15 July 2026

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

11.00AM WEDNESDAY, 22 July 2026

QUORUM: Three Panel members.

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

Waverley Council
PO Box 9
Bondi Junction NSW 1355
DX 12006 Bondi Junction
Tel. 9083 8000
E-mail: info@waverley.nsw.gov.au

Live Streaming of Meetings

This meeting is streamed live via the internet and an audio-visual recording of the meeting will be publicly available on Council's website.

By attending this meeting, you consent to your image and/or voice being live streamed and publicly available

AGENDA

WLPP-2607.A
Apologies

WLPP-2607.DI
Declarations of Interest

The Chair will call for any declarations of interest.

WLPP-2607.1 **PAGE 5**
158 Ebley Street BONDI JUNCTION NSW 2022 - Alterations and additions to an existing terrace house including new attic addition. (DA-122/2026)

Report dated 6 July 2026 from MoDA.

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

WLPP-2607.2 **PAGE 72**
60 Portland Street DOVER HEIGHTS NSW 2026 - Alterations and additions to the existing dwelling house for the extension of the ground floor area towards the rear and the front of the site. (DA-189/2026)

Report dated 7 July 2026 from MoDA.

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

WLPP-2607.3 **PAGE 123**
89-91 Ramsgate Avenue NORTH BONDI NSW 2026 - Use of the balcony of Unit 6 and replacing the existing glass balustrades on the balcony with new glass balustrades. (DA-91/2026)

Report dated 7 July 2026 from MoDA.

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

WLPP-2607.4 **PAGE 161**
46 Oceanview Avenue VAUCLUSE NSW 2030 - Review of decision seeking alterations and additions to existing semi-detached dwelling, including construction of a new first floor addition and associated internal and external works. (DA-469/2025/1)

Report dated 6 July 2026 from MoDA.

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

WLPP-2607.5 **PAGE 209**

5 Campbell Parade BONDI BEACH NSW 2026 - New glazing installation to enclosed balcony of apartment 28. (DA-164/2026)

Report dated 7 July 2026 from MoDA.

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

WLPP-2607.6 **PAGE 238**

1 Gaerloch Avenue TAMARAMA NSW 2026 - Alterations and additions to residential flat building (DA-668/2025)

Report dated 10 July 2026 from MoDA.

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

WLPP-2607.7 **PAGE 295**

32 Campbell Parade BONDI BEACH NSW 2026 - Retention of the front of the existing building; substantial demolition at the rear; and the construction of a six-storey shop top housing development, including affordable housing. (DA-477/2025)

Report dated 12 July 2026 from MoDA.

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

WAVERLEY
COUNCIL

Report to Waverley Local Planning Panel

Overview	
Application number	DA-122/2026
Site address	158 Ebley Street, BONDI JUNCTION NSW 2022
Proposal	Alterations and additions to an existing terrace house including new attic addition
Date of lodgement	10 April 2026 4 June 2026 (Amended lodgement date)
Owner	C J Allison and G V Wallace
Applicant	C Van Den Berg
Submissions	Nil submissions
Cost of works	$ 821,007.00
Principal Issues	• Exceedance of the FSR principal development standard. • Dormer window. • Ecological Sustainability.
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 terrace house including new attic addition at the site known as 158 Ebley Street, Bondi Junction.

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

- Exceedance of the floor space ratio (FSR) principal development standard.
- Dormer Window
- Ecological Sustainability
- Heritage

The assessment finds these issues acceptable as the bulk and scale of the proposed alterations and additions are compatible with the surrounding developments and preserves the neighbouring environmental amenity, including solar access, privacy and views. Notwithstanding the following conditions are recommended:

1. Second floor rear dormer is to be set down a minimum of 0.3 vertically at the dormer roof interface.
2. Installation of ceiling fans and electrical heating systems.
3. The existing chimney and raised party wall at the second floor (Attic) level are to be conserved during the construction works. Any deterioration to the fabric is to be repaired as per the original detailing.

No submissions from residents and no submissions from Councillors 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* (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 14 May 2026.

The site is identified as Lot 4 DP529479, known as 158 Ebley Street, Bondi Junction.

The site is rectangular in shape with a frontage of 4.31m to Ebley Street. It has an area of 112m^2 and is generally flat.

The site is occupied by a two storey attached dwelling with on-street car parking space. The site is provided with vehicular access provided from Cary Lane.

The site is adjoined by two to three storey attached dwellings on either side. The locality is characterised by a variety of medium density residential and commercial developments.

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

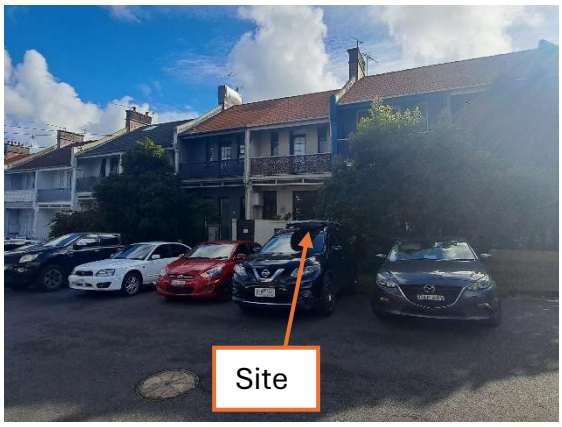


Figure 1: View of the existing streetscape to the subject site

Figure 2: View of the existing streetscape opposite to the subject site

Figure 3: View of the rea yard looking south

Figure 4: View of the rear yard looking north

Figure 5: View of the subject site along Cary Lane

Figure 6: View opposite the subject site along Cary Lane

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 alterations and additions to an attached dwelling and specifically includes the following:

Site Preparation and Demolition

- Demolition of the ground and first floor rear addition;
- Demolition of the rear fence;
- Demolition of some southern and northern facing windows and parts of the northern facing first floor roof slope;
- Demolition of some internal walls on the ground and first floor.

External Works

- Rear car hardstand;
- Soft landscaping and hardscaping to rear yard;
- New rear fence with garage gate;
- BBQ area.

Ground Floor

- Living room and formal dining with cupboards installed under the existing staircase;
- Rear addition including a kitchen, informal dining, laundry and toilet.

First Floor

- New window to bedroom 2;
- Rear addition including a bathroom and bedroom 3;
- Skylights;
- New internal staircase to second floor.

Second Floor (Attic)

- Dormer accommodating bedroom 4 with an attached bathroom.

1.5. Background

The development application was lodged on 10 April and the application deferred on 21 May 2026 for the following reasons:

1. Exceedance of the Floor Space Ratio Development standard and related overshadowing;
2. Heritage;
3. Stormwater Management.

The amended plans received on 15 June 2026 form the basis of the assessment. The amended documents were considered to be non-minor and in accordance with Section 38 of the *Environmental Planning and Assessment Regulation 2021 (the Regulation)* the lodgement date has been reset to the date the amendment was applied for being 4 June 2026.

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

SEPP (Sustainable Buildings) 2022

The requirements outlined in the SEPP have been satisfied in the design of the proposed development. The application has been accompanied by a BASIX certificate and associated commitments are contained within the submitted plans. A condition to ensure that BASIX commitments are fulfilled prior to occupation is recommended.

SEPP (Biodiversity and Conservation) 2021

The proposed development does not result in any clearing of vegetation, native or otherwise that may require approval under this SEPP. Therefore, Council is satisfied that the overall proposal maintains compliance with the requirements of this SEPP.

SEPP (Resilience and Hazards) 2021

The subject site has historically been used for residential purposes and the proposal does not change the existing use of the site, nor would the proposal result in adverse ground disturbance. The applicant has submitted a geotechnical report in support of this application and no further investigations are required by the associated planning guidelines or warranted for the purposes of the proposed development. Accordingly, Council is satisfied that the land is suitable for continued use of the site for residential purposes in accordance with clause 4.6 of the SEPP.

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

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use • *R3 Medium Density Residential Zone*	Yes	Complies. The proposal is defined as an *attached dwelling*, which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings • *12.5m*	Yes	Complies. The proposed development results in a maximum building height of 9.25m.
4.4 Floor space ratio (FSR) **4.4A Exceptions to floor space ratio (FSR)** • *Site Area - 112m²* • *Maximum permissible FSR – 0.98:1* • *Maximum permissible Gross Floor Area (GFA) – 109.76m²*	No	The proposed development results in a maximum FSR of 1.2:1 with a GFA of 135m². Equating to a variation of 22.9%. Ground Floor 64m² First Floor 54m² Second Floor 17m² **Total 135m²**
4.6 Exceptions to development standards	See discussion below	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation • *Botany Street Conservation Area* • *Heritage Item I185 - Two storey terrace row*	Yes	The subject site is located within the Botany Street heritage conservation area and is identified as local heritage item no. I185. The application was referred to Council's Heritage Advisor, and they have provided comments (see Section 3 below for further discussion). A condition is recommended to protect the existing chimney and raised party wall.

Provision	Compliance	Comment
Part 6 Additional local provisions		
6.2 Earthworks	Yes	Satisfactory. The excavation is limited to the foundations of the proposal and is not expected to impact surrounding properties negatively.
6.15 Stormwater Management	Yes	The proposal satisfactorily meets clauses (a) (b) and (c).

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

Clause 4.6 Exceptions to Development Standards – Floor Space Ratio

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

The site is subject to a maximum FSR development standard of 0.98:1. The proposed development has a FSR of 1.2:1 with a GFA of 135m^2, exceeding the standard by 25.24m^2 equating to a 22.9% variation.

The relevant objectives for the FSR development standard in clause 4.4 are as follows:

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

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:

(i) The proposed excess FSR is contained within a compliant height.

(ii) The proposed alterations and additions development is contained within a building envelope that is compatible with the adjoining group of attached dwellings and the surrounding development built form.

(iii) the proposal is considered to preserve the amenity of neighbouring properties and the surrounding local area.

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

(i) The proposal will retain the existing heritage character of Ebley Street, including pitched roof elements addressing the street, with no change to the primary street elevation proposed.

(ii) The proposal maintains a height of building consistent with the adjoining attached dwellings, while the attic dormer is consistent with developments fronting Cary Lane.

(iii) The proposed materials and finishes reduce the visual bulk of the built form when viewed from surrounding properties and the streetscape.

(iv) The proposal has been designed and sited to ensure adequate visual and acoustic privacy between the existing attached dwelling and adjoining neighbours.

Consideration of Applicant's Written Request

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

Council is satisfied the objectives of the clause are met. The proposed exceedance in FSR has a bulk and scale compatible with the locality's desired future character. Furthermore, the bulk resulting from the exceedance preserves the environmental amenity regarding solar access, privacy and view access.

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

The applicant has satisfactorily argued that there are sufficient environmental planning grounds to justify contravening the development standard. Council is satisfied that the proposed alterations and additions and subsequent noncompliance preserve the amenity of the neighbouring dwellings as the sunlight access to windows and private open space of the southern neighbouring dwelling is maintained as well as their privacy. Furthermore, the proposal is of a similar bulk and scale to the character of the locality.

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) (Amendment 5)

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 - a Site Waste and Recycling Plan was submitted. The architectural plans show the bin storage area in the rear yard.
2. Ecologically Sustainable Development • *Ceiling or wall mounted fans in all main living areas and bedrooms (notated on DA and CC plans).*	Yes (Condition)	Satisfactory. The proposal is to be amended to include ceiling or wall mounted fans in all main living areas and bedrooms and electric cooking and heating systems. A standard condition of consent is included to this effect.

Development Control	Compliance	Comment
• *Electric cooking and heating systems (notated on DA and CC plans).*		
3. Landscaping, Biodiversity and Vegetation Preservation	Yes	Satisfactory. The Council's Tree Management Officer has reviewed the proposal and did not object.
5.Water Management	Yes	Satisfactory. Council's Stormwater Design Engineers do not object to the proposal, subject to conditions.
7. Transport **7.1 Streetscape**	Yes	Satisfactory. Refer to section 3 of this report on referral commentary in relation to transport.
7.2 On-Site Parking	Yes	Satisfactory. The Off-street parking is acceptable.
7.2.1 Vehicle Access	Yes	Satisfactory. The driveway crossover is acceptable with conditions.
7.2.2 Parking Rates • *Maximum parking rate: Two*	Yes	Satisfactory. The development provides one off-street parking space, which complies with the development control.
8. Heritage • *Botany Street Conservation Area* • *Heritage Item I185 - Two storey terrace row*	Yes	The subject site is located within the Botany Street heritage conservation area and is identified as local heritage item no. I185. The application was referred to Council's Heritage Advisor, and they have provided comments (see Section 3 below for further discussion). A condition is recommended to protect the existing chimney and raised party wall.
11. Design Excellence	Yes	Satisfactory. The proposal satisfactorily complies with the relevant design excellence controls. The proposal will result in a more integrated and well-designed building.
13. Excavation	Yes	Satisfactory. The excavation is limited to the foundations of the proposal and is not expected to impact surrounding properties negatively.

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

Development Control	Compliance	Comment
1.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
1.1 Height		
Flat roof dwelling house • *Maximum wall height of 7.5m*	Yes	Satisfactory. The proposal results in a maximum external wall height of approximately 6.4m.
1.2 Setbacks		
1.2.1 Front and rear building lines • *Predominant front building line*	Yes	Satisfactory. The proposal retains the existing front setbacks.
• *Predominant rear building line at each floor level*	Yes	Satisfactory. The proposed ground floor rear building line is defined by the rear awning and is set behind the rear building line of 156 Ebley Street. The proposed first floor rear building line aligns with the existing rear building line on the subject site. The third floor dormer addition aligns with the rear building line of No 160 Ebley Street.
• *Development at first floor level and above shall be set back from the rear building line of the ground floor level*	Yes	Satisfactory. The proposed first floor is setback from the rear building line of the ground floor.
1.2.2 Side setbacks • *Minimum of 0.9m for ground floor and first floors.*	No (acceptable on merit)	Ground Floor: • Western Boundary: The setback aligns with the existing party wall at No. 156 Ebley Street, which is an acceptable outcome for terrace housing. • Eastern boundary: While the proposed addition does not abut a boundary wall, it is considered acceptable based on the nil side setbacks of Nos. 154, 156, and 162 Ebley Street. Furthermore, the proposed building mass does not result in any overshadowing, as detailed in Section 1.6 below.

Development Control	Compliance	Comment
		First Floor: • Western Boundary: The existing side setback is retained. • Eastern Boundary: complies with a 1.17m side setback.
• *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)	Second Floor (Attic): • Western boundary: 0.82m. • Eastern boundary.: 0.6m These proposed setbacks are acceptable on merit. The reduced setbacks maintain the established character of the area, align with 160 Ebley Street, and will not cause any additional overshadowing to neighbouring properties.
1.3 Streetscape and visual impact		
• *New development to be compatible with streetscape context*	Yes	Satisfactory. The proposed alterations and additions maintain the established character of the building and surrounding area.
• *Replacement windows to complement the style and proportions of existing dwelling*	Yes	Satisfactory. The proposed replacement windows are complementary in style and proportion to the existing and proposed development.
• *Significant landscaping to be maintained.*	Yes	Satisfactory. No proposed changes to the front landscaping are proposed.
1.4 Fences		
Front: • *Maximum height of 1.2m* • *Solid section no more than 0.6m in height*	N/A	No proposed changes
Side and Rear: • *Maximum height of 1.8m*	No (acceptable on merit)	No change to the existing side boundary fence. The proposed rear fence is proposed to have a height of 2.6m and is considered acceptable due to the surrounding laneway hardstand and carport entrance heights. This is further discussed below in section 1.14.
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*	Yes	Satisfactory. The proposed windows do not directly face habitable windows or private open space of neighbouring dwellings.

Development Control	Compliance	Comment
screened or other appropriate measures are incorporated into the design		
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	Satisfactory. A minimum of 3 hours of sunlight is expected for the living areas and principal open space.
• *Minimum of 3 hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June.*	Yes	Satisfactory. No additional overshadowing is proposed from the development.
• *Avoid unreasonably overshadowing of solar collectors (including habitable windows).*	Yes	Satisfactory. No additional overshadowing is proposed from the development.
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	Satisfactory. No impacts on views have been identified, and no submissions have been received that raise an issue with view loss. As such, the proposal is not expected to result in impacts on any known views enjoyed by surrounding properties.
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	Satisfactory. The hardstand is located at rear of the property. The proposed hardstand and associated gate are designed to complement the surrounding streetscape. Satisfactory. Satisfactory. No on-street parking is lost.

Development Control	Compliance	Comment
• *Parking to be provided from secondary streets or lanes where possible.*	Yes	Satisfactory. Hardstand is accessed from the rear laneway.
1.8.2 Parking rates	Yes	Satisfactory.
1.8.3 Location • *Existing development to be in accordance with the hierarchy of preferred car parking locations*	Yes	Satisfactory. The proposed hardstand is located in accordance with Council's preferred car parking hierarchy.
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 part of the façade is to be demolished to accommodate car parking* •	Yes Yes Yes	Satisfactory. The proposed hardstand gate is of a complementary style and massing to the subjects site dwelling while remaining secondary in appearance. No parts of the existing facades are proposed to be demolished.
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*	Yes Yes Yes	Satisfactory. The single 3m wide driveway crossover does not result in on-street parking loss.
1.9 Landscaping and open space		
• *Overall open space: 40% of site area (44.8m²)*	No (Acceptable on merit)	Approximately 39% (41.13m²) of site area has been provided as overall open space. This minor non-compliance is acceptable on merit based on the surrounding developments having a similar amount of open space.
• *Overall landscaped area: 20% (22.4m²) of site area, with at least half deep soil (11.2m²)*	No (Acceptable on merit)	Approximately 4% (4m²) of site area has been provided as overall landscaped area, with 0% being provided as deep soil area. This non-compliance is acceptable on merit as it represents an increase of landscaping on the subject site and is similar to the neighbouring sites.
• *Minimum area of 25m² for private open space*	Yes	Approximately 31m² of private open space area has been provided.

Development Control	Compliance	Comment
• *Front open space: 50% of front building setback area*	N/A	No changes are proposed to the front building setback open space.
• *Front landscaped area: 50% of front open space provided*	N/A	No changes are proposed to the front building setback open space.
• *Outdoor clothes drying area to be provided*	No (Acceptable on merit)	Acceptable on merit as there is ample outdoor space for a portable clothesline.
1.11 Dormer windows		
• *Minimum 0.3m below main roof ridge* • *Skillion dormer permitted at the rear of the roof, provided ridge line is maintained* • *minimum 900mm side setback.*	No (condition) Yes No (Acceptable on merit)	No dimension provided – condition recommended. Satisfactory. The proposed dormer as discussed in section 1.2.2 has a side setback of 0.82m along the western boundary and 0.6m along the eastern boundary. These proposed setbacks are acceptable on merit. The reduced setbacks maintain the established character of the area, align with 160 Ebley Street, and will not cause any additional overshadowing to neighbouring properties.
1.13 Semi-detached dwellings and terrace style development		
1.13.1 Built form • *Demolition of one semi-detached dwelling to a pair is not supported* • *The style of the built form must be identified and maintained across the pair or group of buildings.*	Yes Yes	Satisfactory. Full demolition is not proposed. Satisfactory. The proposed additions are complementary in style to the existing group of buildings.
1.13.4 Side setback and courtyard design controls for terraces • *Nil setback permitted where abuts an existing wall with nil setback otherwise 900mm setback required* • *Otherwise walls on boundaries should not be*	Yes No	As discussed above in section 1.2.2. The existing nil setbacks are retained along the western side boundary. A nil side setback is proposed along the ground eastern boundary with a wall height

Development Control	Compliance	Comment
more than 2.1m high with an internal courtyards to be 1.5m wide.	(acceptable on merit)	of 2m. No internal courtyard is proposed which is acceptable on merit based on the surrounding sites which have similar developments.
• *No openings are permitted for walls built to the side boundary*	Yes	Satisfactory.
1.13.5 Streetscape and visual impact controls for terraces		
• *Additional storey reflects character of terrace*	Yes	Satisfactory. The proposed additional dormer and additions are complementary in style to the terrace row.
• *Extensions no higher than the existing ridge*	Yes	Satisfactory.
• *Attic conversions maintain existing roof envelope with only dormers*	Yes	Satisfactory.
1.13.6 Common or shared party walls	Yes	Satisfactory.
1.14 Dual Frontage Development		
1.14.1 General Controls		
• *Primary and secondary frontage to be defined*	Yes	Satisfactory. The primary (Ebley Street) and secondary (Cary Lane) frontages are clearly defined with appropriate forms.
• *Appropriate forms to be provided to each street*	Yes	
• *Ancillary structures including garages are to contribute to the predominant streetscape of the surrounding area.*		Satisfactory. The proposed driveway gate is of complimentary form and bulk to the surrounding rear laneway context.
1.14.2 - Laneway Design Provisions		
• *Maximum external wall height of 3.6m*	Yes	Satisfactory. The gate structure has a maximum height of 2.6m.
1.14.3 Development in Heritage Conservation areas		
• *Single width garages or double with central divide*	Yes	Satisfactory. Single width gate is proposed.
• *Finishes and proportions to match the traditional construction in the area*	Yes	Satisfactory. The proposed finishes and proportion match the surrounding lane way context.

2.2. Other Impacts of the Development

The proposal is considered to have no significant likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality, subject to appropriate conditions being imposed and is recommended for approval.

2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.4. Any Submissions

The application was notified for at least 21 days between 16 April and 11 May 2026 and a site notice erected on the site in accordance with the *Waverley Community Engagement Strategy Amendment 1 (2025)*.

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 building bulk was reduced causing a reduction in the proposed overshadowing to nil during the winter solstice

Having regard to the nature of the amendments, there is a lesser impact on all properties.

No submissions were received.

2.5. Public Interest

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

3. REFERRALS

The following internal referral comments were sought:

3.1. Traffic and Transport Development

The application was referred to Council's Traffic Engineers, and they have raised no objections to the proposal, subject to the satisfaction of the conditions of consent.

3.2. Stormwater Design and Flooding (Infrastructure Services)

The application was referred to Council's Infrastructure Engineers, and they have raised no objections to the proposal, subject to the satisfaction of the conditions of consent.

3.3. Tree Management

The application was referred to Council's Tree Technical Officer, and they have raised no objections to the proposal, subject to the satisfaction of the conditions of consent.

3.4. Heritage

The application was referred to Council's Heritage Advisor, and they have raised no objections to the proposal, and provided the following recommendations:

> *To maintain cohesion with the heritage listed group it is recommended that the street front wall is amended or replaced by reinstatement of the original palisaded fence.*

Planner Note: The applicant declined our request during the deferral process to reinstate the original front fence. Since no works are proposed to this structure, no condition is recommended.

> *All details and fabric of the existing chimney and raised party wall are to be conserved during works at attic level and fabric deterioration made good to original detail.*

Planner Note: To be conditioned.

4. CONCLUSION

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

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Managers of Development Assessment (MODA) Review

The application was reviewed by the MODA at the meeting on 16 June 2026 and the MODA concurred with the Assessment Planner's recommendation.

MODA members: B McNamara, B Magistrale, K Johnstone, and J Zancanaro

Report prepared by:	Application reviewed and agreed by:
D Wilmotte	J Zancanaro
Damien Wilmotte	**Jo Zancanaro**
Senior Development Assessment Planner	**Manager, Development Assessment**
Date: 22 June 2026	**Date: 6 July 2026**

Reason for WLPP referral:

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

OFFICE USE ONLY

Planning Portal Data		
Clause 4.6 register entry required (For the purposes of reporting to the planning portal, if the % approved is different to the % proposed in the original submission, please state what the variation initially proposed was – Planning Portal Requirement)	22.9% variation to FSR (Clause 4.4)	
		Pre-existing non-compliance
		No change to overall building height
		No change to overall building envelope
		Variation limited to the [lift/plant/parapet/attic] only
	x	No unreasonable impacts on the amenity of adjoining properties or streetscape
	x	Sufficient environmental planning grounds
	x	Consistent with the objectives of the standard
Determining Authority (Concurrence Authority for Clause 4.6 variation)	Local Planning Panel	
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
Does the proposal trigger a Housing & Productivity Contribution? If so, please ensure you have calculated the contribution in the CON case in the Planning Portal.	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

GENERAL CONDITIONS

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by CMP Design including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
A-000 [02]	Cover Page	04/06/2026	16/06/2026
A-001 [02]	Site Analysis	04/06/2026	16/06/2026
A-003 [02]	BASIX Commitments	04/06/2026	16/06/2026
A-050 [02]	Ground & Level 1 Demolition Plan	04/06/2026	16/06/2026
A-051 [02]	Roof Demolition Plan	04/06/2026	16/06/2026
A-100 [02]	Proposed Ground Floor Plan	04/06/2026	16/06/2026
A-101 [02]	Proposed Level 1 Plan	04/06/2026	16/06/2026
A-102 [02]	Proposed Attic Plan	04/06/2026	16/06/2026
A-103 [02]	Proposed Roof Plan	04/06/2026	16/06/2026
A-200 [02]	Proposed North-South Elevations	04/06/2026	16/06/2026
A-201 [02]	Proposed East Elevation	04/06/2026	16/06/2026
A-202 [02]	Proposed West Elevation	04/06/2026	16/06/2026
A-300 [02]	Proposed Section 1	04/06/2026	16/06/2026
A-301 [02]	Proposed Section 2	04/06/2026	16/06/2026
A-302 [02]	Proposed Section 3	20/06/2026	22/06/2026
A-900 [02]	Materials Legend	20/06/2026	22/06/2026
A-903 [02]	Glazed Windows, Doors and Skylight Schedule	04/06/2026	16/06/2026
A-904 [01]	Driveway Upgrade Plan	04/06/2026	16/06/2026

(b) The BASIX Certificate;

(c) The Site Waste and Recycling Management Plan (SWRMP) Part 1 and received by Council on 10/04/2026;

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 second floor (Attic) level rear dormer is to be set down a minimum of 0.3m vertically from the existing ridgeline to the dormer roof transition.

Condition reason: To comply with Council dormer window development controls of the Waverley Development Control Plan 2022.

(b) The existing chimney and raised party wall at the second floor (Attic) level are to be conserved during the construction works. Any deterioration to the fabric is to be repaired as per the original detailing.

Condition reason: To conserve the existing chimney and raised party wall of the Heritage Item.

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

Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

3. DOMESTIC HEATERS

The provision of solid fuel heating is prohibited.

Condition reason: To protect air quality and emissions.

4. MATERIALS FOR MAKING GOOD

New materials for making good and repairs, are to match the existing in terms of colours, finishes, sizes, profile and properties.

Condition reason: To ensure appropriate materials and finishes are used.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

GENERAL

5. NO BUILDING WORKS PRIOR TO RELEASE OF A CONSTRUCTION CERTIFICATE

The building work must not be commenced until:

(a) a Construction Certificate has been obtained from Council or an Accredited Principal Certifier in accordance with the *Environmental Planning and Assessment Act 1979*;

(b) a Principal Certifier 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.

6. 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 Certifier 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*.

CONTRIBUTIONS, FEES & BONDS

7. 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 $500,001 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 $1,000,001 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).

(ii) Please forward documents to info@waverley.nsw.gov.au attention to Strategic Planning, and reference the relevant application number, address and condition number to satisfy.

(iii) 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.

(iv) Should there be a discrepancy between the Detailed Cost Report 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 is 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.

(e) Where a modification to a development consent has been granted, the contribution is to be recalculated based on the amended total development cost.

(f) Prior to the issue of any Construction Certificate, evidence must be provided to the Principal Certifier 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 S7.12 Contributions are paid for the development and any amendments are accounted for.

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 Certifier prior to the issue of any Construction Certificate.

Note: Council acts as a collecting agent for the Long Service Payment Corporation and the levy may be paid at Council's office or online via the Service NSW website. 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. SECURITY DEPOSIT

(a) Payment to the amount of $**29,790.00** must be provided to Council for any damage caused to any property of the consent authority (i.e. 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 fee is charged in accordance with Council's *Pricing Policy and Schedule of Fees and Charges*.

(b) This payment (security deposit) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the security 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 of all of works associated with this consent (including the required public works) to the person who paid the deposit. Any works required to Council property associated with the consent need to be undertaken with the approval of the Infrastructure Services Department and in line with current Council standards. See the General Advisory Notes at the end of this consent for further details.

Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.

10. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

The Applicant must 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 *Pricing Policy and Schedule of Fees and 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 allow for Council assessment officer time to assess engineering plans for approval and ensure payments are made prior to commencement of works.

CONSTRUCTION AND SITE MATTERS

11. HOARDING FOR CONSTRUCTION SITES

A hoarding is a temporary structure of solid construction, erected around the perimeter of construction sites to shield them from view and prevent unauthorised access. It is an important component in ensuring health and safety, for site workers, visitors and the general public and can also be part of a site security system to prevent theft or vandalism. The design and construction of any hoarding must be in accordance with the requirements of *Safe Work NSW*.

Council authorisation is required when construction or other works will impact a footpath, such as the erection of hoarding or scaffolding, or the storage of building materials. Refer to Waverley Council's website by visiting the Hoarding and Scaffolding Guidelines webpage for more information.

To apply to occupy Council property (public domain and/or footway), complete the 'Application for Occupation of Council Footpath' form and submit it, directly to email building.compliance.admin@waverley.nsw.gov.au .

Please allow a minimum of 2weeks for processing your application.

Note: You are not to erect the hoarding or store building materials on Council's footpath until written permission is given by Council and all relevant fees have been paid. Failure to do so, may result in enforcement action.

Condition reason: Under Section 68 of the *Local Government Act 1993* and under Section 138 of *The Roads Act 1993*, where Occupation of Council property is required over the footpath or any public place, the approval of Council must be obtained and the applicable fees paid prior to any occupation. This is to ensure the safety of the site and public whilst construction occurs.

12. EROSION AND SEDIMENT CONTROL PLAN

(a) A *Soil and Water Management Plan* (SWMP), also known as an Erosion and Sediment Control Plan must be prepared by a suitably qualified person in accordance with *Waverley Council's Water Management Technical Manual*.

(b) The SWMP must be submitted and approved by the Principal Certifier prior to the issue of any Construction Certificate. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request.

(c) 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 no substance other than rainwater enters the stormwater system 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 the structural stability of work on site.

14. ENGINEERING CERTIFICATE OF ADEQUACY

A 'Certificate of Adequacy' prepared by a suitably qualified Structural Engineer is to be submitted for approval of the Principal Certifier 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 existing structures are capable of taking the extra load from a structural integrity perspective.

15. STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS

Prior to the issue of any Construction Certificate, a report or certification from a suitably qualified and practising Structural Engineer must be submitted to the Principal Certifier to explain how the retained building elements, such as chimneys are to be retained, structurally

supported and not undermined by the proposed development. Recommendations, including details of any intervention or retrofitting needed are to be incorporated into the construction methodology of the build.

Condition reason: To ensure structural stability of retained building elements occurs.

16. EXISTING PARTY WALL IS TO BE EXTENDED

The existing party 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 party 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 occurs, 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 along the party wall/boundary.

TRAFFIC MATTERS

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. CTMP's are to be submitted via email to traffic@waverley.nsw.gov.au for assessment. 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

Note: It is recommended that any sites that are significantly large meet with Council prior to the preparation of the CTMP to discuss specifics. All sites within Waverley Council require the installation of a Construction Zone for the duration of building works unless the applicant is able to demonstrate adequate access is available otherwise.

Once approved, the works must be undertaken in line with and comply with the CTMP. Any modifications must be approved by Council's Executive Manager, Infrastructure Services, or delegate.

Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

18. LONG SECTIONS OF DRIVEWAY

To minimise instances of vehicular scraping, long sections drawn along both edges of the driveway shall be submitted to Council for the approval of the Executive Manager, Infrastructure Services prior to the issue of the relevant Construction Certificate. Drawings are to be submitted via email to traffic@waverley.nsw.gov.au for assessment.

The long section drawings shall:

a) Include reduced levels (RL's) of the Cary Lane centreline, carriageway, edge of bitumen, layback, kerb and gutter, footpath, property boundary, paving within the property and the hardstand floor.

b) Include existing and proposed levels.

c) Include ground clearance of the B85 design vehicle using the ground clearance template contained in Appendix C of AS 2890.1: 2004 Off Street Car Parking.

d) Show paving at the property boundary being sloped to follow the longitudinal fall on the Council's gutter at all points across the opening.

e) Show all paving on Council's land being sloped/ drained towards the roadway.

Condition reason: To ensure a B85 standard design vehicle can enter/exit the site without vehicular scraping.

STORMWATER AND FLOODING

19. STORMWATER MANAGEMENT

The submitted stormwater plan prepared by Capital Engineering Consultants, Project No. SW25203, Drawing No. SW001, SW010, SW020, ER001, Rev.D, dated 10/06/2026 is considered generally satisfactory.

All recommendations and design details specified in the stormwater plan must be adhered to.

Note: the architectural drawing must be updated to be consistent with the approved stormwater plans. The location of the sediment control pit must be clarified to the satisfaction of the Principal Certifier.

Condition reason: To ensure all recommendations and design details specified in the approved stormwater plan are adhered to.

ENERGY EFFICIENCY & SUSTAINABILITY

20. BASIX CERTIFICATE – DETAILS TO BE LODGED WITH A CONSTRUCTION CERTIFICATE

A copy of the required completed BASIX certificate accepted as part of this Development Consent with respect to the proposed residential building works, must be lodged with an application for a Construction Certificate and the items nominated as part of the subject BASIX certificate must be specified on the plans submitted with the construction certificate application. – See Note.

Note: Any requirement detailed in the accompanying BASIX Certificate, MUST be included as a specific notation or inclusion on any future Construction Certificate plans and specification in accordance with Part 3 of Schedule 1 of the *Environmental Planning and Assessment Regulation 2021*.

Condition reason: To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under clause 75 *EP&A Regulation 2021*.

21. RENEWABLE ENERGY AND ENERGY EFFICIENCY

(a) No gas cooktops or gas ovens are permitted where works are proposed to the kitchen. Alternate options must be used such as electric or induction.

(b) No gas heating systems are permitted. If heating is provided it must be electric or solar sourced.

(c) Ceiling or wall mounted fans must be installed in all habitable rooms (main living areas and bedrooms).

(d) In circumstances where the existing BASIX certificate does not comply with the above, the BASIX certificate must be amended and submitted to the Principal Certifier for approval, prior to the issue of the relevant Construction Certificate.

(e) The architectural plans shall be updated to notate the above and submitted to the Principal Certifier for approval, prior to the issue of the relevant Construction Certificate.

Condition reason: To improve air quality and human health, and to ensure all new (or altered) homes have future capacity to be an all-electric building, powered by renewable energy.

WASTE

22. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted and approved by the Principal Certifier 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, and the contact details of those removing the waste 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.

COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

23. CONSTRUCTION SIGNS

Prior to commencement of any works on the site and during construction phase, a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number and email address) of the Principal Certifier 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 Certifier and principal contractor's (the coordinator of the building works) contact details.

24. DILAPIDATION REPORT

(a) 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 Certifier. At minimum, the following properties are to be included:

(i) 156 Ebley Street, Bondi Junction

(ii) 160 Ebley Street, Bondi Junction

(b) 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 Certifier that all reasonable steps were taken to obtain access to the adjoining properties.

(c) The report is to be dated, submitted to, and accepted by the Principal Certifier, prior to any work commencing on the site.

(d) 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.

(e) 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 affected neighbours and council are provided with the dilapidation report.

25. SURVEY SETOUT

Prior to the commencement of construction, all footings, walls and floor slabs adjacent to a boundary must be set out by a registered surveyor. The building shall be sufficiently set back to ensure that no component of the building (such as the roof, guttering, or downpipes) encroach upon or overhang the boundaries of the site.

The registered surveyor shall provide a survey and report to the Principal Certifier indicating the position of the footings, walls and floor slabs in relation to the boundaries of the allotment, prior to the commencement of construction works.

Condition reason: To ensure the development does not encroach onto neighbouring properties.

DEMOLITION & EXCAVATION

26. 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:

(a) *Work Health and Safety Act 2011*;

(b) *Work Health and Safety Regulation 2017*;

(c) SafeWork NSW *Code of Practice* for the Safe Removal of Asbestos;

(d) *Australian Standard 2601-2001* – Demolition of Structures;

(e) *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 and Hazardous Materials Assessment for the approval of the Principal Certifier in accordance with *Australian Standard AS 2601-2001* Demolition of Structure and a Hazardous Materials Assessment.

The Work Plan and Hazardous Materials Assessment shall be prepared by a suitably qualified person and shall:

(i) Outline the identification of any hazardous materials, including surfaces coated with lead paint;

(ii) Confirm that no asbestos products are present on the subject land, or

(iii) 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);

(iv) Describe the method of demolition;

(v) Describe the precautions to be employed to minimise any dust nuisance; and

(vi) Describe the disposal methods for hazardous materials.

Condition reason: To ensure the safety of workers and the general public.

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.

(b) Water must not be allowed to enter the street and stormwater systems.

(c) Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

(d) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to *Australian Standard AS1716* -2012 Respiratory Protective Devices.

Condition reason: To ensure the safety of workers and the general public.

CONSTRUCTION MATTERS

28. CONSTRUCTION HOURS

(a) 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.

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

(c) 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 during construction.

29. 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 boundaries. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval. If required, you can apply to temporarily use Council's footpath for the erection of a hoarding, scaffold, mobile scaffold, scissor lift, ladders, barricades for abseiling work, and/or storage of building materials on Council's footpath. This is a separate application form and assessment process. Details of this can be found on Council's website under 'Occupation of Council Footpath'.

https://www.waverley.nsw.gov.au/planning/application_forms_and_certificates

Condition reason: To ensure building material is stored in an appropriate location.

30. BASIX (DURING BUILDING WORK)

During construction, the Principal Certifier should ensure the commitments listed in the BASIX certificate are met when conducting critical stage inspections.

Condition reason: To ensure compliance with the *SEPP (Sustainable Buildings 2022)*

31. CRITICAL/MANDATORY BUILDING INSPECTIONS DURING CONSTRUCTION

The building works are to be inspected during construction by the Principal Certifier in accordance with, 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 for each level is to be submitted to the Principal Certifier during construction and prior to continuing with the construction of the subsequent level of the building. A final Certificate from a Registered Surveyor is required to be submitted for approval of the Principal Certifier, certifying the finished ridge and overall building height levels accord with the approved architectural plans.

Condition reason: To ensure buildings are sited and positioned in the approved location and to the approved height.

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 Certifier 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. STRUCTURAL STABILITY OF ADJOINING TERRACE DWELLING'S ROOF

Adequate measures are to be undertaken to ensure structural stability and water proofing of the existing roof over the adjoining terrace 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 dwelling’s roof.

35. TREATMENT OF BOUNDARY WALLS

The wall/s approved on the eastern and western boundary with the neighbouring property/rear lane are to be finished to the same standard as the remaining building and not left unfinished to ensure a consistent visual appearance.

Condition reason: To ensure a consist visual appearance of the addition from the eastern and western neighbouring property.

36. WORK OUTSIDE PROPERTY BOUNDARY

This consent does not authorise any work outside the property boundary, including storage of building materials or goods. Separate approval is required for any works outside the property boundary, with fees being paid where applicable. Requests are to be made via email to assets@waverley.nsw.gov.au.

Condition reason: To ensure all works are located within the property boundary and specific approval is sought for any external works.

VEHICLE ACCESS AND PUBLIC DOMAIN WORKS

37. NEW VEHICLE CROSSING

A new vehicle crossing is to be provided to access the proposed hardstand. A separate application (search "Driveway Works on Council Land" on Councils website) 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.

Applications for driveway works are to be lodged online via Council's website.

https://epwgate.waverley.nsw.gov.au/ePathway/Production/Web/Default.aspx

Condition reason: To ensure the development complies with Section 138 of the *Roads Act 1993*.

38. VEHICULAR ACCESS – FINISHED LEVEL

The internal finished level shall be constructed to match the longitudinal fall of Councils gutter.

In this regard, the finished level at the property boundary on **both** sides of the vehicle crossing shall be constructed in accordance with the approved driveway long sections.

Should the internal slab be poured incorrectly Council may require internal alterations be made and the slab adjusted.

Condition reason: To ensure the level of the slab at the property boundary is finished to match the construction of Council's standard driveway layback

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 Certifier in all instances, except where a condition explicitly specifies that the approval of Council or a Council Officer is required, prior to the issue of an Occupation Certificate or Subdivision Certificate, whichever applies.

CERTIFICATES, LICENSES, EASEMENTS AND RESTRICTIONS

39. FINAL OCCUPATION CERTIFICATE

(a) Prior to occupation or use of the development, an Occupation Certificate must be obtained.

(b) The Principal Certifier 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.

40. CERTIFICATION OF BASIX COMMITMENTS

All commitments listed in each relevant BASIX Certificate for the development must be fulfilled prior to any Occupation Certificate being issued.

Condition reason: To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under clause 75, *Environmental Planning and Assessment Regulation 2021*).

41. CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE

Prior to the issue of any Occupation Certificate, 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.

Certification must be provided from a suitably qualified and practicing Engineer or Plumber, that any retained stormwater drainage system is unblocked, in good working order, and has been repaired or replaced in accordance with Council's *Water Management Technical Manual* and *Waverley Development Control Plan 2022* and all applicable Codes, Policies, Plans, Standards and good engineering practice.

A copy of the certification/s must be submitted via email to assets@waverley.nsw.gov.au for Council's records and the Principal Certifier for approval, prior to the issue of any Occupation Certificate.

Condition reason: To ensure the stormwater system has been constructed or retained in accordance with the approved stormwater management plans and to best engineering practice.

GENERAL ADVISORY NOTES

1. DEVELOPMENT IS TO COMPLY WITH LEGISLATION

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.

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 *Environmental Planning and Assessment Act 1979* 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:

(a) Please read your conditions carefully.

(b) 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).

(c) Attention the documentation to the relevant officer/position of Council (where known/specified in condition).

(d) Include DA reference number.

(e) Include condition number/s seeking to be addressed.

(f) 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).

(g) 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.

(h) 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.

(i) Please note, in some circumstances, additional fees and/or additional documents (hard copy) may be required.

(j) 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.

4. 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.

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 1800 810 443.

6. ALTERATIONS AND ADDITIONS ONLY

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

7. EXCAVATION TO BE LIMITED

Excavation shall be limited to that shown in the approved plans. Any further excavation will require Council approval.

8. ADDITIONAL INFORMATION IN RELATION TO SECURITY DEPOSIT – RELEASE PROCESS

Following completion of all works and satisfaction of all consent conditions, an Occupation Certificate will be issued for the site and uploaded to the NSW Planning Portal. Waverley Council will receive notification of this achievement and will begin the process of reviewing the site prior to release of the site's security deposit.

An officer from the Infrastructure Services team will attend the site and inspect the public domain in order to confirm that all public domain works within the conditions of consent have been completed to Council's satisfaction and that no damage has occurred associated with the works. Specifically, they will be assessing the condition of the:

(a) Footpath/s,

(b) Kerb and Gutter,

(c) Nature strip, turf and any trees,

(d) Stormwater assets,

(e) Driveway crossings,

(f) Roadway/s, &;

(g) Any other public assets within the frontage or affected by the works.

It is the applicant's responsibility to ensure that the public domain is undamaged from the construction works which have occurred, and that any assets which have been renewed are completed with the consent of the Infrastructure Services Department (assets@waverley.nsw.gov.au) and in line with current Waverley Council Standards and Guidelines. Should there be any damage identified or works completed which do not meet Council's quality requirements, a Council officer will be in contact to outline what needs to be rectified prior to the release of the Security Deposit. Once all issues have been rectified to Council's satisfaction, the finance department will be notified to process the refund.

If no issues are identified onsite, the full security deposit should be typically expected to be refunded within 12 weeks from the date of upload of the site's final Occupation Certificate to the NSW Planning Portal by the site's Principal Certifier.

9. VEHICULAR ACCESS TO AND FROM CARY LANE

Having regard to the garage being on a zero building line to Cary Lane resulting in access into and out of the hardstand at times being difficult when vehicles are parked adjacent to or opposite the hardstand, any application submitted to Council for consideration to be given to installing full or part time parking restrictions in the lane to improve vehicular access requires the approval of Council and consultation with residents of nearby properties prior to any restrictions being imposed. Requests are to be made via email to traffic@waverley.nsw.gov.au Council may not approve the installation of parking restrictions in some instances.

10. ENCROACHMENT BEYOND BOUNDARY

Vehicles parked on the hardstand shall not encroach onto the Council's footpath area at any time.

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 *Environmental Planning and Assessment Regulation 2021* 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 *Environmental Planning and Assessment Act 1979*.

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 *Environmental Planning and Assessment Act 1979* 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 *Environmental Planning and Assessment Regulation 2021*.

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.

158 EBLEY STREET, BONDI JUNCTION 2022

DEVELOPMENT APPLICATION: ALTERATIONS & ADDITIONS

RECEIVED
Waverley Council

Application No: DA-122/2-26

Date Received: 16/06/2026

RECEIVED
Waverley Council

Application No: DA-122/2026

Date Received: 15/06/2026

DRAWING LIST

A-000 GENERAL INFORMATION	
A-000	COVER PAGE
A-001	SITE ANALYSIS
A-002	LEP MAPS
A-003	BASIX COMMITMENTS
A-010 EXISTING FLOOR PLANS	
A-010	EXISTING GROUND & LEVEL 1 PLAN
A-011	EXISTING ROOF PLAN
A-050 DEMOLITION PLANS	
A-050	GROUND & LEVEL 1 DEMOLITION PLAN
A-051	ROOF DEMOLITION PLAN
A-100 PROPOSED FLOOR PLANS	
A-100	PROPOSED GROUND FLOOR PLAN
A-101	PROPOSED LEVEL 1 PLAN
A-102	PROPOSED ATTIC PLAN
A-103	PROPOSED ROOF PLAN
A-200 ELEVATIONS	
A-200	PROPOSED NORTH + SOUTH ELEVATIONS
A-201	PROPOSED EAST ELEVATION
A-202	PROPOSED WEST ELEVATION
A-300 SECTIONS	
A-300	PROPOSED SECTION 1
A-301	PROPOSED SECTION 2
A-400 SHADOW DIAGRAMS	
A-400	SHADOW DIAGRAMS - DEC 21
A-401	SHADOW DIAGRAMS - JUN 21
A-402	SHADOW DIAGRAMS - JUN 21
A-403	ELEVATIONAL SHADOW DIAGRAMS - JUN 21
A-404	ELEVATIONAL SHADOW DIAGRAMS - JUN 21
A-405	ELEVATIONAL SHADOW DIAGRAMS - JUN 21
A-406	ELEVATIONAL SHADOW DIAGRAMS - JUN 21
A-407	ELEVATIONAL SHADOW DIAGRAMS - JUN 21
A-500 GFA DIAGRAMS	
A-500	PROPOSED GFA DIAGRAMS
A-600 ADDITIONAL INFORMATION	
A-900	MATERIALS LEGEND
A-901	LANDSCAPE DIAGRAM
A-902	SITE WASTE MANAGEMENT PLAN
A-903	GLAZED WINDOWS, DOORS AND SKYLIGHTS SCHEDULE
A-904	DRIVEWAY UPGRADE PLAN

LEGEND

BIC	Built in Cupboards
BN	Bin
BR	Brickwork
BRR	Brickwork, Rendered
BRRP	Brickwork, Rendered, Painted
BRP	Brickwork, Painted
C	Concrete
CLE	Cladding, external
COS	Confirm on site
DP	Downpipe
FT	Fence, timber
GC	Glass, clear
KO	Kerb outlet
MC	Metal cladding
MG	Metal gutter
MIR	Mirror
MR	Metal roof
PBP	Plasterboard, painted
PE	Paving, external
PF	Paint finish
PS	Privacy Screen
RB	Recycling bin
RE	Roof eave
SKY	Skylight
STR	Steel Reveal
STP	Steel, Perforated
TF	Timber flooring
TG	Timber gate
TLF	Tile flooring
TLR	Tile roof
TLW	Tile wall
X	Existing (prefix)

LOCATION PLAN (NTS)

N

DATE	ISSUE	NOTES :
27/03/26	01	DEVELOPMENT APPLICATION
04/06/26	02	DA AMENDMENTS 1

NOTES:
The builder shall check and verify all dimensions and notify of any errors and omissions. Do not scale off drawings. Drawings shall not be used for construction purposes. These drawings are the property of cmp design and must not be reproduced or copied.

MATERIALS LEGEND :
- PROPOSED TIMBER; PLASTERBOARD; CARPET
- PROPOSED CONCRETE; FIBRE CEMENT; CEMENT RENDER
- PROPOSED METAL; METAL CLADDING
- PROPOSED GLASS
- PROPOSED BRICKWORK
- PROPOSED EXTERNAL PAVING; EXTERNAL TILES, ROOF TILES
- PROPOSED INTERNAL TILES

PROJECT NAME
158 Ebley Street - Alterations + Additions

CLIENT
Grace and Chris Alison

PROJECT ADDRESS
158 Ebley Street, Bondi Junction NSW 2022

cmp design

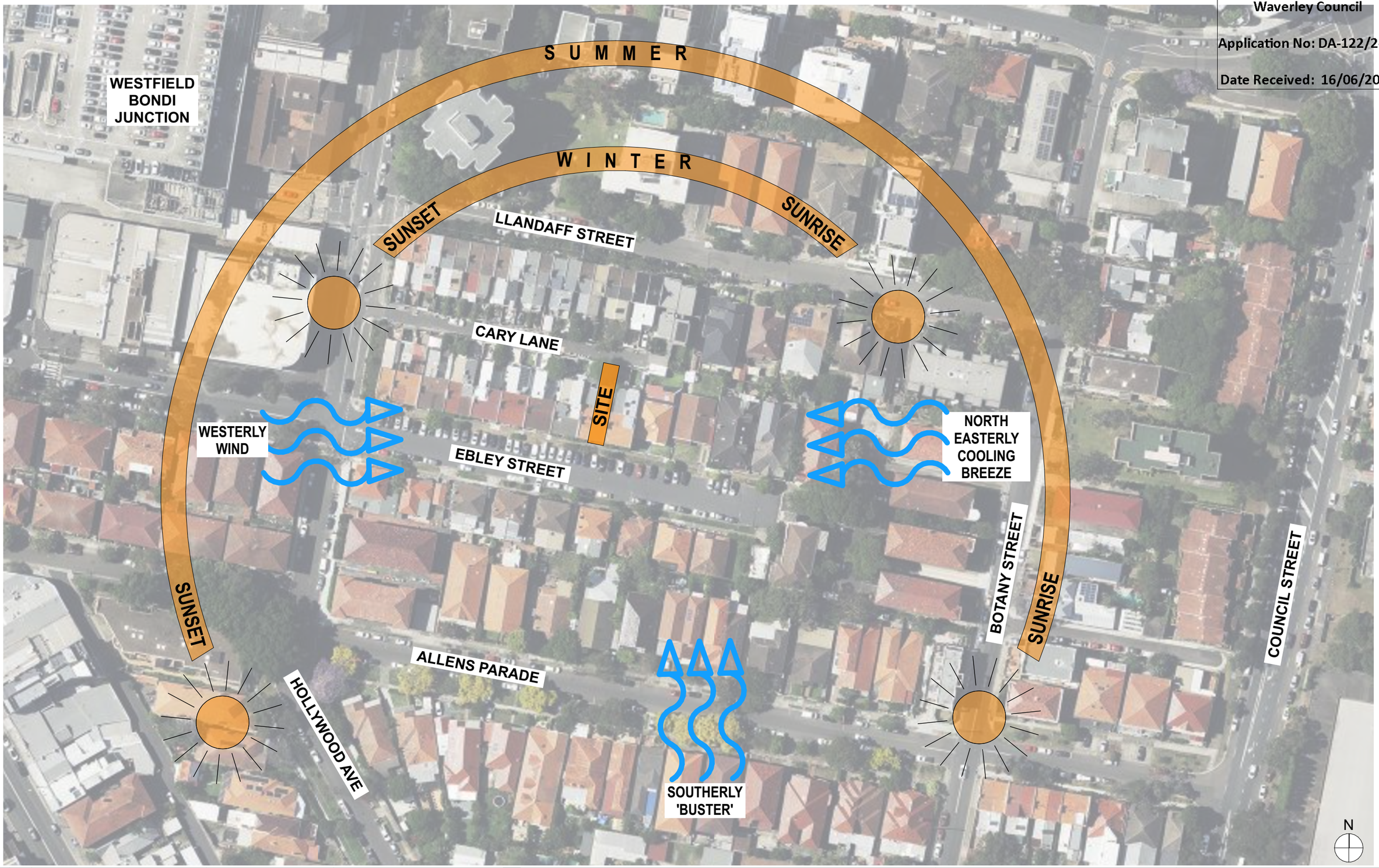
camilla van den berg
a: 36 regent street, paddington, NSW 2021
abn: 25 728 987 253
m: (02) 0408 255 887
e: camillavandenberg@hotmail.com

DRAWING TITLE
COVER PAGE

SCALES	DATE
@ A3	4/6/2026

PHASE	DRAWING NO.	ISSUE
DEVELOPMENT APPLICATION	A-000	02

RECEIVED
Waverley Council
Application No: DA-122/2-26
Date Received: 16/06/2026



DATE	ISSUE	NOTES :
27/03/26	01	DEVELOPMENT APPLICATION
04/06/26	02	DA AMENDMENTS 1

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e: camillavandenberg@hotmail.com

DRAWING TITLE
SITE ANALYSIS

SCALES	DATE
NTS @ A3	4/6/2026

PHASE	DRAWING NO.	ISSUE
DEVELOPMENT APPLICATION	A-001	02

BASIX COMMITMENTS

RECEIVED
Waverley Council

Application No: DA-122/2-26

Date Received: 16/06/2026

BASIX™Certificate

Building Sustainability Index
www.planningportal.nsw.gov.au/development-and-assessment/basix

Alterations and Additions

Certificate number: A1808492_04

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

This certificate is a revision of certificate number A1808492_02 lodged with the consent authority or certifier on 10 April 2026 with application PAN-626121.

It is the responsibility of the applicant to verify with the consent authority that the original, or any revised certificate, complies with the requirements of Schedule 1 Clause 2A, 4A or 6A of the Environment Planning and Assessment Regulation 2000

Secretary
Date of issue: Thursday, 04 June 2026

Project address	
Project name	Ebley Street_04
Street address	158 EBLEY Street BONDI JUNCTION 2022
Local Government Area	Waverley Council
Plan type and number	Deposited Plan DP529479
Lot number	4
Section number	-
Project type	
Dwelling type	Dwelling house (attached)
Type of alteration and addition	The estimated development cost for my renovation work is $50,000 or more, and does not include a pool (and/or spa).
N/A	N/A
Certificate Prepared by (please complete before submitting to Council or PCA)	
Name / Company Name: Ms Camilla Van den Berg	
ABN (if applicable):	

Fixtures and systems	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: gas instantaneous.	✔	✔	✔
Lighting			
The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.		✔	✔
Fixtures			
The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating.		✔	✔
The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating.		✔	✔
The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.		✔	

Construction	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Insulation requirements			
The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m2, b) insulation specified is not required for parts of altered construction where insulation already exists.	✔	✔	✔

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: brick veneer	R1.16 (or R1.70 including construction)	
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)	
external wall: other/undecided	R1.70 (including construction)	
flat ceiling, pitched roof	ceiling: R2.50 (up), roof: foil/sarking	medium (solar absorptance 0.475 - 0.70)
raked ceiling, pitched/skillion roof: framed	ceiling: R2.50 (up), roof: foil/sarking	medium (solar absorptance 0.475 - 0.70)

Glazing requirements	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Windows and glazed doors			
The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.	✔	✔	✔
The following requirements must also be satisfied in relation to each window and glazed door:		✔	✔
Each window or glazed door with standard aluminium or timber frames and single clear or toned glass may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.		✔	✔
For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.	✔	✔	✔
Pergolas with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.35.		✔	✔
External louvres and blinds must fully shade the window or glazed door beside which they are situated when fully drawn or closed.		✔	✔
Pergolas with fixed battens must have battens parallel to the window or glazed door above which they are situated, unless the pergola also shades a perpendicular window. The spacing between battens must not be more than 50 mm.		✔	✔
Overshadowing buildings or vegetation must be of the height and distance from the centre and the base of the window and glazed door, as specified in the 'overshadowing' column in the table below.	✔	✔	✔

Glazing requirements	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Windows and glazed doors glazing requirements			

Window/door number	Orientation	Area of glass including frame (m2)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type
D-01	N	7.7	0	0	eave/ verandah/ pergola/balcony >=900 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W-01	N	1.1	0	0	eave/ verandah/ pergola/balcony >=900 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W-02	N	2.98	0	0	external louvre/blind (adjustable)	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W-05	N	1	0	0	external louvre/blind (adjustable)	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W-06	N	2.75	0	0	external louvre/blind (adjustable)	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W-03	E	1.46	2	2	external louvre/blind (adjustable)	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W-04	E	0.73	2	2	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)

Glazing requirements	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Skylights			
The applicant must install the skylights in accordance with the specifications listed in the table below.	✔	✔	✔
The following requirements must also be satisfied in relation to each skylight:		✔	✔
Each skylight may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below.		✔	✔
External awnings and louvres must fully shade the skylight above which they are situated when fully drawn or closed.		✔	✔
Skylights glazing requirements			

Skylight number	Area of glazing inc. frame (m2)	Shading device	Frame and glass type
SKY-01	4.9	external adjustable awning or blind	aluminium, moulded plastic single clear, (or U-value: 6.21, SHGC: 0.808)
SKY-02	0.92	no shading	aluminium, moulded plastic single clear, (or U-value: 6.21, SHGC: 0.808)
SKY-03	0.92	external adjustable awning or blind	aluminium, moulded plastic single clear, (or U-value: 6.21, SHGC: 0.808)
SKY-04	2.92	external adjustable awning or blind	aluminium, moulded plastic single clear, (or U-value: 6.21, SHGC: 0.808)

Legend

In these commitments, "applicant" means the person carrying out the development.

Commitments identified with a ✔ in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).

Commitments identified with a ✔ in the "Show on CC/CDC plans & specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.

Commitments identified with a ✔ in the "Certifier check" column must be certified by a certifying authority as having been fulfilled, before a final occupation certificate for the development may be issued.

DATE	ISSUE	NOTES :
27/03/26	01	DEVELOPMENT APPLICATION
04/06/26	02	DA AMENDMENTS 1

NOTES:
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MATERIALS LEGEND :
- PROPOSED TIMBER; PLASTERBOARD; CARPET
- PROPOSED CONCRETE; FIBRE CEMENT; CEMENT RENDER
- PROPOSED METAL; METAL CLADDING
- PROPOSED GLASS
- PROPOSED BRICKWORK
- PROPOSED EXTERNAL PAVING; EXTERNAL TILES, ROOF TILES
- PROPOSED INTERNAL TILES

PROJECT NAME
158 Ebley Street - Alterations + Additions

CLIENT
Grace and Chris Alison

PROJECT ADDRESS
158 Ebley Street, Bondi Junction NSW 2022

cmp design
camilla van den berg
a: 36 regent street, paddington, NSW 2021
abn: 25 728 987 253
m: (02) 0408 255 887
e: camillavandenberg@hotmail.com

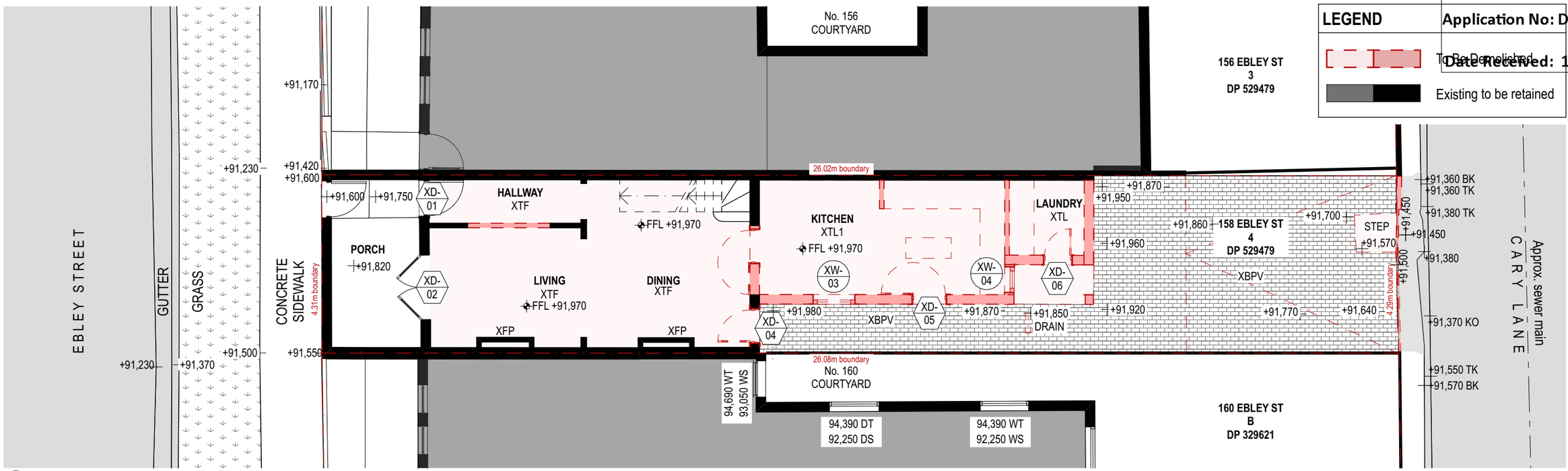
DRAWING TITLE
BASIX COMMITMENTS

SCALES	DATE
NTS @ A3	4/6/2026

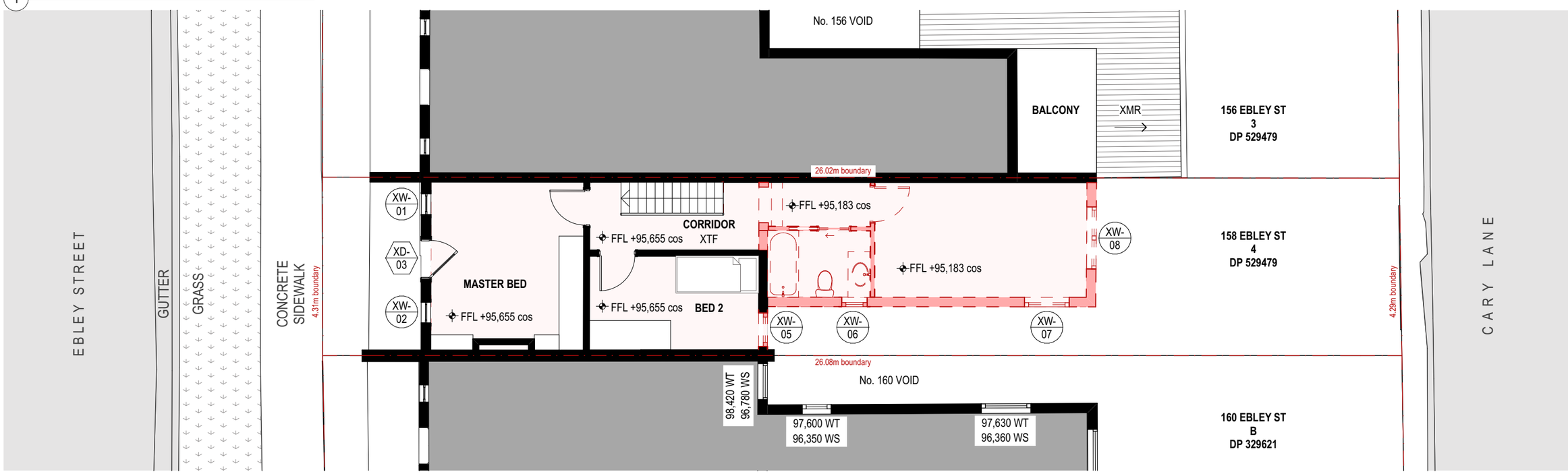
PHASE	DRAWING NO.	ISSUE
DEVELOPMENT APPLICATION	A-003	02

RECEIVED
Waverley Council
Application No: DA-122/2-26
Date Received: 16/06/2026

LEGEND	
	To Be Demolished
	Existing to be retained



1 GROUND FLOOR DEMOLITION PLAN



2 LEVEL 1 DEMOLITION PLAN

DATE	ISSUE	NOTES :
27/03/26	01	DEVELOPMENT APPLICATION
04/06/26	02	DA AMENDMENTS 1

NOTES:
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MATERIALS LEGEND :
- PROPOSED TIMBER; PLASTERBOARD; CARPET
- PROPOSED CONCRETE; FIBRE CEMENT; CEMENT RENDER
- PROPOSED METAL; METAL CLADDING
- PROPOSED GLASS
- PROPOSED BRICKWORK
- PROPOSED EXTERNAL PAVING; EXTERNAL TILES, ROOF TILES
- PROPOSED INTERNAL TILES

PROJECT NAME
158 Ebley Street - Alterations + Additions

CLIENT
Grace and Chris Alison

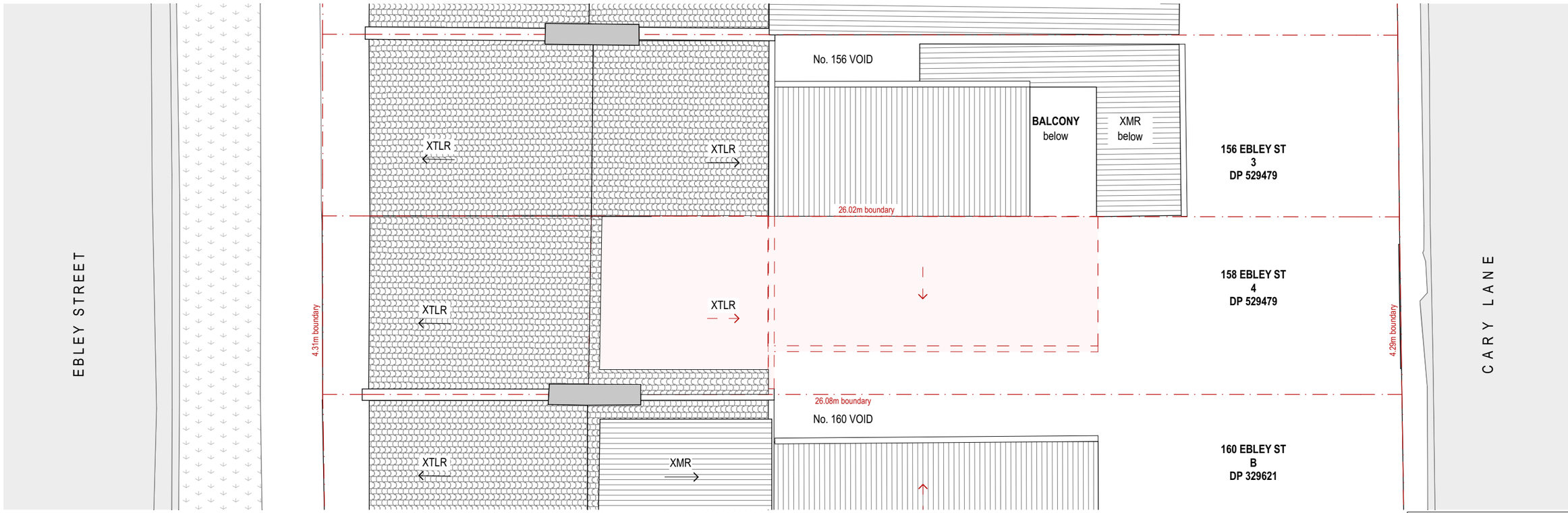
PROJECT ADDRESS
158 Ebley Street, Bondi Junction NSW 2022

cmp design
camilla van den berg
a: 36 regent street, paddington, NSW 2021
abn: 25 728 987 253
m: (02) 0408 255 887
e: camillavandenberg@hotmail.com

DRAWING TITLE
GROUND & LEVEL 1 DEMOLITION PLAN

SCALES	DATE
1:100 @ A3	4/6/2026

PHASE	DRAWING NO.	ISSUE
DEVELOPMENT APPLICATION	A-050	02



2 ROOF DEMOLITION PLAN

RECEIVED
Waverley Council

Application No: DA-122/2-26

Date Received: 16/06/2026

N

DATE	ISSUE	NOTES :
27/03/26	01	DEVELOPMENT APPLICATION
04/06/26	02	DA AMENDMENTS 1

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- PROPOSED GLASS
- PROPOSED BRICKWORK
- PROPOSED EXTERNAL PAVING; EXTERNAL TILES, ROOF TILES
- PROPOSED INTERNAL TILES

PROJECT NAME
158 Ebley Street - Alterations + Additions

CLIENT
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PROJECT ADDRESS
158 Ebley Street, Bondi Junction NSW 2022

cmp design

camilla van den berg
a: 36 regent street, paddington, NSW 2021
abn: 25 728 987 253
m: (02) 0408 255 887
e: camillavandenberg@hotmail.com

DRAWING TITLE
ROOF DEMOLITION PLAN

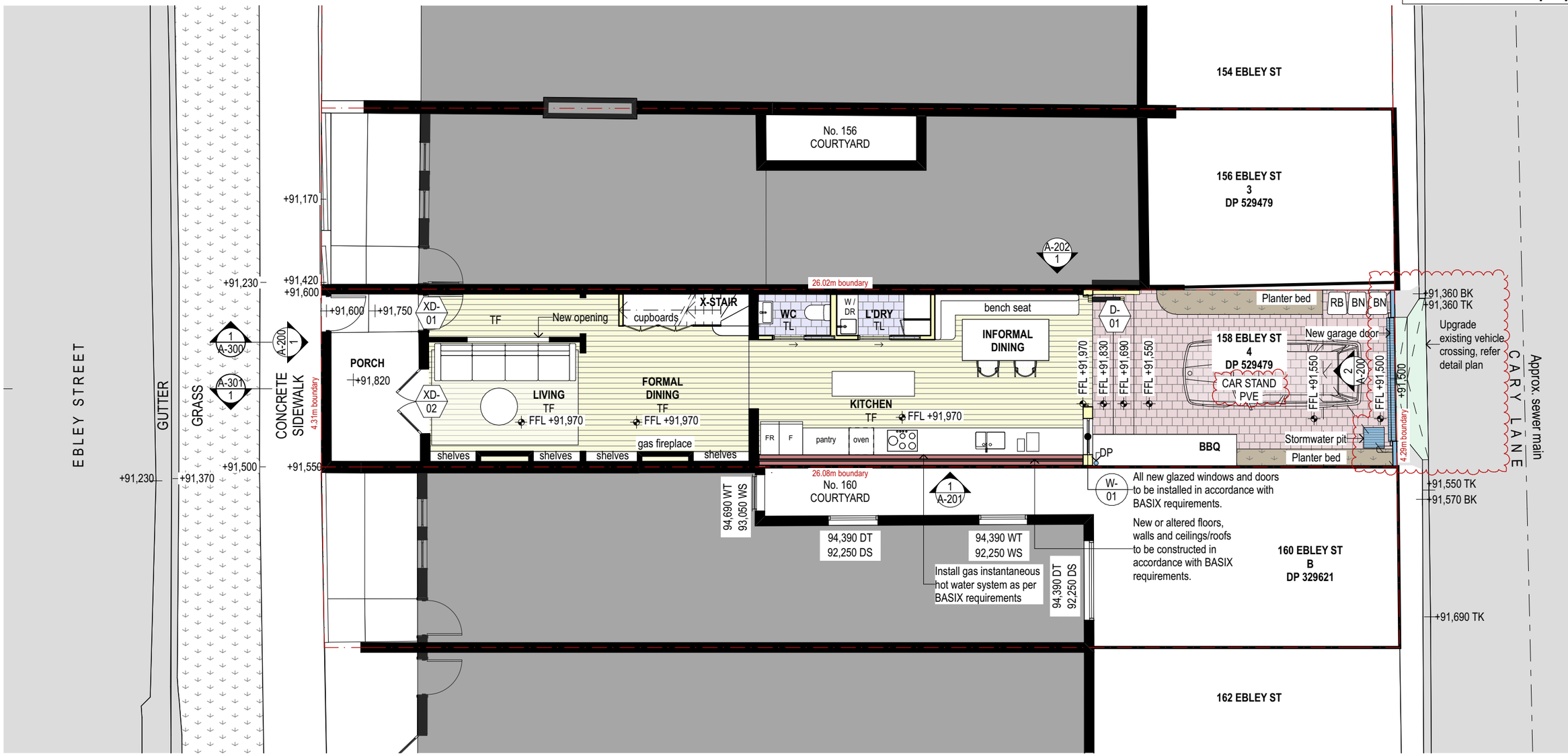
SCALES	DATE
1:100 @ A3	4/6/2026

PHASE	DRAWING NO.	ISSUE
DEVELOPMENT APPLICATION	A-051	02

RECEIVED
Waverley Council

Application No: DA-122/2-26

Date Received: 16/06/2026



1 PROPOSED GROUND FLOOR PLAN

N

DATE	ISSUE	NOTES :
27/03/26	01	DEVELOPMENT APPLICATION
04/06/26	02	DA AMENDMENTS 1

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- PROPOSED EXTERNAL PAVING; EXTERNAL TILES, ROOF TILES
- PROPOSED INTERNAL TILES

PROJECT NAME
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CLIENT
Grace and Chris Alison

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a: 36 regent street, paddington, NSW 2021
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m: (02) 0408 255 887
e: camillavandenberg@hotmail.com

DRAWING TITLE
PROPOSED GROUND FLOOR PLAN

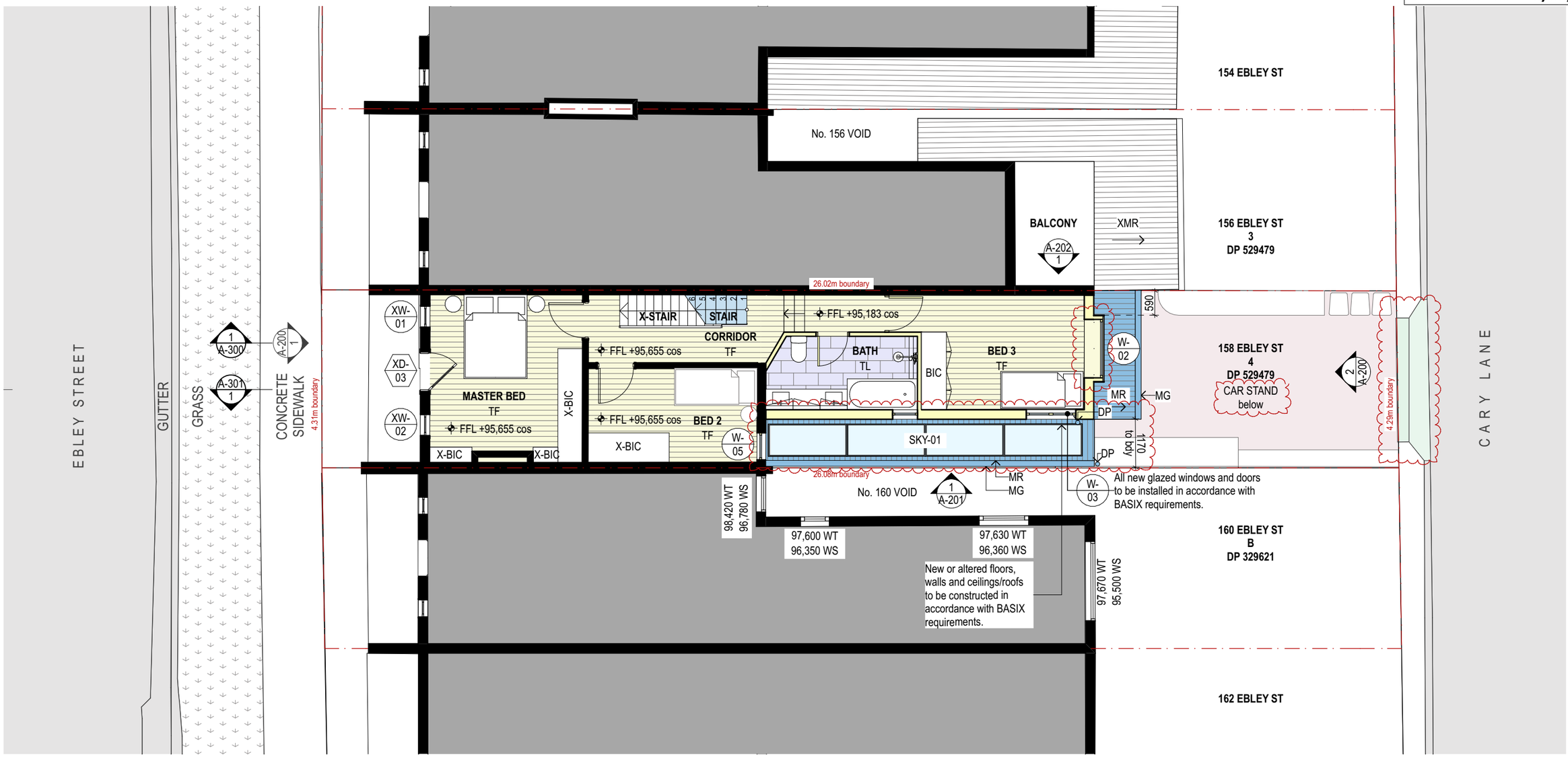
SCALES	DATE
1:100 @ A3	4/6/2026

PHASE	DRAWING NO.	ISSUE
DEVELOPMENT APPLICATION	A-100	02

RECEIVED
Waverley Council

Application No: DA-122/2-26

Date Received: 16/06/2026



1 PROPOSED LEVEL 1 PLAN

N

DATE	ISSUE	NOTES :
27/03/26	01	DEVELOPMENT APPLICATION
04/06/26	02	DA AMENDMENTS 1

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- PROPOSED GLASS
- PROPOSED BRICKWORK
- PROPOSED EXTERNAL PAVING; EXTERNAL TILES, ROOF TILES
- PROPOSED INTERNAL TILES

PROJECT NAME
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CLIENT
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PROJECT ADDRESS
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cmp design

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abn: 25 728 987 253
m: (02) 0408 255 887
e: camillavandenberg@hotmail.com

DRAWING TITLE
PROPOSED LEVEL 1 PLAN

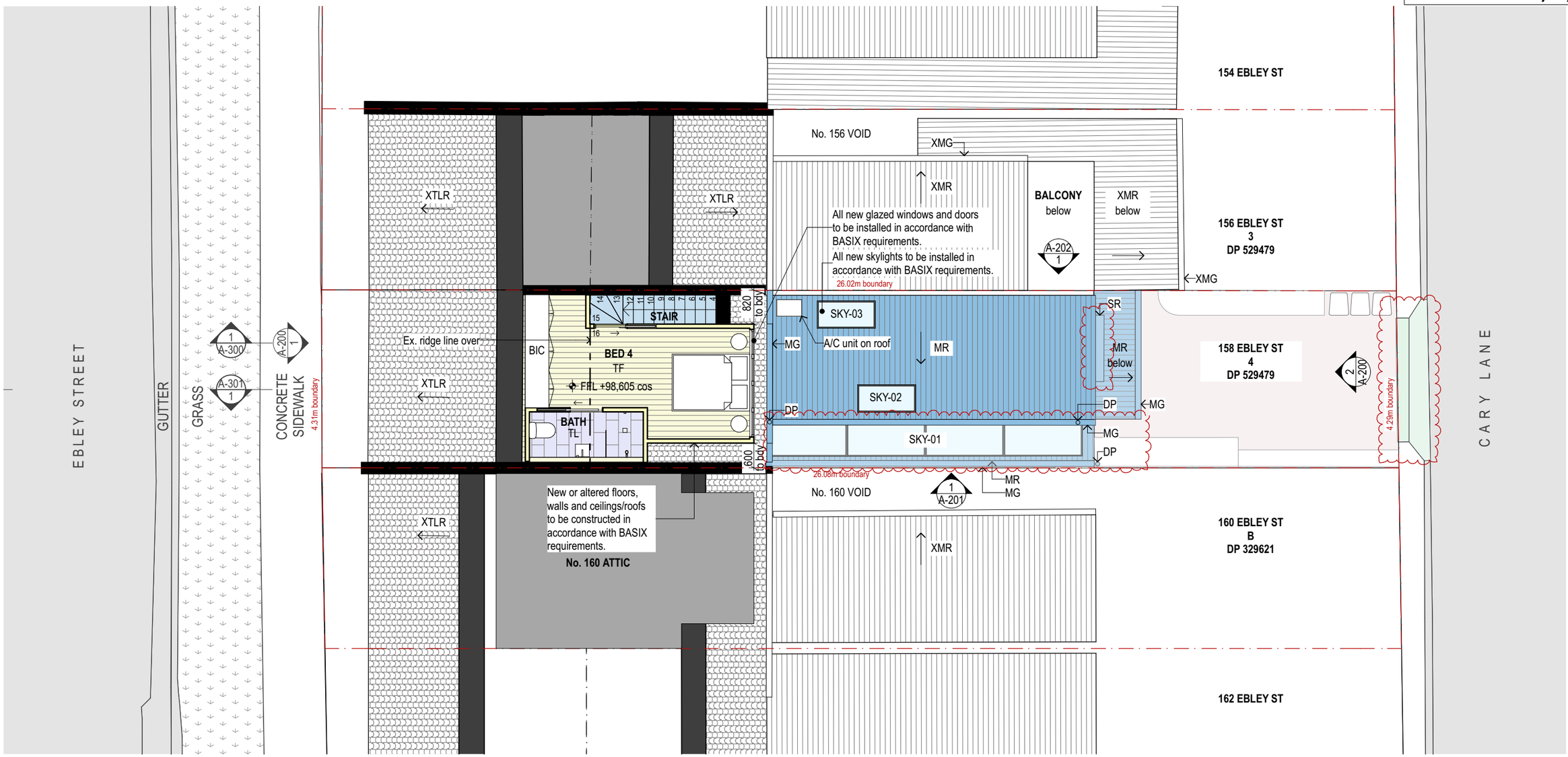
SCALES	DATE
1:100 @ A3	4/6/2026

PHASE	DRAWING NO.	ISSUE
DEVELOPMENT APPLICATION	A-101	02

RECEIVED
Waverley Council

Application No: DA-122/2-26

Date Received: 16/06/2026



1 PROPOSED ATTIC LEVEL PLAN

DATE	ISSUE	NOTES :
27/03/26	01	DEVELOPMENT APPLICATION
04/06/26	02	DA AMENDMENTS 1

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- PROPOSED GLASS
- PROPOSED BRICKWORK
- PROPOSED EXTERNAL PAVING; EXTERNAL TILES, ROOF TILES
- PROPOSED INTERNAL TILES

PROJECT NAME
158 Ebley Street - Alterations + Additions

CLIENT
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cmp design
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m: (02) 0408 255 887
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DRAWING TITLE
PROPOSED ATTIC PLAN

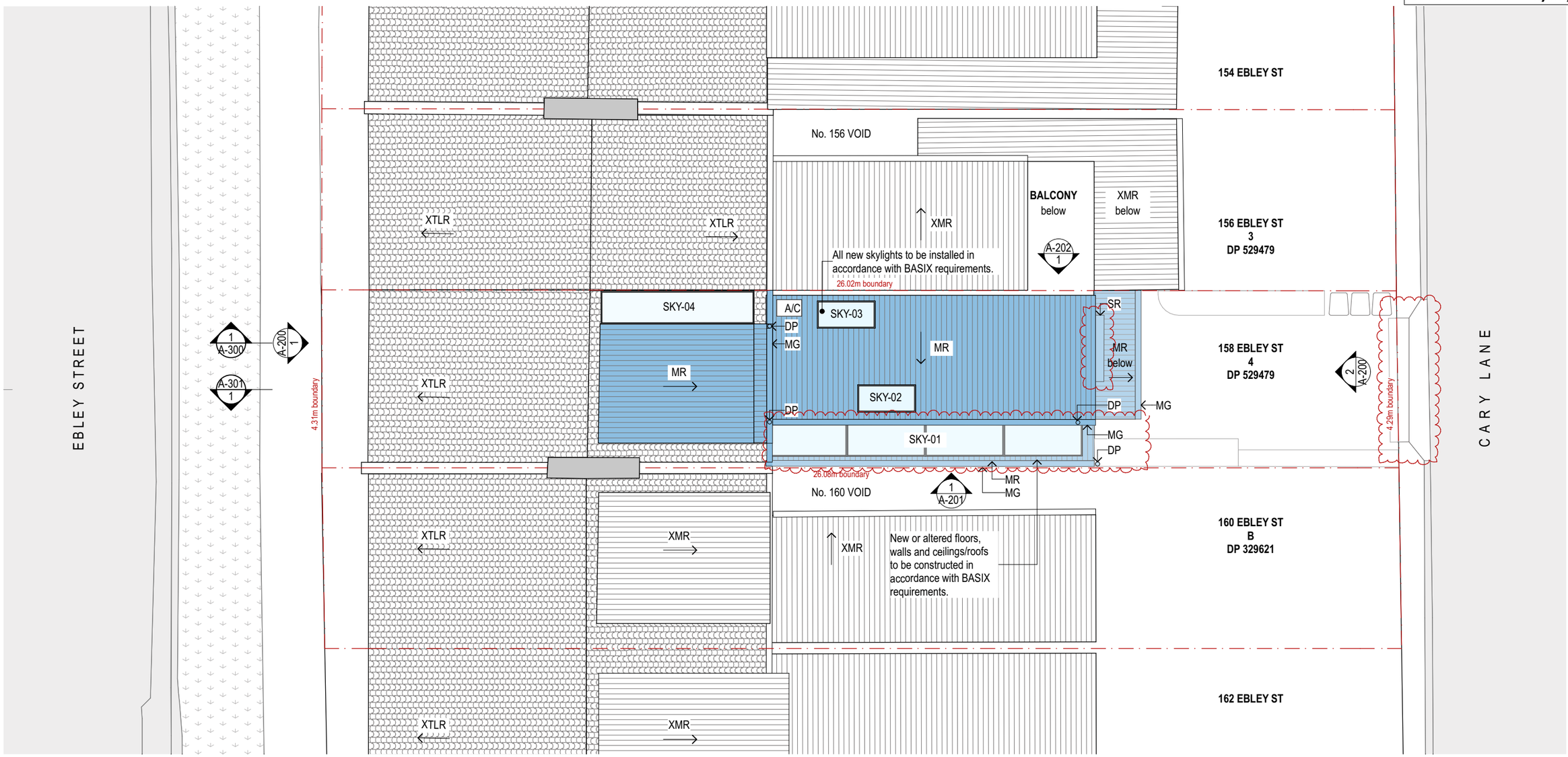
SCALES	DATE
1:100 @ A3	4/6/2026

PHASE	DRAWING NO.	ISSUE
DEVELOPMENT APPLICATION	A-102	02

RECEIVED
Waverley Council

Application No: DA-122/2-26

Date Received: 16/06/2026



1 PROPOSED ROOF PLAN

DATE	ISSUE	NOTES :
27/03/26	01	DEVELOPMENT APPLICATION
04/06/26	02	DA AMENDMENTS 1

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- PROPOSED INTERNAL TILES

PROJECT NAME
158 Ebley Street - Alterations + Additions

CLIENT
Grace and Chris Alison

PROJECT ADDRESS
158 Ebley Street, Bondi Junction NSW 2022

cmp design
camilla van den berg
a: 36 regent street, paddington, NSW 2021
abn: 25 728 987 253
m: (02) 0408 255 887
e: camillavandenberg@hotmail.com

DRAWING TITLE
PROPOSED ROOF PLAN

SCALES	DATE
1:100 @ A3	4/6/2026

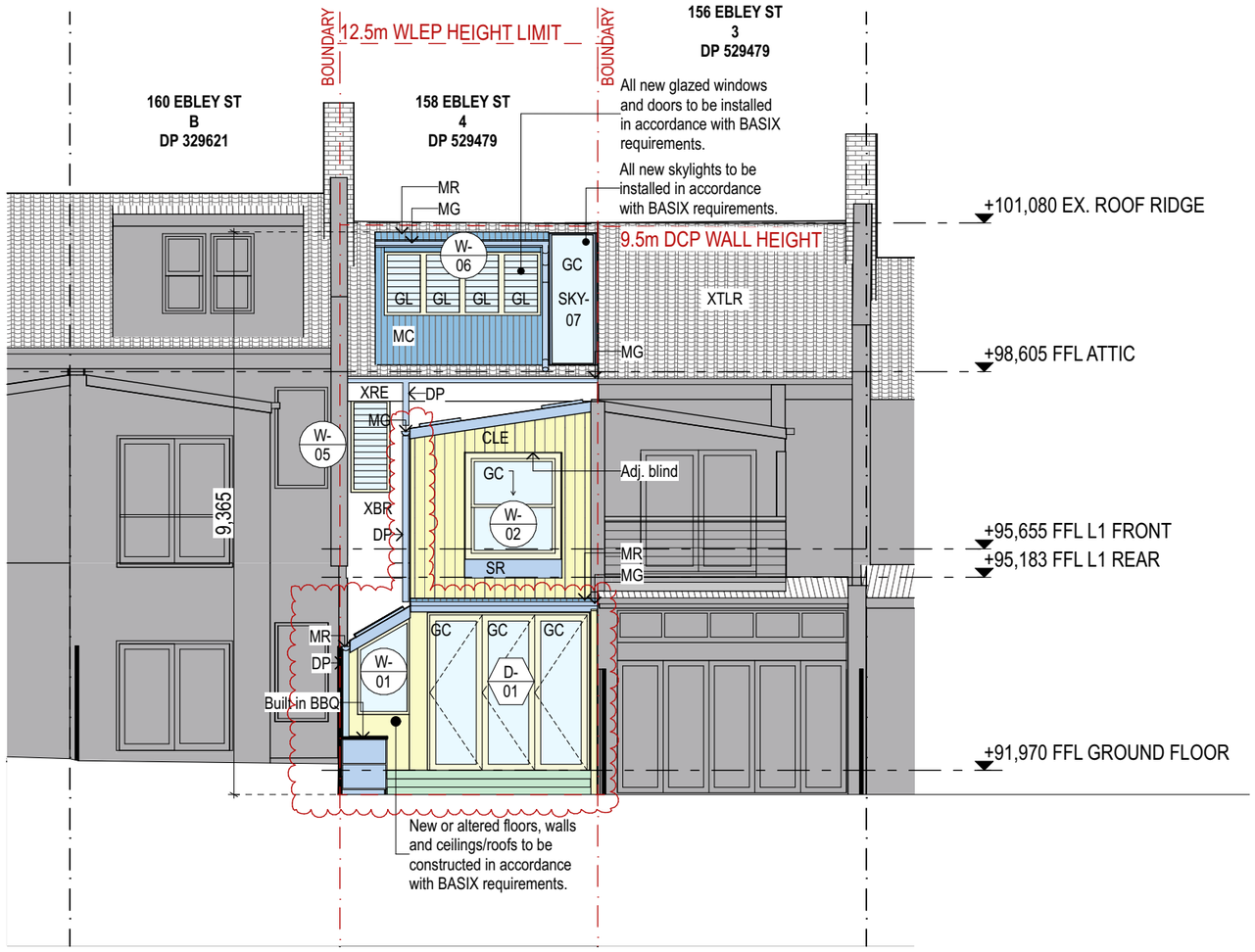
PHASE	DRAWING NO.	ISSUE
DEVELOPMENT APPLICATION	A-103	02

RECEIVED
Waverley Council

Application No: DA-122/2-26

Date Received: 16/06/2026

1 SOUTH ELEVATION - EBLEY ST



2 NORTH ELEVATION - REAR

DATE	ISSUE	NOTES :
27/03/26	01	DEVELOPMENT APPLICATION
04/06/26	02	DA AMENDMENTS 1

NOTES:
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- PROPOSED GLASS
- PROPOSED BRICKWORK
- PROPOSED EXTERNAL PAVING; EXTERNAL TILES, ROOF TILES
- PROPOSED INTERNAL TILES

PROJECT NAME
158 Ebley Street - Alterations + Additions

CLIENT
Grace and Chris Alison

PROJECT ADDRESS
158 Ebley Street, Bondi Junction NSW 2022

cmp design
camilla van den berg
a: 36 regent street, paddington, NSW 2021
abn: 25 728 987 253
m: (02) 0408 255 887
e: camillavandenberg@hotmail.com

DRAWING TITLE
PROPOSED NORTH + SOUTH ELEVATIONS

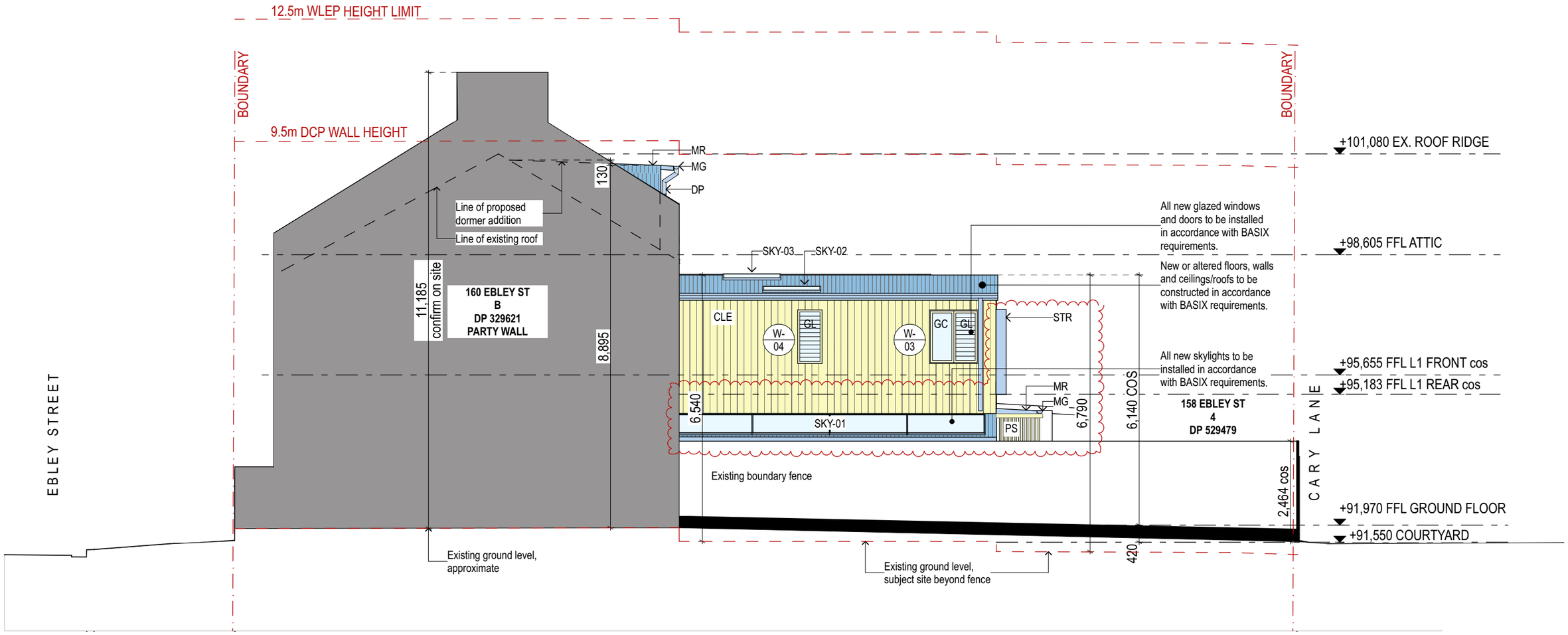
SCALES	DATE
@ A3	4/6/2026

PHASE	DRAWING NO.	ISSUE
DEVELOPMENT APPLICATION	A-200	02

RECEIVED
Waverley Council

Application No: DA-122/2-26

Date Received: 16/06/2026



1 EAST ELEVATION

DATE	ISSUE	NOTES :
27/03/26	01	DEVELOPMENT APPLICATION
04/06/26	02	DA AMENDMENTS 1

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- PROPOSED GLASS
- PROPOSED BRICKWORK
- PROPOSED EXTERNAL PAVING; EXTERNAL TILES, ROOF TILES
- PROPOSED INTERNAL TILES

PROJECT NAME
158 Ebley Street - Alterations + Additions

CLIENT
Grace and Chris Alison

PROJECT ADDRESS
158 Ebley Street, Bondi Junction NSW 2022

cmp design
camilla van den berg
a: 36 regent street, paddington, NSW 2021
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m: (02) 0408 255 887
e: camillavandenberg@hotmail.com

DRAWING TITLE
PROPOSED EAST ELEVATION

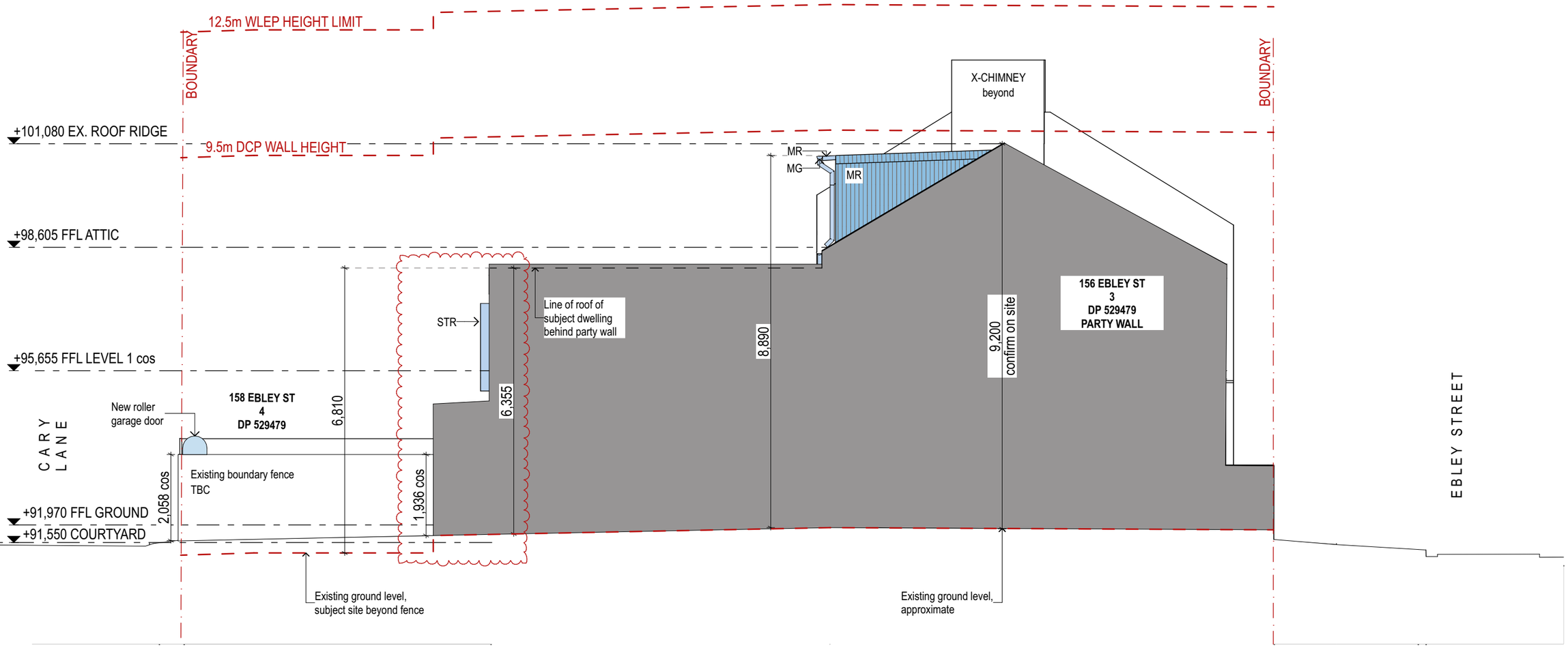
SCALES	DATE
1:100 @ A3	4/6/2026

PHASE	DRAWING NO.	ISSUE
DEVELOPMENT APPLICATION	A-201	02

RECEIVED
Waverley Council

Application No: DA-122/2-26

Date Received: 16/06/2026



1 WEST ELEVATION

DATE	ISSUE	NOTES :
27/03/26	01	DEVELOPMENT APPLICATION
04/06/26	02	DA AMENDMENTS 1

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- PROPOSED METAL; METAL CLADDING
- PROPOSED GLASS
- PROPOSED BRICKWORK
- PROPOSED EXTERNAL PAVING; EXTERNAL TILES, ROOF TILES
- PROPOSED INTERNAL TILES

PROJECT NAME
158 Ebley Street - Alterations + Additions

CLIENT
Grace and Chris Alison

PROJECT ADDRESS
158 Ebley Street, Bondi Junction NSW 2022

cmp design
camilla van den berg
a: 36 regent street, paddington, NSW 2021
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e: camillavandenberg@hotmail.com

DRAWING TITLE
PROPOSED WEST ELEVATION

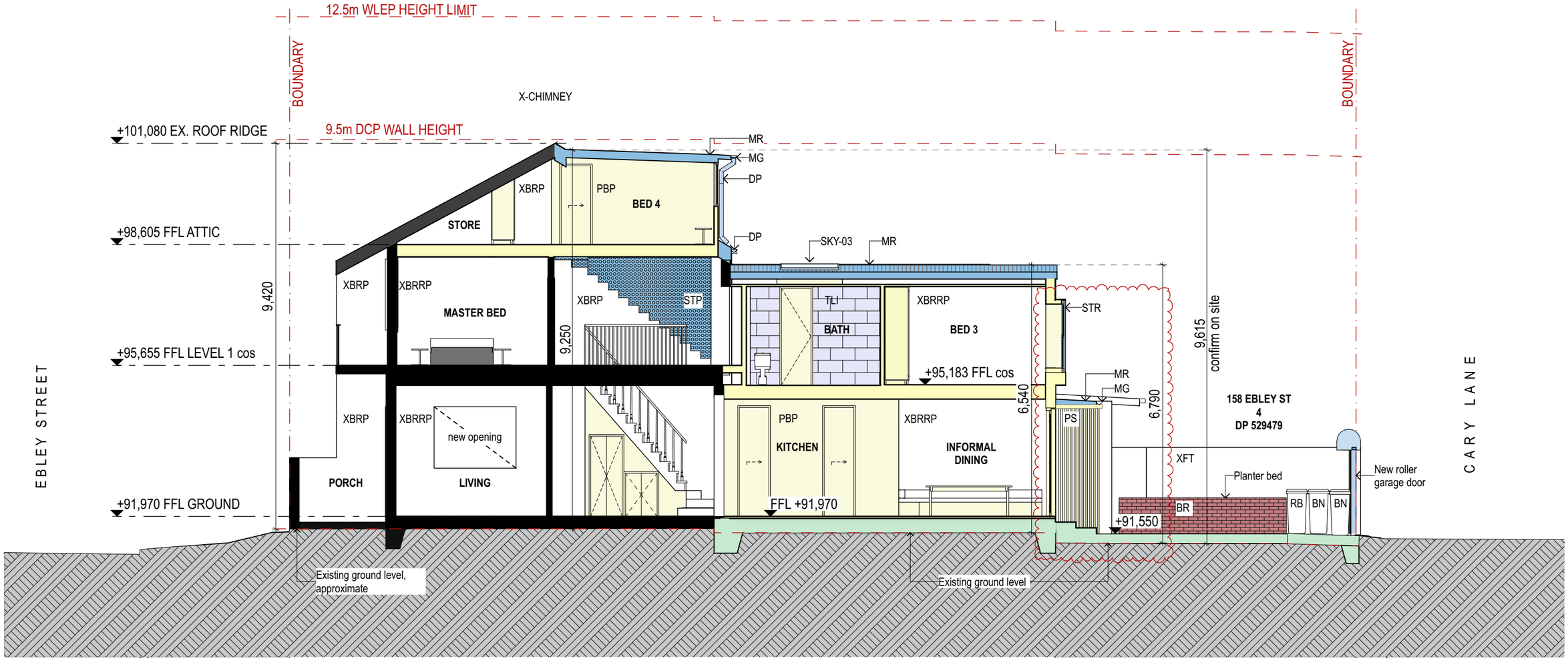
SCALES	DATE
1:100 @ A3	4/6/2026

PHASE	DRAWING NO.	ISSUE
DEVELOPMENT APPLICATION	A-202	02

RECEIVED
Waverley Council

Application No: DA-122/2-26

Date Received: 16/06/2026



1 SECTION 1

DATE	ISSUE	NOTES :
27/03/26	01	DEVELOPMENT APPLICATION
04/06/26	02	DA AMENDMENTS 1

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- PROPOSED GLASS
- PROPOSED BRICKWORK
- PROPOSED EXTERNAL PAVING; EXTERNAL TILES, ROOF TILES
- PROPOSED INTERNAL TILES

PROJECT NAME
158 Ebley Street - Alterations + Additions

CLIENT
Grace and Chris Alison

PROJECT ADDRESS
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cmp design

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DRAWING TITLE
PROPOSED SECTION 1

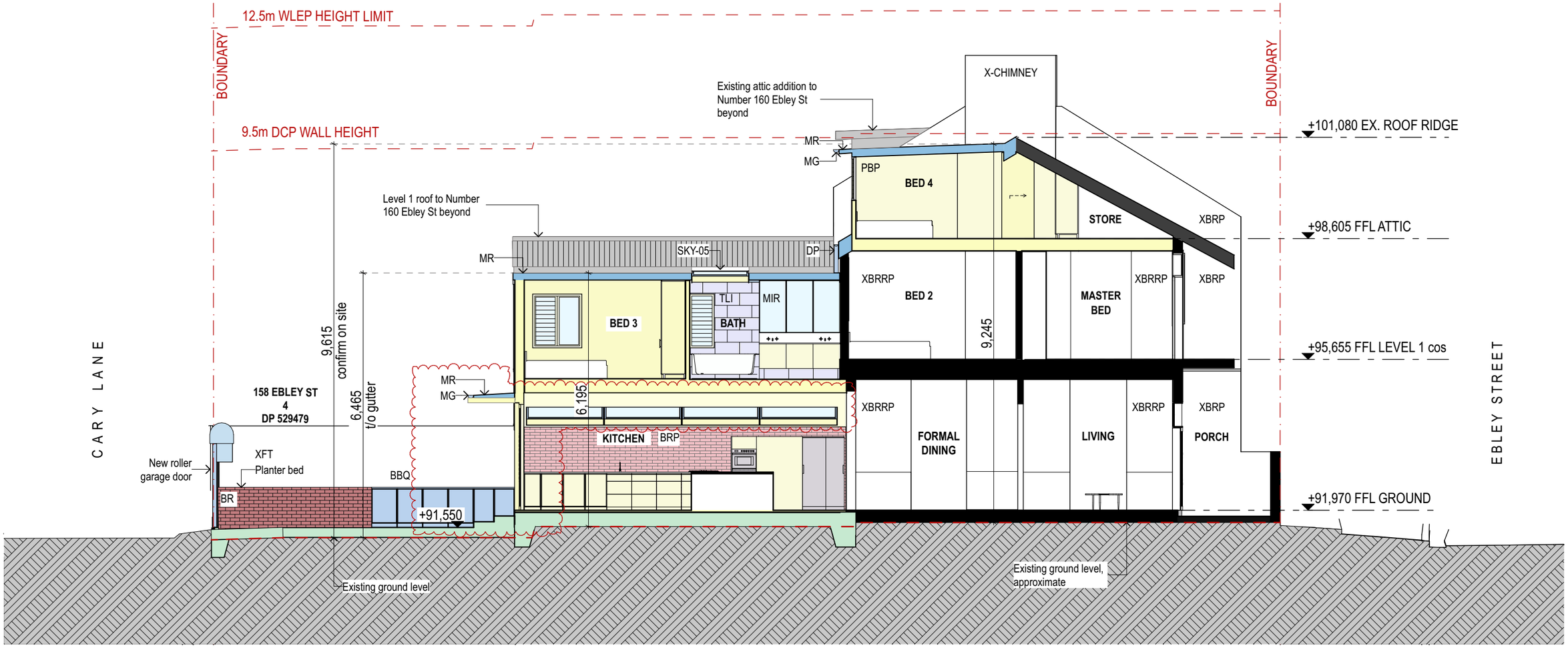
SCALES	DATE
1:100 @ A3	4/6/2026

PHASE	DRAWING NO.	ISSUE
DEVELOPMENT APPLICATION	A-300	02

RECEIVED
Waverley Council

Application No: DA-122/2-26

Date Received: 16/06/2026



1 SECTION 2

DATE	ISSUE	NOTES :
27/03/26	01	DEVELOPMENT APPLICATION
04/06/26	02	DA AMENDMENTS 1

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DRAWING TITLE
PROPOSED SECTION 2

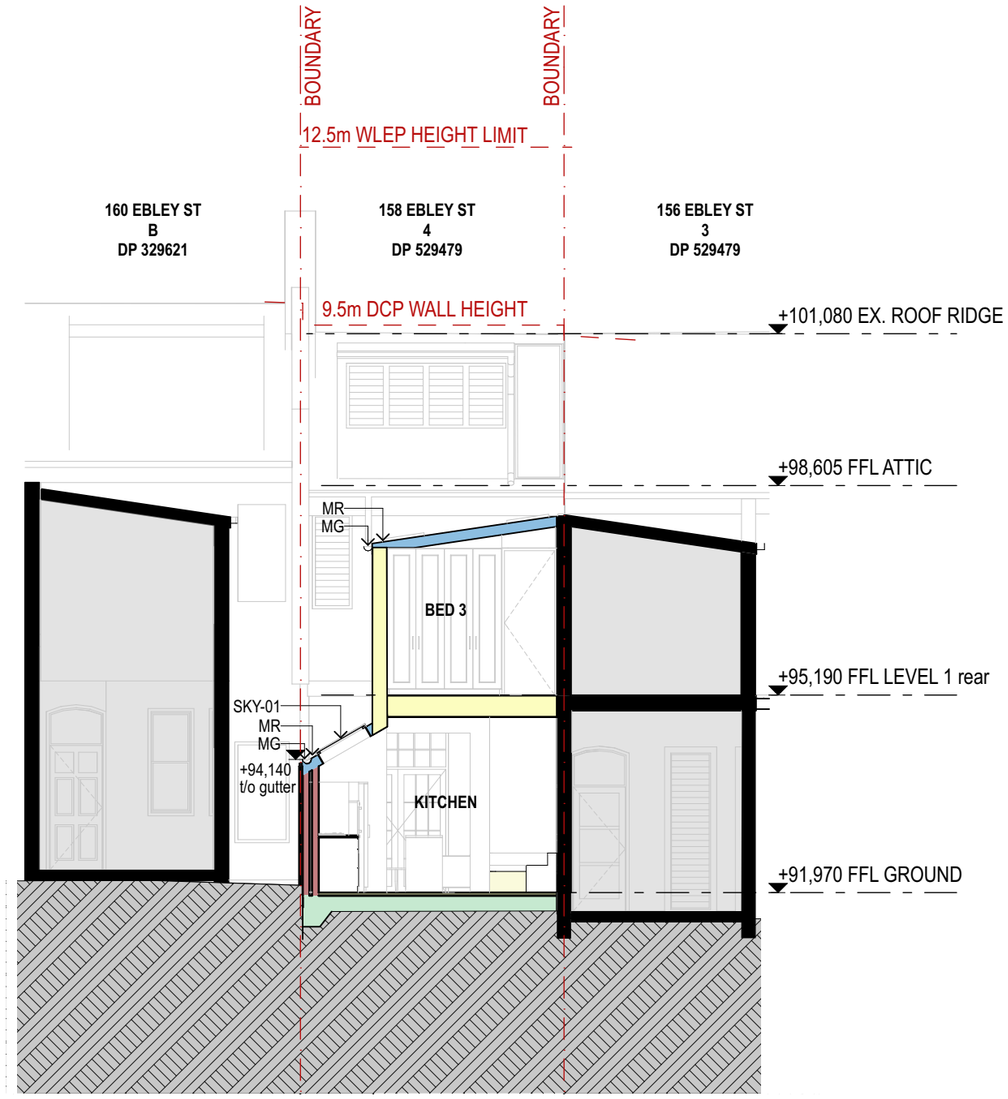
SCALES	DATE
1:100 @ A3	4/6/2026

PHASE	DRAWING NO.	ISSUE
DEVELOPMENT APPLICATION	A-301	02

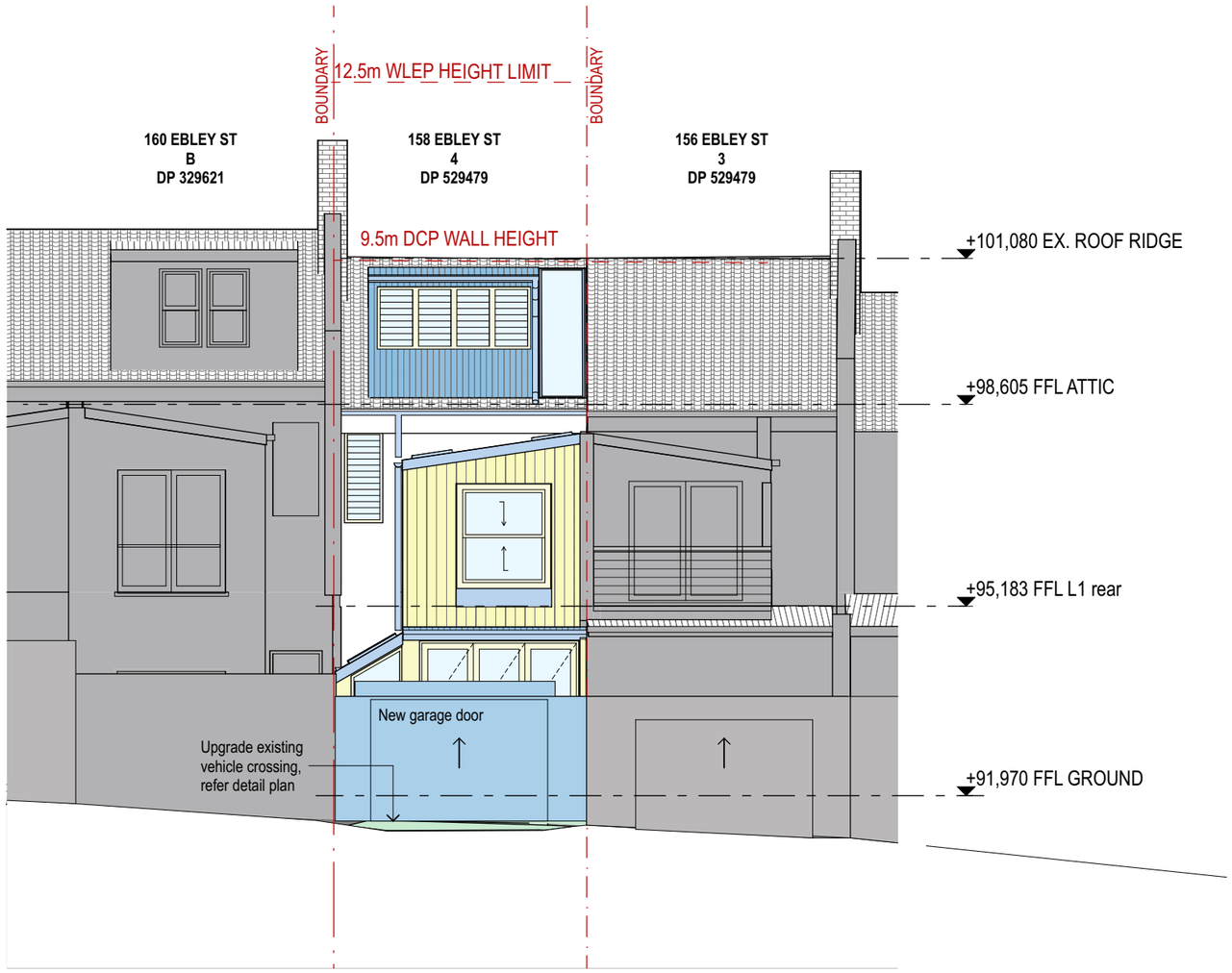
RECEIVED
Waverley Council

Application No: DA-122/2026

Date Received: 22/02/2026



1 SECTION 3



2 REAR LANE ELEVATION

DATE	ISSUE	NOTES :
10/06/26	01	DA AMENDMENTS 1
20/06/26	02	DA - REAR LANE ELEVATION ADDED

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- PROPOSED INTERNAL TILES

PROJECT NAME
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CLIENT
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DRAWING TITLE
PROPOSED SECTION 3

SCALES	DATE
1:100 @ A3	20/6/2026

PHASE	DRAWING NO.	ISSUE
DEVELOPMENT APPLICATION	A-302	02

RECEIVED
Waverley Council

Application No: DA-122/2026

Date Received: 22/06/2026

MR	**BR + PF**	**CLE**	**PS**	**TD / TW**	**STR**
Metal Roofing	Brickwork + Paint Finish	External Cladding, James Hardie or similar	Privacy Screen	Timber Doors + Timber Windows	Steel reveal window box
Galvanised / Zincalume	TBC	Paint Finish	Paint Finish	Clear Oil Finish, Clear glazing	Paint finish, Clear glazing

DATE	ISSUE	NOTES :
27/03/26	01	DEVELOPMENT APPLICATION
04/06/26	02	DA AMENDMENTS 1

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- PROPOSED EXTERNAL PAVING; EXTERNAL TILES, ROOF TILES
- PROPOSED INTERNAL TILES

PROJECT NAME
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DRAWING TITLE
MATERIALS LEGEND

SCALES	DATE
@ A3	20/6/2026

PHASE	DRAWING NO.	ISSUE
DEVELOPMENT APPLICATION	A-900	02

RECEIVED
Waverley Council

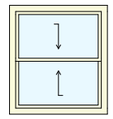
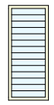
Application No: DA-122/2-26

Date Received: 16/06/2026

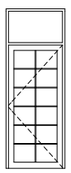
Window Schedule - Existing Windows

ID	XW-	XW-
	01	02
Location	Master Bed	Master Bed
Window Elevation		
Size (approximate)	510×1,680	510×1,680

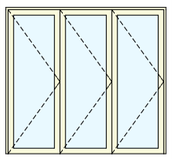
Window Schedule - New Windows

ID	W-	W-	W-	W-	W-	W-
	01	02	03	04	05	06
Location	Kitchen	Bed 3	Bed 3	Bathroom	Bed 2	Attic
Window Elevation						
Size (approximate)	875×1,694	1,596×1,775	1,200×1,215	600×1,215	650×1,545	2,600×1,060

Door Schedule - Existing External Doors

ID			
	01	02	03
Location	Living	Living	Master Bed
Window Elevation			
Size (approximate)	900×2,650	1,640×2,650	960×2,600

Door Schedule - New Glazed Doors

ID	
	01
Location	Kitchen / Dining
Window Elevation	
Size (approximate)	2,900×2,650

Skylight Schedule - New Skylights

ID	SKY-01	SKY-02	SKY-03	SKY-04
Top View				
Size (approximate)	7,600x900	1,400x670	1,400x670	790x4,300

DATE	ISSUE	NOTES :
27/03/26	01	DEVELOPMENT APPLICATION
04/06/26	02	DA AMENDMENTS 1

NOTES:
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- PROPOSED CONCRETE; FIBRE CEMENT; CEMENT RENDER
- PROPOSED METAL; METAL CLADDING
- PROPOSED GLASS
- PROPOSED BRICKWORK
- PROPOSED EXTERNAL PAVING; EXTERNAL TILES, ROOF TILES
- PROPOSED INTERNAL TILES

PROJECT NAME
158 Ebley Street - Alterations + Additions

CLIENT
Grace and Chris Alison

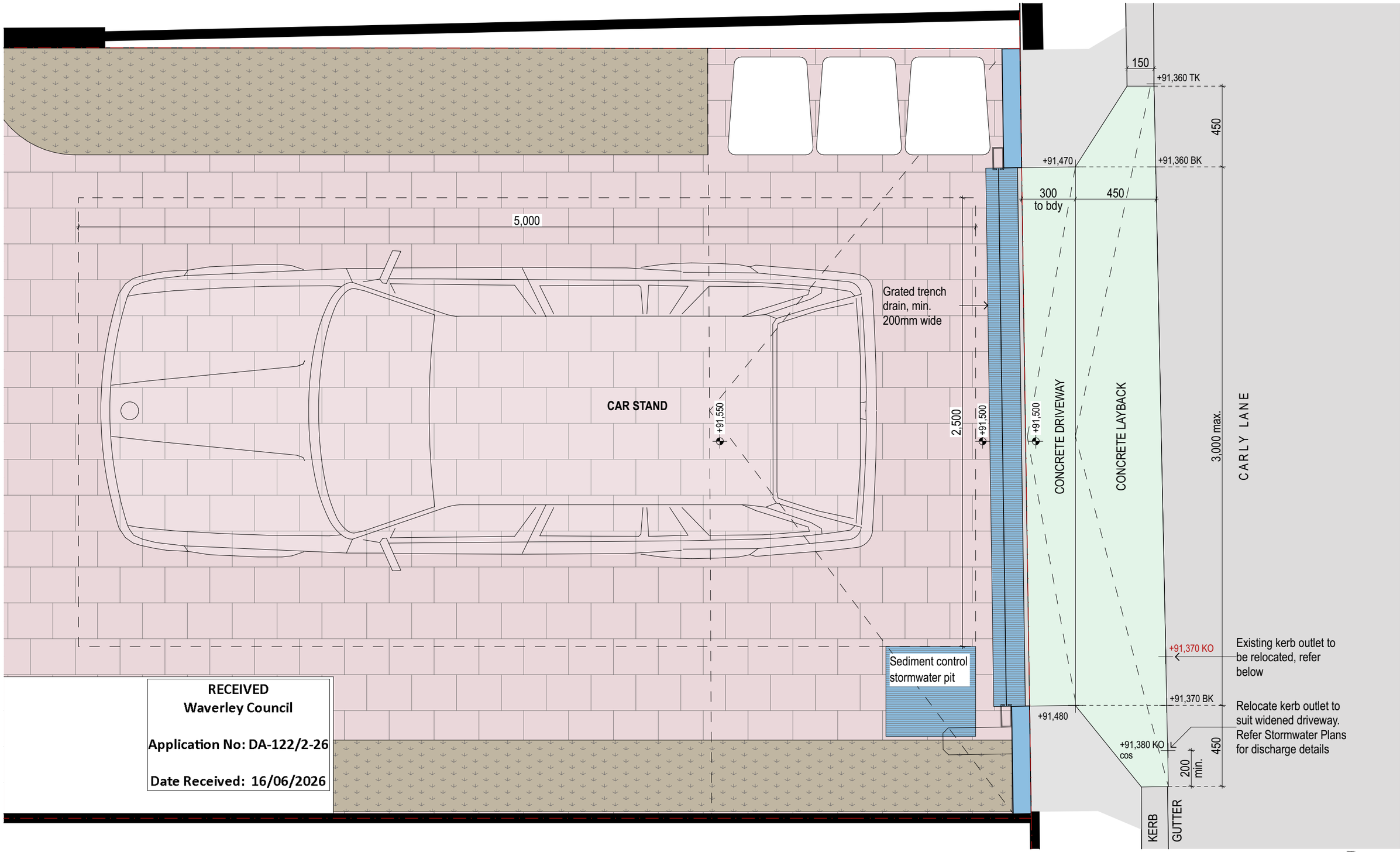
PROJECT ADDRESS
158 Ebley Street, Bondi Junction NSW 2022

cmp design
camilla van den berg
a: 36 regent street, paddington, NSW 2021
abn: 25 728 987 253
m: (02) 0408 255 887
e: camillavandenberg@hotmail.com

DRAWING TITLE
GLAZED WINDOWS, DOORS AND SKYLIGHTS SCHEDULE

SCALES	DATE
@ A3	4/6/2026

PHASE	DRAWING NO.	ISSUE
DEVELOPMENT APPLICATION	A-903	02



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Waverley Council

Application No: DA-122/2-26

Date Received: 16/06/2026

DATE	ISSUE	NOTES :
04/06/26	01	DA AMENDMENTS 1

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- PROPOSED INTERNAL TILES

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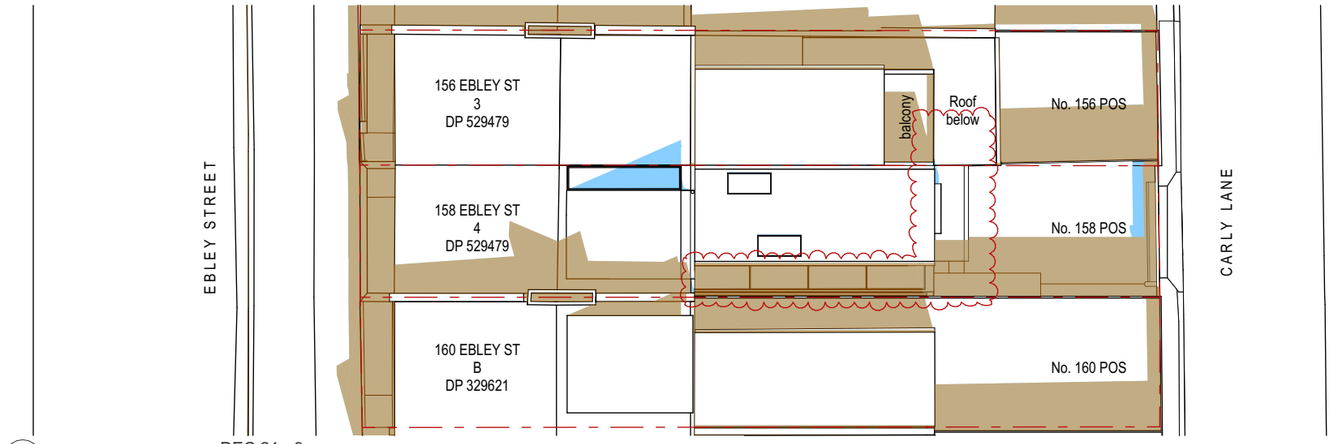
abn: 25 728 987 253
m: (02) 0408 255 887
e: camillavandenberg@hotmail.com

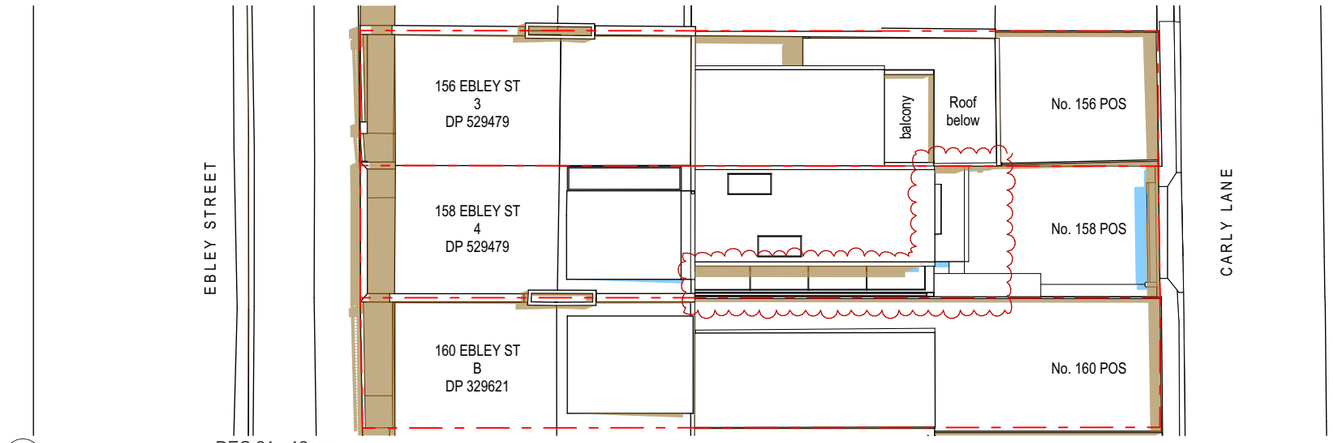
DRAWING TITLE
DRIVEWAY UPGRADE PLAN

SCALES	DATE
1:20 @ A3	4/6/2026

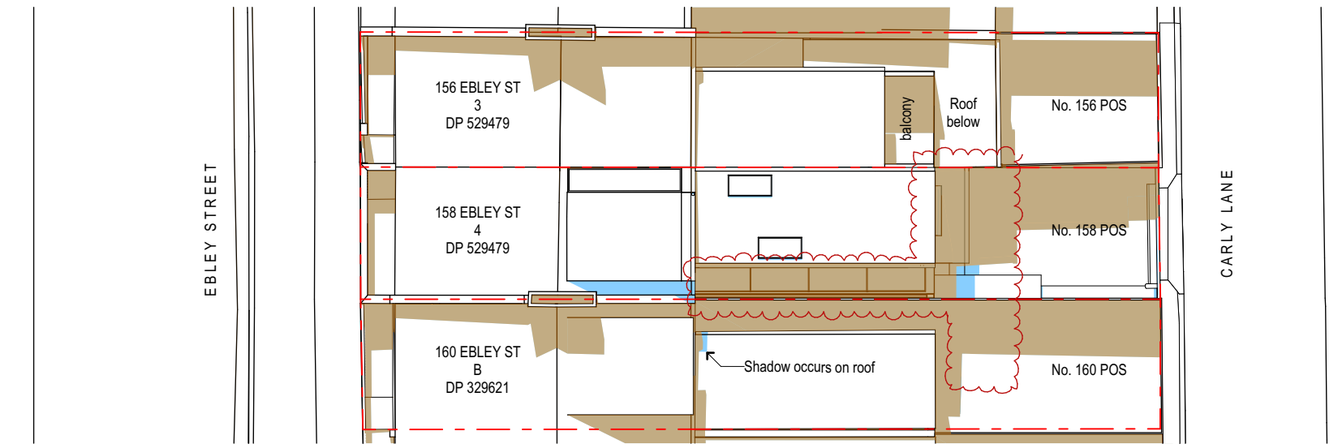
PHASE	DRAWING NO.	ISSUE
DEVELOPMENT APPLICATION	A-904	01



1 DEC 21 - 9am



2 DEC 21 - 12pm



3 DEC 21 - 3pm

EXISTING SHADOWS

NEW SHADOWS

LOT BOUNDARIES

RECEIVED
Waverley Council

Application No: DA-122/2026

Date Received: 15/06/2026

N

DATE	ISSUE	NOTES :
27/03/26	01	DEVELOPMENT APPLICATION
04/06/26	02	DA AMENDMENTS 1

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CLIENT
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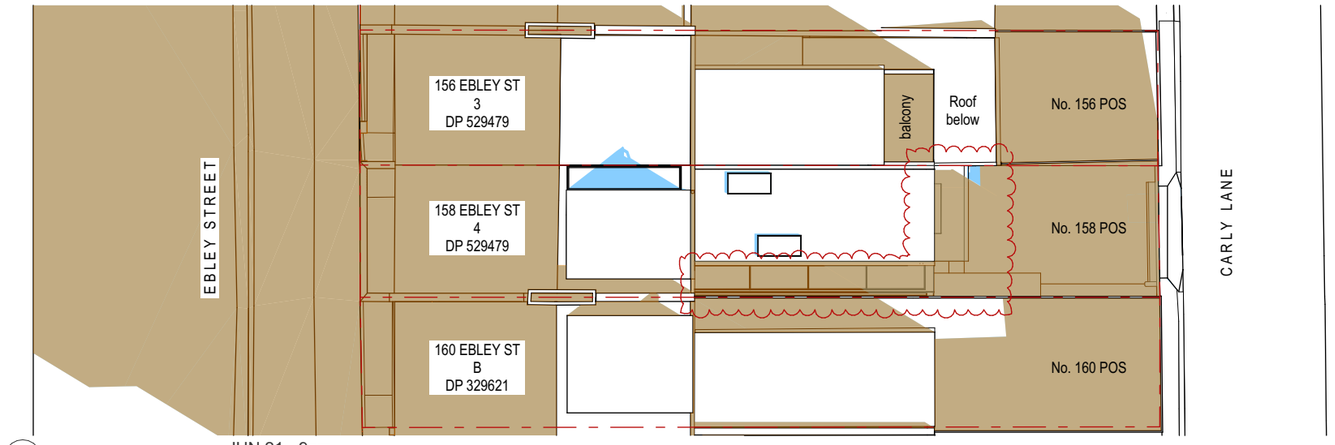
cmp design
camilla van den berg
a: 36 regent street, paddington, NSW 2021
abn: 25 728 987 253
m: (02) 0408 255 887
e: camillavandenberg@hotmail.com

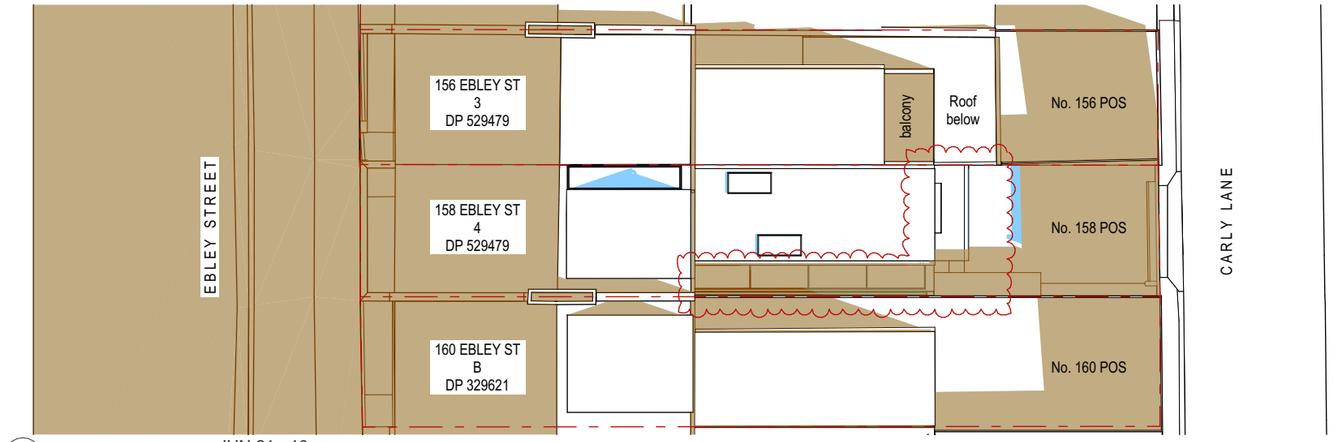
DRAWING TITLE
SHADOW DIAGRAMS - DEC 21

SCALES	DATE
1:200 @ A3	4/6/2026

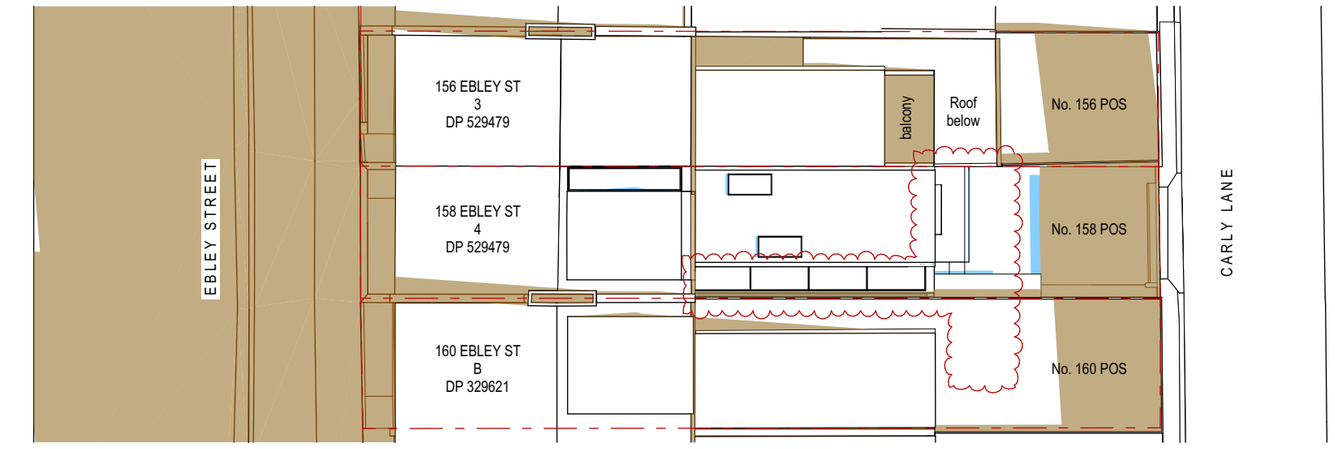
PHASE	DRAWING NO.	ISSUE
DEVELOPMENT APPLICATION	A-400	02



1 JUN 21 - 9am



2 JUN 21 - 10am



3 JUN 21 - 11am

EXISTING SHADOWS

NEW SHADOWS

LOT BOUNDARIES

N

DATE	ISSUE	NOTES :
27/03/26	01	DEVELOPMENT APPLICATION
04/06/26	02	DA AMENDMENTS 1

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PROJECT NAME
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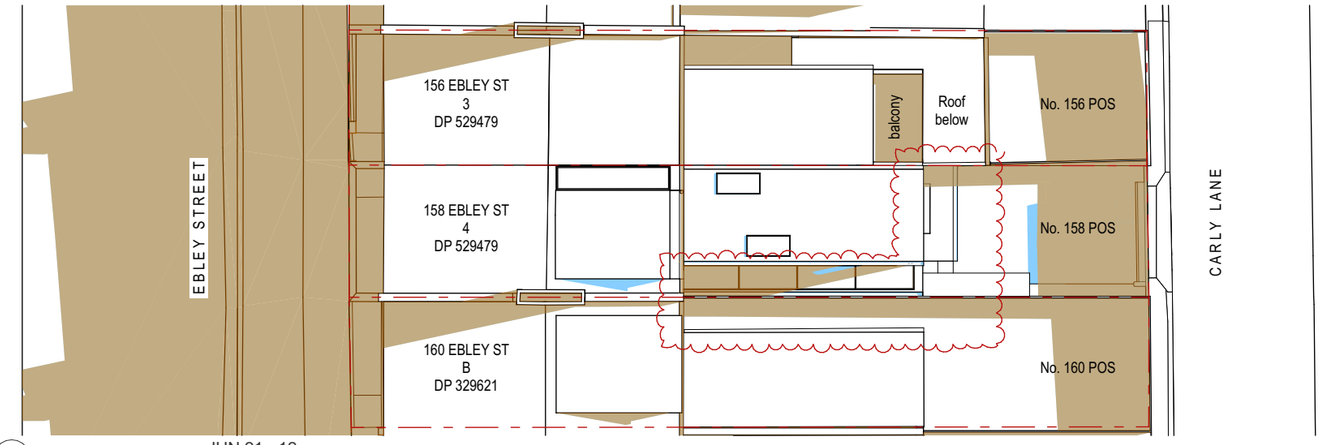
DRAWING TITLE
SHADOW DIAGRAMS - JUN 21

SCALES	DATE
1:200 @ A3	4/6/2026

PHASE	DRAWING NO.	ISSUE
DEVELOPMENT APPLICATION	A-401	02



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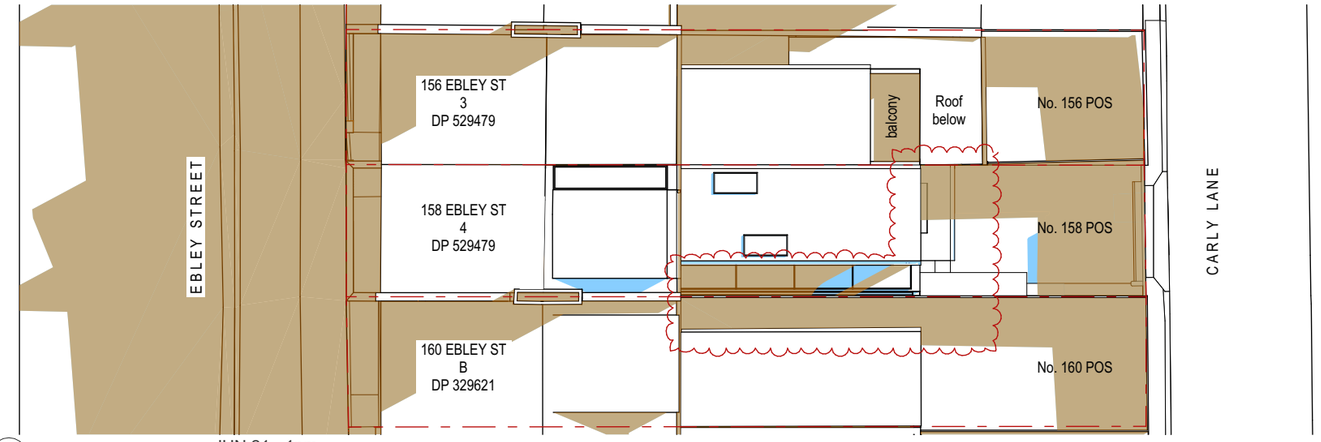

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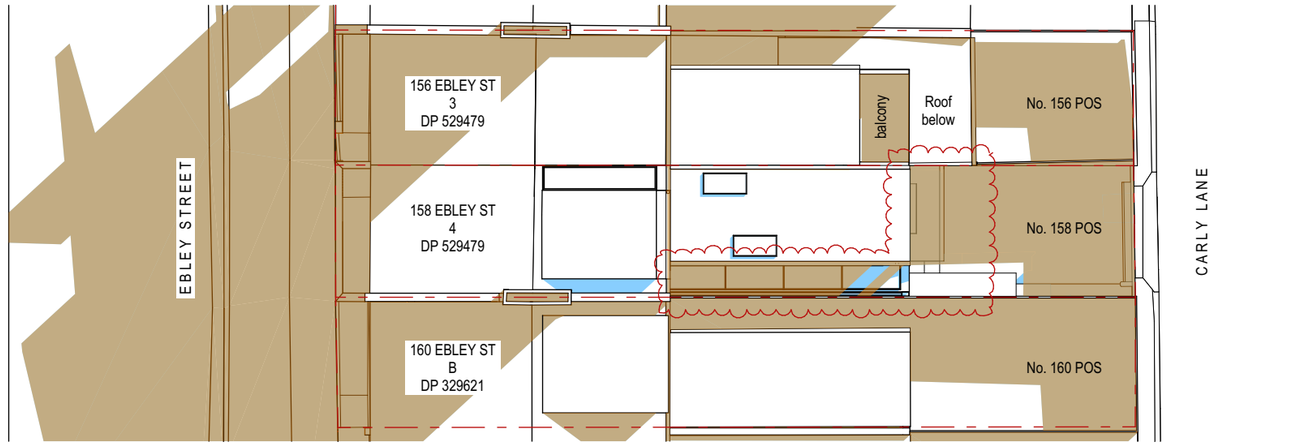
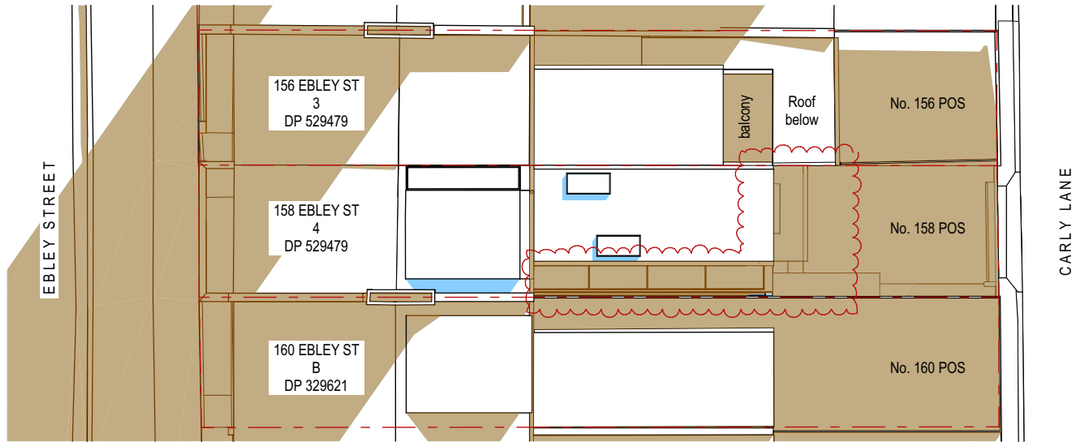


3 JUN 21 - 2pm



4 JUN 21 - 3pm

EXISTING SHADOWS

NEW SHADOWS

LOT BOUNDARIES

N

DATE	ISSUE	NOTES :
27/03/26	01	DEVELOPMENT APPLICATION
04/06/26	02	DA AMENDMENTS 1

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- PROPOSED GLASS
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- PROPOSED EXTERNAL PAVING; EXTERNAL TILES, ROOF TILES
- PROPOSED INTERNAL TILES

PROJECT NAME
158 Ebley Street - Alterations + Additions

CLIENT
Grace and Chris Alison

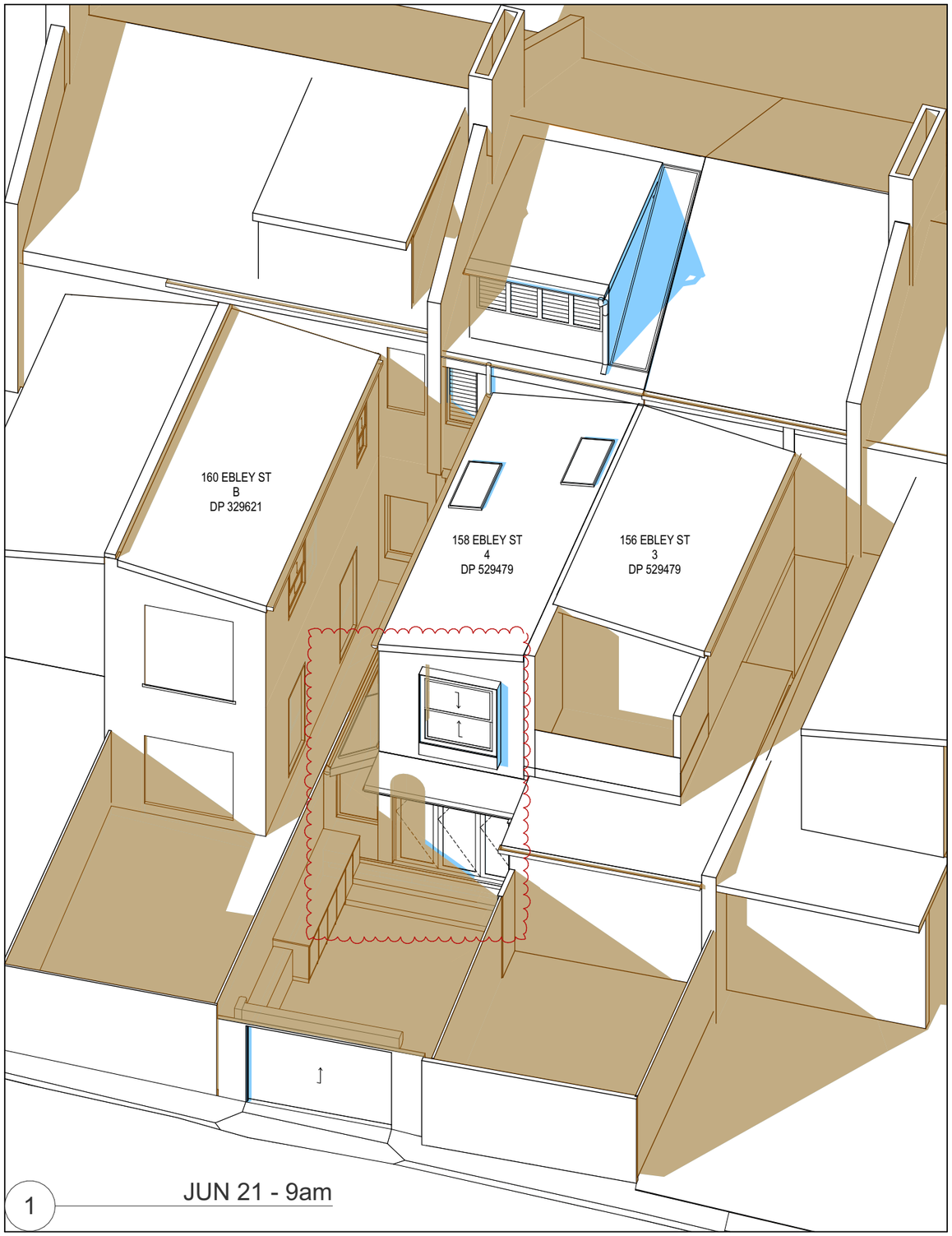
PROJECT ADDRESS
158 Ebley Street, Bondi Junction NSW 2022

cmp design
camilla van den berg
a: 36 regent street, paddington, NSW 2021
abn: 25 728 987 253
m: (02) 0408 255 887
e: camillavandenberg@hotmail.com

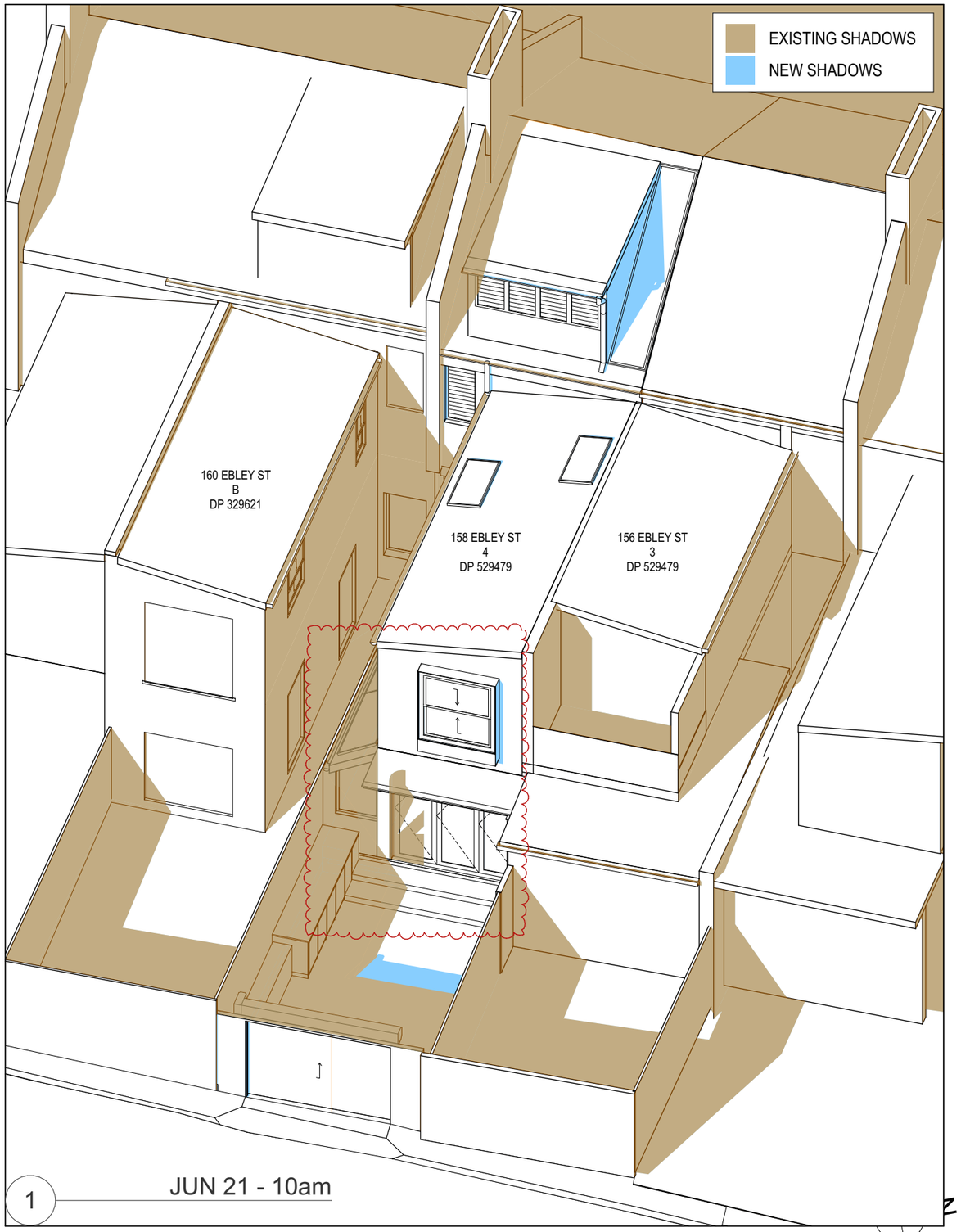
DRAWING TITLE
SHADOW DIAGRAMS - JUN 21

SCALES	DATE
1:200 @ A3	4/6/2026

PHASE	DRAWING NO.	ISSUE
DEVELOPMENT APPLICATION	A-402	02



1 JUN 21 - 9am



1 JUN 21 - 10am

DATE	ISSUE	NOTES :
27/03/26	01	DEVELOPMENT APPLICATION
04/06/26	02	DA AMENDMENTS 1

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- PROPOSED EXTERNAL PAVING; EXTERNAL TILES, ROOF TILES
- PROPOSED INTERNAL TILES

RECEIVED
Waverley Council
Application No: DA-122/2026
Date Received: 15/06/2026

PROJECT NAME
158 Ebley Street - Alterations + Additions

CLIENT
Grace and Chris Alison

PROJECT ADDRESS
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cmp design
camilla van den berg
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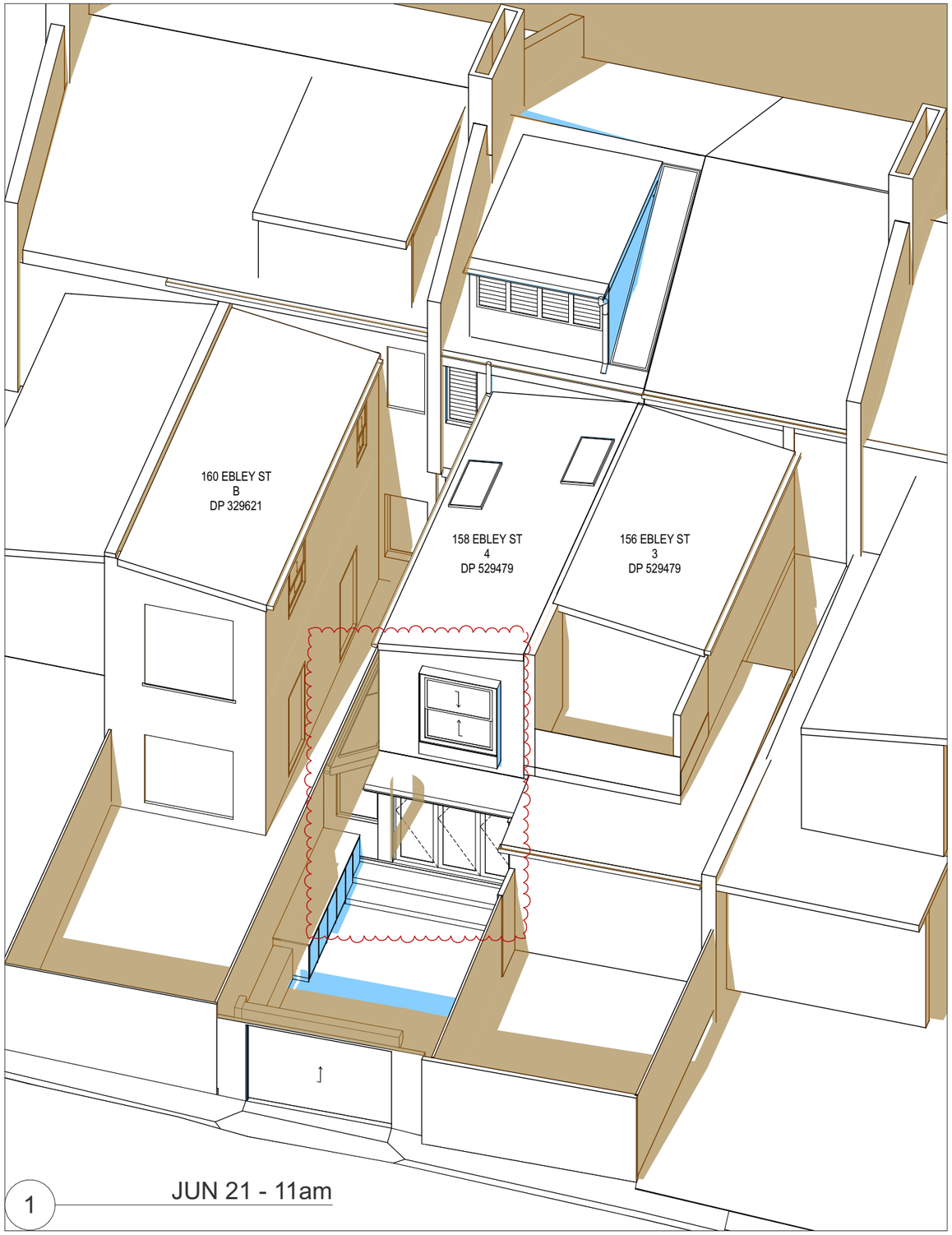
abn: 25 728 987 253
m: (02) 0408 255 887
e: camillavandenberg@hotmail.com

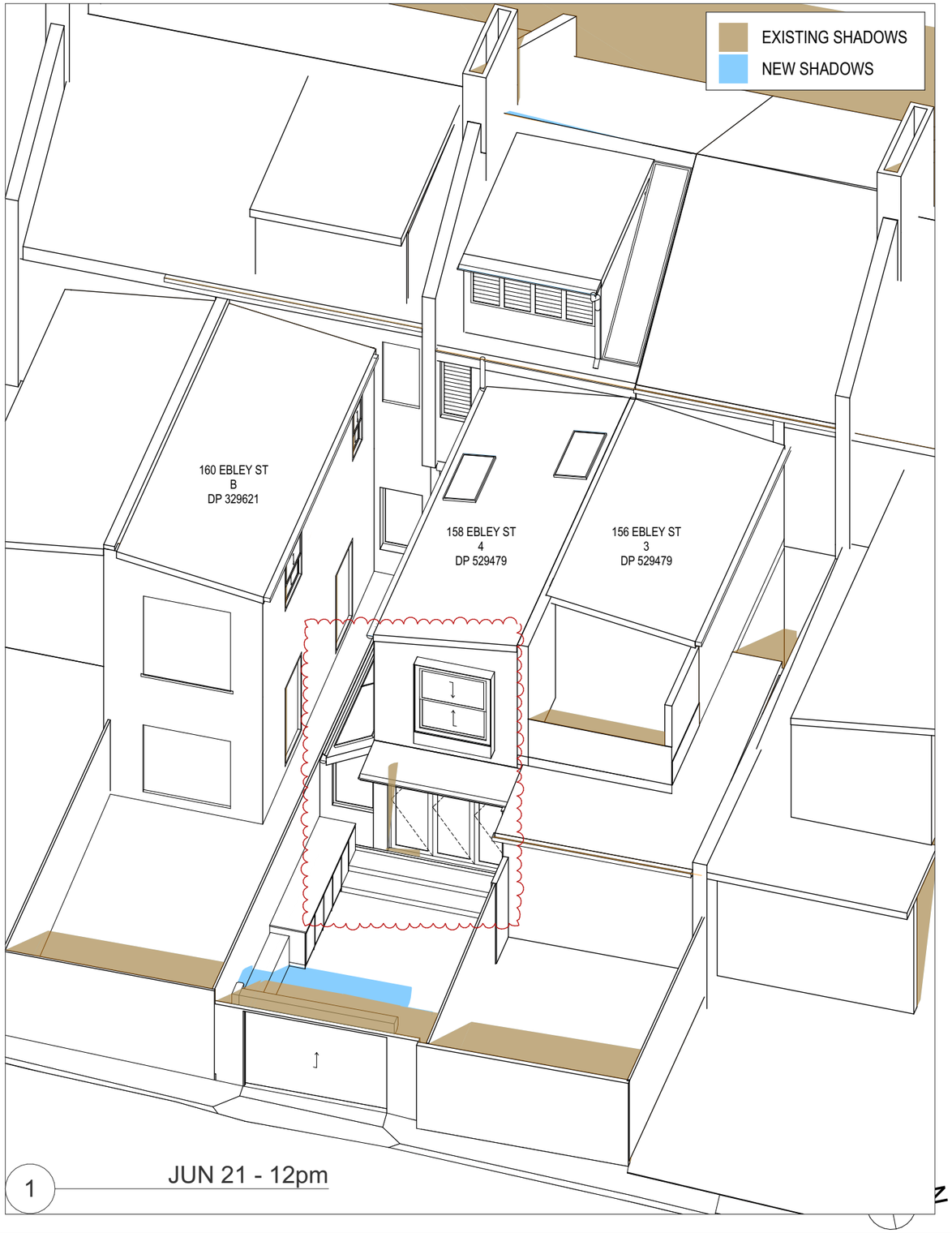
DRAWING TITLE
ELEVATIONAL SHADOW DIAGRAMS - JUN 21

SCALES	DATE
@ A3	4/6/2026

PHASE	DRAWING NO.	ISSUE
DEVELOPMENT APPLICATION	A-403	02



1 JUN 21 - 11am



1 JUN 21 - 12pm

DATE	ISSUE	NOTES :
27/03/26	01	DEVELOPMENT APPLICATION
04/06/26	02	DA AMENDMENTS 1

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- PROPOSED EXTERNAL PAVING; EXTERNAL TILES, ROOF TILES
- PROPOSED INTERNAL TILES

PROJECT NAME
158 Ebley Street - Alterations + Additions

CLIENT
Grace and Chris Alison

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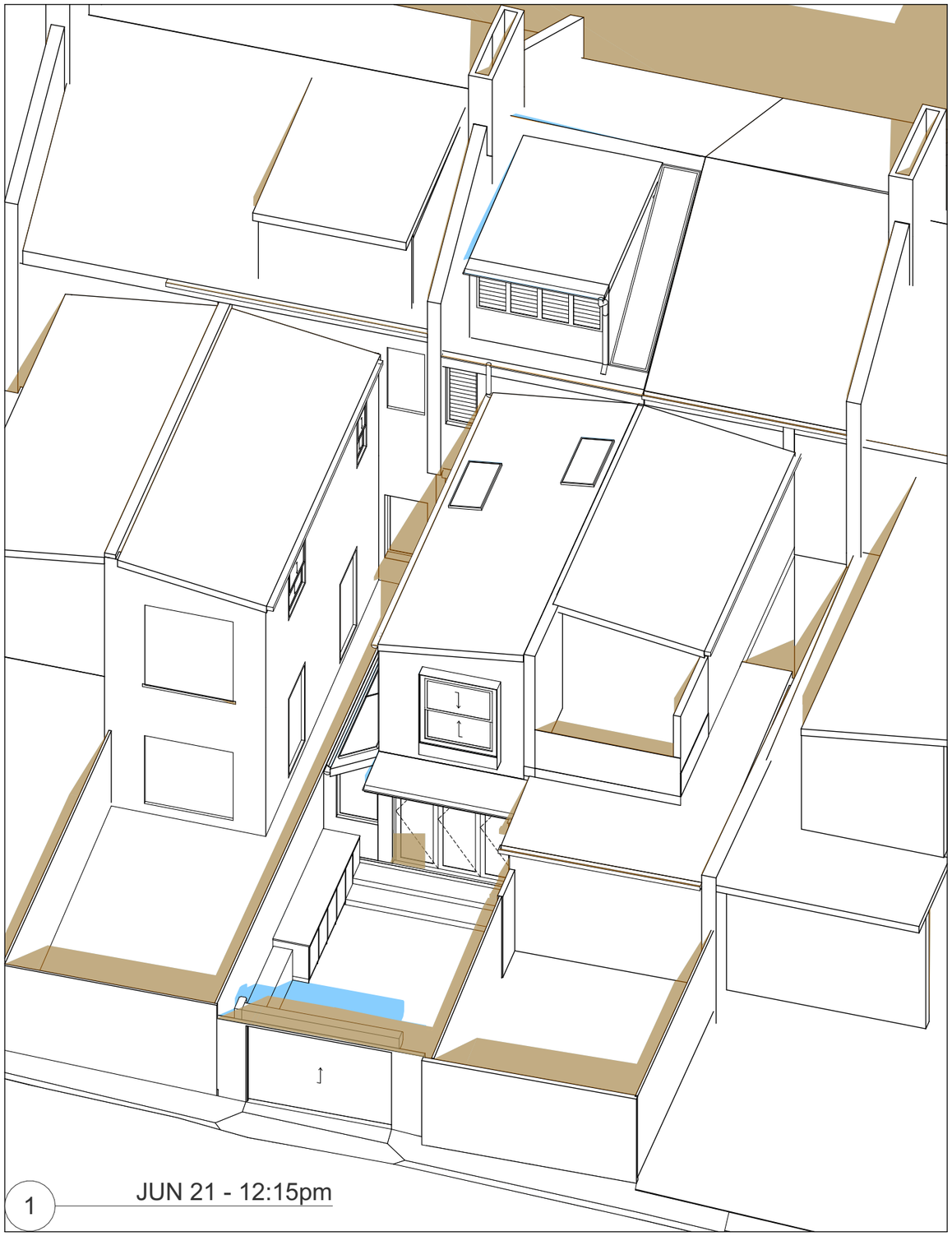
158 Ebley Street, Bondi Junction NSW 2022

cmp design
camilla van den berg
a: 36 regent street, paddington, NSW 2021
abn: 25 728 987 253
m: (02) 0408 255 887
e: camillavandenberg@hotmail.com

DRAWING TITLE
ELEVATIONAL SHADOW DIAGRAMS - JUN 21

SCALES	DATE
@ A3	4/6/2026

PHASE	DRAWING NO.	ISSUE
DEVELOPMENT APPLICATION	A-404	02



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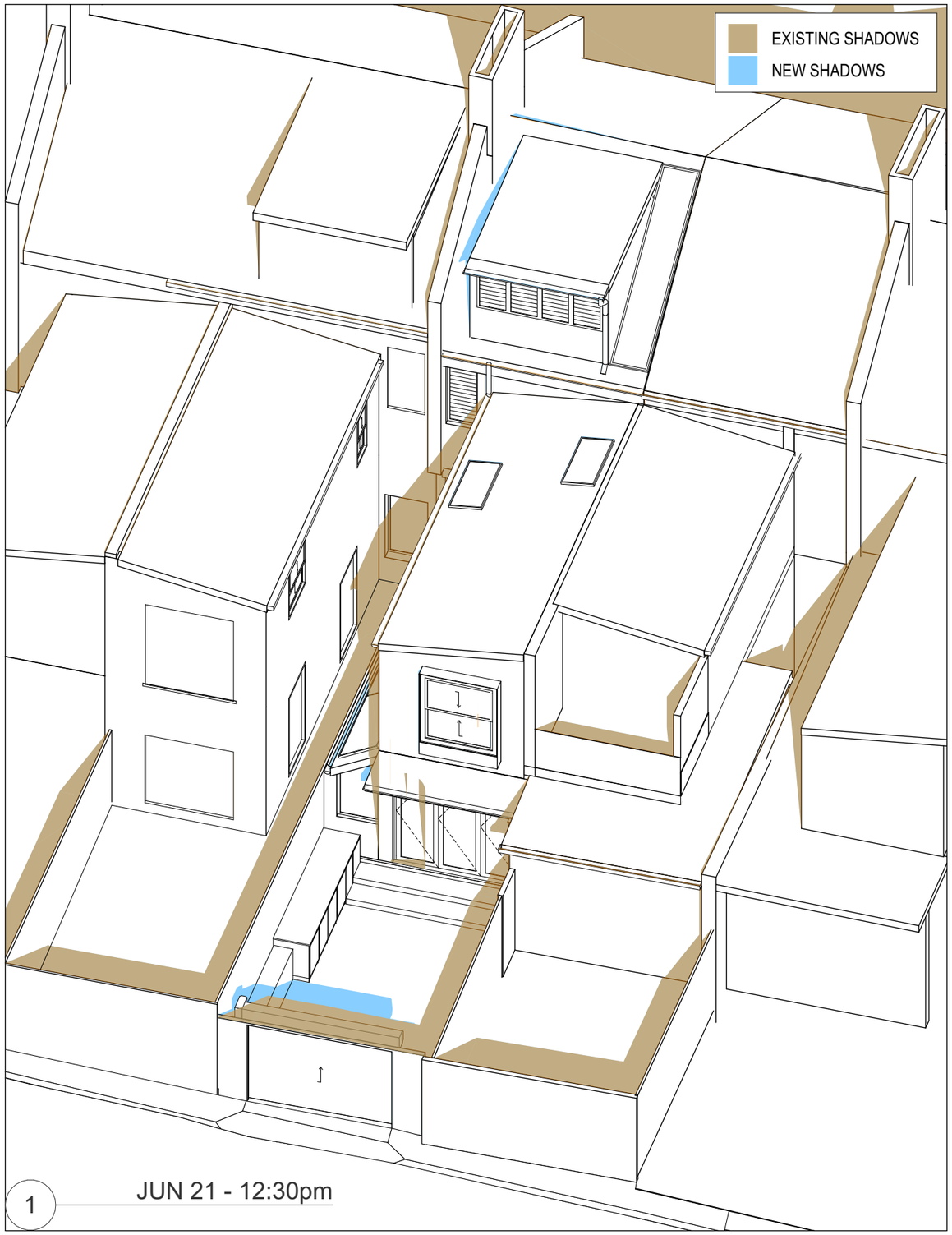

1 JUN 21 - 12:30pm

DATE	ISSUE	NOTES :
27/03/26	01	DEVELOPMENT APPLICATION
04/06/26	02	DA AMENDMENTS 1

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- PROPOSED INTERNAL TILES

PROJECT NAME
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CLIENT
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cmp design

camilla van den berg
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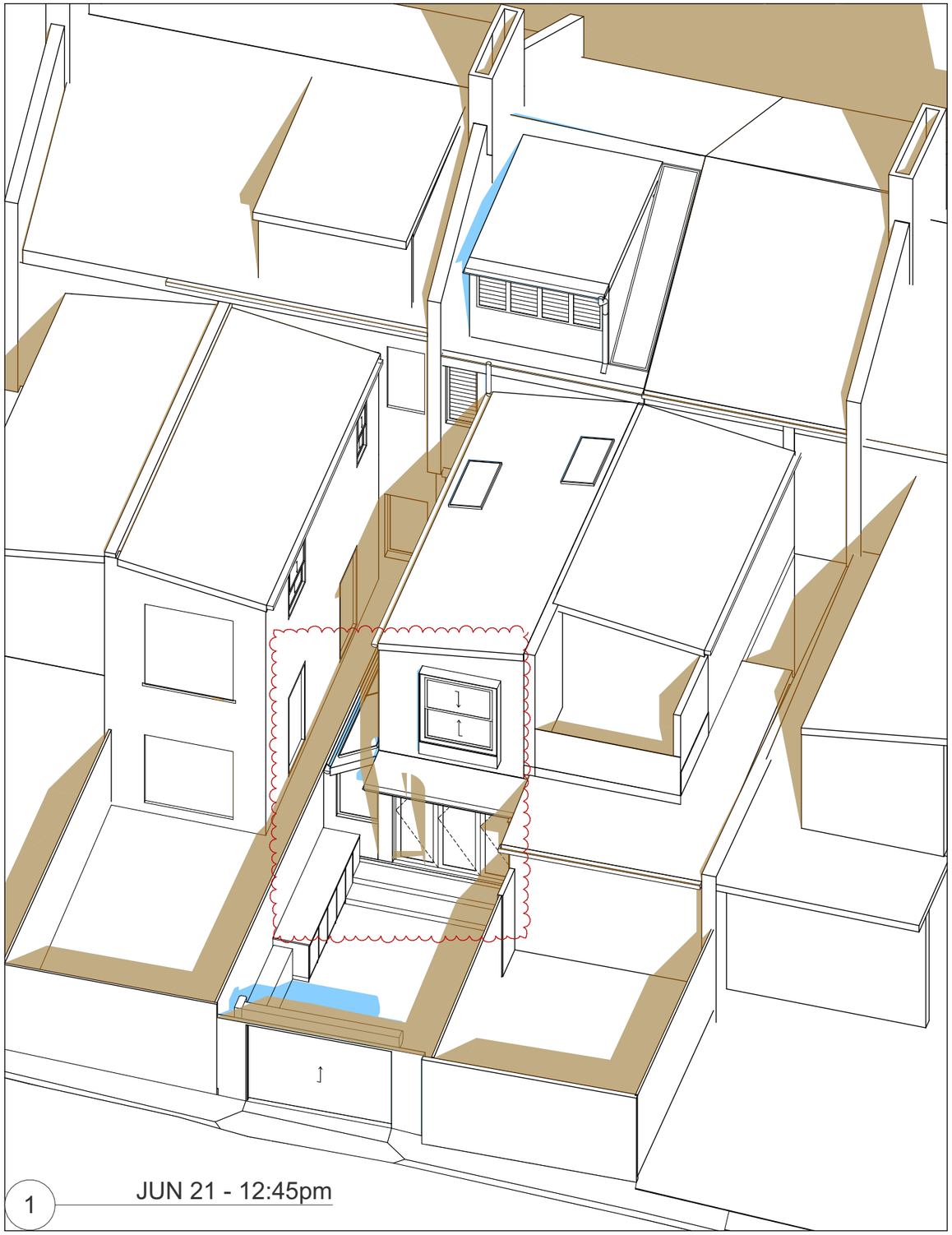
m: (02) 0408 255 887
e: camillavandenberg@hotmail.com

DRAWING TITLE
ELEVATIONAL SHADOW DIAGRAMS - JUN 21

SCALES	DATE
@ A3	4/6/2026

PHASE	DRAWING NO.	ISSUE
DEVELOPMENT APPLICATION	A-405	02



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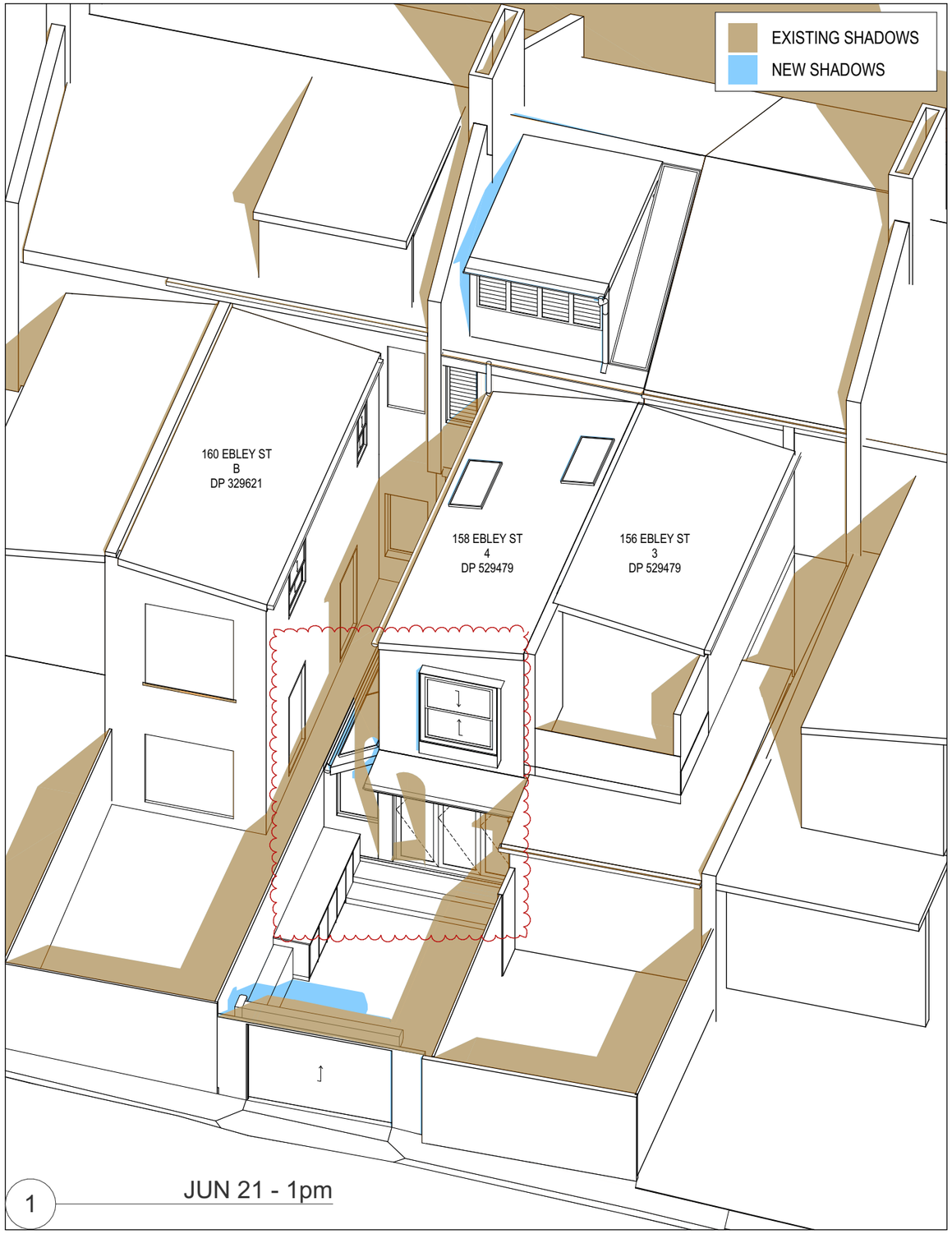

1 JUN 21 - 1pm

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04/06/26	02	DA AMENDMENTS 1

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CLIENT
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PROJECT ADDRESS
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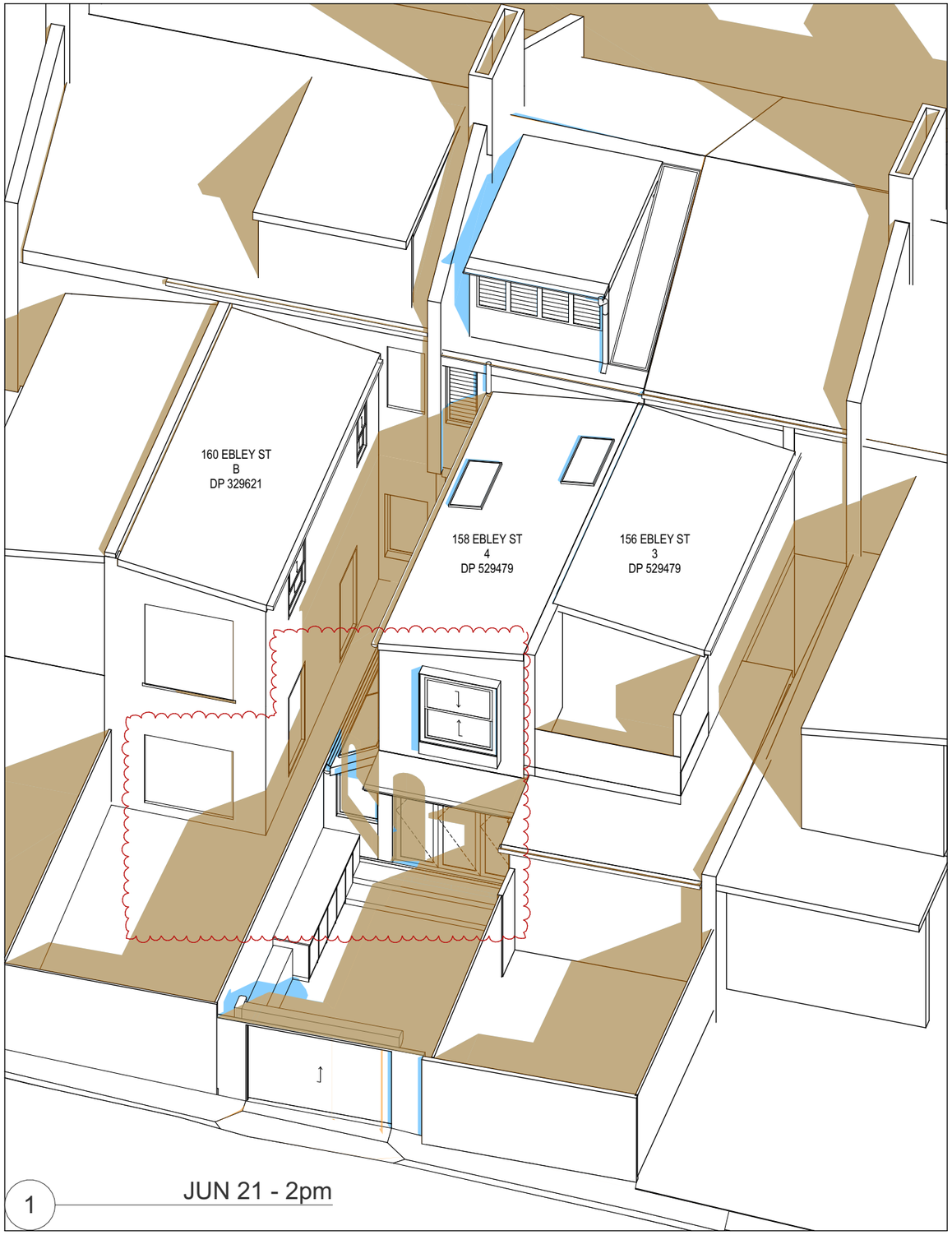
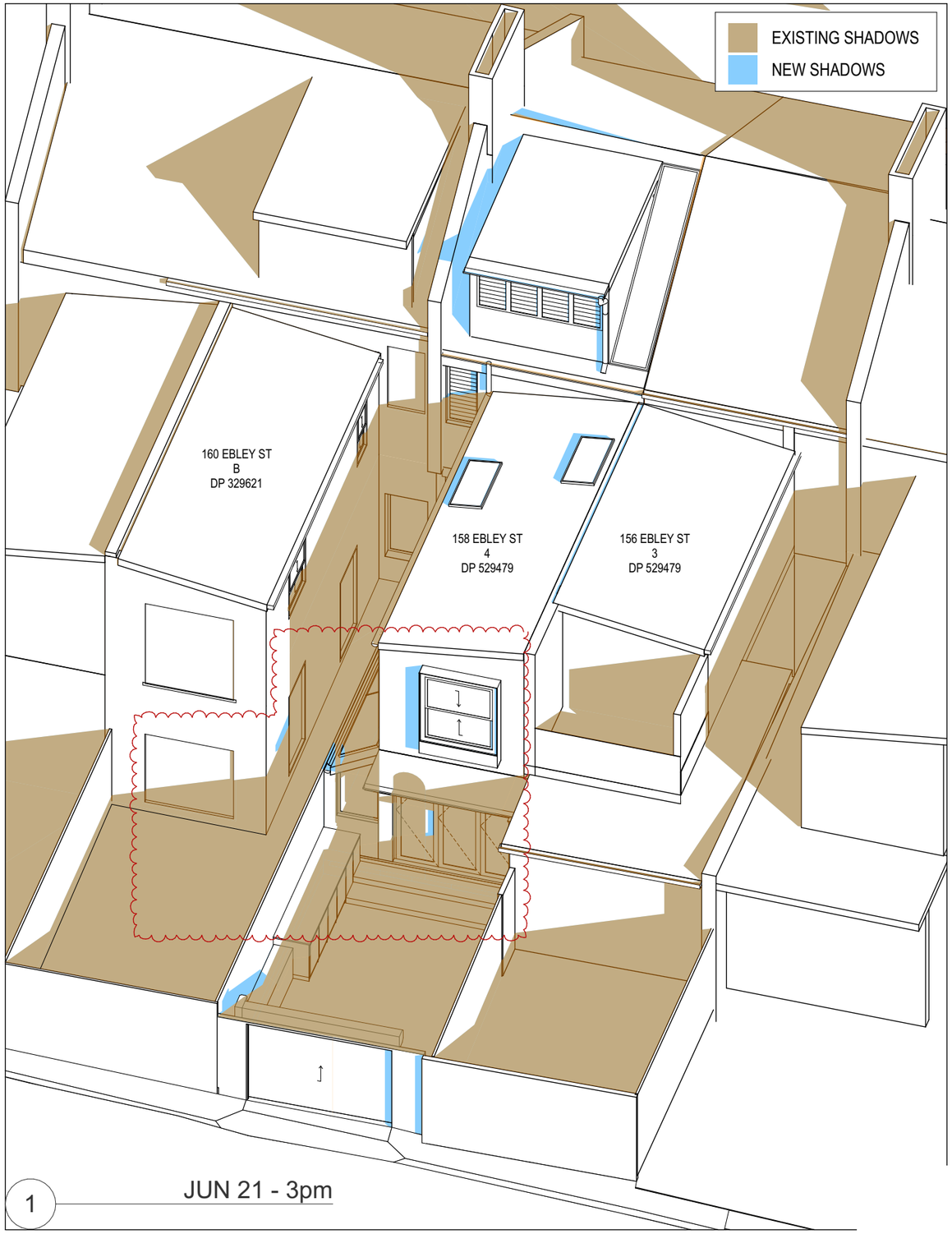
DRAWING TITLE
ELEVATIONAL SHADOW DIAGRAMS - JUN 21

SCALES		DATE
	@ A3	4/6/2026
PHASE	**DRAWING NO.**	**ISSUE**
DEVELOPMENT APPLICATION	A-406	02



1 JUN 21 - 2pm



1 JUN 21 - 3pm

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04/06/26	01	DA AMENDMENTS 1

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DRAWING TITLE
ELEVATIONAL SHADOW DIAGRAMS - JUN 21

SCALES	DATE
@ A3	4/6/2026

PHASE	DRAWING NO.	ISSUE
DEVELOPMENT APPLICATION	A-407	01

WAVERLEY
COUNCIL

Report to the Waverley Local Planning Panel

Overview	
Application number	DA-189/2026
Site address	60 Portland Street, Dover Heights NSW 2030
Proposal	Alterations and additions to the existing dwelling house for the extension of the ground floor area towards the rear and the front of the site.
Date of lodgement	2 June 2026
Owner	M Alexander
Applicant	M Alexander
Submissions	Nil submissions
Cost of works	$163,350.00
Principal Issues	• *Exceedance of the Floor Space Ratio (FSR) principal 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 the existing dwelling house for the extension of the ground floor area towards the rear and the front of the site at the site known as 60 Portland Street, Dover Heights.

The principal issue arising from the assessment of the application related to the exceedance of the FSR principal development standard.

The assessment finds this issue acceptable as the proposed works are located at the ground level and do not result in any additional impacts to the environmental amenity of the neighbouring properties through any overshadowing, view loss or visual and acoustic impacts and as the overall development is consistent with the existing streetscape of the site and is in the public interest.

No submissions from residents or from Councillors 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* (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 6 July 2026.

The site is identified as Lot A DP312774, known as 60 Portland Street, Dover Heights.

The site is a rectangular corner lot with dual frontages, with the primary frontage being 11.965m along Portland Street and the secondary frontage being 45.72m along Dover Road. The site has an area of 546.1m^2 and incorporates a slope from the rear of the site (east) towards the front (west) by approximately 4m.

The site is occupied by a contemporary part-two, part-three storey dwelling with an on-site garage. The site is provided with vehicular access from Portland Street.

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

Figure 1 to **Figure 8** are photos of the site and its context.

Figure 1: View of the existing dwelling at the subject site from Portland Street.

Figure 2: View of the existing dwelling at the subject site from the intersection of Dover Road and Wallangra Road.

Figure 3: View of the rear courtyard of the subject site from Dover Road.

Figure 4: Terrace area within the rear courtyard proposed for enclosure.

Figure 5: View of the existing dwelling and rear overhang from the rear courtyard.

Figure 6: View of the roof of the existing property at 58 Portland Street from the rear courtyard of the subject site.

Figure 7: Area of the front setback proposed for enclosure.

Figure 8: View of the front setback with the existing pool from the front setback area proposed for enclosure.

1.3. Relevant Development History

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

- DA-78/2004 - Demolish the existing dwelling and erect a new two storey dwelling with basement garage and elevated swimming pool. Approved on 14 October 2004.
- DA-78/2004/A - Modifications to allow additional excavation for a cellar and window changes. Approved on 30 April 2008.
- DA-78/2004/B – Modifications to install a lift extending to the roof deck, including a stair enclosure at roof level. Refused on 29 May 2008.
- DA-78/2004/C - Changes to perimeter walls & planter boxes. Approved on 25 August 2008.
- BC-88/2008 - Three storey brick building on concrete slab foundations. Approved on 14 October 2008.
- DA-103/2010 - Installation of aluminium vertical louvres & glass bi-fold doors to first floor terrace of dwelling. Approved on 22 April 2010.
- DA-75/2021 - Alterations and additions to dwelling house including new front first floor balcony and extension of front ground floor balcony. Approved on 26 March 2021.

1.4. Proposal

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

Ground Floor

- Partial demolition of the existing ground floor layout to extend the internal floor area towards the front (west) and the rear (east) of the site to accommodate a lounge, a WC, a study, an open plan living-dining-kitchen area, a pantry, and an outdoor barbeque at the rear terrace.
- Addition of a pool fence around the pool at the front.
- Addition of new glazed doors along the front and rear elevations and new windows along the southern elevation.

1.5. Background

The development application was lodged on 2 June 2026 and a Stop the Clock letter for additional information was issued on 10 June 2026 for the following reasons:

1. Amended Architectural Drawings to include the existing layout of the garage level to the plans and the BASIX stamp.
2. Amended FSR and Gross Floor Area (GFA) calculations in accordance with the definition of GFA in the Waverley Local Environmental Plan 2012 (Waverley LEP 2012) and to include any additional space within the garage area beyond the requirement for the accommodation of 2 standard car spaces.
3. Amended Clause 4.6 variation request for the FSR exceedance.
4. Amended Statement of Environmental Effects to include proposed numeric values for all quantifiable controls applicable to the site, such as building height, setbacks, etc.
5. Structural Report prepared by an appropriately qualified structural engineer to determine whether the existing building fabric will be able to remain standing with the proposed demolition works; and provide recommendations to ensure that the remaining fabric will remain in place during construction.

The amended documents were received on 18 June 2026 and then the application was notified. All documents received on 18 June 2026 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 LEP 2012

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use • *R2: Low Density Residential Zone*	Yes	Complies. The proposal is defined as alterations and additions to a dwelling, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings • *8.5m*	Yes	It is acknowledged that the existing dwelling exceeds the maximum permissible building height, however, the proposed development is limited to the ground floor level and results in a maximum building height of 7m and complies with the development standard.
4.4 FSR **4.4A Exceptions to FSR** • *Site Area – 546.10m²* • *Maximum permissible FSR – 0.504:1* • *Maximum permissible Gross Floor Area (GFA) – 275.39m²*	No	The proposed development results in a maximum FSR of 0.79:1 with a GFA of 431.1m², exceeding the FSR development standard by 155.71m² or 56.54%. It is acknowledged that the existing dwelling already exceeds the development standard by 64.5m² or 23.43%.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 6 Additional local provisions		
6.15 Stormwater management	N/A	The proposal retains the existing stormwater management arrangement at the subject site.

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 FSR development standard in clause 4.4 under Waverley LEP 2012.

The site is subject to a maximum FSR development standard of 0.504:1 with a GFA of 275.39m^2. The proposed development has a maximum FSR of 0.79:1 (GFA of 431.1m^2) exceeding the standard by 155.71m^2 equating to a 56.54% variation.

It is acknowledged that the existing dwelling already exceeds the development standard by 64.5m^2 or 23.43% and that the proposed development will result in a net increase to the existing exceedance by 91.21m^2 or 33.11%.

The relevant objectives for the FSR development standard in clause 4.4 are as follows:

(a) N/A,
(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.

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 insert 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 maintains the existing building height as it does not incorporate any changes to the first floor. The existing building height is lower than the 8.5m standard by 1.5m. The proposed minor addition does not include any additional bedrooms, or site coverage, enclosing the existing developed terrace and patio area only.*

(ii) *The proposal will provide a dwelling which is in keeping with the bulk and scale of surrounding properties and therefore fits within the context.*

(iii) *The proposal is in keeping with the overall character of the neighbourhood and provides a sensitive design.*

(iv) *The overall bulk and scale are not anticipated to change from the streetscape. The proposed alterations and additions will not be visible from Portland Street as illustrated on the elevation plans submitted as part of this development application.*

(v) *The addition to the front will be limited due to the existing planter box and the rear addition is considered to have limited change to the existing appearance. The addition will replace the terrace area. Therefore, the key change will relate to the material being that of a wall as opposed to an obscure gate.*

(vi) *Despite the non-compliant FSR the proposal will not result in any adverse impacts upon the amenity of neighbouring properties and the locality.*

(vii) *The proposed development preserves the existing residential amenity of surrounding properties including their access to sunlight. The development will not create any additional overshadowing beyond the existing built form, maintaining adequate sunlight access to neighbouring properties private open spaces and habitable room windows.*

(viii) *The proposed alterations and additions have been designed to ensure that there are no unreasonable privacy impacts. The works are confined to the existing building footprint and do not introduce any viewing opportunities or direct overlooking into neighbouring private open spaces or habitable room windows.*

(ix) *The proposed alterations and additions are limited to the enclosure of the existing terrace and porch areas and therefore will not result in any significant visual bulk impacts when viewed from the surrounding properties or streets. The development remains consistent with the character of the locality while providing enhanced functionality and improved flow within the residential space.*

(x) *The alterations and additions are only proposed to the ground floor, and therefore the proposal will not result in the loss of views from the public domain or surrounding properties.*

(xi) *In summary, compliance with the development standard is unreasonable and form and scale and is compatible with surrounding development and the desired future character for the locality and meets the objectives of the development standard.*

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

(i) *The existing building has a gross floor area of 367.4m^2 and an existing noncompliant FSR of 0.672:1. The proposal seeks to increase the percentage variation from 23.43% (64.5m^2) to 56.92% (156.67m^2).*

(ii) *The aspect of the development that breaches the floor space area control can be justified as the proposal provides a consistent scale with neighbouring development. This can be described as an environmental planning ground because the quality and form of the immediate built environment of the*

development site creates unique opportunities and constraints to achieving a good design outcome. The additional floor space will result from incorporation of the terrace and porch space to internal areas and therefore is minimal change to the building envelope.

(iii) *There is an absence of amenity impacts caused by the development, despite the variation to the FSR standard. The lack of impact on adjoining properties in terms of solar access, privacy, view loss and visual bulk establishes sufficient planning grounds.*

(iv) *Given the alterations and additions are proposed to the ground floor, the proposal will not result in the loss of views from the public domain or surrounding properties.*

(v) *The FSR non-compliance will not result in unreasonable overshadowing to the adjoining properties. As demonstrated in the Shadow Diagrams submitted with this DA, the proposal will not result in additional overshadowing to living room windows or landscaped areas of the neighbouring properties for more than 3 hours between 8am and 4pm on 21 June (mid-winter).*

(vi) *The proposed alterations and additions will preserve the existing solar access provided to the neighbouring properties living room windows and private open space. As demonstrated in the Shadow Diagrams the shadows cast from the proposed alterations and additions are minor to the private open space of the subject site. There will be no change is solar access for the neighbouring properties.*

(vii) *The proposal will provide a development, which has been designed to ensure that the visual and acoustic privacy of adjoining properties is maintained. The proposal includes the addition of two windows along the southern elevation. The southern elevation overlooks the street and existing planter box exists ensuring there are no privacy impacts to the subject site or the neighbouring properties.*

(viii) *The relocation of the window located on the northern elevation does not directly overlook into any windows at 58 Portland Street and is located at ground level to avoid any overlooking. The proposed terrace will be located in the existing location at the ground floor and therefore no visual or acoustic impacts are anticipated.*

(ix) *The proposal will provide a suitable design and of suitable amenity in terms of the built environment and represents the orderly and economic use and development of land, which are identified as objects of the Act (Section 1.3 of the EP&A Act) and the building envelope and design of the proposal responds appropriately to the unique opportunities and constraints of the site.*

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 proposed additional bulk is located at the ground floor level of the existing dwelling at the subject site, and the proposal retains the overall existing and maximum building height of the dwelling.

The proposed alterations and additions that contribute towards additional GFA, resulting in the exceedance of the FSR development standard, continue to maintain the character of the existing primary streetscape of Portland Street as the additions are not expected to be significantly visible from this street. The proposed additions are only partially visible from Dover Road, that forms the secondary streetscape along the southern side elevation of the site and therefore result in no significant streetscape impact. The overall proposal is compatible with the desired future character of the locality.

The proposed development results in an improved amenity outcome for the site and is consistent with the objectives of the development standard and the land use zone. The proposed FSR variation is acceptable as the overall proposal preserves the existing environmental amenity of the neighbouring properties and does not result in any view loss, overshadowing or result in unreasonable impacts to the visual and acoustic privacy of the neighbouring properties.

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

The bulk of the proposed additional GFA is located at the ground floor level of the existing dwelling at the subject site and is not expected to be visible from the primary streetscape of Portland Street, maintaining its existing character.

The proposed variation to the FSR development standard has been justified on environmental planning grounds as, notwithstanding the exceedance of the development standard, the proposed development preserves the environmental amenity of the neighbouring properties and as the overall proposal satisfactorily demonstrates compatibility with the existing site context and the maintenance of the streetscape.

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 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) (Amendment 6)

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 • *Ceiling or wall mounted fans in all main living areas and bedrooms (notated on DA and CC plans).* • *Electric cooking and heating systems (notated on DA and CC plans).*	No (conditioned)	The proposal is to be amended to include ceiling or wall mounted fans in all main living areas and bedrooms and electric cooking and heating systems. A standard condition of consent is included to this effect.
5.Water Management	N/A	The proposal retains the existing stormwater management arrangement at the subject site, and the proposed development does not necessitate any interventions to the same.
7. Transport	N/A	The proposal retains the existing vehicle parking arrangement at the subject site.
11. Design Excellence • *Development must consider the following:*	Yes	The proposed development is limited to the ground floor level of the existing dwelling at the site and is satisfactory in bulk and scale

Development Control	Compliance	Comment
○ *The suitability of the land for development;* ○ *Existing and proposed uses and use mix;* ○ *The relationship of the development to other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity, and urban form;* ○ *Bulk, massing and modulation of buildings;* ○ *Street frontage heights;* ○ *Environmental impacts such as sustainable design, overshadowing, wind and reflectivity;* ○ *The achievement of the principles of ecologically sustainable development.*		and does not result in any impacts to the environmental amenity of the neighbouring properties. The proposed development maintains the existing streetscape character as it is not expected to be significantly visible to the Portland Street and Dover Road streetscapes. The proposal satisfactorily complies with the relevant design excellence controls.

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

Development Control	Compliance	Comment
1.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
1.1 Height		
Flat roof dwelling house • *Maximum wall height of 7.5m*	Yes	The proposed extension of the external wall towards the front of the site has a wall height of 4.5m and the wall towards the rear of the site has a height of 3m. Both proposed external walls comply with this control.
1.2 Setbacks		
1.2.1 Front and rear building lines • *Predominant front building line*	Yes	The proposed extension of the ground floor retains the existing front building line at this level.

Development Control	Compliance	Comment
• *Predominant rear building line at each floor level*	Yes	Satisfactory. The proposed ground floor extension at the rear aligns with the existing rear awning and extends beyond the predominant rear building line for the site. Notwithstanding that, the non-compliance is acceptable as the proposed extension does not result in any additional impacts to the environmental amenity of the neighbouring properties through any additional shadowing, view loss or acoustic and visual privacy impacts. The extension at the rear is proposed to enclose the existing rear terrace that is already covered by an awning. There will be minimal additional bulk and scale of the overall building as viewed from surrounding properties.
1.2.2 Side setbacks • *Minimum of 0.9m for ground floor and first floors.*	No (acceptable on merit)	The proposed rear extension at the ground floor retains a side setback of 0.982m along the northern site boundary. However, the ground floor extensions along the southern side setback provide a 0.893m side setback towards the front and a 0.793m side setback towards the rear of the site. The non-compliance is attributed to the existing non-compliant southern side setback, with the proposed works being extended along the existing external southern wall of the dwelling. The southern side setback of the subject site follows the secondary site frontage along Dover Road, and therefore, despite the non-compliance of the southern side setback, the overall proposal has no impact on the environmental amenity of any neighbouring properties and is acceptable.
1.3 Streetscape and visual impact		
• *New development to be compatible with streetscape context*	Yes	The proposed works are limited to the existing ground floor level of the subject site and are not expected to be significantly visible to the existing streetscape context, thereby maintaining the existing streetscape character.
• *Replacement windows to complement the style and proportions of existing dwelling*	Yes	Satisfactory. The southern windows are proposed as highlight windows which match the existing highlight windows on this elevation. Similarly, the west facing

Development Control	Compliance	Comment
		sliding doors will match the existing sliding doors along this section of the living room, which is acceptable.
• *Significant landscaping to be maintained.*	Yes	no change is proposed to the existing landscaping on site.
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*	N/A	The proposal retains the existing boundary walls at the subject site.
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 habitable windows along the northern and southern elevations at the ground floor level are highlight windows and satisfactorily maintain visual privacy for the existing neighbouring properties.
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.* • *If the provision of direct sunlight is already below 3 hours (as per above), any reduction may be unacceptable.* • *Avoid unreasonably overshadowing of solar collectors (including habitable windows).*	Yes	The subject side is orientated in an east-west direction and the proposed extensions at the ground floor result in additional shadows being cast over the rear courtyard, the southern side setback of the subject site and the grass verge along the southern site boundary. Despite the proposed additional shadows being cast over the subject site and the grass verge over the southern site boundary, the proposed development does not result in any additional shadow impact to any existing neighbouring properties within the site context, thereby preserving their environmental amenity. Whilst additional shadowing occurs to the subject site throughout the day, more than 50% of the private open space and principal living spaces receive more than 3 hours of sunlight, thereby complying with the control.

Development Control	Compliance	Comment
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	Satisfactory. The proposed development does not result in any view loss or any significant views available to the neighbouring properties or public domain.
1.9 Landscaping and open space		
• *Overall open space: 40% of site area (218.44m^2)*	Yes	66.8% (364.8m^2) of site area has been provided as overall open space.
• *Overall landscaped area: 20% (109.22m^2) of site area, with at least half deep soil (54.61m^2)*	N/A	No change is proposed to the existing landscaped areas on the subject site.
• *Minimum area of 25m^2 for private open space*	Yes	120m^2 of private open space area has been provided.
• *Front open space: 50% of front building setback area (141.7m^2)*	N/A	No change is proposed to the existing front open space areas on the subject site.
• *Front landscaped area: 50% of front open space provided (24.72m^2)*	N/A	No change is proposed to the existing front landscaped areas on the subject 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*	Yes	Satisfactory.

2.2. Other Impacts of the Development

The proposal is considered to have no significant likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality, subject to appropriate conditions being imposed and is recommended for approval.

2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.4. Any Submissions

The application was notified for at least 14 days between 19 June 2026 and 7 July 2026 in accordance with the *Waverley Community Engagement Strategy Amendment 1 (2025)*.

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 and is recommended for approval.

3. REFERRALS

No internal or external referral comments were sought.

4. CONCLUSION

The application has been assessed against the relevant matters for consideration under section *4.15(1)* of the Act. It is recommended for 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 conditions in Appendix A.

Managers of Development Assessment (MODA) Review

The application was reviewed by the MODA at the meeting on 7 July 2026 and the MODA concurred with the Assessment Planner's recommendation.

MODA members: B McNamara, B Magistrale, J Zancanaro and K Johnstone

Report prepared by:	Application reviewed and agreed by:
KB	
Kalyani Bhishikar	**Katie Johnstone**
Development Assessment Planner	**Manager, Development Assessment**
Date: 7 July 2026	**Date: 7 July 2026**

Reason for WLPP referral:

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

OFFICE USE ONLY (Please use this table for all reports, i.e. WLPP & delegated)

Planning Portal Data	
Clause 4.6 register entry required (For the purposes of reporting to the planning portal, if the % approved is different to the % proposed in the original submission, please state what the variation initially proposed was – Planning Portal Requirement)	56.54% 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 ground floor 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
Does the proposal trigger a Housing & Productivity Contribution? If so, please ensure you have calculated the contribution in the CON case in the Planning Portal.	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

GENERAL CONDITIONS

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by ArchiSpectrum including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA01.01 Rev D	BASIX Commitments	18/06/2026	18/06/2026
DA02.01 Rev D	Existing Basement Floor Plan	18/06/2026	18/06/2026
DA02.02 Rev D	Existing Ground Floor Plan	18/06/2026	18/06/2026
DA02.03 Rev D	Existing First Floor Plan	18/06/2026	18/06/2026
DA02.04 Rev D	Ground Floor Demolition Plan	18/06/2026	18/06/2026
DA03.01 Rev D	Proposed Ground Floor Plan	18/06/2026	18/06/2026
DA03.02 Rev D	Site and Roof Plan	18/06/2026	18/06/2026
DA04.01 Rev D	East and West Elevation	18/06/2026	18/06/2026
DA04.02 Rev D	North and South Elevation	18/06/2026	18/06/2026
DA05.01 Rev D	Section A-A	18/06/2026	18/06/2026
DA07.01 Rev D	External Finishes Schedule	18/06/2026	18/06/2026
DA09.01 Rev D	Glazing Schedule	18/06/2026	18/06/2026

(b) The BASIX Certificate;

(c) The Site Waste and Recycling Management Plan (SWRMP) Part 1 and received by Council on 02/06/2026;

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. COMPLIANCE WITH NATIONAL CONSTRUCTION CODE

All proposed work must comply with the *National Construction Code* (previously known as the *Building Code of Australia*).

Condition reason: Prescribed condition pursuant to the *Environmental Planning and Assessment Regulation 2021*.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

GENERAL

3. NO BUILDING WORKS PRIOR TO RELEASE OF A CONSTRUCTION CERTIFICATE

The building work must not be commenced until:

(a) A Construction Certificate has been obtained from Council or an Accredited Principal Certifier in accordance with the *Environmental Planning and Assessment Act 1979*;

(b) A Principal Certifier 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 Certifier 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*.

CONTRIBUTIONS, FEES & BONDS

5. SECTION 7.12 CONTRIBUTION

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

(a) Where the total development cost is $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 $500,001 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 $1,000,001 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).

(ii) Please forward documents to info@waverley.nsw.gov.au attention to Strategic Planning, and reference the relevant application number, address and condition number to satisfy.

(iii) 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.

(iv) Should there be a discrepancy between the Detailed Cost Report 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 is 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.

(e) Where a modification to a development consent has been granted, the contribution is to be recalculated based on the amended total development cost.

(f) Prior to the issue of any Construction Certificate, evidence must be provided to the Principal Certifier 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 S7.12 Contributions are paid for the development, and any amendments are accounted for.

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 Certifier prior to the issue of any Construction Certificate.

Note: Council acts as a collecting agent for the Long Service Payment Corporation and the levy may be paid at Council's office or online via the Service NSW website. 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. SECURITY DEPOSIT

(a) Payment to the amount of **$7,770.00** must be provided to Council for any damage caused to any property of the consent authority (i.e. 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 fee is charged in accordance with Council's *Pricing Policy and Schedule of Fees and Charges*.

(b) This payment (security deposit) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the security 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 of all of works associated with this consent (including the required public works) to the person who paid the deposit. Any works required to Council property associated with the consent need to be undertaken with the approval of the Infrastructure Services Department and in line with current Council standards. See the General Advisory Notes at the end of this consent for further details.

Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.

CONSTRUCTION AND SITE MATTERS

8. HOARDING FOR CONSTRUCTION SITES

A hoarding is a temporary structure of solid construction, erected around the perimeter of construction sites to shield them from view and prevent unauthorised access. It is an important component in ensuring health and safety, for site workers, visitors and the general public and can also be part of a site security system to prevent theft or vandalism. The design and construction of any hoarding must be in accordance with the requirements of *Safe Work NSW*.

Council authorisation is required when construction or other works will impact a footpath, such as the erection of hoarding or scaffolding, or the storage of building materials. Refer to Waverley Council's website by visiting the Hoarding and Scaffolding Guidelines webpage for more information.

To apply to occupy Council property (public domain and/or footway), complete the 'Application for Occupation of Council Footpath' form and submit it, directly to email building.compliance.admin@waverley.nsw.gov.au.

Please allow a minimum of 2 weeks for processing your application.

Note: You are not to erect the hoarding or store building materials on Council's footpath until written permission is given by Council and all relevant fees have been paid. Failure to do so, may result in enforcement action.

Condition reason: Under Section 68 of the *Local Government Act 1993* and under Section 138 of *The Roads Act 1993*, where Occupation of Council property is required over the footpath or any public place, the approval of Council must be obtained and the applicable fees paid prior

to any occupation. This is to ensure the safety of the site and public whilst construction occurs.

9. EROSION AND SEDIMENT CONTROL PLAN

(a) A *Soil and Water Management Plan* (SWMP), also known as an Erosion and Sediment Control Plan must be prepared by a suitably qualified person in accordance with *Waverley Council's Water Management Technical Manual*.

(b) The SWMP must be submitted and approved by the Principal Certifier prior to the issue of any Construction Certificate. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request.

(c) 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 no substance other than rainwater enters the stormwater system 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 the structural stability of work on site.

ENERGY EFFICIENCY & SUSTAINABILITY

11. BASIX CERTIFICATE – DETAILS TO BE LODGED WITH A CONSTRUCTION CERTIFICATE

A copy of the required completed BASIX certificate accepted as part of this Development Consent with respect to the proposed residential building works, must be lodged with an application for a Construction Certificate and the items nominated as part of the subject BASIX certificate must be specified on the plans submitted with the construction certificate application. – See Note.

Note: Any requirement detailed in the accompanying BASIX Certificate, MUST be included as a specific notation or inclusion on any future Construction Certificate plans and specification in accordance with Part 3 of Schedule 1 of the *Environmental Planning and Assessment Regulation 2021*.

Condition reason: To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under clause 75 *EP&A Regulation 2021*.

12. RENEWABLE ENERGY AND ENERGY EFFICIENCY

(a) No gas cooktops or gas ovens are permitted where works are proposed to the kitchen. Alternate options must be used such as electric or induction.

(b) No gas heating systems are permitted. If heating is provided it must be electric or solar sourced.

(c) Ceiling or wall mounted fans must be installed in all habitable rooms (main living areas and bedrooms).

(d) In circumstances where the existing BASIX certificate does not comply with the above, the BASIX certificate must be amended and submitted to the Principal Certifier for approval, prior to the issue of the relevant Construction Certificate.

(e) The architectural plans shall be updated to notate the above and submitted to the Principal Certifier for approval, prior to the issue of the relevant Construction Certificate.

Condition reason: To improve air quality and human health, and to ensure all new (or altered) homes have future capacity to be an all-electric building, powered by renewable energy.

WASTE

13. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted and approved by the Principal Certifier 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, and the contact details of those removing the waste 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.

COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

14. CONSTRUCTION SIGNS

Prior to commencement of any works on the site and during construction phase, a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number and email address) of the Principal Certifier 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 Certifier and principal contractor's (the coordinator of the building works) contact details.

15. DILAPIDATION REPORT

(a) 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 Certifier. At minimum, the following properties are to be included:

(i) 58 Portland Street Dover Heights NSW 2030

(b) 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 Certifier that all reasonable steps were taken to obtain access to the adjoining properties.

(c) The report is to be dated, submitted to, and accepted by the Principal Certifier, prior to any work commencing on the site.

(d) 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.

(e) 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 affected neighbours and council are provided with the dilapidation report.

16. SURVEY SETOUT

Prior to the commencement of construction, all footings, walls and floor slabs adjacent to a boundary must be set out by a registered surveyor. The building shall be sufficiently set back to ensure that no component of the building (such as the roof, guttering, or downpipes) encroach upon or overhang the boundaries of the site.

The registered surveyor shall provide a survey and report to the Principal Certifier indicating the position of the footings, walls and floor slabs in relation to the boundaries of the allotment, prior to the commencement of construction works.

Condition reason: To ensure the development does not encroach onto neighbouring properties.

DEMOLITION & EXCAVATION

17. 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:

(a) *Work Health and Safety Act 2011*;

(b) *Work Health and Safety Regulation 2017*;

(c) SafeWork NSW *Code of Practice* for the Safe Removal of Asbestos;

(d) *Australian Standard 2601-2001* – Demolition of Structures;

(e) *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 and Hazardous Materials Assessment for the approval of the Principal Certifier in accordance with *Australian Standard AS 2601-2001* Demolition of Structure and a Hazardous Materials Assessment.

The Work Plan and Hazardous Materials Assessment shall be prepared by a suitably qualified person and shall:

(i) Outline the identification of any hazardous materials, including surfaces coated with lead paint;

(ii) Confirm that no asbestos products are present on the subject land, or

(iii) 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);

(iv) Describe the method of demolition;

(v) Describe the precautions to be employed to minimise any dust nuisance; and

(vi) Describe the disposal methods for hazardous materials.

Condition reason: To ensure the safety of workers and the general public.

18. 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.

(b) Water must not be allowed to enter the street and stormwater systems.

(c) Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

(d) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to *Australian Standard AS1716* -2012 Respiratory Protective Devices.

Condition reason: To ensure the safety of workers and the general public.

CONSTRUCTION MATTERS

19. CONSTRUCTION HOURS

(a) 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.

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

(c) 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 during construction.

20. 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 boundaries. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval. If required, you can apply to temporarily use Council's footpath for the erection of a hoarding, scaffold, mobile scaffold, scissor lift, ladders, barricades for abseiling work, and/or storage of building materials on Council's footpath. This is a separate application form and assessment process. Details of this can be found on Council's website under 'Occupation of Council Footpath'.

https://www.waverley.nsw.gov.au/planning/application_forms_and_certificates

Condition reason: To ensure building material is stored in an appropriate location.

21. BASIX (DURING BUILDING WORK)

During construction, the Principal Certifier should ensure the commitments listed in the BASIX certificate are met when conducting critical stage inspections.

Condition reason: To ensure compliance with the *SEPP (Sustainable Buildings 2022)*

22. CRITICAL/MANDATORY BUILDING INSPECTIONS DURING CONSTRUCTION

The building works are to be inspected during construction by the Principal Certifier in accordance with, 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.

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 for each level is to be submitted to the Principal Certifier during construction and prior to continuing with the construction of the subsequent level of the building. A final Certificate from a Registered Surveyor is required to be submitted for approval of the Principal Certifier, certifying the finished ridge and overall building height levels accord with the approved architectural plans.

Condition reason: To ensure buildings are sited and positioned in the approved location and to the approved height.

24. CERTIFICATE OF SURVEY – BOUNDARIES AND LOCATION OF BUILDING

A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the location of the building on the site is to be submitted to the Principal Certifier 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.

25. WORK OUTSIDE PROPERTY BOUNDARY

This consent does not authorise any work outside the property boundary, including storage of building materials or goods. Separate approval is required for any works outside the property boundary, with fees being paid where applicable. Requests are to be made via email to assets@waverley.nsw.gov.au.

Condition reason: To ensure all works are located within the property boundary and specific approval is sought for any external works.

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 Certifier in all instances, except where a condition explicitly specifies that the approval of Council or a Council Officer is required, prior to the issue of an Occupation Certificate or Subdivision Certificate, whichever applies.

CERTIFICATES, LICENSES, EASEMENTS AND RESTRICTIONS

26. FINAL OCCUPATION CERTIFICATE

(a) Prior to occupation or use of the development, an Occupation Certificate must be obtained.

(b) The Principal Certifier 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.

27. CERTIFICATION OF BASIX COMMITMENTS

All commitments listed in each relevant BASIX Certificate for the development must be fulfilled prior to any Occupation Certificate being issued.

Condition reason: To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under clause 75, *Environmental Planning and Assessment Regulation 2021*).

GENERAL ADVISORY NOTES

1. DEVELOPMENT IS TO COMPLY WITH LEGISLATION

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.

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 *Environmental Planning and Assessment Act 1979* 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:

(a) Please read your conditions carefully.

(b) 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).

(c) Attention the documentation to the relevant officer/position of Council (where known/specified in condition).

(d) Include DA reference number.

(e) Include condition number/s seeking to be addressed.

(f) 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).

(g) 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.

(h) 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.

(i) Please note, in some circumstances, additional fees and/or additional documents (hard copy) may be required.

(j) 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.

4. 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.

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 1800 810 443.

6. ALTERATIONS AND ADDITIONS ONLY

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

7. TREE REMOVAL/PRESERVATION

Any trees not identified for removal in this application have not been assessed and separate approval may be required.

Details on additional criteria regarding tree on development sites can be found in Waverley Council Tree Management Guidelines 2022, 10. Appendices.

8. ADDITIONAL INFORMATION IN RELATION TO SECURITY DEPOSIT – RELEASE PROCESS

Following completion of all works and satisfaction of all consent conditions, an Occupation Certificate will be issued for the site and uploaded to the NSW Planning Portal. Waverley Council will receive notification of this achievement and will begin the process of reviewing the site prior to release of the site's security deposit.

An officer from the Infrastructure Services team will attend the site and inspect the public domain in order to confirm that all public domain works within the conditions of consent have been completed to Council's satisfaction and that no damage has occurred associated with the works. Specifically, they will be assessing the condition of the:

(a) Footpath/s,

(b) Kerb and gutter,

(c) Nature strip, turf and any trees,

(d) Stormwater assets,

(e) Driveway crossings,

(f) Roadway/s, &;

(g) Any other public assets within the frontage or affected by the works.

It is the applicant's responsibility to ensure that the public domain is undamaged from the construction works which have occurred, and that any assets which have been renewed are completed with the consent of the Infrastructure Services Department (assets@waverley.nsw.gov.au) and in line with current Waverley Council Standards and Guidelines. Should there be any damage identified or works completed which do not meet Council's quality requirements, a Council officer will be in contact to outline what needs to be rectified prior to the release of the Security Deposit. Once all issues have been rectified to Council's satisfaction, the finance department will be notified to process the refund.

If no issues are identified onsite, the full security deposit should be typically expected to be refunded within 12 weeks from the date of upload of the site's final Occupation Certificate to the NSW Planning Portal by the site's Principal Certifier.

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 mean 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 *Environmental Planning and Assessment Regulation 2021* 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 *Environmental Planning and Assessment Act 1979*.

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 *Environmental Planning and Assessment Act 1979* 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 *Environmental Planning and Assessment Regulation 2021*.

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

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-189/2026

Date Received: 18/06/2026

Alterations & Additions

60 Portland St, Dover Heights

BASIX CERTIFICATE COMPLIANCE:

The works shall comply with the following requirements of Basix Certificate (Cert. No. A1843592)

Project address	
Project name	17926, 60 Portland St
Street address	60 PORTLAND Street DOVER HEIGHTS 2030
Local Government Area	Waverley Council
Plan type and number	Deposited Plan DP312774
Lot number	A
Section number	-
Project type	
Dwelling type	Dwelling house (detached)
Type of alteration and addition	The estimated development cost for my renovation work is $50,000 or more, and does not include a pool (and/or spa).
N/A	N/A
Certificate Prepared by (please complete before submitting to Council or PCA)	
Name / Company Name: Max Brightwell	
ABN (if applicable): 95897024384	

Fixtures and systems

Lighting

The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.

Fixtures

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

The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating.

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

Construction

Insulation requirements

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

Construction	Additional insulation required (R-value)	Other specifications
concrete slab on ground floor.	nil	N/A
suspended floor with open subfloor: concrete (R0.6).	R0.9 (down) (or R1.50 including construction)	N/A
external wall: cavity brick	nil	
external wall: brick veneer	R1.16 (or R1.70 including construction)	
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)	
flat ceiling, flat roof: concrete/ plasterboard internal	ceiling: R2.32 (up), roof: foil/sarking	light (solar absorptance < 0.475)

Glazing requirements

Windows and glazed doors

The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.

The following requirements must also be satisfied in relation to each window and glazed door:

Each window or glazed door with standard aluminium or timber frames and single clear or toned glass may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.

Each window or glazed door with improved frames, or pyrolytic low-e glass, or clear/air gap/clear glazing, or toned/air gap/clear glazing must have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions. The description is provided for information only. Alternative systems with complying U-value and SHGC may be substituted.

For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.

Pergolas with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.35.

Pergolas with fixed battens must have battens parallel to the window or glazed door above which they are situated, unless the pergola also shades a perpendicular window. The spacing between battens must not be more than 50 mm.

Overshadowing buildings or vegetation must be of the height and distance from the centre and the base of the window and glazed door, as specified in the 'overshadowing' column in the table below.

Glazing requirements

Windows and glazed doors glazing requirements

Window/door number	Orientation	Area of glass including frame (m2)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type
W01G	W	7.21	0	0	eave/ verandah/ pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W02G	W	11.4	0	0	eave/ verandah/ pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W03G	N	2.65	0	0	eave/ verandah/ pergola/balcony >=450 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)
W04G	N	1.44	1.5	2.5	none	aluminium, single Lo-Tsol low-e, (U-value: 5.6, SHGC: 0.36)
W05G	E	4	0	0	eave/ verandah/ pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W06G	E	10.8	0	0	eave/ verandah/ pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W07G	E	4.26	0	0	eave/ verandah/ pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W08G	S	1.44	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
WG9G	S	1.62	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W10G	S	2.1	0	0	eave/ verandah/ pergola/balcony >=600 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)

ARCHI SPECTRUM
Nominated Architect: Martin Bednarczyk | NSW ARB #8912
Suite C5, 8 Allen St, Waterloo NSW 2017 | A.B.N. 68 662 638 413
m: 0419 670 108 | ph: (02) 8399 2807 | e: office@archispectrum.com.au

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ISSUE	DATE	DESCRIPTION
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D	18.06.2026	Issue for DA RFI submission

PROJECT:
Alterations & Additions
60 Portland St, Dover Heights

CLIENT:
Mark Alexander
60 Portland St, Dover Heights

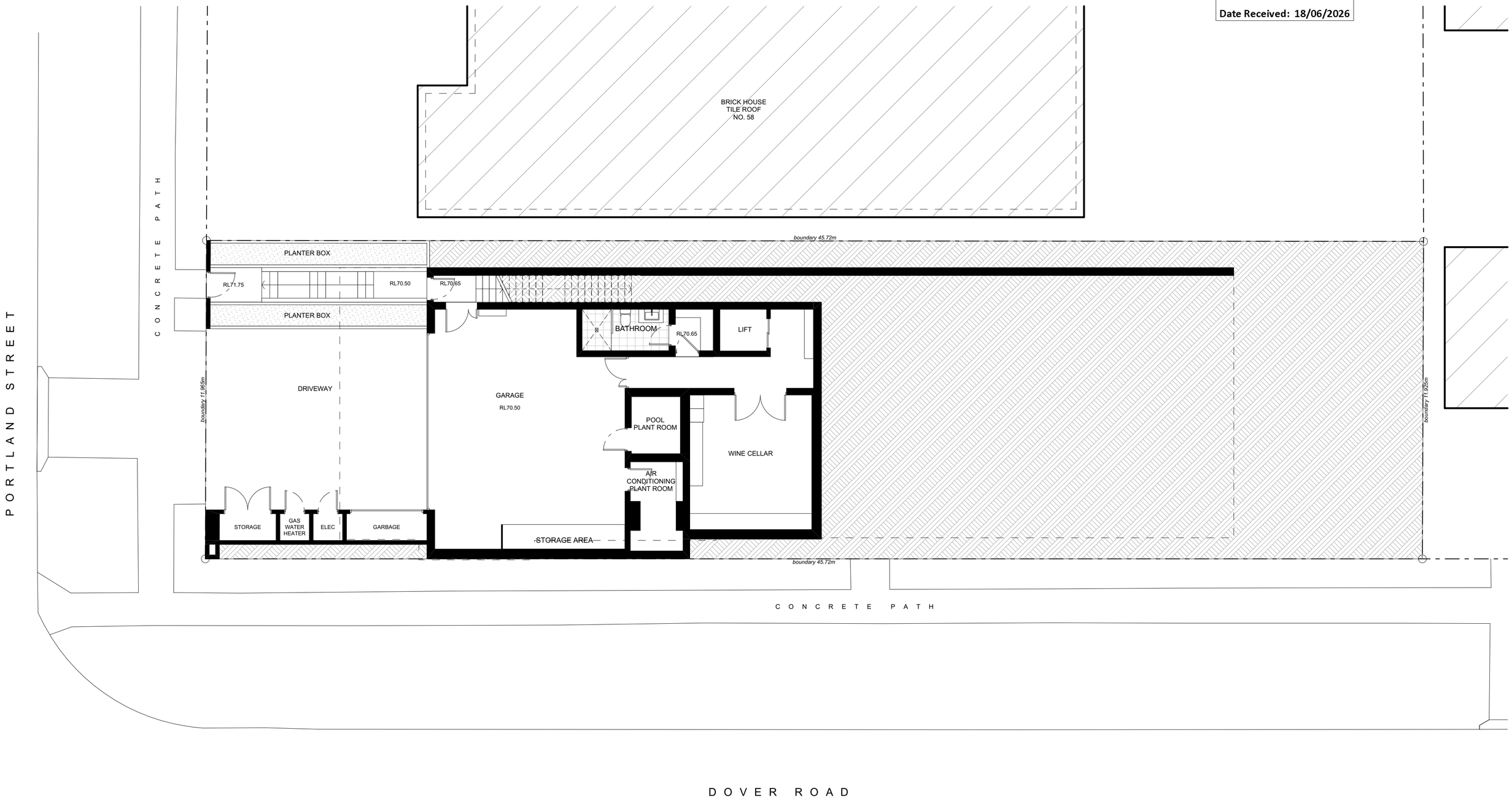
SHEET TITLE:
BASIX Commitments

SCALE: @ A2
DRAWN: JOSH. L
SHEET SIZE: A2
DWG NO: DA01.01
REVISION: d

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-189/2026
Date Received: 18/06/2026

LEGEND:
existing wall to remain



EXISTING BASEMENT FLOOR PLAN

SCALE 1:100

ARCHI SPECTRUM
Nominated Architect: Martin Bednarczyk | NSW ARB #8912
Suite C5, 8 Allen St, Waterloo NSW 2017 | A.B.N. 68 662 638 413
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TN MN
NORTH

ISSUE	DATE	DESCRIPTION
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D	18.06.2026	Issue for DA RFI submission

PROJECT:
Alterations & Additions
60 Portland St, Dover Heights

CLIENT:
Mark Alexander
60 Portland St, Dover Heights

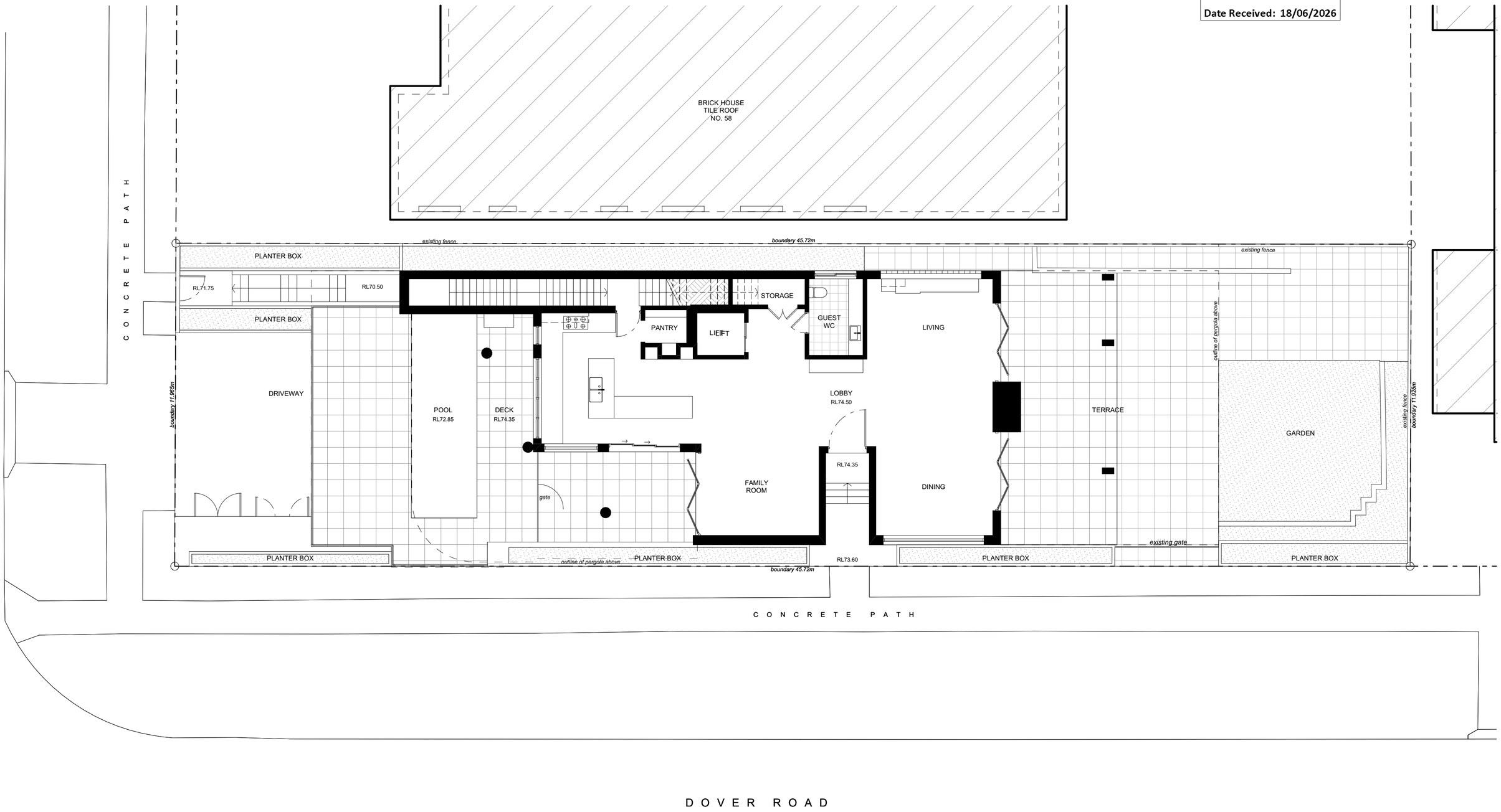
SHEET TITLE:
Existing Basement Floor Plan

SCALE: 1:100 @ A2
DRAWN: JOSH. L
SHEET SIZE: A2
DWG NO: DA02.01
REVISION: d

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-189/2026
Date Received: 18/06/2026

LEGEND:
existing wall to remain



EXISTING GROUND FLOOR PLAN

SCALE 1:100

ARCHI SPECTRUM
Nominated Architect: Martin Bednarczyk | NSW ARB #8912
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TN MN NORTH

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PROJECT:
Alterations & Additions
60 Portland St, Dover Heights

CLIENT:
Mark Alexander
60 Portland St, Dover Heights

SHEET TITLE:
Existing Ground Floor Plan

SCALE: 1:100 @ A2
DRAWN: JOSH. L
SHEET SIZE: A2
DWG NO: DA02.02
REVISION: d

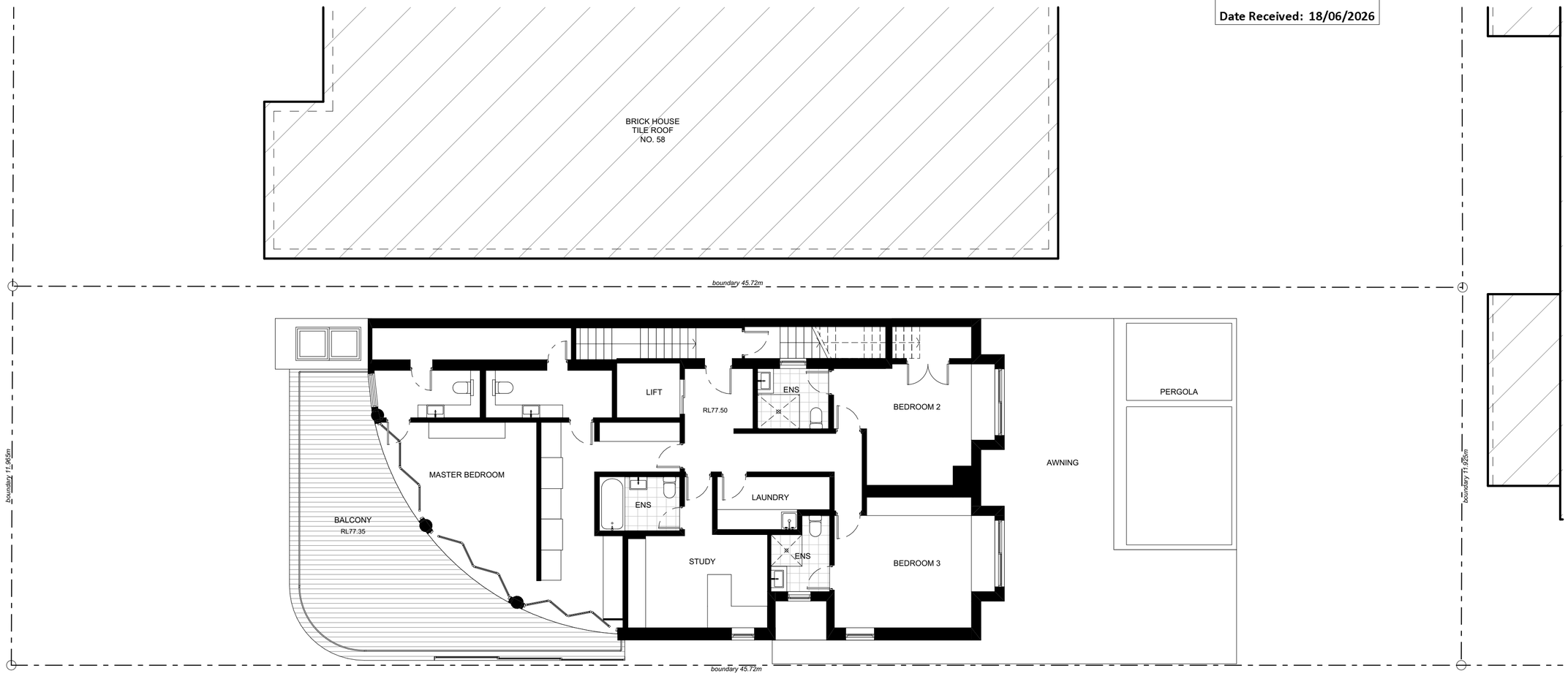
AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-189/2026

Date Received: 18/06/2026

LEGEND:
existing wall to remain



EXISTING FIRST FLOOR PLAN

SCALE 1:100

ARCHISPECTRUM
Nominated Architect: Martin Bednarczyk | NSW ARB #8912
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D	18.06.2026	Issue for DA RFI submission

PROJECT:
Alterations & Additions
60 Portland St, Dover Heights

CLIENT:
Mark Alexander
60 Portland St, Dover Heights

SHEET TITLE:
Existing First Floor Plan

SCALE: 1:100 @ A2
DRAWN: JOSH. L
SHEET SIZE: A2
DWG NO: DA02.03
REVISION: d

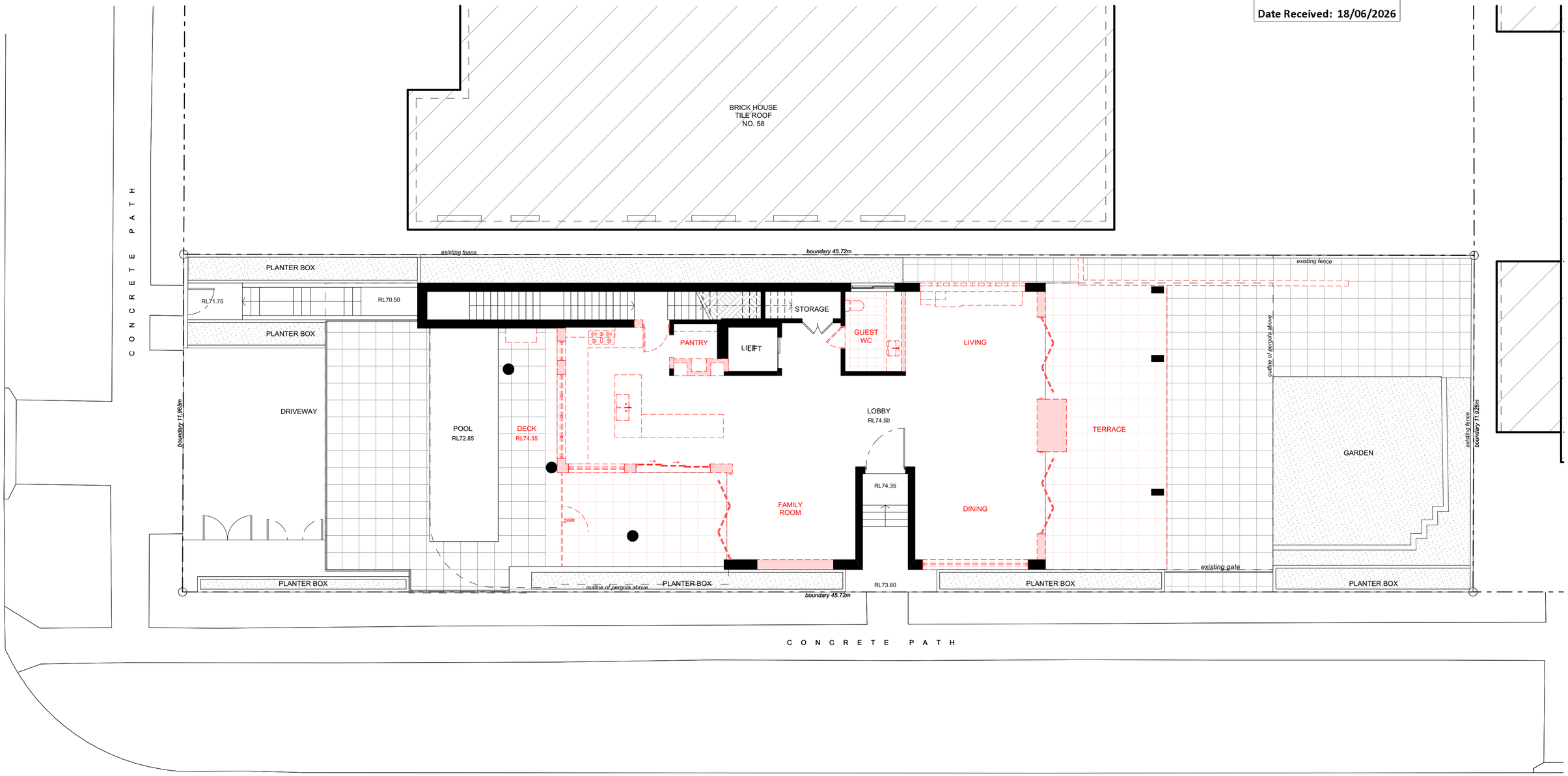
AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-189/2026

Date Received: 18/06/2026

LEGEND:
- existing wall to remain
- existing wall to be demolished



GROUND FLOOR DEMOLITION PLAN

SCALE 1:100

ARCHI SPECTRUM
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TN MN NORTH

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D	18.06.2026	Issue for DA RFI submission

PROJECT:
Alterations & Additions
60 Portland St, Dover Heights

CLIENT:
Mark Alexander
60 Portland St, Dover Heights

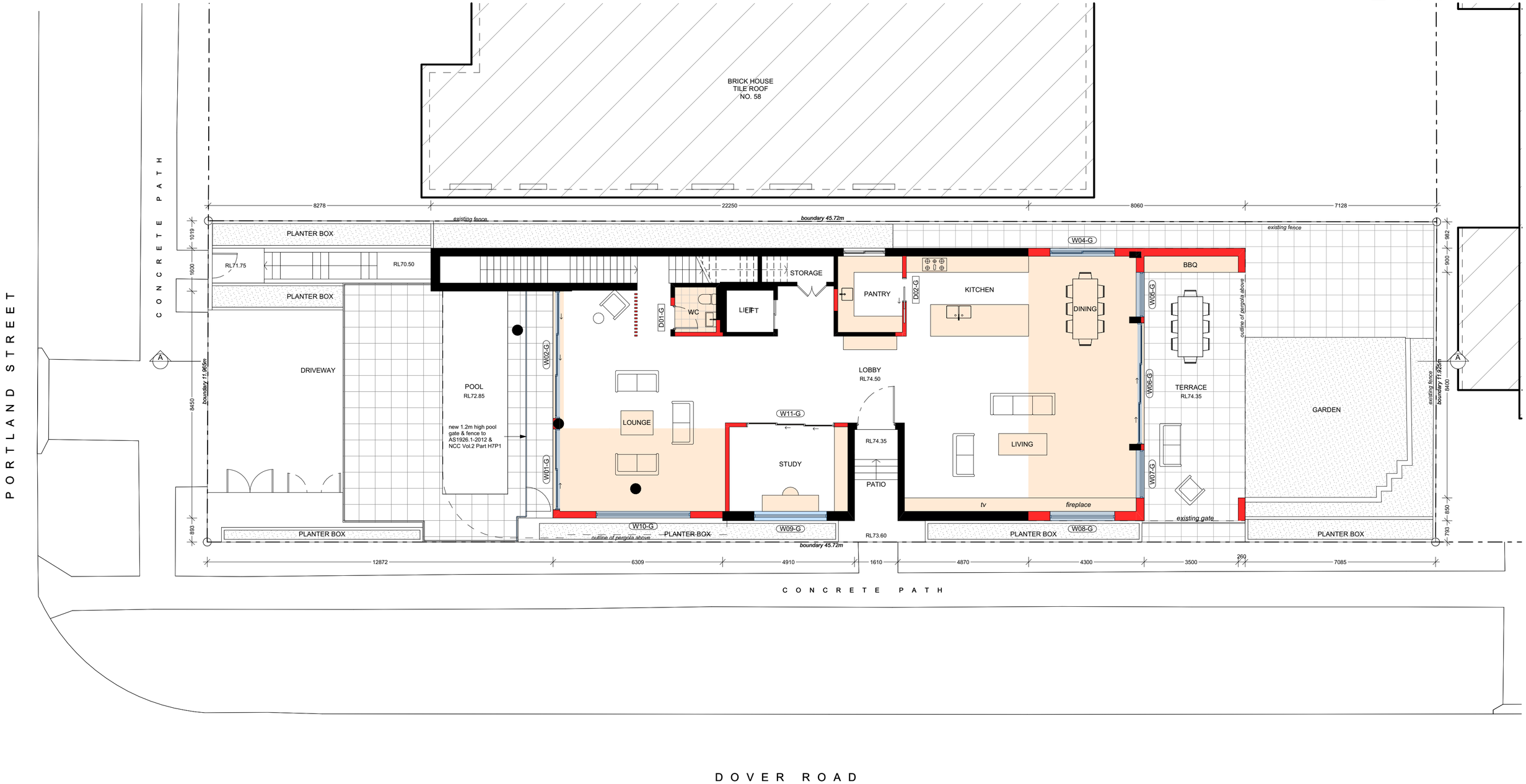
SHEET TITLE:
Ground Floor Demolition Plan

SCALE: 1:100 @ A2
DRAWN: JOSH. L
SHEET SIZE: A2
DWG NO: DA02.04
REVISION: d

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-189/2026
Date Received: 18/06/2026

LEGEND:
- existing wall to remain
- new wall
- new element
- new glazing



PROPOSED GROUND FLOOR PLAN

SCALE 1:100

ARCHISPECTRUM
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PROJECT:
Alterations & Additions
60 Portland St, Dover Heights

CLIENT:
Mark Alexander
60 Portland St, Dover Heights

SHEET TITLE:
Proposed Ground Floor Plan

SCALE: 1:100 @ A2
DRAWN: JOSH. L
SHEET SIZE: A2
DWG NO: DA03.01
REVISION: d

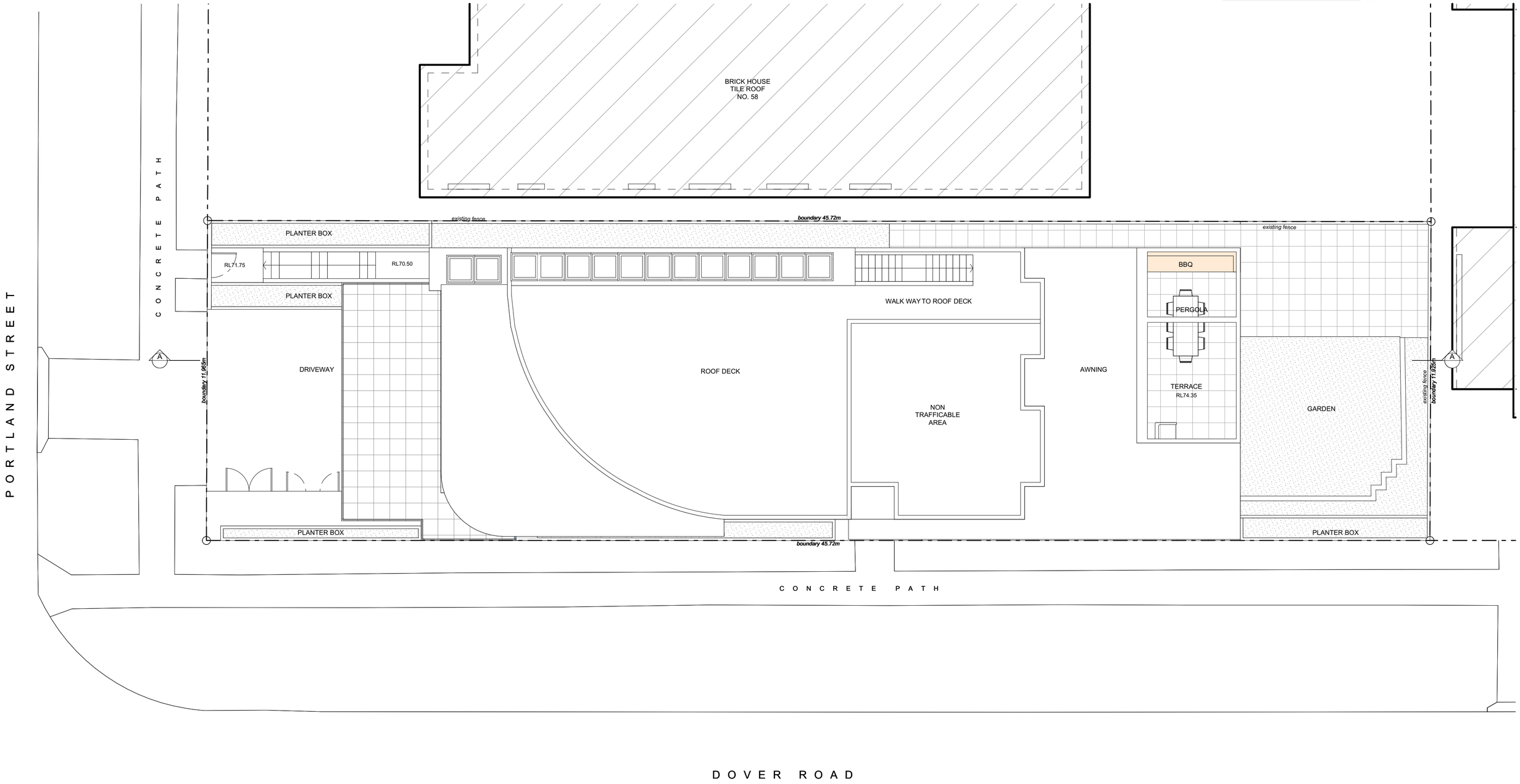
AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-189/2026

Date Received: 18/06/2026

LEGEND:
- existing wall to remain
- new wall
- new element
- new glazing



SITE & ROOF PLAN

SCALE 1:100

ARCHI SPECTRUM
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PROJECT:
Alterations & Additions
60 Portland St, Dover Heights

CLIENT:
Mark Alexander
60 Portland St, Dover Heights

SHEET TITLE:
Site & Roof Plan

SCALE: 1:100 @ A2
DRAWN: JOSH. L
SHEET SIZE: A2
DWG NO: DA03.02
REVISION: d

AMENDED PLANS

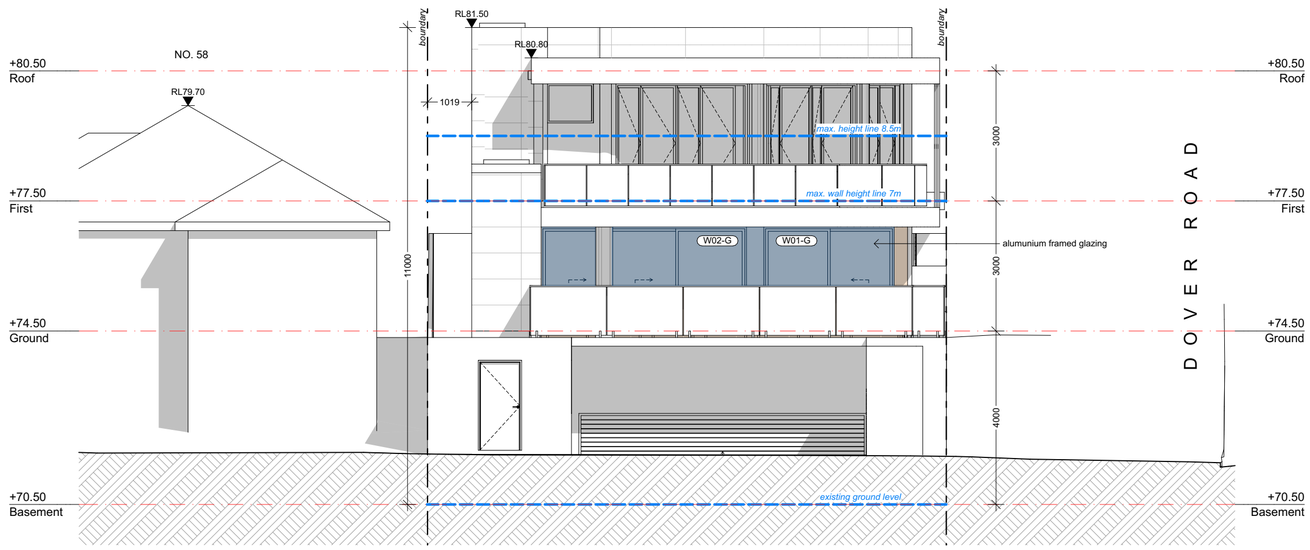
LEGEND:

- existing wall to remain
- new wall
- new element
- new glazing

RECEIVED
Waverley Council

Application No: DA-189/2026

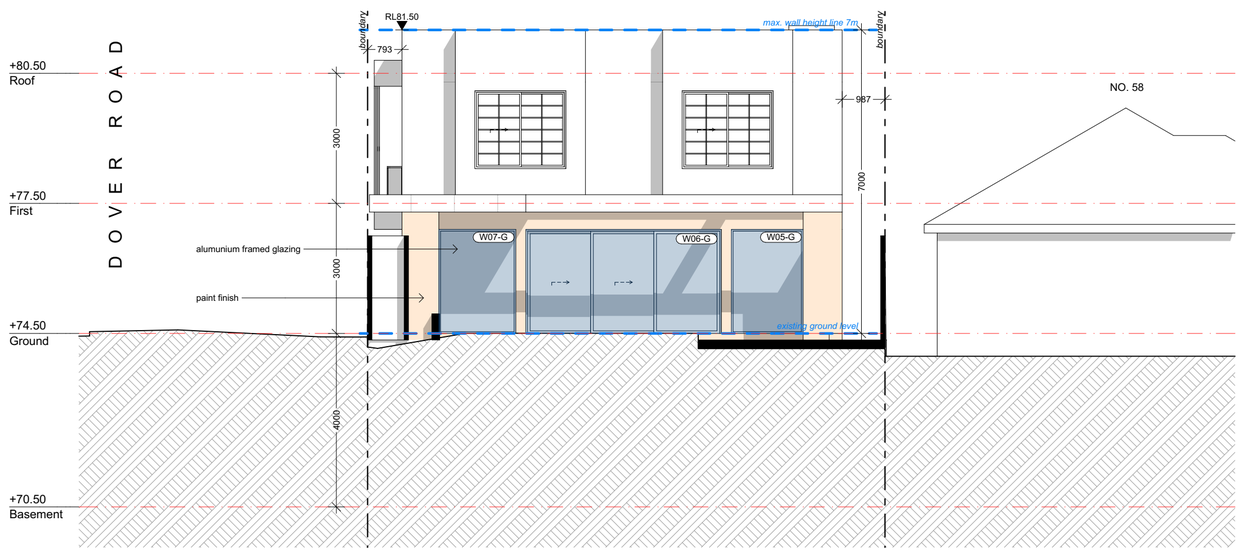
Date Received: 18/06/2026



EAST ELEVATION (PORTLAND ST)

SCALE 1:100

max. height line 8.5m



WEST ELEVATION

SCALE 1:100

ARCHI SPECTRUM
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PROJECT:
Alterations & Additions
60 Portland St, Dover Heights

CLIENT:
Mark Alexander
60 Portland St, Dover Heights

SHEET TITLE:
East & West Elevation

SCALE: 1:100 @ A2
DRAWN: JOSH. L
SHEET SIZE: A2
DWG NO: DA04.01
REVISION: d

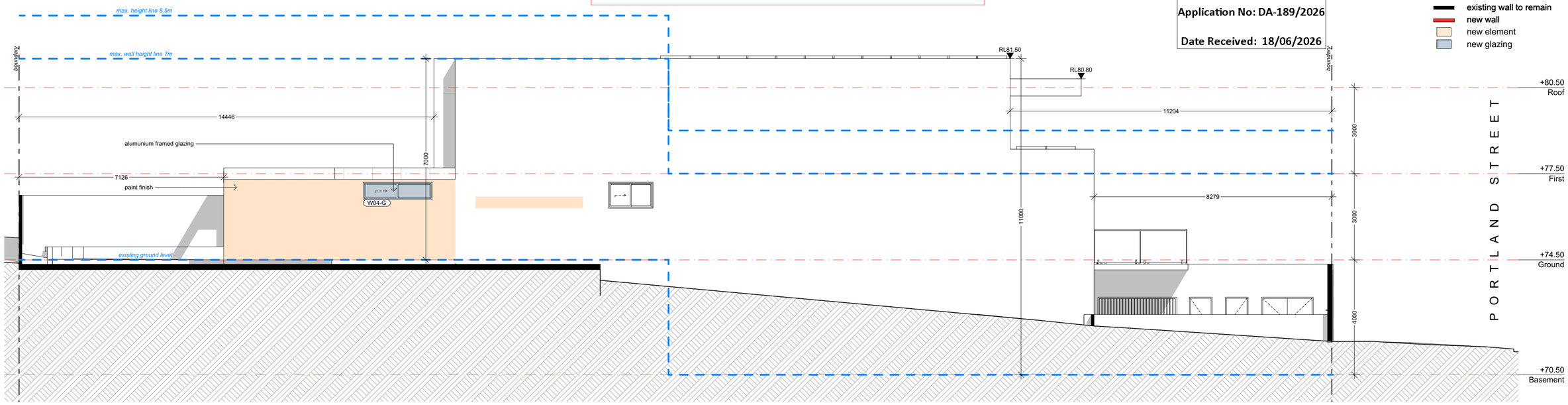
AMENDED PLANS

RECEIVED
Waverley Council

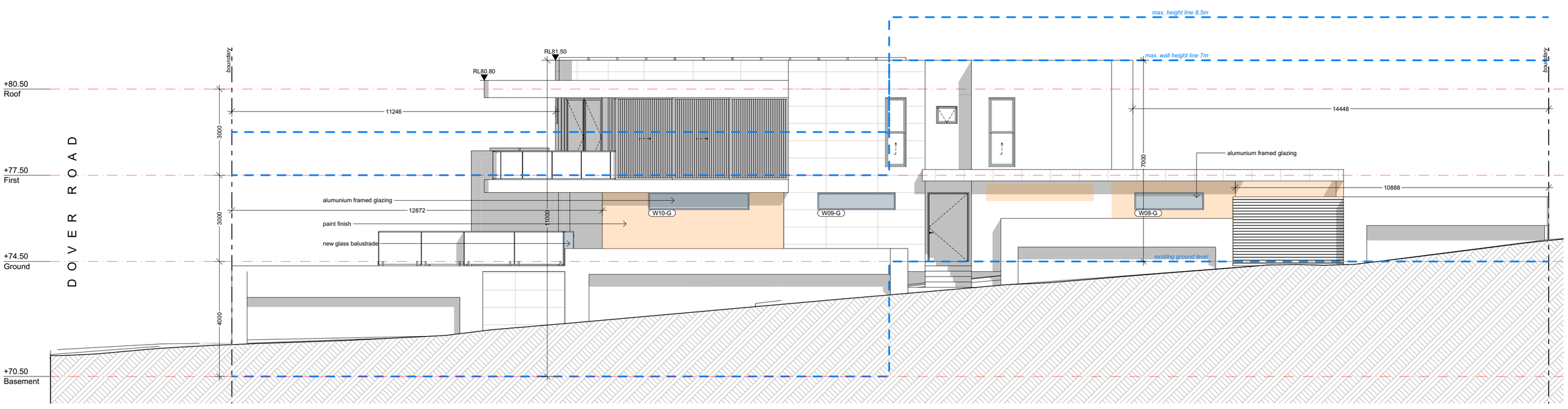
Application No: DA-189/2026

Date Received: 18/06/2026

LEGEND:
- existing wall to remain
- new wall
- new element
- new glazing



NORTH ELEVATION
SCALE 1:100



SOUTH ELEVATION
SCALE 1:100

ARCHI SPECTRUM
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PROJECT:
Alterations & Additions
60 Portland St, Dover Heights

CLIENT:
Mark Alexander
60 Portland St, Dover Heights

SHEET TITLE:
North & South Elevation

SCALE: 1:100 @ A2
DRAWN: JOSH. L
SHEET SIZE: A2
DWG NO: DA04.02
REVISION: d

AMENDED PLANS

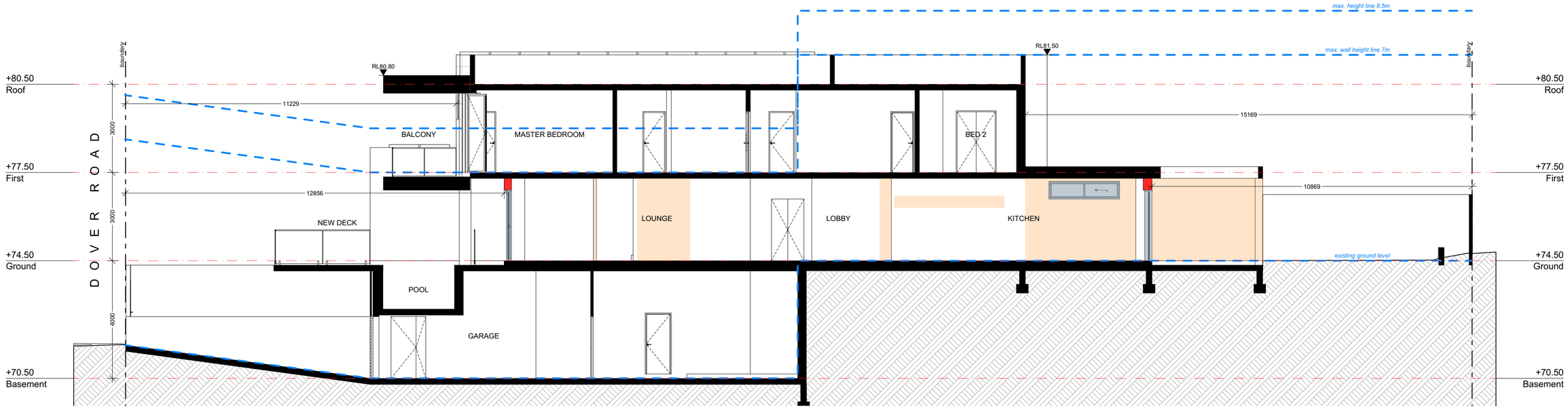
LEGEND:

- existing wall to remain
- new wall
- new element
- new glazing

RECEIVED
Waverley Council

Application No: DA-189/2026

Date Received: 18/06/2026



SECTION A-A

SCALE 1:100

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Alterations & Additions
60 Portland St, Dover Heights

CLIENT:
Mark Alexander
60 Portland St, Dover Heights

SHEET TITLE:
Section A-A

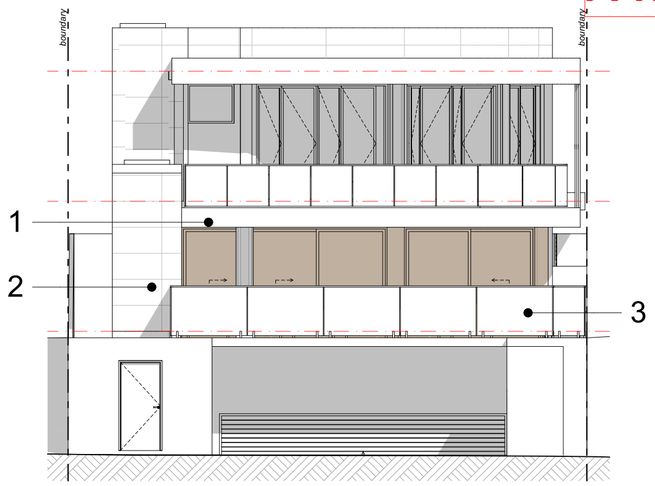
SCALE: 1:100 @ A2
DRAWN: JOSH. L
SHEET SIZE: A2
DWG NO: DA05.01
REVISION: d

AMENDED PLANS

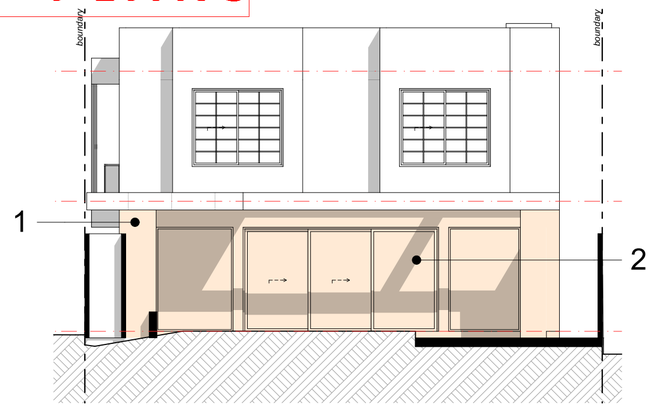
RECEIVED
Waverley Council

Application No: DA-189/2026

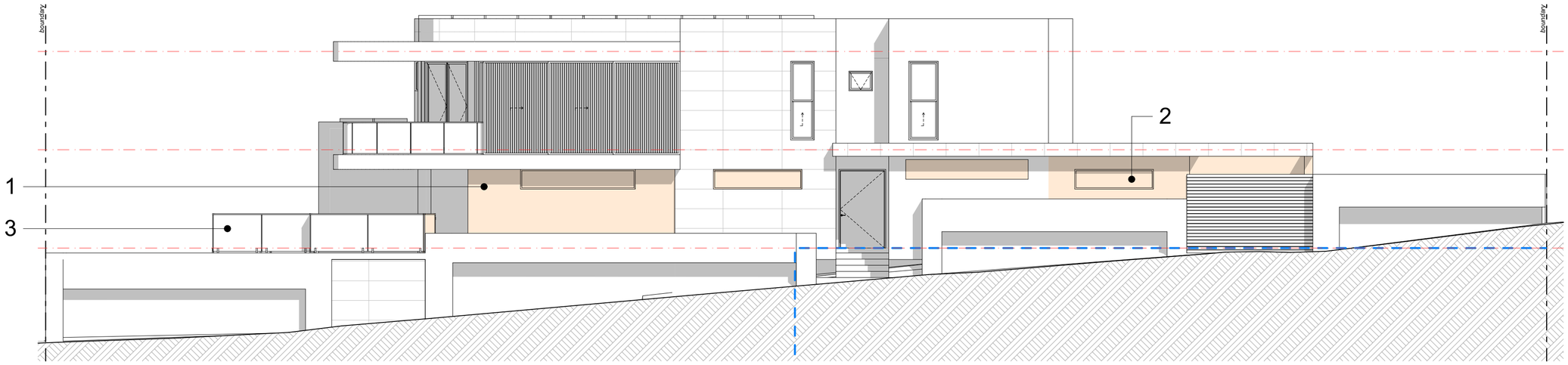
Date Received: 18/06/2026



EAST ELEVATION
SCALE 1:100



WEST ELEVATION
SCALE 1:100



SOUTH ELEVATION
SCALE 1:100

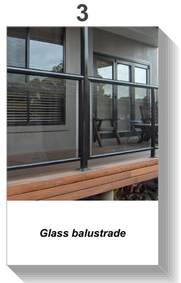
1

Paint finish to match existing

2

Aluminium framed glazing
Colour : to match existing

3



Glass balustrade

ARCHI SPECTRUM
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PROJECT:
Alterations & Additions
60 Portland St, Dover Heights

CLIENT:
Mark Alexander
60 Portland St, Dover Heights

SHEET TITLE:
External Finishes Schedule

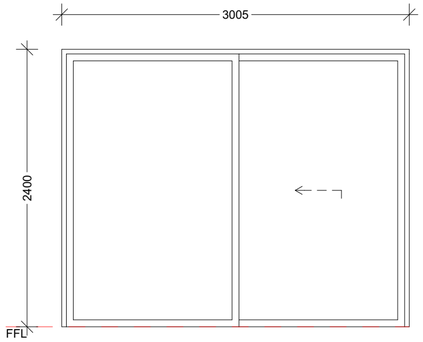
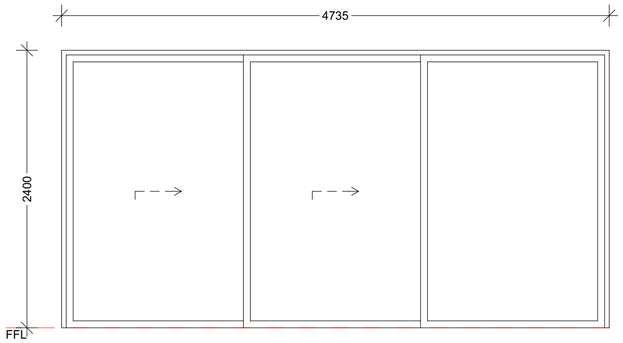
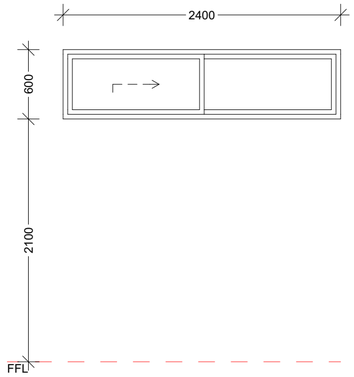
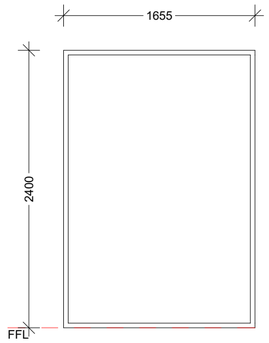
SCALE: 1:100 @ A2
DRAWN: JOSH. L
SHEET SIZE: A2
DWG NO: DA07.01
REVISION: d

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-189/2026

Date Received: 18/06/2026

Glazing No.	W01-G	W02-G	W04-G	W05-G
View from Opening Side				
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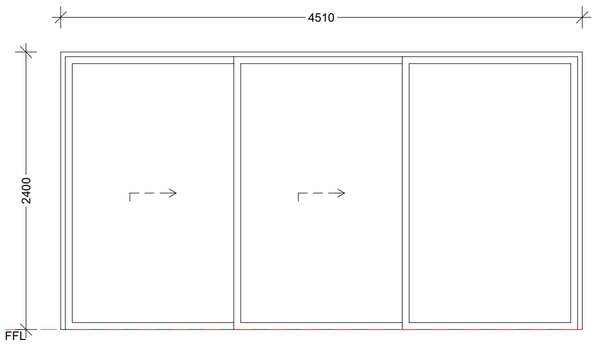
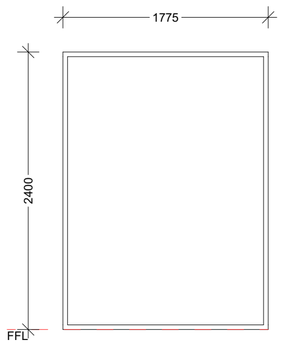
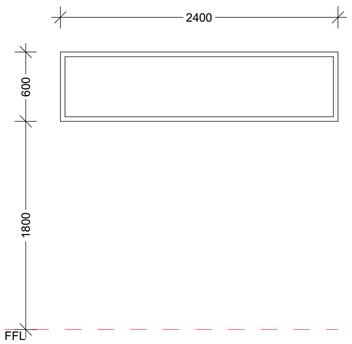
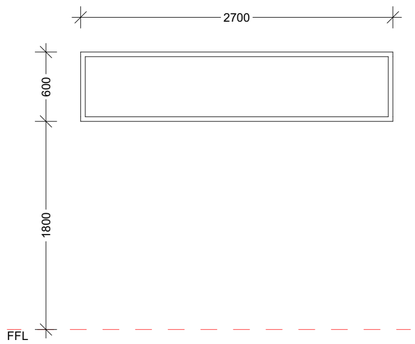
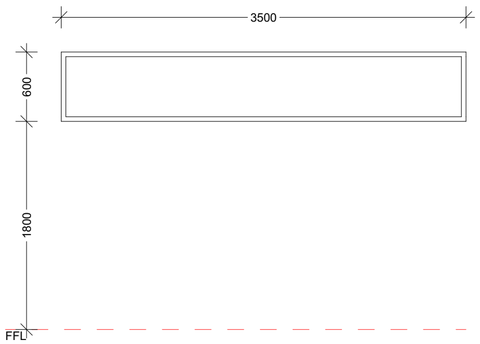
W06-G	W07-G	W08-G	W09-G	W10-G
				
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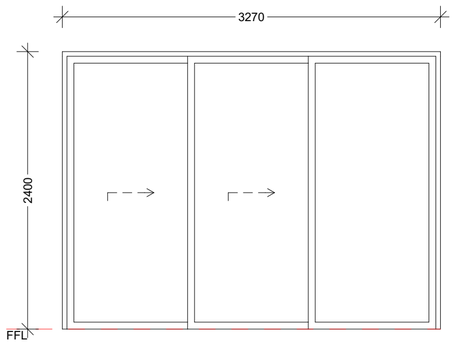

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Nominated Architect: Martin Bednarczyk | NSW ARB #8912
Suite C5, 8 Allen St, Waterloo NSW 2017 | A.B.N. 68 662 638 413
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PROJECT:
Alterations & Additions
60 Portland St, Dover Heights

CLIENT:
Mark Alexander
60 Portland St, Dover Heights

SHEET TITLE:
Glazing Schedule

SCALE: 1:0.75 @ A2
DRAWN: JOSH. L
SHEET SIZE: A2
DWG NO: DA09.01
REVISION: d

Legend:

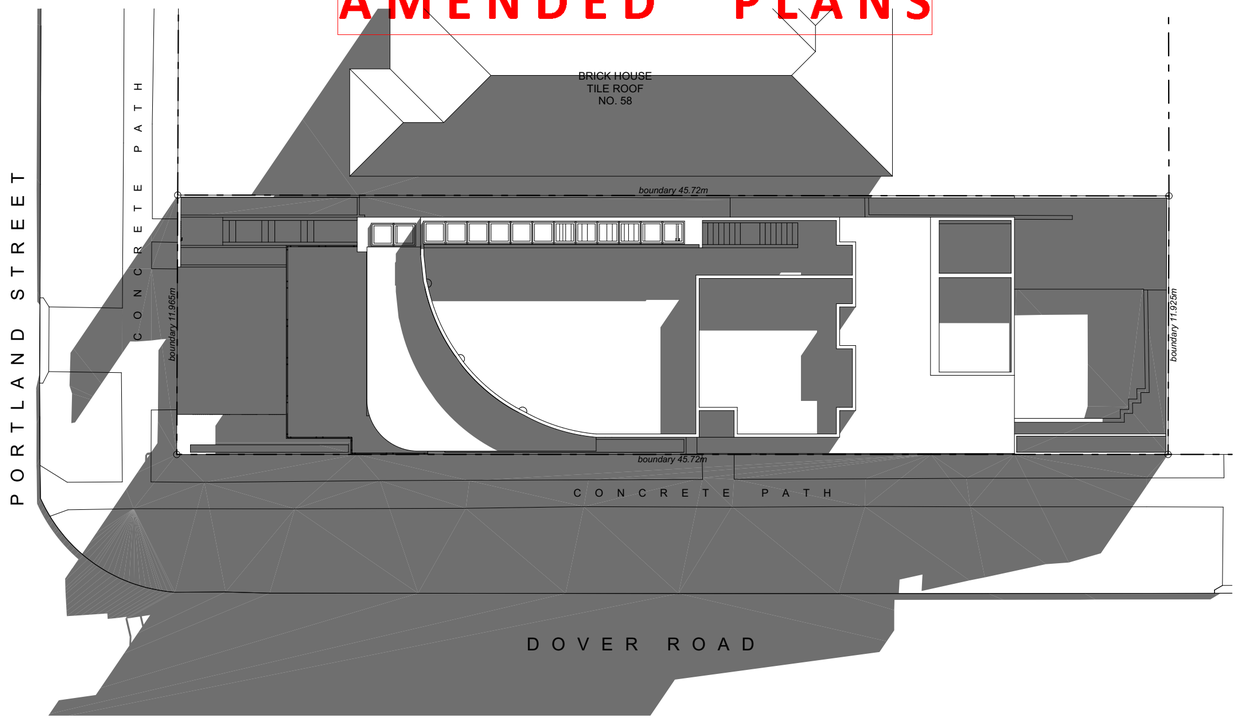
- Existing shadow impact
- Proposed additional shadow impact

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-189/2026

Date Received: 18/06/2026



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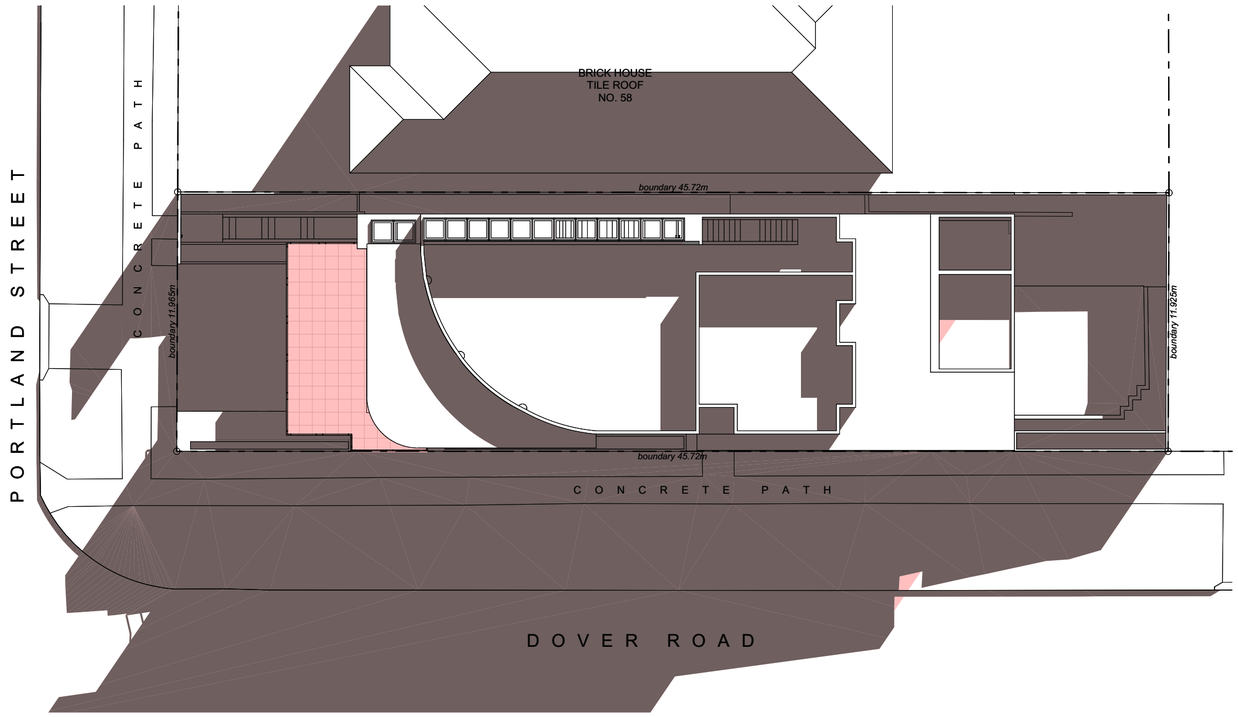
SCALE 1:200



PROPOSED 9am WINTER SOLSTICE
SCALE 1:200

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TN MN NORTH

ISSUE	DATE	DESCRIPTION
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PROJECT:
Alterations & Additions
60 Portland St, Dover Heights

CLIENT:
Mark Alexander
60 Portland St, Dover Heights

SHEET TITLE:
Shadow Diagram - 9am Winter Solstice

SCALE: 1:200 @ A2
DRAWN: JOSH. L
SHEET SIZE: A2
DWG NO: DA08.01
REVISION: d

Legend:

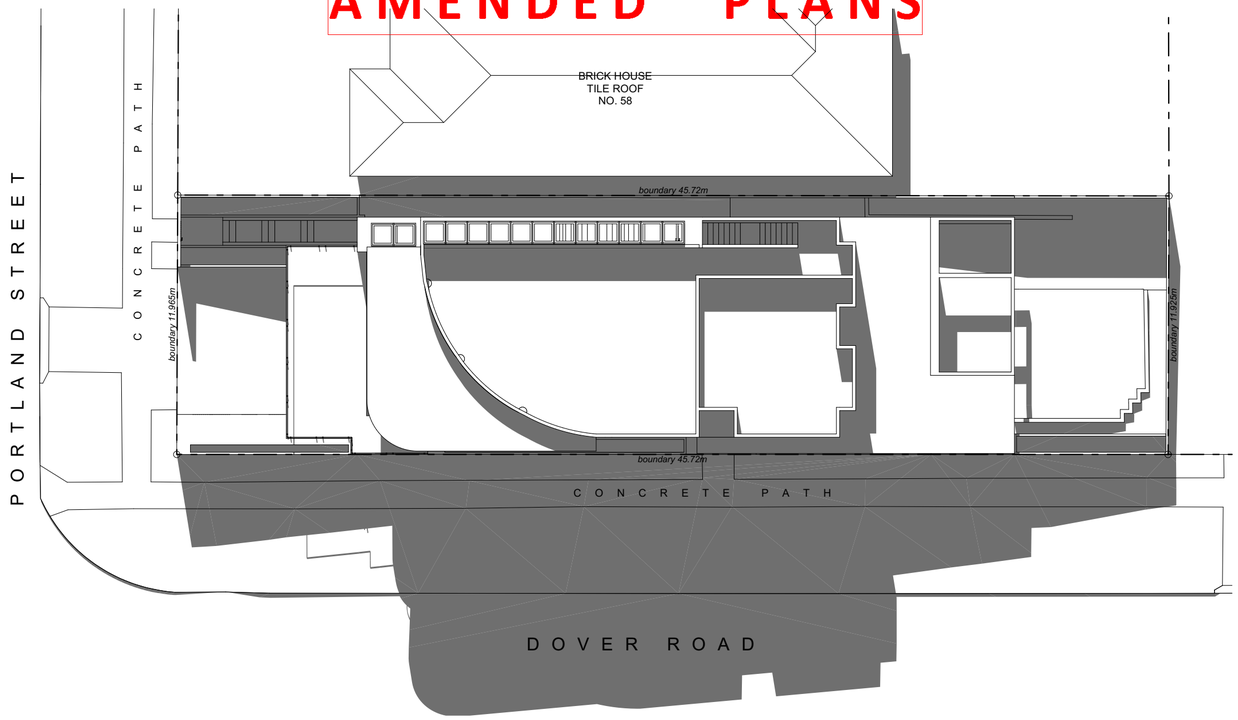
- Existing shadow impact
- Proposed additional shadow impact

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-189/2026

Date Received: 18/06/2026



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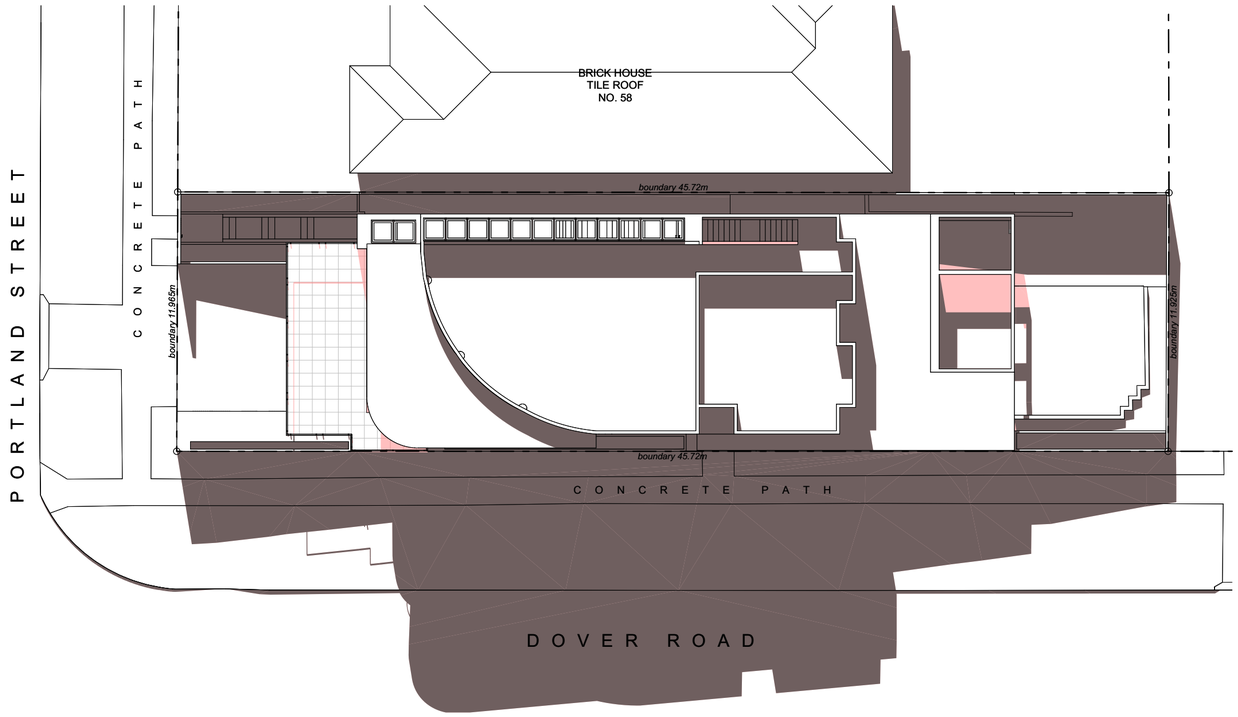
SCALE 1:200



PROPOSED 12pm WINTER SOLSTICE
SCALE 1:200

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CLIENT:
Mark Alexander
60 Portland St, Dover Heights

SHEET TITLE:
Shadow Diagram - 12am Winter Solstice

SCALE: 1:200 @ A2
DRAWN: JOSH. L
SHEET SIZE: A2
DWG NO: DA08.02
REVISION: d

AMENDED PLANS

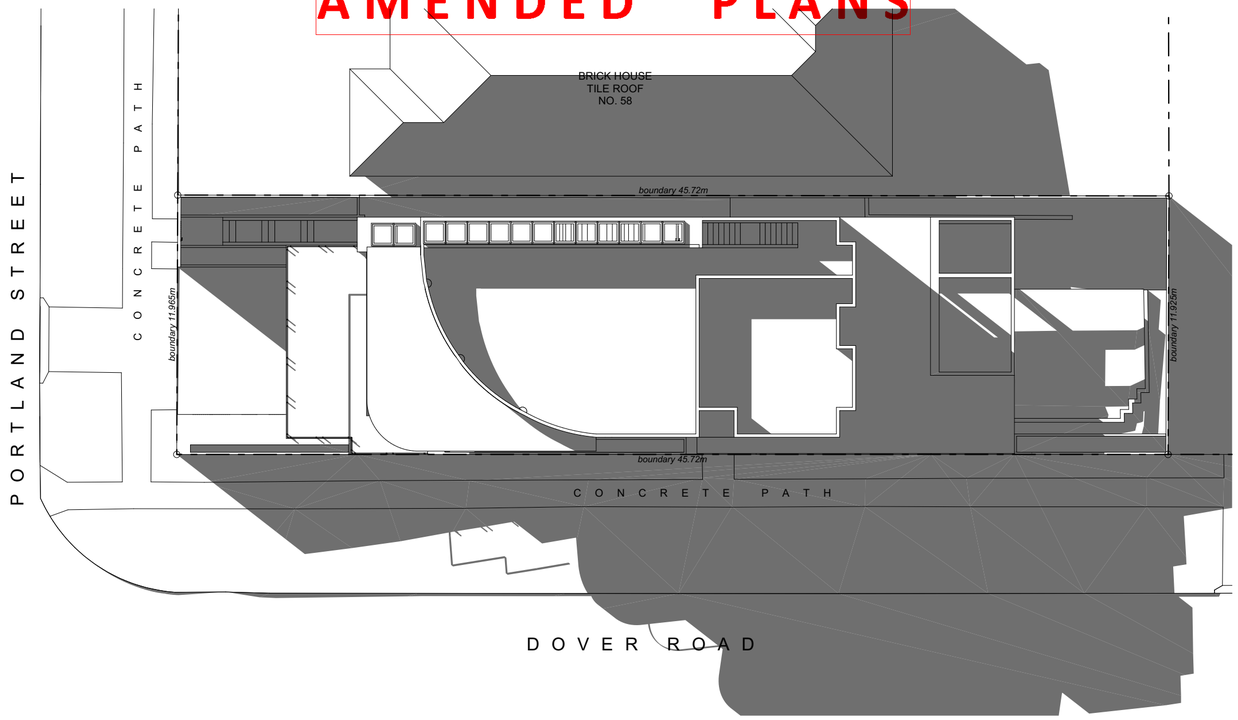
RECEIVED
Waverley Council

Application No: DA-189/2026

Date Received: 18/06/2026

Legend:

- Existing shadow impact
- Proposed additional shadow impact



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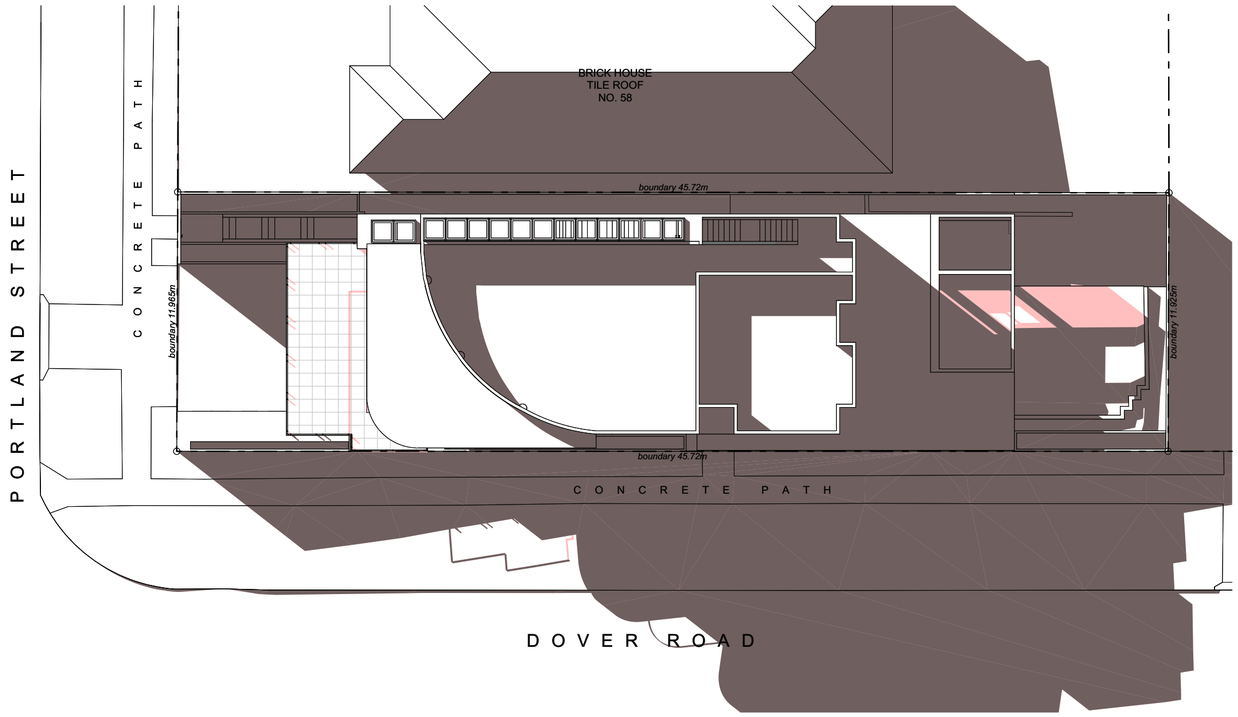
SCALE 1:200



PROPOSED 3pm WINTER SOLSTICE

SCALE 1:200

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PROJECT:
Alterations & Additions
60 Portland St, Dover Heights

CLIENT:
Mark Alexander
60 Portland St, Dover Heights

SHEET TITLE:
Shadow Diagram - 3pm Winter Solstice

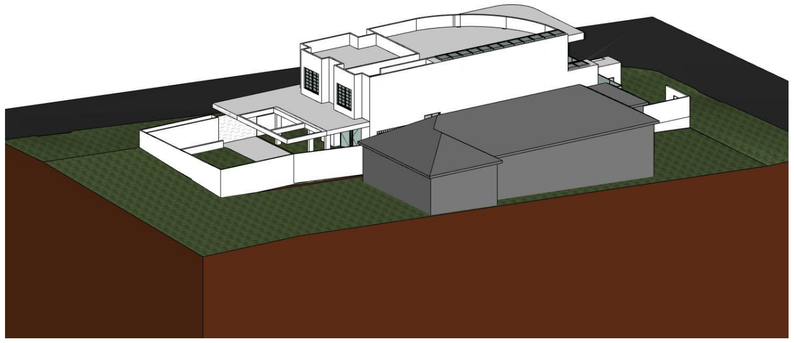
SCALE: 1:200 @ A2
DRAWN: JOSH. L
SHEET SIZE: A2
DWG NO: DA08.03
REVISION: d

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-189/2026

Date Received: 18/06/2026



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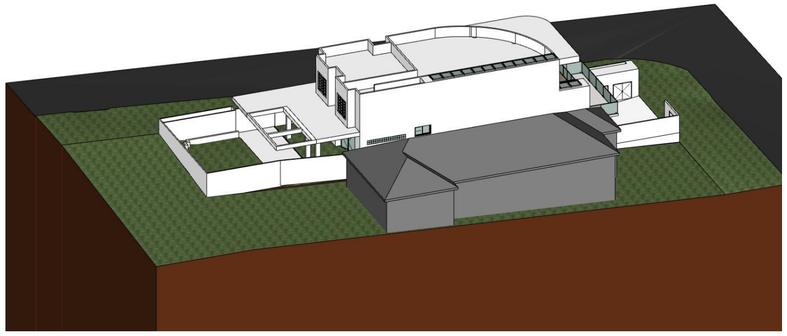

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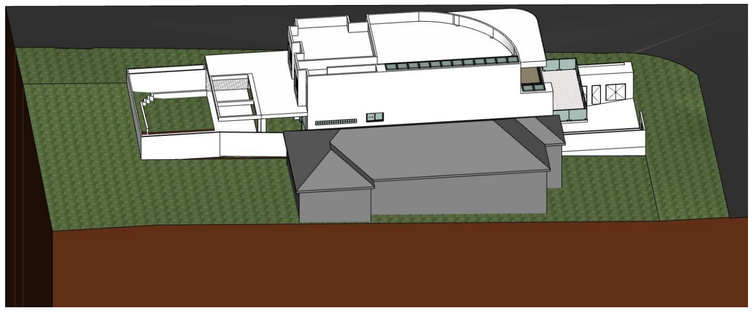

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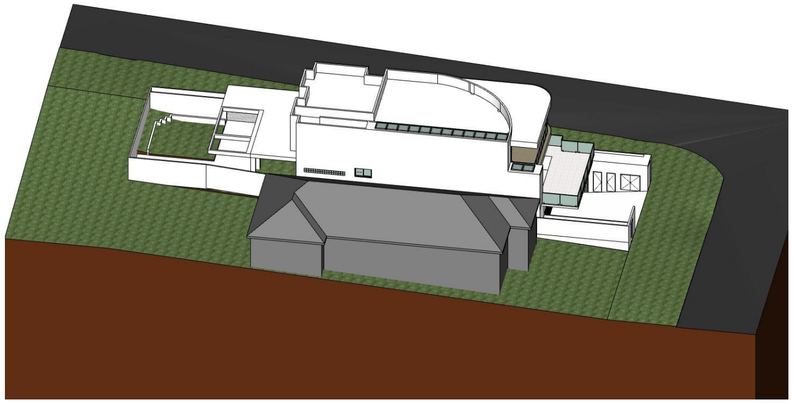

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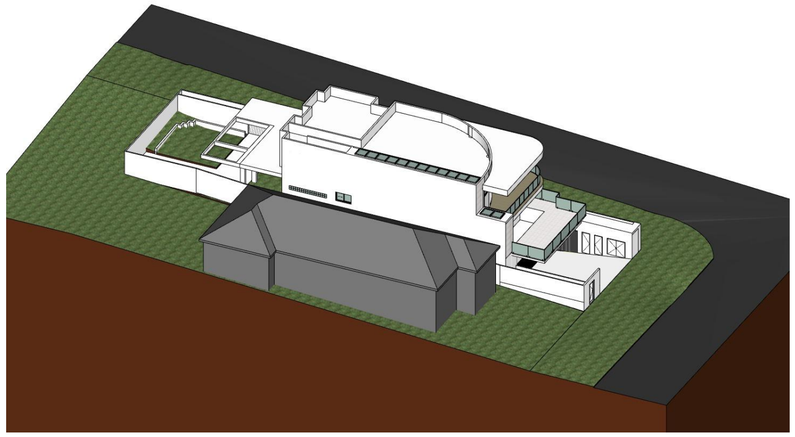

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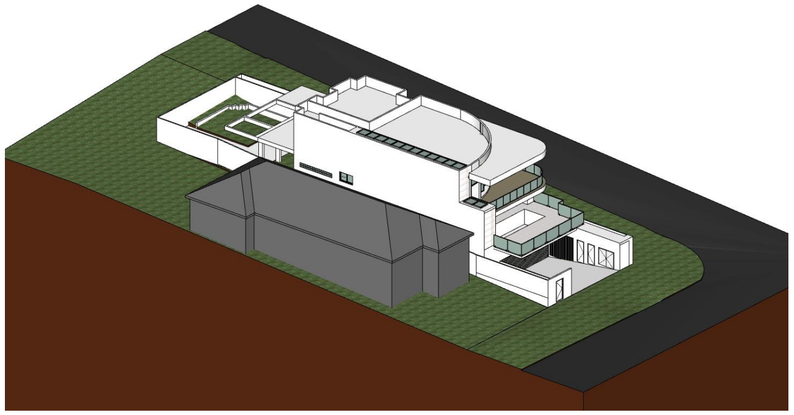

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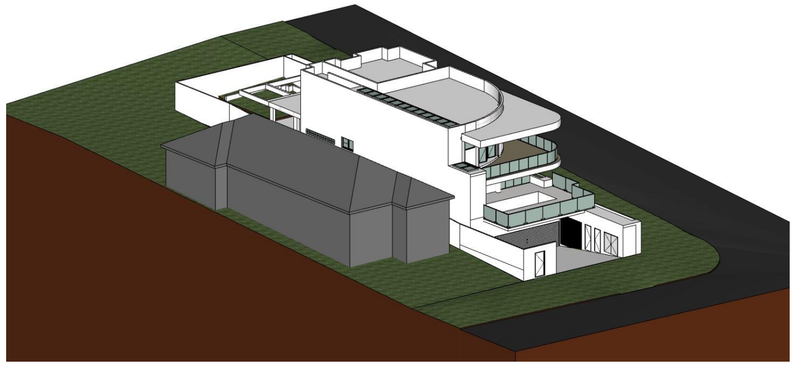

EXISTING 3pm

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PROJECT:
Alterations & Additions
60 Portland St, Dover Heights

CLIENT:
Mark Alexander
60 Portland St, Dover Heights

SHEET TITLE:
Existing Sun Eye Diagram

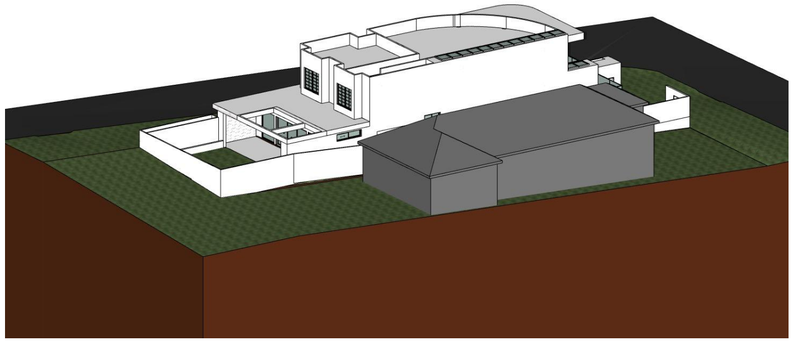
SCALE: @ A2
DRAWN: JOSH. L
SHEET SIZE: A2
DWG NO: DA08.04
REVISION: d

AMENDED PLANS

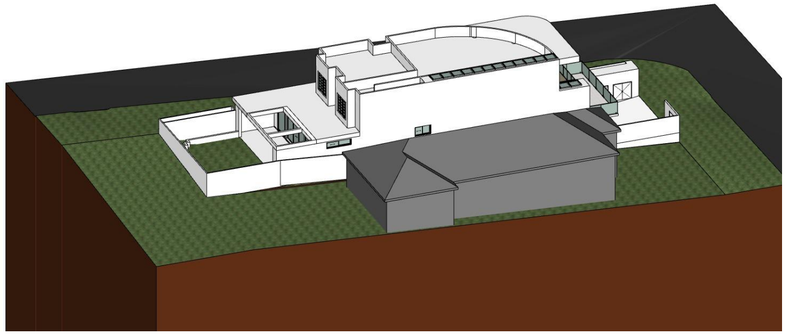
RECEIVED
Waverley Council

Application No: DA-189/2026

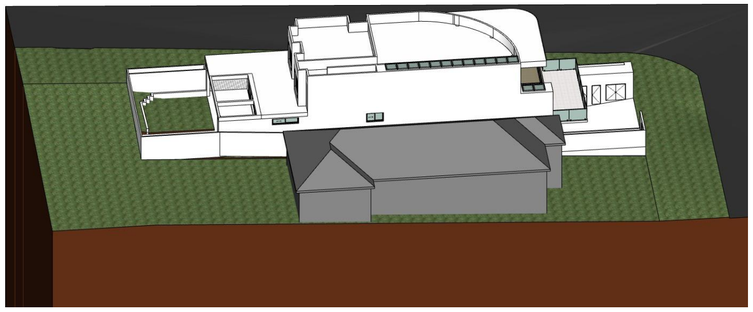
Date Received: 18/06/2026



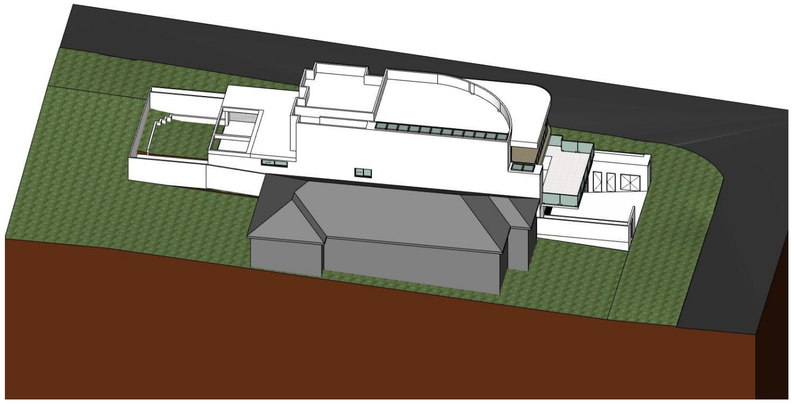
PROPOSED 9am



PROPOSED 10am



PROPOSED 11am



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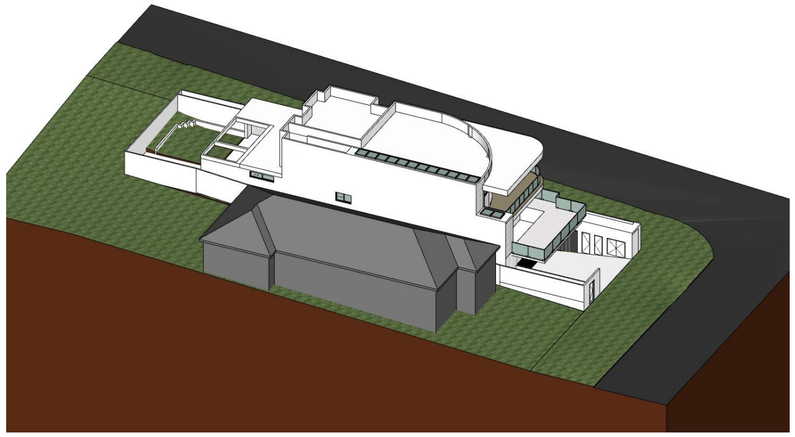
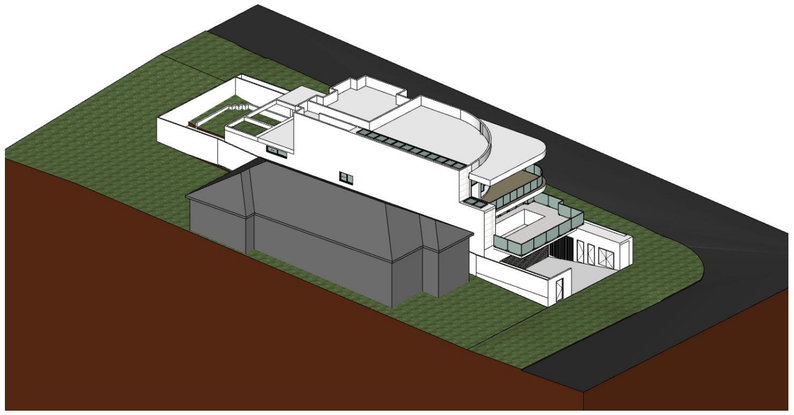


PROPOSED 1pm



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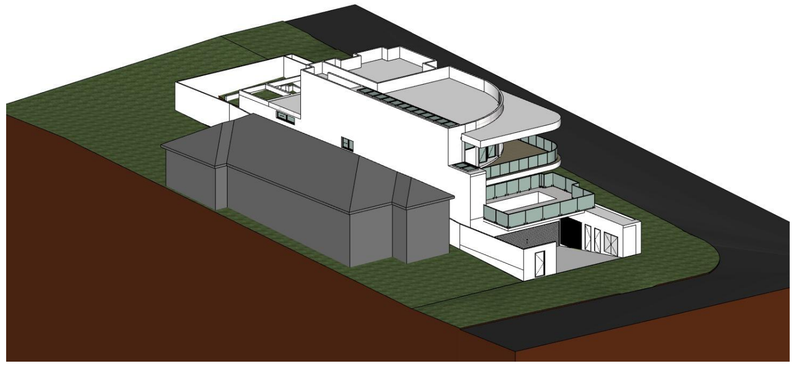

PROPOSED 3pm

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Alterations & Additions
60 Portland St, Dover Heights

CLIENT:
Mark Alexander
60 Portland St, Dover Heights

SHEET TITLE:
Proposed Sun Eye Diagram

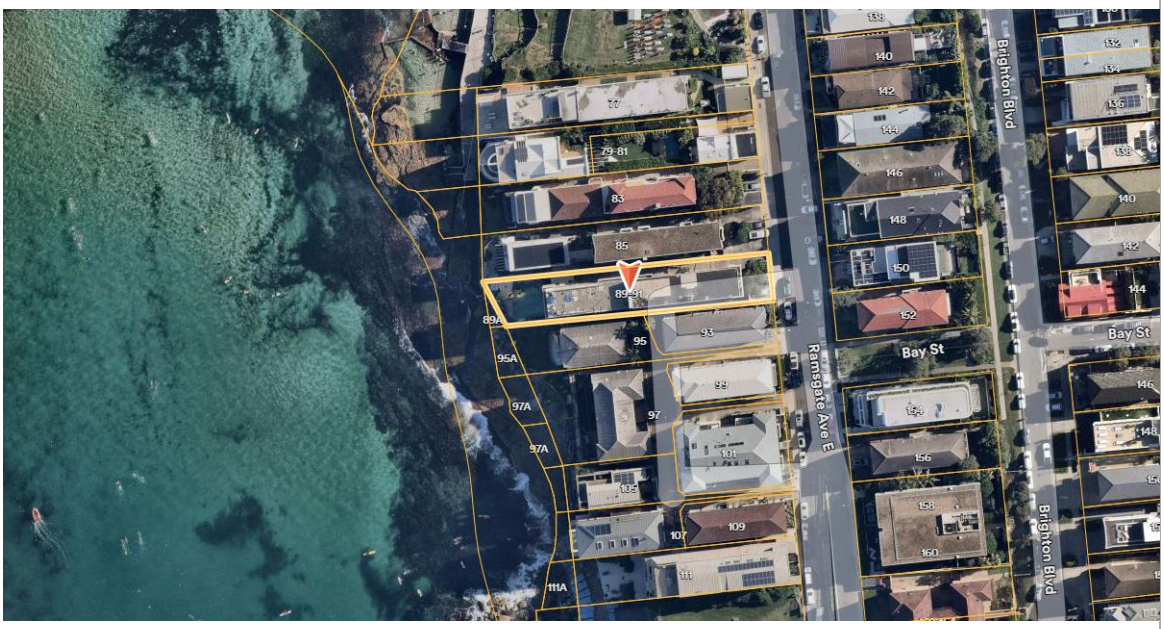
SCALE: @ A2
DRAWN: JOSH. L
SHEET SIZE: A2
DWG NO: DA08.05
REVISION: d

WAVERLEY
COUNCIL

Report to the Waverley Local Planning Panel

Overview	
Application number	DA-91/2026
Site address	89-91 Ramsgate Avenue, North Bondi NSW 2026
Proposal	Use of the balcony of Unit 6 and replacing the existing glass balustrades on the balcony with new glass balustrades.
Date of lodgement	25 March 2026
Owner	Cerise Investments Pty Ltd
Applicant	Cerise Investments Pty Ltd
Submissions	One (1) submission
Cost of works	$247,500.00
Principal Issues	• *Exceedance of the height of buildings development standard.* • *Unauthorised works.*
Recommendation	That the application be **APPROVED** in accordance with the conditions contained in the report.

Site Map



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for the use of the balcony and replacement of existing glass balustrades of unit 6 at 89-91 Ramsgate Avenue.

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

- Exceedance of the height of buildings development standard.
- Unauthorised works.

The assessment finds these issues acceptable and consistent with the provisions and objectives of the development standards for the reasons outlined in the report.

A total number of 1 submission was received and 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.

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 29 June 2026.

The site is identified as Lot 10, DP343534 known as 89-91 Ramsgate Avenue, North Bondi.

The site is irregular in shape with an eastern frontage of 12.19m to Ramsgate Avenue.

The subject site contains an existing 3-storey residential flat building containing 12 apartments with at grade parking under the building and a pool at the rear of the site. This application relates to Unit 6, which is a 2-bedroom apartment located at the rear of the top floor of the building.

The subject site is located within a residential area and surrounded by residential flat buildings of varying height, scale and architectural design.

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

Figure 1. View of subject site and neighbouring residential flat building at No.85 Ramsgate Avenue.

Figure 2. Internal view looking west towards existing balcony and expansive ocean views.

Figure 3. View of neighbouring residential flat buildings to the south at Nos. 93, 99 and 101 Ramsgate Avenue.

Figure 4. View looking south east towards existing balcony and neighbouring residential flat buildings.

Figure 5. View of subject site looking east from the existing balcony.

Figure 6. View of neighbouring residential flat building to the north at No.85 Ramsgate Avenue.

1.3. Relevant Development History

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

- BC-58/2025 – Unauthorised works to bedroom, bathroom and kitchen being assessed concurrently with DA-91/2026.
- DA-643/2025 for use of the balcony extension to the west of Unit 6 (in association with the Building Information Certificate) and replacing the existing glass balustrades on the balcony with new glass balustrades was returned to the Applicant on 9 January 2026 due to lack of sufficient information.

1.4. Proposal

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

- The use of the as-built balcony extension to the west of Unit 6.
- Replacing the existing glass balustrades on the balcony with new glass balustrades.
- Remove all additional works including walls, roof, sliding windows and extended living room and reinstate stack wall and door in accordance with development control order (NO-5593).

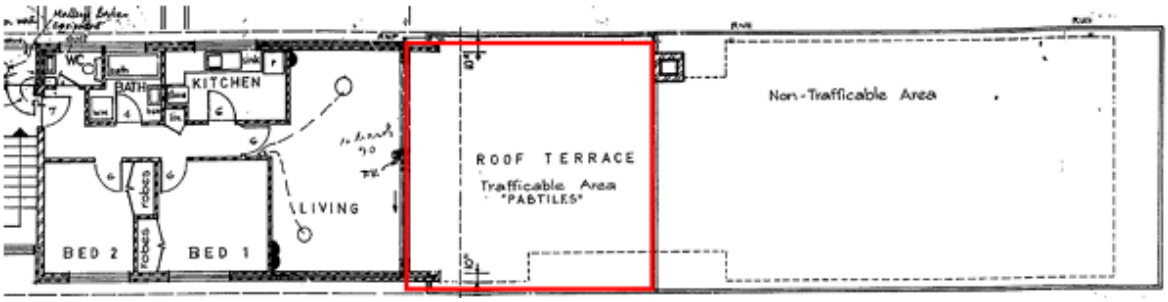


Figure 7. Original approved floor plan, approved 1970

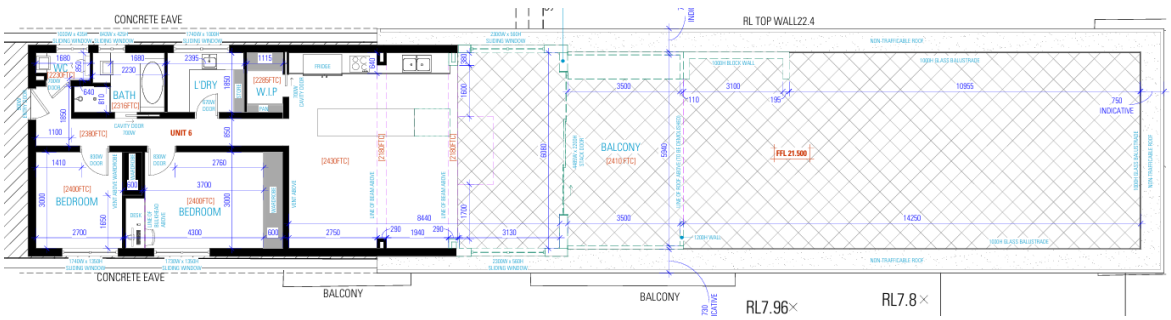


Figure 8. Proposed floor plan

1.5. Background

The development application was lodged on 25 March 2026.

The site inspection on 22 February 2024 by Council's compliance officer identified that the following building works were unauthorised.

- New pantry and laundry replacing existing kitchen.
- New kitchen built adjacent to pantry.
- Extension of the internal living space replacing the balcony.
- Pergola installed at the rear of unit.
- Non-trafficable area of rooftop has been opened up increasing the size of the balcony.

As a result, Council issued Order NO-5593 - No.1 (Stop Use), 3 (Demolish Works) and 10 (Restore Works) under Schedule 5, Part 6, Section 8 of the Act.

On 19 May 2025, the following Court Orders were issued for Cerise Investments Pty Ltd v Waverley Council [2025] NSWLEC 1338:

1. *The appeal is upheld.*

2. *Pursuant to subs 8.18(4)(b) of the Environmental Planning and Assessment Act 1979, the Court modifies the terms of the Development Control Order No.1 (Stop Use Order), No. 3 (Demolish Works Order) and No.10 (Restore Works Order) issued to the Applicant on 7 May 2024 by Waverley Council in relation to Lot 10 in DP 343534 commonly known as 89-91 Ramsgate Avenue, North Bondi, as shown in the modified Order in Annexure A.*

As directed by the Court, Council issued a Modified Development Control Order whereby the terms of Order No-5993 were modified as follows.

1. *To demolish all unauthorised building works at Unit 6, 89-91 Ramsgate Avenue, North Bondi NSW 2026 as shown in Schedule 1, Plan 24283-01 Unit 6 Ground Floor Plan and Plan 24283-02 Roof Plan prepared by ES Designs dated 10 April 2025, including new roof, walls and internal area to the lounge room within 16 weeks.*

2. *As a result of the demolition of unauthorised works, the rear doors are to be reinstated at the location shown in Schedule 1, Plan 24283-01 Unit 6 Ground Floor Plan and Plan 24283-02 Roof Plan prepared by ES Designs dated 10 April 2025 and additional waterproofing and temporary structural works to be completed to ensure Building Codes of Australia Compliance.*

3. *Remove all unlawful works and cease use of the non-trafficable area currently being used as a balcony at the rear of the unit unless a Building Information Certificate is lodged within 16 weeks and a Development Application is lodged within 16 weeks, and the Building Information Certificate and Development Application are finally determined by way of approval for that area and those works. If the applications are*

finally determined by way of refusal, all unlawful works are to be removed and the use of the area is to cease within 4 weeks of the final determination of the applications.

4. *To notify Council when all things specified in the order are complete.*

On 9 September 2025, BC-58/2025 was lodged for the approval of unauthorised as-built works and DA-91/2026 was lodged for the proposed use of the balcony terrace and as-built reconfigured floor layout (in association with the BC).

2. ASSESSMENT

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

2.2. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

- SEPP (Resilience and Hazards) 2021
- SEPP (Housing) 2021

SEPP (Resilience and Hazards) 2021

The land of the subject site has been historically used as a residential development and the proposal does not change the existing use of the site, nor would the proposal result in adverse ground disturbance. No further investigations are required by the associated planning guidelines or warranted for the purposes of the proposed development. Accordingly, Council is satisfied that the land is suitable for continued use of the site for residential use in accordance with clause 4.6 of the SEPP.

Apartment Design Guide

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 in relation to a matter to which this clause applies, those provisions are of no effect. An assessment against the relevant provisions within the ADG is provided in **Table 1** of this report. As mentioned in section 1.5 of this report, Order NO-5593 requires the unauthorised extension of the unit to be demolished, and the rear doors reinstated at their original location. No other works are proposed to the internal layout of the unit. Therefore, only the relevant sections of the ADG will be assessed in **Table 1** below.

Table 1: Apartment Design Guide

Design Criteria	Compliance	Comment
4E Private open space and balconies		
• *All apartments provide primary balcony as follows:* ○ *2-bed - 10m² & 2m depth*	Yes	The proposed use of the balcony will result in an area of 147.26m². The proposal does not alter the existing private open space areas of other apartments in the building.

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 2: 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 • *R3 Medium Density Residential Zone*	Yes	The proposed use of the balcony and replacement glass balustrades to an existing residential flat building is permitted with consent in the R3 Medium Density Residential Zone.
Part 4 Principal development standards		
4.3 Height of buildings • *12.5m*	Yes	The height of the replacement balustrades is approximately 15.24m measured above the existing ground level. This results in a proposed variation of 2.74m or 21.92% above the maximum building height development standard.

Provision	Compliance	Comment
4.4 Floor space ratio (FSR)	Yes	The development proposes to remove the unauthorised extension to Unit 6, which will remove the additional unauthorised floor space, reverting the building back to its existing GFA. No additional floor space is proposed.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the building height development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The subject site is located within a catchment area containing acid sulfate soils. The proposal will not disturb any existing acid sulfate soils within the site area.

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

Clause 4.6 Exceptions to Development Standards – Height of Buildings

The application seeks to vary the height of buildings development standard in clause 4.3 under Waverley LEP 2012. The site is subject to a maximum building height development standard of 12.5m. The replacement balustrades exceed the standard by 2.74m equating to a 21.92% variation. It is noted that all other building elements pertaining to the existing overall building height of the development remain unchanged.

The relevant objectives for the height of buildings development standard in clause 4.3 are as follows:

(a) to ensure building heights preserve the environmental amenity of neighbouring properties and public spaces.
(b) To accommodate taller buildings on land in Zone E2 Commercial Centre in the Bondi Junction Centre and establish a transition in scale between adjoining zones to protect local amenity.
(c) Repealed.
(d) To establish building heights that are consistent with the desired future character of the locality.

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:

Objective (a) – "to ensure building heights preserve the environmental amenity of neighbouring properties.

(i) *The replacement balustrades are of the same height as the existing balustrades and will not increase the height, bulk or scale of the existing building. The proposal will not adversely affect the environmental amenity of neighbouring properties or public spaces.*

(ii) *Given their location and transparent design, the replacement balustrades will be largely indiscernible from the foreshore and surrounding properties.*

(iii) *The proposal will not result in any additional visual bulk, overshadowing, view loss or privacy impacts beyond those associated with the existing development, noting that the balustrades have existed for a considerable period.*

(iv) *There are no unreasonable privacy impacts as the outlook from the terrace associated with the balustrading is to the ocean and Bondi Beach. Additionally, North Bondi includes multiple elevated terraces and balconies which seek to take advantage of the expansive coastal views. This results in a high degree of mutual overlooking. Endorsement of the proposed balustrading over the height limit would thereby not generate any discernible privacy impacts beyond that of a terrace/balustrading with a compliant height.*

Objective (c) – "to maintain satisfactory solar access to existing building and public areas"

(i) The proposed replacement glass balustrades will not result in any additional overshadowing impacts to existing buildings and public areas beyond those existing.

Objective (d) – "to establish building heights that are consistent with the desired future character of the locality"

(i) *The proposal involves the replacement of existing 1m high glass balustrades with new 1m high glass balustrades of the same height. As the proposal does not increase the height, bulk or scale of the existing building, it will not result in any additional overshadowing of neighbouring properties or public areas.*

(ii) *The proposal maintains the desired future character of the locality whereby the development still presents as a residential flat building from Ramsgate Avenue.*

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

(i) *The components of the development that contribute to the building height variation, being the roof terrace balustrades, are lightweight and transparent in appearance. As a result, the variation does not create unreasonable visual bulk, notwithstanding the numerical non-compliance with the development standard.*

(ii) *The roof terrace balustrades contributing to the building height variation are located at the rear of the site and are not visible from Ramsgate Avenue. Due to their location and transparent design, the height exceedance is largely indiscernible from the primary street frontage.*

(iii) *The height exceedance (i.e. rear portion of the building, part of the roof terrace and the roof terrace glass balustrades) is an existing condition and does not result in any additional visual intrusion when viewed from the coastal foreshore, public domain or surrounding locality. The proposal does not obstruct significant public views to or from the coastline, adversely affect the scenic quality of the coastal environment, or diminish public access to and use of the coastal area.*

(iv) *The site falls approximately 7.56m from the eastern frontage to the western rear boundary. This pronounced topography contributes to the extent of the building height variation and represents a site-specific environmental circumstance.*

(v) *Strict compliance with the development standard would provide no discernible planning benefit, as it would require the removal of existing roof terrace elements that do not generate adverse environmental or amenity impacts.*

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 building height correctly using the correct existing 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 proposal has demonstrated that despite the breach of the height of buildings development standard, it meets the objectives of the development standard, as follows:

(a) To ensure building heights preserve environmental amenity of neighbouring properties and public space.

(i) The perceived building envelope of the development remains largely unchanged resulting in negligible visual impacts to the bulk and scale of development, ensuring the amenity of adjoining properties and the public space is maintained. The area of non-compliance is limited to the replacement glass balustrades whereby the existing balcony had been in use as a trafficable area for a substantial period. A review of the site history through Nearmap has revealed the unauthorised balustrades to the existing balcony area was in use in 2009 as outlined in the figure below.

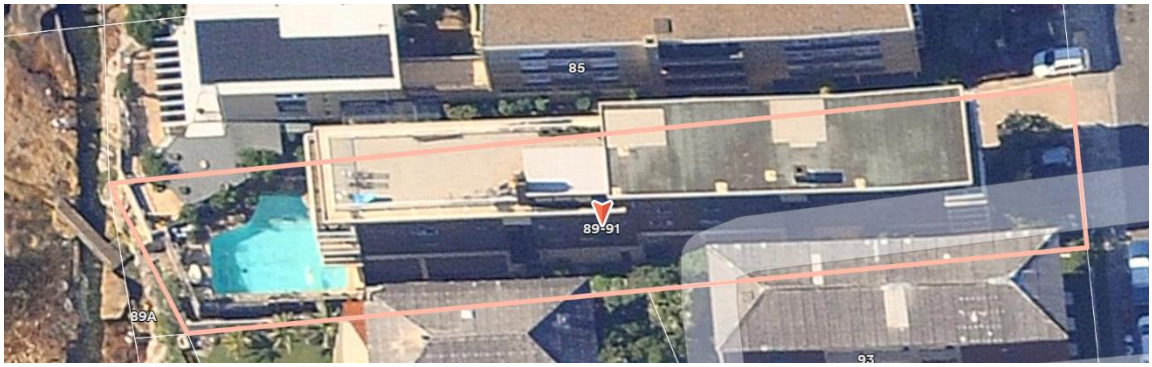


Figure 9. Aerial view of the subject site, dated 2009 – Source: Near maps.

Given the long-established use of the balcony, the proposed works will not alter the original use or intensity of the space. Consequently, the balustrading will not result in any adverse visual bulk, overshadowing, view loss, or privacy impacts beyond those associated with the existing development. Strict compliance with the development standard would provide no discernible planning benefit, as it would require the removal or reduction of existing balcony elements that do not generate any adverse environmental or amenity impacts beyond the existing scheme.

(ii) The replacement balustrades will not be discernible from Ramsgate Avenue. The use of clear glazing ensures the proposal preserves views and remains largely indiscernible from the foreshore and surrounding properties. While the proposal seeks to authorise the use of the rooftop area as a trafficable area it does not unreasonably increase visual privacy concerns from the existing development. The balustrades are setback 720mm from the side boundaries to ensure reasonable separation between the balcony and adjoining apartments. While there is scope to look to neighbouring windows on either side of the subject site, the primary view orientation is towards the extensive ocean views to the west. Notwithstanding this, a degree of mutual overlooking is already existent within the site context where roof top terraces and extended balconies are a predominant feature of the locality, notably Nos. 77 and 79-81 Ramsgate Avenue outlined in the figure below.

Figure 10. Site context of neighbouring developments along Ramsgate Avenue – Source: RealEstate.com

In this regard, the proposal is deemed to be consistent with the surrounding locality and does not increase the level of impact from the existing development, noting the previous use of the balcony as a trafficable area.

(c) To maintain satisfactory solar access to existing buildings and public areas.

(i) The balustrades do not result in any adverse overshadowing impacts to neighbouring properties or the public domain. The separation distance between the adjoining residential flat buildings ensures there are no adverse solar amenity impacts. Additionally, having consideration to the east-west orientation, the shadows cast by the

balustrades are expected to mainly fall on the existing roof top area of the subject site. It is noted the unauthorised extension of additional works including the walls, roof, sliding windows and extended living room are removed subject to BC-58/2025, alleviating any solar impact to adjoining properties and improving the perceived visual bulk and scale.

(d) To establish building heights that are consistent with the desired future character of the area.

(i) Despite the non-compliance, the proposed balustrades maintain an appropriate building height that is consistent with the surrounding development density. Council is satisfied that the proposal preserves the desired future character and does not adversely impact on adjoining development. It is further noted that the removal of the unauthorised extension to the unit will improve views and reduce the overall bulk of the existing building.

(ii) Noting the balcony has been used as a trafficable area for a substantial period, the proposal does not generate any adverse environmental impacts. Having regard to precedents of extended balconies and rooftops in the immediate vicinity, the proposal remains consistent with the future character of the area.

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 variation in height is not readily discernible from the public domain. The development will continue to facilitate a compatible built form of a residential flat building when viewed from Ramsgate Avenue that is consistent with surrounding development. Council is satisfied that the proposal and the subsequent non-compliance is of a scale that does not result in adverse amenity impacts in terms of overshadowing, view loss and visual privacy concerns. The balcony is accessible from a small two-bedroom unit and given the long history of use, the formalisation of the balcony is not considered unreasonable. The proposed balustrades and use of the balcony is purposefully designed, achieving a more functional layout for the occupants by improving amenity and ensuring a better planning outcome for the development that remains consistent with surrounding roof top terraces and extended balconies in the immediate vicinity.

Conclusion

The written request provided by the applicant to vary the maximum height of the building 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) (Amendment 5)

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

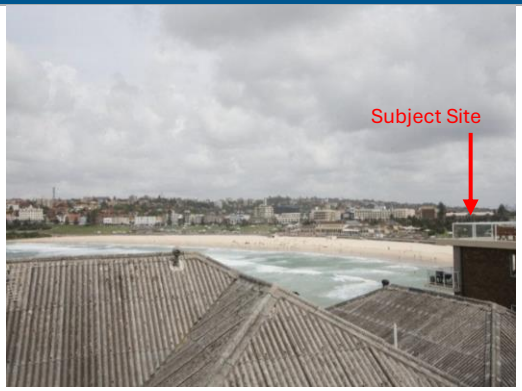
Table 3: Waverley DCP 2022 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
11. Design Excellence	Yes	Satisfactory. The proposal satisfactorily complies with the relevant design excellence controls.

Table 4: Waverley DCP 2022 – Part C2 Other Residential Development Compliance Table

Development Control	Compliance	Comment
2.3 Setbacks		
2.3.2 Side and rear setbacks • *Minimum side setback: 0.9m or 1.5m or 1.5-2.5m* • *Minimum rear setback: 6m or predominant rear building line*	Yes	Satisfactory. There are no proposed changes to the existing side and rear setbacks.
2.5 Building design and streetscape		
• *Respond to streetscape* • *Sympathetic external finishes*	Yes	Satisfactory. The proposed balustrades will not be discernible from the primary street frontage. From the foreshore and adjoining properties, the balustrades will not result in any discernible impact ensuring view lines are maintained whilst remaining sympathetic with the wider building and surrounding development.
2.11 Private Open Space		
2.11.2 – Balconies/decks • *Located to maximise solar access and privacy* • *Balustrades to allow views and casual surveillance of the street & privacy*	Yes	Satisfactory. The balcony will not alter the existing use or intensity of the space. The proposed clear glass balustrading will ensure views are maintained towards the ocean views to the west.
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*	Yes	Satisfactory. There are no proposed changes to the solar access of the subject site. The balcony will continue to facilitate solar access to the internal spaces. The proposed balustrades will not adversely impact the solar access of adjoining units or neighbouring properties.

Development Control	Compliance	Comment
• *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*		Given the existing substantial use of the balcony and adequate boundary separation, the proposal will result in negligible additional overshadowing impact. Furthermore, the removal of the extension to Unit 6 will increase solar access to surrounding buildings and is supported.
2.14 Views and view sharing		
• *Minimise view loss through design*		The proposal is not expected to result in any unreasonable view loss impacts. The removal of the unauthorised extension works under BC-(58/2025), including the walls, roof, sliding doors, and the extended living room, results in an improved view outcome. Additionally, the proposed replacement clear glass balustrades will maintain view corridors remaining sympathetic to surrounding development. It is noted that a submission was received from Unit No.9/99 Ramsgate Avenue raising concerns regarding view loss. In this regard, the balcony has existed and been used for a substantial period, and the current proposal does not intensify or materially alter the established viewing conditions experienced by adjoining properties. Additionally, the subject site is located to the north-east of No. 99 Ramsgate Avenue. The principal outlook from properties in this area is directed west towards the expansive ocean views, and these view corridors will remain unaffected by the proposed works, as illustrated in figure 11 below.

Development Control	Compliance	Comment
		 **Figure 11.** View from living room window of No.9/99 Ramsgate Avenue – Source: Realestate.com The image in Figure 11 is dated 2013 (Real Estate.com), and demonstrates the long-established existence and use of the balcony, including the existing glass balustrades. This provides further evidence that the replacement of the balustrades with clear glazing will not result in any additional or unreasonable view loss beyond the existing development as views are maintained directly west of the subject site.
2.15 Visual privacy and security		
• *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 (acceptable on merit)	The balcony has always been used in association with a small 2-bedroom unit. The balcony is not communally accessible ensuring minimal congregation on site. Additionally, the balustrades are setback 720mm from the side boundaries to ensure reasonable separation between the balcony and adjoining apartments. While there is scope to look to neighbouring windows on either side of the subject site, the primary view orientation is towards the west. Notwithstanding this, a degree of mutual overlooking is already expected within the site context where roof top terraces and extended balconies are a predominant feature of the locality. Given the above and detailed discussion under clause 4.6, it is considered that the authorisation of a trafficable balcony is appropriate and does not unduly impact

Development Control	Compliance	Comment
		neighbouring properties in terms of visual privacy.

Table 5: Waverley DCP 2022 – Part E4 – Special Character Areas

Development Control	Compliance	Comment
4.3 Ben Buckler		
Desired Future Character Objectives • *Maintain rhythm of buildings to the street.* • *View Sharing*	Yes	Satisfactory. The proposal maintains the character of the existing development and its rhythm to the street. The balcony and associated balustrades will maintain the existing views experienced by neighbouring properties as noted in the detailed discussion above in table 4 section 2.14.
Controls • *Roof-top terraces are discouraged due to the greater potential impacts in higher density areas.*	No (acceptable on merit)	The proposed balcony is not defined as a rooftop terrace and therefore it does not technically apply to the control. However, the proposal is considered acceptable on merit, noting the long-established use of the balcony and alignment with neighbouring terraces ensuring no adverse amenity impacts.

2.3. Other Impacts of the Development

The proposal is considered to have no significant likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality, subject to appropriate conditions being imposed.

2.4. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.5. Any Submissions

The application was notified for at least 14 days between 2 April 2026 and 22 April 2026 in accordance with the *Waverley Community Engagement Strategy Amendment 1 (2025)*.

A total of 1 unique submission was received from the following property:

Table 6: Submission details

Property Address
Unit No.9/99 Ramsgate Avenue.

The following issue raised in the submission regarding view loss has already been discussed and addressed in table 4 section 2.14 of this report.

2.6. Public Interest

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

3. REFERRALS

No internal or external referral comments were sought.

4. CONCLUSION

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

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 30 June 2026 and the MODA concurred with the Assessment Planner's recommendation.

MODA members: K Johnstone, B McNamara, B Magistrale, and J Zancanaro.

Report prepared by:	***Application reviewed and agreed by:***
Kyle Goulding ***Development Assessment Planner***	***Katie Johnstone*** ***A/Manager, Development Assessment***
Date: 7 July 2026	***Date: 7 July 2026***

Reason for WLPP referral:

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

OFFICE USE ONLY

Planning Portal Data	
Clause 4.6 register entry required	*21.92% variation to Height (Clause 4.4)* *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></table>
Excavation Register	*N/A*
Determining Authority *(Concurrence Authority for Clause 4.6 variation)*	*Local Planning Panel*
Were the requirements of the Sustainable Buildings SEPP (effective 1 October 2023) met?	*N/A*
Have any dwellings been approved for affordable Rental Housing under this approval/consent?	*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*

GENERAL CONDITIONS

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by ES Design including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
24283 – 010 Rev. E	Proposed Site Plan	10.06.2026	18/06/2026
24283 - 100 Rev. E	Unit 6 Existing Floor Plan	10.06.2026	18/06/2026
24283 - 101 Rev. E	Unit 6 Proposed Floor Plan	10.06.2026	18/06/2026
24283 - 300 Rev. E	West Elevation	10.06.2026	18/06/2026
24283 - 301 Rev. E	South Elevation	10.06.2026	18/06/2026
24283 - 302 Rev. E	North Elevation	10.06.2026	18/06/2026

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. CONDITION – COMPLIANCE WITH NCC / BCA

All proposed work must comply with the *National Construction Code* (previously known as the *Building Code of Australia*).

Condition reason: Prescribed condition pursuant to the *Environmental Planning and Assessment Regulation 2021*.

3. UNAUTHORISED WORKS

This development consent only approves the prospective use of the 'as built' unauthorised works (extension of the balcony and associated balustrading). A Building Information Certificate application is required to be lodged with Council within 30 days of the date of this consent (unless already done so) to regularise building works already carried out without consent.

These conditions shall also apply to any prospective or new building works, as identified on the approved architectural plans.

Condition reason: To clarify the nature of the consent, particularly where unlawful works have already occurred.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

GENERAL

4. NO BUILDING WORKS PRIOR TO RELEASE OF A CONSTRUCTION CERTIFICATE

The building work must not be commenced until:

(a) a Construction Certificate has been obtained from Council or an Accredited Principal Certifier in accordance with the *Environmental Planning and Assessment Act 1979*;

(b) a Principal Certifier 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.

CONTRIBUTIONS, FEES & BONDS

5. SECTION 7.12 CONTRIBUTION

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

(a) Where the total development cost is $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 $500,001 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 $1,000,001 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).

  (ii) Please forward documents to info@waverley.nsw.gov.au attention to Strategic Planning, and reference the relevant application number, address and condition number to satisfy.

  (iii) 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.

(iv) Should there be a discrepancy between the Detailed Cost Report 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 is 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.

(e) Where a modification to a development consent has been granted, the contribution is to be recalculated based on the amended total development cost.

(f) Prior to the issue of any Construction Certificate, evidence must be provided to the Principal Certifier 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 S7.12 Contributions are paid for the development and any amendments are accounted for.

6. SECURITY DEPOSIT

(a) Payment to the amount of **$9,395.00** must be provided to Council for any damage caused to any property of the consent authority (i.e. 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 fee is charged in accordance with Council's *Pricing Policy and Schedule of Fees and Charges*.

(b) This payment (security deposit) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the security 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 of all of works associated with this consent (including the required public works) to the person who paid the deposit. Any works required to Council property associated with the consent need to be undertaken with the approval of the Infrastructure Services Department and in line with current Council standards. See the General Advisory Notes at the end of this consent for further details.

Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.

CONSTRUCTION AND SITE MATTERS

7. 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 the structural stability of work on site.

WASTE

8. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted and approved by the Principal Certifier 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, and the contact details of those removing the waste 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.

COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

9. CONSTRUCTION SIGNS

Prior to commencement of any works on the site and during construction phase, a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number and email address) of the Principal Certifier 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 Certifier and principal contractor's (the coordinator of the building works) contact details.

DEMOLITION & EXCAVATION

10. 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:

(a) *Work Health and Safety Act 2011*;

(b) *Work Health and Safety Regulation 2017*;

(c) SafeWork NSW *Code of Practice* for the Safe Removal of Asbestos;

(d) *Australian Standard 2601-2001* – Demolition of Structures;

(e) *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 and Hazardous Materials Assessment for the approval of the Principal Certifier in accordance with *Australian Standard AS 2601-2001* Demolition of Structure and a Hazardous Materials Assessment.

The Work Plan and Hazardous Materials Assessment shall be prepared by a suitably qualified person and shall:

(i) Outline the identification of any hazardous materials, including surfaces coated with lead paint;

(ii) Confirm that no asbestos products are present on the subject land, or

(iii) 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);

(iv) Describe the method of demolition;

(v) Describe the precautions to be employed to minimise any dust nuisance; and

(vi) Describe the disposal methods for hazardous materials.

Condition reason: To ensure the safety of workers and the general public.

11. 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.

(b) Water must not be allowed to enter the street and stormwater systems.

(c) Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

(d) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to *Australian Standard AS1716* -2012 Respiratory Protective Devices.

Condition reason: To ensure the safety of workers and the general public.

CONSTRUCTION MATTERS

12. CONSTRUCTION HOURS

(a) 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.

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

(c) 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 during construction.

13. 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 boundaries. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval. If required, you can apply to temporarily use Council's footpath for the erection of a hoarding, scaffold, mobile scaffold, scissor lift, ladders, barricades for abseiling work, and/or storage of building materials on Council's footpath. This is a separate application form and assessment process. Details of this can be found on Council's website under 'Occupation of Council Footpath'.

https://www.waverley.nsw.gov.au/planning/application_forms_and_certificates

Condition reason: To ensure building material is stored in an appropriate location.

14. CRITICAL/MANDATORY BUILDING INSPECTIONS DURING CONSTRUCTION

The building works are to be inspected during construction by the Principal Certifier in accordance with, 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.

15. WORK OUTSIDE PROPERTY BOUNDARY

This consent does not authorise any work outside the property boundary, including storage of building materials or goods. Separate approval is required for any works outside the property boundary, with fees being paid where applicable. Requests are to be made via email to assets@waverley.nsw.gov.au.

Condition reason: To ensure all works are located within the property boundary and specific approval is sought for any external works.

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 Certifier in all instances, except where a condition explicitly specifies that the approval of Council or a Council Officer is required, prior to the issue of an Occupation Certificate or Subdivision Certificate, whichever applies.

CERTIFICATES, LICENSES, EASEMENTS AND RESTRICTIONS

16. FINAL OCCUPATION CERTIFICATE

(a) Prior to occupation or use of the development, an Occupation Certificate must be obtained.

(b) The Principal Certifier 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

DEVELOPMENT IS TO COMPLY WITH LEGISLATION

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.

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 *Environmental Planning and Assessment Act 1979* to carry out development that is not in accordance with this consent.

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:

(a) Please read your conditions carefully.

(b) 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).

(c) Attention the documentation to the relevant officer/position of Council (where known/specified in condition).

(d) Include DA reference number.

(e) Include condition number/s seeking to be addressed.

(f) 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).

(g) 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.

(h) 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.

(i) Please note, in some circumstances, additional fees and/or additional documents (hard copy) may be required.

(j) 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.

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 1800 810 443.

ALTERATIONS AND ADDITIONS ONLY

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

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 *Environmental Planning and Assessment Regulation 2021* 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 *Environmental Planning and Assessment Act 1979*.

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 *Environmental Planning and Assessment Act 1979* 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 *Environmental Planning and Assessment Regulation 2021*.

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

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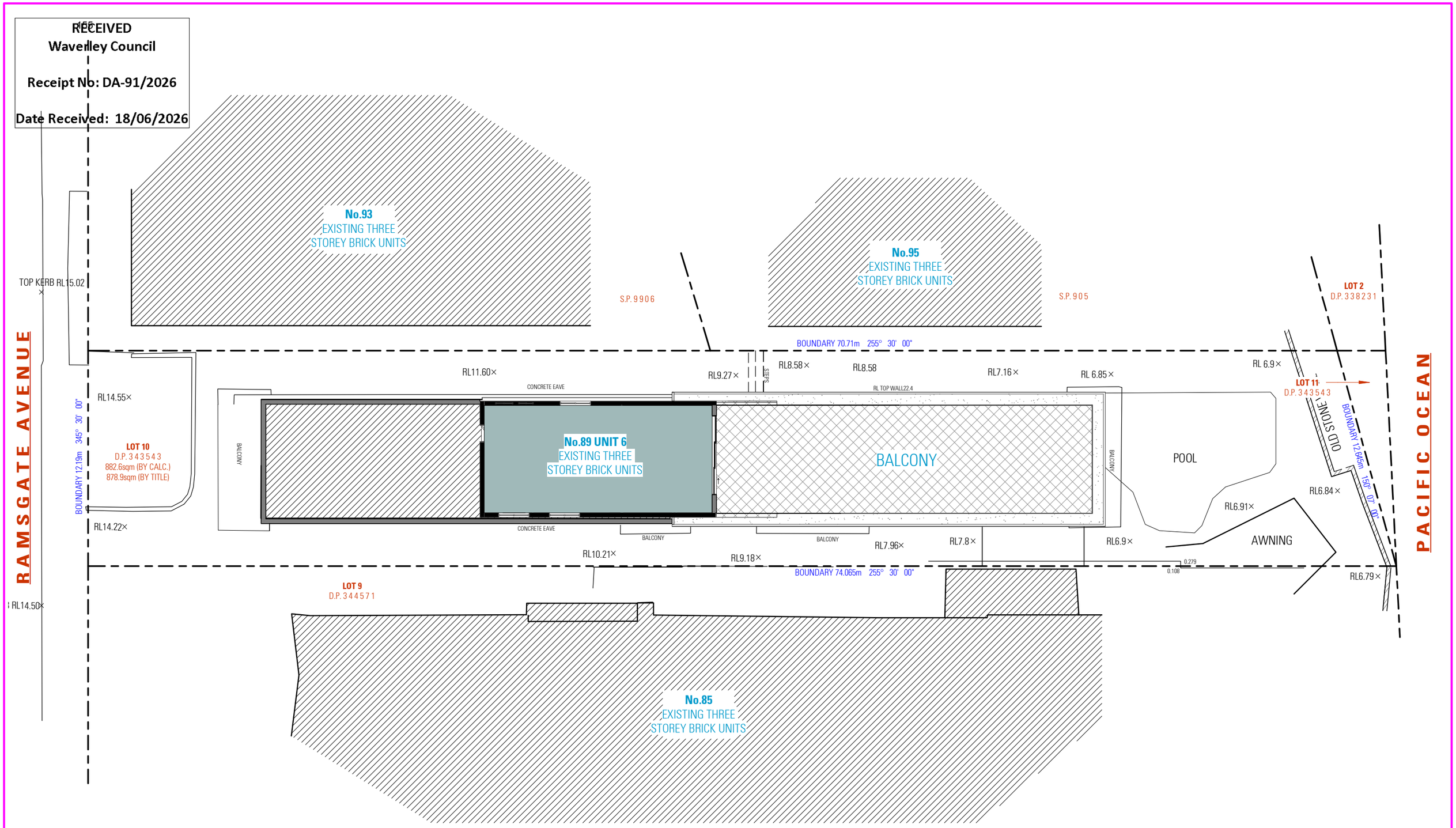
Waverley Council

Receipt No: DA-91/2026

Date Received: 18/06/2026



SITE LEGEND

KEY	ITEM	SYMBOL
	GROUND FLOOR AREA	
	LINE OF FIRST FLOOR	
	SITE BOUNDARY	

ISSUED FOR DA

NOTES

1. ALL DIMENSIONS ARE IN MILLIMETERS
2. VERIFY ALL DIMENSIONS ON SITE
3. DO NOT SCALE, USE FIGURED DIMENSIONS ONLY
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E	10.06.26	ISSUED FOR RFI
D	09.04.26	ISSUED FOR DEVELOPMENT APPLICATION
C	05.03.26	ISSUED FOR DEVELOPMENT APPLICATION
B	05.09.25	ISSUED FOR DEVELOPMENT APPLICATION
A	14.03.25	ISSUED FOR DEVELOPMENT APPLICATION

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bdaa ACCREDITED BUILDING DESIGNER

N

DEVELOPMENT APPLICATION

UNIT 6, 89 RAMSGATE AVENUE
NORTH BONDI NSW 2026

DESIGN MICHEL TOUBIA
DRAFTED ADRIAN RISTEVSKI BELINDA MELVEY

DRAWING
PROPOSED SITE PLAN

SCALE 1 : 200 / A3
ISSUE E

DWG No. 24283 - 010

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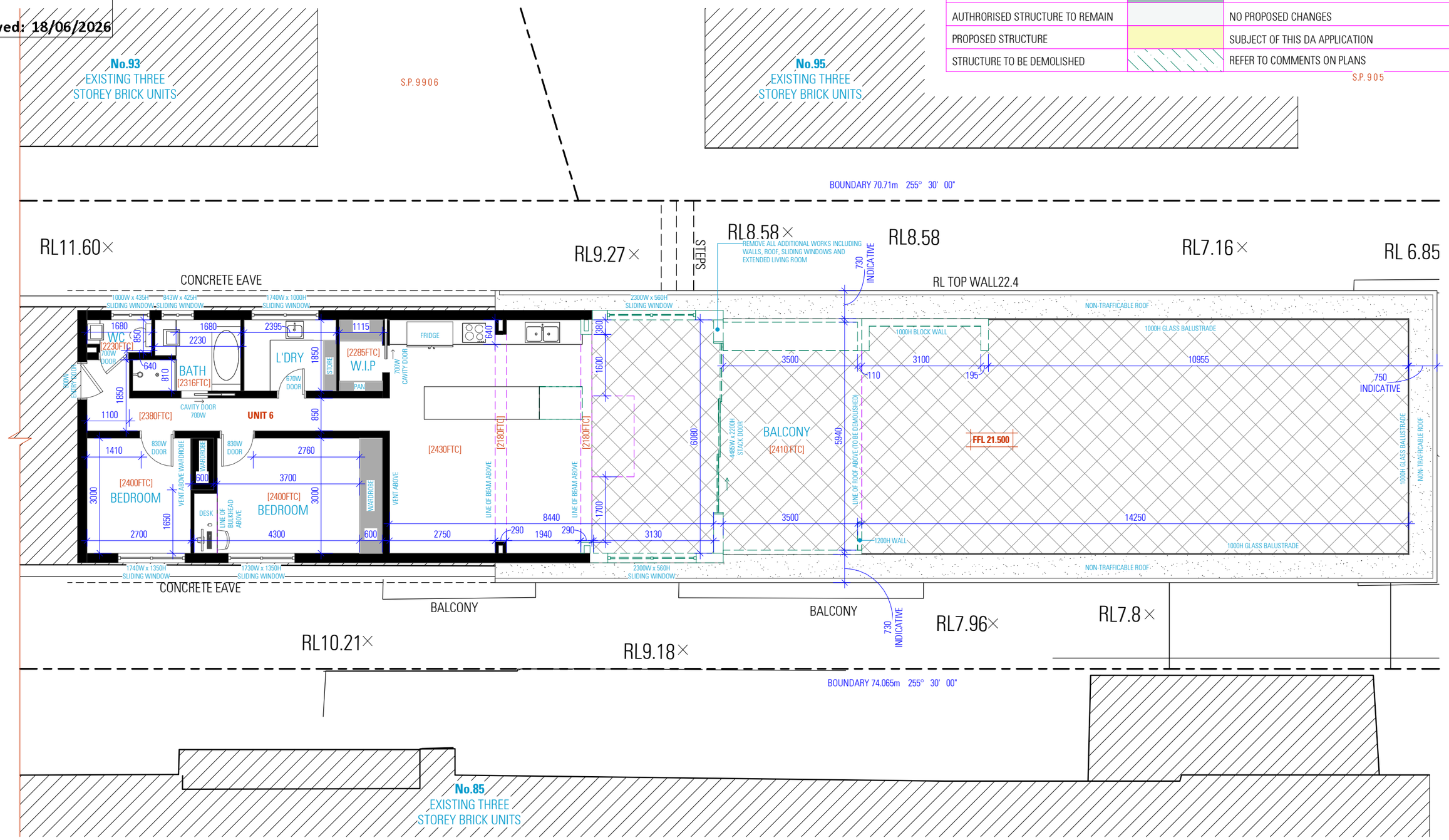
Waverley Council

Receipt No: DA-91/2026

Date Received: 18/06/2026

LEGEND

ITEM	STRUCTURE	NOTES
AUTHORISED STRUCTURE TO REMAIN		REFER TO PREVIOUS APPROVED APPLICATIONS
AUTHORISATION OF USE (PROPOSED)		SUBJECT OF THIS DA APPLICATION
AUTHRORISED STRUCTURE TO REMAIN		NO PROPOSED CHANGES
PROPOSED STRUCTURE		SUBJECT OF THIS DA APPLICATION
STRUCTURE TO BE DEMOLISHED		REFER TO COMMENTS ON PLANS



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bdaa ACCREDITED BUILDING DESIGNER

N

DEVELOPMENT APPLICATION

UNIT 6, 89 RAMSGATE AVENUE
NORTH BONDI NSW 2026

DESIGN MICHEL TOUBIA
DRAFTED MICHEL TOUBIA BELINDA MELVEY

DRAWING

UNIT 6 EXISTING FLOOR PLAN

SCALE 1 : 100 / A3
ISSUE E

DWG No. 24283 - 100

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Waverley Council

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LEGEND

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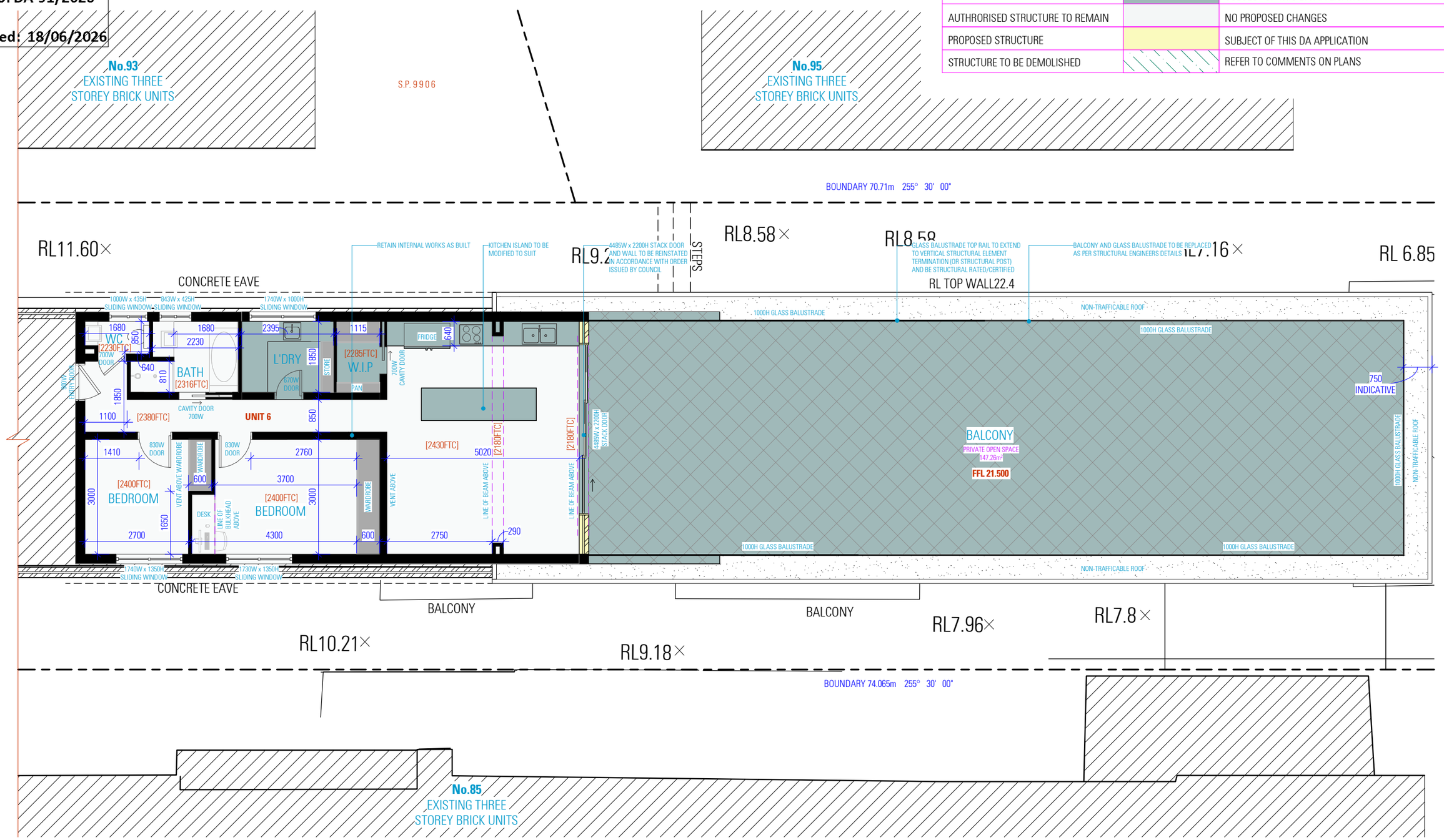

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ACCREDITED BUILDING DESIGNER

DEVELOPMENT APPLICATION

UNIT 6, 89 RAMSGATE AVENUE
NORTH BONDI NSW 2026

DESIGN MICHEL TOUBIA
DRAFTED ADRIAN RISTEVSKI BELINDA MELVEY

DRAWING

UNIT 6 PROPOSED FLOOR PLAN

SCALE 1 : 100 / A3
ISSUE E

DWG No. 24283 - 101

158

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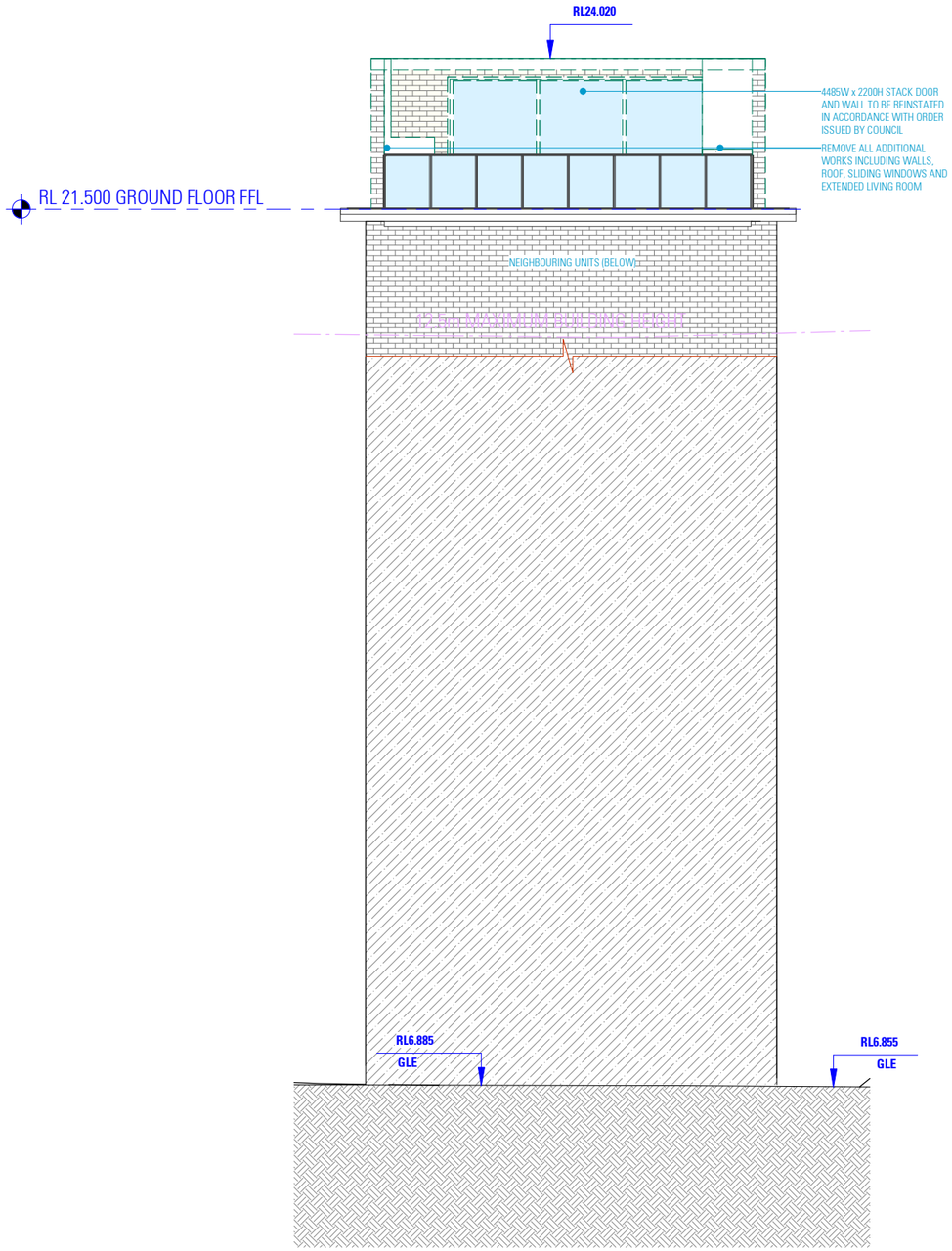

WEST ELEVATION

AS SEEN FROM PACIFIC OCEAN

LEGEND

ITEM	STRUCTURE	NOTES
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A	14.03.25	ISSUED FOR DEVELOPMENT APPLICATION

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DEVELOPMENT APPLICATION

UNIT 6, 89 RAMSGATE AVENUE
NORTH BONDI NSW 2026

DESIGN MICHEL TOUBIA
DRAFTED ADRIAN RISTEVSKI BELINDA MELVEY

DRAWING
WEST ELEVATION

SCALE 1 : 100 / A3
ISSUE E

DWG No. 24283 - 300

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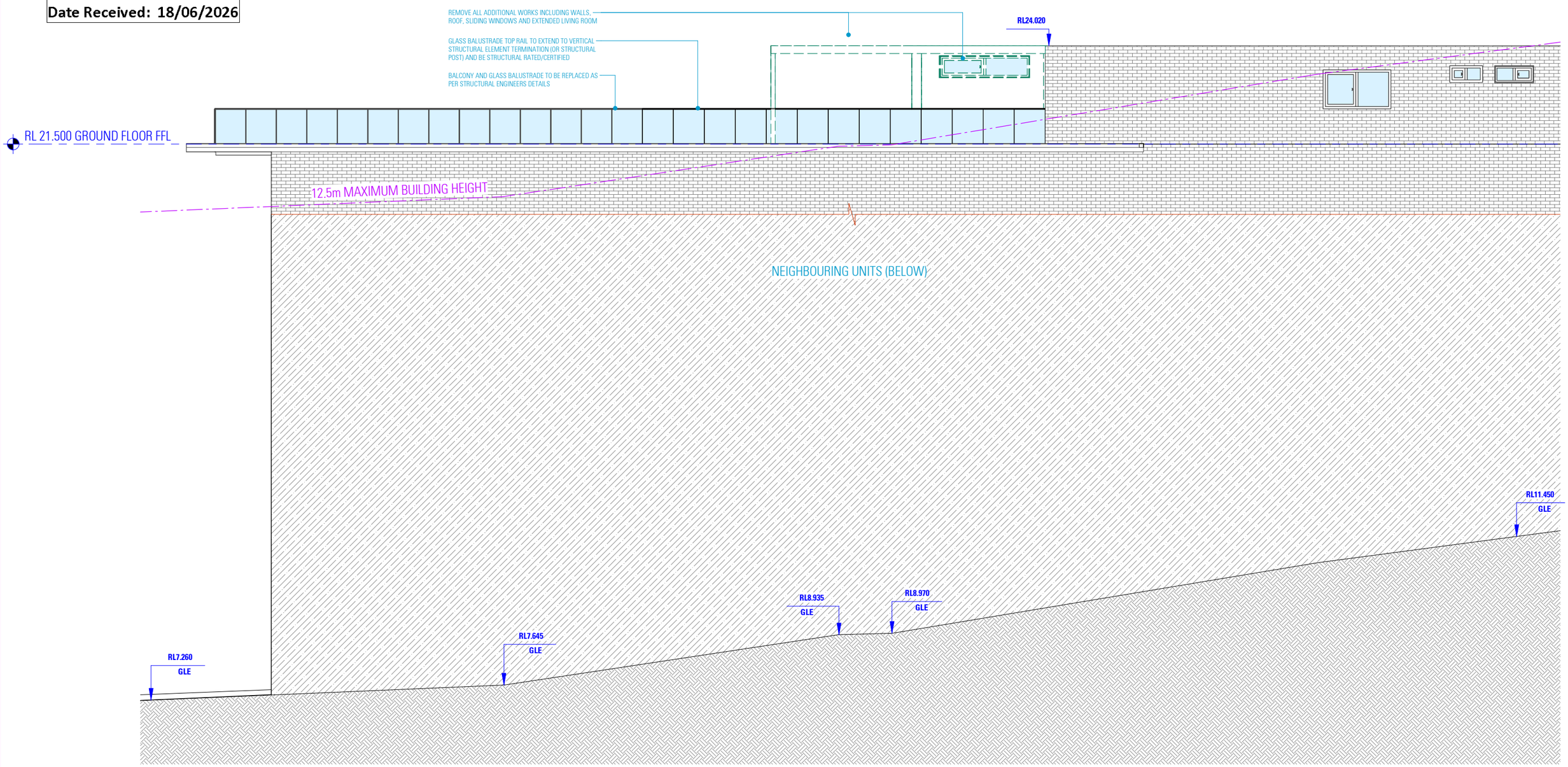

SOUTH ELEVATION

ISSUED FOR DA

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ACCREDITED BUILDING DESIGNER

DEVELOPMENT APPLICATION

UNIT 6, 89 RAMSGATE AVENUE
NORTH BONDI NSW 2026

DESIGN MICHEL TOUBIA
DRAFTED ADRIAN RISTEVSKI BELINDA MELVEY

DRAWING
SOUTH ELEVATION

SCALE 1 : 100 / A3
ISSUE E

DWG No. 24283 - 301

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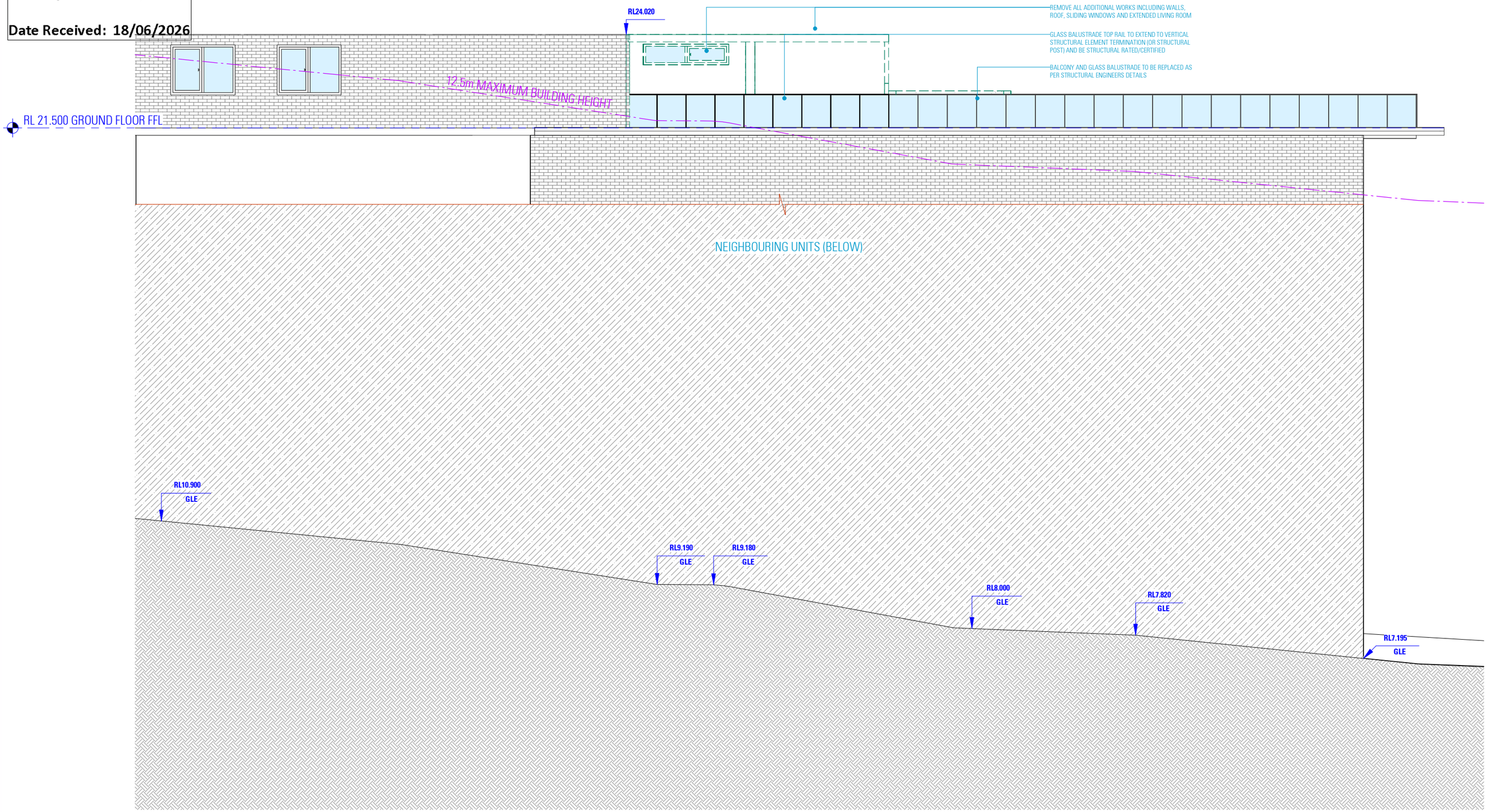

NORTH ELEVATION

ISSUED FOR DA

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ACCREDITED BUILDING DESIGNER

DEVELOPMENT APPLICATION

UNIT 6, 89 RAMSGATE AVENUE
NORTH BONDI NSW 2026

DESIGN MICHEL TOUBIA
DRAFTED ADRIAN RISTEVSKI BELINDA MELVEY

DRAWING
NORTH ELEVATION

SCALE 1 : 100 / A3
ISSUE E

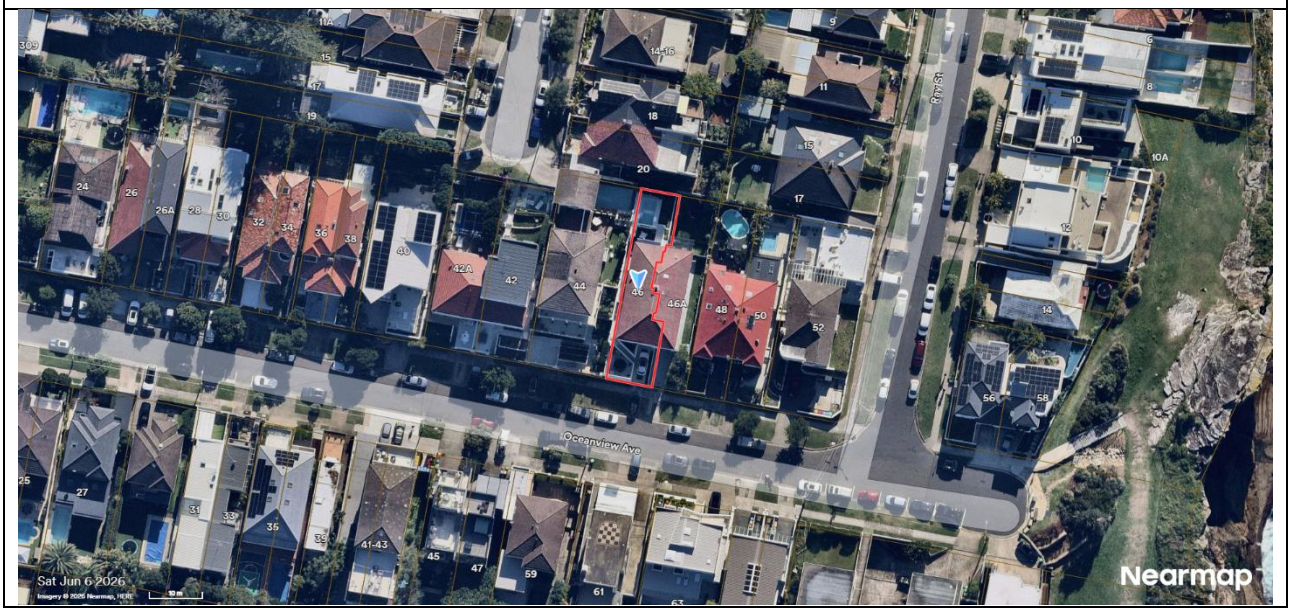
DWG No. 24283 - 302

WAVERLEY
COUNCIL

Report to the Waverley Local Planning Panel

Overview	
Application number	DA-469/2025/1
Site address	46 Oceanview Street, Vaucluse
Description of Development	Review of decision seeking alterations and additions to existing semi-detached dwelling, including construction of a new first floor addition and associated internal and external works
Date of Original Determination	25 February 2026
Date of lodgement	6 May 2026
Owner	Mr D Argiro & Ms M A Curmi
Applicant	Ms M Andrlon
Submissions	One submission
Cost of works	$ 492,800.00
Principal Issues	• *View sharing*
Recommendation	That the application be **APPROVED** in accordance with the conditions contained in the report

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The Section 8.2 review application seeks to review the determination of DA-469/2025 seeking alterations and additions to the existing semi-detached dwelling, including construction of a new first floor addition and associated internal and external works at the site known as 46 Oceanview Avenue, Vaucluse. The review application has amended the original development application. The amendments are reconfiguration of the first floor addition so that it does not sit directly above the garage, removal of the exceedance to the height of buildings development standard and lowering of the first floor addition by 100mm.

The principal reasons why the original development application was refused were:

- Exceedance of the height of buildings development standard; and
- View loss impacts.

The assessment finds these issues have been addressed in this review application as the proposal complies with the height of buildings development standard and view sharing has been achieved.

One resident submission was received. No Councillors submissions were received. 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.

The application has been assessed against the relevant matters for consideration under Sections 8.2 and 8.3 *of the Environmental Planning and Assessment Act 1979*. It is recommended to change the determination of refusal to 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 151 in DP 601954, known as 46 Oceanview Avenue, Vaucluse.

The site is irregular in shape with a frontage of 8.77m to Oceanview Avenue. It has an area of 270.9m^2 and falls from the rear northern boundary towards the front southern boundary by approximately 7.4m. The site is occupied by a part one, part two storey semi-detached dwelling with a single car garage.

The site comprises vehicular access provided from Oceanview Avenue. The site is adjoined by a semi-detached dwelling to the east and a detached dwelling to the west. The subject site and

neighbouring dwellings to the west of the site have access to expansive eastward views of the ocean. The locality is characterised by a variety of low density residential developments.

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

Figure 1: Overview of the existing site context along Oceanview Avenue with the subject site highlighted yellow

Figure 2: Subject site frontage, facing north with adjoining semi-detached dwelling to the east

Figure 3: Site context east of the subject site

Figure 4: Neighbouring detached dwelling to the west

Figure 5: Eastward views from the Oceanview Avenue road reserve

1.3. Details of the Original Determination Subject to Review

The original development application, known as DA-469/2025/1 for alterations and additions to the existing semi-detached dwelling, including the construction of a new first floor addition and associated internal and external work, was refused on 25 February 2026 by the Waverley Local Planning Panel.

The principal reasons why the original development was refused were as follows:

1. Exceedance of the height of buildings development standard.
2. View loss Impacts.

1.4. Proposal

The review application was lodged on 6 May 2026 and seeks to review the determination of the original development application.

The original application sought development consent for alterations and additions to the semi-detached dwelling, and specifically included the following:

- Ground floor level:
  - Addition of a new internal staircase to access the proposed first floor level;
- First floor level:
  - Addition of a new first floor level consisting of two bedrooms and one bathroom towards the rear northern end and a master bedroom with a walk-in-robe towards the front southern end;
- Roof level:
  - Addition of a new flat roof with a skylight over the lobby area at the first floor below.

The review application has made design amendments to the original application, which are summarised as follows:

- The first floor addition has been shifted away from the garage below, removing the height of building exceedance.
- Roof form reconfigured and the addition lowered by 100mm.
- The first floor envelope has been positioned behind the principal ridgeline, resulting in a more visually recessive addition from Oceanview Avenue.
- The overall scale of the addition has been reduced, achieving a floor space ratio (FSR) of 0.53:1, well below the permitted FSR.
- An additional window of an appropriate scale has been included along the western elevation.

1.5. Background

The review application was deferred on 28 May 2026 for the following reasons:

1. *Plan accuracy*
   a) *Review Council's Assessment Report and address the matters set out in relation to plan detailing and accuracy of the neighbouring property's window placement and balcony.*
   b) *Review the height plane lines on the plans to ensure accuracy and consider if this detail needs to be shown in a different way to clarify.*

The amended plans received on 16 June 2026 address the above and form the basis of the assessment.

2. ASSESSMENT

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

2.1. Section 8.3 Considerations

Section 8.3 of the Act enables the consent authority (i.e. Council) to review a previous determination of a development application subject to provisions, such as:

> *(2) A determination or decision cannot be reviewed under this Division —*
>
> *(a) after the period within which any appeal may be made to the Court has expired if no appeal was made, or*
>
> *(b) after the Court has disposed of an appeal against the determination or decision.*
>
> *(3) In requesting a review, the applicant may amend the proposed development the subject of the original application for development consent or for modification of development consent. The consent authority may review the matter having regard*

to the amended development, but only if it is satisfied that it is substantially the same development.

The determination of the original application DA-469/2025 was made on 25 February 2026. The period of right of appeal for the applicant to exercise (referenced in Section 8.3(2)(a) of the Act), is 6 months after the date of determination. The application is scheduled to be determined by the Waverley Local Planning Panel on 22 July 2026, which satisfies the statutory timeframe to determine this review application.

Council is satisfied that the essential elements of the original application are substantially the same as those of the amended development that is the subject of the review application. The overall scope and description of the development between the two applications remain unchanged.

The review application is assessed against the relevant matters for consideration under Section 4.15(1) of the Act, as discussed in the succeeding sections of this report.

2.2. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

- SEPP (Sustainable Buildings) 2022
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021.

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

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.

Provision	Compliance	Comment
Part 2 Permitted or prohibited development		
Land Use • *R2 Low Density Residential Zone*	Yes	The proposal is defined as alterations and additions to a semi-detached dwelling, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings • *8.5m*	Yes	The proposed development results in a maximum building height of 6.9m, which complies with the development standard.
4.4 Floor space ratio (FSR) **4.4A Exceptions to floor space ratio (FSR)** • *Site Area – 270.9m²* • *Maximum permissible FSR – 0.807:1 (218.62m²)*	Yes	The proposed development results in a maximum FSR of 0.53:1 with a GFA of 144.9m², which complies with the development standard.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	The subject site is adjacent to the Oceanview Landscape Conservation Area, which is located within the road reserve. The application is not anticipated to impact on the landscape values of the conservation area and is acceptable.
Part 6 Additional local provisions		
6.15 Stormwater Management	Yes	The proposal satisfactorily meets clauses (a) (b) and (c).

2.1.3. Waverley Development Control Plan 2022 (Waverley DCP 2022) (Amendment 5)

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 in all main living areas and bedrooms (notated on DA and CC plans).*	Yes	A BASIX Certificate was submitted with the application setting out energy efficiency and insulation requirements for the application. A condition of consent is recommended to require electric cooking systems and ceiling or wall mounted fans to be provided in habitable rooms.

Development Control	Compliance	Comment
• *Electric cooking and heating systems (notated on DA and CC plans).*		
5.Water Management	Yes	Satisfactory.
7. Transport	N/A	The existing single car garage will be retained under the application.
11. Design Excellence	Yes	The amended proposal complies with the maximum height of buildings development standard, and the overall parapet height and building envelope has been lowered and reconfigured to address the height exceedance and to reduce the extent of view impact from neighbouring properties. The amended proposal is considered to achieve design excellence.

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

Development Control	Compliance	Comment
1.0 General Objectives		
	Yes	The amended 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 amended proposal has a maximum wall height of 6.99m.
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 front and rear buildings lines are appropriate and consistent with the building lines of the immediately adjacent properties. The first floor addition is set back from the rear building line of the ground floor level.
1.2.2 Side setbacks	Yes	The proposed first floor addition comprises a minimum side setback of 1.51m.

Development Control	Compliance	Comment
• *Minimum of 0.9m for ground floor and first floors.*		
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.*	Yes Yes N/A	The proposed first floor addition is appropriately proportioned and compatible with the streetscape context. The proposal does not seek to alter existing windows. A new window to the southern elevation of the first floor addition is proposed, including one angled to the east to maximise morning sunlight. There is no change to the existing landscaping across the site.
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*	N/A	The proposed development does not seek to alter fences or boundary walls across the site.
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 first floor addition includes four new windows along the western elevation, (one additional window from the previous application). The windows are an appropriate scale for a first floor addition and given the setback of the first floor addition from the neighbouring dwelling to the west (approximately 4m measured from the edge of the wrapped balcony to the first floor addition), the proposed western elevation windows are unlikely to give rise to unacceptable privacy concerns. A submission was received requesting that the new window be opaque glazing. Council considers that the window is of an appropriate scale and in combination with the setback between the dwellings is not likely to give rise to unacceptable privacy concerns. The proposal includes a new northern elevation window, which will be fitted with external louvres or adjustable blinds, as

Development Control	Compliance	Comment
		indicated on the plans to manage potential overlooking to the side neighbours.
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 Yes	The proposal would not reduce sunlight below a minimum of 3 hours to the private open space and living areas on the subject site or on adjoining sites. No solar collectors would be unreasonably impacted by the proposal.
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	*See below the table for further discussion.*
1.13 Semi-detached dwellings and terrace style development		
1.13.1 Built form • *Additions to match the style of the original semi-detached dwelling* • *Existing roof form maintained forward of principal ridgeline*	Yes Yes	The new first floor is a contemporary addition with a flat roof. The design has been amended to shift the addition from being configured directly above the garage level to ensure compliance with the height of buildings development standard. The design is a contemporary approach that has been recessed to manage potential bulk and scale impacts. The amended proposal maintains the existing roof form forward of the principal ridgeline. The addition is setback to avoid the front roof slope. The first floor addition will be viewed as a secondary element to the overall building and complies with the controls.

Development Control	Compliance	Comment
1.13.2 First floor additions to semi-detached dwellings • *First floor addition to be setback from the principal street frontage and maintain the existing front roof slope* • *Additions to be located a minimum of 1m behind the front main gable* • *Limit the rise of the interface with adjoining semi-detached dwelling to 600mm.*	Yes No, acceptable on merit	The proposal is setback from the street frontage, and the existing front roof slope is maintained. The design has been amended to maintain the integrity of the front roof slope, with the addition set back 200mm from the existing roof form to maximise the extent of developable area within the permitted FSR and height. The approach is acceptable; avoiding a height of buildings development standard breach and will enable the adjoining semi-detached dwelling to follow a similar building line approach should they wish to develop in the future. The amended proposal reduces the extent of the rise of the interface with the adjoining semi from 760mm in the original application to 660mm. The reduction in height of the interface is noted and the minor non-compliance considered acceptable in this instance.
1.13.3 Material finishes and detail for semi-detached dwellings • *Finishes and detailing are to be cohesive with the existing dwelling* • *New windows to have a similar proportion to the existing* • *Upper wall finishes to reflect the style and character of the original building*	Yes Yes Yes	The proposed materials, finishes and colours are in keeping with the existing dwelling. As detailed above, the new windows are in proportion with existing windows and are of an appropriate scale for the rooms they serve. The upper wall finishes are to match the rendered materiality and colour of the existing dwelling.

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

View impact

A view impact analysis (VIA) was submitted with the original application. The VIA considered the potential view loss as a result of the proposal on views obtained at No. 40 and No. 44 Oceanview Avenue, located west of the subject site.

The VIA submitted with the original application included photomontage imagery of the proposal as seen from the above listed neighbouring dwellings. The VIA was not repeated for the review application as the proposal has been submitted with a compliant envelope, and the

images provided for the previous application represent a worst case outcome. The most representative view impact pictures are provided in **Figure 6** and **Figure 7** below.

Figure 6: Three-dimensional view of first floor addition under the previous application as seen from the first floor balcony of No. 44 Oceanview Avenue

Figure 7: Three dimensional view of the first floor addition under the previous application as seen from the first floor front balcony of No. 40 Oceanview Avenue

Part C2, section 2.14 of the Waverley DCP 2022 sets out the relevant considerations for views and view sharing. The original application was assessed against the Tenacity principles for view sharing, which concluded:

> *The proposed first floor addition is not set back from the existing front gable of the semi-detached dwelling's roof, therefore failing to maintain the existing front slope. The proposed development also fails to comply with the Height of Buildings principal development standard and results in view loss of existing ocean views for the neighbouring dwellings to the west of the subject site at 44 and 40 Oceanview Avenue. The above view loss assessment therefore concludes that the proposed development results in unreasonable and unacceptable view loss of ocean views for the abovementioned properties.*

The amended application has modified the design so that the bulk of the dwelling at the front roof slope has been set back behind the front roof pitch, shifted from above the garage to avoid a height exceedance, and lowered by 100mm. Accordingly, the impact on views as shown in the images above, would be less than previously proposed given the reduction in bulk at the front and the lowering of the parapet. It is possible that the first floor addition may not be visible from No. 40 Oceanview Avenue, given the reconfiguration of the front of the addition away from the garage level (see **Figure 7**, which shows the leading edge of the front of the building under the previous submission).

This assessment considers the planning principals for view sharing as per the Tenacity Consulting v Waringah [2004] NSWLEC 140 caselaw, using the four-step assessment. In particular, step four relates to the reasonableness of the proposal that is causing the impact. As shown in **Figure 6** above, there will be some impacts to views of the ocean and horizon

when looking across the subject site from the first floor balcony of No. 44 Oceanview Avenue. However, the neighbouring property will still maintain significant water and horizon views above the proposed roofline and to the south-east. Accordingly, Council is satisfied that the impact on views is acceptable given that the proposal complies with the height of buildings development standard and is well within the permitted maximum FSR. Accordingly, reasonable view sharing is achieved under the amended application.

2.3. Other Impacts of the Development

The proposal is considered to have no significant likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality, subject to appropriate conditions being imposed and is recommended for approval.

2.4. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.5. Any Submissions

The application was notified for at least 14 days between 7 May and 26 May 2026 in accordance with the *Waverley Community Engagement Strategy Amendment 1 (2025)*.

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:

- Further detailed notations were provided on the plans to demonstrate how the amended proposal complies with the height of buildings development standard.

Having regard to the nature of the amendments, there is a lesser impact on all properties.

One unique submission was received from No. 44 Oceanview Avenue, Vaucluse.

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

- The new highlight window with clear glass should be opaque to avoid privacy concerns.
- The overall height has been lowered by 100mm and does the amended application comply with the height development standard.

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

***Issue**:* Is the new northern elevation window to be fitted with permanently fixed shutters.

***Response**:* The window will comprise shutters or an external blind that will be operable to allow sunlight to enter the bedroom. It would be unreasonable to require shutters to remain permanently over a north facing window. As detailed above, the windows proposed are appropriately scaled and are not likely to give rise to unacceptable privacy concerns.

Issue: Inside floor to ceiling heights are generous.

***Response**:* The floor to ceiling heights comply with the National Construction Code (NCC) and the Waverley DCP 2022. The amended proposal complies with the height of buildings development standard. Therefore, the proposed floor to ceiling heights are acceptable in this instance.

2.6. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Stormwater Design and Flooding (Infrastructure Services)

The original application was referred to Council's Infrastructure Engineers. The recommended conditions provided under the previous application have been included in Appendix A. No objections were raised, subject to the recommended conditions of consent.

4. CONCLUSION

The application has been assessed against the relevant matters for consideration under Sections 8.2 and 8.3 *of the Environmental Planning and Assessment Act 1979*. It is recommended to change the determination of refusal to approval, subject to conditions of consent.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the Section 8.2 Review Application be **APPROVED** by the Waverley Local Planning Panel subject to conditions in Appendix A.

Managers of Development Assessment (MODA) Review

The application was reviewed by the MODA at the meeting on 30 June 2026 and the MODA concurred with the Assessment Planner's recommendation.

MODA members: B McNamara, B Magistrale, J Zancanaro, and K Johnstone

Report prepared by:	Application reviewed and agreed by:
Alana Jelfs	**Katie Johnstone**
Senior Development Assessment Planner	**A/Manager, Development Assessment**
Date: 30 June 2026	**Date: 6 July 2026**

Reason for WLPP referral:

1. Panel refused approved previous application.

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
Does the proposal trigger a Housing & Productivity Contribution? If so, please ensure you have calculated the contribution in the CON case in the Planning Portal.	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

O:\Building Waverley\Development Assessment\DA Assessment Team Reports\Oceanview Ave, 46\DA-469-2025-1\DA-469-2025-1 - 46 Oceanview Avenue, Vaucluse - Assessment Report.Docx

APPENDIX A – CONDITIONS OF CONSENT

GENERAL CONDITIONS

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by Addspace Building & Renovations Pty Ltd of Project No: 2343 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
A-07, Rev 05	Proposed Site Plan and Roof Plan	14.06.2025	16.06.2026
A-7.1, Rev 03	Existing Garage Floor Plan	14.06.2025	16.06.2026
A-09, Rev 05	Proposed Ground Floor Plan	14.06.2025	16.06.2026
A-10, Rev 05	Proposed First Floor Plan	14.06.2025	16.06.2026
A-12, Rev 06	Proposed South Elevation	14.06.2025	16.06.2026
A-13, Rev 03	Proposed West Elevation	14.06.2025	16.06.2026
A-14, Rev 05	Proposed East Elevation	14.06.2025	16.06.2026
A-15, Rev 05	Proposed North Elevation	14.06.2025	16.06.2026
A16, Rev 05	Proposed Section Y - Y	14.06.2025	16.06.2026
A16.1, Rev 05	Proposed Section Z - Z	14.06.2025	16.06.2026
A16.2, Rev 02	Proposed Section Q - Q	14.06.2025	16.06.2026
A16.3, Rev 01	Proposed Section I - I	14.06.2025	16.06.2026
A16.4, Rev 01	Proposed Section 2 - 2	14.06.2025	16.06.2026

(b) The BASIX Certificate;

(c) Schedule of external finishes and colours received by Council on 06.05.2026;

(d) The Site Waste and Recycling Management Plan (SWRMP) Part 1 and received by Council on 06.05.2026;

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. COMPLIANCE WITH NATIONAL CONSTRUCTION CODE

All proposed work must comply with the *National Construction Code* (previously known as the *Building Code of Australia*).

Condition reason: Prescribed condition pursuant to the *Environmental Planning and Assessment Regulation 2021*.

3. MATERIALS FOR MAKING GOOD

New materials for making good and repairs, are to match the existing in terms of colours, finishes, sizes, profile and properties.

Condition reason: To ensure appropriate materials and finishes are used.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

GENERAL

4. NO BUILDING WORKS PRIOR TO RELEASE OF A CONSTRUCTION CERTIFICATE

The building work must not be commenced until:

(a) a Construction Certificate has been obtained from Council or an Accredited Principal Certifier in accordance with the *Environmental Planning and Assessment Act 1979*;

(b) a Principal Certifier 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 Certifier 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*.

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* 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 $500,001 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 $1,000,001 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).

(ii) Please forward documents to info@waverley.nsw.gov.au attention to Strategic Planning, and reference the relevant application number, address and condition number to satisfy.

(iii) 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.

(iv) Should there be a discrepancy between the Detailed Cost Report 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 is 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.

(e) Where a modification to a development consent has been granted, the contribution is to be recalculated based on the amended total development cost.

(f) Prior to the issue of any Construction Certificate, evidence must be provided to the Principal Certifier 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 S7.12 Contributions are paid for the development and any amendments are accounted for.

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 Certifier prior to the issue of any Construction Certificate.

Note: Council acts as a collecting agent for the Long Service Payment Corporation and the levy may be paid at Council's office or online via the Service NSW website. 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. SECURITY DEPOSIT

(a) Payment to the amount of **$15,375.00** must be provided to Council for any damage caused to any property of the consent authority (i.e. 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 fee is charged in accordance with Council's *Pricing Policy and Schedule of Fees and Charges*.

(b) This payment (security deposit) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the security 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 of all of works associated with this consent (including the required public works) to the person who paid the deposit. Any works required to Council property associated with the consent need to be undertaken with the approval of the Infrastructure Services Department and in line with current Council standards. See the General Advisory Notes at the end of this consent for further details.

Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.

9. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

The Applicant must 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 *Pricing Policy and Schedule of Fees and 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 allow for Council assessment officer time to assess engineering plans for approval and ensure payments are made prior to commencement of works.

CONSTRUCTION AND SITE MATTERS

10. HOARDING FOR CONSTRUCTION SITES

A hoarding is a temporary structure of solid construction, erected around the perimeter of construction sites to shield them from view and prevent unauthorised access. It is an important component in ensuring health and safety, for site workers, visitors and the general public and can also be part of a site security system to prevent theft or vandalism. The design and construction of any hoarding must be in accordance with the requirements of *Safe Work NSW*.

Council authorisation is required when construction or other works will impact a footpath, such as the erection of hoarding or scaffolding, or the storage of building materials. Refer to Waverley Council's website by visiting the Hoarding and Scaffolding Guidelines webpage for more information.

To apply to occupy Council property (public domain and/or footway), complete the 'Application for Occupation of Council Footpath' form and submit it, directly to email building.compliance.admin@waverley.nsw.gov.au .

Please allow a minimum of 2weeks for processing your application.

Note: You are not to erect the hoarding or store building materials on Council's footpath until written permission is given by Council and all relevant fees have been paid. Failure to do so, may result in enforcement action.

Condition reason: Under Section 68 of the *Local Government Act 1993* and under Section 138 of *The Roads Act 1993*, where Occupation of Council property is required over the footpath or any public place, the approval of Council must be obtained and the applicable fees paid prior to any occupation. This is to ensure the safety of the site and public whilst construction occurs.

11. EROSION AND SEDIMENT CONTROL PLAN

(a) A *Soil and Water Management Plan* (SWMP), also known as an Erosion and Sediment Control Plan must be prepared by a suitably qualified person in accordance with *Waverley Council's Water Management Technical Manual*.

(b) The SWMP must be submitted and approved by the Principal Certifier prior to the issue of any Construction Certificate. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request.

(c) 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 no substance other than rainwater enters the stormwater system and waterways.

12. ENGINEERING DETAILS

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

Condition reason: To ensure the structural stability of work on site.

13. ENGINEERING CERTIFICATE OF ADEQUACY

A 'Certificate of Adequacy' prepared by a suitably qualified Structural Engineer is to be submitted for approval of the Principal Certifier 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 existing structures are capable of taking the extra load from a structural integrity perspective.

14. EXISTING PARTY WALL IS TO BE EXTENDED

The existing party 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 party 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 occurs, 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 along the party wall/boundary.

TRAFFIC MATTERS

15. 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. CTMP's are to be submitted via email to traffic@waverley.nsw.gov.au for assessment. 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

Note: It is recommended that any sites that are significantly large meet with Council prior to the preparation of the CTMP to discuss specifics. All sites within Waverley Council require the installation of a Construction Zone for the duration of building works unless the applicant is able to demonstrate adequate access is available otherwise.

Once approved, the works must be undertaken in line with and comply with the CTMP. Any modifications must be approved by Council's Executive Manager, Infrastructure Services, or delegate.

Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

STORMWATER AND FLOODING

16. STORMWATER MANAGEMENT

Certification from a suitably qualified and practising Civil Engineer (registered on the NER of Engineers Australia or equivalent) that the drainage system is designed in accordance with the Development Consent, relevant Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards, and good engineering practices must be submitted to Council for the issue of Compliance Certificate prior to the release of any construction certificate by the Principal Certifying Authority (PCA).

The Applicant must pay Council fees for the Issue of Compliance Certificate, in accordance with the Council's Schedule of Fees & Charges at the time of the issuance of Compliance Certificate, prior to such approval being granted by Council.

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.

17. SEEPAGE WATER

Seepage water within the top 500mm of the ground surface may be collected and discharged to Council's stormwater network (below ground network). Seepage water below 500mm of the ground surface must be managed on-site through infiltration or directed into Council's below-ground stormwater system, subject to Council approval. This will be contingent on the discharge flow rate being quantified and the stormwater management system (including the OSD volume and orifice size) being adjusted to ensure the total discharge from the site does not exceed the permissible site discharge.

The Principal Certifier shall ensure the above measures are satisfied.

Condition Reason: To ensure the seepage water is managed to comply with Council's Water Management Technical Manual. Seepage water must not be discharged directly or indirectly to the street gutter.

ENERGY EFFICIENCY & SUSTAINABILITY

18. BASIX CERTIFICATE – DETAILS TO BE LODGED WITH A CONSTRUCTION CERTIFICATE

A copy of the required completed BASIX certificate accepted as part of this Development Consent with respect to the proposed residential building works, must be lodged with an application for a Construction Certificate and the items nominated as part of the subject BASIX certificate must be specified on the plans submitted with the construction certificate application. – See Note.

Note: Any requirement detailed in the accompanying BASIX Certificate, MUST be included as a specific notation or inclusion on any future Construction Certificate plans and specification in accordance with Part 3 of Schedule 1 of the *Environmental Planning and Assessment Regulation 2021*.

Condition reason: To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under clause 75 *EP&A Regulation 2021*.

19. RENEWABLE ENERGY AND ENERGY EFFICIENCY

(a) No gas cooktops or gas ovens are permitted where works are proposed to the kitchen. Alternate options must be used such as electric or induction.

(b) No gas heating systems are permitted. If heating is provided it must be electric or solar sourced.

(c) Ceiling or wall mounted fans must be installed in all habitable rooms (main living areas and bedrooms).

(d) In circumstances where the existing BASIX certificate does not comply with the above, the BASIX certificate must be amended and submitted to the Principal Certifier for approval, prior to the issue of the relevant Construction Certificate.

(e) The architectural plans shall be updated to notate the above and submitted to the Principal Certifier for approval, prior to the issue of the relevant Construction Certificate.

Condition reason: To improve air quality and human health, and to ensure all new (or altered) homes have future capacity to be an all-electric building, powered by renewable energy.

WASTE

20. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted and approved by the Principal Certifier 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, and the contact details of those removing the waste 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.

COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

21. CONSTRUCTION SIGNS

Prior to commencement of any works on the site and during construction phase, a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number and email address) of the Principal Certifier 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 Certifier and principal contractor's (the coordinator of the building works) contact details.

22. DILAPIDATION REPORT

(a) 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 Certifier. At minimum, the following properties are to be included:

(i) 46A Oceanview Avenue, Vaucluse

(b) 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 Certifier that all reasonable steps were taken to obtain access to the adjoining properties.

(c) The report is to be dated, submitted to, and accepted by the Principal Certifier, prior to any work commencing on the site.

(d) 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.

(e) 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 affected neighbours and council are provided with the dilapidation report.

23. SURVEY SETOUT

Prior to the commencement of construction, all footings, walls and floor slabs adjacent to a boundary must be set out by a registered surveyor. The building shall be sufficiently set back to ensure that no component of the building (such as the roof, guttering, or downpipes) encroach upon or overhang the boundaries of the site.

The registered surveyor shall provide a survey and report to the Principal Certifier indicating the position of the footings, walls and floor slabs in relation to the boundaries of the allotment, prior to the commencement of construction works.

Condition reason: To ensure the development does not encroach onto neighbouring properties.

CONSTRUCTION MATTERS

24. CONSTRUCTION HOURS

(a) 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.

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

(c) 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 during construction.

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 boundaries. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval. If required, you can apply to temporarily use Council's footpath for the erection of a hoarding, scaffold, mobile scaffold, scissor lift, ladders, barricades for abseiling work, and/or storage of building materials on Council's footpath. This is a separate application form and assessment process. Details of this can be found on Council's website under 'Occupation of Council Footpath'.

https://www.waverley.nsw.gov.au/planning/application_forms_and_certificates

Condition reason: To ensure building material is stored in an appropriate location.

26. BASIX (DURING BUILDING WORK)

During construction, the Principal Certifier should ensure the commitments listed in the BASIX certificate are met when conducting critical stage inspections.

Condition reason: To ensure compliance with the *SEPP (Sustainable Buildings 2022)*

27. CRITICAL/MANDATORY BUILDING INSPECTIONS DURING CONSTRUCTION

The building works are to be inspected during construction by the Principal Certifier in accordance with, 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.

28. CERTIFICATE OF SURVEY – LEVELS

All construction works are to be in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor for each level is to be submitted to the Principal Certifier during construction and prior to continuing with the construction of the subsequent level of the building. A final Certificate from a Registered Surveyor is required to be submitted for approval of the Principal Certifier, certifying the finished ridge and overall building height levels accord with the approved architectural plans.

Condition reason: To ensure buildings are sited and positioned in the approved location and to the approved height.

29. CERTIFICATE OF SURVEY – BOUNDARIES AND LOCATION OF BUILDING

A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the location of the building on the site is to be submitted to the Principal Certifier 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.

30. STRUCTURAL STABILITY OF ADJOINING SEMI-DETACHED DWELLING'S ROOF

Adequate measures are to be undertaken to ensure structural stability and water proofing of the existing roof over the adjoining semi-detached 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 dwelling's roof.

31. WORK OUTSIDE PROPERTY BOUNDARY

This consent does not authorise any work outside the property boundary, including storage of building materials or goods. Separate approval is required for any works outside the property boundary, with fees being paid where applicable. Requests are to be made via email to assets@waverley.nsw.gov.au.

Condition reason: To ensure all works are located within the property boundary and specific approval is sought for any external works.

STORMWATER

32. DISPOSAL OF SEEPAGE AND STORMWATER

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.

Condition reason: To ensure the proper management of stormwater runoff.

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 Certifier in all instances, except where a condition explicitly specifies that the approval of Council or a Council Officer is required, prior to the issue of an Occupation Certificate or Subdivision Certificate, whichever applies.

CERTIFICATES, LICENSES, EASEMENTS AND RESTRICTIONS

33. FINAL OCCUPATION CERTIFICATE

(a) Prior to occupation or use of the development, an Occupation Certificate must be obtained.

(b) The Principal Certifier 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

All commitments listed in each relevant BASIX Certificate for the development must be fulfilled prior to any Occupation Certificate being issued.

Condition reason: To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under clause 75, *Environmental Planning and Assessment Regulation 2021*).

35. CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE

Prior to the issue of any Occupation certificate, 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.

Certification must be provided from a suitably qualified and practicing Engineer or Plumber, that any retained stormwater drainage system is unblocked, in good working order, and has been repaired or replaced in accordance with Council's Water Management Technical Manual and Development Control Plan and all applicable Codes, Policies, Plans, Standards and good engineering practice.

Condition reason: To ensure the stormwater system has been constructed or retained in accordance with the approved stormwater management plans and to best engineering practice.

GENERAL ADVISORY NOTES

1. DEVELOPMENT IS TO COMPLY WITH LEGISLATION

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.

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 *Environmental Planning and Assessment Act 1979* 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:

(a) Please read your conditions carefully.

(b) 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).

(c) Attention the documentation to the relevant officer/position of Council (where known/specified in condition).

(d) Include DA reference number.

(e) Include condition number/s seeking to be addressed.

(f) 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).

(g) 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.

(h) 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.

(i) Please note, in some circumstances, additional fees and/or additional documents (hard copy) may be required.

(j) 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.

4. 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.

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 1800 810 443.

6. ALTERATIONS AND ADDITIONS ONLY

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

7. CONCURRENT WORKS TO ADJOINING SEMI-DETACHED DWELLING

The proposed additional storey and associated works for the site shall be constructed concurrently with the proposed additional storey and associated works for adjoining semi-detached dwelling.

8. TREE REMOVAL/PRESERVATION

Any trees not identified for removal in this application have not been assessed and separate approval may be required.

Details on additional criteria regarding tree on development sites can be found in Waverley Council Tree Management Guidelines 2022, 10. Appendices.

9. ADDITIONAL INFORMATION IN RELATION TO SECURITY DEPOSIT – RELEASE PROCESS

Following completion of all works and satisfaction of all consent conditions, an Occupation Certificate will be issued for the site and uploaded to the NSW Planning Portal. Waverley Council will receive notification of this achievement and will begin the process of reviewing the site prior to release of the site's security deposit.

An officer from the Infrastructure Services team will attend the site and inspect the public domain in order to confirm that all public domain works within the conditions of consent have been completed to Council's satisfaction and that no damage has occurred associated with the works. Specifically, they will be assessing the condition of the:

(a) Footpath/s,

(b) Kerb and Gutter,

(c) Nature strip, turf and any trees,

(d) Stormwater assets,

(e) Driveway crossings,

(f) Roadway/s, &;

(g) Any other public assets within the frontage or affected by the works.

It is the applicant's responsibility to ensure that the public domain is undamaged from the construction works which have occurred, and that any assets which have been renewed are completed with the consent of the Infrastructure Services Department (assets@waverley.nsw.gov.au) and in line with current Waverley Council Standards and Guidelines. Should there be any damage identified or works completed which do not meet Council's quality requirements, a Council officer will be in contact to outline what needs to be rectified prior to the release of the Security Deposit. Once all issues have been rectified to Council's satisfaction, the finance department will be notified to process the refund.

If no issues are identified onsite, the full security deposit should be typically expected to be refunded within 12 weeks from the date of upload of the site's final Occupation Certificate to the NSW Planning Portal by the site's Principal Certifier.

10. ENCROACHMENT BEYOND BOUNDARY

Vehicles parked on the hardstand shall not encroach onto the Council's footpath area at any time.

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 *Environmental Planning and Assessment Regulation 2021* 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 *Environmental Planning and Assessment Act 1979*.

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 *Environmental Planning and Assessment Act 1979* 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 *Environmental Planning and Assessment Regulation 2021*.

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

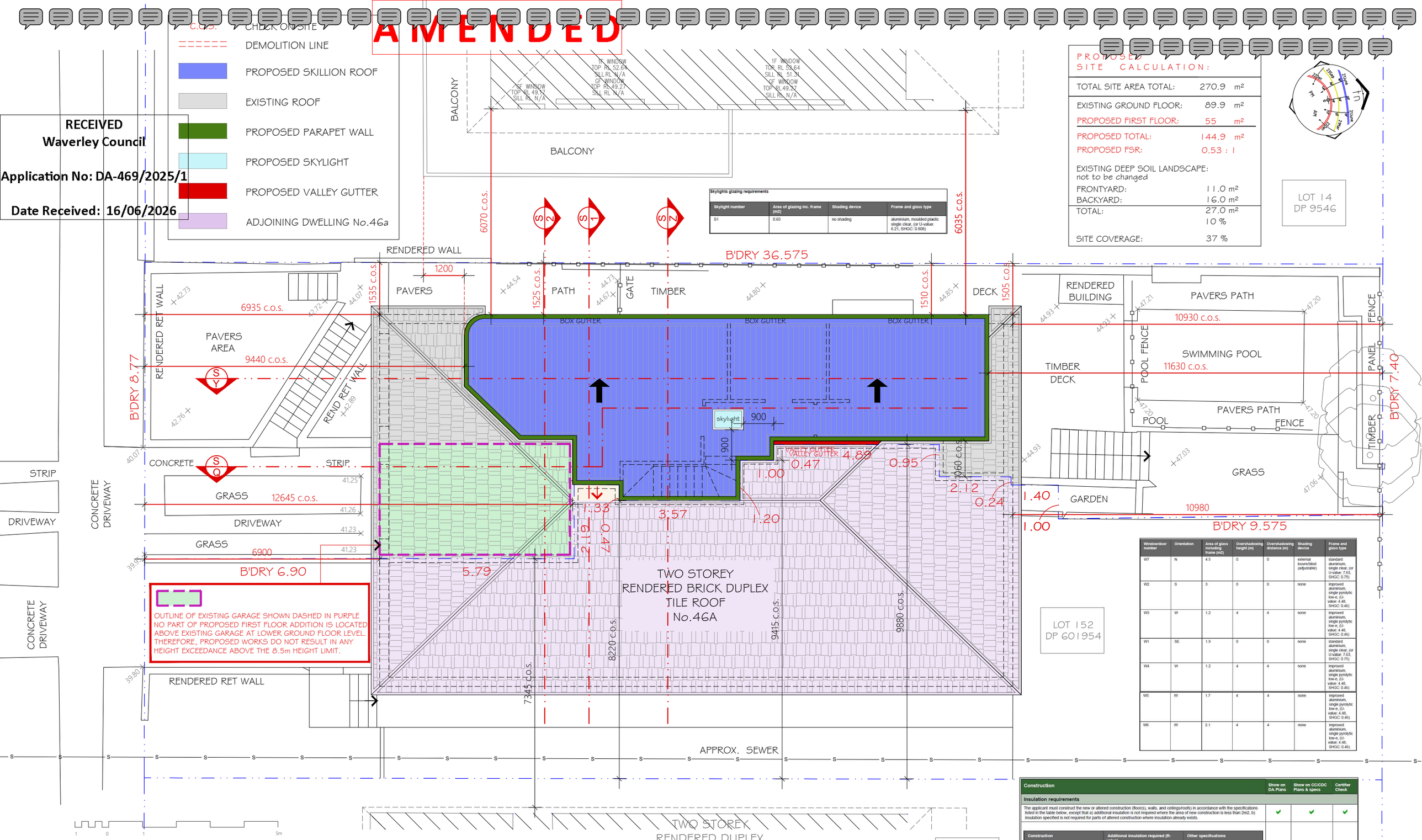
AMENDED

RECEIVED
Waverley Council

Application No: DA-469/2025/1

Date Received: 16/06/2026

c.o.s.	CHECK ON SITE
	DEMOLITION LINE
	PROPOSED SKILLION ROOF
	EXISTING ROOF
	PROPOSED PARAPET WALL
	PROPOSED SKYLIGHT
	PROPOSED VALLEY GUTTER
	ADJOINING DWELLING No.46a



OUTLINE OF EXISTING GARAGE SHOWN DASHED IN PURPLE
NO PART OF PROPOSED FIRST FLOOR ADDITION IS LOCATED ABOVE EXISTING GARAGE AT LOWER GROUND FLOOR LEVEL. THEREFORE, PROPOSED WORKS DO NOT RESULT IN ANY HEIGHT EXCEEDANCE ABOVE THE 8.5m HEIGHT LIMIT.

Skylights glazing requirements

Skylight number	Area of glazing inc. frame (m2)	Shading device	Frame and glass type
S1	0.65	no shading	aluminium, moulded plastic single clear, (or U-value: 6.21, SHGC: 0.808)

PROPOSED SITE CALCULATION:

TOTAL SITE AREA TOTAL:	270.9	m²
EXISTING GROUND FLOOR:	89.9	m²
PROPOSED FIRST FLOOR:	55	m²
PROPOSED TOTAL:	144.9	m²
PROPOSED FSR:	0.53 : 1	
EXISTING DEEP SOIL LANDSCAPE: not to be changed		
FRONTYARD:	11.0	m²
BACKYARD:	16.0	m²
TOTAL:	27.0 10	m² %
SITE COVERAGE:	37	%

Window/door schedule

Window/door number	Orientation	Area of glass including frame (m2)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type
W7	N	4.5	0	0	external louvre/blind (adjustable)	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W2	S	3	0	0	none	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W3	W	1.2	4	4	none	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W1	SE	1.9	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W4	W	1.2	4	4	none	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W5	W	1.7	4	4	none	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W6	W	2.1	4	4	none	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)

Construction	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Insulation requirements			
The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m2, b) insulation specified is not required for parts of altered construction where insulation already exists.	✔	✔	✔

Construction	Additional insulation required (R-value)	Other specifications
floor above existing dwelling or building.	nil	N/A
external wall: other/undecided	R1.70 (including construction)	
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)	
flat ceiling, flat roof: framed	ceiling: R0.90 (up), roof: foil backed blanket (55 mm)	light (solar absorptance < 0.475)

PROPOSED SITE & ROOF PLAN

1 : 100

5	Amended Issue for Section 8.2 Review	IQH	14.06.26
4	Amended Issue for Section 8.2 Review	IQH	10.04.26
3	Amended Issue for DA	IQH	28.01.26
2	Amended Issue for DA	IQH	10.10.25
1	Issue for DA	IQH	08.08.25
	Description	By	Date

Drawn By

Addspace Building & Renovations Pty Ltd
M: 0416125377 FREECALL:1800 ADDSPACE
E: nick@addspacebuilding.com.au
Addspace Building & Renovations
www.addspacebuilding.com.au

Drawing Title:

196
PROPOSED SITE PLAN AND ROOF PLAN

Property Address:

46 OCEANVIEW AVE
VAUCLUSE NSW 2030

Title
PROPOSED FIRST FLOOR ADDITION

DATE 08.08.2025
DRAWN IQ HOMES
CKD MA
SCALE 1:100 @A3

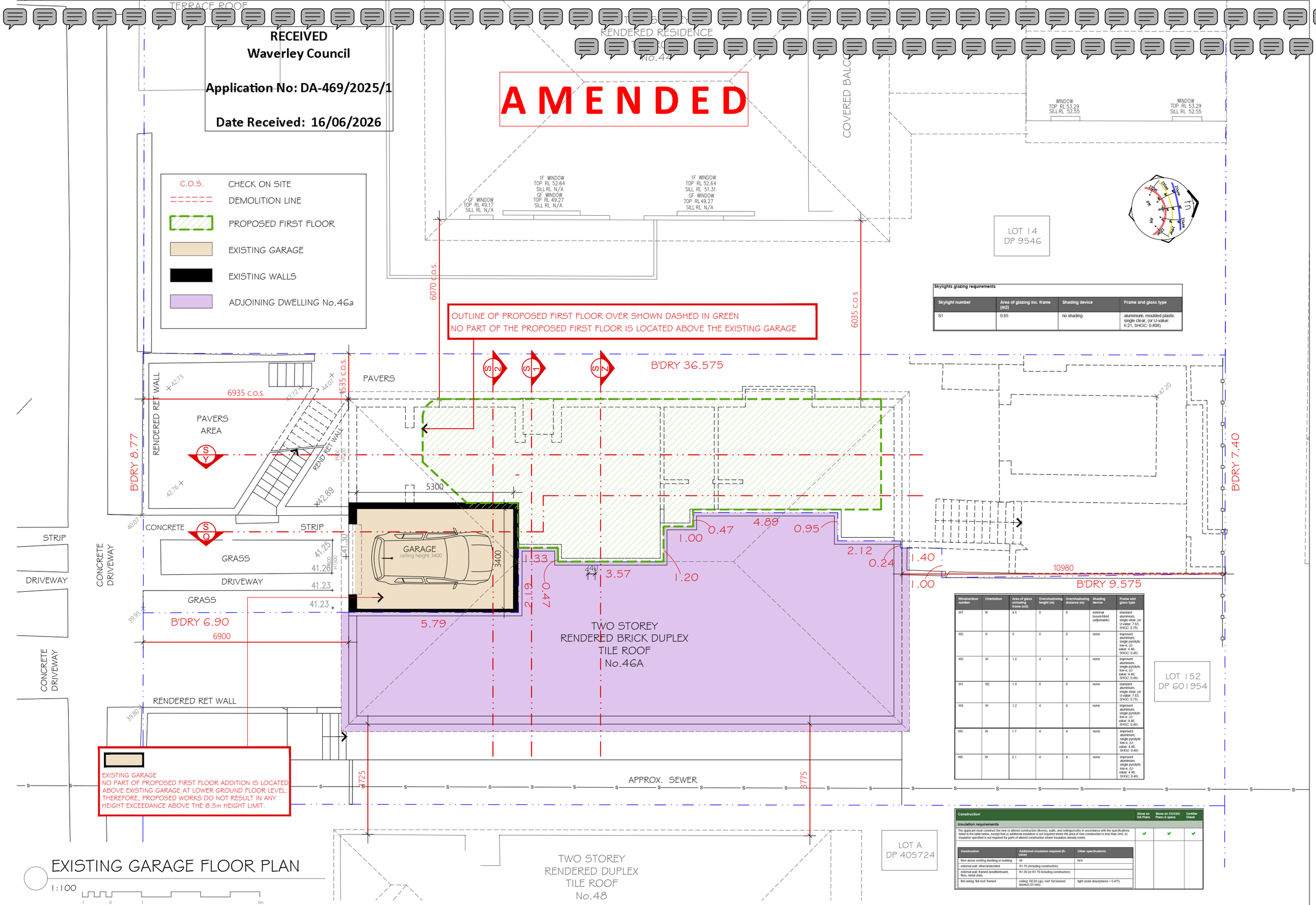
PROJECT NUMBER 2343
DRAWING NUMBER A - 07
05

RECEIVED
Waverley Council

Application No: DA-469/2025/1

Date Received: 16/06/2026

AMENDED



Skylights glazing requirements			
Skylight number	Area of glazing inc. frame (m2)	Shading device	Frame and glass type
S1	0.65	no shading	aluminium, moulded plastic: single clear, (or U-value: 6.21, SHGC: 0.808)

Window/door number	Orientation	Area of glass including frame (m2)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type
W7	N	4.5	0	0	external louvre/blind (adjustable)	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W2	S	3	0	0	none	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W3	W	1.2	4	4	none	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W1	SE	1.9	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W4	W	1.2	4	4	none	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W5	W	1.7	4	4	none	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W6	W	2.1	4	4	none	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)

Construction	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Insulation requirements			
The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m2, b) insulation specified is not required for parts of altered construction where insulation already exists.	✔	✔	✔

Construction	Additional insulation required (R-value)	Other specifications
floor above existing dwelling or building.	nil	N/A
external wall: other/undecided	R1.70 (including construction)	
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)	
flat ceiling, flat roof: framed	ceiling: R0.90 (up), roof: foil backed blanket (55 mm)	light (solar absorptance < 0.475)

EXISTING GARAGE FLOOR PLAN

1:100

3	Amended Issue for Section 8.2 Review	IQH	14.06.26
2	Amended Issue for Section 8.2 Review	IQH	10.04.26
1	Issue for DA	IQH	08.08.25
	Description	By	Date

Drawn By

Addspace Building & Renovations Pty Ltd
M: 0416125377 FREECALL:1800 ADDSPACE
E: nick@addspacebuilding.com.au
Addspace Building & Renovations
www.addspacebuilding.com.au

Drawing Title:
197
EXISTING GARAGE FLOOR PLAN

Property Address:
46 OCEANVIEW AVE
VAUCLUSE NSW 2030

Title
PROPOSED FIRST FLOOR ADDITION

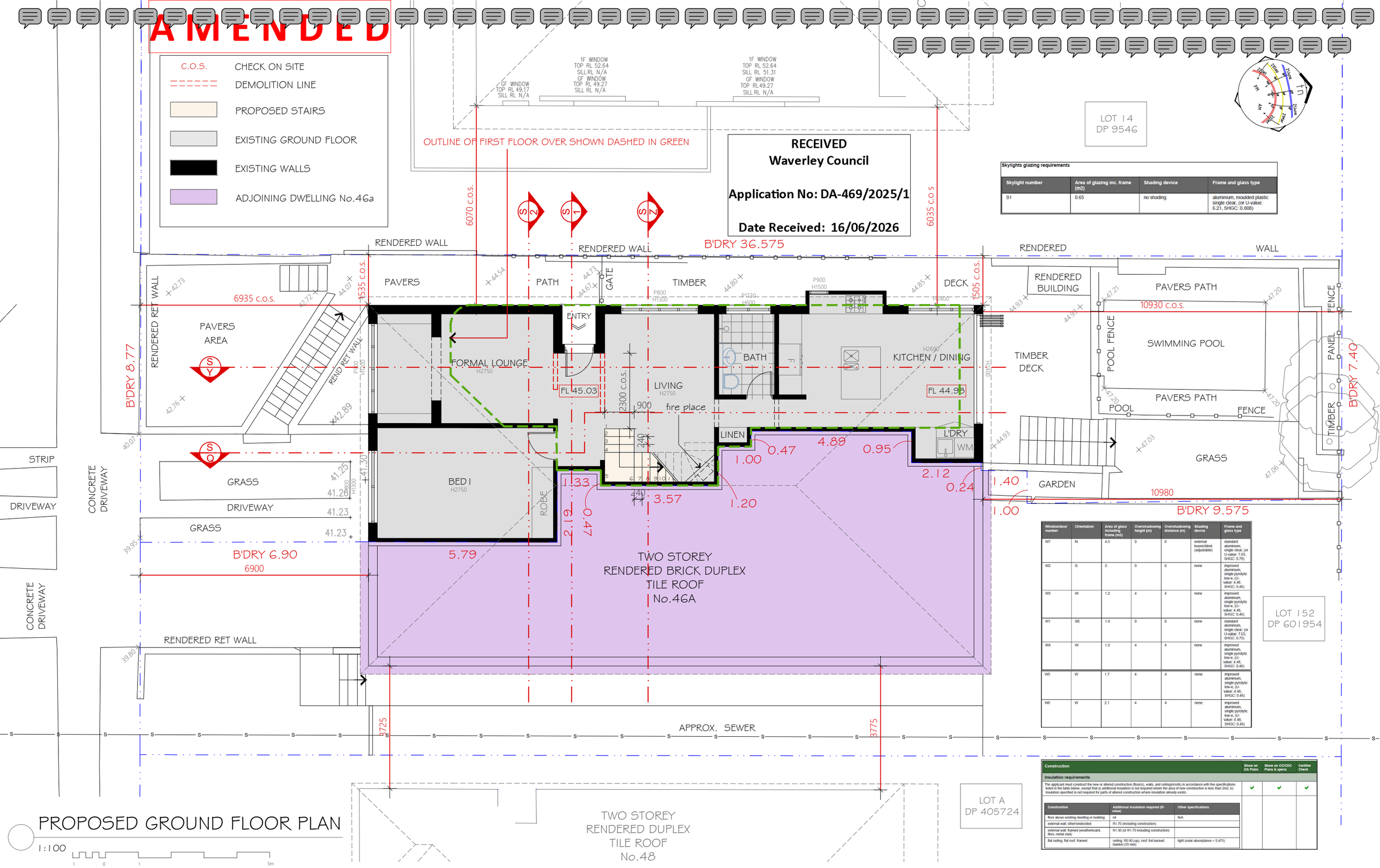
DATE 08.08.2025
DRAWN IQ HOMES
CKD MA
SCALE 1:100 @A3

PROJECT NUMBER 2343
DRAWING NUMBER A - 7.1
03

AMENDED

C.O.S. CHECK ON SITE
DEMOLITION LINE
PROPOSED STAIRS
EXISTING GROUND FLOOR
EXISTING WALLS
ADJOINING DWELLING No.46a

RECEIVED
Waverley Council
Application No: DA-469/2025/1
Date Received: 16/06/2026



Skylights glazing requirements

Skylight number	Area of glazing inc. frame (m2)	Shading device	Frame and glass type
S1	0.65	no shading	aluminium, moulded plastic single clear, (or U-value: 6.21, SHGC: 0.808)

Window/door number	Orientation	Area of glass including frame (m2)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type
W7	N	4.5	0	0	external louvre/blind (adjustable)	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W2	S	3	0	0	none	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W3	W	1.2	4	4	none	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W1	SE	1.9	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W4	W	1.2	4	4	none	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W5	W	1.7	4	4	none	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W6	W	2.1	4	4	none	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)

Construction	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Insulation requirements			
The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m2, b) insulation specified is not required for parts of altered construction where insulation already exists.	✔	✔	✔

Construction	Additional insulation required (R-value)	Other specifications
floor above existing dwelling or building.	nil	N/A
external wall: other/undecided	R1.70 (including construction)	
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)	
flat ceiling, flat roof: framed	ceiling: R0.90 (up), roof: foil backed blanket (55 mm)	light (solar absorptance < 0.475)

PROPOSED GROUND FLOOR PLAN

1:100

5	Amended Issue for Section 8.2 Review	IQH	14.06.26
4	Amended Issue for Section 8.2 Review	IQH	10.04.26
3	Amended Issue for DA	IQH	28.01.26
2	Amended Issue for DA	IQH	10.10.25
1	Issue for DA	IQH	08.08.25
	Description	By	Date

Drawn By

Addspace Building & Renovations Pty Ltd
M: 0416125377 FREECALL:1800 ADDSPACE
E: nick@addspacebuilding.com.au
Addspace Building & Renovations
www.addspacebuilding.com.au

Drawing Title:
198
PROPOSED GROUND FLOOR PLAN

Property Address:
46 OCEANVIEW AVE
VAUCLUSE NSW 2030

Title
PROPOSED FIRST FLOOR ADDITION

DATE 08.08.2025
DRAWN IQ HOMES
CKD MA
SCALE 1:100 @A3

PROJECT NUMBER 2343
DRAWING NUMBER A - 09
05

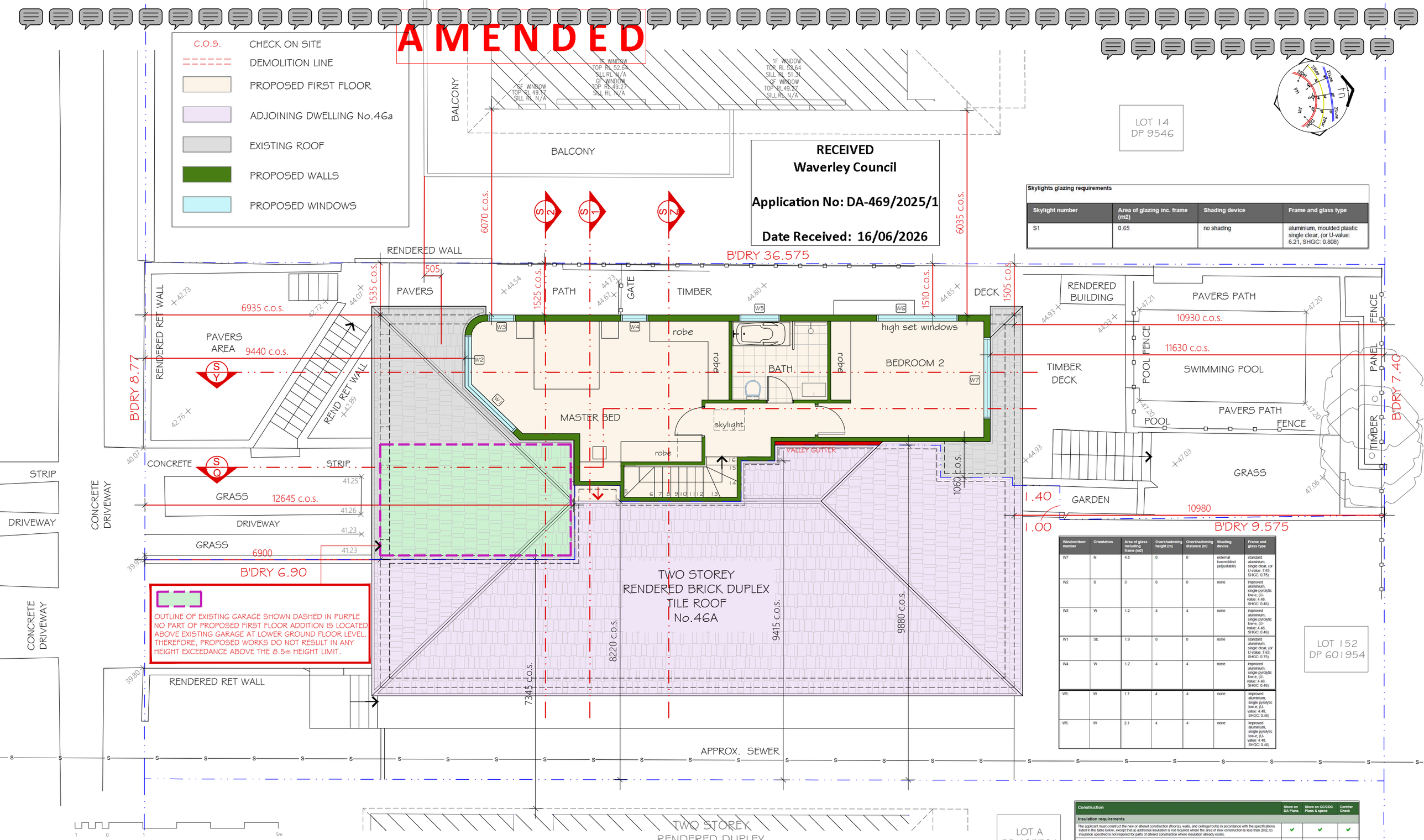
AMENDED

C.O.S.	CHECK ON SITE
	DEMOLITION LINE
	PROPOSED FIRST FLOOR
	ADJOINING DWELLING No.46a
	EXISTING ROOF
	PROPOSED WALLS
	PROPOSED WINDOWS

RECEIVED
Waverley Council

Application No: DA-469/2025/1

Date Received: 16/06/2026



OUTLINE OF EXISTING GARAGE SHOWN DASHED IN PURPLE NO PART OF PROPOSED FIRST FLOOR ADDITION IS LOCATED ABOVE EXISTING GARAGE AT LOWER GROUND FLOOR LEVEL. THEREFORE, PROPOSED WORKS DO NOT RESULT IN ANY HEIGHT EXCEEDANCE ABOVE THE 8.5m HEIGHT LIMIT.

Skylights glazing requirements

Skylight number	Area of glazing inc. frame (m2)	Shading device	Frame and glass type
S1	0.65	no shading	aluminium, moulded plastic single clear, (or U-value: 6.21, SHGC: 0.808)

Window/door number	Orientation	Area of glass including frame (m2)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type
W7	N	4.5	0	0	external louvre/blind (adjustable)	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W2	S	3	0	0	none	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W3	W	1.2	4	4	none	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W1	SE	1.9	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W4	W	1.2	4	4	none	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W5	W	1.7	4	4	none	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W6	W	2.1	4	4	none	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)

Construction	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Insulation requirements			
The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m2, b) insulation specified is not required for parts of altered construction where insulation already exists.	✔	✔	✔

Construction	Additional insulation required (R-value)	Other specifications
floor above existing dwelling or building	nil	N/A
external wall: other/undecided	R1.70 (including construction)	
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)	
flat ceiling, flat roof: framed	ceiling: R0.90 (up), roof: foil backed blanket (55 mm)	light (solar absorptance < 0.475)

PROPOSED FIRST FLOOR PLAN

1:100

5	Amended Issue for Section 8.2 Review	IQH	14.06.26
4	Amended Issue for Section 8.2 Review	IQH	10.04.26
3	Amended Issue for DA	IQH	28.01.26
2	Amended Issue for DA	IQH	10.10.25
1	Issue for DA	IQH	08.08.25
	Description	By	Date

Drawn By

Addspace Building & Renovations Pty Ltd
M: 0416125377 FREECALL:1800 ADDSPACE
E: nick@addspacebuilding.com.au
Addspace Building & Renovations
www.addspacebuilding.com.au

Drawing Title:
199
PROPOSED FIRST FLOOR PLAN

Property Address:
46 OCEANVIEW AVE
VAUCLUSE NSW 2030

Title
PROPOSED FIRST FLOOR ADDITION

DATE 08.08.2025
DRAWN IQ HOMES
CKD MA
SCALE 1:100 @A3

PROJECT NUMBER 2343
DRAWING NUMBER A - 10
05

*Do not scale off drawings.

Window/door number	Orientation	Area of glass including frame (m2)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type
W7	N	4.5	0	0	external louvre/blind (adjustable)	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W2	S	3	0	0	none	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W3	W	1.2	4	4	none	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W1	SE	1.9	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W4	W	1.2	4	4	none	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W5	W	1.7	4	4	none	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W6	W	2.1	4	4	none	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)

Skylights glazing requirements

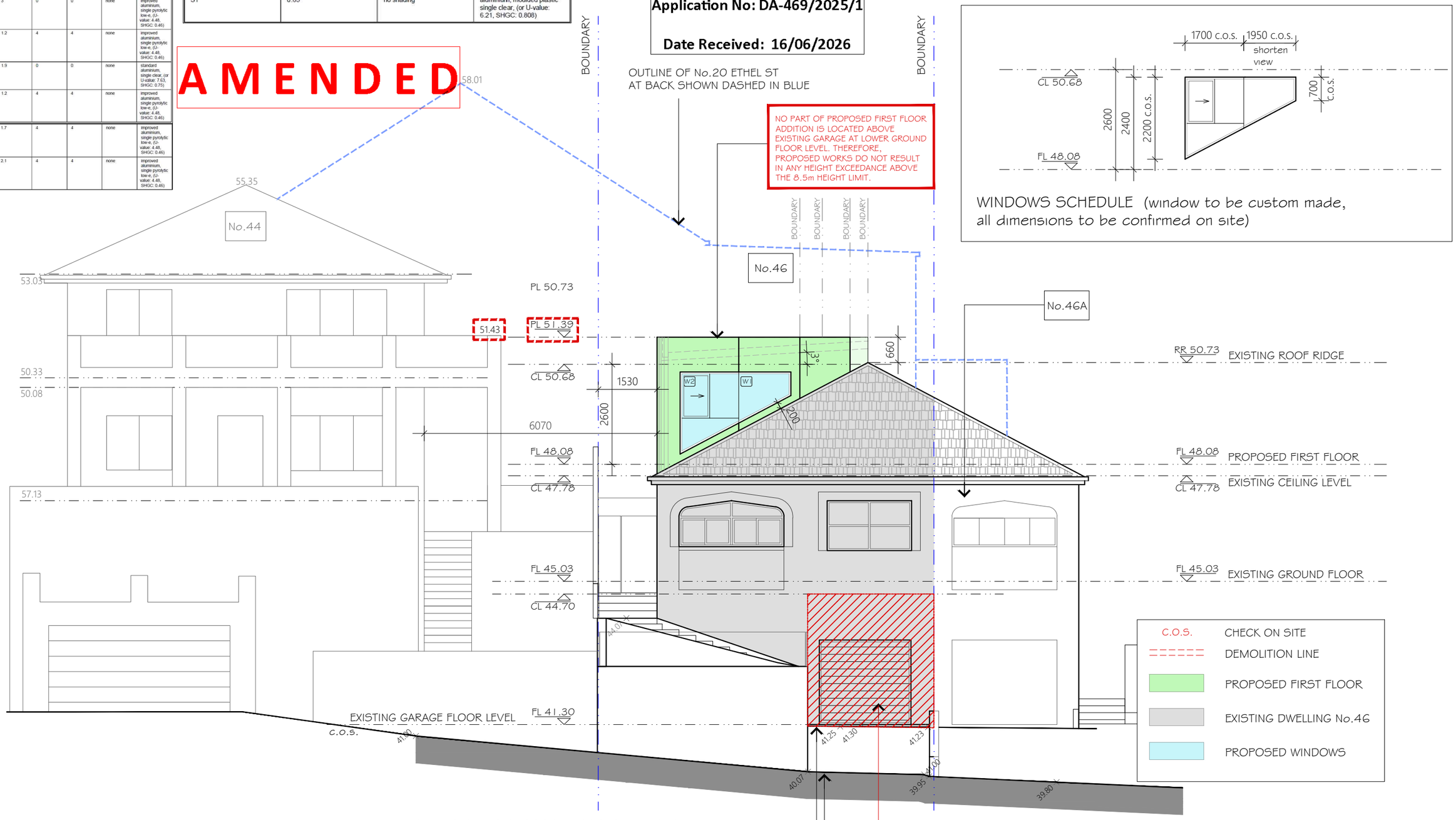
Skylight number	Area of glazing inc. frame (m2)	Shading device	Frame and glass type
S1	0.65	no shading	aluminium, moulded plastic single clear, (or U-value: 6.21, SHGC: 0.808)

AMENDED

RECEIVED
Waverley Council

Application No: DA-469/2025/1

Date Received: 16/06/2026



PROPOSED SOUTH ELEVATION

1 : 100

1 0 1 5m

Construction	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Insulation requirements			
The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m2, b) insulation specified is not required for parts of altered construction where insulation already exists.	✔	✔	✔

Construction	Additional insulation required (R-value)	Other specifications
floor above existing dwelling or building	nil	N/A
external wall: other/undecided	R1.70 (including construction)	
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)	
flat ceiling, flat roof: framed	ceiling: R0.90 (up), roof: foil backed blanket (55 mm)	light (solar absorptance < 0.475)

6	Amended Issue for Section 8.2 Review	IQH	14.06.26
5	Amended Issue for Section 8.2 Review	IQH	10.04.26
4	Amended Issue for DA	IQH	28.01.26
3	Amended Issue for DA	IQH	16.10.25
2	Amended Issue for DA	IQH	10.10.25
1	Issue for DA	IQH	08.08.25

Drawn By

Addspace Building & Renovations Pty Ltd
M: 0416125377 FREECALL:1800 ADDSPACE
E: nick@addspacebuilding.com.au
Addspace Building & Renovations
www.addspacebuilding.com.au

Drawing Title:

200
PROPOSED SOUTH ELEVATION

Property Address:

46 OCEANVIEW AVE
VAUCLUSE NSW 2030

Title
PROPOSED FIRST FLOOR ADDITION

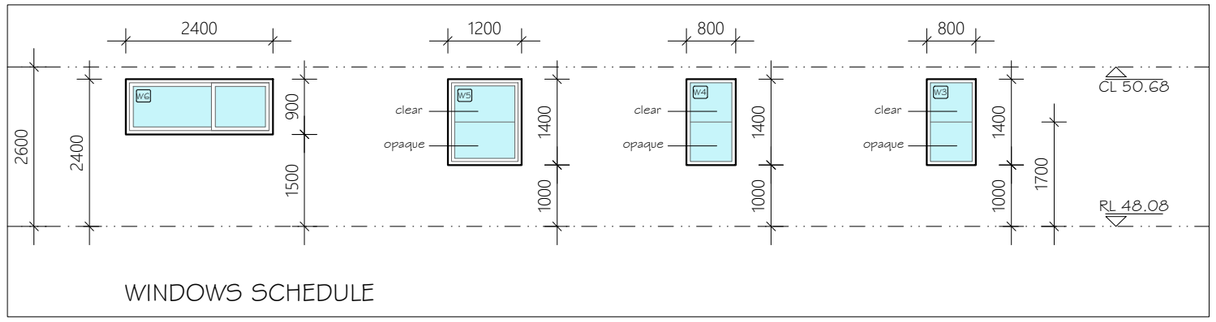
DATE 08.08.2025
DRAWN IQ HOMES
CKD MA
SCALE 1:100 @A3

PROJECT NUMBER 2343
DRAWING NUMBER A - 12
06

*Do not scale off drawings.
*All dimensions, levels & existing site conditions shall be checked & verified by the contractor/s prior to the commencement of works

AMENDED

Window/door number	Orientation	Area of glass including frame (m2)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type
W7	N	4.5	0	0	external louvre/blind (adjustable)	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W2	S	3	0	0	none	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W3	W	1.2	4	4	none	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W1	SE	1.9	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W4	W	1.2	4	4	none	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W5	W	1.7	4	4	none	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W6	W	2.1	4	4	none	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)



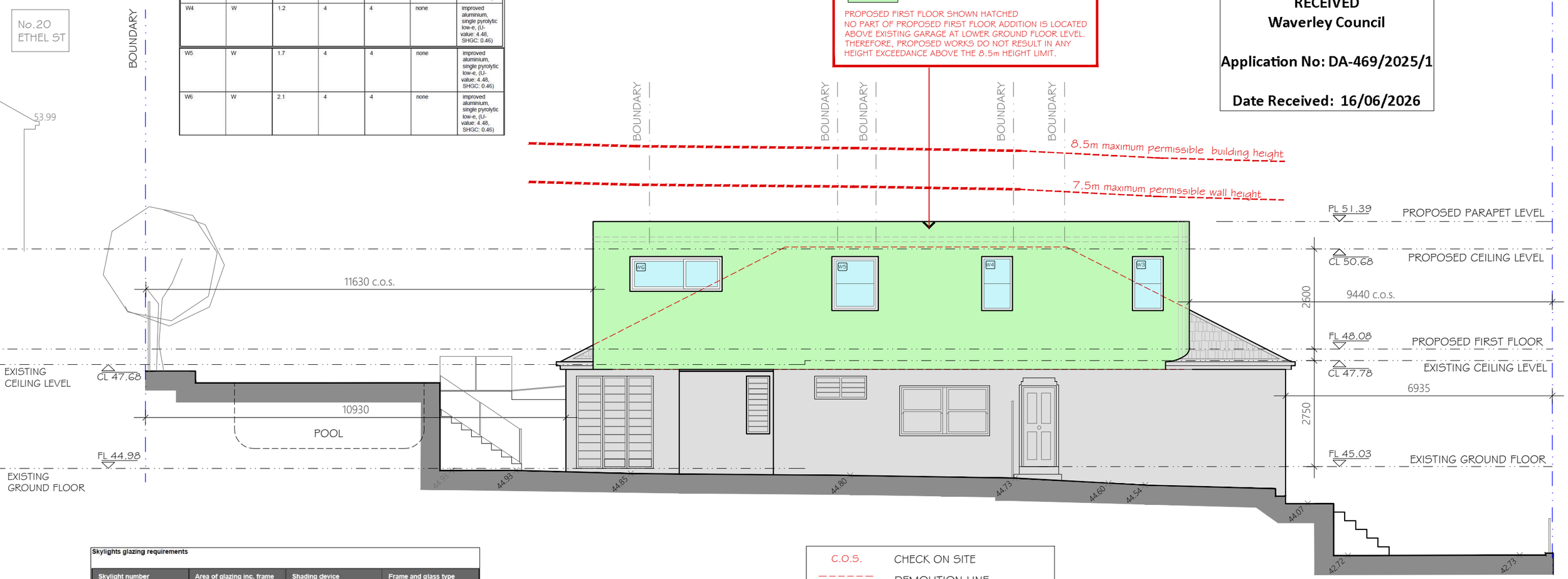
WINDOWS SCHEDULE

PROPOSED FIRST FLOOR SHOWN HATCHED
NO PART OF PROPOSED FIRST FLOOR ADDITION IS LOCATED ABOVE EXISTING GARAGE AT LOWER GROUND FLOOR LEVEL. THEREFORE, PROPOSED WORKS DO NOT RESULT IN ANY HEIGHT EXCEEDANCE ABOVE THE 8.5m HEIGHT LIMIT.

RECEIVED
Waverley Council

Application No: DA-469/2025/1

Date Received: 16/06/2026



Skylights glazing requirements

Skylight number	Area of glazing inc. frame (m2)	Shading device	Frame and glass type
S1	0.65	no shading	aluminium, moulded plastic single clear, (or U-value: 6.21, SHGC: 0.808)

C.O.S. CHECK ON SITE
DEMOLITION LINE
PROPOSED FIRST FLOOR
EXISTING DWELLING No.46
PROPOSED WINDOWS

Construction	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Insulation requirements			
The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m2, b) insulation specified is not required for parts of altered construction where insulation already exists.	✔	✔	✔

Construction	Additional insulation required (R-value)	Other specifications
floor above existing dwelling or building.	nil	N/A
external wall: other/undecided	R1.70 (including construction)	
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)	
flat ceiling, flat roof: framed	ceiling: R0.90 (up), roof: foil backed blanket (55 mm)	light (solar absorptance < 0.475)

PROPOSED WEST ELEVATION

1 : 100

1 0 1 5m

4	Amended Issue for Section 8.2 Review	IQH	14.06.26
3	Amended Issue for Section 8.2 Review	IQH	10.04.26
2	Amended Issue for DA	IQH	10.10.25
1	Issue for DA	IQH	08.08.25
	Description	By	Date

Drawn By

Addspace Building & Renovations Pty Ltd
M: 0416125377 FREECALL:1800 ADDSPACE
E: nick@addspacebuilding.com.au
Addspace Building & Renovations
www.addspacebuilding.com.au

Drawing Title:
201
PROPOSED WEST ELEVATION

Property Address:
46 OCEANVIEW AVE
VAUCLUSE NSW 2030

Title
PROPOSED FIRST FLOOR ADDITION

DATE 08.08.2025
DRAWN IQ HOMES
CKD MA
SCALE 1:100 @A3

PROJECT NUMBER 2343
DRAWING NUMBER A - 13
03

*Do not scale off drawings.
*All dimensions, levels & existing site conditions shall be checked & verified by the contractor/s prior to the commencement of works

OUTLINE OF No.44 OCEANVIEW AVE DWELLING AT BACK SHOWN DASHED IN GREEN

OUTLINE OF No.44 OCEANVIEW AVE BALCONY AT BACK SHOWN DASHED IN GREEN

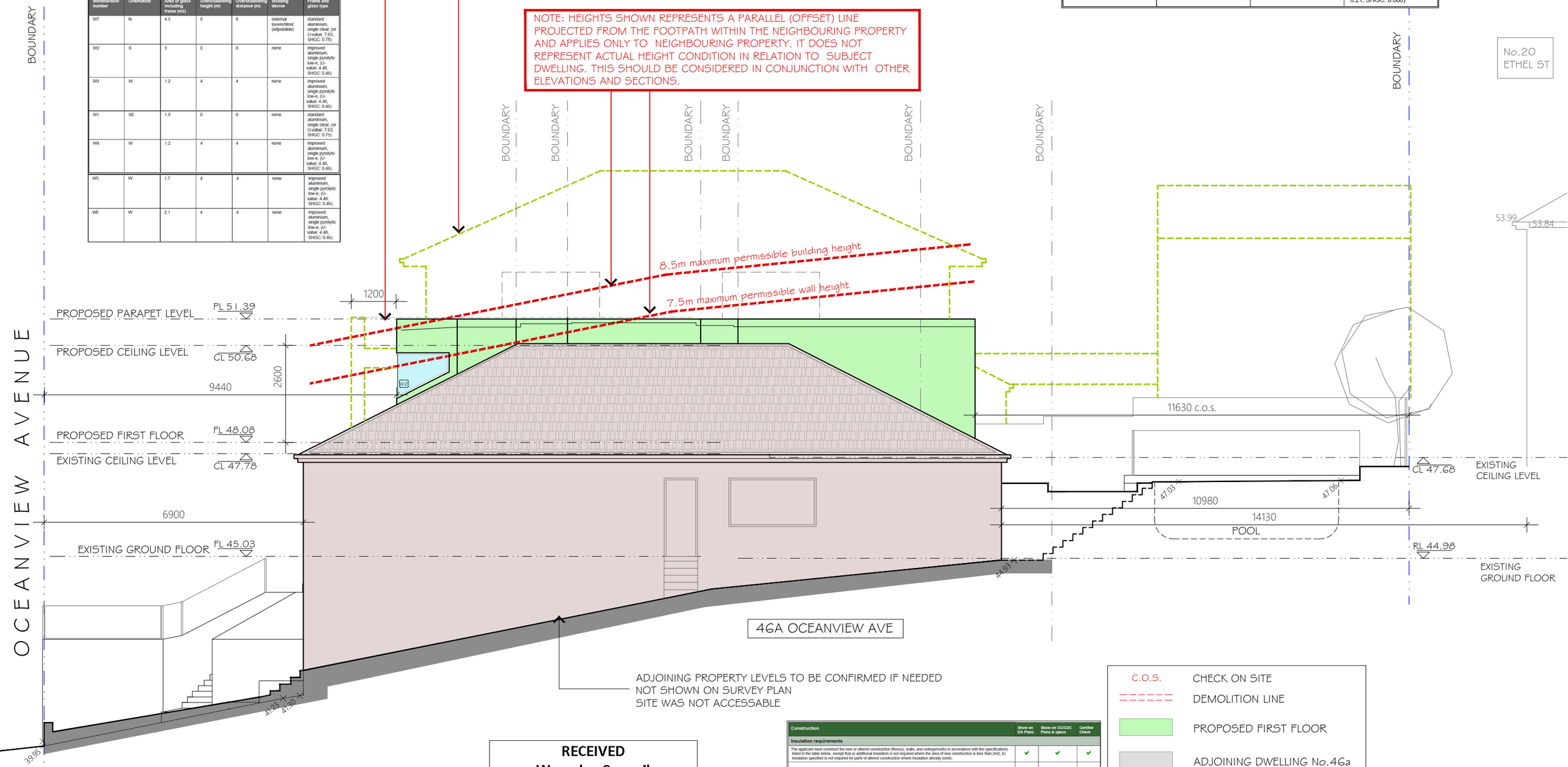
AMENDED

Window/door number	Orientation	Area of glass including frame (m2)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type
W7	N	4.5	0	0	external louvre/blind (adjustable)	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W2	S	3	0	0	none	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W3	W	1.2	4	4	none	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W1	SE	1.9	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W4	W	1.2	4	4	none	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W5	W	1.7	4	4	none	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W6	W	2.1	4	4	none	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)

Skylights glazing requirements

Skylight number	Area of glazing inc. frame (m2)	Shading device	Frame and glass type
S1	0.65	no shading	aluminium, moulded plastic single clear, (or U-value: 6.21, SHGC: 0.808)

NOTE: HEIGHTS SHOWN REPRESENTS A PARALLEL (OFFSET) LINE PROJECTED FROM THE FOOTPATH WITHIN THE NEIGHBOURING PROPERTY AND APPLIES ONLY TO NEIGHBOURING PROPERTY. IT DOES NOT REPRESENT ACTUAL HEIGHT CONDITION IN RELATION TO SUBJECT DWELLING. THIS SHOULD BE CONSIDERED IN CONJUNCTION WITH OTHER ELEVATIONS AND SECTIONS.



PROPOSED EAST ELEVATION

1:100

Construction	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Insulation requirements			
The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m2, b) insulation specified is not required for parts of altered construction where insulation already exists.	✔	✔	✔

Construction	Additional insulation required (R-value)	Other specifications
floor above existing dwelling or building.	nil	N/A
external wall: other/undecided	R1.70 (including construction)	
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)	
flat ceiling, flat roof: framed	ceiling: R0.90 (up), roof: foil backed blanket (55 mm)	light (solar absorptance < 0.475)

C.O.S.	CHECK ON SITE
======	DEMOLITION LINE
	PROPOSED FIRST FLOOR
	ADJOINING DWELLING No.46a
	PROPOSED WINDOWS

RECEIVED
Waverley Council

Application No: DA-469/2025/1

Date Received: 16/06/2026

5	Amended Issue for Section 8.2 Review	IQH	14.06.26
4	Amended Issue for Section 8.2 Review	IQH	10.04.26
3	Amended Issue for DA	IQH	28.01.26
2	Amended Issue for DA	IQH	10.10.25
1	Issue for DA	IQH	08.08.25
	Description	By	Date

Drawn By

Addspace Building & Renovations Pty Ltd
M: 0416125377 FREECALL:1800 ADDSPACE
E: nick@addspacebuilding.com.au
Addspace Building & Renovations
www.addspacebuilding.com.au

Drawing Title:
202
PROPOSED EAST ELEVATION

Property Address:
46 OCEANVIEW AVE
VAUCLUSE NSW 2030

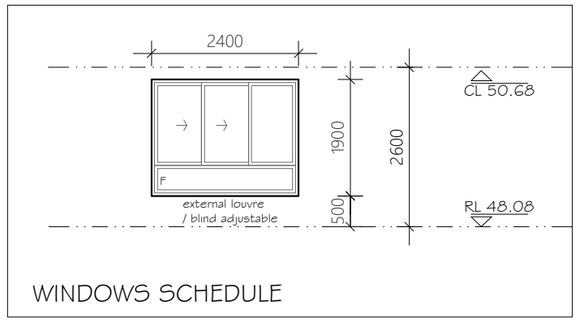
Title
PROPOSED FIRST FLOOR ADDITION

DATE	08.08.2025
DRAWN	IQ HOMES
CKD	MA
SCALE	1:100 @A3

PROJECT NUMBER 2343
DRAWING NUMBER A - 14
05

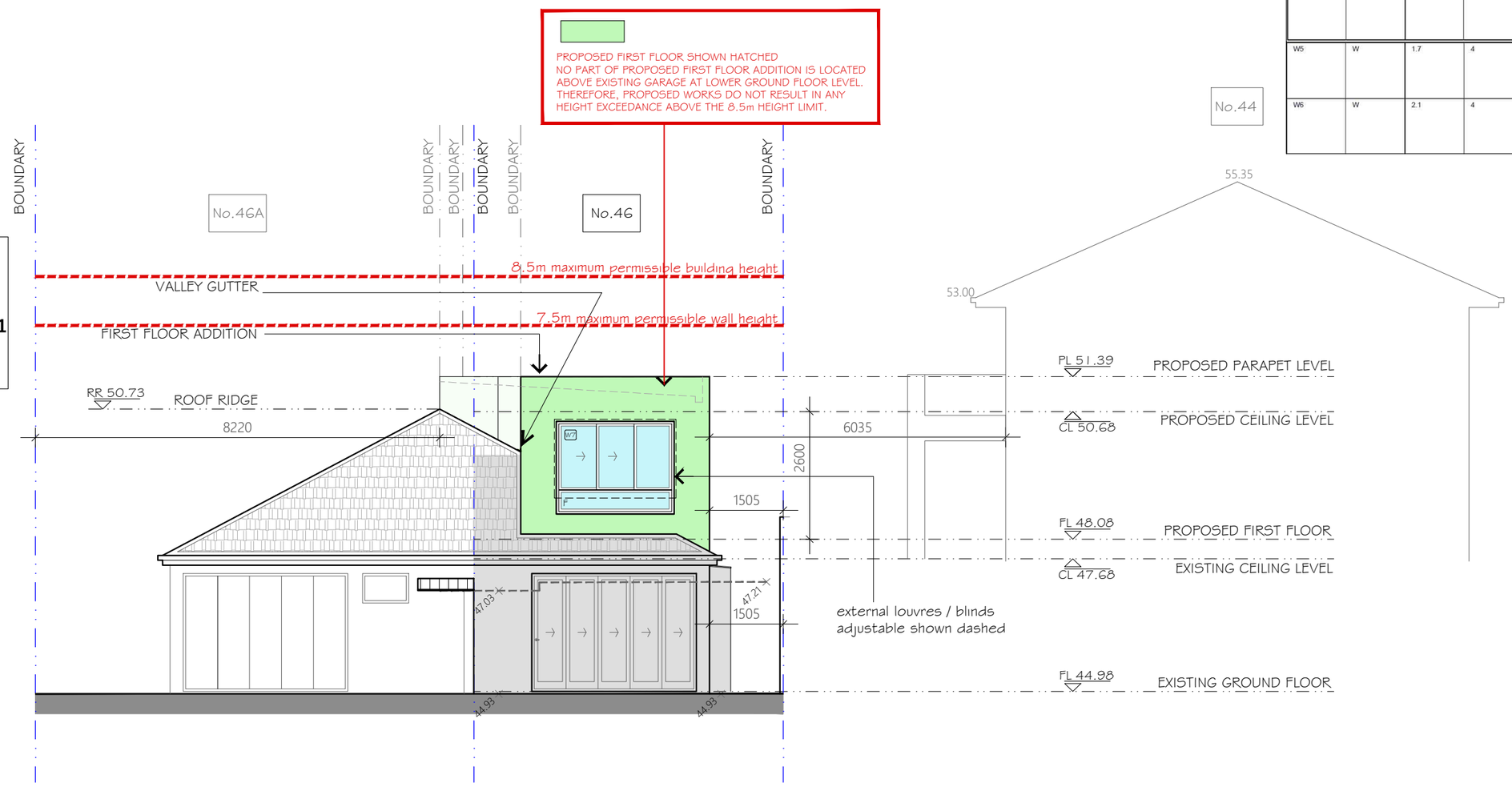
*Do not scale off drawings.
*All dimensions, levels & existing site conditions shall be checked & verified by the contractor/s prior to the commencement of works

AMENDED



C.O.S. CHECK ON SITE
DEMOLITION LINE
PROPOSED FIRST FLOOR
EXISTING DWELLING No.46
PROPOSED WINDOWS

Window/door number	Orientation	Area of glass including frame (m2)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type
W7	N	4.5	0	0	external louvre/blind (adjustable)	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W2	S	3	0	0	none	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W3	W	1.2	4	4	none	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W1	SE	1.9	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W4	W	1.2	4	4	none	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W5	W	1.7	4	4	none	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W6	W	2.1	4	4	none	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)



RECEIVED
Waverley Council

Application No: DA-469/2025/1

Date Received: 16/06/2026

Skylights glazing requirements

Skylight number	Area of glazing inc. frame (m2)	Shading device	Frame and glass type
S1	0.65	no shading	aluminium, moulded plastic single clear, (or U-value: 6.21, SHGC: 0.808)

Construction	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Insulation requirements			
The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m2, b) insulation specified is not required for parts of altered construction where insulation already exists.	✔	✔	✔

Construction	Additional insulation required (R-value)	Other specifications
floor above existing dwelling or building.	nil	N/A
external wall: other/undecided	R1.70 (including construction)	
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)	
flat ceiling, flat roof: framed	ceiling: R0.90 (up), roof: foil backed blanket (55 mm)	light (solar absorptance < 0.475)

PROPOSED NORTH ELEVATION

1 : 100

5	Amended Issue for Section 8.2 Review	IQH	14.06.26
4	Amended Issue for Section 8.2 Review	IQH	10.04.26
3	Amended Issue for DA	IQH	28.01.26
2	Amended Issue for DA	IQH	10.10.25
1	Issue for DA	IQH	08.08.25
	Description	By	Date

Drawn By

Addspace Building & Renovations Pty Ltd
M: 0416125377 FREECALL:1800 ADDSPACE
E: nick@addspacebuilding.com.au
Addspace Building & Renovations
www.addspacebuilding.com.au

Drawing Title:
203
PROPOSED NORTH ELEVATION

Property Address:
46 OCEANVIEW AVE
VAUCLUSE NSW 2030

Title
PROPOSED FIRST FLOOR ADDITION

DATE 08.08.2025
DRAWN IQ HOMES
CKD MA
SCALE 1:100 @A3

PROJECT NUMBER 2343
DRAWING NUMBER A - 15
05

C.O.S.	CHECK ON SITE
======	DEMOLITION LINE
	PROPOSED FIRST FLOOR
	EXISTING DWELLING GROUND FLOOR
	EXISTING WALLS / STRUCTURE
	PROPOSED WALLS / STRUCTURE
	PROPOSED WINDOWS / SKYLIGHT

RECEIVED
Waverley Council

Application No: DA-469/2025/1

Date Received: 16/06/2026

Window/door number	Orientation	Area of glass including frame (m2)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type
W7	N	4.5	0	0	external louvre/blind (adjustable)	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W2	S	3	0	0	none	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
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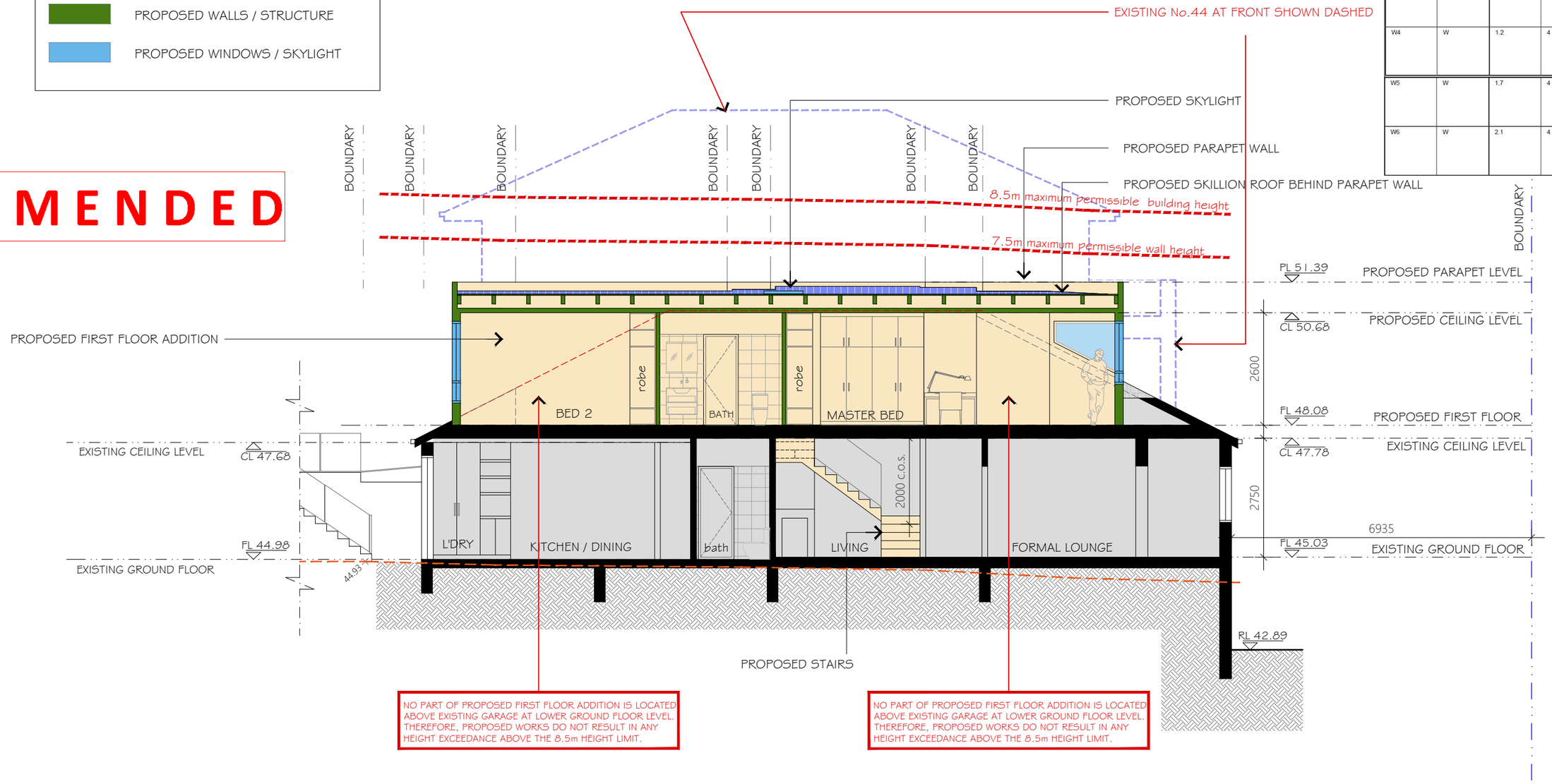
W6	W	2.1	4	4	none	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)

AMENDED



PROPOSED SECTION Y - Y

1 : 100

1 0 1 5m

Skylights glazing requirements

Skylight number	Area of glazing inc. frame (m2)	Shading device	Frame and glass type
S1	0.65	no shading	aluminium, moulded plastic single clear, (or U-value: 6.21, SHGC: 0.808)

Construction	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Insulation requirements			
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3	Amended Issue for DA	IQH	28.01.26
2	Amended Issue for DA	IQH	10.10.25
1	Issue for DA	IQH	08.08.25
	Description	By	Date

Drawn By

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M: 0416125377 FREECALL:1800 ADDSPACE
E: nick@addspacebuilding.com.au
Addspace Building & Renovations
www.addspacebuilding.com.au

Drawing Title:

204
PROPOSED SECTION Y - Y

Property Address:

46 OCEANVIEW AVE
VAUCLUSE NSW 2030

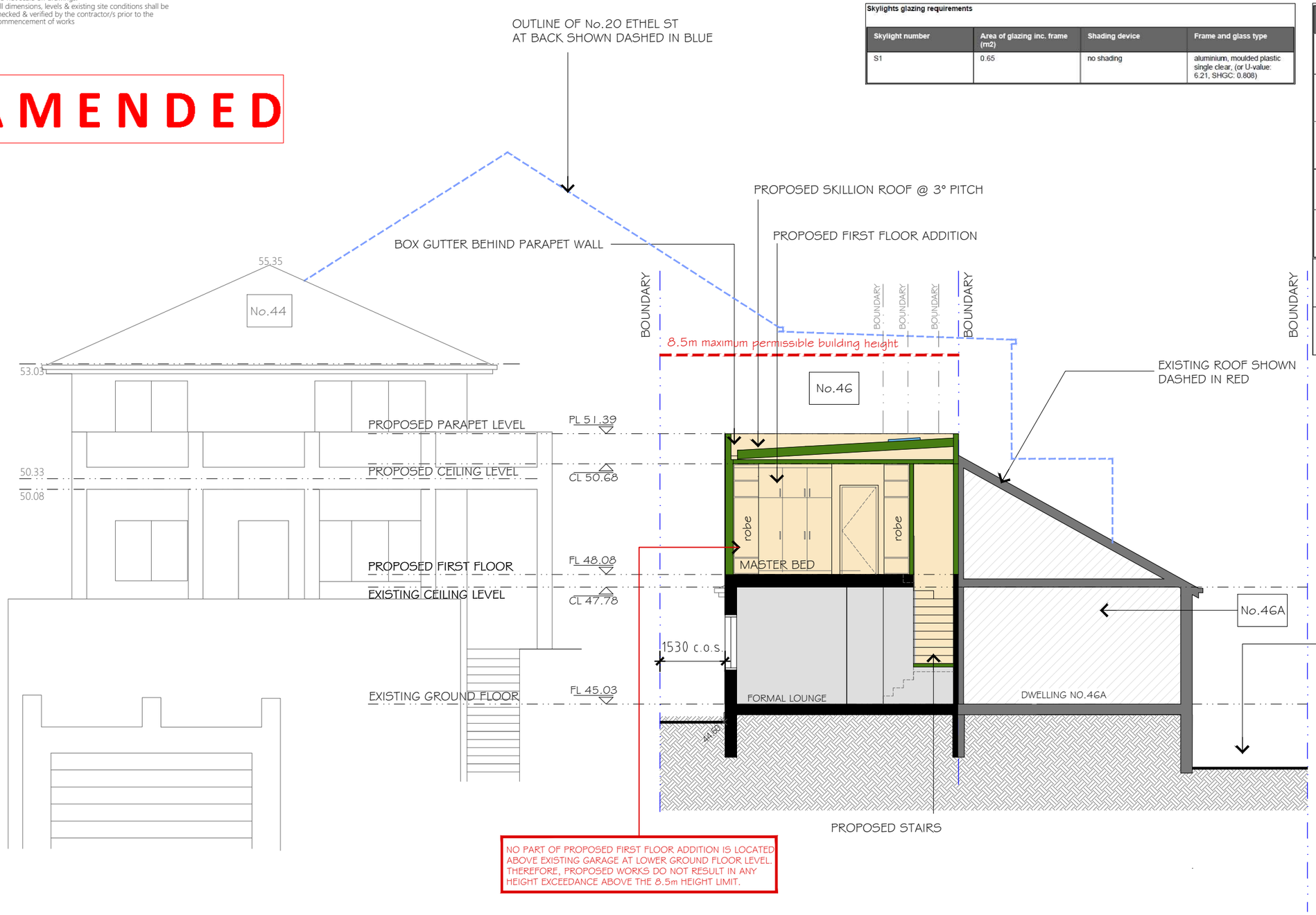
Title
PROPOSED FIRST FLOOR ADDITION

DATE 08.08.2025
DRAWN IQ HOMES
CKD MA
SCALE 1:100 @A3

PROJECT NUMBER
2343
DRAWING NUMBER
A - 16
05

*Do not scale off drawings.
*All dimensions, levels & existing site conditions shall be checked & verified by the contractor/s prior to the commencement of works

AMENDED



LEVEL TO BE CONFIRMED IF NEEDED
NOT SHOWN ON SURVEY PLAN
SITE WAS NOT ACCESSABLE

NO PART OF PROPOSED FIRST FLOOR ADDITION IS LOCATED ABOVE EXISTING GARAGE AT LOWER GROUND FLOOR LEVEL. THEREFORE, PROPOSED WORKS DO NOT RESULT IN ANY HEIGHT EXCEEDANCE ABOVE THE 8.5m HEIGHT LIMIT.

Skylights glazing requirements

Skylight number	Area of glazing inc. frame (m2)	Shading device	Frame and glass type
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RECEIVED
Waverley Council

Application No: DA-469/2025/1

Date Received: 16/06/2026

C.O.S.	CHECK ON SITE
======	DEMOLITION LINE
	PROPOSED FIRST FLOOR
	EXISTING DWELLING GROUND FLOOR GARAGE
	EXISTING WALLS / STRUCTURE - DWELLING 46
	PROPOSED WALLS / STRUCTURE
	PROPOSED WINDOWS / SKYLIGHT
	EXISTING WALLS / STRUCTURE - DWELLING 46 A
	DWELLING 46 A

Construction	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Insulation requirements			
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flat ceiling, flat roof: framed	ceiling: R0.90 (up), roof: foil backed blanket (55 mm)	light (solar absorptance < 0.475)

PROPOSED SECTION Z - Z

1:100

1 0 1 5m

5	Amended Issue for Section 8.2 Review	IQH	14.06.26
4	Amended Issue for Section 8.2 Review	IQH	10.04.26
3	Amended Issue for DA	IQH	28.01.26
2	Amended Issue for DA	IQH	10.10.25
1	Issue for DA	IQH	08.08.25
	Description	By	Date

Drawn By

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M: 0416125377 FREECALL:1800 ADDSPACE
E: nick@addspacebuilding.com.au
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Drawing Title:
PROPOSED SECTION Z - Z

Property Address:
46 OCEANVIEW AVE
VAUCLUSE NSW 2030

Title
PROPOSED FIRST FLOOR ADDITION

DATE 08.08.2025
DRAWN IQ HOMES
CKD MA
SCALE NTS @A4

PROJECT NUMBER 2343
DRAWING NUMBER A - 16.1
05

C.O.S.	CHECK ON SITE
	DEMOLITION LINE
	PROPOSED FIRST FLOOR
	EXISTING DWELLING GROUND FLOOR
	EXISTING WALLS / STRUCTURE
	PROPOSED WALLS / STRUCTURE
	PROPOSED WINDOWS / SKYLIGHT

AMENDED

RECEIVED
Waverley Council

Application No: DA-469/2025/1

Date Received: 16/06/2026

Skylights glazing requirements

Skylight number	Area of glazing inc. frame (m2)	Shading device	Frame and glass type
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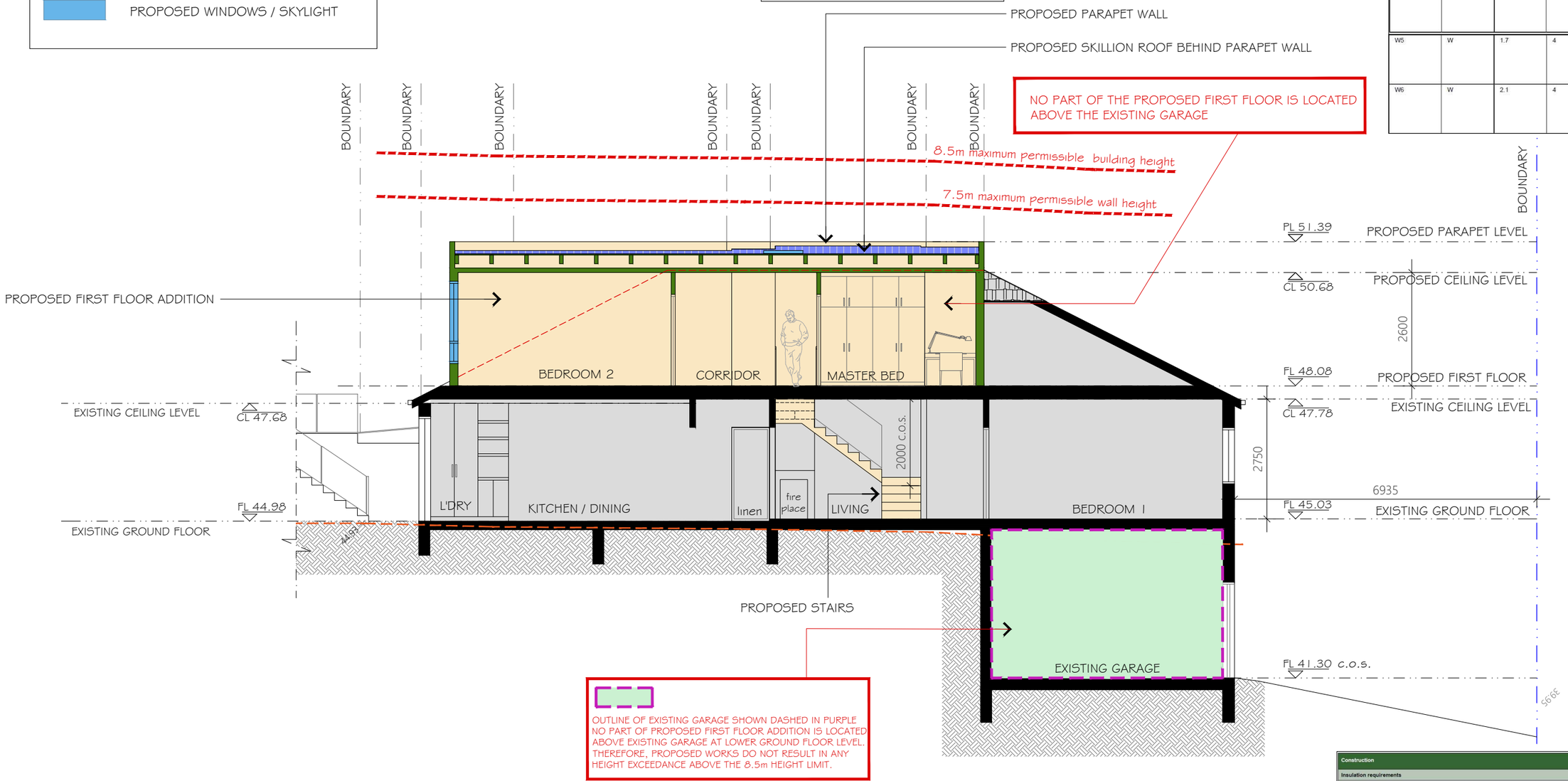

OUTLINE OF EXISTING GARAGE SHOWN DASHED IN PURPLE
NO PART OF PROPOSED FIRST FLOOR ADDITION IS LOCATED ABOVE EXISTING GARAGE AT LOWER GROUND FLOOR LEVEL. THEREFORE, PROPOSED WORKS DO NOT RESULT IN ANY HEIGHT EXCEEDANCE ABOVE THE 8.5m HEIGHT LIMIT.

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PROPOSED SECTION Q - Q

1 : 100

1 0 1 5m

2	Amended Issue for Section 8.2 Review	IQH	14.06.26
1	Issue for Section 8.2 Review	IQH	10.04.26
	Description	By	Date

Drawn By

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M: 0416125377 FREECALL:1800 ADDSPACE
E: nick@addspacebuilding.com.au
Addspace Building & Renovations
www.addspacebuilding.com.au

Drawing Title:

206
PROPOSED SECTION Q - Q

Property Address:

46 OCEANVIEW AVE
VAUCLUSE NSW 2030

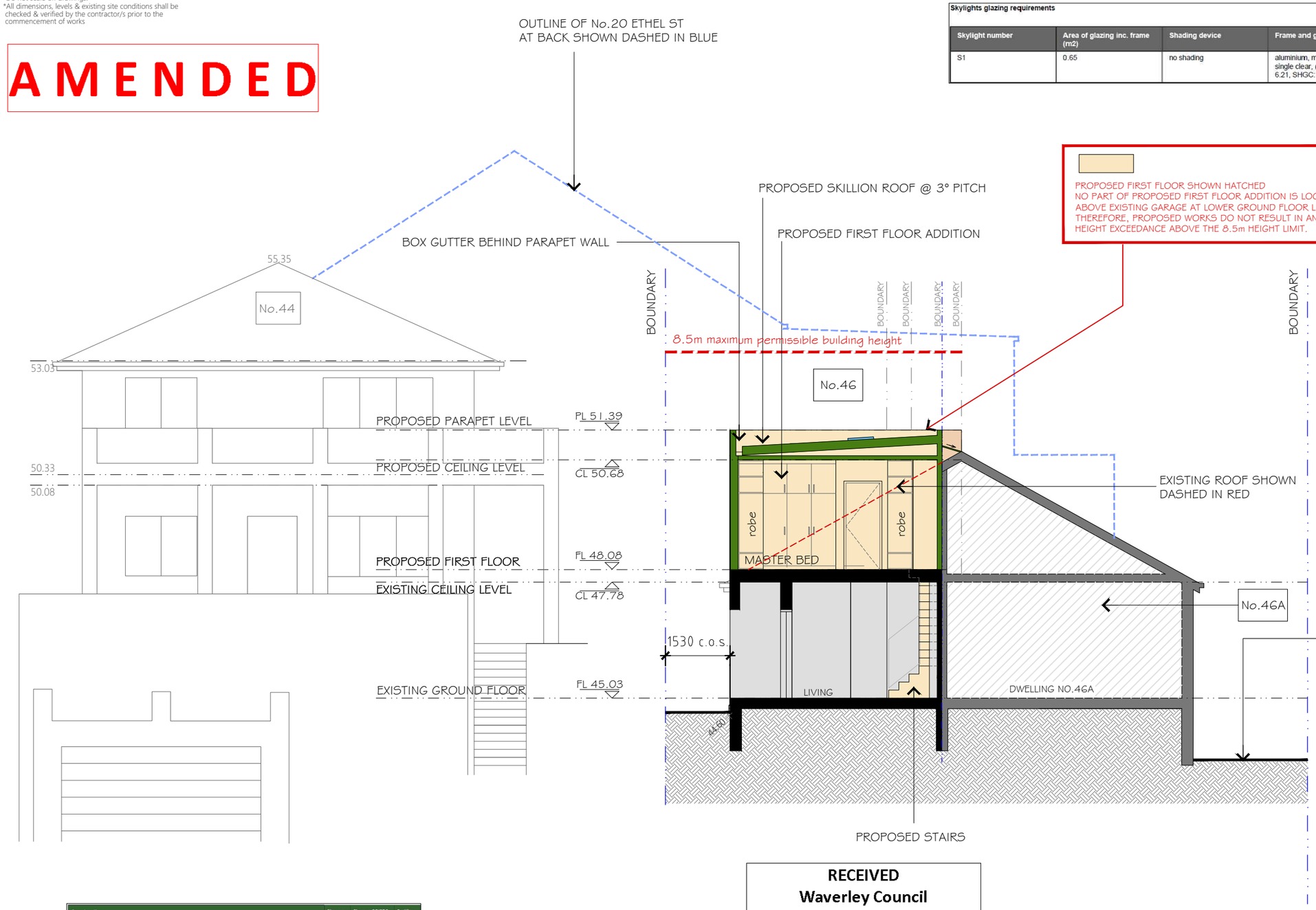
Title
PROPOSED FIRST FLOOR ADDITION

DATE 08.08.2025
DRAWN IQ HOMES
CKD MA
SCALE 1:100 @A3

PROJECT NUMBER
2343
DRAWING NUMBER
A - 16.2
02

*Do not scale off drawings.
*All dimensions, levels & existing site conditions shall be checked & verified by the contractor/s prior to the commencement of works

AMENDED



PROPOSED FIRST FLOOR SHOWN HATCHED
NO PART OF PROPOSED FIRST FLOOR ADDITION IS LOCATED ABOVE EXISTING GARAGE AT LOWER GROUND FLOOR LEVEL. THEREFORE, PROPOSED WORKS DO NOT RESULT IN ANY HEIGHT EXCEEDANCE ABOVE THE 8.5m HEIGHT LIMIT.

LEVEL TO BE CONFIRMED IF NEEDED
NOT SHOWN ON SURVEY PLAN
SITE WAS NOT ACCESSABLE

Skylights glazing requirements

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RECEIVED
Waverley Council

Application No: DA-469/2025/1

Date Received: 16/06/2026

PROPOSED SECTION 1 - 1

1 : 100

1	Amended Issue for Section 8.2 Review	IQH	14.06.26
	Description	By	Date

Drawn By

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M: 0416125377 FREECALL:1800 ADDSPACE
E: nick@addspacebuilding.com.au
Addspace Building & Renovations
www.addspacebuilding.com.au

Drawing Title:
207
PROPOSED SECTION Z - Z

Property Address:
46 OCEANVIEW AVE
VAUCLUSE NSW 2030

Title
PROPOSED FIRST FLOOR ADDITION

DATE 08.08.2025
DRAWN IQ HOMES
CKD MA
SCALE NTS @A4

PROJECT NUMBER 2343
DRAWING NUMBER A - 16.3 01

*Do not scale off drawings.
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RECEIVED
Waverley Council

Application No: DA-469/2025/1

Date Received: 16/06/2026

Skylights glazing requirements

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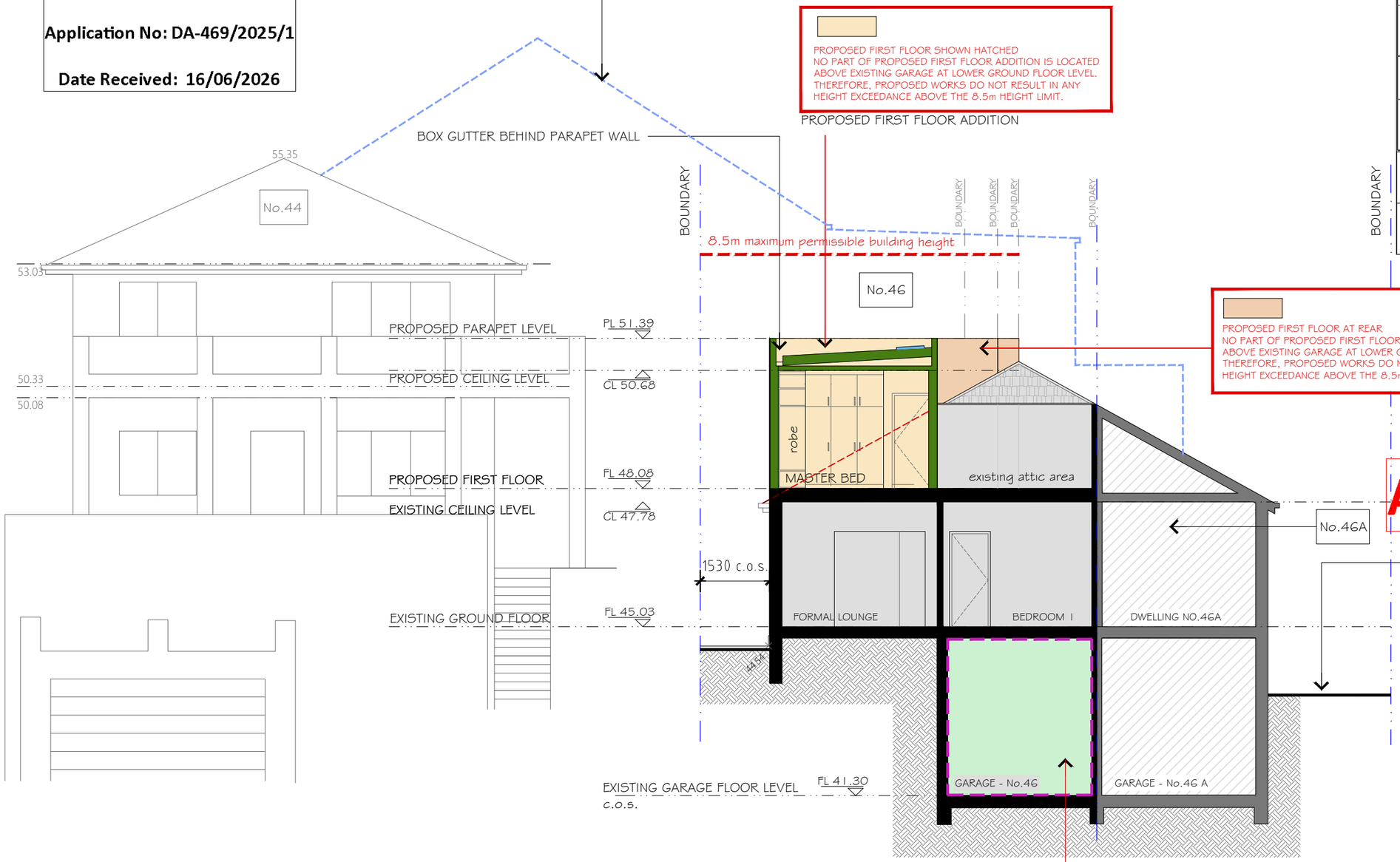

C.O.S. CHECK ON SITE
DEMOLITION LINE
PROPOSED FIRST FLOOR
EXISTING DWELLING GROUND FLOOR GARAGE
EXISTING WALLS / STRUCTURE - DWELLING 46
PROPOSED WALLS / STRUCTURE
PROPOSED WINDOWS / SKYLIGHT
EXISTING WALLS / STRUCTURE - DWELLING 46 A
DWELLING 46 A

Construction	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
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1 0 1 5m

PROPOSED SECTION 2 - 2

1 : 100

1	Amended Issue for Section 8.2 Review	IQH	14.06.26
	Description	By	Date

Drawn By

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M: 0416125377 FREECALL:1800 ADDSPACE
E: nick@addspacebuilding.com.au
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Drawing Title:
208
PROPOSED SECTION 2 - 2

Property Address:
46 OCEANVIEW AVE
VAUCLUSE NSW 2030

Title
PROPOSED FIRST FLOOR ADDITION

DATE 08.08.2025
DRAWN IQ HOMES
CKD MA
SCALE NTS @A4

PROJECT NUMBER 2343
DRAWING NUMBER A - 16.4 01

WAVERLEY
COUNCIL

Report to the Waverley Local Planning Panel

Overview	
Application number	DA-164/2026
Site address	5 Campbell Parade, BONDI BEACH
Proposal	New glazing installation to enclosed balcony of apartment 28.
Date of lodgement	14 May 2026
Owner	Proprietors of Strata Plan 20573
Applicant	Mr K J Hayes
Submissions	Nil
Cost of works	$5,500
Principal Issues	• *Exceedance of the FSR principal 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 new glazing to partially enclose balcony of Unit 28 at 5 Campbell Parade Bondi.

The principal issue arising from the assessment of the application is as follows:

- Exceedance of the FSR principal development standard.

The assessment finds this issue acceptable and consistent with the provisions and objectives of the development standard for the reasons outlined in the report.

There were no submissions 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.

1.2. Site and Surrounding Locality

A site visit was carried out on 29 June 2026.

The site is identified as SP 20573, known as 5 Campbell Pde, Bondi Beach. The site is located on the eastern side of Campbell Pde, between Francis St and Notts Ave.

The site is irregular in shape with a western frontage to Campbell Pde. The site falls from the front boundary to the rear, with a cross fall from south to north.

The site is occupied by a six-storey residential flat building and is adjoined by a multi storey residential flat building on either side.

The area is characterised by multi storey mixed use developments including high scale residential flat buildings of varying architectural style and age.

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

Figure 1. View of subject site from Campbell Parade.

Figure 2. Aeriel view of the subject site looking west from Bondi Beach

Figure 3. Close up aerial view of subject site and location of proposed balcony enclosure.

1.3. Relevant Development History

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

- DA-624/2005 – Refused by delegated authority on 27 June 2025 for alterations and additions including new unit within the Beachfront Scenic Protection Area.
- DA-556/2016 – Approved by delegated authority on 25 January 2017 for a new window to unit 2 of the existing residential flat building.
- DA-533/2025 – Approved by delegated authority on 18 November 2025 for Amalgamation of units 17 and 18 to accommodate for a single unit and associated alterations.

1.4. Proposal

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

- New glazing to enclosed balcony with aluminium glass door and fixed glazed panel over.

1.5. Background

The development application was lodged on 14 May 2026 .

Council requested amended GFA plans to resolve a minor discrepancy and accurately depict the total GFA across all strata levels.

These amended diagrams, received on 21 May 2026, 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 (Housing) 2021.

A detailed discussion is provided for the relevant SEPP as follows:

SEPP (Housing) 2021

The proposal does not constitute substantial redevelopment or refurbishment of an existing building, a further assessment against SEPP Housing and the Apartment Design Guide (ADG), and referral to the Waverley Design Advisory Excellence Panel (DEAP) was not required.

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

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use • *R3 Medium Density Residential Zone*	Yes	The proposal is defined as alterations and additions to existing residential flat building, which is permitted with consent in the R3 medium Density Residential zone.
Part 4 Principal development standards		
4.3 Height of buildings • *12.5m*	Yes	There are no proposed changes to the existing height of the building. All proposed works are below the maximum building height and within the existing envelope.
4.4 Floor space ratio (FSR) **4.4A Exceptions to floor space ratio (FSR)** • *Site Area - 775m* • *Maximum permissible FSR – 0.9:1* • *Maximum permissible Gross Floor Area (GFA) – 697.5m²*	No	The proposed FSR of 6.37:1 is non-compliant with the development standard. The proposal comprises 4m² of gross floor area and increases the total gross floor area of the development to 4,939m². This results in an overall breach of 608.1% (4,241.5m²) from the floor space ratio development standard.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR development standard. A detailed discussion of the variation to the development standards is presented below this table.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The subject site is located within a catchment area containing acid sulfate soils. The proposed development will not

Provision	Compliance	Comment
		disturb or have a significant impact on any existing acid sulfate soils within the site area.

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

Clause 4.6 Exceptions to Development Standards –Floor Space Ratio.

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

The site is subject to a maximum FSR development standard of 0.9:1. The proposal adds 4m^2 of gross floor area (GFA) to the development, which results in an overall FSR of 6.37:1. The development standard is exceed by 4,241.5m^2 of GFA, equating to a 608.1% variation. It is noted that the existing building has a GFA of 4,935m^2 equating to an FSR of 6.36:1, which exceeds the development standard by 607.5%.

The relevant objectives for the floor space ratio (FSR) development standard in clause 4.4 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.

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:

(i) The existing building is a lawful pre-existing structure that substantially predates the current control.

(ii) Requiring strict compliance with the present-day 0.9:1 standard would be unreasonable in this context, as it would effectively sterilise the site from modest internal alterations or amenity upgrades.

(iii) This is a negligible numerical change that does not materially intensify the existing non-compliance or alter the planning outcome of the site. The proposal is confined to the enclosure of an existing balcony area already contained within the building envelope.

(iv) No additional storeys, height, footprint or external protrusion are proposed.

(v) The objectives of Clause 4.4 are to ensure development is compatible with the bulk and scale of the locality and to regulate the intensity of development.

(vi) The proposal does not generate any meaningful increase in development intensity; and maintains compatibility with the existing built form character of the site and surrounding locality.

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

(i) The enclosure will improve the usability, weather protection and functional amenity of the dwelling, providing a modest upgrade to an existing apartment without creating broader impacts.

(ii) The proposed minor enclosure does not alter that established context, nor does it create any precedent for additional bulk or redevelopment.

(iii) The proposal will continue to provide a reasonable adaptation of an existing dwelling within an established residential building.

(iv) *The proposal will* promote improved internal amenity and a high-quality design outcome.

<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 written request 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*. This is sound justification as the applicant has demonstrated that despite the breach of the FSR development standard, the proposal meets the objectives of the development standard, as follows:

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

(i) The perceived building envelope of the development remains unchanged by the additional floor space which will result in negligible visual impact on the perceived bulk and scale of development. The proposal does not increase the maximum building height of the approved development, remaining consistent with the bulk and scale of surrounding development.

(ii) The proposal presents an appropriate development density. Council is satisfied that the resulting non-compliance is limited to a bulk and scale that is consistent with the medium-density character of the area.

(c) To ensure that buildings are compatible with the bulk and scale of the desired future character of the locality.

(i) The additional floor space is contained within the existing footprint where the envelope of the residential flat building remains unchanged and maintains compatibility with the desired future character of the area.

(ii) The retention of the existing built form has negligible effect on the streetscape and desired future character of the area.

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

(i) The additional floor space remains solely internal and within the existing built fabric and envelope and does not result in adverse amenity impacts on the locality and surrounding streetscape. The proposed enclosure of the eastern-facing balcony of Unit 28 preserves the environmental amenity of surrounding properties and the public domain and does not generate an increase in development intensity.

(i) It is considered that the proposed variation to the FSR development standard seeks to preserve the environmental amenity of surrounding properties and locality. Specifically, the proposal does not introduce any material overshadowing or view impacts on neighbouring units beyond that of the existing fabric of the development.

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. Council is satisfied that the proposed FSR is of a bulk and scale that preserves the amenity of neighbouring properties and ensures a more efficient and functional layout for the occupants by improving internal amenity while resulting in negligible environmental impacts.

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) (Amendment 5)

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

Table 1: Waverley DCP 2022 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
11. Design Excellence	Yes	Satisfactory. There are no discernible material changes to the residential building. The proposal is a suitable response to the site and streetscape.

Table 2: Waverley DCP 2022 – Part C2 Other Residential Development Compliance Table

Development Control	Compliance	Comment
2.2 Height		
• *Maximum external wall height:* ○ *R3/9.5m – 7m* ○ *R3/12.5m – 9.5m* ○ *R4/20m – 17m* ○ *R4/28m – 25m*	Yes	Satisfactory. The proposed balcony infill will not alter the existing maximum external wall heights.
2.5 Building design and streetscape		
• *Respond to streetscape* • *Sympathetic external finishes* • *Corner sites to address both streets as primary frontages*	Yes	Satisfactory. The additional floor space is contained entirely within the existing envelope. The proposal will not increase the bulk and scale of the existing development. The proposed aluminium glazed sliding doors will not be readily discernible from the streetscape and will remain sympathetic with the wider building and surrounding development.
• *Removal of original architectural features not supported*	Yes	Satisfactory. The proposal retains the original architectural features of the existing development.
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*	Yes	Satisfactory. There are no proposed changes to the solar access of the existing development. The proposal includes glazed sliding doors to the enclosed balcony which will continue to facilitate direct solar access into the habitable rooms and windows.
• *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	Satisfactory. There are no proposed changes to the bulk, height or scale of the existing development. As such sunlight to all principal living areas and private open spaces of adjoining units is maintained as existing.
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*		Satisfactory. No submissions were received that raises issue with view loss. It is noted the subject site and adjacent properties share iconic views towards Bondi beach. The overall building envelope of the development remains unchanged as there is no increase in

Development Control	Compliance	Comment
• *Views from public spaces to be maintained*		height, bulk and scale and would not result in any view impact.
2.15 Visual privacy and security		
• *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*		The new glazed sliding doors to the western elevation will not result in any adverse visual privacy impacts to neighbouring dwellings any adjoining units.
2.16 Dwelling size and layout		
• *Max habitable room depth for single aspect dwelling is 8m from a window* • *All habitable rooms to have a window* • *Min sizes:* ○ *Studio = 35m²*	Yes Yes	Satisfactory. The proposal maintains the habitable room depth. The enclosed balcony will retain glazed windows, ensuring natural light continues to reach the internal spaces. Satisfactory. The proposal increases the internal space by 4m² equating to a studio size of 49m², which complies with the control.
2.17 Ceiling Heights		
• *Min 2.7m floor to ceiling height residential floors*	Yes	Satisfactory. The ceiling heights will continue to comply with the minimum requirement.
2.19 Acoustic privacy		
• *Internal amenity by locating noisy areas away from quiet areas*	Yes	The enclosure of the balcony will likely improve acoustic privacy for neighbouring units by removing an additional outdoor balcony space. The proposal is not anticipated to give rise to additional acoustic privacy concerns.
2.20 Natural Ventilation		
• *All dwellings to be naturally cross- ventilated* • *Building to be orientated to maximise breezes* • *Ceiling fans are to be provided in all habitable rooms*	Yes	Satisfactory. The proposal continues to allow for cross ventilation within the unit. The proposal includes operable glazed sliding doors to achieve appropriate cross-ventilation within the building.

2.2. Other Impacts of the Development

The proposal is considered to have no significant likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality, subject to appropriate conditions being imposed and is recommended for approval

2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.4. Any Submissions

The application was notified for at least 14 days between 21 May 2026 and 21 June 2026 in accordance with the *Waverley Community Engagement Strategy Amendment 1 (2025)*.

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 and is recommended for approval.

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Fire Safety

The application was referred to Council's Building Compliance Officer for Fire Safety, and they have raised no objections to the proposal, subject to the satisfaction of 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 approval subject to conditions of consent.

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 30 June 2026 and the MODA concurred with the Assessment Planner's recommendation.

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

Report prepared by:	Application reviewed and agreed by:
Kyle Goulding **Development Assessment Planner**	**Ben Magistrale** **Manager, Development Assessment**
Date: 1 July 2026	**Date: 7 July 2026**

Reason for WLPP referral:

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

OFFICE USE ONLY

Planning Portal Data	
Clause 4.6 register entry required	608.1% variation to FSR (Clause 4.4) Reason (place a X next to <u>all</u> that apply):

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

Excavation Register	N/A
Determining Authority (Concurrence Authority for Clause 4.6 variation)	Local Planning Panel
Were the requirements of the Sustainable Buildings SEPP (effective 1 October 2023) met?	N/A
Have any dwellings been approved for affordable Rental Housing under this approval/consent?	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

APPENDIX A – CONDITIONS OF CONSENT DA-164/2026

GENERAL CONDITIONS

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by VA Design Studio including the following:

Plan Number and Revision	Plan description	Date received by Council
A01	Cover Page	14/05/2026
A02	Floor Plan, Elevation and Section	14/05/2026
A03	Overall Building Elevations	14/05/2026

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. CONDITION – COMPLIANCE WITH NCC / BCA

All proposed building work must be carried out in accordance with the requirements of the National Construction Code (NCC), Building Code of Australia (BCA) Volume One 2022 Amendment 2 (July 2025), This may include DtS provisions or alternative solutions compliance.

Condition reason: To comply with the National Construction Code.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

GENERAL

3. NO BUILDING WORKS PRIOR TO RELEASE OF A CONSTRUCTION CERTIFICATE

The building work must not be commenced until:

(a) a Construction Certificate has been obtained from Council or an Accredited Principal Certifier in accordance with the *Environmental Planning and Assessment Act 1979*;

(b) a Principal Certifier 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.

CONSTRUCTION AND SITE MATTERS

4. 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 the structural stability of work on site.

WASTE

5. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted and approved by the Principal Certifier 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, and the contact details of those removing the waste 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.

COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

6. CONSTRUCTION SIGNS

Prior to commencement of any works on the site and during construction phase, a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number and email address) of the Principal Certifier 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 Certifier and principal contractor's (the coordinator of the building works) contact details.

DEMOLITION & EXCAVATION

7. 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:

(a) *Work Health and Safety Act 2011*;

(b) *Work Health and Safety Regulation 2017*;

(c) SafeWork NSW *Code of Practice* for the Safe Removal of Asbestos;

(d) *Australian Standard 2601-2001* – Demolition of Structures;

(e) *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 and Hazardous Materials Assessment for the approval of the Principal Certifier in accordance with *Australian Standard AS 2601-2001* Demolition of Structure and a Hazardous Materials Assessment.

The Work Plan and Hazardous Materials Assessment shall be prepared by a suitably qualified person and shall:

(i) Outline the identification of any hazardous materials, including surfaces coated with lead paint;

(ii) Confirm that no asbestos products are present on the subject land, or

(iii) 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);

(iv) Describe the method of demolition;

(v) Describe the precautions to be employed to minimise any dust nuisance; and

(vi) Describe the disposal methods for hazardous materials.

Condition reason: To ensure the safety of workers and the general public.

8. 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.

(b) Water must not be allowed to enter the street and stormwater systems.

(c) Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

(d) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to *Australian Standard AS1716* - 2012 Respiratory Protective Devices.

Condition reason: To ensure the safety of workers and the general public.

<u>CONSTRUCTION MATTERS</u>

9. CONSTRUCTION HOURS

(a) 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.

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

(c) 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 during construction.

10. 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 boundaries. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval. If required, you can apply to temporarily use Council's footpath for the erection of a hoarding, scaffold, mobile scaffold, scissor lift, ladders, barricades for abseiling work, and/or storage of building materials on Council's footpath. This is a separate application form and assessment process. Details of this can be found on Council's website under 'Occupation of Council Footpath'.

https://www.waverley.nsw.gov.au/planning/application_forms_and_certificates

Condition reason: To ensure building material is stored in an appropriate location.

11. CRITICAL/MANDATORY BUILDING INSPECTIONS DURING CONSTRUCTION

The building works are to be inspected during construction by the Principal Certifier in accordance with, 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.

12. WORK OUTSIDE PROPERTY BOUNDARY

This consent does not authorise any work outside the property boundary, including storage of building materials or goods. Separate approval is required for any works outside the property boundary, with fees being paid where applicable. Requests are to be made via email to assets@waverley.nsw.gov.au.

Condition reason: To ensure all works are located within the property boundary and specific approval is sought for any external works.

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 Certifier in all instances, except where a condition explicitly specifies that the approval of Council or a Council Officer is required, prior to the issue of an Occupation Certificate or Subdivision Certificate, whichever applies.

CERTIFICATES, LICENSES, EASEMENTS AND RESTRICTIONS

13. FINAL OCCUPATION CERTIFICATE

(a) Prior to occupation or use of the development, an Occupation Certificate must be obtained.

(b) The Principal Certifier 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

1. DEVELOPMENT IS TO COMPLY WITH LEGISLATION

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.

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 *Environmental Planning and Assessment Act 1979* 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:

(a) Please read your conditions carefully.

(b) 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).

(c) Attention the documentation to the relevant officer/position of Council (where known/specified in condition).

(d) Include DA reference number.

(e) Include condition number/s seeking to be addressed.

(f) 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).

(g) 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.

(h) 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.

(i) Please note, in some circumstances, additional fees and/or additional documents (hard copy) may be required.

(j) 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.

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 1800 810 443.

5. ALTERATIONS AND ADDITIONS ONLY

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

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 *Environmental Planning and Assessment Regulation 2021* 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 *Environmental Planning and Assessment Act 1979*.

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 *Environmental Planning and Assessment Act 1979* 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 *Environmental Planning and Assessment Regulation 2021*.

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.

Unit 28

5 Campbell Parade, Bondi

alterations and additions

Class 2

General Notes

1. ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE REQUIREMENTS OF THE NCC, AUSTRALIAN STANDARDS AND RELEVANT LOCAL AUTHORITY

GENERALLY

- WATER / PLUMBING AND SERVICES TO BE CONFIRMED BY BUILDER ON SITE

- USE FIGURED DIMENSIONS ONLY, DO NOT SCALE

- CHECK ALL DIMENSIONS PRIOR TO CONSTRUCTION, REPORT ANY DISCREPANCIES

- FINISHED GROUND LEVELS SHOWN ON PLAN ARE SUBJECT TO SITE CONDITIONS

- ALL CALCULATED DIMENSIONS ARE SUBJECT TO SITE MEASURE DURING CONSTRUCTION

BUILDING WORKS MUST COMPLY WITH THE FOLLOWING PROVISIONS OF THE BCA:

Clause B1D4 Materials & Forms Constructions
Spec. 5 Fire Resisting Construction
Clause C2D10 Non-Combustible Building Elements
Clause C2D11 Fire Hazard Properties
Clause C2D12 Performance of External Walls in a Fire
Clause C3D7 Vertical Separation of Openings in External Walls
Clause C3D13 Separation of Equipment
Clause C3D14 Electricity Supply System
Clause C4D5 Acceptable Methods of Protection (of openings)
Clause C4D9 Opening in Fire Isolated Exits
Clause C4D15 Openings for Service Installations
Clause D2D15 Discharge from Exits
Clause D3D8 Installations in Exits and Paths of Travel
Clause D3D14 Goings and Risers
Clause D3D15 Landings
Clause D3D16 Thresholds
Clause D3D17 to D3D20 Balustrades / Barriers
Clause D3D22 Handrails
Clause D3D26 Operation of Latch
Clause D3D28 Sign on Doors
Clause D3D29 Protection of OPENABLE windows
Clause D4D3 General Building Access Requirements
Clause D4D4 Parts of Building to be Accessible
Clause D4D7 Identification of Accessible Facilities, Services and Features
Clause D4D9 Tactile Indicators
Clause F2D2 & F2D3 Waterproofing of Wet Areas
Clause F1D6 & F1D7 Damp Proofing
Clause F4D8 Construction of Sanitary Compartments
Part F6 Lighting and Ventilation
Clause F7D5 Sound Insulation of Floors
Clause F7D6 Sound Insulation of Walls
Clause F7D7 Sound Insulation of Services
Clause F7D8 Sound Insulation of Pump

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DA-164/2026

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Drawing Set

NO.	Sheet	Revision
A01	Cover Page	
A02	Floor Plan, Elevation and Section	
A03	Overall Building Elevations	

Unit 28
5 Campbell Parade
Bondi

Drawing Name: Cover Page

Rev.	Description	Date

Project Number | Drawing Number: A01 | Rev

Scale: 1 : 200 @ A1

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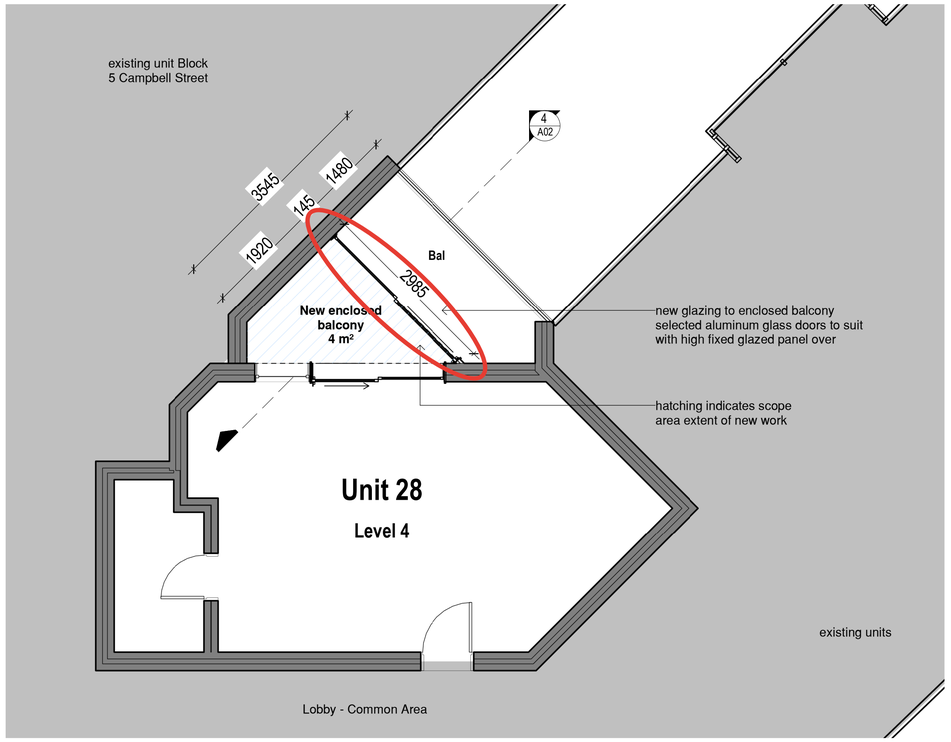
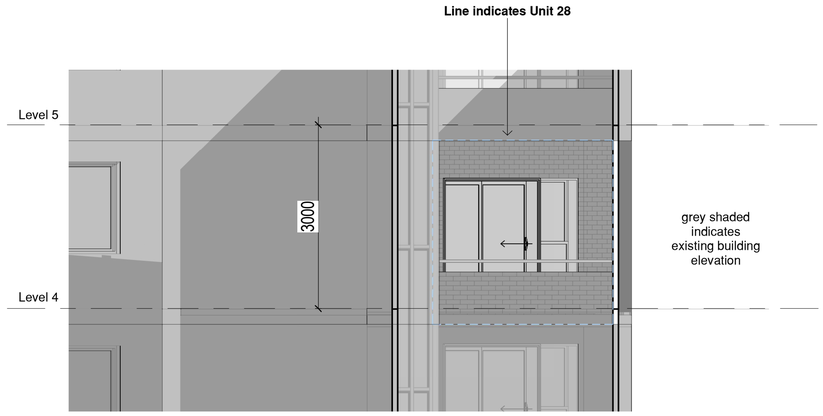
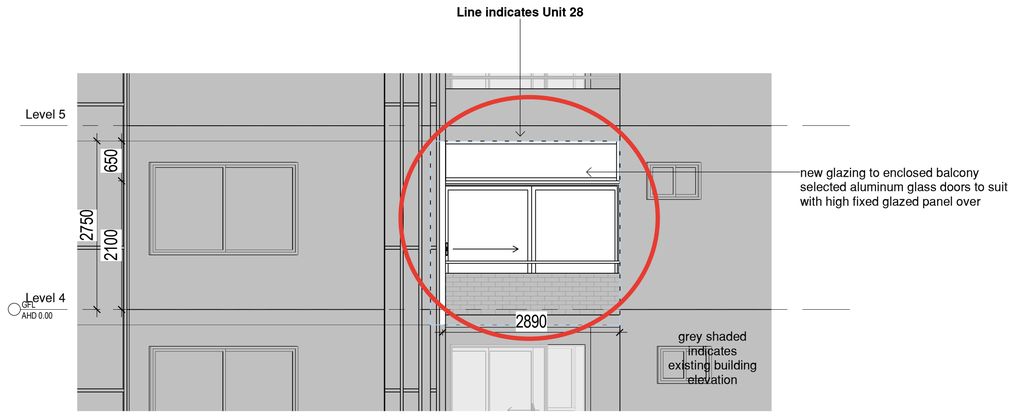


1 A02 Schematic Intent Plan - Enclosed Balcony Proposal
1 : 50



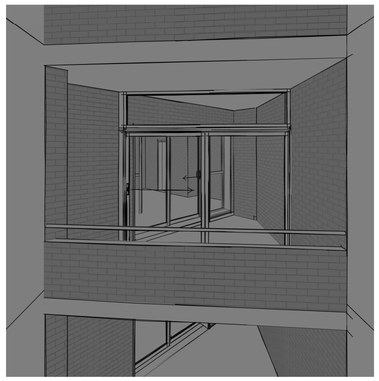
2 Existing Elevation view of Unit 28
1 : 50



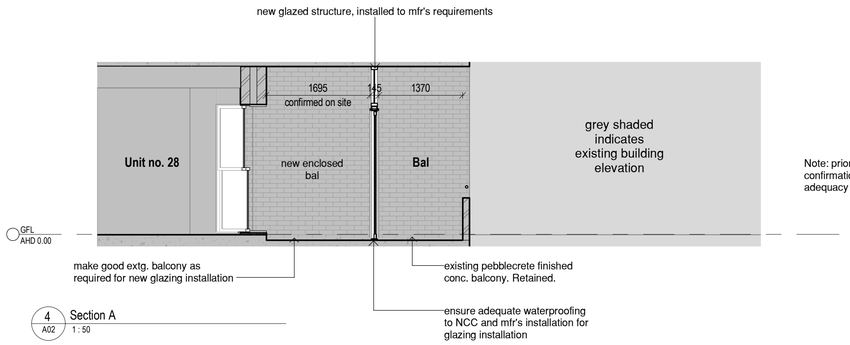
3 Proposed Elevation View of Unit 28
1 : 50

Concept Look and Feel

Framed glass sliding doors to newly created
enclosed balcony



5 Artist's Impression of Proposed Works



Note: prior to works being undertaken on site,
confirmation by a structural engineer of structural
adequacy of balcony is required to be confirmed

4 A02 Section A
1 : 50

design studio

0 1 2 3 4m
1:100

Alterations and Additions
Development

CLASS 2 Residential Flat Building

Unit 28
5 Campbell Parade
Bondi

Drawing Name	Rev.Description	Date	Project Number	Drawing Number	Rev
Floor Plan, Elevation and Section				A02	

Scale: 1 : 50 @ A1

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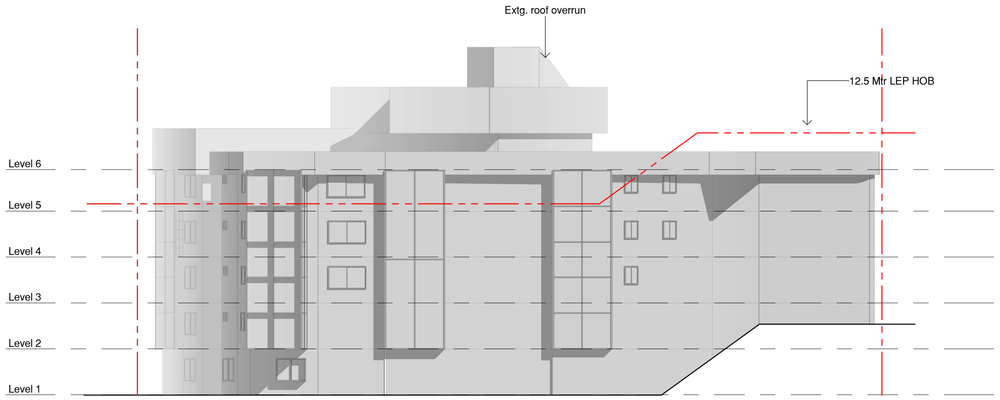
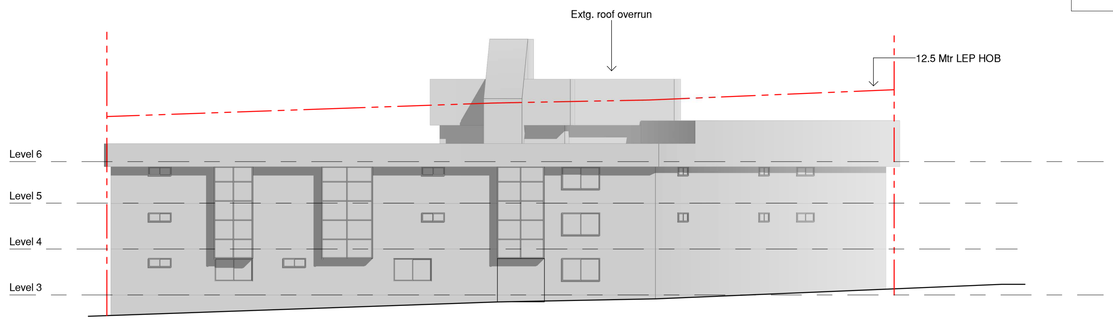
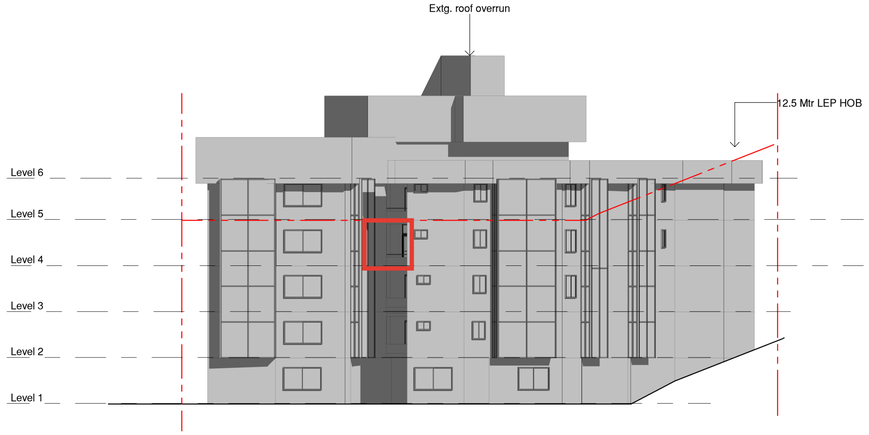


1 A01 North Elevation
1 : 200



4 A01 Elevation Along Campbell Parade
1 : 200



2 A01 West Elevation
1 : 200

design studio

Unit 28
5 Campbell Parade
Bondi

Drawing Name	Rev.Description	Date	Project Number	Drawing Number	Rev
Overall Building Elevations				A03	

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FORM 2

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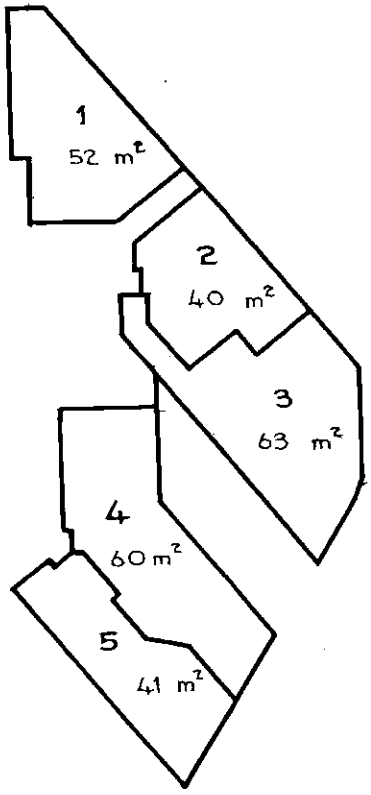
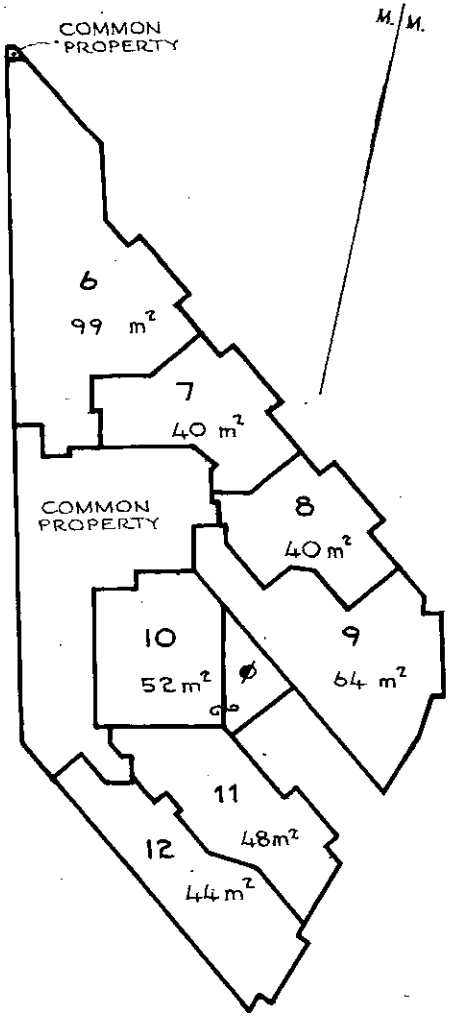
Date Received: 21/05/2026

STRATA PLAN 20573



LEVEL ONE



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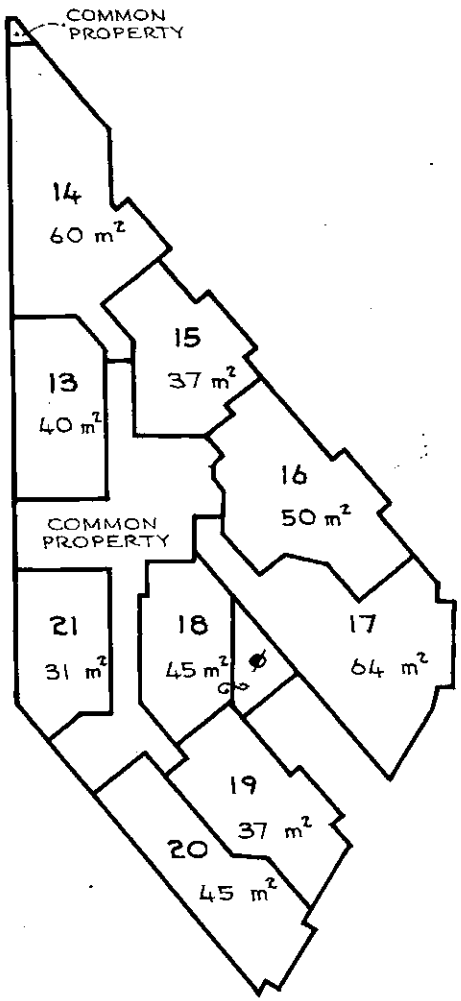

LEVEL THREE

SCHEDULE OF UNIT ENTITLEMENTS	
LOT. Nº	UNIT ENTITLEMENT
1	84
2	79
3	121
4	121
5	73
6	163
7	79
8	79
9	121
10	84
11	84
12	79
13	68
14	157
15	121
16	157
17	157
18	105
19	110
20	110
21	68
22	89
23	100
24	115
25	142
26	173
27	173
28	126
29	131
30	131
31	89
32	89
33	100
34	115
35	142
36	173
37	173
38	126
39	131
40	131
41	89
42	242
AGGREGATE	5000.

AREAS ARE APPROXIMATE & INCLUDE BALCONIES
Ø DENOTES BALCONY

Reduction Ratio 1: 250

Lengths are in metres

Registered Surveyor

Deputy Council Clerk

SURVEYOR'S REFERENCE: 10184-1

OFFICE USE ONLY

2.9.2025 2H 3/3

2.6.2025 2H 3/3

Req:R631559 /Doc:SP 0020573 P /Rev:01-Sep-2008 /Sts:SC.OK /Prt:22-May-2013 11:11 /Pgs:ALL /Seq:2 of 3
Ref: /Src:U

FORM 2

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STRATA PLAN 20573

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Waverley Council

Receipt No: DA-164/2026

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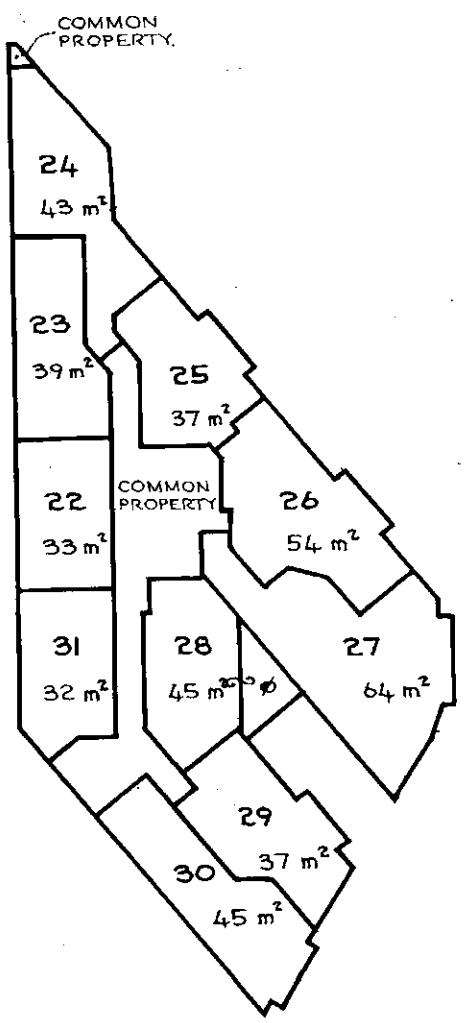
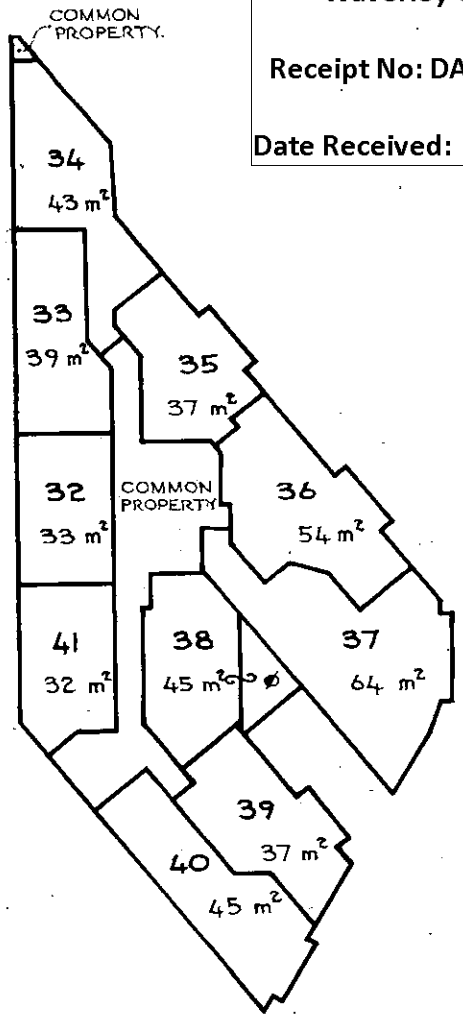
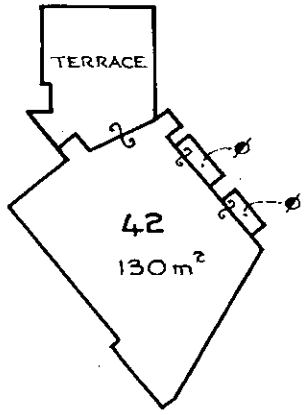


LEVEL FOUR

M/M.



LEVEL FIVE



LEVEL SIX

NOTES

AREAS ARE APPROXIMATE + INCLUDE BALCONIES + TERRACE

Ø BALCONY.

STRATUM OF BALCONIES LOTS 38 + 42 IS LIMITED IN HEIGHT TO 2 ABOVE THE UPPER SURFACE OF THE CONCRETE FLOOR THEREOF

STRATUM OF TERRACE IS LIMITED IN HEIGHT TO 2·5 ABOVE THE UPPER SURFACE OF THE CONCRETE FLOOR THEREOF

Reduction Ratio 1: 250

Lengths are in metres

Registered Surveyor

Deputy Council Clerk

SURVEYOR'S REFERENCE: 10184-1

OFFICE USE ONLY

2.6.2023 2H 3/3

2.6.2023 2H 3/3

Req:R631559 /Doc:SP 0020573 P /Rev:01-Sep-2008 /Sts:SC.OK /Prt:22-May-2013 11:11 /Pgs:ALL /Seq:3 of 3
Ref: /Src:U

WAVERLEY
COUNCIL

Report to the Waverley Local Planning Panel

Overview	
Application number	DA-668/2025
Site address	1 Gaerloch Avenue, Tamarama
Proposal	Alterations and additions to residential flat building
Date of lodgement	9 February 2026
Owner	Proprietors of Strata Plan 47416
Applicant	C Oliver
Submissions	One submission
Cost of works	$747,092.50
Principal Issues	• Exceedance of floor space ratio development standard • View impacts
Recommendation	That the application be **APPROVED** in accordance with the conditions contained in the report.

Site Map

1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for alterations and additions to an existing residential flat building including extension of balconies and extension of a store room at the site known as 1 Gaerloch Avenue, Tamarama.

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

- Exceedance of floor space ratio (FSR) development standard, and
- View loss impacts.

The assessment finds these issues acceptable, as the exceedance of the FSR development standard does not add significant bulk or scale to the building and does not result in any material environmental planning impacts. The view loss impacts are not associated with the exceedance of the FSR development standard and are minor in nature.

One submission was received from residents and no submissions from Councillors were received. 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.

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 29 April 2026.

The site is identified as Strata Plan 47416, known as 1 Gaerloch Avenue, Tamarama.

The site is irregular in shape with a frontage of approximately 39m to the west side of Gaerloch Avenue. It has an area of 424m^2 and falls steeply from north to south by approximately 7m.

The site is occupied by a part two-storey part three-storey residential flat building containing four units. Vehicle access to garage / hardstand parking is provided from Gaerloch Avenue for three of the units.

The site is adjoined by a two storey residential flat building at 17 Alexander Street to the north, and by a construction site for a part two-storey part three-storey dwelling house at 3 Gaerloch Avenue to the west. The locality is characterised by a variety of low and medium density residential development.

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

Figure 1: Site viewed from Gaerloch Aveny, looking north west	**Figure 2:** Site viewed from Gaerloch Avenue looking west

1.3. Relevant Development History

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

- DA-262/2015 (as modified by modifications A and B) – Alterations and additions to residential flat building including new balconies with pergolas above, internal reconfiguration and bin storage area was approved on 27 November 2015. The works have been completed on site.
- DA-276/2019 – Strata subdivision of existing residential flat building was approved on 6 November 2019. The strata subdivision has been implemented.

1.4. Proposal

The development application seeks consent for alterations and additions to the existing residential flat building consisting of:

Lower ground floor

- Enlargement of storage room accessed via Unit 2's garage resulting in an additional 13m^2 of gross floor area (GFA),
- New separating wall between the driveways of units 3 and 4, and
- New bin enclosure.

Upper ground floor

- Extension of balconies to unit 2 and addition of planter boxes and associated structure.

First floor

- Extension of balconies to unit 4, and,
- New pergola structures above balconies to replace previously removed pergolas in the same locations.

Materials

- Cladding of lower levels with sandstone and cladding of balcony ceilings with timber panelling, and
- Pergolas constructed of powder coated aluminium.

1.5. Background

The development application was lodged on 9 February 2026 and a Stop the Clock letter for additional information was issued on 16 February 2026 to request a stormwater management plan and a detailed cost of works report. The additional information was received on 17 February 2026.

The application was further deferred on 8 May 2026 to request the following amended and additional information:

1. An amended clause 4.6 request which identifies the impacts of the exceedance of the FSR development standard,
2. View impact analysis images,
3. More detailed solar access diagrams, and
4. An increase in the capacity of the waste storage area.

Amended plans were received 9 June 2026 to address the above issues. Further amended plans were received on 10 July 2026 to correct drafting errors. These plans forms 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/unacceptable in the assessment of this development application:

- SEPP (Sustainable Buildings) 2022
- SEPP (Resilience and Hazards) 2021.

A detailed discussion is provided for relevant SEPPs as follows:

SEPP (Sustainable Buildings) 2022

The requirements outlined in the SEPP have been satisfied in the design of the proposed development. The application has been accompanied by a BASIX certificate and associated commitments are contained within the submitted plans. A condition to ensure that BASIX commitments are fulfilled prior to occupation is retained.

SEPP (Resilience and Hazards) 2021

Provision	Compliance	Comment
Chapter 2 Division 3 Coastal environment area		
Consent must not be granted unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on matters including ecology, hydrology, coastal processes, water quality, marine and native vegetation, public access to the coast, and Aboriginal heritage.	Yes (subject to conditions)	The proposal has no impact on the coastal environment, access to coastal areas or cultural heritage subject to standard environmental protection conditions of consent regarding construction site management and disposal of construction waste.
Chapter 2 Division 4 Coastal use area		
Consent must not be granted to development unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on matters including access to the coast, amenity impacts on coastal use area, visual impacts on the scenic quality of the coast, Aboriginal heritage, and cultural and built heritage.	Yes (subject to conditions)	The proposal has no impact on the coastal environment, views, overshadowing, access to coastal areas or cultural heritage subject to standard environmental protection conditions of consent regarding construction site management and disposal of construction waste.

Provision	Compliance	Comment
Chapter 2 Remediation of land clause 4.6		
(1) A consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated and whether the contaminated state of the land is suitable for the proposed used.	Yes	The site is in residential use and is unlikely to be contaminated. The proposal does not change the use of the land, which continues to be appropriate for residential uses.

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

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use • *R3 Medium Density Zone*	Yes	The proposal is for alterations and additions to a residential flat building, which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings • *9.5m*	Yes	The proposed pergolas have a maximum height of 9.5m, in compliance with the development standard.
4.4 Floor space ratio (FSR) **4.4A Exceptions to FSR** • *0.6:1 FSR* • *254.4 m^2 GFA*	No	The proposal has a GFA of 413.6m^2 and an FSR of 0.98:1, equating to a 159.2m^2 or 62.6% exceedance of the development standard.
4.6 Exceptions to development standards	See discussion below	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.

Provision	Compliance	Comment
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	Gaerloch Reserve landscape heritage conservation area (Waverley LEP 2012 heritage listing C44) is located to the south of the site on the opposite side of Gaerloch Avenue. The proposal has no impact on the heritage significance of the reserve.
5.21 Flood Planning	Yes	The site is not flood affected.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The proposal does not involve excavation and does not impact on acid sulfate soils.
6.2 Earthworks	Yes	The proposal does not involve excavation.
6.14 Waste minimisation and recycling	Yes	The proposal satisfactorily meets clauses (a) (b) and (c). It provides an appropriately sized waste storage area.
6.15 Stormwater Management	Yes	The proposal satisfactorily meets clauses (a) (b) and (c). It successfully manages stormwater.

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

Clause 4.6 Exceptions to Development Standards – Floor Space Ratio

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

The site is subject to a maximum FSR development standard of 0.6:1 equating to 254.4 m^2 of GFA.

The existing building has an FSR of 0.93:1 and a GFA of 396.2m^2, which already exceeds the development standard by 141.8m^2 or 56%.

The proposal adds 13 m^2 of GFA resulting in a an FSR of 0.97:1 and a GFA of 409.2m^2, equating to a 61% or 154.8m^2 exceedance of the development standard.

The objectives for the FSR development standard in clause 4.4 are as follows:

> *(a) to ensure sufficient floor space can be accommodated within the Bondi Junction Centre to meet foreseeable future needs,*
>
> *(b) to provide an appropriate correlation between maximum building heights and density controls,*
>
> *(c) to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality,*

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

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 insert 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 notwithstanding the non-compliance 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 does not exceed the height of buildings 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 development is similar in bulk and scale to surrounding development and as the additional floor space does not add to the visual bulk of the building.*
    (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 the additional floor space results in no shadow impacts on neighbours. The additional floor space does not result in any view or other amenity impacts.*

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

    (i) *The additional floor area contributes positively to the aesthetics of the building and its contribution to the streetscape,*
    (ii) *The proposed element being a storeroom provides for significant additional amenity for the occupants and conceals an otherwise open under croft,*
    (iii) *The addition has the effect of reducing the apparent bulk and scale by creation of a contrasting base rather than the converse,*
    (iv) *No amenity impacts are created by the non-compliance, and*

(v) *The proposal sits comfortably within the established built environment which comprises large buildings of varying height, bulk and scale.*

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 written request 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 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.

Objective (a) relates to Bondi Junction and is therefore not relevant to the proposal.

Objective (b), regarding an appropriate correlation between the maximum building height and density controls, is achieved as the proposal does not exceed the height of buildings development standard.

Objective (c), regarding compatibility with the bulk and scale of the desired future character of the locality, is achieved as the proposal is similar in bulk and scale as surrounding development and as the proposal does not add significantly to the bulk and scale of the existing building.

Objective (d), regarding amenity impacts, is achieved as the proposed exceedance of the development standard does not result in any solar access impact on neighbours, no material view impacts, and no other amenity impacts. Further discussion regarding view impacts is found in this report below the Waverley DCP compliance table. There is also no material amenity impact on the public domain. The variation of the FSR development standard is therefore considered to preserve the environmental amenity of neighbouring properties and the surrounding public domain.

The proposal therefore achieves the objectives of 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 following grounds as accepted as valid:

- The development positively contributes to the appearance of the building and does not add significantly to the bulk and scale of the building,
- The proposal sits comfortably within the established built environment which comprises large buildings of varying height, bulk and scale, and
- The proposal does not have any significant amenity impacts on neighbouring land.

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) (Amendment 5)

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 proposal provides an appropriately sized waste storage area. Conditions of consent regarding construction waste are included at Appendix A of this report.
3. Landscaping, Biodiversity and Vegetation Preservation	Yes (subject to condition)	The site is located within a Habitat Corridor, and therefore 50% of vegetation is required to be native. A condition of consent to achieve this is included in Appendix A.
5.Water Management	Yes	The proposal does not have any significant impacts on water management. Conditions of consent requiring compliance with Council's technical requirements are included at Appendix A.
7. Transport	Yes	No changes are proposed to the existing parking arrangements.
11. Design Excellence	Yes	Satisfactory. The proposal is appropriate within the streetscape context of the site and does not result in any significant negative amenity impacts on neighbours.

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

Development Control	Compliance	Comment
2.2 Height		
• *Maximum external wall height: 7m*	N/A	The proposal does not alter the existing maximum wall height of the building. The proposed new lower ground floor and ground floor walls have maximum heights of between 2.1m and 6.3m in compliance with the control.
2.3 Setbacks		
2.3.1 Street setbacks • *Consistent street setback*	Yes	The proposed lower ground floor general storage room and bin storage rooms are set back approximately 800mm from the street boundary. The proposed setbacks are similar to existing buildings along Gaerloch Avenue.
2.5 Building design and streetscape		
• *Respond to streetscape* • *Sympathetic external finishes*	Yes	The proposal is consistent with the existing streetscape in terms of form, bulk, scale and setbacks. The existing streetscape does not feature consistent materials. The proposed materials are therefore acceptable within the context of the site.
2.9 Landscaping		
• *Minimum of 30% of site area landscaped*	N/A	The proposal does not alter the extent of landscaping at the site. The proposal includes planters on structures, which are not classed as landscape area.
2.11 Private Open Space		
2.11.2 – Balconies/decks • *Balcony additions to match the character of the building* • *Should not dominate the façade* • *Continuous wrap-around balconies which add bulk are discouraged*	Yes	The proposal includes enlarged balconies which integrate into the design of the building. The balconies wrap-around the building, which is discouraged by the DCP controls. However, the wrap-around nature of the balcony does not add significant bulk to the building and therefore is acceptable.

Development Control	Compliance	Comment
2.13 Solar access and overshadowing		
• *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*	N/A	The proposed balconies will not result in any solar access impact on the neighbouring property at 3 Gaerloch Avenue.
2.14 Views and view sharing		
• *Minimise view loss through design* • *Views from public spaces to be maintained*	Yes	The proposal has acceptable view impacts subject to a condition of consent requiring deletion of proposed planter boxes on the upper ground floor balcony to prevent vegetation impacting on views. See below this compliance table for further discussion.
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*		The proposed balconies do not result in any unreasonable privacy or solar access impacts on neighbours. The upper ground floor and first floor balconies feature planter boxes to their western edges, which reduce overlooking opportunities towards 3 Gaerloch Avenue to the south. The planter boxes will not be affected by the condition of consent requiring deletion of the eastern planter boxes discussed in detail below.

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

1.1 View sharing

The proposal has minor and acceptable impacts on views from 2 Kenneth Street as detailed below.

Under the NSW Land and Environment Court planning principle on view sharing arising from the case of *Tenancy Consulting vs. Warringah [2004] LEC 140*, the first step of assessing view sharing and view impacts is to consider the views affected. In this case, the affected views are:

- Partial views of Bronte Beach and the land-water interface,
- Expansive views of the Pacific Ocean,
- Expansive views of the cliffs and land-water interface in the background to the south of Bronte Beach,
- Partial views of the cliffs in the middle-ground north of Bronte Beach and the land-water interface, and
- Partial views of the cliffs in the foreground to the north of Tamarama Beach.

Figure 3: Existing view from eastern part of upper ground floor balcony

The views of the beach, ocean and cliffs in the background and middle-ground and associated land-water interfaces are highly valued. The view of the northern cliff in the foreground is of a very low value due to the small size of the cliff and the nature of the cliff being located inland from the ocean.

The second step is to consider which part of the property the view is obtained from. In this case views are achieved across the front boundary of the affected property and the front boundary of the development site. The views are achieved from a standing or seated position at upper ground and first floor levels.

The third step is to assess the extent of impact for the whole property, not just the views affected. In this case, views are affected from various locations at 2 Kenneth Street as follows:

Upper ground floor

Views are impacted from the upper ground floor living room and adjoining large balcony, from a seated or standing position as follows:

- Views of the beach are impacted from a standing position from a moderate to significant extent depending on where the viewer is located, and are retained from a seated position,
- Views of the middle-ground cliffs and land-water interface are impacted from a seated position from a moderate to significant extent depending on where the viewer is located, and are retained from a standing position,
- Expansive views of the background cliffs and the Pacific Ocean are not impacted, and
- The very low value views of the foreground cliffs are moderately impacted.

Figure 4: Depiction of view impacts viewed from eastern part of upper ground floor balcony from a standing position. Image supplied by applicant. The red areas indicate the proposed additions. The percentage annotations are the applicant's and have not been referred to in this assessment.

The overall impact on views from the upper ground floor balcony and living room are minor. Views of the beach and middle ground cliffs are impacted depending on where the viewer is located on the balcony / within the living room and whether they are standing or sitting, however similar views continue to be obtained from other locations on the balcony / within the living room. Expansive views of the Pacific Ocean, background cliffs and land-water interface are not affected.

First floor

Views are impacted from the first floor bedroom and adjoining large balcony, from a seated or standing position as follows:

- Views of the beach are impacted are impacted from a standing position by a minor extent and from a seated position by a very minor extent,
- Views of the middle-ground cliffs and land-water interface are impacted from a seated or standing position by a moderate extent,
- Expansive views of the background cliffs and the Pacific Ocean are not impacted, and

- The very low value views of the foreground cliffs are moderately impacted.

Figure 5: Depiction of view impacts viewed from eastern part of first floor balcony from a standing position. Image supplied by applicant. The red areas indicate the proposed additions. The percentage annotations are the applicant's, and have not been referred to in this assessment.

The overall impact on views from the upper ground floor balcony and bedroom are minor. The impact on views of the beach is minor, and valuable views of the he middle-ground cliffs are maintained despite the moderate impact. Expansive views of the Pacific Ocean and background cliffs and headland are maintained.

The overall impact on the property as a whole is minor. Expansive views of the Pacific Ocean and background cliffs are maintained. Views of Tamarama Beach and the middle-ground cliffs are largely maintained. Views of the very low value foreground cliffs are moderately impacted.

The fourth step is to assess the reasonableness of the proposal that is causing the impact. The exceedance of the FSR development standard does not impact any views other than the very low value views of the foreground cliffs. The remainder of the impacts are caused by balconies and pergolas which comply with the height of buildings development standard and setback controls. The proposal is therefore reasonable.

In conclusions, the overall impact on views is minor, highly valued views are generally maintained, and the impacts are caused by a reasonable proposal. In these circumstances the proposal promotes view sharing and is acceptable.

However, separate from the assessment above, there is the potential for vegetation growing from the proposed planters on the eastern side of the upper ground floor balcony at 1 Gaerloch Avenue to result in additional unreasonable view loss. A condition of consent is therefore included at Appendix A requiring the deletion of the proposed planters.

2.2. Other Impacts of the Development

The proposal is considered to have no significant likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality, subject to appropriate conditions being imposed and is recommended for approval.

2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.4. Any Submissions

The application was notified for at least 14 days between 17 February and 5 March 2026 in accordance with the *Waverley Community Engagement Strategy Amendment 1 (2025)*.

Following receipt of amended plans and additional information, the application was not re-notified as the amended plans did not result in any additional environmental planning impacts.

One submission was received, from 2 Kenneth Street, Tamarama.

The submission objected to the proposal due to impacts on views. This issue is discussed in section 2.1.3 of this report.

2.5. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Biodiversity

Council's Biodiversity Officer suggested conditions of consent requiring 90% of proposed vegetation to be native species due to the site being near to remnant vegetation. The condition of consent as not been applied, as the relevant provisions of Waverley DCP 2022 only apply where a development site adjoins remnant vegetation. In this case the closes remnant vegetation is approximately 41m from the site.

3.2. Traffic and Transport Development

The application was referred to Council's Traffic Engineers, and they have raised no objections to the proposal subject to the imposition of conditions of consent included at Appendix A of this report regarding construction management.

3.3. Stormwater Design and Flooding (Infrastructure Services)

The application was referred to Council's Infrastructure Engineers, and they have raised no objections to the proposal, subject to the imposition of conditions of consent included at Appendix A of this report requiring compliance with Council's technical requirements.

3.4. Waste Management

The application was referred to Waste Management officer, who supported the proposal.

3.5. Fire Safety

The application was referred to Council's Building Compliance Officer for Fire Safety, who raised no objection subject to compliance with the National Construction Code.

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 conditions in Appendix A.

Managers of Development Assessment (MODA) Review

The application was reviewed by the MODA at the meeting on 5 May 2026 and the MODA concurred with the Assessment Planner's recommendation.

MODA members: B McNamara, B Magistrale and K Johnstone

Report prepared by:	Application reviewed and agreed by:
David Knight	**Ben Magistrale**
Senior Development Assessment Planner	**Manager, Development Assessment**
Date: 10 July 2026	**Date: 10 July 2026**

Reason for WLPP referral:

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

OFFICE USE ONLY

Planning Portal Data	
Clause 4.6 register entry required (For the purposes of reporting to the planning portal, if the % approved is different to the % proposed in the original submission, please state what the variation initially proposed was – Planning Portal Requirement)	N/A OR 62.6% 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 lower ground floor 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 (if yes, specify how many units)
Secondary Dwelling *This is a planning portal reporting requirement	No (if yes, specify how many units)
Boarding House *This is a planning portal reporting requirement	No
Group Home *This is a planning portal reporting requirement	No
Does the proposal trigger a Housing & Productivity Contribution? If so, please ensure you have calculated the contribution in the CON case in the Planning Portal.	No

Is the development subject to the Special Infrastructure Contribution (SIC)?	No (if yes, specify how many units)
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 DA-668/2025

GENERAL CONDITIONS

APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by Habitation Design + Interiors including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
A101 A	SITE PLAN	24/09/2025	10/07/2026
A102 A	BASEMENT PLAN	24/09/2025	10/07/2026
A103 A	GROUND FLOOR PLAN	24/09/2025	10/07/2026
A104 A	FIRST FLOOR PLAN	24/09/2025	10/07/2026
A105 A	ROOF PLAN	24/09/2025	10/07/2026
A106 A	ELEVATIONS	24/09/2025	10/07/2026
A107 A	ELEVATIONS	24/09/2025	10/07/2026
108 A	SECTION A	24/09/2025	10/07/2026

(b) The BASIX and NatHERs Certificate/s;

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 upper ground floor level (annotated as “Ground Floor” on the architectural plans) planters along the eastern and south-eastern edges of the balcony to Unit 02 are to be deleted and replaced with a solid balustrade with sandstone finish to match the surrounding materials. The area previously occupied by the planters will become balcony space. The balustrade height must be no higher than the proposed planters.

Condition reason: To prevent view loss associated with vegetation growing above the height of the balustrade.

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

Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

3. COMPLIANCE WITH NATIONAL CONSTRUCTION CODE

All proposed work must comply with the *National Construction Code* (previously known as the *Building Code of Australia*).

Condition reason: Prescribed condition pursuant to the *Environmental Planning and Assessment Regulation 2021*.

4. MATERIALS FOR MAKING GOOD

New materials for making good and repairs, are to match the existing in terms of colours, finishes, sizes, profile and properties.

Condition reason: To ensure appropriate materials and finishes are used.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

GENERAL

5. NO BUILDING WORKS PRIOR TO RELEASE OF A CONSTRUCTION CERTIFICATE

The building work must not be commenced until:

(a) a Construction Certificate has been obtained from Council or an Accredited Principal Certifier in accordance with the *Environmental Planning and Assessment Act 1979*;

(b) a Principal Certifier 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.

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* 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 $500,001 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 $1,000,001 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).

  (ii) Please forward documents to info@waverley.nsw.gov.au attention to Strategic Planning, and reference the relevant application number, address and condition number to satisfy.

  (iii) 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.

(iv) Should there be a discrepancy between the Detailed Cost Report 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 is 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.

(e) Where a modification to a development consent has been granted, the contribution is to be recalculated based on the amended total development cost.

(f) Prior to the issue of any Construction Certificate, evidence must be provided to the Principal Certifier 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 S7.12 Contributions are paid for the development and any amendments are accounted for.

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 Certifier prior to the issue of any Construction Certificate.

Note: Council acts as a collecting agent for the Long Service Payment Corporation and the levy may be paid at Council's office or online via the Service NSW website. 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. SECURITY DEPOSIT

(a) Payment to the amount of $22,960 must be provided to Council for any damage caused to any property of the consent authority (i.e. 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 fee is charged in accordance with Council's *Pricing Policy and Schedule of Fees and Charges*.

(b) This payment (security deposit) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the security 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 of all of works associated with this

consent (including the required public works) to the person who paid the deposit. Any works required to Council property associated with the consent need to be undertaken with the approval of the Infrastructure Services Department and in line with current Council standards. See the General Advisory Notes at the end of this consent for further details.

Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.

9. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

The Applicant must 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 *Pricing Policy and Schedule of Fees and 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 allow for Council assessment officer time to assess engineering plans for approval and ensure payments are made prior to commencement of works.

CONSTRUCTION AND SITE MATTERS

10. HOARDING FOR CONSTRUCTION SITES

A hoarding is a temporary structure of solid construction, erected around the perimeter of construction sites to shield them from view and prevent unauthorised access. It is an important component in ensuring health and safety, for site workers, visitors and the general public and can also be part of a site security system to prevent theft or vandalism. The design and construction of any hoarding must be in accordance with the requirements of *Safe Work NSW*.

Council authorisation is required when construction or other works will impact a footpath, such as the erection of hoarding or scaffolding, or the storage of building materials. Refer to Waverley Council's website by visiting the Hoarding and Scaffolding Guidelines webpage for more information.

To apply to occupy Council property (public domain and/or footway), complete the 'Application for Occupation of Council Footpath' form and submit it, directly to email building.compliance.admin@waverley.nsw.gov.au .

Please allow a minimum of 2weeks for processing your application.

Note: You are not to erect the hoarding or store building materials on Council's footpath until written permission is given by Council and all relevant fees have been paid. Failure to do so, may result in enforcement action.

Condition reason: Under Section 68 of the *Local Government Act 1993* and under Section 138 of *The Roads Act 1993*, where Occupation of Council property is required over the footpath or any public place, the approval of Council must be obtained and the applicable fees paid prior to any occupation. This is to ensure the safety of the site and public whilst construction occurs.

11. EROSION AND SEDIMENT CONTROL PLAN

(a) A *Soil and Water Management Plan* (SWMP), also known as an Erosion and Sediment Control Plan must be prepared by a suitably qualified person in accordance with *Waverley Council's Water Management Technical Manual*.

(b) The SWMP must be submitted and approved by the Principal Certifier prior to the issue of any Construction Certificate. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request.

(c) 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 no substance other than rainwater enters the stormwater system and waterways.

12. ENGINEERING DETAILS

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

Condition reason: To ensure the structural stability of work on site.

TRAFFIC MATTERS

13. 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. CTMP's are to be submitted via email to traffic@waverley.nsw.gov.au for assessment. 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

Note: It is recommended that any sites that are significantly large meet with Council prior to the preparation of the CTMP to discuss specifics. All sites within Waverley Council require the installation of a Construction Zone for the duration of building works unless the applicant is able to demonstrate adequate access is available otherwise.

Once approved, the works must be undertaken in line with and comply with the CTMP. Any modifications must be approved by Council's Executive Manager, Infrastructure Services, or delegate.

Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

STORMWATER AND FLOODING

14. STORMWATER MANAGEMENT

The submitted stormwater plan prepared by Vanguard Consulting Engineers, Job No. V2501114, Drawing No. SW000, SW001, SW100, SW101 & SW102 Rev. A, dated 09/12/2025 is considered conditionally satisfactory.

The applicant must submit updated stormwater management plans and specification to the Principal Certifier to demonstrate that the drainage system is designed in accordance with the Development Consent, the current Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards, and good engineering practices. The submitted plans must be in accordance with the approved stormwater drainage design drawing, except where modified by the following:

(a) The existing kerb outlet must be replaced and upgraded to hot dipped galvanised steel hollow section with the size of 125mm x 75mm x 4mm (w x h x t). Note a minimum of 1m width of concrete kerb and gutter must be replaced encompassing 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 found to be in a deteriorated state. A note must be added to the drawings to clarify this requirement.

(b) 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.

Condition reason: To ensure the design is in accordance with the Development Consent, relevant Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards, and good engineering practices.

WASTE

15. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted and approved by the Principal Certifier 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, and the contact details of those removing the waste 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.

LANDSCAPE & TREES

16. 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) prior to the issue of the relevant Construction Certificate. The Landscape Plan shall provide a plant species list having:

(b) a minimum of 50% of the proposed trees, and

(c) a minimum of 50% of the shrubs, and

(d) a minimum of 50% of the grasses and groundcovers (not including turfed areas)

(e) 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.

(f) Landscape plans must include a planting schedule that lists all proposed plant species, plant number/s for each species and pot size including approved **replacement trees**.

(g) Three vegetation levels are required to be included in landscape design, e.g. (i) tree or tall shrub canopy, (ii) mid-storey and (iii) groundcover layer.

Condition reason: To ensure appropriate levels of native vegetation are included, providing vital habitat, shelter and food for local wildlife.

COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

17. CONSTRUCTION SIGNS

Prior to commencement of any works on the site and during construction phase, a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number and email address) of the Principal Certifier 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 Certifier and principal contractor's (the coordinator of the building works) contact details.

18. DILAPIDATION REPORT

(a) 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 Certifier. At minimum, the following properties are to be included:

(i) 3 Gaerloch Avenue, Tamarama

(ii) 17 Alexander Street, Tamarama

(b) 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 Certifier that all reasonable steps were taken to obtain access to the adjoining properties.

(c) The report is to be dated, submitted to, and accepted by the Principal Certifier, prior to any work commencing on the site.

(d) 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.

(e) 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 affected neighbours and council are provided with the dilapidation report.

19. SURVEY SETOUT

Prior to the commencement of construction, all footings, walls and floor slabs adjacent to a boundary must be set out by a registered surveyor. The building shall be sufficiently set back to ensure that no component of the building (such as the roof, guttering, or downpipes) encroach upon or overhang the boundaries of the site.

The registered surveyor shall provide a survey and report to the Principal Certifier indicating the position of the footings, walls and floor slabs in relation to the boundaries of the allotment, prior to the commencement of construction works.

Condition reason: To ensure the development does not encroach onto neighbouring properties.

DEMOLITION & EXCAVATION

20. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

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

(a) *Work Health and Safety Act 2011*;

(b) *Work Health and Safety Regulation 2017*;

(c) SafeWork NSW *Code of Practice* for the Safe Removal of Asbestos;

(d) *Australian Standard 2601-2001* – Demolition of Structures;

(e) *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 and Hazardous Materials Assessment for the approval of the Principal Certifier in accordance with *Australian Standard AS 2601-2001* Demolition of Structure and a Hazardous Materials Assessment.

The Work Plan and Hazardous Materials Assessment shall be prepared by a suitably qualified person and shall:

(i) Outline the identification of any hazardous materials, including surfaces coated with lead paint;

(ii) Confirm that no asbestos products are present on the subject land, or

(iii) 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);

(iv) Describe the method of demolition;

(v) Describe the precautions to be employed to minimise any dust nuisance; and

(vi) Describe the disposal methods for hazardous materials.

Condition reason: To ensure the safety of workers and the general public.

21. CONTROL OF DUST ON CONSTRUCTION SITES

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

(a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray.

(b) Water must not be allowed to enter the street and stormwater systems.

(c) Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

(d) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to *Australian Standard AS1716* - 2012 Respiratory Protective Devices.

Condition reason: To ensure the safety of workers and the general public.

22. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

Prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the *NSW EPA Waste Classification Guidelines 2014* to the satisfaction of the Principal Certifier.

Condition reason: To ensure that contaminated soil not escape the site.

CONSTRUCTION MATTERS

23. CONSTRUCTION HOURS

(a) 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.

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

(c) 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 during construction.

24. 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 boundaries. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval. If required, you can apply to temporarily use Council’s footpath for the erection of a hoarding, scaffold, mobile scaffold, scissor lift, ladders, barricades for abseiling work, and/or storage of building materials on Council’s footpath. This is

a separate application form and assessment process. Details of this can be found on Council's website under 'Occupation of Council Footpath'.

https://www.waverley.nsw.gov.au/planning/application_forms_and_certificates

Condition reason: To ensure building material is stored in an appropriate location.

25. BASIX (DURING BUILDING WORK)

During construction, the Principal Certifier should ensure the commitments listed in the BASIX certificate are met when conducting critical stage inspections.

Condition reason: To ensure compliance with the *SEPP (Sustainable Buildings 2022)*

26. CRITICAL/MANDATORY BUILDING INSPECTIONS DURING CONSTRUCTION

The building works are to be inspected during construction by the Principal Certifier in accordance with, 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.

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 for each level is to be submitted to the Principal Certifier during construction and prior to continuing with the construction of the subsequent level of the building. A final Certificate from a Registered Surveyor is required to be submitted for approval of the Principal Certifier, certifying the finished ridge and overall building height levels accord with the approved architectural plans.

Condition reason: To ensure buildings are sited and positioned in the approved location and to the approved height.

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 Certifier 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, including storage of building materials or goods. Separate approval is required for any works outside the property boundary, with fees being paid where applicable. Requests are to be made via email to assets@waverley.nsw.gov.au.

Condition reason: To ensure all works are located within the property boundary and specific approval is sought for any external works.

STORMWATER

30. DISPOSAL OF SEEPAGE AND STORMWATER

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.

Condition reason: To ensure the proper management of stormwater runoff.

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 Certifier in all instances, except where a condition explicitly specifies that the approval of Council or a Council Officer is required, prior to the issue of an Occupation Certificate or Subdivision Certificate, whichever applies.

CERTIFICATES, LICENSES, EASEMENTS AND RESTRICTIONS

31. FINAL OCCUPATION CERTIFICATE

(a) Prior to occupation or use of the development, an Occupation Certificate must be obtained.

(b) The Principal Certifier 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.

32. CERTIFICATION OF BASIX COMMITMENTS

All commitments listed in each relevant BASIX Certificate for the development must be fulfilled prior to any Occupation Certificate being issued.

Condition reason: To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under clause 75, *Environmental Planning and Assessment Regulation 2021*).

33. CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE

Prior to the issue of any Occupation certificate, 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.

Certification must be provided from a suitably qualified and practicing Engineer or Plumber, that any retained stormwater drainage system is unblocked, in good working order, and has been repaired or replaced in accordance with Council's Water Management Technical Manual and Development Control Plan and all applicable Codes, Policies, Plans, Standards and good engineering practice.

A copy of the certifications must be submitted to the assessing stormwater engineer within Infrastructure Services for approval.

Condition reason: Ensure stormwater drainage system has been constructed or retained as per the approved stormwater management plans.

GENERAL ADVISORY NOTES

1. DEVELOPMENT IS TO COMPLY WITH LEGISLATION

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.

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 *Environmental Planning and Assessment Act 1979* 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:

(a) Please read your conditions carefully.

(b) 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).

(c) Attention the documentation to the relevant officer/position of Council (where known/specified in condition).

(d) Include DA reference number.

(e) Include condition number/s seeking to be addressed.

(f) 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).

(g) 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.

(h) 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.

(i) Please note, in some circumstances, additional fees and/or additional documents (hard copy) may be required.

(j) 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.

4. 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.

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 1800 810 443.

6. ALTERATIONS AND ADDITIONS ONLY

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

7. ADDITIONAL INFORMATION IN RELATION TO SECURITY DEPOSIT – RELEASE PROCESS

Following completion of all works and satisfaction of all consent conditions, an Occupation Certificate will be issued for the site and uploaded to the NSW Planning Portal. Waverley Council will receive notification of this achievement and will begin the process of reviewing the site prior to release of the site's security deposit.

An officer from the Infrastructure Services team will attend the site and inspect the public domain in order to confirm that all public domain works within the conditions of consent have been completed to Council's satisfaction and that no damage has occurred associated with the works. Specifically, they will be assessing the condition of the:

(a) Footpath/s,

(b) Kerb and Gutter,

(c) Nature strip, turf and any trees,

(d) Stormwater assets,

(e) Driveway crossings,

(f) Roadway/s, &;

(g) Any other public assets within the frontage or affected by the works.

It is the applicant's responsibility to ensure that the public domain is undamaged from the construction works which have occurred, and that any assets which have been renewed are

completed with the consent of the Infrastructure Services Department (assets@waverley.nsw.gov.au) and in line with current Waverley Council Standards and Guidelines. Should there be any damage identified or works completed which do not meet Council's quality requirements, a Council officer will be in contact to outline what needs to be rectified prior to the release of the Security Deposit. Once all issues have been rectified to Council's satisfaction, the finance department will be notified to process the refund.

If no issues are identified onsite, the full security deposit should be typically expected to be refunded within 12 weeks from the date of upload of the site's final Occupation Certificate to the NSW Planning Portal by the site's Principal Certifier.

8. ENCROACHMENT BEYOND BOUNDARY

Vehicles parked on the hardstand shall not encroach onto the Council's footpath area at any time.

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 *Environmental Planning and Assessment Regulation 2021* 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 *Environmental Planning and Assessment Act 1979*.

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 *Environmental Planning and Assessment Act 1979* 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 *Environmental Planning and Assessment Regulation 2021*.

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

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Date Received: 10/07/2026

AMENDED PLANS

SITE LOCATION MAP N.T.S

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BASEMENT PLAN	A102
GROUND FLOOR PLAN	A103
FIRST FLOOR PLAN	A104
ROOF PLAN	A105
ELEVATIONS	A106
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SECTION	A108
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habitation
Design + Interiors
0414 962 013
PO Box 197
Burwood NSW 1805
josephr@habitationdesign.com.au
www.habitationdesign.com.au

Member
Australian Institute of Architects
Nominated Architect:
Joseph Panetta
NSW Architects Registration
Board No: 9505

REVISION

ISSUE	DATE	DESCRIPTION	AUTHOR	ISSUED BY
A	24.09.25	DEVELOPMENT APPLICATION ISSUE		J.P

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COVER PAGE

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N

DEVELOPMENT APPLICATION
ALTERATIONS AND ADDITIONS

CLIENT:
MR. B OLLIVER

ADDRESS:
1 GAERLOCH AVENUE, TAMARAMA

SCALE @ A1:
SCALE @ A3:
DRAWN BY: F.A
DATE: 09/07/26
CHECKED BY: J.P
SHEET NUMBER: A100
PROJECT NUMBER: 25363

AMENDED PLANS

278
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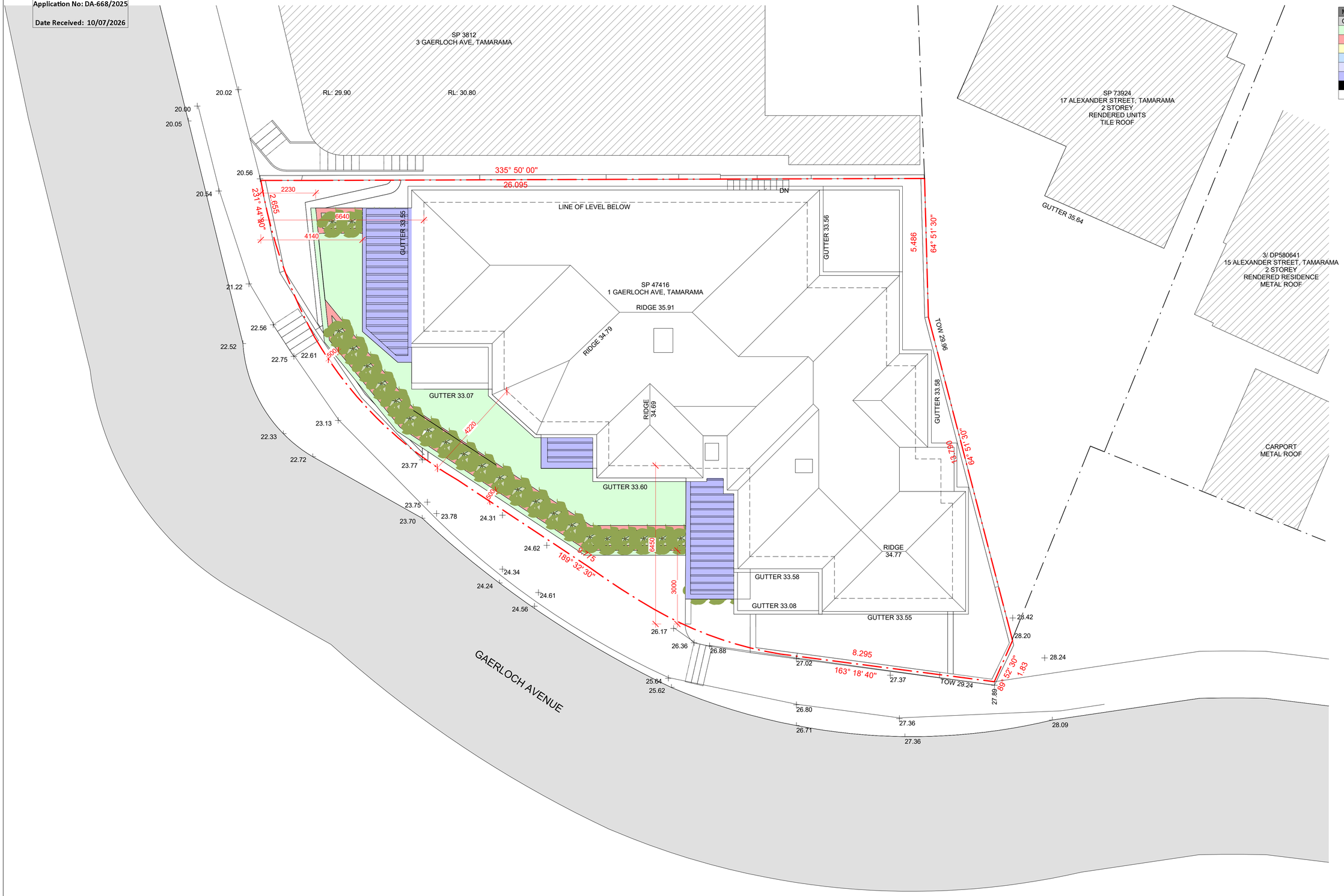

MATERIAL LEGEND	
COLOR	MATERIAL TYPE
	CONCRETE
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SITE PLAN

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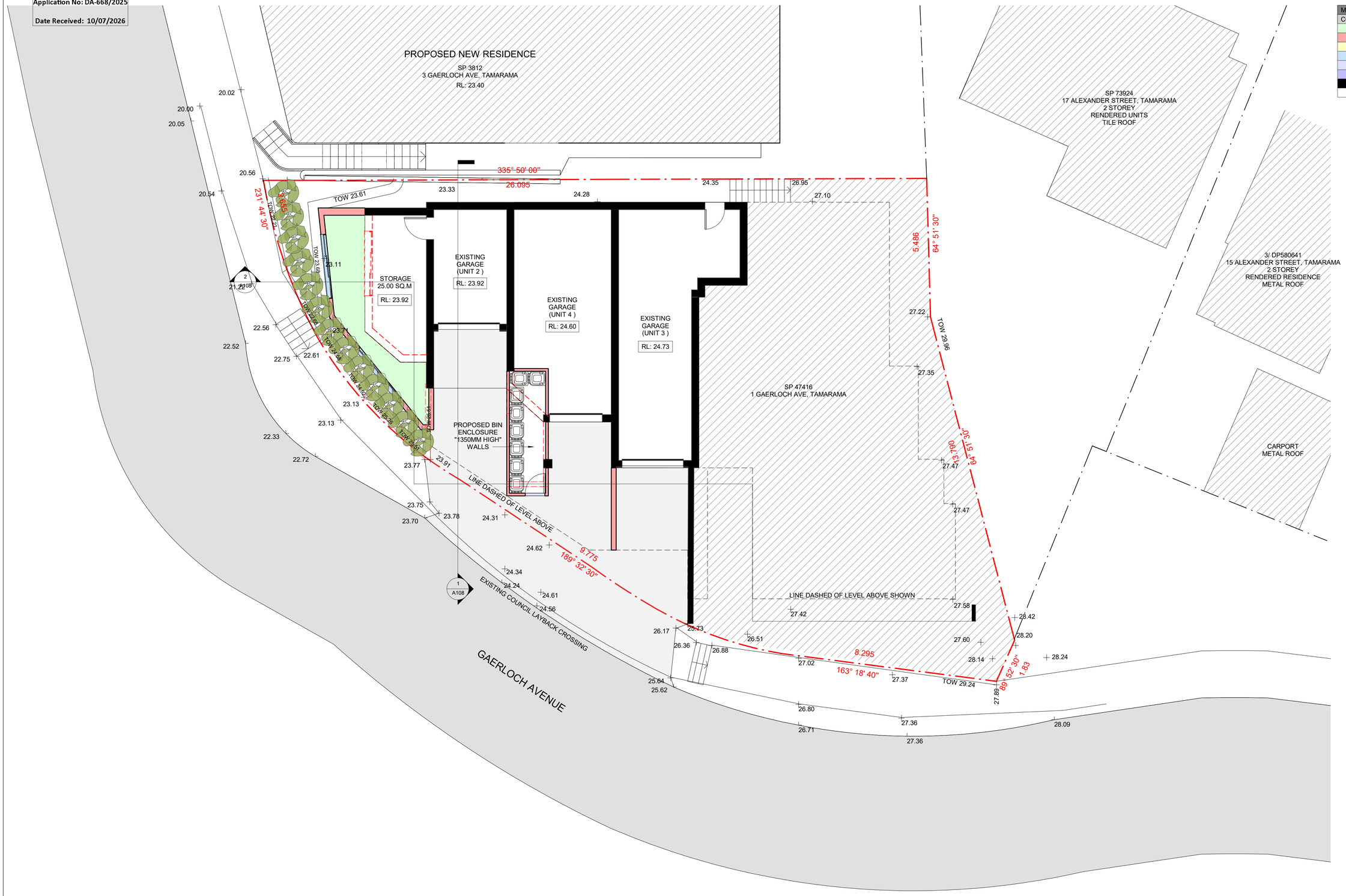

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Design + Interiors
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PO Box 197
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BASEMENT PLAN

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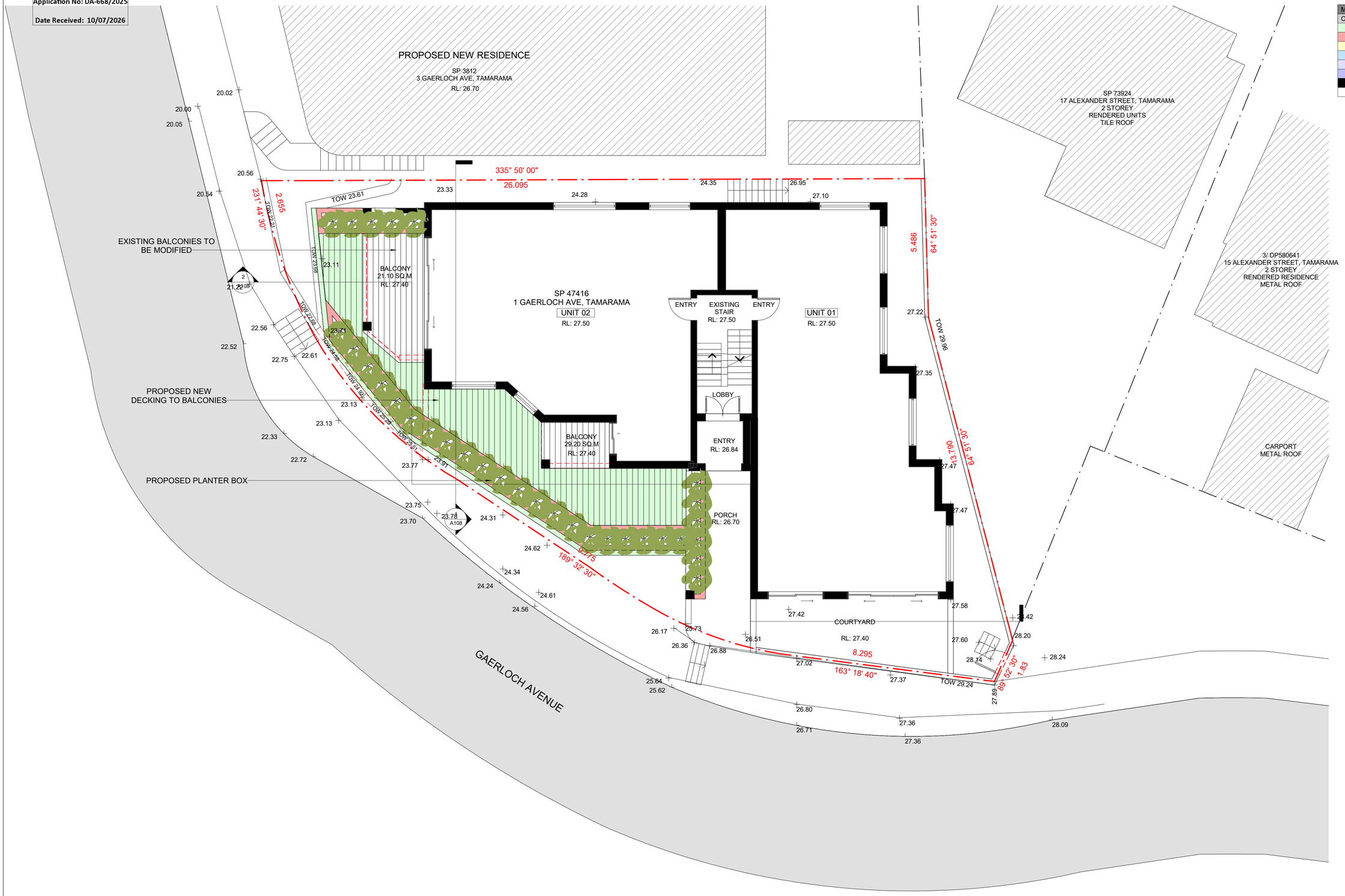

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GROUND FLOOR PLAN

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DEVELOPMENT APPLICATION
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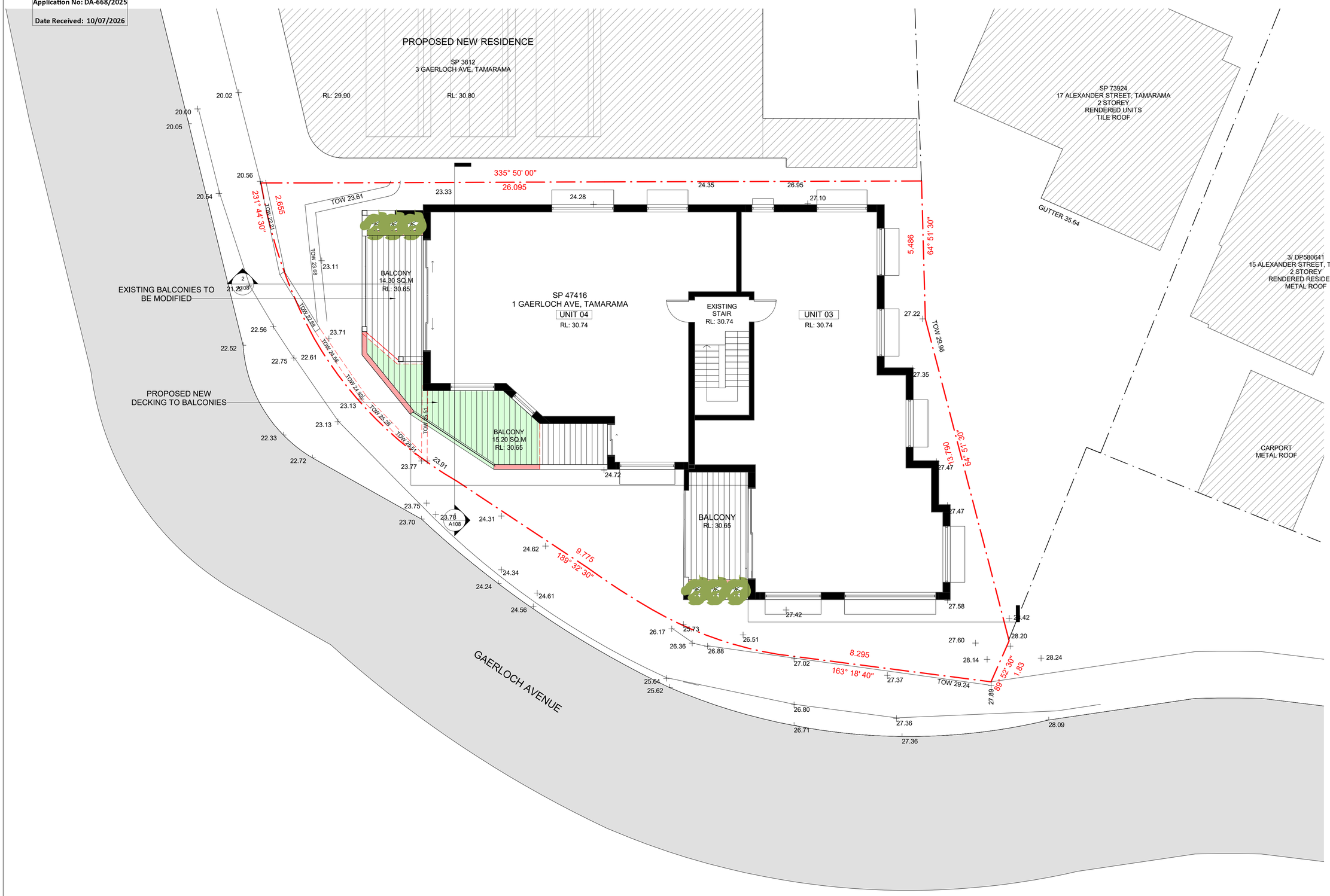

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FIRST FLOOR PLAN

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DEVELOPMENT APPLICATION
ALTERATIONS AND ADDITIONS

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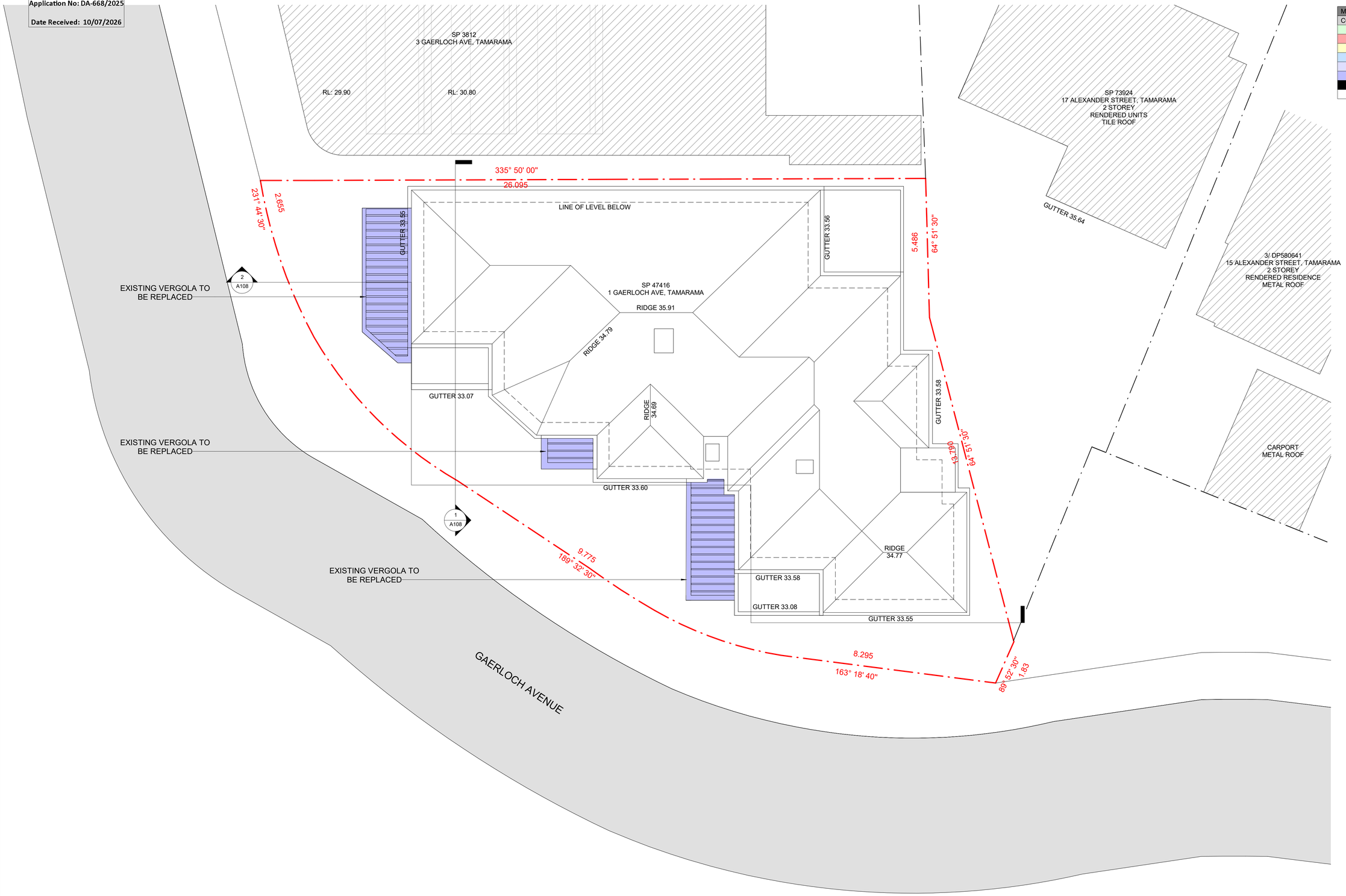

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	BRICK
	TIMBER
	GLASS
	STEEL WORK
	METAL ROOFING
	EXISTING STRUCTURE TO BE RETAINED
	EXISTING STRUCTURE TO BE REMOVED

habitation
Design + Interiors
0414 962 013
PO Box 197
Burwood NSW 1805
joseph@habitationdesign.com.au
www.habitationdesign.com.au

Member
Australian Institute of Architects
Nominated Architect:
Joseph Panetta
NSW Architects Registration
Board No: 9505

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A	24.09.25	DEVELOPMENT APPLICATION ISSUE		J.P

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282

ROOF PLAN

PRELIMINARY
NOT FOR CONSTRUCTION

N

DEVELOPMENT APPLICATION
ALTERATIONS AND ADDITIONS

CLIENT:
MR. B OLLIVER

ADDRESS:
1 GAERLOCH AVENUE, TAMARAMA

SCALE @ A1:	As indicated
SCALE @ A3:	1 : 150
DRAWN BY: F.A	DATE: 09/07/26
CHECKED BY: J.P	SHEET NUMBER: A105
PROJECT NUMBER: 25363	

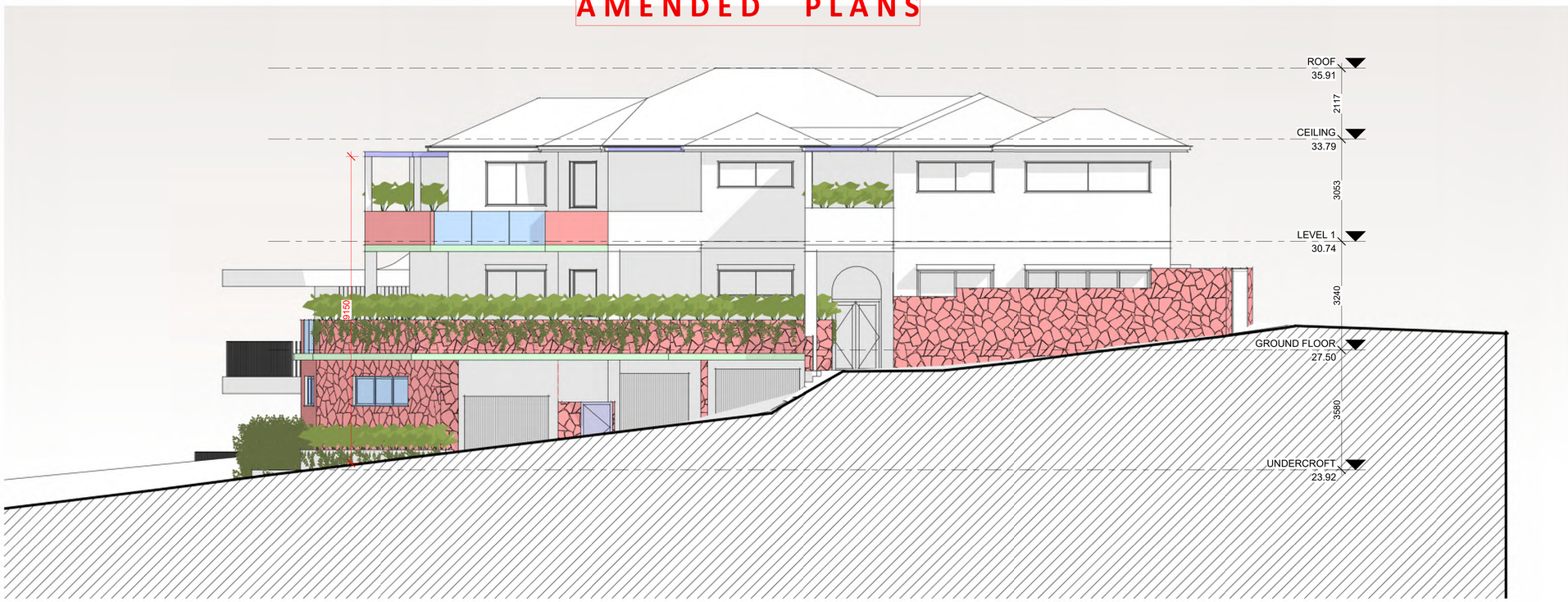
283 RECEIVED
Waverley Council

Application No: DA-668/2025

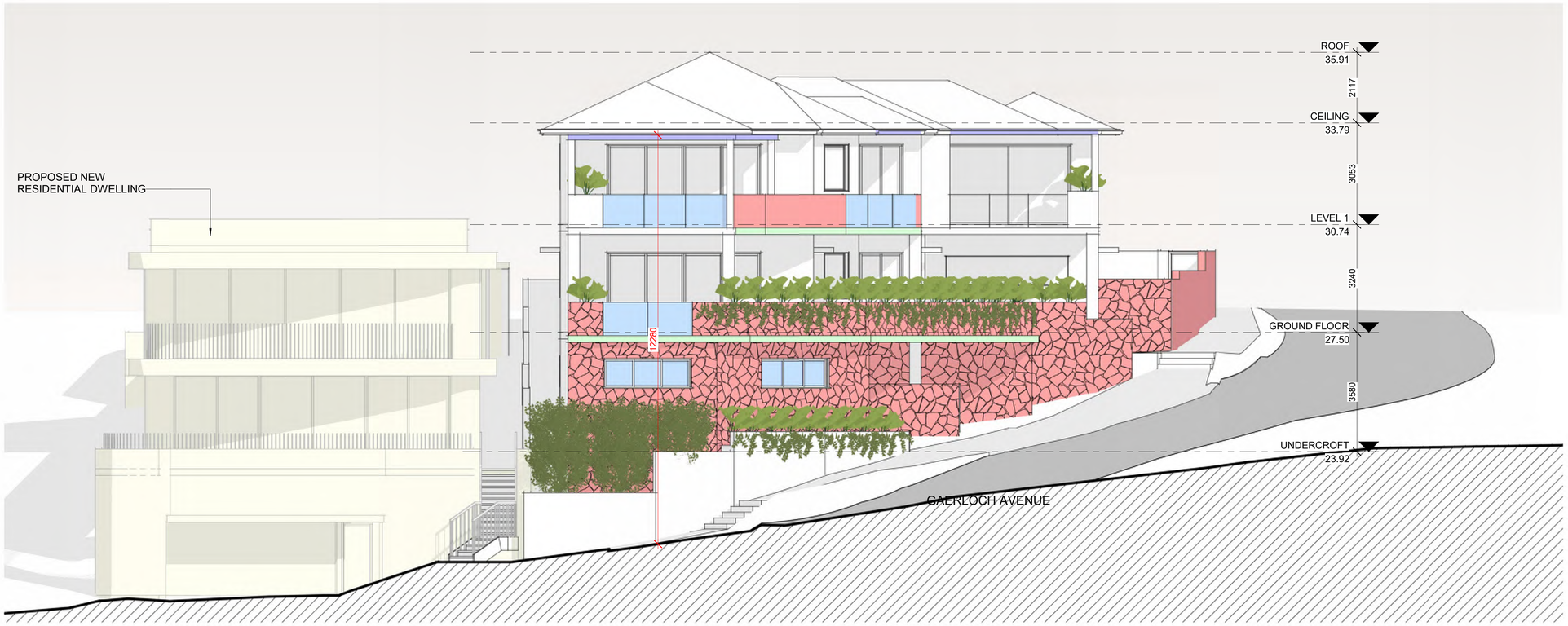
Date Received: 10/07/2026

AMENDED PLANS

MATERIAL LEGEND	
COLOR	MATERIAL TYPE
	CONCRETE
	BRICK
	TIMBER
	GLASS
	STEEL WORK
	METAL ROOFING
	EXISTING STRUCTURE TO BE RETAINED
	EXISTING STRUCTURE TO BE REMOVED



2 NORTH ELEVATION
1 : 75



1 EAST ELEVATION
1 : 75

habitation
Design + Interiors
0414 962 013
PO Box 197
Burwood NSW 1805
joseph@habitationdesign.com.au
www.habitationdesign.com.au

Member
Australian Institute of Architects
Nominated Architect:
Joseph Panetta
NSW Architects Registration Board No: 9505

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ELEVATIONS

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283

DEVELOPMENT APPLICATION
ALTERATIONS AND ADDITIONS

CLIENT: MR. B OLLIVER

ADDRESS: 1 GAERLOCH AVENUE, TAMARAMA

SCALE @ A1:	As indicated
SCALE @ A3:	1 : 150
DRAWN BY: F.A	DATE: 09/07/26
CHECKED BY: J.P	SHEET NUMBER: A106
PROJECT NUMBER: 25363	

284
RECEIVED
Waverley Council
Application No: DA-668/2025
Date Received: 10/07/2026

AMENDED PLANS

MATERIAL LEGEND	
COLOR	MATERIAL TYPE
	CONCRETE
	BRICK
	TIMBER
	GLASS
	STEEL WORK
	METAL ROOFING
	EXISTING STRUCTURE TO BE RETAINED
	EXISTING STRUCTURE TO BE REMOVED

1 SOUTH ELEVATION
1 : 75

2 WEST ELEVATION
1 : 75

habitation
Design + Interiors
0414 962 013
PO Box 197
Burwood NSW 1805
josephlt@habitationdesign.com.au
www.habitationdesign.com.au

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Australian Institute of Architects
Nominated Architect:
Joseph Panetta
NSW Architects Registration
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ELEVATIONS

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DEVELOPMENT APPLICATION
ALTERATIONS AND ADDITIONS

CLIENT: MR. B OLLIVER

ADDRESS: 1 GAERLOCH AVENUE, TAMARAMA

SCALE @ A1:	As indicated
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DRAWN BY: F.A	DATE: 09/07/26
CHECKED BY: J.P	SHEET NUMBER: A107
PROJECT NUMBER: 25363	

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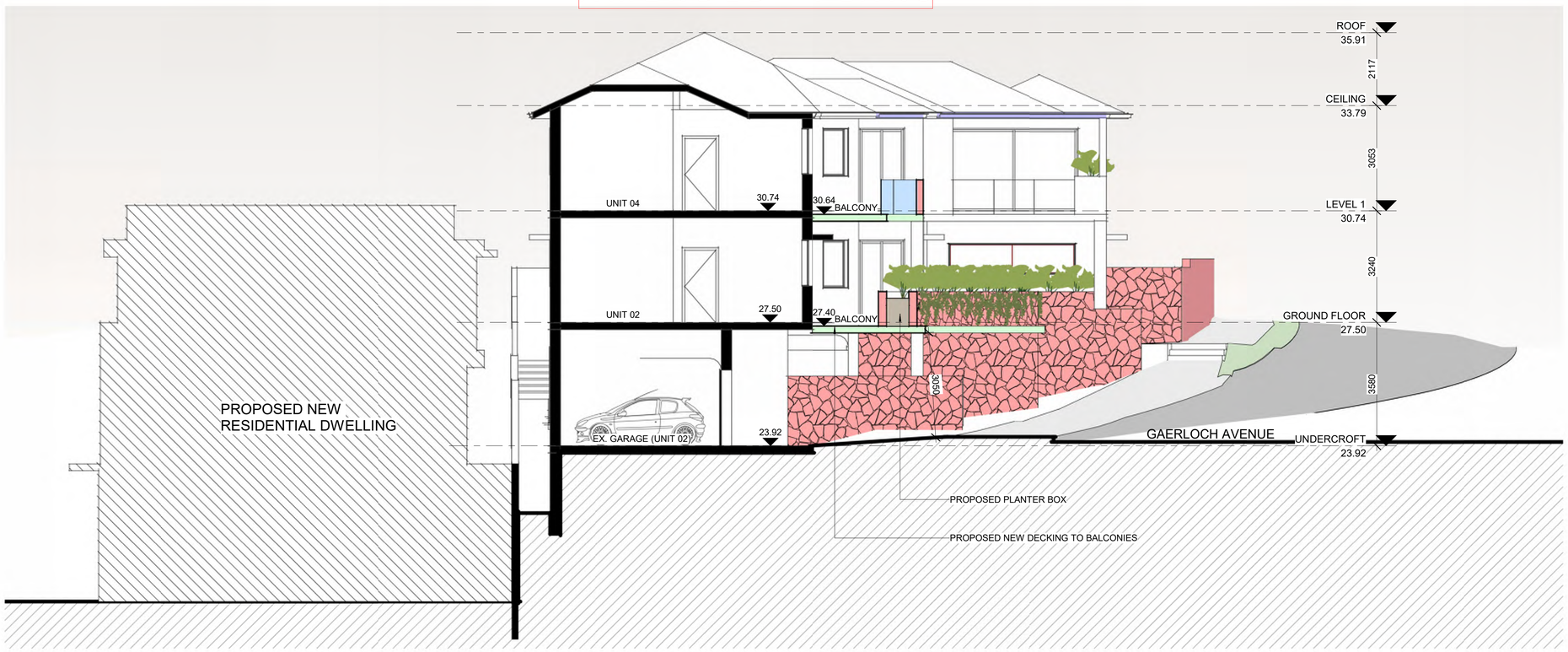
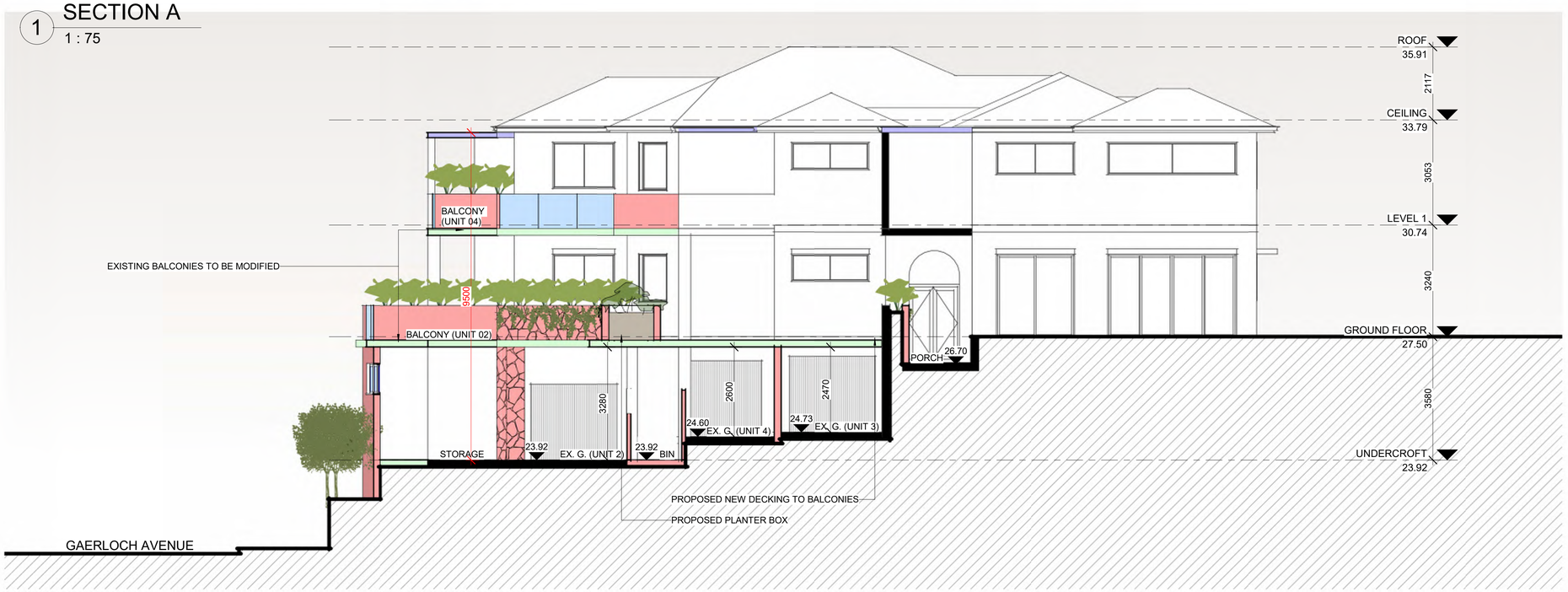
Application No: DA-668/2025
Date Received: 10/07/2026

AMENDED PLANS



MATERIAL LEGEND	
COLOR	MATERIAL TYPE
	CONCRETE
	BRICK
	TIMBER
	GLASS
	STEEL WORK
	METAL ROOFING
	EXISTING STRUCTURE TO BE RETAINED
	EXISTING STRUCTURE TO BE REMOVED

1 SECTION A
1 : 75



2 SECTION B
1 : 75

habitation
Design + Interiors
0414 962 013
PO Box 1927
Burwood NSW 1805
joseph@habitationdesign.com.au
www.habitationdesign.com.au

Member
Australian Institute of Architects
Nominated Architect:
Joseph Panetta
NSW Architects Registration
Board No: 9505

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285

SECTION

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DEVELOPMENT APPLICATION
ALTERATIONS AND ADDITIONS

CLIENT:
MR. B OLLIVER

ADDRESS:
1 GAERLOCH AVENUE, TAMARAMA

SCALE @ A1:	As indicated
SCALE @ A3:	1 : 200
DRAWN BY: F.A	DATE: 09/07/26
CHECKED BY: J.P	SHEET NUMBER:
PROJECT NUMBER: 25363	A108

286
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Waverley Council
Application No: DA-668/2025
Date Received: 10/07/2026

AMENDED PLANS

SITE LOCATION MAP N.T.S

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BASEMENT PLAN	A102
GROUND FLOOR PLAN	A103
FIRST FLOOR PLAN	A104
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habitation
Design + Interiors
0414 962 013
PO Box 197
Burwood NSW 1805
josephr@habitationdesign.com.au
www.habitationdesign.com.au

Member
Australian Institute of Architects
Nominated Architect:
Joseph Panetta
NSW Architects Registration
Board No: 9505

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COVER PAGE

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DEVELOPMENT APPLICATION
ALTERATIONS AND ADDITIONS

CLIENT:
MR. B OLLIVER

ADDRESS:
1 GAERLOCH AVENUE, TAMARAMA

SCALE @ A1:
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DRAWN BY: F.A
DATE: 09/07/26
CHECKED BY: J.P
SHEET NUMBER: A100
PROJECT NUMBER: 25363

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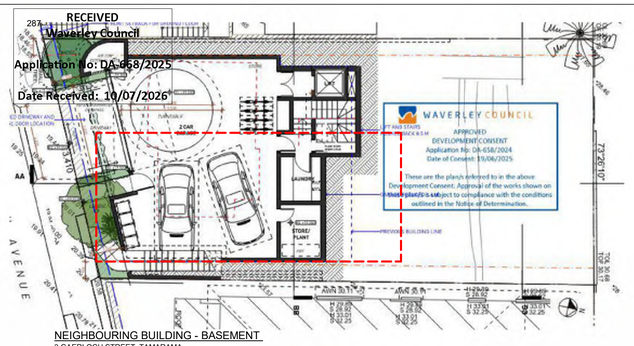
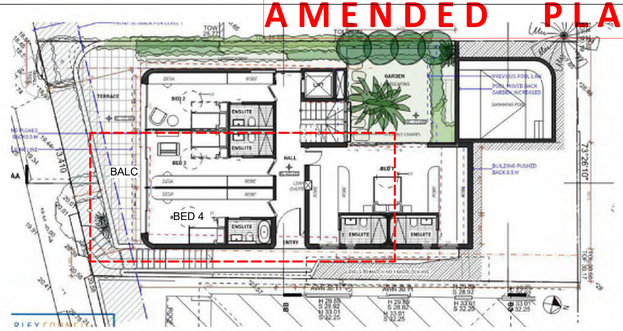
Application No: DA-658/2025
Date Received: 10/07/2026

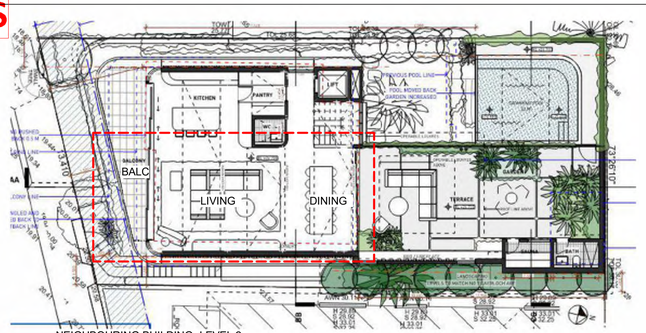
AMENDED PLANS



NEIGHBOURING BUILDING - BASEMENT
3 GAERLOCH STREET, TAMARAMA



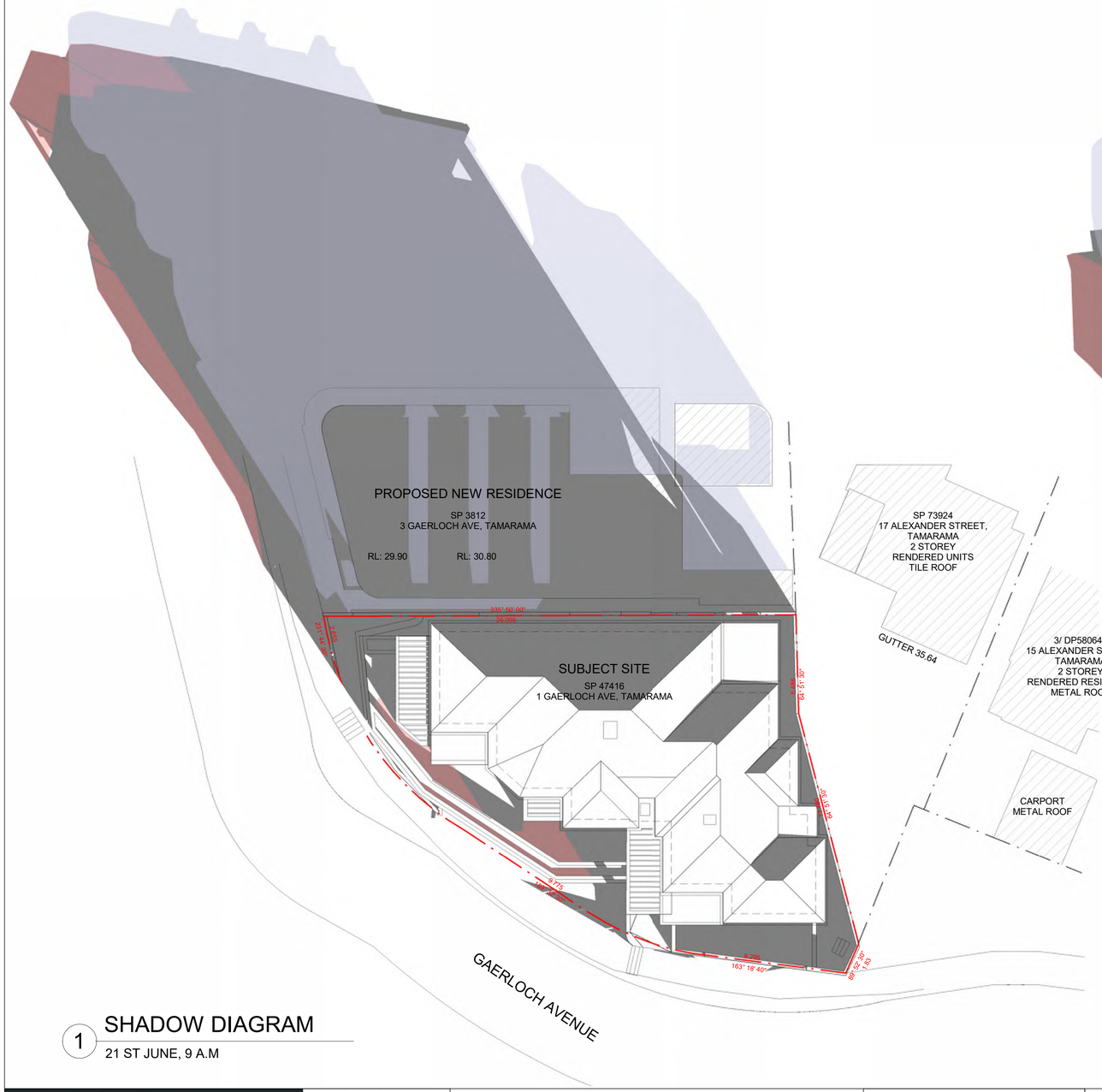
NEIGHBOURING BUILDING - LEVEL 1
3 GAERLOCH STREET, TAMARAMA



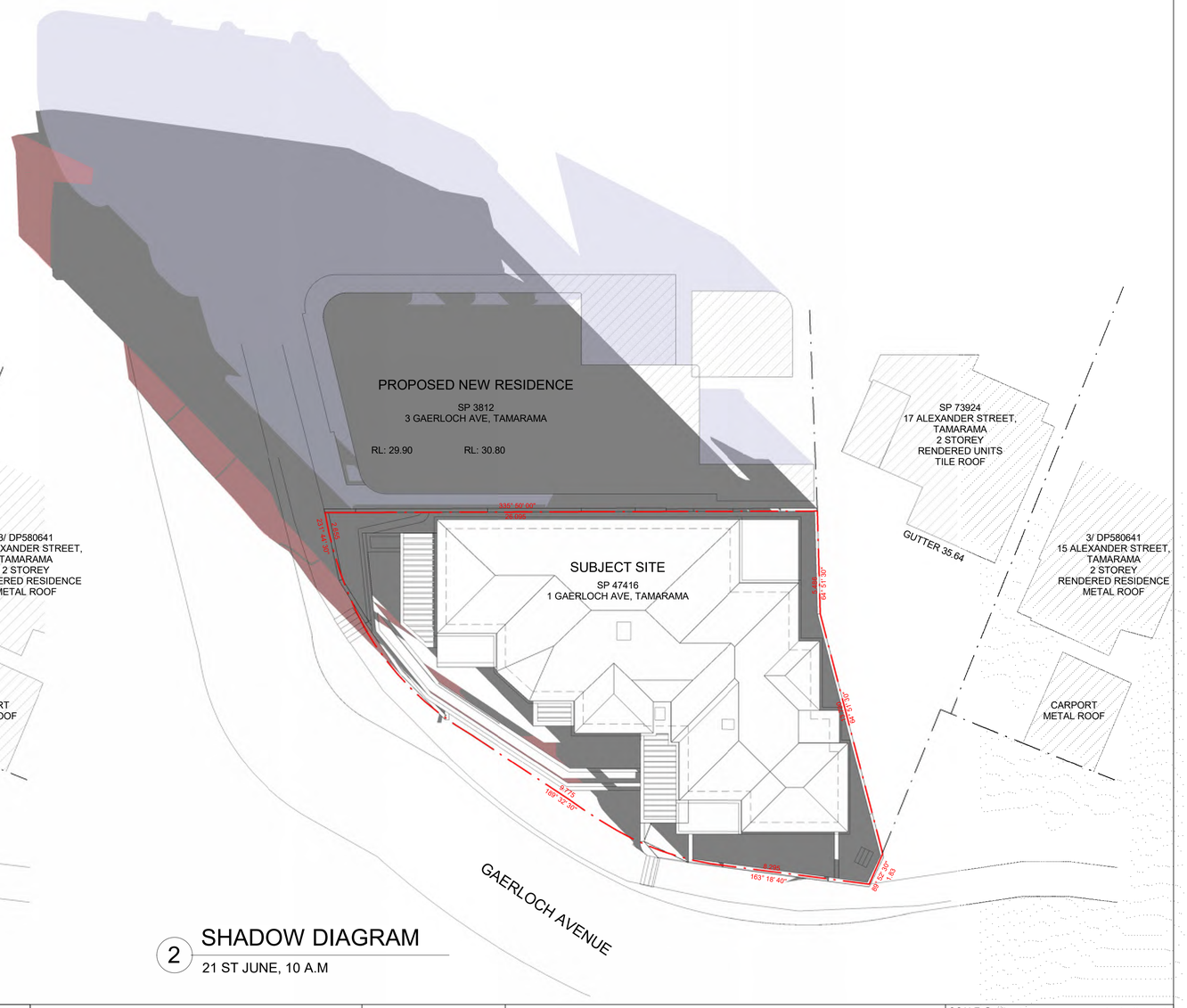
NEIGHBOURING BUILDING- LEVEL 2
3 GAERLOCH STREET, TAMARAMA

LEGEND

- EXISTING SHADOW
- NEIGHBOR'S EXISTING SHADOW
- PROPOSED SHADOW



1 SHADOW DIAGRAM
21 ST JUNE, 9 A.M



2 SHADOW DIAGRAM
21 ST JUNE, 10 A.M

habitation
Design + Interiors
0414 962 013
PO Box 197
Burwood NSW 1805
joseph@habitationdesign.com.au
www.habitationdesign.com.au

Member
Australian Institute of Architects
Nominated Architect:
Joseph Panetta
NSW Architects Registration Board No: 9505

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SHADOW DIAGRAM

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DEVELOPMENT APPLICATION
ALTERATIONS AND ADDITIONS

CLIENT:
MR. B OLLIVER

ADDRESS:
1 GAERLOCH AVENUE, TAMARAMA

SCALE @ A1:	As indicated
SCALE @ A3:	
DRAWN BY: F.A	DATE: 09/07/26
CHECKED BY: J.P	SHEET NUMBER:
PROJECT NUMBER: 25363	A109

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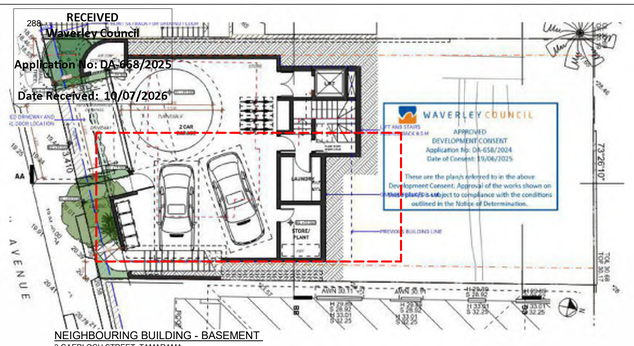
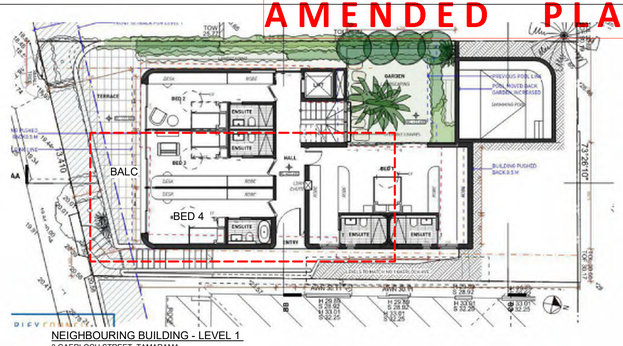
Waverley Council
Application No: DA-658/2025
Date Received: 10/07/2026

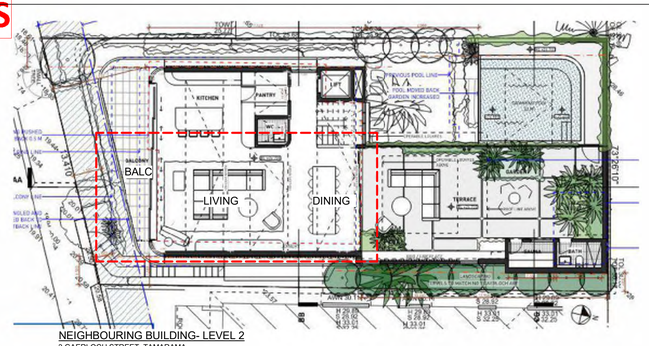
AMENDED PLANS



NEIGHBOURING BUILDING - BASEMENT
3 GAERLOCH STREET, TAMARAMA



NEIGHBOURING BUILDING - LEVEL 1
3 GAERLOCH STREET, TAMARAMA



NEIGHBOURING BUILDING- LEVEL 2
3 GAERLOCH STREET, TAMARAMA

LEGEND

- EXISTING SHADOW
- NEIGHBOR'S EXISTING SHADOW
- PROPOSED SHADOW

1 SHADOW DIAGRAM
21 ST JUNE, 11 A.M

2 SHADOW DIAGRAM
21 ST JUNE, 12 NOON

habitation
Design + Interiors
0414 962 013
PO Box 197
Burwood NSW 1805
joseph@habitationdesign.com.au
www.habitationdesign.com.au

Member
Australian Institute of Architects
Nominated Architect:
Joseph Panetta
NSW Architects Registration
Board No: 9505

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288

SHADOW DIAGRAM

PRELIMINARY
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DEVELOPMENT APPLICATION
ALTERATIONS AND ADDITIONS

CLIENT:
MR. B OLLIVER

ADDRESS:
1 GAERLOCH AVENUE, TAMARAMA

SCALE @ A1:	As indicated
SCALE @ A3:	
DRAWN BY: F.A	DATE: 09/07/26
CHECKED BY: J.P	SHEET NUMBER: A110
PROJECT NUMBER: 25363	

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Waverley Council
Application No: DA-658/2025
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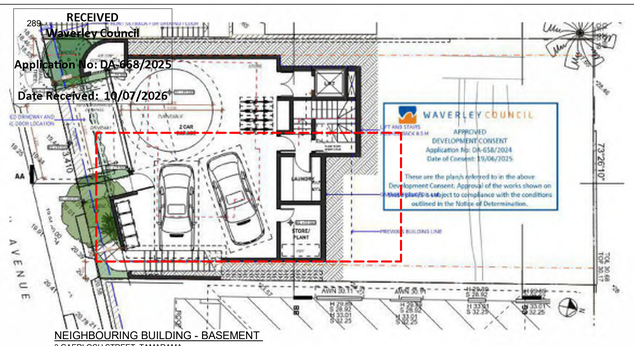
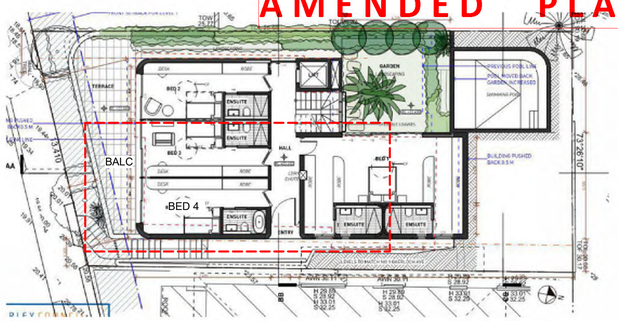
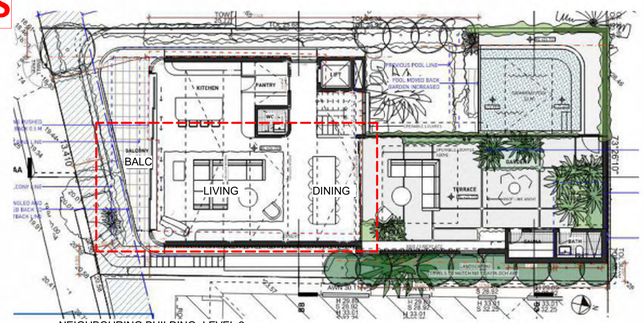
AMENDED PLANS



NEIGHBOURING BUILDING - BASEMENT
3 GAERLOCH STREET, TAMARAMA



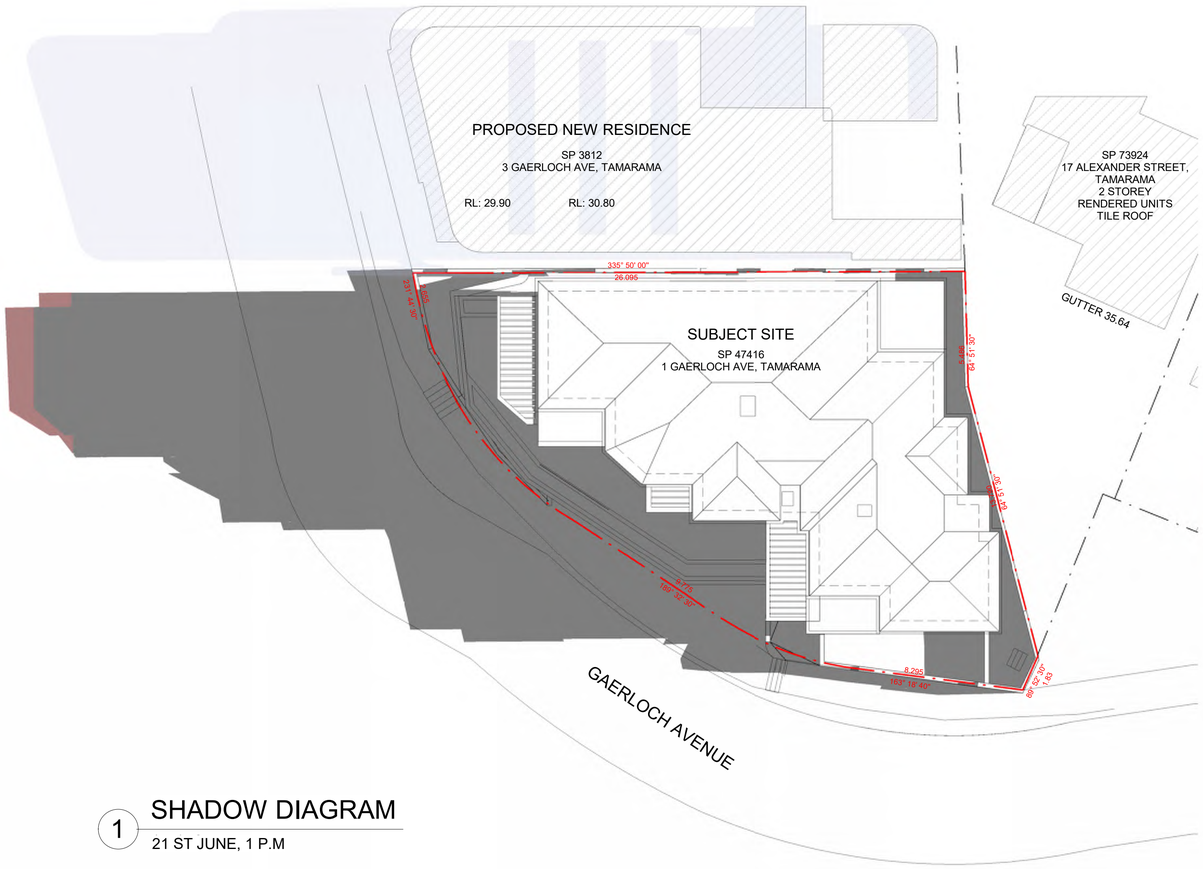
NEIGHBOURING BUILDING - LEVEL 1
3 GAERLOCH STREET, TAMARAMA



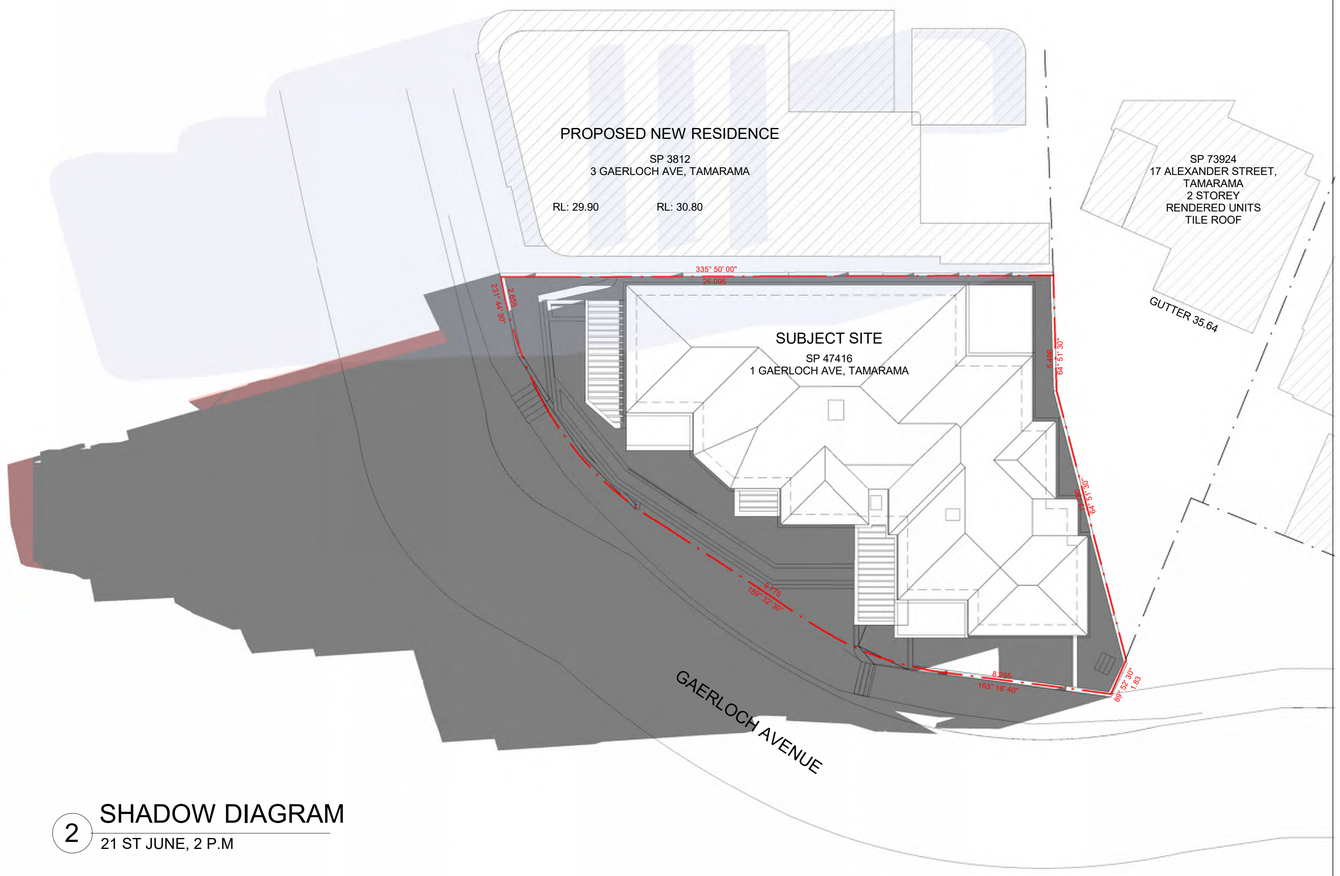
NEIGHBOURING BUILDING- LEVEL 2
3 GAERLOCH STREET, TAMARAMA

LEGEND

- EXISTING SHADOW
- NEIGHBOR'S EXISTING SHADOW
- PROPOSED SHADOW



1 SHADOW DIAGRAM
21 ST JUNE, 1 P.M



2 SHADOW DIAGRAM
21 ST JUNE, 2 P.M

habitation
Design + Interiors
0414 962 013
PO Box 197
Burwood NSW 1805
joseph@habitationdesign.com.au
www.habitationdesign.com.au

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A	24.09.25	DEVELOPMENT APPLICATION ISSUE		J.P

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SHADOW DIAGRAM

PRELIMINARY
NOT FOR CONSTRUCTION

289

N

DEVELOPMENT APPLICATION
ALTERATIONS AND ADDITIONS

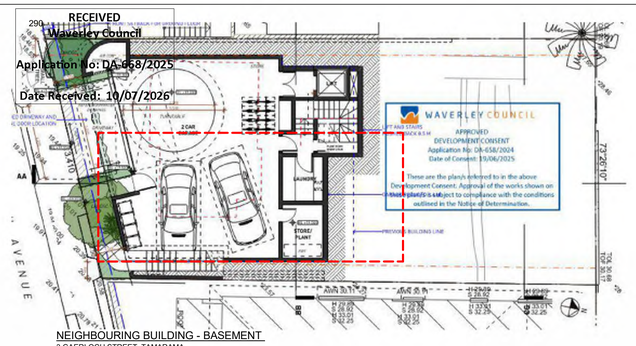
CLIENT:
MR. B OLLIVER

ADDRESS:
1 GAERLOCH AVENUE, TAMARAMA

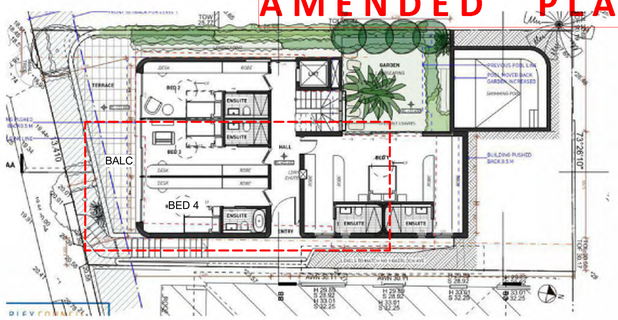
SCALE @ A1:	As indicated
SCALE @ A3:	
DRAWN BY: F.A	DATE: 09/07/26
CHECKED BY: J.P	SHEET NUMBER:
PROJECT NUMBER: 25363	A111

RECEIVED
Waverley Council
Application No: DA-658/2025
Date Received: 10/07/2026

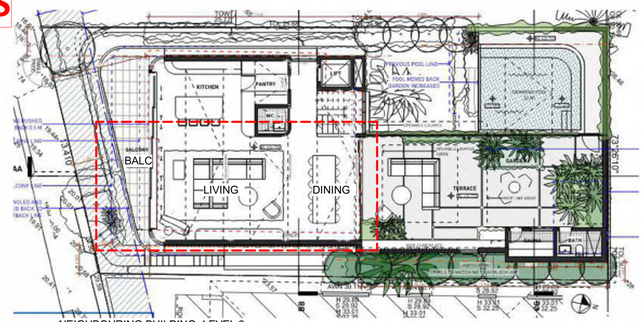
AMENDED PLANS



NEIGHBOURING BUILDING - BASEMENT
3 GAERLOCH STREET, TAMARAMA



NEIGHBOURING BUILDING - LEVEL 1
3 GAERLOCH STREET, TAMARAMA



NEIGHBOURING BUILDING- LEVEL 2
3 GAERLOCH STREET, TAMARAMA

LEGEND

- EXISTING SHADOW
- NEIGHBOR'S EXISTING SHADOW
- PROPOSED SHADOW

1 SHADOW DIAGRAM
21 ST JUNE, 3 P.M

habitation Design + Interiors
0414 962 013
PO Box 197
Burwood NSW 1805
joseph@habitationdesign.com.au
www.habitationdesign.com.au

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Nominated Architect:
Joseph Panetta
NSW Architects Registration
Board No: 9505

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SHADOW DIAGRAM

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NOT FOR CONSTRUCTION

N

DEVELOPMENT APPLICATION
ALTERATIONS AND ADDITIONS

CLIENT: MR. B OLLIVER

ADDRESS: 1 GAERLOCH AVENUE, TAMARAMA

SCALE @ A1:	As indicated
SCALE @ A3:	
DRAWN BY: F.A	DATE: 09/07/26
CHECKED BY: J.P	SHEET NUMBER: A112
PROJECT NUMBER: 25363	

291 RECEIVED
Waverley Council

Application No: DA-668/2025

Date Received: 10/07/2026

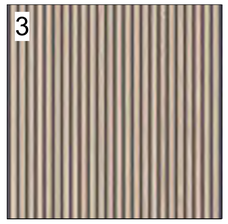
AMENDED PLANS

1

AREA: BASE WALLS
FINISH: SANDSTONE
DETAIL: NATURAL SPLITFACE FINISH

2

AREA: WIDOW AND DOOR FRAMES / SCREENING
FINISH: POWDERCOATED ALUMINIUM
DETAIL: BRONZED ALUMINIUM

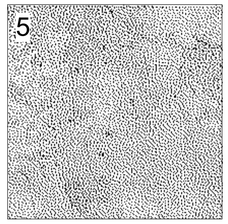


3

AREA: EXTERNAL CEILING AREAS
FINISH: TIMBER PANELLING
DETAIL: WRC OR SIMILAR

4

AREA: VERGOLA / GUTTER
FINISH: POWDERCOATED ALUMINIUM
DETAIL: TO MATCH EXISTING



5

AREA: EXPOSED SLAB EDGES
FINISH: REINFORCED CONCRETE
DETAIL: OFF FORM – GREY FINISH

habitation
Design + Interiors
0414 962 013
PO Box 197
Burwood NSW 1805
joseph@habitationdesign.com.au
www.habitationdesign.com.au

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EXTERNAL MATERIALS + FINISHES

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NOT FOR CONSTRUCTION

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DEVELOPMENT APPLICATION
ALTERATIONS AND ADDITIONS

CLIENT:
MR. B OLLIVER

ADDRESS:
1 GAERLOCH AVENUE, TAMARAMA

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DRAWN BY: F.A	DATE: 09/07/26
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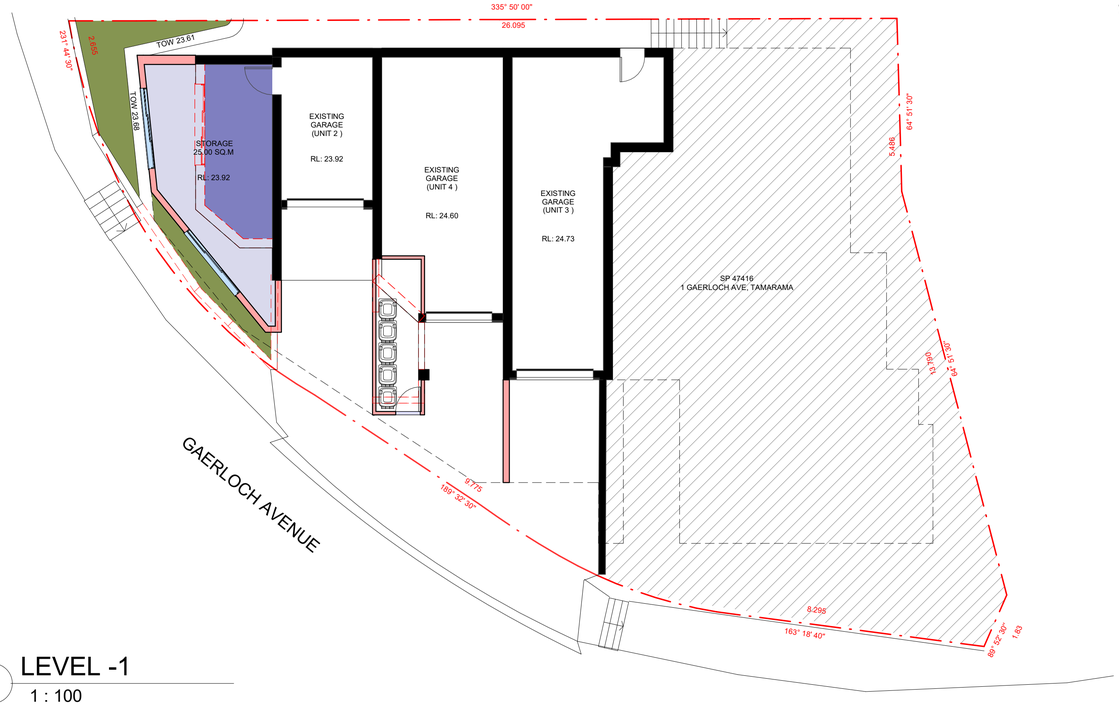
PROJECT NUMBER: 25363	A113

292 RECEIVED
Waverley Council

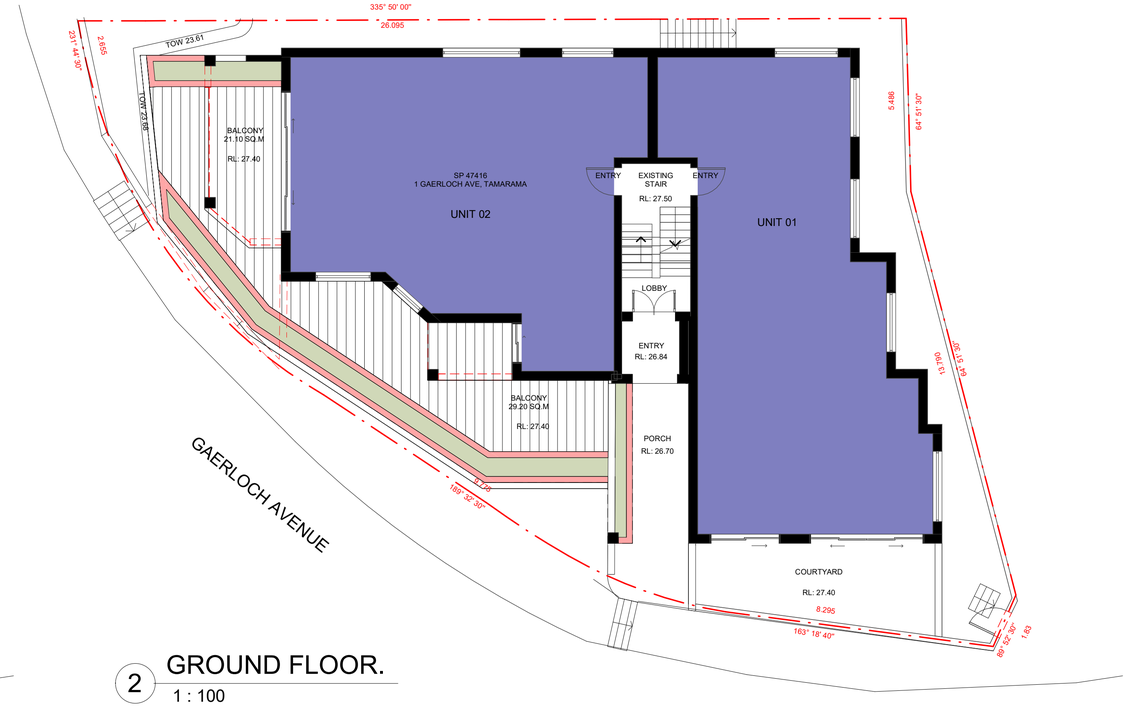
Application No: DA-668/2025

Date Received: 10/07/2026

AMENDED PLANS



1 LEVEL -1
1 : 100



2 GROUND FLOOR.
1 : 100

3 LEVEL 1.
1 : 100

FSR: NO ADDITIONAL FSR

FSR: NO ADDITIONAL GFA

PROPOSED GFA: 13 SQ.M

EXISTING GFA: 396.20 SQ.M

EXISTING FSR: **0.93 : 1**

PROPOSED FSR: **0.96 : 1**

EXISTING LANDSCAPE: 7.8 SQ.M

PROPOSED LANDSCAPE: 28.0 SQ.M

habitation
Design + Interiors
0414 962 013
PO Box 197
Burwood NSW 1805
joseph@habitationdesign.com.au
www.habitationdesign.com.au

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CALCULATION SHEET

PRELIMINARY
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DEVELOPMENT APPLICATION
ALTERATIONS AND ADDITIONS

CLIENT:
MR. B OLLIVER

ADDRESS:
1 GAERLOCH AVENUE, TAMARAMA

SCALE @ A1:	As indicated
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DRAWN BY: F.A	DATE: 09/07/26
CHECKED BY: J.P	SHEET NUMBER:
PROJECT NUMBER: 25363	A114

RECEIVED
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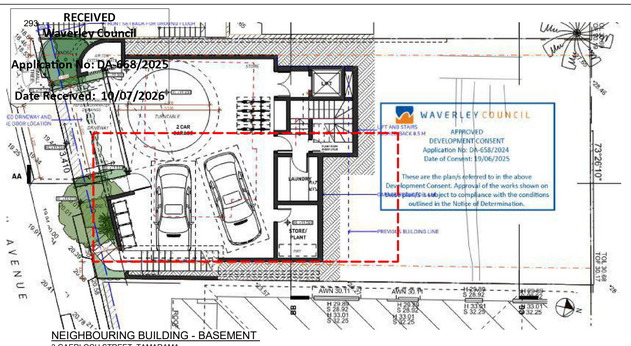
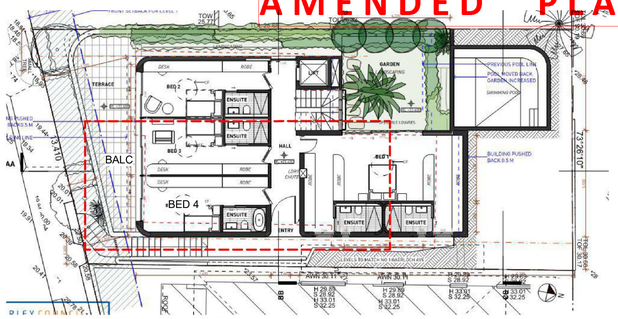
Application No: DA-658/2025
Date Received: 10/07/2026

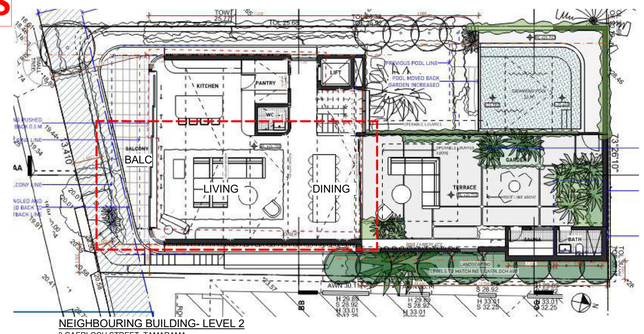
AMENDED PLANS



NEIGHBOURING BUILDING - BASEMENT
3 GAERLOCH STREET, TAMARAMA



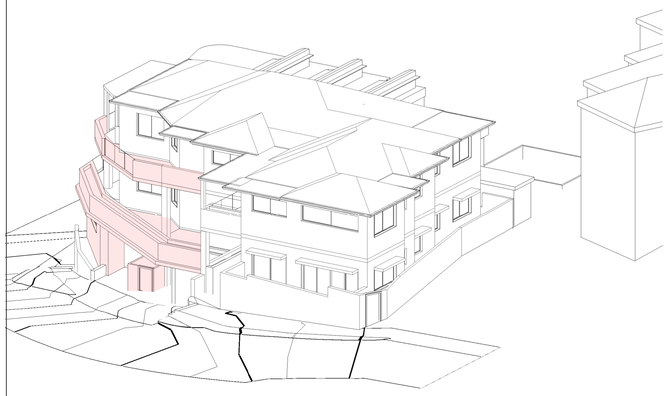
NEIGHBOURING BUILDING - LEVEL 1
3 GAERLOCH STREET, TAMARAMA



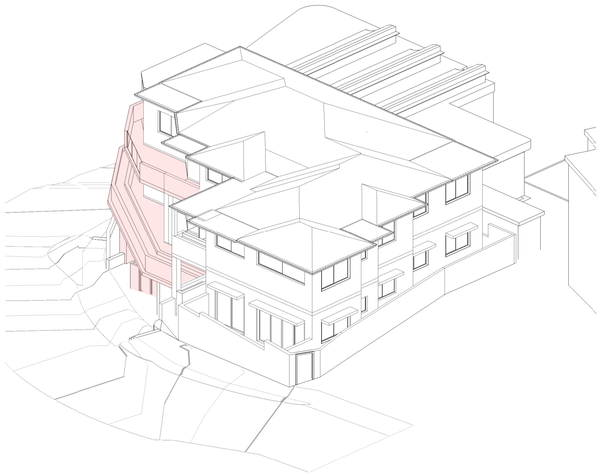
NEIGHBOURING BUILDING- LEVEL 2
3 GAERLOCH STREET, TAMARAMA

LEGEND

- EXISTING BUILDING STRUCTURE
- PROPOSED ADDITIONS



1 SOLAR DIAGRAM
21 ST JUNE, 9 A.M



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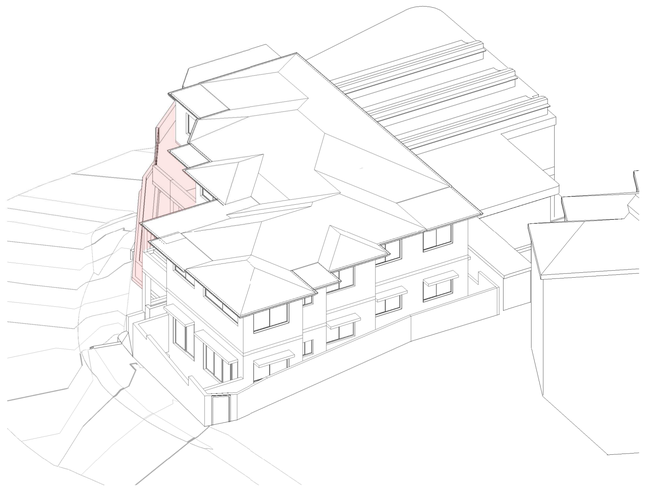

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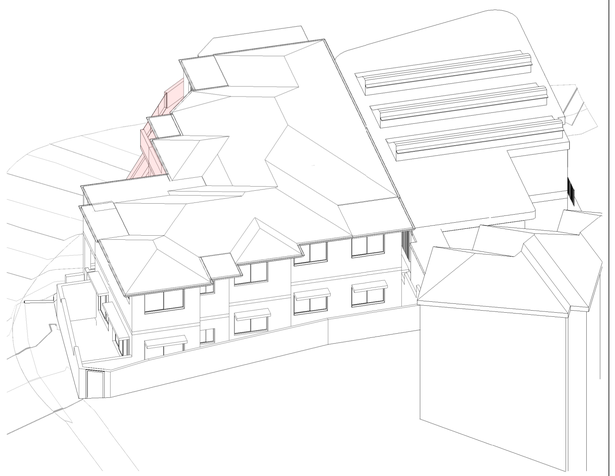
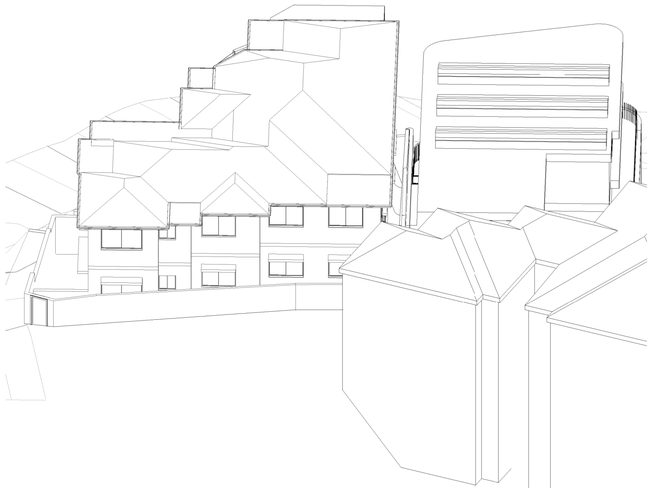
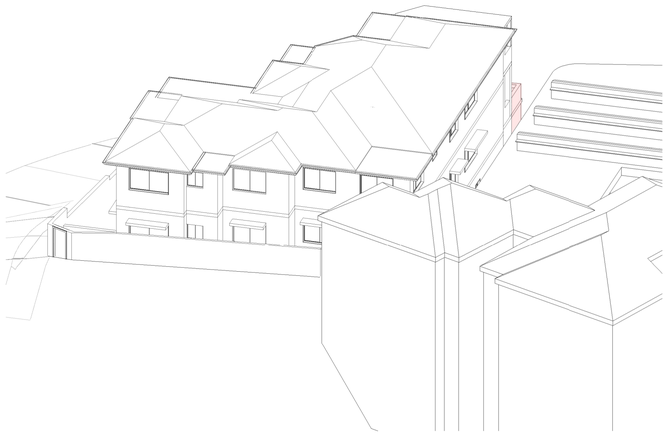


4 SOLAR DIAGRAM
21 ST JUNE, 12 NOON

..



5 SOLAR DIAGRAM
21 ST JUNE, 1 P.M



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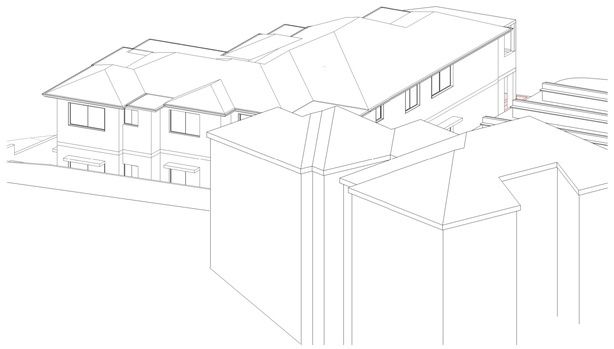

7 SOLAR DIAGRAM
21 ST JUNE, 3 P.M

habitation
Design + Interiors
0414 962 013
PO Box 197
Burwood NSW 1805
joseph@habitationdesign.com.au
www.habitationdesign.com.au

Member
Australian Institute of Architects
Nominated Architect:
Joseph Panetta
NSW Architects Registration Board No: 9505

REVISION

ISSUE	DATE	DESCRIPTION	AUTHOR	ISSUED BY
A	24.09.25	DEVELOPMENT APPLICATION ISSUE		J.P

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293

SOLAR DIAGRAM

PRELIMINARY
NOT FOR CONSTRUCTION

DEVELOPMENT APPLICATION
ALTERATIONS AND ADDITIONS

CLIENT:
MR. B OLLIVER

ADDRESS:
1 GAERLOCH AVENUE, TAMARAMA

SCALE @ A1:	As indicated
SCALE @ A3:	
DRAWN BY: F.A	DATE: 09/07/26
CHECKED BY: J.P	SHEET NUMBER: A118
PROJECT NUMBER: 25363	

294 RECEIVED
Waverley Council

Application No: DA-668/2025

Date Received: 10/07/2026

AMENDED PLANS

1ST FLOOR BALCONY SEATED EASTERN END

1ST FLOOR BALCONY STANDING EASTERN END

UPPER GROUND BALCONY STADING EASTERN END

UPPER GROUND BALCONY SITTING EASTERN END

UPPER GROUND BALCONY STADING WESTERN END

habitation
Design + Interiors
0414 962 013
PO Box 197
Burwood NSW 1805
joseph@habitationdesign.com.au
www.habitationdesign.com.au

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294

MONTAGEM ANALYSIS

PRELIMINARY
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DEVELOPMENT APPLICATION
ALTERATIONS AND ADDITIONS

CLIENT: MR. B OLLIVER

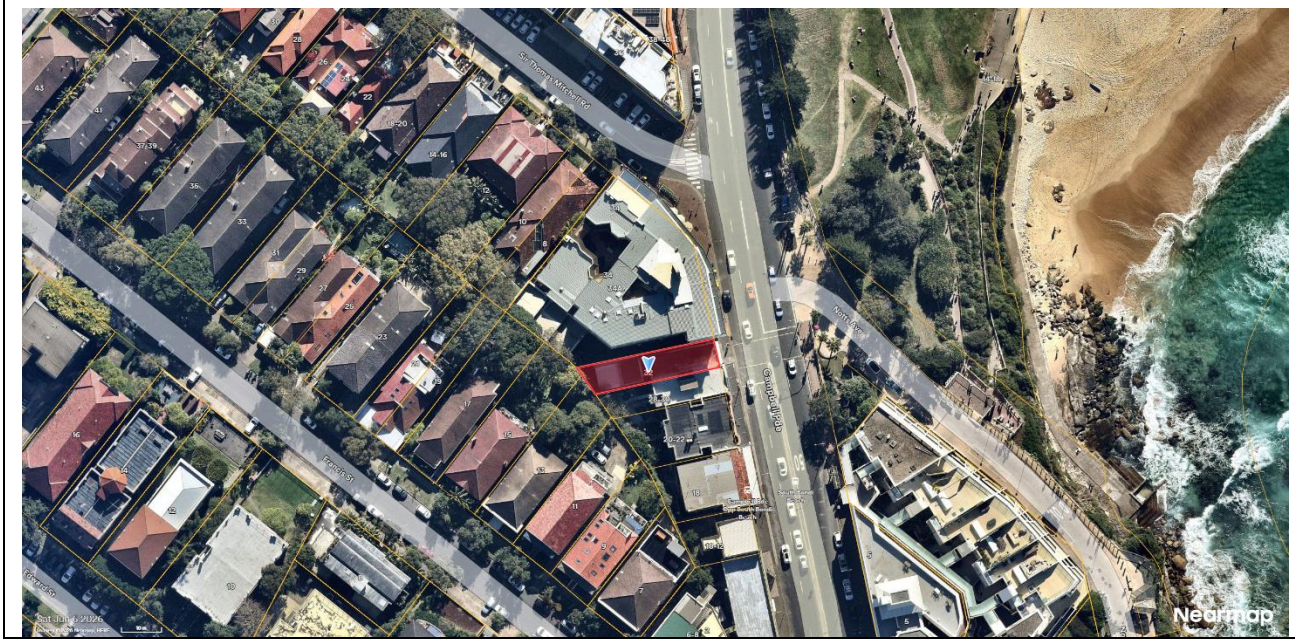
ADDRESS: 1 GAERLOCH AVENUE, TAMARAMA

SCALE @ A1:	1 : 175
SCALE @ A3:	
DRAWN BY: F.A	DATE: 09/07/26
CHECKED BY: J.P	SHEET NUMBER:
PROJECT NUMBER: 25363	A120

Report to the Waverley Local Planning Panel

Overview	
Application number	DA-477/2025 (PAN-572689)
Site address	32 Campbell Parade BONDI BEACH
Proposal	Retention of the front of the existing building; substantial demolition at the rear; and the construction of a six-storey shop top housing development, including affordable housing.
Date of lodgement	Originally lodged: 16 September 2025 Final amended plans lodged:16 June 2026
Owner / Applicant	STM123 No. 32 P/L
Submissions	More than 770 submissions
Cost of works	$4,923,118
Principal Issues	• Site area • Landscaped area and deep soil • Parking
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 retention of the front of the existing building; substantial demolition at the rear; and the construction of a six-storey shop top housing development, including affordable housing at 32 Campbell Parade, Bondi Beach.

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

- Contravention of non-discretionary development standards of *State Environmental Planning Policy (Housing) 2021* including site area, landscaped area and deep soil and parking;
- Non-compliance with the *Waverley Development Control Plan 2022 (*Waverley DCP 2022) controls relating to wall height, number of storeys and setbacks;
- Heritage conservation; and
- View impacts.

The assessment finds these issues acceptable as discussed in detail throughout this report.

Over 770 submissions were received, including one Councillor submission, and the issues raised in the submissions have been considered and addressed in this report and in the recommendation. There is no conflict of interest 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 10 December 2025.

The site is identified as Lot 4 in DP 10606, known as 32 Campbell Parade, Bondi Beach.

The site is generally rectangular in shape with a splayed rear boundary and a frontage of 7.01m to Campbell Parade. It has an area of 238.3m^2 (by survey) and falls from the rear (west) towards the front (east) by approximately 2m.

The site is occupied by a two-storey shop top housing development which contains a retail shop on the ground floor and one residential apartment above.

The site is adjoined by a three-storey shop top housing building to the south and a six-storey shop top housing building, containing commercial at the ground floor and seniors housing above, to the north (the Astra). The locality is characterised by a variety of a variety of mixed use building on

Campbell Parade with residential flat buildings to the west. The site is contained within the Bondi Beachfront Local Centre.

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

Figure 1: Subject site frontage on Campbell Parade. The Astra is on the right.

Figure 2: The Astra building to the north of the site (34 Campbell Parade).

Figure 3: Streetscape to the south of the site on Campbell Parade.

Figure 4: Footprint of the front section of the existing building as viewed from windows in apartments within the Astra from above.

Figure 5: Footprint of the rear section of the existing building as viewed from windows in apartments within the Astra from above.

1.3. Relevant Development History

There are numerous minor applications for this site relating to the use of the shop, footpath seating and window changes. These applications do not have direct relevance to understanding the background to this development application.

1.4. Proposal

The development application seeks consent for the retention of the front façade of the existing building on the site and construction of shop top housing with an affordable housing apartment.

The proposal is for a six-storey building containing:

- a commercial shop;
- one x 2-bedroom affordable housing apartment; and
- two x 3-bedroom double level apartments.

At the ground floor level, the proposal will provide a commercial premise, sanitary facilities, plant, commercial and residential bin storage, four bicycle parks and three storage cages. A triangular landscape buffer zone will be provided along the rear boundary of the site.

At first floor level, the proposal will provide a two-bedroom affordable housing apartment with and elevated deck at the rear. At the remaining upper floor levels, the proposal will provide two double level apartments providing three bedrooms and balconies on the front elevation.

1.5. Background

The development application was lodged on 16 September 2025 and deferred on 18 December 2025 for the following reasons:

1. ***Design and Heritage Conservation***

The following design changes are required to address the streetscape and conservation area:

- *The proposal is to provide a solid masonry façade with a strong street wall and balconies behind punched opening. The proposal is to incorporate a minimum 1m setback to the levels beyond the retained building. All balconies are to be inset behind the street wall.*
- *The proposed roof-level arch design does not integrate sympathetically with the retained façade or the conservation area. A simpler rectilinear roof form would better align with adjoining properties and reinforce the streetscape rhythm. Accordingly, the arched windows are to also be replaced with rectilinear windows.*
- *The transition to the adjoining property at No. 34 Campbell Parade could be resolved through a continuous vertical slot element extending from ground to the roof, creating a clearer and more legible junction. Balcony placement should be reconsidered to maintain this vertical break—ideally shifting them toward the southern edge to preserve the clarity of form present in the original Classically proportioned building.*
- *The glass blocks on southern wall built up to boundary will be covered in the future by any redevelopment of the adjoining property to the south. To avoid future issues these glass blocks are to be deleted as they cannot be relied upon for light.*
- *Provide an indicative signage plan.*
- *Provide 1:20 detailed section through the floors to show that 2.7m can be achieved with the balcony.*
- *Ensure the proposal provides an internal ventilation shaft for the shop to ensure future alterations do not place the shaft in an unsuitable location.*

2. ***Waverley Design Excellence Advisory Panel (DEAP)***

The following matters raised by the DEAP are to be addressed:

- *The Panel proposed a trade-off to the rear that resolved the spatial and built form issues from the angled rear alignment of the building on Levels 2,3,4 and 5, by squaring of the rear splayed elevation to form a two stepped façade to avoid the unusable triangular corner spaces internally. This could be considered in conjunction with the 1m setback to the new elements above the retained façade as detailed in (1) above.*
- *Section B shows a circa 200mm slab edge of Level 1 within the Heritage window zone of Level 1. Please demonstrate this interface when considering the balcony set down requirements of the Building Practitioners Act. Once the Balcony of Level 2 is set down a further 100mm to comply, this interface in between the new and old requires a more detailed resolution to protect the presentation of the retained Heritage facade.*
- *The retail entry amenity can be improved, by removing the one step riser from Campbell Parade by lowering the Ground Floor Level of the Retail Space to achieve a zero-step compliant threshold.*
- *Provide a dimension for the extent of the return walls of the façade to be retained.*
- *Ceiling fans to bedrooms and the wellness room are required to promote ventilation.*
- *Access to the roof is required for maintenance.*

3. ***Further information/documentation and other matters***

- *A written objection to vary the parking non-discretionary standards of State Environmental Planning Policy (Housing) 2021 is required.*
- *Waverley DCP 2022 requires five bike parking spaces whereas the proposal provides only four spaces. Please provide an additional space.*
- *The BASIX Certificate nominates gas cooktops which is not permitted in residential development as outlined in Waverley DCP 2022 Part 2.3 Indoor Air Quality.*
- *View Analysis Diagrams indicating the impact upon views from the property to the north of the site.*

Draft amended plans were submitted on 16 January 2026. Feedback from Council Officers was provided by way of a second deferral letter on 16 April 2026 as follows:

1. ***View Analysis***

As per the previous deferral letter dated 18 December 2025, please provide View Analysis Diagrams indicating the impact upon views from surrounding properties utilising the photographs Council has previously provided.

2. ***Heritage conservation***

Alternative options for treatment of the street elevation have been submitted for discussion with Council. Of these, the option shown at Figure 1 below is considered able to achieve a cohesive response to the setting and adjacent heritage listed items, subject to the amendments listed below:

Terminate the verandah floor at the column line and return the balustrade at this point

Maintain the inset at the top floor soffit

Figure 6: Option provided by the applicant for treatment of the eastern (street) elevation at 32 Campbell Parade. Annotations are to be read in conjunction with the following responses.

- *To achieve and emphasise the interface of the proposed works with the listed Astra Building to the northeast, and to reflect the proportions of the existing street elevation, the new verandah floor slabs are to terminate at the line of the blade/column rising to the northern side of the verandah (arrowed at Figure 1) with the balustrade returning to the eastern elevation at that point.*
- *The inset of the eastern elevation at 32 Campbell Parade is to include the top floor soffit.*
- *Window openings within the recessed interface are to be of continuous form emphasising vertical proportions whilst maintaining BCA compliance.*
- *Metal balustrading is to be of rectangular section vertical blades angled at 45 degrees in plan to the exterior deck line to achieve greater solidity, providing a balance of solids to openings within the overall elevation and reflecting articulation of existing listed and contributory buildings to adjacent sites.*
- *A street awning is to be provided at ground floor matching the width and depth of the adjacent awning at 34 Campbell Parade and extending the full width of the eastern boundary. The awning is to continue west into the residential entry of the proposed development at 32 Campbell Parade.*
- *The first-floor eastern window opening may be extended out toward the rendered pilasters subject to:*
    - *A margin of the original wall plane no less than half the width of the pilasters is to be maintained between the extended window and the inner reveal of the pilasters.*
    - *Any extended sill is to match the existing sill height, reveal, and window head of the existing window opening.*
    - *Glazing bars are to match those existing in setout, articulation pattern, proportion and alignment.*
    - *Refer to image below:*

Potential widening of first floor window opening

- *Paint finishes to the original classical detailing are to enhance historic detailing and differentiating this from surrounding fabric.*
- *An overall monochromatic colour scheme is not to be used for the retained facade.*

Amended plans and documentation were received on 20 April 2026. Upon further assessment and review, minor errors were identified and the final set of amended plans was provided to Council on 18 June 2026. These plans are the subject of the assessment within this report.

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
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021.

A detailed discussion is provided for relevant SEPPs as follows:

SEPP (Resilience and Hazards) 2021

A 'Preliminary Site Investigation' (PSI) and a 'Detailed Site Investigation' (DSI) by JK Environments were provided with the application. These reports assess the site contamination conditions and make a preliminary assessment of the groundwater and soil vapour contamination conditions.

The DSI concludes that '*based on the findings of the investigation, JK Environments is of the opinion that the site is suitable for the proposed development described in Section 1.1. The PSI and DSI has not identified any triggers for remediation*'. The reports make recommendations in the unlikely event that contamination is encountered during construction and as such the report is referenced in the conditions of consent.

Both of these reports were reviewed by Council's Environmental Health Officer and no issues were raised. No further investigations are required by the associated planning guidelines or warranted

for the purposes of the proposed development. Accordingly, Council is satisfied that the site is suitable for continued residential use in accordance with clause 4.6 of the SEPP.

SEPP (Housing) 2021

Chapter 2 Part 2 Development for affordable housing

Part 2, Division 1 of Chapter 2 of the SEPP (Housing) 2021 applies to the subject development, being for infill affordable housing.

Clause 26 of the *Environmental Planning and Assessment Regulations 2021* (the Regulations) states that:

1) *A development application for development to which State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1, 2 or 5 applies must specify the name of the registered community housing provider who will manage—*

(a) *for development to which Division 1 applies—the affordable housing component, or*

(b) *for development to which Division 2 applies—the boarding house, or*

(c) *for development to which Division 5 applies—the dwellings used for affordable housing.*

The applicant has nominated HomeGround Real Estate as the community housing provider. HomeGround Real Estate is a social enterprise of Bridge Housing, who are registered to manage properties under Affordable Housing schemes.

An assessment of the development application against all other relevant provisions under Part 2, Division 1 of Chapter 2 of the SEPP (Housing) 2021 is set out in **Table 1** of this report.

Table 1: SEPP (Housing) 2021 (Development for affordable housing) Compliance table

Provision	Compliance	Comment
Division 1 In-fill affordable housing		
15C Development to which this division applies *(1) This division applies to development that includes residential development if—* *(a) the development is permitted with consent under Chapter 3, Part 4, Chapter 5, Chapter 6 or another environmental planning instrument, and* *(b) the affordable housing component is at least 10%, and*	Yes	The proposal is defined as '*shop top housing*' which is permitted with consent in the E1 *Local Centre* zone under Waverley Local Environmental Plan 2012 (Waverley LEP 2012). The proposal will provide 131.6m^2 of gross floor area (GFA) or 18.5% of the overall development as affordable housing. The site is located in an accessible area being within 400m of a bus stop with a regular service as defined by the SEPP.

Provision	Compliance	Comment
(c) all or part of the development is carried out— *(i) for development on land in the Six Cities Region, other than in the City of Shoalhaven or Port Stephens local government area—in an accessible area, or* *(ii) for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone.* *(2) Affordable housing provided as part of development because of a requirement under another chapter of this policy, another environmental planning instrument or a planning agreement is not counted towards the affordable housing component under this division.* ***accessible area** means land within—* *(a) 800m walking distance of—* *(i) a public entrance to a railway, metro or light rail station, or* *(ii) for a light rail station with no entrance—a platform of the light rail station, or* *(iii) a public entrance to a wharf from which a Sydney Ferries ferry service operates, or* *(b) (Repealed)* *(c) 400m walking distance of a bus stop used by a regular bus service, within the*		

Provision	Compliance	Comment
meaning of the Passenger Transport Act 1990, that has at least 1 bus per hour servicing the bus stop between— *(i) 6am and 9pm each day from Monday to Friday, both days inclusive, and* *(ii) 8am and 6pm on each Saturday and Sunday.*		
16 Affordable housing requirements for additional floor space ratio *(1) The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2).* *(2) The minimum affordable housing component, which must be at least 10%, is calculated as follows—* $\text{affordable housing component} = \frac{\text{additional floor space ratio (as a percentage)}}{2}$ (3) *If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height that is the same percentage as the additional*	N/A N/A	The floor space ratio (FSR) development standard of Waverley LEP 2012 is 3:1 (GFA of 714.9m^2). Under the provisions of SEPP (Housing) 2021, a bonus of up to 30% is applicable, provided that at least half of the bonus is used for affordable housing. The proposal provides 19.7% of the development as affordable housing and as such a full 30% bonus would apply increasing the maximum permitted FSR to 3.9:1 (GFA of 929.37m^2). The proposal provides a GFA of 714.7m^2 equating to a FSR of 3:1 and as such does not seek additional FSR or height under this clause. Instead the application relies on clause 18 below.

Provision	Compliance	Comment
floor space ratio permitted under subsection (1).		
17 Additional floor space ratio for relevant authorities and registered community housing providers	N/A	The application is not made by a relevant authority as defined by the SEPP or a community housing provider.
18 Affordable housing requirements for additional building height *(1) This section applies to development that includes residential development to which this division applies if the development—* *(a) includes residential flat buildings or shop top housing, and* *(b) does not use the additional floor space ratio permitted under section 16.* *(2) The maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the development on the land plus an additional building height of up to 30%, based on a minimum affordable housing component calculated in accordance with subsection (3).* *(3) The minimum affordable housing component, which must be at least 10%, is calculated as follows—* affordable housing component = additional floor space ratio (as a percentage) ÷ 2	Yes	The proposal seeks consent for additional height under this clause rather than clause 16 as previously discussed. The proposal provides a GFA of 714.7m^2 equating to an FSR of 3:1. Of the GFA proposed, 19.7% (141m^2) is to be used for affordable housing allowing for a 30% increase to the permissible height development standard. Waverley LEP 2012 provides a maximum height of 15m. The height of buildings development standard is increased to 19.5m (additional 30% is equal to 4.5m) as facilitated by the bonus provision under this clause. The proposal has a maximum height of 19.5m complying with the development standard.
19 Non-discretionary development standards—the Act, s 4.15 *(1) The object of this section is to identify development standards for particular*		The non-discretionary development standards of SEPP (Housing) 2021 are outlined in the following sections of this table below. If these standards are met, the consent authority cannot require more onerous standards. It should be noted that section 4.15(3) of the Act, does not prevent

Provision	Compliance	Comment
matters relating to residential development under this division that, if complied with, prevent the consent authority from requiring more onerous standards for the matters. *(2) The following are non-discretionary development standards in relation to the residential development to which this division applies—*		development consent being granted if a non-discretionary development standard is not complied with.
(a) a minimum site area of 450m^2,	No	The site has an area of 238.3m^2. The proposal does not meet the minimum non-discretionary development standard and as such, a written objection to vary the development standard under Clause 4.6 of the Waverley LEP 2012 has been provided and is discussed in Section 2.1.2 of this report.
(b) a minimum landscaped area that is the lesser of— *(i) 35m^2 per dwelling, or* *(ii) 30% of the site area,* ***landscaped area** means the part of the site area not occupied by a building and includes a part used or intended to be used for a rainwater tank, swimming pool or open-air recreation facility, but does not include a part used or intended to be used for a driveway or parking area.*	No	The lessor of the two requirements is 30% of the site area which equates to 71.5m^2. The proposal provides 9.7m^2 of landscaped area that meets the definition equating to 4% of the site. The proposal does not meet the minimum non-discretionary development standard and as such, a written objection to vary the development standard under Clause 4.6 of the Waverley LEP 2012 has been provided and is discussed in Section 2.1.2 of this report.
(c) a deep soil zone on at least 15% of the site area, where— *(i) each deep soil zone has minimum dimensions of 3m, and* *(ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site,*	No	The proposal offers a deep soil area of 9.7m^2, although no part of that area has dimensions of 3 metres. The proposal does not meet the minimum non-discretionary development standard and as such, a written objection to vary the development standard under Clause 4.6 of the Waverley LEP 2012 has been provided and is discussed in Section 2.1.2 of this report.

Provision	Compliance	Comment
(d) living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter,	Yes	100% of the apartments receive solar access from 9am to 12pm at mid-winter to living area windows. One of the apartments does not receive 3 hours of solar access to the private open space as it is located on the southern elevation. Of the three apartments, 70% is equal to two apartments and as such, the proposal complies.
(e) the following number of parking spaces for dwellings used for affordable housing— *(i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces,* *(ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces,* *(iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,*	No	One parking space is required under this clause for the affordable housing apartment. No parking is provided on site. The proposal does not meet the minimum non-discretionary development standard and as such, a written objection to vary the development standard under Clause 4.6 of the Waverley LEP 2012 has been provided and is discussed in Section 2.1.2 of this report.
(f) the following number of parking spaces for dwellings not used for affordable housing— *(i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces,* *(ii) for each dwelling containing 2 bedrooms—at least 1 parking space,* *(iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,*	No	Three parking spaces are required for the remaining apartments under this clause. No parking is provided on site. The proposal does not meet the minimum development standard and as such, a written objection to vary the development standard under Clause 4.6 of the Waverley LEP 2012 has been provided and is discussed in Section 2.1.2 of this report.
(g) the minimum internal area, if any, specified in the Apartment Design Guide	N/A	The ADG does not apply to this development as Chapter 4 *Design of Residential Apartment Development* of SEPP (Housing) 2021 applies only to

Provision	Compliance	Comment
(ADG) for the type of residential development,		buildings containing four or more units **and** three or more storeys. The proposal provides only three units and therefore Chapter 4 and the ADG do not apply to this development.
(h) for development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces)—the minimum floor area specified in the Low Rise Housing Diversity Design Guide,	N/A	The proposed development is for shop top housing.
(i) if paragraphs (g) and (h) do not apply, the following minimum floor areas— *(i) for each dwelling containing 1 bedroom—65m^2,* *(ii) for each dwelling containing 2 bedrooms—90m^2,* *(iii) for each dwelling containing at least 3 bedrooms—115m^2 plus 12m^2 for each bedroom in addition to 3 bedrooms.*	Yes	All apartments meet the minimum internal area requirements as follows: • Unit 1 (2-bedrooms) has an internal area of 141m^2 (affordable housing apartment). • Units 2 and 3 (both 3-bedrooms) have an internal area of 253.3m^2 and 266.2m^2 respectively.
20 Design requirements *(3) Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with—* *(a) the desirable elements of the character of the local area, or* *(b) for precincts undergoing transition—the desired future character of the precinct.*	Yes	Refer to **Table 3** of this report for discussion in relation to the comments of the DEAP and the design excellence clauses of the LEP. The site sits within a group of buildings that extends along Campbell Parade from Sir Thomas Mitchell Road to the north and Francis Street to the south. The LEP sets development standards for these sites of 15m in height and FSR of 3:1. There have been no recent approvals for redevelopment of these sites and as such, many are lower than the height and FSR development standards achievable. In recent years there has been a significant amount of redevelopment along Campbell Parade and within the E1 zone in Bondi Beach. Buildings along Campbell Parade

Provision	Compliance	Comment
		typically have heights ranging from two and nine-storeys. Where buildings have contributed to the conservation area, the facades and street walls have been maintained and new works confined behind the retained facades or contained to upper levels set back from the street wall. New infill development has been designed to reflect the character of the area. In most cases, the redevelopment of sites within the E1 zone and along Campbell Parade have been granted up to the maximum height permitted by the development standards. The subject proposal includes retention of the contributory part of the existing building (i.e. the front façade) with infill development contained behind. The proposed building is compatible with the desirable elements of the character of the local area by retaining the original façade. In terms of the new works beyond the retained front façade, the proposal has been amended since it was first submitted to provide a rectilinear form to the roof and front balconies and to provide a more solid, masonry form to the front elevation. These amendments, and others, as outlined in the discussion regarding heritage conservation in Section 2.1.2 of this report, were made in consultation with Councils' Urban Designer and Heritage Advisor to ensure that the proposal reflects the desirable elements of the character of the local area. The properties fronting Campbell Parade generally do not provide driveway crossings and openings within the street façade to provide parking particularly where the existing building contributes to the character of the conservation area. Additionally, most redeveloped sites along Campbell Parade have limited setbacks, landscaping and deep soil. The subject proposal is consistent with these desirable elements of the character of the area which maximises retail spaces at the ground floor

Provision	Compliance	Comment
		level in exchange for limited areas of landscaped area and deep soil. The subject development provides limited ground level landscaping with landscaped planters to the upper levels consistent with surrounding buildings in the E1 zone. Given the above analysis, it is considered that the proposal complies with clause 20(3)(a). Given the proposal only needs to satisfy one of the clauses, no discussion regarding clause 20(3)(b) is required.
21 Must be used for affordable housing for at least 15 years	Yes	A condition to this effect is included in Appendix A.
22 Subdivision permitted with consent	N/A	Subdivision is not sought under this application.

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 is consistent with the aims of the LEP.
Part 2 Permitted or prohibited development		
Land Use Table *E1 Local Centre Zone* • *To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.* • *To encourage investment in local commercial development that generates employment opportunities and economic growth.* • *To enable residential development that contributes to a vibrant and*	Yes	The proposal is defined as *shop top housing* which is permitted with consent in the E1 zone. The proposal will have an active frontage by providing a commercial premise at the ground level addressing Campbell Parade. This is consistent with a number of zone objectives and generates employment opportunities and economic growth. The proposal includes residential development at the levels above ground with balconies on the front elevation overlooking Campbell Parade. This contributes to a vibrant and active local centre and provides additional residential apartments in line with

Provision	Compliance	Comment
active local centre and is consistent with the Council's strategic planning for residential development in the area. • *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.* • *To strengthen the viability of Waverley's existing business centres as places of vitality for investment, employment and cultural activity.* • *To maximise public transport patronage and encourage walking and cycling.* • *To encourage the provision of affordable housing.* • *To provide for a range of other uses, including light industrial, that serve the surrounding neighbourhood without impacting on the amenity of the adjoining uses.* • *To ensure development is of a height and scale that achieves the desired future character of the neighbourhood.* • *To promote employment growth by giving preference to commercial development over residential development.* • *To provide active ground floor uses to create vibrant centres.*		Council's strategic planning for residential development within the area. The use of the ground floor commercial premises is not known at this point however the proposal includes bin storage, plant and accessible sanitary facilities for the shop use. Additionally, a ventilation shaft has been included within the development to allow future food uses for the shop. The proposal provides no parking on the site which is consistent with the requirements for the Local Centre controls of Waverley DCP 2022. This encourages public transport, walking and cycling. The site is ideally located within proximity of public transport routes. The proposal includes an affordable housing apartment consistent with the SEPP (Housing) 2021. The height and scale of the development is consistent with the FSR development standard and the height with the bonus afforded under the SEPP (Housing) 2021. As discussed later in this report, the proposal is consistent with the desired future character anticipated by the development standards and Waverley DCP 2022. Given the above analysis, the proposal is considered to be consistent with the zone objectives.

Provision	Compliance	Comment
Part 4 Principal development standards		
4.3 Height of buildings • *15m* • *19.5m under SEPP (Housing) - additional 30% is equal to 4.5m*	Yes	The height development standard of Waverley LEP 2012 is 12.5m. Under the provisions of the SEPP (Housing) 2021 a bonus height of 30% (4.5m) is applicable to the development equating to a maximum height of 19.5m. The proposal has a maximum height of 19.3m complying with the development standard.
4.4 Floor space ratio and • *3:1*	Yes	The proposal has an FSR of 3:1 complying 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 site area, landscaped area, deep soil and parking non-discretionary standards of the SEPP (Housing) 2021. 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 subject site is not a heritage listed item however it is located within the Bondi Beach Urban Conservation Area. The site also adjoins a heritage item at 34 Campbell Parade (the Astra) and is within proximity of a heritage listed building at 20-26 Campbell Parade. The Bondi Beach Cultural Landscape, comprised of Bondi Beach and Park, is a state listed area (SHR #01786) located generally opposite the site. The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. Heritage conservation is discussed in detail in section 2.1.3 of this report. The proposed development will not harm the character or significance of the conservation area or heritage listed buildings within vicinity of the site.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site is designated as Class 5 on the Acid Sulfate Soils Map. Given the minimal excavation required for proposed

Provision	Compliance	Comment
		development, the works are not likely to lower the water table.
6.2 Earthworks	Yes	The proposal does not provide a basement however includes excavation toward the rear of the site where it slopes slightly uphill toward the rear. The excavation has a maximum depth of approximately 1.6m. A Preliminary Geotechnical Report has been provided and provides recommendations for the construction phase. This report is referenced in the conditions of consent. The report also provides an assessment against this clause of the LEP and is considered satisfactory in this regard.
6.9 Design excellence *Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the development exhibits design excellence.*	Yes	The site is a 'key site' on the Key Sites Map and the proposal involves the erection of a building that has a height above the 15m threshold for consideration against the design excellence clauses of the LEP. This issue is discussed in detail following this table. The application was referred to DEAP for an assessment of the design excellence of the proposed development. The full comments of the DEAP are contained in **Table 3** of this report. The proposal is considered to exhibit design excellence.
6.14 Waste minimisation and recycling	Yes	The proposal provides integrated waste storage facilities of an appropriate size to meet the waste generated by the occupants. The waste will be collected from the street which is appropriate given the small size of the development. Appropriate conditions in relation to waste are included in the consent conditions. The proposal is consistent with this section of the LEP.
6.15 Stormwater Management	Yes	A stormwater management plan has been provided and reviewed by Council's Stormwater Engineers and no issues were raised in regard to the proposed stormwater management of the development. All recommended stormwater management conditions are included in Appendix A.

Provision	Compliance	Comment
		The proposal satisfies the stormwater clauses of the LEP.
6.16 Development in Zone E1 *Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered—* *(a) the impact of the development on—* (i) *the amenity of surrounding residential areas, and* (ii) *the desired future character of the area.* *(b) whether the development is consistent with the hierarchy of centres.*	Yes	The proposal does not have an unreasonable impact upon the amenity of surrounding properties as discussed throughout this report. The proposal provides a shop top housing development that is consistent with the height and FSR development standards that apply to the site and the development. The proposal is generally consistent with the controls of the Local Centre in with the E1 site contained (as detailed in **Table 7** relating to the Bondi Beachfront Character Area). The proposal is also consistent with, and has regard to, the desirable existing elements of the Bondi Beachfront area and the conservation area. In this regard, the proposal is consistent with the desired future character of the site and the area, consistent with the zoning and the controls which apply. Part E3 of Waverley DCP 2022 provides a statement regarding the 'hierarchy of centres' as follows: *The zones reflect a hierarchy, where E1 Local Centre is either a cluster of shops (neighbourhood centre), a larger centre or high-street strip of shops, E2 Commercial Centre is a major centre with office buildings and major retail, while MU1 Mixed Use supports a mix of commercial and residential particularly in strategic centres around a E2 Commercial Centre zone.* This site sits within the Bondi Beachfront Area, which is a local centre. Local Centres are "*either a cluster of shops (neighbourhood centre), a larger centre or high-street strip of shops*". The Bondi Beachfront area could be categorised as a larger centre. The proposal retains the shop uses at the ground floor and is consistent with the relevant Local Village Centre controls in Part E3 of Waverley DCP 2022 (discussed further in **Table 7** of this report).
6.17 Affordable housing contributions	Yes	This clause require development for the purposes of new shop top housing to provide

Provision	Compliance	Comment
		a contribution towards affordable housing calculated as 1% of the total proposed residential gross floor area excluding any affordable housing GFA. The contribution amounts to $114,290 and a condition to this effect is included in Appendix A.

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

Section 4.15 (2) and (3) of the Act states the following:

2) ***Compliance with non-discretionary development standards—development other than complying development***

If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority—

(a) is not entitled to take those standards into further consideration in determining the development application, and

(b) must not refuse the application on the ground that the development does not comply with those standards, and

(c) must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards,

(d) and the discretion of the consent authority under this section and section 4.16 is limited accordingly.

3) *If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards—*

(a) subsection (2) does not apply and the discretion of the consent authority under this section and section 4.16 is not limited as referred to in that subsection, and

(b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.

Clause 4.6 of Waverley LEP 2012 is the mechanism which allows flexibility in the application of a development standard and as such, any variation to a non-discretionary development standard is subject to clause 4.6 as discussed below.

Clause 4.6 Exceptions to Development Standards – Minimum site area

The application seeks to vary the minimum site area non-discretionary development standard in clause 19(2)(a) under the SEPP (Housing) 2021.

The site is subject to a minimum site area non-discretionary development standard of 450m^2. The proposed development has a site area of 238.3m^2, which equates to a shortfall of 211.7m^2 equating to a 47% variation.

A written request has been submitted to Council in accordance with clause 4.6(3)(a) and (b) of the 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 non-discretionary development standard on the following basis:

(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:

(i) *Sections 19(2)a of SEPP (Housing) 2021 says that if development for affordable infill housing is on a site with a certain area, then Council cannot refuse the application based on the site's area, as per Section 19(1) which prevents the Council from requiring more onerous standards. The standard must not necessarily be achieved in all cases but rather it provides thresholds that, if met, cannot be used as reasons to refuse an application.*

(ii) *The proposal is consistent with the principles of the SEPP (Housing) 2021 despite the contravention of the non-discretionary development standard.*

(iii) *There is no minimum site area for development in the Waverley LEP 2012. As such, the Council's standards and objectives allow for the density being proposed on this site.*

(iv) *The objectives and controls in Part E2 of the DCP, encourage fine grain development on existing allotments and discourage site amalgamations that would erode the fine grain presentation of Campbell Parade buildings as viewed from the public domain.*

(v) *The minimum site area threshold is intended to ensure that development can be reasonably accommodated on a site, including any incentivised uplift for the delivery of affordable housing. In this case, the subject site can already support a density of 3:1 under the existing LEP controls, which are not being varied. This confirms that the*

proposal does not exceed the applicable standards and does not create additional development pressure that would otherwise necessitate a larger site area.

(vi) *The proposal represents an appropriate form of urban infill, located between two sites that are larger than the minimum site area threshold. One adjoining site has been developed to a height exceeding the LEP standard and is consistent with (and above) the 30% uplift available under the SEPP. The other adjoining site has not been redeveloped since the early 1900s and remains significantly underutilised relative to its development potential under current planning controls.*

(vii) *Utilising this clause in the SEPP to refuse the development would not be reasonable given the constraint created by the heritage item, the anticipated outcome from the built form controls and the lack of available space to comply with this standard.*

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

(i) *Retaining the heritage-value elements of the building necessitates accepting the site area. It cannot be amalgamated with the neighbouring properties. This is not a sufficient reason to exclude the introduction of affordable housing on the site.*

(ii) *The footprint of the retained heritage-value façade and new building, and the availability of site area for the distribution of compliant floor space, is a site-specific constraint that justifies utilising the height incentives in the SEPP to provide an appropriately scaled infill development that is commensurate with and complementary to the scale of the neighbouring development to the northern and the likely scale of emerging development to the south.*

(iii) *The site area standard (which is a 'do not refuse' threshold rather than a requirement), is not relevant to the overall quality of, or contribution from, this development.*

(iv) *The proposal introduces a low cost affordable rental housing unit in a desirable location with excellent connection to public transport, employment and recreational facilities. The compliance of the proposal with the LEP FSR standard of 3:1, notwithstanding the project benefits from a SEPP FSR standard of up to 3.9:1, demonstrates that the distribution of floor space and built form is not a product of overdevelopment, but that the building envelope reflects a compliant form. It would not benefit from the site being larger.*

(v) *The building generally complies with relevant building envelope controls despite the inherent pressure from accommodating infill affordable housing, most notably that none of the available bonus floor space under the SEPP (Housing) 2021 has been utilised.*

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

The applicant's written request has correctly identified the development standard to be varied and relevant legislation. The written request also addressed those matters required in clause 4.6(3)(a)

and (b). The applicant has provided sound justification establishing that the proposal is consistent with the principles of the SEPP (Housing) 2021 and the objectives of the zone despite the variation to the non-discretionary development standard.

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 SEPP (Housing) 2021 does not contain specific objectives for each development standard. Instead, it provides overall principles of the SEPP (Housing) 2021 and the controls and development standards inform, and are a way of achieving, those principles. The principles of the SEPP (Housing) 2021 within clause 3 are:

(a) enabling the development of diverse housing types, including purpose-built rental housing,

(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,

(c) ensuring new housing development provides residents with a reasonable level of amenity,

(d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,

(e) minimising adverse climate and environmental impacts of new housing development,

(f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,

(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,

(h) mitigating the loss of existing affordable rental housing.

Additionally, the objective of Division 1 *In-fill affordable housing* contained in clause 15A is to '*facilitate the delivery of new in-fill affordable housing to meet the needs of very low, low and moderate income households'*.

The development overall seeks to provide a two-bedroom affordable housing apartment for 15 years which is to be managed by a community housing provider. Conditions of consent to this effect will ensure the affordable housing is provided in accordance with the requirements of SEPP (Housing) 2021. This aspect of the proposal is consistent with principles (a) and (b) and the objective contained at clause 15A.

Despite the small size of the site, the proposal provides apartments with a high level of amenity that provide adequate private open space, privacy, internal area, cross-ventilation and solar access (as detailed in later sections of this report), consistent with principle (c).

The site is ideally located within proximity of public transport, existing infrastructure and services, including retail and commercial premises within the local centre consistent with principle (d).

The proposal introduces landscaping to the site whereas currently there is none and will provide photovoltaic solar panels on the roof. Cross ventilation will be achieved to all apartments reducing reliance on air-conditioning. Additionally, a condition is recommended requiring fans in all habitable rooms and no gas for heating and cooking. BASIX and NatHers Certificates have also been provided. In this regard, the proposal will contribute to minimising adverse climate and environmental impacts for new housing developments consistent with principle (e).

The site is unique in that the contributory façade at two-storeys is much lower than the street wall height of surrounding buildings. It is for this reason that it was considered more appropriate to retain the small narrow building and contain additions to that site. The existing small narrow building differs from surrounding buildings however provides an essential character to the streetscape as it represents the subdivision pattern from the 1920s when the heritage buildings were constructed. The proposal has been appropriately designed to reflect and enhance the locality consistent with principle (f).

Principles (g) and (h) are relevant to other parts of the SEPP (Housing) 2021 which relate to shared housing and Part 3 *Retention of existing affordable rental housing*. These parts are not relevant to this application. Part 3 of the SEPP (Housing) 2021 relates to the retention of existing affordable rental housing and applies to the Waverley Local Government Area (LGA). This Part applies to a low-rental residential buildings which is defined as:

low-rental residential building *means a building used, during the relevant period, as a* ***residential flat building*** *containing a low-rental dwelling or as a* ***boarding house****, and includes a building that—*

(a) is lawfully used as a residential flat building containing a low-rental dwelling or as a boarding house, irrespective of the purpose for which the building may have been erected, or

(b) was used as a residential flat building containing a low-rental dwelling or as a boarding house, but the use has been changed unlawfully to another use, or

(c) is vacant, but the last significant use of which was as a residential flat building containing a low-rental dwelling or as a boarding house.

The existing building on the site is 'shop top housing'. It is not defined as a 'residential flat building' or a 'boarding house' and as such, Part 3 of the SEPP (Housing) 2021 does not apply to this development and cannot be taken into consideration.

As discussed, despite the variation to the site area non-discretionary development standard, the proposal will be consistent with the principles of the SEPP (Housing) 2021 and the objective of Division 1 *In-fill affordable housing*.

<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. The environmental planning grounds used to justify the breach are well-considered and sound.

The smaller sized site results in a smaller development with fewer apartments, demonstrated by the fact that the proposal does not seek the bonus FSR available under the SEPP (Housing) 2021 and instead complies with the maximum FSR of the LEP.

The development standards within the SEPP (Housing) 2021 are expected to be applied state-wide and are not formulated to specific areas. By contrast, individual DCPs are tailored to the local area and expectations of the community. Although a DCP control cannot override a development standard in a higher order environmental planning instrument (i.e. SEPP or LEP), the controls within a DCP can inform development within the area as a guideline to local development. Waverley DCP 2022 provides specific controls for development within the Bondi Beachfront Character Area as outlined within **Table 7** of this report.

There are no controls within either the Waverley LEP 1012 or Waverley DCP 2022 which specify a minimum site area for shop top housing. As detailed in Section 2.1.3, the proposal predominantly complies with the requirements of the DCP, particularly the character area controls outlined in **Table 7**. It is acknowledged that a larger site would enable side setbacks to be provided however Part E2 of Waverley DCP 2022 which contains the character area controls for the Bondi Beachfront Area does not require side setbacks.

The adjoining property to the north (the Astra) contains a multitude of windows on all levels on the opposing southern elevation which overlook the subject site. These windows are to bedrooms and living rooms to senior's housing apartments (predominantly studio style). The Astra building

incorporates a 2.8m setback from the shared boundary to enable light and ventilation to these windows. Setbacks and lightwells are provided to buildings where there are windows to ensure these windows have appropriate amenity. These setbacks are provided on the affected site (meaning, on the site that contains the windows). This is considered sufficient to ensure adequate light and ventilation to their own windows on their own site. Where new windows or balconies are located on side boundaries, setbacks are required, to ensure there is appropriate amenity to the windows on that site and separation distances from opposing windows or balconies on surrounding sites to ensure reasonable levels of visual and acoustic privacy.

The subject development does not contain windows or balconies on the side elevations (except for glass bricks on the northern boundary wall), and as such, there is no need for separation distances or setbacks. Glass bricks are not considered to be a window as they are not openable, however to ensure privacy a condition will require that the glass bricks are not transparent. Although the windows within the Astra have had a heightened amenity by borrowing light, views and ventilation from the underdeveloped subject site, it is not a right to retain this level of amenity. The existing setback to windows at the Astra site enables a reasonable level of amenity to these rooms. While the level of amenity will be reduced by the subject development, the remaining level of light and ventilation is still considered reasonable.

The small size of the site does not result in any greater impact than a development on a site with a larger site area. The proposed development is small, being only three apartments and a shop. If the site were amalgamated with the adjoining site and a larger development were proposed, the surrounding properties would be impacted to a similar degree as that which is proposed on the site. The small size of the site does not manifest itself in greater impacts upon surrounding properties and there would be no additional benefit in a larger site. The area specific controls for the Bondi Beach Character Area anticipate a development similar as that which is proposed on the site, that being a shop top housing development which retains the contributory elements of the streetscape and conservation area. The proposal does not exceed the height and FSR development standards and is generally consistent with the DCP. Therefore, the proposal provides a development which is consistent with the desired future character of the area (as discussed elsewhere in this report).

<u>Conclusion</u>

The written request provided by the applicant to vary the minimum site area non-discretionary development standard has adequately addressed clause 4.6 of the LEP and the justification provided by the applicant is satisfactory.

Clause 4.6 Exceptions to Development Standards - Landscaped area and deep soil

The application seeks to vary the minimum landscaped area non-discretionary development standard in clause 19(2)(b) and the minimum deep soil zone non-discretionary development standard in clause 19(2)(c) under the SEPP (Housing) 2021.

The site is subject to a minimum landscaped area non-discretionary development standard of 30% (area of 71.5m^2) of the site area. The proposed development provides 9.7m^2 of landscaped area that meets the definition which is 4% of the site as landscaped area. This equates to a shortfall of 61.8m^2 equating to an 86.4% variation.

The site is subject to a minimum deep soil zone non-discretionary development standard of 15% (area of 35.7m^2) of the site area. The proposed development provides no deep soil that meets the definition which requires a minimum dimension of 3m. This equates to 100% variation to the non-discretionary development standard.

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

(a) That compliance with the non-discretionary 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 landscaped area and deep soil non-discretionary 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 is consistent with the principles of the SEPP (Housing) 2021 despite the contravention of the non-discretionary development standards.*

  (ii) *There are no objectives in the SEPP pertaining to the landscaped area and deep soil zone thresholds. It is reasonable to assume in this instance, that the purpose is to ensure space on the site to facilitate landscaping and plant growth.*

  (iii) *There is currently no landscaping on the site, whereas the development introduces an area at the rear and planting on structures at the rear where possible. This offers only a minor prospect of preserving or enhancing native wildlife population or habitat, but nonetheless it is an improvement on the existing situation.*

  (iv) *The site specific controls for Bondi Beach in Part E2 of the Waverley DCP 2022 discourages mature and substantial tree planting and require a nil setback between buildings to ensure an appropriate street wall.*

  (v) *There is no landscape character to this section of the street.*

  (vi) *The proposal offers what it can in terms of landscaping and a deep soil zone noting the constraints of the site that require retention of the heritage-value façade and built form*

expectations for the site limit the availability of deep soil areas and landscaping to a small pocket at the rear.

(vii) *Utilising this clause in the SEPP to refuse the development would not be reasonable given the constraint created by the heritage item, the anticipated outcome from the built form controls and the lack of available space to comply with this standard.*

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

(i) *Retaining the heritage-value elements of the building necessitates a careful balance between maintaining its integrity and fulfilling landscaping and deep soil controls. The constrained capacity to meet the landscaping target is directly influenced by the need to accommodate the heritage-values on the site that displace the distribution of compliant floor space towards the rear of the site.*

(ii) *The footprint of the retained heritage-value façade and new building, and the availability of residual site area for the distribution of compliant floor space, is a site-specific constraint that justifies a shortfall to the landscape and deep soil development standards (which are 'do not refuse' thresholds rather than a requirement), noting this does not diminish the overall quality of, or contribution from, this development.*

(iii) *The landscaping and deep soil area that is proposed at the rear has a relationship to the landscaped area on neighbouring properties to the rear in Francis Street.*

(iv) *The proposal introduces a low cost affordable rental housing unit in a desirable location with excellent connection to public transport, employment and recreational facilities. The compliance of the proposal with the LEP FSR standard of 3:1, notwithstanding the project benefits from a SEPP FSR standard of up to 3.9:1, demonstrates that the distribution of floor space and built form is not a product of overdevelopment, but that the building envelope reflects a compliant form.*

(v) *The building generally complies with relevant building envelope controls despite the inherent pressure from accommodating infill affordable housing, most notably that none of the available bonus floor space under the SEPP (Housing) has been utilised.*

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

The applicant's written request has correctly identified the non-discretionary development standard to be varied, relevant legislation and calculated the deep soil and landscaped area correctly. The written request also addressed those matters required in clause 4.6(3)(a) and (b) of the LEP. The applicant has provided sound justification establishing that the proposal is consistent with the principles of the SEPP (Housing) 2021 and the objectives of the zone despite the variation to the non-discretionary development standard.

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 SEPP (Housing) 2021 does not contain specific objectives for each development standard. Instead, it provides overall principles of the SEPP (Housing) 2021 and the controls and development standards inform, and are a way of achieving, those principles. The principles of the Housing SEPP within clause 3 are:

(a) enabling the development of diverse housing types, including purpose-built rental housing,

(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,

(c) ensuring new housing development provides residents with a reasonable level of amenity,

(d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,

(e) minimising adverse climate and environmental impacts of new housing development,

(f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,

(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,

(h) mitigating the loss of existing affordable rental housing.

As previously discussed, the development overall seeks to provide an affordable housing apartment which is consistent with principles (a) and (b). Principles (g) and (h) are relevant to other parts of the SEPP (Housing) 2021 which relate to shared housing and Part 3 *Retention of existing affordable rental housing*. These parts are not relevant to this application.

The limited landscaped area does not detrimentally impact upon the level of amenity provided to each apartment as they are provided with private open space and have access to Bondi Park and Beach opposite the site. The landscaped area, being contained at the ground level, is associated with the commercial shop and as such, will serve little purpose to the residential apartments other than as a landscaping buffer to neighbouring properties to the rear and west of the site. A landscaping plan has been provided that indicates that the small parcel of landscaped area at the rear will contain a tree and understorey planting of palms, ferns and groundcovers. At present there is no landscaping provided on site and as such, the subject proposal will result in a minor improvement. The proposal is therefore considered to be consistent with the remaining relevant principles of the SEPP (Housing) 2021.

The development standards within the SEPP (Housing) 2021 are expected to be applied state-wide and are not formulated to specific areas. By contrast, individual DCPs are tailored to the local area and expectations of the community. Although a DCP control cannot override a development standard in a higher order environmental planning instrument (i.e. SEPP or LEP), the controls within a DCP can inform development within the area as a guideline to local development. Waverley DCP 2022 provides specific controls for development within the Bondi Beachfront Character Area as outlined within **Table 7** of this report.

The applicant's states that the site specific controls for Bondi Beach in Part E2 of the DCP discourages mature and substantial tree planting and require a nil setback between buildings to ensure an appropriate street wall. In the E1 zone, it is anticipated that the ground floor levels of buildings will be utilised as predominantly commercial space and services with only access to residential properties provided. The definition for shop top housing does not allow residential uses at the ground floor level and as such, the use of landscaped area by residents is limited in a shop top housing development within a commercial zone. In this regard, a small landscaped area which acts as a buffer between adjoining residential uses is predominantly provided for redevelopment of sites within the E1 zone or alternatively no landscaping is provided on these sites. This is apparent when reviewing aerial imagery of properties fronting Campbell Parade within the Bondi Beachfront Character Area which indicates that commercial properties occupy the majority of the site with small pockets of landscaping or none at all.

The retail component and services extend for the majority of the ground level of the subject site to maximise the viability of the retail shops which contribute to an active and vibrant street front. The small parcel of landscaped area at the rear of the site will allow for a landscaping buffer between the subject development and the residential properties at the rear of the site. The provisions of the SEPP (Housing) 2021 do not vary between different zones and different types of affordable housing (i.e. whether shop top housing or residential flat buildings). The landscaping and deep soil non-

discretionary development standards are more suited to residential flat building development in the R3 and R4 zones, rather than shop top housing development in the commercial zones.

Given the above analysis, a variation to the landscaped area and deep soil non-discretionary development standards is considered acceptable on this site.

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

The written request appropriately argues the environmental planning grounds which are specific to the landscaping and deep soil non-discretionary development standards. These arguments are supported given that character area controls of Waverley DCP 2022 which are specific to the Bondi Beachfront commercial area do not require landscaping or deep soil. Alternative landscaping is provided by way planters at the upper levels to soften the bulk of the structure from the rear which is considered appropriate and acceptable on this site.

Conclusion

The written request provided by the applicant to vary the landscaping and deep soil non-discretionary development standards 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 - Parking

The application seeks to vary the minimum parking non-discretionary development standards in clause 19(2)(e) and (f) under the SEPP (Housing).

The site is subject to minimum parking non-discretionary development standards which requires one parking space for the affordable housing apartment and three spaces for the non-affordable apartments. The proposed development provides no parking on the site which equates to a 100% variation to 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 parking non-discretionary development standard on the following basis:

(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:

(i) *There are no objectives in the SEPP pertaining to the minimum parking thresholds. It is reasonable to assume that the purpose is to ensure that developments have sufficient parking to meet the needs of the future residents, and that Councils do not rely on requiring too many parking spaces to the extent that the delivery of affordable housing becomes unviable.*

(ii) *The proposal is consistent with the principles of the SEPP (Housing) 2021 despite the contravention of the non-discretionary development standards.*

(iii) *Whilst the SEPP would anticipate a total 3.5 parking spaces (say 4), the Council's DCP has a long history through multiple amendments whereby there is no minimum parking required for any development in the Waverley Local Government Area. Whilst there are maximums, these long-standing minimums of 'nil parking' reflect the Council's broader strategy of encouraging a transport modal split away from car dependency, instead preferencing cycling, walking and public transport.*

(iv) *This site is incredibly well serviced by public transport, being walking distance to the Bondi Beach Bus Interchange and on the 333 Bus line.*

(v) *The heritage value of this building, being a part of the Bondi Beach Conservation Area, dictates that this site should not have any parking from Campbell Parade. There is no opportunity for parking from any secondary frontage, as the site does not have one.*

(vi) *This outcome is also supported within the Site Specific controls in Part E2 of the Waverley DCP 2022 that relate to the Bondi Beachfront.*

(vii) *A development on this site with no car parking is entirely what is anticipated by the controls. This will be the case of any development, notwithstanding the provision of affordable housing.*

(viii) *Utilising this clause in the SEPP to refuse the development would not be reasonable given the constraint created by the heritage item, the anticipated outcome from the built form controls and the irreconcilable impacts that would arise if parking were required.*

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

(i) *Retaining the heritage-value elements of the building dictates that car parking is not possible on this site. This is not a sufficient reason to exclude the introduction of affordable housing on the site.*

(ii) *The parking standard (which is a 'do not refuse' threshold rather than a requirement), is not relevant to the overall quality of, or contribution from, this development. Conversely, if parking were mandated it would have an irreconcilable impact on the streetscape, heritage value of the site and the public domain.*

(iii) *On site car-parking is discouraged in the Waverley DCP 2022 generally, whilst specifically to the Campbell Parade beachfront properties there are site specific controls in the Waverley DCP 2022 that do not allow crossings over Campbell Parade.*

(iv) *The proposal introduces a low cost affordable rental housing unit in a desirable location with excellent connection to public transport, employment and recreational facilities. It would not benefit from providing car parking.*

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

The applicant's written request has correctly identified the development standard to be varied and relevant legislation. It should be noted that the SEPP (Housing) 2021 has recently been amended to provide the parking standards under clause 22A as a development standard to strengthen these requirements. However savings provisions apply and as such, the parking is considered a non-discretionary development standard as part of this application as the application was lodged before the amendments to the SEPP came into effect. The written request also addressed those matters required in clause 4.6(3)(a) and (b) of the LEP.

The applicant has provided sound justification establishing that the proposal is consistent with the principles of the SEPP (Housing) 2021 and the objectives of the zone despite the variation to the non-discretionary development standard.

<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]. It is considered that the written request adequately demonstrates that compliance with the parking non-discretionary development standard is unreasonable and unnecessary.

The SEPP (Housing) 2021 does not contain specific objectives for each development standard. Instead, it provides overall principles of the SEPP (Housing) 2021 and the controls and development standards inform, and are a way of achieving, those principles. The principles of the Housing SEPP 2021 within clause 3 are:

(a) enabling the development of diverse housing types, including purpose-built rental housing,

(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,

(c) ensuring new housing development provides residents with a reasonable level of amenity,

(d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,

(e) minimising adverse climate and environmental impacts of new housing development,

(f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,

(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,

(h) mitigating the loss of existing affordable rental housing.

As previously discussed, the development overall seeks to provide an affordable housing apartment which is consistent with principles (a) and (b). Principles (g) and (h) are relevant to other parts of the SEPP (Housing) 2021 which relate to shared housing and Part 3 *Retention of existing affordable rental housing*. These parts are not relevant to this application.

The provision of parking spaces within a development is not necessarily a measure of amenity particularly where the site is located within an area which is highly serviced by public transport, shops and leisure facilities. Council's DCP seeks to limit the amount of parking provided on sites as a strategy for decreasing car dependency, reducing traffic and encouraging cycling, walking and public transport. This site, being located in the Bondi Beach Local Centre, is located where a lack of parking does not unreasonably impact upon the amenity provided within the development. In this regard, the proposal is not considered to be contrary to principles (c) and (d).

Waverley DCP 2022 does not permit driveway crossings along Campbell Parade to ensure active and vibrant retail frontages. Additionally, given the site contains a building which contributes to the conservation area, an opening to provide vehicular access is highly discouraged as it will impact negatively on the streetscape and conservation area. In this regard, the provision of parking would

be contrary of principle (d) which seeks to ensure housing is designed to reflect and enhance the locality.

The provision of no parking on the site is considered appropriate and consistent with local controls and the principles of the SEPP (Housing) 2021.

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

The written request appropriately argues the environmental planning grounds which are specific to the parking development standards. These arguments are supported given that Waverley DCP 2022 expressly prohibits driveway crossing on Campbell Parade to maintain the streetscape, conservation area and promote active retail frontages.

The applicant has satisfactorily argued that that there are sufficient environmental planning grounds to justify contravening the non-discretionary development standard.

Conclusion

The written request provided by the applicant to vary the parking non-discretionary development standards has adequately addressed clause 4.6 of the Waverley LEP 2012 and the justification provided by the applicant is satisfactory.

Clause 6.9 – Design Excellence

The application was referred to the DEAP on 8 October 2025. The DEAP's comment of the proposed development against the design excellence provisions in clause 6.9 of Waverley LEP 2012 and a planning response to each comment are set out in **Table 3** of this report.

Table 3: Assessment against the design excellence clause of Waverley LEP 2012

(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
Panel Comment: *The panel review identified five key elements for review which if satisfactorily amended would enable the project to achieve design excellence in its context and use.* 1. *The panel raised concerns regarding the curved balcony balustrades of L3-5 on Campbell Parade, which can be redesigned with solid horizontal banding to improve two-way visual privacy from the public domain while maintaining views.* 2. *The panel discussed how the zero setback of the projecting curved balconies of L3-5 worked against the composition of the new work and that a 1m setback of the balconies would resolve the issue.* 3. *The panel proposed a trade-off to the rear that resolved the spatial and built form issues from the angled rear alignment of the building on Levels 2,3,4 and 5, by squaring of the*

rear splayed elevation to form a two stepped façade to avoid the unusable triangular corner spaces internally.

4. *Section B shows a circa 200mm slab edge of Level 1 within the Heritage window zone of Level 1. Once the Balcony of Level 2 is set down a further 100mm to comply, this interface in between the new and old requires a more detailed resolution to protect the presentation of the retained Heritage facade.*
5. *The retail entry amenity can be improved, by removing the one step riser from Campbell Parade by lowering the Ground Floor Level of the Retail Space to achieve a zero-step compliant threshold.*
6. *The proposed new awning is unresolved and should be reconsidered as an integral part of the façade composition, entry experience, signage and in context with the adjacent stepped awnings.*

Planning comment: The proposal is considered to provide a high standard of architectural design, materials and detailing consistent with this clause. The amended proposal has responded to the comments above (numbered 1-6) as follows:

1. The amended proposal has removed the curved balconies and replaced with rectilinear balconies behind a strong masonry street wall. The balustrades have been redesigned to appear more solid whilst still allowing views to the public domain.
2. The amended design incorporates a 1m setback to the balconies behind the retained contributory façade.
3. The splayed rear setback of the upper levels has been redesigned to reflect the comments of the DEAP by providing a two stepped rear form.
4. The position of the slab interface with the retained first floor window has been resolved as demonstrated by a revised detailed section.
5. The one-step riser has been removed from the amended proposal. This also allows greater accessibility within the shop.
6. The amended proposal provides a continuous awning corresponding to the awnings to properties on either side.

The amended plans are considered to satisfactorily resolve these issues raised by the DEAP.

(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,

Panel Comment:

The panel acknowledged that with the successful hydraulic resolution of the vaulted roofs, the form and external appearance of the building will improve the quality and visual amenity of the public domain.

Planning comment: The amended proposal provides an active street frontage with the retail shop addressing and opening to the street frontage. The proposal is considered to be consistent with this clause.

(c) whether the development detrimentally impacts on view corridors,
Panel Comment: *No view sharing impacts noted.* **Planning comment:** The proposal will not impact unreasonably upon view corridors particularly as the building is consistent with the height and FSR development standards of the LEP and SEPP (Housing) 2021. The bulk and scale of the building is consistent with that anticipated by the development standards and any associated impact upon significant views from the public and private domain are considered reasonable. The proposal is considered to be consistent with this clause. This issue is further discussed in Section 2.1.3 of this report.
(d) how the development addresses the following matters: **(i) the suitability of the land for development,** **(ii) existing and proposed uses and use mix,** **(iii) heritage issues and streetscape constraints,** **(iv) the relationship of the development with other existing or proposed buildings on the same site or in the vicinity of the site in terms of height, bulk, separation, setbacks, modulation, amenity and urban form,** **(v) (Repealed)** **(vi) street frontage heights,** **(vii) environmental impacts such as overshadowing, wind and reflectivity,** **(viii) the achievement of the principles of ecologically sustainable development,** **(ix) pedestrian, cycle, vehicular and service access, circulation and requirements,** **(x) the impact on, and any proposed improvements to, the public domain,** **(xi) the quality and integration of landscape design.**
Panel comment: • *A compliant height is proposed.* • *Shop top housing use and affordable housing mix is supported.* • *Retail access is required to be compliant from Campbell Parade.* • *With the recessing of the curved balconies on L3-5.* Additionally, The DEAP provided comments in relation to the Design Quality Principles of Chapter 4 of the SEPP (Housing) 2021 however this does not apply to the development as previously discussed. Notwithstanding, the comments of the DEAP are useful and inform the merit assessment of the design excellence of the proposed development. In this regard, the comments are provided below: *<u>Principle 1: Context and Neighbourhood Character</u>* *The proposal does achieve this principle in the following ways:* • *The existing two-storey building on the site is a contributory building within the Bondi Beach Heritage Conservation Area and makes a positive contribution to the streetscape of Campbell Parade.*

- *The adjacent datum heights and local context are varied in scale, form and architecture. The proposal is considered an appropriate response.*

Principle 2: Built Form and Scale

The proposal does achieve this principle however the panel notes the following for review:

- *The panel raised concerns regarding the curved balcony balustrades of L3-5 on Campbell Parade, which can be redesigned with solid horizontal banding and vertical steel balustrading to improve two-way visual privacy from the public domain while maintaining views.*
- *The panel discussed how the zero setback of the projecting curved balconies of L3-5 worked against the composition of the new work and that a 1m setback of the balconies would resolve the issue.*
- *The panel proposed a GFA trade-off to the rear that resolved the spatial and built form issues from the angled rear alignment of the building on Levels 2,3,4 and 5, by squaring off the rear splayed elevation to form a two stepped façade to avoid the unusable triangular corner spaces internally.*
- *Section B shows a circa 200mm slab edge of Level 1 within the Heritage window zone of Level 1. Once the Balcony of Level 2 is set down a further 100mm to comply, this interface in between the new and old requires a more detailed resolution to protect the presentation of the retained Heritage facade.*
- *The retail entry amenity can be improved, by removing the one step riser from Campbell Parade by lowering the Ground Floor Level of the Retail Space to achieve a zero-step compliant threshold.*
- *The proposed new awning is unresolved and should be reconsidered as an integral part of the façade composition, entry experience, signage and in context with the adjacent stepped awnings.*
- *Provide a 1:20 detailed section of the Campbell Parade façade to capture the above resolution.*
- *Provide a dimension for the extent of the return walls of the façade to be retained.*

Principle 3: Density

The proposal does achieve this principle in the following ways:

- *The development proposes a compliant floor space ratio of 2.98:1 (710.4m^2) which is below the 3.9:1 (929m^2) available under the SEPP and below the 3:1 available under the LEP.*

Principle 4: Sustainability

The proposal does achieve this principle in the following ways:

- *Single level apartments in coastal locations will achieve high levels of cross ventilation particularly the 2 level apartments.*
- *Ceiling fans to bedrooms and the wellness room will further promote ventilation.*

Principle 5: Landscape

The proposal does achieve this principle however the panel notes the following for review:

- *The Panel recommends that at the rear on the Ground Floor, additional deep soil can be provided up to the drip line of the Level 1 planter box above. This can be achieved by a more spatially efficient design of the circulation and storage area inboard.*

Principle 6: Amenity

The proposal does achieve this principle in the following ways:

- *The apartment layouts have a homelike quality; the apartment amenity is strong with a high-end possibility.*
- *Refer to Principle 2 for squaring of rear face to avoid unusable triangular corner spaces on Levels 2,3,4 and 5.*

Principle 7: Safety

The proposal does not achieve this principle in the following ways:

- *Access to the roof is required for maintenance.*

Principle 8: Housing Diversity and Social Interaction

The proposal does achieve this principle in the following ways:

- *The applicant has elected Bridge Housing, trading as Homeground Real Estate, to manage the two-bedroom apartment on the first floor that has been nominated for affordable housing for the period of 15 years.*
- *The other two apartments are both two levels each consisting of three bedrooms, each providing a suitable mix and diversity.*
- *The Panel acknowledged that communal space is not required due to the confined site and location.*

Principle 9: Aesthetics

The proposal does achieve this principle in the following ways:

- *The paint and tiled treatment of the maintained two-story façade is elegant.*
- *The vaulted roof forms, vertical blade wall language and restrained palette of materials to the new work is supported.*

Planning comment: The amended plans largely address the concerns raised above with the exception of increasing the landscaped area. The layout of the ground floor level is designed to provide the required services (bin storage, plant, fire stairs, bicycle spaces and storage) and maximise the retail space. Given that an active retail frontage is required, maximisation of the retail space is considered of greater importance to ensure the long-term viability of the retail shop. As previously discussed, the landscaping is considered appropriate for this site.

Additionally, DCP requirements have increased for bicycle parking and as such, an additional bicycle space was required in the amended plans. This did not allow a reduction in the ground level footprint.

The following comments are made in relation to the design excellence clauses of matter (d):

(i) Shop top housing that provides an employment generating use and residential apartments is considered to be consistent with the zoning and suitable for the site. The site is considered suitable for the development.

(ii) The proposed residential and retail land uses are appropriate to the zoning and the site, within a local centre.

(iii) The proposal retains the front façade of the contributory building currently existing on the site. Heritage conservation is discussed in detail elsewhere in this report. The proposal is considered to be an appropriate response to the conservation area.

(iv) As will be detailed in this report, the proposal is generally consistent with the relevant controls of the Waverley DCP 2022 and provides an appropriate urban form, setbacks and separation from surrounding properties. The proposal will not have unreasonable amenity impacts upon surrounding properties as discussed throughout this report. The proposed building has an appropriate bulk and massing set by the height and FSR development standards. The front façade has been appropriately redesigned to respond to the streetscape and the conservation area.

(v) Repealed.

(vi) The proposal is two storeys at the street retaining the façade of the contributory building on the site consistent with the heritage controls contained within Waverley DCP 2022. The amended design provides a 1m setback to the new works to ensure the importance of the heritage façade and the surrounding heritage items are not diminished and continue to be the focus of the streetscape.

(vii) The proposal will not have unreasonable overshadowing impacts (discussed in detail in section 2.1.3 of this report), reflectivity or wind effects.

(viii) A BASIX certificate has been provided. The proposal provides photovoltaic cells on the roof, achieves solar access and cross-ventilation targets and introduces some landscaping to the site. Additionally, a condition is recommended requiring fans in all habitable rooms and no gas for heating and cooking. The lack of vehicular parking on site also contributes to environmental sustainability by encouraging other modes of transport such as cycling, walking and public transport patronage.

(ix) As detailed previously, the proposal provides no parking, encouraging other modes of transport. The amended proposal provides an appropriate transition to the public domain.

(x) The proposal provides a small parcel of landscaping on a site which currently does not provide any. The landscaping has been discussed previously and is considered acceptable to this site as it allows the maximisation of retail space as well as the required services for

the building and provides a buffer between the site and the residential properties to the rear. Landscaping is integrated throughout the development by way of the rear landscaped buffer, planters to the balcony of the affordable housing apartment and planter boxes to the bedroom windows on the rear elevation to the upper floor levels.

Given the above analysis, it is considered that the proposal will exhibit design excellence consistent with clause 6.9 of the LEP.

2.1.3. Waverley DCP 2022 (Amendment 5)

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

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

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory as discussed previously.
2. Ecologically Sustainable Development • *Ceiling or wall mounted fans* • *Gas cooktops, gas ovens or gas internal space heating systems.*	Yes	Satisfactory. A condition is recommended requiring fans in all habitable rooms and no gas for heating and cooking.
3. Landscaping, Biodiversity and Vegetation Preservation	Yes	Satisfactory as previously discussed.
5.Water Management	Yes	Satisfactory. Refer to section 3 of this report on referral commentary in relation to stormwater.
6. Accessibility and Adaptability	Yes	Satisfactory.
7. Transport **7.1 Streetscape** **7.2.2 Parking Rates** *Minimum parking rate:* • *Nil* *Maximum parking rate:* • *4* **7.2.6 Bicycle Parking** *Resident: 5* *Visitor: 0*	Yes	The proposal does not provide any off-street parking however this is consistent with the minimum provisions of the DCP and is encouraged in this area (detailed in **Table 7** of this report). The site is ideally located within proximity of public transport, local shops and service and existing infrastructure. The proposal will not generate unreasonable traffic or parking demands within the area. The amended proposal provides five bicycle parking spaces consistent with the DCP control.

Development Control	Compliance	Comment
8. Heritage	Yes	Refer to detailed discussion following the tables within this report.
9. Safety	Yes	Satisfactory.
11. Design Excellence	Yes	Satisfactory as previously discussed against the design excellence matters specified under clause 6.9 of Waverley LEP 2012.
13. Excavation	Yes	This issue has been discussed in **Table 2**. The proposal does not contain a basement and excavation is limited to leveling the site from the front to the rear. The Preliminary Geotechnical Report provides recommendations in regard to the construction phase and is referenced in the conditions of consent. The excavation is considered appropriate and satisfactory.
14. Advertising and Signage	N/A	No details regarding signage have been provided. This will be subject to separate consent.
15. Public Domain	Yes	Satisfactory.

Part C2 *Other Residential Development* applies to the residential component of shop top housing. Part E *Site Specific Development* provides specific controls for the Bondi Beachfront Area within Part E2. The DCP states that where there is an inconsistency between Part E and another Part, Part E prevails to the extent of the inconsistency.

Table 5: Waverley DCP 2022 – Part C2 Other Residential Development Compliance Table

Development Control	Compliance	Comment
2.1 Site, Scale and Frontage		
• *Lot sizes and dimensions must enable development to be sited to protect the natural or cultural features of the site and avoid significant changes to the natural topography.*	Yes	There are no specific site area or frontage requirements for shop top housing and sites that are not in R3 of R4 zones. As previously discussed within the report, the site is considered to be suitable size for the scale of the development proposed, being only three apartments and a single shop. During the assessment discussions were held with the Council's Urban Designers and Heritage Architects regarding the size of the site and development and whether it would be a satisfactory contextual fit to the streetscape and conservation area. This was done by considering the block of buildings as a whole and the potential for future development of these buildings. It was agreed that containing the development to the small site, rather than

Development Control	Compliance	Comment
		an amalgamated larger site, was the appropriate response as it is reflective of the original and fine-grain subdivision pattern for this area and protects the cultural features of the site.
2.2 Height		
	N/A	The DCP states that where there is an inconsistency between Part E and another Part, Part E prevails to the extent of the inconsistency. Wall height controls are contained within Part E2 relating to the Bondi Beach Character Area controls (refer to **Table 7**).
2.3 Setbacks		
2.3.1 Street setbacks • *Consistent street setback*	N/A	The DCP states that where there is an inconsistency between Part E and another Part, Part E prevails to the extent of the inconsistency. Street setback controls are contained within Part E2 relating to the Bondi Beach Character Area controls (refer to **Table 7**).
2.3.2 Side and rear setbacks • *Minimum side setback: 1.5-2.5m* • *Reduced setbacks may be permitted where reduced setbacks are more in keeping with the character of the area.* • *Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback* • *Deep soil along side boundary min 2m wide*	No	The DCP states that where there is an inconsistency between Part E and another Part, Part E prevails to the extent of the inconsistency. Side setback controls are contained within Part E2 relating to the Bondi Beach Character Area controls (refer to **Table 7**). The Bondi Beach Character Area controls require street edge design and nil side boundary setbacks for a minimum of 10m measured from the street boundary of a site. Notwithstanding, the DCP allows reduced side setbacks where it is more in keeping with the character of the area. Typically, in the E1 zone, side setbacks are incorporated into the rear sections of buildings where required to provide windows to habitable rooms. Where there are no windows, setbacks are not required. There are a number of sites in the E1 zone, particularly along Campbell Parade, which have no side setbacks. Although the adjoining property to the north (the Astra) has windows along this boundary, this property provides its own setback to these windows of approximately 2.8m. This enables

Development Control	Compliance	Comment
		light and ventilation to these apartments. As discussed later in this report, the windows on the southern elevation of the adjoining building (the Astra) will lose water views that are achieved across the subject site. Providing a side setback to the rear section on the subject site will not result in the retention of views given that the Bondi Beach Character Area controls require nil setbacks for a minimum of 10m. The subject site is to the south of the Astra and will not impact upon solar access to this building between 9am and 3pm. A window exists at the uppermost floor level and on the southern boundary wall of the Astra. While the proposed development will conceal this window, the window cannot be reasonably protected as windows on boundaries, particularly for residential development, are precluded by contemporary building and planning regulations and seldom exist. Further, applying more onerous height and setback requirements than those that apply to the site for the purpose of protecting this boundary window would be unreasonable and against the provisions of section 4.15 (2) of the Act that are outlined earlier in this report. In this regard, the nil setback along the northern façade is considered acceptable. The rear setbacks of the upper floor levels have been designed to step across the rear boundary given the splayed rear boundary upon the advice of the DEAP. This is considered appropriate providing a transition between the reduced setbacks of the Astra to the north and the underdeveloped sites to the south. Development within the E1 zone typically extend almost for the full depth of sites given that retail/commercial spaces should be maximised. A deep soil zone along one side boundary is not able to be achieved in the E1 zone given the requirement for full width development for a minimum of 10m as required by The Bondi Beach Character Area controls (refer to **Table 7**).
2.4 Length and depth of buildings		
• *Maximum building length: 24m*	Yes	The building has a length along the street of approximately 6m.

Development Control	Compliance	Comment
• *Façade to be articulated* • *Maximum residential flat building depth: 18m*	Yes N/A	The front façade has been appropriately articulated to address heritage concerns as raised by Council's Heritage and Urban Design Team and DEAP. The amended design retains the front façade of the existing building and sets back the new work 1m to the rear to provide an appropriate transition between the old building and the new works. The proposal is not a residential flat building.
2.5 Building design and streetscape		
• *Respond to streetscape* • *Sympathetic external finishes* • *Removal of original architectural features not supported*	Yes	The proposed building responds appropriately to the streetscape as previously discussed. The proposed finishes are considered appropriate, and the building reinstates and retains original features of the retained building.
2.8 Pedestrian access and entry		
• *Entry at street level and respond to pattern within the street* • *Accessible entry* • *Legible, safe, well-lit*	Yes	The residential pedestrian entry will be accessed via a separate entry from Campbell Parade on the northern boundary of the site. The entry will be accessible ensured by way of prescribed conditions requiring compliance with the National Construction Code (NCC). The entry is considered legible and safe.
2.9 Landscaping		
• *Comply with part B3-Landscaping and Biodiversity* • *Minimum of 30% of site area landscaped* • *50% of the above is to be deep soil*	Yes N/A N/A	Refer to **Table 4.** The non-discretionary development standards in relation to landscaped area and deep soil of the SEPP (Housing) 2021 apply and override these controls. Refer to previous discussion within this report.
2.10 Communal open space		
	N/A	Communal open space is not required in the E1 zone.
2.11 Private Open Space		
2.11.2 – Balconies/decks • *Balcony additions to match the character of the building* • *Should not dominate the façade* • *No wrap around balconies*	Yes	The balconies are located on the front elevation of the building overlooking Campbell Parade and Bondi Beach and Park beyond. The proposal has been amended since it was first submitted to address heritage conservation matters and ensure that the

Development Control	Compliance	Comment
• *Located to maximise solar access and privacy* • *Balustrades to allow views and casual surveillance of the street & privacy*		balconies do not dominate the front façade of the building. The balconies will achieve morning sun maximising solar access on this site. The balconies, being located at the front of the site, will not have unreasonable privacy impacts upon surrounding residential properties. The balustrades have been designed to allow surveillance of the street and privacy for occupants.
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	The balconies and living area windows will be orientated generally east and as such receive solar access in the morning hours. Given the six-storey building to the north of the site (the Astra) overshadows the site for much of the day, the eastern elevation is the only location that would allow sufficient solar access to be achieved and as such, this is considered acceptable. The proposal results in additional overshadowing of the residential properties to the rear and west of the site located along Francis Street, most notably Nos. 11 to 15 Francis Street. The additional overshadowing predominantly falls within the rear setbacks of these properties and only marginally to the rear elevations at the lower ground floor levels between 9am and 10am. Notwithstanding, sufficient solar access is retained throughout the day to rear setbacks, balconies and living area windows of these properties. Additional overshadowing will also fall onto the rear setbacks of buildings to the south which front Campbell Parade. Given the zoning for these properties is E1 and shop top housing is anticipated for existing and future development, the rear setbacks at ground level are generally used for commercial purposes. Although some setbacks may be used for communal or private open space, upon redevelopment of these sites to shop top housing and/or commercial development, it is unlikely that the ground level setbacks will be in residential uses (given the definition for shop top housing requires that residential be located above ground floor commercial uses).

Development Control	Compliance	Comment
		The reasonableness of the overshadowing impact of a development is considered based on the performance and compliance of the development with relevant built form development standards and controls as well as the site's orientation. The proposal complies with the key built form controls including the height and FSR development standards as well as the front, side and rear setback controls. Any additional overshadowing impact caused by the proposed development is deemed reasonable and non-adverse and anticipated for any compliant redevelopment of the subject site.
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	Refer to detailed discussion following the tables within this report.
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* • *Prevent overlooking of more than 50% of private open space of lower-level dwellings in same development*	Yes	The dwellings are orientated toward the street with balconies on the front elevation overlooking Campbell Parade. The balconies, being located on the front elevation, will not have unreasonable impacts upon the privacy of adjoining properties. The proposal contains two balconies on the rear elevation for the affordable housing apartment at the first floor level. These will be enclosed on both sides and will be accessed via bedrooms which are rooms of low use with low privacy impacts. Although these balconies are at the first floor level, this is lower than the ground level of properties at the rear due to the steep incline between the subject site and the properties on Francis Street. This also ensures that privacy impacts are minimal given the low level of the balconies and fencing will largely obscure any outlook.

Development Control	Compliance	Comment
• *Roof tops a may be used to meet communal open space requirements*		The proposal includes windows on the rear elevation at all levels with outlook toward the west (rear). The rear setback to these windows will range from 4m-5.8m. The distance to the rear elevations of the nearest residential flat buildings on Francis Street at the rear range from approximately 22m to 25m. These separation distances are considered sufficient to ensure privacy impacts are not unreasonable.
2.17 Ceiling Heights		
• *Min 2.7m floor to ceiling height residential floors*	Yes	The proposal provides 3.1m floor to floor for the residential levels. This is considered sufficient to achieve the required 2.7 floor to ceiling heights.
2.18 Storage		
• *In addition to kitchen cupboards and bedroom wardrobes, min storage required is:* *2 bed = 8m^3* *3 or more bed = 10m^3* *All to provide bulk storage area in basement or ancillary structure*	Yes	Each dwelling is provided with a storage cage at ground floor level for bulky storage with a volume of approximately 6m^3. Additionally, each apartment will provide additional internal storage with a minimum of 4m^3. Accordingly, the proposal provides adequate storage for each apartment.
2.19 Acoustic privacy		
• *Internal amenity by locating noisy areas away from quiet areas*	Yes	The ventilation and equipment (ie, plant) will be located at the roof level contained centrally on the roof and concealed by solid parapet walls. Conditions are included in Appendix A regarding noise generation from the mechanical plant to ensure the acoustic privacy of surrounding properties. Acoustic privacy has been considered in the design.
2.20 Natural Ventilation		
• *All dwellings to be naturally cross-ventilated* • *Building to be orientated to maximise breezes* • *Ceiling fans are to be provided in all habitable rooms*	Yes	All dwellings will be naturally cross-ventilated and the building has been designed to maximise breezes. A condition will require ceiling fans within all habitable rooms.

Development Control	Compliance	Comment
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* • *Outdoor Communal clothes drying area to be provided* • *Plant rooms away from entry communal and private open spaces and bedrooms.* • *Services on roof not to be seen from street or impact public or private views and be min 2m from the building edge.* • *The maximum volume permitted for a plant room is the minimum required to meet Australian Standards, accommodate typical dimensions of equipment required and the associated circulation space to access the equipment for maintenance.*	Yes	Services at roof level are set back from the edges within the centre of the roof and are to be screened from the street and neighbouring properties by parapet walls. Plant, services and exhausts are integrated into the design of the building. The mailboxes will be positioned adjacent to the residential entry. There is no communal open space due to the retail shop being at ground level and as such, there are no communal clothes drying areas. Balconies are provided to each unit enabling outdoor clothes drying. The plant rooms at ground level are not excessive and are an appropriate size for the commercial and residential uses.

Table 6: 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		
1.2.1 Frontages	Yes	The street frontage of the commercial shops has been appropriately designed to be sympathetic to the overall proportion of the building and provide an active street level frontage.

Development Control	Compliance	Comment
		The existing front façade of the building is to be retained at the lower two levels of the building. The windows and door frame reflect the character of the building. A condition regarding street numbering is included in the consent.
1.2.2 Awnings	Yes	The proposal provides a continuous awning along the Campbell Parade frontage consistent with the character of the street and surrounding development. The continuous awning is also likely consistent with the awning to the original building as detailed within the Statement of Heritage Impact (SHI). Reinstatement of a continuous awning similar to the awning at the Astra will further enhance the contribution of the retained facade to the conservation area.
1.2.3 Lighting	Yes	Details regarding lighting have not been provided at this stage. An appropriate condition is included in Appendix A.
1.2.3 General Amenity	Yes	Plant and services have been incorporated into the design of the building. The specific uses of the commercial premises are not known at this stage and would be subject to separate consent at a later date. Notwithstanding, the proposal has been designed to include ducting and ventilation within the building envelope for the potential future use of the shop as a food premises.
1.2.4 Noise	Yes	An Acoustic Report was provided with the application which makes recommendations for the construction phase of the development. This report is referenced in the conditions of consent. Sound insulation between floors is a standard requirement under the BCA/NCC. Condition regarding noise from mechanical plant is including in Appendix A. All other standard conditions in regard to noise are included in Appendix A. The use of the shop is unknown at this stage and subject to separate consent.

Table 7: Waverley DCP 2022 –E2 Bondi Beachfront Area Compliance Table

Development Control	Compliance	Comment
2.1 General Controls		
2.1.1 Public Domain Interface • *Buildings must have a clear street address with well-defined entries that are visible from the street.* • *Commercial and residential entries must be separated.* • *Access to residential dwellings above ground level should not occupy more than 20% of the principal street frontage.* • *New shop fronts must have proportions and characteristics that are consistent with other shop fronts in the Bondi Beachfront Area.* • *Shop fronts must consist primarily of clear glazing that is capable of opening to the public domain.* • *Opaque facades at ground level are not permitted in E1 Local Centre Zones.* • *Primary commercial street frontages must provide an entry to a retail premises every 5 - 6.5m* • *Vehicular entries are not permitted along Campbell Parade and primary commercial street frontages.*	Yes	The proposal provides a strong retail frontage at the ground floor level addressing Campbell Parade. The ground floor retail maximises the frontage on Campbell Parade and is active, open and inviting. Additionally, the retail frontage is provided with a continuous awning on Campbell Parade. The commercial and residential entries are separated and are clear, legible and safe. The residential entry occupies 16% of the frontage. The proposal retains and/or reinstates windows to the original front façade in accordance with advice from Council's Heritage Advisor. The front façade of the new works is set back 1m from the retained façade of the original building on the site to ensure that the new works provide an appropriate juxtaposition between the old and new building portions. The front windows are translucent glazing to enhance the active frontage. The commercial frontage at the ground level is only 6m wide and as such meets the requirement for retail entries every 5m-6.5m. The proposal provides no vehicular entry along the Campbell Parade frontage as it is a primary commercial street frontage. This is consistent with the DCP requirements. The proposal is consistent with this part of the DCP.

Development Control	Compliance	Comment
2.1.2 Building Use • *No part of a floor above the first floor will be used for the purpose of a Business Premises or Office Premises.* • *The ground floor and first floor must have active street frontages and be used for retail premises, business premises, tourist and visitor accommodation or a combination of those uses.*	No	The proposal provides an active retail frontage at the ground floor level and residential uses above. The use of the first floor level as residential instead of commercial is consistent with the pattern of development within the Bondi Beach area. Most buildings in the E1 zone have active commercial frontages at ground level and residential apartments above. This control has been difficult to enforce within Bondi Beach as buildings in the area traditionally contained shops at ground with residential above. Where provided on first floor levels of new buildings in the area, the commercial use has been proven to not attract viable and sustained tenants/occupation and consequently has been converted to residential use with development consent. The existing building on the site has residential at the first floor level, as do the surrounding properties, and as such the variation to this control is considered acceptable. The proposal is consistent with the character of the surrounding building and the wider Bondi Beach area in this regard.
2.1.3 Built Form • *The built form of new and refurbished buildings must complement the height and scale of the prevalent built form within the Bondi Beachfront Area.* • *Buildings along Campbell Parade must be built to the street alignment and predominant surrounding street wall height.* • *Buildings in the E1 Local Centre zone must provide a minimum of 3.3m clear ceiling*	Acceptable	The site sits within a group that extends from Sir Thomas Mitchell Road to the north and Francis Street to the south. The Astra building is located directly to the north of the site and is a six-storey building that addresses the corner with Sir Thomas Mitchell Road. The remaining buildings within this row are underdeveloped, meaning there have been no recent additions that extend to the development potential of the site in terms of both height and FSR. The existing buildings on these sites range from two to four storeys at the street edge with the Astra rising to six storeys. There is no predominant street wall height to this group of buildings. Given that the group contains heritage items and contributory buildings, future development of the group would likely require that any new development is located to the rear retaining, as a minimum, the front facades of the heritage buildings

Development Control	Compliance	Comment
heights on Ground Level and Level 1. • *For sites adjoining residential zoned land, the building is to be setback a minimum of 1.5m from the common boundary.*		(subject to assessment and heritage conservation, particularly in relation to the listed items). In terms of overall height, the proposed development will be consistent with the six-storey height of the Astra building to the north. The Astra building is a heritage item and is built to the street edge for all six storeys. In consultation with Council's Heritage Advisor and Urban Designer, the original proposal was amended to set the new works behind the retained façade (i.e. the upper four storeys of the proposed building) by 1m (to balconies). Additionally, the front balconies are set back 1m from the northern side boundary with the Astra to provide a break between the buildings. These amendments ensure that the building does not dominate the heritage listed Astra building nor the retained front façade on the subject site. This will provide an appropriate juxtaposition between the retained façade and the contemporary additions to the building. It is anticipated that upon redevelopment of the sites to the south along this part of Campbell Parade, this pattern of development will be repeated, with the retained heritage facades at the street edge and new works set back by 1m. This redevelopment will potentially set the standard for the future redevelopment within the group of buildings. In this regard, the height, scale and built form are consistent with the desired future character of the Bondi Beach Character Area and the conservation area.The proposal achieves 3.3m ceiling heights at ground floor level however at first floor level 2.74m is provided rather than 3.3m required by the DCP. The proposal retains the front façade for the first two-storeys of the existing building and as such ceiling heights respond to the existing building. This is appropriate for this development. The site adjoins residential zoned land at the rear with the properties on Francis Street being zoned R3 *Medium Density Residential*. The rear

Development Control	Compliance	Comment
		setbacks range from 1.3m to 4.3m at the ground and first floor levels. The floor levels of the ground and first floor levels are contained below the ground level of the rear yard of the residential apartments to the rear. In this regard, there will be minimal to no privacy impacts and the visibility of these levels above the existing fencing will be low. The upper levels from Levels 2-5 will be set back approximately 3m to 5.2m complying with this control.
2.1.4 Roofs • *The existing pattern of roof forms and roof elements along Campbell Parade must be retained.* • *Rooftop elements and buildings services located on the roof of a building must not be visible at eye level, 1.5m above the existing finished ground level, when viewed from the property boundary opposite the site.*	Yes	The original proposal incorporated a curved roof form however in consultation with Council's Heritage Advisor, amended plans replaced this with a rectilinear roof form which is more consistent with the pattern of development within the area and the conservation area. Plant and services are contained at the roof level however are concealed from the street and surrounding properties by being incorporated into the design.
2.1.5 Views • *Respect existing view corridors from the public domain.* • *Avoid impacting on existing views where possible.*	Yes	Refer to detailed discussion following the tables in the report.
2.1.6 Heritage conservation • *Heritage items and contributory buildings are to be retained and to remain legible as individual buildings in any related development.*	Yes	Refer to detailed discussion in Section 2.1.2 of this report.

Development Control	Compliance	Comment
• *Heritage items and contributory buildings may be adaptively reused where existing usage is no longer viable.* • *Adaptive reuse of heritage items and contributory buildings is to maintain the form, detail and finishes of the existing buildings as the dominant aspect of the site with new works having limited impact upon the significance and contribution of the building to the conservation area.*		
2.1.7 Infill Buildings • *Infill buildings must not imitate decorative details or features of heritage item and contributory buildings.* • *Fenestrations must have similar proportions to heritage items and contributory buildings within the Bondi Beachfront Area.* • *Where a new building is located adjacent to heritage items or contributory buildings, its design must be sympathetic in scale, alignment, detailing and materials to these existing buildings.* • *Infill buildings must build to the prevailing street wall height then setback a minimum of 3m to any upper floors.*	Yes Yes Yes No	The proposal retains the front façade and sets back the new contemporary additions behind. The new works behind the retained façade have a contemporary design that does not imitate decorative details or features of surrounding heritage buildings. The windows and balconies to the contemporary additions are complementary to the surrounding heritage buildings and the Bondi Beachfront Area. The additions have a solid masonry appearance with rectilinear forms to the roof and balconies, consistent with the character of the conservation area. As discussed elsewhere in this report, there is no consistent street wall height to the group of buildings on this part of Campbell Parade. In consultation with Council's Heritage Advisor and Urban Designer, the original proposal was amended to set the new works behind the retained façade (i.e. the upper four storeys of the proposed building) by 1m (to balconies). The front wall of the apartments is set back by 3m however the balconies extend to within the front setback. This is considered appropriate for this site and it is anticipated that upon redevelopment of the sites to the south along this part of Campbell Parade, this pattern of

Development Control	Compliance	Comment
		development will be repeated, with the retained heritage facades at the street edge and new works set back by 1m. It is anticipated that this redevelopment will set the standard for the future redevelopment within the group of buildings.
2.2 Campbell Parade South Character Area		
Land use • *Developments are to retain the mixed use character of the area by locating commercial at ground and level 1 and residential above.*	No	The proposal provides commercial at ground level only. The first floor level and those above will be residential apartments. As detailed previously in this table, this is considered acceptable.
Height and Bulk • *A maximum of 4 storeys is permitted.* • *A maximum external wall height of 12.5m is permitted.*	No	Refer to detailed discussion following this table.
Setbacks • *Buildings are to be built to the street edge with no setbacks.* • *Buildings are to be built to the side boundaries for minimum 10m from the front street wall.* • *Balconies and terraces may extend over the ground floor awning where commercial is proposed.* • *Where a building is to be extended by the construction of additional floors, the new section is to be setback from the existing façade line by a minimum distance of 3m.*	Yes Yes Yes No	The proposed building is built up to the street edge on ground and first floor levels by retaining the existing street front façade of the building. The proposal will be built up to both side boundaries for more than the minimum 10m being for the entire depth of the building. The proposal is contained within the site and does not extend over the front boundary. The proposal retains the prevailing street wall height by setting the contemporary additions 1m behind the retained façade. The proposed building is set back 1m to balconies and 3m to the front wall of the building. As such, the balconies extend to within the 3m setback zone. This issue is discussed in more detail following this table.

Development Control	Compliance	Comment
Heritage and contributory buildings • *Maintain the existing character of the area including narrow frontages and vertical expression.* • *Where a building is to be constructed in conjunction with a retained façade, the new construction is to be setback and integrated with the preserved section of the building.*	Yes	The proposed building maintains the existing character of the area by maintaining the narrow frontage of the site consistent with the original subdivision pattern. The tall, narrow building has a vertical expression. The proposal retains the existing façade and sets back the new works behind as discussed previously. The amended design is considered to be integrated with the preserved section of the building presenting to the street with a strong street wall.
Façade Materials and Finishes • *New facades must be predominately rendered masonry with parapets and have a vertical expression.* • *Blank, flat and unarticulated facades are not permitted.* • *Access to residential dwellings above ground level should not occupy more than 20% of the principal street frontage of any development.* • *Windows above ground level must have vertical proportions.* • *Windows should be integral with the façade and not applied decoration.* • *Dark or tinted glazing is not permitted.*	Yes	The proposed building is predominantly masonry and has a vertical expression. The front and rear facades are appropriately articulated. The side elevations incorporate horizontal banding where it will be exposed within the streetscape or to neighbouring properties. The southern elevation will be visible in the streetscape until the adjoining property is redeveloped in the future upon which time it is likely that this elevation will be covered given that nil side boundary setbacks are required for at least 10m. The horizontal banding provides visual interest to this elevation whilst it is visible within the streetscape. The residential entry is 16% of the street frontage. The windows have vertical proportions and are integrated into the façade. The proposal includes glass bricks on the northern elevation for light. Given that there are no setbacks on the northern side and that there are a multitude of windows on the opposing elevation of the Astra, a condition will require that the glass bricks are translucent. A condition requiring that glazing is not to be dark or tinted is included in Appendix A.

Development Control	Compliance	Comment
Balconies and Balustrades • *Balconies along Campbell Parade must be recessed into the building envelope and should not project forward of a principal façade.* • *Balustrades along Campbell Parade, must be predominantly solid with no or minimal glazing.* • *Balconies must be composed as part of the overall form of the building.*	Yes	The amended design sets the balconies back behind the retained façade. The balustrades, although open, have been amended to present with a more solid appearance from the street. The balconies are integrated into the form of the new works and have been amended to provide greater solidity to give the appearance of a strong vertical street wall.
External Sun Shading • *External sun shading must be constructed of materials that are suitable to the environmental conditions of the site.* • *External sun shading must be consistent with the style and articulation of the building.* • *Sun shading must not project beyond the principal façade.*		External sun shading is integrated into the design of the new works. Windows are contained to the front and rear elevations and are shaded/protected by projecting balconies at the front and projecting planters at the rear. Apart from the street awning, no part of the building extends outside of the site.
Roof and Parapets • *Parapets must be predominantly rendered masonry.* • *Roofs must be flat with parapets.* • *The roofline of buildings, predominately comprising lift motor rooms and plant rooms*		The roof form is considered appropriate being flat, rectilinear, masonry and containing parapets where required to screen plant. The plant is centrally located within the roof space, set well back from the principal façade. Plant and services are integrated into the roof design.

Development Control	Compliance	Comment
shall be designed as an integral part of the buildings architectural form.		
Façade Colours • *Colours should be consistent with, retained or reinstated on heritage items and contributory buildings (refer to Annexure E2-1).* • *Light to mid colours must be used on all other buildings.* • *Dark colours are not permitted.*		Council's Urban Designer has made the following comment in relation to the materials and finishes: *In terms of materials and colours, it would be preferrable for the rear addition to avoid rendered finishes due to ongoing maintenance and durability considerations in a coastal environment. The proposed beige colour is less preferred. A natural concrete finish would be preferred or alternatively a return to the previously proposed off-white finish.* A condition to this effect is included in Appendix A.
Parking • *Vehicle entries are not permitted along Campbell Parade.*	Yes	The proposal does not provide parking and as such there are no vehicle entries from Campbell Parade.

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

Heritage Conservation

The subject site is not a heritage item however it is located within the Bondi Beach Urban Conservation Area. The site is also located adjoining a heritage item at 34 Campbell Parade (the Astra) and within proximity of a heritage listed building at 20-26 Campbell Parade.

A SHI has been submitted with the application prepared by Weir Phillips Heritage. The existing building on the site was constructed c.1923–24 as 'Arnott's Flats' and retains its Inter-war façade contributing to the Campbell Parade streetscape, despite later modifications. The SHI states:

> *The proposed additions will have an acceptable impact on the Bondi Beach HCA as it will retain the most significant components of the building which define it as an Inter-war era Flat Building from Campbell Parade. The proposal will also facilitate the restoration of the significant elevations fronting Campbell Parade and incorporation of a more sympathetic shopfront, which will enhance its contribution from the public domain.*
>
> *The removal of the fabric beyond the front elevation associated with the Inter-war era, it is unremarkable, with little fabric of significance. The integrity of the rear is compromised*

where it was added to in the 1960s. Almost all buildings in the immediate vicinity having undergone contemporary additions to the rear.

Council's Heritage Advisor and Urban Designer have reviewed the application and been instrumental in amendments to the design to ensure that the proposal provides an appropriate response to the conservation area and surrounding heritage items. The recommendations made throughout the assessment process have been incorporated into the amended proposal, most notably the following:

- The provision of a solid masonry façade with a strong street wall with balconies set behind.
- The incorporation of a minimum 1m setback to the levels beyond the retained building with all balconies inset behind the street wall.
- The amendment of the roof form from curved to rectilinear.
- A continuous vertical slot element extending from ground to the roof to provide a transition to the adjoining property at No. 34 Campbell Parade, creating a clearer and more legible junction. Balcony placement shifted toward the south edge to maintain this vertical break and to preserve the clarity of form present in the original Classically proportioned building.
- Amendments to the metal balustrading of the balconies to achieve greater solidity, providing a balance of solids to openings within the overall elevation and reflecting articulation of existing listed and contributory buildings to adjacent sites.
- Provision of a continuous street awning at ground floor matching the width and depth of the adjacent awning at 34 Campbell Parade and extending the full width of the eastern boundary.
- Amendment of the first-floor eastern window opening of the retained façade.

An objector makes the argument that the consent authority must consider planning principles in relation to the demolition of the contributory building on the site as contained within *Helou v Strathfield Municipal Council [2006] NSWLEC 66*. As stated in this case, the planning principles are '*designed to be facultative of such a process rather than prescriptive of a standard to be met'*. Notwithstanding, whether the consent authority should consider the planning principles, the first of the two principles involves consideration of the significance of the conservation area and the contribution the individual building makes to the significance of the conservation area. The principles then go on to consider whether the building is structurally sound and the economic viability of making the building safe rather than demolishing the building. The final principle is whether the replacement of the building is of such quality that it will fit into the conservation area.

These principles can be used as guidance however consent authorities do not need to specifically reference these principles where there are local controls which should be applied. Waverley DCP 2022 contains controls which relate to development within heritage conservation areas and these controls have been applied throughout this assessment and within this discussion. Notwithstanding, the principles are generally discussed below and have been considered in the assessment.

The proposal does not involve the complete demolition of the existing building on the site as it retains the front façade of the two-storey contributory building. As detailed within the SHI, the

majority of the interior and rear of the existing building demonstrates a low level of integrity with the façade being the only fabric of any significance to the conservation area. The building beyond the front façade is not considered to contain elements that are contributory given much of it has been altered over time. In this regard, the demolition of the rear of the existing building beyond the front façade is considered acceptable.

It is not considered necessary to consider the economic viability of the retention of the remainder of the building when it has been established that the proposal retains that part of the building which is considered to be of significance to the conservation area (i.e. the front façade). As detailed throughout this report and in the following discussion, the replacement building to the rear of the retained façade is of a quality that will fit into the conservation area.

The setting back of the contemporary upper floor levels 1m behind the retained façade ensures that the retained contributory building remains legible within the streetscape. The bulk of the Astra conceals much of the addition from the public domain when viewed from the north and as such, the additions will be subservient to the heritage listed Astra within the streetscape. The Astra building is a prominent building which addresses the corner with Sir Thomas Mitchell Road and the setting back of the contemporary additions behind the front façade of the Astra will ensure that the prominence of this building is not unreasonably diminished.

As stated in the SHI, a contemporary interpretation of the existing form for the new works allows for a visual relationship between the proposed and existing buildings. This ensures the proposal complements the form of the significant building but does not seek to mimic the existing item, which can detract from its significance.

It is acknowledged that the subject site is narrow and small however this reflects the historic pattern of subdivision and development for this site. Confining the development to the small subject site reflects the rhythm of the conservation area and the historic pattern of development and allows the contributory building on this site to retain legibility within the streetscape.

The fenestrations within the amended design are considered to appropriately address the surrounding conservation area. The proposed front balconies appear as a solid street wall with 'punched' openings consistent with the character of the area. As detailed previously, the setting back of the contemporary additions behind the street wall allows public domain views of the heritage item to the north (the Astra) to be maintained and allows the additions to appear recessive within the streetscape. This ensures the focus from the public domain to be on the heritage listed properties and contributory buildings which make up the conservation area.

It is noted that the proposed balconies contain openings on the side elevations. Although this will not result in any privacy issues currently, this may result in issues in the future upon redevelopment of the sites to the south. It is anticipated that the future redevelopment of the row of buildings will reflect the front setback of the subject development. In this regard, any future redevelopment will be set back by 1m behind the retained facades of the existing heritage items and contributory buildings. As such, the side openings to the balconies are likely to be enclosed. To prevent future

view impacts from these balconies, a condition will require that the side elevations are solid walls as these are located directly on the side boundaries.

The proposal has been assessed against the heritage considerations contained within clause 5.10 *Heritage conservation* of the Waverley LEP 2012 and Part B8 *Heritage* of Waverley DCP 2022. The proposal will not harm the significance of the conservation area or surrounding heritage items.

View impacts

A Visual Impact Assessment (VIA) was submitted with the original application which provides indicative view impacts from the properties listed below. The images within this document were either taken from some properties via a site visit or by a drone.

- 3/11 Francis Street (level 1)
- 2/11 Francis Street (ground)
- 6 Francis Street (level 2)
- 4 Francis Street (level 2 and 3)
- 9 Francis Street (level 1)

During assessment of the application a number of surrounding properties were visited by Council Assessment Officers in order to assess view impacts from the proposal as follows:

- 1A Edward Street
- 6A Francis Street
- 8 Francis Street
- 13 Francis Street
- 23 Francis Street
- The Astra building at 34 Campbell Parade (senior's living).

Photographs taken from these properties were provided to the Applicant and view analysis diagrams were formulated using the most relevant photographs.

Not all properties that would have a view impact were visited as the range of properties above provide a sample of views from surrounding properties and are indicative of the views to be impacted.

An assessment of the view loss caused by the proposed development has been undertaken in accordance with the four steps applied in the NSW Land and Environment Court planning principle on view sharing arising from the case of *Tenancy Consulting vs. Warringah [2004] LEC 140*. The assessment is set out below.

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.*

The VIA is detailed and takes into account several properties however only those most impacted are discussed below as the most representative of the impacted views. The full view assessments are provided in the VIA which was taken into consideration upon assessment of this development application however, will not be repeated in full in this report.

The Astra - 34 Campbell Parade

The following images were taken from the Astra building at 34 Campbell Parade to the north of the site. **Figure 7** below is a 3D aerial image (GoogleEarth) that shows the southern side elevation of 34 Campbell Parade (the Astra). Although all levels of the building were visited the images in **Figures 8 to 13** are from the two topmost levels of the building, being Levels 4 and 5. It is clear from these photographs that all windows on the southern elevation of 34 Campbell Parade will lose the existing views over the side boundary. As demonstrated in the figures, the views that will be lost or impacted are considered to be significant views of Bondi Beach and the ocean.

Photographs from the lower levels are not included below as it was clear from the site visit that these views will be totally lost. The photographs and view impact analysis photographs below provide an indication of the impact from all windows on the southern side elevation of the Astra building.

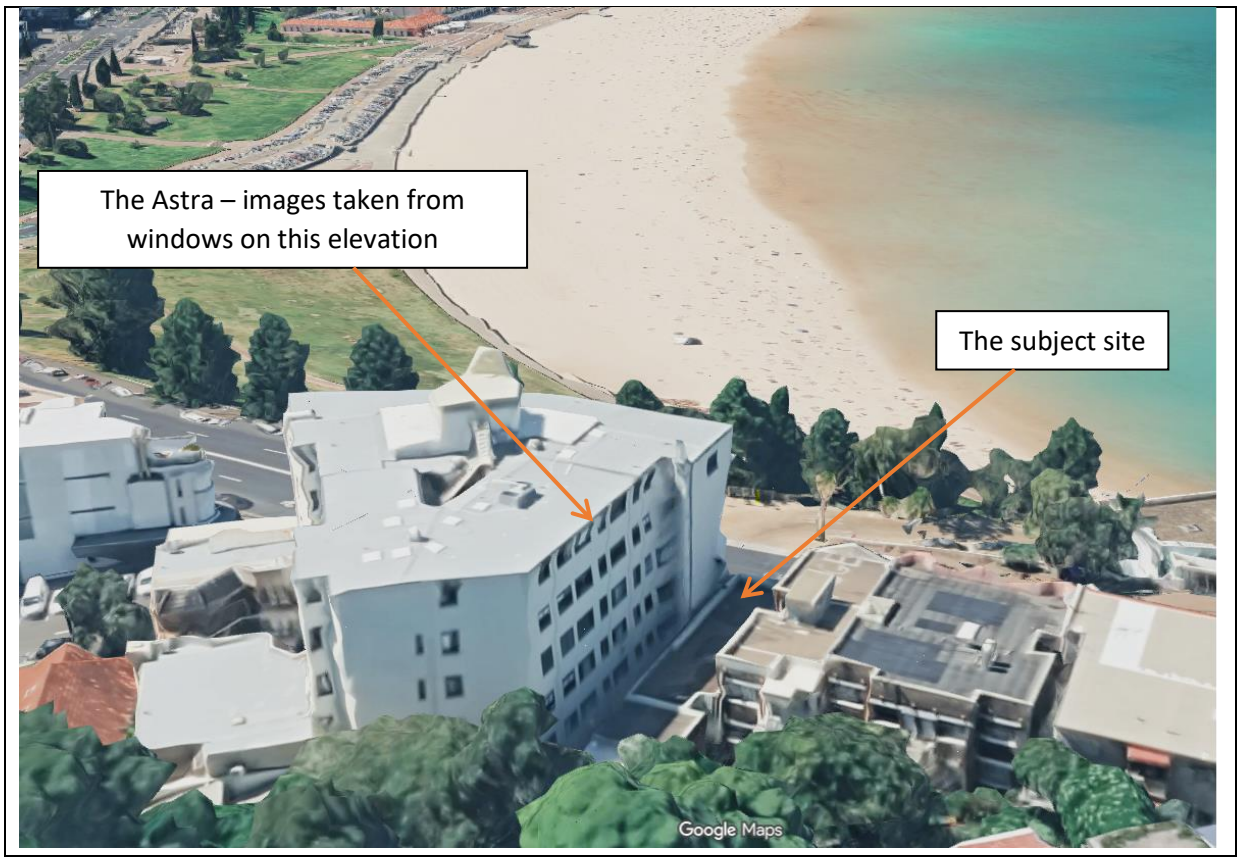


Figure 7: 3D aerial image (GoogleEarth) that shows the southern side elevation of 34 Campbell Parade (the Astra) from where view loss will be experienced to all windows.

Figure 8: Existing view diagonally over the southern side boundary at Level 5 living room window at 34 Campbell Parade (the Astra).

Figure 9: Impact of proposed development on the view diagonally over the southern side boundary at Level 5 living room window at 34 Campbell Parade (the Astra).

Figure 10: Existing view diagonally over the southern side boundary at Level 4 living room window at 34 Campbell Parade (the Astra).

Figure 1: Impact of proposed development on the view diagonally over the southern side boundary at Level 4 living room window at 34 Campbell Parade (the Astra).

Figure 12: Existing view diagonally over the southern side boundary at Level 4 bedroom/living room window at 34 Campbell Parade (the Astra).

Figure 63: Impact of proposed development on the view diagonally over the southern side boundary at Level 4 bedroom/living room window at 34 Campbell Parade (the Astra).

<u>Properties to the west and south-west on Francis and Edward Streets:</u>

Figures 14 to 21 indicates the view impacts from a number of properties to the south-east of the site on Francis Street and Edward Street. The blue outline on the figures represents the subject proposal. The views that will be impacted are significant views of the sand; and sand and water interface on Bondi Beach as well as land and water interface.

Figure 14: Communal roof terrace at 1A Edward Street.

Figure 75: Third floor rear balcony at 1A Edward Street (unit 17).

Figure 86: Fourth storey living room window at 6A Francis Street (Unit 8).

Figure 97: Fourth storey balcony at 6A Francis Street (Unit 8).

Figure 108: Upper level living room view at 8 Francis Street (unit 6).

Figure 11: Upper level rear balcony at 13 Francis Street (Unit 3).

Figure 20: Level 1 balcony at 11 Francis Street (unit 3).

Figure 121: Ground level balcony at 11 Francis Street (unit 1).

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

The Astra - 34 Campbell Parade

All images are from a standing position although sitting views will also be lost. The Astra is a seniors' living facility and the apartments visited are effectively studio apartments with combined living and bedroom spaces. Each window is to a living room and/or a bedroom. The views are achieved diagonally across the southern side boundary of the Asta Site in a south-west direction.

Properties to the west and south-west on Francis and Edward Streets:

All images are from a standing position although it is likely that sitting views will also be impacted. For these properties the views are achieved over the front or rear boundaries of the affected sites however over the side boundary of the subject site.

3. *The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*

The Astra - 34 Campbell Parade

The view impacts upon the southern elevation windows will be devasting with all views from these apartments being lost at all levels. These views are from living room and bedroom windows and are the only views achieved from the apartments on the southern side of the building.

It should be noted that the Astra contains a multitude of apartments with uninterrupted views achieved from the apartments on the northern and eastern side of the building which overlook Campbell Parade as shown in **Figure 22** below. It could reasonably be expected that the views from the elevations which overlook the street are likely to be maintained. Views from the rear part of the Astra over the side boundary of an underdeveloped site cannot reasonably be expected to be maintained upon redevelopment of surrounding sites.

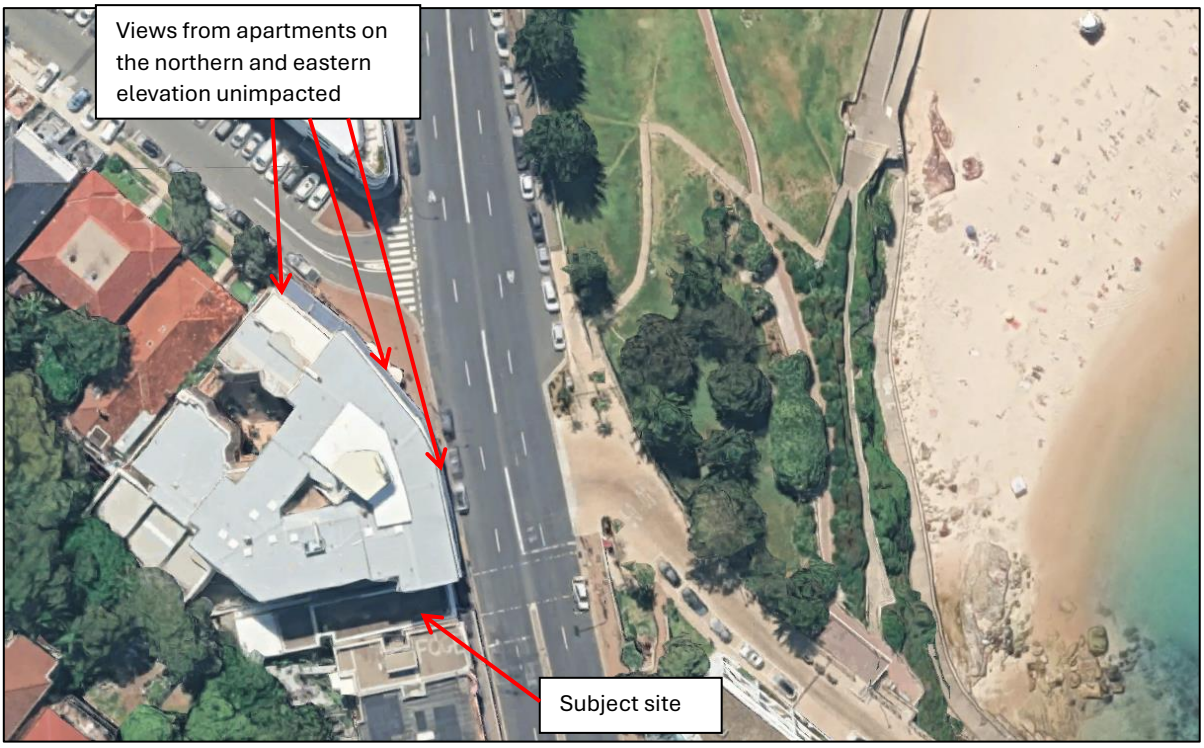


Figure 22: Aerial image of the subject site and 34 Campbell Parade (the Astra) Source: Google Earth

<u>Properties to the west and south-west on Francis and Edward Streets:</u>

Properties on the northern side of Francis Street are located directly behind the subject site. An example of view is provided at **Figures 19 to 21** from 13 Francis Street. These properties will lose views of the beach and land and water interface of the waves and sand. The view impact would be categorised as moderate to severe as the views of Bondi Beach will be predominantly lost however the views of land and water interface at Ben Buckler and ocean further to the north-east will be retained.

The views impact from properties to the south and south-east are demonstrated by **Figures 14 to 18** and are from living area windows, principal balconies and a communal rooftop terrace. The views are partial views over the top of other properties that front Campbell Parade and/or Francis Street. Given the narrow and small size of the site, the view impacted is a small part of a more expansive view from the north to the north-east.

Properties on the southern side of Francis Street and those further to the south will lose views of the beach and the land and water interface of the waves and sand. The view impact would be categorised as minor to moderate as the impacted view is a small part of a much larger view extending from the north to the east and the majority of the beach views (ie, containing sand) will remain.

Some of these properties also have partial distant views toward the northwest to Sydney Harbour as shown in **Figure 23** which is a panoramic view from the communal roof terrace at 1A Edward

Street which is indicative of views from properties within the area (noting that not all properties will achieve views in every direction, this is an example only).

Figure 13: Example of whole view from north-west to north-east from the communal roof terrace at 1A Edward Street.

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

The affected apartments achieve views diagonally over the side boundary of the subject site and the affected site. Although the view impacts are considered devastating for the Astra, and moderate to severe for the properties to the south-west and west of the site, these views are achieved over side boundaries and have only been achieved because the subject site is underdeveloped.

The zoning of the site and surrounding properties on Campbell Parade is E1 with a 15m height development standard set by the LEP. The SEPP (Housing) 2021 also allows a 30% bonus in height and FSR where affordable housing is provided. The subject proposal qualifies for these bonuses and takes advantage of the height bonus however does not seek the FSR bonus achievable under the SEPP (Housing) 2021.

The desired future character of this street, envisioned by the controls, is a much higher density and scale than the existing two-storey building on the site over which the views are achieved. In effect, the views from surrounding properties are only achieved due to the fact that the subject site is an underdeveloped site.

The proposal does not comply with the site area, landscaped area, deep soil and parking non-discretionary standard of the SEPP (Housing) 2021. The enforcement of these standards will not result in any improved view impacts.

The proposal also does not comply with the DCP wall height control on the side elevations which a requires 12.5m wall height. To address the streetscape character controls, the front section of the building for a minimum distance of 10m from the street boundary of the site is to be full width. This ensures a strong street wall that responds to the streetscape and conservation area. It is this front section of the building that impacts upon views from surrounding sites. Enforcing wall height controls by setting in upper levels from the side to the rear section of the building will not result in improved view impacts.

A more skilful design is not considered necessary as the proposal complies with the height and FSR development standards and generally complies with the DCP controls for the site. The height and FSR of the development cannot be further restricted and the setbacks of the development be further increased to achieve tangible improvements of view impact while affording the applicant the same level of development potential and amenity as a development that meets the maximum principal built-form development standards, noting that the proposed development does not utilise the bonus FSR afforded under SEPP (Housing) 2021.

The building design has been amended to respond to feedback from the DEAP, Urban Designers and Heritage Advisor to successfully respond to the conservation area and enhance the street appearance of the site. The development also increases housing supply and provides affordable housing in a highly desired area. These aspects of the development are public benefits that take priority over the protection of private views.

The subject proposal complies with the height and FSR development standards and is a small scale shop top housing development with only a single shop and three apartments. This is not an overdevelopment of the site. The proposed development complies with the building height and FSR development standards and provides a building envelope that is reasonable and expected for this site. Although the view impact is an unfortunate consequence of the development of this site, on balance, it is not considered unreasonable. The proposal is therefore considered to be consistent with the view sharing principles and is supported.

Character Area - height, bulk and setbacks

The Bondi Beach Character Area controls state that a maximum of four storeys and an external wall height of 12.5m is permitted. Furthermore, where a building is to be extended by the construction of additional floors, the new section is to be set back from the existing façade line by a minimum distance of 3m. The proposed development does not comply with these controls at six storeys with wall heights to the side elevations of 19.3m. The rear and front elevations comply with the wall height control stepping in the building above the ground and first floor levels.

The overall building height development standard for this proposed development is 19.5m. A State Environmental Planning Policy is a higher order control than the LEP and as such overrides the LEP development standard of 15m. A provision within a DCP cannot override the SEPP or the LEP and as such, the four-storey maximum height control of the DCP cannot take precedence over the 19.5m height development standard. Furthermore, DCP provisions are required under section 4.15(1)(3A) of the Act to be applied flexibility in the assessment of development applications to

allow for reasonable alternative solutions to achieve the objects of the provision of the DCP that is being varied by a development.

The Bondi Beach Character Area provides buildings which range from two storeys and nine storeys. Recent consents for buildings within the Bondi Beachfront area include the following:

- 1 Sir Thomas Mitchell Road (to the north of the site and on the edge of the E1 zone) which involved the demolition of a contributory building and replacement with a five-storey shop top housing development. This was approved in the Land and Environment Court (LEC) via a Section 34 agreement and incorporates a four-storey street wall with the fifth storey set back from the street wall edge.
- 124-126 Campbell Parade where a five-storey shop top housing development was approved in the LEC via a Section 34 agreement. This involved the retention of only the front façade of No. 124 Campbell Parade which is a heritage listed item. The street wall in this case extends to five storeys on Hall Street.
- 10 Hall Street where the LEC granted consent to a six-storey building without any bonus incentives under state legislation (ie, no affordable housing provided). This case gave consent to an additional level above the 15m height development standard applying to the development. This appeal was determined by way of a hearing.
- 58 Campbell Parade for substantial alterations and additions (retention of a portion of the front boundary walls and front façade) to an existing residential flat building. This building is approved with five storeys with the upper level set back behind a four-storey street wall. This was approved in the LEC via a Section 34 agreement.

Since the above have been approved, the SEPP (Housing) 2021 will now allow up to an additional 30% in height which equates to an additional level in most cases. This will result in changes to the established four to five-storey overall built form along Campbell Parade where affordable housing is provided. The height and FSR development standards establish the core bulk and scale anticipated for the area and the desired future character.

In this regard, the character controls are not keeping pace with the changes established by state legislation. In cases such as this, Council Officers extensively engage with Council's Urban Designer and Heritage Advisor for site specific outcomes, noting that a DCP height control cannot override the LEP or the SEPP (Housing) 2021.

The wall height of the subject development on Campbell Parade is approximately 8.5m achieved by retaining the existing façade of the building and setting back the new works by 1m. The rear and side elevations have wall heights to the maximum of 19.3m.

The subject site is unique in that it is a small, narrow site however it reflects the historic subdivision pattern of the area. The existing two-storey building is much lower than surrounding buildings built up to the street wall, which are typically at three to four storeys along Campbell Parade. Most buildings in the Bondi Beach Character Area have only been able to achieve a four to five-storey

form when extended, with a street wall height around 12.5m often only with a single upper floor level set back the required 3m with balconies/terraces within this 3m zone.

The subject proposal retains 8.5m at the street wall given the existing building is much smaller than other heritage buildings within the block. A 3m setback for the upper two levels of the building (above 12.5m) was considered however concern was raised by Council's Urban Designer and Heritage Architect that this would give a 'wedding cake' or staggered effect to the building. In this regard, it was considered to be a better urban design outcome by the DEAP, Urban Designer and Council's Heritage Advisor to provide a 1m setback behind the retained façade for the full width of the site.

Given that this is the first building to be extended within this group, it is anticipated that this will set the standard for any future redevelopment within the group of buildings where the heritage facades are retained (at the least) and new works are set back 1m beyond. This is in response to the varied street wall height that currently exists within the group. In this regard, the variation to this control is considered acceptable due to overriding heritage conservation controls and urban design outcomes.

The redevelopment of the small site (i.e. without being part of a larger amalgamated site) is preferred for this site, to respond more appropriately to the conservation area (discussed previously) and the original subdivision patterns. However, due to the narrow nature of the site, side setbacks to achieve wall height compliance on the side elevations is not considered appropriate. Council's preference is for this site to be developed without amalgamation with adjoining sites to respect the historical fine-grain rhythm of buildings fronting Campbell Parade, and requiring side setbacks to meet wall height controls would jeopardise the amenity of the apartments.

There are a number of buildings within the Bondi Beachfront area, particularly to the north on Campbell Parade where redevelopment has occurred more prominently, that do not provide side setbacks nor comply with the wall height control on side elevations. In this regard, the side elevations exceeding the wall height control is considered appropriate for this site.

Although the proposal does not comply with some of the Bondi Beach Character Area controls, the proposed development is considered to be a better response to the conservation area than what would be achieved by way of the prescriptive DCP controls. In this respect, responding to the setting and characteristics of the conservation area is given priority over compliance with general wall height and side setback controls.

2.2. Other Impacts of the Development

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

2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.4. Any Submissions

The application was notified for 21 days between 8 and 30 October 2025 and a site notice erected on the site in accordance with the *Community Engagement Strategy Amendment 1 (2025)*.

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

- Changes have been made to the shape of the roof and front balconies from curved to rectilinear.
- A 1m setback for the new works at the front behind the retained façade.
- The splayed rear setback has been amended to a stepped form.
- Changes have been made to windows, balconies, slabs which are all located on the front façade.
- Corrections to plans and documentation have been made for assessment purposes.

The issues raised by objectors are considered to continue to apply to the amended design as the amended form has the same or similar impact as the original proposal.

More than 770 submissions were received from properties within the LGA and external to the LGA. While most of these submissions are pro forma letters, there are more than 10 unique submissions have been received. This includes one submission from a Councillor. There are also some letters in support of the application.

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

- site below affordable housing requirement; site too small and narrow
- height and FSR; overdevelopment of the site
- wall height; storey control
- setbacks
- insufficient landscaped area
- light and ventilation
- views
- inconsistent with public interest
- inconsistent with planning objectives
- heritage conservation; impact upon the heritage conservation area and heritage listed items
- impact upon the adjoining retirement village
- design excellence
- incompatible with the streetscape, the desired future character of the area and character controls
- inconsistent with DCP controls
- visual impact

- privacy
- does not comply with key non-discretionary development standards
- the written objections to development standards have no merit
- insufficient environmental planning grounds
- inconsistent with the zone objectives
- inconsistent with the aims of the LEP
- traffic and parking
- materials and finishes
- mechanical plant noise emission
- excavation
- contamination.

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

Issue: Visual impact of the monolithic form of the proposal as viewed from surrounding properties; Visual impact of looking out to a wall; Loss of light and sounds of the sea – the windows on the Astra building south facing windows (no sunlight so rely on light); sense of enclosure and lack of ventilation; impacts upon the health and well-being of residents within the Astra.

Response: The nil side boundary setback of the proposal has been discussed in detail in this report.

Health effects on residents is not a matter for consideration under the Act. Notwithstanding, the controls ensure that there is a reasonable level of amenity for new and existing residents. As discussed, the setback on the Astra already provides sufficient distance to ensure light and ventilation for the apartments within its own development. The finishes of the northern side elevation of the proposed building are light coloured which will allow a degree of reflected light to windows on the Astra.

There are no controls regarding sounds from the sea however the setback already provided to the Astra building and the proximity to the ocean will likely ensure that the ocean can still be heard if desired.

The Astra building is located directly opposite Bondi Beach and Park and also contains a central courtyard and communal spaces where recreational needs by residents can be adequately accommodated including solar access. Reasonable levels of amenity to windows on the southern elevation of the Astra are maintained by the setback provided on the Astra site. It is not unusual in medium density areas for windows on side boundaries to have outlook to the side elevations of adjoining sites.

In terms of viewing the structure from other surrounding sites, the side elevations incorporate horizontal banding where it will be exposed within the streetscape or to neighbouring properties. The southern elevation will be visible in the streetscape until the adjoining property is redeveloped in the future upon which time it is likely that this elevation will be covered given that nil side boundary setbacks are required for at least 10m. The horizontal banding provides visual interest to this elevation whilst it is visible within the streetscape and to surrounding properties.

Issue: Not affordable housing as only one apartment is affordable; the development will result in the loss of one affordable housing apartment and gain only one affordable housing apartment and as such, there is no gain in affordable housing.

Response: The SEPP (Housing) allows a bonus of 30% height and FSR where affordable housing is provided within a development. The consent authority is bound by the definitions within this SEPP and determining that an apartment qualifies as affordable housing is not a merit assessment. If the proposal complies with the definition of affordable housing then it is considered affordable housing with no further interpretation required.

Clause 21 of the SEPP (Housing) 2021 requires that the affordable housing apartment be in use for 15 years and that it is managed by a registered community housing provider. These requirements are included as a condition of consent.

Part 3 of the SEPP (Housing) 2021 relates to the retention of existing affordable rental housing and applies to the Waverley LGA. This Part applies to a low-rental residential buildings which is defined as:

low-rental residential building *means a building used, during the relevant period, as a* ***residential flat building*** *containing a low-rental dwelling or as a* ***boarding house****, and includes a building that—*

(d) is lawfully used as a residential flat building containing a low-rental dwelling or as a boarding house, irrespective of the purpose for which the building may have been erected, or

(e) was used as a residential flat building containing a low-rental dwelling or as a boarding house, but the use has been changed unlawfully to another use, or

(f) is vacant, but the last significant use of which was as a residential flat building containing a low-rental dwelling or as a boarding house.

The existing building on the site is 'shop top housing'. It is not defined as a 'residential flat building' or a 'boarding house' and as such, Part 3 of the SEPP (Housing) 2021 does not apply to this development and cannot be taken into consideration. In this regard, there is no legislative protection of the existing apartment on site, even if it is a low cost rental apartment.

The affordable rental housing apartment offered as part of this development is protected by legislative requirements that it be managed by a community housing provider for 15 years. This will replace an existing apartment that is assumed but not verified to be deemed affordable due to it being in a condition that would warrant reduced rents. The applicant was not required to provide evidence that the existing apartment is deemed a 'low rental dwelling' or 'low-rental residential building' as defined under Part 3 of the SEPP (Housing) 2021.

The existing apartment is not required be managed by a community housing provider that would be enforced by a condition of a development consent and/or a legal instrument on title. The new affordable rental housing apartment will be subjected to these legal restrictions so that is operates as genuine affordable housing. The new affordable rental housing apartment will be a modern

apartment with a high level of amenity offered at a reduced rental price for 15 years. This is a better outcome than the existing situation on the site and will achieve a public benefit to the area.

Issue: View loss analysis is incomplete and inadequate and understates the view loss; View loss diagrams are inaccurate - using a 24mm lens, to create the effect of making the proposed development more distant than it will be; View loss report insufficient – height poles requested; Inaccuracies in the view assessment: Bondi Beach is an iconic view; There is no justification in limiting the Tenacity principles only to views involving water views or iconic views and the ASTRA building should also be considered as a significant view.; loss of outlook and sky.

Response: View impacts have been discussed in detail within the report. Council Officers visited sites with private view loss where owners allowed access to assess the view impacts. Photographs of views were provided to the applicant that were taken by Council Officers to formulate view analysis diagrams. These photographs are considered appropriate to provide indicative information regarding view impacts.

Waverley Council considers significant views as those that contain landmarks, including Sydney Harbour, Sydney Harbour Bridge and Opera House, the coastline, ocean and open space. This has been consistently applied across the LGA. Views of State and local heritage items, sky and other buildings are not considered significant.

Issue: The consent authority has the discretion to apply Chapter 4 of the SEPP (Housing) and the ADG; does not comply with setbacks and separation distances of ADG.

Response: The consent authority does not have discretion to apply controls that are not applicable to the development. Chapter 4 applies to development on if:

(a) the development consists of—
- *(i) the erection of a new building, or*
- *(ii) the substantial redevelopment or substantial refurbishment of an existing building, or*
- *(iii) the conversion of an existing building, and*

(b) the building is at least 3 storeys, not including underground car parking storeys, and

(c) *the building contains at least 4 dwellings*.

The proposal contains only three dwellings (not four as required by the definition) and as such Chapter 4 and the ADG does not apply to the development.

Issue: Construction issues; where will construction traffic be located on this busy road; damage to surrounding buildings.

Response: Construction issues can be effectively managed during the construction phase by the Principal Certifier and conditions of consent. All standard construction conditions have been included in the consent including the requirement for a Construction Vehicle and Pedestrian Management Plan to be approved by Council's Traffic Engineers. Other conditions of consent seek to minimise damage to surrounding buildings during construction and there are numerous laws and legislation which are relevant to the construction phase of the development which is managed by the Principal Certifier.

Issue: Loss of property value; The economic cost to the community because of the economic impact on properties due view loss and visual impact.

Response: Loss of property value is not a planning consideration. A private cost on an individual property is not an economic cost to the community overall.

Issue: The development will deter tourism in the area.

Response: There is no evidence that a shop top housing development in the E1 zone where this type of development is permissible will deter tourism. If anything, the redevelopment and improvement of the site will contribute to the streetscape by retaining the character of a contributory building.

Issue: The development will set a precedent; precedent set by this development will impact the development potential of the rest of the block/conservation area; approving the existing DA will have the consequence that contributory buildings and structures within Waverley Council area will be open to development; approving the existing DA will be a significant precedent which will facilitate each of those sites being developed for the purpose of infill affordable housing.

Response: Every DA is assessed on its merits. Notwithstanding, the development complies with the height and FSR development standards and it can reasonably be expected that future development of this part of Campbell Parade will be a minimum of 15m as allowed by Waverley LEP 2012. Any applicable and relevant bonus provisions of Statement Environmental Planning Policies would also apply to any redevelopment of these sites at the time. Essentially, this part of Campbell Parade is underdeveloped and therefore the approval of this application will not set an undesirable precedent.

The zoning of the site as E1 permits shop top housing development. If a development does not meet the non-discretionary development standards of a SEPP, it does not mean that the row of buildings within which it is contained is undevelopable. There are numerous and varied controls that are required to be considered as detailed throughout this report and variation or dispensations are considered on a case-by-case basis. To say that the entire block cannot be developed as it contains a heritage item or contributory building is unrealistic. There are significant and numerous examples within the LGA and within the immediate context of the site where redevelopment has occurred in conjunction with heritage conservation.

It should be noted that Council does not seek to discourage the provision of affordable housing within this LGA. In fact, where a site can reasonably accommodate affordable housing, it is encouraged as evidenced by the fact that one of the aims of the E1 zone is to '*encourage the provision of affordable housing*'. Nevertheless, affordable housing is assessed against the SEPP (Housing) 2021 and bonuses are only allowed where it is to be provided. There is no undesirable precedent that would be set by approving affordable housing within the area.

Issue: The DA is not consistent with various case laws; The non-involvement of solicitors in assessing legal submissions made in the DA will have a number of adverse consequences and will be indicative of a failure to comply with the fundamental bases of procedural fairness.

Response: There is no requirement under the Act that the consent authority is to assess a development application in accordance with case law unless that case law is specifically mentioned in the applicable controls. Section 4.15 *Evaluation* of the Act states the matters for consideration for consent authorities when determining development applications. Case law is not required to be considered under section 4.15 of the Act.

Notwithstanding, case law that is referenced in the applicable controls has been considered where relevant to this application (for example, *Tenancy Consulting vs. Warringah [2004] LEC 140* relating to view loss and *Wehbe v Pittwater Council* (2007) *156 LGERA 446* in the assessment against the contravention of the development standards). It is not a requirement that individual LEC cases within the LGA or other Council areas are considered when assessing development applications. The local and state legislation apply to development applications.

Case law is often used as guidelines for the assessment of development applications in general in regard to legal interpretations and statutory principles. However, development applications are not required to be addressed against individual legal cases in each development application unless referenced in the applicable controls.

The proposal has been assessed in accordance with the relevant legislation that applies to the site and the development as detailed throughout this report.

There is no requirement that solicitors assess development applications. Several different types of Council specialists have been involved in the assessment of this application including Development Assessment Planners, Strategic Planners, Stormwater Engineers, Urban Design and Heritage Advisors, Environmental Health Officers as outlined within this report.

Issue: Justification for the demolition of the building (such as extreme structural damage) has not been made. The building must be retained in accordance with the DCP. Case law referenced as a means to argue that Waverley Council cannot grant consent. No justification for the demolition of the building and LEC would refuse if before the court due to case law.

Response: The proposal has been reviewed by Council's Heritage Advisor and against the controls of the LEP and DCP in relation to heritage conservation. The proposal retains the front façade of the two-storey contributory building on the site. As detailed within the SHI, the majority of the interior and rear of the existing building demonstrates a low level of integrity with the façade being the only fabric of any significance to the conservation area. The building beyond the front façade is not considered to contain elements that are contributory given much of it has been altered over time. In this regard, the demolition of the rear of the existing building beyond the front façade is considered acceptable.
Again, unless specifically referenced in the legislation or DCP, there is no requirement under the Act that the consent authority is to assess a development application in accordance with case law. Notwithstanding, the principles have been discussed in Section 2.1.2 of this report.

Issue: If other development standards cannot be satisfied, then a clause 4.6 is also required for the height above LEP.

Response: There is nothing within the SEPP (Housing) 2021 that states this. Contraventions of development standards are considered individually and not meeting one standard does not limit

the application of another development standard. The proposal does not contravene the height development standard of the SEPP (Housing) 2021 as discussed within this report. A written objection under clause 4.6 to the height development standard is not required.

Issue: Inconsistent with In-fill affordable housing Practice Note by the Department of Planning, Housing and Infrastructure (DPHI).

Response: Unless specifically referenced in the legislation or DCP, there is no requirement for the consent authority to consider a practice note. Nevertheless, practice notes are guidelines only.

Issue: Site area is incorrect (calculated by objector using imperial measurements on the DP).

Response: The site area on title is 234m^2 however, when surveyed it is 238.3m^2. The surveyed site area is more accurate as the title was often calculated using imperial measurements given the age of the original subdivision. The surveyed site area is the area used when assessing development applications as this is the accurate calculation.

Issue: Disputed statements in the documentation; insufficient and incorrect information; insufficient assessment in HIS and view impact assessment; inadequate written objections to development standards; a reflectivity report and wind assessment report should be provided; Shadow diagrams insufficient; shadows do not seem accurate.

Response: The information and documentation provided to council is considered to be sufficient for assessment purposes. Over the course of the assessment, corrections have been made to the documentation and the plans where raised by Council Officers. The documents have been reviewed by the relevant Council staff (development assessment planners, heritage advisor, engineers, strategic planners, environmental health officer etc) and no issues have been raised with the documentation. It should be noted that the documentation provided is in support of the application and Council Officers carry out their own assessment based upon the documentation and their own areas of expertise.

Reflectivity and wind assessment reports are not required by the DCP outside of the Bondi Junction area. The shadow diagrams provided are considered sufficient for assessment purposes being shown at 1-hourly intervals between 9am and 3pm on the winter solstice and includes elevational diagrams where surrounding residential properties are affected (ie, 13 and 15 Francis Street).

Issue: Fire safety related to no side setbacks.

Response: Buildings are required to comply with the National Construction Code (NCC). Generally, the NCC treats windows as a fire source and if there are no windows within a wall it can be built up to the boundary. Glass bricks are not considered to be windows. Notwithstanding, a condition requiring compliance with the NCC is included in the consent conditions.

Issue: A Green Travel Plan has not been provided.

Response: A Green Travel Plan is not required for this development given the small size of the proposal. It is mandatory for development with over 2,500m^2 of office/commercial/retail land uses; 15 units or more; or where 50 or more employees are proposed.

Issue: Surrounding properties were not consulted by the developer.

Response: There is no requirement that properties are consulted by the developer. Council has an obligation to notify the development to surrounding properties.

Issue: Inadequate infrastructure to support development.

Response: The Waverley LEP 2012 sets the strategic framework for the LGA and State Environmental Planning Policies set the framework for development within the State of NSW. The site has been zoned E1 which allows shop top housing and allows medium density development within the area. The SEPP (Housing) 2021 further increases the densities and heights allowed under local planning provisions in the event of affordable housing being provided. In this regard, the locality has been identified for medium density development located close to the services, community facilities, local shops and public transport to achieve the housing targets set by the State Government. This is not a matter which warrants refusal of this application. Existing infrastructure has already been taken into consideration during the Strategic framework for the area.

Issue: The lack of plant and equipment is a flaw in the Applicant's assessment. The Court has previously held that deferring an essential matter for later consideration (such as acoustic impact) is a flaw in an application.

Response: Plant rooms are provided at the ground floor level and a ventilation shaft from the ground level shop to the roof in case of the shop being used as a food and drink premises in the future. A services area is also shown at the roof, concealed from the street by parapets and setbacks.

Conditions are recommended in Appendix A to control noise impacts from the mechanical plant.

Issue: External lighting should be limited with glare protectors and be down facing.

Response: External lighting would be contained to the front and rear of the building. The proposed development has no side setbacks and as such, no external lighting can be fitted on the side elevations as they would not be contained within the subject site. Lighting at the front and rear would not have unreasonable impacts upon surrounding properties given the separation distances to neighbouring buildings. Therefore, no conditions are recommended in regard to lighting.

Issue: Request conditions imposed.

Response: Objectors have requested a number of specific conditions. Council has standard conditions which have been formulated in response to the relevant legislation and in accordance with requirements. All relevant standard conditions have been imposed on the consent as well as any custom conditions that are considered required as detailed in Appendix A. Council's conditions are considered to be the relevant conditions that should be imposed in accordance with section 4.17 of the Act that sets out legislative requirements for the imposition of conditions of development consents.

Issue: Not in the public interest as evidenced by the number of submissions.

Response: The 'public interest' is not reliant on the quantity of submissions. The proposal is in the public interest as it is consistent with the zoning for the site and the zone objectives; is generally consistent with the planning controls; contributes to the quality of affordable housing within the area; and provides an increase in the housing within the area whilst protecting the significance of the heritage conservation area.

Issue: Given the strategic significance of this precinct, the DA should be refused and instead an appropriate vision and master plan be prepared for the broader site area, developed collaboratively by affected landowners, developers, and Waverley Council (for example, identifying the site for adaptive reuse of its original built-form features and as a low-scale transition or green zone).

Response: The site is no more significant than the rest of Campbell Parade where there are many sites that have been redeveloped. The site is within a conservation area and this has been addressed previously in this report. This suggestion simply seeks to limit the development potential of surrounding sites and one site should not rely on another that is underdeveloped for their own amenity and the protection of private views in perpetuity. The applicant has lodged a development application based on the controls that apply.

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. Urban Design

Council's Heritage Advisor and Urban Designers were consulted throughout the assessment process and were instrumental in the final design of the proposal (refer to section 1.5 *Background* of this report for the detailed comments which were formulated into deferral matters to the applicant). The final amended plans were reviewed by Council's Urban Designer and the following comments were provided:

The amended architectural set dated 15/06/206 addresses the issues previously raised issues by Urban Design and Heritage including:

- *Providing a continuous awning along the Campbell Parade frontage*
- *The front façade composition is now satisfactory and creates a more legible transition between the retained façade and the proposed additions behind.*
- *The revised balcony forms and changes to the front façade recess are supported and improve the overall presentation of the building.*

- *In terms of materials and colours, it would be preferrable for the rear addition to avoid rendered finishes due to ongoing maintenance and durability considerations in a coastal environment. The proposed beige colour is less preferred. A natural concrete finish would be preferred or alternatively a return to the previously proposed off-white finish.*

  Overall, the proposal has addressed the key issues previously raised. The retention of the existing façade, together with the contemporary additions behind, maintains the established streetscape character and traditional built form pattern of Campbell Parade and is considered an appropriate design outcome.

A condition regarding the materials and colours is included in Appendix A.

3.2. Public Domain

The application was reviewed by Council's Public Domain officer's and no issues were raised subject to recommended conditions of consent which are included in Appendix A.

3.3. Stormwater

The following comments from Council's Stormwater officers were provided in response to the proposed development:

The proposed development was examined against Chapter B5 of the Waverley DCP 2022, the Waverley LEP 2012, Waverley Council Water Management Technical Manual October 2021, NSW Government Flood Prone Lands Policy and the NSW Floodplain Development Manual 2005 (FDM), and in this regard the following comments are made:

- *The proposed scope of works is retention of the front of the existing building, substantial demolition at the rear, and the construction of a shop-top housing development containing 3 units over the ground floor retail premises, including affordable housing.*
- *A stormwater management plan was submitted with the development application.*
- *There is no Sydney Water owned sewer pipe traversing the property.*
- *There is no Sydney Water owned stormwater pipe traversing the property.*
- *There is no Council owned pipe that traverses the property.*
- *There is Council drainage infrastructure within the road reserve on Campbell Parade.*
- *The property does not appear to be burdened by an easement to drain water.*
- *The property is not on land identified as a coastal inundation impacts site.*
- *The property is on land identified as a biodiversity habitat corridor impacts site.*
- *The property is not on land identified as a geotechnical hazard impacts site.*
- *The BASIX Certificate does not require the installation of a rainwater reuse system*
- *The installation of an On-Site Detention system is required.*
- *An erosion sediment control plan is provided.*

- *The property is not on land identified as flood affected under the Council endorsed Waverley LGA Flood Study 2021.*

The recommended conditions of consent are included in Appendix A.

3.4. Tree Management

The application was reviewed by Council's Tree Management Officer due to trees being located adjoining the site rear boundary. No issues were raised as these trees are not likely to be impacted.

3.5. Strategic Planning

The application was reviewed and no issues were raised subject to recommended conditions of consent which are included in Appendix A.

3.6. Waste and Recycling

The application was reviewed by Council's Waste Management Officer and no issues were raised.

3.7. Land Information (street numbering)

The application was reviewed by Council's GIS and Land Information Officer and conditions recommended which are included in Appendix A.

3.8. Sustainable Development

The application was reviewed by Council's Sustainability and Resilience Coordinator and conditions recommended which are included in Appendix A.

3.9. Environmental Health

The following comments were provided in response to the application:

> *The Detailed Site Investigation [Ref:E37598PHrpt2] prepared by JK Environments dated 30 July 2025 states that the site is suitable for the proposed use and no further information in this regard is required.*
>
> *It is noted that air-conditioning condensers are proposed to be located on the rooftop (outside). Consideration should be given to relocating this plant in an acoustic treated plant room. This section does not support the placing of this equipment on the rooftop. Best practice would be for the mechanical plant and equipment to be located internally in an acoustical treated room. The placing of this plant on the rooftop should be discouraged as it has the potential to cause significant noise issues in the future.*
>
> *As the submitted acoustic report states that the design of mechanical systems (mechanical ventilation/air-con) has not been completed a further acoustic report is requested prior to the issue of a construction certificate.*

There is insufficient room at the ground floor level to provide the air conditioning condensers and no basement is proposed. Additionally, there are numerous examples of plant on roof tops within the Bondi Beach area with most new development incorporating condensers and plant on the roof set back from the edges and/or screened. Conditions are included in relation to the mechanical plant and noise generation.

All recommended conditions are included in Appendix A.

4. CONCLUSION

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

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Managers of Development Assessment (MODA) and Senior Assessment Group (SAG) Review

The application was reviewed by the MODA and the SAG at the meeting on 24 March 2026 and the MODA/SAG concurred with the Assessment Planner's recommendation.

SAG members: *B McNamara, B Magistrale, K Johnstone, J Zancanaro, E Rogerson, F Jabalameli and C Brady*

Report prepared by:	**Application reviewed and agreed by:**	**Application reviewed and agreed by:**
Kylie Lucas	Ben Magistrale	Bridget McNamara
Senior Development Assessment Planner	**Manager, Development Assessment**	**Acting Executive Manager, Development Assessment**
Date: 07/07/2026	**Date: 09/07/2026**	**Date: 12 July 2026**

Reason for WLPP referral:

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

OFFICE USE ONLY

Planning Portal Data	
Clause 4.6 register entry required (For the purposes of reporting to the planning portal, if the % approved is different to the % proposed in the original	47% variation to lot size [Clause 19(2)(a) of SEPP (Housing)]

submission, please state what the variation initially proposed was – Planning Portal Requirement)	Reason: X Sufficient environmental planning grounds X Consistent with the objectives of the standard
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)	86.4% variation to landscaped area [Clause 19(2)(b) of SEPP (Housing)] Reason: X Sufficient environmental planning grounds X Consistent with the objectives of the standard
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)	100% variation to deep soil [Clause 19(2)(c) of SEPP (Housing)] Reason: X Sufficient environmental planning grounds X Consistent with the objectives of the standard
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)	100% variation to parking [Clause 19(2)(e) and (f) of SEPP (Housing)] Reason: 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
Does the proposal trigger a Housing & Productivity Contribution ? If so, please ensure you have calculated the contribution in the CON case in the Planning Portal.	Yes
Have any dwellings been approved for affordable Rental Housing under this approval/consent? *This is a planning portal reporting requirement	Yes (1 x 2-bed apartment)
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 DA-477/2025

GENERAL CONDITIONS

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by DARCHITECTURE & INTERIORS including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA-02 Rev. 3	SITE PLAN	15/06/2026	18/06/2026
DA-03 Rev. 3	DEMOLITION PLAN	15/06/2026	18/06/2026
DA-04 Rev. 3	GROUND FLOOR	15/06/2026	18/06/2026
DA-05 Rev. 3	LEVEL 1	15/06/2026	18/06/2026
DA-06 Rev. 4	LEVEL 2	15/06/2026	18/06/2026
DA-07 Rev. 4	LEVEL 3	15/06/2026	18/06/2026
DA-08 Rev. 4	LEVEL 4	15/06/2026	18/06/2026
DA-09 Rev. 4	LEVEL 5	15/06/2026	18/06/2026
DA-10 Rev. 2	ROOF	15/06/2026	18/06/2026
DA-11 Rev. 3	EAST ELEVATION	15/06/2026	18/06/2026
DA-12 Rev. 4	SOUTH ELEVATION	15/06/2026	18/06/2026
DA-13 Rev. 3	WEST ELEVATION	15/06/2026	18/06/2026
DA-14 Rev. 3	NORTH ELEVATION	15/06/2026	18/06/2026
DA-16 Rev. 4	SECTION A	15/06/2026	18/06/2026
DA-17 Rev. 4	SECTION B	15/06/2026	18/06/2026
DA-17.1 Rev. 3	SECTION B – FRONT FAC. DETAIL – 1:20 SCALE	15/06/2026	18/06/2026
DA-17.2 Rev. 1	SECTION B – REAR FENCE DETAIL – 1:20 SCALE	15/06/2026	18/06/2026
DA-18 Rev. 2	SECTION C	15/06/2026	18/06/2026

DA-22 Rev. 3	EXTERNAL WINDOW & DOOR SCHEDULE	15/06/2026	18/06/2026
DA-23 Rev. 4	GFA DIAGRAMS	15/06/2026	18/06/2026

(b) Landscape Plan Nos. LP01-0725, LP02-0725 and LP03-0725, all Revision B and documentation prepared by Tanya Wood Landscape Architecture, dated 28/08/2025 and received by Council on 19/09/2025;

(c) The BASIX and NatHERs Certificates;

(d) Preliminary Geotechnical Investigation (Ref: 37597PHrpt) prepared by JK Geotechnics dated 05/06/2025, and received by Council on 19/09/2025;

(e) Acoustic Report (Ref: 6658R20250724rcf32CampbellParadeBondi_DA) prepared by Koikas Acoustics dated 01/08/2025, and received by Council on 19/09/2025;

(f) Structural Engineering Feasibility and Methodology Report prepared by Acroyali Engineering dated 27/08/2025, and received by Council on 19/09/2025;

(g) Letter from the nominated Community Housing Provider, dated 12/09/2025 and received by Council on 19/09/2025;

(h) Detailed Site Investigation (Ref: E37598PHrpt2) prepared by JK Environments dated 30/07/2025 and received by Council on 19/09/2025;

Except where amended by the following conditions of consent.

Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments:

(a) The glass bricks on the side elevations are to be obscure/translucent.

Condition reason: To protect the visual privacy of windows on adjoining sites.

(b) The openings to the front balconies on the side elevations are to be enclosed with solid walls.

Condition reason: To protect the privacy of adjoining properties and to ensure the future alignment of potential development of the adjoining sites.

(c) Under awning lighting is to be provided at the street front. The lighting is not to be fluorescent and is not to be directed toward surrounding residential properties.

Condition reason: To protect the amenity of adjoining properties and ensure consistency with Part D1 of Development Control Plan (DCP) 2022.

(d) Window glazing is not to be dark or tinted.

Condition reason: To ensure consistency with Part E2 of DCP 2022.

(e) The materials and finishes are to be amended to avoid the use of rendered finishes due to ongoing maintenance and durability considerations in a coastal environment. The beige colour of the external walls (referred to as EF-02 on the schedule of finishes) is to be replaced

with a natural concrete finish or alternatively a return to the previously proposed off-white finish in the original plans.

Condition reason: To ensure the colours and finishes are consistent with the desired future character of the area and are durable in the coastal environment.

The amendments are to be approved by the **Executive Manager, Development Assessment or delegate** prior to the issue of any Construction Certificate. An electronic copy of the amended plans or additional information (see website for electronic document requirements) addressing this condition, including a covering letter shall be provided to Council for review.

Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

3. MULTI UNIT HOUSING DEVELOPMENT DESIGN

The approved design (including any element or detail of that design) or materials, finish or colours of the building must not be changed without the written approval of Council's Executive Manager, Development Assessment or delegate.

Condition reason: To ensure the approved design aligns with the constructed form of the development.

4. AFFORDABLE HOUSING

The following condition is imposed in accordance with Clause 21 of *State Environmental Planning Policy (Housing) 2021* (SEPP Housing):

(a) For 15 years commencing from the date of the issue of the final Occupation Certificate:

(i) Unit 1, as nominated on the approved plans contained in condition 1 of this consent, is to be used for the purposes of 'affordable housing', as defined in Clause 13 of the SEPP Housing,

(ii) The quality and finish of the units specified in subclause (a) above, shall be finished to a standard that is equal to or better than, other apartments within the building, subject to any requirements of the community housing provider concerning durability.

(iii) A restriction as to user must be registered in accordance with section 88E of the *Conveyancing Act 1919* on the title which restricts the use of any accommodation to which this development consent relates.

(b) The terms of the restriction as to user are to be approved by Council in writing prior to registration. The Council shall be the party who has the right to modify or extinguish the restriction. All legal costs associated with the registration of the restriction is to be borne by the owner.

(c) Management

All accommodation that is used for affordable housing will be managed by a registered Community Housing Provider (CHP) and is to provide accommodation for a household identified to be on very low, low to moderate incomes.

(d) Costs

The cost of preparation and registration of any legal agreement(s) and all other documentation is to be met by the Registered Proprietor.

(e) Note: An Occupation Certificate must not be issued in respect of the building the subject of this Consent until:

(i) A signed letter from the nominated registered CHP managing the development confirming the providers engagement is to be submitted and be to the satisfaction of Council's Executive Manager, Urban Planning (or delegate), and

(ii) A copy of the agreement including the nominated timeframe for the affordable housing tenure, the number and location of units is sent to Council's Executive Manager, Urban Planning (or delegate). Such an agreement should also stipulate that the selected CHP send an update at the end of every financial year to Council with this information, including information on rents and occupancy rate which will be saved on Council's file (Trim reference No. A22/0503).

(f) Any Future Modifications

Should this development consent be modified, a minimum of 15% of all gross floor area (GFA) of the development (until 15 years after the issue of the final Occupation Certificate) is required to be affordable housing. The 15% applies to the total GFA of the development (and includes any GFA beyond that permitted by Chapter 2, Division 1 of SEPP Housing is maintained (that is, to facilitate the delivery of new in-fill affordable housing).

Condition reason: To ensure that the affordable housing is provided in accordance with the requirements of the SEPP Housing.

5. COMPLIANCE WITH NATIONAL CONSTRUCTION CODE

All proposed work must comply with the *National Construction Code* (previously known as the *Building Code of Australia*).

Condition reason: Prescribed condition pursuant to the *Environmental Planning and Assessment Regulation 2021*.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

GENERAL

6. NO BUILDING WORKS PRIOR TO RELEASE OF A CONSTRUCTION CERTIFICATE

The building work must not be commenced until:

(a) a Construction Certificate has been obtained from Council or an Accredited Principal Certifier in accordance with the *Environmental Planning and Assessment Act 1979*;

(b) a Principal Certifier 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.

CONTRIBUTIONS, FEES & BONDS

7. 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 $500,001 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 $1,000,001 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).

  (ii) Please forward documents to info@waverley.nsw.gov.au attention to Strategic Planning, and reference the relevant application number, address and condition number to satisfy.

  (iii) 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.

(iv) Should there be a discrepancy between the Detailed Cost Report 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 is 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.

(e) Where a modification to a development consent has been granted, the contribution is to be recalculated based on the amended total development cost.

(f) Prior to the issue of any Construction Certificate, evidence must be provided to the Principal Certifier 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 S7.12 Contributions are paid for the development and any amendments are accounted for.

8. HOUSING AND PRODUCTIVITY CONTRIBUTIONS HOUSING AND PRODUCTIVITY CONTRIBUTIONS

Before the issue of a Construction Certificate, the Housing and Productivity Contribution (HPC) set out in the table below is required to be made:

Housing and productivity contribution	Estimated Amount ($)
Housing and Productivity Contribution (base component)	$21,667.85
Transport project component	Nil
Strategic Biodiversity Component	Nil
Estimated total housing and productivity contribution	$21,667.85

(a) The HPC must be paid online via the NSW Planning Portal.

(b) At the time of payment, the amount of the HPC is to be adjusted in accordance with the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024* (HPC Order).

(c) The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the *Environmental Planning and Assessment Act 1979* agrees.

(d) The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the *Environmental Planning and Assessment Act 1979* to the development, or the HPC Order exempts the development from the contribution.

Condition reason: To require contributions towards the provision of regional infrastructure

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 Certifier prior to the issue of any Construction Certificate.

Note: Council acts as a collecting agent for the Long Service Payment Corporation and the levy may be paid at Council's office or online via the Service NSW website. 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. SECURITY DEPOSIT

(a) Payment to the amount of **$98,462** must be provided to Council for any damage caused to any property of the consent authority (i.e. 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 fee is charged in accordance with Council's *Pricing Policy and Schedule of Fees and Charges*.

(b) This payment (security deposit) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the security 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 of all of works associated with this consent (including the required public works) to the person who paid the deposit. Any works required to Council property associated with the consent need to be undertaken with the approval of the Infrastructure Services Department and in line with current Council standards. See the General Advisory Notes at the end of this consent for further details.

Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.

11. AFFORDABLE HOUSING CONTRIBUTION – PAYMENT IN ACCORDANCE WITH CLAUSE 6.17 OF THE WAVERLEY LOCAL ENVIRONMENTAL PLAN 2012

The Affordable Housing Contribution is as follows:

(a) Pursuant to Clause 6.17 of the Waverley Local Environmental Plan 2012 and the Waverley Affordable Housing Contribution Scheme 2023, the applicant must provide Council a monetary contribution towards the provision of affordable housing.

(b) The contribution of **$114,290** payable for the provision of affordable housing shall be paid in one complete payment to Waverley Council prior to the issue of any Occupation Certificate.

This contribution amount has been calculated based on a total proposed residential gross floor area of 5.256 sqm.

Condition reason: The proposal requires a contribution in accordance with Cl 6.17 of the WLEP and the Waverley Affordable Housing Contribution Scheme 2023.

12. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

The Applicant must 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 *Pricing Policy and Schedule of Fees and 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 allow for Council assessment officer time to assess engineering plans for approval and ensure payments are made prior to commencement of works.

HERITAGE MATTERS

13. ARCHIVAL RECORDING OF EXISTING HERITAGE BUILDING

An archival record (at a minimum the front and rear elevations, details of notable elements of each building e.g. the awning and foyers) shall be prepared of the existing building for deposit in Waverley Council's Archive. This record must be carried out prior to the removal of any significant building fabric or furnishings from the site and must be submitted to Council in digital format (PDF) prior to the commencement of any demolition work. The record is to comply with the *NSW Heritage Office Guidelines* for digital archival recording.

Condition reason: To record the historic qualities of the building prior to any works commencing.

PLAN DETAILS

14. PROVISION FOR MECHANICAL SHAFT FOR FUTURE FOOD PREMISES

Adequate provision shall be made within the confines of the building, for the installation of a mechanical exhaust system for future food/commercial use/s within the building.

Conditions reason: To ensure the building is fit for use for other commercial uses that may seek to use the space over time.

15. UNIVERSAL HOUSING

Apartments in the development are to be provided with universal design features (as outlined in the *Liveable Housing Design Guidelines*) to meet the changing need of occupant(s) over their lifetimes in accordance with Part B6 of the *Waverley Development Control Plan 2022*.

Details are to be provided on the architectural plans and submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

Condition reason: To ensure universal design features are provided.

CONSTRUCTION AND SITE MATTERS

16. HOARDING FOR CONSTRUCTION SITES

A hoarding is a temporary structure of solid construction, erected around the perimeter of construction sites to shield them from view and prevent unauthorised access. It is an important component in ensuring health and safety, for site workers, visitors and the general public and can also be part of a site security system to prevent theft or vandalism. The design and construction of any hoarding must be in accordance with the requirements of *Safe Work NSW*.

Council authorisation is required when construction or other works will impact a footpath, such as the erection of hoarding or scaffolding, or the storage of building materials. Refer to Waverley Council's website by visiting the Hoarding and Scaffolding Guidelines webpage for more information.

To apply to occupy Council property (public domain and/or footway), complete the 'Application for Occupation of Council Footpath' form and submit it, directly to email building.compliance.admin@waverley.nsw.gov.au .

Please allow a minimum of 2weeks for processing your application.

Note: You are not to erect the hoarding or store building materials on Council's footpath until written permission is given by Council and all relevant fees have been paid. Failure to do so, may result in enforcement action.

Condition reason: Under Section 68 of the *Local Government Act 1993* and under Section 138 of *The Roads Act 1993*, where Occupation of Council property is required over the footpath or any public place, the approval of Council must be obtained and the applicable fees paid prior to any occupation. This is to ensure the safety of the site and public whilst construction occurs.

17. EROSION AND SEDIMENT CONTROL PLAN

(a) A *Soil and Water Management Plan* (SWMP), also known as an Erosion and Sediment Control Plan must be prepared by a suitably qualified person in accordance with *Waverley Council's Water Management Technical Manual*.

(b) The SWMP must be submitted and approved by the Principal Certifier prior to the issue of any Construction Certificate. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request.

(c) 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 no substance other than rainwater enters the stormwater system and waterways.

18. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

A report shall be prepared by a suitably qualified and practising Structural Engineer/Geotechnical Engineer detailing the proposed methods of bulk excavation, shoring or pile construction, including details of vibration emissions and any possible damage which may occur to adjoining or nearby properties as a result of the proposed building and excavation works.

Any practices or procedures specified in the Engineer's report in relation to the avoidance or minimisation of structural damage to adjoining properties are to be fully complied with during construction.

Details are to be provided on the architectural plans and submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

Condition reason: To ensure any excavation, shoring and pile construction is carried out in a safe manner.

19. ENGINEERING DETAILS

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

Condition reason: To ensure the structural stability of work on site.

20. GEOTECHNICAL REPORT

A further detailed Geotechnical Report is to be submitted and approved by Council's Executive Manager, Infrastructure Services (or delegate), prior to the issue of the relevant Construction Certificate.

The Report must address how the excavation works can be carried out without damage or adverse impacts on adjoining properties.

Condition reason: To ensure geotechnical considerations have been adequately addressed prior to construction.

21. STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS

Prior to the issue of any Construction Certificate, a report or certification from a suitably qualified and practising Structural Engineer must be submitted to the Principal Certifier to explain how the retained building elements are to be retained, structurally supported and not undermined by the proposed development. Recommendations, including details of any intervention or retrofitting needed are to be incorporated into the construction methodology of the build.

Condition reason: To ensure structural stability of retained building elements occurs.

22. PRE-CONSTRUCTION DILAPIDATION REPORT

To ensure Council's infrastructure is adequately protected, a pre-construction dilapidation report on the existing public infrastructure in the vicinity of the proposed development and along the travel routes of all construction vehicles is to be submitted to Council. The report must detail, but not be limited to, the location, description, and photographic record (in colour) of any observable defects to the following infrastructure where applicable:

(a) Road pavement

(b) Kerb and gutter

(c) Footpath

(d) Drainage pits and lintels

(e) Traffic signs

(f) Any other relevant infrastructure

The report is to be dated, submitted to, and approved by Council's Infrastructure Services, Executive Manager (or delegate), prior to any work commencing on the site. All fees and charges associated with the collation of this report must be borne by the Applicant.

Condition reason: To establish and document the structural condition of public assets prior to works commencing.

23. SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE APPLICATION

(a) 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.

(b) For more information about making an application to obtain a Section 73 Compliance Certificate, please consult Sydney Water's website.

(c) 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 Co-ordinator, as the building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

(d) A Section 73 Compliance Certificate must be issued from Sydney Water prior to the issue of an Occupation Certificate.

Condition reason: To comply with the requirements of Sydney Water.

TRAFFIC MATTERS

24. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

The applicant is to submit a Construction Traffic Management Plan (CTMP) for the approval of Council's Executive Manager, Infrastructure Services, or delegate, prior to the issue of any Construction Certificate. CTMP's are to be submitted via email to traffic@waverley.nsw.gov.au for assessment. 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

Note: Given the complexity of the location of the site it is recommended that you meet with Council prior to the preparation of the CTMP to discuss specifics. All sites within Waverley Council require the installation of a Construction Zone for the duration of building works unless the applicant is able to demonstrate adequate access is available otherwise.

Once approved, the works must be undertaken in line with and comply with the CTMP. Any modifications must be approved by Council's Executive Manager, Infrastructure Services, or delegate.

Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

STORMWATER AND FLOODING

25. STORMWATER AND INFRASTRUCTURE MANAGEMENT

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

The submitted stormwater management plan prepared by Acroyali Engineers Pty Ltd, Job No. 25128, DWG No. ST00.01, ST01.01, ST01.02, ST02.01 to ST02.11, Rev 3 dated 28/08/2025 are approved subject to additional information required under this condition.

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 (registered on the NER of Engineers Australia or equivalent) and comply with the following conditions:

(a) The current orifice level of the OSD system is observed to be drowned/submerged, redesign to ensure the system is free draining above the Hydraulic Grade Line at the discharge point.

(b) The stormwater management plans must 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, pit overflow, OSD plaque, OSD warning sign and catchment plan.

(c) A certificate from a registered structural engineer certifying the structural adequacy of the OSD tank structure must be provided. Any below ground OSD tank structure must be a cast in-situ concrete based.

(d) A non-return valve must be installed at the discharge point within the silt arrestor pit near the property boundary so that stormwater cannot surcharge back into the properties private stormwater system.

(e) A long section of the connection to Council's infrastructure must be provided and its details included (e.g. the location of existing services being crossing with the clearances, existing surface levels, inverts and obverts of existing and proposed).

(f) The invert level of the stormwater discharge line connecting to Council's kerb inlet pit is at or above the top third of Council stormwater pipeline.

(g) Council must be notified prior to any connection being made to Council's network and an inspection must be made by a Council officer prior to public domain restoration and backfill at the point of connection. An inspection fee will apply for each inspection visit required by a Council officer, payable prior to any site inspection. Minimum 48 hour's notice must be provided to Council prior to inspection.

(h) Any new downpipes must be located wholly within the property's boundary.

(i) Provide calculations of the roof guttering system for the 1% AEP storm event and minimum number of downpipes required.

(j) 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.

(k) Detail the proposed pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location.

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

(m) Provide calculations demonstrating that the proposed stormwater drainage system can cater for the relevant design storm event.

(n) Sub soil drainage (seepage) water must not be directly or indirectly discharged to Council's street gutter.

(o) 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) 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.

(ii) 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.

(iii) Waverley Council has a template for the calculation of OSD and infiltration system sizing which is available upon request.

(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's 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 (registered on the NER of Engineers Australia or equivalent) 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 Occupation Certificate.

(ix) All redundant pipelines (incl. kerb outlets) must be removed. Any affected infrastructure (such as footpath and kerb and gutter) must be reinstated to the satisfaction of Waverley Council as per Waverley Council Standard Drawings and specifications.

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.

26. WATER QUALITY

The development will at all times maintain the water quality system to achieve the following minimum pollutant removal targets for the entire site in perpetuity as per Council's *Water Technical Management Manual 2021*.

Pollutant	% post development pollutant reduction targets
Gross Pollutants	90
Total Suspended Solids	80
Total Phosphorous	55
Total Nitrogen	40

Prior to the issue of any Construction Certificate, plans and specifications for the proposed Stormwater Quality Improvement Device (SQID), including cross-sections and the hydraulics are to be submitted and approved by Council's Executive Manager, Infrastructure Services (or delegate) . These are to be prepared by a suitably qualified and practising Civil Engineer showing complete and detailed SQID design and hydraulics. MUSIC model must be provided to Council for assessment

Condition reason: To protect the downstream environment from any contaminants

27. PRE-CONSTRUCTION DILAPIDATION REPORT

A dilapidation report including photographic evidence of internal conditions of pit No. 01607 must be prepared and submitted by an engineer to confirm the existing structural and serviceability condition.

The report/s must be dated and submitted to the satisfaction of Council's Executive Manager, Infrastructure Services (or delegate). No works on Council's stormwater infrastructure will commence until given approval by Council.

Condition reason: Confirm the condition of the stormwater pipes and pits servicing the site prior to works occurring which may damage them.

PUBLIC DOMAIN

28. PUBLIC INFRASTRUCTURE WORKS

Public infrastructure works must be designed and constructed as outlined in this condition of consent. The approved works must be completed to Council's satisfaction at no cost to Council.

Full design engineering drawings must be prepared by a suitably qualified and experienced engineering professional (registered on the NER of Engineers Australia) and must be submitted to Council and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of relevant Construction Certificate.

The Applicant must submit plans and specifications for the following infrastructure works to Council's Infrastructure Engineer:

(a) Footpath, Kerb and Gutter: The existing footpath, pram ramp, kerb, and gutter traversing the Campbell Parade Street frontage is to be reconstructed and upgraded in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval. The proposed footpath, kerb, and gutter profiles must include longitudinal and cross sections to ensure proper connections to the existing Council infrastructure traversing the development site.

(b) The footpath and associated kerb and gutter shall be upgraded to Bondi Beach Local Centre Paving in accordance with Waverley Council's Public Domain Technical Manual.

(c) Proposed Awning Structure: A structural engineering certification alongside structural detailed design is to be submitted to Council for the proposed awning structure.

(d) A positive covenant will be imposed for such awning structure and wording will be provided by Council prior to completion of such covenant. Lighting under the awning is to comply with AS/NZ 1158.

(e) A suitable template for the positive covenant is to be sought from Council's Executive Manager, Infrastructure Services (or delegate) and will be subject to fees.

(f) All mains electrical connections to the development must be routed underground. Council will not accept the erection of newly placed electricity columns within the Council's public domain to support the new development.

(g) Any existing or proposed utility pillars, columns and/or poles on the site frontages must be relocated either underground or inside the property boundary of the proposed development. Applicant must liaise with the relevant authorities for their approval and communicate to Council with written confirmation, before executing any works.

(h) The full public domain traversing the site's frontage must be protected from the proposed building works. The applicant will be required to replace any damaged footpath, street furniture, pavement, kerb and gutter, and Council's infrastructure at no cost to Council.

Notes:

(i) Depending on the complexity of the proposed public domain works, the Council's review of each submission of the plans may take a minimum of six (6) weeks

(ii) The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.

(iii) Waverley Council standard drawings for public domain infrastructure assets are available upon request and online at Council Website. Details that are relevant may be replicated in the public domain design submissions; however Council's title block shall not be replicated.

(iv) Prior to commencement of works a security deposit will be made payable to Council to insure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.

(v) Council's contact for the public domain: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8655 (operational hours between 9.30am to 4.00pm Monday to Friday).

Condition reason: This condition imposed is to ensure that the public assets within the public domain are upgraded in alignment with the LEP, DCP and/or PDTM.

ENERGY EFFICIENCY & SUSTAINABILITY

29. BASIX CERTIFICATE – DETAILS TO BE LODGED WITH A CONSTRUCTION CERTIFICATE

A copy of the required completed BASIX certificate accepted as part of this Development Consent with respect to the proposed residential building works, must be lodged with an application for a Construction Certificate and the items nominated as part of the subject BASIX certificate must be specified on the plans submitted with the construction certificate application. – See Note.

Note: Any requirement detailed in the accompanying BASIX Certificate, MUST be included as a specific notation or inclusion on any future Construction Certificate plans and specification in accordance with Part 3 of Schedule 1 of the *Environmental Planning and Assessment Regulation 2021*.

Condition reason: To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under clause 75 *EP&A Regulation 2021*.

30. ENERGY EFFICIENCY

(a) An Energy Assessment Report is to be submitted in accordance with the *Waverley Development Control Plan 2022,* which recommends design solutions to reduce the predicted operational energy demand and greenhouse gas emissions of the proposed development by 30% less than a reference building (i.e. NCC, Section J compliant only). The

report is to be submitted and be to the satisfaction of Council's Executive Manager, Environmental Sustainability (or delegate) prior to the issue of a Construction.

(b) The Construction Certificate plans are to incorporate the recommendations of the approved Energy Assessment Report to the satisfaction of the Principal Certifier.

Condition reason: To reduce greenhouse gas emissions.

31. RENEWABLE ENERGY AND ENERGY EFFICIENCY

(a) No gas cooktops or gas ovens are permitted where works are proposed to the kitchen. Alternate options must be used such as electric or induction.

(b) No gas heating systems are permitted. If heating is provided it must be electric or solar sourced.

(c) Ceiling or wall mounted fans must be installed in all habitable rooms (main living areas and bedrooms).

(d) In circumstances where the existing BASIX certificate does not comply with the above, the BASIX certificate must be amended and submitted to the Principal Certifier for approval, prior to the issue of the relevant Construction Certificate.

(e) The architectural plans shall be updated to notate the above and submitted to the Principal Certifier for approval, prior to the issue of the relevant Construction Certificate.

Condition reason: To improve air quality and human health, and to ensure all new (or altered) homes have future capacity to be an all-electric building, powered by renewable energy.

WASTE

32. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted and approved by the Principal Certifier 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, and the contact details of those removing the waste 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.

33. VERMIN AND RAT CONTROL

A Pest and Vermin Control Management Plan prepared by a suitably qualified person outlining measures to be taken to reduce rat/vermin populations is to be submitted for the approval of Council's Executive Manager, Compliance (or delegate) prior to the issue of any Construction Certificate for the demolition of existing buildings.

Condition reason: To control pests and vermin in the vicinity.

NOISE

34. NOISE MANAGEMENT PLAN – DEMOLITION, EXCAVATION AND CONSTRUCTION

A site-specific Noise Management Plan, prepared by a suitably qualified acoustic consultant (as defined in the advisory section of this consent) must be submitted to the satisfaction of Council's Executive Manager, Compliance (or delegate) for demolition, excavation and construction works.

For further information on the requirements, refer to Council's website: https://www.waverley.nsw.gov.au/bvuilding/development_applications/post_determination/development_applications_-_conditions_of_consent

Condition reason: To protect the acoustic amenity of the area during construction works.

35. NOISE – ACOUSTIC REPORT

An Acoustic Assessment Report prepared by a suitably qualified acoustic consultant (as defined in the advisory section of this consent) 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. The Report must be submitted and approved by Council's Executive Manager, Compliance (or delegate) prior to any works commencing on site.

Note: Any management measures recommended in the Acoustic Report shall be incorporated into a Plan of Management, which will be required to be submitted to Council for approval prior to the issue of an Occupation Certificate.

For further information on the requirements, refer to Council's website: https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent

Condition reason: To protect the acoustic amenity of the area.

SERVICES

36. TELECOMMUNICATIONS INFRASTRUCTURE IN NEW MULTI UNIT 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.

(c) Where possible, service provisions are to be located within the building, avoiding chasing or external fixtures and visual clutter.

(d) Details to be approved by the Principal Certifier prior to the issue of any Occupation Certificate.

Condition reason: To ensure appropriate telecommunication services are provided.

COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

37. CONSTRUCTION SIGNS

Prior to commencement of any works on the site and during construction phase, a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number and email address) of the Principal Certifier 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 Certifier and principal contractor's (the coordinator of the building works) contact details.

38. DILAPIDATION REPORT

(a) 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 Certifier. At minimum, the following properties are to be included:

(i) 28-30 Campbell Parade BONDI BEACH

(ii) 34 Campbell Parade BONDI BEACH

(iii) 15 Francis Street BONDI BEACH

(iv) 13 Francis Street BONDI BEACH.

(b) 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 Certifier that all reasonable steps were taken to obtain access to the adjoining properties.

(c) The report is to be dated, submitted to, and accepted by the Principal Certifier, prior to any work commencing on the site.

(d) 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.

(e) 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 affected neighbours and council are provided with the dilapidation report.

39. SURVEY SETOUT

Prior to the commencement of construction, all footings, walls and floor slabs adjacent to a boundary must be set out by a registered surveyor. The building shall be sufficiently set back to ensure that no component of the building (such as the roof, guttering, or downpipes) encroach upon or overhang the boundaries of the site.

The registered surveyor shall provide a survey and report to the Principal Certifier indicating the position of the footings, walls and floor slabs in relation to the boundaries of the allotment, prior to the commencement of construction works.

Condition reason: To ensure the development does not encroach onto neighbouring properties.

DEMOLITION & EXCAVATION

40. 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:

(a) *Work Health and Safety Act 2011*;

(b) *Work Health and Safety Regulation 2017*;

(c) SafeWork NSW *Code of Practice* for the Safe Removal of Asbestos;

(d) *Australian Standard 2601-2001* – Demolition of Structures;

(e) *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 and Hazardous Materials Assessment for the approval of the Principal Certifier in accordance with *Australian Standard AS 2601-2001* Demolition of Structure and a Hazardous Materials Assessment.

The Work Plan and Hazardous Materials Assessment shall be prepared by a suitably qualified person and shall:

(i) Outline the identification of any hazardous materials, including surfaces coated with lead paint;

(ii) Confirm that no asbestos products are present on the subject land, or

(iii) 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);

(iv) Describe the method of demolition;

(v) Describe the precautions to be employed to minimise any dust nuisance; and

(vi) Describe the disposal methods for hazardous materials.

Condition reason: To ensure the safety of workers and the general public.

41. 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.

(b) Water must not be allowed to enter the street and stormwater systems.

(c) Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

(d) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to *Australian Standard AS1716* - 2012 Respiratory Protective Devices.

Condition reason: To ensure the safety of workers and the general public.

42. 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* to the satisfaction of the Principal Certifier.

Condition reason: To ensure that contaminated soil not escape the site.

43. EXCAVATION AND BACKFILLING

(a) 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.

(b) 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 suitably qualified and practising Structural Engineer.

(c) All work 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.

Condition reason: To ensure the structural stability of work on site and general safety.

CONSTRUCTION MATTERS

44. CONSTRUCTION HOURS

(a) 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.

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

(c) 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 during construction.

45. 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 boundaries. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval. If required, you can apply to temporarily use Council's footpath for the erection of a hoarding, scaffold, mobile scaffold, scissor lift, ladders, barricades for abseiling work, and/or storage of building materials on Council's footpath. This is a separate application form and assessment process. Details of this can be found on Council's website under 'Occupation of Council Footpath'.

https://www.waverley.nsw.gov.au/planning/application_forms_and_certificates

Condition reason: To ensure building material is stored in an appropriate location.

46. BASIX (DURING BUILDING WORK)

During construction, the Principal Certifier should ensure the commitments listed in the BASIX certificate are met when conducting critical stage inspections.

Condition reason: To ensure compliance with the *SEPP (Sustainable Buildings 2022)*

47. CRITICAL/MANDATORY BUILDING INSPECTIONS DURING CONSTRUCTION

The building works are to be inspected during construction by the Principal Certifier in accordance with, 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.

48. 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 for each level is to be submitted to the Principal Certifier during construction and prior to continuing with the construction of the subsequent level of the building. A final Certificate from a Registered Surveyor is required to be submitted for approval of the Principal Certifier, certifying the finished ridge and overall building height levels accord with the approved architectural plans.

Condition reason: To ensure buildings are sited and positioned in the approved location and to the approved height.

49. 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 Certifier 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.

50. TREATMENT OF BOUNDARY WALLS

The walls approved on the side boundaries are to be finished to the same standard as the remaining building and as shown on the approved plans and are not left unfinished to ensure a consistent visual appearance.

Condition reason: To ensure a consist visual appearance of the addition from surrounding properties and the streetscape.

51. WORK OUTSIDE PROPERTY BOUNDARY

This consent does not authorise any work outside the property boundary, including storage of building materials or goods. Separate approval is required for any works outside the property boundary, with fees being paid where applicable. Requests are to be made via email to assets@waverley.nsw.gov.au.

Condition reason: To ensure all works are located within the property boundary and specific approval is sought for any external works.

STORMWATER

52. DISPOSAL OF SEEPAGE AND STORMWATER

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.

Condition reason: To ensure the proper management of stormwater runoff.

PUBLIC DOMAIN WORKS

53. PUBLIC DOMAIN UPGRADES

(a) The public domain is to be upgraded along the street frontage for the site at the owner's expense in accordance with the current *Waverley Council Development Control Plan 2022* and *Public Domain Technical Manual* (PDTM) in force, at the time of engineering plan approval and prior to construction.

(b) A detailed plan of the works required on Council's road reserve/footpath area are to be submitted to Council for the approval of the Executive Manager, Infrastructure Services (or delegate) prior to those works commencing.

(c) Detailed engineering plans and specifications are required to be submitted to Council's Public Domain Engineer:

(i) For all public domain infrastructure including the upgrade of footpath, road pavement, street landscaping, kerb and gutter.

(ii) Be drawn by a suitably qualified and experienced engineering professional.

(iii) Show existing and proposed levels outside the site details for a distance of not less than 20m to the north and south of the site.

(iv) Include boundary floor and doorway levels inside the site at all street frontages.

(v) Include plantings and other features to be installed in the footpath area as part of landscaping works.

(vi) Include the location and alignment of entry and exit points to the site.

(vii) No utility pillars or columns shall be erected within the Council road reserve to support the new development. Any proposed utility erections to be constructed with the property boundary or undergrounded, with all authority approvals to be communicated to Council with written confirmation, before executing any works.

(d) A fee is applicable for this assessment as per Council's Schedule of Fees & Charges. An invoice will be issued to the owner for the amount payable, which will be calculated based on the design plans for the public domain works.

(e) Note: Council's contact for public domain: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8655 (operational hours between 9:30am to 4:00pm Monday to Friday)

Condition reason: To ensure that the public domain is upgraded in conjunction with the development of the site.

54. PUBLIC UTILITIES AND SERVICE ALTERATIONS

Any utility services and all public infrastructure which requires alteration due to works associated with the development, both internally and externally of the development boundary, must be altered at the Applicant's expense. This includes both temporary and permanent alterations. Upon notifying Council, the Applicant must comply with the requirements (including financial costs) of the relevant utility service provider (e.g. Ausgrid, Sydney Water, Telstra, Transport for NSW or similar) in relation to any connections, repairs, relocations, replacements and/or adjustments to public infrastructure or services affected by the proposed works.

Condition reason: To ensure that all existing and any proposed alteration or relocation of the utilities as a result of the development are as per utility providers requirements.

55. PRE- DEMOLITION DILAPIDATION REPORT

To ensure Council's infrastructure is adequately protected, a pre-demolition dilapidation report on the existing public infrastructure in the vicinity of the proposed development and along the travel routes of all construction vehicles for up to 100m is to be submitted to Council. The report must detail, but not be limited to, the location, description, and photographic record (in colour) of any observable defects to the following infrastructure where applicable:

(a) Road pavement

(b) Kerb and gutter

(c) Footpath

(d) Drainage pits and lintels

(e) Traffic signs

(f) Any other relevant infrastructure

The report is to be dated, submitted to, and accepted by Council's Infrastructure Engineer, prior to any work commencing on the site. All fees and charges associated with the collation of this report must be borne by the Applicant.

Condition reason: This condition is imposed to protect Councill's existing infrastructure and assets including the roadways and footpath from the construction activities undertaken by the developments.

56. NOTICE OF INTENTION TO COMMENCE PUBLIC DOMAIN WORKS

Prior to commencement of the public domain works notice must be submitted to Councils Infrastructure Engineer. This notice must include the name and insurance details of the Contractor who will be responsible for the construction works, and the details of the managing site supervisor/engineer. The applicant is also responsible for obtaining all Road Activity Permits required for the works, from the respective authorities.

Condition reason: This is to ensure that the development has been granted with relevant CC design approval and obtained relevant permits from Council, along with copies of the current insurances provided to Council.

57. PUBLIC DOMAIN ENGINEERING INSPECTIONS

To ensure all public infrastructure engineering works required by Council under this consent will be constructed to Council satisfaction, inspection(s) will be required, and compliance certificates must be obtained from Council's Infrastructure Engineer for the kerb and gutter, stormwater, and footpath paving hold points.

(a) Kerb and Gutter & Footpath Paving:

  (i) After formwork installation and prior to casting of all drainage structures e.g pits, lintels and surface grates.

  (ii) After completion of formwork and prior to casting of concrete.

  (iii) After full completion and restoration.

All applicable engineering inspection fees in accordance with Council's Pricing policy – Fees & Charges are to be fully paid prior to the issue of the Construction Certificate for the works. A minimum 48 hours' notice will be required when booking for the site inspections.

Condition reason: The reason for this condition is to ensure the proposed work within public domain area is constructed in accordance with approved design plans and Council's specifications and guidelines.

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 Certifier in all instances, except where a condition explicitly specifies that the approval of Council or a Council Officer is required, prior to the issue of an Occupation Certificate or Subdivision Certificate, whichever applies.

CERTIFICATES, LICENSES, EASEMENTS AND RESTRICTIONS

58. FINAL OCCUPATION CERTIFICATE

(a) Prior to occupation or use of the development, an Occupation Certificate must be obtained.

(b) The Principal Certifier 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.

59. FLOOR SPACE RATIO

The following applies to Floor Space Ratio:

(a) The Gross Floor Area of the building shall be limited to 714.7m^2.

(b) Prior to any Occupation Certificate (including Interim) being issued, a Registered Surveyor must provide certification of the total Gross Floor Area (categorised by each '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. A copy is to be forwarded to Council for its records on the Development Application file.

Condition reason: To ensure the constructed development complies with the approved floor space ratio in the relevant consent.

60. BUILDING HEIGHT

(a) The height of the building/s must not exceed the following RLs (AHD) to the top of the buildings and (where relevant) to the top of building parapets as per the approved plans:

    (i) Parapet height around plant: RL 47.28

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

Condition reason: To ensure the constructed development complies with the approved height.

61. ENERGY ASSESSMENT

The recommendations outlined in the Energy Assessment Report are to be incorporated into the development. Verification from a suitably qualified person that these recommendations have been undertaken, is to be submitted to the satisfaction of the Principal Certifier.

Condition reason: To ensure the recommendations of the Energy Assessment Report are undertaken, and to help reduce the environmental impact of the building.

62. CERTIFICATION OF ACOUSTIC PERFORMANCE

An acoustic report/certificate prepared by a suitably qualified acoustic consultant is to be submitted to the Principal Certifier and the Council's Executive Manager, Compliance (or delegate), certifying that all acoustic recommendations (including noise from mechanical plant) and conditions of consent (including the operational conditions) have been incorporated into the development and can be satisfied.

Condition reason: To ensure acoustic amenity is achieved.

63. CERTIFICATION OF ALL MECHANICAL PLANT

All mechanical plant is to be tested. A 'Certificate of Testing', accompanied with a copy of the final test figures, certifying that the system/s complies with the conditions of this consent, National Construction Code (NCC) and relevant Australian Standards is to be submitted to the Principal Certifier. The testing, Certificate and figures referred to in this condition, are to be undertaken by a suitably qualified person,

Condition reason: To ensure the proper installation and testing of the mechanical plant has been undertaken.

64. CERTIFICATION OF BASIX COMMITMENTS

All commitments listed in each relevant BASIX Certificate for the development must be fulfilled prior to any Occupation Certificate being issued.

Condition reason: To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under clause 75, *Environmental Planning and Assessment Regulation 2021*).

65. CERTIFICATION OF LANDSCAPING

At the completion of all works a certificate is to be submitted to the Principal Certifier from a suitably 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. Where relevant, the waterproofing of any green roof / planter is to be tested, and evidence of the test is to be provided with the certification.

Condition reason: To ensure that a high-quality landscape solution is appropriately established and maintained for the life of the development.

66. CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE

Prior to the issue of any Occupation Certificate, 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.

Condition reason: To ensure the stormwater system has been constructed or retained in accordance with the approved stormwater management plans and to best engineering practice.

67. WORKS-AS-EXECUTED DRAWINGS – STORMWATER MANAGEMENT SYSTEM

Prior to the issue of the final Occupation certificate, 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 the stormwater management system including all pipelines, pits and other drainage-related infrastructure.

An original or a colour copy must be submitted to Waverley Council. Where changes have occurred, the Council-approved plans must be marked-up in red ink and must include levels and locations for the drainage structures and works.

A suitably qualified and practising Civil Engineer (registered on the NER of Engineers Australia or equivalent) must provide certification of the WAED of the stormwater management system that the 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 management systems on site and able to provide advice for any future or remedial works.

68. SUPERVISING ENGINEER FINAL CERTIFICATE – PUBLIC DOMAIN

Prior to the issue of any Occupation Certificate for the works, the Applicant must submit to Council, a Final Certificate from the Supervising Engineer (charted engineer registered on the NER of Engineers Australia) confirming that the public domain works have been constructed in accordance with the Council-approved plans and Waverley Council standards and specifications. The certificate must include commentary to support any variations from the approved drawings.

Condition reason: This is to ensure that the proposed works constructed within the Council's public domain are as per the approved design plans and certified by the applicant's supervising engineer.

69. WORK-AS-EXECUTED PLAN – PUBLIC DOMAIN

To ensure public infrastructure works required under the consent are completed in accordance with the approved plans and specifications, a Work-as-Executed plan of the completed works, prepared by a registered surveyor, must be submitted for review to the Principal Certifying Authority and the Council. Any required rectification works must be carried out by the Applicant and approved by must be submitted to Council and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of any Occupation Certificate.

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 (registered on the NER of Engineers Australia) must be submitted to support all variations from the approved plans.

Condition reason: The reason for this condition is to ensure all the proposed works within the public domain are completed by per design approval granted by Waverley Council, and copies of the 'As-Build' brand new assets are provided to Council.

70. CERTIFICATION OF PUBLIC DOMAIN WORKS

Prior to the issue of any Occupation Certificate, a final Compliance Certificate must be obtained from Council's Executive Manager, Infrastructure Services (or delegate) confirming that all works in the road reserve including all public domain infrastructure and restorations have been completed and constructed to Council's satisfaction, as required under the consent. A final inspection is required to be carried out by Council's Infrastructure Engineer.

Notes

(a) The issue of a final Compliance Certificate from the Council's Infrastructure Engineer will be withheld should there be any outstanding fees and charges applicable to the development. This includes but is not limited to fees applicable for engineering plans assessment and work inspection fees.

(b) The refund of any damage and/or security deposits will be subject to the satisfactory restoration and rectification of all civil infrastructure that have dilapidated as a result of the construction activities associated with this development consent, as determined by the Council.

(c) To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works in the road reserve following completion of the development. The defects liability period shall commence from the date of issue of the compliance certificate for the public domain works for the Occupation Certificate. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner during the twelve (12) months' defects liability period. A bond in the form of a cash deposit for the value of the public domain works following final completion of the works shall be lodged with Waverley Council prior upon release of the damage deposit subsequent issuance of the OC Compliance Certificate. The bond will only be refunded when the works are determined to be satisfactory to Council after the expiry of the twelve (12) months defects liability period.

Condition reason: To ensure that all works are completed as per the approved DA and Council's requirements including any restorations works. This includes rectification of any part of the work which fails to perform during the 12 months defects liability period prior to handing over to Council.

71. RESTRICTION AS TO USER – IN-FILL AFFORDABLE HOUSING

(a) A "Restriction as to User" must be registered on the Certificate of Title, in accordance with section 88E of the *Conveyancing Act 1919*, which restricts the use of any accommodation to accord with the development consent.

(b) The terms of the Restriction as to User are to be approved by Council in writing prior to registration. The Council shall be the party who has the right to modify or extinguish the restriction.

(c) All legal costs associated with the registration of the restriction is to be borne by the owner.

(d) Evidence of the Restriction as to User being registered on the Title, shall be provided to the Principal Certifier and Council for their record, prior to the issue of an Occupation Certificate.

Condition reason: To ensure the approved use is embedded on the title of the land, to which the use relates.

72. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR THE STORMWATER MANAGEMENT SYSTEM

A "Positive Covenant" and "Restriction on the Use of Land" must be created for the stormwater management system under Section 88E of the *Conveyancing Act 1919*, to ensure the system is maintained and kept free of debris/weeds. The property owner/occupant must not modify or remove the stormwater management system without consent from Council.

The applicant must submit Council's 'Legal Document Authorisation Application' in line with Council requirements (including the wording of the Instrument) to the Assets team. Approval is required from the Executive Manager, Infrastructure Services (or delegate) prior to lodgement with NSW Land Registry Services.

Evidence of the creation of the Positive Covenant and Restriction on the Use of Land, being registered on the Title must be submitted to Council (attention to Assets team) and the Principal Certifier, prior to the issue of any Occupation Certificate.

All legal costs associated with the review and registration of the legalise must be borne by the applicant and/or owners.

Condition reason: To ensure the key stormwater management controls (e.g. OSD, pump out, infiltration system) are not modified or removed without Council consent, are maintained in order to minimise flooding impacts within the downstream catchment and these are embedded on the title of the land and all future owners can be made aware of this.

73. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR STORMWATER QUALITY IMPROVEMENT SYSTEM

A "Positive Covenant" and "Restriction on the Use of Land" must be created for the stormwater quality improvement system under Section 88E of the *Conveyancing Act 1919*, to ensure the system is maintained and functioning effectively. The property owner/occupant must not modify or remove the system without consent from Council. The covenant requirements must include the submission of an annual report on water treatment by the first business day on or after the 1st of September each year. The annual report is to be submitted annually to Council's Executive Manager, Infrastructure Service by email to assets@waverley.nsw.gov.au for Council's records.

The applicant must submit Council's 'Legal Document Authorisation Application' in line with Council requirements (including the wording of the Instrument) to the Assets team. Approval is required from the Executive Manager, Infrastructure Services (or delegate) prior to lodgement with NSW Land Registry Services.

Evidence of the creation of the Positive Covenant and Restriction on the Use of Land, being registered on the Title must be submitted to Council (attention to Assets team) and the Principal Certifier, prior to the issue of any Occupation Certificate.

All legal costs associated with the review and registration of the legalise must be borne by the applicant and/or owners.

Condition reason: To ensure that the stormwater quality improvement system is not modified or removed without Council consent, is maintained in order to minimise pollution entering the catchment from the site and that these be embedded on the title of the land and all future owners can be made aware of this.

74. POST-CONSTRUCTION DILAPIDATION REPORT

A post-construction dilapidation report including photographic evidence of internal conditions of pit No. 01607 following works must be prepared by an engineer or plumber to confirm the final structural and serviceability condition.

The report will be used by Council to assess whether any damage has occurred to Council's stormwater pipes associated with the works.

The applicant must obtain written approval from Council's Executive Manager, Infrastructure Services (or delegate) of the adequacy of the reports and Council assets condition prior to the issue of the Occupation Certificate.

Condition reason: Ensure Council's stormwater infrastructure was adequately protected and there is no damage due to the construction activities or the connection to the private property connection.

75. ONGOING MAINTENANCE – STORMWATER DRAINAGE SYSTEM

An ongoing maintenance plan for the stormwater system is to 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 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.

76. ONGOING MAINTENANCE – STORMWATER TREATMENT SYSTEM

The stormwater treatment system must be maintained in accordance with the manufacturer's or designer's specification for the life of the development. Council will need to be provided with a Maintenance Schedule that supports the routine maintenance activities.

Condition reason: Ensure the stormwater treatment systems are maintained and continue to operate as intended.

77. 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*.

SHOPS

78. PEST CONTROL

A Pest and Vermin Control Management Plan (PVCMP) prepared by a suitably qualified person outlining measures to be taken to reduce rat/vermin populations is to be submitted for the approval of Council's Executive Manager, Compliance (or delegate) prior to the issue of any Occupation Certificate. All recommendations within the PVCMP are to be implemented with the ongoing operations of the premises.

Condition reason: To reduce and control pests and vermin.

BICYCLE PARKING

79. BICYCLE PARKING

A total of 5 residential bicycle parking spaces are to be provided within the development.

The bicycle spaces are to be designed in accordance with Australian Standard AS2890.3 - 2015 Parking Facilities - Bicycle Parking.

The bicycle spaces are to be provided by way of a secure lockable area, individual lockers or suitable bicycle racks and are to be located as indicated on the approved plans. Signage and line-marking (way finding) is to be provided to guide visitors to the allocated bicycle parking spaces to ensure a safe path of travel to the bicycle spaces (separate to cars).

As constructed plans demonstrating compliance with the above is to be submitted to Council for the approval of the Executive Manager, Infrastructure Services, or delegate prior to the issuance of an Occupation Certificate. Plans are to be emailed to traffic@waverley.nsw.gov.au.

Condition reason: To ensure the site promotes sustainable transport in the form of bicycles.

OTHER MATTERS

80. ALLOCATION OF STREET NUMBER

(a) The redevelopment of the property has led to the following allocation of primary and sub-premises numbering:

  (i) No. 32 - primary address site number

  (ii) Campbell Parade- primary address location.

(b) The primary address site number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level, located near the pedestrian entry points and be clearly visible on the site boundary that fronts Campbell Parade.

  (i) Shop G01/32 Campbell Parade for the commercial sub-address on the ground floor,

  (ii) No. 101/32 Campbell Parade for allotment on the first floor;

  (iii) No. 201/32 Campbell Parade for allotment on the second and third floor;

  (iv) No. 401/32 Campbell Parade for allotment on the fourth and fifth floor.

(c) The address number for a sub-address site shall consist of the sub-address followed by the number of the primary address site.

(d) The address number for a sub-address site shall not consist of the primary address number on its own.

(e) Sub-address numbers shall be applied in a logical sequence and within a primary address site shall be unique regardless of the type of the address.

(f) Level at ground and below ground shall also be identified by prefixes to distinguish these levels ie, Ground =G, Lower Ground = LG Basement= B1 etc

(g) Commercial premises will be identified with an address identifier ie, Shop G1, Shop 101, Office 102

(h) The primary and sub-address numbers are to be positioned on the site prior to the issue of the Occupation/Subdivision Certificate and Council notified of the corresponding sub-address numbers to lot number prior to the issue of the Occupation/Subdivision Certificate.

(i) Any variation to the above premises numbering requires a new application for a Change of street number and/or location to be lodged with Council.

Condition reason: To ensure the property address is clearly identified and ensure compliance with NSW Geographical Names Boards Policy and Principles 2024.

OPERATIONAL MATTERS

The following operational conditions must be complied with at all times, throughout the use and operation of the development or use.

USE

81. AFFORDABLE HOUSING

An Occupation Certificate must not be issued in respect of the building the subject of this Consent until:

(a) A signed letter from the nominated registered CHP managing the development confirming the providers engagement is to be submitted and be to the satisfaction of Council's Executive Manager, Urban Planning (or delegate), and

(b) A copy of the agreement including the nominated timeframe for the affordable housing tenure, the number and location of units is sent to Council's Executive Manager, Urban Planning (or delegate). Such an agreement should also stipulate that the selected CHP send an update at the end of every financial year to Council with this information, including information on rents and occupancy rate which will be saved on Council's file (Trim reference No. A22/0503).

Condition reason: To ensure that assigned units are used for affordable housing.

82. 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 that the plant room is not used for storage purposes.

AMENITY AND SAFETY

83. AMENITY

The management of the premises 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.

84. 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.

85. 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.

86. NOISE - MECHANICAL PLANT

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.

87. REFRIGERATION UNITS AND 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.

88. ONGOING MAINTENANCE – STORMWATER TREATMENT SYSTEM

The stormwater treatment system must be maintained in accordance with the manufacturers or designer's specification for the life of the development.

Condition reason: Ensure the stormwater treatment systems are maintained and continue to operate as intended.

GENERAL ADVISORY NOTES

1. DEVELOPMENT IS TO COMPLY WITH LEGISLATION

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.

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 *Environmental Planning and Assessment Act 1979* 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:

(a) Please read your conditions carefully.

(b) 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).

(c) Attention the documentation to the relevant officer/position of Council (where known/specified in condition).

(d) Include DA reference number.

(e) Include condition number/s seeking to be addressed.

(f) 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).

(g) 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.

(h) 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.

(i) Please note, in some circumstances, additional fees and/or additional documents (hard copy) may be required.

(j) 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.

4. SYDNEY WATER REQUIREMENTS

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.

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 1800 810 443.

7. ALTERATIONS AND ADDITIONS ONLY

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

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. SEPARATE APPLICATIONS FOR USE/FIT OUT

Specific development applications are to be lodged for the approval of Council in connection with the initial usage of any retail or commercial areas within the development, prior to the occupation of the premises, unless otherwise permitted under SEPP (Exempt and Complying Development Codes) 2008.

12. SEPARATE APPLICATION FOR SIGNAGE

No signage has been proposed in this application, therefore any advertising or signage requires the separate approval from Council, unless deemed Exempt Development under Division 2 of the SEPP (Exempt and Complying Development) 2008.

13. SUITABLY QUALIFIED ACOUSTIC CONSULTANT

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

14. 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 Executive Manager, Compliance (or delegate) 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 Noise Policy for Industry (2017);

(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.

15. ADDITIONAL INFORMATION IN RELATION TO SECURITY DEPOSIT – RELEASE PROCESS

Following completion of all works and satisfaction of all consent conditions, an Occupation Certificate will be issued for the site and uploaded to the NSW Planning Portal. Waverley Council will receive notification of this achievement and will begin the process of reviewing the site prior to release of the site's security deposit.

An officer from the Infrastructure Services team will attend the site and inspect the public domain in order to confirm that all public domain works within the conditions of consent have been completed to Council's satisfaction and that no damage has occurred associated with the works. Specifically, they will be assessing the condition of the:

(a) Footpath/s,

(b) Kerb and Gutter,

(c) Nature strip, turf and any trees,

(d) Stormwater assets,

(e) Driveway crossings,

(f) Roadway/s, &;

(g) Any other public assets within the frontage or affected by the works.

It is the applicant's responsibility to ensure that the public domain is undamaged from the construction works which have occurred, and that any assets which have been renewed are completed with the consent of the Infrastructure Services Department (assets@waverley.nsw.gov.au) and in line with current Waverley Council Standards and Guidelines. Should there be any damage identified or works completed which do not meet Council's quality requirements, a Council officer will be in contact to outline what needs to be rectified prior to the release of the Security Deposit. Once all issues have been rectified to Council's satisfaction, the finance department will be notified to process the refund.

If no issues are identified onsite, the full security deposit should be typically expected to be refunded within 12 weeks from the date of upload of the site's final Occupation Certificate to the NSW Planning Portal by the site's Principal Certifier.

16. ENCROACHMENT BEYOND BOUNDARY

Vehicles parked on the hardstand shall not encroach onto the Council's footpath area at any time.

17. DEVELOPMENT WORKS OCCUPYING PUBLIC ROADS (EXCLUDING STATE ROADS)

Any works performed in, on or over a public road reserve pursuant to this consent must be carried out in accordance with this consent and with the Road/Footpath Occupancy Permit issued by Council as required under Sections 138 and 139 of the Roads Act 1993.

18. TRENCHING COUNCIL'S ROAD RESERVE AND RESTORATION WORKS

Public areas and Council's assets must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas due to construction activities must be made safe to the general public and be regarded as a high level priority. This includes, but is not limited to works performed for the purpose of connection/s to public utilities, including repair of damaged infrastructure. Should Council discover any unsafe construction activities within the public areas surrounding the development, the works must be resolved immediately to the satisfaction of Council.

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 *Environmental Planning and Assessment Regulation 2021* 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 *Environmental Planning and Assessment Act 1979*.

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 *Environmental Planning and Assessment Act 1979* 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 *Environmental Planning and Assessment Regulation 2021*.

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

Application No: DA-477/2025

Date Received: 18/06/2026

AMENDED

DARCHITECTURE & INTERIORS

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M: +61421816652 | **E:** hello@darc.archi
P: P.O.Box 693, Potts Point NSW 1335
DARC STUDIO PTY LTD
ABN: 77 668 120 901 | **ACN:** 668 120 901

Nominated Architect:
Emmanuil E Chatzinikolaou
→NSW Reg No. 9973
→DBBP Reg No. DEP0001277

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Refer to consultant documentation when directed
→ BCA Consultant - Design Confidence
→ Civil Engineer - Akroyali Engineering
→ Hydraulic Engineer - Evolved Engineering
→ Landscape Designer - Evolved Engineering
→ Mechanical Engineer - Evolved Engineering
→ Fire Protection - Evolved Engineering
→ Fire Engineering - Design Confidence
→ Structural Engineer - Akroyali Engineering

Certificate No. # LQUTXIGPSI
Scan QR code or follow website link for rating details.
Assessor name Dimitrios Hatzakis
Accreditation No. HEM/10042
Property Address: 32 Campbell Parade, Bondi, NSW, 2026
https://www.h5.com.au/QRCodeLanding/?hubid=LQUTXIGPSIBzQrCm1=1

425

DRAWN I CHECK MC		**DRAWING TITLE :** DEVELOPMENT APPLICATION ISSUE SITE ANALYSIS	**REVISION NO.** 2
PLOT DATE: 15-Jun-26			
SCALE:	@ A1		
CLIENT	STM123 No32 Pty Ltd	**PROJECT NAME :** 32 Campbell Parade	**DRAWING NO.** DA-01
SITE:	32 Campbell Parade Bondi NSW 2026 Australia		

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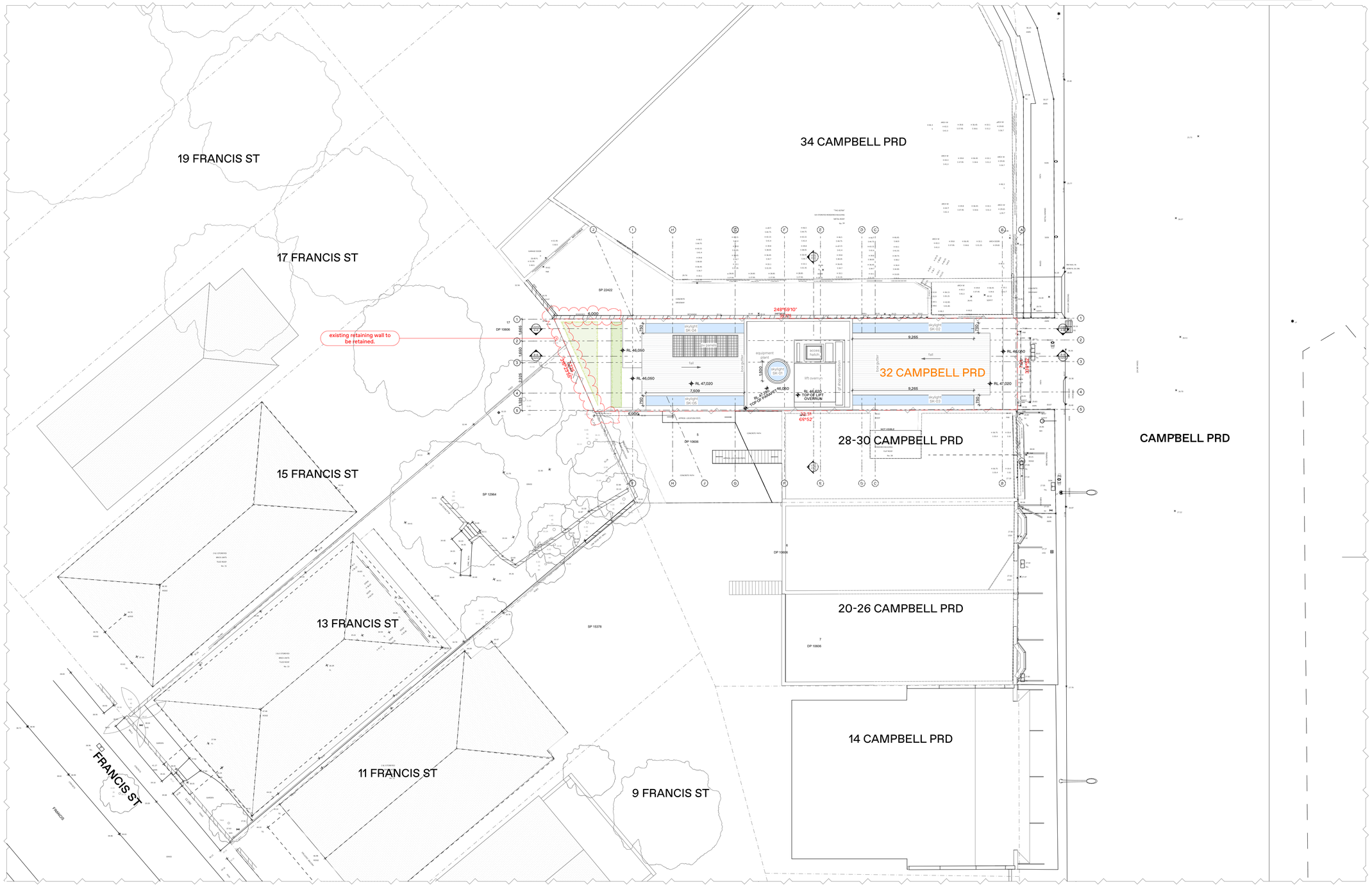
Application No: DA-477/2025

Date Received: 18/06/2026



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Certificate No. # LQU7XIGP5I
Scan QR code or follow website link for rating details.
Assessor name Dimitrios Hadadias
Accreditation No. HDPA-0042
Property Address: 32 Campbell Parade, Bondi, NSW, 2026
https://www.h5.com.au/QRCode/Landing/?PublicId=LQU7XIGP5I&SrcCo=1

426

DRAWN I CHECK	MC	DRAWING TITLE : DEVELOPMENT APPLICATION ISSUE SITE PLAN	REVISION NO. 03
PLOT DATE:	15-Jun-26		
SCALE:	1:150 @ A1		
CLIENT	STM123 No32 Pty Ltd	PROJECT NAME : 32 Campbell Parade	DRAWING NO. DA-02
SITE:	32 Campbell Parade Bondi NSW 2026 Australia		

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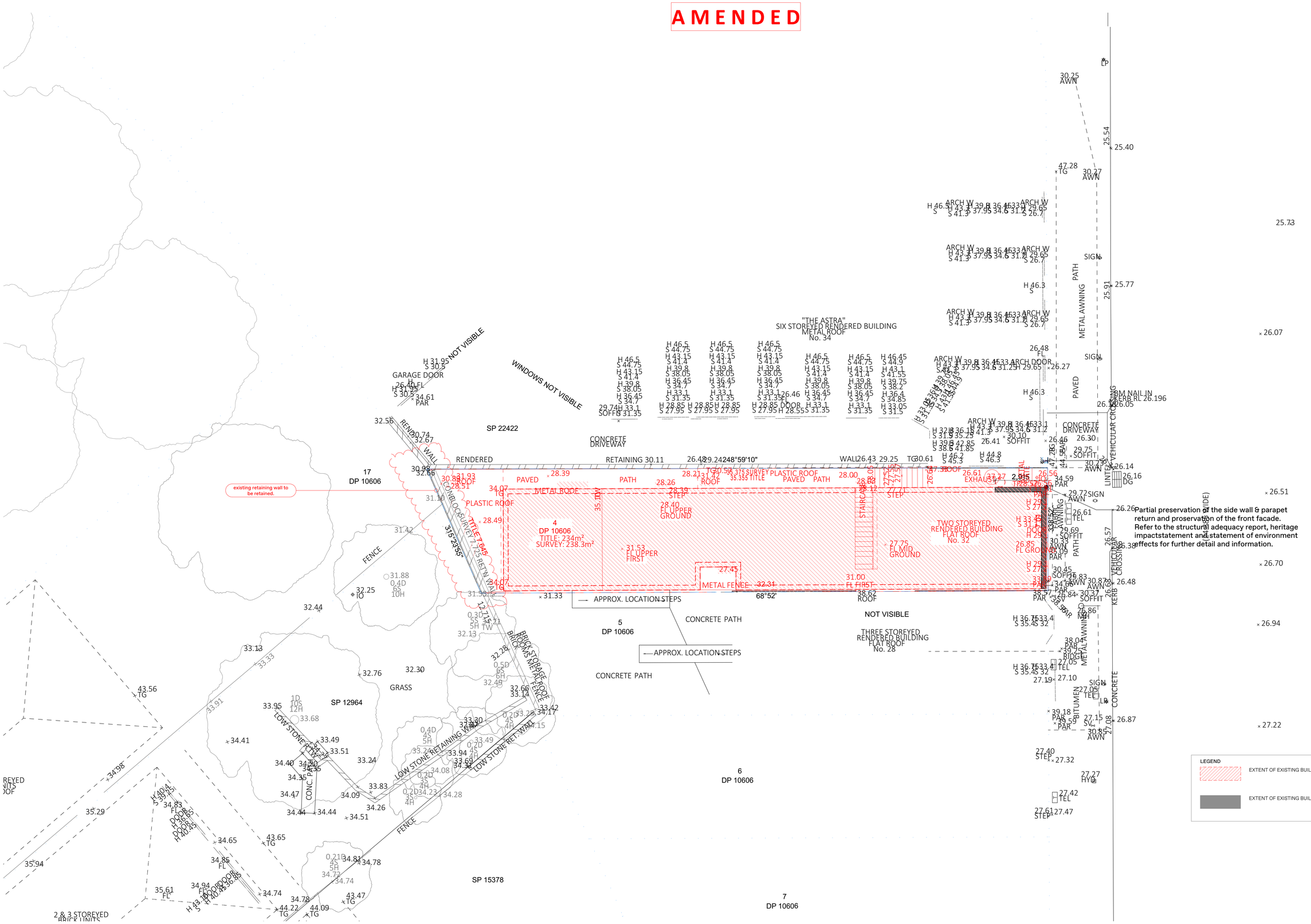
Application No: DA-477/2025

Date Received: 18/06/2026



Partial preservation of the side wall & parapet return and preservation of the front facade. Refer to the structural adequacy report, heritage impactstatement and statement of environment effects for further detail and information.

LEGEND

EXTENT OF EXISTING BUILDING PROPOSED TO BE DEMOLISHED

EXTENT OF EXISTING BUILDING PROPOSED TO BE RETAINED

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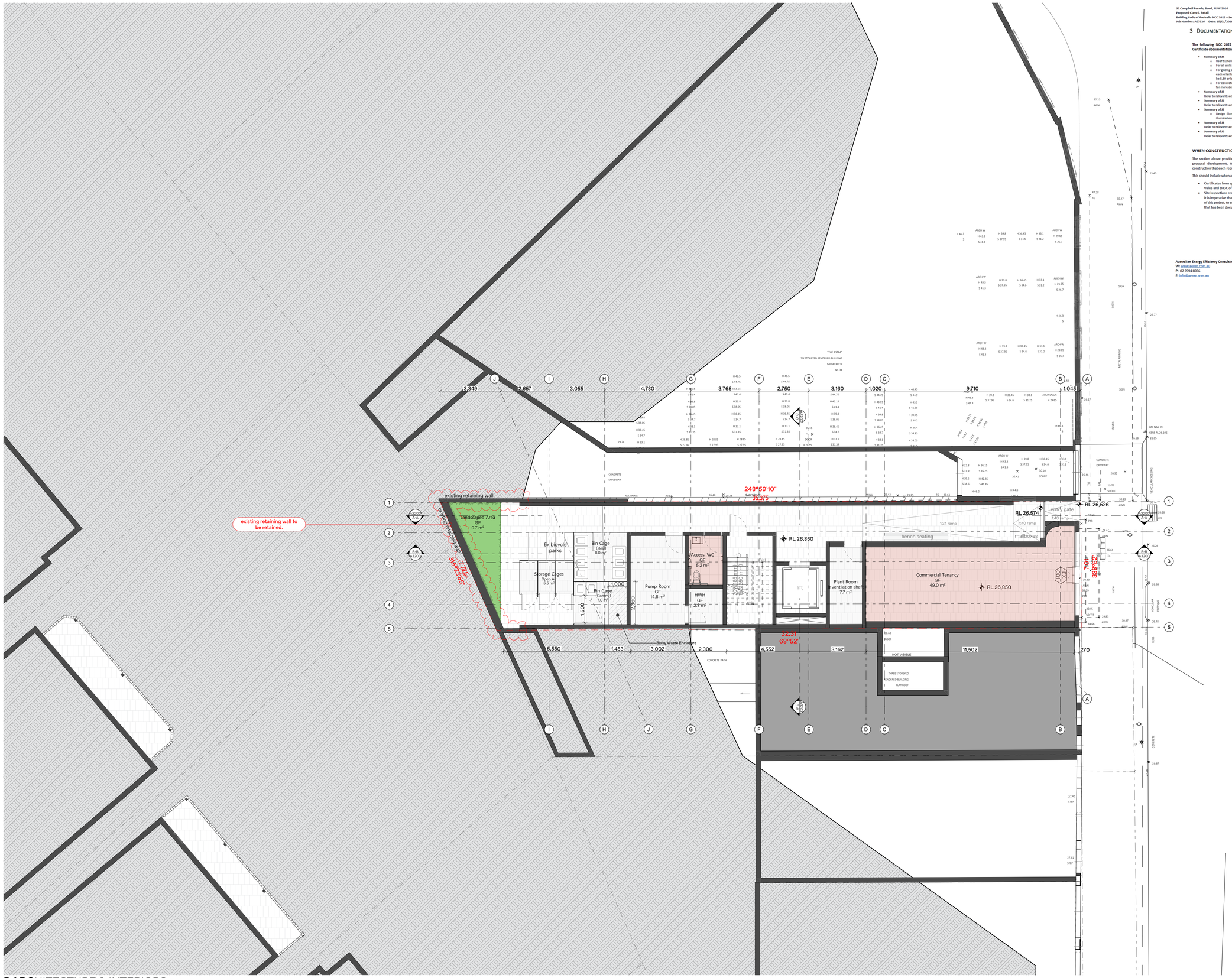
Certificate No. # LQU7XIGPSI
Scan QR code or follow website link for rating details.
Assessor name: Dimitrios Haralabos
Accreditation No.: DEPA1504
Property Address: 32 Campbell Parade, Bondi, NSW, 2026
https://www.ft5.com/au/QRCode/Landing?PublishId=LQU7XIGPSI&Source=QrCode

DRAWN	CHECK MC	DRAWING TITLE : DEVELOPMENT APPLICATION ISSUE DEMOLITION PLAN	REVISION NO. 3
PLOT DATE:	15-Jun-26		
SCALE:	@ A1		
CLIENT	STM123 No32 Pty Ltd	PROJECT NAME : 32 Campbell Parade	DRAWING NO. DA-03
SITE:	32 Campbell Parade Bondi NSW 2026 Australia		



3 Documentation & Requirements

The following NCC 2022 Section J summary must be incorporated into the Construction Certificate documentation. Refer to the relevant section of the report for more detail.

- **Summary of J4**
  - Roof System Type: N/A as all of the ceiling surface of this tenancy is below an apartment.
  - For all walls surrounding conditioned zones R1.00 insulation is to be installed.
  - For glazing specifications refer to the façade report at average U-value and SHGC tables for each orientation. Note that Method 2 was used to calculate, U-value to be installed shall be 5.80 or lower and the SHGC to be 0.34 or lower; (see relevant façade report).
  - For concrete slab on ground, add insulation with minimum rating of R1.50. See pages 9-10 for more detail.
- **Summary of J5**
  Refer to relevant section for required information
- **Summary of J6**
  Refer to relevant section for required information
- **Summary of J7**
  - Design illumination power lead for basement level is 2080 Watts. Maximum system illumination power lead allowance is 2080 Watts.
- **Summary of J8**
  Refer to relevant section for required information
- **Summary of J9**
  Refer to relevant section for required information

WHEN CONSTRUCTION IS COMPETED

The section above provides the documentation of Section J requirements which apply to the proposal development. Attention is drawn to the need to provide documentation during construction that each requirement has been assessed and attained.

This should include when applicable:

- Certificates from specific suppliers and contractors such as Insulation ratings installed, U-Value and SHGC of glazed components installed, etc
- Site Inspections records if required by PCA.
  It is imperative that the information in this report to be forwarded to the person in charge of this project, to ensure that all work is carried out in accordance with each and every item that has been documented in this report.

Australian Energy Efficiency Consulting
W: www.aenec.com.au
P: 02 9994 8006
E: info@aenec.com.au

AENEC

Areas Schedule

Site area (m²)		**238.30**
Max. GFA (SEPP)		**929,37**
Max. GFA		**714.90**
GFA (LEP)	Ground floor	54.20
	1st Floor	141.00
	2nd Floor	128.50
	3rd Floor	124.80
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		714.70
Max. FSR (SEPP)		3.9:1
Max. FSR (LEP)		3.0:1
New FSR		2.999:1

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Accreditation No.: HEM/1004L
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https://www.hl.com.au/QRCodeLanding/?hubtoid=CQUTXIGPSIBQrgCm9=1

DRAWN I CHECK	MC	DRAWING TITLE :	REVISION NO.
PLOT DATE:	15-Jun-26	DEVELOPMENT APPLICATION ISSUE	3
SCALE:	1:100 @ A1	Ground Floor	
CLIENT	STM123 No32 Pty Ltd	PROJECT NAME :	DRAWING NO.
SITE:	32 Campbell Parade Bondi NSW 2026 Australia	32 Campbell Parade	DA-04

BASIX™ Certificate

Building Sustainability Index
www.planningportal.nsw.gov.au/development-and-assessment/basix

Multi Dwelling

Certificate number: 1811648M_04

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Definitions" dated 10/09/2026 published by the Department. This document is available at www.planningportal.nsw.gov.au/definitions

Secretary
Date of issue: Thursday, 30 April 2026
To be valid, this certificate must be submitted with a development application or lodged with a complying development certificate application within 3 months of the date of issue.

When submitting this BASIX certificate with a development application or complying development certificate application, it must be accompanied by NatHERS certificate LQU7XIGPSI.

Project summary	
Project name	32 Campbell Parade, Bondi_04
Street address	32 CAMPBELL PARADE BONDI BEACH 2026
Local Government Area	WAVERLEY
Plan type and plan number	Deposited Plan 10606
Lot No.	4
Section no.	-
No. of residential flat buildings	1
Residential flat buildings: no. of dwellings	3
Multi-dwelling housing: no. of dwellings	0
No. of single dwelling houses	0

Project score		
Water	✔ 45	Target 40
Thermal Performance	✔ Pass	Target Pass
Energy	✔ 61	Target 60
Materials	✔ -33	Target n/a

Certificate Prepared by
Name / Company Name: AENEC - Office: 02 9994 8906
ABN (if applicable): 32612556377

Description of project

Project address	
Project name	32 Campbell Parade, Bondi_04
Street address	32 CAMPBELL PARADE BONDI BEACH 2026
Local Government Area	WAVERLEY
Plan type and plan number	Deposited Plan 10606
Lot No.	4
Section no.	-
Project type	
No. of residential flat buildings	1
Residential flat buildings: no. of dwellings	3
Multi-dwelling housing: no. of dwellings	0
No. of single dwelling houses	0
Site details	
Site area (m²)	234
Roof area (m²)	144.1
Non-residential floor area (m²)	-
Residential car spaces	0
Non-residential car spaces	-

Common area landscape	
Common area lawn (m²)	9.7
Common area garden (m²)	0
Area of indigenous or low water use species (m²)	0
Assessor details and thermal loads	
Assessor number	HERA100-2
Certificate number	LQU7XIGPSI
Climate zone	56

Project score		
Water	✔ 45	Target 40
Thermal Performance	✔ Pass	Target Pass
Energy	✔ 61	Target 60
Materials	✔ -83	Target n/a

	Fixtures					Appliances		Individual pool				Individual spa		
Dwelling no.	All shower-heads	All toilet flushing systems	All kitchen taps	All bathroom taps	HW recirculation or diversion	All clothes washers	All dish-washers	Volume (max volume)	Pool cover	Pool location	Pool shaded	Volume (max volume)	Spa cover	Spa shaded
All dwellings	4 star (> 4.5 but <= 6 L/min)	4 star	4 star	4 star	-	2 star	2 star	-	-	-	-	-	-	-

	Hot water	Bathroom ventilation system		Kitchen ventilation system		Laundry ventilation system	
Dwelling no.	Hot water system	Each bathroom	Operation control	Each kitchen	Operation control	Each laundry	Operation control
All dwellings	heat pump - 21 to 25 STCs	individual fan, ducted to façade or roof	interlocked to light with timer off	individual fan, ducted to façade or roof	manual switch on/off	individual fan, ducted to façade or roof	manual switch on/off

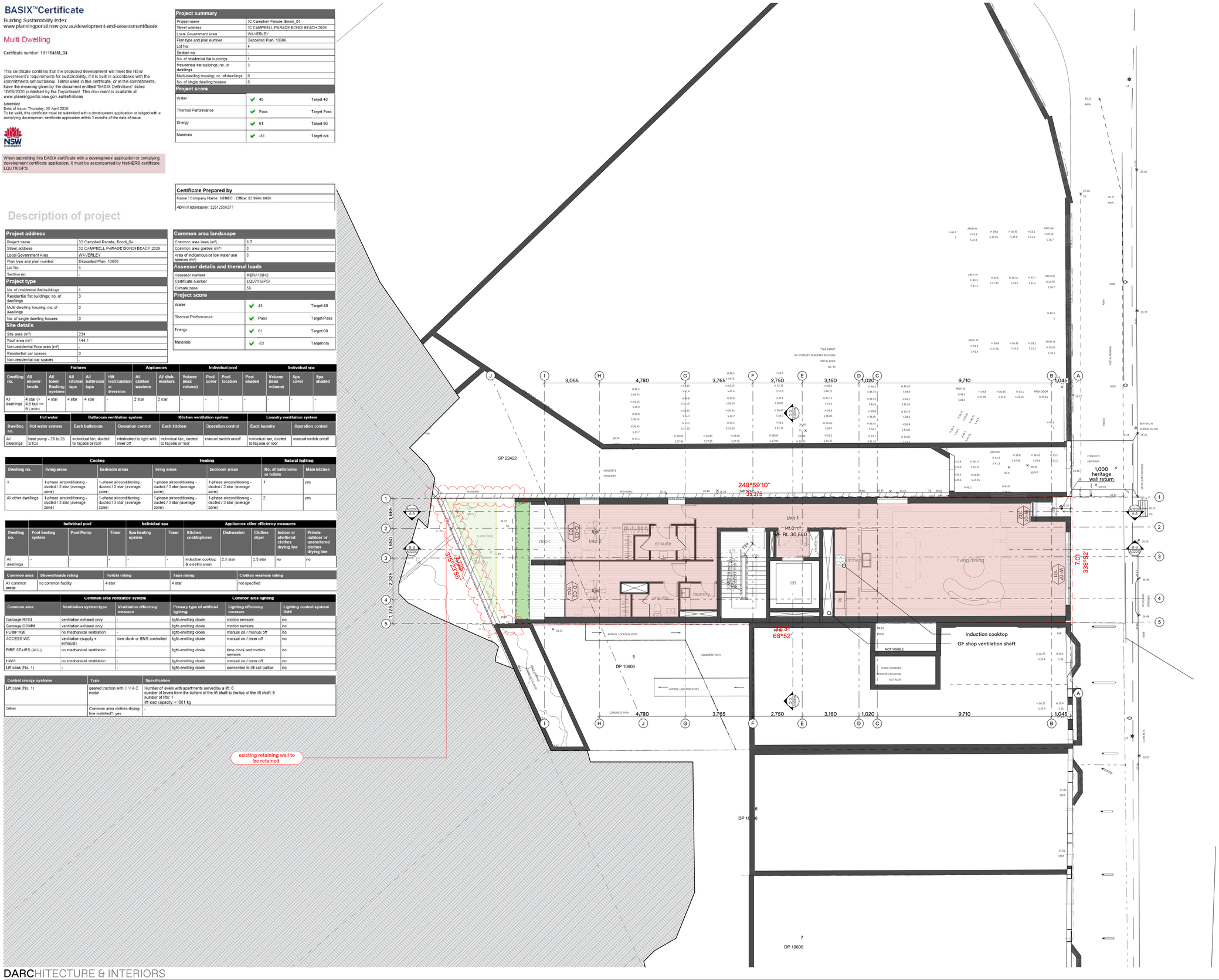
	Cooling		Heating		Natural lighting	
Dwelling no.	living areas	bedroom areas	living areas	bedroom areas	No. of bathrooms or toilets	Main kitchen
1	1-phase airconditioning - ducted / 3 star (average zone)	1-phase airconditioning - ducted / 3 star (average zone)	1-phase airconditioning - ducted / 3 star (average zone)	1-phase airconditioning - ducted / 3 star (average zone)	1	yes
All other dwellings	1-phase airconditioning - ducted / 3 star (average zone)	1-phase airconditioning - ducted / 3 star (average zone)	1-phase airconditioning - ducted / 3 star (average zone)	1-phase airconditioning - ducted / 3 star (average zone)	2	yes

	Individual pool			Individual spa		Appliances other efficiency measures				
Dwelling no.	Pool heating system	Pool Pump	Timer	Spa heating system	Timer	Kitchen cooktop/oven	Dishwasher	Clothes dryer	Indoor or sheltered clothes drying line	Private outdoor or unsheltered clothes drying line
All dwellings	-	-	-	-	-	induction cooktop & electric oven	2.5 star	2.5 star	no	no

Common area	Showerheads rating	Toilets rating	Taps rating	Clothes washers rating
All common areas	no common facility	4 star	4 star	not specified

	Common area ventilation system		Common area lighting		
Common area	Ventilation system type	Ventilation efficiency measure	Primary type of artificial lighting	Lighting efficiency measure	Lighting control system/ EMS
Garbage RESI	ventilation exhaust only	-	light-emitting diode	motion sensors	no
Garbage COMM	ventilation exhaust only	-	light-emitting diode	motion sensors	no
PUMP RM	no mechanical ventilation	-	light-emitting diode	manual on / manual off	no
ACCESS WC	ventilation (supply + exhaust)	time clock or BMS controlled	light-emitting diode	manual on / timer off	no
FIRE STAIRS (ALL)	no mechanical ventilation	-	light-emitting diode	time clock and motion sensors	no
HWH	no mechanical ventilation	-	light-emitting diode	manual on / timer off	no
Lift bank (No. 1)	-	-	light-emitting diode	connected to lift call button	no

Central energy systems	Type	Specification
Lift bank (No. 1)	geared traction with V V A C motor	Number of levels with apartments served by a lift: 6 number of levels from the bottom of the lift shaft to the top of the lift shaft: 6 number of lifts: 1 lift load capacity: <1001 kg
Other	Common area clothes drying line installed?: yes	-



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Application No: DA-477/2025

Date Received: 18/06/2026

Areas Schedule

Site area (m²)		**238.30**
Max. GFA (SEPP)		**929,37**
Max. GFA		**714.90**
GFA (LEP)	Ground floor	54.20
	1st Floor	141.00
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Accreditation No.: HERA100-2
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https://www.hf5.com.au/QRCodeLanding/?Publish=LQU7XIGPSI&GrpCom=1

DRAWN I CHECK	MC	DRAWING TITLE :	REVISION NO.
PLOT DATE:	15-Jun-26	DEVELOPMENT APPLICATION ISSUE LEVEL 1	3
SCALE:	1:100 @ A1		
CLIENT	STM123 No32 Pty Ltd	PROJECT NAME :	DRAWING NO.
SITE:	32 Campbell Parade Bondi NSW 2026 Australia	32 Campbell Parade	DA-05

Nationwide House Energy Rating Scheme® Class 2 Summary
NatHERS® Certificate No. LQU7XIGP5I

Generated on 30 Apr 2026 using FirstRate5 v5.5.a

Property

Address	32 Campbell Parade, Bondi, NSW, 2026
Lot/DP	
NatHERS Climate Zone	Mascot (Sydney Airport)

Accredited assessor

Name	Dimitrios Karakatsis
Business name	AERHCC
Email	info@aerhcc.com.au
Phone	0416316254
Accreditation No.	HEFA 10042
Assessor Accrediting Organisation	HEFA

Verification

To verify this certificate, scan the QR code or visit https://www.85.nathers.gov.au/G/QuickLanding?PublicId=LQU7XIGP5I&SchemeCode=1

When using either link, ensure you are visiting www.85.nathers.gov.au

National Construction Code (NCC) requirements

The NCC allows the use of NatHERS accredited software to comply with the energy efficiency requirements for houses (Class 1 buildings) and apartments (Class 2 sole-occupancy units and Class 4 parts of buildings). The applicable requirements for houses are detailed in Specification 42 of NCC Volume Two. For apartments the requirements are detailed in clauses J5D3 and J5D5 of NCC Volume One.

NCC 2022 includes enhanced thermal performance requirements for houses and apartments. It also includes a new whole-of-dwelling annual energy use budget which applies to the major equipment in the home.

The NCC, and associated ABCB Standards and support material, can be accessed at www.abcb.gov.au

Note: variations and additions to the NCC energy efficiency requirements may apply in some states and territories.

Thermal performance Star rating

7.0 Average Rating

NATIONWIDE HOUSE ENERGY RATING SCHEME®

The rating above is the average of all dwellings in this summary.

For more information on NatHERS ratings visit www.nathers.gov.au

NCC heating and cooling maximum loads MJ/m²/p.a.

Limits taken from ABCB Standard 2022

	Heating	Cooling
Modelled block average	14.6	14.5
Maximum allowable limit	N/A	N/A

Whole of Home performance rating

No Whole of Home performance rating conducted for this summary certificate or not completed for all dwellings

The rating above is the lowest of all dwellings in this summary

Summary of all dwellings

Certificate number and link	Unit number	Heating load [load limit] [MJ/m²/p.a.]	Cooling load [load limit] [MJ/m²/p.a.]	Total load [MJ/m²/p.a.]	Star rating	Whole of Home Rating
4DNRNTXGLL02	1	2.0 (N/A)	19.0 (N/A)	26.0	7.4	NA
LS7YSPPNFM-03	2	16.9 (N/A)	8.6 (N/A)	25.5	7.4	NA

Nationwide House Energy Rating Scheme (NatHERS) is an initiative of the Australian, state and territory governments. For more details see www.nathers.gov.au.

LQU7XIGP5I NatHERS Certificate — 7.0 Star rating as of 30 Apr 2026

Summary of all dwellings

Certificate number and link	Unit number	Heating load [load limit] [MJ/m²/p.a.]	Cooling load [load limit] [MJ/m²/p.a.]	Total load [MJ/m²/p.a.]	Star rating	Whole of Home Rating
N2MV5KS4-E-03	3	19.9 (N/A)	16.0 (N/A)	35.9	6.3	NA

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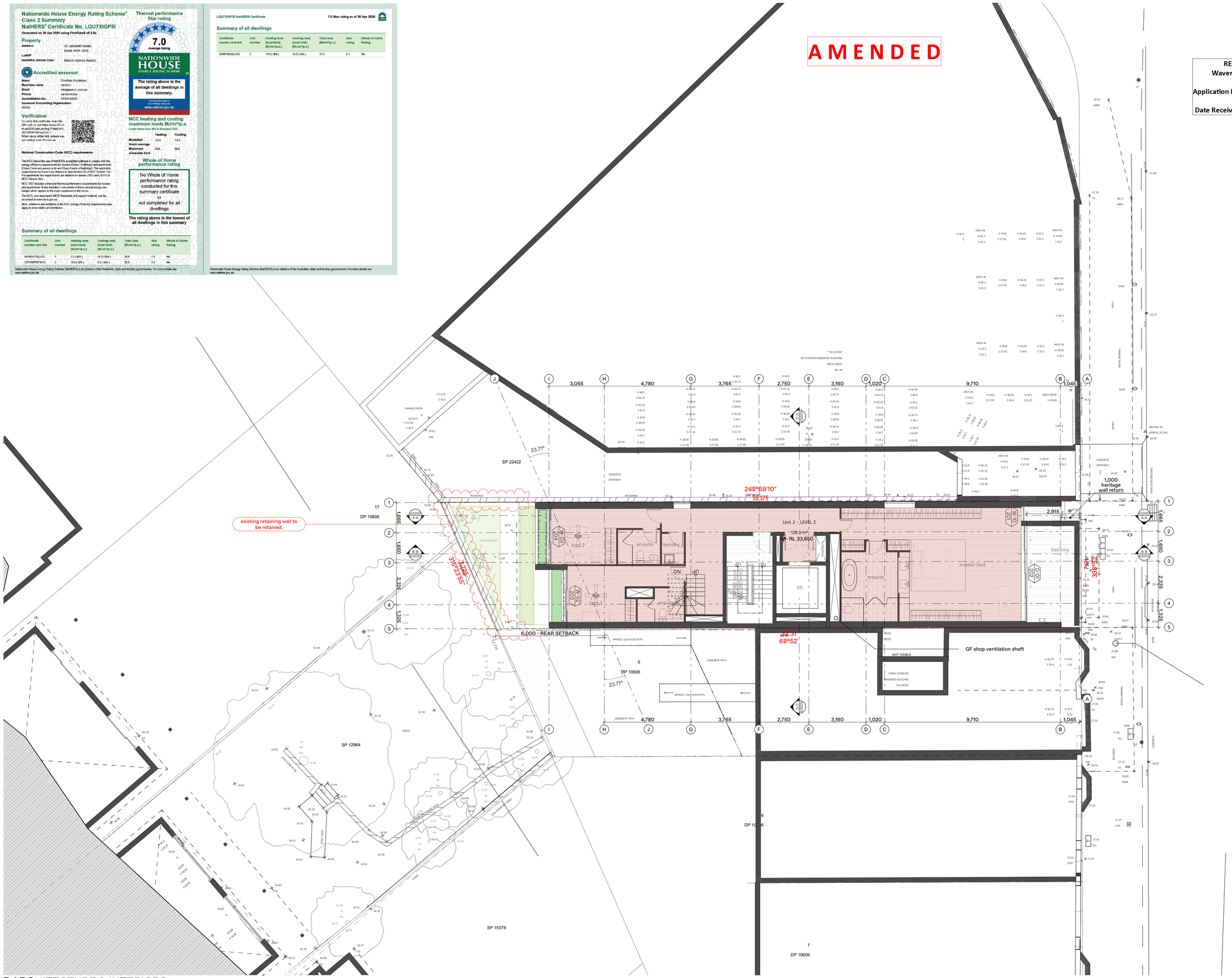

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Max. FSR	(LEP)	3.0:1
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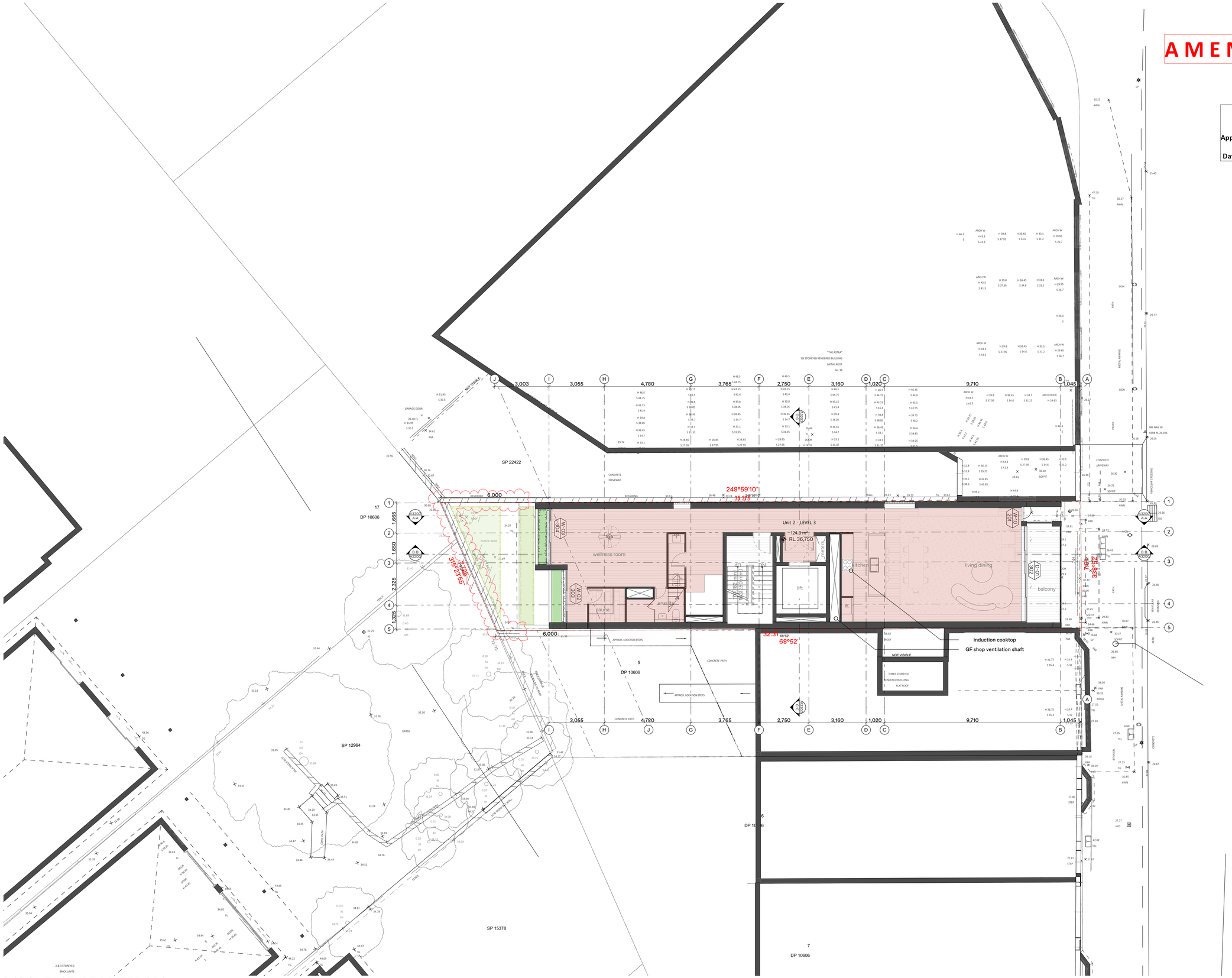
NOTE: CEILING FANS HAVE BEEN NOMINATED WHEN PERFORMED THE NATHERS CALCULATIONS AND EACH CERTIFICATION HAS BEEN ISSUED ACCORDINGLY. ENSURE THAT THE INSTALLATIONS ARE CARRIED OUT.

430

DRAWN I CHECK	MC	DRAWING TITLE :	REVISION NO.
PLOT DATE:	15-Jun-26	DEVELOPMENT APPLICATION ISSUE	4
SCALE:	1:100 @ A1	LEVEL 2	
CLIENT	STM123 No32 Pty Ltd	PROJECT NAME :	DRAWING NO.
SITE:	32 Campbell Parade Bondi NSW 2026 Australia	32 Campbell Parade	DA-06



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Waverley Council

Application No: DA-477/2025

Date Received: 18/06/2026

Areas Schedule

Site area (m²)		**238.30**
Max. GFA (SEPP)		**929,37**
Max. GFA		**714.90**
GFA (LEP)	Ground floor	54.20
	1st Floor	141.00
	2nd Floor	128.50
	3rd Floor	124.80
	4th Floor	131.40
	5th Floor	134.80
		714.70
Max. FSR (SEPP)	3.9:1	
Max. FSR (LEP)	3.0:1	
New FSR	2.999:1	

DARCHITECTURE & INTERIORS

DARC® →W: https://darc.archi
M: +61421816652 | E: hello@darc.archi
P: P.O.Box 693, Potts Point NSW 1335
DARC STUDIO PTY LTD
ABN: 77 668 120 901 | ACN: 668 120 901

Nominated Architect:
Emmanuil E Chatzinikolaou
→NSW Reg No. 9973
→DBBP Reg No. DEP0001277

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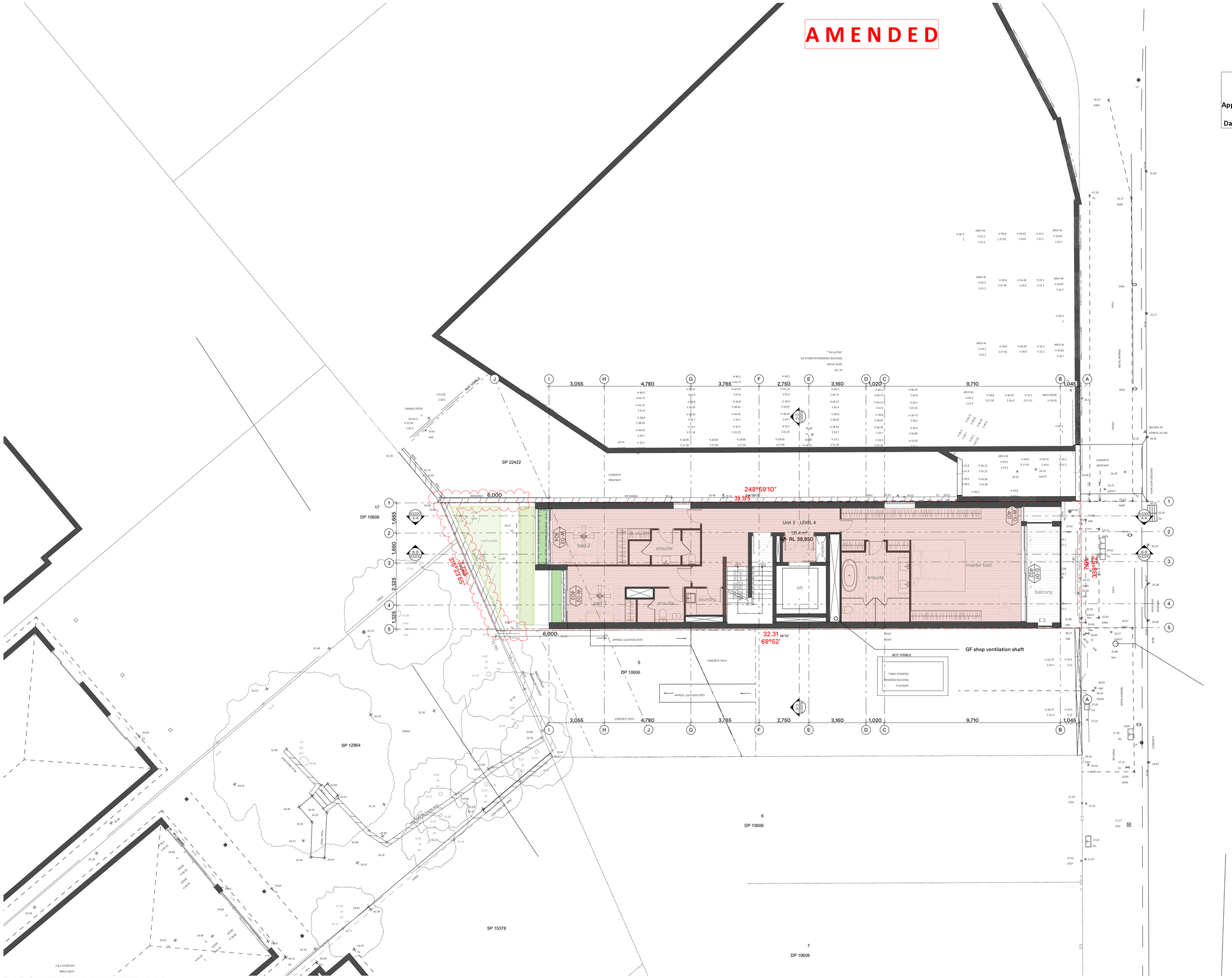
→ BCA Consultant - Design Confidence
→ Civil Engineer - Akroyali Engineering
→ Hydraulic Engineer - Evolved Engineering
→ Landscape Designer - Evolved Engineering
→ Mechanical Engineer - Evolved Engineering
→ Fire Protection - Evolved Engineering
→ Fire Engineering - Design Confidence
→ Structural Engineer - Akroyali Engineering

BASIX
Certificate No. # LQU7XIGPSI
Scan QR code or follow website link for rating details.
Assessor name: Dimitrios Haralabas
Accreditation No.: HEM/1004
Property Address: 32 Campbell Parade, Bondi, NSW, 2026
https://www.hi-com.au/QRCodeLanding?PublicId=LQU7XIGPSI&BaseUrl=1

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.

DRAWN I CHECK	MC	DRAWING TITLE :	REVISION NO.
PLOT DATE:	15-Jun-26	DEVELOPMENT APPLICATION ISSUE	4
SCALE:	1:100 @ A1	LEVEL 3	
CLIENT	STM123 No32 Pty Ltd	PROJECT NAME :	DRAWING NO.
SITE:	32 Campbell Parade Bondi NSW 2026 Australia	32 Campbell Parade	DA-07

AMENDED



Areas Schedule

Site area (m²)		**238.30**
Max. GFA (SEPP)		**929,37**
Max. GFA		**714.90**
GFA (LEP)	Ground floor	54.20
	1st Floor	141.00
	2nd Floor	128.50
	3rd Floor	124.80
	4th Floor	131.40
	5th Floor	134.80
		714.70

Max. FSR (SEPP)	3.9:1
Max. FSR (LEP)	3.0:1
New FSR	2.999:1

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Application No: DA-477/2025

Date Received: 18/06/2026

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Nominated Architect:
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→DBBP Reg No. DEP0001277

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Scan QR code or follow website link for rating details.
Assessor name: Dimitrios Haralabas
Accreditation No.: HEM/1004G
Property Address: 32 Campbell Parade, Bondi, NSW, 2026
https://www.hl5.com.au/QRCode/Lending/Public/d=LQU7XIGPSI&SQuCode=1

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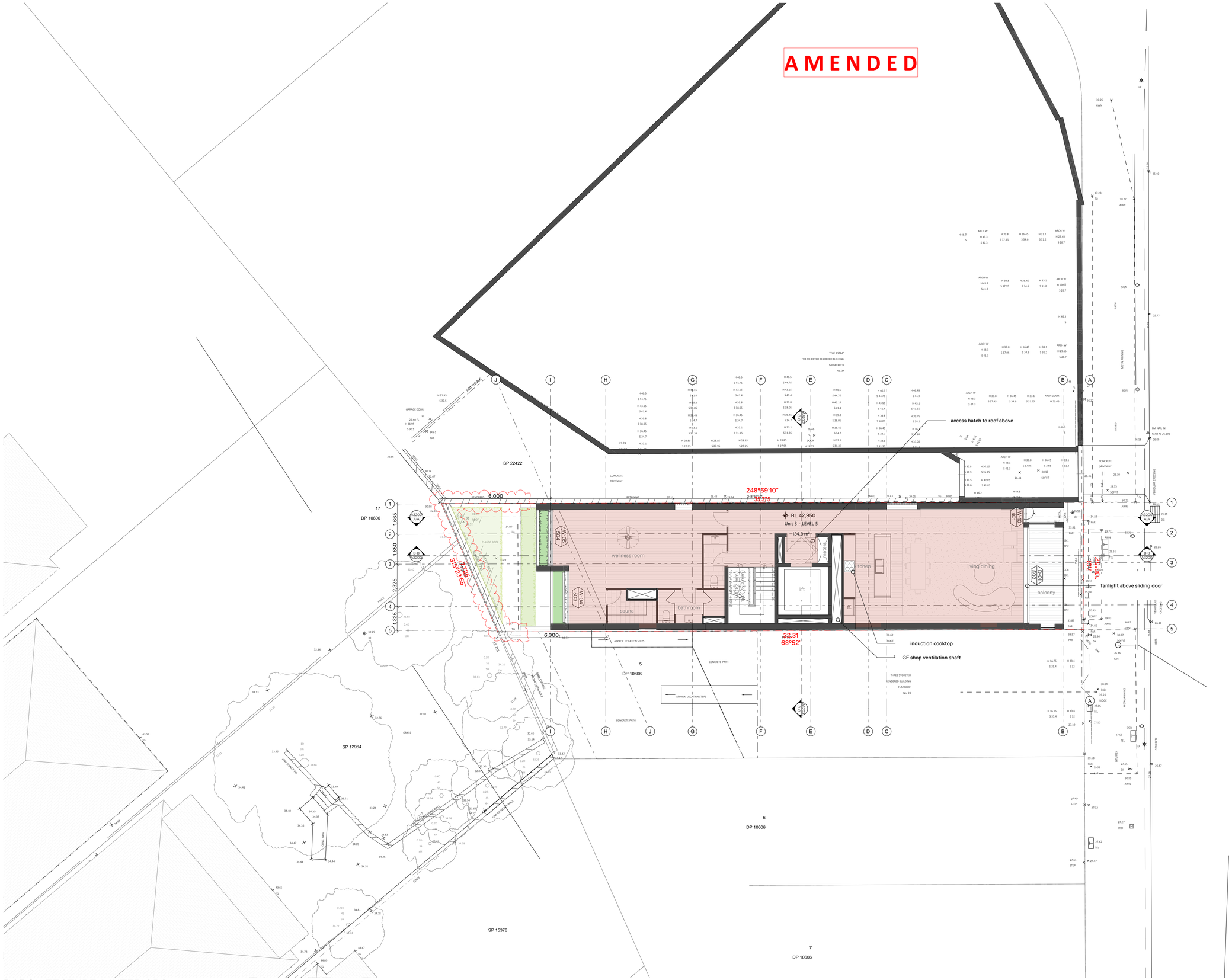
DRAWN I CHECK	MC	DRAWING TITLE :	REVISION NO.
PLOT DATE:	15-Jun-26	DEVELOPMENT APPLICATION ISSUE	4
SCALE:	1:100 @ A1	LEVEL 4	
CLIENT	STM123 No32 Pty Ltd	PROJECT NAME :	DRAWING NO.
SITE:	32 Campbell Parade Bondi NSW 2026 Australia	32 Campbell Parade	DA-08



Areas Schedule

Site area (m²)		**238.30**
Max. GFA (SEPP)		**929,37**
Max. GFA		**714.90**
GFA (LEP)	Ground floor	54.20
	1st Floor	141.00
	2nd Floor	128.50
	3rd Floor	124.80
	4th Floor	131.40
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		714.70
Max. FSR (SEPP)	3.9:1	
Max. FSR (LEP)	3.0:1	
New FSR	2.999:1	

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→DBBP Reg No. DEP0001277

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→ Structural Engineer - Akroyali Engineering

Certificate No. # LQU7XIGPSI
Scan QR code or follow website link for rating details.
Assessor name: Dimitrios Haralabas
Accreditation No.: HEM/0042
Property Address: 32 Campbell Parade, Bondi, NSW, 2026
https://www.h5.com.au/QRCode/Lending/?hubloid=LQU7XIGPSI&loid=1

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DRAWN I CHECK	MC	DRAWING TITLE :	REVISION NO.
PLOT DATE:	15-Jun-26	DEVELOPMENT APPLICATION ISSUE	4
SCALE:	1:100 @ A1	LEVEL 5	
CLIENT	STM123 No32 Pty Ltd	PROJECT NAME :	DRAWING NO.
SITE:	32 Campbell Parade Bondi NSW 2026 Australia	32 Campbell Parade	DA-09

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Date Received: 18/06/2026

Areas Schedule

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Max. GFA		**714.90**
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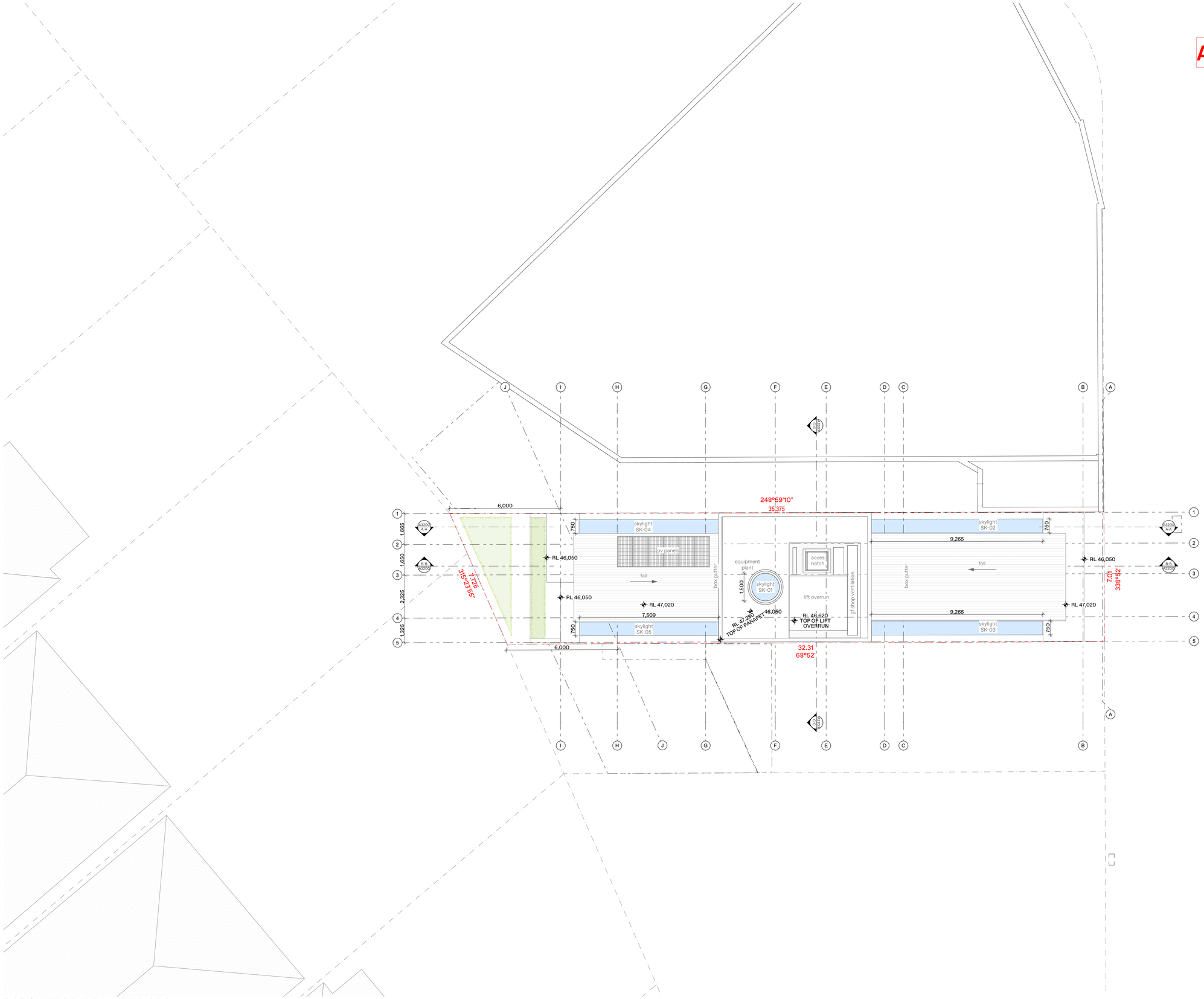
	5th Floor	134.80
		714.70
Max. FSR (SEPP)	3.9:1	
Max. FSR (LEP)	3.0:1	
New FSR	2.999:1	



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ABN: 77 668 120 901 | ACN: 668 120 901

Nominated Architect:
Emmanuil E Chatzinikolaou
→NSW Reg No. 9973
→DBBP Reg No. DEP0001277

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→ Fire Protection - Evolved Engineering
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→ Structural Engineer - Akroyali Engineering

Certificate No. # LQU7XIGPSI
Scan QR code or follow website link for rating details.
Assessor name: Dimitrios Haralabas
Accreditation No.: HDN-10042
Property Address: 32 Campbell Parade, Bondi, NSW, 2026
https://www.hl.com.au/QRCodeLanding?hubloid=LQU7XIGPSI&utm_source=1

DRAWN | CHECK	MC	DRAWING TITLE :	REVISION NO.
PLOT DATE:	15-Jun-26	DEVELOPMENT APPLICATION ISSUE	2
SCALE:	1:100 @ A1	ROOF	
CLIENT	STM123 No32 Pty Ltd	PROJECT NAME :	DRAWING NO.
SITE:	32 Campbell Parade Bondi NSW 2026 Australia	32 Campbell Parade	DA-10

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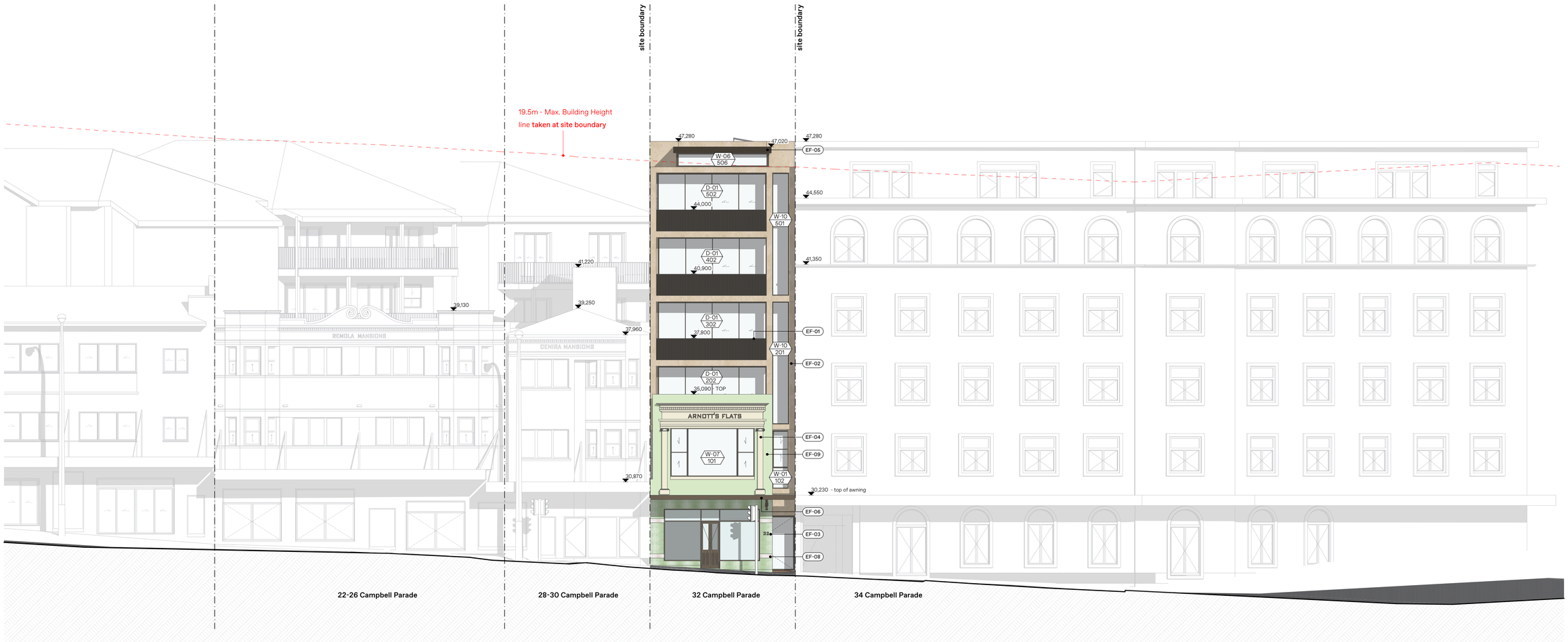
Application No: DA-477/2025

Date Received: 18/06/2026



EXTERNAL FINISHES SCHEDULE:

METAL PALISADE BALUSTRADE
steel or aluminum,
dark bronze or similar,
satin,
powdercoated

RENDERED CONCRETE
render and paint
beige
-
-

WALL TILE
Ceramic Tile
Light Green
Glossy
Zellige Style

PAINT FINISH
Paint (on render)
Dulux Lexicon
Quarter,
low sheen finish,
-

ALUMINIUM WINDOW FRAMES
steel or aluminium,
dark bronze or similar,
matt,
powdercoated

FRONTAGE AWNING
steel or aluminium,
dark bronze or similar,
matt,
powdercoated

GLASS BRICK
Glass,
Beige grout colour

WALL TILE
Ceramic Tile
Light Beige
Glossy
Zellige Style

PAINT FINISH
Paint (on render)
Korila,
low sheen finish,
-

DARCHITECTURE & INTERIORS

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→**NSW Reg No.** 9973
→**D&BP Reg No.** DEP0001277

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→ Structural Engineer - Akroyali Engineering

BASIX
Certificate No. # LQU7XIGPSI
Scan QR code or follow website link for rating details.
Assessor name: Dimitrios Haralabos
Accreditation No.: HEM/1042
Property Address: 32 Campbell Parade, Bondi, NSW, 2026
https://www.hbi.com.au/QRCodeLanding/?hubid=LQU7XIGPSI&qrcode=1

DRAWN I CHECK	MC	DRAWING TITLE :	REVISION NO.
PLOT DATE:	15-Jun-26	DEVELOPMENT APPLICATION ISSUE EAST ELEVATION	3
SCALE:	1:100 @ A1		
CLIENT	STM123 No32 Pty Ltd	PROJECT NAME :	DRAWING NO.
SITE:	32 Campbell Parade Bondi NSW 2026 Australia	32 Campbell Parade	DA-11

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Waverley Council

Application No: DA-477/2025

Date Received: 18/06/2026

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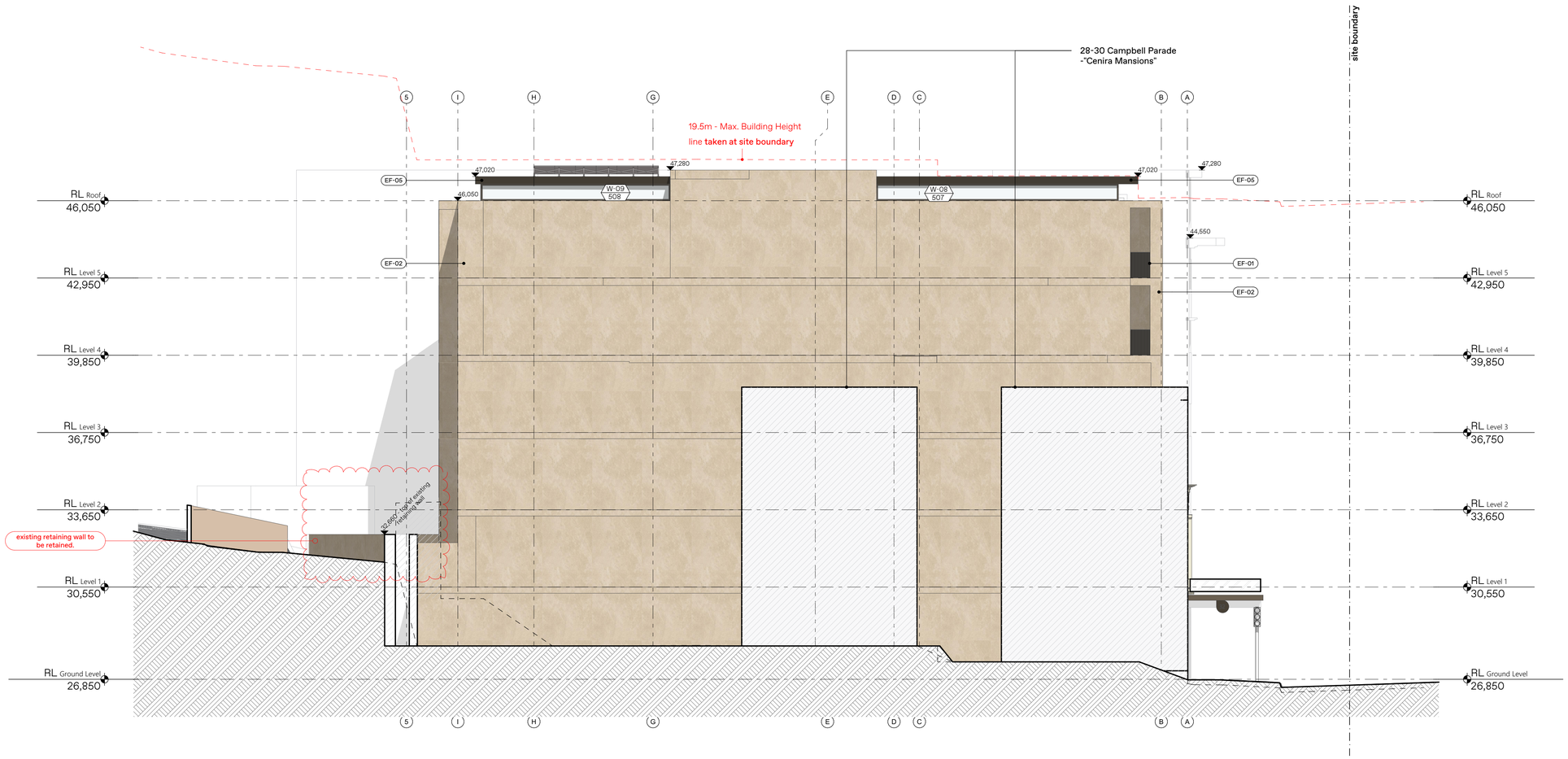


EXTERNAL FINISHES SCHEDULE:

METAL PALISADE

BALUSTRADE

steel or aluminum,
dark bronze or similar,
satin,
powdercoated

RENDERED

CONCRETE

render and paint
beige
-
-

WALL TILE

Ceramic Tile
Light Green
Glossy
Zellige Style

PAINT FINISH

Paint (on render)
Dulux Lexicon
Quarter,
low sheen finish,
-

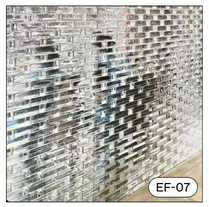
ALUMINIUM

WINDOW FRAMES

steel or aluminium,
dark bronze or similar,
matt,
powdercoated

FRONTAGE AWNING

steel or aluminium,
dark bronze or similar,
matt,
powdercoated



GLASS BRICK

Glass,
Beige grout colour

WALL TILE

Ceramic Tile
Light Beige
Glossy
Zellige Style

PAINT FINISH

Paint (on render)
Korila,
low sheen finish,
-

DARCHITECTURE & INTERIORS

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→ Fire Protection - Evolved Engineering
→ Fire Engineering - Design Confidence
→ Structural Engineer - Akroyali Engineering

Certificate No. # LQU7XIGPSI
Scan QR code or follow website link for rating details.
Assessor name: Christinos Haralambous
Accreditation No.: HERA/10042
Property Address: 32 Campbell Parade, Bondi, NSW, 2026
https://www.hl5.com.au/QRCodeLanding/?hubid=LQU7XIGPSI&QrCode=1

DRAWN | CHECK	MC	DRAWING TITLE :	REVISION NO.
PLOT DATE:	15-Jun-26	DEVELOPMENT APPLICATION ISSUE SOUTH ELEVATION	4
SCALE:	1:100 @ A1		
CLIENT	STM123 No32 Pty Ltd	PROJECT NAME :	DRAWING NO.
SITE:	32 Campbell Parade Bondi NSW 2026 Australia	32 Campbell Parade	DA-12

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Application No: DA-477/2025

Date Received: 18/06/2026

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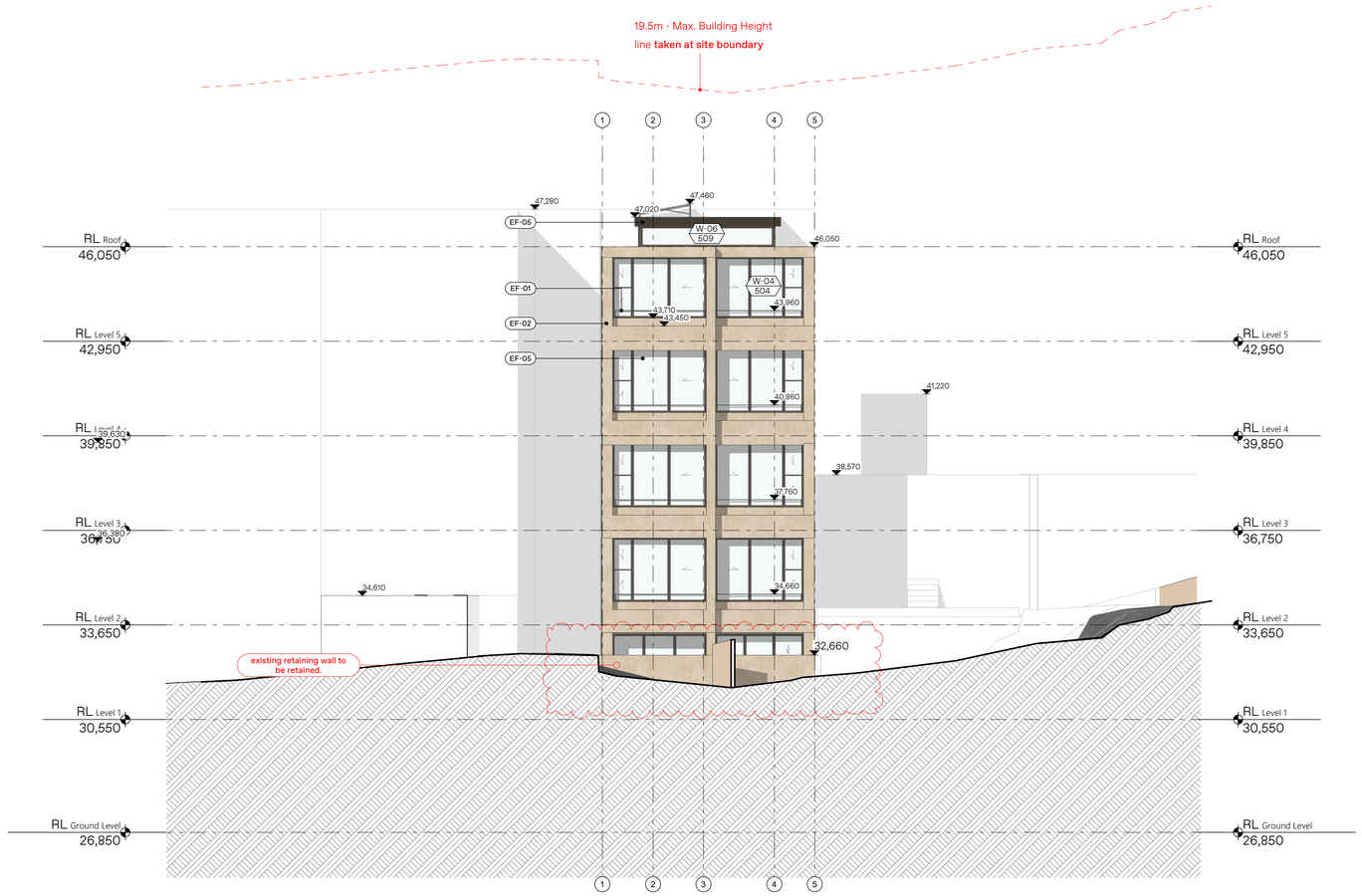

EXTERNAL FINISHES SCHEDULE:

METAL PALISADE
BALUSTRADE
steel or aluminum,
dark bronze or similar,
satin,
powdercoated

RENDERED
CONCRETE
render and paint
beige
-
-

WALL TILE
Ceramic Tile
Light Green
Glossy
Zellige Style

PAINT FINISH
Paint (on render)
Dulux Lexicon
Quarter,
low sheen finish,
-

ALUMINIUM
WINDOW FRAMES
steel or aluminium,
dark bronze or similar,
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dark bronze or similar,
matt,
powdercoated

GLASS BRICK
Glass,
Beige grout colour

WALL TILE
Ceramic Tile
Light Beige
Glossy
Zellige Style

PAINT FINISH
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Korila,
low sheen finish,
-

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→ Fire Engineering - Design Confidence
→ Structural Engineer - Akroyali Engineering

DRAWN I CHECK	MC	**DRAWING TITLE :**	**REVISION NO.**
PLOT DATE:	15-Jun-26	DEVELOPMENT APPLICATION ISSUE WEST ELEVATION	3
SCALE:	1:100 @ A1		
CLIENT	STM123 No32 Pty Ltd	**PROJECT NAME :**	**DRAWING NO.**
SITE:	32 Campbell Parade Bondi NSW 2026 Australia	32 Campbell Parade	DA-13

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Waverley Council

Application No: DA-477/2025

Date Received: 18/06/2026

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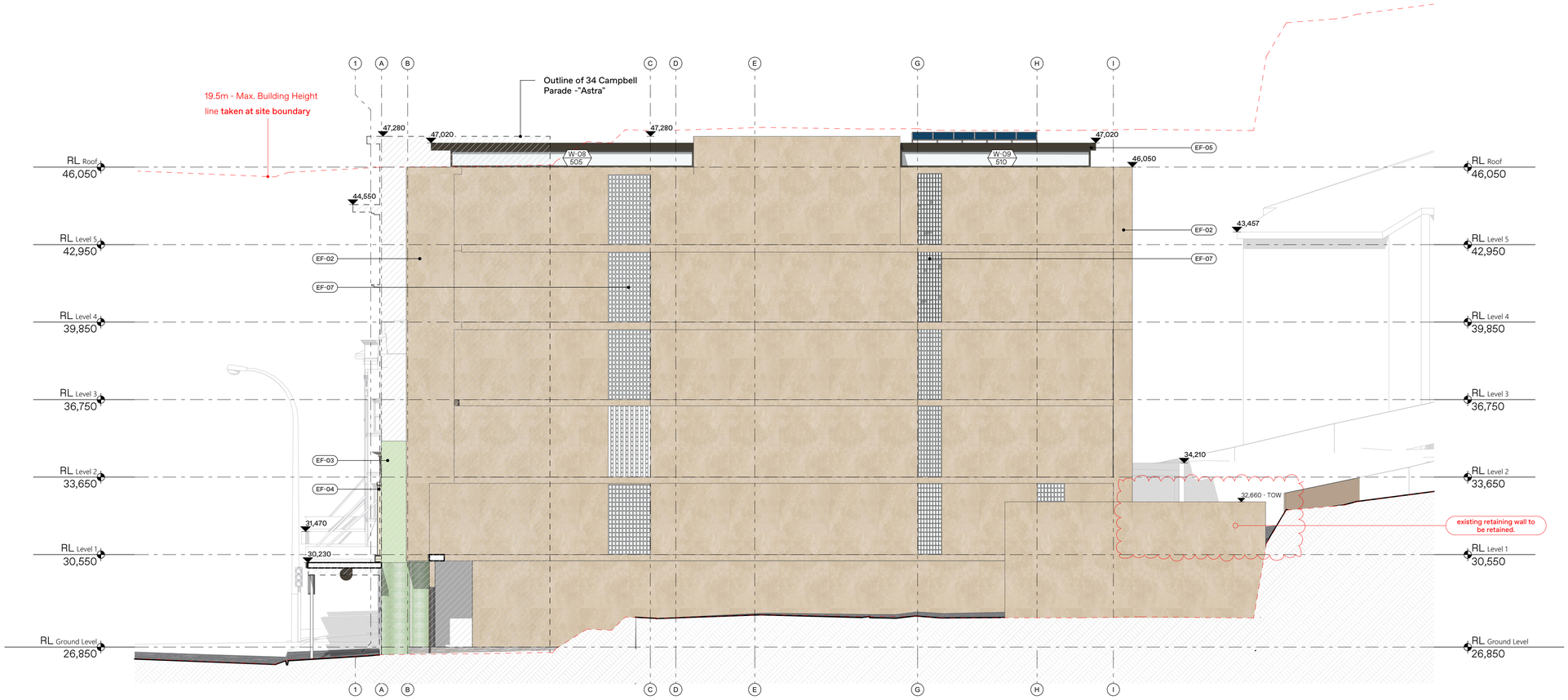


EXTERNAL FINISHES SCHEDULE:

METAL PALISADE

BALUSTRADE

steel or aluminum,
dark bronze or similar,
satin,
powdercoated

RENDERED

CONCRETE

render and paint
beige
-
-

WALL TILE

Ceramic Tile
Light Green
Glossy
Zellige Style

PAINT FINISH

Paint (on render)
Dulux Lexicon
Quarter,
low sheen finish,
-

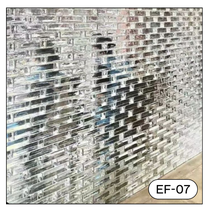
ALUMINIUM

WINDOW FRAMES

steel or aluminium,
dark bronze or similar,
matt,
powdercoated

FRONTAGE AWNING

steel or aluminium,
dark bronze or similar,
matt,
powdercoated

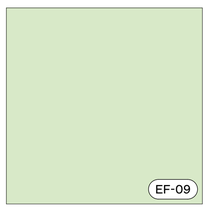


GLASS BRICK

Glass,
Beige grout colour

WALL TILE

Ceramic Tile
Light Beige
Glossy
Zellige Style



PAINT FINISH

Paint (on render)
Korila,
low sheen finish,
-

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→ Structural Engineer - Akroyali Engineering

DRAWN | CHECK	MC	DRAWING TITLE :	REVISION NO.
PLOT DATE:	15-Jun-26	DEVELOPMENT APPLICATION ISSUE NORTH ELEVATION	3
SCALE:	1:100 @ A1		
CLIENT	STM123 No32 Pty Ltd	PROJECT NAME :	DRAWING NO.
SITE:	32 Campbell Parade Bondi NSW 2026 Australia	32 Campbell Parade	DA-14

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Waverley Council

Application No: DA-477/2025

Date Received: 18/06/2026

CAUTION – ALL OF THE ITEMS BELOW MUST BE ADHERED BY FOR NATHERS TO BE VALID

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   b. WITH FIRE-RATED COVER/SHIELD TO ALLOW CONTINUOUS INSULATION
   LED TYPE. IF HALOGEN LIGHT AIRE TO BE INSTALLED THIS CERTIFICATION IS NOT VALID
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   b. DRAFT STOPPER GAPS
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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: 32 Campbell Parade, Bondi
BASIX CERTIFICATION NUMBER: 1811648M_02

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.

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Type	Material	Added Insulation	Covering	Detail
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Frame material	Glazing	U Value	SHGC	Detail
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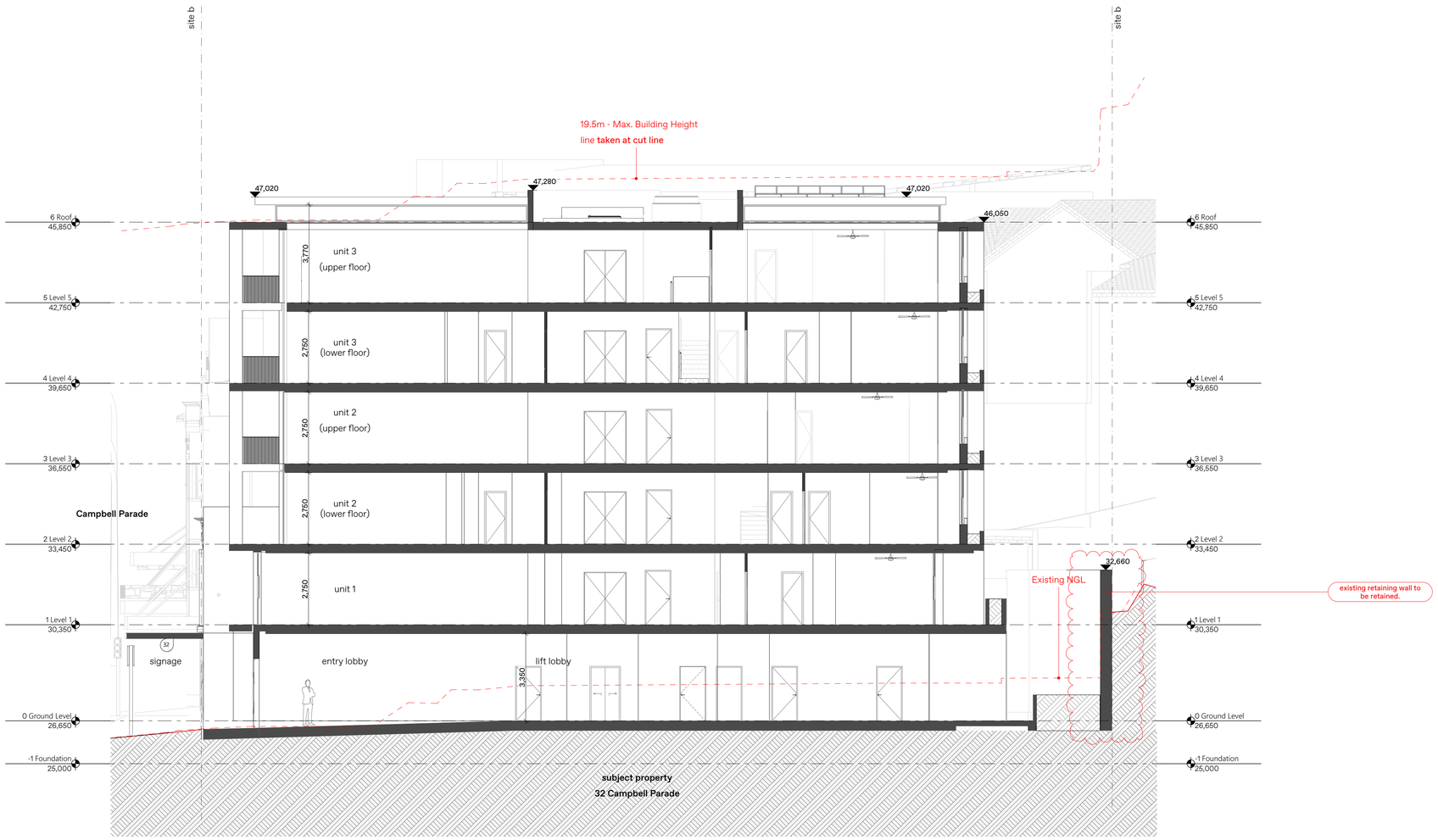

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P: P.O.Box 693, Potts Point NSW 1335
DARC STUDIO PTY LTD
ABN: 77 668 120 901 | ACN: 668 120 901

Nominated Architect:
Emmanuil E Chatzinikolaou
→NSW Reg No. 9973
→D&BP Reg No. DEP0001277

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Certificate No. # LQU7XIGP5I
Scan QR code or follow website link for rating details.
Assessor name: Dimitrios Haralabos
Accreditation No.: HEM/1042
Property Address: 32 Campbell Parade, Bondi, NSW, 2026
https://www.h5.com.au/QRCode/Landing?Product=LQU7XIGP5I&ExtCode=1

DRAWN I CHECK	MC	DRAWING TITLE :	REVISION NO.
PLOT DATE:	15-Jun-26	DEVELOPMENT APPLICATION ISSUE SECTION A	4
SCALE:	1:100 @ A1		
CLIENT	STM123 No32 Pty Ltd	PROJECT NAME :	DRAWING NO.
SITE:	32 Campbell Parade Bondi NSW 2026 Australia	32 Campbell Parade	DA-16

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Waverley Council

Application No: DA-477/2025

Date Received: 18/06/2026

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Project Specification	Form # AE0.5	Australian Energy Efficiency Consulting E:info@aenec.com.au P:0416 316 204	AENEC

Project Address: 32 Campbell Parade, Bondi
BASIX CERTIFICATION NUMBER: 1811648M_02

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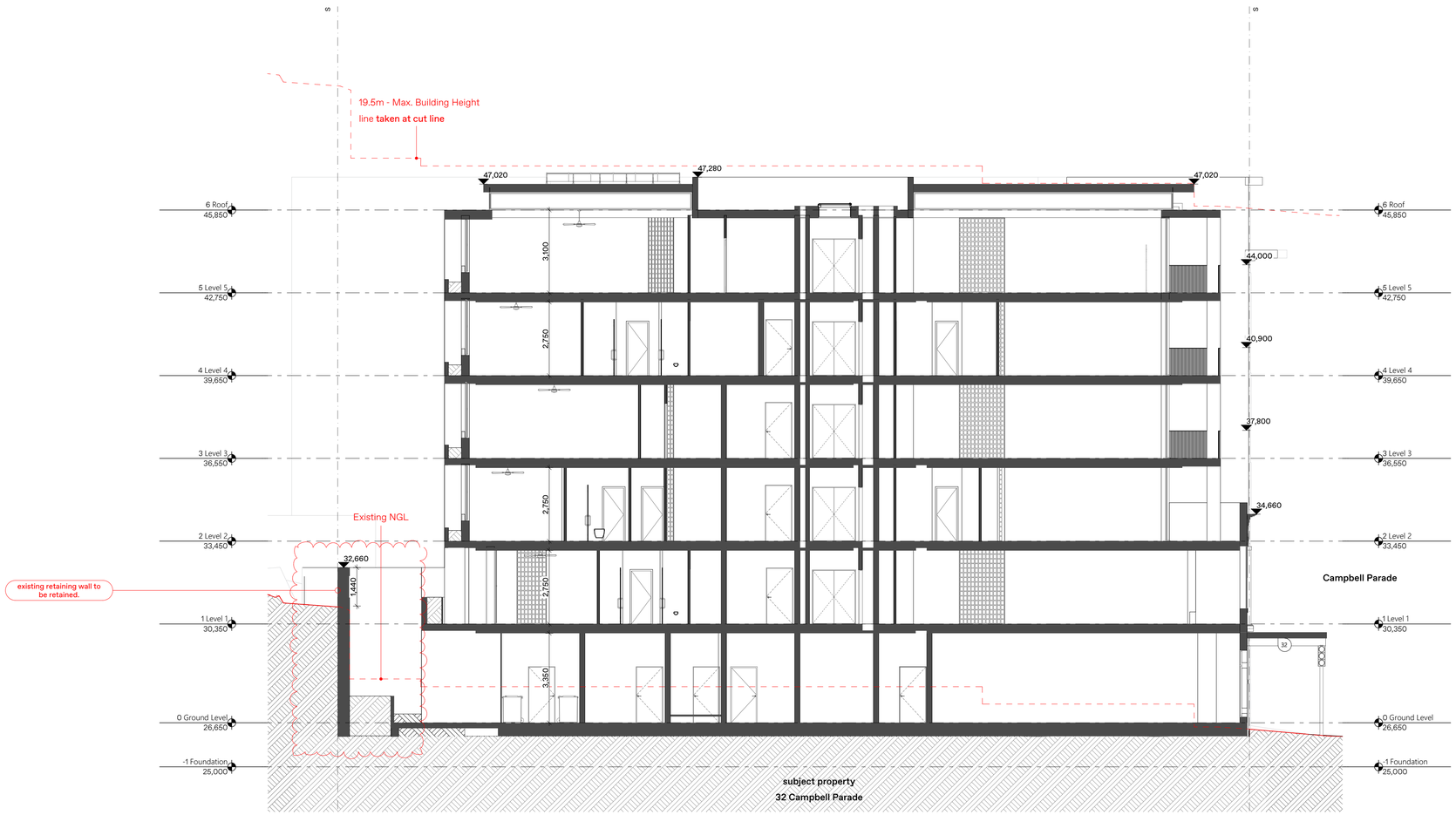

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Nominated Architect:
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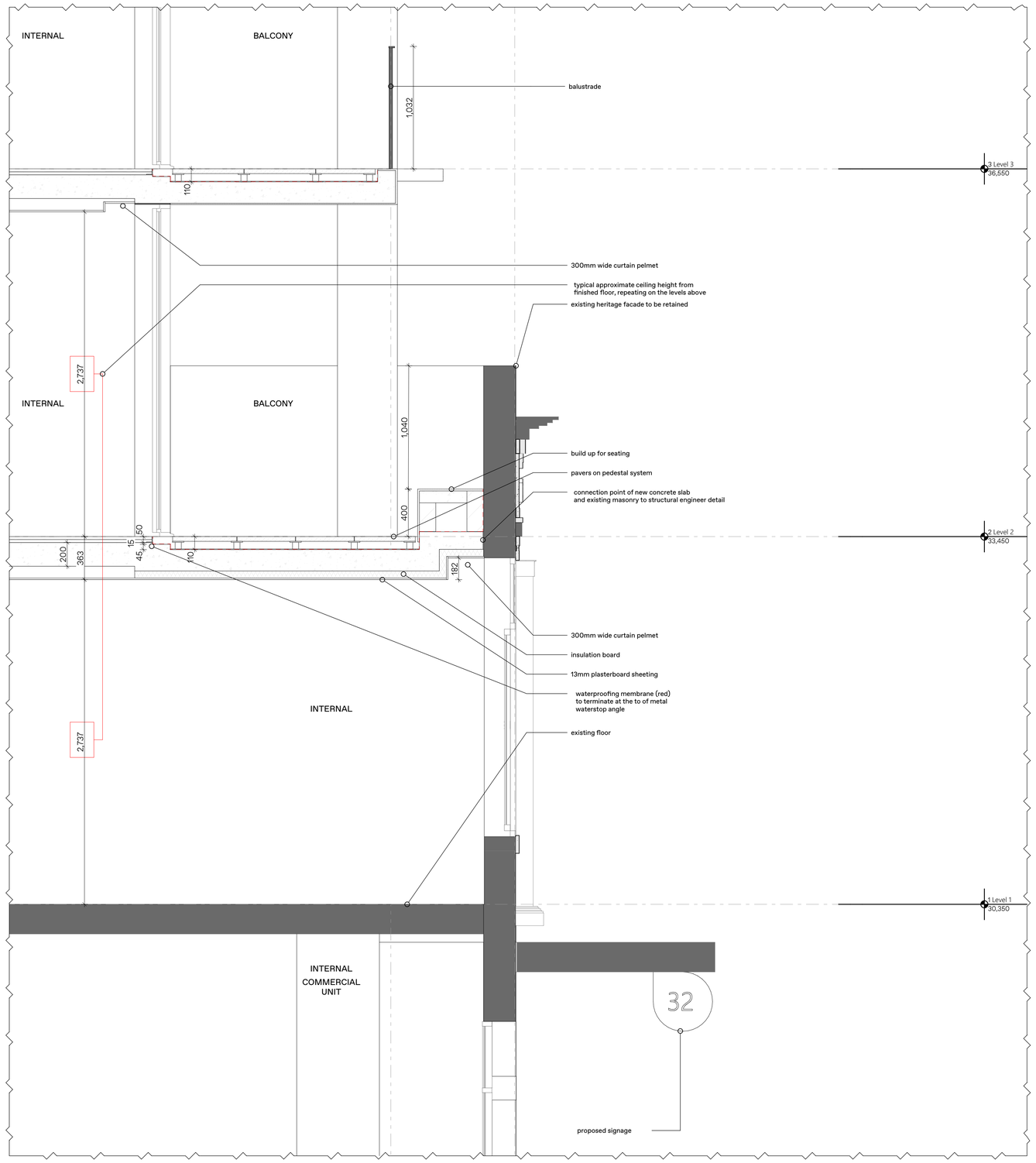
Certificate No. # LQU7XIGP5I
Scan QR code or follow website link for rating details.
Assessor name: Dimitrios Hatzakis
Accreditation No.: HDPA1004L
Property Address: 32 Campbell Parade, Bondi, NSW, 2026
https://www.hf5.com.au/QRCode/Landing?PublicId=LQU7XIGP5I&SrcCo=1

DRAWN I CHECK	MC	DRAWING TITLE : DEVELOPMENT APPLICATION ISSUE SECTION B	REVISION NO. 4
PLOT DATE:	15-Jun-26		
SCALE:	1:100 @ A1		
CLIENT	STM123 No32 Pty Ltd	PROJECT NAME : 32 Campbell Parade	DRAWING NO. DA-17
SITE:	32 Campbell Parade Bondi NSW 2026 Australia		



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Project Specification	Form # AE0.5	Australian Energy Efficiency Consulting E:info@aenec.com.au	P:0416 316 204	AENEC

Project Address: 32 Campbell Parade, Bondi
BASIX CERTIFICATION NUMBER: 1811648M_02

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Waverley Council

Application No: DA-477/2025

Date Received: 18/06/2026

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ABN: 77 668 120 901 | ACN: 668 120 901

Nominated Architect:
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Certificate No. # LQU7XIGPSI
Scan QR code or follow website link for rating details.
Assessor name: Dhirbhai Hakadiya
Accreditation No.: HDPA/10042
Property Address: 32 Campbell Parade, Bondi, NSW, 2026
https://www.hl5.com.au/QRCodeLanding?hdstar=LQU7XIGPSI#BOxCw1m-1

DRAWN | CHECK	MC	DRAWING TITLE: DEVELOPMENT APPLICATION ISSUE SECTION B - FRONT FAC. DETAIL - 1:20 SCALE	REVISION NO. 3
PLOT DATE:	15-Jun-26		
SCALE:	1:20 @ A1		
CLIENT	STM123 No32 Pty Ltd	PROJECT NAME : 32 Campbell Parade	DRAWING NO. DA-17.1
SITE:	32 Campbell Parade Bondi NSW 2026 Australia		

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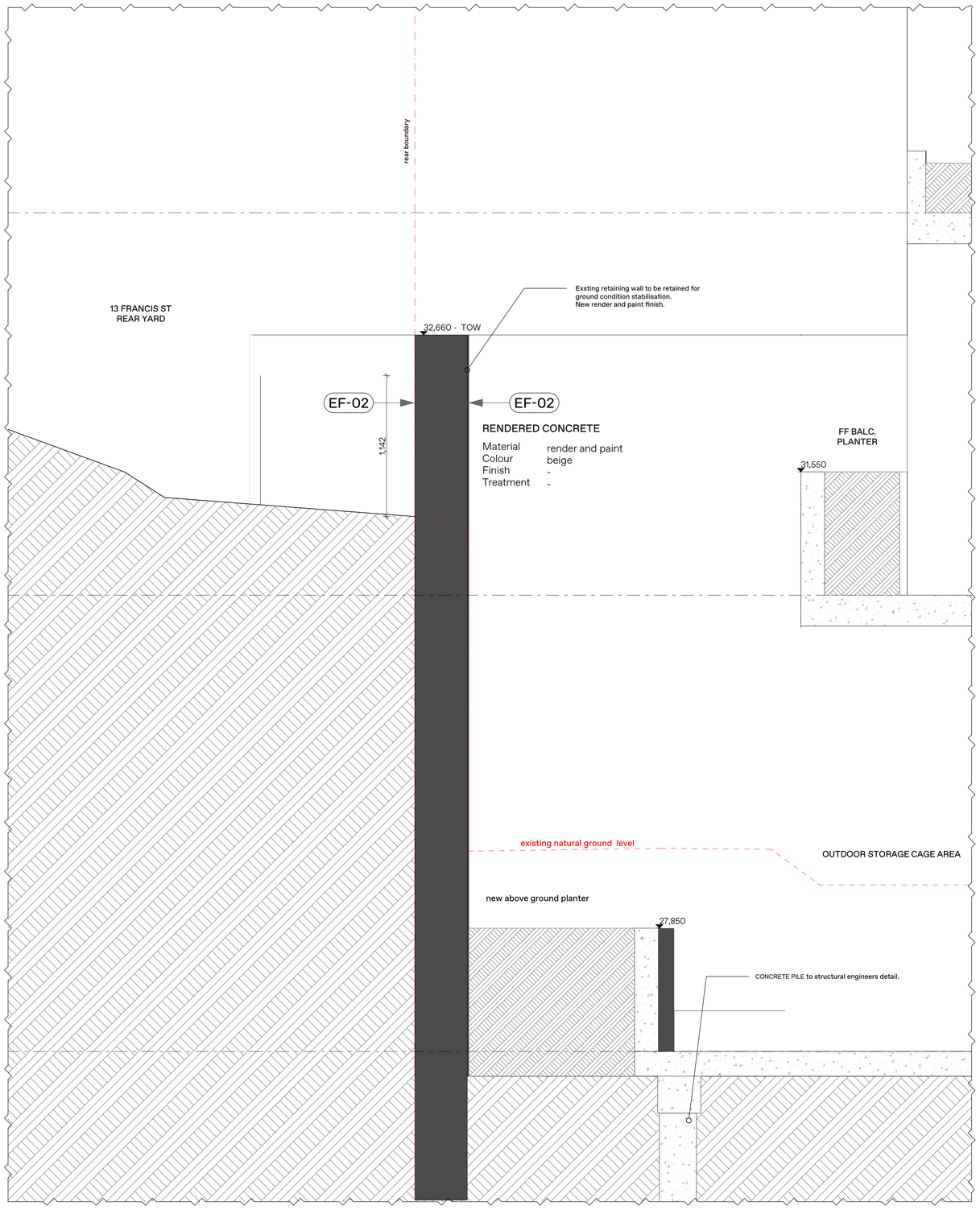

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Application No: DA-477/2025

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Project Specification

Form # AE0.5

Australian Energy Efficiency Consulting
E:info@aenec.com.au P:0416 316 204

AENEC

Project Address: 32 Campbell Parade, Bondi
BASIX CERTIFICATION NUMBER: 1811648M_02

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DRAWN I CHECK	MC	DRAWING TITLE :	REVISION NO.
PLOT DATE:	15-Jun-26	DEVELOPMENT APPLICATION ISSUE SECTION B - REAR FENCE DETAIL - 1:20 SCALE	01
SCALE:	1:20 @ A1		
CLIENT	STM123 No32 Pty Ltd	PROJECT NAME :	DRAWING NO.
SITE:	32 Campbell Parade Bondi NSW 2026 Australia	32 Campbell Parade	DA-17.2

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Application No: DA-477/2025

Date Received: 18/06/2026

Project Specification	Form # AE0.5	Australian Energy Efficiency Consulting E:info@aenec.com.au	P:0416 316 204	AENEC

Project Address: 32 Campbell Parade, Bondi
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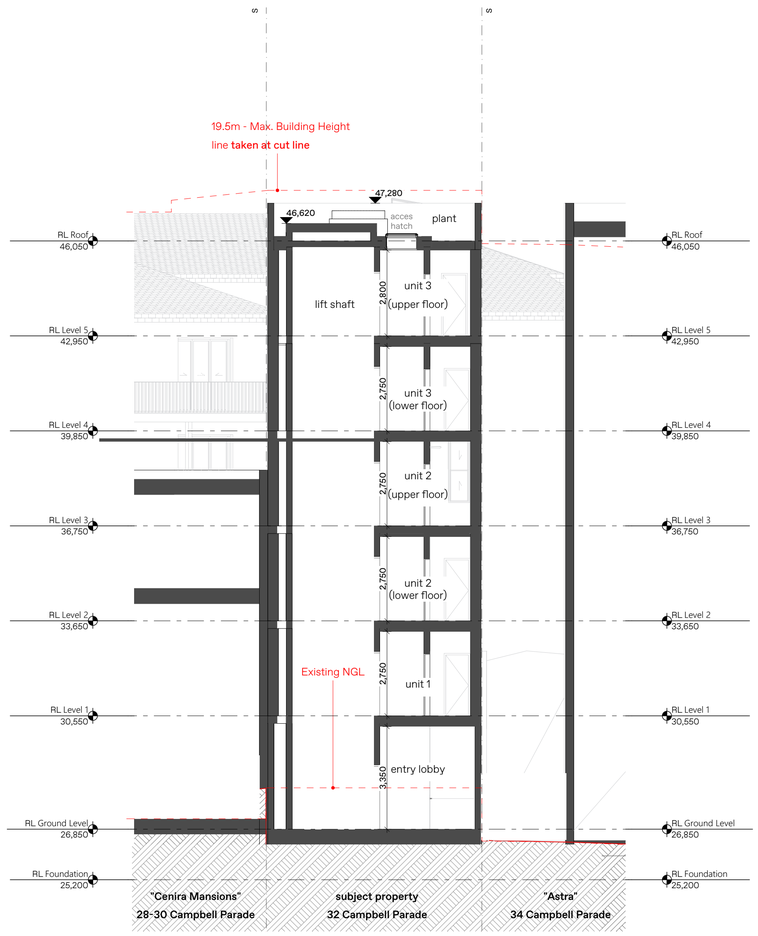
   a. APPROVED NON-VENTILATED
   b. WITH FIRE RATED COVER/SHIELD TO ALLOW CONTINUOUS INSULATION
      LED TYPE. IF HALOGEN LIGHT ARE TO BE INSTALLED THIS CERTIFICATION IS NOT VALID
2. ALL VENTS AND WALL OPENINGS INSTALLED TO BE "THE SEALED" TYPE
3. ALL INSULATION IS TO BE INSTALLED IN ACCORDANCE NCC PART 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 GAPS
5. SERVICES AS PER NCC PART 3.12.5
   a. INSULATION OF SERVICES, PIPING AND DUCTWORK



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ABN: 77 668 120 901 | **ACN:** 668 120 901

Nominated Architect:
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→NSW Reg No. 9973
→DBBP Reg No. DEP0001277

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→ Fire Engineering - Design Confidence
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Certificate No. # LQU7XIGPSI
Scan QR code or follow website link for rating details.
Assessor name: Dimitrios Hatzakis
Accreditation No.: HEM/1004L
Property Address: 32 Campbell Parade, Bondi, NSW, 2026
https://www.hl1.com.au/QRCodeLanding/?hdnloid=LQU7XIGPSI&QrCnt=1

DRAWN I CHECK	MC	DRAWING TITLE :	REVISION NO.
PLOT DATE:	15-Jun-26	DEVELOPMENT APPLICATION ISSUE SECTION C	2
SCALE:	1:100 @ A1		
CLIENT	STM123 No32 Pty Ltd	PROJECT NAME :	DRAWING NO.
SITE:	32 Campbell Parade Bondi NSW 2026 Australia	32 Campbell Parade	DA-18

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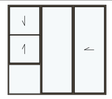
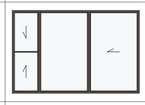
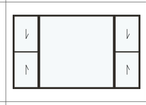
Application No: DA-477/2025

Date Received: 18/06/2026

ID	D-01	D-02	D-03	W-01	W-02	W-03	W-04	W-05	W-06	W-07	W-08	W-09	W-10
Height	2,800	2,800	2,800	2,800	2,100	2,100	2,000	2,000	670	2,350	670	670	5,900
Width	5,265	2,895	3,070	800	2,895	3,070	2,895	3,070	4,370	4,052	9,720	7,600	800
Window sill height	0	0	0	0	760	760	760	760	0	120	0	0	0
Orientation	L	L	R	L	R	R	R	R	R	L	L	L	L
Window head height	2,800	2,800	2,800	2,800	2,860	2,860	2,760	2,760	670	2,470	670	670	5,900
2D Symbol													
3D Front View													
Nominal W/D Opening Height on the Reveal ...	2,800	2,800	2,800	2,800	2,100	2,100	2,000	2,000	670	2,350	670	670	5,900
Nominal W/D Opening Width on the Reveal S...	5,265	2,895	3,070	800	2,895	3,070	2,895	3,070	4,370	4,052	9,720	7,600	800
W/D Opening Nominal Surface Area	14.5	8	8.5	2	6	6.5	6	6	3	9.5	6.5	5	4.5
Quantity	4	1	1	1	3	3	1	1	2	1	2	2	2

1 EXTERNAL DOOR SCHEDULE

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→**DBBP Reg No.** DEP0001277

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BASIX
Certificate No. # LQU7XIGPSI
Scan QR code or follow website link for rating details.
Assessor name: Dimitrios Haralabos
Accreditation No.: HEM/0092
Property Address: 32 Campbell Parade, Bondi, NSW, 2026
https://www.hl5.com.au/QRCode/Landing?Publicid=LQU7XIGPSI&BrowserCode=1

DRAWN I CHECK	MC	DRAWING TITLE :	REVISION NO.
PLOT DATE:	15-Jun-26	DEVELOPMENT APPLICATION ISSUE EXTERNAL WINDOW & DOOR SCHEDULE	3
SCALE:	@ A1		
CLIENT	STM123 No32 Pty Ltd	PROJECT NAME :	DRAWING NO.
SITE:	32 Campbell Parade Bondi NSW 2026 Australia	32 Campbell Parade	DA-22

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Date Received: 18/06/2026

Areas Schedule

Site area (m²)		**238.30**
Max. GFA (SEPP)		**929,37**
Max. GFA		**714.90**
GFA (LEP)	Ground floor	54.20
	1st Floor	141.00
	2nd Floor	128.50
	3rd Floor	124.80
	4th Floor	131.40
	5th Floor	134.80
		714.70

Max. FSR (SEPP)	3.9:1
Max. FSR (LEP)	3.0:1
New FSR	2.999:1

GROUND FLOOR | FIRST FLOOR | SECOND FLOOR | THIRD FLOOR | FOURTH FLOOR | FIFTH FLOOR

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Certificate No. # LQU7XIGPSI
Scan QR code or follow website link for rating details.
Assessor name: Christina Haralabidis
Accreditation No.: HERS/10042
Property Address: 32 Campbell Parade, Bondi, NSW, 2026
https://www.hl5.com.au/QRCodeLanding?Publicid=LQU7XIGPSI&QrCode=1

445

DRAWN | CHECK	MC	DRAWING TITLE :	REVISION NO.
PLOT DATE:	15-Jun-26	DEVELOPMENT APPLICATION ISSUE GFA DIAGRAMS	4
SCALE:	1:150 @ A1		
CLIENT	STM123 No32 Pty Ltd	PROJECT NAME :	DRAWING NO.
SITE:	32 Campbell Parade Bondi NSW 2026 Australia	32 Campbell Parade	DA-23

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Application No: DA-477/2025

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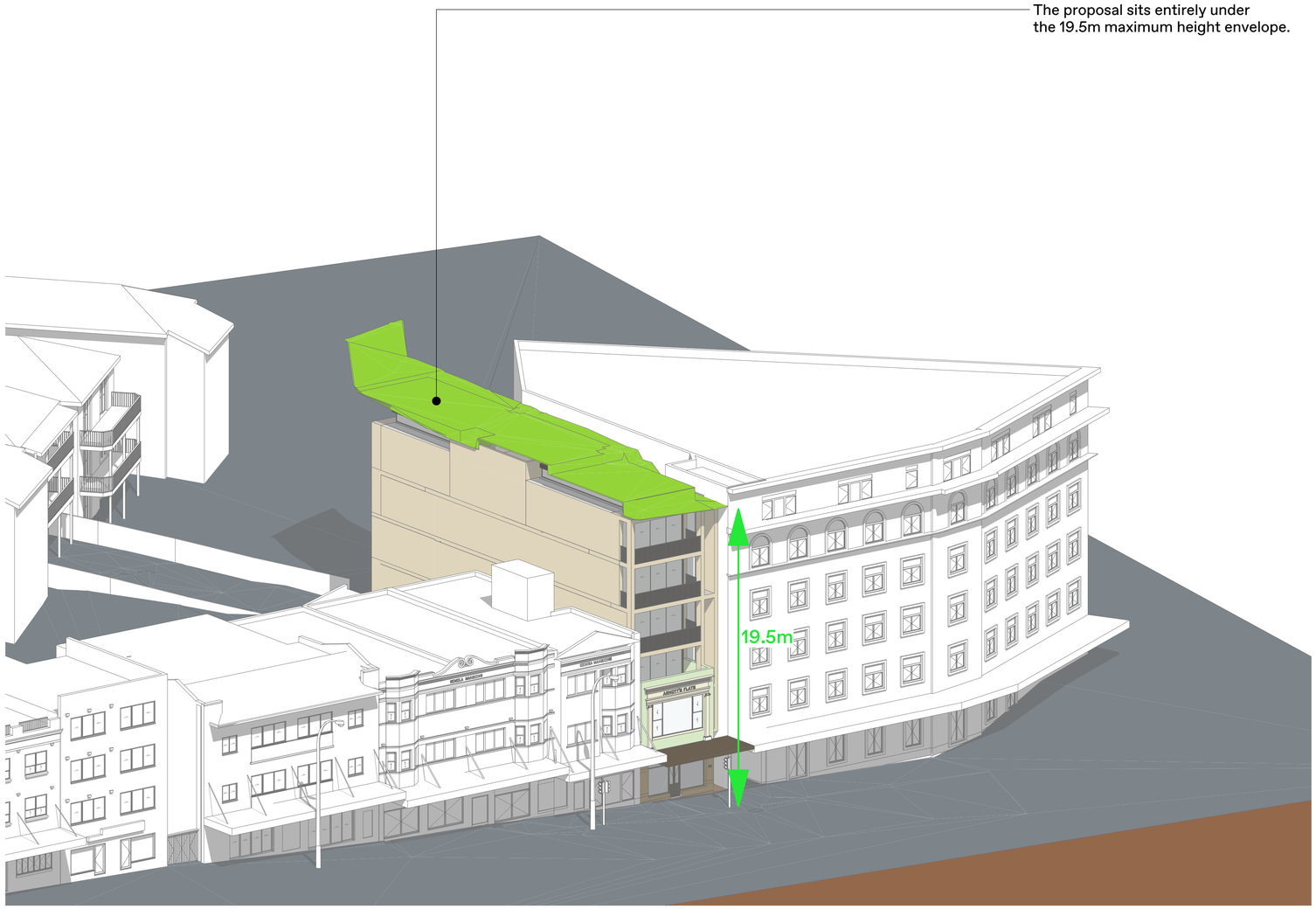

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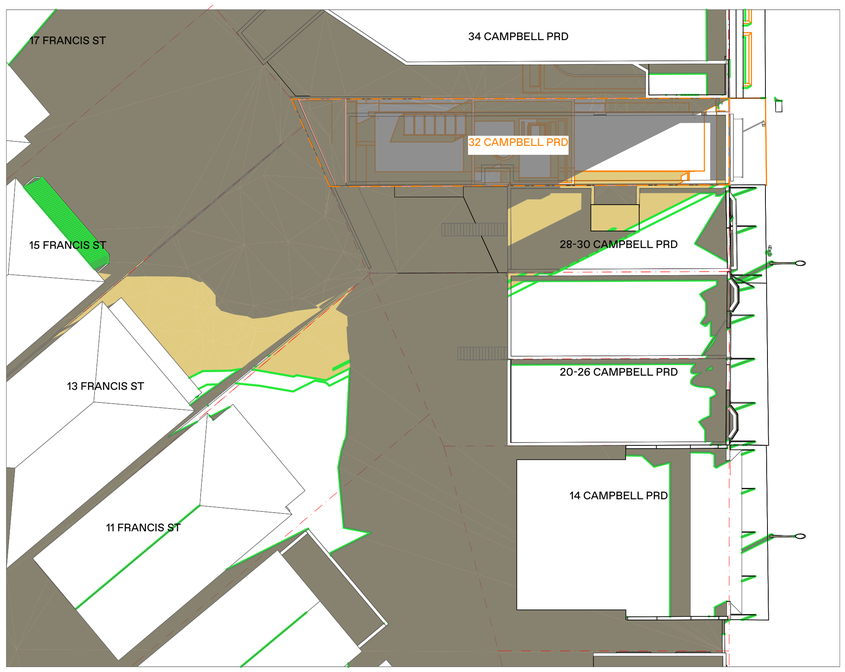
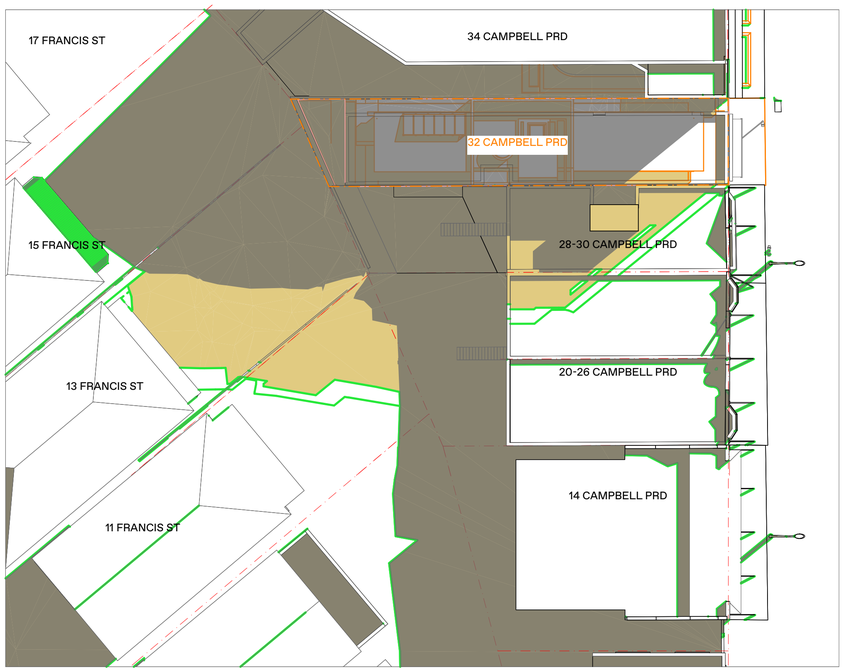
Scan QR code or follow website link for rating details.
Assessor name Dimitrios Haralelos
Accreditation No. HERM-10042
Property Address 32 Campbell Parade, Bondi, NSW, 2026
https://www.hl5.com.au/QRCodeLanding?Publisher=LQUTXIGP5I&Grp=n-t

DRAWN I CHECK	MC	**DRAWING TITLE :**	**REVISION NO.**
PLOT DATE:	15-Jun-26	DEVELOPMENT APPLICATION ISSUE HEIGHT DIAGRAM	3
SCALE:	@ A1		
CLIENT	STM123 No32 Pty Ltd	**PROJECT NAME :**	**DRAWING NO.**
SITE:	32 Campbell Parade Bondi NSW 2026 Australia	32 Campbell Parade	DA-25

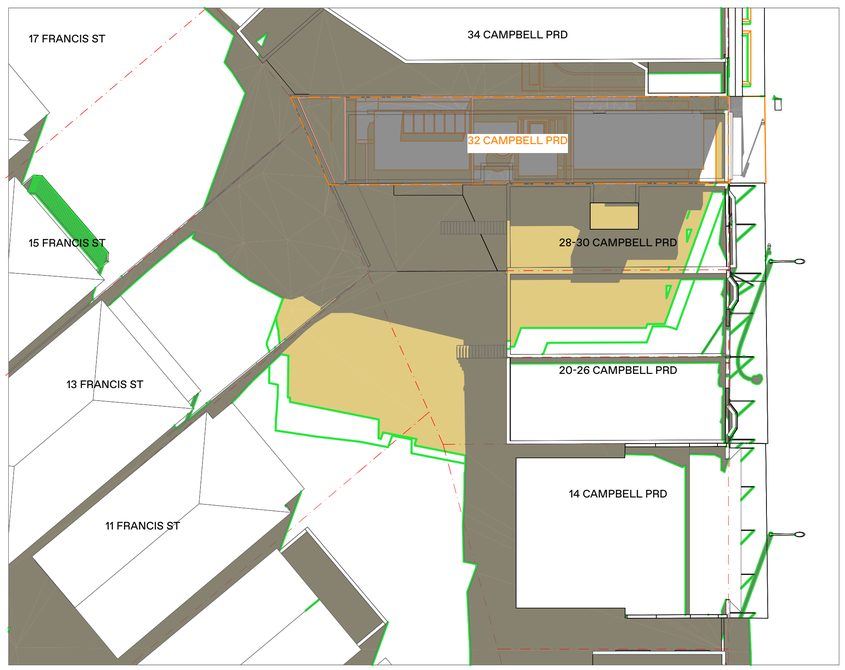


1 21ST JUNE - 9:00 AM



2 21ST JUNE - 10:00 AM

3 21ST JUNE - 11:00 AM



4 21ST JUNE - 12:00 PM

AMENDED PLANS

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Waverley Council

Application No: DA-477/2025

Date Received: 18/06/2026

LEGEND

- ADDITIONAL SHADOWS PROJECTED IF TAKEN TO THE FULL EXTENT ACCORDING TO THE SEPP: 19.5M MAX HEIGHT
- ADDITIONAL SHADOWS PROJECTED FROM PROPOSED DEVELOPMENT FACILITATED BY THE SEPP - 30% UPLIFT: 19.5M MAX HEIGHT
- EXISTING SHADOWS (HATCHED) + POST DEVELOPMENT(YELLOW)

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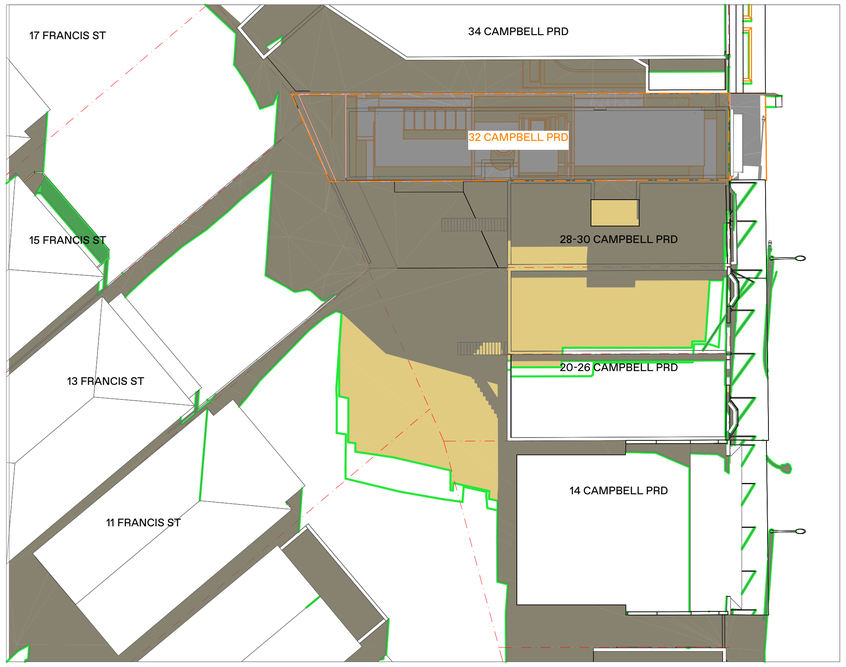
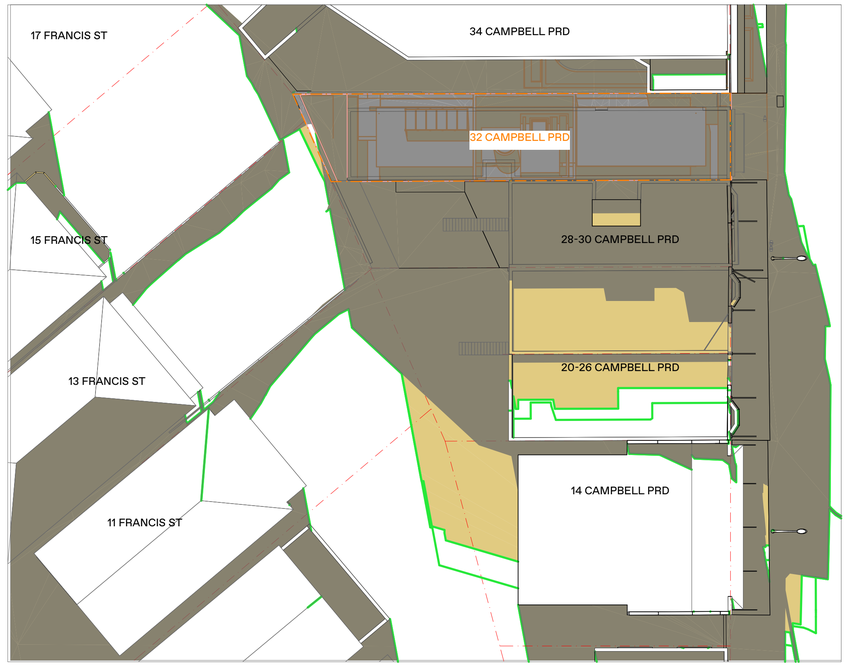
DRAWN I CHECK MC		**DRAWING TITLE :**	**REVISION NO.**
PLOT DATE: 12-Jun-26		DEVELOPMENT APPLICATION ISSUE	3
SCALE:	@ A1	SHADOW DIAGRAMS - PLANS	
CLIENT	STM123 No32 Pty Ltd	**PROJECT NAME :**	**DRAWING NO.**
SITE:	32 Campbell Parade Bondi NSW 2026 Australia	32 Campbell Parade	DA-19



5 21ST JUNE - 1:00 PM



6 21ST JUNE - 2:00 PM

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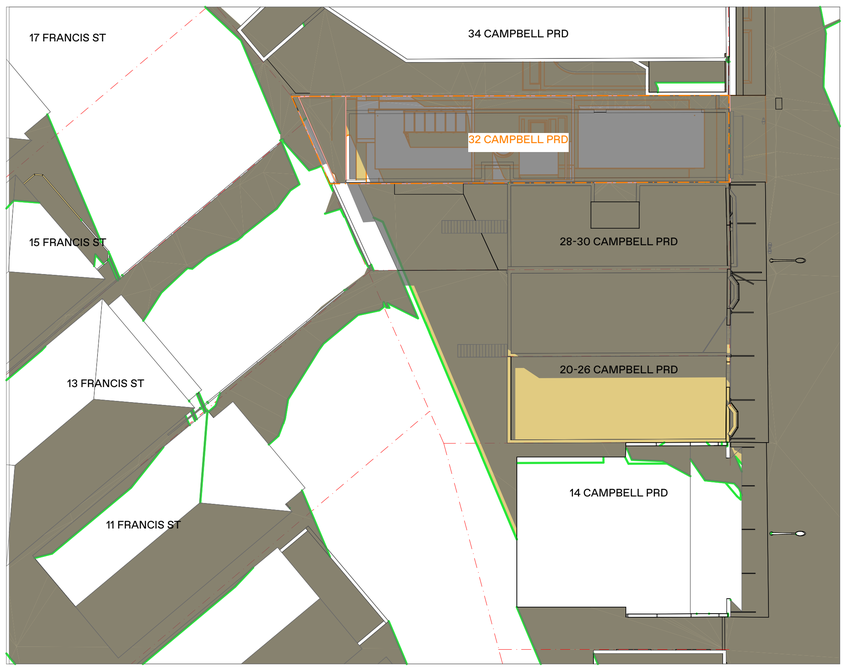
Application No: DA-477/2025

Date Received: 18/06/2026

AMENDED PLANS



7 21ST JUNE - 3:00 PM

LEGEND

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DRAWN I CHECK	MC	**DRAWING TITLE :**	**REVISION NO.**
PLOT DATE:	12-Jun-26	DEVELOPMENT APPLICATION ISSUE SHADOW DIAGRAMS - PLANS	3
SCALE:	@ A1		
CLIENT	STM123 No32 Pty Ltd	**PROJECT NAME :**	**DRAWING NO.**
SITE:	32 Campbell Parade Bondi NSW 2026 Australia	32 Campbell Parade	DA-20

AMENDED PLANS

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Application No: DA-477/2025

Date Received: 18/06/2026

1 13 & 15 FRANCIS ST - REAR ELEVATIONS - JUNE 21ST 9:00AM

2 13 & 15 FRANCIS ST - REAR ELEVATIONS - JUNE 21ST 10:00AM

LEGEND

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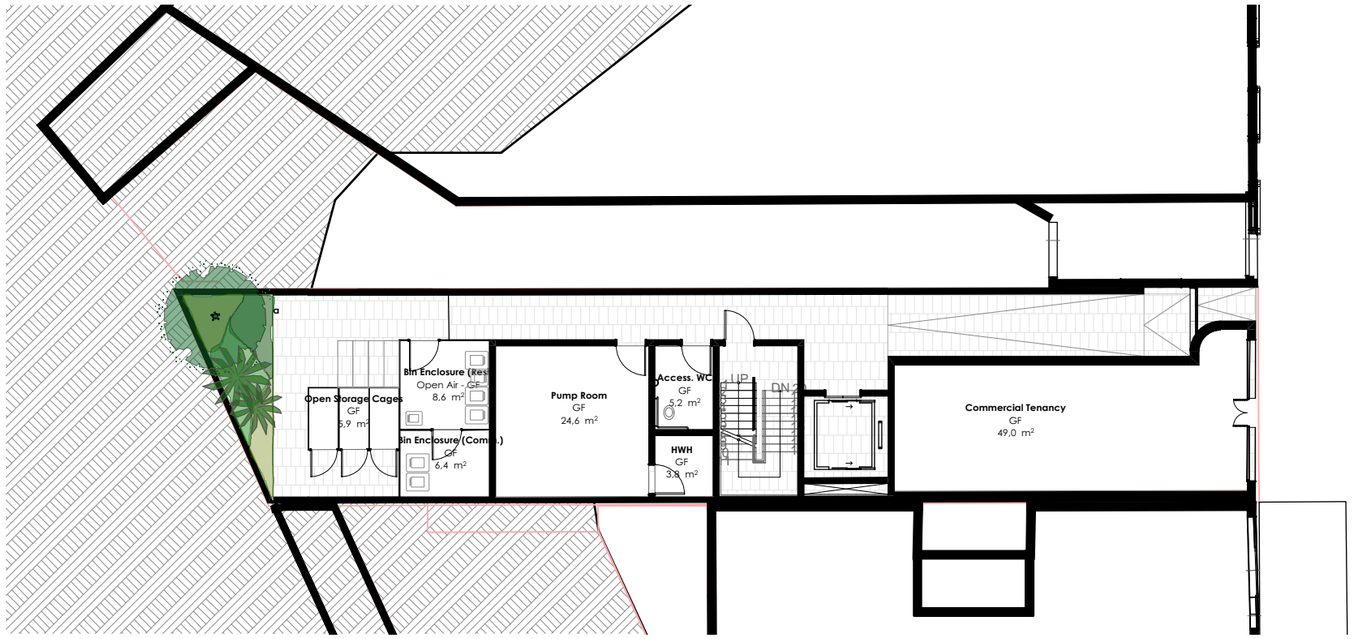
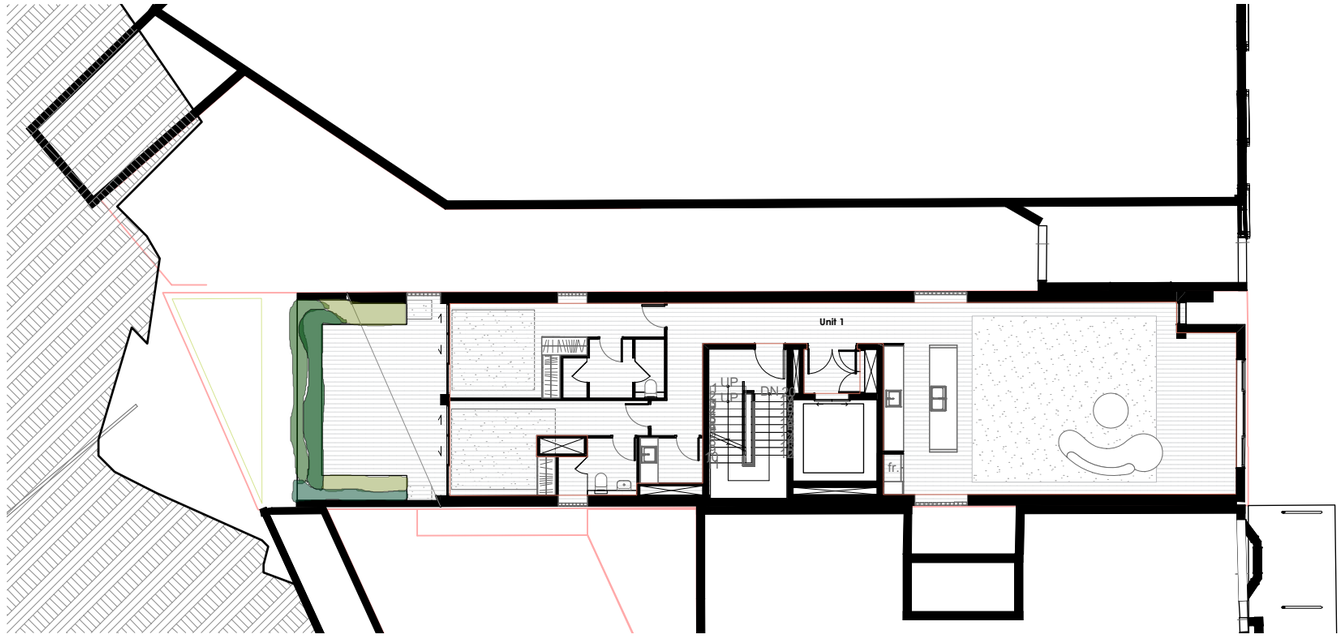
DRAWN | CHECK	MC	DRAWING TITLE :	REVISION NO.
PLOT DATE:	12-Jun-26	DEVELOPMENT APPLICATION ISSUE SHADOW DIAGRAM - ELEVATIONAL	3
SCALE:	@ A1		
CLIENT	STM123 No32 Pty Ltd	PROJECT NAME :	DRAWING NO.
SITE:	32 Campbell Parade Bondi NSW 2026 Australia	32 Campbell Parade	DA-21



GROUND



LEVEL 1

PLANT SCHEDULE				
Botanic Name	Common Name	Pot Size	Max Height (mm)	NO.
Asplenium australasicum	Bird's Nest Fern	300	1500	10
Banksia integrifolia	Coast Banksia	200L	15000	1
Carpobrotus glaucescens	Pigface	200	200	10
Crassula ovata	Jade Plant	200	2000	12
Dichondra repens	Kidney Weed	200	50	15
Howea forsteriana	Kentia Palm	broot/100L/200L	10000	2
Ligularia dentata	Leopard Plant	200	1000	6
Lomandra longifolia 'Tanika'	Tanika Lomandra	200	600	20
Myoporum parvifolium	Creeping Boobialla	200	300	12
Plectranthus argentatus	Silver Spurflower	200	1000	5

NOTE GENERAL:

1. Figure dimensions shall take precedence over scale.
2. Contractors must verify all dimensions on job before commencing any work or making shop drawings.
   2A. All structural works, including demolition, must be verified by a Structural Engineer prior to commencement.
   2B. All structural landscaping and building works must be undertaken by suitably qualified, insured and licensed contractors. Supervision and coordination of such work must be by a licensed structural landscaper and/or builder.
3. The plant schedule provided is indicative and for DA approval purposes only. It is not to be used for quoting or procurement. All quantities and species must be confirmed on site prior to ordering. Responsibility for verifying quantities and updating quotes lies with the contractor.
4. Automatic irrigation system to be installed by irrigation subcontractor who is a suitably qualified, insured and licensed person in the field only.
5. Check existing RLs and all soil depths on site. Advise Landscape Architect of any discrepancies before commencement. Allow for adjustments to suit discrepancies.
6. Contractor/s to familiarise themselves and their team with existing site conditions prior to undertaking any works, including any underground services.
7. Forest Fines Mulch from Australian Native Landscapes to be evenly distributed under all completed garden beds post soil, plant, irrigation and electrical install at a minimum depth of 75 mm (Ph: 13 14 58).
8. Lighting to be from Nocturnal Lighting (Sydney Distributor Ph: 02 9699 6007) or Lumascape Lighting (+61 7 3854 5000), to electrician detail. Allow for power to all garden beds as directed by TWLA. Lighting design and installation must comply with relevant Australian Standards and Council requirements, particularly in regard to light spill and energy efficiency.
9. Pot selection from The Balcony Garden and Martin Kellock Pots, TBD by TWLA.
10.Any natural materials used in the project including but not limited to timber, stone and plant material, may change in appearance and dimension following exposure to use or climatic conditions and this is typical of such materials. Any discrepancy regarding natural or non-natural material to be directed to supplier, landscape contractor, stonemason, manufacturer or the like. No responsibility for material used on project rests with Landscape Architect.
11. Comply with relevant authority requirements.
12. Comply with National Construction Code requirements.
13. Comply with Australian Standards for material, construction and landscape practice.
14. Comply with BASIX certificate, if applicable.
15. Do not scale from drawings.
16. This drawing is protected by copyright.
17. All existing trees to be retained must be protected in accordance with AS 4970–2009 Protection of Trees on Development Sites. No encroachment or disturbance within TPZ (Tree Protection Zone) without prior arborist and council approval.
18. All landscape works must not impede existing overland flow paths or approved stormwater systems. Surface levels must not redirect water onto adjacent properties. Coordination with Hydraulic Engineer required where applicable.
19. All waste from landscape works to be managed and disposed of in accordance with Council's construction site management requirements and NSW EPA guidelines.
22. Imported soils and fill must comply with AS 4419–2018 Soils for landscaping and garden use, be weed-free, and meet specified planting depths.
23. The contractor must maintain all landscaping for a minimum of 13 weeks post-practical completion or as directed by the principal/landscape architect. This includes watering, weeding, staking, and replacement of failed plants.
24. No declared environmental weeds (as per NSW DPIE or Council list) are to be used in the landscape. All plant species must be non-invasive and suitable to the local ecosystem.
25. All landscape areas must maintain compliance with the Disability Discrimination Act 1992 (Cth) and AS 1428.1–2009 for accessible paths and elements, where applicable.
26. The contractor is responsible for ensuring the site is secure and safe during all phases of works, with appropriate fencing, signage and public protection measures in place as per SafeWork NSW requirements.

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Waverley Council

Receipt No: DA-477/2025

Date Received: 19/09/2025

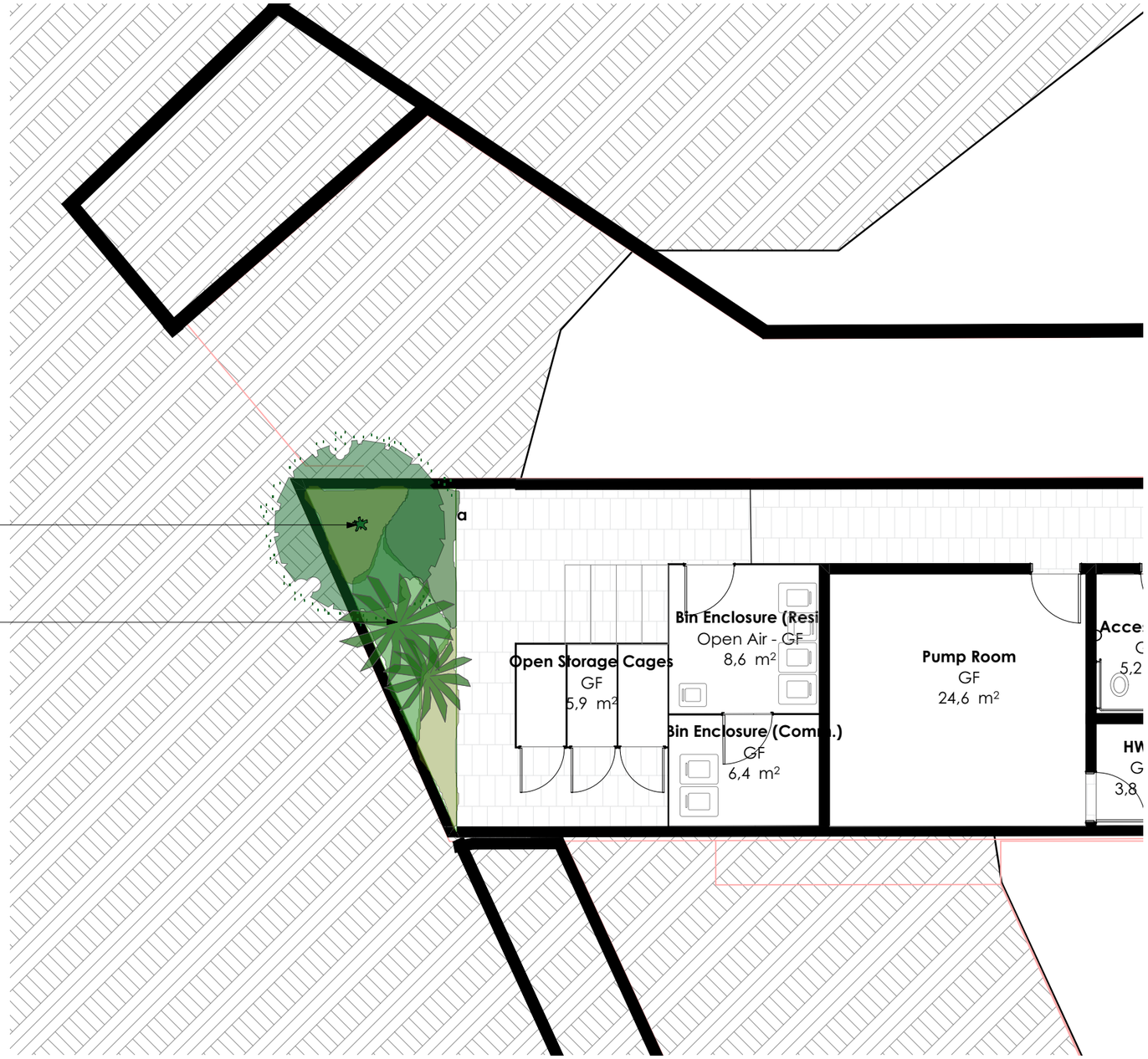
TWLA
TANYA WOOD LANDSCAPE ARCHITECTURE
PHONE 0421 968 038
EMAIL tanya@twla.com.au
WEB www.twla.com.au
ABN 61 100 972 986

DATE	REVISION	NOTE	RECIPIENT
28.05.2025	A	DA	Arch/client
28.08.2025	B	DA	Arch/client

Figure dimensions shall take precedence over scale. Contractors must verify all dimensions on job before commencing any work or making shop drawings. Check existing RL's on site. Advise Landscape Architect of any discrepancies before commencement. Allow for adjustments to suit discrepancies. Comply with relevant authority requirements. comply with National Construction Code requirements. Comply with Australian Standards for material and construction practice. Comply with BASIX certificate. Do not scale from drawings. This drawing is protected by copyright.

Project:	Dwg no:	Drawn by:	Checked:	Scale:
32 Campbell Pde Bondi	LP01-0725	TW	TW	1:200@A3
Client:	Title:	Issue:	Revision:	Date:
STM 123 No 32 Pty Ltd	Site Plan	01	B	Aug 2025

N



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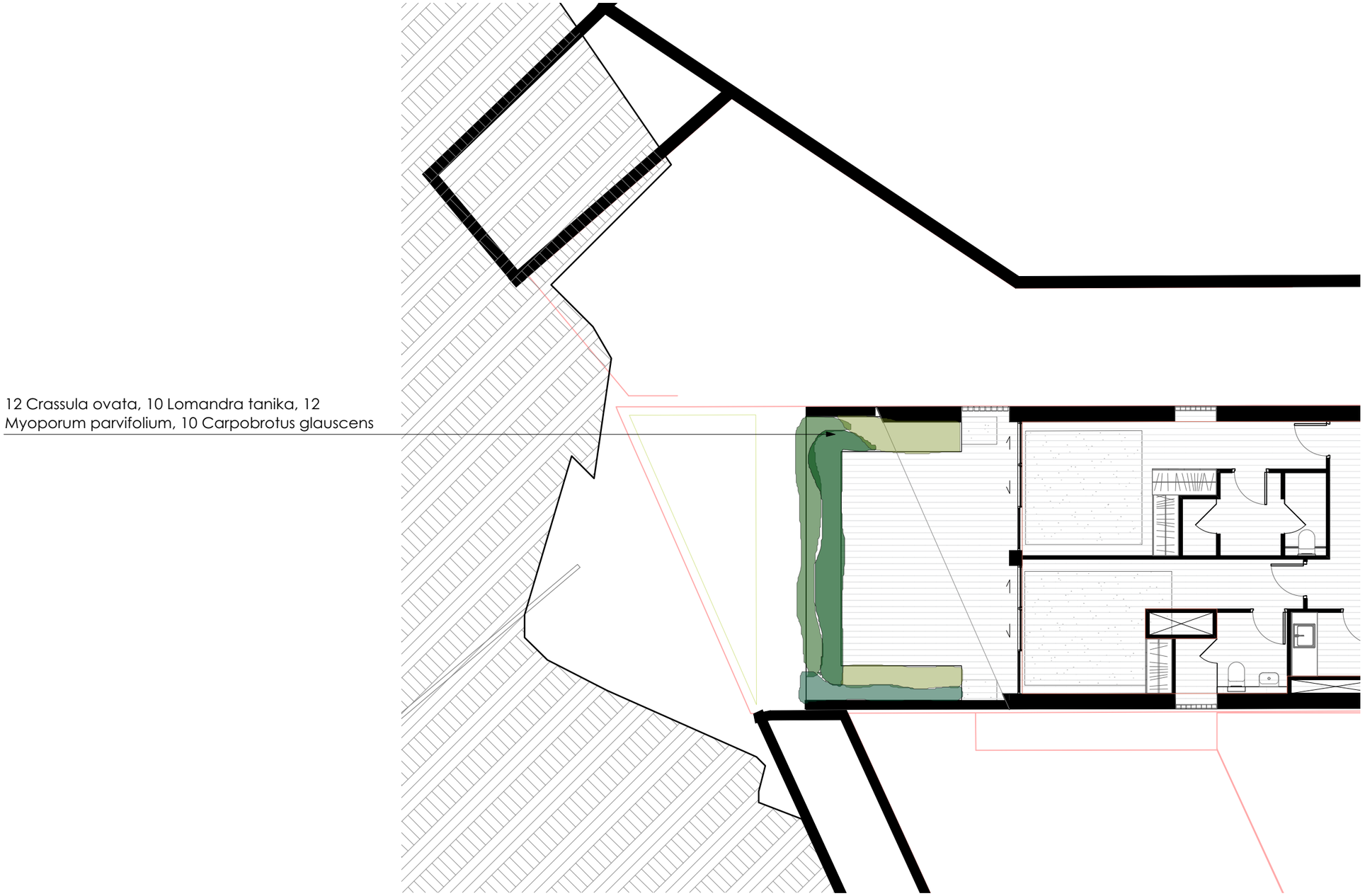
Project: 32 Campbell Pde Bondi
Client: STM 123 No 32 Pty Ltd

Dwg no:	Drawn by:	Checked:	Scale:
LP02-0725	TW	TW	1:100@A3
Title: Landscape Plan - Ground	Issue: 01	Revision: B	Date: Aug 2025

N



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PHONE 0421 968 038
EMAIL tanya@twla.com.au
WEB www.twla.com.au
ABN 61 100 972 986

DATE	REVISION	NOTE	RECIPIENT
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28.08.2025	B	DA	Arch/client

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Project: 32 Campbell Pde Bondi
Client: STM 123 No 32 Pty Ltd

Dwg no: LP03-0725
Title: Landscape Plan - Level 1
Drawn by: TW
Checked: TW
Scale: 1:100@A3
Issue: 01
Revision: B
Date: Aug 2025