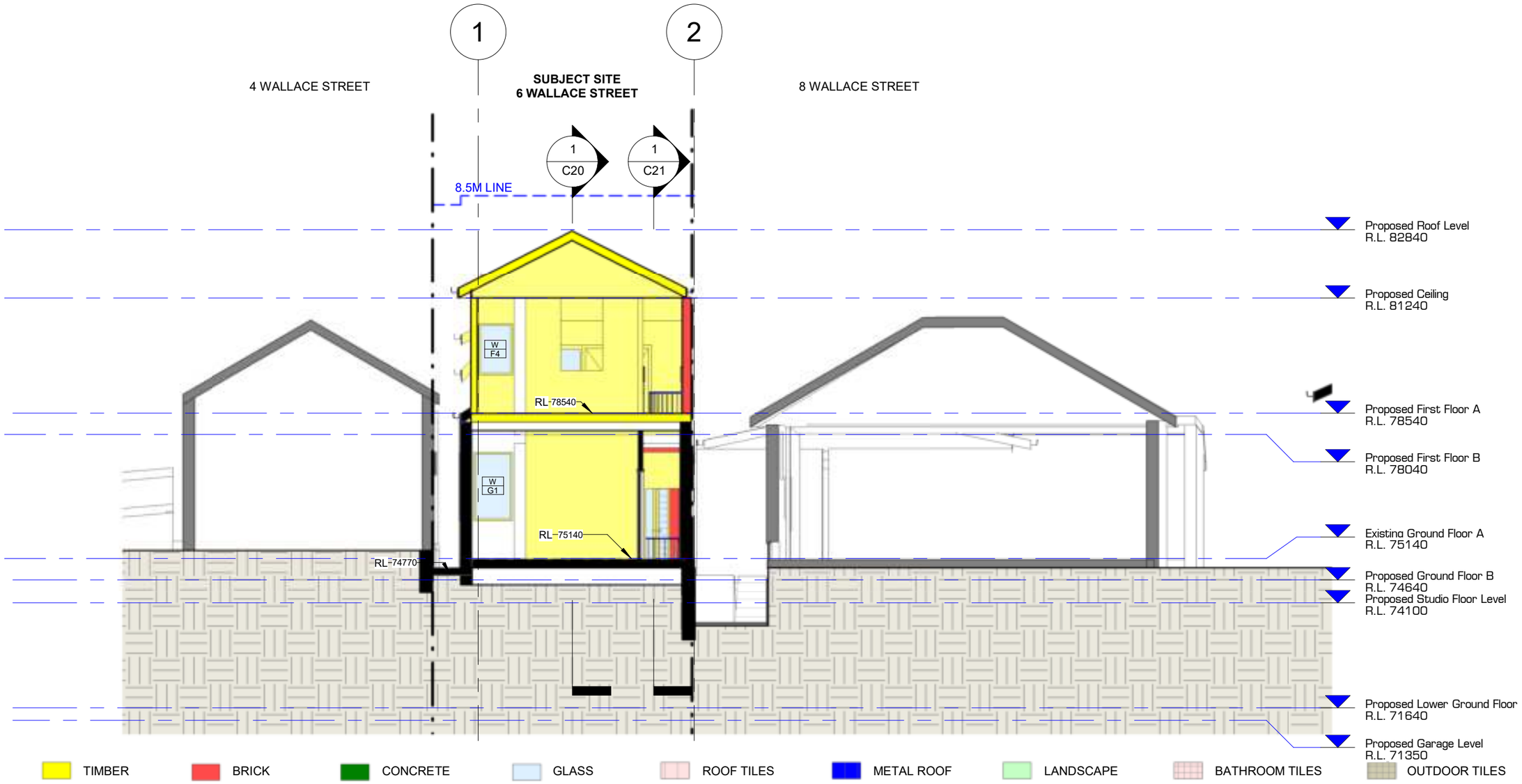

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North

Owner
Joanna Kwan & Leslie Sinn

6 Wallace Street WAVERLEY
Lot 1/-/DP 313153

PROPOSED CROSS SECTION EE

Drw: Author
Chk: Checker
Proj Date: 27/11/2023
Scale 1 : 100 @A3

Dwg Set	Drawing Number	Rev
DA	1 C24	D

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INSULATION
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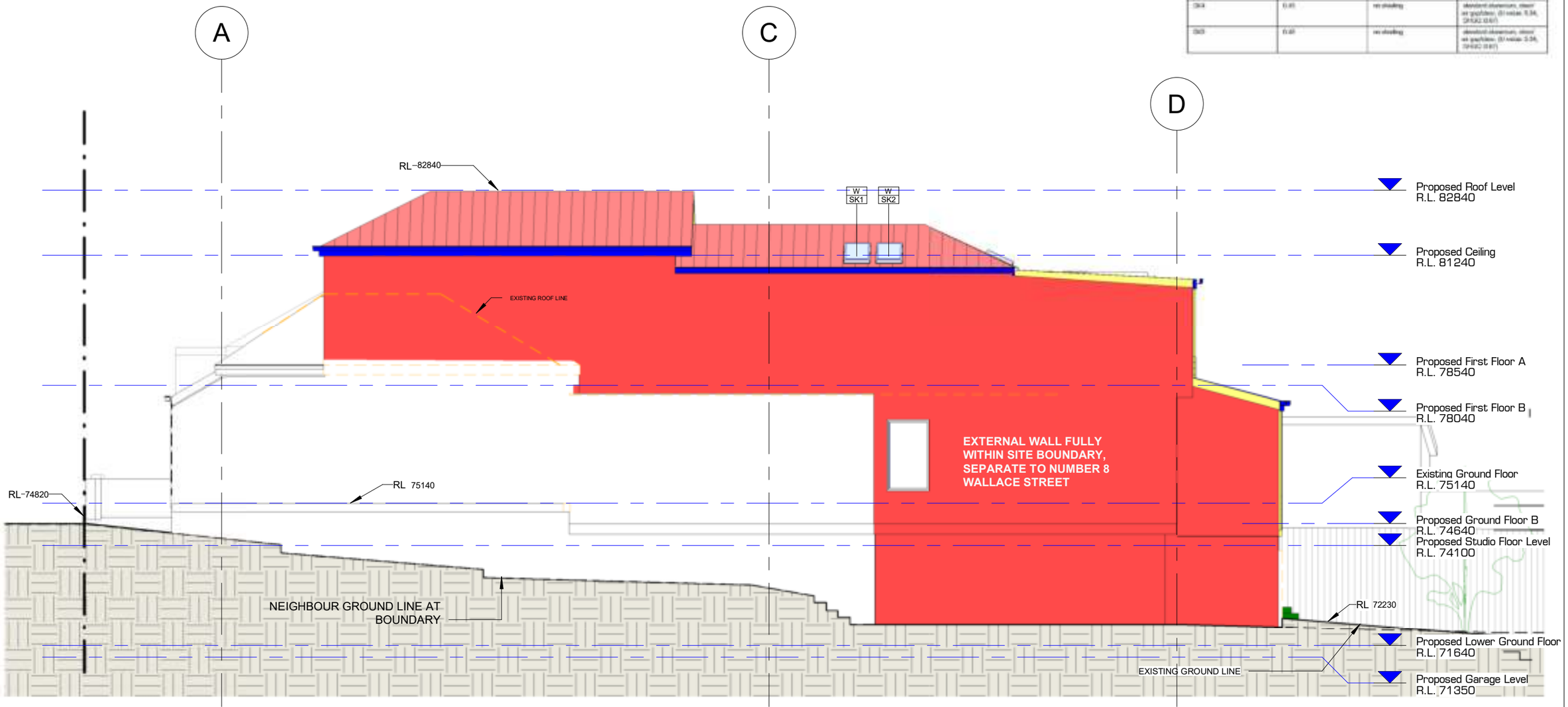

TIMBER | BRICK | CONCRETE | GLASS | ROOF TILES | METAL ROOF | LANDSCAPE | BATHROOM TILES | OUTDOOR TILES

DEMOLISHED | EXISTING

DAVID FLEETING ARCHITECTS
PO BOX 364 WAVERLEY NSW 2024 AUSTRALIA
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E: davidf@dfarchitects.com.au

Rev.	Date	Revision Description
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North

Owner
Joanna Kwan & Leslie Sinn

6 Wallace Street WAVERLEY
Lot 1/-/DP 313153

PROPOSED EAST ELEVATION (HOUSE)-

Drw: Author
Chk: Checker Proj Date: 27/11/2023 Scale 1 : 100 @A3

Dwg Set: DA | Drawing Number: 1 C30 | Rev: D

30/04/2024 12:38:39 PM

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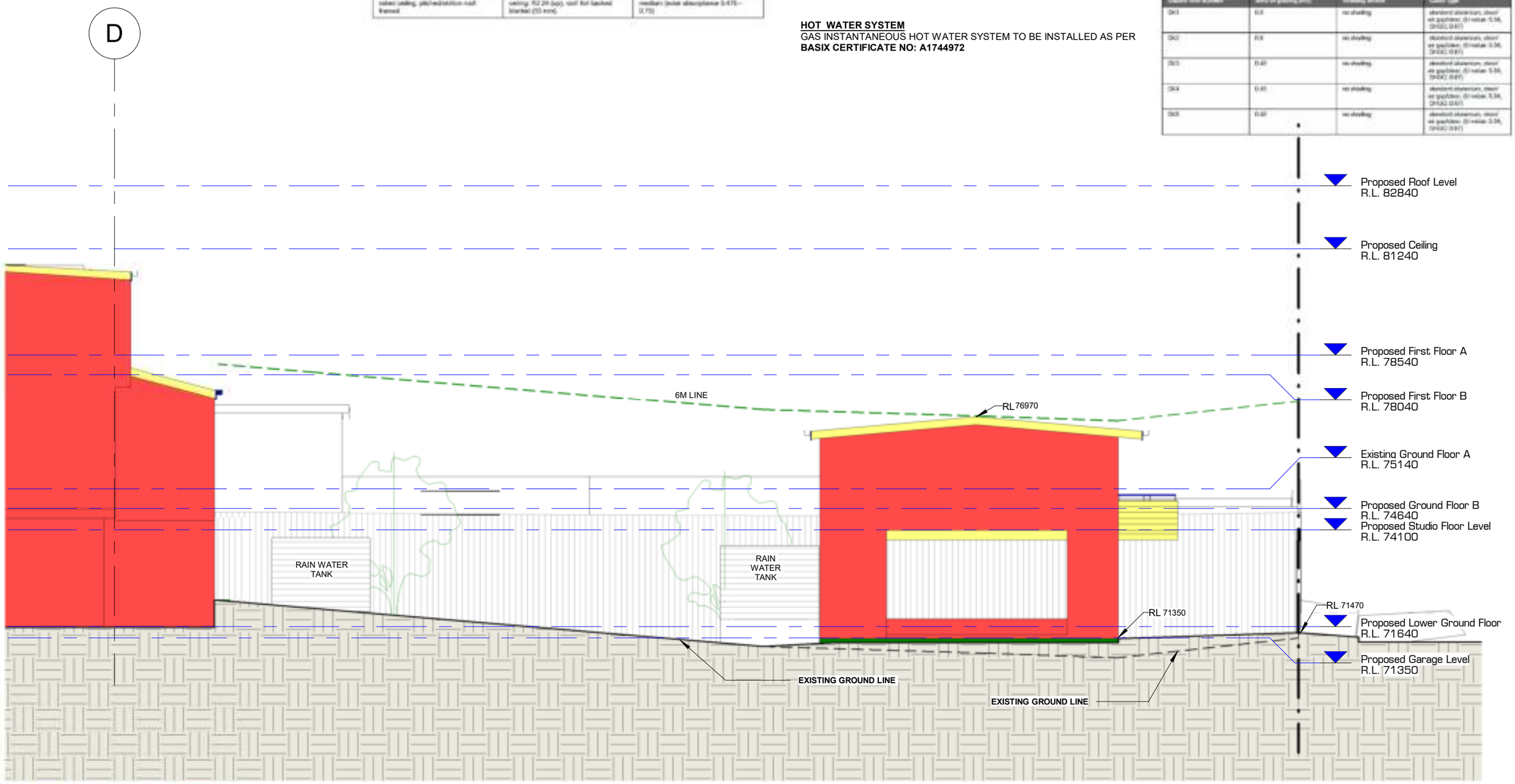

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DAVID FLEETING ARCHITECTS
PO BOX 364 WAVERLEY NSW 2024 AUSTRALIA
M: 0407 414 755
E: davidf@dfarchitects.com.au

Rev.	Date	Revision Description
B	29/11/2023	DEVELOPMENT APPLICATION
C	05/02/2024	ADDITIONAL INFORMATION REQUEST
D	30/04/2024	ADDITIONAL INFORMATION FOR DEFERAL LETTER

DO NOT SCALE.
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DAVID FLEETING ARCHITECTS.
IF CONTRADICTIONS OCCUR CONTACT THE ARCHITECT

North

Owner
Joanna Kwan & Leslie Sinn

6 Wallace Street WAVERLEY
Lot 1/-/DP 313153

PROPOSED EAST ELEVATION (STUDIO)

Drw: Author
Chk: Checker Proj Date: 27/11/2023 Scale 1 : 100 @A3

Dwg Set: DA | Drawing Number: 1 C30.1 | Rev: D

30/04/2024 12:38:40 PM

INSULATION
ALL NEW OR ALTERED CONSTRUCTION (FLOOR(S), WALLS, AND CEILINGS/ROOFS) IN ACCORDANCE WITH THE SPECIFICATIONS LISTED IN THE TABLE, EXCEPT THAT A) ADDITIONAL INSULATION IS NOT REQUIRED WHERE THE AREA OF NEW CONSTRUCTION IS LESS THAN 2M2, B) INSULATION SPECIFIED IS NOT REQUIRED FOR PARTS OF ALTERED CONSTRUCTION WHERE INSULATION ALREADY EXISTS.

Construction	Additional insulation required (R-value)	Other specifications
concrete slab on ground floor	nil	NA
suspended floor with enclosed subfloor: framed (R2.7)	(R0.80 (down) (or R1.30 including construction)	NA
floor above existing dwelling or building	nil	NA
external wall: cavity brick	nil	
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)	
flat ceiling, pitched roof	ceiling: R1.86 (up); roof: foil backed blanket (55 mm)	medium (solar absorptance 0.475 - 0.70)
raked ceiling, pitched/skillion roof: framed	ceiling: R2.24 (up); roof: foil backed blanket (55 mm)	medium (solar absorptance 0.475 – 0.70)

WINDOWS AND GLAZED DOORS
ALL WINDOWS AND GLAZED DOORS MUST TO BE INSTALLED AS PER THE OVERSHADOWING SPECIFICATIONS MENTIONED IN THE **BASIX CERTIFICATE NO: A1744972**

- THE RATIO OF THE PROJECTION REQUIRED IS NOTED ON ALL WINDOWS AND DOORS AS PER THE BASIX CERTIFICATE.

- OVERSHADOWING BUILDINGS AND VEGETATION MUST BE OF THE HEIGHT AND DISTANCE FROM THE CENTRE AND BASE OF THE WINDOW AND GLAZED DOORS AS PER THE BASIX CERTIFICATE

HOT WATER SYSTEM
GAS INSTANTANEOUS HOT WATER SYSTEM TO BE INSTALLED AS PER **BASIX CERTIFICATE NO: A1744972**

ALL PROPOSED WORKS SHOULD BE IN ACCORDANCE WITH THE **BASIX CERTIFICATE NO: A1744972**

GLAZED ROOF REQUIREMENTS
ALL SKYLIGHTS SHOULD BE AS PER THE **BASIX CERTIFICATE NO: A1744972** AND SHOULD FOLLOW THE REQUIREMENTS BELOW

Glazed roofs glazing requirements

Glazed roof location	Area of glazing (m2)	Shading device	Glass type
SK1	0.5	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)
SK2	0.5	no shading	standard aluminium, clear/ air gap/clear, (U value: 5.34, SHGC: 0.61)
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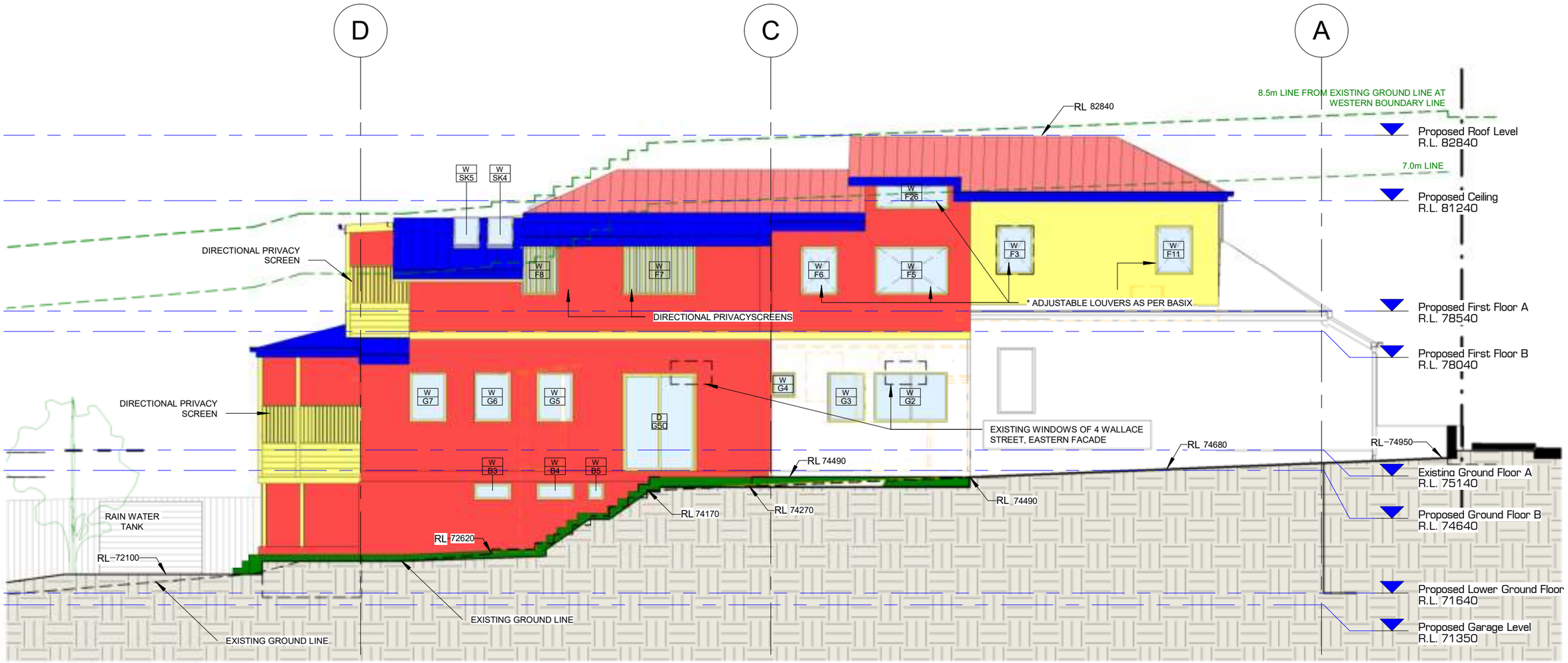

TIMBER | BRICK | CONCRETE | GLASS | ROOF TILES | METAL ROOF | LANDSCAPE | BATHROOM TILES | OUTDOOR TILES

DEMOLISHED | EXISTING

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North

Owner
Joanna Kwan & Leslie Sinn

6 Wallace Street WAVERLEY
Lot 1/-/DP 313153

PROPOSED WEST ELEVATION (HOUSE)

Drw: Author
Chk: Checker
Proj Date: 27/11/2023
Scale 1 : 100 @A3

Dwg Set	Drawing Number		Rev
DA	1	C31	D

30/04/2024 12:38:41 PM

INSULATION
ALL NEW OR ALTERED CONSTRUCTION (FLOOR(S), WALLS, AND CEILINGS/ROOFS) IN ACCORDANCE WITH THE SPECIFICATIONS LISTED IN THE TABLE, 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.

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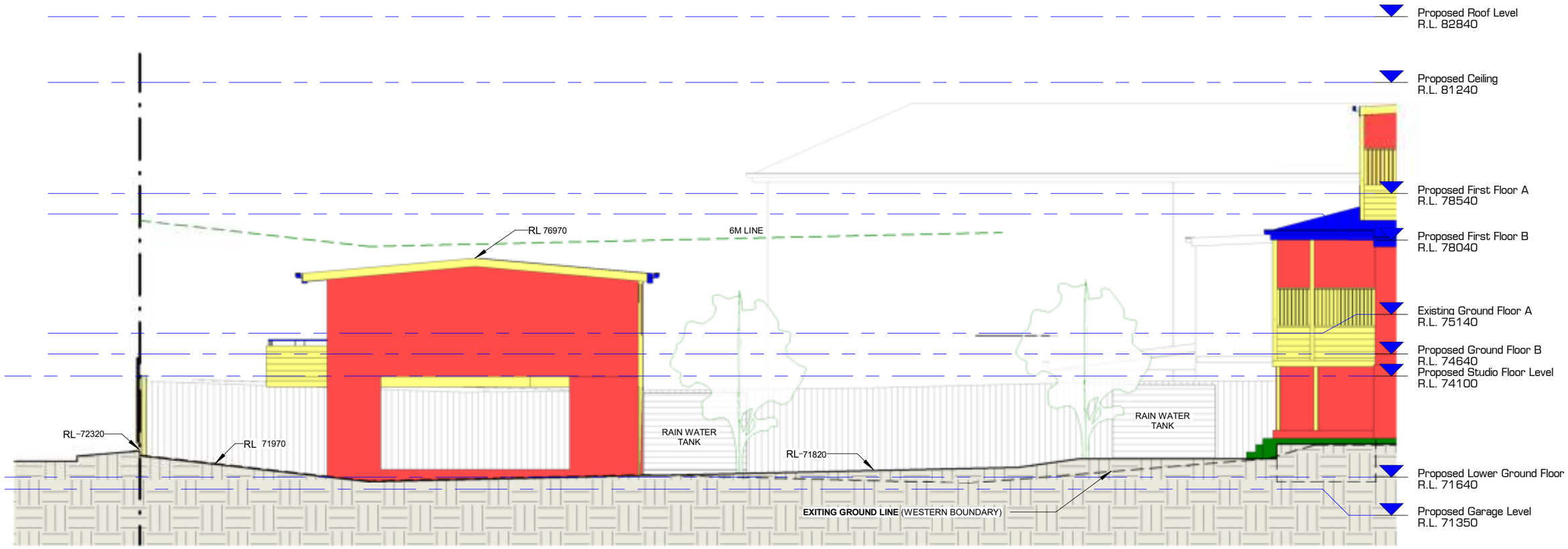

TIMBER | BRICK | CONCRETE | GLASS | ROOF TILES | METAL ROOF | LANDSCAPE | BATHROOM TILES | OUTDOOR TILES

DEMOLISHED | EXISTING

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North

Owner
Joanna Kwan & Leslie Sinn

6 Wallace Street WAVERLEY
Lot 1/-/DP 313153

PROPOSED WEST ELEVATION (STUDIO)

Drw: Author
Chk: Checker Proj Date: 27/11/2023 Scale 1 : 100 @A3

Dwg Set: DA | Drawing Number: 1 C31.1 | Rev: D

30/04/2024 12:38:42 PM

INSULATION
ALL NEW OR ALTERED CONSTRUCTION (FLOOR(S), WALLS, AND CEILINGS/ROOFS) IN ACCORDANCE WITH THE SPECIFICATIONS LISTED IN THE TABLE, 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.

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HOT WATER SYSTEM
GAS INSTANTANEOUS HOT WATER SYSTEM TO BE INSTALLED AS PER **BASIX CERTIFICATE NO: A1744972**

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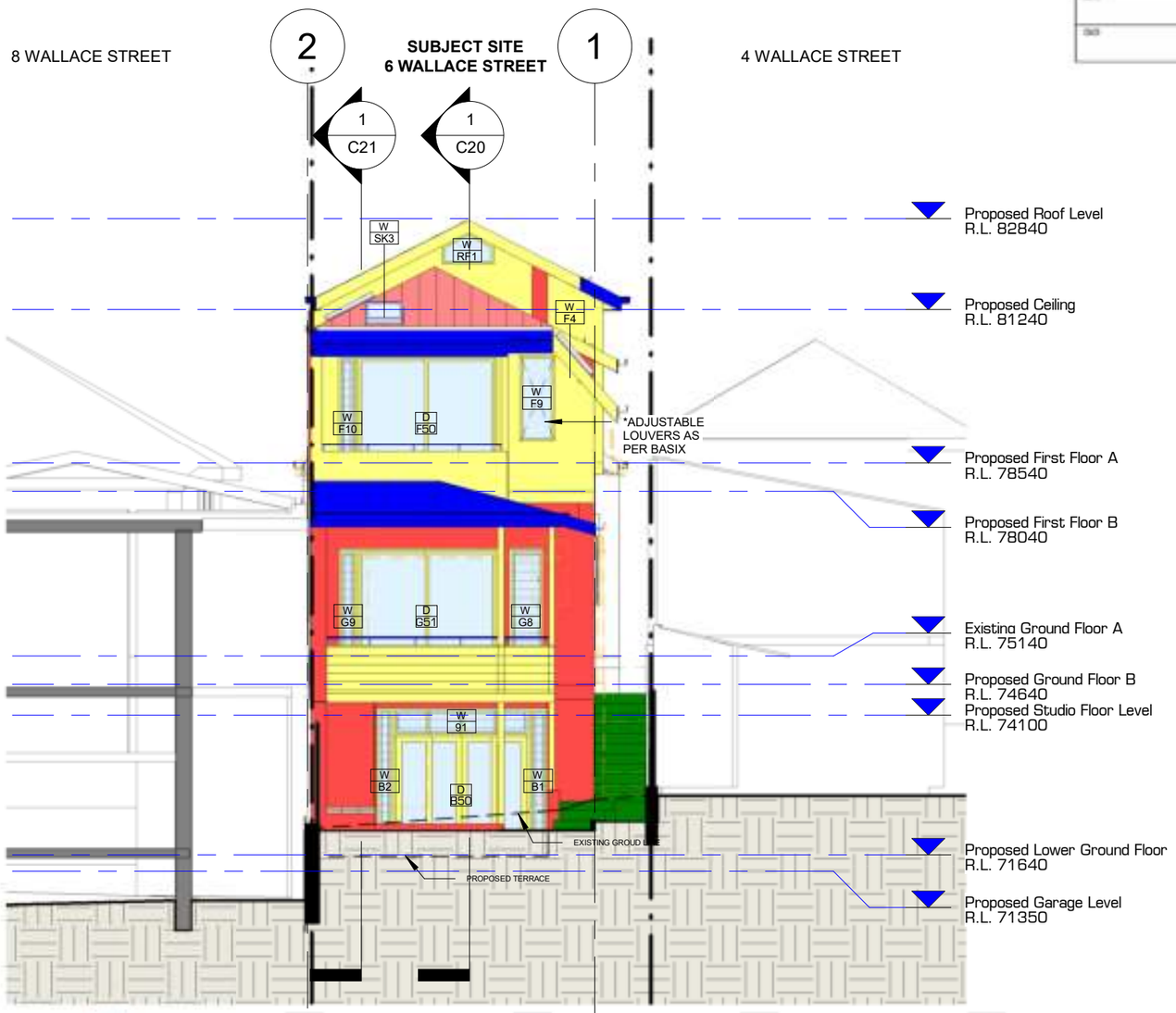

TIMBER BRICK CONCRETE GLASS ROOF TILES METAL ROOF LANDSCAPE BATHROOM TILES OUTDOOR TILES

DEMOLISHED EXISTING

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North

Owner
Joanna Kwan & Leslie Sinn

6 Wallace Street WAVERLEY
Lot 1/-/DP 313153

PROPOSED NORTH ELEVATION (HOUSE)

Drw: Author
Chk: Checker Proj Date: 27/11/2023 Scale 1 : 100 @A3

Dwg Set: DA | Drawing Number: 1 C32 | Rev: D

30/04/2024 12:38:43 PM

INSULATION
ALL NEW OR ALTERED CONSTRUCTION (FLOOR(S), WALLS, AND CEILINGS/ROOFS) IN ACCORDANCE WITH THE SPECIFICATIONS LISTED IN THE TABLE, 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.

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HOT WATER SYSTEM
GAS INSTANTANEOUS HOT WATER SYSTEM TO BE INSTALLED AS PER **BASIX CERTIFICATE NO: A1744972**

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GLAZED ROOF REQUIREMENTS
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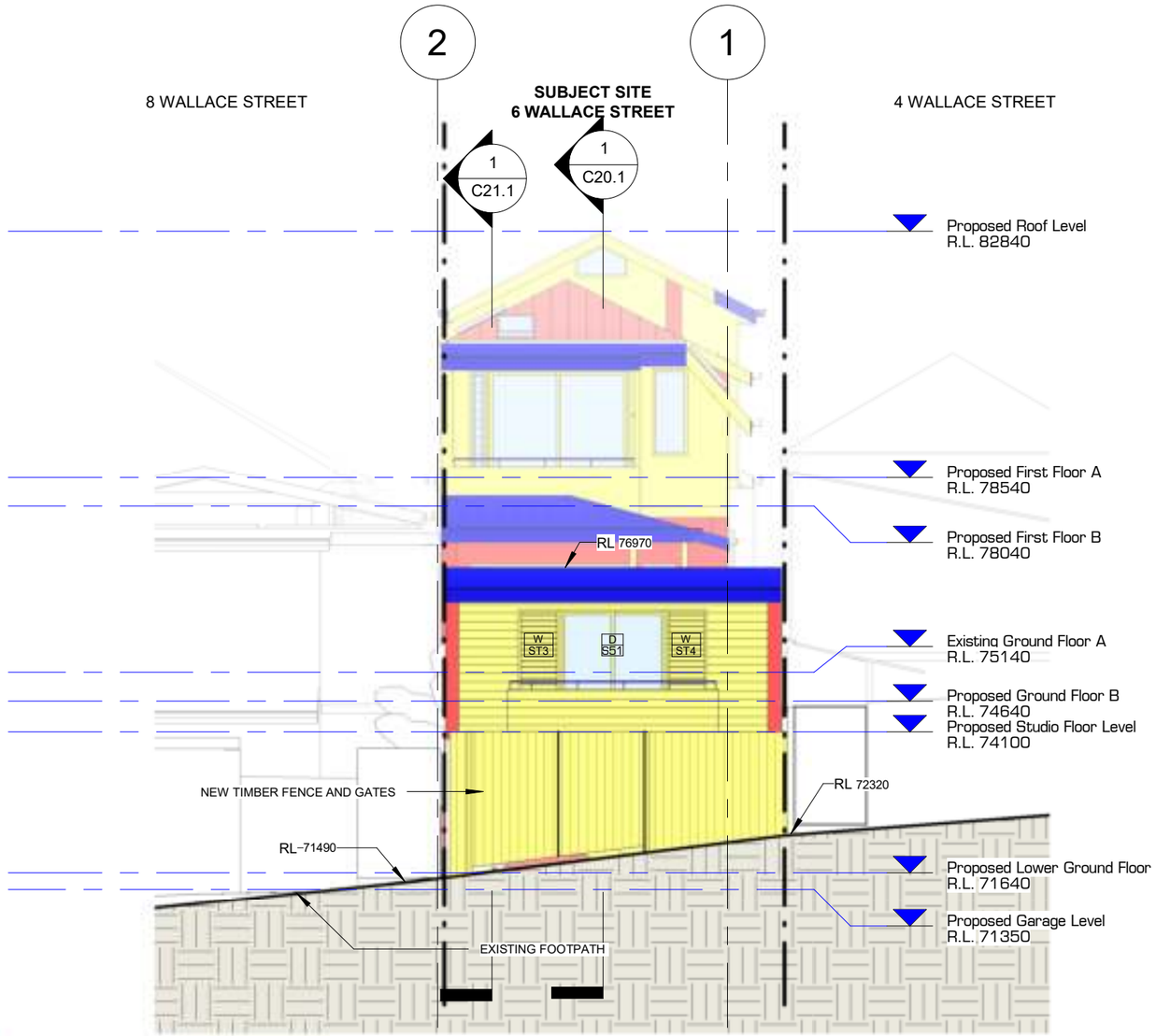

TIMBER | BRICK | CONCRETE | GLASS | ROOF TILES | METAL ROOF | LANDSCAPE | BATHROOM TILES | OUTDOOR TILES

DEMOLISHED | EXISTING

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North

Owner
Joanna Kwan & Leslie Sinn

6 Wallace Street WAVERLEY
Lot 1/-/DP 313153

PROPOSED NORTH ELEVATION (FROM LANE)

Drw: Author
Chk: Checker Proj Date: 27/11/2023 Scale 1 : 100 @A3

Dwg Set	Drawing Number	Rev
DA	1 C32.2	D

30/04/2024 12:38:45 PM

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HOT WATER SYSTEM
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GLAZED ROOF REQUIREMENTS
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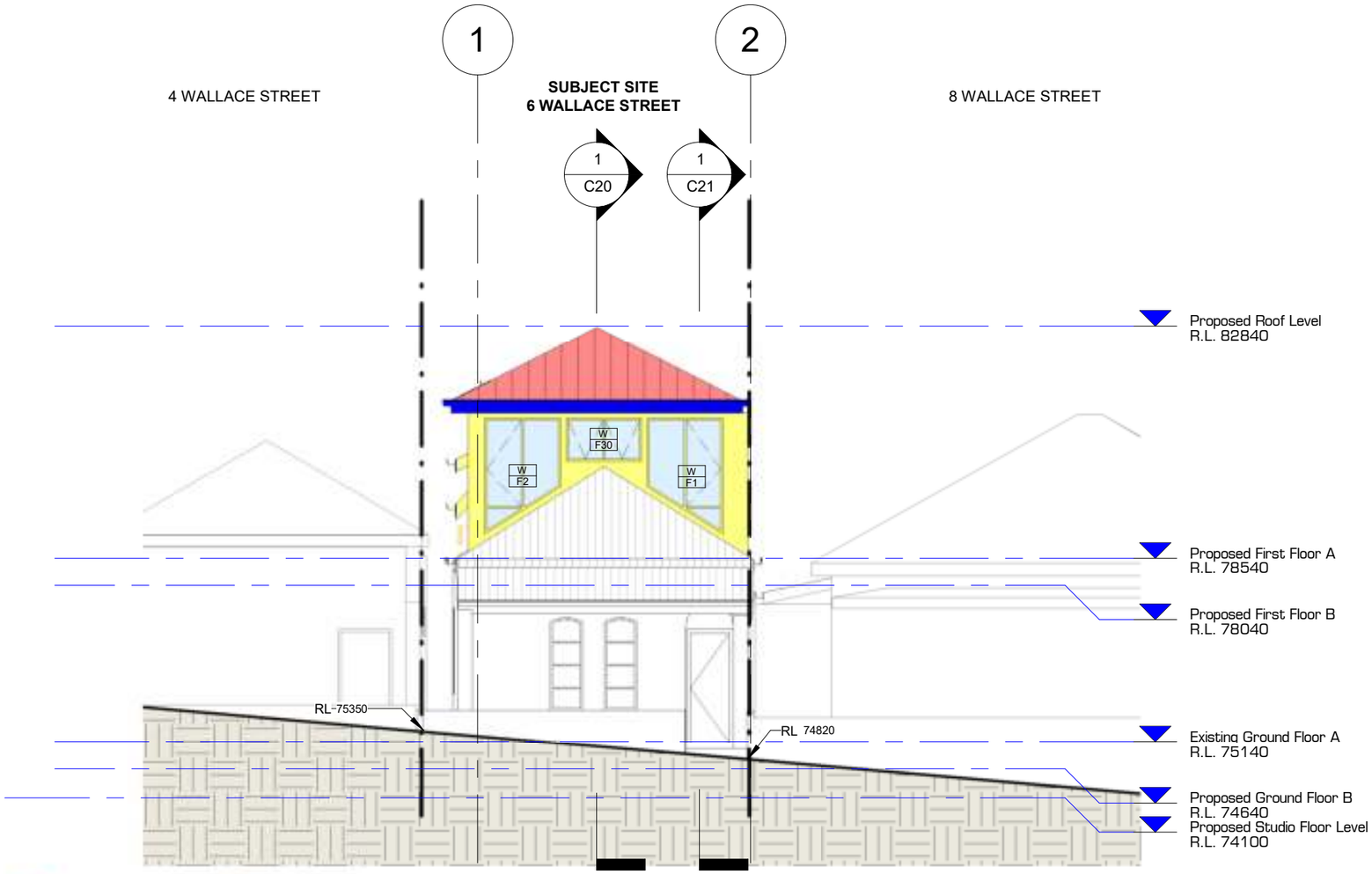

TIMBER | BRICK | CONCRETE | GLASS | ROOF TILES | METAL ROOF | LANDSCAPE | BATHROOM TILES | OUTDOOR TILES

DEMOLISHED | EXISTING

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North

Owner
Joanna Kwan & Leslie Sinn

6 Wallace Street WAVERLEY
Lot 1/-/DP 313153

PROPOSED SOUTH ELEVATION (HOUSE)

Drw: Author
Chk: Checker Proj Date: 27/11/2023 Scale 1 : 100 @A3

Dwg Set: DA | Drawing Number: 1 C33 | Rev: D

30/04/2024 12:38:46 PM

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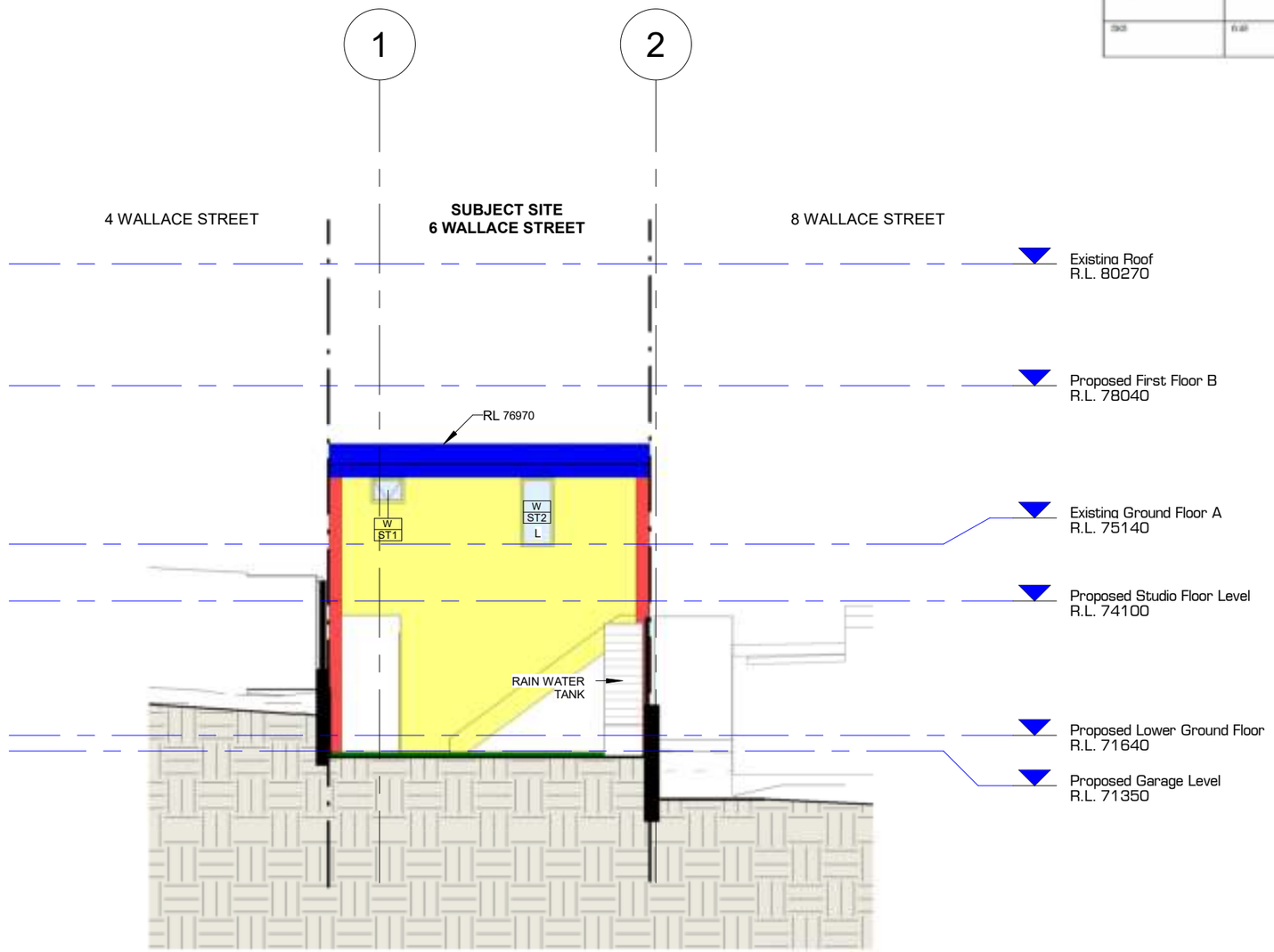

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Drw: Author
Chk: Checker
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Report to the Waverley Local Planning Panel

Application number	DA-349/2013/C
Site address	1-12/97 Ramsgate Avenue NORTH BONDI NSW 2026
Proposal	Modification to the roof, colour scheme, new high light window at attic level and various other alterations
Description of Approved Development	Extension to residential flat building, attic level additions, balcony and terrace additions, and consolidation of units.
Date of lodgement	29 June 2023
Owner	Proprietors of Strata Plan 1160
Applicant	Edh Group Pty Ltd
Submissions	Four Submissions
Amended cost of works	$600,000.00
Principal Issues	• Exceedance of Floor Space Ratio (FSR) • Exceedance of building height
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP

(Source: Near Maps)

1. PREAMBLE

1.1. Executive Summary

The modification application seeks to modify development consent, known as DA-349/2013, for the extension to the residential flat building, attic level additions, balcony and terrace additions at the site known as 97 Ramsgate Avenue, North Bondi. In summary, the proposed modifications are to the roof, colour scheme, new highlight window at the attic level and various other alterations.

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

- Exceedance of FSR
- Exceedance of building height

The assessment finds these issues acceptable. The proposed additions are of a minor bulk and scale which continues the design language of the approved building detailing, while preserving the neighbouring amenities in terms of solar access and improving existing views.

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

No Councillor submissions were received.

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

1.2. Site and Surrounding Locality

A site visit was carried out during the assessment of the previous modification application.

The site is known as 97 Ramsgate Avenue, Bondi. The site is irregular in shape with a northern side boundary with 95 Ramsgate Avenue, an eastern rear boundary with 99 and 101 Ramsgate Avenue, a southern side boundary with 105 Ramsgate Avenue and a western boundary to the northern side of Bondi beach. The site has an area of 636m^2.

The site is occupied by a four storey residential flat building. Vehicular access is provided from Ramsgate Avenue via a right-of-way, with hardstand car spaces located on the south side of the site.

The subject site is within a residential locality and is surrounded by residential uses, including residential flat buildings and dual occupancies. The site is surrounded by the Ben Buckler Headland, Bondi Beach and the Pacific Ocean to the west.

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

Figure 1: Site as viewed from Ramsgate Avenue

Figure 2: Front façade of the existing building facing west

Figure 3: Site as viewed from the northern driveway, facing west

Figure 4: The site viewed from the rear facing east

1.3. Details of Approved Development

The original development application, known as DA-349/2013 for the extension to a residential flat building including an attic level addition, balcony and terrace additions, was approved on 27 August 2014 by the Waverley Development Assessment Panel (now known as the Waverley Local Planning Panel).

Previous modification applications have been determined as follows:

- DA-349/2013/A seeking a modification to condition A to accommodate two structural columns between the basement and lower ground levels was approved on 12 August 2022 by delegation; and
- DA-359/2013/B, seeking a modification to alter the internal layout and various other external modifications, was approved on 29 November 2022 by delegation.

A Construction Certificate was issued by a private certifier on 7 August 2019 and works have since commenced onsite.

The following conditions from the development consent have direct relevance to this modification application:

2. **GENERAL MODIFICATIONS**

The proposal shall be amended as follows:

(a) A refined treatment of the overhanging soffit of the rear balconies shall be provided. Details are to be provided to Council's Heritage Architect for approval.

(b) The attic spaces should be marked as non-habitable and for exclusive storage use on the drawings.

1.4. Proposal

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

- External Finishes:
  - Modifying the external colours and finishes.
- Second Floor:
  - Proposed curve to the underside of structural element facing Bondi Bay.
- Attic:
  - Introduction of a new clerestory window within the roof space on the western side of the building.
  - Modifying the east-facing roof form by extending the eave over the approved terrace.

1.5. Background

The modification application was lodged on 29 June 2023 and deferred on 25 October 2023 for the following reasons:

1. View Loss

The council did not support the proposed top roof extension and modification due to unreasonable view loss. The proposed increase of the building envelope was considered an overdevelopment of the site. The applicant was asked to amend the proposal by deleting the roof additions/extensions and highlight windows on the attic level.

<u>Planer Note:</u> The applicant submitted a view loss analysis showing the preservation of the neighbouring views. During the deferral process, the applicant reduced the bulk of the clerestory window while maintaining the approved roof form, and the rear-facing awning bulk was reduced.

The amended plans received on 21 April 2024 and the amended view impact analysis submitted on 24 April 2024 form the basis of the assessment.

2. ASSESSMENT

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

2.1. Section 4.55 – Modification of consents – generally

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

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

The relevant Minister, public authority or approval body have been consulted about this modification application, where necessary.

The application was publicly notified and four submissions were received. The issues and matters raised in public submissions are discussed in section 2.2.4 of this report.

2.2. Evaluation of Matters for Consideration under Section 4.15

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

2.2.1. Planning Instruments and Development Control Plans

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

State Environmental Planning Policies (SEPPs)

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

- SEPP (Sustainable Buildings) 2022
- SEPP (Housing) 2021
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021

A detailed discussion is provided for the relevant SEPP as follows:

State Environmental Planning Policy (Housing) 2021

Clause 149 of SEPP (Housing) 2021 requires that development control plans (DCPs) cannot be inconsistent with the Apartment Design Guide (ADG) in respect of the following:

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

If a DCP contains provisions that specify requirements, standards or controls regarding a matter to which this clause applies, those provisions are of no effect. **Table 1** of this report provides an assessment against the provisions within the ADG for the proposed amendments.

Table 1: Apartment Design Guide

Design Criteria	Compliance	Comment
3F Visual privacy		
• Min separation distances from buildings to side and rear boundaries: • Up to 12m (4 storey) – 6m habitable & 3m non-habitable • Increased separation of 3m where adjoins a lower density zone	N/A	The works are localised to the rooftop and existing second floor balcony. Therefore, there are no proposed changes to the existing and approved building separation.
4A Solar and daylight access		
• Living rooms and private open spaces of at least 70% of units receive a minimum of 2 hours of direct sunlight between 9am-3pm mid-winter • A maximum of 15% receive no direct sunlight between 9am-3pm mid-winter.	Yes	The approved living room and private open space of the units are all west-facing and receive afternoon sunlight. The proposed west facing clerestory window will increase natural light into the second floor living areas and improve amenity to this unit.
4B Natural ventilation		
• All habitable rooms are naturally ventilated • Number of units with natural cross ventilation is maximised:	Yes	The proposed clerestory window improves the top double-level unit. In this regard, 100% of the unit can be naturally cross-ventilated.

Design Criteria	Compliance	Comment
– At least 60% of units are naturally ventilated		The proposal uses a combination of full-height openable doors, slot windows, skylights and voids to achieve appropriate cross-ventilation within the building. The remaining units are not proposed to change in terms of ventilation.
4C Ceiling heights		
• Habitable rooms – 2.7m • Non-habitable rooms – 2.4m • 2 storey units – 2.7m main level (living) & 2.4m upper floor where its area does not exceed 50% of the unit area • Attics – 1.8m at the edge of the room with a 30^0 min ceiling slope	Yes Yes Yes N/A	The only change proposed to the ceiling heights relate to the minor increase to the living and dining room of Unit 7, due to the addition of the clerestory window. The proposed roof modification in this space will increase the ceiling height to 4.88m, which is more than sufficient. There are no proposed changes to the attic space.
4D Apartment size and layout		
The following minimum internal areas apply: • *Studio = 35 m^2* • *1 Bed = 50 m^2* • *2 Bed = 70 m^2* • *3 Bed = 90 m^2* • *Add 5m^2 for each additional bathroom (above 1)* • *Add 12m^2 for each additional bedroom* 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.	Yes	The glazing to internal area percentage of all units is not proposed to change, except for the top unit, where the introduction of the clerestory window to the top floor will increase the top unit's total glazing area, improving its amenity.
4E Private open space and balconies		
All apartments provide primary balcony as follows: • 1-bed – 8m^2 & 2m depth • 2-bed - 10m^2 & 2m depth • 3+bed - 12m^2 & 2.4m depth • Ground level, min 15m^2 & 3m depth	Yes	100% of the units are provided with a balcony accessed from the main living areas that meet the minimum requirements of the ADG in terms of area and depth. It is not proposed that these balconies change dimensionally. The proposal extends the roof eave over the top-floor eastern balcony maintaining the approved balcony dimension, form and location. The roof eave extension integrates into and contributes to the building's architectural form and detail. The

Design Criteria	Compliance	Comment
		balconies' finishes are consistent with the overall contemporary palette of materials in the building.
4F Common circulation and spaces		
• Max of 8 units accessed off a circulation core on a single level	Yes	The modification does not propose to change the common circulation and spaces.
4G Storage		
In addition to kitchens, bathrooms and bedrooms, the following is provided: • 1-bed – 6m^3 • 2-bed – 8m^3 • 3+bed – 10m^3	Yes	The modification does not propose to change the amount of storage space from what was previously approved.

State Environmental Planning Policy (Resilience and Hazards) 2021

The provisions of Part 2.2 of the SEPP (Resilience and Hazards) 2021 apply to the subject site as the proposed development is wholly located within the Coastal Environment Area and Coastal Use Area.

Clause 2.10 and 2.11 of the SEPP states that development within the Coastal Environment Area must not be granted development consent unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the matters for consideration. The council is satisfied that the proposed modifications do not impact the integrity and resilience of the biophysical, hydrological (surface and groundwater), ecological environment, aboriginal heritage and heritage due to their minor nature upon the already built-upon area. All proposed works are localised to the roof and second floor and will have no impact on the surrounding coastal environment.

Subclause 2.11(1)(c) requires the consent authority to take into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development. The proposed modifications will retain the approved bulk, scale and size of the building at 97 Ramsgate Avenue. The surrounding coastal and built environment will not be impacted by the proposed modifications due to their minor scale and location upon already built upon areas of the site.

The proposal has been considered against the relevant parts of SEPP (Resilience and Hazards) 2021, with the proposal generally satisfying the provisions, as the scenic qualities of the coastal area and public amenity is not detrimentally impacted by the proposed development.

Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

The land use definition of the approved development as a residential flat building remains unchanged and continues to be permitted development in the R3 Medium Density Residential zone under Waverley LEP 2012.

The quantities of the approved development have changed as outlined in **Table 2** of this report in relation to principal development standards under Waverley LEP 2012. All other relevant provisions of Waverley LEP 2012 remain compliant.

Table 2: Waverley LEP 2012 Compliance Table

Provision	Approved	Proposed Modified	Compliance
4.3 Height of buildings • *12.5m*	15m	15m	No

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

Height of Buildings

The proposed modifications are not proposed to increase from the previously approved 15m. However, the extent and areas of the breach are proposed to increase. As such, the scope and specific regions where the breaches occur will be expanded. This culminates in an overall exceedance of the height of buildings development standard by 2.5m or 20% to a greater portion of the development.

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

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

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

- The proposed modifications will preserve view corridors and aural and visual privacy as approved.
- The areas of additional height will have no impact on solar access to neighbouring properties.

- The height of proposed modifications will have no impact on public views and will improve the visual amenity of the development when viewed from the public domain.
- The proposed modifications will not increase the maximum building height as approved and, therefore, remain consistent with the previously approved desired future character.
- The proposed modifications are sympathetic to the existing and emerging character of the locality and will contribute to an improved visual amenity.

While the maximum approved building height is not proposed to change, the extent and areas of the breach are proposed to increase. This increase in volume and bulk maintains and preserves the sunlight and view amenities of the surrounding dwellings. As discussed below in **Table 4** under View Sharing, the proposal effectively reduces its design from the approved to preserve and improve the existing views of Bondi Bay and Beach. Further, the additional bulk is consistent with the character of the area in terms of bulk and form.

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

Waverley Development Control Plan 2022 (Waverley DCP 2022)

The approved development, as proposed to be modified, continues to comply with the relevant parts and sections of Waverley DCP 2022. Only the parts and sections of Waverley DCP 2022 that apply to the proposed modifications are outlined in **Tables 3, 4** and **5** and a detailed discussion is provided below.

Table 3: Waverley DCP 2022 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
2. Ecologically Sustainable Development • *Ceiling or wall-mounted fans* • *Gas cooktops, gas ovens or gas internal space heating systems.*	Yes	No changes are proposed to the existing habitable rooms or cooking facilities on site.
4. Coastal Risk Management	Yes	Satisfactory. All works are proposed to the rooftop and second floor only.
8. Heritage	Yes	Satisfactory. Council's Heritage Officer did not recommend any changes, advising that the current application is considered to maintain the current appearance.
9. Safety	Yes	Satisfactory.
11. Design Excellence	Yes	Satisfactory. The proposed modifications will not detract from the appearance or character of the approved development and surrounding area.

Table 45: Waverley DCP 2022 – Part C2 Other Residential Development Compliance Table

Development Control	Compliance	Comment
2.5 Building design and streetscape		
• *Respond to streetscape* • *Sympathetic external finishes* • *Corner sites to address both streets as primary frontages* • *Removal of original architectural features not supported*	Yes Yes N/A N/A	Due to the small scale of the proposed works, the proposed modifications will not noticeably change the external appearance of the site in terms of bulk for the arch and roof additions when viewed from the surrounding Bondi Beach and Ben Buckler headland areas. However, the modification proposes the change of the external finishes of the building with a palette mixture ranging from a light pink or sand-coloured render towards Bondi Beach and neutral clay-coloured face brickwork to the neighbouring dwelling with accents of concrete, brass and sandstone detailing and zinc roof. This proposed modification of the external finishes continues the colour exploration used in other developments in the area and is of high architectural quality. As such, the proposal is considered satisfactory and will not detract from the appearance or character of the approved development and surrounding area.
2.6 Attic and roof design		
• *Attic must be wholly within the pitched roof form*	Yes	Satisfactory. No changes are proposed to the existing attic on site.
• *Not exceed 50% of the floor of area of the floor below*	Yes	Satisfactory. The floor area of the top floor mezzanine is not proposed to change.
• *Not contain independent dwellings and must be accessed via internal stairs* • *Be naturally ventilated*	Yes	Satisfactory. The clerestory window improves the natural ventilation of the top unit.
• *Minimum room width: 3m*	Yes	Satisfactory. No rooms are proposed to change.
• *Minimum floor-to-ceiling height for at least 2/3 of the floor area: 2.4m*	Yes	Satisfactory. The only change proposed to the ceiling height is in the dining and living room of Unit 7, which proposes an increased floor to ceiling height of 4.88m.
• *Dormer windows and skylights to be less than 50% of roof elevation*	Yes Yes	Satisfactory. The proposed clerestory window will be 50% of the width of the approved and existing roof elevation. Additionally, its visual impact is minimised by being nestled between two hipped roof forms.

Development Control	Compliance	Comment
• *Must not have one single expansive dormer window* • *Dormers to be set down 300mm from the main ridge*	Acceptable on merit	Satisfactory. The clerestory window is proposed to be broken up into four mullions and five window bays. The existing rear-facing dormer was previously approved with no set down from the main ridgeline. Considering this, the clerestory window's non-compliance, which also proposes to be flush with the main ridgeline, breaches the building height limit. In support of the non-compliance, it is noted that the proposal preserves the neighbouring view and sunlight amenities, as discussed below. There will be no impact from the height of the proposed roof of the clerestory window. As such, the proposal is deemed acceptable on its merits.
2.13 Solar access and overshadowing		
• *Direct sunlight to north-facing windows of habitable rooms on all private open space areas of adjacent dwellings to less than 3 hours of sunlight on 21 June*	Yes	The proposed rear roof extension and clerestory window addition have no solar impact on open space or habitable windows of the adjacent neighbouring dwellings. Shadow diagrams have been submitted detailing that any additional overshadowing will fall onto the existing building.
2.14 Views and view sharing		
• *Minimise view loss through design* • *Landscaping on sites adjacent to a Council Park or reserve should be sympathetic to soften the public/private interface* • *Views from public spaces to be maintained*	Yes Yes Yes	Numerous view loss submissions were received regarding the proposal. These have been identified as ocean or ocean and land interfaces and are further discussed below the DCP tables in the view-sharing section. In summary, the proposal preserves and improves the existing neighbouring views.
2.15 Visual privacy and security		
• *Dwellings to be orientated to the street with entrances and street numbering visible* • *Above-ground open space must not overlook rooms and private landscaped areas of adjoining properties or be screened* • *Privacy be considered in relation to context density, separation use and design*	N/A N/A Yes	No change. No change. Satisfactory. While a submission was received regarding privacy concerns from the top floor street-facing balcony, its location and design are not proposed to change from the previously

Development Control	Compliance	Comment
		approved locations and are therefore not subject to assessment under this modification application.

Table 5: Waverley DCP 2012 – Part E4 – Special Character Areas

Development Control	Compliance	Comment
1.3 Ben Buckler		
Desired Future Character Objectives • Maintain the rhythm of buildings to the street • Allow ocean glimpses through side setbacks • Respect character and architectural elements • View Sharing	Yes	The proposal modification is considered appropriate and achieves the objectives of the Ben Buckler Character Area. As previously mentioned, the modification proposes changes to the building's exterior finishes. These include a new arch on the top-level balcony and finishes ranging from light pink or sand-coloured render facing Bondi Beach to neutral clay-coloured face brickwork for the neighbouring dwelling. The design also features accents of concrete, brass, sandstone detailing, and a zinc roof. This proposed modification maintains the colour exploration seen in other local developments and ensures a high-quality finish.

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

View Sharing

Multiple submissions were received regarding view loss from No's. 101 Ramsgate Avenue. A site visit was performed on 20 September 2023, revealing potential view loss. The applicant has provided a view loss assessment of the proposal from a number of surrounding units. This section includes a view sharing assessment in accordance with the view sharing planning principle arising from *Tenacity Consulting v Waringah [2004] NSWLEC 140*.

Step One – Assessment of the views to be affected

From the site's location and the surrounding topography and outlooks, the principal views experienced from the neighbouring sites are water views, specifically ocean horizon views and the interface between land and water of Bondi Bay and Bondi Beach. **Figure 5** shows the location of the existing neighbouring views and their relationship to the site.

Figure 5: View of the subject site and neighbouring views.

Step Two – Consideration from what part of the property the views are obtained

The location and direction of the views are shown in **Figure 5** above. The views are across the front and side boundary in the middle of the property when viewed from Nos. 89-91, 93, 99, 101, 109 and 111 Ramsgate Avenue. These views are experienced from roof terraces, balconies, living rooms and bedrooms (refer to **Figures 6** to **20**). All figures below show the proposed view.

Figure 6: View from the rooftop terrace at 111 Ramsgate Avenue, looking north-west.

Figure 7: View from the top floor western window at 109 Ramsgate Avenue, looking north-west.

Figure 8: View from the top floor northern window 109 Ramsgate Avenue, looking north-west.

Figure 9: View from the west facing balcony at Unit 15, 101 Ramsgate Avenue, looking north-west.

Figure 10: View from the west facing window at Unit 15, 101 Ramsgate Avenue, looking north-west.

Figure 11: View from the top floor western balcony at Unit 15, 101 Ramsgate Avenue, looking north-west.

Figure 12: View from the western balcony at Unit 17, 101 Ramsgate Avenue, looking west.

Figure 13: View from the west facing window at Unit 17, 101 Ramsgate Avenue, looking west.

Figure 14: View from the western top floor balcony at Unit 17, 101 Ramsgate Avenue, looking west.

Figure 15: View from the western balcony at Unit 3, 101 Ramsgate Avenue, looking west.

Figure 16: View from the top floor western window at 99 Ramsgate Avenue, looking south-west. The purple outline indicates the approved roof currently under construction at 107 Ramsgate Avenue.

Figure 17: View from the south-west balcony at 99 Ramsgate Avenue, looking west.

Figure 18: View from the top floor west window at 93 Ramsgate Avenue, looking southwest. The purple outline indicates the approved roof currently under construction at 107 Ramsgate Avenue.

Figure 19: View from the south facing window at 89-91 Ramsgate Avenue, looking south-west. The purple outline indicates the approved roof currently under construction at 107 Ramsgate Avenue.

Figure 20: View from the rooftop terrace at 89-91 Ramsgate Avenue, looking south-west. The purple outline indicates the approved roof currently under construction at 107 Ramsgate Avenue. The green area indicates the proposed clerestory window location.

Step Three – Assessment of the extent of the impact

Based on the proposal for the subject site, no view loss would arise from the proposed first floor addition. **Figures 6** to **20** above show the proposed views from Nos. 89-91, 93, 99, 101, 109 and 111 Ramsgate Avenue. **Table 6** summarises the existing views and the proposed impact. The proposed extension of the eave over the balcony includes a curved edge along the southern side, which will slightly improve some views from various units located behind the subject site. The proposed view impacts are none or improved view conditions depending on the location.

Table 6: summary of view impacts of **Figures 6 to 19**

Figure	Address	Location	Position	Existing View	Proposed Impact
6	111 Ramsgate Avenue	Rooftop terrace	Standing	Interface between land and water of Bondi Beach	None
7	109 Ramsgate Avenue	Top floor west window	Standing	Interface between land and water of Bondi Beach	None
8	109 Ramsgate Avenue	Top floor north window	Standing	Interface between land and water of Bondi Beach	None
9	Unit 15, 101 Ramsgate Avenue	Lower balcony	Standing	Bondi Bay and interface between land and water of Bondi Beach	None
10	Unit 15, 101 Ramsgate Avenue	West facing window	Standing	Interface between land and water of Bondi Beach	None
11	Unit 15, 101 Ramsgate Avenue	Top floor balcony	Standing	Interface between land and water of Bondi Beach	None
12	Unit 17, 101 Ramsgate Avenue	Lower balcony	Standing	Bondi Bay and interface between land and water of Bondi Beach	None
13	Unit 17, 101 Ramsgate Avenue	West facing window	Standing	Interface between land and water of Bondi Beach	None
14	Unit 17, 101 Ramsgate Avenue	Top floor balcony	Standing	Interface between land and water of Bondi Beach	None
15	Unit 3, 101 Ramsgate Avenue	Balcony	Standing	Interface between land and water of Bondi Beach	None
16	99 Ramsgate Avenue	Top floor west window	Standing	Ocean horizon views and Interface between land and water of eastern suburbs	Slight improvement of views

17	99 Ramsgate Avenue	Southwest balcony	Standing	Ocean horizon views and Interface between land and water of eastern suburbs	Slight improvement of views
18	93 Ramsgate Avenue	Top floor west facing window	Standing	Ocean horizon views and Interface between land and water of eastern suburbs	Slight improvement of views
19	89-91 Ramsgate Avenue	Top floor south facing window	Standing	Ocean horizon views and Interface between land and water of eastern suburbs	None
20	89-91 Ramsgate Avenue	Rooftop terrace	Standing	Ocean horizon views and Interface between land and water of eastern suburbs	None

Step Four – Assessment of the reasonableness of the proposal that is causing the impact

Based on the information provided, the proposed clerestory window and roof awning extension is found to be acceptable in terms of maintaining the neighbouring views and improving some views from the approved built form. The views from the units of the neighbouring residential flat buildings are directly across the site's front or side boundaries. The proposal is deemed acceptable for the following reasons:

1. While the proposed extension breaches the maximum building height, it does not cause additional view loss. The extension's height increase does not significantly obstruct or negatively impact the existing views of the neighbouring residential flat buildings.
2. The views for units on the top floors of 93 and 99 Ramsgate Avenue have improved from the previously approved building envelope. This improvement is due to a reduced obstruction from the new design.
3. The proposal preserves the neighbouring amenities in terms of views, meeting objective (a) of Clause 4.3 Height of Building of the Waverley LEP 2012.
4. The development does not contravene the DCP 2022 controls.

Given these points, the proposed clerestory window and roof awning extension is deemed acceptable on its merits, especially in terms of view preservation and enhancement for neighbouring properties.

2.2.2. Other Impacts of the Development

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

2.2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.2.4. Any Submissions

The application was notified for 14 days between 3 July 2023 and 19 July 2023 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

Following receipt of amended plans and additional information, the application was not re-notified as the amended form of the proposal represents a lesser impact than that of the original form that was publicly notified, for the following reasons:

- The proposed clerestory window and rear dormer window addition was reduced in bulk, reducing the view loss experienced by neighbouring dwellings.

With regard to the nature of the amendments, there is a lesser impact on all properties.

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

Table 7: Submission details.

Count	Property Address
1.	Unit 3, 101 Ramsgate Avenue
2.	Unit 4, 101 Ramsgate Avenue
3.	Unit 15, 101 Ramsgate Avenue
4.	Unit 17, 101 Ramsgate Avenue

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

- View Loss
- Height of building and its exceedance
- Roof does not match others in the area
- Privacy impacts

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

Issue: Reconsider previous DA approval.

Response: Where relevant, previous history has been considered.

Issue: Unit 4, 101 Ramsgate Avenue was not sent a notification for the previous application.

Response: Council records have been reviewed and show that a written notice had been sent to unit 4, 101 Ramsgate Avenue for each application lodged for 97 Ramsgate Avenue.

2.2.5. Public Interest

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

3. REFERRALS

The following internal referral comments were sought:

3.1. Fire

Council's Fire Safety Engineer reviewed the application and advised that they have no objections to the proposal and provided conditions of approval that matched previous conditions. No changes to the existing conditions were recommended.

3.2. Stormwater

Council's Stormwater Engineers advised that they raised no objections to the proposal and provided conditions of approval, one of which matched a previous condition. These have been included in Appendices A and B of this report.

3.3. Heritage

The council's Heritage Architect has reviewed the proposal and advised during the Waverley Heritage Assessment Meeting (WHAM) that they have no objections and the proposed works are considered to maintain but not improve the current appearance of the existing and approved building.

4. CONCLUSION

The application has been assessed against relevant sections of the Act and 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 6 April 2024 and the MODA concurred with the Assessment Planner's recommendation.

DBU members: *B McNamara, B Magistrale, K Johnstone, and Jo Zancanaro*

Report prepared by:	**Application reviewed and agreed by:**	**Application reviewed and agreed by:**

Damien Wilmotte	Katie Johnstone	Angela Rossi
Development Assessment Planner	**A/Manager, Development Assessment**	**Executive Manager, Development Assessment**
Date: 3 June 2024	**Date:** 12 June 2024	**Date:** 17 June 2024

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Reason for WLPP referral:

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

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

OFFICE USE ONLY

Planning Portal Data	
Determining Authority (Concurrence Authority)	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 TO BE MODIFIED

A. Amended Conditions

1. APPROVED DEVELOPMENT

The development must be in accordance with:

(a) The following Drawing Nos prepared by Tobias Partners and received by Council on 14 August 2014:

- DA01, DA03, DA05 Revision A dated 24.06.13;
- DA02. DA04 Revision B dated 13.08.14;
- DA06 Revision B dated 15.05.14;

(i) As amended by

- Drawing No's S4.55/A01 – A08 prepared by EDH Pty Ltd Architects and received by Council on 9 June, 2022.
- Western Façade Column Detail prepared by EDH Pty Ltd Architects and received by Council on 18 August, 2022

(MODIFIED DA-349/2013/A)

(ii) As amended by the following Drawing Nos prepared by EDH Group Architects:

Drawing No / Plan Description	Revision	Date Received
S4.55.2/A01 Cover Sheet	C	21/04/2023
S4.55.2/A02 Detail Survey	C	21/04/2023
S4.55.2/A03 Site Plan	C	21/04/2023
S4.55.2/A04 Lower Plans	C	21/04/2023
S4.55.2/A05 Upper Plans	C	21/04/2023
S4.55.2/A06 Sections	C	21/04/2023
S4.55.2/A07 North + South Elevations	C	21/04/2023
S4.55.2/A08 East + West Elevations	C	21/04/2023
S4.55.2/A09 Coloured Elevation and Photomontages	C	21/04/2023
S4.55.2/A10 GFA Diagram	C	21/04/2023
S4.55.2/A11 West Façade Details 01	C	21/04/2023
S4.55.2/A11 West Façade Details 02	C	21/04/2023

(MODIFIED BY DA-349/2013/B)

(iii) As amended by the following Drawing Nos prepared by EDH Group Architects:

Drawing No / Plan Description	***Revision***	***Date Received***
S4.55.3/A01 Cover Sheet	***C***	***12/04/2024***
S4.55.3/A03 DA Site Plan	***C***	***12/04/2024***
S4.55.3/A05 Upper Plans	***C***	***12/04/2024***
S4.55.3/A06 Sections	***C***	***12/04/2024***
S4.55.3/A07 North + South Elevations	***C***	***12/04/2024***
S4.55.3/A08 East + West Elevations	***C***	***12/04/2024***
S4.55.3/A09 Coloured Elevation and Photomontages	***C***	***12/04/2024***
S4.55.3/A11 West Façade Details 01	***B***	***12/04/2024***
S4.55.3/A11 West Façade Details 02	***B***	***12/04/2024***

(MODIFIED BY DA-349/2013/C)

(b) BASIX Certificate; and

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

Except where amended by the following conditions of consent.

B. Added Conditions

13A. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

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

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

(ADDED BY DA-349/2013/C)

21A. STORMWATER MANAGEMENT

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

(ADDED BY DA-349/2013/C)

APPENDIX B – FULL SET OF CONDITIONS

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

(a) The following Drawing Nos prepared by Tobias Partners and received by Council on 14 August 2014:

- DA01, DA03, DA05 Revision A dated 24.06.13;
- DA02. DA04 Revision B dated 13.08.14;
- DA06 Revision B dated 15.05.14;

(i) As amended by

- Drawing No's S4.55/A01 – A08 prepared by EDH Pty Ltd Architects and received by Council on 9 June, 2022.
- Western Façade Column Detail prepared by EDH Pty Ltd Architects and received by Council on 18 August, 2022

(MODIFIED DA-349/2013/A)

(ii) As amended by the following Drawing Nos prepared by EDH Group Architects:

Drawing No / Plan Description	Revision	Date Received
S4.55.2/A01 Cover Sheet	C	21/04/2023
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S4.55.2/A03 Site Plan	C	21/04/2023
S4.55.2/A04 Lower Plans	C	21/04/2023
S4.55.2/A05 Upper Plans	C	21/04/2023
S4.55.2/A06 Sections	C	21/04/2023
S4.55.2/A07 North + South Elevations	C	21/04/2023
S4.55.2/A08 East + West Elevations	C	21/04/2023
S4.55.2/A09 Coloured Elevation and Photomontages	C	21/04/2023
S4.55.2/A10 GFA Diagram	C	21/04/2023
S4.55.2/A11 West Façade Details 01	C	21/04/2023
S4.55.2/A11 West Façade Details 02	C	21/04/2023

(MODIFIED BY DA-349/2013/B)

(iii) As amended by the following Drawing Nos prepared by EDH Group Architects:

Drawing No / Plan Description	Revision	Date Received
S4.55.3/A01 Cover Sheet	C	12/04/2024
S4.55.3/A03 DA Site Plan	C	12/04/2024
S4.55.3/A05 Upper Plans	C	12/04/2024
S4.55.3/A06 Sections	C	12/04/2024
S4.55.3/A07 North + South Elevations	C	12/04/2024
S4.55.3/A08 East + West Elevations	C	12/04/2024
S4.55.3/A09 Coloured Elevation and Photomontages	C	12/04/2024
S4.55.3/A11 West Façade Details 01	B	12/04/2024
S4.55.3/A11 West Façade Details 02	B	12/04/2024

(MODIFIED BY DA-349/2013/C)

(b) BASIX Certificate; and

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

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

(a) A refined treatment of the overhanging soffit of the rear balconies shall be provided. Details are to be provided to Council's Heritage Architect for approval.
(b) The attic spaces should be marked as non-habitable and for exclusive storage use on the drawings.

(MODIFIED BY DA-349/2013/B)

The amendments shall be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

3. APPROVED DESIGN - RESIDENTIAL FLAT DEVELOPMENT

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

4. ARCHITECT TO SUPERVISE DESIGN

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

5. NEW DEVELOPMENT APPLICATION REQUIRED

This consent is for alterations and additions to the existing building only and should during the course of certification or construction a significant amount of the remaining fabric of the building be removed, a new development application will be required and need to comply with the relevant planning controls including BASIX.

6. BONDI - ROSE BAY SAND BODY

This site is located within the Bondi - Rose Bay Sand Body as identified in Council's Aboriginal Cultural Heritage Study 2009. Should an object of potential Aboriginal or archaeological significance be discovered during the demolition, excavation or construction period associated with this development, works are to immediately cease and the NSW National Parks and Wildlife Service must be contacted. Works may resume on the site pending receipt of express written permission from the NSW National Parks and Wildlife Service. Waverley Council must be notified of any referral to the NSW National Parks and Wildlife Service and be provided with a copy of any subsequent response.

7. TELECOMMUNICATION FACILITIES ON MULTI-UNIT DWELLINGS

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

8. UPDATE OF STRATA PLAN

The Strata Plan for the building shall be updated to reflect the approved plans particularly in relation to the approved extension to Unit 10. The additional and extended Unit 10 living area, new terrace and storage area on the lower ground floor shall be allocated to the title of Unit 10 on the new subdivision plan.

9. COMMON PROPERTY

No exclusive use of common property (other than for approved storage or as outlined in Condition No. 8 above) shall occur without the prior consent of Council. In this regard the applicant is to register a restriction as to user that prohibits the separate occupation, use or disposition of the land by way of agreement, instrument or dealing including and agreement, instrument or dealing evidenced by a company's constitution or articles of association. The restriction as to user is to be registered prior to the issue of the Occupation Certificate.

10. NOISE FROM BUILDING WORKS - RESTRICTED ACTIVITIES

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

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

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

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

11. SECTION 94A CONTRIBUTION

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

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

(1) Where the total development cost is less than $500,000:
"Waverley Council Cost Summary Report"; or,

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

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

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

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

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

Advisory Note

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

12. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of $20,000 must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

13. LONG SERVICE LEVY

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

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

13A. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

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

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

(ADDED BY DA-349/2013/C)

14. NO BUILDING WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE

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

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

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

15. ESSENTIAL SERVICES - EXISTING BUILDING

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

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

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

16. ARCHITECT TO SUPERVISE DESIGN - CONSTRUCTION CERTIFICATE DOCUMENTATION

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

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

17. HOARDING

If required, a standard hoarding is to be designed and constructed in accordance with the requirements of the Work Cover Authority being erected on the street alignments of the property, prior to the

commencement of building operations, and such hoardings to be maintained during the course of building operations. Details of the hoarding are to be provided to Council prior to issue of the Construction Certificate.

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

18. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A Site Waste and Recycling Management Plan (SWRMP) Checklist 2 shall be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 prior to the issue of the Construction Certificate. In this regard, Council expects demolition and excavated material to be reused and/or recycled wherever possible.

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

19. EROSION, SEDIMENT AND POLLUTION CONTROL

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

20. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

A "Construction Vehicle and Pedestrian Plan of Management" (CVPPM) is to be approved by Council prior to the issue of a Construction Certificate and the undertaking of any demolition, excavation, remediation or construction on the site.

The CVPPM shall provide details of the following:

(a) The proposed route to be taken by demolition/construction vehicles in the Waverley Council area when accessing and exiting the site.
(b) The type and size of demolition/construction vehicles. Trucks with dog trailers and semi trailers may not be approved for use if it is considered with the information submitted that such vehicles cannot adequately and safely gain access to and from the site or where access into or out of the site may not be not possible without the need to remove an unsatisfactory number of vehicles parked on the roadway adjacent to or opposite the site.
(c) The location of truck holding areas remote from the site should Council not give approval for demolition/construction vehicles to stand on the roadway in the vicinity of the site.
(d) Traffic control measures to be put in place when trucks, manoeuvring in the vicinity of the site, will interfere with the free flow of traffic.
(e) The location and materials of construction of temporary driveways providing access into and out of the site.
(f) The location and length of any proposed Works/Construction Zones. Note: such zones require the approval of the Waverley Traffic Committee and Council prior to installation.
(g) The hours of operation of demolition/construction vehicles.
(h) The number of and where it is proposed to park light vehicles associated with staff/employees/contractors working on the site.
(i) How it is proposed to cater for the safe passage of pedestrians past the site. The details shall include:

- the route required to be taken by pedestrians including signage and any other control measures that will need to be put in place to direct and keep pedestrians on the required route;
- any obstructions such as street furniture, trees and bollards etc., that may interfere with the safe passage of pedestrians;
- the type(s) of material on which pedestrians will be required to walk;
- the width of the pathway on the route;
- the location and type of proposed hoardings;
- the location of existing street lighting.

21. STORMWATER MANAGEMENT

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

21A. STORMWATER MANAGEMENT

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

(ADDED BY DA-349/2013/C)

22. ENGINEERING DETAILS

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

23. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY

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

24. EXTERNAL FINISHES

A schedule of external finishes shall be submitted for Council's consideration and approval prior to the issue of the Construction Certificate. The schedule shall include details of proposed external walls and roofing materials in the form of either trade brochures or building samples. Where specified, the schedule shall also include window fenestration and window frame colour details, as well as fencing, paving and balustrading details and guttering colour and profile.

25. ROOFWATER GUTTERING

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

26. BASIX

The undertakings provided in the BASIX Certificate shall be provided for in the Construction Certificate plans and documentation prior to the issue of the Construction Certificate. If required, a modified BASIX Certificate shall be provided that reflects the development as approved (eg addressing any modification

required via conditions of consent). Any significant works (ie any works not able to be considered as Exempt and Complying Development) that result from changes to the BASIX Certificate or conflict with conditions of consent require Council's consent.

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

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

27. USE OF RENEWABLE TIMBERS

Council requires, wherever possible, the use of renewable timbers and/or plantation timbers such as Radiata Pine or Oregon as an alternative to the use of non-renewable rainforest timber products in buildings so as to help protect the existing areas of rainforest. In this regard, a schedule of proposed timber products to be used in the building is to be submitted for approval by the Principle Certifying Authority prior to the issue of the Construction Certificate. Where the applicant is to use timbers not recommended in Council's Policy, reasons are to be given why the alternative timbers recommended cannot be used.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

28. PRIOR TO SITE WORKS

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

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

29. HOME BUILDING ACT

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

30. CONSTRUCTION SIGNS

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

31. EXCAVATION AND BACKFILLING

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.

32. OBSTRUCTION TO PUBLIC AREAS

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

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

33. NO USE OF ORGANOCHLORIN PESTICIDES

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

34. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

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

35. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

36. SOIL AND WATER MANAGEMENT PLAN

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

37. MANAGEMENT OF ACIDIC SOIL

Should the subject site show evidence of acid sulphate soils, the following shall apply:

(a) To address issues arising from the natural acidity of the soil on-site, any concrete that is in contact with this soil is to be designed to restrict acid and sulphate attack. The Cement and Concrete Association of Australia Technical Note TN57 is to be adhered to for precautionary measures.
(b) Prior to the commencement of any works, the applicant shall nominate an appropriately qualified Environmental Scientist to supervise the management of acid sulphate soils. The Scientist shall:
    (i) Provide an acceptance in writing to supervise the aforementioned works to ensure compliance with the relevant conditions of Development Consent.
    (ii) On completion of the works certify that the aforementioned works have been constructed in compliance with the approved plans, specifications and conditions of consent.
(c) The nominated supervising Environmental Scientist shall certify that the management of acid sulphate soil was undertaken in accordance with the Development Consent. Prior to the use or occupation of the building (or Occupation Certificate being issued), the Principal Contractor / Developer shall submit to Waverley Council a copy of the aforementioned Certificate.

38. STOCKPILES

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

39. LOCATION OF BUILDING OPERATIONS

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

40. TEMPORARY DIVERSION OF ROOF WATERS

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

41. ALL BUILDING MATERIALS STORED ON SITE

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

42. SEDIMENT REMOVAL FROM VEHICLE WHEELS

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

43. CONSTRUCTION HOURS

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

(a) The Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which form part of public holiday weekends;
(b) Sundays and public holidays; and
(c) On the Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which immediately precede or follow industry Rostered Days Off, as agreed by the CFMEU and the Master Builders Association of NSW.

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

44. BUILDING CODE OF AUSTRALIA

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

45. FIRE SAFETY UPGRADING WORKS

(a) In addition to all new works fully comply with the Building Code of Australia, pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, the existing building must be upgraded to comply with the following provisions of the Building Code of Australia (BCA):

    (i) Fire resistance and stability – Part C1;
    (ii) Compartmentation and separation – Part C2;
    (iii) Protection of openings – Part C3
    (iv) Provision for escape – Part D1;
    (v) Construction of exits – Part D2;
    (vi) Fire fighting equipment – Part E1;
    (vii) Smoke hazard management – Part E2;

(viii) Emergency lighting, exit signs and warning systems – Part E4;
(ix) Damp and weatherproofing – Part F1;
(x) Sanitary and other facilities – Part F2;
(xi) Room heights – Part F3;
(xii) Light and ventilation – Part F4; and
(xiii) Sound transmission and insulation - Part F5.

(b) If compliance with the deemed-to-satisfy provisions of the BCA and the matters listed in condition (a) above cannot be achieved, an alternative building solution in accordance with Part A0 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia.
(c) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 96 of the Act to be lodged with Council to amend this consent.

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

46. QUALITY OF CONSTRUCTION ACT - INSPECTIONS (RESIDENTIAL FLAT DEVELOPMENT AND OTHER RESIDENTIAL CLASS 2, 3 AND 4)

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

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

The specified **MANDATORY** inspections are:

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

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

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

(a) sediment control measures prior to the commencement of building work;
(b) foundation material prior to undertaking building work;
(c) shoring of excavation works, retaining walls, piers, piling or underpinning works;
(d) steel reinforcement, prior to pouring concrete;
(e) prior to covering timber or steel framework for floors, walls and roofing, including beams and columns;
(f) prior to installation of fire resisting construction systems (ie fire rated ceilings and walls).

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

47. CERTIFICATE OF SURVEY - LEVELS

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

48. IN-SINK WASTE DISPOSAL SYSTEMS

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

49. WATER PROOFING

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

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

50. HOT TAP WATER SCALDING

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

51. ENCROACH BEYOND THE BOUNDARIES

No portion of the proposed works including the footings and roof eaves, to encroach beyond the boundaries of the subject property.

52. SMOKE ALARM SYSTEM

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

53. RESIDENTIAL FLAT BUILDINGS - BALCONIES NOT TO BE ENCLOSED

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

54. WORK OUTSIDE PROPERTY BOUNDARY

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

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

55. FINAL OCCUPATION CERTIFICATE

The Principal Certifying Authority prior to occupation or use of the development must issue a final Occupation Certificate. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning & Assessment Act, 1979 have been satisfied.

56. ARCHITECT TO SUPERVISE DESIGN - OCCUPATION CERTIFICATE DOCUMENTATION

In accordance with clause 154A of the Environmental Planning and Assessment Regulations 2000, the Principal Certifying Authority must not issue an occupation certificate to authorise a person to commence occupation or use of the development unless it has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued.

57. LIGHTS

All external area lights and carparks to multi-unit dwellings shall be on sensor switches to save energy and reduce light spill to the sky; low voltage solar powered lights to front entry footpaths are acceptable for continuously illuminated lighting.

58. STREET NUMBER/S

The street number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary that fronts the street. Should the number be fixed to an awning then it shall be a minimum 150mm high.

59. CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE SYSTEM

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

(ADDED BY DA-349/2013/B)

ADVICE TO APPLICANT

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

SYDNEY WATER REQUIREMENTS

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

DIAL BEFORE YOU DIG

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

TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

FLOODING REQUIREMENTS

The development must have a net neutral effect on flood behaviour. This includes increasing flood effects elsewhere, loss of flood storage, changes in flood levels, flows and velocities caused by alterations to the flood conveyance, and the cumulative impact of neighbouring developments. To ensure this has been considered, the submitted architectural plans will need to be updated to reflect the following:

- The minimum habitable finished floor level must be set at a minimum level of 1% Annual Exceedance Probability (AEP) plus 300 mm freeboard.
- All new building materials must be flood resistant or flood compatible to a height of 1% AEP plus 300 mm freeboard.
- All new internal electrical switches, power points or similar utilities liable to flood damage must be set at a minimum level of 1% AEP plus 300 mm freeboard.
- A suitably qualified engineer must certify that any new structure can withstand the forces of floodwater, scour debris, and buoyancy up to and including 1% AEP plus 300 mm freeboard.
- A storage area is to be provided above the RL of 1% AEP plus 300 mm freeboard for the storage of goods that can be damaged or mobilized by flooding, or goods that have the potential to cause pollution during flooding.
- Any proposed fencing must be built using flood-compatible material.
- There is to be no filling of the land within the property.

Details and certification must accompany the Construction Certificate and be submitted to Waverley Council.

(ADDED BY DA-349/2013/B)

GRAND PAVILION

RECEIVED
Waverley Council

Application No: DA-349/2013/C

Date Received: 12/04/2024

project : alterations + additions

site : lot 18 SP98662 97 ramsgate ave, north bondi

client : SP1160

documentation : section 4.55.3 application (S4.55.3) Rev.B

DRAWING SCHEDULE

DWG No	SCALE	DESCRIPTION	REV				
S4.55 (SECTION 4.55) A1							
A01	nts	cover sheet	B	A08	1:100	approved DA east + west elevations + noted amendments	C
A02	1:100	detail survey	C	A09	1:100	coloured elevations + photomontages	C
A03	1:100	approved DA site plan + noted amendments	B	A10	1:100	developed plans	B
A04	1:100	approved DA lower plans + noted amendments	B	A11	1:50	west facade details 01	B
A05	1:100	approved DA upper plans + noted amendments	C	A12	1:50	west facade details 02	B
A06	1:100	approved DA sections + noted amendments	C	A13	1:500	incremental shadow diagrams	B
A07	1:100	approved DA north + south elevations + noted amendments	C	A14	1:200	view analysis	C

asn : as noted

APPROVED WESTERN FACADE

PROPOSED WESTERN FACADE

NOTES

GENERAL NOTES
The copyright of this design remains the property of EDH Group Architects + Plus Architecture. This design is not to be used , copied, or reproduced without the autority of EDH Group Architects + Plus Architecture. Do not scale from drawings. Confirm dimensions on site prior to the commencement of works. Where a discrepancy arises seek direction prior to proceeding with the works. This drawing is only to be used by the stated client in the stated location for the purpose it was created. Do not use this drawing for construction unless designated.

COORDINATION
Where applicable refer to and coordinate information contained in the architectural drawings, and the documentation of other consultants. Notify discrepancies between architectural and/or other consultant's documentation for direction prior to proceeding with the affected part of the works.

SPECIFICATIONS AND SCHEDULES
Where applicable refer to and coordinate with relevant specifications and schedules. Written specifications and schedules take precedence to the extent of any discrepancy. Notify discrepancies between documents for direction prior to proceeding with the affected part of the works.

DETAIL DRAWINGS
Unless noted otherwise, refer to detail drawings for set-out information. Drawings at larger scales take precedence over drawings at smaller scales to the extent of any discrepancy.
Notify discrepancies for direction prior to proceeding with the affected part of the works

EXECUTIVE OF THE WORKS (STANDARD)
Execute the works in compliance with the current edition of the Building Code of Australia (as amended), current editions of relevant Australian and other applicable published Standards and the relevant requirements of Local and Statutory Authorities.

UNITS OF MEASUREMENT
Unless otherwise noted:
-Dimensions are shown in millimetres; and
-Levels are shown in metres

TO DETAIL
Where a notation refers to an item as "...to detail" the applicable item is to be in accordance with the relevant Architect's detail.

MATERIALS HANDLING AND STORAGE
Unless noted otherwise material, fixtures and fittings are to be handled, stored and installed in accordance with the Manufacturer's current written instructions.

STRUCTURE
Foundations, footings, reinforced concrete, slabs, retaining walls, framing, bracing, tie-down and other structural elements are to be designed and constructed in accordance with the Structural Engineer's details and specifications.

HYDRAULICS
Stormwater drainage, waste water drainage, fresh water, gas supply and other hydraulic services are to be designed and constructed in accordance with the Local Authority, Statutory Authority, Hydraulic and/or Civil Works Consultant's requirements.

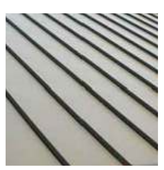
EROSION & SEDIMENT CONTROL
Apply erosion and sediment control measures in accordance with the Local Authority and, where applicable, Hydraulic or Civil Works Consultant's requirements to avoid erosion, sedimentation and/or contamination of the site, surrounds and stormwater drainage system. Apply measures to ensure that the site remains free of water and to prevent water flow over the new work. Erosion & sediment control measures are to be effective from commencement of the works (including demolition) and maintained throughout the course of the works until the site is fully stabilised.

SERVICES (EXISTING & PROPOSED)
Confirm location of existing under and above-ground services and coordinate with the relevant service authority to ensure that services are handled in accordance with the relevant authorities instructions prior to commencement of demolition, excavation and/or construction works.

LEVELS
Levels shown are consistent with the datum and benchmarks shown on the associated detail survey. In most instances the surveyed levels will be indicated relative to Australian Height Datum. However the existing site levels and datum are to be confirmed on site with the reference to the site survey documents.

FALLS
Finish surfaces typically to fall as required to facilitate effective drainage.

INTERPRETATION
"Provide"means to supply and install.
"Required"means required by the contract documents or by the Local or Statutory Authorities.
"Proprietary"means identifiable by naming the manufacturer, supplier, installer, trade name, brand name, and catalogue or reference number.



R1 - ROOFING FINISH 1
STANDING SEAM ZINC
CLADDING - CASA APECS
420z
ARC ROOFING

W1
SAND CEMENT RENDER +
PINK OXIDE + CLEAR
SEALER

W2
SAND CEMENT RENDER +
CLEAR SEALER

W3
RAW TEXTURED CONCRETE
ENVISIA 40MPa
BORAL

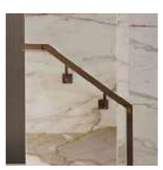
LIGHT BROWN 50mm
SANDSTONE GANG SAWN
GOSFORD QUARRIES

W5
6mm ALUMINIUM PLATE +
BRONZE FINISH
ARC

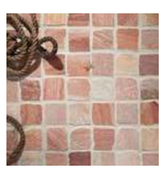
F + GL
DOUBLE GLAZING VIRIDIAN
SELF CLEANING GLASS
AWARD
ARCHITECTURAL
ALUMINIUM

W7
FACE BRICKWORK - ARCHITECT SERIES
LANG MURSTEN - UTZON BRICK (DENMARK)
468mm x 38mm x 108mm
PGH BRICKS

GB
FRAMELESS
SELF CLEANING
STARPHIRE GLASS
VIRIDIAN



HANDRAIL
STAILNESS STEEL +
BRONZE FINISH



F1
ACERO SPLIT
LOOSE COBBLESTONE
ARTISAN EXTERIOR

F2
ZTZ1220 -
EXCLUSIVE TERRAZZO
TILES OF EZRA

DATE	REVISION	REV	BY	CHK
13/04/2023	ISSUE TO GSA FOR REVIEW		JC	ME
10/05/2023	ISSUE TO GSA FOR REVIEW		JC	ME
07/06/2023	ISSUE TO GSA FOR SUBMISSION		JC	ME
20/10/2023	ISSUE TO CLIENT FOR APPROVAL	A	JC	ME
	AMENDMENT TO PROPOSED CURVED			
	ROOF ELEMENT TO WEST			
07/11/2023	ISSUE TO GSA FOR SUBMISSION	A	JC	ME
	LOWER ROOF (WEST) FOR			
	STAKEHOLDER APPROVAL			

DATE	REVISION	REV	BY	CHK
18/03/2024	ISSUE TO CLIENT FOR APPROVAL	B	JC	ME
	LOWER ROOF (WEST) FOR VIEW			
	MAINTENANCE			
20/03/2024	ISSUE TO WAVERLEY COUNCIL	B	JC	ME
12/04/2024	ISSUE TO WAVERLEY COUNCIL	C	JC	ME
	AMENDMENT TO SOUTH EAST CORNER			
	OF PROPOSED ROOF			

CONSULTANTS

STRUCTURAL	NORTHROP	CASEY O'SULLIVAN cosullivan@northrop.com.au	0432 382 819
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VERTICAL TRANSPORTATION	BSE	SOLOMON ALUAGUE solomon.aluague@bse.com.au	0451 533 765 0299 225 200
BCA	GRANDA CONSULTING	RIANDA BARNES rianda@granda.com.au	0481 521 491 1300 977 426
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97 RAMSGATE AVENUE
BONDI

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fax: (02) 4333-9470

Mark Eastham - NPrA, AIA
Registered Architect No. 8610

Oliver Bennett - B.Arch, AIA
Registered Architect No. 9831

ALL MATERIALS TO BE CONFIRMED ON SITE

PROJECT
97 Ramsgate Avenue, North Bondi

DRAWING TITLE
COVER SHEET

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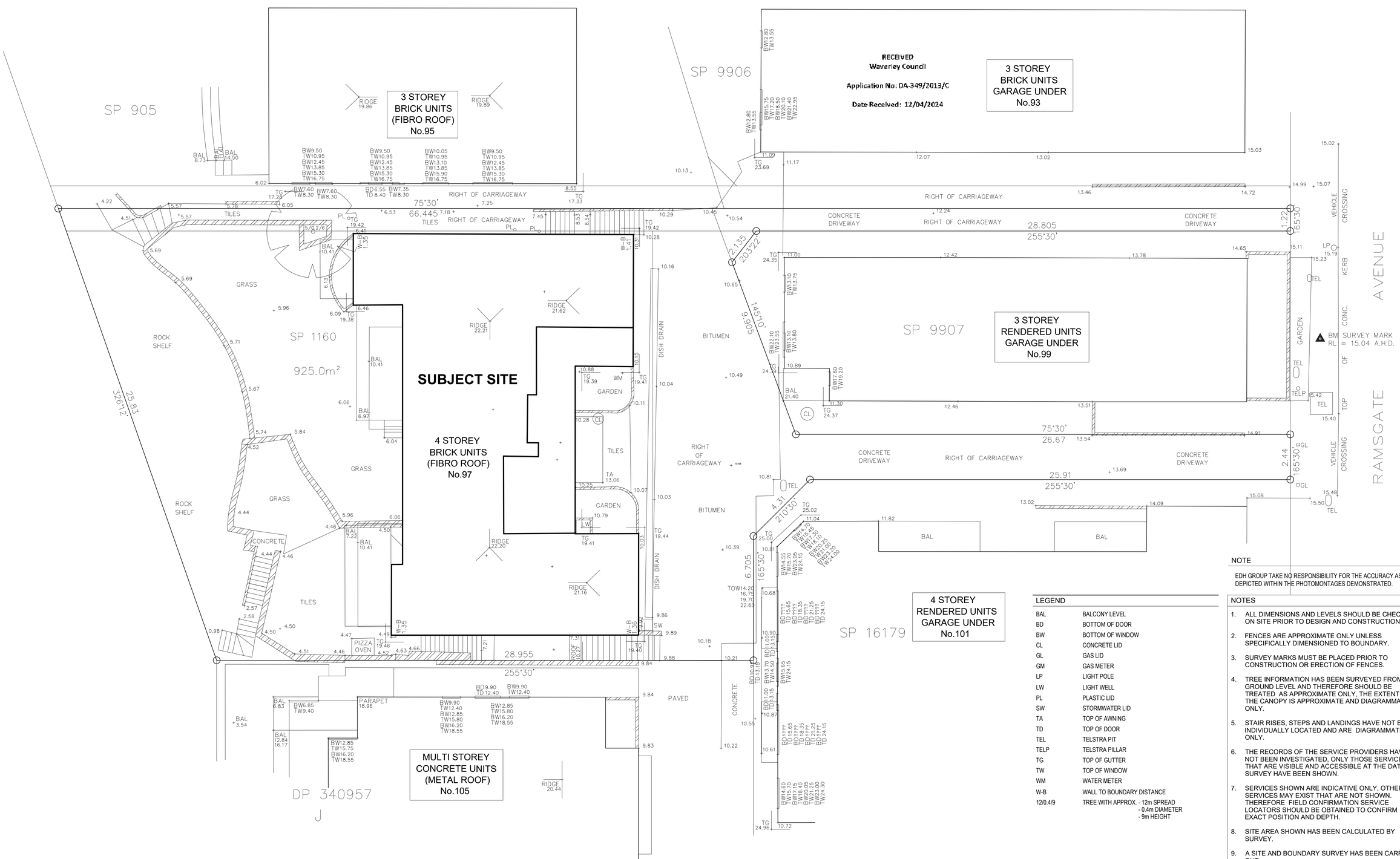
FOR SUBMISSION

SCALE		N
NTS		
DATE	PLOT DATE	
12/04/2024	12/04/2024	
DRAWN	CHECKED	
JC	ME	
JOB NO.	DRAWING NO.	REVISION
2374	S4.55.3/A01	C



NOTE

EDH GROUP TAKE NO RESPONSIBILITY FOR THE ACCURACY AS DEPICTED WITHIN THE PHOTOMONTAGES DEMONSTRATED.

LEGEND

BAL	BALCONY LEVEL
BD	BOTTOM OF DOOR
BW	BOTTOM OF WINDOW
CL	CONCRETE LID
GL	GAS LID
GM	GAS METER
LP	LIGHT POLE
LW	LIGHT WELL
PL	PLASTIC LID
SW	STORMWATER LID
TA	TOP OF AWNING
TD	TOP OF DOOR
TEL	TELSTRA PIT
TELP	TELSTRA PILLAR
TG	TOP OF GUTTER
TW	TOP OF WINDOW
WM	WATER METER
W-B	WALL TO BOUNDARY DISTANCE
12/0.4/9	TREE WITH APPROX. - 12m SPREAD - 0.4m DIAMETER - 9m HEIGHT

NOTES

1. ALL DIMENSIONS AND LEVELS SHOULD BE CHECKED ON SITE PRIOR TO DESIGN AND CONSTRUCTION.
2. FENCES ARE APPROXIMATE ONLY UNLESS SPECIFICALLY DIMENSIONED TO BOUNDARY.
3. SURVEY MARKS MUST BE PLACED PRIOR TO CONSTRUCTION OR ERECTION OF FENCES.
4. TREE INFORMATION HAS BEEN SURVEYED FROM GROUND LEVEL AND THEREFORE SHOULD BE TREATED AS APPROXIMATE ONLY, THE EXTENT OF THE CANOPY IS APPROXIMATE AND DIAGRAMMATIC ONLY.
5. STAIR RISES, STEPS AND LANDINGS HAVE NOT BEEN INDIVIDUALLY LOCATED AND ARE DIAGRAMMATIC ONLY.
6. THE RECORDS OF THE SERVICE PROVIDERS HAVE NOT BEEN INVESTIGATED, ONLY THOSE SERVICES THAT ARE VISIBLE AND ACCESSIBLE AT THE DATE OF SURVEY HAVE BEEN SHOWN.
7. SERVICES SHOWN ARE INDICATIVE ONLY, OTHER SERVICES MAY EXIST THAT ARE NOT SHOWN. THEREFORE FIELD CONFIRMATION SERVICE LOCATORS SHOULD BE OBTAINED TO CONFIRM EXACT POSITION AND DEPTH.
8. SITE AREA SHOWN HAS BEEN CALCULATED BY SURVEY.
9. A SITE AND BOUNDARY SURVEY HAS BEEN CARRIED OUT.
10. ORIGIN OF LEVELS IS PM 1803, RL = 15.043 A.H.D.
11. BEARINGS ARE ON MAGNETIC NORTH.

FOR SUBMISSION

DATE	REVISION	REV	BY	CHK
13/04/2023	ISSUE TO GSA FOR REVIEW		JC	ME
10/05/2023	ISSUE TO GSA FOR REVIEW		JC	ME
07/06/2023	ISSUE TO GSA FOR SUBMISSION		JC	ME
20/10/2023	ISSUE TO CLIENT FOR APPROVAL	A	JC	ME
	AMENDMENT TO PROPOSED CURVED ROOF ELEMENT TO WEST			
07/11/2023	ISSUE TO GSA FOR SUBMISSION	A	JC	ME
	LOWER ROOF (WEST) FOR STAKEHOLDER APPROVAL			

DATE	REVISION	REV	BY	CHK
18/03/2024	ISSUE TO CLIENT FOR APPROVAL	B	JC	ME
	LOWER ROOF (WEST) FOR VIEW MAINTENANCE			
20/03/2024	ISSUE TO WAVERLEY COUNCIL	B	JC	ME
12/04/2024	ISSUE TO WAVERLEY COUNCIL	B	JC	ME
	AMENDMENT TO SOUTH EAST CORNER OF PROPOSED ROOF			

CONSULTANTS			
STRUCTURAL	NORTHROP	CASEY O'SULLIVAN cosullivan@northrop.com.au	0432 382 819
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Registered Architect No. 9831

PROJECT
97 Ramsgate Avenue, North Bondi

DRAWING TITLE
DETAIL SURVEY

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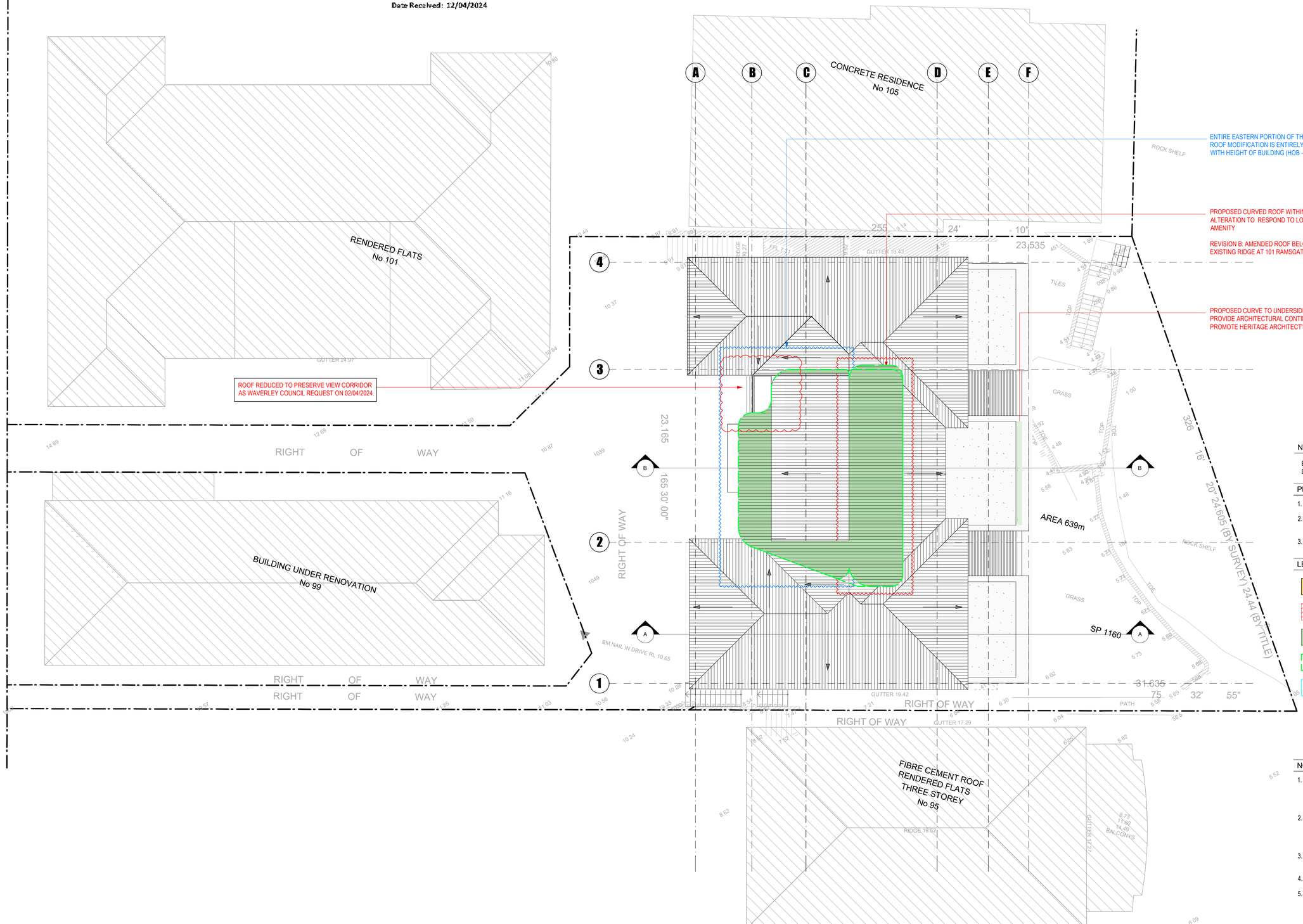
SCALE		N
1:100 @ A1		
DATE 07/11/2023	PLOT DATE 12/04/2024	
DRAWN JC	CHECKED ME	
JOB NO. 2374	DRAWING NO. S4.55.3/A02	REVISION B

RECEIVED
Waverley Council

Application No: DA-349/2013/C

Date Received: 12/04/2024



NOTE

EDH GROUP TAKE NO RESPONSIBILITY FOR THE ACCURACY AS DEPICTED WITHIN THE PHOTOMONTAGES DEMONSTRATED.

PRIOR APPROVALS + DA

1. DA-349/2013 DETERMINED 27/08/2014
2. S4.55 (A) - DA-349/2013/A APPROVAL GRANTED 12/08/2022
   R'CONC. COLUMNS SUPPORT STRUCTURE TO WEST FACADE
3. S4.55 (B) - DA-349/2013/B LODGED 15/11/2022
   WEST FACADE STRUCTURAL ELEMENT AMENDMENTS

LEGEND

- MINOR INTERNAL MODIFICATIONS
- DELETED
- PROPOSED STRUCTURE
- PROPOSED ROOF AMENDMENT
- PROPOSED WINDOW MODIFICATION
- CS — CONCRETE SPANDREL
- GB — GLASS BALUSTRADE

NOTES

1. CHECK AND CONFIRM ALL FIGURED DIMENSIONS ON SITE PRIOR TO THE COMMENCEMENT OF ANY WORKS. FIGURED DIMENSIONS TO BE USED AND TAKEN IN PREFERENCE TO SCALED DIMENSIONS AT ALL TIMES
2. THIS DRAWING, THE CONTENTS, THE IDEAS AND CONCEPTS HEREIN ARE SUBJECT TO COPYRIGHT AND SHALL NOT BE REPRODUCED IN PART OR IN WHOLE WITHOUT THE WRITTEN PERMISSION OF THE EDH GROUP PTY LTD
3. DRAWING TO BE READ IN CONJUNCTION WITH LEGEND, RELEVANT SCHEDULES AND PROJECT SPECIFICATION.
4. ALL MATERIALS TO BE CHECKED ON SITE.
5. ALL DRAWINGS BASED OFF DEVELOPMENT APPLICATION PDF DRAWINGS BY TOBIAS PARTNERS DATED JUNE 2013 SUPPLIED BY THE CLIENT. DO NOT SCALE FROM DRAWING. THESE DRAWINGS ARE NOT INTENDED FOR CONSTRUCTION PURPOSE.

FOR SUBMISSION

DATE	REVISION	REV	BY	CHK
13/04/2023	ISSUE TO GSA FOR REVIEW		JC	ME
10/05/2023	ISSUE TO GSA FOR REVIEW		JC	ME
07/06/2023	ISSUE TO GSA FOR SUBMISSION		JC	ME
20/10/2023	ISSUE TO CLIENT FOR APPROVAL	A	JC	ME
	AMENDMENT TO PROPOSED CURVED			
	ROOF ELEMENT TO WEST			
07/11/2023	ISSUE TO GSA FOR SUBMISSION	A	JC	ME
	LOWER ROOF (WEST) FOR			
	STAKEHOLDER APPROVAL			

DATE	REVISION	REV	BY	CHK
18/03/2024	ISSUE TO CLIENT FOR APPROVAL	B	JC	ME
	LOWER ROOF (WEST) FOR VIEW			
	MAINTENANCE			
20/03/2024	ISSUE TO WAVERLEY COUNCIL	B	JC	ME
12/04/2024	ISSUE TO WAVERLEY COUNCIL	C	JC	ME
	AMENDMENT TO SOUTH EAST CORNER			
	OF PROPOSED ROOF			

CONSULTANTS

STRUCTURAL	NORTHROP	CASEY O'SULLIVAN cosullivan@northrop.com.au	0432 382 819
MECHANICAL CIVIL HYDRAULIC	BSE	SOLOMON ALUAGUE solomon.aluague@bse.com.au	0451 533 765 0299 225 200
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97 RAMSGATE AVENUE BONDI

EDH GROUP PTY LTD
ARCHITECTS
architecture - interiors - urban design - project management

the entrance
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toowoon bay nsw 2261
ph: (02) 4334-5478
fax: (02) 4333-9470

Mark Eastham - NPrA, AIA
Registered Architect No. 8610

Oliver Bennett - B.Arch, AIA
Registered Architect No. 9831

PROJECT
97 Ramsgate Avenue, North Bondi

DRAWING TITLE
DA SITE PLAN

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SCALE		
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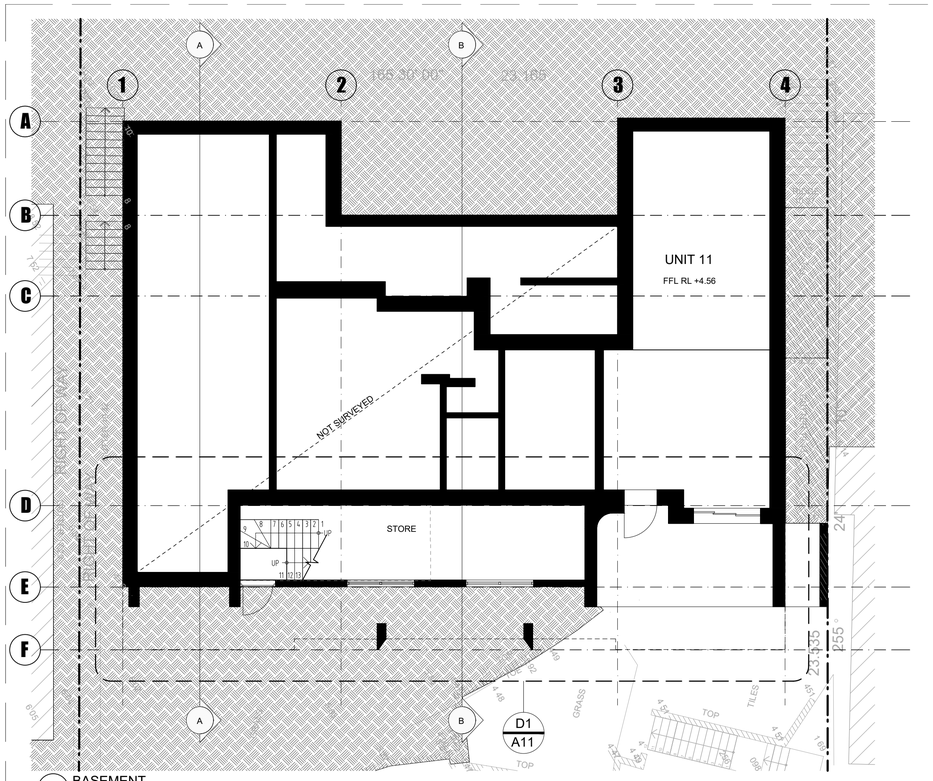
DATE 12/04/2024	PLOT DATE 12/04/2024	
DRAWN JC	CHECKED ME	
JOB NO. 2374	DRAWING NO. S4.55.3/A03	REVISION C

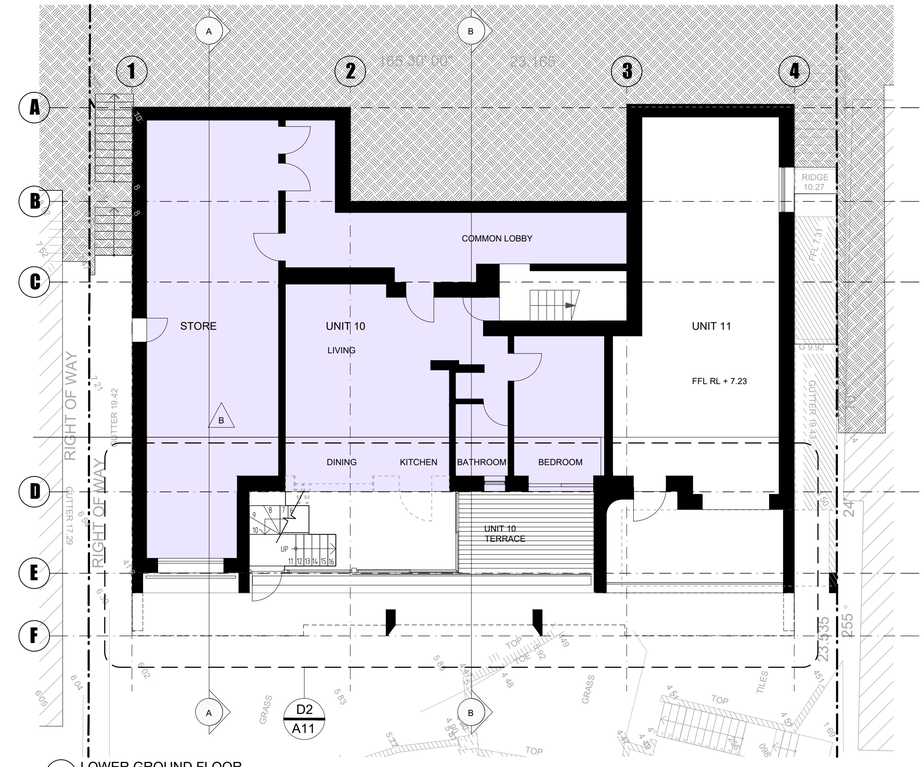
RECEIVED
Waverley Council

Application No: DA-349/2013/C

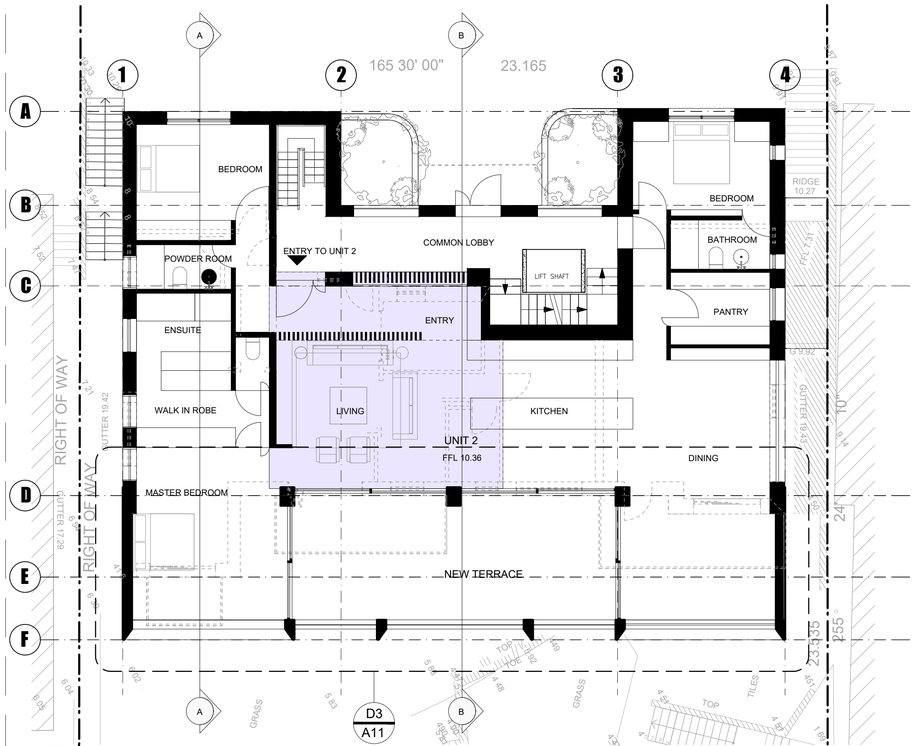
Date Received: 12/04/2024



BASEMENT
SCALE 1:100



LOWER GROUND FLOOR
SCALE 1:100



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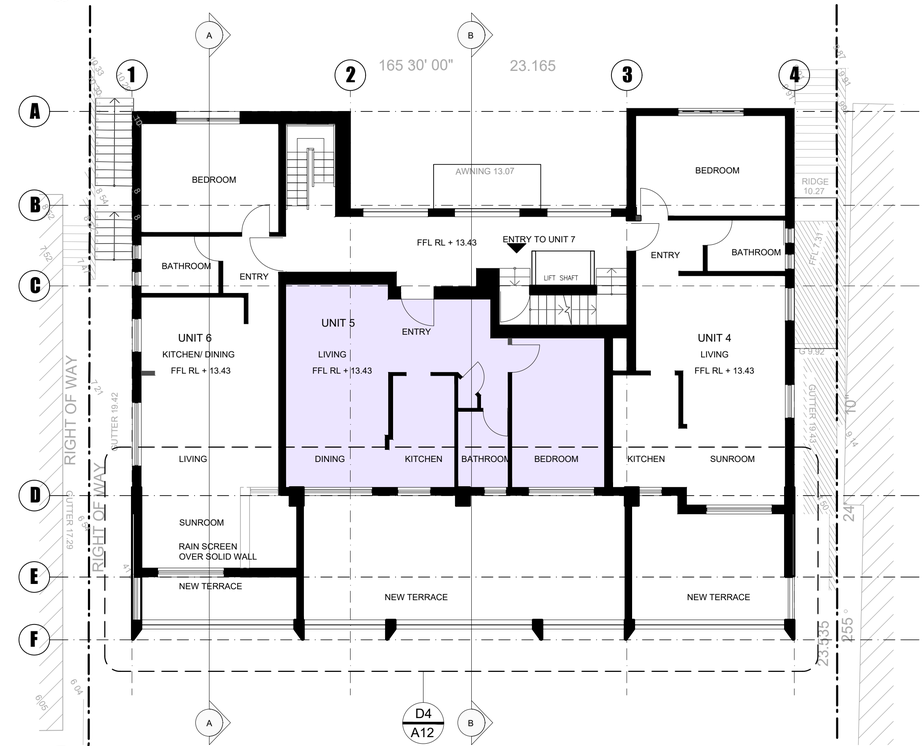

FIRST FLOOR
SCALE 1:100

NOTE

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PRIOR APPROVALS + DA

1. DA-349/2013 DETERMINED 27/08/2014
2. S4.55 (A) - DA-349/2013/A APPROVAL GRANTED 12/08/2022
   R'CONC. COLUMNS SUPPORT STRUCTURE TO WEST FACADE
3. S4.55 (B) - DA-349/2013/B LODGED 15/11/2022
   WEST FACADE STRUCTURAL ELEMENT AMENDMENTS

LEGEND

- PRIOR APPROVED INTERNAL MODIFICATIONS FOR FURTHER DETAIL REFER TO DWG. A10 - DEVELOPED PLANS
- MINOR INTERNAL MODIFICATIONS
- DELETED
- PROPOSED STRUCTURE
- PROPOSED ROOF AMENDMENT
- PROPOSED WINDOW MODIFICATION
- CS CONCRETE SPANDREL
- GB GLASS BALUSTRADE

NOTES

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FOR SUBMISSION

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Registered Architect No. 8610

Oliver Bennett - B.Arch, AIA
Registered Architect No. 9831

PROJECT
97 Ramsgate Avenue, North Bondi

DRAWING TITLE
DA LOWER PLANS

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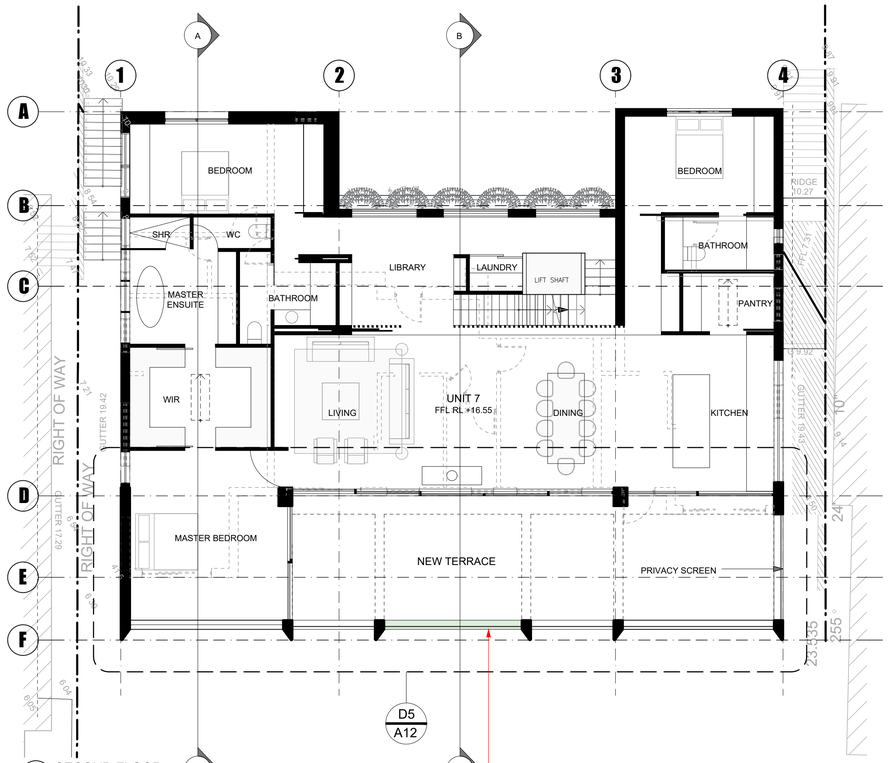
SCALE 1:100 @ A1		N
DATE 20/03/2024	PLOT DATE 12/04/2024	
DRAWN JC	CHECKED ME	
JOB NO. 2374	DRAWING NO. S4.55.3/A04	REVISION B

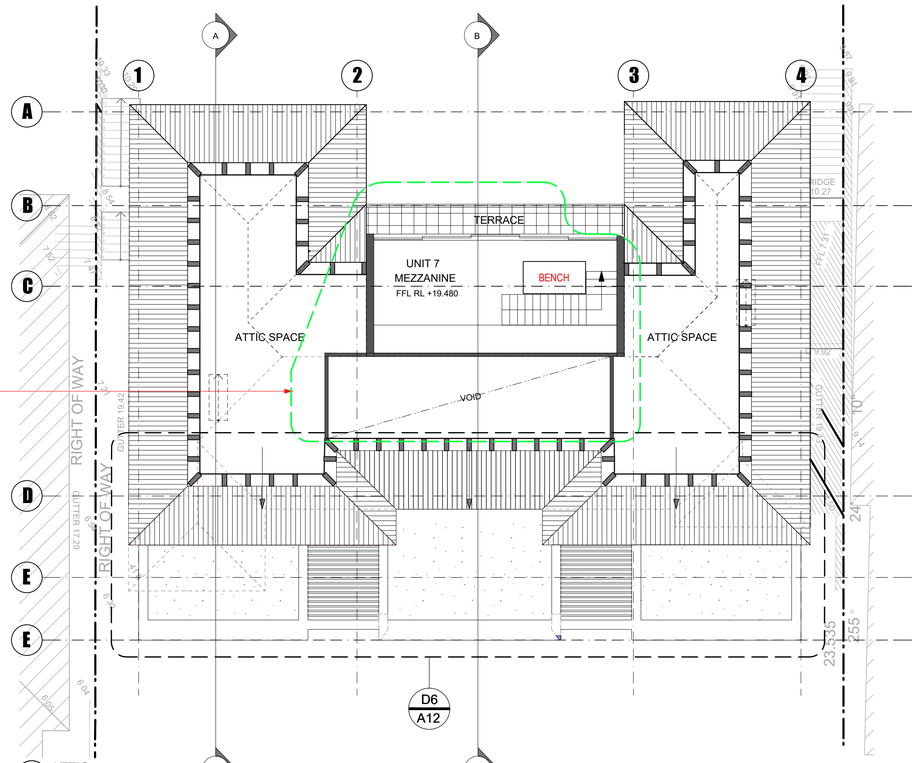
RECEIVED
Waverley Council

Application No: DA-349/2013/C

Date Received: 12/04/2024



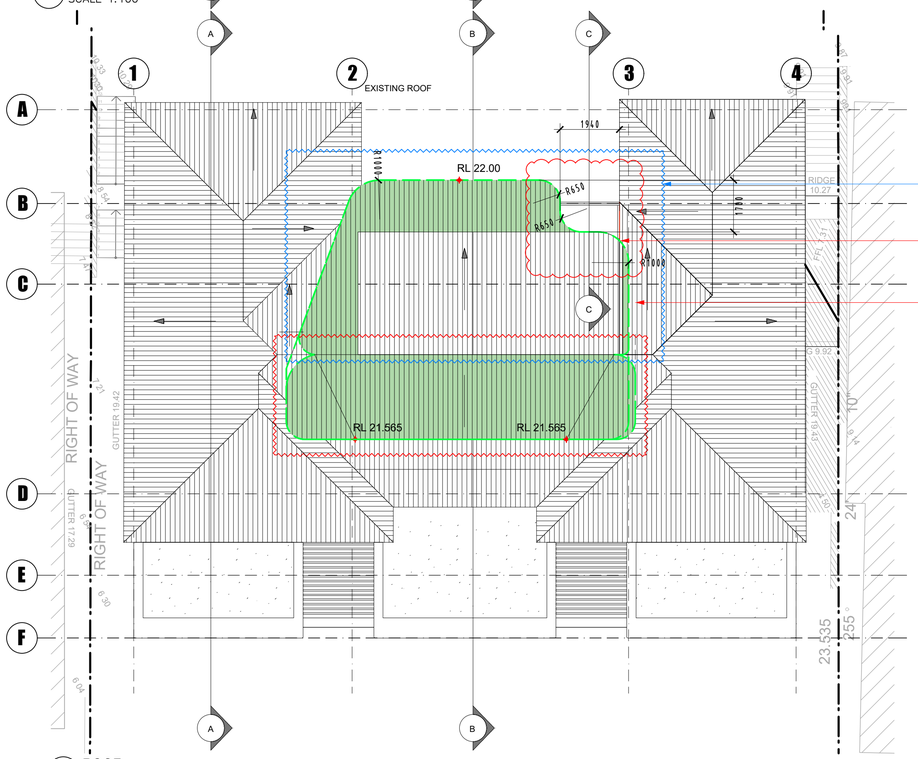
SECOND FLOOR
SCALE 1:100



ATTIC
SCALE 1:100

PROPOSED CURVED ROOF WITHIN EXISTING BUILDING ENVELOPE + MEZZANINE ALTERATION TO RESPOND TO LOCAL CONTEXT + PROVIDE BETTER USER AMENITY

PROPOSED CURVE TO UNDERSIDE OF STRUCTURAL ELEMENT OVER TO PROVIDE ARCHITECTURAL CONTINUITY BETWEEN FACADES + PROMOTE HERITAGE ARCHITECT'S ADVICE



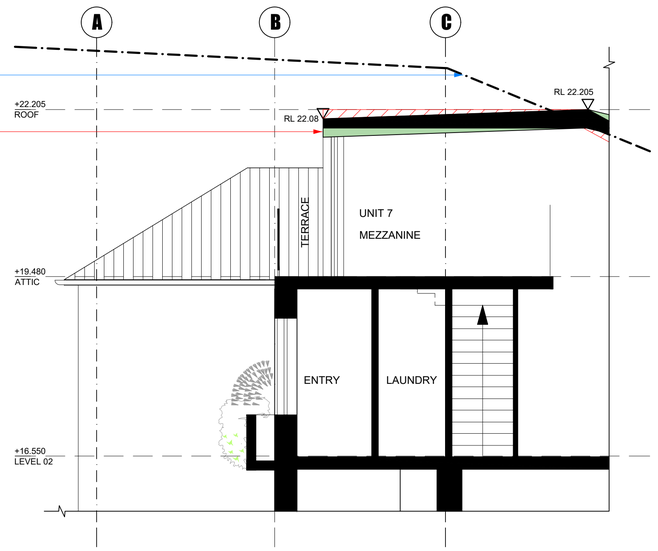
ROOF
SCALE 1:100

ENTIRE EASTERN PORTION OF THE PROPOSED ROOF MODIFICATION IS ENTIRELY COMPLIANT WITH HEIGHT OF BUILDING (HOB - 12.5m)

ROOF REDUCED TO PRESERVE VIEW CORRIDOR AS WAVERLEY COUNCIL REQUEST ON 02/04/2024.

PROPOSED CURVED ROOF WITHIN EXISTING BUILDING ENVELOPE + MEZZANINE ALTERATION TO RESPOND TO LOCAL CONTEXT + PROVIDE BETTER OCCUPANT AMENITY

REVISION B: AMENDED ROOF BELOW SIGHTLINE OF STAKEHOLDERS OVER EXISTING RIDGE AT 101 RAMSGATE AVE.
REFER TO SECTION B ON DWG A06



SECTION C
SCALE 1:50

NOTE

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PRIOR APPROVALS + DA

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2. S4.55 (A) - DA-349/2013/A APPROVAL GRANTED 12/08/2022
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3. S4.55 (B) - DA-349/2013/B LODGED 15/11/2022
   WEST FACADE STRUCTURAL ELEMENT AMENDMENTS

LEGEND

- MINOR INTERNAL MODIFICATIONS
- DELETED
- PROPOSED STRUCTURE
- PROPOSED ROOF AMENDMENT
- PROPOSED WINDOW MODIFICATION
- CS — CONCRETE SPANDREL
- GB — GLASS BALUSTRADE

NOTES

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FOR SUBMISSION

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13/04/2023	ISSUE TO GSA FOR REVIEW		JC	ME
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07/06/2023	ISSUE TO GSA FOR SUBMISSION		JC	ME
20/10/2023	ISSUE TO CLIENT FOR APPROVAL	A	JC	ME
	AMENDMENT TO PROPOSED CURVED			
	ROOF ELEMENT TO WEST			
07/11/2023	ISSUE TO GSA FOR SUBMISSION	A	JC	ME
	LOWER ROOF (WEST) FOR			
	STAKEHOLDER APPROVAL			

DATE	REVISION	REV	BY	CHK
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	MAINTENANCE			
20/03/2024	ISSUE TO WAVERLEY COUNCIL	B	JC	ME
12/04/2024	ISSUE TO WAVERLEY COUNCIL	C	JC	ME
	AMENDMENT TO SOUTH EAST CORNER			
	OF PROPOSED ROOF			

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Mark Eastham - NPrA, AIA
Registered Architect No. 8610

Oliver Bennett - B.Arch, AIA
Registered Architect No. 9831

PROJECT
97 Ramsgate Avenue, North Bondi

DRAWING TITLE
DA UPPER PLANS

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SCALE		
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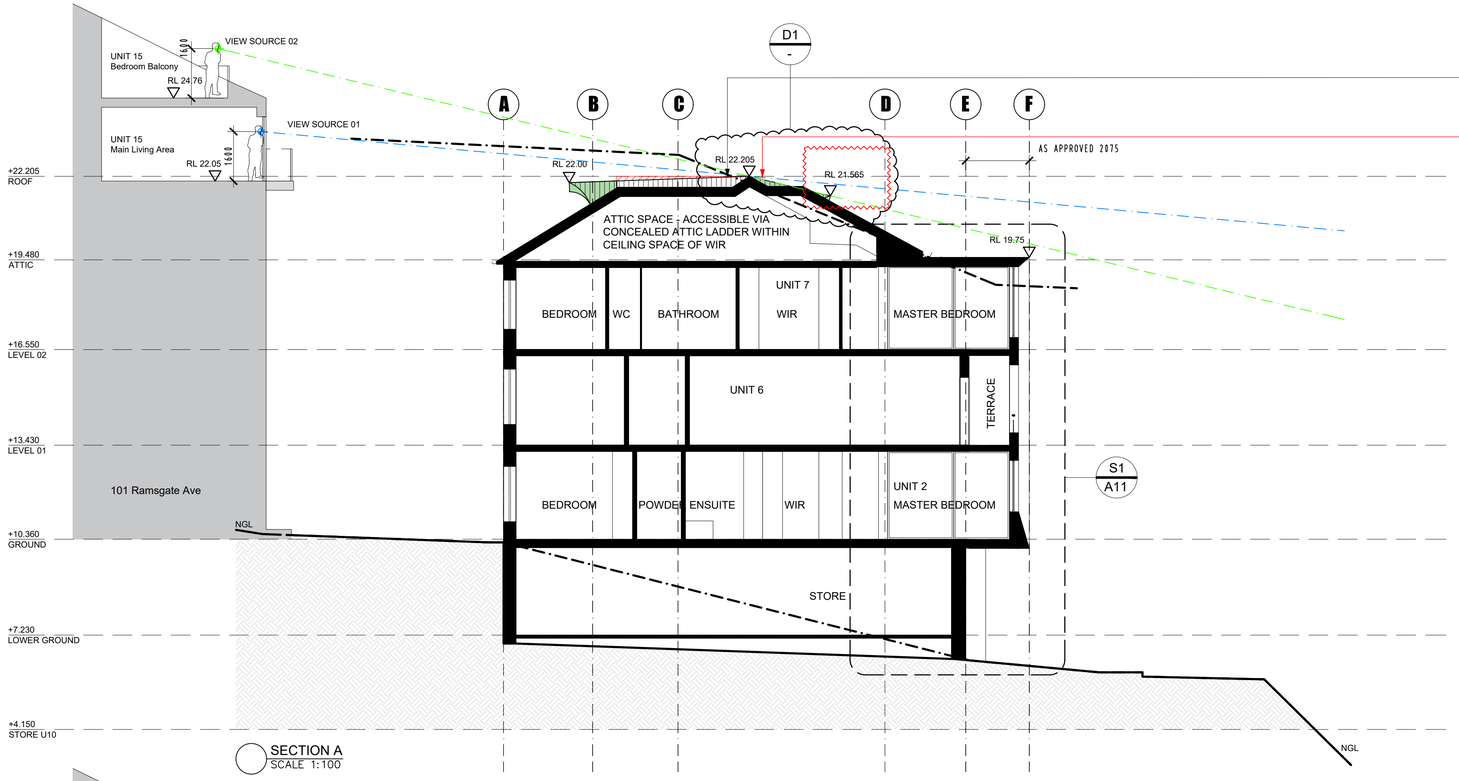
DATE 12/04/2024	PLOT DATE 12/04/2024	
DRAWN JC	CHECKED ME	
JOB NO. 2374	DRAWING NO. S4.55.3/A05	REVISION C



SECTION A
SCALE 1:100

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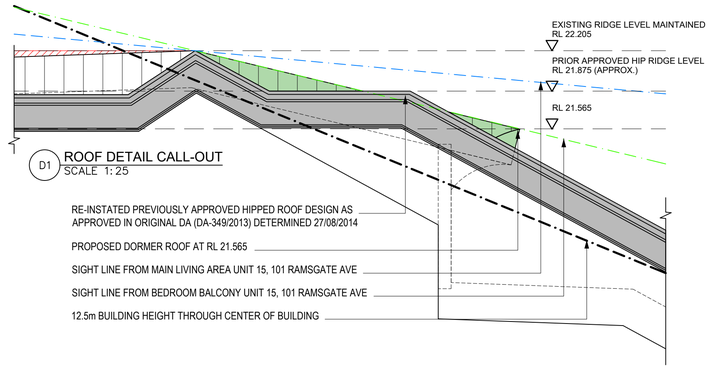
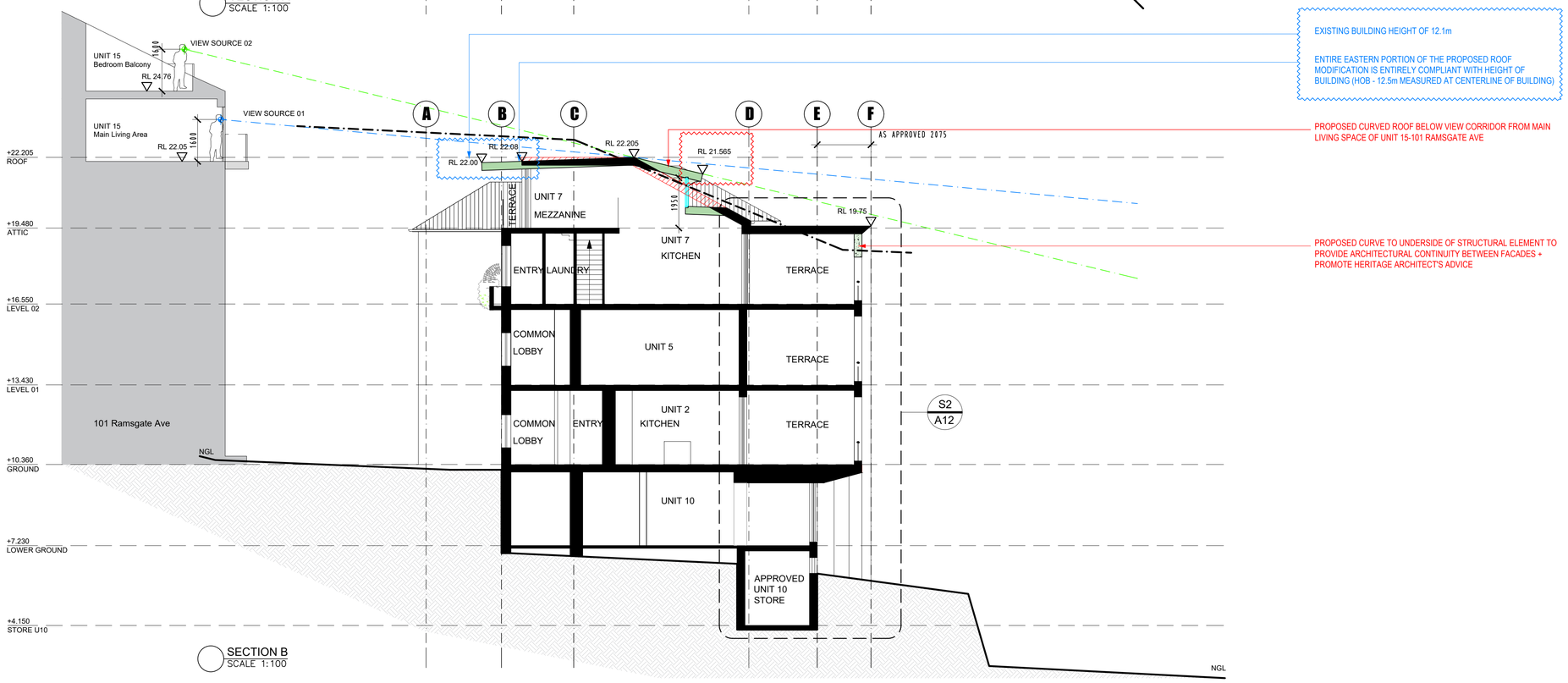
Waverley Council

Application No: DA-349/2013/C

Date Received: 12/04/2024





SECTION B
SCALE 1:100

NOTE

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PRIOR APPROVALS + DA

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2. S4.55 (A) - DA-349/2013/A APPROVAL GRANTED 12/08/2022
   R'CONC. COLUMNS SUPPORT STRUCTURE TO WEST FACADE
3. S4.55 (B) - DA-349/2013/B LODGED 15/11/2022
   WEST FACADE STRUCTURAL ELEMENT AMENDMENTS

LEGEND

- MINOR INTERNAL MODIFICATIONS
- DELETED
- PROPOSED STRUCTURE
- PROPOSED ROOF AMENDMENT
- PROPOSED WINDOW MODIFICATION
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- GB — GLASS BALUSTRADE

NOTES

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04/04/2024	ISSUE TO WAVERLEY COUNCIL	C	JC	ME
	ADDITIONAL ROOF DETAIL			
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PROJECT
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DRAWING TITLE
DA SECTIONS

SCALE		
1:100 @ A1		
DATE 12/04/2024	PLOT DATE 12/04/2024	
DRAWN JC	CHECKED ME	
JOB NO. 2374	DRAWING NO. S4.55.3/A06	REVISION C

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Application No: DA-349/2013/C

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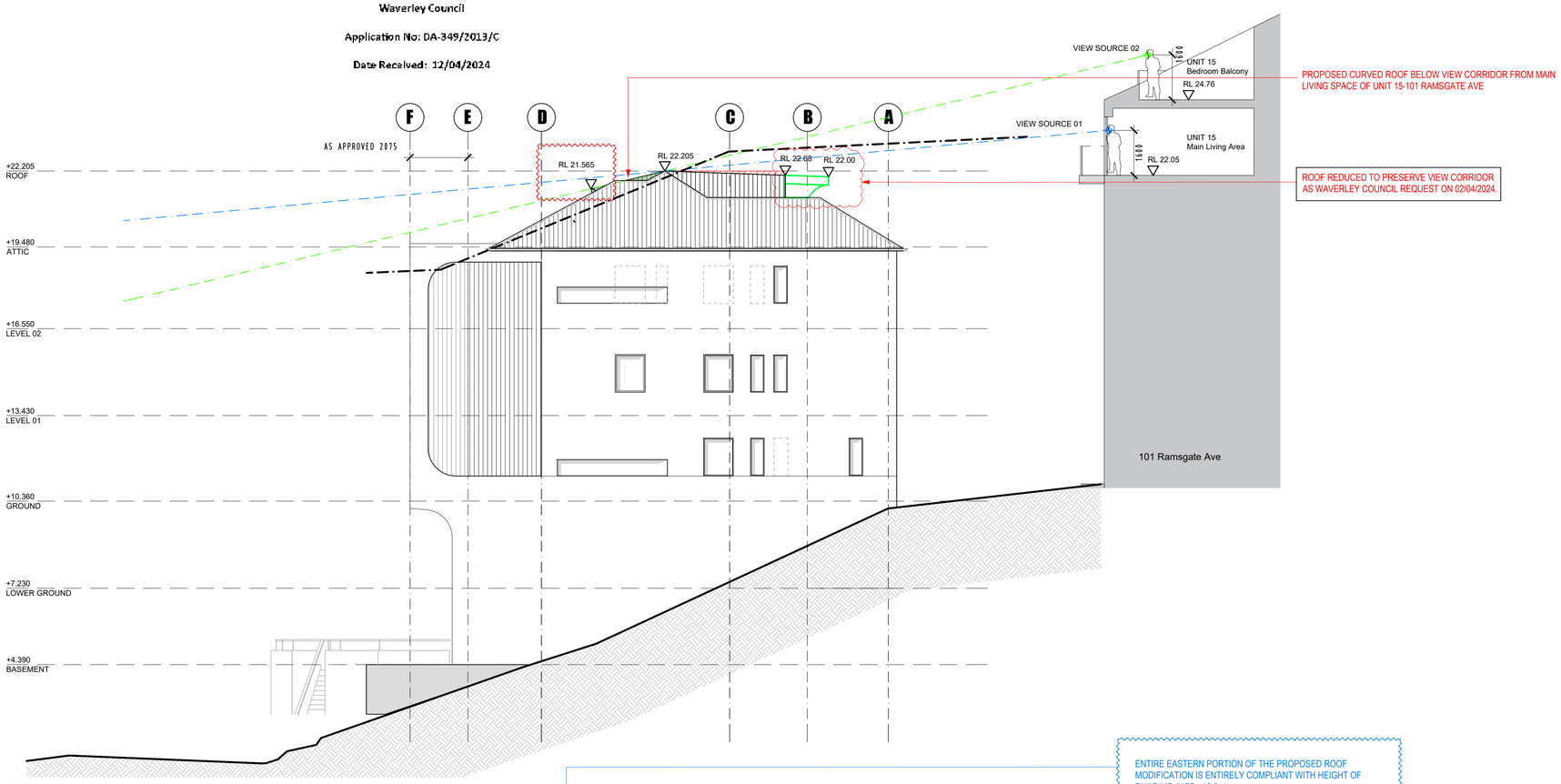
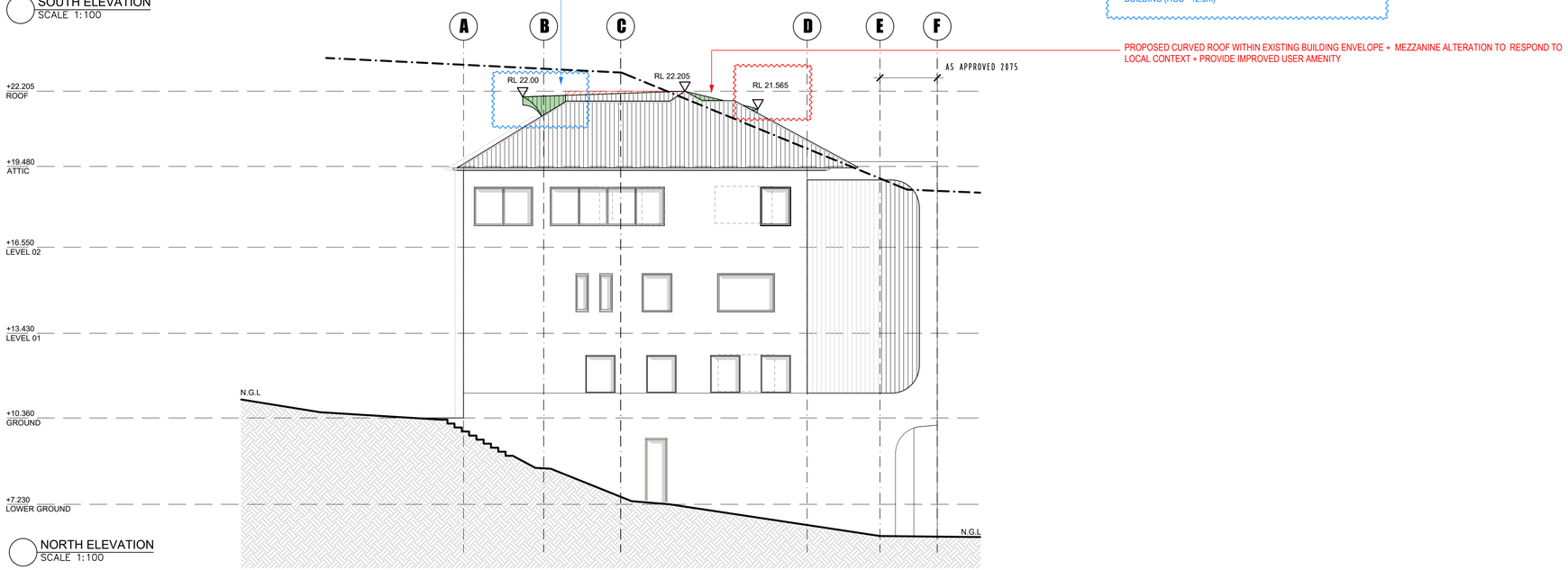


SOUTH ELEVATION
SCALE 1:100



NORTH ELEVATION
SCALE 1:100

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10/05/2023	ISSUE TO GSA FOR REVIEW		JC	ME
07/06/2023	ISSUE TO GSA FOR SUBMISSION		JC	ME
20/10/2023	ISSUE TO CLIENT FOR APPROVAL	A	JC	ME
	AMENDMENT TO PROPOSED CURVED			
	ROOF ELEMENT TO WEST			
07/11/2023	ISSUE TO GSA FOR SUBMISSION	A	JC	ME
	LOWER ROOF (WEST) FOR			
	STAKEHOLDER APPROVAL			

DATE	REVISION	REV	BY	CHK
18/03/2024	ISSUE TO CLIENT FOR APPROVAL	B	JC	ME
	LOWER ROOF (WEST) FOR VIEW			
	MAINTENANCE			
20/03/2024	ISSUE TO WAVERLEY COUNCIL	B	JC	ME
12/04/2024	ISSUE TO WAVERLEY COUNCIL	C	JC	ME
	AMENDMENT TO SOUTH EAST CORNER			
	OF PROPOSED ROOF			

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Mark Eastham - NPrA, AIA
Registered Architect No. 8610

Oliver Bennett - B.Arch, AIA
Registered Architect No. 9831

PROJECT
97 Ramsgate Avenue, North Bondi

DRAWING TITLE
NORTH + SOUTH ELEVATIONS

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DATE 12/04/2024	PLOT DATE 12/04/2024	
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JOB NO. 2374	DRAWING NO. S4.55.3/A07	REVISION C

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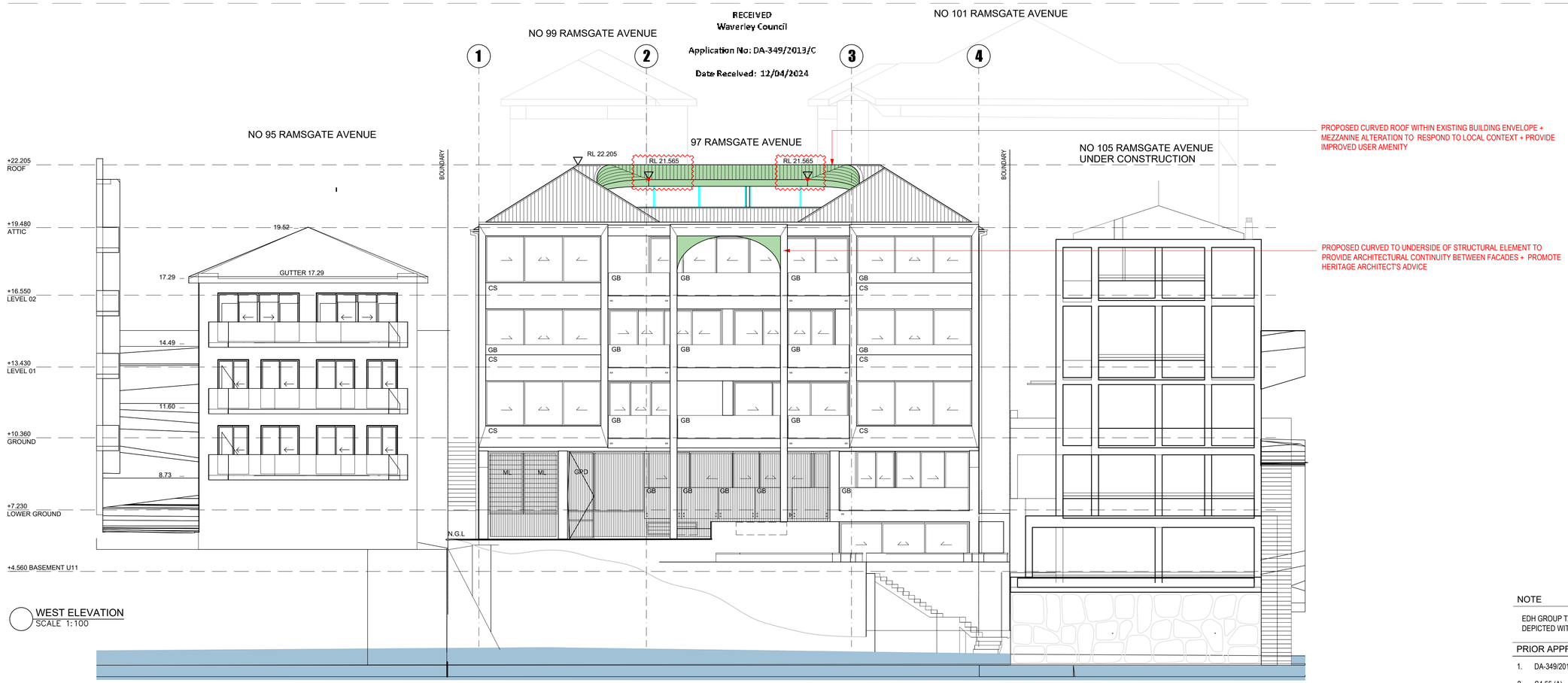
Application No: DA-349/2013/C
Date Received: 12/04/2024



WEST ELEVATION
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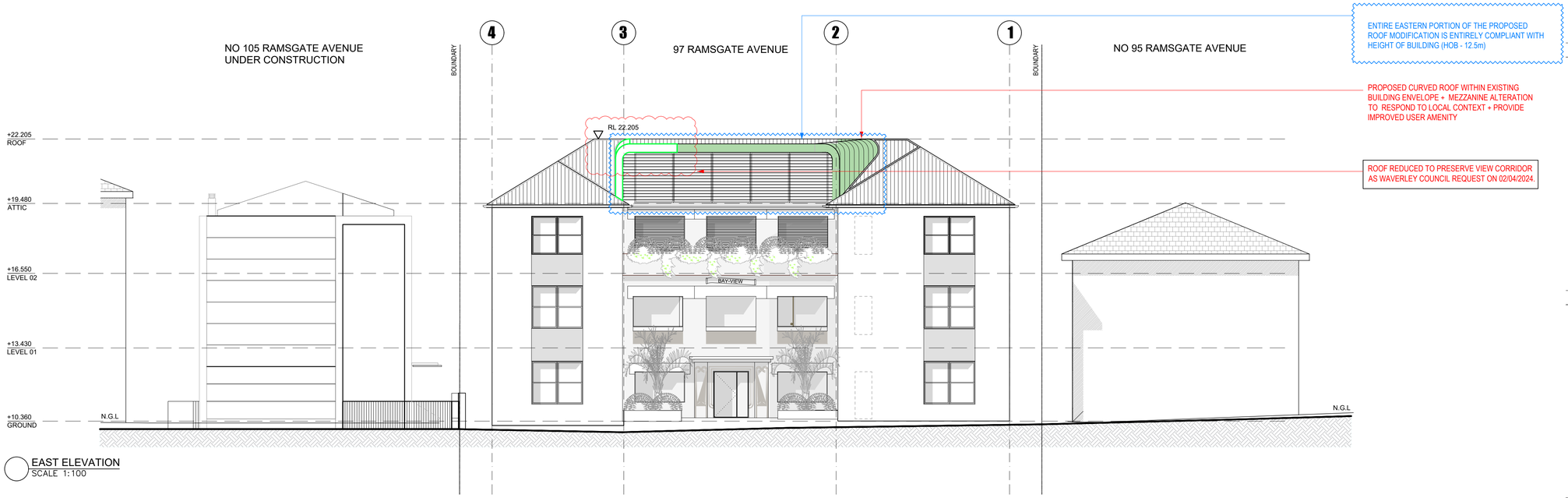

EAST ELEVATION
SCALE 1:100

NOTE

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PRIOR APPROVALS + DA

1. DA-349/2013 DETERMINED 27/08/2014
2. S4.55 (A) - DA-349/2013/A APPROVAL GRANTED 12/08/2022 R'CONC. COLUMNS SUPPORT STRUCTURE TO WEST FACADE
3. S4.55 (B) - DA-349/2013/B LODGED 15/11/2022 WEST FACADE STRUCTURAL ELEMENT AMENDMENTS

LEGEND

- MINOR INTERNAL MODIFICATIONS
- DELETED
- PROPOSED STRUCTURE
- PROPOSED ROOF AMENDMENT
- PROPOSED WINDOW MODIFICATION
- CS — CONCRETE SPANDREL
- GB — GLASS BALUSTRADE

NOTES

1. CHECK AND CONFIRM ALL FIGURED DIMENSIONS ON SITE PRIOR TO THE COMMENCEMENT OF ANY WORKS. FIGURED DIMENSIONS TO BE USED AND TAKEN IN PREFERENCE TO SCALED DIMENSIONS AT ALL TIMES
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Registered Architect No. 9831

PROJECT
97 Ramsgate Avenue, North Bondi

DRAWING TITLE
WEST + EAST ELEVATIONS

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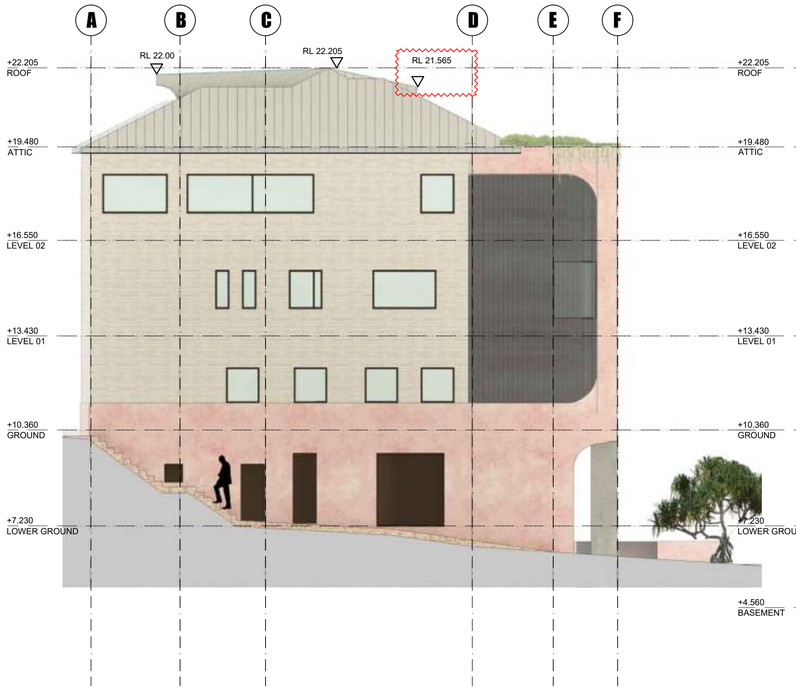
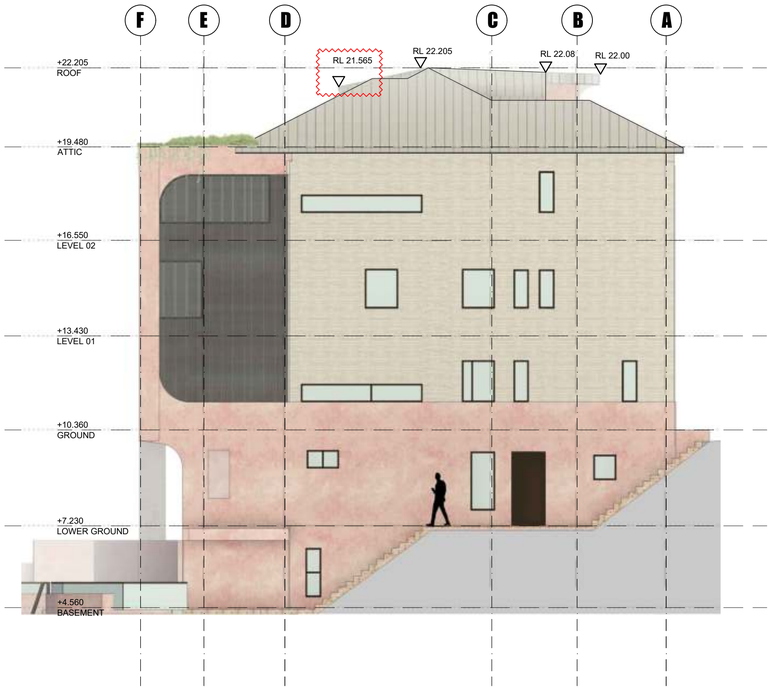
JOB NO. 2374	DRAWING NO. S4.55.3/A08	REVISION C



NORTH ELEVATION - COLOURED
SCALE 1:100

WEST ELEVATION - COLOURED
SCALE 1:100



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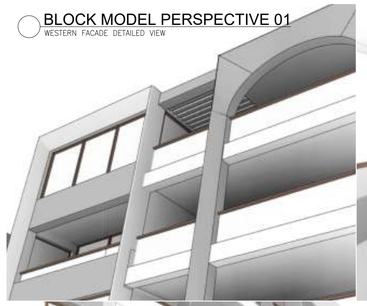
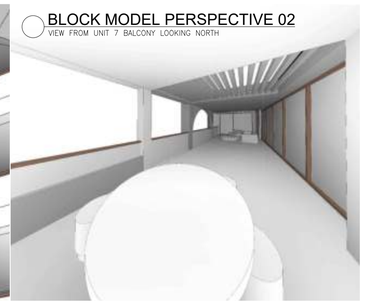


BLOCK MODEL PERSPECTIVE 01
WESTERN FACADE DETAILED VIEW



BLOCK MODEL PERSPECTIVE 02
VIEW FROM UNIT 7 BALCONY LOOKING NORTH

BLOCK MODEL PERSPECTIVE 03
NORTH WEST VIEW FROM COMMON COURT YARD

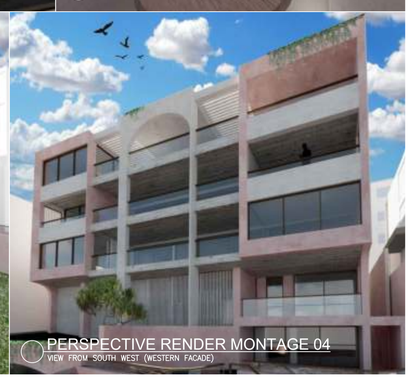
BLOCK MODEL PERSPECTIVE 04
VIEW FROM SOUTH WEST (WESTERN FACADE)

BLOCK MODEL PERSPECTIVES
GREY SCALE

PERSPECTIVE RENDER MONTAGE 01
WESTERN FACADE DETAILED VIEW

PERSPECTIVE RENDER MONTAGE 02
VIEW FROM UNIT 7 BALCONY LOOKING NORTH

PERSPECTIVE RENDER MONTAGE 03
NORTH WEST VIEW FROM COMMON COURT YARD



PERSPECTIVE RENDER MONTAGE 04
VIEW FROM SOUTH WEST (WESTERN FACADE)

PERSPECTIVE RENDER MONTAGES
COLOURED PERSPECTIVES

PHOTOMONTAGE 01
NORTH WEST PERSPECTIVE

PHOTOMONTAGE 02
WEST PERSPECTIVE

PHOTOMONTAGE 03
SOUTH WEST PERSPECTIVE

PHOTOMONTAGE 04
AERIAL VIEW SOUTH WEST

PHOTOMONTAGES
PERSPECTIVE RENDERS IN-SITU

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Application No: DA-349/2013/C

Date Received: 12/04/2024

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Oliver Bennett - B.Arch, AIA
Registered Architect No. 9831

PROJECT
97 Ramsgate Avenue, North Bondi

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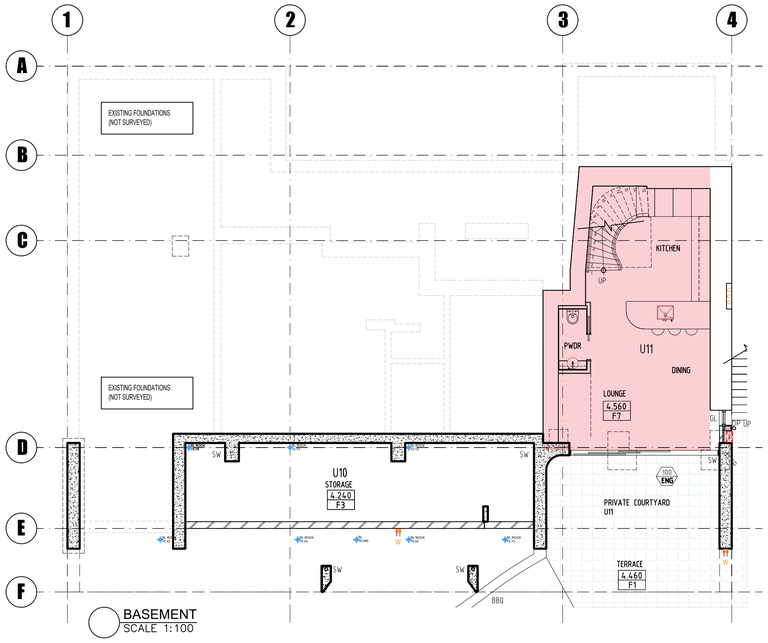
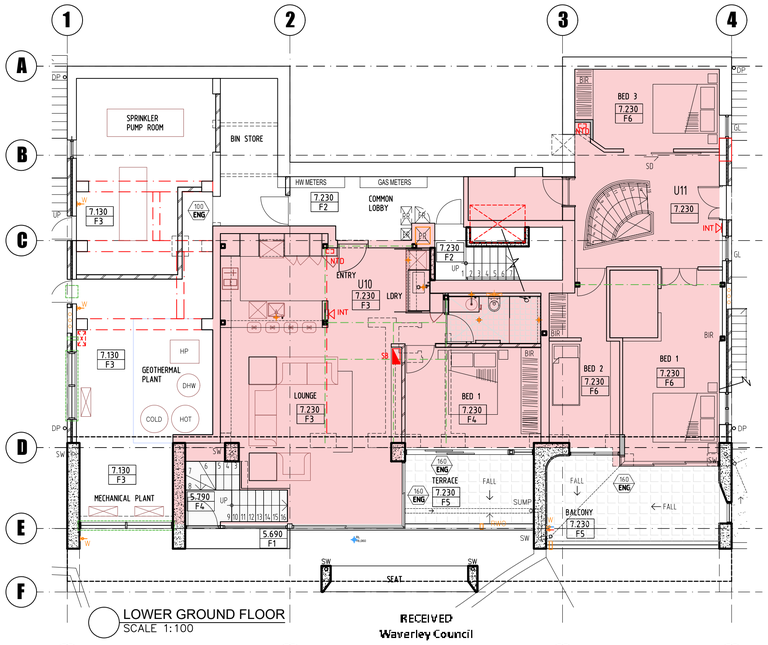
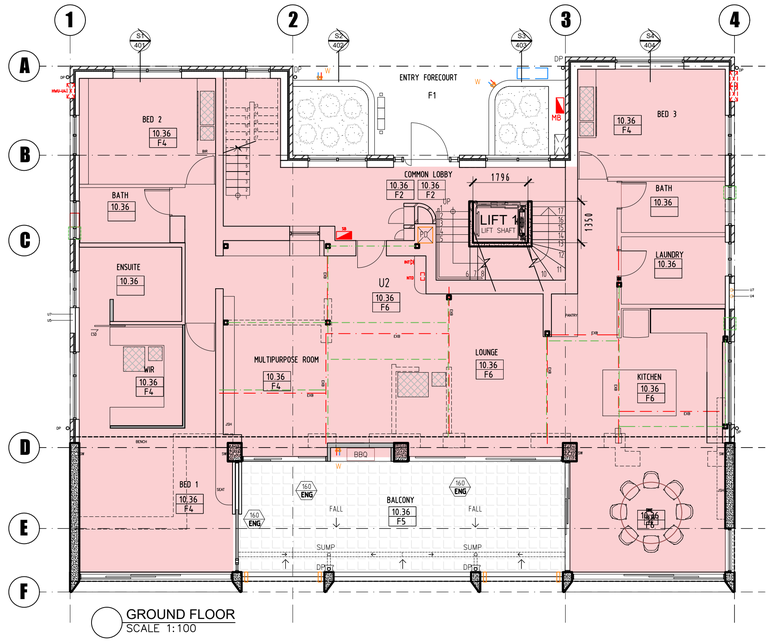
12/04/2024	12/04/2024	
DRAWN	CHECKED	
JC + ME	ME	
JOB NO.	DRAWING NO.	REVISION
2374	S4.55.3/A09	C



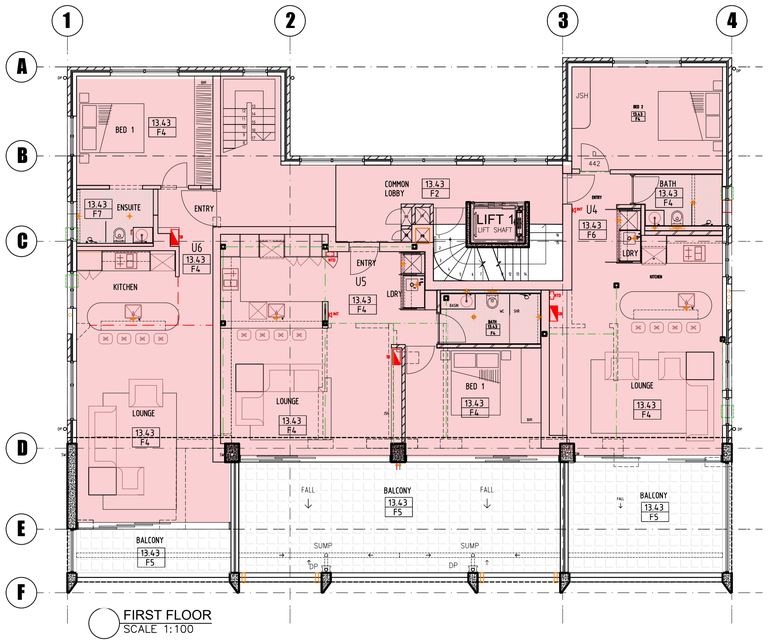
BASEMENT
SCALE 1:100



LOWER GROUND FLOOR
SCALE 1:100



GROUND FLOOR
SCALE 1:100



FIRST FLOOR
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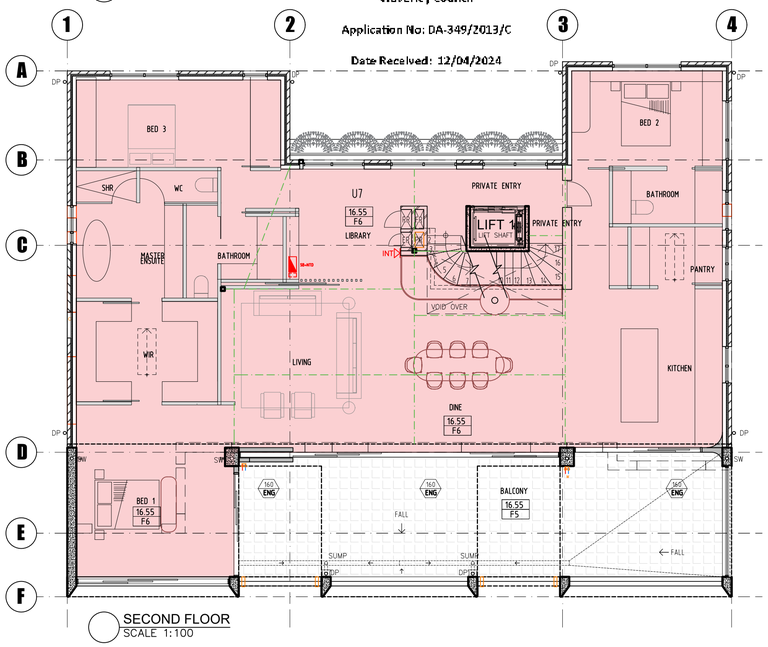
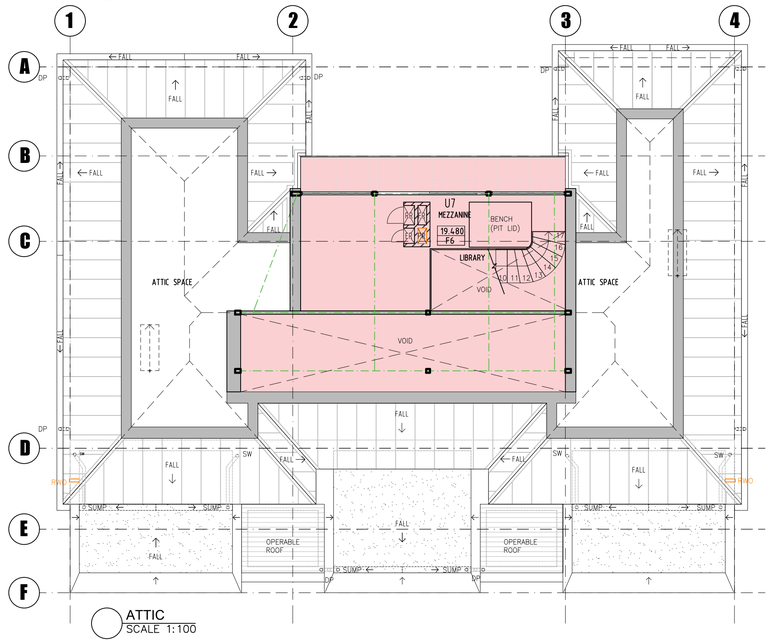


SECOND FLOOR
SCALE 1:100



ATTIC
SCALE 1:100

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Application No: DA-349/2013/C

Date Received: 12/04/2024

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GFA CALCULATION (S4.55)

LEVEL	APPROVED GFA	PROPOSED GFA
BASEMENT	44.75m²	44.75m²
LOWER GROUND FLOOR	158.01m²	158.01m²
GROUND FLOOR	263.31m²	263.31m²
FIRST FLOOR	231.13m²	231.13m²
SECOND FLOOR	250.14m²	250.14m²
ATTIC	32.77m²	32.77m²
TOTAL	980.11m²	980.11m²

LEGEND

- APPROVED GFA
- PROPOSED GFA
- EXCLUDED

FOR SUBMISSION

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	AMENDMENT TO SOUTH EAST CORNER OF PROPOSED ROOF			

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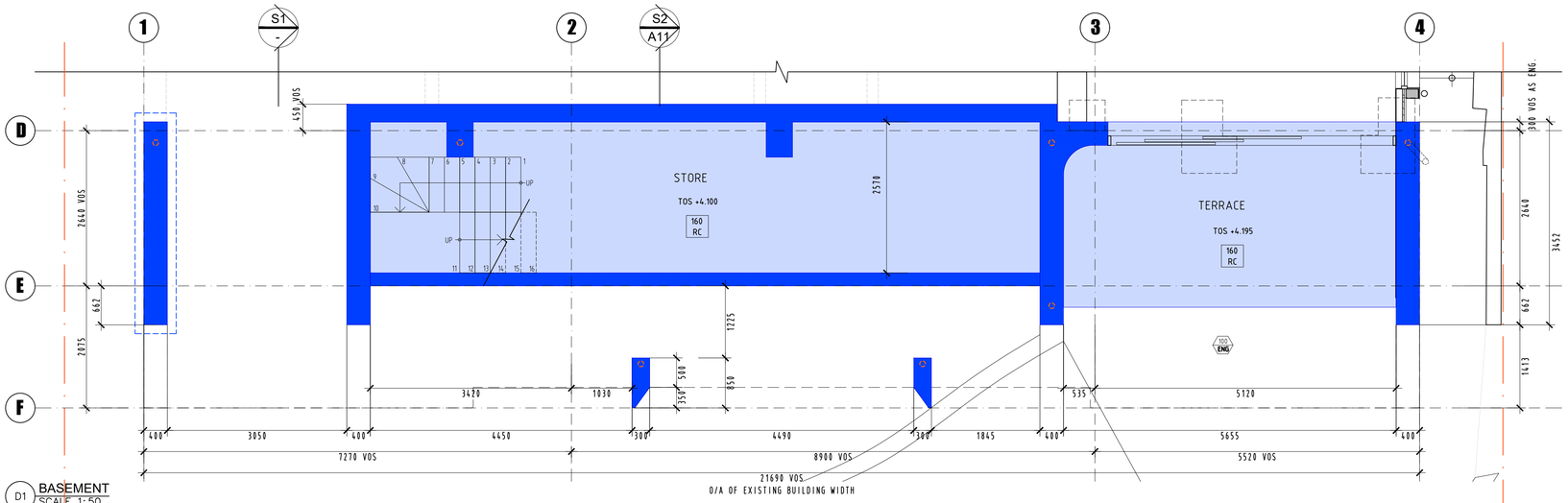
GFA DIAGRAM

SCALE 1:100 @A1		
DATE 20/03/2024	PLOT DATE 12/04/2024	N
DRAWN JC + ME	CHECKED ME	
JOB NO. 2374	DRAWING NO. S4.55.3/A10	REVISION B



D1 BASEMENT
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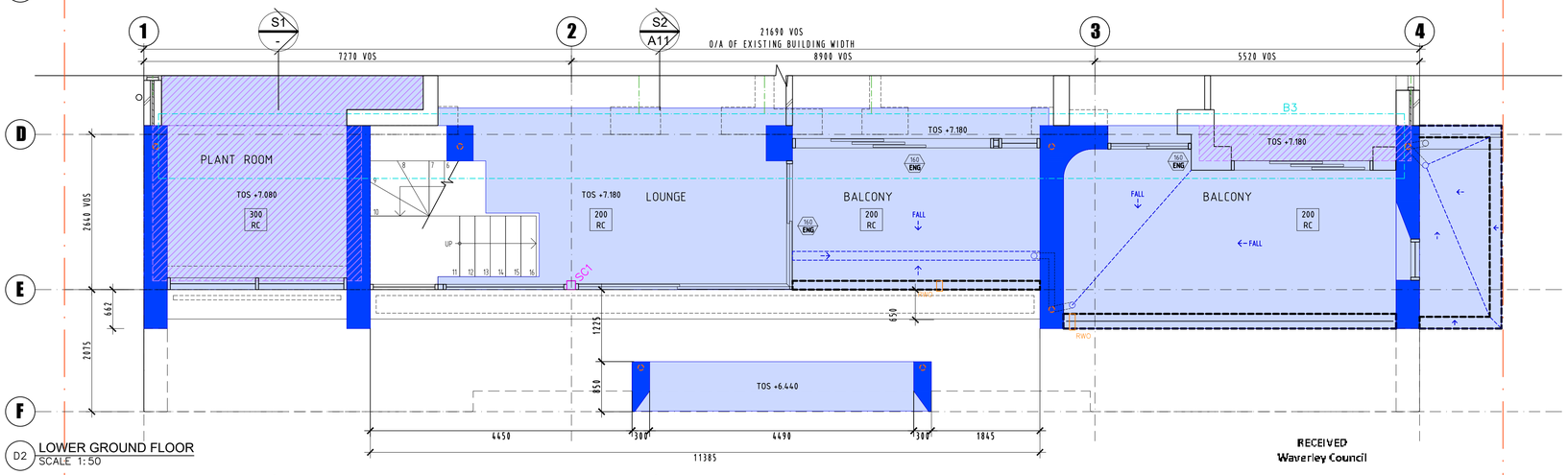

D2 LOWER GROUND FLOOR
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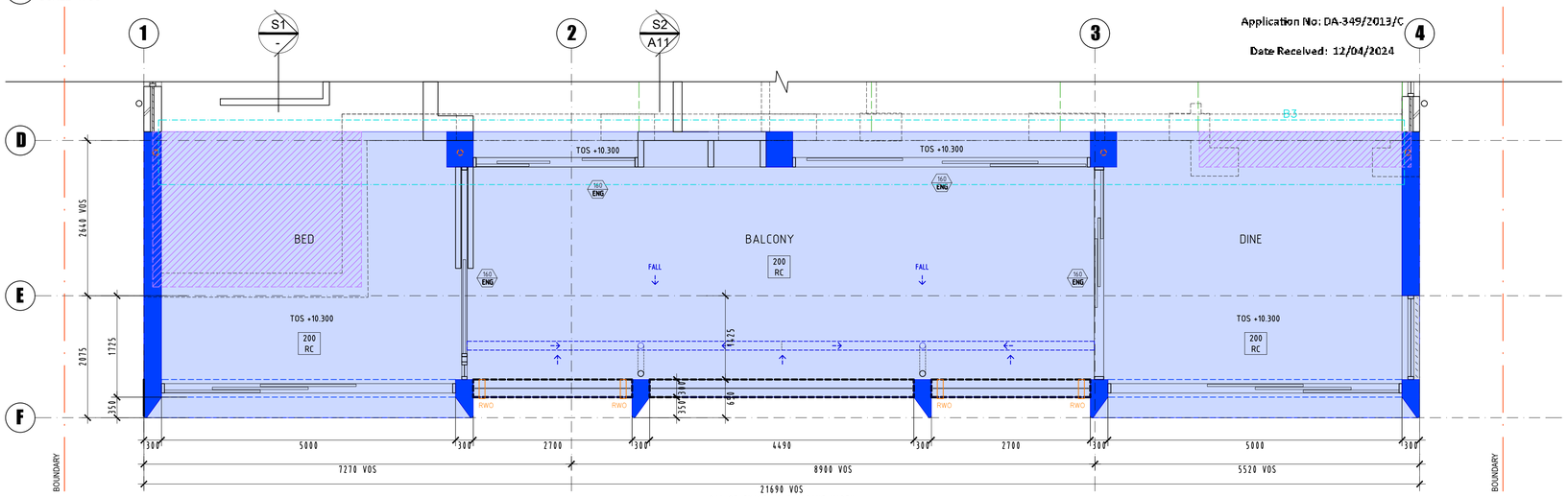

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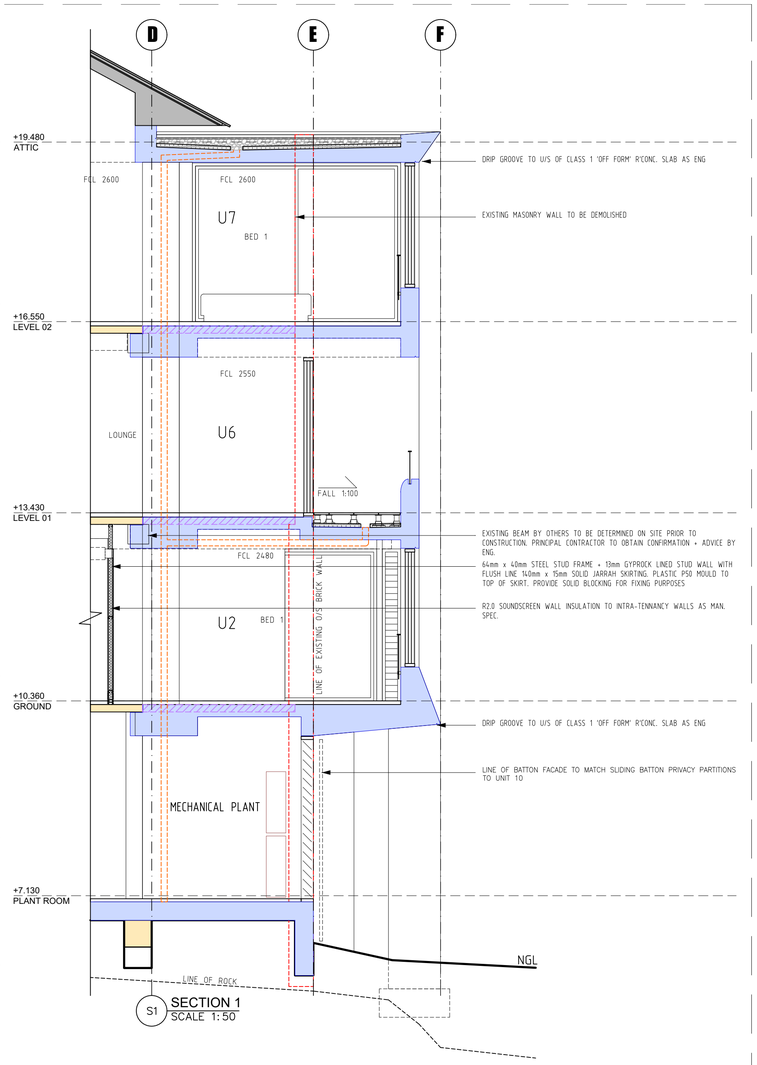

S1 SECTION 1
SCALE 1:50

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LEGEND

CONCRETE LEGEND

- CONCRETE SLAB
- CONCRETE COLUMN
- CONCRETE SPANDREL AS ENG.
- CONCRETE HOB UP TO FFL + DOWNTURN AS ENG.
- CONCRETE FOOTING
- DOWNPIPE CAST IN COLUMN
- DRAIN CAST IN SLAB
- DIRECTION OF FALL (DOWN)
- 180 RC — CONCRETE SLAB THICKNESS
- 160 ENG — CONCRETE SLAB SETDOWN (mm)
- WALLS TO BE REMOVED
- DEMOLISH EXISTING SLAB

STEEL LEGEND

- B1 — STEEL BEAM OVER AS ENG.
- L1 — STEEL LINTEL AS ENG.
- SC1 — STEEL COLUMN AS ENG.
- B2 — EXISTING BEAM TO BE MAINTAINED AS ENG.
- B3 — CONCRETE BEAM OVER AS ENG.
- RWO — RAIN WATER OVERFLOW AS HYD. ENG.

NOTES

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	ROOF ELEMENT TO WEST			
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	AMENDMENT TO SOUTH EAST CORNER			
	OF PROPOSED ROOF			

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PROJECT
97 Ramsgate Avenue, North Bondi

DRAWING TITLE
WEST FACADE DETAILS 01

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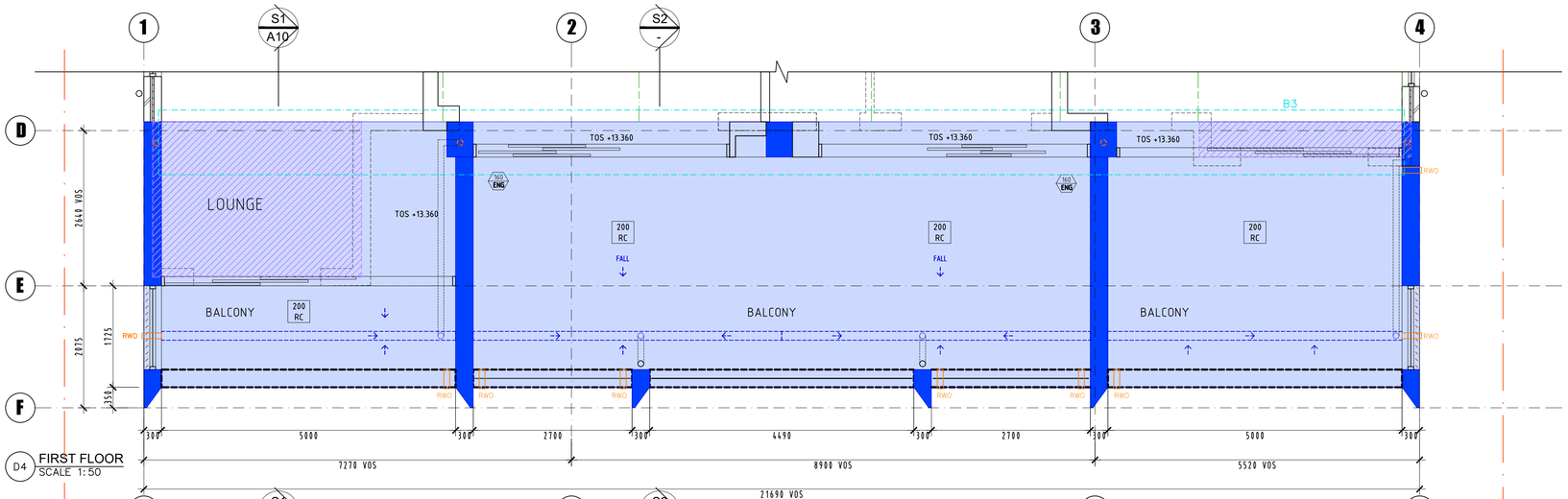

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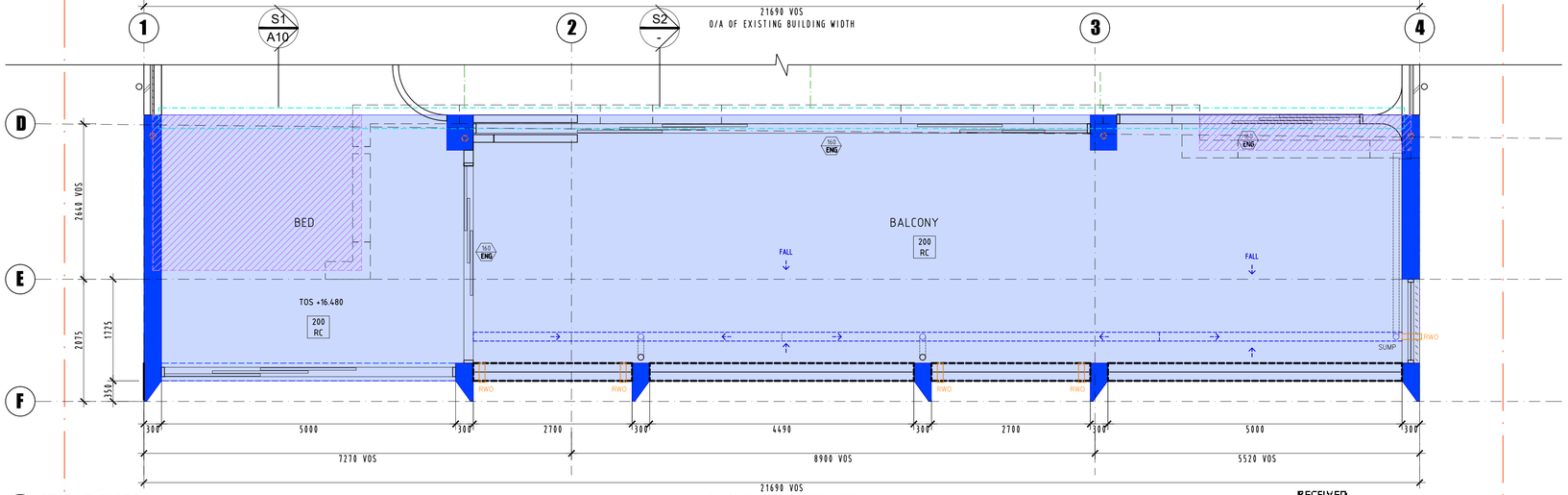

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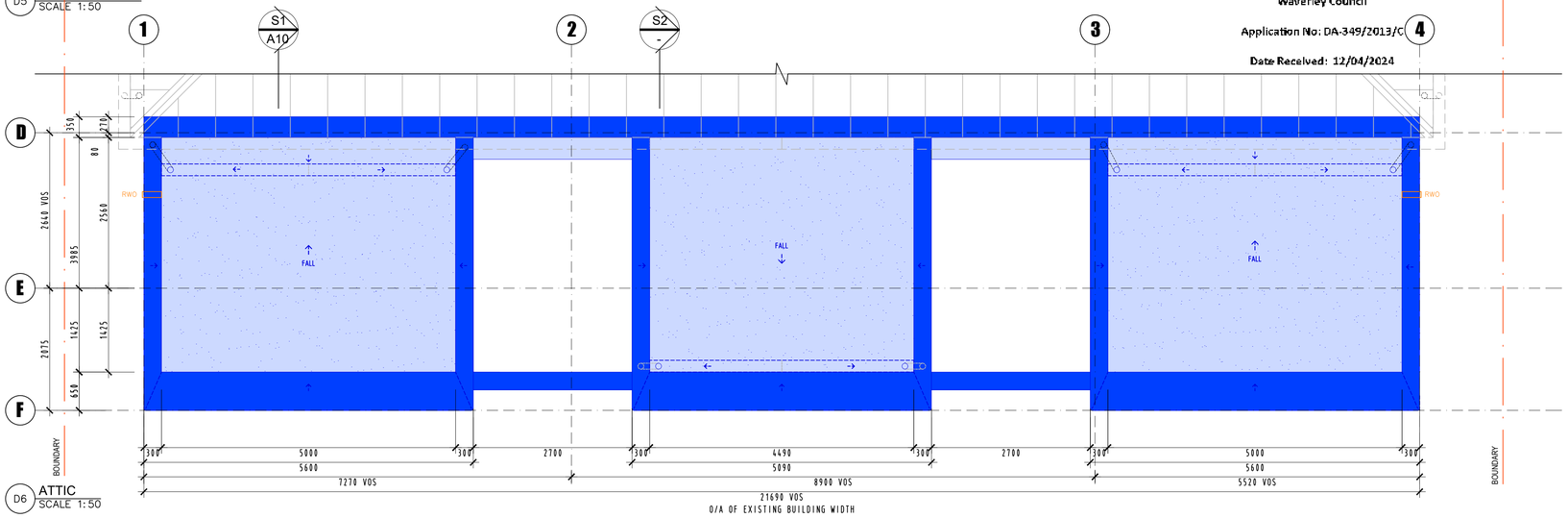

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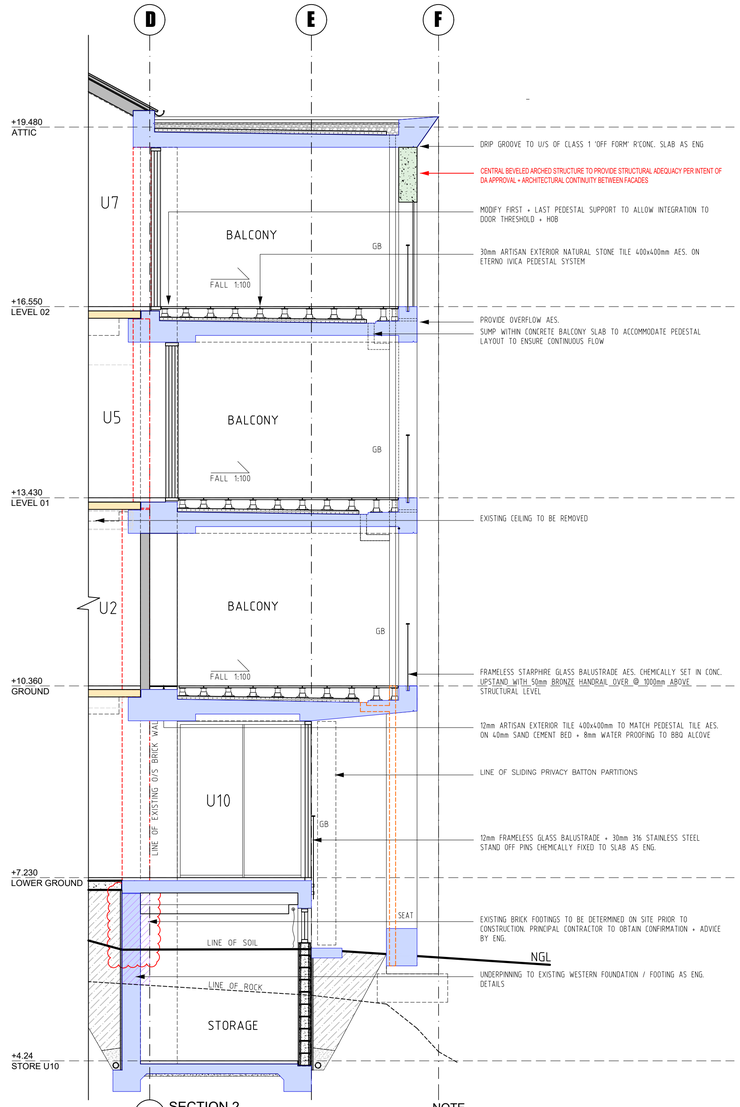

S2 SECTION 2
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NOTE

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LEGEND

CONCRETE LEGEND

- CONCRETE SLAB
- CONCRETE COLUMN
- CONCRETE SPANDREL AS ENG.
- CONCRETE HOB UP TO FFL + DOWNTURN AS ENG.
- CONCRETE FOOTING
- DOWNPIPE CAST IN COLUMN
- DRAIN CAST IN SLAB
- DIRECTION OF FALL (DOWN)
- 180 RC — CONCRETE SLAB THICKNESS
- NO ENG — CONCRETE SLAB SETDOWN (mm)
- WALLS TO BE REMOVED
- DEMOLISH EXISTING SLAB

STEEL LEGEND

- B1 — STEEL BEAM OVER AS ENG.
- L1 — STEEL LINTEL AS ENG.
- SC1 — STEEL COLUMN AS ENG.
- B2 — EXISTING BEAM TO BE MAINTAINED AS ENG.
- B3 — CONCRETE BEAM OVER AS ENG.
- RWO — RAIN WATER OVERFLOW AS HYD. ENG.

NOTES

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PROJECT	97 Ramsgate Avenue, North Bondi
DRAWING TITLE	WEST FACADE DETAILS 02
SCALE	1:50 @A1
DATE	20/03/2024
PLOT DATE	12/04/2024
DRAWN	JC + ME
CHECKED	ME
JOB NO.	2374
DRAWING NO.	S4.55.3/A12
REVISION	B

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Application No: DA-349/2013/C

Date Received: 12/04/2024

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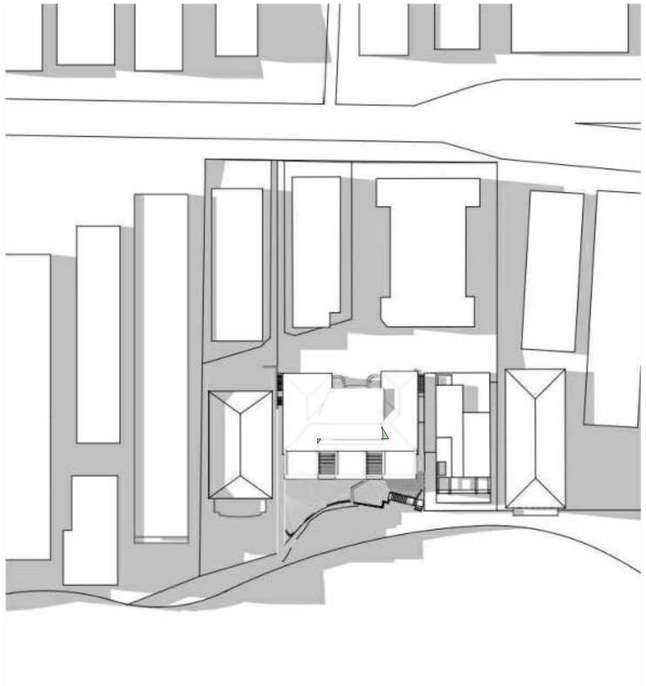

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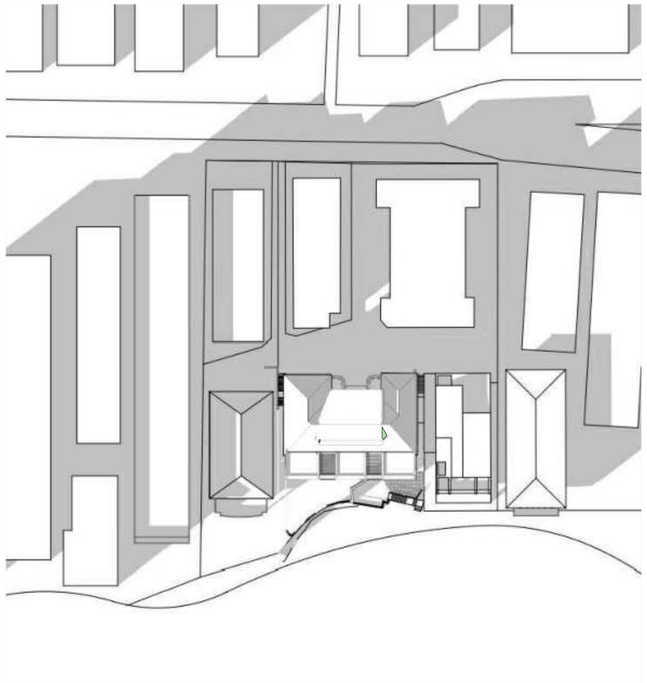

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LEGEND

PROPOSED OVERSHADOWING

APPROVED EXISTING OVERSHADOWING

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JOB NO. **2374**	DRAWING NO. **S4.55.3/A13**	REVISION **B**

Report to the Waverley Local Planning Panel

Application number	DA-387/2023 – PAN-394962
Site address	92 Ramsgate Avenue, Bondi Beach
Proposal	Alterations and additions and change of use of approved dual occupancy development to a dwelling house and Planning Agreement
Date of lodgement	21 December 2023
Owner	Mr R and Mrs S Kogan
Applicant	MHNDU & Common Office
Submissions	12 submissions received consisting of nine unique submissions
Cost of works	$2,270,000
Principal Issues	• Exceedance of Floor Space Ratio development standard • Reduction in dwelling density
Recommendation	That the application be APPROVED.

SITE MAP

1. PREAMBLE

1.1 Executive Summary

The development application seeks consent for alterations and change of use of an approved dual occupancy to a dwelling house at the site known as 92 Ramsgate Avenue, Bondi Beach.

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

- Exceedance of floor space ratio (FSR) development standard;
- Bulk and scale; and
- Reduction in residential dwelling density.

The assessment finds these issues acceptable as the extent of the variation to the FSR development standard is contained wholly within the approved building envelope and does not contribute to additional built form or scale, and will not result in any additional impacts on the character of the streetscape or environmental amenity of adjoining properties. The proposal is consistent with the objectives of the development standard as demonstrated by the Clause 4.6 written request.

The proposed change of use from the original approval of 3 units in 2019, to a dual occupancy (2 units) in 2021 to now a single dwelling is contrary to the housing strategy of NSW, where there is continual desire to increase housing stock numbers. However, having regard to the pathway undertaken by the owner/s of this site, the proposal (be it, as a single dwelling) is a permissible use within the R3 Medium Density Residential zone. Whilst this pathway is unfortunate, the proposal, now a very large single dwelling (in lieu of 3 or 2 units) will maintain the previously approved bulk and scale, contribute to the variety of housing types within the locality without detracting from the built form and scale of existing and emerging developments within the streetscape and preserves the residential density of the site which originally contained a dwelling house (be it, much smaller).

A total number of 12 submissions were received of which nine submissions were identified as unique submissions. The issues raised in the submissions have been considered and addressed in this report and in the recommendation. No Councillor submissions have been received. There 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 28 May 2024.

The site is identified as Lot 20 Section 2 in DP 9177, known as 92 Ramsgate Avenue, Bondi Beach.

The site is located on the north-eastern side of Ramsgate Avenue between Campbell Parade and Wairoa Avenue. It is rectangular in shape with a frontage to Ramsgate Avenue measuring 12.19m. The site has an area of 477.3m^2 and it gradually rises from the front (south-western portion) towards the rear (north-eastern portion) by approximately 600mm.

The site was originally occupied by a single storey dwelling house with vehicular access provided from Ramsgate Avenue and a garage in the rear yard. Demolition of the dwelling and construction works in accordance with the approved dual occupancy development under Development Consent DA-385/2021, as amended by Modification A, has substantially commenced and the external form of the second floor under construction.

The subject site is adjoined by:

- three storey residential flat building (RFB) to the south-east at 94-98 Ramsgate Avenue;
- two storey RFB to the north-west at 90 Ramsgate Avenue; and
- three storey RFB to the north-east (rear of the site) at 63 Brighton Boulevarde.

The locality is characterised by predominantly medium density residential development, including RFB's. Further to the north-west of the site are one and two storey residential dwellings.

Figure 1: View of site looking north from Ramsgate Avenue.

1.3 Relevant Development History

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

- **DA-381/2019** was approved on 29 May 2020 under delegated authority for demolition of an existing dwelling and ancillary structures, and construction of a part three, part four storey RFB comprising 2 x 3 bedroom and 1 x 4 bedroom apartments with basement car parking for 5 cars, 3 bicycle parking spaces and one motorcycle parking space, a swimming pool and associated landscaping. Proposal complied with height and FSR development standards.

- **DA-381/2019** was subsequently amended as follows:
    - **Modification A** was approved on 1 September 2020 under delegated authority to amend the roof design including increasing the ridge height and pitch of the main gable, side dormer windows and lift overrun and deletion of Condition 2(c) requiring correction of an annotation on the architectural plans. Proposal complied with height and FSR development standards.
    - **Modification B** was approved by the Waverley Local Planning Panel (WLPP) at its meeting on 25 August 2021 for alterations including extension of the basement level, infilling of eastern side courtyard for additional floor space at ground and first floor levels and alterations to the front fence height. Proposal complied with height development standard, and whilst no greater in approved building envelope, internal layout changes resulted in an additional 34.33m^2 or 8% additional gross floor area (GFA) above the development standard. A Planning Agreement was offered and subsequently conditioned as part of the development consent.

- **DA-385/2021** was approved on 23 February 2022 by the WLPP for alterations and change of use from the approved RFB to an attached dual occupancy contained within the approved building envelope. Conditions were imposed to ensure the development consent operates concurrently and consistently with the RFB development consent (DA-381/2019/B), and modification of the approved plans in Condition 1 of DA-381/2019/B to be consistent with the dual occupancy architectural plans as follows:

    3. MODIFICATION OF DEVELOPMENT CONSENT DA-381/2019 AND SUBSEQUENT S4.55 MODIFICATIONS

    Pursuant to section 4.17(1)(b) and (5) of the Environmental Planning and Assessment Act 1979, Development Consent DA-381/2019 granted on 29 May 2020, DA-381/2019/A granted on 1 September 2020 and DA-381/2019/B granted on 25 August 2021 are modified as necessary so that there is consistency between Development Consent DA-381/2019 and this development consent. In this regard, Condition 1 of Development Consent No. 381/2019/B is modified to include the approved architectural plans and BASIX certificate referred to in condition 1 of this development consent.

    4. RELATIONSHIP TO DEVELOPMENT CONSENT NO. 381/2019/B

    This development consent shall operate concurrently with Development Consent DA-381/2019/B. All conditions of consent imposed on Development Consent DA-381/2019/B are to be read and complied with in conjunction with this development consent. A consolidated construction certificate application should be sought to

combine the approved works under the subject development consent with those under Development Consent DA-381/2019/B.

Whilst the overall building height remained unchanged, given excavation works had begun, the 'existing ground level' was subsequently now lower, which resulted in a numerical breach, having regard to the manner of defining building height (technicality). The applicable FSR approved also increased, having regard to the standard now applied for a dual occupancy (versus a residential flat building). The applicant maintained their offer of the Planning Agreement.

- **DA-385/2021/A** was subsequently amended by Modification A (approved on 8 June 2023 under delegated authority) for alterations to the layout of each dual occupancy and external windows and doors, deletion of rear second floor balcony and replace with Juliet balconies, and new skylights.

The conditions imposed in development consent DA-385/2021, shown above, are relevant to the subject application as any approval for the dwelling house use will be required to operate concurrently and consistently with that development consent, and is subsequently associated with the residential flat building development consent.

1.4 Proposal

The development application seeks consent for alterations and change of use of the approved dual occupancy to a single dwelling house, and specifically includes the following:

Basement

- Internal alterations including infill of existing wall opening between the vehicular access ramp and gym; and
- Delete two car parking spaces, erection of internal partition walls to create a storage area.

Ground Floor

- Infill floor opening to gym below within the front patio;
- New window to WC and delete entry door on the western elevation.
- Internal reconfiguration of office, internal stair landing, lift access and kitchen; and
- Delete spiral staircase to first floor.

First Floor

- Reconfiguration of internal stair landing; and
- Delete spiral staircase to ground floor.

Second Floor

- Reconfiguration of internal stair landing.

No change is proposed to the approved third floor (attic level).

The owner has offered to enter into a planning agreement with Council.

1.5 Background

The development application was lodged on 21 December 2023 and deferred on 22 December 2023 for the following reasons:

1. Excessive number of car parking spaces (as approved for the dual occupancy) for the proposed single dwelling. The basement plan is to be amended to provide a maximum of two car parking spaces.
2. GFA and FSR has been incorrectly calculated. Revised GFA calculation plans and supporting documentation required to be submitted (ie. Statement of Environmental Effects and Clause 4.6 written request seeking variation to the FSR development standard).

The amended plans and supporting documentation were received on 17 and 18 January 2024.

Upon review of the amended plans and supporting information, Council's Assessment Officer prepared a deferral letter on 13 March 2024 identifying the issue of reducing residential density within the R3 Medium Density Residential zone under the Waverley Local Environmental Plan 2012 (Waverley LEP 2012) and the reliance of the built form originally approved for a RFB, then subsequently a dual occupancy, which is not commensurate with the typical scale of a single dwelling.

On 10 April 2024, the applicant responded to Council's concerns presenting the following argument:

> *The pre-existing development on site comprised a single dwelling house and what is proposed is a single dwelling house. While the approved development may have comprised two dwellings, this is a new DA not a modification. Moreover, the objective does not state anything about "approved" dwelling density. Right now, the site is a construction site with no dwellings. So, the literal interpretation in my opinion is that we are either preserving dwelling density (as the site comprised only one dwelling) or increasing dwelling density as there are no dwellings on site right now. It is for these reasons that we satisfy this objective.*
>
> *…the proposal seeks no change to the approved building envelope. This building envelope was deemed acceptable by council for the previous dual occupancy development that was approved by council and the controls are no different to that of a dwelling house.*

On 1 May 2024, the owner submitted a written offer to enter into a Planning Agreement (PA) with Council for the extent of the variation of GFA greater than the approved GFA under Development Consent DA-385/2021/A to the amount $119,282.00.

The information submitted forms the basis of the assessment.

2. ASSESSMENT

The following matters are to be considered in *Environmental* 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 (Resilience and Hazards) 2021

2.1.2 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 not inconsistent with the aims of the plan, particularly to provide a variety of housing types and densities to meet the housing needs of the community and enhance the environment and amenity of the locality.
Part 2 Permitted or prohibited development		
Land Use Table • *R3 Medium Density Residential Zone*	Yes	The proposal is defined as a dwelling house, which is permitted with consent in the R3 Medium Density Residential zone. Prior to commencement of construction works for the approved dual occupancy under development consent DA-385/2021, the site was occupied by a single dwelling. The proposed use of the site as a single dwelling is consistent with the original use of the site prior to commencement of building works. It is noted that use of the site is under construction (dual occupancy consent), therefore the justification provided by the applicant that the proposed use does not result in a reduction in dwelling density for the site (from its former, original use) is acceptable and is consistent with objectives of the zone. The proposal does not seek to alter the approved building envelope that is currently under construction. As such, the proposal will not result in any additional or unreasonable

Provision	Compliance	Comment
		environmental or amenity impacts on surrounding properties or character of the locality.
Part 4 Principal development standards		
4.3 Height of buildings • *12.5m*	No – as approved	No change is proposed to the approved building height of 14.78m under Development Consent DA-385/2021, as amended. No external alterations are proposed to the approved building envelope and all proposed works are contained below the maximum 12.5m height of building development standard. The proposal does not result in any further exceedance of the development standard and is acceptable.
4.4 Floor space ratio and **4.4A Exceptions to floor space ratio** • *0.58:1 (276.83m²)*	No	The approved development under Development Consent DA-385/2021 (as amended) has a FSR of 1.025:1 (489.06m²). The proposed change of use to a dwelling house and internal alterations to delete common vertical circulation areas results in an additional 27.74m² of GFA equating to a FSR of 1.08:1 (516.8m²), equating to a variation to the FSR development standard by 86%.
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		
6.1 Acid sulfate soils	Yes	The site is identified as containing Class 5 Acid Sulfate Soils. No excavation or disturbance to existing soils is proposed as part of this application.

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

Clause 4.6 Exceptions to Development Standards - FSR

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

The site is subject to a maximum FSR development standard of 0.58:1. The proposed development has a FSR of 1.08:1, exceeding the standard by 239.97m^2 equating to an 86% variation.

The building envelope approved by Development Consent DA-385/2021 (as amended) as a FSR of 1.025:1 (489.06m²) exceeding the standard by 212.23m² or 77%. The proposal seeks a net increase in GFA of 27.74m² representing an additional variation of 9.4%. The proposed additional GFA and variation to the development standard is contained wholly within the approved building envelope.

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

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

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

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

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

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

(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:

  (i) The extent of the additional GFA and variation of the development standard is contained wholly within the approved building envelope and does not result in any additional building bulk.

  (ii) The variation is a technical breach to the development standard due to the removal of common vertical circulation areas previously approved for the dual occupancy development under DA-385/2021 which are to be absorbed into the GFA of the proposed dwelling in accordance with the definition and calculation of GFA for a dwelling.

  (iii) The proposal is consistent with the objectives of Clause 4.6 to provide flexibility to the application of the development standard having regard to the change of use to a dwelling.

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

  (i) The extent of the variation to the development standard will not result in any alterations to the appearance of the previously approved built form or landscaping when viewed from the public domain or adjoining properties and will not result in any additional amenity impacts on surrounding properties.

  (ii) The proposal will maintain a built form that is consistent with the building bulk and scale of surrounding developments within the streetscape and contributes to the character of the locality.

  (iii) The variation is a result of removing common vertical circulation associated with the previously approved dual occupancy development and reconfiguration of the internal layout for use as a dwelling to better meet the needs of future occupants.

  (iv) No new works are proposed beyond the maximum building height development standard.

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 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 justification provided by the applicant has adequately demonstrated that the objectives of the development standard have been achieved particularly as the building envelope, built form, scale and architectural style as approved and currently under construction will be maintained. It is noted that all proposed alterations are contained below the maximum height of buildings development standard.

The proposed variation to the development standard will not alter the presentation of the development or detract from the character of the streetscape or locality and will preserve the environmental amenity of neighbouring properties.

The applicant has submitted an argument that the proposal to change the use from a dual occupancy to a dwelling is consistent with the objectives of the R3 Medium Density Residential zone under the Waverley LEP 2012 as the proposal contributes to housing mix within the medium density residential area, maintains a built form that is compatible with the desired future character of the locality and does

not impact access to services and amenity for the community. In regard to the objective to increase or preserve residential dwelling density within the R3 zone, the applicant submits that the proposal to change the use of the site from a dual occupancy to a dwelling house preserves the residential density of the site which originally contained a dwelling house, as the dual occupancy use has not formally commenced. Upon further consideration, Council's Assessment Officer supports the justification provided by the applicant and is satisfied that the proposal achieves the objectives of the zone.

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 that there are sufficient environmental planning grounds to justify contravening the development standard. In particular, the approved building envelope and presentation of the development to the street and adjoining properties is compatible with the character of the streetscape and the locality.

The proposal achieves the objective to preserve the environmental amenity of surrounding properties as no change is proposed to the building envelope or landscaping of the site and there will be no additional overshadowing, loss of privacy or view impacts. Minor changes to openings on the western elevation including deletion of a ground floor entry door and installation of a small high light window to the ground floor WC will not result in any additional privacy or amenity impacts to the adjoining property and will not be visible from the public domain.

The proposed variation is considered acceptable in this circumstance as there is no change to the approved building envelope. Strict compliance with the development standard would require demolition of the current structure which is unreasonable and would not result in environmental benefits.

The proposal also includes an offer to enter into a Planning Agreement (PA) for the additional GFA of the proposed development that is in addition to the GFA of the approved building and PA offered under DA-385/2021. The calculation of the PA is based on the additional GFA of the development calculated as the difference in GFA between the approved and proposed form.

The offer has been made in accordance with *Waverley Council Planning Agreement Policy 2014* (the Policy). Whilst the Policy does not specifically require a PA for dwelling houses exceeding the development standards, the Policy allows Council to consider an offer to enter into a PA to address the public benefits to offset reasonable impacts from variations to development standards. In this circumstance, the additional GFA is a result of the change of use to a dwelling house and associated internal reconfigurations that is contained within the approved building envelope.

The fundamental principle of the Policy is that any benefit that arises from agreement to vary development standards is shared between the developer and the community and must be acceptable on environmental impact grounds. The reasonableness of impacts associated with the additional floor space of the proposed development has been considered against the likely public interest (i.e. public domain improvements in the area), which has been found to be acceptable in this instance. The reasonableness relates to the merits of this case only as discussed in the body of this assessment report.

The proposed development is not against the public interest as it complies with the limitations set in the Policy.

A suitable public purpose or benefit is considered to be provided in the form of the forthcoming execution of a PA, which would contribute to public works or a similar public benefit within the catchment of the site. Appropriate conditions are included in Appendix A.

Conclusion

The written request provided by the applicant to vary the FSR development standard development 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 (Amendment No. 2) are outlined below:

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

Development Control	Compliance	Comment
1. Waste • *Garbage bins are to be stored in an appropriate location.*	Yes	Satisfactory.
2. Ecologically Sustainable Development • *Ceiling or wall mounted fans* • *Gas cooktops, gas ovens or gas internal space heating systems.*	Yes No	Ceilings fans are provided to bedrooms as shown on the architectural plans and noted in the BASIX Certificate. The proposal seeks to provide gas hot water system, air conditioning and a gas cooktop with an electric oven. A condition to use renewable energy within the development and contribute to the ecological sustainability of the development has been included in the recommendation.
5.Water Management	Yes	Satisfactory.
7. Transport **7.1 Streetscape** **7.2 On-Site Parking** **7.2.1 Vehicle Access** **7.2.2 Parking Rates** *Minimum parking rate:* • *Nil* *Maximum parking rate:* • *2*	Yes Yes Yes Yes	No change is proposed to the approved vehicular access or location of car parking within the basement. The proposal provides two car parking spaces within the basement level and is consistent with the maximum provisions under the DCP.

Development Control	Compliance	Comment
11. Design Excellence	Yes	The proposal satisfies the objectives and controls for design excellence as no change is proposed to the approved built form and architectural style of the development under development consent DA-385/2021.

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

Development Control	Compliance	Comment
1.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
1.1 Height		
Pitched roof dwelling house • *Maximum external wall height of 7m*	No – as approved	No change is proposed to the approved external wall height of the development approved under DA-385/2021. Given that the proposal does not seek to alter the approved building envelope, the existing non-compliance is acceptable in this circumstance as it will not result in additional bulk or scale impacts on adjoining properties or the streetscape.
1.2 Setbacks		
1.2.1 Front and rear building lines • *Predominant front building line (adjacent three neighbours on either side)* • *Predominant rear building line at each floor level (adjacent three neighbours or either side)* • *Development at first floor level and above shall be set back from the rear building line of the ground floor level*	Yes – as approved Yes – as approved No – as approved	No change is proposed to the front and rear building lines of the approved development. The proposal retains the approved building footprint under development consent DA-385/2021 and is compatible with the building lines of surrounding developments.
1.2.2 Side setbacks • *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*	Yes – as approved Yes – as approved	No changes are proposed to side setbacks as approved under development consent DA-385/2021. The ground, first and second floor levels have minimum side setbacks measuring 1.5m and the third floor has side setbacks between 2.75m and 3.34m which comply with the minimum side setback controls.

Development Control	Compliance	Comment
proposed, all floors must be setback by 1.5m. • *Third floor assessed on merit.*	Yes – as approved	
1.3 Streetscape and visual impact		
• *New development to be compatible with streetscape context* • *Significant landscaping to be maintained.*	Yes – as approved	No change is proposed to the form or architectural character of the approved development under DA-385/2021 as viewed from the street. No change is proposed to the landscaping of the site. As such, the proposal will be compatible with the streetscape and is acceptable.
1.5 Visual and acoustic privacy		
• *Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design*	Yes	The proposed ground floor highlight window on the western elevation services a WC. The new window will not result in any direct sightlines to windows of the adjoining property and will not result in any loss of privacy or amenity impacts. The deletion of the ground floor entry door on the western elevation will enhance the amenity of the adjoining property and is acceptable. No changes are proposed to approved windows, balconies or upper floor terrace within the development.
• *Maximum size of balconies:* *10m^2 in area* *1.5m deep*	Yes – as approved	
• *Roof tops to be non-trafficable unless predominant in the immediate vicinity*	Yes – as approved	
1.6 Solar access		
• *Minimum of 3 hours of sunlight to 50% of living areas and principal open space areas on 21 June to subject site*	Yes	The proposal will not result in any additional overshadowing of adjoining properties as no change is proposed to the approved building envelope.
• *Minimum of 3 hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June.*	Yes	

Development Control	Compliance	Comment
• *Avoid unreasonably overshadowing of solar collectors (including habitable windows).*	Yes	
1.7 Views		
• *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 Yes	There are no views from the public domain or adjoining properties that will be impacted by the proposal.
1.8 Car parking		
1.8.1 Design Approach • *Parking only allowed where site conditions permit* • *Designed to complement the building and streetscape* • *Car parking structures to be behind the front building line* • *Driveways are to be located to minimise the loss of on street parking*	 Yes Yes Yes Yes	No change is proposed to the provision of vehicular access to the site, location of car parking or maintaining on street car parking.
1.8.2 Parking rates	Yes	The proposal removes two approved car parking spaces within the basement to provide a maximum of two car spaces. The proposed car parking spaces are consistent with the parking rates set out under Part B7 of Waverley DCP 2022.
1.8.3 Location • *Parking to be behind front building line for new dwellings*	 Yes	No change is proposed to the location of car parking in the basement as approved by DA-385/2021.
1.8.4 Design • *Complement the style, massing and detail of the dwelling*	 Yes Yes	No change is proposed to the approved design for car parking within the site.

Development Control	Compliance	Comment
• *Secondary in area and appearance to the design of the residences*		
1.8.5 Dimensions • *5.4m x 2.4m per vehicle*	Yes	The retention of two car parking spaces in the basement complies with the minimum car parking dimensions and is acceptable.
1.8.6 Driveways • *Maximum of one per property* • *Maximum width of 3m at the gutter (excluding splay)* • *Crossings not permitted where 2 on street spaces are lost*	Yes Yes Yes	No change is proposed to the approved driveway.
1.9 Landscaping and open space		
• *Overall open space: 40% of site area (190.92m²)* • *Overall landscaped area: 20% of site area (95.46m²), with at least half deep soil (47.73m²)* • *Minimum area of 25m² for private open space* • *Front open space: 50% of front building setback area (34m²)* • *Front landscaped area: 50% of front open space provided (17m²)* • *Outdoor clothes drying area to be provided*	Yes Yes Yes Yes Yes Not shown on plans	No change is proposed to the approved landscaping of the site. The proposal maintains 198.4m² of open space, 143.1m² of landscaped area consisting of 79.4m² of deep soil and private open space directly accessible from principle living areas greater than 25m². The open space within the front building setback has an area of 68m² with 30.2m² of landscaping which is consistent with the minimum requirements of the DCP. An outdoor clothes drying area has not been shown on the plans however there is sufficient space within the rear private open space to meet the clothes drying needs of future occupants.
1.10 Swimming pools and spa pools		
• *Located in the rear of property* • *Pool decks on side boundaries must consider visual privacy* • *All pool equipment to be enclosed within an acoustically treated enclosure*	Yes – as approved	No change is proposed to the approved swimming pool located at the rear of the site.

Table 4: Waverley DCP 2022 – Part E4 – Special Character Areas

Development Control	Compliance	Comment
4.2 North Bondi		
Desired Future Character Objectives • Maintain streetscape rhythm in building frontages • Improve amenity on site and adjoining sites • Minor alterations in the roof space	Yes	No change is proposed to the built form or architectural style of the approved development under DA-385/2021. No external alterations are proposed that will result in additional amenity impacts on adjoining properties. The proposal is considered to be consistent with the desired future character of the locality.
Controls • Buildings should have pitched roofs with red tiles in keeping with the existing character of the area. • Attics are to be secondary to the main pitched roof form. • The established patterns of materiality and colour where there are existing rows of consistency along a street are to be maintained. • Roof-top terraces are discouraged due to the greater potential impacts in higher density areas.	No – as approved Yes – as approved Yes – as approved No - as approved	No change is proposed to the external built form or materials and finishes of the approved development therefore the proposal is compatible with the streetscape and character of the area.

2.2 Other Impacts of the Development

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

2.3 Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.4 Any Submissions

The application was notified for 14 days between 23 January and 6 February 2024 in accordance with the *Waverley Community Engagement Strategy 2023*.

Following receipt of amended plans and additional information, the application was not renotified as the amended form of the proposal did not represent any change to the scale of the development as originally notified, for the following reasons:

- Clarification of proposed GFA and FSR variation (no alterations to the approved building envelope);
- Reduction of proposed car parking spaces in the approved basement level.

A total of 12 submissions were received consisting of nine unique submissions from the following properties:

Table 4: Submission details

Count	Property Address
1.	Unit 1, 94-98 Ramsgate Avenue, Bondi Beach
2.	Unit 2, 94-98 Ramsgate Avenue, Bondi Beach
3.	Unit 3, 94-98 Ramsgate Avenue, Bondi Beach
4.	Unit 7, 94-98 Ramsgate Avenue, Bondi Beach
5.	Unit 8, 94-98 Ramsgate Avenue, Bondi Beach
6.	Unit 9, 94-98 Ramsgate Avenue, Bondi Beach
7.	Unit 11, 94-98 Ramsgate Avenue, Bondi Beach
8.	Unit 13, 94-98 Ramsgate Avenue, Bondi Beach
9.	Strata of 94-98 Ramsgate Avenue, Bondi Beach
10.	Unknown unit at 94-98 Ramsgate Avenue, Bondi Beach
11.	1 Lola Road, Dover Heights
12.	9 Ocean Street, North Bondi

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

- Non-compliance with height of buildings and FSR development standards
- Bulk and scale
- Side setbacks
- Basement setbacks
- Reduction in dwellings
- Overshadowing and loss of light
- Public interest
- Height of approved boundary fence and retain walls
- Environmental sustainability

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

Issue: The approved dual occupancy consent has not been activated and therefore the proposal dwelling should not rely on the building envelope of the approved dual occupancy.

Response: Development consent DA-385/2021 for change of use from a residential flat building to a dual occupancy has been activated and construction of the exterior of the building is close to completion. The subject application seeking to change the use of the previously approved dual occupancy is permissible with consent. Whilst the pathway undertaken may not be typical, the R3 zone allows for dwelling houses as a permissible use.

Issue: Top level of the dwelling should be deleted to reduce height and FSR.

Response: No change is proposed to the approved third (attic) level of the development under development consent DA-385/2021 (as amended). All proposed alterations are contained within the approved building envelope and does not result in any changes to building height. The variation to the FSR development standard has been addressed under Clause 4.6 of this report. Deletion of the top level to achieve compliance with the building height and FSR development standards is not considered reasonable given the scope of the proposal.

Issue: Dormer windows in the roof do not achieve compliance with planning controls and should be deleted.

Response: No change is proposed to the approved building envelope including the dormer windows as such the retention of the approved dormer windows is considered acceptable.

Issue: Elevated decks should not exceed the maximum dimension and area controls.

Response: No change is proposed to any approved balconies or terraces as part of this application.

Issue: The elevated landscaped courtyard on the second floor does not comply with design controls.

Response: No change is proposed to the approved non-trafficable garden on the second floor.

Issue: Insufficient landscaped areas.

Response: The approved landscaping approved under DA-385/2021 (as amended) remains unchanged and is compliant with landscape requirements under the Waverley DCP 2022.

Issue: Excessive number of jetskis in the storage area. Use of jetskis contribute to water and air pollution.

Response: The ownership and use of jetskis is not a matter for consideration under the provision of the EP&A Act and does not form part of this assessment.

Issue: The basement as approved for the dual occupancy is excessive for a dwelling and will be converted for more car parking spaces.

Response: Amended plans have been submitted deleting two of the previously approved car parking spaces in the basement. The proposal, as amended, provides two car parking spaces and is consistent with the maximum number of car parking spaces permitted for a dwelling.

Issue: Privacy treatment required to eastern elevation required by previous consents should be enforced.

Response: The northern most windows on the second floor on the east and west elevations are shown to comprise of fixed and frosted glazing which will mitigate overlooking and privacy impacts. The proposed treatment to the windows is consistent with development consent DA-385/2021.

Issue: The windows for the games room on the first floor, walk in robe on the second floor and bar area on the third floor will overlook bedroom and garden at 94-98 Ramsgate Avenue.

Response: The fixed glazed windows on the first floor games room on the east elevation has externally fixed blades that will mitigate direct overlooking to the garden area of the ground floor apartment located to the south. Direct sightlines will also be partially screened by the retention of existing mature plantings within the garden of the adjoining property.

The walk in robe on the second floor has a window on the west elevation and does not overlook 94-98 Ramsgate Avenue. The east facing windows on the third floor are setback from the external wall of the floors below and direct sightlines to the ground floor of 94-98 Ramsgate Avenue will be obscured by the proposed roof slope, existing landscaping within the adjoining property and proposed landscaping within the eastern side setback.

Issue: The proposal is an over development of the site.

Response: Having regard to the considerations and assessment in the report above, the proposal is not considered an overdevelopment of the site as no change is proposed to the approved building envelope, built form, architectural style or landscaping of the site. The proposal will not result in any additional amenity impacts on surrounding properties such as overshadowing, loss of privacy or loss of views compared to the previously approved development.

Issue: Number of variations to development of the site.

Response: There are no restrictions under the EP&A Act limiting the number of applications that can be lodged to amend a development consent that has not expired. Each application submitted seeking to amend the development has been assessed against relevant controls and considered on its merits in accordance with relevant legislation.

Issue: The boundary wall adjacent to the garden of Unit 2 at 94-98 Ramsgate Avenue will result in a gap that needs to be filled in. The wall facing 94-98 Ramsgate Avenue should be painted a colour in agreement with the strata body.

Response: All approved building works under DA-385/2021 (as amended) must be contained within the boundary of the subject site. No change is proposed to the approved boundary fence along the eastern side boundary. Any painting of the boundary fence is a private matter than does not form part of the assessment of this application.

Issue: The estimated cost of works is not an accurate assessment of construction costs.

Response: The proposed cost of works is considered an accurate estimate having regard to the minimal alterations proposed to the approved development under DA-385/2021.

Issue: The approved boundary fences and retaining walls are excessive impacting on solar access to adjoining properties.

Response: No change is proposed to the approved side boundary fences.

2.4 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 Strategic Planning

Council's Strategic Planning Team has reviewed the proposal and the applicant's letter of offer to enter into a Planning Agreement with Council for the extent of additional GFA exceeding the previously approved GFA under DA-381/2019/B and DA-385/2021. The proposal seeks an additional 27.76m² GFA resulting in an offer amount of $119,282.00 in addition to the previous Planning Agreements entered into with Council.

Council's Strategic Planning Team accepts the applicant's offer and conditions have been included in the recommendation relating to the implementation of the Planning Agreement.

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.

Managers of Development Assessment (MODA) Review

The application was reviewed by the MoDA at the meeting on 12 March 2024 and the MoDA determined that the application is acceptable and should be approved, subject to the conditions in Appendix A.

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

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the development application be APPROVED by the WLPP subject to the conditions in Appendix A.

Report prepared by:	**Application reviewed and agreed by:**	**Application reviewed and agreed by:**
Peggy Wong	Bridget McNamara	Angela Rossi
Senior Development Assessment Planner	**Manager, Development Assessment**	**Executive Manager, Development Assessment**

Date: 5 June 2024	**Date:** 12 June 2024	**Date:** 17 June 2024

Reason for WLPP referral:

1 Departure from any development standard in an EPI by more than 10%
2 Sensitive development:
   (a) Planning Agreements

OFFICE USE ONLY

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)	86% variation to FSR (Clause 4.4A) 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 [insert another reason here if required]
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
PA submitted – follow up actions required	Yes
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 MHNDUnion Common Office of Project No: 2125 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA101, Rev 3	Site and Analysis Plan	17.01.2024	18.01.2024
DA200, Rev 4	Basement Plan	17.01.2024	18.01.2024
DA300, Rev 3	Ground Floor Plan	17.01.2024	18.01.2024
DA301, Rev 3	First Floor Plan	17.01.2024	18.01.2024
DA302, Rev 3	Second Floor Plan	17.01.2024	18.01.2024
DA303, Rev 3	Third (Attic) Floor Plan	17.01.2024	18.01.2024
DA304, Rev 3	Roof Plan	17.01.2024	18.01.2024
DA400, Rev 3	South Elevation	17.01.2024	18.01.2024
DA401, Rev 3	North Elevation	17.01.2024	18.01.2024
DA402, Rev 3	East Elevation	17.01.2024	18.01.2024
DA403, Rev 3	West Elevation	17.01.2024	18.01.2024
DA404, Rev 3	South Elevation Section	17.01.2024	18.01.2024
DA500, Rev 4	Section A	17.01.2024	18.01.2024
DA501, Rev 4	Section B	17.01.2024	18.01.2024
DA502, Rev 3	Section C	17.01.2024	18.01.2024

(b) BASIX and NatHERs Certificate/s

(c) The Site Waste and Recycling Management Plan (SWRMP) Part 1, received by Council on 19 December 2023

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.

2.	**MODIFICATION OF DEVELOPMENT CONSENT DA-385/2021 AND SUBSEQUENT S4.55 MODIFICATIONS**
	Pursuant to section 4.17(1)(b) and (5) of the Environmental Planning and Assessment Act 1979, Development Consent DA-385/2021 granted on 23 February 2022 and DA-385/2021/A granted on 8 June 2023 are modified as necessary so that there is consistency between Development Consent DA-385/2021 as amended and this development consent. In this regard, Condition 1 of Development Consent No. 385/2021/A is modified to include the approved architectural plans and BASIX certificate referred to in condition 1 of this development consent.
	Condition reason: To ensure the development consents relating to the construction of the building and use are consistent.
3.	**RELATIONSHIP TO DEVELOPMENT CONSENT DA-385/2021/A**
	This development consent shall operate concurrently with Development Consent DA-385/2021 and any subsequent modifications. All conditions of consent imposed on Development Consents DA-385/2021 and DA-385/2021/A are to be read and complied with in conjunction with this development consent. A consolidated construction certificate application should be sought to combine the approved works under the subject development consent with those under Development Consent DA-385/2021 and subsequent modifications.
	Condition reason: To ensure the development consents for the site operate concurrently with a consolidated construction certificate for the building works.

BUILDING WORK
BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

»	» Condition
4.	**NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE**
	The building work, or demolition work, must not be commenced until: (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the *Environmental Planning and Assessment Act 1979*; (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*; and (c) Council is given at least two days' notice in writing of the intention to commence the building works.
	Condition reason: To ensure a Construction Certificate is obtained prior to work commencing.
5.	**HOME BUILDING ACT**
	The builder or person who does the residential building work shall comply with the applicable requirements of Part 6 of the *Home and Building Act 1989*. In this regard a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy the Principal Certifying Authority that they have complied with the applicable requirements of Part 6, before any work commences.
	Condition reason: To ensure the builder or person who does the residential building work, complies with the applicable requirements of Part 6 of the *Home and Building Act 1989*.
6.	**SECTION 7.12 CONTRIBUTION**
	A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Waverley Council Development Contributions Plan in accordance with the following: (a) Where the total development cost is $500,000 or less: (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:

	(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. (c) Where the total development cost is $1,000,000 or more: (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). - Please forward documents to info@waverley.nsw.gov.au attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy. (ii) Upon confirmation of the contribution amount by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate), payment is to be processed via the Customer Service Centre. (iii) Should there be a discrepancy between the cost of works approved in subclause (b)(i) and the DA fee nominated in the original DA, then additional DA Fees may be payable prior to the issue of a Construction Certificate. A copy of the required format for the cost reports are provided in the Waverley Council Contributions Plan, available on Council's website. (d) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, the levy must be paid in accordance with the following; (i) A development valued at $100,000 or less will be exempt from the levy; (ii) A development valued at $100,001 - $200,000 will attract a levy of 0.5% of the full cost of the development; or (iii) A development valued at more than $200,000 will attract a levy of 1% of the full cost of the development. Prior to the issue of any Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than $100,000.
	Condition reason: To ensure the Section 7.12 Contributions are paid.
7.	**PLANNING AGREEMENT**
	(a) The owner/applicant is to: (i) Enter into an Agreement in accordance with Waverley's Planning Agreement Policy 2014 prior to the issue of any Construction Certificate that relates to any building work, other than demolition, excavation, piling, shoring and ancillary work for construction purposes including site hoardings and temporary site sheds that relates to works contained in DA-387/2023; and (ii) Pay a monetary contribution amount of $119,282 prior to the issue of any Occupation certificate for the Development (calculated in

	accordance with Waverley's Planning Agreement Policy 2014 at 27.74sqm of GFA exceedance at a rate of $4,300/sqm). This payment is in addition to the $137,320 planning agreement under DA-385/2021. (iii) A Planning Agreement will be entered into under Section 7.4 of the Environment Planning and Assessment Act 1979 between the applicant/owner of the land subject of the Development and Council. (b) In accordance with the said offer, the Planning Agreement shall make provision in respect to the following: (i) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate that relates to any building work, other than demolition, excavation, piling, shoring and ancillary works for construction purposes including site hoardings and temporary site sheds that relates to works contained in DA-387/2023. (ii) The owner/applicant shall provide Council with a Bank Guarantee to secure the payment of the Monetary Contribution prior to the issue of any Construction Certificate that relates to any building work, other than demolition, excavation, piling, shoring and ancillary works for construction purposes including site hoardings and temporary sheds that relates to works contained in DA-387/2023 for the Development which is: • In a form acceptable to Council and from an institution acceptable to Council • Irrevocable • Unconditional • With no end date (c) The payment of the Monetary Contribution to Council is to be made prior to the issue of any Occupation Certificate for the Development and is to be applied towards a public purpose in accordance with the Agreement and Council's Planning Agreement Policy 2014.
	Condition reason: The applicant offered to enter into a Planning Agreement and their offer is consistent with our PA Policy 2014 and supported by the Strategic Town Planning Team.

8.	**SECURITY DEPOSIT**
	A deposit (cash or cheque) for the amount of **$45,400.00** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent. This deposit (cash or cheque) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs for any repair of damage to Council property or rectification of unauthorised works on Council property, will be refunded after satisfactory completion all of works associated with this consent (including the required public works) to the person who paid the deposit.
	Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.
9.	**LONG SERVICE LEVY**
	A long service levy, as required under section 34 of the *Building and Construction Industry Long Service Payments Act, 1986*, is to be paid in respect of this building work. Evidence that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate. Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.25% of building work costing $250,000 or more.
	Condition reason: To ensure the long service levy is paid.
10.	**ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES**
	The applicant is to pay to Council fees for assessment of all engineering plans and inspection of the completed works in the public domain inclusive of all stormwater assessment, in accordance with Council's Schedule of Fees & Charges at the time of engineering plan approval, prior to such approval being granted by Council. An invoice will be issued to the applicant for the amount payable, which will be calculated based on the design plans for the subject development.
	Condition reason: To ensure Council assessment fees are paid.
11.	**HOARDING**
	To ensure the site is contained during construction, a hoarding is required for the approved works, which is to be designed and constructed in accordance with the requirements of Safe Work NSW. Where the hoarding is to be erected over the footpath or any public place, the approval of Council's Compliance Unit must be obtained and the applicable fees paid, prior to the erection of the hoarding.
	Condition reason: To ensure safety to the general public.
12.	**EROSION & SEDIMENT CONTROL**
	A Soil and Water Management Plan (SWMP), also known as an Erosion and Sediment Control Plan must be prepared in accordance with Waverley Council's Water Management Technical Manual.

	The SWMP must be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request. The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.
	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
13.	**ENGINEERING DETAILS**
	Structural details are to be prepared and certified by a practicing Structural Engineer in connection with all structural components of the approved works, prior to the issue of the relevant Construction Certificate.
	Condition reason: To ensure structural stability of work on site.
14.	**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.
15.	**SITE WASTE AND RECYCLING MANAGEMENT PLAN**
	A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the *SWRMP Part 2* is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.
	Condition reason: To ensure resource recovery is promoted and the local amenity is protected during construction.
16.	**GREEN ROOF LANDSCAPING DETAILS**
	The construction certificate landscape plans are to comply with the controls for green roofs in Part B3.2.3 of the Waverley Development Control Plan 2022 including; Comprise plants that are suitable for the site in relation to the environmental conditions (sun, wind and views) and include indigenous or local native plants to Waverley (see Annexure B3 – 1). Have a minimum soil depth of 300mm and use lightweight soil mixes that are porous, able to drain freely, and suitable for the selected plant species. The green roof is to be designed to be a non-trafficable area (with no balustrades) and must be irrigated without requiring frequent maintenance access. Any access to the roof is to be for servicing purposes only. A qualified landscape architect must review the design and verify that it complies with the above requirements.

	Condition reason: To ensure the longevity of the green roof.
17.	**CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)**
	The applicant is to submit a Construction Traffic Management Plan (CTMP) for the approval of Council's Executive Manager, Infrastructure Services, or delegate, prior to the issue of any Construction Certificate. For further information on what is required in the CTMP, please refer to Council's website at: https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent
	Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.
18.	**RENEWABLE ENERGY AND ENERGY EFFICIENCY**
	To enable all development to contribute to net zero greenhouse emissions by 2035, the following shall apply: (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. (b) Recommended swimming pool heating systems to include solar thermal only, solar thermal boosted with electric heat pump or electric heat pump. (c) No gas cooktops, gas ovens and gas heating systems are permitted. Alternate options must be used (such as electric, induction). (d) Recommended lighting systems to include LEDs with controls, such as motion sensors, step-dim controls and daylight sensors. 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.
	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.

BEFORE BUILDING WORK COMMENCES

»	» Condition
19.	**CONSTRUCTION SIGNS**
	Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.
	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.
20.	**DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS**
	The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including: • Work Health and Safety Act 2011; • Work Health and Safety Regulation 2017; • SafeWork NSW Code of Practice for the Safe Removal of Asbestos; • Australian Standard 2601 (2001) – Demolition of Structures; • *Protection* At least 5 days prior to the demolition, renovation work or alterations and additions to any building, the person acting on the consent shall submit a Work Plan to the Principal Certifying Authority in accordance with Australian Standard AS 2601-2001, Demolition of Structure and a Hazardous Materials Assessment prepared by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall: (a) Outline the identification of any hazardous materials, including surfaces coated with lead paint; (b) Confirm that no asbestos products are present on the subject land, or (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by SafeWork NSW (catalogue WC03561); (d) Describe the method of demolition; (e) Describe the precautions to be employed to minimise any dust nuisance; and (f) Describe the disposal methods for hazardous materials.
	Condition reason: To ensure the safety of workers and the general public.
21.	**TREE PROTECTION**
	All trees on site and adjoining properties, including street trees, are to be retained and protected in accordance with AS4970-2009 'Protection of Trees on

	Construction Sites' and to be certified by an Arborist with AQF level 5 qualification or above, unless approved to be removed in this development consent.
	Condition reason: To protect and retain trees.
22.	**STREET TREES TO BE RETAINED/TREE PROTECTION**
	No existing street trees shall be removed without Council approval. Precautions shall be taken when working near trees to ensure their retention, including the following: i. Do not store harmful or bulk materials or spoil under or near trees; ii. Prevent damage to bark and root system; iii. Do not use mechanical methods to excavate within root zones; iv. Do not add or remove topsoil from under the drip line; v. Do not compact ground under the drip line; vi. Do not mix or dispose of liquids within the drip line of the tree; and vii. All trees marked for retention must have a protective fence/guard placed around a nominated perimeter in accordance with AS4970-2009 “Protection of trees on construction sites.
	Condition reason: To protect trees during the carrying out of site work.

DURING BUILDING WORK

»	» Condition
23.	**CONTROL OF DUST ON CONSTRUCTION SITES**
	The following requirements apply to demolition and construction works on site: 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. 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.
	Condition reason: To ensure the safety of workers and the general public.
24.	**CONSTRUCTION HOURS**
	Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays, with no work to be carried out on Sundays and public holidays. Excavation works involving the use of heavy earth movement equipment, including rock breakers and the like, must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays, with no such work to be carried out on Saturday, Sunday or a public holiday. Noise from construction activities shall comply with the *Protection of the Environmental Operations (Noise Control) Regulation 2017*.
	Condition reason: To protect the amenity of the surrounding area.
25.	**STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS**
	All building materials and any other items associated with the development are to be stored within the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.
	Condition reason: To ensure building material is stored in an appropriate location.
26.	**CONSTRUCTION INSPECTIONS**
	The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the *Building Legislation Amendment (Quality of Construction) Act 2002,* clause 162A of the *Environmental Planning and Assessment Regulation 2021* and the requirements of any other applicable legislation or instruments.

	Condition reason: To ensure regular inspections occur throughout the construction process.
27.	**CERTIFICATE OF SURVEY - LEVELS**
	All construction works are to be in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels is to be submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
28.	**CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING**
	A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the location of the building on the site is to be submitted to the Principal Certifying Authority to certify the building is located in accordance with the development consent plans. The Certificate is to be submitted prior to the construction of the external walls above the ground floor level of the building.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
29.	**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.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

»	» Condition
30.	**FINAL OCCUPATION CERTIFICATE**
	Prior to occupation or use of the development, an Occupation Certificate must be obtained. The Principal Certifying Authority must be satisfied that the requirements of the *Environmental Planning & Assessment Act 1979* have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.
	Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.
31.	**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.
32.	**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.
33.	**CERTIFICATION OF SWIMMING POOL/OUTDOOR SPA**
	Prior to the pool being used, the following must be provided; (a) Certification that the pool has been constructed in accordance with the consulting engineers design; (b) Evidence that the swimming pool/outdoor spa has been registered on the State Government Swimming Pool Register (http://www.swimmingpoolregister.gov.au); (c) A sign outlining details of resuscitation techniques for adults, children and infants has been placed in a prominent position, close to the pool/outdoor spa. Signs are available from Council; (d) A copy of the occupation certificate must be submitted to Council. Note: Swimming/spa pool pumps are restricted from use between 8pm to 7am weekdays and Saturdays, 8pm to 8am on Sundays and public holidays in accordance with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2017.
	Condition reason: To ensure the swimming pool/outdoor spa has been constructed appropriately to ensure the safety of users.
43.	**FLOOR SPACE RATIO**

	The following applies to Floor Space Ratio: (a) The Gross Floor Area of the building shall be limited to 516.8m^2. (b) Prior to any Occupation Certificate (including Interim) being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the Waverley Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifier.
	Condition reason: To ensure the constructed development complies with the approved floor space ratio.
43.	**STREET NUMBER/S**
	The street number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary that fronts the street. Should the number be fixed to an awning then it shall be a minimum 150mm high.
	Condition reason: To ensure the property address is clearly identified.
44.	**BUILDING HEIGHT**
	(a) The height of the buildings must not exceed the following RLs (AHD) to the top of the buildings and (where relevant) to the top of building parapets: i. Ridge/parapet height: RL 23.58 Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.
	Condition reason: To ensure the constructed development complies with the approved height.

OCCUPATION AND ONGOING USE

»	» Condition
34.	**USE OF PLANT ROOMS**
	The “plant/mech.” rooms at the lower ground level shall be used exclusively for the housing of plant and mechanical equipment and must not be used for the storage of goods or any other purpose.
	Condition reason: To ensure the plant room is not used for storage purposes.

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: • 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.	**SYDNEY WATER CERTIFICATE**
	A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. **Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website.** Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact **with the Coordinator**, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
6.	**DIAL BEFORE YOU DIG**
	Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
7.	**TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)**
	Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.
8.	**BONDI - ROSE BAY SAND BODY**
	This site may be located within the Bondi - Rose Bay Sand Body as identified in Council's Aboriginal Cultural Heritage Study 2009. Should an object of potential Aboriginal or archaeological significance be discovered during the demolition, excavation or construction period associated with this development, works are to immediately cease and the NSW National Parks and Wildlife Service must be contacted.

	Waverley Council must be notified of any referral to the NSW National Parks and Wildlife Service and be provided with a copy of any subsequent response.
9.	**TREE REMOVAL/PRESERVATION**
	Any trees not identified for removal in this application have not been assessed and separate approval may be required. Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building may also require approval.
10.	**PLANNING AGREEMENT**
	After a Development Application has been approved with a Planning Agreement, the legal agreement must be drafted by Council, exhibited and endorsed by Council prior to fulfilling the requirements of the DA condition. This process will take a minimum of 4 months, so please contact the Strategic Town Planning team (email strategictownplanning@waverley.nsw.gov.au) at least 4 months before you intend to obtain the relevant Construction Certificate associated with the VPA under this DA to commence the process.

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.

LIST OF AMENDMENTS

No.	DESCRIPTION
1	BASEMENT: Infill gym window
2	GROUND FLOOR: Remove floor openings above basement gym
3	GROUND FLOOR: Infill northwest side entry
4	GROUND FLOOR: Extend kitchen/scullery
5	GROUND FLOOR: Infill lift opening to stair core
6	GROUND FLOOR: Remove partition walls between corridor and stair core
7	GROUND FLOOR: Remove nib walls and infill office entry walls
8	GROUND FLOOR: Remove living room spiral stair
9	FIRST FLOOR: Remove partition wall between corridor and stair core
10	FIRST FLOOR: Extend floor finish to stair core
11	SECOND FLOOR: Remove partition wall between corridor and stair core
12	SECOND FLOOR: Extend floor finish to stair core
13	SOUTH ELEVATION: Location of Hydrant Booster
14	AREAS DIAGRAMS - GFA: Amended GFA Calculations
15	New high level window to GF powder room for natural ventilation
16	Conversion of x2 basement parking spaces into storage and bin room
17	Removal of first floor stair and x2 parking spaces from GFA calculations

AMENDED

RECEIVED
Waverley Council

Application No: DA-387/2023

Date Received: 18/01/2024

Development Application
92 Ramsgate Ave, Bondi Beach
Lot 20 SEC 2 DP9177
17-Jan-24

Common Office respectfully acknowledges the Traditional Owners, the Gadigal and Biddjigal People of the Eora Nation. We pay our respects to elders past, present and emerging.
This is, was, and always will be, Aboriginal Land.

Common Office
L1, 45 Hutchinson St
Surry Hills
NSW Australia
02 9055 9261
www.common-office.com

Document Register

Sheet Number	Sheet Title	Changes From Previous DA
DA000[04]	Cover Page	
DA100[03]	Aerial Context Plan	No Change
DA101[03]	Site and Analysis Plan	No Change
DA102[03]	Setbacks Plan	No Change
DA200[04]	Basement Plan	1, 16
DA300[03]	Ground Floor Plan	2, 3, 4, 5, 6, 7, 8, 15
DA301[03]	First Floor Plan	8, 9, 10
DA302[03]	Second Floor Plan	11, 12
DA303[03]	Third (Attic) Floor Plan	No Change
DA304[03]	Roof Plan	No Change
DA400[03]	South Elevation	13
DA401[03]	North Elevation	No Change
DA402[03]	East Elevation	No Change
DA403[03]	West Elevation	3, 15
DA404[03]	South Elevation Section	No Change
DA405[03]	Ramsgate Ave Streetscape	No Change
DA500[04]	Section A	8, 16
DA501[04]	Section B	3, 4, 6, 8, 16
DA502[03]	Section C	No Change
DA600[04]	Areas Diagrams - GFA	14, 17
DA601[03]	Areas Diagrams - Landscape	No Change
DA602[03]	Waste Management Plan	16
DA700[03]	Photomontage	No Change

For DA Only:
Not For Construction

Legend:
- Proposed
- Approved
- Removed

Notes
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Basix - All other requirements as per Certificates:

WATER
Fixtures
- Showerheads: Min. 3 Star
- Toilets: Min. 4 Star
- Taps: Min. 5 Star

Alternative Water
- Tank size: Min. 3000L
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- To connect to: All toilets, cold water tap that supplies each clothes washer, at least one outdoor tap

Swimming Pool
- No grater than 40kL
- Must be outdoors

THERMAL PEFORMANCE & MATERIALS COMMITMENT:
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- Windows: Ctr/Argon Filled/Clr Double Glazing in Timber frames (generally)
- Skylights: VELUX – Double Glazed OPAL (U = 2.60 & SHGC = 0.24)

ENERGY
Hot Water
- Electric 6 stars

Heating and Cooling
- 1-phase airconditioning in at least 1 living area and 1 bedroom (EER >4.0)

Ventilation
- At least 1 Bathroom: Individual fan, ducted to facade or roof; Operation control: Manual switch on/off
- Kitchen: Individual fan, ducted to facade or roof; Operation control: Manual switch on/off
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- 80% of light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps

Natural Lighting
- Window and/or skylights in the kitchen
- Window and/or skylight n 4 bathrooms/toilets in the development for natural lighting

Swimming Pool
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- Multi speed pump with a performance of 4 stars

Alternative Energy
- Photovoltaic System, connected to the elecrical system
- PV collectors with the capacity to generate at least 2.5 peak kilowatts of electricity, installed at an angle between 10 degrees and 25 degrees o the horizontal facing south east.

Other
- Electric Cooktop & Oven

Consultants:
Survey
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Planner
GSA Planning
Landscape
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Partners Energy Management
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NSW Reg No:4907

N

Project
92 Ramsgate Ave Dwelling
Bondi Beach

Date
17-Jan-24

Scale
nts at A3

Drawn
MC, RM

Drawing
Cover Page

Project No
2125

Drawing No
DA000[04]

Rev

NO CHANGES TO DRAWING

For DA Only:
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Legend:
- Proposed
- Approved
- Removed

AMENDE

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ESA Survey
Myles Baldwin Design
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Geotech
JK Geotechnics
Hydraulic
NB Civil

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92 Ramsgate Ave Dwelling
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Date
17-Jan-24

Scale
nts at A3

Drawn
MC, RM

Drawing
Aerial Context Plan

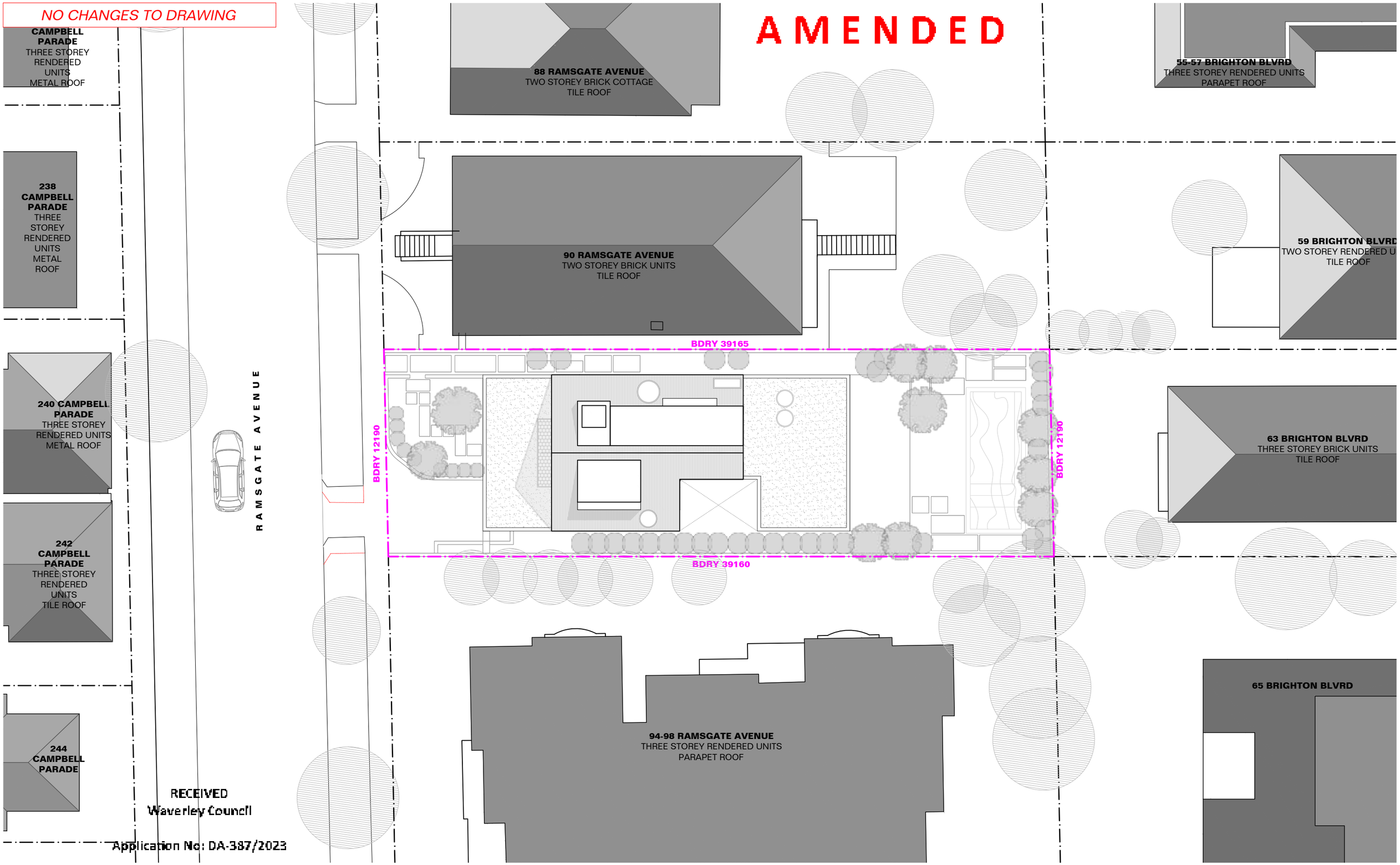
Project No
2125

Drawing No
DA100[03]

Rev

NO CHANGES TO DRAWING

AMENDED



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Project
92 Ramsgate Ave Dwelling
Bondi Beach

Date
17-Jan-24

Scale
nts at A3

Drawn
MC, RM

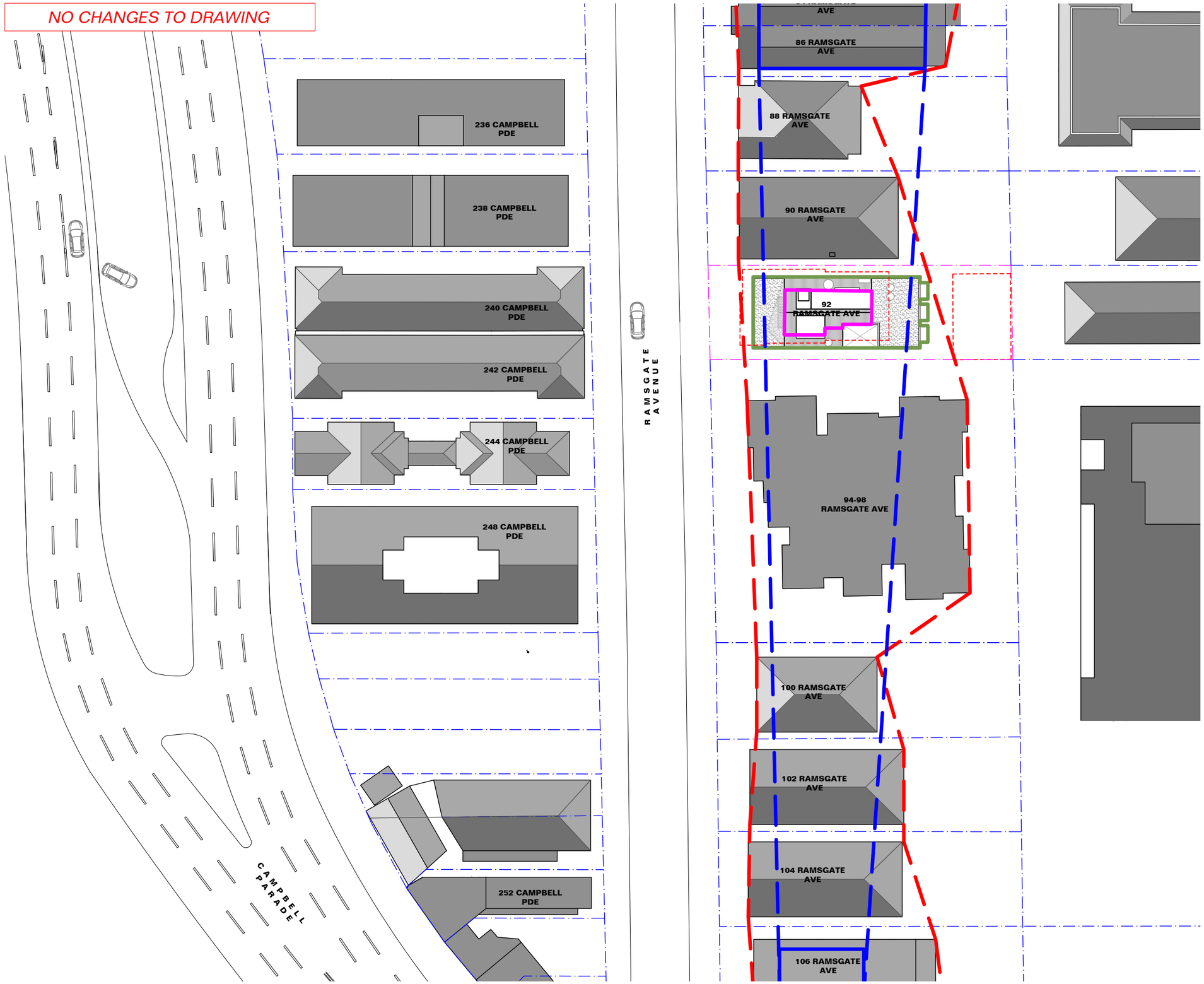
Drawing
Site And Analysis Plan

Project No
2125

Drawing No
DA101[03]

Rev

NO CHANGES TO DRAWING



PREDOMINANT LOWER FLOORS SETBACK

PREDOMINANT UPPER FLOORS SETBACK

84,86, 106 Ramsgate Ave: Each of these properties have setback upper floors

PROPOSED Roof Attic Setback

PROPOSED Building Setback

AMENDED

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Project
92 Ramsgate Ave Dwelling
Bondi Beach

Drawing
Setbacks Plan

Date
17-Jan-24

Project No
2125

Scale
nts at A3

Drawn
MC, RM

Drawing No
DA102[03]

Rev

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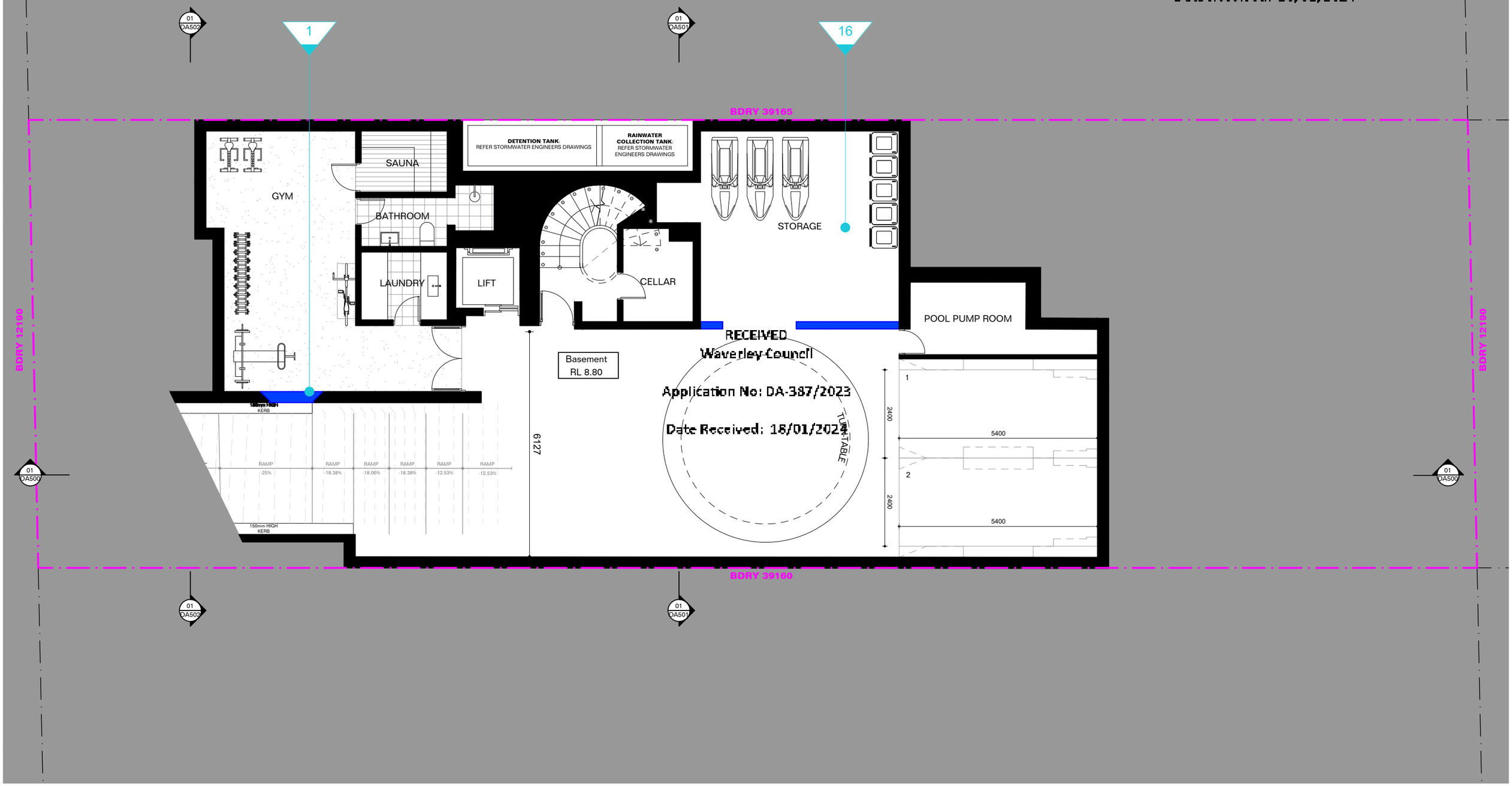

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AMENDED

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Date
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Scale
1:100 at A3

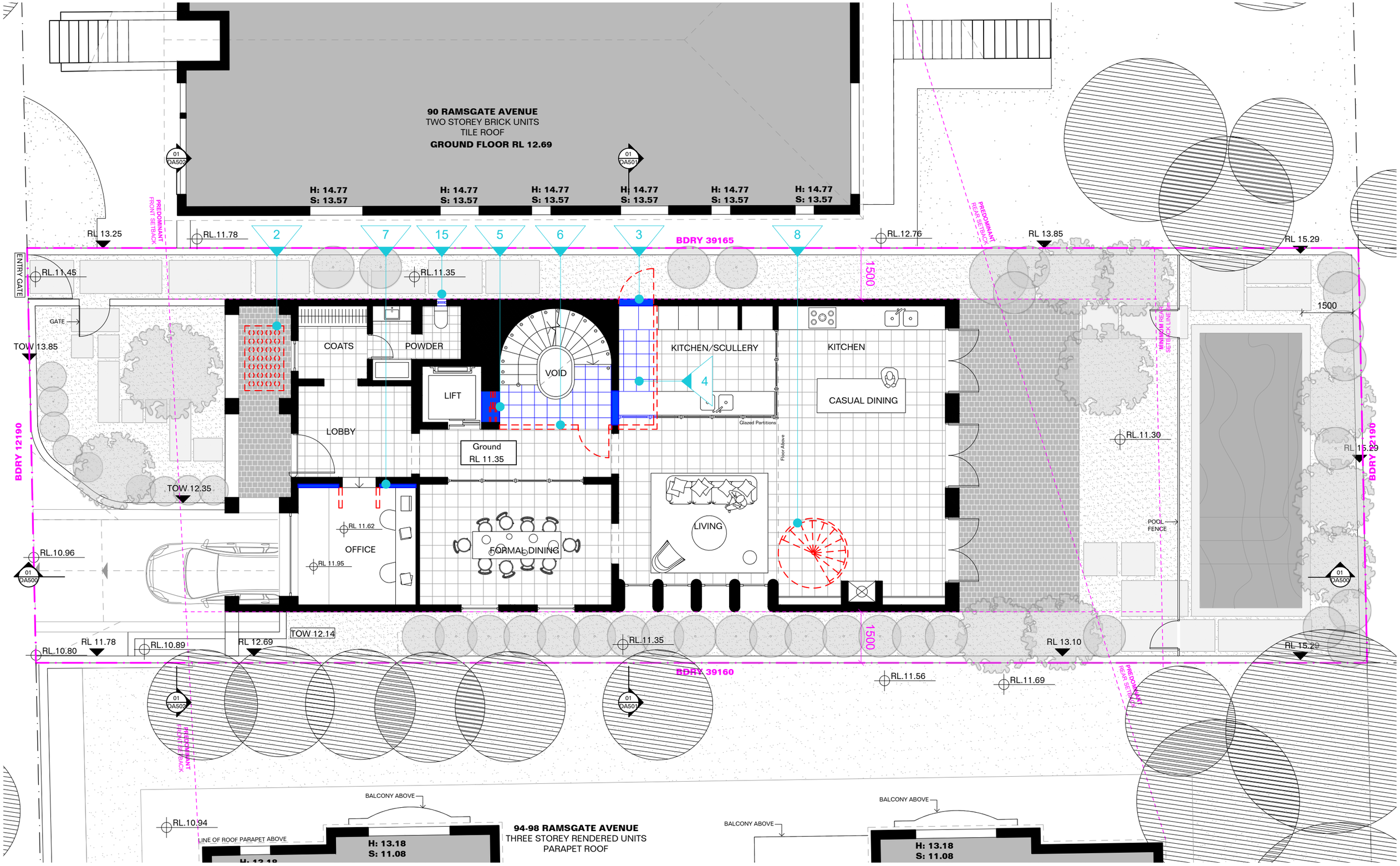
Drawn
MC, RM

Drawing
Basement Plan

Project No
2125

Drawing No
DA200[04]

Rev



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Legend:
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RECEIVED
Waverley Council
Application No: DA-337/2023
Date Received: 18/01/2024

AMENDED

Notes:
1. [illegible] WITH THE BUILDING, SOLE OF NSW, THE NATIONAL CONSTRUCTION CODE (NCC), AUSTRALIAN STANDARDS STATUTORY REGULATIONS AND LOCAL AUTHORITY REQ.
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ESA Survey
Planner
GSA Planning
Landscape
Myles Baldwin Design
BASIX
Partners Energy Management
Geotech
JK Geotechnics
Arborist
Martin Peacock
Civil
NB Civil

MHNDUNION
Common Office
L1, 45 Hutchinson St
Surry Hills
NSW Australia
02 9055 9261
www.common-office.com
Nominated NSW Registered Architect:
Brian Meyerson
NSW Reg No:4907

Project
92 Ramsgate Ave Dwelling
Bondi Beach

Date
17-Jan-24

Scale
nts at A3

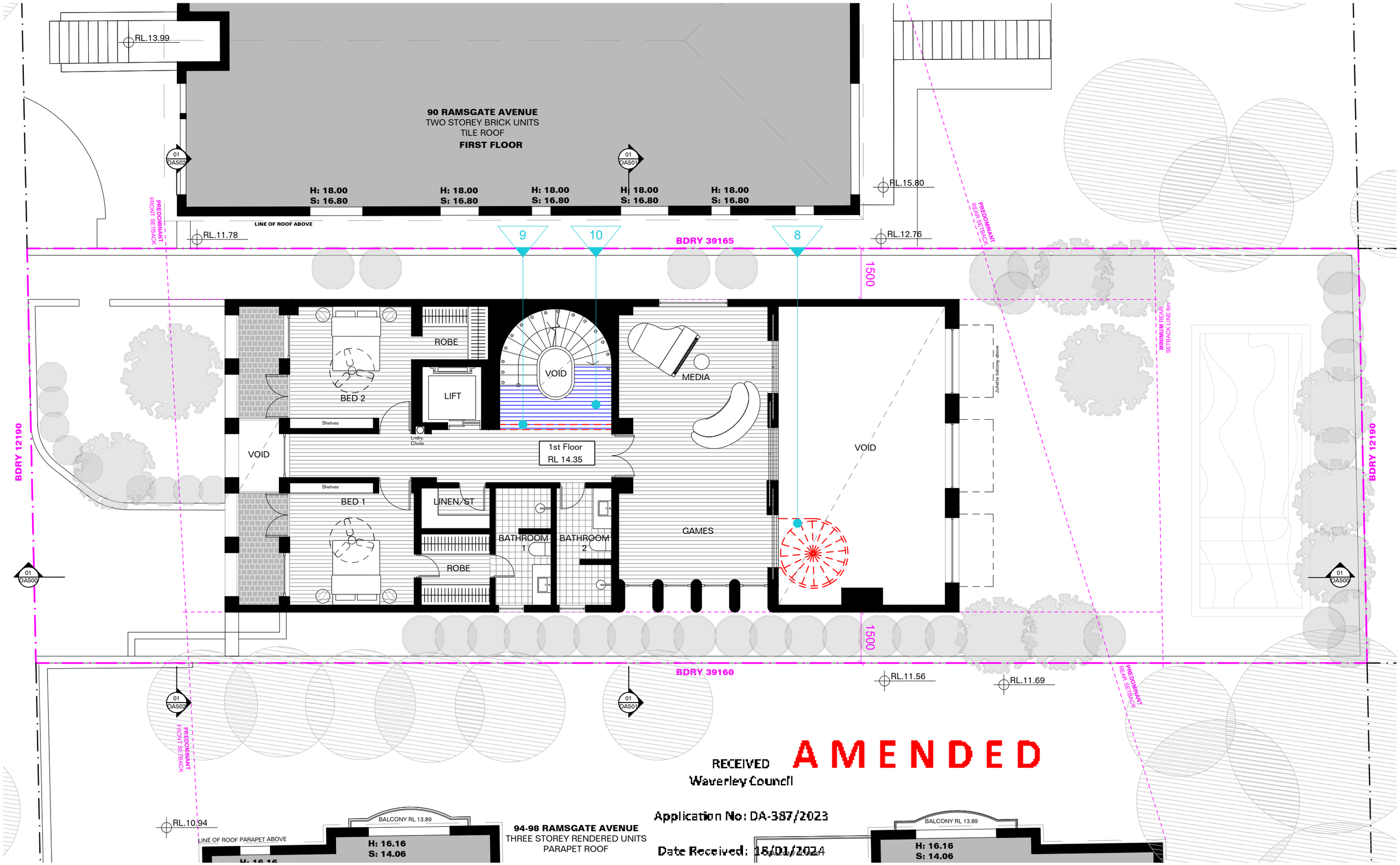
Drawn
MC, RM

Drawing
Ground Floor Plan

Project No
2125

Drawing No
DA300[03]

Rev



RECEIVED
Waverley Council

AMENDED

Application No: DA-387/2023

Date Received: 16/01/2024

For DA Only:
Not For Construction

Legend:
- Proposed
- Approved
- Removed

Notes

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Basix - All other requirements as per Certificates:

WATER

Fixtures
- Showerheads: Min. 3 Star
- Toilets: Min. 4 Star
- Taps: Min. 5 Star

Alternative Water
- Tank size: Min. 3000L
- To collect runoff from at least 130m² of roof area
- To connect to: All toilets, cold water tap that supplies each clothes washer, at least one outdoor tap

Swimming Pool
- No greater than 40kL
- Must be outdoors

THERMAL PEFORMANCE & MATERIALS COMMITMENT:

Floor and Wall Construction
- Floor - concrete slab on ground
- Floor - above habitable rooms or mezanine, concrete
- Floor - suspended floor above garage - concrete. Insulation: Fiberglass batts or roll
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- External Wall: Framed - timber frame. Insulation: fiberglass batts or role
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- Ceiling and roof - flat ceiling, plasterboard internal. Insulation: fiberglass batts or roll

Glazing
- Windows: Clr/Argon Filled/Clr Double Glazing in Timber frames (generally)
- Skylights: VELUX – Double Glazed OPAL (U = 2.60 & SHGC = 0.24)

ENERGY

Hot Water
- Electric 6 stars

Heating and Cooling
- 1-phase aircondiioning in at least 1 living area and 1 bedroom (EER >4.0)

Ventilation
- At least 1 Bathroom: Individual fan, ducted to facade or roof; Operation control: Manual switch on/off
- Kitchen: Individual fan, ducted to facade or roof; Operation control: Manual switch on/off
- Laundry: Natural ventilation only

Artificial Lighting
- 80% of light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps

Natural Lighting
- Window and/or skylights in the kitchen
- Window and/or skylight in 4 bathrooms/toilets in the development for natural lighting

Swimming Pool
- No heating
- Multi speed pump with a performance of 4 stars

Alternative Energy
- Photovoltaic System, connected to the elecrical system
- PV collectors with the capacity to generate at least 2.5 peak kilowatts of electricity, installed at an angle between 10 degrees and 25 degrees o the horizontal facing south east.

Other
- Electric Cooktop & Oven

Consultants:

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NSW Reg No:4907

N

Project
92 Ramsgate Ave Dwelling
Bondi Beach

Date
17-Jan-24

Scale
nts at A3

Drawn
MC, RM

Drawing
First Floor Plan

Project No
2125

Drawing No
DA301[03]

Rev

RECEIVED
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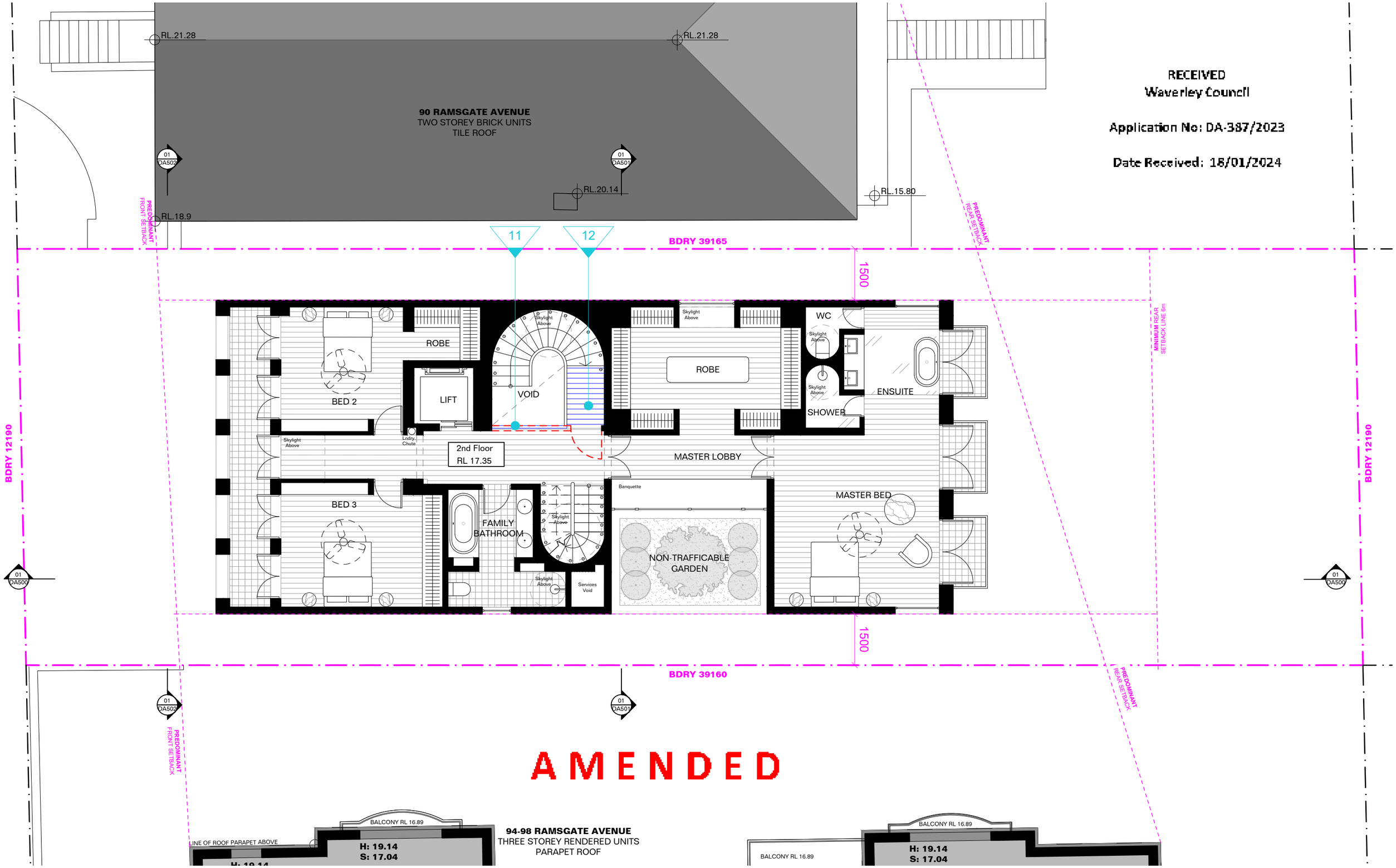

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Legend:
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- Toilets: Min. 4 Star
- Taps: Min. 5 Star

Alternative Water
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Swimming Pool
- No grater than 40kL
- Must be outdoors

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- Skylights: VELUX – Double Glazed OPAL (U = 2.60 & SHGC = 0.24)

ENERGY

Hot Water
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Swimming Pool
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- Multi speed pump with a performance of 4 stars

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Project
92 Ramsgate Ave Dwelling
Bondi Beach

Date
17-Jan-24

Scale
nts at A3

Drawn
MC, RM

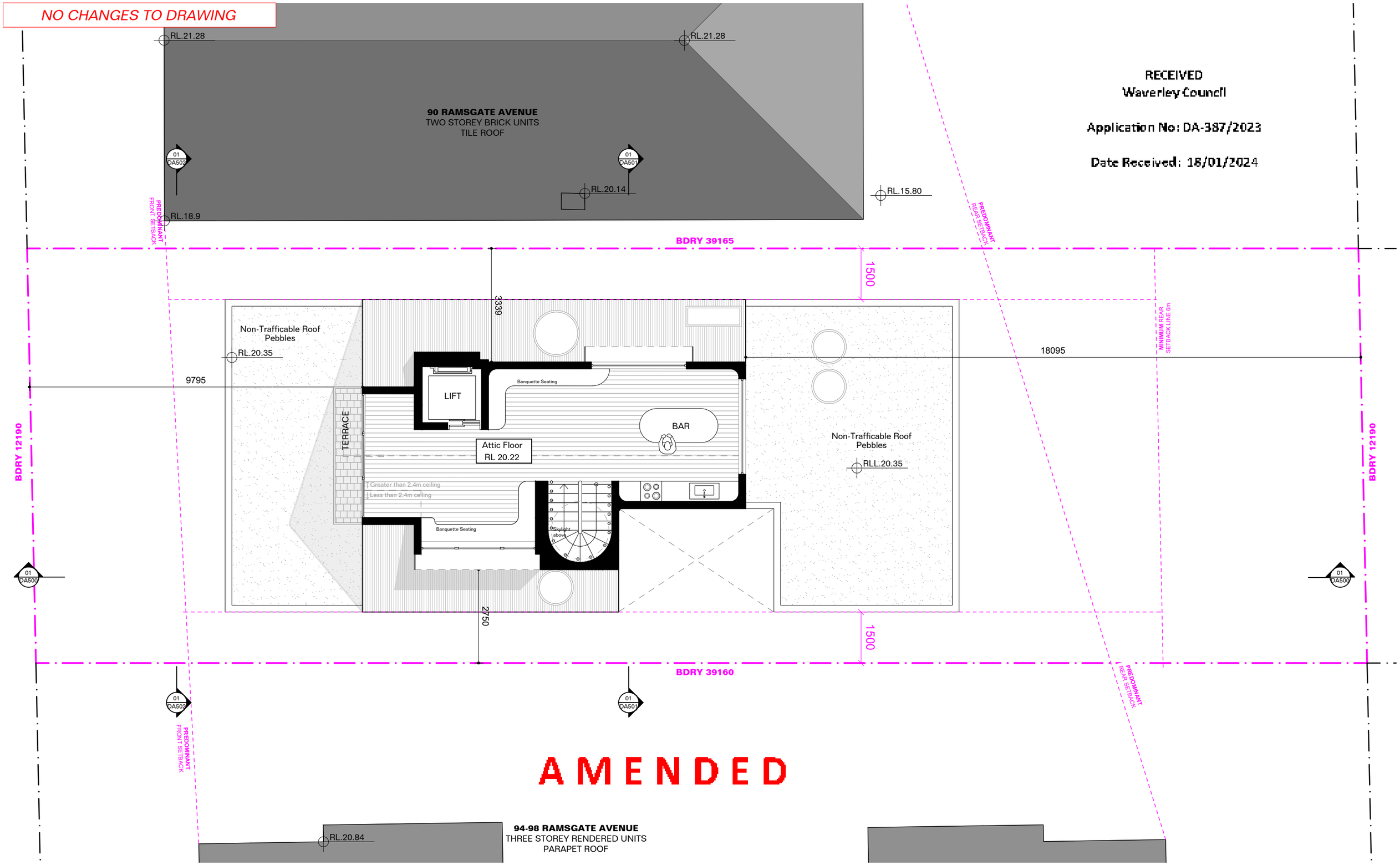
Drawing
Second Floor Plan

Project No
2125

Drawing No
DA302[03]

Rev

NO CHANGES TO DRAWING



RECEIVED
Waverley Council

Application No: DA-387/2023

Date Received: 18/01/2024

AMENDED

For DA Only:
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Legend:
- Proposed
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Swimming Pool
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- Must be outdoors

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ENERGY
Hot Water
- Electric 6 stars

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Swimming Pool
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- Multi speed pump with a performance of 4 stars

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Other
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Consultants:

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Nominated NSW Registered Architect:
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NSW Reg No:4907

N

Project
92 Ramsgate Ave Dwelling
Bondi Beach

Date
17-Jan-24

Scale
nts at A3

Drawn
MC, RM

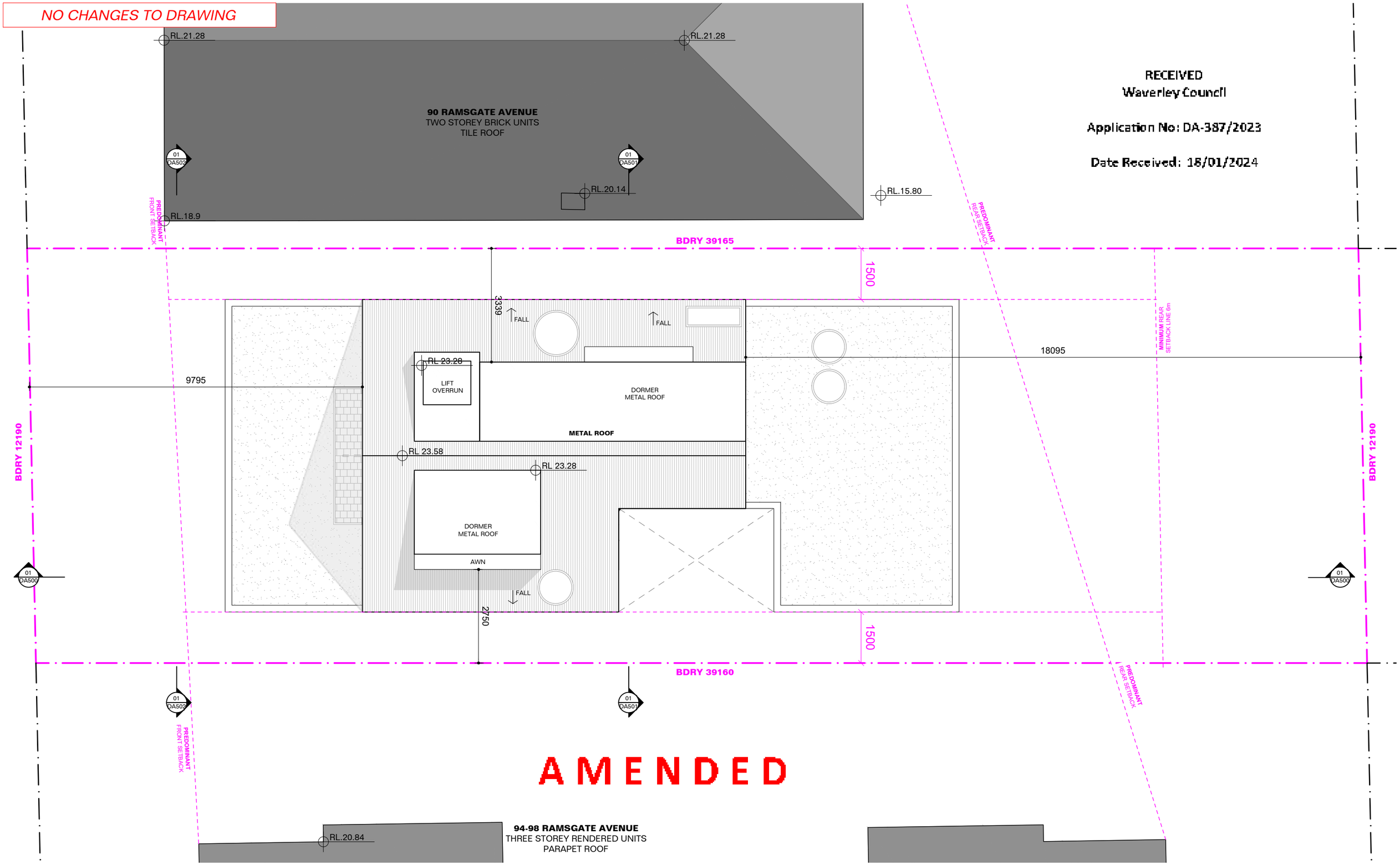
Drawing
Third (Attic) Floor Plan

Project No
2125

Drawing No
DA303[03]

Rev

NO CHANGES TO DRAWING



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Waverley Council

Application No: DA-387/2023

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For DA Only:
Not For Construction

Legend:
- Proposed
- Approved
- Removed

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Project
92 Ramsgate Ave Dwelling
Bondi Beach

Date
17-Jan-24

Scale
nts at A3

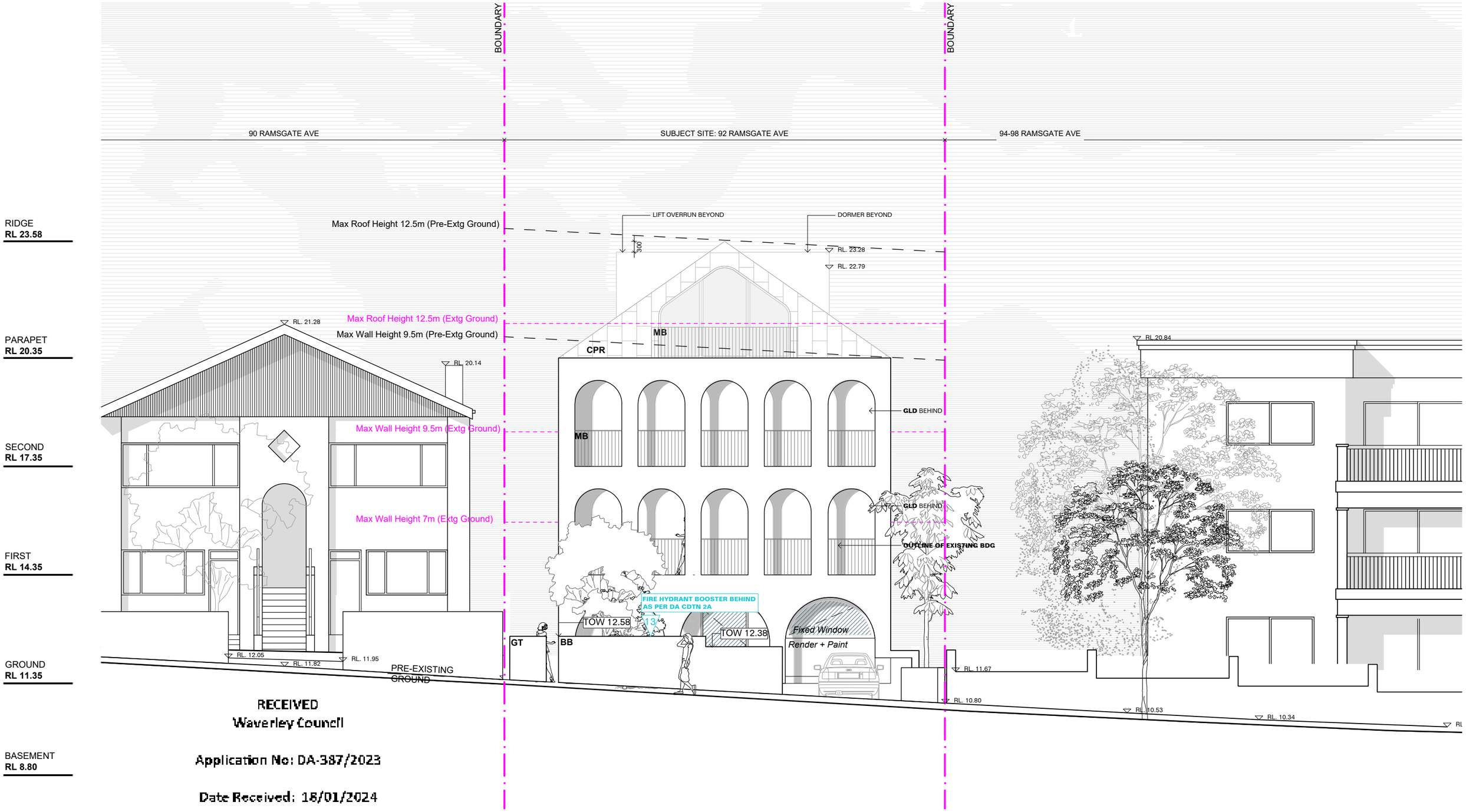
Drawn
MC, RM

Drawing
Roof Plan

Project No
2125

Drawing No
DA304[03]

Rev



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Application No: DA-387/2023

Date Received: 18/01/2024

A
Render & Paint: Natural White/Antique White

B
Copper Cladding

C
Timber Framed Glazing

D
White Metal Balustrade

E
Steel Plate Awnings

F
Bagged Brick Walls

G
Frameless Glass Balustrade

H
Anod. Alum. Privacy Screen

I
Glass Louvres

AMENDED

For DA Only:
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Legend:
- Proposed
- Approved
- Removed

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Date
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Scale
1:100 at A3

Drawn
MC, RM

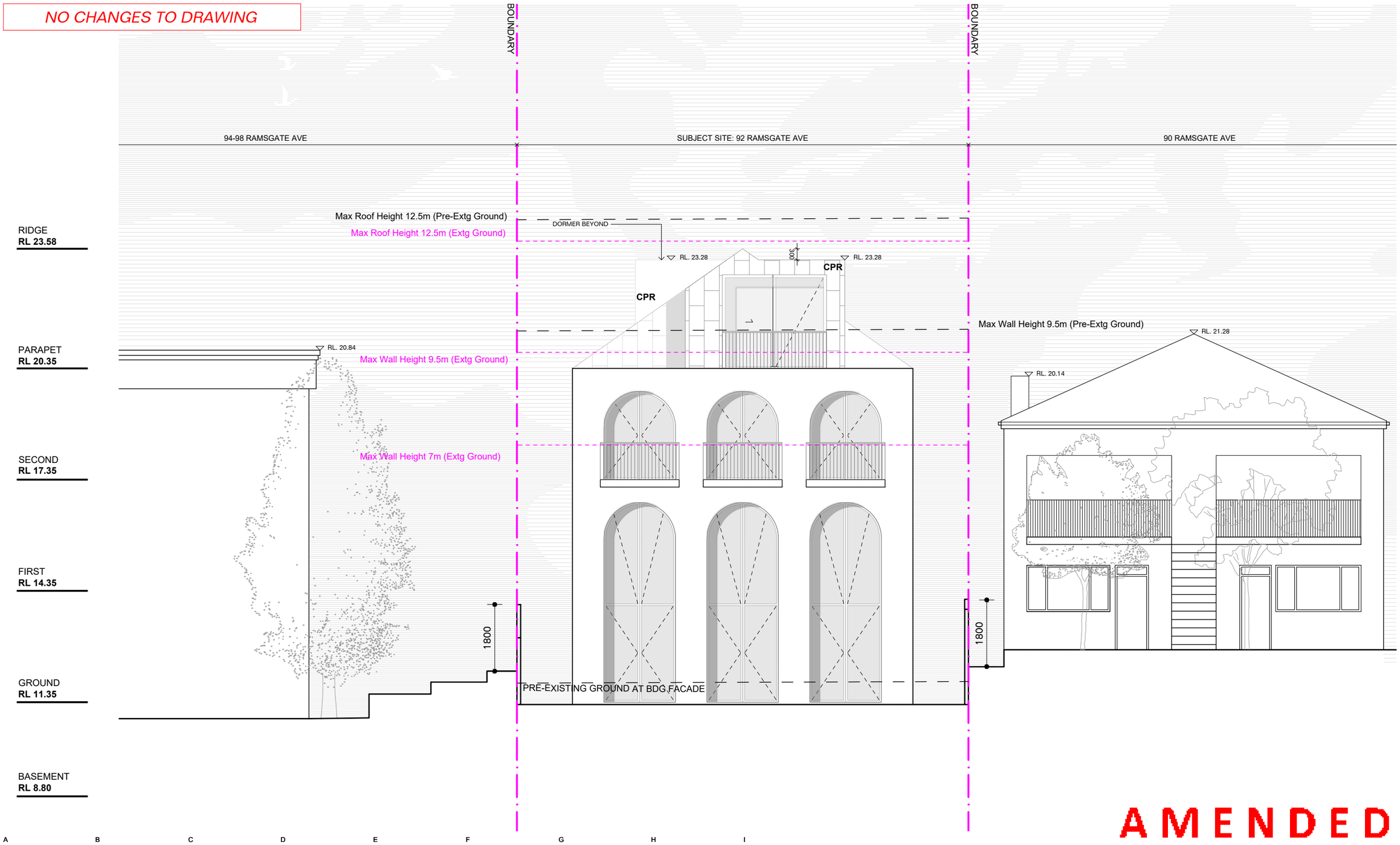
Drawing
South Elevation

Project No
2125

Drawing No
DA400[03]

Rev

NO CHANGES TO DRAWING



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Glazing
- Windows: Clr/Argon Filled/Clr Double Glazing in Timber frames (generally)
- Skylights: VELUX – Double Glazed OPAL (U = 2.60 & SHGC = 0.24)

ENERGY
Hot Water
- Electric 6 stars

Heating and Cooling
- 1-phase airconditioning in at least 1 living area and 1 bedroom (EER >4.0)

Ventilation
- At least 1 Bathroom: Individual fan, ducted to facade or roof; Operation control: Manual switch on/off
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Swimming Pool
- No heating
- Multi speed pump with a performance of 4 stars

Alternative Energy
- Photovoltaic System, connected to the elecrical system
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Other
- Electric Cooktop & Oven

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Project
92 Ramsgate Ave Dwelling
Bondi Beach

Date
17-Jan-24

Scale
1:100 at A3

Drawn
MC, RM

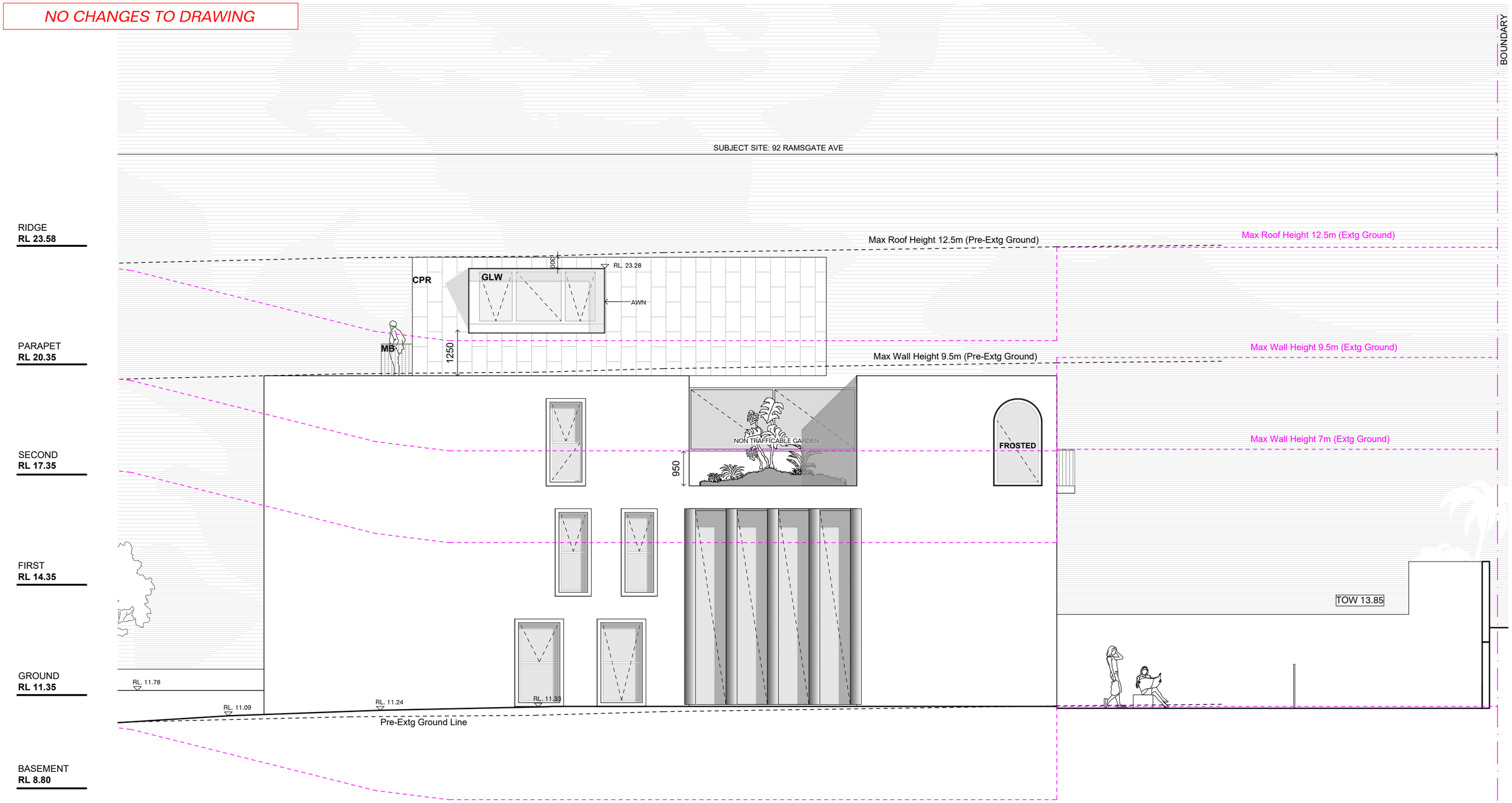
Drawing
North Elevation

Project No
2125

Drawing No
DA401[03]

Rev

NO CHANGES TO DRAWING



A
Render & Paint: Natural White/Antique White

B
Copper Cladding

C
Timber Framed Glazing

D
White Metal Balustrade

E
Steel Plate Awnings

F
Bagged Brick Walls

G
Frameless Glass Balustrade

H
Anod. Alum. Privacy Screen

I
Glass Louvres

RECEIVED
Waverley Council

Application No: DA-387/2023

Date Received: 18/01/2024

AMENDED

For DA Only:
Not For Construction

Legend:
- Proposed
- Approved
- Removed

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Fixtures
- Showerheads: Min. 3 Star
- Toilets: Min. 4 Star
- Taps: Min. 5 Star

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92 Ramsgate Ave Dwelling
Bondi Beach

Date
17-Jan-24

Scale
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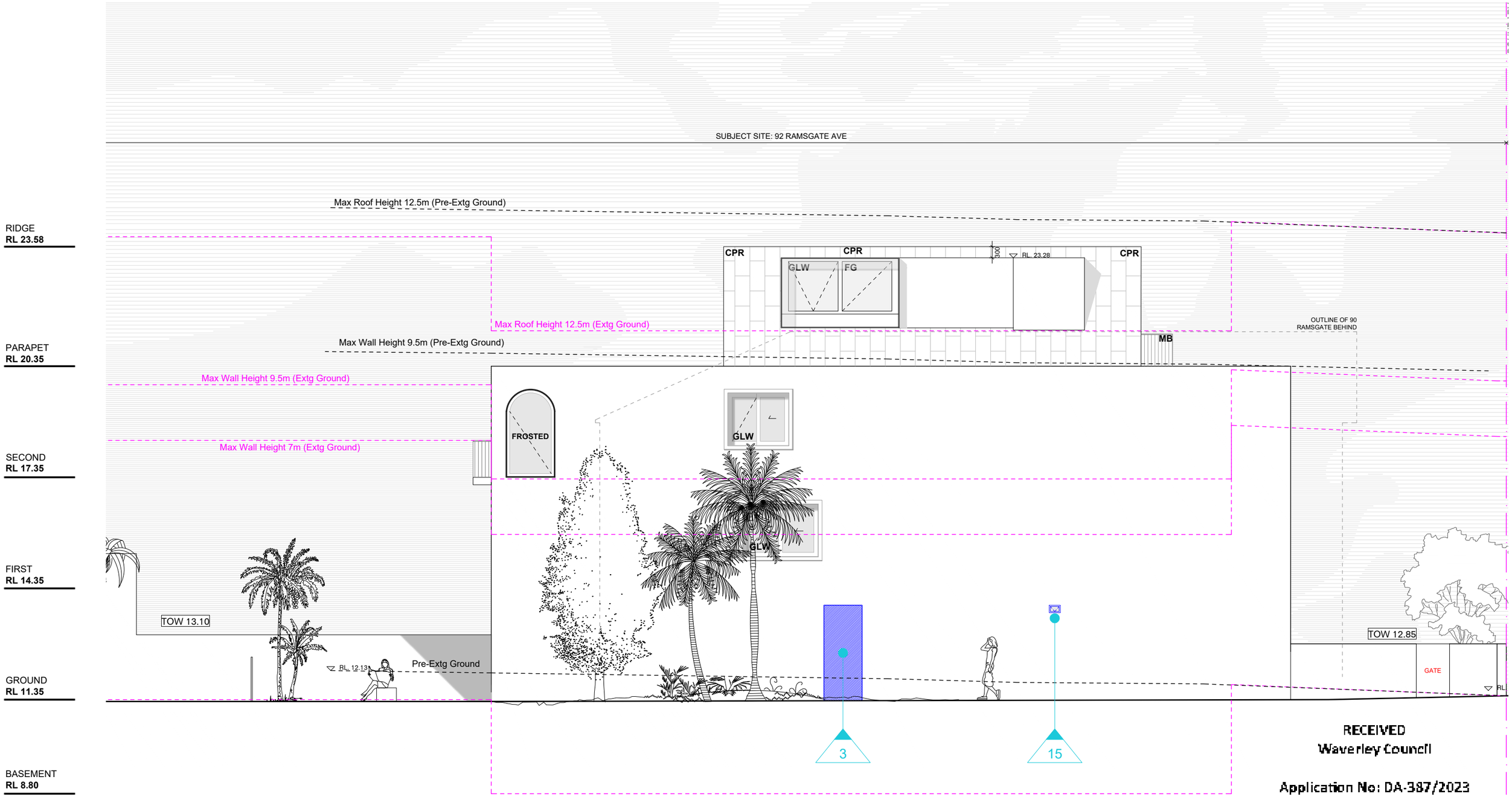
Drawn
MC, RM

Drawing
East Elevation

Project No
2125

Drawing No
DA402[03]

Rev



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A	B	C	D	E	F	G	H	I
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Legend:
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92 Ramsgate Ave Dwelling
Bondi Beach

Date
17-Jan-24

Scale
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Drawn
MC, RM

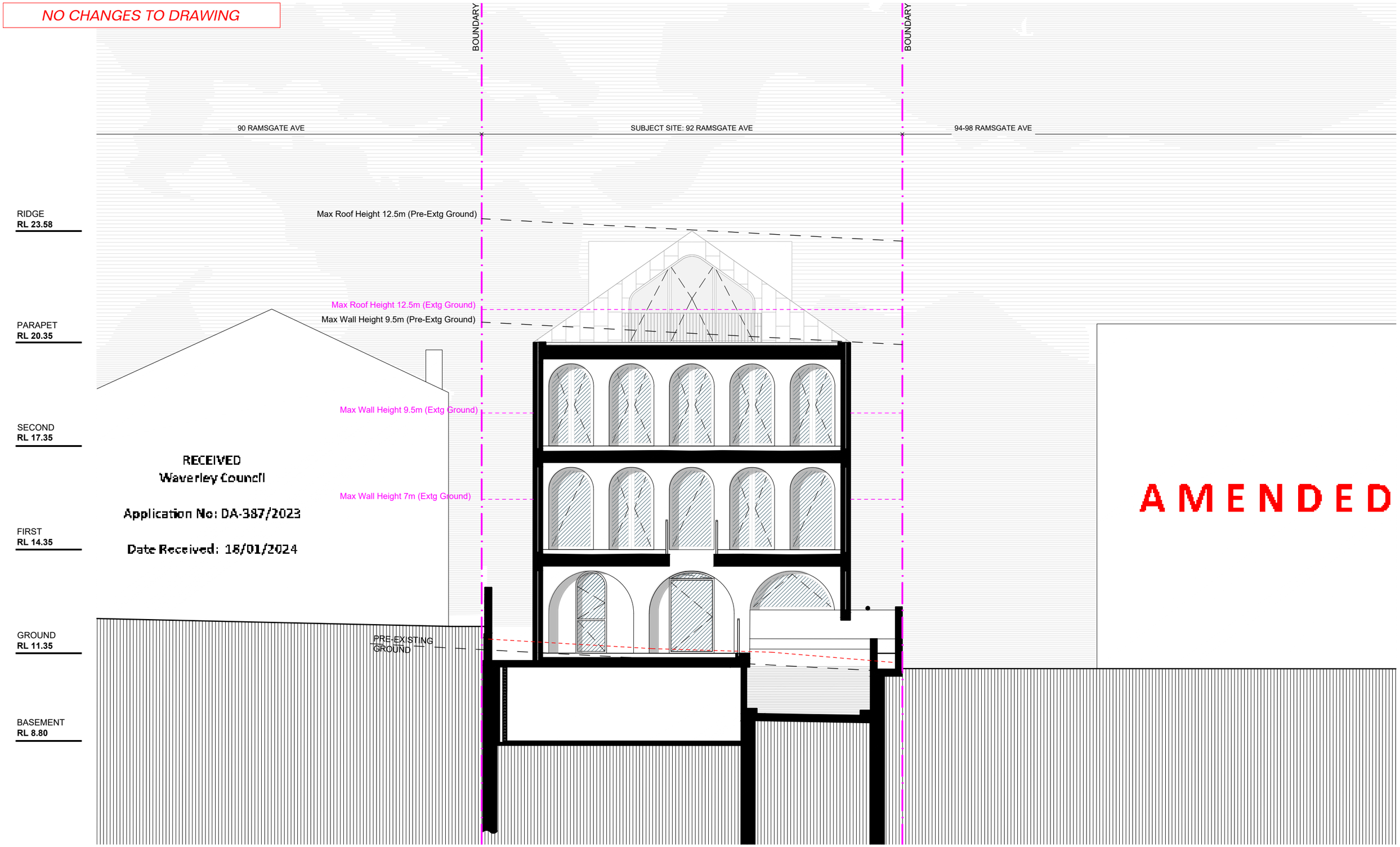
Drawing
West Elevation

Project No
2125

Drawing No
DA403[03]

Rev

NO CHANGES TO DRAWING



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Legend:
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NSW Reg No:4907

Project
92 Ramsgate Ave Dwelling
Bondi Beach

Date
17-Jan-24

Scale
1:100 at A3

Drawn
MC, RM

Drawing
South Elevation Section

Project No
2125

Drawing No
DA404[03]

Rev

NO CHANGES TO DRAWING

AMENDED

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N

Project
92 Ramsgate Ave Dwelling
Bondi Beach

Date
17-Jan-24

Scale
nts at A3

Drawn
MC, RM

Drawing
Ramsgate Ave Streetscape

Project No
2125

Drawing No
DA405[03]

Rev

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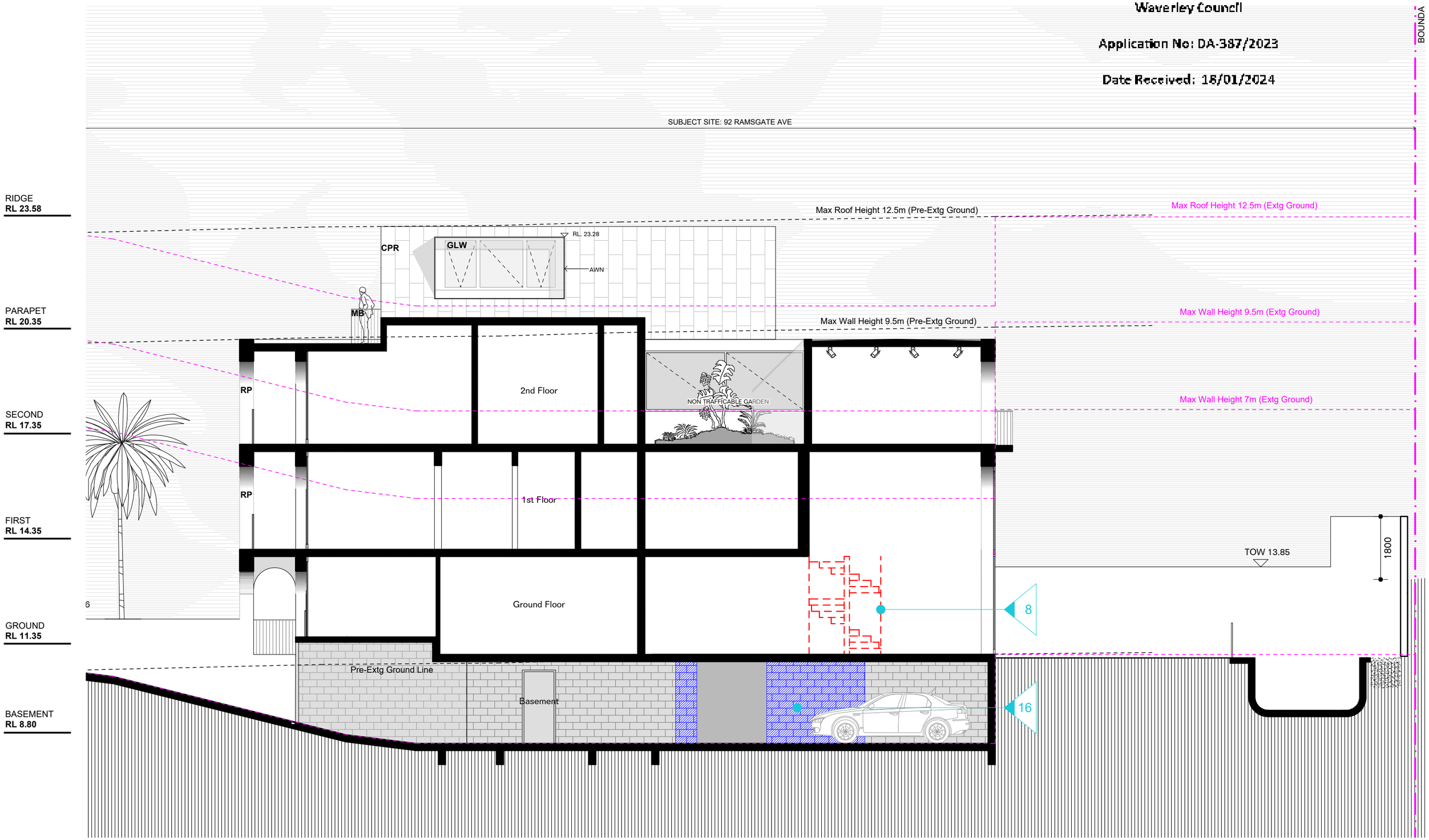

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92 Ramsgate Ave Dwelling
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Date
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Drawn
MC, RM

Drawing
Section A

Project No
2125

Drawing No
DA500[04]

Rev

AMENDED

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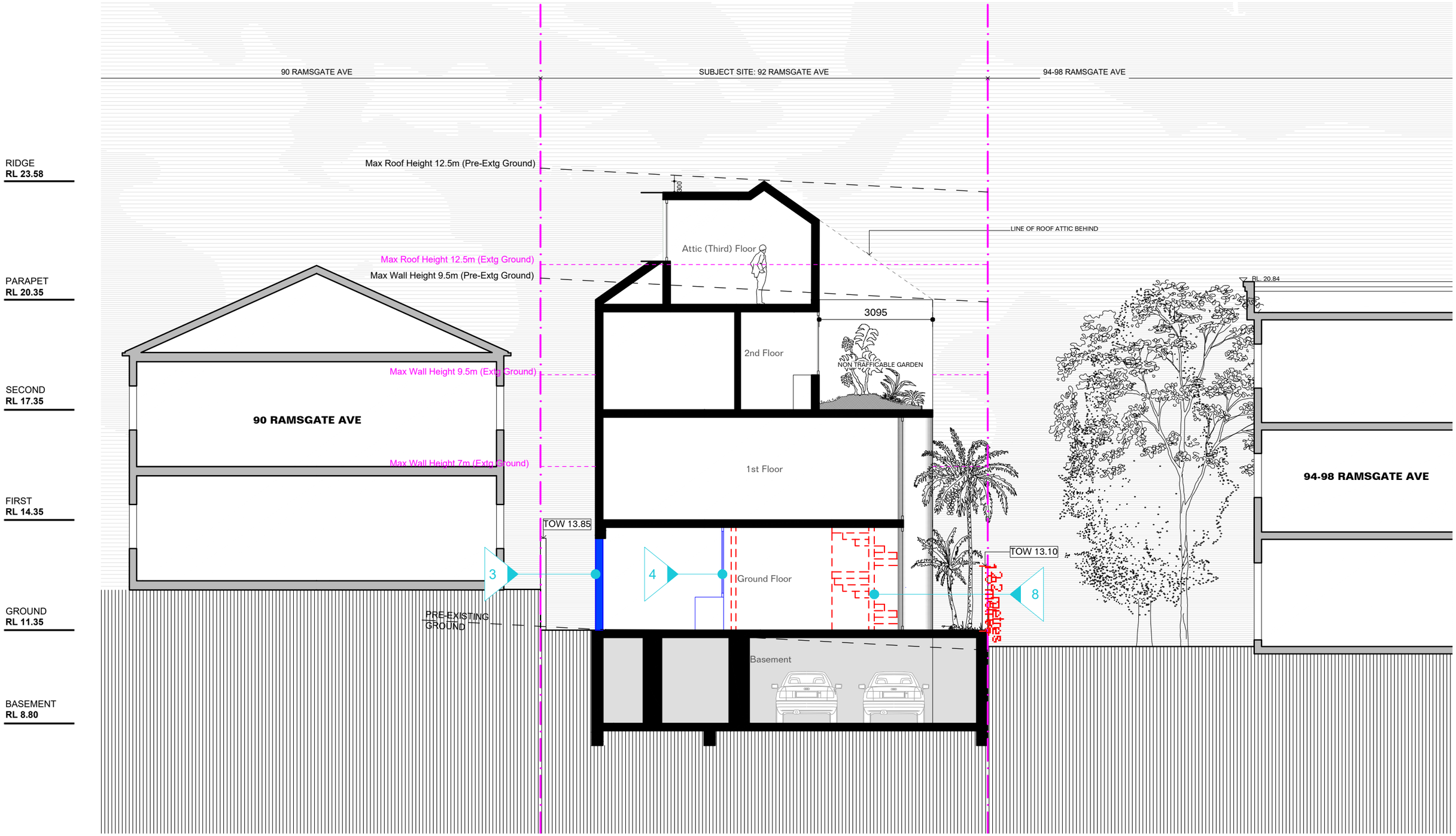

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Alternative Water
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Swimming Pool
- No grater than 40kL
- Must be outdoors

THERMAL PEFORMANCE & MATERIALS COMMITMENT:
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ENERGY
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Project
92 Ramsgate Ave Dwelling
Bondi Beach

Date
17-Jan-24

Scale
1:100 at A3

Drawn
MC, RM

Drawing
Section B

Project No
2125

Drawing No
DA501[04]

Rev

NO CHANGES TO DRAWING

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Waverley Council

Application No: DA-387/2023

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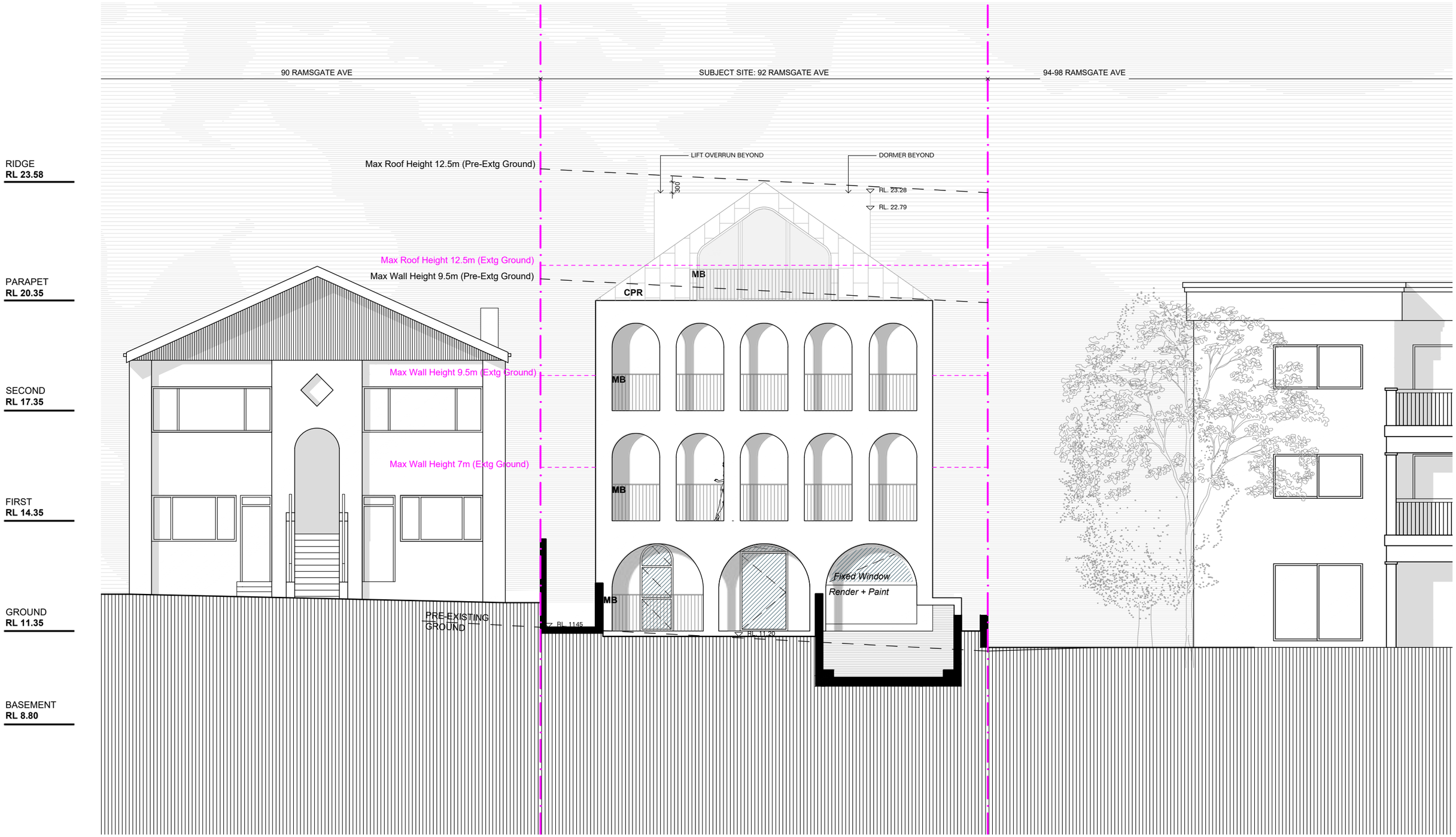

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Drawing
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Project No
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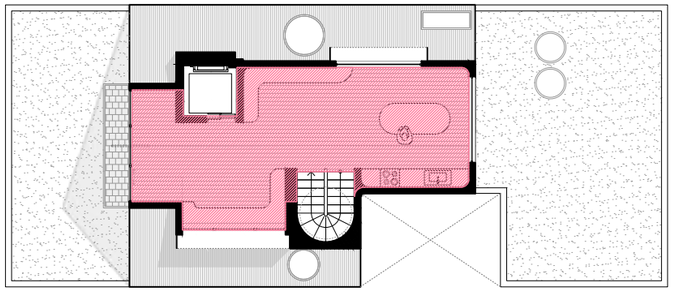
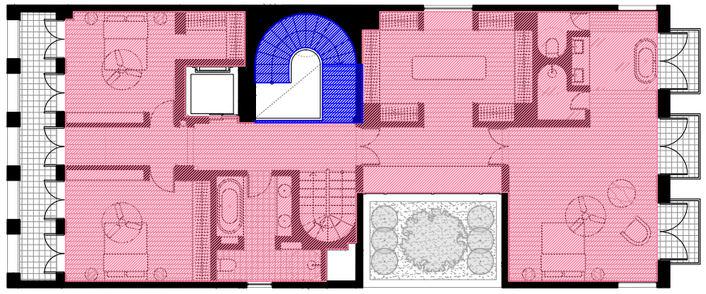
Drawing No
DA502[03]

Rev



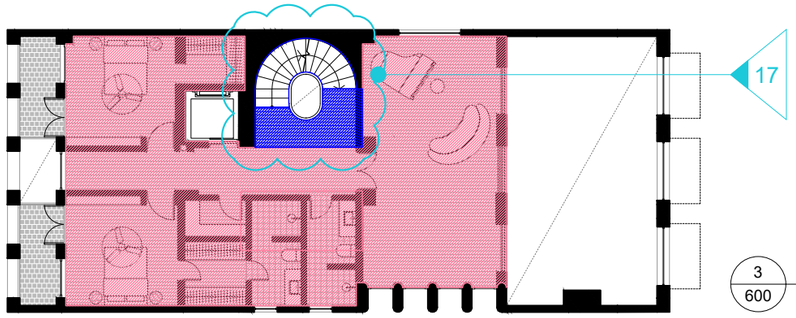
5 / 600 Attic

GFA Summary 43.6m²



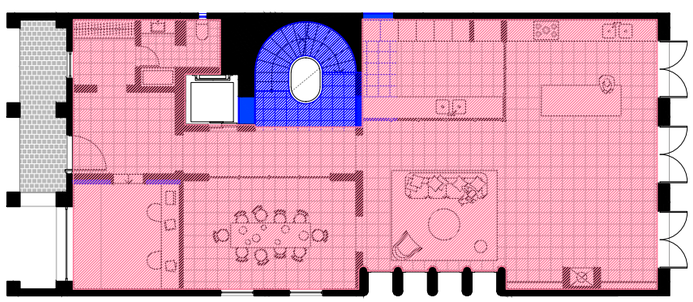
4 / 600 Second Floor

GFA Summary 143.7m²



3 / 600 First Floor

GFA Summary 110.9m²



2 / 600 Ground Floor

GFA Summary 155.3m²

SITE AREA: 477.3m²						
	DA381/2019B GFA	DA385/2021 GFA		DA385/2021/A GFA		THIS PROPOSAL
		Internal APT	Common/Stairs/ Lift/Mech	Internal APT	Common/Stairs/ Lift/Mech	
BASEMENT	0	85.3m²		56.9m²		63.3m²
GROUND FLOOR	143.39m²	143.39m²	19.5	146.31m²	13.72m²	155.3m²
FIRST FLOOR	143.39m²	131.2m²	19.5	105.8m²	13.7m²	110.9m²
SECOND FLOOR	135.42m²	135.42m²	19.5	136.5m²	13.7m²	143.7m²
ATTIC FLOOR	41.7m²	41.7m²	n/a	47.5m²	n/a	43.6m²
TOTALS	463.9m²	537.01		493.01m²		516.8m²
FSR	0.97:1	1.125:1		1.032:1		1.08:1

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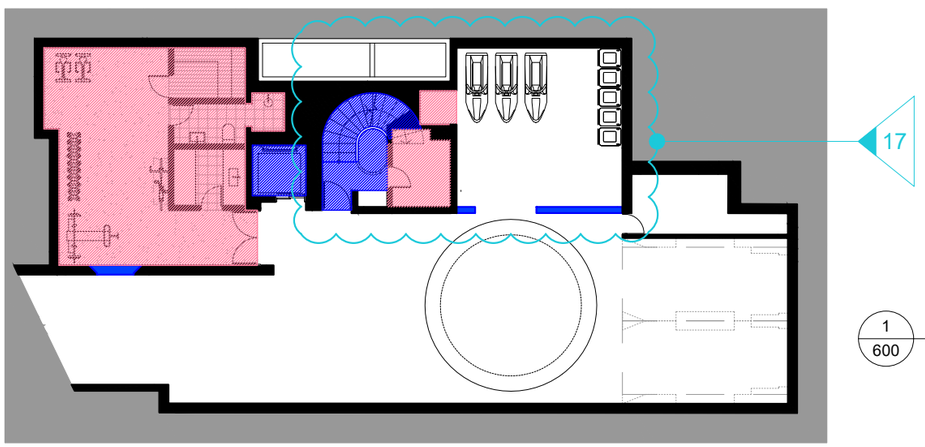

1 / 600 Basement

GFA Summary 63.3m²

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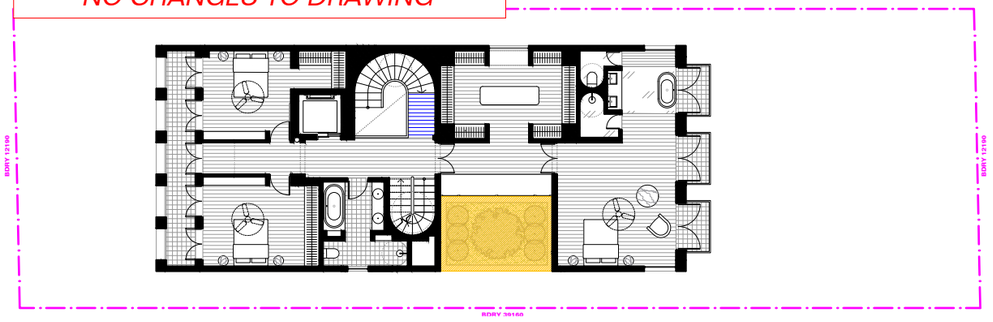
Areas Diagrams - GFA

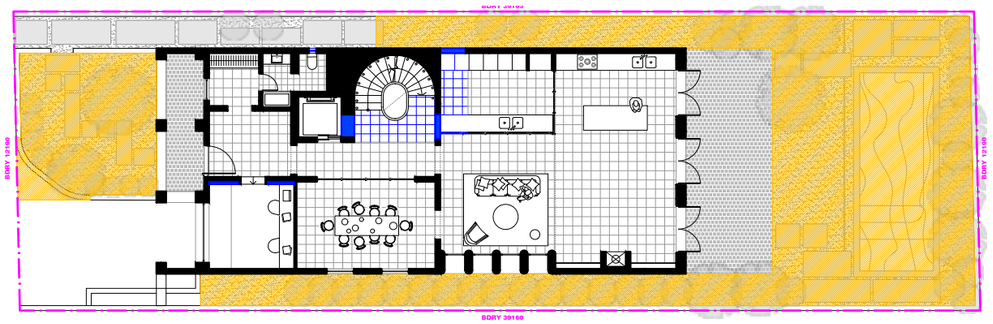
Project No
2125

Drawing No / Rev
DA600[04]

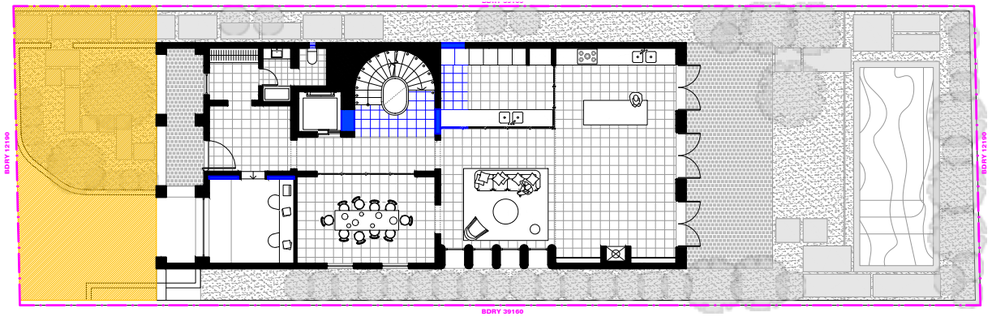
NO CHANGES TO DRAWING



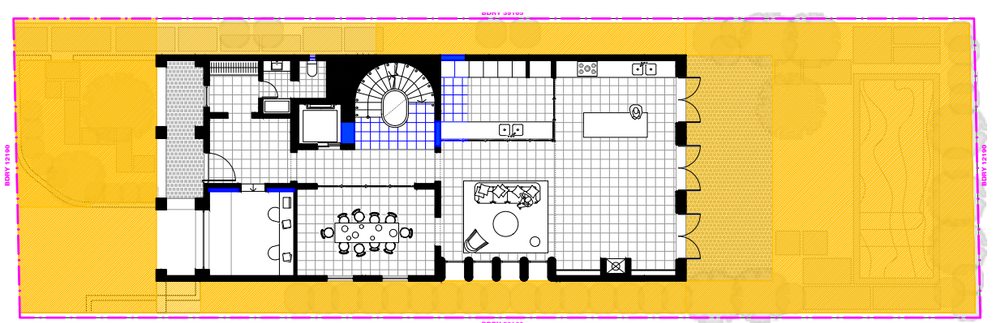
4 / 601 — Second Floor
Landscape Total 14m²



3 / 601 — Ground Floor
Landscape Total 143.1m²



2 / 601 — Ground Floor
Front Setback Open Space 68m²



1 / 601 — Ground Floor
Site Area Open Space 198.4m²

AMENDED

SITE AREA: 477.3m²				
	DCP/LEP CONTROL	PROPOSED		COMPLIANCE
		DA385/2021/A GFA	THIS PROPOSAL	
% SITE AREA TO BE **OPEN SPACE**	40% OF 477.3m² = 190.92m²	198.4m²	No Change	Yes (No Change)
% SITE AREA TO BE **LANDSCAPED**	15% OF 477m² = 71.59m²	143.1m² Ground Floor 14m² 2nd Floor Garden Terrace 157.2m² Total Landscaped Area	No Change	Yes (No Change)
% LANDSCAPED AREA TO BE **DEEP SOIL** [FOR RFB, NOT FOR DUAL OCC]	50% OF 143.19m² = 71.6m²	52.5m² + 26.9m² 79.4m² Total Deep Soil Zone	No Change	Yes (No Change)
A MINIMUM OF 50% OF THE AREA BETWEEN THE FRONT OF THE PRIMARY BUILDING AND THE STREET ALIGNMENT IS TO BE OPEN SPACE	50% OF 68m² = 34m²	68m²	No Change	Yes (No Change)
PRIVATE OPEN SPACE	Each Dwelling to have minimum of 25m²	Dwelling 1: 137m² Dwelling 2: 30.9m² (LVL 2) + 3m² (Attic)	No Change	Yes (No Change)

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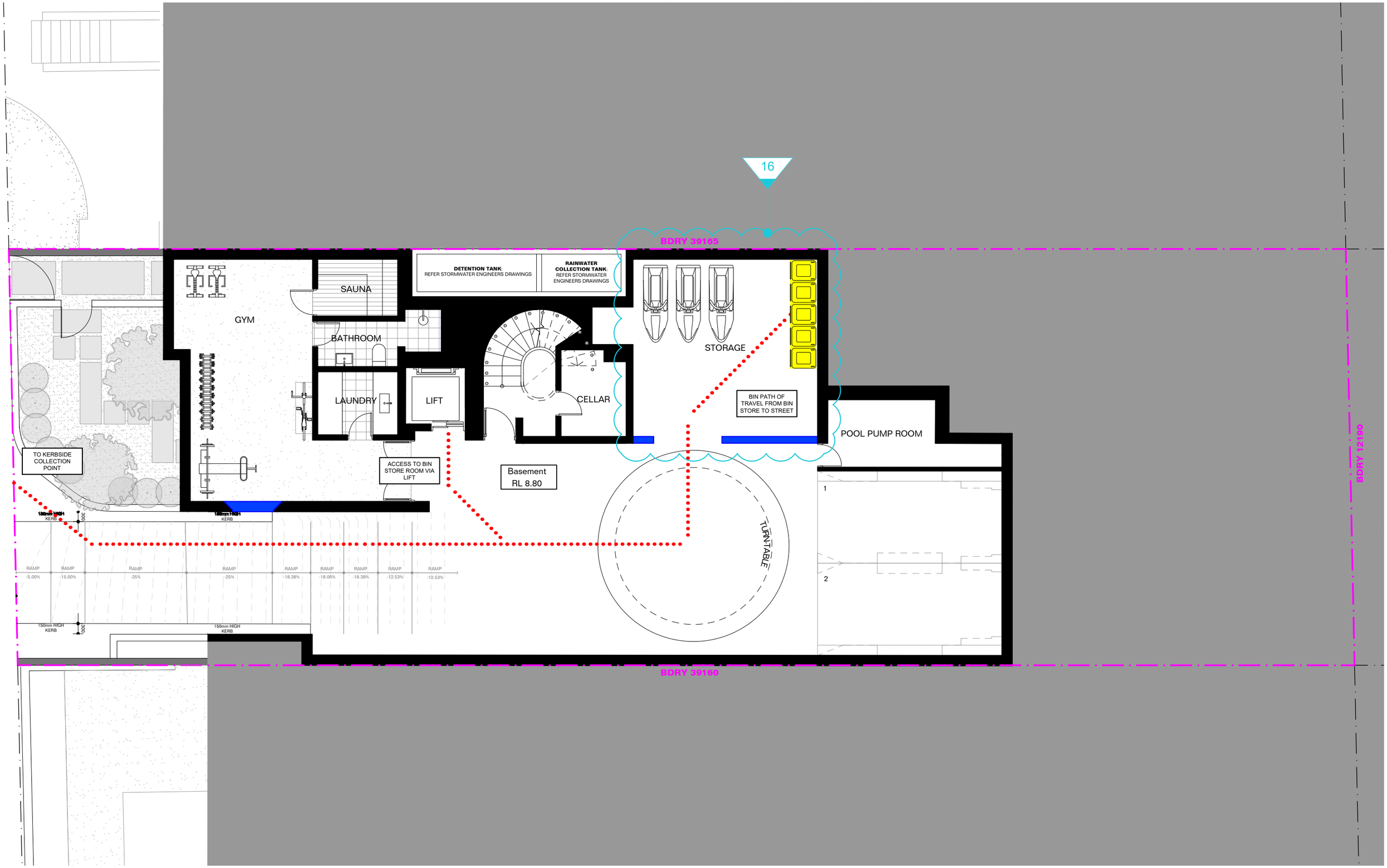

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Nominated NSW Registered Architect:
Brian Meyerson
NSW Reg No:4907

Project
92 Ramsgate Ave Dwelling
Bondi Beach

Date
17-Jan-24

Scale
1:100 at A3

Drawn
MC, RM

Drawing
Waste Management Plan

Project No
2126

Drawing No
DA602[04]

Rev

NO CHANGES TO PHOTOMONTAGE

RECEIVED
Waverley Council

Application No: DA-387/2023

Date Received: 18/01/2024

AMENDED

For DA Only:
Not For Construction

Legend:
- Proposed
- Approved
- Removed

Notes

1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, NATIONAL CONSTRUCTION CODE (NCC), AUSTRALIAN STANDARDS STATUTORY REGULATIONS AND LOCAL AUTHORITY REQ.
2. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED
3. CONTRACTOR TO NOTIFY DESIGNER OF ANY DISCREPANCIES, DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING
4. DESIGNER TO REVIEW ALL CONTRACTORS DETAILED DRAWINGS / SETTING OUT PRIOR TO CONSTRUCTION.
5. CONTRACTOR TO LIAISE WITH ELECTRICAL CONTRACTORS TO ENSURE ALL POWER/DATA/COMMUNICATION REQUIREMENTS ARE ACCESSIBLE.
6. ALL DIMENSIONS TO BE VERIFIED ON SITE - DO NOT SCALE
7. ALL WORKS TO BE VERIFIED AGAINST DRAWINGS FOLLOWING CONSTRUCTION AND DESIGNER TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH NEXT TRADE

Basix - All other requirements as per Certificates:

WATER

Fixtures
- Showerheads: Min. 3 Star
- Toilets: Min. 4 Star
- Taps: Min. 5 Star

Alternative Water
- Tank size: Min. 3000L
- To collect runoff from at least 130m² of roof area
- To connect to: All toilets, cold water tap that supplies each clothes washer, at least one outdoor tap

Swimming Pool
- No grater than 40kL
- Must be outdoors

THERMAL PEFORMANCE & MATERIALS COMMITMENT:

Floor and Wall Construction
- Floor - concrete slab on ground
- Floor - above habitable rooms or mezanine, concrete
- Floor - suspended floor above garage - concrete. Insulation: Fiberglass batts or roll
- Garage Floor - Concrete Slab on ground.
- External Wall - Concrete Block/Plasterboard. Fiberglass batts or role
- External Wall: Framed - timber frame. Insulation: fiberglass batts or role
- Internal Wall - Single skin masonry
- Internal Wall - Plasterboard, timber frame
- Ceiling and roof - raked ceiling, meal roof. Insulation: Fiberglass batts or role; roof, foil backed blanket
- Ceiling and roof - flat ceiling, plasterboard internal. Insulation: fiberglass batts or roll

Glazing
- Windows: Clr/Argon Filled/Clr Double Glazing in Timber frames (generally)
- Skylights: VELUX – Double Glazed OPAL (U = 2.60 & SHGC = 0.24)

ENERGY

Hot Water
- Electric 6 stars

Heating and Cooling
- 1-phase aircondtioning in at least 1 living area and 1 bedroom (EER >4.0)

Ventilation
- At least 1 Bathroom: Individual fan, ducted to facade or roof; Operation control: Manual switch on/off
- Kitchen: Individual fan, ducted to facade or roof; Operation control: Manual switch on/off
- Laundry: Natural ventilation only

Artificial Lighting
- 80% of light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps

Natural Lighting
- Window and/or skylights in the kitchen
- Window and/or skylight n 4 bathrooms/toilets in the development for natural lighting

Swimming Pool
- No heating
- Multi speed pump with a performance of 4 stars

Alternative Energy
- Photovoltaic System, connected to the elecrical system
- PV collectors with the capacity to generate at least 2.5 peak kilowatts of electricity, installed at an angle between 10 degrees and 25 degrees o the horizontal facing south east.

Other
- Electric Cooktop & Oven

Consultants:

Survey
ESA Survey
Planner
GSA Planning
Landscape
Myles Baldwin Design
BASIX
Partners Energy Management
Geotech
JK Geotechnics
Arborist
Martin Peacock
Civil
NB Civil

MHNDUNION
Common Office
L1, 45 Hutchinson St
Surry Hills
NSW Australia
02 9055 9261
www.common-office.com
Nominated NSW Registered Architect:
Brian Meyerson
NSW Reg No:4907

N

Project
92 Ramsgate Ave Dwelling
Bondi Beach

Date
17-Jan-24

Scale
nts at A3

Drawn
MC, RM

Drawing
Photomontage

Project No
2125

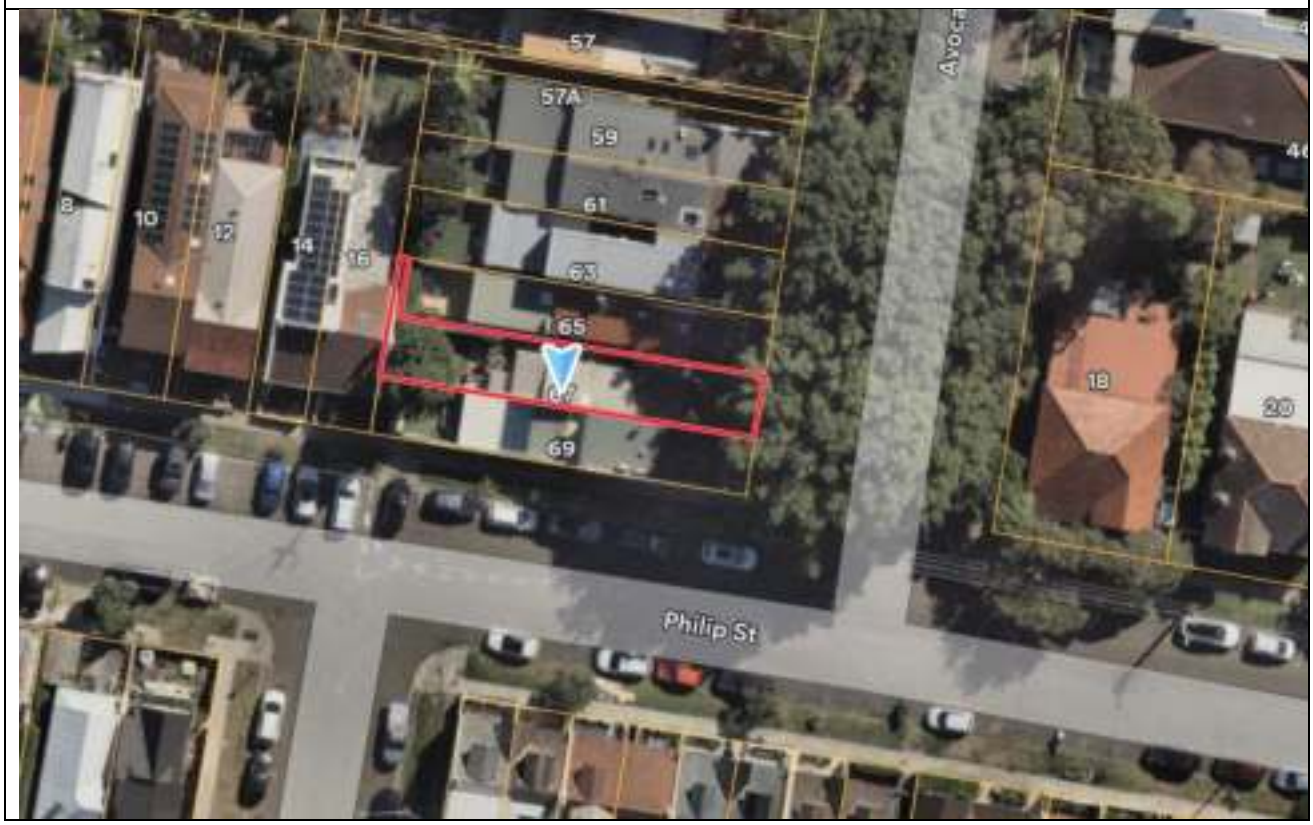
Drawing No
DA700[03]

Rev

Report to the Waverley Local Planning Panel

Application number	DA-5/2024 – PAN-397075
Site address	67 Avoca Street, Bondi
Proposal	Alterations and additions to dwelling including new first floor addition
Date of lodgement	12 January 2024
Owner	Mr D P Hill and Ms L Davis
Applicant	Mr D P Hill
Submissions	Two submissions
Cost of works	$308,000
Principal Issues	• Exceedance of floor space ratio 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 alterations and additions to an existing dwelling including a new first floor addition at the site known as 67 Avoca Street, Bondi.

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

- Exceedance of floor space ratio (FSR) development standard.

The assessment finds this issue acceptable. The proposal is minor and similar in scale to the existing development at the site and to neighbouring developments, will have no negative streetscape impacts, and will not result in any adverse amenity impacts.

A total number of two submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the recommendation. No Councillor submissions were received as a result of the public exhibition. 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 18 March 2024.

The site is identified as Lot 2 in DP442572, known as 67 Avoca Street, Bondi.

The site is inverse "L" shaped with the main part of the site running west-east supplemented by an access handle running north-south at the north-western part of the site. The access handle connects to a right of way over land at 63 Avoca Street.

The site has a 4.7m eastern primary frontage to Avoca Street. It has an area of 154.4m^2 and, levels fall from the west (rear) to the east (front) by approximately 1m. The site is occupied by a single storey attached dwelling with a single storey rear wing.

The site is adjoined by attached dwellings to the north and south, and is part of a row of three dwellings at 65 to 69 Avoca Street. The adjoining property to the south at 69 Avoca Street was constructed as a single storey dwelling, but has since undergone alterations and additions including an increase to the ridge height of the pitched roof and construction of a two storey rear addition and front dormer. The adjoining property to the north at 65 Avoca Street remains as a single storey dwelling.

The locality is characterised by a variety of low density residential development. The site is adjacent to the Avoca Street landscape heritage conservation area.

Figures 1 to **3** are photos of the site and its context

Figure 1: Site viewed from Avoca Street looking west.

Figure 2: Site viewed from corner of Avoca Street and Philip Street, looking north-west.

Figure 3: Site viewed from Philip Street looking north-east.

1.3. Relevant Development History

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

1.4. Proposal

The development application seeks consent for alterations and additions to the attached dwelling, including increasing the pitched roof ridge height to match No. 69, a first floor addition, internal alterations resulting in a three bedroom dwelling, and other external alterations.

The following is proposed at each level:

Ground floor level:

- Increase in front boundary fence height to approximately 1.6m;
- Removal of synthetic turf within front yard and replacement with tiled surface;
- New timber waste enclosure within front yard;

- Internal reconfiguration of the rear wing to create an open plan living / dining / kitchen room, a combined bathroom and laundry, and a staircase to first floor level;
- Demolition of timber laundry structure within rear yard; and
- Alterations to windows and doors at rear.

First floor level:

- Increase in ridge height of main roof to align with the adjoining ridge at 69 Avoca Street; and
- Rear addition containing one bedroom with skylight above, one bathroom and a study nook.

1.5. Background

The development application was lodged on 12 January 2024. On 25 March 2024 Council deferred the application, and requested amended plans and additional information to address the following issues:

1. The proposal exceeds the FSR development standard for the site, and therefore a clause 4.6 written request for an exception to the development standard is required.
2. Amended solar access diagrams and / or amended architectural drawings are required to demonstrate there will be no overshadowing of neighbouring properties.
3. The front boundary fence must be lowered in height to respond to the height of neighbouring fences.

The amended plans and documentation received on 4 June 2024 addressed the above issues. A written clause 4.6 request was provided alongside plans demonstrating the proposal will have no solar access impacts. Amended architectural plans featuring a lower front boundary fence height were also provided. The amended plans and documentation form the basis of this assessment.

2. ASSESSMENT

The following matters are to be considered in the assessment of this development application under section 4.15 of the 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 (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 aligns with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table *R2 Low Density Residential Zone*	Yes	The proposal is defined as an attached dwelling, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings • *8.5m*	Yes	The proposal has a height of 7m, in compliance with the development standard.
4.4 Floor space ratio (FSR) • *0.5:1 FSR* • *77.2m^2 gross floor area (GFA)*	No	The proposal has GFA of 91.67m^2 and an FSR of 0.59:1, resulting in an exceedance of the development standard by 14.47m^2 or 18.7%. Note: The proposal is compliant with the FSR development standard when applying Clause 4.4A which would be applicable under the Draft Waverley LEP which has recently been on exhibition – see further discussion below this table).
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the floor space ratio development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	The proposal is adjacent to the Avoca Street landscape heritage conservation area (C20). The proposal has no impact on the landscape character of the conservation area. The property that is located two sites to the north at 63 Avoca Street is a heritage item, known as "Victorian / Federation cottages". The subject site is not located adjacent to the heritage item, and the proposal will have no impact on the setting of the item.
5.21 Flood Planning	Yes	The site is identified as flood affected land. The proposal is for alterations and additions to an existing dwelling house which does not

Provision	Compliance	Comment
		increase the habitable area at ground floor level and does not propose to alter the existing floor level. The application therefore does not result any material increase to flood risks for the site or locality. An advisory note regarding flood risk is included in the notice of determination to ensure the applicant is aware of the existing risk at the site.

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 equating to a maximum GFA of 77.2m^2.

The proposed development has an FSR of 0.59:1 and a GFA of 91.67m^2, exceeding the standard by 18.74% or 14.47m^2.

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.

<u>Applicant's Written Request - Clause 4.6(3)(a) and (b)</u>

The applicant seeks to justify the contravention of the FSSR 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 objectives of the standard are achieved notwithstanding the non-compliance with the standard as follows:

  (i) Objective (a) relates to Bondi Junction, and is not relevant to the proposal,

  (ii) Objective (b), *to provide an appropriate correlation between maximum building heights and density controls*, is achieved as the proposal "complies with the maximum building height development standard",

(iii) Objective (c) *to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality*, is achieved as "the current low density residential use is retained, and the building's single storey presentation to the street is in keeping with adjoining developments and not adversely impacted by the additional floor space. The proposed rear addition is restricted in size to accommodate a small bathroom and study nook."

(iv) 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 proposed rear alterations will not alter the current levels of visual and acoustic privacy, nor create adverse overshadowing or loss of solar access to adjoining properties."

(b) That there are sufficient environmental planning grounds to justify contravening the standard as "the variation to the floor space ratio control is inconsequential as it has no adverse impact to the adjoining streetscape nor to the amenity of neighbouring properties, whilst consistent with the extent of similar development in the locality".

<u>Consideration of Applicant's Written Request</u>

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 addressed those matters required in Clause 4.6(3)(a) and (b).

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

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

(a) the objectives of the development standard are achieved notwithstanding non-compliance with the standard.

The applicant's justification is sound as the objectives of the development standard are achieved as set out below:

Objective (b) is achieved as the proposal complies with the height of buildings development standard for the site, and is of an appropriate height.

Objective (c) is achieved as the proposal is minor in nature, retains a similar scale of development as the existing dwelling, and is similar in scale to neighbouring development.

Objective (d) is achieved as the proposal does not result in any overshadowing of neighbouring private open spaces or solar collectors, and does not result in material negative visual privacy impacts.

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 that there are sufficient environmental planning grounds to justify contravening the development standard. The proposal is minor in scale, is similar in scale to the existing development at the site and to neighbouring developments, will have no negative streetscape impacts, and will not result in any negative material amenity impacts.

Conclusion

The written request provided by the applicant to vary the FSR 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. Amendment to Waverley LEP 2012 – Clause 4.4A – Floor Space Ratio

A Planning proposal to amend Clause 4.4A of the Waverley LEP 2012 was on public exhibition from 10 May 2024 until 7 June 2024.

This Planning Proposal seeks to update the Waverley LEP 2012 by amending Clause 4.4A 'Exceptions to floor space ratio' to clarify the residential accommodation typologies to which the clause was always intended to apply. This Planning Proposal amendment applies to all land zoned R2 Low Density Residential, R3 Medium Density Residential and R4 High Density Residential.

This Planning Proposal seeks to amend Clause 4.4A 'Exceptions to floor space ratio' of the Waverley LEP 2012 by adding the following **bolded text** to the existing clause:

Despite clause 4.4, the maximum floor space ratio for a dwelling house, ***attached dwelling, semi-detached dwelling*** *or dual occupancy on land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone R4 High Density Residential is as follows—*

(a) for lots with an area less than 100 square metres—1:1,

(b) for lots with an area of 100 square metres to 550 square metres—[[(550 − lot area) × 0.0011] + 0.5]:1,

(c) for lots with an area greater than 550 square metres—0.5:1.

This change has been proposed because it is reasonable for the added building types to have a similar scale as a dwelling house or dual occupancy. The addition of semi-detached and attached dwellings in Clause 4.4A is not expected to create any additional impacts on the existing R2, R3 and R4 residential zoned land beyond how the clause has been operating since the introduction of the Waverley LEP in 2012.

Following public exhibition and the review of submissions to the planning proposal, Council will seek to formally adopt the draft amendment. In accordance with Section 4.15(1)(a)(ii) of the *Environmental Planning and Assessment Act 1979*, in determining a development application, a consent authority is to

take into consideration "*any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority*".

Once adopted, the application of Clause 4.4A will be applicable to the subject attached dwelling. This enables the calculation of the floor space ratio based on the above equation, enabling a FSR of 0.935:1 for the subject site. Based on the application of Clause 4.4A to attached dwellings as enabled under the currently exhibited amendment to the LEP, the proposed development would be compliant with the FSR development standard and a submission and assessment under Clause 4.6 of the Waverley LEP 2012 would not be required.

2.1.4. 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 • *Garbage bins are to be stored in an appropriate location.*	Yes	Satisfactory. The bins are proposed to be stored within the front yard in a new timber framed enclosure.
2. Ecologically Sustainable Development • *Gas cooktops, gas ovens or gas internal space heating systems.*	Yes	A condition of consent is included at Appendix A stipulating that gas appliances are not to be installed.
3. Landscaping, Biodiversity and Vegetation Preservation • *Consent is required to remove a tree that is 3m or greater in height, or 3m or greater in spread.*	Yes	The proposal does not affect any trees.
5.Water Management	Yes	Satisfactory. The proposal has acceptable water management impacts subject to conditions of consent requiring the stormwater system at the site to be constructed in compliance with Council's standards. Conditions of consent to achieve this are included at Appendix A.
8. Heritage	Yes	Satisfactory.
11. Design Excellence	Yes	Satisfactory. The proposal is suitable within the streetscape context of the site and has no material amenity impacts.

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

Development Control	Compliance	Comment
1.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
1.1 Height		
Flat roof dwelling house • *Maximum wall height of 7.5m*	Yes	The proposed rear first floor addition has a wall height of 6.4m in compliance with the control.
1.2 Setbacks		
1.2.1 Front and rear building lines • *Predominant rear building line at each floor level (adjacent three neighbours or either side)* • *Development at first floor level and above shall be set back from the rear building line of the ground floor level*	Yes Yes	The proposal does not alter the front setback or the rear ground floor setback. The proposed first floor setback from the rear boundary does not extend beyond the predominant rear building line. The proposal is set back further from the rear boundary than neighbouring two storey rear additions at 63 and 61 Avoca Street.
1.2.2 Side setbacks • *Minimum of 0.9m for ground floor and first floor* • *Nil side setback permitted when adjoining another dwelling with a nil setback*	Yes Yes	The proposed first floor addition is set back 1m from the northern side boundary in compliance with the control. The proposed first floor addition has a nil setback from the southern side boundary adjoining the nil setback at 69 Avoca Street in compliance with the control.
1.3 Streetscape and visual impact		
• *New development to be compatible with streetscape context*	Yes	The proposal is compatible with the streetscape context of the site. The proposed increase in the ridge height of the main roof will align with the height and location of the adjacent roof at 69 Avoca Street.
1.4 Fences		
Front: • *Maximum height of 1.2m* • *Solid section no more than 0.6m in height*	No (acceptable subject to conditions)	The amended proposal includes an increase in the front boundary fence height to approximately of 1.6m. The fence height exceeds the maximum 1.2m height control. Non-compliance with the control is acceptable on merit in the context of the site, as the fence steps down in height between the higher fence at 65 Avoca Street to the north and the lower fence at 69 Avoca Street to the south.

Development Control	Compliance	Comment
		A condition of consent is included at Appendix A requiring the proposed picket / palisade parts of the fence to be of an open design to improve visibility between the street and the dwelling.
1.5 Visual and acoustic privacy		
• *Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design*	Yes	The proposed first floor levels are either high-level or narrow windows, and will not result in the direct overlooking of neighbouring windows or open spaces.
1.6 Solar access		
• *Minimum of 3 hours of sunlight to 50% of living areas and principal open space areas on 21 June to subject site* • *Minimum of 3 hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June.* • *Avoid unreasonably overshadowing of solar collectors (including habitable windows).*	Yes Yes	The proposal has no impact on solar access to the subject site. The proposal has no solar access impact on private open spaces or solar collectors of any neighbouring properties. Shadows associated with the proposal fall on Philip Street and neighbouring roofs only.
1.7 Views		
• *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 proposal has no known view impacts.
1.9 Landscaping and open space		
	N/A	The proposal does not alter open space or landscape provision at the site.

Development Control	Compliance	Comment
1.13 Semi-detached dwellings and terrace style development		
1.13.1 Built form • *Style of built form to be maintained*	Yes	The style of the original dwelling is maintained, and the character of the group of attached dwellings is unaffected by the proposal.
1.13.4 Side setback and courtyard design controls for terraces • *Nil setback permitted where abuts an existing wall with nil setback*	Yes	The proposed first floor addition has a nil setback from the southern side boundary adjoining the nil setback at 69 Avoca Street in compliance with the control.
1.13.5 Streetscape and visual impact controls for terraces • *Additional storey reflects character of terrace* • *Extensions no higher than the existing ridge* • *Attic conversions maintain existing roof envelope*	No (acceptable on merit)	The proposal increases the ridge height of the existing dwelling and includes a first floor rear addition which is higher than the original ridge height of the dwelling. The non-compliance with the control is acceptable on merit as the proposed ridge height aligns with the existing ridge height at 69 Avoca Street to the south and will therefore integrate with the existing building form of buildings within the terrace row.
1.13.6 Common or shared party walls	Yes	Conditions of consent are included at Appendix A to ensure the protection of the party walls.

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 23 January and 5 February 2024 in accordance with the *Community Engagement Strategy 2023*.

Following receipt of amended plans and additional information, the application was not re-notified as the only design change was a reduction in the height of the front boundary wall which has no amenity impacts nor any other environmental planning impacts.

A total of two unique submissions were received from 16 Philip Street. Issues raised in the submissions are summarised and discussed below.

Issue: Concerns are raised regarding the use of the access handle at 67 Avoca Street and the right of way at 63 Avoca Street to the north.

Response: The development application does not include any changes to the access handle or to the right of way.

Issue: The proposed first floor rear windows to the study nook and bedroom will overlook private areas of the residence at 16 Philip Street. High-level windows should be provided instead.

Response: The proposed windows are located a minimum of 16.5m from the rear boundary and a minimum of 16.5m from the eastern side elevation of 16 Philip Street. The significant separation distances in combination with the narrow design of the windows ensure that there is no significant or unreasonable visual privacy impact.

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 supported the proposal subject to standard conditions of consent regarding compliance with Council's stormwater technical manual. The conditions of consent are included in Appendix A of this report.

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.

Managers of Development Assessment (MODA) Review

The application was reviewed by the MoDA at the meeting on 7 May 2024 and the MoDA determined that the application is acceptable and should be approved, subject to the conditions in Appendix A.

MODA members: *B McNamara, B Magistrale, Jo Zancanaro, and Katie Johnstone*

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	**Application reviewed and agreed by:**	**Application reviewed and agreed by:**
David Knight	Bridget McNamara	Angela Rossi
Senior Development Assessment Planner	**Manager, Development Assessment**	**Executive Manager, Development Assessment**
Date: 7 June 2024	**Date:** 11 June 2024	**Date:** 14 June 2024

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	18.74% variation to FSR (Clause 4.4) [ ] Pre-existing non-compliance [X] No change to overall building height [ ] No change to overall building envelope [ ] Variation limited to the [lift/plant/parapet/attic] only [X] No unreasonable impacts on the amenity of adjoining properties or streetscape [X] Sufficient environmental planning grounds [X] Consistent with the objectives of the standard [ ] [insert another reason here if required]
Determining Authority (Concurrence Authority for Clause 4.6 variation)	Local Planning Panel
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
Excavation	No

APPENDIX A – CONDITIONS OF CONSENT

GENERAL CONDITIONS

<table>
<tr><th></th><th>Condition</th></tr>
<tr><td>1.</td><td>APPROVED PLANS AND DOCUMENTATION</td></tr>
<tr><td></td><td>The development must be in accordance with:
(a) Architectural Plans prepared by Ark Design 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>ARK962-1-2 A</td><td>Site plan</td><td>28/11/2023</td><td>11/01/2024</td></tr>
<tr><td>ARK962-1-7 A</td><td>Proposed ground floor plan</td><td>28/11/2023</td><td>11/01/2024</td></tr>
<tr><td>ARK962-1-8 A</td><td>Proposed first floor plan</td><td>28/11/2023</td><td>11/01/2024</td></tr>
<tr><td>ARK962-1-9 A</td><td>Proposed roof plan</td><td>28/11/2023</td><td>11/01/2024</td></tr>
<tr><td>ARK962-1-10 B</td><td>Proposed east & west elevations</td><td>10/04/2024</td><td>04/06/2024</td></tr>
<tr><td>ARK962-1-11 A</td><td>Proposed south elevation</td><td>28/11/2023</td><td>11/01/2024</td></tr>
<tr><td>ARK962-1-12 A</td><td>Proposed north elevation</td><td>28/11/2023</td><td>11/01/2024</td></tr>
<tr><td>ARK962-1-13 A</td><td>Proposed section elevation A-A</td><td>28/11/2023</td><td>11/01/2024</td></tr>
</table>
(b) BASIX and NatHERs Certificate/s
(c) Stormwater Details and documentation prepared by H&M consultancy dated 01/12/2023, and received by Council on 11/01/2024
Except where amended by the following conditions of consent.</td></tr>
<tr><td></td><td>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</td></tr>
<tr><td>2.</td><td>GENERAL MODIFICATIONS</td></tr>
<tr><td></td><td>The application is approved subject to the following plan amendments;
(a) The proposed picket / palisade parts of the front boundary fence must be of an open design with a minimum open area of 50%, for visibility to and from the site.</td></tr>
<tr><td></td><td>Condition reason: To improve visibility between the street and the dwelling.</td></tr>
<tr><td></td><td>The amendments are to be approved by the Principal Certifying Authority prior to the issue of any Construction Certificate.</td></tr>
</table>

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
3.	**NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE**
	The building work, or demolition work, must not be commenced until: (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the *Environmental Planning and Assessment Act 1979*; (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*; and (c) Council is given at least two days' notice in writing of the intention to commence the building works.
	Condition reason: To ensure a Construction Certificate is obtained prior to work commencing.
4.	**HOME BUILDING ACT**
	The builder or person who does the residential building work shall comply with the applicable requirements of Part 6 of the *Home and Building Act 1989*. In this regard a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy the Principal Certifying Authority that they have complied with the applicable requirements of Part 6, before any work commences.
	Condition reason: To ensure the builder or person who does the residential building work, complies with the applicable requirements of Part 6 of the *Home and Building Act 1989*.
5.	**SECTION 7.12 CONTRIBUTION**
	A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Waverley Council Development Contributions Plan in accordance with the following: (a) Where the total development cost is $500,000 or less: (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:

	(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. (c) Where the total development cost is $1,000,000 or more: (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). - Please forward documents to info@waverley.nsw.gov.au attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy. (ii) Upon confirmation of the contribution amount by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate), payment is to be processed via the Customer Service Centre. (iii) Should there be a discrepancy between the cost of works approved in subclause (b)(i) and the DA fee nominated in the original DA, then additional DA Fees may be payable prior to the issue of a Construction Certificate. A copy of the required format for the cost reports are provided in the Waverley Council Contributions Plan, available on Council's website. (d) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, the levy must be paid in accordance with the following; (i) A development valued at $100,000 or less will be exempt from the levy; (ii) A development valued at $100,001 - $200,000 will attract a levy of 0.5% of the full cost of the development; or (iii) A development valued at more than $200,000 will attract a levy of 1% of the full cost of the development. Prior to the issue of any Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than $100,000.
	Condition reason: To ensure the Section 7.12 Contributions are paid.
6.	**SECURITY DEPOSIT**
	A deposit (cash or cheque) for the amount of $10,260 must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent. This deposit (cash or cheque) 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.
	Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.
7.	**LONG SERVICE LEVY**
	A long service levy, as required under section 34 of the *Building and Construction Industry Long Service Payments Act, 1986*, is to be paid in respect of this building work. Evidence that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate. Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.25% of building work costing $250,000 or more.
	Condition reason: To ensure the long service levy is paid.
8.	**ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES**
	The applicant is to pay to Council fees for assessment of all engineering plans and inspection of the completed works in the public domain inclusive of all stormwater assessment, in accordance with Council's Schedule of Fees & Charges at the time of engineering plan approval, prior to such approval being granted by Council. An invoice will be issued to the applicant for the amount payable, which will be calculated based on the design plans for the subject development.
	Condition reason: To ensure Council assessment fees are paid.
9.	**HOARDING**
	To ensure the site is contained during construction, a hoarding is required for the approved works, which is to be designed and constructed in accordance with the requirements of Safe Work NSW. Where the hoarding is to be erected over the footpath or any public place, the approval of Council's Compliance Unit must be obtained and the applicable fees paid, prior to the erection of the hoarding.
	Condition reason: To ensure safety to the general public.
10.	**EROSION & SEDIMENT CONTROL**
	A Soil and Water Management Plan (SWMP), also known as an Erosion and Sediment Control Plan must be prepared in accordance with Waverley Council's Water Management Technical Manual. The SWMP must be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request. The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.
	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.

11.	**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.
12.	**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.
13.	**EXISTING PARTY WALL IS TO BE EXTENDED**
	The existing separating wall is to be extended to the underside of the roof in accordance with the requirements of the National Construction Code. All work to the separating wall must be contained within the boundaries of the subject site only, unless agreement between neighbours for work affecting both sides of a separating wall, including written consent of all owners of all properties upon which work will take place has been obtained.
	Condition reason: To meet the requirements of the National Construction Code.
14.	**STORMWATER MANAGEMENT**
	To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream systems, a detailed plan and certification of the development's stormwater management system must be submitted and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate. The submitted stormwater management plan prepared by are considered concept only. The applicant must submit amended plans and specifications to comply with the current Waverley Council Water Management Technical Manual and Development Control Plan (DCP) at the time of engineering plan approval. The submitted plans must be prepared by a suitably qualified and practising Civil Engineer and comply with the following conditions: a) Specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required. b) Detail the proposed pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location. c) Any new downpipes are to be located wholly within the property's boundary. d) Pits and inspection openings are to be provided at all junctions, change in gradient, change in direction, and change in diameter for access and maintenance purposes.

	e) (If) any proposed pipeline within the footpath verge must be hot dipped galvanised steel hollow section with the size of 125mm x 75mm x 4mm (w x h x t). f) (If) any proposed piped drainage within all Council land including roads and footways shall be laid at a minimum 1% gravity fall directed toward the point of discharge. g) Seepage water must not be directly or indirectly discharged to Council's street gutter. h) A Basic Control Plan is to be submitted. i) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works will be replaced as per Waverley Council Public Domain Technical Manual. All associated costs will be borne by the applicant. Notes: i. The checklist as set out on pages 68-76 in Council's Water Management Technical Manual (October 2021) available online must be completed and submitted with any revision of Construction Certificate Plan Submission. 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. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block must 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 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.
	Condition reason: To ensure the proper management of stormwater runoff.
15.	**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.
16.	**SITE WASTE AND RECYCLING MANAGEMENT PLAN**
	A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction

	Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the *SWRMP Part 2* is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.
	Condition reason: To ensure resource recovery is promoted and the local amenity is protected during construction.
17.	**CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)**
	The applicant is to submit a Construction Traffic Management Plan (CTMP) for the approval of Council's Executive Manager, Infrastructure Services, or delegate, prior to the issue of any Construction Certificate. For further information on what is required in the CTMP, please refer to Council's website at: https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent
	Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.
18.	**DILAPIDATION REPORT**
	Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land to the satisfaction of the Principal Certifying Authority. At minimum, the following properties are to be included: (a) 65 Avoca Street, Bondi (b) 69 Avoca Street, Bondi Where access has not been granted to an adjoining property to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the Principal Certifying Authority that all reasonable steps were taken to obtain access to the adjoining properties. The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site. No less than 14 days before any site work commences, adjoining property owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to council (where council is not the principal certifier) at the same time. Note: Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out. Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

	Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.
19.	**RENEWABLE ENERGY AND ENERGY EFFICIENCY**
	To enable all development to contribute to net zero greenhouse emissions by 2035, the following shall apply: (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. (b) No gas cooktops, gas ovens and gas heating systems are permitted. Alternate options must be used (such as electric, induction). (c) Recommended lighting systems to include LEDs with controls, such as motion sensors, step-dim controls and daylight sensors. 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.
	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.

BEFORE BUILDING WORK COMMENCES

	Condition
20.	**CONSTRUCTION SIGNS**
	Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.
	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.
21.	**DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS**
	The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including: • Work Health and Safety Act 2011; • Work Health and Safety Regulation 2017; • SafeWork NSW Code of Practice for the Safe Removal of Asbestos; • Australian Standard 2601 (2001) – Demolition of Structures; • *Protection of the Environment Operations Act 1997.* At least 5 days prior to the demolition, renovation work or alterations and additions to any building, the person acting on the consent shall submit a Work Plan to the Principal Certifying Authority in accordance with Australian Standard AS 2601-2001, Demolition of Structure and a Hazardous Materials Assessment prepared by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall: (a) Outline the identification of any hazardous materials, including surfaces coated with lead paint; (b) Confirm that no asbestos products are present on the subject land, or (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by SafeWork NSW (catalogue WC03561); (d) Describe the method of demolition; (e) Describe the precautions to be employed to minimise any dust nuisance; and (f) Describe the disposal methods for hazardous materials.
	Condition reason: To ensure the safety of workers and the general public.

22.	**TREE PROTECTION**
	All trees on site and adjoining properties, including street trees, are to be retained and protected in accordance with AS4970-2009 'Protection of Trees on Construction Sites' and to be certified by an Arborist with AQF level 5 qualification or above, unless approved to be removed in this development consent.
	Condition reason: To protect and retain trees.
23.	**STREET TREES TO BE RETAINED/TREE PROTECTION**
	No existing street trees shall be removed without Council approval. Precautions shall be taken when working near trees to ensure their retention, including the following: (a) Do not store harmful or bulk materials or spoil under or near trees; (b) Prevent damage to bark and root system; (c) Do not use mechanical methods to excavate within root zones; (d) Do not add or remove topsoil from under the drip line; (e) Do not compact ground under the drip line; (f) Do not mix or dispose of liquids within the drip line of the tree; and (g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter in accordance with AS4970-2009 “Protection of trees on construction sites.
	Condition reason: To protect trees during the carrying out of site work.

DURING BUILDING WORK

	Condition
24.	**CONTROL OF DUST ON CONSTRUCTION SITES**
	The following requirements apply to demolition and construction works on site: (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries. (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices.
	Condition reason: To ensure the safety of workers and the general public.
25.	**CLASSIFICATION OF WASTE**
	Prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines 2014.
	Condition reason: To ensure compliance with the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines 2014.
26.	**CONSTRUCTION HOURS**
	Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays, with no work to be carried out on Sundays and public holidays. Excavation works involving the use of heavy earth movement equipment, including rock breakers and the like, must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays, with no such work to be carried out on Saturday, Sunday or a public holiday. Noise from construction activities shall comply with the *Protection of the Environmental Operations (Noise Control) Regulation 2017*.
	Condition reason: To protect the amenity of the surrounding area.
27.	**STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS**
	All building materials and any other items associated with the development are to be stored within the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.
	Condition reason: To ensure building material is stored in an appropriate location.

28.	**CONSTRUCTION INSPECTIONS**
	The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the *Building Legislation Amendment (Quality of Construction) Act 2002, Part 8 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* and the requirements of any other applicable legislation or instruments.
	Condition reason: To ensure regular inspections occur throughout the construction process.
29.	**CERTIFICATE OF SURVEY - LEVELS**
	All construction works are to be in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels is to be submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
30.	**CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING**
	A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the location of the building on the site is to be submitted to the Principal Certifying Authority to certify the building is located in accordance with the development consent plans. The Certificate is to be submitted prior to the construction of the external walls above the ground floor level of the building.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
31.	**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.
32.	**STRUCTURAL STABILITY OF ADJOINING DWELLING'S ROOF**
	Adequate measures are to be undertaken to ensure structural stability and water proofing of the existing roof over the adjoining dwelling having particular regard to the following: (a) Adequate measures are undertaken to secure the existing rafters and ridge to the brickwork of the party wall; and (b) Adequate measures are undertaken to ensure that the roof where it abuts the extended party wall is water proofed.
	Condition reason: To ensure the structural stability of the adjoining semi-detached dwelling's roof.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
33.	**FINAL OCCUPATION CERTIFICATE**
	Prior to occupation or use of the development, an Occupation Certificate must be obtained. The Principal Certifying Authority must be satisfied that the requirements of the *Environmental Planning & Assessment Act 1979* have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.
	Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.
34.	**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.
35.	**CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE SYSTEM**
	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. Certification is to 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. A copy of the certification must be submitted to Council.
	Condition reason: Ensure stormwater drainage system has been constructed or retained as per the approved stormwater management plans.

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: • 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.	**DIAL BEFORE YOU DIG**
	Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
6.	**TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)**
	Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.
7.	**ALTERATIONS AND ADDITIONS ONLY**
	This consent is for alterations and additions to the existing building only and should during the course of construction a significant amount of the remaining fabric of the building be required to be removed, works must cease immediately and a new development application will be required to be submitted for assessment.
8.	**TREE REMOVAL/PRESERVATION**
	Any trees not identified for removal in this application have not been assessed and separate approval may be required. Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building may also require approval.

9.	**WAVERLEY LGA FLOOD STUDY 2021**
	The property is on land identified as flood affected under the Council endorsed Waverley LGA Flood Study 2021. The registered proprietor's attention is drawn to the likelihood that the development may be inundated by flood waters during a 1% Annual Exceedance Probability (AEP) storm event. As flood events can cause significant damage to property and pose risk to life, it is advised that the following measures are undertaken: a) All new building material must be flood resistant or flood compatible to a height of 1% AEP flood level plus 300 mm freeboard. b) All new internal electrical switches, power points or similar utilities liable to flood damage must be set at or above the 1% AEP flood level plus 300 mm freeboard. c) A suitably qualified engineer certifies that any new structure can withstand the forces of floodwater, scour debris and buoyancy up to and including the 1% AEP flood level plus 300 mm freeboard. d) A storage area must be provided at or above the 1% AEP flood level plus 300 mm freeboard for the storage of goods that can be damaged or mobilised by flooding, or goods that have potential to cause pollution during flooding. e) Any proposed fencing must be built using flood compatible material. In addition, it is recommended that before occupation or prior to the issue of any Occupation Certificate, a site flood emergency response plan is to be prepared, and a copy of this plan must be submitted to the Private Certifier and Waverley Council.

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.

NOTE

ALL DIMENSIONS ARE TO BE CHECKED ON SITE PRIOR TO ANY SCHEDULED WORK

ALL WORK ON THIS DRAWING TO BE PERFORMED IN A TRADESMAN LIKE MANNER AND SHALL BE STRICTLY IN ACCORDANCE WITH THE PROVISION OF THE STANDARDS AUSTRALIA, BUILDING CODES OF AUSTRALIA, AND COMPLY WITH ANY STATUTORY AUTHORITY HAVING JURISDICTION OVER ANY OF THE PROPOSED WORK

ALL STRUCTURAL DETAILS IN ACCORDANCE WITH STRUCTURAL ENGINEER'S SPECIFICATIONS

ALL LEVELS TO AUSTRALIAN HEIGHT DATUM (AHD)

STANDARDS

ALL REFERENCES TO THE "BCA" SHALL BE IN ACCORDANCE WITH THE CURRENT NATIONAL CONSTRUCTION CODE 2022 - VOLUME TWO _ Building Code Of Australia _ Class 1 & 10 Buildings

ALL REFERENCES TO AUSTRALIAN STANDARDS SHALL BE IN ACCORDANCE WITH THE LATEST EDITION AND AMENDMENTS

ALL DEMOLITION SHALL BE CARRIED OUT IN ACCORDANCE WITH AS2601:2001 DEMOLITION OF STRUCTURES

ALL NEW TIMBERWORK AND FRAMING TO AS1684.2:2021 & BCA Section 6 - Parts 6.1 & 6.2

ALL NEW STRUCTURAL STEEL FRAMING TO BCA Section 6 - Part 6.3

ALL NEW FOOTINGS SHALL BE CONSTRUCTED ON UNDISTURBED MATERIAL OR COMPACTED STRUCTURAL FOUNDATION MATERIAL HAVING SAFE BEARING CAPACITY

ALL NEW CONCRETE WORKS TO AS3600:2018, AS2870:2011& BCA Section 4 - Part 4.2
ALL NEW STEEL REINFORCEMENT TO AS4671:2019
ALL FORMWORK DESIGN & CONSTRUCTION TO AS3610:2018
ALL NEW VAPOUR BARRIERS TO BCA Section 4 - Part 4.2.8

ALL NEW MASONRY CONSTRUCTION TO AS3700:2018, AS4773.2:2010 & BCA Section 5
ALL NEW DAMP PROOFING AND FLASHING TO AS2904:1995 & BCA Section 5 - Part 5.7

TERMITE BARRIER, OR COMBINATION OF BARRIERS, SHALL BE IN ACCORDANCE WITH AS3660.1:2014 & BCA Section 3 - Part 3.4

ALL NEW EXTERNAL WALLS WITHIN 900mm OF A BOUNDARY SHALL BE CONSTRUCTED TO ACHIEVE THE MINIMUM FRL 60/60/60 IN ACCORDANCE WITH BCA Section 9 - Part 9.2

ALL NEW ROOF & WALL CLADDING AND GUTTERS & DOWNPIPES SHALL BE IN ACCORDANCE WITH AS1562.1:2018, AS2179.1:2014 & BCA Section 7

ALL NEW GLAZED ASSEMBLIES (INCLUDING WINDOWS & DOORS) IN ACCORDANCE WITH AS1288:2021, AS2047:2014 & BCA Section 8

WHERE APPLICABLE, NEW OPENABLE WINDOWS SHALL BE FITTED WITH RESTRICTORS SHALL BE IN ACCORDANCE WITH BCA Section 11 - Parts 11.3.7 & 11.3.8

ALL NEW ROOF LIGHTS AND SKYLIGHTS WITHIN 900mm OF A BOUNDARY MUST BE *NON-COMBUSTIBLE*; ROOF LIGHTS AND SKYLIGHTS DEEMED *COMBUSTIBLE* ARE TO BE INSTALLED IN ACCORDANCE WITH BCA Section 9 - Part 9.3.3

BASIX COMMITMENTS

ALL NEW PLUMBING FIXTURES & FITTINGS, LIGHTING, INSULATION, AND GLAZING, SHALL BE IN ACCORDANCE WITH BASIX CERTIFICATE No A1377777

REFER TO SPECIFICATION SCHEDULES FOR APPLICABLE COMMITMENTS

WATERPROOFING FOR ALL ALL NEW WET AREAS SHALL BE IN ACCORDANCE WITH BCA Section 10 - Part 10.2

WHERE APPLICABLE, MECHANICAL VENTILATION TO ALL NEW LAUNDRY & BATH AREAS SHALL BE IN ACCORDANCE WITH BCA Section 10 - Parts 10.6 & 10.8

UNLESS SPECIFIED OTHERWISE, ALL NEW INSTALLED PLUMBING FIXTURES MUST HAVE A MINIMUM 3 STAR RATING AND WATER EFFICIENT DUAL FLUSH TOILETS TO ALL NEW BATHROOMS

ALL NEW OR ALTERED LIGHT FIXTURES TO BE FITTED WITH LED LAMPS

ALL NEW SMOKE ALARMS IN ACCORDANCE WITH AS3786:2023 & BCA Section 9 - Part 9.5

ALL NEW STAIRS TO COMPLY WITH BCA Section 11 - Part 11.2; RISER & GOING DIMENSIONS IN ACCORDANCE WITH Table 11.2.2a; TREAD AND NOSING SLIP RESISTANCE IN ACCORDANCE WITH AS4586-2013

HANDRAILS TO NEW STAIRS IN ACCORDANCE WITH BCA Section 11 - Part 11.3.5; MINIMUM 1m HEIGHT BALUSTRADE TO ALL NEW BALCONIES AND ELEVATED TERRACES IN ACCORDANCE WITH BCA Section 11 - Part 11.3.4

TOTAL SITE AREA	**154.4 m²**
EXISTING	
GROUND FLOOR AREA	**65.27 m²**
GROSS FLOOR AREA	**65.27 m²**
FSR	**0.42:1**
SITE COVERAGE*	**81.42 m² (52.73%)**
OPEN SPACE^	**40.71 m² (26.37%)**
LANDSCAPED AREA^	**32.27 m² (20.90%)**
PRIVATE OPEN SPACE	**47.92 m²**
PROPOSED	
GROUND FLOOR AREA	**64.50 m²**
FIRST FLOOR AREA	**27.17 m²**
GROSS FLOOR AREA	**91.67 m²**
FSR	**0.59:1**
SITE COVERAGE*	**77.80 m² (50.39%)**
OPEN SPACE^	**44.33 m² (28.71%)**
LANDSCAPED AREA^	**32.27 m² (20.90%)** NO CHANGE
PRIVATE OPEN SPACE	**51.55 m²**

* Calculated in accordance with Waverley LEP 2012 _ Dictionary definition

^ Calculated in accordance with Waverley DCP 2022 _ Definitions

INTERIOR SPECIFICATIONS

WALLS	GENERAL	BATHROOM/WET AREAS
TYPE	90x45mm TIMBER STUD FRAME	90x45mm TIMBER STUD FRAME
LINING	MIN 10mm PLASTERBOARD	MIN 6mm 'JH VILLABOARD' (OR SIMILAR)
FINISH/COLOUR	PAINT TO CLIENT SPECIFICATION	TILE + PAINT TO CLIENT SPECIFICATION

FLOOR	GROUND FL	GROUND FL WET AREAS
TYPE	RETAIN EXISTING CHECK + REPAIR AS REQUIRED	TIMBER FRAME + 19mm JH 'SECURA' INTERIOR FLOORING + WATERPROOF
FLOOR/FINISH	SELECTED ENGINEERED TIMBER BOARDS	SELECTED TILE
INSULATION	–	–

FLOOR	FIRST FL	FIRST FL WET AREAS
TYPE	TIMBER BEARER + JOIST FRAME TO ENGINEER'S SPECIFICATION	TIMBER FRAME + 19mm JH 'SECURA' INTERIOR FLOORING + WATERPROOF
FLOOR/FINISH	SELECTED ENGINEERED TIMBER BOARDS	SELECTED TILE
INSULATION	–	–

CEILINGS	GENERAL 1	GENERAL 2
TYPE	RETAIN EXISTING CHECK + REPAIR AS REQUIRED	MIN 10mm PLASTERBOARD
CORNICE	TO CLIENT SPECIFICATION	SQUARE SET
FINISH/COLOUR	PAINT TO CLIENT SPECIFICATION	PAINT TO CLIENT SPECIFICATION
INSULATION	–	–

STAIRS	GROUND TO FIRST FL	
TYPE	TIMBER FRAME + SELECTED HARDWOOD TIMBER TREAD	
FINISH	TO CLIENT SPECIFICATION	
HANDRAIL	SELECTED TIMBER BALUSTRADE+HANDRAIL AT MIN 865mm HEIGHT	
STEP SIZE	185R x 240G (2R+G=610mm)	

DOORS	D3	D4
TYPE	SELECTED TIMBER SWING	SELECTED TIMBER SWING
FRAME	TIMBER FRAME	TIMBER FRAME
ARCHITRAVE	PAINT TO CLIENT SPECIFICATION	PAINT TO CLIENT SPECIFICATION
SIZE (NOM)	620 x 2040	820 x 2040
FINISH/COLOUR	PAINT TO CLIENT SPECIFICATION	PAINT TO CLIENT SPECIFICATION
QTY	x 2	x 1

EXTERIOR SPECIFICATIONS

ROOF	FRONT	REAR
TYPE	SELECTED TILE TO MATCH EXISTING	'LYSAGHT STANDARD CUSTOM ORB' (CORRUGATED) COLORBOND STEEL
PITCH	MATCH EXISTING	8° AND 3°
FINISH/COLOUR	MATCH EXISTING	COLORBOND 'COLOUR' TO CLIENT SPEC'N
INSULATION	FOIL SARKING (VAPOUR BARRIER)	55mm FOIL BACKED INSULATION BLANKET

ALL NEW ROOF CLADDING AND RAINWATER GOODS SELECTED, SUPPLIED AND INSTALLED IN ACCORDANCE WITH AS1562.1:2018, AS2179.1:2014 AND BCA Section 7
NEW STORMWATER DRAINAGE IN ACCORDANCE WITH AS3500.3:2021

GUTTERS		DOWNPIPES
TYPE	MATCH EXISTING QUAD PROFILE	MATCH EXISTING
FINISH/COLOUR	TO CLIENT SPECIFICATION	TO CLIENT SPECIFICATION

ALL NEW GUTTERS & DOWNPIPES SELECTED, SUPPLIED AND INSTALLED IN ACCORDANCE WITH AS2179.1:2014 & BCA Part 7.4 ; NEW STORMWATER DRAINAGE IN ACCORDANCE WITH AS 3500.3:2021 & BCA Part 3.3

EXTERIOR SPECIFICATIONS

WALLS	GROUND FL	FIRST FL
TYPE	RETAIN EXISTING BRICK CAVITY CHECK + REPAIR AS REQUIRED	90x45mm TIMBER STUD FRAME + SELECTED EXTERIOR CLADDING
FINISH	BAGGED RENDER+EXTERIOR ACRYLIC PAINT	EXTERIOR ACRYLIC PAINT
COLOUR	TO CLIENT SPECIFICATION	TO CLIENT SPECIFICATION
INSULATION	–	MIN R1.3

WINDOWS	W1	W2
TYPE	LOUVERED	AWNING
FRAME	SEMI COMMERCIAL ALUMINIUM	SEMI COMMERCIAL ALUMINIUM
ARCHITRAVE	SQUARE SET	SQUARE SET
FINISH/COLOUR	POWDERCOAT TO CLIENT SPECIFICATION	POWDERCOAT TO CLIENT SPECIFICATION
SIZE (NOM)	370 x 1800	1810 x 600
GLAZING	SINGLE GLAZED LOW-E	SINGLE GLAZED LOW-E
U-VALUE/SHGC	4.48 / 0.46	4.48 / 0.46
EXT COVERS	–	PROJECTION >=0.23 = 140mm
QTY	x 1	x 1

ALL SIZES AND SPECIFICATIONS TO BE CONFIRMED BY BUILDER AND CLIENT

WINDOWS	W3	W4
TYPE	SINGLE HUNG	SINGLE HUNG
FRAME	SEMI COMMERCIAL ALUMINIUM	SEMI COMMERCIAL ALUMINIUM
ARCHITRAVE	SQUARE SET	SQUARE SET
FINISH/COLOUR	POWDERCOAT TO CLIENT SPECIFICATION	POWDERCOAT TO CLIENT SPECIFICATION
SIZE (NOM)	610 x 2100	610 x 2100
GLAZING	SINGLE GLAZED LOW-E	SINGLE GLAZED LOW-E
U-VALUE/SHGC	4.48 / 0.46	4.48 / 0.46
EXT COVERS	PROJECTION >=0.23 = 485mm	PROJECTION >=0.29 = 610mm
QTY	x 1	x 1

ALL SIZES AND SPECIFICATIONS TO BE CONFIRMED BY BUILDER AND CLIENT

SKYLIGHT	S1	
TYPE	VELUX SKYLIGHT	
FRAME	TIMBER	
ARCHITRAVE	SQUARE SET	
FINISH/COLOUR	–	
SIZE (NOM)	1275 x 1275	
GLAZING	DOUBLE GLAZED LOW-E	
U-VALUE/SHGC	2.5 / 0.456	
EXT COVERS	–	
QTY	x 1	

ALL SIZES AND SPECIFICATIONS TO BE CONFIRMED BY BUILDER AND CLIENT

DOORS	D1	D2
TYPE	3x PANEL STACKING GLAZED SLIDER	SINGLE SWING
FRAME	SEMI COMMERCIAL ALUMINIUM	SEMI COMMERCIAL ALUMINIUM
FINISH/COLOUR	POWDERCOAT TO CLIENT SPECIFICATION	POWDERCOAT TO CLIENT SPECIFICATION
SIZE (NOM)	2110 x 2140	700 x 2400
GLAZING	TOUGHENED LOW-E	TOUGHENED LOW-E
U-VALUE/SHGC	4.48 / 0.46	4.48 / 0.46
EXT COVERS	>=900mm PERGOLA	PROJECTION >=0.29 = 555mm
QTY	x 1	x 1

ALL SIZES AND SPECIFICATIONS TO BE CONFIRMED BY BUILDER AND CLIENT
WEATHER STRIPPING TO PERIMETER OF ENTRY AND EXTERNAL DOORS
TOUGHENED CLEAR GLASS TO ALL GLAZED DOORS - UNLESS NOTED OTHERWISE

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Application No: DA-5/2024
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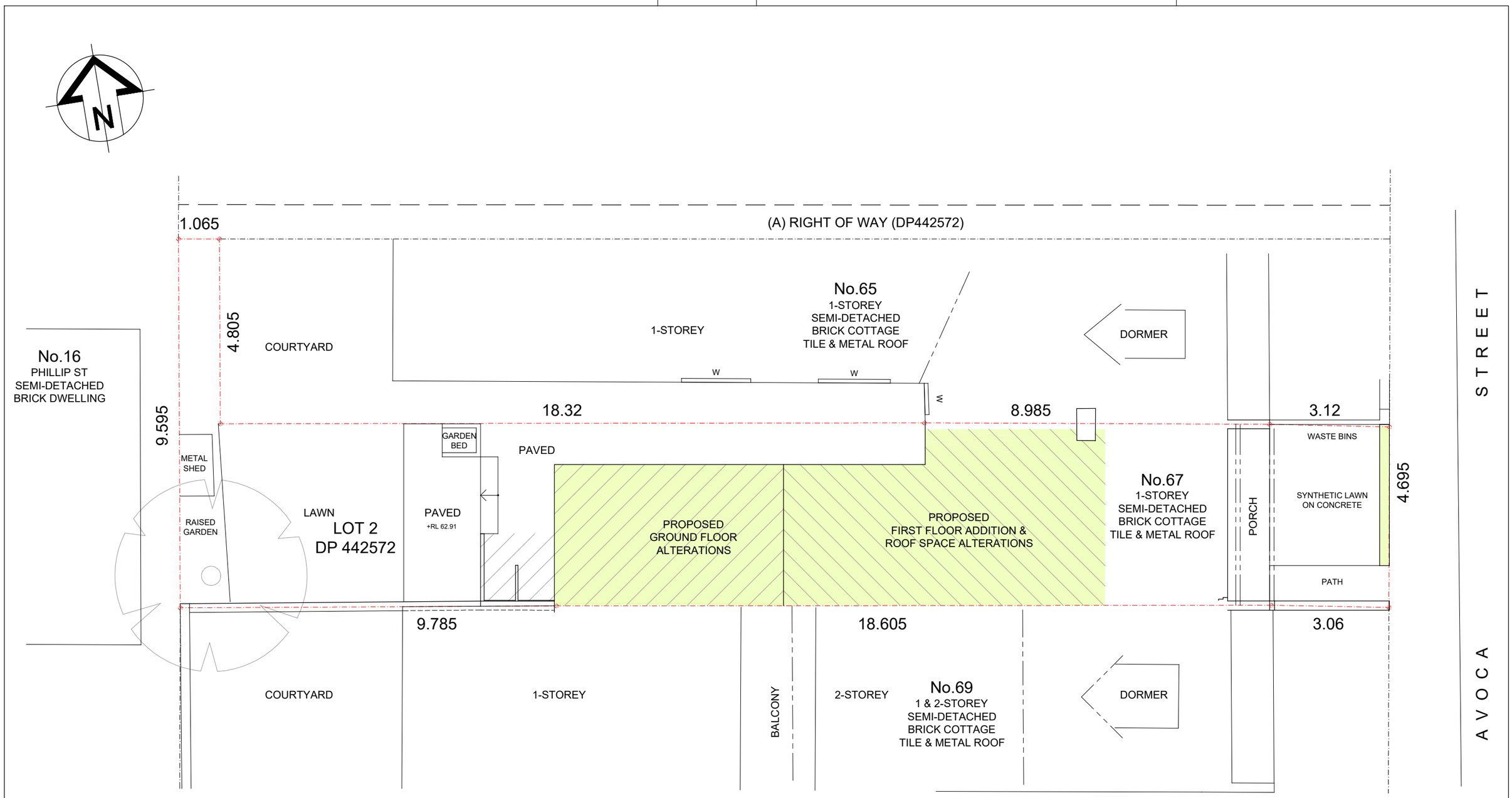
CLIENT: DAVIS-HILL RESIDENCE
A3 | SCALE 1:100
ALL DIMENSIONS IN MILLIMETRES
DRAWN: EB/CK | DATE: 07.11.23
CHECKED: - | APPROVED: -

TITLE: SPECIFICATIONS & WINDOW / DOOR SCHEDULE
67 AVOCA STREET
BONDI NSW 2026

DRAWING No: ARK962-1-1 | SHEET 1 of 13 | REV A



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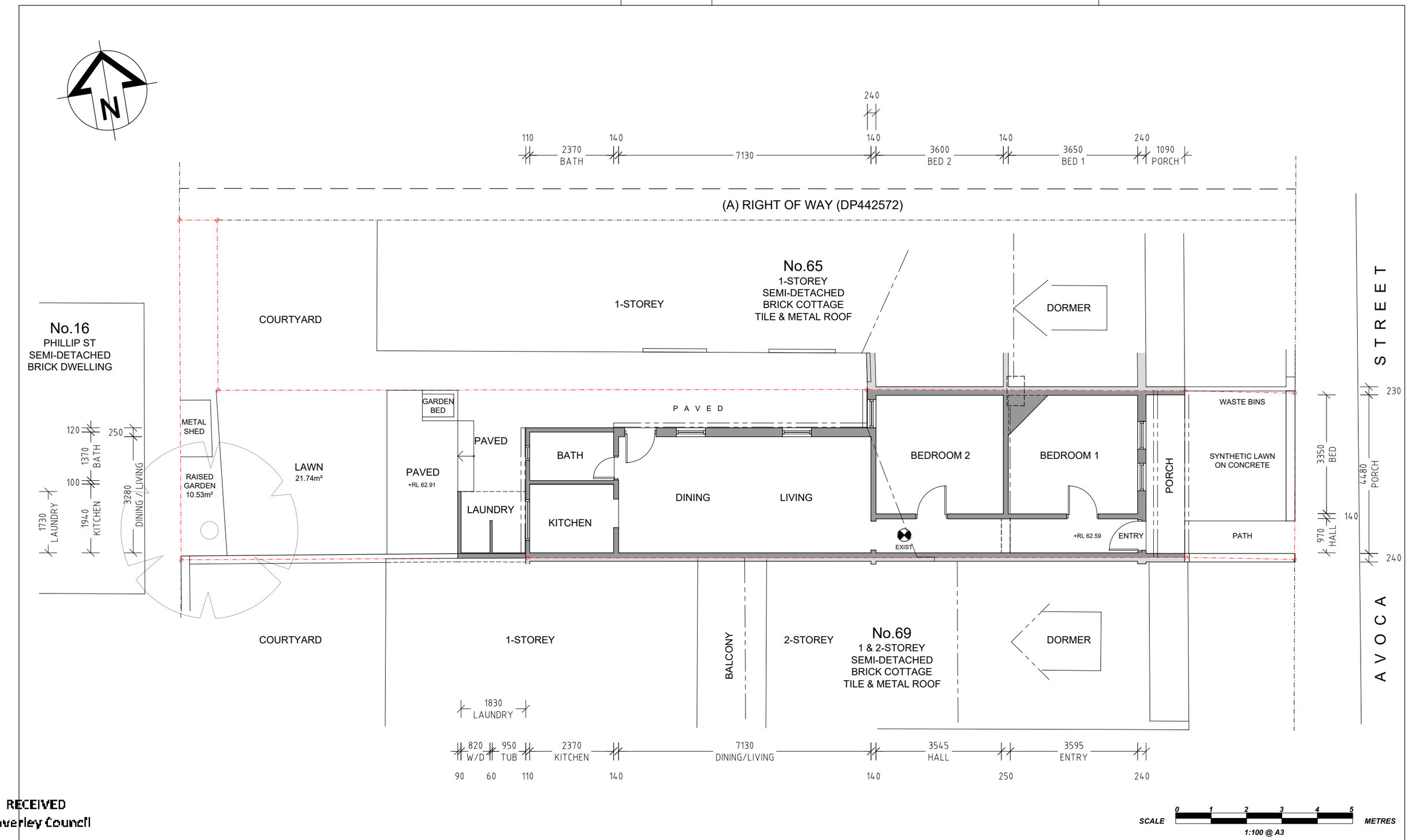
DRAWN: EB/CK DATE: 07.11.23
CHECKED: - APPROVED: -

TITLE: SITE PLAN
67 AVOCA STREET
BONDI NSW 2026

DRAWING No: ARK962-1-2 SHEET 2 of 13
REV A



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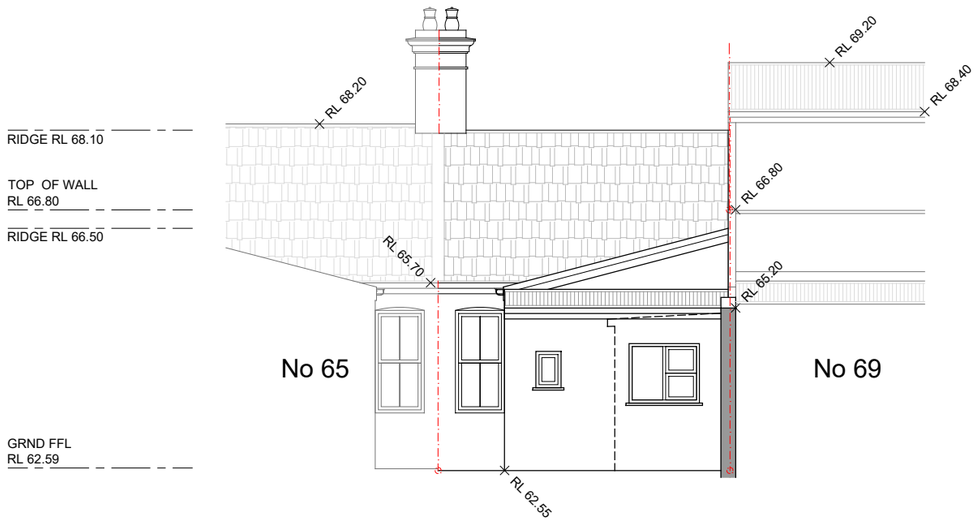
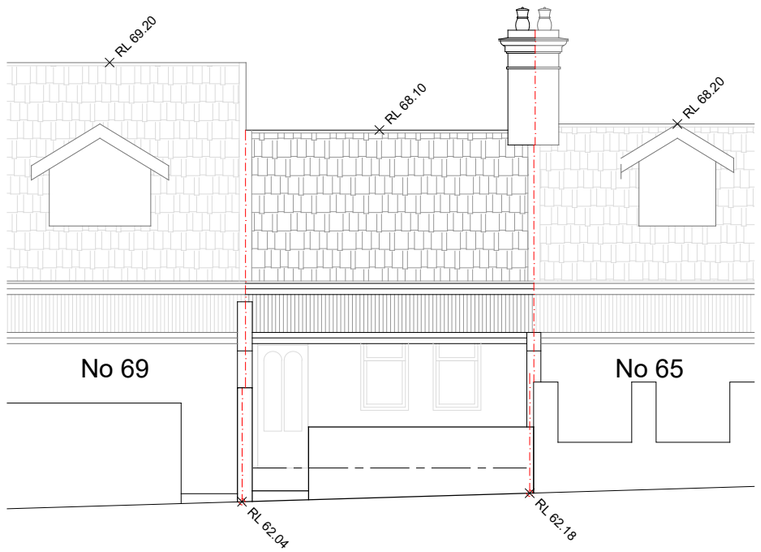
TITLE: EXISTING GROUND FLOOR PLAN

67 AVOCA STREET
BONDI NSW 2026

DRAWING No: ARK962-1-3 | SHEET 3 of 13 | REV A



EXISTING WEST ELEVATION
SCALE 1:100



EXISTING EAST ELEVATION
SCALE 1:100

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ALL DIMENSIONS IN MILLIMETRES
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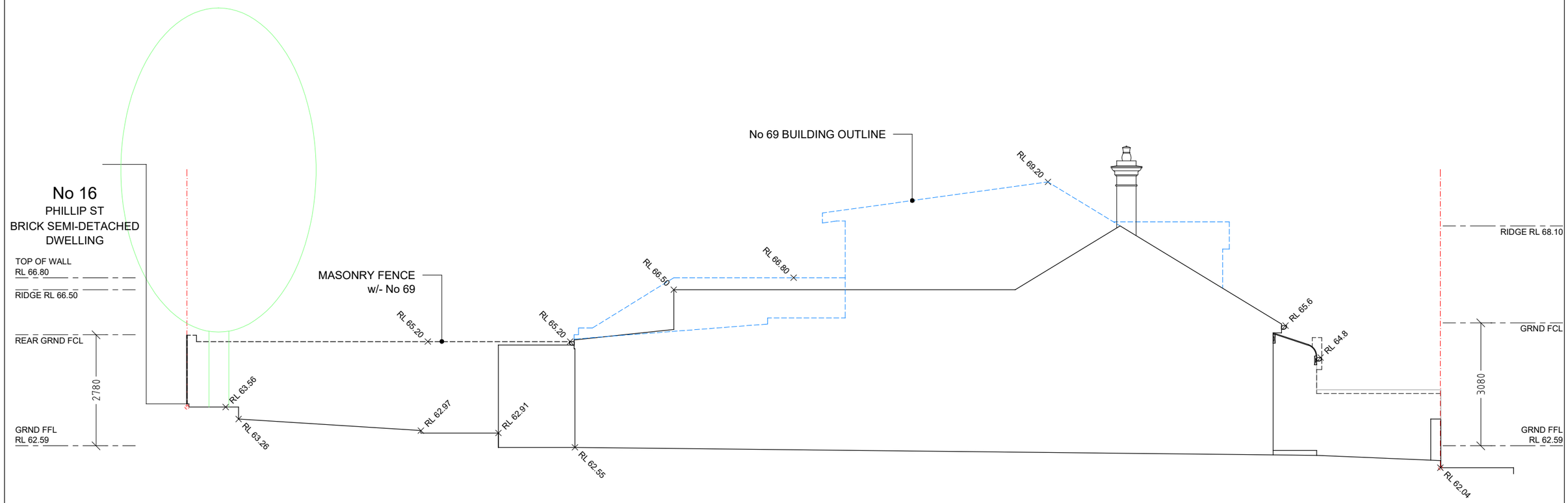
TITLE: EXISTING WEST & EAST ELEVATIONS
67 AVOCA STREET
BONDI NSW 2026

DRAWING No: ARK962-1-4 SHEET 4 of 13 REV A



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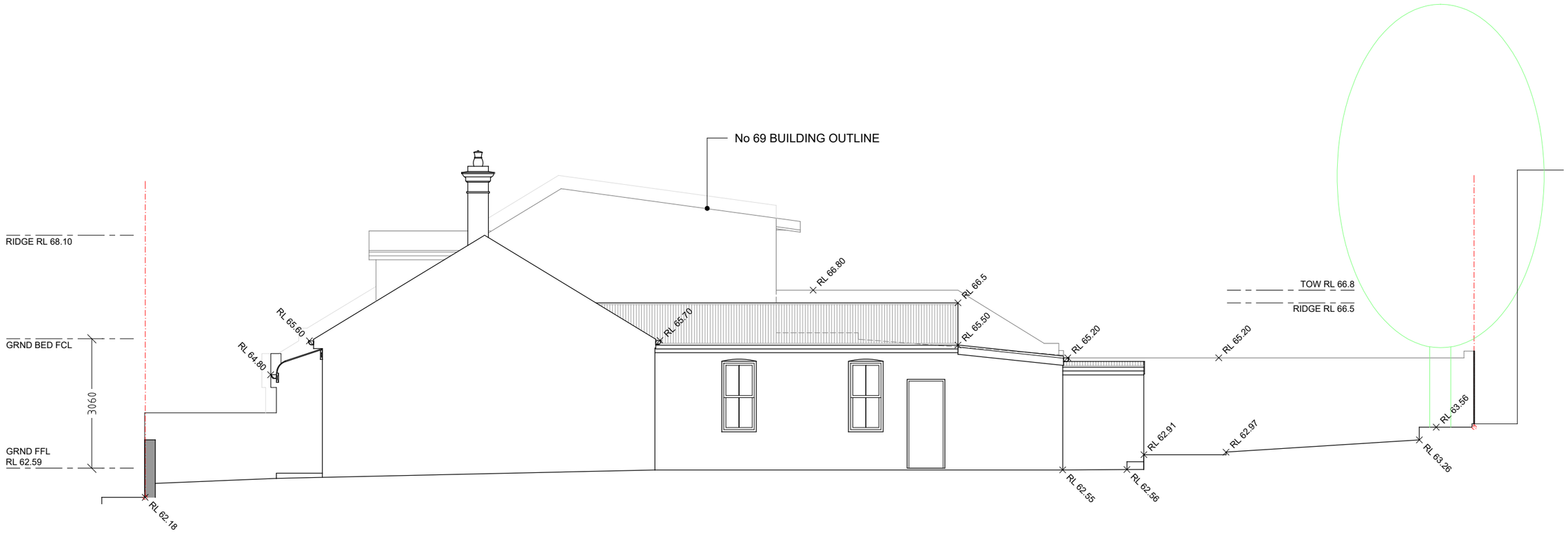
TITLE: EXISTING SOUTH ELEVATION

67 AVOCA STREET
BONDI NSW 2026

DRAWING No: ARK962-1-5 SHEET 5 of 13

REV A



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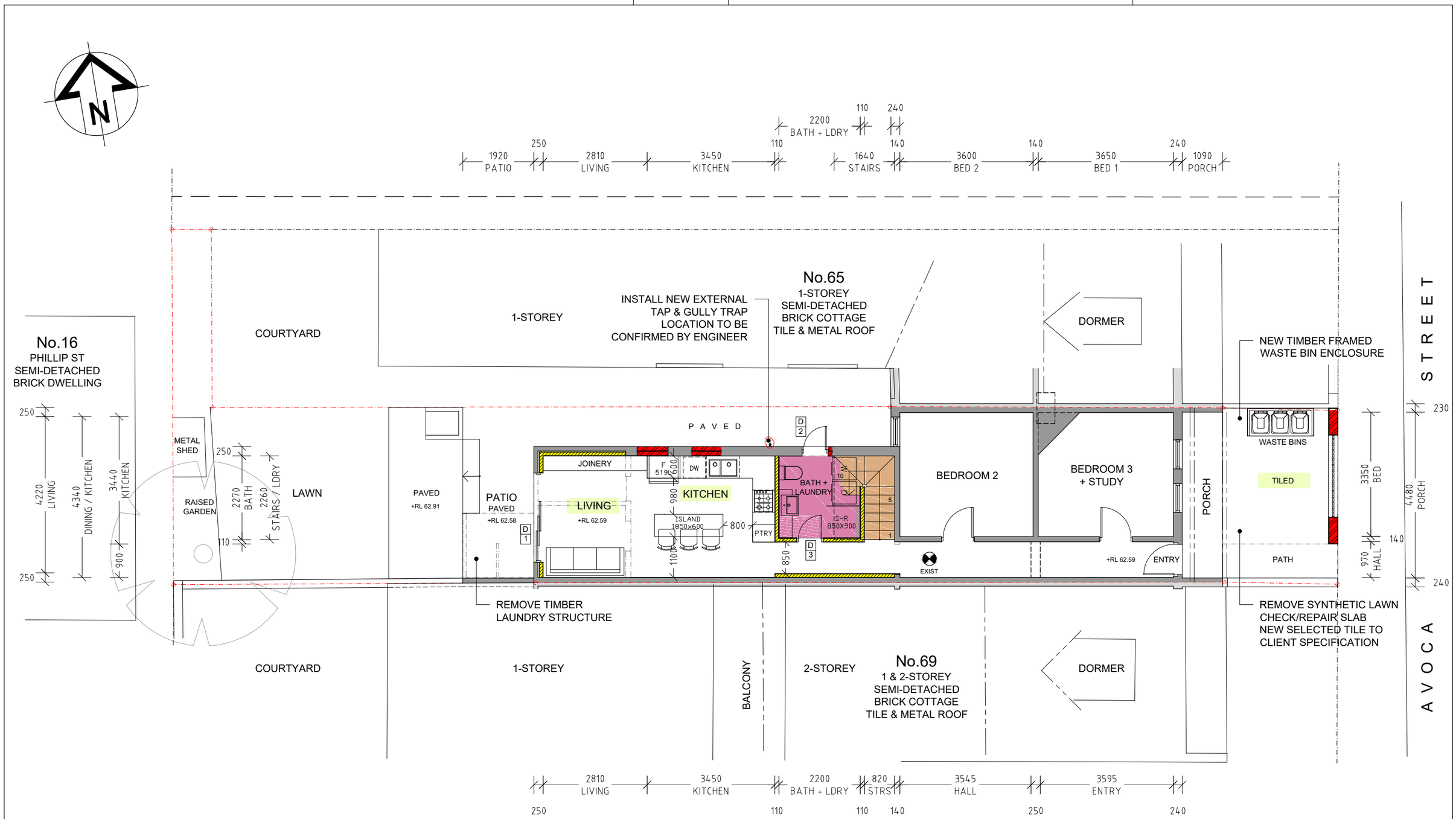
TITLE: EXISTING NORTH ELEVATION

67 AVOCA STREET
BONDI NSW 2026

DRAWING No: ARK962-1-6 SHEET 6 of 13

REV A



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ALL DIMENSIONS IN MILLIMETRES

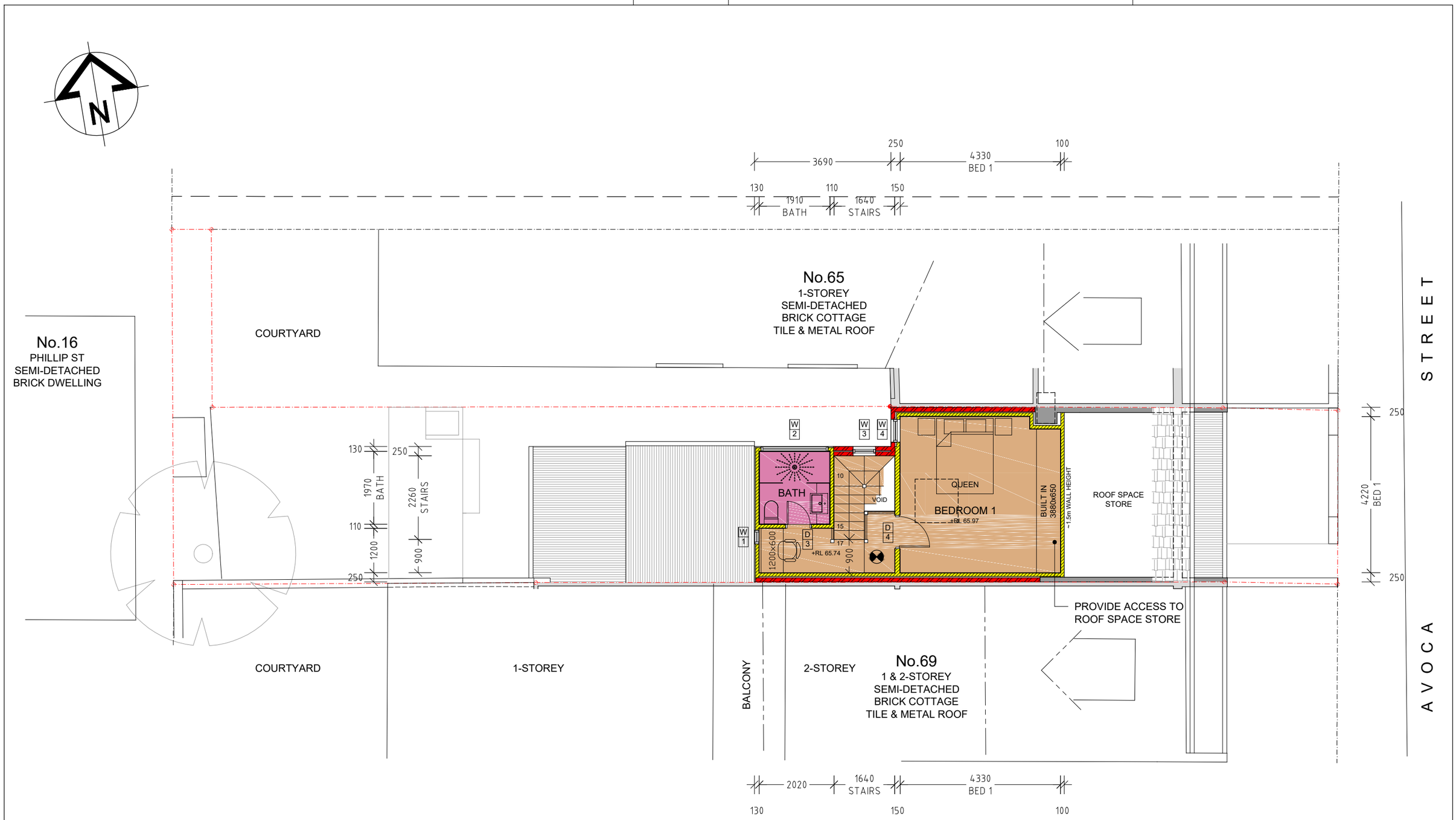
DRAWN: EB/CK | DATE: 07.11.23

CHECKED: - | APPROVED: -

TITLE: PROPOSED GROUND FLOOR PLAN

67 AVOCA STREET
BONDI NSW 2026

DRAWING No: ARK962-1-7 | SHEET 7 of 13 | REV A



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CLIENT: DAVIS-HILL RESIDENCE

A3 | SCALE 1:100

ALL DIMENSIONS IN MILLIMETRES

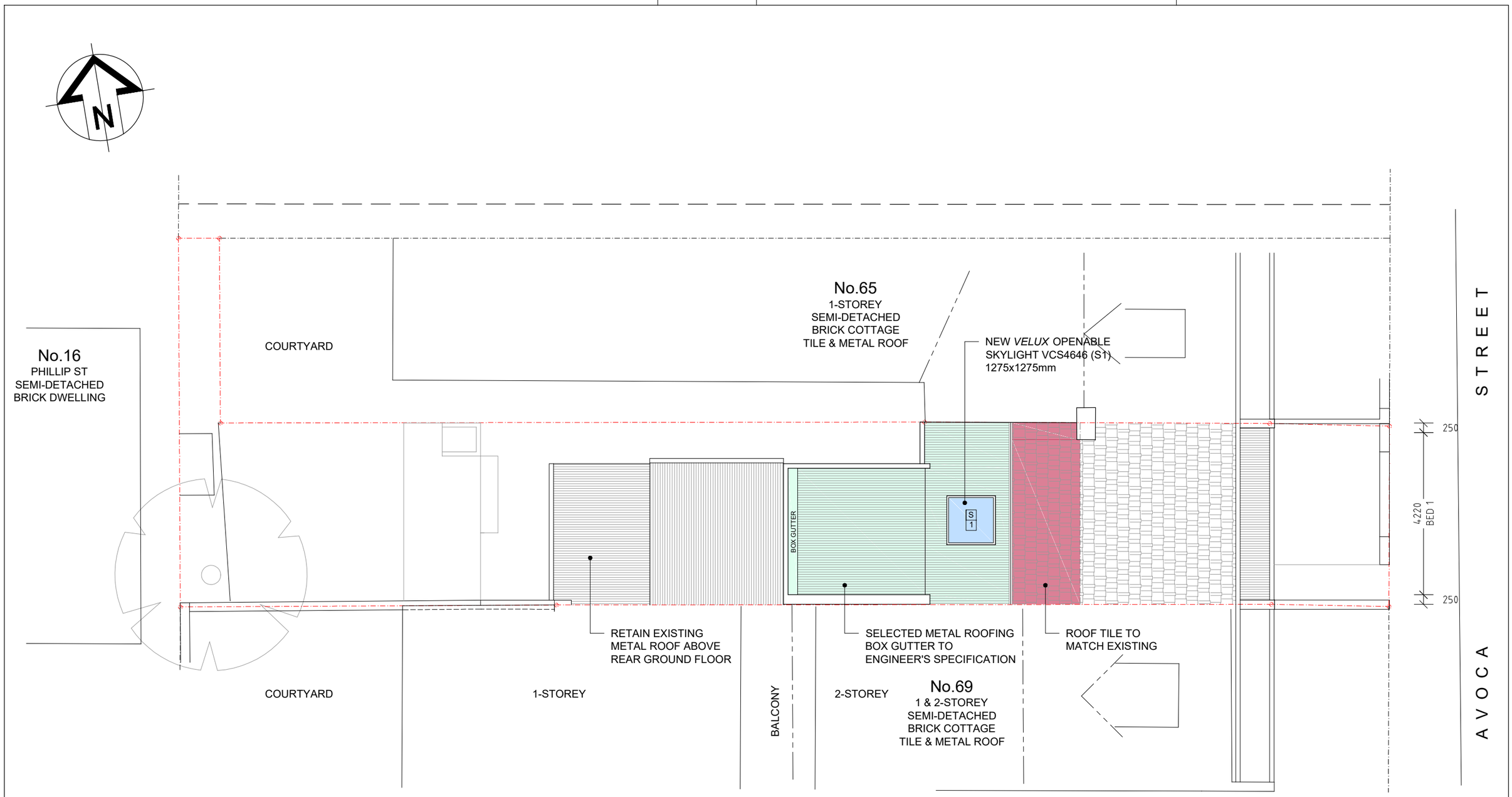
DRAWN: EB/CK | DATE: 07.11.23

CHECKED: - | APPROVED: -

TITLE: PROPOSED FIRST FLOOR PLAN

67 AVOCA STREET
BONDI NSW 2026

DRAWING No: ARK962-1-8 | SHEET 8 of 13 | REV A



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Waverley Council

Application No: DA-5/2024

Date Received: 11/01/2024

SCALE 0 1 2 3 4 5 METRES
1:100 @ A3

REV.	DATE	REVISION DESCRIPTION	BY
A	28.11.23	ISSUED FOR DEVELOPMENT APPLICATION	–
–	– – –	ISSUED FOR COMMENT	–

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DRAWN: EB/CK | DATE: 07.11.23

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TITLE: PROPOSED ROOF PLAN

67 AVOCA STREET
BONDI NSW 2026

DRAWING No: ARK962-1-9 | SHEET 9 of 13 | REV A

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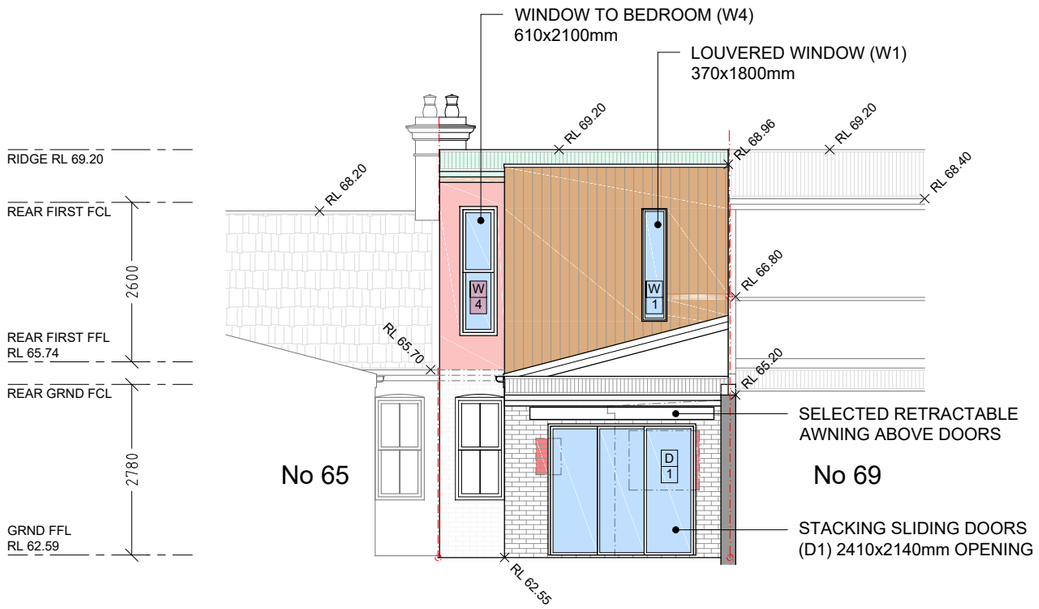
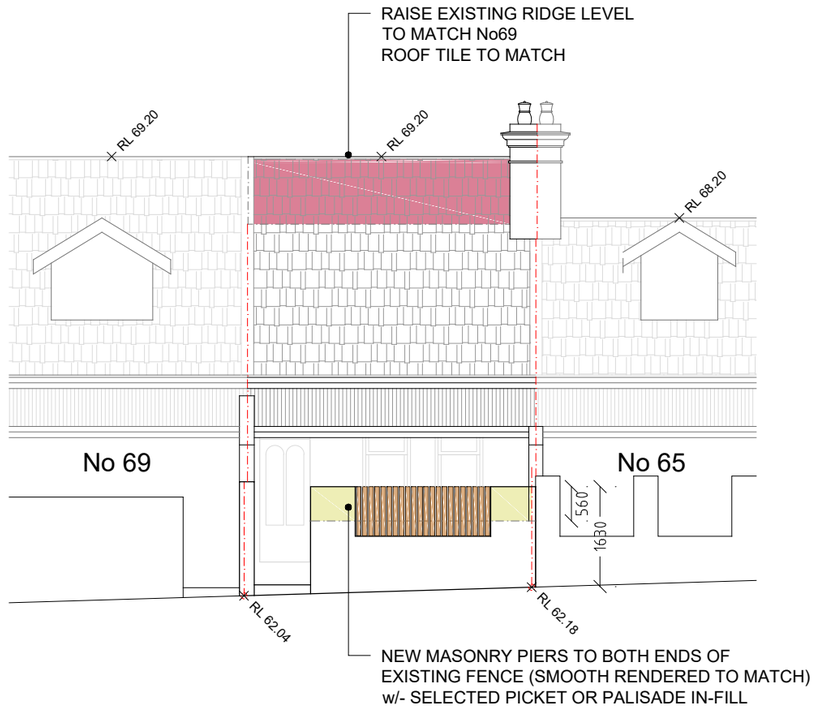
Application No: DA-5/2024

Date Received: 04/06/2024



PROPOSED WEST ELEVATION
SCALE 1:100



PROPOSED EAST ELEVATION
SCALE 1:100

SCALE 0 1 2 3 4 5 METRES
1:100 @ A3

REV.	DATE	REVISION DESCRIPTION	BY
B	10.04.24	FRONT FENCE MODIFIED RE-ISSUED FOR DA	–
A	28.11.23	ISSUED FOR DEVELOPMENT APPLICATION	–
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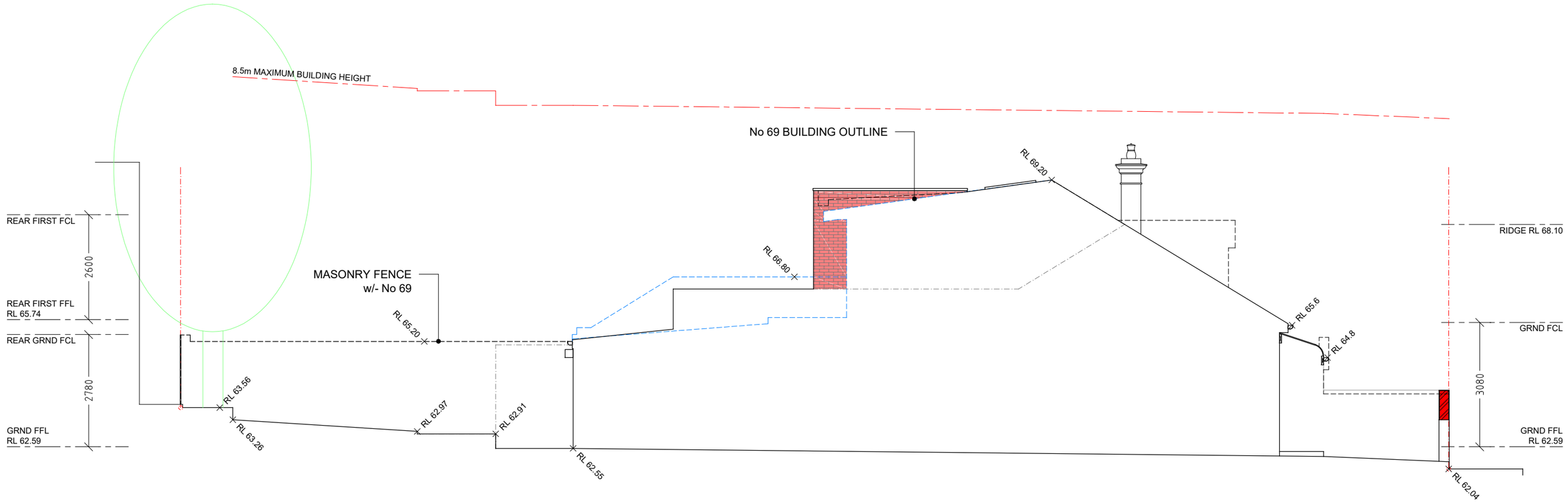
CHECKED: - APPROVED: -

TITLE: PROPOSED
WEST & EAST ELEVATIONS

67 AVOCA STREET
BONDI NSW 2026

DRAWING No: ARK962-1-10 SHEET 10 of 13 REV B



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Application No: DA-5/2024

Date Received: 11/01/2024

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REV.	DATE	REVISION DESCRIPTION	BY
A	28.11.23	ISSUED FOR DEVELOPMENT APPLICATION	–
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DRAWN: EB/CK | DATE: 07.11.23

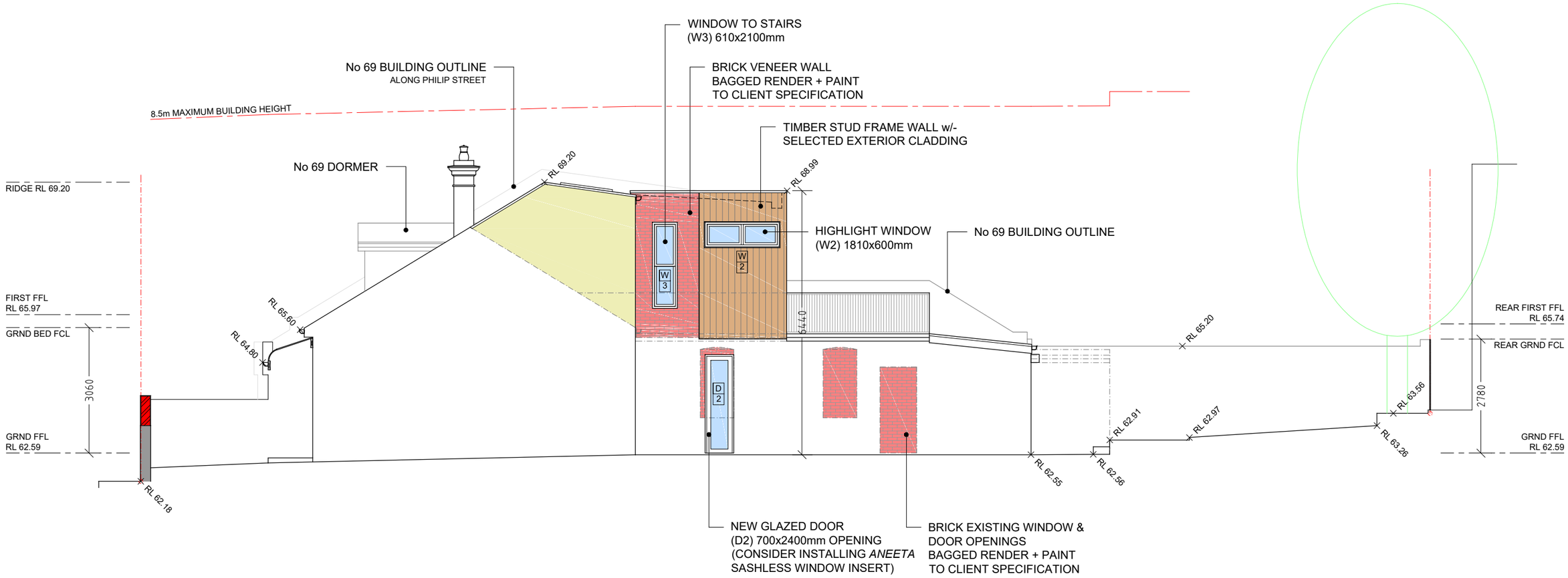
CHECKED: - | APPROVED: -

TITLE: PROPOSED SOUTH ELEVATION

67 AVOCA STREET
BONDI NSW 2026

DRAWING No: ARK962-1-11 SHEET 11 of 13

REV A



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Application No: DA-5/2024

Date Received: 11/01/2024

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DRAWN: EB/CK DATE: 07.11.23

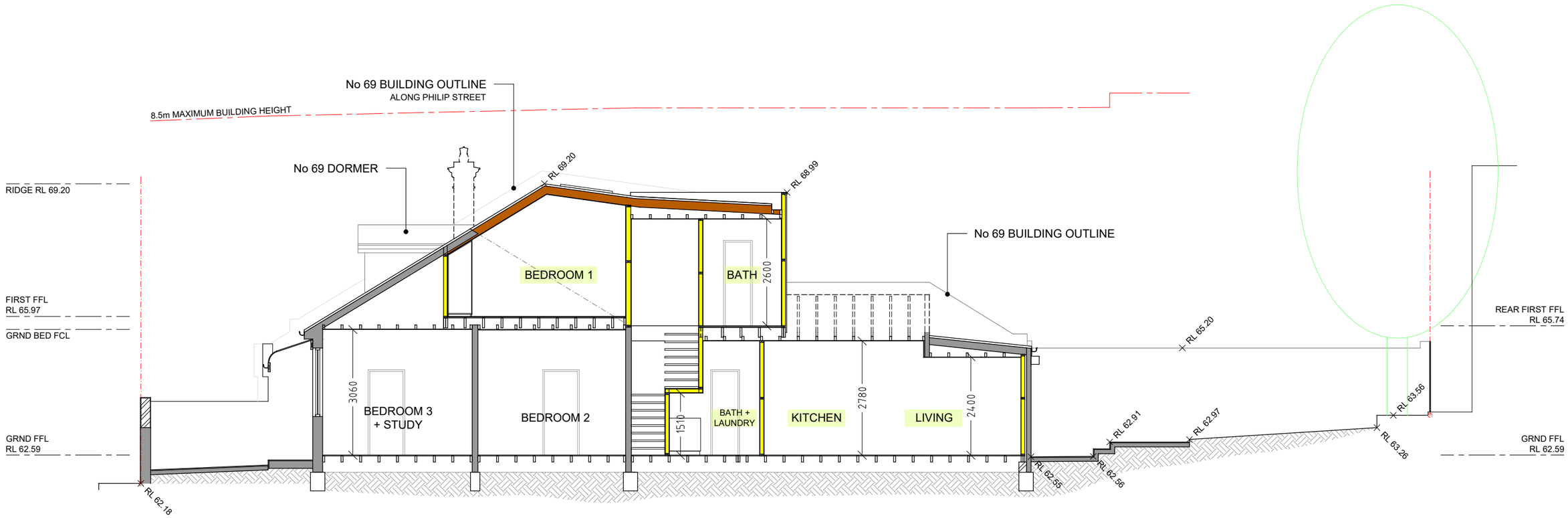
CHECKED: - APPROVED: -

TITLE: PROPOSED NORTH ELEVATION

67 AVOCA STREET
BONDI NSW 2026

DRAWING No: ARK962-1-12 SHEET 12 of 13

REV A



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Application No: DA-5/2024

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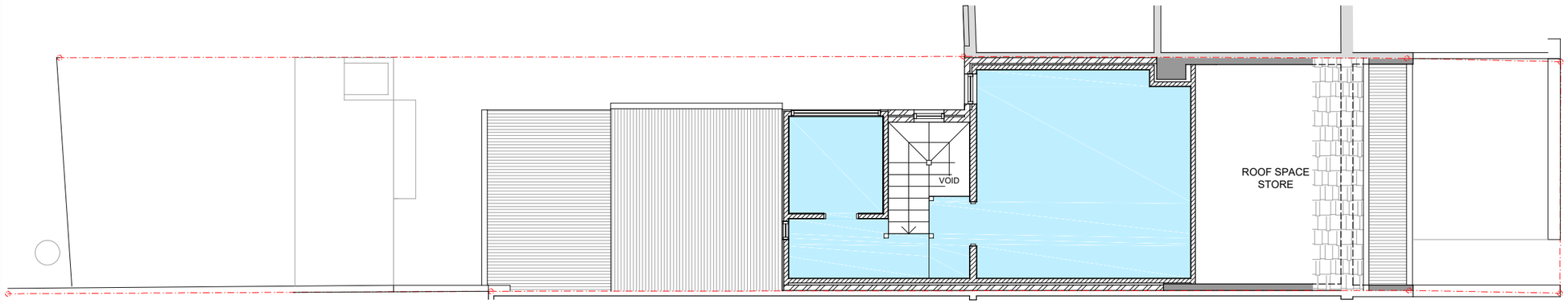
DRAWN: EB/CK | DATE: 07.11.23

CHECKED: - | APPROVED: -

TITLE: PROPOSED SECTION ELEVATION A-A

67 AVOCA STREET
BONDI NSW 2026

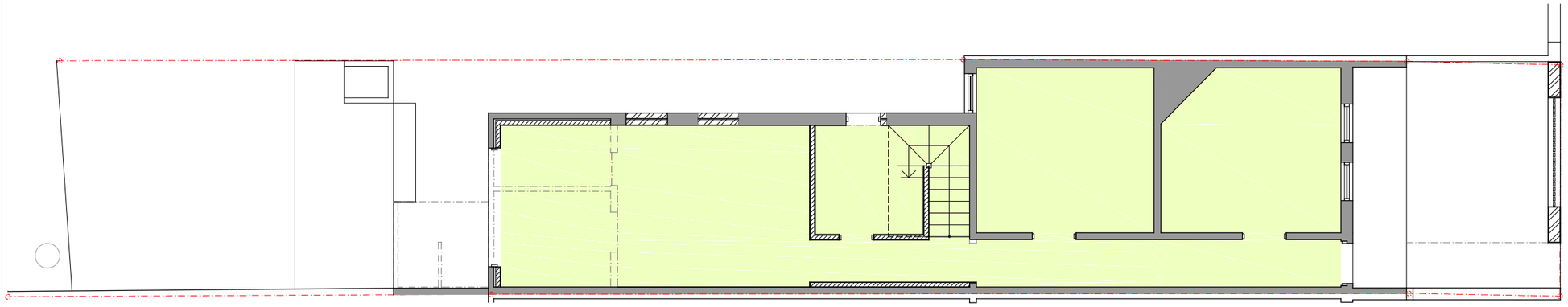
DRAWING No: ARK962-1-13 | SHEET 13 of 13 | REV A



PROPOSED FIRST FLOOR PLAN
SCALE 1:100

EXISTING
FLOOR AREA

PROPOSED ADDITIONAL
FLOOR AREA



PROPOSED GROUND FLOOR PLAN
SCALE 1:100

TOTAL SITE AREA	154.4 m²
EXISTING	
GROUND FLOOR AREA	65.27 m²
GROSS FLOOR AREA*	65.27 m²
FSR	0.42:1
PROPOSED	
GROUND FLOOR AREA	64.50 m²
FIRST FLOOR AREA	27.17 m²
GROSS FLOOR AREA*	91.67 m²
FSR	0.59:1

* Calculated in accordance with Waverley DCP 2012 _ Definitions

SCALE 0 1 2 3 4 5 METRES
1:100 @ A3

RECEIVED
Waverley Council

Application No: DA-5/2024

Date Received: 11/01/2024

REV.	DATE	REVISION DESCRIPTION	BY
—	28.11.23	ISSUED FOR DEVELOPMENT APPLICATION	—

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CLIENT: CLEMANS RESIDENCE
A3 SCALE 1:100
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DRAWN: EB/CK DATE: 28.11.23
CHECKED: CK APPROVED: -

TITLE: GFA CALCULATION PLAN

67 AVOCA STREET
BONDI NSW 2026

DRAWING No: ARK962-GFA-1 SHEET 1 of 1
REV -

Report to the Waverley Local Planning Panel

Application number	DA-3/2024 – PAN-396277
Site address	1 & 3 Castlefield Street, Bondi
Proposal	Alterations and additions to No. 3, including a new ground floor side window; demolition of existing garage on No. 1 and construction of a new double garage with studio above for No. 3, boundary adjustment and new driveway crossover to Castlefield Lane.
Date of lodgement	12 January 2024
Owner	Mr N J Pellow and Ms S L Andrews
Applicant	Mr N J Pellow
Submissions	Three
Cost of works	$289,300
Principal Issues	• Non-compliance with the minimum lot size requirements • Floor space ratio • Incompatible subdivision pattern • Overshadowing • Privacy impacts • Inadequate Clause 4.6 variation requests • Insufficient open space
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 to 3 Castlefield Street, including a new window and demolition of the existing garage on 1 Castlefield Street, and construction of a new double garage with studio above for 3 Castlefield Street, boundary adjustment and new driveway crossover to Castlefield Lane at the sites known as 1 and 3 Castlefield Street, Bondi

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

- Non-compliance with the minimum lot size requirements
- Exceedance of floor space ratio (FSR)
- Incompatible subdivision pattern
- Overshadowing
- Privacy impacts
- Inadequate Clause 4.6 variation requests
- Insufficient open space.

The assessment finds these issues unacceptable as the proposal adversely impacts on the amenity of neighbouring properties and the sites themselves and are a direct result of non-compliance with a development standard and planning controls.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 8 March 2024.

The proposal relates to the sites identified as Lot C (3 Castlefield Street) and Lot D (1 Castlefield Street) in DP 436716 at 1 Castlefield Street and 3 Castlefield Street, Bondi.

The site at 1 Castlefield Street is rectangular in shape with a primary western frontage of 5.16m to Castlefield Street and a secondary southern frontage of 66.61m to Castlefield Lane. It has an area of 215m^2 and falls from the west (front) towards the east (rear) by approximately 1.7m.

The site at 3 Castlefield Street is rectangular in shape with a frontage of 6.59m to Castlefield Street. It has an area of 265.6m^2 and falls from the west (front) towards the east (rear) by approximately 1.75m.

The proposal relates to a pair of semi-detached dwellings, with 1 Castlefield Street occupied by a single storey semi-detached dwelling with vehicular access provided to a single car garage at the rear on Castlefield Lane, and 3 Castlefield Street occupied by a two storey semi-detached dwelling with no vehicular access provided.

The Survey Plan details a 915mm wide Right of Way (RoW) along the rear boundary of 1 Castlefield Street which enabled access between 3 Castlefield Street and Castlefield Lane. The applicant advised during the assessment that the RoW (dealing No AP878872) was cancelled on 24 April 2020.

The sites are identified as being located within the Imperial Avenue Heritage Conservation Area (C11) in the *Waverley Local Environment Plan 2012* (Waverley LEP 2012).

The sites are adjoined to the south, across Castlefield Lane, by three storey mixed use developments. To the west, on the opposite side of Castlefield Street, are three and four storey residential flat buildings. To the north, the subject sites are adjoined by one and two storey semi-detached dwellings and a three storey residential flat building currently under construction at 9 Castlefield Street. To the east the sites are adjoined by a pair of single storey semi-detached dwellings with single car garages access from Castlefield Lane.

The locality is characterised by a variety of low and medium density residential developments, mixed use developments and a place of public worship. **Figures 1** to **12** include photos of the site and its context.

Figure 1: Subject sites facing east (1 on right & 3 on left).

Figure 2: View of No. 3 Castlefield Street facing south-east.

Figure 3: 1 Castlefield Street as viewed from Castlefield Lane facing north-east.

Figure 4: 1 Castlefield Street as viewed from Castlefield Lane facing north-west.

Figure 5: Existing garage on Castlefield Lane facing north.

Figure 6: Castlefield Lane facing northwest.

Figure 7: Rear setback of 1 Castlefield Street facing east.

Figure 8: Rear setback of 1 Castlefield Street facing west.

Figure 9: Rear setback of 3 Castlefield Street facing east.

Figure 10: Rear setback of 3 Castlefield Street facing south-west towards 1 Castlefield Street.

Figure 11: Rear setback of 3 Castlefield Street facing west.

Figure 12: Rear setback of 3 Castlefield Street facing north-west.

1.3. Relevant Development History

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

1 Castlefield Street

- On 26 November 2003, DA-662/2003 was granted consent for demolition of the existing garage and erection of a new garage on the existing concrete slab.

3 Castlefield Street

- On 22 November 2013, **DA-397/2013** was refused consent for alterations including a hardstand car space within the front yard.
- On 25 July 2016, **DA-232/2016** was granted consent for alterations and additions to a semi-detached dwelling, including a first floor addition.
- On 19 October 2017, modification application **DA-232/2016/A** was granted consent for modifications to a rear balcony, windows, and internal alterations to the approved dwelling additions.
- On 11 December 2017, modification application **DA-232/2016/B** was granted consent for modification to service pipes of semi-detached dwelling.
- On 20 November 2019, heritage exemption certificate **HEC-44/2019** was issued to install solar panels on the roof.

1.4. Proposal

The development application seeks consent for a boundary adjustment and alterations and additions to a semi-detached dwelling, and specifically includes the following:

- Boundary adjustment between 1 and 3 Castlefield Street;
- Demolition of the existing garage on 1 Castlefield Street;

- Demolition of the existing fence along the side and rear boundaries of 1 Castlefield Street;
- New north facing window to the ground floor front bedroom within 3 Castlefield Street;
- Construction of a double car garage with storage, stairs and openings and studio above with a bathroom and green roof surrounds to the rear for 3 Castlefield Street;
- Changes to ground levels and landscaping at the rear of 3 Castlefield Street; and
- New brick wall and entry gate along the southern boundary of 1 Castlefield Street.

1.5. Background

The background of the application is as follows:

- On 12 January 2024, the subject development application (DA-3/2024) was lodged with Council.
- On 15 January 2024, a Stop the Clock letter was issued to the applicant requesting additional information on the architectural plans, a detailed landscape plan, and an updated Statement of Environmental Effects (SEE).
- On 30 January 2024, the applicant submitted amended plans.
- On 30 January 2024, further amended plans and supporting documents were requested as the items within the Stop the Clock letter were not adequately addressed.
- On 10 February and 6 March 2024, the applicant submitted amended plans and documents.
- On 21 March 2024, a deferral letter was issued to the applicant requesting amended plans to address concerns raised in relation to the proposed subdivision pattern, Gross Floor Area (GFA) and FSR calculations, the proposed laneway development, privacy and amenity, and details contained within the plans and documentation.
- On 11 April 2024, the applicant submitted amended plans and documentation.
- On 10 May 2024, Council advised the applicant that the application was not able to be supported and provided them with the opportunity to withdraw the application or have it determined in its current form.
- On 16 May 2024, the applicant advised Council to proceed with determining the application.
- Between 20 and 28 May 2024, Council met with the property owner over the phone to discuss Council's position and possible ways forward. The owner confirmed that that Council is to proceed with determining the application.

The amended plans received on 11 April 2024 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 and have been considered acceptable in the assessment of this development application:

- SEPP (Sustainable Buildings) 2022
- SEPP (Resilience and Hazards) 2021

2.1.2. 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 would not satisfy aims (f) and (m) of Waverley LEP 2012 as it would not enhance or preserve the natural environment or enhance amenity.
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 does not propose subdivision relating to a secondary dwelling.
Land Use Table *R3 Medium Density Residential Zone*	Yes	The proposed works relate to *semi-detached* dwellings, which are permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.1 Minimum subdivision lot size • *325m²*	No	The two existing lots do not comply with the 325m² minimum lots size requirements as detailed below: • 1 Castlefield Street – 215m² (110m²/33.84% non-compliance) • 3 Castlefield Street – 265.6m² (59.4m²/18.27% non-compliance) The proposal includes a boundary adjustment and reconfiguration of the subdivision pattern, which result in the sites comprising the following areas:

Provision	Compliance	Comment
		• 1 Castlefield Street – 173m^2 (152m^2/ 46.76% non-compliance) • 3 Castlefield Street – 307.6m^2 (17.4m^2 / 5.35% non-compliance) The proposal therefore continues to not comply with the minimum lot size development standard and a Clause 4.6 has been provided, which is discussed further below.
4.3 Height of buildings *9.5m*	Yes	The proposed garage and studio comprises a building height of 6.01m and complies with the 9.5m building height development standard.
4.4 Floor space ratio and • *0.6:1* <u>1 Castlefield Street</u> *Permitted GFA* • Existing subdivision site area 215m^2 = 129m^2 GFA • Proposed subdivision site area 173m^2 = 103.8m^2 GFA <u>3 Castlefield Street</u> *Permitted GFA* • Existing subdivision site area 265.6m^2 = *159.36m^2 GFA* • Proposed subdivision site area 307.6m^2 = *184.56m^2 GFA*	No	**<u>1 Castlefield Street</u>** The dwelling at 1 Castlefield Street currently comprises a GFA of 92.75m^2. No changes are proposed to the existing dwelling and therefore the proposal complies with the 0.6:1 FSR development standard pre and post the proposed subdivision as detailed below: • Existing = 0.43:1 FSR • Proposed = 0.536:1 FSR **<u>3 Castlefield Street</u>** The existing development comprises a GFA of 165.27m^2 and an FSR of 0.622:1, which equates to a 5.91m^2 or 3.7% breach of the development standard. The proposal comprises a GFA of 196m^2 and an FSR of 0.637:1 which equates to a 11.44m^2 or 6.18% breach of the development standard. The proposal therefore does not comply with the FSR development standard, and a Clause 4.6 Variation Request has been submitted and is discussed below. **Note:** The proposal is compliant with the FSR development standard when applying Clause 4.4A which would be applicable under the Draft Waverley LEP which has recently been on exhibition – see further discussion below this table).
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

Provision	Compliance	Comment
		size and FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	The site is identified as being located within the Imperial Avenue Heritage Conservation Area (C11). The proposal includes works at the rear of the site along Castlefield Lane which does not consist of strong heritage attributes. Whilst the proposal does not comply with the heritage controls for garages within heritage conservation areas, given the location of the works, it was not found to result in adverse impacts on the heritage conservation area given the state of the lane.
Part 6 Additional local provisions		
6.2 Earthworks	Yes	The proposal does not include any significant earthworks.

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

Clause 4.6 Exceptions to Development Standards

<u>Minimum Subdivision Lot Size</u>

The application seeks to vary the minimum subdivision lot size in clause 4.1 under Waverley LEP 2012.

The sites are subject to a minimum subdivision lot size development standard of 325m^2. The proposal results in 1 Castlefield Street comprising an area of 173m^2 and 3 Castlefield Street comprising an area of 307.6m^2. The site at 1 Castlefield Street therefore would not comply with the development standard by 152m^2, which equates to a 46.76% variation, and 3 Castlefield Street would not comply with the development standard by 17.4m^2, which equates to a 5.35% variation.

As detailed in **Table 1** above, 1 Castlefield Street currently comprises an area of 215m^2, equating to a 110m^2 or 33.84% non-compliance, and 3 Castlefield Street currently comprises an area of 265.6m^2 equating to a 59.4m^2 or 18.27% non-compliance with the development standard.

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 (WLPP) 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 proposal provides a similar subdivision pattern to the adjoining two properties to the east located at 38 and 40 Denham Street, Bondi which is also located to a corner.

(ii) The proposed subdivision does not change the subdivision pattern to the primary street frontage to Castlefield Street and does not change the built form outcome as viewed from the laneway.

(iii) The proposal is compliant with the key built form controls in the DCP and statutory height standard.

(iv) The proposal results in a minor FSR variation, however the two adjoining semi-attached dwellings which form part of this application includes a total GFA of 280m^2 which equates to an FSR of 0.58:1 based on a 480.6m^2 combined site area. Therefore, the proposal provides for an overall appropriate density of the land and FSR less than that contemplated for the combined site.

(v) Further, the proposal would be much less than the maximum FSR Standard under Clause 4.4A should the proposal relate to a dual occupancy or dwelling, rather than attached dwelling. This demonstrates the proposed subdivision pattern results in a built form outcome anticipated for the land under the planning controls.

(vi) The proposal will not adversely impact the amenity of neighbouring properties in relation to visual impact, overlooking or loss of significant views and compliant with the relevant overshadowing controls contained in the DCP.

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

(i) The proposal seeks approval for a boundary adjustment between two attached dwellings located on separate lots and not considered to alter the combined lot boundary or alter the broader subdivision pattern or built form outcome whilst ensuring the orderly economic development of the land.

(ii) The proposal provides a similar subdivision pattern to the adjoining two properties to the east located at 38 and 40 Denham Street, Bondi ensuring the subdivision reflects and reinforces the predominant subdivision pattern of the area. The proposed subdivision does not change the subdivision pattern to the primary street frontage to Castlefield Street and does not change the built form outcome as viewed from the laneway.

(iii) The proposal is compliant with the key built form controls and landscaping controls contained in the DCP and statutory height standard.

(iv) The proposal results in a minor FSR variation, however the two adjoining semi-attached dwellings which form part of this application includes a total GFA of 280m^2 which equates to an FSR of 0.58:1 based on a 480.6m^2 combined site area. Therefore, the proposal provides for an overall appropriate density of the land and FSR less than that contemplated for the combined site.

(v) Further, the proposal would be much less than the maximum FSR Standard under Clause 4.4A should the proposal relate to a dual occupancy or dwelling, rather than attached dwelling. This demonstrates the proposed subdivision pattern results in a built form outcome anticipated for the land under the planning controls.

(vi) The proposal will not adversely impact the amenity of neighbouring properties in relation to visual impact, overlooking or loss of significant views and compliant with the relevant overshadowing controls contained in the DCP.

<u>Consideration of Applicant's Written Request</u>

The applicant's written request has correctly identified the development standard to be varied, relevant legislation and detail the correct lot size variations. The document also addressed those matters required in Clause 4.6(3)(a) and (b).

<u>Consideration of 4.6(3)(a) whether compliance is unreasonable or unnecessary in the circumstances of the case:</u>

The applicant has not adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case and has referenced one or more of the following 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 Clause 4.6 written request inaccurately states that there would be no changes to the built form outcome along Castlefield Lane, and that the proposal would not result in adverse impacts on the amenity of neighbouring properties. As to be discussed throughout this report, the assessment has found that the proposal would be incompatible with the streetscape context; that it would limit the development potential of 1 Castlefield Street; and result in adverse impacts on the amenity of 1 Castlefield Street with regard to the provision of open space, overshadowing and visual bulk and scale. The proposal furthermore does not satisfy the objectives of Clause 4.1 as it would not reflect or reinforce the existing and predominant subdivision pattern within the locality, or minimise likely impacts on the amenity of neighbouring properties.

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

The Clause 4.6 inaccurately states that the proposal would not alter the broader subdivision pattern or built form outcome, and that the proposal is complaint with the key built form controls. The proposal would be incompatible with the surrounding subdivision patterns and would result in adverse impacts on the amenity of 1 Castlefield Street as a result.

It should be noted that the owner and resident of 3 Castlefield Street also currently owns 1 Castlefield Street. In seeking to increase the amenity and value of 3 Castlefield Street, the development potential and amenity of 1 Castlefield Street (currently a single storey semi-detached dwelling) is compromised.

The proposal has not demonstrated that there are sufficient environmental planning grounds to justify the further non-compliance with the development standard.

Conclusion

The written request provided by the applicant to vary the minimum subdivision lot size development standard has not adequately addressed as the matters required to be addressed by clause 4.6(3) (a) and (b) of the Waverley LEP 2012 and is not supported.

Floor Space Ratio

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

The site is subject to a maximum FSR development standard of 0.6:1. The development proposed to 3 Castlefield Street of the studio above the garage has a FSR of 0.637, exceeding the standard by 11.44m^2 equating to a 6.18% variation.

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

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

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

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

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

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

(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:

(i) *The proposal includes a compliant building height and the minor FSR variation is not considered to contribute to substantial bulk or scale.*

(ii) *The proposal results in an appropriate density for the site that is consistent with surrounding development.*

(iii) *The two adjoining semi-attached dwellings which form part of this application includes a total GFA of 280m^2 which equates to an FSR of 0.58:1 based on a 480.6m^2 combined site area. Therefore, the proposal provides for an overall appropriate density of the land and FSR less than that contemplated for the combined site.*

(iv) *The bulk and scale is consistent with the desired future character of the locality.*

(v) *The proposal includes a negligible 4.44m^2 (1.44%) FSR variation that relates to the proposed bedroom at 3 Castlefield Street.*

(vi) *The addition includes a compliant building height and results in a structure that is compatible with the bulk and scale of the streetscape.*

(vii) *The addition is not visible from Castlefield Street and as such does not adversely impact the heritage values of the street.*

(viii) *The proposal displays a high-quality architectural and aesthetic standard and reflects the varied architectural style, scale, materials evident in the streetscape of Castlefield Lane. The proposal is considered to include an appropriate bulk and scale that provides a positive contribution to the streetscape.*

(ix) *The proposed 4.44m^2 variation does not result in unreasonable bulk and scale as the proposal is generally compliant with other key built form controls.*

(x) *The 4.44m^2 variation to the FSR Standard does not result in any adverse visual or acoustic privacy impacts. All proposed windows are carefully designed and screened where necessary to ensure privacy impacts are avoided.*

(xi) *The height and setbacks of the first floor bedroom have been designed to ensure that the proposal does not result in any inappropriate overshadowing of living room windows and private open space areas of adjoining properties between 9am to 3pm in midwinter.*

(xii) *The proposal does not result in any significant view loss.*

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

(i) *The proposal includes a negligible 4.44m^2 (1.44%) FSR variation that relates to the proposed bedroom at 3 Castlefield Street.*

(ii) *The two adjoining semi-attached dwellings which form part of this application includes a total GFA of 280m^2 which equates to an FSR of 0.58:1 based on a 480.6m^2 combined site area. Therefore, the proposal provides for an overall appropriate density of the land and FSR less than that contemplated for the combined site.*

(iii) *The non-compliance relates to the proposed bedroom above the garage that is located at the rear of the site and not visible from Castlefield Street. The additional floor area is not visually apparent from the primary street frontage and does not generate adverse visual impacts or detract from the heritage values of the site.*

(iv) *The proposed first floor bedroom does not result in any additional adverse privacy impacts as new windows have been appropriately located and screened and no additional acoustic privacy impacts are expected.*

(v) *The attached shadow diagrams demonstrate that adjoining properties have access to suitable amounts of sunlight.*

(vi) *The proposal does not result in any significant view loss.*

(vii) *The proposed bedroom creates an additional floor space, significantly increasing the living amenity at the site.*

(viii) *Clause 4.4A allows additional GFA for a dwelling house and dual occupancy developments. However, a semi-detached dwelling is separately defined within the Standard Instrument and therefore, technically Clause 4.4A does not apply. If the proposal related to a dwelling house or a dual occupancy an FSR of 0.77:1 would apply to the land at 3 Castlefield Street, it is considered that the proposed 0.6:1 (4.4m^2 variation) would result in far less impacts than a dwelling with an FSR of 0.77:1.*

<u>Consideration of Applicant's Written Request</u>

The applicant's written request has correctly identified the development standard to be varied and the relevant legislation; however, has not calculated the FSR of the proposed development in accordance with the Waverley LEP 2012 GFA definition. The stairs/storage in the garage have not been included by the applicant. The document therefore has not adequately addressed matters required in Clause 4.6(3)(a) and (b).

<u>Consideration of 4.6(3)(a) whether compliance is unreasonable or unnecessary in the circumstances of the case:</u>

The applicant has not adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case and has referenced one or more of the following 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 proposal would not be of a bulk and scale which is compatible with the bulk and scale of developments within the Castlefield Lane streetscape and has not been designed to adequately minimise privacy impacts or to minimise impacts on 1 Castlefield Street, neighbouring properties or the streetscape with regard to visual bulk and scale. The breach of the FSR development standard is not solely attributed to the proposed studio, but also the existing dwelling which already exceeds and the stairs/storage within the garage which are not excluded from the calculation of GFA in accordance with the Waverley LEP 2012 GFA definition.

The argument that the proposal would comply with the FSR development standard if both 1 and 3 Castlefield Street comprised one site is not relevant. The two properties are on their own parcels of land and are to be assessed accordingly.

<u>Consideration of 4.6(3)(b) whether there are sufficient environmental planning grounds to justify contravening the development standard:</u>

As detailed above, the argument that the proposal would comply with the FSR development standard if both 1 and 3 Castlefield Street comprised one site is not relevant or an environmental planning ground.

The written request inaccurately states that the proposed development would not generate any adverse visual or privacy impacts, and increasing the living amenity of the subject site (private gain) is not an environmental planning ground to justify an FSR non-compliance.

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

<u>Conclusion</u>

The written request provided by the applicant to vary the FSR development standard is inaccurate and has not adequately addressed the matters required to be addressed by clause 4.6(3) (a) and (b) of Waverley LEP 2012 and is not supported.

2.1.3. Amendment to Waverley LEP 2012 – Clause 4.4A – Floor Space Ratio

A Planning proposal to amend Clause 4.4A of the Waverley LEP 2012 was on public exhibition from 10 May 2024 until 7 June 2024.

This Planning Proposal seeks to update the Waverley LEP 2012 by amending Clause 4.4A 'Exceptions to floor space ratio' to clarify the residential accommodation typologies to which the clause was always intended to apply. This Planning Proposal amendment applies to all land zoned R2 Low Density Residential, R3 Medium Density Residential and R4 High Density Residential.

This Planning Proposal seeks to amend Clause 4.4A 'Exceptions to floor space ratio' of the Waverley LEP 2012 by adding the following **bolded text** to the existing clause:

> *Despite clause 4.4, the maximum floor space ratio for a dwelling house,* ***attached dwelling, semi-detached dwelling*** *or dual occupancy on land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone R4 High Density Residential is as follows—*
>
> *(a) for lots with an area less than 100 square metres—1:1,*
>
> *(b) for lots with an area of 100 square metres to 550 square metres—[[(550 − lot area) × 0.0011] + 0.5]:1,*
>
> *(c) for lots with an area greater than 550 square metres—0.5:1.*

This change has been proposed because it is reasonable for the added building types to have a similar scale as a dwelling house or dual occupancy. The addition of semi-detached and attached dwellings in Clause 4.4A is not expected to create any additional impacts on the existing R2, R3 and R4 residential zoned land beyond how the clause has been operating since the introduction of the Waverley LEP in 2012.

Following public exhibition and the review of submissions to the planning proposal, Council will seek to formally adopt the draft amendment. In accordance with Section 4.15(1)(a)(ii) of the *Environmental Planning and Assessment Act 1979*, in determining a development application, a consent authority is to take into consideration "*any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority*".

Once adopted, the application of Clause 4.4A will be applicable to the subject semi-detached dwelling proposal. This enables the calculation of the FSR based on the above equation, enabling a FSR over 1 Castlefield Street of 0.9147:1 or 158.24m^2, and an FSR over 3 Castlefield Street of 0.766:1 or 235.81m^2. Based on the application of Clause 4.4A to semi-detached dwellings as enabled under the currently exhibited amendment to the LEP, the proposed development would be compliant with the FSR development standard and a submission and assessment under Clause 4.6 of the Waverley LEP 2012 would not be required.

2.1.4. 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 • *Garbage bins are to be stored in an appropriate location.*	Yes	Satisfactory.
2. Ecologically Sustainable Development • *Ceiling or wall mounted fans* • *Gas cooktops, gas ovens or gas internal space heating systems.*	No	The plans do not detail the inclusion of a ceiling fan in the studio or nominate the type/whether any heating facilities are proposed. In the event of an approval, a condition of consent would be included which requires that ceiling fans and electronic services be incorporated into the design in order to provide a more sustainable development.
3. Landscaping, Biodiversity and Vegetation Preservation	No	The sites are not identified as being located within a Habitat Corridor or a Biodiversity area. The proposal would require the removal of an existing Crepe Myrtle within the rear yard of 1 Castlefield Street, which currently contributes to the landscaped amenity of the locality/heritage conservation area. No details have been provided on the Survey Plan or within the submitted documentation in relation to the height of the tree, however the assessment has found that it exceeds a height of 3m, and therefore consent is required for its removal. In addition, no details have been provided in relation to the mature avocado tree located within the rear setback of 1 Castlefield Street and whether the proposal would result in any impacts on the tree. The proposal has not been designed to minimise impacts on existing trees and would result in a loss of canopy cover. The proposal therefore would not satisfy objective (d) under Section 3.1 (General Provisions) or objective (b) and controls (c) and (i) under Section 3.2 (Landscaping) which stipulate that development is to minimise the loss of vegetation and increase canopy cover.
5.Water Management	Yes	Satisfactory.
7. Transport **7.2.2 Parking Rates** <u>Parking Zone 2 - Two bedroom dwelling</u>: *Minimum parking rate*	No	The proposal seeks to remove the single on-street parking space from 1 Castlefield Street to enable two off-street parking space to be provided for 3 Castlefield Street. The sites are located within Parking Zone 2 which permits zero to one off-street car parking space

Development Control	Compliance	Comment
• *0* *Maximum parking rate:* • *1* <u>Parking Zone 2 - Three bedroom dwelling:</u> *Minimum parking rate:* • *0* *Maximum parking rate:* • *2*		to be provided for two bedroom dwellings, and zero to two off-street parking spaces for three or more bedroom dwellings. In providing two parking spaces for 3 Castlefield Street and no parking for 1 Castlefield Street, the proposal complies with the requirements. The assessment however identified that the proposal would remove the potential for parking to be provided to 1 Castlefield Street in the future. As detailed throughout the report, the proposal would result in the removal of existing canopy trees, would be a visually dominant structure within the streetscape, and has not been appropriately designed or located. The proposal therefore would not satisfy objectives (d) and (j) under Section B7 (Transport), or controls (c) and (d) under Section 1.7 (Streetscape). The proposal would impact on the amenity of 1 Castlefield Street with regard to the provision of open space, visual bulk and scale and overshadowing, and therefore would not satisfy objective (b) or control (g) under Section 1.7 (Streetscape) as it would not adequately balance parking provisions with amenity outcomes.
8. Heritage	Yes	The sites are not identified as heritage items however they are identified as being located within the Imperial Avenue Heritage Conservation Area (C11). The siting of the garage at the rear of the site along Castlefield Lane accords with control (f) under Section 8.4 (Hertiage Conservation Areas) which requires garages to be located so that they are not on the front elevation. Whilst the proposal does not comply with the heritage controls for garages within heritage conservation areas under Section 1.14 (Dual Frontage Development), given the works are located on Castlefield Lane which does not comprise strong heritage attributes/character, the proposal was not found to result in adverse impacts on the heritage conservation area. Council's Heritage Advisor did not raise objection to the proposal on heritage grounds.
11. Design Excellence	No	The proposal has not demonstrated that adequate consideration has been given to the site constraints and therefore would not satisfy

Development Control	Compliance	Comment
		objectives (b), (c), (d) under Section 11.2 (Context Analysis). Adequate consideration has not been given to the impacts on the amenity of 1 Castlefield Street and therefore the proposal would not satisfy control (e)(i),(iv),(v), and (vii) under Section 11.1 (Design) which requires that adequate consideration be given to the suitability of the land for development, the relationship with other developments, bulk and massing and environmental impacts including overshadowing. The proposal has not demonstrated adequate consideration of these aspects and would not demonstrate design excellence.
12. Subdivision	No	Please refer to the detailed discussion provided below this table.
13. Excavation	Yes	Satisfactory. The proposal does not include any significant excavation.

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

Subdivision

As detailed above, the proposal does not comply with the 325m^2 minimum lot size under Clause 4.1 of Waverley LEP 2012, and therefore would not satisfy control (a).

The predominant subdivision pattern present within the locality consists of rectangular lots at various widths. A slight variation from this is present at 38 and 40 Denham Street to the east which consists of an 'L' shaped lot at 40 Denham Street which including a frontage along Castlefield Lane consistent with the width of a single width garage in order to facilitates parking for a single vehicle at the rear of both 38 and 40 Denham Street, accessed via Castlefield Lane.

The proposal seeks a similar 'L' shaped subdivision pattern to enable the rear portion of 1 Castlefield Street to form part of 3 Castlefield Street in order to facilitate a double width garage on Castlefield Lane for 3 Castlefield Street.

To facilitate a double car garage and pedestrian entry, the proposed subdivision pattern consists of a greater width along Castlefield Lane. The subdivision pattern resulting from the width proposed along Castlefield Street would not demonstrate adequate compatibility with the characteristics, area, or dimensions of the subdivision pattern for lots fronting Castlefield Lane (38 and 40 Denham Street) and therefore would not satisfy control (d) which stipulates any resulting lots must have characteristics similar to the prevailing subdivision pattern of lots fronting the same street, in terms of area, dimensions and orientation.

The streetscape context along Castlefield Lane furthermore comprises a range of single width garages along both sides of the lane, and therefore the provision of a double width garage is incompatible with the streetscape context.

The proposal therefore does not demonstrate adequately compatibility with the predominant subdivision patterns, the characteristics of the surrounding subdivision patterns, or the pattern of development present within the locality and would not satisfy objective (b).

The proposal requires removal of a mature tree which directly contravenes control objective (e) and (f) which stipulates that tree removal to permit vehicle access to a new subdivision is not supported.

The proposal would reduce the development potential of 1 Castlefield Street, result the site being non-complaint with DCP controls relating to open space and solar access, and would overall reduce the amenity of that site, and therefore would directly contravene objectives (c), (g), and (i), and controls (g) and (h).

The proposed subdivision pattern and subsequent development therefore is not able to be supported.

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

Development Control	Compliance	Comment
1.0 General Objectives		
• *Development does not detract from the amenity, privacy or public/private views.* • *Development to be of high design standard, built in accordance with the objectives and controls of this Part.*	No	The proposal would detract from the amenity of the neighbouring properties and would not accord with the objectives and controls under Part C1 (Low Density Residential). The proposal therefore would not satisfy the general objectives (b) and (e) of Part C1 (Low Density Residential).
1.1 Height		
Pitched roof dwelling house • *Maximum external wall height of 7m*	Yes	The proposal comprises a wall height of 6.01m and complies with the 7m wall height control.
1.2 Setbacks		
1.2.1 Front and rear building lines • *Predominant front building line (adjacent three neighbours on either side)* • *Predominant rear building line at each floor level (adjacent three neighbours or either side)*	Yes	The proposal does not include any changes to the existing front and rear setbacks of the existing semi-detached dwellings. The front and rear alignment of the garage/ studio is compatible with the siting of the garages located to the east at 38 and 40 Denham.

Development Control	Compliance	Comment
1.2.2 Side setbacks	NA	No changes are proposed to the setback of either dwelling.
1.3 Streetscape and visual impact		
• *New development to be compatible with streetscape context* • *Replacement windows to complement the style and proportions of existing dwelling* • *Significant landscaping to be maintained.*	No	The proposal would not correspond harmoniously with its surrounding or be visually compatible with the streetscape context along Castlefield Lane which comprises a dominance of single width, single storey low scale garages, and therefore would not satisfy objective (a) and (b), or control (a) under Section 1.3. The proposal results in the removal of an existing mature tree and would not maintain the established character in accordance with control (e) under Section 1.3.
1.4 Fences		
Front: • *Maximum height of 1.2m* • *Solid section no more than 0.6m in height* *Side and Rear:* • *Maximum height of 1.8m*	Yes	A new 1.8m high boundary wall is proposed along the shared southern boundary of 1 Castlefield Street in compliance with the maximum height control. No changes are proposed to the existing front fence.
1.5 Visual and acoustic privacy		
• *Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design* • *External stairs are not acceptable.*	No	Amended plans were submitted during the assessment detailing landscape screening along the northern boundary of 3 Castlefield Street to mitigate privacy. As landscaping cannot be solely relied upon to maintain privacy, the proposal has not adequately demonstrated that an acceptable level of privacy and amenity would be maintained for the properties neighbouring to the north. No privacy treatment has been provided to the south facing studio window in order to minimise privacy impacts. The proposal therefore would not satisfy objective (a) and (c) or control (h) under Section 1.5.
1.6 Solar access		
• *Minimum of 3 hours of sunlight to 50% of living areas and principal open space areas on 21 June to subject site* • *Minimum of 3 hours of sunlight maintained to at*	No	Please refer to the detailed assessment provided below this table.

Development Control	Compliance	Comment
least 50% of principal open space areas of adjoining properties on 21 June. • *Avoid unreasonably overshadowing of solar collectors (including habitable windows).*		
1.7 Views		
• *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 proposal will not result in any impacts on public or private views.
1.8 Car parking		
1.8.1 Design Approach • *Parking only allowed where site conditions permit* • *Designed to complement the building and streetscape* • *Car parking structures to be behind the front building line* • *Driveways are to be located to minimise the loss of on street parking* • *Parking to be provided from secondary streets or lanes where possible.*	No	In order to provide two on-site car parking spaces within 3 Castlefield Street, the proposal seeks a significant breach of the minimum lot size development standard and an incompatible subdivision pattern, resulting in adverse impacts on the amenity of neighbouring properties, in particular 1 Castlefield Street. The non-compliances and associated impacts demonstrate that the site and the locality do not permit the provision of on-site parking proposed (two car spaces). The proposal therefore does not satisfy control (a) under Section 1.8.1. The proposal comprises a contemporary built form and external finish which are incompatible with the built form and design of the existing dwelling and the character of the streetscape. The proposal therefore does not satisfy control (b) under Section 1.8.1.
1.8.2 Parking rates	Yes	The proposal is consistent with the parking rates set out under Part B7 of Waverley DCP 2022.
1.8.3 Location • *Parking to be behind front building line for new dwellings*	Yes	The proposal includes parking at the rear on Castlefield Lane which is in accordance with the preferred hierarchy.

Development Control	Compliance	Comment
• *Existing development to be in accordance with the hierarchy of preferred car parking locations*		
1.8.4 Design • *Complement the style, massing and detail of the dwelling* • *Secondary in area and appearance to the design of the residences*	No	The development comprises a contemporary style and built form which is incompatible with the traditional style of the existing dwelling at 3 Castlefield Street. The proposal therefore would not satisfy control (a) under Section 1.8.4. The garage/studio development comprises a width of 7.7m along the Castlefield Lane frontage and would be visually dominant within the streetscape context. The assessment has found that design alternatives (eg. single width frontage) would enable a reduction to the width, bulk and scale of the development, resulting in built form which is more sympathetic with the surrounding development in accordance with control (b).
1.8.5 Dimensions • *5.4m x 2.4m per vehicle*	Yes	Satisfactory.
1.8.6 Driveways • *Maximum of one per property* • *Maximum width of 3m at the gutter (excluding splay)* • *Crossings not permitted where 2 on street spaces are lost*	No (Acceptable on merit)	A single vehicular crossover of 5.4m is proposed which exceeds the 3m maximum width requirement. Given the proposal is for a double width garage located on the boundary, a driveway with a width greater than 3m is not considered to be unreasonable. In the event of any approval, Council's Traffic and Parking Department would not oppose a driveway up to 5m in width.
1.9 Landscaping and open space		
• *Overall open space: 40% of site area* • *Overall landscaped area: 20% of site area, with at least half deep soil* • *Minimum area of 25m^2 for private open space* • *Front open space: 50% of front building setback area*	No	As detailed in the table below, both sites comply with the 20% minimum landscaped area requirement as existing and proposed. No changes are proposed to the existing provision of landscaping provided forward of the building line. In accordance with the table below, the proposal would however result in 1 Castlefield Street be in greater non-compliance with the minimum open space requirements and therefore would not satisfy objective (b) or control (b) under Section 1.9.

<table>
<tr><th>Development Control</th><th>Compliance</th><th>Comment</th></tr>
<tr><td>

- *Front landscaped area: 50% of front open space provided*
- *Outdoor clothes drying area to be provided*

</td><td></td><td>

As the proposal includes the removal of a mature canopy tree, it was not found to satisfy the provisions under Part B3 (Landscaping, Biodiversity

and Vegetation Preservation) in accordance with control (a) under Section 1.9.

<table>
<tr><th colspan="3">Landscaped Area Min 20% of site</th></tr>
<tr><th></th><th>Existing</th><th>Proposed</th></tr>
<tr><td>1 Castlefield Street</td><td>Required: 43m²

Provided: 52.26m²
Compliant</td><td>Required: 34.6m²

Proposed: 36m²
Compliant</td></tr>
<tr><td>3 Castlefield Street</td><td>Required: 53.12m²

Provided: 93.38m²
Complaint</td><td>Required: 61.52m²

Proposed: 87m²
Complaint</td></tr>
<tr><th colspan="3">Open Space Min 40% of Site</th></tr>
<tr><th></th><th>Existing</th><th>Proposed</th></tr>
<tr><td>1 Castlefield St</td><td>Required: 86m²

Provided: 81.68m²
5% Non-compliant</td><td>Required: 69.2m²

Proposed: 56.76m²
17.97% Non-compliant</td></tr>
<tr><td>3 Castlefield St</td><td>Required: 106.24m²

Provided: 130m²
Compliant</td><td>Required: 123.04m²

Proposed: 122.63m²
Non-compliant</td></tr>
</table>

</td></tr>
<tr><td colspan="3">1.13 Semi-detached dwellings and terrace style development</td></tr>
<tr><td>

1.13.3 Material finishes and detail for semi-detached dwellings

- *New windows to have a similar proportion to the existing*

</td><td>Yes</td><td>The new window proposed on the northern elevation of 3 Castlefield Street is in keeping with the style and design of the existing dwelling.</td></tr>
<tr><td colspan="3">1.14 Dual Frontage Development</td></tr>
<tr><td>

1.14.1 General Controls

- *Dormer or roof projections:*
  - *set a minimum of 0.6m from outer garage walls;*

</td><td>No</td><td>

The dormer on the southern elevation complies with the stipulated requirements, however does not detail a privacy treatment in order to minimise overlooking of the properties neighbouring to the south in accordance with controls (h) and (i) under Section 1.14.1.

In accordance with control (j), pass doors are only encouraged for single width garage. The inclusion

</td></tr>
</table>

Development Control	Compliance	Comment
○ *set a minimum of 0.3m below the garage ridgeline; and* ○ *not have a maximum combined width exceeding 50% of associated roof width.* ○ *be detailed to address overlooking* • *Privacy treatments to be provided for first floors above garages* • *Pedestrian pass door provided for single width garage doors* • *Garage studios and rear lane garage develops are to be provided with landscaping*		of the pass door in this scheme adds to the bulk of the development and is not supported. No landscaping has been incorporated along the laneway and therefore the proposal would not satisfy control (l) under Section 1.14.1.
1.14.2 - Laneway Design Provisions • *Maximum external wall height of 3.6m* • *Maximum overall height of 6m to the roof ridge* • *Gable ends facing side boundaries not encouraged* • *Pitched roof form required* • *Landscape character of the lane maintained* • *Garages to employ gable ended and hipped roof forms with continues roof pitch from outer walls to ridgeline*	No	The proposal comprises a height of 6.01m (RL67.47 – RL 61.46), and a wall height of 3.23m along Castlefield Lane, and 3.61m along the eastern boundary. The very minor non-compliance would not be discernible and is not a reason for refusal. The proposal comprises a contemporary style skillion roof form. It has not been demonstrated that the design and orientation of the roof would be the most appropriate with regard to minimising bulk and scale and amenity impacts on neighbouring properties and the streetscape in accordance with control (d). Removal of existing mature trees would be required to facilitate the development. The proposal therefore would not satisfy control (e) which stipulates that development along lanes are to maintain the prevalence of mature and visually significant trees on private land, and that laneway development should not occur if it will result in a significant alteration to the landscape character of the laneway.
1.14.3 Development in Heritage Conservation areas	No	The proposal includes a double width garage/studio with a double width door and a contemporary style studio above.

Development Control	Compliance	Comment
• *Single width garages or double with central divide* • *Roof pitch and modulation to reflect the form of the area* • *Finishes and proportions to match the traditional construction in the area* • *Window proportions to match the area* • *Overlooking to be mitigated* • *Box gutters on side boundaries to be avoided.*		The proposal therefore would not satisfy control (a), (b), (c), and (d) under Section 1.14.3. Notwithstanding, as detailed above, Council's Heritage Advisor did not raise objection to the proposal on heritage grounds these are not included as reasons for refusal. No privacy treatment has been detailed on the south facing window to the studio in order to minimise privacy impacts and therefore the proposal would not satisfy controls (e) and (f) under Section 1.14.3.
1.16 Secondary dwellings and ancillary buildings		
1.16.1 - Secondary dwellings • *Comply with clause 5.4(9) of Waverley LEP 2012* • *Read as a secondary structure* • *If not to a laneway be max 3m in height*	NA	The proposal seeks consent for a studio above the garage only. In the event of an approval, a condition of consent would be included preventing the studio from being used as a separate domicile.

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

Solar Access

The proposal would result in additional overshadowing of the private open space of 1 Castlefield Street in the morning, as detailed on the 9am shadow diagram. The assessment has found that the shadow diagrams do not take into consideration the exiting shed within the rear setback of 1 Castlefield Street which would also cast shadow over the private open space.

When taken this into consideration, the proposal would result in 1 Castlefield Street receiving less than 3 hours of solar access to a minimum of 50% of the remaining private open space. The proposal therefore would not satisfy controls (a), (b) under Section 1.6.

Whilst it is not typically given significant weight, it should be noted that the exiting landscaping along the southern boundary of 3 Castlefield Street, as well as the boundary fence and mature trees/landscaping located within the rear setback of 1 Castlefield Street would also contribute to overshadowing. The likely outcome therefore being that there would be little to no solar access to the remaining private open space of 1 Castlefield Street between 9am and 3pm on 21 June (winter solstice).

The solar access impacts are directly related to the proposed subdivision pattern and the subsequent development which do not comply with the numeric or objective requirements of the minimum subdivision lot size and FSR development standards. In accordance with control (c) where a development does not comply with a development standard and causes a reduction in direct sunlight to adjoining properties, any reduction may be consider unacceptable. Accordingly, the assessment has found the impacts to be unacceptable.

The additional overshadowing of the properties neighbouring to the south would occur as a result of the proposal. The impacted areas comprise garages and parking areas and therefore overshadowing of these areas is not considered to be unreasonable.

The proposal has not been designed to maximise or maintain a reasonable level of solar access to surrounding properties, to avoid unreasonable overshadowing, or to maximises the energy efficiency of neighbouring properties and therefore would not satisfy objectives (a), (b), (c) and (d) under Section 1.6.

Concerns were raised by the neighbouring property at 38 and 40 Denham Street that the proposal would result in adverse overshadowing impacts of their properties, resulting in the proposal being non-compliant with the Waverley DCP 2022 minimum solar access requirements. Photos were provided in the submission from 38 Denham Street detailing solar access currently provided at 5pm and 6pm on 28 January. In accordance with the controls under Section 1.6, the solar access assessment is undertaken between 9am and 3pm on 21 June (winter solstice) being the worst-case scenario. Solar access in summer beyond 3pm is therefore not given considered as part of the assessment.

Given the siting and orientation of the subject sites and those neighbouring to the east, as detailed on the shadow diagrams, the proposal would not result in any additional overshadowing of habitable roof windows or the private open space of the properties at 38 and 40 Denham Street between 9am and 3pm on 21 June (winter solstice) and therefore satisfies the minimum requirements in regarding to 38 and 40 Denham Street.

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 17 and 31 January 2024 in accordance with the *Community Engagement Strategy 2023*.

Following receipt of amended plans and additional information, the application was not notified as the amended form of the proposal represents a lesser impact than that of the original form that was publicly notified, for the following reasons:

- The height of the garage/studio was reduced.

- Landscaping was added to minimise privacy impacts.
- Privacy treatments were added to the north and west facing windows of the studio.
- Additional information was added to the plans to better clarify the proposal.
- The height of the fence along the southern boundary was reduced.

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

- 38 Denham Street, Bondi
- 40 Denham Street, Bondi (2 x submissions received)

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

- Overshadowing of 38 and 40 Denham Street.

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

Issue: Damage to neighbouring garage.

Response: Concerns were raised that the drilling, excavation and construction works associated with the garage/studio and rainwater tank would result in further damage to the adjoining garages at 38 and 40 Denham Street which are showing signs of cracking and crumbling concrete. In the event of an approval, a condition of consent would be included requiring a Dilapidation Report of neighbouring structures to be prepared prior to works commencing to ensure there is a record of any damage cause as a result of the works. Requiring the Dilapidation Report prior to works commencing, as opposed to prior to approval is in accordance with Council's standard procedure.

Issue: Loss of on-street parking.

Response: The proposal would result in the loss of one off-street parking space for one additional on-site parking space which is acceptable and in accordance with the DCP parking requirements.

Issue: Overshading of potential solar panels.

Response: Concerns were raised that the proposal would prevent the neighbouring properties at 38 and 40 Denham Street erecting solar panels on the roof of their garages in the future. Impacts on solar panels which are not currently provided cannot be given weight as part of this assessment. Notwithstanding, in accordance with the details provided on the shadow diagrams, given the east/west orientation of the subject sites and those neighbouring to the east on Denham Street, the proposal would result in only a minor extent of overshadowing of the garage at 38 Denham Street in the afternoon. Overshadowing of the garage at 40 Denham Street would also only occur in the afternoon as detailed on the 3pm shadow diagram, therefore maintaining a minimum of 3 hours between 9am and 3pm on 21 June (winter solstice).

Issue: Acoustic impacts.

Response: Concern was raised that the proposal would result in adverse acoustic impacts for a resident currently working in the garage at 40 Denham Street. The assessment has found that the proposal would not result in any acoustic impacts beyond that which should reasonably be expected within an urban environment.

Issue: Bathroom in studio.

Response: Concerns were raised that providing a bathroom in the studio was against Council controls and legislation. There are no controls under the Waverley DCP 2022 or other legislation which prevent bathrooms from being provided within a studio.

Issue: Stormwater.

Response: Concern was raised that the proposal would result in adverse stormwater impacts on the properties neighbouring to the east at 38 and 40 Denham Street as they are lower than the proposed garage/studio and rainwater tank. Council's Stormwater Management Department did not raise objection to the proposal. In the event of an approval, conditions of consent would be included which require the development to be undertaken in accordance with Council's requirements in order to prevent adverse stormwater impacts on neighbouring properties.

Issue: Rainwater tank.
Response: Concern was raised that the rainwater tank was not consistently detailed throughout the plans. Amended plans were provided during the assessment which consistently detail the proposed rainwater tank.

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 Department did not raise objection to the proposal provided the width of the garage door and driveway were reduced to a maximum of 5m.

3.2. Stormwater

Council's Stormwater Management Department did not raise objection to the proposal and recommended suitable conditions of consent.

3.3. Tree Management

Council's Tree Management Department did not raise objection to the proposal. In the event of an approval, replacement planting and tree protection measures would be required.

3.4. Heritage

Council's Heritage Advisor did not raise objection on heritage grounds and comments have been discussed in the body of the report.

3.5. Land Information and GIS

Council's Land Information and GIS department did not raise objection to the proposal and recommended suitable conditions of consent.

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 7 May 2024 and the MoDA determined that the application is acceptable and should be approved, subject to the conditions in Appendix A.

MODA members: *B McNamara, B Magistrale, Katie Johnstone, 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:**
K. Keenan.		
Karis Keenan	Bridget McNamara	Angela Rossi
Senior Development Assessment Planner	**Manager, Development Assessment**	**Executive Manager, Development Assessment**
Date: 3 June 2024	**Date:** 12 June 2024	**Date:** 14 June 2024

Reason for WLPP referral:

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

OFFICE USE ONLY

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
Excavation	No

APPENDIX A – REASONS FOR REFUSAL

Having regard to section 4.55 (2) and section 4.15 (1) of the *Environmental Planning and Assessment Act 1979* (the Act) the development application (the application) is refused for the following reasons:

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

a. *Clause 4.1 Minimum Subdivision Lot Size*

The application does not comply with the minimum subdivision lot size of 325m^2 and the applicant's written request under clause 4.6 of WLEP has failed to adequately address the required matters under subclauses 4.6 (3)(a) and (b) of WLEP. The proposed subdivision pattern would furthermore be contrary to Clause 4.1 (1) (a) and (b) of WLEP as would not reflect or reinforce the predominant or surrounding subdivision pattern and would not minimise the likely impacts of subdivision and development on the amenity of the neighbouring properties.

b. *Clause 4.4 Floor Space Ratio*

The development proposed at 3 Castlefield Street exceeds the maximum allowable Floor Space Ratio (FSR) of 0.6:1 and the applicant's written request under clause 4.6 of WLEP has failed to adequately detail the extent of variation proposed and address the required matters under subclauses 4.6 (3)(a) and (b) of WLEP. The proposal would furthermore be contrary to Clause 4.4 (1) (c) and (d) of WLEP as it would not be of a bulk and scale which is compatible with the Castlefield Lane streetscape and would not preserve the environmental amenity of neighbouring properties and the surrounding locality.

2. The application does not satisfy section 4.15 (1)(a)(i) of the Act as it is contrary to the following environmental planning instruments:

a. *Clause 1.2 Aim of the Plan*

The proposal would not satisfy aims (f) and (m) of WLEP as it would not enhance or preserve the natural environment or enhance residential amenity.

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

Part B3 Landscaping, Biodiversity and Vegetation Preservation

a. Objective (d) under Section 3.1, and objective (b) and controls (c) and (i) under Section 3.2 are not satisfied as the proposal would not minimise the loss of vegetation or increase canopy cover.

Part B 7 Transport

b. Objectives (d) and (j) of Section B7 (Transport), objective (b) and control (g) under Section 1.7 (Streetscape), and controls (c) and (d) under Section 1.7 (Streetscape) are not satisfied as the proposal would result in the removal of existing canopy trees, would not adequately balance parking provisions with amenity outcomes, would be a visually dominant structure within the streetscape, and has not been appropriately designed or located.

Part B11 Design Excellence

c. Objectives (b), (c), (d) under Section 11.2 (Context Analysis) and controls (e)(i), (iv), (v), and (vii) under Section 11.1 (Design) would not be satisfied as the proposal has not demonstrated that adequate consideration has been given to the site constraints, the suitability of the land for

development, the relationship with other developments, bulk and massing and environmental impacts including overshadowing.

Part B12 Subdivision

d. Objective (b) and control (a), (d) as the proposal does not comply with the minimum subdivision lot size requirements stipulated under Clause 4.1 of WLEP, would not demonstrate adequately compatibility with the predominant subdivision patterns, the characteristics of the surrounding subdivision patterns (including of lots fronting the same street, in terms of area, dimensions and orientation), or the pattern of development present within the locality.

e. Objectives (c), (g), and (i), and controls (e), (f), (g) and (h) would not be satisfied as the proposal includes the removal of a tree to facilitate vehicular access and would reduce the development potential of 1 Castlefield Street, result the site being non-complaint with DCP controls relating to open space and solar access, and would overall reduce the amenity of that site.

Part C1 Low Density Residential

f. *Section 1.0 General Objectives* – Objectives (b) and (e) would not be satisfied as the proposal would detract from the amenity of the neighbouring properties and would not accord with the objectives and controls under Part C1 (Low Density Residential).

g. *Section 1.3 Streetscape and Visual Impact* - Objectives (a) and (b) and control (a) and (e) would not be satisfied as the proposal would not correspond harmoniously with its surrounding or be visually compatible with the streetscape context along Castlefield Lane, would result in the removal of an existing mature tree and would not maintain the established character.

h. *Section 1.5 Visual and Acoustic Privacy* - Objectives (a) and (c) or control (h) would not be satisfied as the proposal would not maintain an acceptable level of privacy or minimise impacts from external lights.

i. *Section 1.6 Solar Access* – Objectives (a), (b), (c) and (d), and controls (a) and (b) would not be satisfied as the proposal would not maintain a minimum of 3 hours of solar access to the private open space of 1 Castlefield Street between 9am and 3pm on 21 June (winter solstice) and has not been designed to maximise or maintain a reasonable level of solar access to surrounding properties, to avoid unreasonable overshadowing, or to maximises the energy efficiency of neighbouring properties.

j. *Section 1.8 Car Parking* - Control (a) under 1.8 (Car Parking), control (b) under Section 1.8.1 (Design Approach), control (a) under Section 1.8.4 (Design) and control (b) under Section 1.4 (Design) would not be satisfied as the proposal as not demonstrated that the parking would be appropriately designed and located, that the design of the proposal would not complement the design of the building and streetscape to which it relates or that the bulk and scale of the proposal has not been adequately minimised in order to sympathetically integrate into the design of the residence and be secondary in appearance to related sites.

k. *Section 1.9 Landscaping and Open Space* – Objective (b) and controls (a) and (b) would not be satisfied as the proposal would not satisfy the requirements under Part B3 Landscaping, Biodiversity and Vegetation Preservation of Waverley DCP 2022, and would result in 1 Castlefield Street being significantly non-complaint with the minimum open space requirements.

l. *Section 1.14 Dual Frontage Development* – Controls (h), (i) and (l) under Section 1.14.1 (General Controls), controls (d) and (e) under Section 1.14.2 (Laneway Design Provisions), and controls (e) and (f) under section 1.14.3 (Garage Articulation) would not be satisfied as the proposal would not adequately minimise privacy impacts or include landscaping along the laneway, would not demonstrated that the skillion roof form would adequately minimise amenity impacts,

would require the removal of an existing mature tree which contributes to the landscaped amenity of the laneway, and would not maintain an adequately minimise privacy impacts.

4. The application does not satisfy section 4.15 (1)(b) of the Act as the proposed development is excessive in terms of its design, and consequently results in unacceptable residential amenity impacts upon the locality.

5. The application is contrary to section 4.15 (1)(c) of the Act due to the site being unsuitable to accommodate 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 the proposed breach of the FSR development standard does not result in a development that is compatible with the desired future character of the locality and the broader Waverley local government area.

DEVELOPMENT APPLICATION
FOR DOUBLE GARAGE AT 3 CASTLEFIELD STREET, BONDI

DRAWING SCHEDULE

A-000	DRAWING SCHEDULE	
A-001	SITE ANALYSIS AND LOCATION PLAN	1:300@A3
A-002	EXISTING GFA AND FSR CALCULATIONS	1:200@A3
A-003	PROPOSED GFA AND FSR CALCULATIONS	1:200@A3
A-004	SOFT SOIL CALCULATIONS	1:200@A3
A-005	DRAFT BOUNDARY ADJUSTMENT	1:200@A3
A-010	EXISTING SITE PLAN	1:100@A3
A-011	EXISTING GROUND FLOOR PLAN	1:100@A3
A-012	EXISTING FIRST FLOOR PLAN	1:100@A3
A-013	EXISTING GROUND AND FIRST FLOOR PLANS	1:150@A3
A-020	EXISTING CASTLEFIELD LANE ELEVATION	1:100@A3
A-100	SITE/ROOF PLAN	1:150@A3
A-101	GARAGE/GROUND FLOOR PLAN	1:100@A3
A-102	BEDROOM/FIRST FLOOR PLAN	1:100@A3
A-103	BASIX COMMITMENTS	
A-104	GROUND AND FIRST FLOOR PLANS	1:150@A3
A-105	LANDSCAPE PLAN	1:100@A3
A-105	LANDSCAPE PLAN	
A-200	EXISTING AND PROPOSED LANE ELEVATIONS	1:200@A3
A-201	CASTLEFIELD LANE ELEVATION	1:100@A3
A-202	EAST AND WEST GARAGE ELEVATIONS	1:100@A3
A-203	NORTH ELEVATION	1:100@A3
A-204	CROSS SECTIONS ONE AND TWO	1:100@A3

FINISHES SCHEDULE FOR GARAGE STUDIO

B2

RECYCLED BRICK

ZC

ZINC ROOFING

C1

CONCRETE

GD

GARAGE DOOR

TF

TIMBER FLOOR

DRAWING LEGEND

B1	Brickwork - Face Brickwork
B2	Brickwork - Face recycled brickwork
BF	Boundary fence
BG	Boundary gate
C1	Off form concrete
DP	Colourbond Down Pipe
FG	Fixed Glass
FW1	Floor waste
GL1	Clear laminated glass
GL2	Clear toughened glass
GL3	Low-e glass as required by basix
GL4	Laminated translucent glass
HWS	Instant gas Hot water service
RS1	Corrugated Steel Roof
RT	Roof Tile
TD	Timber decking
TF	Timber floor
W00	Window numbers
X	Existing

REV	DATE	AMENDMENTS
A	22.09.23	issue for development application
B	28.01.24	colour changes, landscape plan and shadow diagrams
C	07.02.24	crossover coloured, exist rl's added
D	09.04.24	Amendment of height, GFA, FSR and Landscape plans

DO NOT SCALE DRAWINGS, USE FIGURED DIMENSIONS, ALL DIMENSIONS TO BE CHECKED ON SITE.

LEGEND

RECEIVED
Waverley Council

Application No: DA-3/2024

Date Received: 11/04/2024

PROJECT
1 & 3 CASTLEFIELD ST, BONDI.

CLIENT
Sarah Andrews and Nick Pellow
3, Castlefield St, Bondi NSW 2026

HÜPPAUF CHESTERMAN
Nominated Architect John Chesterman
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architects Pty Ltd
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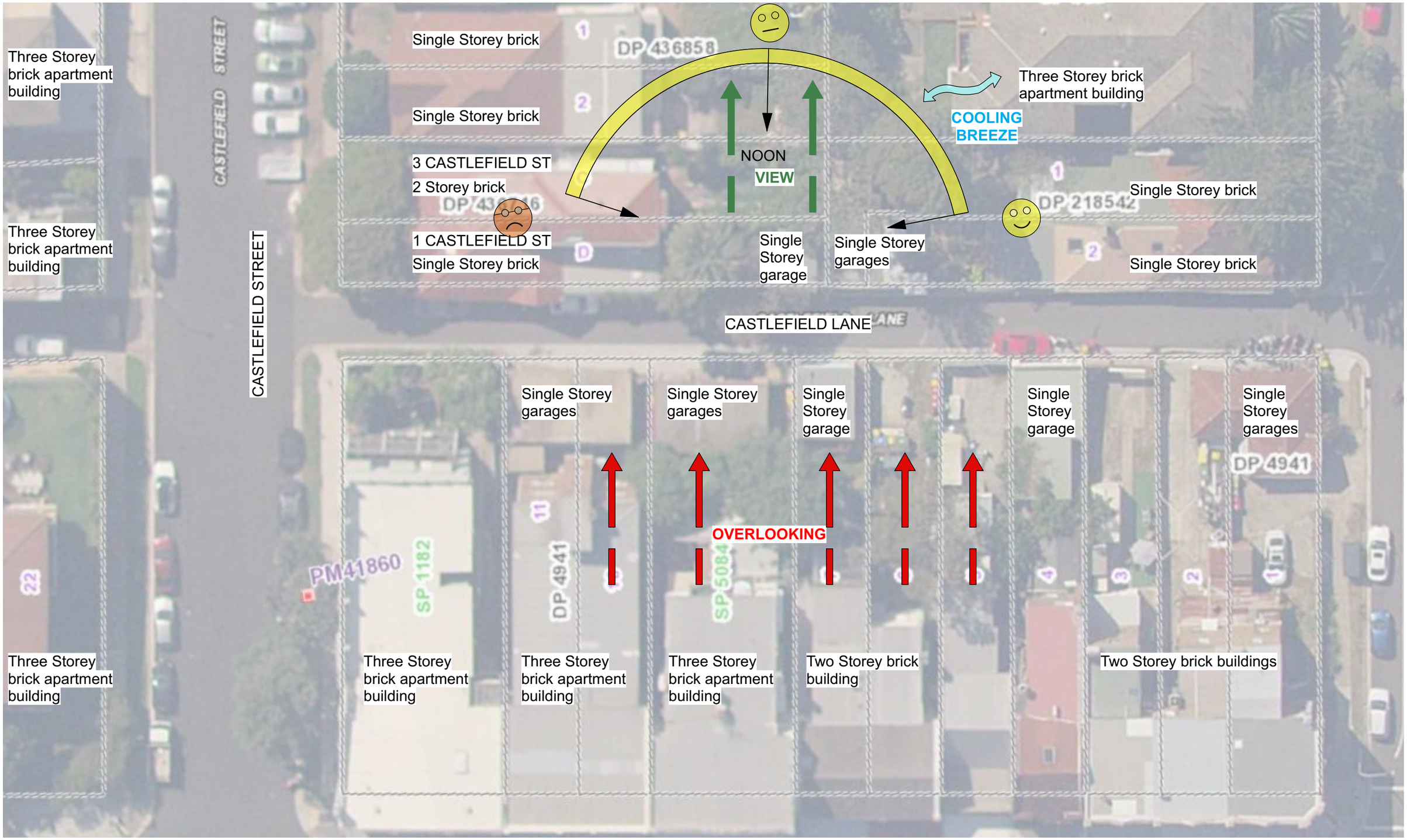
Email : huppauf@tpg.com.au
ABN 93 604 483 301

DRAWING
DRAWING SCHEDULE AND LOCATION PLAN

N

ISSUE
DEVELOPMENT APPLICATION
REVISION DATE
09.04.24

DATE	SCALE	DWG NUMBER	REVISION
APRIL 2023		A-000	D



1

SIX MAPS SITE AND CONTEXT PLAN
SCALE 1:300

REV	DATE	AMENDMENTS
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DRAWING
SITE ANALYSIS AND LOCATION PLAN

N

ISSUE
DEVELOPMENT APPLICATION
REVISION DATE
09.04.24

DATE	SCALE	DWG NUMBER	REVISION
APRIL 2023	1:300 @ A3	A-001	D

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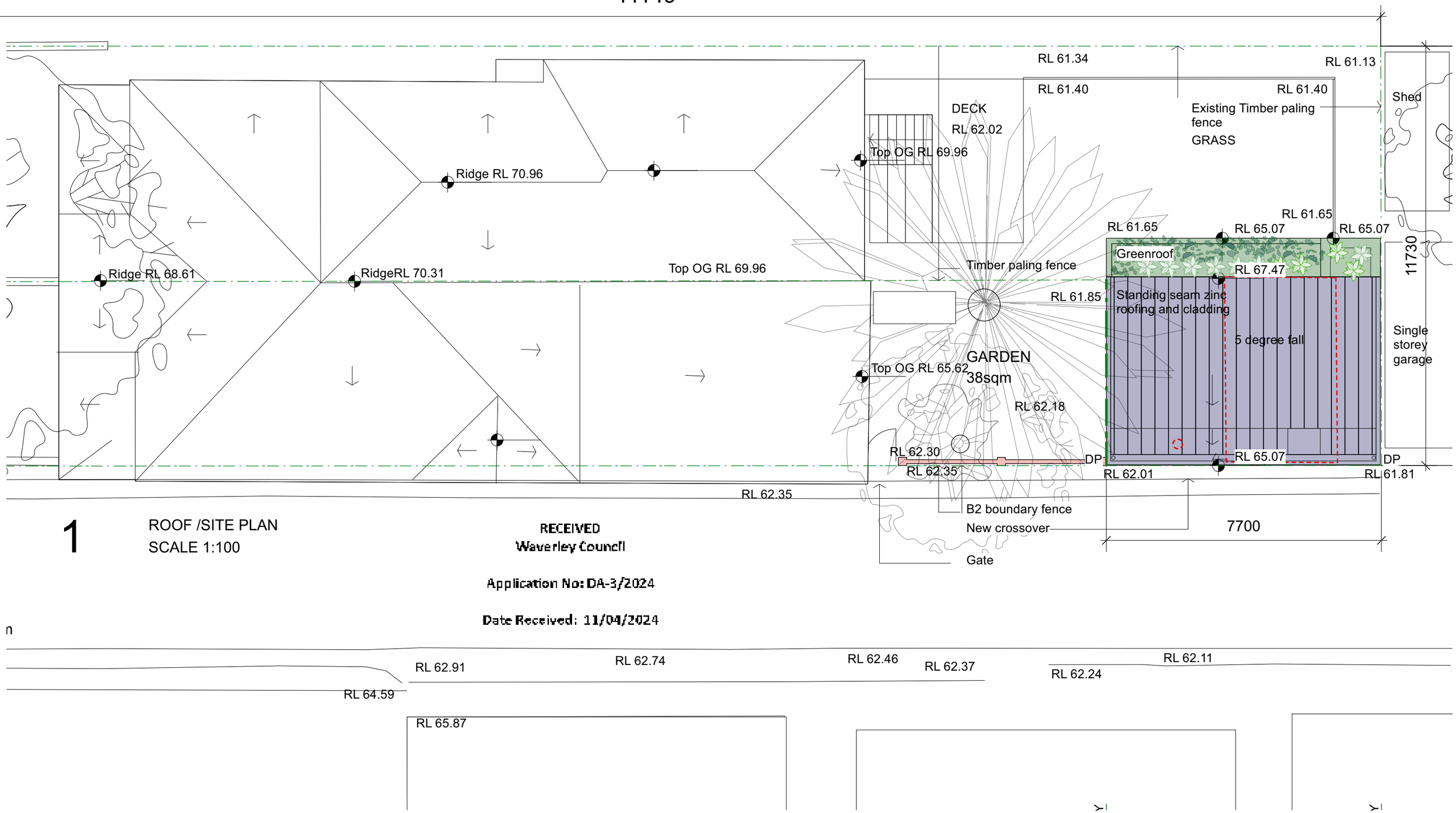

1 ROOF /SITE PLAN
SCALE 1:100

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DRAWING
SITE AND ROOF PLAN

N

ISSUE
DEVELOPMENT APPLICATION
REVISION DATE
09.04.24

DATE	SCALE	DWG NUMBER	REVISION
APRIL 2023	1:100 @ A3	A-100	D

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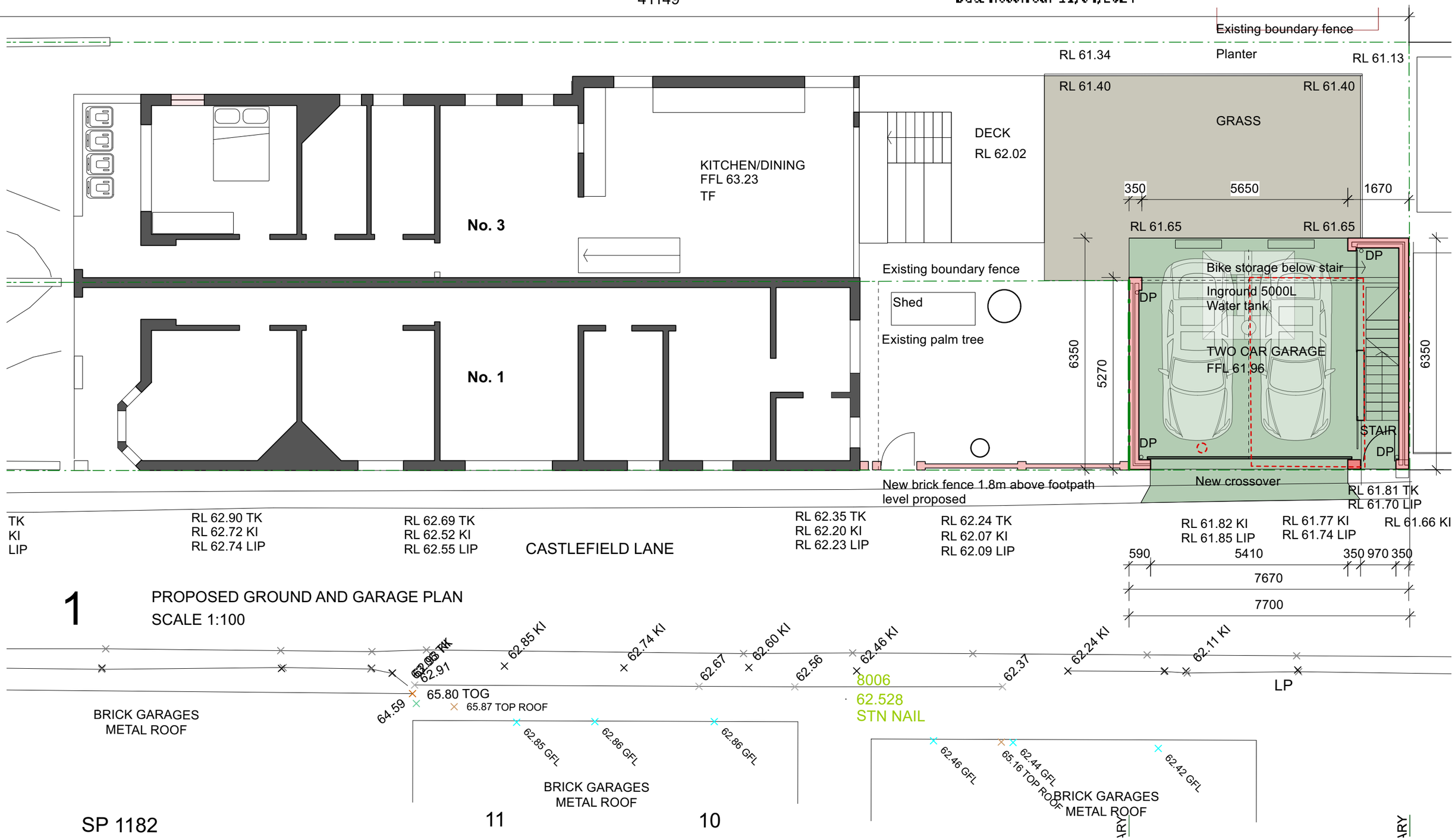

1 PROPOSED GROUND AND GARAGE PLAN
SCALE 1:100

REV	DATE	AMENDMENTS
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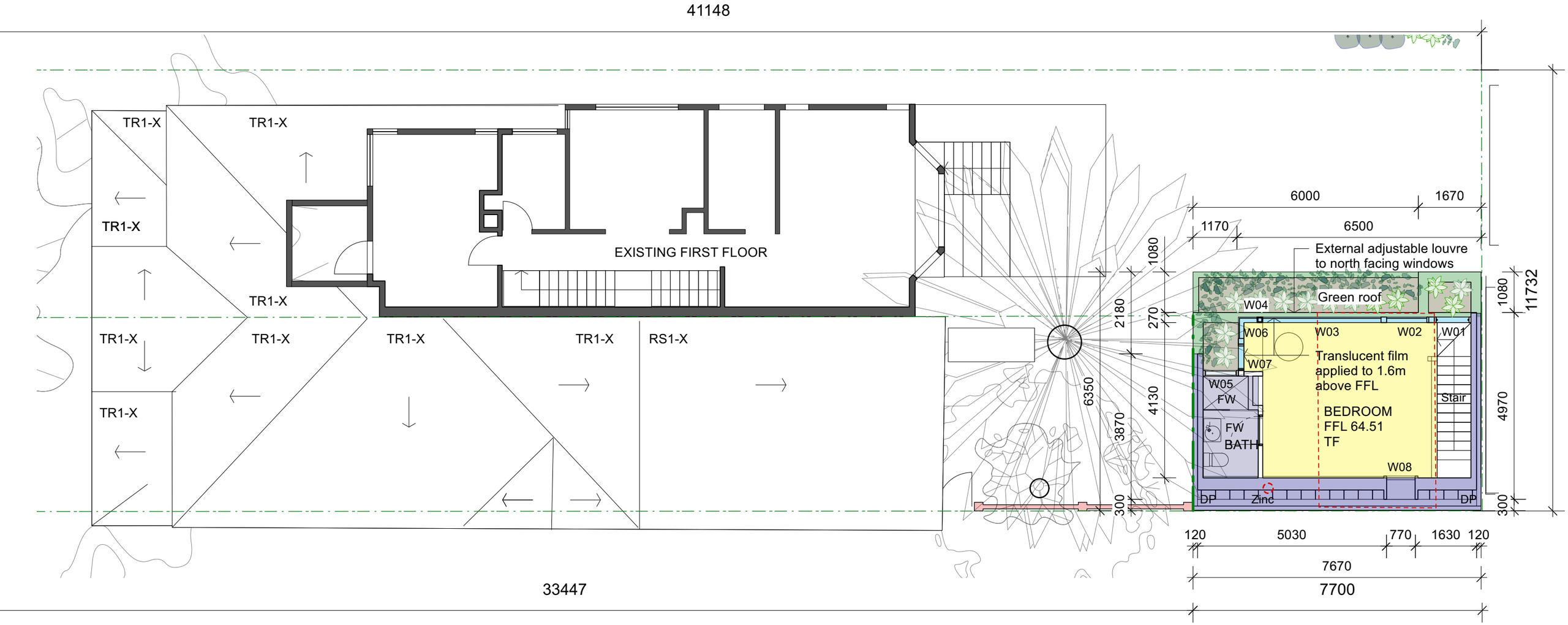
DRAWING
EXISTING GROUND AND PROPOSED GARAGE PLAN

N

ISSUE
DEVELOPMENT APPLICATION
REVISION DATE
09.04.24

DATE	SCALE	DWG NUMBER	REVISION
APRIL 2023	1:100 @ A3	A-101	D



1 GARAGE BEDROOM PLAN
SCALE 1:100

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ABN 93 604 483 301

DRAWING
BEDROOM ABOVE GARAGE PLAN

N

ISSUE
DEVELOPMENT APPLICATION
REVISION DATE
09.04.24

DATE	SCALE	DWG NUMBER	REVISION
APRIL 2023	1:100 @ A3	A-102	D

Schedule of BASIX commitments

The commitments set out below regulate how the proposed development is to be carried out. It is a condition of any development consent granted, or complying development certificate issued, for the proposed development, that BASIX commitments be complied with.

Water Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Landscape			
The applicant must plant indigenous or low water use species of vegetation throughout 9 square metres of the site.	✔	✔	
Fixtures			
The applicant must install showerheads with a minimum rating of 4 star (> 4.5 but <= 6 L/min plus spray force and/or coverage tests) in all showers in the development.		✔	✔
The applicant must install a toilet flushing system with a minimum rating of 4 star in each toilet in the development.		✔	✔
The applicant must install taps with a minimum rating of 5 star in the kitchen in the development.		✔	
The applicant must install basin taps with a minimum rating of 5 star in each bathroom in the development.		✔	
Alternative water			
Rainwater tank			
The applicant must install a rainwater tank of at least 5000 litres on the site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.	✔	✔	✔
The applicant must configure the rainwater tank to collect rain runoff from at least 40 square metres of the roof area of the development (excluding the area of the roof which drains to any stormwater tank or private dam).		✔	✔
The applicant must connect the rainwater tank to: • at least one outdoor tap in the development (Note: NSW Health does not recommend that rainwater be used for human consumption in areas with potable water supply.)		✔	✔

Thermal Comfort Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Simulation Method			
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 an occupation certificate for the proposed development.			
The Assessor Certificate must have been issued by an Accredited Assessor in accordance with the Thermal Comfort Protocol.			
The details of the proposed development on the Assessor Certificate must be consistent with the details shown in this BASIX certificate, including the Cooling and Heating loads shown on the front page of this certificate.			
The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Assessor Certificate requires to be shown on those plans. Those plans must bear a stamp of endorsement from the Accredited Assessor to certify that this is the case. 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.	✔	✔	✔
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.		✔	✔
The applicant must show on the plans accompanying the development application for the proposed development, the locations of ceiling fans set out in the Assessor Certificate. The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), the locations of ceiling fans set out in the Assessor Certificate.	✔	✔	✔
The applicant must construct the floors and walls of the dwelling in accordance with the specifications listed in the table below.	✔	✔	✔

Floor and wall construction	Area
floor - suspended floor/open subfloor	All or part of floor area square metres

Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Hot water			
The applicant must install the following hot water system in the development, or a system with a higher energy rating: electric storage.	✔	✔	✔
Cooling system			
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 living area: 1-phase airconditioning; Energy rating: 2.5 Star (old label)		✔	✔
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase airconditioning; Energy rating: 2.5 Star (old label)		✔	✔
Heating system			
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 living area: 1-phase airconditioning; Energy rating: 2.5 Star (old label)		✔	✔
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase airconditioning; Energy rating: 2.5 Star (old label)		✔	✔
Ventilation			
The applicant must install the following exhaust systems in the development: At least 1 Bathroom: individual fan, ducted to façade or roof; Operation control: manual switch on/off		✔	✔
Kitchen: individual fan, ducted to façade or roof; Operation control: manual switch on/off		✔	✔
Laundry: natural ventilation only, or no laundry; Operation control: n/a		✔	✔
Artificial lighting			
The applicant must ensure that the "primary type of artificial lighting" is fluorescent or light emitting diode (LED) lighting in each of the following rooms, and where the word "dedicated" appears, the fittings for those lights must only be capable of accepting fluorescent or light emitting diode (LED) lamps: • at least 1 of the bedrooms / study; dedicated		✔	✔
• at least 1 of the living / dining rooms; dedicated		✔	✔
• the kitchen; dedicated		✔	✔
• all bathrooms/toilets; dedicated		✔	✔
• the laundry; dedicated		✔	✔
• all hallways; dedicated		✔	✔
Natural lighting			
The applicant must install a window and/or skylight in the kitchen of the dwelling for natural lighting.	✔	✔	✔
The applicant must install a window and/or skylight in 1 bathroom(s)/toilet(s) in the development for natural lighting.	✔	✔	✔
Alternative energy			
The applicant must install a photovoltaic system with the capacity to generate at least 1.4 peak kilowatts of electricity as part of the development. The applicant must connect this system to the development's electrical system.	✔	✔	✔
Other			
The applicant must install an induction cooktop & electric oven in the kitchen of the dwelling.		✔	

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 and 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(either interim or final) for the development may be issued.

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DO NOT SCALE DRAWINGS, USE FIGURED DIMENSIONS, ALL DIMENSIONS TO BE CHECKED ON SITE.

LEGEND

PROJECT
1 & 3 CASTLEFIELD ST, BONDI.

CLIENT
Sarah Andrews and Nick Pellow
3, Castlefield St, Bondi NSW 2026

HÜPPAUF CHESTERMAN
Nominated Architect John Chesterman
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DRAWING
BASIX COMMITMENTS

N

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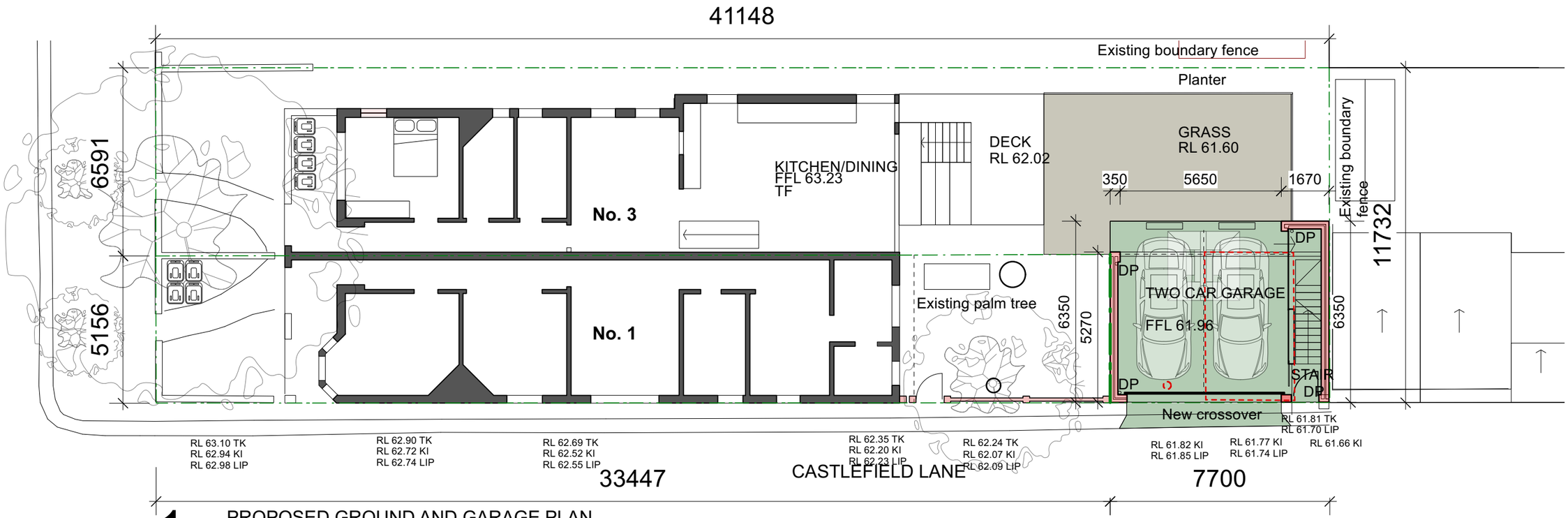
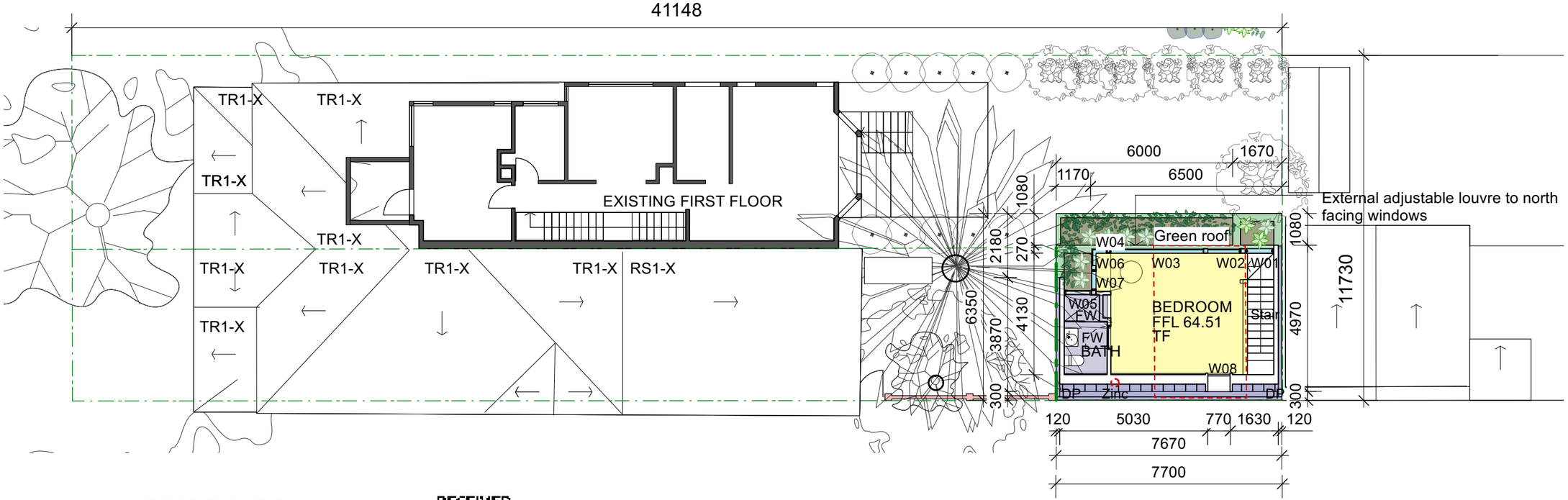
APRIL 2023	1:100 @ A3	A-103	D



1 PROPOSED GROUND AND GARAGE PLAN
SCALE 1:150



2 FIRST FLOOR PLAN
SCALE 1:150

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DRAWING
GROUND AND FIRST FLOOR PLANS

N

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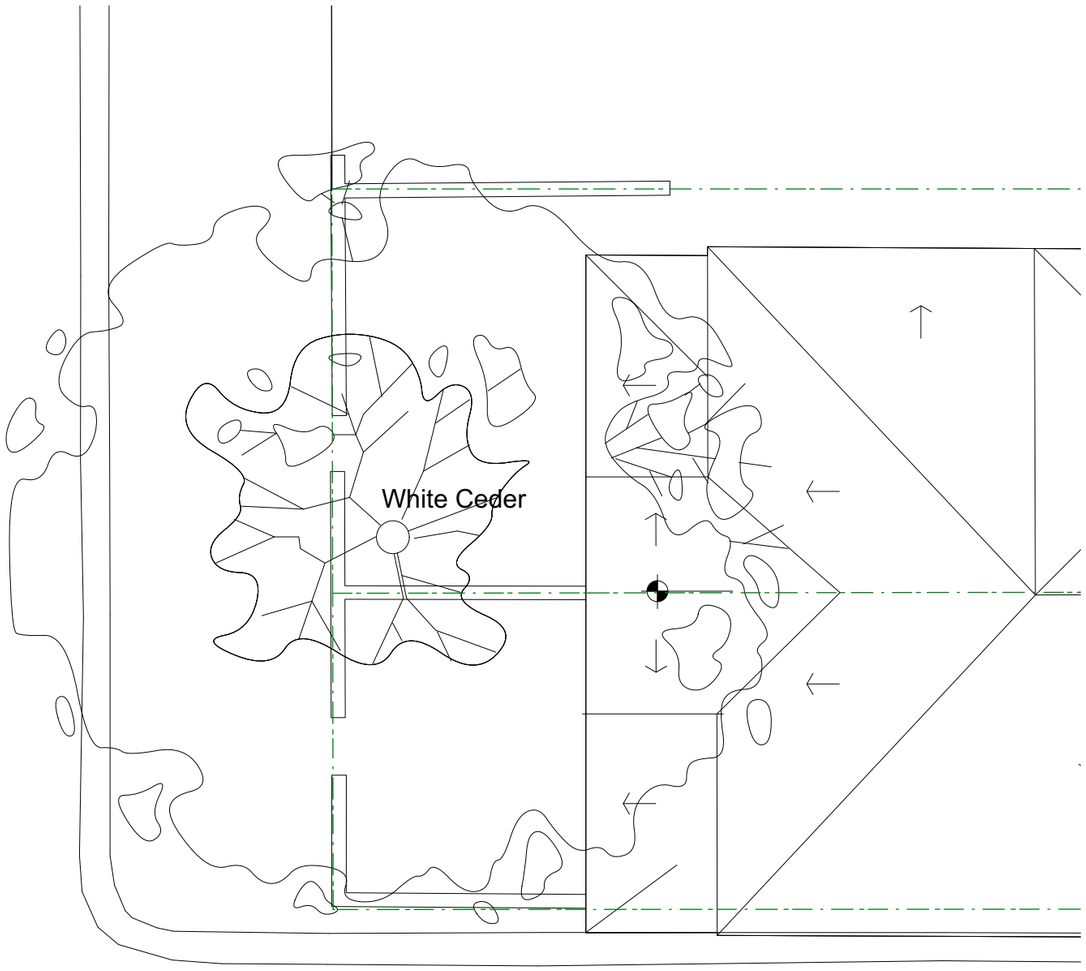

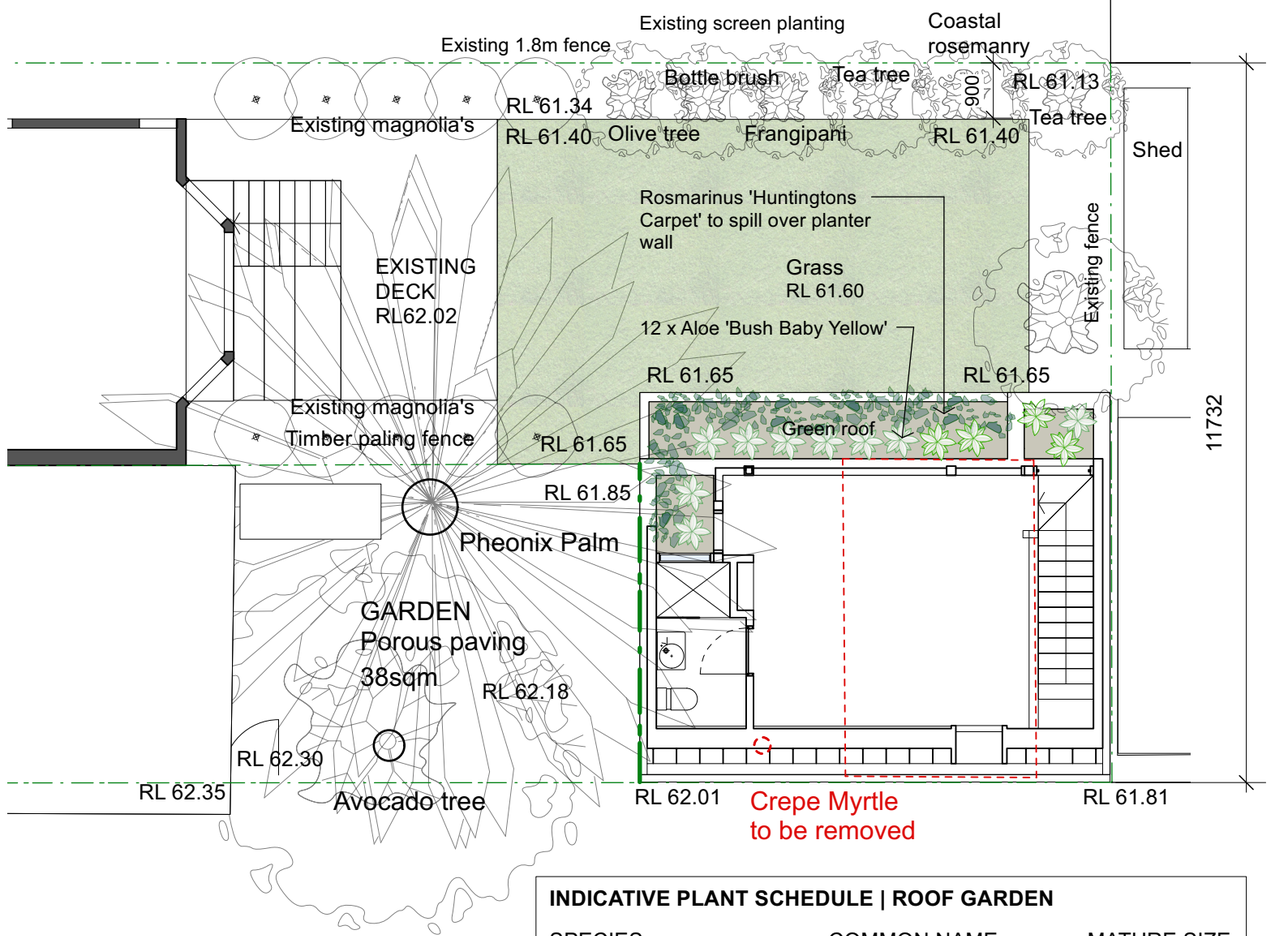

EXISTING TREES

1. Palm tree

2. Avocado tree

3. White cedar tree

INDICATIVE PLANT SCHEDULE | ROOF GARDEN

SPECIES	COMMON NAME	MATURE SIZE
SHRUBS/GRASSES		
Aloe 'Bush Baby Yellow'	Bush Baby Yellow	0.6m
CLIMBERS/GROUND COVERS		
Rosmarinus 'Huntingtons	Ground cover Rosemary	0.2m

1 LANDSCAPE PLAN
SCALE 1:100

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DRAWING
LANDSCAPE PLAN

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EXISTING TREES

Phoenix Palm tree

Ornamental avocado tree

White Ceder tree

Crepe Myrtle

PROPOSED GARAGE GREEN ROOF

Aloe 'Bush Baby Yellow'

Grows to 0.6cm tall

Rosmarinus 'Huntington

Grows to 0.2cm tall

EXISTING 3 CASTLEFIELD

Leptospermum madidum - weeping tea-tree

Grows to 800cm tall

Callistemon viminalis Slim 'CV01' Native hedge

Space 80cm apart

Magnolias

Olive tree

Native rosemary

Frangipani

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DRAWING
PLANT SCHEDULE

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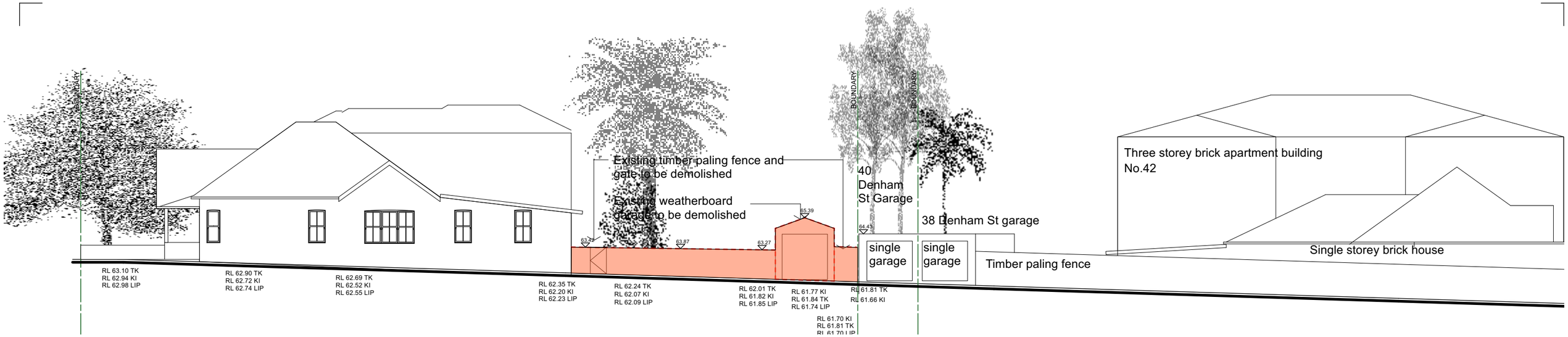
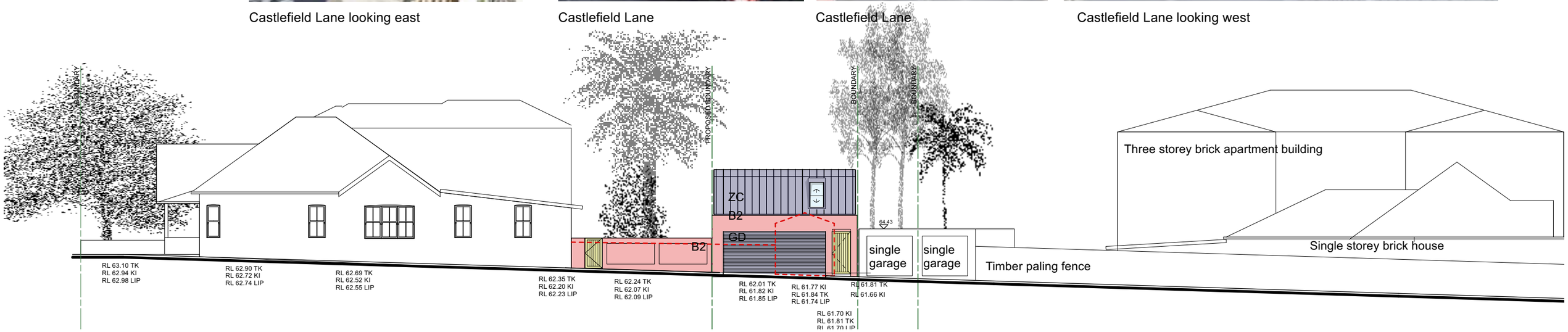


1 CASTLEFIELD LANE EXISTING ELEVATION

SCALE 1:200

Castlefield Lane looking east | Castlefield Lane | Castlefield Lane | Castlefield Lane looking west



2 CASTLEFIELD LANE PROPOSED ELEVATION

SCALE 1:200

Existing crossover widened. No loss of onstreet parking

38 Denham St garage

40 Denham St Garage

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DRAWING
EXISTING AND PROPOSED CASTLEFIELD LANE ELEVATION

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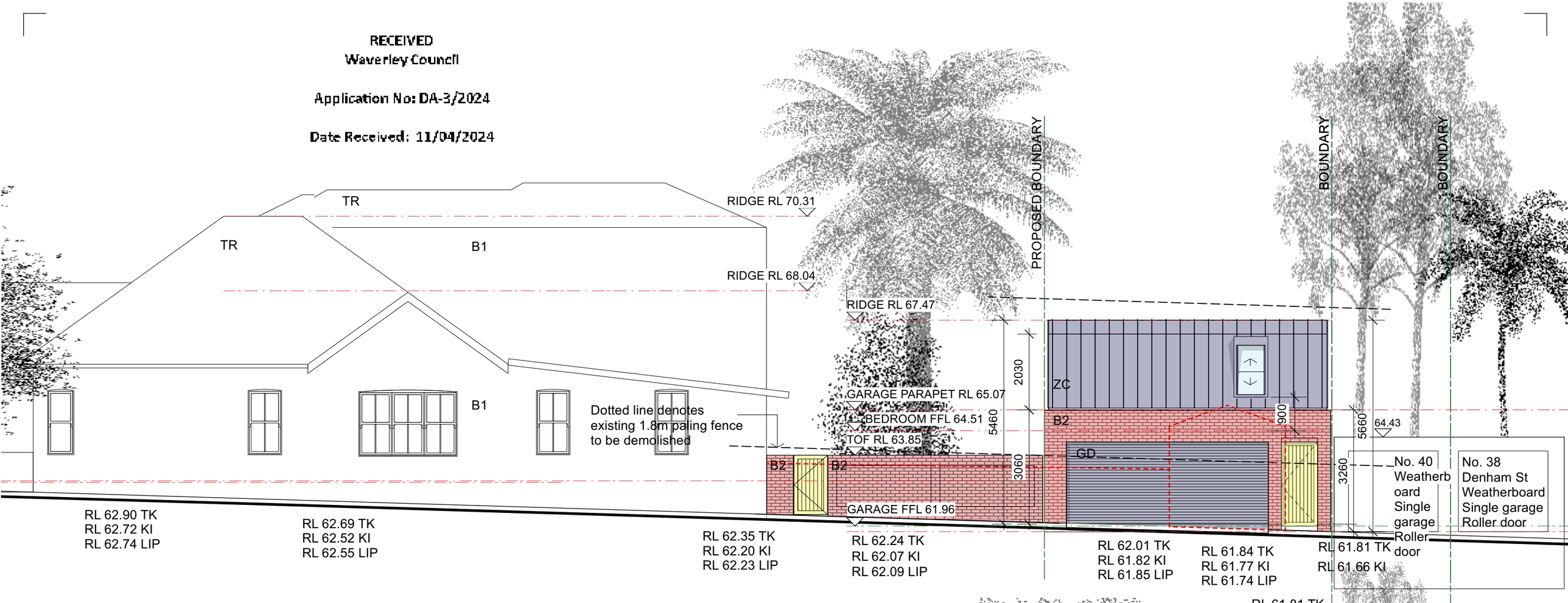
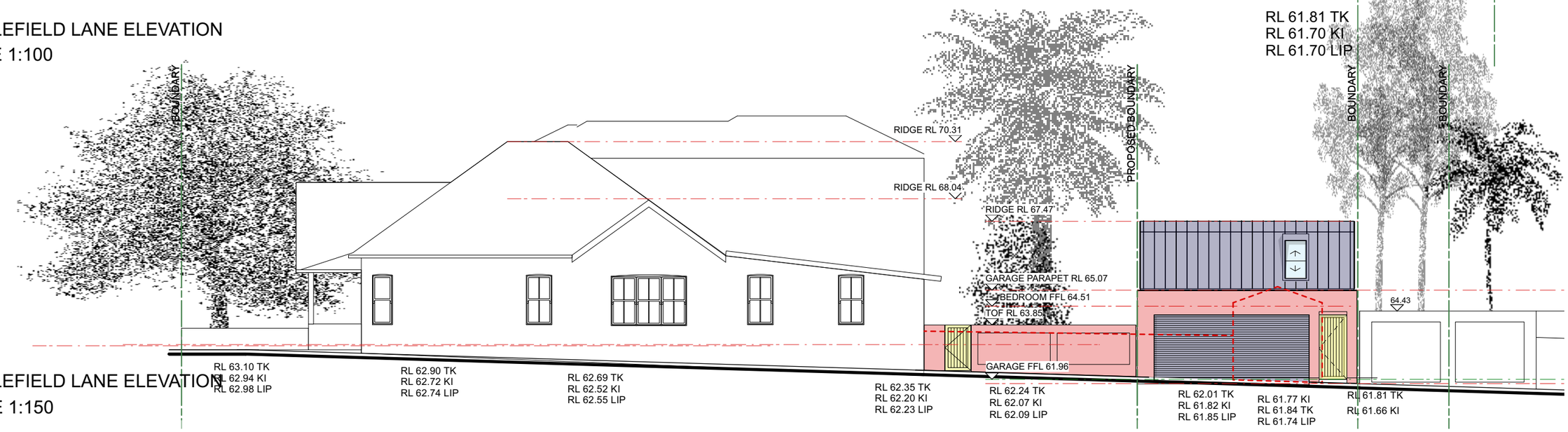


1 CASTLEFIELD LANE ELEVATION
SCALE 1:100



2 CASTLEFIELD LANE ELEVATION
SCALE 1:150

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DRAWING
CASTLEFIELD LANE SOUTH ELEVATION

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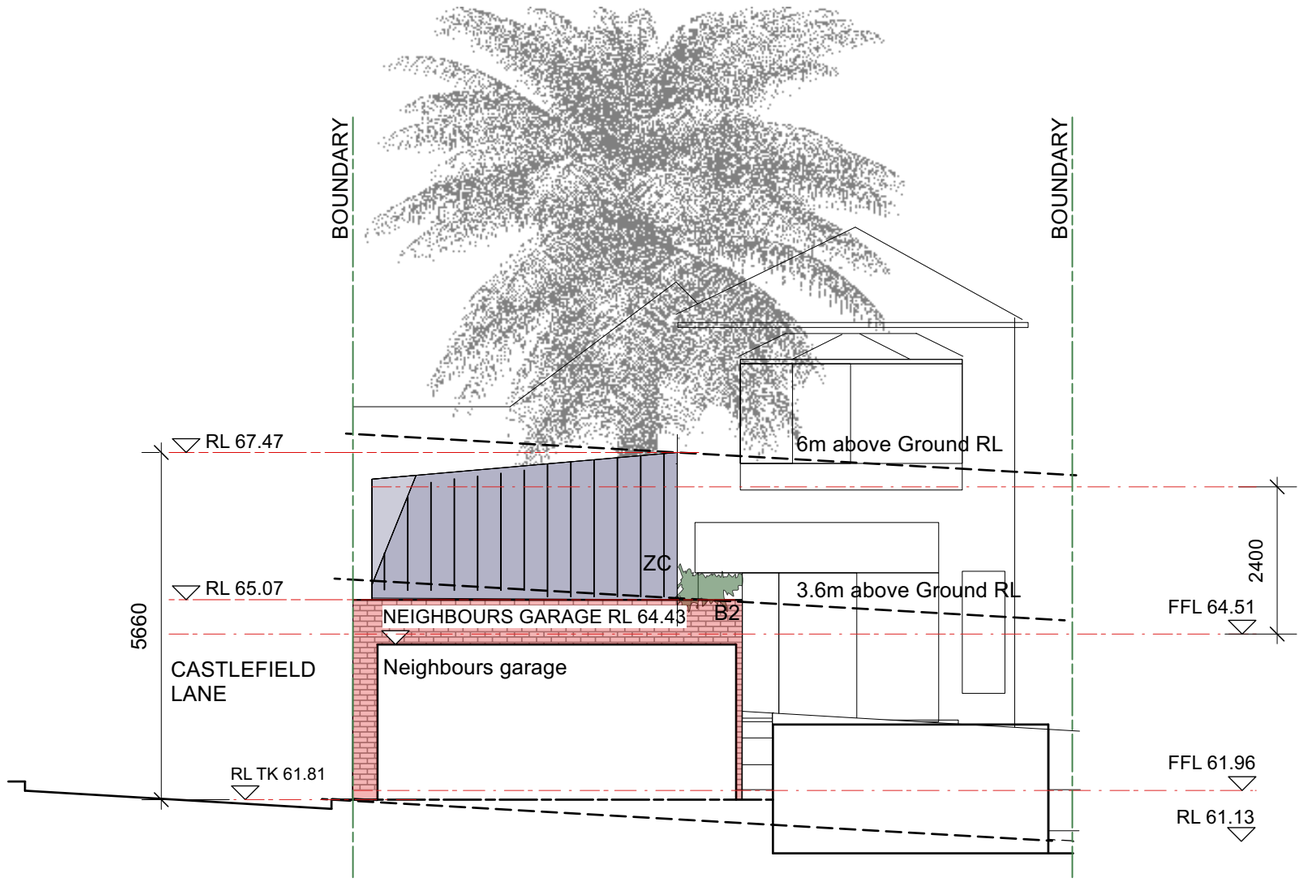
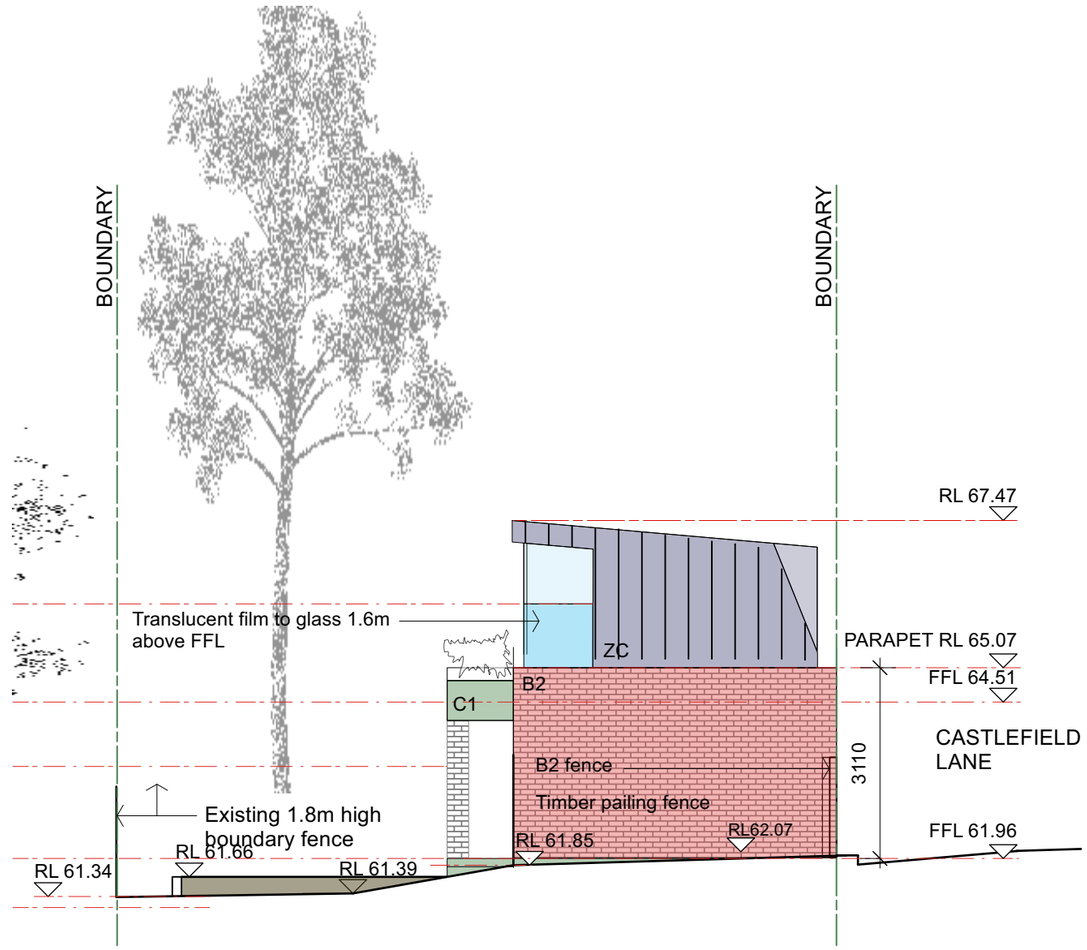


1 EAST ELEVATION
SCALE 1:100



2 WEST ELEVATION
SCALE 1:100

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DRAWING
EAST AND WEST ELEVATIONS

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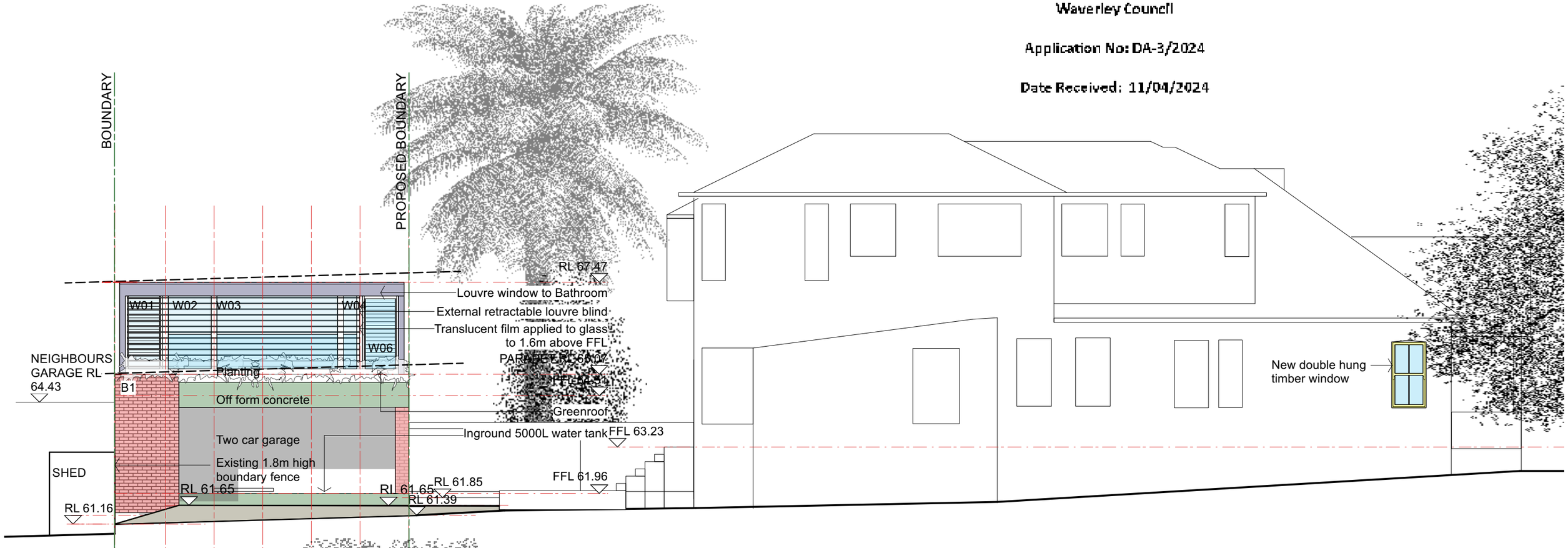

1 NORTH ELEVATION
SCALE 1:100

2 NORTH ELEVATION
SCALE 1:150

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DRAWING
NORTH ELEVATION

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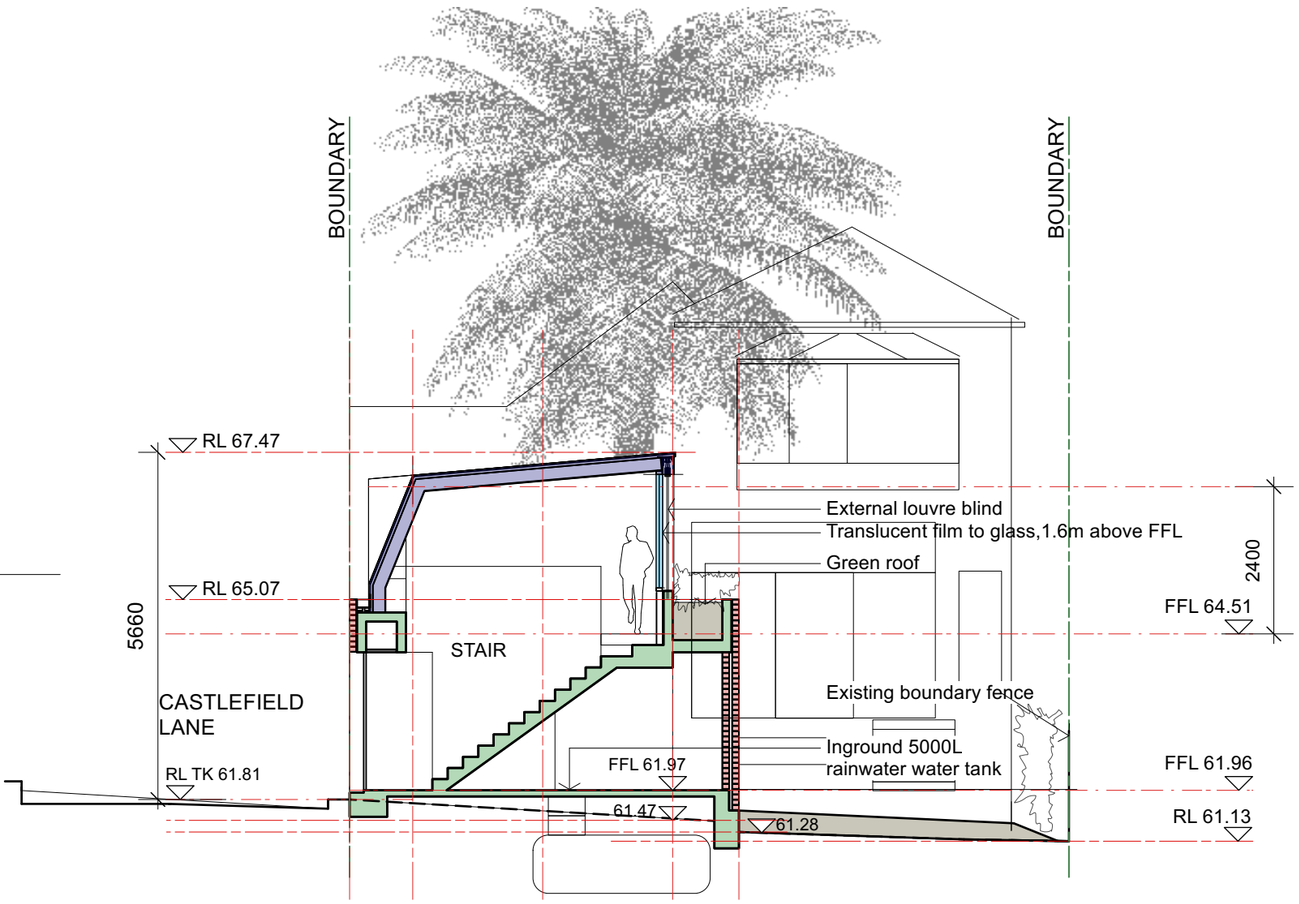
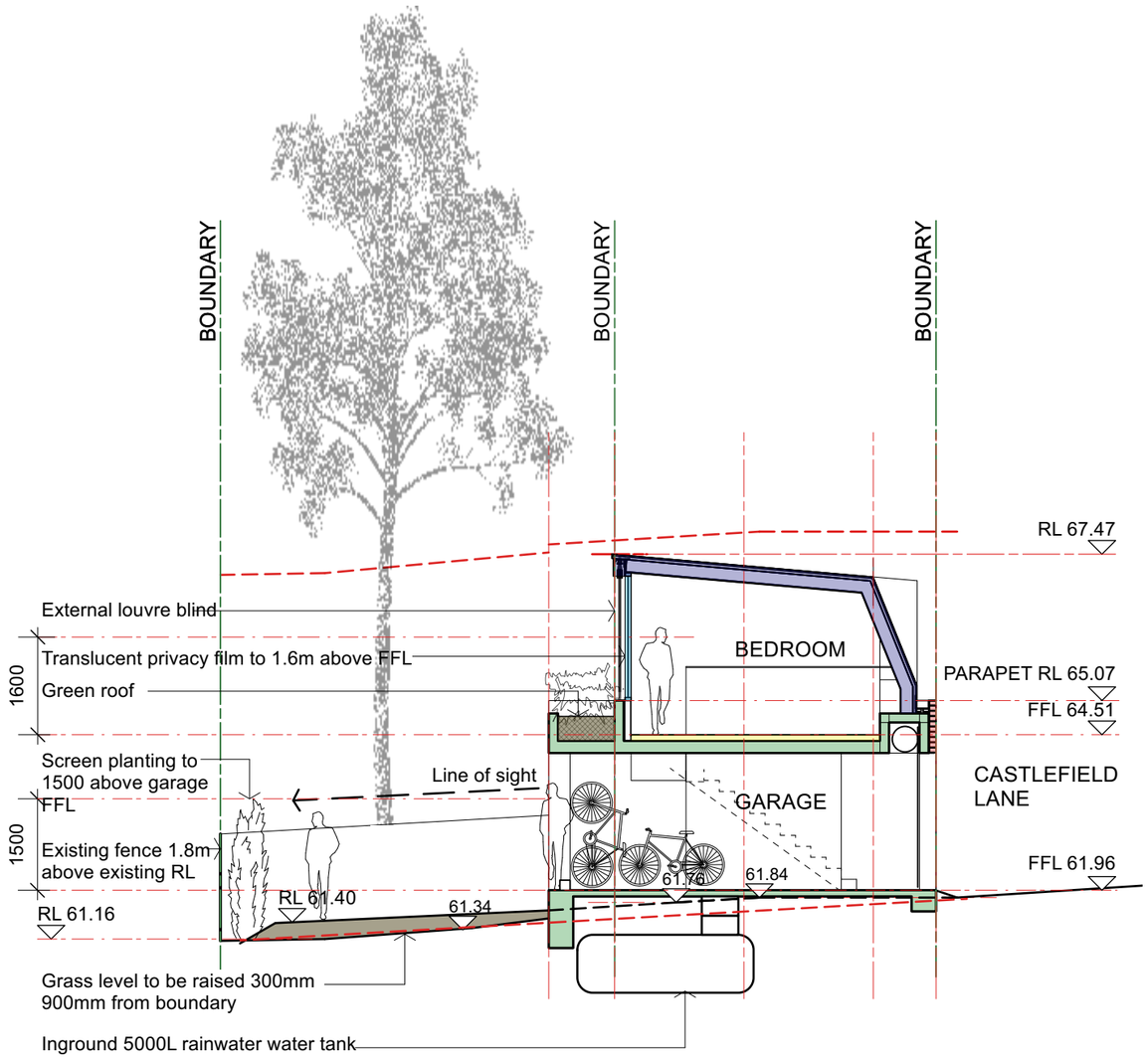


1 CROSS SECTION ONE
SCALE 1:100



2 CROSS SECTION TWO
SCALE 1:100

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DRAWING
CROSS SECTIONS ONE AND TWO

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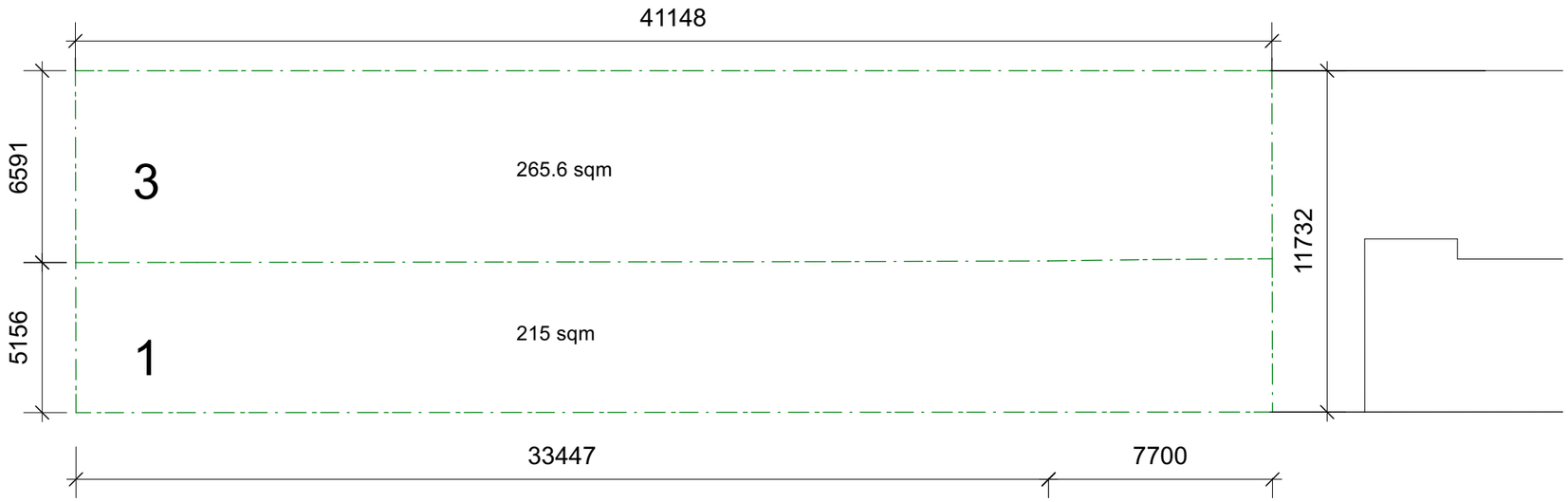

EXISTING SITE AREA

1 Castlefield St	215sqm
3 Castlefield St	265.6sqm

1 EXISTING BOUNDARIES AND AREA
SCALE 1:200

PROPOSED SITE AREA

1 Castlefield St	173sqm
3 Castlefield ST	307.6sqm

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2 PROPOSED BOUNDARIES AND AREAS
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DRAWING
EXISTING AND PROPOSED BOUNDARIES AND AREAS

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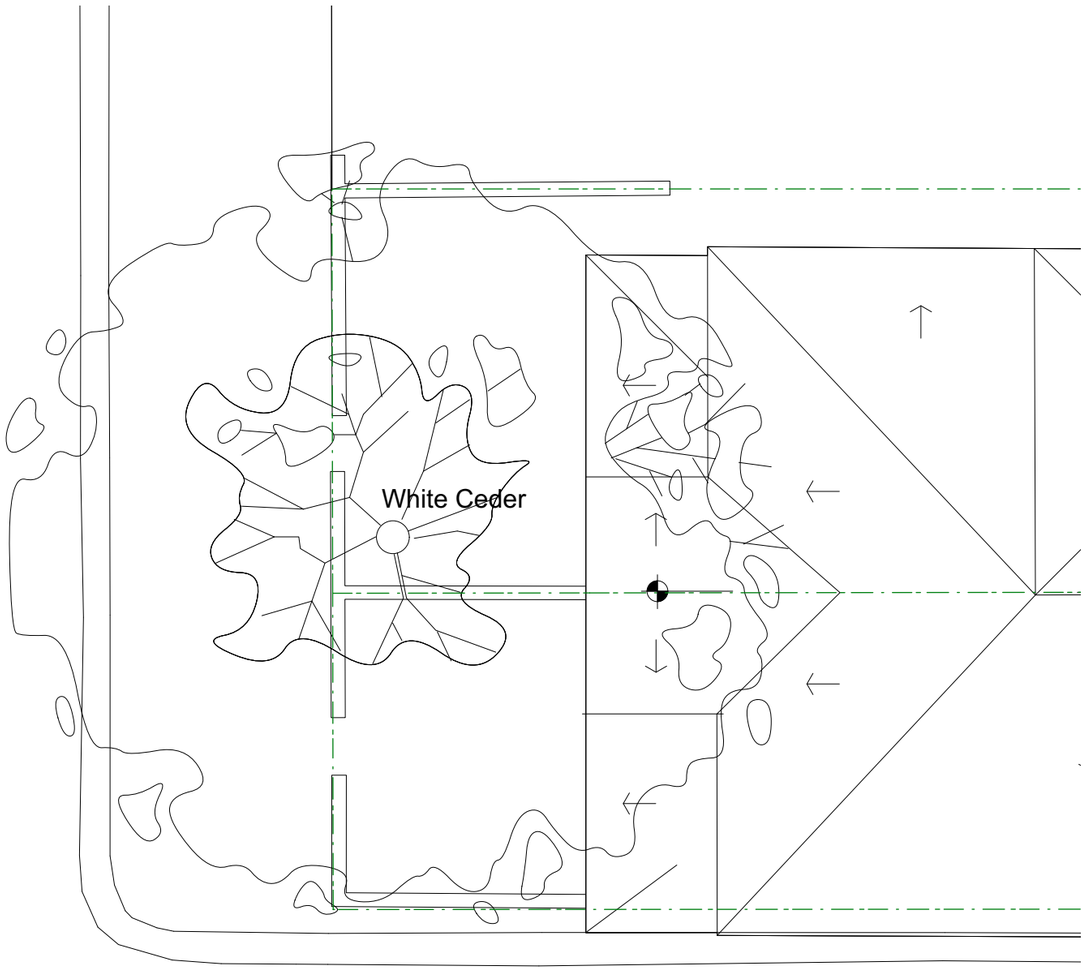
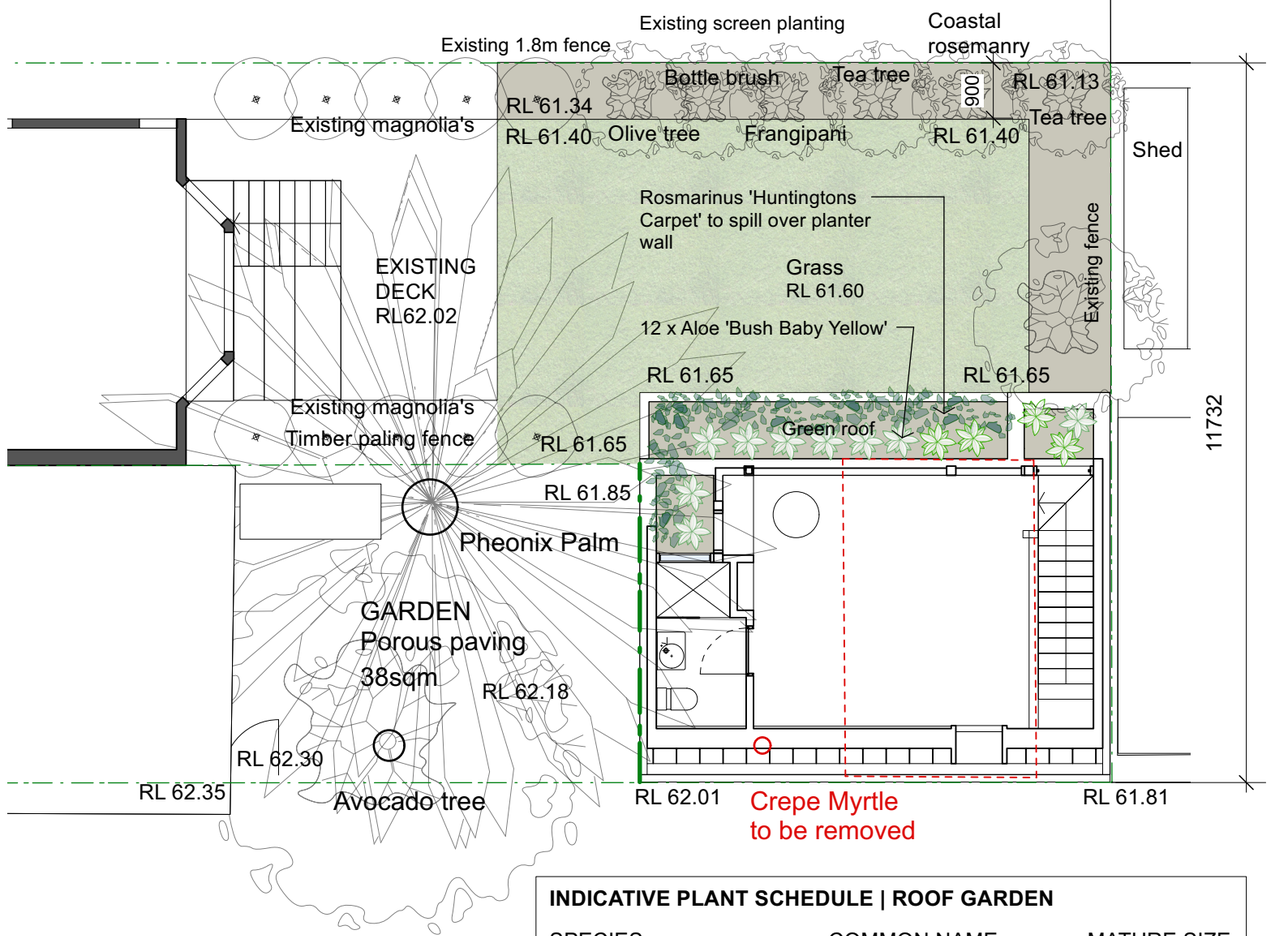
Application No: DA-3/2024

Date Received: 11/04/2024





EXISTING TREES

1. Palm tree

2. Avocado tree

3. White cedar tree

INDICATIVE PLANT SCHEDULE | ROOF GARDEN

SPECIES	COMMON NAME	MATURE SIZE
SHRUBS/GRASSES		
Aloe 'Bush Baby Yellow'	Bush Baby Yellow	0.6m
CLIMBERS/GROUND COVERS		
Rosmarinus 'Huntingtons	Ground cover Rosemary	0.2m

1 LANDSCAPE PLAN
SCALE 1:100

DRAFT 8.04.24

REV	DATE	AMENDMENTS

DO NOT SCALE DRAWINGS, USE FIGURED DIMENSIONS, ALL DIMENSIONS TO BE CHECKED ON SITE.

LEGEND

PROJECT
1 & 3 CASTLEFIELD ST, BONDI.

CLIENT
Sarah Andrews and Nick Pellow
3, Castlefield St, Bondi NSW 2026

HÜPPAUF CHESTERMAN
Nominated Architect John Chesterman
NSW REGISTRATION NO. 6891
architects Pty Ltd
412 Wilson Street Darlington 2008
Email : huppauf@tpg.com.au
ABN 93 604 483 301

DRAWING
LANDSCAPE PLAN

N

ISSUE
DEVELOPMENT APPLICATION
REVISION DATE
09.04.24

DATE	SCALE	DWG NUMBER	REVISION
APRIL 2023	1:100 @ A3	A-105	C

EXISTING TREES

Phoenix Palm tree

Ornamental avocado tree

White Ceder tree

Crepe Myrtle

PROPOSED GARAGE GREEN ROOF

Aloe 'Bush Baby Yellow'

Grows to 0.6cm tall

Rosmarinus 'Huntington

Grows to 0.2cm tall

EXISTING 3 CASTLEFIELD

Leptospermum madidum - weeping tea-tree

Grows to 800cm tall

Callistemon viminalis Slim 'CV01' Native hedge

Space 80cm apart

Magnolias

Olive tree

Native rosemary

Frangipani

RECEIVED
Waverley Council

Application No: DA-3/2024

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DRAFT 8.04.24

REV	DATE	AMENDMENTS

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DRAWING
PLANT SCHEDULE

ISSUE
DEVELOPMENT APPLICATION
REVISION DATE
09.04.24

DATE	SCALE	DWG NUMBER	REVISION
APRIL 2023	1:100 @ A3	A-106	C

Report to the Waverley Local Planning Panel

Application number	DA-351/2023 – PAN-385862
Site address	Unit 8, 55-57 Brighton Boulevarde, BONDI BEACH
Proposal	Alterations and additions to Unit 8 and its roof terrace.
Date of lodgement	23 November 2023
Owner	Ms S Plaskitt
Applicant	TF Architects
Submissions	Two
Cost of works	$385,000
Principal Issues	• Height exceedance • Floor Space Ratio exceedance • Visual privacy
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP

1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for alterations and additions to Unit 8 and its roof terrace at the site known as 55-57 Brighton Boulevarde, Bondi Beach.

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

- Height of building exceedance; and
- Floor Space Ratio (FSR) exceedance.

The assessment finds these issues acceptable as the Clause 4.6 variation requests to the maximum height and FSR provides sound justification, and the proposal complies with the objectives of the FSR development standard and R3 zone. The height and FSR breach do not cause any adverse privacy, view loss or overshadowing impacts.

Two public submissions and no Councillor submissions were received as a result of the public exhibition. 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 January 2024.

The site is identified as SP61406, known as Unit 8, 55-57 Brighton Boulevarde, Bondi Beach.

The site is rectangular in shape with a north-eastern frontage of 24.38m to Brighton Boulevarde. It has an area of 954.7m^2 and slopes from the north-western corner to the south-eastern corner by approximately 2m. The site is occupied by a residential flat building (RFB), consisting of ten units over three levels, plus an existing roof terrace and basement carparking with vehicular access provided from Brighton Boulevarde. The block has pedestrian access to the site along the western boundary. The roof terrace is split into thirds and used by the three units on the top level and is not communal.

This application relates to Unit 8 only, which occupies the northern side of the top floor. It has access to a terrace fronting Brighton Boulevard, which is partly covered by an operable vergola. External stairs at the north-western side of the terrace provides access to its portion of the private roof top terrace.

The site is adjoined by a two storey multi-dwelling home and a two-storey semi-detached dwelling on either side. The locality is characterised by a variety of low and medium density residential developments.

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

Figure 1: Southerly view of the subject site (Unit 8 shown in red) from Brighton Boulevarde.

Figure 2: Western staircase from Unit 8 to the roof terrace.

Figure 3: South-westerly view from stair to 53 Brighton Boulevarde.

Figure 4: Easterly view of the roof terrace.

Figure 5: Southerly view of the roof terrace used by neighbouring units and accessed via different internal stairs.

Figure 6: Westerly view of the existing vergola to Unit 8.

1.3. Relevant Development History

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

- DA-254/1997: Development application to construct a 3 storey RFB comprising of 10 units and basement carparking, approved 1 July 2002;
- DA-695/2002: Development application for external stair from unit 8 in RFB to the roof terrace, approved 10 September 2002; and
- DA-291/2003: Development application for alterations and additions to unit 3, approved 24 June 2003.

Development at neighbouring property 59 Brighton Boulevarde:

- DA-402/2017: Development application for the demolition of existing building and construction of a three-storey RFB with car parking and strata subdivision, approved at the Land & Environmental Court on 29 November 2019. A Construction Certificate has not been issued.

1.4. Proposal

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

Level 2, Unit 8:

- Remove the existing bathroom, walls, robe and kitchen;
- Construction of a new kitchen, study, robe, bathroom, extension of Bed 1 and associated ensuite to the north-west, over a section of the existing terrace;
- Replacement of the existing entry doorway with a single fire door and minor changes to the fenestration include new windows to the kitchen and study, replacement of the existing bifold doors to the living room with sliding doors and a new bay window to Bed 2;
- Replace existing operable pergola with a new pergola and timber columns with the same height; and
- Minor relocation to the external staircase closer to the western side elevation with glass balustrade.

Level 3, Roof Terrace:

- Replacement of the existing pavers with a stepped deck and pebbles; and
- Extension to the western walkway to the new staircase with glass balustrade.

1.5. Background

The development application was lodged on 23 November 2023 and deferred on 5 March 2024 for the following reasons:

1. Both Clause 4.6 reports for height and FSR was not supported due to adverse visual privacy and overshadowing impacts from the relocation of the staircase to the eastern side of the building overlooking the property at 59 Brighton Boulevarde; and

2. Building Code of Australia (BCA) Report was required.

The amended plans received on 22 March 2024 form the basis of the assessment. The external staircase was kept on the western side of the building, but the setback was decreased from the shared boundary and a minor reduction to the ensuite was made to fit the staircase on this side.

The Clause 4.6 for Height and FSR were updated, shadow diagrams were amended and a BCA Report was submitted. The awning height over the window off Bed 2 was lowered by 75mm to eliminate any overshadowing to the adjoining property at 59 Brighton Boulevarde during the afternoon; and external staircase materials were updated on the 30 April 2024. The Site Waste and Recycling Management Plan was updated and submitted on 31 May 2024 with reference to the management of construction waste. This documentation forms the basis of this assessment.

2. ASSESSMENT

The following matters are to be considered in the assessment of this development application under section 4.15 of the 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 (Housing) 2021: Given the proposal does not result in substantial redevelopment or refurbishment of the existing building, the Design Quality of Apartment Development under Chapter 4 does not apply to the assessment of this development application.
- 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 2021.
Part 2 Permitted or prohibited development		

Provision	Compliance	Comment
Land Use Table *R3 Zone*	Yes	The proposal is defined as alterations to an RFB, which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings • *12.5m*	No	The proposed roof terrace balustrade has a height of 12.72m, resulting in a variation of 0.22m or 1.76%. The existing building has a maximum height of 14.19m and the proposal is below this height.
4.4 Floor space ratio and • *0.9:1 (859.23m^2)*	No	The proposed extension to Unit 8 adds 11m^2 and results in a FSR of 1.11:1 (1,064m^2), and a variation of 204.77m^2 or 23.83%. The existing RFB has a gross floor area (GFA) of 1,053m^2 with a FSR of 1.10:1, which is an existing FSR variation of 193.77m^2 or 22.6%.
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 height of building and FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site is identified as comprising 'class 5' acid sulfate soils. No excavation is proposed. The proposal complies with this clause of Waverley LEP 2012.

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

Clause 4.6 Exceptions to the Heigh of Building 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 height of building development standard of 12.5m. The proposed development has a height of 12.72m, exceeding the standard by 0.22m equating to a 1.76% variation. It is noted that the existing building already exceeds the development standard by 1.69m (13.52%) as the roof parapet has a maximum height of 14.19m.

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

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

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

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

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

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

(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:

(i) The proposed development preserves the environmental amenity of neighbouring properties and public spaces, and enables the sharing of views. As stated, the variation relates to a technical non-compliance which is a result of previous excavation on the site. The proposed works remain well below the maximum height of the building and height line when measured from the natural groundline.

(ii) ***Privacy:*** *The proposed height variation is associated with the relocated external staircase leading to the existing private rooftop terrace for Unit 8. The stair is of the minimum size required for safe access to the roof terrace. Furthermore, it is only designed to be used for access purposes, and is therefore not intended to be occupied for frequent or extended periods. Given its discreet size and non-habitable use, it will preserve privacy for neighbouring properties.*

(iii) ***Views:*** *Our assessment relies on an inspection of the subject site and the surrounding public domain, survey information, aerial imagery and real estate photographs available at the time of preparing this report. We have not had the opportunity to inspect the adjoining properties.*

(iv) Given the lower heights and scale of existing built forms on the opposite side of the street, it is unlikely that those properties would have access to significant views across the subject site. Any possible views across the subject site would likely be blocked by existing structures and vegetation in the area. The balustrade will be constructed with glass, so any potential views would be retained regardless. Accordingly, existing views will be preserved by the proposal and not impacted by the minor additional works above the height plane.

(v) ***Solar Access:*** *While objective (a) requires the preservation of amenity, objective (c) of the same Clause 4.3 has a much less onerous test of "maintaining satisfactory solar access to existing buildings and public places". Despite this, we have still considered "preservation" in this section.*

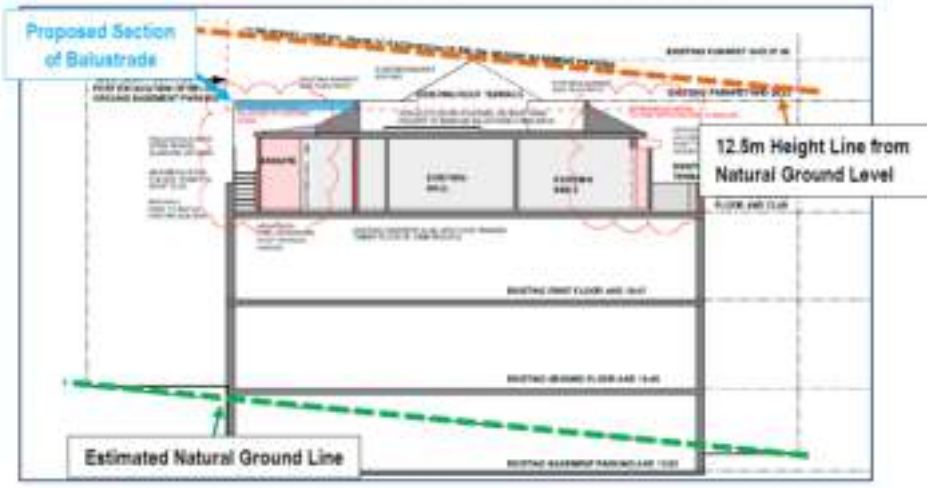
(vi) To assess the effect of the proposed development in terms of solar access, elevational shadow diagrams have been prepared for 9:00 am, 12 noon and 3:00 pm for the winter solstice (June 21). Sun angle lines for the winter solstice are also shown on the proposed floor plans. These diagrams indicate that the proposed development will preserve solar access for neighbouring residents, as existing. There is no additional overshadowing to neighbouring properties as a result of the proposal.

(vii) *The proposal will contribute to the eclectic mix of permissible uses in the R3 Zone. The proposal is also compatible with the envelope of neighbouring developments on Brighton Boulevard. This demonstrates the proposed external envelope is contextually compatible. In other words, the envelope is consistent with these buildings and compatible with the area's desired future character. Brighton Boulevard is characterised by a mix of older-style two to four storey residential flat buildings, semi-detached and detached dwellings. The proposal will maintain the number of storeys and maximum height of the existing building. The extent of the additional height breach is very minor and remains lower than the existing maximum parapet height.*

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

(i) ***Safe Access:*** *The proposed height breach facilitates a compliant 1m high glass balustrade to the external stair leading to the rooftop terrace. If Council were to enforce strict compliance with the 12.5m height standard, it would result in a non-compliance with the BCA and would unduly compromise the safety of the apartment for the existing residents and their visitors. Accordingly, we consider the height variation is in the public interest, as it ensures that safe access is provided to the existing roof top terrace.*

(ii) ***Topography and Previous Excavation:*** *The height non-compliance is a function of the topography of the site, which has been altered to accommodate the existing basement. As stated, when the height is measured from what would be considered the natural ground level, the proposal would easily comply with the 12.5m height plane. This conclusion is also relevant here as the subject site has an existing excavated basement area which drops the height limit. The area of exceedance will be above areas of existing excavation.*



Source: TF Architects

Figure 7: Section showing compliance with building height from estimated natural groundline.

(iii) ***Compatibility with Surrounding Context:*** *The proposed height is consistent with the surrounding density and scale in the area, which is recognised as an environmental planning ground in Initial Action v Woollahra Municipal Council [2019] NSWLEC 1097 [47].*

(iv) *This report demonstrates that the proposed alterations and additions will be compatible with the existing and desired future character of the area. The height variation will enable the relocation of the external stair to the roof terrace, which is consistent with the character of the existing built form. The new stairs will be constructed with higher-quality materials and will have contemporary finishes, including a glass balustrade. This will ensure it is visually compatible with the appearance of the existing development as well as the character of surrounding developments. The new materials will be more recessive than the existing stair, which will provide a better outcome in terms of design quality and visual bulk. Therefore, the additional height ensures the development will be compatible with the existing and desired future character of the locality.*

(v) *although the proposal will exceed the height control, the proposal will preserve the environmental amenity of neighbouring properties and the public domain and will be compatible with the desired future character of the locality.*

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 demonstrated that despite the breach to the height standard, the proposed development meets the objectives of the zone and the development standard.

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 that there are sufficient environmental planning grounds to justify contravening the development standard; particularly as the minor height exceedance is currently existing on site and the alteration will help improve the amenity for occupants.

The height breach itself does not cause any view loss to neighbouring buildings or from the public domain and does not introduce any overshadowing impacts from the clear glass balustrade. The staircase is repositioned in relatively the same area along the western side of unit 8 but has decreased the side setback from 6.1m to 4.9m to the shared boundary. The overlooking from occupants using the external stairs is considered the same as the existing and no additional privacy issues are expected, and no objections were received.

The proposed building envelope and building height are an appropriate correlation with the size of the site and the extent of the development as it is lower than the existing roof parapet on site and the height of the proposed balustrade is matched to the existing height of the balustrade. Therefore, the height exceedance of the glass balustrade is acceptable as the existing amenity of the surrounding properties is preserved.

Conclusion

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

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 site is subject to a maximum FSR development standard of 0.9:1 (859.23m^2). The proposed development to increase the size of the two bedrooms and ensuite has added 11m^2 GFA and has an FSR of 1.11:1 (1,064m^2), exceeding the standard by 204.77m^2 and equates to a 23.83% variation. It is noted that the existing building already exceeds the development standard by 22.6% or 193.77m^2, as the RFB has an FSR of 1.10:1 (1,053m^2).

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) Flexibility is sought in the application of the FSR development standard to the proposed development in the circumstance of this particular case. The additional GFA relates to small additions to Unit 8, which are in keeping with the architecture of the existing building and the character of development in the locality. The proposal has been designed to enhance the amenity and functionality of Unit 8 for future occupants, providing a more functional internal layout and an improved relationship between the living areas and new private open space.

(ii) The proposed additions are modestly sized and discreetly located to ensure the bulk, scale and form is consistent with surrounding residential flat development in the R3 Medium Density Zone. The areas of additional FSR will comply with the maximum building height development standard and the DCP requirements for building and streetscape design; setbacks; and private open space.

(iii) Importantly, the proposal will preserve the amenity of neighbouring properties in respect of privacy, solar access and views. In fact, by filling in the portions of the side-facing terraces and reducing the extent of trafficable outdoor areas, the interface with adjacent properties will be improved. This will provide a better outcome in terms of aural and visual privacy.

(iv) Flexibility in this circumstance will provide a better outcome both for and from the development. The proposed addition will be compatible with the character of the existing building and surrounding developments. It will enhance the quality and amenity of the existing apartment, while also mitigating any adverse effects on neighbouring residences.

(v) The LEP stipulates a maximum building height of 12.5m and an FSR of 0.9:1 for the R3 Medium Density Residential zoned site. The areas of additional FSR, comprising the bay window and north-western extension, remain compliant with the building height development standard. Overall, the building will retain its existing number of storeys.

(vi) The additions represents only a 1.04% increase from the building's existing FSR, and therefore, will not be readily noticeable. Unit 8 will continue to comprise two bedrooms located across Level 3, with access to a private rooftop terrace. The dwelling density therefore remains unchanged. Accordingly, the proposal provides an appropriate correlation between maximum building heights and density controls, by ensuring the additional FSR has a compliant height, the extent of the increase is minor, and the overall height and density of the existing development is maintained.

(vii) Brighton Boulevard is characterised by a mix of older-style two to four storey residential flat buildings and semi-detached and detached dwellings. The proposed additional floor space is below the maximum building height, situated behind the existing front parapet, within the

existing side balustrade and has a height and roof form that integrates into the existing built form. For these reasons, the proposal will appear compatible with the streetscape and surrounding semi-detached and residential flat buildings along the south-western side of Brighton Boulevard.

(viii) The additional GFA will not be readily noticeable as additional bulk. The existing front parapet and solid side balustrade at the third floor level will obscure views of the north-western addition, when viewed directly from Brighton Boulevard. The addition will only be visible from oblique angles. The proposed bay window addition will similarly not be readily visible from the streetscape, especially when viewed from Brighton Boulevard due to the existing front parapet and solid side balustrade obscuring views from the north-east.

(ix) It should be noted that Unit 3 in the same residential flat building at Nos. 55-57 Brighton Boulevarde has an approved non-compliant FSR of 1.028:1 under DA 391/2003 for alterations and additions to the existing residential flat building comprising an additional 8m^2 of GFA.

(x) An FSR of 1.07:1 (78.2% exceedance) was approved under DA-294/2020 for alterations and additions to the existing residential flat building including the construction of a garage and landscaping at No. 140 Brighton Boulevard, North Bondi, within the vicinity of the site.

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

(i) ***Privacy:*** *The additional GFA is located in areas where existing, trafficable side-facing terrace sit. Therefore, the infill of part of these areas will preserve existing levels of privacy for the neighbouring properties. In fact, aural and visual privacy may improve through the partial enclosure of these private open spaces.*

(ii) The additions are recessed further than the existing balustrading to the side terraces. The new windows are therefore setback greater than the trafficable areas of the existing terrace. In other words, sightline distances to the neighbouring properties will be increased by the proposal by setting back the trafficable areas of Unit 8 further from the side boundaries than what currently exists. As such, the proposal will preserve and likely enhance privacy for neighbouring properties.

(iii) ***Solar Access:*** *To assess the effect of the proposed development in terms of solar access, elevational shadow diagrams have been prepared for 9:00 am, 12 noon and 3:00 pm for the winter solstice (June 21). Sun angle lines for the winter solstice are also shown on the proposed floor plans. Based on the shadow diagrams, the proposal will not cast any additional shadows to existing buildings and public areas. Therefore, existing, satisfactory levels of solar access are maintained.*

(iv) In other words, the relocation of the external staircase to the roof terrace, and the additional FSR will not result in any additional overshadowing. Therefore, removal of the additional FSR would not serve any benefit in terms of solar access. Accordingly, it is concluded that the additional FSR will not have any additional overshadowing impacts. Therefore, solar access for neighbouring properties and the locality will be preserved.

(v) ***Views:*** *Our assessment relies on an inspection of the subject site and the surrounding public domain, survey information, aerial imagery and real estate photographs available at the time of preparing this report. We have not had the opportunity to inspect the adjoining properties.*

(vi) *Given the lower heights and scale of existing built forms on the opposite side of the street, it is unlikely that those properties would have access to significant views across the subject site. Any possible views across the subject site would likely be blocked by existing structures and vegetation in the area.*

(vii) *Accordingly, although the proposal increases the existing FSR by a very minor 1.04% amenity for neighbouring properties and the locality will be preserved. The additional FSR will not be readily noticeable as additional bulk, and the development will remain compatible with the existing and desired future character of the area.*

(viii) ***Existing FSR Variation and Minor Nature of the Increased FSR:*** *As stated, the existing building has a greater FSR than the standard and the proposed increase to the existing FSR is very minor, at only 1.04%. Although the proposed FSR is greater than the maximum, it is noted that this is a direct result of the existing built form also not complying with the development standard. As such, any substantial improvements to the residential flat building would inevitably require a Clause 4.6 Variation.*

(ix) *The proposed variation enables reasonable, modestly sized additions to Unit 8. This will upgrade the amenity of the existing, older residential flat building. In this instance, the additional areas will seamlessly integrate into the existing built form, will maintain a similar streetscape appearance as existing when viewed from Brighton Boulevard and will preserve the amenity of neighbouring residences and the locality. Given the FSR variation is a function of the existing situation, it can therefore be considered acceptable.*

(x) ***Consistency with Desired Future Character and Contextual Compatibility:*** *This report demonstrates the proposed development is compatible with the surrounding context and existing residential flat buildings along Brighton Boulevard (see Figure 5 on the following page). The proposal will contribute to the variety of medium density housing stock in the locality and will be of a scale and form that is consistent with the area's existing and desired future character.*

(xi) *The proposal will not significantly alter the bulk and scale of the existing building, which has an external envelope that is consistent with the streetscape. The additions are minor in nature, are recessed from the front and sides of the building and occupy portions of the existing wrap-around terrace. The works are set behind the existing front parapet and the solid side balustrades. Given the discreet design of the additions, they will not be easily visible from the public domain or neighbouring properties.*

(xii) ***Acoustic and Visual Privacy:*** *The additional FSR will demonstrate an improved relationship with the surrounding development. As stated, by infilling a portion of the trafficable side-facing wrap around terraces, sightlines to adjacent properties will be increased. The additions will be setback further from the side boundaries than the existing trafficable terraces, which will improve acoustic and visual privacy for Nos. 53 & 59 Brighton Boulevard. Accordingly, the*

proposed variation will facilitate a reduction in overlooking impacts compared to the existing situation, representing a better planning outcome in this case.

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 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 demonstrated that despite the breach to FSR, the proposed development meets the objectives of the zone and the development standard.

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 that there are sufficient environmental planning grounds to justify contravening the development standard. The minor further contravention will help improve and optimise the amenity for existing occupants. The additional floor area in the bedroom, ensuite and bay window extensions does not cause any view loss to neighbouring buildings or from the public domain and does not introduce adverse privacy or overshadowing impacts. The additional shadows from the building extension and window awnings overshadow the subject sites own balcony. The proposed

building envelope and floor space are an appropriate correlation with the size of the site and the extent of the development as it is consistent with the overall building envelope.

Conclusion

The written request provided by the applicant to vary the FSR 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
2. Ecologically Sustainable Development	Yes	The plans do not detail the inclusion of ceiling fans or nominate the type of cooking and heating facilities proposed. An advisory note has therefore been included in the consent which recommends that they be incorporated to provide a more sustainable development.
5. Water Management	Yes	Satisfactory.
6. Accessibility and Adaptability	Yes	Access around the common areas are preserved and the access to the roof terrace is similar to the existing.
11. Design Excellence	Yes	Satisfactory.

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

Development Control	Compliance	Comment
2.2 Height		
• *Maximum external wall height:* *R3/12.5m – 9.5m*	Yes	No change to the external wall height as the unit wall is set in from the external wall of the apartment building.
2.3 Setbacks		
2.3.1 Street setbacks • *Consistent street setback*	Yes	No change to the front setback as the existing pergola is a like for like replacement.
2.3.2 Side and rear setbacks • *Minimum side setback: 1.5m*	Yes	The external staircase is repositioned in relatively the same area along the western side of Unit 8 and proposes a decreased side setback from 6.1m to 4.9m. The proposal still complies with this control.
2.5 Building design and streetscape		

Development Control	Compliance	Comment
• *Respond to streetscape* • *Sympathetic external finishes*	Yes	The proposed alterations maintain the scale and appearance of the RFB from the streetscape.
2.11 Private Open Space		
2.11.2 – Balconies/decks • *Balcony additions to match the character of the building* • *Should not dominate the façade* • *Balustrades to allow views and casual surveillance of the street & privacy*	Yes	The roof terrace stairs match the existing character of the building. The external stairs are partly visible from the western side of the building but do not dominate the façade. A glass balustrade is used to reduce the bulk of the stairs.
2.13 Solar access and overshadowing		
• *Minimum of 3 hours of sunlight to a minimum of 70% of units in the development on 21 June* • *New development should maintain at least 2 hours of sunlight to solar collectors on adjoining properties in mid winter* • *Direct sunlight to north facing windows of habitable rooms on all private open space areas of adjacent dwellings to less than 3 hours of sunlight on 21 June*	Yes Yes Yes	Living rooms and private open space will receive a minimum of three hours solar access, as existing. No additional overshadowing is proposed to neighbouring properties as the building extension overshadows the existing wrap around balcony.
2.15 Visual privacy and security		
• *Above ground open space must not overlook rooms and private landscaped areas of adjoining properties or be screened* • *Privacy be considered in relation to context density, separation use and design* • *Prevent overlooking of more than 50% of private open space of lower-level dwellings in same development*	Yes Yes Yes	Existing above ground open spaces are retained, and existing levels of privacy are maintained. The existing external staircase and wrap-around balcony overlook the eastern elevation of 53 Brighton Boulevarde and the proposed staircase will keep this view in **Figure 9**.

Development Control	Compliance	Comment
		 Figure 8: Eastern elevation of 53 Brighton Blvd. Proposed windows to the north-western extension improve privacy due to the partial infill of the side-facing terrace and increased setback to the parapet. Privacy screening would result in additional height and overshadowing and is not considered appropriate.

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 (plus additional holiday period days) between 13 December 2023 and 17 January 2024 in accordance with the *Community Engagement Strategy 2023*.

Following receipt of amended plans and additional information, the application was re-notified for 14 days on 28 March 2024 to the neighbouring site at 53 Brighton Boulevarde. This was due to the location and design of the stairs being relocated to the western side of Unit 8, which is the same side the existing external stairs are positioned.

It was acknowledged that the units within 55-57 Brighton Boulevarde and a 14 day notification from 22 May 2024 to the 7 June 2024 was completed.

Two submissions were received during the notification periods from the below listed property:

- Unit 3, 55-57 Brighton Boulevarde, North Bondi.

Issues raised in the submissions are summarised and discussed below.

Issue: *Disposal of the building waste.*

Response: This is a post consent issue which will be updated by Part 2 of the Site Waste and Recycling Management Plan (SWRMP) as conditioned. The updated Part 1 of the SWRMP has also mentioned that the disposal of the building waste will be privately organised prior to construction and not disposed of in the residential bins which is a standard process of the demolition phase.

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. Fire and Building Compliance

The application was referred to Council's Building Surveyor who requested a BCA Report to be submitted for the proposal. No issues were raised subject to the advised conditions to meet the recommendations in the BCA Report.

3.2. Stormwater

The application was referred to Council's Stormwater Engineer for comment and given the small size of the work, only a certification of the stormwater drainage system prepared by a qualified and practising engineer or plumber is required before issue of an occupation certificate. No stormwater plan is required to be submitted for assessment.

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.

Managers of Development Assessment (MoDA) Decision:

The application was reviewed by the MoDA at the meeting on 19 March 2024 and the MoDA determined that the application is acceptable and should be approved, subject to the conditions in Appendix A.

MODA members: *A Rossi, B McNamara, B Magistrale, K Johnstone 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:**

Edwina Ross	Bridget McNamara	Angela Rossi
Development Assessment Planner	**Manager, Development Assessment**	**Executive Manager, Development Assessment**
Date: 5 June 2024	**Date:** 12 June 2024	**Date:** 14 June 2024

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	1.76% variation to height (Clause 4.3) X Pre-existing non-compliance X 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
Clause 4.6 register entry required	23.83% variation to FSR (Clause 4.4) X Pre-existing non-compliance X No change to overall building height No change to overall building envelope Variation limited to the [lift/plant/parapet/attic] only X No unreasonable impacts on the amenity of adjoining properties or streetscape X Sufficient environmental planning grounds X Consistent with the objectives of the standard
Determining Authority (Concurrence Authority for Clause 4.6 variation)	Local Planning Panel
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?	No

Secondary Dwelling	No
Boarding House	No
Group Home	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 TF Architect of Project No: 550 including the following: (b) BASIX and NatHERs Certificate/s (c) BCA Report prepared by AED Group dated (30/01/2023), Report No. 11284 and received by Council on (29/04/2024); (d) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on (31/05/2024); 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.

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA04, Rev 0	Demolition Plan	September 2023	22/11/2023
DA05, Rev A	Proposed Floor Plan	20/03/2024	30/04/2024
DA07, Rev A	Proposed Terrace Plan	20/03/2024	30/04/2024
DA10, Rev B	Exist & Prop Elevation	30/04/2024	30/04/2024
DA11, Rev B	Section	30/04/2024	30/04/2024
DA012, Rev A	External Finishes	30/04/2024	30/04/2024

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
2.	**NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE**
	The building work, or demolition work, must not be commenced until: (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the *Environmental Planning and Assessment Act 1979*; (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*; and (c) Council is given at least two days' notice in writing of the intention to commence the building works.
	Condition reason: To ensure a Construction Certificate is obtained prior to work commencing.
3.	**SECTION 7.12 CONTRIBUTION**
	A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Waverley Council Development Contributions Plan in accordance with the following: (a) Where the total development cost is $500,000 or less: (i) a **Cost Summary Report** or **Building Contract** or similar is to be submitted to Council's Customer Service Centre to process payment. (b) Where the total development cost is more than $500,000 but less than $1,000,000: (i) a **Detailed Cost Report** prepared by a registered Quantity Surveyor, **Building Contract,** or similar is to be submitted to Council's Customer Service Centre to process payment. (c) Where the total development cost is $1,000,000 or more: (i) a **Detailed Cost Report** prepared by a registered Quantity Surveyor, **Building Contract,** or similar is to be submitted to and approved by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate). - Please forward documents to info@waverley.nsw.gov.au attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy. (ii) Upon confirmation of the contribution amount by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate), payment is to be processed via the Customer Service Centre. (iii) Should there be a discrepancy between the cost of works approved in subclause (b)(i) and the DA fee nominated in the original DA, then

	additional DA Fees may be payable prior to the issue of a Construction Certificate. A copy of the required format for the cost reports are provided in the Waverley Council Contributions Plan, available on Council's website. (d) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, the levy must be paid in accordance with the following; (i) A development valued at $100,000 or less will be exempt from the levy; (ii) A development valued at $100,001 - $200,000 will attract a levy of 0.5% of the full cost of the development; or (iii) A development valued at more than $200,000 will attract a levy of 1% of the full cost of the development. Prior to the issue of any Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than $100,000.
	Condition reason: To ensure the Section 7.12 Contributions are paid.
4.	**SECURITY DEPOSIT**
	A deposit (cash or cheque) for the amount of **$ 10,260.00** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent. This deposit (cash or cheque) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs for any repair of damage to Council property or rectification of unauthorised works on Council property, will be refunded after satisfactory completion all of works associated with this consent (including the required public works) to the person who paid the deposit.
	Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.
5.	**LONG SERVICE LEVY**
	A long service levy, as required under section 34 of the *Building and Construction Industry Long Service Payments Act, 1986*, is to be paid in respect of this building work. Evidence that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate. Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.25% of building work costing $250,000 or more.
	Condition reason: To ensure the long service levy is paid.
6.	**HOARDING**
	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.
	Condition reason: To ensure safety to the general public.
7.	**EROSION & SEDIMENT CONTROL**
	A Soil and Water Management Plan (SWMP), also known as an Erosion and Sediment Control Plan must be prepared in accordance with Waverley Council's Water Management Technical Manual. The SWMP must be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request. The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.
	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
8.	**ENGINEERING DETAILS**
	Structural details are to be prepared and certified by a practicing Structural Engineer in connection with all structural components of the approved works, prior to the issue of the relevant Construction Certificate.
	Condition reason: To ensure structural stability of work on site.
9.	**CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)**
	The applicant is to submit a Construction Traffic Management Plan (CTMP) for the approval of Council's Executive Manager, Infrastructure Services, or delegate, prior to the issue of any Construction Certificate. For further information on what is required in the CTMP, please refer to Council's website at: https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent
	Condition reason: To minimise disruption to local traffic.
10.	**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.
11.	**SITE WASTE AND RECYCLING MANAGEMENT PLAN**
	A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the *SWRMP Part 2* is to be available on site at all times during construction. Copies of demolition and

	construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.
	Condition reason: To ensure resource recovery is promoted and the local amenity is protected during construction.
12.	**BUILDING CODE OF AUSTRALIA**
	All building work must be carried out in accordance with the requirements of the current NCC Building Code of Australia and BCA Assessment Report prepared by Nathan Halstead of AED Group dated 30th January 2023 Ref: 12482-Rev 1. a) If compliance with the deemed-to-satisfy provisions of the NCC BCA cannot be achieved, a performance solution in accordance with Part A2 of the NCC BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the NCC BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the NCC Building Code of Australia. b) Any design amendments required to achieve compliance with the NCC BCA may require an application under Section 4.55 of the Act to be lodged with Council to amend this consent. c) Prior to the commencement of the required upgrade works, a Construction Certificate must be issued by an accredited Certifying Authority and an accredited PCA be appointed. Any required upgrading works must be completed prior to the issue of an Occupation Certificate.
	Condition reason: To ensure BCA requirements are met.
13.	**ESSENTIAL SERVICES- EXISTING BUILDING**
	Details of the currently implemented and proposed essential fire safety measures for the building shall be submitted with the Construction Certificate, in the form of a Fire Safety Schedule. This Schedule shall be prepared by a person competent to do so and shall specify the minimum standard of performance for each essential fire safety measure included in the Schedule. At the completion of the installation, a Final Fire Safety Certificate shall be attached to the Occupation Certificate, certifying that each essential fire safety measure specified within the current Fire Safety Schedule: (a) has been assessed by a properly qualified person; and (b) found to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the Certificate is issued.
	Condition reason: To ensure fire safety requirements are met.

14.	**CERTIFICATE OF ADEQUACY**
	The existing building which will not be affected from the building works will need to achieve the required FRL and structural adequacy along with the proposed new works. A Certificate of Adequacy prepared by a practicing Structural Engineer, certifying the adequacy of the existing building structure is to be provided to Council or the Accredited Certifier prior to the issue of a Construction Certificate.
	Condition reason: To ensure structural stability of work on site.

BEFORE BUILDING WORK COMMENCES

	Condition
15.	**CONSTRUCTION SIGNS**
	Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.
	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.
16.	**DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS**
	The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including: • Work Health and Safety Act 2011; • Work Health and Safety Regulation 2017; • SafeWork NSW Code of Practice for the Safe Removal of Asbestos; • Australian Standard 2601 (2001) – Demolition of Structures; • *Protection of the Environment Operations Act 1997.* At least 5 days prior to the demolition, renovation work or alterations and additions to any building, the person acting on the consent shall submit a Work Plan to the Principal Certifying Authority in accordance with Australian Standard AS 2601-2001, Demolition of Structure and a Hazardous Materials Assessment prepared by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall: (a) Outline the identification of any hazardous materials, including surfaces coated with lead paint; (b) Confirm that no asbestos products are present on the subject land, or (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by SafeWork NSW (catalogue WC03561); (d) Describe the method of demolition; (e) Describe the precautions to be employed to minimise any dust nuisance; and (f) Describe the disposal methods for hazardous materials.
	Condition reason: To ensure the safety of workers and the general public.
17.	**TREE PROTECTION**

	All trees on site and adjoining properties, including street trees, are to be retained and protected in accordance with AS4970-2009 'Protection of Trees on Construction Sites' and to be certified by an Arborist with AQF level 5 qualification or above, unless approved to be removed in this development consent.
	Condition reason: To protect and retain trees.
18.	**STREET TREES TO BE RETAINED/TREE PROTECTION**
	No existing street trees shall be removed without Council approval. Precautions shall be taken when working near trees to ensure their retention, including the following: (a) Do not store harmful or bulk materials or spoil under or near trees; (b) Prevent damage to bark and root system; (c) Do not use mechanical methods to excavate within root zones; (d) Do not add or remove topsoil from under the drip line; (e) Do not compact ground under the drip line; (f) Do not mix or dispose of liquids within the drip line of the tree; and (g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter in accordance with AS4970-2009 “Protection of trees on construction sites.
	Condition reason: To protect trees during the carrying out of site work.

DURING BUILDING WORK

	Condition
19.	**CONTROL OF DUST ON CONSTRUCTION SITES**
	The following requirements apply to demolition and construction works on site: (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries. (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices.
	Condition reason: To ensure the safety of workers and the general public.
20.	**CONSTRUCTION HOURS**
	Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays, with no work to be carried out on Sundays and public holidays. Excavation works involving the use of heavy earth movement equipment, including rock breakers and the like, must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays, with no such work to be carried out on Saturday, Sunday or a public holiday. Noise from construction activities shall comply with the *Protection of the Environmental Operations (Noise Control) Regulation 2017*.
	Condition reason: To protect the amenity of the surrounding area.
21.	**STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS**
	All building materials and any other items associated with the development are to be stored within the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.
	Condition reason: To ensure building material is stored in an appropriate location.
22.	**CONSTRUCTION INSPECTIONS**
	The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the *Building Legislation Amendment (Quality of Construction) Act 2002,* clause 162A of the *Environmental Planning and Assessment Regulation 2021* and the requirements of any other applicable legislation or instruments.
	Condition reason: To ensure regular inspections occur throughout the construction process.

23.	**CERTIFICATE OF SURVEY - LEVELS**
	All construction works are to be in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels is to be submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
24.	**WORK OUTSIDE PROPERTY BOUNDARY**
	This consent does not authorise any work outside the property boundary.
	Condition reason: To ensure buildings are sited and positioned in the approved location.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
25.	**FINAL OCCUPATION CERTIFICATE**
	Prior to occupation or use of the development, an Occupation Certificate must be obtained. The Principal Certifying Authority must be satisfied that the requirements of the *Environmental Planning & Assessment Act 1979* have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.
	Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.
26.	**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.
27.	**CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE SYSTEM**
	a) 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. b) Certification is to 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. c) A copy of the certification must be submitted to Council.
	Condition reason: Ensure new constructed and retained stormwater drainage system is in good working order.

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: • 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.	**TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)**
	Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.
6.	**ALTERATIONS AND ADDITIONS ONLY**
	This consent is for alterations and additions to the existing building only and should during the course of construction a significant amount of the remaining fabric of the building be required to be removed, works must cease immediately and a new development application will be required to be submitted for assessment.
7.	**TREE REMOVAL/PRESERVATION**
	Any trees not identified for removal in this application have not been assessed and separate approval may be required. Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building may also require approval.
8.	**ECOLOGICALLY SUSTAINABLE DEVELOPMENT RECOMMENDATIONS**
	<u>Indoor air quality:</u> Council strongly encourages the use of electrical cooktops, ovens and internal heating systems within residential developments to ensure that ambient indoor air quality levels specified in the National Environmental Protection Measure (Ambient Air Quality) are met. <u>Ventilation:</u> Council strongly encourages the installation of ceiling or wall mounted fans or Heat Recovery Ventilation (HRV) Units within residential developments to enable adequate ventilation of habitable rooms. <u>Domestic hot water:</u> Council strongly encourages the installation of electric hot water systems. If an electrical system is not installed it is suggested to include specific provisions to enable the future installation

Dictionary

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

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

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

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

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

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

Council means Waverley Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

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

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

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

Local planning panel means Waverley Local Planning Panel.

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

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

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

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

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

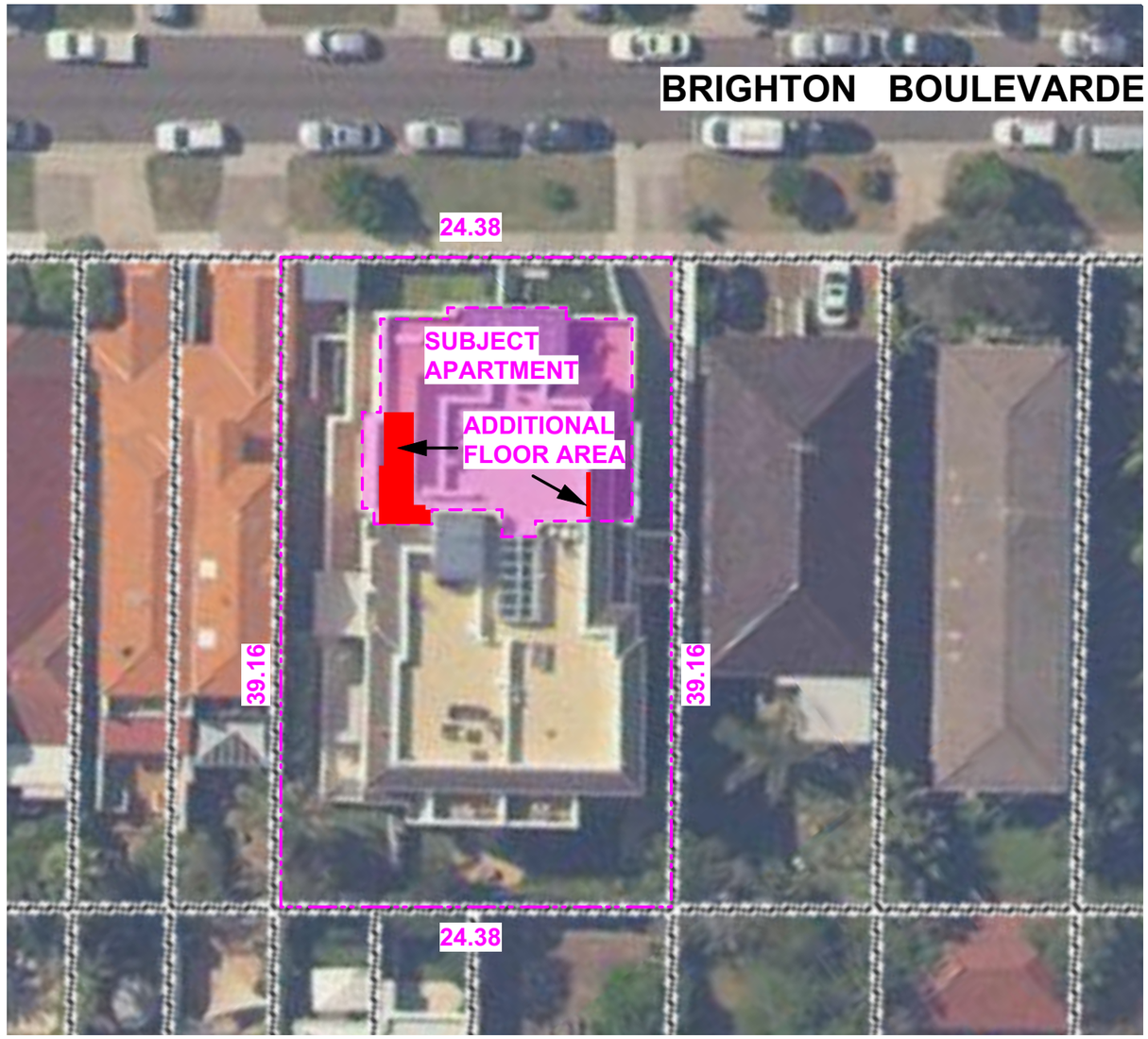
Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

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

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

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

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



RECEIVED
Waverley Council

Receipt No: DA-351/2023

Date Received: 22/11/2023

SITE PLAN

REVISIONS		
NO.	DESCRIPTION	DATE

MGA
TN
MM

DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION

architect
TF Architects

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ABN: 98317668095
Architects Registration: 6125

client **SARAH PLASKITT**

project **UNIT 8 / 55-57 BRIGHTON B'VDE NORTH BONDI NSW**

drawing title **SITE PLAN**

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Job No **550**	Dwg number **DA 01**
Date **SEPT 2023**	Scale **1:100 @ A3** Rev

SITE ANALYSIS PLAN

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Receipt No: DA-351/2023

Date Received: 22/11/2023

REVISIONS		
NO.	DESCRIPTION	DATE

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client **SARAH PLASKITT**

project **UNIT 8 / 55-57 BRIGHTON B'VDE NORTH BONDI NSW**

drawing title **SITE ANALYSIS PLAN**

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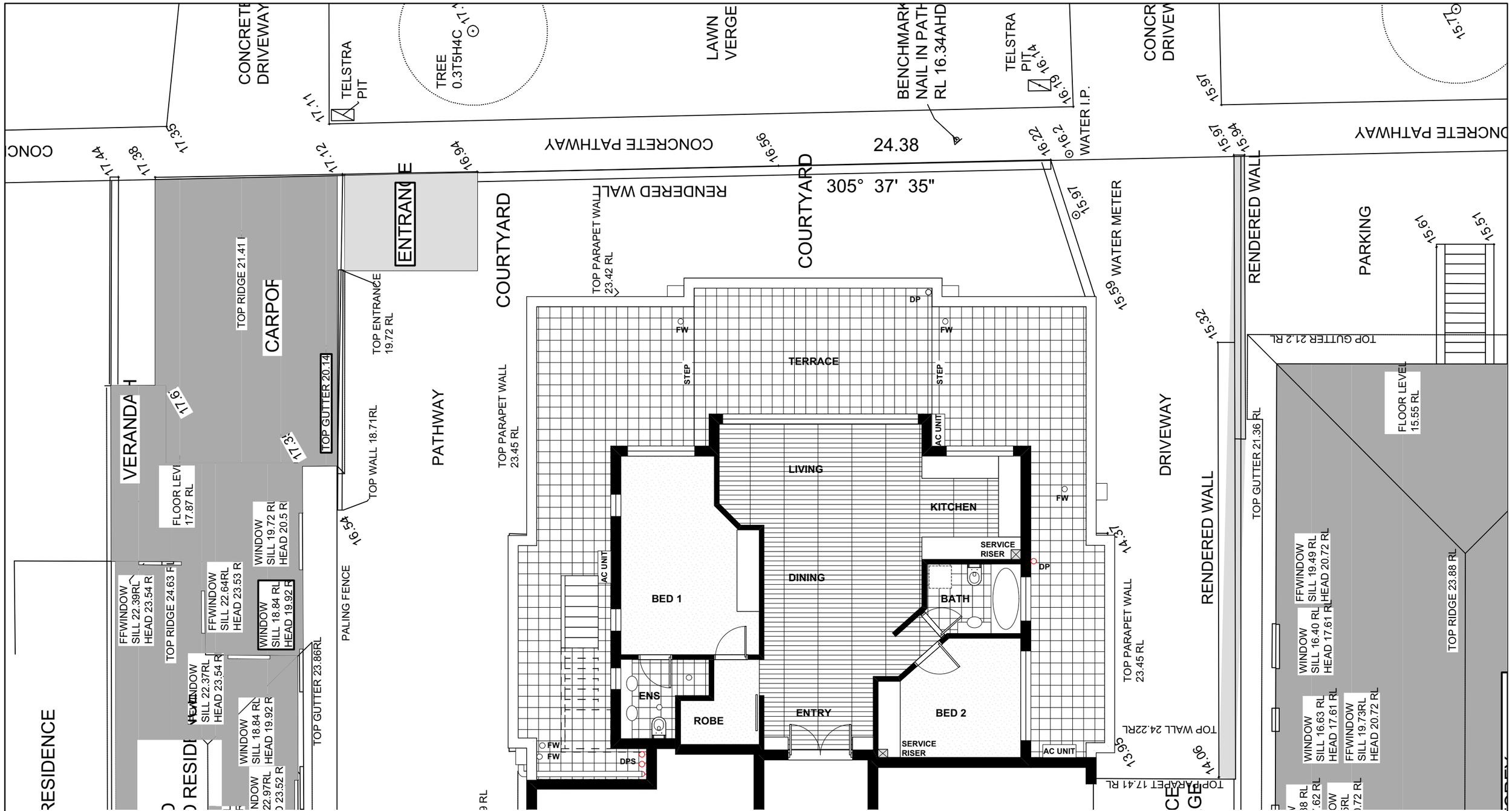
Job No	**550**	Dwg number	**DA 02**
Date	**SEPT 2023**	Scale **NTS**	Rev



EXISTING FLOOR PLAN

Scale 1:100 @ A3

REVISIONS		
NO.	DESCRIPTION	DATE

RECEIVED
Waverley Council

Receipt No: DA-351/2023

Date Received: 22/11/2023

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client **SARAH PLASKITT**

project **UNIT 8 / 55-57 BRIGHTON B'VDE NORTH BONDI NSW**

drawing title **EXISTING FLOOR PLAN**

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Job No 550	Dwg number	DA 03
Date SEPT 2023	Scale 1:100 @ A3	Rev

DEMOLITION PLAN

Scale 1:100 @ A3

REVISIONS		
NO.	DESCRIPTION	DATE

RECEIVED
Waverley Council

Receipt No: DA-351/2023

Date Received: 22/11/2023

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client **SARAH PLASKITT**

project **UNIT 8 / 55-57 BRIGHTON B'VDE NORTH BONDI NSW**

drawing title **DEMOLITION PLAN**

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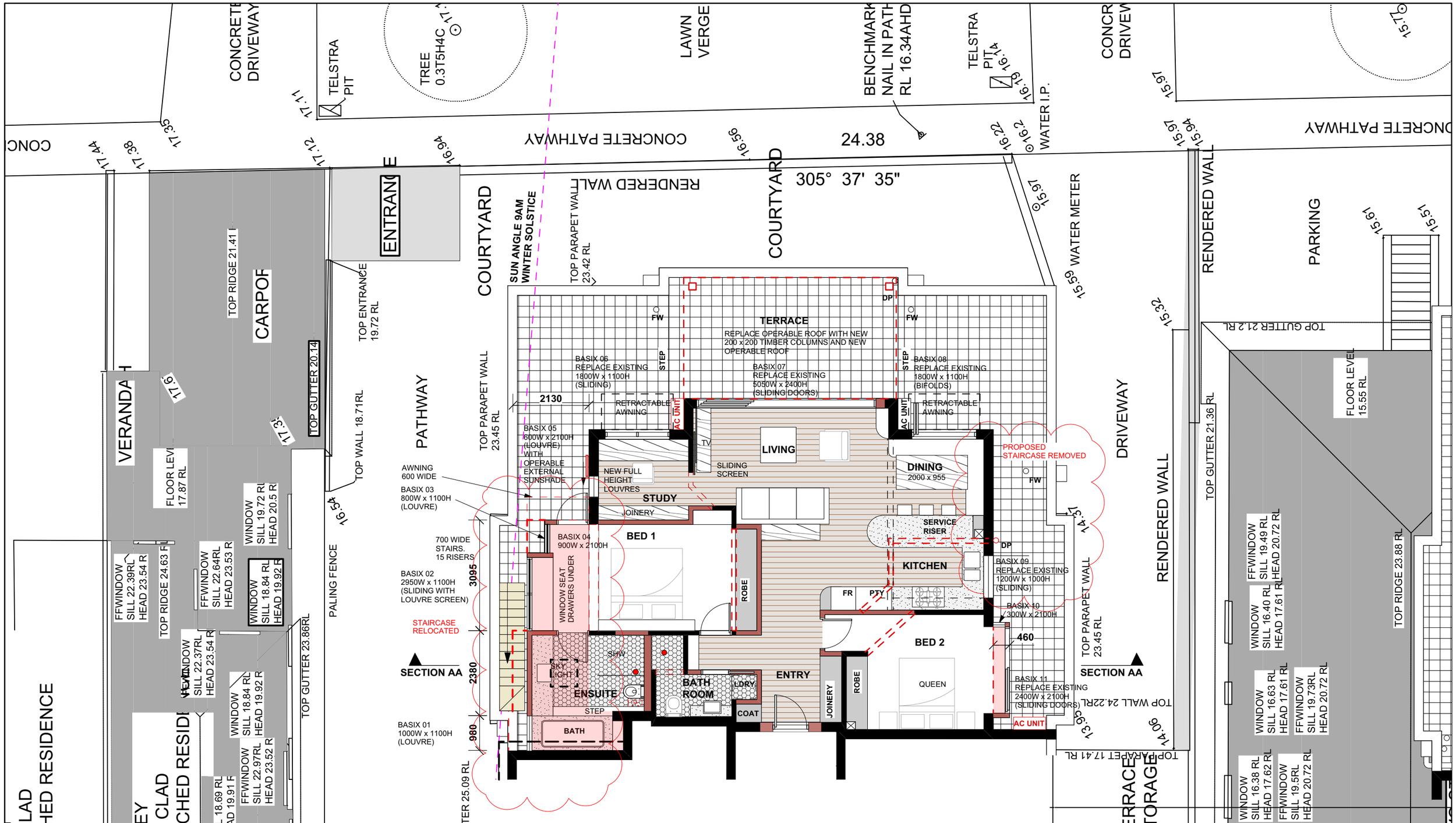
Job No 550	Dwg number	DA 04
Date SEPT 2023	Scale 1:100 @ A3	Rev



PROPOSED FLOOR PLAN

Scale 1:100 @ A3

11sqm OF ON TITLE TERRACE CHANGED TO INTERNAL FLOOR AREA
AREA SHOWN SHADED

REVISIONS		
NO.	DESCRIPTION	DATE
A	STAIR LOCATION AMENDED	20/3/24

RECEIVED
Waverley Council

Application No: DA-351/2023

Date Received: 30/04/2024

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DEVELOPMENT APPLICATION
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project **UNIT 8 / 55-57 BRIGHTON B'VDE NORTH BONDI NSW**

drawing title **PROPOSED FLOOR PLAN**

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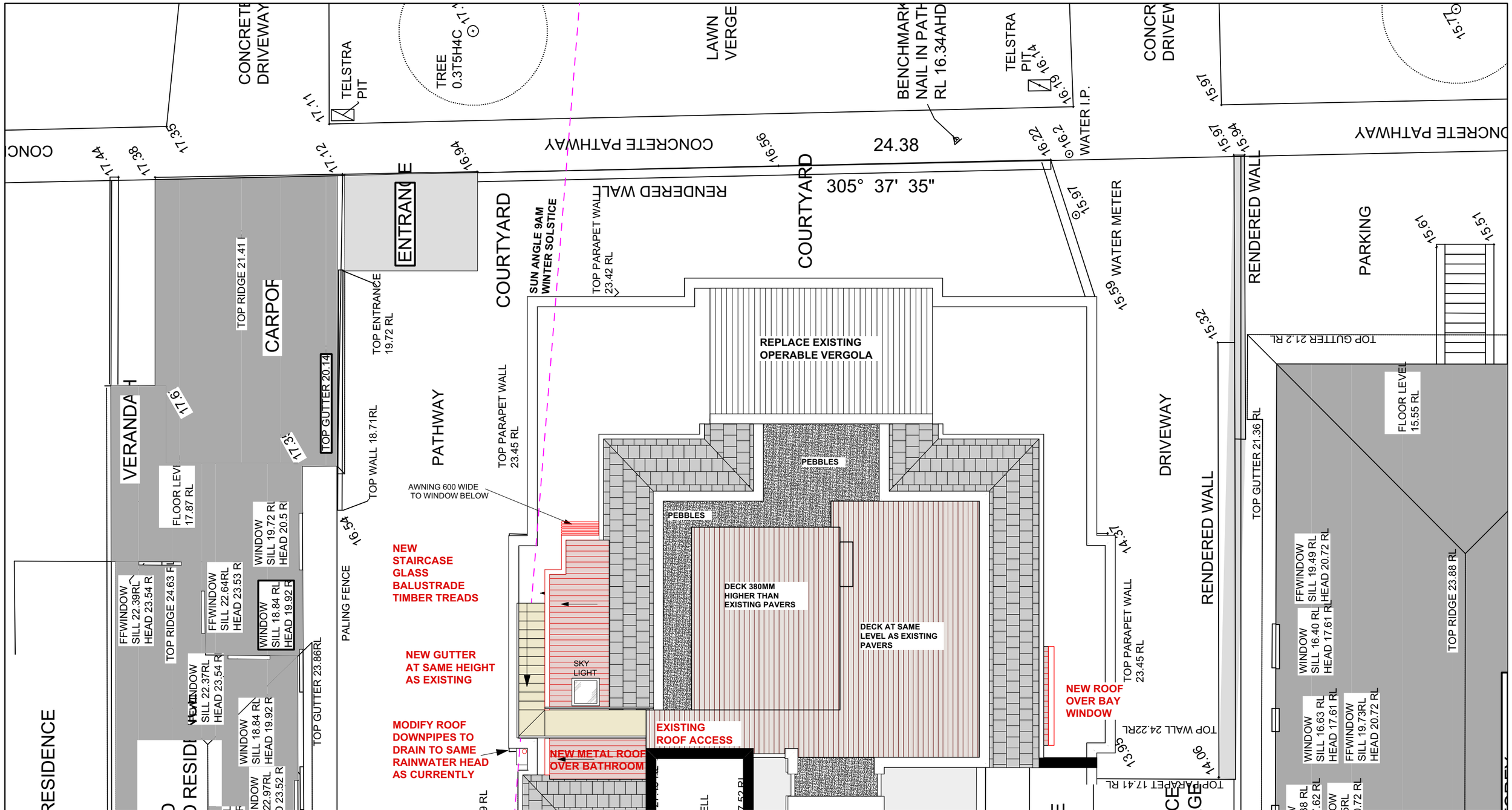
Job No 550	Dwg number DA 05
Date MAR 2024	Scale 1:100 @ A3 Rev A



PROPOSED TERRACE PLAN

Scale 1:100 @ A3

REVISIONS		
NO.	DESCRIPTION	DATE
A	STAIR LOCATION AMENDED	20/3/24

RECEIVED
Waverley Council

Application No: DA-351/2023

Date Received: 30/04/2024

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DEVELOPMENT APPLICATION
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project **UNIT 8 / 55-57 BRIGHTON B'VDE NORTH BONDI NSW**

drawing title **PROPOSED TERRACE PLAN**

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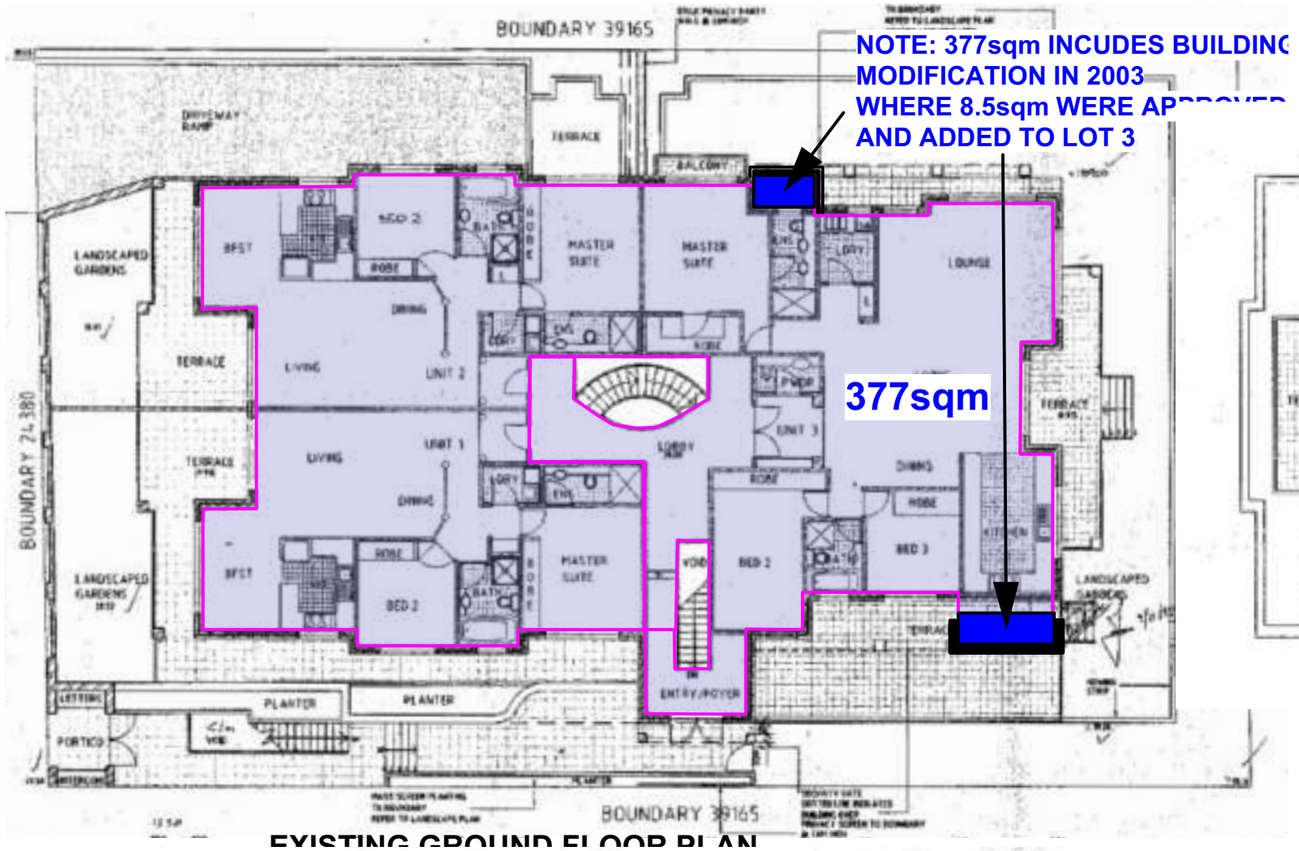
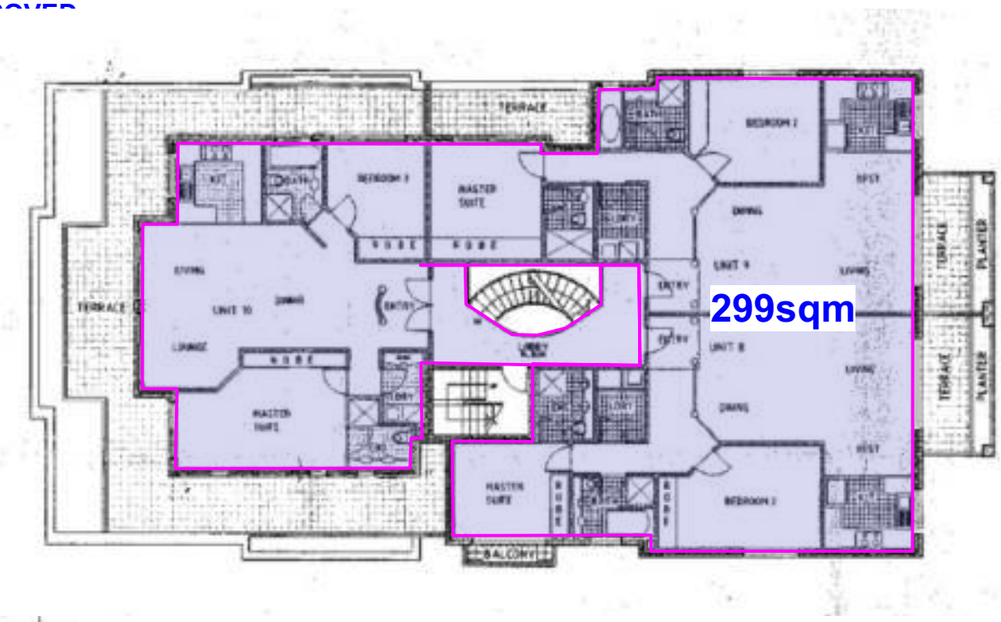
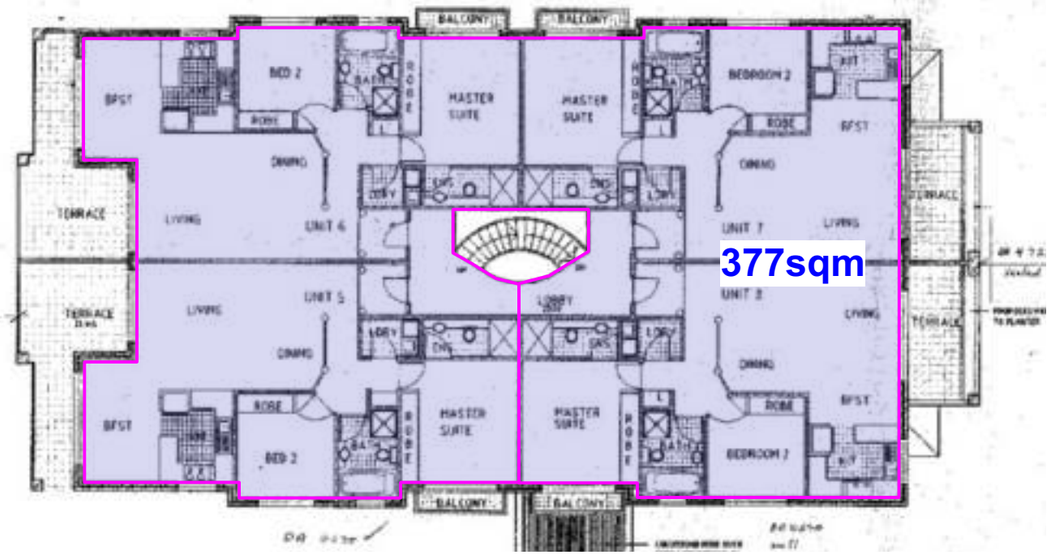
Job No	550	Dwg number	DA 07
Date	MAR 2024	Scale 1:100 @ A3	Rev A



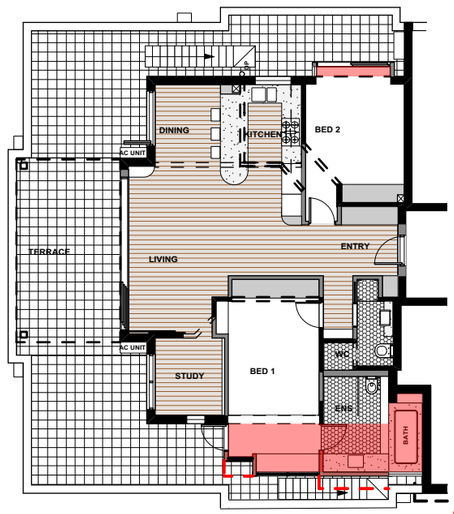
EXISTING GROUND FLOOR PLAN



EXISTING SECOND FLOOR PLAN



EXISTING FIRST FLOOR PLAN



ADDITIONAL 11sqm GROSS FLOOR AREA

PROPOSED SECOND FLOOR PLAN

RECEIVED
Waverley Council

Application No: DA-351/2023

Date Received: 30/04/2024

REVISIONS		
NO.	DESCRIPTION	DATE
A	REDUCED FSR	20/3/24

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Architects Registration: 6125

client **SARAH PLASKITT**
project **UNIT 8 / 55-57 BRIGHTON B'VDE NORTH BONDI NSW**
drawing title **FSR CALCULATIONS**

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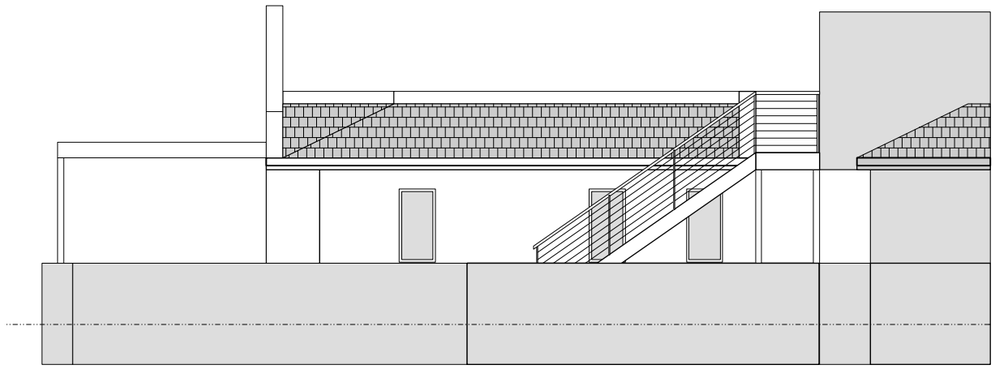
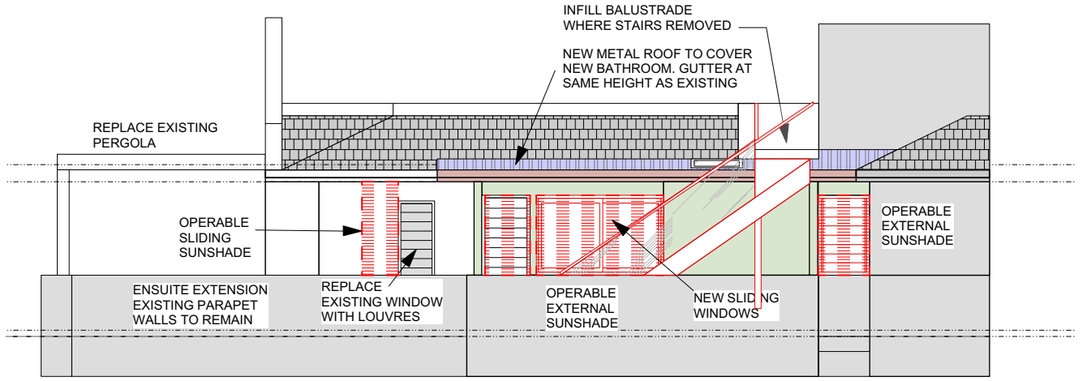
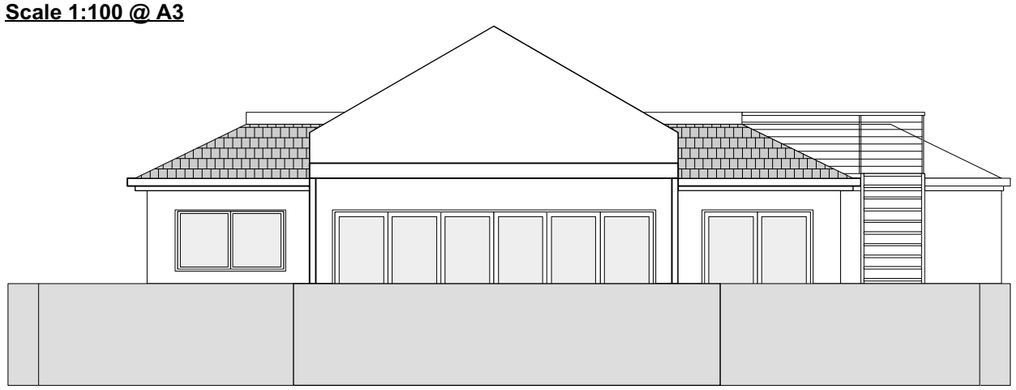
Job No 550	Dwg number	DA 09
Date MAR 2024	Scale 1:200 @ A3	Rev A



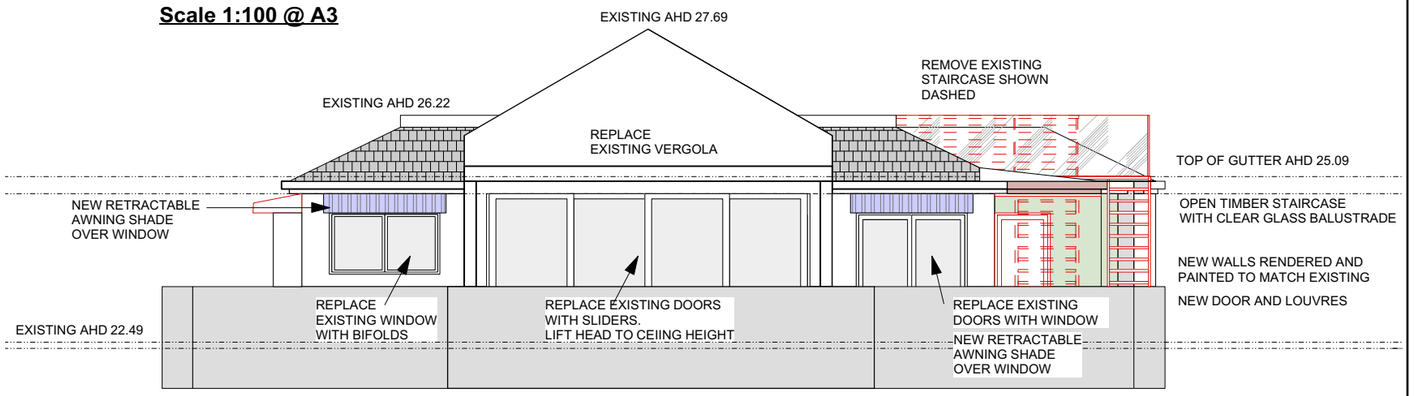
EXISTING NW ELEVATION
Scale 1:100 @ A3



PROPOSED NW ELEVATION
Scale 1:100 @ A3



EXISTING NE ELEVATION
Scale 1:100 @ A3

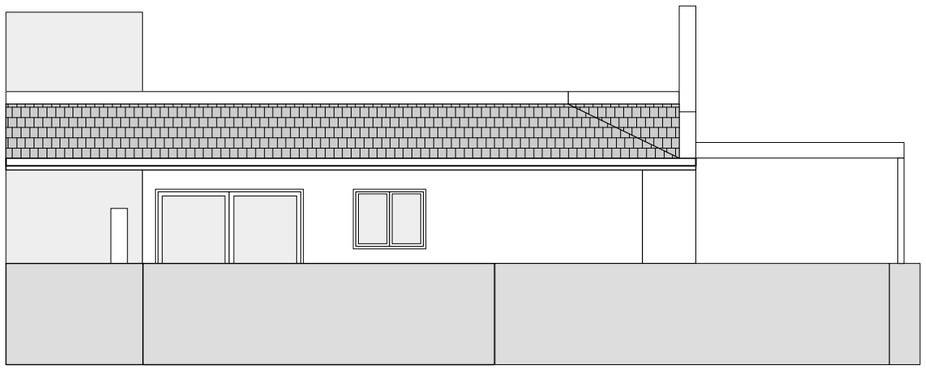


PROPOSED NE ELEVATION
Scale 1:100 @ A3

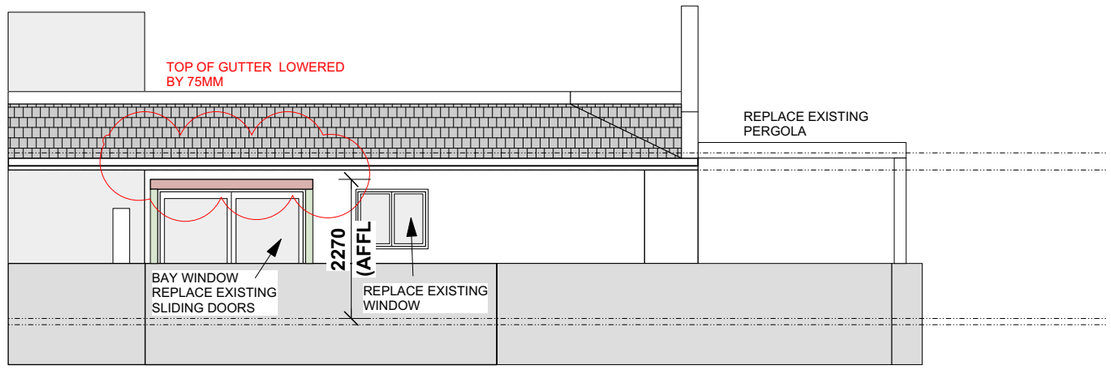
RECEIVED
Waverley Council

Application No: DA-351/2023

Date Received: 30/04/2024



EXISTING SE ELEVATION
Scale 1:100 @ A3



PROPOSED SE ELEVATION
Scale 1:100 @ A3

REVISIONS		
NO.	DESCRIPTION	DATE
A	STAIR LOCATION AMENDED	20/3/24
B	BAY WINDOW ROOF LOWERED BY 75MM	30/4/24

DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION

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ABN: 98317668095
Architects Registration: 6125

client **SARAH PLASKITT**

project **UNIT 8 / 55-57 BRIGHTON B'VDE NORTH BONDI NSW**

drawing title **EXIST & PROP ELEVATIONS**

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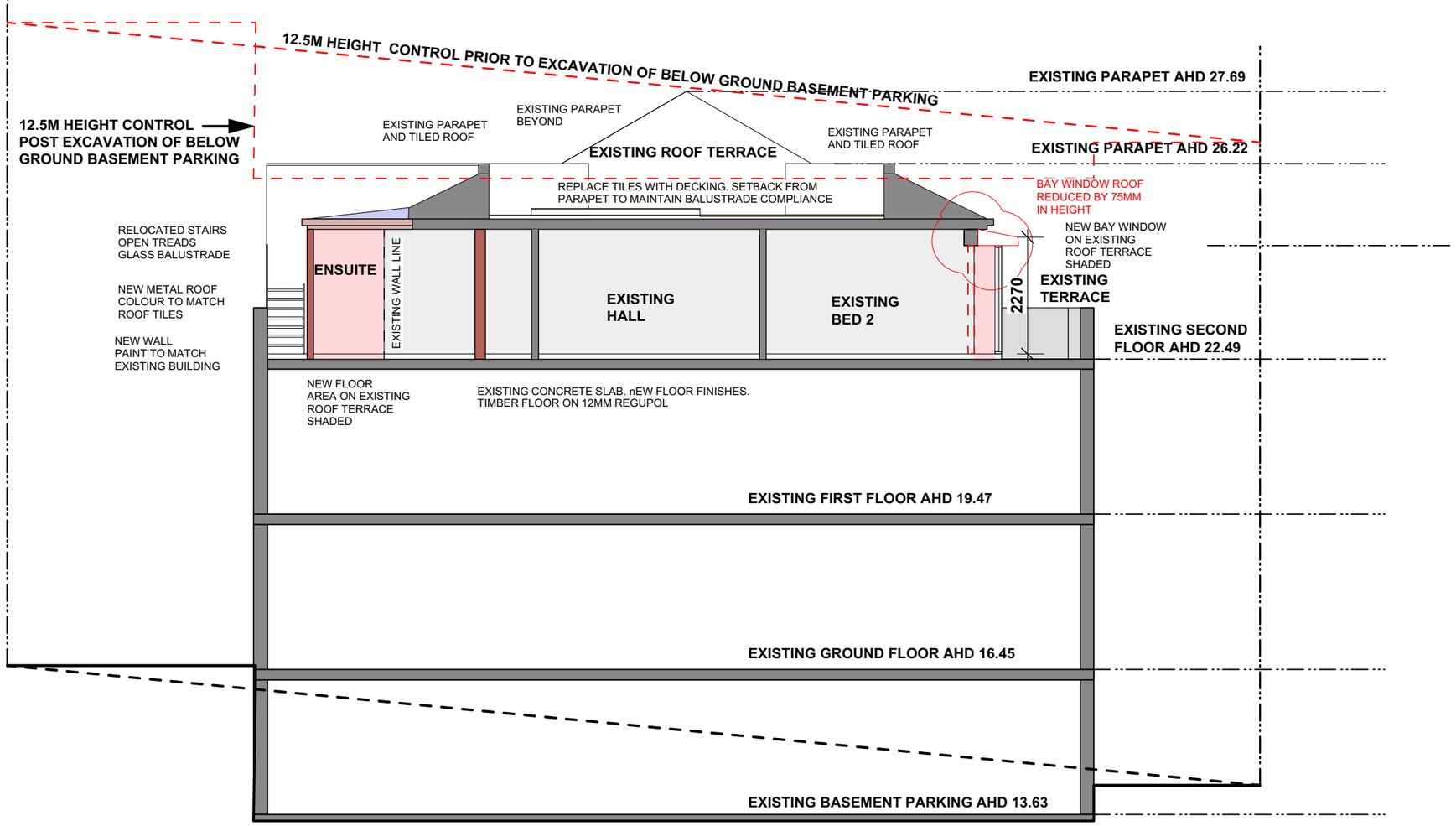
Job No	550	Dwg number	DA 10
Date	APRIL 2023	Scale 1:100 @ A3	Rev B



RECEIVED
Waverley Council

Application No: DA-351/2023

Date Received: 30/04/2024

PROPOSED SECTION AA

Scale 1:100 @ A3

REVISIONS		
NO.	DESCRIPTION	DATE
A	STAIR LOCATION AMENDED	20/3/24
B	BAY WINDOW ROOF LOWERED BY 75MM	30/4/24

DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION

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client **SARAH PLASKITT**

project **UNIT 8 / 55-57 BRIGHTON B'VDE NORTH BONDI NSW**

drawing title **SECTION**

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Job No	**550**	Dwg number	**DA 11**
Date	**APRIL 2024**	Scale **1:100 @ A3**	Rev **B**

DETAILS ADDED

EXTERNAL WINDOWS AND DOORS
HI QUALITY METALLIC CHARCOAL COLOURED POWDERCOATED ALUMINIUM

EXTERNAL STAIR DETAIL
OPEN TIMBER TREADS, GLASS BALUSTRADE, STEEL STRINGERS

REPLACEMENT PERGOLA

EXTERNAL TERRACE TILES
INDICATIVE LIGHT TO MID GREY

EXTERNAL DECKING
GRADE 1 HARDWOOD

EXTERNAL WALL COLOUR - TO MATCH EXISTING BUILDING

REVISIONS

NO.	DESCRIPTION	DATE
A	STAIR TREADS AND BALUSTRADES ADDED	30/4/24

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Waverley Council

Application No: DA-351/2023

Date Received: 30/04/2024

DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION

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ABN: 98317668095
Architects Registration: 6125

client **SARAH PLASKITT**

project **UNIT 8 / 55-57 BRIGHTON B'VDE NORTH BONDI NSW**

drawing title **EXTERNAL FINISHES**

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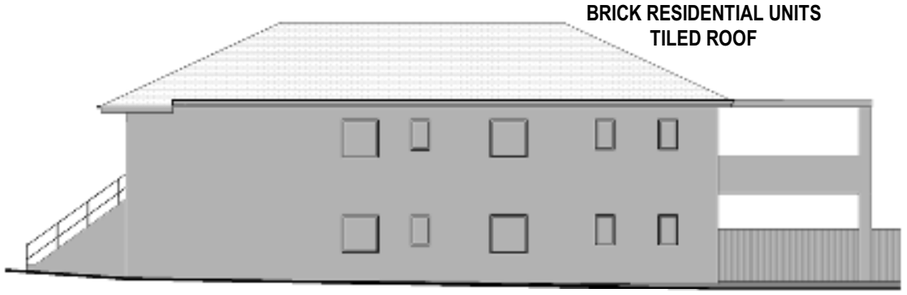
Job No	**550**	Dwg number	**DA 012**
Date	**APRIL 2024**	Scale **NTS**	Rev **A**

NORTH-WESTERN ELEVATION
NO. 59
TWO STOREY
BRICK RESIDENTIAL UNITS
TILED ROOF

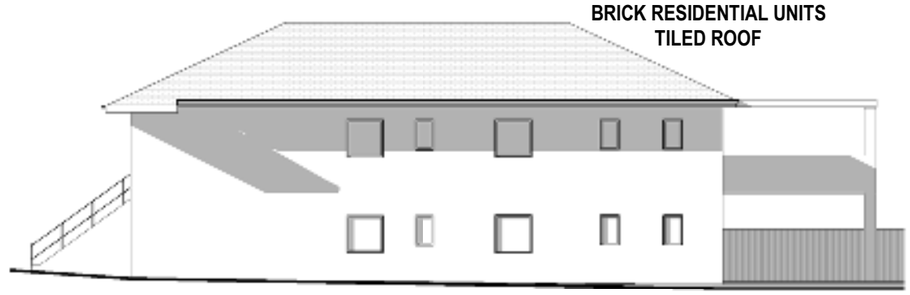


N0 59 June 21st 9.00am

NO ADDITIONAL OVERSHADOWING
(ALREADY IN FULL SHADOW)

1 : 200

NORTH-WESTERN ELEVATION
NO. 59
TWO STOREY
BRICK RESIDENTIAL UNITS
TILED ROOF



N0 59 June 21st 10.00am

NO ADDITIONAL OVERSHADOWING

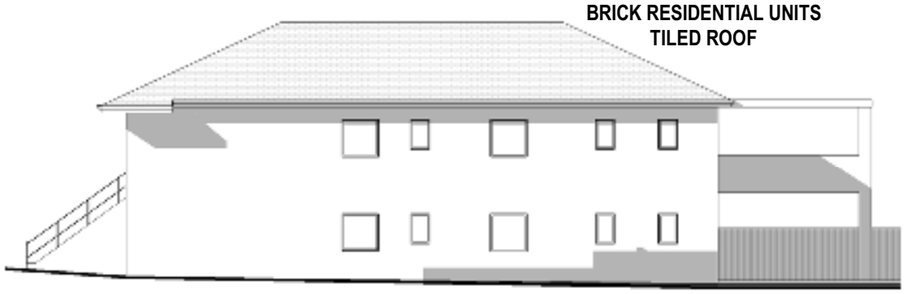
1 : 200

RECEIVED
Waverley Council

Application No: DA-351/2023

Date Received: 30/04/2024

NORTH-WESTERN ELEVATION
NO. 59
TWO STOREY
BRICK RESIDENTIAL UNITS
TILED ROOF

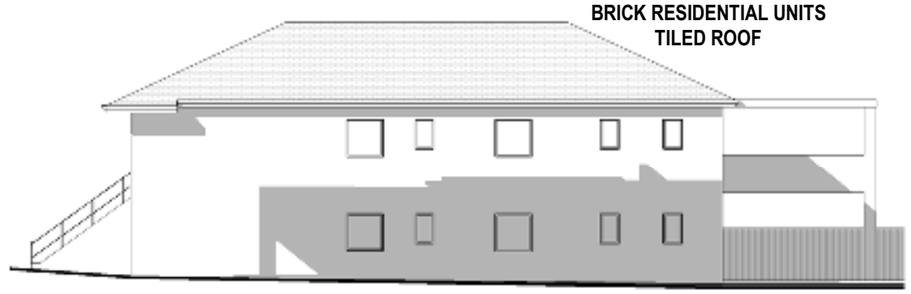


N0 59 June 21st 11.00am

NO ADDITIONAL OVERSHADOWING

1 : 200

NORTH-WESTERN ELEVATION
NO. 59
TWO STOREY
BRICK RESIDENTIAL UNITS
TILED ROOF



N0 59 June 21st 12.00pm

NO ADDITIONAL OVERSHADOWING

1 : 200

NOTE:

SHADOWS SHOWN HAVE BEEN COMPILED FROM INFORMATION FROM DETAIL & LEVEL SURVEY BY GEOGRAPHIC SOLUTIONS SURVEYORS REF NO. 5334 DATED 22/08/2023 & ARCHITECTURAL PLANS SUPPLIED BY TF ARCHITECTS JOB NO. 550 DATED MAR 2024

LEGEND:

DENOTES AREA OF EXISTING & SURROUNDING BUILDING SHADOW

DENOTES AREA OF ADDITIONAL SHADOW CAST BY ROOF OVER BAY WINDOW

Cad Draft P/L
ABN 27 083 288 153

SUITE 1, 505 BALMAIN ROAD,
LILYFIELD, NSW
P.O.BOX 446 GLADESVILLE 2111

SHADOW ANALYSIS CONSULTANTS

MOBILE: 0410 699919

info@caddraftnsw.com.au

No.	Description	Date

SHADOW DIAGRAMS:
UNIT 8 / 55-57 BRIGHTON BOULEVARDE
NORTH BONDI

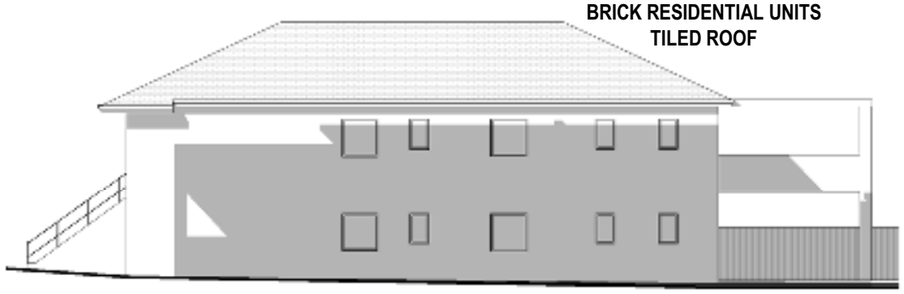
CLIENT: SARAH PLASKITT
C/- TF ARCHITECTS

No.59 Elevation June 21st 9am-12pm

Project number	23-182	A100	
Date	30-4-24		
Drawn by	KP		
Checked by	JD	Scale	1 : 200

30/04/2024 11:41:27

NORTH-WESTERN ELEVATION
NO. 59
TWO STOREY
BRICK RESIDENTIAL UNITS
TILED ROOF

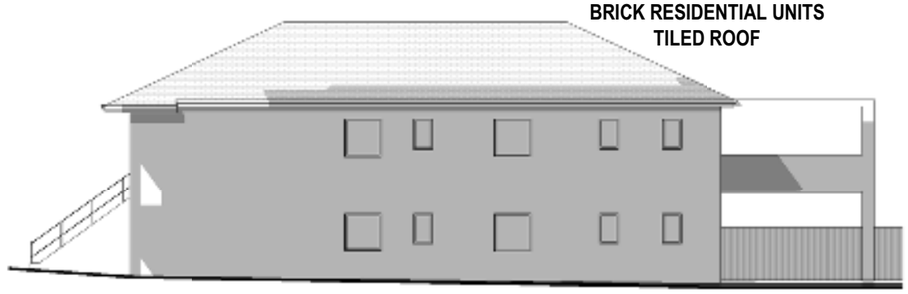


N0 59 June 21st 1.00pm

NO ADDITIONAL OVERSHADOWING

1 : 200

NORTH-WESTERN ELEVATION
NO. 59
TWO STOREY
BRICK RESIDENTIAL UNITS
TILED ROOF

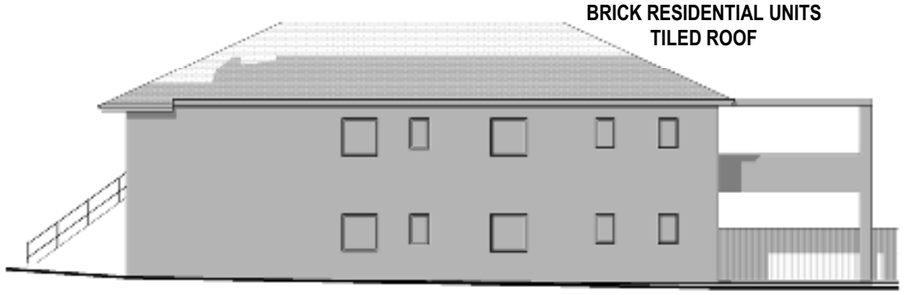


N0 59 June 21st 2.00pm

NO ADDITIONAL OVERSHADOWING

1 : 200

NORTH-WESTERN ELEVATION
NO. 59
TWO STOREY
BRICK RESIDENTIAL UNITS
TILED ROOF



N0 59 June 21st 3.00pm

NO ADDITIONAL OVERSHADOWING

1 : 200

RECEIVED
Waverley Council

Application No: DA-351/2023

Date Received: 30/04/2024

LEGEND:

DENOTES AREA OF EXISTING & SURROUNDING BUILDING SHADOW

DENOTES AREA OF ADDITIONAL SHADOW CAST BY ROOF OVER BAY WINDOW

NOTE:

SHADOWS SHOWN HAVE BEEN COMPILED FROM INFORMATION FROM DETAIL & LEVEL SURVEY BY GEOGRAPHIC SOLUTIONS SURVEYORS REF NO. 5334 DATED 22/08/2023 & ARCHITECTURAL PLANS SUPPLIED BY TF ARCHITECTS JOB NO. 550 DATED MAR 2024

Cad Draft P/L
ABN 27 083 288 153

SUITE 1, 505 BALMAIN ROAD,
LILYFIELD, NSW
P.O.BOX 446 GLADESVILLE 2111

SHADOW ANALYSIS CONSULTANTS

MOBILE: 0410 699919

info@caddraftnsw.com.au

No.	Description	Date

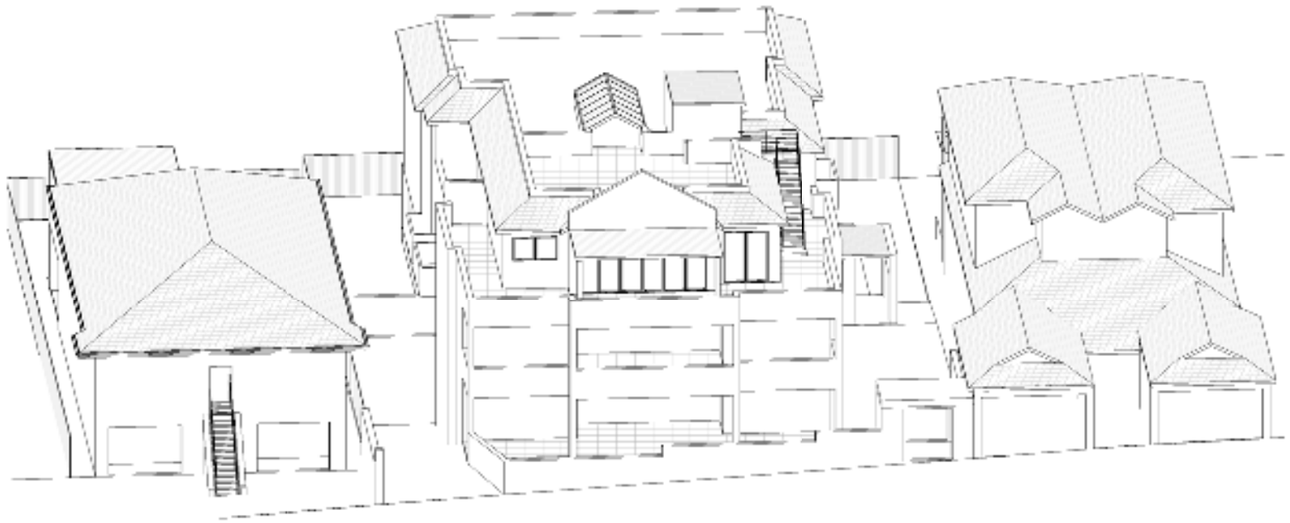
SHADOW DIAGRAMS:
UNIT 8 / 55-57 BRIGHTON BOULEVARDE
NORTH BONDI

CLIENT: SARAH PLASKITT
C/- TF ARCHITECTS

No.59 Elevation June 21st 1pm-3pm

Project number	23-182	A101	
Date	30-4-24		
Drawn by	KP		
Checked by	JD	Scale	1 : 200

30/04/2024 11:41:27



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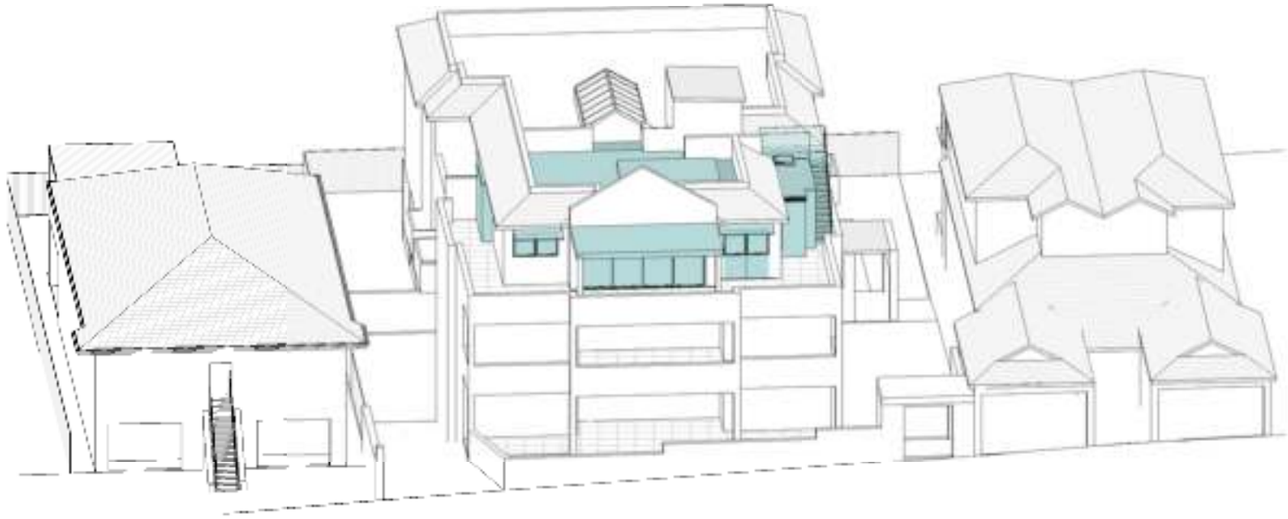
Waverley Council

Application No: DA-351/2023

Date Received: 30/04/2024

June 21st 9.00am Existing



DENOTES AREAS OF PROPOSED ADDITIONS & ALTERATIONS

June 21st 9.00am Proposed

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ABN 27 083 288 153

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SHADOW ANALYSIS CONSULTANTS

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No.	Description	Date

SHADOW DIAGRAMS:
UNIT 8 / 55-57 BRIGHTON BOULEVARDE
NORTH BONDI

CLIENT: SARAH PLASKITT
C/- TF ARCHITECTS

3D Sun Views June 21st 9.00am

Project number	23-182	A102	
Date	30-4-24		
Drawn by	KP		
Checked by	JD	Scale	1 : 200

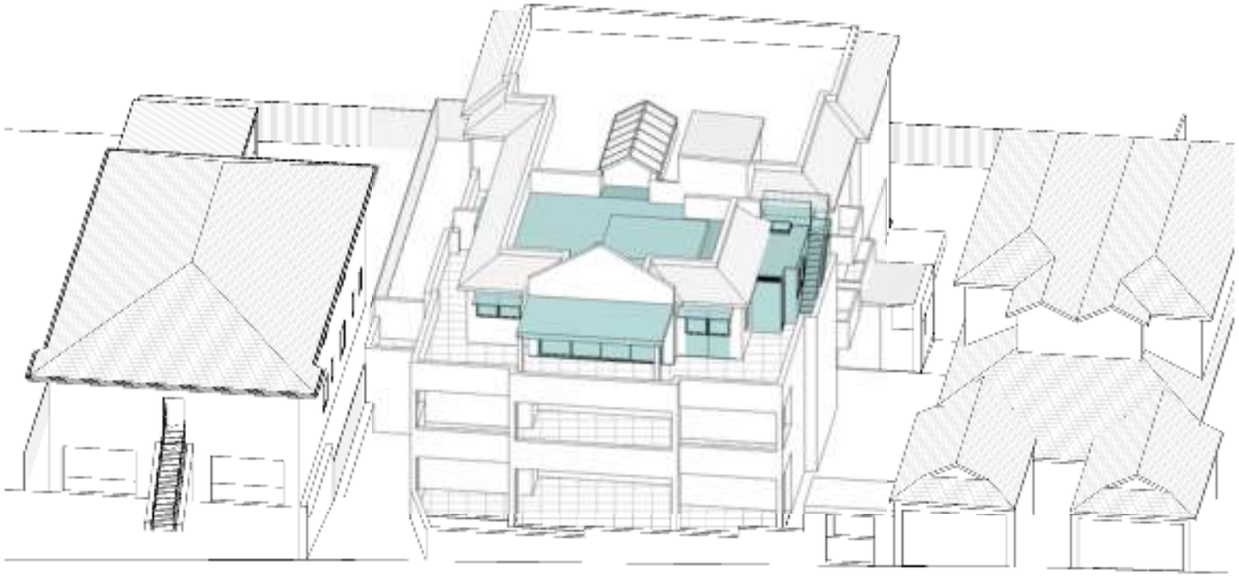
30/04/2024 11:41:28

RECEIVED
Waverley Council

Application No: DA-351/2023

Date Received: 30/04/2024

June 21st 10.00am Existing



DENOTES AREAS OF PROPOSED ADDITIONS & ALTERATIONS

June 21st 10.00am Proposed

Cad Draft P/L
ABN 27 083 288 153

SUITE 1, 505 BALMAIN ROAD,
LILYFIELD, NSW
P.O.BOX 446 GLADESVILLE 2111

SHADOW ANALYSIS CONSULTANTS

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No.	Description	Date

SHADOW DIAGRAMS:
UNIT 8 / 55-57 BRIGHTON BOULEVARDE
NORTH BONDI

CLIENT: SARAH PLASKITT
C/- TF ARCHITECTS

3D Sun Views June 21st 10.00am

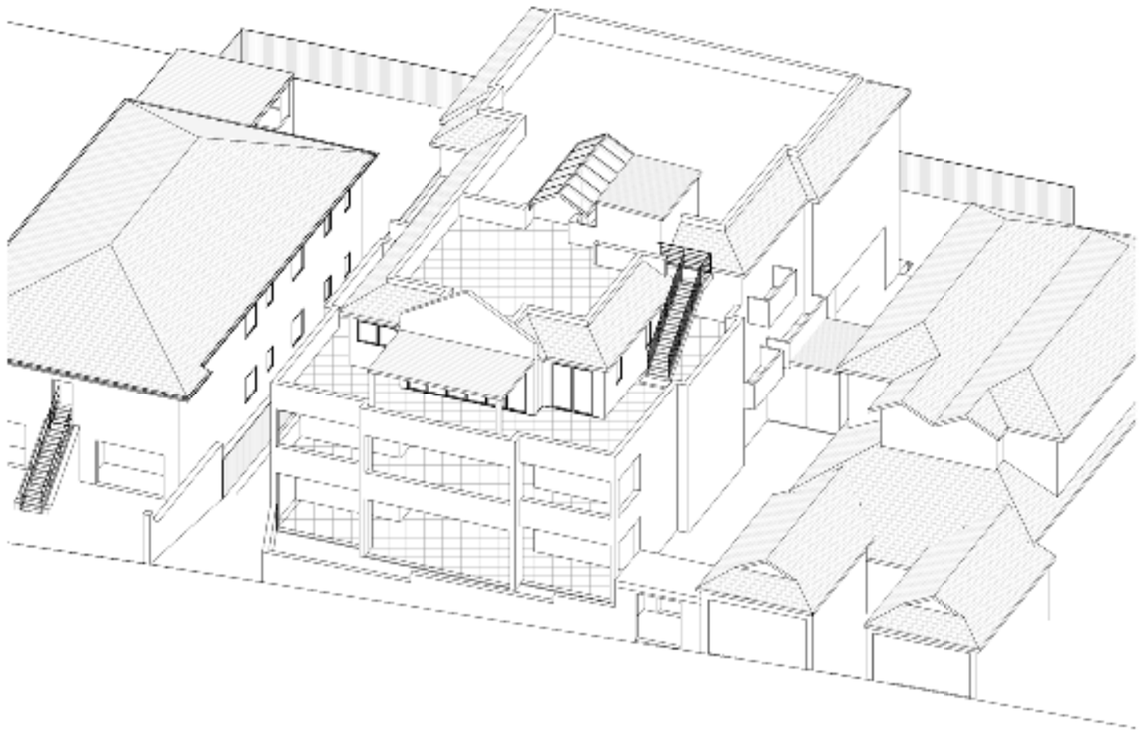
Project number	23-182	A103	
Date	30-4-24		
Drawn by	KP		
Checked by	JD	Scale	1 : 200

30/04/2024 11:41:30

RECEIVED
Waverley Council

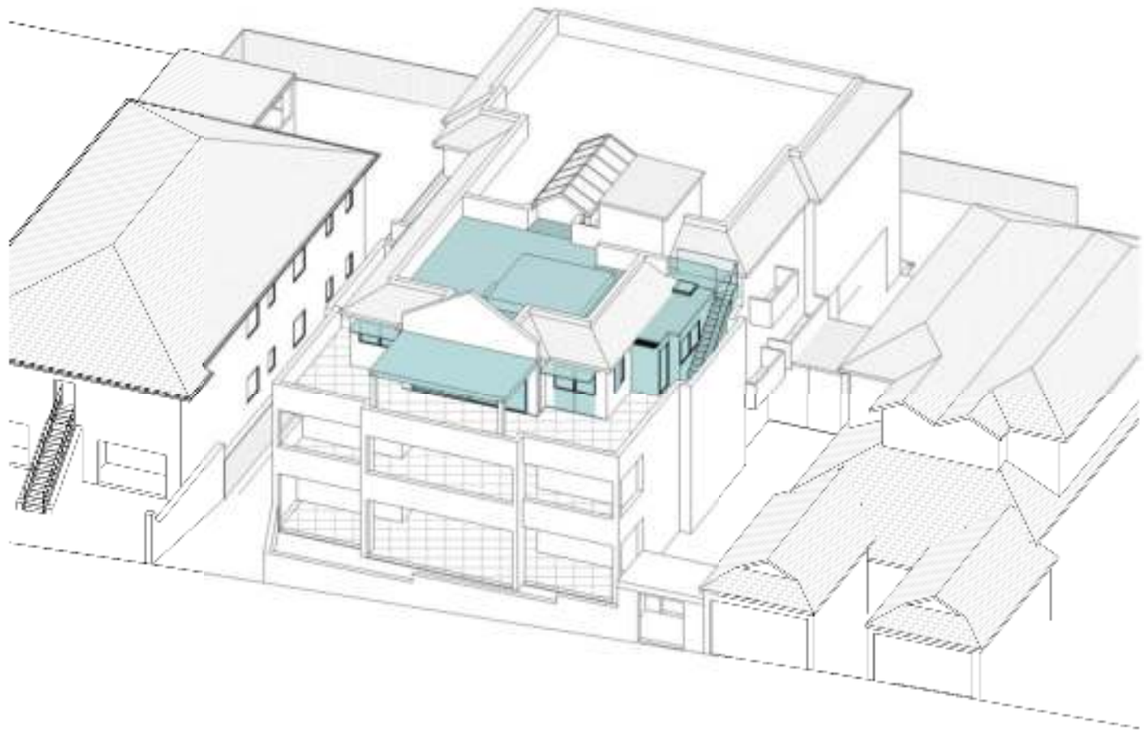
Application No: DA-351/2023

Date Received: 30/04/2024



June 21st 11.00am Existing

DENOTES AREAS OF PROPOSED ADDITIONS & ALTERATIONS



June 21st 11.00am Proposed

Cad Draft P/L
ABN 27 083 288 153

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LILYFIELD, NSW
P.O.BOX 446 GLADESVILLE 2111

SHADOW ANALYSIS CONSULTANTS

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No.	Description	Date

SHADOW DIAGRAMS:
UNIT 8 / 55-57 BRIGHTON BOULEVARDE
NORTH BONDI

CLIENT: SARAH PLASKITT
C/- TF ARCHITECTS

3D Sun Views June 21st 11.00am

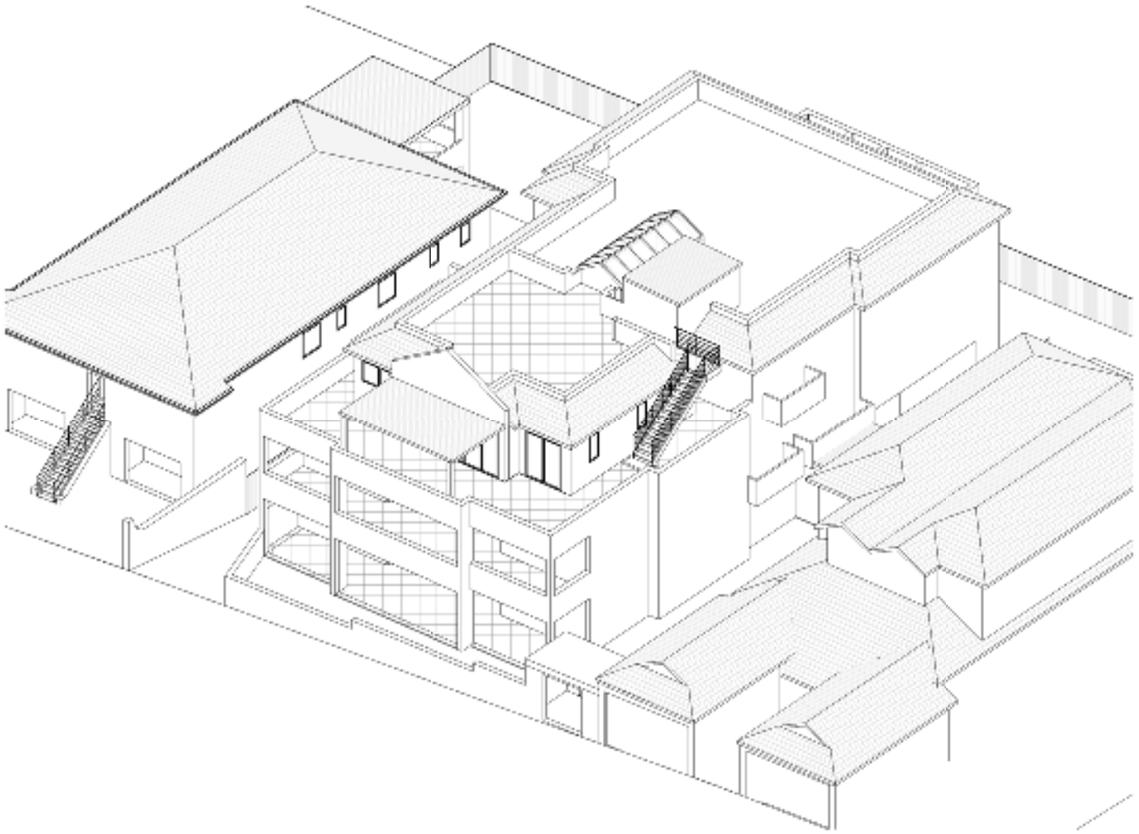
Project number	23-182	A104	
Date	30-4-24		
Drawn by	KP		
Checked by	JD	Scale	1 : 200

30/04/2024 11:41:31

RECEIVED
Waverley Council

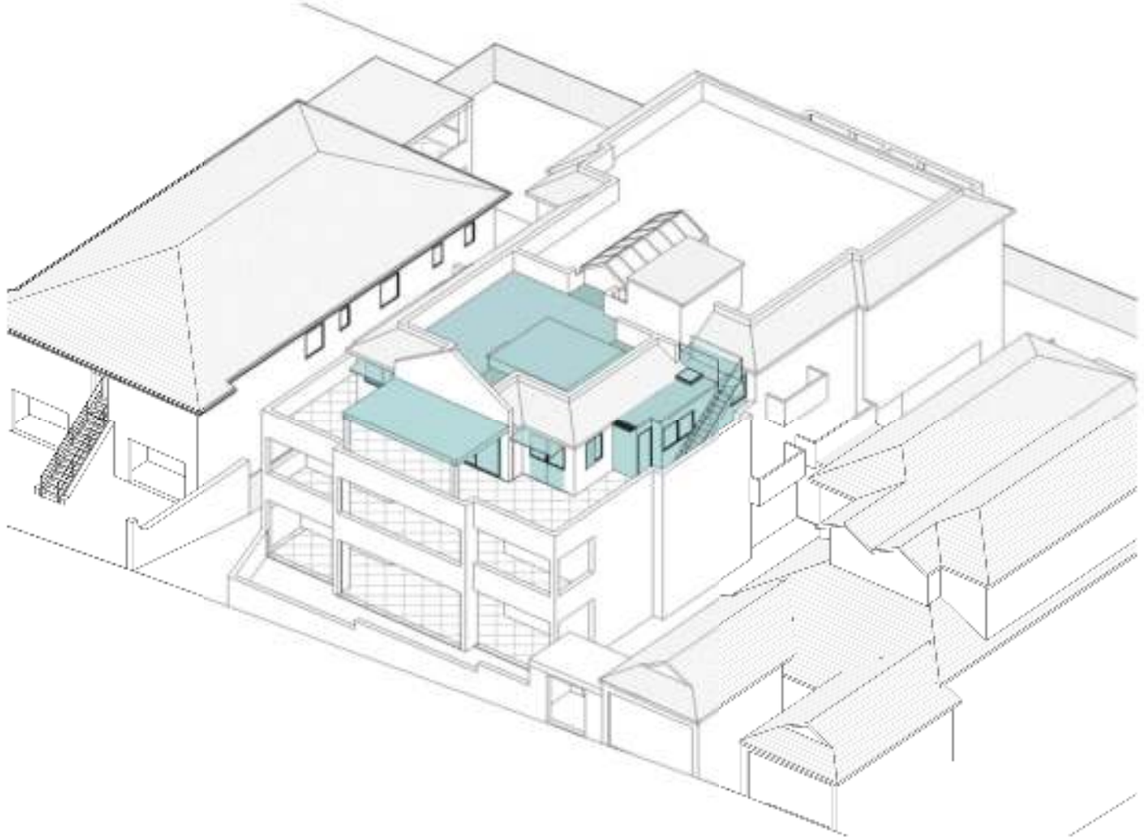
Application No: DA-351/2023

Date Received: 30/04/2024



June 21st 12.00pm Existing

DENOTES AREAS OF PROPOSED ADDITIONS & ALTERATIONS



June 21st 12.00pm Proposed

Cad Draft P/L
ABN 27 083 288 153

SUITE 1, 505 BALMAIN ROAD,
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SHADOW ANALYSIS CONSULTANTS

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No.	Description	Date

SHADOW DIAGRAMS:
UNIT 8 / 55-57 BRIGHTON BOULEVARDE
NORTH BONDI

CLIENT: SARAH PLASKITT
C/- TF ARCHITECTS

3D Sun Views June 21st 12.00pm

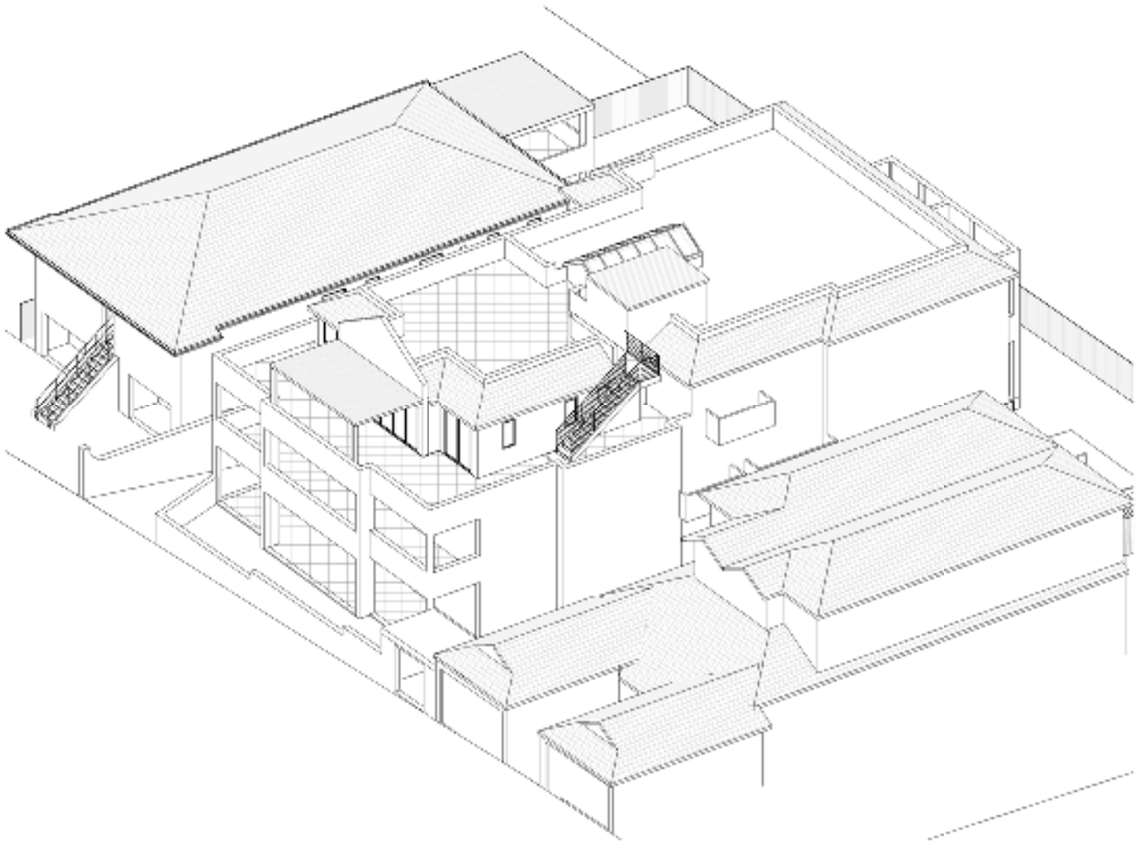
Project number	23-182	A105	
Date	30-4-24		
Drawn by	KP		
Checked by	JD	Scale	1 : 200

30/04/2024 11:41:32

RECEIVED
Waverley Council

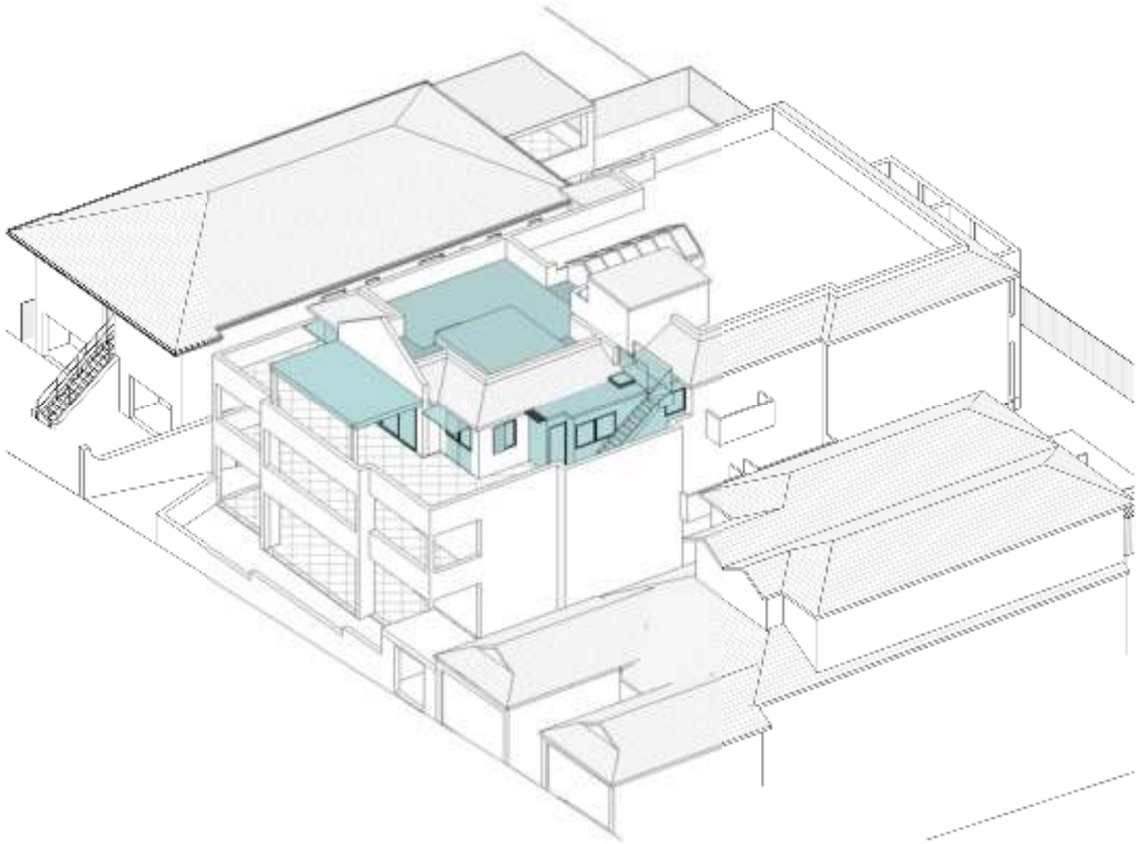
Application No: DA-351/2023

Date Received: 30/04/2024



June 21st 1.00pm Existing

DENOTES AREAS OF PROPOSED ADDITIONS & ALTERATIONS



June 21st 1.00pm Proposed

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ABN 27 083 288 153

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SHADOW ANALYSIS CONSULTANTS

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No.	Description	Date

SHADOW DIAGRAMS:
UNIT 8 / 55-57 BRIGHTON BOULEVARDE
NORTH BONDI

CLIENT: SARAH PLASKITT
C/- TF ARCHITECTS

3D Sun Views June 21st 1.00pm

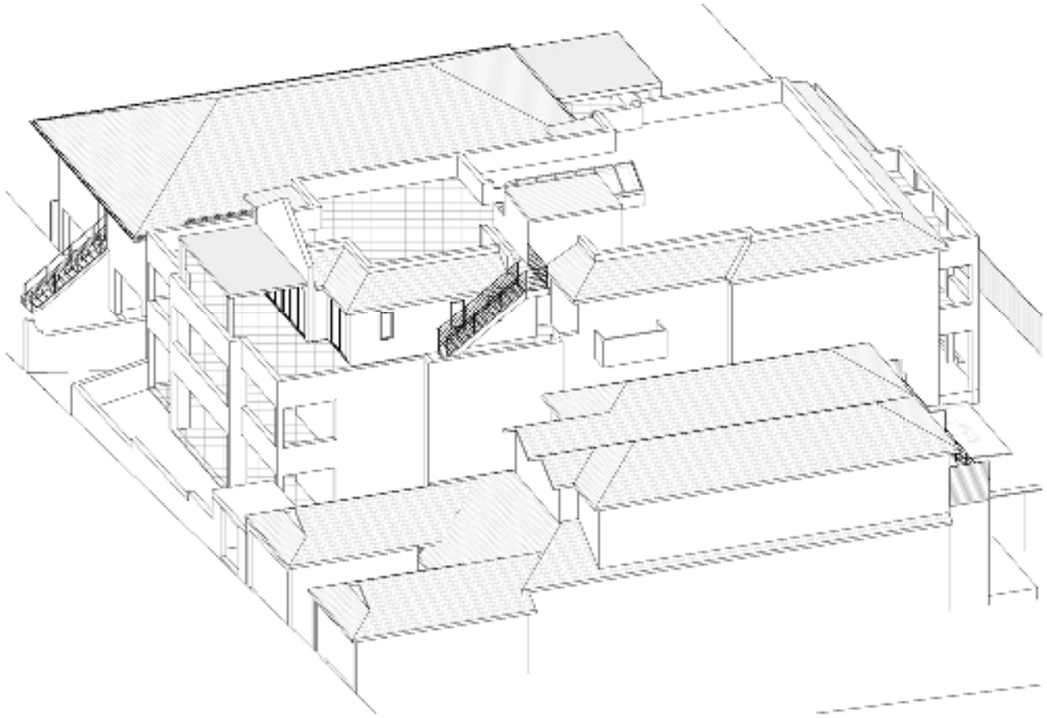
Project number	23-182	A106	
Date	30-4-24		
Drawn by	KP		
Checked by	JD	Scale	1 : 200

30/04/2024 11:41:33

RECEIVED
Waverley Council

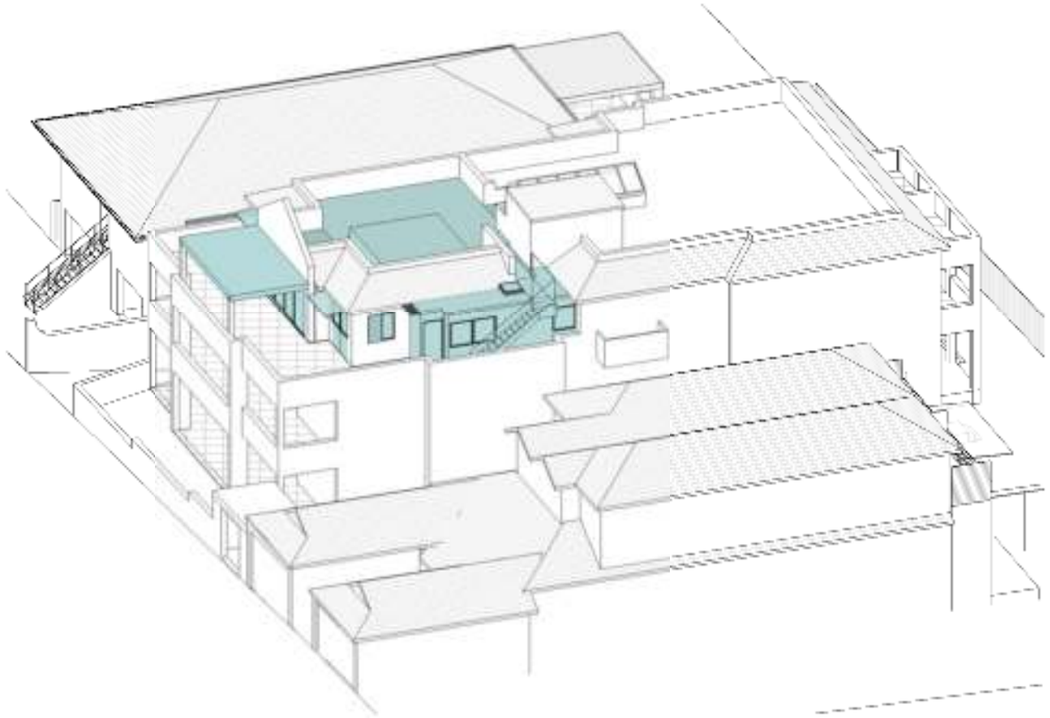
Application No: DA-351/2023

Date Received: 30/04/2024



June 21st 2.00pm Existing

DENOTES AREAS OF PROPOSED ADDITIONS & ALTERATIONS



June 21st 2.00pm Proposed

Cad Draft P/L
ABN 27 083 288 153

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SHADOW ANALYSIS CONSULTANTS

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No.	Description	Date

SHADOW DIAGRAMS:
UNIT 8 / 55-57 BRIGHTON BOULEVARDE
NORTH BONDI

CLIENT: SARAH PLASKITT
C/- TF ARCHITECTS

3D Sun Views June 21st 2.00pm

Project number	23-182	A107	
Date	30-4-24		
Drawn by	KP		
Checked by	JD	Scale	1 : 200

30/04/2024 11:41:34

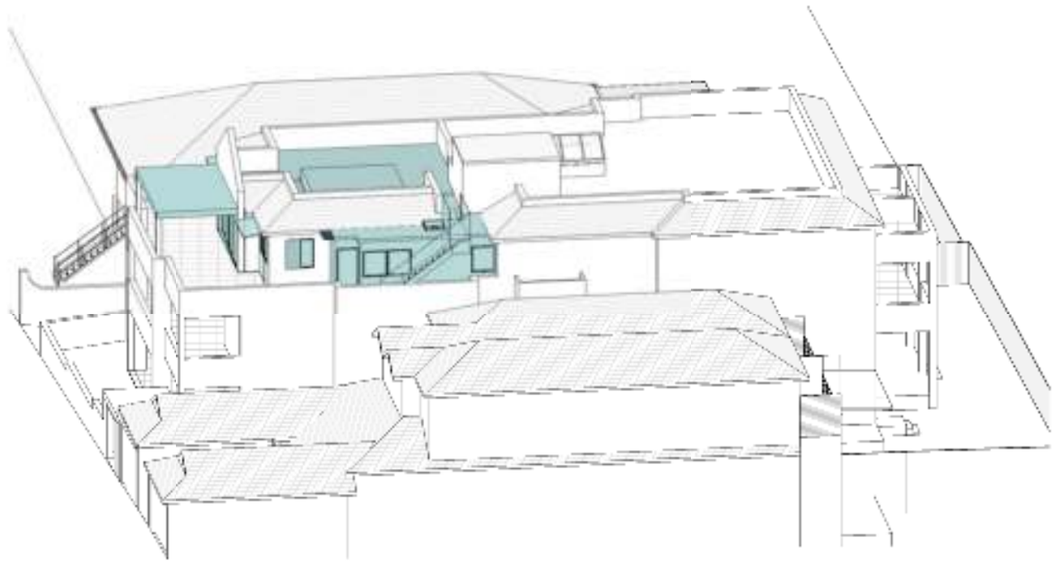
RECEIVED
Waverley Council

Application No: DA-351/2023

Date Received: 30/04/2024

June 21st 3.00pm Existing

DENOTES AREAS OF PROPOSED ADDITIONS & ALTERATIONS



June 21st 3.00pm Proposed

Cad Draft P/L
ABN 27 083 288 153

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LILYFIELD, NSW
P.O.BOX 446 GLADESVILLE 2111

SHADOW ANALYSIS CONSULTANTS

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No.	Description	Date

SHADOW DIAGRAMS:
UNIT 8 / 55-57 BRIGHTON BOULEVARDE
NORTH BONDI

CLIENT: SARAH PLASKITT
C/- TF ARCHITECTS

3D Sun Views June 21st 3.00pm

Project number	23-182	A108	
Date	30-4-24		
Drawn by	KP		
Checked by	JD	Scale	1 : 200

30/04/2024 11:41:35

Report to the Waverley Local Planning Panel

Application number	DA-369/2023 – PAN-394509
Site address	7 Park Parade, BONDI
Proposal	Demolition and construction of a part two, part three storey, semi-detached dwelling development with integrated parking, inground swimming pools and Torrens Title subdivision
Date of lodgement	8 December 2023
Owner	JLXZ Holdings Pty Limited
Applicant	Stephen O'Connor Architecture
Submissions	One submission
Cost of works	$3,080,000
Principal Issues	• Non-compliance with the floor space ratio development standard • Non-compliances with Waverley Development Control Plan 2022
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 (DA) seeks consent for the demolition of an existing dwelling and construction of two x part two, part three storey semi-detached dwellings with integrated parking, each with swimming pools to the rear and Torrens Title subdivision into two lots at the site known as 7 Park Parade, Bondi.

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

- Non-compliance with the floor space ratio (FSR) development standard of *Waverley Local Environmental Plan 2012* (Waverley LEP 2012).
- Non-compliances with *Waverley Development Control Plan 2022* (Waverley DCP 2022).

The assessment finds these issues acceptable. The proposal is for a semi-detached dwelling development of a similar bulk and scale to surrounding development which significantly upgrades the residential amenity and appearance of the site. The proposal has been amended since it was first submitted to reduce the overall visual bulk and scale and increase solar access to surrounding properties to ensure no additional unreasonable amenity impacts result.

One unique submission was received in relation to the proposal. The issues raised in the submission have been considered and addressed in this report and in the Recommendation.

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.

1.2. Site and Surrounding Locality

A site visit was carried out on 27 May 2024.

The site is identified as Lot 29 in DP 561, known as 7 Park Parade, Bondi.

The site is rectangular in shape with a western frontage to Park Parade and rear boundary both measuring 12.495m, and a length of 40.59m at the northern and southern side boundaries. It has an area of 503.3m^2 and falls from the west (front) to the east (rear) by approximately 3.65m.

The site is occupied by a two-storey brick and tile detached dwelling-house with vehicular access provided from Park Parade to a garage which can accommodate two cars. Two car spaces can also be accommodated on the hard stand area within the front setback of the existing dwelling. Two large palm (*Phoenx canariensis*) trees are located in the rear yard of the subject site.

The site is adjoined by semi-detached dwellings to the north at Nos. 5 to 6 Park Parade and a residential flat building (RFB) to the south at No.8 Park Parade. Waverley Park and the Margaret Whitlam Community Centre is located on the opposite side of Park Parade. The locality is characterised by a variety of low to medium density residential development with Bondi Junction commercial centre located approximately 700m to the north-west of the site.

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

Figure 1: View towards the subject site.

Figure 2: View towards the front of the dwelling showing the existing garage structure.

Figure 3: View looking north-east showing the streetscape context.

Figure 4: View looking south-east showing the streetscape context.

Figure 5: View looking south-west towards the rear of the site

Figure 6: View looking south-east at the rear of 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:

- **BA-76/1998** to construct a timber deck and pergola was approved on 10 March 1998.
- **CD-26/2014** for the installation of a new window and internal alterations was approved on 7 April 2014.
- **DA-35/2022** for the partial demolition of the existing dwelling and the construction of two semi-detached dwellings each with swimming pools to the rear and Torrens Title subdivision into two lots was refused on 27 April 2022. This application was refused due to the non-compliances with the height and FSR development standards, non-compliance with various controls of the previous Waverley Development Control Plan 2012 and the unreasonable impacts on the amenity of neighbouring properties.

1.4. Proposal

The DA seeks consent for the demolition of an existing dwelling and construction of two x part two, part three storey semi-detached dwellings with integrated parking, each with swimming pools to the rear and Torrens Title subdivision into two lots, specifically involving the following:

Demolition

- Demolition of all structures; and
- Excavation.

Construction for Each Dwelling

Lower Ground Floor

- Open plan living, dining and kitchen;
- Study;
- Laundry;
- Internal stairs, lift and plant room;
- In-ground lap pool; and
- Landscaping.

Ground Floor

- Tandem style parking with a single space garage;
- Dual driveway crossover;
- Master bedroom with bathroom and walk in robe;
- Internal stairs and lift; and
- Void to the lower ground floor below.

First Floor

- Three secondary bedrooms;
- Internal stairs and lift;
- Bathroom;

- Void to the lower ground floor below; and
- Rear balcony.

The proposed overall height of the building is to RL 93.74. The material palette consists of natural unrendered bricks with metal roofing and fixed timber batten screens. A landscaping plan has also been submitted which indicates extensive landscaping to the front and rear private open space areas. Subdivision of the existing single lot into two Torrens Title lots is also proposed.

Figure 7: Three-dimensional image of the proposed semi-detached development viewed from Park Parade.

Figure 8: Three-dimensional image of the proposed semi-detached development viewed from the rear.

1.5. Background

The development application was lodged on 4 December 2023 and a Stop the Clock letter sent on 13 December 2023 to request additional information in regards to privacy measures, gross floor area (GFA) calculations and internal amenity impacts. Amended plans were lodged on 20 December 2023.

The application was then notified from 21 December 2023 to 25 January 2024. The application was deferred on 11 January 2024 for the following reasons:

1. Non-compliant FSR and inaccurate assessment against Clause 4.4A of the Waverley LEP 2012.
2. Extent of excavation proposed and the requirement for a Geotechnical Report to be submitted.
3. Overshadowing impacts on neighbouring properties.
4. Non-compliant side and rear setbacks.
5. Landscaping and tree removal.

Amended plans were received on 19 April 2024 to address the issues raised in the deferral letter. A further set of amended plans were lodged on 5 June 2024 to address some administrative errors. The plans dated 5 June 2024 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 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 LEP 2012

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the LEP.

Provision	Compliance	Comment
Part 2 Permitted or prohibited development		
2.6 Subdivision – consent requirements	Yes	The application seeks consent for Torrens Title subdivision as part of this proposal.
Land Use Table R3 Medium Density Residential Zone	Yes	The proposal is defined as a semi-detached development once subdivision has taken place, which is a permitted land use with consent in the R3 zone.
Part 4 Principal development standards		
4.1 Minimum subdivision lot size • 232m^2	Yes	The proposed lot sizes are 251.65m^2 each.
4.3 Height of buildings • 9.5m	Yes	An overall height of 9.5m is proposed. The height has been checked against the Survey data.
4.4 Floor space ratio Lot size: 503.3m^2 • 0.6:1 or 301.98m^2	No	0.824:1 or 415.16m^2 being a 37.5% exceedance (when applying Clause 4.4). **Note:** The proposal is compliant with the FSR development standard when applying Clause 4.4A which would be applicable under the Draft Waverley LEP which has recently been on exhibition – see further discussion below this table).
4.5 Calculation of Floor Space Ratio and Site Area	Yes	The proposed development has been assessed by calculation of the FSR over the parent lot in accordance with this Clause.
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		
6.2 Earthworks	Yes	The proposal includes excavation to accommodate the proposed development. A Geotechnical Report has been provided with the application which is referenced in the consent conditions. The excavation is considered acceptable as discussed in more detail in Section 2.1.3 of this report. All standard excavation conditions are included in the recommended conditions.
6.15 Stormwater Management	Yes	Council's Stormwater Engineer has reviewed the proposal and raised no objection, subject

Provision	Compliance	Comment
		to conditions that have been included in the recommendation.

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

Clause 4.6 Exceptions to Development Standards

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

The site is subject to a maximum FSR development standard of 0.6:1 or 301.98m^2. The proposed development has a FSR of 0.824:1 or 415.16m^2 exceeding the standard by 113.18m^2 equating to a 37.5% 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.

<u>Applicant's Written Request - Clause 4.6(3)(a) and (b)</u>

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:

- *Compliance with the floor space ratio development standard is considered to be unreasonable and unnecessary as the objectives of that standard are achieved for the reasons set out in this Statement.*
- *Notably, under Clause 4.6(4)(a)(ii) a consent authority must now be satisfied that the contravention of a development standard will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out. Clause 4.6(4)(a)(ii) is addressed below.*

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

- *The FSR variation under Clause 4.4 of WLEP 2012 for the 'parent' and semi-detached dwelling allotments (both 37.5%) is a technical variation based on the current interpretation of Clause 4.4A of WLEP 2012 which does not include semi-detached dwellings. Based on Clause 4.4, both the parent lot and subdivided lots will result in a variation of 37.5% on the FSR development standard.*

- *This variation (37.5%) is less than the existing dwelling-house (407m^2) to which Clause 4.4A requires a maximum FSR of 0.55:1 (276.8m^2) and results in a variation of 130.18m^2 or 47%. That is, the proposed development (415.16m^2 for parent lot) is only marginally greater than the existing dwelling it replaces (407m^2) but provides for the following planning benefits:*

    a. *The proposed development will increase the density of the site in a highly accessible location close to parts, shops and public transport;*

    b. *The proposed development will significantly improve streetscape appearance by removing the high fence and carparking that dominate the frontage and replace it with integrated parking and additional landscaping not currently provided;*

    c. *The proposed development will result in a building envelope that is comparatively smaller than the existing and will therefore provide improvements to solar access, privacy and sense of enclosure despite the numerical variations. These are benefits that will not be realised without a variation to the FSR development standard.*

- *The variation to the "parent" lot will only be applicable until the approval and registration of the subdivision, when each of the semi-detached dwellings will have a GFA of 207.58m^2 which equates to an FSR of 0.824:1. Upon gazettal of the changes to Clause 4.4A of WLEP 2012 and the Torrens Title subdivision of the site, the proposed semi-detached dwellings would be required to comply with an FSR of 0.828:1 for each allotment based on a lot size of 251.65m^2 per lot. As each lot will provide an FSR of 0.824:1, the subdivided allotment will comply with the future provision of Clause 4.4A of WLEP 2012 which can be given some, albeit limited weight, in the consideration of the subject application.*

- *Despite the technical variation to the FSR development standard, the proposed development achieves a high level of compliance with the core building envelope controls that are applicable to the subject site and the development. The proposed semi-detached dwellings are compliant with the height of buildings development standard under WLEP 2012, compliant with the front and rear setbacks, landscaped area and deep soil controls in WDCP 2022. Accordingly, the scale and form of development achieved on site is consistent with that anticipated by the planning controls that are applicable to the site, despite the technical variation to the FSR development standard.*

- *The proposed technical FSR variation enables a semi-detached dwelling development on the site that is compatible with the character and appearance of the streetscape and will not give rise to any adverse impacts on neighbouring properties. In this regard, the additional GFA can be wholly attributed to the lower ground floor level for both the parent and subdivided lots which is located partially below ground level and below street level. That is, the topography of the site is such that the additional GFA can be accommodated as the building steps down the slope. The proposed development has sought to address concerns with the previous development by scaling down the development, reducing areas of voids and utilising the space more effectively. While some voids are still retained, they are significantly smaller, providing light and volume only where necessary and ultimately achieves a more appropriate scale and form.*

- *Notwithstanding the FSR variation the proposal will deliver a form of development that is less intrusive upon the building to the south, providing some increases in solar access compared to the existing dwelling on the site. This indicates that through good design an increased floor area can be accommodated without impacting upon the neighbour's amenity. In fact, the proposed development improves the solar access for No. 8 Park Parade which will not be realised unless the proposed development is approved and constructed.*

- *It is considered that there is an absence of any significant material impacts of the proposed non-compliance on the amenity of the environmental values of the locality, the amenity of future building occupants and on area character. Specifically, the extent of variation with the FSR development standard is entirely appropriate because:*

  a. *The breach to the FSR creates no adverse overshadowing to neighbouring properties given the proposed development complies with the solar access control in WDCP 2022. The proposal will result in a net improvement of solar access to the apartments at No. 8 Park Avenue, especially to the primary living areas at the eastern end of the building despite the FSR variation. Therefore, the additional overshadowing when compared to the existing development is insignificant or nil.*
  b. *The breach to the FSR does not give rise to any adverse visual or acoustic privacy impacts on neighbouring properties. The visual and acoustic privacy created by the FSR breach for the site would not be substantially different to the existing or a compliant development (which will be achieved once the land is subdivided and amendments to Clause 4.4A gazetted). The dwellings have been designed to retain neighbours' privacy with the majority of windows located to the front and rear boundaries. The living areas and private open spaces are located at lower ground level to ensure there are no adverse overlooking or aural privacy issues that arise from the scale and form of the development; and*
  c. *The breach to the FSR does not have any adverse impacts on public or private views. No significant or iconic views are available through the site and the development will not adversely impact the outlook of neighbouring properties. Therefore, any additional view loss when compared to a compliant development is nil.*

- *The proposed development meets the objectives of the development standard and meets the objectives of the R3 Medium Density Residential zone.*

- *The proposed development achieves the objects in Section 1.3 of the EPA Act, specifically:*

  a. *The proposal promotes the orderly and economic use and development of land through the redevelopment of an underutilised site for two family sized residential semi-detached dwellings (1.3(c)); and*

  b. *The proposed development promotes good design and amenity of the built environment through a well-considered design which is responsive to its setting and context (1.3(g)).*

- *The FSR variation facilitates an arrangement of floor space on the site in a manner that is effective in providing high levels of amenity to occupants of the development without impacting the amenity of neighbouring properties. Insistence on compliance with the FSR standard would result in the removal of the first floor level for each dwelling which is a disproportionate response*

to the impacts created by the proposal, especially when the subdivided site will comply upon gazettal of the amendment to Clause 4.4A of WLEP 2012.

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.

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) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. The applicant has provided sound justification establishing that the proposal is consistent with the objectives of the FSR development standard and the zoning.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. The proposed development will have an appropriate bulk, scale and height within the streetscape, providing a building commensurate with surrounding properties. Surrounding buildings are typically two to three storey structures of a commensurate bulk and scale as the proposed development, presenting as two storeys at the property frontage and increasing to three storeys at the rear where these sites slope downwards. The properties immediately to the north of the subject site at Nos.5 and 6 Park Parade comprise a large part two, part three storey semi-detached dwelling development. The building to the south at No.8 Park Parade is a part two, part three storey RFB. Development immediately to the east at the rear of the site, with their frontage to Bennett Street, comprises of predominantly three storey residential flat buildings.

As noted above, the building has been designed to provide an appropriate transition between the dwellings to the north of the site and the residential flat buildings to the south. Objective (d) of the FSR development standard requires that the overall FSR of the development 'preserves' the amenity of surrounding properties. In order for the proposal to be consistent with objective (d) it must 'preserve' the amenity of surrounding properties, however there is no requirement to improve amenity.

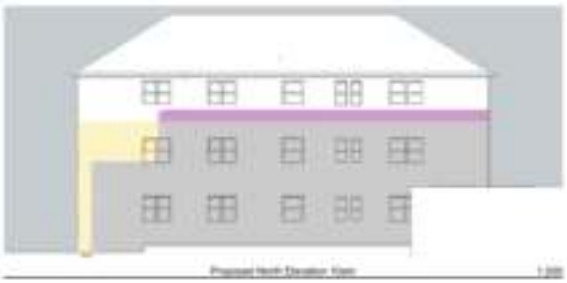
The relevant amenity impact that results from the proposal is overshadowing. Shadow diagrams have been provided in plan and elevational form. The additional shadows affect only a small part of the wall of the adjoining residential flat building to the south at No.8 Park Parade. Whilst some shadow will fall on the property to the south, this is considered to be minor additional overshadowing with this site also experiencing some solar gain as a result of the replacement building, which does not extend as far back into the subject site as the existing dwelling.

Overshadowing impacts

Shadow diagrams have been provided in plan and elevational form based on the hour from 9am up until 3pm for the winter solstice. An assessment of the shadow impact is detailed below. Note that the area of existing shadow is shown in grey, the area of reduced shadow is shown in purple and the area of proposed solar gain is shown in yellow (refer to full set of shadow diagrams submitted as part of the Architectural package). The extent of impact is generally to the adjoining property to the south given the east-west orientation of the allotment. It is noted, however, that given the subject building is proposed to not extend as far back into the site as the existing dwelling, there is a notable increase in solar access gain to this property to the south.

9am, 10am and 11am on 21 June (Winter Solstice)

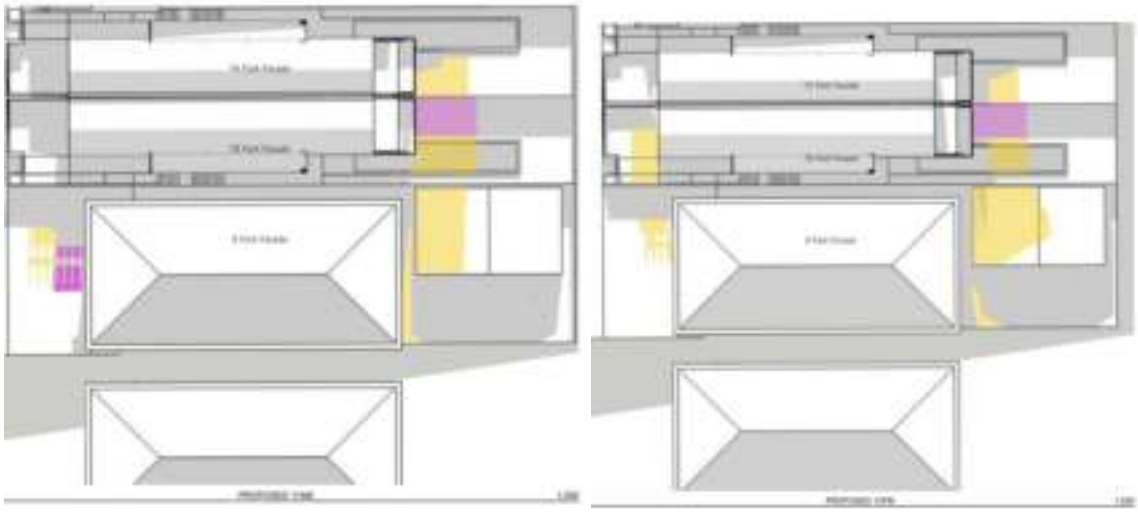
Figures 9 to **11** demonstrate shadow impacts at 9am, 10am and 11am for the winter solstice. Where the shadow falls on the neighbouring building to the south at 9am and 10am a small portion of shadow falls to the base of the upper most storey windows. Notably is the solar gain to the rear first floor windows.



Figures 9, 10 and 11: 9am, 10am and 11am elevational shadow to No.8 Park Parade.

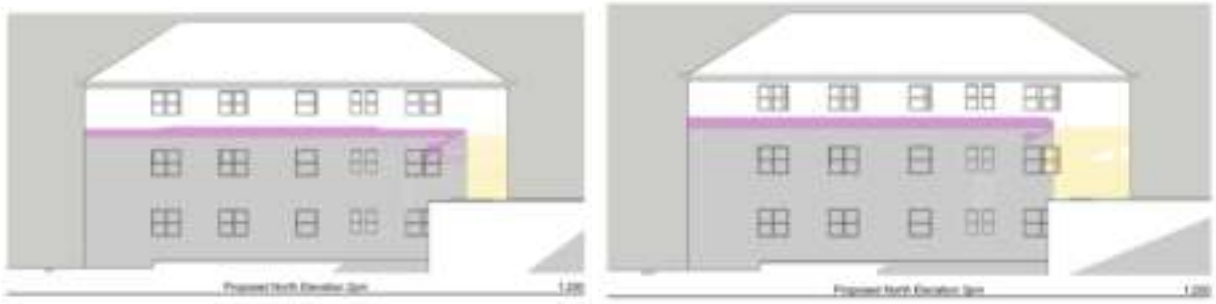
Figures 12 and 13: 12pm and 1pm elevational shadow to No.8 Park Parade.

In regards to **Figures 12** and **13**, the shadow impact falls on the wall of No.8 Park Parade during these times. Notably, there is an area of solar gain along this elevation at 12pm (shown in yellow).



Figures 14 and 15: 11am and 12pm Shadow Impact in Plan to No.8 Park Parade.

In regards to **Figures 14** and **15**, notably, there is an area of solar gain to the rear area of open space of No.8 Park Parade from 11am to 12pm.



Figures 16 and 17: 2pm and 3pm elevational shadow to No. 8 Park Parade.

The shadow impact during this period identified in **Figures 16 and 17** above primarily falls on the wall of No.8 Park Parade. Notably, there is an area of solar gain to a north facing window at 3pm (shown in yellow).

Whilst the subject development does result in minor additional overshadowing, there would be no loss or reduction in amenity received at No.8 Park Parade internally to habitable areas or to rear useable private open space areas. As noted above, there is a notable increase in solar access gain to the neighbouring property to the south. The proposed development will also maintain compliance with the solar access controls of Waverley DCP 2022.

<u>Conclusion</u>

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

because it is consistent with the objectives of the FSR development standard and the R3 Medium Density Residential zone.

2.1.3. Amendment to Waverley LEP 2012 – Clause 4.4A – Floor Space Ratio

A Planning proposal to amend Clause 4.4A of the Waverley LEP 2012 is currently on public exhibition from 10 May 2024 until 7 June 2024.

This Planning Proposal seeks to update the Waverley LEP 2012 by amending Clause 4.4A 'Exceptions to floor space ratio' to clarify the residential accommodation typologies to which the clause was always intended to apply. This Planning Proposal amendment applies to all land zoned R2 Low Density Residential, R3 Medium Density Residential and R4 High Density Residential.

This Planning Proposal seeks to amend Clause 4.4A 'Exceptions to floor space ratio' of the Waverley LEP 2012 by adding the following **bolded text** to the existing clause:

> *Despite clause 4.4, the maximum floor space ratio for a dwelling house,* ***attached dwelling, semi-detached dwelling*** *or dual occupancy on land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone R4 High Density Residential is as follows—*
> *(a) for lots with an area less than 100 square metres—1:1,*
> *(b) for lots with an area of 100 square metres to 550 square metres—[[(550 − lot area) × 0.0011] + 0.5]:1,*
> *(c) for lots with an area greater than 550 square metres—0.5:1.*

This change has been proposed because it is reasonable for the added building types to have a similar scale as a dwelling house or dual occupancy. The addition of semi-detached and attached dwellings in Clause 4.4A is not expected to create any additional impacts on the existing R2, R3 and R4 residential zoned land beyond how the clause has been operating since the introduction of the Waverley LEP in 2012.

Following public exhibition and the review of submissions to the planning proposal, Council will seek to formally adopt the draft amendment. In accordance with Section 4.15(1)(a)(ii) of the *Environmental Planning and Assessment Act 1979*, in determining a development application, a consent authority is to take into consideration "*any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority".*

Once adopted, the application of Clause 4.4A will be applicable to the subject semi-detached dwelling proposal. This enables the calculation of the floor space ratio based on the above equation, enabling a FSR over each new subdivided lot of 0.828:1 or 208.42m^2. Based on the application of Clause 4.4A to semi-detached dwellings as enabled under the currently exhibited amendment to the LEP, the proposed development would be compliant with the FSR development standard, with an FSR of 0.824 proposed, and a submission and assessment under Clause 4.6 of the Waverley LEP 2012 would not be required.

2.1.4. Waverley DCP 2022

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

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

Development Control	Compliance	Comment
1. Waste • *Garbage bins are to be stored in an appropriate location.*	Yes	Satisfactory
2. Ecologically Sustainable Development • *Ceiling or wall mounted fans* • *Gas cooktops, gas ovens or gas internal space heating systems.*	Yes No (condition)	The plans do not show that gas appliances will be installed. A condition is recommended to address this issue.
3. Landscaping, Biodiversity and Vegetation Preservation	No (condition)	The property lies within the identified habitat corridor. Under the DCP Section 3.3.2 (a), a minimum of 50% of the proposed trees, 50% of the shrubs and 50% of the grasses and groundcovers (not including turfed areas) are to be indigenous or local native plants listed in Annexure B3-1. The approval recommendation has been conditioned to comply with the above control.
5.Water Management	Yes	Satisfactory
7. Transport **7.1 Streetscape** **7.2 On-Site Parking** **7.2.1 Vehicle Access** **7.2.2 Parking Rates** Minimum parking rate: • Nil Maximum parking rate: • Two	 Yes Yes Yes Yes	The off-street parking is acceptable. The subject site is located within Parking Zone 2 The driveway crossover is acceptable (See further discussion below under the Referrals section of this report). The development provides two off-street parking spaces per dwelling which complies with the development control.
11. Design Excellence	Yes	The proposed development is an architecturally designed contemporary building with high quality materials and finishes that will contribute to the

Development Control	Compliance	Comment
		streetscape in Park Parade. The proposal is considered to exhibit design excellence.
12. Subdivision	Yes	Satisfactory. The proposed two lot subdivision of the subject site is consistent and compatible with this medium density area and is compliant with the minimum allotment size development standard of the Waverley LEP 2012.
13. Excavation Control: 150.6m^3 (maximum)	No (Acceptable on merit)	It is proposed to excavate approximately 196m^3. This is a 30% exceedance of the development control. It is noted that the proposed excavation would be compliant with the control once the lots are subdivided (ie. 100m^3 per lot permitted and 96m^3 proposed). See further discussion below this table.

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

Development Control	Compliance	Comment
1.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
1.1 Height		
Pitched roof dwelling house • Maximum external wall height of 7m	No (Acceptable on merit)	The proposal achieves a wall height of 6m at the front and 8.5m at the rear. The non-compliances are primarily as a result of the sloping nature of the site towards the rear. The extent of the breach beyond the existing building envelope is not considered to result in unreasonable impacts on the adjoining properties (see further discussion below the DCP table).
1.2 Setbacks		
1.2.1 Front and rear building lines • Predominant front building line • Predominant rear building line at each floor level • Development at first floor level and above shall be set back from the rear building line of the ground floor level	Yes Yes Yes	See further discussion below the DCP table. The upper floor level is to have a consistent setback with the level below. The design of the dwellings at the rear have been appropriately articulated to provide visual relief when viewed from the rear of neighbouring properties, which is considered to be acceptable on merit.

Development Control	Compliance	Comment
1.2.2 Side setbacks • 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.	No (Acceptable on merit)	See further discussion below the DCP table.
1.3 Streetscape and visual impact		
• New development to be compatible with streetscape context. • Significant landscaping to be maintained.	Yes Yes	It is proposed to retain the two large date palm (*Phoenix canariensis)* trees located at the rear of the site.
1.4 Fences		
<u>Front:</u> • Maximum height of 1.2m • Solid section no more than 0.6m in height <u>Side and Rear:</u> • Maximum height of 1.8m	No (Condition) No	The front fence is proposed to a height of 1.44m and is of an open design. A condition is recommended to reduce the height to 1.2m in compliance with the DCP. The existing side boundary fences are to remain with the exception of those within the front setback. A condition is recommended that the side boundary fences within the front setback be splayed down to 1.2m within the front setback area. It is also noted that a new boundary fence is proposed to divide the two dwellings at the location of the rear yards. This fence extends to a height of 2.5m which is considered to be excessive. Any approval recommendation is conditioned to reduce the height of the fence to 1.8m.
1.5 Visual and acoustic privacy		
• Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design • External stairs are not acceptable.	Yes Yes	The proposed balcony at first floor level is to have a depth of 1.979m. It is considered that a reduction in the balcony depth to 1.5m to comply with the relevant control does not achieve anything in regards to improved amenity to neighbouring properties above what is already proposed. It is considered that a condition is unnecessary in this regard.

Development Control	Compliance	Comment
• Maximum size of balconies: 10m^2 in area 1.5m deep • Roof tops to be non-trafficable unless predominant in the immediate vicinity	No (Acceptable on merit) Yes	
1.6 Solar access		
• Minimum of 3 hours of sunlight to 50% of living areas and principal open space areas on 21 June to subject site • Minimum of 3 hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June. • Avoid unreasonably overshadowing of solar collectors (including habitable windows).	No (Acceptable on merit) Yes Yes	Whilst 3 hours of sunlight will be available to the northern most dwelling (7A Park Parade), given the orientation of the allotment, solar access to the southernmost dwelling (7B Park Parade) will be impeded. This is as a result of the orientation of the allotments. It is considered, however, that the internal amenity of the subject dwelling, which is proposed with large void areas to facilitate daylight access, is acceptable. Solar access is to be maintained to the principal open space areas of adjoining properties on 21 June. The proposal will not unreasonably overshadow solar collectors or habitable windows of the neighbouring properties at Nos. 6 or 8 Park Avenue (see further discussion above under Section 2.1.2 of this Report).
1.7 Views		
• 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 Yes	Views from the public domain would not be impacted by the proposal nor would the proposal impact on view sharing opportunities No submission from a specific property was received which raised view impact as an issue.
1.8 Car parking		
1.8.1 Design Approach • Parking only allowed where site conditions permit • Designed to complement the building and streetscape	Yes Yes Yes	The design of the garage is an appropriate design response that complements the building and streetscape. The car parking is provided at ground floor level to the front of the proposed building and is accessed via a new combined crossover from Park Parade. The garage entry has been integrated into the design of the dwellings.

Development Control	Compliance	Comment
• Car parking structures to be behind the front building line • Driveways are to be located to minimise the loss of on street parking • Parking to be provided from secondary streets or lanes where possible.	Yes Yes Not available	Wheel strips are proposed within the front setback to facilitate the provision of a tandem car parking space per dwelling. This treatment of the property frontage is considered to be acceptable. It is noted that the proposed location of the extended crossover will result in the loss of one on street car parking space. Whilst this is not ideal, the design has been amended to enable the retention of the street tree. It is considered that the combined crossover achieves a better outcome than two separate individual crossovers which would have impacted additional on street parking. The proposal is considered to be acceptable in this regard (see further discussion under the referral section of this report).
1.8.2 Parking rates	Yes	Parking rates are set by Part B7 of Waverley DCP 2022.
1.8.3 Location • Parking to be behind front building line for new dwellings	Partial	One car space is proposed within an integrated garage to each dwelling with a tandem car space proposed as a hardstand within the property frontage. A condition is recommended to provide wheel strips to the hard stand car spaces to soften the impact within the streetscape and to increase landscaping at this location.
1.8.4 Design • Complement the style, massing and detail of the dwelling • Secondary in area and appearance to the design of the residences • Gates to have an open design	Yes Yes Yes	
1.8.5 Dimensions • 5.4m x 2.4m per vehicle	Yes	
1.8.6 Driveways • Maximum of one per property • Maximum width of 3m at the gutter (excluding splay)	Yes No (Acceptable on merit)	See further discussion below under the Referrals Section of this report)

Development Control	Compliance	Comment
• Crossings not permitted where 2 on street spaces are lost	Yes	
1.9 Landscaping and open space		
• Overall open space: 40% of site area	Yes	272m^2 or 54%
• Overall landscaped area: 20% of site area, with at least half deep soil	Yes	184.5m^2 or 36%
• Minimum area of 25m^2 for private open space	Yes	Each dwelling is provided with an area of private open space that is greater than 25m^2.
• Front open space: 50% of front building setback area	Yes	
• Front landscaped area: 50% of front open space provided	Yes	
• Outdoor clothes drying area to be provided	Not shown	Space is available on site to accommodate an outdoor clothes drying area.
1.10 Swimming pools and spa pools		
• Located in the rear of property	Yes	
• Pool decks on side boundaries must consider visual privacy	Yes	
• All pool equipment to be enclosed within an acoustically treated enclosure	Yes (Conditioned)	

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

Excavation

The proposal includes excavation to accommodate the lower ground floor level and swimming pools. The extent of excavation proposed is approximately 196m^3. This is a 30% exceedance of the development control, which limits excavation to 150.6m^3 only. It is noted that the proposed excavation would be compliant with the control once the lots are subdivided (ie. 100m^3 per lot permitted and 96m^3 per lot proposed).

The controls seek to ensure that excavation does not add to the visual bulk and scale of the building. The location of the proposed excavation towards the front of the site will enable the accommodation of

floor space below street level that will not be visible when viewed from the Park Parade frontage, with the building presenting as two storeys at this location. This will facilitate the open plan layout of the dwellings at the Lower Ground Floor providing level access to the rear yards and swimming pools. The dwellings will present as three storeys when viewed from the rear which is consistent with the character of neighbouring buildings. The proposed excavation is to be sited 900mm from side boundaries which is compliant with Council's controls for excavation under the Waverley DCP 2022. Having regard to the above, the proposed excavation is considered to be acceptable on merit.

External Wall Height

The proposal achieves a wall height of 6m at the front and 8.5m at the rear. This non-compliance with the external wall height control is as a result of the topography of the site which falls approximately 3.65m from the front to the rear. This non-compliant built form will not be visible when viewed from the street.

The site is surrounded by buildings that are two to three-storeys in height. It is considered that the proposal will not appear of a height, bulk or scale that is inconsistent with surrounding development, particularly when seen in context of the adjoining dwellings to the north at No.6 Park Parade and the residential flat building to the south at No.8 Park Parade. Both of these buildings appear as two storeys when viewed from the front but present as three storeys at the rear. It is also noted that the subject proposal will preserve the amenity of the neighbouring properties in regards to solar access impacts as discussed above under Section 2.1.2. For the reasons outlined above, it is considered that the proposed variation to the external wall height control of Waverley DCP 2022 is acceptable on merit.

Setbacks

Front Building Line and Streetscape

The existing dwelling on the subject site is setback 1.8m from the front boundary to the front garage/terrace structure and 7.55m to the front of the main wall of the dwelling. The adjoining dwellings to the east at Nos. 5-6 Park Parade have a front setback of 2.6m to the covered balcony and 4m to the main wall of the dwellings. The adjoining residential flat building to the south has a front setback of 6m

The proposed development is to be sited a minimum of 4.5m from the front property boundary to the ground floor level (fin walls) and 5.867m from the main wall of the garage. The upper floor level of the building has a minimum setback of 4.5m to the first floor level balcony. This proposed streetscape context is an improvement on the massing of the existing dwelling on site, providing an appropriate transition between the semi-detached dwellings to the north and the residential flat building to the south. The proposed new dwellings are contemporary in design and are considered to provide a high architectural aesthetic in this streetscape. The proposed front building line is compliant with the objectives and controls of Part C1.2.1 of the Waverley DCP 2022.

Figure 18: View of the subject site within the context of its visual catchment (source: Nearmap).

Rear Building Line

The proposed building is to have a minimum rear setback of 12.089m to the rear deck/balcony and 13.020m to the main wall. This is consistent with the predominant rear building line and 4.5m greater than the existing dwelling on the subject site. This increased rear setback compared to the existing built form on site will facilitate improved solar access to the neighbouring property to the south and is considered to be acceptable.

Side setbacks

The Waverley DCP 2022 requires side setbacks of 1.5m for development with a three storey height. The proposed three storey building is proposed to have a minimum side setback of 900mm up to 2.1m.

Technically, the two storey part of the proposal complies with the minimum side boundary setback of 900mm. The proposed side setbacks are generally consistent with the existing building on site and the separation distances of other buildings within the visual catchment. A greater side setback is proposed for part of the length of the building from both side boundaries. This is considered to be an acceptable design outcome. Having regard to the assessment of amenity impacts outlined above, it is considered that the proposed side setbacks are acceptable.

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 21 December 2023 and 25 January 2024 in accordance with the *Community Engagement Strategy 2023*.

Following receipt of amended plans and additional information, the application was not notified as the amended form of the proposal represents a lesser impact than that of the original form that was publicly notified for the following reasons:

- Submission of an amended Clause 4.6 submission to address Clause 4.4 of the Waverley LEP 2012.
- Reduced FSR.
- Increased rear setback.

One unique submission was received from the neighbouring property at Unit 5/8 Park Parade, Bondi.

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

- Overshadowing
- Vehicular access and loss of on-street car parking
- Impacts on biodiversity

Issue: *Construction Impacts.*

Response: Standard conditions are included at Appendix A to address traffic management and construction.

2.5. Public Interest

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

3. REFERRALS

The following internal referral comments were sought:

3.1. Traffic and Development

The amended plans were assessed by Council's Traffic Engineer. The amended plans include a modification to the driveway crossover due to the location and retention of the existing street tree, a requirement of Council's Tree Management officer.

Council's Traffic Engineer raised concerns regarding the loss of one on-street car parking space given there is no net gain in car parking on site. It is considered, however, that the design of the combined crossover is a better outcome than if two individual crossovers were provided which would have likely resulted in the loss of more on-street car parking spaces.

Council's Traffic Engineer also raised concerns regarding the location of the crossover in relation to the street tree and the tree protection zone. Conditions have been recommended on the consent to ensure

the protection of this street tree during construction of the development, which is considered to be acceptable.

3.2. Stormwater

The plans were assessed against the relevant provisions and conditions were recommended which are included in Appendix A.

3.3. Tree Management

The application was referred to Council's Tree Management officer. Originally the proposal included the removal of a street tree located at the front of the site. Council's Tree Management officer did not support the removal of the street tree. This has since been deleted from the proposal and the crossover redesigned to be clear of the subject street tree. Council's Tree Management officer has still raised concerns regarding the location of the expanded crossover and the potential impacts on the tree's root system. In order to address this issue, a condition is recommended for the submission of a root mapping report and the payment of a bond should any damage occur to the street tree. The approval recommendation is conditioned accordingly.

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.

Managers of Development Assessment (MoDA) Decision:

The application was reviewed by the MoDA at the meeting on 14 May 2024 and the MoDA determined that the application is acceptable and should be approved, subject to the conditions in Appendix A.

MoDA members: *B McNamara, K Johnstone, A Rossi*

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:**
JZancanaro		
Jo Zancanaro	Bridget McNamara	Angela Rossi
Senior Development Assessment Planne	**Manager, Development Assessment**	**Executive Manager, Development Assessment**
Date: 11 June 2024	**Date:** 13 June 2024	**Date:** 17 June 2024

Reason for WLPP referral:

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

OFFICE USE ONLY

<table>
<tr><td>Clause 4.6 register entry required</td><td>37.5% variation to FSR (Clause 4.4)
<table><tr><td></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></td></tr>
<tr><td>Determining Authority
(Concurrence Authority for Clause 4.6 variation)</td><td>Local Planning Panel</td></tr>
<tr><td>Affordable Rental Housing Units?</td><td>No</td></tr>
<tr><td>Secondary Dwelling</td><td>No</td></tr>
<tr><td>Boarding House</td><td>No</td></tr>
<tr><td>Group Home</td><td>No</td></tr>
<tr><td>Is the development subject to the Special Infrastructure Contribution (SIC)?</td><td>No</td></tr>
<tr><td>Is the development located within an Urban Release area</td><td>No</td></tr>
<tr><td>Waverley Council Data</td><td></td></tr>
<tr><td>Trial Period database entry required</td><td>No</td></tr>
<tr><td>VPA submitted – follow up actions required</td><td>No</td></tr>
<tr><td>Refer to compliance for investigation</td><td>No</td></tr>
<tr><td>Commercial/liquor operational conditions</td><td>No</td></tr>
<tr><td>Was there a ‘Conflict of Interest’ declared</td><td>No</td></tr>
<tr><td>Excavation</td><td>196m^3 / 30%</td></tr>
</table>

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 Stephen O'Connor Architecture of Project No: 2103 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA-00-02 Rev.C	Energy Requirements 7A	2 June 2024	5 June 2024
DA-00-03 Rev.C	Energy Requirements 7B	2 June 2024	5 June 2024
DA-01.1 Rev.C	Existing Site Plan	2 June 2024	5 June 2024
DA-01.2 Rev.C	Existing Ground Floor Plan	2 June 2024	5 June 2024
DA-01.3 Rev.C	Existing First Floor Plan	2 June 2024	5 June 2024
DA-01.4 Rev.C	Existing Roof Plan	2 June 2024	5 June 2024
DA-02.1 Rev.C	Existing North Elevation	2 June 2024	5 June 2024
DA-02.2 Rev.C	Existing South Elevation	2 June 2024	5 June 2024
DA-02.3 Rev.C	Existing East Elevation	2 June 2024	5 June 2024
DA-02.4 Rev.C	Existing West Elevation	2 June 2024	5 June 2024
DA-02.5 Rev.C	Existing West Elevation Park Parade	2 June 2024	5 June 2024
DA-03.1 Rev.C	Existing Section A	2 June 2024	5 June 2024
DA-03.2 Rev.C	Existing Section B	2 June 2024	5 June 2024
DA-03.3 Rev.C	Existing Section C	2 June 2024	5 June 2024
DA-04.1 Rev.C	Proposed Site Plan	2 June 2024	5 June 2024
DA-04.2 Rev.C	Proposed Lower Ground Floor	2 June 2024	5 June 2024
DA-04.3 Rev.C	Proposed Ground Floor	2 June 2024	5 June 2024
DA-04.4 Rev.C	Proposed First Floor	2 June 2024	5 June 2024
DA-04.5 Rev.C	Proposed Roof Plan	2 June 2024	5 June 2024
DA-04.6 Rev.C	Proposed Lower Ground and Ground Floor Plates	2 June 2024	5 June 2024
DA-04.7 Rev.C	Proposed First Floor Floor Plate	2 June 2024	5 June 2024
DA-05.1 Rev.C	Proposed North Elevation	2 June 2024	5 June 2024
DA-05.2 Rev.C	Proposed South Elevation	2 June 2024	5 June 2024
DA-05.3 Rev.C	Proposed East Elevation	2 June 2024	5 June 2024
DA-05.4 Rev.C	Proposed West Elevation	2 June 2024	5 June 2024
DA-05.5 Rev.C	Proposed Front Fence	2 June 2024	5 June 2024
DA-06.1 Rev.C	Proposed Section A-A	2 June 2024	5 June 2024

	DA-06.2 Rev.C	Proposed Section B-B	2 June 2024	5 June 2024

(b) Landscape Plan No. L-100 Rev.B and documentation prepared by Space Landscape Designs, dated 17 April 2024 and received by Council on 4 June 2024.

(c) BASIX and NatHERs Certificates

(d) Stormwater Details and documentation prepared by Harrison & Morris Consultancy, Job No. 2324-106, Sheet No. 01 to 05, dated 11/2023 and received by Council on 4 December 2023.

(e) Preliminary Geotechnical Assessment Report prepared by Martens Consulting Engineers dated April 2024 and received by Council on 19 April 2024.

(f) Draft Subdivision Plan prepared by Stephen O'Connor Architecture dated 18 April 2024 and received by Council on 19 April 2024.

(g) Schedule of external finishes and colours received by Council on 4 December 2023.

(h) The Site Waste and Recycling Management Plan (SWRMP) Part 1 dated 4 December 2023.

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.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments:

(a) The proposed front fence is to be reduced to a height of 1.2m above ground level, with the exception of the front gate and side walls which are permitted to an overall height of 1.5m.

That part of the side boundary fence located within the property frontage (ie front setback) is to splay down to 1.2m where it meets the front fence.

Condition reason: To promote an open streetscape.

(b) Wheel strips are to be provided to the front open landscaped car spaces.

Condition reason: To promote an open and landscaped streetscape.

(c) The proposed new side boundary fence separating the two semi-detached dwellings at the rear of the site is to be reduced to an overall height of 1.8m.

Condition reason: To protect the amenity of neighbouring properties in regards to visual bulk and scale.

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

BUILDING WORK
BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
3.	**NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE**
	The building work, or demolition work, must not be commenced until: (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the *Environmental Planning and Assessment Act 1979*; (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*; and (c) Council is given at least two days' notice in writing of the intention to commence the building works.
	Condition reason: To ensure a Construction Certificate is obtained prior to work commencing.
4.	**HOME BUILDING ACT**
	The builder or person who does the residential building work shall comply with the applicable requirements of Part 6 of the *Home and Building Act 1989*. In this regard a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy the Principal Certifying Authority that they have complied with the applicable requirements of Part 6, before any work commences.
	Condition reason: To ensure the builder or person who does the residential building work, complies with the applicable requirements of Part 6 of the *Home and Building Act 1989*.
5.	**SECTION 7.12 CONTRIBUTION**
	A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Waverley Council Development Contributions Plan in accordance with the following: (a) Where the total development cost is $500,000 or less: (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:

(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.

(c) Where the total development cost is $1,000,000 or more:

(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).

- Please forward documents to info@waverley.nsw.gov.au attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy.

(ii) Upon confirmation of the contribution amount by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate), payment is to be processed via the Customer Service Centre.

(iii) Should there be a discrepancy between the cost of works approved in subclause (b)(i) and the DA fee nominated in the original DA, then additional DA Fees may be payable prior to the issue of a Construction Certificate.

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

(d) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, the levy must be paid in accordance with the following;

(i) A development valued at $100,000 or less will be exempt from the levy;

(ii) A development valued at $100,001 - $200,000 will attract a levy of 0.5% of the full cost of the development; or

(iii) A development valued at more than $200,000 will attract a levy of 1% of the full cost of the development.

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

Condition reason: To ensure the Section 7.12 Contributions are paid.

6. **HOUSING AND PRODUCTIVITY CONTRIBUTIONS**

(a) The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance with condition (b), is required to be made:

Housing and productivity contribution	Amount
Housing and productivity contribution (base component)	$24,000

Transport project component	Nil
Total housing and productivity contribution	**$24,000**

(b) The amount payable at the time of payment is the amount shown in condition (a) as the total housing and productivity contribution adjusted by multiplying it by:

$$\frac{\textit{highest PPI number}}{\textit{consent PPI number}}$$

where:

highest PPI number is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2nd last quarter before the quarter in which the payment is made, and

consent PPI number is the PPI number last used to adjust HPC rates when consent was granted, and

June quarter 2023 and **PPI** have the meanings given in clause 22 (4) of the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023. If the amount adjusted in accordance with this condition is less than the amount at the time consent is granted, the higher amount must be paid instead.

(c) The HPC must be paid before the issue first construction certificate in relation to the development, or before the commencement of any work authorised by this consent (if no construction certificate is required). However, if development is any of the kinds set out in the table below, the total housing and productivity contribution must be paid as set out in the table:

Development	**Time by which HPC must be paid**
Development consisting only of residential subdivision within the meaning of the HPC Order	Before the issue of the first subdivision certificate
High-density residential development within the meaning of the HPC Order for which no construction certificate is required	Before the issue of the first strata certificate
Development that consists only of residential strata subdivision (within the meaning of the HPC Order) or only of residential strata subdivision and a change of use of an existing building	Before the issue of the first strata certificate

Manufactured home estate for which no construction certificate is required	Before the installation of the first manufactured home

The HPC must be paid using the NSW planning portal (https://pp.planningportal.nsw.gov.au/).

If the Minister administering the *Environmental Planning and Assessment Act 1979* agrees, the HPC (apart from any transport project component) may be made, instead of as a monetary contribution, in the following ways:

i. the dedication or provision of land for the purpose of regional infrastructure in the region in which the development will be carried out,

ii. the carrying out of works for the purpose of regional infrastructure in the region in which the HPC development will be carried out.

If the HPC is made partly as a monetary contribution, the amount of the part payable is the amount of the part adjusted in accordance with condition (b) at the time of payment.

(d) Despite condition (a), a housing and productivity contribution 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 Environmental Planning and Assessment Act 1979 to the development, or the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023 exempts the development from the contribution. The amount of the contribution may also be reduced under the order, including if payment is made before 1 July 2025.

Condition reason: To ensure the Housing and Productivity Contributions are paid.

7. **SECURITY DEPOSIT**

A deposit (cash or cheque) for the amount of **$61,600** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.

8.	**LONG SERVICE LEVY**
	A long service levy, as required under section 34 of the *Building and Construction Industry Long Service Payments Act, 1986*, is to be paid in respect of this building work. Evidence that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate. Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.25% of building work costing $250,000 or more.
	Condition reason: To ensure the long service levy is paid.
9.	**TREE BOND**
	A bond of $10,000 is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the one (1) *Melaleuca bracteata* (Black Tea-tree) tree in Park Parade. The bond is to be lodged prior to the issue of any Construction Certificate. The sum will be forfeited to the Council at its discretion for a breach of these requirements and will be refunded twelve (12) months from the issue of the Occupation Certificate subject to the satisfaction of Council.
	Condition reason: To ensure the trees are protected throughout the construction works.
10.	**ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES**
	The applicant is to pay to Council fees for assessment of all engineering plans and inspection of the completed works in the public domain inclusive of all stormwater assessment, in accordance with Council's Schedule of Fees & Charges at the time of engineering plan approval, prior to such approval being granted by Council. An invoice will be issued to the applicant for the amount payable, which will be calculated based on the design plans for the subject development.
	Condition reason: To ensure Council assessment fees are paid.
11.	**HOARDING**
	To ensure the site is contained during construction, a hoarding is required for the approved works, which is to be designed and constructed in accordance with the requirements of Safe Work NSW. Where the hoarding is to be erected over the footpath or any public place, the approval of Council's Compliance Unit must be obtained and the applicable fees paid, prior to the erection of the hoarding.
	Condition reason: To ensure safety to the general public.
12.	**EROSION & SEDIMENT CONTROL**
	A Soil and Water Management Plan (SWMP), also known as an Erosion and Sediment Control Plan must be prepared in accordance with Waverley Council's Water Management Technical Manual.

	The SWMP must be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request. The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.
	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
13.	**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.
14.	**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.
15.	**STORMWATER MANAGEMENT**
	To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream systems, a detailed plan and certification of the development's stormwater management system must be submitted and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate. The submitted stormwater management plan prepared by Harrison & Morris Consultancy, Job No. 2324-106, Sheet No. 01 to 05, dated 11/2023 are considered <u>concept only.</u> The applicant must submit amended plans and specifications to comply with the current Waverley Council Water Management Technical Manual and Development Control Plan (DCP) at the time of engineering plan approval. The submitted plans must be prepared by a suitably qualified and practising Civil Engineer and comply with the following conditions: a) Permissible site discharge (PSD) is incorrectly calculated. PSD calculation should be for 20% AEP undeveloped levels (5-minute storm with fraction

	imperviousness 0.1) as outlined in the Waverley Technical Manual 2021, Section 6.3. b) The summation of the discharge rate from the pump out system and rate of runoff from the bypass area during a 1% AEP storm event must not exceed the PSD. c) The plan must clearly outline the bypass area. d) When proposing a pump out system, evidence must be submitted to Council that an honest and reasonable attempt has been made to acquire an easement to drain water through any of the downstream properties or demonstrated that all avenues to establish an easement are impractical or unviable. e) In the event of pump failure, pondage in a suitable visible area must be provided. These areas must be sited with a view to minimising the cost of damage to occupiers of the property and include signage warning residents that inundation of the area may occur in the event of a pump failure. The pondage area must be clearly outlined in the plan. f) As a minimum, the pump system must consist of one duty and one standby pump. g) Show an alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure. h) The stormwater management plans must provide details of the proposed below ground tank e.g. pit dimensions, cross & long sections, significant water invert levels of inlet and outlet pipes, pit overflow, warning sign and catchment plan. i) Full hydraulic details and pump manufacturers specification must be provided. j) All electrical fittings and supply of the pump out system must be located to have at least 300 mm freeboard above the maximum water level and/or any overland flow path. k) A certificate from a registered structural engineer certifying the structural adequacy of the pump-out tank structure must be provided. Any below ground tank structure must be a cast in-situ concrete based. l) The proposed below ground tank must be located outside of the proposed swimming pool and its coping. m) The BASIX certificate must be updated with the correct project type. The certificate must indicate the requirements per dwelling.

	n) The rainwater tank must have a minimum capacity as per the BASIX requirements. o) The rainwater tank must not be directly connected to the stormwater tank/pump out tank with a weir separation with the pump storage. p) The roof guttering system must be designed for 1% AEP storm event. q) Any new downpipes must be located wholly within the property's boundary. r) Pits or inspection openings must be provided at all junctions, change in gradient, change in direction, and change in diameter for access and maintenance purposes. s) Any proposed pipeline within the footpath verge of Park Parade must be hot dipped galvanised steel hollow section with the size of 125mm x 75mm x 4mm (w x h x t). Note a minimum width of 1m of concrete kerb and gutter is to be replaced surrounding this connection with 10mm thick mastic expansion joints installed on both sides (full depth) and with a 600mm asphalt adjustment and liquid crack sealing if the asphalt is damaged as part of the works or in a deteriorated state). t) Seepage water must not be directly or indirectly discharged to Council's street gutter. Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council. Notes: i. The stormwater management plan must be updated to be consistent with the architectural drawings. ii. Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works will be replaced as per Waverley Council Public Domain Technical Manual. All associated costs will be borne by the applicant. iii. The checklist as set out on pages 68-76 in Council's Water Management Technical Manual (October 2021) available online must be completed and submitted with any revision of Construction Certificate Plan Submission. iv. Since a sewer main runs through the property, plans must also be presented to Sydney Water for their approval. v. 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. vi. Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block must not be replicated.

	vii. 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. viii. 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.
	Condition reason: To ensure the proper management of stormwater runoff.
16.	**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.
17.	**SITE WASTE AND RECYCLING MANAGEMENT PLAN**
	A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the *SWRMP Part 2* is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.
	Condition reason: To ensure resource recovery is promoted and the local amenity is protected during construction.
18.	**LANDSCAPE WORKS IN A HABITAT CORRIDOR**
	(a) A landscape plan is to be submitted to and approved by Council's Executive Manager, Environmental Sustainability (or delegate) with a plant species list having a minimum of 50% of the proposed trees, 50% of the shrubs and 50% of the grasses and groundcovers (not including turfed areas) are to be indigenous or local native plants listed in Annexure B3-1 of the Waverley Development Control Plan 2022. (b) Three strata of vegetation are required to be included in landscape design, e.g. (i) tree or tall shrub canopy, (ii) mid-storey and (ii) groundcover layer.
	Condition reason: To protect the habitat corridor by ensuring indigenous and local native plants are provided for local biodiversity.
19.	**SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE APPLICATION**
	An application to obtain a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be made prior to the issue of the relevant Construction Certificate. The application must be made through an authorised Water Servicing Coordinator.

	For more information about making an application to obtain a Section 73 Compliance Certificate, please consult Sydney Water's website. Following this application, a "Notice of Requirements" will be provided by Sydney Water that outlines any requirements of works to be completed prior to the issue of the Section 73 Compliance Certificate. Please make early contact **with the Coordinator**, as building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A Section 73 Compliance Certificate must be issued from Sydney Water prior to the issue of an occupation certificate.
	Condition reason: To ensure compliance with Section 73 Compliance Certificate under the *Sydney Water Act 1994.*
20.	**CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)**
	The applicant is to submit a Construction Traffic Management Plan (CTMP) for the approval of Council's Executive Manager, Infrastructure Services, or delegate, prior to the issue of any Construction Certificate. For further information on what is required in the CTMP, please refer to Council's website at: https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent
	Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.
21.	**DILAPIDATION REPORT**
	Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land to the satisfaction of the Principal Certifying Authority. At minimum, the following properties are to be included: (a) 5 and 6 Park Parade, Bondi (b) 8 Park Parade, Bondi (c) 11 Bennett Street, Bondi Where access has not been granted to an adjoining property to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the Principal Certifying Authority that all reasonable steps were taken to obtain access to the adjoining properties. The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site. No less than 14 days before any site work commences, adjoining property owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to council (where council is not the principal certifier) at the same time.

	Note: Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out. Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.
	Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.
22.	**RENEWABLE ENERGY AND ENERGY EFFICIENCY**
	To enable all development to contribute to net zero greenhouse emissions by 2035, the following shall apply: (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. (b) Recommended swimming pool heating systems to include solar thermal only, solar thermal boosted with electric heat pump or electric heat pump. (c) No gas cooktops, gas ovens and gas heating systems are permitted. Alternate options must be used (such as electric, induction). (d) Recommended lighting systems to include LEDs with controls, such as motion sensors, step-dim controls and daylight sensors. 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.
	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.

BEFORE BUILDING WORK COMMENCES

	Condition
23.	**CONSTRUCTION SIGNS**
	Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.
	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.
24.	**DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS**
	The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including: • Work Health and Safety Act 2011; • Work Health and Safety Regulation 2017; • SafeWork NSW Code of Practice for the Safe Removal of Asbestos; • Australian Standard 2601 (2001) – Demolition of Structures; • *Protection of the Environment Operations Act 1997.* At least 5 days prior to the demolition, renovation work or alterations and additions to any building, the person acting on the consent shall submit a Work Plan to the Principal Certifying Authority in accordance with Australian Standard AS 2601-2001, Demolition of Structure and a Hazardous Materials Assessment prepared by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall: (a) Outline the identification of any hazardous materials, including surfaces coated with lead paint; (b) Confirm that no asbestos products are present on the subject land, or (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by SafeWork NSW (catalogue WC03561); (d) Describe the method of demolition; (e) Describe the precautions to be employed to minimise any dust nuisance; and (f) Describe the disposal methods for hazardous materials.
	Condition reason: To ensure the safety of workers and the general public.

25. **TREE PROTECTION**

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

Situated on the nature strip in Park Parade is one (1) ***Melaleuca bracteata*** (Black Tea-tree) tree **removal is not supported. The tree is to be retained and protected as per the below Tree Protection condition.**

Tree No.	Species	Location	Action
T 1	***Phoenix canariensis* (Canary Island Date Palm)**	**On site**	**Retain & protect**
T 2	***Phoenix canariensis* (Canary Island Date Palm)**	**On site**	**Retain & protect**
T 3	***Melaleuca bracteata* (Black Tea-tree)**	**Street tree**	**Retain & protect**

A Root Mapping Report is to also be prepared by a suitably qualified Arborist for the street tree (*Melaleuca bracteata)* prior to works being undertaken to ensure the protection of this street tree.

Root mapping report:
Root mapping is the locating and plotting of a tree's roots to determine the size and direction of root growth. A trench is excavated along a determined line to a specified depth, usually by hand or with the assistance of a hydraulic water or air knife. Any exposed roots must have their location, depth and size and diameter recorded. No roots are to be severed and general root disturbance must be minimised. The excavated soil must be replaced promptly.

The results of the excavation are then analysed to determine the impact that a proposed building/infrastructure/services placement may have on the structural stability or long term health of the tree/s. These results must then be collated and presented in report form and include:

- a site plan showing the line, length and width of excavation; exact location of tree/s and proposed buildings/structures or underground services.
- photographs of the excavation lines clearly showing their location on the site plan and close up shots of trenches with an article to show scale.
- findings from the results of excavation detailing exact location, depth and size of roots, soil profile, presence of pipes etc. A root mapping report may be an addition to an arborist report or a separate report. The report must be prepared by an arborist with a minimum qualification of AQF 5.

Condition reason: To protect and retain trees.

26.	**STREET TREES TO BE RETAINED/TREE PROTECTION** No existing street trees shall be removed without Council approval. Precautions shall be taken when working near trees to ensure their retention, including the following: (a) Do not store harmful or bulk materials or spoil under or near trees; (b) Prevent damage to bark and root system; (c) Do not use mechanical methods to excavate within root zones; (d) Do not add or remove topsoil from under the drip line; (e) Do not compact ground under the drip line; (f) Do not mix or dispose of liquids within the drip line of the tree; and (g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter in accordance with AS4970-2009 "Protection of trees on construction sites. **Protective fencing** • Protective fencing must be erected around each tree nominated for preservation before site clearing and establishment and before any materials are brought on site and prior to the commencement of civil and construction works. The protective fencing shall remain in place for the duration of the works and must not be removed or altered without approval on an arborist. AS 4687 specifies applicable fencing requirements. • Protective fencing shall comprise 1800mm.high chain link wire mesh fixed to 50 mm. galvanised steel posts. Portable chain link fencing may be installed. Colored plastic tape fencing or plain strained fencing wire fixed to steel droppers is unacceptable. Chain link portable panels must be securely fixed top and bottom to avoid separation. • No storage of building materials, tools, paint, fuel or contaminants and the like shall be placed within the fenced area. Ropes, ties or signs must not be attached to any part of a tree (s) to be preserved. **Trunk Protection** • Where space does not permit the erection of protective fencing install trunk protection. Trunk protection shall comprise the placement of 1.8m or less lengths of 75 mm x 40 mm hardwood or pine spaced at 125 mm centers 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. • Trunk protection must remain in place for the duration of all site work. • Trunk protection to be removed at the issue of the Occupation Certificate subject to the satisfaction of Council. **Warning Signs** • Advise contractors and visitors to the site of the purpose for protecting and preserving the tree (s) by the placement of suitable warning signs fixed to all tree protection fences and trunk protection throughout the site. Contact telephone numbers shall be clearly shown on all warning signs. **Ground Protection** • For trees installed with Trunk Protection timbers an area not less than a 2.5 m radius shall have the entire ground surface mulched to a depth of 100 mm with composted Eucalyptus leaf and woodchip or similar cushioning mulch to reduce

compaction of the surround soil and to help retain soil moisture and reduce erosion.

Crown protection

- 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.
- Crown protection may include pruning, tying-back of branches or other measures. If pruning is required, requirements are specified in AS 4373 and should be undertaken before the establishment of the TPZ.
- 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.

Tree removal and pruning

- Trees for removal should be marked onsite as per the approved tree protection plan. Before removal, the project arborist should confirm that all marked trees correspond with those shown on the schedule or plan. Other tree work may be specified in the tree protection plan.
- Tree removal should be carried out prior to erection of protection fencing. Contractors should be instructed to avoid damage to trees within protection areas when removing or pruning trees. This may include restrictions of vehicle movements.
- Any approved pruning required to allow for works should be done at this stage by an Arborist with min AQF Level 4 qualifications, in accordance with AS 4373 the pruning of amenity trees.
- Stumps to be removed from within a TPZ must be removed in a manner that avoids damaging or disturbing roots of trees to be retained.
- The project arborist should supervise tree removal and pruning and certify the works on completion.

Encroachments

- Minor encroachments within Structural Root Zones are acceptable.
- The preferred method of examination and or excavation within the SRZ is the application of non-invasive vacuum or hydro excavation.
- This practice is now widely adopted in sensitive situations that require root investigation.
- Tree sensitive construction measures such as pier and beam, suspended slabs, cantilevered building sections, screw piles and contiguous piling may be adopted to minimize the impact of encroachment.
- If any tree roots are exposed during any approved works, then roots smaller than 30mm are to be pruned as per the specifications below. Any roots greater than 30mm are to be assessed by a qualified arborist before any pruning is undertaken.
- If tree roots are required to be removed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).
- It is the arborist's responsibility to determine if such root pruning is suitable. If there are any concerns regarding this process, then Waverley Council's Tree Management Officer is to be contacted to make final determination.

	• If any trees on neighbouring properties require pruning or removal, then permission must be gained from the owner of the tree(s) and an application to Prune or Remove Trees on Private Property is then to be presented to Council for processing. • If any trees on Council owned land require pruning, the applicant is to supply an tree pruning report from an Arborist with AQF level 5 qualification or above with photos showing the branches that need to be removed. • If approval is granted the applicant may prune the tree at their expense, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).
	Condition reason: To protect trees during the carrying out of site work.

DURING BUILDING WORK

	Condition
27.	**CONTROL OF DUST ON CONSTRUCTION SITES**
	The following requirements apply to demolition and construction works on site: (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries. (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices.
	Condition reason: To ensure the safety of workers and the general public.
28.	**CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS**
	Prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines 2014.
	Condition reason: To ensure compliance with the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines 2014.
29.	**EXCAVATION AND BACKFILLING**
	All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property. If an excavation associated with the erection or demolition or a building extends below the level of the footings of a building on an adjoining allotment of land, the excavation is to be managed by a practising structural engineer.
	Condition reason: To ensure structural stability of work on site and general safety.
30.	**CONSTRUCTION HOURS**
	Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays, with no work to be carried out on Sundays and public holidays. Excavation works involving the use of heavy earth movement equipment, including rock breakers and the like, must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays, with no such work to be carried out on Saturday, Sunday or a public holiday.

	Noise from construction activities shall comply with the *Protection of the Environmental Operations (Noise Control) Regulation 2017*.
	Condition reason: To protect the amenity of the surrounding area.
31.	**STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS**
	All building materials and any other items associated with the development are to be stored within the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.
	Condition reason: To ensure building material is stored in an appropriate location.
32.	**CONSTRUCTION INSPECTIONS**
	The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the *Building Legislation Amendment (Quality of Construction) Act 2002, Part 8 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* and the requirements of any other applicable legislation or instruments.
	Condition reason: To ensure regular inspections occur throughout the construction process.
33.	**CERTIFICATE OF SURVEY - LEVELS**
	All construction works are to be in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels is to be submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
34.	**CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING**
	A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the location of the building on the site is to be submitted to the Principal Certifying Authority to certify the building is located in accordance with the development consent plans. The Certificate is to be submitted prior to the construction of the external walls above the ground floor level of the building.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
35.	**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.
36.	**CONSTRUCTION OF SWIMMING POOLS AND OUTDOOR SPAS**
	The following applies to the construction of swimming pools and outdoor spas:

	(a) Reinforcement of the swimming pool/outdoor spa is to be inspected by an Accredited Officer or other suitably qualified person prior to the pouring of concrete (b) The electrical wiring system for any proposed underwater artificial lighting installation to the pool/spa is to be installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules (c) The swimming pool/outdoor spa water is to be treated by an approved water treatment and filtration unit (d) To prevent noise nuisance to surrounding properties, the swimming pool/outdoor spa filtration motor and pump unit is to be housed within a ventilated soundproof enclosure (e) Waste waters from the swimming pool/outdoor spa are to be discharged into Sydney Water's sewerage system and in this regard, approved plans MUST be submitted to Sydney Water at least 14 days prior to commencement of building operations.
	Condition reason: To ensure pools are constructed in a correct manner.
37.	**RECONSTRUCT VEHICLE CROSSING**
	The existing vehicle crossing is to be demolished and a new crossing constructed to provide access to the proposed carport hardstand. A separate application is required for the vehicle crossing, with all work to be carried out with the approval of and in accordance with the requirements of Council. The driveway crossover width at street level is not to exceed the width shown in traffic report prepared by Neilly Davies consulting engineers prepared on 18 April 2024, received by Waverley Council 19 April 2024.
	Condition reason: To ensure an appropriate vehicle crossing is constructed.
38.	**HARDSTAND CAR PARKING AREA IS TO BE GRADED**
	The hardstand car parking area is to be graded and drained and all surface waters are to be collected and conveyed to the street gutter via underground pipes.
	Condition reason: To ensure appropriate drainage of the car parking area.
39.	**VEHICULAR ACCESS - FINISHED LEVEL TO FOOTPATH**
	The finished level at the property boundary on both sides of the vehicle crossing is to match the level of the existing concrete footpath.
	Condition reason: To ensure an appropriate vehicle crossing is constructed.
40.	**HEADROOM CLEARANCE**
	The headroom clearance on the entry and within the garage is to be a minimum of 2.2 metres.
	Condition reason: To ensure sufficient head room within the garage.

41.	**VEHICLE TO BE PARKED WITHIN THE SITE**
	Any vehicle utilising the car space is to be parked fully within the confines of the site and is not to park over the public footway at any time.
	Condition reason: To protect the amenity of the locality and the safety of pedestrians.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
42.	**FINAL OCCUPATION CERTIFICATE**
	Prior to occupation or use of the development, an Occupation Certificate must be obtained. The Principal Certifying Authority must be satisfied that the requirements of the *Environmental Planning & Assessment Act 1979* have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.
	Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.
43.	**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.
44.	**CERTIFICATION OF NEWLY CONSTRUCTED STORMWATER DRAINAGE SYSTEM**
	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. A copy of the certification must be submitted to Council.
	Condition reason: Ensure stormwater drainage system has been constructed or retained as per the approved stormwater management plans.
45.	**WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM**
	a. A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared, stamped, and signed by a Registered Surveyor. This drawing must detail the alignment of all pipelines, pits, basement pump-out facility, rainwater harvesting facility, and other drainage-related infrastructure. An original or a colour copy must be submitted to Waverley Council. Where changes have occurred, the Council-approved plans must be marked-up in red ink and must include levels and locations for the drainage structures and works. b. A suitably qualified and practicing Engineer must provide certification of the WAED of the stormwater drainage system that the stormwater drainage works, and basement pump-out facility were constructed to their satisfaction and in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards, and good engineering practice. A copy of the aforementioned letter of certification must be submitted to Council.
	Condition reason: Ensure council are aware of the stormwater drainage systems on site and able to provide advice for any future or remedial works.

46.	**CREATION OF POSITIVE COVENANT AND RESTRICTION FOR PUMP OUT SYSTEM**
	A "Positive Covenant" and "Restriction on the Use of Land" must be created for the pump out system, under Section 88E of the Conveyancing Act 1919. The wording of the Instrument must be submitted to and approved by Executive Manager, Infrastructure Services (or delegate) prior to lodgement at NSW Land Registry Services. Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created via an application to the NSW Land Registry Services using forms 13PC and 13RPA. Accompanying this form is the requirement for a plan to scale showing the relative location of the pump out system, including its relationship to the building footprint. Electronic colour photographs of the pump out system must accompany the application for the Positive Covenant and Restriction on the Use of Land. The Instrument must be registered and a registered copy of the document must be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate or use of the building. The property owner/occupant must not modify or remove the pump out system without consent from Council. All associated costs will be borne by the applicant.
	Condition reason: This is to place a restriction on the Title that pump out system is maintained and kept free of debris to allow unobstructed passage of stormwater through the site and underneath the residence.
47.	**PLANNED PREVENTATIVE MAINTENANCE SCHEDULE FOR PUMP OUT SYSTEM**
	The registered proprietor will be required to submit written intent to establish and maintain a Planned Preventative Maintenance (PPM) schedule of the pump out system prior to the issue of Occupation Certificate. Council will not be liable for any claims for damages arising from the failure of the pump out system. Evidence must be submitted to the Executive Manager, Infrastructure Services or delegate prior to the issue of the Occupation Certificate.
	Condition reason: Ensure pump out systems are maintained and continue to operate as intended.
48.	**CERTIFICATION OF SWIMMING POOL/OUTDOOR SPA**
	Prior to the pool being used, the following must be provided; (a) Certification that the pool has been constructed in accordance with the consulting engineers design; (b) Evidence that the swimming pool/outdoor spa has been registered on the State Government Swimming Pool Register (http://www.swimmingpoolregister.gov.au);

	(c) A sign outlining details of resuscitation techniques for adults, children and infants has been placed in a prominent position, close to the pool/outdoor spa. Signs are available from Council; (d) A copy of the occupation certificate must be submitted to Council. Note: Swimming/spa pool pumps are restricted from use between 8pm to 7am weekdays and Saturdays, 8pm to 8am on Sundays and public holidays in accordance with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2017.
	Condition reason: To ensure the swimming pool/outdoor spa has been constructed appropriately to ensure the safety of users.
49.	**STREET NUMBERS**
	The street number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary that fronts the street. Should the number be fixed to an awning then it shall be a minimum 150mm high.
	Condition reason: To ensure the property address is clearly identified.
50.	**ALLOCATION OF STREET NUMBER**
	The subdivision of the property has led to the following allocation of primary address numbers for a dual occupancy Torrens title subdivision: – No. 7A Park Parade for the fill in – north allotment; – No. 7B Park Parade for the fill in – south allotment. The primary address site numbers for the properties shall be a minimum of 75mm high, shall be positioned 600mm-1500mm above ground level on the site boundaries, located near the entry points and clearly visible from Park Parade. The primary address site numbers are to be positioned on the site prior to the issue of the Occupation Certificate. Any variation to the above premises numbering requires a new application for a Change of street number and/or address to be lodged with Council.
	Condition reason: To ensure the property address is clearly identified.
51.	**SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE**
	A Section 73 Compliance Certificate must be issued from Sydney Water prior to the issue of an occupation certificate.
	Condition reason: To ensure compliance with Section 73 Compliance Certificate under the *Sydney Water Act 1994.*

OCCUPATION AND ONGOING USE

	Condition
52.	**USE OF PLANT ROOMS**
	The "plant/mech." rooms at the lower ground level shall be used exclusively for the housing of plant and mechanical equipment and must not be used for the storage of goods or any other purpose.
	Condition reason: To ensure the plant room is not used for storage purposes.
53.	**ONGOING MAINTENANCE – STORMWATER DRAINAGE SYSTEM**
	Council will need to be provided with a pump system management plan. This must be submitted and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Occupation Certificate. At a minimum, the pump system must be: a) Kept clean and free from silt, rubbish and debris. b) Be maintained so that it functions in a safe and efficient manner. c) Not be altered without prior consent in writing of the Council.
	Condition reason: Ensure the stormwater drainage systems are maintained and continue to operate as intended.
54.	**ONGOING MAINTENANCE – RAINWATER HARVESTING AND REUSE**
	The operation of all devices or appliances installed within the development approved by this consent as required by conditions pertinent to rainwater harvesting and rainwater reuse must be maintained in good operating order at all times.
	Condition reason: Ensure the rainwater harvesting and reuse systems are maintained and continue to operate as intended.
55.	**SUBDIVISION CERTIFICATE**
	A Subdivision Certificate must be obtained from Council in accordance with of the *Environmental Planning and Assessment Act 1979* prior to the registration of the subdivision plans.
	Condition reason: To ensure subdivision is undertaken.

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: • 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.	**SYDNEY WATER CERTIFICATE**
	A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. **Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website.** Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact **with the Coordinator**, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
6.	**DIAL BEFORE YOU DIG**
	Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
7.	**TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)**
	Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.
8.	**SITE RECTIFICATION WORKS**
	The vacant site is to be maintained in a safe and secure manner. Fencing is to be erected around the permitter of the site once demolition has been completed to secure the site. The site is to be protected from windblown soil loss and stormwater erosion at all times. If the site is commenced to be developed and there is suspension in activity for 6months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to: (a) Require certain works to be carried out, including but not limited to: i. Make the building/site safe and of an appearance acceptable to Council; ii. Allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point;

	iii. For the hole to be covered to allow it to be landscaped and made attractive from any public vantage point. iv. Council may call on any bank guarantee to cover the cost thereof. (b) In the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the costs of the works.
9.	**EXCAVATION TO BE LIMITED**
	Excavation shall be limited to that shown in the approved plans. Any further excavation will require Council approval.
10.	**BONDI - ROSE BAY SAND BODY**
	This site may be located within the Bondi - Rose Bay Sand Body as identified in Council's Aboriginal Cultural Heritage Study 2009. Should an object of potential Aboriginal or archaeological significance be discovered during the demolition, excavation or construction period associated with this development, works are to immediately cease and the NSW National Parks and Wildlife Service must be contacted. Waverley Council must be notified of any referral to the NSW National Parks and Wildlife Service and be provided with a copy of any subsequent response.
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.	**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.

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 Park Parade, BONDI

DEVELOPMET APPLICATION

RECEIVED
Waverley Council
Application No: DA-369/2023

Date Received: 05/06/2024

Drawing List

Drawing No.	Drawing Name
DA-00	Register, Location Map, Legend
DA-00-02	Energy Requirements 7A
DA-00-03	Energy Requirements 7B
DA-01.1	Existing Site Plan
DA-01.2	Existing Ground Floor Plan
DA-01.3	Existing First Floor Plan
DA-01.4	Existing Roof Plan
DA-02.1	Existing North Elevation
DA-02.2	Existing South Elevation
DA-02.3	Existing East Elevations
DA-02.4	Existing West Elevation
DA-02.5	Existing West Elevation Park Parade
DA-03.1	Existing Section A
DA-03.2	Exsiting Section B
DA-03.3	Existing Section C
DA-04.1	Proposed Site Plan
DA-04.2	Proposed Lower Ground Floor
DA-04.3	Proposed Ground Floor
DA-04.4	Proposed First Floor
DA-04.5	Proposed Roof Plan
DA-04.6	Proposed Lower Ground & Ground Floor...
DA-04.7	Proposed First Floor Floorplate
DA-05.1	Proposed North Elevation
DA-05.2	Proposed South Elevation
DA-05.3	Proposed East Elevation
DA-05.4	Proposed West Elevation
DA-05.5	Proposed Front Fence
DA-06.1	Proposed Section A-A
DA-06.2	Proposed Section B-B
DA-07.1	Proposed Open Space
DA-07.2	Deep Soil Calculations
DA-08.1	Existing FSR
DA-08.2	Proposed FSR
DA-09.1	Proposed Excavation
DA-10.1	Proposed Subdivision Plan
DA-11.1	Proposed Waste Management Plan
DA-12.1	Schedule of Materials and Finishes
DA-13.1	Existing and Proposed 9am
DA-13.2	Existing and Proposed 10am
DA-13.3	Existing and Proposed 11am
DA-13.4	Existing and Proposed 12pm
DA-13.5	Existing and Proposed 1pm
DA-13.6	Existing and Proposed 2pm
DA-13.7	Existing and Proposed 3pm
DA-14.1	North Elevation Shadow Diagrams_8am -...
DA-14.2	North Elevation Shadow Diagrams_11am...
DA-14.3	North Elevation Shadow Diagrams_2pm -...
DA-14.4	East Elevation Shadow Diagram
DA-15.1	Existing vs Compliant Form_8am - 10am
DA-15.2	Existing vs Compliant Form_11am - 1pm
DA-15.3	Existing vs Compliant Form_2pm - 4pm
DA-15.4	Proposed vs Compliant Form_8am - 10am
DA-15.5	Proposed vs Compliant Form_11am - 1pm
DA-15.6	Proposed vs Compliant Form_2pm - 4pm

NOT FOR CONSTRUCTION

STEPHEN O'CONNOR ARCHITECTURE

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Nominated Architect -Stephen O'Connor / Registration number 11119

Issue	Date	Description
C	02.06.24	DA _ Revision C
B	18.04.24	DA _ Revision B
A	13.09.23	DA Submission

Project	7 Park Parade, BONDI
Drawing Name	Register, Location Map, Legend
Project Number	2103
Drawing No	DA-00

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Project summary		
Project name	7A Park Parade Bondi	
Street address	7 PARK Parade BONDI 2026	
Local Government Area	Waverley Council	
Plan type and plan number	Deposited Plan DP561	
Lot no.	29	
Section no.	-	
Project type	dwelling house (attached)	
No. of bedrooms	4	
Project score		
Water	43	Target 40
Thermal Performance	Pass	Target Pass
Energy	78	Target 72
Materials	-22	Target n/a

RECEIVED
Waverley Council

Application No: DA-369/2023

Date Received: 05/06/2024

Project address	
Project name	7A Park Parade Bondi
Street address	7 PARK Parade BONDI 2026
Local Government Area	Waverley Council
Plan type and plan number	Deposited Plan DP561
Lot no.	29
Section no.	-
Project type	
Project type	dwelling house (attached)
No. of bedrooms	4
Site details	
Site area (m²)	251
Roof area (m²)	100
Conditioned floor area (m²)	203.0
Unconditioned floor area (m²)	6.0
Total area of garden and lawn (m²)	90
Roof area of the existing dwelling (m²)	0

Assessor details and thermal loads		
Assessor number	DMN/22/2127	
Certificate number	HR-COY6EX-03	
Climate zone	56	
Area adjusted cooling load (MJ/m².year)	15	
Area adjusted heating load (MJ/m².year)	14	
Project score		
Water	43	Target 40
Thermal Performance	Pass	Target Pass
Energy	78	Target 72
Materials	-22	Target n/a

Water Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Landscape			
The applicant must plant indigenous or low water use species of vegetation throughout 90 square metres of the site.	✓	✓	
Fixtures			
The applicant must install showerheads with a minimum rating of 4 star (> 6 but <= 7.5 L/min plus spray force and/or coverage tests) in all showers in the development.		✓	✓
The applicant must install a toilet flushing system with a minimum rating of 4 star in each toilet in the development.		✓	✓
The applicant must install taps with a minimum rating of 4 star in the kitchen in the development.		✓	
The applicant must install basin taps with a minimum rating of 4 star in each bathroom in the development.		✓	
Alternative water			
Rainwater tank			
The applicant must install a rainwater tank of at least 2000 litres on the site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.	✓	✓	✓
The applicant must configure the rainwater tank to collect rain runoff from at least 50 square metres of the roof area of the development (excluding the area of the roof which drains to any stormwater tank or private dam).		✓	✓
The applicant must configure the rainwater tank so that overflow is diverted to a stormwater tank.		✓	✓
• a tap that is located within 10 metres of the swimming pool in the development		✓	✓
Stormwater tank			

Water Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
The applicant must install a stormwater tank with a capacity of at least 1000 litres on the site. This stormwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.	✓	✓	✓
The applicant must configure the stormwater tank to collect overflow from the rainwater tank.		✓	✓
The applicant must configure the stormwater tank to collect runoff from:			
• at least 50 square metres of roof area of the development (excluding the area of the roof which drains to any rainwater tank or private dam)		✓	✓
• at least 20 square metres of impervious areas		✓	✓
• at least 50 square metres of garden and lawn		✓	✓
The applicant must connect the stormwater tank to:			
• a sub-surface or non-aerosol irrigation system, or if the stormwater has been appropriately treated in accordance with applicable regulatory requirements, to at least one outdoor tap in the development (Note: NSWHealth does not recommend that stormwater be used to irrigate edible plants which are consumed raw.)		✓	✓
Swimming Pool			
The swimming pool must not have a volume greater than 24.5 kilolitres.	✓	✓	
The swimming pool must have a pool cover.		✓	
The swimming pool must be shaded.	✓	✓	
The swimming pool must be outdoors.	✓	✓	

Thermal Performance and Materials commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Simulation Method			
Assessor details and thermal loads			
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 an occupation certificate for the proposed development.			
The Assessor Certificate must have been issued by an Accredited Assessor in accordance with the Thermal Comfort Protocol.			
The details of the proposed development on the Assessor Certificate must be consistent with the details shown in this BASIX certificate, including the Cooling and Heating loads shown on the front page of this certificate and the "Construction" and "Glazing" tables below.			
The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Assessor Certificate requires to be shown on those plans. Those plans must bear a stamp of endorsement from the Accredited Assessor to certify that this is the case. 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.	✓	✓	✓
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.		✓	✓
The applicant must show on the plans accompanying the development application for the proposed development, the locations of ceiling fans set out in the Assessor Certificate. The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), the locations of ceiling fans set out in the Assessor Certificate.	✓	✓	✓

Thermal Performance and Materials commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Construction			
The applicant must construct the floors, walls, roofs, ceilings and glazing of the dwelling in accordance with the specifications listed in the tables below.	✓	✓	✓
The applicant must show through receipts that the materials purchased for construction are consistent with the specifications listed in the tables below.			✓

Construction	Area - m²	Insulation
floor - concrete slab on ground.	100	polystyrene
floor - above habitable rooms or mezzanine, concrete - suspended; frame: no frame..	120	polystyrene
floor - suspended floor above garage, concrete - suspended; frame: no frame.	15	polystyrene
garage floor - concrete - suspended; frame: no frame.	19	polystyrene
external wall: cavity brick; frame: no frame.	78	polystyrene
external wall: framed (metal clad); frame: timber - untreated softwood.	70	rockwool batts, roll or pump-in+ foil/sarking
external garage wall: cavity brick; frame: please select.	1	polystyrene
internal wall: single skin masonry; frame: no frame.	50	none
internal wall: plasterboard; frame: timber - untreated softwood.	50	rockwool batts, roll or pump-in
ceiling and roof - raked ceiling / pitched or skillion roof, framed - metal roof, timber - untreated softwood.	100	ceiling: rockwool batts, roll or pump-in; roof: foil/sarking.

Thermal Performance and Materials commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Glazing			
The applicant must install windows, glazed doors and skylights as described in the table below, in accordance with the specifications listed in the table.	✓	✓	✓

Frames	Maximum area - m2
aluminium	84
timber	0
uPVC	0
steel	0
composite	0

Glazing	Maximum area - m2
single	0
double	84
triple	0

Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Hot water			
The applicant must install the following hot water system in the development, or a system with a higher energy rating: gas instantaneous with a performance of 4.5 stars.	✓	✓	✓
Cooling system			
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 living area: 1-phase airconditioning - ducted; Energy rating: 4 star (average zone)		✓	✓
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase airconditioning - non ducted; Energy rating: 4 star (average zone)		✓	✓
Heating system			
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 living area: 1-phase airconditioning - ducted; Energy rating: 4 star (average zone)		✓	✓
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase airconditioning - ducted; Energy rating: 4 star (average zone)		✓	✓
Ventilation			
The applicant must install the following exhaust systems in the development:			
At least 1 Bathroom: individual fan, open to façade; Operation control: manual on / timer off		✓	✓
Kitchen: individual fan, open to façade; Operation control: manual on / timer off		✓	✓
Laundry: individual fan, ducted to façade or roof; Operation control: manual on / timer off		✓	✓
Artificial lighting			
The applicant must ensure that a minimum of 80% of light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.		✓	✓
Natural lighting			
The applicant must install a window and/or skylight in the kitchen of the dwelling for natural lighting.	✓	✓	✓

Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
The applicant must install a window and/or skylight in 3 bathroom(s)/toilet(s) in the development for natural lighting.	✓	✓	✓
Swimming pool			
The applicant must install the following heating system for the swimming pool in the development (or alternatively must not install any heating system for the swimming pool): solar only		✓	
The applicant must install the following pump for the swimming pool in the development, or a pump with a higher energy rating: single speed with a performance of 5 stars.		✓	
The applicant must install a timer for the swimming pool pump in the development.		✓	
Alternative energy			
The applicant must install a photovoltaic system as part of the development. The applicant must connect this system to the development's electrical system.	✓	✓	✓
The photovolatic system must consist of:			
• photovolatic collectors with the capacity to generate at least 1 peak kilowatts of electricity, installed at an angle between 25 degrees and 35 degrees to the horizontal facing north	✓	✓	✓
Other			
The applicant must install an induction cooktop & electric oven in the kitchen of the dwelling.		✓	
The applicant must install a fixed outdoor clothes drying line as part of the development.		✓	

BUILDING THERMAL PROPERTY DETAILS			
Floor Constuction Type:	MIN. INSULATION REQUIRED (Excl. Class 10a Areas)		Applicable Units:
Slab on Ground:	R3.6 120mm DCT XPS GA 300 Board or Similar		U1 & U2
Slab Edge:	None		U1 & U2
Floor Between Garage & Above:	R4.1 Added Insulation (K10 Soffit Board or Similar)		U1 & U2
Cantilevering Floors:	R4.1 Added Insulation (K10 Soffit Board or Similar)		U1 & U2
Remaining Floor Areas:	None		U1 & U2
Wall Construction Type:	MIN. INSULATION REQ.	Wall Wrap?	Applicable Units:
External Walls:(90mm Stud)	R2.7 Bulk Insulation	Non-Reflective (E=0.9/0.9)	U1 & U2
External Walls:(Concrete)	R1.1 Added Insulation	None	U1 & U2
External Walls:(Retaining)	R1.1 Added Insulation	None	U1 & U2
Party Wall:(Concrete)	None	None	U1 & U2
Internal Walls:(Garage)	R2.5 Added Insulation	None	U1 & U2
Internal Walls:(WC Lower)	R2.5 Added Insulation	None	U1 & U2
Internal Walls:(Bath Upper)	R2.5 Added Insulation	None	U1 & U2
Ceiling Fans:(1500mm Diameter)	1 x All Bedrooms	N/A	U1 & U2
Ceiling Fans:(1500mm Diameter)	1 x Living	N/A	U1 & U2
Roof and/or Ceiling Type:	MIN. INSULATION REQ.	Roof Foil/Sarking/Blanket?	Applicable Units:
Ceiling under Flat Roof:	R5.0 Bulk Insulation	R2.5 Blanket	U1 & U2
Ceiling under Susp Slab:	R4.1 Added Insulation	None	U1 & U2
Window Operability & I.D	Max U-Value, SHGC (+/- 5%), WERS Code & Window Details		Applicable Units:
French/Hinged	4.80 & 0.51 | ALM-003-01; Alum, DG		U1
Fixed, Double Hung & Sliding	4.80 & 0.59 | ALM-004-01; Alum, DG		U1
French/Hinged	4.10 & 0.47 | ALM-005-03; Alum, DG		U2
Double Hung & Sliding	4.10 & 0.52 | ALM-006-03; Alum, DG		U2
Fixed	2.90 & 0.51 | ATB-006-03; Alum, DG		U2
Skylights	2.66 & 0.24 | VEL-011-02: Fixed, DG, Int. Roller Shutter		U1 & U2

ADDITIONAL DETAILS & CLAUSES

- Downlights are sealed (If present)
- Exhaust fans - sealed
- Air infiltration seals to external residence and garage internal doors
- Additional details – refer to NatHERS Certificate

NOT FOR CONSTRUCTION

STEPHEN O'CONNOR ARCHITECTURE

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t +61 411 138 771 stephen@stephenoconnorarchitecture.com
Nominated Architect -Stephen O'Connor / Registration number 11119

Issue	Date	Description
C	02.06.24	DA _ Revision C
B	18.04.24	DA _ Revision B
A	13.09.23	DA Submission

Project	7 Park Parade, BONDI
Drawing Name	Energy Requirements 7A
Project Number	2103
Drawing No	DA-00-02

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Project summary	
Project name	7B Park Parade Bondi
Street address	7 PARK Parade BONDI 2026
Local Government Area	Waverley Council
Plan type and plan number	Deposited Plan DP561
Lot no.	29
Section no.	-
Project type	dwelling house (attached)
No. of bedrooms	4

Project score		
Water	43	Target 40
Thermal Performance	Pass	Target Pass
Energy	78	Target 72
Materials	-26	Target n/a

Project address	
Project name	7B Park Parade Bondi
Street address	7 PARK Parade BONDI 2026
Local Government Area	Waverley Council
Plan type and plan number	Deposited Plan DP561
Lot no.	29
Section no.	-
Project type	
Project type	dwelling house (attached)
No. of bedrooms	4
Site details	
Site area (m²)	251
Roof area (m²)	100
Conditioned floor area (m²)	203.0
Unconditioned floor area (m²)	6.0
Total area of garden and lawn (m²)	90
Roof area of the existing dwelling (m²)	0

Assessor details and thermal loads	
Assessor number	DMN/22/2127
Certificate number	HR-RSJ6AO-03
Climate zone	56
Area adjusted cooling load (MJ/m².year)	12
Area adjusted heating load (MJ/m².year)	19
Project score	
Water	43 — Target 40
Thermal Performance	Pass — Target Pass
Energy	78 — Target 72
Materials	-26 — Target n/a

Water Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Landscape			
The applicant must plant indigenous or low water use species of vegetation throughout 90 square metres of the site.	✓	✓	
Fixtures			
The applicant must install showerheads with a minimum rating of 3 star (> 7.5 but <= 9 L/min) in all showers in the development.		✓	✓
The applicant must install a toilet flushing system with a minimum rating of 4 star in each toilet in the development.		✓	✓
The applicant must install taps with a minimum rating of 4 star in the kitchen in the development.		✓	
The applicant must install basin taps with a minimum rating of 4 star in each bathroom in the development.		✓	
Alternative water			
Rainwater tank			
The applicant must install a rainwater tank of at least 1000 litres on the site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.	✓	✓	✓
The applicant must configure the rainwater tank to collect rain runoff from at least 50 square metres of the roof area of the development (excluding the area of the roof which drains to any stormwater tank or private dam).		✓	✓
The applicant must configure the rainwater tank so that overflow is diverted to a stormwater tank.		✓	✓
The applicant must connect the rainwater tank to: • all toilets in the development		✓	✓

Water Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
• at least one outdoor tap in the development (Note: NSW Health does not recommend that rainwater be used for human consumption in areas with potable water supply.)		✓	✓
Stormwater tank			
The applicant must install a stormwater tank with a capacity of at least 1000 litres on the site. This stormwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.	✓	✓	✓
The applicant must configure the stormwater tank to collect overflow from the rainwater tank.		✓	✓
The applicant must configure the stormwater tank to collect runoff from: • at least 50 square metres of roof area of the development (excluding the area of the roof which drains to any rainwater tank or private dam) • at least 20 square metres of impervious areas • at least 65 square metres of garden and lawn		✓ ✓ ✓	✓ ✓ ✓
The applicant must connect the stormwater tank to: • a sub-surface or non-aerosol irrigation system, or if the stormwater has been appropriately treated in accordance with applicable regulatory requirements, to at least one outdoor tap in the development (Note: NSWHealth does not recommend that stormwater be used to irrigate edible plants which are consumed raw.)		✓	✓
Swimming Pool			
The swimming pool must not have a volume greater than 24.5 kilolitres.	✓	✓	
The swimming pool must have a pool cover.		✓	
The swimming pool must be shaded.	✓	✓	
The swimming pool must be outdoors.	✓	✓	

Thermal Performance and Materials commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Simulation Method			
Assessor details and thermal loads			
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 an occupation certificate for the proposed development.			
The Assessor Certificate must have been issued by an Accredited Assessor in accordance with the Thermal Comfort Protocol.			
The details of the proposed development on the Assessor Certificate must be consistent with the details shown in this BASIX certificate, including the Cooling and Heating loads shown on the front page of this certificate and the "Construction" and "Glazing" tables below.			
The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Assessor Certificate requires to be shown on those plans. Those plans must bear a stamp of endorsement from the Accredited Assessor to certify that this is the case. 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.	✓	✓	✓
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.		✓	✓
The applicant must show on the plans accompanying the development application for the proposed development, the locations of ceiling fans set out in the Assessor Certificate. The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), the locations of ceiling fans set out in the Assessor Certificate.	✓	✓	✓

Thermal Performance and Materials commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Construction			
The applicant must construct the floors, walls, roofs, ceilings and glazing of the dwelling in accordance with the specifications listed in the tables below.	✓	✓	✓
The applicant must show through receipts that the materials purchased for construction are consistent with the specifications listed in the tables below.			✓

Construction	Area - m²	Insulation
floor - concrete slab on ground.	100	polystyrene
floor - above habitable rooms or mezzanine, concrete - suspended; frame: no frame..	100	polystyrene
floor - suspended floor above garage, concrete - suspended; frame: no frame.	15	polystyrene
garage floor - concrete - suspended; frame: no frame.	19	polystyrene
external wall: cavity brick; frame: no frame.	77	polystyrene
external wall: framed (metal clad); frame: timber - untreated softwood.	70	rockwool batts, roll or pump-in+ foil/sarking
external garage wall: cavity brick; frame: please select.	1	polystyrene
internal wall: single skin masonry; frame: no frame.	50	not specified
internal wall: plasterboard; frame: timber - untreated softwood.	50	rockwool batts, roll or pump-in
ceiling and roof - raked ceiling / pitched or skillion roof, framed - metal roof, timber - untreated softwood.	100	ceiling: rockwool batts, roll or pump-in; roof: foil/sarking.

Thermal Performance and Materials commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Glazing			
The applicant must install windows, glazed doors and skylights as described in the table below, in accordance with the specifications listed in the table.	✓	✓	✓

Frames	Maximum area - m2
aluminium	84
timber	0
uPVC	0
steel	0
composite	0

Glazing	Maximum area - m2
single	0
double	84
triple	0

Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Hot water			
The applicant must install the following hot water system in the development, or a system with a higher energy rating: gas instantaneous with a performance of 5 stars.	✓	✓	✓
Cooling system			
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 living area: 1-phase airconditioning - ducted; Energy rating: 4 star (average zone)		✓	✓
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase airconditioning - ducted; Energy rating: 4 star (average zone)		✓	✓
Heating system			
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 living area: 1-phase airconditioning - ducted; Energy rating: 4 star (average zone)		✓	✓
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase airconditioning - ducted; Energy rating: 6 star (average zone)		✓	✓
Ventilation			
The applicant must install the following exhaust systems in the development: At least 1 Bathroom: individual fan, open to façade; Operation control: manual on / timer off Kitchen: individual fan, open to façade; Operation control: manual on / timer off Laundry: individual fan, ducted to façade or roof; Operation control: manual on / timer off		✓ ✓ ✓	✓ ✓ ✓
Artificial lighting			
The applicant must ensure that a minimum of 80% of light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.		✓	✓
Natural lighting			
The applicant must install a window and/or skylight in the kitchen of the dwelling for natural lighting.	✓	✓	✓

Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
The applicant must install a window and/or skylight in 3 bathroom(s)/toilet(s) in the development for natural lighting.	✓	✓	✓
Swimming pool			
The applicant must install the following heating system for the swimming pool in the development (or alternatively must not install any heating system for the swimming pool): solar (gas boosted)		✓	
The applicant must install the following pump for the swimming pool in the development, or a pump with a higher energy rating: single speed with a performance of 5 stars.		✓	
The applicant must install a timer for the swimming pool pump in the development.		✓	
Alternative energy			
The applicant must install a photovoltaic system as part of the development. The applicant must connect this system to the development's electrical system.	✓	✓	✓
The photovolatic system must consist of: • photovolatic collectors with the capacity to generate at least 2 peak kilowatts of electricity, installed at an angle between 25 degrees and 35 degrees to the horizontal facing north	✓	✓	✓
Other			
The applicant must install an induction cooktop & electric oven in the kitchen of the dwelling.		✓	
The applicant must install a fixed outdoor clothes drying line as part of the development.		✓	

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Application No: DA-369/2023

Date Received: 05/06/2024

BUILDING THERMAL PROPERTY DETAILS			
Floor Constuction Type:	MIN. INSULATION REQUIRED (Excl. Class 10a Areas)		Applicable Units:
Slab on Ground: Slab Edge: Floor Between Garage & Above: Cantilevering Floors: Remaining Floor Areas:	R3.6 120mm DCT XPS GA 300 Board or Similar None R4.1 Added Insulation (K10 Soffit Board or Similar) R4.1 Added Insulation (K10 Soffit Board or Similar) None		U1 & U2 U1 & U2 U1 & U2 U1 & U2 U1 & U2
Wall Construction Type:	MIN. INSULATION REQ.	Wall Wrap?	Applicable Units:
External Walls:(90mm Stud) External Walls:(Concrete) External Walls:(Retaining) Party Wall:(Concrete) Internal Walls:(Garage) Internal Walls:(WC Lower) Internal Walls:(Bath Upper) Ceiling Fans:(1500mm Diameter) Ceiling Fans:(1500mm Diameter)	R2.7 Bulk Insulation R1.1 Added Insulation R1.1 Added Insulation None R2.5 Added Insulation R2.5 Added Insulation R2.5 Added Insulation 1 x All Bedrooms 1 x Living	Non-Reflective (E=0.9/0.9) None None None None None None N/A N/A	U1 & U2 U1 & U2 U1 & U2 U1 & U2 U1 & U2 U1 & U2 U1 & U2 U1 & U2 U1 & U2
Roof and/or Ceiling Type:	MIN. INSULATION REQ.	Roof Foil/Sarking/Blanket?	Applicable Units:
Ceiling under Flat Roof: Ceiling under Susp Slab:	R5.0 Bulk Insulation R4.1 Added Insulation	R2.5 Blanket None	U1 & U2 U1 & U2
Window Operability & I.D	Max U-Value, SHGC (+/- 5%), WERS Code & Window Details		Applicable Units:
French/Hinged	4.80 & 0.51 | ALM-003-01; Alum, DG		U1
Fixed, Double Hung & Sliding	4.80 & 0.59 | ALM-004-01; Alum, DG		U1
French/Hinged	4.10 & 0.47 | ALM-005-03; Alum, DG		U2
Double Hung & Sliding	4.10 & 0.52 | ALM-006-03; Alum, DG		U2
Fixed	2.90 & 0.51 | ATB-006-03; Alum, DG		U2
Skylights	2.66 & 0.24 | VEL-011-02: Fixed, DG, Int. Roller Shutter		U1 & U2

ADDITIONAL DETAILS & CLAUSES

- Downlights are sealed (If present)
- Exhaust fans - sealed
- Air infiltration seals to external residence and garage internal doors
- Additional details – refer to NatHERS Certificate

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STEPHEN O'CONNOR ARCHITECTURE

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Nominated Architect -Stephen O'Connor / Registration number 11119

Issue	Date	Description
C	02.06.24	DA _ Revision C
B	18.04.24	DA _ Revision B
A	13.09.23	DA Submission

Project	7 Park Parade, BONDI
Drawing Name	Energy Requirements 7B
Project Number	2103
Drawing No	DA-00-03

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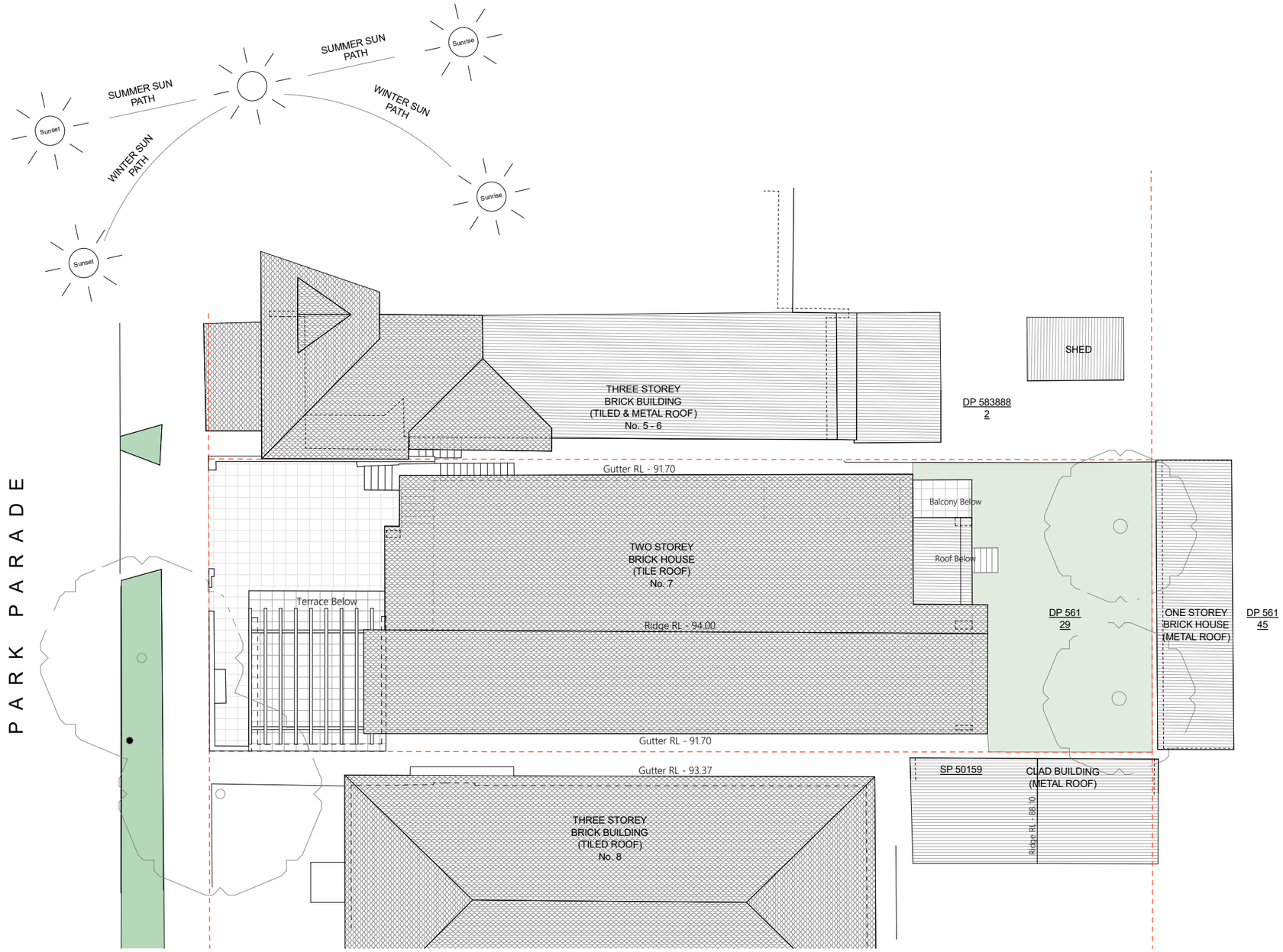

Existing Site Plan 1:200

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1m 2m 3m 4m 5m 10m

N

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Nominated Architect -Stephen O'Connor / Registration number 11119

Issue	Date	Description
C	02.06.24	DA _ Revision C
B	18.04.24	DA _ Revision B
A	13.09.23	DA Submission

Project	7 Park Parade, BONDI
Drawing Name	Existing Site Plan
Project Number	2103
Drawing No	DA-01.1

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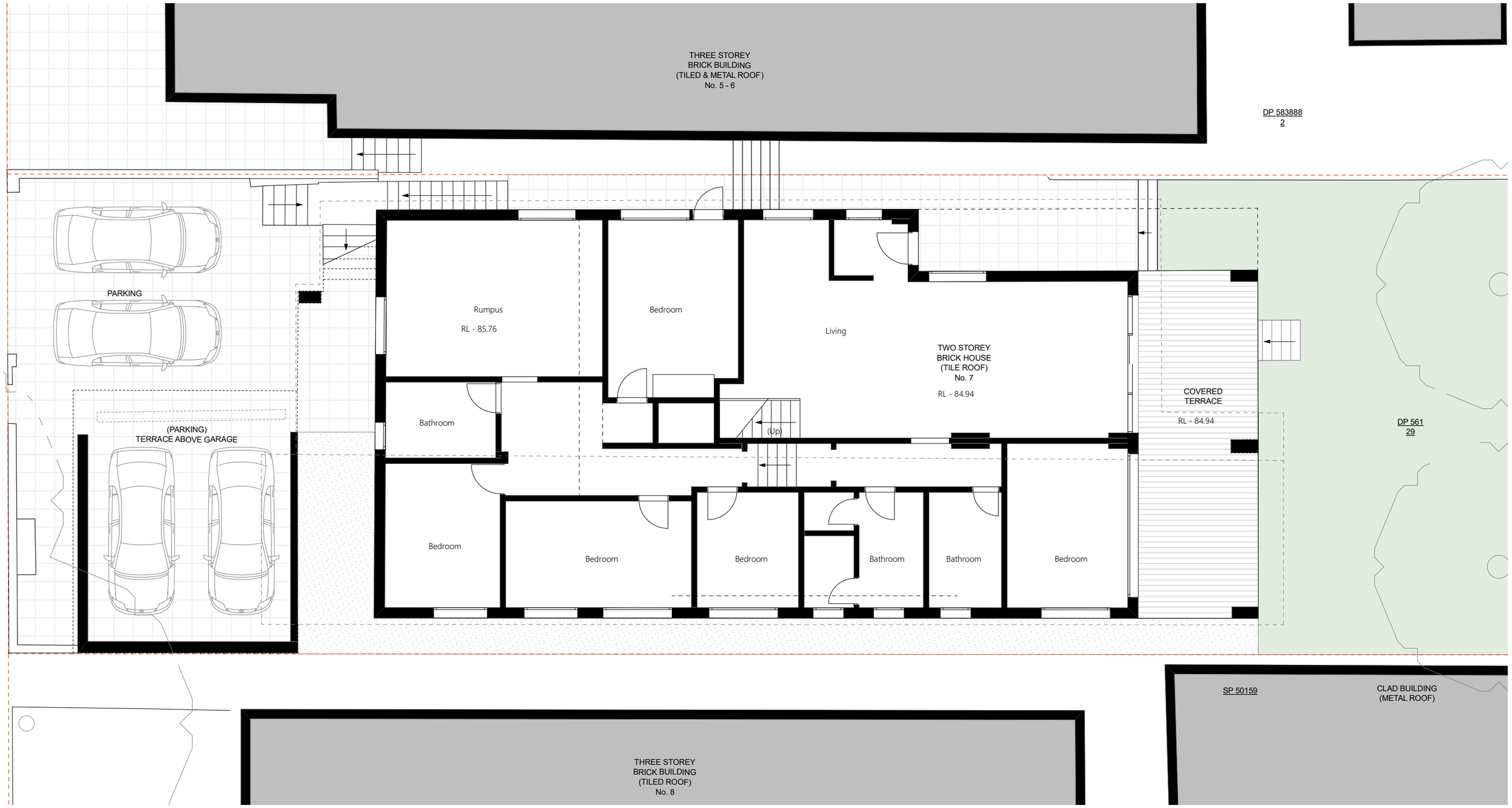

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Existing Ground Floor Plan 1:100

Application No: DA-369/2023

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1m 2m 3m 4m 5m

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Nominated Architect -Stephen O'Connor / Registration number 11119

Issue	Date	Description
C	02.06.24	DA _ Revision C
B	18.04.24	DA _ Revision B
A	13.09.23	DA Submission

Project	7 Park Parade, BONDI
Drawing Name	Existing Ground Floor Plan
Project Number	2103
Drawing No	DA-01.2

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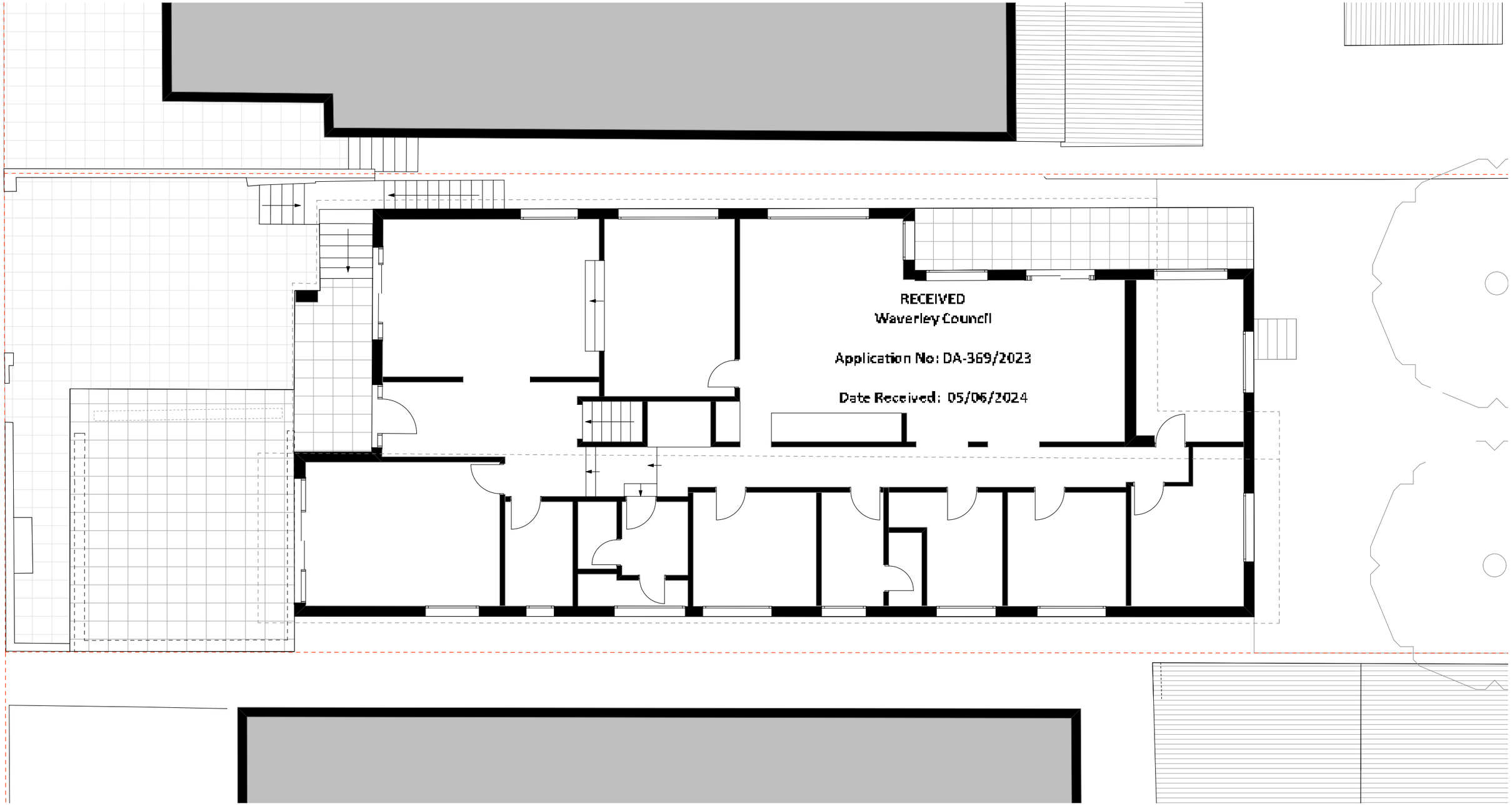

Existing First Floor Plan 1:100

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Nominated Architect -Stephen O'Connor / Registration number 11119

NOT FOR CONSTRUCTION

1m 2m 3m 4m 5m

N

Issue	Date	Description
C	02.06.24	DA _ Revision C
B	18.04.24	DA _ Revision B
A	13.09.23	DA Submission

Project	7 Park Parade, BONDI
Drawing Name	Existing First Floor Plan
Project Number	2103
Drawing No	DA-01.3

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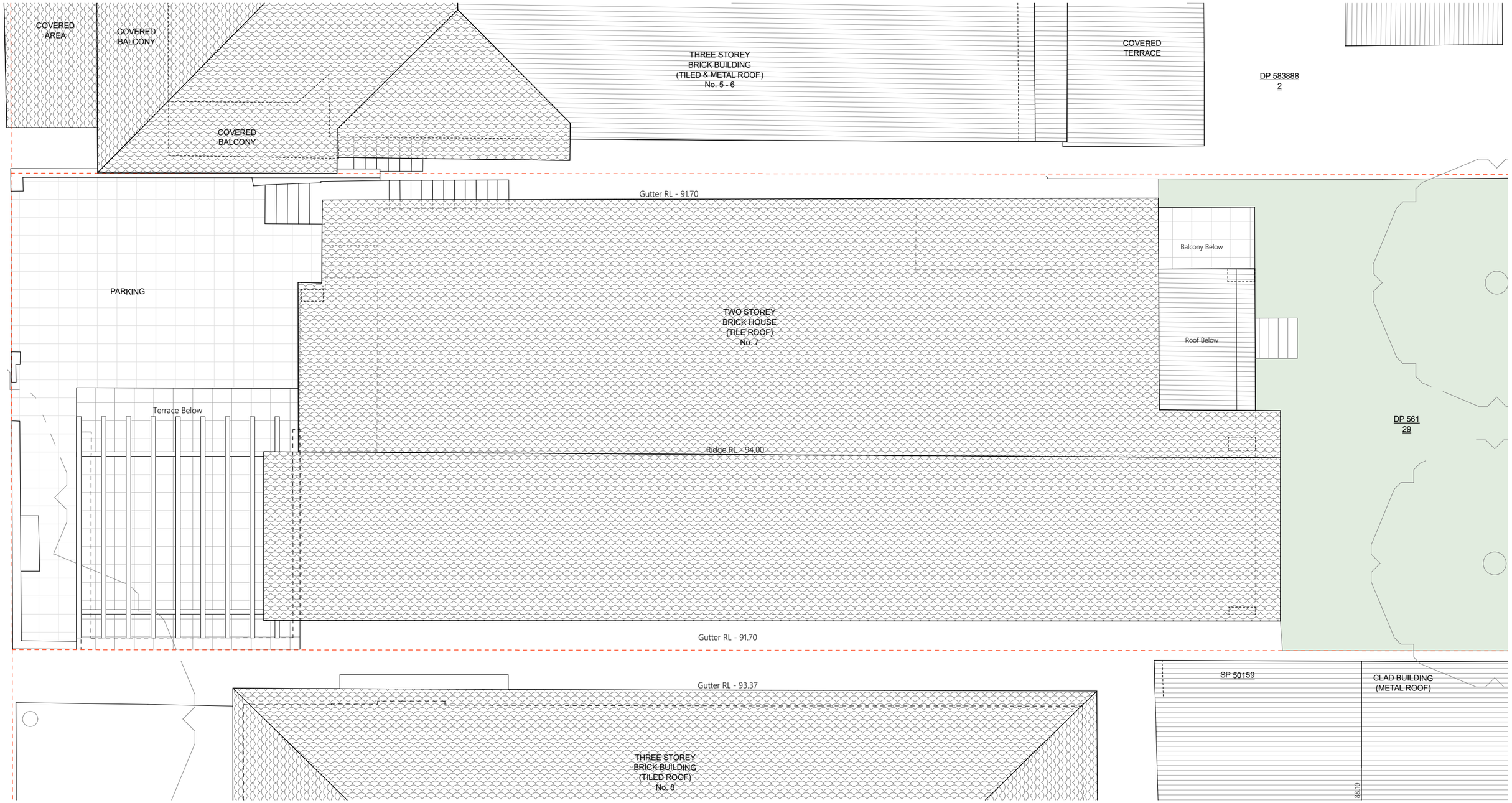

Exisiting Roof 1:100

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1m 2m 3m 4m 5m

N

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Nominated Architect -Stephen O'Connor / Registration number 11119

Issue	Date	Description
C	02.06.24	DA _ Revision C
B	18.04.24	DA _ Revision B
A	13.09.23	DA Submission

Project	7 Park Parade, BONDI
Drawing Name	Existing Roof Plan
Project Number	2103
Drawing No	DA-01.4

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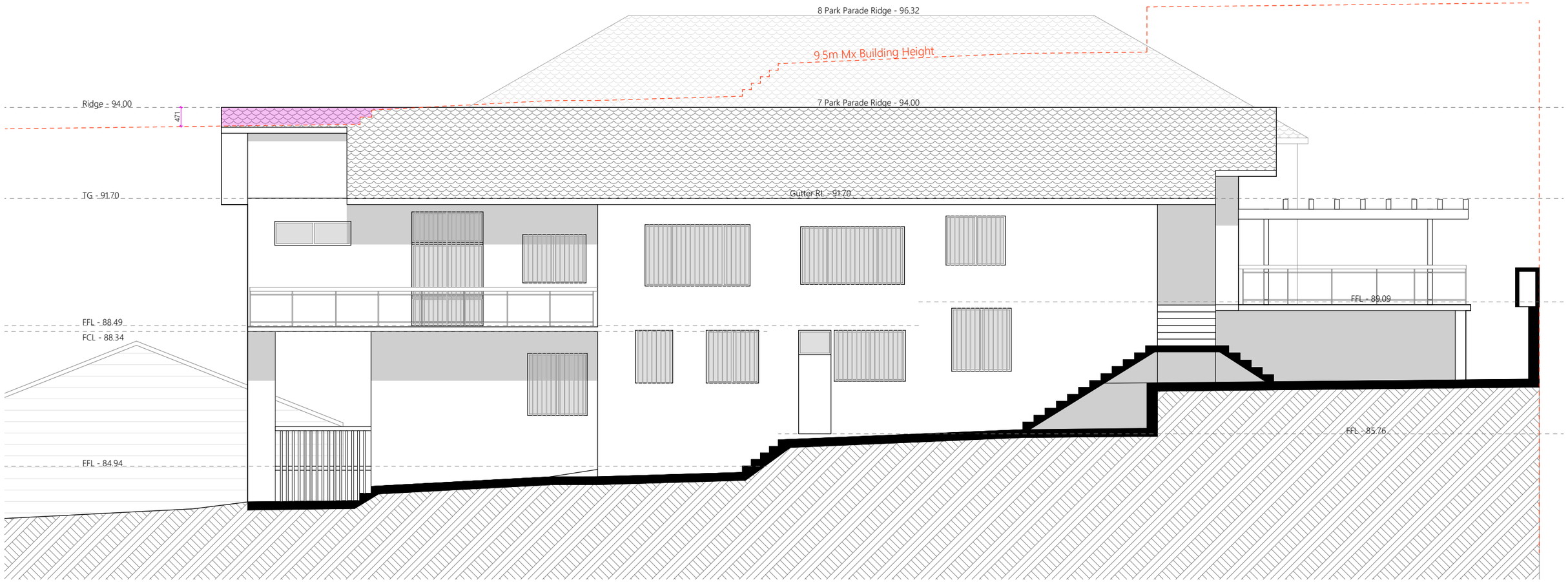

Existing North Elevation 1:100

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1m 2m 3m 4m 5m

Issue	Date	Description
C	02.06.24	DA _ Revision C
B	18.04.24	DA _ Revision B
A	13.09.23	DA Submission

Project	7 Park Parade, BONDI
Drawing Name	Existing North Elevation
Project Number	2103
Drawing No	DA-02.1

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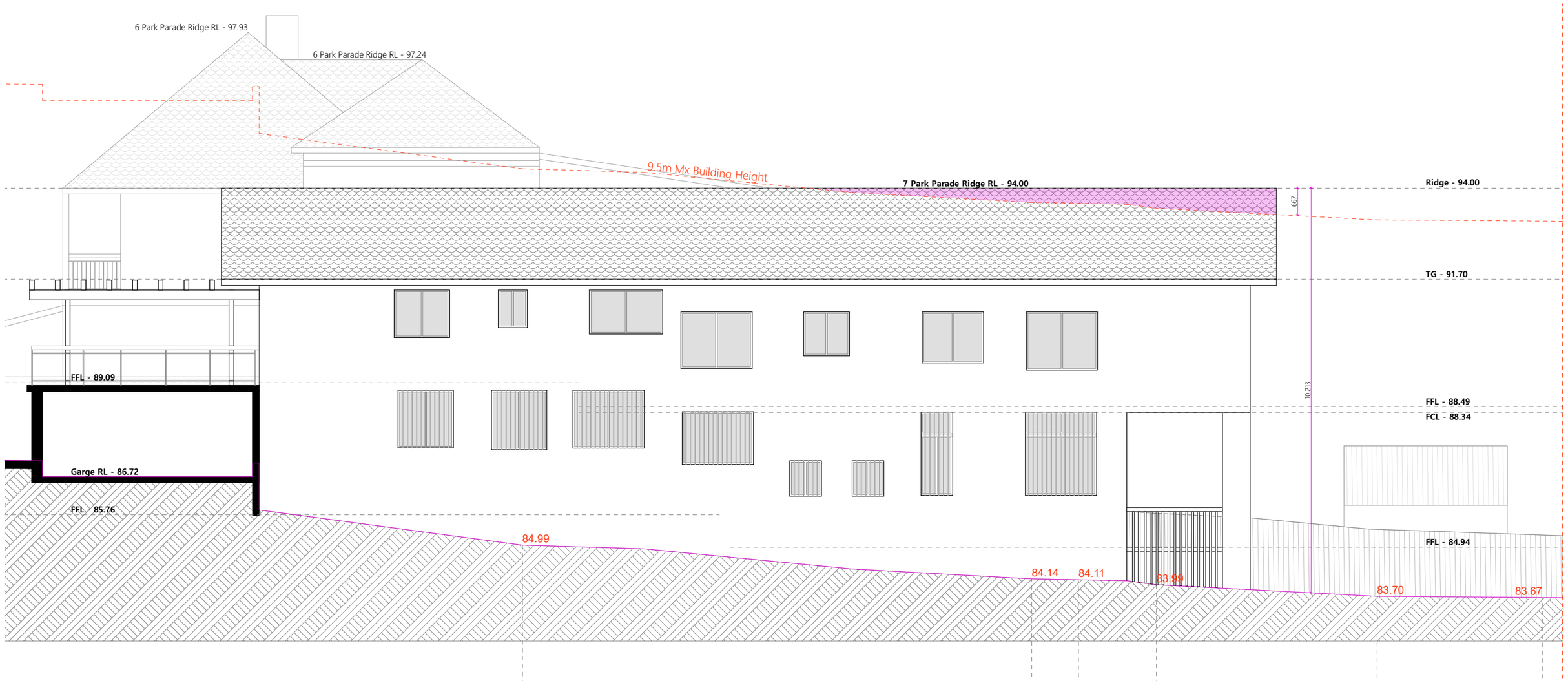

Existing South Elevation 1:100

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1m 2m 3m 4m 5m

Issue	Date	Description
C	02.06.24	DA _ Revision C
B	18.04.24	DA _ Revision B
A	13.09.23	DA Submission

Project	7 Park Parade, BONDI
Drawing Name	Existing South Elevation
Project Number	2103
Drawing No	DA-02.2

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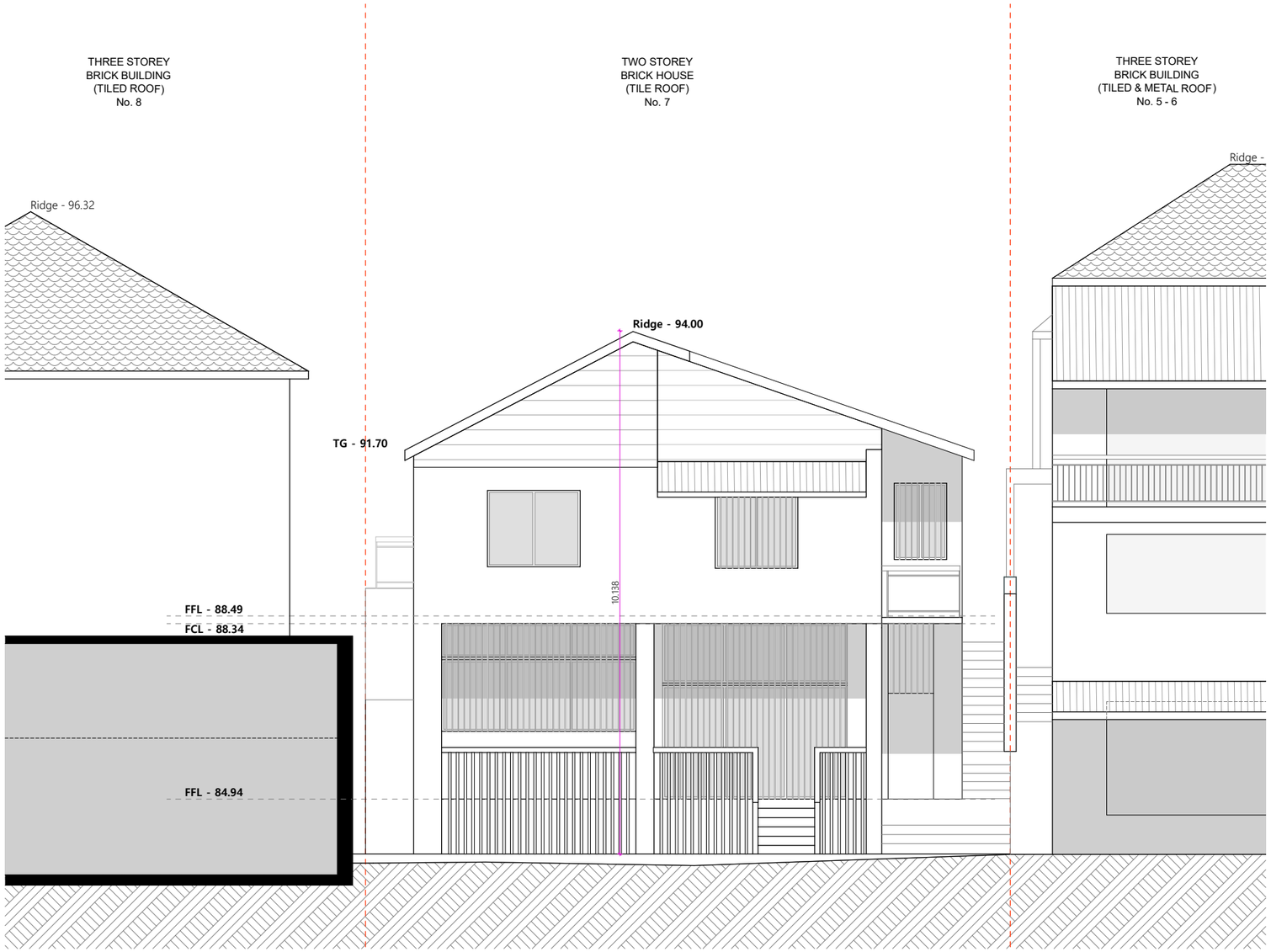

Existing East Elevation 1:100

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1m 2m 3m 4m 5m

Issue	Date	Description
C	02.06.24	DA _ Revision C
B	18.04.24	DA _ Revision B
A	13.09.23	DA Submission

Project	7 Park Parade, BONDI
Drawing Name	Existing East Elevations
Project Number	2103
Drawing No	DA-02.3

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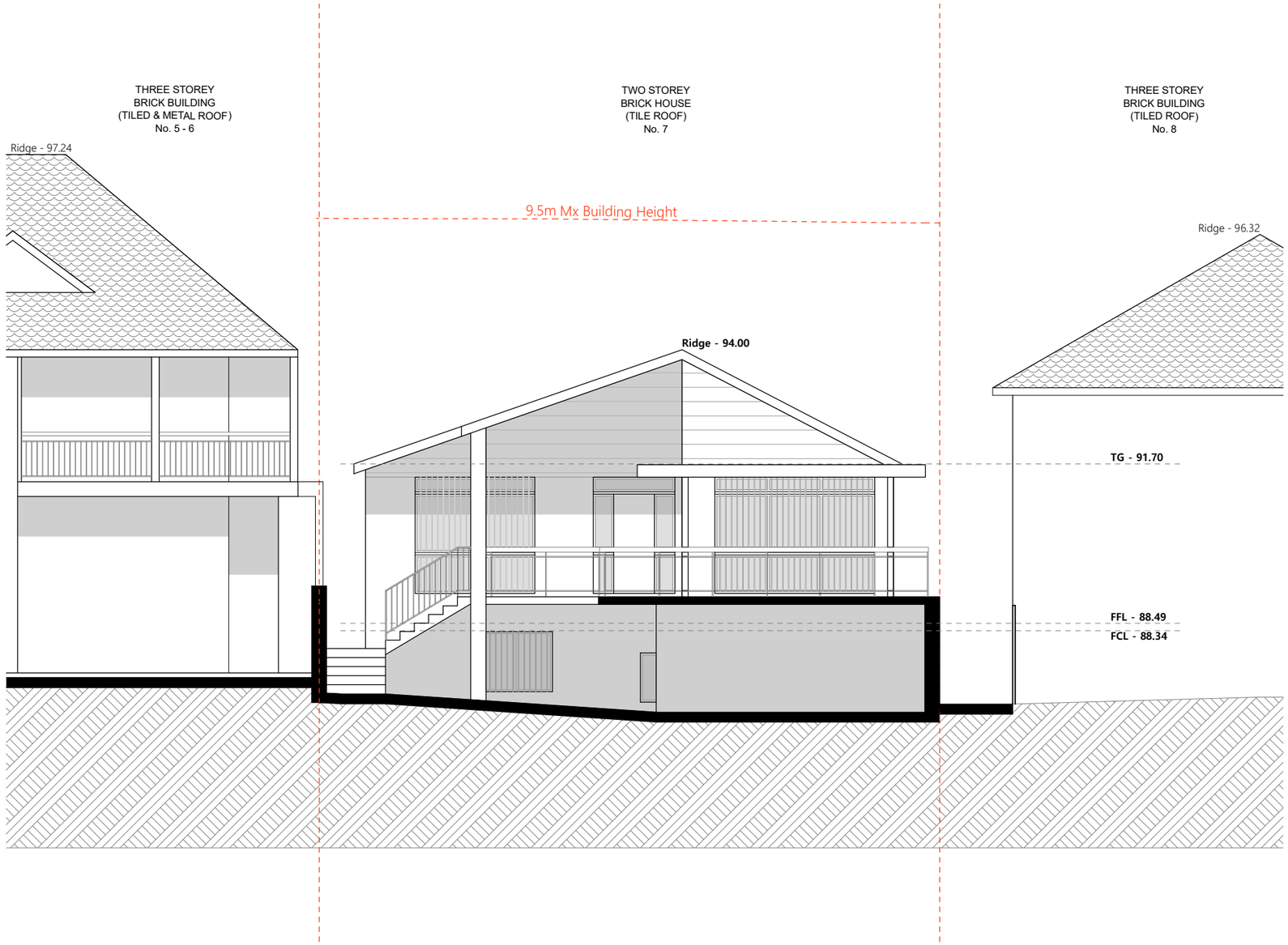

Existing West Elevation 1:100

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1m 2m 3m 4m 5m

Issue	Date	Description
C	02.06.24	DA _ Revision C
B	18.04.24	DA _ Revision B
A	13.09.23	DA Submission

Project	7 Park Parade, BONDI
Drawing Name	Existing West Elevation
Project Number	2103
Drawing No	DA-02.4

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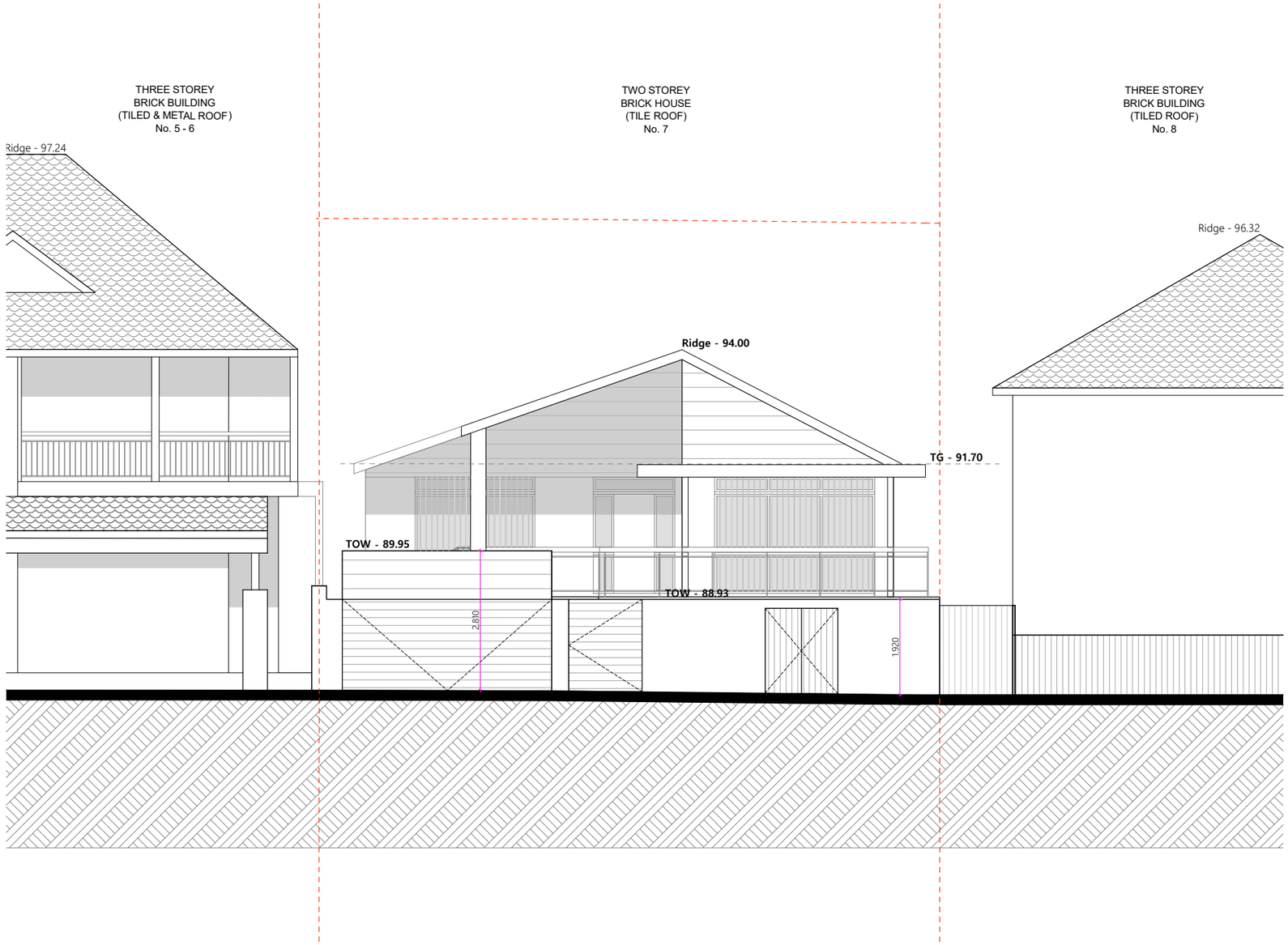

Existing West Elevation Park Parade 1:100

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1m 2m 3m 4m 5m

Issue	Date	Description
C	02.06.24	DA _ Revision C
B	18.04.24	DA _ Revision B
A	13.09.23	DA Submission

Project	7 Park Parade, BONDI
Drawing Name	Existing West Elevation Park Parade
Project Number	2103
Drawing No	DA-02.5

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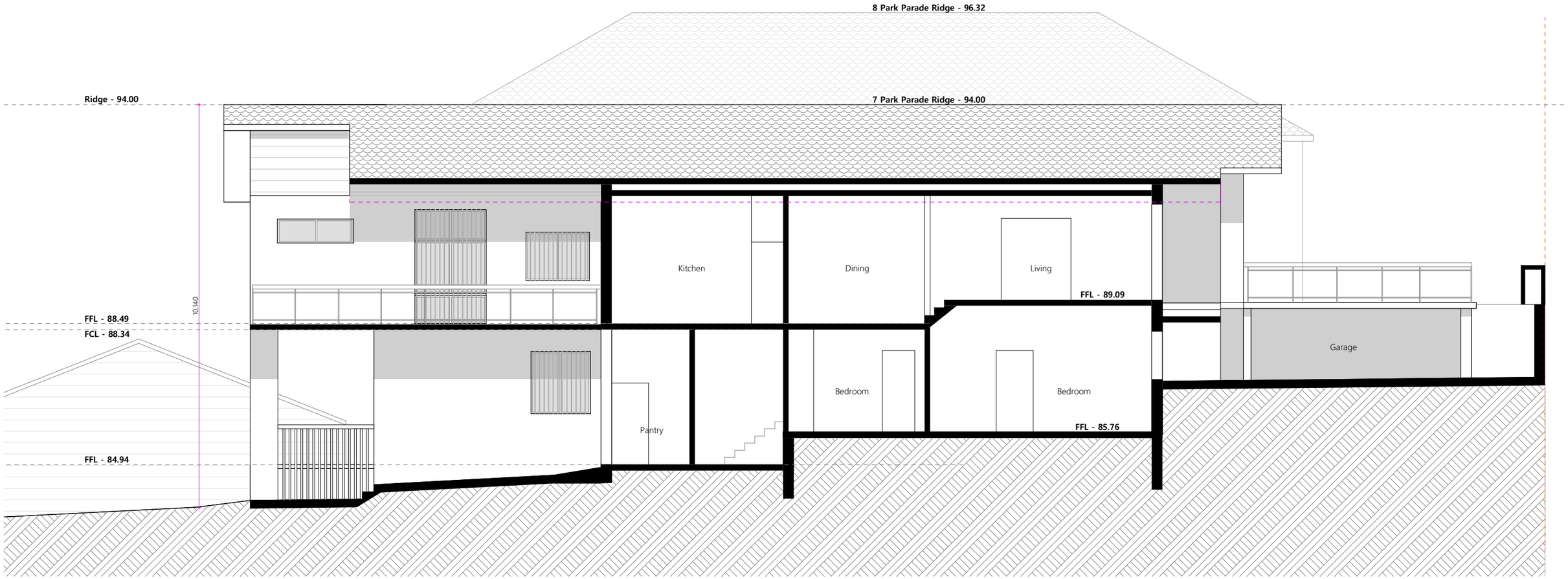

Existing Section A 1:100

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1m 2m 3m 4m 5m

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Nominated Architect -Stephen O'Connor / Registration number 11119

Issue	Date	Description
C	02.06.24	DA _ Revision C
B	18.04.24	DA _ Revision B
A	13.09.23	DA Submission

Project	7 Park Parade, BONDI
Drawing Name	Existing Section A
Project Number	2103
Drawing No	DA-03.1

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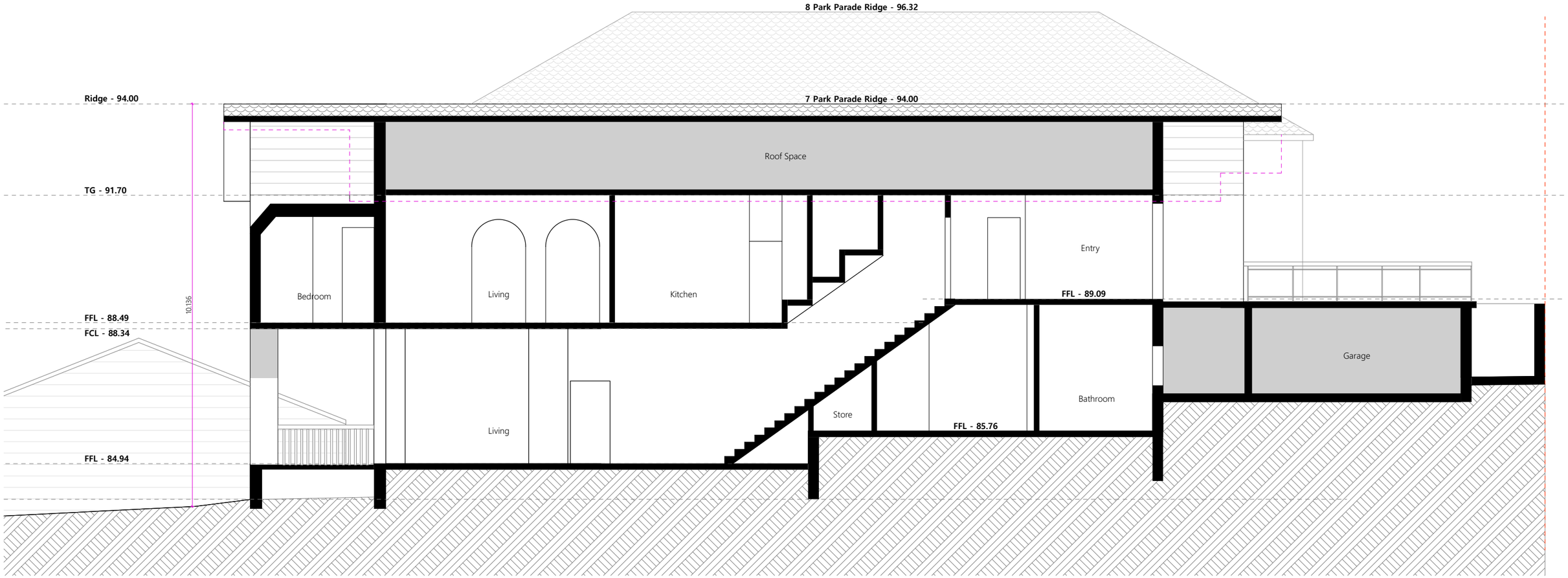

Existing Section B 1:100

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Nominated Architect -Stephen O'Connor / Registration number 11119

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1m 2m 3m 4m 5m

Issue	Date	Description
C	02.06.24	DA _ Revision C
B	18.04.24	DA _ Revision B
A	13.09.23	DA Submission

Project	7 Park Parade, BONDI
Drawing Name	Exsiting Section B
Project Number	2103
Drawing No	DA-03.2

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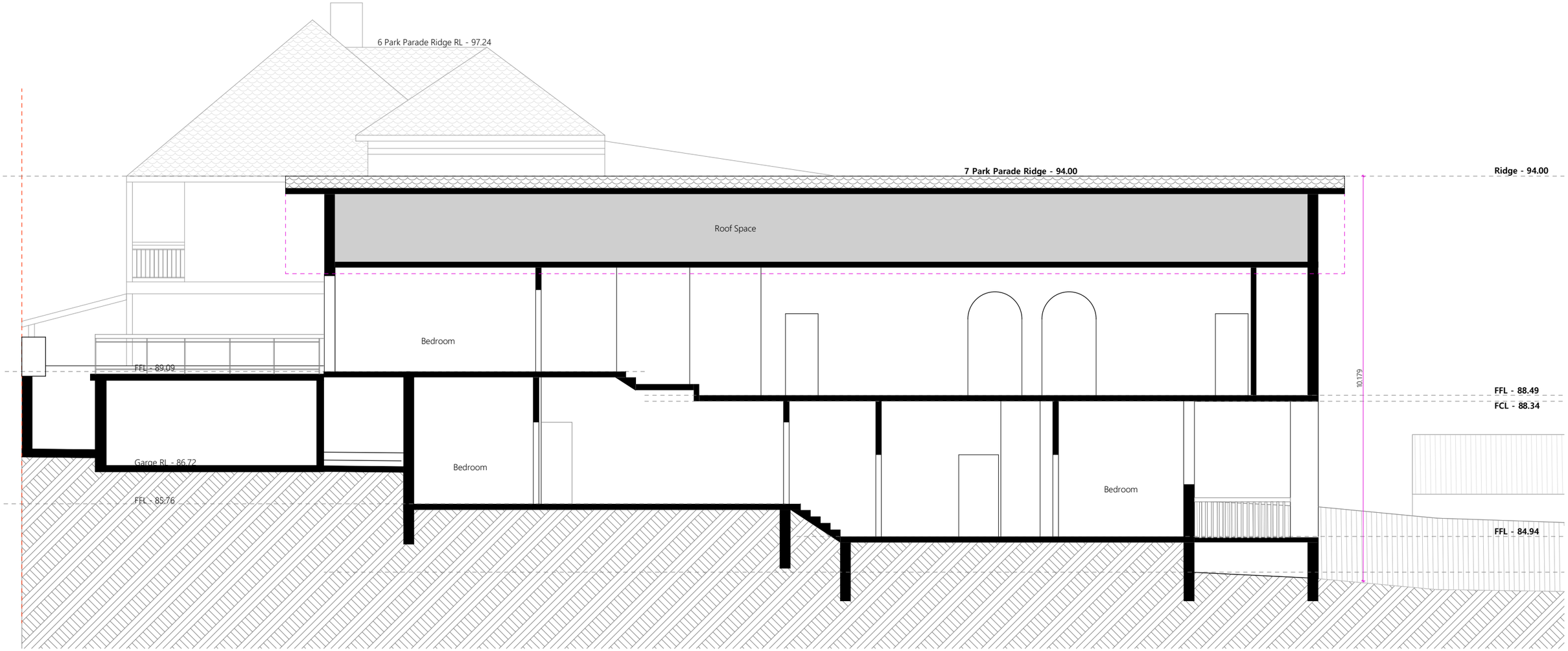

Existing Section C 1:100

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Nominated Architect -Stephen O'Connor / Registration number 11119

Issue	Date	Description
C	02.06.24	DA _ Revision C
B	18.04.24	DA _ Revision B
A	13.09.23	DA Submission

Project	7 Park Parade, BONDI
Drawing Name	Existing Section C
Project Number	2103
Drawing No	DA-03.3

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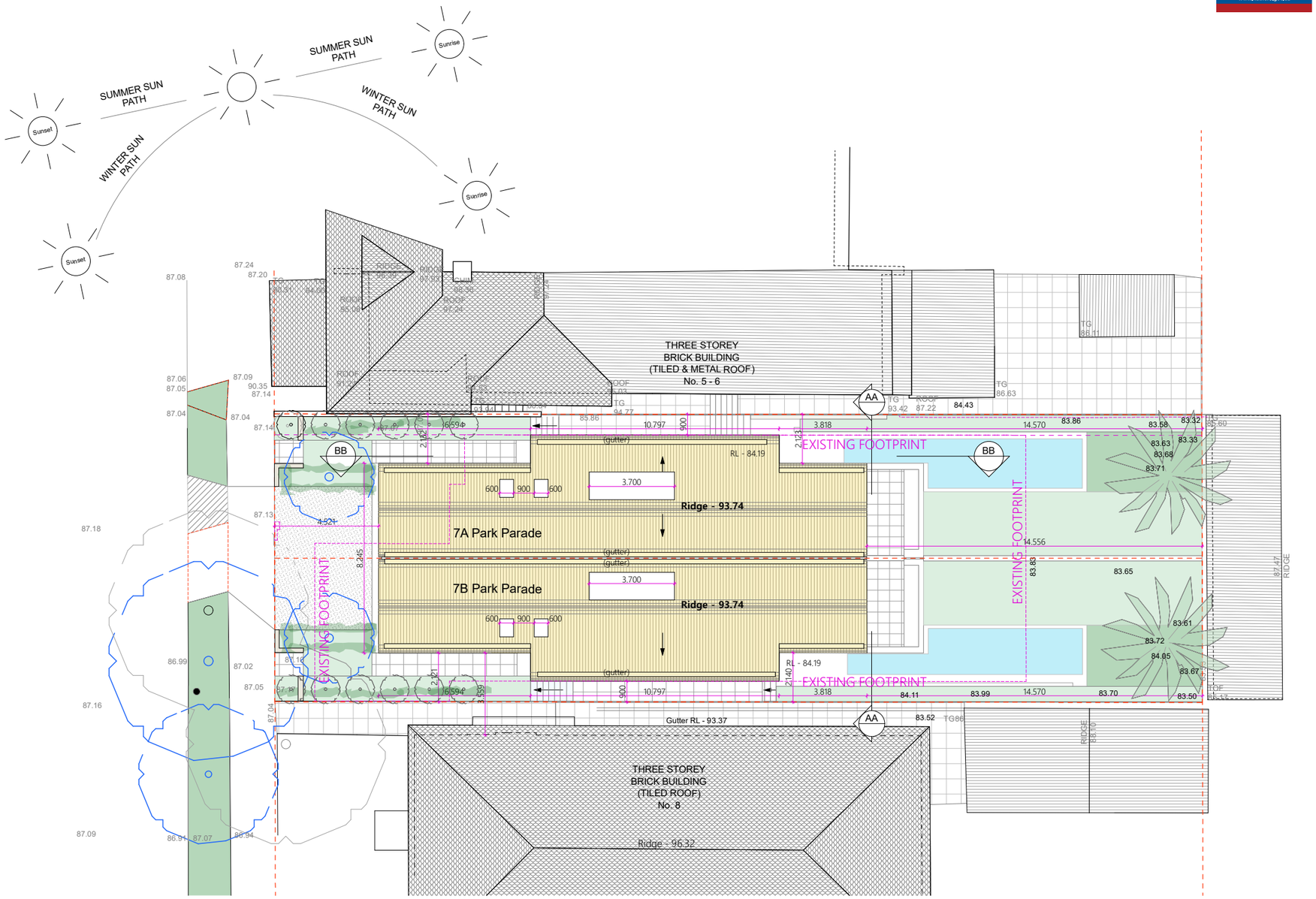

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1m 2m 3m 4m 5m 10m

N

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Issue	Date	Description
C	02.06.24	DA _ Revision C
B	18.04.24	DA _ Revision B
A	13.09.23	DA Submission

Project	7 Park Parade, BONDI
Drawing Name	Proposed Site Plan
Project Number	2103
Drawing No	DA-04.1

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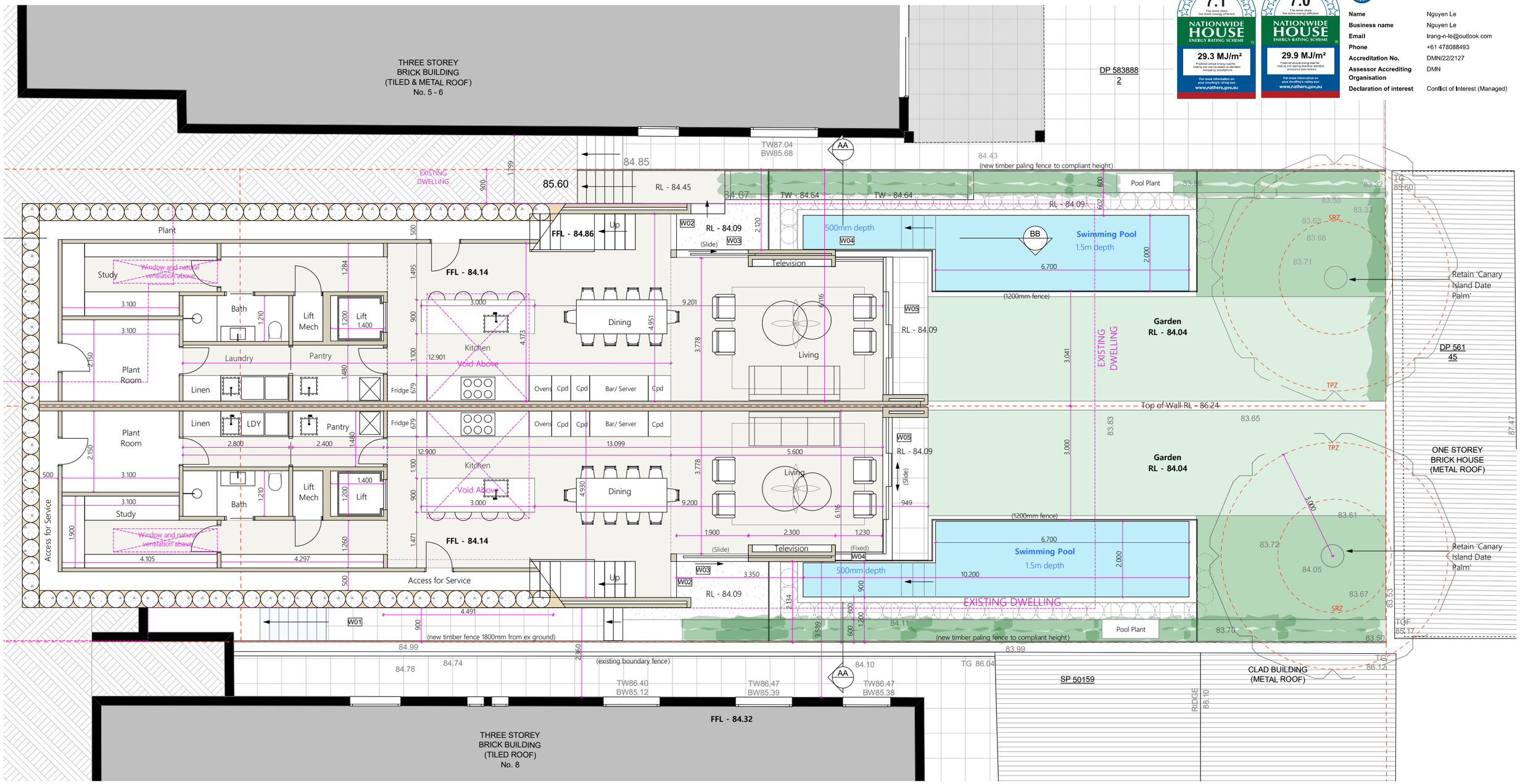
7.1 The more stars the more energy efficient
NATIONWIDE HOUSE ENERGY RATING SCHEME
29.3 MJ/m²
Predicted annual energy load for heating and cooling based on standard occupancy assumptions
For more information on your dwelling's rating see www.nathers.gov.au

7.0 The more stars the more energy efficient
NATIONWIDE HOUSE ENERGY RATING SCHEME
29.9 MJ/m²
Predicted annual energy load for heating and cooling based on standard occupancy assumptions
For more information on your dwelling's rating see www.nathers.gov.au

Accredited assessor

Name	Nguyen Le
Business name	Nguyen Le
Email	trang-n-le@outlook.com
Phone	+61 478088493
Accreditation No.	DMN/22/2127
Assessor Accrediting Organisation	DMN
Declaration of interest	Conflict of Interest (Managed)



Proposed Lower Ground

1:100

Accredited assessor

Name	Nguyen Le
Business name	Nguyen Le
Email	trang-n-le@outlook.com
Phone	+61 478088493
Accreditation No.	DMN/22/2127
Assessor Accrediting Organisation	DMN
Declaration of interest	Conflict of Interest (Managed)

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Date Received: 05/06/2024

Structural Concrete	Lightweight Construction
Masonry Wall	Existing Building

NOT FOR CONSTRUCTION

1m 2m 3m 4m 5m

N

Issue	Date	Description
C	02.06.24	DA _ Revision C
B	18.04.24	DA _ Revision B
A	13.09.23	DA Submission

Project	7 Park Parade, BONDI
Drawing Name	Proposed Lower Ground Floor
Project Number	2103
Drawing No	DA-04.2

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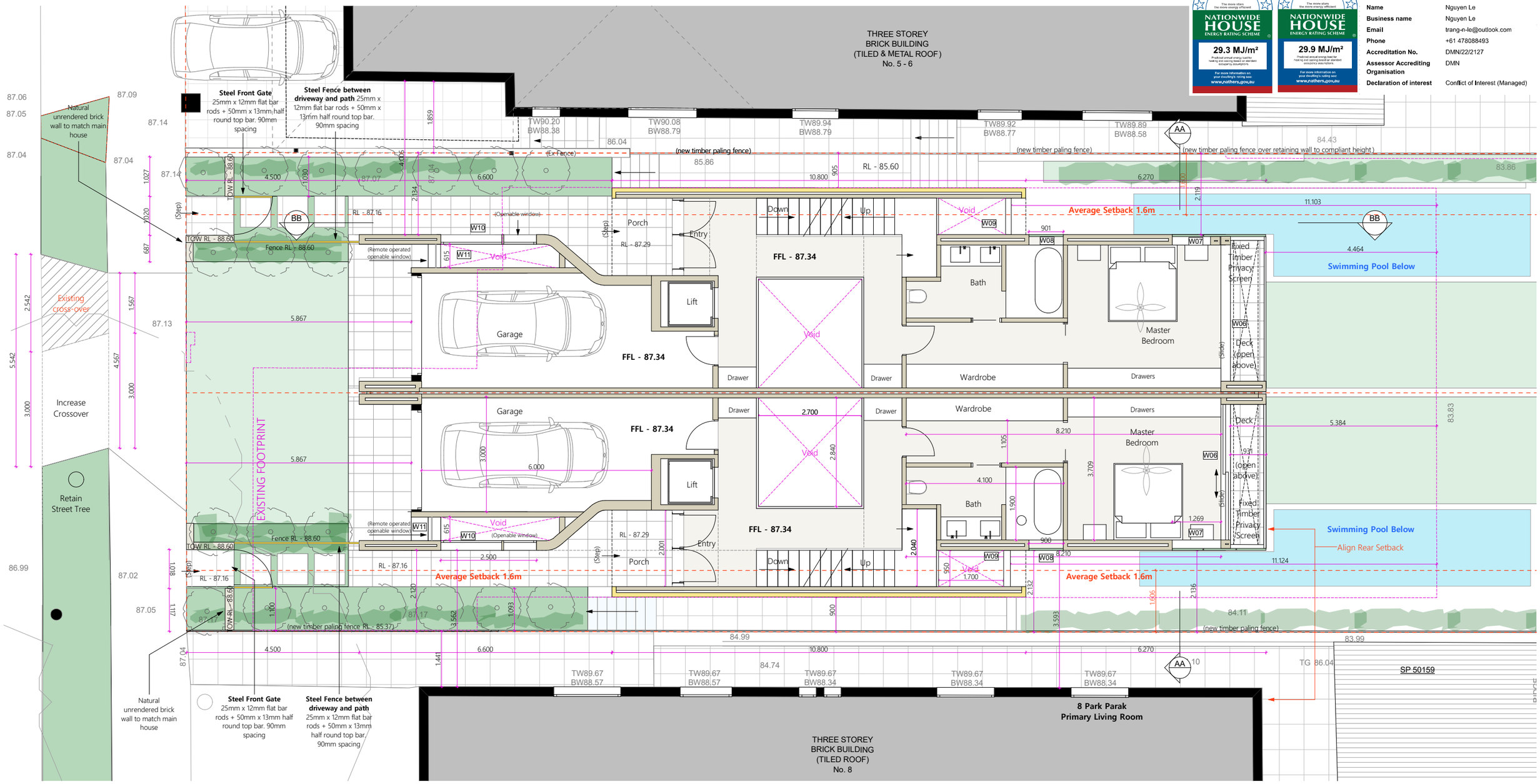

Proposed Ground Floor

1:

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Structural Concrete	Lightweight Construction	
Masonry Wall	Existing Building	

NOT FOR CONSTRUCTION

1m 2m 3m 4m 5m

N

Issue	Date	Description
C	02.06.24	DA _ Revision C
B	18.04.24	DA _ Revision B
A	13.09.23	DA Submission

Project	7 Park Parade, BONDI
Drawing Name	Proposed Ground Floor
Project Number	2103
Drawing No	DA-04.3

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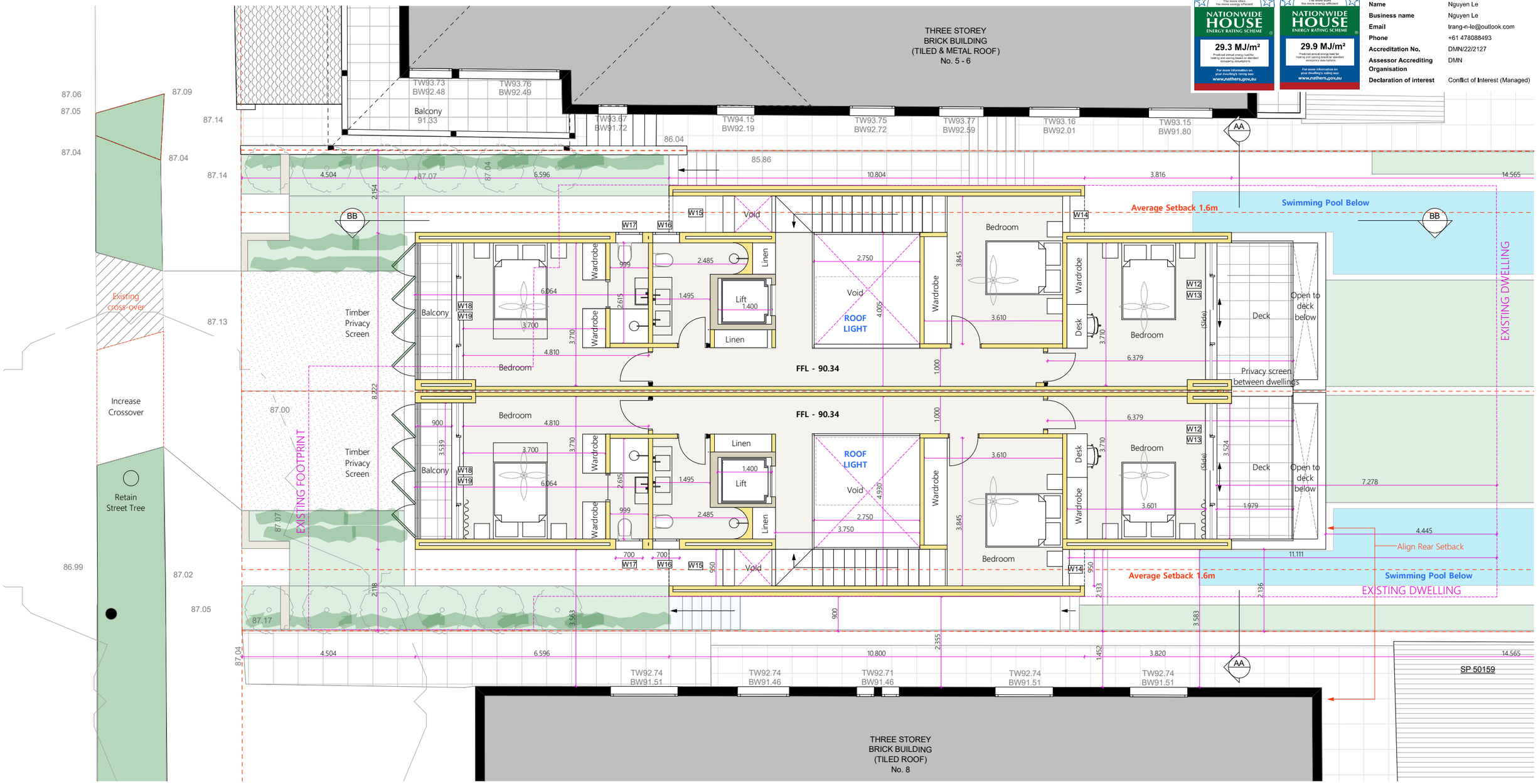
7.1 NATIONWIDE HOUSE ENERGY RATING SCHEME 29.3 MJ/m²

7.0 NATIONWIDE HOUSE ENERGY RATING SCHEME 29.9 MJ/m²

Accredited assessor

Name	Nguyen Le
Business name	Nguyen Le
Email	trang-n-le@outlook.com
Phone	+61 478088493
Accreditation No.	DMN/22/2127
Assessor Accrediting Organisation	DMN
Declaration of interest	Conflict of Interest (Managed)



Proposed First Floor

1:100

Accredited assessor

Name	Nguyen Le
Business name	Nguyen Le
Email	trang-n-le@outlook.com
Phone	+61 478088493
Accreditation No.	DMN/22/2127
Assessor Accrediting Organisation	DMN
Declaration of interest	Conflict of Interest (Managed)

7.1 — 29.3 MJ/m²

7.0 — 29.9 MJ/m²

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Application No: DA-369/2023

Date Received: 05/06/2024

Structural Concrete	Lightweight Construction
Masonry Wall	Existing Building

NOT FOR CONSTRUCTION

1m 2m 3m 4m 5m

N

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Nominated Architect -Stephen O'Connor / Registration number 11119

Issue	Date	Description
C	02.06.24	DA _ Revision C
B	18.04.24	DA _ Revision B
A	13.09.23	DA Submission

Project	7 Park Parade, BONDI
Drawing Name	Proposed First Floor
Project Number	2103
Drawing No	DA-04.4

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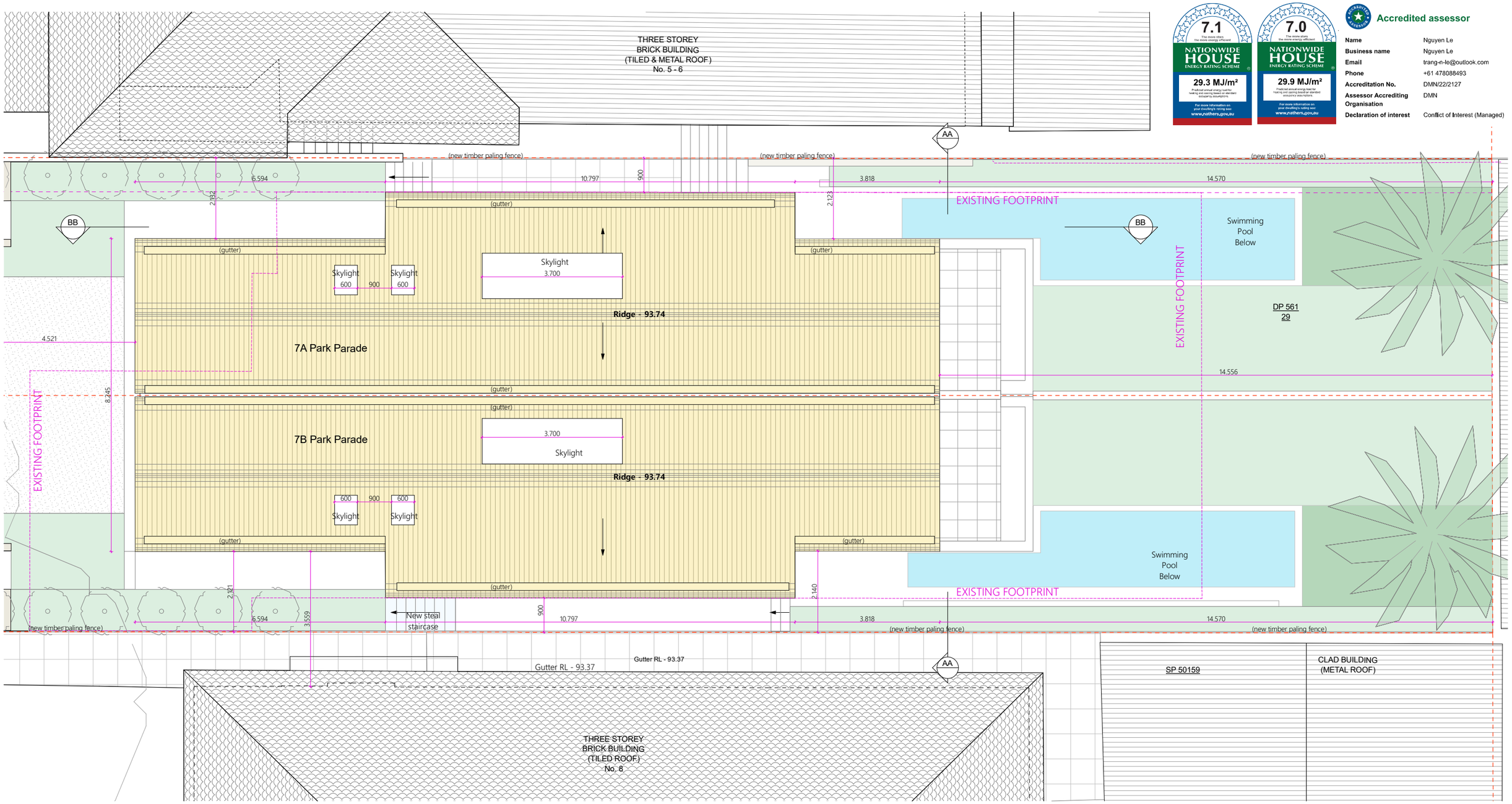

Proposed Roof Plan 1:100

7.1 The more stars the more energy efficient
NATIONWIDE HOUSE ENERGY RATING SCHEME
29.3 MJ/m²
Predicted annual energy load for heating and cooling based on standard occupancy assumptions
For more information on your dwelling's rating see: www.nathers.gov.au

7.0 The more stars the more energy efficient
NATIONWIDE HOUSE ENERGY RATING SCHEME
29.9 MJ/m²
Predicted annual energy load for heating and cooling based on standard occupancy assumptions
For more information on your dwelling's rating see: www.nathers.gov.au

Accredited assessor

Name	Nguyen Le
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Accreditation No.	DMN/22/2127
Assessor Accrediting Organisation	DMN
Declaration of interest	Conflict of Interest (Managed)

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Application No: DA-369/2023

Date Received: 05/06/2024

Structural Concrete	Lightweight Construction
Masonry Wall	Existing Building

NOT FOR CONSTRUCTION

1m 2m 3m 4m 5m

N

STEPHEN O'CONNOR ARCHITECTURE

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Nominated Architect -Stephen O'Connor / Registration number 11119

Issue	Date	Description
C	02.06.24	DA _ Revision C
B	18.04.24	DA _ Revision B
A	13.09.23	DA Submission

Project	7 Park Parade, BONDI
Drawing Name	Proposed Roof Plan
Project Number	2103
Drawing No	DA-04.5

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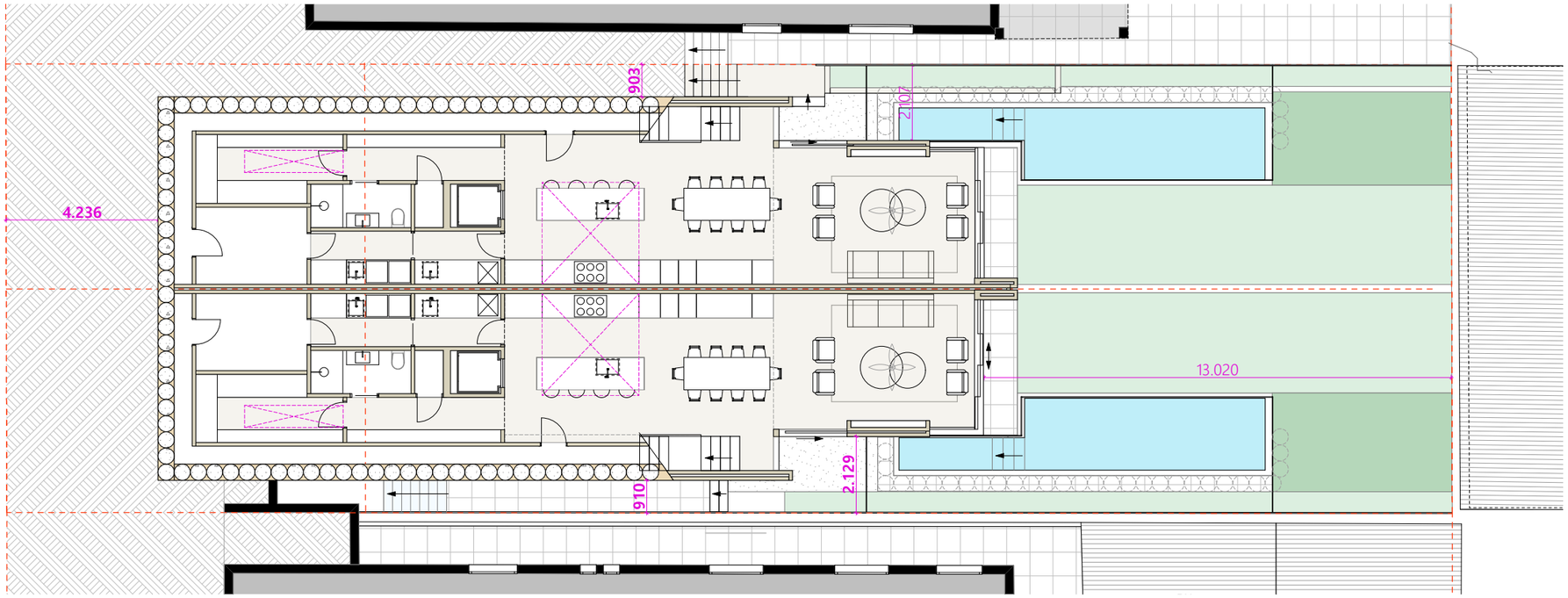

Proposed Lower Ground Floorplate 1:150

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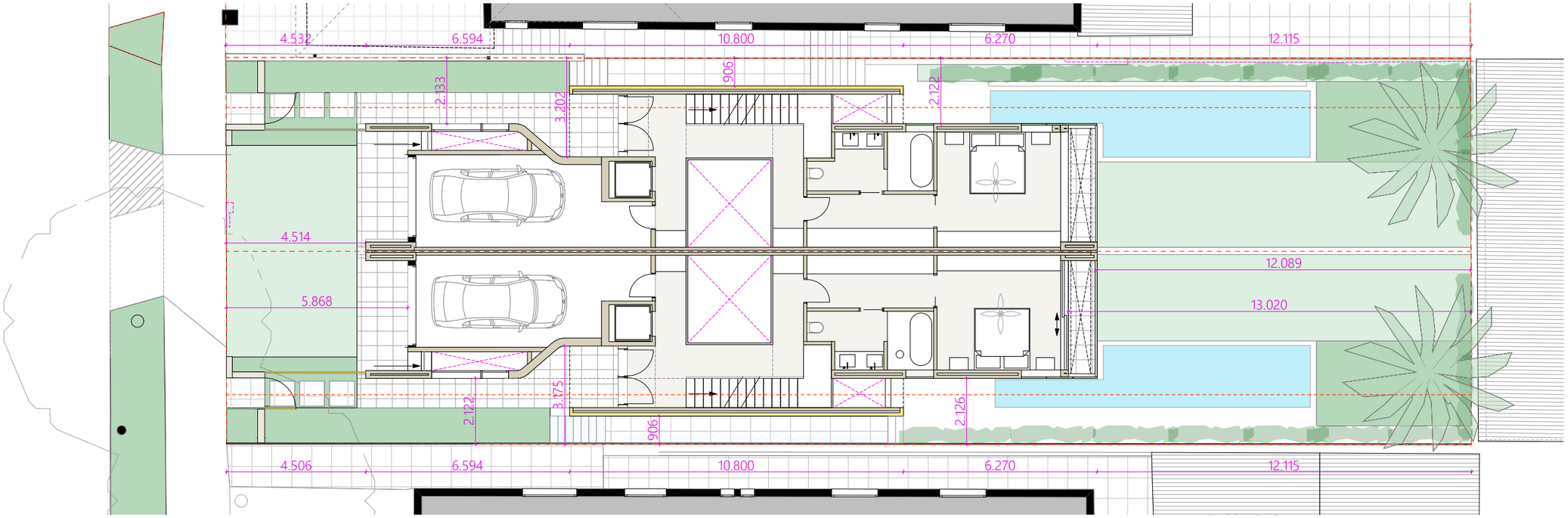
Date Received: 05/06/2024



Proposed Ground Floor Floorplate 1:150

NOT FOR CONSTRUCTION

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Nominated Architect -Stephen O'Connor / Registration number 11119

N

Issue	Date	Description
C	02.06.24	DA _ Revision C
B	18.04.24	DA _ Revision B
A	13.09.23	DA Submission

Project	7 Park Parade, BONDI
Drawing Name	Proposed Lower Ground & Ground Floorplates
Project Number	2103
Drawing No	DA-04.6

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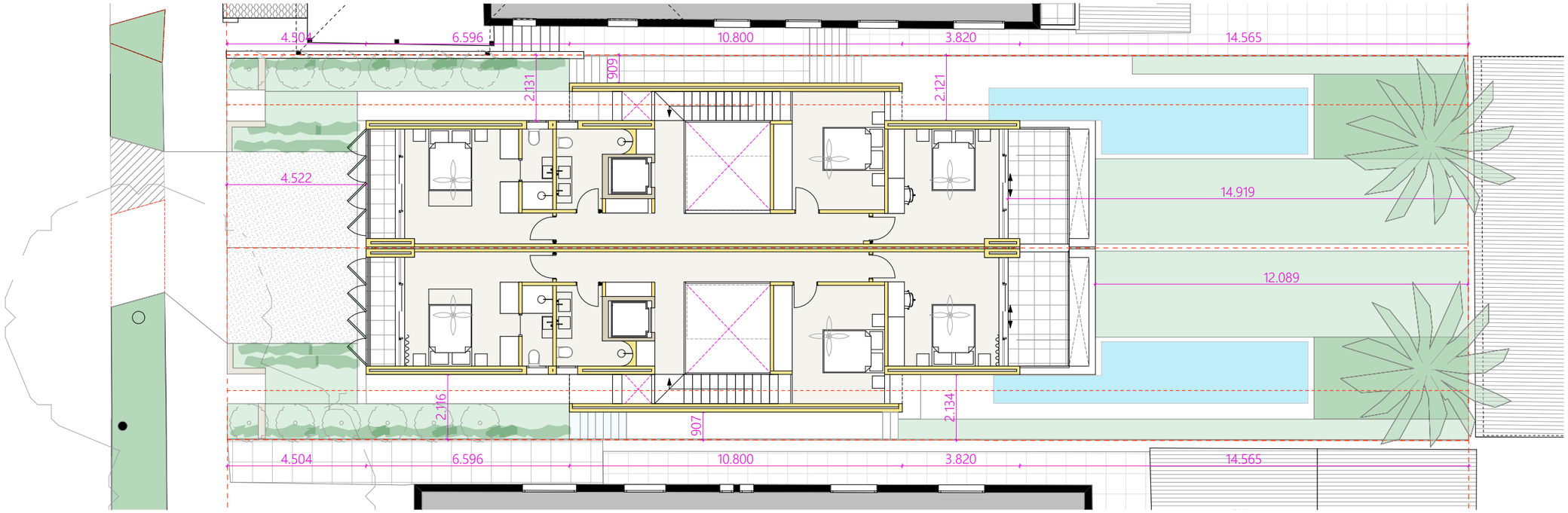

Proposed First Floor Floorplate 1:150

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Date Received: 05/06/2024

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N

Issue	Date	Description
C	02.06.24	DA _ Revision C
B	18.04.24	DA _ Revision B
A	13.09.23	DA Submission

Project	7 Park Parade, BONDI
Drawing Name	Proposed First Floor Floorplate
Project Number	2103
Drawing No	DA-04.7

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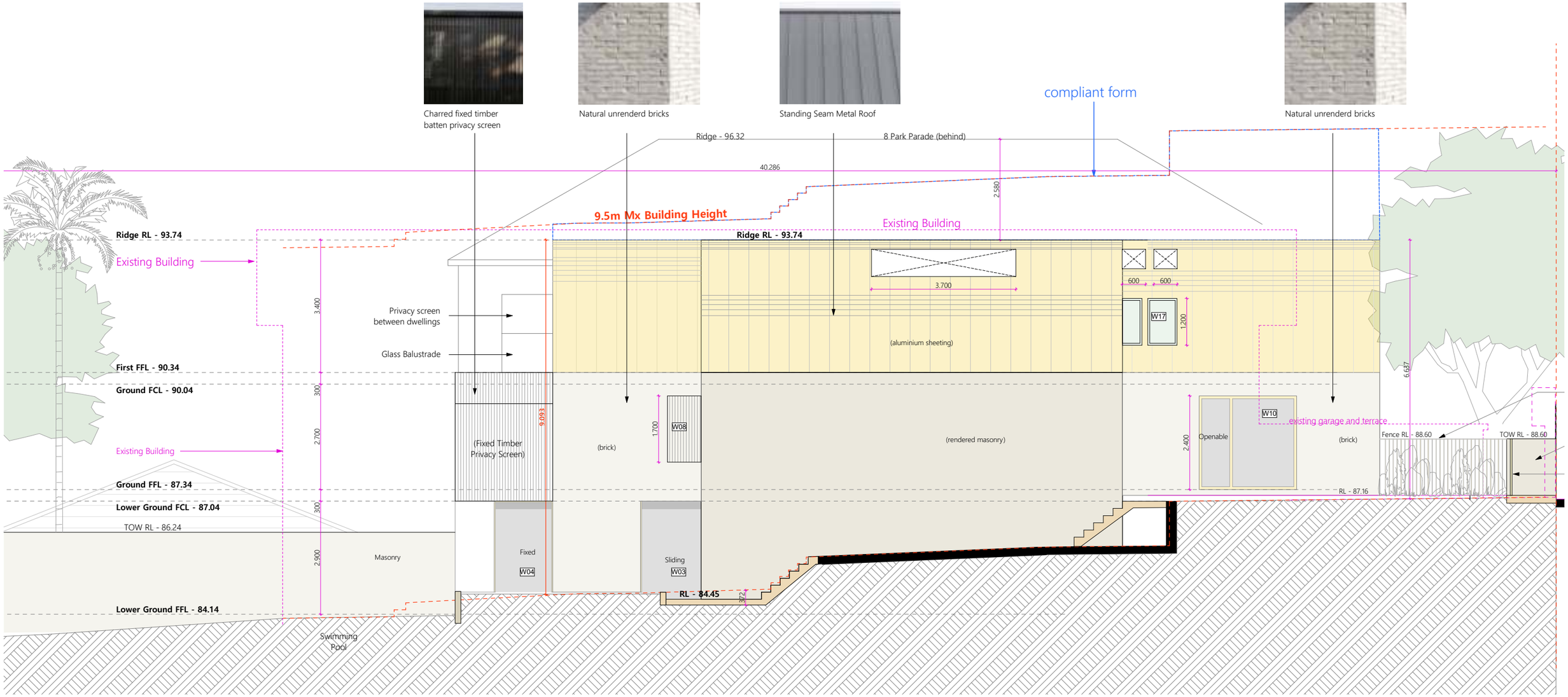

Proposed North Elevation 1:100

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Application No: DA-369/2023

Date Received: 05/06/2024

Structural Concrete	Lightweight Construction
Masonry Wall	Existing Building

7.1 — NATIONWIDE HOUSE ENERGY RATING SCHEME — 29.3 MJ/m²

7.0 — NATIONWIDE HOUSE ENERGY RATING SCHEME — 29.9 MJ/m²

Accredited assessor

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Assessor Accrediting Organisation	DMN
Declaration of interest	Conflict of Interest (Managed)

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NOT FOR CONSTRUCTION

1m 2m 3m 4m 5m

Issue	Date	Description
C	02.06.24	DA _ Revision C
B	18.04.24	DA _ Revision B
A	13.09.23	DA Submission

Project	7 Park Parade, BONDI
Drawing Name	Proposed North Elevation
Project Number	2103
Drawing No	DA-05.1

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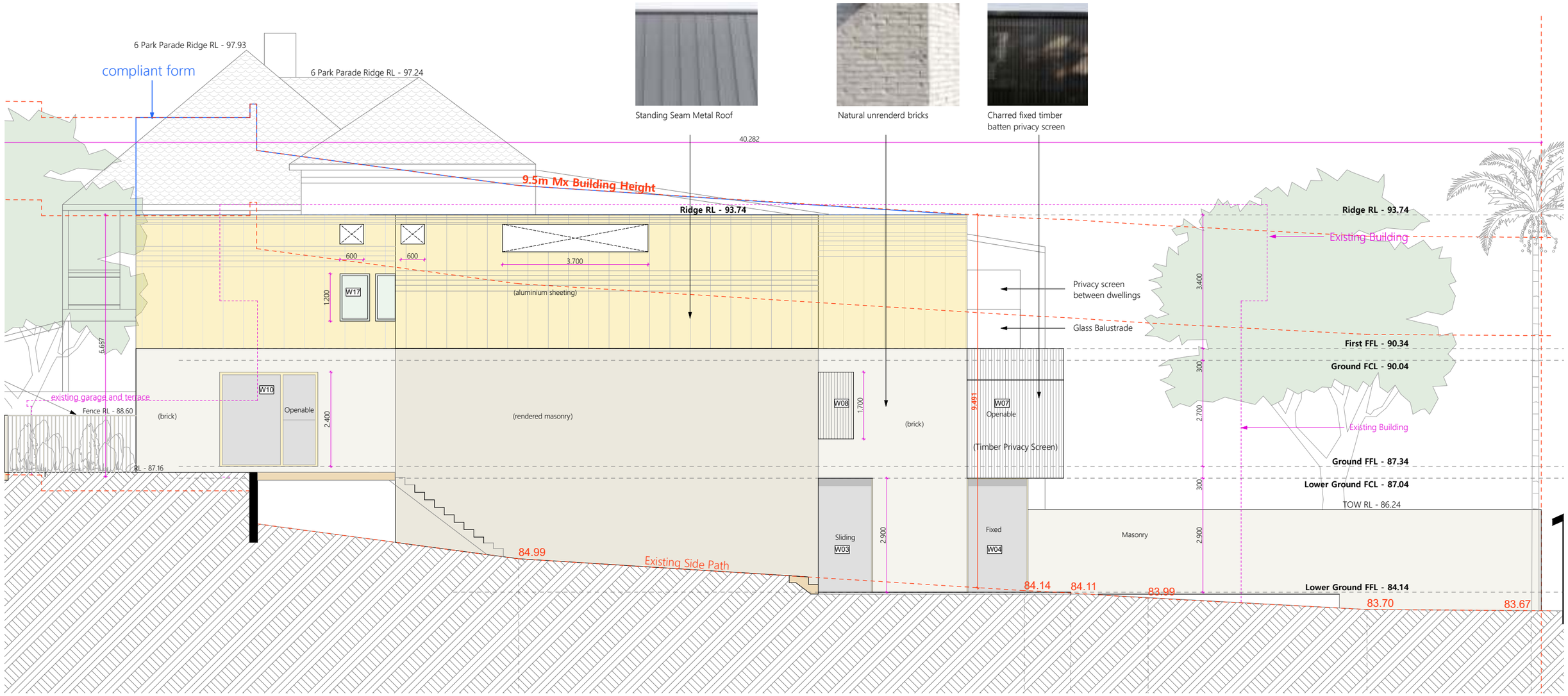

Proposed South Elevation 1:100

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Application No: DA-369/2023

Date Received: 05/06/2024

Structural Concrete	Lightweight Construction
Masonry Wall	Existing Building

Accredited assessor

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Assessor Accrediting Organisation	DMN
Declaration of interest	Conflict of Interest (Managed)

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NOT FOR CONSTRUCTION

1m 2m 3m 4m 5m

Issue	Date	Description
C	02.06.24	DA _ Revision C
B	18.04.24	DA _ Revision B
A	13.09.23	DA Submission

Project	7 Park Parade, BONDI
Drawing Name	Proposed South Elevation
Project Number	2103
Drawing No	DA-05.2

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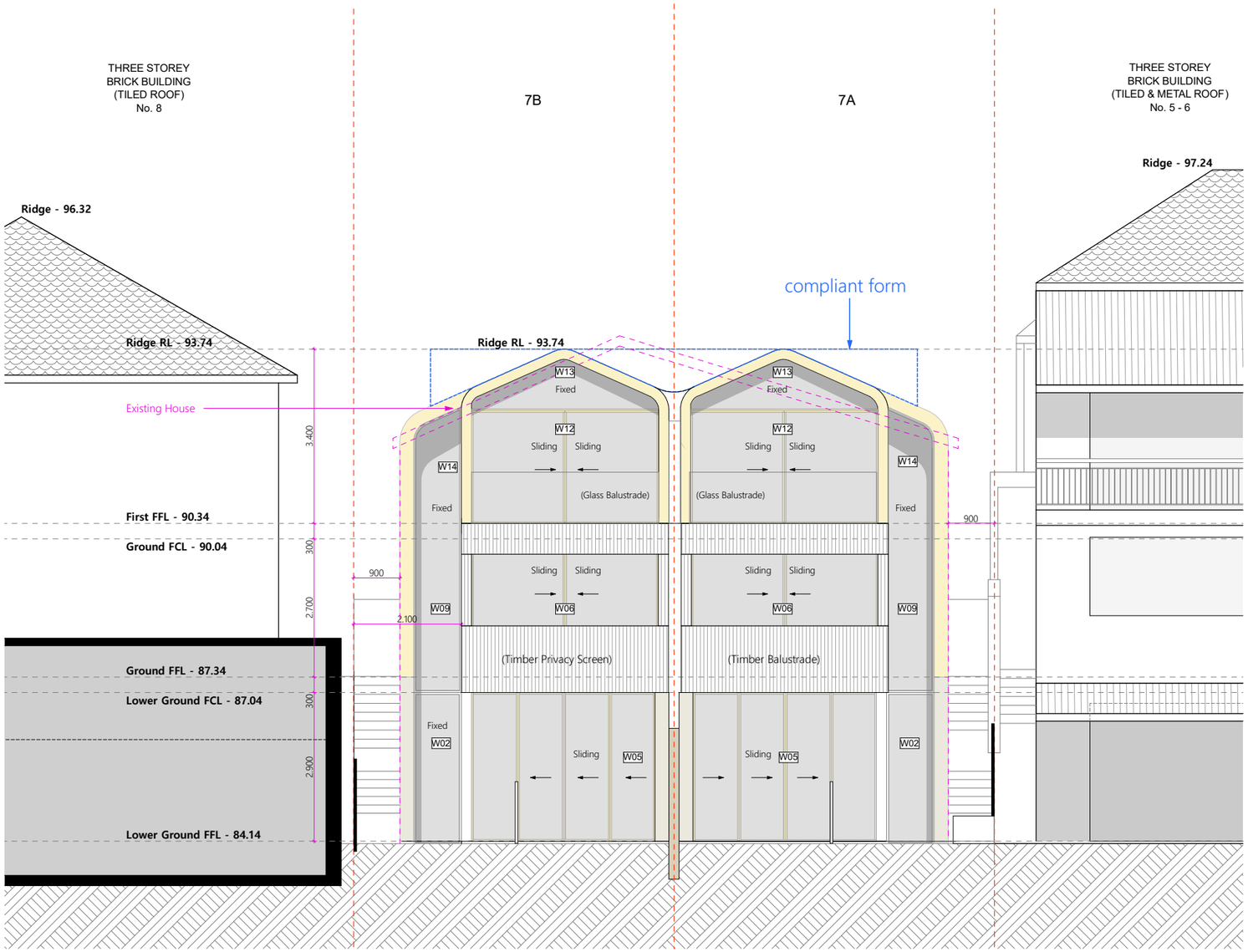
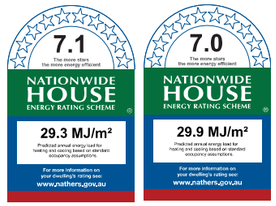


Proposed East Elevation 1:100



Accredited assessor

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Assessor Accrediting Organisation	DMN
Declaration of interest	Conflict of Interest (Managed)

Structural Concrete
Lightweight Construction
Masonry Wall
Existing Building

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1m 2m 3m 4m 5m

Issue	Date	Description
C	02.06.24	DA _ Revision C
B	18.04.24	DA _ Revision B
A	13.09.23	DA Submission

Project	7 Park Parade, BONDI
Drawing Name	Proposed East Elevation
Project Number	2103
Drawing No	DA-05.3

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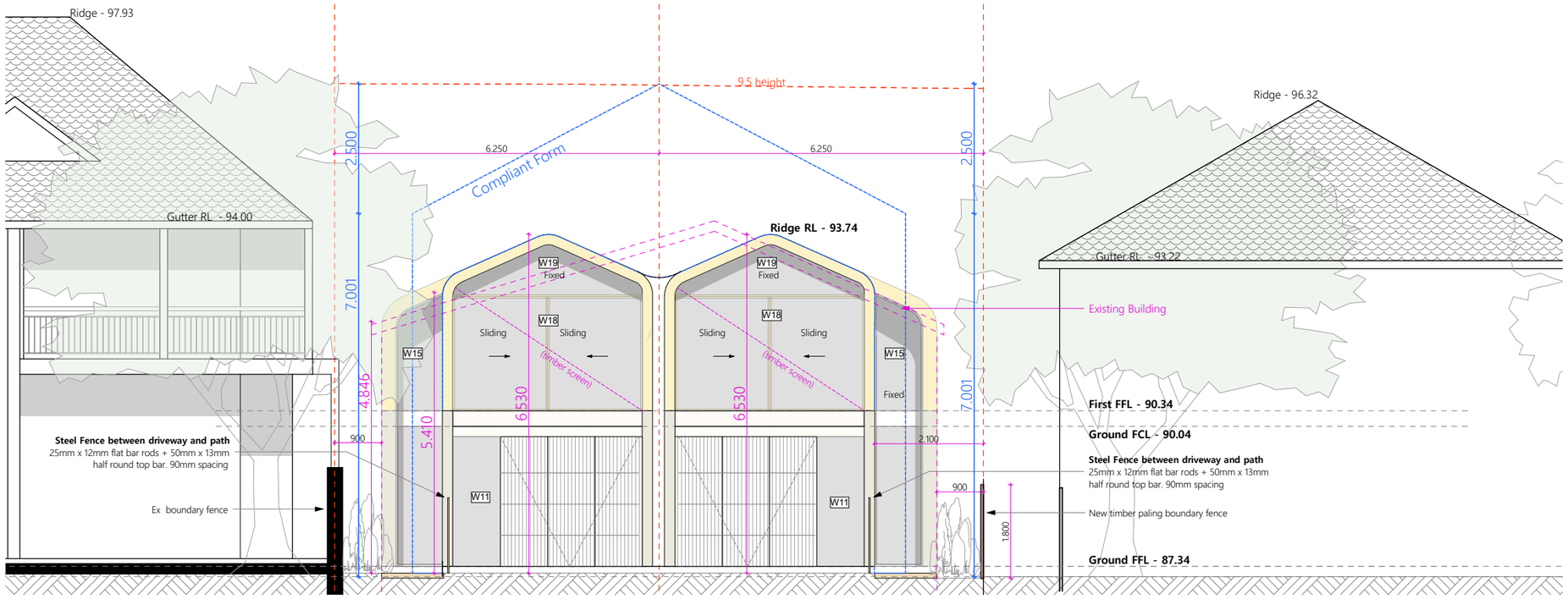
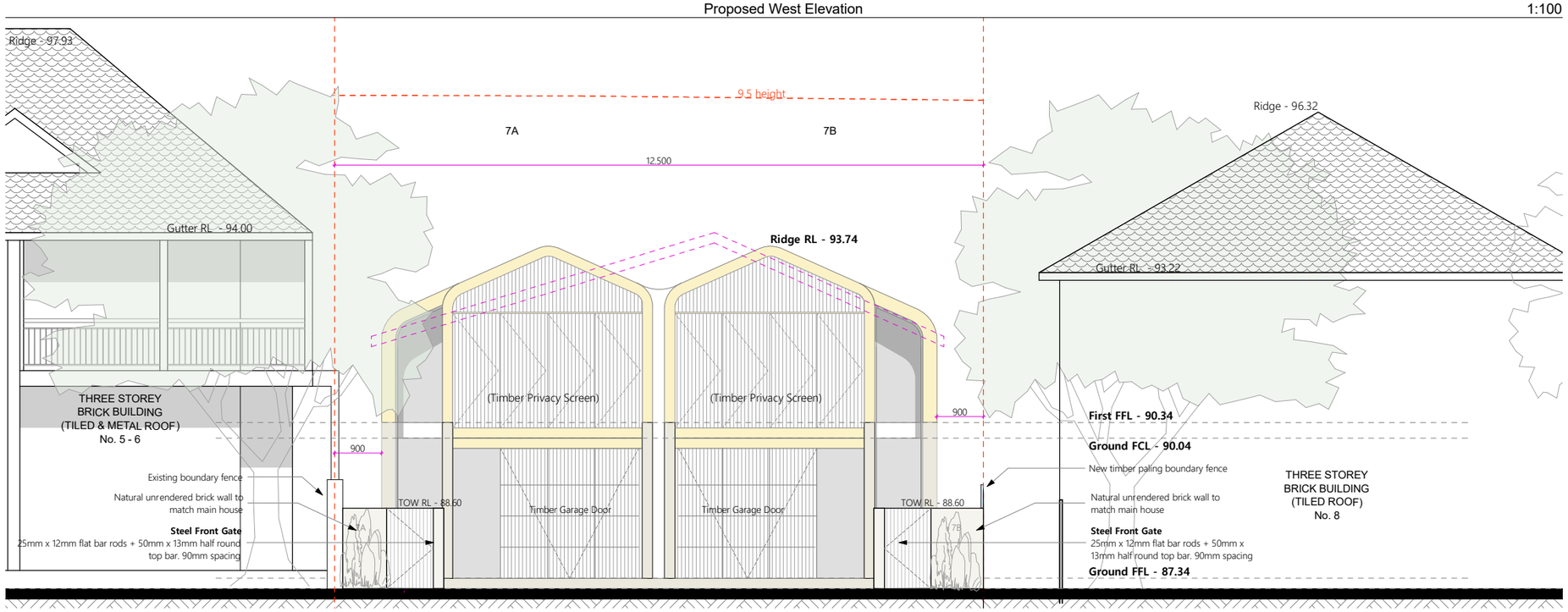
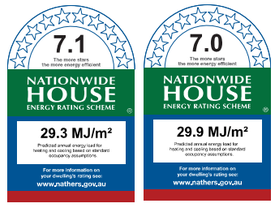


Proposed West Elevation 1:100



Proposed West Elevation Park Parade 1:100



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Assessor Accrediting Organisation	DMN
Declaration of interest	Conflict of Interest (Managed)

Structural Concrete
Lightweight Construction
Masonry Wall
Existing Building

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Application No: DA-369/2023

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1m 2m 3m 4m 5m

Issue	Date	Description
C	02.06.24	DA _ Revision C
B	18.04.24	DA _ Revision B
A	13.09.23	DA Submission

Project	7 Park Parade, BONDI
Drawing Name	Proposed West Elevation
Project Number	2103
Drawing No	DA-05.4

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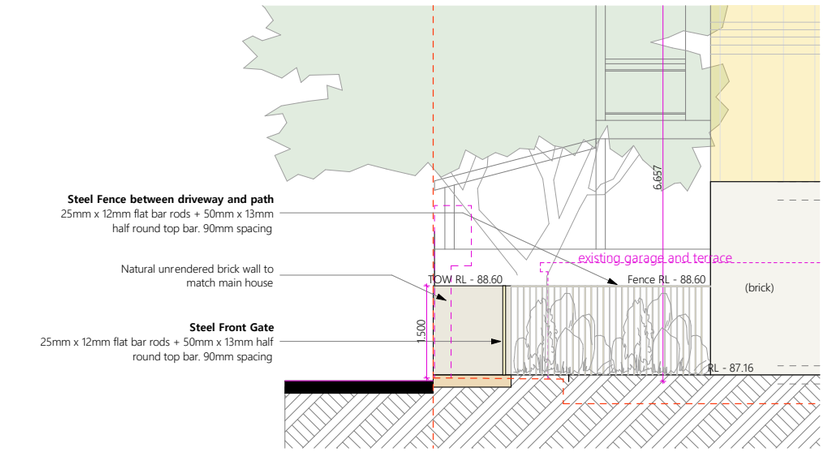
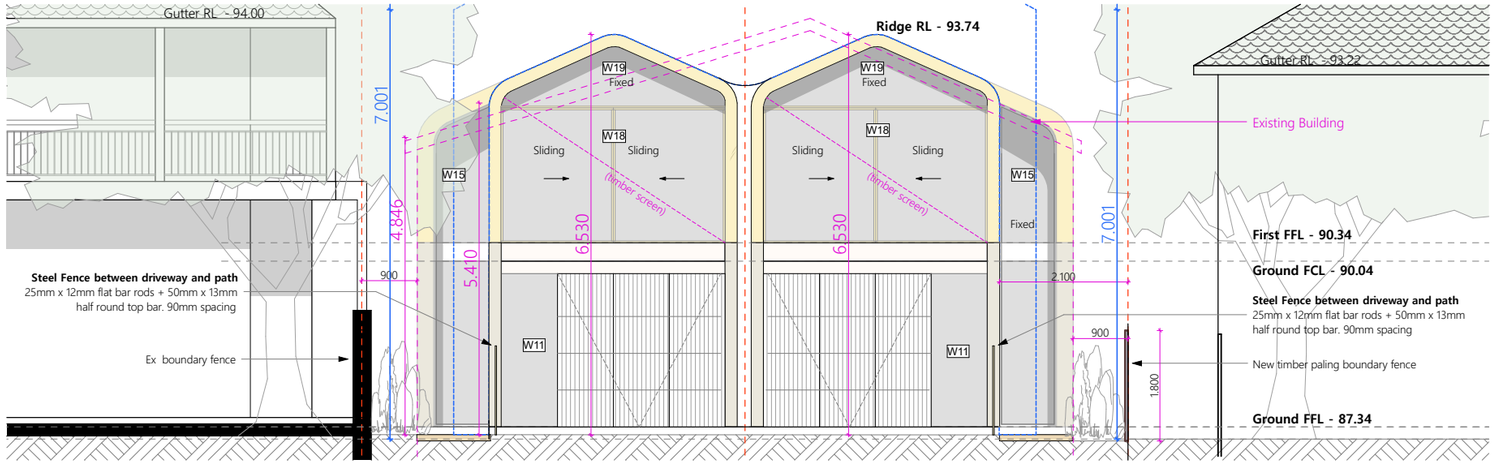
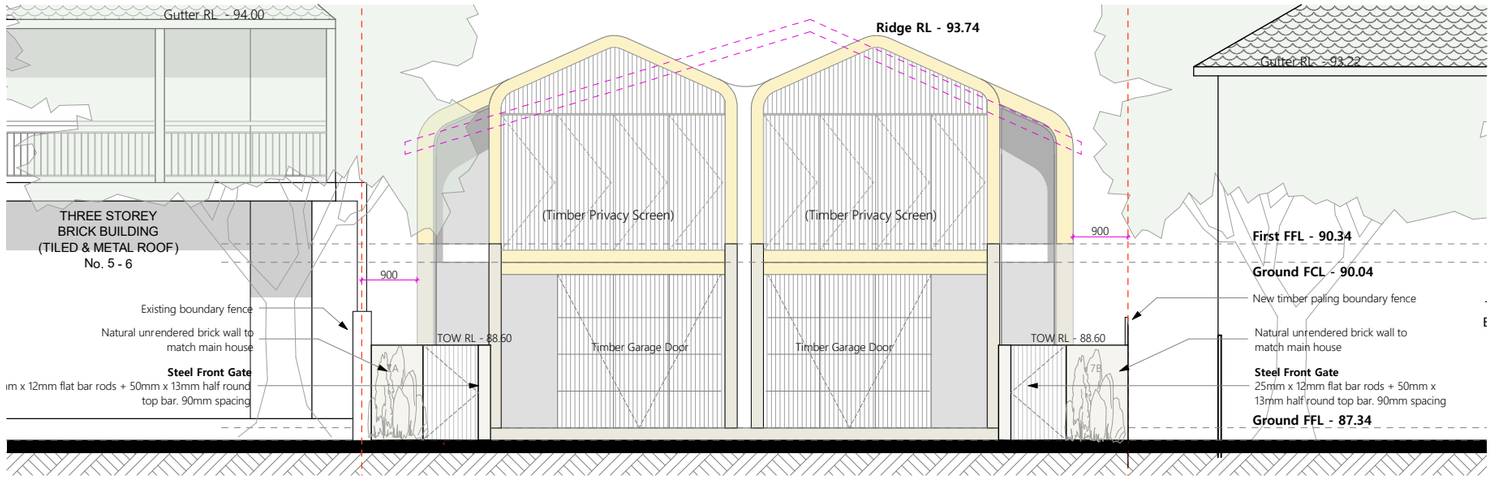


Proposed South Elevation 1:100



Proposed West Elevation 1:100

Proposed North Elevation 1:100



Proposed West Elevation Park Parade 1:100

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Issue	Date	Description
C	02.06.24	DA _ Revision C
B	18.04.24	DA _ Revision B
A	13.09.23	DA Submission

Project	7 Park Parade, BONDI
Drawing Name	Proposed Front Fence
Project Number	2103
Drawing No	DA-05.5

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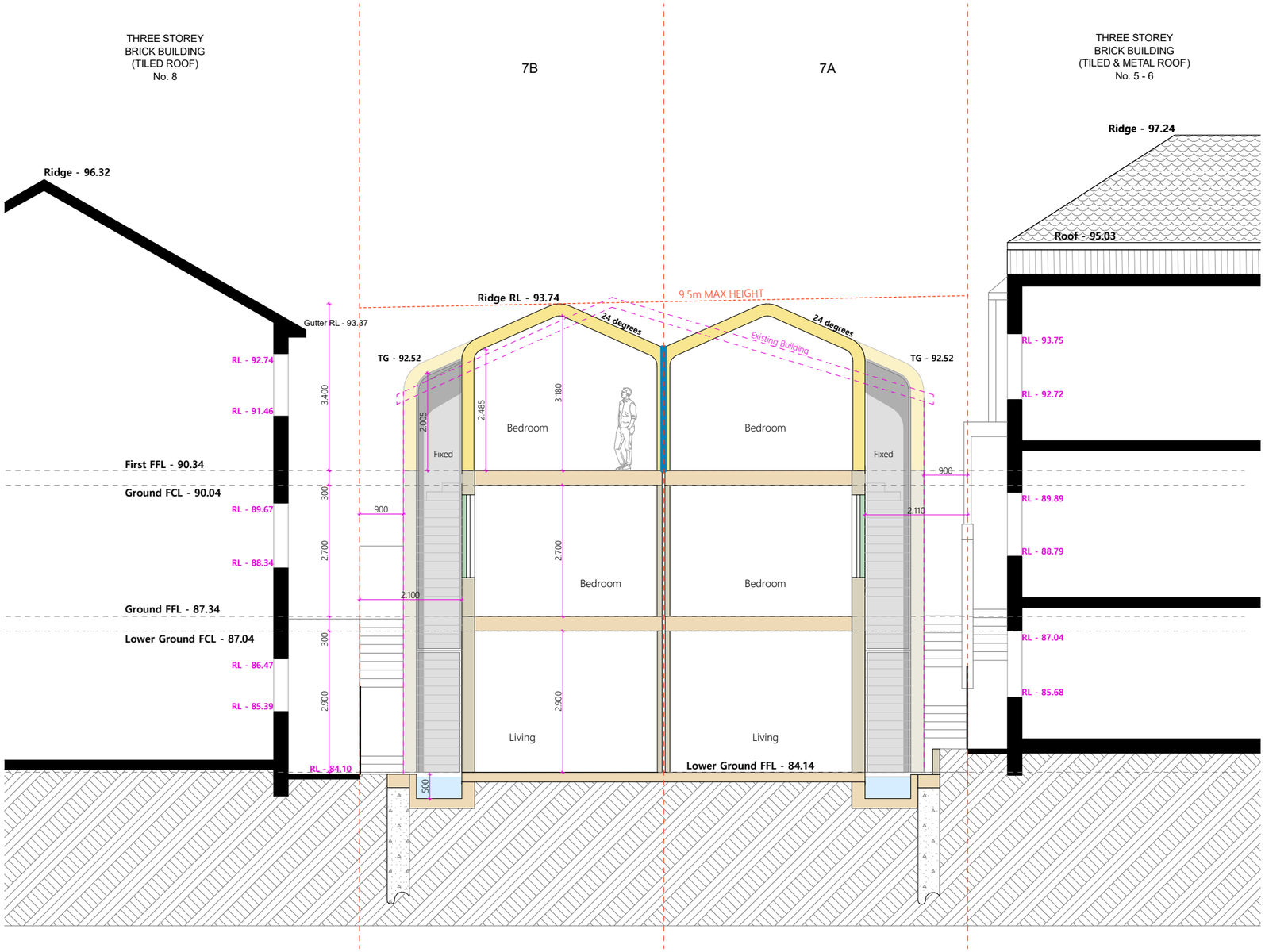

Proposed Section A-A 1:100

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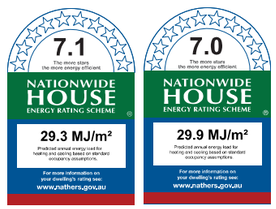
Application No: DA-369/2023

Date Received: 05/06/2024

Structural Concrete
Lightweight Construction
Masonry Wall
Existing Building



Accredited assessor

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Phone	+61 478088493
Accreditation No.	DMN/22/2127
Assessor Accrediting Organisation	DMN
Declaration of interest	Conflict of Interest (Managed)

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Nominated Architect -Stephen O'Connor / Registration number 11119

NOT FOR CONSTRUCTION

1m 2m 3m 4m 5m

Issue	Date	Description
C	02.06.24	DA _ Revision C
B	18.04.24	DA _ Revision B
A	13.09.23	DA Submission

Project	7 Park Parade, BONDI
Drawing Name	Proposed Section A-A
Project Number	2103
Drawing No	DA-06.1

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Application No: DA-369/2023

Date Received: 05/06/2024

Structural Concrete
Lightweight Construction
Masonry Wall
Existing Building

7.1 NATIONWIDE HOUSE ENERGY RATING SCHEME 29.3 MJ/m²

7.0 NATIONWIDE HOUSE ENERGY RATING SCHEME 29.9 MJ/m²

Accredited assessor

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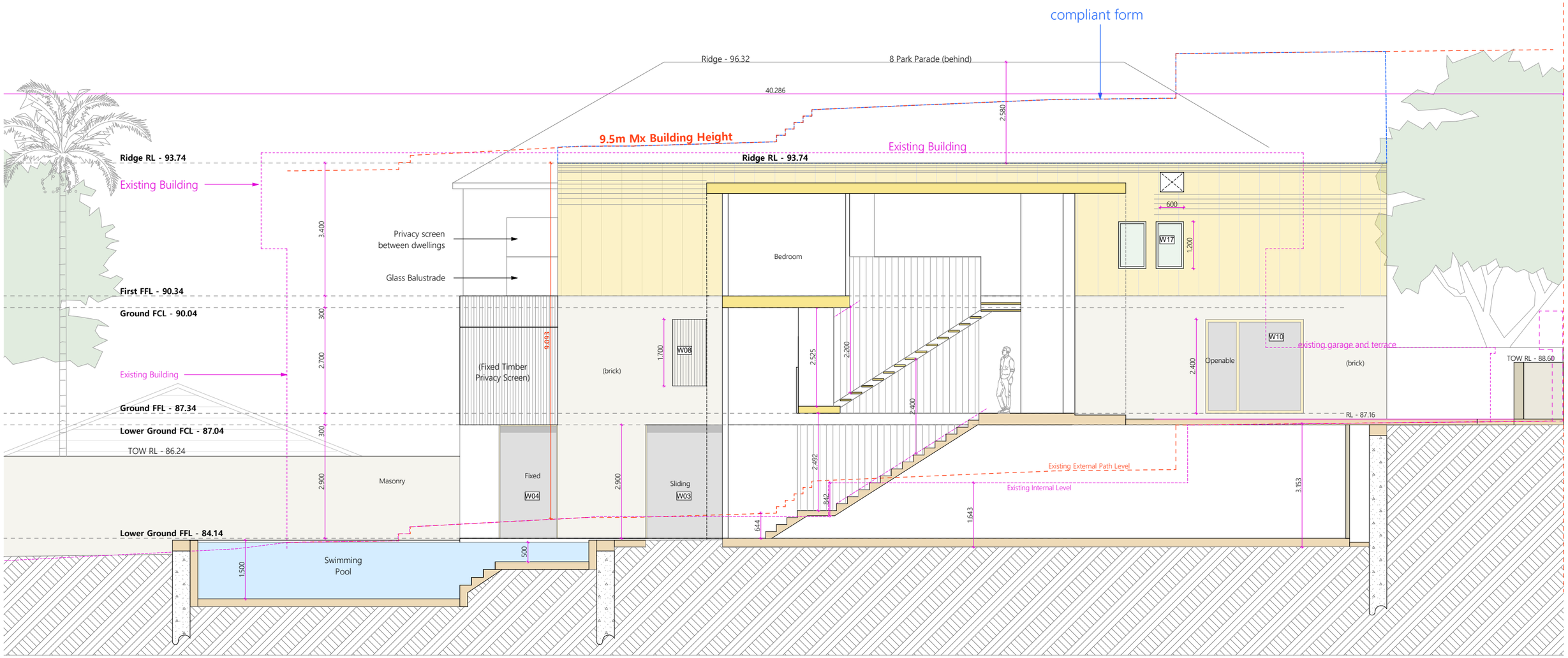
Phone	+61 478088493
Accreditation No.	DMN/22/2127
Assessor Accrediting Organisation	DMN
Declaration of interest	Conflict of Interest (Managed)



Proposed Section B-B 1:100

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Nominated Architect -Stephen O'Connor / Registration number 11119

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1m 2m 3m 4m 5m

Issue	Date	Description
C	02.06.24	DA _ Revision C
B	18.04.24	DA _ Revision B
A	13.09.23	DA Submission

Project	7 Park Parade, BONDI
Drawing Name	Proposed Section B-B
Project Number	2103
Drawing No	DA-06.2

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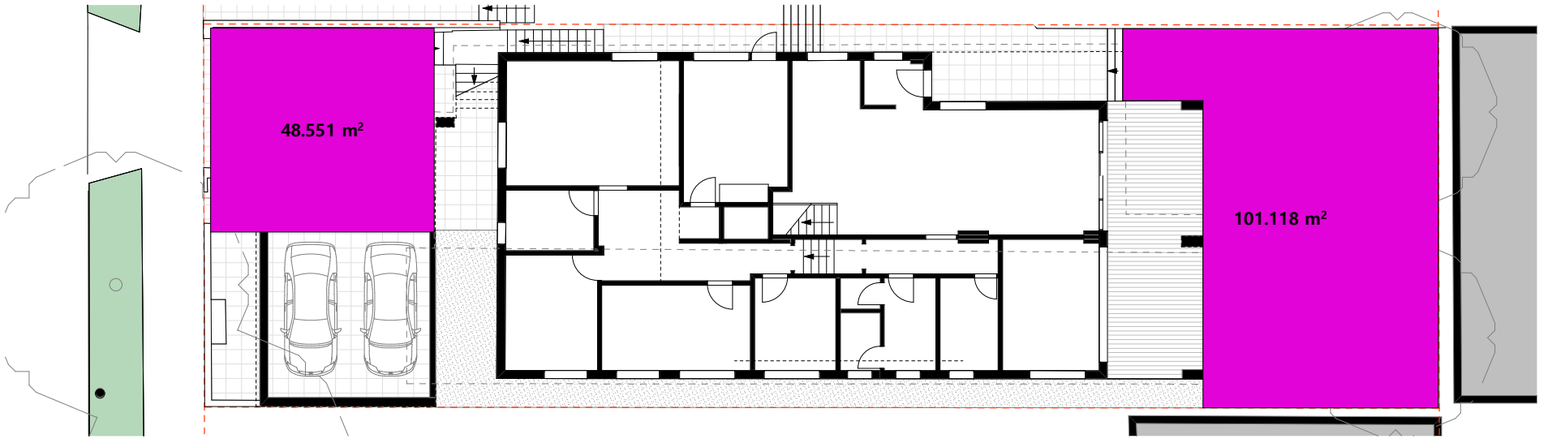
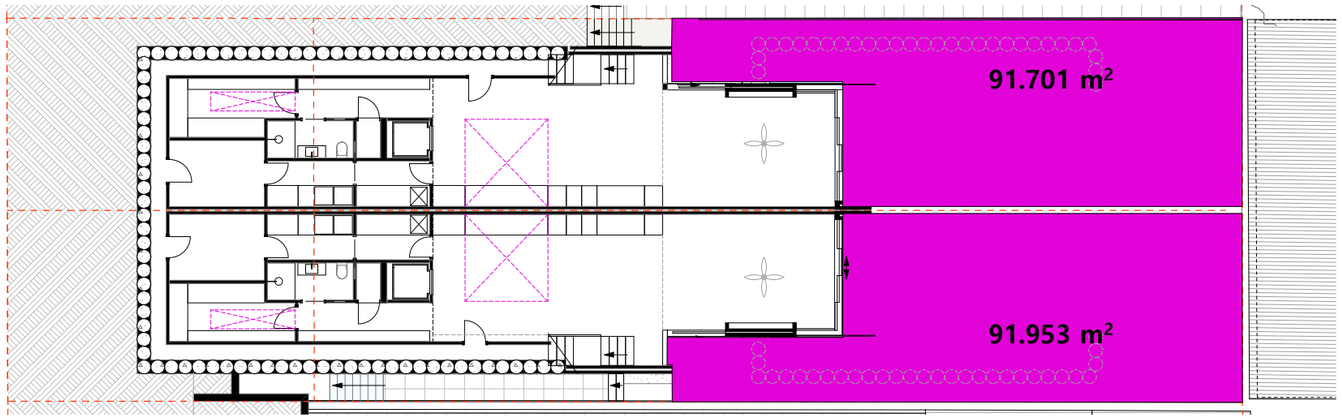


Existing Open Space 1:200

Total existing site - 503.3m2

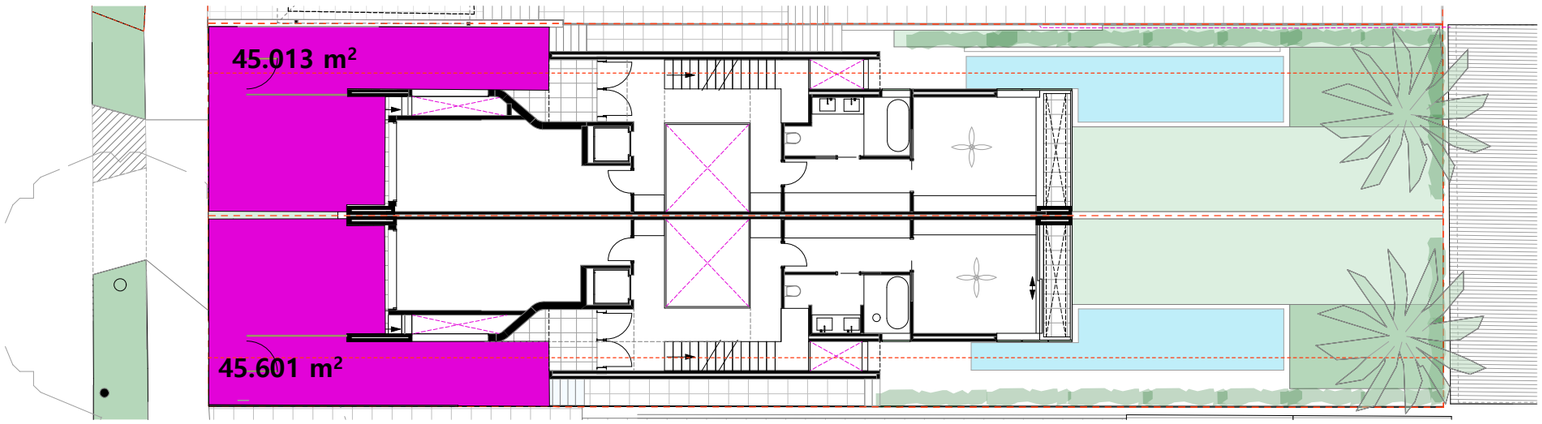


Proposed Rear Open Space 1:200

Existing Open Space - 149.669m2 or 23.6%

Proposed Area of each lot
251m2

Total Proposed Open Space of each lot
136m2 or 54%



Proposed Front Open Space 1:200

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1m 2m 3m 4m 5m 10m

N

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Nominated Architect -Stephen O'Connor / Registration number 11119

Issue	Date	Description
C	02.06.24	DA _ Revision C
B	18.04.24	DA _ Revision B
A	13.09.23	DA Submission

Project	7 Park Parade, BONDI
Drawing Name	Proposed Open Space
Project Number	2103
Drawing No	DA-07.1

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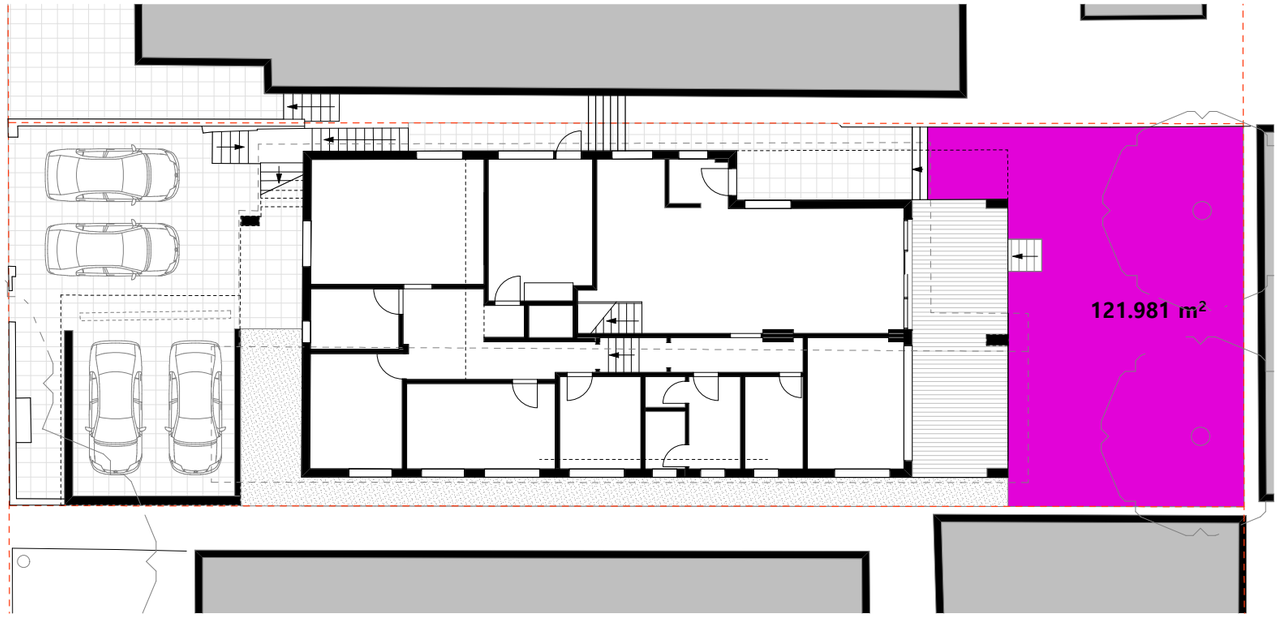
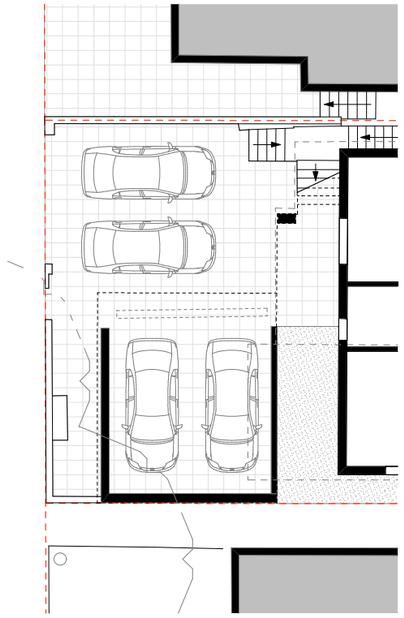


Existing Deep Soil 1:200

Total Site Area - 503.3m2

Exisitng Deep Soil Landscape - 122m2 or 24%



Existing Front Garden Landscape 1:200

Existing Front Area - 119m2

Exisitng Front Landscape - 0m2

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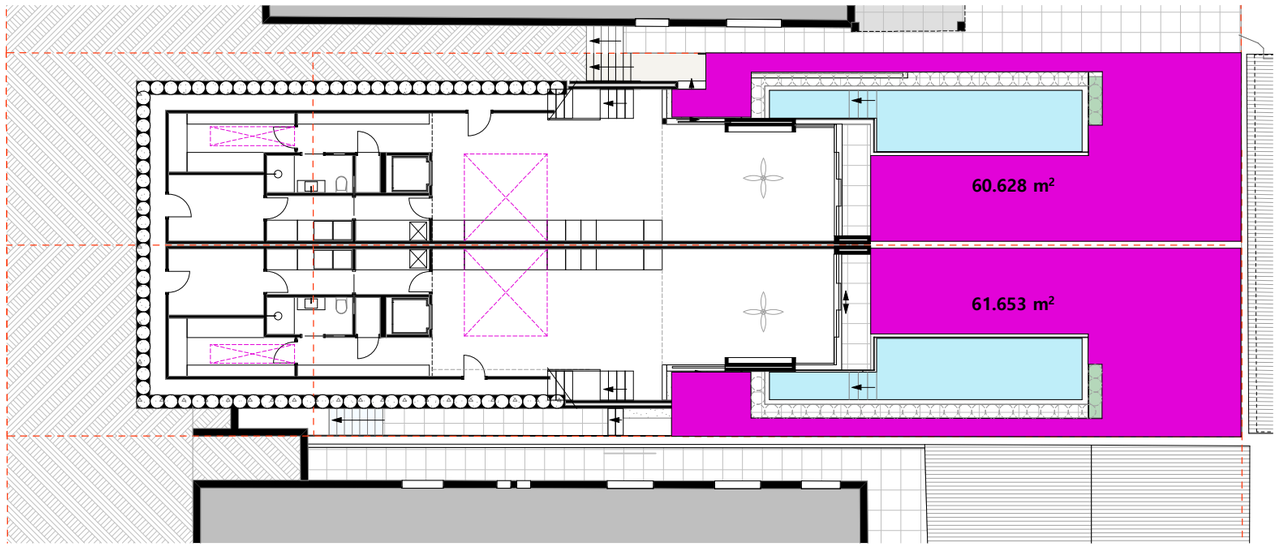
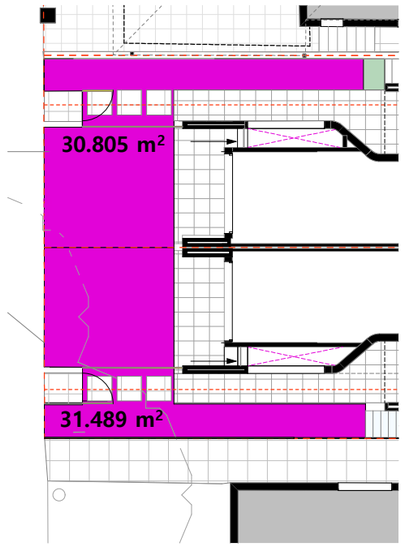
Date Received: 05/06/2024





Proposed Area of each lot
251m2

Proposed Deep Soil Landscape of each lot
92.3m2 or 37%

Proposed Front Area of each lot
40m2

Proposed Front Landscape of each lot

31m2 or 77%

NOT FOR CONSTRUCTION

1m 2m 3m 4m 5m 10m

N

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Issue	Date	Description
C	02.06.24	DA _ Revision C
B	18.04.24	DA _ Revision B
A	13.09.23	DA Submission

Project	7 Park Parade, BONDI
Drawing Name	Deep Soil Calculations
Project Number	2103
Drawing No	DA-07.2

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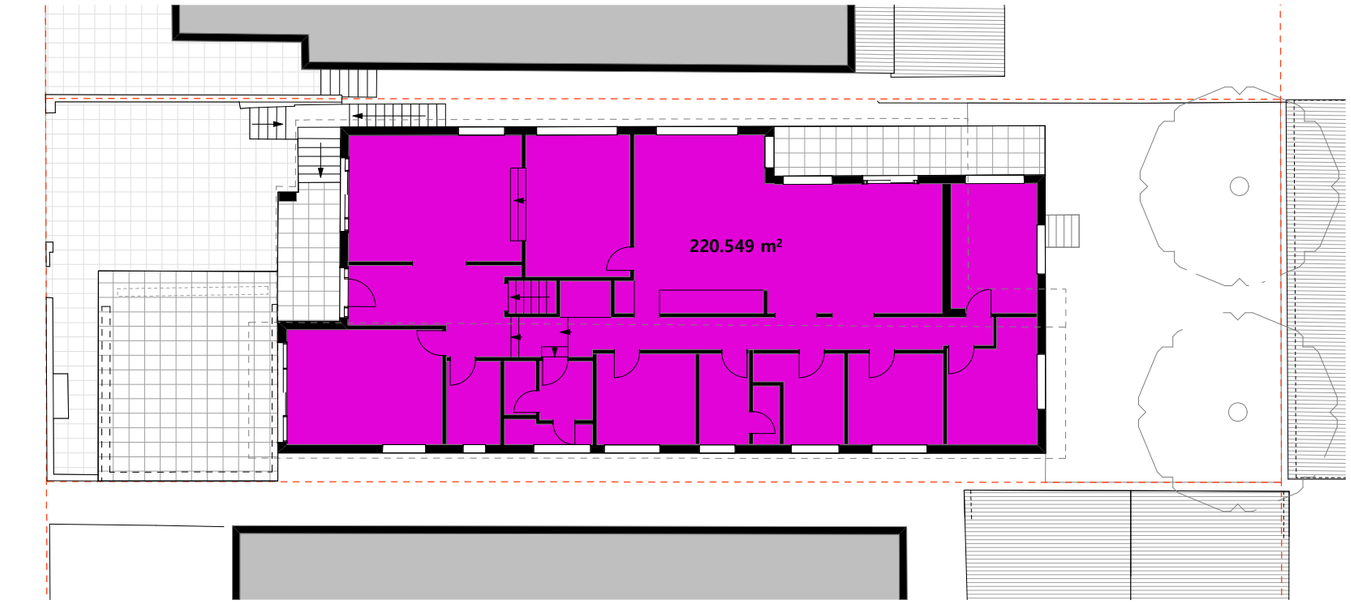
Existing Ground Floor FSR 1:200

Exisitng Ground Floor Area - 186.4m2



Existing First Floor FSR 1:200

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Waverley Council

Application No: DA-369/2023

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Existing First Floor Area - 220.5m2

Total Existing Floor Area - 407m2

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NOT FOR CONSTRUCTION

1m 2m 3m 4m 5m 10m

N

Issue	Date	Description
C	02.06.24	DA _ Revision C
B	18.04.24	DA _ Revision B
A	13.09.23	DA Submission

Project	7 Park Parade, BONDI
Drawing Name	Existing FSR
Project Number	2103
Drawing No	DA-08.1

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Max Floor Space Ratio Allowed

[[(550 – lot area) × 0.0011] + 0.5]:1

Total existing site - 503.3m2

Area of each site subdivided - 251.65m2

Max Allowable FSR - 0.83:1 04 or 208.4m2

FSR of each dwelling - 207.58m2

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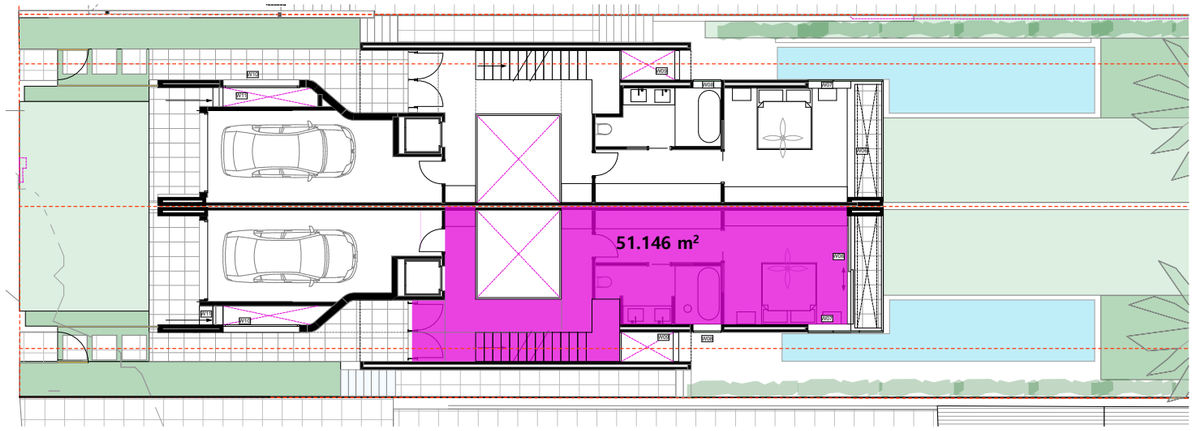
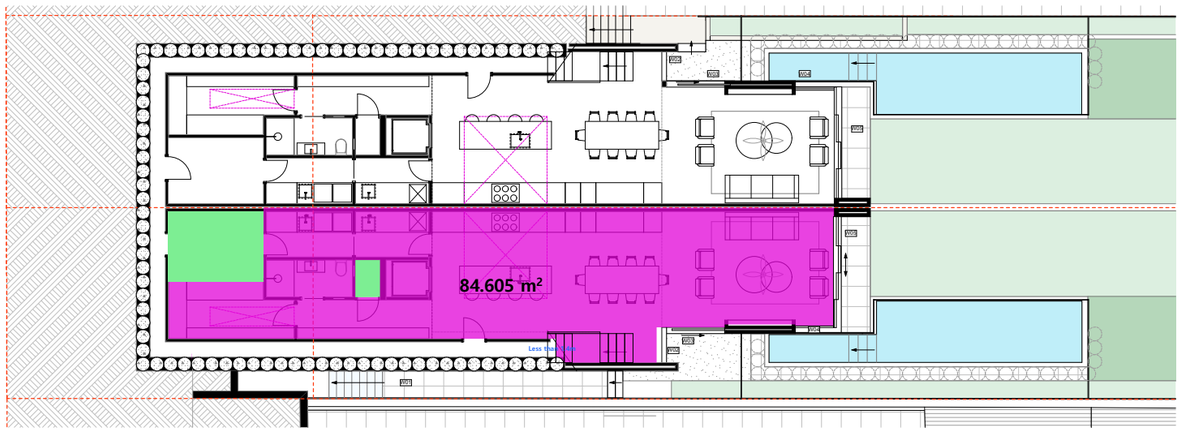
Application No: DA-369/2023

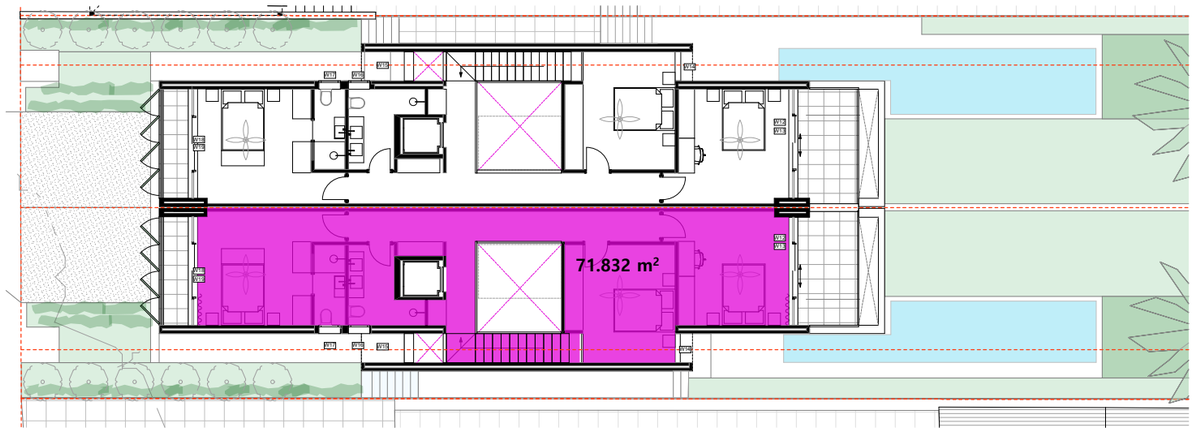
Date Received: 05/06/2024



Proposed Ground Floor FSR 1:200



Proposed Lower Ground FSR 1:200



Proposed First Floor FSR 1:200

NOT FOR CONSTRUCTION

1m 2m 3m 4m 5m 10m

N

STEPHEN O'CONNOR ARCHITECTURE

Studio 504, 19A Boundary Street, Rushcutters Bay 2011
t +61 411 138 771 stephen@stephenoconnorarchitecture.com
Nominated Architect -Stephen O'Connor / Registration number 11119

Issue	Date	Description
C	02.06.24	DA _ Revision C
B	18.04.24	DA _ Revision B
A	13.09.23	DA Submission

Project	7 Park Parade, BONDI
Drawing Name	Proposed FSR
Project Number	2103
Drawing No	DA-08.2

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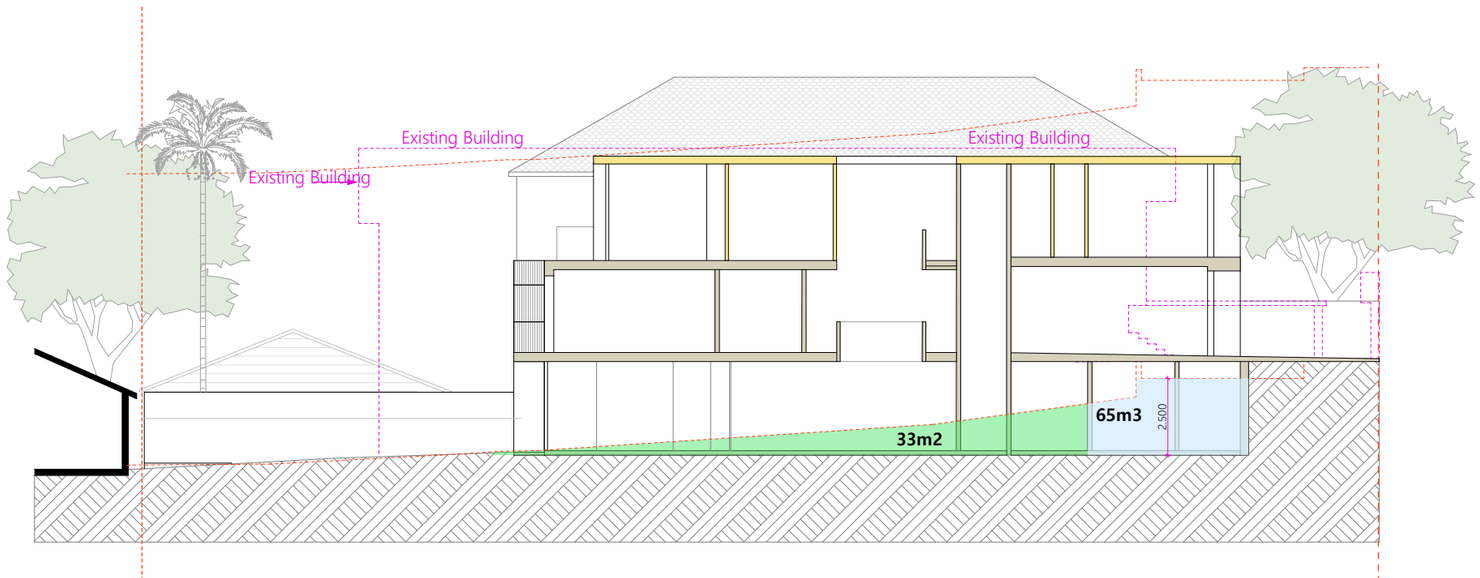
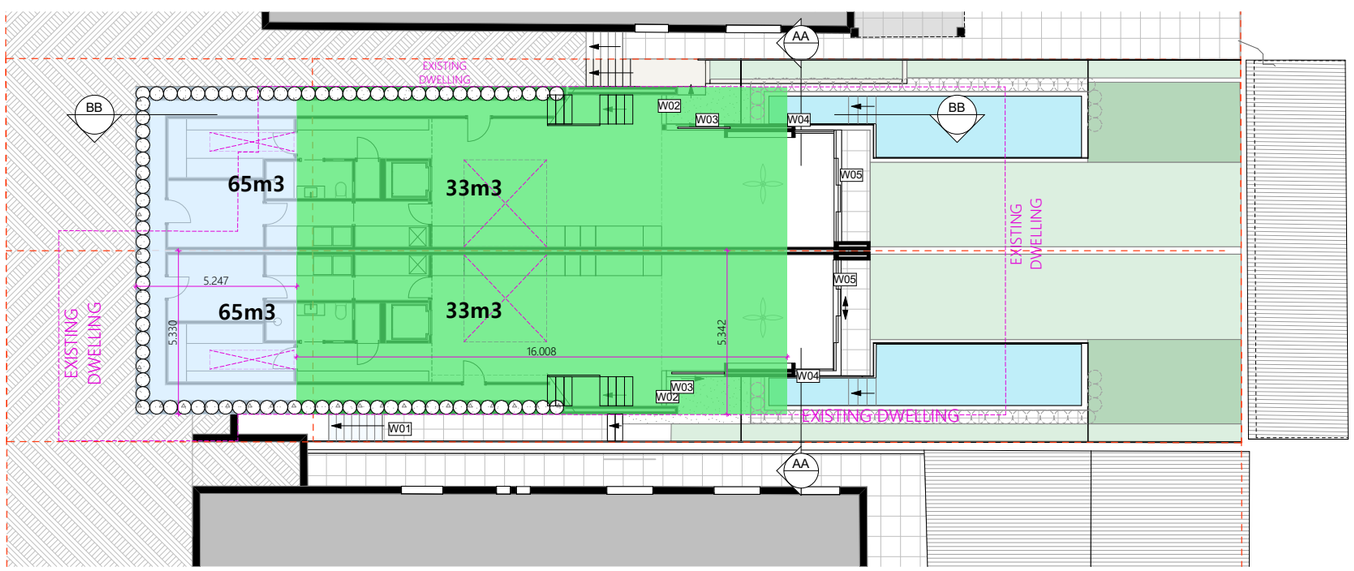


Excavation Section 1:200



Lower Ground Excavation 1:200

Max Excavation Allowed

Total existing site - 503.3m2

Area of each site subdivided - 251.65m2

Max Allowable Excavation = 100m3

Excavation of each dwelling - 98m3

RECEIVED
Waverley Council

Application No: DA-369/2023

Date Received: 05/06/2024

NOT FOR CONSTRUCTION

1m 2m 3m 4m 5m 10m

STEPHEN O'CONNOR ARCHITECTURE

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C	02.06.24	DA _ Revision C
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A	13.09.23	DA Submission

Project	7 Park Parade, BONDI
Drawing Name	Proposed Excavation
Project Number	2103
Drawing No	DA-09.1

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LEGEND

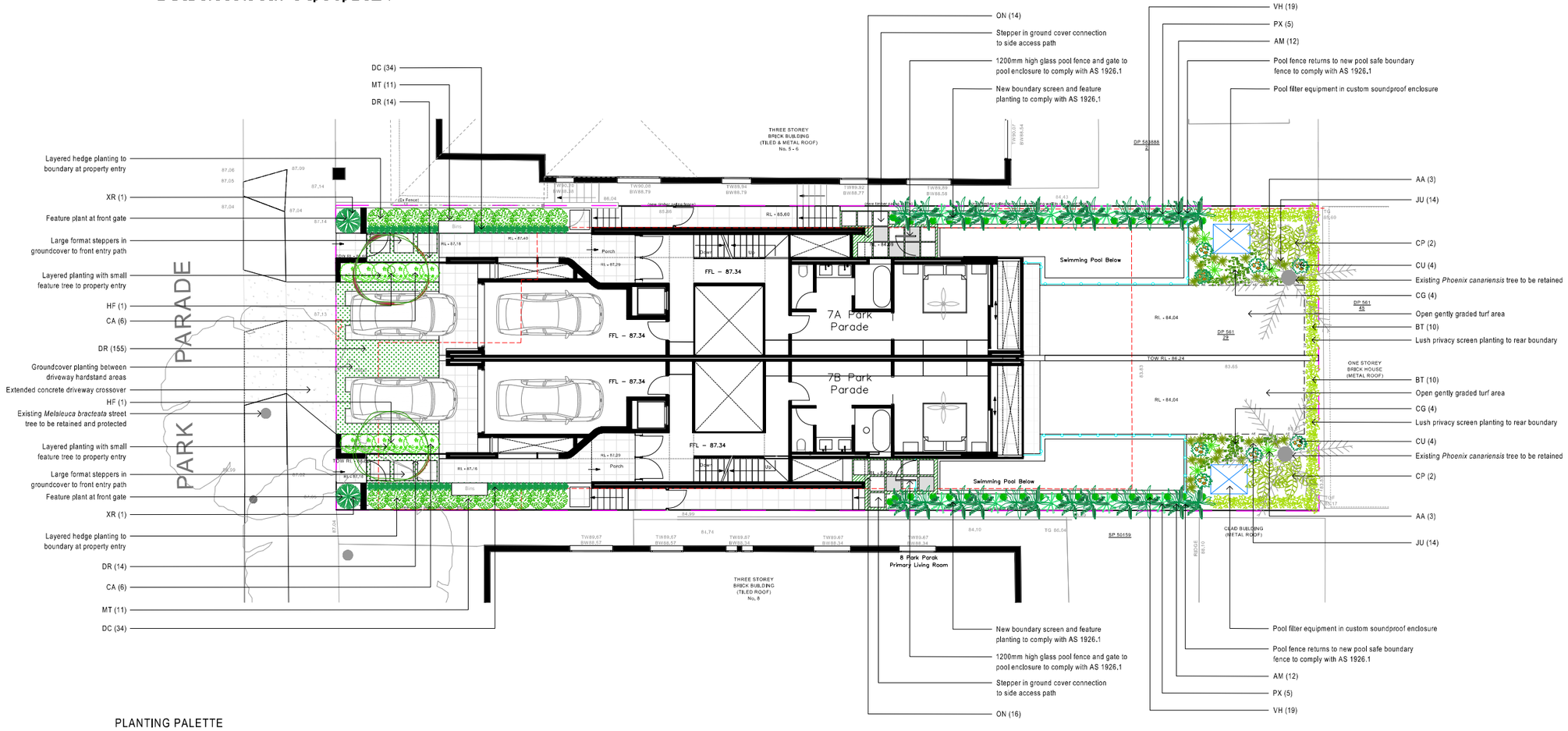
- BOUNDARY
- SEWER
- EXISTING CONTOURS
- BOUNDARY FENCE
- POOL FENCE
- TO BE REMOVED
- ALUMINIUM EDGE
- CONCRETE
- PROPOSED PAVING
- STEPPERS IN GROUND COVERS
- TURF
- PROPOSED LEVELS
- TREE TO BE RETAINED

RECEIVED
Waverley Council

Application No: DA-369/2023

Date Received: 04/06/2024

CONCEPT IMAGES



PLANTING PALETTE

PROPOSED PLANT SCHEDULE

KEY	BOTANICAL NAME	COMMON NAME	QTY	MATURE HGT	POT SIZE
	TREES				
BT	BAMBUSA TEXTILIS GRACILIS	SLENDER WEAVERS BAMBOO	20	6m	200mm
* HF	HYMENOSPORUM FLAVUM	NATIVE FRANGIPANI	2	6m	45Ltr
	SHRUBS				
AM	ALPINIA MALACCENSIS	ORNAMENTAL GINGER	24	2.5m	200mm
* CA	CORREA ALBA	WHITE CORREA	12	1.5m	200mm
* CP	CRINUM PEDUNCULATUM	RIVER LILY	4	2m	200mm
* MT	MELALEUCA THYMIFOLIA	THYME HONEYMYRTLE	22	1.2m	150mm
* XR	XANTHORRHOEA RESINOSA	GRASS TREE	2	1m	45Ltr
	GRASSES / GROUND COVERS				
^ AA	AGAVE ATTENUATA	AGAVE	6	0.5m	200mm
* CG	CARPOBROTUS GLAUCESCENS	PIG FACE	8	0.2m	200mm
^ CU	CRASSULA UNDULATIFOLIA 'MAX COOK'	RIPPLE JADE PLANT	8	0.6m	200mm
* DC	DIANELLA CAERULEA	BLUE FLAX LILY	68	0.6m	200mm
* DR	DICHONDRA REPENS	KIDNEY WEED	183	0.1m	140mm
* JU	JUNCUS USITATUS	COMMON RUSH	28	0.8m	140mm
ON	OPHIOPOGON PLANISCAPUS 'NIGRESCENS'	BLACK MONDO GRASS	30	0.2m	140mm
PX	PHILODENDRON SELLOUM 'XANADU'	PHILODENDRON	10	0.6m	200mm
* VH	VIOLA HEDERACEA	NATIVE VIOLET	38	0.1m	140mm

* Native plant species selected from Waverley DCP 2022 Annexure B3-1 Planting List
^ Low water species

BASIX REQUIREMENTS - 7A Park Parade

LANDSCAPE
THE APPLICANT MUST PLANT INDIGENOUS OR LOW WATER USE SPECIES OF VEGETATION THROUGHOUT 90 SQUARE METRES OF THE SITE.

RAINWATER TANK
THE APPLICANT MUST INSTALL A RAINWATER TANK OF AT LEAST 1000 LITRES ON THE SITE. THIS RAINWATER TANK MUST MEET, AND BE INSTALLED IN ACCORDANCE WITH, THE REQUIREMENTS OF ALL APPLICABLE REGULATORY AUTHORITIES.
THE APPLICANT MUST CONFIGURE THE RAINWATER TANK TO COLLECT RAINWATER RUNOFF FROM AT LEAST 50 SQUARE METRES OF ROOF AREA.
THE APPLICANT MUST CONNECT THE RAINWATER TANK TO A TAP LOCATED WITHIN 10 METRES OF THE EDGE OF THE POOL.

STORMWATER TANK
THE APPLICANT MUST INSTALL A STORMWATER TANK OF AT LEAST 1000 LITRES ON THE SITE. THIS STORMWATER TANK MUST MEET, AND BE INSTALLED IN ACCORDANCE WITH, THE REQUIREMENTS OF ALL APPLICABLE REGULATORY AUTHORITIES.
THE APPLICANT MUST CONFIGURE THE STORMWATER TANK TO COLLECT OVERFLOW FROM THE RAINWATER TANK.
THE APPLICANT MUST CONFIGURE THE STORMWATER TANK TO COLLECT RUNOFF FROM AT LEAST 50 SQUARE METRES OF ROOF AREA, AT LEAST 20 SQUARE METRES OF IMPERVIOUS AREAS, AT LEAST 55 SQUARE METRES OF GARDEN AND LAWN.
THE APPLICANT MUST CONNECT THE STORMWATER TANK TO A OUTDOOR TAP IN THE DEVELOPMENT.

OUTDOOR SWIMMING POOL
THE SWIMMING POOL MUST BE OUTDOORS.
THE SWIMMING POOL MUST NOT HAVE A CAPACITY GREATER THAN 24.5 KILOLITRES.
THE SWIMMING POOL MUST HAVE A POOL COVER.
THE APPLICANT MUST INSTALL A POOL PUMP TIMER FOR THE SWIMMING POOL.
THE APPLICANT MUST INSTALL THE FOLLOWING HEATING SYSTEM FOR THE SWIMMING POOL THAT IS PART OF THIS DEVELOPMENT: SOLAR (GAS BOOSTED)

BASIX REQUIREMENTS - 7B Park Parade

LANDSCAPE
THE APPLICANT MUST PLANT INDIGENOUS OR LOW WATER USE SPECIES OF VEGETATION THROUGHOUT 90 SQUARE METRES OF THE SITE.

RAINWATER TANK
THE APPLICANT MUST INSTALL A RAINWATER TANK OF AT LEAST 2000 LITRES ON THE SITE. THIS RAINWATER TANK MUST MEET, AND BE INSTALLED IN ACCORDANCE WITH, THE REQUIREMENTS OF ALL APPLICABLE REGULATORY AUTHORITIES.
THE APPLICANT MUST CONFIGURE THE RAINWATER TANK TO COLLECT RAINWATER RUNOFF FROM AT LEAST 50 SQUARE METRES OF ROOF AREA.
THE APPLICANT MUST CONNECT THE RAINWATER TANK TO A TAP LOCATED WITHIN 10 METRES OF THE EDGE OF THE POOL.

STORMWATER TANK
THE APPLICANT MUST INSTALL A STORMWATER TANK OF AT LEAST 1000 LITRES ON THE SITE. THIS STORMWATER TANK MUST MEET, AND BE INSTALLED IN ACCORDANCE WITH, THE REQUIREMENTS OF ALL APPLICABLE REGULATORY AUTHORITIES.
THE APPLICANT MUST CONFIGURE THE STORMWATER TANK TO COLLECT OVERFLOW FROM THE RAINWATER TANK.
THE APPLICANT MUST CONFIGURE THE STORMWATER TANK TO COLLECT RUNOFF FROM AT LEAST 50 SQUARE METRES OF ROOF AREA, AT LEAST 20 SQUARE METRES OF IMPERVIOUS AREAS, AT LEAST 50 SQUARE METRES OF GARDEN AND LAWN.
THE APPLICANT MUST CONNECT THE STORMWATER TANK TO A OUTDOOR TAP IN THE DEVELOPMENT.

OUTDOOR SWIMMING POOL
THE SWIMMING POOL MUST BE OUTDOORS.
THE SWIMMING POOL MUST NOT HAVE A CAPACITY GREATER THAN 24.5 KILOLITRES.
THE SWIMMING POOL MUST HAVE A POOL COVER.
THE APPLICANT MUST INSTALL A POOL PUMP TIMER FOR THE SWIMMING POOL.
THE APPLICANT MUST INSTALL THE FOLLOWING HEATING SYSTEM FOR THE SWIMMING POOL THAT IS PART OF THIS DEVELOPMENT: SOLAR ONLY

S: ...tions to check and verify all dimensions and levels on site prior to any work, ...nsurance prior to commencing. Refer to Space Landscape Designs, ...to comply with BCA, Statutory Authorities and relevant Australian Standards, ...more recognised over scaling. All measurements are in millimetres.

Rev.	Date	Issue	Checked
A	15/04/24	Preliminary Issue	JE
B	17/04/24	DA Issue	AE

SPACE LANDSCAPE DESIGNS

Space Landscape Designs Pty Ltd
ABN 60 799 663 674 ACN 139 316 251
info@spacedesigns.com.au
spacedesigns.com.au
P 02 9905 7870 F 02 9905 7657

PROJECT: New Dwellings
SITE ADDRESS: 7 Park Parade

CLIENT: Stephen O'Connor
DRN: T.Browne (B.L.Arch)
SCALE: 1:100@A1

DRAWING TITLE: LANDSCAPE PLAN
DRAWING No:

WAVERLEY COUNCIL

Report to the Waverley Local Planning Panel

Application number	DA-37/2024
Site address	287 Birrell Street, Tamarama (also known as 28 Wolarois Crescent)
Proposal	Alterations and additions to dwelling including garage extension and new solar panels.
Date of lodgement	14 February 2024
Owner	Mr N P Hedley
Applicant	D Bennett
Submissions	Nil
Cost of works	$63,195
Principal Issues	• Breach of the floor space ratio development standard • Breach of the building 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 (DA) seeks consent for alterations and additions to the existing dwelling, including a garage extension and new solar panels at the site known as 287 Birrell Street, Tamarama.

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

- Breach of the floor space ratio (FSR) development standard; and
- Breach of the building height development standard.

The assessment finds these issues acceptable as the proposal will not result in any adverse impacts on the amenity of the streetscape or neighbouring properties and will be in keeping with the context of the dwelling and streetscape.

No public or 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 23 May 2024.

The site is identified as Lot B in DP 327221, known as 287 Birrell Street (also known as 28 Wolaroi Crecent), Tamarama.

The site is irregular in shape with a primary southern frontage of 20.11m to Wolaroi Crescent and a secondary frontage of 18.595m to Tamarama Gully (Birrell Street as detailed on the Survey Plan). It has an area of 419.5m^2 and falls from the front of the site towards the rear by approximately 10.22m.

The site is occupied by a four-storey dwelling house with vehicular access provided from Wolaroi Crescent.

The site is adjoined by three storey dwelling houses on either side, and Tamarama Gully/ Tamarama Park to the north. The locality is characterised by a variety of low-density residential development and areas of public recreation.

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

Figure 1: Front of the site facing north.

Figure 2: Western setback to garage to be infilled.

Figure 3: Western setback to garage.

Figure 4: Existing roof facing east (location proposed for the additional solar panels).

1.3. Relevant Development History

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

- On 6 February 2010, **DA-313/2008** was granted consent for demolition of an existing dwelling and construction of a new three storey dwelling with a double car space at the front of the property.
- On 4 April 2013, modification application **DA-313-/2008/A** was granted consent by the Land and Environment Court (LEC) for modifications including a new garage, reconfiguration of the southern and western walls, roof and skylight, deletion of the internal lift, new external stairs, privacy screens and windows.
- On 31 January 2014, modification application **DA-313/2008/B** was granted consent for modifications of windows and internal alterations.
- On 7 January 2016, modification application **DA-313/2008/C** was granted consent for modifications to windows, internal alterations, and a fence.
- On 4 April 2016, modification application **DA-313/2008/D** was refused consent for modifications including a roof top terrace, associated seating, garden beds, a deck and covered walkway.

- On 26 April 2023, **DA-371/2022** was granted consent for alterations and additions to a dwelling including to the cellar in sub-basement level and a new lift.
- On 7 March 2024, **DA-70/2024** was lodged with Council for alterations and additions to the subject dwelling including new-sub basement level, personal yoga studio, landscaping, new storage and cellar. This application is currently under assessment.

1.4. Proposal

The DA seeks consent for alterations and additions to the existing dwelling house and specifically includes the following:

- Western extension to the garage for a general storage and waste storage area; and
- Solar panels on the southern side of the roof.

Note: The details on the architectural plans represent the development as approved under **DA-371/2022**, with the additional works sought under this DA. The assessment, in particular the gross floor area (GFA)/FSR calculations have therefore been calculated on the basis that they are being undertaken to the development as approved under **DA-371/2022**. A condition of consent has been included to ensure the works approved under this DA are undertaken concurrently with the works approved under **DA-371/2022**.

1.5. Background

The background of the application is as follows:

- On 14 February 2024, DA-37/2024 was lodged with Council.
- On 22 February 2024, a Stop the Clock letter was issued to the applicant requesting Clause 4.6 Variation Requests for the breaches of the building height and FSR development standards, and additional information on the architectural plans and within the Statement of Environmental Effects (SEE).
- On 5 March 2024, the applicant submitted amended plans and documentation.
- On 29 May 2024, an updated FSR Clause 4.6 and external materials schedule was requested from the applicant.
- On 30 May 2024, the applicant submitted amended documentation.

The amended plans received on 5 March and 30 May 2024 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 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

A detailed discussion is provided for relevant SEPPs as follows:

SEPP (Transport and Infrastructure) 2021.

The application was referred to Ausgrid for comment in accordance with Clause 2.48 of *SEPP (Transport and Infrastructure) 2021* as the proposal includes development within 5m of an exposed overhead electricity power line.

Ausgrid raised no objection to the proposal. Refer to section 3 for Ausgrid's comments.

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 satisfied the aims of Waverley LEP 2012.
Part 2 Permitted or prohibited development		
Land Use Table *R2 Low Density Residential Zone*	Yes	The proposal is defined as *dwelling house*, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings • *8.5m*	No	The extension of the garage results in a building height of 9.52m which equates to a 1.02m or 12% breach of the building height development standard.
4.4 Floor space ratio and **4.4A Exceptions to floor space ratio** • 0.643:1 (269.96m^2)	No	The proposal comprises a GFA of 349.35m^2 and an FSR of 0.832:1 which equates to a 79.39m^2 or 29.4% breach of the FSR development standard. The additional GFA associated with the garage extension comprises 5.6m^2. Part of an existing storage area (4.05m^2) at the rear of the site was also included in the

Provision	Compliance	Comment
		GFA calculation. This area however was not detailed on the plans submitted under DA-371/2022 and therefore was not taken into consideration as part of that assessment.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the building height and floor space ratio development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The proposal does not include any excavation and therefore will not result in any impact on the water table or potential acid sulfate soils. An acid sulfate soils report is therefore not required.
6.2 Earthworks	Yes	Satisfactory. No excavation or earthworks are proposed.

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

Clause 4.6 Exceptions to Development Standards

Building Height

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

The site is subject to a maximum building height development standard of 8.5m. The proposed garage extension has a building height of 9.52m, exceeding the standard by 1.02m equating to a 12% variation. It is noted that the existing building already exceeds the development standard by 9.62m (1.12m / 13.17% breach).

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 building height development standard on the following basis (as summarised):

(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as:

(i) The proposal will satisfy building height objective (a) as it will continue to present as a single storey when viewed from the street and will not impact on privacy or views from neighbouring properties or result in additional overshadowing and therefore will preserve amenity.

(ii) There will be no adverse impact on the amenity of the locality and the proposal will be in keeping with the desired future character of the locality.

(iii) The proposal will satisfy building height objective (d) as the extension will match the height of the existing garage, will present only minor additional bulk to the street frontage and will be compatible with the existing character and other garages in the streetscape.

(iv) The overall height is the same as the existing garage which exceeds the development standard.

(v) The proposal will not visually dominate the neighbouring properties.

(vi) The proposal will not be inconsistent with the objectives of the R2 zone.

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

(i) The proposal will not result in any amenity impacts when compared to a compliant development.

(ii) The new garage addition will match in height the existing garage and will present only a minor additional amount of building massing to the street frontage, and will be consistent with the built form of other garage within Wolaroi Crescent.

(iii) The distribution of floor space and height on the subject site achieves a desirable streetscape and amenity outcome.

(iv) The proposal is permissible in the R2 Low Density Residential zone, is consistent with the relevant zone objectives and satisfies an 'unreasonable and unnecessary' test established in Wehbe.

(v) The breach of height is in part due to the sloping topography and the location of the additional built form and the height is consistent with the height of the existing development.

(vi) The proposal is consistent with the existing character of the area as it remains a single storey appearance to Wolaroi Crescent, is subservient to the adjacent building envelope of 26 Wolaroi Crescent at the street frontage and does not dominate the front building envelope of 30 Wolaroi Crescent.

(vii) Strict compliance with the development standard is unreasonable and unnecessary as Wolaroi Crescent comprises three and four storey buildings and the overall gross floor area and

building height of the proposed development is compatible with the prevalent built form and scale quality of the streetscape.

Consideration of Applicant's Written Request

The applicant's written request has correctly identified the development standard to be varied, relevant legislation and has 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 adequately demonstrated that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case. Despite the non-compliance, the proposal will satisfy the objectives of the building height development standard as it will preserve the amenity of the streetscape and neighbouring properties with regard to bulk and scale, views, privacy and overshadowing, and will be of a bulk and scale which is in keeping with the existing context and the desired future character of the locality.

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 that there are sufficient environmental planning grounds to justify contravening the development standard.

The height breach is attributed to the existing sloping topography and the siting of the existing garage which currently exceeds the development standard. Despite the non-compliance, the proposal will maintain a single storey presentation to the street and will not result in any adverse amenity impacts.

Conclusion

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

Floor Space Ratio

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 0.643:1 (269.96m^2). The proposed development has a FSR of 0.823:1, exceeding the standard by 79.39m^2 equating to a 29.4% variation. It is noted that the existing building already exceeds the development standard by 73.79m^2 or 27.33%.

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, as summarised:

(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as:

    (i) The proposal will satisfy objective (b) as it comprises a minor addition to the width of an existing garage which will not add significant bulk or massing to the streetscape and will continue to present as a single storey to Wolaroi Crescent.

    (ii) The proposal will provide a cohesive infill as it will be compatible with the height, bulk and scale of the subject site and the neighbouring developments, as well as the pattern of

development along the northern side of Wolaroi Crescent between 24 and 30 Wolaroi Crescent.

(iii) The proposal maintains generous side backs to the majority of the dwelling, with the exception of the new garage side setback. The additional GFA will result in negligible visual impact and the scale of the development will be consistent with the neighbouring properties.

(iv) The proposal will satisfy objective (c) as it will integrate with the existing built form, will not result in any adverse impacts on the amenity of the streetscape or neighbouring properties, and will be compatible with the desired future character of the locality.

(v) The proposal gives provision of a zero setback for the garage adjacent the western side boundary. Zero setback side boundaries for garages are the predominant character of Walaroi Crescent, the provision of a zero setback as proposed is not inconsistent with the surrounding character of the area.

(vi) When viewed from Tamarama Gully the visual appearance of the existing built form and that approved under DA371/2022 will not be altered.

(vii) There are examples of recent alterations and additions in the vicinity which have been approved under the current controls with FSR non-compliances.

(viii) The proposal will satisfy objective (d) as it will not result in any adverse impacts on the amenity of the streetscape or neighbouring properties with regard to views, overshadowing, privacy or visual bulk and scale and therefore will preserve environmental amenity.

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

(i) The proposal is permissible in the R2 Low Density Residential zone, is consistent with the relevant zone objectives and satisfies an 'unreasonable and unnecessary' test established in Wehbe.

(ii) The proposal is of a similar scale to both existing and desired future developments in the area. The proposal maintains the appearance of a single development when viewed from Wolaroi Crescent.

(iii) The proposal will integrate with the existing built form and will not result in any adverse impacts on the amenity of the streetscape or neighbouring properties, and will be compatible with the desired future character of the locality.

(iv) The proposed building envelope and additional GFA is negligible in terms of its visual impact is will be consistent with the existing building envelope of the adjoining dwellings and other similar development.

(v) The proposed density is compatible with several adjacent properties on Wolaroi Crescent, three storey dwellings. The proposed FSR is considered appropriate within the locality, providing a building which fits within the context of surrounding building forms and residential uses.

(vi) The preservation of amenity to a reasonable extent to neighbouring properties either side also confirms that the proposal satisfies the objectives of the low density residential zone notwithstanding a variation to the FSR standard.

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 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.

Despite the non-compliance with the FSR development standard, the proposal will satisfy the objectives under Clause 4.4 in that it will preserve amenity and be of a bulk and scale which is in keeping with the existing and desired future character of the locality.

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

As the additional floor space is attributed to an extension of an existing garage towards a side boundary which abuts the garage of the neighbouring property, there will be minimal impacts with regard to bulk and scale, and no adverse impacts with regard to solar access, privacy or views.

The applicant has satisfactorily argued that that there are sufficient environmental planning grounds to justify contravening the development standard.

Conclusion

The written request provided by the applicant to vary the FSR 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
1. Waste • *Garbage bins are to be stored in an appropriate location.*	Yes	The extension of the garage will enable garbage bins to be stored internally where they are not visible from the street, resulting in an improved streetscape outcome.
2. Ecologically Sustainable Development	Yes	The proposal includes additional solar panels on the roof of the garage which will improve the development's level of environmental sustainability, satisfying the objectives under this part.
3. Landscaping, Biodiversity and Vegetation Preservation	Yes	The site is identified as being located within a Habitat Corridor. The proposal does not include any impact on existing landscaping or the habitat corridor and is acceptable.
5.Water Management	Yes	Satisfactory.
7. Transport **7.2.2 Parking Rates** *Minimum parking rate: (generally nil for dwellings)* • *0* *Maximum parking rate:* • *2*	Yes	The proposal does not include any changes to the location or provision of on-site parking and will continue to comply with Parking Zone 2 requirement of no greater than two parking spaces for dwellings with three or more bedrooms. The extension of the garage will be compatible with the streetscape context and will not result in the removal of any existing landscaping.
11. Design Excellence	Yes	Satisfactory.
13. Excavation	Yes	Satisfactory. No excavation is proposed.

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

Development Control	Compliance	Comment
1.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
1.1 Height		
Flat roof dwelling house • *Maximum wall height of 7.5m*	No	The proposal comprises a wall height of 8.1m and therefore exceeds the 7.5m wall height control. The wall is proposed along the western boundary adjacent to a blank external of the neighbouring propery's garage and will not result in any adverse visual or amenity impacts. The extension is consistent with the existing garage and will satisfy the objectives under Section 1.1 (Height) as it will not result in any impacts with regard to views, overshadowing or bulk and scale.
1.2 Setbacks		
1.2.1 Front and rear building lines	Yes	The extension is consistent with the existing garage and will maintain the existing front and rear setback at the upper level.
1.2.2 Side setbacks • *Minimum of 0.9m for ground floor and first floors.)*	No (Acceptable on merit)	The extension of the garage for a length of 6.72m results in a nil setback from the western boundary, which does not comply with the 0.9m minimum requirement. The nil setback is to the blank external wall of the neighbouring property's garage and will not result in any impacts with regard to bulk and scale, views or overshadowing. Despite the non-compliance, the proposal satisfies objectives (a), (c), and (e) under this part and is acceptable on merit.
1.3 Streetscape and visual impact		
• *New development to be compatible with streetscape context* • *Significant landscaping to be maintained.*	Yes	The proposal will be compatible with the streetscape context and the character, style and built form of the existing development. The proposal will not result in any impacts on landscaping.
1.5 Visual and acoustic privacy		
• *Roof tops to be non-trafficable unless predominant in the immediate vicinity*	Yes	The proposal will not result in any impacts on privacy or acoustic amenity. Access to the roof will be required for maintenance purposes. The roof will otherwise remain non-trafficable.

Development Control	Compliance	Comment
1.6 Solar access		
• *Minimum of 3 hours of sunlight to 50% of living areas and principal open space areas on 21 June to subject site* • *Minimum of 3 hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June.* • *Avoid unreasonably overshadowing of solar collectors (including habitable windows).*	Yes	The proposal will not result in any overshadowing impacts.
1.7 Views		
• *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 proposal will not impact on any public or private views.
1.8 Car parking		
1.8.1 Design Approach	Yes	No changes are proposed to the location of the existing garage, other than its extension to the west. The design of the extension is compatible with the existing garage and the streetscape context. No changes are proposed to the existing vehicular crossover and there will be no impacts on on-street parking.
1.8.2 Parking rates	Yes	As existing, the proposal is consistent with the parking rates set out under Part B7 of Waverley DCP 2022.
1.8.3 Location	Yes	No changes are proposed to location of the existing garage.
1.8.4 Design	Yes	The proposal is compatible with the design, bulk and built form of the existing garage and will

Development Control	Compliance	Comment
• *Complement the style, massing and detail of the dwelling* • *Secondary in area and appearance to the design of the residences*		result in minimal visual impacts as viewed from the streetscape.
1.8.5 Dimensions • *5.4m x 2.4m per vehicle*	Yes	As existing.
1.8.6 Driveways • *Maximum of one per property* • *Maximum width of 3m at the gutter (excluding splay)*	Yes	No changes are proposed to the width or location of the existing vehicular crossover.
1.9 Landscaping and open space		
	Yes	The proposal does not result in any impacts on the provision of usable open space or landscaping within the site.
1.14 Dual Frontage Development		
1.14.1 General Controls • *Primary and secondary frontage to be defined* • *Appropriate forms to be provided to each street* • *Garage studios and rear lane garage develops are to be provided with landscaping*	Yes	The proposal includes works along the primary frontage to Wolaroi Crescent only. The built form and design of the garage extension is consistent with the built form and design of the existing development and will be appropriate for the primary street frontage.

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 8 and 22 March 2024 in accordance with the *Community Engagement Strategy 2023*.

Following receipt of amended plans and additional information, the application was not re-notified as there were no amendments to the built form or design of the proposal and therefore no greater or additional impacts than that of the original form that was publicly notified.

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. Traffic and Development

Council's Traffic Department raised no objection subject to conditions requiring the garage to maintain a minimum internal clearance of 2.2m, all works being undertaken within the boundaries, and that all building materials are store within the property. As the proposal does not include any changes to the entry or parking area within the garage, and the extension is proposed with a floor to ceiling height of approximately 2.4m as per the existing garage, the condition of consent relating to minimum clearance has not been included.

3.2. Ausgrid

The application was referred to Ausgrid who raised no objection to the proposed development subject to the development being undertaken in accordance with the conditions provided in relation to underground cables, overhead powerlines, works in proximity to existing poles, and new or modified connection, which are included as an advisory note in the conditions of consent.

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 28 May 2024 and the MODA determined with the Assessment Planner's recommendation.

MODA members: *A Rossi, B Magistrale, and K Johnstone.*

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:**
K. Keenan.		
Karis Keenan	Bridget McNamara	Angela Rossi
Senior Development Assessment Planner	**Manager, Development Assessment**	**Executive Manager, Development Assessment**
Date: 11 June 2024	**Date:** 13 June 2024	**Date:** 14 June 2024

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	12% variation to height (Clause 4.3)	
	X	Pre-existing non-compliance
	X	No change to overall building height
		No change to overall building envelope
	X	Variation limited to the garage 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
Clause 4.6 register entry required	29.4% variation to FSR (Clause 4.4)	
	X	Pre-existing non-compliance
		No change to overall building height
		No change to overall building envelope
	X	Variation limited to the garage 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? *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	Yes	
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 Bennett Murada Architects of Project No: 2022 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA_00 Rev 2	Cover Sheet	5 March 2024	5 March 2024
DA_02 Rev 2	Site and Roof Plan	5 March 2024	5 March 2024
DA_08 Rev 2	Demolition Plan Garage Level	5 March 2024	5 March 2024
DA_13 Rev 2	Proposed Garage Level	5 March 2024	5 March 2024
DA_20 Rev 2	North Elevation	5 March 2024	5 March 2024
DA_21 Rev 2	East Elevation	5 March 2024	5 March 2024
DA_22 Rev 2	South (Street) and West Elevations	5 March 2024	5 March 2024
DA_23 Rev 2	Cross Section	5 March 2024	5 March 2024
DA_24 Rev 2	Long Section	5 March 2024	5 March 2024
DA_25 Rev 2	Schedule of Materials and Finishes	30 March 2024	30 March 2024

(b) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 14 February 2024.

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.

2. **RELATIONSHIP TO DEVELOPMENT CONSENT DA-371/2022**

This development consent shall operate concurrently with Development Consent DA-371/2022. All conditions of consent imposed on Development Consent DA-371/2022 are to be read and complied with in conjunction with this development consent. A consolidated construction certificate application should be sought to combine the approved works under the subject development consent with those under Development Consent DA-371/2022. Where any discrepancies arise, the Certifying Authority shall make the decision on which aspect shall override the other.

	Condition reason: To ensure the development is competed as part of the works approved under DA-371/2022.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
3.	**NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE**
	The building work, or demolition work, must not be commenced until: (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the *Environmental Planning and Assessment Act 1979*; (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*; and (c) Council is given at least two days' notice in writing of the intention to commence the building works.
	Condition reason: To ensure a Construction Certificate is obtained prior to work commencing.
4.	**HOME BUILDING ACT**
	The builder or person who does the residential building work shall comply with the applicable requirements of Part 6 of the *Home and Building Act 1989*. In this regard a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy the Principal Certifying Authority that they have complied with the applicable requirements of Part 6, before any work commences.
	Condition reason: To ensure the builder or person who does the residential building work, complies with the applicable requirements of Part 6 of the *Home and Building Act 1989*.
5.	**SECTION 7.12 CONTRIBUTION**
	A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Waverley Council Development Contributions Plan in accordance with the following: (i) Where the total development cost is $500,000 or less: (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. (ii) Where the total development cost is more than $500,000 but less than $1,000,000: (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.

	(c) Where the total development cost is $1,000,000 or more: (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). - Please forward documents to info@waverley.nsw.gov.au attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy. (ii) Upon confirmation of the contribution amount by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate), payment is to be processed via the Customer Service Centre. (iii) Should there be a discrepancy between the cost of works approved in subclause (b)(i) and the DA fee nominated in the original DA, then additional DA Fees may be payable prior to the issue of a Construction Certificate. A copy of the required format for the cost reports are provided in the Waverley Council Contributions Plan, available on Council's website. (d) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, the levy must be paid in accordance with the following; (i) A development valued at $100,000 or less will be exempt from the levy; (ii) A development valued at $100,001 - $200,000 will attract a levy of 0.5% of the full cost of the development; or (iii) A development valued at more than $200,000 will attract a levy of 1% of the full cost of the development. Prior to the issue of any Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than $100,000.
	Condition reason: To ensure the Section 7.12 Contributions are paid.
6.	**SECURITY DEPOSIT**
	A deposit (cash or cheque) for the amount of $3,235.00 must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent. This deposit (cash or cheque) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs for any repair of damage to Council property or rectification of unauthorised works on Council property, will be refunded after satisfactory completion all of works associated with this consent (including the required public works) to the person who paid the deposit.
	Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.
7.	**LONG SERVICE LEVY**
	A long service levy, as required under section 34 of the *Building and Construction Industry Long Service Payments Act, 1986*, is to be paid in respect of this building

	work. Evidence that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate. Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.25% of building work costing $250,000 or more.
	Condition reason: To ensure the long service levy is paid.
8.	**HOARDING**
	To ensure the site is contained during construction, a hoarding is required for the approved works, which is to be designed and constructed in accordance with the requirements of Safe Work NSW. Where the hoarding is to be erected over the footpath or any public place, the approval of Council's Compliance Unit must be obtained and the applicable fees paid, prior to the erection of the hoarding.
	Condition reason: To ensure safety to the general public.
9.	**EROSION & SEDIMENT CONTROL**
	A Soil and Water Management Plan (SWMP), also known as an Erosion and Sediment Control Plan must be prepared in accordance with Waverley Council's Water Management Technical Manual. The SWMP must be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request. The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.
	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
10.	**ENGINEERING DETAILS**
	Structural details are to be prepared and certified by a practicing Structural Engineer in connection with all structural components of the approved works, prior to the issue of the relevant Construction Certificate.
	Condition reason: To ensure structural stability of work on site.
11.	**ENGINEERING CERTIFICATE OF ADEQUACY**
	A Certificate of Adequacy prepared by a practicing Structural Engineer is to be provided certifying the adequacy of the existing building structure to carry the extra load of the proposed additions, prior to the issue of the relevant Construction Certificate.
	Condition reason: To ensure structural stability of work on site.
12.	**SITE WASTE AND RECYCLING MANAGEMENT PLAN**
	A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction

	Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the *SWRMP Part 2* is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.
	Condition reason: To ensure resource recovery is promoted and the local amenity is protected during construction.

BEFORE BUILDING WORK COMMENCES

	Condition
13.	**CONSTRUCTION SIGNS**
	Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.
	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.
14.	**DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS**
	The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including: • Work Health and Safety Act 2011; • Work Health and Safety Regulation 2017; • SafeWork NSW Code of Practice for the Safe Removal of Asbestos; • Australian Standard 2601 (2001) – Demolition of Structures; • *Protection of the Environment Operations Act 1997.* At least 5 days prior to the demolition, renovation work or alterations and additions to any building, the person acting on the consent shall submit a Work Plan to the Principal Certifying Authority in accordance with Australian Standard AS 2601-2001, Demolition of Structure and a Hazardous Materials Assessment prepared by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall: (a) Outline the identification of any hazardous materials, including surfaces coated with lead paint; (b) Confirm that no asbestos products are present on the subject land, or (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by SafeWork NSW (catalogue WC03561); (d) Describe the method of demolition; (e) Describe the precautions to be employed to minimise any dust nuisance; and (f) Describe the disposal methods for hazardous materials.
	Condition reason: To ensure the safety of workers and the general public.

DURING BUILDING WORK

	Condition
15.	**CONTROL OF DUST ON CONSTRUCTION SITES**
	The following requirements apply to demolition and construction works on site: (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries. (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices.
	Condition reason: To ensure the safety of workers and the general public.
16.	**CONSTRUCTION HOURS**
	Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays, with no work to be carried out on Sundays and public holidays. Excavation works involving the use of heavy earth movement equipment, including rock breakers and the like, must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays, with no such work to be carried out on Saturday, Sunday or a public holiday. Noise from construction activities shall comply with the *Protection of the Environmental Operations (Noise Control) Regulation 2017*.
	Condition reason: To protect the amenity of the surrounding area.
17.	**STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS**
	All building materials and any other items associated with the development are to be stored within the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.
	Condition reason: To ensure building material is stored in an appropriate location.
18.	**CONSTRUCTION INSPECTIONS**
	The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the *Building Legislation Amendment (Quality of Construction) Act 2002,* clause 162A of the *Environmental Planning and Assessment Regulation 2021* and the requirements of any other applicable legislation or instruments.

	Condition reason: To ensure regular inspections occur throughout the construction process.
19.	**CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING**
	A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the location of the building on the site is to be submitted to the Principal Certifying Authority to certify the building is located in accordance with the development consent plans. The Certificate is to be submitted prior to the construction of the external walls above the ground floor level of the building.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
20.	**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.
21.	**AUSGRID CONDITIONS**
	(a) Ausgrid Underground Cables are in the vicinity of the development. (i) Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways. (ii) It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Before You Dig Australia (BYDA). (iii) In addition to BYDA the proponent should refer to the following documents to support safety in design and construction: (iv) SafeWork Australia – Excavation Code of Practice. (v) Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables. (vi) The following points should also be taken into consideration. (vii) Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. (viii) Should ground levels change above Ausgrid's underground cables in areas such as footpaths and driveways, Ausgrid must be notified, and written approval provided prior to the works commencing. (ix) Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

	(b) Ausgrid Overhead Powerlines are in the vicinity of the development. (i) The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase. (ii) Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site. (iii) The "as constructed" minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website at www.ausgrid.com.au. (iv) It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer's cost. (c) **New Driveways - Proximity to Existing Poles** (i) Proposed driveways shall be located to maintain a minimum clearance of 1.5m from the nearest face of the pole to any part of the driveway, including the layback, this is to allow room for future pole replacements. Ausgrid should be further consulted for any deviation to this distance. (d) **New or modified connection** (i) To apply to connect or modify a connection for a residential or commercial premises. Ausgrid recommends the proponent to engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details; https://www.ausgrid.com.au/Connections/Get-connected (ii) Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can be found by visiting the following Ausgrid website: www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries Should you require further information please contact Ausgrid via email to Development@ausgrid.com.au Regards, Ausgrid Development Team
	Condition reason: To ensure the works are undertaken in accordance with Ausgrid's requirements.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
22.	**FINAL OCCUPATION CERTIFICATE**
	Prior to occupation or use of the development, an Occupation Certificate must be obtained. The Principal Certifying Authority must be satisfied that the requirements of the *Environmental Planning & Assessment Act 1979* have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.
	Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.

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: • 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.	**SYDNEY WATER CERTIFICATE**
	A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. **Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website.** Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact **with the Coordinator**, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
6.	**DIAL BEFORE YOU DIG**
	Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
7.	**TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)**
	Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.
8.	**ALTERATIONS AND ADDITIONS ONLY**
	This consent is for alterations and additions to the existing building only and should during the course of construction a significant amount of the remaining fabric of the building be required to be removed, works must cease immediately and a new development application will be required to be submitted for assessment.

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

Application No: DA- 37/2024

Date Received: 30/05/2024

AMENDED PLANS

LOCATION MAP
NTS

DRAWING LIST

Sheet No.	Sheet Name	Size	Scale	Rev. No.	Rev. Date
DA_00	COVERSHEET	ISO A2	NTS	2	5/3/24
DA_01	EXISTING SITE ANALYSIS PLAN	ISO A2	1:100 @ A2	1	20/12/23
DA_02	PROPOSED SITE & ROOF PLAN	ISO A2	1:100 @ A2	2	5/3/24
DA_03	EXISTING SUB BASEMENT	ISO A2	1:100 @ A2	1	20/12/23
DA_04	EXISTING BASEMENT LEVEL	ISO A2	1:100 @ A2	1	20/12/23
DA_05	EXISTING GROUND FLOOR	ISO A2	1:100 @ A2	1	20/12/23
DA_06	EXISTING GARAGE LEVEL	ISO A2	1:100 @ A2	2	5/3/24
DA_08	DEMOLITION PLAN GARAGE LEVEL	ISO A2	1:100 @ A2	2	5/3/24
DA_10	PROPOSED SUB BASEMENT	ISO A2	1:100 @ A2	1	20/12/23
DA_11	PROPOSED BASEMENT LEVEL	ISO A2	1:100 @ A2	1	20/12/23
DA_12	PROPOSED GROUND FLOOR	ISO A2	1:100 @ A2	1	20/12/23
DA_13	PROPOSED GARAGE LEVEL	ISO A2	1:100 @ A2	2	5/3/24
DA_20	NORTH ELEVATION	ISO A2	1:100 @ A2	2	5/3/24
DA_21	EAST ELEVATION	ISO A2	1:100 @ A2	2	5/3/24
DA_22	SOUTH (STREET) + WEST ELEVATIONS	ISO A2	1:100 @ A2	2	5/3/24
DA_23	CROSS SECTION	ISO A2	1:100 @ A2	2	5/3/24
DA_24	LONG SECTION	ISO A2	1:100 @ A2	2	5/3/24
DA_25	SCHEDULE OF MATERIALS & FINISHES	ISO A2	NTS	2	30/5/24
DA_30	PLAN SHADOW DIAGRAMS, JUN 21 9am	ISO A2	1:100 @ A2	1	20/12/23
DA_31	PLAN SHADOW DIAGRAMS, JUN 21 12pm	ISO A2	1:100 @ A2	1	20/12/23
DA_32	PLAN SHADOW DIAGRAMS, JUN 21 3pm	ISO A2	1:100 @ A2	1	20/12/23
DA_40	AREA CALCULATIONS	ISO A2	1:200 @ A2	2	30/5/24

NOTES

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REVISION SCHEDULE

Rev.	Date	Issued By	Revision Notes
1	20/12/23	SC	DA ISSUE
2	5/3/24	SC	DA ADDITIONAL INFORMATION

LEGEND / KEY

Bennett Murada Architects

Project:
28 WOLAROI CRESCENT, TAMARAMA, NSW 2026 / 287 BIRRELL STREET

Client:
DAPHNE WONG + NATHAN HEDLEY

Drawing Name:
COVERSHEET

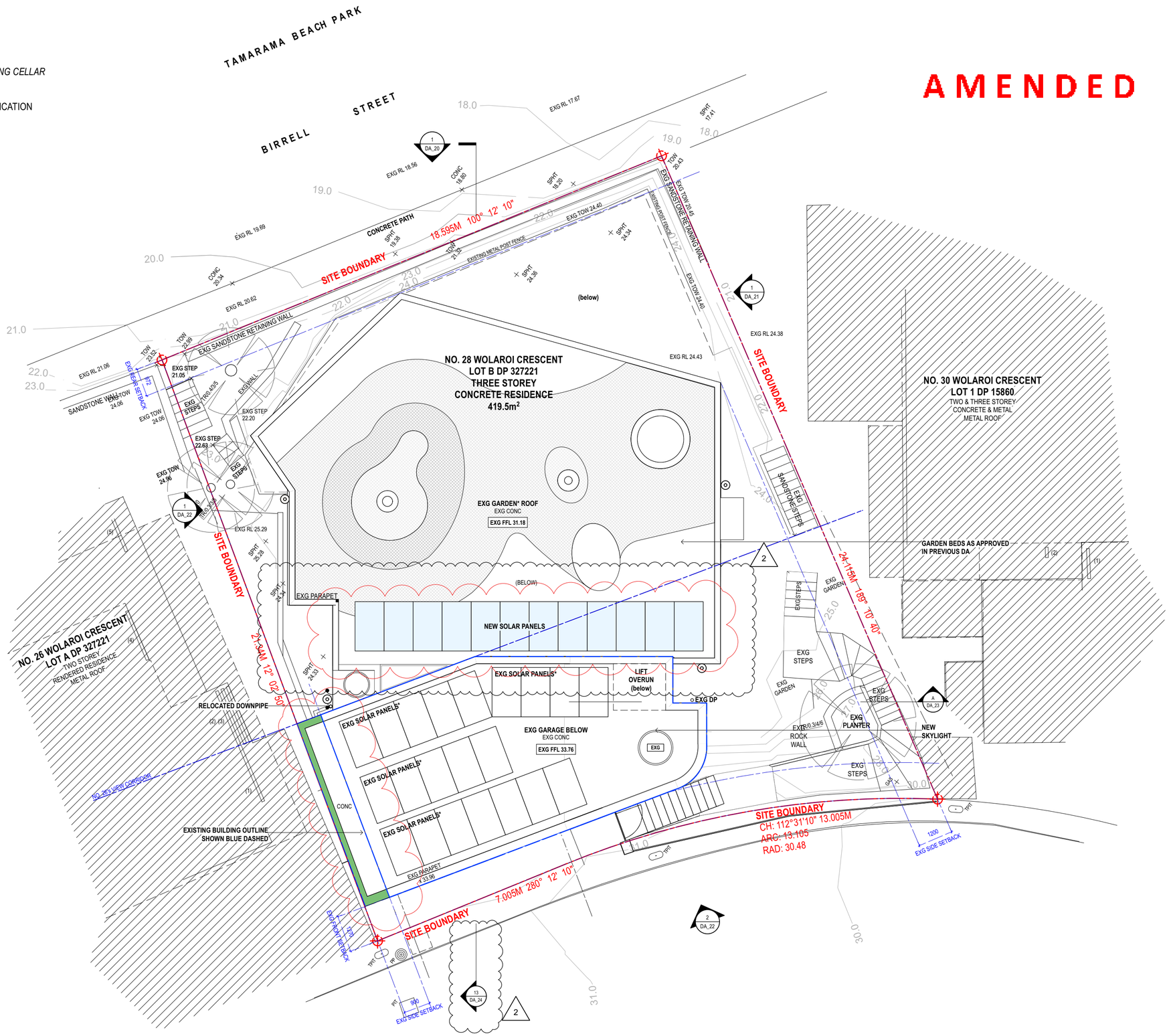
Job Number: **2202**
Scale: NTS
Plot Date:
Drawn By: MB
Drawing Status: **DEVELOPMENT APPLICATION**
Drawing No: **DA_00**
Revision: **2**

Suite 4.04, 1 Chandos Street, St Leonards, NSW 2065 ph.(02) 9043 9968 e.info@bennettmurada.com.au nominated architect: Dominic Bennett 7365 (NSW)

NOTE :
ALL ITEMS WITH " * " : AS APPROVED IN DA-371/20222
(ALTERATIONS AND ADDITIONS TO DWELLING INCLUDING CELLAR TO SUB-BASEMENT LEVEL AND NEW LIFT PAN-255929)

AREAS CLOUDED IN RED TO SHOW EXTENT OF MODIFICATION FROM PREVIOUSLY APPROVED DA-371/20222

AMENDED PLANS



RECEIVED
Waverley Council

Application No: DA- 37/2024

Date Received: 30/05/2024

.5m 1m 2m 5m

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BAL 01,02,...	BALUSTRADE	FT	FLOOR TILE	SCN 1,2,3...	SCREEN
CLA 1,2,3...	CLADDING	GTE	GATE	SP	SLIDING PANEL
CT	CERAMIC TILES	LV	LOUVRE	TD	TIMBER DECKING
EXG	EXISTING	MRS	METAL ROOF SHEET	TF	TIMBER FLOORING
FNC 1,2,3...	FENCE	PCONC	POLISHED CONCRETE	TRS	TRANSLUCENT
FRP	FIREPLACE	PV	PAVERS		

EXISTING ELEMENTS
- EXISTING WALLS
- EXISTING BUILDING (no changes)
- DEMOLISHED

PROPOSED ELEMENTS
- CONCRETE
- TIMBER
- STONE PAVING
- STEEL, GALVANISED IRON, ALUMINIUM
- LAWN
- WINDOWS, GLASS

Bennett Murada Architects

Project:
28 WOLAROI CRESCENT, TAMARAMA, NSW 2026 / 287 BIRRELL STREET

Client:
DAPHNE WONG + NATHAN HEDLEY

Drawing Name:
PROPOSED SITE & ROOF PLAN

Job Number: **2202**
Scale: 1:100 @ A2
Plot Date:
Drawn By: SC
Drawing Status: **DEVELOPMENT APPLICATION**
Drawing No: **DA_02**
Revision: **2**

Suite 4.04, 1 Chandos Street, St Leonards, NSW 2065 ph.(02) 9043 9968 e.info@bennettmurada.com.au nominated architect: Dominic Bennett 7365 (NSW)

AMENDED PLANS

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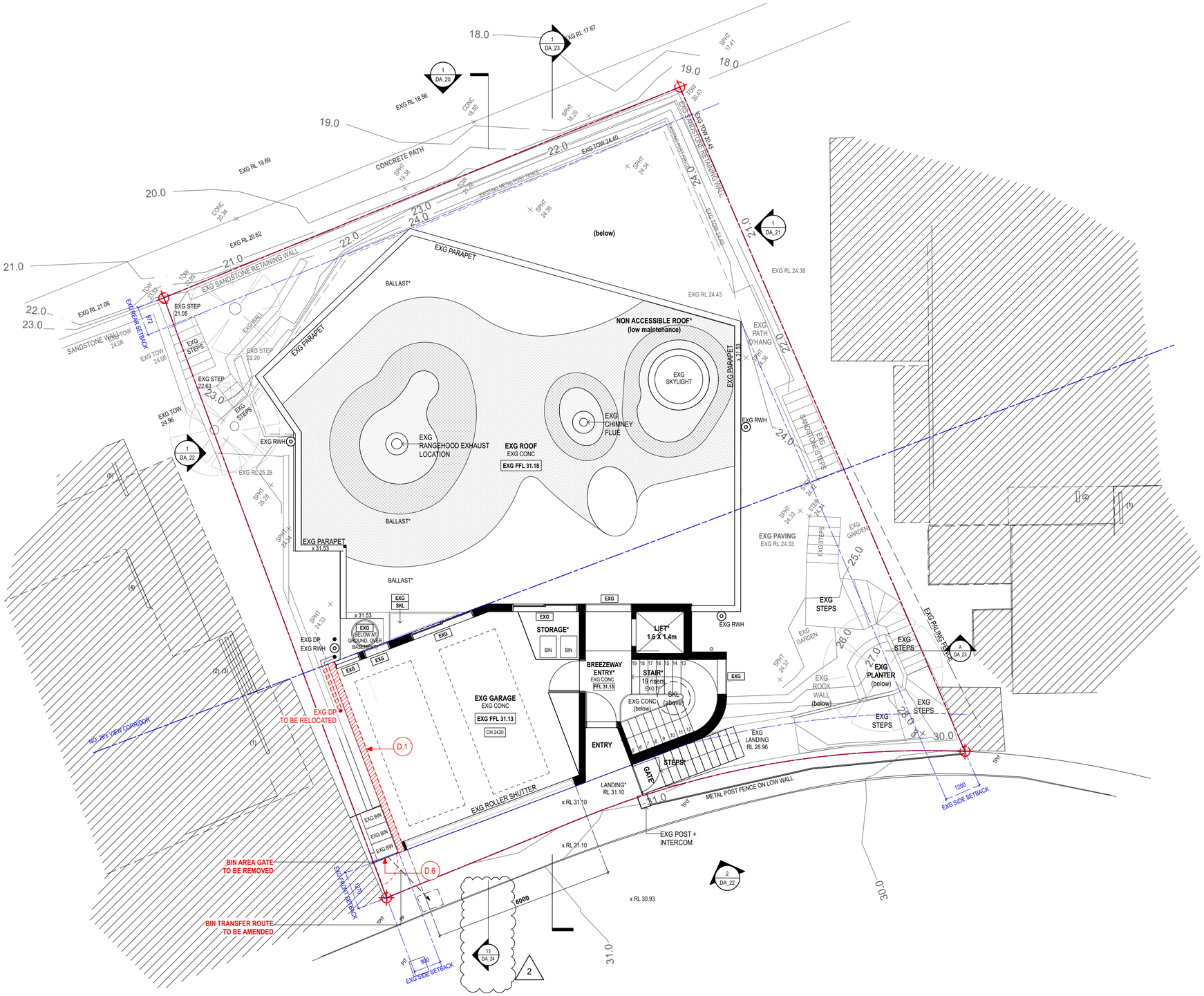
Application No: DA- 37/2024

Date Received: 30/05/2024



DEMOLITION NOTES:

- D.1 EXTERNAL CONCRETE WALL TO BE DEMOLISHED
- D.2 EXTERNAL CONCRETE BLOCK WALL TO BE DEMOLISHED
- D.3 EXISTING WINDOW TO BE REMOVED
- D.4 EXISTING CONCRETE SLAB TO BE DEMOLISHED
- D.5 CUT AND EXCAVATE EXISTING ROCK OR BACKFILL
- D.6 DOOR TO BE REMOVED

.5m 1m 2m 5m

NOTES

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CLA 1,2,3...	CLADDING	GTE	GATE	SP	SLIDING PANEL
CT	CERAMIC TILES	LV	LOUVRE	TD	TIMBER DECKING
EXG	EXISTING	MRS	METAL ROOF SHEET	TF	TIMBER FLOORING
FNC 1,2,3...	FENCE	PCONC	POLISHED CONCRETE	TRS	TRANSLUCENT
FRP	FIREPLACE	PV	PAVERS		

EXISTING ELEMENTS

- EXISTING WALLS
- EXISTING BUILDING (no changes)
- DEMOLISHED

PROPOSED ELEMENTS

- CONCRETE
- TIMBER
- STONE PAVING
- STEEL, GALVANISED IRON, ALUMINIUM
- LAWN
- WINDOWS, GLASS

Bennett Murada Architects

Project:
28 WOLAROI CRESCENT, TAMARAMA, NSW 2026 / 287 BIRRELL STREET

Client:
DAPHNE WONG + NATHAN HEDLEY

Drawing Name:
DEMOLITION PLAN GARAGE LEVEL

Job Number: **2202**
Scale: 1:100 @ A2
Plot Date:
Drawn By: MB
Drawing Status:
Drawing No: **DA_08**
Revision: **2**

Suite 4.04, 1 Chandos Street, St Leonards, NSW 2065 ph.(02) 9043 9968 e.info@bennettmurada.com.au nominated architect: Dominic Bennett 7365 (NSW)

AMENDED PLANS

NOTE :
ALL ITEMS WITH " * " : AS APPROVED IN DA-371/20222
(ALTERATIONS AND ADDITIONS TO DWELLING INCLUDING CELLAR TO SUB-BASEMENT LEVEL AND NEW LIFT PAN-255929)

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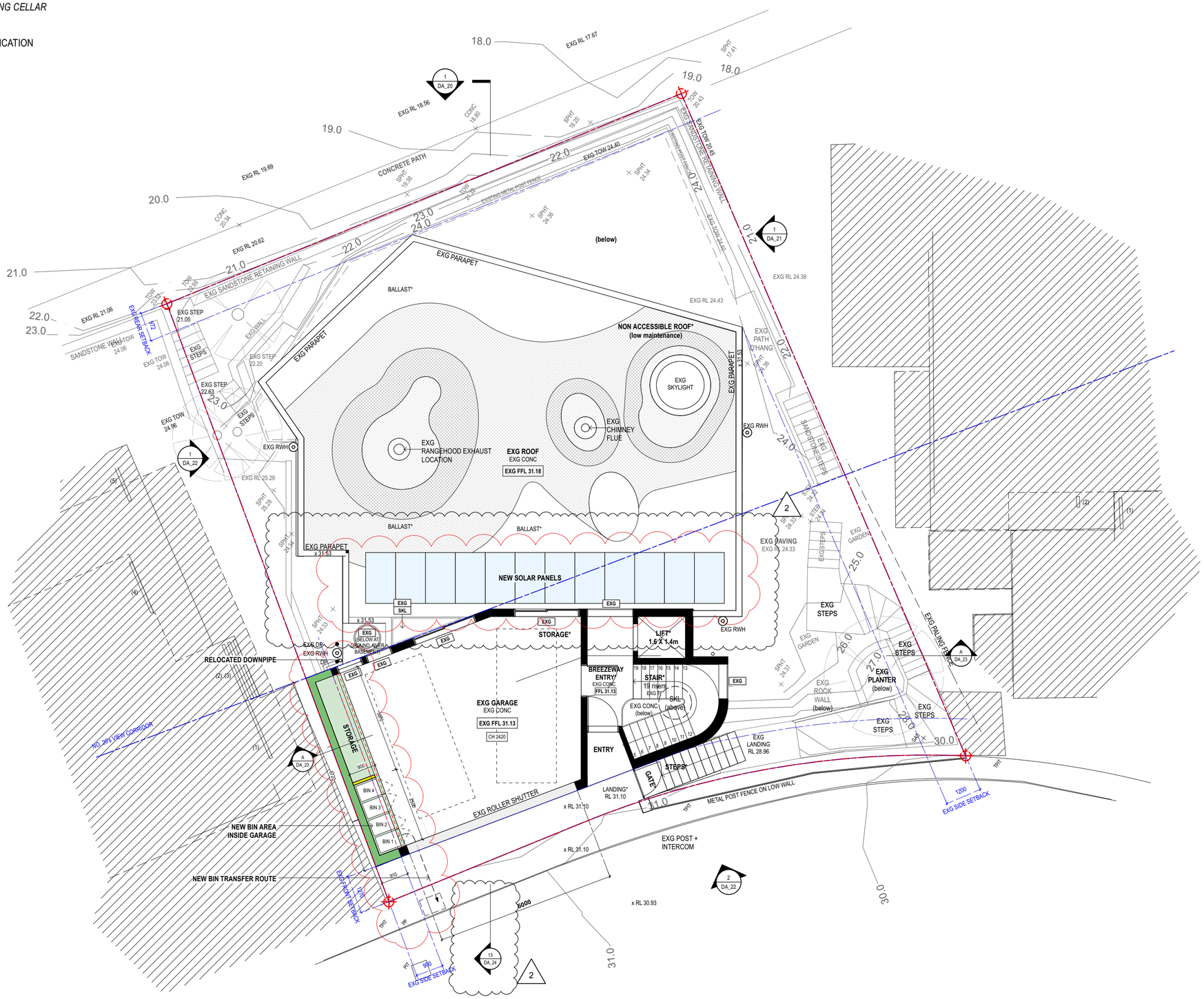

.5m 1m 2m 5m

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FNC 1,2,3...	FENCE	PCONC	POLISHED CONCRETE	TRS	TRANSLUCENT
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EXISTING ELEMENTS
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- DEMOLISHED

PROPOSED ELEMENTS
- CONCRETE
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Bennett Murada Architects

Project:
28 WOLAROI CRESCENT, TAMARAMA, NSW 2026 / 287 BIRRELL STREET

Client:
DAPHNE WONG + NATHAN HEDLEY

Drawing Name:
PROPOSED GARAGE LEVEL

Job Number: **2202**
Scale: 1:100 @ A2
Plot Date:
Drawn By: MB
Drawing Status: **DEVELOPMENT APPLICATION**
Drawing No: **DA_13**
Revision: **2**

Suite 4.04, 1 Chandos Street, St Leonards, NSW 2065 ph.(02) 9043 9968 e.info@bennettmurada.com.au nominated architect: Dominic Bennett 7365 (NSW)

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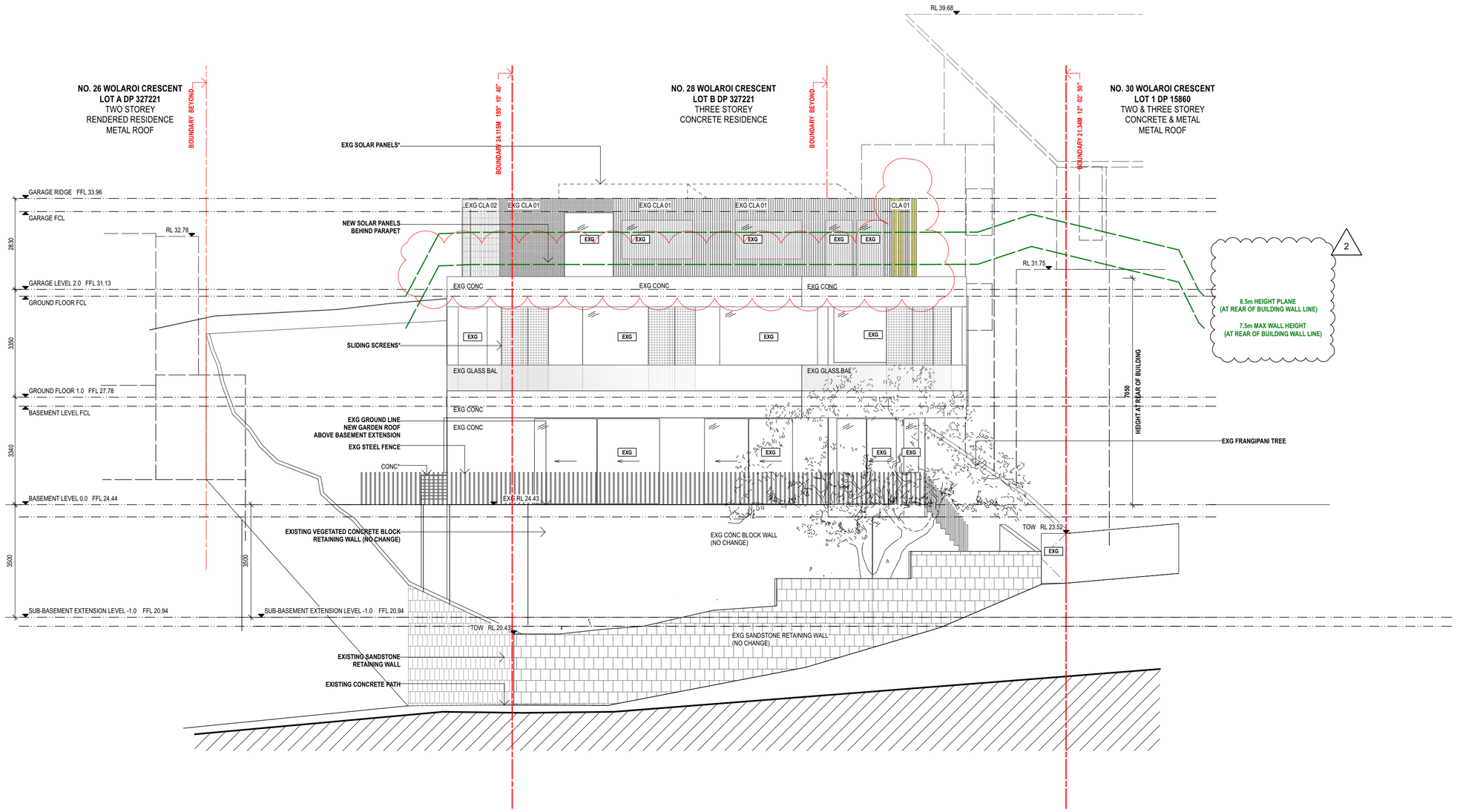

1 NORTH ELEVATION
Scale: 1:100

AMENDED PLANS

.5m 1m 2m 5m

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Bennett Murada Architects

Project:
28 WOLAROI CRESCENT, TAMARAMA, NSW 2026 / 287 BIRRELL STREET

Client:
DAPHNE WONG + NATHAN HEDLEY

Drawing Name:
NORTH ELEVATION

Job Number: **2202**
Scale: 1:100 @ A2
Plot Date:
Drawn By: MB
Drawing Status: **DEVELOPMENT APPLICATION**
Drawing No: **DA_20**
Revision: **2**

Suite 4.04, 1 Chandos Street, St Leonards, NSW 2065 ph.(02) 9043 9968 e.info@bennettmurada.com.au nominated architect: Dominic Bennett 7365 (NSW)

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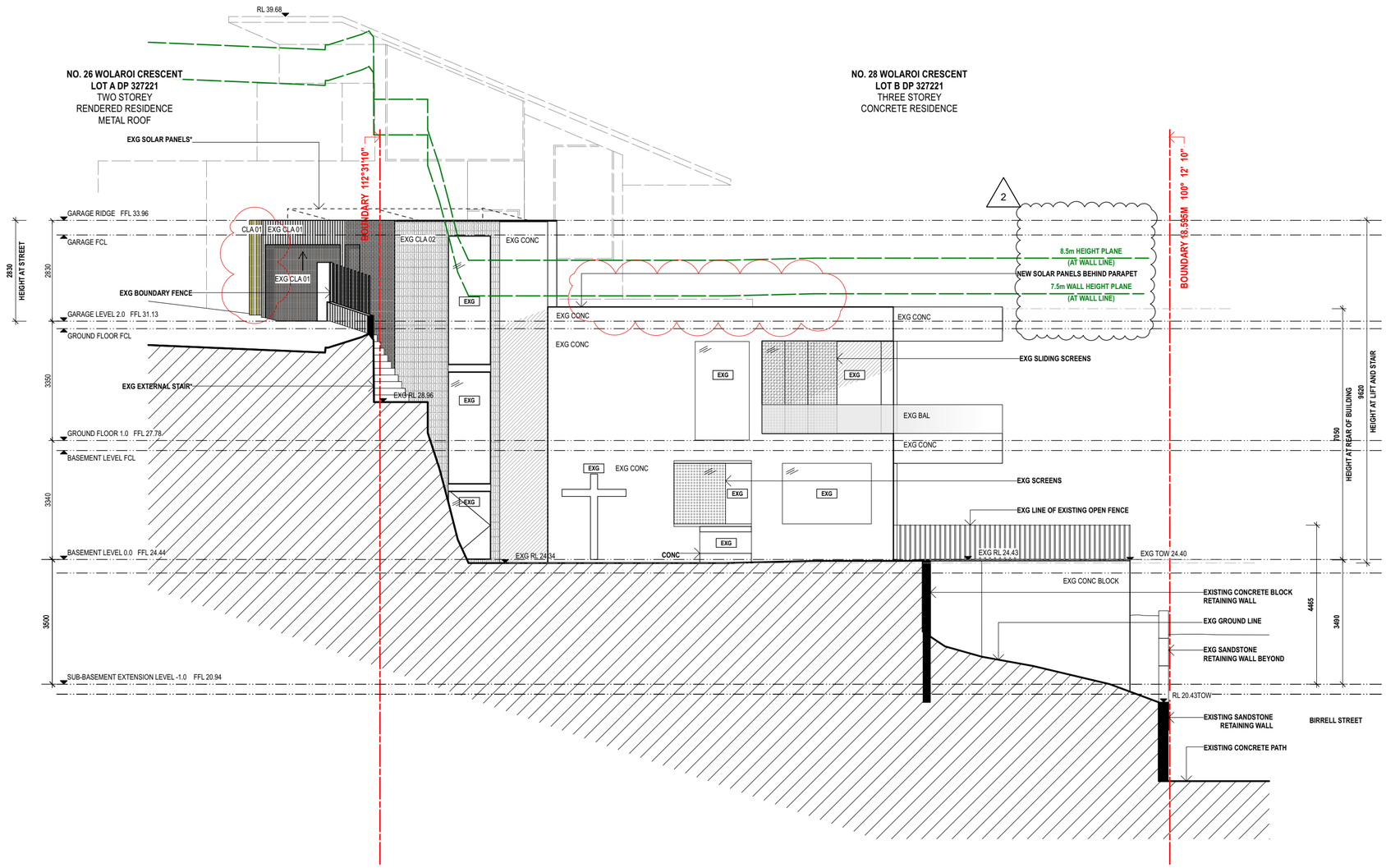
AMENDED PLANS



2 EAST ELEVATION
Scale: 1:100

RECEIVED
Waverley Council

Application No: DA- 37/2024

Date Received: 30/05/2024

.5m 1m 2m 5m

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- LAWN
- WINDOWS, GLASS

Bennett Murada Architects

Project:
28 WOLAROI CRESCENT, TAMARAMA, NSW 2026 / 287 BIRRELL STREET

Client:
DAPHNE WONG + NATHAN HEDLEY

Drawing Name:
EAST ELEVATION

Job Number: **2202**
Scale: 1:100 @ A2
Plot Date:
Drawn By: MB
Drawing Status: **DEVELOPMENT APPLICATION**
Drawing No: **DA_21**
Revision: **2**

Suite 4.04, 1 Chandos Street, St Leonards, NSW 2065 ph.(02) 9043 9968 e.info@bennettmurada.com.au nominated architect: Dominic Bennett 7365 (NSW)

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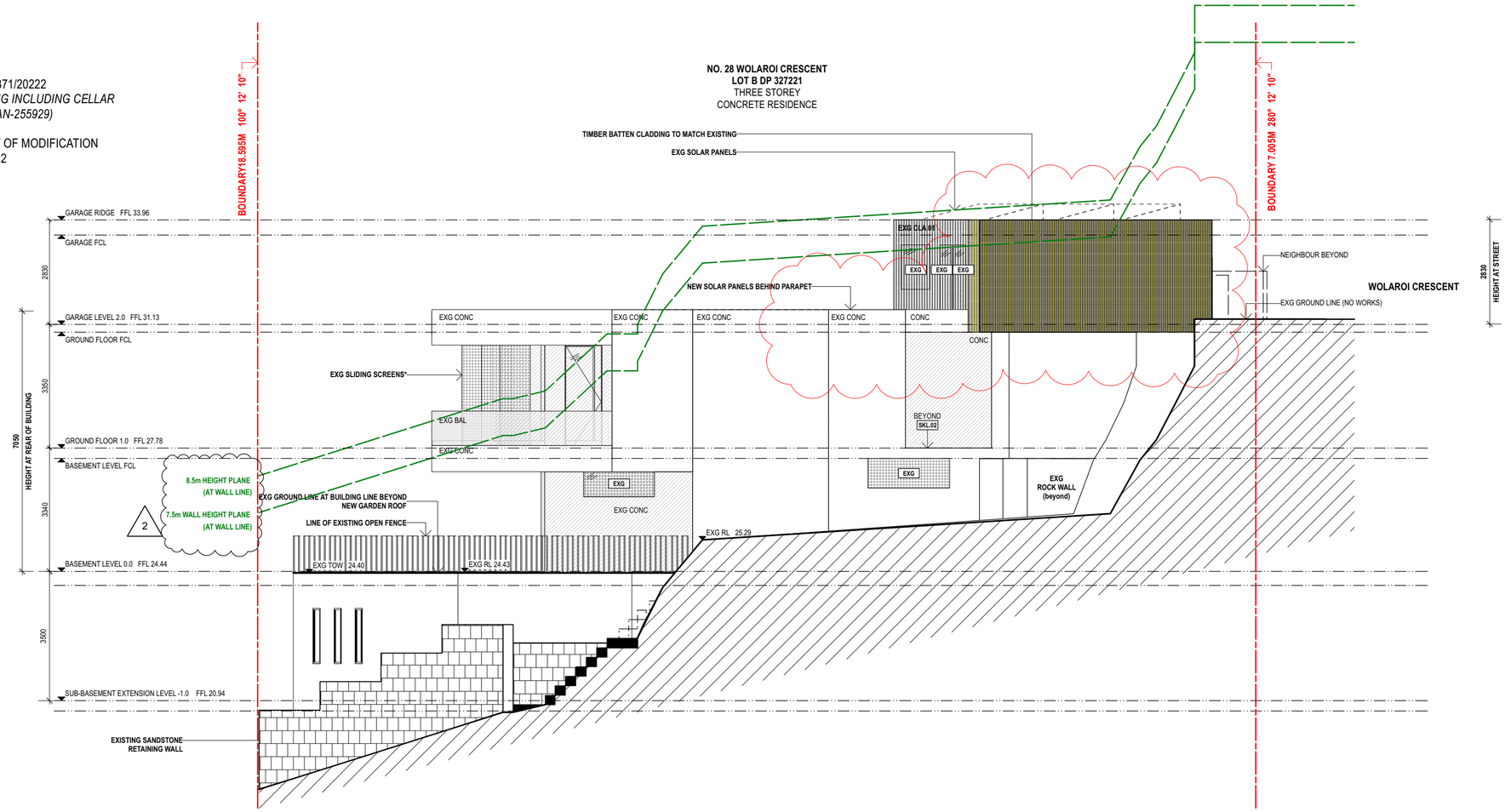
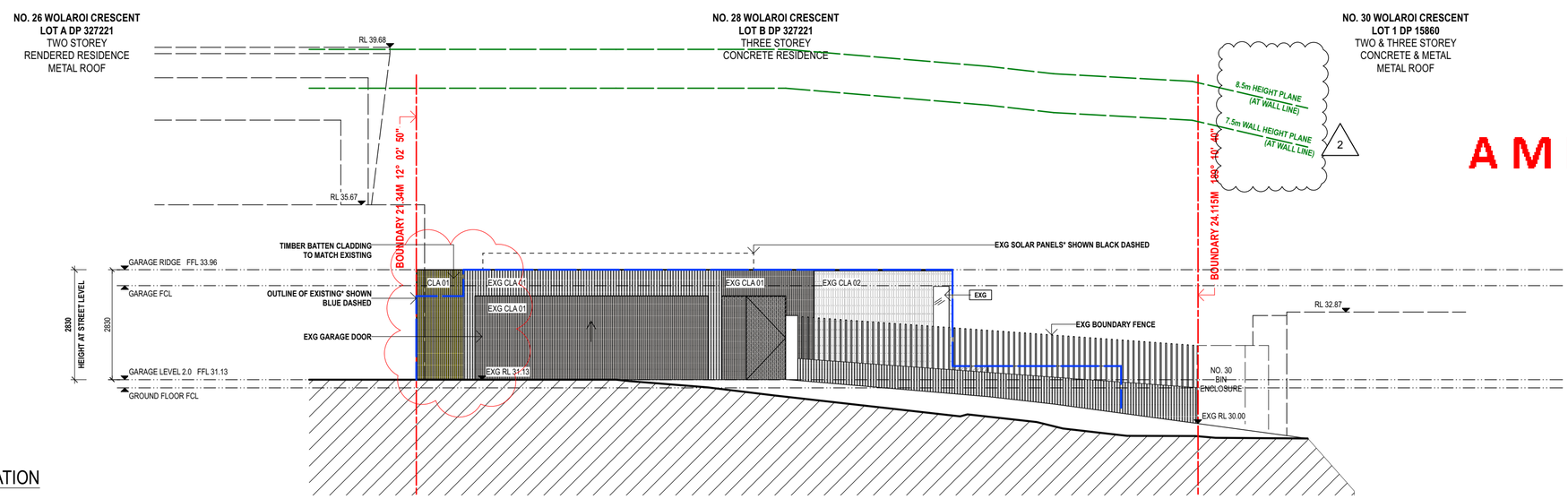
(ALTERATIONS AND ADDITIONS TO DWELLING INCLUDING CELLAR TO SUB-BASEMENT LEVEL AND NEW LIFT PAN-255929)

AREAS CLOUDED IN RED TO SHOW EXTENT OF MODIFICATION FROM PREVIOUSLY APPROVED DA-371/20222



1 WEST ELEVATION
Scale: 1:100



2 SOUTH ELEVATION
Scale: 1:100

AMENDED PLANS

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Waverley Council

Application No: DA- 37/2024

Date Received: 30/05/2024

.5m 1m 2m 5m

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REVISION SCHEDULE

Rev.	Date	Issued By	Revision Notes
1	20/12/23	SC	DA ISSUE
2	5/3/24	SC	DA ADDITIONAL INFORMATION

LEGEND / KEY

BRK 1,2,3...	BRICK	FP	FIXED PANEL	RT	ROOF TILES
BAL 01,02,...	BALUSTRADE	FT	FLOOR TILE	SCN 1,2,3...	SCREEN
CLA 1,2,3...	CLADDING	GTE	GATE	SP	SLIDING PANEL
CT	CERAMIC TILES	LV	LOUVRE	TD	TIMBER DECKING
EXG	EXISTING	MRS	METAL ROOF SHEET	TF	TIMBER FLOORING
FNC 1,2,3...	FENCE	PCONC	POLISHED CONCRETE	TRS	TRANSLUCENT
FRP	FIREPLACE	PV	PAVERS		

EXISTING ELEMENTS
- EXISTING WALLS
- EXISTING BUILDING (no changes)
- DEMOLISHED

PROPOSED ELEMENTS
- CONCRETE
- TIMBER
- STONE PAVING
- STEEL, GALVANISED IRON, ALUMINIUM
- LAWN
- WINDOWS, GLASS

Bennett Murada Architects

Project:
28 WOLAROI CRESCENT, TAMARAMA, NSW 2026 / 287 BIRRELL STREET

Client:
DAPHNE WONG + NATHAN HEDLEY

Drawing Name:
SOUTH (STREET) + WEST ELEVATIONS

Job Number: **2202**
Scale: 1:100 @ A2
Plot Date:
Drawn By: MB
Drawing Status: **DEVELOPMENT APPLICATION**
Drawing No: **DA_22**
Revision: **2**

Suite 4.04, 1 Chandos Street, St Leonards, NSW 2065 ph.(02) 9043 9968 e.info@bennettmurada.com.au nominated architect: Dominic Bennett 7365 (NSW)

NOTE :
ALL ITEMS WITH " * " : AS APPROVED IN DA-371/20222
(ALTERATIONS AND ADDITIONS TO DWELLING INCLUDING CELLAR TO SUB-BASEMENT LEVEL AND NEW LIFT PAN-255929)

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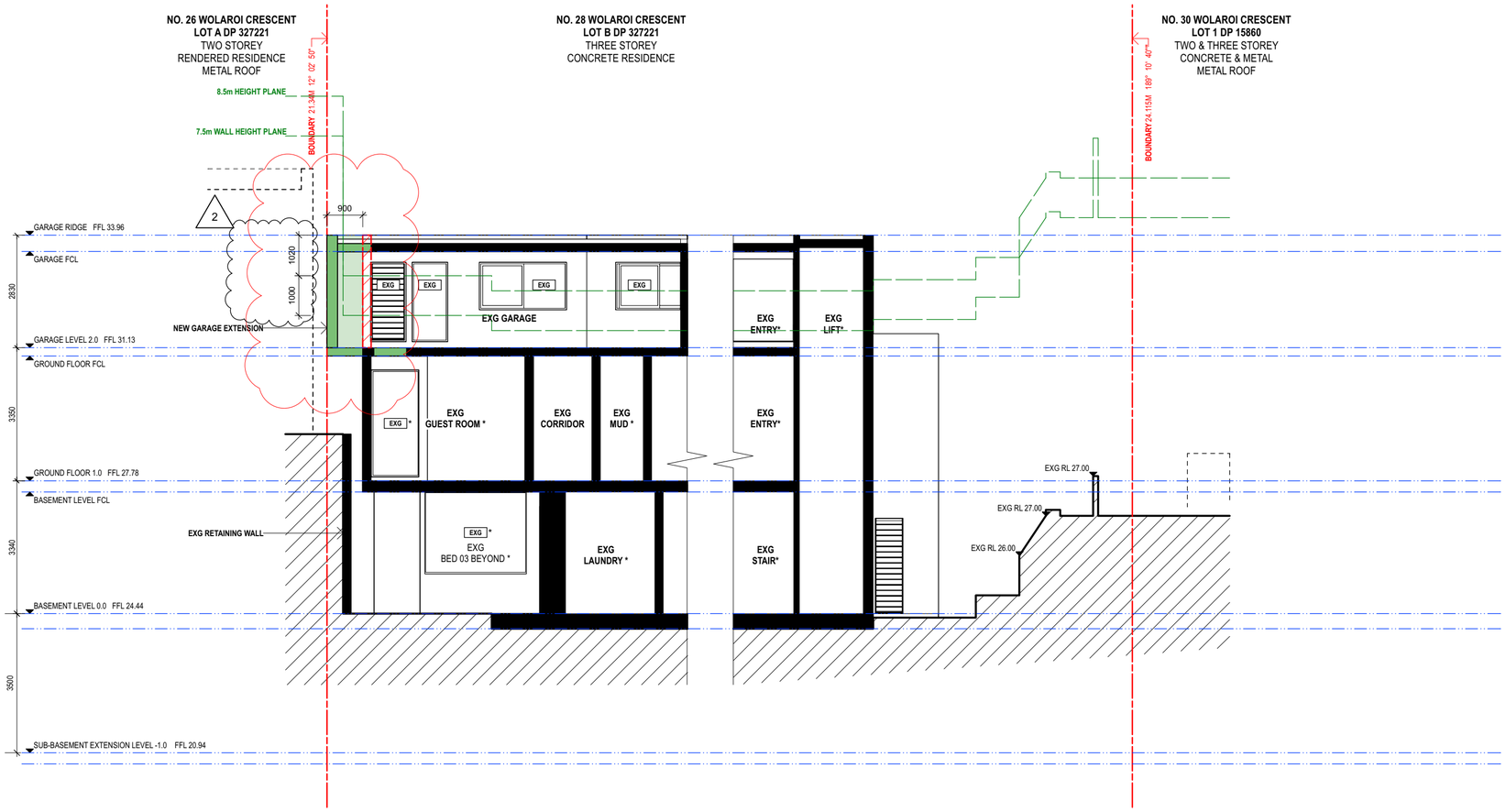

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Waverley Council

Application No: DA- 37/2024

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AMENDED PLANS

.5m 1m 2m 5m

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Bennett Murada Architects

Project:
28 WOLAROI CRESCENT, TAMARAMA, NSW 2026 / 287 BIRRELL STREET

Client:
DAPHNE WONG + NATHAN HEDLEY

Drawing Name:
CROSS SECTION

Job Number: **2202**
Scale: 1:100 @ A2
Plot Date:
Drawn By: MB
Drawing Status: **DEVELOPMENT APPLICATION**
Drawing No: **DA_23**
Revision: **2**

Suite 4.04, 1 Chandos Street, St Leonards, NSW 2065 ph.(02) 9043 9968 e.info@bennettmurada.com.au nominated architect: Dominic Bennett 7365 (NSW)

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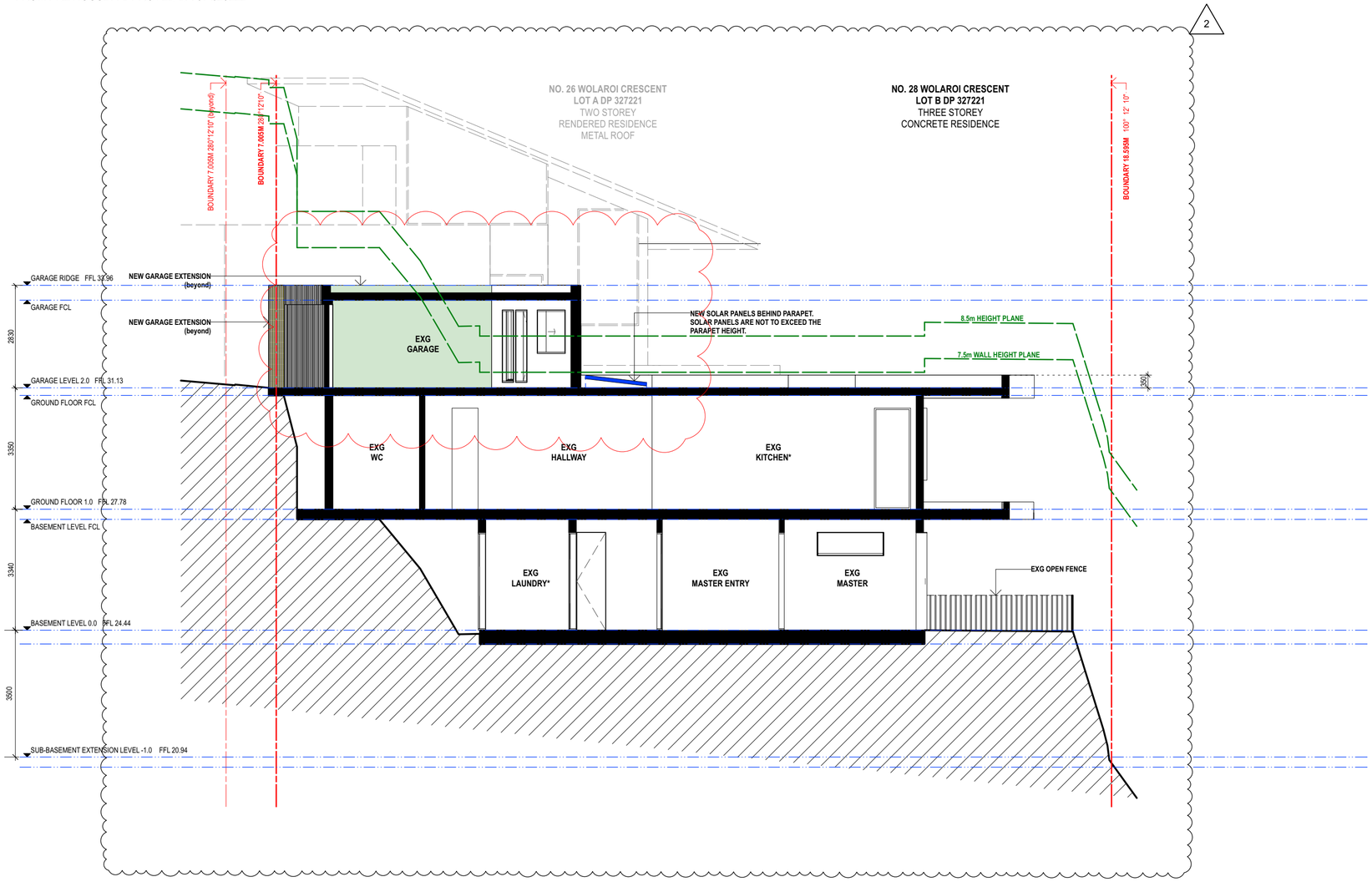

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Bennett Murada Architects

Project:
28 WOLAROI CRESCENT, TAMARAMA, NSW 2026 / 287 BIRRELL STREET

Client:
DAPHNE WONG + NATHAN HEDLEY

Drawing Name:
LONG SECTION

Job Number: **2202**
Scale: 1:100 @ A2
Plot Date:
Drawn By: MB
Drawing Status: **DEVELOPMENT APPLICATION**
Drawing No: **DA_24**
Revision: **2**

Suite 4.04, 1 Chandos Street, St Leonards, NSW 2065 ph.(02) 9043 9968 e.info@bennettmurada.com.au nominated architect: Dominic Bennett 7365 (NSW)

OFF FORM CONCRETE
EXISTING SLABS AND ROOF

CONC

VERTICAL TIMBER CLADDING
EXISTING AND NEW

CLA-01

AMENDED PLANS

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Application No: DA- 37/2024

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Project:
28 WOLAROI CRESCENT, TAMARAMA, NSW 2026 / 287 BIRRELL STREET

Client:
DAPHNE WONG + NATHAN HEDLEY

Drawing Name:
SCHEDULE OF MATERIALS & FINISHES

Job Number:
2202

Scale:
NTS

Plot Date:

Drawn By:
MB

Drawing Status:
DEVELOPMENT APPLICATION

Drawing No:
DA_25

Revision:
2

Bennett Murada Architects

Suite 4.04, 1 Chandos Street, St Leonards, NSW 2065 ph.(02) 9043 9968 e.info@bennettmurada.com.au nominated architect: Dominic Bennett 7365 (NSW)

WAVERLEY COUNCIL

Report to the Waverley Local Planning Panel

Application number	DA-19/2023/A
Site address	134 Hewlett Street, BRONTE
Proposal	Modifications to the approved new dwelling house including internal reconfigurations, additional floor space, excavation and other amendments
Description of Approved Development	Demolition of the existing dwelling and construction of a new part-two, part-three storey dwelling house, garage, landscaping works and swimming pool
Date of lodgement	7 March 2024
Owner	Ms D R Lewis
Applicant	Ms D R Lewis
Submissions	No submissions
Amended cost of works	As per the original application ($1,716,190)
Principal Issues	Additional floor space and excavation
Recommendation	That the application be **APPROVED** in accordance with the conditions contained in the report.

SITE MAP

1. PREAMBLE

1.1. Executive Summary

The modification application seeks to modify development consent, known as DA-19/2023/A for demolition of the existing dwelling and construction of a new part-two, part-three storey dwelling house, garage, landscaping works and swimming pool at the site known as 134 Hewlett Street, BRONTE. In summary, the proposed modifications are for internal reconfigurations, additional floor space, excavation, and other amendments.

The principal issues arising from assessment of the application are additional floor space and excavation. The assessment finds these issues acceptable because the dwelling would retain the approved building height and overall envelope. The application includes shifting the glazing line of balconies at the lower ground and ground floor levels to provide additional floor space at these levels. The proposal also includes a new bedroom within the approved under croft at lower ground floor level.

The proposal would not increase shadowing over and above what was approved in the original application, because the front building line would be maintained as would the overall approved envelope. The proposal would not impact on views obtained from surrounding properties or give rise privacy impacts. Accordingly, the proposed modification would ensure the preservation of environmental amenity for neighbouring properties and the broader locality.

There were no submissions received following notification of the application and no conflicts of interest declared with respect to the application.

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

1.2. Site and Surrounding Locality

A site visit was carried out during the assessment of the original development application.

The site is identified as Lot 22 in DP 18413, known as 134 Hewlett Street, Bronte. The site is rectangular in shape with a slight irregular angle in the south-western front boundary to Hewlett Street, measuring 2.085m. The remaining front boundary measures 12.99m. It has an area of 401.7m^2 and falls from the north-eastern rear boundary to the south-western frontage by approximately 11m.

The site is occupied by a stepped two storey dwelling house, comprising a garage level with vehicular access provided from Hewlett Street, as well as ground, first and second floor levels.

The site is adjoined by a three storey dwelling to the east and a residential flat building (RFB) to the west of the site. The locality is characterised by a variety of low and medium density residential developments.

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

Figure 1: Subject site frontage, facing north

Figure 2: Neighbouring RFB to the west at No. 132 Hewlett Street, facing north

Figure 3: Neighbouring RFB to the west at No. 132 Hewlett Street, facing west

Figure 4: Neighbouring dwelling to the east at No. 136 Hewlett Street, facing north-east

Figure 5: RFB opposite the site at No. 99 Hewlett Street, facing south-east

Figure 6: Dwelling opposite the site at No. 97 Hewlett Street, facing south

1.3. Details of Approved Development

The original development application, known as DA-19/2023 for demolition of the existing dwelling and construction of a new part-two, part-three storey dwelling house, garage, landscaping works and swimming pool, was approved by the Waverley Local Planning Panel, on 14 September 2023.

The modification application seeks to amend Condition 1 to reflect the amended plans.

On 18 April 2024, the applicant submitted an amended landscape plan and schedule of materials and finishes to satisfy the requirements of Condition 2 General Modifications. On 11 June 2024, Council issued a conditions satisfied letter to the applicant.

1.4. Proposal

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

- Garage level:
  - Slight relocation of underground rainwater tank to the west;
  - Pool mechanical room relocated to garage level;
- Lower ground floor:
  - Conversion of under croft area to new bedroom, including a window on western façade;
  - Internal reconfiguration to accommodate increased entrance lobby area and new bathroom;
  - Readjustment of glazing line further to the south and associated relocation of supporting columns;
  - Adjustment to western side boundary planters to suit new bedroom;
- Ground floor:
  - Convert pool plant room to ensuite;
  - Internal reconfigurations;
  - Readjustment of glazing line further to the south and associated relocation of supporting columns.

There are no changes proposed to the first floor and roof levels of the development.

1.5. Background

The modification application was lodged on 7 March 2024. The application was not subject to a deferral.

2. ASSESSMENT

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

2.1. Section 4.55 – Modification of consents – generally

For section 4.55(2) – Other impact

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

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

The application was publicly notified, and no submissions were received.

2.2. Evaluation of Matters for Consideration under Section 4.15

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

2.2.1. Planning Instruments and Development Control Plans

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

State Environmental Planning Policies (SEPPs)

The following SEPPs apply 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.

Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Approved	Proposed Modified	Compliance
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio • *0.6631:1 (266.37m²)*	266.3m² (0.66:1)	326m² (0.8:1)	No

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

Floor Space Ratio (FSR)

The proposed modifications result in a net increase of gross floor area (GFA) of 60m^2, resulting in an overall FSR of 0.8:1. This culminates in an overall exceedance of the FSR development standard by 59.63m^2 or 22.39%.

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

(b) to provide an appropriate correlation between maximum building heights and density controls,

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

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

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

- *The proposed modifications have been designed to maintain the approved building envelope including height, bulk and scale, to ensure an appropriate correlation between building height and density.*
- *The additional floor space is entirely within the approved building envelope, preserving the environmental amenity of neighbouring properties and the locality.*
- *The additional FSR will not impact views and privacy will be maintained. Solar access will be maintained as approved.*
- *The proposal remains compatible with the desired future character of the area.*

Council is satisfied that the proposed modification would not give rise to impacts above those already assessed and approved in the original application, given that the approved building envelope would be maintained. The proposal includes shifting the glazing line within the approved structural envelope and converting an area of excavated under croft to an additional bedroom. Given that the envelope of the dwelling does not require alteration to achieve the additional floor space, there is no additional

shadowing, view impact or loss of privacy. The proposal to increase FSR on the site is acceptable in this instance.

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

Waverley Development Control Plan 2022 (Waverley DCP 2022)

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

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

Development Control	Compliance	Comment
2. Ecologically Sustainable Development	Yes	Amended BASIX and NatHERS Certificates were submitted with the application, setting out energy efficiency and water conservation targets as required under the SEPP.
3. Landscaping, Biodiversity and Vegetation Preservation	Yes	The site is within an identified habitat corridor and a revised landscape plan has recently been approved to amend the proposed plant and ground cover species selection for sites within a habitat corridor to address conditions of consent imposed on the original application The proposal includes an amended planter at the front entrance adjacent to the new bedroom. All planting on the site complies with requirements for sites within a habitat corridor, however, condition 3 of the development consent will remain to ensure that the habitat corridor planting requirements are adhered to prior to the release of an occupation certificate. A note will be added beneath conditions 2(a) and 3 to indicate that these conditions have been satisfied by way of the approved landscape plan received by Council on 18 April 2024. A new sub-condition under condition 1 is recommended to ensure that the development is carried out in accordance with the approved landscape plan (received on 18 April 2024) that fulfills the requirements of condition 3.
11. Design Excellence	Yes	The proposed modification would not alter the built form as it presents to the streetscape. The proposed modification is considered to maintain

Development Control	Compliance	Comment
		a high architectural standard is considered to achieve design excellence.
13. Excavation	No, acceptable on merit	The site is subject to a maximum excavation volume of 130.34m³. The proposed modification seeks to increase approved excavation on site by 6m³, increasing the total volume to 461m³, to accommodate the slab to the new bedroom at lower ground floor level. An updated Geotechnical Report was submitted with the application and conditions remain on the consent to ensure the excavation works are appropriately managed during construction. Given the area of the proposed new bedroom is already approved under croft and the additional excavation is minimal in terms of the overall volume, the increased volume of excavation is considered reasonable in this instance.

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

Table 34: 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.
1.2 Setbacks		
1.2.1 Front and rear building lines • *Predominant front building line (adjacent three neighbours on either side)* • *Predominant rear building line at each floor level (adjacent three neighbours or either side)* • *Development at first floor level and above shall be set back from the rear building line of the ground floor level*	Yes	The building lines are remaining as approved, however the glazing line at lower ground floor and ground floor levels is being shifted to increase floor space internally and reduce the area of the balconies at these levels. Notwithstanding, the envelope of the building is to remain as approved and therefore despite the extension of the glazing line, the front and rear building lines are to remain as approved.
1.3 Streetscape and visual impact		
• *New development to be compatible with streetscape context*	Yes	As above, the proposal includes shifting the glazing line at the front of the new dwelling. This amendment would not be discernible from the

Development Control	Compliance	Comment
		streetscape and the appearance of the dwelling would remain as approved.
1.5 Visual and acoustic privacy		
• *Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened, or other appropriate measures are incorporated into the design*	Yes	The proposal includes a new bedroom window at lower ground floor level. The bedroom would be partially subterranean as the floor space is proposed in the approved under croft. Given the height of the lower ground floor level and the location of the window behind the boundary fence, the window would not give rise to privacy concerns for neighbouring properties.
1.7 Views		
• *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 Yes	A detailed analysis of view impacts was undertaken as part of the original application, which considered potential view impacts from the neighbouring residential flat building at No. 132 Hewlett Street. As noted above, the proposed modification does not seek to alter the approved envelope of the building retaining the approved building height and bulk and scale. Accordingly, the proposal would not give rise to view impacts or change the views that may be obtained once the proposed dwelling is constructed. As concluded in the assessment of the original application, the proposal would enable the sharing of views from surrounding properties and is therefore appropriate.
1.9 Landscaping and open space		
• *Overall open space: 40% of site area* • *Overall landscaped area: 20% of site area, with at least half deep soil* • *Front open space: 50% of front building setback area* • *Front landscaped area: 50% of front open space provided* • *Outdoor clothes drying area to be provided*	Yes	The original application included the balconies in the calculation of open space on the site, therefore the proposal includes a marginal reduction in the balcony space as a result of increased floor area. However, the proposal continues to comply with the minimum requirement for open space and landscaped area.

2.2.2. Other Impacts of the Development

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

2.2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.2.4. Any Submissions

The application was notified for 14 days between 13 March and 3 April 2024 in accordance with the *Community Engagement Strategy 2023*.

No submissions were received.

2.2.5. Public Interest

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

3. REFERRALS

No internal or external referral comments were sought.

4. CONCLUSION

The application has been assessed against relevant sections of the Act and 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 4 June 2024 and the MODA concurred with the Assessment Planner's recommendation.

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

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	**Application reviewed and agreed by:**	**Application reviewed and agreed by:**
Alana Jelfs	Ben Magistrale	Angela Rossi
Senior Development Assessment Planner	**Manager, Development Assessment**	**Executive Manager, Development Assessment**
Date: 11 June 2024	**Date:** 13 June 2024	**Date:** 14 June 2024

Reason for WLPP referral:

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

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

OFFICE USE ONLY

Planning Portal Data	
Excavation Register	461m^3 of excavation approved
	[ ] Pre-existing non-compliance [ ] Located within the building footprint [ ] No change to overall building envelope [x] 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)	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 – CONDITIONS OF CONSENT TO BE MODIFIED

A. Amended/Deleted Conditions

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by 'MHNDUnion of Project No. 18-008, including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA000, Rev ***F*** ~~E~~	Cover Page	~~29.08.2023~~ ***28.11.2023***	~~30.08.2023~~ ***05.03.2024***
DA100, Rev E	Site Analysis	29.08.2023	30.08.2023
DA200, Rev ***F*** ~~E~~	Garage Level Plan	~~29.08.2023~~ ***28.11.2023***	~~30.08.2023~~ ***05.03.2024***
DA201, Rev ***F*** ~~E~~	Lower Ground Floor Plan	~~29.08.2023~~ ***28.11.2023***	~~30.08.2023~~ ***05.03.2024***
DA202, Rev ***F*** ~~E~~	Ground Floor Plan	~~29.08.2023~~ ***28.11.2023***	~~30.08.2023~~ ***05.03.2024***
DA203, Rev ***F*** ~~E~~	First Floor Plan	~~29.08.2023~~ ***28.11.2023***	~~30.08.2023~~ ***05.03.2024***
DA204, Rev ***F*** ~~E~~	Roof Plan	~~29.08.2023~~ ***28.11.2023***	~~30.08.2023~~ ***05.03.2024***
DA300, Rev ***F*** ~~E~~	Section A	~~29.08.2023~~ ***28.11.2023***	~~30.08.2023~~ ***05.03.2024***
DA301, Rev ***F*** ~~E~~	Section A2	~~29.08.2023~~ ***28.11.2023***	~~30.08.2023~~ ***05.03.2024***
DA302, Rev ***F*** ~~E~~	Section B	~~29.08.2023~~ ***28.11.2023***	~~30.08.2023~~ ***05.03.2024***
DA303, Rev ***F*** ~~E~~	Pool Sections	~~29.08.2023~~ ***28.11.2023***	~~30.08.2023~~ ***05.03.2024***
DA400, Rev ***F*** ~~E~~	South Elevation	~~29.08.2023~~ ***28.11.2023***	~~30.08.2023~~ ***05.03.2024***
DA401, Rev ***F*** ~~E~~	North Elevation	~~29.08.2023~~ ***28.11.2023***	~~30.08.2023~~ ***05.03.2024***
DA402, Rev ***F*** ~~E~~	West Elevation	~~29.08.2023~~ ***28.11.2023***	~~30.08.2023~~ ***05.03.2024***

DA403, Rev ***F*** ~~E~~	East Elevation	~~29.08.2023~~ ***28.11.2023***	~~30.08.2023~~ ***05.03.2024***
DA602, Rev ***B*** ~~A~~	External Finishes Schedule	~~25.11.2022~~ ***18.04.2024***	~~31.01.2023~~ ***18.04.2024***

(b) BASIX and NatHERS Certificates

(c) Approved stormwater details and documentation prepared by JHA dated August 2022 and received by Council 31.01.2023

(d) Arborist Report prepared by Dr. Treegood [no date] and received by Council on 31.01.2023

~~(e) Schedule of External Materials and Finishes received by Council 31.01.2023~~

(f) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 31.01.2023

(g) Geotechnical Investigation prepared by Morrow Geotechnics Pty Ltd dated 3 August 2023 and received by Council 11.08.2023

(h) ***An approved landscape plan in accordance with conditions 2(a) and 3 of this development consent.***

Except where amended by the following conditions of consent.

[AMENDED BY DA-19/2023/A]

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments:

(a) The landscape plan is to be amended to show the replanting of trees on the subject site that have a minimum species growth maturity height of 5m, to replace Trees 1 and 3. The replacement trees must be a local native species selected from the list of canopy trees in Annexure B3-1 of the Waverley Development Control Plan 2022 and have a minimum 45 Litre pot size.

[SATISFIED BY AMENDED PLANS SUBMITTED TO COUNCIL 18.04.2024]

(b) The External Finishes Schedule (DA602) is to be updated to reflect the approved architectural plans listed in Condition 1.

[SATISFIED BY DA-19/2023/A]

The amendments are to be approved by the Manager, Development Assessment or delegate prior to the issue of any Construction Certificate. An electronic copy of the amended plans or additional information (see website for electronic document requirements) addressing this condition, including a covering letter shall be provided to Council for review.

5. GEOTECHNICAL INVESTIGATION

The development is to be undertaken in accordance with the recommendations in the Geotechnical Investigation prepared by Morrow Geotechnics Pty Ltd dated 3 August 2023 and received by Council 11.08.2023 ***and revised 8 November 2023 and received by Council 5 March 2024.***

[AMENDED BY DA-19/2023/A]

APPENDIX B – FULL SET OF CONDITIONS

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by 'MHNDUnion of Project No. 18-008, including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA000, Rev F	Cover Page	28.11.2023	05.03.2024
DA100, Rev E	Site Analysis	29.08.2023	30.08.2023
DA200, Rev F	Garage Level Plan	28.11.2023	05.03.2024
DA201, Rev F	Lower Ground Floor Plan	28.11.2023	05.03.2024
DA202, Rev F	Ground Floor Plan	28.11.2023	05.03.2024
DA203, Rev F	First Floor Plan	28.11.2023	05.03.2024
DA204, Rev F	Roof Plan	28.11.2023	05.03.2024
DA300, Rev F	Section A	28.11.2023	05.03.2024
DA301, Rev F	Section A2	28.11.2023	05.03.2024
DA302, Rev F	Section B	28.11.2023	05.03.2024
DA303, Rev F	Pool Sections	28.11.2023	05.03.2024
DA400, Rev F	South Elevation	28.11.2023	05.03.2024
DA401, Rev F	North Elevation	28.11.2023	05.03.2024
DA402, Rev F	West Elevation	28.11.2023	05.03.2024
DA403, Rev F	East Elevation	28.11.2023	05.03.2024
DA602, Rev B	External Finishes Schedule	18.04.2024	18.04.2024

(b) BASIX and NatHERS Certificates

(c) Approved stormwater details and documentation prepared by JHA dated August 2022 and received by Council 31.01.2023

(d) Arborist Report prepared by Dr. Treegood [no date] and received by Council on 31.01.2023

(e) [DELETED]

(f) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 31.01.2023

(g) Geotechnical Investigation prepared by Morrow Geotechnics Pty Ltd dated 3 August 2023 and received by Council 11.08.2023

(h) An approved landscape plan in accordance with conditions 2(a) and 3 of this development consent.

Except where amended by the following conditions of consent.

[AMENDED BY DA-19/2023/A]

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments:

(a) The landscape plan is to be amended to show the replanting of trees on the subject site that have a minimum species growth maturity height of 5m, to replace Trees 1 and 3. The replacement trees must be a local native species selected from the list of canopy trees in Annexure B3-1 of the Waverley Development Control Plan 2022 and have a minimum 45 Litre pot size.

[SATISFIED BY AMENDED PLANS SUBMITTED TO COUNCIL 18.04.2024]

(b) The External Finishes Schedule (DA602) is to be updated to reflect the approved architectural plans listed in Condition 1.

[SATISFIED BY DA-19/2023/A]

The amendments are to be approved by the Manager, Development Assessment or delegate prior to the issue of any Construction Certificate. An electronic copy of the amended plans or additional information (see website for electronic document requirements) addressing this condition, including a covering letter shall be provided to Council for review.

3. LANDSCAPE PLAN

An amended landscape plan is to be submitted to and approved by Council's Executive Manager, Environmental Sustainability (or delegate) with a plant species list having a minimum of 50% of the proposed trees, 50% of the shrubs and 50% of the grasses and groundcovers (not including turfed areas) are to be indigenous or local native plants listed in Annexure B3-1 of the Waverley Development Control Plan 2022.

[SATISFIED BY AMENDED PLANS SUBMITTED TO COUNCIL 18.04.2024]

4. BALCONY PLANTER DETAILS

The construction certificate landscape plans are to comply with the controls for green roofs in Part B3.2.3 of the Waverley Development Control Plan 2022 including:

(a) Comprise plants that are suitable for the site in relation to the environmental conditions (sun, wind and views) and include indigenous or local native plants to Waverley (see Annexure B3-1).

(b) Have a minimum soil depth of 300mm and use lightweight soil mixes that are porous, able to drain freely, and suitable for the selected plant species;

(c) The balcony planters are to be designed to be a non-trafficable area (with no balustrades) and must be irrigated without requiring frequent maintenance access. Any access to the roof planters is to be for servicing purposes only.

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

5. GEOTECHNICAL INVESTIGATION

The development is to be undertaken in accordance with the recommendations in the Geotechnical Investigation prepared by Morrow Geotechnics Pty Ltd dated 3 August 2023 and received by Council 11.08.2023 and revised 8 November 2023 and received by Council 5 March 2024.

[AMENDED BY DA-19/2023/A]

6. HEADROOM CLEARANCE

The headroom clearance on the basement entry and within the garage is to be a minimum of 2.2 metres.

7. WORK OUTSIDE PROPERTY BOUNDARY

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

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

GENERAL REQUIREMENTS

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

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

(a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the *Environmental Planning and Assessment Act 1979*;

(b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*; and

(c) Council is given at least two days' notice in writing of the intention to commence the building works.

9. SURRENDER OF DEVELOPMENT CONSENT

Development consent DA-48/2021 is to be surrendered by the applicant, in accordance with Clause 68 of the *Environmental Planning and Assessment Regulation 2021*. The surrender is to be received by Council prior to the issue of any Construction Certificate for works associated with this development consent. The surrender of the consent takes affect when Council receives the notice.

10. HOME BUILDING ACT

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

CONTRIBUTIONS, FEES & BONDS

11. SECTION 7.12 CONTRIBUTION

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

(a) Where the total development cost is less than $500,000:

  a. a **Cost Summary Report** or **Building Contract** or similar is to be submitted to Council's Customer Service Centre to process payment.

(b) Where the total development cost is $500,000 or more:

a. a **Detailed Cost Report** prepared by a registered Quantity Surveyor, **Building Contract,** or similar is to be submitted to and approved by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate).
Please forward documents to info@waverley.nsw.gov.au attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy.

b. Upon confirmation of the contribution amount by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate), payment is to be processed via the Customer Service Centre.

c. Should there be a discrepancy between the cost of works approved in subclause (b)(i) and the DA fee nominated in the original DA, then additional DA Fees may be payable prior to the issue of a Construction Certificate.

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

(c) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, the levy must be paid in accordance with the following;

(i) A development valued at $100,000 or less will be exempt from the levy;

(ii) A development valued at $100,001 - $200,000 will attract a levy of 0.5% of the full cost of the development; or

(iii) A development valued at more than $200,000 will attract a levy of 1% of the full cost of the development.

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

12. TREE PRESERVATION BOND

A bond of **$5,000** is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the one (1) *ficus rubiginosa* (Port Jackson fig) growing out from the sandstone shelf in front of the subject site on Hewlett Street. The bond is to be lodged prior to the issue of a Construction Certificate.

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

13. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of **$34,324.00** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

14. LONG SERVICE LEVY

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

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

15. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

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

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

CONSTRUCTION MATTERS

16. HOARDING

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

17. EROSION & SEDIMENT CONTROL

A Soil and Water Management Plan (SWMP), also known as an Erosion and Sediment Control Plan must be prepared in accordance with Waverley Council's Water Management Technical Manual.

The SWMP must be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request.

The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.

18. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

A report shall be prepared by a suitably qualified and practising Structural Engineer/Geotechnical Engineer detailing the proposed methods of excavation, shoring or pile construction, including details of vibration emissions and any possible damage which may occur to adjoining or nearby properties as a result of the proposed building and excavation works.

Any practices or procedures specified in the Structural Engineer's report in relation to the avoidance or minimisation of structural damage to adjoining properties are to be fully complied with and incorporated into the plans and specifications together with the Construction Certificate.

19. ENGINEERING DETAILS

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

20. ENGINEERING CERTIFICATE OF ADEQUACY

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

21. DILAPIDATION REPORT

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

The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site.

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

TRAFFIC MANAGEMENT

22. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

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

https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent

STORMWATER & FLOODING

23. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT

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

The submitted Water Management Plan prepared by JHA, Drawing No. C-DA000 – C-DA600, received date: 31/01/2023 is considered concept only, and are deemed unsatisfactory.

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

(a) Any new downpipes are to be located wholly within the property's boundary.

(b) A sediment control stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.

(c) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets

(d) Confirm site area and post developed impervious area, current BASIX and Stormwater Plans and Details provide different values.

(e) A grated trench drain shall be provided across the (garage entrance/driveway/street boundary) within private property. Unless otherwise sized by a suitably qualified and practising Engineer, the dimensions of the trench grate shall be no less than 300mm wide by 100mm deep at the shallow end and have a "bottom" slope of 2%. This trench drain shall be connected to an approved drainage system.

(f) Provide calculations for gutter sizing for 5% AEP storm event and minimum number of downpipes required.

(g) Permissible site discharge (PSD) for new development is a 1 in 100-year storm event detained to a 5-minute, 1 in 5-year storm event with a fraction imperviousness of 0.1. Recalculate PSD accordingly.

(h) A certificate from a registered structural engineer certifying the structural adequacy of the OSD tank structure is to be provided. Any below ground OSD tank structure shall be a cast in-situ concrete based.

(i) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.

<u>Notes:</u>

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

- Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.

ENERGY EFFICIENCY & SUSTAINABILITY

24. BASIX

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

WASTE

25. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

26. CONSTRUCTION SIGNS

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

DEMOLITION & EXCAVATION

27. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

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

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

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

a) Outline the identification of any hazardous materials, including surfaces coated with lead paint;

b) Confirm that no asbestos products are present on the subject land, or

c) Particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by SafeWork NSW (catalogue WC03561);

d) Describe the method of demolition;

e) Describe the precautions to be employed to minimise any dust nuisance; and

f) Describe the disposal methods for hazardous materials.

28. CONTROL OF DUST ON CONSTRUCTION SITES

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

(a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

(b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices.

29. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

Prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the *Protection of the Environment Operations Act, 1997* and the NSW EPA Waste Classification Guidelines 2014.

30. EXCAVATION AND BACKFILLING

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.

If an excavation associated with the erection or demolition or a building extends below the level of the footings of a building on an adjoining allotment of land, the excavation is to be managed by a practising structural engineer.

CONSTRUCTION MATTERS

31. CONSTRUCTION HOURS

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

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

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

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

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

33. CONSTRUCTION INSPECTIONS

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the *Building Legislation Amendment (Quality of Construction) Act 2002* and 162A Critical stage inspections for building work of the *Environmental Planning and Assessment Regulation 2021*.

34. CERTIFICATE OF SURVEY - LEVELS

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

35. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

36. CONSTRUCTION OF SWIMMING POOLS AND OUTDOOR SPAS

The following applies to the construction of swimming pools and outdoor spas:

(a) Reinforcement of the swimming pool/outdoor spa is to be inspected by an Accredited Officer or other suitably qualified person prior to the pouring of concrete.

(b) The electrical wiring system for any proposed underwater artificial lighting installation to the pool/spa is to be installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules.

(c) The swimming pool/outdoor spa water is to be treated by an approved water treatment and filtration unit.

(d) To prevent noise nuisance to surrounding properties, the swimming pool/outdoor spa filtration motor and pump unit is to be housed within a ventilated soundproof enclosure.

(e) Waste waters from the swimming pool/outdoor spa are to be discharged into Sydney Water's sewerage system and in this regard, approved plans must be submitted to Sydney Water at least 14 days prior to commencement of building operations.

TREE PROTECTION AND REMOVAL

37. TREE PROTECTION

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

38. TREES PERMITTED TO BE REMOVED

The following trees are permitted to be removed;

Tree Species and approximate height	**Location**	**To be replaced with**
Tree 1, *Cordyline australis* (Cabbage Tree [4m])	Falls within proposed pathway footprint	See condition 2(a)
Tree 3, *Coprosma* (Bird of paradise [6m])	Falls within proposed pathway footprint	See condition 2(a)
Trees 5-7, *Howea forsteriana* (Kentia Palms [3m trunk])	Along eastern side setback	Landscape plan includes planting that would offset removal of these trees.
Tree 10, *Schefflera actinophylia* (Umbrella Tree [3m]) – dead tree	Rear north-eastern corner in proposed location of swimming pool	Landscape plan includes planting that would offset removal of these trees.
Tree 12, *Howea forsteriana* (Kentia Palms [3m trunk]) – group of 4 small palms	Rear north-eastern corner in proposed location of swimming pool	Landscape plan includes planting that would offset removal of these trees.

39. STREET TREES TO BE RETAINED/TREE PROTECTION

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

(a) Do not store harmful or bulk materials or spoil under or near trees;

(b) Prevent damage to bark and root system;

(c) Do not use mechanical methods to excavate within root zones;

(d) Do not add or remove topsoil from under the drip line;

(e) Do not compact ground under the drip line;

(f) Do not mix or dispose of liquids within the drip line of the tree; and

(g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter in accordance with AS4970-2009 “Protection of trees on construction sites.

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

Padding to be used shall be non-absorbing or free draining to prevent moisture build up around the part being protected.

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

- Trunk protection to be removed at the issue of the Occupation Certificate subject to the satisfaction of Council.

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

- If any tree roots are exposed during any approved works, then roots smaller than 30mm are to be pruned as per the specifications below. Any roots greater than 30mm are to be assessed by a qualified arborist before any pruning is undertaken.

- If tree roots are required to be removed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

- It is the arborist's responsibility to determine if such root pruning is suitable. If there are any concerns regarding this process, then Waverley Council's Tree Management Officer is to be contacted to make final determination.

- If any trees on neighbouring properties require pruning, then permission must be gained from the owner of the tree(s) and an Application to Prune or Remove Trees on Private Property is then to be presented to Council for processing.

- If any trees on Council owned land require pruning, the applicant is to supply a tree pruning report from an Arborist with AQF level 5 qualification or above with photos showing the branches that need to be removed.

- If approval is granted the applicant may prune the tree at their expense, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

D. PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

40. FINAL OCCUPATION CERTIFICATE

Prior to occupation or use of the development, an Occupation Certificate must be obtained.

The Principal Certifying Authority must be satisfied that the requirements of the *Environmental Planning & Assessment Act 1979* have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.

41. CERTIFICATION OF BASIX COMMITMENTS

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

42. CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE SYSTEM

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

43. WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM

(a) A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared, stamped, and signed by a Registered Surveyor. This drawing must detail the alignment of all pipelines, pits, rainwater harvesting facility and other drainage-related infrastructure. An original or a color copy must be submitted to Waverley Council. Where changes have occurred, the Council-approved plans shall be marked-up in red ink and shall include levels and locations for the drainage structures and works.

(b) A suitably qualified and practicing Engineer must provide certification of the WAED of the stormwater drainage system that the stormwater drainage works were constructed to their satisfaction and in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards, and good engineering practice. A copy of the aforementioned letter of certification must be submitted to Council.

44. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD

Prior to the issue of an Occupation Certificate, a “Positive Covenant” and “Restriction on the Use of Land” shall be created for the On-Site Stormwater Detention (OSD) system, under Section 88E of the *Conveyancing Act 1919*. This is to place a restriction on the Title that the OSD system is maintained and kept free of debris/weed to allow unobstructed passage of stormwater through the site and underneath

the residence. The property owner/occupant shall not modify or remove the OSD system without consent from Council.

The wording of the Instrument shall be submitted to and approved by Executive Manager, Infrastructure Services (or delegate) prior to lodgement at NSW Land Registry Services.

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created via an application to the NSW Land Registry Services using forms 13PC and 13RPA. Accompanying this form is the requirement for a plan to scale showing the relative location of the OSD system, including its relationship to the building footprint. Electronic color photographs of the OSD system shall accompany the application for the Positive Covenant and Restriction on the Use of Land.

The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate or use of the building. All associated costs shall be borne by the applicant.

45. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR WATER QUALITY AND RAINWATER

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

46. CERTIFICATION OF SWIMMING POOL/OUTDOOR SPA

Prior to the pool being used, the following must be provided;

(a) Certification that the pool has been constructed in accordance with the consulting engineers design;

(b) Evidence that the swimming pool/outdoor spa has been registered on the State Government Swimming Pool Register (http://www.swimmingpoolregister.gov.au);

(c) A sign outlining details of resuscitation techniques for adults, children and infants has been placed in a prominent position, close to the pool/outdoor spa. Signs are available from Council;

(d) A copy of the occupation certificate must be submitted to Council.

Note: Swimming/spa pool pumps are restricted from use between 8pm to 7am weekdays and Saturdays, 8pm to 8am on Sundays and public holidays in accordance with the requirements of the *Protection of the Environment Operations (Noise Control) Regulation 2017*.

47. LANDSCAPE PLAN

The site is to be landscaped and turfed in accordance with the approved landscaped plan with the landscape works completed and Certified by an Arborist with AQF level 5 qualification or above, prior to the issue of the Occupation Certificate.

E. ADVISORY MATTERS

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

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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

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

AD2. SUSTAINABILITY AND INDOOR AIR QUALITY

Ceiling or wall mounted fans should be in all habitable rooms (main living areas and bedrooms).

Gas cooktops, gas ovens or gas internal space heating systems are not permitted in any residential development. Instead, electric systems should be installed.

AD3. SYDNEY WATER REQUIREMENTS

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

Contact Sydney Water for more information.

AD4. ONGOING MAINTENANCE – STORMWATER DRAINAGE SYSTEM

Council will need to be provided with an OSD and Stormwater Quality Improvement Devices maintenance activities. At a minimum, the OSD and Stormwater Quality Improvement Devices must be:

- Kept clean and free from silt, rubbish and debris.
- Be maintained so that it functions in a safe and efficient manner.
- Not be altered without prior consent in writing of the Council.

AD5. RAINWATER HARVESTING AND REUSE

The operation of all devices or appliances installed within the development approved by this consent as required by conditions pertinent to rainwater harvesting and rainwater reuse must be maintained in good operating order at all times.

AD6. DIAL BEFORE YOU DIG

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

AD7. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

AD8. EXCAVATION TO BE LIMITED

Excavation shall be limited to that shown in the approved plans. Any further excavation will require Council approval.

AD9. TREE REMOVAL/PRESERVATION

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

AD10. SITE RECTIFICATION WORKS

The vacant site is to be maintained in a safe and secure manner. Fencing is to be erected around the permitter of the site once demolition has been completed to secure the site. The site is to be protected from windblown soil loss and stormwater erosion at all times.

If the site is commenced to be developed and there is suspension in activity for 6months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:

(i) Require certain works to be carried out, including but not limited to:
   (a) Make the building/site safe and of an appearance acceptable to Council;
   (b) Allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point;
   (c) For the hole to be covered to allow it to be landscaped and made attractive from any public vantage point.
   (d) Council may call on any bank guarantee to cover the cost thereof.

(ii) In the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the costs of the works.

Dictionary

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

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

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

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

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

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

Council means Waverley Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

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

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

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

Local planning panel means Waverley Local Planning Panel.

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

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

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

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

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

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

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

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

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

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

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-19/2023/A

Date Received: 05/03/2024

134 HEWLETT STREET, BRONTE

S.455 MODIFICATIONS

DRAWING LIST

DA000 COVER PAGE	(A1)	1:1000
DA200 GARAGE LEVEL PLAN	(A1)	1:100
DA201 LOWER GROUND FLOOR PLAN	(A1)	1:100
DA202 GROUND FLOOR PLAN	(A1)	1:100
DA203 FIRST FLOOR PLAN	(A1)	1:100
DA204 ROOF PLAN	(A1)	1:100
DA300 SECTION A	(A1)	1:100
DA301 SECTION A2	(A1)	1:100
DA302 SECTION B	(A1)	1:100
DA303 POOL SECTION	(A1)	1:50
DA400 SOUTH ELEVATION	(A1)	1:100
DA401 NORTH ELEVATION	(A1)	1:100
DA402 WEST ELEVATION	(A1)	1:100
DA403 EAST ELEVATION	(A1)	1:100
DA500 COMPLIANCE TABLE	(A1)	NTS
DA900 WINDOW SCHEDULE	(A1)	1:50

S.455 SCHEDULE OF MODIFICATIONS (REV F)

1. SHIFT UNDERGROUND RAINWATER TANK TO THE WEST TO SUIT MODIFICATIONS TO LOWER GROUND FLOOR LOBBY.
2. COLUMNS MODIFIED AND GLAZING RELOCATED.
3. NEW BEDROOM IN LOCATION OF UNDERCROFT SPACE, INCLUDING NEW WINDOW ON WEST FACADE.
4. MINOR INTERNAL CHANGES TO LOWER GROUND FLOOR, INCLUDING NEW BATHROOM AND WINDOW ON EAST FACADE WITHIN APPROVED BUILDING ENVELOPE.
5. ENSUITE 3 TO REPLACE POOL PLANT ROOM WITHIN APPROVED BUILDING ENVELOPE. (POOL MECHANICAL ROOM RELOCATED TO GARAGE LEVEL)
6. MINOR INTERNAL CHANGES TO GROUND FLOOR WITHIN APPROVED BUILDING ENVELOPE.
7. PLANTER BOX AMENDED TO SUIT NEW LOWER GROUND FLOOR BEDROOM.
8. INCREASE GFA WITHIN APPROVED BUILDING ENVELOPE
9. INCREASE EXCAVATION
10. INTERNAL LOBBY SPACE INCREASED WITHIN APPROVED BUILDING ENVELOPE.
11. OPEN SPACE AREA DECREASED TO SUIT COLUMN AND GLAZING MODIFICATIONS.
12. POOL MECHANICAL ROOM TO REPLACE STOAGE ROOM WITHIN APPROVED BUILDING ENVELOPE.

N

REV	NOTE	DATE
A	DA SUBMISSION	25.11.2022
B	DA AMENDMENTS	03.05.2023
C	DA AMENDMENTS	14.06.2023
D	DA AMENDMENTS	11.08.2023
E	DA AMENDMENTS (SETBACK DIMENSIONS)	29.08.2023
F	S455 MODIFICATION	28.11.2023

GENERAL NOTES

1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, AUSTRALIAN STANDARDS, STATUTORY REGULATIONS AND LOCAL AUTHORITY REQUIREMENTS, INCLUDING CONDITIONS OF CONSENT.
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8. PROGRESS WORK TO BE VERIFIED AGAINST DRAWINGS FOLLOWING EXECUTION AND ARCHITECT TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO CONTRACTOR PROCEEDING WITH NEXT TRADE.

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ NCC vol 2 CLAUSES & AUSTRALIAN STANDARDS

BASIX COMMITMENTS
(ALL BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

NOTES:

ARCHITECT:
MHNDUNION
35 RICHARDS LANE
SURRY HILLS SYDNEY NSW 2010
T +61 2 9101 1111
F +61 2 9101 1100
www.mhndu.com
MHN Design Union Pty Ltd. ABN 94 003 717 682
Nominated Architect Brian Meyerson NSW Registration Number 4907

PROJECT ADDRESS:
134 HEWLETT ST BRONTE

DRAWING TITLE:
COVER PAGE

DRAWN BY: BM / MW / FK
MHNDU
SCALE: 1:1000, 1:500@A1
ISSUE DATE: 28.11.2023
REVISION: F
PROJECT NUMBER: **18-008**
DWG NUMBER: **DA000**

AMENDED PLANS

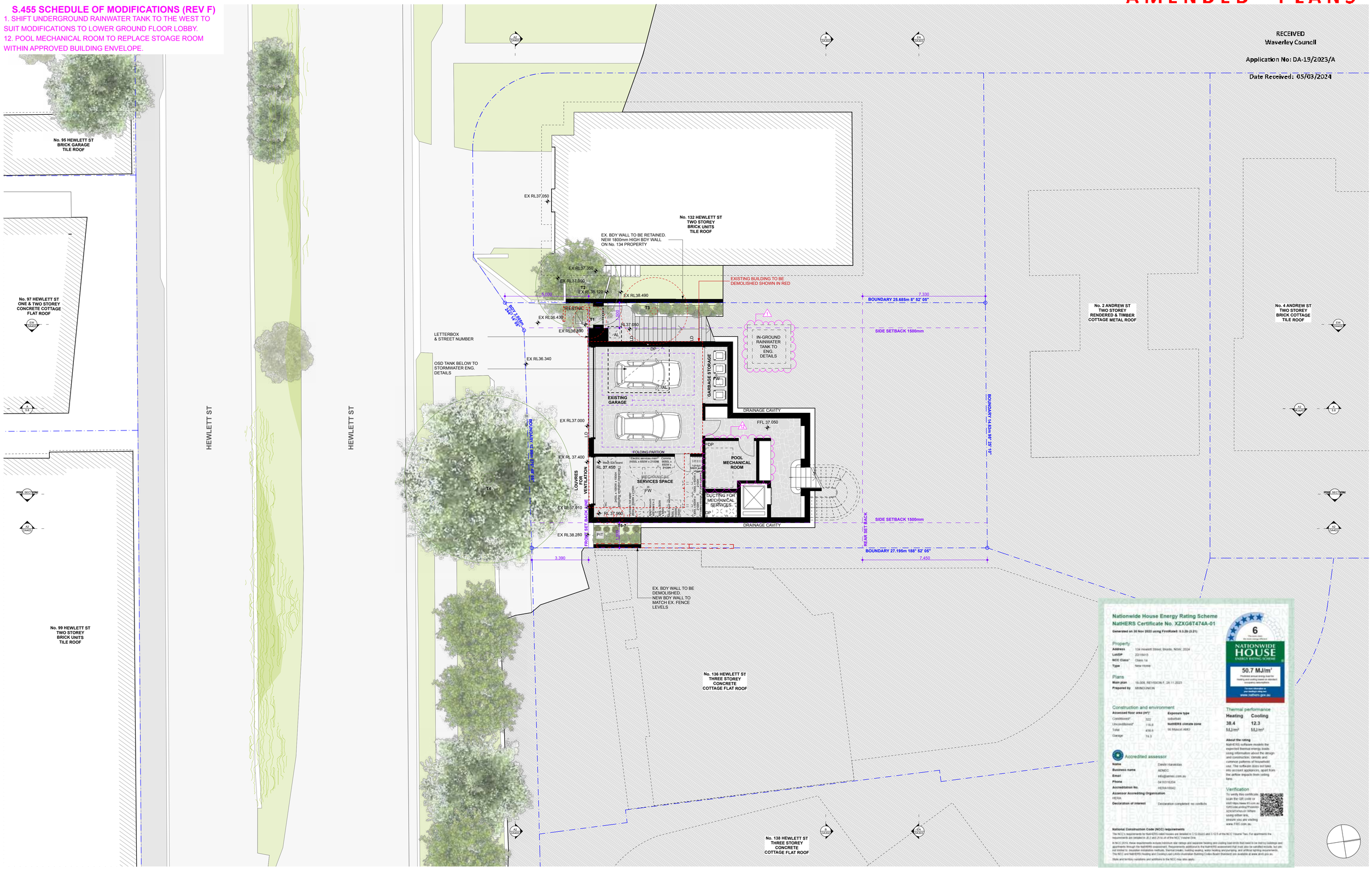
S.455 SCHEDULE OF MODIFICATIONS (REV F)

1. SHIFT UNDERGROUND RAINWATER TANK TO THE WEST TO SUIT MODIFICATIONS TO LOWER GROUND FLOOR LOBBY.
12. POOL MECHANICAL ROOM TO REPLACE STOAGE ROOM WITHIN APPROVED BUILDING ENVELOPE.

RECEIVED
Waverley Council

Application No: DA-19/2023/A

Date Received: 05/03/2024



REV	NOTE	DATE
A	DA SUBMISSION	25.11.2022
B	DA AMENDMENTS	03.05.2023
C	DA AMENDMENTS	14.06.2023
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E	DA AMENDMENTS (SETBACK DIMENSIONS)	29.08.2023
F	S455 MODIFICATION	28.11.2023

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ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ NCC v2.2 CLAUSES & AUSTRALIAN STANDARDS

NOTE: CEILING FANS HAVE BEEN NOMINATED WHEN PERFORMED THE NATHERS CALCULATIONS AND EACH CERTIFICATION HAS BEEN ISSUED ACCORDINGLY. ENSURE THAT THE INSTALLATIONS ARE CARRIED OUT.

6 NATIONWIDE HOUSE ENERGY RATING SCHEME 50.7 MJ/m²
XZXG6T474A-01 30 Nov 2023
Assessor Accreditation No. HERA10042
Address 134 Hewlett Street Bronte NSW 2024
https://www.hl.com.au/QRCode/Lookup?Product=XZXG6T474A-01

BASIX COMMITMENTS
(ALL BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

NOTES:

EX	EXISTING
FFL	RL OF FINISHED FLOOR LEVEL
RL	REDUCED LEVEL
	BOUNDARY
	COUNCIL CONTROLS
	EXISTING STRUCTURE TO BE DEMOLISHED
	DA APPROVED STRUCTURE (DA 48/2021)
	EX TREE TO REMOVE
	EX TREE TO RETAIN
AL	ACCESS LID
FW	FLOOR WASTE
RWO	RAINWATER OUTLET
LD	LINEAR DRAIN
DP	DOWNPIPE

ARCHITECT:
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www.mhndu.com
Nominated Architect
Brain Meyerson
MHN Design Union Pty Ltd. ABN 94 003 717 682 NSW Registration Number 4907

PROJECT ADDRESS:
134 HEWLETT ST BRONTE

DRAWING TITLE:
GARAGE LEVEL PLAN

DRAWN BY: BM / MW / FK MHNDU
SCALE: 1:100, 1:50@A1
ISSUE DATE: 28.11.2023
REVISION: F
PROJECT NUMBER: **18-008**
DWG NUMBER: **DA200**

AMENDED PLANS

S.455 SCHEDULE OF MODIFICATIONS (REV F)

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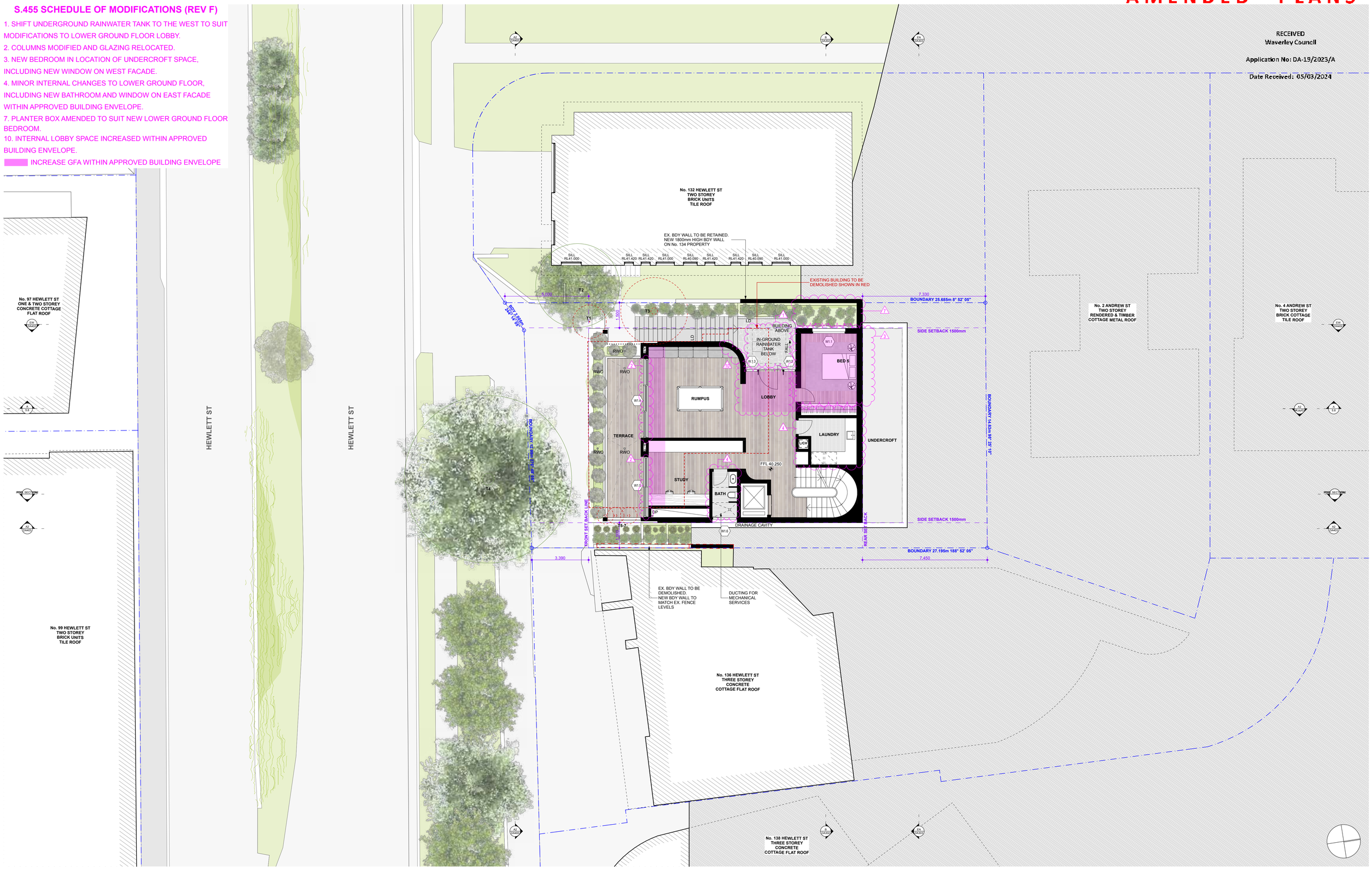
4. MINOR INTERNAL CHANGES TO LOWER GROUND FLOOR, INCLUDING NEW BATHROOM AND WINDOW ON EAST FACADE WITHIN APPROVED BUILDING ENVELOPE.
7. PLANTER BOX AMENDED TO SUIT NEW LOWER GROUND FLOOR BEDROOM.
10. INTERNAL LOBBY SPACE INCREASED WITHIN APPROVED BUILDING ENVELOPE.

INCREASE GFA WITHIN APPROVED BUILDING ENVELOPE

RECEIVED
Waverley Council

Application No: DA-19/2023/A

Date Received: 05/03/2024



REV	NOTE	DATE
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ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ NCC vol 2 CLAUSES & AUSTRALIAN STANDARDS

NOTE: CEILING FANS HAVE BEEN NOMINATED WHEN PERFORMED THE NATHERS CALCULATIONS AND EACH CERTIFICATION HAS BEEN ISSUED ACCORDINGLY. ENSURE THAT THE INSTALLATIONS ARE CARRIED OUT.

6 NATHERS HOUSE 50.7
XZXG6T474A-01 30 Nov 2023
Assessor Accreditation No. HERA10040
Address 134 Hewlett Street Bronte NSW 2024
www.nathers.gov.au

BASIX COMMITMENTS
(ALL BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

NOTES:

EX	EXISTING
FFL	RL OF FINISHED FLOOR LEVEL
RL	REDUCED LEVEL
	BOUNDARY
	COUNCIL CONTROLS
	EXISTING STRUCTURE TO BE DEMOLISHED
	DA APPROVED STRUCTURE (DA 48/2021)
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MHN Design Union Pty Ltd. ABN 94 003 717 682
Nominated Architect Brain Meyerson NSW Registration Number 4907

PROJECT ADDRESS:
134 HEWLETT ST BRONTE

DRAWING TITLE:
LOWER GROUND FLOOR PLAN

DRAWN BY: BM / MW / FK
MHNDU
SCALE: 1:100@A1
ISSUE DATE: 28.11.2023
REVISION: F
PROJECT NUMBER: **18-008**
DWG NUMBER: **DA201**

AMENDED PLANS

S.455 SCHEDULE OF MODIFICATIONS (REV F)

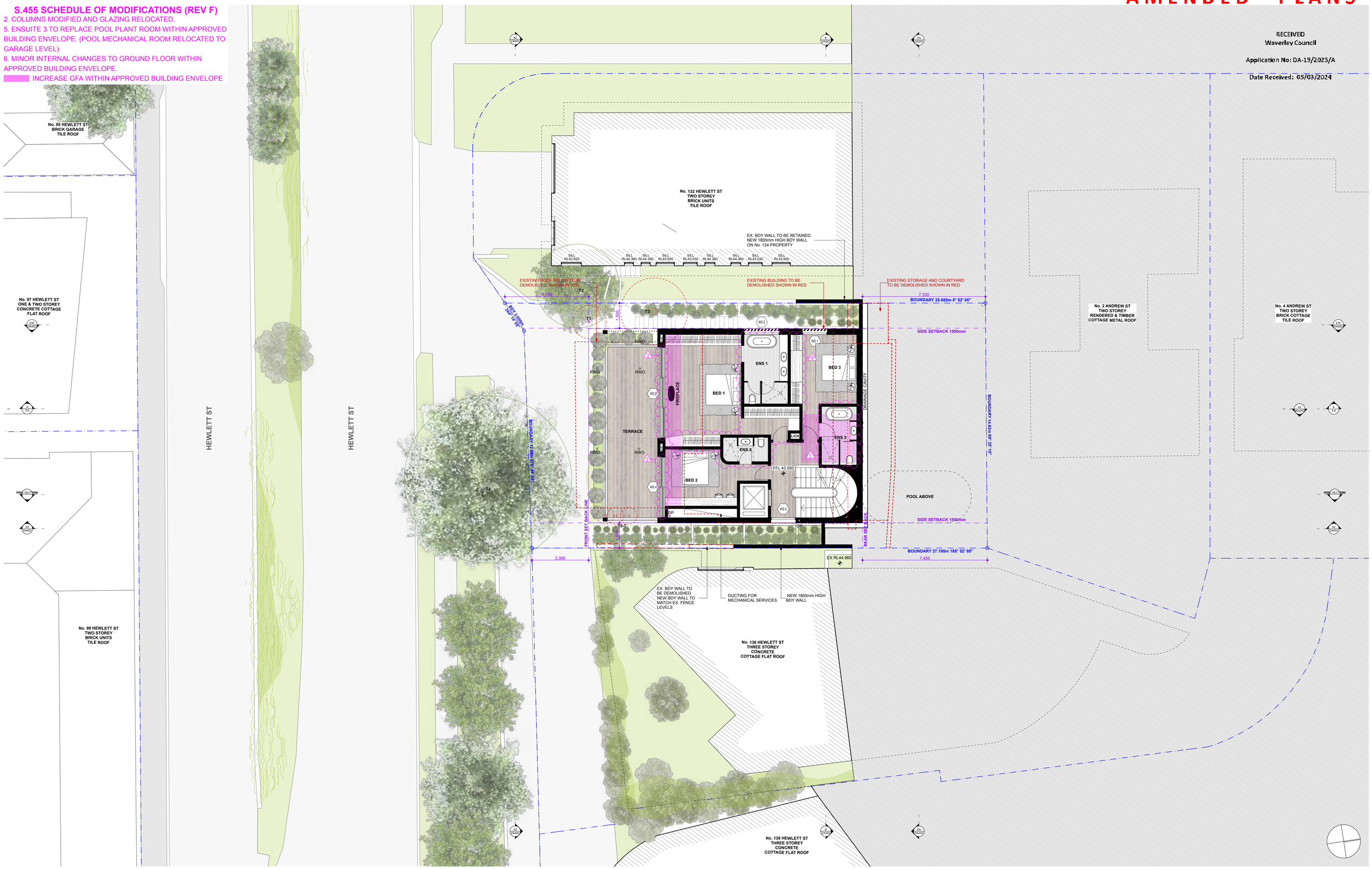
2. COLUMNS MODIFIED AND GLAZING RELOCATED.
5. ENSUITE 3 TO REPLACE POOL PLANT ROOM WITHIN APPROVED BUILDING ENVELOPE. (POOL MECHANICAL ROOM RELOCATED TO GARAGE LEVEL)
6. MINOR INTERNAL CHANGES TO GROUND FLOOR WITHIN APPROVED BUILDING ENVELOPE.

INCREASE GFA WITHIN APPROVED BUILDING ENVELOPE

RECEIVED
Waverley Council

Application No: DA-19/2023/A

Date Received: 05/03/2024



REV	NOTE	DATE
A	DA SUBMISSION	25.11.2022
B	DA AMENDMENTS	03.05.2023
C	DA AMENDMENTS	14.06.2023
D	DA AMENDMENTS	11.08.2023
E	DA AMENDMENTS (SETBACK DIMENSIONS)	29.08.2023
F	S455 MODIFICATION	28.11.2023

GENERAL NOTES

1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, AUSTRALIAN STANDARDS, STATUTORY REGULATIONS AND LOCAL AUTHORITY REQUIREMENTS, INCLUDING CONDITIONS OF CONSENT.
2. DO NOT SCALE OFF THIS DRAWING. ONLY USE DIMENSIONS PROVIDED. ALL DIMENSIONS TO BE VERIFIED ON SITE.
3. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORK.
4. MHNDU DRAWINGS TO BE READ IN CONJUNCTION WITH ALL CONTRACT DOCUMENTS FROM ALL CONSULTANTS.
5. CONTRACTOR TO NOTIFY MHNDU OF ANY DISCREPANCIES, DIMENSIONAL INCONSISTENCIES, OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING.
6. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN DRAWINGS AND SPECIFICATIONS.
7. MHNDU TO REVIEW ALL CONTRACTORS DETAILED DRAWINGS/SETTING OUT PRIOR TO CONSTRUCTION.
8. PROGRESS WORK TO BE VERIFIED AGAINST DRAWINGS FOLLOWING EXECUTION AND ARCHITECT TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO CONTRACTOR PROCEEDING WITH NEXT TRADE.

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ NCC vol 2 CLAUSES & AUSTRALIAN STANDARDS

NOTE: CEILING FANS HAVE BEEN NOMINATED WHEN PERFORMED THE NATHERS CALCULATIONS AND EACH CERTIFICATION HAS BEEN ISSUED ACCORDINGLY. ENSURE THAT THE INSTALLATIONS ARE CARRIED OUT.

6 STAR ENERGY HOUSE
www.nathers.gov.au
50.7 MJ/m²

XZXG6T474A-01 30 Nov 2023
Assessor Accreditation No. HERA10042
Address 134 Hewlett Street Bronte NSW 2024
Dimitri Haralabidis
https://www.hb.nsw.au/NBCode/Listing/Pubcode=QZXG6T474A-01

BASIX COMMITMENTS
(ALL BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

NOTES:

EX	EXISTING
FFL	RL OF FINISHED FLOOR LEVEL
RL	REDUCED LEVEL
	BOUNDARY
	COUNCIL CONTROLS
	EXISTING STRUCTURE TO BE DEMOLISHED
	DA APPROVED STRUCTURE (DA 48/2021)
	EX TREE TO REMOVE
	EX TREE TO RETAIN
AL	ACCESS LID
FW	FLOOR WASTE
RWO	RAINWATER OUTLET
LD	LINEAR DRAIN
DP	DOWNPIPE

ARCHITECT:
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www.mhndu.com
MHN Design Union Pty Ltd. ABN 94 003 717 682
Nominated Architect Brain Meyerson NSW Registration Number 4907

PROJECT ADDRESS:
134 HEWLETT ST BRONTE

DRAWING TITLE:
GROUND FLOOR PLAN

DRAWN BY: BM / MW / FK
MHNDU
SCALE: 1:100@A1
ISSUE DATE: 28.11.2023
REVISION: F
PROJECT NUMBER: **18-008**
DWG NUMBER: **DA202**

AMENDED PLANS

S.455 SCHEDULE OF MODIFICATIONS (REV F)
- NO CHANGES TO FIRST FLOOR

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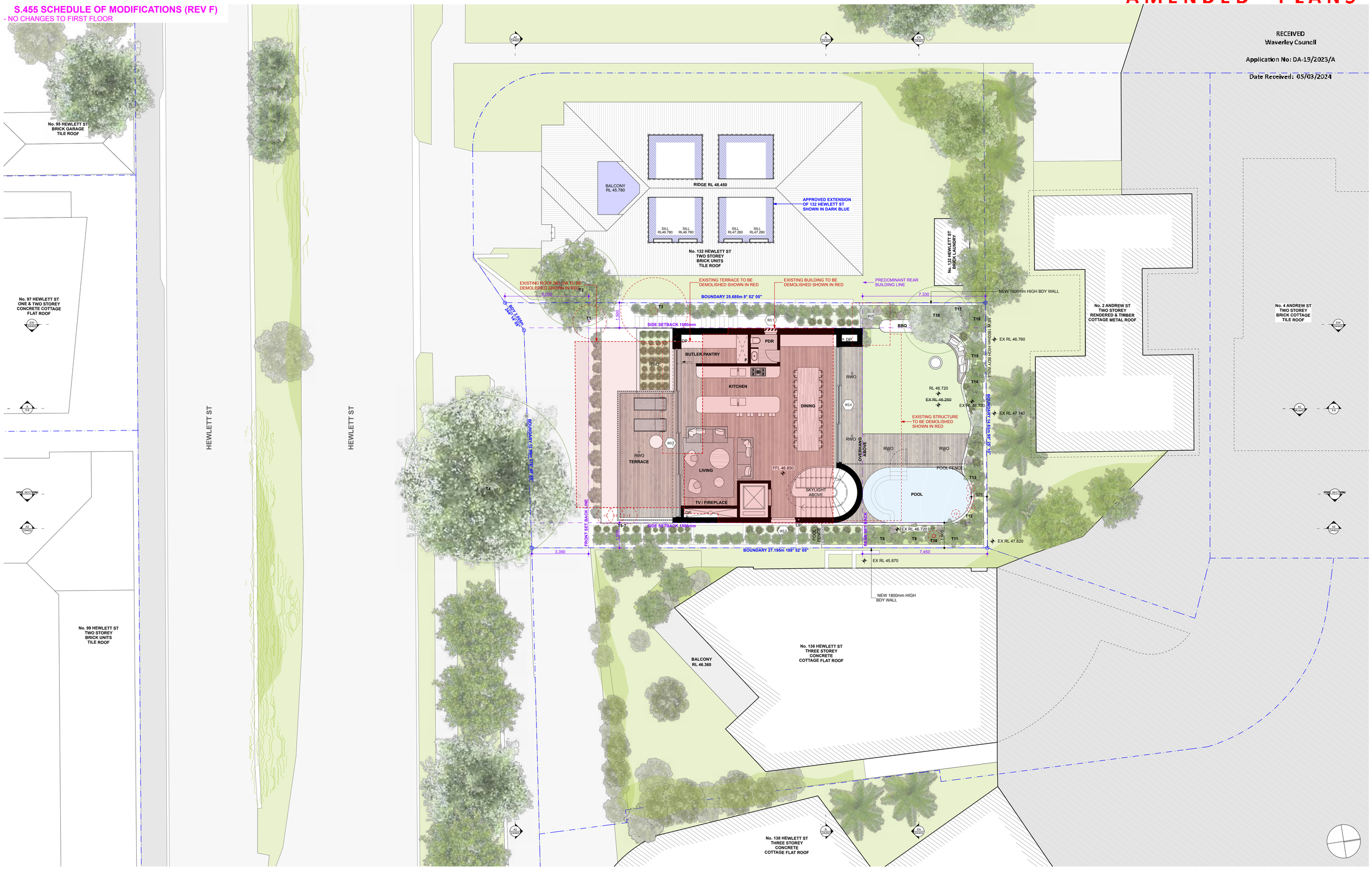
Waverley Council

Application No: DA-19/2023/A

Date Received: 05/03/2024



REV	NOTE	DATE
A	DA SUBMISSION	25.11.2022
B	DA AMENDMENTS	03.05.2023
C	DA AMENDMENTS	14.06.2023
D	DA AMENDMENTS	11.08.2023
E	DA AMENDMENTS (SETBACK DIMENSIONS)	29.08.2023
F	S455 MODIFICATION (NO CHANGES)	28.11.2023

GENERAL NOTES

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BASIX COMMITMENTS
(ALL BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

NOTES:

EX	EXISTING		EX TREE TO REMOVE
FFL	RL OF FINISHED FLOOR LEVEL		EX TREE TO RETAIN
RL	REDUCED LEVEL	AL	ACCESS LID
	BOUNDARY	FW	FLOOR WASTE
	COUNCIL CONTROLS	RWO	RAINWATER OUTLET
	EXISTING STRUCTURE TO BE DEMOLISHED	LD	LINEAR DRAIN
	DA APPROVED STRUCTURE (DA 48/2021)	DP	DOWNPIPE

ARCHITECT:
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www.mhndu.com
Nominated Architect
Brain Meyerson
MHN Design Union Pty Ltd. ABN 94 003 717 682 NSW Registration Number 4907

PROJECT ADDRESS:
134 HEWLETT ST BRONTE

DRAWING TITLE:
FISRT FLOOR PLAN

DRAWN BY: BM / MW / FK	MHNDU
SCALE: 1:100@A1	
ISSUE DATE: 28.11.2023	REVISION: F
PROJECT NUMBER: 18-008	DWG NUMBER: DA203

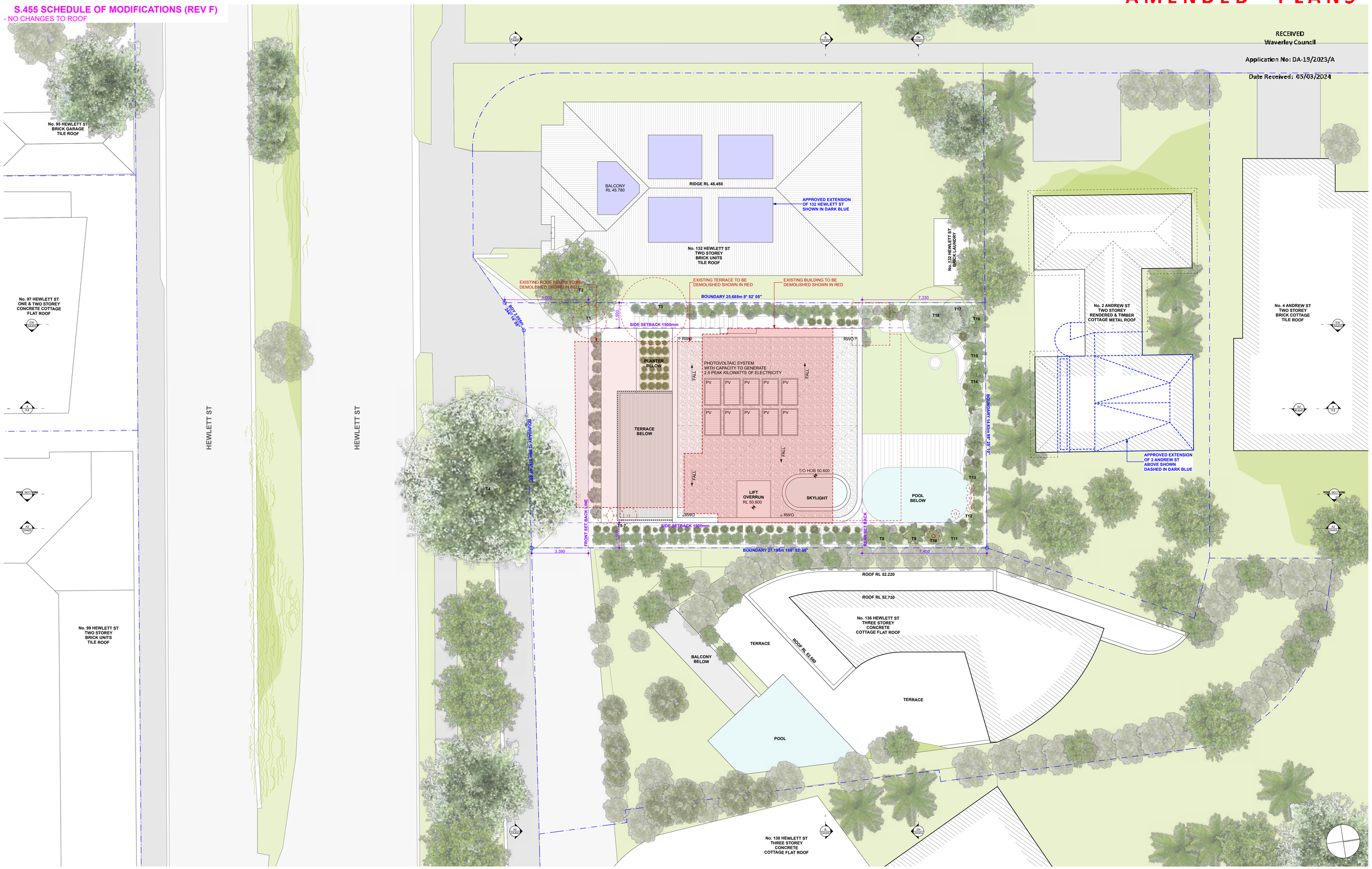
AMENDED PLANS

S.455 SCHEDULE OF MODIFICATIONS (REV F)
- NO CHANGES TO ROOF

RECEIVED
Waverley Council

Application No: DA-19/2023/A

Date Received: 05/03/2024



REV	NOTE	DATE
A	DA SUBMISSION	25.11.2022
B	DA AMENDMENTS	03.05.2023
C	DA AMENDMENTS	14.06.2023
D	DA AMENDMENTS	11.08.2023
E	DA AMENDMENTS (SETBACK DIMENSIONS)	29.08.2023
F	S455 MODIFICATION (NO CHANGES)	28.11.2023

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ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ NCC vol 2 CLAUSES & AUSTRALIAN STANDARDS

6 STAR NATHERS HOUSE
XZXG6T474A-01 30 Nov 2023
Assessor: Dimbri Herakotse
Accreditation No.: HERA10042
Address: 134 Hewlett Street Bronte NSW 2024
50.7 MJ/m²
www.nathers.gov.au
https://www.hb.com.au/GBOnline/Listing?PublicVersion=2&Id=6474A4e.xml

BASIX COMMITMENTS
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NOTES:

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FFL	RL OF FINISHED FLOOR LEVEL
RL	REDUCED LEVEL
	BOUNDARY
	COUNCIL CONTROLS
	EXISTING STRUCTURE TO BE DEMOLISHED
	DA APPROVED STRUCTURE (DA 48/2021)
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LD	LINEAR DRAIN
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ARCHITECT:
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www.mhndu.com
MHN Design Union Pty Ltd, ABN 94 003 717 682
Nominated Architect Brain Meyerson NSW Registration Number 4907

PROJECT ADDRESS:
134 HEWLETT ST BRONTE

DRAWING TITLE:
ROOF PLAN

DRAWN BY: BM / MW / FK
MHNDU
SCALE: 1:100@A1
ISSUE DATE: 28.11.2023
REVISION: F
PROJECT NUMBER: **18-008**
DWG NUMBER: **DA204**

S.455 SCHEDULE OF MODIFICATIONS (REV F)

2. COLUMNS MODIFIED AND GLAZING RELOCATED.
4. MINOR INTERNAL CHANGES TO LOWER GROUND FLOOR, INCLUDING NEW BATHROOM AND WINDOW ON EAST FACADE WITHIN APPROVED BUILDING ENVELOPE.
6. MINOR INTERNAL CHANGES TO GROUND FLOOR WITHIN APPROVED BUILDING ENVELOPE.

INCREASE GFA WITHIN APPROVED BUILDING ENVELOPE

AMENDED PLANS

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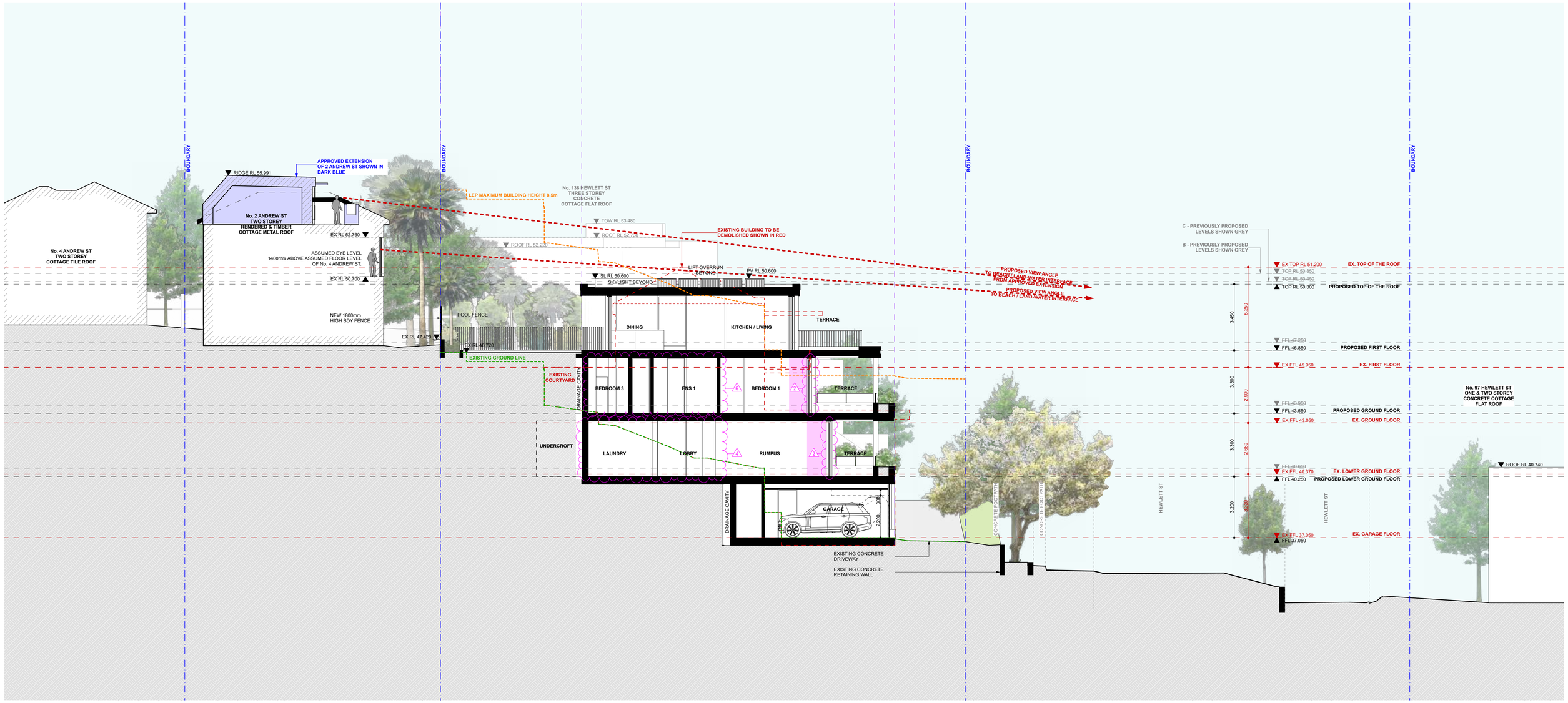
Application No: DA-19/2023/A

Date Received: 05/03/2024



REV	NOTE	DATE
A	DA SUBMISSION	25.11.2022
B	DA AMENDMENTS	03.05.2023
C	DA AMENDMENTS	14.06.2023
D	DA AMENDMENTS	11.08.2023
E	DA AMENDMENTS (SETBACK DIMENSIONS)	29.08.2023
F	S455 MODIFICATION	28.11.2023

GENERAL NOTES

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5. CONTRACTOR TO NOTIFY MHNDU OF ANY DISCREPANCIES, DIMENSIONAL INCONSISTENCIES, OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING.
6. ENSURE THE ARCHITECTURAL INTENT & CONSISTENCY BETWEEN MATERIALS IS MAINTAINED.
7. MHNDU TO REVIEW ALL CONTRACTORS DETAILED DRAWINGS/SETTING OUT PRIOR TO CONSTRUCTION.
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ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ NCC vol 2 CLAUSES & AUSTRALIAN STANDARDS

BASIX COMMITMENTS
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NOTES:

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FFL	RL OF FINISHED FLOOR LEVEL
RL	REDUCED LEVEL
	BOUNDARY
	COUNCIL CONTROLS
	EXISTING STRUCTURE TO BE DEMOLISHED
	DA APPROVED STRUCTURE (DA 48/2021)

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

PROJECT ADDRESS:
134 HEWLETT ST BRONTE

DRAWING TITLE:
SECTION A

DRAWN BY: BM / MW / FK — MHNDU
SCALE: 1:100@A1
ISSUE DATE: 28.11.2023
REVISION: F
PROJECT NUMBER: **18-008**
DWG NUMBER: **DA300**

AMENDED PLANS

RECEIVED
Waverley Council

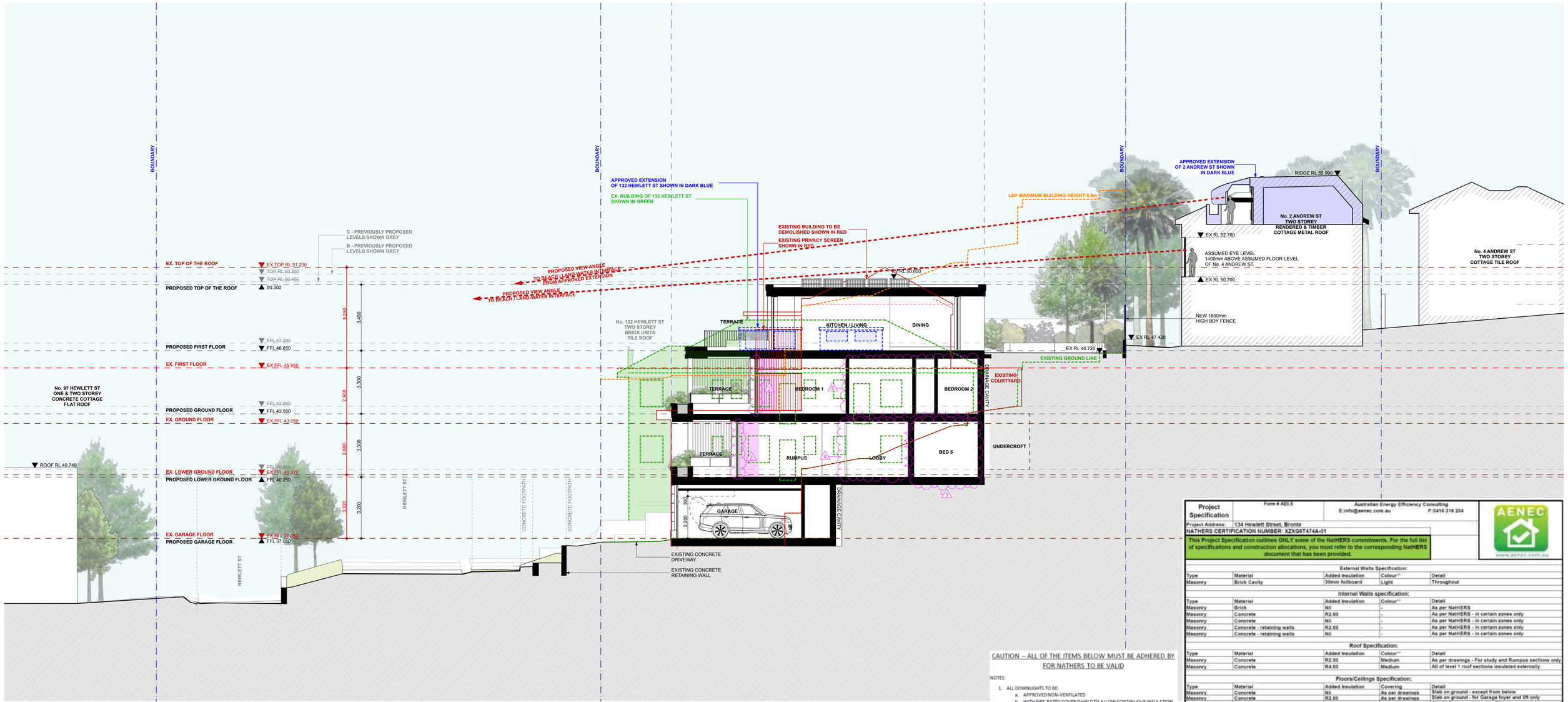
Application No: DA-19/2023/A

Date Received: 05/03/2024

S.455 SCHEDULE OF MODIFICATIONS (REV F)

2. COLUMNS MODIFIED AND GLAZING RELOCATED.
3. NEW BEDROOM IN LOCATION OF UNDERCROFT SPACE, INCLUDING NEW WINDOW ON WEST FACADE.
4. MINOR INTERNAL CHANGES TO LOWER GROUND FLOOR, INCLUDING NEW BATHROOM AND WINDOW ON EAST FACADE WITHIN APPROVED BUILDING ENVELOPE.
6. MINOR INTERNAL CHANGES TO GROUND FLOOR WITHIN APPROVED BUILDING ENVELOPE.

INCREASE GFA WITHIN APPROVED BUILDING ENVELOPE



CAUTION – ALL OF THE ITEMS BELOW MUST BE ADHERED BY FOR NATHERS TO BE VALID

NOTES:

1. ALL DOWNLIGHTS TO BE:
   a. APPROVED NON-VENTILATED
   b. WITH FIRE-RATED COVER/SHIELD TO ALLOW CONTINUOUS INSULATION LED TYPE. IF HALOGEN LIGHT ARE TO BE INSTALLED THIS CERTIFICATION IS NOT VAUID
2. ALL VENTS AND WALL OPENINGS INSTALLED TO BE "THE SEALED" TYPE
3. ALL INSULATION IS TO BE INSTALLED IN ACCORDANCE NCC PART 3.12.1.1
   a. CREATION OF CONTINUOUS THERMAL BARRIER
   b. COMPLIANCE WITH AS4859
   c. MAINTAINING THICKNESS OF BULK INSULATION AND AIR GAPS FOR REFLECTIVE INSULATION
4. BUILDING SEALING AS PER NCC PART 3.12.3
   a. WEATHER SEALS AND DRAFT EXCLUDERS
   b. DRAFT STOPPER CAPS
5. SERVICES AS RER NCC PART 3.12.5
   a. INSULATION OF SERVICES, PIPING AND DUCTWORK

Project Specification	Form # AE0.5	Australian Energy Efficiency Consulting E:info@aenec.com.au P:0416 316 204
Project Address:	134 Hewlett Street, Bronte	
NATHERS CERTIFICATION NUMBER: XZXG6T474A-01		

This Project Specification outlines ONLY some of the NatHERS commitments. For the full list of specifications and construction allocations, you must refer to the corresponding NatHERS document that has been provided.

AENEC www.aenec.com.au

External Walls Specification:

Type	Material	Added Insulation	Colour**	Detail
Masonry	Brick Cavity	30mm foilboard	Light	Throughout

Internal Walls specification:

Type	Material	Added Insulation	Colour**	Detail
Masonry	Brick	Nil	-	As per NatHERS
Masonry	Concrete	R2.00	-	As per NatHERS - in certain zones only
Masonry	Concrete	Nil	-	As per NatHERS - in certain zones only
Masonry	Concrete - retaining walls	R2.00	-	As per NatHERS - in certain zones only
Masonry	Concrete - retaining walls	Nil	-	As per NatHERS - in certain zones only

Roof Specification:

Type	Material	Added Insulation	Colour**	Detail
Masonry	Concrete	R2.50	Medium	As per drawings - For study and Rumpus sections only
Masonry	Concrete	R4.00	Medium	All of level 1 roof sections insulated externally

Floors/Ceilings Specification:

Type	Material	Added Insulation	Covering	Detail
Masonry	Concrete	Nil	As per drawings	Slab on ground - except from below
Masonry	Concrete	R2.00	As per drawings	Slab on ground - for Garage foyer and lift only
Masonry	Concrete	R2.50	As per drawings	All of LG suspended slab - Storage excluded
Masonry	Concrete	Nil	As per drawings	All of GF and Level 1 slabs

Window Specification*

Frame material	Glazing	U Value	SHGC	Detail
Special windows	See NatHERS	-	-	Refer to NatHERS for more info

* NOTE: WINDOW PERFORMANCE IS DETEMINED BY U-VALUE AND SHGC NOT THE SYSTEM DESCRIPTION. THESE PERFORMANCE FIGURES CAN BE ACHIEVED BY MULTIPLE WINDOW/DOOR SYSTEMS AND THEIR DESCRIPTION IN THE NATHERS IS SECONDARY. FOCUS OF THE PERFORMANCE VALUES.

LIGHT COLOR INSTALLATIONS HAVE SOLAR ABSORBTANCE BEING LOWER THAN 0.413, MEDIUM COLOR INSTALLATIONS HAVE SOLAR ABSORBTANCE BEING BETWEEN 0.476 AND 0.706, DARK COLOR INSTALLATIONS HAVE SOLAR ABSORBTANCE BEING HIGHER THAN 0.791.

IT IS ILLEGAL TO COPY/PASTE NATHERS STAMPS FROM STAMPED DRAWINGS TO ANOTHER DRAWING SET, EVEN IF THIS IS FOR THE SAME PROJECT. NATHERS CERTIFICATES ARE ISSUED FOR THE SPECIFIC DRAWING VERSION AND DATE OF ISSUE AND ARE VALID ONLY FOR THIS PARTICULAR VERSION. IF YOU UPDATE DRAWINGS, YOU MUST UPDATE THE NATHERS CERTIFICATE AS WELL.

REV	NOTE	DATE
A	DA SUBMISSION	25.11.2022
B	DA AMENDMENTS	03.05.2023
C	DA AMENDMENTS	14.06.2023
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F	S455 MODIFICATION	28.11.2023

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(ALL BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

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

PROJECT ADDRESS:
134 HEWLETT ST BRONTE

DRAWING TITLE:
SECTION A2

DRAWN BY: BM / MW / FK
MHNDU
SCALE: 1:100@A1
ISSUE DATE: 28.11.2023
REVISION: F
PROJECT NUMBER: **18-008**
DWG NUMBER: **DA301**

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-19/2023/A

Date Received: 05/03/2024

S.455 SCHEDULE OF MODIFICATIONS (REV F)

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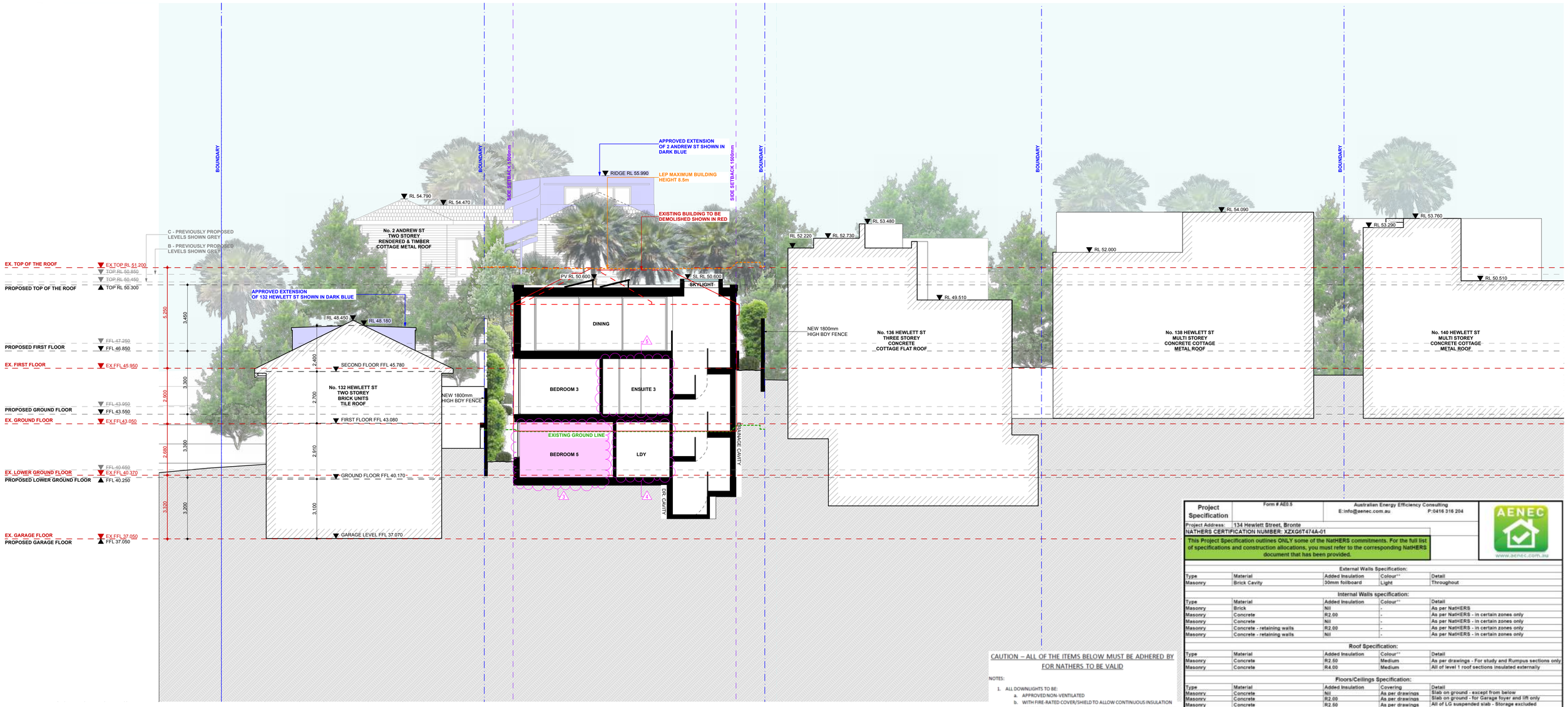

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   b. DRAFT STOPPER CAPS
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   a. INSULATION OF SERVICES, PIPING AND DUCTWORK

Project Specification	Form # AE0.5	Australian Energy Efficiency Consulting E:info@aenec.com.au	P:0416 316 204
Project Address:	134 Hewlett Street, Bronte		
NATHERS CERTIFICATION NUMBER: XZXG6T474A-01			

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Roof Specification:

Type	Material	Added Insulation	Colour**	Detail
Masonry	Concrete	R2.50	Medium	As per drawings - For study and Rumpus sections only
Masonry	Concrete	R4.00	Medium	All of level 1 roof sections insulated externally

Floors/Ceilings Specification:

Type	Material	Added Insulation	Covering	Detail
Masonry	Concrete	Nil	As per drawings	Slab on ground - except from below
Masonry	Concrete	R2.00	As per drawings	Slab on ground - for Garage foyer and lift only
Masonry	Concrete	R2.50	As per drawings	All of LG suspended slab - Storage excluded
Masonry	Concrete	Nil	As per drawings	All of GF and Level 1 slabs

Window Specification*:

Frame material	Glazing	U Value	SHGC	Detail
Special windows	See NatHERS	-	-	Refer to NatHERS for more info

* NOTE: WINDOW PERFORMANCE IS DETEMINED BY U-VALUE AND SHGC NOT THE SYSTEM DESCRIPTION. THESE PERFORMANCE FIGURES CAN BE ACHIEVED BY MULTIPLE WINDOW/DOOR SYSTEMS AND THEIR DESCRIPTION IN THE NATHERS IS SECONDARY. FOCUS OF THE PERFORMANCE VALUES

LIGHT COLOR INSTALLATIONS HAVE SOLAR ABSORBTANCE BEING LOWER THAN 0.475, MEDIUM COLOR INSTALLATIONS HAVE SOLAR ABSORBTANCE BEING BETWEEN 0.476 AND 0.700, DARK COLOR INSTALLATIONS HAVE SOLAR ABSORBTANCE BEING HIGHER THAN 0.701.

IT IS ILLEGAL TO COPY/PASTE NATHERS STAMPS FROM STAMPED DRAWINGS TO ANOTHER DRAWING SET, EVEN IF THIS IS FOR THE SAME PROJECT. NATHERS CERTIFICATES ARE ISSUED FOR THE SPECIFIC DRAWING VERSION AND DATE OF ISSUE AND ARE VALID ONLY FOR THIS PARTICULAR VERSION. IF YOU UPDATE DRAWINGS, YOU MUST UPDATE THE NATHERS CERTIFICATE AS WELL.

REV	NOTE	DATE
A	DA SUBMISSION	25.11.2022
B	DA AMENDMENTS	03.05.2023
C	DA AMENDMENTS	14.06.2023
D	DA AMENDMENTS	11.08.2023
E	DA AMENDMENTS (SETBACK DIMENSIONS)	29.08.2023
F	S455 MODIFICATION	28.11.2023

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ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ NCC vol 2 CLAUSES & AUSTRALIAN STANDARDS

BASIX COMMITMENTS
(ALL BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

NOTES:

EX	EXISTING
FFL	RL OF FINISHED FLOOR LEVEL
RL	REDUCED LEVEL
	BOUNDARY
	COUNCIL CONTROLS
	EXISTING STRUCTURE TO BE DEMOLISHED
	DA APPROVED STRUCTURE (DA 48/2021)

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

PROJECT ADDRESS:
134 HEWLETT ST BRONTE

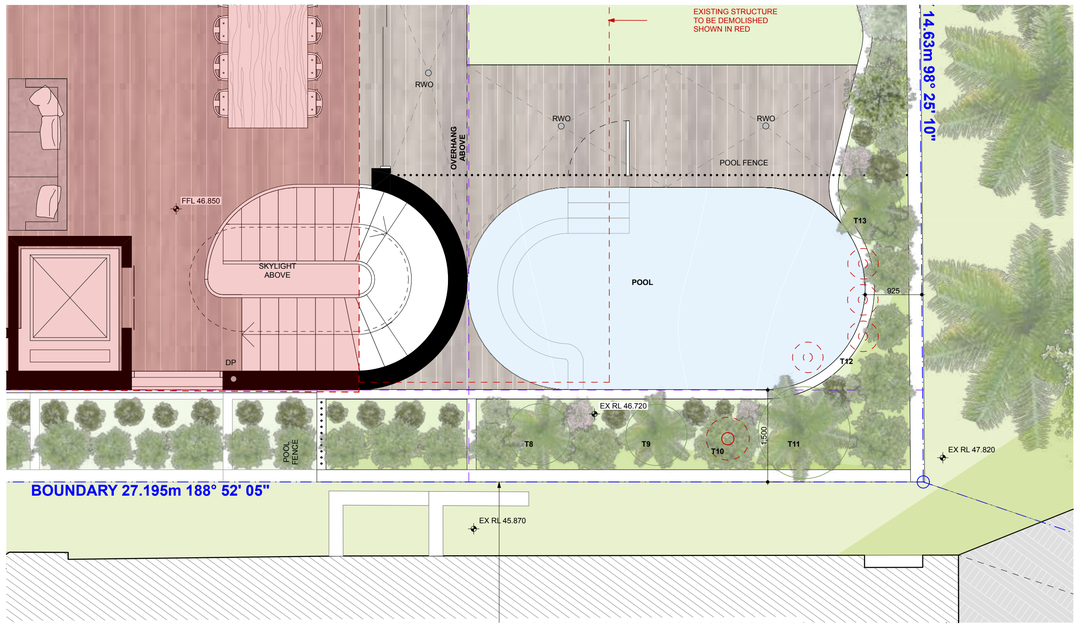
DRAWING TITLE:
SECTION B

DRAWN BY: BM / MW / FK
MHNDU
SCALE: 1:100@A1
ISSUE DATE: 28.11.2023
REVISION: F
PROJECT NUMBER: **18-008**
DWG NUMBER: **DA302**

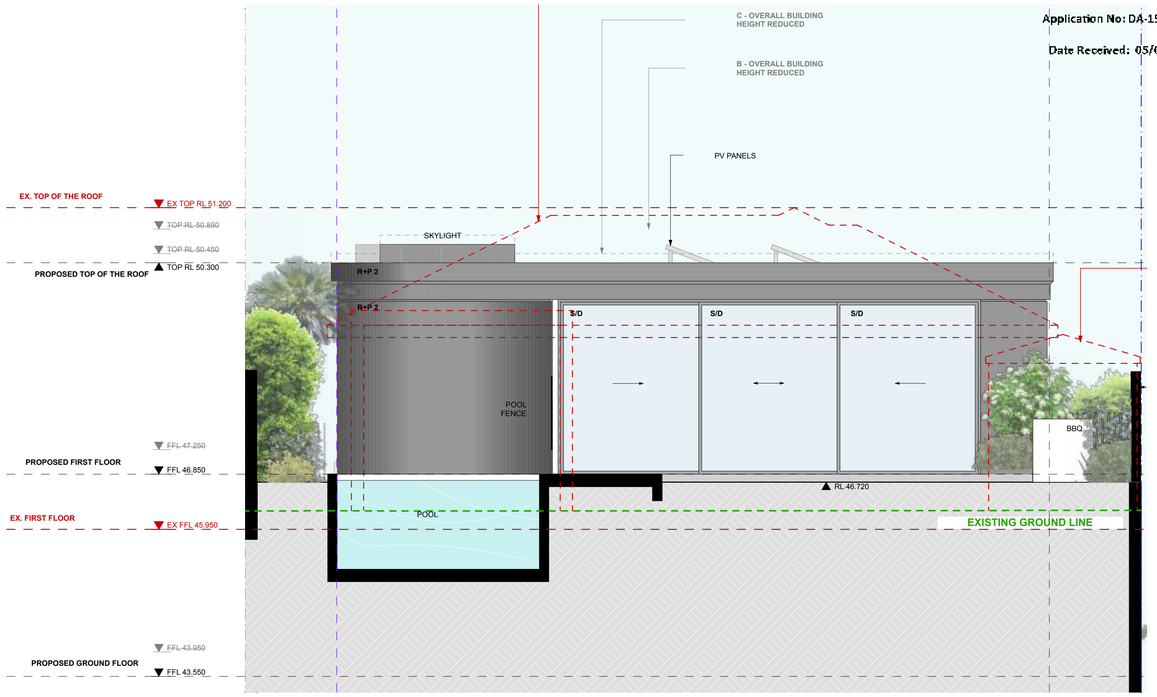
S.455 SCHEDULE OF MODIFICATIONS (REV F)
- NO CHANGES TO POOL

AMENDED PLANS

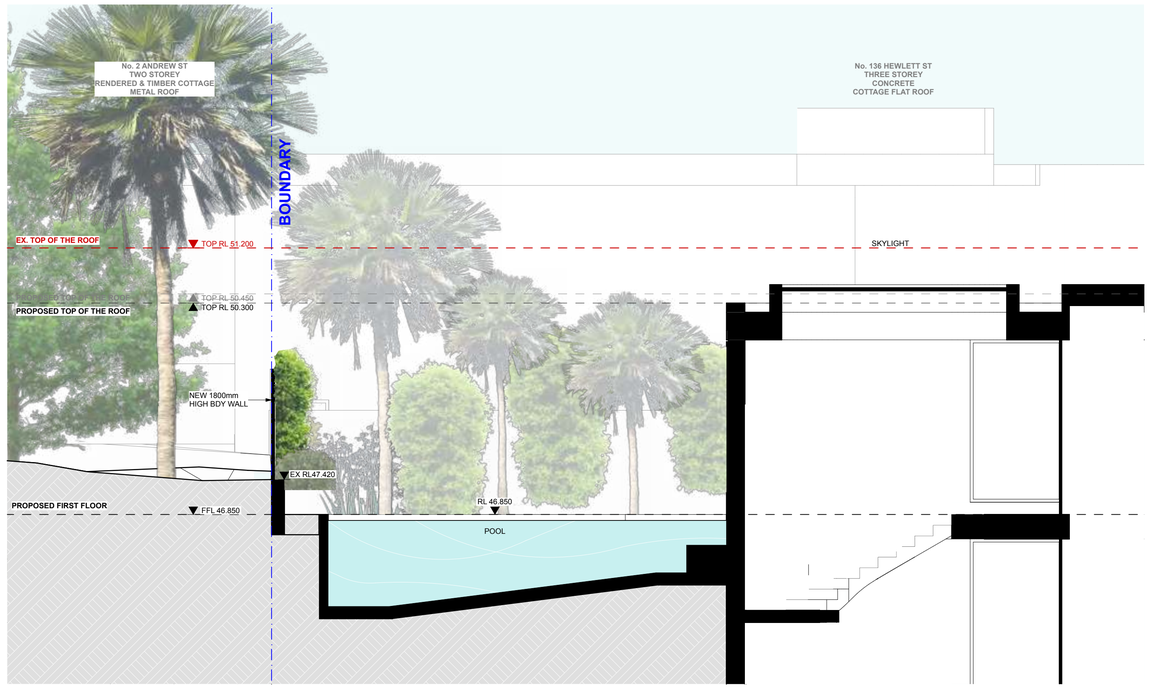
RECEIVED
Waverley Council
Application No: DA-19/2023/A
Date Received: 05/03/2024



PLAN 1:50



CROSS SECTION 1:50



LONG SECTION 1:50

REV	NOTE	DATE
A	DA SUBMISSION	25.11.2022
B	DA AMENDMENTS	03.05.2023
C	DA AMENDMENTS	14.06.2023
D	DA AMENDMENTS	11.08.2023
E	DA AMENDMENTS (SETBACK DIMENSIONS)	29.08.2023
F	S455 MODIFICATION (NO CHANGES)	28.11.2023

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ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ NCC vol 2 CLAUSES & AUSTRALIAN STANDARDS

BASIX COMMITMENTS
(ALL BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

NOTES:

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Nominated Architect
Brain Meyerson
NSW Registration Number 4907

PROJECT ADDRESS:
134 HEWLETT ST BRONTE

DRAWING TITLE:
POOL SECTIONS

DRAWN BY: BM / MW / FK
MHNDU
SCALE: 1:50@A1
ISSUE DATE: 28.11.2023
REVISION: F
PROJECT NUMBER: **18-008**
DWG NUMBER: **DA303**

S.455 SCHEDULE OF MODIFICATIONS (REV F)
- NO CHANGES TO SOUTH ELEVATION

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-19/2023/A

Date Received: 05/03/2024

REV	NOTE	DATE
A	DA SUBMISSION	25.11.2022
B	DA AMENDMENTS	03.05.2023
C	DA AMENDMENTS	14.06.2023
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E	DA AMENDMENTS (SETBACK DIMENSIONS)	29.08.2023
F	S455 MODIFICATION (NO CHANGES)	28.11.2023

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ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ NCC vol 2 CLAUSES & AUSTRALIAN STANDARDS

BASIX COMMITMENTS
(ALL BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

NOTES:

EX	EXISTING	ANW	ANEETA WINDOW
FFL	RL OF FINISHED FLOOR LEVEL	GB	GLASS BALUSTRADE
RL	REDUCED LEVEL	R+P	RENDER AND PAINT
	BOUNDARY	M	METAL
	COUNCIL CONTROLS	S/D	SLIDING WINDOW / DOOR
	EXISTING STRUCTURE TO BE DEMOLISHED	SCR	SCREEN
	DA APPROVED STRUCTURE (DA 48/2021)	PSCR	PRIVACY SCREEN
		LVR	LOUVERS
		PAL	PALISADE BALUSTRADE

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

PROJECT ADDRESS:
134 HEWLETT ST BRONTE

DRAWING TITLE:
SOUTH ELEVATION

DRAWN BY: BM / MW / FK
MHNDU
SCALE: 1:100@A1
ISSUE DATE: 28.11.2023
REVISION: F
PROJECT NUMBER: **18-008**
DWG NUMBER: **DA400**

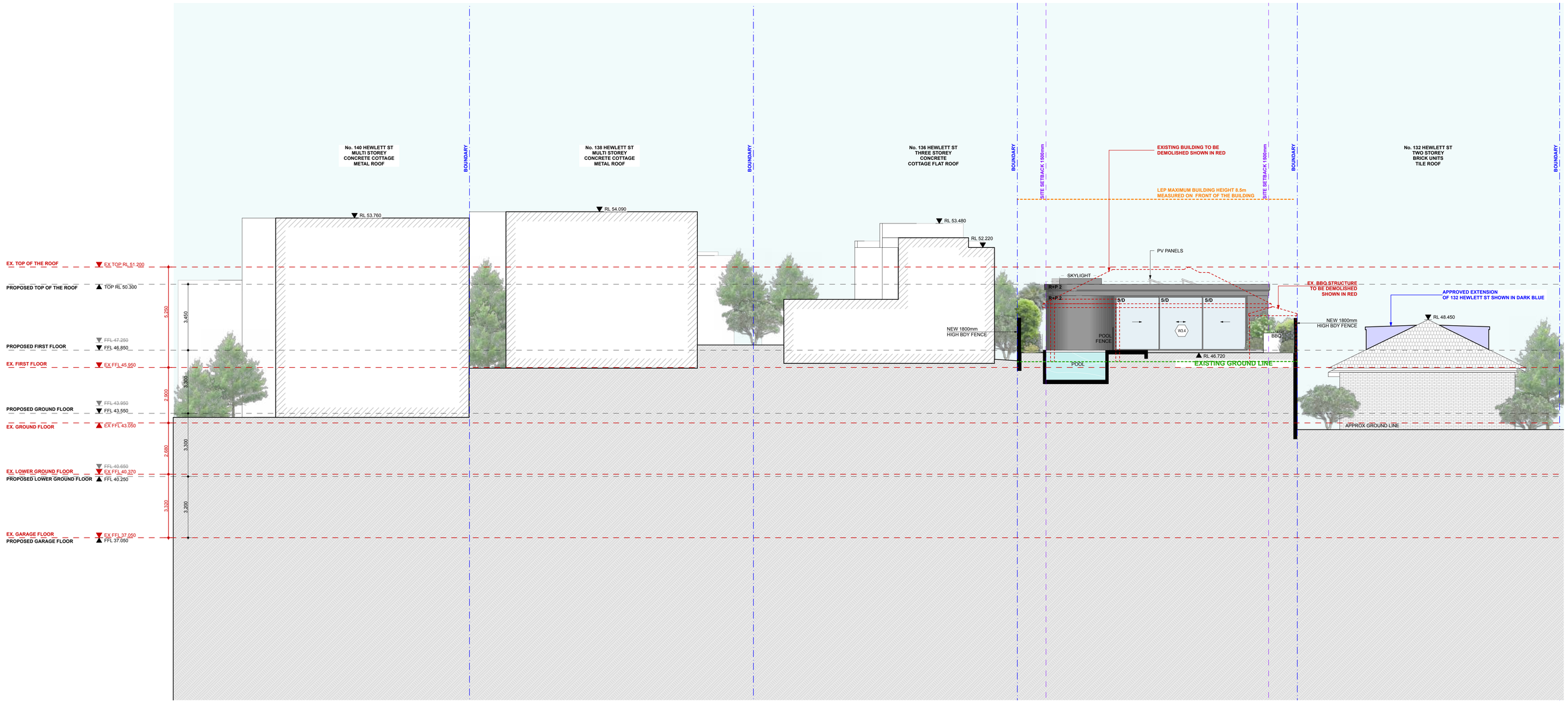
S.455 SCHEDULE OF MODIFICATIONS (REV F)
- NO CHANGES TO NORTH ELEVATION

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-19/2023/A

Date Received: 05/03/2024



REV	NOTE	DATE
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B	DA AMENDMENTS	03.05.2023
C	DA AMENDMENTS	14.06.2023
D	DA AMENDMENTS	11.08.2023
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F	S455 MODIFICATION (NO CHANGES)	28.11.2023

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6 STAR GREEN HOUSE
50.7 kWh/m²
www.nathers.gov.au
XZXG6T474A-01 30 Nov 2023
Assessor Accreditation No. HERA10042
Dimbri Harakotas
Address
134 Hewlett Street
Bronte
NSW 2024
https://www.hb.nsw.au/ABCindex/viewing/?Publicid=XZXG6T474A-01

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	BOUNDARY	**M**	METAL
	COUNCIL CONTROLS	**S/D**	SLIDING WINDOW / DOOR
	EXISTING STRUCTURE TO BE DEMOLISHED	**SCR**	SCREEN
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MHN Design Union Pty Ltd. ABN 94 003 717 682 NSW Registration Number 4907

PROJECT ADDRESS:
134 HEWLETT ST BRONTE

DRAWING TITLE:
NORTH ELEVATION

DRAWN BY: BM / MW / FK
MHNDU

SCALE: 1:100@A1

ISSUE DATE: 28.11.2023
REVISION: F

PROJECT NUMBER: **18-008**
DWG NUMBER: **DA401**

AMENDED PLANS

S.455 SCHEDULE OF MODIFICATIONS (REV F)
3. NEW BEDROOM IN LOCATION OF UNDERCROFT SPACE, INCLUDING NEW WINDOW ON WEST FACADE.
7. PLANTER BOX AMENDED TO SUIT NEW LOWER GROUND FLOOR BEDROOM.
10. INTERNAL LOBBY SPACE INCREASED WITHIN APPROVED BUILDING ENVELOPE.

RECEIVED
Waverley Council

Application No: DA-19/2023/A

Date Received: 05/03/2024

REV	NOTE	DATE
A	DA SUBMISSION	25.11.2022
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6 STAR GREEN HOUSE 50.7
XZXG6T474A-01 30 Nov 2023
Assessor Accreditation No. Climbr Hariadtas HERA10042
Address 134 Hewlett Street BRONTE NSW 2024
https://www.frik.com.au/AGNet/Login?RuleNo=421G6T474A-01

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

PROJECT ADDRESS:
134 HEWLETT ST BRONTE

DRAWING TITLE:
WEST ELEVATION

DRAWN BY: BM / MW / FK MHNDU
SCALE: 1:100@A1
ISSUE DATE: 28.11.2023
REVISION: F
PROJECT NUMBER: **18-008**
DWG NUMBER: **DA402**

S.455 SCHEDULE OF MODIFICATIONS (REV F)
4. MINOR INTERNAL CHANGES TO LOWER GROUND FLOOR, INCLUDING NEW BATHROOM AND WINDOW ON EAST FACADE WITHIN APPROVED BUILDING ENVELOPE.

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-19/2023/A

Date Received: 05/03/2024

REV	NOTE	DATE
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MHN Design Union Pty Ltd. ABN 94 003 717 682
Nominated Architect Brain Meyerson NSW Registration Number 4907

PROJECT ADDRESS:
134 HEWLETT ST BRONTE

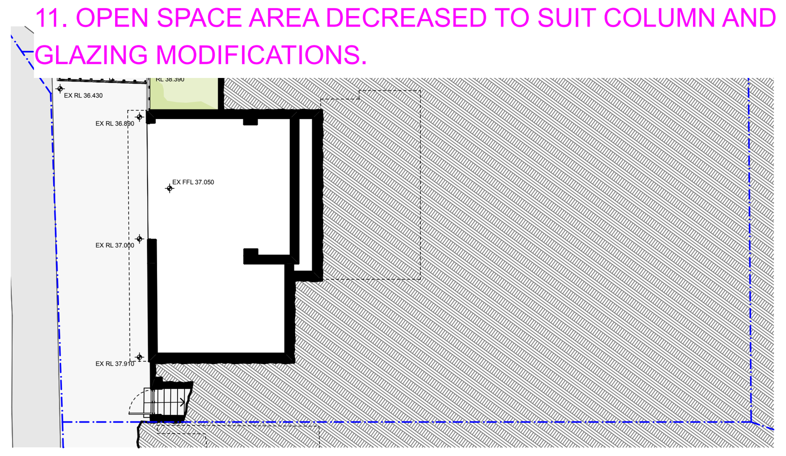
DRAWING TITLE:
EAST ELEVATION

DRAWN BY: BM / MW / FK — MHNDU
SCALE: 1:100@A1
ISSUE DATE: 28.11.2023
REVISION: F
PROJECT NUMBER: **18-008**
DWG NUMBER: **DA403**

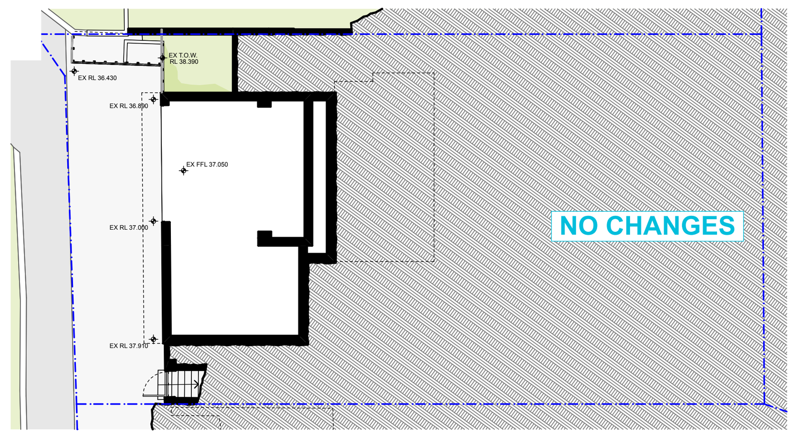
AMENDED PLANS

S.455 SCHEDULE OF MODIFICATIONS (REV F)

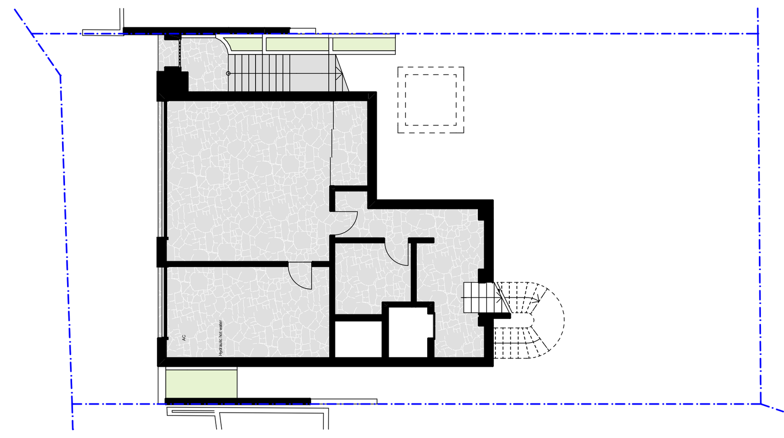
8. INCREASE GFA WITHIN APPROVED BUILDING ENVELOPE
9. INCREASE EXCAVATION
11. OPEN SPACE AREA DECREASED TO SUIT COLUMN AND GLAZING MODIFICATIONS.



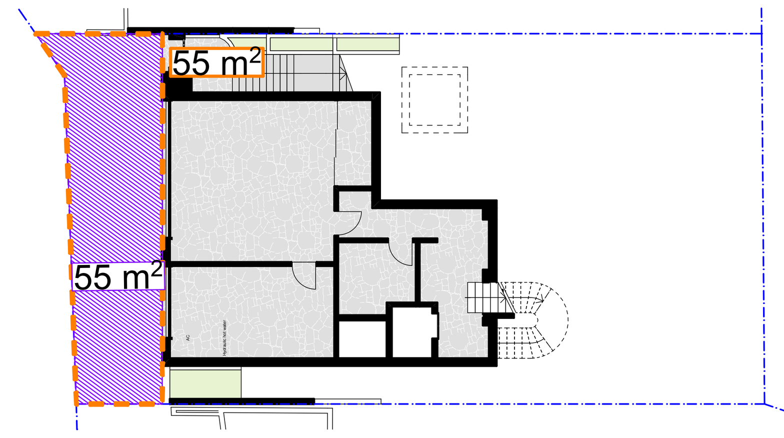
EXISTING GFA - GARAGE LEVEL



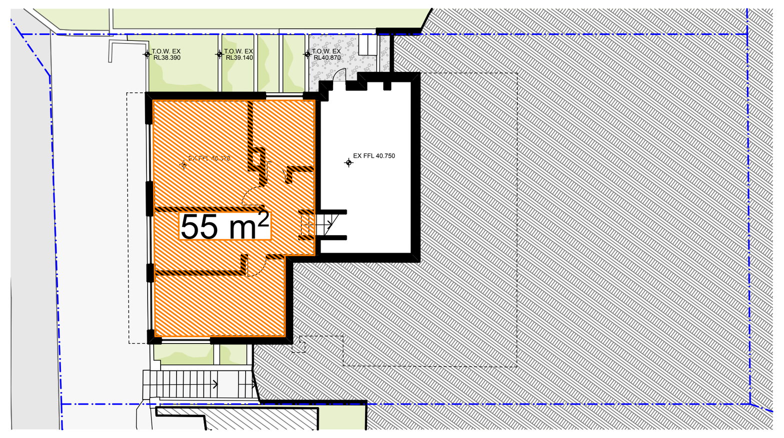
APPROVED GFA - GARAGE LEVEL



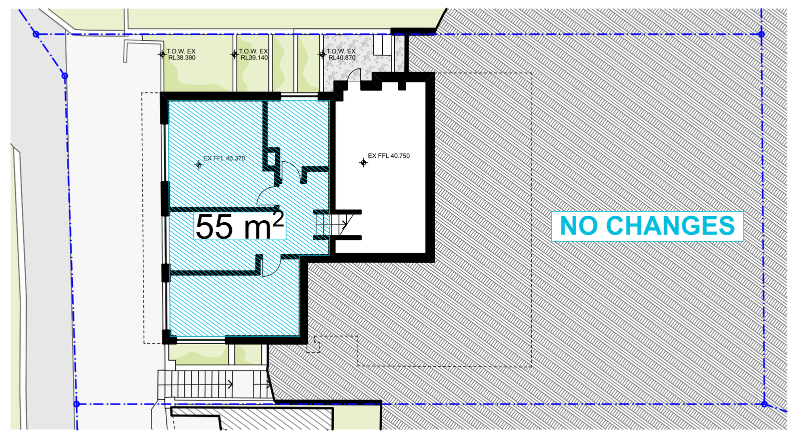
PROPOSED GFA - GARAGE LEVEL



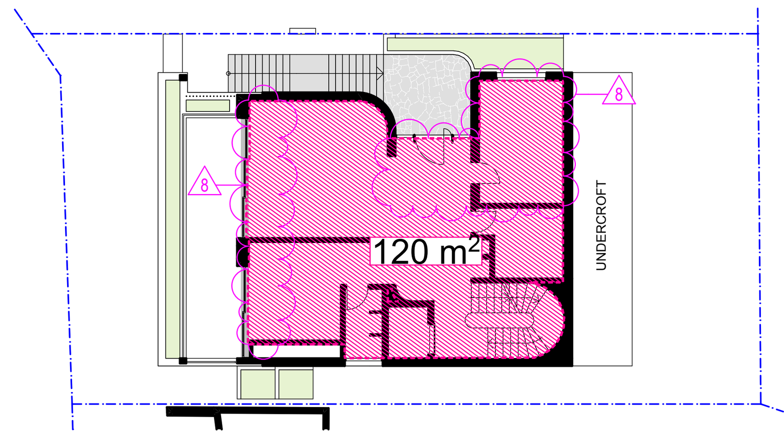
PROPOSED OPEN SPACE - GARAGE LEVEL - 55m²



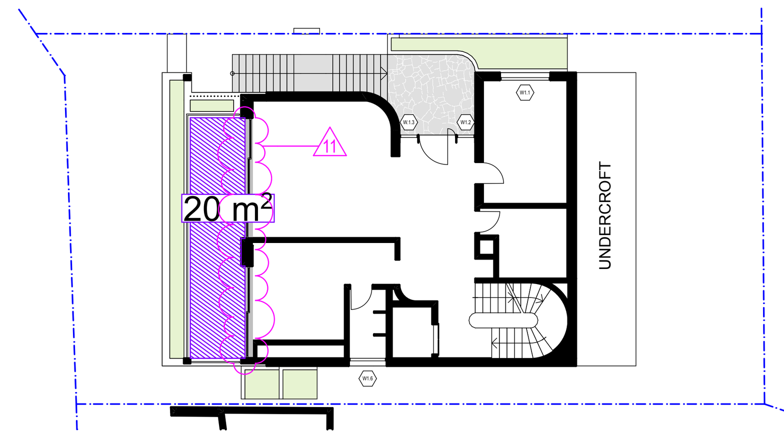
EXISTING GFA - LOWER GROUND FLOOR - 55m²



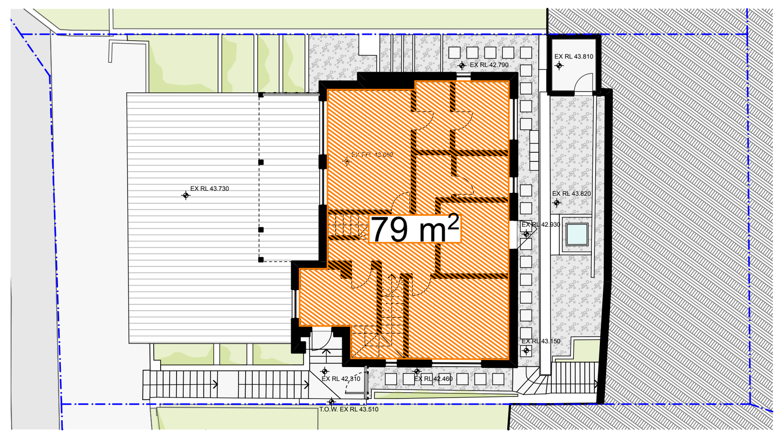
APPROVED GFA - LOWER GROUND FLOOR - 55m²



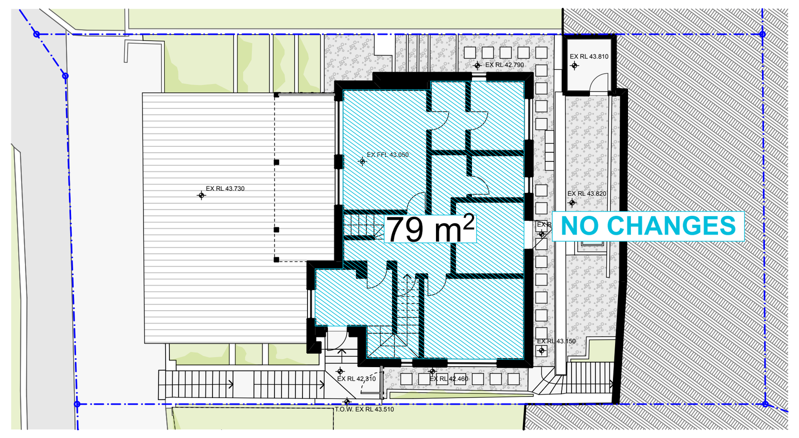
PROPOSED GFA - LOWER GROUND FLOOR - 120m²



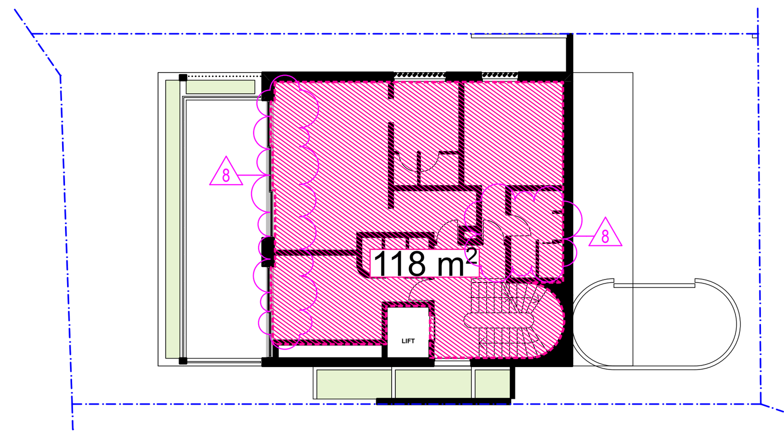
PROPOSED OPEN SPACE - LOWER GROUND FLOOR - 20m²



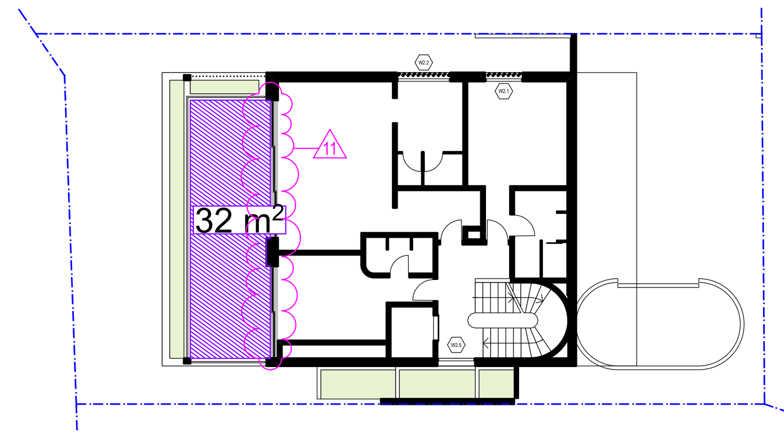
EXISTING GFA - GROUND FLOOR - 79m²



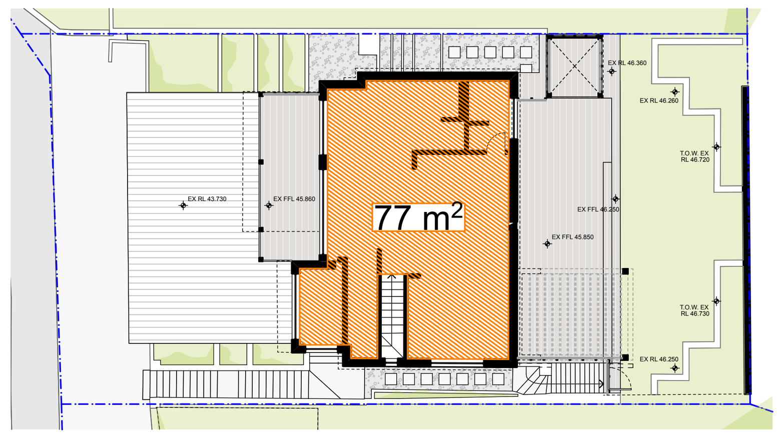
APPROVED GFA - GROUND FLOOR - 79m²



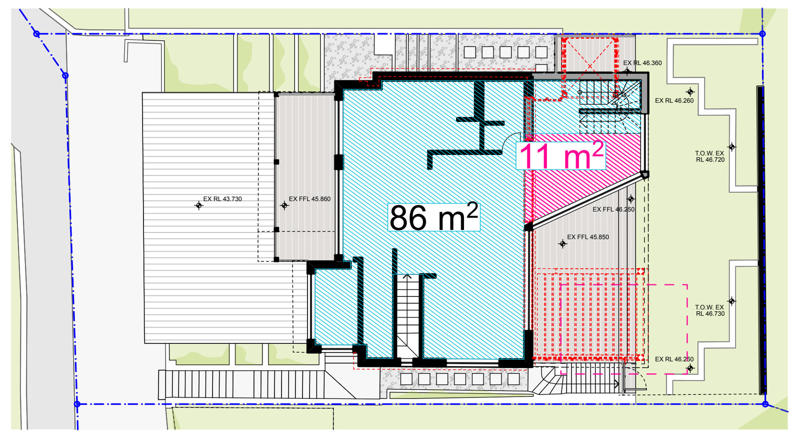
PROPOSED GFA - GROUND FLOOR - 118m²



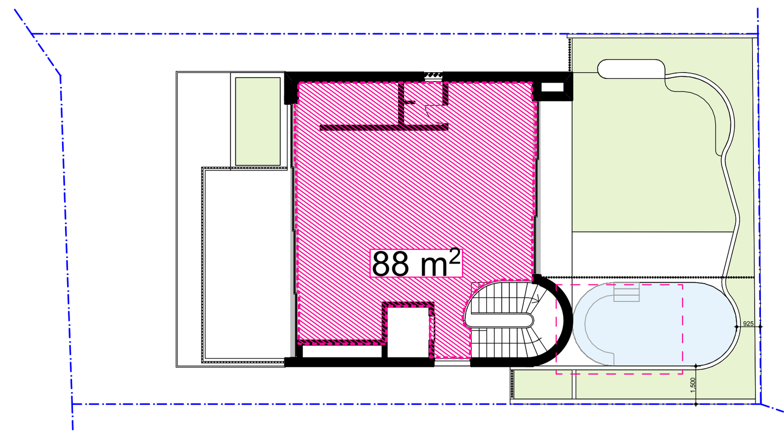
PROPOSED OPEN SPACE - GROUND FLOOR - 32m²



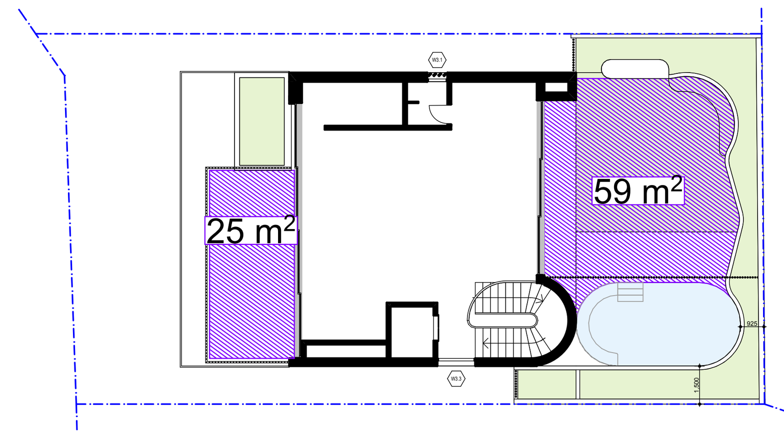
EXISTING GFA - FIRST FLOOR - 77m²



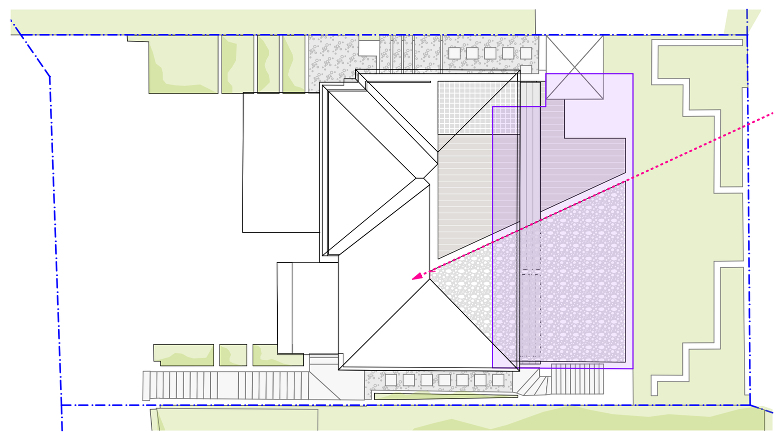
APPROVED GFA - FIRST FLOOR - 86m²



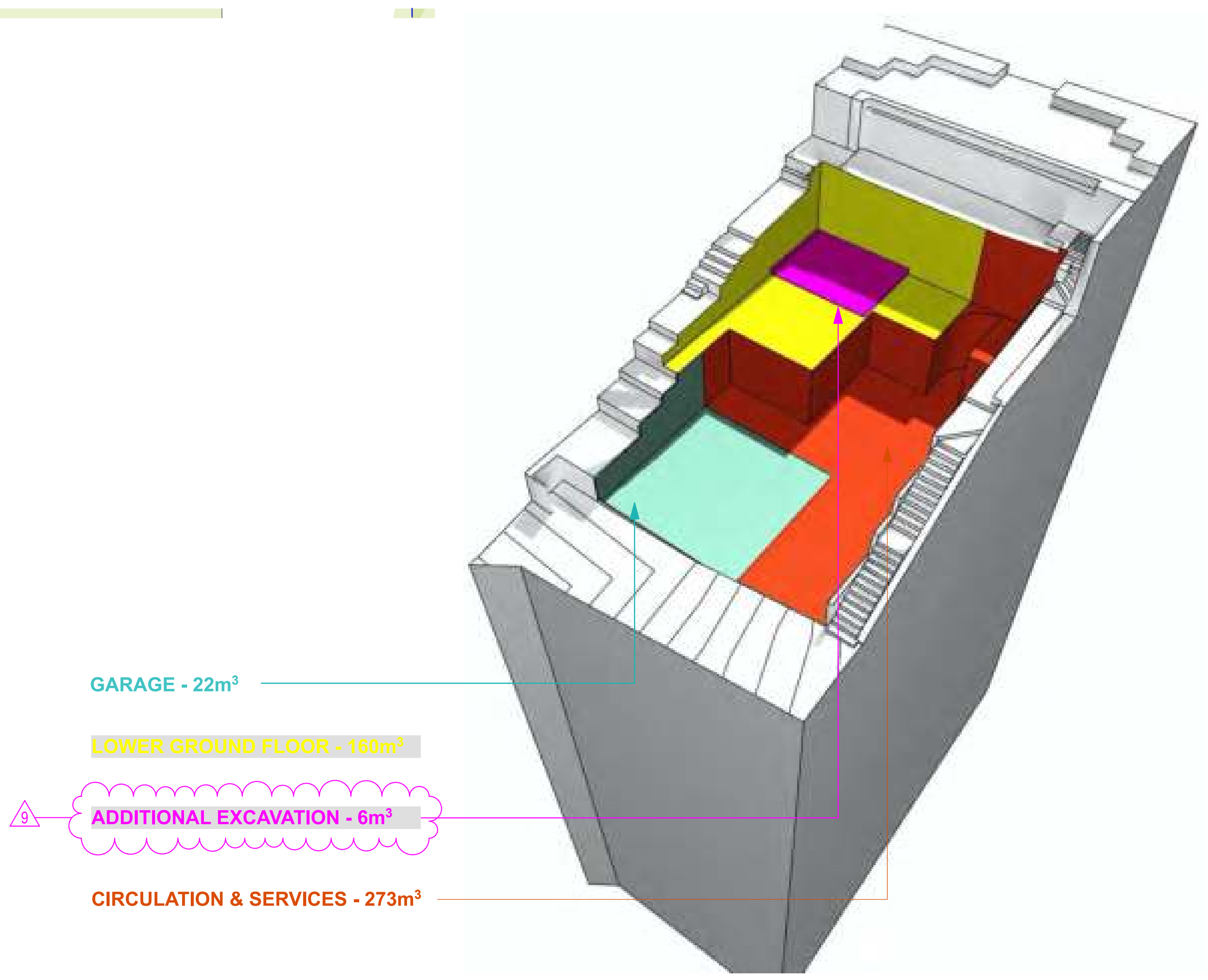
PROPOSED GFA - FIRST FLOOR - 88m²



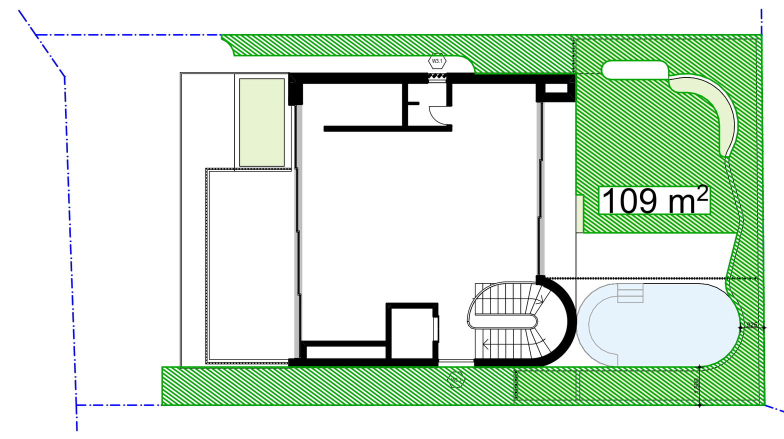
PROPOSED OPEN SPACE - FIRST FLOOR - 84m²



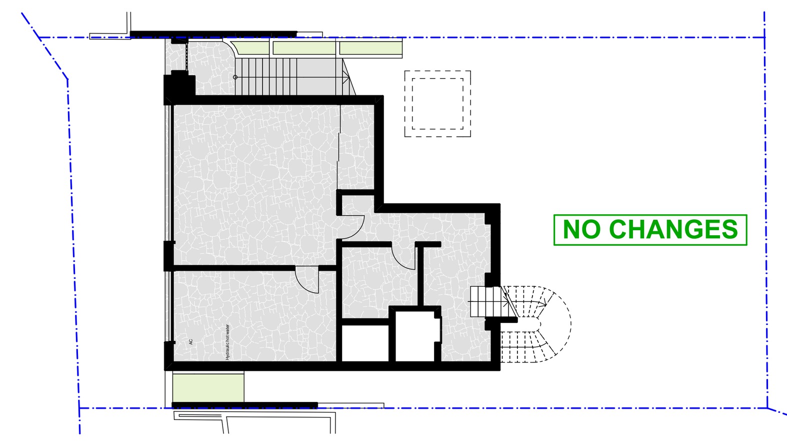
EXISTING GFA - SECOND FLOOR



EXCAVATION DIAGRAM



PROPOSED LANDSCAPED AREA - TOTAL - 109m²



PROPOSED LANDSCAPED AREA - FRONT - 0m²

RECEIVED
Waverley Council
Application No: DA-19/2023/A
Date Received: 05/03/2024

CONTROLS SUMMARY

		CONTROL	EXISTING	APPROVED (S.34)	APPROVED (DA19/2023)	PROPOSED	COMPLIES
SITE AREA	401.7m2						
LOW DENSITY RESIDENTIAL - R2							
FSR							
CONTROL							
[[(550 − lot area) × 0.0011] + 0.5]:1		0.66:1	0.53:1	0.65:1	0.66:1	0.81	
GFA		266m²	211m²	262m²	266m²	326m²	NO
SETBACK	PREDOMINANT FRONT BUILDING LINE						Yes (NO CHANGES)
	PREDOMINANT REAR BUILDING LINE						Yes (NO CHANGES)
	SIDE SETBACK	0.9m	1.5m	1.5m	1.5m	1.5m	Yes (NO CHANGES)
HEIGHT	LEP MAXIMUM BUILDING HEIGHT	8.5m	11.82m	11.82m	13.25m	13.25m	No (NO CHANGES)
OPEN SAPCE	40% OF THE TOTAL SITE AREA	161m²	218m²	229m²	209m²	198m²	Yes (NO CHANGES)
LANDSCAPED AREA	20% OF THE TOTAL SITE AREA	80m²	45m²	45m²	109m²	109m²	Yes (NO CHANGES)
DEEP SOIL LANDSCAPED AREA	50% OF LANDSCAPE	40m²	45m²	45m²	109m²	109m²	Yes (NO CHANGES)
FRONT LANDSCAPED AREA	50% OF FRONT AREA	27.5m²	0m²	0m²	0m²	0m²	No (NO CHANGES)
FRONT OPEN SPACE AREA	50% OF FRONT AREA	27.5m²	50m²	50m²	55m²	55m²	Yes (NO CHANGES)
PARKING SPACES		2	2	2	2	2	Yes (NO CHANGES)

DEFINITIONS

4.4A Exceptions to floor space ratio
Despite clause 4.4, the maximum floor space ratio for a dwelling house or dual occupancy on land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone R4 High Density Residential is as follows—
(a) for lots with an area less than 100 square metres—1:1,
(b) for lots with an area of 100 square metres to 550 square metres—[[(550 − lot area) × 0.0011] + 0.5]:1,
(c) for lots with an area greater than 550 square metres—0.5:1.

LANDSCAPED AREA (WAVERLEY LEP 2012)
Landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

1.9 Landscaping and Open Space (WAVERLEY DCP 2022)
Controls
(a) Development is to comply with the provisions of Part B3 Landscaping, Biodiversity and Vegetation Preservation.
(b) A minimum of 40% of the total site area is to be provided as open space.
(c) A minimum of 20% of the total site area is to be provided as landscaped area.
(d) A minimum 50% of the landscaped area must be deep soil zone.
(e) Each dwelling is to have a minimum of 25m2 of private open space capable of being used for recreation.
(f) Each dwelling in a detached dual occupancy development is to have a minimum open space area of 130m2 including a private open space area having minimum dimensions of 5m x 5m located adjacent to the living area of each dwelling.
(g) A minimum of 50% of the area between the front of the primary building and the street alignment is to be open space.
(h) A minimum of 50% of the open space provided at the front of the site is to be landscaped area.
(i) Each dwelling is to have an outdoor clothes drying area to allow clothes to be dried naturally.

GROSS FLOOR AREA (WAVERLEY LEP 2012)
Gross Floor Area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:
(a) the area of a mezzanine, and
(b) habitable rooms in a basement or an attic, and
(c) any shop, auditorium, cinema, and the like, in a basement or attic,
but excludes:
(d) any area for common vertical circulation, such as lifts and stairs, and
(e) any basement:
(i) storage, and
(ii) vehicular access, loading areas, garbage and services, and
(f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
(g) car parking to meet any requirements of the consent authority (including access to that car parking), and
(h) any space used for the loading or unloading of goods (including access to it), and
(i) terraces and balconies with outer walls less than 1.4 metres high, and
(j) voids above a floor at the level of a storey or storey above.

OPEN SPACE AREA (DCP 2012)
Open space means an area external to a building (including an area of land, terrace, balcony or deck) and includes hard paved areas, areas containing swimming pools as well as landscaped area.

REV	NOTE	DATE
A	DA SUBMISSION	25.11.2022
B	DA AMENDMENTS	03.05.2023
C	DA AMENDMENTS	14.06.2023
D	DA AMENDMENTS	11.08.2023
E	DA AMENDMENTS (SETBACK DIMENSIONS)	29.08.2023
F	S455 MODIFICATION	28.11.2023

GENERAL NOTES
1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, AUSTRALIAN STANDARDS, STATUTORY REGULATIONS AND LOCAL AUTHORITY REQUIREMENTS, INCLUDING CONDITIONS OF CONSENT.
2. DO NOT SCALE OFF THIS DRAWING. ONLY USE DIMENSIONS PROVIDED. ALL DIMENSIONS TO BE VERIFIED ON SITE.
3. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORK.
4. MHNDU DRAWINGS TO BE RAD IN CONJUNCTION WITH ALL CONTRACT DOCUMENTS FROM ALL CONSULTANTS.
5. CONTRACTOR TO NOTIFY MHNDU OF ANY DISCREPANCIES, DIMENSIONAL INCONSISTENCIES, OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING.
6. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED.
7. MHNDU TO REVIEW ALL CONTRACTORS DETAILED DRAWINGS/SETTING OUT PRIOR TO CONSTRUCTION.
8. PROGRESS WORK TO BE VERIFIED AGAINST DRAWINGS FOLLOWING EXECUTION AND ARCHITECT TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO CONTRACTOR PROCEEDING WITH NEXT TRADE.

ALL CONSTRUCTION TO COMPLY AT MINIMIUM W/ NCC vol 2 CLAUSES & AUSTRALIAN STANDARDS

BASIX COMMITMENTS
(ALL BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

NOTES:

ARCHITECT:
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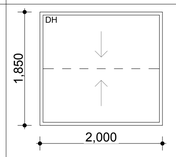
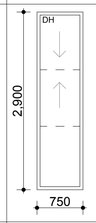
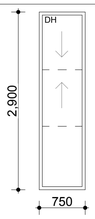
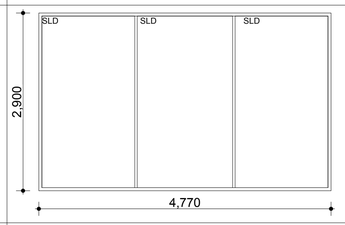
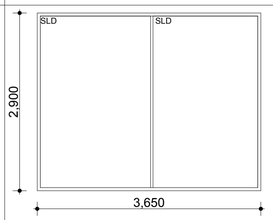
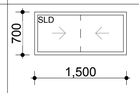
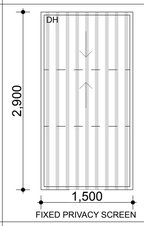
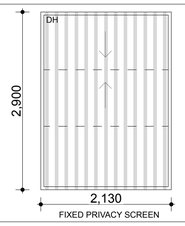
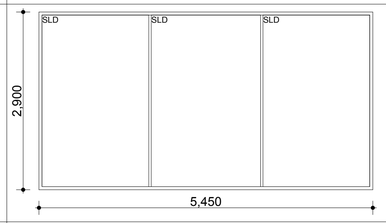
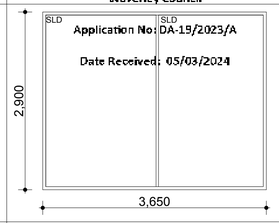
35 RICHARDS LANE
SURRY HILLS SYDNEY NSW 2010
T +61 2 9101 1111
F +61 2 9101 1100
www.mhndu.com
MHN Design Union Pty Ltd. ABN 94 003 717 682
Nominated Architect Brian Meyerson NSW Registration Number 4907

PROJECT ADDRESS: **134 HEWLETT ST BRONTE**

DRAWING TITLE: **COMPLIANCE TABLE**

DRAWN BY: BM / MW / FK — MHNDU
SCALE: 1:250, 1:227.00, 1:1@A1
ISSUE DATE: 28.11.2023 — REVISION: F
PROJECT NUMBER: **18-008** — DWG NUMBER: **DA500**

AMENDED PLANS

WIDTH x HEIGHT	2000x1850	750x2900	750x2900	4770x2900	3650x2900	1500x700	1500x2900	2130x2900	5450x2900	3650x2900
AREA	3.33 m²	1.82 m²	1.82 m²	13.08 m²	9.94 m²	0.84 m²	3.92 m²	5.68 m²	14.98 m²	9.94 m²
ELEVATION ALUMINIUM WINDOW FRAMES										
WINDOW NUMBER	W1.1	W1.2	W1.3	W1.4	W1.5	W1.6	W2.1	W2.2	W2.3	W2.4

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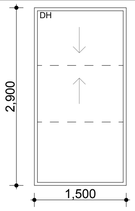
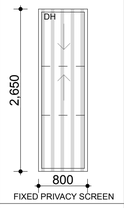
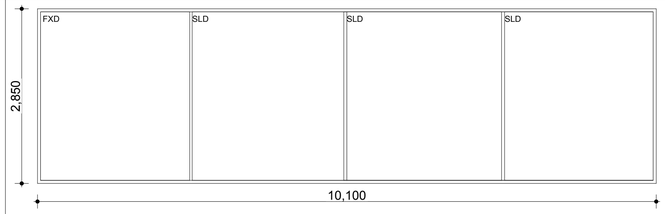
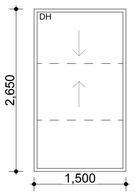
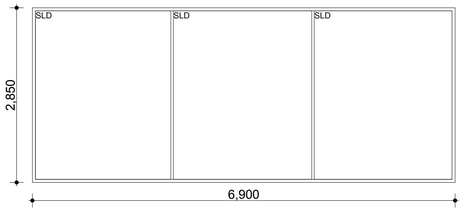
WIDTH x HEIGHT	1500x2900	800x2650	10100x2850	1500x2650	6900x2850	LEGEND
AREA	3.92 m²	1.79 m²	27.50 m²	3.57 m²	18.70 m²	SD - SLIDING DH - DOUBLE HUNG FXD - FIXED GLASS
ELEVATION ALUMINIUM WINDOW FRAMES						
WINDOW NUMBER	W2.5	W3.1	W3.2	W3.3	W3.4	

Window and glazed door *type and performance*

Default* windows

Window ID	Window description	Maximum U-value*	SHGC*	Substitution tolerance ranges: SHGC lower limit	Substitution tolerance ranges: SHGC upper limit
ATB-006-03 B	Al Thermally Broken B DG Argon Fill High Solar Gain low-E -Clear	2.9	0.51	0.48	0.54
ALM-002-01 A	Aluminium B SG Clear	6.7	0.7	0.66	0.74

Custom* windows

Window ID	Window description	Maximum U-value*	SHGC*	Substitution tolerance ranges: SHGC lower limit	Substitution tolerance ranges: SHGC upper limit
No Data Available					

WINDOW SCHEDULE
134 HEWLETT ST BRONTE

Scale **1:50 @A1** **28/11/23**

Nominated Architect B.Meyerson
NSW Registration Number 4907

MHNDUNION