19 November 2025

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

11.00AM WEDNESDAY, 26 November 2025

QUORUM: Three Panel members.

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

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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-2511.A
Apologies

WLPP-2511.DI
Declarations of Interest

The Chair will call for any declarations of interest.

WLPP-2511.1 **PAGE 5**
723-725 Old South Head Road VAUCLUSE NSW 2030 - Demolition of existing semi-detached dwellings and construction of a four-storey residential flat building containing six apartments including one for affordable housing and basement parking**.** (**DA-190/2025)**

Report dated 30 October 2025 from MoDA.

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

WLPP-2511.2 **PAGE 142**
95 Hardy Street DOVER HEIGHTS NSW 2030 - Alterations and additions to dwelling, including demolition, new balconies and associated landscaping works. **(DA-490/2025)**

Report dated 31 October 2025 from MoDA.

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

WLPP-2511.3 **PAGE 205**
118 Macpherson Street BRONTE NSW 2024 - Change of use from commercial tenancy to a licensed restaurant with internal fit out including kitchen exhaust system, external signage and change to operating hours**. (DA-409/2025)**

Report dated 13 November 2025 from MoDA.

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

WLPP-2511.4 **PAGE 254**
23 Bourke Street QUEENS PARK NSW 2022- Alterations and additions to semi-detached dwelling including rear first floor extension and new roof, and use of existing unauthorised development. (DA-354/2025)

Report dated 30 October 2025 from MoDA.

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

WLPP-2511.5 **PAGE 309**
21 Chesterfield Parade BRONTE NSW 2024 - Demolition of part of the existing roof, and alteration and renovation of the existing two-storey single dwelling. (DA-494/2025)

Report dated 29 October 2025 from MoDA.

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

WLPP-2511.6 **PAGE 351**
13 Darling Street BRONTE NSW 2024- Alterations and additions to the existing dual occupancy dwelling including extension of the dwelling towards the rear. **(DA-430/2025)**

Report dated 7 November 2025 from MoDA.

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

WLPP-2511.7 **PAGE 396**
26 Hall Street BONDI BEACH NSW 2026- Demolition of existing structures, construction of a new building with shop top housing, in-fill affordable housing, ground floor commercial and basement car parking **(DA-209/2025)**

Report dated 13 November 2025 from MoDA.

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

WLPP-2511.8 **PAGE 571**
80 Francis Street BONDI BEACH NSW 2026- Alterations and additions to semi-detached dwelling including new first floor. **(DA-320/2025)**

Report dated 12 October 2025 from MoDA.

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

WLPP-2511.9 **PAGE 649**
82 Francis Street BONDI BEACH NSW 2026- Alterations and additions to a semi-detached dwelling including a new first floor. **(DA-321/2025)**

Report dated 12 October 2025 from MoDA.

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



Report to the Waverley Local Planning Panel

Application number	DA-190/2025 (PAN-532649)
Site address	723-725 Old South Head Road VAUCLUSE
Proposal	Demolition of existing semi-detached dwellings and construction of a four-storey residential flat building containing six apartments including one for affordable housing and basement parking.
Date of lodgement	20/05/2025
Owner	Song and Chen Pty Ltd
Applicant	CSA Architects Pty Ltd
Submissions	Seven objections
Cost of works	$5 120 953
Principal Issues	• Landscaped area • Separation distances
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 demolition of existing semi-detached dwellings and construction of a four-storey residential flat building containing six apartments, including one for affordable housing, and basement parking at 723-725 Old South Head Road, Vaucluse.

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

- Landscaped area: The proposal does not meet the minimum required landscaped area however the site accommodates sufficient other areas of planting within the site to balance the variation.
- Separation distances: The proposal has been amended to provide privacy measures to ameliorate the impact of insufficient separation distances.

The assessment finds these issues acceptable.

A total number of seven submissions were received and the issues raised in the submissions 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*. It is recommended for approval subject to conditions of consent.

1.2. Site and Surrounding Locality

A site visit was carried out on 25/08/2025.

The site is identified as Lot 10 in DP 333478, known as 723-725 Old South Head Road, Vaucluse.

The site is irregular in shape with a frontage of 27.08m to Old South Head Road and 27.755m to Diamond Bay Road. The site has an area of 532.2m^2 and falls from the north to the south by approximately 2m.

The site is occupied by a pair of single storey semi-detached dwellings with vehicular access provided from Diamond Bay Road to garages beneath each dwelling.

The site is adjoined by a four-storey residential flat building to the north and a pair of semi-detached dwellings to the east. Opposite the site to the west is the Diamond Bay Bowling Club. Houses opposite the site on Old South Head Road are contained within the Woollahra Local Government Area. The locality is characterised by a variety of low and medium density residential developments including residential flat buildings which are predominantly four-storeys and dwelling houses.

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



Figure 1: The subject site viewed from Diamond Bay Road from the south



Figure 2: Subject site viewed from Old South Head Road from the west



Figure 3: Diamond Bay Bowling Club opposite the site to the south



Figure 4: Adjoining pair of semi-detached dwellings to the east at Nos. 2 & 4 Diamond Bay Road



Figure 5: Adjoining residential flat building to the north, No. 727 Old South Head Road



Figure 6: Northern boundary of the site where it adjoins the residential flat building at No. 727 Old South Head Road

1.3. Relevant Development History

There is no record of recent development history for this site.

1.4. Proposal

The development application seeks consent for demolition of the existing pair of semi-detached dwellings and construction of a part three, part four-storey residential flat building with basement parking.

The proposal will provide six apartments, including one affordable housing apartment, comprised of:

- 3 x two-bedroom apartments (including one affordable housing)
- 3 x three-bedroom apartments.

Two levels of basement will be provided including one at the lowest level containing parking for eight vehicles, two motorcycles and bin storage; and another half level containing storage for the apartments, plant and bicycle storage. The carpark is to be accessed via a single width driveway from Diamond Bay Road.

The affordable housing apartment will be contained at the ground level fronting Diamond Bay Road with access to a private courtyard along this frontage.

1.5. Background

After initial assessment, the development application was deferred on 04/09/2025 for the following reasons:

1. Separation distances and privacy
2. Landscaped area and deep soil
3. Compliance with Waverley Development Control Plan 2022 in regard to ceiling fans; visitor parking; EV charging; the provision of a 2m wide deep soil zone along one boundary; and details of fencing.
4. Waverley Design Excellence Panel comments regarding a more efficient basement layout; window changes; deep soil targets; and materials and finishes.
5. Additional and incorrect information.

The amended plans received on 17/09/2025 form the basis of the assessment.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

- SEPP (Sustainable Buildings) 2022
- SEPP (Housing) 2021
- SEPP (Transport and Infrastructure) 2021
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021

A detailed discussion is provided for relevant SEPP as follows:

SEPP (Housing) 2021

Chapter 2 Part 2 Development for affordable housing

Part 2, Division 1 of Chapter 2 of the SEPP (Housing) 2021 (Housing SEPP) 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.

Table 1: Housing SEPP (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 or another environmental planning instrument, and* *(b) the affordable housing component is at least 10%, and* *(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*	Yes	The proposal is defined as a '*residential flat building*' which is permitted with consent in the R3 *Medium Density Residential* zone under Waverley Local Environmental Plan 2012 (LEP 2012). The proposal will provide 13% 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
(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 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—* affordable housing component = additional floor space ratio (as a percentage) ÷ 2	Yes	The FSR development standard of LEP 2012 is 0.9:1. Under the provisions of the Housing SEPP a bonus of up to 30% is applicable provided that at least half of the bonus is used for affordable housing. The proposal provides 13% of the development as affordable housing and as such a 26% bonus applies equating to a maximum FSR of 1.13:1 (601.52m^2). Of the 601.52m^2 gross floor area (GFA) facilitated by this incentive, 13% equates to 78.2m^2. The proposal allocates the ground floor apartment as an affordable rental unit. This apartment has a GFA of 78.2m^2 or 13% of GFA and therefore meets the minimum requirement.
(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	Yes	The height development standard of LEP 2012 is 12.5m. Under the provisions of the Housing SEPP a bonus height of 26% (3.25m) is applicable to the development equating to a maximum height of 15.75m. The proposal

Provision	Compliance	Comment
housing is the maximum permissible building height for the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).		has a maximum height of 13.03m complying with the development standard.
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	N/A	Section 16 applies as previously discussed.
19 Non-discretionary development standards—the Act, s 4.15 *(1) The object of this section is to identify development standards for particular 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—*		The non-discretionary development standards of SEPP Housing 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 development consent being granted if a non-discretionary development standard is not complied with.
(a) a minimum site area of 450m^2,	Yes	The site has an area of 532.2m^2.
(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*	No	The lessor of the two requirements is 30% of the site area which equates to 159.66m^2. The proposal provides 87.55m^2 of landscaped area that meets the definition equating to 16.4% of the 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 Local Environmental Plan 2012 (LEP) has been

Provision	Compliance	Comment
intended to be used for a driveway or parking area.		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,*	N/A	Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies. Chapter 4 *Design of residential apartment development* applies to the subject development.
(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,	N/A	Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies. Chapter 4 *Design of residential apartment development* applies to the subject development.
(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,*	Yes	The proposal provides 1 x 2-bedroom apartment as affordable housing equating to a requirement for one space for the affordable housing apartments. The proposed car park provides 8 residential car spaces. A condition will require that one space is allocated to the affordable housing apartments.
(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,*	Yes	The proposal provides 2 x 2-bedroom and 3 x 3-bedroom apartments that are not to used for affordable housing. Under the SEPP at least seven spaces are to be allocated to these apartments. Given that the basement provides 8 spaces and one space is to be allocated to the affordable housing apartments, the remaining seven spaces are to be allocated to the non-affordable apartments by condition. The proposal will be compliant with the requirements of the SEPP.
(g) the minimum internal area, if any, specified in the Apartment Design Guide for	Yes	All apartments meet the minimum internal area requirements of the ADG.

Provision	Compliance	Comment
the type of residential 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 a residential flat building.
(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.*	N/A	Paragraph (g) applies as previously discussed.
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.*		Refer to Table 2 of this report for discussion in relation to the comments of the DEAP. The proposal is considered to appropriately respond to the emerging character of the local area. The amended proposal is consistent with the height, bulk and scale of surrounding development with a part three, part four-storey built form being the emerging character of the area given the zoning of the site for medium density development.
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.

Chapter 4 Design of residential apartment development

The application was referred to the Waverley Design Advisory Excellence Panel (DEAP) on 09/10/2024. The DEAP's comment of the proposed development against the nine design quality principles under the Apartment Design Guide and a planning response to each comment are set out in **Table 2** of this report.

Table 2: Assessment against the Nine Design Quality Principles under the Housing SEPP

Principle 1: Context and Neighbourhood
The proposal is considered to achieve this principle. The building typology, use and the overall built form are considered appropriate given the R3 zoning, overall neighbourhood character and corner block address. **Comment:** The amended proposal continues the appropriate built form by simply shifting the 500mm to the south to provide a 2m setback from the northern boundary.
Principle 2: Built Form and Scale
The Panel note that the building is well below the LEP height. The Panel recognise the challenges that the tight nature of the site, site topography and the dual frontage has created within respect to building setbacks and overall form. The Panel generally supports the approach, however request the following refinements in order to meet design excellence: • *Development of a more efficient basement layout to reduce the overall footprint and minimise excavation. In particular, removing the notch adjacent to Unit 5's car space may optimise constructability, improve deep soil provision, and deliver potential cost savings in excavation and structural works.* **Comment:** The amended proposal has redesigned the basement carpark to reduce the setback from the front boundary and increase the setback from the northern boundary to provide greater deep soil on the site. The amended basement design is considered appropriate.
Principle 3: Density
The proposal is considered to achieve this principle.
Principle 4: Sustainability
Deep soil targets have not been achieved for this site noting that the narrow zones along the eastern boundary do not meet the minimum width as per Waverley Council DCP *The provision of photovoltaic panels on the roof level is supported.* **Comment:** The amended proposal increases the deep soil zone on the site. The landscaped area and deep soil zones are discussed elsewhere in this report and are considered satisfactory.
Principle 5: Landscape
The Panel generally support the Landscape approach, however request the following refinements in order to meet design excellence:

- *The Panel encourages reconsideration of the basement configuration, particularly the notch adjacent to Unit 5's car space. Eliminating this recess could allow for an increase in deep soil planting along Old South Head Road, enhancing tree growth potential and landscape resilience.*
- *Raised planter edges along the Old South Head Road frontage should be minimised or removed. These features are vulnerable to vandalism and contribute to increased soil moisture loss, undermining the effectiveness and longevity of the planting. A more integrated and passive edge condition is encouraged to support urban landscape performance and amenity.*

Comment: The amended proposal has redesigned the basement to provide the deep soil zone along the northern side boundary of the site. The landscaping along Old South Head Road is considered appropriate given that at least 3m of soil depth is retained to the lowest level of the basement. This will enable sufficient soil depth for planting within the front setback of the site.

The raised planter edges are considered appropriate to delineate the site given that the proposal does not include a front fence along Old South Head Road.

Principle 6: Amenity

The Panel generally support the landscape approach, however request the following refinements in order to meet design excellence:

- *Review the arrangement and datum of all windows to ensure architectural consistency and amenity of residents. By way of example the Panel question the decision for the typology of windows of bathrooms along the northern elevation. Bedroom windows along the eastern elevation should be similarly reviewed from a privacy and screen perspective.*

Comment: The amended proposal has reviewed the window arrangements as follows:

- The windows to the bedrooms along the eastern elevation are to be replaced with windows with a minimum 1.7m sill height which offer improved amenity for the building while also preserving privacy.
- The windows of the bathrooms along the northern elevation have been updated with two windows and the replacement of windows (W5.04 and W3.04) with fixed windows.
- Circular windows to the bathrooms are retained as an expression of the architects desired outcome for the building.
- The full height windows and doors in the development have been increased in height, to be genuinely 'full' height, to the underside of the ceiling.

Principle 7: Safety

The proposal is considered to achieve this principle.

Principle 8: Housing Diversity and Social Interaction

The proposal is considered to achieve this principle.

Principle 9: Aesthetics

The proposal does not currently achieve this principle.

Given the site's exposed coastal context, the proposed use of render and paint as the primary façade treatment raises concerns regarding long-term durability and visual integrity. Unless executed to an

exceptionally high specification, these finishes are prone to weathering and deterioration, which can significantly compromise the building's aesthetic over time.

A more resilient and contextually appropriate approach—such as the use of white face brick or another robust, low-maintenance material—would better respond to the site's climatic conditions while enhancing the architectural quality and longevity of the development.

Comment: The amended proposal has changed the materiality of the primary façade to face brick with off-form concrete balcony expression. There is no more use of render and paint. This is considered a more resilient and contextually appropriate approach.

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 these provisions within the ADG is provided in **Table 3** of this report.

Table 3: Apartment Design Guide

Design Criteria	Compliance	Comment
3F Visual privacy		
Min separation distances from buildings to side and rear boundaries: • *Up to 12m (4 storey) – 6m habitable & 3m non-habitable* • *Increased separation of 3m where adjoins a lower density zone*	No	The proposal does not achieve the minimum separation distances on the northern and eastern boundaries of the site. Living area windows are orientated toward the front boundary and windows to bedrooms and non-habitable rooms are contained on the side boundaries. Given the lack of separation distances provided the following measures are proposed to ameliorate privacy impacts upon adjoining properties: • Kitchen windows on the northern elevation are highlight windows above the field of vision.

Design Criteria	Compliance	Comment
		• Bedroom windows on both the northern and eastern elevations have minimum sill heights of 1.7m to allow light whilst inhibiting overlooking. • The side elevations of balconies are partially screened and located to ensure overlooking of the front setback of the adjoining property rather than windows or balconies. • The small balconies on the eastern side of the building are provided with screening on the eastern side to inhibit overlooking to the adjoining semi-detached dwelling. These balconies are also small in size and accessed via bedrooms which are a low use room. • At the top floor level, the extent of the northern side balcony has been reduced to a minimal width of 150mm ensuring that it cannot be used for gathering. • At the top floor level, the eastern facing balcony has been reduced in area through the inclusion of planters around the perimeter of the roof edge. The amended plans have satisfactorily addressed privacy measures ensuring no unreasonable privacy impact upon surrounding properties.
4A Solar and daylight access		
• *Living rooms and private open spaces of at least 70% of units receive minimum of 2 hours direct sunlight between 9am-3pm mid-winter* • *A maximum of 15% receive no direct sunlight between 9am-3pm mid-winter.*	Yes No	• 83% of units (5 of the 6) receive at least 2 hours mid winter. • One unit receives no solar access in mid-winter representing 17% of units. • All units are at least dual aspect. The proposal marginally exceeds the 15% maximum requirement for apartments with no solar access. This is consequence of the small number of apartments proposed that in order to achieve compliance, less than one apartment would be required. Given that this is a technical non-compliance, the minor variation is considered acceptable. The proposal is consistent with the remaining objectives of this part of the ADG ensuring that daylight access is satisfactory and incorporating shading in the warmer months.

4B Natural ventilation		
• *All habitable rooms are naturally ventilated* • *Number of units with natural cross ventilation is maximised:* – *At least 60% of units naturally ventilated*	Yes	• All habitable rooms are provided with at least one window for natural ventilation. • All units have at least dual aspects and as such, 100% of the units can be naturally cross ventilated.
4C Ceiling heights		
• *Habitable rooms – 2.7m* • *Non-habitable rooms – 2.4m*	Yes	The ceiling heights within all units comply with the minimum requirement. The proposal provides a minimum of 3.2m floor to floor which is sufficient for obtaining 2.7m floor to ceiling heights.
4D Apartment size and layout		
The following minimum internal areas apply: • *2 Bed = 70 m^2* • *3 Bed = 90 m^2* • *Add 5m^2 for each additional bathroom (above 1)* • *Add 12m^2 for each additional bedroom* *Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room*	Yes	All units have internal areas in excess of the minimum ADG requirements. In this regard, the proposed units sizes and layout are acceptable. The proposal is capable of achieving compliance with the minimum glazed area to each habitable room. All bedrooms meet the minimum requirements in terms of dimensions and area. All kitchens are separate to the circulation spaces. All robes and storage spaces are appropriately sized. The proposal is consistent with the objectives of this part of the ADG.
4E Private open space and balconies		
All apartments provide primary balcony as follows: • *2-bed - 10m^2 & 2m depth* • *3+bed - 12m^2 & 2.4m depth* • *Ground level, min 15m^2 & 3m depth*	Yes	100% of the units are provided with a balcony or courtyard accessed from the main living areas that meets the minimum requirements of the ADG in terms of area and depth as follows: • Unit 1 (2-bed): Courtyard with an area of 31.76m^2 overall and depth of 3.068m within the principal space. • Unit 2 (2-bed): Courtyard with an overall area of 34.22m^2. The principal area has an area of 13.5m^2 and depth of 3.3m. • Unit 3 (3-bed): Courtyard with an overall area of 19.21m^2 and a minimum depth of 3.64m within the principal space.

		• Unit 4 (2-bed): Two balconies with principal space providing a depth of 2.3m and area of 10.09m^2. The secondary balcony has a depth of 1.1m and area of 15.82m^2. • Unit 5 (3-bed): Two balconies with principal space providing a minimum depth of 3m and area of 12m^2. The secondary balcony accessed from a bedroom has a depth of 1.4m and area of 5.85m^2. • Unit 6 (3-bed): Three balconies with principal open space providing a depth of 2.64m and area of 23.56m^2. The secondary balcony accessed from bedrooms has a depth of 2.335m and area of 46.4m^2. The design of the balconies and courtyards is integrated into, and contributes to, the architectural form and detail of the building. The finishes of the balconies is consistent with the contemporary palette of materials in the building overall. Screens or solid side walls are provided to enhance privacy.
4F Common circulation and spaces		
• *Max of 8 units accessed off a circulation core on a single level*	Yes	Maximum of two apartments accessed from the circulation core.
4G Storage		
In addition to kitchens, bathrooms and bedrooms, the following is provided: • *2-bed – 8m^3* • *3+bed – 10m^3*	Yes	The proposal provides separate storage within each apartment and a storage cage allocated to each apartment in the basement. The storage provided meets the requirements and objectives of the ADG. Condition imposed to ensure compliance in this respect.

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 4: 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 *R3 Medium Density Residential Zone* • *To provide for the housing needs of the community within a medium density residential environment.* • *To provide a variety of housing types within a medium density residential environment.* • *To enable other land uses that provide facilities or services to meet the day to day needs of residents.* • *To maximise public transport patronage and encourage walking and cycling.* • *To increase or preserve residential dwelling density.* • *To encourage the supply of housing, including affordable housing, that meets the needs of the population, particularly housing for older people and people with disability.* • *To provide development that is compatible with the desired future character and amenity of the surrounding neighbourhood.* • *To promote development that incorporates planning and design measures that reduce the urban heat island effect.* • *To improve the urban tree canopy by providing high levels of deep soil planting and additional landscaping.*	Yes	The proposal is defined as a *residential flat building* which is permitted with consent in the R3 zone. The proposal is generally consistent with the objectives of the R3 zone as it continues to contribute to the variety of housing types within a medium density environment. The basement car park accommodates vehicular and bicycle parking and does not seek more than the minimum requirements of the Housing SEPP thereby encouraging public transport patronage, walking and cycling. The proposal will increase the number of dwellings on the site. The proposal will provide an affordable housing apartment under the provisions of the Housing SEPP increasing affordable housing within the LGA. The proposal will also provide a contribution towards the provision of affordable housing under Clause 6.17 of the LEP. The proposal is compatible with the desired future character and preserves the amenity of the surrounding neighbourhood. Deep soil landscaping will be provided and the proposal will increase the urban canopy through the provision of additional trees and landscaping on the site. This will contribute to a reduction in the urban heat island effect.
Part 4 Principal development standards		
4.3 Height of buildings • *12.5m*	Yes	The height development standard of LEP 2012 is 12.5m. Under the provisions of the Housing SEPP a bonus height of 26% (3.25m) is applicable to the development equating to a maximum height of 15.75m. The proposal has a maximum height of 13.03m complying with the development standard.

4.4 Floor space ratio and • *0.9:1*	Yes	The FSR development standard of LEP 2012 is 0.9:1. Under the provisions of the Housing SEPP a bonus of up to 30% is applicable provided that at least half of the bonus is used for affordable housing. The proposal provides 13% of the development as affordable housing and as such a 26% bonus applies equating to a maximum FSR of 1.13:1 (603.5m^2). The proposal has an FSR of 1.13:1 (601.52m^2) 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 landscaped area development standard contained within the Housing SEPP. A detailed discussion of the variation to the development standard is presented below this table.
Part 5 Miscellaneous provisions		
5.21 Flood Planning	Yes	The property is on land identified as flood affected within the low risk precinct as defined by DCP 2022. A flood impact assessment has been prepared by NB Consulting Engineer and reviewed by Council's Stormwater Engineers. The relevant flood controls have been included in the consent conditions.
Part 6 Additional local provisions		
6.2 Earthworks	Yes	The proposal includes excavation to provide a basement car park. A Geotechnical Report was provided outlining methods and recommendations to ensure excavation does not impact surrounding properties. Conditions relating to excavation are also included in the consent conditions. The proposal, subject to conditions, is considered to be consistent with this clause of the LEP.
6.14 Waste minimisation and recycling	Yes	Waste storage rooms for bins and bulky waste have been included in the basement levels which are capable of providing the required number of bins. A condition specifying the bin numbers is included in the consent. The waste

		management plan is also referenced in the conditions of consent.
6.15 Stormwater Management	Yes	The proposal was referred to Council's stormwater engineers who reviewed the proposal and raised no issues in relation to stormwater and flooding subject to conditions which are included in the consent.
6.17 Affordable housing contributions	Yes	This clause requires development for the purposes of a new residential flat building, multi-dwelling, shop top housing or independent living unit to provide a contribution towards affordable housing by way of monetary contribution or dedication of unit/s. The applicant has opted to provide a contribution. An assessment against Clause 6.17 in the WLEP2012 is provided as follows: • 1% of 501.42m^2 is 5.0142m^2 (GFA excludes affordable housing apartment) • 5.0142m^2 x $25,000 (Vaucluse benchmark rate) = $125,355 A condition regarding the contribution (as agreed by the Applicant) is contained in Appendix A.

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

Clause 4.6 Exceptions to Development Standards

The application seeks to vary the landscaped area development standard under Section 19(2) of SEPP (Housing) 2021.

Section 19(2)(b)(ii) of SEPP (Housing) 2021 says that if a development that incorporates affordable rental housing provides a landscaped area that is 30% of the site area, the Council cannot refuse the application based on landscaping matters, and as per Section 19(1) which prevents the Council from requiring more onerous standards.

The proposal provides 87.55m^2 of landscaped area that meets the definition equating to 16.4% of the site, varying the development standard by 72.11m^2 or 13.6%.

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

(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and

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

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

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

The applicant seeks to justify the contravention of the landscaped area 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 landscaped area threshold. It is reasonable to assume in this instance, that the purpose is to ensure there are sufficient areas on the site to facilitate landscaping and plant growth.*
   (ii) *This objective is met on this site, as the proposal meets the minimum requirements of Council's more appropriately defined landscaped area, which includes 'a part of the site used for growing plants'. By that definition there is 175.68m^2 of landscaped area over the whole site including planters, which equates to 33% of the site, more than required by the SEPP.*
   (iii) *It is also noteworthy that the deep soil area for this proposal is 8.4%, being more than the ADG requirement of 7%. In conjunction with a landscape plan that offers more than 380 new plants of which at least 60% are of native species, it is not necessary to meet the non-discretionary standard of the SEPP in this particular case.*
   (iv) *Utilising this clause to refuse the development would not be reasonable given the extent of landscaping proposed and ADG deep soil design criteria.*

(b) That there are sufficient environmental planning grounds to justify contravening the standard:
   (i) *It is noteworthy that the application will increase landscaping on the site within a highly urbanised area. In fact, the application offers significant landscaping of the site inclusive of a deep soil zone along the entirety of the eastern and northern property boundaries, and landscaping across the whole front setback to Old South Head Road, as well as throughout the building within planters*.
   (ii) *This development introduces a total landscape contribution of 388 new plants, 60% of the species being native (259 plants) – 18 of which have a mature growth potential greater than 3m in height, which qualify for protection under Council's Tree Preservation Order.*
   (iii) *The variation is therefore required to facilitate the conversion of this development into one that offers significant planting within a highly urbanised area.*
   (iv) *The proposal's provision of actual landscaping and deep soil areas, and the significant planting proposed, demonstrates that the development provides sufficient landscaped area.*
   (v) *It is also noteworthy that the application seeks to utilise the SEPP Housing provisions to offer 1 unit as affordable rental housing to be managed by a Registered Community Housing Provider.*

(vi) *The variation is also therefore required to facilitate the development that includes affordable rental housing. If failing to meet the 'cannot refuse' standard for landscaped area was used to refuse the application, it would unnecessarily exclude affordable housing being provided on this 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 landscaped area using the definition in the SEPP (Housing) 2021. The document also addressed those matters required in Clause 4.6(3)(a) and (b).

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

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

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

The applicant specifically relies upon justification (a) of *Wehbe v Pittwater Council* (2007) 156 LGERA 446]. The applicant has provided sound justification establishing that the objectives of the landscaped area development standard are achieved notwithstanding non-compliance with the standard.

The definition for landscaped area within the Housing SEPP 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'.* This definition means that only those landscaped parts of the site which are essentially deep soil are included. This means that any part of the site, which contains the basement carpark, even if it contains landscaping that can grow in minimal soil depth, is not included in the landscaped area.

When considering all the areas of the site which contains landscaping, and not solely the areas over deep soil, the proposal provides 175.68m^2 or 33% of the site. The landscape plan indicates that the proposed development will contain landscaping around the perimeter of the site with vegetation ranging from low level planting, that can grow in minimal soil depth, to new trees within the deep soil areas. The landscape plan is considered acceptable and contains many species that are endemic to the local area.

The ADG requires that 7% of the site is provided with deep soil and Council's DCP requires that 50% of the landscaped area is deep soil (discussed later in this report). The proposal provides 16.4% of the site as deep soil and as such, complies with both of these requirements. In this regard, it is considered that the proposal provides adequate areas for landscaping, of varied depths for the different tiers of planting required. The proposed landscaping allows privacy to adjoining sites and contributes to the streetscape on both road frontages. The range of vegetation species is increased across the site from the existing. The landscaping is contained within the passive communal area and as such, provides outlook and increased amenity to the apartments within the development and adjoining sites.

The proposal also includes landscaped planters at the upper levels that, although not included in the definition for landscaped area under SEPP Housing, provides improved aesthetics and amenity for surrounding sites and the occupants 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. The environmental planning grounds used to justify the variation are well-considered and sound.

Conclusion

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

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

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

Table 5: 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	A bin storage room is provided within the basement carpark and a condition is recommended specifying the number of bins required.

Development Control	Compliance	Comment
2. Ecologically Sustainable Development • *Ceiling or wall mounted fans* • *Gas cooktops, gas ovens or gas internal space heating systems.*	Yes	Satisfactory. The proposal provides electric cooking and heating as outlined in the BASIX Certificate. Solar photovoltaic cells are to be provided on the roof and ceiling fans are shown in all bedrooms. Notwithstanding, a condition will require ceiling or wall fans in all habitable rooms
3. Landscaping, Biodiversity and Vegetation Preservation	Yes	The proposal includes the removal of trees and hedges however these are to be replaced on site. The proposal has been reviewed by Council's Tree Management Officer who raised no issues with the removal and replacement of trees. Conditions were recommended which are included in the consent conditions. The landscape plan is considered acceptable.
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 On-Site Parking** **7.2.1 Vehicle Access** **7.2.2 Parking Rates** • *Resident:* o *Min 0* o *Max 8* • *Visitor: Min of 1* **7.2.5 Motorcycle Parking** *Resident: 3* **7.2.6 Bicycle Parking** *Resident: 6* *Visitor: 1* **7.8 Electric Vehicle Charging Points**	Yes	The subject site is located within Parking Zone 2. The proposal provides a basement carpark accessed from Diamond Bay Road, which is a local road. This is the preferred driveway location given that Old South Head Road is a classified road. The proposed basement carpark provides parking for eight vehicles allocated to each apartment. The plans do not show the provision of a visitor space as required by the DCP. The Housing SEPP stipulates parking rates for affordable housing dwellings and for other dwellings within a residential apartment development. Clause 19(1) identifies that the car parking rates contained therein are development standards that, if complied with, prevent the consent authority from requiring more onerous standards. In this regard, the provisions of the DCP in regard to parking rates is not applicable. The proposal provides two motorcycle parking spaces which is one less than required by the DCP. However given the small size of the carpark and the greater requirement for deep soil generally within the perimeter of the site, the variation is considered acceptable (ie, the

Development Control	Compliance	Comment
		preference is for more deep soil, rather than increased basement size to accommodate an extra motorcycle space). The proposed development is provided with a total of seven bicycle parking spaces in the form of bicycle rails within a secure room satisfying the DCP requirements. The proposal also provides an EV charger for bikes and mobility scooters. According to Transport for NSW's Guide to Transport Impact Assessment (Version 1.1), the residential component of this development will generate: • AM peak hour vehicle trips = 0.39 trips per dwelling (total of 3 for development) • PM peak hour vehicle trips = 0.37 trips per dwelling (total of 3 for development) Council's Traffic Engineers have advised that traffic impacts can be accommodated within the existing road system.
9. Safety	Yes	Satisfactory.
11. Design Excellence	Yes	The proposal was reviewed by the Design Excellence Advisory Panel (DEAP) as detailed in **Table 2** of this report. The DEAP concluded: *'With the amendments recommended within this report, the proposal is considered to be capable of meeting the design principles of SEPP (Housing) 2021 and/or achieve design excellence and does not need to be reviewed again by this Panel.'* As detailed in the planning comments in **Table 2**, the amended proposal has addressed the relevant matters raised by the DEAP and as such, is considered to exhibit design excellence.
13. Excavation	Yes	The excavation does not add to the visual bulk and scale of the development. The basement carpark is contained below the existing ground level. The DCP requires 1.5m setbacks from side boundaries for excavation for residential flat buildings. The amended proposal provides 2m from the northern side boundary and 1.5m from

Development Control	Compliance	Comment
		the eastern boundary, which are the two boundaries adjoining other buildings. The excavation will align with parts of the southern and western boundaries which adjoin streets. This is considered acceptable. Standard conditions have been imposed in relation to the excavation to ensure the protection of adjoining properties.

Table 6: Waverley DCP 2022 – Part C2 Other Residential Development Compliance Table

Development Control	Compliance	Comment
2.1 Site, scale and frontage		
• *Minimum frontage: 15m – R3 zone*	Yes	The site has frontage to Old South Head Road for a length of 27.08m. The site also has secondary frontage to Diamond Bay Road for a length of 27.755m. The proposal will not result in site isolation of surrounding sites.
2.2 Height		
• *Maximum external wall height: R3/12.5m – 9.5m*	No	The site exceeds the maximum external wall height in sections as a result of the slope of the land. The wall height controls do not account for the increased height permitted by the bonus height and FSR allowable under the Housing SEPP. The upper floor level is set in from the level below providing articulation to the built form and softening the visual bulk and scale of the development. The proposal is well below the maximum height permitted by the Housing SEPP, essentially being a storey below the maximum allowable. The wall height is also not out of character with the older style of residential flat buildings within the vicinity of the site. The increased wall height does not unreasonably impact upon the amenity of surrounding properties. In this regard, the wall height is considered appropriate to the site and development.
2.3 Setbacks		
2.3.1 Street setbacks • *Consistent street setback*	Yes	The proposal has two street frontages and aligns appropriately along both frontages.

Development Control	Compliance	Comment
2.3.2 Side and rear setbacks • *Minimum side setback: 1.5-2.5m* • *Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback* • *Deep soil along side boundary min 2m wide*	Yes	The proposal adjoins properties on the northern and eastern side providing a minimum of 1.5m from both. The proposal is a corner site with two street frontages and as such, there is no clear rear setback. There is also no predominant rear setback to respond to given the configuration of adjoining sites. The proposal treats the northern and eastern boundaries as side boundaries instead which is considered acceptable given the corner location. The amended proposal provides a 2m deep soil zone along the northern boundary of the site.
2.4 Length and depth of buildings		
• *Maximum building length: 24m* • *Façade to be articulated* • *Maximum RFB depth: 18m*	Yes	The building has a length of 21m along Old South Head Road and 20m along Diamond Bay Road. The building is articulated along both street frontages. The proposal does not exceed the maximum depth of 18m.
2.5 Building design and streetscape		
• *Respond to streetscape* • *Sympathetic external finishes* • *Corner sites to address both streets as primary frontages*	Yes	The proposal provides a contemporary residential flat building which addresses both Old South Head Road and Diamond Bay Road. The amended proposal has replaced the cement render with bricks as required by DEAP to ensure longevity in the harsh coastal climate. The other materials are considered appropriate to the site and location. The landscaping surrounding the building, and along the street frontages, will contribute to the streetscape and the area. The proposal responds appropriate to the streetscape, the site and exhibits design excellence.
2.6 Attic and roof design		
• *Roof design should contribute to the architectural design and*	Yes	The proposal provides a flat roof with the upper floor set back from the level below to reduce the bulk and scale of the building.

Development Control	Compliance	Comment
the environmental performance of the development. • *Roof design should respond to the streetscape character of the area.* • *Contemporary roof forms are permitted to minimise bulk and scale and respond appropriately to the context.*		The roof design is consistent with recent contemporary residential flat building development within the area. The recessive darker colour to the upper level is similar to the redevelopment to the south on the opposite side of the bowling club. The flat roof form minimises the bulk and scale of the building and is highly utilised for new development within the area given the coastal views to the east.
2.7 Fences and walls		
Front fence: • *Maximum height 1.2m* • *Maximum 2/3 solid* • *Maximum height of 1.8m and solid when secondary wall set within property if required for traffic noise* *Side fence:* • *Maximum height: 1.8m* *Rear fence:* • *Maximum height: 1.8m*	Yes	The front boundary wall along Old South Head Road is low with landscaping within the front setback until its met with the courtyard walls to the ground level apartments. The courtyard walls provide low solid walls with open fencing above. The boundary fencing on the Diamond Bay Road frontage has a height range of 600mm to 1.8m above ground. The fencing provides a low solid component with open fencing above with landscaping in front. The amended plans include fence details along the northern and eastern boundaries being 1.8m high timber look aluminium slats fencing.
2.8 Pedestrian access and entry		
• *Entry at street level and respond to pattern within the street* • *Accessible entry* • *Separate to vehicular entry* • *Legible, safe, well-lit*	Yes	The proposal provides pedestrian entry from the Old South Head Road frontage that is accessible, legible and safe. The pedestrian entry is separated from the vehicular entry which is from Diamond Bay Road.
2.9 Landscaping		
• *Comply with Part B3* • *Minimum of 30% of site area landscaped: 160m^2* • *50% of the above is to be deep soil (min of 2m x 2m): 80m^2*	Yes N/A Yes	Refer to **Table 5.** Landscaped area of SEPP Housing applies and has been discussed previously. The DCP requires that 50% of the landscaped area is to be deep soil with minimum dimensions of 2m x 2m. The proposal provides 87.55m^2 of landscaped area of which, 54m^2 or 62% is deep soil.

Development Control	Compliance	Comment
2.10 Communal open space		
• *Minimum 15% communal (R3 zone): 80m²* • *Minimum dimensions: 6m x 6m* • *Minimum of 30% of communal area must receive three hours of sunlight* • *Residential flat building and shop top housing may locate communal open space on rooftops subject to amenity impacts.*	Yes No Yes N/A	The proposal provides approximately 155m² of passive communal open space in the form of landscaping around the boundaries of the site. Approximately 67% of the communal open space receives more than 3 hours of solar access. The communal open space does not meet the minimum dimensions of 6m x 6m given it is located around the perimeter of the site. The 6m x 6m minimum dimension is to provide areas for active uses. Given the small size of the site, the minimum dimension is difficult to meet. Instead of providing the active communal space on the roof, the proposal has provided passive landscaped spaces as communal space. The generous areas of quality private open space for the apartments will compensate for the lack of active communal open space and as such is considered acceptable in this regard.
2.12 Vehicular access and parking		
• *Car parking to be integrated into the design of the development* • *Max 1 x 2 way vehicle access point* • *Provided from secondary street or lane* • *Pedestrian safety considered* • *Basement parking should not contravene deep soil zone controls*	Yes	The carpark is located within the basement and will not be visible above ground level. The proposal provides a single width driveway entry from Diamond Bay Road, which is the secondary road to the site (given Old South Head Road is a classified road). There are no anticipated pedestrian conflicts by locating the vehicular entry on Diamond Bay Road, particularly given the bus stop and pedestrian entry on Old South Head Road. The proposal provides appropriate deep soil as previously discussed.
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*	Yes	There is a solar hot water system on the roof of No. 2 Diamond Bay Road however at least 2 hours solar access is maintained. The shadow diagrams in plan and elevation form demonstrate that the additional shadowing impact caused by the proposed development will fall over the street with the only shadows falling over adjoining residential properties being the

Development Control	Compliance	Comment
private open space areas of adjacent dwellings to less than 3 hours of sunlight on 21 June		property to the east (No. 2 Diamond Bay Road) in the afternoon hours. Despite this, the reasonableness of the overshadowing impact is considered based on the performance and compliance of the development with relevant built form development standards and controls as well as the site's orientation. As demonstrated in this report, the development complies with the FSR development standard and is a storey lower than the height development standard. The proposal also complies with the setback controls and deep soil and is considered acceptable in regard to the landscaped area. Based on the proposal's compliance with the key built form controls, any additional overshadowing impact caused by the proposed development is deemed reasonable and non-adverse and anticipated for any compliant redevelopment of the subject site.
2.14 Views and view sharing		
• *Minimise view loss through design* • *Views from public spaces to be maintained*	Yes	Refer to detailed discussion following this table.
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 windows and balconies to living areas facing the street. However, the exception is the upper level apartment where the living area windows and balcony face east toward the pair of semi-detached dwellings at Nos. 2 and 4 Diamond Bay Road. These windows, and the associated balcony, are located at a higher level than the adjoining dwellings. Additionally, the windows are set back beyond the balcony which is provided with perimeter planters to inhibit overlooking directly down into the adjoining sites. The upper floor balcony has been amended to address privacy concerns raised by the adjoining residential flat building to the north. The size of the principal balcony has been reduced in area through the inclusion of planters which also increase the setback of the trafficable area from adjoining properties. The front balcony to the

Development Control	Compliance	Comment
• *Roof tops a may be used to meet communal open space requirements*		upper floor apartment overlooks the street and the front setback of the adjoining RFB, which contains the common pedestrian entry to the building. There is a narrow portion of the front balcony that wraps around the northern section of the upper level. The very limited width of this part of the balcony at 150mm limits accessibility. As such, the windows and balconies to the upper level apartment will not result in unreasonable privacy impacts upon adjoining properties. The windows to habitable rooms on the lower levels orientated toward the northern and eastern side boundaries are designed to ameliorate privacy impacts having raised sills or privacy screening as previously discussed. Within the subject site itself, the affordable apartment at the ground floor level contains a bedroom window with direct outlook into the driveway. Given this is a secondary window, with the main window being orientated toward the south, a condition will require that the window has a raised sill to protect the privacy of the occupants.
2.19 Acoustic privacy		
• *Internal amenity by locating noisy areas away from quiet areas*	Yes	Acoustic privacy has been considered in the design by locating rooms with similar uses above and below each other. The main principal balconies are located at the front of the site overlooking the street where noise levels are higher with the exception of the upper floor level, which given is only a single unit, will not unreasonably impact upon the acoustic amenity of surrounding properties.
2.21 Building services		
• *Services are to be integrated into the design of buildings (garbage rooms, mail boxes, fire hydrants boosters, electrical substations, down pipes, plant rooms, satellite/communications structures*	Yes	The services are integrated into the design of the building. The location of the mail boxes is not shown however there is sufficient area near the pedestrian entry. Servicing on the roof includes the lift overrun, plant for ventilation of the basement car park and solar photovoltaic cells. These services are common to roof tops and are set back from the building edges to ensure limited visibility from the street and public domain.

Development Control	Compliance	Comment
• *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.*		No outdoor clothes drying area is provided given that they would be contained within a street frontage. Notwithstanding, there is sufficient area on balconies for drying of clothes. The plant areas within the basement are not considered excessive for the development.

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

View impacts

A Visual Impact Assessment was provided with the application which includes view analysis diagrams from properties surrounding the site which would be impacted by the proposed development.

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 private viewpoint locations for the visual impact assessments are shown in **Figure 7.** These are acknowledged as being the most likely impacted properties in terms of view impacts. The View Impact Assessment is detailed and takes into account several properties as indicated in **Figure 7** however only

those most impacted are discussed below as a sample of the impacted views. The full view assessments are provided in the View Impact Assessment which was taken into consideration upon assessment of this development application, however will not be repeated in full in this report.

The affected properties have partial water views through surrounding building and over the subject site. The view analysis diagrams images are demonstrated in **Figures 8 to 13.** For those properties not discussed below, the View Impact Assessment indicates that significant views (ie, those containing water, land and water interface or icons) were not impacted or concealed behind vegetation. This means that the impact was on outlook of roofscapes and surrounding properties rather than views classified as 'significant' according to the Planning Principles. These views are not assessed or considered under the Planning Principles.



Figure 7: Private viewpoint locations used for the visual impact assessments with the subject site outlined in red



Figure 8: Standing view from first floor bedroom window of 88 Old South Head Road as provided by the Applicant



Figure 9: Visual impact assessment indicating the extent of view impact from first floor bedroom window of 88 Old South Head Road as provided by the Applicant



Figure 10: Standing view from upper storey bedroom window 1A Billarong Road as provided by the Applicant



Figure 11: Visual impact assessment indicating the extent of view impact at upper storey bedroom window 1A Billarong Road as provided by the Applicant



Figure 12: Standing view from upper level bedroom window at 84 Old South Head Road as provided by the Applicant



Figure 13: Visual impact assessment indicating the extent of view impact from upper level bedroom window at 84 Old South Head Road as provided by the Applicant

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 notations to each photo in **Figures 8 to 13** above state the location from where each view photograph was taken. For the three affected properties, the view analysis is from bedrooms at the upper floor levels. The views are generally over the front boundary of each affected site. As indicated in the figures above, each view is from a standing position.

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 impacted views are part of a larger partial view of the coastline extending from the north-east to the south-east which is comprised of water glimpses or partial views above and between the surrounding buildings. The view over the subject site is not the only achievable view from these rooms or in the case of 88 Old south Head Road, from the balcony associated with the affected windows (as seen in **Figures 8 and 9**). The impact upon the views can be categorised as minor at 84 Old South Head Road given the very small portion of the view that is impacted and moderate at 88 Old South Head Road and 1A Billarong Avenue.

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 zoning of the site and surrounding properties is R3 medium density residential with the applicable development standards under the LEP being 12.5m height and 0.9:1 FSR. State planning policies also allow a 30% bonus in height and FSR where affordable housing is provided. The subject proposal qualifies for these bonuses and takes advantage of the FSR bonus however has not met the full height achievable under the Housing SEPP. Effectively, the proposal is a storey below the maximum height that could be achieved for this development and as such, potentially has a lessor impact on views than a compliant development on this site.

The desired character of this street, envisioned by the controls, is a much higher density and scale than the existing single storey dwellings on the site over which the views are achieved. In effect, the views from the properties opposite are only achieved due to the fact that the subject site is an underdeveloped site.

Notwithstanding, the proposal has been designed to be a storey lower than the maximum height development standard allows. In this regard, the applicant has already provided a more skilful design to limit view impacts. The view impact is marginally improved however it is evident that any development on this site will result in view loss from the affected properties.

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.

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 04/06/2025 and 27/6/2025 and to missed properties in Woollahra between 15/07/2025 and 07/08/2025 and a site notice erected on the site in accordance with the *Community Engagement Strategy 2023*.

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

- The northern side boundary setback was increased from 1.5m to 2m.
- The setback of the basement was increased from the northern boundary from nil to 2m.
- The setback of the basement was reduced to nil along the road frontages.
- Windows on the northern and eastern elevations were altered to have raised sills.
- The materials were altered to brick from render and paint.
- The size of the balconies at the upper floor level was reduced.

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

Table 7: Submission details

Count	Property Address
1.	88 Old South Head Road VAUCLUSE
2.	2 Diamond Bay Road VAUCLUSE
3.	4 Diamond Bay Road VAUCLUSE (2 submissions)
4.	7/727 Old South Head Road VAUCLUSE
5.	727 Old South Head Road (strata committee)
6.	1A Billong 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:

- View impacts
- Visual and acoustic privacy impacts
- Setbacks

- Overshadowing
- Traffic and parking
- FSR, height, bulk and scale
- Design and character of the area
- External wall height
- Communal open space
- Excavation and setbacks
- Landscaped area and deep soil

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

Issue: The application is procedurally flawed as it fails to assess the impacts on the adjoining property at 4 Diamond Bay Road. The shadow diagrams do not show No. 4 Diamond Bay Road and do not assess the impact of the overshadowing upon this property.

Response: The additional overshadowing resulting from the proposed development does not fall onto 4 Diamond Bay Road and as such, this property is not shown on the shadow diagrams and there is no discussion of the overshadowing impact upon this property. There is no need to discuss the overshadowing impacts on a property when no additional overshadowing occurs.

Issue: Incorrect information within the documentation (plans refer to 100% solar access compliance; traffic report assesses as existing 1 dwelling rather than 2).

Response: The amended proposal has corrected the errors within the plans.

Issue: The intersection is a traffic 'black spot' and concerns are raised regarding the safety of providing development here; understated traffic generation rates.

Response: The objector states that the applicant's Transport Impact Statement is flawed as it calculates the net traffic increase based on the demolition of only one existing dwelling, when the SEE and official DA description clearly state there are two semi-detached dwellings being demolished.

The Traffic Report has been amended to reflect the two semi-detached dwellings on the site. As previously discussed, Council's Traffic Engineers have advised that traffic impacts can be accommodated within the existing road system.

Additionally, Council's Traffic Engineers have advised that this "black spot" would be continuously monitored in the future. This is a matter for Council to monitor and implement traffic calming or additional means to address in the future rather than the concern of a single development to address.

Issue: The plant selections within the northern and eastern side setbacks appear to have an excessive height and canopy given the size of the site, the small setbacks and the context of the site. The Landscape

Plan proposes the planting of six *Elaeocarpus reticulatus* (two along the northern boundary and four along the eastern boundary of the development site).

Response: A deep soil zone along the northern boundary has been provided in order to facilitate the planting of trees and vegetation. The proposal includes the planting of trees being *Elaeocarpus reticulatus* (Blueberry Ash) within the deep soil zone. Council's policies encourage the planting of trees within development sites to increase canopy cover within the Local Government Area (LGA) and this species of tree is contained in Annexure B3-1 – *Planting List* of DCP 2022 which lists the species endemic to the local area and as such recommended for use throughout the LGA. *Elaeocarpus reticulatus* is described as a small tree with a narrow habit that grows typically from 8-15m. This is considered an appropriate tree for the site and will contribute to increased canopy cover within the area.

Issue: It is unacceptable to use these bonuses to justify an oversized building while simultaneously ignoring the local controls designed to protect amenity.

Response: State Environmental Planning Policies (SEPPs) are a higher order control than both the local provisions within the LEP and DCP. The purpose of these controls is to override local planning controls and encourage greater densities, heights, more apartments and the provision of affordable housing. As detailed throughout this report, the proposal has been assessed against all relevant controls, both state and local, and is considered acceptable.

Issue: Construction impacts; construction management plan; dilapidation reports.

Response: Construction impacts is not a reason for refusal of an application as they can be managed during the construction stage. All standard construction conditions are included in Appendix A, including the requirement for dilapidation reports.

Issue: Additional information is required in relation to the plant on the roof and a condition should be imposed to prevent proliferation of plant and equipment on the roof and to minimise reflectivity.

Response: The plants indicate the height of the lift overrun and the mechanical riser being to a maximum of RL75.85 which is well below the maximum height development standard. The solar panels area also shown as extending only marginally above the roof. This information is sufficient.

It has been suggested that a condition be imposed to prevent proliferation of plant and equipment on the roof however this is considered unnecessary. The plans show the plant on the roof and any further plant would be subject to separate consent or may be exempt. There are a number of State Planning Policies with controls in relation to structures on roofs which do, or may allow in the future, works to roofs. It is considered onerous to impose a condition that would limit any future applications.

Notwithstanding, a condition will require that the roof plant approved under this consent be painted to match the roof (where appropriate) and be non-reflective (except the photovoltaic solar panels).

2.5. Public Interest

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

3. REFERRALS

The following internal referral comments were sought:

3.1. Traffic and Development

The amended plans were reviewed and conditions recommended which are included in Appendix A. Traffic Engineers have requested that one space be allocated for a visitor space in accordance with the DCP, however the provisions of the Housing SEPP apply in regard to parking rates and no visitor spaces are required.

3.2. Stormwater

Conditions were recommended which are included in Appendix A.

3.3. Tree Management

Conditions were recommended which are included in Appendix A.

3.4. Sustainable Development

Conditions were recommended which are included in Appendix A.

3.5. Waste and Recycling

Conditions were recommended which are included in Appendix A.

3.6. Biodiversity

No response received.

3.7. Public Domain

Conditions were recommended which are included in Appendix A.

3.8. Strategic Planning

Conditions were recommended which are included in Appendix A.

3.9. Land Information (GIS)

A condition in regard to street numbering was recommended and is included in Appendix A.

4. CONCLUSION

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

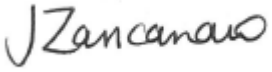
5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Managers of Development Assessment (MODA) Review

The application was reviewed by the MODA at the meeting on 21/09/2025 and the MODA concurred with the Assessment Planner's recommendation.

DBU members: *B McNamara, B Magistrale, O Navratil and J Zancanaro*

Report prepared by:	**Application reviewed and agreed by:**
	
Kylie Lucas	Jo Zancanaro
Senior Development Assessment Planner	**Manager, Development Assessment**
Date: 27/10/2025	**Date: 30 October 2025**

Reason for WLPP referral:

3. Departure from any development standard in an EPI by more than 10%
4. Sensitive development:
    - (a) Designated development
    - **(b) Development to which State Environmental Planning Policy (Housing) 2021 Chapter 4 (Design of residential apartment) applies and is more than 4 storeys in height**
    - (c) Demolition of a heritage item
    - (d) New licensed premises requiring one of the following liquor licences:
        - (i) A club licence under the *Registered Clubs Act 1979*
        - (ii) A hotel (general bar) under the *Liquor Act 2007*
        - (iii) An on-premises licence for public entertainment venues under the *Liquor Act 2007*
    - (e) Sex services and restricted premises
    - (f) Planning Agreements

OFFICE USE ONLY

<table>
<tr><td colspan="2">Planning Portal Data</td></tr>
<tr><td>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)</td><td>13.6% variation to landscaped area [Clause 19(b) of SEPP (Housing) 2021]

<table><tr><td>X</td><td>No unreasonable impacts on the amenity of adjoining properties or streetscape</td></tr><tr><td>X</td><td>Sufficient environmental planning grounds</td></tr><tr><td>X</td><td>Consistent with the objectives of the standard</td></tr></table></td></tr>
<tr><td>Determining Authority

(Concurrence Authority for Clause 4.6 variation)</td><td>Local Planning Panel</td></tr>
<tr><td>Were the requirements of the Sustainable Buildings SEPP (effective 1 October 2023) met?</td><td>Yes</td></tr>
<tr><td>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.</td><td>Yes</td></tr>
<tr><td>Have any dwellings been approved for affordable Rental Housing under this approval/consent?
*This is a planning portal reporting requirement</td><td>Yes – 1 apartment</td></tr>
<tr><td>Secondary Dwelling
*This is a planning portal reporting requirement</td><td>No</td></tr>
<tr><td>Boarding House</td><td>No</td></tr>
<tr><td>Group Home</td><td>No</td></tr>
<tr><td>Is the development subject to the Special Infrastructure Contribution (SIC)?</td><td>No</td></tr>
<tr><td>Is the development located within an Urban Release area?</td><td>No</td></tr>
<tr><td colspan="2">Waverley Council Data</td></tr>
<tr><td>Trial Period database entry required</td><td>No</td></tr>
<tr><td>VPA submitted – follow up actions required</td><td>No</td></tr>
<tr><td>Refer to compliance for investigation</td><td>No</td></tr>
<tr><td>Commercial/liquor operational conditions</td><td>No</td></tr>
<tr><td>Was there a ‘Conflict of Interest’ declared</td><td>No</td></tr>
</table>

APPENDIX A: CONDITIONS OF CONSENT

GENERAL CONDITIONS

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by CSA Architects including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
SNC-02 Rev. 02	PROJECT SUMMARY	16/09/2025	17/09/2025
SNC-03 Rev. 02	DEMOLITION PLAN	16/09/2025	17/09/2025
SNC-05 Rev. 02	SITE PLAN	16/09/2025	17/09/2025
SNC-06 Rev. 02	FLOOR PLANS p.1 1:200	16/09/2025	17/09/2025
SNC-07 Rev. 02	FLOOR PLANS p.2 1:200	16/09/2025	17/09/2025
SNC-08 Rev. 02	FLOOR PLANS p.3 1:200	16/09/2025	17/09/2025
SNC-09 Rev. 02	FLOOR PLANS p.4 1:200	16/09/2025	17/09/2025
SNC-10 Rev. 02	FLOOR PLANS p.5 1:200	16/09/2025	17/09/2025
SNC-11 Rev. 02	FLOOR PLANS p.6 1:200	16/09/2025	17/09/2025
SNC-12 Rev. 02	BASEMENT FLOOR PLAN 1:100	16/09/2025	17/09/2025
SNC-13 Rev. 02	GROUND FLOOR PLAN 1:100	16/09/2025	17/09/2025
SNC-14 Rev. 02	FIRST FLOOR PLAN 1:100	16/09/2025	17/09/2025
SNC-15 Rev. 02	SECOND FLOOR PLAN 1:100	16/09/2025	17/09/2025
SNC-16 Rev. 02	THIRD FLOOR PLAN 1:100	16/09/2025	17/09/2025
SNC-17 Rev. 02	ROOF FLOOR PLAN 1:100	16/09/2025	17/09/2025
SNC-18 Rev. 02	WEST/STREET ELEVATION	16/09/2025	17/09/2025
SNC-19 Rev. 02	EAST ELEVATION	16/09/2025	17/09/2025
SNC-20 Rev. 02	NORTH ELEVATION	16/09/2025	17/09/2025
SNC-21 Rev. 02	SOUTH ELEVATION	16/09/2025	17/09/2025
SNC-22 Rev. 02	SECTION 1	16/09/2025	17/09/2025
SNC-23 Rev. 02	SECTION 2	16/09/2025	17/09/2025
SNC-24 Rev. 02	SECTION 3	16/09/2025	17/09/2025
SNC-25 Rev. 02	SECTION 4	16/09/2025	17/09/2025

SNC-26 Rev. 02	DRIVEWAY SECTIONS p.1	16/09/2025	17/09/2025
SNC-29 Rev. 02	GFA CALCS.	16/09/2025	17/09/2025
SNC-35 Rev. 02	WINDOW SCHEDULE p.1	16/09/2025	17/09/2025
SNC-36 Rev. 02	WINDOW SCHEDULE p.2	16/09/2025	17/09/2025
SNC-46 Rev. 02	MATERIALS & FINISHES p.1	16/09/2025	17/09/2025
SNC-47 Rev. 02	MATERIALS & FINISHES p.2	16/09/2025	17/09/2025
SNC-48 Rev. 02	WASTE MANAGEMENT PLAN	16/09/2025	17/09/2025

(b) Landscape Plan No. DA-01, DA-02 and DA-03 and documentation prepared by Michael Zinn dated 14/03/2025 and received by Council on 21/05/2025;

(c) The BASIX and NatHERs Certificates;

(d) Traffic Impact Statement prepared by PDC Consultants dated 16/09/2025, and received by Council on 17/09/2025;

(e) Preliminary Geotechnical and Hydrogeological Investigation Reference 37582PDrpt prepared by JK Geotechnics dated 03/06/2025 and received by Council on 03/06/2025;

(f) The Site Waste and Recycling Management Plan (SWRMP) Part 1 and received by Council on 21/05/2025;

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 bedroom window to Unit 1 on the eastern side elevation overlooking the driveway (nominated as W1.01 on the approved plans) is to have a minimum sill height of 1.6m.

Condition reason: To protect the privacy and increase the amenity of this bedroom.

(b) The plant on the roof, with the exception of the photovoltaic panels, is to be painted/finished to match the roof colour and are to be non-reflective.

Condition reason: To limit the visibility of the roof plant and to ensure that reflectivity does not impact upon surrounding properties.

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. 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 unit 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.

7. 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

8. 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 are provided in the Waverley Council Contributions Plan, available on Council's website.

(d) As legislated in section 209 of the *Environmental Planning and Assessment Regulation 2021,* the levy must be paid in accordance with the following;

(i) A development valued at $100,000 or less will be exempt from the levy;

(ii) A development valued at $100,001 - $200,000 will attract a levy of 0.5% of the **full** cost of the development; or

(iii) A development valued at more than $200,000 will attract a levy of 1% of the **full** cost of the development.

(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.

9. HOUSING AND PRODUCTIVITY CONTRIBUTIONS HOUSING AND PRODUCTIVITY CONTRIBUTIONS

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)	$43 248.70
Transport project component	Nil
Strategic Biodiversity Component	Nil
Estimated total housing and productivity contribution	$43 248.70

(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.

10. AFFORDABLE HOUSING CONTRIBUTION – PAYMENT IN ACCORDANCE WITH CLAUSE 6.17 OF 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.

The contribution of **$125,355** 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 501.42sqm (excluding the affordable housing component).

Condition reason: The proposal requires a contribution in accordance with Cl 6.17 of the WLEP and the Waverley Affordable Housing Contribution Scheme 2023.

11. LONG SERVICE LEVY

A long service levy, as required under section 34 of the *Building and Construction Industry Long Service Payments Act, 1986*, is to be paid in respect of this building work. Evidence that the levy has been paid is to be submitted to the Principal 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.

12. SECURITY DEPOSIT

(a) Payment to the amount of **$102,419** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent. This 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.

13. 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.

PLAN DETAILS

14. VERIFICATION OF CONSTRUCTION CERTIFICATE DOCUMENTATION

(a) The preparation of the Construction Certificate plans shall be supervised and be to the satisfaction of an architect who is registered in accordance with the *Architects Act 2003* (i.e. a qualified designer) in accordance with the requirements of the *State Environmental Planning Policy (Housing) 2021.*

(b) In accordance with the *Environmental Planning and Assessment Regulation 2021,* the Principal Certifier must not issue a Construction Certificate unless it has received a Design Verification Statement from a qualified designer which verifies that the Construction Certificate plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in *SEPP (Housing) 2021.*

Condition reason: To ensure the architectural merits of the developments come to fruition.

15. BASEMENT STORAGE

The basement level/s are to provide separate and secure storage areas (in the form of lockable storage cages or the like), allocated to each apartment in the development for larger bulkier items (surfboards, boxes, camping equipment etc.) which are not suited to be stored within each individual apartment. Storage is to be allocated to individual units in accordance with the requirements of the *Waverley Development Control Plan 2022*.

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.

Conditions reason: To ensure adequate storage is provided within the development.

16. 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

17. HOARDING

Temporary structures such as work area protective structures (hoardings), perimeter scaffolding systems and cantilevered scaffolding are often a necessary part of development and maintenance activity. These must be designed and constructed in accordance with the requirements of *Safe Work NSW*.

Where a hoarding is required to be erected over the footpath or any public place, the approval of Council's Building Compliance Department must be obtained and the applicable fees paid, prior to the erection of the hoarding. Details and application form are available on Council's website.

Condition reason: To ensure the safety of the site and public whilst construction occurs.

18. 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.

19. 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.

20. 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.

21. GROUND ANCHORS

(a) Where any ground anchors (i.e., rock or sand anchors) are proposed to extend beyond the property boundary beneath roadways and / or other Council property, details must be submitted to Council's Assets Department and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.

(b) For further information and application form, refer to Council's website. regarding this, please contact assets@waverley.nsw.gov.au at (02) 9083 8655. Fees shall be payable.

(c) Separate approval will be required for ground anchors beneath roadways governed by the Transport for NSW (TfNSW).

Condition reason: To ensure appropriate consideration is given for anchoring beyond the boundary of the site.

22. 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

23. 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

24. STORMWATER 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 Itm Design, Job No. 24/146, Drawing No. H-DA-01, H-DA-02, H-DA-03, Rev. A dated 03/05/2025 are considered concept only.

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

(a) The permissible site discharge (PSD) must be limited to the maximum discharge from the site during the 20% AEP for a 5-minute storm event under undeveloped site conditions (with fraction imperviousness 0.1) as outlined in the Waverley Technical Manual 2021, Section 6.3. Redesign on-site detention (OSD) and associated orifice accordingly.

(b) When the depth of the OSD tank exceeds 900 mm, the grates must be 900 x 900 mm with step irons provided.

(c) Any proposed stormwater discharge within the footpath verge of Diamond Bay Road must be hot dipped galvanised steel hollow section with the size of 125mm x 75mm x 4mm (w x h x t). Note a minimum 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.

(d) A minimum of 200 mm clearance must be provided from the edge of the layback of the vehicular crossing to the edge of the stormwater outlet.

(e) In the event of pump failure, pondage in a suitably visible area must be provided. These areas must be sited with a view to minimising the cost of damage to occupiers of the property and include signage warning residents that inundation of the area may occur in the event of a pump failure.

(f) Show an alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure.

(g) The drainage of the basement structure is dependent on the result of the groundwater assessment.

(h) Sub soil drainage (seepage) water must not be directly or indirectly discharged to Council's street gutter.

(i) 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 that the approved design has been adhered to must be submitted to and approved by the Principal Certifying Authority (PCA) prior to the issue of the relevant Construction Certificate application.

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.

25. GROUNDWATER ASSESSMENT

Prior to the issue of a Construction Certificate, the applicant must submit the following to the Executive Manager, Infrastructure Services (or delegate) for approval:

(a) A preliminary site hydrogeological investigation report prepared by a suitably qualified geotechnical engineer or hydrogeological professional. The report must:

  (i) Include results from at least four groundwater monitoring bores installed on-site, or as advised by Council (distributed across the site to capture groundwater flow direction and variation, including at the outer extents of the underground structure most likely to be impacted by groundwater) extending at least 5 meters below the proposed underground structure slab level and monitored for at least one month (standpipes or piezometers should be used to monitor groundwater levels, and soil and lithological logs must be recorded)

  (ii) Clearly state whether groundwater is present and show the measured static groundwater level in each bore and in a site-wide groundwater contour plan in relation to the underground structure slab level.

  (iii) Outline the potential need for dewatering during construction.

  (iv) Comment on post-construction groundwater ingress and mitigation options:

    (A) Fully tanked and waterproofed underground structure (if groundwater is identified within 5 meters of the slab level); or

    (B) Drained underground structure (if >5m above groundwater table).

(b) If groundwater is likely to be intercepted by the proposed works, or the above tanking requirement is contested, a detailed hydrogeological assessment must be prepared by a suitably qualified geotechnical engineer or hydrogeological professional, providing detail on groundwater depth and seasonal variation (6-12 months minimum monitoring as advised by Council), groundwater flow direction and rate, hydraulic conductivity, water quality, and including a conceptual hydrogeological model.

(c) If groundwater interference is expected, a groundwater impact assessment is also required, assessing the short-term and long-term impacts of dewatering (if relevant) and evaluating potential effects on neighbouring properties due to settlement or subsidence, as well as on groundwater dependent ecosystems, and contaminant mobilisation. If the report cannot be provided, or if it indicates that the predicted highest groundwater level over a 50-year design life for the development cannot be confidently confirmed to be more than 2m below the base of the proposed underground structure slab level, the following measures must be implemented:

(i) The underground structure must be fully waterproofed and tanked to prevent groundwater &/or seepage ingress. The design must ensure that the underground structure is capable of withstanding hydrostatic pressures without reliance on active or passive dewatering systems.

(ii) No subsoil drainage systems are to be installed around the perimeter of the underground structure walls or beneath the underground structure slab to prevent the potential extraction of groundwater.

Post construction extraction or discharge of groundwater is strictly prohibited by Council under any circumstances.

Fees for the preliminary and detailed hydrogeological report or investigation review are applicable as per Council's Fees and Charges.

Condition Reason: To ensure the potential groundwater impacts are identified and to avoid groundwater extraction, and ensure underground structures are designed to comply with Council's Water Management Technical Manual.

26. 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. Seepage water must not be discharged directly or indirectly to the street gutter.

Condition Reason: To ensure the seepage water is managed to comply with Council's Water Management Technical Manual.

27. 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 a Construction Certificate, plans and specifications for the proposed Stormwater Quality Improvement device (SQID), including cross-sections and the hydraulics are to be provided to the satisfaction of the Council's Executive Manager (Infrastructure Services). 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.

28. TEMPORARY DEWATERING OF UNDERGROUND STRUCTURES

If any temporary dewatering is required during the construction of underground structures an application must be made with WaterNSW to obtain relevant approval and determine if a licence is required under the Water Management Act 2000, for **temporary dewatering.** A copy of the aforementioned approval must be submitted to Council. Note that permanent dewatering is not allowed. If temporary dewatering is required and approved, a separate Waverley Council temporary de-watering application must be submitted and approved by the Executive Manager, Infrastructure Services (or delegate) and associated fees paid prior to release of any construction certificate by the PCA.

Condition reason: Ensure proper groundwater approvals are obtained and no permanent dewatering occurs as part of the proposed development.

29. FLOODING REQUIREMENTS

The development must minimise risk to life and damage to property, consider the impacts of the full range of potential floods and ensure that development does not have an unacceptable impact on flood behaviour, people's safety, surrounding properties and structures, and/or the natural environment.

In accordance with Section 5.21 of the Waverley LEP and Section B5.2 of Waverley Council's DCP the following conditions must be satisfied. Compliance with these requirements must be demonstrated to the satisfaction of the Executive Manager, Infrastructure Services (or delegate) prior to issuance of the Construction Certificate:

(a) Habitable floor levels are to be equal to or greater than the 1% AEP flood level plus freeboard.

(b) Basement car parking must be protected from inundation by a 1% AEP flood plus freeboard.

(c) The crest of the driveway providing access between the road and basement car- parking must be a minimum of 1% AEP flood plus freeboard or the PMF, whichever is higher.

(d) The evacuation requirements of the development during flooding must be considered.

Fencing is to be constructed in a manner that does not obstruct the flow of floodwaters so as to have an adverse impact on flooding.

Condition reason: To ensure the development minimises risk to life and damage to property, considers the impacts of the full range of potential floods and ensures that development does not have an unacceptable impact on flood behaviour, people's safety, surrounding properties and structures, and the natural environment.

30. GEOTECHNICAL AND HYDROGEOLOGICAL RISK MANAGEMENT

The following geotechnical and hydrogeological risk management measures must be followed:

(a) Where groundwater is encountered and dewatering is expected to be required, prior to issuing the construction certificate a hydrogeological investigation must be carried out that includes a minimum of three wells to be installed for future groundwater monitoring purposes in accordance with the NSW Department of Planning, Industry and Environments (DPIE) document: 'Minimum Requirements for Building Site Groundwater Investigations and Reporting', dated October 2022 (or the current revised version).

(b) The groundwater investigation, monitoring, inflow (seepage) analysis and reporting must be in accordance with the NSW Department of Planning, Industry and Environments document, Titled

'Minimum Requirements for Building Site Groundwater Investigations and Reporting', dated October 2022, or the most recent version. Groundwater level monitoring must be carried out for a minimum of three months as required by DPIE/WaterNSW requirements.

(c) In accordance with DPIE/WaterNSW requirements, where the seepage analysis demonstrates a seepage volume of less than 3ML/year then only a Water Supply Works approval must be obtained, unless otherwise directed by DPIE/WaterNSW. Where the seepage analysis demonstrates a seepage volume in excess of 3ML/year then a Water Access Licence (WAL) will also need to be obtained from WaterNSW. This is likely to require the purchase of 'water shares' in accordance with DPIE/WaterNSW requirements.

(d) Prior to the issue of any Construction Certificate, if required based on items c and d, an application pursuant to the Water Management Act 2000 shall be made with WaterNSW to obtain Water Supply Works (WSW) approval. A copy of the aforementioned approval must be submitted to Waverley Council or details confirming (by WaterNSW) why a WSW is not required.

(e) During the bulk excavation stages, a qualified supervising engineer will be required to be present on site for the duration of these works. A daily log is to be kept on site and submitted to the Principle Certifying Authority (PCA).

(f) Inspections of any unsupported vertical excavations into bedrock are required by a qualified geotechnical engineer/engineering geologist (tertiary qualified with at least 5 years relevant experience) and must be completed in accordance with the Monitoring Program detailed in the CMR.

Inspections must be completed or reviewed by a qualified geotechnical engineer/engineering geologist (as defined in 'g' above) during shoring works to confirm socket requirements below the bulk excavation level have been achieved for the shoring and during the excavation/drilling of high level footings/pile footings to confirm that the foundation materials are in accordance with the requirements of the structural drawings and/or geotechnical report, as applicable.

Condition reason: This condition imposed is to ensure that the development complies with all the geotechnical requirements and risk management measures specified by the applicant's engineers/experts.

PUBLIC DOMAIN

31. PUBLIC DOMAIN IMPROVEMENTS

The public domain is to be upgraded along Diamond Bay Road and Old South Head Road frontage of the development site in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval. A public domain plan for the following works must be submitted to Council and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of relevant Construction Certificate.

(a) Pedestrian footpath

(b) Kerb and gutter

(c) Vehicular crossing

Condition reason: This is to ensure that the public domain is upgraded along the frontage of the development as required and in accordance with the DCP and PDTM.

32. 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.

33. 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, kerb, and gutter along the Diamond Bay Road frontage, and the existing footpath along the Old South Head Road frontage, are 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) Vehicle Crossing: A new vehicle crossing is to be provided to access the proposed basement parking. A separate application is required for the vehicle crossing, with all work to be carried out with the approval of and in accordance with the requirements of Council.

(c) The crossing is to be 3.0 metres wide at the property boundary. The width at the street is to be 3.0 metres plus 0.45 metre splays.

(d) Replenish and returf the existing Council verge for the full frontage of the development.

(e) All mains electrical connections to the development must be routed underground. Council will not accept the erection of newly placed electricity columns within the Council's public domain to support the new development.

(f) The full public domain traversing both street frontages 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

34. 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*.

35. RENEWABLE ENERGY AND ENERGY EFFICIENCY

To enable all development to contribute to net zero greenhouse emissions by 2035, the following shall apply:

(a) No gas cooktops, gas ovens and gas heating systems are permitted. Alternate options must be used (such as electric, induction sources).

Additionally, the following are encouraged:

(b) An electric hot water system in all developments. Recommended systems include electric heat pump, solar thermal with electric boost or electric storage.

(c) Lighting systems to include LEDs with controls, such as motion sensors, step-dim controls and daylight sensors.

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

(e) Where rainwater tanks are provided, then:

(i) Rainwater tanks must be fitted with a first-flush device that causes initial run-off rainwater to bypass the tank, and

(ii) Rainwater tanks must be fitted with a screened rain head designed to prevent leaf litter entering into the water tank, and

(iii) All rainwater tanks plumbed for internal water use must have a filter installed to prevent sediment from entering toilets and washing machines, and

(iv) Pumps attached to the development must be housed in an enclosure that is soundproofed, and

(v) Rain tanks must have its overflow connected to an existing stormwater drainage system that does not discharge to an adjoining property, or cause a nuisance to adjoining owners

(vi) Rain tanks must have a sign affixed to it stating the water in it is rainwater

(f) 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 reduce community greenhouse emissions to net zero by 2035, to improve human health, to conserve water and to ensure all new (or altered) homes have future capacity to be an all-electric building, powered by renewable energy.

WASTE

36. 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 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.

37. WASTE STORAGE AREAS

The development must have a waste storage area with sufficient space to accommodate the following minimum number of bins within the development:

(a) Residential component:

(i) 3 Mobile Garbage Bins (MGBs) for general waste;

(ii) 3 MGBs for paper and cardboard recycling;

(iii) 3 MGBs for container recycling;

(iv) Extra bins for excess waste, garden organics etc.

All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B1 of the *Waverley Council Development Control Plan 2022* to the satisfaction of the Principal Certifier.

Condition reason: To ensure appropriate waste storage areas are provided.

LANDSCAPE & TREES

38. 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.

SERVICES

39. 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

40. 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.

41. 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) 2 and 4 Diamond Bay Road, Vaucluse

  (ii) 727 Old South Head Road, 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.

42. USE OF FILL ON SITE

The following shall be adhered to:

(a) All fill imported onto the site shall be free of building and other demolition waste, and contain virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 of the *Protection of the Environment Operations Act 1997.*

(b) Sampling and analysis of the fill material should be conducted in accordance with the NSW EPA *Contaminated Land Guidelines Sampling design part 1 and part 2 (2022)* to ensure that the material is not contaminated.

(c) Any other waste derived material the subject of a resource recovery exemption under cl. 51A of the *Protection of the Environmental Operations (Waste) Regulations 2014* that is permitted to be used as fill material.

(d) Any waste derived material the subject of resource exemption received at the development site must be accompanied by documentation as to the materials compliance with the exemption conditions and must be provided to the Principal Certifier on request.

Condition reason: To ensure that land contamination does not occur.

43. 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.

TREE PROTECTION MEASURES

44. PROTECTIVE TREE FENCING

Before any machinery or materials are brought onto the site and before the commencement of any works including demolition, or in accordance with the Tree Protection Specifications (TPS) as shown on the Tree Protection Plan (TPP) protective fencing shall:

(a) Be erected around each tree nominated for retention and protection.

(b) Remain in place for the duration of the works. It must be secured to restrict access and must not be removed or altered without approval from the on-site arborist.

(c) Be installed in accordance with AS 4687.2:2022 Temporary Fencing and Hoardings

(d) Comprise of 1800mm high chain link wire mesh fixed to 50mm galvanised steel posts.

Notes:

(i) Portable chain link fencing may be installed.

(ii) Chain link portable panels must be securely fixed top and bottom to avoid separation.

(iii) Coloured plastic tape fencing or plain strained fencing wire fixed to steel droppers is unacceptable.

(iv) Existing perimeter fences and other structures may be used as part of the protective fence if suitable.

(v) Signs identifying the Tree Protection Zone (TPZ) should be placed around the edge of the TPZ and be visible from within the development site. The lettering on the sign should conform to AS 1319 -1994 REC:2018 Safety signs for the occupational environment

Condition reason: To create an exclusion zone around the tree throughout the construction to ensure all tree parts are protected.

45. TRUNK AND BRANCH PROTECTION

If protective fencing for trees is not possible, trunk protection is to be installed prior to any works commencing and include:

(a) the placement of 1.8m or less lengths of 75 mm x 40 mm hardwood or pine spaced at 125 mm centres around the trunk secured in place by metal strap bindings or 10-gauge fencing wire fixed at 300 mm centres. Prior to placing battens install a soft protective padding to ends of timbers to prevent damage to bark and conducting tissue.

(b) Trunk protection must remain in place for the duration of all site work.

(c) Tree crowns may be injured by machinery such as excavators, drilling rigs, cranes, trucks, hoarding installation, and scaffolding. The tree protection zone may need to include additional protection of the above ground parts of the tree.

(d) Crown protection may include pruning, branch protection, tying-back of branches, use of flagging to make the branch more visible, or other measures. If pruning is required, requirements are specified in AS 4373 2007 Pruning of Amenity Trees and should be undertaken before the establishment of the TPZ.

(e) Temporary powerlines, stays, guys, structures and the like shall not be attached to the tree (unless specifically permitted in the Tree Protection Specifications (TPS)

Condition reason: To ensure all tree parts are protected throughout the construction.

46. TREE PROTECTION CERTIFICATE

The Arborist engaged for the duration of the project shall undertake an inspection of the site once tree protection measures have been fully installed and prior to any works commencing. An inspection Certificate stating that appropriate tree protection measures have been installed for the trees to be retained and protected shall be submitted to Council and the Principal Certifier.

Condition reason: To ensure trees are protected prior to work commencing.

DEMOLITION & EXCAVATION

47. 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.

48. 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.

49. 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.

50. 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.

(d) All excavations and backfilling are to be managed on-site by a registered and practising Structural / Geotechnical Engineer.

(e) Vibration emissions must be monitored on-site at all times to ensure compliance with the recommendations of the detailed geotechnical report prepared by a suitably qualified and practising Structural / Geotechnical Engineer.

(f) All excavations and backfilling are to be carried out in accordance with the detailed Geotechnical Report.

(g) Any changes to the excavation methodology which deviate from the detailed geotechnical report must be reviewed by a suitably qualified and practising Structural / Geotechnical Engineer and approved by the Principal Certifier.

Condition reason: To ensure the structural stability of work on site and general safety.

CONSTRUCTION MATTERS

51. 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.

52. 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.

53. 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)*

54. CONSTRUCTION INSPECTIONS

The building works are to be inspected during construction by the Principal Certifier in accordance with the *Building Legislation Amendment (Quality of Construction) Act 2002*, Part 8 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* and the requirements of any other applicable legislation or instruments.

Condition reason: To ensure regular inspections occur throughout the construction process.

55. 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.

56. 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.

57. 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.

TREE PROTECTION & REMOVAL

58. PROTECTING TREES ON DEVELOPMENT SITES

(a) Throughout construction, tree protection measures installed are to be retained in accordance with Waverley Council's Development Control Plan 2022, the Landscape Plan, and Australian Standard – AS 4970 – 2009 - Protection of Trees on Development Sites.

(b) If any trees identified to be retained and protected are found to be faulty, damaged, dying, or dead, they must be removed and replaced with the same species at the applicant's expense.

All approved tree work must be carried out by minimum AQF Level 3 arborist in accordance with AS 4373-2007 Pruning of amenity trees

Condition reason: To ensure the retained trees remain unimpacted by construction.

59. TREE WORK

(a) If any trees on the site or on neighbouring properties require pruning, then permission must be gained from the owner of the tree(s) and an application to Prune or Remove Trees on Private Property (Tree Permit Application) must be submitted to Waverley Council for processing. Application forms are available on Council's website.

(b) If any trees on Council owned land require pruning, the application should be accompanied with a Tree Pruning Report, prepared by an Arborist with AQF level 5 qualification or above. The Report shall include photos showing the branches that need to be removed.

(c) The application and Report (where relevant) are to be submitted and approved by Council's Tree Technical Officer prior to any works or pruning to the affected tree/s.

Condition reason: To protect trees during construction.

60. ACTIVITIES GENERALLY EXCLUDED FROM THE TREE PROTECTION ZONE (TPZ)

Activities excluded from the TPZ include but are not limited to:

(a) Excavation, cultivation or disturbance of the soil, including scraping of the surface.

(b) Equipment and material storage.

(c) Preparation of chemicals, including preparation of cement products.

(d) Movement or parking of vehicles and plant.

(e) Dumping of waste.

(f) Spreading or stockpiling of fill.

(g) Refuelling.

(h) Washing down and cleaning of equipment or hard surfaces.

(i) Fires.

(j) Physical damage to the tree.

(k) Soil level changes,

(l) Temporary or permanent installation of utilities and signs, and

(m) Ground compaction.

Activities specified in items (a) to (e) may be permitted with appropriate protection measures, as detailed in the Tree Protection Specifications (TPS) and Tree Protection Plan (TPP)

Condition reason: To ensure precautions are taken when working near trees during construction.

STORMWATER

61. 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.

VEHICLE ACCESS AND PUBLIC DOMAIN WORKS

62. NEW VEHICLE CROSSING

A new vehicle crossing is to be provided to access the proposed basement car park. A separate application (search "Driveway works on Council Land" Application 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*.

63. EXISTING VEHICLE CROSSING IS TO BE CLOSED

The existing vehicle crossing is to be closed, and all work associated with the closure is to be carried out with the approval of, and in accordance with, the requirements of Council. Applications are to be lodged online via Council's website. 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 reinstatement of verge occurs once crossing is closed, which will help to ensure stormwater overland flow is appropriately drained away from the site.

64. VEHICULAR ACCESS – FINISHED LEVEL

The internal finished level shall be construction to match the longitudinal fall of Councils footpath.

In this regard, the finished level at the property boundary on both sides of the vehicle crossing is to be **50mm above** the level of the back edge of existing concrete footpath.

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

Condition reason: To ensure stormwater falling on Council land drains away from the property boundary.

65. 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.

66. 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.

67. 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, footpath and landscaping hold points.

<u>Kerb and Gutter & Footpath Paving</u>

(a) After completion of formwork and prior to casting of concrete

(b) After full completion and restoration

Landscape

(a) 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

68. 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.

69. 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.

70. 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*).

71. CERTIFICATION OF APPROVED DESIGN

In accordance with the *Environmental Planning and Assessment Regulations 2021*, the Principal Certifier must not issue an Occupation Certificate, to authorise a person to commence occupation or use of the development unless it has received a Design Verification Statement (DVS). The DVS is to be prepared by the registered architect (who is registered in accordance with the *Architects Act 2003* i.e. qualified designer) that verifies that the building achieves the design quality of the development as shown in the plans and specifications in respect of which the relevant Construction Certificate was issued, having regard to the design quality principles.

Condition reason: To maintain the architectural integrity of the approved development through the construction phase.

72. 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 the high quality landscape solution is appropriately established and maintained for the life of the development.

73. CERTIFICATION OF TREE ASSESSMENT

Prior to the issue of a Final Occupation Certificate, certification is required from the project arborist that the completed works have been carried out in accordance with the approved Tree Protection Specifications (TPS), Tree Protection Plan (TPP) imposed in the conditions of consent. Certification should include a statement on the condition of the retained trees, as well as details of any deviations from the approved TPS, TPP or consent conditions, and their impacts on trees. The certification is to be provided to the satisfaction of Council's Tree Technical Officer and submitted to treemanagement@waverley.nsw.gov.au.

Condition reason: To ensure tree protection measures have been carried out in appropriately.

74. TREE PROTECTION MEASURES TO BE REMOVED

All tree protection shall be removed prior to the issuing of the final Occupation Certificate.

Condition reason: To ensure that the tree can continue to grow post construction.

75. 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.

A copy of the certification/s must be submitted to Council (attention to: Infrastructure Services) for record.

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.

76. 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 practicing Engineer 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 have a record of the stormwater management systems on site, which may be used for the provision of advice for any future or remedial works.

77. CERTIFICATION OF PUBLIC DOMAIN WORKS

Prior to the issue of any Occupation Certificate for the works, the Applicant must submit to Council a Final Certificate from the Supervising Engineer (or equivalent qualified professional), 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: To ensure all works within the public domain have been constructed appropriately.

78. WORKS 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.

Condition reason: To ensure all the proposed works within the public domain are completed per design approval granted by Waverley Council, and copies of the 'As-Build' brand new assets are provided to Council.

79. RESTRICTION AS TO USER

(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.

80. 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.

The Instrument must be registered and a copy of the document must be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate or use of the building.

All associated costs will be borne by the applicant.

Condition reason: 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.

81. 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 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.

The Instrument must be registered and a copy of the document must be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate or use of the building.

All associated costs will be borne by the applicant.Condition reason: 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.

Condition reason: This is to ensure that the key stormwater management controls (e.g. OSD, pump out, infiltration system) are not modified or removed without Council consent and that they are maintained in order to minimise flooding impacts within the downstream catchment.

82. PLANNED PREVENTATIVE MAINTENANCE SCHEDULE FOR PUMP OUT SYSTEM

The registered proprietor will be required to submit written intent to establish and maintain a Planned Preventative Maintenance (PPM) schedule of the pump out system prior to the issue of an Occupation Certificate. Council will not be liable for any claims for damages arising from the failure of the pump out system.

Evidence must be submitted to the Executive Manager, Infrastructure Services or delegate prior to the issue of an Occupation Certificate.

Condition reason: Ensure pump out systems are maintained and continue to operate as intended.

83. ONGOING MAINTENANCE – STORMWATER DRAINAGE SYSTEM

An ongoing maintenance plan for the stormwater system (OSD and SQUID) 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.

84. 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.

85. 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.*

MANAGEMENTS PLANS

86. PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE

A Waste Management Plan must be submitted to the Principal Certifier and include including the following where relevant;

(a) All arrangements including relevant and current contracts for recyclables and all other waste (collection and disposal)

(b) The waste storage area and bins must be cleaned and maintained regularly with appropriate lighting.

(c) Confer with Sydney Water regarding whether a Trade Waste Agreement is required. A copy of the agreement shall be forwarded to Council if one is entered into with Sydney Water.

(d) The role and responsibility of managing composting facilities (if provided);

(e) Clear signage identifying the different bin types, space for reusable items such as crates and pallets, bulky household waste and problem waste must be displayed.

(f) The recycling bins must be placed alongside the general waste bins for ease of access and to encourage recycling habits.

(g) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of bins, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.

(h) All waste and recycling bins must only be placed out on Council footpath for collection no earlier than 5:30 p.m. on the day prior to the designated waste collection day and retrieved from the kerbside as early as possible.

(i) The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan is to be available on site when requested.

(j) At no times shall bins be stored on the public domain (e.g. footpaths).

Condition reason: To ensure that waste is appropriately managed during occupation of the development.

VEHICLE ACCESS AND PARKING

87. CAR PARKING

A total of 8 car vehicle parking spaces are to be provided within the development, allocated in the following manner:

(a) 8 standard residential parking spaces including at least one of these spaces allocated to the affordable housing apartment (Unit 01 on the approved plans).

(b) At least 10% of all the car parking spaces are to be allocated as accessible parking spaces.

(c) Accessible parking spaces are to be designed in accordance with Australian Standard AS2890.6 - 2009 Off Street Parking for People with Disabilities.

(d) Car parking spaces are to be allocated with the rates specified in the DCP, with no more than 2 spaces allocated to any residential unit/dwelling.

(e) All spaces are to be clearly delineated and numbered, signposted and marked.

(f) Car parking spaces shall not be independent lots, but rather part lots attached to units in any future Subdivision Plans.

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 correct number of car spaces are allocated to the appropriate users.

88. BICYCLE PARKING

A total of 7 bicycle parking spaces are to be provided within the development, allocated in the following manner:

(a) 6 residential bicycle spaces

(b) 1 visitor bicycle spaces

The bicycle spaces are to be designed in accordance with Australian Standard AS2890.3 - 2015 Parking Facilities - Bicycle Parking.

The bicycle spaces are to be provided by way of a secure lockable area, individual lockers or suitable bicycle racks and are to be located within the ground floor foyer or adjacent within any forecourt or within the basement car parking area. Signage and line-marking (way finding) is to be provided to guide visitors to the allocated bicycle parking spaces to ensure a safe path of travel to the bicycle spaces (separate to cars).

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

89. VEHICLE PRIORITY/TRAFFIC LIGHT SYSTEM

A vehicle priority system (mirrors etc.) or traffic light system shall be provided for driveways and ramps which have access via a single lane to or from car parking spaces.

As constructed plans and details 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 and details are to be emailed to traffic@waverley.nsw.gov.au

Condition reason: To minimise vehicular conflicts

OTHER MATTERS

90. ALLOCATION OF STREET NUMBER

(a) The redevelopment or subdivision of the property requires the allocation of street numbers as follows:

  (i) 723 Old South Head Road - primary address site

(b) The following sub-addressing will apply:

  (i) No. G01/ 723 Old South Head Road for ground floor allotment;

  (ii) No. 101/ 723 Old South Head Road for the north allotment on level one;

  (iii) No. 102/ 723 Old South Head Road for the south allotment on level one;

  (iv) No. 201/ 723 Old South Head Road for the north allotment on level two;

  (v) No. 202/ 723 Old South Head Road for the south allotment on level two;

  (vi) No. 301/ 723 Old South Head Road for the level two allotment.

(c) The premises number for the properties shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level, located near the pedestrian entry point for each lot and be clearly visible on the site boundary that fronts Old South Head Road.

(d) The address number for a sub-address site shall consist of the sub-address followed by the number of the primary address site.

(e) The address number for a sub-address site shall not consist of the primary address number on its own.

(f) The address number for a sub-address site shall not consist of the primary address number with an alpha suffix.

(g) Sub-address numbers shall be applied in a logical sequence in the street and within a primary address site shall be unique regardless of the type of the address.

(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 Certificate.

(i) Any variation to the above street numbering requires a new application to be lodged with Council.

Condition reason: To ensure the property address is clearly identified.

OPERATIONAL MATTERS

The following operational conditions must be complied with at all times, throughout the use and operation of the development or use.

USE

91. 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.

AMENITY AND SAFETY

92. ONGOING MAINTENANCE – RAINWATER HARVESTING AND REUSE

The operation of all devices or appliances installed within the development approved by this consent as required by conditions pertinent to rainwater harvesting and rainwater reuse must be maintained in good operating order at all times.

Condition reason: Ensure the rainwater harvesting and reuse systems are maintained and continue to operate as intended.

93. 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.

94. WASTE MANAGEMENT PLAN REVIEW

After 5 years of operation under this development consent, the Approved Waste Management Plan is to be reviewed to ensure that the details including contracts, roles and responsibilities, commercial tenants (if relevant) are current. The updated plan is to supersede the previous plan.

Condition reason: To ensure that waste management procedures continue to be appropriate for the site.

PARKING AND ACCESS

95. VEHICLE ACCESS

All vehicles including service vehicles entering and exiting the building are to do so in a forward direction. Any vehicle utilising a car, motorcycle or bicycle space is to be parked fully within the confines of the site and is not to park over the public footway at any time.

Condition reason: To improve safety when entering and exiting the site.

96. ADJUSTMENTS TO STREET SIGNS

Any street signs required to be removed as a result of the works shall be relocated at the applicant and/or owner's expense in accordance with Council's requirements. Applicants are to email traffic@waverley.nsw.gov.au for details.

Condition reason: To ensure signage is provided.

97. ELECTRIC VEHICLE CHARGING POINTS

All resident car spaces must be 'EV Ready' and provided a dedicated circuit with a minimum current of 16A and cable storage for each parking space with power demand management system to enable all circuits to be used simultaneously. Electrical circuit have capacity to deliver a minimum 15 kWh between 11pm-7am.

At least one of the resident car spaces is to have a charger installed.

At least one dedicated space and charging point is to be provided for electric bicycles and mobility scooters.

All visitor car spaces require an EV charger with a 3-phase - 32A connection as a minimum. Electrical circuit have capacity to deliver a minimum 15 kWh between 9am-5pm.

Condition reason: To ensure EV ready spaces comply with WDCP requirements at time of approval.

98. PARKING PERMITS

Occupants of the building are not to be eligible for resident parking permits under Council's Resident Parking Scheme.

Condition reason: To align with Council's Resident Parking Scheme.

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. SITE RECTIFICATION WORKS

The vacant site is to be maintained in a safe and secure manner. Fencing is to be erected around the permitter of the site once demolition has been completed to secure the site. The site is to be protected from windblown soil loss and stormwater erosion at all times.

If the site is commenced to be developed and there is suspension in activity for 6months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:

(a) Require certain works to be carried out, including but not limited to:

  (i) Make the building/site safe and of an appearance acceptable to Council;

  (ii) Allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point;

  (iii) For the hole to be covered to allow it to be landscaped and made attractive from any public vantage point.

  (iv) Council may call on any bank guarantee to cover the cost thereof.

(b) In the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the costs of the works.

8. EXCAVATION TO BE LIMITED

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

9. TREE REMOVAL/PRESERVATION

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

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

10. 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 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.*

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

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



AMENDED

RECEIVED
Waverley Council

Application No: 190/2025

Date Received: 17/09/2025

Drawing No:	Description
SNC-01	COVER PAGE
SNC-02	PROJECT SUMMARY
SNC-03	DEMOLITION PLAN
SNC-04	SITE ANALYSIS
SNC-05	SITE PLAN
SNC-06	FLOOR PLANS p.1 1:200
SNC-07	FLOOR PLANS p.2 1:200
SNC-08	FLOOR PLANS p.3 1:200
SNC-09	FLOOR PLANS p.4 1:200
SNC-10	FLOOR PLANS p.5 1:200
SNC-11	FLOOR PLANS p.6 1:200
SNC-12	BASEMENT FLOOR PLAN 1:100
SNC-13	GROUND FLOOR PLAN 1:100
SNC-14	FIRST FLOOR PLAN 1:100
SNC-15	SECOND FLOOR PLAN 1:100
SNC-16	THIRD FLOOR PLAN 1:100
SNC-17	ROOF FLOOR PLAN 1:100
SNC-18	WEST/STREET ELEVATION
SNC-19	EAST ELEVATION
SNC-20	NORTH ELEVATION
SNC-21	SOUTH ELEVATION
SNC-22	SECTION 1
SNC-23	SECTION 2
SNC-24	SECTION 3
SNC-25	SECTION 4
SNC-26	DRIVEWAY SECTIONS p.1
SNC-27	3D VIEWS p.1
SNC-28	3D VIEWS p.2
SNC-29	GFA CALCS.
SNC-30	LANDSCAPE CALCS. p.1
SNC-31	LANDSCAPE CALCS. p.2
SNC-32	CROSS VENTILATION ANALYSIS
SNC-33	STORAGE CALCS.
SNC-34	POS CALCS.
SNC-35	WINDOW SCHEDULE p.1
SNC-36	WINDOW SCHEDULE p.2
SNC-37	PLAN SHADOWS p.1
SNC-38	PLAN SHADOWS p.2
SNC-39	PLAN SHADOWS p.3
SNC-40	3D SHADOWS p.1
SNC-41	3D SHADOWS p.2
SNC-42	3D SHADOWS p.3
SNC-43	VIEWS FROM THE SUN p.1
SNC-44	VIEWS FROM THE SUN p.2
SNC-45	VIEWS FROM THE SUN p.3
SNC-46	MATERIALS & FINISHES p.1
SNC-47	MATERIALS & FINISHES p.2
SNC-48	WASTE MANAGEMENT PLAN
SNC-49	PHOTOMONTAGES

NEW RESIDENTIAL APARTMENT BUILDING
723-725 Old South Head Road, Vaucluse

CSA ARCHITECTS

Nominated Architect: Alex Smith Reg #5473
alex@csa-arch.com.au

CSA Architects Pty Ltd.
61 2 9389 4055 www.csa-arch.com.au
185 Old South Head Rd., Bondi Junction NSW 2022
a.c.n. 087 234 053

Certificate No. 0011790110
Scan QR code or follow website link for rating details.
Assessor name ANTHONY PEART
Accreditation No. DMN/13/1511
Property Address 723 OLD SOUTH HEAD ROAD ,VAUCLUSE NSW 2030

Rev	Description	Date
01	DA ISSUE	8/04/2025
02	Additional information requested by Council	16/09/2025

Contractors are responsible for all site levels and dimensions and must verify these at the job before the commencement of any work, the preparation of shop drawings or the fabrication of components. Do not scale drawings use figured dimensions only.

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Client

SNC

Project

NEW RESIDENTIAL APARTMENTS
723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

COVER PAGE

Sheet No.

SNC-01

Drawn:	Checked:	Scale:	Rev.
AY	AS	1 :100 U.N.O	02

1:200 1:100 1:50 1 METRE INCREMENTS

Plot Date: Tuesday, 16 September 2025

PROJECT INFORMATION

Project address: 723-726 Old South Head Road, Vaucluse

	Waverley LEP 2022	SEPP Housing 2021 26% additional	Proposed
Site area	532.2m²		
Height control	12.5m	15.75m	13.03m
Allowable FSR	0.9:1(478.98m²)	1.134:1(603.5m²)	1.130:1 (601.52m²)
Zoning	R3 Medium density residential		
Affordable housing		601.52*13% = 78.19m²	78.20m² (Unit 1)

02

02

AREA SCHEDULE

Level	Unit no.	Unit type	Internal area (m²)	POS (m²)
Ground floor	Unit 1	2 bed	78.20m²	16.51m²
First floor	Unit 2	2 bed	86.89m²	34.22m²
	Unit 3	3 bed	101.73m²	19.21m²
Second floor	Unit 4	2 bed	84.62m²	10.09m²
	Unit 5	3 bed	99.02m²	12.06m²
Third floor	Unit 6	3 bed	127.71m²	23.56m²
TOTAL			**577.97m²**	

02

CAR PARK REQUIREMENTS - WDCP

Unit type	No. of units	DCP parking rate	DCP max. permissible	Parking provision
2 bed	3	1.2 spaces/dwelling	4	8
3 bed	3	1.2 spaces/dwelling	5	
		TOTAL	9	8

UNIT MIX

Level	1 bed	2 bed	3 bed	Total
Ground floor	-	1	-	1
First floor	-	1	1	2
Second floor	-	1	1	2
Third floor	-	-	1	1
Total	-	3 (50%)	3 (50%)	6 (100%)

MOTORCYCLE & BICYCLE REQUIREMENT - WDCP

Type	No.	DCP parking rate	DCP min. requirement	Parking provision
Residential apts.	6	1 spaces/dwelling	6	7
Visitors	6	0.1 spaces/dwelling	1	
		TOTAL	7	7

OTHER REQUIREMENTS

	DCP / ADG Req	Required	Proposed
Solar access	70% of total number of apartments	4.2 units	5 units
Cross ventilation	60% of total number of apartments	3.6 units	5 units

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Waverley Council

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Date Received: 17/09/2025

AMENDED

CSA ARCHITECTS

Nominated Architect: Alex Smith Reg #5473
alex@csa-arch.com.au

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185 Old South Head Rd., Bondi Junction NSW 2022
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Certificate No. 0011790110
Scan QR code or follow website link for rating details.
Assessor name ANTHONY PEART
Accreditation No. DMN/13/1511
Property Address 723 OLD SOUTH HEAD ROAD ,VAUCLUSE NSW,2030

Rev	Description	Date
01	DA ISSUE	8/04/2025
02	Additional information requested by Council	16/09/2025

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NEW RESIDENTIAL APARTMENTS

723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

PROJECT SUMMARY

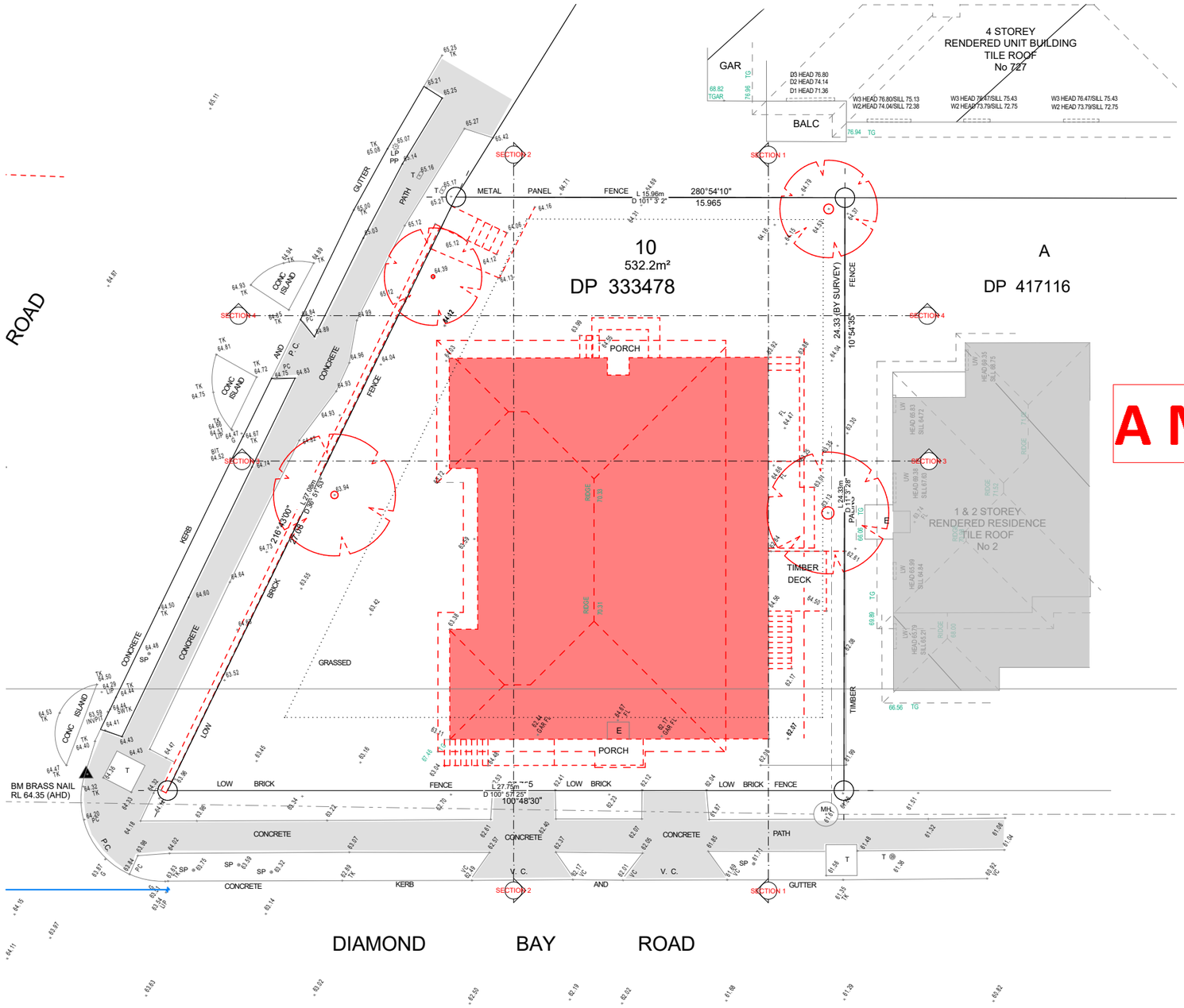
Sheet No.

SNC-02

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AY	AS	1 :100 U.N.O	02

1:200 1:100 1:50 1 METRE INCREMENTS

Plot Date: Tuesday, 16 September 2025



1 DEMOLITION PLAN 1:200

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Application No: 190/2025

Date Received: 17/09/2025

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Nominated Architect: Alex Smith Reg #5473
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Rev	Description	Date
01	DA ISSUE	8/04/2025
02	Additional information requested by Council	16/09/2025

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NEW RESIDENTIAL APARTMENTS
723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

DEMOLITION PLAN

Sheet No.

SNC-03

Drawn:	Checked:	Scale:	Rev.
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1:200 1:100 1:50 1 METRE INCREMENTS

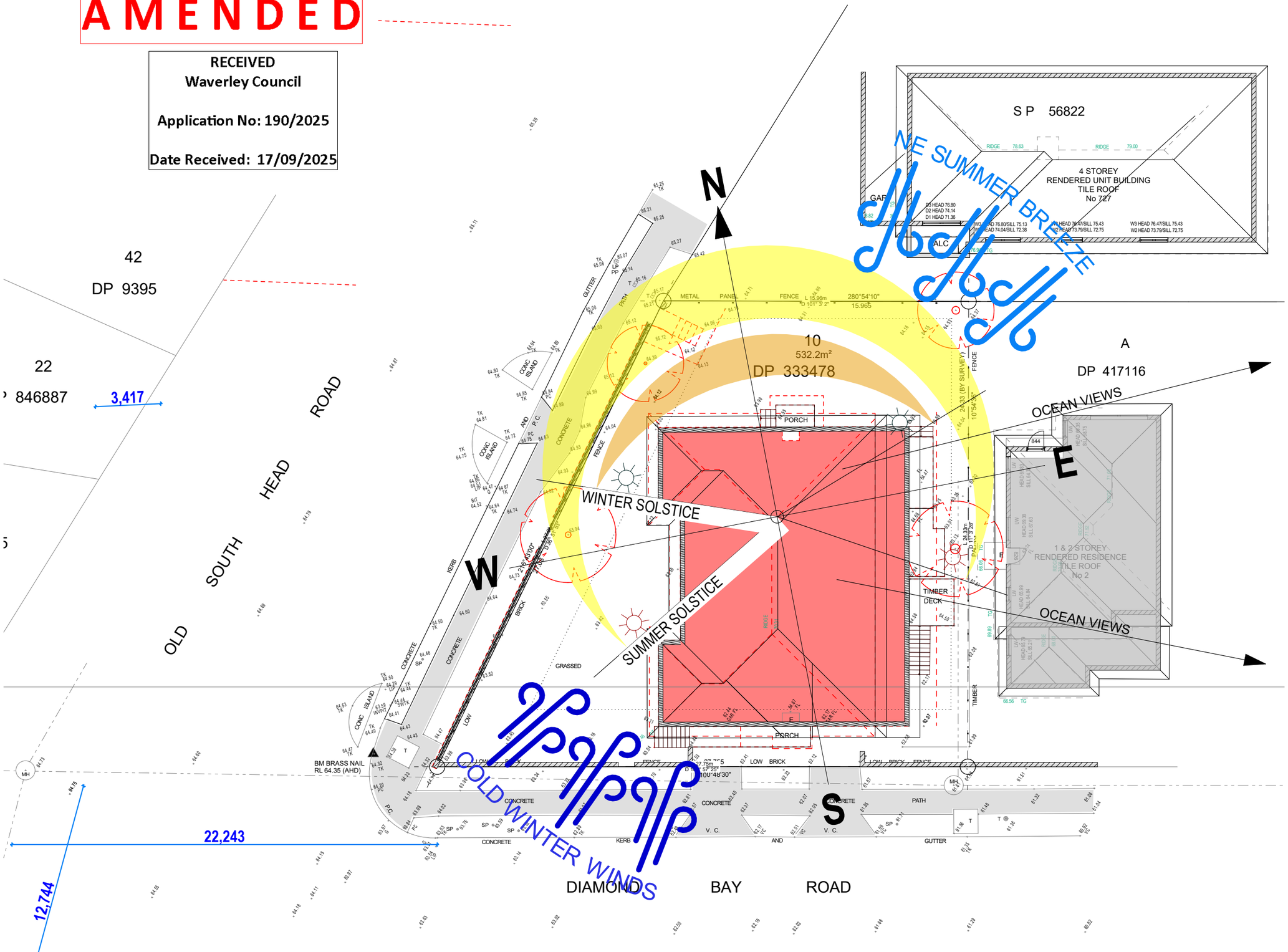
Plot Date: Tuesday, 16 September 2025

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Waverley Council

Application No: 190/2025

Date Received: 17/09/2025



1 SITE ANALYSIS 1:200

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SNC

Project

NEW RESIDENTIAL APARTMENTS

723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

SITE ANALYSIS

Sheet No.

SNC-04

Drawn:	Checked:	Scale:	Rev.
AY	AS	1 :100 U.N.O	02

1:200 1:100 1:50 1 METRE INCREMENTS

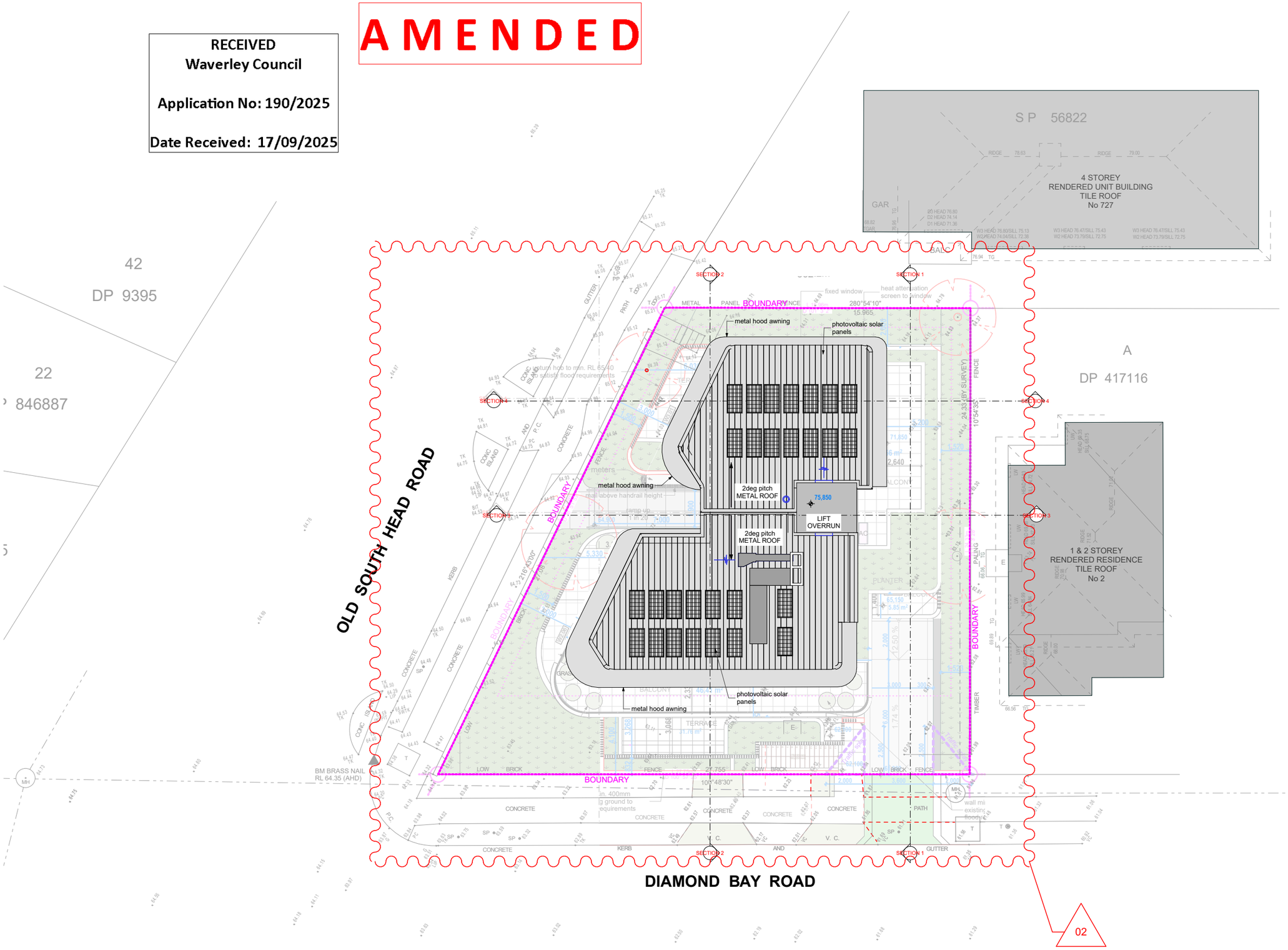
Plot Date: Tuesday, 16 September 2025

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Application No: 190/2025

Date Received: 17/09/2025

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1 SITE PLAN 1:200

CSA ARCHITECTS

Nominated Architect: Alex Smith Reg #5473
alex@csa-arch.com.au

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185 Old South Head Rd., Bondi Junction NSW 2022
a.c.n. 087 234 053

Certificate No. 0011790110
Scan QR code or follow website link for rating details.
Assessor name ANTHONY PEART
Accreditation No. DMN/13/1511
Property Address 723 OLD SOUTH HEAD ROAD ,VAUCLUSE NSW,2030

Rev	Description	Date
01	DA ISSUE	8/04/2025
02	Additional information requested by Council	16/09/2025

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Client

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Project

NEW RESIDENTIAL APARTMENTS

723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

SITE PLAN

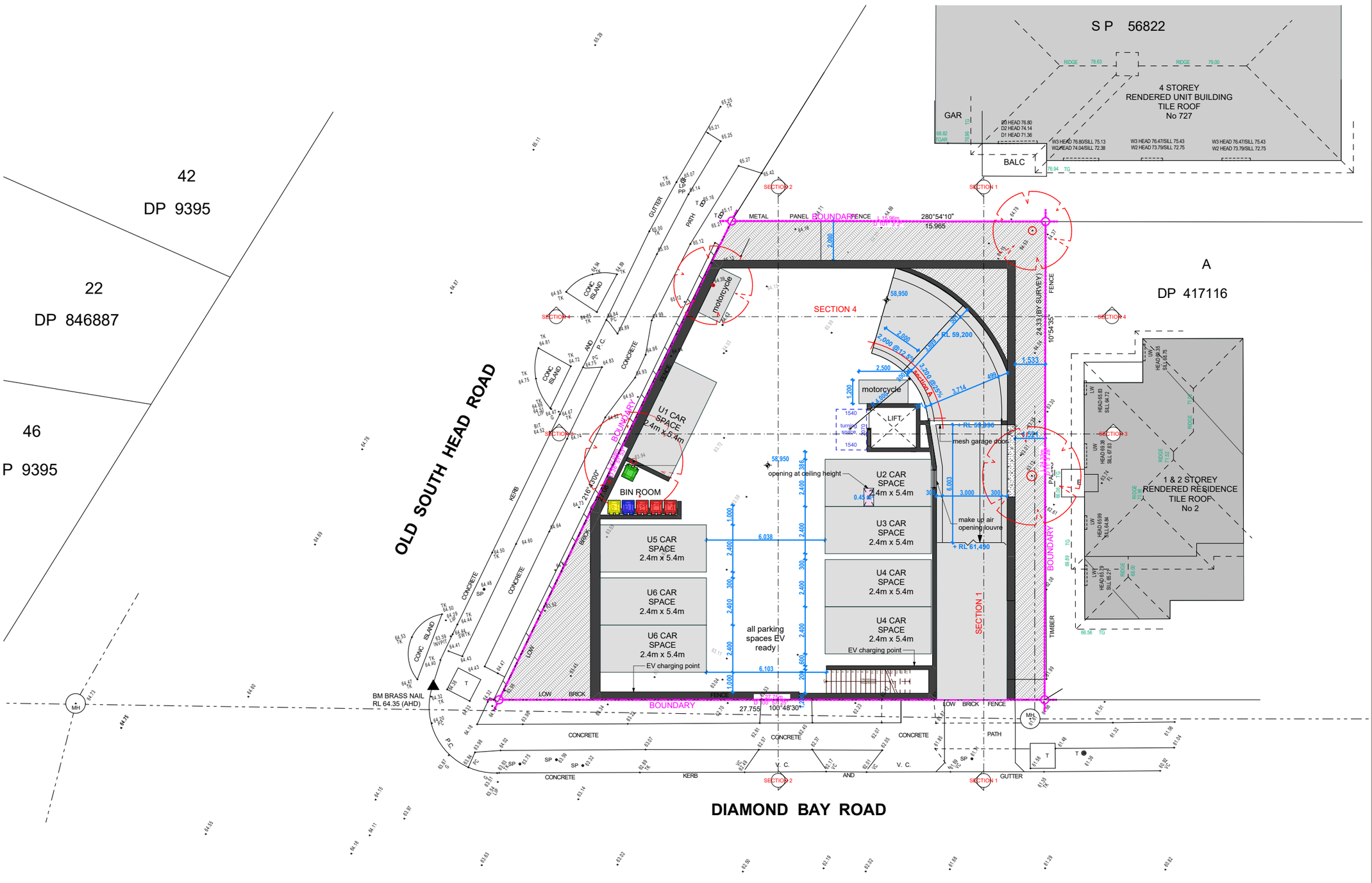
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SNC-05

Drawn:	Checked:	Scale:	Rev.
AY	AS	1 :100 U.N.O	02

1:200 1:100 1:50 1 METRE INCREMENTS

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1 BASEMENT 1:200

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NEW RESIDENTIAL APARTMENTS
723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

FLOOR PLANS p.1 1:200

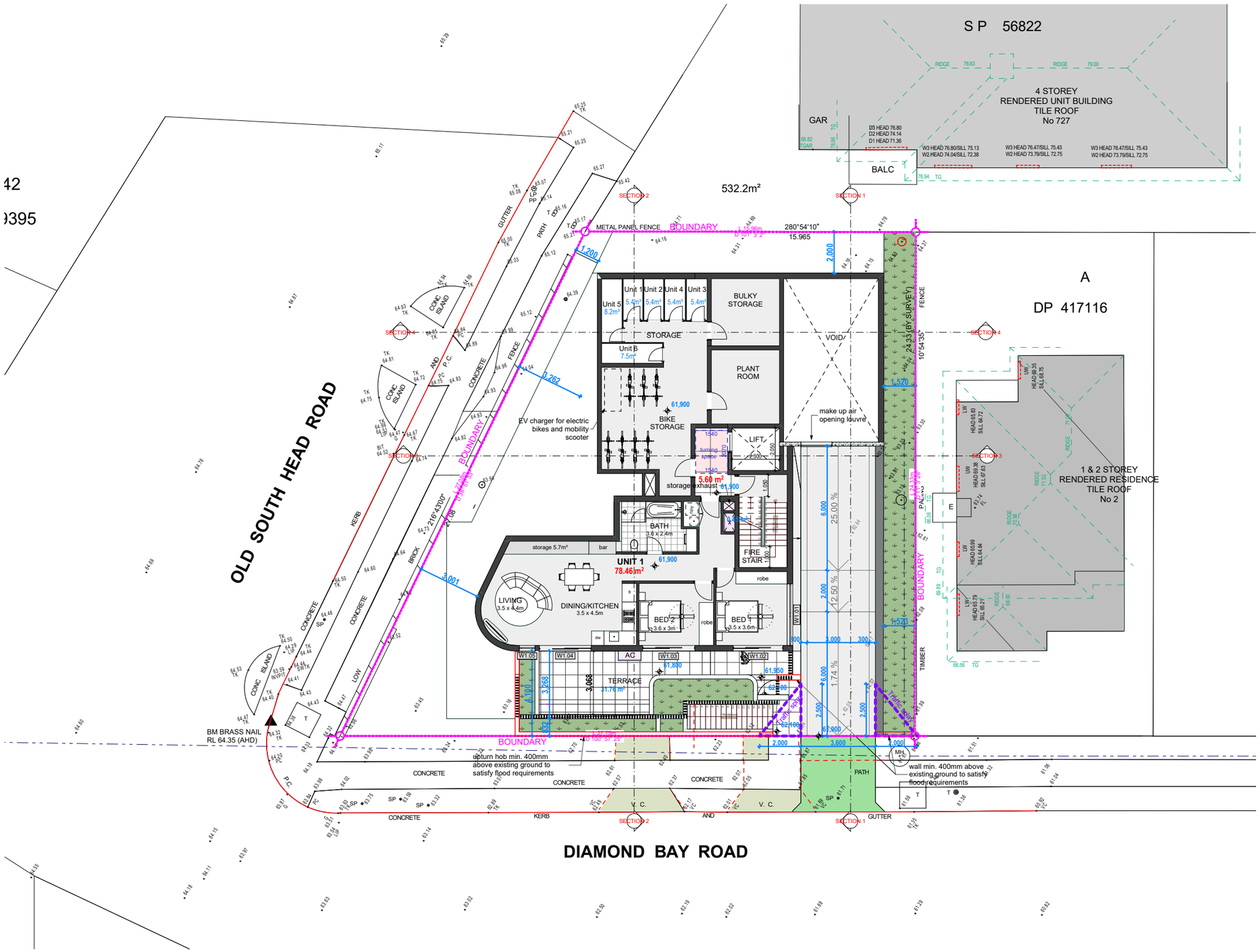
Sheet No.

SNC-06

Drawn:	Checked:	Scale:	Rev.
AY	AS	1 :100 U.N.O	02

1:200 1:100 1:50 1 METRE INCREMENTS

Plot Date: Tuesday, 16 September 2025



1 GROUND FLOOR 1:200

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Property Address 723 OLD SOUTH HEAD ROAD ,VAUCLUSE NSW 2030

Rev	Description	Date
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NEW RESIDENTIAL APARTMENTS
723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

FLOOR PLANS p.2 1:200

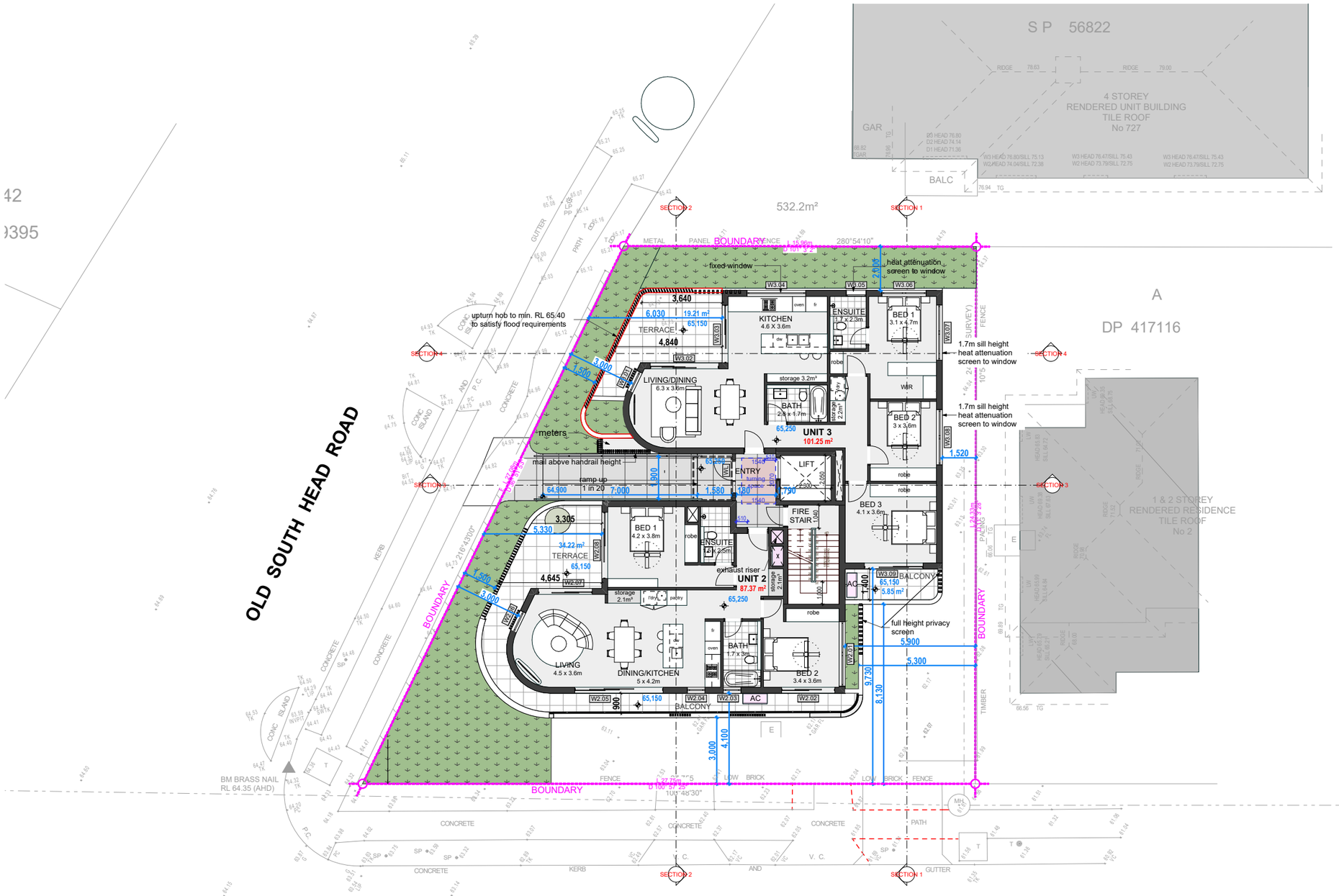
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SNC-07

Drawn:	Checked:	Scale:	Rev.
AY	AS	1 :100 U.N.O	02

1:200 1:100 1:50 1 METRE INCREMENTS

Plot Date: Tuesday, 16 September 2025



1 FIRST FLOOR 1:200

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Application No: 190/2025

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Rev	Description	Date
01	DA ISSUE	8/04/2025
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Project

NEW RESIDENTIAL APARTMENTS
723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

FLOOR PLANS p.3 1:200

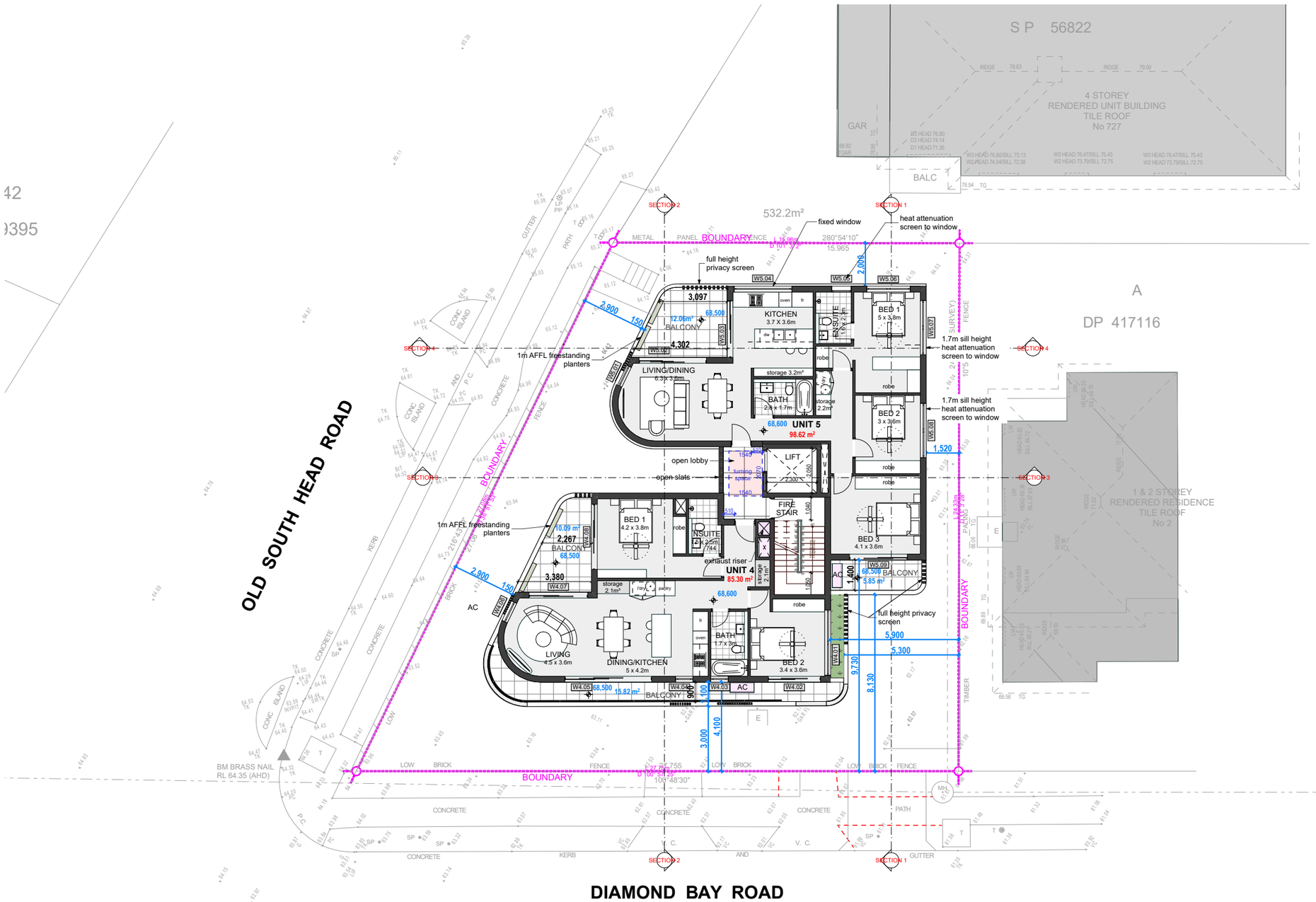
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SNC-08

Drawn:	Checked:	Scale:	Rev.
AY	AS	1 :100 U.N.O	02

1:200 1:100 1:50 1 METRE INCREMENTS

Plot Date: Tuesday, 16 September 2025



1 SECOND FLOOR 1:200

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Application No: 190/2025

Date Received: 17/09/2025

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NEW RESIDENTIAL APARTMENTS
723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

FLOOR PLANS p.4 1:200

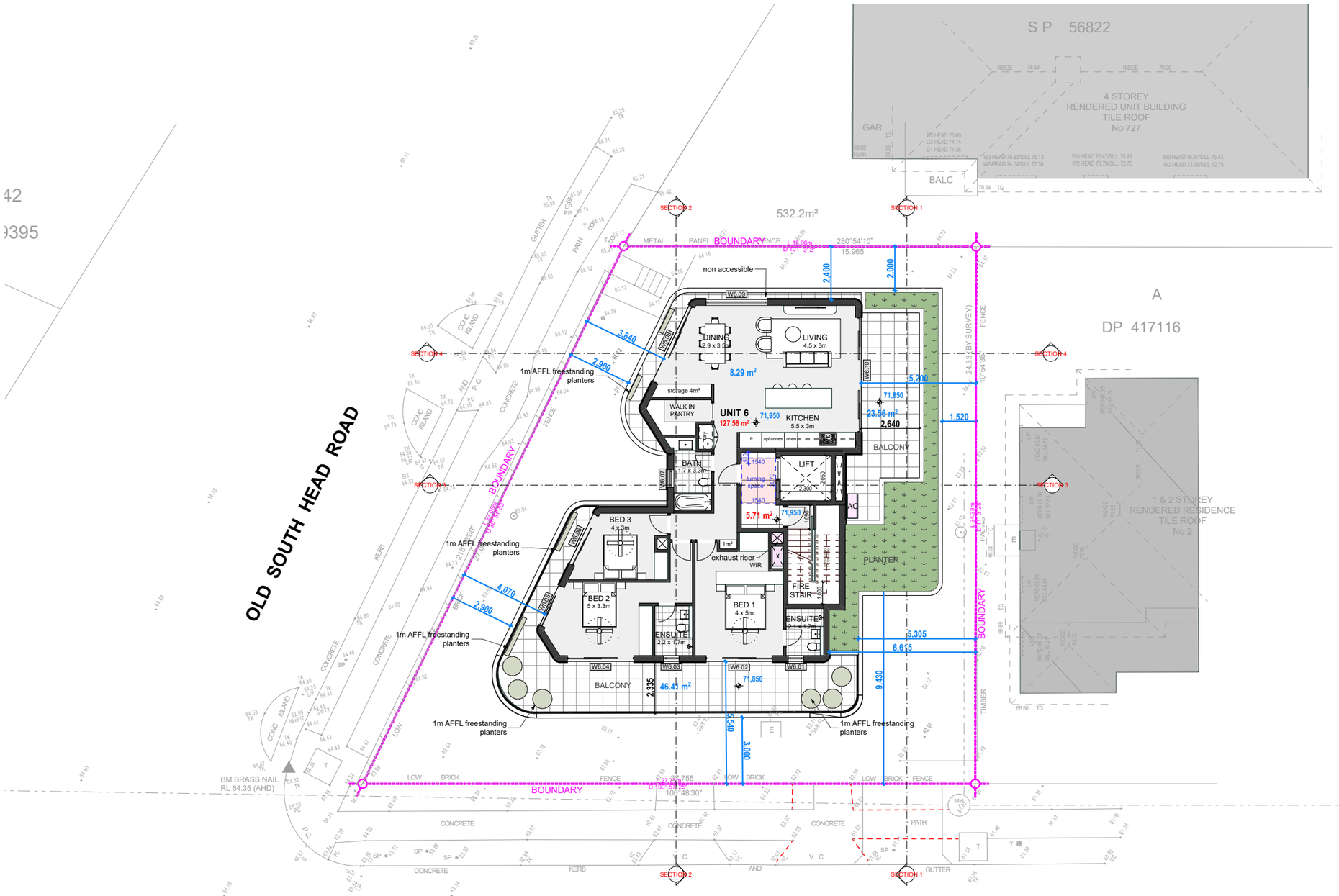
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SNC-09

Drawn:	Checked:	Scale:	Rev.
AY	AS	1 :100 U.N.O	02

1:200 1:100 1:50 1 METRE INCREMENTS

Plot Date: Tuesday, 16 September 2025



1 THIRD FLOOR 1:200

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Application No: 190/2025

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Rev	Description	Date
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NEW RESIDENTIAL APARTMENTS
723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

FLOOR PLANS p.5 1:200

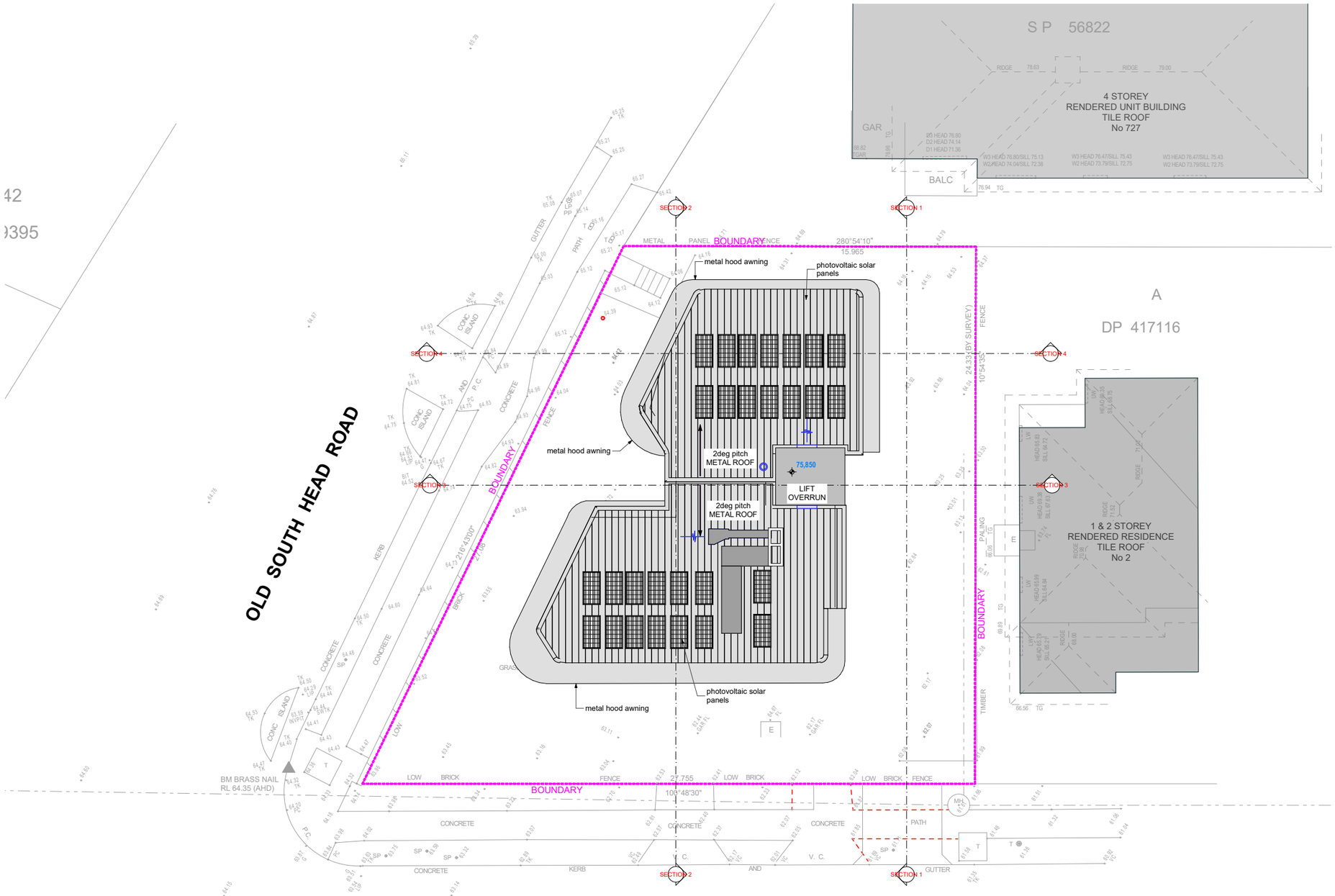
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SNC-10

Drawn:	Checked:	Scale:	Rev.
AY	AS	1 :100 U.N.O	02

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1 ROOF 1:200

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NEW RESIDENTIAL APARTMENTS
723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

FLOOR PLANS p.6 1:200

Sheet No.

SNC-11

Drawn:	Checked:	Scale:	Rev.
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1:200 1:100 1:50 1 METRE INCREMENTS
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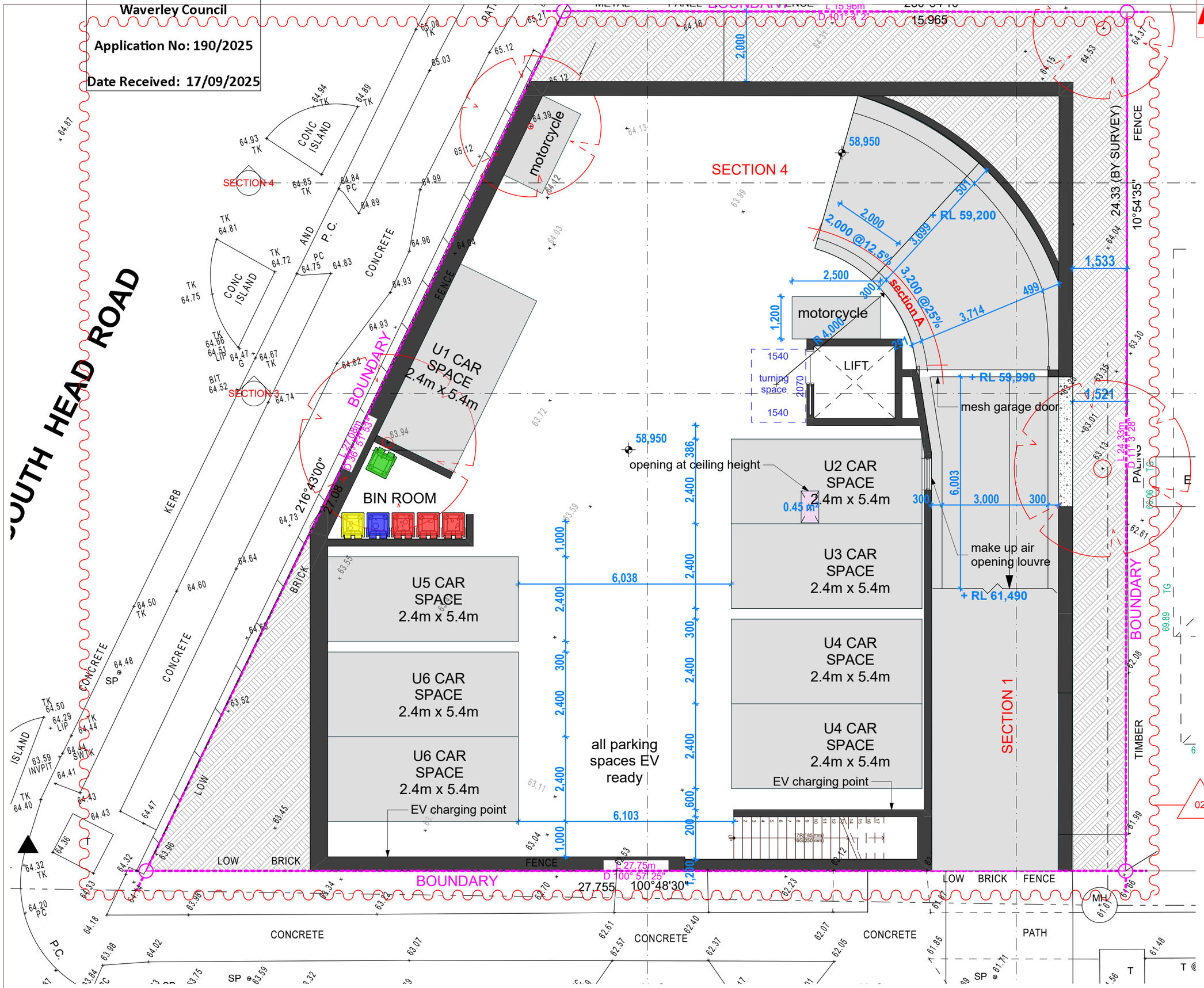
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1 BASEMENT 1:100

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NEW RESIDENTIAL APARTMENTS

723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

BASEMENT FLOOR PLAN 1:100

Sheet No.

SNC-12

Drawn:	Checked:	Scale:	Rev.
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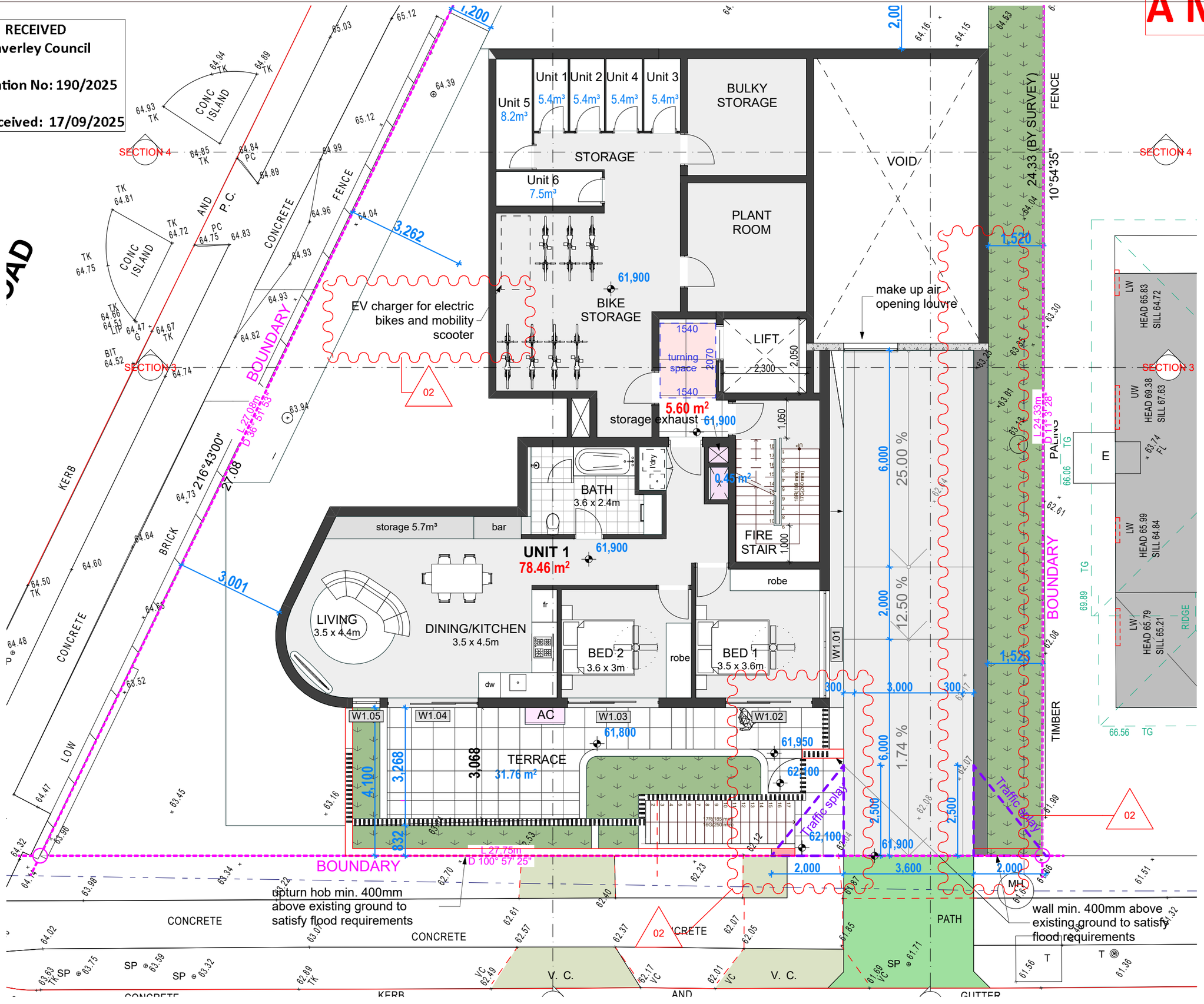
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Project

NEW RESIDENTIAL APARTMENTS

723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

GROUND FLOOR PLAN 1:100

Sheet No.

SNC-13

Drawn:	Checked:	Scale:	Rev.
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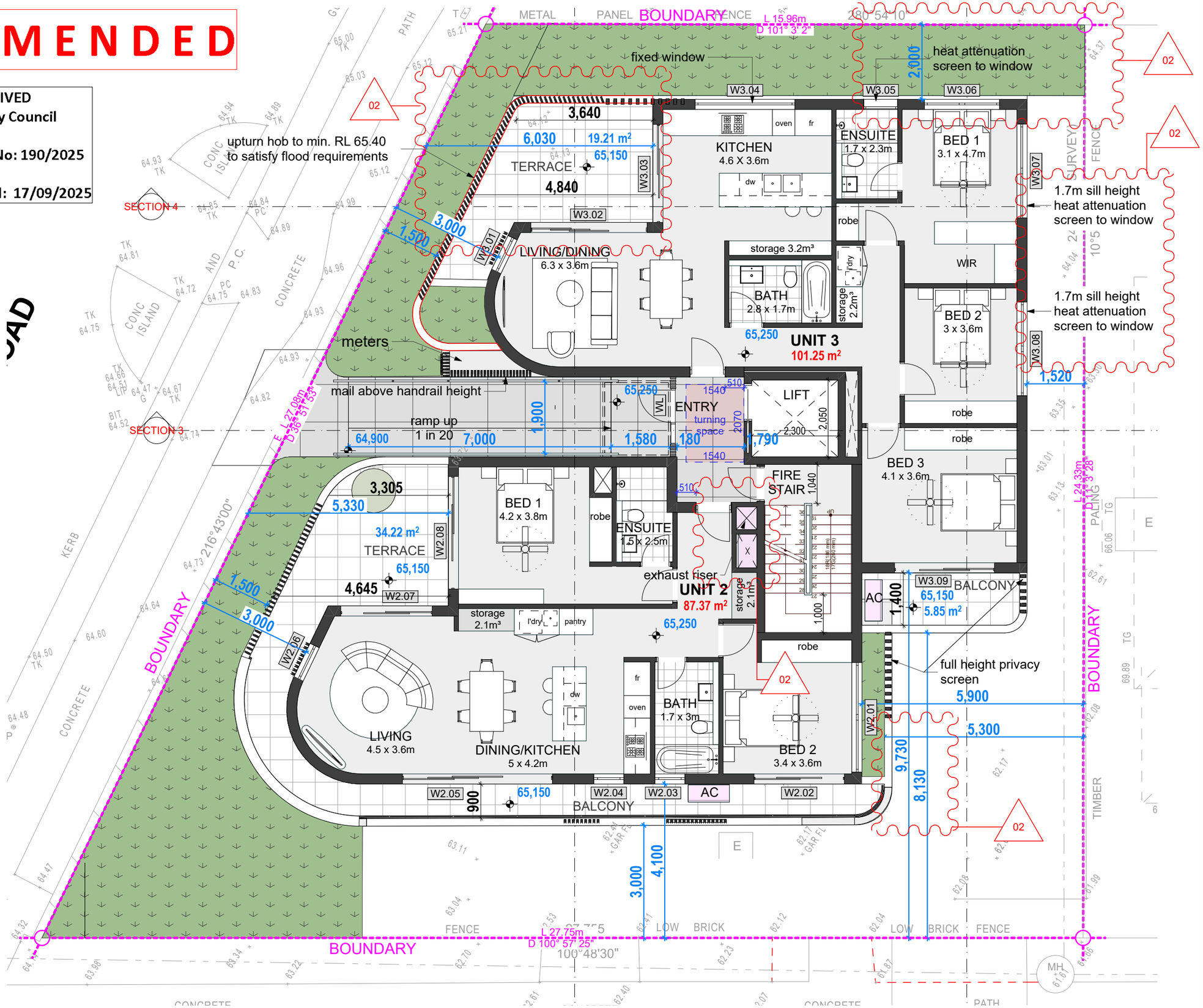
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1 FIRST FLOOR 1:100

CSA ARCHITECTS

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NEW RESIDENTIAL APARTMENTS

723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

FIRST FLOOR PLAN 1:100

Sheet No.

SNC-14

Drawn:	Checked:	Scale:	Rev.
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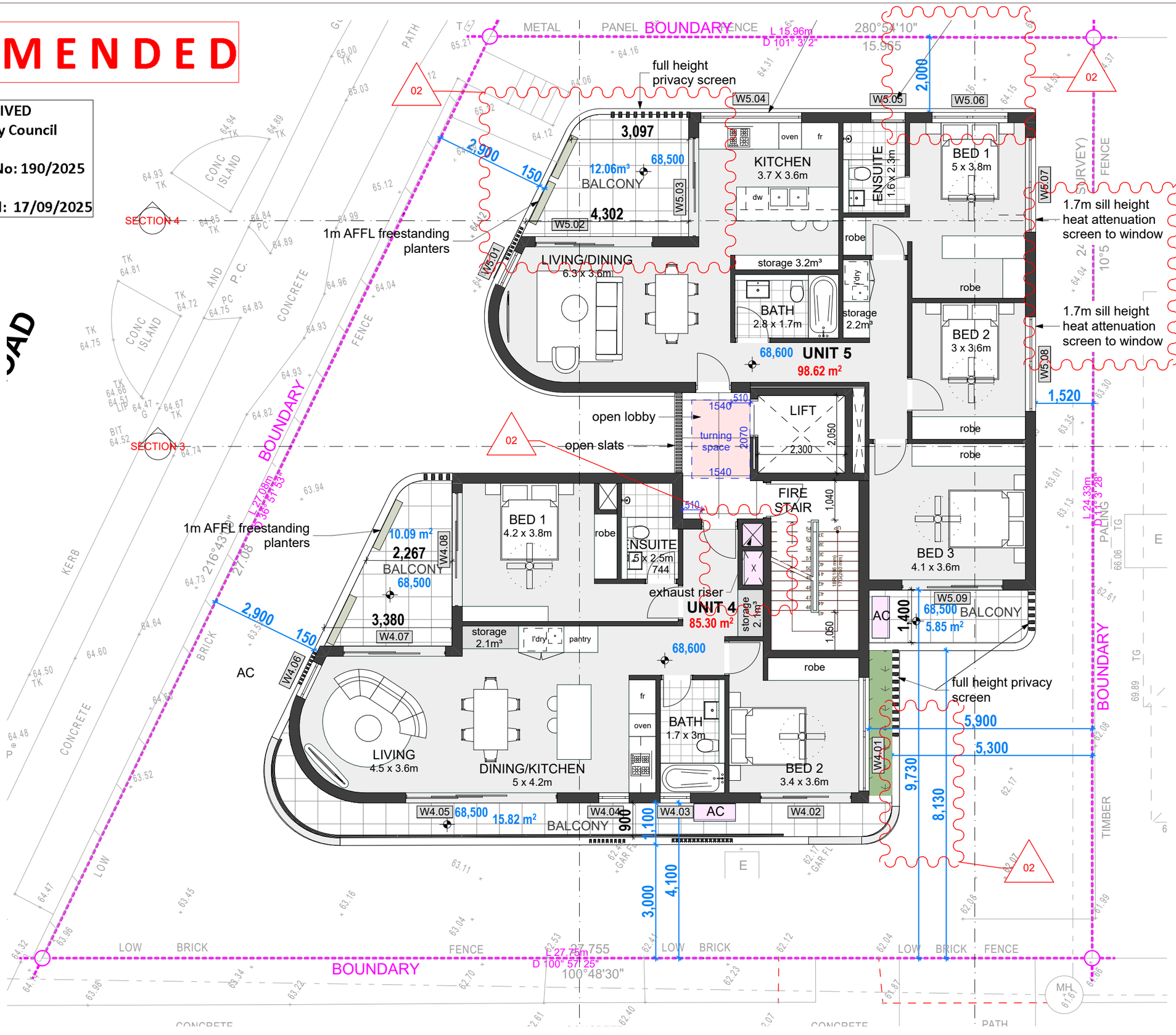
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1 SECOND FLOOR 1:100

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NEW RESIDENTIAL APARTMENTS
723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

SECOND FLOOR PLAN 1:100

Sheet No.

SNC-15

Drawn:	Checked:	Scale:	Rev.
AY	AS	1 :100 U.N.O	02

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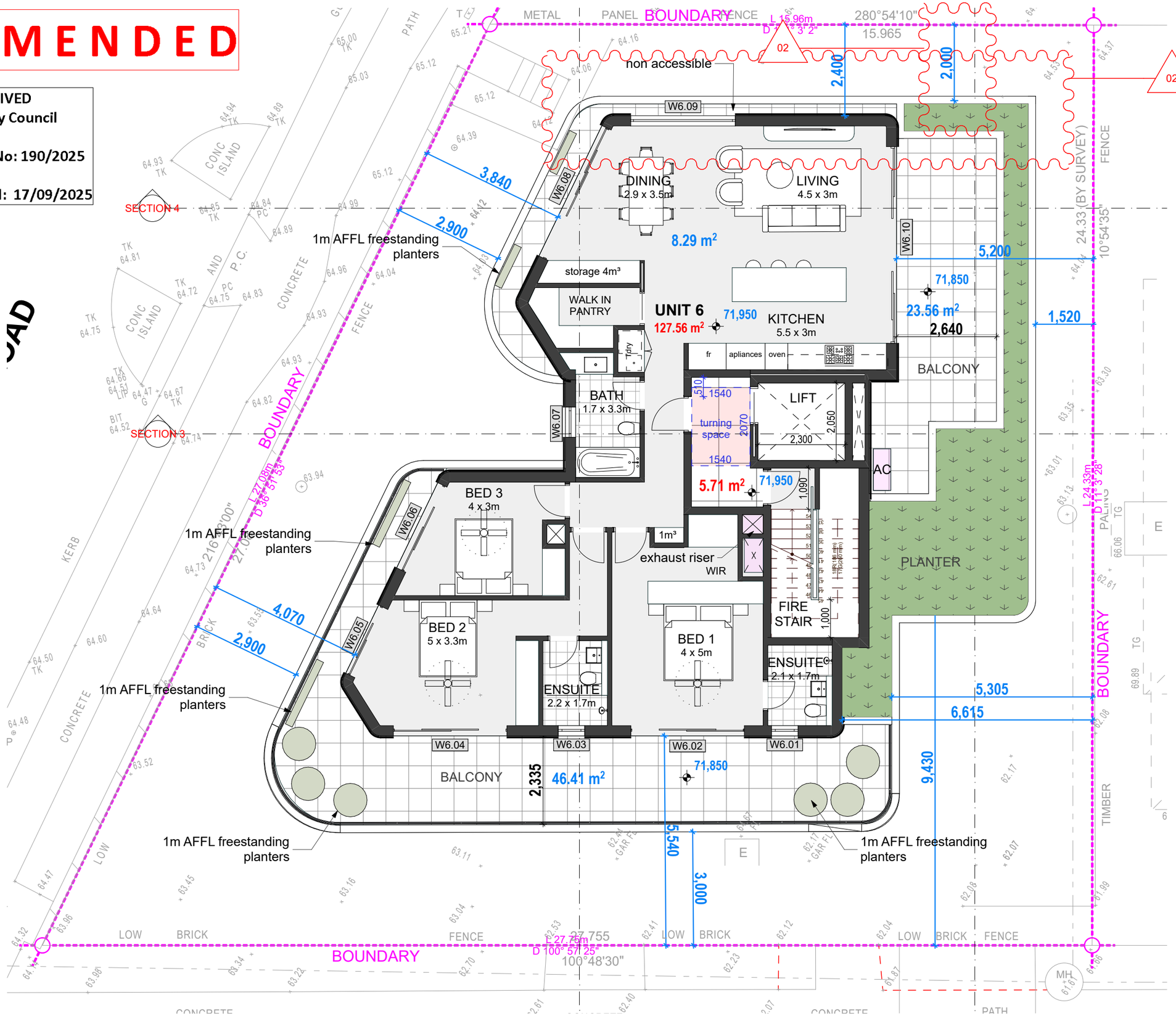
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NEW RESIDENTIAL APARTMENTS

723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

THIRD FLOOR PLAN 1:100

Sheet No.

SNC-16

Drawn:	Checked:	Scale:	Rev.
AY	AS	1 :100 U.N.O	02

1:200 1:100 1:50 1 METRE INCREMENTS

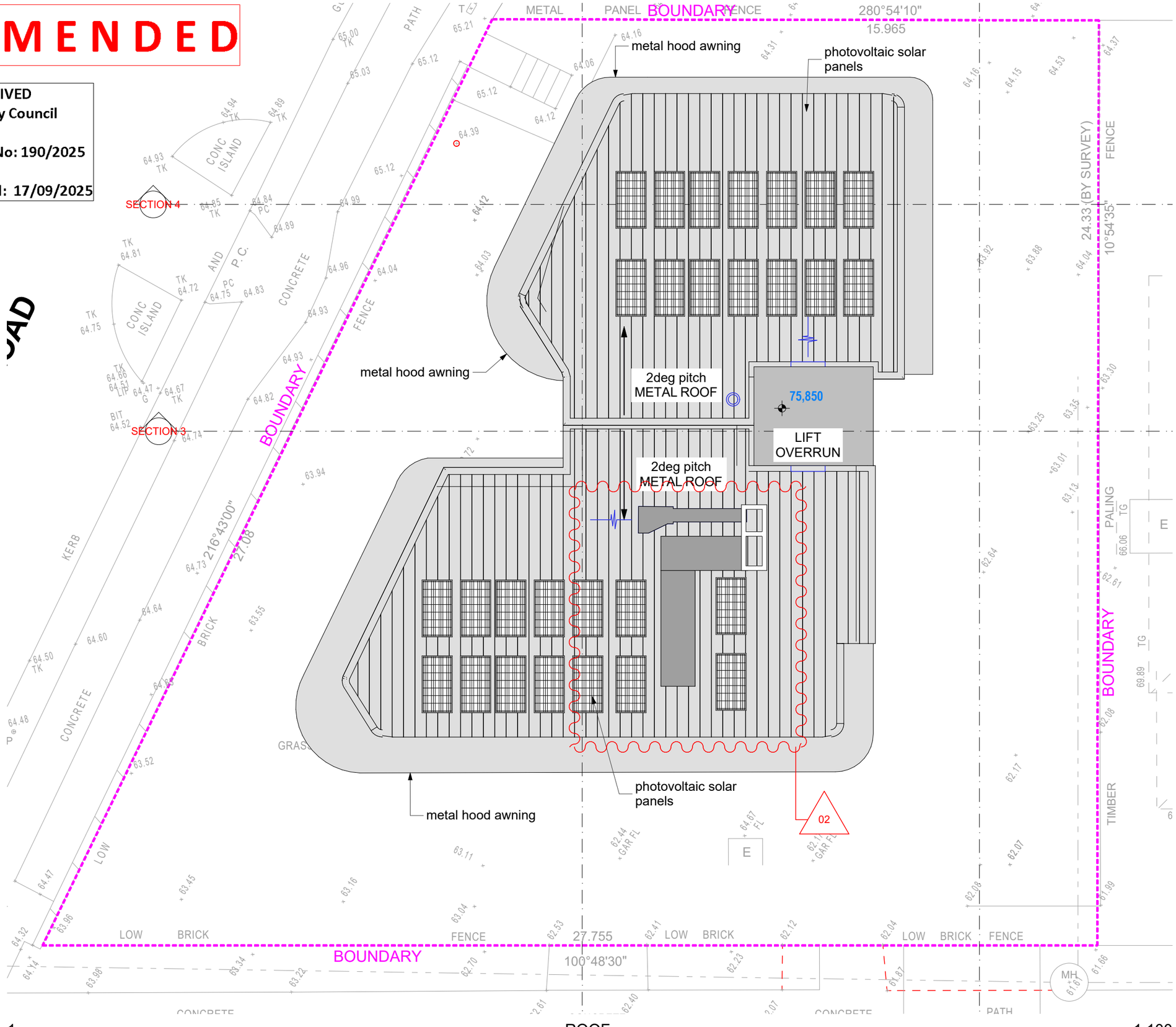
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1 ROOF 1:100

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NEW RESIDENTIAL APARTMENTS
723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

ROOF FLOOR PLAN 1:100

Sheet No.

SNC-17

Drawn:	Checked:	Scale:	Rev.
AY	AS	1 :100 U.N.O	02

1:200 1:100 1:50 1 METRE INCREMENTS

Plot Date: Tuesday, 16 September 2025



1 WEST ELEVATION (Facing Old South Head Road) 1:100

MATERIALS & FINISHES LEGEND

TB	TIMBER LOOK ALUMINIUM SLATS FENCE	PS	PRIVACY SCREENS
BR	LIGHT FACE BRICK	GL-01	CLEAR GLAZING
CONC	OFF FORM CONCRETE	GL-02	OBSCURE GLAZING
CLA	METAL STANDING SEAM CLADDING	RND 2	DARK RENDER AND PAINT

RECEIVED
Waverley Council

Application No: 190/2025

Date Received: 17/09/2025

AMENDED

CSA ARCHITECTS

Nominated Architect: Alex Smith Reg #5473
alex@csa-arch.com.au

CSA Architects Pty Ltd.
61 2 9389 4055 www.csa-arch.com.au
185 Old South Head Rd., Bondi Junction NSW 2022
a.c.n. 087 234 053

Certificate No. 0011790110
Scan QR code or follow website link for rating details.
Assessor name ANTHONY PEART
Accreditation No. DMN/13/1511
Property Address 723 OLD SOUTH HEAD ROAD ,VAUCLUSE NSW,2030

Rev	Description	Date
01	DA ISSUE	8/04/2025
02	Additional information requested by Council	16/09/2025

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Client

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Project

NEW RESIDENTIAL APARTMENTS

723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

WEST/STREET ELEVATION

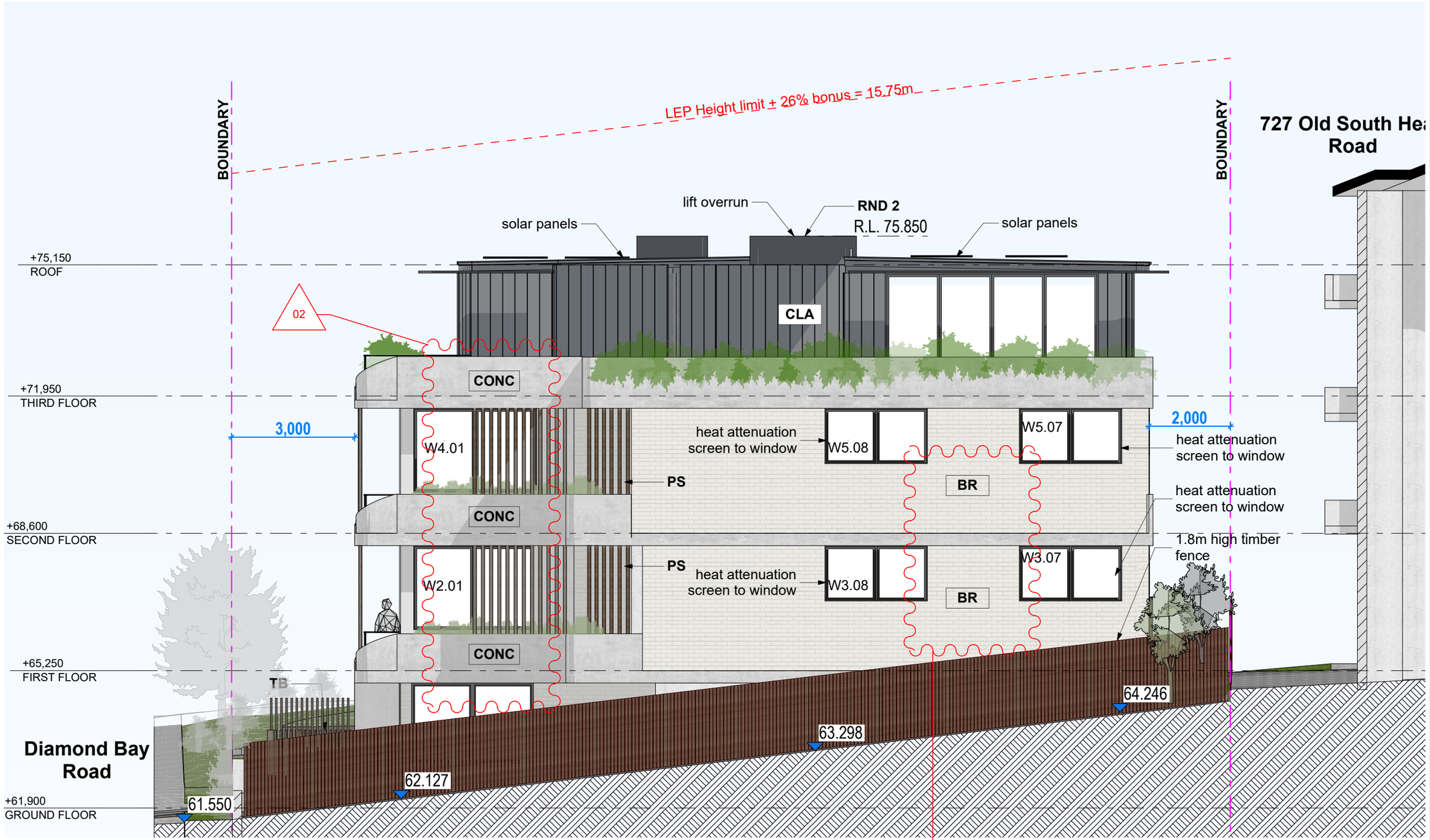
Sheet No.

SNC-18

Drawn:	Checked:	Scale:	Rev.
AY	AS	1 :100 U.N.O	02

1:200 1:100 1:50 1 METRE INCREMENTS

Plot Date: Tuesday, 16 September 2025



1 EAST ELEVATION 1:100

MATERIALS & FINISHES LEGEND

TB	TIMBER LOOK ALUMINIUM SLATS FENCE	PS	PRIVACY SCREENS
BR	LIGHT FACE BRICK	GL-01	CLEAR GLAZING
CONC	OFF FORM CONCRETE	GL-02	OBSCURE GLAZING
CLA	METAL STANDING SEAM CLADDING	RND 2	DARK RENDER AND PAINT

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Rev	Description	Date
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NEW RESIDENTIAL APARTMENTS

723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

EAST ELEVATION

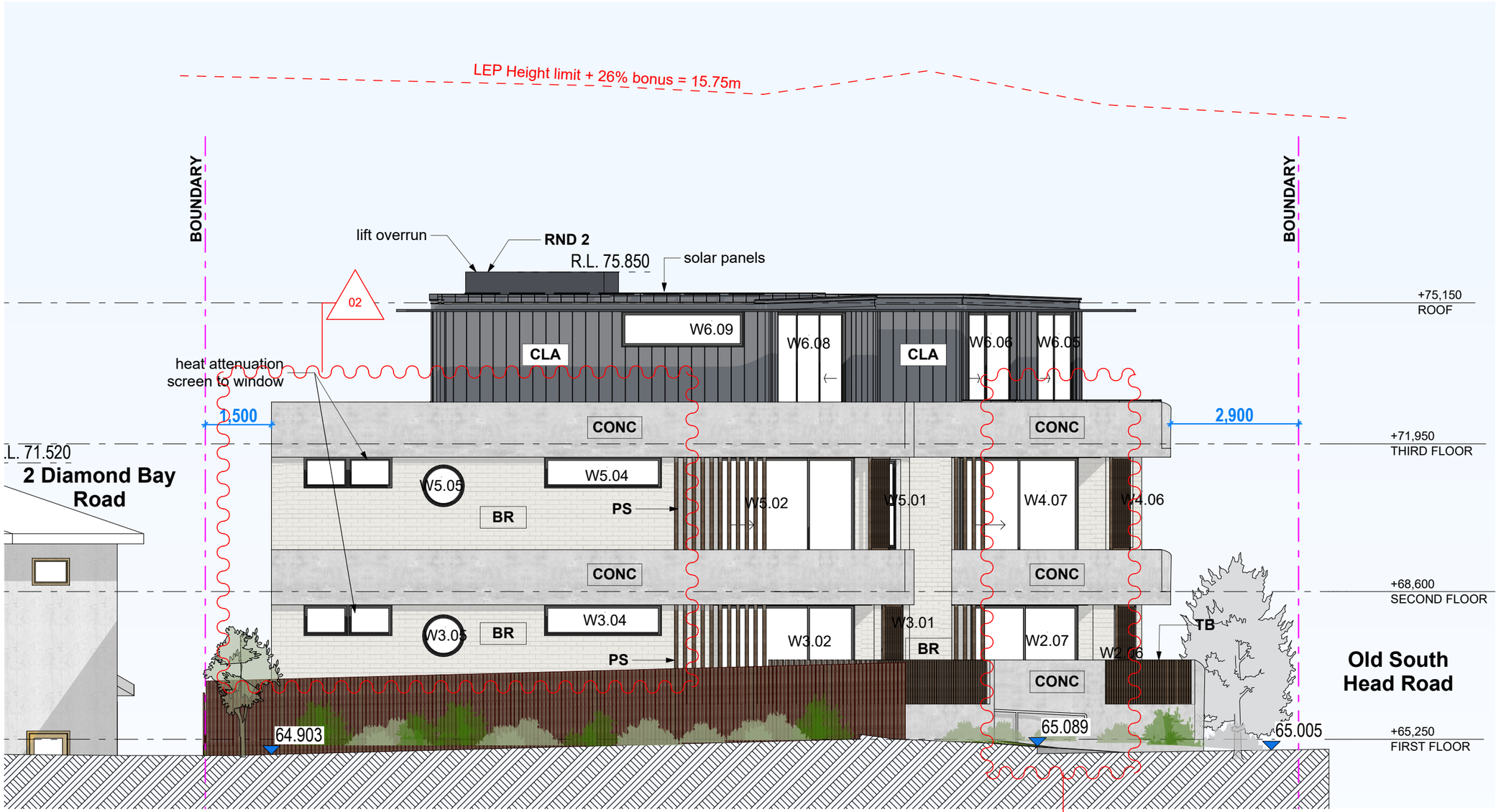
Sheet No.

SNC-19

Drawn:	Checked:	Scale:	Rev.
AY	AS	1 :100 U.N.O	02

1:200 1:100 1:50 1 METRE INCREMENTS

Plot Date: Tuesday, 16 September 2025



1 NORTH ELEVATION 1:100

MATERIALS & FINISHES LEGEND

TB	TIMBER LOOK ALUMINIUM SLATS FENCE	PS	PRIVACY SCREENS
BR	LIGHT FACE BRICK	GL-01	CLEAR GLAZING
CONC	OFF FORM CONCRETE	GL-02	OBSCURE GLAZING
CLA	METAL STANDING SEAM CLADDING	RND 2	DARK RENDER AND PAINT

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NEW RESIDENTIAL APARTMENTS

723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

NORTH ELEVATION

Sheet No.

SNC-20

Drawn:	Checked:	Scale:	Rev.
AY	AS	1 :100 U.N.O	02

1:200 1:100 1:50 1 METRE INCREMENTS

Plot Date: Tuesday, 16 September 2025



1 SOUTH ELEVATION (Facing Diamond Bay Road) 1:100

MATERIALS & FINISHES LEGEND

TB	TIMBER LOOK ALUMINIUM SLATS FENCE	PS	PRIVACY SCREENS
BR	LIGHT FACE BRICK	GL-01	CLEAR GLAZING
CONC	OFF FORM CONCRETE	GL-02	OBSCURE GLAZING
CLA	METAL STANDING SEAM CLADDING	RND 2	DARK RENDER AND PAINT

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Rev	Description	Date
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NEW RESIDENTIAL APARTMENTS

723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

SOUTH ELEVATION

Sheet No.

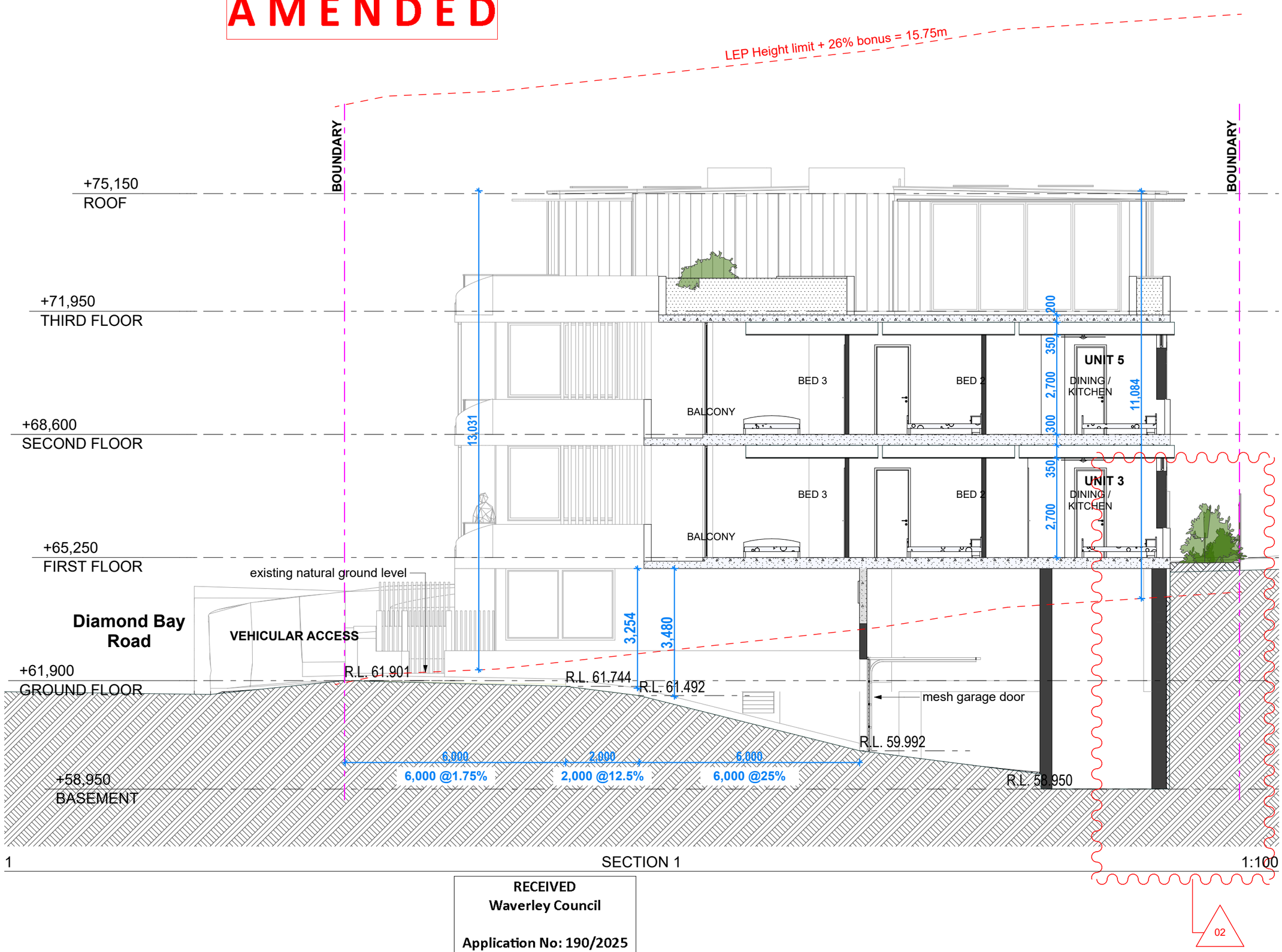
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Drawn:	Checked:	Scale:	Rev.
AY	AS	1 :100 U.N.O	02

1:200 1:100 1:50 1 METRE INCREMENTS

Plot Date: Tuesday, 16 September 2025

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1 SECTION 1 1:100

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NEW RESIDENTIAL APARTMENTS

723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

SECTION 1

Sheet No.

SNC-22

Drawn:	Checked:	Scale:	Rev.
AY	AS	1 :100 U.N.O	02

1:200 1:100 1:50 1 METRE INCREMENTS

Plot Date: Tuesday, 16 September 2025



1 SECTION 2 1:100

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NEW RESIDENTIAL APARTMENTS

723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

SECTION 2

Sheet No.

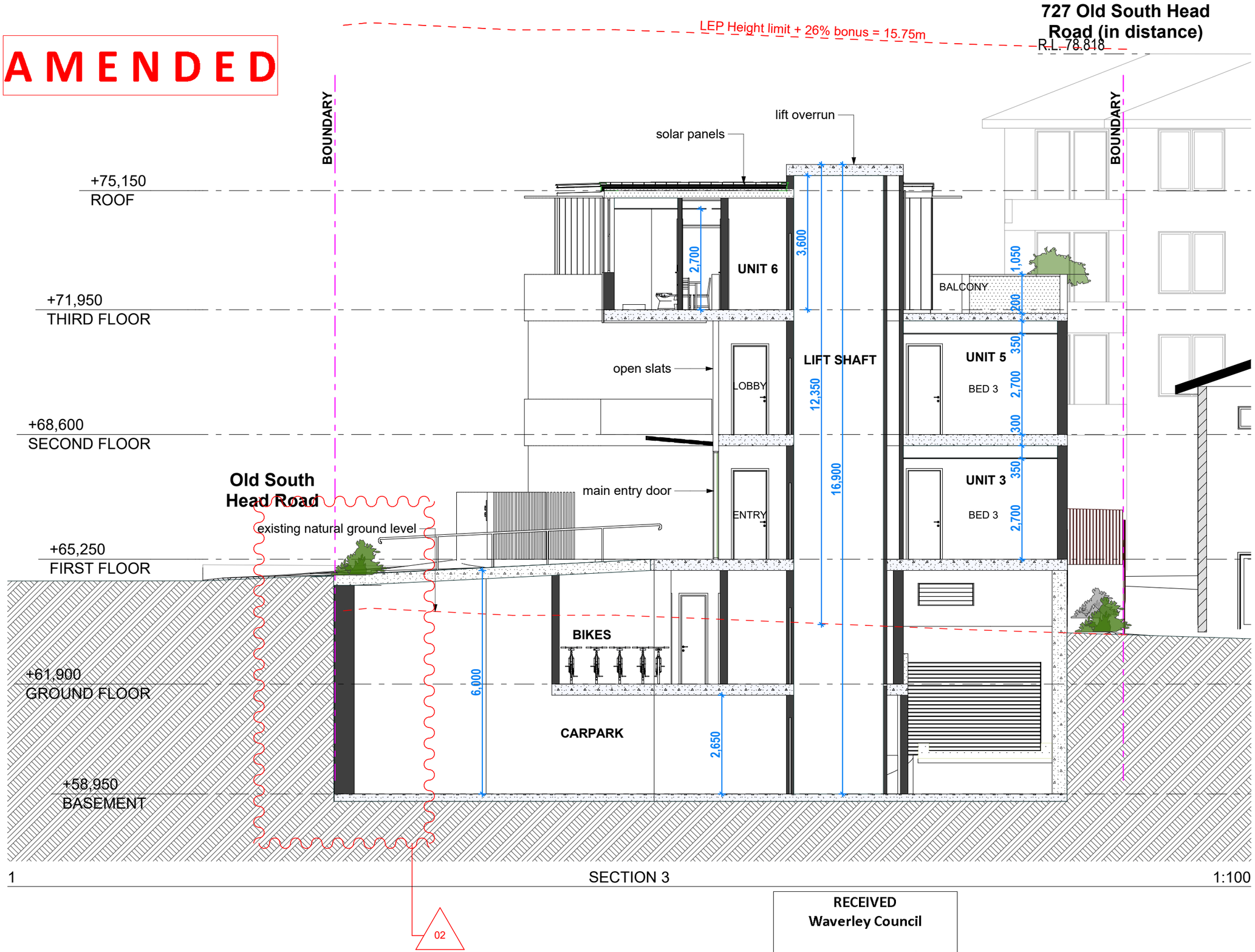
SNC-23

Drawn:	Checked:	Scale:	Rev.
AY	AS	1 :100 U.N.O	02

1:200 1:100 1:50 1 METRE INCREMENTS

Plot Date: Tuesday, 16 September 2025

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1 SECTION 3 1:100

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NEW RESIDENTIAL APARTMENTS

723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

SECTION 3

Sheet No.

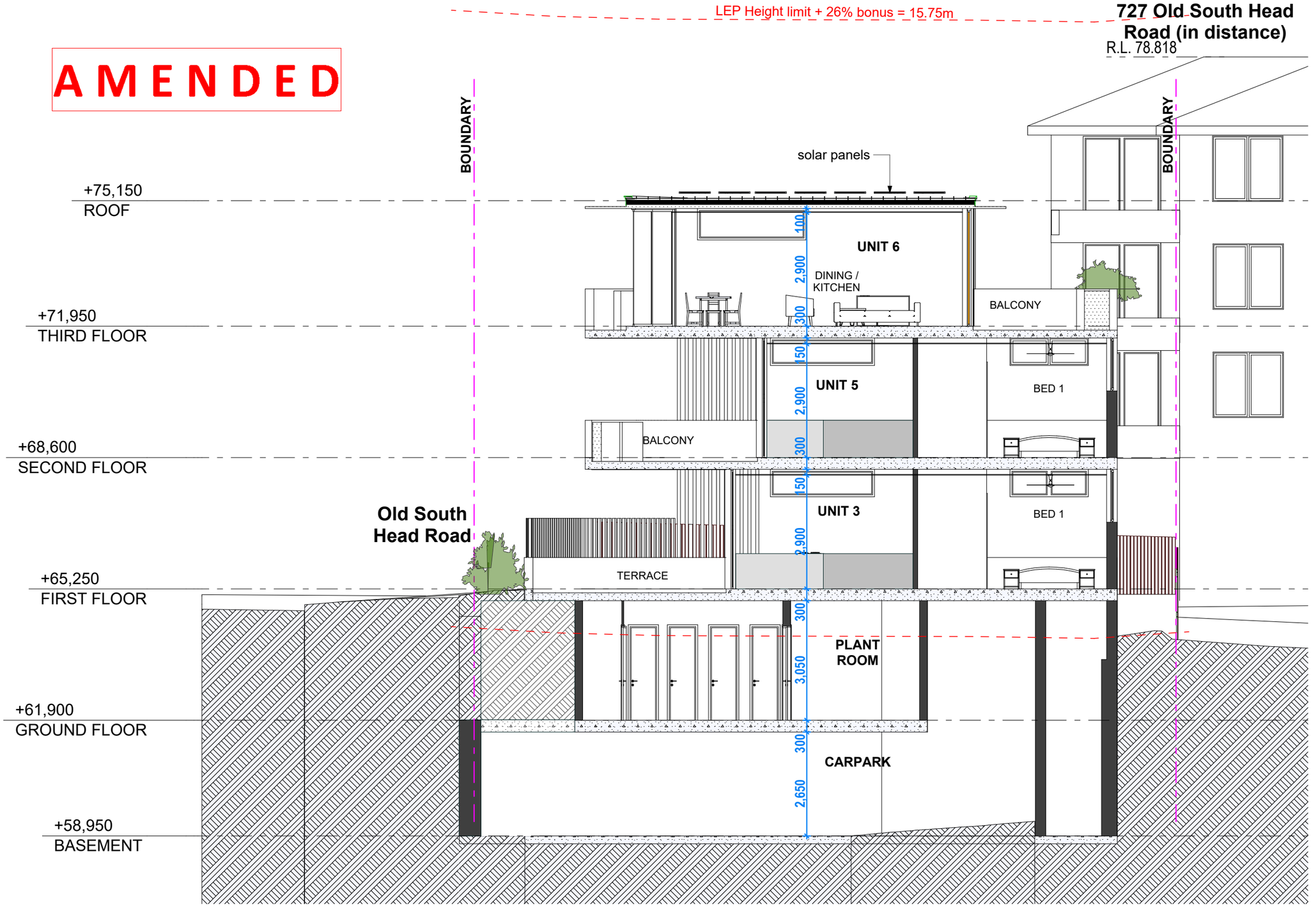
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AY	AS	1 :100 U.N.O	02

1:200 1:100 1:50 1 METRE INCREMENTS

Plot Date: Tuesday, 16 September 2025

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1 SECTION 4 1:100

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Application No: 190/2025

Date Received: 17/09/2025

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NEW RESIDENTIAL APARTMENTS
723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

SECTION 4

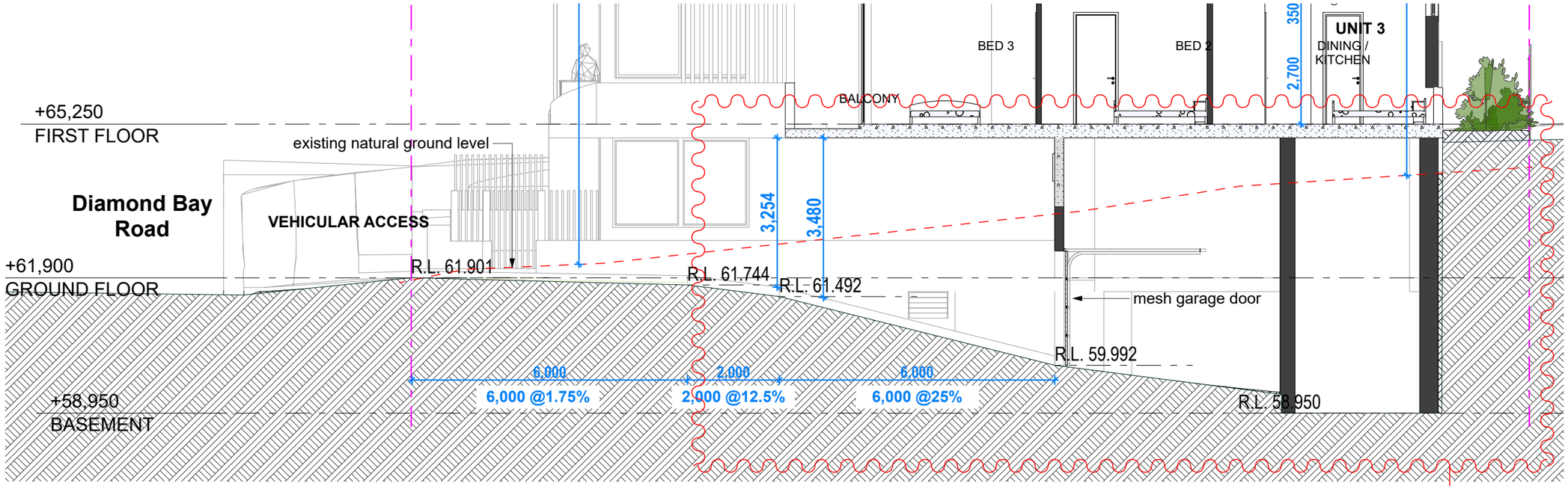
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SNC-25

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Plot Date: Tuesday, 16 September 2025



1 SECTION 1 1:100

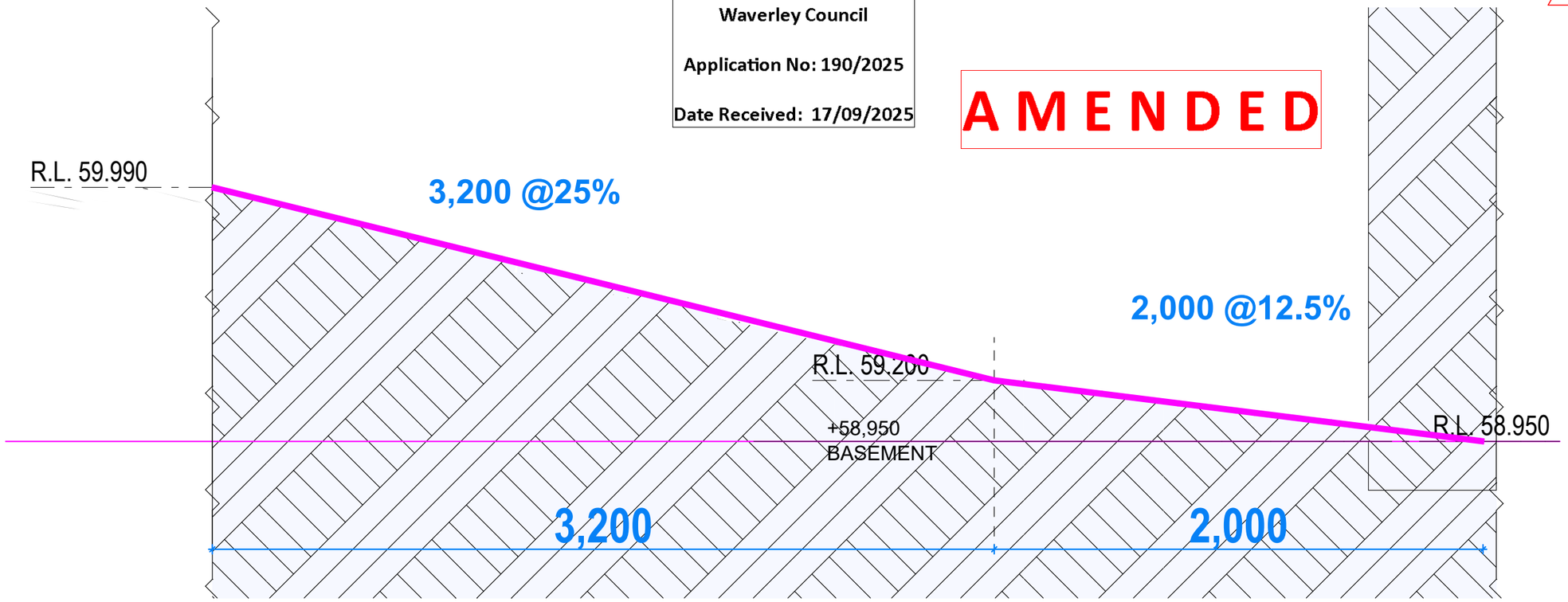
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Application No: 190/2025

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2 SECTION A 1:20

#LayID

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NEW RESIDENTIAL APARTMENTS

723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

DRIVEWAY SECTIONS p.1

Sheet No.

SNC-26

Drawn:	Checked:	Scale:	Rev.
AY	AS	1 :100 U.N.O	02

1:200 1:100 1:50 1 METRE INCREMENTS

Plot Date: Tuesday, 16 September 2025



3D VIEW 1



3D VIEW 2

02

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NEW RESIDENTIAL APARTMENTS
723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

3D VIEWS p.1

Sheet No.

SNC-27

Drawn:	Checked:	Scale:	Rev.
AY	AS	1 :100 U.N.O	02

1:200 1:100 1:50 1 METRE INCREMENTS

Plot Date: Tuesday, 16 September 2025



AERIAL VIEW



AERIAL VIEW 1

THERMAL TABLE

ISSUE DATE – 18/03/25		
JOB - SNC ASIA PACIFIC PTY LTD 723-725 OLD SOUTH HEAD RD VAUCLUSE NSW 2030		
COUNCIL - WAVERLEY		
TITLE INFO /SPI - LOT 10 /DP 333478		
ARCHITECTS – CSA JOB SNC SHTS 1-27 ISSUE '1' DATED 11/03/25		
ENERGY ASSESSOR - A PEART Accredit No DMN/13/1511		
ENERGY JOB NUMBER – 24075 CSA L10		
EXPOSURE – SUBURBAN/OPEN		
External living area	Location	BALCONIES EACH LEVEL
	Material	CONCRETE/MASONRY
External walls	Material	MASONRY
	Insulation	FOIL + BATTS R2.0
	Colour	LIGHT
Internal walls	Material	MASONRY/FRAMED
	Insulation	N/A
Windows	Glass type	DOUBLE GLAZED LOW E
	Frames	ALUMINIUM
	U value max/SHGC 10% tolerance	4.3/0.53
Roofing	Insulation	PIR RIGID FOAM R2.0 MINIMUM
	Material	CONCRETE
	Colour	MEDIUM SA 0.5
	Ventilated	N/A
Ceiling	Insulation	SEE ROOF
	Type	FLAT
	Downlights recessed LED	ALLOWANCE MADE
	Fans	N/A
Floors	Material	CONCRETE SUSPENDED SLAB
	Covering	TILES, CARPET , CONCRETE
	Sub Floor	N/A
	Insulation	N/A

MAIN BASIX INPUTS

1. Heating/Cooling AC REVERSE CYCLE 8 stars
2. HWS - HEAT PUMPS 36-40 STCs
3. Photovoltaic cells 10 kW minimum
4. Electric oven and induction cooktops
5. Plumbing fixtures - 4 star minimum

Note 1 : 'N/A' denotes Not applicable Note 1A : 'SA' denotes solar absorptance
Note 2 : Exhaust fans, heaters supplied with dampers . Vent fans to exterior
Note 3: 'FOIL' means approved vapour permeable type membrane to minimise condensation.
Note 4 Steel frames(floor/walls/roof) when used require THERMAL BREAKS with R value 0.2 minimum eg Fletcher 'thermotop'.
Note 5: BONUS STAR N/A
Note 6: Vapour membrane complies with AS4200.1 class 4 and flammability index <5

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NEW RESIDENTIAL APARTMENTS
723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

3D VIEWS p.2

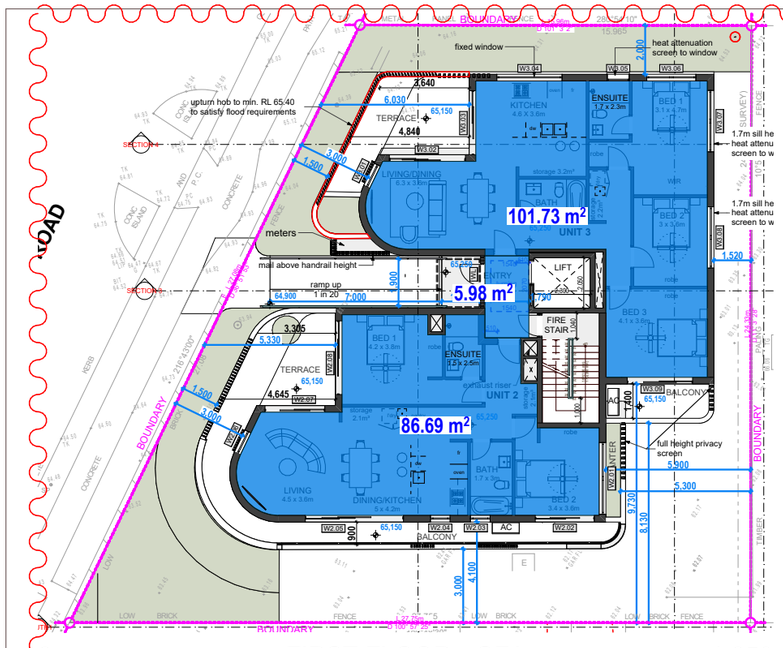
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SNC-28

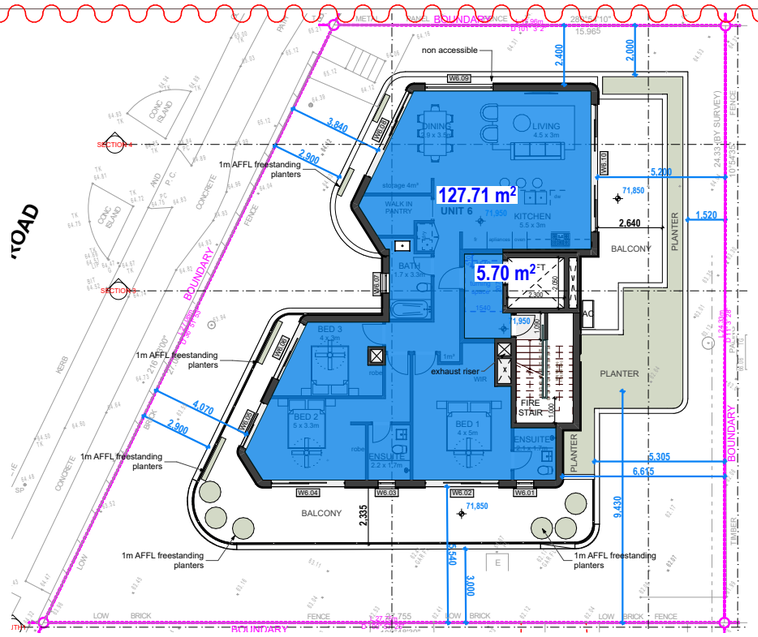
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AY	AS	1 :100 U.N.O	02

1:200 1:100 1:50 1 METRE INCREMENTS

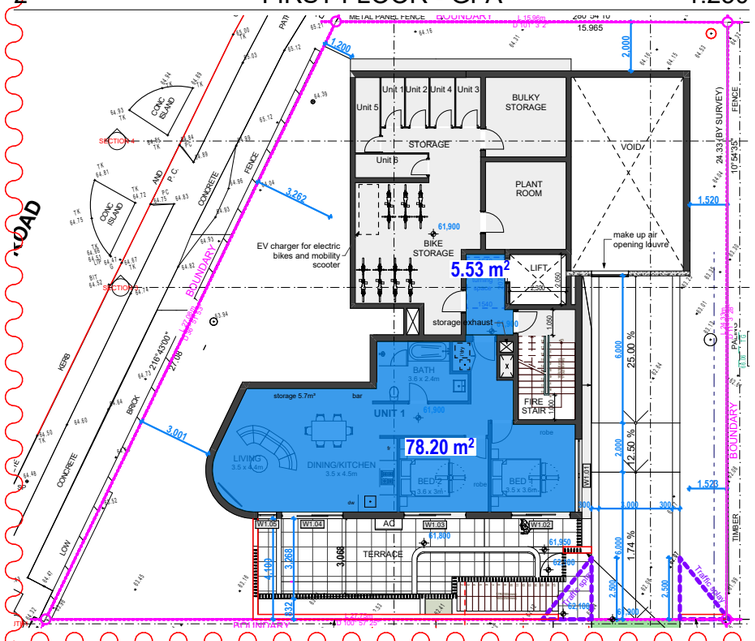
Plot Date: Tuesday, 16 September 2025



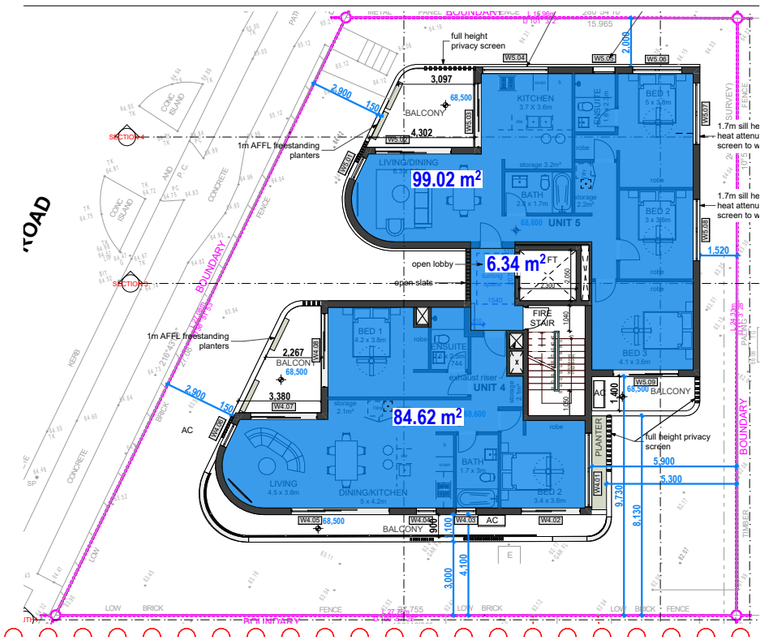
2 FIRST FLOOR - GFA 1:250



4 THIRD FLOOR - GFA 1:250



1 GROUND FLOOR - GFA 1:250



3 SECOND FLOOR - GFA 1:250

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Application No: 190/2025

Date Received: 17/09/2025

02

02

GFA CALCULATIONS Site area = 532.2m²

Floor Level	Unit No.	Unit Type	Area	LobbyArea
Ground Floor	Unit 1	2 Bed	78.20m²	5.53m²
First Floor	Unit 2 & Unit 3	U2,2 Bed - U3,3 Bed	86.69m² / 101.73m²	5.98m²
Second Floor	Unit 4 & Unit 5	U4,2 Bed - U5,3 Bed	84.62m² / 99.02m²	6.34m²
Third Floor	Unit 6	3 Bed	127.71m²	5.70m²
TOTAL	**6 Units**		**577.97m²**	**23.55m²**

TOTAL GFA PROPOSED=601.52m²

FSR

LEP	LEP + 26% bonus	Proposed
0.9:1	0.9:1 + 26% = 1.134:1	1.134:1

TOTAL GFA with bonus=603.5m²

GFA Affordable proposed=Unit 1, 78.20m² (13% of 601.52=78.19m²)

CSA ARCHITECTS

Nominated Architect: Alex Smith Reg #5473
alex@csa-arch.com.au

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185 Old South Head Rd., Bondi Junction NSW 2022
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Certificate No. 0011790110
Scan QR code or follow website link for rating details.
Assessor name ANTHONY PEART
Accreditation No. DMN/13/1511
Property Address 723 OLD SOUTH HEAD ROAD ,VAUCLUSE NSW,2030

Rev	Description	Date
01	DA ISSUE	8/04/2025
02	Additional information requested by Council	16/09/2025

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Client

SNC

Project

NEW RESIDENTIAL APARTMENTS
723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

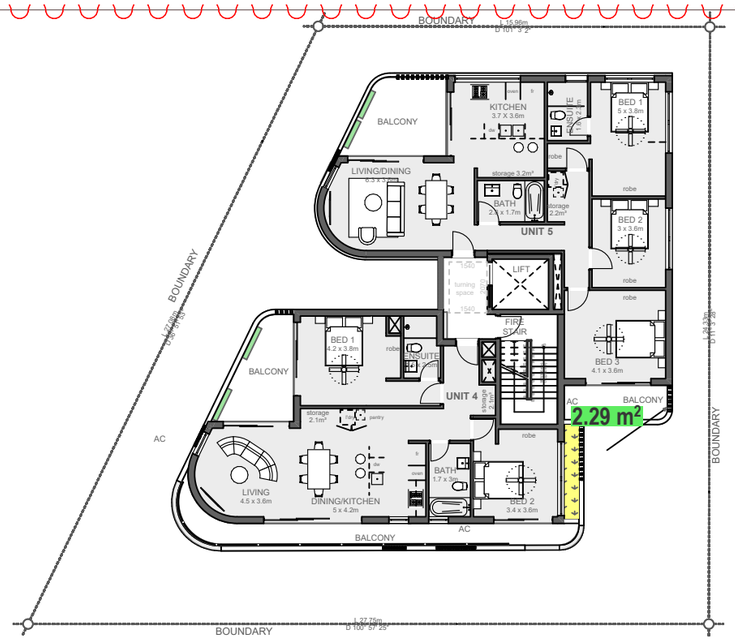
Drawing Title:
GFA CALCS.

Sheet No.
SNC-29

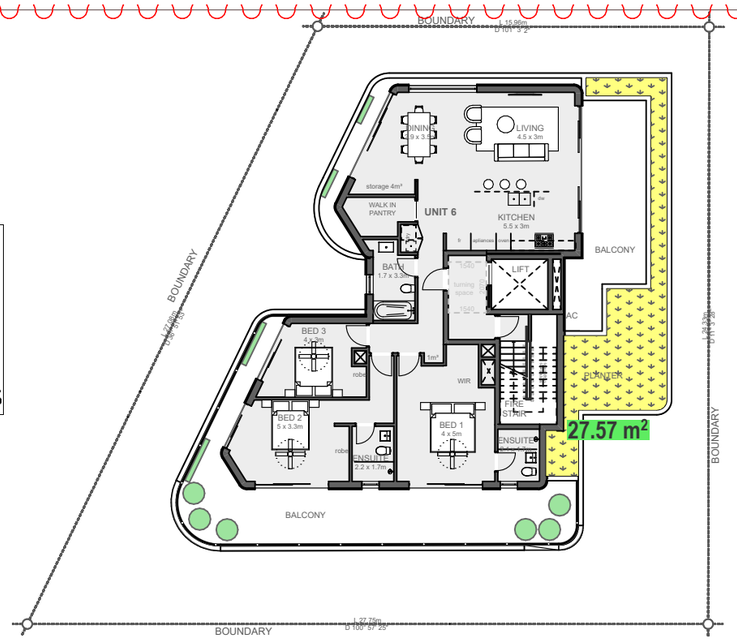
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AY	AS	1 :100 U.N.O	02

1:200 1:100 1:50 1 METRE INCREMENTS

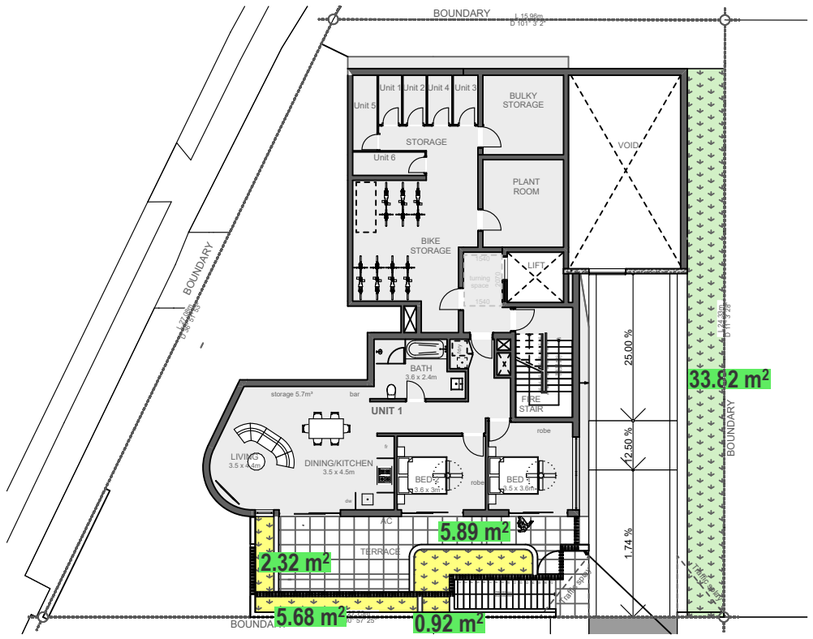
Plot Date: Tuesday, 16 September 2025



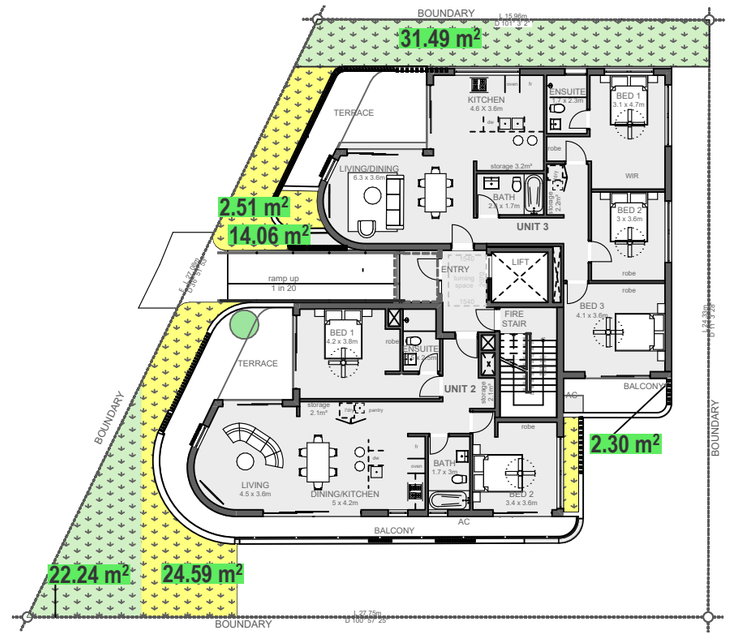
3 SECOND FLOOR - Landscape 1:250



4 THIRD FLOOR - Landscape 1:250



1 GROUND FLOOR - Landscape 1:250



2 FIRST FLOOR - Landscape 1:250

LANDSCAPE AREA CALCULATIONS Site area = 532.2m²		
	Controls	**Proposed**
	WDCP Landscaped area (30% of site area & no structure below) = 159.66m²	**87.55m²**
+	Landscaped area (30% of site area) = 159.66m²	**175.68m²**

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Waverley Council

Application No: 190/2025

Date Received: 17/09/2025

02

AMENDED

CSA ARCHITECTS

Nominated Architect: Alex Smith Reg #5473
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Rev	Description	Date
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NEW RESIDENTIAL APARTMENTS

723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

LANDSCAPE CALCS. p.1

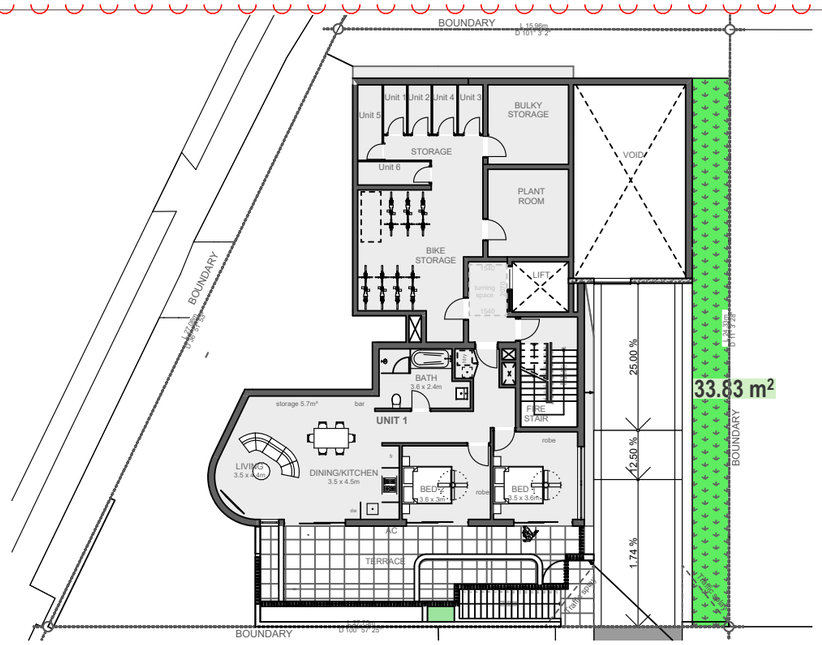
Sheet No.

SNC-30

Drawn:	Checked:	Scale:	Rev.
AY	AS	1 :100 U.N.O	02

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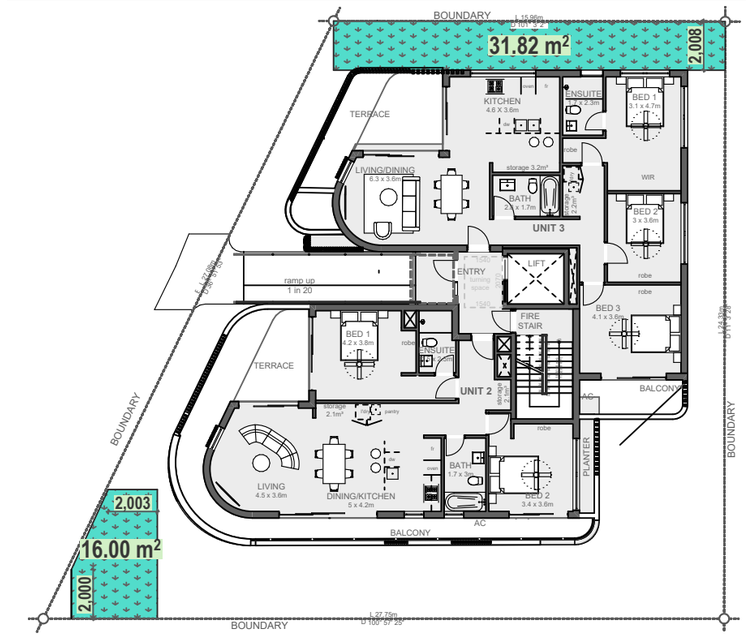
Plot Date: Tuesday, 16 September 2025



1 GROUND FLOOR - Deep soil 1:250



2 FIRST FLOOR - Deep soil 1:250



3 FIRST FLOOR - Deep soil (2x2) 1:250

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Waverley Council

Application No: 190/2025

Date Received: 17/09/2025

DEEP SOIL AREA CALCULATIONS Site area = 532.2m²		
	Controls	**Proposed**
	ADG deep soil (7% of site area) = 37.25m²	**86.21m²**
	WDCP deep soil (15% of site area & min. 2x2m) = 79.83m²	**47.82m²**

02

CSA ARCHITECTS

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Certificate No. 0011790110
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Assessor name ANTHONY PEART
Accreditation No. DMN/13/1511
Property Address 723 OLD SOUTH HEAD ROAD ,VAUCLUSE NSW 2030

Rev	Description	Date
01	DA ISSUE	8/04/2025
02	Additional information requested by Council	16/09/2025

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Project

NEW RESIDENTIAL APARTMENTS
723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

LANDSCAPE CALCS. p.2

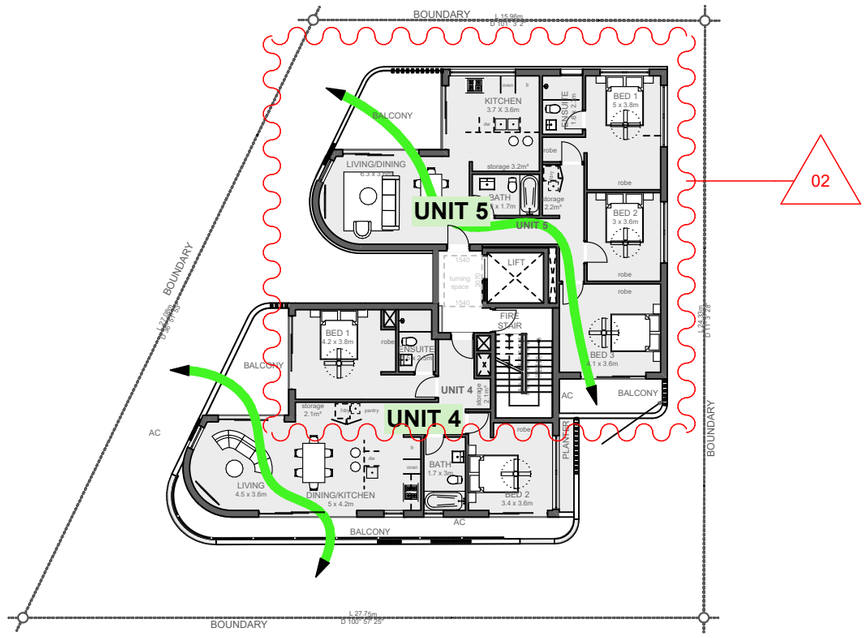
Sheet No.

SNC-31

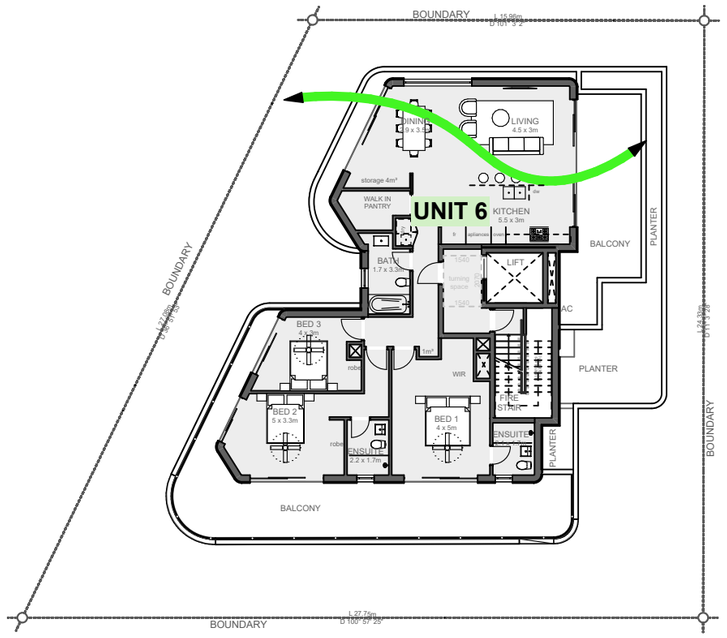
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AY	AS	1 :100 U.N.O	02

1:200 1:100 1:50 1 METRE INCREMENTS

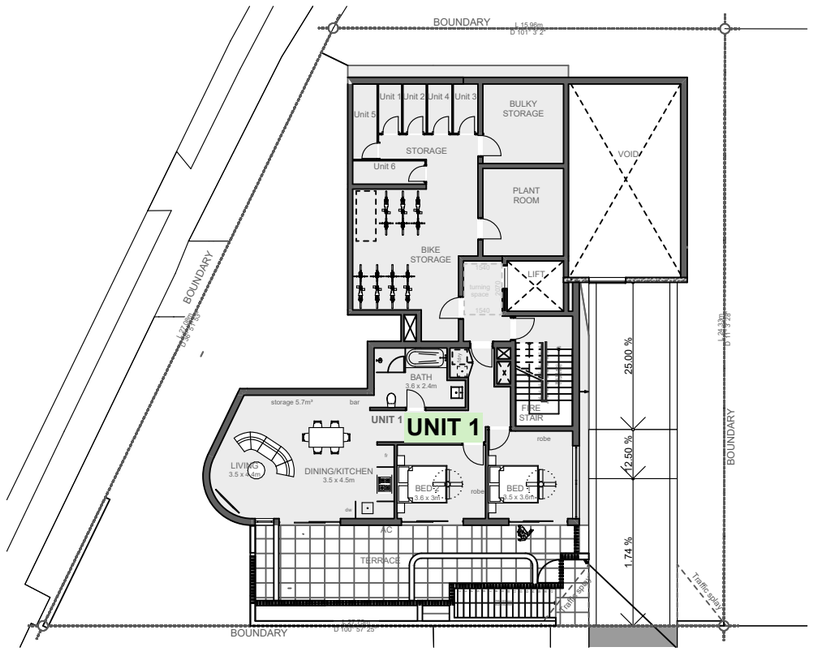
Plot Date: Tuesday, 16 September 2025



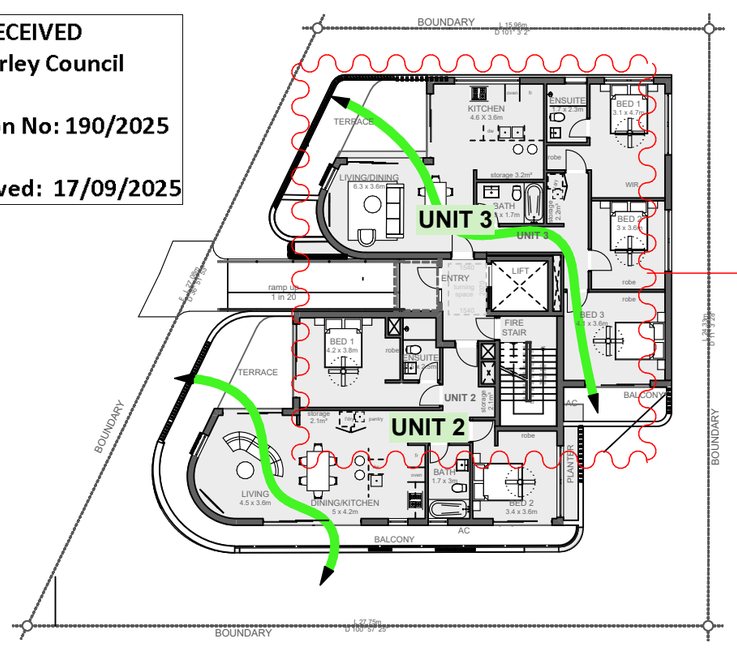
3 SECOND FLOOR - Cross ventilation 1:250



4 THIRD FLOOR - Cross ventilation 1:250



1 GROUND FLOOR - Cross ventilation 1:250



2 FIRST FLOOR - Cross ventilation 1:250

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Application No: 190/2025

Date Received: 17/09/2025

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CSA ARCHITECTS

Nominated Architect: Alex Smith Reg #5473
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Certificate No. 0011790110
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Assessor name ANTHONY PEART
Accreditation No. DMN/13/1511
Property Address 723 OLD SOUTH HEAD ROAD ,VAUCLUSE NSW,2030

Rev	Description	Date
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Client

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Project

NEW RESIDENTIAL APARTMENTS

723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

CROSS VENTILATION ANALYSI

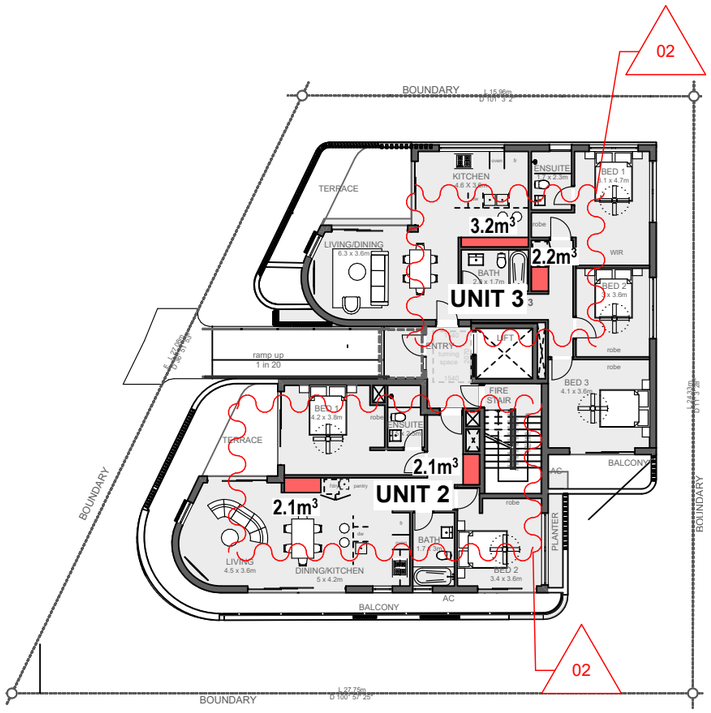
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SNC-32

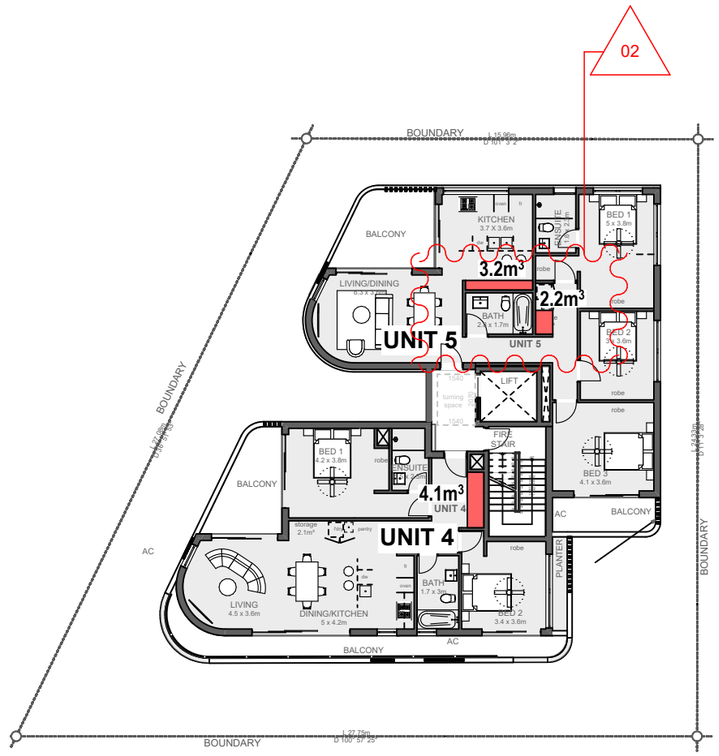
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AY	AS	1 :100 U.N.O	02

1:200 1:100 1:50 1 METRE INCREMENTS

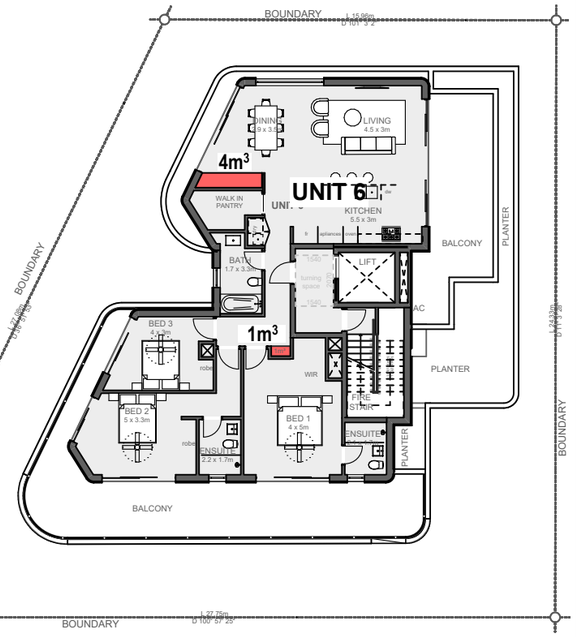
Plot Date: Tuesday, 16 September 2025



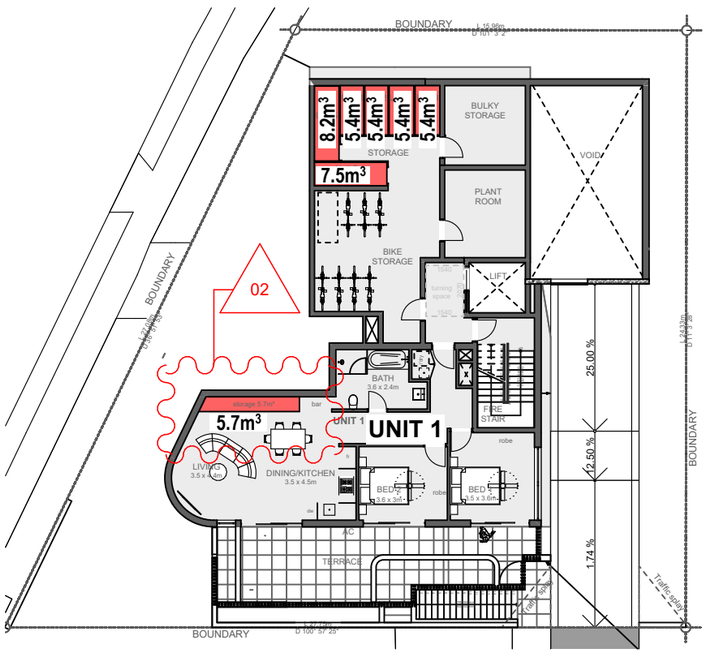
2 FIRST FLOOR - Storage 1:250



3 SECOND FLOOR - Storage 1:250



4 THIRD FLOOR - Storage 1:250



1 GROUND FLOOR - Storage 1:250

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Waverley Council

Application No: 190/2025

Date Received: 17/09/2025

STORAGE

Floor Level	Apt. No.	Apt. Type	min. required	Proposed
GROUND	1	2 Bed	8m³	5.7m³ +5.4m³= **11.1m³**
LEVEL 1	2	2 Bed	8m³	4.2m³ +5.4m³= **9.6m³**
	3	3 Bed	10m³	5.4m³ +5.4m³= **10.8m³**
LEVEL 2	4	2 Bed	8m³	4.1m³ +5.4m³= **9.5m³**
	5	3 Bed	10m³	5.4m³ +8.2m³= **13.6m³**
LEVEL 3	6	3 Bed	10m³	5m³ +7.5m³= **12.5m³**

02

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At least 50% of the required storage is to be located within the apartment

CSA ARCHITECTS

Nominated Architect: Alex Smith Reg #5473
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Certificate No. 0011790110
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Assessor name ANTHONY PEART
Accreditation No. DMN/13/1511
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Client

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Project

NEW RESIDENTIAL APARTMENTS
723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

STORAGE CALCS.

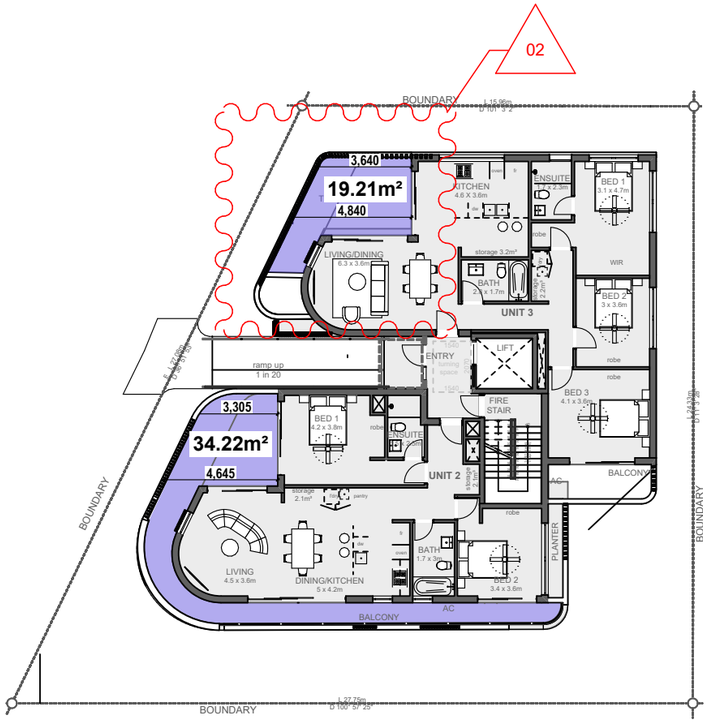
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SNC-33

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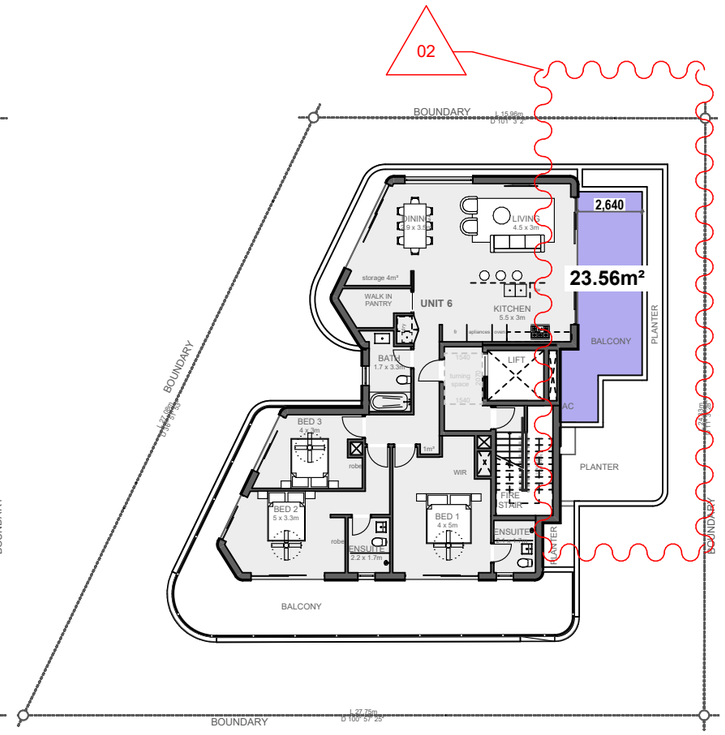
Plot Date: Tuesday, 16 September 2025



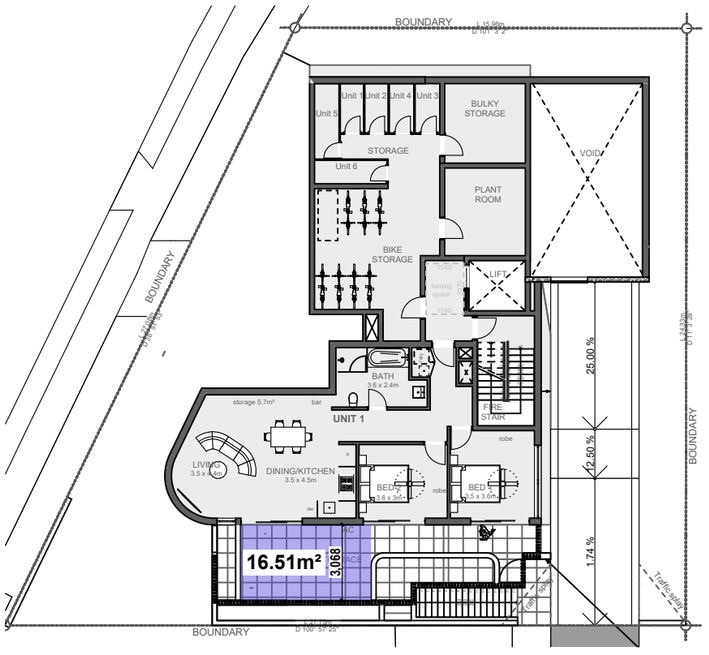
2 FIRST FLOOR - POS 1:250



3 SECOND FLOOR - POS 1:250



4 THIRD FLOOR - POS 1:250



1 GROUND FLOOR - POS 1:250

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Waverley Council

Application No: 190/2025

Date Received: 17/09/2025

PRIVATE OPEN SPACE

Floor Level	Apt. No.	Apt. Type	min. required (m²/m)	Proposed (m² / m)
GROUND	1	2 Bed	15m² / 3m	16.51m² / 3.068m
LEVEL 1	2	2 Bed	15m² / 3m	34.22m² / 3.3 to 4.6m
	3	3 Bed	15m² / 3m	19.21m² / 3.6 to 4.8m
LEVEL 2	4	2 Bed	10m² / 2m	10.09m² / 2.2 to 3.3m
	5	3 Bed	12m² / 2.4m	12.06m² / 3.0 to 4.3m
LEVEL 3	6	3 Bed	12m² / 2.4m	23.56m² / 2.6m

02

02

AMENDED

CSA ARCHITECTS

Nominated Architect: Alex Smith Reg #5473
alex@csa-arch.com.au

CSA Architects Pty Ltd.
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NEW RESIDENTIAL APARTMENTS
723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

POS CALCS.

Sheet No.

SNC-34

Drawn:	Checked:	Scale:	Rev.
AY	AS	1 :100 U.N.O	02

1:200 1:100 1:50 1 METRE INCREMENTS

Plot Date: Tuesday, 16 September 2025

ID	W1.01	W1.02	W1.03	W1.04	W1.05	W2.01	W2.02	W2.03
Height	1,950	3,050	3,050	3,050	2,450	2,050	3,050	1,250
Width	2,971	2,400	2,525	2,500	757	2,920	2,407	800
2D Symbol								
Elevation	1,950 / 2,971	3,050 / 2,400	3,050 / 2,525	3,050 / 2,500	2,450 / 757	2,050 / 2,920	3,050 / 2,407	1,250 / 800

1 Window List 1:1

ID	W2.04	W2.05	W2.06	W2.07	W2.08	W3.01	W3.02	W3.03
Height	2,050	3,050	2,050	3,050	3,050	2,050	3,050	3,050
Width	800	4,000	1,000	2,437	3,000	1,000	3,100	2,611
2D Symbol								
Elevation	2,050 / 800	3,050 / 4,000	2,050 / 1,000	3,050 / 2,437	3,050 / 3,000	2,050 / 1,000	3,050 / 3,100	3,050 / 2,611

2 Window List 1:1

ID	W3.04	W3.05	W3.06	W3.07	W3.08	W3.09	W4.01	W4.02	W4.03
Height	700	900	700	1,350	1,350	3,050	2,050	3,050	1,250
Width	2,658	900	2,000	2,500	2,500	2,663	3,000	2,400	800
2D Symbol									
Elevation	700 / 2,658	900 / 900	700 / 2,000	1,350 / 2,500	1,350 / 2,500	3,050 / 2,663	2,050 / 3,000	3,050 / 2,400	1,250 / 800

3 Window List 1:1

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Application No: 190/2025

Date Received: 17/09/2025

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CSA ARCHITECTS

Nominated Architect: Alex Smith Reg #5473
alex@csa-arch.com.au

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Client

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Project

NEW RESIDENTIAL APARTMENTS

723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

WINDOW SCHEDULE p.1

Sheet No.

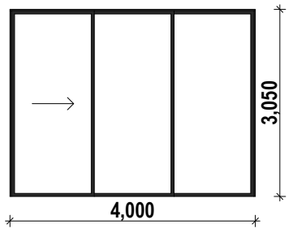
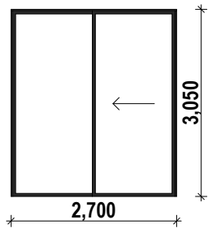
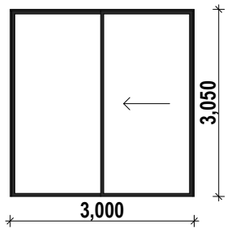
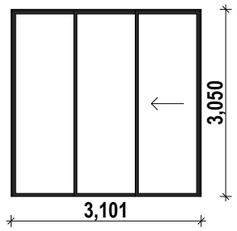
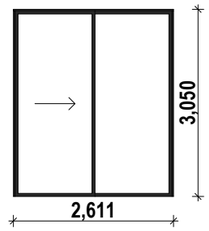
SNC-35

Drawn:	Checked:	Scale:	Rev.
AY	AS	1 :100 U.N.O	02

1:200 1:100 1:50 1 METRE INCREMENTS

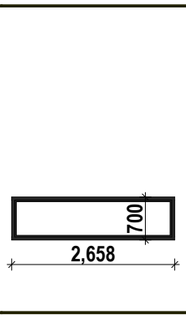
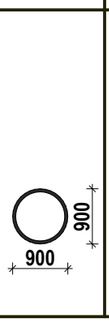
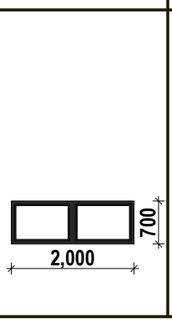
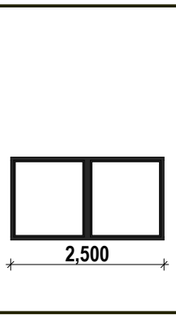
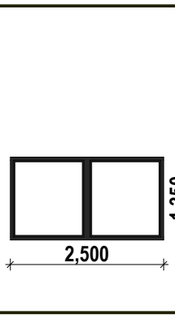
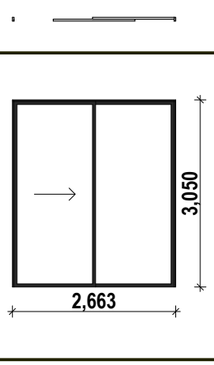
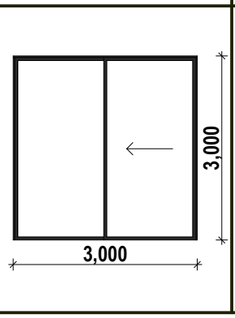
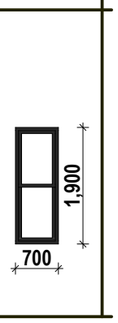
Plot Date: Tuesday, 16 September 2025

Window List

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Height	2,050	3,050	2,050	3,050	3,050	2,050	3,050	3,050
Width	800	4,000	1,000	2,700	3,000	1,000	3,101	2,611
2D Symbol								
Elevation								

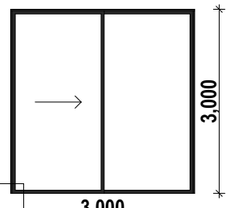
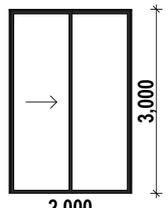
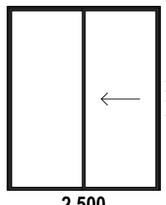
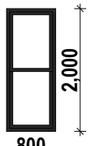
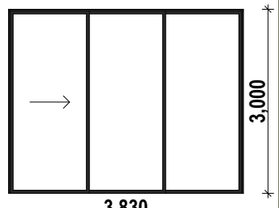
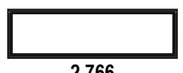
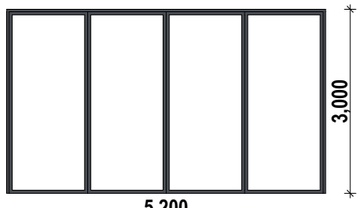
1 Window List 1:1

Window List

ID	W5.04	W5.05	W5.06	W5.07	W5.08	W5.09	W6.01	W6.02	W6.03
Height	700	900	700	1,350	1,350	3,050	1,900	3,000	1,900
Width	2,658	900	2,000	2,500	2,500	2,663	700	3,000	700
2D Symbol									
Elevation									

2 Window List 1:1

Window List

ID	W6.04	W6.05	W6.06	W6.07	W6.08	W6.09	W6.10
Height	3,000	3,000	3,000	2,000	3,000	800	3,000
Width	3,000	2,000	2,500	800	3,830	2,766	5,200
2D Symbol							
Elevation							

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Waverley Council

Application No: 190/2025

Date Received: 17/09/2025

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3 Window List 1:1

CSA ARCHITECTS

Nominated Architect: Alex Smith Reg #5473
alex@csa-arch.com.au

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Certificate No. 0011790110
Scan QR code or follow website link for rating details.
Assessor name ANTHONY PEART
Accreditation No. DMN/13/1511
Property Address 723 OLD SOUTH HEAD ROAD ,VAUCLUSE NSW,2030

Rev	Description	Date
01	DA ISSUE	8/04/2025
02	Additional information requested by Council	16/09/2025

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Client

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Project

NEW RESIDENTIAL APARTMENTS

723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

WINDOW SCHEDULE p.2

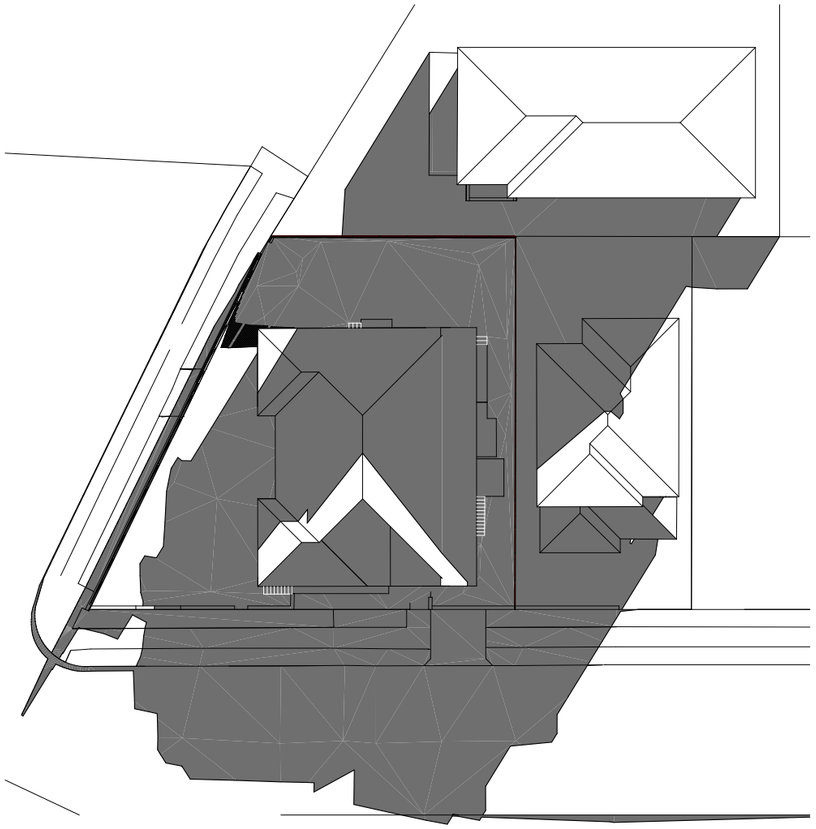
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SNC-36

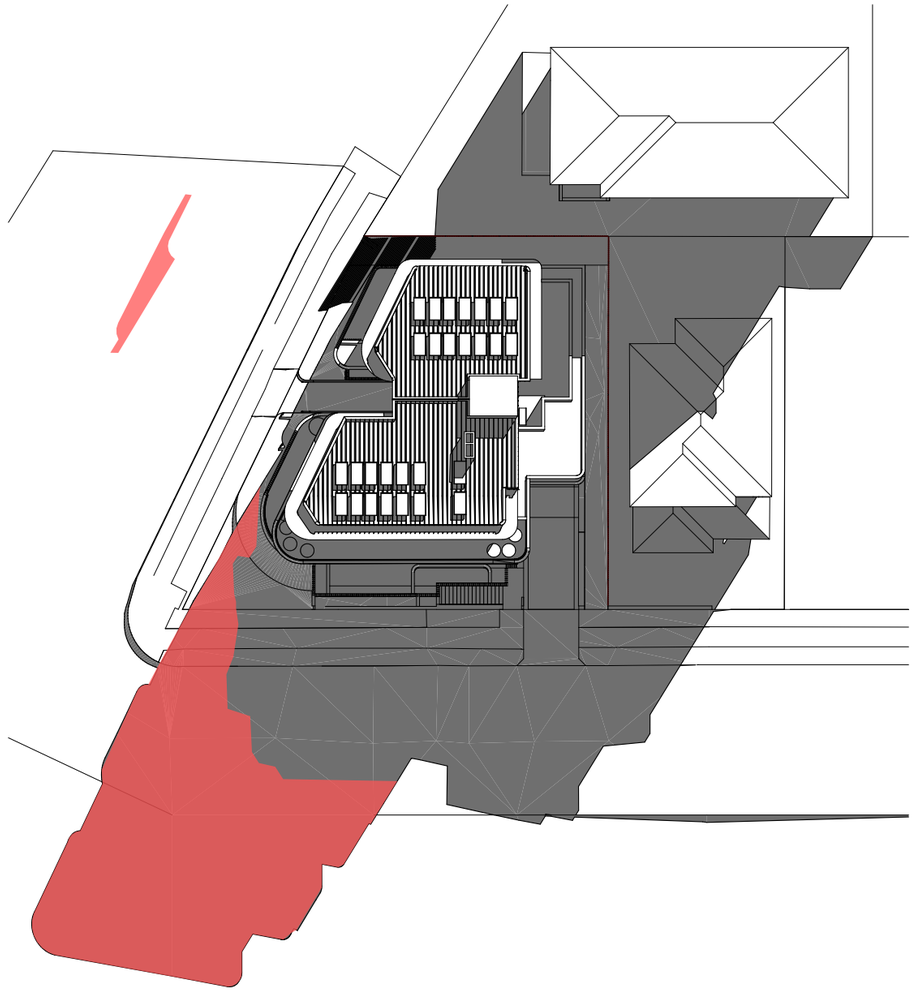
Drawn:	Checked:	Scale:	Rev.
AY	AS	1 :100 U.N.O	02

1:200 1:100 1:50 1 METRE INCREMENTS

Plot Date: Tuesday, 16 September 2025



1 9:00am EXISTING 1:400



2 9:00am PROPOSED 1:400

02

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Waverley Council

Application No: 190/2025

Date Received: 17/09/2025

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SHADOW DIAGRAMS

Existing shadow

Proposed additional shadow

CSA ARCHITECTS

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Project

NEW RESIDENTIAL APARTMENTS

723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

PLAN SHADOWS p.1

Sheet No.

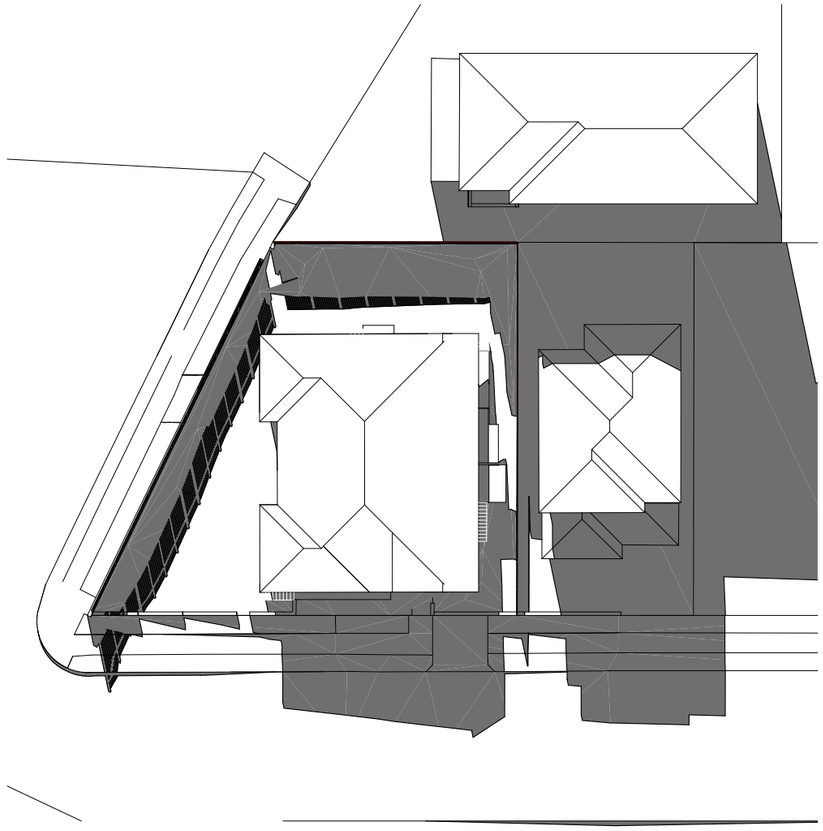
SNC-37

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AY	AS	1 :100 U.N.O	02

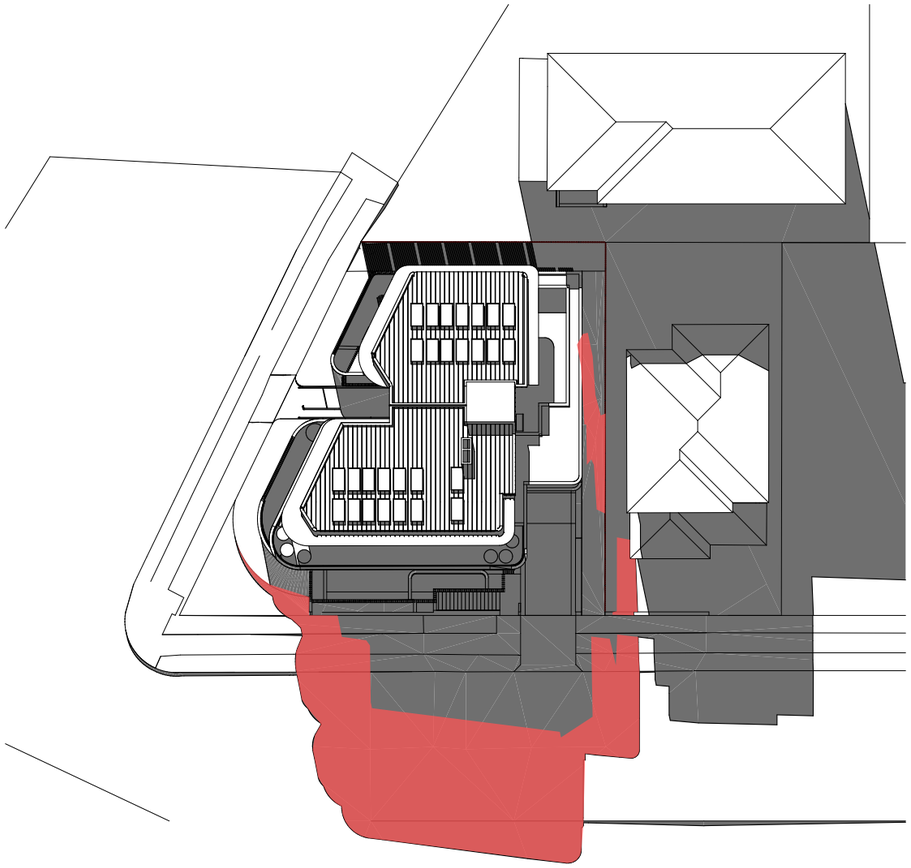
1:200 1:100 1:50 1 METRE INCREMENTS

Plot Date: Tuesday, 16 September 2025

AMENDED



1 12:00pm EXISTING 1:400



2 12:00pm PROPOSED 1:400

02

RECEIVED
Waverley Council

Application No: 190/2025

Date Received: 17/09/2025

SHADOW DIAGRAMS

Existing shadow

Proposed additional shadow

CSA ARCHITECTS

Nominated Architect: Alex Smith Reg #5473
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NEW RESIDENTIAL APARTMENTS

723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

PLAN SHADOWS p.2

Sheet No.

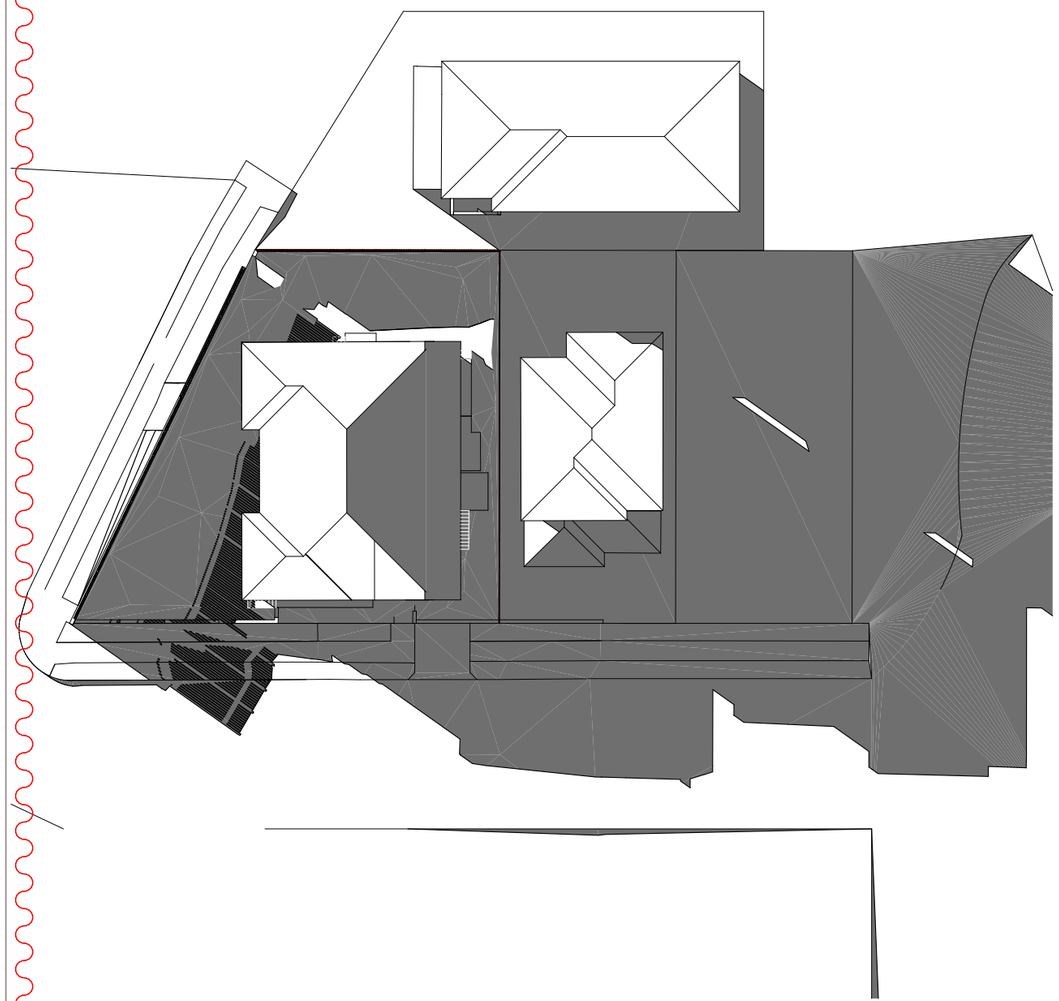
SNC-38

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AY	AS	1 :100 U.N.O	02

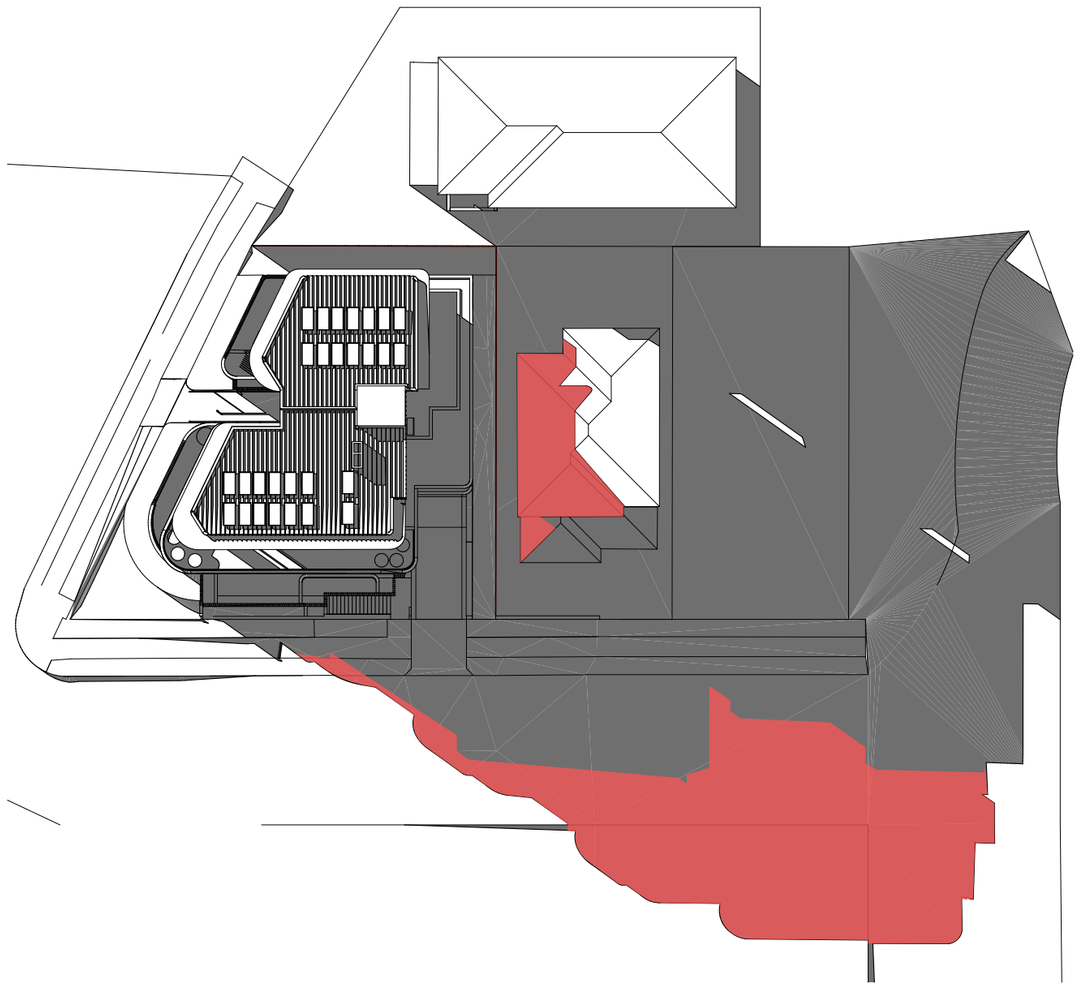
1:200 1:100 1:50 1 METRE INCREMENTS

Plot Date: Tuesday, 16 September 2025

AMENDED



1 3:00pm EXISTING 1:400



2 3:00pm PROPOSED 1:400

02

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Waverley Council

Application No: 190/2025

Date Received: 17/09/2025

SHADOW DIAGRAMS

Existing shadow

Proposed additional shadow

CSA ARCHITECTS

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alex@csa-arch.com.au

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Rev	Description	Date
02	Additional information requested by Council	16/09/2025

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NEW RESIDENTIAL APARTMENTS

723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

PLAN SHADOWS p.3

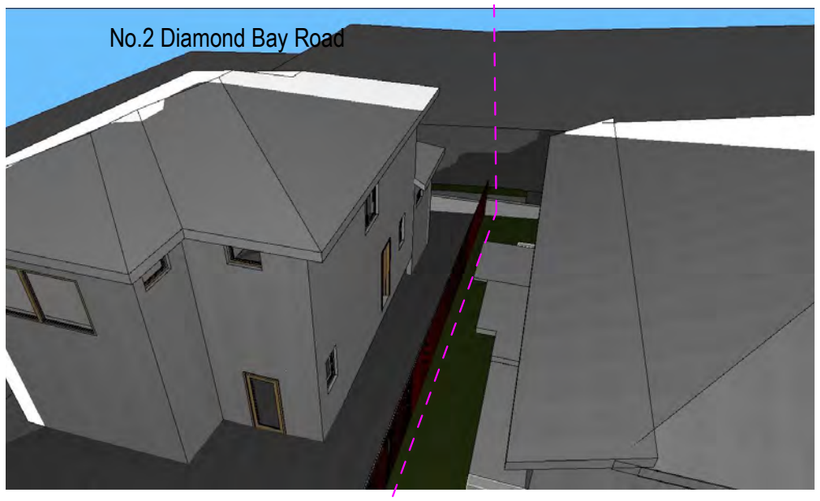
Sheet No.

SNC-39

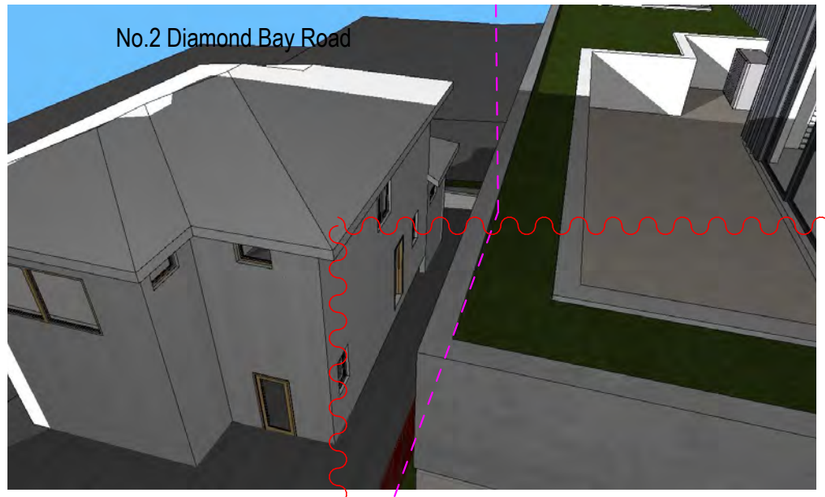
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AY	AS	1 :100 U.N.O	02

1:200 1:100 1:50 1 METRE INCREMENTS

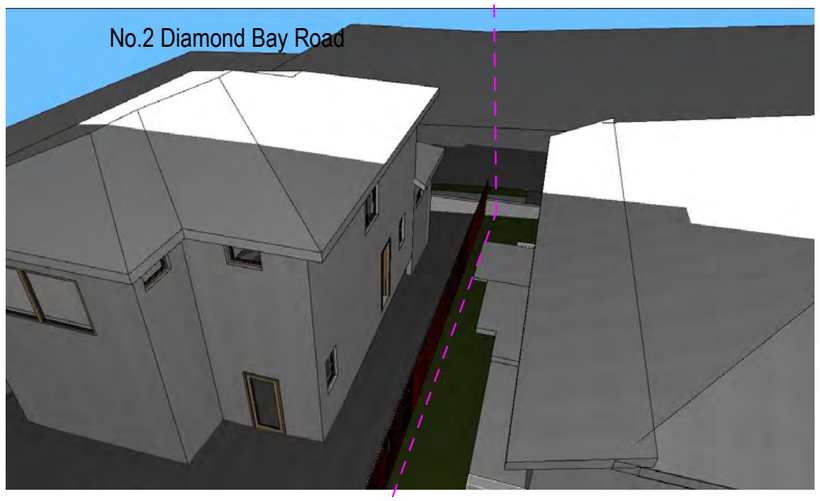
Plot Date: Tuesday, 16 September 2025



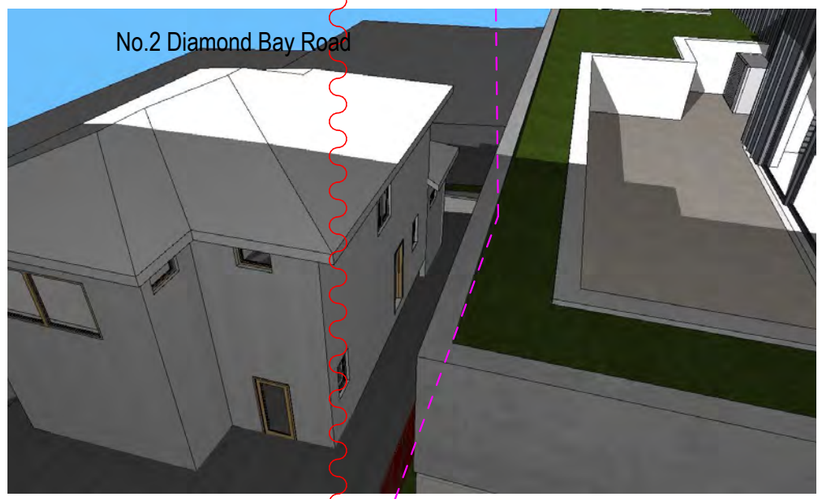
1 9:00am 3D shadow existing



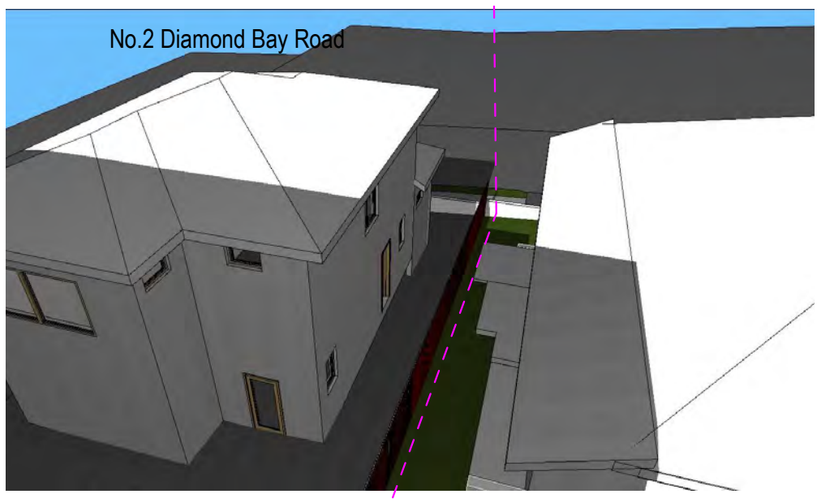
2 9:00am 3D shadow proposed



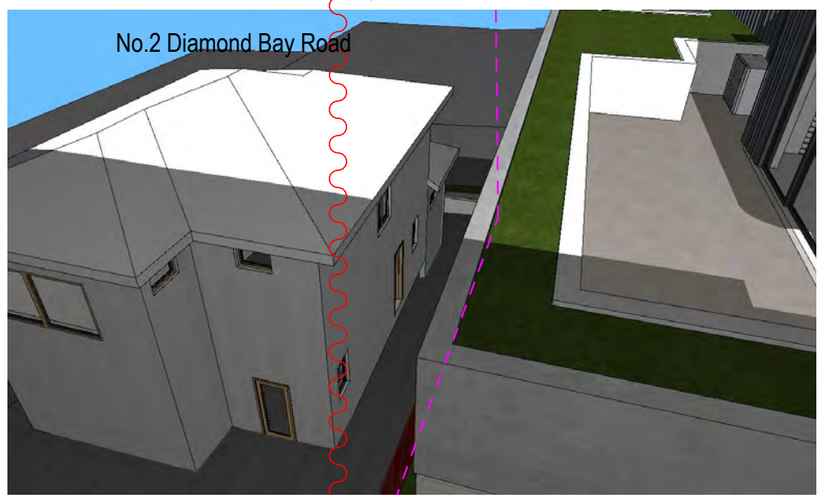
3 10:00am 3D shadow existing



4 10:00am 3D shadow proposed



5 11:00am 3D shadow existing



6 11:00am 3D shadow proposed

SHADOW DIAGRAMS

Existing shadow

Proposed additional shadow

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Waverley Council

Application No: 190/2025

Date Received: 17/09/2025

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CSA ARCHITECTS

Nominated Architect: Alex Smith Reg #5473
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Client

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Project

NEW RESIDENTIAL APARTMENTS

723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

3D SHADOWS p.1

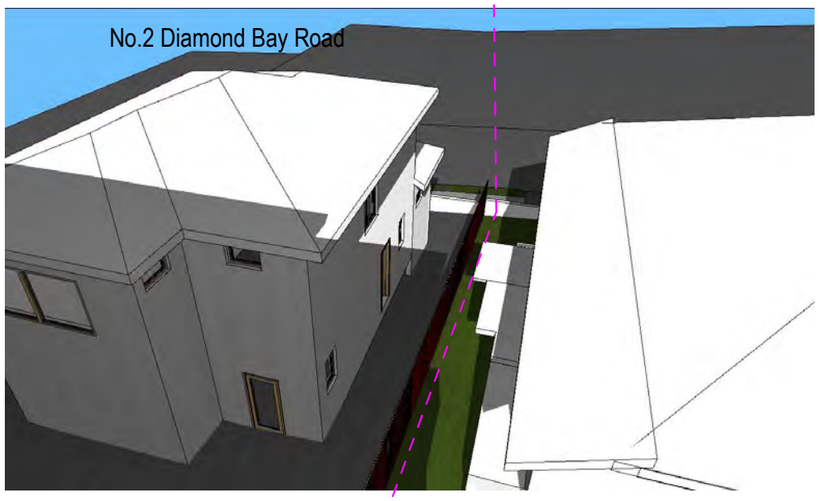
Sheet No.

SNC-40

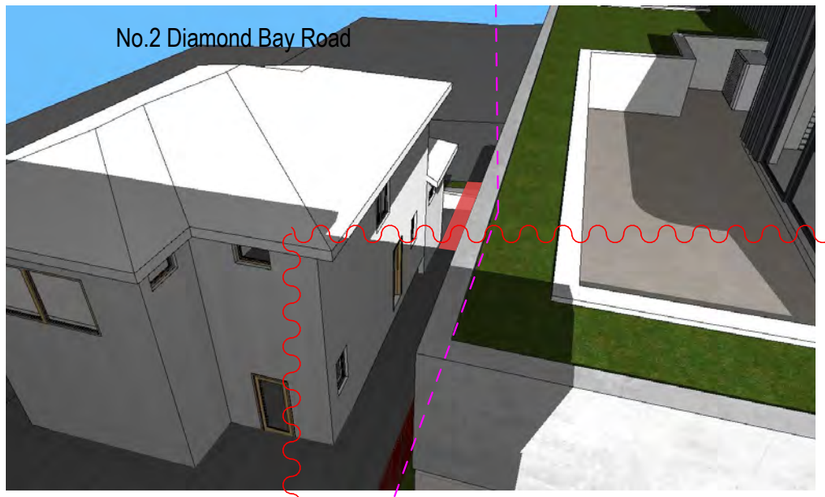
Drawn:	Checked:	Scale:	Rev.
AY	AS	1 :100 U.N.O	02

1:200 1:100 1:50 1 METRE INCREMENTS

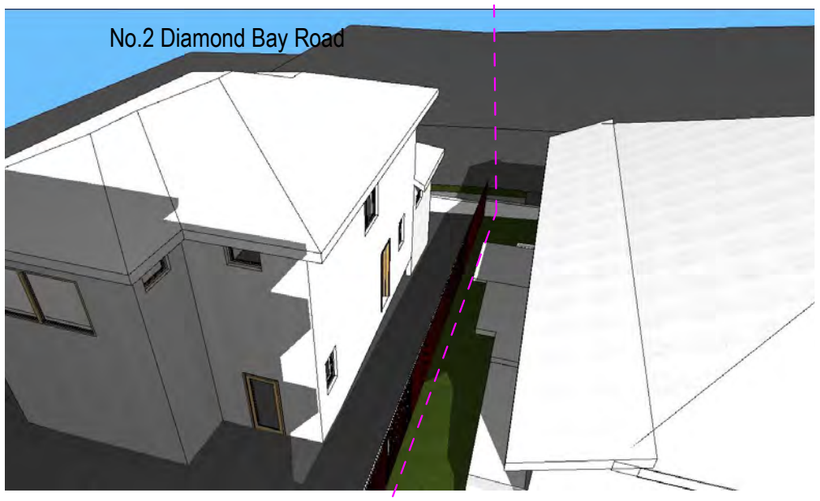
Plot Date: Tuesday, 16 September 2025



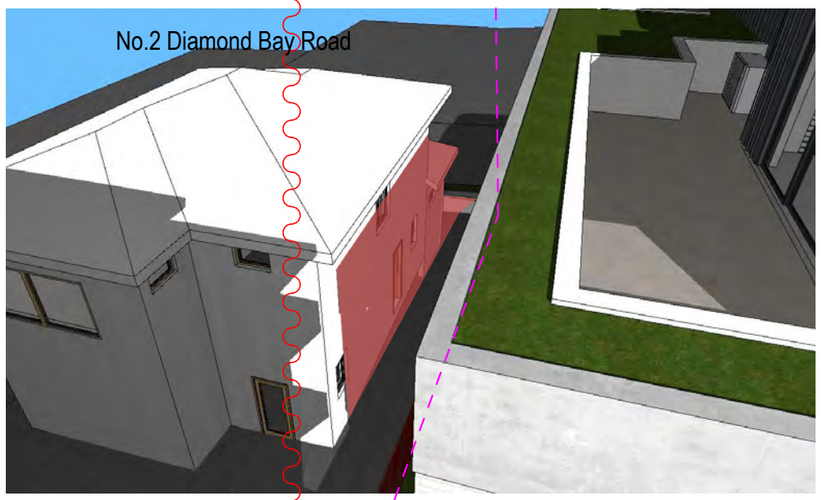
1 12:00pm 3D shadow existing



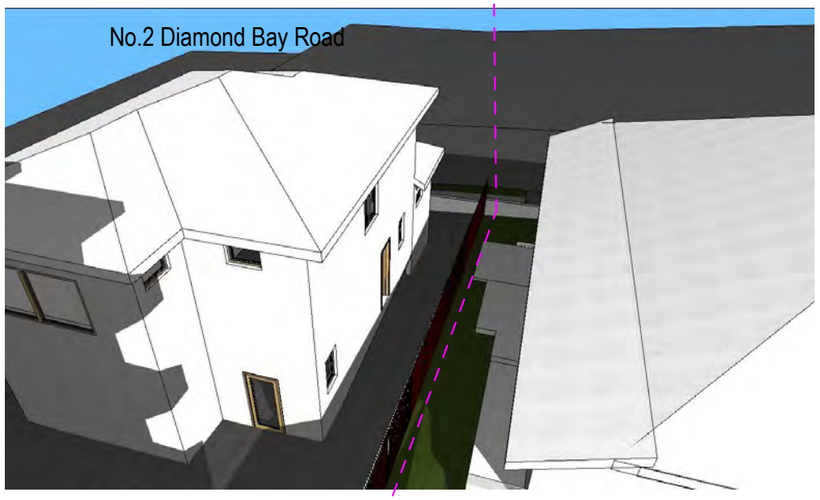
2 12:00pm 3D shadow proposed



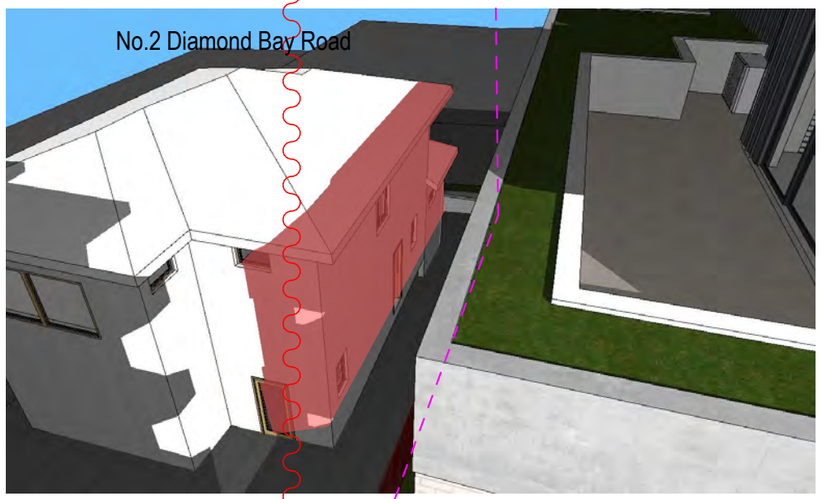
3 1:00pm 3D shadow existing



4 1:00pm 3D shadow proposed



5 2:00pm 3D shadow existing



6 2:00pm 3D shadow proposed

SHADOW DIAGRAMS

Existing shadow

Proposed additional shadow

02

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Waverley Council

Application No: 190/2025

Date Received: 17/09/2025

CSA ARCHITECTS

Nominated Architect: Alex Smith Reg #5473
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Project

NEW RESIDENTIAL APARTMENTS

723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

3D SHADOWS p.2

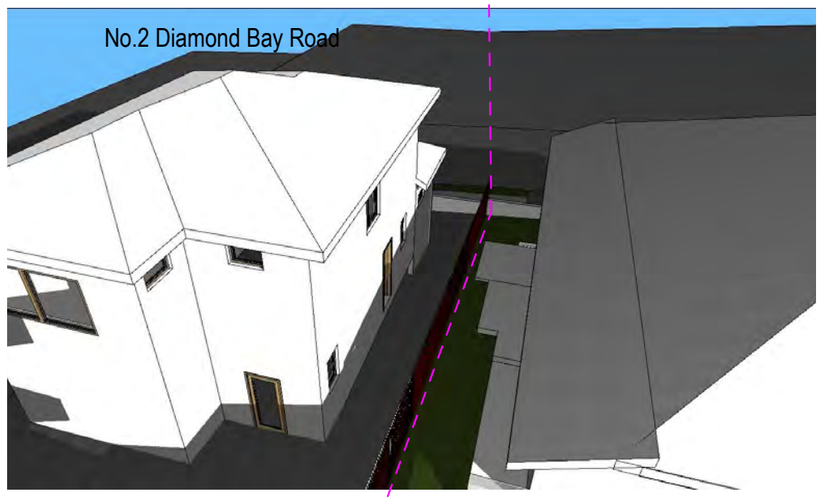
Sheet No.

SNC-41

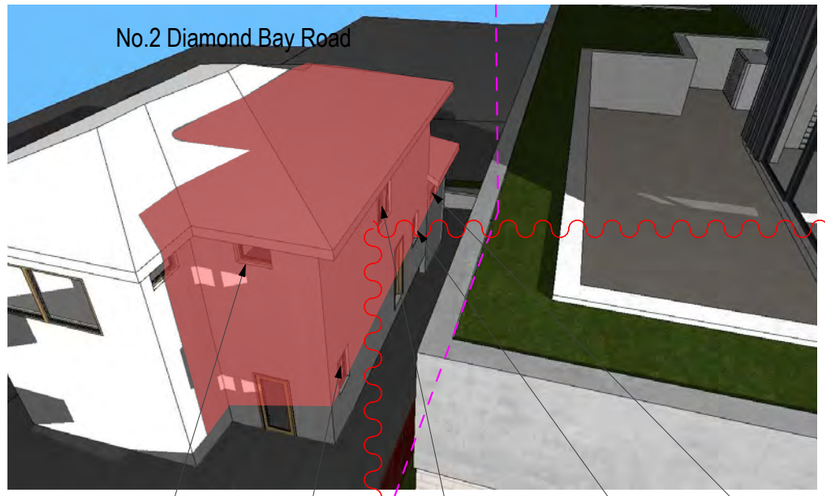
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AY	AS	1 :100 U.N.O	02

1:200 1:100 1:50 1 METRE INCREMENTS

Plot Date: Tuesday, 16 September 2025



1 3:00pm 3D shadow existing



2 3:00pm 3D shadow proposed

SHADOW DIAGRAMS

Existing shadow

Proposed additional shadow

02

ensuite kitchen stairwell bathroom bedroom 4

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Waverley Council

Application No: 190/2025

Date Received: 17/09/2025

AMENDED

CSA ARCHITECTS

Nominated Architect: Alex Smith Reg #5473
alex@csa-arch.com.au

CSA Architects Pty Ltd.
61 2 9389 4055 www.csa-arch.com.au
185 Old South Head Rd., Bondi Junction NSW 2022
a.c.n. 087 234 053

Certificate No. 0011790110
Scan QR code or follow website link for rating details.
Assessor name ANTHONY PEART
Accreditation No. DMN/13/1511
Property Address 723 OLD SOUTH HEAD ROAD ,VAUCLUSE NSW 2030

Rev	Description	Date
01	DA ISSUE	8/04/2025
02	Additional information requested by Council	16/09/2025

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Client

SNC

Project

NEW RESIDENTIAL APARTMENTS

723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

3D SHADOWS p.3

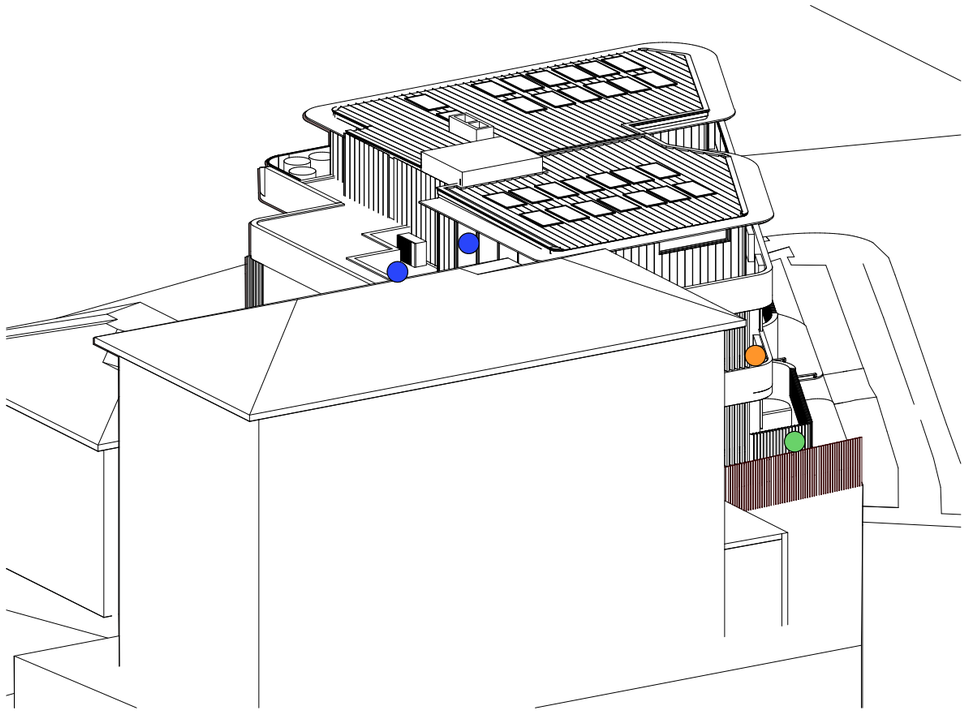
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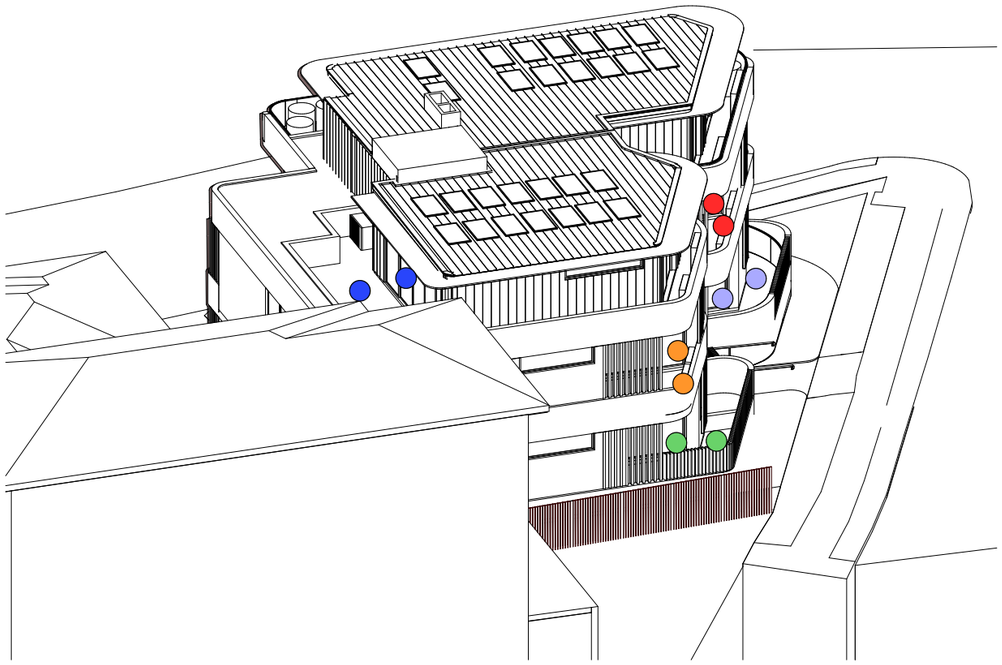
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AY	AS	1 :100 U.N.O	02

1:200 1:100 1:50 1 METRE INCREMENTS

Plot Date: Tuesday, 16 September 2025

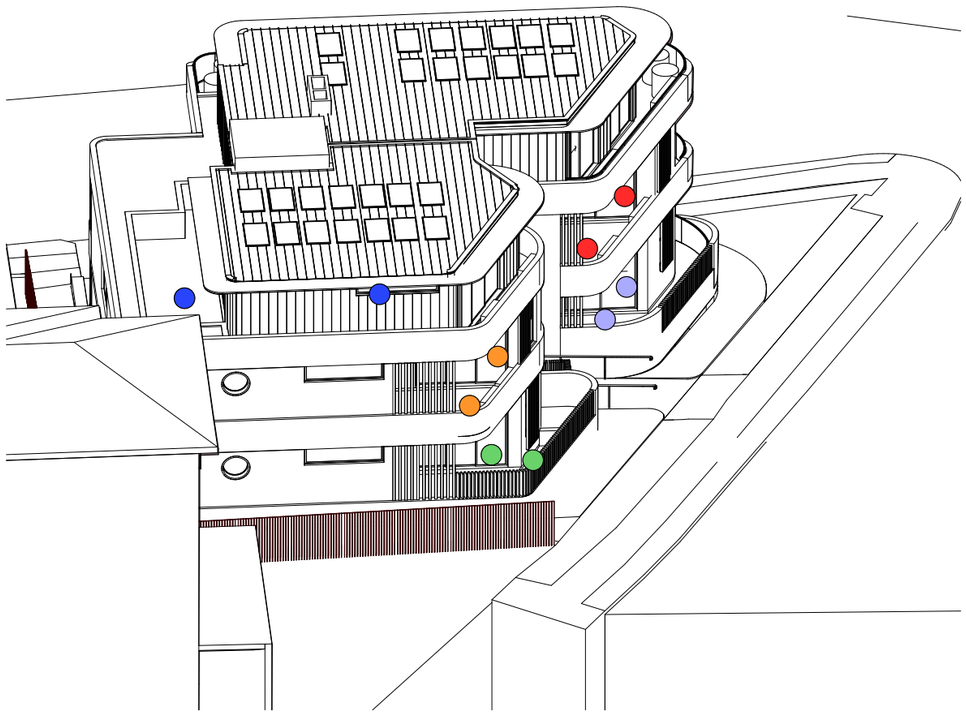


1 09:00am VIEW FROM THE SUN 1:250



2 10:00am VIEW FROM THE SUN 1:250

AMENDED



3 11:00am VIEW FROM THE SUN 1:250

Living 21st June									
Level	Unit	9am	10am	11am	Noon	1pm	2pm	3pm	TOTAL HOURS
GROUND	1								0
LEVEL 1	2		Y	Y	Y	Y	Y	Y	5
	3		Y	Y	Y	Y	Y	Y	5
LEVEL 2	4		Y	Y	Y	Y	Y	Y	5
	5		Y	Y	Y	Y	Y	Y	5
LEVEL 3	6	Y	Y	Y	Y	Y	Y	Y	6

02

Private open space 21st June									
Level	Unit	9am	10am	11am	Noon	1pm	2pm	3pm	TOTAL HOURS
GROUND	1								0
LEVEL 1	2		Y	Y	Y	Y	Y	Y	5
	3	Y	Y	Y	Y	Y	Y	Y	6
LEVEL 2	4		Y	Y	Y	Y	Y	Y	5
	5	Y	Y	Y	Y	Y	Y	Y	6
LEVEL 3	6	Y	Y	Y	Y	Y	Y	Y	6

02

		Direct sunlight	2 hours
	Unit 1	N	N
	Unit 2	Y	Y
	Unit 3	Y	Y
	Unit 4	Y	Y
	Unit 5	Y	Y
	Unit 6	Y	Y
Proposed		83.3% (5/6)	83.3% (5/6)
Required		85%	70%
	Compliant		
	Non-compliant		
	No Solar access		
	Solar access		

RECEIVED
Waverley Council

Application No: 190/2025

Date Received: 17/09/2025

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Client

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Project

NEW RESIDENTIAL APARTMENTS

723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

VIEWS FROM THE SUN p.1

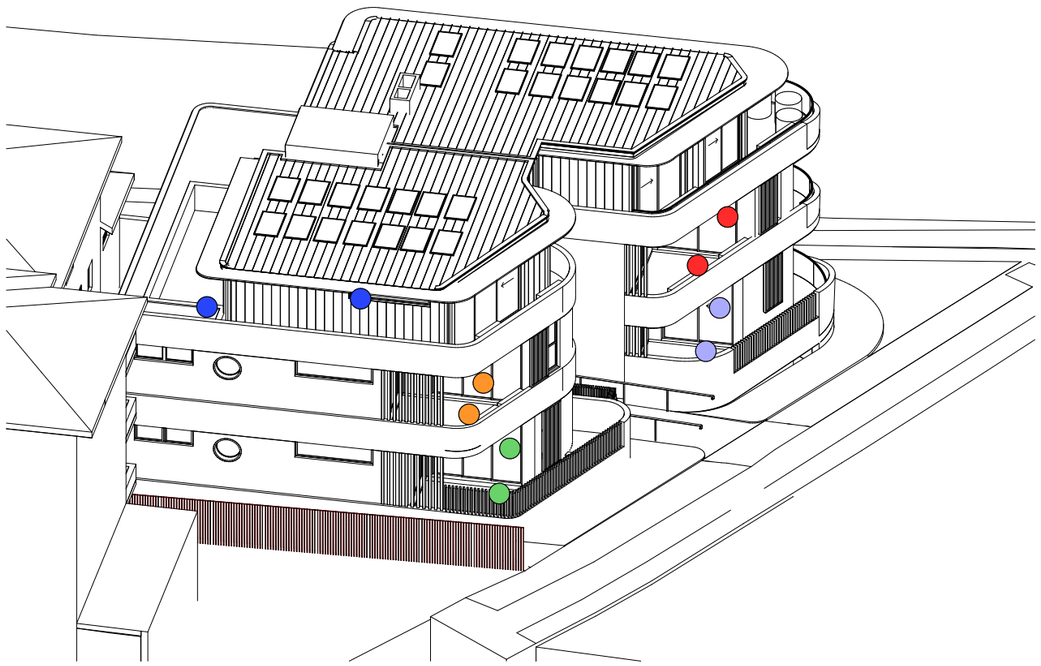
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SNC-43

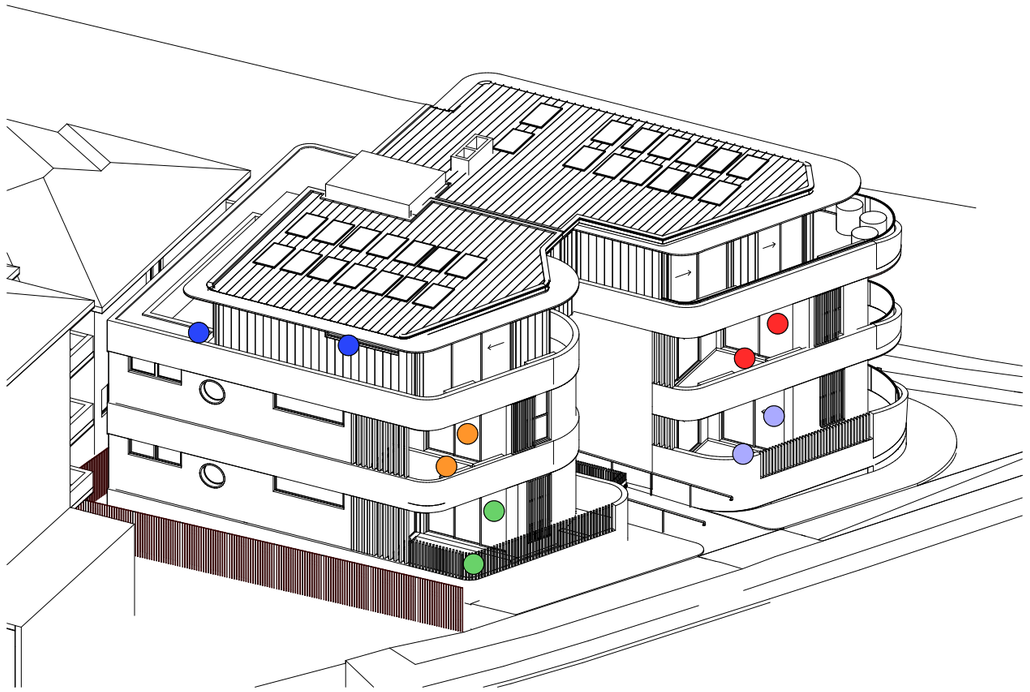
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AY	AS	1 :100 U.N.O	02

1:200 1:100 1:50 1 METRE INCREMENTS

Plot Date: Tuesday, 16 September 2025



1 12:00Pm VIEW FROM THE SUN 1:250

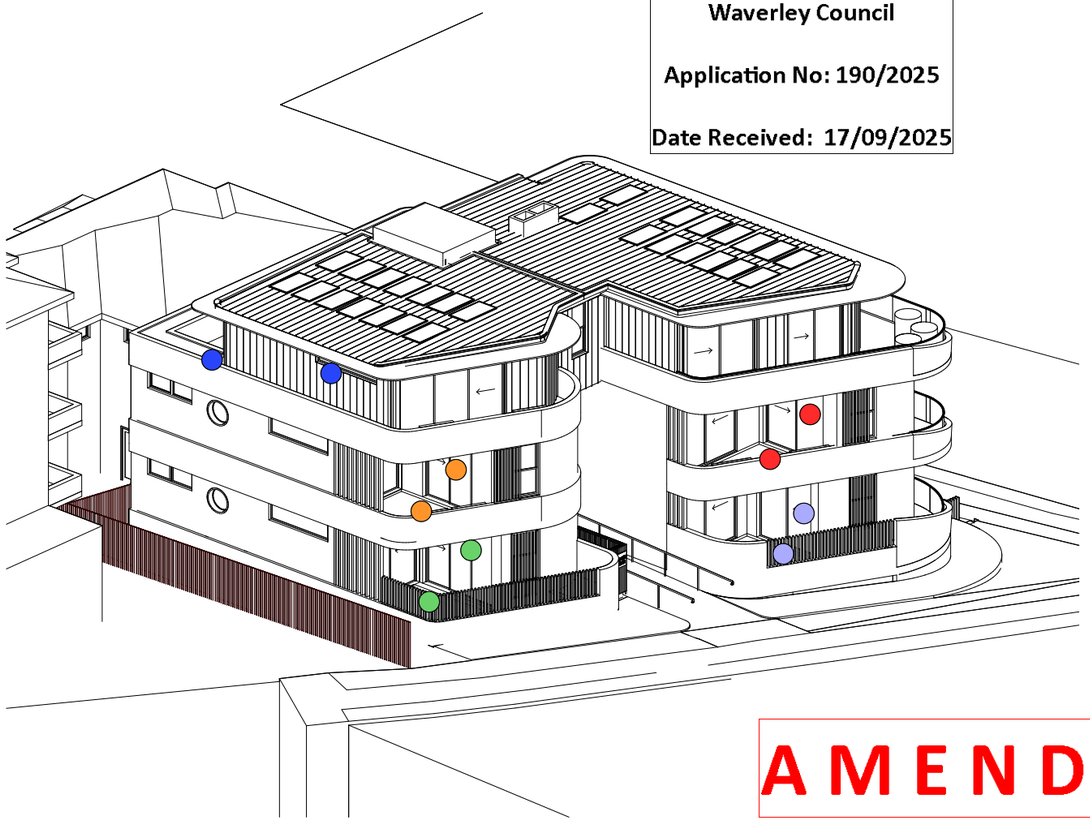


2 1:00Pm VIEW FROM THE SUN 1:250

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Application No: 190/2025

Date Received: 17/09/2025



3 2:00Pm VIEW FROM THE SUN 1:250

AMENDED

Living 21st June									
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GROUND	1								0
LEVEL 1	2		Y	Y	Y	Y	Y	Y	5
	3		Y	Y	Y	Y	Y	Y	5
LEVEL 2	4		Y	Y	Y	Y	Y	Y	5
	5		Y	Y	Y	Y	Y	Y	5
LEVEL 3	6	Y	Y	Y	Y	Y	Y	Y	6

Private open space 21st June									
Level	Unit	9am	10am	11am	Noon	1pm	2pm	3pm	TOTAL HOURS
GROUND	1								0
LEVEL 1	2		Y	Y	Y	Y	Y	Y	5
	3	Y	Y	Y	Y	Y	Y	Y	6
LEVEL 2	4		Y	Y	Y	Y	Y	Y	5
	5	Y	Y	Y	Y	Y	Y	Y	6
LEVEL 3	6	Y	Y	Y	Y	Y	Y	Y	6

02

		Direct sunlight	2 hours
	Unit 1	N	N
	Unit 2	Y	Y
	Unit 3	Y	Y
	Unit 4	Y	Y
	Unit 5	Y	Y
	Unit 6	Y	Y
Proposed		83.3% (5/6)	83.3% (5/6)
Required		85%	70%
	Compliant		
	Non-compliant		
	No Solar access		
	Solar access		

CSA ARCHITECTS

Nominated Architect: Alex Smith Reg #5473
alex@csa-arch.com.au

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Client

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Project

NEW RESIDENTIAL APARTMENTS
723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

VIEWS FROM THE SUN p.2

Sheet No.

SNC-44

Drawn:	Checked:	Scale:	Rev.
AY	AS	1 :100 U.N.O	02

1:200 1:100 1:50 1 METRE INCREMENTS

Plot Date: Tuesday, 16 September 2025



1 3:00Pm VIEW FROM THE SUN 1:250

AMENDED

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Level	Unit	9am	10am	11am	Noon	1pm	2pm	3pm	TOTAL HOURS
GROUND	1								0
LEVEL 1	2		Y	Y	Y	Y	Y	Y	5
	3		Y	Y	Y	Y	Y	Y	5
LEVEL 2	4		Y	Y	Y	Y	Y	Y	5
	5		Y	Y	Y	Y	Y	Y	5
LEVEL 3	6	Y	Y	Y	Y	Y	Y	Y	6

Private open space 21st June									
Level	Unit	9am	10am	11am	Noon	1pm	2pm	3pm	TOTAL HOURS
GROUND	1								0
LEVEL 1	2		Y	Y	Y	Y	Y	Y	5
	3	Y	Y	Y	Y	Y	Y	Y	6
LEVEL 2	4		Y	Y	Y	Y	Y	Y	5
	5	Y	Y	Y	Y	Y	Y	Y	6
LEVEL 3	6	Y	Y	Y	Y	Y	Y	Y	6

02

		Direct sunlight	2 hours
	Unit 1	N	N
	Unit 2	Y	Y
	Unit 3	Y	Y
	Unit 4	Y	Y
	Unit 5	Y	Y
	Unit 6	Y	Y
Proposed		83.3% (5/6)	83.3% (5/6)
Required		85%	70%
	Compliant		
	Non-compliant		
	No Solar access		
	Solar access		

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Application No: 190/2025

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NEW RESIDENTIAL APARTMENTS
723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

VIEWS FROM THE SUN p.3

Sheet No.

SNC-45

Drawn:	Checked:	Scale:	Rev.
AY	AS	1 :100 U.N.O	02

1:200 1:100 1:50 1 METRE INCREMENTS

Plot Date: Tuesday, 16 September 2025

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ALUMINIUM HEKA HOOD. COLOUR BLACK MATT OR SIMILAR



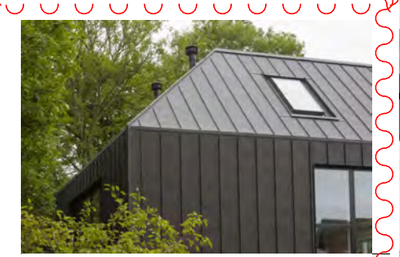
ALSPEC ALUMINIUM COMMERCIAL WINDOWS & DOORS, FINISH IN DULUX BLACK ACE OR SIMILAR

RECEIVED
Waverley Council

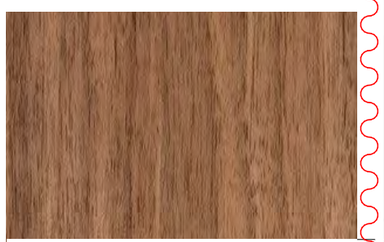
Application No: 190/2025

Date Received: 17/09/2025

EXTERNAL WALL WHITE FACE BRICK



SINGLE LOCK STANDING SEAM FOR FACADE IN ANTHRA-ZINC OR SIMILAR



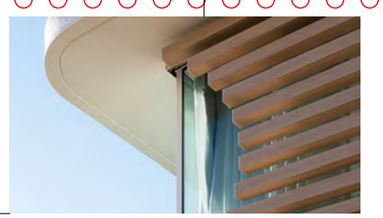
SLIDING PRIVACY SCREENS COVET 50x30mm PROFILE. COLOUR NEIKIDDO MOKU OR SIMILAR







BALUSTRADE BANDS OFF-FORM CONCRETE LIGHT COLOUR FINISH



FIXED PRIVACY SCREENS COVET 50x30mm PROFILE. COLOUR NEIKIDDO MOKU OR SIMILAR



BALCONY GLASS BALUSTRADE WITH 50x20 ALUMINIUM POWDER COATED TOP RAILING OR SIMILAR

CSA ARCHITECTS

Nominated Architect: Alex Smith Reg #5473
alex@csa-arch.com.au

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61 2 9389 4055 www.csa-arch.com.au
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Client

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Project

NEW RESIDENTIAL APARTMENTS

723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

MATERIALS & FINISHES p.1

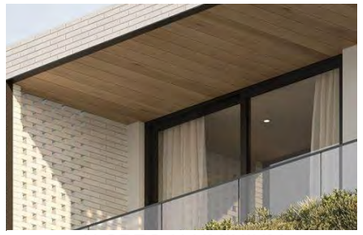
Sheet No.

SNC-46

Drawn:	Checked:	Scale:	Rev.
AY	AS	1 :100 U.N.O	02

1:200 1:100 1:50 1 METRE INCREMENTS

Plot Date: Tuesday, 16 September 2025



ALSPEC ALUMINIUM COMMERCIAL WINDOWS & DOORS, FINISH IN DULUX BLACK ACE OR SIMILAR



DOUBLE LOCK STANDING SEAM FOR FACADE IN ANTHRA-ZINC OR SIMILAR



CEILING COVET 50x30mm PROFILE. COLOUR NEIKIDDO MOKU OR SIMILAR



ALUMINIUM HEKA HOOD. COLOUR BLACK MATT OR SIMILAR



SINGLE LOCK STANDING SEAM FOR FACADE IN ANTHRA-ZINC OR SIMILAR





BALUSTRADE BANDS OFF-FORM CONCRETE LIGHT COLOUR FINISH



SLIDING PRIVACY SCREENS COVET 50x30mm PROFILE. COLOUR NEIKIDDO MOKU OR SIMILAR

RECEIVED
Waverley Council

Application No: 190/2025

Date Received: 17/09/2025

EXTERNAL WALL WHITE FACE BRICK

02

02



PRIVACY SCREENS COVET 100x30mm. COLOUR NEIKIDDO MOKU OR SIMILAR



ECO OUTDOOR FILETTI FLOORING OR SIMILAR



REDCORE EDGING FOR PLANTER OR SIMILAR



FIXED PRIVACY SCREENS COVET 50x30mm PROFILE. COLOUR NEIKIDDO MOKU OR SIMILAR

AMENDED

CSA ARCHITECTS

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Client

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Project

NEW RESIDENTIAL APARTMENTS

723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

MATERIALS & FINISHES p.2

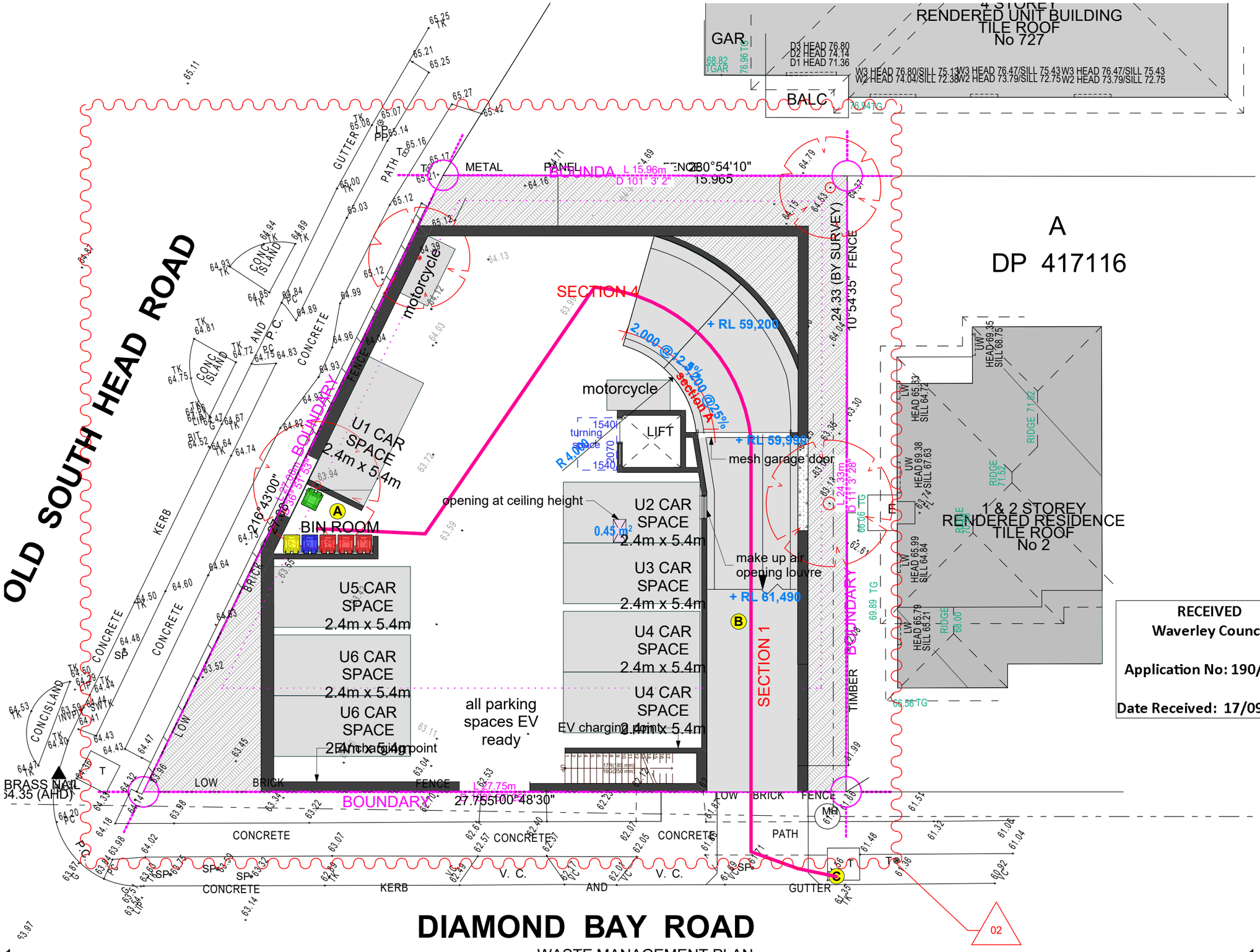
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SNC-47

Drawn:	Checked:	Scale:	Rev.
AY	AS	1 :100 U.N.O	02

1:200 1:100 1:50 1 METRE INCREMENTS

Plot Date: Tuesday, 16 September 2025



DIAMOND BAY ROAD

1 WASTE MANAGEMENT PLAN 1:150

A BIN STORAGE AREA:
3X 240L Red Bins; 1X 240L Blue Bin;
1X 240L Yellow Bin; 1X 240L Green Bin

B PATH OF TRAVEL

C BIN COLLECTION POINT

AMENDED

CSA ARCHITECTS

Nominated Architect: Alex Smith Reg #5473
alex@csa-arch.com.au

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Application No: 190/2025

Date Received: 17/09/2025

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NEW RESIDENTIAL APARTMENTS
723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

WASTE MANAGEMENT PLAN

Sheet No.

SNC-48

Drawn:	Checked:	Scale:	Rev.
AY	AS	1 :100 U.N.O	02

1:200 1:100 1:50 1 METRE INCREMENTS

Plot Date: Tuesday, 16 September 2025



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Application No: 190/2025

Date Received: 17/09/2025

PHOTOMONTAGE

02

AMENDED

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alex@csa-arch.com.au

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NEW RESIDENTIAL APARTMENTS

723-725 Old South Head Road VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

PHOTOMONTAGES

Sheet No.

SNC-49

Drawn:	Checked:	Scale:	Rev.
AY	AS	1 :100 U.N.O	02

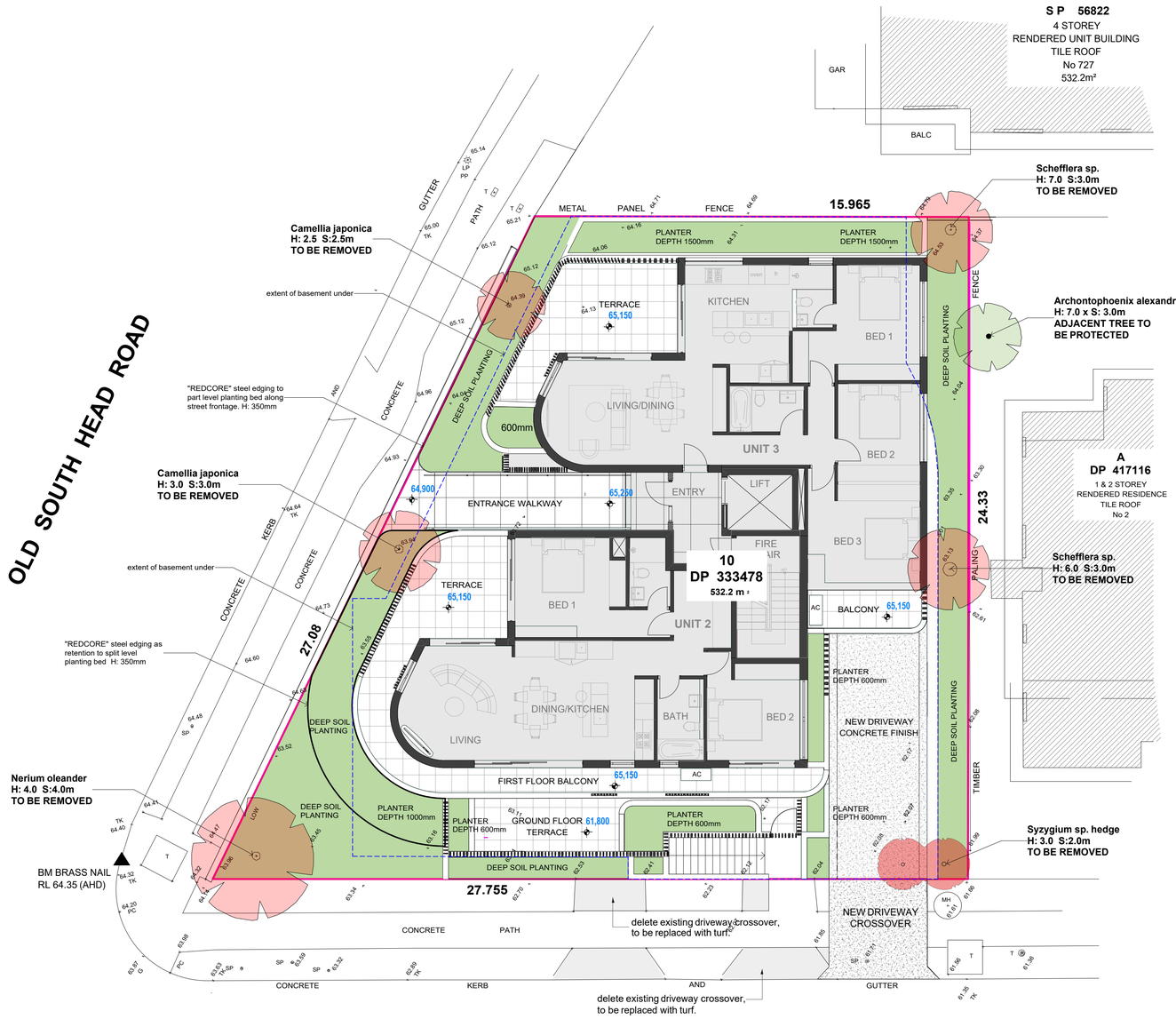
1:200 1:100 1:50 1 METRE INCREMENTS

Plot Date: Tuesday, 16 September 2025

RECEIVED
Waverley Council

Receipt No: DA-190/2025

Date Received: 21/05/2025



DIAMOND BAY ROAD

LANDSCAPE SITE PLAN / EXISTING TREES 1:100

LEGEND

- ADJACENT TREES RETAINED AND PROTECTED
- EXISTING TREES TO BE REMOVED
- PROPOSED TREES
- PLANTING AREAS (DEEP SOIL)
- PAVING SLABS/TILES
- CONCRETE FINISH
- 49.91 EXISTING SITE LEVELS
- 61,800 PROPOSED LEVELS

LANDSCAPE NOTES:

GENERAL

1. The Landscape drawings have been based on site survey and building layout information as supplied by CSA Architects.
2. Landscape plans are to be read in conjunction with all architectural and other project consultant's drawings and specifications and with such other written instructions as may be issued during the course of the contract.
3. Any discrepancies between landscape/architectural or other project consultant's drawings shall be reported to the landscape designer prior to any works being carried out.
4. All works are to be carried out in accordance with drawing notation and/or written specifications where applicable.
5. Works and supply of materials not covered by drawng notation or written specification are to be carried out in accordance with AS Codes, LCA guidelines and the By-Laws and Ordinances of the relevant Building Authority and/or manufacturer's recomendations as applicable.
6. All dimensions and locations of works are to be checked on site and confirmed by the landscape/building site supervisor prior to the commencement of any works.
7. Dimensions shall not be obtained by scaling from structural drawings. Dimensions are indicated in millimeters unless otherwise specified.
8. The contractor shall at all times implement adequate erosion and sediment control measures where applicable.
9. The position of services indicated on drawings (when applicable), are approximate and must be confirmed on site prior to the commencement of any site works.
10. DA drawings may be subject to future landscape detail/specification.

SITE PREPARATION

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All proposed planting areas are to be deep ripped to a depth of 300mm and clay soils are to be treated with a clay breaker. 150mm depth of ANL Organic Garden Mix to be incorporated into existing soil areas.
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PLANTER BOXES - SOIL MIX - ANL - Planter Box Mix

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All plants shall be true to type and size, of healthy growth, disease free nursery stock, and not displaying any restricted growth or damage. Plants shall have been hardened off and suitable for planting in the climatic conditions prevailing at the site. Trees shall be of uniform appearance and have a single leading trunk and proportionate and balanced crown.
The Contractor shall be responsible for the health of plants from time of delivery, and no consideration will be given to any claim arising from the Contractors neglect or failure to observe any defects in the plants at time of delivery.
Remove plant from container without disturbing the root ball and place centrally and plumb in the hole with the top of the root-ball level with the surrounding surface level. Backfill root-ball with an Organic garden soil-mix, lightly tamp and water thoroughly to eliminate air pockets. Refer to Tree Planting Detail when applicable.
Ensure soil-mix is not placed over the top of the root-ball and that the plant stem remains the same height above the ground as it was in the container. Soil-mix for backfilling of plants shall conform to AS4419-1998.

MULCHING

On completion of planting, all areas are to be mulched using Green Life compost to a depth of 75mm. A water catchment dish is to be provided around the base of each plant.

FERTILISER

All newly planted areas are to be fertilised with an organic life, slow release fertiliser (Osmocote 8-9 month / Agriform (R) 21g) which is to be adequately watered in.

IRRIGATION

An automated irrigation system is to be selected and installed to access all lawn and garden areas. The contractor is to liaise with the client as to the level of automation required. The system is to comply with the lastest Council, Walter Board and Australian standards applicable at the time of installation.

DRAINAGE

subsoil drainage
Where applicable, a flexible 90mm subsoil, socked, drainage coil is to be installed to all planting areas defined by retaining walls, interfaces between planting/lawn areas and paving, kerb lines, footpath edges etc, on natural ground. The subsoil drainage lines are to be installed and covered with free draining gravel at the base of retaining walls and planting areas, as above, and sufficientl buried to ensure they are covered with 100mm free draining gravel and 150mm topsoil. The gravel is to be covered with 3-4 oz non-woven filter fabric.
surface drainage
The contractor is to ensure adequate drainage is provided to all newly paved/hardsurface areas, linking either to existing drainage sump pits or to new pits constructed by the contractor.
The Subsoil and Surface drainage system is to be linked to the site's storm water system.

MAINTENANCE

The landscape contractor shall maintain the landscape area for a period of 12 weeks from the date of practical completion. Works shall include weeding, pruning, checking watering systems, fertilizing, removal of rubbish and the control of pests and disease to the plants as they arise. During the maintenance period, any plants deemed to have failed shall be replaced progressively and not all at once upon the completion of the maintenance period

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N

PROJECT:
723-725 Old South Head Road, Vaucluse, NSW 2030.

CLIENT :
SNC Asia Pacific Pty. Ltd.

PROJECT TYPE: New Residential Apartments

STAGE:
DEVELOPMENT APPLICATION

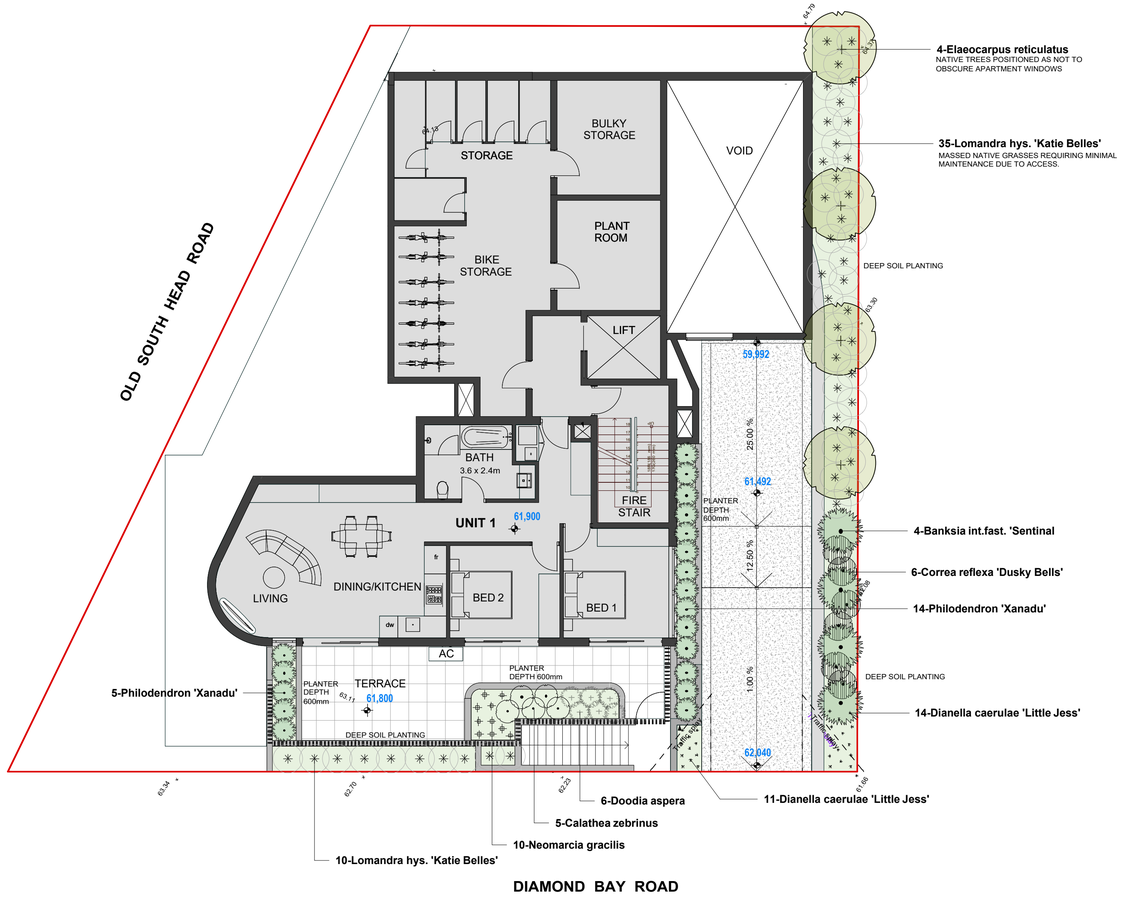
DRAWING TITLE:
LANDSCAPE SITE PLAN / EXISTING TREES

SCALE : 1:100 @ A1 | DRAWN : mdz | DATE : 14 March 2025

DRAWING NO. :

DA 01

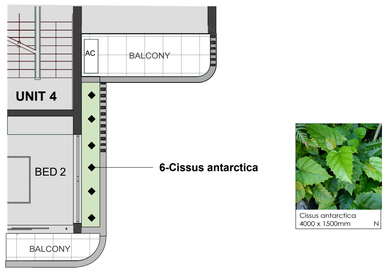
REVISION	DATE	DESCRIPTION





N - DENOTES INDIGENOUS or LOCAL NATIVE SPECIES
(varieties selected for improved resilience in urban conditions)

PLANTING PLAN - GROUND FLOOR 1:100

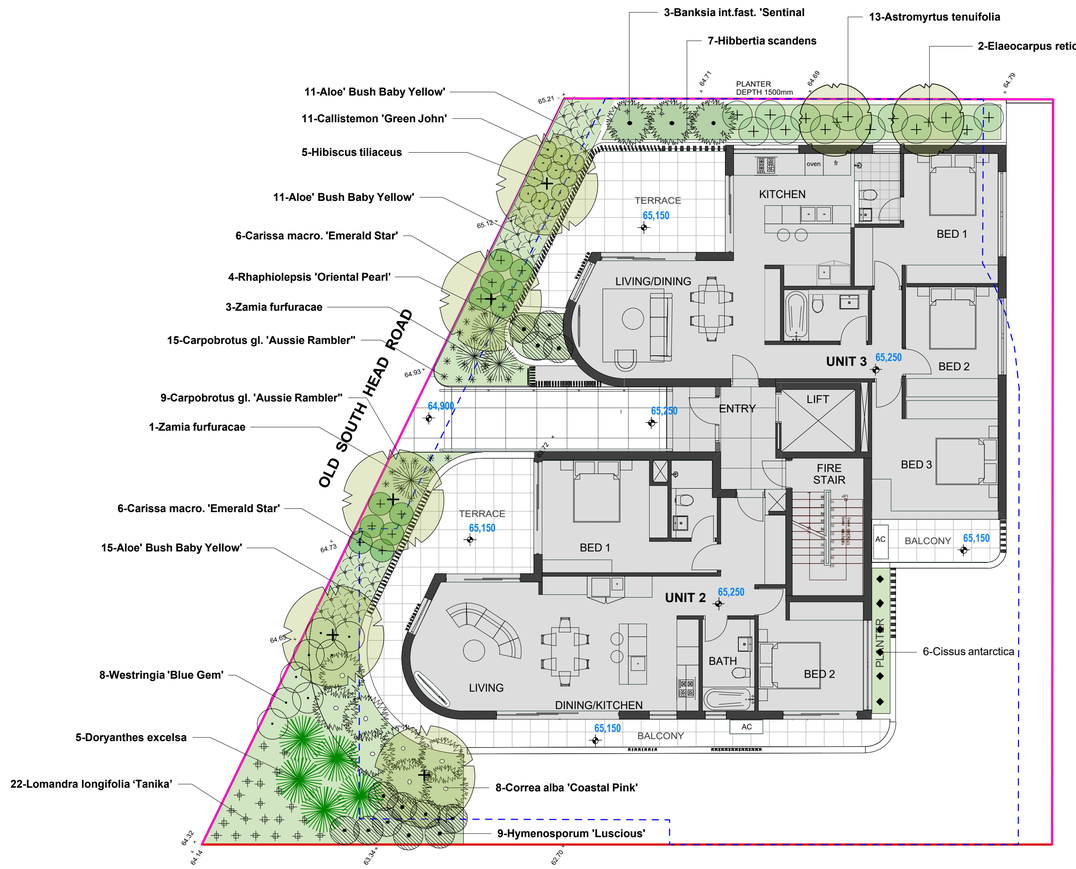


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Waverley Council

Receipt No: DA-190/2025

Date Received: 21/05/2025

PLANTING PLAN - SECOND FLOOR PLANTER 1:100





N - DENOTES INDIGENOUS or LOCAL NATIVE SPECIES
(varieties selected for improved resilience in urban conditions)

PLANTING PLAN - FIRST FLOOR 1:100

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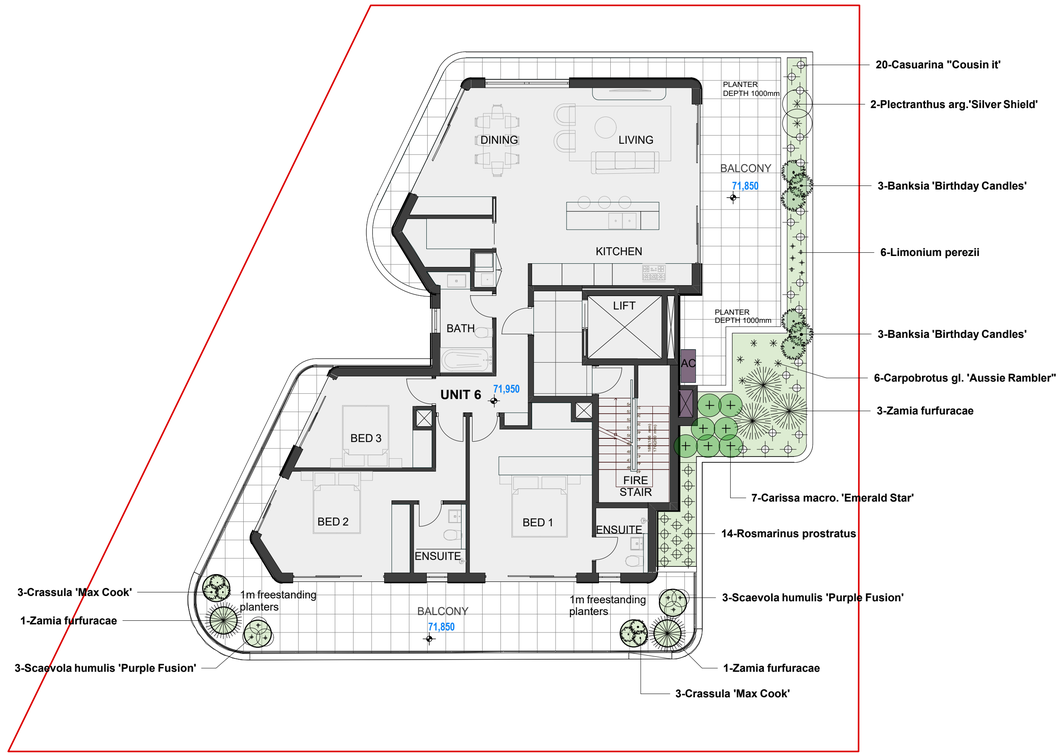
STAGE:
DEVELOPMENT APPLICATION

DRAWING TITLE:
PLANTING PLAN - GROUND FLOOR / FIRST FLOOR

SCALE : 1:100 @ A1 | DRAWN : mdz | DATE : 14 March 2025

DRAWING NO. :
DA 02

REVISION	DATE	DESCRIPTION




Casuarina 'Cousin It' 250 x 1200 N


Plectranthus 'Silver Shield' 500 x 750mm N


Banksia 'Birthday Candles' 350 x 600mm N


Limonium perezii 350 x 350mm


Carpobrotus 'Aussie Rambler' 250 x 1000 N


Zamia furfuracae 700 x 1200mm


Carissa 'Emerald Star' 500 x 750mm


Rosemary off. 'Prostrata' 300 x 750mm


Scaveola 'Purple Fusion' 300 x 750 N

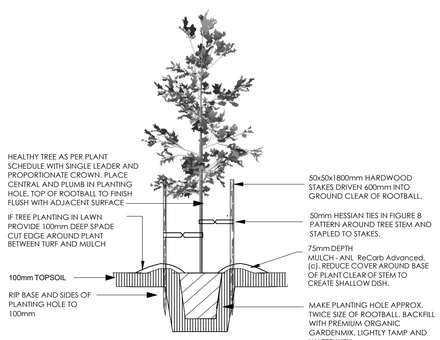

Crassula 'Max Cook' 500 X 500mm

N - DENOTES INDIGENOUS or LOCAL NATIVE SPECIES
(varieties selected for improved resilience in urban conditions)

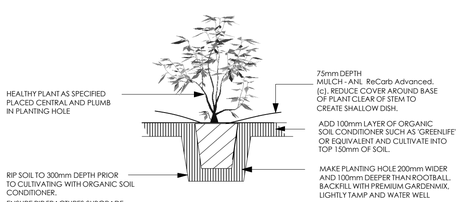
PLANTING PLAN - THIRD FLOOR 1:100

PLANT SCHEDULE - planting plans 02 / 03

Botanical Name	Common Name	Native / Local Native species	No.	H mm	W mm	Pot Size
Zamia furfuracae	Cardboard Palm		9	1200	1200	45lt
Rosmarinus prostratus	Prostrate Rosemary		14	300	400	140mm
Plectranthus arg.'Silver Shield'	Silver Cockspur	✓	2	750	1000	200mm
Banksia 'Birthday Candles'	Banksia dwarf	✓	6	500	800	300mm
Limonium perezii	Sea Lavender		6	400	300	200mm
Casuarina "Cousin it'	She-oak groundcover	✓	20	250	1200	200mm
Carissa macro. 'Emerald Star'	Natal Plum var.		19	500	800	200mm
Carpobrotus gl. 'Aussie Rambler"	Pigface	✓	30	800	600	200mm
Crassula 'Max Cook'	Crassula var.		6	500	500	200mm
Scaevola humulis 'Purple Fusion'	Blue Fan Flower	✓	6	200	750	200mm
Banksia int.fast. 'Sentinal	Banksia var.	✓	7	3000	1500	300mm
Elaeocarpus reticulatus	Blue berry Ash	✓	6	8000	2500	100lt
Cissus antarctica	Kangaroo Vine	✓	12	5000	1000	200mm
Philodendron 'Xanadu'	Philodendron		19	800	800	200mm
Correa reflexa 'Dusky Bells'	Correa red	✓	6	1000	1000	200mm
Dianella caerulae 'Little Jess'	Flax Lily small	✓	25	350	350	140mm
Astromyrtus tenuifolia	Midginberry	✓	13	1000	1000	200mm
Hibbertia scandens	Guinea Flower	✓	7	2000	1000	200mm
Calathea zebrinus	Calathea		5	500	800	200mm
Doodia aspera	Rasp Fern	✓	6	700	700	200mm
Neomarcia gracilis	Walking Iris		10	500	500	200mm
Aloe' Bush Baby Yellow'	Aloe red/yellow		37	500	500	200mm
Callistemon 'Green John'	Bottlebrush	✓	11	600	600	200mm
Correa alba 'Coastal Pink'	Correa var.	✓	8	1500	1500	200mm
Hibiscus tiliaceus	Cottonwood,Beach hibiscus	✓	5	6000	3500	100lt
Doryanthes excelsa	Gymea Lily	✓	5	2000	1500	75lt
Westringia 'Blue Gem'	Coastal Rosemary var.	✓	8	1000	1000	200mm
Hymenosporum 'Luscious'	Dwarf ntv. Frangipani	✓	9	600	1000	300mm
Lomandra longifolia 'Tanika'	Spiny-headed mat rush	✓	22	800	800	200mm
Rhaphiolepsis 'Oriental Pearl'	Indian Hawthorn		4	800	1000	300mm
Lomandra hys. 'Katie Belles'	Spiny-headed Mat Rush	✓	45	1200	1000	140mm



1 / 03 TREE PLANTING
Typical Section n.t.s.

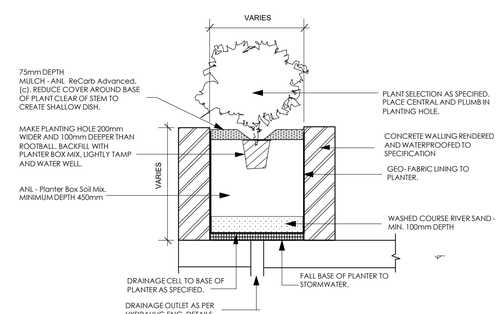


2 / 03 SHRUB PLANTING
Typical Section n.t.s.

RECEIVED
Waverley Council

Receipt No: DA-190/2025

Date Received: 21/05/2025



3 / 03 **TYPICAL PLANTER ON SLAB n.t.s**

LANDSCAPE NOTES:

GENERAL
1. The Landscape drawings have been based on site survey and building layout information as supplied by CSA Architects.
2. Landscape plans are to be read in conjunction with all architectural and other project consultant's drawings and specifications and with such other written instructions as may be issued during the course of the contract.
3. Any discrepancies between landscape/architectural or other project consultant's drawings shall be reported to the landscape designer prior to any works being carried out.
4. All works are to be carried out in accordance with drawing notation and/or written specifications where applicable.
5. Works and supply of materials not covered by drawng notation or written specification are to be carried out in accordance with AS Codes, LCA guidelines and the By-Laws and Ordinances of the relevant Building Authority and/or manufacturer's recomendations as applicable.
6. All dimensions and locations of works are to be checked on site and confirmed by the landscape/building site supervisor prior to the commencement of any works.
7. Dimensions shall not be obtained by scaling from structural drawings. Dimensions are indicated in millimeters unless otherwise specified.
8. The contractor shall at all times implement adequate erosion and sediment control measures where applicable.
9. The position of services indicated on drawings (when applicable), are approximate and must be confirmed on site prior to the commencement of any site works.
10. DA drawings may be subject to future landscape detail/specification.

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PROJECT:
723-725 Old South Head Road, Vaucluse, NSW 2030.

CLIENT :
SNC Asia Pacific Pty. Ltd.

PROJECT TYPE: New Residential Apartments

STAGE:
DEVELOPMENT APPLICATION

DRAWING TITLE:
PLANTING PLAN - THIRD FLOOR / SCHEDULE / DETAILS

SCALE : 1:100 @ A1 | DRAWN : mdz | DATE : 14 March 2025

DRAWING NO. :
DA 03

REVISION	DATE	DESCRIPTION



Report to the Waverley Local Planning Panel

Application number	DA-490/2025
Site address	95 Hardy Street, DOVER HEIGHTS
Proposal	Alterations and additions to dwelling, including demolition, new balconies and associated landscaping works.
Date of lodgement	29 September 2025
Owner	B & Q Nguyen & N Chu
Applicant	Q Nguyen
Submissions	Nil
Cost of works	$986,305
Principal Issues	• Floor space ratio (FSR) • Height of building • Solar access
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 dwelling, including demolition, new balconies and associated landscaping works at the site known as 95 Hardy Street, DOVER HEIGHTS.

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

- Floor space ratio (FSR)
- Height of building
- Solar access

The assessment finds these issues acceptable as the development will be compatible with dwellings in the surrounding streetscape context. With regard to solar access, the development will only result in impacts to the swimming pool and will not result in an unreasonable impact to the neighbouring property.

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

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

1.2. Site and Surrounding Locality

A site visit was carried out on 14 October 2025.

The site is identified as Lot 4 in DP 11822, known as 95 Hardy Street, DOVER HEIGHTS.

The site is rectangular in shape with a western frontage of 12.8m to Hardy Street. The site has an area of 537.2m^2 and falls from the eastern rear boundary towards the western front boundary by approximately 3.77m.

The site is occupied by a two storey dwelling house with vehicular access provided from Hardy Street into a double garage.

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

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



Figure 1: Subject site viewed from the street



Figure 2: Streetscape context of subject site and dwellings on either side



Figure 3: Rear of subject site, looking east

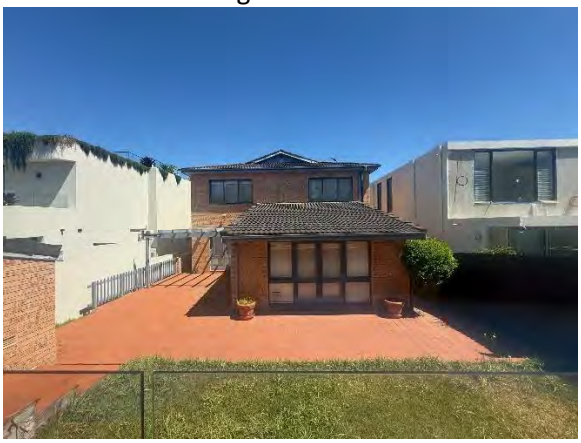


Figure 4: Rear of subject site, looking west

1.3. Proposal

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

Basement

- Demolition of existing planter boxes and entry stairs within the front setback
- Demolition of internal door and walls located near the subfloor.
- Extension of the floor area to include a lift.
- Construction of a new bin storage area.
- Reconfiguration and reconstruction of the pedestrian entry and front porch within the front setback.

Ground Floor

- Demolition of internal walls, external doors, windows, outbuilding and external stairs in the rear.
- Demolition of the rear section of the dwelling servicing the 'rumpus' room.
- Reconfiguration of internal layout to include 3 bedrooms, a study, a rumpus room, 3 bathrooms and a laundry.

- Reconstruction of the rear terrace to include a BBQ area with north and south facing screening.

First Floor

- Demolition of internal walls, front and rear external walls, windows, and part of the room below.
- Extension of the front and rear of the dwelling.
- Internal reconfiguration to include 1 bedroom, a kitchen, an open living dining area and a bathroom.
- Construction of front and rear facing balconies.

External

- Demolition of the existing roof.
- Reconstruction of the roof to a flat roof design.
- Construction of a rooftop terrace and access hatch.



Figure 5: 3D render of proposed works as viewed from Hardy Street.

1.4. Background

The development application was lodged on 29 September 2025 and deferred on 21 October 2025 for the following reasons:

1. Incorrect calculation of the total floor space ratio (FSR) proposed on site. The GFA plan was requested to be updated, along with the Clause 4.6 written request to vary the development standard.
2. Additional overshadowing diagrams were requested to allow a better assessment of potential impacts to neighbouring properties.

3. Modifications to the front fence were requested to better align with the relevant controls.

The amended plans received on 5 November 2025 form the basis of the assessment.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

- SEPP (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 development is consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table *R2 Low Density Residential Zone*	Yes	The proposal is defined as a *dwelling house*, which is permitted with consent in the R2 Low Density Residential zone.
Part 4 Principal development standards		
4.3 Height of buildings • *8.5m*	No	The development proposes an overall building height of 9.62m, which does not comply with the development standard.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio Site Area: 537.2m^2 • *0.51:1 or 275.6m^2*	No	The development proposes a total FSR of 0.56:1 or 302.5m^2, which does not comply with the development standard.

Provision	Compliance	Comment
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of buildings and FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 6 Additional local provisions		
6.2 Earthworks	Yes	Excavation work is proposed to include the lift in the basement level. The extent of excavation is minor and considered reasonable.
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 - Height of Buildings

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

The site is subject to a maximum height of buildings development standard of 8.5m. The proposed development has an overall building height of 9.62m, exceeding the standard by 1.12m equating to a variation of 13.17%. It is noted that the existing building already exceeds the development standard by 10.22m, equating to a 20.24% variation.

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

(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and

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

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

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

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

(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:

(i) *The proposed addition is reasonable within the context of the site and surrounding development and will not result in excessive bulk and scale.*

(ii) *Despite the variation to the Height of Building control which occurs as a result of the topography of the land and existing man made changes, the proposed development is considered to be in keeping with the desired future character of the locality.*

(iii) *The proposed development will not result in any unreasonable impacts on adjoining properties in terms of views, privacy or overshadowing.*

(iv) *The proposal has been strategically designed by the project architect as alterations and additions to the existing dwelling house, retaining the existing minimum setbacks to the northern and southern side boundaries on the ground and first floors which achieve full compliance with the requirements of control 1.2.2 Side Setbacks in the WDCP. The proposed height variation will not adversely disrupt or result in a loss of views with the rear of the dwelling achieving full compliance with the 8.5m building height. The dwellings to the rear of the subject site will retain views to the Sydney Harbour Foreshore and the compliant side setbacks create reasonable view corridors down the side of the development and through the reduction of existing roof space which will be converted to clear glass balustrading.*

(v) *The shadow diagrams demonstrate that the proposed development, in particular the non-compliant building height elements, will achieve compliant levels of solar access in accordance with the objectives of 1.6 Solar Access in the WDCP, maintaining a minimum 3 hours of direct sunlight to at least 50% of adjoining properties principal living and private open space areas between 9am and 3pm.*

(vi) *The proposed development is compatible with the height and scale of surrounding and nearby development. It is noted that notwithstanding the proposed breach to the building height, the proposal is below the maximum building height for the majority of the proposed dwelling and when you take into consideration the topography and man-made level changes existing on the site, the proposal would achieve near full compliance if the natural ground level was taken with the only breaching elements relating to a portion of the glass balustrade, a clear and open structure with minimal bulk and scale impacts.*

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

(i) *The sites topography and existing man-made excavation distorts the height plane for the site. If the natural ground level was taken, the proposal would comply in majority with the building height control.*

(ii) *It is important to acknowledge that the existing dwelling has a maximum height of 10m and will reduce the maximum ridge height from RL 73.45 (existing) to proposed RL 72.96. with clear balustrading proposed for the roof top terrace. This in effect, will provide a greater view corridor to that existing to the rear neighbouring properties.*

(iii) *The proposed alterations and additions respond to the desired future character of the locality as depicted by the built form controls outlined in the Waverley DCP. Furthermore, the subject dwelling will continue to integrate into the existing streetscape and pattern of development within Hardy Street with a transition between the existing (and approved) maximum heights of 93 and 97 Hardy Street.*

(iv) *The development does not result in any unnecessary or undue bulk or visual impacts on adjoining properties and is of a scale that is compatible with the existing and surrounding buildings.*

(v) *The amenity impacts to neighbouring residential properties, arising from the non-compliant building height, is negligible. Adjoining properties will continue to receive suitable solar access, privacy impacts are suitably minimised, and views are reasonably maintained*.

Consideration of Applicant's Written Request

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

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

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

(a) the objectives of the development standard are achieved notwithstanding non-compliance with the standard;

(b) to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;

(c) to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;

(d) to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; and

(e) to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary.

The applicant specifically relies upon justification (a) of *Wehbe v Pittwater Council* (2007) 156 LGERA 446]. The overall height of the building is proposed to reduce from the top of the ridge of the existing roof form. As mentioned in the applicant's point above, the proposed breach in height is mainly due to the measurement of the existing ground floor calculated from the basement level. The overall built form sits inline with the height of dwellings on either side of the subject site and will be compatible within the streetscape context of Hardy Street.

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

The proposed development will not result in additional impacts to surrounding properties, including views, visual bulk, overshadowing and privacy. The proposed works will improve some views from the properties to the rear (due to the change in roof form to a flat design), and will sit well within the character of the street. The overall bulk and scale of the dwelling is reasonable in the context of the surrounding area and is therefore acceptable.

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

Clause 4.6 Exceptions to Development Standards - FSR

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

The site is subject to a maximum FSR development standard of 0.51:1. The proposed development has an FSR of 0.56:1, exceeding the standard by 26.34m^2 equating to a 9.54% variation.

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

(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and

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

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

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

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

(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:

(i) *The proposed additions and alterations to the existing dwelling will improve the quality and functionality of the existing dwelling house on the site and ensure the delivery of a high quality dwelling which contributes to the ongoing provision of housing in the Dover Heights area.*

(ii) *The proposed development will present from the street as a contemporary part two and part three storey dwelling, with a building height compatible with the bulk and scale of the streetscape. The departure with the FSR standard is minor (9.538%). It is also important to acknowledge that the proposal reducing the building height to that existing on the site. In our opinion, this provides an appropriate correlation between the maximum building height and density controls.*

(iii) *The proposal will provide a well-articulated, contemporary dwelling that will be compatible with the bulk and scale of the existing and approved development in the surrounding area. The proposal will comply with the majority of the key building envelope controls prescribed by the DCP.*

(iv) *The proposal will be contextually compatible with the bulk, scale, envelope and character of developments, recently approved and constructed on Hardy Street, and the wider Dover Heights locality. Therefore, the bulk and scale is consistent with the desired future character of the area.*

(v) *Hardy Street consists of a mix of residential land uses ranging in bulk and scale from one to three storeys. The existing built form of Hardy Street consists of an eclectic mix of architectural styles, with many older buildings having been replaced by contemporary developments, which is shaping the area's evolving character. Several new developments have been approved with departures to the FSR standard. It is our professional opinion that the proposed development will be contextually compatible with the area and that the variation will not be readily discernible*.

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

(i) *Compliance with DCP controls has been achieved regarding setbacks, open space and total landscaping. This achieves an overall scale which is compatible with surrounding developments and preserves amenity for the neighbours, in respect of privacy, solar access and views.*

(ii) *The proposed alterations and additions have been strategically designed to minimise any adverse visual or acoustic privacy impacts to adjoining properties. The development provides compliant side boundary setbacks to adequately separate the building from adjoining properties to ensure a reasonable level of privacy is maintained. All proposed first-floor windows with aspects north and south either correspond with low-use rooms, are screened or high-sill at adequate heights to prevent overlooking. The roof terrace has been designed with generous side, front and rear setbacks and to maintain privacy which is consistent with the approvals granted for roof top terraces at 93 and 97 Hardy Street.*

(iii) *The use will remain as existing, and the proposed alterations and additions will not impact noise sensitive rooms through the design of the floor plan layout. Any noise generated from*

the proposed development will be associated with a 'dwelling house' and is an acceptable form of development within the R2: Low Density Residential Zoning of the site.

(iv) *The proposal has been sensitively designed to facilitate reasonable view sharing noting the proposal reduces the building height to that existing on the site. The proposal has been strategically designed by the project architect as alterations and additions to the existing dwelling house, retaining the existing minimum setbacks to the northern and southern side boundaries on the ground and first floors which achieve full compliance with the requirements of control 1.2.2 Side Setbacks in the WDCP. The dwellings to the rear of the subject site will retain views to Sydney Harbour and the compliant side setbacks create reasonable view corridors down the side of the development. All significant views to the west will be maintained for the properties to the east along Wallangra Road which are considerably elevated above the subject 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 proposal results in a bulk and scale that is largely located towards the rear of the existing

dwelling. The proposal reduces the overall height of the building when viewed from the street (due to the modification to a flat roof design).

The proposed alterations and additions that contribute towards additional GFA, resulting in the exceedance of the FSR development standard, will not be visible from Hardy Street. No additional GFA is located at the front of the dwelling, therefore maintaining the existing bulk from the streetscape. The overall proposal is compatible with the desired future character of the locality.

It is noted that the proposed variation to the development standard is partially constituted by the existing slope of the site's topography. Notwithstanding that, the variation is acceptable as the proposed bulk is located at the rear of the subject site and preserves the existing environmental amenity of the neighbouring properties and does not result in unreasonable view loss, overshadowing or 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 applicant has satisfactorily argued that that there are sufficient environmental planning grounds to justify contravening the development standard. The proposed development complies with the development controls relating to building setbacks, landscape, open space and privacy under the Waverley Development Control Plan 2022 (WDCP).

The bulk of the proposed additional GFA is located at the rear of site and will not be visible from the streetscape, maintaining the existing character of Hardy Street. The proposed exceedance of the development standard preserves the existing environmental amenity of the neighbouring properties, and the overall proposal is consistent with the existing streetscape and built form of the site context.

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 bin storage area is proposed within the front setback, to replace the existing bin storage area.

Development Control	Compliance	Comment
2. Ecologically Sustainable Development • *Ceiling or wall mounted fans* • *Gas cooktops, gas ovens or gas internal space heating systems.*	Yes	A condition has been recommended to include ceiling or wall mounted fans in habitable rooms and the use of electric heating systems throughout the dwelling.
5.Water Management	Yes	Satisfactory. Refer to section 3 of this report on referral commentary in relation to stormwater.
7. Transport	Yes	No changes are proposed to the existing car parking on site. The site maintains compliance with this control.
11. Design Excellence	Yes	Satisfactory. The proposed design changes to the front façade of the dwelling will fit in with the desired existing and future character of the streetscape, particularly in relation to the dwelling on either side of the subject site.
13. Excavation	Yes	The extent of excavation is considered to be minor and would not cause undue stress to the surrounding footings. Appropriate conditions have been recommended.

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*	Acceptable on merit	The development proposes to maintain the existing external wall height of the existing dwelling, which results in a minor breach of the control by 160mm at the front of the dwelling. It is noted that the non-compliance is a direct result of the natural slope of the land and has been proposed to maintain the existing external wall height of the dwelling on site. As such, a variation should be supported in this instance.
1.2 Setbacks		
1.2.1 Front and rear building lines • *Predominant front building line (adjacent three neighbours on either side)* • *Predominant rear building line at each floor level (adjacent three neighbours or either side)*	Yes	The development proposes to reduce the front setback to sit in line with the dwelling at No. 93 Hardy Street. This is consistent with the streetscape and therefore complies with the control. The rear setbacks on the ground and first floor have been proposed to sit within the predominant rear building setback of dwellings within the street, particularly aligning with No. 93 Hardy

Development Control	Compliance	Comment
• *Development at first floor level and above shall be set back from the rear building line of the ground floor level*		Street. This complies with the control and is acceptable.
1.2.2 Side setbacks • *Minimum of 0.9m for ground floor and first floors.)* • *Minimum 1.5m for second floor, noting that where a brand new three storey structure is proposed, all floors must be setback by 1.5m.* • *Third floor assessed on merit.*	Yes	The development maintains the existing side setbacks of 1.17m to the northern boundary and 1.35m to the southern boundary, which complies with the control.
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	The proposed modifications to the front façade will improve the character of the streetscape and will be compatible with new developments along Hardy Street. In particular, the proposed design will match the character and style of the dwellings on either side of the subject 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*	Acceptable on merit	The front fence is proposed at a height of 1.4m above the existing ground level at its highest point and 200mm higher than the neighbouring front fence at No. 93 Hardy Street. Whilst this does not strictly comply with the numerical controls, it is noted that the front fence has been designed to maintain the ground level of the landscape area within the front setback. The fence has been designed with a solid masonry wall to sit at a low level, with an open structure above. The front fence is compatible within the streetscape context and fits in with the desired future character of Hardy Street. As such, a variation to this control should be supported in this instance. No changes are proposed to the existing side and rear boundary fences.
1.5 Visual and acoustic privacy		
• *Habitable windows are not to directly face habitable windows or*	Yes	All proposed front and rear balconies will maintain screening to the north and south to prevent direct overlooking to the neighbouring properties.

Development Control	Compliance	Comment
open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design • *External stairs are not acceptable.* • *Maximum size of balconies:* *10m^2 in area* *1.5m deep* • *Roof tops to be non-trafficable unless predominant in the immediate vicinity*		The proposed new windows on both the ground and first floor are offset from neighbouring windows and will not result in direct overlooking. The first floor west facing balcony fronting Hardy Street proposes a width of 2.5m and a total area of 19.7m^2, which does not comply with the control. In support of this non-compliance, it is noted that the balcony will not result in any overlooking to neighbouring habitable windows of private open spaces and is not likely to cause undue noise impacts to the surrounding streetscape. The size of the balcony is considered reasonable and consistent with the dwellings in the street due to the Sydney Harbour views obtained looking west. The first floor east facing balcony proposes a maximum width of 2.69m, and a total area of 17.75m^2, which does not comply with the control. Large balconies are characteristic of the locality and the privacy is considered acceptable as appropriate privacy mitigation measures are proposed. The rooftop proposes a total area of 15m^2 and is accessed via a roof hatch. As rooftop terraces are a predominant feature in the immediate area, the development complies with the control.
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).*	Acceptable on merit	See discussion below.

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	No views will be impacted by the proposed development. See detailed discussion below.
1.9 Landscaping and open space		
• *Overall open space: 40% of site area* • *Overall landscaped area: 20% of site area, with at least half deep soil* • *Minimum area of 25m^2 for private open space* • *Front open space: 50% of front building setback area* • *Front landscaped area: 50% of front open space provided* • *Outdoor clothes drying area to be provided*	Yes	43% of the site is dedicated to open space. 20% of the site will be landscaped. The rear private open space maintains approximately 234m^2. 43% of the front building setback area will be landscaped. Whilst this does not strictly comply with the controls, it is noted that the extent of landscaping is consistent with landscaping within the streetscape context and should be supported. 100% of the front open space will be landscaped. There is plenty of space for an outdoor clothes drying area in the rear yard.
1.10 Swimming pools and spa pools		
• *Located in the rear of property* • *Pool decks on side boundaries must consider visual privacy* • *All pool equipment to be enclosed within an acoustically treated enclosure*	Yes	The size and location of the swimming pool is proposed to remain unchanged. The proposed refurbishment to the swimming pool complies with the controls and is acceptable. A condition has been recommended to ensure that the pool equipment is stored in an acoustically treated enclosure.

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

Views

The development proposes to alter the roof form from a pitched roof design to a flat roof. This will slightly improve views from the rear properties along Wallangra Road. Whilst it is noted that the rooftop terrace balustrade does sit above the existing roof line on the sides, photographs obtained online (provided below) show that the rooftop terrace will have no impact on existing views.



View from ground floor of No. 7 Wallangra Road, showing the roof of the subject site outlined in red *(source: Domain)*



View from first floor of No. 7 Wallangra Road, showing the roof of the subject site outlined in red *(source: Domain)*



View from ground floor of No. 5 Wallangra Road, showing the roof of the subject site outlined in red *(source: Domain)*



View from first floor of No. 5 Wallangra Road, showing the roof of the subject site outlined in red *(source: Domain)*

Solar Access

The proposed alterations and additions at the rear of the subject site will result in some overshadowing to the rear of the neighbouring site at No. 93 Hardy Street between 1pm and 3pm. As the rear yard of No. 93 already gains less than 50% of solar access for 3 hours, the additional overshadowing would technically result in a non-compliance of the development control.

In support of this non-compliance, it is noted that the additional shadowing falls onto the pool and a small section of terrace (adjacent to the pool). Whilst this is still considered principal open space, the subject site also maintains a large rooftop terrace and multiple balconies servicing principal living areas. The pool at the rear is only one of a number of private open spaces on site and is not utilised as the only source of outdoor area. It is also noted that the proposed additions at the rear maintain an overall height of 6.9m, which is well below the maximum height allowable under the development standard. As such, the proposed solar access to the neighbouring property is considered reasonable in this instance.

No neighbouring habitable windows will be impacted as a result of the development.

2.2. Other Impacts of the Development

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

2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.4. Any Submissions

The application was notified for 14 days between 9 October and 23 October 2025 in accordance with the *Community Engagement Strategy 2023 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 only modifications made to the architectural plans included dimensions to the proposed front fence. No external modifications were made to the overall design.

No submissions were received.

2.5. Public Interest

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

3. REFERRALS

The following internal referral comments were sought:

3.1. Traffic and Development

Council's Traffic Engineer has raised no concerns with the proposal, subject to standard conditions recommended in the consent.

3.2. Stormwater

Council's Stormwater Engineer has raised no concerns with the proposal, subject to standard conditions recommended in the consent.

3.3. Tree Management

Council's Tree Management Officer has reviewed the proposal and made the following comments:

It is my recommendation that the two (2) Pandanus tectorius *(Screw Pine) proposed in the Landscape Plan be replaced with two (2)* Livistona australis *(Cabbage Palm).*

This has been included in the recommended 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.

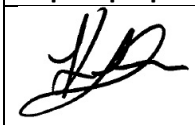
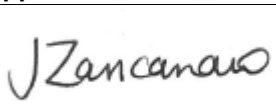
5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Managers of Development Assessment (MODA) Review

The application was reviewed by the MODA at the meeting on 21 October 2025 and the MODA concurred with the Assessment Planner's recommendation.

MODA members: *B McNamara, B Magistrale, O Navratil and J Zancanaro*

Report prepared by:	Application reviewed and agreed by:
	
Katie Johnstone	Jo Zancanaro
Senior Development Assessment Planner	**Manager, Development Assessment**
Date: 29 October 2025	**Date: 31 October 2025**

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)	20.24% variation to height (Clause 4.3) x Pre-existing non-compliance No change to overall building height No change to overall building envelope Variation limited to the [lift/plant/parapet/attic] only x No unreasonable impacts on the amenity of adjoining properties or streetscape x Sufficient environmental planning grounds x Consistent with the objectives of the standard [insert another reason here if required]
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)	9.84% variation to FSR (Clause 4.4) Pre-existing non-compliance No change to overall building height No change to overall building envelope Variation limited to the [lift/plant/parapet/attic] only x No unreasonable impacts on the amenity of adjoining properties or streetscape x Sufficient environmental planning grounds x Consistent with the objectives of the standard

	[insert another reason here if required]
Determining Authority (Concurrence Authority for Clause 4.6 variation)	Local Planning Panel
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

(a) The development must be in accordance with Architectural Plans prepared by FBC Architects of Project No: 2509 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
A001	Site Plan	04/11/2025	05/11/2025
A002	Site Analysis Plan	04/11/2025	05/11/2025
A096	Existing & Demolition Basement Floor Plan	04/11/2025	05/11/2025
A097	Existing & Demolition Ground Floor Plan	04/11/2025	05/11/2025
A098	Existing & Demolition First Floor Plan	04/11/2025	05/11/2025
A099	Existing & Demolition Roof Plan	04/11/2025	05/11/2025
A100	Proposed Basement Floor Plan	04/11/2025	05/11/2025
A101	Proposed Ground Floor Plan	04/11/2025	05/11/2025
A102	Proposed First Floor Plan	04/11/2025	05/11/2025
A103	Proposed Roof Plan	04/11/2025	05/11/2025
A200	External Finishes Schedule	04/11/2025	05/11/2025
A201	West Elevation	04/11/2025	05/11/2025
A202	East Elevation	04/11/2025	05/11/2025
A203	North & South Elevation	04/11/2025	05/11/2025
A300	Sections	04/11/2025	05/11/2025
A302	Sections	04/11/2025	05/11/2025

(b) Landscape Plan No. LPL_1400 to LPL_1405 (inclusive) and documentation prepared by Lone Pine Landscapes, dated 16/09/2025 and received by Council on 29/09/2025;

(c) The BASIX Certificate;

(d) Stormwater Details and documentation prepared by 5QS Consulting dated 18/09/2025, and received by Council on 29/09/2025

(e) The Site Waste and Recycling Management Plan (SWRMP) Part 1 and received by Council on 29/09/2025;

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. DOMESTIC HEATERS

The provision of solid fuel heating is prohibited.

Condition reason: To protect air quality and emissions.

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*.

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 are provided in the Waverley Council Contributions Plan, available on Council's website.

(d) As legislated in section 209 of the *Environmental Planning and Assessment Regulation 2021,* the levy must be paid in accordance with the following;

(i) A development valued at $100,000 or less will be exempt from the levy;

(ii) A development valued at $100,001 - $200,000 will attract a levy of 0.5% of the **full** cost of the development; or

(iii) A development valued at more than $200,000 will attract a levy of 1% of the **full** cost of the development.

(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. STREET TREE BOND

A bond of **$4000** is to be paid to Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of and maintenance of the following trees:

(i) One (1) *Tristaniopsis laurina* (Watergum) to the north of the driveway crossover - $2000 bond

(ii) One (1) 200L *Tristaniopsis laurina* (Watergum) replacement tree - $2000 bond

The sum will be forfeited to the Council at its discretion for a breach of these requirements:

(b) Street tree/s to be inspected twelve (12) months from the issue of the final Occupation Certificate subject to the satisfaction of Council

(c) The $4000 bond will be refunded twelve (12) months from the issue of the final Occupation Certificate subject to the satisfaction of Council.

(d) If any trees identified to be retained and protected are found to be faulty, damaged, dying, or dead, the full bond amount or part thereof will be forfeited

(e) Council will require the applicant to remove and replace the faulty, damaged, dying, or dead street tree and a new bond will be applied on the replacement street tree.

(f) Proof of purchase of the replacement street tree (if required) must be provided to the Principal Certifier Authority, prior to the issue of any Construction Certificate.

Condition reason: To ensure that the tree/s are protected and preserved throughout the construction process.

9. SECURITY DEPOSIT

(a) Payment to the amount of **$28,100** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent. This 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

Temporary structures such as work area protective structures (hoardings), perimeter scaffolding systems and cantilevered scaffolding are often a necessary part of development and maintenance activity. These must be designed and constructed in accordance with the requirements of *Safe Work NSW*.

Where a hoarding is required to be erected over the footpath or any public place, the approval of Council's Building Compliance Department must be obtained and the applicable fees paid, prior to the erection of the hoarding. Details and application form are available on Council's website.

Condition reason: 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. 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.

14. ENGINEERING DETAILS

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

Condition reason: To ensure the structural stability of work on site.

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

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

The submitted stormwater management plan prepared by 5QS Consulting Engineers, Job No. 255003, Drawings Nos. C1 to C7, Issue 2, dated 18/09/2025 are considered concept only.

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

(a) Any new downpipes must be located wholly within the property's boundary.

(b) The rainwater tank must have a minimum capacity of 2,000 litres and must only collect the roof rainwater runoff.

(c) A minimum of 500 mm clearance must be provided from the edge of the layback of the vehicular crossing to the edge of the stormwater outlet/s.

(d) Provide calculations of the roof guttering system for the 1% AEP storm event and minimum number of downpipes required.

(e) Provide calculations demonstrating that the proposed stormwater drainage system can cater for the relevant design storm event.

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

(g) Specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.

(h) Detail the proposed pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location.

(i) Sub soil drainage (seepage) water must not be directly or indirectly discharged to Council's street gutter.

(j) A sediment control stormwater pit is to be installed inside the property, adjacent to the boundary, for all stormwater outlets. A sump is to be provided at the outlet point.

(k) 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.

(l) The proposed pipeline within the footpath verge must be hot dipped galvanised steel hollow section with the size of 125mm x 75mm x 4mm (w x h x t). Note a minimum width of 1m of concrete kerb and gutter is to be replaced surrounding this connection with 10mm thick mastic expansion joints installed on both sides (full depth) and with a 600mm asphalt adjustment and liquid crack sealing if the asphalt is damaged as part of the works or in a deteriorated state).

Notes:

(m) Any Council infrastructure affected as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works will be replaced as per Waverley Council Public Domain Technical Manual. All associated costs will be borne by the applicant.

(n) 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.

(o) The checklist as set out on pages 68-76 in Council's Water Management Technical Manual (October 2021) available online must be completed and submitted with any revision of Construction Certificate Plan Submission.

(p) Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block must not be replicated.

(q) 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.

(r) Evidence from a suitably qualified and practicing Engineer (registered on the NER of Engineers Australia) 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.

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 specification

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.

ENERGY EFFICIENCY & SUSTAINABILITY

17. 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*.

18. RENEWABLE ENERGY AND ENERGY EFFICIENCY

To enable all development to contribute to net zero greenhouse emissions by 2035, the following shall apply:

(a) No new gas cooktops, gas ovens and gas heating systems are permitted. Alternate options must be used (such as electric, induction sources).

Additionally, the following are encouraged:

(b) An electric hot water system in all developments. Recommended systems include electric heat pump, solar thermal with electric boost or electric storage.

(c) Swimming pool heating systems to include solar thermal only, solar thermal boosted with electric or electric heat pump.

(d) Lighting systems to include LEDs with controls, such as motion sensors, step-dim controls and daylight sensors.

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

(f) Where rainwater tanks are provided, then:

  (i) Rainwater tanks must be fitted with a first-flush device that causes initial run-off rainwater to bypass the tank, and

  (ii) Rainwater tanks must be fitted with a screened rain head designed to prevent leaf litter entering into the water tank, and

  (iii) All rainwater tanks plumbed for internal water use must have a filter installed to prevent sediment from entering toilets and washing machines, and

(iv) Pumps attached to the development must be housed in an enclosure that is soundproofed, and

(v) Rain tanks must have its overflow connected to an existing stormwater drainage system that does not discharge to an adjoining property, or cause a nuisance to adjoining owners

(vi) Rain tanks must have a sign affixed to it stating the water in it is rainwater

(g) 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 reduce community greenhouse emissions to net zero by 2035, to improve human health, to conserve water and to ensure all new (or altered) homes have future capacity to be an all-electric building, powered by renewable energy.

WASTE

19. 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 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

20. REPLACEMENT PLANTING AND LANDSCAPE PLAN SUBMISSION

An amended Landscaping Plan must be submitted and approved by Council's Tree Technical Officer (or delegate) prior to the issue of any Construction Certificate, and must reflect the following:

(a) *Pandanus tectorius* (Screw Pine) is not supported and is to be replaced with two (2) *Livistona australis* (Cabbage Palm) anywhere on site.

Condition reason: To ensure adequate replacement trees are planted to compensate for canopy loss.

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. 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.

TREE PROTECTION MEASURES

23. PROTECTIVE TREE FENCING

Before any machinery or materials are brought onto the site and before the commencement of any works including demolition, or in accordance with the Tree Protection Specifications (TPS) as shown on the Tree Protection Plan (TPP) protective fencing shall:

(a) Be erected around each tree nominated for retention and protection.

(b) Remain in place for the duration of the works. It must be secured to restrict access and must not be removed or altered without approval from the on-site arborist.

(c) Be installed in accordance with AS 4687.2:2022 Temporary Fencing and Hoardings

(d) Comprise of 1800mm high chain link wire mesh fixed to 50mm galvanised steel posts.

Notes:

(i) Portable chain link fencing may be installed.

(ii) Chain link portable panels must be securely fixed top and bottom to avoid separation.

(iii) Coloured plastic tape fencing or plain strained fencing wire fixed to steel droppers is unacceptable.

(iv) Existing perimeter fences and other structures may be used as part of the protective fence if suitable.

(v) Signs identifying the Tree Protection Zone (TPZ) should be placed around the edge of the TPZ and be visible from within the development site. The lettering on the sign should conform to AS 1319 -1994 REC:2018 Safety signs for the occupational environment

Condition reason: To create an exclusion zone around the tree throughout the construction to ensure all tree parts are protected.

24. TRUNK AND BRANCH PROTECTION

If protective fencing for trees is not possible, trunk protection is to be installed prior to any works commencing and include:

(a) the placement of 1.8m or less lengths of 75 mm x 40 mm hardwood or pine spaced at 125 mm centres around the trunk secured in place by metal strap bindings or 10-gauge fencing wire fixed at 300 mm centres. Prior to placing battens install a soft protective padding to ends of timbers to prevent damage to bark and conducting tissue.

(b) Trunk protection must remain in place for the duration of all site work.

(c) Tree crowns may be injured by machinery such as excavators, drilling rigs, cranes, trucks, hoarding installation, and scaffolding. The tree protection zone may need to include additional protection of the above ground parts of the tree.

(d) Crown protection may include pruning, branch protection, tying-back of branches, use of flagging to make the branch more visible, or other measures. If pruning is required, requirements are specified in AS 4373 2007 Pruning of Amenity Trees and should be undertaken before the establishment of the TPZ.

(e) Temporary powerlines, stays, guys, structures and the like shall not be attached to the tree (unless specifically permitted in the Tree Protection Specifications (TPS)

Condition reason: To ensure all tree parts are protected throughout the construction.

25. TREE PROTECTION CERTIFICATE

The Arborist engaged for the duration of the project shall undertake an inspection of the site once tree protection measures have been fully installed and prior to any works commencing. An inspection Certificate stating that appropriate tree protection measures have been installed for the trees to be retained and protected shall be submitted to Council and the Principal Certifier.

Condition reason: To ensure trees are protected prior to work commencing.

TREE PROTECTION & REMOVAL

26. TREE SCHEDULE

This schedule outlines which trees are approved for removal and replacement or are to be retained and protected.

Tree No.	Species	Location	Status	Action
T1	*Syagrus romanzoffiana* (Cocos Palm)	Southern boundary	Exempt species	Retain and protect
T2	Triple stemmed *Archontophoenix cunninghamiana* (Bangalow Palm)	Southern boundary	Protected	Retain and protect
T3	*Beaucarnea recurvata* (Ponytail Palm)	Front of property	Protected	Remove and replace as per amended Landscape Plan
T4	*Tristaniopsis laurina* (Watergum)	North of the driveway crossover	Protected	Retain and protect

Condition reason: To clarify the trees approved for removal and those to be protected during the construction of the approved development.

27. PROTECTING TREES ON DEVELOPMENT SITES

(a) Throughout construction, tree protection measures installed are to be retained in accordance with *Waverley Council's Development Control Plan 2022*, the approved Landscape Plan, and *Australian Standard – AS 4970 – 2025* - Protection of Trees on Development Sites

(b) All approved tree work must be carried out by minimum AQF Level 3 arborist in accordance with AS 4373-2007 Pruning of amenity trees.

Condition reason: To ensure the retained trees remain unimpacted by construction.

28. ACTIVITIES GENERALLY EXCLUDED FROM THE TREE PROTECTION ZONE (TPZ)

Activities excluded from the TPZ include but are not limited to:

(a) Excavation, cultivation or disturbance of the soil, including scraping of the surface.

(b) Equipment and material storage.

(c) Preparation of chemicals, including preparation of cement products.

(d) Movement or parking of vehicles and plant.

(e) Dumping of waste.

(f) Spreading or stockpiling of fill.

(g) Refuelling.

(h) Washing down and cleaning of equipment or hard surfaces.

(i) Fires.

(j) Physical damage to the tree.

(k) Soil level changes,

(l) Temporary or permanent installation of utilities and signs, and

(m) Ground compaction.

Activities specified in items (a) to (e) may be permitted with appropriate protection measures, as detailed in the Tree Protection Specifications (TPS) and Tree Protection Plan (TPP)

Condition reason: To ensure precautions are taken when working near trees during construction.

29. REPLACEMENT STREET TREE PLANTING

The following trees must be planted:

(a) One (1) 200L *Tristaniopsis laurina* (Watergum) in the centre of the grass verge between the southern end of the front access footpath and the northern boundary of *93 Hardy Street.*

(b) The tree/s are to be planted by horticulturists/arborists with experience in constructing tree pits and planting large container size trees.

(c) The tree/s must be planted once the construction work is complete and before the Occupation Certificate is issued.

(d) Planting should adhere to the specifications in the Waverley Council Public Domain Technical Manual, Revision G, section I – Planting, I.05 New Street Tree – Nature Strip

(e) All approved tree work must be carried out by minimum AQF Level 3 arborist in accordance with AS 4373-2007 Pruning of amenity trees.

Condition reason: To ensure that the street remains to have suitable planting.

DEMOLITION & EXCAVATION

30. 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.

31. CONTROL OF DUST ON CONSTRUCTION SITES

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

(a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray.

(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.

32. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

Prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the *NSW EPA Waste Classification Guidelines 2014* to the satisfaction of the Principal Certifier.

Condition reason: To ensure that contaminated soil not escape the site.

33. 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

34. 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.

35. STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS

All building materials and any other items associated with the development are to be stored within the property 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.

36. 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)*

37. CONSTRUCTION INSPECTIONS

The building works are to be inspected during construction by the Principal Certifier in accordance with the *Building Legislation Amendment (Quality of Construction) Act 2002*, Part 8 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* and the requirements of any other applicable legislation or instruments.

Condition reason: To ensure regular inspections occur throughout the construction process.

38. CERTIFICATE OF SURVEY – LEVELS

All construction works are to be in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor 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.

39. CERTIFICATE OF SURVEY – BOUNDARIES AND LOCATION OF BUILDING

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

40. CONSTRUCTION OF SWIMMING POOLS AND OUTDOOR SPAS

The following applies to the construction of swimming pools and outdoor spas:

(a) Reinforcement of the swimming pool/outdoor spa is to be inspected by an Accredited Officer or other suitably qualified person prior to the pouring of concrete.

(b) The electrical wiring system for any proposed underwater artificial lighting installation to the pool/spa is to be installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules.

(c) The swimming pool/outdoor spa water is to be treated by an approved water treatment and filtration unit.

(d) To prevent noise nuisance to surrounding properties, the swimming pool/outdoor spa filtration motor and pump unit is to be housed within a ventilated soundproof enclosure.

(e) Waste waters from the swimming pool/outdoor spa are to be discharged into Sydney Water's sewerage system and in this regard, approved plans must be submitted to Sydney Water at least 14 days prior to commencement of building operations.

Condition reason: To ensure the pool or spa and associated equipment is constructed and installed correctly.

41. 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

42. 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.

43. FLOOR SPACE RATIO

The following applies to Floor Space Ratio:

(a) The Gross Floor Area of the building shall be limited to 302.5m^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.

44. 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:

  (i) Ridge/parapet height: RL72.96

(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.

45. 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*).

46. CERTIFICATION OF TREE ASSESSMENT

Prior to the issue of a Final Occupation Certificate, certification is required from the project arborist that the completed works have been carried out in accordance with the approved Tree Protection Specifications (TPS), Tree Protection Plan (TPP) imposed in the conditions of consent. Certification should include a statement on the condition of the retained trees, as well as details of any deviations from the approved TPS, TPP or consent conditions, and their impacts on trees. The certification is to be provided to the satisfaction of Council's Tree Technical Officer and submitted to treemanagement@waverley.nsw.gov.au.

Condition reason: To ensure tree protection measures have been carried out in appropriately.

47. 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 the high quality landscape solution is appropriately established and maintained for the life of the development.

48. TREE PROTECTION MEASURES TO BE REMOVED

All tree protection shall be removed prior to the issuing of the final Occupation Certificate.

Condition reason: To ensure that the tree can continue to grow post construction.

49. 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 practising Engineer or Plumber, that any new stormwater drainage system has been constructed in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards, and good engineering practice.

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.

50. CERTIFICATION OF SWIMMING POOL/OUTDOOR SPA

Prior to the pool being used, the following must be provided;

(a) Certification that the pool has been constructed in accordance with the consulting engineer's design;

(b) Evidence that the swimming pool/outdoor spa has been registered on the State Government Swimming Pool Register (http://www.swimmingpoolregister.gov.au);

(c) A sign outlining details of resuscitation techniques for adults, children and infants has been placed in a prominent position, close to the pool/outdoor spa. Signs are available from Council;

(d) A copy of the Occupation Certificate must be submitted to Council.

Note: Swimming/spa pool pumps are restricted from use between 8pm to 7am weekdays and Saturdays, 8pm to 8am on Sundays and public holidays in accordance with the requirements of the *Protection of the Environment Operations (Noise Control) Regulation 2017*.

Condition reason: To ensure the swimming pool/outdoor spa has been constructed appropriately to ensure the safety of users.

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 during the course of construction a significant amount of the remaining fabric of the building be required to be removed, works must cease immediately and a new development application will be required to be submitted for assessment.

7. EXCAVATION TO BE LIMITED

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

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.

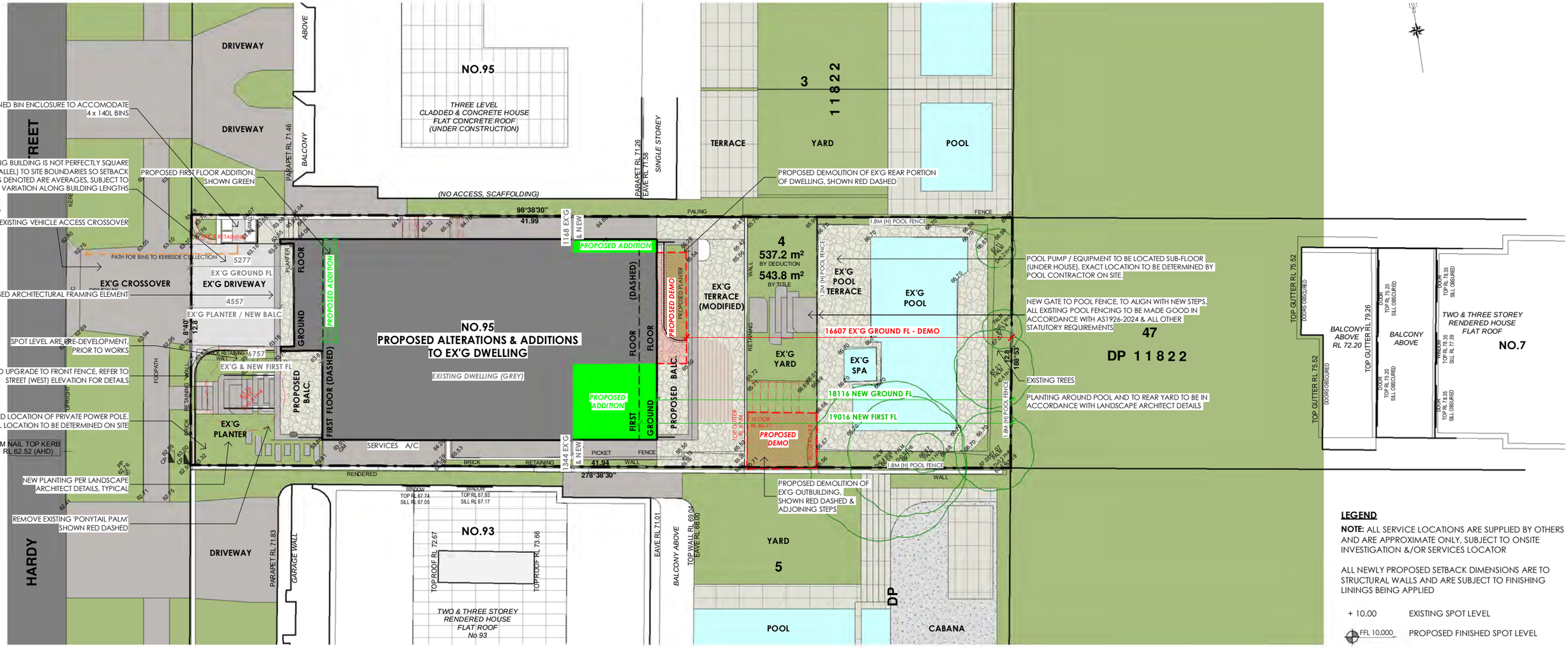
Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

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.*

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

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



1 SITE PLAN

1 : 200 @ A3

0 2 5 10 20

metres

RECEIVED
Waverley Council

Application No: DA-490/2025

Date Received: 05/11/2025

LEGEND

NOTE: ALL SERVICE LOCATIONS ARE SUPPLIED BY OTHERS AND ARE APPROXIMATE ONLY, SUBJECT TO ONSITE INVESTIGATION &/OR SERVICES LOCATOR

ALL NEWLY PROPOSED SETBACK DIMENSIONS ARE TO STRUCTURAL WALLS AND ARE SUBJECT TO FINISHING LININGS BEING APPLIED

+ 10.00	EXISTING SPOT LEVEL
FFL 10.000	PROPOSED FINISHED SPOT LEVEL
	EXISTING SEWER LINE
	EXISTING TOWN WATER LINE
	EXISTING TELSTRA LINE
	EXISTING POWER
HYD	EXISTING WATER HYDRANT
PP	EXISTING POWER POLE
SMH	EXISTING SEWER MAINTENANCE HOLE
SIO	EXISTING SEWER INSPECTION OPENING
WM	EXISTING WATER METER
	EXISTING TREE TO REMAIN
	EXISTING TREE TO BE REMOVED

INFO@FBCARCHITECTS.COM.AU

ABN: 77653550237 Nominated Architect: David Buehler-Craig NSW Reg #12472

DEVELOPMENT APPLICATION - NOT FOR CONSTRUCTION

- **ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION CODE 2022 (NCC) / BUILDING CODE OF AUSTRALIA (BCA), RELEVANT AUSTRALIAN STANDARDS, STATUTORY REGULATIONS AND LOCAL AUTHORITY REQUIREMENTS / CONSENT CONDITIONS, WITHOUT EXCEPTION**
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- IF ANY CONCERNS ARISE CONTACT FBC ARCHITECTS TO DISCUSS / RESOLVE WITHOUT DELAY

JOB REF **2509**

NORTH

TITLE	**SITE PLAN**
SHEET	**A001**
A3 SCALE	**As indicated**
PROJECT	**PROPOSED ALTERATIONS & ADDITIONS**
CLIENT	**MR NGUYEN**
ADDRESS	**95 HARDY ST, DOVER HEIGHTS LOT 4 IN DP11822**

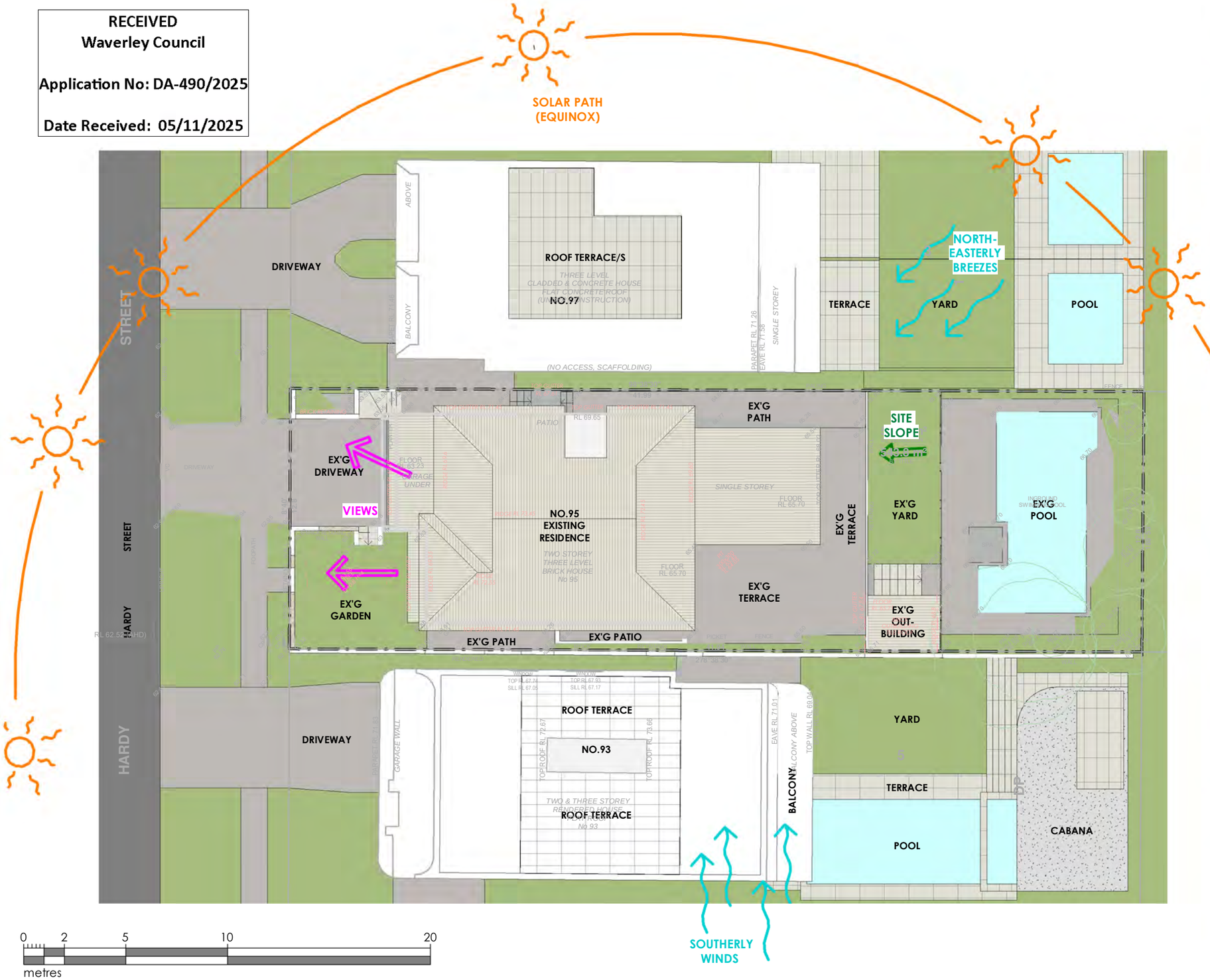
REVISIONS

DATE	DESCRIPTION
2025.11.04	DEVELOPMENT APPLICATION - REISSUE
2025.10.27	DEVELOPMENT APPLICATION - REISSUE
2025.09.25	DEVELOPMENT APPLICATION - REISSUE
2025.09.17	DEVELOPMENT APPLICATION
2025.08.28	CONSULTANT ISSUE

RECEIVED
Waverley Council

Application No: DA-490/2025

Date Received: 05/11/2025



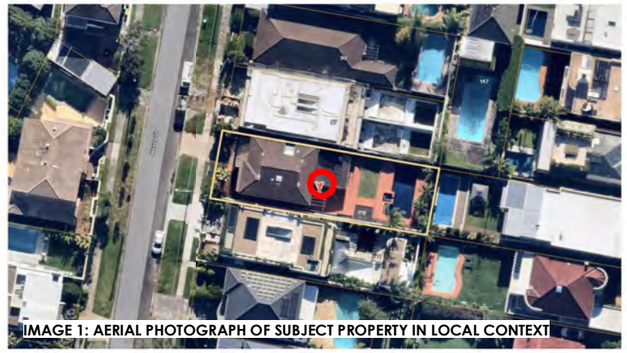

IMAGE 1: AERIAL PHOTOGRAPH OF SUBJECT PROPERTY IN LOCAL CONTEXT


IMAGE 2: EXISTING RESIDENCE AS VIEWED FROM HARDY ST (CENTRE SHOT)


IMAGE 3: EXISTING RESIDENCE AS VIEWED FROM REAR YARD


IMAGE 4: VIEWS OF SYDNEY CITY FROM WITHIN THE EXISTING RESIDENCE

INFO@FBCARCHITECTS.COM.AU

ABN: 77653550237 Nominated Architect:
David Buehler-Craig NSW Reg #12472

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JOB REF **2509**

NORTH

TITLE **SITE ANALYSIS PLAN**

SHEET **A002** A3 SCALE **1 : 200**

PROJECT **PROPOSED ALTERATIONS & ADDITIONS**

CLIENT **MR NGUYEN**

ADDRESS **95 HARDY ST, DOVER HEIGHTS**
LOT 4 IN DP11822

REVISIONS

DATE	DESCRIPTION
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Application No: DA-490/2025

Date Received: 05/11/2025

THREE LEVEL
CLADDED & CONCRETE BUILDING
FLAT CONCRETE ROOF
(UNDER CONSTRUCTION)

No.97

3
A302

(NO ACCESS, SCAFFOLDING)

PARAPET RL 71.46

PARAPET RL 71.26

EAVE RL 71.58

SINGLE STOREY

98°38'30"

PALING

FENCE

41.99

1168

EX'G PLANTER

EX'G CONC PATH

~1560
CEILING HEIGHT

EX'G STAIRS

~2170
CEILING HEIGHT

EX'G STORE

PROPOSED DEMOLITION OF EX'G WALLS / STEPS SHOWN RED DASHED

EX'G DRIVEWAY

FLOOR
RL 63.23

GARAGE UNDER

EX'G GARAGE

SINGLE STOREY

LINE OF EX'G FLOOR OVER

EX'G SUBFLOOR

FLOOR
RL 65.70

1
A300

4557

EX'G PLANTER OVER

SUBFLOOR
(DIRT FLOOR)
~1810
CEILING HEIGHT

EX'G SERVICES & STORE
~1990
CEILING HEIGHT

EX'G GARDEN

2
A300

SERVICES

A/C

EX'G CONC PATH

1344

PICKET FENCE

BRICK RETAINING WALL

A1.04

RENDERED

278°38'30"

4
537.2 m²
BY DEDUCTION
543.8 m²
BY TITLE

26231

16616

INGROUND SWIMMING POOL

SPA

TOP GUTTER RL 67.84

FLOOR
RL 65.71

BRICK OUTBUILDING TILE ROOF

RIDGE RL 68.80

WALL

5

WINDOW
TOP RL 67.74
SILL RL 67.05

3
A302

WINDOW
TOP RL 67.93
SILL RL 67.17

No.93

PARAPET RL 71.83

GARAGE WALL

TOP ROOF RL 72.67

TOP ROOF RL 73.66

EAVE RL 71.01

BALCONY ABOVE

TOP WALL RL 69.04

EAVE RL 68.00

0 1 2.5 5 10
metres

INFO@FBCARCHITECTS.COM.AU

fbc ARCHITECTS

ABN: 77653550237 Nominated Architect:
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JOB REF
2509

NORTH

TITLE **EXISTING / DEMOLITION BASEMENT FLOOR PLAN**

SHEET **A096** A3 SCALE **1 : 100**

PROJECT **PROPOSED ALTERATIONS & ADDITIONS**

CLIENT **MR NGUYEN**

ADDRESS **95 HARDY ST, DOVER HEIGHTS**
LOT 4 IN DP11822

REVISIONS

DATE	DESCRIPTION
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2025.10.27	DEVELOPMENT APPLICATION - REISSUE
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2025.09.17	DEVELOPMENT APPLICATION

THREE LEVEL
CLADDED & CONCRETE BUILDING
FLAT CONCRETE ROOF
(UNDER CONSTRUCTION)

No.97

3
A302

(NO ACCESS, SCAFFOLDING)

PARAPET RL 71.46

PARAPET RL 71.26

EAVE RL 71.58

PROPOSED DEMOLITION OF EX'G REAR PORTION
OF DWELLING, SHOWN RED DASHED

98°38'30"

41.99

PALING

FENCE

EX'G PLANTER (BELOW)

EX'G PATH

1168

EX'G PORCH
PATIO

EX'G STAIRS

EX'G KITCHEN

EX'G DRIVEWAY (BELOW)

EXISTING PLANTER

PLANTER

GARAGE UNDER

EX'G LIVING

SINGLE STOREY

EX'G RUMPUS

EX'G TERRACE

FLOOR
RL 65.70

4

537.2 m²

BY DEDUCTION

543.8 m²

BY TITLE

WALL

PROPOSED DEMOLITION OF PORTION
OF EX'G CONCRETE SLAB

EX'G YARD

1.2m POOL FENCE

EX'G POOL TERRACE

EX'G POOL

1
A300

12.8

4557

EX'G HALL

PROPOSED DEMOLITION OF INTERNAL WALLS
AS SHOWN RED DASHED

1500

16616

RETAINING

EX'G SPA

BRICK

RETAINING WALL

EX'G BED 5

EX'G BATH

EX'G LDRY

EX'G DINING

FLOOR
RL 65.70

EX'G TERRACE

EX'G STEPS

GATE

FLOOR
RL 65.71

2
A300

TREE TO BE REMOVED

EX'G GARDEN (BELOW)

EX'G OUTBUILDING

BRICK OUTBUILDING TILE ROOF

RIDGE RL 69.87

EXISTING PATIO

1344

EX'G PATH

PICKET FENCE

BRICK RETAINING WALL

41.94

278°38'30"

RENDERED

WINDOW
TOP RL 67.74
SILL RL 67.05

3
A302

WINDOW
SILL RL 67.17

No.93

PROPOSED DEMOLITION OF EX'G OUTBUILDING
& ADJOINING STEPS, SHOWN RED DASHED

WALL

PARAPET RL 71.83

GARAGE WALL

TOP ROOF RL 72.67

TOP ROOF RL 73.66

EAVE RL 71.01

BALCONY ABOVE

TOP WALL RL 69.04

EAVE RL 68.00

5

0 1 2.5 5 10
metres

RECEIVED
Waverley Council

Application No: DA-490/2025

Date Received: 05/11/2025

INFO@FBCARCHITECTS.COM.AU

ABN: 77653550237 Nominated Architect:
David Buehler-Craig NSW Reg #12472

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JOB REF
2509

NORTH

TITLE **EXISTING / DEMOLITION GROUND FLOOR PLAN**

SHEET **A097** A3 SCALE **1 : 100**

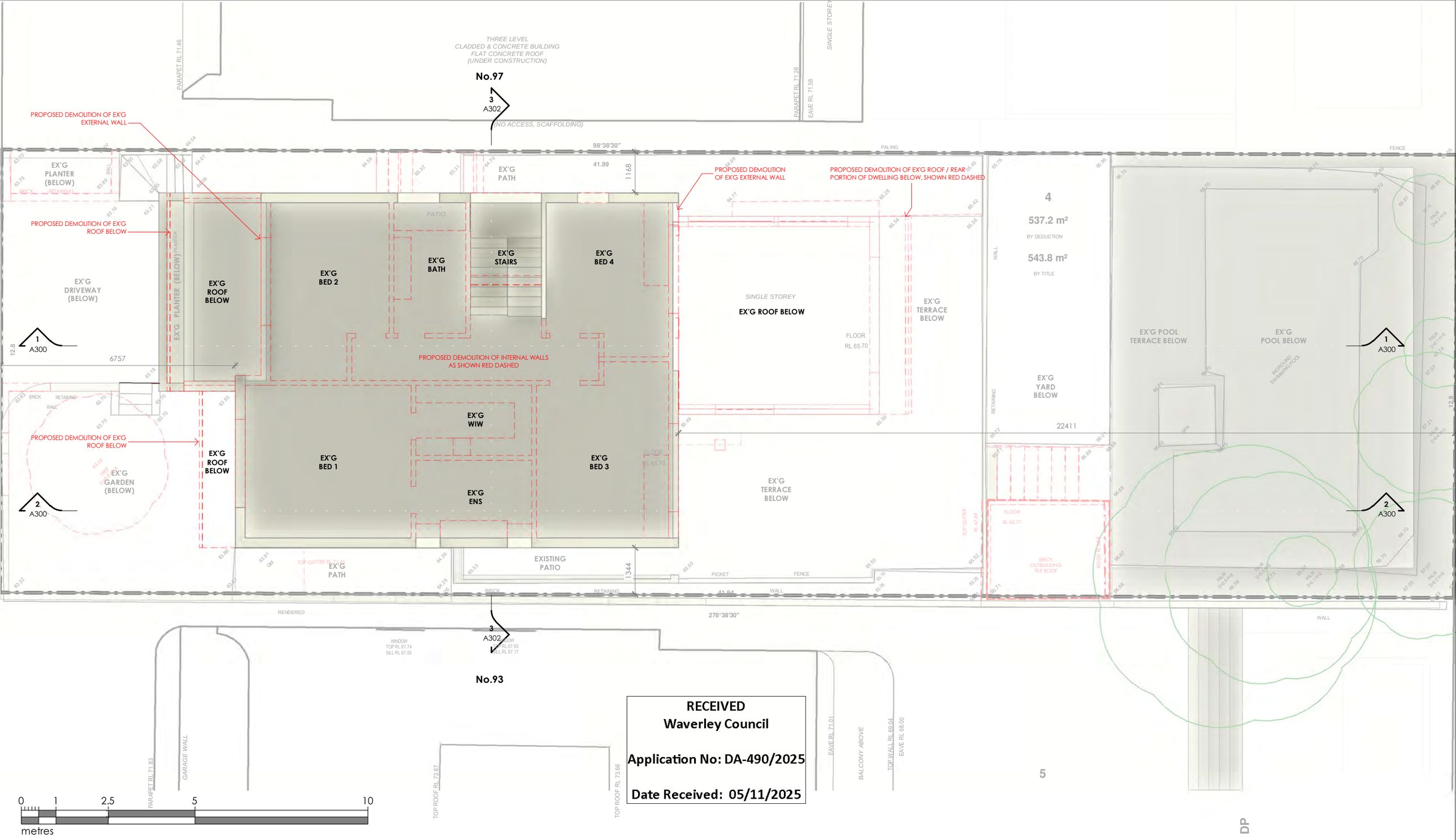
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JOB REF **2509**

NORTH

TITLE **EXISTING / DEMOLITION FIRST FLOOR PLAN**

SHEET **A098** A3 SCALE **1 : 100**

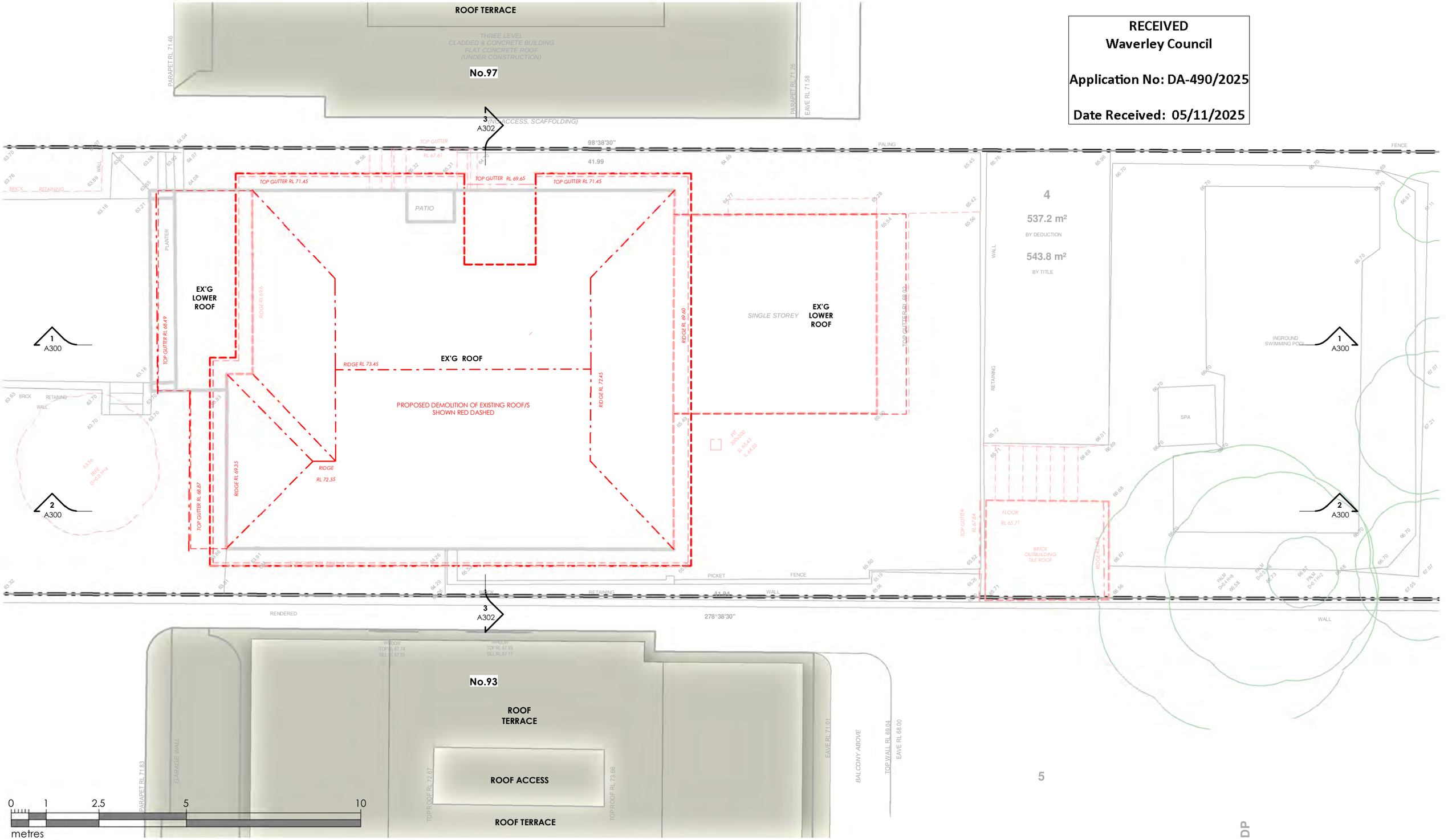
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CLIENT **MR NGUYEN**

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JOB REF **2509**

NORTH

TITLE **EXISTING / DEMOLITION ROOF PLAN**

SHEET **A099** A3 SCALE **1 : 100**

PROJECT **PROPOSED ALTERATIONS & ADDITIONS**

CLIENT **MR NGUYEN**

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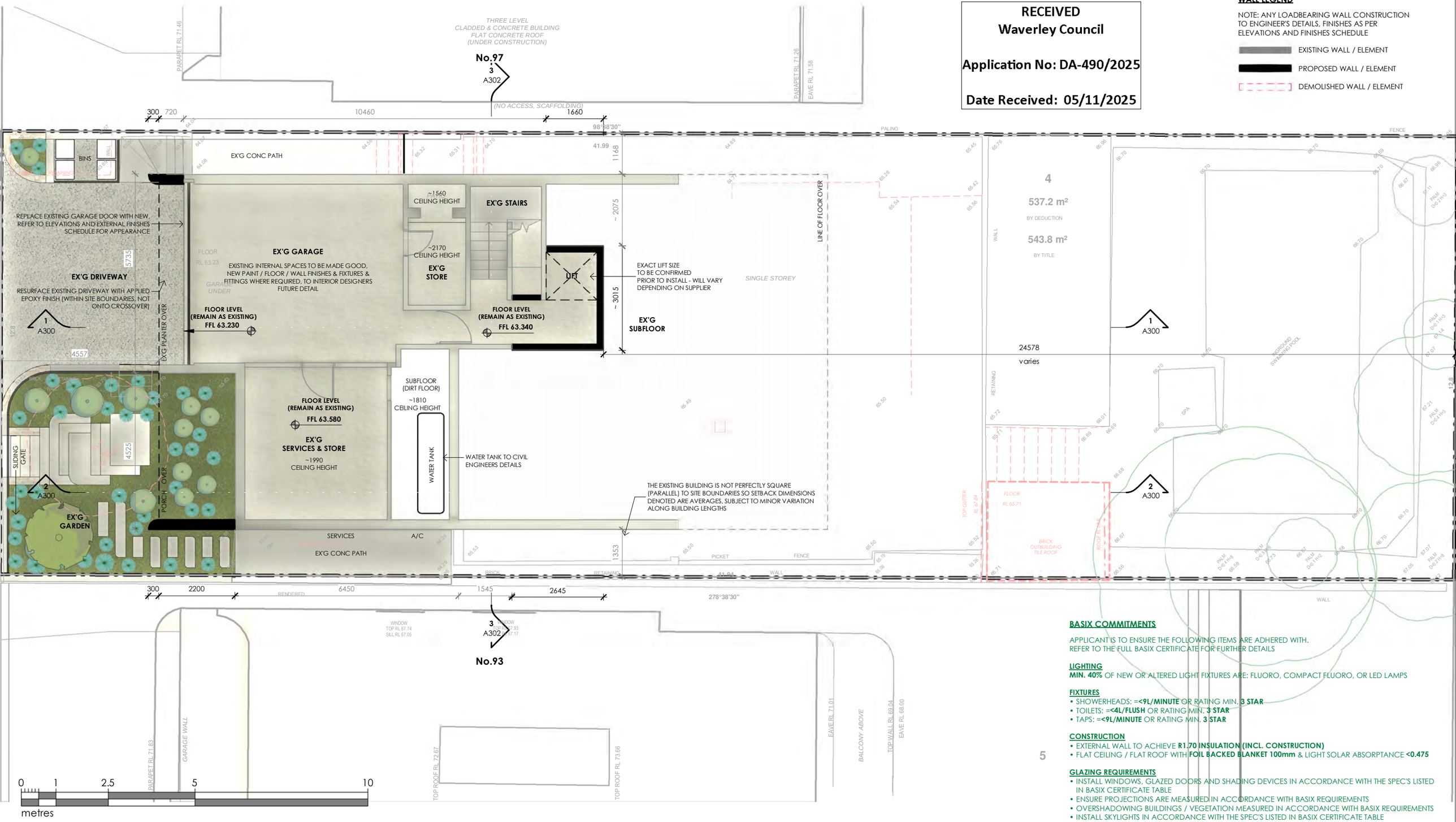
Application No: DA-490/2025

Date Received: 05/11/2025

WALL LEGEND

NOTE: ANY LOADBEARING WALL CONSTRUCTION TO ENGINEER'S DETAILS, FINISHES AS PER ELEVATIONS AND FINISHES SCHEDULE

- EXISTING WALL / ELEMENT
- PROPOSED WALL / ELEMENT
- DEMOLISHED WALL / ELEMENT



5

BASIX COMMITMENTS

APPLICANT IS TO ENSURE THE FOLLOWING ITEMS ARE ADHERED WITH.
REFER TO THE FULL BASIX CERTIFICATE FOR FURTHER DETAILS

LIGHTING
MIN. 40% OF NEW OR ALTERED LIGHT FIXTURES ARE: FLUORO, COMPACT FLUORO, OR LED LAMPS

FIXTURES
- SHOWERHEADS: =**<9L/MINUTE** OR RATING MIN. **3 STAR**
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CONSTRUCTION
- EXTERNAL WALL TO ACHIEVE **R1.70 INSULATION (INCL. CONSTRUCTION)**
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GLAZING REQUIREMENTS
- INSTALL WINDOWS, GLAZED DOORS AND SHADING DEVICES IN ACCORDANCE WITH THE SPEC'S LISTED IN BASIX CERTIFICATE TABLE
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NORTH

TITLE **BASEMENT FLOOR PLAN**

SHEET **A100** A3 SCALE **1 : 100**

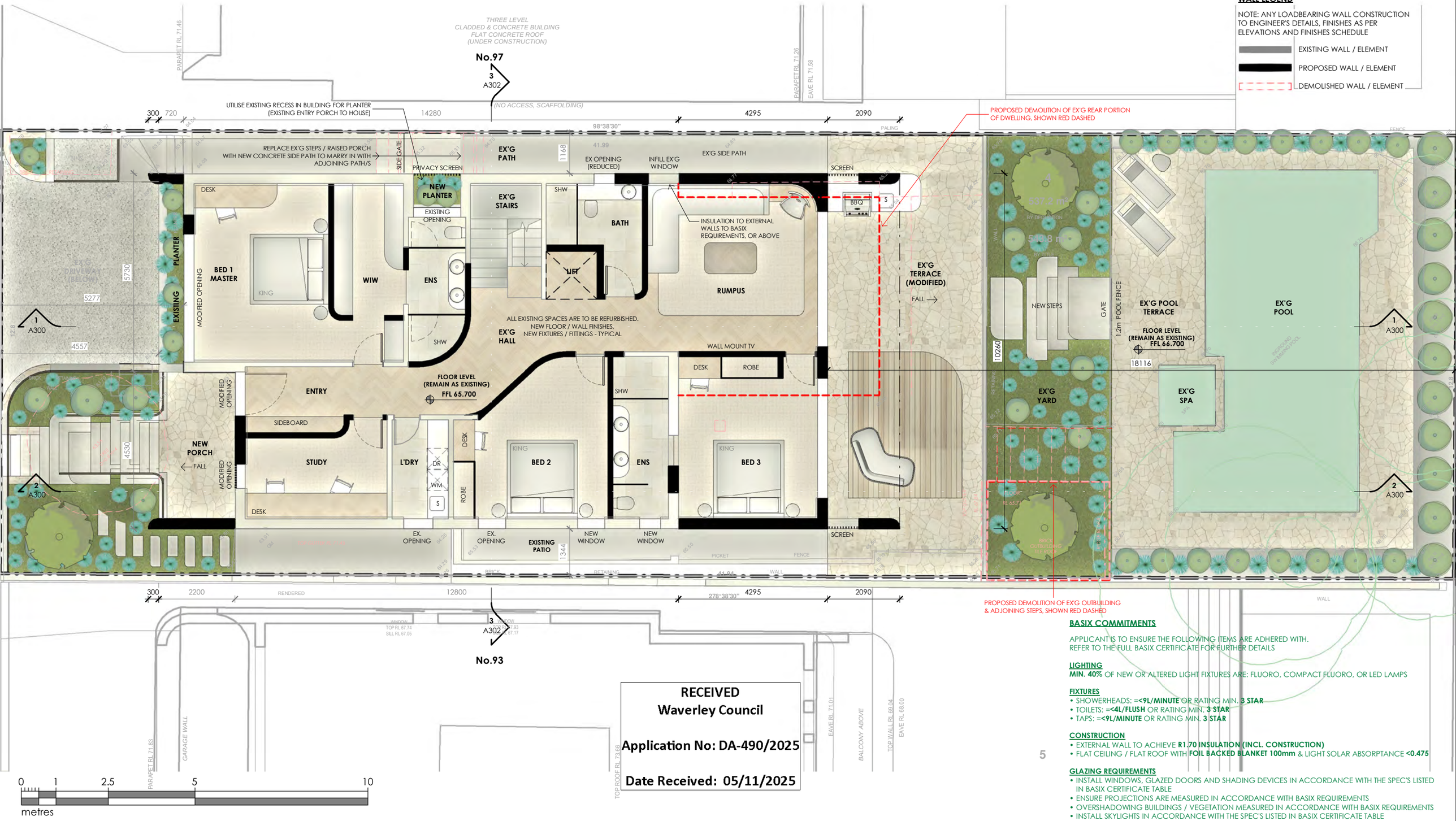
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JOB REF **2509**

NORTH

TITLE **GROUND FLOOR PLAN**

SHEET **A101** A3 SCALE **1 : 100**

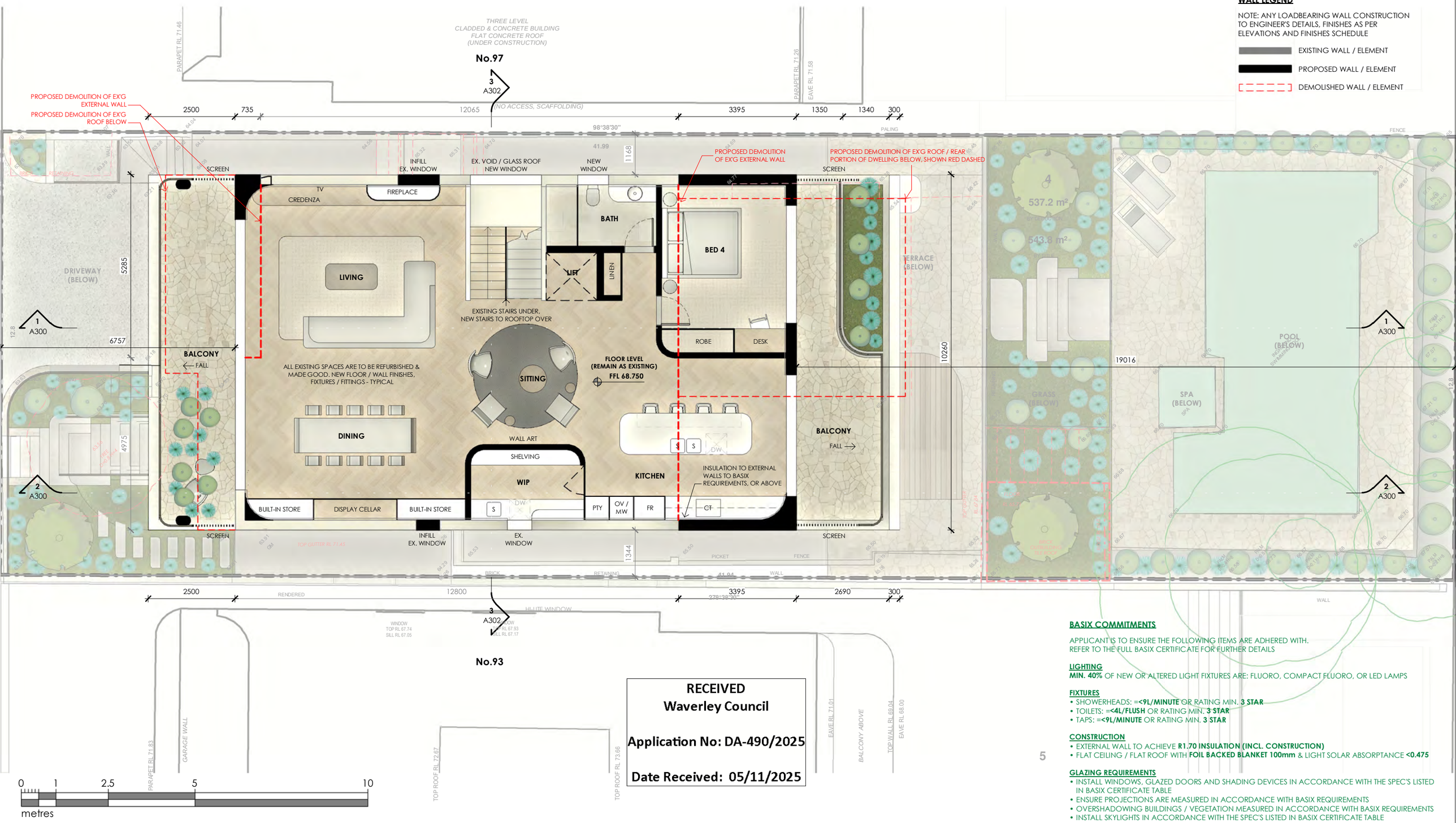
PROJECT **PROPOSED ALTERATIONS & ADDITIONS**

CLIENT **MR NGUYEN**

ADDRESS **95 HARDY ST, DOVER HEIGHTS**
LOT 4 IN DP11822

REVISIONS

DATE	DESCRIPTION
2025.11.04	DEVELOPMENT APPLICATION - REISSUE
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WALL LEGEND

NOTE: ANY LOADBEARING WALL CONSTRUCTION TO ENGINEER'S DETAILS, FINISHES AS PER ELEVATIONS AND FINISHES SCHEDULE

- EXISTING WALL / ELEMENT
- PROPOSED WALL / ELEMENT
- DEMOLISHED WALL / ELEMENT

RECEIVED
Waverley Council

Application No: DA-490/2025

Date Received: 05/11/2025

BASIX COMMITMENTS

APPLICANT IS TO ENSURE THE FOLLOWING ITEMS ARE ADHERED WITH.
REFER TO THE FULL BASIX CERTIFICATE FOR FURTHER DETAILS

LIGHTING
MIN. 40% OF NEW OR ALTERED LIGHT FIXTURES ARE: FLUORO, COMPACT FLUORO, OR LED LAMPS

FIXTURES
- SHOWERHEADS: =**<9L/MINUTE** OR RATING MIN. **3 STAR**
- TOILETS: =**<4L/FLUSH** OR RATING MIN. **3 STAR**
- TAPS: =**<9L/MINUTE** OR RATING MIN. **3 STAR**

CONSTRUCTION
- EXTERNAL WALL TO ACHIEVE **R1.70 INSULATION (INCL. CONSTRUCTION)**
- FLAT CEILING / FLAT ROOF WITH **FOIL BACKED BLANKET 100mm** & LIGHT SOLAR ABSORPTANCE **<0.475**

GLAZING REQUIREMENTS
- INSTALL WINDOWS, GLAZED DOORS AND SHADING DEVICES IN ACCORDANCE WITH THE SPEC'S LISTED IN BASIX CERTIFICATE TABLE
- ENSURE PROJECTIONS ARE MEASURED IN ACCORDANCE WITH BASIX REQUIREMENTS
- OVERSHADOWING BUILDINGS / VEGETATION MEASURED IN ACCORDANCE WITH BASIX REQUIREMENTS
- INSTALL SKYLIGHTS IN ACCORDANCE WITH THE SPEC'S LISTED IN BASIX CERTIFICATE TABLE

5

INFO@FBCARCHITECTS.COM.AU

ABN: 77653550237 Nominated Architect:
David Buehler-Craig NSW Reg #12472

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JOB REF **2509**

NORTH

TITLE **FIRST FLOOR PLAN**

SHEET **A102** A3 SCALE **1 : 100**

PROJECT **PROPOSED ALTERATIONS & ADDITIONS**

CLIENT **MR NGUYEN**

ADDRESS **95 HARDY ST, DOVER HEIGHTS**
LOT 4 IN DP11822

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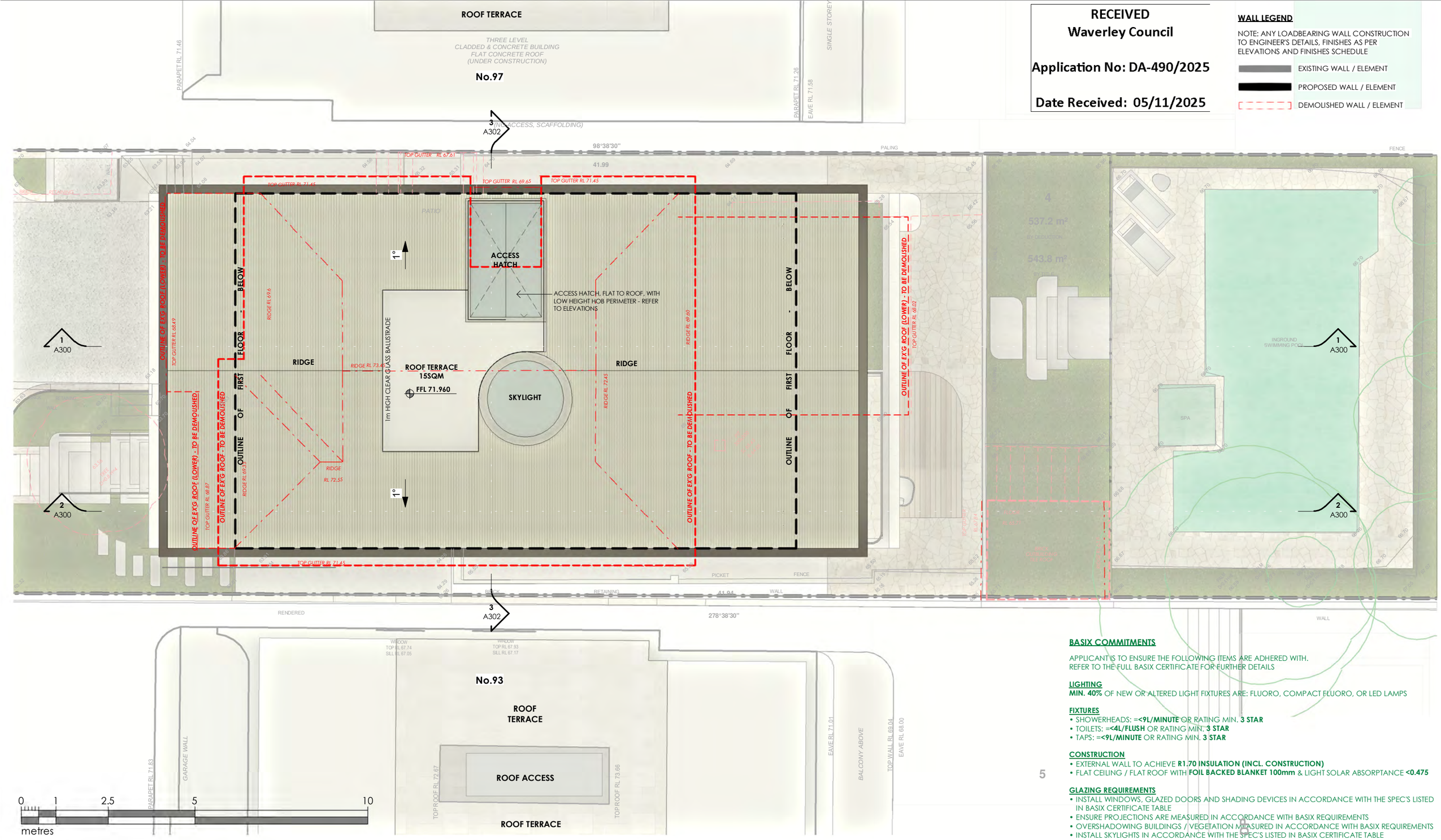
Application No: DA-490/2025

Date Received: 05/11/2025

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fbc ARCHITECTS

ABN: 77653550237 Nominated Architect: David Buehler-Craig NSW Reg #12472

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JOB REF **2509**

NORTH

TITLE **ROOF PLAN**

SHEET **A103** A3 SCALE **1 : 100**

PROJECT **PROPOSED ALTERATIONS & ADDITIONS**

CLIENT **MR NGUYEN**

ADDRESS **95 HARDY ST, DOVER HEIGHTS**
LOT 4 IN DP11822

REVISIONS

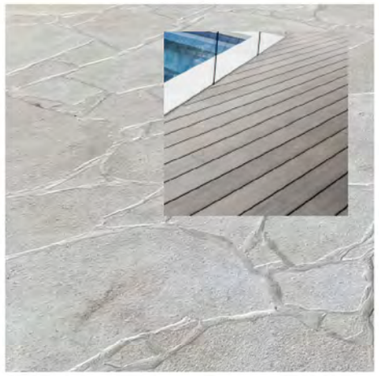
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CN: CONCRETE - OFF FORM



RF: ROOF

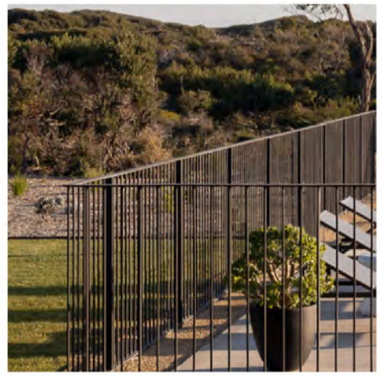


CZY: CRAZY PAVE (OR TILE)
DK: TIMBER DECKING



BAL 1: BALUSTRADE

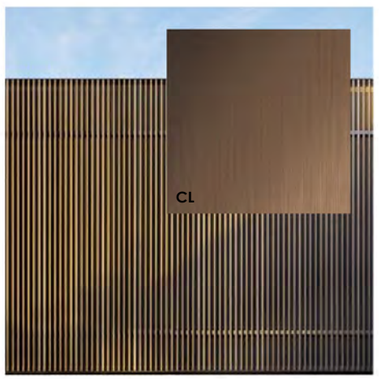
AS1926.1 COMPLIANT
WHERE APPLICABLE



BAL 2: BALUSTRADE



RND: RENDER



SC: SCREENING / CL: CLADDING PANEL



GD: GARAGE DOOR / CLADDING



ST: STONE



WND: WINDOWS ALUMINIUM

RECEIVED
Waverley Council

Application No: DA-490/2025

Date Received: 05/11/2025

INFO@FBCARCHITECTS.COM.AU

ABN: 77653550237 Nominated Architect:
David Buehler-Craig NSW Reg #12472

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JOB REF **2509**

NORTH

TITLE **EXTERNAL FINISHES SCHEDULE**

SHEET **A200** A3 SCALE

PROJECT **PROPOSED ALTERATIONS & ADDITIONS**

CLIENT **MR NGUYEN**

ADDRESS **95 HARDY ST, DOVER HEIGHTS**
LOT 4 IN DP11822

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EX'G SOLID MASONRY BASE TO WITH NEW OPEN FENCE OVER, NEW UPPER ADDITION TO MATCH BASE HEIGHT TO LOOK PROPORTIONATE AND AS INSIDE OF FENCE IS FILLED (EXISTING) ANY SMALLER ADDITION WOULD BE VERY SMALL FROM INSIDE AND MORE OF A TRIP HAZARD THAN A BARRIER

NEIGHBOURING FENCE VARIES FROM ~1200H TO 1680H (AVERAGE HEIGHT OF ~1440)

1 WEST ELEVATION

1 : 100 @ A3

0 1 2.5 5 10

metres

INFO@FBCARCHITECTS.COM.AU

ABN: 77653550237 Nominated Architect: David Buehler-Craig NSW Reg #12472

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JOB REF **2509**

NORTH

TITLE **ELEVATIONS**

SHEET **A201** A3 SCALE **1 : 100**

PROJECT **PROPOSED ALTERATIONS & ADDITIONS**

CLIENT **MR NGUYEN**

ADDRESS **95 HARDY ST, DOVER HEIGHTS**
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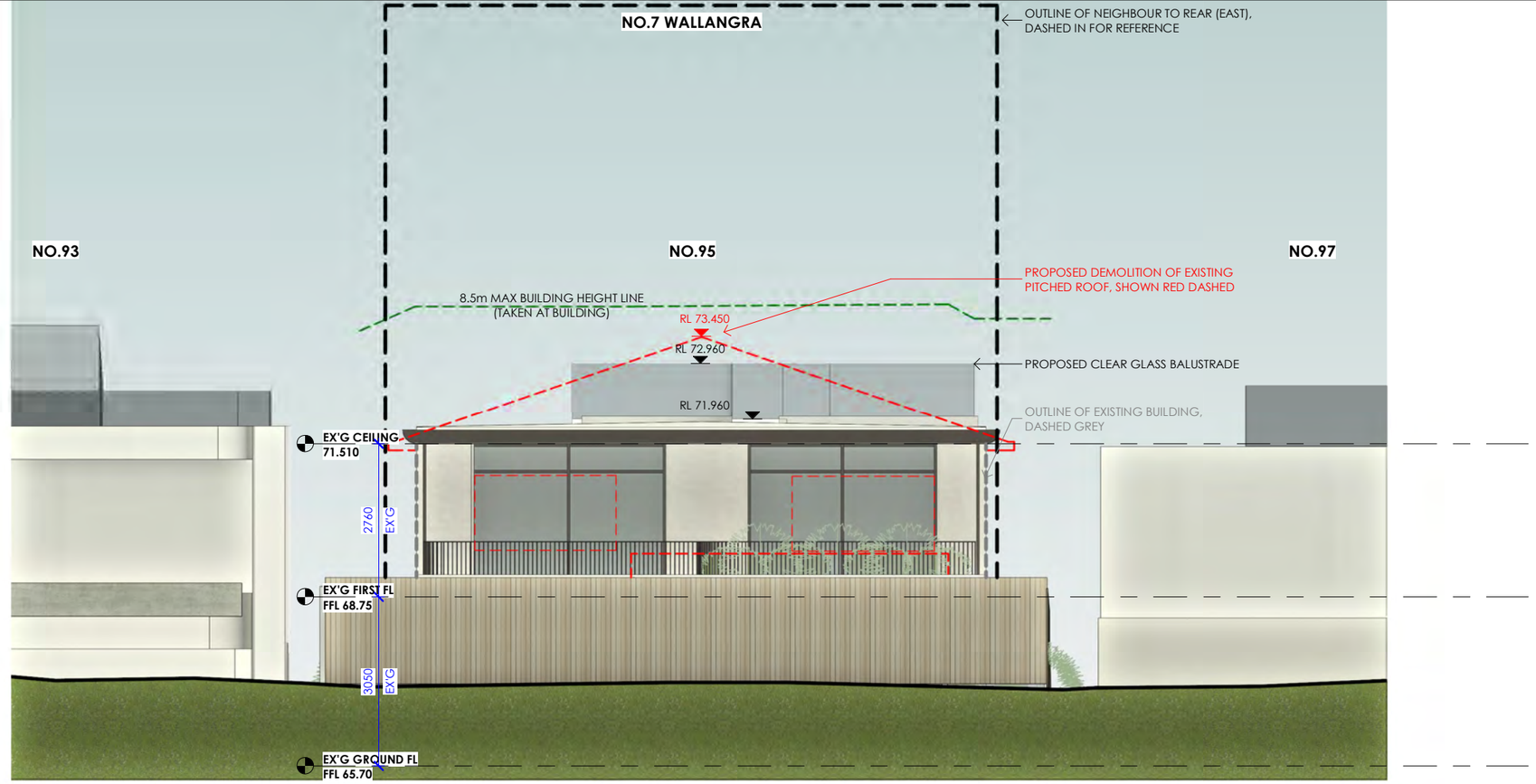
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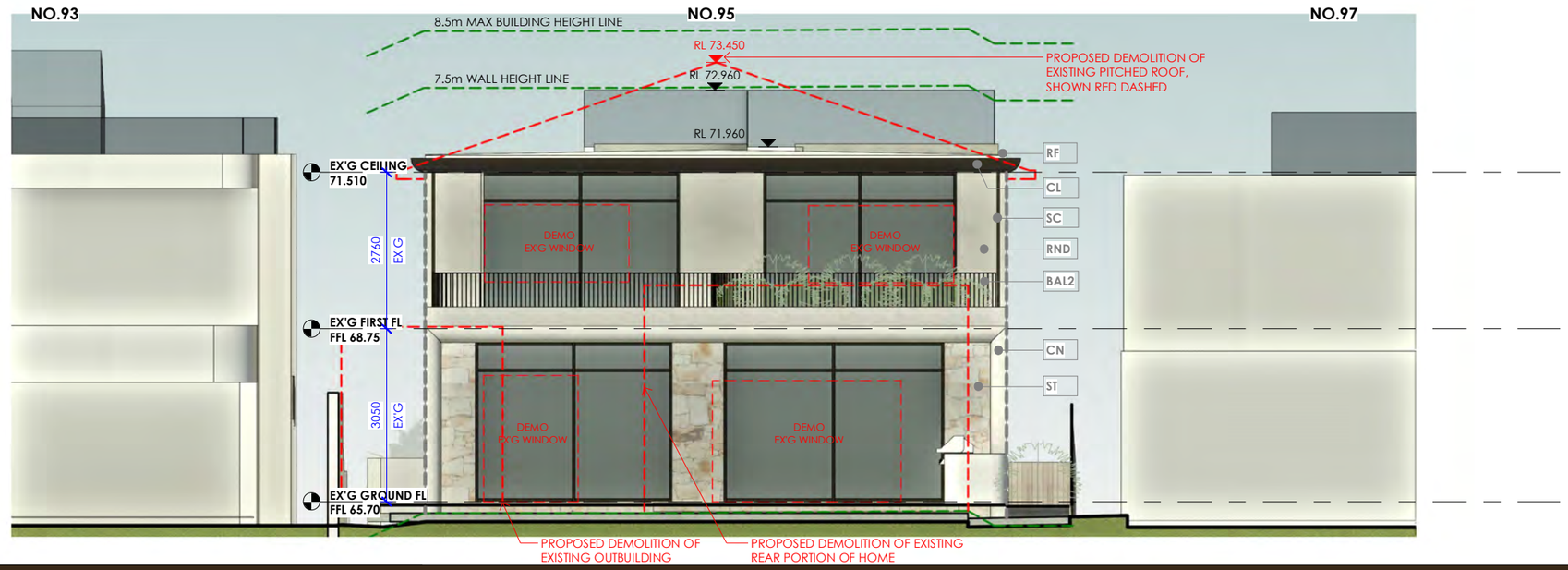
Application No: DA-490/2025

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2 EAST ELEVATION - FROM REAR FENCE

1 : 100 @ A3



1 EAST ELEVATION - CLOSER TO BUILDING

1 : 100 @ A3

0 1 2.5 5 10

metres

INFO@FBCARCHITECTS.COM.AU

ABN: 77653550237 Nominated Architect: David Buehler-Craig NSW Reg #12472

DEVELOPMENT APPLICATION - NOT FOR CONSTRUCTION

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JOB REF **2509**

NORTH

TITLE **ELEVATIONS**

SHEET **A202** A3 SCALE **1 : 100**

PROJECT **PROPOSED ALTERATIONS & ADDITIONS**

CLIENT **MR NGUYEN**

ADDRESS **95 HARDY ST, DOVER HEIGHTS**
LOT 4 IN DP11822

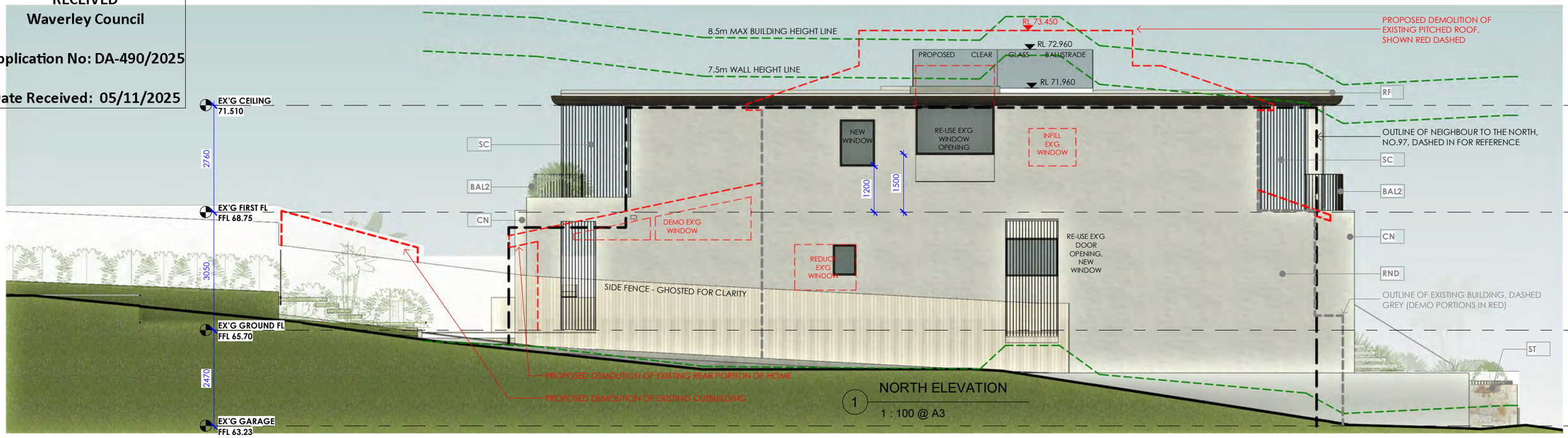
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2025.08.28	CONSULTANT ISSUE

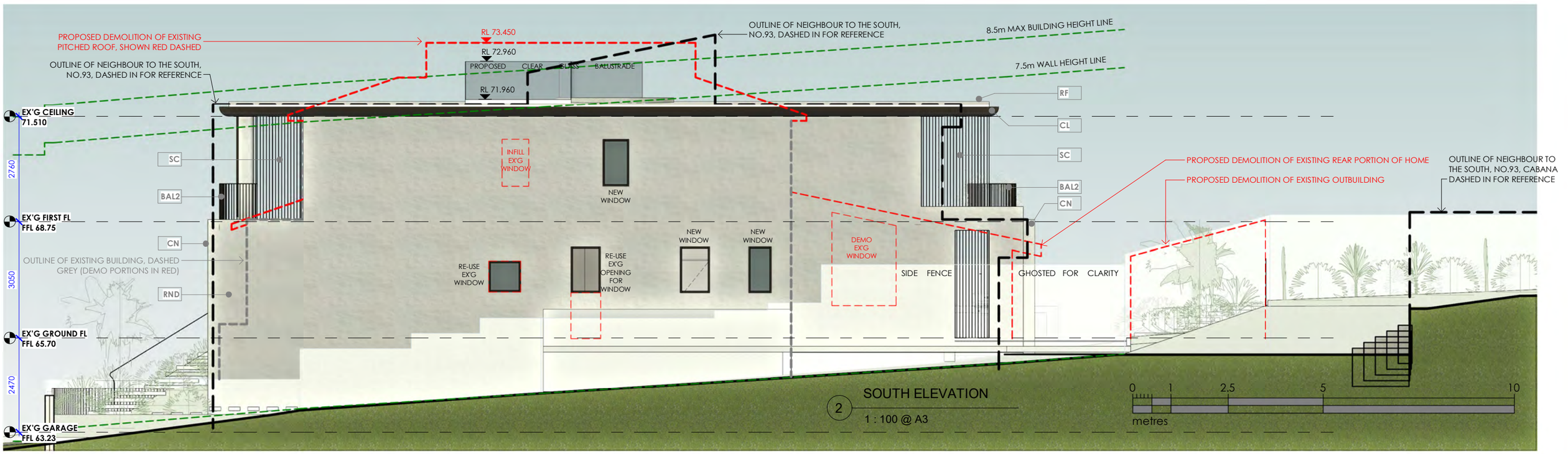
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Application No: DA-490/2025

Date Received: 05/11/2025



1 NORTH ELEVATION
1 : 100 @ A3



2 SOUTH ELEVATION
1 : 100 @ A3

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ABN: 77653550237 Nominated Architect:
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JOB REF **2509**

NORTH

TITLE **ELEVATIONS**

SHEET **A203** A3 SCALE **1 : 100**

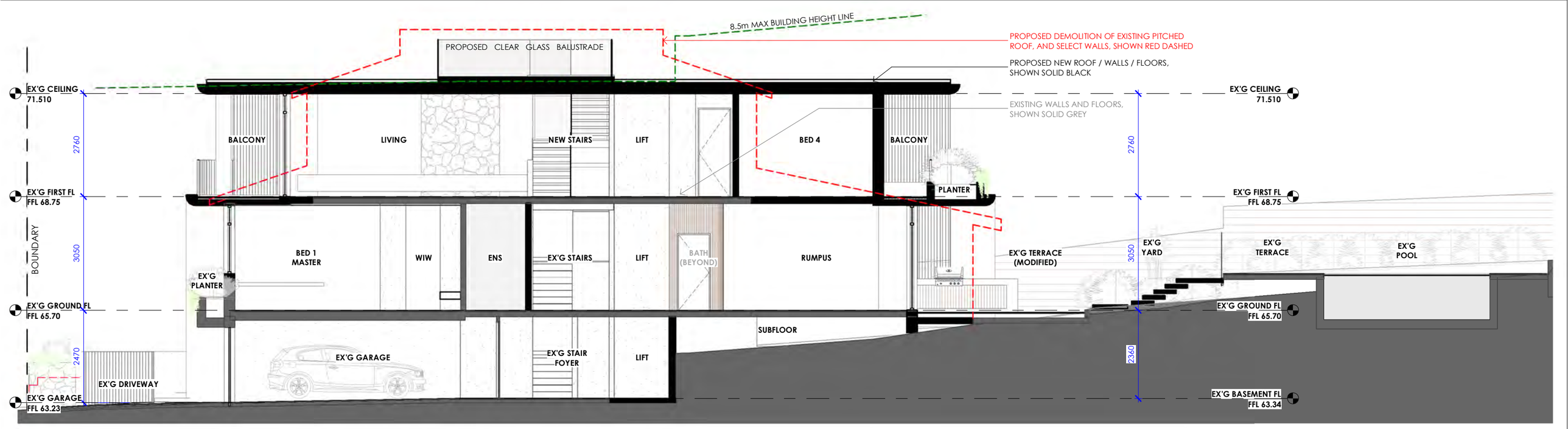
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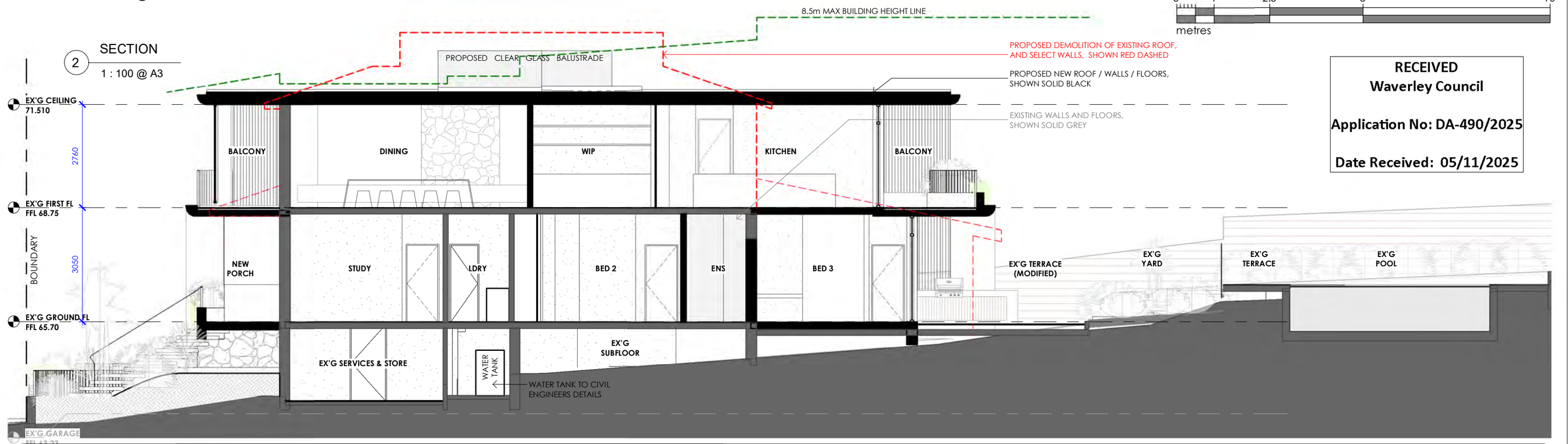
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1 SECTION
1 : 100 @ A3

0 1 2.5 5 10
metres



2 SECTION
1 : 100 @ A3

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ABN: 77653550237 Nominated Architect: David Buehler-Craig NSW Reg #12472

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JOB REF **2509**

NORTH

TITLE **SECTIONS**

SHEET **A300** A3 SCALE **1 : 100**

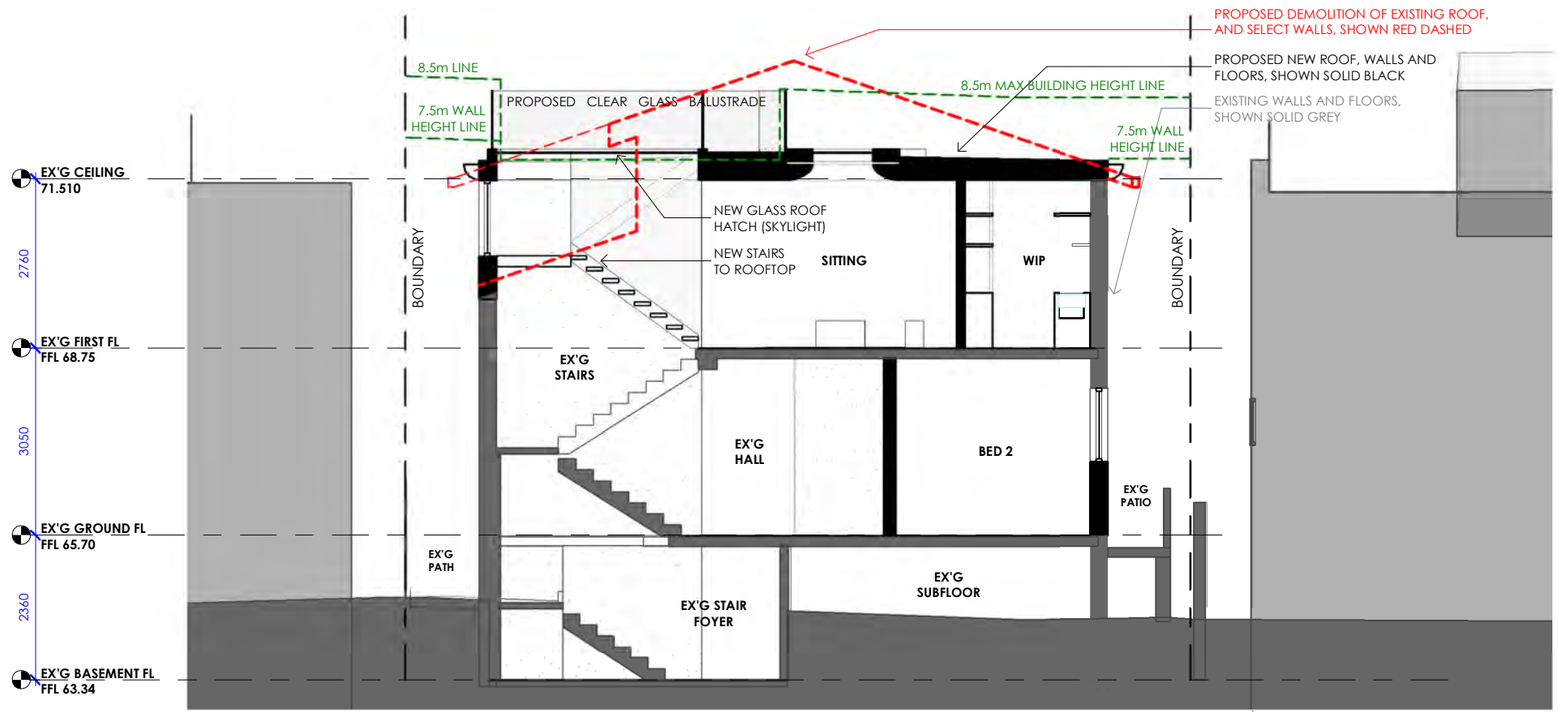
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3 SECTION
1 : 100 @ A3

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0 1 2.5 5 10
metres

BASIX COMMITMENTS

APPLICANT IS TO ENSURE THE FOLLOWING ITEMS ARE ADHERED WITH.
REFER TO THE FULL BASIX CERTIFICATE FOR FURTHER DETAILS

LIGHTING
MIN. 40% OF NEW OR ALTERED LIGHT FIXTURES ARE: FLUORO, COMPACT FLUORO, OR LED LAMPS

FIXTURES
- SHOWERHEADS: =**<9L/MINUTE** OR RATING MIN. **3 STAR**
- TOILETS: =**<4L/FLUSH** OR RATING MIN. **3 STAR**
- TAPS: =**<9L/MINUTE** OR RATING MIN. **3 STAR**

CONSTRUCTION
- EXTERNAL WALL TO ACHIEVE **R1.70 INSULATION (INCL. CONSTRUCTION)**
- FLAT CEILING / FLAT ROOF WITH **FOIL BACKED BLANKET 100mm** & LIGHT SOLAR ABSORPTANCE **<0.475**

GLAZING REQUIREMENTS
- INSTALL WINDOWS, GLAZED DOORS AND SHADING DEVICES IN ACCORDANCE WITH THE SPEC'S LISTED IN BASIX CERTIFICATE TABLE
- ENSURE PROJECTIONS ARE MEASURED IN ACCORDANCE WITH BASIX REQUIREMENTS
- OVERSHADOWING BUILDINGS / VEGETATION MEASURED IN ACCORDANCE WITH BASIX REQUIREMENTS
- INSTALL SKYLIGHTS IN ACCORDANCE WITH THE SPEC'S LISTED IN BASIX CERTIFICATE TABLE

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JOB REF **2509**

NORTH

TITLE **SECTIONS**

SHEET **A302** A3 SCALE **1 : 100**

PROJECT **PROPOSED ALTERATIONS & ADDITIONS**

CLIENT **MR NGUYEN**

ADDRESS **95 HARDY ST, DOVER HEIGHTS**
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Report to the Waverley Local Planning Panel

Application number	DA-409/2025 (PAN-560196)
Site address	118 MacPherson Street, BRONTE NSW 2024
Proposal	Change of use from commercial tenancy to a licensed restaurant with internal fit out including kitchen exhaust system, external signage and change to operating hours.
Date of lodgement	19 August 2025
Owner	Mr A Imvriotis Mrs L Imvriotis Forte Properties Pty Limited
Applicant	118 MacPherson Street Pty Ltd
Submissions	Twenty five (25) unique submissions of objection
Cost of works	$292,050
Principal Issues	• Waste • Residential amenity • Extended trading hours
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 change of use from commercial tenancy to a licensed restaurant with internal fit out including kitchen exhaust system, external signage and change to operating hours at the site known as 118 MacPherson Street, Bronte.

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

- Waste
- Residential amenity
- Extended trading hours.

The assessment finds these issues acceptable as the proposal maintains the building in the most recent associated parent consent under DA-40/2021 (and as modified) which would maintain waste collection as to what is already approved for the overall shop top housing development and waste management for the operation will occur daily by private collection. In addition, the proposal would maintain residential amenity as to what has been approved, subject to conditions which includes limiting extended trading hours to comply with what is intended for MacPherson Street and requires the supported extended trading hours to be subject to a one (1) year reviewable condition.

A total of forty seven (47) submissions were received. Of these, twenty (20) submissions were in support of the proposal and twenty five (25) submissions of objection were received and the issues raised in these submissions have been considered and addressed in this report and in the recommendation. Two (2) Councillor submissions were received whom raised waste collection from MacPherson Street instead of Virgil Lane and altering waste collection hours. The submissions are acknowledged and it is advised that the proposal does not alter waste collection from Virgil Lane as to what was approved under the most recent associated parent consent in DA-40/2021 (and as modified).

As for waste collection hours, there are no prescriptive controls in the Waverley Development Control Plan 2022 which restrict hours/time for waste collection. Consideration regarding noise impacts to nearby residential recognises that residential areas can expect noise during 7am to 10pm pursuant to the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Noise Control) Regulation 2017*. The proposal includes waste collection to occur after 7am Monday to Friday and after 8am Saturday and Sunday during business hours and a condition of consent is recommended in Appendix A to impose this with no waste collection to occur after 5pm in line with typical business hours which is within the expected noise limits for residential areas.

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

1.2. Site and Surrounding Locality

A site visit was carried out under the associated development consent for the ground floor commercial as modified on 6 August 2025 and on 16 September 2025.

The site is identified as Lot 7 in DP78510, known as 118 Macpherson Street, Bronte. The site is rectangular in shape with a frontage to Macpherson Street measuring 10.425m. It has an area of 316.2m^2 and is generally flat.

The site is occupied by a two storey shop top housing development containing commercial at ground floor level and residential units on the first floor level**.** A detached garage containing two off-street car parking spaces is sited at the rear of the property with vehicular access provided from Virgil Lane. The existing building is identified as a locally listed heritage item in accordance with the Waverley Local Environmental Plan 2012 (Waverley LEP 2012) (Item I323). It is noted that construction of the associated development application (DA-40/2021 and as modified) which contains the parent consent for the ground floor commercial is currently underway.

The site is adjoined by a three storey shop top housing development to the east and low density residential dwellings to the west. The E1 Local Centre zoned site abuts the R2 Low Density Residential Zone to the west. The locality is characterised by a variety of low or medium density residential and shop top housing developments and is located within the Bronte (Macpherson Street) Neighbourhood Centre.

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

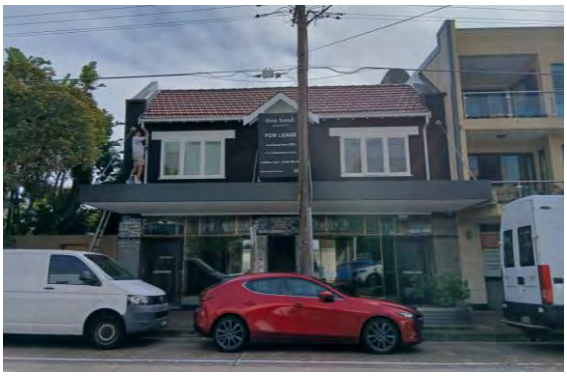


Figure 1: View of the subject site fronting MacPherson Street.



Figure 2: View of the ground floor commercial tenancies fronting MacPherson Street.



Figure 3: Streetscape view looking west along Virgil Lane.



Figure 4: View looking south-west towards the rear of the subject site.

1.3. Relevant Development History

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

- DA-40/2021 – alterations and additions to existing shop top housing for 4 studios above 2 ground floor commercial tenancies and rear garage, approved by the NSW Land and Environment Court on 3 May 2022. DA-40/2021 was subsequently modified as follows:
    - DA-40/2021/A – modify internal layout to units and commercial tenancies, including other alterations, approved under delegated authority on 27 March 2023.
    - DA-40/2021/B – modify ground floor commercial tenancies including demolition of diving wall, amalgamation of 2 tenancies into 1, alterations to openings and addition of toilets to detached garage, approved under delegated authority on 3 September 2025.

1.4. Proposal

The development application seeks consent for change of use from commercial to a food and drink premises for the purpose of a restaurant and fitout works including a kitchen exhaust and external signage, and specifically includes the following:

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

- Hours of operation:

Table 1: Base hours of operation

Days	Proposed
Monday to Saturday	12:00pm to 10:00pm
Sunday and Public Holidays	12:00pm to 10:00pm

Table 2: Extended hours of operation

Days	Proposed
Monday to Saturday	10.00pm to 11:00pm
Sunday and Public Holidays	-

- The total proposed capacity of the premises is 70 persons with the following sub-limits:
    - Staff: 10 persons; and
    - Patrons: 60 persons.

- The premises is intended to be licensed.

- One (1) under awning business identification sign is proposed as shown in **Figures 5** to **6** below.

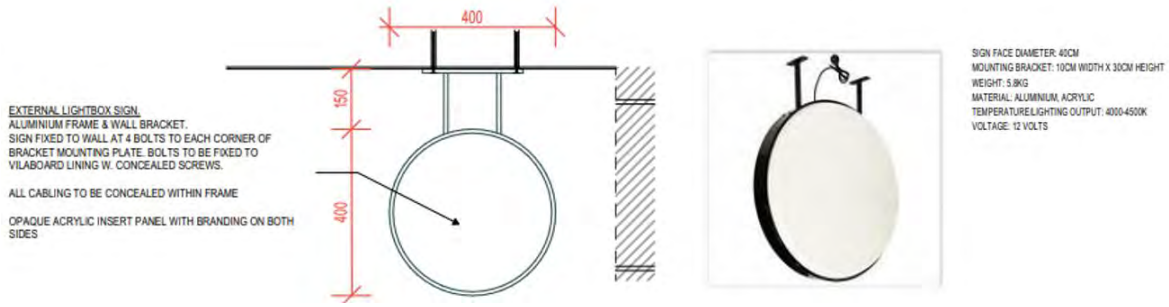


Figure 5: Proposed signage detail.

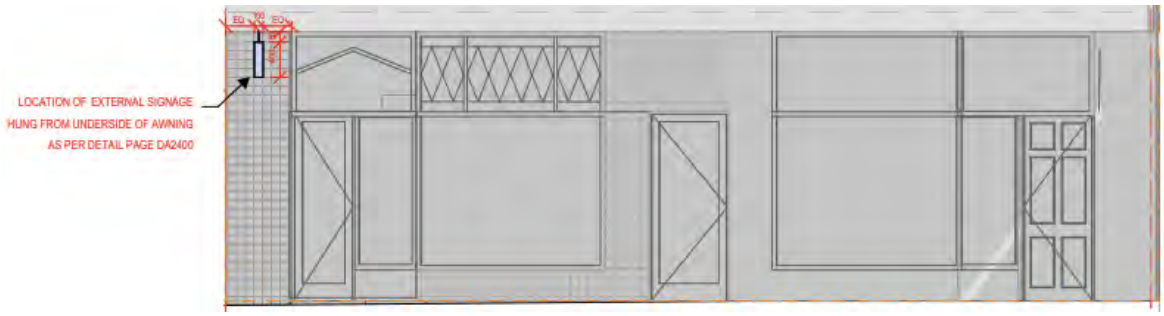


Figure 6: Proposed signage on the façade elevation facing MacPherson Street.

1.5. Background

The development application was lodged on 19 August 2025 and a 'Stop the Clock' letter was sent on 28 August 2025 for the following reasons:

1. Amend the plans to clarify the height of the kitchen exhaust;
2. Clarify signage detail and SEE to address relevant parts of the WLEP and WDCP.

The amended plans received on 2 September 2025 form the basis of the assessment.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

- SEPP (Resilience and Hazards) 2021

- SEPP (Industry and Employment) 2021.

A detailed discussion is provided for relevant SEPP/s as follows:

SEPP (Industry and Employment) 2021

The proposed signage is subject to assessment against the criteria specified in Schedule 5 of Chapter 3 Advertising and Signage under this SEPP.

Table 2: Schedule 5 Assessment Criteria Compliance Table

Provision	Compliance	Comment
1 Character of the area		
• *Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?*	Yes	Complies. The proposed signage is sympathetic to the heritage aspect and aligns with the existing character of the MacPherson Street. The proposed signage development is compatible with the existing and desired future character.
• *Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?*	Yes	Satisfactory. The proposed signage development is in keeping with under awning signage along MacPherson Street.
2 Special areas		
• *Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?*	Yes	Complies. The proposed signage development is designed to be compatible and to integrate with the existing heritage character and would not detract from the visual quality of nearby residential areas.
3 Views and vistas		
• *Does the proposal obscure or compromise important views?* • *Does the proposal dominate the skyline and reduce the quality of vistas?* • *Does the proposal respect the viewing rights of other advertisers?*	Yes	Complies. The proposed signage development does not obscure, compromise or have any impact on views.
4 Streetscape, setting or landscape		
• *Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?* • *Does the proposal contribute to the visual interest of the streetscape, setting or landscape?*	Yes	Complies. The scale of the proposed signage is sympathetic in scale and design with the heritage character of the subject site and is in keeping with the context of under awning signage along MacPherson Street. The proposed signage will not protrude above structures, trees or

Provision	Compliance	Comment
• *Does the proposal reduce clutter by rationalising and simplifying existing advertising?* • *Does the proposal screen unsightliness?* • *Does the proposal protrude above buildings, structures or tree canopies in the area or locality?* • *Does the proposal require ongoing vegetation management?*		vegetation and subsequently will not require ongoing vegetation management.
5 Site and building		
• *Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?* • *Does the proposal respect important features of the site or building, or both?* • *Does the proposal show innovation and imagination in its relationship to the site or building, or both?*	Yes	Complies. The proposed signage is compatible with the scale and proportion of MacPherson Road and is designed to complement the existing heritage character of the site.
6 Associated devices and logos with advertisements and advertising structures		
• *Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?*	Yes	The proposed signage does not include any safety devices, platforms or logos. The proposed signage would include any illumination and conditions of consent have been recommended to ensure that illumination does not result in adverse impacts.
7 Illumination		
• *Would illumination result in unacceptable glare?* • *Would illumination affect safety for pedestrians, vehicles or aircraft?* • *Would illumination detract from the amenity of any residence or other form of accommodation?* • *Can the intensity of the illumination be adjusted, if necessary?* • *Is the illumination subject to a curfew?*	Yes	The proposed signage would include any illumination and conditions of consent have been recommended to ensure that illumination does not result in adverse impacts.
8 Safety		
• *Would the proposal reduce the safety for any public road?* • *Would the proposal reduce the safety for pedestrians or bicyclists?* • *Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?*	Yes	Complies. The proposed signage will not obscure any sightlines, reduce or compromise the safety of any pedestrians or bicyclists.

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 3: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table • *E1 Local Centre Zone*	Yes	The proposal is defined as a food and drink premises, which is permitted with consent in the E1 zone.
Part 4 Principal development standards		
4.3 Height of buildings • *9m*	Yes	The maximum building height for the proposed works relates to the proposed mechanical plant which has a building height of 7.2m measured above existing ground level and is below the maximum overall building height of the associated parent consent under DA-40/2021 (and as modified).
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	The site contains a local heritage item, known as Item No. I323 and described as an 'Inter-war Classical Revival style mixed development'. The proposal was referred to Council's Heritage Advisor who raised no objection, identifying that the proposed works will have a minimal and acceptable impact on the heritage item.
Part 6 Additional local provisions		
6.8 Maximum gross floor area of retail premises on certain land in Bronte	Yes	The subject site is identified on the Key Sites Map. The proposal does not include any changes to the approved FSR under the associated parent consent under DA-40/2021 (and as modified). The Gross Floor Area is to remain 168.1m^2 and is below the 500m^2 maximum.
6.16 Development in Zone E1	Yes	The proposal for a restaurant and fitout is considered minor in extent and scale as the commercial nature is maintained. In addition, a restaurant is permitted with consent in the zone and is in keeping with the type of development anticipate in the E1 zone which is in keeping with character of the area and is appropriate for what is intended in this local centre. The proposal is not considered to impose an adverse amenity impact to the surrounding residential areas as the building is in keeping with the associated parent consent under DA-40/2021

Provision	Compliance	Comment
		(and as modified) and any operational changes have been appropriately considered and conditioned where required as identified throughout this report.

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory. Waste storage and collection will be maintained in accordance with what has been approved in the associated parent consent under DA-40/2021 (and as modified). Waste management will involve daily collection and will be subject to conditions of consent. See below for further discussion.
6. Accessibility and Adaptability	Yes	Satisfactory. The building is maintained as to what was approved in the associated parent consent under DA-40/2021 (and as modified). The proposal is only for the use of the restaurant and fitout in which a BCA condition is imposed pertaining to fitout works for the restaurant.
7. Transport	Yes	Satisfactory. The proposal is only for the use of the restaurant and fitout. The building is maintained as to what was approved in the associated parent consent under DA-40/2025 (and as modified). In particular, the building as approved was designed to have regard to the context of being in a local centre and the dynamic nature of shop top housing in that the non-residential component is susceptible to varying commercial uses. In this regard, the proposed use for a restaurant is appropriate in this context and transport is maintained and acceptable as to what was considered under the parent consent. Therefore, the proposed use is not considered to result in adverse traffic and parking impacts as to what has already been considered for the site.
8. Heritage	Yes	Satisfactory. See section 5.10 of the Waverley LEP 2012 compliance table above for further discussion.

Development Control	Compliance	Comment
9. Safety	Yes	Satisfactory. The proposal is only for the use of the restaurant and fitout. The building is maintained as to what was approved in the associated parent consent under DA-40/2025 (and as modified). In this regard, safety of ground floor commercial is considered to be maintained as to what was approved and in addition, the proposal is considered to maintain casual surveillance to the street.
11. Design Excellence	Yes	Satisfactory. With the exception of the proposed signage that is in keeping with the theme along MacPherson Street, the front elevation will be maintained as to what was approved in the associated parent consent under DA-40/2025 (and as modified). In this regard, the proposal will maintain design excellence within the existing context of MacPherson Street and as to what has been approved.
14. Advertising and Signage	Yes	Satisfactory. One (1) under awning business identification sign is proposed and is in keeping with existing under awning signage along MacPherson Street and is acceptable. In addition, the proposed signage satisfies the assessment criteria in schedule 5 under the Industry and Employment SEPP in table 1 above.
15. Public Domain	Yes	Satisfactory. The proposal maintains the public domain interface as to what was approved in the associated parent consent under DA-40/2025 (and as modified).
16. Inter War Buildings	Yes	Satisfactory. With the exception of the proposed signage, the front elevation will be maintained as to what was approved in the associated parent consent under DA-40/2025 (and as modified).

Waste

The proposal does not alter the approved location of waste storage, collection and disposal as considered in the associated parent consent under DA-40/2025 (and as modified) for the overall shop top housing development, including the ground floor commercial which is susceptible to a dynamic range of non-residential uses in accordance with the definition of the approved 'shop top housing' development under the WLEP.

The associated parent consent approved dedicated waste storage rooms located onsite and at the rear of the property, allowing for waste disposal and collection to occur via Virgil Lane. The proposed change of use for the purpose of a restaurant does not seek to change this arrangement as to what has already been considered acceptable for commercial waste collection via Virgil Lane.

The management of waste in relation to the change of use from commercial to a restaurant will involve daily collection from a private contractor and this will occur after 7am on weekdays and after 8am on

weekends which minimises noise and odour as to what has already been considered under the parent consent. Additional noise and waste management conditions are recommended in Appendix A.

Table 5: 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 proposal is only for the use of the restaurant and fitout. The building frontage is maintained as to what was approved in the associated parent consent under DA-40/2025 (and as modified).
1.2.3 Lighting	Yes	The proposal is only for the use of the restaurant and fitout. The building is maintained as to what was approved in the associated parent consent under DA-40/2025 (and as modified).
1.2.4 General Amenity	Yes	The proposal is only for the use of the restaurant and fitout. The building is maintained as to what was approved in the associated parent consent under DA-40/2025 (and as modified). It is noted that the proposal includes a new mechanical plant which is in keeping with the location under the parent consent and is fit for the purpose of the restaurant, subject to the relevant conditions provided by Council' Environmental Health Officer as identified in section 3 of this report.
1.2.4 Noise	Yes	A Noise Impact Assessment Report prepared by Acoustic Logic dated 11 July 2025 was submitted with the proposal. Council's Environmental Health Officer has reviewed the proposal and raises no objection subject to the recommendations in section 3 of this report.
1.3 Hours of operation		
Macpherson Street *(a) General base trading hours:* *(i) Monday to Sunday: 6:00am to 10:00pm.* *(b) Extended trading hours on a 1 year trial basis will be considered up to:* *(i) Thursday to Saturday only: 10:00pm to 11:00pm.*	Yes (subject to conditions)	Proposed base hours of operation: • Mon-Sat – 12:00pm to 10:00pm • Sun & Public Holidays – 12:00pm to 10:00pm. Extended hours of operation: • Mon-Sat – 10:00pm to 11:00pm. The proposed extended hours of operation on Monday, Tuesday and Wednesday are not supported. Instead, this assessment recommends: a. Indoor base hours of operation: - Mon-Sat – 12:00pm to 10:00pm

Development Control	Compliance	Comment
		- Sun & Public Holidays – 12:00pm to 10:00pm. b. Indoor extended hours of operation: - **Thurs-Sat – 10:00pm to 11:00pm.** c. a 1 year reviewable period for the extended hours of operation. The reasons for this recommendation are set out in detail following this compliance table below. Subject to the imposition of conditions of consent reflecting the above recommendation, waste and environmental health, the proposal will retain satisfactory amenity for nearby residents in alignment with the associated parent consent under DA-40/2025 (and as modified).

Proposed hours of operation

Consideration of proposed extended hours:

The WDCP allows for extended (reviewable) hours of operation and certain locations have specific controls to respond to the context in which these extended hours may be carried out.

In particular, extended trading hours may only be permitted in MacPherson Street up to 11:00pm from Thursday to Saturday and are subject to a one (1) year fixed-term trial period condition. The condition is subject to the considerations in section 1.3.1(c) under Part D1 of the WDCP to ensure that the operation of the premises during the extended hours does not result in adverse impacts or unreasonably interfere with nearby residential.

The extended (trial) hours are proposed to be from 10.00pm to 11:00pm from Monday to Saturday.

Having regard to the scale of the operation for the use as a restaurant and the late night trading that can be anticipated for local centres, the extended hours can be supported from Thursday to Saturday and it is recommended that a one (1) year fixed-term trial period condition be imposed to ensure that there is a record of good management to demonstrate the appropriateness of the continued future use of the restaurants during the extended trading hours.

The extended trading hours from Monday to Wednesday are not consistent with what is set out for local centres in the WDCP and there are no special circumstances that support extended (trial) trading hours from Monday to Wednesday, and therefore the extended trading hours on these days is not supported.

Table 6: Waverley DCP 2012 – Part E3 Local Village Centres Compliance Table

Development Control	Compliance	Comment
3.1 Specific controls		

Development Control	Compliance	Comment
3.1.3 Macpherson Street (a) To maintain the built form arising from the historical subdivision pattern and the small shop character at street level (b) Maintain the public views and outlook at the eastern end of the centre	Yes Yes	The proposal is only for the use of the restaurant and fitout. The building frontage is maintained as to what was approved in the associated parent consent under DA-40/2025 (and as modified).
3.2 Generic controls		
3.2.1 Land Uses	Yes	The proposed food and drink premises at the ground floor maintains the overall use of the building as *shop top housing* as to what was approved in the associated parent consent under DA-40/2025 (and as modified).
3.2.2 Public Domain Interface	Yes	The proposal maintains the public domain interface as to what was approved in the associated parent consent under DA-40/2025 (and as modified).
3.2.3 Built Form	Yes	The proposal is only for the use of the restaurant and fitout. The building is maintained as to what was approved in the associated parent consent under DA-40/2025 (and as modified).
3.2.4 Building Facade Articulation	Yes	The proposal is only for the use of the restaurant and fitout. The building frontage is maintained as to what was approved in the associated parent consent under DA-40/2025 (and as modified).
3.2.5 Buildings of Historic Character	Yes	The proposal is only for the use of the restaurant and fitout. The historic character or the heritage item is maintained as to what was approved in the associated parent consent under DA-40/2025 (and as modified).
3.2.6 Building Services and Site Facilities	Yes	The proposal is only for the use of the restaurant and fitout. The building is maintained as to what was approved in the associated parent consent under DA-40/2025 (and as modified). The proposal involves changes to the parent consent which have bee appropriately considered and conditioned in Appendix A of this report are as follows: • The location of the new mechanical plant is in keeping with the location under the parent consent and relevant conditions have been provided from an Environmental Health perspective. • Waste collection has been considered under the parent consent and additional waste

Development Control	Compliance	Comment
		conditions have been applied with regard to the restaurant use.

2.2. Other Impacts of the Development

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

2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.4. Any Submissions

The application was notified for 14 days between 2 September 2025 and 18 September 2025 in accordance with the *Community Engagement Strategy 2023.*

Following receipt of amended plans, 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:

- Content and detailing of signage not provided as detail is not confirmed at DA stage and SEE is sufficient. The amended plans show that the kitchen exhaust is within the existing roof from and does not exceed the height limit. In this regard, the proposal is not required to be re-notified as it does not represent a greater impact than what was originally notified.

A total of forty seven (47) submissions were received. Of these, twenty (20) submissions were in support of the proposal and two (2) Councillor submissions were received (addressed in section 1.1 above).

Twenty five (25) unique submissions of objection were received from the following properties:

Table 7: Submission details

Count	Property Address
1.	1 Yanko Avenue, Bronte
2.	3 Yanko Avenue, Bronte
3.	4 Yanko Avenue, Bronte
4.	5 Yanko Avenue, Bronte
5.	6 Yanko Avenue, Bronte
6.	7A Yanko Avenue, Bronte
7.	7B Yanko Avenue, Bronte x 2 submissions
8.	7C Yanko Avenue, Bronte
9.	9 Yanko Avenue, Bronte
10.	3/120-128 MacPherson Street, Bronte
11.	4/120-128 MacPherson Street, Bronte x 2 submissions
12.	5/120-124 MacPherson Street, Bronte

13.	7/120-128 MacPherson Street, Bronte
14.	8/120-128 MacPherson Street, Bronte
15.	9/120-128 MacPherson Street, Bronte
16.	9/120-124 MacPherson Street, Bronte
17.	120-124 MacPherson Street, Bronte
18.	3/125 MacPherson Street, Bronte
19.	6/125 MacPherson Street, Bronte
20.	23 St Thomas Street, Bronte
21.	27 St Thomas Street, Bronte
22.	29 St Thomas Street, Bronte
23.	6 Albert Street, Bronte

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

- Noise impacts
- Waste management
- Residential amenity
- Transport, traffic and parking
- Hours of operation
- Heritage impacts.

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

Issue: *Overdevelopment of the site from two heritage retail shops to a 50 seat restaurant*

Response: The proposal is only for the use of the restaurant and fitout. The building is maintained as to what was approved in the associated parent consent under DA-40/2025 (and as modified) and would not alter the commercial function of the ground floor use of the approved shop top housing development. In this regard, the proposal does not represent an overdevelopment and is acceptable.

Issue: *Patron numbers and noise impacts*

Response: There are no prescriptive controls in the Waverley Development Control Plan 2022 which restrict the number of patrons and consideration has been given regarding noise impacts. In particular, the application was referred to Council's Environmental Health Officer who has provided noise conditions in Appendix A to ensure that noise levels are in accordance with the *Protection of the Environment Operations Act 1997.* Furthermore, any issues raised regarding noise levels during the extended trading hours will be subject to a one (1) year reviewable condition to determine the appropriate continued use of operating during the extended trading hours.

Issue: *Kitchen extractor fan, odour and noise*

Response: A kitchen extractor fan was approved in the associated parent consent under DA-40/2025 (and as modified) and the proposal seeks a new fan to be fit for the purpose of the proposed restaurant. The location is in keeping with what was originally approved and relevant conditions have been applied to address amenity impacts pertaining to noise and odour.

2.5. Public Interest

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

3. REFERRALS

The following internal referral comments were sought:

3.1. Fire Safety

A Building Code of Australia (BCA) condition has been provided and has been included in Appendix A.

3.2. Heritage

The proposed works will have a minimal and acceptable impact on the heritage item and no conditions are required.

3.3. Waste Management

The Waste officer initially requested that additional waste management information be provided and to highlight designated bin storage room detail. It was subsequently communicated that the waste arrangement for the building have already been considered under the associated parent consent in DA-40/2025 (and as modified) and the proposal does not alter these and only general ongoing management conditions are required for the use.

As a result, conditions of consent were provided should the application be supported. However, these conditions related to demolition and excavation, dust control, providing a waste storage area, access and collection which has already been considered and approved under the associated parent consent in DA-40/2025 (and as modified) and are not relevant to the proposed use and are not recommended to be applied and are excluded form Appendix A. Of the recommended waste referral conditions, the requirements relating to commercial waste management are included in Appendix A. In addition, Council's standard waste management conditions relating to waste and recycling, waste management plan review and litter checks are recommended in Appendix A. Furthermore, an additional condition which ensures that waste collection is only to occur between 7am-5pm on Monday to Friday and 8am-5pm on Saturday to Sunday as considered in section 1.1 above is recommended in Appendix A.

3.4. Environmental Health

Environmental health conditions have been provided and have been included in Appendix A.

No 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.

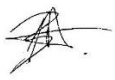
5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Managers of Development Assessment (MODA) Review

The application was reviewed by the MODA at the meeting on 16 September 2025 and the MODA concurred with the Assessment Planner's recommendation.

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

Report prepared by:	**Application reviewed and agreed by:**
	
Olivia Navratil	Ben Magistrale
A/Manager, Development Assessment	**A/Executive Manager, Development Assessment**
Date: 13 November 2025	**Date: 13 November 2025**

Reason for WLPP referral:

1. Contentious development (10 or more objections)

OFFICE USE ONLY

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

APPENDIX A – CONDITIONS OF CONSENT DA-409/2025

GENERAL CONDITIONS

1. APPROVED PLANS AND DOCUMENTATION

(a) The development must be in accordance with:

(b) Architectural Plans prepared by Palo Projects Pty Ltd of Project No: 250409 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA2000, Rev B	Site Plan	01/09/2025	02/09/2025
DA2002, Rev B	Proposed Floor Plan	01/09/2025	02/09/2025
DA2003, Rev B	Proposed Roof Plan	01/09/2025	02/09/2025
DA2300, Rev B	Proposed South and West Elevations	01/09/2025	02/09/2025
DA2301, Rev B	Proposed North and East Elevations	01/09/2025	02/09/2025
DA2302, Rev B	Proposed Section 01 and Section 02	01/09/2025	02/09/2025
DA2400, Rev B	External Signage	01/09/2025	02/09/2025

(c) National Construction Code Report Fire Safety and documentation prepared by Ming Liu dated 29/11/2023, and received by Council on 19/08/2025;

(d) Plan of Management dated received by Council on 19/08/2025;

(e) The Site Waste and Recycling Management Plan (SWRMP) Part 1 and received by Council on 19/08/2025; and

(f) Acoustic Report prepared by Acoustic Logic Pty Ltd dated 11/07/2025, and received by Council on 19/08/2025;

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. 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.

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 are provided in the Waverley Council Contributions Plan, available on Council's website.

(d) As legislated in section 209 of the *Environmental Planning and Assessment Regulation 2021,* the levy must be paid in accordance with the following;

(i) A development valued at $100,000 or less will be exempt from the levy;

(ii) A development valued at $100,001 - $200,000 will attract a levy of 0.5% of the **full** cost of the development; or

(iii) A development valued at more than $200,000 will attract a levy of 1% of the **full** cost of the development.

(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 **$8,930.00** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent. This 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. 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

9. 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 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

10. 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

11. 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.

12. 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

13. 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.

14. 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.

15. FIRE SAFETY UPGRADES REPORT

Fire safety upgrading works are to be undertaken in accordance with Fire Safety Upgrade Report or National Construction Code Report, prepared by Ming Liu and dated 29/11/2023.

Condition reason: To comply with the *National Construction Code*.

16. FOOD PREMISES

The fit out of the premises must be in accordance with the *Waverley Council Policy for Fit-out and Construction of Food Premises* available on Council's website, as well as any other relevant legislation.

https://www.waverley.nsw.gov.au/building/compliance_and_regulations/environmental_health_regulations/food_safety

Condition reason: To ensure compliance with food safety regulations.

17. CONSTRUCTION INSPECTIONS

The building works are to be inspected during construction by the Principal Certifier in accordance with the *Building Legislation Amendment (Quality of Construction) Act 2002*, Part 8 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* and the requirements of any other applicable legislation or instruments.

Condition reason: To ensure regular inspections occur throughout the construction process.

18. 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

19. 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.

20. FIRE SAFETY SCHEDULE

(a) Fire safety upgrading works are to be undertaken in accordance with the BCA Fire Safety Assessment Australia Report, prepared by Ming Liu and dated 29/22/2023.

(b) An Occupation Certificate shall not be issued until all fire safety works are completed and a Final Fire Safety Certificate has been submitted to Council.

Condition reason: To ensure all fire safety upgrade works are completed.

21. 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.

22. 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.

MANAGEMENTS PLANS

23. PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE

A Waste Management Plan must be submitted to Council's Executive Manager, Environmental Sustainability (or delegate) prior to the issue of an Occupation Certificate and include including the following where relevant;

(a) All arrangements including relevant and current contracts for recyclables and all other waste (collection and disposal)

(b) The waste storage area and bins must be cleaned and maintained regularly with appropriate lighting.

(c) Confer with Sydney Water regarding whether a Trade Waste Agreement is required. A copy of the agreement shall be forwarded to Council if one is entered into with Sydney Water.

(d) The role and responsibility of managing composting facilities (if provided);

(e) Clear signage identifying the different bin types, space for reusable items such as crates and pallets, bulky household waste and problem waste must be displayed.

(f) The recycling bins must be placed alongside the general waste bins for ease of access and to encourage recycling habits.

(g) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of bins, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.

(h) All waste and recycling bins must only be placed out on Council footpath for collection no earlier than 5:30 p.m. on the day prior to the designated waste collection day and retrieved from the kerbside as early as possible.

(i) The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan is to be available on site when requested.

(j) At no times shall bins be stored on the public domain (e.g. footpaths).

Condition reason: To ensure that waste is appropriately managed during occupation of the development.

24. PLAN OF MANAGEMENT – GENERAL USE OF FOOD AND DRINK PREMISES

An amended Plan of Management is to be submitted for the operation of the premises and is to include details of the operational and management procedures as well as pro-active measures to control the following:

(a) Amenity impacts to the surrounding neighbourhood of the premises;

(b) Compliance with conditions (relating to patron capacity, approved hours of operation, any trial periods, noise conditions, handling of complaints);

(c) The behaviour of patrons;

(d) Details to satisfy conditions relating to the smoking area and Community Liaison Committee;

(e) Liquor practices (if licensed, including the responsible service of alcohol);

(f) Staffing roles and responsibilities (including security personnel if required);

(g) Management of patrons within the premises and their exit and dispersal from the area; and

(h) Other such operational matters to ensure compliance with relevant regulatory requirements.

The PoM shall be submitted to and approved by Council's Executive Manager, Development Assessment (or delegate) prior to the issue of any Occupation Certificate.

Condition reason: To ensure that the operation of the food and drink premises has an acceptable impact on the locality.

SHOPS

25. MECHANICAL EXHAUST MAINTENANCE

A maintenance program is required for the mechanical exhaust ventilation system that includes the cleaning of the system at six (6) monthly intervals. The maintenance program is to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

Condition reason: To ensure the maintenance of the mechanical exhaust.

26. FOOD PREMISES

The use and operation of the premises shall comply with the requirements of the *Food Act 2003.*

The premises are to be registered with Waverley Council and inspected by Council's Environmental Health Officer prior to the issue of any Occupation Certificate (fees apply). Please contact Council to organise an inspection.

Condition reason: To ensure the food and drink premises is registered with Waverley Council.

27. 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.

OPERATIONAL MATTERS

The following operational conditions must be complied with at all times, throughout the use and operation of the development or use.

USE

28. OPERATION IN ACCORDANCE WITH PLAN OF MANAGEMENT (POM)

(a) The operation and management of the premises shall be in accordance with a Council approved Plan of Management (PoM) at all times.

(b) The approved PoM shall be adopted by the Management of the premises.

(c) The plan shall be reviewed (at minimum) on an annual basis, and at any time there is a change in business ownership of the premises.

Condition reason: To ensure the premises is operating in a manner which mitigates amenity impacts on the locality.

29. COPIES OF CONSENTS AND MANAGEMENT PLANS

A full copy of all current development consents (including approved plans) for the operation of the premises, any compliant registers (or other) required and any required Plans of Management must be kept on the premises and made available for inspection immediately upon request by Council Officers, Police Officers and/or ILGR Authorised Officers.

Condition reason: To provide evidence of operations complying with the relevant consent.

30. HOURS OF OPERATION

The hours of operation for the premises are restricted to:

(a) INDOOR AREA

(i) Monday to Sunday: 12:00pm to 10:00pm

Condition reason: To protect the amenity of the local area.

31. HOURS OF OPERATION WITH ONE YEAR TRIAL YEAR TRIAL FOR EXTENDED HOURS

(a) This consent allows for a one (1) year trial period of extended hours as follows:

(i) Thursday to Saturday: 10:00pm to 11:00pm

(b) The trial period starts from the date of approval and ceases on the anniversary of that date. A further application may be lodged before the expiration date for Council's consideration for the continuation of the trial hours.

(c) Council’s consideration of any further application will take into account matters including but not limited to:

(i) compliance of the premises in terms of security and its general management;

(ii) number and nature of substantiated complaints regarding the operation of the premises;

(iii) compliance with conditions of consent.

Condition reason: To protect the amenity of the local area.

32. MAXIMUM PATRON CAPACITY

(a) The approved patron capacity for the premises is limited to:

(i) Total of 60 patrons

(b) A comfortable dining position must be available for each patron upon the premises. This will include a seat and access to table / bench space generally in accordance with the approved plans.

(c) Any person/s attending the premises for the purpose of 'takeaway' products / services will not be considered a 'patron' for the purposes of subclause (a), provided no food and or drink is consumed by those persons on the premises.

Condition reason: To ensure the capacity of the premises is not exceeded.

33. SIGNAGE TO BE DISPLAYED

(a) Signage (in lettering not less than 25mm in height on a contrasting background) is to be erected in a prominent position near the main entry to the premises. The signage shall state:

(i) Approved hours of operation - Indoor Area

(A) Monday to Wednesday: 12:00pm to 10:00pm

(B) Thursday to Saturday: 12:00pm to 11:00pm

(C) Sunday: 12:00pm to 10:00pm

(D) A one (1) year trial period applies from Thursday to Saturday between 10:00pm to 11:00pm.

(ii) Approved patron capacity

(A) 60 patrons

(b) Signage (in lettering not less than 25mm in height on a contrasting background) is to be erected near the main entry to the premises, in such manner that it would be reasonable to expect that a person leaving the premises will be alerted to its contents. The signage shall state:

(i) Upon leaving, please respect local residents by minimising noise

(c) Signage specified in sub clauses (a) and (b) is to be erected prior to the commencement of operations.

Condition reason: To provide patrons and authorities operational details of the premises for monitoring.

34. LIQUOR SALE / SUPPLY / CONSUMPTION

(a) No liquor may be sold, supplied, or consumed on the premises except with the approval and authorisation from the relevant Liquor Authority.

(b) The primary use of the premises must be that of a restaurant with the provision of genuine meals, prepared upon the premises, to patrons seated at comfortable dining positions.

(c) Liquor may only be sold and/or supplied to patrons on the premises with or ancillary to a genuine meal except where takeaway sales authorisation has been granted from the relevant Liquor Authority.

(d) Patrons shall be seated whilst consuming liquor.

(e) The sale and/or supply of liquor must cease 15 minutes prior to the cessation of the respective hours of operation for the specified indoor and outdoor seating areas.

Condition reason: To ensure compliance with the requirements of the Liquor Authority.

WASTE

35. CONTROLS RELATING TO COMMERCIAL COMPONENTS OF DEVELOPMENT

(a) Liquid waste from grease traps must only be removed by licensed contractors approved by Sydney Water and NSW EPA.

(b) Waste cooking oil must be stored in sealed containers and stored in a bunded area (an area where leaking oil can't escape). Space must be allocated to store the waste cooking oil and the location must be in an area easily accessible to the oil recycler for servicing.

(c) For commercial premises that generate 20% or more food waste, or other waste which is considered by Council to have potential amenity impacts, a daily general waste or organic collection is required, unless an alternative is agreed upon with Council.

(d) For premises that use 660L bins or larger bins, the bins must be lockable and have wheels with working brakes.

(e) All relevant commercial businesses subject to the requirement of the separation and collection of organic materials, must abide by the relevant State Government mandate per the *Protection of the Environment Operations Act 1997*.).

Condition reason: To ensure the management of commercial waste.

36. WASTE COLLECTION

(a) Waste storage and collection is to be in accordance with development consent No. DA-40/2021 (and as modified).

(b) Waste generated by the proposal is to be collected daily by a licensed private contractor in accordance with the approved documents in Condition 1 and must only be collected during the following hours:

(i) Monday to Friday: 7:00am to 5:00pm; and

(ii) Saturday and Sunday: 8:00am to 5:00pm.

Condition reason: To ensure that waste collection occurs in accordance with the design for the development.

37. ADDITIONAL CONTROLS RELATING TO COMMERCIAL COMPONENTS OF DEVELOPMENT

(a) All businesses must have written evidence, held on site, of a valid and current contract with a licensed collector of waste and recycling.

(b) The evidence must include details of each bin size and frequency of collection of each waste stream.

(c) The management of waste and recycling (including organic collection and/or composting) and any collection system for other waste material, should be clearly outlined in contracts with

cleaners, building managers and tenants, along with allocated responsibilities, and included in the SWRMP.

Condition reason: To ensure the management of commercial waste.

AMENITY AND SAFETY

38. 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.

39. ILLUMINATION OF SIGNAGE

The illumination of signage must not result in adverse amenity impacts and is to be in accordance with the Australian Standards.

Condition reason: To protect the amenity of the local area.

40. NO BARBECUE OR CHARCOAL TYPE COOKING ON SITE

This approval does not permit the installation of barbecue or charcoal type cooking appliances. Comprehensive details must be submitted with a formal application to Council for approval prior to the installation of any such equipment.

Condition reason: To protect the amenity of the local area.

41. 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.

42. 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.

43. 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.

44. 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.

45. NOISE EMISSIONS – LIQUOR LICENCED PREMISES

Noise emissions from the licensed premises shall comply with the following:

(a) The LA10 noise level emitted from the licensed premises shall not exceed 5dB above the background (LA90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 7:00am and 12:00 midnight when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises.

(b) The LA10 noise level emitted from the licensed premises shall not exceed the background (LA90) noise level in any Octave Band Frequency (31.5Hz to 8KHz inclusive) between the hours of 12:00 midnight and 7:00am when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises

(c) Notwithstanding compliance with the above clauses, the noise from licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 7:00am.

(d) Note: Where this condition is inconsistent with the requirements imposed by the Liquor Administration Board or Liquor Licensing Court, the more stringent conditions shall prevail.

Condition reason: To protect the amenity of the local area.

46. SURVEILLANCE CAMERAS TO BE MAINTAINED ON THE PREMISES

The Management must install and maintain a closed-circuit television (CCTV) system on the premises. The CCTV system must comply with the requirements of Waverley Council and the Local Area Command. Please refer to Council's website for further information.

https://www.waverley.nsw.gov.au/__data/assets/pdf_file/0008/172466/Requirements_for_CCTV_PDF_.pdf

Condition reason: To ensure the safety of the local area.

47. WASTE MANAGEMENT PLAN REVIEW

After 5 years of operation under this development consent, the Approved Waste Management Plan is to be reviewed to ensure that the details including contracts, roles and responsibilities, commercial tenants (if relevant) are current. The updated plan is to supersede the previous plan.

Condition reason: To ensure that waste management procedures continue to be appropriate for the site.

48. LITTER CHECKS

Litter patrols are to be undertaken in the general vicinity of the premises (20 metres from the front door of the premises). Such patrols must take place intermittently during the hours of operation with the final check conducted at the end of trade. A register must be maintained and kept on the premises at all times detailing date, time of check, staff member responsible and signature.

Condition reason: To preserve to the amenity of the aera.

49. NOISE FROM GLASS REMOVAL

Glass must not be emptied or transferred from one receptacle to another anywhere in a public place. All glass must be emptied / transferred within the premises and removed in containers.

Condition reason: To maintain the acoustic amenity of locality.

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. OUTDOOR DINING

Any proposal to utilise an area external of the building for dining will be subject to a separate application to Council and if approved will require the applicant and/or owners to sign a lease agreement.

7. LIQUOR LICENSING ACCORD

The Licensee is encouraged to join and adopt the principles and terms of the local Liquor Licensing Accord. For information visit the Eastern Suburbs Liquor Accord website: www.esla.net.au

8. SIGNS/GOOD IN THE PUBLIC WAY

No signs or goods are to be placed on the footway or roadway adjacent to the property.

9. 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.

10. 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.

11. 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.

12. FIRE SAFETY SCHEDULE

Attached is a fire safety schedule as required under section 78 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

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.*

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

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

DEVELOPMENT APPLICATION - SHOPS 1 & 2, 118 MACPHERSON STREET, BRONTE

FIT-OUT WORKS FOR LICENSED RESTAURANT

DRAWING No	DRAWING NAME	SCALE	REV
DA0000	COVERPAGE	1:500	A
DA2000	SITE PLAN	1:200	A
DA2001	EXISTING FLOOR PLAN	1:100	A
DA2002	PROPOSED FLOOR PLAN	1:100	A
DA2003	PROPOSED ROOF PLAN	1:100	B
DA2300	PROPOSED ELEVATIONS	1:100	A
DA2301	PROPOSED ELEVATIONS	1:100	B
DA2302	PROPOSED SECTION	1:100	A
DA2400	EXTERNAL SIGNAGE	NTS	A
DA2500	AREA CALCULATIONS		



DEVELOPMENT APPLICATION

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ISSUE	DATE	REVISION
B	01.09.25	DEVELOPMENT APPLICATION - REQUEST FOR INFORMATION
A	22.07.25	DEVELOPMENT APPLICATION

LEGEND:

- DEMOLISHED / MODIFIED WALLS
- FULL HEIGHT LIGHTWEIGHT WALL / LINING

N

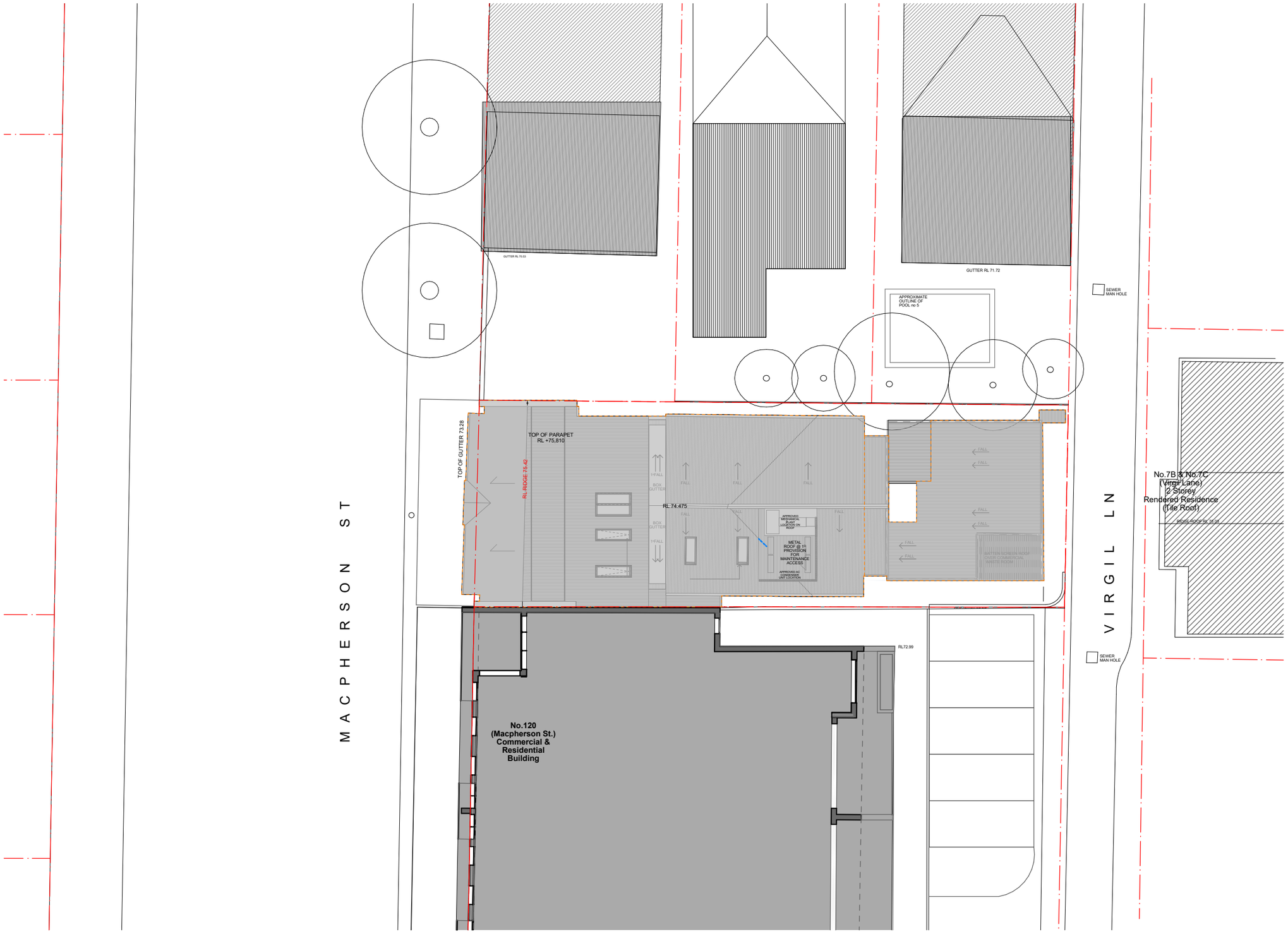
PROJECT:
118 MACPHERSON

Site address
118 MacPherson Street, Bronte 2024
DRAWING:
COVERPAGE

PROJECT NO: 250409
SCALE: 1:1 @A3
DRAWING NO: REV:
PLOTTED: 1/09/2025

DA0000

FILE: 18 Macpherson DA Drawings 2.pln



SITE PLAN
1:200

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N

PROJECT:
118 MACPHERSON

Site address
118 MacPherson Street, Bronte 2024
DRAWING:
SITE PLAN

PROJECT NO: 250409
SCALE: @A3
DRAWING NO: REV:
PLOTTED: 1/09/2025

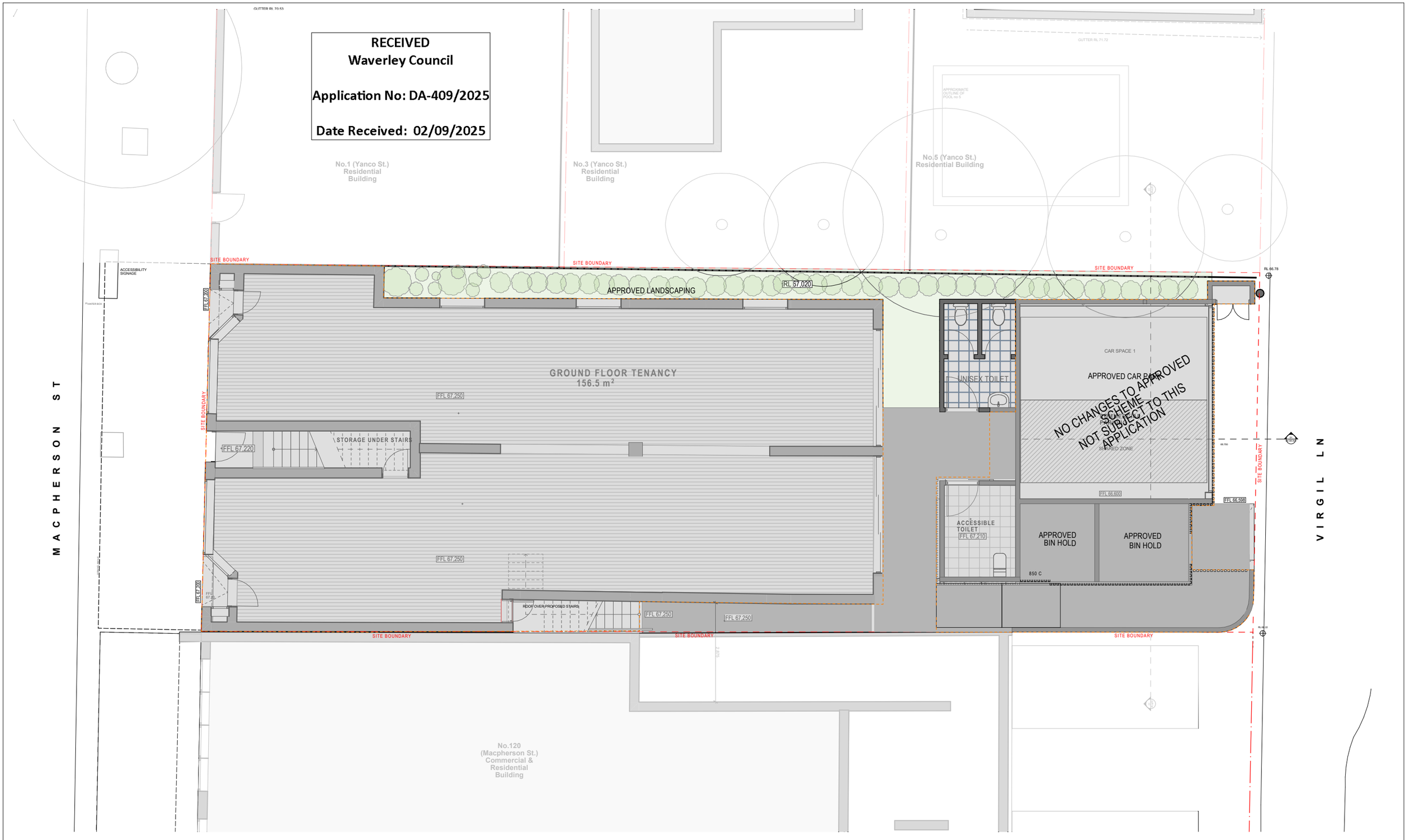
DA2000

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Date Received: 02/09/2025



EXISTING FLOOR PLAN
1:100

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118 MACPHERSON

Site address
118 MacPherson Street, Bronte 2024
DRAWING:
EXISTING FLOOR PLAN

PROJECT NO: 250409
SCALE: @A3
DRAWING NO: REV:
PLOTTED: 1/09/2025

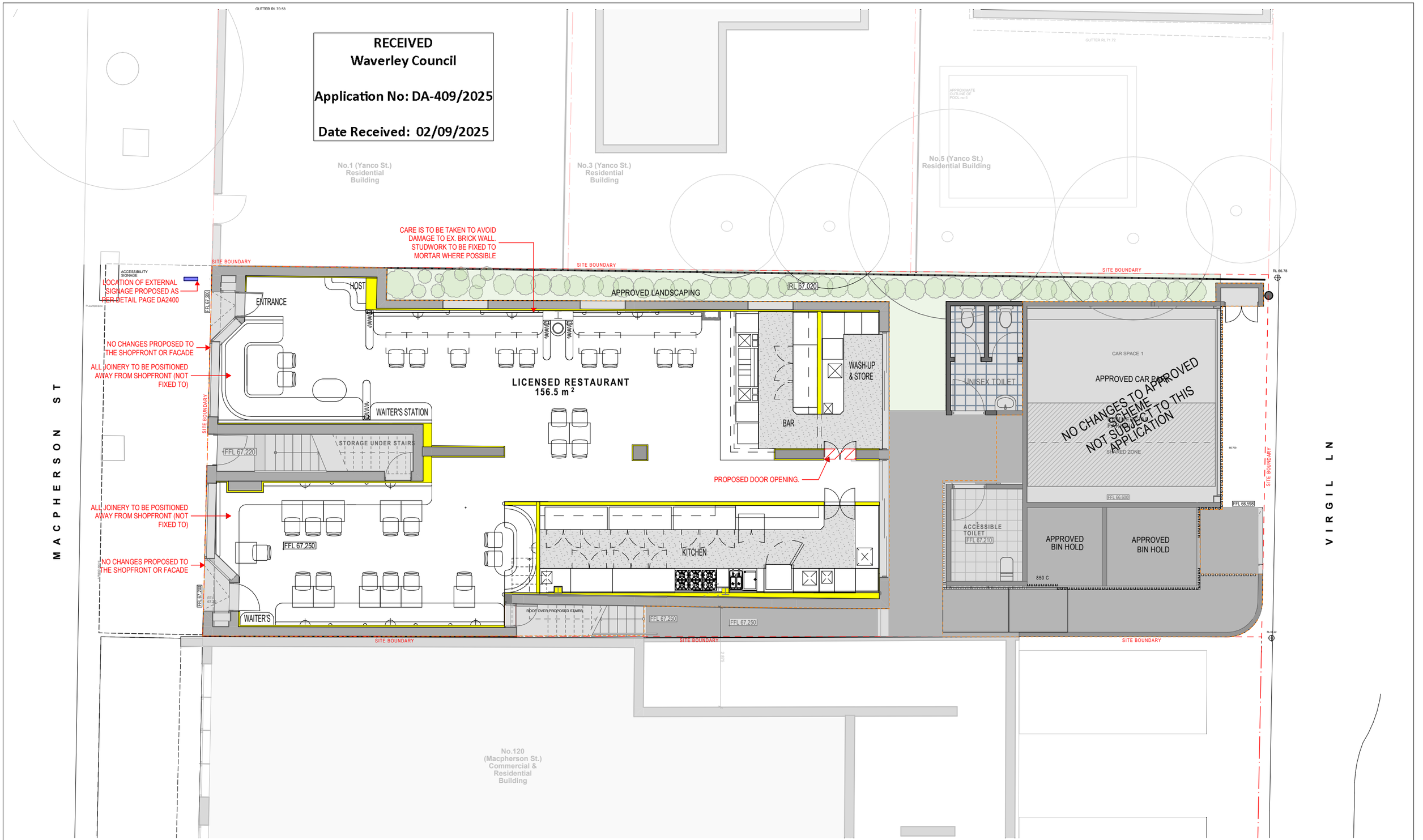
DA2001
246

FILE: 18 Macpherson DA Drawings 2.pln

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PROPOSED FLOOR PLAN
1:100

LEGEND:

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118 MACPHERSON

Site address
118 MacPherson Street, Bronte 2024
DRAWING:
PROPOSED FLOOR PLAN

PROJECT NO: 250409
SCALE: @A3
DRAWING NO: REV:
PLOTTED: 1/09/2025

DA2002
247

FILE: 18 Macpherson DA Drawings 2.pln

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Application No: DA-409/2025

Date Received: 02/09/2025

No.1 (Yanco St.) Residential Building

No.3 (Yanco St.)Residential Building

No.5 (Yanco St.)Residential Building

GUTTER RL 70.53

GUTTER RL 71.72

APPROXIMATE OUTLINE OF POOL no 5

SEWER MAN HOLE

TOP OF PARAPET RL +75,810

GUTTER

FALL

TOP OF GUTTER RL 73.39

TOP OF GUTTER 73.28

TR EXIST

RL RIDGE 75.42

RL RIDGE 74.11

SKYLIGHT

RIDGE RL 74.475

RL 74.475

BOX GUTTER

SKY LIGHT

PROPOSED MECHANICAL ROOF PLANT SITS LOWER THAN VERTICAL BATTEN SCREEN. SEE DA2301 & CAVALIER VENTILATION MECHANICAL DRAWINGS & SPECIFICATIONS FOR PROPOSED PLANT DETAILS

420x320

650x650

3900

APPROVED AC CONDESER UNIT LOCATION

NO CHANGES TO APPROVED SCHEME NOT SUBJECT TO THIS APPLICATION

NO CHANGES TO APPROVED SCHEME NOT SUBJECT TO THIS APPLICATION

EXISTING CARPARK COMMERCIAL

PROPOSED ENTRY GATE

VIRGIL LN

TOP OF PARAPET RL +75.930

BEDROOM WINDOW

NO WINDOWS ON THIS FACADE

VERTICAL DISCHARGE
- DRAIN PLUG BOTTOM OF BEND

BASE BUILD CONNECTION POINT ON ROOF

KEF-1
PUD504DD
- SET ON VSD
- WRAPPED IN ACOUSTIC BLANKET
1400L/S @ 300PA

ROOF PLAN
1:100

LEGEND:

DEMOLISHED / MODIFIED WALLS

FULL HEIGHT LIGHTWEIGHT WALL / LINING

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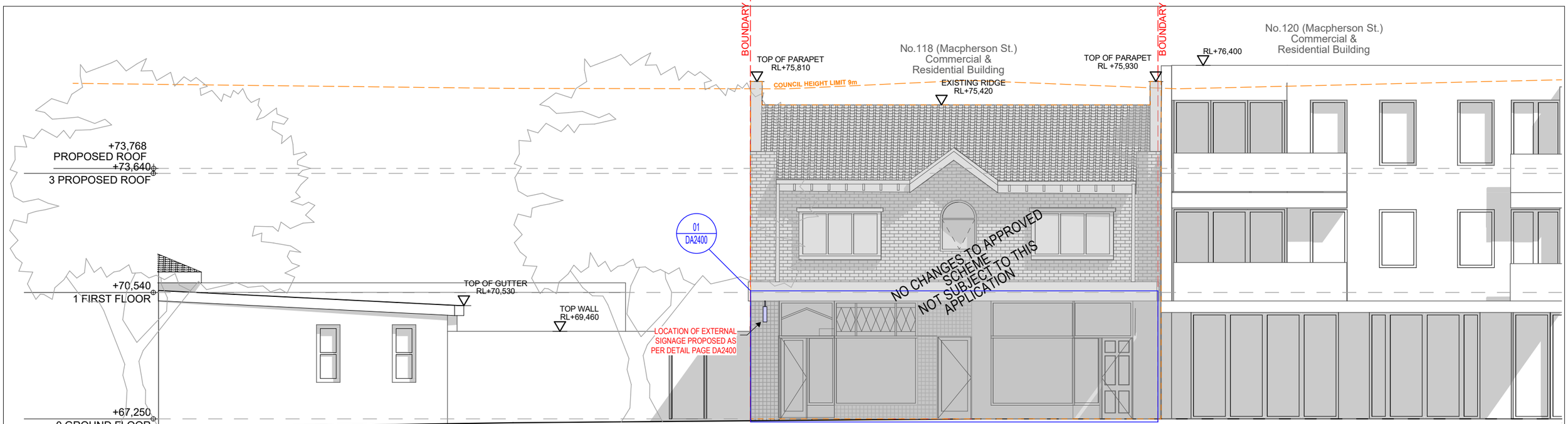
Site address
118 MacPherson Street, Bronte 2024
DRAWING:
PROPOSED ROOF PLAN

PROJECT NO: 250409

SCALE: @A3
DRAWING NO: REV:
PLOTTED: 1/09/2025

DA2003
248

FILE: 18 Macpherson DA Drawings 2.pln

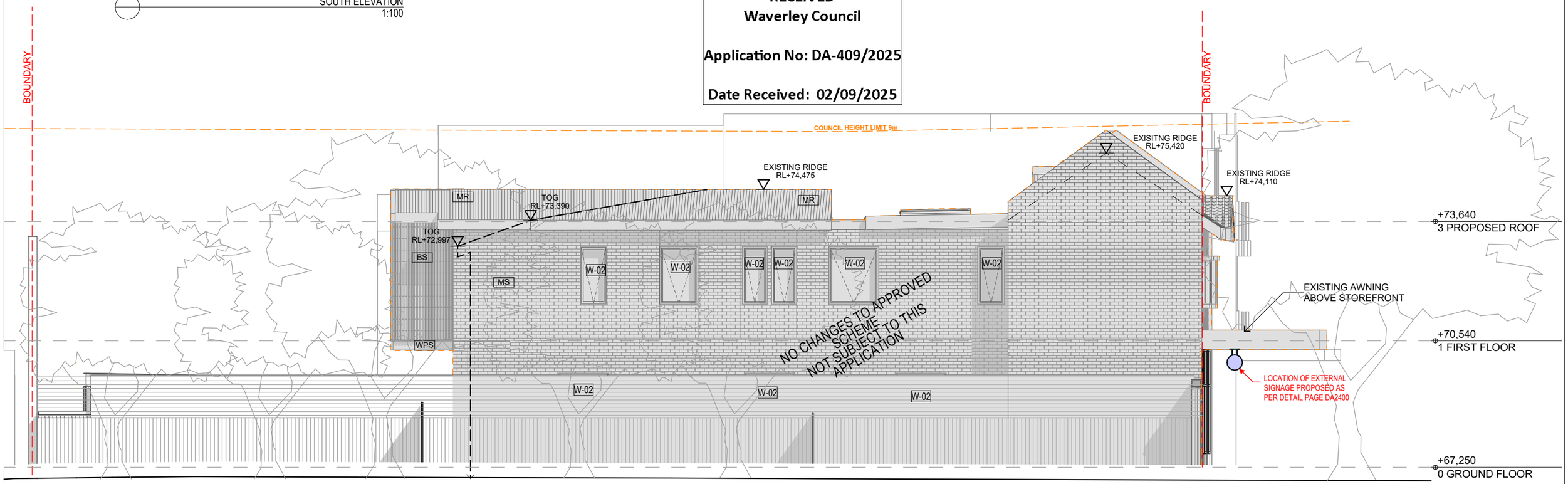


SOUTH ELEVATION
1:100

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WEST ELEVATION
1:100

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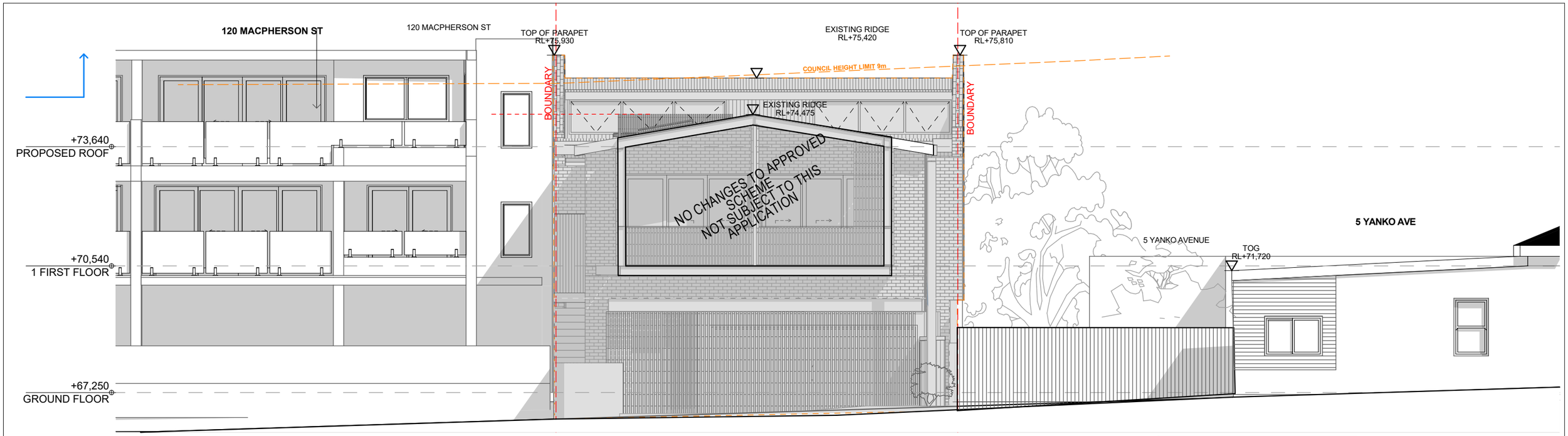
PROJECT:
118 MACPHERSON

Site address
118 MacPherson Street, Bronte 2024
DRAWING:
PROPOSED ELEVATIONS

PROJECT NO: 250409
SCALE: @A3
DRAWING NO: REV:
PLOTTED: 1/09/2025

DA2300

FILE: 18 Macpherson DA Drawings 2.pln



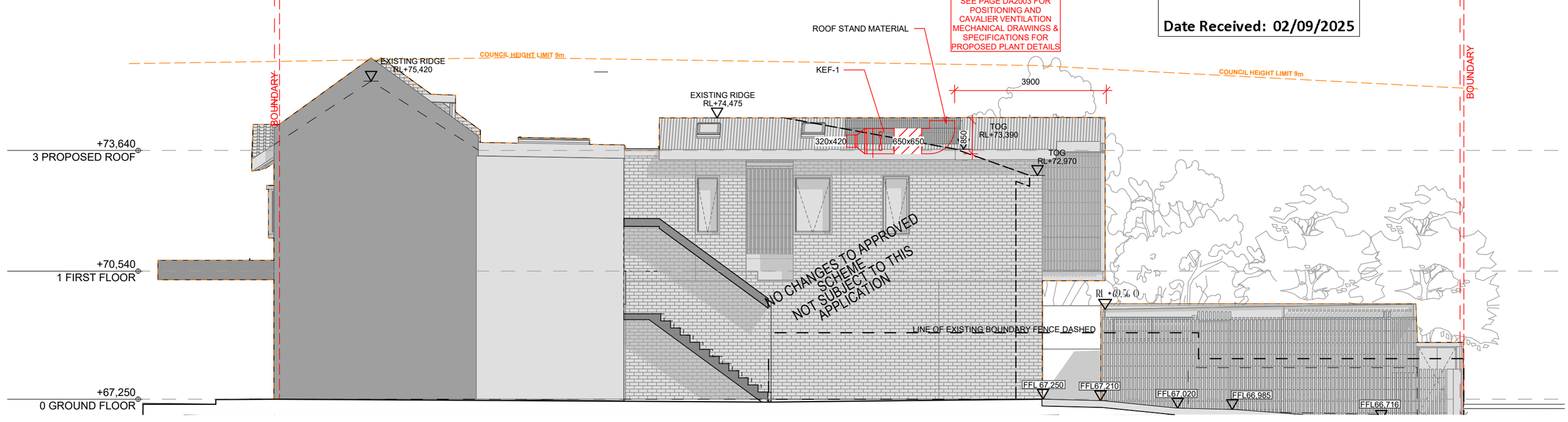
NORTH ELEVATION
1:100

MECHANICAL PLANT SHOWN RED IS POSITIONED BEHIND VERTICAL BATTEN SCREEN.
SEE PAGE DA2003 FOR POSITIONING AND CAVALIER VENTILATION MECHANICAL DRAWINGS & SPECIFICATIONS FOR PROPOSED PLANT DETAILS

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Date Received: 02/09/2025



EAST ELEVATION
1:100

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LEGEND:

- DEMOLISHED / MODIFIED WALLS
- FULL HEIGHT LIGHTWEIGHT WALL / LINING

PROJECT:
118 MACPHERSON

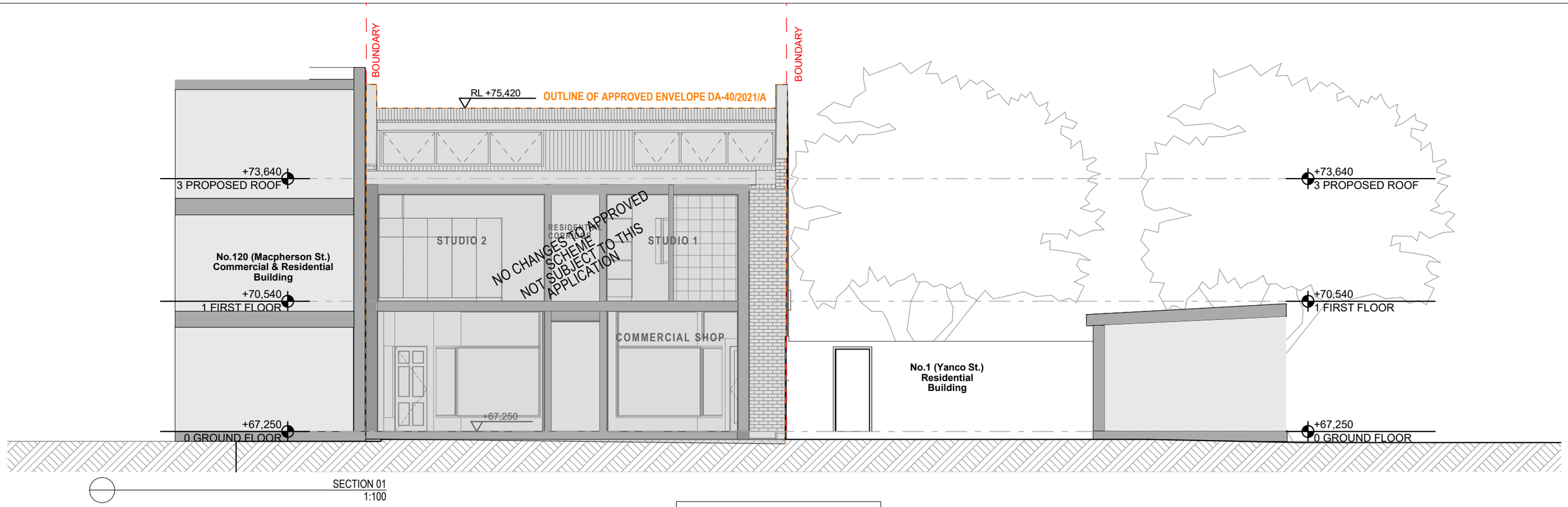
Site address
118 MacPherson Street, Bronte 2024
DRAWING:
PROPOSED ELEVATIONS

PROJECT NO: 250409

SCALE: @A3
DRAWING NO: REV:
PLOTTED: 1/09/2025

DA2301
250

FILE: 18 Macpherson DA Drawings 2.pln

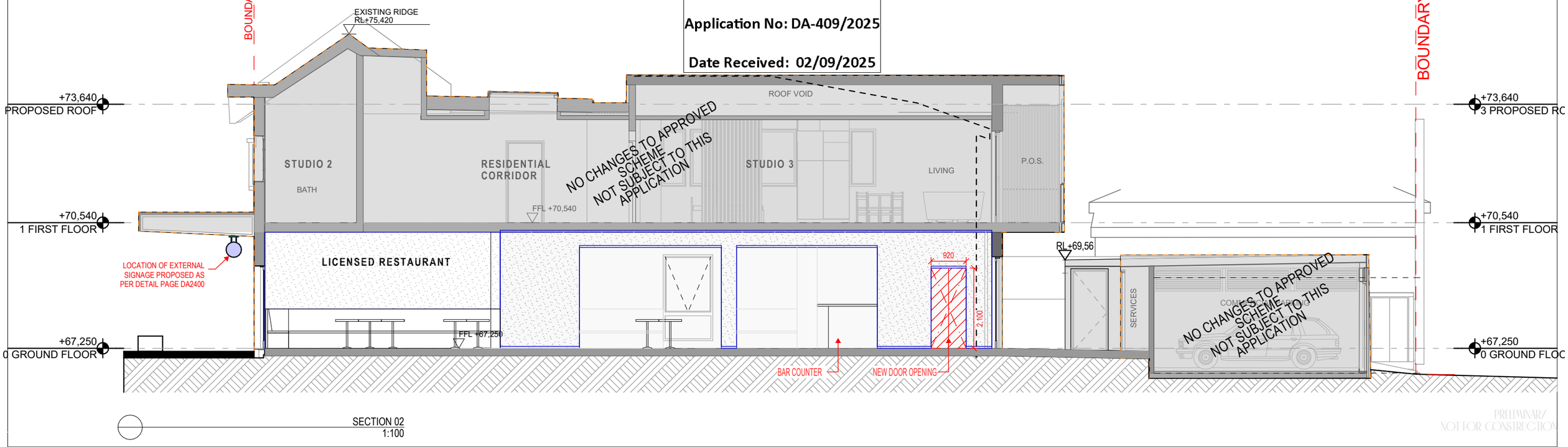


SECTION 01
1:100

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Date Received: 02/09/2025



SECTION 02
1:100

PRELIMINARY
NOT FOR CONSTRUCTION

LEGEND:

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PROJECT:
118 MACPHERSON

Site address
118 MacPherson Street, Bronte 2024
DRAWING:
PROPOSED SECTION

PROJECT NO: 250409
SCALE: @A3
DRAWING NO: REV:
PLOTTED: 1/09/2025

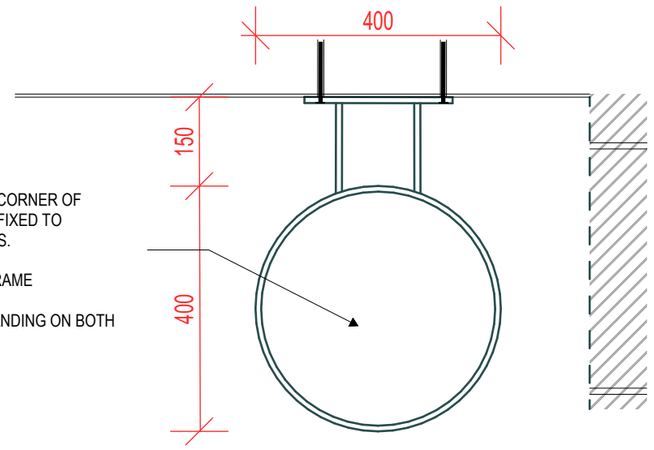
DA2302
251

FILE: 18 Macpherson DA Drawings 2.pln

EXTERNAL LIGHTBOX SIGN.
ALUMINIUM FRAME & WALL BRACKET.
SIGN FIXED TO WALL AT 4 BOLTS TO EACH CORNER OF BRACKET MOUNTING PLATE. BOLTS TO BE FIXED TO VILABOARD LINING W. CONCEALED SCREWS.

ALL CABLING TO BE CONCEALED WITHIN FRAME

OPAQUE ACRYLIC INSERT PANEL WITH BRANDING ON BOTH SIDES

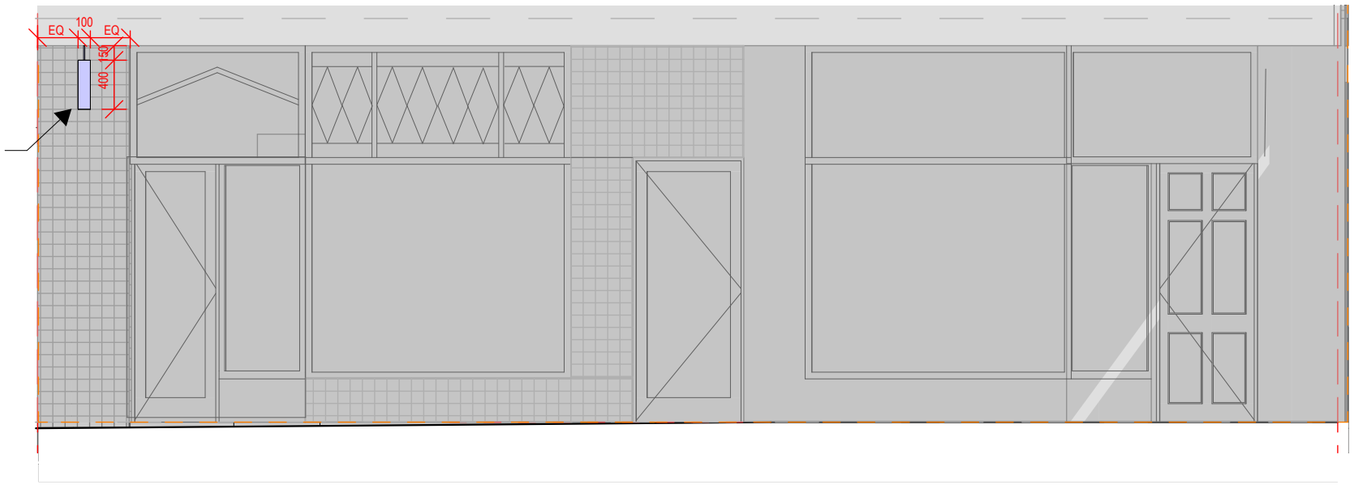


PROPOSED SIGNAGE DETAIL
1:10



SIGN FACE DIAMETER: 40CM
MOUNTING BRACKET: 10CM WIDTH X 30CM HEIGHT
WEIGHT: 5.8KG
MATERIAL: ALUMINIUM, ACRYLIC
TEMPERATURE/LIGHTING OUTPUT: 4000-4500K
VOLTAGE: 12 VOLTS

LOCATION OF EXTERNAL SIGNAGE
HUNG FROM UNDERSIDE OF AWNING
AS PER DETAIL PAGE DA2400



FACADE ELEVATION
1:50

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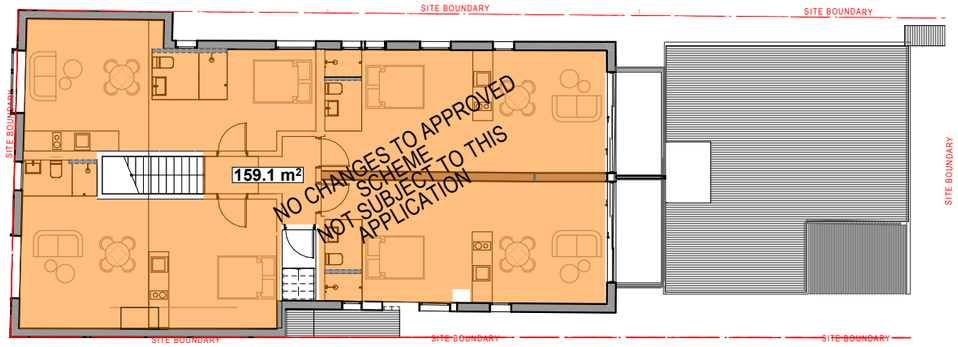
PROJECT:
118 MACPHERSON

Site address
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DRAWING:
EXTERNAL SIGNAGE

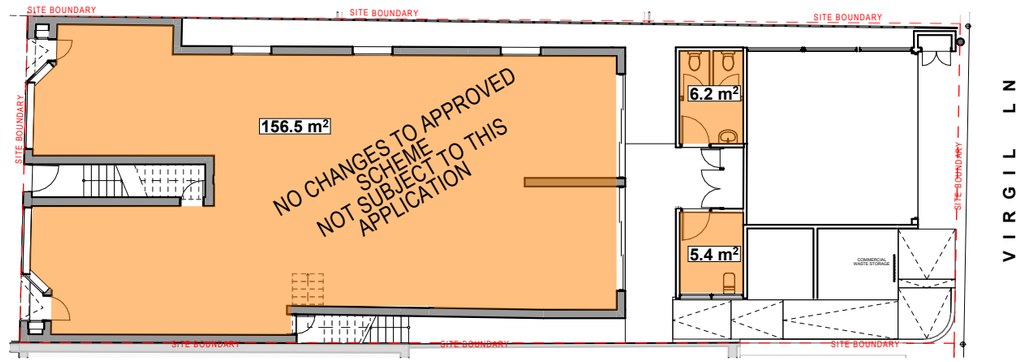
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SCALE: 1:3.33@A3
DRAWING NO: REV:
PLOTTED: 1/09/2025

DA2400
252

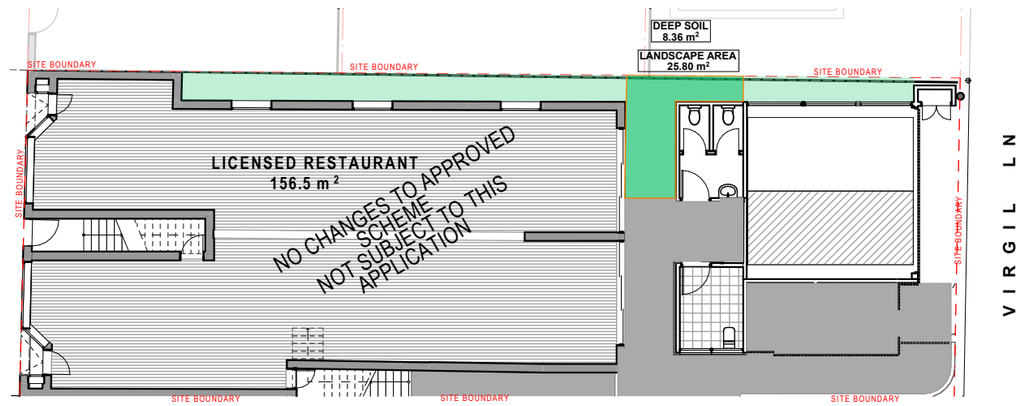
FILE: 18 Macpherson DA Drawings 2.pln



FSR CALCULATIONS - FIRST FLOOR PLAN



FSR CALCULATIONS - GROUND FLOOR PLAN



LANDSCAPE/DEEP SOIL CALCULATIONS

RECEIVED
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AREA CALCULATIONS - EXISTING APPROVAL

SITE AREA = 321.7 m²
ALLOWABLE FSR = 321.7 m²

EXISTING GFA
GROUND FLOOR GFA = 168.1 m²
FIRST FLOOR GFA = 159.1 m²
TOTAL GFA = 327.2 m²
= **1.017:1**

EXISTING LANDSCAPE AREA
TOTAL LANDSCAPE AREA = 25.80 m²
= **8.019%** of Site Area

EXISTING DEEP SOIL AREA
DEEP SOIL AREA = 8.36 m²
= **2.6%** of Site Area

AREA CALCULATIONS - PROPOSED

SITE AREA = 321.7 m²
ALLOWABLE FSR = 321.7 m²

PROPOSED GFA
GROUND FLOOR GFA = 168.1 m²
FIRST FLOOR GFA = 159.1 m²
TOTAL GFA = 327.2 m²
= **1.017:1**

PROPOSED LANDSCAPE AREA
TOTAL LANDSCAPE AREA = 25.80 m²
= **8.019%** of Site Area

PROPOSED DEEP SOIL AREA
DEEP SOIL AREA = 8.36 m²
= **2.6%** of Site Area

NET ZERO CHANGE TO CALCULATIONS IN THIS APPLICATION

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PROJECT:
118 MACPHERSON

Site address
118 MacPherson Street, Bronte 2024
DRAWING:
AREA CALCULATIONS

PROJECT NO: 250409
SCALE: @A3
DRAWING NO: REV:
PLOTTED: 1/09/2025

DA2500

FILE: 18 Macpherson DA Drawings 2.pln



Report to the Waverley Local Planning Panel

Application number	DA-354/2025
Site address	23 Bourke Street, QUEENS PARK NSW 2022
Proposal	Alterations and additions to semi-detached dwelling including rear first floor extension and new roof, and use of existing unauthorised development.
Date of lodgement	28 July 2025
Owner	Mr A G Sadler and Mrs K A Sadler
Applicant	Cradle Design Pty Ltd
Submissions	Nil
Cost of works	$ 183,200.00
Principal Issues	• Unauthorised building work • Exceedance of the height of building development standard • Exceedance of the floor space ratio development standard
Recommendation	That the application be **APPROVED** in accordance with the conditions contained in the report.
SITE MAP	



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for alterations and additions to semi-detached dwelling including rear first floor extension and new roof, and use of existing unauthorised development at the site known as 23 Bourke Street, Queens Park.

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

- Unauthorised building work
- Exceedance of the height of building development standard
- Exceedance of the floor space ratio development standard

The assessment finds these issues acceptable as the proposed development preserves the environmental amenity's of the neighbouring dwellings.

No submissions including from Councillors were received.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 13 June 2025 for the BIC application.

The site is identified as Lot Lot 1 DP 83125, known as 23 Bourke Street, Queens Park.

The site is rectangular in shape with a frontage of 6.99 m to Bourke Street and a secondary frontage of 6.935m to Fitzgerald Lane. It has an area of 232.7m^2 and falls from the eastern front boundary towards the western rear boundary by approximately 2.92m.

The site is occupied by a four storey attached dwelling with vehicular access provided from Fitgerald Lane.

The site is adjoined by three to four storey attached dwellings on either side. The locality is characterised by a variety of low density residential developments within the Queens Park Conservation Area.

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



Figure 1: Streetview of the subject site



Figure 2: Streetview opposite to the subject site

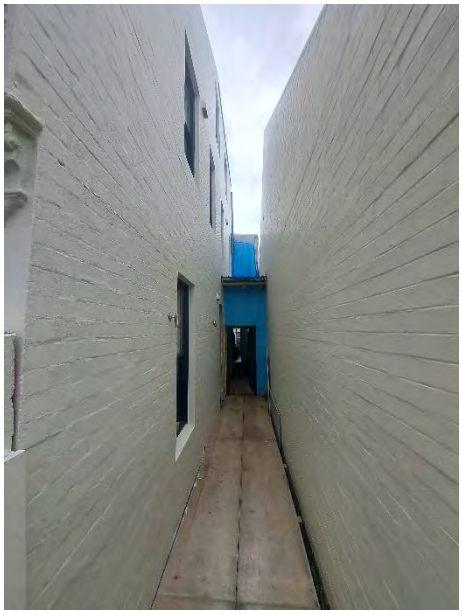


Figure 3: Side passage view of entrance looking west



Figure 4: Rear yard view looking east



Figure 5: Rear yard view looking west



Figure 6: Dormer window view looking south west



Figure 7: First Floor window view looking north west



Figure 8: ground Floor view looking down into courtyard



Figure 9: Laneway view of the subject site

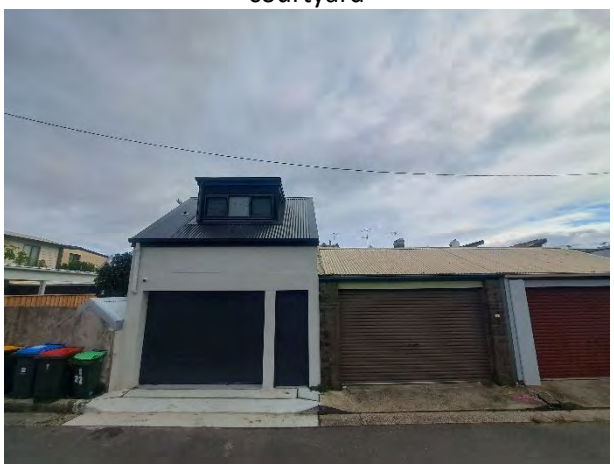


Figure 10: Laneway view opposite to the subject site

1.3. Relevant Development History

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

DA-74/2020

- DA-74/2020, approved 23 June 2020 by delegate.
    - Alterations and additions to semi-detached dwelling including rear first floor extension and attic additions.
- DA-74/2020/A, returned, fees not paid.
    - Modification to alter internal layout , new balcony and windows , various other alterations.
- DA-74/2020/B, approved 25 March 2024 by delegate.
    - Modification to alter internal layout to allow for new bathroom.
- DA-74/2020/C, returned 9 May 2025.
    - Closing off existing northern courtyard for internal stairway, and amended new roof over level 1.
- DA-74/2020/D, withdrawn 23 June 2025.

- S4.55 (2) modification to DA-74/2020 for closing off existing northern courtyard for internal stairway, and amended new roof over level 1.

These development consents were valid till 23 June 2025 and have since elapsed. The following are the extracted approved floor plans:

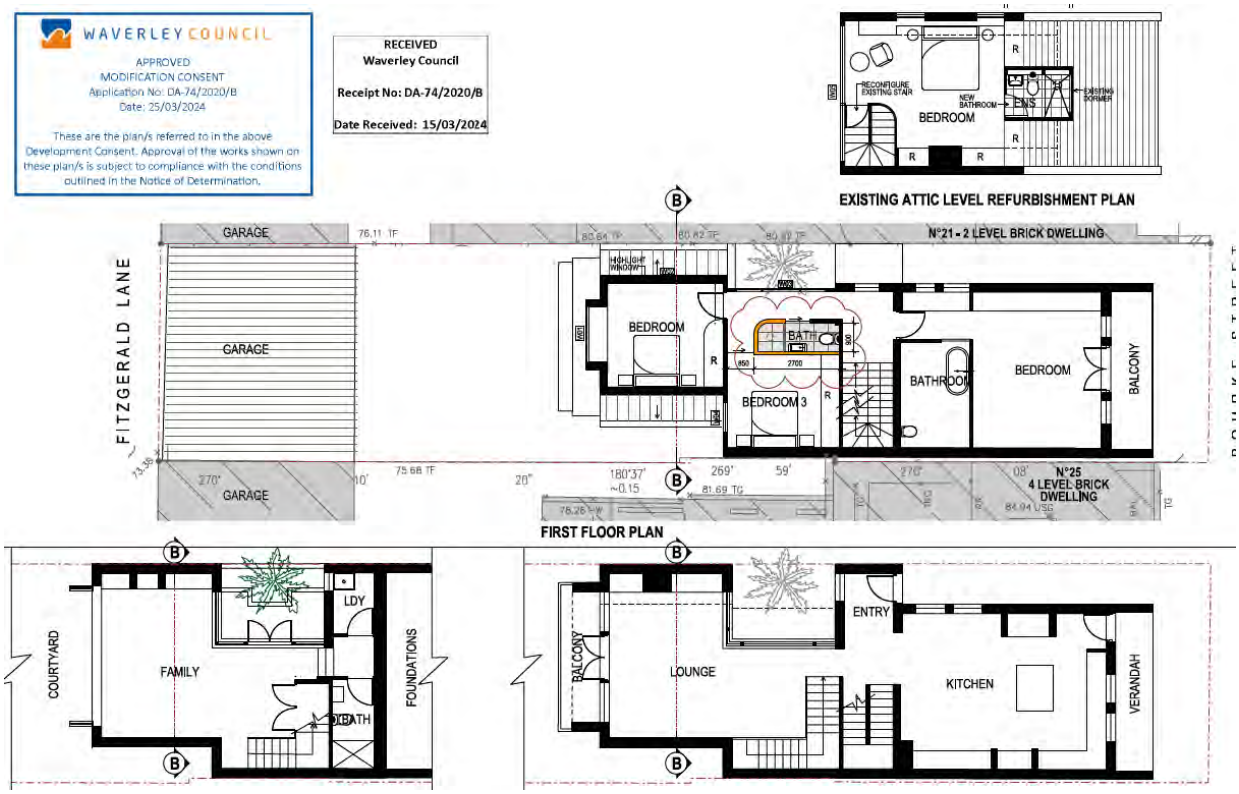


Figure 11: Approved floor plans of DA-74/2020/B

Unauthorised Works

- BC-35/2025, Unauthorized works, assessment ongoing.
  - existing 4 storey residential house with minor works done on the northern facade and roof.

The unauthorised works have been identified on the following plans:

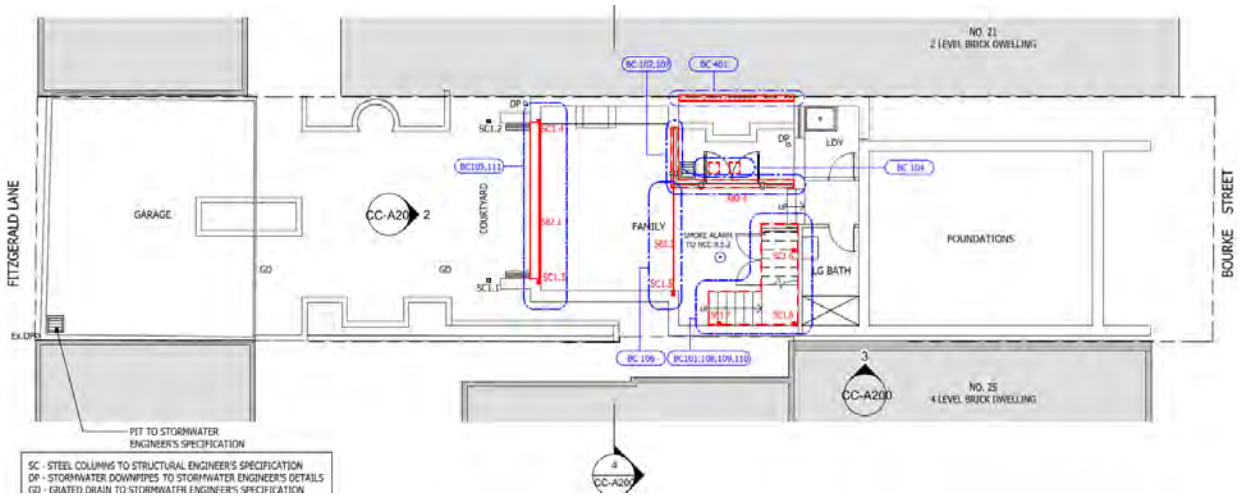


Figure 12: Unauthorised work lower ground floor plans

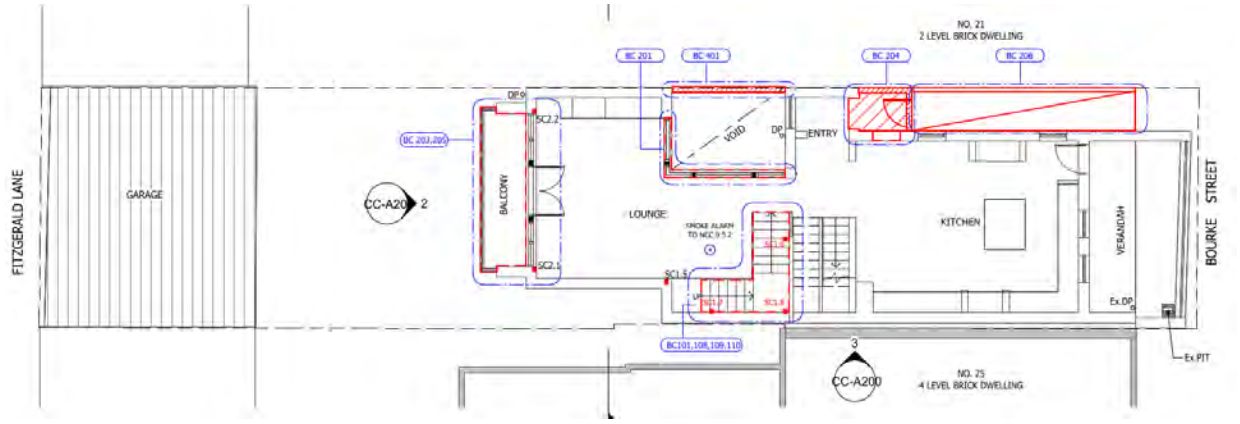


Figure 13: Unauthorised work ground floor plans

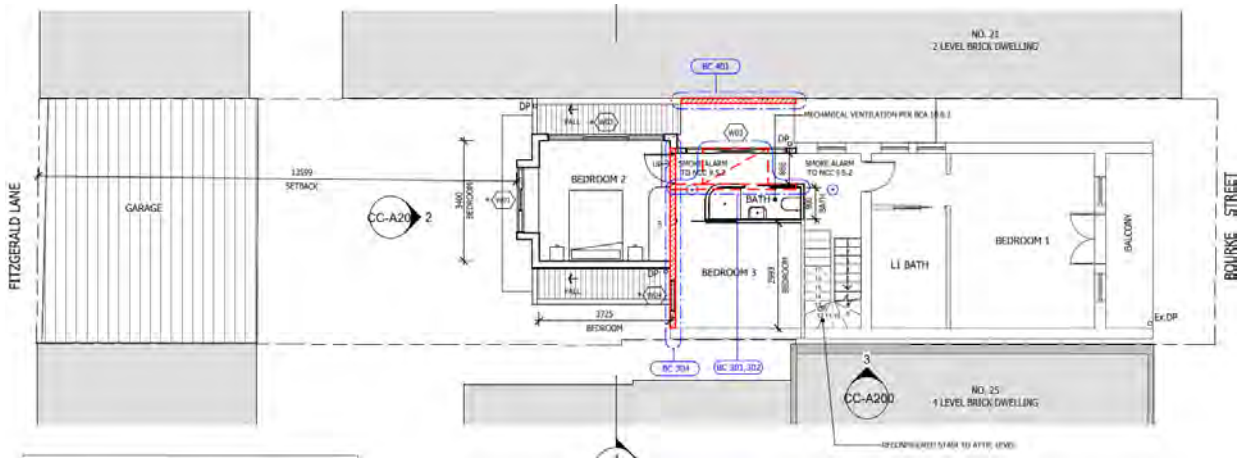


Figure 14: Unauthorised work first floor plans

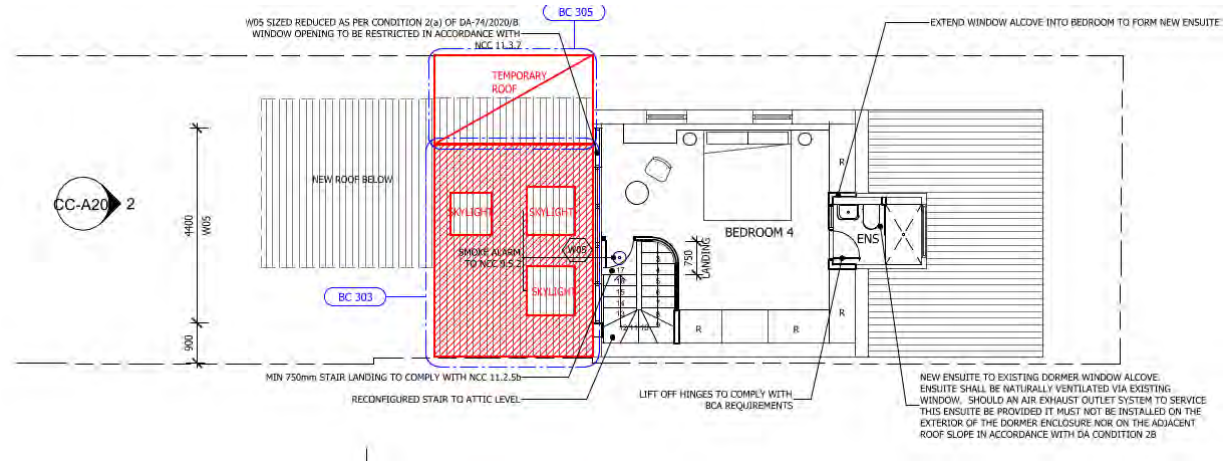


Figure 15: Unauthorised work attic floor plans

The unauthorised works are summarised as follows:

- Lower Ground:
  - Demolition of staircase and northern courtyard walls;
  - Removal of stormwater system from courtyard;
  - Removal and replacement of structural members;
  - Northern boundary wall infilling courtyard;
  - Installation of Hob along southern boundary.
- Ground Floor:
  - Demolition of rear balcony, front entrance, existing staircase and northern courtyard;
  - Internal structural members;
  - Northern boundary wall infilling courtyard;
  - Replacement and expansion of northern entrance;
  - Side passage landscaping works.
- First Floor:
  - Demolition of balcony to northern courtyard and rear addition;
  - Demolition of rear skillion and construction of external walls and roof structure infilling northern courtyard, including skylights.

Summary

Unauthorised works started before the issuing of a Construction Certificate (CC) by the Principal Certifying Authority (PCA) for DA-74/2020 and its subsequent mods. The PCA noticed these works and consequently a BIC application was lodged. This was followed by a partial CC was issued covering works for the dormer window, however, this CC was rescinded.

1.4. Proposal

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

- Use of authorised works outlined in BC-35/2025.
- Lower Ground Floor:

    - Infill of laundry window;
    - New floor slab and staircase within northern courtyard.
- Ground Floor:
    - New rear balcony;
    - Infill of previous staircase location;
    - New staircase within the northern courtyard;
    - New powder room replacing existing internal staircase.
- First Floor:
    - New staircase and windows to northern courtyard.
    - Bedroom with attached ensuite within unauthorised works;
    - New Juliette balcony with associated windows;
    - New staircase to attic.
- Attic Floor:
    - New attic staircase;
    - Ensuite room within front dormer window;
    - New window and wall to rear dormer.

1.5. Background

The development application was lodged on 28 July 2025 and deferred on 12 September 2025 for the following reasons:

1. **Exceedance of the Floor Space Ratio and Height of Building Development standard**

The applicant was requested to amend the proposal to either comply with the development standards or preserve the environmental amenity of neighbouring dwellings with no additional overshadowing to windows or open space of neighbouring properties.

Planner Note: The amended plans remove the proposed bedroom addition above the ground floor lounge room, which had been identified as causing additional overshadowing to the southern neighbouring dwelling. As a result, the amended plans demonstrate that no additional overshadowing will occur to neighbouring dwellings beyond that generated by the existing building envelope.

The amended plans received on 03 October 2025 form the basis of the assessment.

2. ASSESSMENT

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

2.1. Unauthorised works

It is noted that parts of the development have been carried out without development consent. Under the Act, such works are considered unauthorised and remain unlawful until the appropriate approval pathway is pursued.

The current application does not regularise the building works themselves but seeks consent for the use of those works only. The assessment of this application is undertaken on its planning merits as if the works were being proposed, and not on the basis of their existing physical presence.

Should the application be supported, the consent would authorise the ongoing use of the works from the date of approval. It would not retrospectively approve the carrying out of the physical works, and the applicant remains responsible for any matters relating to their prior unauthorised construction.

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.

2.2.1. 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

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

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is considered consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table *R2 Low Density Residential Zone*	Yes	The proposal is defined as an attached dwelling, which is permitted with consent or prohibited in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings • *8.5m*	No	The proposed development has a building height of 8.92m, exceeding the standard by 0.42m equating to a 4.9% variation.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio • *Site: 232.7m²* • *FSR: 0.849:1* • *GFA: 197.8m²*	No	The proposed development has an FSR of 0.98:1, exceeding the standard by 29.8m² equating to a 15% variation. Lower ground floor 52.9m² Ground floor 86.6m² First floor 59.9m² Attic floor 28.2m² **Net GFA 227.6m²** **FSR 0.98:1**

Provision	Compliance	Comment
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the HOB and FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation • *Queens Park Heritage Conservation Area*	No (acceptable on merit)	The subject site is located within the Queens Park Heritage Conservation Area. The Council's Heritage Architect has reviewed the application and recommended that the side entrance and lobby be reinstated. However, as this addition has minimal visual impact on the streetscape and building, and given that the building itself is not a heritage item, this recommendation was considered unreasonable. Refer to section 3 of this report on referral commentary.
Part 6 Additional local provisions		
6.15 Stormwater Management	Yes	The proposal satisfactorily mees 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 Height of Buildings Development Standards

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

The site is subject to a maximum HOB development standard of 8.5m. The proposed development has a building height of 8.92m, exceeding the standard by 0.42m equating to a 4.9% variation. It is noted that the existing building already exceeds the development standard by 1m.

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 HOB 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 height breach is located at the rear of the terrace house and will not be visible from the public domain of Bourke Street.
(ii) No adverse overshadowing impacts on 25 Bourke Street from the height exceedance.
(iii) No increase in overlooking potential to neighbouring dwellings.
(iv) No view impacts.

(b) That there are sufficient environmental planning grounds to justify contravening the standard:
(i) Similar in bulk to previously existing rear skillion roof.
(ii) No overshadowing impact to neighbouring dwelling.
(iii) The bulk and scale of the dwelling will remain unchanged when viewed from Bourke Street.
(iv) No adverse impact to amenity's of neighbouring dwelling.

Consideration of Applicant's Written Request

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

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

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

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

The applicant specifically relies upon justification (a) of *Wehbe v Pittwater Council* (2007) 156 LGERA 446]

Council is satisfied that the proposed application meets the objectives of the clause and that the building height and has a bulk and scale compatible with the locality's desired future character. Furthermore, the proposal preserves the neighbouring amenity regarding solar access to their private open space and window openings of the immediate neighbouring properties as no additional shadows are proposed

during the winter solstice. The breach will not result in impacts that would compromise the privacy of neighbouring properties.

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 neighbouring dwellings are. 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 HOB development 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

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 0.849:1. The proposed development has an FSR of 0.98:1, exceeding the standard by 29.8m^2 equating to a 15% variation. It is noted that the existing building already exceeds the development standard by 0.74m^2 equating to 0.4%

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

(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and

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

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

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

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

(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
    (i) The increase of GFA is largely located in the former lightwell/atrium to centralise the staircase access to all levels of the building.
    (ii) No change in presentation of the terrace house to Bourke Street streetscape in terms of bulk and scale. The proposed changes are located at the rear of the building and are compatible with the built form.

(iii) Achieves the desired future character and built form for Bourke Street precinct. No works are proposed to the principal housing form facing Bourke Street.
(iv) No overshadowing impacts on the private open space and windows to the rear of No. 25 Bourke Street.
(v) No view impacts.

(b) That there are sufficient environmental planning grounds to justify contravening the standard:
(i) The increase of GFA is largely located in the former lightwell/atrium to centralise the staircase access to all levels of the building.
(ii) The proposed development will largely reflect the building envelope and footprint consistent with the heritage values of the developments on the western side of Bourke Street.
(iii) No overshadowing impacts.
(iv) No view impacts.
(v) Will not impact the heritage and streetscape values of the dwelling in its presentation to Bourke Street and the Queens Park Heritage Conservation Area.

Consideration of Applicant's Written Request

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

(f) the objectives of the development standard are achieved notwithstanding non-compliance with the standard;
(g) to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;
(h) to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;
(i) 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
(j) 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 that the proposed application meets the objectives of the clause and that and has a bulk and scale compatible with the locality's desired future character. Furthermore, the proposal preserves the neighbouring amenity regarding solar access to their private open space and window openings of the immediate neighbouring properties as no additional shadows are proposed during the winter solstice. The breach will not result in impacts that would compromise the privacy of neighbouring properties.

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 neighbouring dwellings are. 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 has adequately addressed clause 4.6 of the Waverley LEP 2012 and the justification provided by the applicant is satisfactory.

2.2.3. Waverley Development Control Plan 2022 (Waverley DCP 2022) (Amendment 4)

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.
2. Ecologically Sustainable Development • *Ceiling or wall mounted fans* • *Gas cooktops, gas ovens or gas internal space heating systems.*	Yes	Satisfactory, a BASIX certificate was submitted.
3. Landscaping, Biodiversity and Vegetation Preservation	Yes	Satisfactory. The Council's Tree Management Officer has reviewed the proposal and did not object. Subject to tree protection conditions. Refer to section 3 of this report.
5. Water Management	Yes	Satisfactory. Council's Stormwater Design Engineers do not object to the proposal, subject to conditions. Refer to section 3 of this report on referral commentary.

Development Control	Compliance	Comment
8. Heritage	No (Acceptable on merit)	The subject site is located within the Queens Park Heritage Conservation Area. The Council's Heritage Architect has reviewed the application and recommended that the side entrance and lobby be reinstated. However, as this addition has minimal visual impact on the streetscape and building, and given that the building itself is not a heritage item, this recommendation was considered unreasonable. Refer to section 3 of this report on referral commentary.
11. Design Excellence	Yes	Satisfactory. The proposal will result in a more integrated and well-designed building.

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

Development Control	Compliance	Comment
1.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
1.1 Height		
Flat roof dwelling house • *Maximum wall height of 7.5m*	No (acceptable on merit)	A maximum external wall height of 9.2 metres is proposed to the rear of the existing building to accommodate Bedroom 3. The proposed height is considered acceptable as it presents a bulk and scale compatible with adjoining developments, does not result in any adverse overshadowing impacts, and will not be visible from the Bourke Street streetscape.
1.2 Setbacks		
1.2.1 Front and rear building lines • *Predominant front building line (adjacent three neighbours on either side)* • *Predominant rear building line at each floor level (adjacent three neighbours or either side)* • *Development at first floor level and above shall be set back from the rear building line of the ground floor level*	Yes Yes Yes	<u>Front:</u> No proposed changes to the existing front building line on all floors. <u>Rear:</u> The lower ground, ground, and attic floors are proposed to retain the existing rear building line. The first-floor addition aligns with the original rear building line that existed prior to the unauthorised works and is positioned well behind the rear building of No. 25 Bourke Street. Satisfactory. The first floor building line is setback from the ground floor rear building line.

Development Control	Compliance	Comment
1.2.2 Side setbacks • *Minimum of 0.9m for ground floor and first floors.)* • *Minimum 1.5m for second floor.* • *Third floor assessed on merit.*	No (acceptable on merit) No (acceptable on merit)	<u>Northern side boundary:</u> A nil side setback is proposed for the additions on the lower ground, ground and first floor. The nil setbacks abut an existing neighbouring boundary wall and is an acceptable outcome for terrace houses. <u>Southern side boundary:</u> A nil side setback is proposed for the additions on the first floor. The nil setbacks abut an existing neighbouring boundary wall and is an acceptable outcome for terrace houses.
1.3 Streetscape and visual impact		
• *New development to be compatible with streetscape context*	Yes	Satisfactory. The proposed changes to the front entrance along the side passage are compatible in bulk and scale with the neighbouring dwellings and will have minimal visual impact on both the streetscape and the building.
• *Replacement windows to complement the style and proportions of existing dwelling*	Yes	Satisfactory. The replacement windows are complementary to the style and proportions of the existing dwelling.
1.5 Visual and acoustic privacy		
• *Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design*	Yes	Satisfactory. The proposed windows do not directly face habitable windows or open space of neighbouring dwellings and address privacy concerns.
• *Maximum size of balconies:* *10m^2 in area* *1.5m deep*	Yes	Satisfactory. The proposed ground floor balcony has a depth of 1.3m and an area of 6m^2. The side of the balcony are proposed to use the existing side blade walls to address privacy concerns. The Juliette balcony on the first floor has a maximum depth of 0.5m with an area of 1m^2. No privacy impact due to insufficient area to stand or sit.
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.

Development Control	Compliance	Comment
• *Minimum of 3 hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June.*	Yes	The proposed development will not result in any additional overshadowing beyond that of the existing building and will maintain the neighbouring properties' solar amenity.
• *Avoid unreasonably overshadowing of solar collectors (including habitable windows).*	Yes	
1.7 Views		
• *Views from the public domain are to be maintained* • *Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks.*	Yes	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.
1.9 Landscaping and open space		
• *Overall open space: 40% of site area (93.08m^2)*	No (acceptable on merit)	85.01m^2 of open space is proposed, equating to 37% of the site area. This is considered acceptable as the adjacent developments have a similar or less open space percentage.
• *Overall landscaped area: 20% of site area (46.54m^2), with at least half deep soil (23.27m^2)*	No (acceptable on merit)	7.3m^2 of landscaping of which 0% meets the deep soil definition is proposed. This equates to 3% of the site. This is considered acceptable as the adjacent developments have a similar or less landscaped percentage.
• *Minimum area of 25m^2 for private open space*	Yes	Satisfactory.
• *Front open space: 50% of front building setback area*	N/A	No change
• *Front landscaped area: 50% of front open space provided*	N/A	No change
• *Outdoor clothes drying area to be provided*	Yes	Satisfactory. There is ample outdoor space for a portable clothesline.
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*	Yes Yes	Satisfactory.

Development Control	Compliance	Comment
• *Existing roof form maintained forward of principal ridgeline* • *Use of roof as an attic permitted provided* • *Front verandahs to be maintained*	Yes Yes	Satisfactory. Existing roof form is maintained forward of the principal ridgeline. Satisfactory. Satisfactory.
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*	Yes	Satisfactory. A nil side setback is proposed along the northern and southern side boundary where it abuts an existing wall with a nil setback.
1.13.5 Streetscape and visual impact controls for terraces • *Additional storey reflects character of terrace* • *Extensions no higher than the existing ridge* • *Attic conversions maintain existing roof envelope with only dormers*	Yes Yes Yes	Satisfactory. The proposed additions are of a compatible bulk and scale to the existing terrace. All additions are located below the existing principal ridgeline.
1.13.6 Common or shared party walls	Yes	Satsiafctory.
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. The primary and secondary frontages are defined and have appropriate forms.
1.14.2 - Laneway Design Provisions	N/A	No proposed changes to the laneway structure.
1.14.3 Development in Heritage Conservation areas • *Yard areas not to be roofed*	Yes	Satisfactory.

2.3. 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.

2.4. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.5. Any Submissions

The application was notified for 14 days between 8 August 2025 and 26 August 2025 in accordance with the *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 overall bulk and FSR of the proposed was reduced removing proposed shadow impacts.

No submissions were received.

2.6. 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. Building Compliance

Council's Compliance Officer advised that they raised no objections to the proposal.

3.2. Stormwater

Council's Engineers advised that they raised no objections to the proposal and provided conditions of approval.

3.3. Tree Management

Council's Tree Management Officer has reviewed the proposal and advised that they raise no objections to the proposal, subject to tree protection conditions.

3.4. Heritage

Council's Heritage architect have provided the following recommendation:

- *Reinstatement of the side entry lobby as per its configuration and detailing as shown in the previous Development Application (DA-74/2020), including the location of the side entry door, the northern enclosing wall and length of the skillion roof.*

- *Reinstatement of western window opening in the norther wall of the Dining/Kitchen including removal of brick infill and reconstruction of the window opening, sill and timber framed sash window detailed to match its surviving pair (the eastern window in the northern wall of the Dining/Kitchen).*

Planner Note: The elements of concern raised by the Heritage Architect are located along the northern side passage, recessed behind the front building line, and form part of the courtyard infill. This addition

will have minimal visual impact on the streetscape or the building itself. Furthermore, the proposed entrance addition is of a smaller bulk than the first-floor addition, which occupies a similar location. Given its limited visibility, appropriate scale, and the fact that the subject building is not a heritage item, the proposed works are considered acceptable on planning grounds.

4. CONCLUSION

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

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Managers of Development Assessment (MODA) Review

The application was reviewed by the MODA at the meeting on 21 October 2025 and the MODA concurred with the Assessment Planner's recommendation.

MODA members: *B McNamara, B Magistrale, Jo Zancanaro and Olivia Navratil*

Report prepared by:	**Application reviewed and agreed by:**
	
Damien Wilmotte	Olivia Navratil
Development Assessment Planner	**A/Manager, Development Assessment**
Date: 20/10/2025	**Date: 30/10/2025**

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)	4.9 % variation to height (Clause 4.3)	
	x	Pre-existing non-compliance
		No change to overall building height
		No change to overall building envelope
		Variation limited to the [lift/plant/parapet/attic] only

<table>
<tr><td></td><td><table>
<tr><td>x</td><td>No unreasonable impacts on the amenity of adjoining properties or streetscape</td></tr>
<tr><td>x</td><td>Sufficient environmental planning grounds</td></tr>
<tr><td>x</td><td>Consistent with the objectives of the standard</td></tr>
</table></td></tr>
<tr><td>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)</td><td>15 % variation to FSR (Clause 4.4)<table>
<tr><td>x</td><td>Pre-existing non-compliance</td></tr>
<tr><td></td><td>No change to overall building height</td></tr>
<tr><td></td><td>No change to overall building envelope</td></tr>
<tr><td></td><td>Variation limited to the [lift/plant/parapet/attic] only</td></tr>
<tr><td>x</td><td>No unreasonable impacts on the amenity of adjoining properties or streetscape</td></tr>
<tr><td>x</td><td>Sufficient environmental planning grounds</td></tr>
<tr><td>x</td><td>Consistent with the objectives of the standard</td></tr>
</table></td></tr>
<tr><td>Determining Authority

(Concurrence Authority for Clause 4.6 variation)</td><td>Local Planning Panel</td></tr>
<tr><td>Were the requirements of the Sustainable Buildings SEPP (effective 1 October 2023) met?</td><td>Yes</td></tr>
<tr><td>Have any dwellings been approved for affordable Rental Housing under this approval/consent?
*This is a planning portal reporting requirement</td><td>No</td></tr>
<tr><td>Secondary Dwelling
*This is a planning portal reporting requirement</td><td>No</td></tr>
<tr><td>Boarding House
*This is a planning portal reporting requirement</td><td>No</td></tr>
<tr><td>Group Home
*This is a planning portal reporting requirement</td><td>No</td></tr>
<tr><td>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.</td><td>No</td></tr>
<tr><td>Is the development subject to the Special Infrastructure Contribution (SIC)?</td><td>No</td></tr>
<tr><td>Is the development located within an Urban Release area?</td><td>No</td></tr>
<tr><td colspan="2">Waverley Council Data</td></tr>
<tr><td>Trial Period database entry required</td><td>No</td></tr>
</table>

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

APPENDIX A – CONDITIONS OF CONSENT

Terms and Reasons for Conditions

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

GENERAL CONDITIONS

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

Architectural Plans prepared by Cradle Design of Project No: 666 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA000 Rev D	Cover Sheet, Site/Roof/Landscape, Location Plan	2/10/2025	3/10/2025
DA001 Rev D	BASIX Commitments	2/10/2025	3/10/2025
DA100 Rev D	Existing and demolition Plans	2/10/2025	3/10/2025
DA101 Rev D	Existing and demolition elevations	2/10/2025	3/10/2025
DA110 Rev D	Proposed floor plans	2/10/2025	3/10/2025
DA200 Rev D	Proposed Elevations	2/10/2025	3/10/2025
DA300 Rev D	Sections	2/10/2025	3/10/2025
DA901 Rev D	Finishes Schedule	2/10/2025	3/10/2025

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.

SITE WASTE AND RECYCLING MANAGEMENT PLAN

A Site Waste and Recycling Management Plan (SWRMP) - Part 1 is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

Condition reason: To ensure resource recovery is promoted and the local amenity is protected during construction.

UNAUTHORISED WORKS

This development consent only approves the prospective use of the 'as built' unauthorised works:

Lower Ground: Removal of staircases, courtyard walls, and stormwater systems; replacement of structural members; infill of the northern boundary wall; and installation of a hob along the southern boundary.

Ground Floor: Demolition of balconies, the front entrance, staircases, and courtyard walls; replacement and expansion of the northern entrance; internal structural alterations; and landscaping within the side passage.

First Floor: Demolition of balconies and rear additions; removal of the rear skillion; and construction of external walls and roof structures to infill the northern courtyard, including skylights.

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

NO BUILDING WORKS PRIOR TO RELEASE OF A CONSTRUCTION CERTIFICATE

The building work must not be commenced until:

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

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

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.

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

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:

Where the total development cost is $500,000 or less:

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.

Where the total development cost is more than $500,001 but less than $1,000,000:

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.

Where the total development cost is $1,000,001 or more:

a Detailed Cost Report (dated within 12 months) prepared by a registered Quantity Surveyor, Building Contract, or similar is to be submitted to and approved by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate).

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

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.

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 are provided in the Waverley Council Contributions Plan, available on Council's website.

As legislated in section 209 of the *Environmental Planning and Assessment Regulation 2021,* the levy must be paid in accordance with the following;

A development valued at $100,000 or less will be exempt from the levy;

A development valued at $100,001 - $200,000 will attract a levy of 0.5% of the **full** cost of the development; or

A development valued at more than $200,000 will attract a levy of 1% of the **full** cost of the development.

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

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.

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.

STREET TREE BOND

A bond of $10,000 is to be paid to Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of and maintenance of the following trees:

One (1) *Melaleuca quinquenervia* (Broad-leaved Paperbark) on the grass verge. The sum will be forfeited to the Council at its discretion for a breach of these requirements;

Street tree to be inspected twelve (12) months from the issue of the Occupation Certificate subject to the satisfaction of Council

The $10,000 bond will be refunded twelve (12) months from the issue of the Occupation Certificate subject to the satisfaction of Council.

If any trees identified to be retained and protected are found to be faulty, damaged, dying, or dead, the full bond amount or part thereof will be forfeited

Council will require the applicant to remove and replace the faulty, damaged, dying, or dead street tree and a new bond will be applied on the replacement street tree.

Proof of purchase of the replacement street (if required) must be provided to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Condition reason: To ensure trees are maintained and protected

SECURITY DEPOSIT

Payment to the amount of $ **7,385.00** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent. This fee is charged in accordance with Council's *Pricing Policy and Schedule of Fees and Charges*.

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.

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

HOARDING

Temporary structures such as work area protective structures (hoardings), perimeter scaffolding systems and cantilevered scaffolding are often a necessary part of development and maintenance activity. These must be designed and constructed in accordance with the requirements of *Safe Work NSW*.

Where a hoarding is required to be erected over the footpath or any public place, the approval of Council's Building Compliance Department must be obtained and the applicable fees paid, prior to the erection of the hoarding. Details and application form are available on Council's website.

Condition reason: To ensure the safety of the site and public whilst construction occurs.

EROSION AND SEDIMENT CONTROL PLAN

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*.

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.

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.

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.

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.

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.

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.

STORMWATER AND FLOODING

STORMWATER 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 H&M Consultancy, Job No. 2425-034, Drawing No. 01 - 09, Rev. 04 dated 16/10/2025 are considered concept only.

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

Any new downpipes must be located wholly within the property's boundary.

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.

Sub soil drainage (seepage) water must not be directly or indirectly discharged to Council's street gutter.

Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

Notes

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.

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.

Waverley Council has a template for the calculation of OSD and infiltration system sizing which is available upon request.

The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.

Waverley Council'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.

Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.

Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8655 (operational hours between 9.30am to 4pm Monday to Friday). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.

Evidence from a suitably qualified and practicing Engineer (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.

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.

ENERGY EFFICIENCY & SUSTAINABILITY

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*.

RENEWABLE ENERGY AND ENERGY EFFICIENCY

To enable all development to contribute to net zero greenhouse emissions by 2035, the following shall apply:

No gas cooktops, gas ovens and gas heating systems are permitted. Alternate options must be used (such as electric, induction sources).

Additionally, the following are encouraged:

An electric hot water system in all developments. Recommended systems include electric heat pump, solar thermal with electric boost or electric storage.

Swimming pool heating systems to include solar thermal only, solar thermal boosted with electric or electric heat pump.

Lighting systems to include LEDs with controls, such as motion sensors, step-dim controls and daylight sensors.

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

Where rainwater tanks are provided, then:

- Rainwater tanks must be fitted with a first-flush device that causes initial run-off rainwater to bypass the tank, and
- Rainwater tanks must be fitted with a screened rain head designed to prevent leaf litter entering into the water tank, and
- All rainwater tanks plumbed for internal water use must have a filter installed to prevent sediment from entering toilets and washing machines, and
- Pumps attached to the development must be housed in an enclosure that is soundproofed, and
- Rain tanks must have its overflow connected to an existing stormwater drainage system that does not discharge to an adjoining property, or cause a nuisance to adjoining owners
- Rain tanks must have a sign affixed to it stating the water in it is rainwater

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 reduce community greenhouse emissions to net zero by 2035, to improve human health, to conserve water and to ensure all new (or altered) homes have future capacity to be an all-electric building, powered by renewable energy.

WASTE

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 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

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.

DILAPIDATION REPORT

Before any site work commences, a Dilapidation Report must be prepared by a suitably qualified Engineer detailing the structural condition of adjoining buildings, structures or works and public land to the satisfaction of the Principal Certifier. At minimum, the following properties are to be included:

21 Bourke Street, Queens Park

25 Bourke Street, Queens Park

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.

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

No less than 14days before any site work commences, adjoining property owner(s) must be provided with a copy of the Dilapidation Report for their property(ies) and a copy of the report(s) must be provided to Council (where Council is not the Principal Certifier) at the same time.

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

Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure affected neighbours and council are provided with the dilapidation report.

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.

TREE PROTECTION MEASURES

PROTECTIVE TREE FENCING

Before any machinery or materials are brought onto the site and before the commencement of any works including demolition, or in accordance with the Tree Protection Specifications (TPS) as shown on the Tree Protection Plan (TPP) protective fencing shall:

Be erected around each tree nominated for retention and protection.

Remain in place for the duration of the works. It must be secured to restrict access and must not be removed or altered without approval from the on-site arborist.

Be installed in accordance with AS 4687.2:2022 Temporary Fencing and Hoardings

Comprise of 1800mm high chain link wire mesh fixed to 50mm galvanised steel posts.

Notes:

Portable chain link fencing may be installed.

Chain link portable panels must be securely fixed top and bottom to avoid separation.

Coloured plastic tape fencing or plain strained fencing wire fixed to steel droppers is unacceptable.

Existing perimeter fences and other structures may be used as part of the protective fence if suitable.

Signs identifying the Tree Protection Zone (TPZ) should be placed around the edge of the TPZ and be visible from within the development site. The lettering on the sign should conform to AS 1319 -1994 REC:2018 Safety signs for the occupational environment

Condition reason: To create an exclusion zone around the tree throughout the construction to ensure all tree parts are protected.

TRUNK AND BRANCH PROTECTION

If protective fencing for trees is not possible, trunk protection is to be installed prior to any works commencing and include:

the placement of 1.8m or less lengths of 75 mm x 40 mm hardwood or pine spaced at 125 mm centres around the trunk secured in place by metal strap bindings or 10-gauge fencing wire fixed at 300 mm centres. Prior to placing battens install a soft protective padding to ends of timbers to prevent damage to bark and conducting tissue.

Trunk protection must remain in place for the duration of all site work.

Tree crowns may be injured by machinery such as excavators, drilling rigs, cranes, trucks, hoarding installation, and scaffolding. The tree protection zone may need to include additional protection of the above ground parts of the tree.

Crown protection may include pruning, branch protection, tying-back of branches, use of flagging to make the branch more visible, or other measures. If pruning is required, requirements are specified in AS 4373 2007 Pruning of Amenity Trees and should be undertaken before the establishment of the TPZ.

Temporary powerlines, stays, guys, structures and the like shall not be attached to the tree (unless specifically permitted in the Tree Protection Specifications (TPS)

Condition reason: To ensure all tree parts are protected throughout the construction.

TREE PROTECTION CERTIFICATE

The Arborist engaged for the duration of the project shall undertake an inspection of the site once tree protection measures have been fully installed and prior to any works commencing. An inspection Certificate stating that appropriate tree protection measures have been installed for the trees to be retained and protected shall be submitted to Council and the Principal Certifier.

Condition reason: To ensure trees are protected prior to work commencing.

DEMOLITION & EXCAVATION

DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

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

Work Health and Safety Act 2011;

Work Health and Safety Regulation 2017;

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

Australian Standard 2601-2001 – Demolition of Structures;

Protection of the Environment Operations Act 1997.

At least 5 days prior to the demolition, renovation work or alterations and additions to any building, the person acting on the consent shall submit a Work Plan 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:

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

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

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);

Describe the method of demolition;

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

Describe the disposal methods for hazardous materials.

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

CONTROL OF DUST ON CONSTRUCTION SITES

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

Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray.

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

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

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

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

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

CONSTRUCTION HOURS

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

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

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

Condition reason: To protect the amenity of the surrounding area during construction.

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.

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)*

CONSTRUCTION INSPECTIONS

The building works are to be inspected during construction by the Principal Certifier in accordance with the *Building Legislation Amendment (Quality of Construction) Act 2002*, Part 8 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* and the requirements of any other applicable legislation or instruments.

Condition reason: To ensure regular inspections occur throughout the construction process.

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.

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.

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:

Adequate measures are undertaken to secure the existing rafters and ridge to the brickwork of the party wall; and

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.

TREATMENT OF BOUNDARY WALLS

The wall/s approved on the northern boundary with the neighbouring property 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 northern neighbouring property.

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.

TREE PROTECTION & REMOVAL

PROTECTING TREES ON DEVELOPMENT SITES

Throughout construction, tree protection measures installed are to be retained in accordance with *Waverley Council's Development Control Plan 2022*, the approved Landscape Plan the approved Arborist Report, and *Australian Standard – AS 4970 – 2025* - Protection of Trees on Development Sites

All approved tree work must be carried out by minimum AQF Level 3 arborist in accordance with AS 4373-2007 Pruning of amenity trees.

Condition reason: To ensure the retained trees remain unimpacted by construction.

TREE WORK

If any trees on the site or on neighbouring properties require pruning, then permission must be gained from the owner of the tree(s) and an application to Prune or Remove Trees on Private Property (Tree Permit Application) must be submitted to Waverley Council for processing. Application forms are available on Council's website.

If any trees on Council owned land require pruning, the application should be accompanied with a Tree Pruning Report, prepared by an Arborist with AQF level 5 qualification or above. The Report shall include photos showing the branches that need to be removed.

The application and Report (where relevant) are to be submitted and approved by Council's Tree Technical Officer prior to any works or pruning to the affected tree/s.

Condition reason: To protect trees during construction.

ACTIVITIES GENERALLY EXCLUDED FROM THE TREE PROTECTION ZONE (TPZ)

Activities excluded from the TPZ include but are not limited to:

Excavation, cultivation or disturbance of the soil, including scraping of the surface.

Equipment and material storage.

Preparation of chemicals, including preparation of cement products.

Movement or parking of vehicles and plant.

Dumping of waste.

Spreading or stockpiling of fill.

Refuelling.

Washing down and cleaning of equipment or hard surfaces.

Fires.

Physical damage to the tree.

Soil level changes,

Temporary or permanent installation of utilities and signs, and

Ground compaction.

Activities specified in items (a) to (e) may be permitted with appropriate protection measures, as detailed in the Tree Protection Specifications (TPS) and Tree Protection Plan (TPP)

Condition reason: To ensure precautions are taken when working near trees during construction.

STORMWATER

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

FINAL OCCUPATION CERTIFICATE

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

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.

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*).

TREE PROTECTION MEASURES TO BE REMOVED

All tree protection shall be removed prior to the issuing of the final Occupation Certificate.

Condition reason: To ensure that the tree can continue to grow post construction.

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 practising Engineer or Plumber, that any new stormwater drainage system has been constructed in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards, and good engineering practice.

Certification must be provided from a suitably qualified and practising 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: 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.

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:

Please read your conditions carefully.

Information to be submitted to Council should be either via email to info@waverley.nsw.gov.au or via the NSW Planning Portal (if required).

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

Include DA reference number.

Include condition number/s seeking to be addressed.

Where multiple conditions need Council input, please try to group the documentation / email/s into relevant subjects (multiple emails for various officers may be necessary, for example).

Information to be submitted in digital format – refer to 'Electronic lodgement guidelines' on Council's website. Failure to adhere to Council's naming convention may result in documentation being rejected.

Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information.

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

Council's standard for review (from date the relevant officer receives documentation) is 14 days. Times may vary or be delayed if information is not received in this required manner.

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.

DIAL BEFORE YOU DIG

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

TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.

ALTERATIONS AND ADDITIONS ONLY

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

EXCAVATION TO BE LIMITED

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

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.

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.

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.*

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

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

DEVELOPMENT APPLICATION

PROPOSED ALTERATIONS & BUILDING WORKS NOT COMPLETED AT TIME OF APPLICATION
23 BOURKE STREET, QUEENS PARK

RECEIVED
Waverley Council

Application No: DA-354/2025

Date Received: 03/10/2025

DEVELOPMENT APPLICATION DRAWNG LIST

DRAWING NO.	DRAWING TITLE	REV
DA000	COVER SHEET, SITE/ROOF/LANDSCAPE, LOCATION PLAN	D
DA001	BASIX COMMITMENTS	D
DA100	EXISTING AND DEMOLITION PLANS	D
DA101	EXISTING AND DEMOLITION ELEVATIONS	D
DA110	PROPOSED FLOOR PLANS	D
DA200	PROPOSED ELEVATIONS	D
DA300	SECTIONS	D
DA350	FSR CALCULATION	D
DA360	SHADOW DIAGRAMS 9AM-12PM 21 JUNE	D
DA361	SHADOW DIAGRAMS 1PM-3PM 21 JUNE	D
DA362	SHADOW DIAGRAMS 3D 21 JUNE	D
DA901	FINISHES SCHEDULE	D

GENERAL SPECIFICATION

ALL ARCHITECTURAL DOCUMENTATION IS TO BE READ IN CONJUNCTION WITH THE FOLLOWING:

BASIX COMPLIANCE
REFER TO BASIX COMPLIANCE CERTIFICATE A1791479_04

STRUCTURAL DETAILS
REFER TO STRUCTURAL ENGINEERS DRAWINGS BY HARRISON & MORRIS CONSULTANCY :
01 - 19 STRUCTURAL PLANS & DETAILS

STORMWATER DETAILS
REFER TO ENGINEERS DRAWINGS BY HARRISON & MORRIS CONSULTANCY:
01-08 STORM WATER MANAGEMENT PLANS & DETAILS

DETAILS & LEVELS SURVEY
REFER TO SURVEY DRAWING BY 3D SURVEYING:
REFERENCE No.: 1967. PLAN SHOWING DETAIL & LEVELS OF LOT 1 IN DP 83125 AT NO. 23 BOURKE STREET QUEENS PARK, DATED 17/07/2025

GENERAL SPECIFICATION

- ALL WORKS SHALL COMPLY WITH THE NATIONAL CONSTRUCTION CODE 2022 (NCC, BCA) AND RELEVANT AUSTRALIAN STANDARDS AND MANUFACTURERS WRITTEN INSTRUCTIONS
- THE HEAD CONTRACTOR SHALL OBTAIN AND PROVIDE EVIDENCE TO THE PROPRIETOR OF THE REQUIRED HOME BUILDING COMPENSATION INSURANCE COVER PRIOR TO THE COMMENCEMENT OF WORK
- ALL STRUCTURES ARE TO BE DESIGNED IN ACCORDANCE WITH THE AUSTRALIAN STANDARD LOADING CODES AS1170.1, AS1170.2 AND AS1170.3 AND TO COMPLY WITH STRUCTURAL ENGINEERS DETAILS
- WHERE EARTHWORKS ARE UNDERTAKEN IN ASSOCIATION WITH THE WORKS, PRECAUTIONARY MEASURES SHALL BE UNDERTAKEN TO ENSURE SOIL MIXED IN WITH WATER RUN-OFF IS CONTAINED ON THE SITE.
- FOOTINGS AND SLABS MUST COMPLY WITH PROVISIONS OF AS2870, AND PART 4 OF THE BUILDING CODE OF AUSTRALIA HOUSING PROVISIONS.
- FOOTINGS ARE TO BE EXCAVATED THROUGH FILLED GROUND OR FOUNDATIONS OF UNKNOWN QUALITY.
- SURFACE WATER DRAINAGE SHALL BE PROVIDED AROUND THE PERIMETER OF THE BUILDING IN ACCORDANCE WITH BCA HOUSING PROVISIONS
- ALL TIMBER FRAMEWORK TO COMPLY WITH AS1684 OR BE DESIGNED IN ACCORDANCE WITH AS1720 AND LOADING CODE AS1170.1, 1170.2 AND 1170.3.
- ALL TIMBER THROUGHOUT THE PROJECT SHALL BE TREATED IN ACCORDANCE WITH AS/NZS 1604 TO THE HAZARD CLASS APPLICABLE TO ITS LOCATION AND USE. ALL EXTERNAL TIMBER SHALL BE PROTECTED BY A PAINTED COATING APPLIED TO THE MANUFACTURER'S SPECIFICATION FOR THE PARTICULAR EXPOSURE AND USE.
- ALL STEEL FRAMEWORK TO COMPLY WITH AS 3623 DOMESTIC METAL FRAMING, AS 4100 - STEEL STRUCTURES, AS/NZS 4600 COLD-FORMED STEEL STRUCTURES AND ENGINEER'S DETAILS.
- TIE-DOWN AND BRACING OF TIMBER FRAMES MUST COMPLY WITH THE REQUIREMENTS OF AS1684.
- TERMITE PROTECTION - INSTALL APPROVED PHYSICAL BARRIERS TO SUSPENDED AND TIMBER FLOORS IN ACCORDANCE WITH AS3660.1
- TERMITE PROTECTION NOTICES - A TERMITE PROTECTION NOTICE, PRINTED ON A DURABLE MATERIAL, MUST BE PERMANENTLY FIXED TO THE BUILDING IN A PROMINENT LOCATION, INDICATING:
  a. THE METHOD OF PROTECTION
  b. THE DATE OF INSTALLATION OF THE SYSTEM
  c. WHERE A CHEMICAL BARRIER IS USED, ITS LIFE EXPECTANCY AS LISTED IN THE NATIONAL REGISTRATION AUTHORITY LABEL; AND
  d. THE INSTALLER'S OR MANUFACTURER'S RECOMMENDATIONS FOR THE SCOPE AND FREQUENCY OF FUTURE INSPECTIONS FOR TERMITE ACTIVITY
- WET AREA FLOOR SYSTEM TO BE INSTALLED STRICTLY IN ACCORDANCE WITH THE MANUFACTURER'S ACCREDITED DETAILS OR OTHER ACCREDITED SYSTEM AND COMPLY WITH AS3740-2021 WATERPROOFING OF DOMESTIC WET AREAS
- WET AREAS ARE TO BE PROTECTED AGAINST WATER PENETRATION IN ACCORDANCE WITH PART 10.2 OF THE BUILDING CODE OF AUSTRALIA HOUSING PROVISIONS.
- ALL GLAZING MATERIALS ARE TO BE INSTALLED IN ACCORDANCE WITH PART 8 OF THE BUILDING CODE OF AUSTRALIA HOUSING PROVISIONS.
- ALL GLAZING IS TO COMPLY WITH THE REQUIREMENTS OF AS1288-2021
- ALL GLAZED ASSEMBLIES SHALL COMPLY WITH AS2047-2014
- MINIMUM CEILING HEIGHT TO COMPLY WITH PART H4F2 OF THE BUILDING CODE OF AUSTRALIA/PART 10.3 OF THE BUILDING CODE OF AUSTRALIA HOUSING PROVISIONS.
- REFLECTIVE FOIL LAMINATE (RFL) THERMAL INSULATION OR SARKING MATERIALS ARE TO BE INSTALLED IN APPROVED GRADES WITH A FLAMMABILITY INDEX OF NOT GREATER THAN 5.
- METAL DECK ROOFING SHALL BE FIXED STRICTLY IN ACCORDANCE WITH THE MANUFACTURER'S WRITTEN INSTRUCTIONS AND IN ACCORDANCE WITH PART 3.5.1.3 OF THE BUILDING CODE OF AUSTRALIA HOUSING PROVISIONS.
- ALL FLASHING MATERIALS MUST BE COMPATIBLE WITH ROOF SHEETING IN ORDER TO PREVENT GALVANIC CORROSION, AND MUST BE INSTALLED IN ACCORDANCE WITH PART 3.5.1 OF THE BUILDING CODE OF AUSTRALIA HOUSING PROVISIONS.
- DAMP PROOF COURSE MATERIAL IS TO COMPLY WITH AS/NZS2904-1995.
- ALL DISCHARGES FROM RANGE HOODS OR OTHER EXHAUST FANS IN KITCHENS MUST BE DUCTED TO THE OUTSIDE AIR AND PROVIDED WITH A SUITABLE WEATHERPROOF COVER. DISCHARGE TO ROOF SPACES IS PROHIBITED. EXHAUSTS FROM BATHROOMS AND LAUNDRIES ARE ALSO NOT PERMITTED TO DISCHARGE TO ROOF SPACES UNLESS IT CAN BE DEMONSTRATED THAT THE ROOF DESIGN AND VENTILATION OF THE ROOF SPACE WILL PREVENT THE FORMING OF CONDENSATION.
- SMOKE ALARMS COMPLYING WITH AS3786 ARE TO BE PROVIDED AS REQUIRED BY PART 9.5 OF THE BUILDING CODE OF AUSTRALIA HOUSING PROVISIONS. SMOKE ALARMS MUST BE CONNECTED TO THE CONSUMER MAINS POWER WHERE CONSUMER POWER IS SUPPLIED TO THE BUILDING.
- ALL ELECTRICAL INSTALLATIONS ARE TO COMPLY WITH AS/NZS 3000:2018, ELECTRICAL INSTALLATIONS AND OTHER RELEVANT AUSTRALIAN STANDARDS.
- SANITARY PLUMBING INSTALLATION SHALL COMPLY WITH THE PLUMBING CODE OF AUSTRALIA (NCC 2022) AND AS/NZS 3500:2021
- ALL PAINTING SHALL COMPLY WITH AS/NZS 2311:2017- GUIDE TO THE PAINTING OF BUILDINGS. ALL PAINTS SHALL BE DULUX OR EQUAL MANUFACTURE WITH PREPARATION AND APPLICATION STRICTLY IN ACCORDANCE WITH THE MANUFACTURER'S WRITTEN SPECIFICATIONS FOR EACH SITUATION & SUBSTRATE.

LEGEND

	EXISTING BUILDING
	EXISTING TO BE DEMOLISHED
	UNAUTHORISED DEMOLISION - REF. BC-35/2025
	PROPOSED WORKS
	UNAUTHORISED WORKS - REF. BC-35/2025
	LANDSCAPE

NOTE:

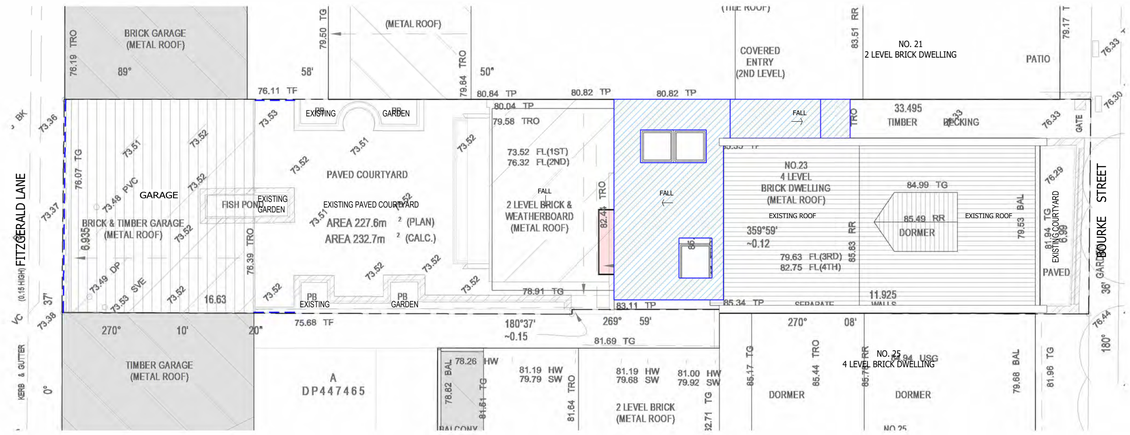
NO APPROVAL IS SOUGHT UNDER THIS DEVELOPMENT APPLICATION FOR ELEMENTS ALREADY BUILT OR DEMOLISHED, SHOWN IN BLUE ON THESE DRAWINGS.

ELEMENTS ALREADY BUILT ARE SUBJECT TO SEPARATE ASSESSMENT UNDER BC35/2025. REFER TO SHEET LEGENDS.

ONLY APPROVAL FOR USE OF THE FLOOR AREA CREATED BY ELEMENTS ALREADY BUILT IS SOUGHT UNDER THIS DEVELOPMENT APPLICATION AS SETOUT IN THE ACCOMPANYING STATEMENT OF ENVIRONMENTAL EFFECTS



LOCATION PLAN (NTS)



SITE/ROOF/LANDSCAPE PLAN (1:100)

DEVELOPMENT APPLICATION

STUDIO
CRADLE DESIGN PTY LTD
Studio 2, 12-14 Sydney Road
Manly NSW 2095
t: 02 9029 5532
e: info@cradledesign.com.au
w: www.cradledesign.com
Nom. Architects:
Paul Lucas - 8786
Regan VanderWert-Walsh - 7904
Design Practitioner Registration -
Paul Lucas - DEP 0000977

Cradle Design

NOT FOR CONSTRUCTION

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CONSULTANTS

ORIENTATION

0 1 2 3 4 5 7 10m

REVISION

Rev	Description	Date
A	ISSUE FOR DA	24/07/25
B	DA ADDITIONAL INFORMATION	07/08/25
C	DA DEFERRAL	26/09/25
D	DA DEFERRAL -2	02/10/25

DETAILS

CLIENT
Mr. A G Sadler and Mrs. K A Sadler

ADDRESS
23 BOURKE STREET QUEENS PARK NSW 2022

PROJECT

DRAWING TITLE
COVER SHEET, SITE/ROOF/LANDSCAPE, LOCATION PLAN

REFERENCE
666 - 23 BURKE ST QUEENS PARK

SCALE 1 : 100 @ A1
DRAWN PL

DA000 D
DRAWING ISSUE

[Print Date] 2/10/2025 5:00:57 PM

E:\Cradle Design\Cradle Design P L - Documents\03 Projects x\666_23 Bourke Street, Queens Park\3.0_Drawings & Schedules\3.2_Current drawings\Revit\23 Bourke St Queens Park_.rvt

BASIX™ Certificate

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

Alterations and Additions

Certificate number: A1791479_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 A1791479_02 lodged with the consent authority or certifier on 28 July 2025 with application PAN-556939.

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, 02 October 2025
To be valid, this certificate must be lodged within 3 months of the date of issue.

Project address	
Project name	23 BOURKE ST QUEENS PARK_04
Street address	23 BOURKE Street QUEENS PARK 2022
Local Government Area	Waverley Council
Plan type and number	Deposited Plan DP83125
Lot number	1
Section number	-
Project type	
Dwelling type	Dwelling above existing building
Type of alteration and addition	The estimated development cost for my renovation work is $50,000 or more.
N/A	N/A
Certificate Prepared by (please complete before submitting to Council or PCA)	
Name / Company Name: Ms Cradle Design	
ABN (if applicable):	

Fixtures and systems	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Lighting			
The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.		✔	✔
Fixtures			
The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating.		✔	✔
The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating.		✔	✔
The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.		✔	

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

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: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)	
raked ceiling, pitched/skillion roof: framed	ceiling: R1.74 (up), roof: foil backed blanket (55 mm)	medium (solar absorptance 0.475 - 0.70)

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Application No: DA-354/2025

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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.		✔	✔
External louvres and blinds must fully shade the window or glazed door beside which they are situated when fully drawn or closed.		✔	✔

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
W05	W	7.5	0	0	external louvre/blind (adjustable)	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W07	E	1	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W06	W	1	0	0	external louvre/blind (adjustable)	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W04	W	5.67	0	0	external louvre/blind (adjustable)	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)

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.

DEVELOPMENT APPLICATION

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ORIENTATION

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DETAILS

CLIENT
Mr. A G Sadler and Mrs. K A Sadler

ADDRESS
23 BOURKE STREET QUEENS PARK NSW 2022

PROJECT

DRAWING TITLE
BASIX COMMITMENTS

REFERENCE
666 - 23 BURKE ST QUEENS PARK

SCALE NTS
DRAWN PL

DA001 D
DRAWING ISSUE

298

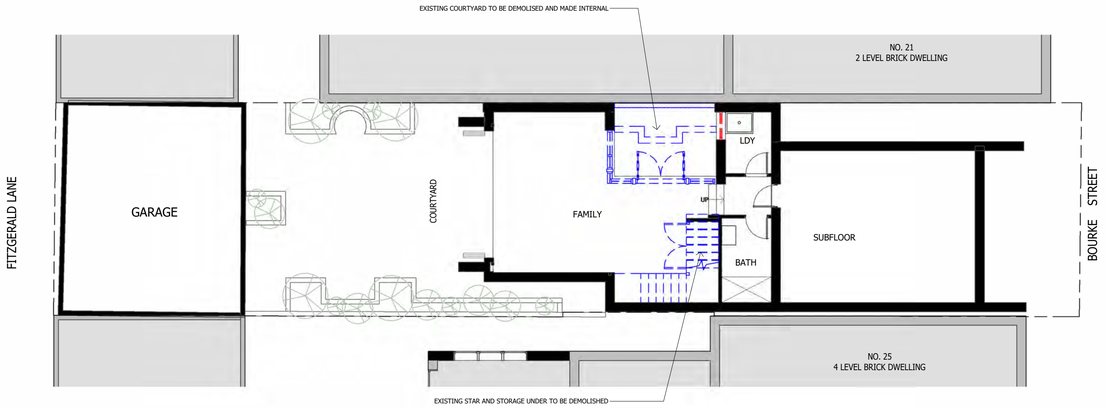
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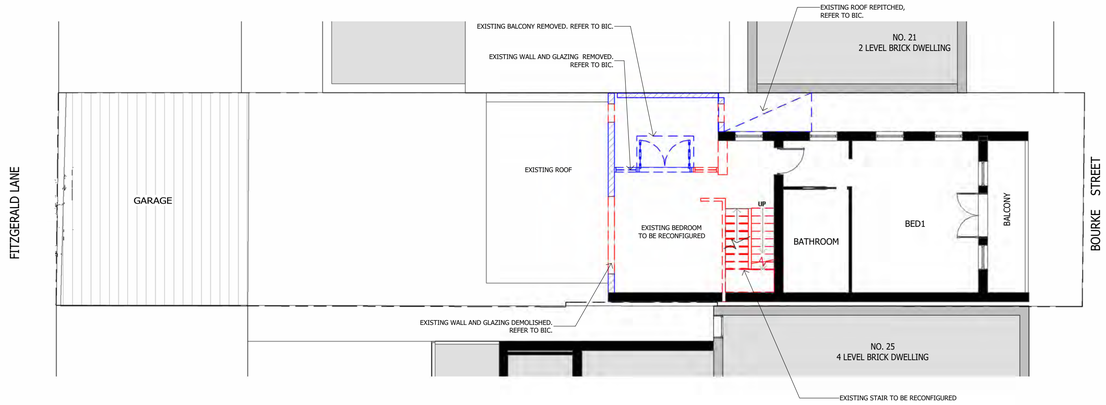
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Application No: DA-354/2025

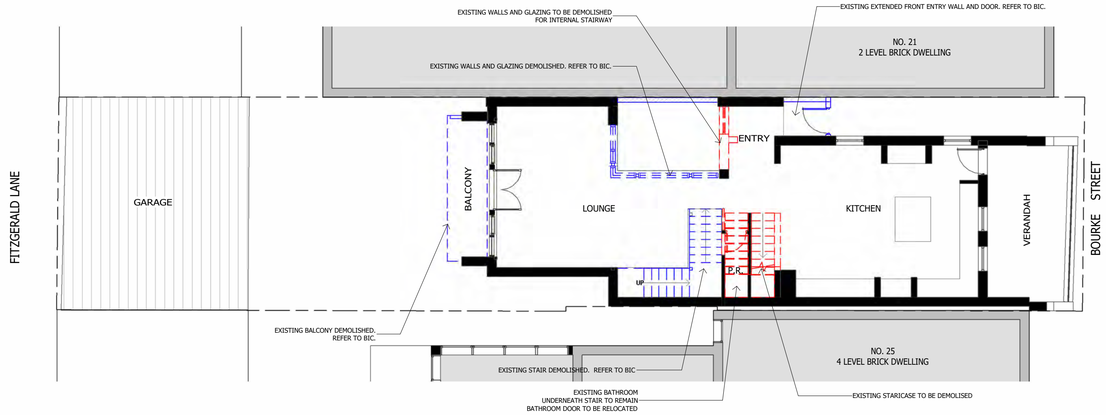
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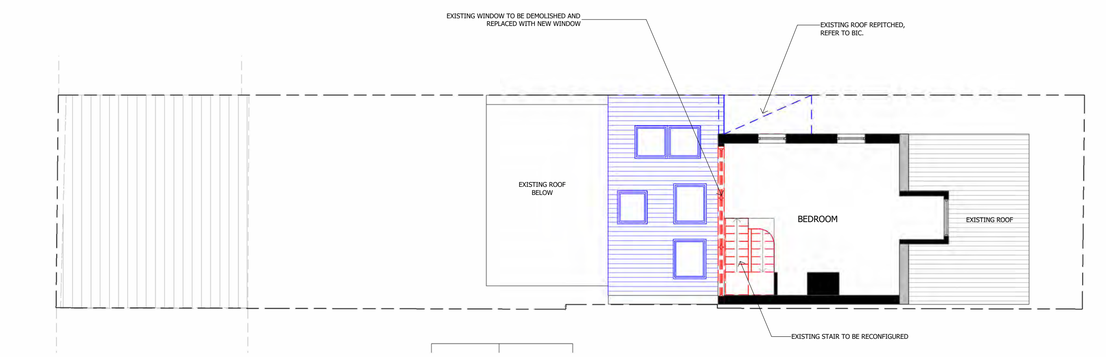
1 EXISTING AND DEMOLITION PLAN - LOWER GROUND FLOOR
1 : 100



3 EXISTING AND DEMOLITION PLAN - LEVEL 01
1 : 100



2 EXISTING AND DEMOLITION PLAN - GROUND FLOOR
1 : 100



4 EXISTING AND DEMOLITION PLAN - ATTIC LEVEL
1 : 100

NOTE:

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LEGEND

	EXISTING BUILDING
	EXISTING TO BE DEMOLISHED
	UNAUTHORISED DEMOLISION - REF. BC-35/2025
	PROPOSED WORKS
	UNAUTHORISED WORKS - REF. BC-35/2025
	LANDSCAPE

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ORIENTATION

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DETAILS

CLIENT
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23 BOURKE STREET QUEENS PARK NSW 2022

PROJECT

DRAWING TITLE
EXISTING AND DEMOLITION PLANS

REFERENCE
666 - 23 BURKE ST QUEENS PARK

SCALE
1 : 100 @ A1

DRAWN
PL

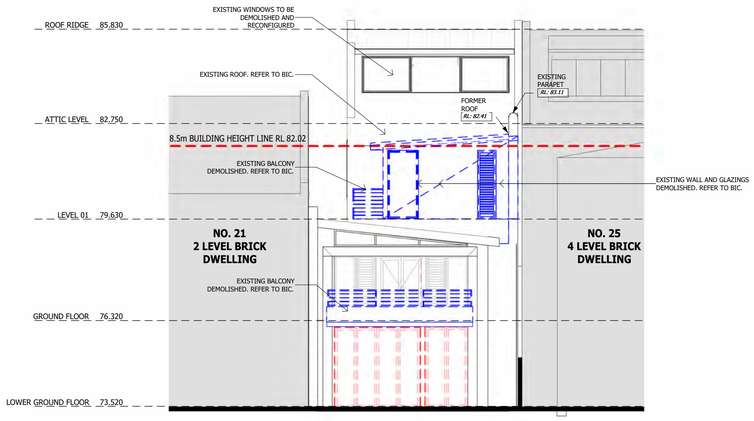
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29 DRAWING ISSUE

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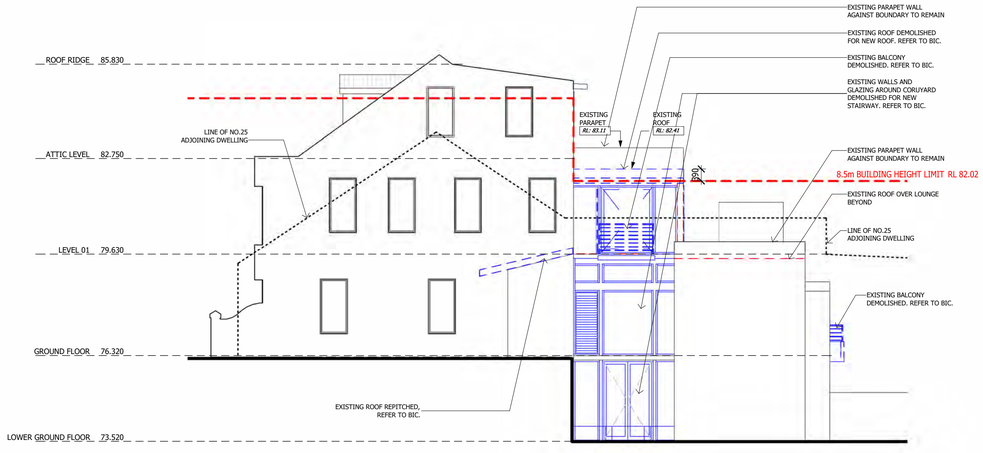
Application No: DA-354/2025

Date Received: 03/10/2025



1 EXISTING AND DEMOLITION WEST ELEVATION

1 : 100



2 EXISTING AND DEMOLITION NORTH ELEVATION

1 : 100

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	PROPOSED WORKS
	UNAUTHORISED WORKS - REF. BC-35/2025
	LANDSCAPE

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0 1 2 3 4 5 7 10m

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PROJECT

DRAWING TITLE
EXISTING AND DEMOLITION ELEVATIONS

REFERENCE
666 - 23 BURKE ST QUEENS PARK

SCALE 1 : 100 @ A1

DRAWN PL

DA101 D

300 DRAWING ISSUE

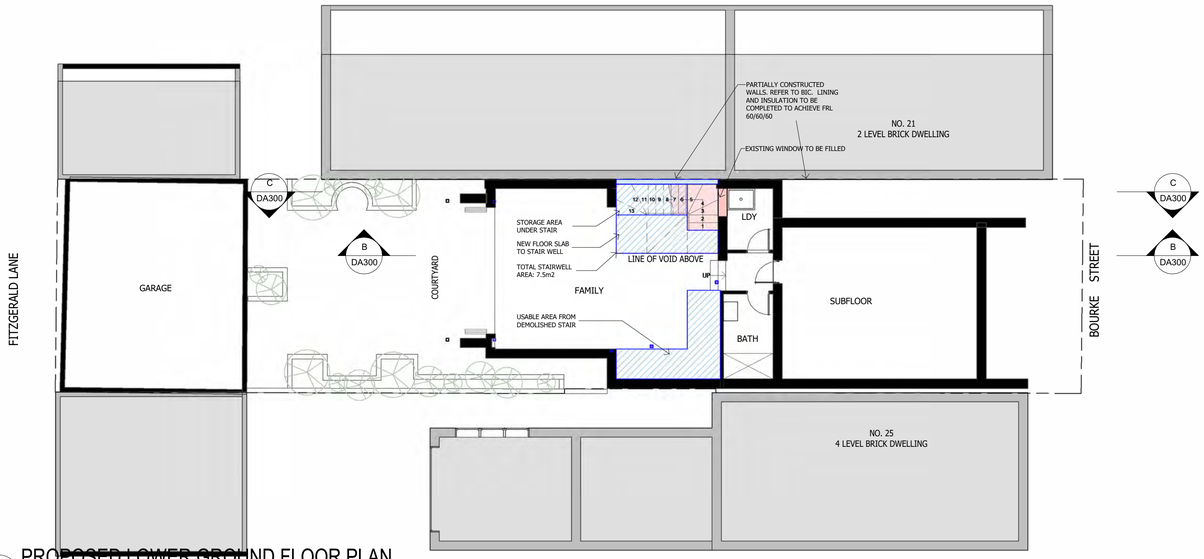
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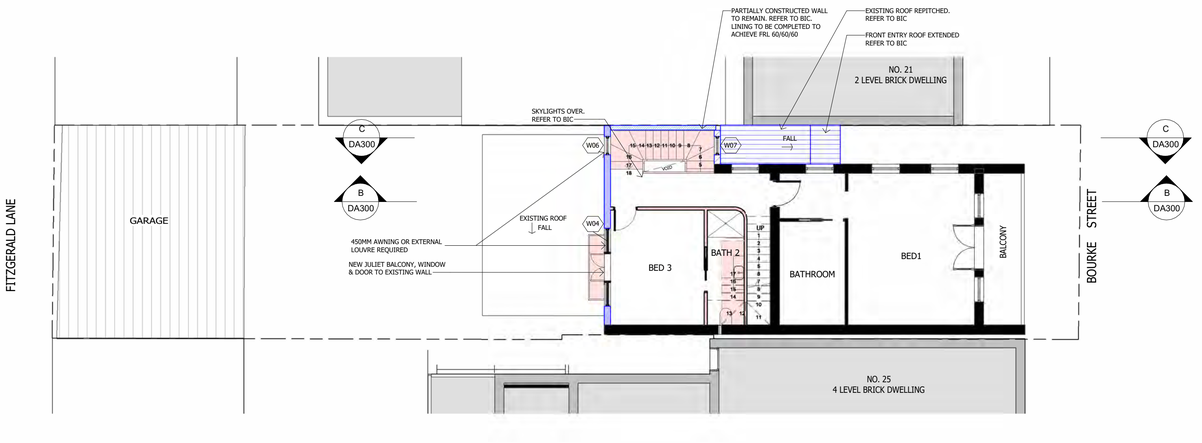
Application No: DA-354/2025

Date Received: 03/10/2025



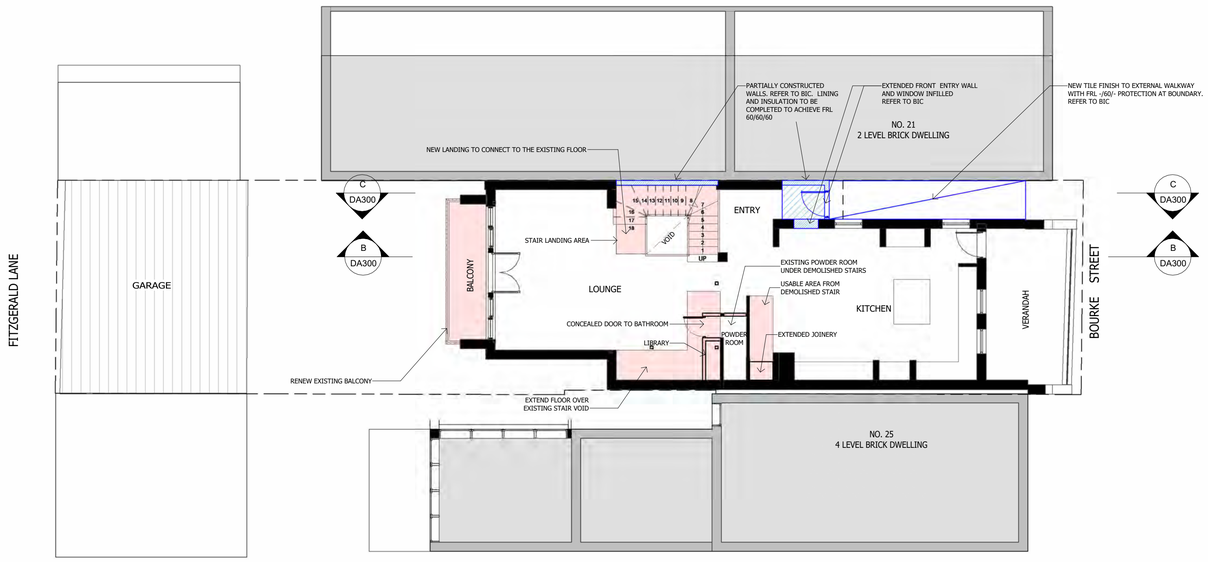
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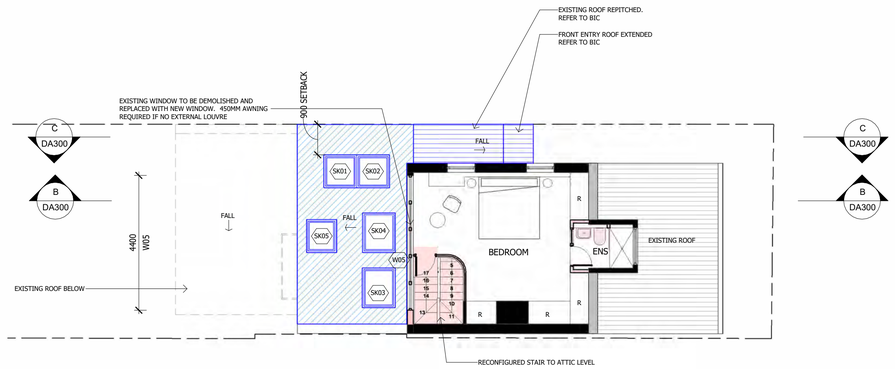
3 PROPOSED LEVEL 1 PLAN

1 : 100



2 PROPOSED GROUND FLOOR PLAN

1 : 100



4 PROPOSED ATTIC LEVEL PLAN

1 : 100

LEGEND	
	EXISTING BUILDING
	EXISTING TO BE DEMOLISHED
	UNAUTHORISED DEMOLISION - REF. BC-35/2025
	PROPOSED WORKS
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	LANDSCAPE

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0 1 2 3 4 5 7 10m

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CLIENT
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ADDRESS
23 BOURKE STREET QUEENS PARK NSW 2022

PROJECT

DRAWING TITLE
PROPOSED FLOOR PLANS

REFERENCE
666 - 23 BURKE ST QUEENS PARK

SCALE
1 : 100 @ A1

DRAWN
PL

DA110 D
304 DRAWING ISSUE

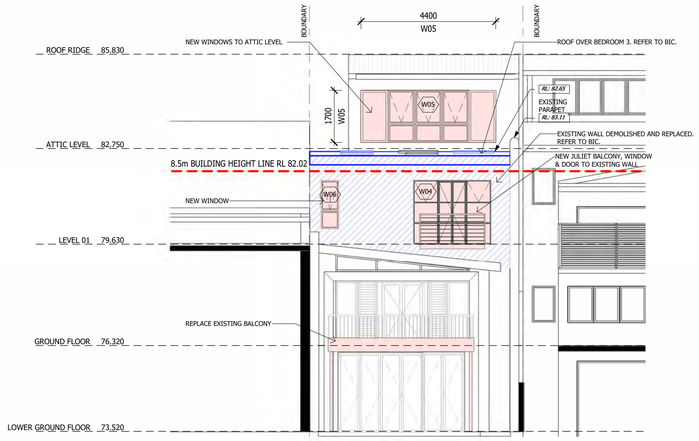
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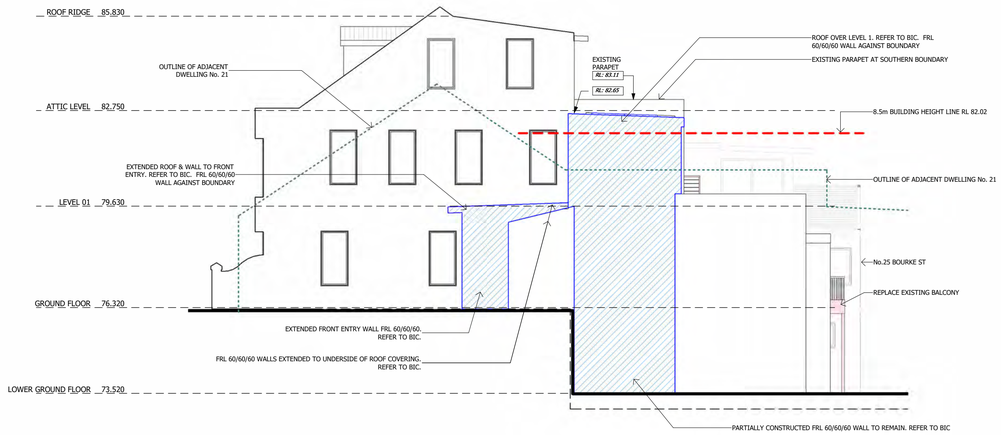
Application No: DA-354/2025

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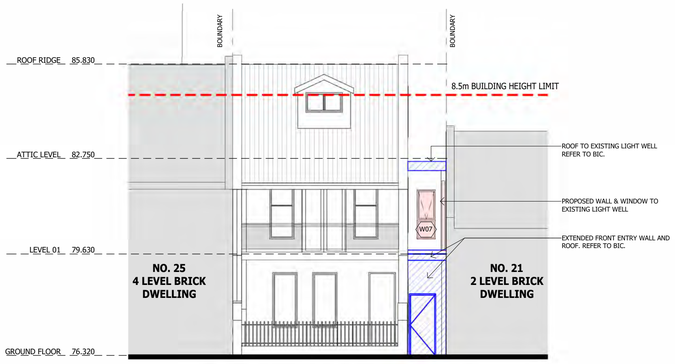
1 PROPOSED WEST ELEVATION

1 : 100



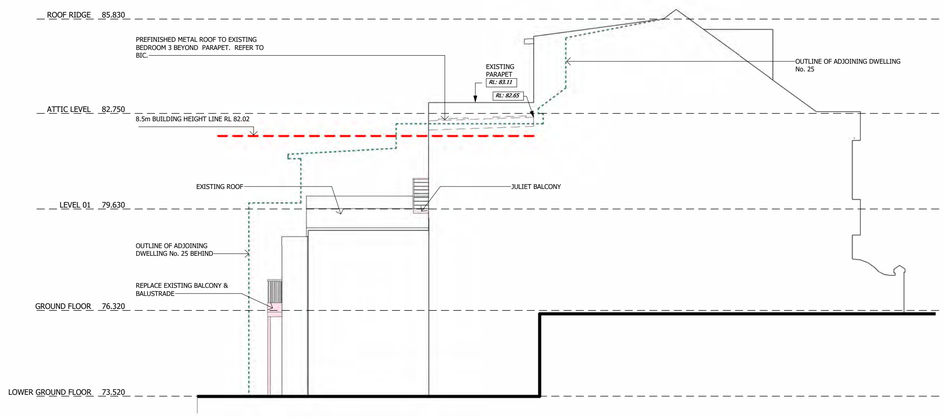
3 PROPOSED NORTH ELEVATION

1 : 100



2 PROPOSED EAST ELEVATION

1 : 100



4 PROPOSED SOUTH ELEVATION

1 : 100

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ADDRESS
23 BOURKE STREET QUEENS PARK NSW 2022

PROJECT

DRAWING TITLE
PROPOSED ELEVATIONS

REFERENCE
666 - 23 BURKE ST QUEENS PARK

SCALE 1 : 100 @ A1

DRAWN PL

DA200 D

302 DRAWING ISSUE

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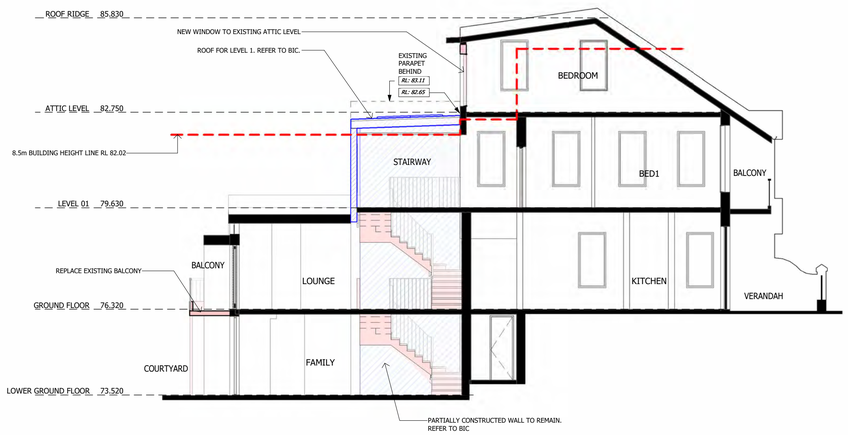
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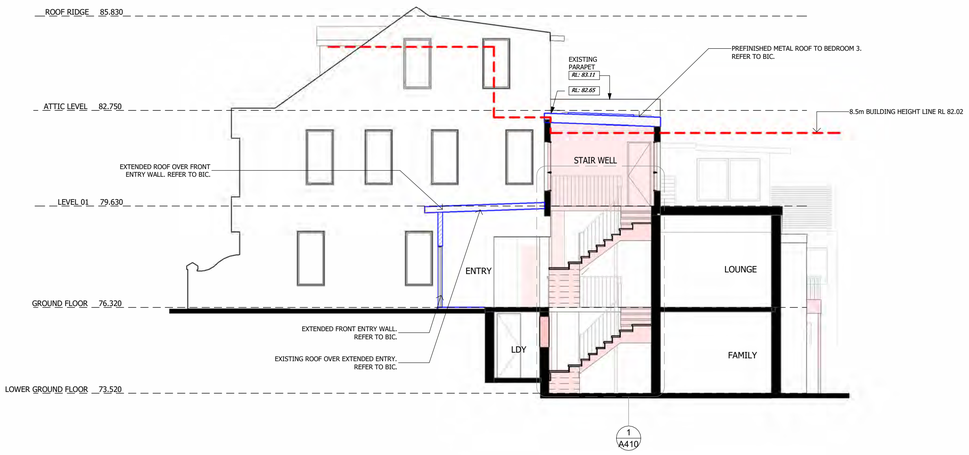
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Application No: DA-354/2025

Date Received: 03/10/2025



B PROPOSED SECTION B-B
1 : 100



C PROPOSED SECTION C-C
1 : 100

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PROJECT

DRAWING TITLE
SECTIONS

REFERENCE
666 - 23 BURKE ST QUEENS PARK

SCALE 1 : 100 @ A1

DRAWN PL

DA300 D
300 DRAWING ISSUE

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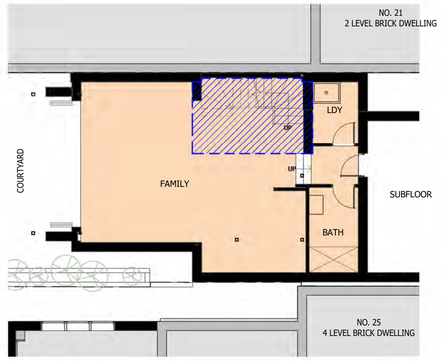
Date Received: 03/10/2025

FSR CALCULATIONS

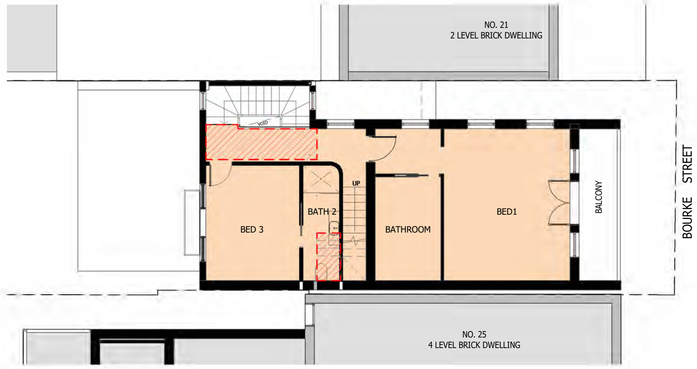
SITE AREA	232.7m2		
	EXISTING	BIC	PROPOSED
LOWER GROUND FLOOR GFA	43.2m2	52.9m2	52.9m2
GROUND FLOOR GFA	73.1m2	74.7m2	86.6m2
LEVEL 1 GFA	54.9m2	54.9m2	59.9m2
ATTIC GFA	27.3m2	27.3m2	28.2m2
TOTAL GFA	198.5m2	209.8m2	227.6m2
FSR	0.85:1	0.9:1	0.98:1
CONTROL FSR	0.85:1=197.80m2		

LEGEND

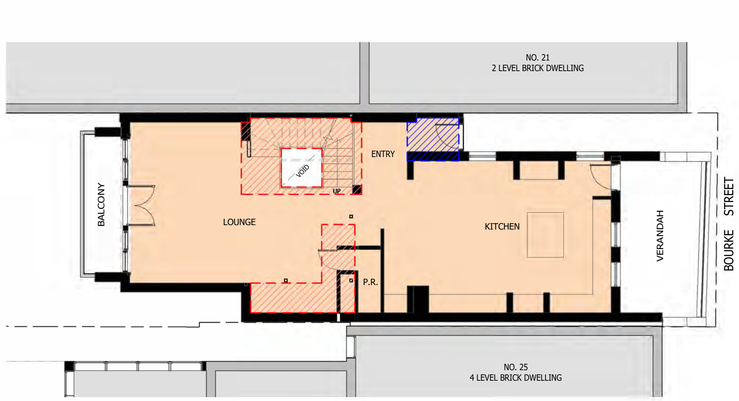
	FLOOR AREA
	FLOOR AREA CREATED BY ELEMENTS IN BIC
	PROPOSED ADDITIONAL FLOOR AREA



3 LOWER GROUND FLOOR AREA PLAN
1 : 100



2 LEVEL 1 AREA PLAN
1 : 100



4 GROUND FLOOR AREA PLAN
1 : 100



1 ATTIC LEVEL AREA PLAN
1 : 100

NOTE:

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Design Practitioner Registration -
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	D	DA DEFERRAL -2	02/10/25

DETAILS
CLIENT
Mr. A G Sadler and Mrs. K A Sadler

ADDRESS
23 BOURKE STREET QUEENS PARK NSW 2022

PROJECT
DRAWING TITLE
FSR CALCULATION
REFERENCE
666 - 23 BURKE ST QUEENS PARK
SCALE 1 : 100 @ A1
DRAWN PL

DA350 D
304 DRAWING ISSUE

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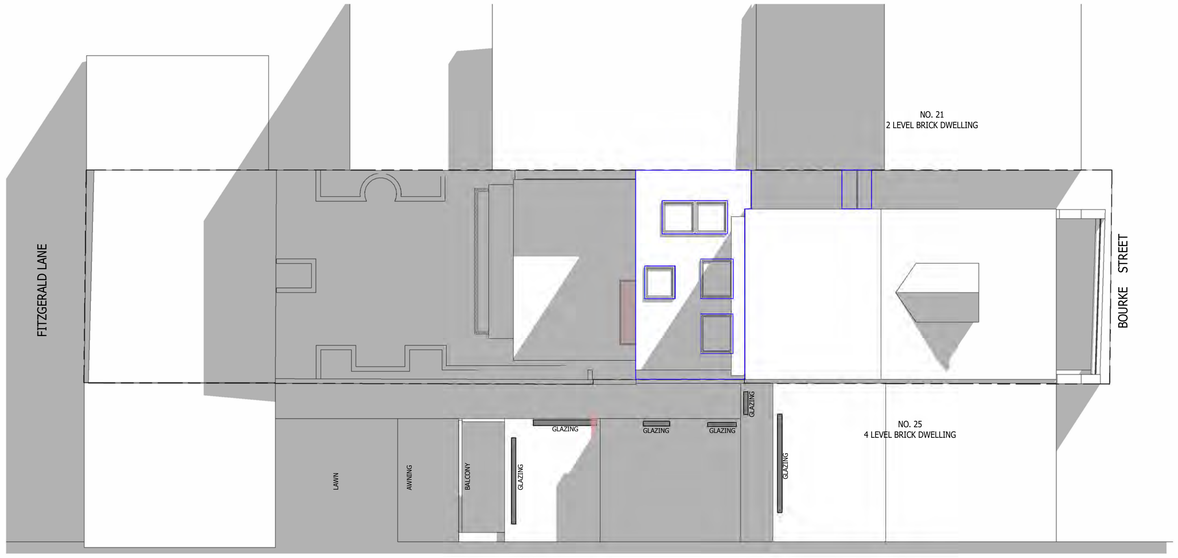
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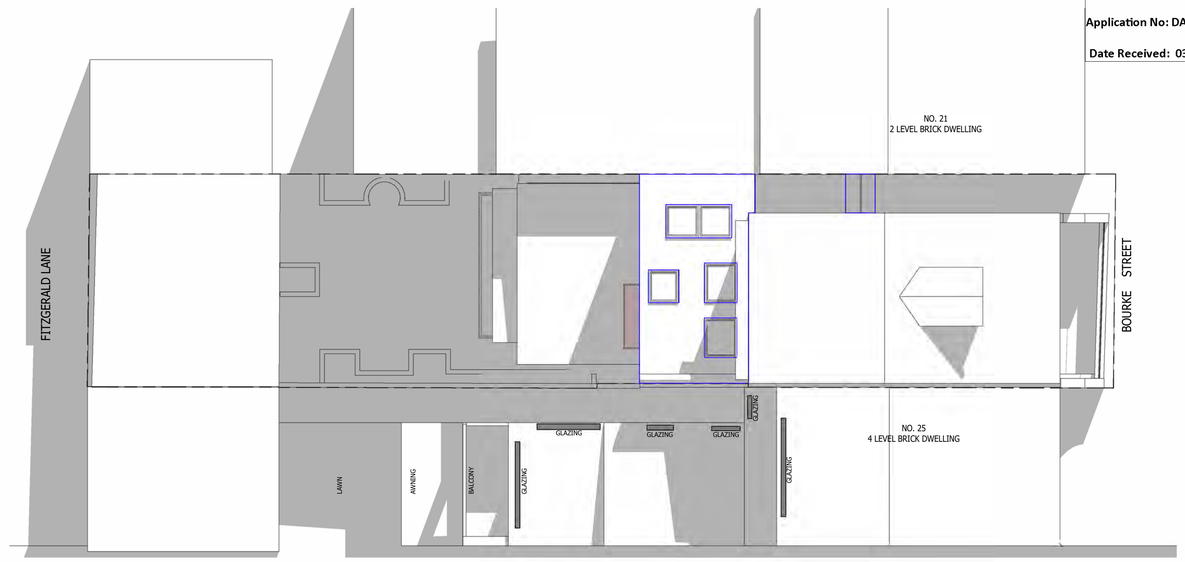
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Application No: DA-354/2025

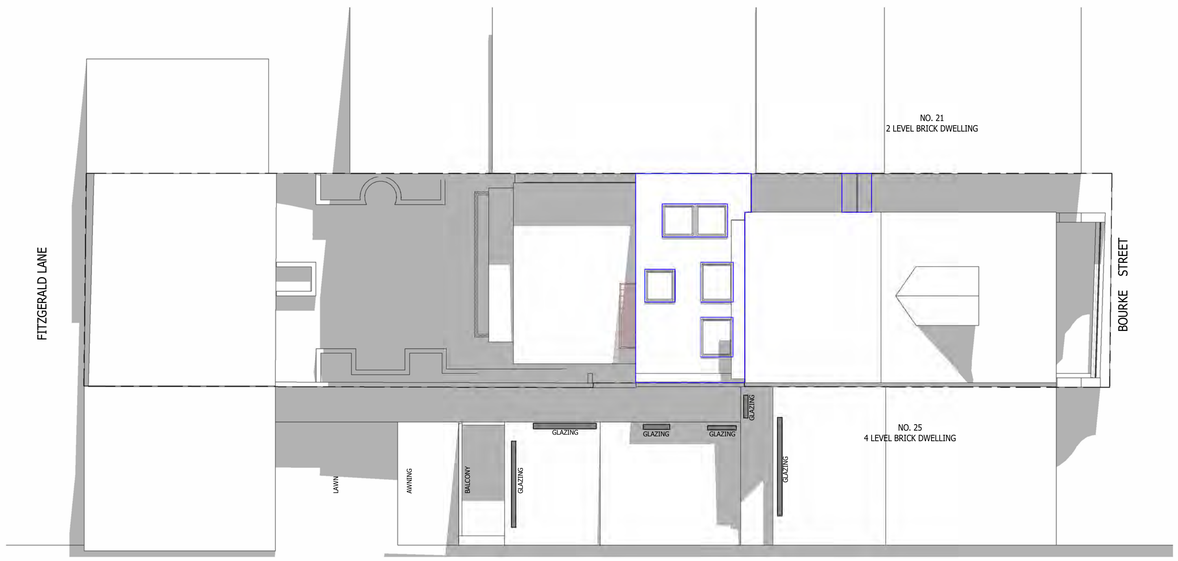
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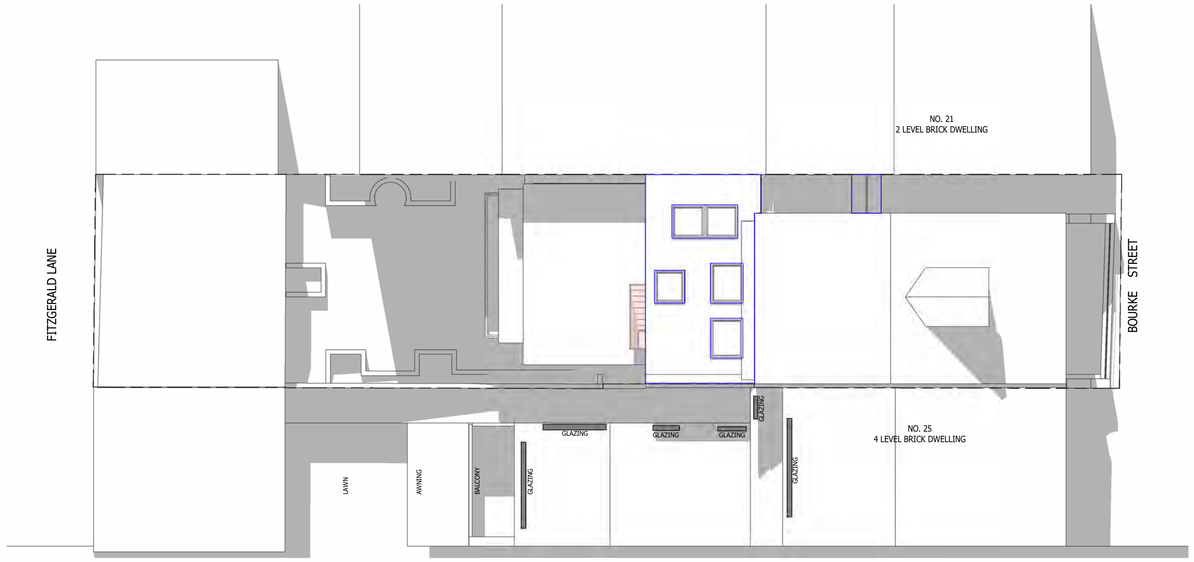
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3 SHADOW DIAGRAM 21 JUNE 11AM
1 : 100



4 SHADOW DIAGRAM 21 JUNE 12PM
1 : 100

LEGEND	
	EXISTING BUILDING
	UNAUTHORISED WORKS. REFER TO BIC.
	PROPOSED WORKS
	SHADOWS

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DETAILS

CLIENT
Mr. A G Sadler and Mrs. K A Sadler

ADDRESS
23 BOURKE STREET QUEENS PARK NSW 2022

PROJECT

DRAWING TITTLE
SHADOW DIAGRAMS 9AM-12PM 21 JUNE

REFERENCE
666 - 23 BURKE ST QUEENS PARK

SCALE
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PL

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DRAWING ISSUE

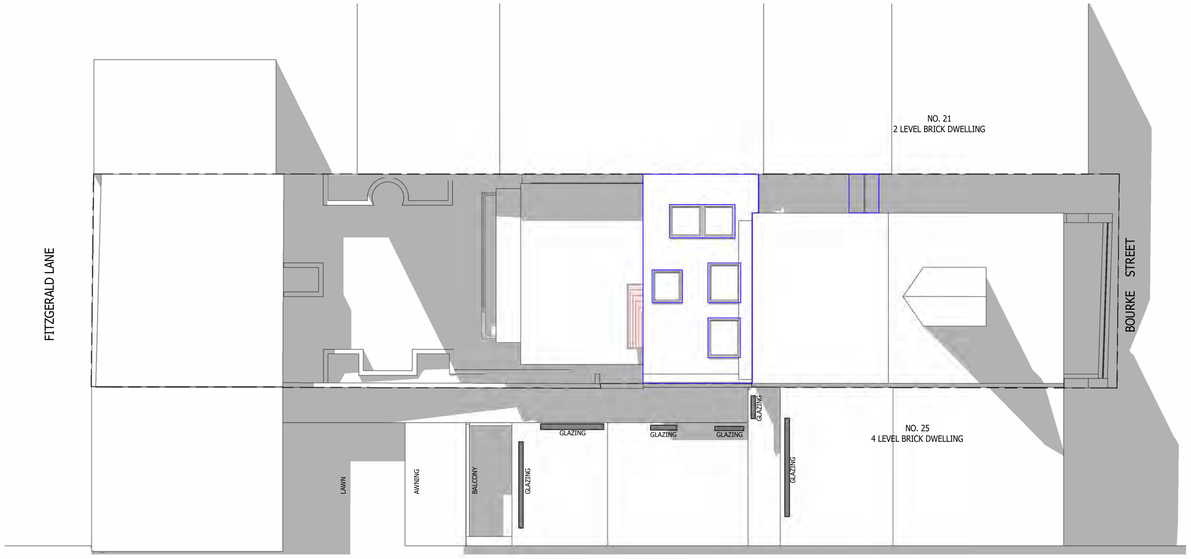
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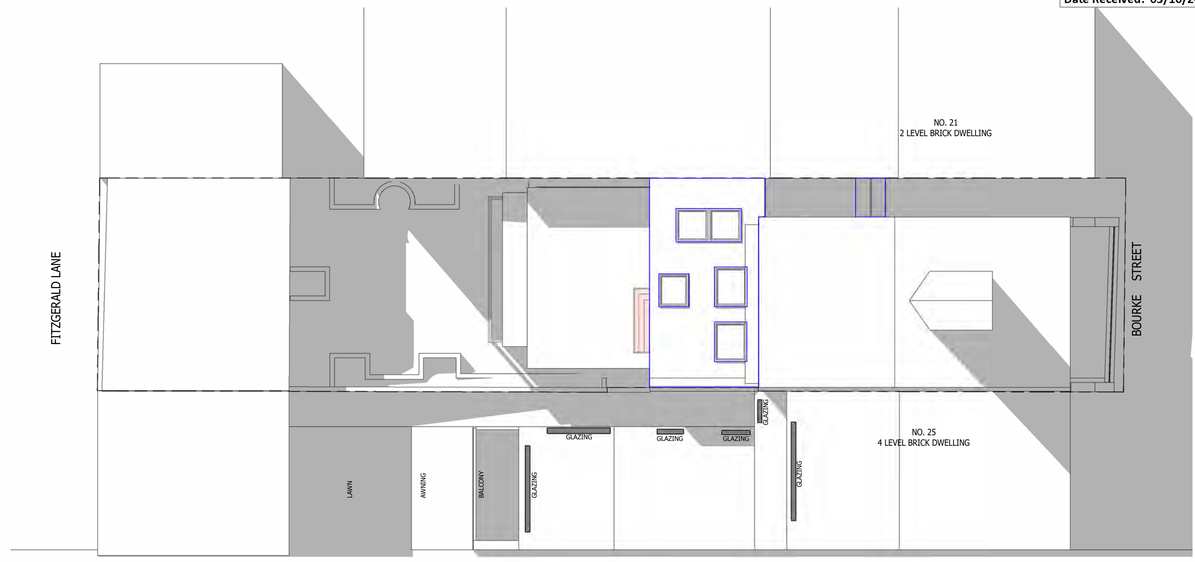
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Application No: DA-354/2025

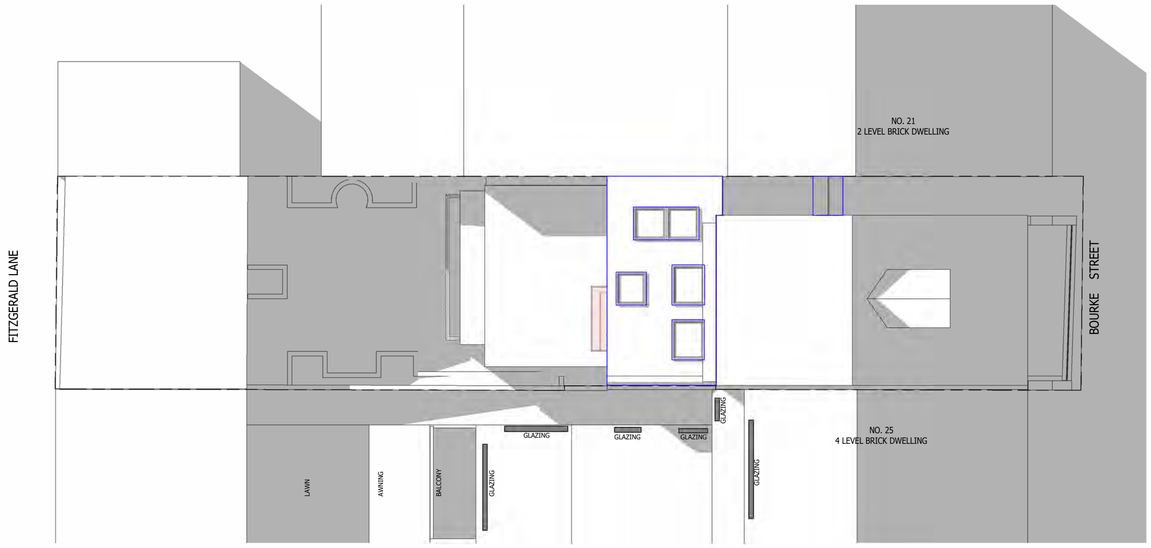
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1 : 100



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PROJECT

DRAWING TITLE
SHADOW DIAGRAMS 1PM-3PM 21 JUNE

REFERENCE
666 - 23 BURKE ST QUEENS PARK

SCALE
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PL

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DRAWING ISSUE

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Application No: DA-354/2025

Date Received: 03/10/2025



1 SHADOW DIAGRAM 21 JUNE 9AM



2 SHADOW DIAGRAM 21 JUNE 10AM



3 SHADOW DIAGRAM 21 JUNE 11AM



8 SHADOW DIAGRAM 21 JUNE 1130AM



4 SHADOW DIAGRAM 21 JUNE 12PM



5 SHADOW DIAGRAM 21 JUNE 1PM



6 SHADOW DIAGRAM 21 JUNE 2PM



7 SHADOW DIAGRAM 21 JUNE 3PM

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PROJECT

DRAWING TITTLE
SHADOW DIAGRAMS 3D 21 JUNE

REFERENCE
666 - 23 BURKE ST QUEENS PARK

SCALE 1 : 100 @ A1
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DA362 D
DRAWING ISSUE

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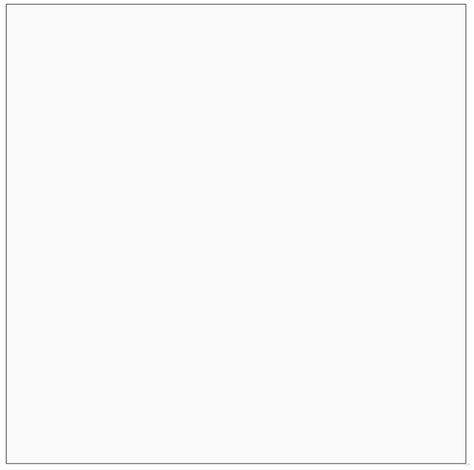
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Application No: DA-354/2025

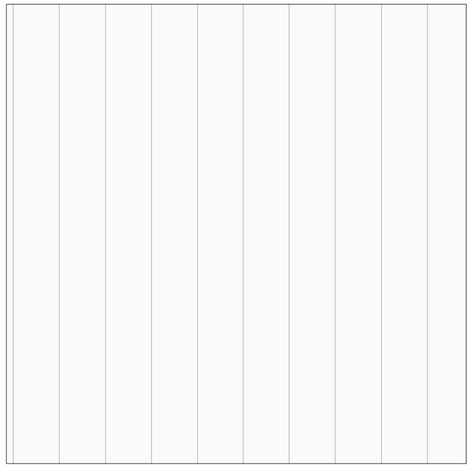
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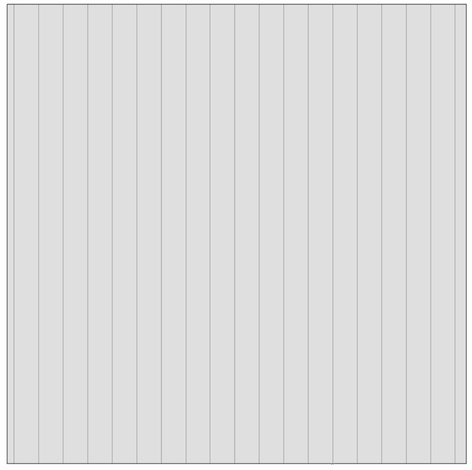
ALUMINIUM WINDOW FRAME
BLACK



RENDERED WALL (OFF WHITE)
PAINT FINISH - RESENE 'JOANNA'



VJ WALL CLADDING (OFF WHITE)
PAINT FINISH - RESENE 'JOANNA'



ROOF SHEETING
COLORBOND 'WOODLAND GREY'

DEVELOPMENT APPLICATION

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CLIENT
Mr. A G Sadler and Mrs. K A Sadler

ADDRESS
23 BOURKE STREET QUEENS PARK NSW 2022

PROJECT

DRAWING TITLE
FINISHES SCHEDULE

REFERENCE
666 - 23 BURKE ST QUEENS PARK

SCALE 1 : 100 @ A1
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DA901 D
300 DRAWING ISSUE

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Report to the Waverley Local Planning Panel

Application number	DA-494/2025
Site address	21 Chesterfield Parade, BRONTE
Proposal	Demolition of part of the existing roof, and alteration and renovation of the existing two-storey single dwelling
Date of lodgement	1 October 2025
Owner	H & M Simmons
Applicant	H Simmons
Submissions	Nil
Cost of works	$495,000
Principal Issues	• Non-compliant floor space ratio (FSR)
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 demolition of part of the existing roof, and alteration and renovation of the existing two-storey single dwelling at the site known as 21 Chesterfield Parade, BRONTE.

The principal issue arising from the assessment of the application relate to a non-compliance with the maximum FSR allowable on site. The assessment finds this issue acceptable as the additional floor space will have no impact on the environmental amenity on the subject site or surrounding properties. The proposed works will maintain sufficient privacy, visual bulk, and solar access to surrounding properties and should therefore be supported.

No submissions were received.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 22 October 2025.

The site is identified as Lot 54 in DP 975933, known as 21 chesterfield Parade, BRONTE.

The site is rectangular in shape with north and south boundaries measuring 12.19 metres, and east and west boundaries measuring 55.37 metres. The site has an area of 673.42m² and falls from the north (front) towards the south (rear) by approximately 3.5 metres.

The site is occupied by a two storey detached dwelling with vehicular access provided from Busby Lane at the rear to a large garage/workshop. A storage room/cabana is located at the rear of the site above the garage/workshop.

The subject site is adjoined by pairs of semi-detached dwellings on either side. The locality is characterised by predominantly low density residential developments including dwellings both semi-detached and detached.

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



Figure 1: Subject site viewed from the street



Figure 2: Rear of subject site, looking north



Figure 3: Internal view of the existing roof garden (location of proposed extension), looking north



Figure 4: Internal view of the existing roof garden (location of proposed extension), looking east

1.3. Relevant Development History

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

- DA-525/2003 for a new boundary wall and privacy screen was approved on 7 October 2003.
- DA-181/2005 for alterations and additions including a terrace area and pool deck was approved on 5 August 2005. The terrace was to be located directly to the rear of the existing dwelling accessed via the living areas with the new swimming pool located central on the site (between the dwelling and rear garage). The works were not constructed and the consent has now expired.
- DA-454/2013 for a new granny flat, ground floor extension and first floor addition to dwelling, swimming pool and deck was approved on 26 March 2014.
- DA-454/2013/A for modifications including extension of the rear studio and construction of a first-floor addition over for use as storage, relocation and lowering of swimming pool and provision of toilet in garage was approved on 19 June 2015.

1.4. Proposal

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

- Reconfiguration of internal layout to ground floor, including the removal of two internal walls to combine bedrooms.
- Part demolition of the first floor master bedroom, study and outdoor roof garden.
- Extension of the first floor to include an additional bedroom and ensuite.
- Reconfiguration of the internal layout of the first floor.
- Partial demolition of the existing roof to accommodate first floor extension.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

- SEPP (Sustainable Buildings) 2022
- SEPP (Biodiversity and Conservation) 2021

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 Table *R2 Low Density Residential Zone*	Yes	The proposal is defined as a dwelling house, which is permitted with consent in the R2 zone.

Provision	Compliance	Comment
Part 4 Principal development standards		
4.3 Height of buildings • *8.5m*	Yes	The development proposes a maximum height of 7.9m, which complies with the development standard.
4.4 Floor space ratio Site area: 673.42m^2 • *0.5:1 or 336.72m^2*	No	The development proposes a total FSR of 0.61:1 or 410.8m^2, which does not comply with the development standard.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 6 Additional local provisions		
6.15 Stormwater Management	Yes	The proposal satisfactorily mees 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

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

The site is subject to a maximum FSR development standard of 0.5:1. The proposed development has an FSR of 0.61:1, exceeding the standard by 74.09m^2 equating to a 19.8% variation. It is noted that the existing building already exceeds the development standard by 26.74m^2.

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

(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and

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

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

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

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

(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:

(i) *The additional gross floor area is a result of an increase to floor space at first floor level. This additional gross floor area is limited to the central portion of the existing dwelling at first floor, and will be contained within the existing building footprint. The works seek to improve the internal amenity by the creation of two master bedrooms. These components of additional gross floor area will have minimal impact on the visual bulk and will not have a detrimental effect on the desired future character of the locality.*

(ii) *The proposed works at first floor level will have minimal impact on visual bulk and will maintain the environmental amenity of the neighbouring properties. The proposed additional floor area at first floor level will provide for improved internal amenity for the existing dwelling, and will not be a detriment to the neighbouring environmental amenity.*

(iii) *This component of additional gross floor area will maintain adequate solar access and visual amenity to the adjoining dwellings. New openings are proposed including along the eastern and western wall at first floor level. However, their siting will not provide overlooking opportunities to the adjacent dwellings.*

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

(i) *The proposed bulk and scale of the development remains compatible with the desired future character of the immediate area. The additional floor space will be contained within the existing building footprint, which is limited to the first floor level and is within the centre of the site.*

(ii) *The increase to existing FSR will not substantially increase the presentation of the front elevation. This is attributed to the use of sufficient side and front setbacks, minimising visual impact in terms of bulk and scale when viewed from the public domain.*

(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) *The proposed development is limited to the central portion of the existing dwelling at first floor level. Because of this siting the shadowing effects are limited to the eastern and western side boundaries. Shadow diagrams illustrate that the proposed development will add minimal additional shadowing to the western wall of neighbouring 23 Chesterfield Parade and along the eastern wall of neighbouring 19 Chesterfield Parade. The proposed additional floor area will however not result in additional shadowing to windows of habitable rooms and will result in no change to existing solar access to private open space.*

(v) *The proposal seeks changes to existing window openings along the eastern and western walls at first floor. These new openings will however be suitably sited and will not impose on privacy towards the neighbouring dwellings.*

(vi) *The addition will sit behind the roof apex of the single storey portion of the dwelling, providing a sufficient visual setback. These additions will result in the formation of an extended flat roof and will sit below the ridgeline of the existing first floor roof. Furthermore, the new first floor addition will present as secondary to the existing first floor development. This will not result in unreasonable additional bulk when viewed from Chesterfield Parade.*

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], *that the objectives of the floor space ratio development standard are achieved notwithstanding non-compliance with the standard.* The objectives of the floor space ratio development standard are discussed below.

(a) to ensure sufficient floor space can be accommodated within the Bondi Junction Centre to meet foreseeable future needs.

Not applicable.

(b) to provide an appropriate correlation between maximum building heights and density controls.

The proposal results in a maximum building height of 7.9m from the existing ground level, which demonstrates 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.

The proposed addition is consistent with the desired future character of the locality. The non-compliance is centrally located to the dwelling and will have minimal visibility from the streetscape. The non-compliance is largely attributed to the existing garage, studio and storage building located at the rear of the site. The main dwelling has been designed to fit compatibly into the existing bulk and scale of surrounding dwellings. When viewed from Chesterfield Parade, the proposed addition will have minimal visibility to what currently exists on site.

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

The proposed development does not result in amenity impacts to neighbouring properties including solar access and visual bulk. As discussed in other areas of this report, there is no increased visual privacy impacts as a result of the proposed development.

The applicant has provided sound justification and compliance has been argued to be unreasonable and unnecessary. The proposal is consistent with the objectives of the FSR development standard. The bulk and massing is compatible within the context of the surrounding 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 particularly the argument that the extent of the floor space ratio breach is not resulting in amenity impacts to surrounding properties. The proposed addition has been carefully designed to minimise the bulk and scale when viewed from neighbouring properties and Chesterfield Parade.

Conclusion
The written request provided by the applicant to vary the FSR 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	Satisfactory. No change is proposed to the existing bin area on site.

Development Control	Compliance	Comment
2. Ecologically Sustainable Development • *Ceiling or wall mounted fans* • *Gas cooktops, gas ovens or gas internal space heating systems.*	Yes	Satisfactory. No changes are proposed to the existing kitchen on site. A condition has been recommended to include ceiling or wall mounted fans to the two new bedrooms proposed on the first floor.
3. Landscaping, Biodiversity and Vegetation Preservation	Yes	No changes are proposed to the deep soil landscaping on site. The rooftop gardens are proposed to be removed, however will not impact on the landscaping or biodiversity on site. As such, the development complies with this control.
5.Water Management	Yes	Satisfactory. Stormwater plans have been submitted to demonstrate compliance with these controls.
11. Design Excellence	Yes	Satisfactory. The proposed first floor addition has been designed to complement the existing dwelling and will match the desired future character of the surrounding area. The proposed works are set back from the front of the dwelling and will have minimal impact to the streetscape.

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

Development Control	Compliance	Comment
1.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
1.1 Height		
Flat roof dwelling house • *Maximum wall height of 7.5m*	Yes	The external wall proposes a maximum wall height of 7.11m, which complies with the control.
1.2 Setbacks		
1.2.1 Front and rear building lines • *Predominant front building line (adjacent three neighbours on either side)* • *Predominant rear building line at each floor level (adjacent three neighbours or either side)* • *Development at first floor level and above shall be set back from the rear building line of the ground floor level*	Yes	The proposed extension of the first floor will increase the setback to the front building line. This is in line with first floor developments in the immediate area and fits in with the predominant front building line. No change is proposed to the existing first floor rear setback on site.

Development Control	Compliance	Comment
1.2.2 Side setbacks • *Minimum of 0.9m for ground floor and first floors.)* • *Minimum 1.5m for second floor, noting that where a brand new three storey structure is proposed, all floors must be setback by 1.5m.* • *Third floor assessed on merit.*	Yes	The proposed first floor extensions proposes a 915mm setback to the western boundary and a 1.3m setback to the eastern boundary, which complies with the control.
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	The proposed works to the first floor will have minimal visibility from Chesterfield Parade. The works that will be visible from the streetscape have been designed to match the existing and future desired character of the streetscape and surrounds. All works are located behind the existing principal ridgeline and will complement the design of the existing dwelling 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	No changes are proposed to the front, side and rear fences on 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* • *External stairs are not acceptable.* • *Maximum size of balconies:* *10m^2 in area* *1.5m deep* • *Roof tops to be non-trafficable unless*	Yes	No changes are proposed to the existing ground floor windows. The proposed new first floor windows facing east (W01, W02 and W03) have direct views into a void area on the neighbouring property at No. 23 Chesterfield Parade and would therefore not result in any direct overlooking impacts. The existing west facing window labelled EX14 was servicing a study and is now proposed to service a bedroom. This window sits approximately 4.9m from the side boundary and does not direct look into a neighbouring habitable window. Therefore, no concerns are raised. No rooftop terraces, external stairs, or additional balconies are proposed.

Development Control	Compliance	Comment
predominant in the immediate vicinity		
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	Shadow diagrams have been submitted with the application demonstrating that the development will overshadow on the neighbouring property to the east at 3pm. The extent of overshadowing includes partial obstruction to 2 bathroom windows and a hallway window. As these windows are not considered to be habitable or high-use areas, the development complies with the control. Similarly, the proposed development will partially overshadow a bathroom window at 9am. However as this is not a habitable window, no concerns are raised. the proposed works will have not overshadow any principal private open spaces or habitable windows or neighbouring properties and therefore complies with the control.
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	No views are expected to be impacted by the development.
1.9 Landscaping and open space		
• *Overall open space: 40% of site area* • *Overall landscaped area: 20% of site area, with at least half deep soil* • *Minimum area of 25m^2 for private open space* • *Front open space: 50% of front building setback area* • *Front landscaped area: 50% of front open space provided* • *Outdoor clothes drying area to be provided*	Yes	No changes are proposed to the overall existing open space provided on site. 27% of the site will remain as landscaped area. No changes are proposed to the private open space on site. No changes are proposed to the front setback area on site. A clothes drying area is provided in the rear.

2.2. Other Impacts of the Development

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

2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.4. Any Submissions

The application was notified for 14 days between 7 October and 23 October 2025 in accordance with the *Community Engagement Strategy 2023 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.

3. REFERRALS

No internal or external referral comments were sought.

4. CONCLUSION

The development application seeks consent for the demolition of part of the existing roof, and alteration and renovation of the existing two-storey single dwelling at the site known as 21 Chesterfield Parade, BRONTE.

The principal issue arising from the assessment of the application relate to a non-compliance with the maximum FSR allowable on site. The assessment finds this issue acceptable as the additional floor space will have no impact on the environmental amenity on the subject site or surrounding properties. The proposed works will maintain sufficient privacy, visual bulk, and solar access to surrounding properties and should therefore be supported.

No submissions were received.

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

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

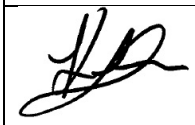
5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Managers of Development Assessment (MODA) Review

The application was reviewed by the MODA at the meeting on 28 October 2025 and the MODA concurred with the Assessment Planner's recommendation.

MODA members: *B McNamara, B Magistrale, Jo Zancanaro and Olivia Navratil*

Report prepared by:	**Application reviewed and agreed by:**
	
Katie Johnstone	Olivia Navratil
Senior Development Assessment Planner	**A/Manager, Development Assessment**
Date: 28 October 2025	**Date: 29 October 2025**

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)	[DELETE AS REQUIRED] 18.9% variation to FSR (Clause 4.4)
Determining Authority (Concurrence Authority for Clause 4.6 variation)	Local Planning Panel

	Pre-existing non-compliance
x	No change to overall building height
	No change to overall building envelope
	Variation limited to the [lift/plant/parapet/attic] only
x	No unreasonable impacts on the amenity of adjoining properties or streetscape
x	Sufficient environmental planning grounds
x	Consistent with the objectives of the standard
	[insert another reason here if required]

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

(a) The development must be in accordance with:

(b) Architectural Plans prepared by Carla Middleton Architecture of Project No: J070, including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA101 Rev. 10	Site Plan	09/09/2025	01/10/2025
DA102 Rev. 10	Existing + Demolition Plan	09/09/2025	01/10/2025
DA103 Rev. 10	Proposed Floor Plan	09/09/2025	01/10/2025
DA104 Rev. 10	Roof Plan	09/09/2025	01/10/2025
DA200 Rev. 10	Elevations	09/09/2025	01/10/2025
DA300 Rev. 10	Sections	09/09/2025	01/10/2025
DA500 Rev. 10	Material Schedule	09/09/2025	01/10/2025

(c) The BASIX Certificate;

(d) Stormwater Details and documentation prepared by ITM Design of project number 24-239 Rev. A, dated 04/08/2025, and received by Council on 01/10/2025;

(e) The Site Waste and Recycling Management Plan (SWRMP) Part 1 and received by Council on 01/10/2025;

Except where amended by the following conditions of consent.

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

PRIOR TO THE ISSUE OF A 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

2. 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.

3. HOME BUILDING ACT

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

4. SECTION 7.12 CONTRIBUTION

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

(a) Where the total development cost is $500,000 or less:

  (i) a Cost Summary Report or Building Contract (dated within 12 months) or similar is to be submitted to Council's Customer Service Centre to process payment.

(b) Where the total development cost is more than $500,001 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 are provided in the Waverley Council Contributions Plan, available on Council's website.

(d) As legislated in section 209 of the *Environmental Planning and Assessment Regulation 2021,* the levy must be paid in accordance with the following;

(i) A development valued at $100,000 or less will be exempt from the levy;

(ii) A development valued at $100,001 - $200,000 will attract a levy of 0.5% of the **full** cost of the development; or

(iii) A development valued at more than $200,000 will attract a levy of 1% of the **full** cost of the development.

(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.

5. LONG SERVICE LEVY

A long service levy, as required under section 34 of the *Building and Construction Industry Long Service Payments Act, 1986*, is to be paid in respect of this building work. Evidence that the levy has been paid is to be submitted to the Principal 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.

6. SECURITY DEPOSIT

(a) Payment to the amount of $13,785 must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing

any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent. This 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.

7. 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

8. HOARDING

Temporary structures such as work area protective structures (hoardings), perimeter scaffolding systems and cantilevered scaffolding are often a necessary part of development and maintenance activity. These must be designed and constructed in accordance with the requirements of *Safe Work NSW*.

Where a hoarding is required to be erected over the footpath or any public place, the approval of Council's Building Compliance Department must be obtained and the applicable fees paid, prior to the erection of the hoarding. Details and application form are available on Council's website.

Condition reason: 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.

11. 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 building facades and ridge mouldings 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.

TRAFFIC MATTERS

12. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

The applicant is to submit a Construction Traffic Management Plan (CTMP) for the approval of Council's Executive Manager, Infrastructure Services, or delegate, prior to the issue of any Construction Certificate. 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

13. STORMWATER MANAGEMENT

(a) Stormwater plans and details shall be prepared by a suitably qualified Hydraulics Engineer to ensure the management of stormwater runoff from the development is undertaken without impact to the subject site, neighbouring properties or receiving drainage system.

(b) The plans and details shall be prepared in accordance with Council's *Water Management Technical Manual* (WMTM), and be submitted to Council for approval, along with evidence from

a suitably qualified and practicing Hydraulics Engineer that the approved design has adhered to the WMTM.

(c) Details must be submitted to and approved by Council's Executive Manager, Infrastructure Services (or delegate), prior to the issue of any Construction Certificate.

(d) For further information regarding this, please contact assets@waverley.nsw.gov.au, phone 9083 8655.

Notes

(i) The stormwater management plans must be updated to be consistent with the approved architectural/landscape drawings.

(ii) The submitted stormwater management plan must clearly delineate the property's boundaries, the adjacent street names and provide a north arrow on each drawing.

(iii) The checklist as set out on pages 68-76 in Council's *Water Management Technical Manual* (October 2021) available online must be completed and submitted with any revision of Construction Certificate Plan Submissions.

(iv) Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block must not be replicated.

(v) For more information, contact Council's Assets Department at assets@waverley.nsw.gov.au, phone 9083 8655 (operational hours between 9.30am to 4pm Monday to Friday).

(vi) Standard timeframe to review and approve the Stormwater Plan and details are a minimum of 15 working days from submission. Please ensure you allow adequate time.

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.

ENERGY EFFICIENCY & SUSTAINABILITY

14. 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*.

15. RENEWABLE ENERGY AND ENERGY EFFICIENCY

To enable all development to contribute to net zero greenhouse emissions by 2035, the following shall apply:

(a) No gas cooktops, gas ovens and gas heating systems are permitted. Alternate options must be used (such as electric, induction sources).

Additionally, the following are encouraged:

(b) An electric hot water system in all developments. Recommended systems include electric heat pump, solar thermal with electric boost or electric storage.

(c) Swimming pool heating systems to include solar thermal only, solar thermal boosted with electric or electric heat pump.

(d) Lighting systems to include LEDs with controls, such as motion sensors, step-dim controls and daylight sensors.

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

(f) Where rainwater tanks are provided, then:

  (i) Rainwater tanks must be fitted with a first-flush device that causes initial run-off rainwater to bypass the tank, and

  (ii) Rainwater tanks must be fitted with a screened rain head designed to prevent leaf litter entering into the water tank, and

  (iii) All rainwater tanks plumbed for internal water use must have a filter installed to prevent sediment from entering toilets and washing machines, and

  (iv) Pumps attached to the development must be housed in an enclosure that is soundproofed, and

  (v) Rain tanks must have its overflow connected to an existing stormwater drainage system that does not discharge to an adjoining property, or cause a nuisance to adjoining owners

  (vi) Rain tanks must have a sign affixed to it stating the water in it is rainwater

(g) 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 reduce community greenhouse emissions to net zero by 2035, to improve human health, to conserve water and to ensure all new (or altered) homes have future capacity to be an all-electric building, powered by renewable energy.

WASTE

16. 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 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

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. 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.

TREE PROTECTION MEASURES

19. PROTECTIVE TREE FENCING

Before any machinery or materials are brought onto the site and before the commencement of any works including demolition, or in accordance with the Tree Protection Specifications (TPS) as shown on the Tree Protection Plan (TPP) protective fencing shall:

(a) Be erected around each tree nominated for retention and protection.

(b) Remain in place for the duration of the works. It must be secured to restrict access and must not be removed or altered without approval from the on-site arborist.

(c) Be installed in accordance with AS 4687.2:2022 Temporary Fencing and Hoardings

(d) Comprise of 1800mm high chain link wire mesh fixed to 50mm galvanised steel posts.

Notes:

(i) Portable chain link fencing may be installed.

(ii) Chain link portable panels must be securely fixed top and bottom to avoid separation.

(iii) Coloured plastic tape fencing or plain strained fencing wire fixed to steel droppers is unacceptable.

(iv) Existing perimeter fences and other structures may be used as part of the protective fence if suitable.

(v) Signs identifying the Tree Protection Zone (TPZ) should be placed around the edge of the TPZ and be visible from within the development site. The lettering on the sign should conform to AS 1319 -1994 REC:2018 Safety signs for the occupational environment

Condition reason: To create an exclusion zone around the tree throughout the construction to ensure all tree parts are protected.

20. TRUNK AND BRANCH PROTECTION

If protective fencing for trees is not possible, trunk protection is to be installed prior to any works commencing and include:

(a) the placement of 1.8m or less lengths of 75 mm x 40 mm hardwood or pine spaced at 125 mm centres around the trunk secured in place by metal strap bindings or 10-gauge fencing wire fixed at 300 mm centres. Prior to placing battens install a soft protective padding to ends of timbers to prevent damage to bark and conducting tissue.

(b) Trunk protection must remain in place for the duration of all site work.

(c) Tree crowns may be injured by machinery such as excavators, drilling rigs, cranes, trucks, hoarding installation, and scaffolding. The tree protection zone may need to include additional protection of the above ground parts of the tree.

(d) Crown protection may include pruning, branch protection, tying-back of branches, use of flagging to make the branch more visible, or other measures. If pruning is required, requirements are specified in AS 4373 2007 Pruning of Amenity Trees and should be undertaken before the establishment of the TPZ.

(e) Temporary powerlines, stays, guys, structures and the like shall not be attached to the tree (unless specifically permitted in the Tree Protection Specifications (TPS)

Condition reason: To ensure all tree parts are protected throughout the construction.

DEMOLITION & EXCAVATION

21. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

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

(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.

22. 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

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. CONSTRUCTION INSPECTIONS

The building works are to be inspected during construction by the Principal Certifier in accordance with the *Building Legislation Amendment (Quality of Construction) Act 2002*, Part 8 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* and the requirements of any other applicable legislation or instruments.

Condition reason: To ensure regular inspections occur throughout the construction process.

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.

TREE PROTECTION & REMOVAL

30. PROTECTING TREES ON DEVELOPMENT SITES

(a) Throughout construction, tree protection measures installed are to be retained in accordance with *Waverley Council's Development Control Plan 2022*, the approved Landscape Plan the approved Arborist Report, and *Australian Standard – AS 4970 – 2025* - Protection of Trees on Development Sites

(b) All approved tree work must be carried out by minimum AQF Level 3 arborist in accordance with AS 4373-2007 Pruning of amenity trees.

Condition reason: To ensure the retained trees remain unimpacted by construction.

STORMWATER

31. 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

32. 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.

33. FLOOR SPACE RATIO

The following applies to Floor Space Ratio:

(a) The Gross Floor Area of the building shall be limited to 410.8m^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.

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. TREE PROTECTION MEASURES TO BE REMOVED

All tree protection shall be removed prior to the issuing of the final Occupation Certificate.

Condition reason: To ensure that the tree can continue to grow post construction.

36. CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE

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 to Council (attention to: Infrastructure Services) for record.

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 during the course of construction a significant amount of the remaining fabric of the building be required to be removed, works must cease immediately and a new development application will be required to be submitted for assessment.

7. 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 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.*

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

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

RECEIVED
Waverley Council

Receipt No: DA-494/2025

Date Received: 01/10/2025

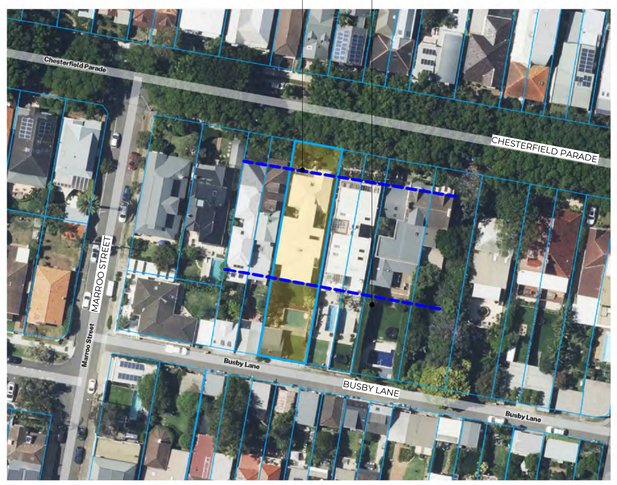
21 CHESTERFIELD PARADE, BRONTE

DEVELOPMENT APPLICATION

GADIGAL LAND OF THE EORA NATION

PREDOMINANT REAR SETBACK OF ADJOINING HOUSES

PREDOMINANT FRONT SETBACK OF ADJOINING HOUSES



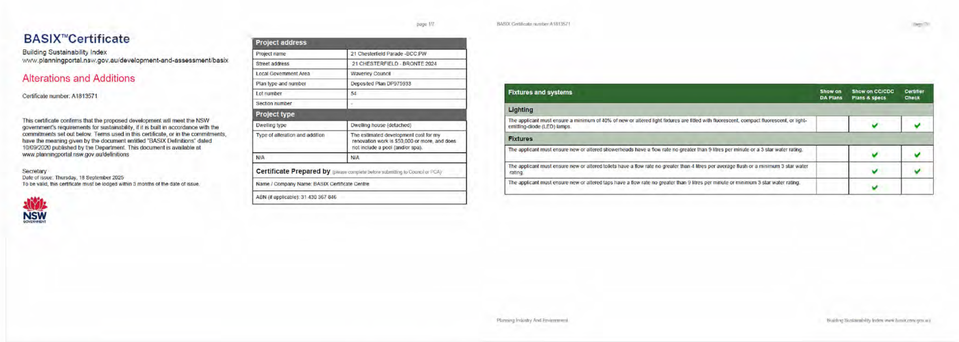
21 CHESTERFIELD PARADE, BRONTE. SOURCE: SIX MAPS

DRAWING SCHEDULE			
SHEET NUMBER	SHEET NAME	REVISION	REVISION DATE
DA000	COVER	10	09.09.25
DA101	SITE PLAN	10	09.09.25
DA102	EXISTING + DEMO GF & FF	10	09.09.25
DA103	PROPOSEED PLAN GF & FF	10	09.09.25
DA104	ROOF PLAN	10	09.09.25
DA105	SITE CALCULATIONS	10	09.09.25
DA200	ELEVATIONS	10	09.09.25
DA300	SECTIONS	10	09.09.25
DA400	SHADOW DIAGRAMS 23 CHESTERFIELD,9AM	10	09.09.25
DA401	SHADOW DIAGRAMS 23 CHESTERFIELD,12PM	10	09.09.25
DA402	SHADOW DIAGRAMS 23 CHESTERFIELD,3PM	10	09.09.25
DA403	SHADOW DIAGRAMS 19 CHESTERFIELD,9AM	10	09.09.25
DA404	SHADOW DIAGRAMS 19 CHESTERFIELD,12PM	10	09.09.25
DA405	SHADOW DIAGRAMS 19 CHESTERFIELD,3PM	10	09.09.25
DA406	SHADOW EXISTING 9AM - FULL EXTENT	10	09.09.25
DA407	SHADOW PROPOSED 9AM - FULL EXTENT	10	09.09.25
DA408	SHADOW EXISTING 12PM - FULL EXTENT	10	09.09.25
DA409	SHADOW PROPOSED 12PM - FULL EXTENT	10	09.09.25
DA410	SHADOW EXISTING 3PM - FULL EXTENT	10	09.09.25
DA411	SHADOW PROPOSED 3PM - FULL EXTENT	10	09.09.25
DA500	MATERIAL SCHEDULE	10	09.09.25

DA DOOR SCHEDULE		
TAG	HEIGHT	WIDTH
D1	2000.00	800.00
D2	3000.00	920.00
D3	3000.00	920.00
D4	2340.00	920.00
D5	2650.00	920.00

DA WINDOW SCHEDULE		
3D	HEIGHT	WIDTH
W01	1860.00	1000.00
W02	300.00	2300.00
W03	1400.00	300.00
W04	500.00	3127.00
W05	500.00	3021.00
W06	500.00	2468.00
W07	500.00	2575.00
W08	500.00	2468.00
W09	200.00	2575.00
W10	200.00	8360.00

MATERIAL SCHEDULE	
MATERIAL TAG	DESCRIPTION
GL	CLEAR GLASS
MR-01	COLORBOND CORRUGATED ROOF SHEETING
TC-01	WEATHERBOARD CLADDING
TFB	TIMBER FLOOR
TL-01	TILE
TMB	TIMBER DECK



BASIX™Certificate

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

Alterations and Additions

Certificate number: A1813571

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

Secretary
Date of issue: Thursday, 18 September 2025
To be valid, this certificate must be lodged within 3 months of the date of issue.

NSW GOVERNMENT

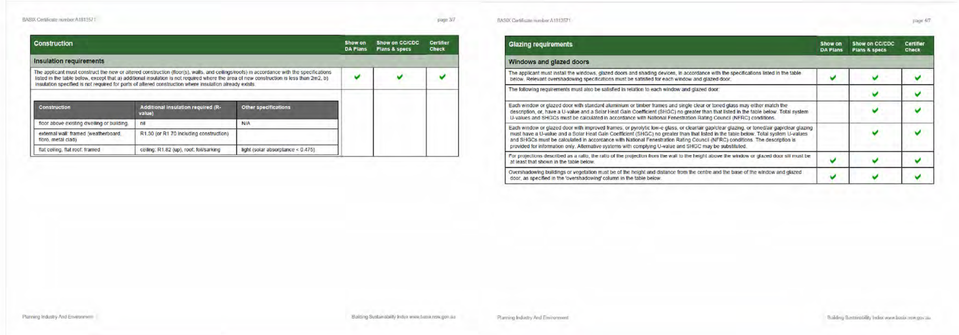
Project address	
Project name	21 Chesterfield Parade -DCC-PW
Street address	21 CHESTERFIELD - BRONTE 2024
Local Government Area	Waverley Council
Plan type and number	Deposited Plan DP/371033
Lot number	54
Section number	-
Project type	
Dwelling type	Dwelling house (detached)
Type of alteration and addition	The estimated development cost for my renovation work is $53,000 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: BASIX Certificate Centre

ABN (if applicable): 31 430 367 846

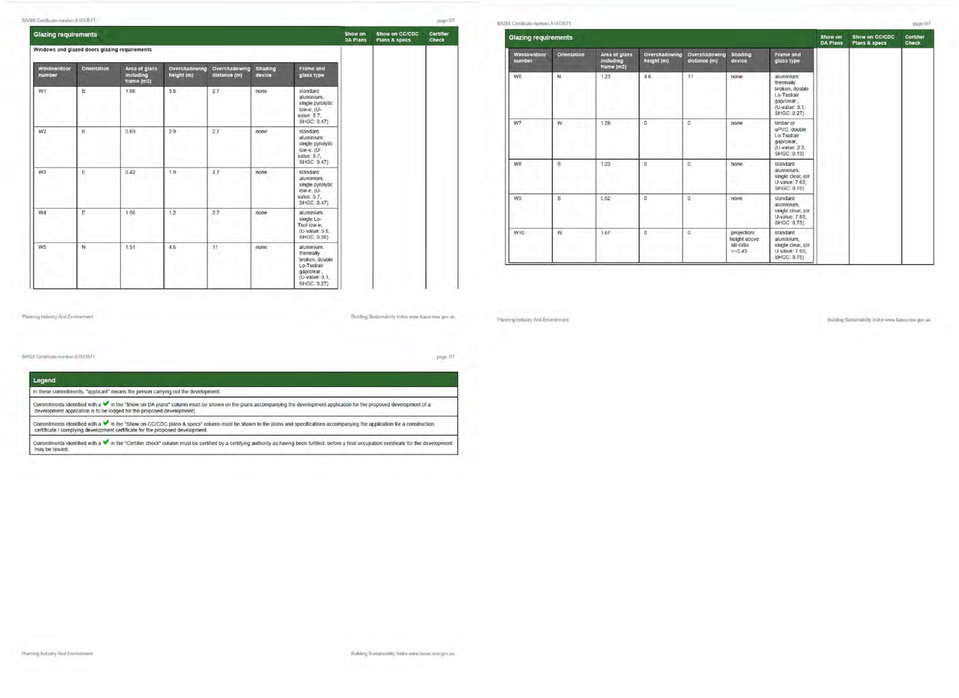
Fixtures and systems	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Lighting			
The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.		✔	✔
Fixtures			
The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating.		✔	✔
The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating.		✔	✔
The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.		✔	



Construction	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Insulation requirements			
The applicant must construct the new or altered construction (floor/s), walls, and ceiling/roof/s in accordance with the specifications listed in the table below, except that an additional insulation is not required where the area of new construction is less than 2m2, (s) 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: framed (weatherboard, fibro, metal clad)	R1.50 (or R1.70 including construction)	
flat ceiling, flat roof: framed	ceiling: R1.82 (up), roof: foil/sarking	light (solar absorptance < 0.475)

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. The description is provided for information only. Alternative systems with complying U-value and SHGC may be substituted.		✔	✔
For projections described as a ratio, the ratio of the projection from the wall to the height above the window or glazed door sill must be at least that shown in the table below.	✔	✔	✔
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			
W1	E	1.86	3.6	2.7	none	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)			
W2	E	0.69	2.9	2.7	none	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)			
W3	E	0.42	1.9	2.7	none	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)			
W4	E	1.56	1.2	2.7	none	aluminium, single Lo-Tsol low-e, (U-value: 3.6, SHGC: 0.36)			
W5	N	1.51	4.6	11	none	aluminium, thermally broken, double Lo-Tsol/air gap/clear, (U-value: 3.1, SHGC: 0.27)			

Glazing requirements							Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Window/door number	Orientation	Area of glass including frame (m2)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type			
W6	N	1.23	4.6	11	none	aluminium, thermally broken, double Lo-Tsol/air gap/clear, (U-value: 3.1, SHGC: 0.27)			
W7	W	1.29	0	0	none	timber or uPVC, double Lo-Tsol/air gap/clear, (U-value: 2.3, SHGC: 0.33)			
W8	S	1.23	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			
W9	S	0.62	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			
W10	W	1.67	0	0	projection/ height above sill ratio =>0.45	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			

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.

cma

SCALE BAR:

NOTES:
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DRAWING SYMBOLS /A1 (1:50)

DRAWING VIEW TITLE

VIEW NAME
1:100 @ A1 / 1:200 @ A3

NORTH POINT

ELEVATION HEAD
(NOTE: NOT SHOWN ON DRAWINGS ELEVATIONS ARE INDICATED BY PROJECT NORTH, SOUTH, EAST & WEST)

BUILDING SECTION HEAD

SET OUT POINT

RL MARKER

TEXT ARROW: DOT FILLED

FALL ARROW: POINTS IN THE DIRECTION OF FALL

CENTERLINE MARKER:

WINDOW TAG
WINDOW NUMBER

DOOR TAG
DOOR NUMBER

MATERIAL TAG
REFER MATERIAL SCHEDULE

REV	DATE	AMENDMENT
10	09.09.25	FOR DA
9	25.08.25	FOR CM REVIEW
8	04.08.25	FOR INFORMATION
7	21.07.25	FOR INFORMATION
6	18.07.25	FOR REVIEW
5	15.07.25	CLIENT MEETING
4	11.07.25	FOR REVIEW
3	30.06.25	FOR CONSULTANT REVIEW
2	26.05.25	FOR REVIEW
1	22.05.25	FOR REVIEW

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ABN 476 136 819 77

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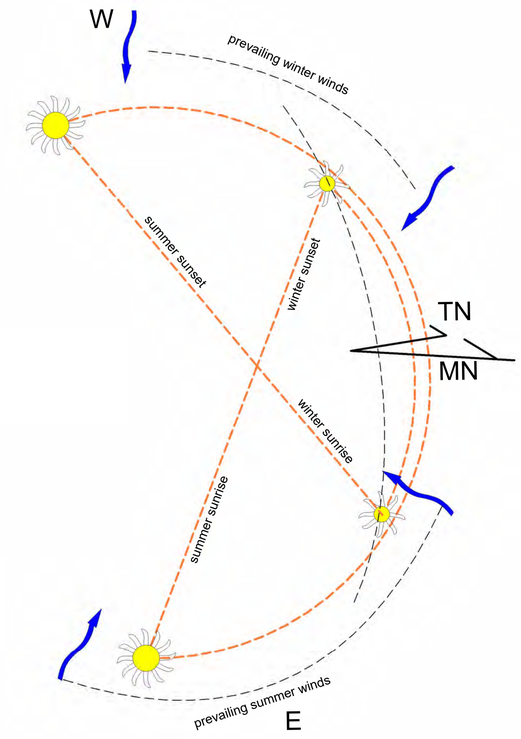
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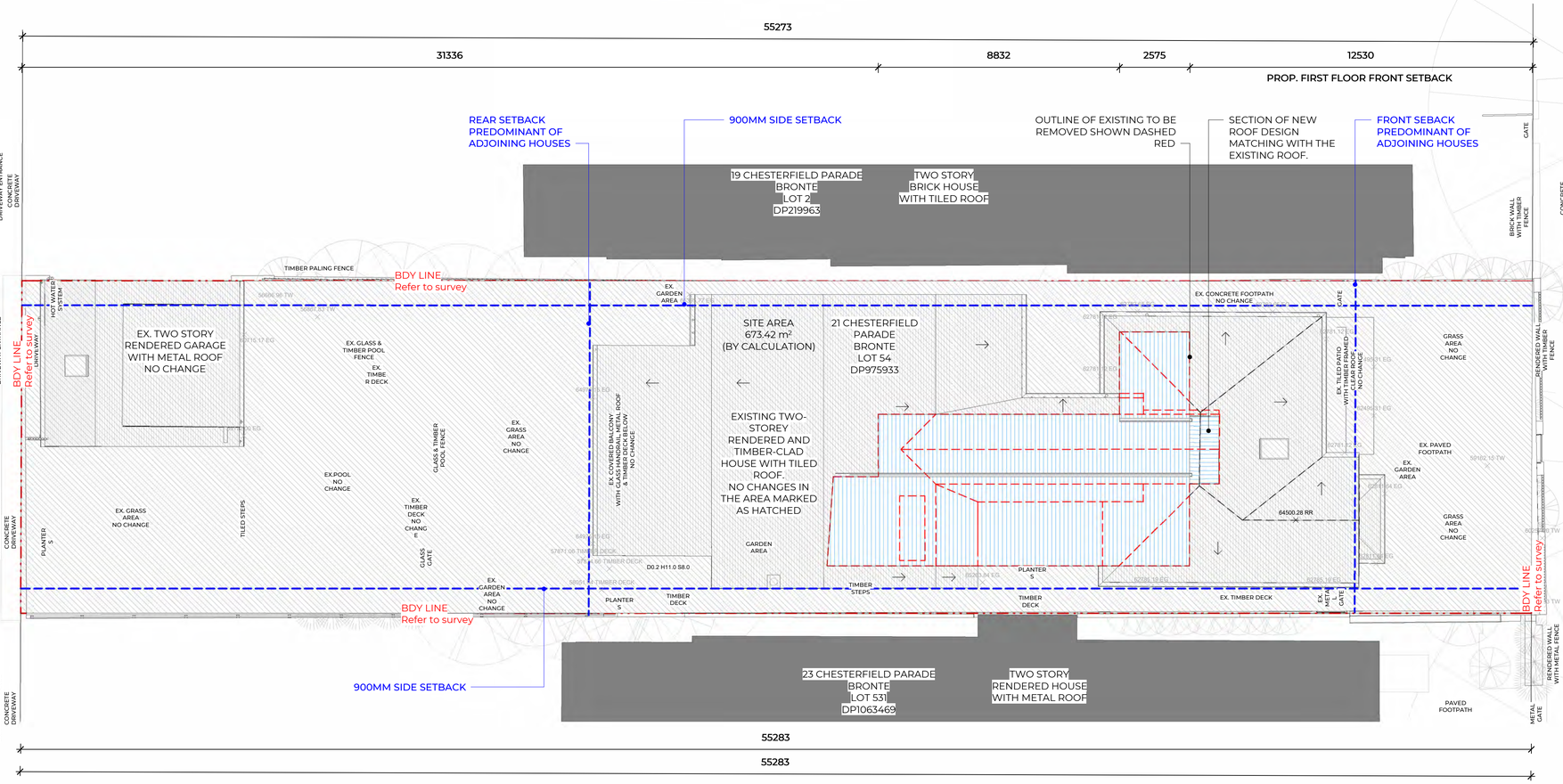
PROJECT:
21 CHESTERFIELD PARADE, BRONTE

CLIENT:
MICHAEL AND HANNAH SIMMONS

DRAWING TITLE:
COVER

DRAWN BY:	CHECKED BY:	DRAWING ISSUE DATE:	
RC	MR	09.09.25	
PROJECT NO.:	SCALE @A1:	DWG NO.:	REV NO.:
J070	1 : 50	DA000	10





1 DA101 **DA_PROPOSED SITE PLAN**
1 : 100

SCALE BAR:
0 1 2 3 4 5 6

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EXISTING
EXISTING TO BE REMOVED

AREA CALCULATIONS

SITE AREA	673.42m²		
MAX GFA	336.710m²		(0.50:1)
PROP GFA	400.387m²		(0.5945:1)
	CONTROL	EX.	PROP.
GFA	336.710m²	363.456m²	400.387m²
PRIVATE OPEN SPACE	20m²	EX.	NA
MIN LANDSCAPE	134.68m² (20%)	EX.	NA
MAX SITE COVERAGE	336.71m² (50%)	EX.	NA

DA COLOURS LEGEND
- SANDSTONE / EXTERNAL STONE OR TILES
- METAL ROOF OR AWNING
- NEW FIRST FLOOR SLAB
- CARPET
- GLASS, WATER
- NEW BRICKWORK OR BLOCK
- NEW WEATHER BOARD WALL
- NEW INTERNAL STUD WALL
- TIMBER FLOOR BOARDS
- INTERNAL TILES
- GRASS / LANDSCAPING
- GRAVEL / LANDSCAPING
- TIMBER DECKING
- EXISTING BRICKWORK

REV	DATE	AMENDMENT
10	09.09.25	FOR DA
9	25.08.25	FOR CM REVIEW
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2	26.05.25	FOR REVIEW
1	22.05.25	FOR REVIEW

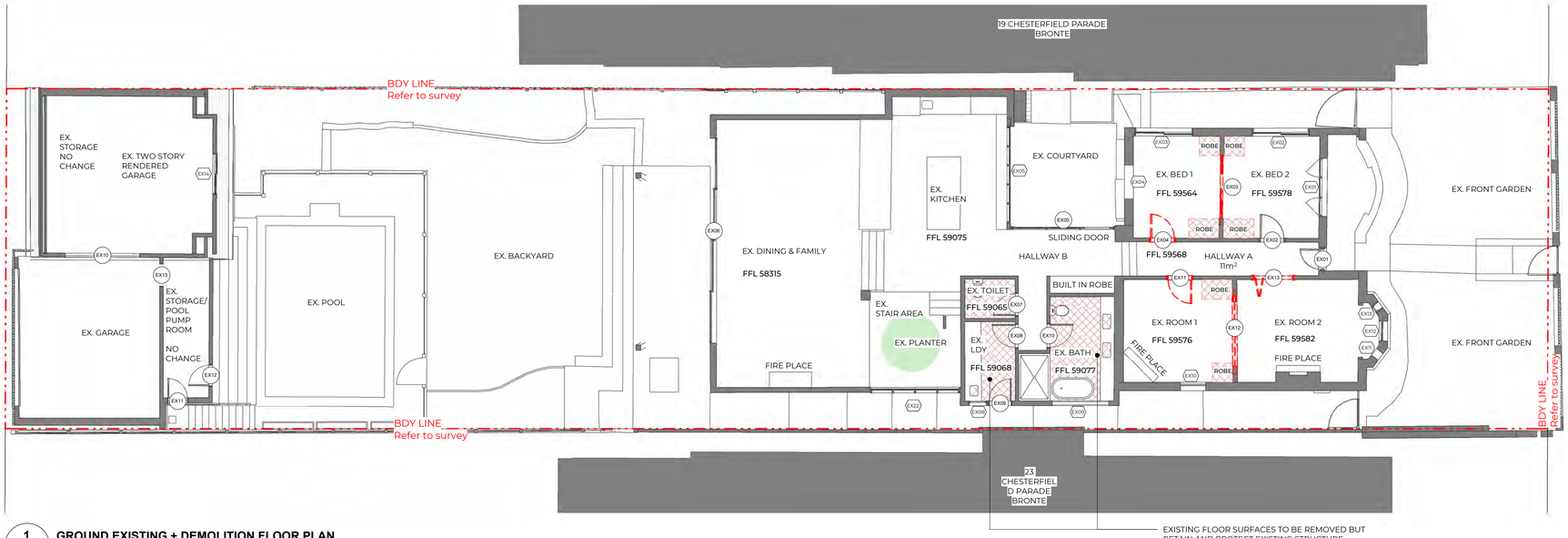
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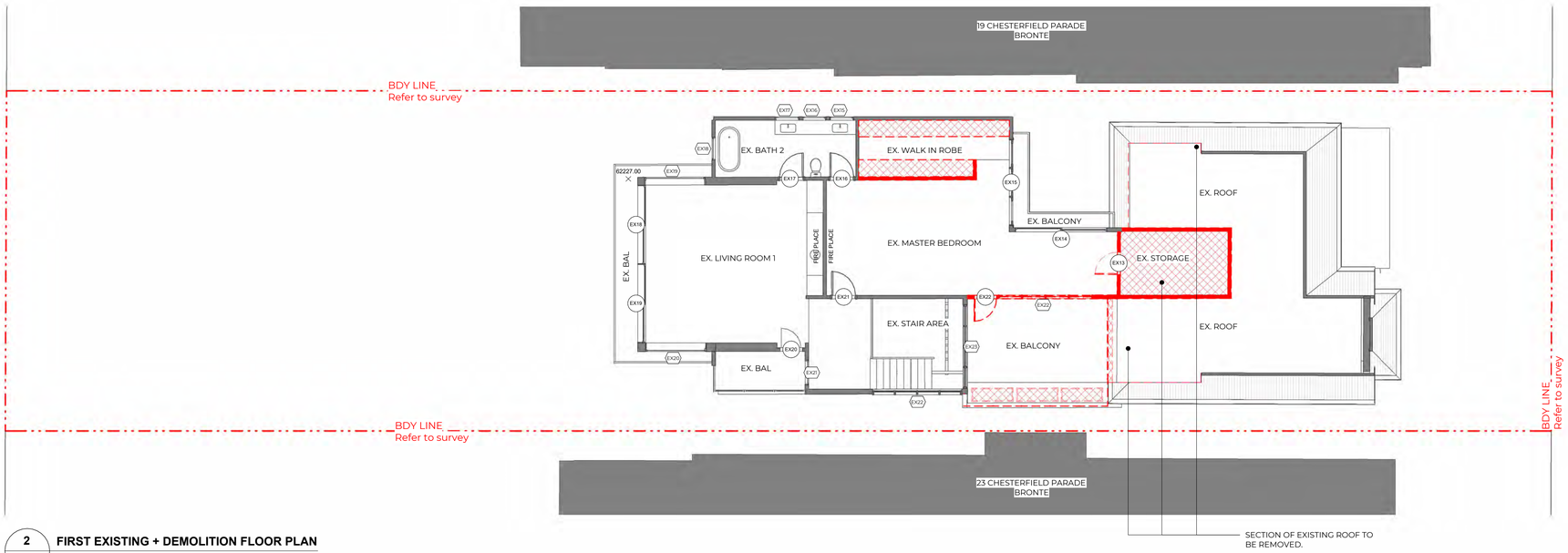
PROJECT STATUS: **DAVELOPMENT APPLICATION**
PROJECT: **21 CHESTERFIELD PARADE, BRONTE**
CLIENT: **MICHAEL AND HANNAH SIMMONS**
DRAWING TITLE: **SITE PLAN**

DRAWN BY:	CHECKED BY:	DRAWING ISSUE DATE:	
RC	MR	09.09.25	
PROJECT NO.:	SCALE @A1:	DWG NO.:	REV NO.:
J070		DA101	10

EXISTING LANDSCAPE AND FENCING NOTE:
NO CHANGES PROPOSED TO EXISTING LANDSCAPE OR FENCING.



1 DA102 **GROUND EXISTING + DEMOLITION FLOOR PLAN**
1 : 100



2 DA102 **FIRST EXISTING + DEMOLITION FLOOR PLAN**
1 : 100

SCALE BAR:
0 1 2 3 4 5 6

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DEMOLITION GENERAL NOTES:

THE CONTRACTOR IS TO UNDERTAKE ALL NECESSARY DEMOLITION TO FACILITATE NEW WORK, INCLUDING BUT NOT LIMITED TO THE ITEMS INDICATED ON THE DRAWINGS.

FOR EACH DEMOLITION ITEM NOTED, ALLOW TO PROTECT, REPAIR, PATCH, FILL, REPAINT AND GENERALLY MAKE GOOD ADJACENT SURFACES TO PREPARE THE AREA FOR THE NEW WORK AS REQUIRED. PROVIDE TEMPORARY SUPPORT FOR ITEMS TO BE RETAINED INCLUDING EXISTING SERVICES TO BE RETAINED IN NEW WORKS TO STRUCTURAL ENGINEERS DETAILS WHERE REQUIRED.

ALL SERVICES AND ASSOCIATED FIXTURES MADE REDUNDANT ARE TO BE REMOVED AND CAPPED OFF. THE CONTRACTORS IS TO REFER TO THE HAZARDOUS MATERIALS SURVEY PROVIDED FOR THE AREA OF PROPOSED WORKS AND MAKE REQUIRED ALLOWANCES AND APPLICATIONS TO THE RELEVANT AUTHORITIES FOR THE REMOVAL OF ANY HAZARDOUS MATERIALS ENCOUNTERED ON SITE.

DEMOLITION LEGEND

- EXISTING
- SURFACE TO BE REMOVED
- STRUCTURE TO BE REMOVED
- TO BE REMOVED

REV	DATE	AMENDMENT
10	09.09.25	FOR DA
9	25.08.25	FOR CM REVIEW
8	04.08.25	FOR INFORMATION
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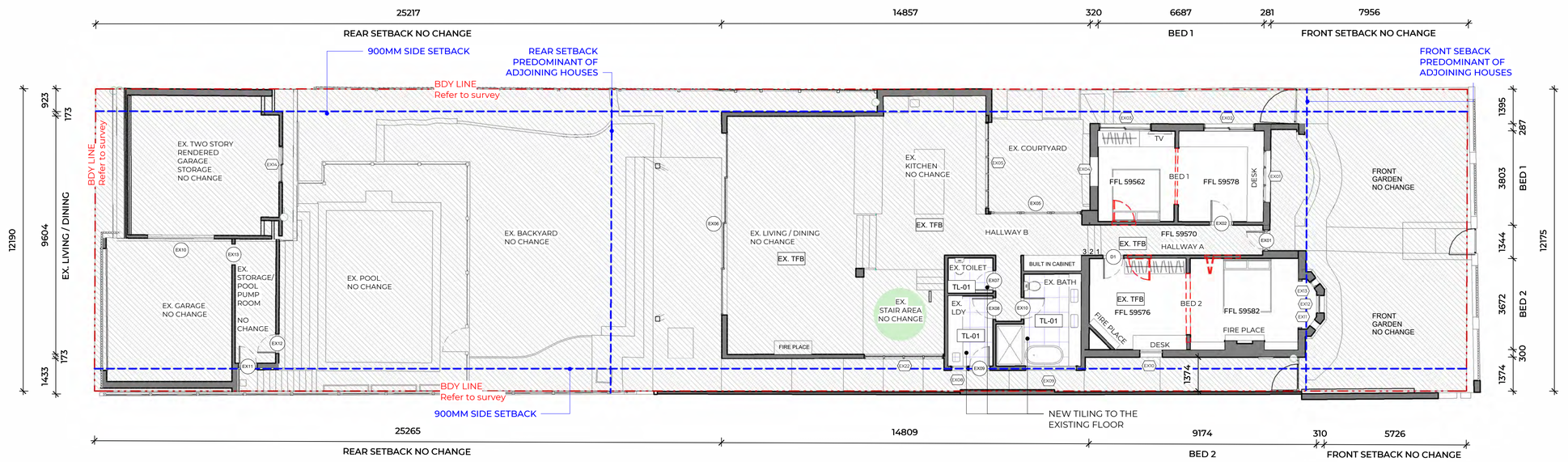
PROJECT STATUS:
DAVELOPMENT APPLICATION

PROJECT:
21 CHESTERFIELD PARADE, BRONTE

CLIENT:
MICHAEL AND HANNAH SIMMONS

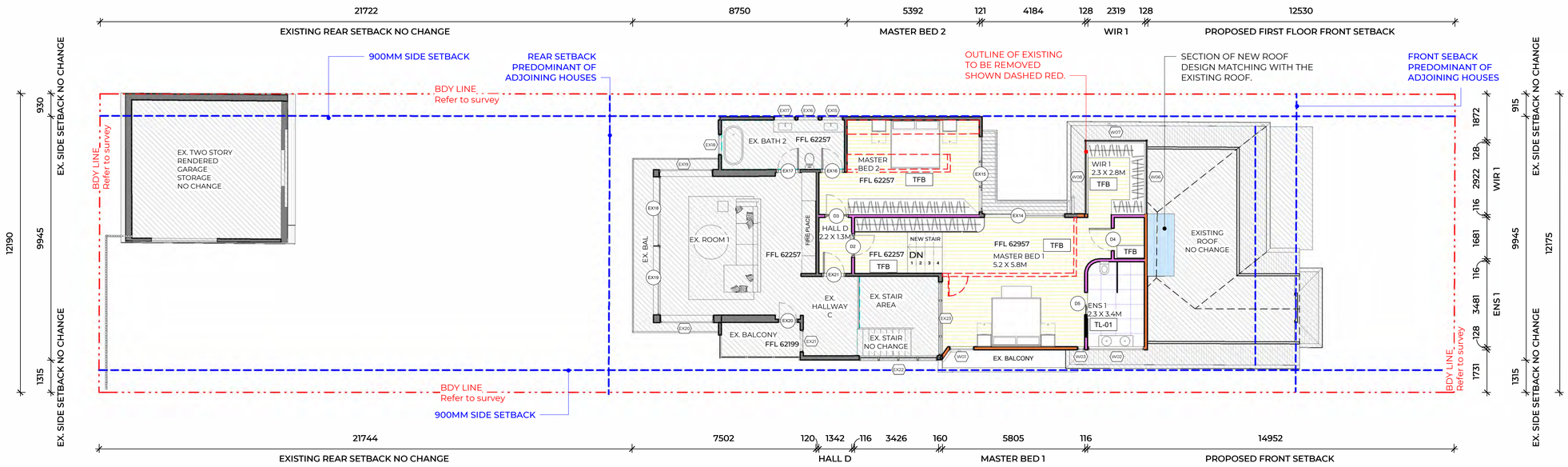
DRAWING TITLE:
EXISTING + DEMO GF & FF

DRAWN BY:	CHECKED BY:	DRAWING ISSUE DATE:	
RC	**MR**	**09.09.25**	
PROJECT NO.: **J070**	SCALE @A1:	DWG NO.: **DA102**	REV NO.: **10**



1 DA103 **PROPOSED GROUND FLOOR PLAN**

1 : 100



2 DA103 **PROPOSED FIRST FLOOR PLAN**

1 : 100

SCALE BAR:

0 1 2 3 4 5 6

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EXISTING

EXISTING TO BE REMOVED

AREA CALCULATIONS

SITE AREA	673.42m²		
MAX GFA	336.710m²		(0.50:1)
PROP GFA	400.387m²		(0.5945:1)
	CONTROL	EX.	PROP.
GFA	336.710m²	363.456m²	400.387m²
PRIVATE OPEN SPACE	20m²	EX.	NA
MIN LANDSCAPE	134.68m² (20%)	EX.	NA
MAX SITE COVERAGE	336.71m² (50%)	EX.	NA

DA COLOURS LEGEND

- SANDSTONE / EXTERNAL STONE OR TILES
- METAL ROOF OR AWNING
- NEW FIRST FLOOR SLAB
- CARPET
- GLASS, WATER
- NEW BRICKWORK OR BLOCK
- NEW WEATHER BOARD WALL
- NEW INTERNAL STUD WALL
- TIMBER FLOOR BOARDS
- INTERNAL TILES
- GRASS / LANDSCAPING
- GRAVEL / LANDSCAPING
- TIMBER DECKING
- EXISTING BRICKWORK

REV	DATE	AMENDMENT
10	09.09.25	FOR DA
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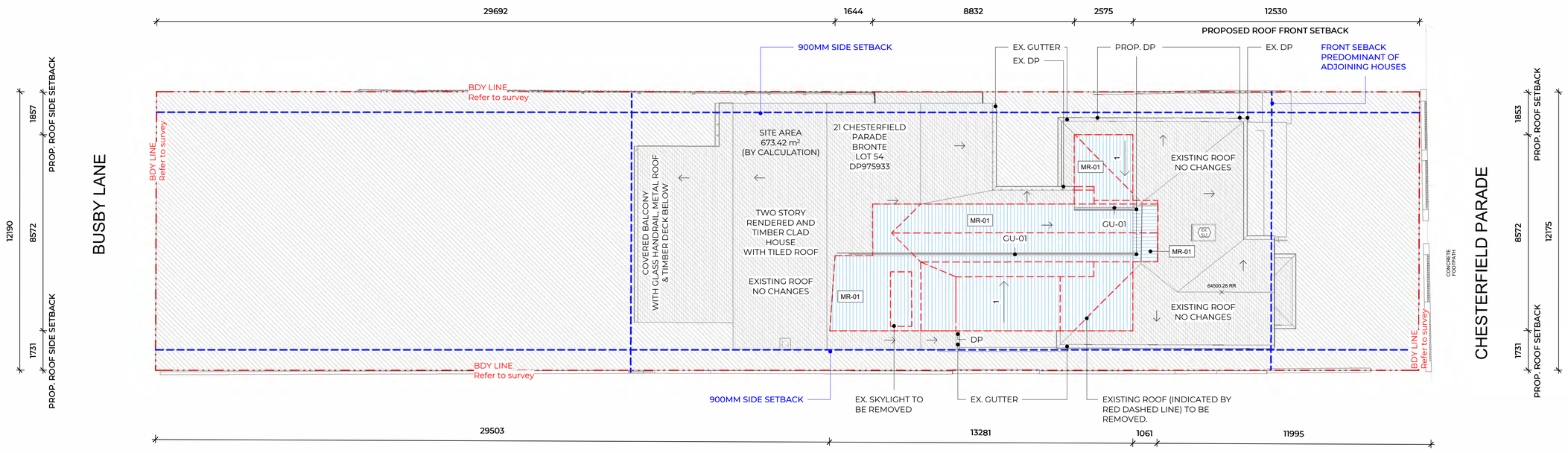
PROJECT STATUS:
DAVELOPMENT APPLICATION

PROJECT:
21 CHESTERFIELD PARADE, BRONTE

CLIENT:
MICHAEL AND HANNAH SIMMONS

DRAWING TITLE:
PROPOSEED PLAN GF & FF

DRAWN BY:	CHECKED BY:	DRAWING ISSUE DATE:	
RC	MR	09.09.25	
PROJECT NO.:	SCALE @A1:	DWG NO.:	REV NO.:
J070		DA103	10



1 / DA104 **DA_PROPOSED ROOF PLAN**
1 : 100

SCALE BAR:
0 1 2 3 4 5 6

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EXISTING
EXISTING TO BE REMOVED

AREA CALCULATIONS

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MAX GFA	336.710m²		(0.50:1)
PROP GFA	400.387m²		(0.5945:1)
	CONTROL	EX.	PROP.
GFA	336.710m²	363.456m²	400.387m²
PRIVATE OPEN SPACE	20m²	EX.	NA
MIN LANDSCAPE	134.68m² (20%)	EX.	NA
MAX SITE COVERAGE	336.71m² (50%)	EX.	NA

DA COLOURS LEGEND
- SANDSTONE / EXTERNAL STONE OR TILES
- METAL ROOF OR AWNING
- NEW FIRST FLOOR SLAB
- CARPET
- GLASS, WATER
- NEW BRICKWORK OR BLOCK
- NEW WEATHER BOARD WALL
- NEW INTERNAL STUD WALL
- TIMBER FLOOR BOARDS
- INTERNAL TILES
- GRASS / LANDSCAPING
- GRAVEL / LANDSCAPING
- TIMBER DECKING
- EXISTING BRICKWORK

REV	DATE	AMENDMENT
10	09.09.25	FOR DA
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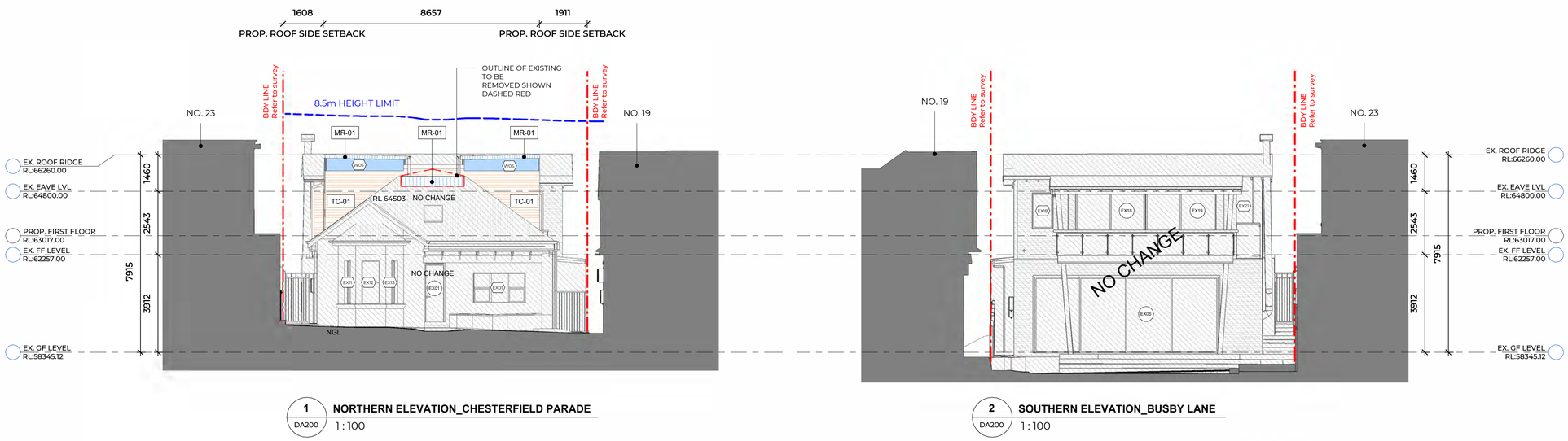
PROJECT STATUS:
DAVELOPMENT APPLICATION

PROJECT:
21 CHESTERFIELD PARADE, BRONTE

CLIENT:
MICHAEL AND HANNAH SIMMONS

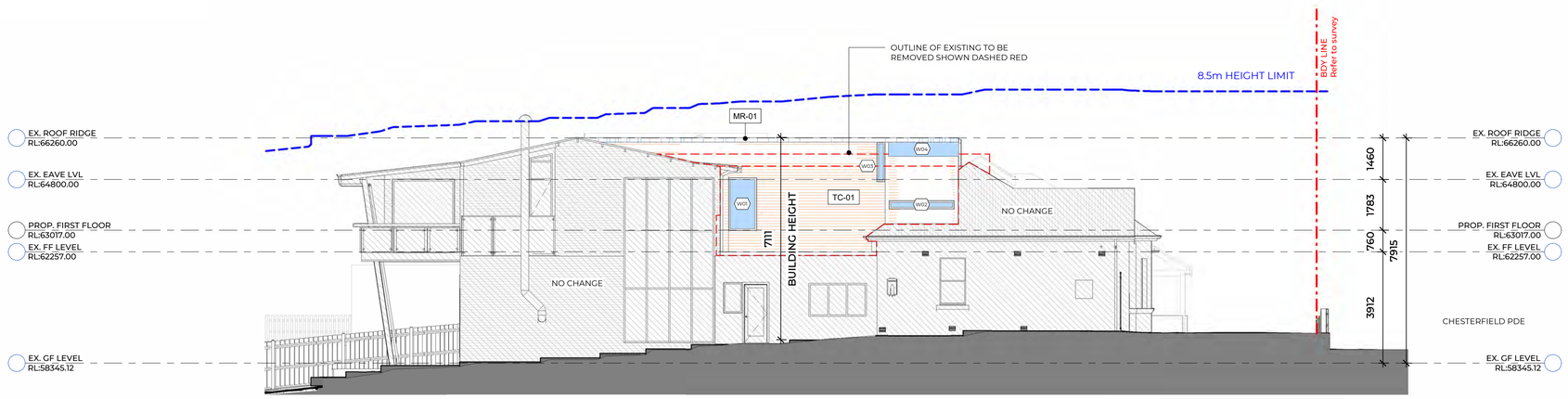
DRAWING TITLE:
ROOF PLAN

DRAWN BY:	CHECKED BY:	DRAWING ISSUE DATE:	
RC	MR	09.09.25	
PROJECT NO.:	SCALE @A1:	DWG NO.:	REV NO.:
J070		DA104	10

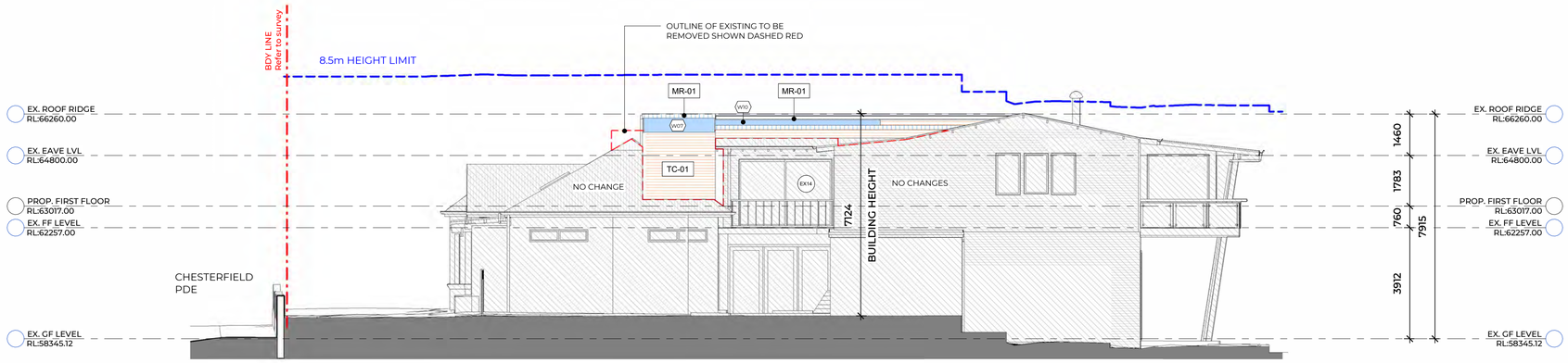


1 DA200 **NORTHERN ELEVATION_CHESTERFIELD PARADE**
1 : 100

2 DA200 **SOUTHERN ELEVATION_BUSBY LANE**
1 : 100



3 DA200 **EASTERN ELEVATION**
1 : 100



4 DA200 **WESTERN ELEVATION**
1 : 100

SCALE BAR:
0 1 2 3 4 5 6

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EXISTING
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AREA CALCULATIONS

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MIN LANDSCAPE	134.68m² (20%)	EX.	NA
MAX SITE COVERAGE	336.71m² (50%)	EX.	NA

DA COLOURS LEGEND

- SANDSTONE / EXTERNAL STONE OR TILES
- METAL ROOF OR AWNING
- NEW FIRST FLOOR SLAB
- CARPET
- GLASS, WATER
- NEW BRICKWORK OR BLOCK
- NEW WEATHER BOARD WALL
- NEW INTERNAL STUD WALL
- TIMBER FLOOR BOARDS
- INTERNAL TILES
- GRASS / LANDSCAPING
- GRAVEL / LANDSCAPING
- TIMBER DECKING
- EXISTING BRICKWORK

REV	DATE	AMENDMENT
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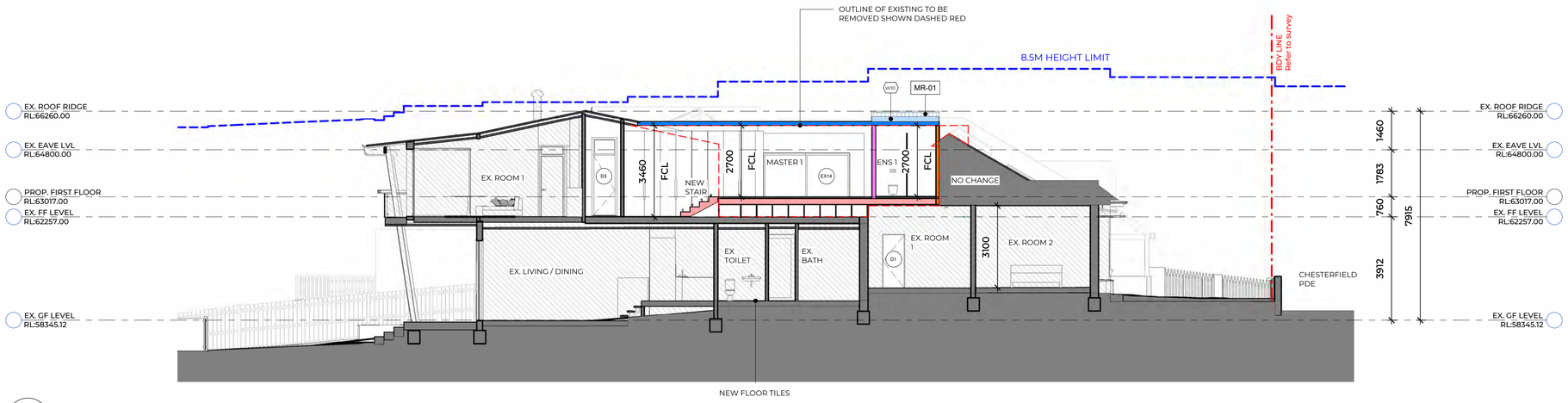
PROJECT STATUS:
DAVELOPMENT APPLICATION

PROJECT:
21 CHESTERFIELD PARADE, BRONTE

CLIENT:
MICHAEL AND HANNAH SIMMONS

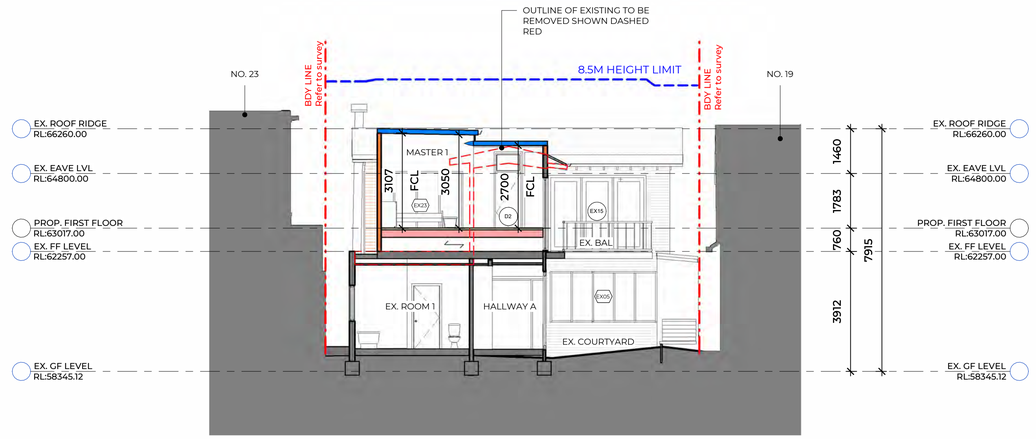
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DRAWN BY:	CHECKED BY:	DRAWING ISSUE DATE:	
RC	**MR**	**09.09.25**	
PROJECT NO.:	SCALE @A1:	DWG NO.:	REV NO.:
J070		**DA200**	**10**



1 DA300 **DA_SECTION A**

1 : 100



B DA300 **DA_SECTION B**

1 : 100

SCALE BAR:

0 1 2 3 4 5 6

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PROJECT STATUS:
DAVELOPMENT APPLICATION

PROJECT:
21 CHESTERFIELD PARADE, BRONTE

CLIENT:
MICHAEL AND HANNAH SIMMONS

DRAWING TITLE:
SECTIONS

DRAWN BY:	CHECKED BY:	DRAWING ISSUE DATE:	
RC	**MR**	**09.09.25**	
PROJECT NO.:	SCALE @A1:	DWG NO.:	REV NO.:
J070		**DA300**	**10**



MR-01: COLORBOND CORRUGATED ROOF SHEETING - LIGHT COLOUR TBC



GL: WINDOWS - CLEAR GLASS



TC-01: WEATHERBOARD CLADDING - WHITE OR SIMILAR

SCALE BAR:

0 1 2 3 4 5 6

NOTES:
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MATERIAL SCHEDULE	
MATERIAL TAG	DESCRIPTION
GL	CLEAR GLASS
MR-01	COLORBOND CORRUGATED ROOF SHEETING
TC-01	WEATHERBOARD CLADDING
TFB	TIMBER FLOOR
TL-01	TILE
TMB	TIMBER DECK

REV	DATE	AMENDMENT
10	09.09.25	FOR DA
9	25.08.25	FOR CM REVIEW
8	04.08.25	FOR INFORMATION
7	21.07.25	FOR INFORMATION
6	18.07.25	FOR REVIEW
5	15.07.25	CLIENT MEETING
4	11.07.25	FOR REVIEW
3	30.06.25	FOR CONSULTANT REVIEW

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NOT FOR CONSTRUCTION

PROJECT STATUS:
DAVELOPMENT APPLICATION

PROJECT:
21 CHESTERFIELD PARADE, BRONTE

CLIENT:
MICHAEL AND HANNAH SIMMONS

DRAWING TITLE:
MATERIAL SCHEDULE

DRAWN BY:	CHECKED BY:	DRAWING ISSUE DATE:	
RC	**MR**	**09.09.25**	
PROJECT NO.:	SCALE @A1:	DWG NO.:	REV NO.:
J070		**DA500**	**10**



Report to the Waverley Local Planning Panel

Application number	DA-430/2025
Site address	13 Darling Street, Bronte NSW 2024
Proposal	Alterations and additions to the existing dual occupancy dwelling including extension of the dwelling towards the rear.
Date of lodgement	29 August 2025
Owner	Mr M A K Cohen Ms C L Mondy J L Martin Ms E Cohen Proprietors of Strata Plan 31643
Applicant	B Swartz
Submissions	Nil
Cost of works	$445,500.00
Principal Issues	• Exceedance of the Height of Buildings development standard; and • Exceedance of the Floor Space Ratio development standard.
Recommendation	That the application be **APPROVED** in accordance with the conditions contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for alterations and additions to the existing dual occupancy dwelling including extension of the dwelling towards the rear at the site known as 13 Darling Street, Bronte.

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

- Exceedance of the Height of Buildings development standard; and
- Exceedance of the Floor Space Ratio development standard.

The assessment finds these issues acceptable as the proposed development has no unreasonable impacts to the environmental amenity of the neighbouring properties, subject to the satisfaction of the recommended conditions and as the development is within public interest.

No resident or councillor submissions were received, and there were no declared conflicts of interest on this application from Council staff.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 15 October 2025.

The site is identified as Lot CP SP 31643, known as 13 Darling Street, Bronte.

The site is rectangular in shape with a frontage of 10.86m to Darling Street. It has an area of 436.8m^2 and it falls from the front of the site (north) towards the rear of the site (south) by approximately 3.5m.

The site is occupied by a part-two part-three storey attached dual occupancy dwelling with vehicular access provided from Darling Street.

The site is adjoined by a pair of semi-detached dwellings to its east and a detached dwelling to its west. The locality is characterised by a variety of low and medium density residential developments, and the site is within the vicinity of Tamarama Beach and Bronte Beach to its east.

Figures 1 to **13** are photos of the site and its context.



Figure 1: Existing site context.



Figure 2: View of the existing dual occupancy dwelling from Darling Street.



Figure 3: View of the existing dual occupancy dwelling from its rear courtyard.



Figure 4: View of the existing garage within the rear courtyard of the subject dual occupancy dwelling.

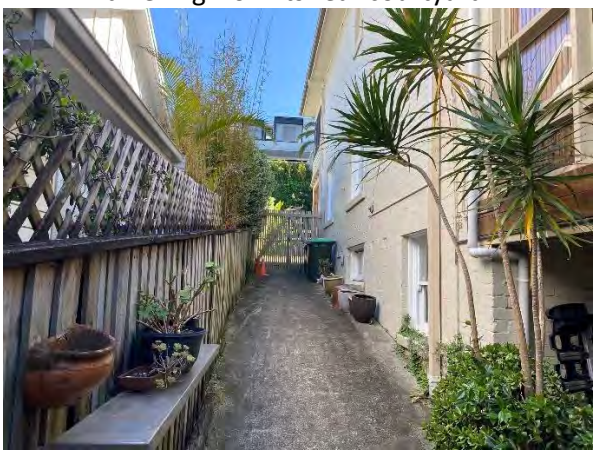


Figure 5: View of the existing western side setback and driveway of the dual occupancy dwelling from its rear courtyard.



Figure 6: View of the existing lower ground floor of the dual occupancy dwelling from its rear courtyard.



Figure 7: Existing laundry room for unit 2 at the lower ground floor of the dual occupancy dwelling.

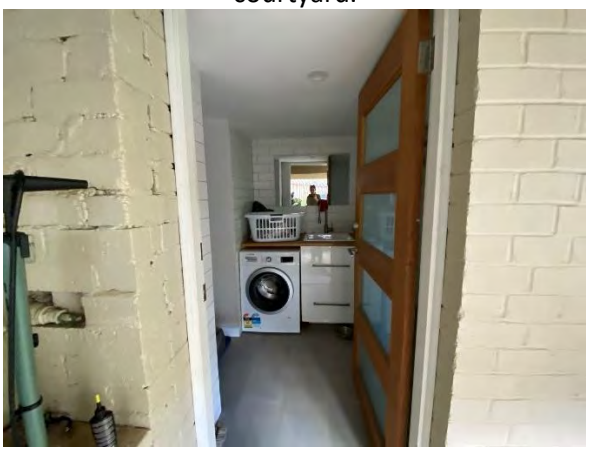


Figure 8: Existing laundry room for unit 1 at the lower ground floor of the dual occupancy dwelling.

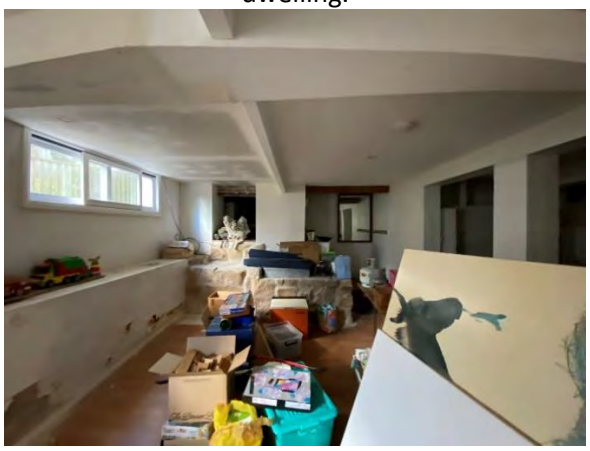


Figure 9: Existing storage room at the lower ground floor of the dual occupancy dwelling.



Figure 10: Existing view towards east from the rear deck at the ground floor.



Figure 11: Existing view towards west from the rear deck at the ground floor.



Figure 12: Existing view towards the rear courtyard from the first floor.



Figure 13: Existing view towards west from the first floor.

1.3. Relevant Development History

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

- DA-85/2004, Alterations and additions including new timber deck. Approved on 17 September 2004.
- PD-21/2023, Pre DA for alterations and additions to residential flat building Units 1 & 2. Not Supported.

1.4. Proposal

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

Lower Ground Floor

- Demolition works at rear, to include:
  - Existing walls of laundry room for unit 2.
  - Existing raised planter and the timber staircase for the deck.
  - Existing door and window to laundry for unit 1 to be removed.
  - Partial removal of the storage room wall to the west of the laundry room
  - Existing paving to be removed.
- New fit-out/walls to create new laundry (for Unit 2).
- New fit-out to laundry/bathroom (for Unit 1).
- Addition of new paving to rear terrace area.

Ground Floor

- Demolition works at rear, to include:
  - Removal of southern wall to dining room & kitchen.
  - Existing timber stair and deck.
- Addition of a new wall to eastern side of living room.
- Addition of a new wall and privacy screening (western side) to rear terrace.
- Addition of a new stair from larger terrace to lower ground floor level.
- Internal modifications to create a larger open plan living, dining, kitchen area.

- Addition of a new glazing to southern elevation.

First Floor

- Internal demolition works, including:
  - Removal of roof to ground floor level deck at the rear.
  - Partial removal of internal walls.
  - Partial removal of door and window openings.
- Existing opening to study to be widened.
- Extension of the floor towards the rear to incorporate a larger living room.
- Internal reconfiguration to allow for an open plan kitchen, dining and living room.
- Refurbishment of existing bathroom.
- Replacement of the existing window for bedroom 1 with a new window.
- Addition of a rear balcony off living/dining rooms with a fire rated blade wall for privacy screening on eastern side.

Roof

- Addition of a new tile roof to match the existing above the extended floor below.

1.5. Background

The development application was lodged on 29 August 2025, and a Stop the Clock letter was issued on 2 September 2025 for the following reasons:

1. Amended Architectural Drawings to include complete and accurate extent of subject site with dimensions and sufficient information of the neighbouring properties.
2. Accurate calculation of Floor Space Ratio (FSR) and Gross Floor Area (GFA) to include the storage area, laundry and bathroom and any other enclosures or habitable spaces with an internal floor to ceiling height over 1.4m at the lower ground floor. Inclusion of a written Clause 4.6 Variation statement for exceedance of the FSR development standard.
3. Amended Shadow Diagrams to indicate existing and proposed shadows cast by the subject site at hourly intervals between 9am and 3pm on winter solstice, in plan, elevation and views from the sun form and to identify the extent and areas of shadows cast by parts of the dual occupancy that exceed the principal development standards.
4. Amended Landscape and Open Space area calculations as per the definitions under the Waverley Development Control Plan 2022.
5. Amended Statement of Environmental Effects (SEE) in accordance with the above amendments.
6. A completed copy of a Site Waste & Recycling Management Plan – Part 1 Design Form.

The amended plans received on 15 September form the basis of the assessment.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

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

State Environmental Planning Policy (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 would be imposed to ensure that BASIX commitments are fulfilled prior to occupation.

SEPP (Biodiversity and Conservation) 2021

The proposed development does not result in any clearing of native vegetation 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

A review of Council records did not reveal any obvious history of previous land use that may have caused contamination and the site itself is not identified as being contaminated. A site inspection has confirmed that the site is currently being used for residential purposes which correlates with the recorded history. 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 residential use 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 Table *R2: Low Density Residential Zone*	Yes	The proposal is defined as alterations and additions to an attached dual occupancy

Provision	Compliance	Comment
		dwelling, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings • *8.5m*	No	The proposal results in a maximum building height of 9.835m, exceeding the development standard by 1.335m or 15.7%. It is noted that the proposed development does not exceed the existing maximum building height of 10.54m an exceedance of 2.04m or 24%.
4.4 Floor space ratio (FSR) and 4.4A Exceptions to floor space ratio • *FSR – 0.62:1* • *Gross Floor Area (GFA) – 272.79m²*	No	The proposal results in a maximum FSR of 0.65:1 with a GFA of 281.85m², exceeding the development standard by 9.06m² or 3.32%. The existing dual occupancy dwelling has an FSR of 0.64:1 with a GFA of 280.63m² and exceeds the development standard by 7.84m² or 2.87% The proposed additional GFA equates to a total of 1.23m² or 0.45% over the existing development.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the Height of Buildings and Floor Space Ratio development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 6 Additional local provisions		
6.15 Stormwater Management	Yes	The proposal satisfactorily mees 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 – Height of Buildings

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

The site is subject to a maximum HOB development standard of 8.5m. The proposed development has a maximum building height of 9.835m, exceeding the standard by 1.335m equating to a 15.7% variation. It is noted that the proposed development does not exceed beyond the existing maximum building height of 10.54m of the dual occupancy dwelling at the subject site that exceed the development standard by 2.04m or 24%.

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

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

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 HOB 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 has been designed to sit below the maximum building height of the existing building on the site.
    (ii) The proposed development presents with a consistent scale to surrounding dwellings within the locality. It will not present with excessive bulk when viewed from the adjoining properties, and the non-compliance will not result in any unreasonable view loss, loss of privacy or increase in shadowing for neighbouring properties.
    (iii) The alterations and additions incorporate privacy screening.
    (iv) The private open space of both the subject site and the adjoining properties maintain compliant solar access.
    (v) The proposed alterations and additions will be an attractive addition and will facilitate a more functional internal layout as well as a private open space area for the residents.
    (vi) The residential locality will remain reflected in the character of the site and the scenic quality of the area will be positively contributed to, as a result of the proposed development. No impact to the streetscape of Darling Street will occur with the additional height located at the rear of the building.

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

(i) The development proposes a lesser maximum building height of 9.835 metres to the existing maximum building height of 10.5 metres and the non-compliant height is located at the rear of the building.

(ii) The proposed new works are generally located within the building footprint of the existing building and present an appropriate bulk and scale in comparison to the neighbouring development. The proposed development will not present with excessive bulk from the public domain, rather a visually attractive contribution, and presents with a consistent two to three storey scale to surrounding properties.

(iii) The proposed works do not result in any unreasonable increase in shadowing to neighbouring properties.

(iv) The proposed height variation has no unreasonable impact on privacy for neighbours, with privacy screening incorporated within the design.

(v) The proposed variation of the building height is largely a result of the existing development on the site and the site topography.

(vi) The proposed variation allows for the orderly and economic use of the site and allows for an ecologically sustainable development.

(vii) Strict numerical compliance with the height control would not result in a better urban design outcome. The extent of the variation is considered to be in the public interest as the proposal remains consistent with the objectives of the zone, ensuring that appropriate and reasonable housing is proposed.

Consideration of Applicant's Written Request

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

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

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

(a) the objectives of the development standard are achieved notwithstanding non-compliance with the standard;

(b) to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;

(c) to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;

(d) to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; and

(e) to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary.

The applicant specifically relies upon justification (a) of *Wehbe v Pittwater Council* (2007) 156 LGERA 446.

The proposal extension of the existing dual occupancy dwelling towards its rear results in an exceedance of the HOB development standard by 1.335m or 15.7%. The exceedance is limited to the new roof proposed over the extended living areas. The proposal maintains the existing environmental amenity of the neighbouring properties and is considered to be a suitable outcome for the site as it satisfies the objectives of the land use zone.

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

The existing dual occupancy dwelling at the subject site has an overall building height of 10.54m, contravening the development standard by 24%. Notwithstanding the proposal's variation to the HOB development standard, the height of the proposed extension stays below the existing maximum building height by 0.705m. The proposal does not affect the environmental amenity of the neighbouring properties through any unreasonable overshadowing, view loss or visual and acoustic privacy impacts. The bulk and scale of the proposed extension is limited to the rear of the dual occupancy dwelling and is consistent within the site context.

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 HOB development standard has adequately addressed clause 4.6 of the Waverley LEP 2012 and the justification provided by the applicant is satisfactory.

Clause 4.6 Exceptions to Development Standards – 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 0.62:1 (GFA – 272.79m^2). The proposed development has an FSR of 0.65:1 (GFA – 281.86m^2), exceeding the standard by 9.06m^2 equating to a 3.32% variation. The existing dual occupancy dwelling includes an FSR of 0.64:1 with a GFA of 280.63m^2 and exceeds the development standard by 7.84m^2 or 2.87%. The proposed additional GFA equates to a total of 1.23m^2 or 0.45% over the existing development.

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

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

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

(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and

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

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

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

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

(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
    (i) The proposed additional floor space results in a minimal exceedance of the maximum permissible building height at the rear of the building, which sits below the retained and existing maximum height of the building.
    (ii) The bulk and scale of the building when viewed from Darling Street remains unchanged, as the additional floor space is located to the rear of the building, resulting in a development which has an appropriate building bulk and scale for the site, particularly in the context of the surrounding built environment.

(iii) The overall scale of the proposed development is appropriate for the site and consistent with surrounding development. The variation to the FSR will not unreasonably impact upon the amenity of neighbouring properties, with compliant solar access achieved and no impacts on privacy or views. The alterations and additions incorporate privacy screening and the use of skylights to minimise opportunities for overlooking onto neighbouring properties.

(iv) The provision of the larger living spaces for the attached dual occupancy will provide a substantial improvement to the internal layout for the residents.

(v) The proposed variation and development will result in a building which maintains environmental amenity for neighbouring sites, and which is compatible with the overall scale of dwellings in the immediate vicinity.

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

(i) The existing maximum building height will be retained, with the alterations and additions to the rear, resulting in only an additional 1.2m² of GFA.

(ii) The proposed alterations and additions will not be highly discernible from Darling Street having a negligible impact on the streetscape.

(iii) The proposed works ensure no impact for neighbours with privacy retained and compliant solar access achieved for neighbouring properties.

(iv) Strict numerical compliance with the FSR control would not result in a better urban design outcome.

(v) The extent of the variation is considered to be in the public interest as the proposal remains consistent with the objectives of the standard ensuring that appropriate and reasonable housing suitable for the local community is proposed.

(vi) The proposed variation will be compatible within the context and is reasonable in the circumstances of the case.

Consideration of Applicant's Written Request

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

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

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

(a) the objectives of the development standard are achieved notwithstanding non-compliance with the standard;

(b) to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;

(c) to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;

(d) to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; and

(e) to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary.

The applicant specifically relies upon justification (a) of *Wehbe v Pittwater Council* (2007) 156 LGERA 446.

The proposal results in a bulk and scale that is largely located towards the rear of the existing dual occupancy dwelling. The proposal retains the existing overall building height of the dwelling at the subject site, and the proposed works do not exceed this height.

The proposed alterations and additions that contribute towards additional GFA, resulting in the exceedance of the FSR development standard, will not be visible from Darling Street and maintains the streetscape. The overall proposal is compatible with the desired future character of the locality.

It is noted that the proposed variation to the HOB development standard is partially constituted by the existing slope of the site's topography. Notwithstanding that, the variation is acceptable as the bulk of the breach itself is located at the rear of the subject site which 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.

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

The proposed variation to the FSR development standard has been justified on environmental planning grounds with regard to preservation of environmental amenity of the neighbouring dwellings in relation to the breach itself and the proposal's compatibility with the existing site context and the maintenance of the streetscape.

The proposed development will result in an FSR of 0.65:1 with a GFA of 281.86m^2, exceeding the development standard by 9.06m^2, equating to a 3.32% variation. The bulk of the proposed additional GFA is located at the rear of the dual occupancy dwelling and will not be visible from the streetscape of Darling Street, maintaining its existing character. The proposed exceedance of the FSR development standard preserves the existing environmental amenity of the neighbouring properties with regard to the breach itself, and the overall proposal is consistent with the existing streetscape and built forms within the site context.

The applicant has satisfactorily argued that that there are sufficient environmental planning grounds to justify contravening the FSR development standard.

Conclusion

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

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

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

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

Development Control	Compliance	Comment
1. Waste • *Garbage bins are to be stored in an appropriate location.*	Yes	Satisfactory. A Site Waste and Recycling Management Plan Part 1 form has been provided. The proposed bin storage within the front setback is acceptable.
2. Ecologically Sustainable Development • *Ceiling or wall mounted fans are to be provided in all habitable rooms (main living areas and bedrooms) and be notated on DA and CC plans* • *Gas cooktops, gas ovens and gas space heating systems are not permitted in residential development*	No (conditioned)	A condition of consent is recommended to ensure that ceiling or wall mounted fans are provided in all new habitable rooms and that cooking and heating systems are electric.
3. Landscaping, Biodiversity and Vegetation Preservation	N/A	The proposed development does not have any significant impact on the existing landscaping at the subject site.
5.Water Management	Yes	Satisfactory. The application has been reviewed by Council's stormwater engineer. See section 3 of this report for further comments.
7. Transport	N/A	The proposed development retains the existing car parking arrangement at the subject site.
11. Design Excellence	Yes	The proposal is consistent with the design excellence controls.

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

Development Control	Compliance	Comment
1.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
1.1 Height		
Pitched roof dwelling house • *Maximum external wall height of 7m*	No (acceptable on merit)	The proposal results in a maximum external wall height of 8.030m. The exceedance is a result of the addition of a new 1.7m wide lightweight fire rated blade wall that extends beyond the internal floor space across all levels, provided for privacy screening along the eastern boundaries of the rear balconies/decks. The non-compliance is acceptable as the proposed blade wall complies with the height of buildings development standard for the subject site and does not result in unreasonable impacts to the environmental amenity of the neighbouring dwellings. In addition, the blade wall will be subject to fire safety conditions, requiring compliance with the National Construction Code (NCC).
1.2 Setbacks		
1.2.1 Front and rear building lines • *Predominant front building line*	N/A	The proposal maintains the predominant front building lines of the subject dual occupancy dwelling.
• *Predominant rear building line at each floor level* • *Development at first floor level and above shall be set back from the rear building line of the ground floor level*	Yes	Satisfactory.
1.2.2 Side setbacks • *Minimum of 0.9m for ground floor and first floors.* • *Minimum 1.5m for second floor.*	No (acceptable on merit)	The existing dual occupancy dwelling at the subject site complies with the western side setback but fails to comply with the eastern side setback at each level, resulting in a maximum eastern side setback of 0.864m across all three floors. The existing roof of the dual occupancy projects within the eastern side setback to a near complete extent, leaving a setback of approximately 0.13m. The non-compliance is acceptable as the bulk of the dual occupancy that extends within the side setback complies with the height of buildings

Development Control	Compliance	Comment
		principal development standard and does not result in any unreasonable impacts to the environmental amenity of the neighbouring dwellings.
1.3 Streetscape and visual impact		
• *New development to be compatible with streetscape context*	N/A	The proposed development is located to the rear of the dual occupancy dwelling and will not be visible to the streetscape.
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	Satisfactory.
• *External stairs are not acceptable.*	No (existing non-compliance)	The proposal includes external stairs to access the rear deck at the ground floor level from the rear courtyard. The non-compliance is acceptable as an external staircase to access the rear deck at the ground floor already exists at the subject site and the proposed staircase is appropriately designed and is not expected to result in any additional visual and acoustic privacy impact to the neighbouring dwellings.
• *Maximum size of balconies: 10m^2 in area, 1.5m deep*	No (conditioned)	The proposal results in large rear balconies/decks for the ground and first floor of the dual occupancy dwelling that contribute to overall bulk and scale of the dwelling and result in overlooking impacts. The rear balcony at the first floor is acceptable as it provides the unit at this level with previously unavailable private open space. The size of existing ground floor deck offers generous amenity to the subject site beyond the maximum requirement. The proposal seeks to increase the size further which will increase amenity impacts to neighbouring properties which is not supported. In this regard, a condition of consent is recommended to reduce the area of the rear deck at the ground floor by limiting its widths and depths to match existing.
1.6 Solar access		

Development Control	Compliance	Comment
• *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	Complies. The proposed development predominantly maintains the existing solar access of the subject site and the neighbouring properties. The shadow diagrams submitted by the applicant indicate that the extent of the proposed additional shadows cast beyond a building envelope that complies with the principal development standards at the subject site is limited to blank walls and canopies of external vegetation and does not affect any habitable windows or private open spaces of the neighbouring dwellings. Therefore, the additional shadows are acceptable.
1.7 Views		
• *Views from the public domain are to be maintained* • *Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks.*	Yes	The proposed development does not result in any unreasonable view loss of any significant views available to the neighbouring properties of the subject site.
1.9 Landscaping and open space		
• *Overall landscaped area: 20% of site area, with at least half deep soil*	Yes	Complies. 23.25% (101.50m^2) of the site area is provided as overall landscaped area with 59.70% (60.60m^2) of it being deep soil area.
1.15 Dual Occupancy Development		
• *Attached dual occupancy development should be designed so as to have the appearance from the street of a single dwelling*	Yes	Satisfactory.

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 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 16 September 2025 and 2 October 2025 in accordance with the *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 referral comments were sought:

3.1. Stormwater Management

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

3.2. Fire Safety

The application was referred to Council's Fire Safety Officer 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.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Managers of Development Assessment (MODA) Review

The application was reviewed by the MODA at the meeting on 21 October 2025 and the MODA concurred with the Assessment Planner's recommendation.

MODA members: *B McNamara, B Magistrale, J Zancanaro and O Navratil*

Report prepared by:	**Application reviewed and agreed by:**
KB	OV

Kalyani Bhishikar	Olivia Navratil
Development Assessment Planner	**Manager, Development Assessment**
Date: 3 November 2025	**Date: 7 November 2025**

Reason for WLPP referral:

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

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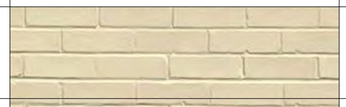
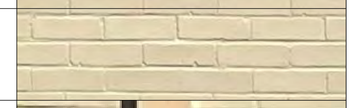
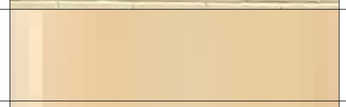
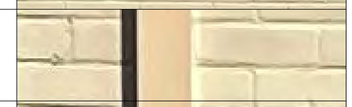
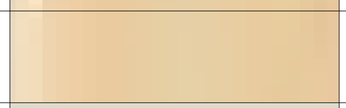
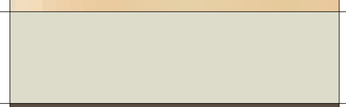
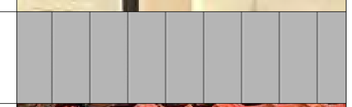
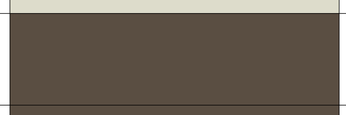
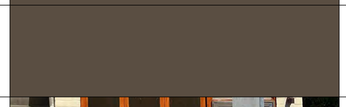
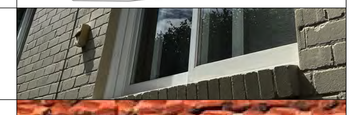
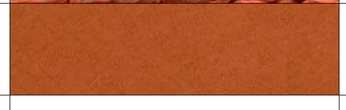
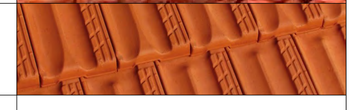
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<tr><td>Determining Authority</td><td>Local Planning Panel</td></tr>
<tr><td>Were the requirements of the Sustainable Buildings SEPP (effective 1 October 2023) met?</td><td>Yes</td></tr>
<tr><td>Have any dwellings been approved for affordable Rental Housing under this approval/consent?</td><td>No</td></tr>
<tr><td>Secondary Dwelling</td><td>No</td></tr>
</table>

Boarding House	No
Group Home	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

MATERIALS & FINISHES SCHEDULE

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-430/2025
Date Received: 15/09/2025

CODE	DESCRIPTION	LOCATION	SPECIFICATION	COLOUR/FINISH	IMAGE
exAFG	Existing aluminium framed glazing	North elevation	Retain existing aluminium framed glazing. Clean out frames.	Dark anodised aluminium	 
AFG	Aluminium framed glazing	South and West elevations	Aluminium framed glazing with clear glass	Powdercoat finish White or similar	 
BAL	Balustrade	New balcony/ terrace	Vertical metal balustrade	Powdercoat finish White or similar	
exBK	Existing painted brickwork	External walls	Retain existing painted brickwork. Restore/ make good any damage as required. Any patching/ repairs to match existing.	Paint finish Off white	 
BK	Painted brickwork to match existing	East and South elevations	Face brick with painted finish to match existing	Paint finish Off white or similar	 
exDP	Existing downpipe	External walls	Retain existing downpipes throughout where possible. Replace with new to match existing where required.	Colorbond Off white or similar	 
DP	Downpipe	External walls	Metal downpipe to match existing	Colorbond Off white or similar	 
FC	Fibre cement cladding	External walls	Vertical fibre cement cladding to external walls. Painted finish.	Paint finish Off white or similar	 
exGU	Existing gutter	Roof	Retain existing metal gutters where possible. Replace with new to match existing where required.	Colorbond Brown or similar	 
GU	Gutter	Roof	Ogee style metal gutter to match existing	Colorbond Brown or similar	 
exTFG	Existing timber framed glazing	North, East and West elevations	Retain existing timber framed glazing. Restore/ make good windows where damaged or cords broken.	Natural/ Painted white	 
exRT	Existing roof tiles	Roof	Existing roof tiles to be retained. Retain existing tiles during demolition to replace any loose/ damaged tiles	Terracotta or similar	 
RT	Roof tiles	Roof	New roof tiles to match existing Marseille style or similar	Terracotta or similar	 

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REV	DATE	ISSUE
P4	26/2/2025	PRELIMINARY
P5	20/3/2025	PRELIMINARY
A	25/7/2025	DA ISSUE
B	29/7/2025	DA ISSUE
C	10/9/2025	DA ISSUE

LEGEND

- Existing wall / strcuture
- Existing finish / fitting
- Demolish wall / structure
- Demolish wall / fitting
- New wall / structure
- New finish / fitting

PROJECT
13-13A DARLING ST, BRONTE

DRAWING TITLE
MATERIALS & FINISHES

STATUS
DEVELOPMENT APPLICATION

SCALE
@ A1

PROJECT No. - DRAWING No. - REV.
223 DA001 C

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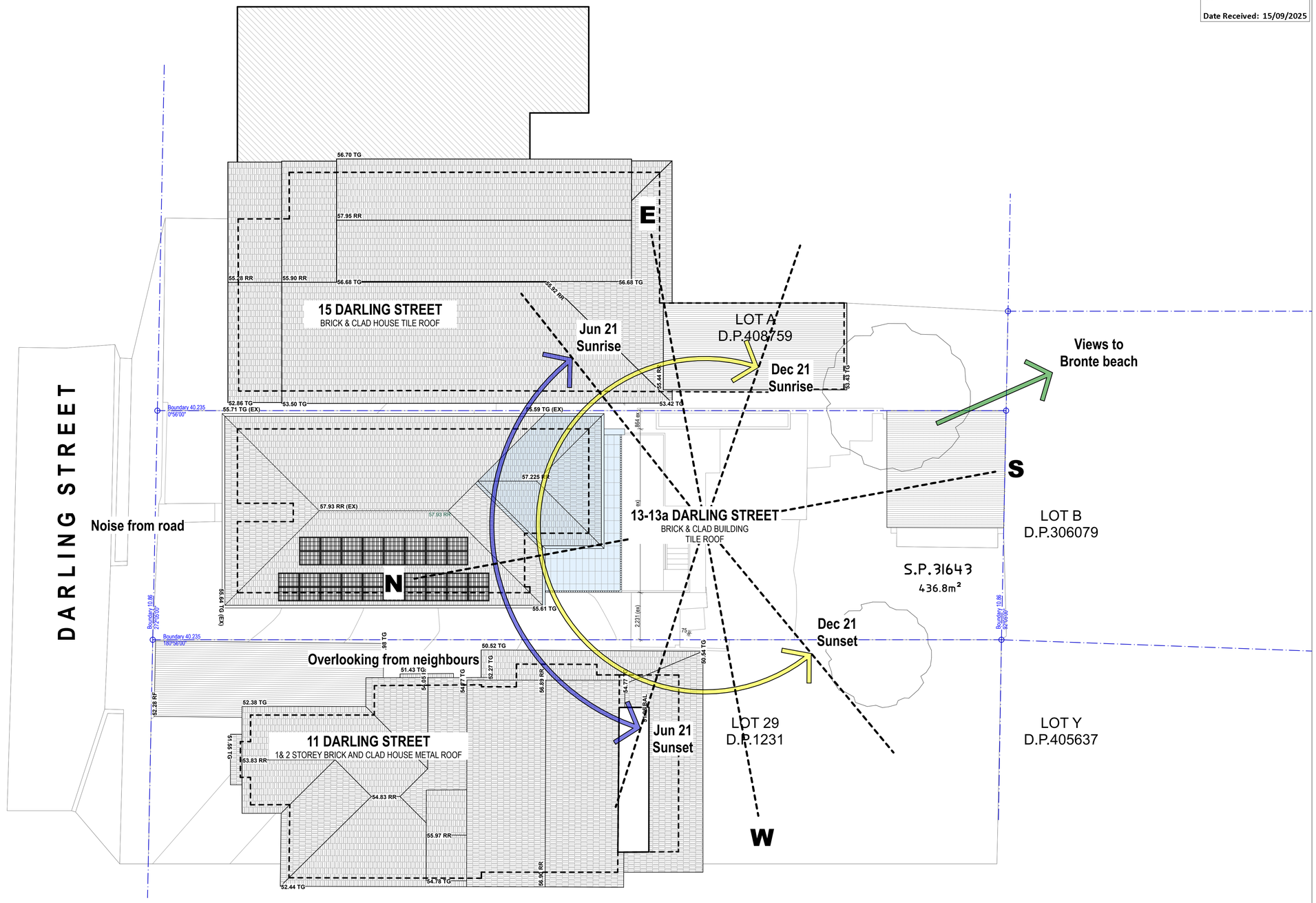
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NORTH

PROJECT
13-13A DARLING ST, BRONTE

STATUS
DEVELOPMENT APPLICATION

DRAWING TITLE
SITE/ SITE ANALYSIS PLAN

SCALE
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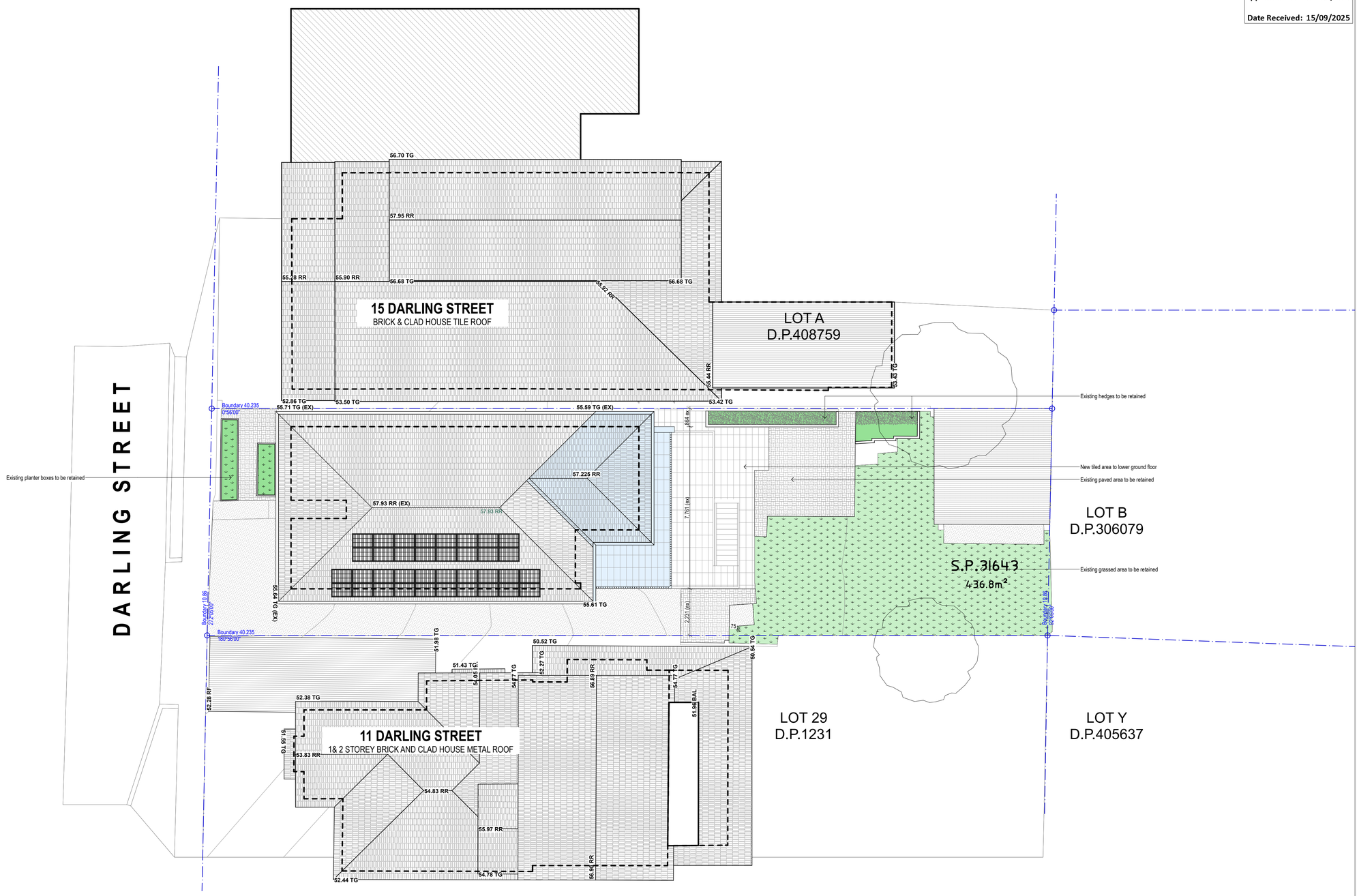
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NORTH

PROJECT
13-13A DARLING ST, BRONTE

DRAWING TITLE
LANDSCAPE PLAN

STATUS
DEVELOPMENT APPLICATION

SCALE
1:100 @ A1

PROJECT No. - DRAWING No. - REV.
223 DA003 C

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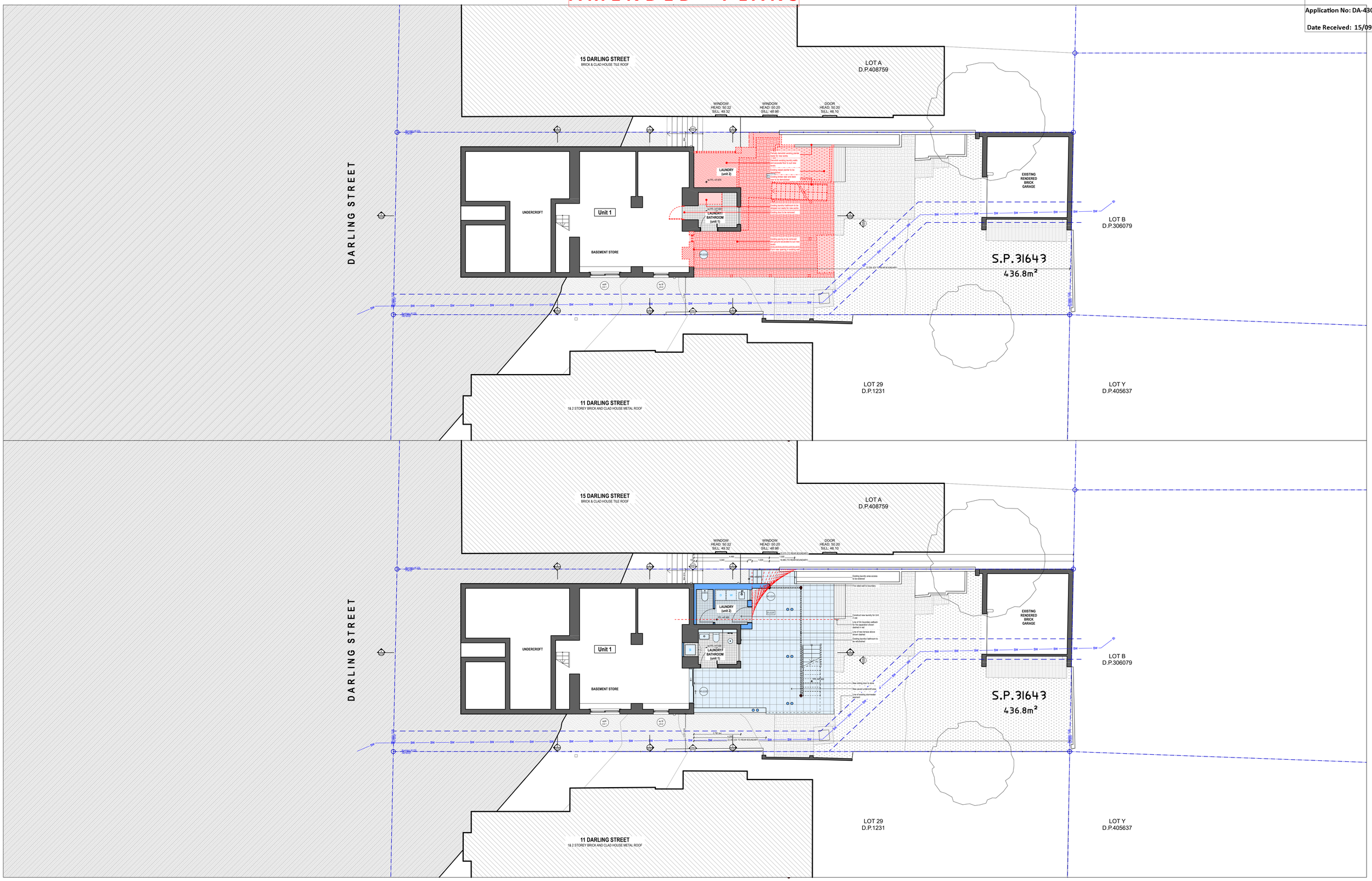
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NORTH

PROJECT
13-13A DARLING ST, BRONTE

STATUS
DEVELOPMENT APPLICATION

DRAWING TITLE
EXISTING/ PROPOSED PLAN - LOWER GROUND (1:100)

SCALE
1:100 @ A1

PROJECT No. - DRAWING No. - REV.
223 DA110 C

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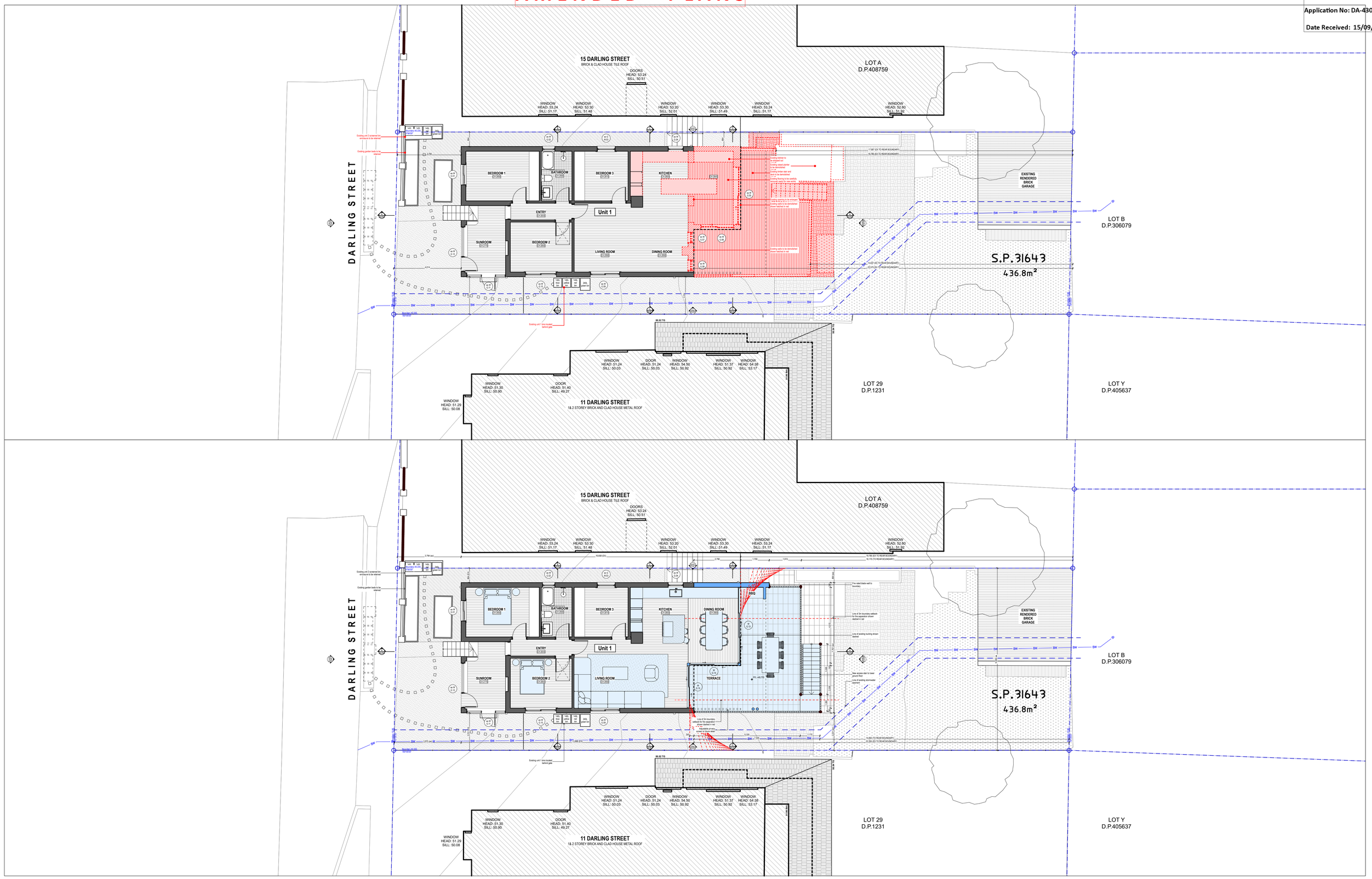
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NORTH

PROJECT
13-13A DARLING ST, BRONTE

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DEVELOPMENT APPLICATION

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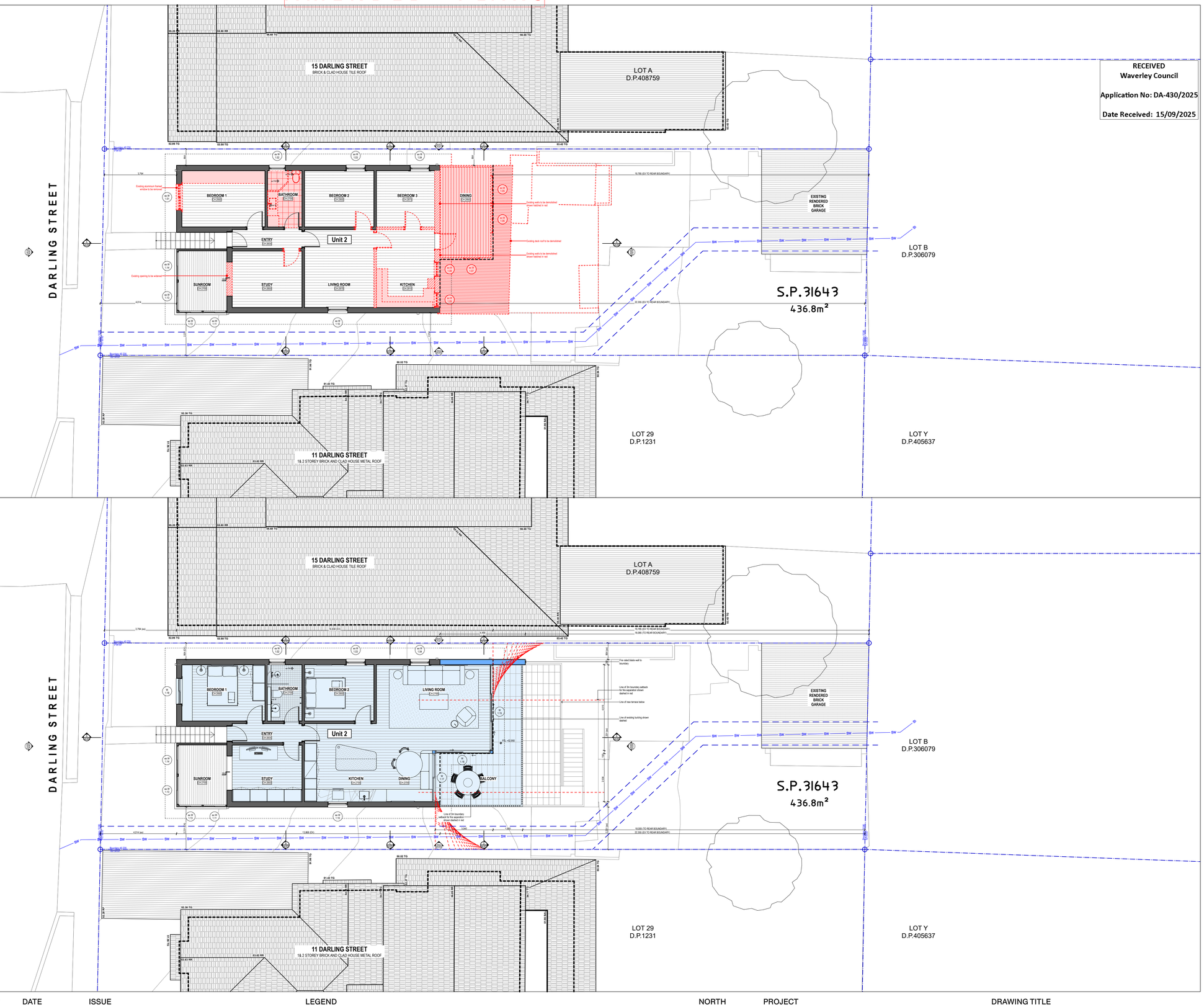
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LEGEND

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NORTH

PROJECT
13-13A DARLING ST, BRONTE

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EXISTING/ PROPOSED PLAN - FIRST (1:100)

STATUS
DEVELOPMENT APPLICATION

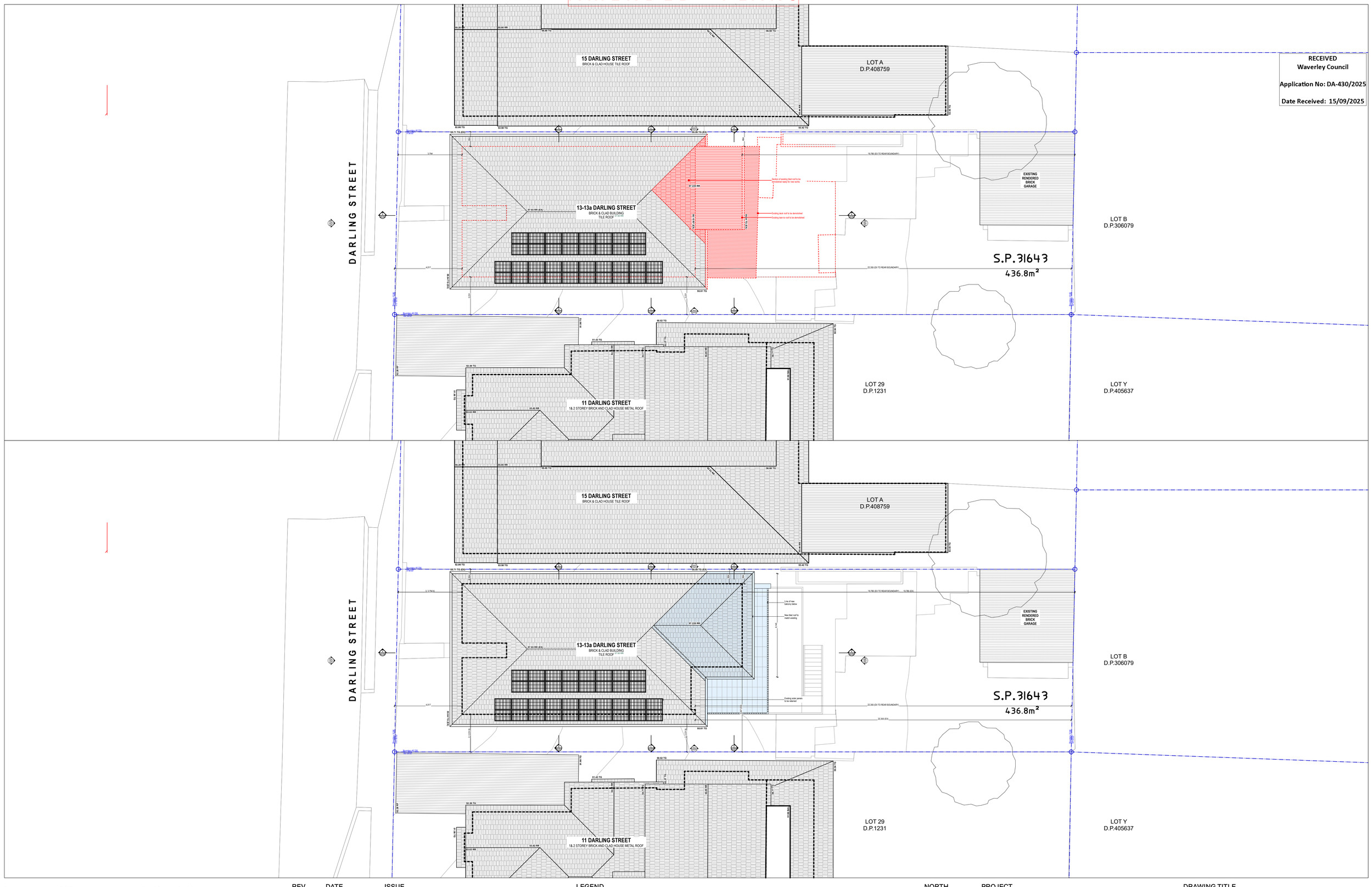
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NORTH

PROJECT
13-13A DARLING ST, BRONTE

STATUS
DEVELOPMENT APPLICATION

DRAWING TITLE
EXISTING/ PROPOSED PLAN - ROOF (1:100)

SCALE
1:100 @ A1

PROJECT No. - DRAWING No. - REV.
223 DA113 C

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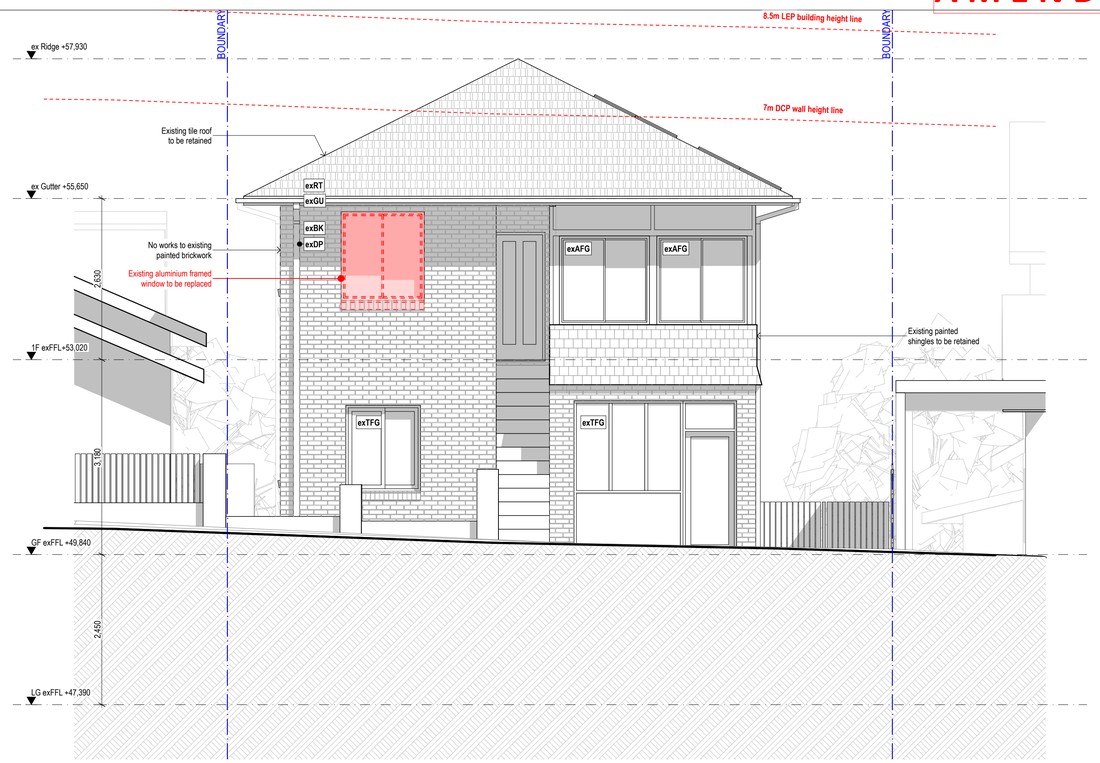
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AMENDED PLANS

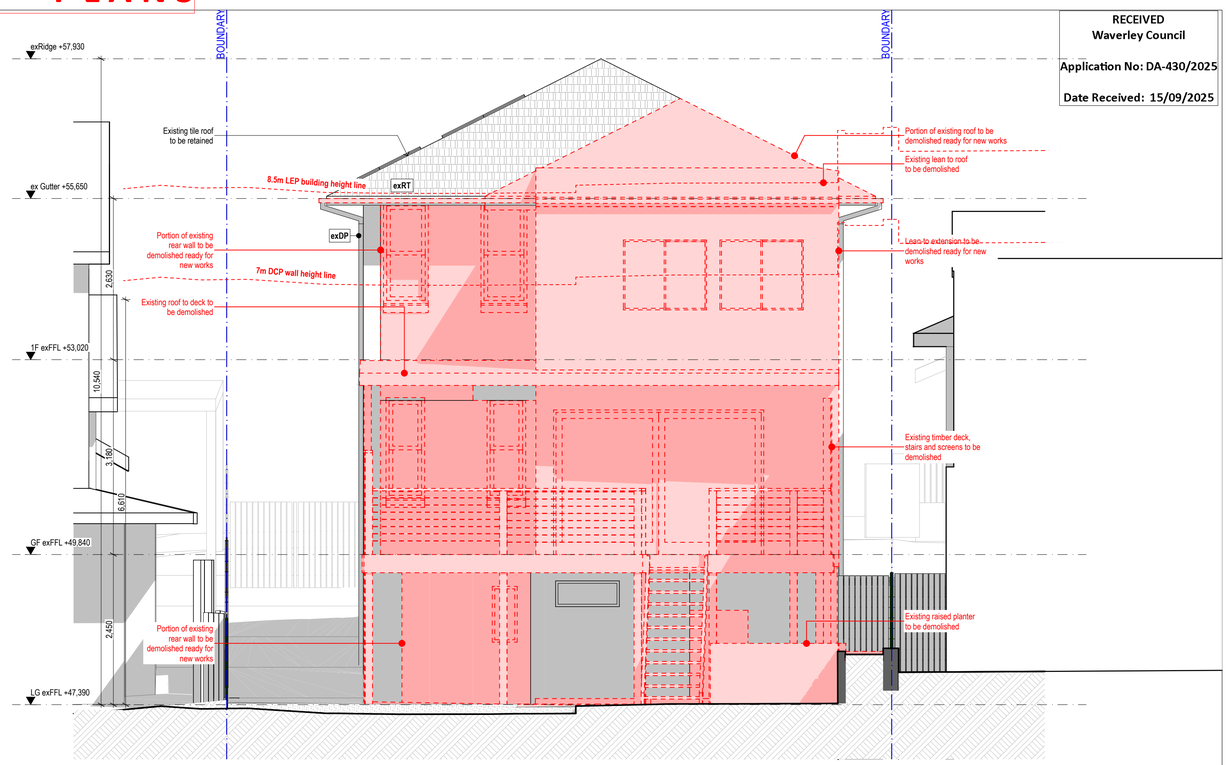
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Application No: DA-430/2025

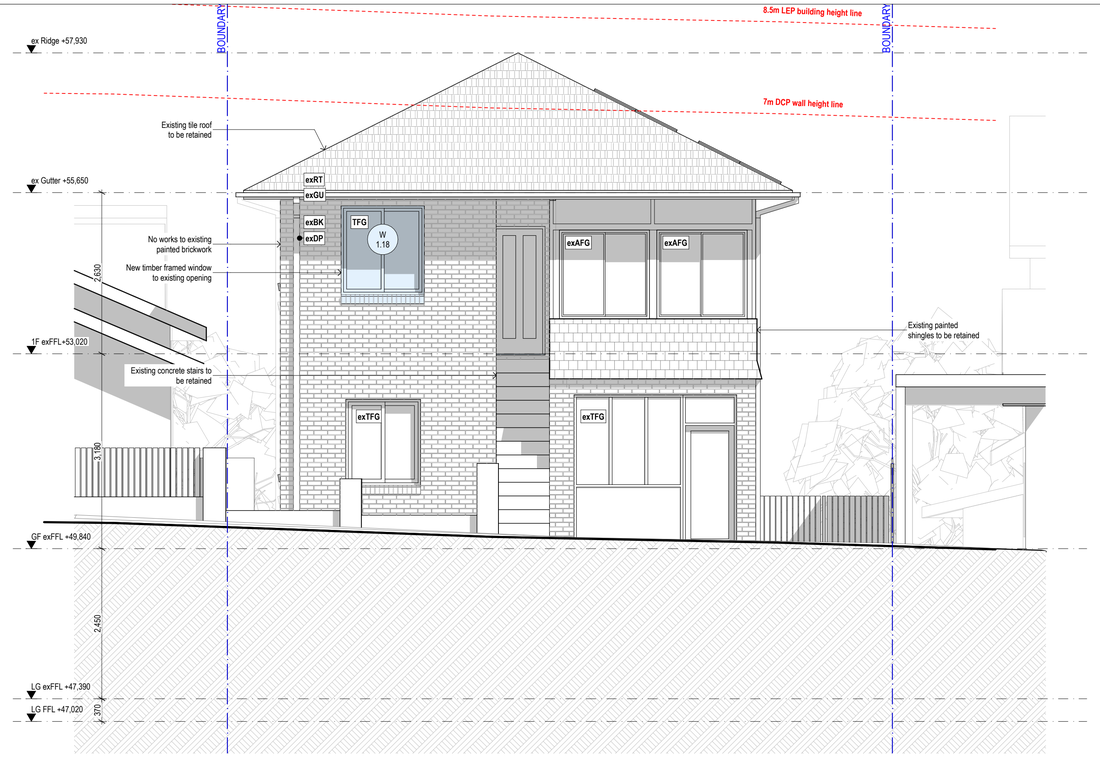
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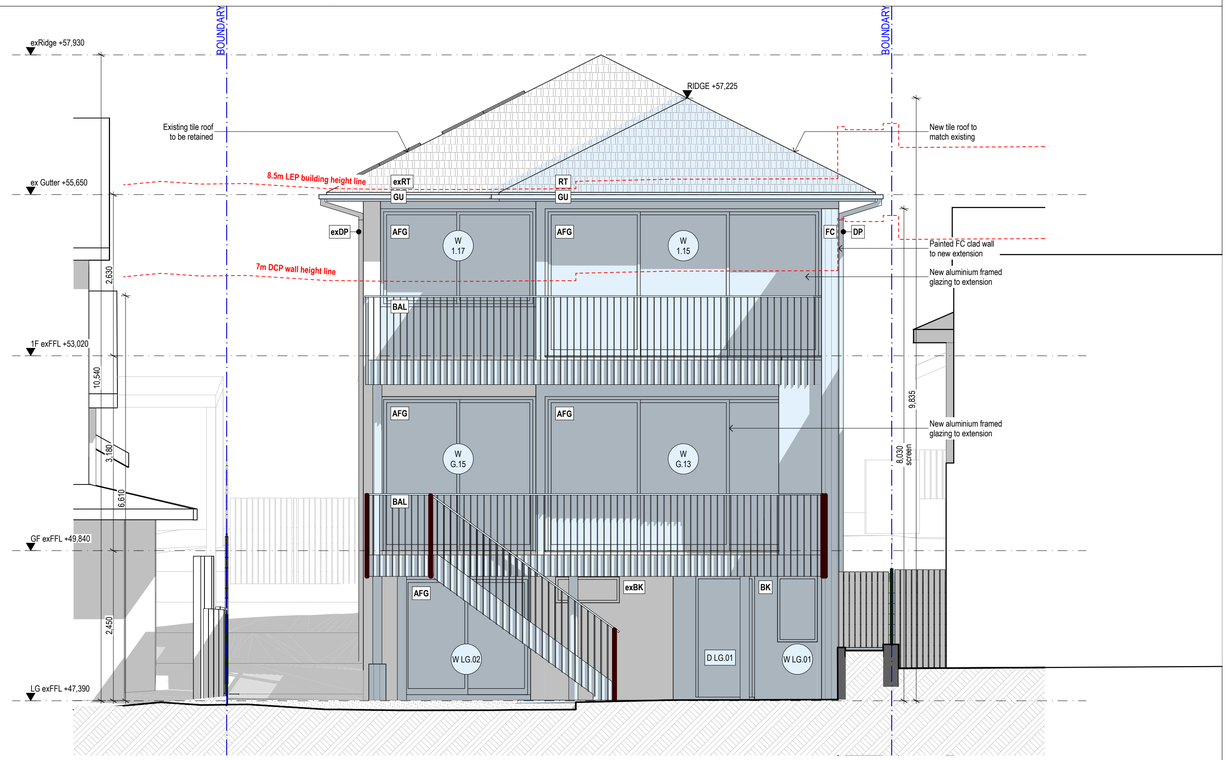
North Elevation - Existing



South Elevation - Existing



North Elevation - Proposed



South Elevation - Proposed

BSA

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REV	DATE	ISSUE
P4	26/2/2025	PRELIMINARY
P5	20/3/2025	PRELIMINARY
A	25/7/2025	DA ISSUE
B	29/7/2025	DA ISSUE
C	10/9/2025	DA ISSUE

LEGEND

- Existing wall / strcuture
- Existing finish / fitting
- Demolish wall / structure
- Demolish wall / fitting
- New wall / structure
- New finish / fitting

PROJECT
13-13A DARLING ST, BRONTE

STATUS
DEVELOPMENT APPLICATION

DRAWING TITLE
EXISTING/ PROPOSED ELEVATIONS - NORTH/ SOUTH

SCALE
1:50 @ A1

PROJECT No. - DRAWING No. - REV.
223 DA200 C

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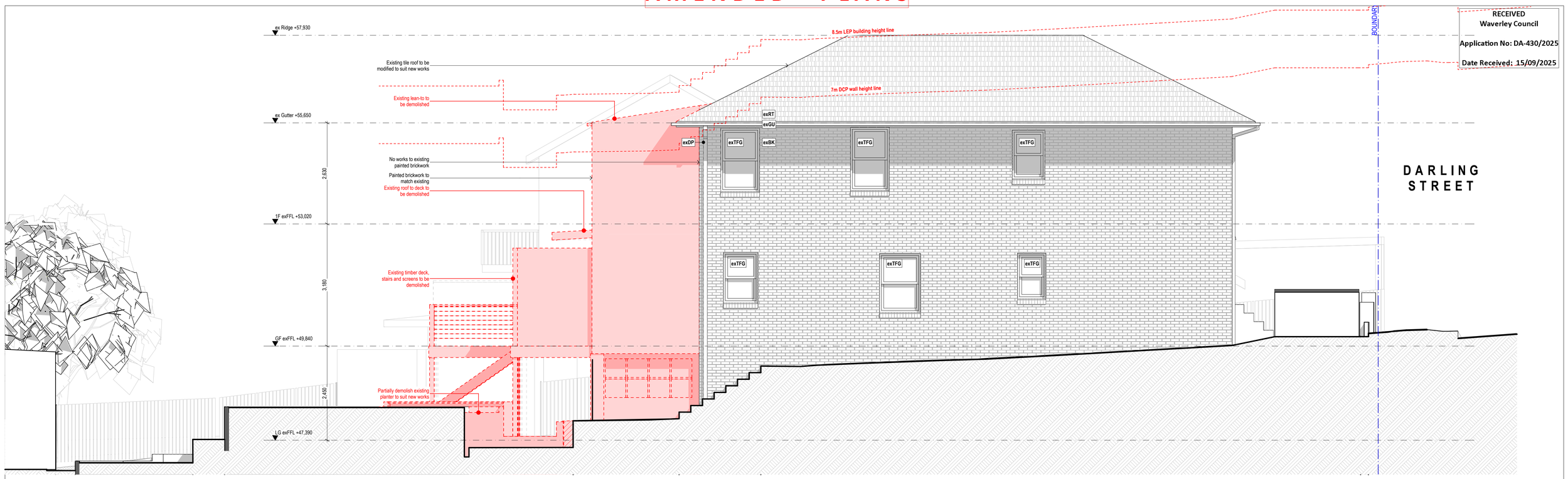
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AMENDED PLANS

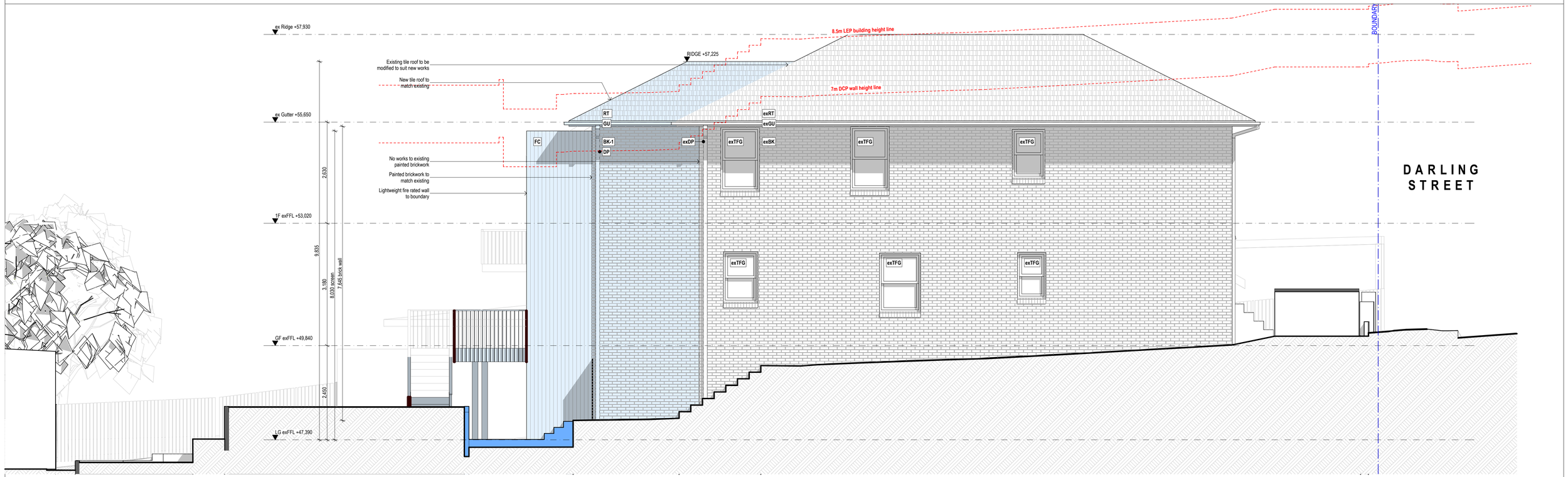
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East Elevation - Existing



East Elevation - Proposed

BSA

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REV	DATE	ISSUE
P4	26/2/2025	PRELIMINARY
P5	20/3/2025	PRELIMINARY
A	25/7/2025	DA ISSUE
B	29/7/2025	DA ISSUE
C	10/9/2025	DA ISSUE

LEGEND

- Existing wall / strcuture
- Existing finish / fitting
- Demolish wall / structure
- Demolish wall / fitting
- New wall / structure
- New finish / fitting

PROJECT
13-13A DARLING ST, BRONTE

DRAWING TITLE
EXISTING/ PROPOSED ELEVATIONS - EAST

STATUS
DEVELOPMENT APPLICATION

SCALE
1:50 @ A1

PROJECT No. - DRAWING No. - REV.
223 DA201 C

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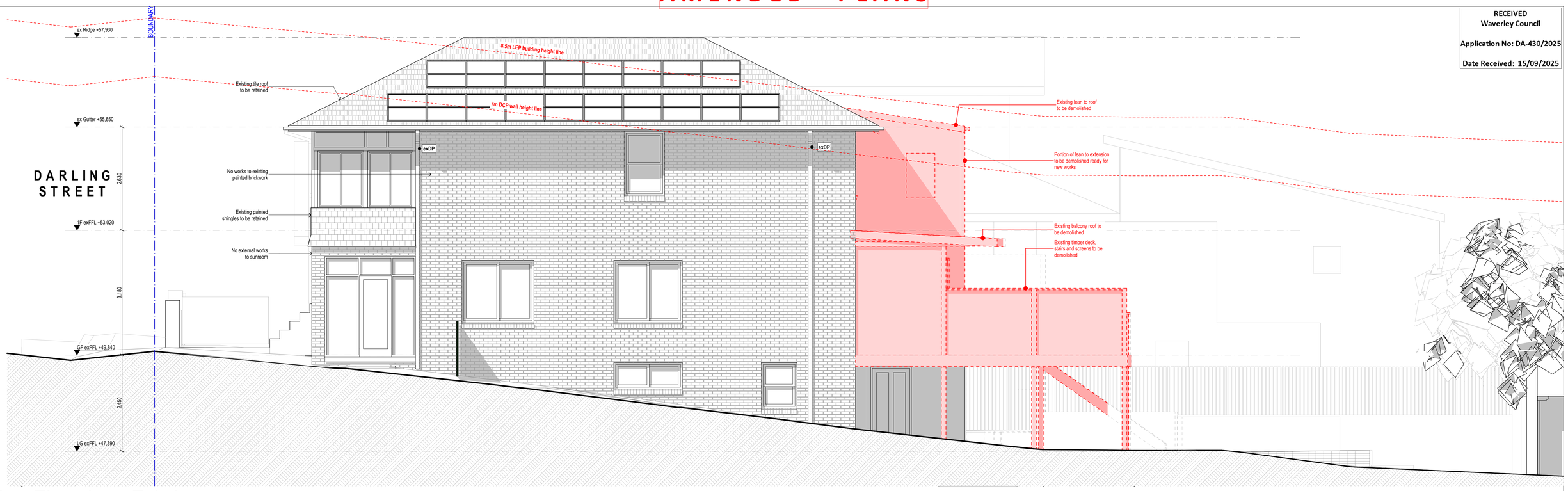
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AMENDED PLANS

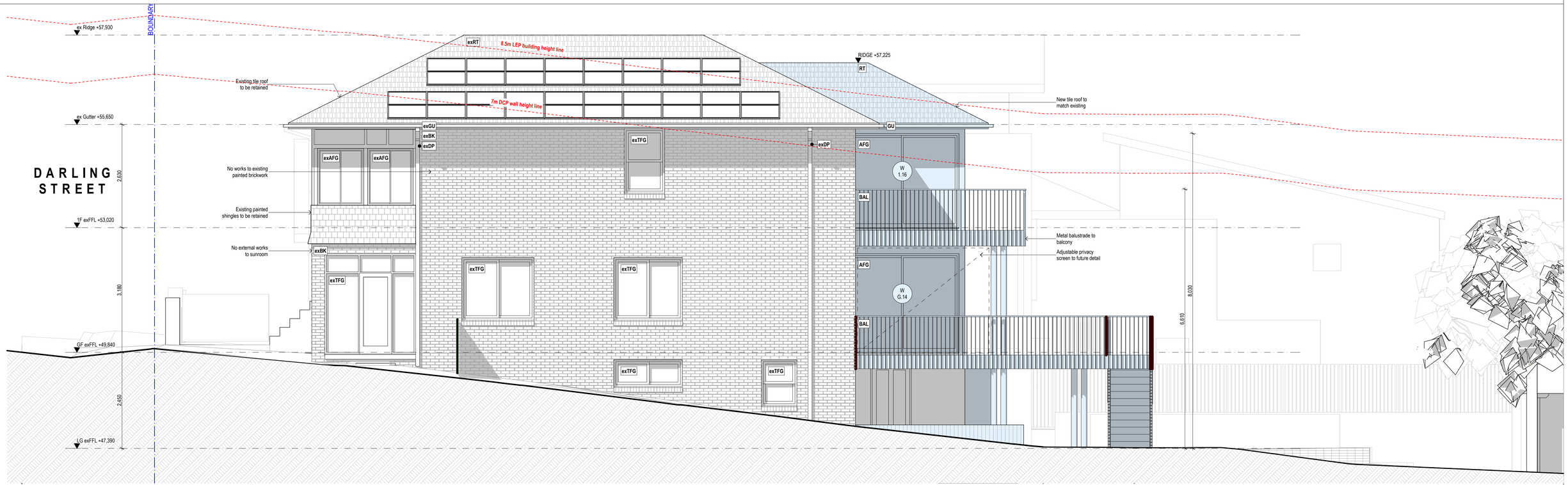
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Application No: DA-430/2025

Date Received: 15/09/2025



West Elevation - Existing



West Elevation - Proposed

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B	29/7/2025	DA ISSUE
C	10/9/2025	DA ISSUE

LEGEND

- Existing wall / strcuture
- Existing finish / fitting
- Demolish wall / structure
- Demolish wall / fitting
- New wall / structure
- New finish / fitting

PROJECT
13-13A DARLING ST, BRONTE

DRAWING TITLE
EXISTING/ PROPOSED ELEVATIONS - WEST

STATUS
DEVELOPMENT APPLICATION

SCALE
1:50 @ A1

PROJECT No. - DRAWING No. - REV.
223 DA202 C

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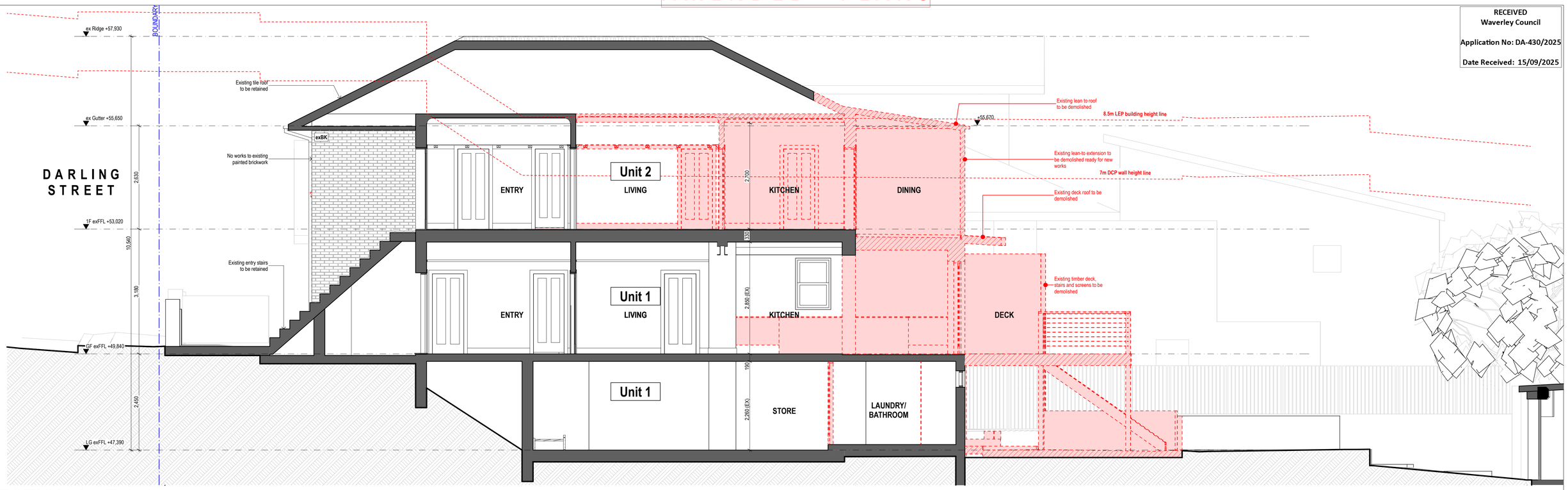
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AMENDED PLANS

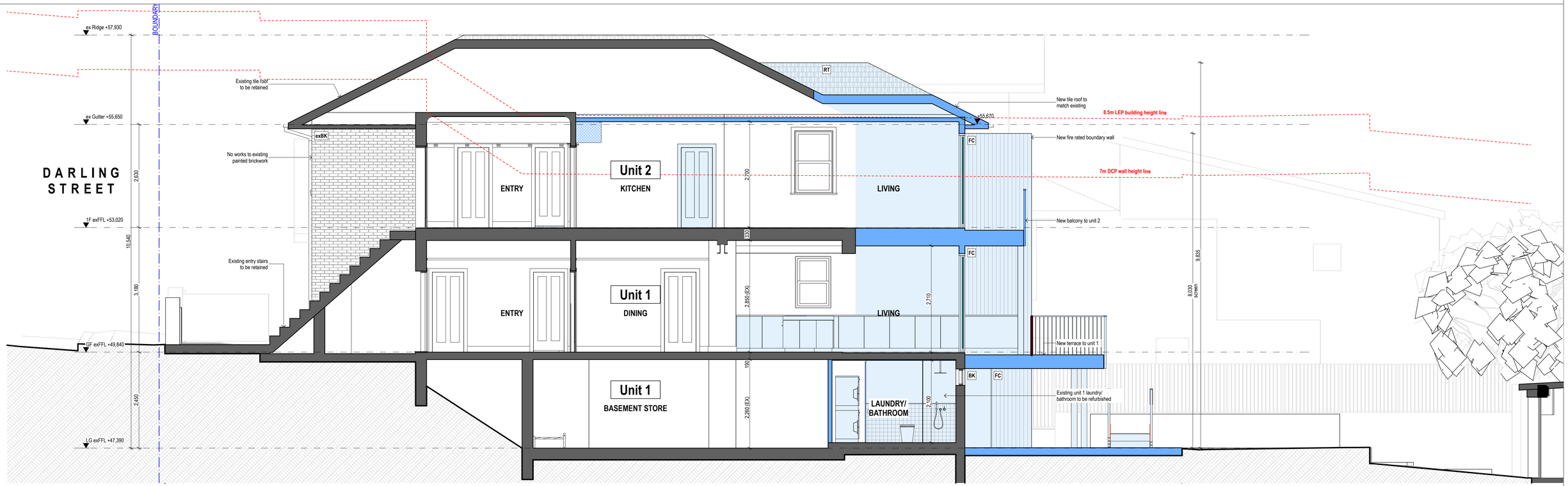
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Application No: DA-430/2025

Date Received: 15/09/2025



SECTION A - Existing



SECTION A - Proposed

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C	10/9/2025	DA ISSUE

LEGEND

- Existing wall / strcuture
- Existing finish / fitting
- Demolish wall / structure
- Demolish wall / fitting
- New wall / structure
- New finish / fitting

PROJECT
13-13A DARLING ST, BRONTE

STATUS
DEVELOPMENT APPLICATION

DRAWING TITLE
EXISTING/ PROPOSED SECTION A

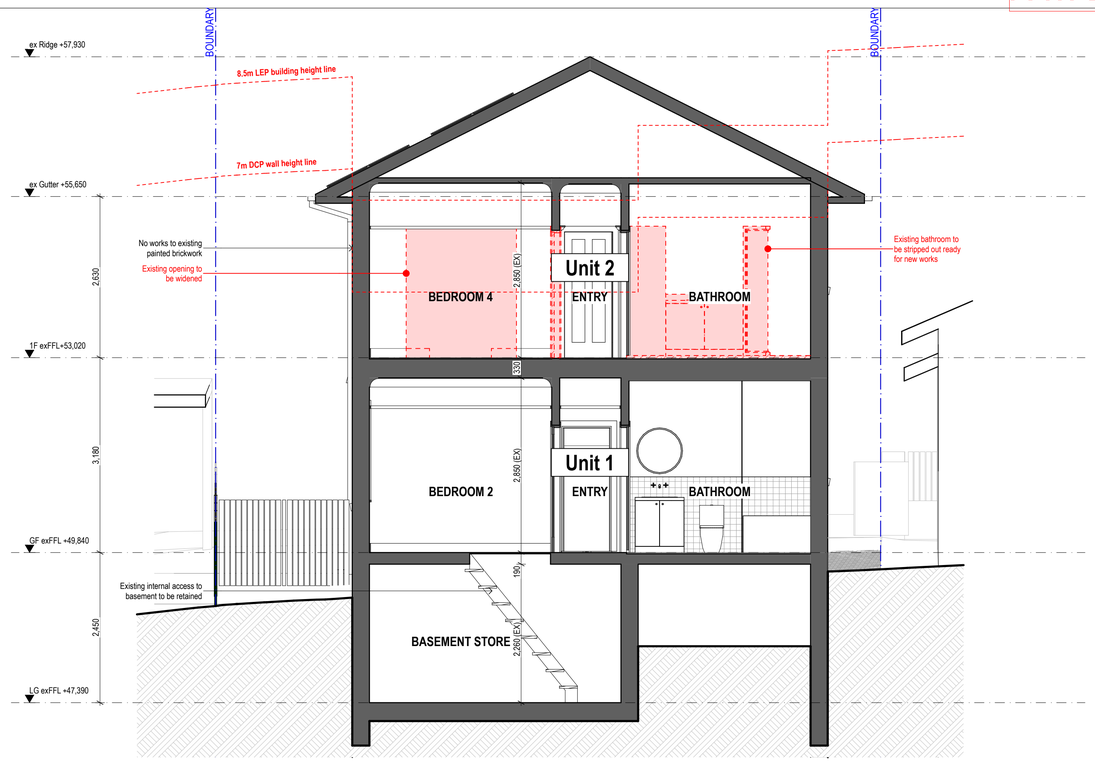
SCALE
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PROJECT No. - DRAWING No. - REV.
223 DA300 C

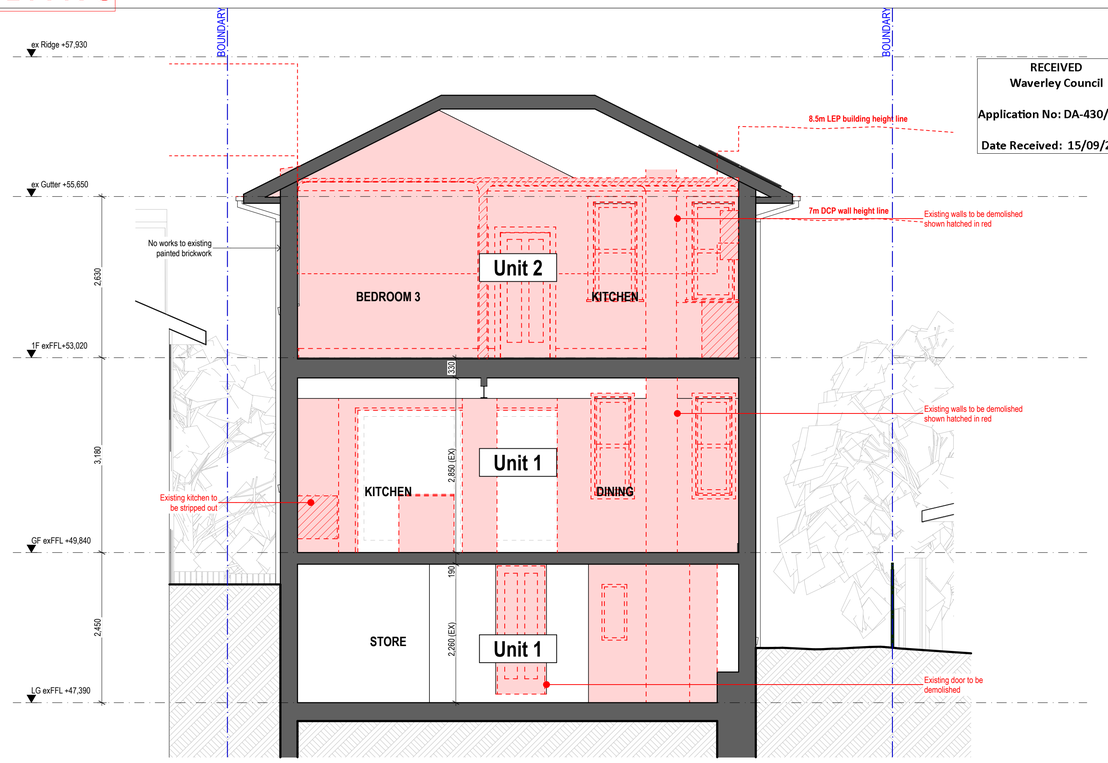
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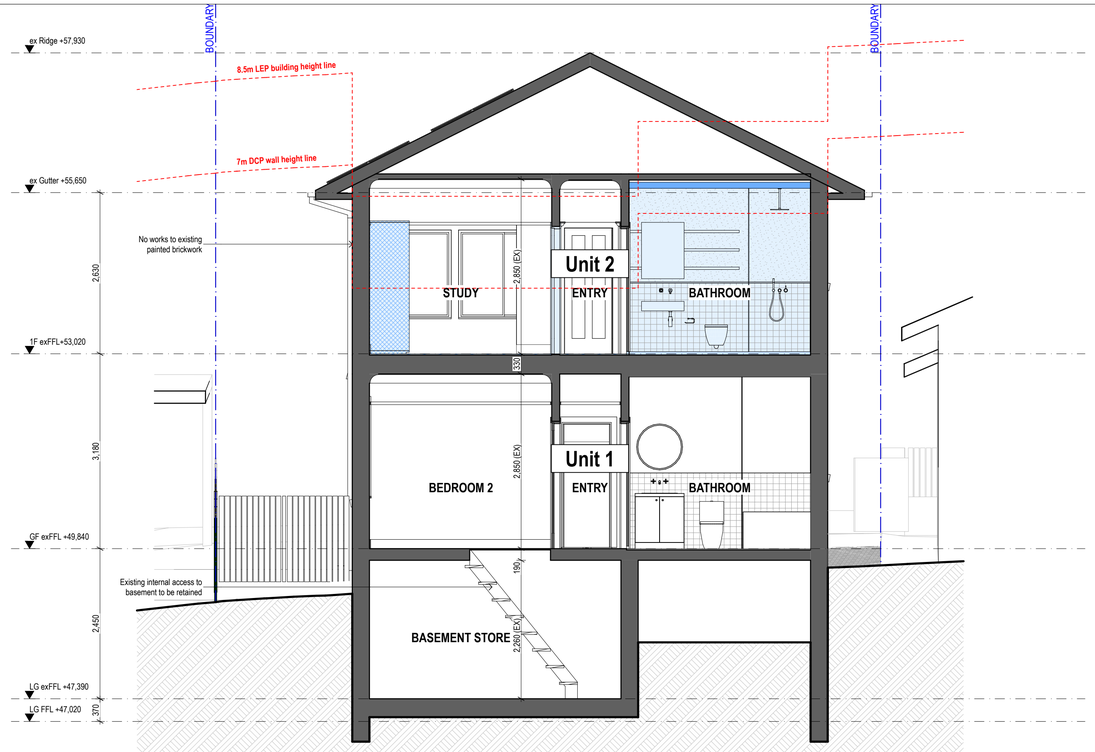
AMENDED PLANS



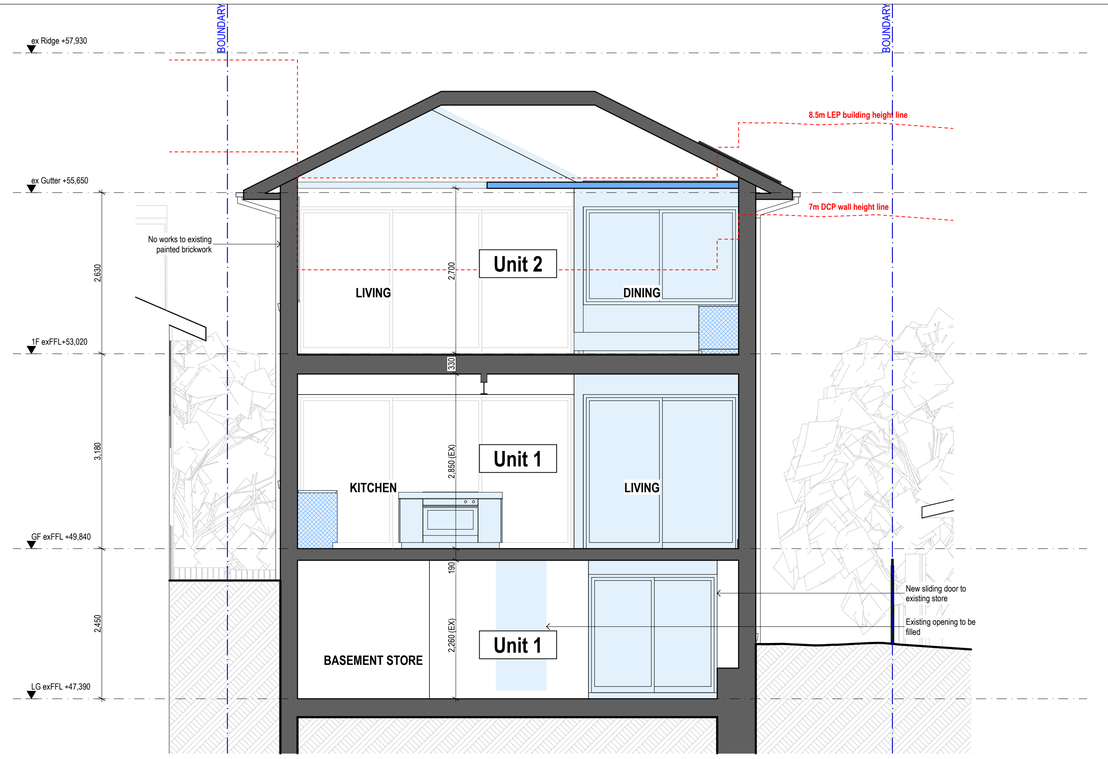
SECTION B - Existing



SECTION C - Existing



SECTION B - Proposed



SECTION C - Proposed

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B	29/7/2025	DA ISSUE
C	10/9/2025	DA ISSUE

LEGEND

- Existing wall / strcuture
- Existing finish / fitting
- Demolish wall / structure
- Demolish wall / fitting
- New wall / structure
- New finish / fitting

PROJECT
13-13A DARLING ST, BRONTE

STATUS
DEVELOPMENT APPLICATION

DRAWING TITLE
EXISTING/ PROPOSED SECTIONS B & C

SCALE
1:50 @ A1

PROJECT No. - DRAWING No. - REV.
223 DA301 C

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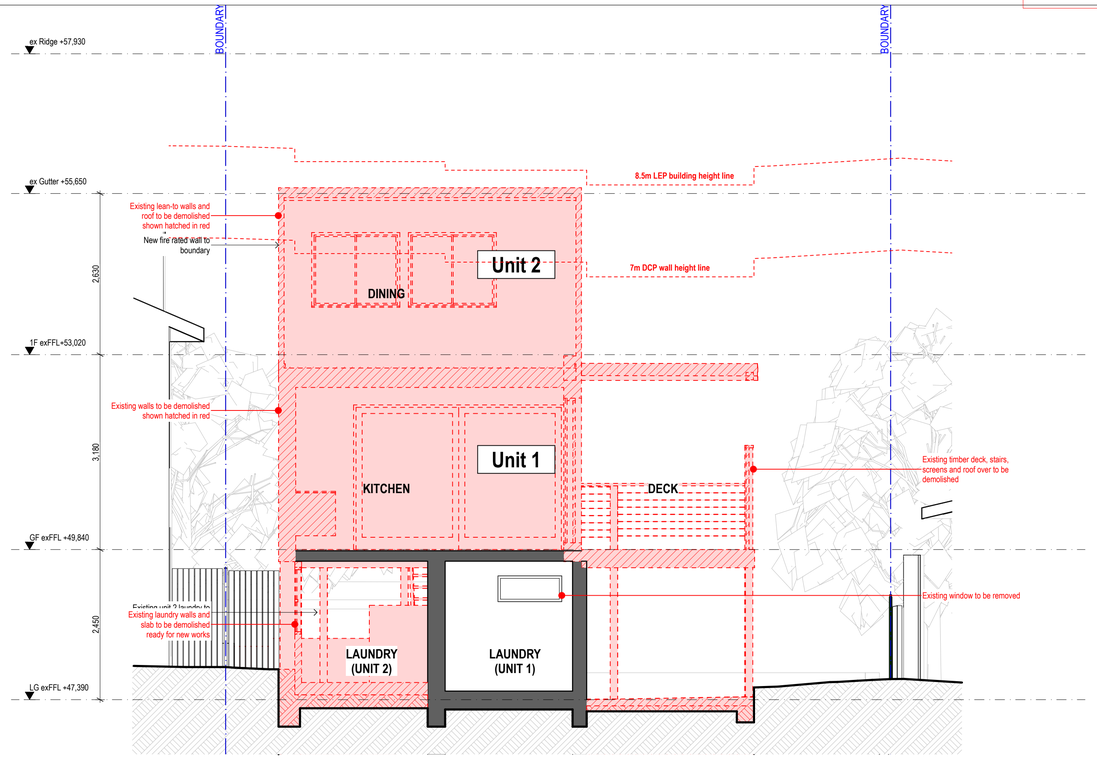
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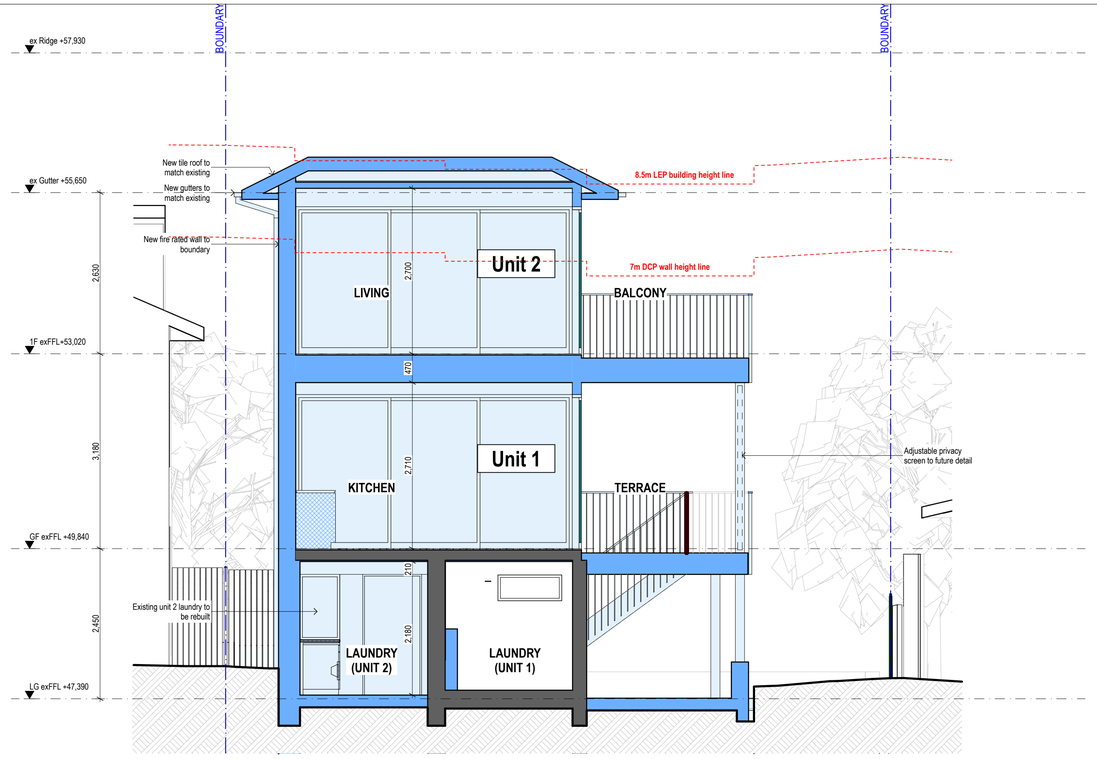
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Application No: DA-430/2025

Date Received: 15/09/2025



SECTION D - Existing



SECTION D - Proposed

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REV	DATE	ISSUE
P4	26/2/2025	PRELIMINARY
P5	20/3/2025	PRELIMINARY
A	25/7/2025	DA ISSUE
B	29/7/2025	DA ISSUE
C	10/9/2025	DA ISSUE

LEGEND

- Existing wall / strcuture
- Existing finish / fitting
- Demolish wall / structure
- Demolish wall / fitting
- New wall / structure
- New finish / fitting

PROJECT
13-13A DARLING ST, BRONTE

STATUS
DEVELOPMENT APPLICATION

DRAWING TITLE
EXISTING/ PROPOSED SECTION D

SCALE
1:50 @ A1

PROJECT No. - DRAWING No. - REV.
223 DA302 C

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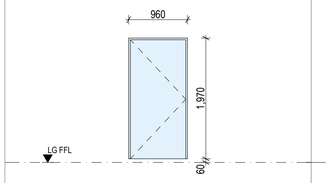
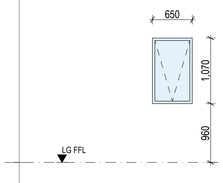
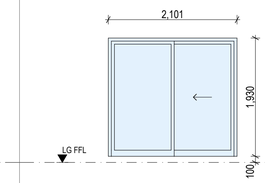
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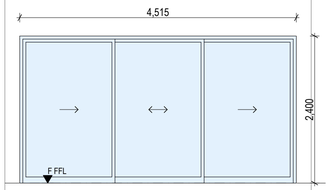
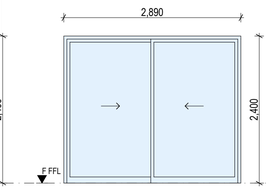
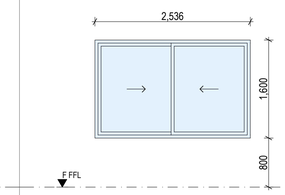
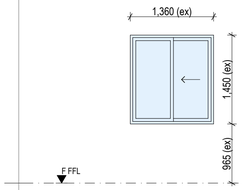
Application No: DA-430/2025

Date Received: 15/09/2025

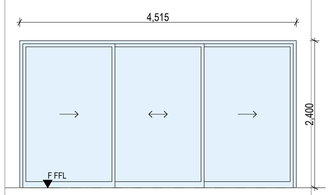
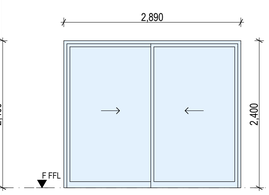
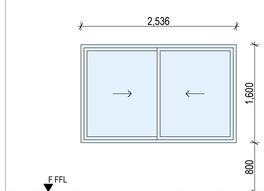
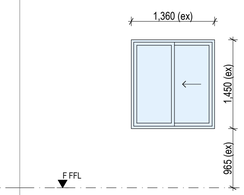
External Door & Window Schedule

Elevation			
ID	D LG.01	W LG.01	W LG.02
Location	Unit 2 laundry	Unit 2 laundry	Unit 1 basement store
Type	Timber framed door	Timber framed window	Aluminium framed sliding door
Finish	Painted - white or similar to match existing	Painted - white or similar to match existing	Powder coat - white or similar
Glazing	n/a	Single clear	Single clear

External Door & Window Schedule

Elevation				
ID	W 1.15	W 1.16	W 1.17	W 1.18
Location	Unit 2 living room	Unit 2 living room	Unit 2 dining room	Unit 2 bedroom 1
Type	Aluminium framed sliding door	Aluminium framed sliding door	Aluminium framed sliding window	Timber framed window to suit existing opening
Finish	Powder coat - white or similar	Powder coat - white or similar	Powder coat - white or similar	Painted - white or similar to match existing
Glazing	Single clear	Single Low-E	Single clear	Single clear

External Door & Window Schedule

Elevation				
ID	W 1.15	W 1.16	W 1.17	W 1.18
Location	Unit 2 living room	Unit 2 living room	Unit 2 dining room	Unit 2 bedroom 1
Type	Aluminium framed sliding door	Aluminium framed sliding door	Aluminium framed sliding window	Timber framed window to suit existing opening
Finish	Powder coat - white or similar	Powder coat - white or similar	Powder coat - white or similar	Painted - white or similar to match existing
Glazing	Single clear	Single Low-E	Single clear	Single clear

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REV	DATE	ISSUE
C	10/9/2025	DA ISSUE

LEGEND

- Existing wall / strcuture
- Existing finish / fitting
- Demolish wall / structure
- Demolish wall / fitting
- New wall / structure
- New finish / fitting

PROJECT
13-13A DARLING ST, BRONTE

DRAWING TITLE
Door & Window schedule

STATUS
DEVELOPMENT APPLICATION

SCALE
@ A1

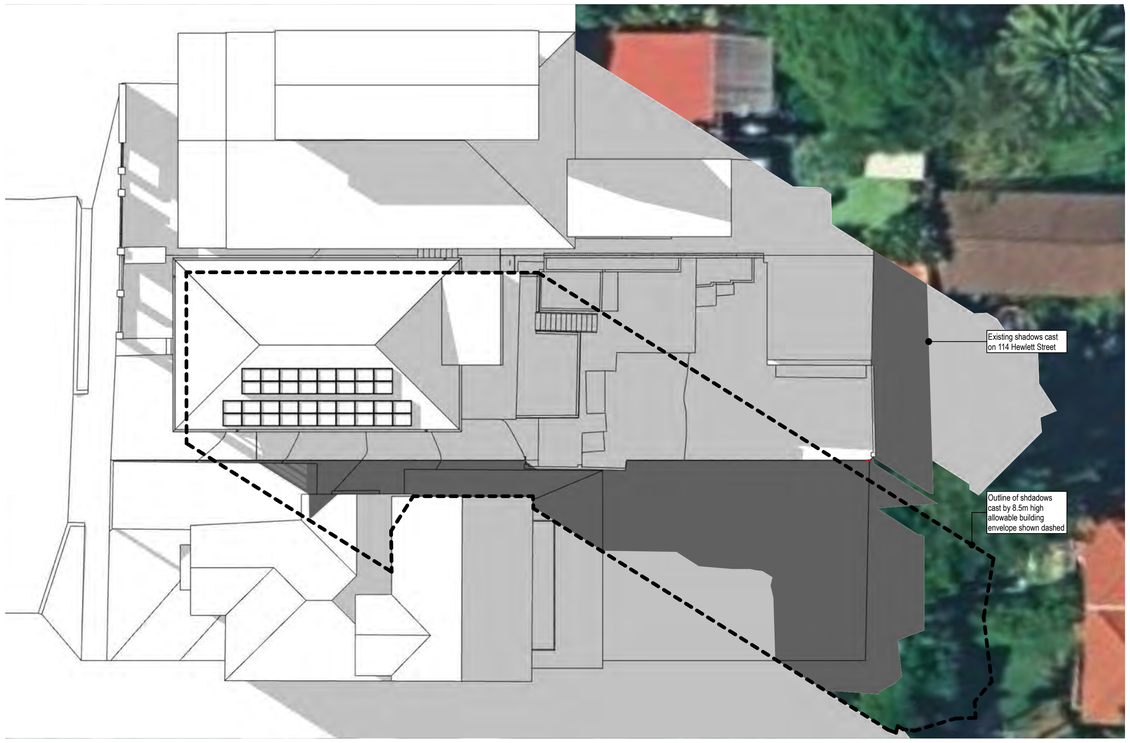
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223 DA500 C

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AMENDED PLANS

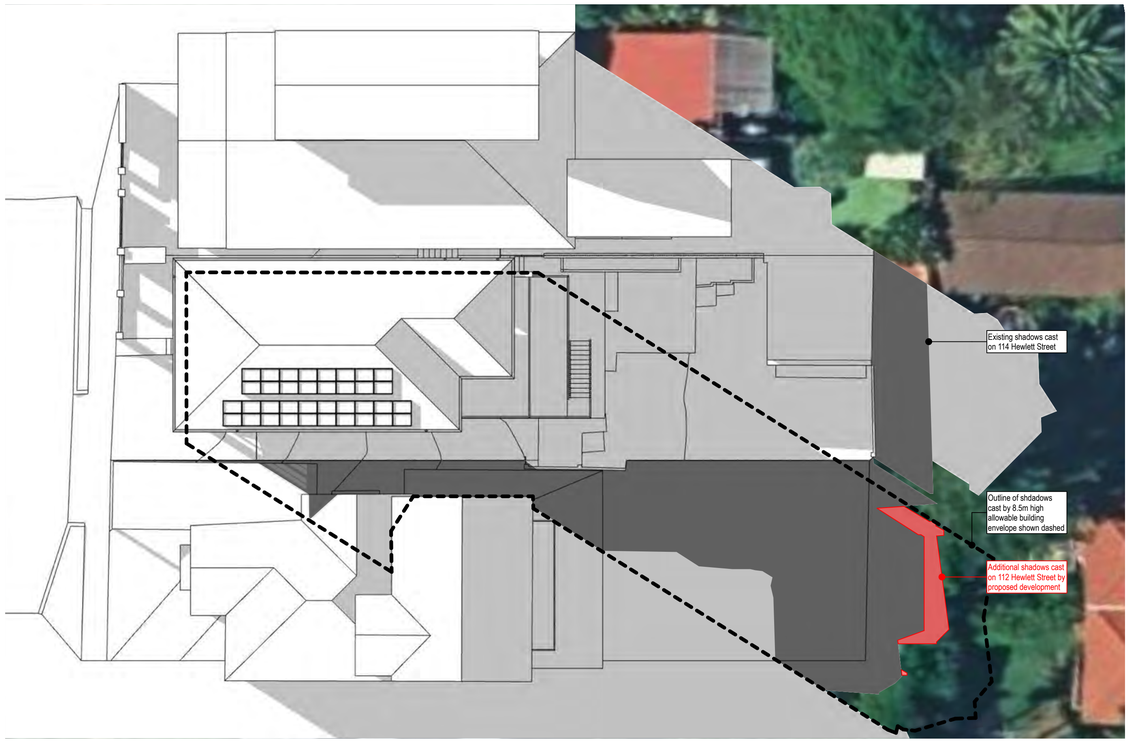
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Shadows - June 21, 9am - Existing



Sun eye - June 21, 9am - Existing



Shadows - June 21, 9am - Proposed



Sun eye - June 21, 9am - Proposed

BSA

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C	10/9/2025	DA ISSUE

LEGEND

- Existing wall / strcuture
- Existing finish / fitting
- Demolish wall / structure
- Demolish wall / fitting
- New wall / structure
- New finish / fitting

NORTH

PROJECT
13-13A DARLING ST, BRONTE

STATUS
DEVELOPMENT APPLICATION

DRAWING TITLE
EXISTING/ PROPOSED SHADOW DIAGRAMS - 9am

SCALE
@ A1

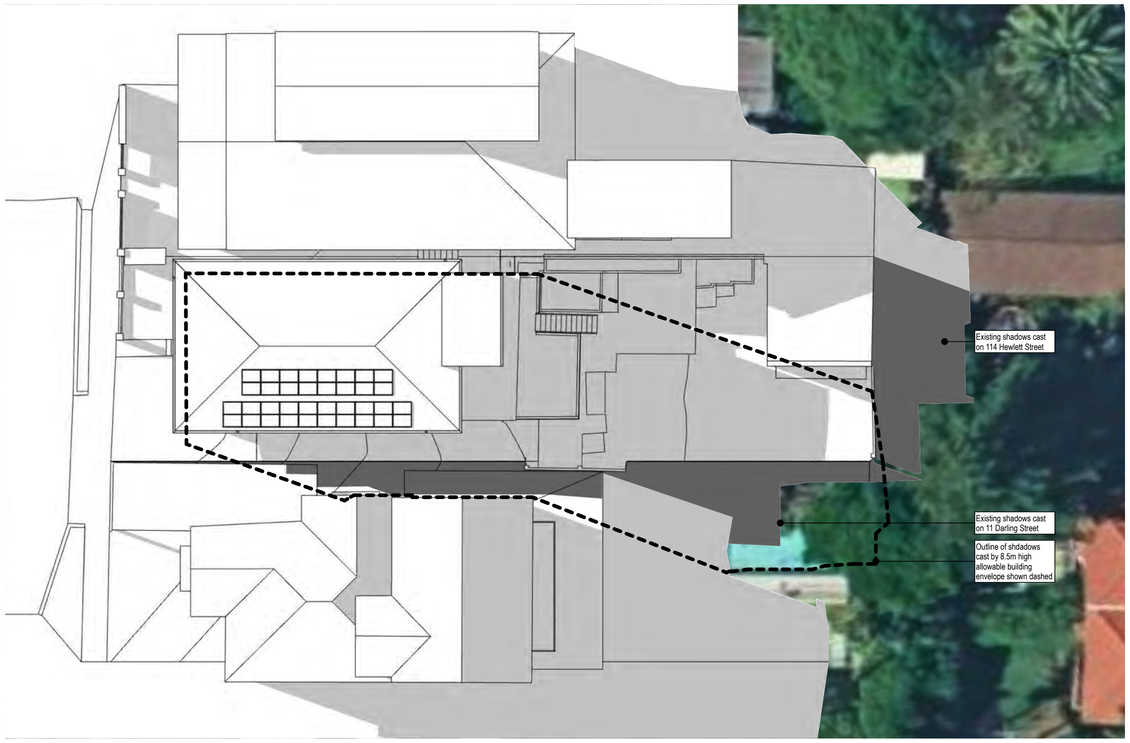
PROJECT No. - DRAWING No. - REV.
223 DA401 C

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AMENDED PLANS

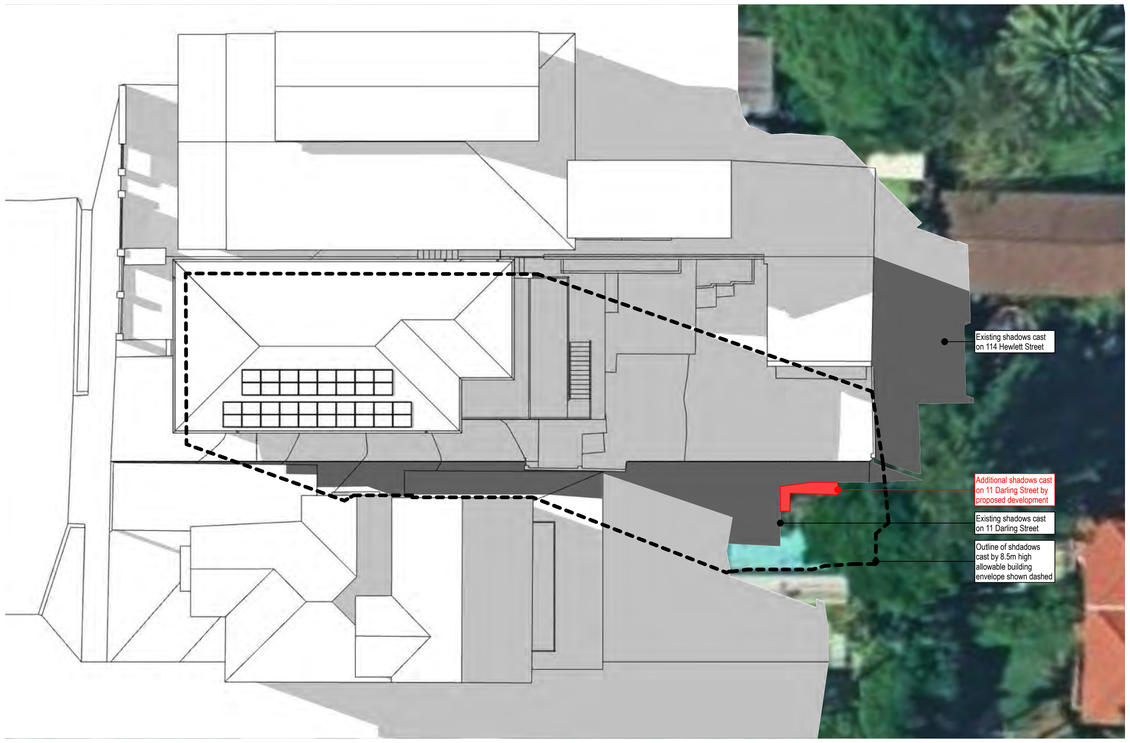
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Waverley Council
Application No: DA-430/2025
Date Received: 15/09/2025



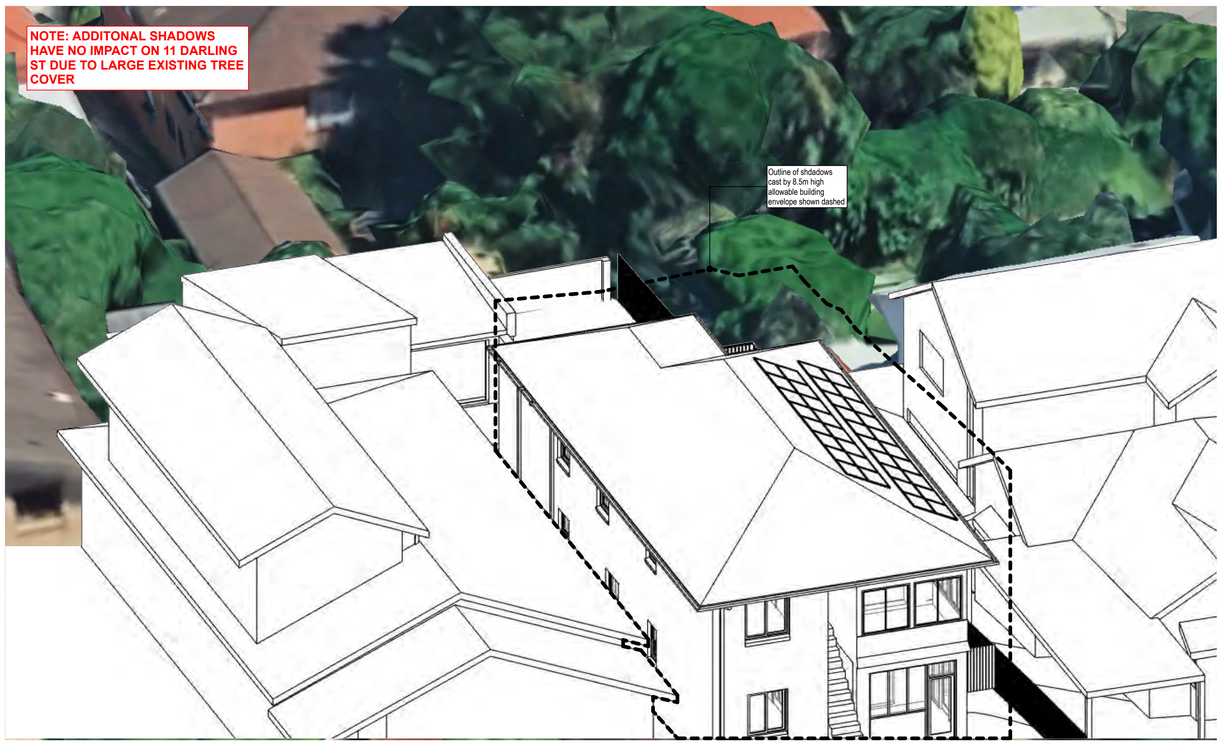
Shadows - June 21, 10am - Existing



Sun eye - June 21, 10am - Existing



Shadows - June 21, 10am - Proposed



Sun eye - June 21, 10am - Proposed

BSA

Brad Swartz Architects
Suite 202, 61 Marlborough St
Surry Hills NSW 2010, Australia
+61 421 444 338 studio@bradswartz.com.au
ABN: 34 609 159 257
Nominated Architect:
Bradley Swartz NSW ARB #9208

REV	DATE	ISSUE
C	10/9/2025	DA ISSUE

LEGEND

- Existing wall / strcuture
- Existing finish / fitting
- Demolish wall / structure
- Demolish wall / fitting
- New wall / structure
- New finish / fitting

NORTH

PROJECT
13-13A DARLING ST, BRONTE

STATUS
DEVELOPMENT APPLICATION

DRAWING TITLE
EXISTING/ PROPOSED SHADOW DIAGRAMS - 10am

SCALE
@ A1

PROJECT No. - DRAWING No. - REV.
223 DA402 C

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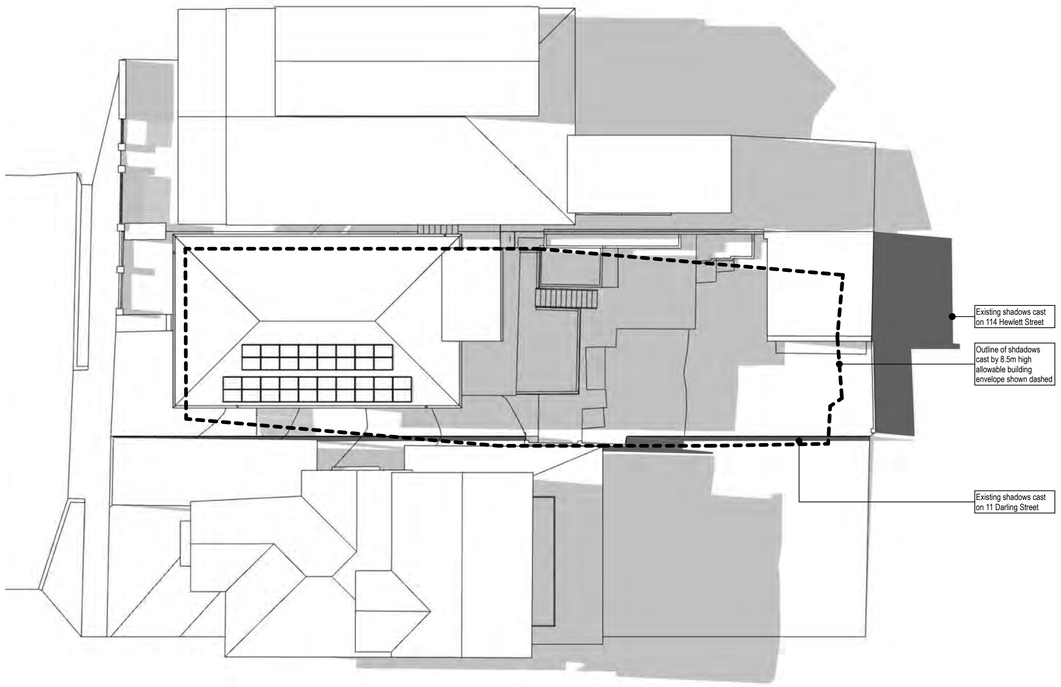
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AMENDED PLANS

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Waverley Council

Application No: DA-430/2025

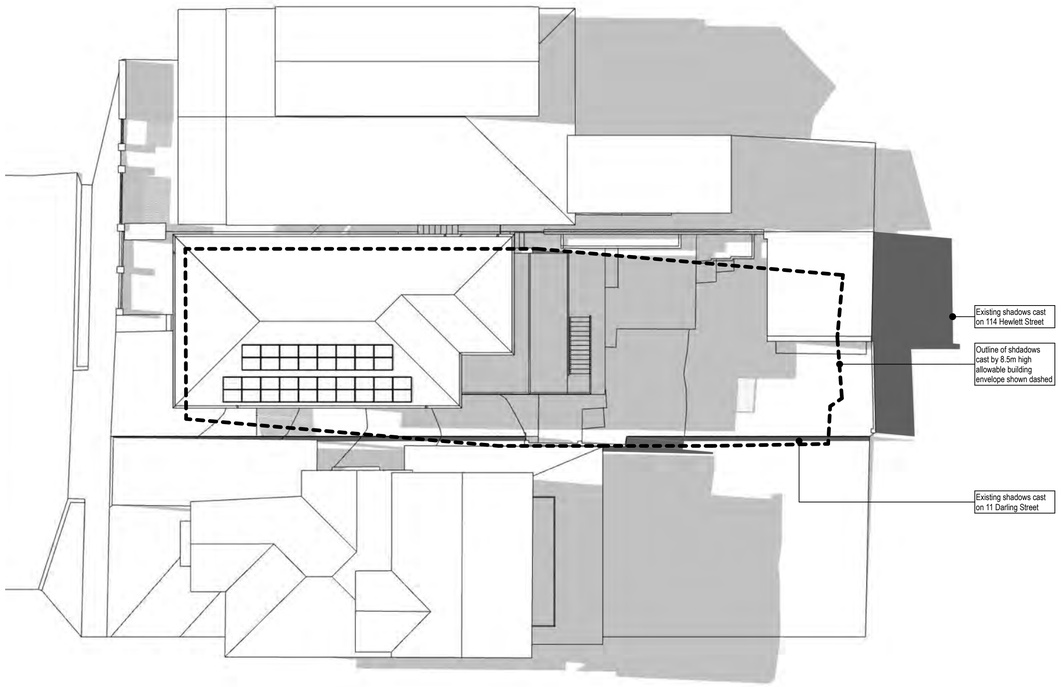
Date Received: 15/09/2025



Shadows - June 21, 11am - Existing



Sun eye - June 21, 11am - Existing



Shadows - June 21, 11am - Proposed



Sun eye - June 21, 11am - Proposed

BSA

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Suite 202, 61 Marlborough St
Surry Hills NSW 2010, Australia
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ABN: 34 609 159 257
Nominated Architect:
Bradley Swartz NSW ARB #9208

REV	DATE	ISSUE
C	10/9/2025	DA ISSUE

LEGEND

- Existing wall / strcuture
- Existing finish / fitting
- Demolish wall / structure
- Demolish wall / fitting
- New wall / structure
- New finish / fitting

NORTH

PROJECT
13-13A DARLING ST, BRONTE

STATUS
DEVELOPMENT APPLICATION

DRAWING TITLE
EXISTING/ PROPOSED SHADOW DIAGRAMS - 11am

SCALE
@ A1

PROJECT No. - DRAWING No. - REV.
223 DA403 C

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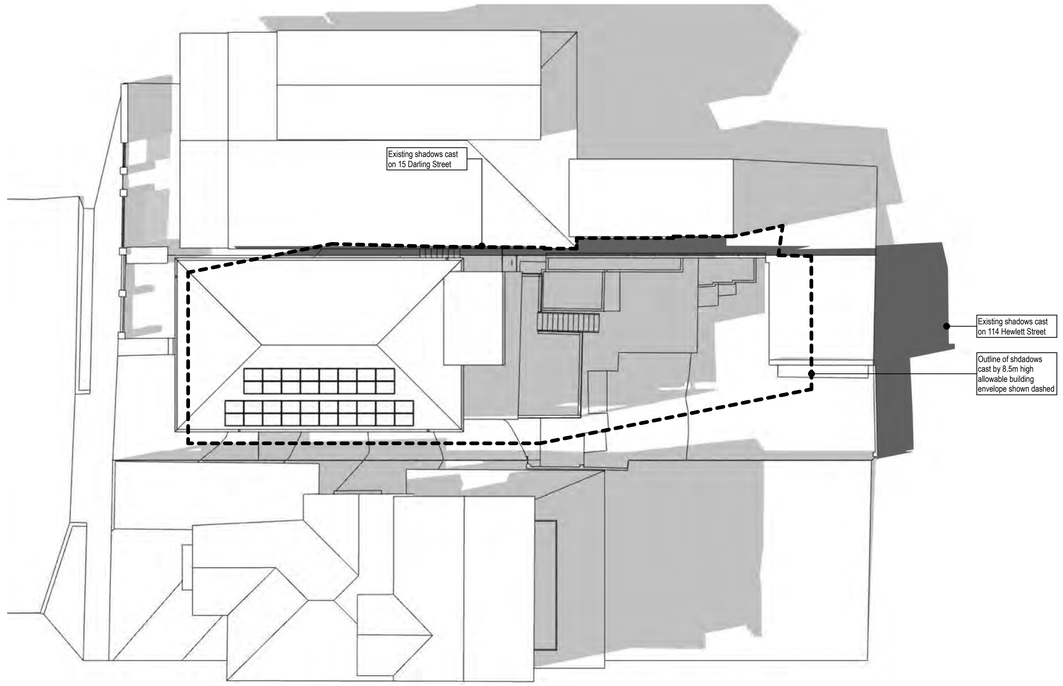
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AMENDED PLANS

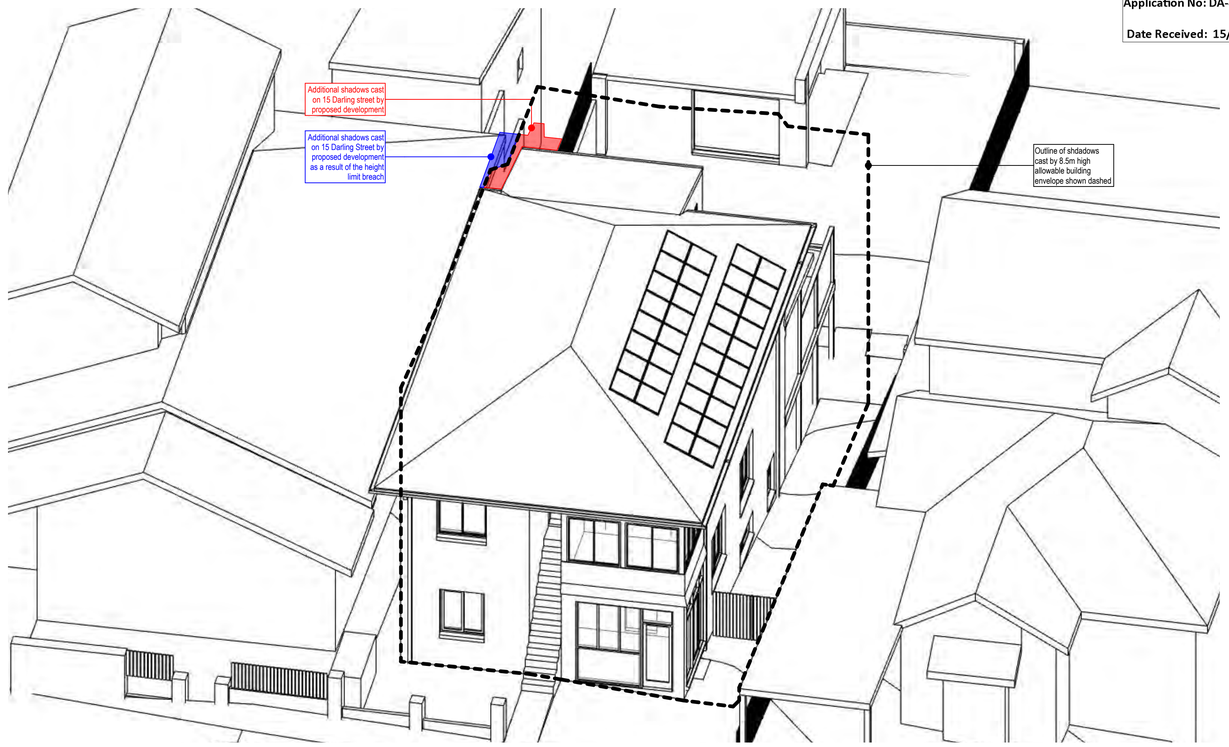
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Waverley Council

Application No: DA-430/2025

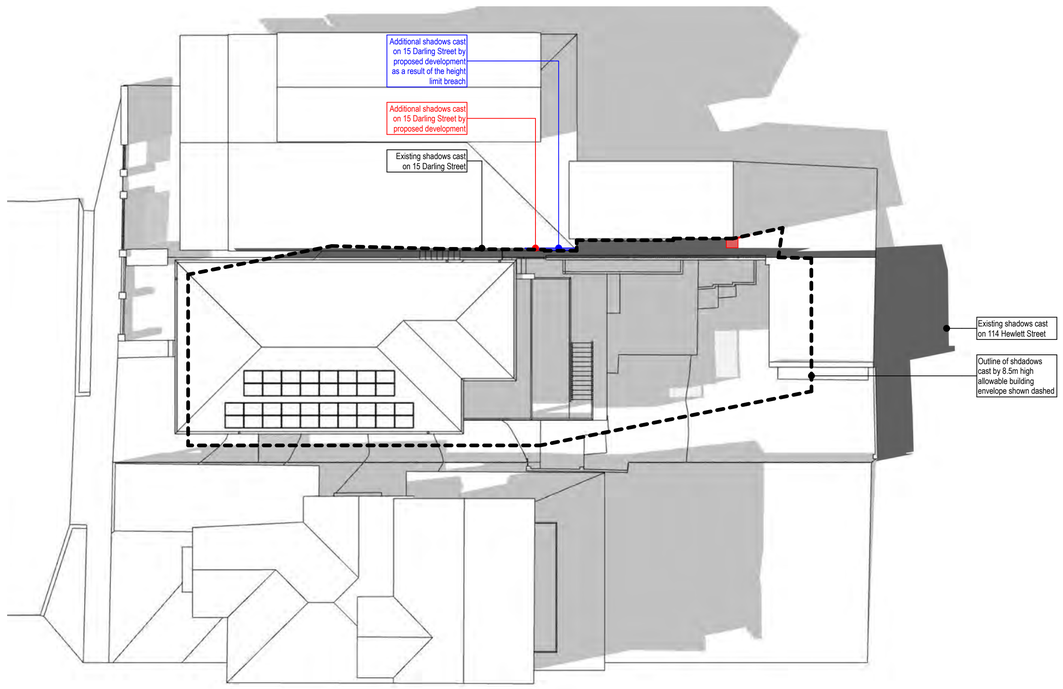
Date Received: 15/09/2025



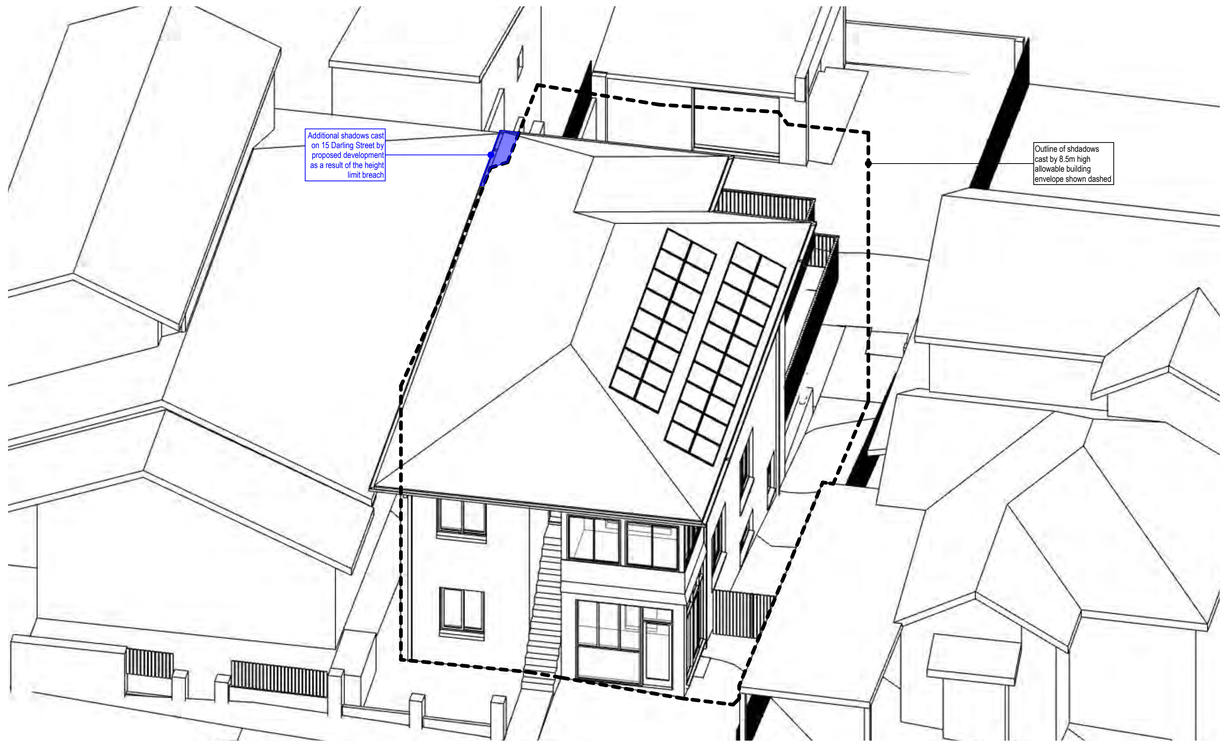
Shadows - June 21, 12pm - Existing



Sun eye - June 21, 12pm - Existing



Shadows - June 21, 12pm - Proposed



Sun eye - June 21, 12pm - Proposed

BSA

Brad Swartz Architects
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ABN: 34 609 159 257
Nominated Architect:
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REV	DATE	ISSUE
P5	20/3/2025	PRELIMINARY
A	25/7/2025	DA ISSUE
B	29/7/2025	DA ISSUE
C	10/9/2025	DA ISSUE

LEGEND

- Existing wall / strcuture
- Existing finish / fitting
- Demolish wall / structure
- Demolish wall / fitting
- New wall / structure
- New finish / fitting

NORTH

PROJECT
13-13A DARLING ST, BRONTE

STATUS
DEVELOPMENT APPLICATION

DRAWING TITLE
EXISTING/ PROPOSED SHADOW DIAGRAMS - 12pm

SCALE
@ A1

PROJECT No. - DRAWING No. - REV.
223 DA404 C

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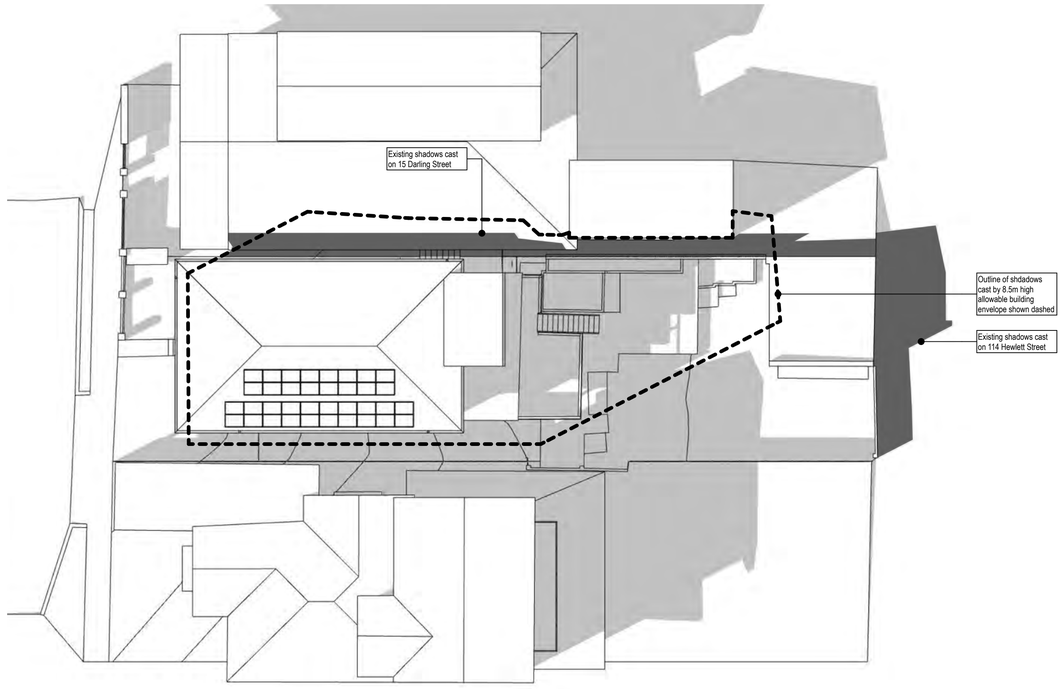
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AMENDED PLANS

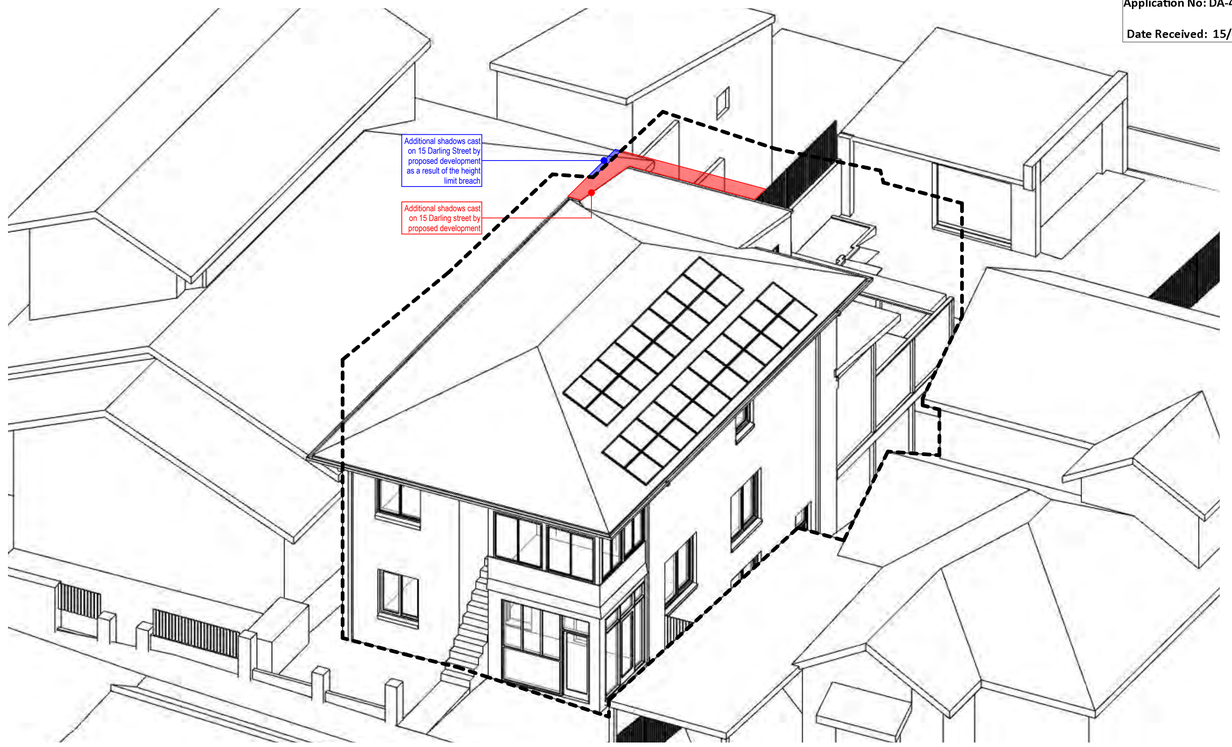
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Application No: DA-430/2025

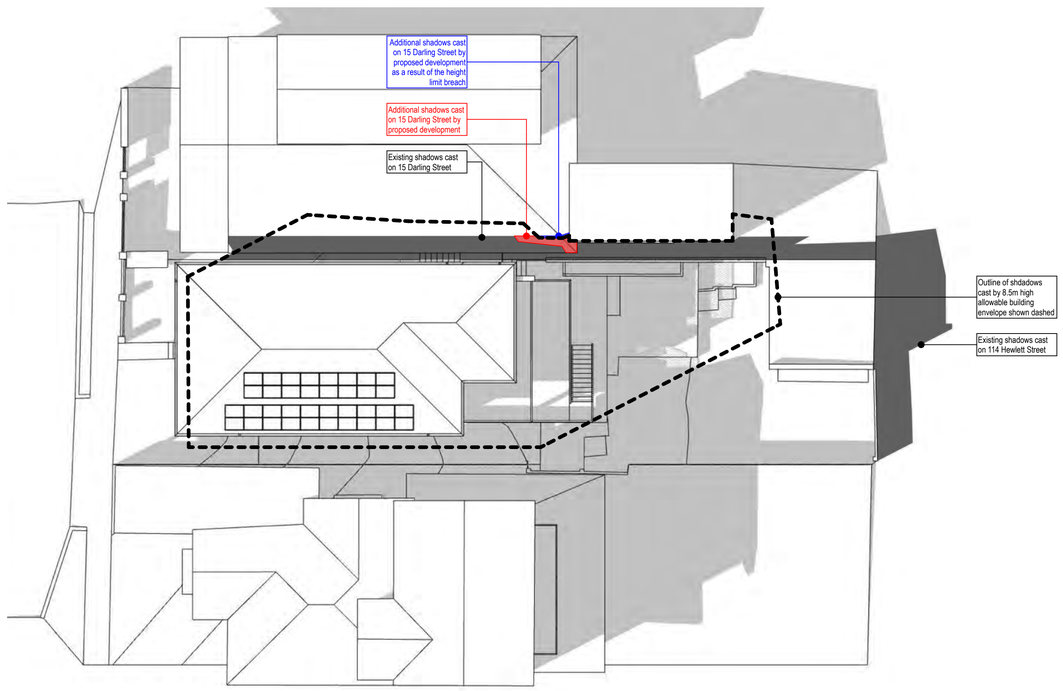
Date Received: 15/09/2025



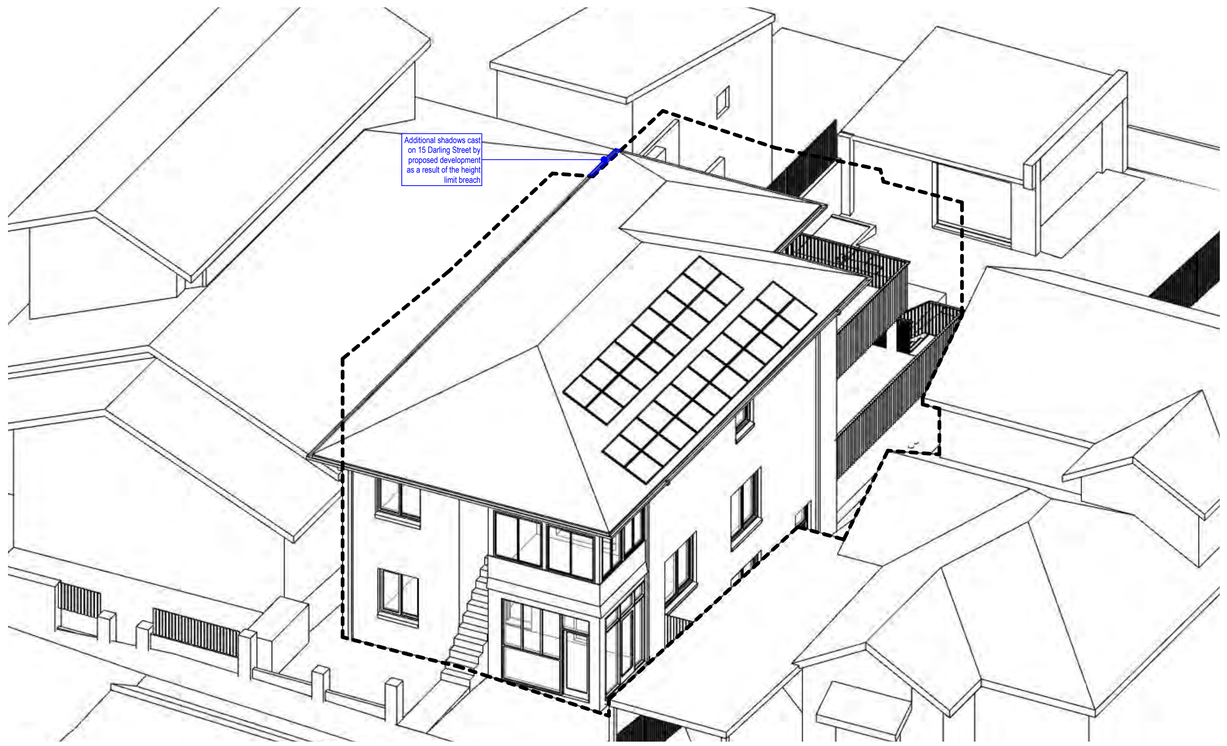
Shadows - June 21, 1pm - Existing



Sun eye - June 21, 1pm - Existing



Shadows - June 21, 1pm - Proposed



Sun eye - June 21, 1pm - Proposed

BSA

Brad Swartz Architects
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ABN: 34 609 159 257
Nominated Architect:
Bradley Swartz NSW ARB #9208

REV	DATE	ISSUE
C	10/9/2025	DA ISSUE

LEGEND

- Existing wall / strcuture
- Existing finish / fitting
- Demolish wall / structure
- Demolish wall / fitting
- New wall / structure
- New finish / fitting

NORTH

PROJECT
13-13A DARLING ST, BRONTE

STATUS
DEVELOPMENT APPLICATION

DRAWING TITLE
EXISTING/ PROPOSED SHADOW DIAGRAMS - 1pm

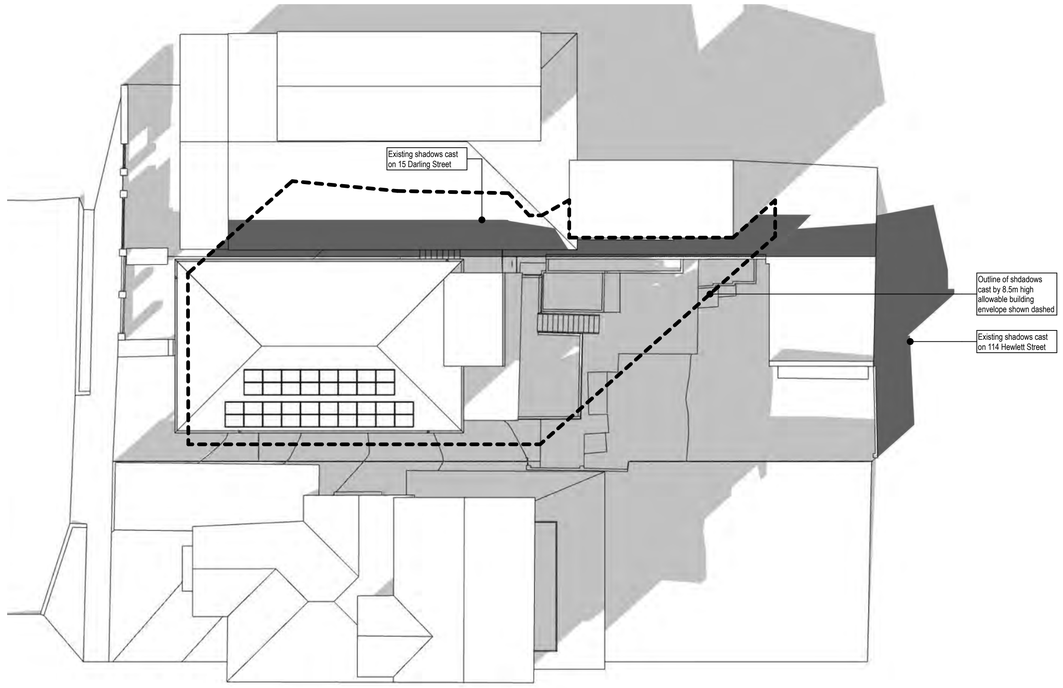
SCALE
@ A1

PROJECT No. - DRAWING No. - REV.
223 DA405 C

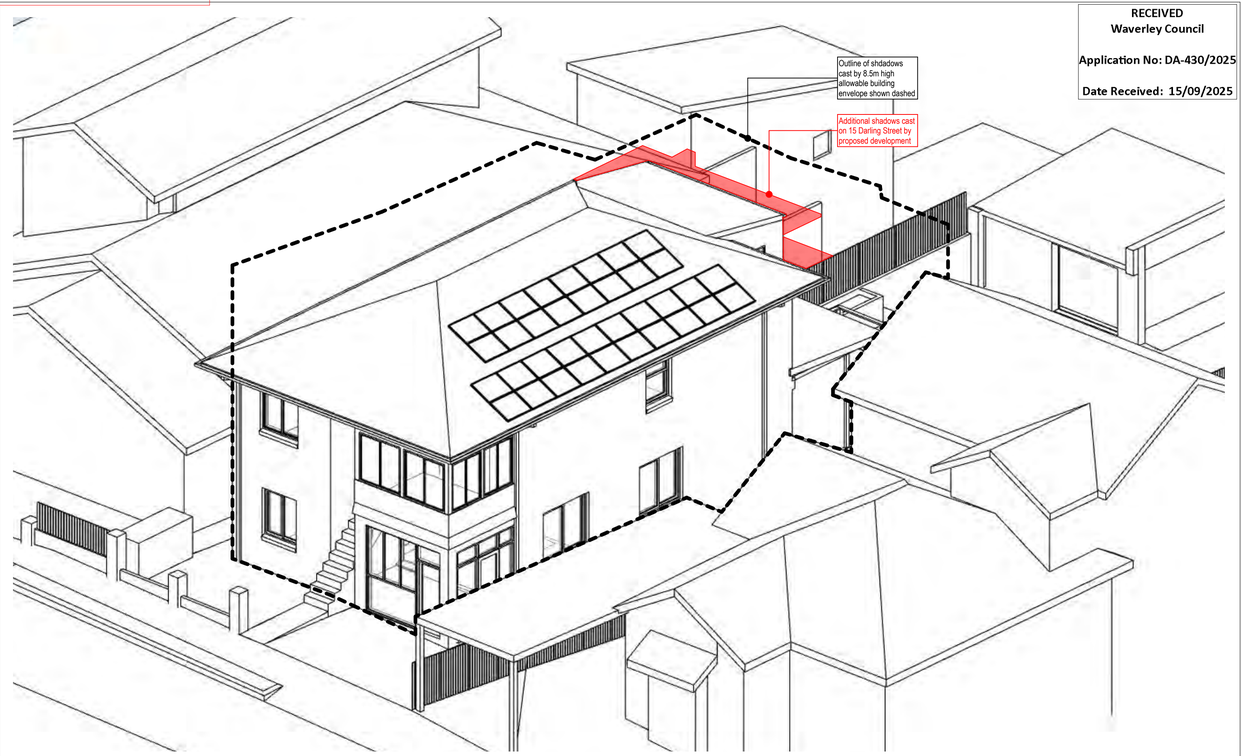
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AMENDED PLANS



Shadows - June 21, 2pm - Existing

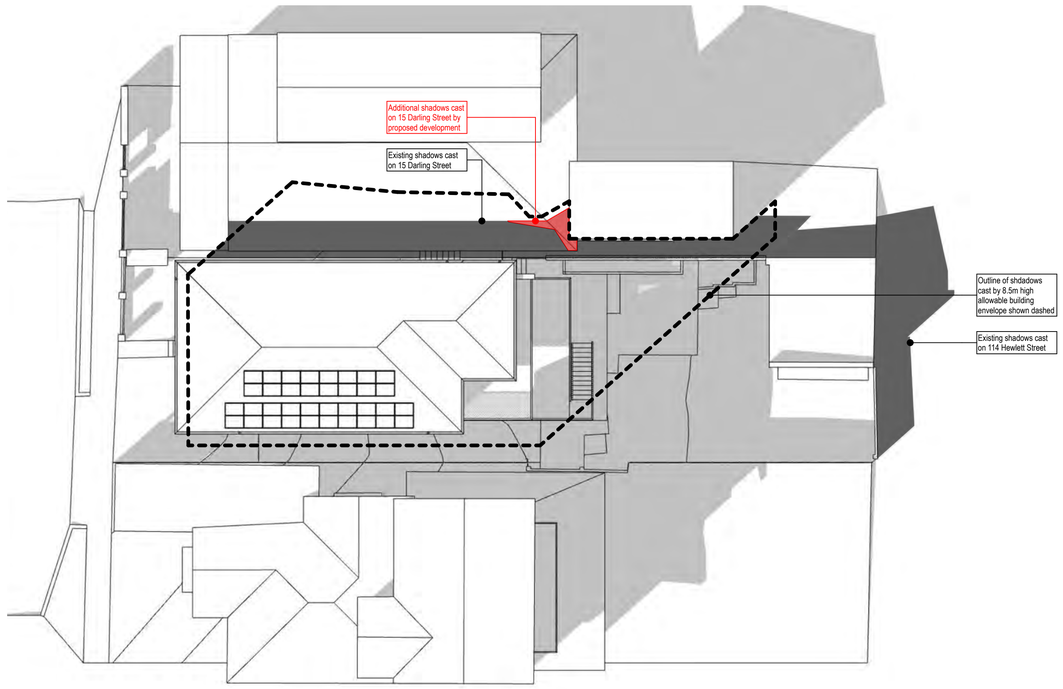


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Waverley Council

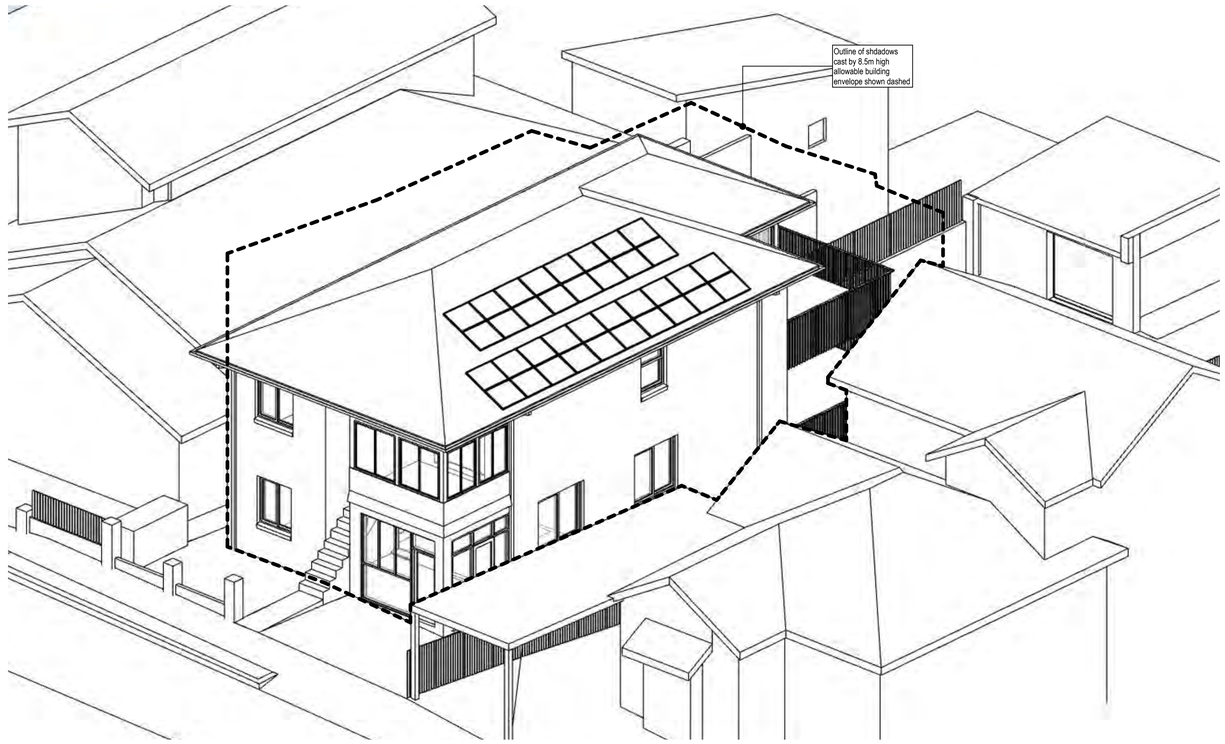
Application No: DA-430/2025

Date Received: 15/09/2025

Sun eye - June 21, 2pm - Existing



Shadows - June 21, 2pm - Proposed



Sun eye - June 21, 2pm - Proposed

BSA

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+61 421 444 338 studio@bradswartz.com.au
ABN: 34 609 159 257
Nominated Architect:
Bradley Swartz NSW ARB #9208

REV	DATE	ISSUE
C	10/9/2025	DA ISSUE

LEGEND

- Existing wall / strcuture
- Existing finish / fitting
- Demolish wall / structure
- Demolish wall / fitting
- New wall / structure
- New finish / fitting

NORTH

PROJECT
13-13A DARLING ST, BRONTE

STATUS
DEVELOPMENT APPLICATION

DRAWING TITLE
EXISTING/ PROPOSED SHADOW DIAGRAMS - 2pm

SCALE
@ A1

PROJECT No. - DRAWING No. - REV.
223 DA406 C

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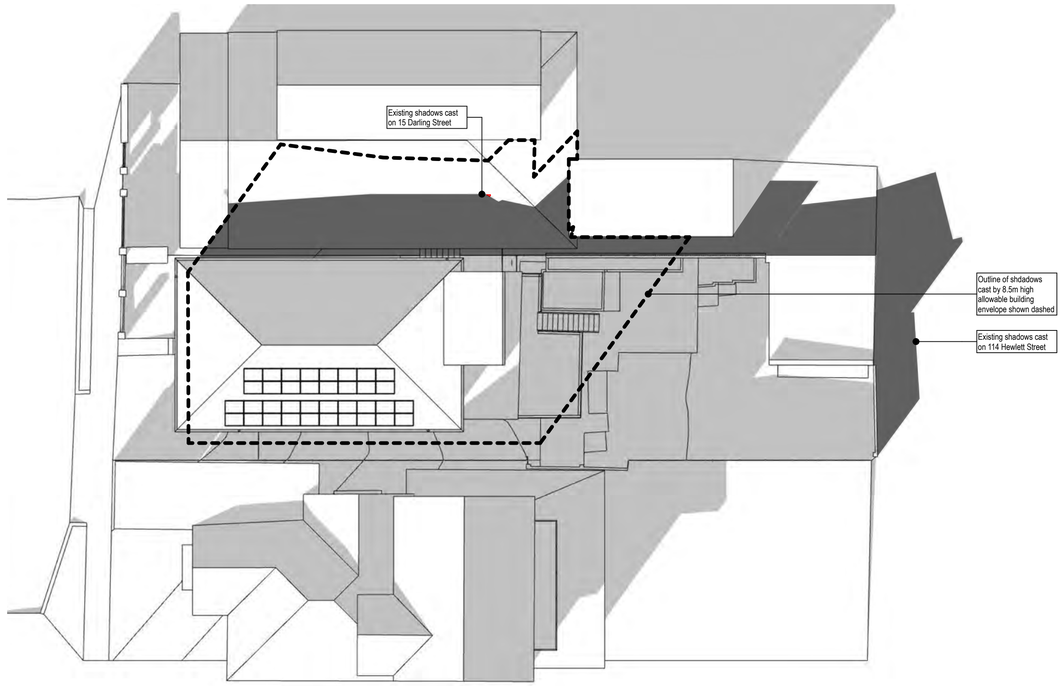
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AMENDED PLANS

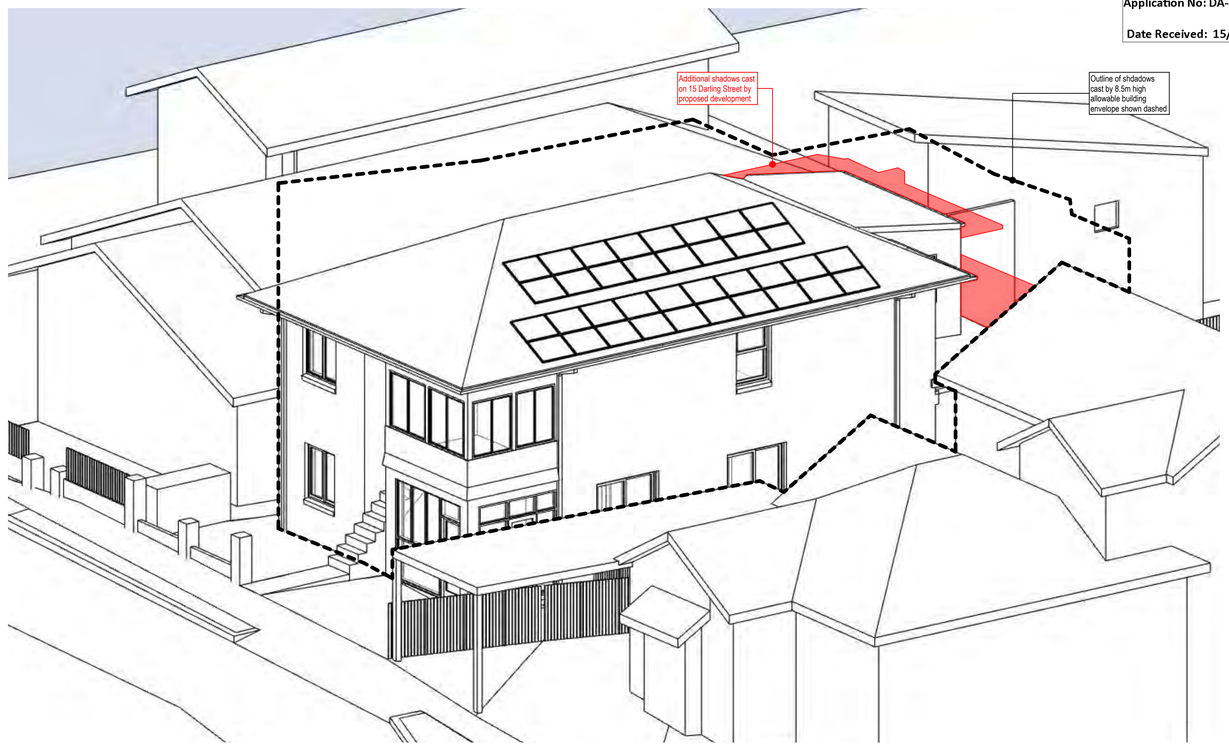
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Application No: DA-430/2025

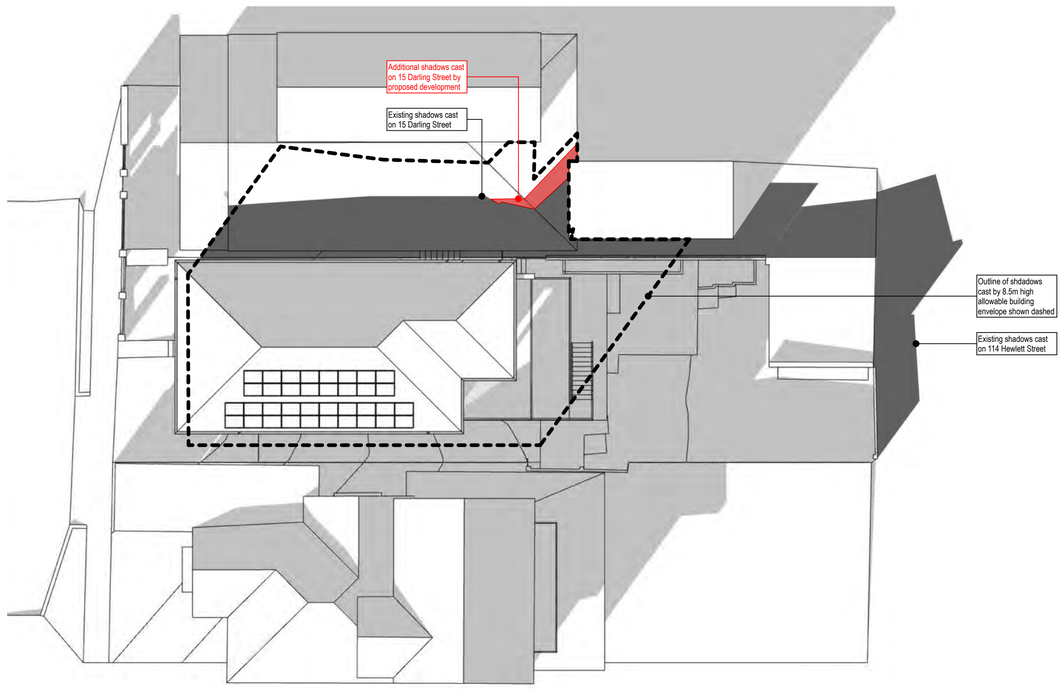
Date Received: 15/09/2025



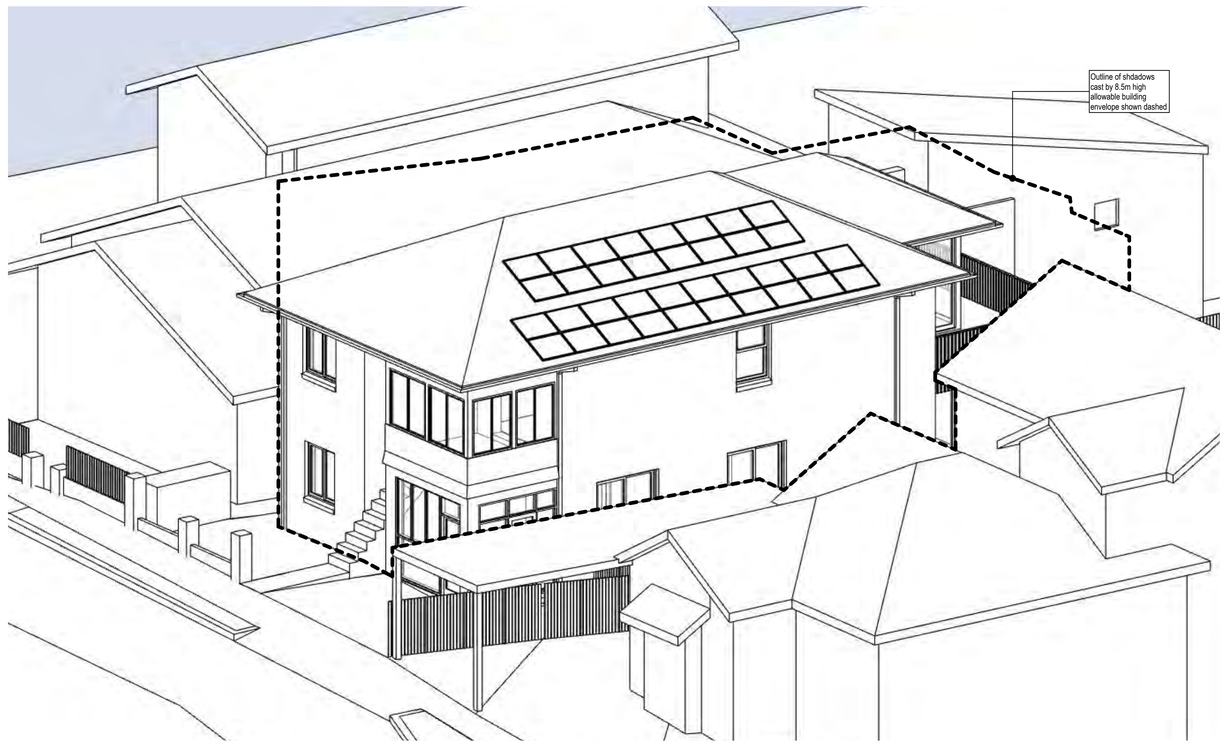
Shadows - June 21, 3pm - Existing



Sun eye - June 21, 3pm - Existing



Shadows - June 21, 3pm - Proposed



Sun eye - June 21, 3pm - Proposed

BSA

Brad Swartz Architects
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REV	DATE	ISSUE
P5	20/3/2025	PRELIMINARY
A	25/7/2025	DA ISSUE
B	29/7/2025	DA ISSUE
C	10/9/2025	DA ISSUE

LEGEND

- Existing wall / strcuture
- Existing finish / fitting
- Demolish wall / structure
- Demolish wall / fitting
- New wall / structure
- New finish / fitting

NORTH

PROJECT
13-13A DARLING ST, BRONTE

STATUS
DEVELOPMENT APPLICATION

DRAWING TITLE
EXISTING/ PROPOSED SHADOW DIAGRAMS - 3pm

SCALE
@ A1

PROJECT No. - DRAWING No. - REV.
223 DA407 C

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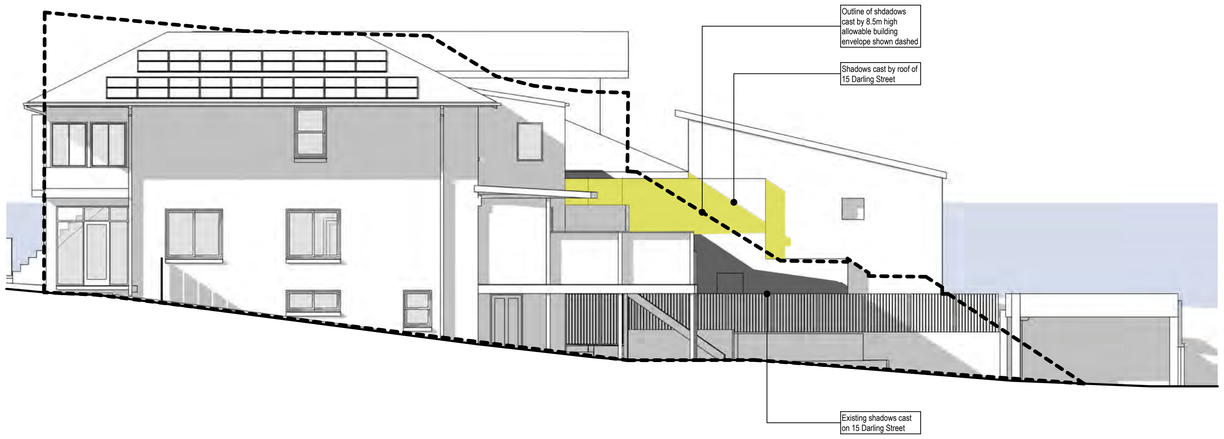
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AMENDED PLANS

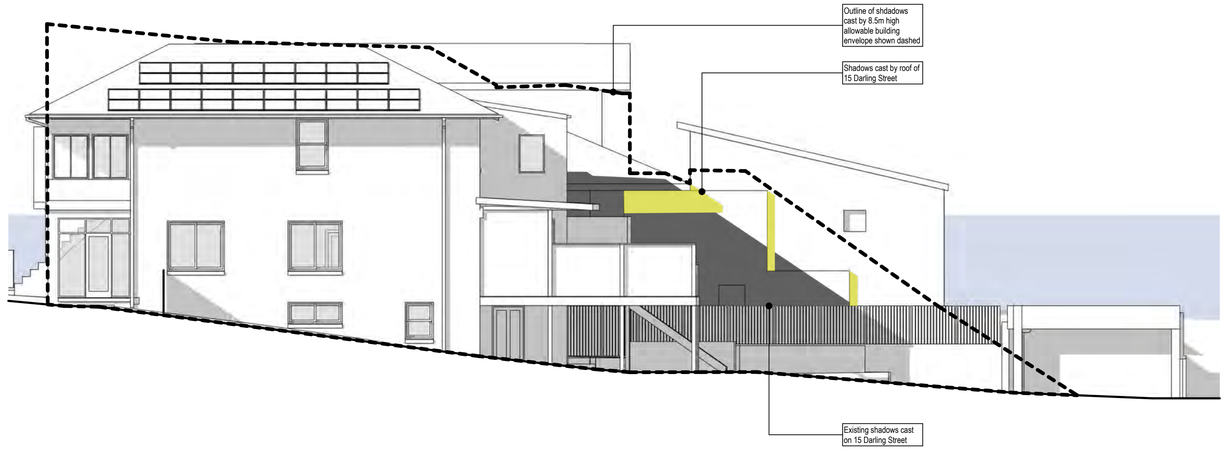
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Application No: DA-430/2025

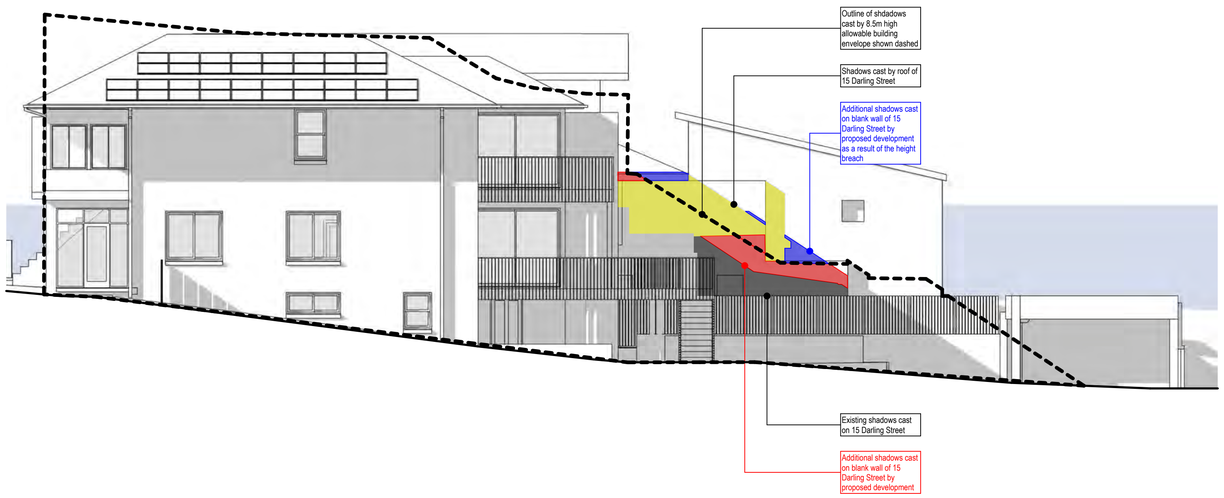
Date Received: 15/09/2025



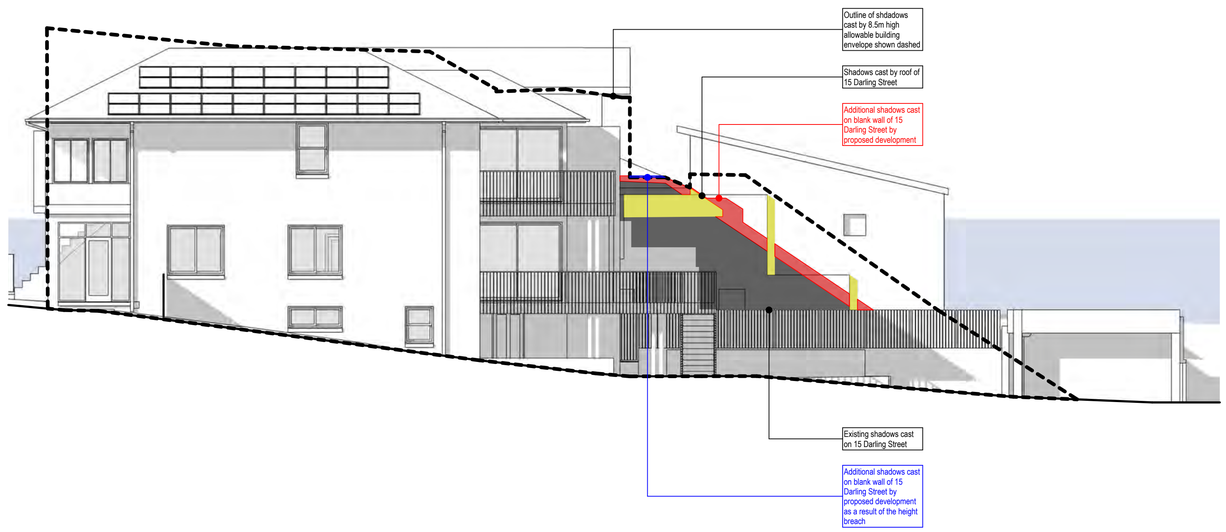
Elevation - June 21, 12pm - Existing



Elevation - June 21, 1pm - Existing



Elevation - June 21, 12pm - Proposed



Elevation - June 21, 1pm - Proposed

BSA

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ABN: 34 609 159 257
Nominated Architect:
Bradley Swartz NSW ARB #9208

REV	DATE	ISSUE
C	10/9/2025	DA ISSUE

LEGEND

- Existing wall / strcuture
- Existing finish / fitting
- Demolish wall / structure
- Demolish wall / fitting
- New wall / structure
- New finish / fitting

PROJECT
13-13A DARLING ST, BRONTE

STATUS
DEVELOPMENT APPLICATION

DRAWING TITLE
EXISTING/ PROPOSED SHADOW DIAGRAMS - Elevational Study 12 & 1pm

SCALE
@ A1

PROJECT No. - DRAWING No. - REV.
223 DA408 C

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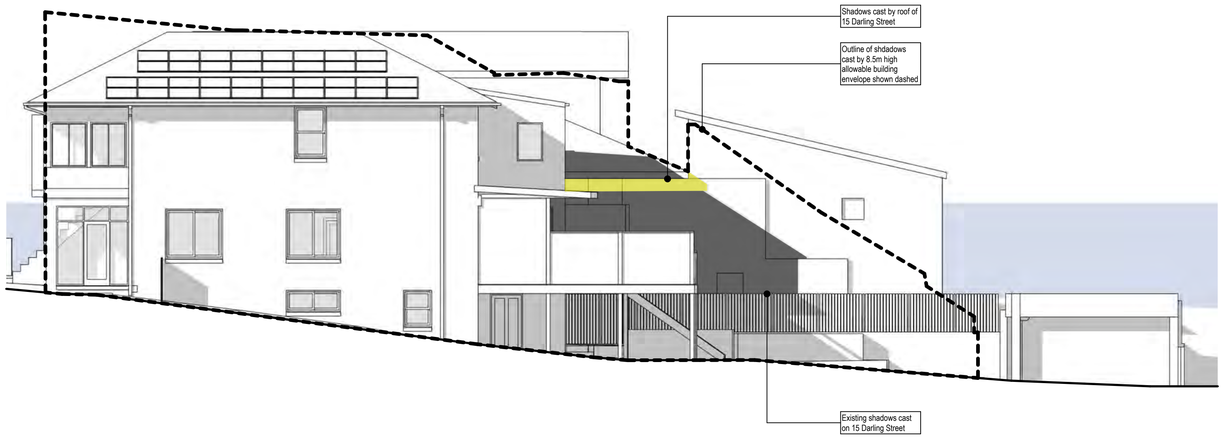
file path: /Users/Liam/BSArchitects Dropbox/Liam Smith/223 Darling Street, Bronte/Darling Street 13A/Drawings/03_Development Application/3D/223_Darling St_DA.pln

AMENDED PLANS

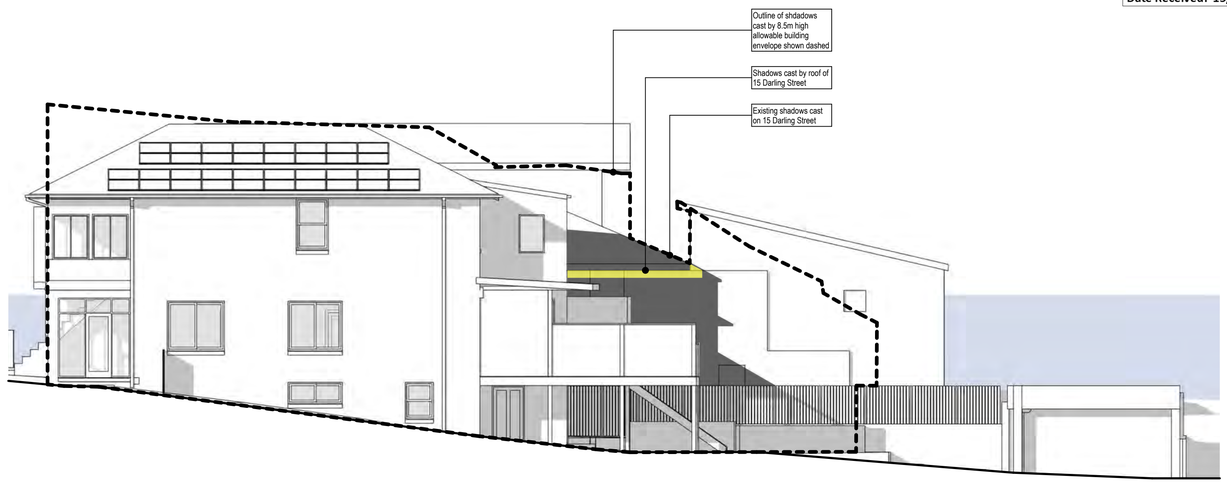
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Waverley Council

Application No: DA-430/2025

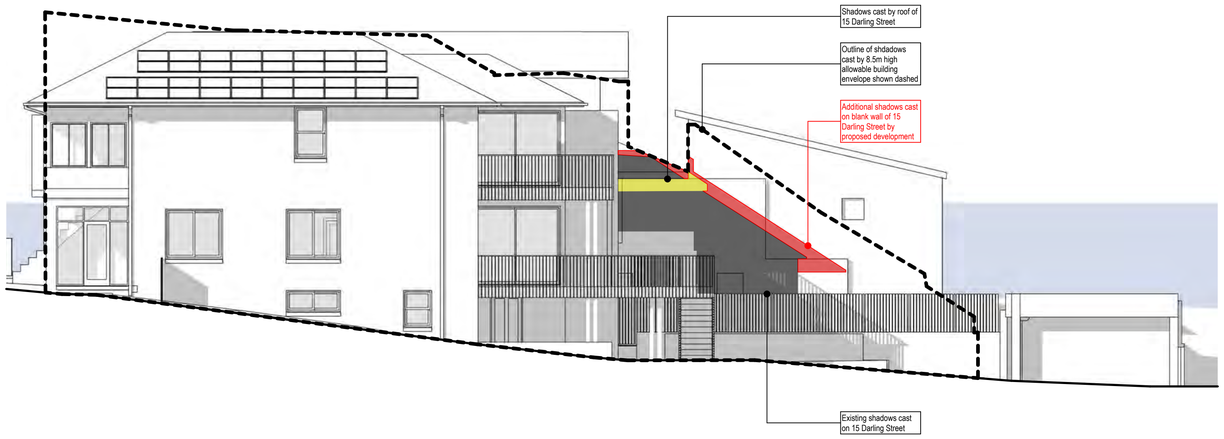
Date Received: 15/09/2025



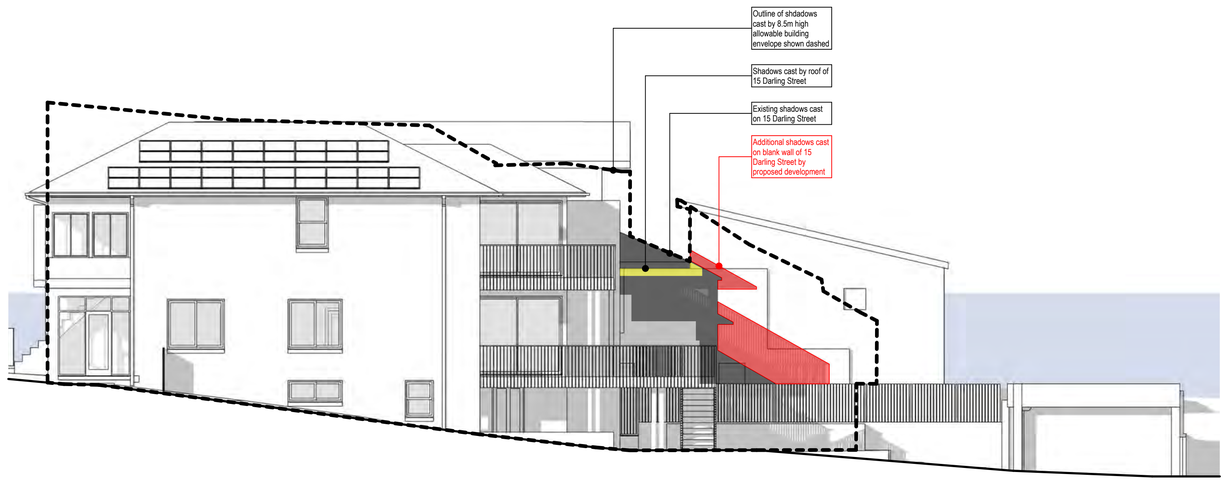
Elevation - June 21, 2pm - Existing



Elevation - June 21, 3pm - Existing



Elevation - June 21, 2pm - Proposed



Elevation - June 21, 3pm - Proposed

BSA

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ABN: 34 609 159 257
Nominated Architect:
Bradley Swartz NSW ARB #9208

REV	DATE	ISSUE
C	10/9/2025	DA ISSUE

LEGEND

- Existing wall / strcuture
- Existing finish / fitting
- Demolish wall / structure
- Demolish wall / fitting
- New wall / structure
- New finish / fitting

PROJECT
13-13A DARLING ST, BRONTE

STATUS
DEVELOPMENT APPLICATION

DRAWING TITLE
EXISTING/ PROPOSED SHADOW DIAGRAMS - Elevational Study 2 & 3pm

SCALE
@ A1

PROJECT No. - DRAWING No. - REV.
223 DA409 C

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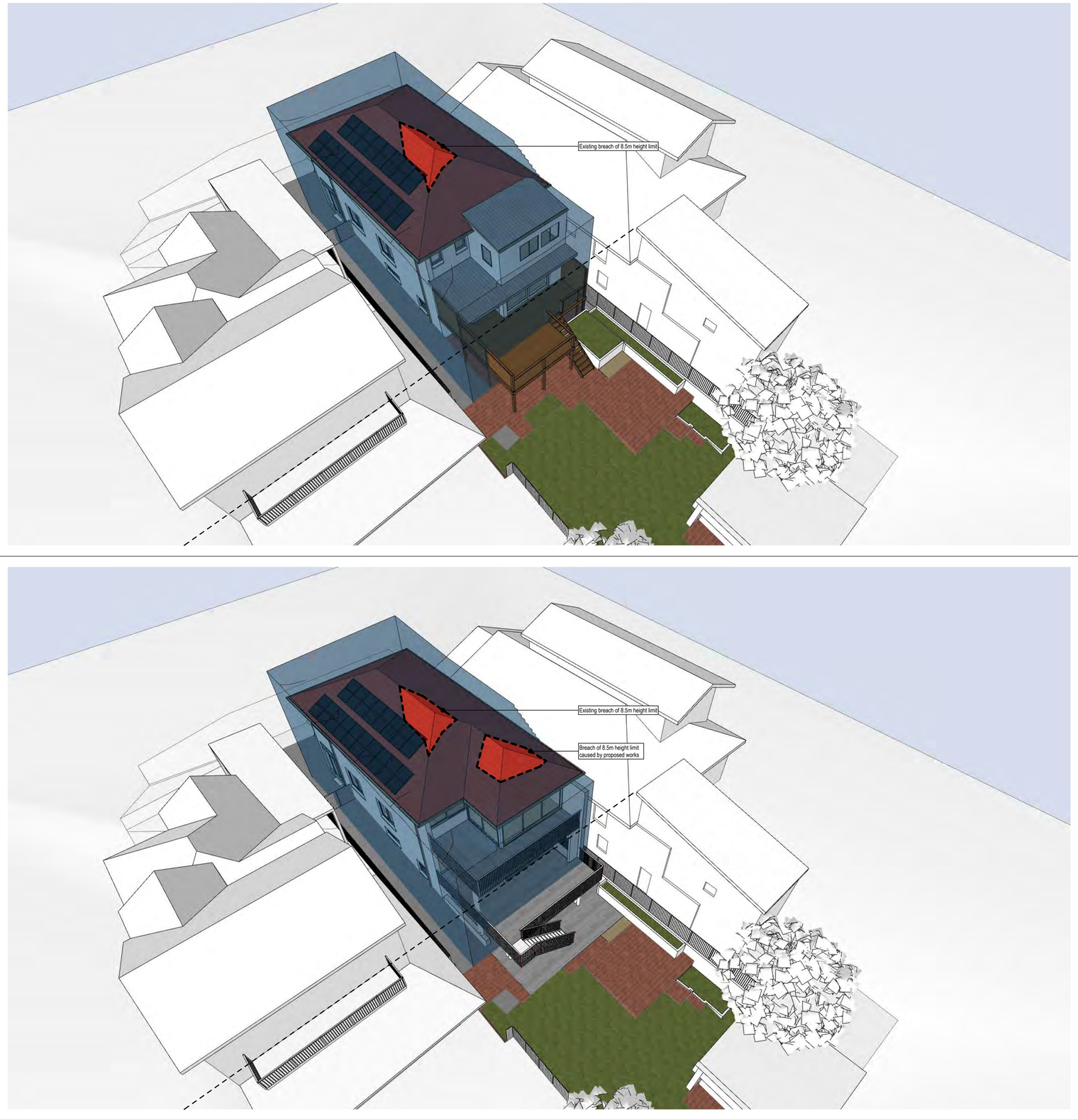
file path: /Users/Liam/BSArchitects Dropbox/Liam Smith/223 Darling Street, Bronte/Darling Street 13A/Drawings/03_Development Application/3D/223_Darling St_DA.pln

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-430/2025

Date Received: 15/09/2025



Height envelope - existing

Height envelope - proposed

BSA

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Suite 202, 61 Marlborough St
Surry Hills NSW 2010, Australia
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Nominated Architect:
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REV	DATE	ISSUE
C	10/9/2025	DA ISSUE

LEGEND

- Existing wall / strcuture
- Existing finish / fitting
- Demolish wall / structure
- Demolish wall / fitting
- New wall / structure
- New finish / fitting

PROJECT
13-13A DARLING ST, BRONTE

DRAWING TITLE
EXISTING/ PROPOSED HEIGHT ENVELOPE

STATUS
DEVELOPMENT APPLICATION

SCALE
@ A1

PROJECT No. - DRAWING No. - REV.
223 DA410 C

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Report to the Waverley Local Planning Panel

Application number	DA-209/2025
Site address	26 Hall Street and 30-32 Hall Street, Bondi Beach
Proposal	Demolition of existing structures, construction of a new building with shop-top housing, in-fill affordable housing, ground floor commercial and basement car parking.
Date of lodgement	27 May 2025
Owner	STM123 No 26 Pty Limited and STM123 No 27 Pty Limited
Applicant	WMK Architecture Pty Ltd
Submissions	15 unique submissions received from 18 individuals
Cost of works	$12,833,455
Principal Issues	• Non-compliance with Waverley DCP 2022 rear setback controls, • Non-compliance with Apartment Design Guide separation distances, • Solar access impacts • Visual and acoustic privacy impacts, and • Non-compliance with SEPP (Housing) 2021 minimum landscaped area 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 demolition of existing structures and the construction of a new five-storey building with shop-top housing, in-fill affordable housing, ground floor commercial and basement car parking at the site known as 26-32 Hall Street, Bondi Beach.

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

- Non-compliance with *Apartment Design Guide* (ADG) visual privacy separation distances,
- Non-compliance with *Waverley Development Control Plan 2022* (Waverley DCP 2022) rear setback controls,
- Non-compliance with *State Environmental Planning Policy (Housing)* 2021 (SEPP (Housing) 2021) minimum landscaped area development standard,
- Solar access impacts on neighbours, and
- Visual and acoustic privacy impacts on neighbours.

The assessment finds the issues regarding non-compliance with the ADG separation distances and amenity impacts on neighbours acceptable subject to conditions of consent requiring additional privacy screening and requiring the rear landscaped area to be only accessible for maintenance purposes to protect neighbouring amenity.

The non-compliance with the Waverley DCP 2022 rear setback controls is acceptable on merit as the proposed density, bulk and scale of the development aligns with that anticipated by the floor space ration (FSR) and height of buildings development standards at the site, and as neighbouring amenity is maintained in a manner which is commensurate with the scale of development permitted by the development standards and with the nature of development anticipated within the local centre location of the site.

The non-compliance with the SEPP (Housing) 2021 landscaped area development standard is acceptable on merit due to the constraints of the site located within the local centre where front and side landscaped areas are not feasible and as the proposal contains substantial additional areas of green planting on structures which are not included in the landscaped area calculations.

A total of 15 unique submissions were received from 18 individuals. The issues raised in the submissions have been considered and addressed in this report and in the recommendation.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 5 August 2025.

The site comprises of Lot 27 in DP 5953, Lot 1 in DP 315776, and Lot 28 in DP 5953 and is known as 26-28 and 30-32 Hall Street, Bondi Beach.

The site is located on the southern side of Hall Street and is within the street block bounded by Jacques Avenue to the east and Consett Avenue to the west. The site is rectangular in shape with a primary frontage (north) to Hall Street, a rear (south) boundary measuring 26.2m, and east and west side boundaries measuring 36.6m. The site has an area of 958.6m² and has a fall of less than 1m from west to east and from south to north.

The site is occupied by a two storey commercial building at 26-28 Hall Street and a part three part four storey shop top housing development at 30-32 Hall Street. The existing developments feature two separate vehicle crossovers providing access from Hall Street.

The site is adjoined by 20 Hall Street to the east comprising a four storey shop-top housing development with commercial at the ground floor incorporating the heritage listed former Australia Post Office building. Immediately to the west of the site at 34-38 Hall Street is a construction site with approval for a four storey shop-top housing development with commercial at ground floor level.

Hall Street is generally characterised by shop-top housing and commercial buildings ranging between one and four storeys in height, with exceptions and a new emerging character.

The southern (rear) boundary of the site adjoins a single storey heritage listed dwelling house at 15 Consett Avenue to the south east. On the boundary between the site and 15 Consett Avenue is a *Quercus ilex* (Mediterranean Holm Oak).

The southern boundary also adjoins a three storey residential flat building (RFB) at 1 Jaques Avenue to the south.

The site is located within the Hall Street Town Centre. Hall Street is undergoing transition with construction of new mixed-use buildings.

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



Figure 1: Site viewed from Hall Street looking south-west.



Figure 2: Site viewed from Hall Street looking west.



Figure 3: Rear of 26-28 Hall Street (right of photo) and 30-32 Hall Street (left of photo) viewed from rear yard of 26-28 Hall Street.

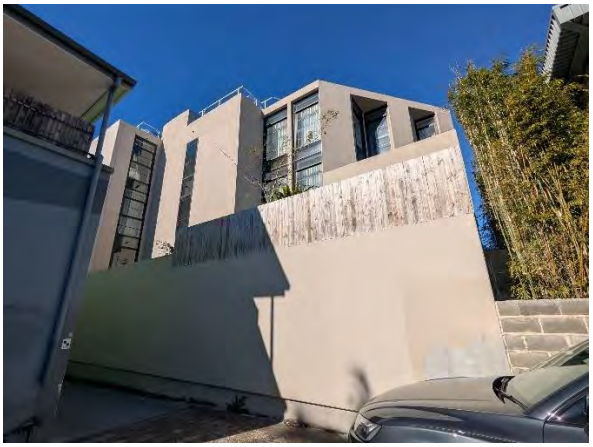


Figure 4: North-western side elevation of 20 Hall Street viewed from rear yard of 26-28 Hall Street looking east.



Figure 5: Northern elevation of 1 Jaques Avenue viewed from 26-28 Hall Street looking south.



Figure 6: Eastern elevation of building under construction at 34-38 Hall Street viewed from rear yard of 30-32 Hall Street looking north-west.



Figure 7: Tree located on rear boundary with 15 Consett Avenue viewed from rear yard of 30-32 Hall Street looking south-west

1.3. Relevant Development History

Subject site

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

DA-552/2021 – Deferred commencement consent was granted on 14 December 2022 by the Waverley Local Planning Panel (WLPP) for the demolition of existing buildings and construction of a four storey shop-top housing building with retail premises on the ground floor, two levels of basement carparking and 15 residential units above.

The deferred commencement conditions read as follows:

1. *The setback of the Ground level rear building line is to match the setback of the southern elevation of level 1.*

2. *The setback of the Level 2 rear building line (measured to the external wall of the building on the southern elevation) is to measure a minimum 8.1m from the southern boundary and demonstrate that the building is wholly contained within the building setback and 45 degree building envelope control specified in Diagram C, Annexure E303 in Part E of the Waverley Development Control Plan 2012.*

3. *The setback of the Level 3 rear building line (measured to the external wall of the building on the southern elevation) is to measure a minimum 11.2m from the southern boundary and demonstrate that the building, including any balconies or planter boxes, is wholly contained within the building setback and 45 degree building envelope control specified in Diagram C, Annexure E303 in Part E of the Waverley Development Control Plan 2012.*

On 20 March 2023, the applicant submitted architectural plans which addressed the deferred commencement conditions above. A letter was issued on 22 March 2023 that the deferred commencement conditions have been satisfied, and the consent is operational.

DA-552/2021/A – Consent was granted on 13 December 2023 by the WLPP for modifications to the approved development including an increase in the number of ground floor tenancies to five commercial tenancies, increase in the number of apartments from 15 to 16, reconfiguration of basement carparking

and storage, amendment to building setbacks and facades including new balconies on the south-western elevation and operable windows to the rear ground floor commercial tenancies.

The approved changes to the setbacks included a reduction in the setback from the rear boundary contrary to the original deferred commencement conditions of consent and contrary to the relevant Waverley DCP 2022 controls, resulting in the following approved minimum setbacks from the rear boundary at each level:

- 6.2m at ground floor level;
- 6.2m at the rear glazing line and 4m at the rear balcony at first and second floor levels; and
- 8.2m at the rear glazing line and 4m at the rear balcony at third floor level.

The approved retail tenancies included three tenancies fronting Hall Street and two at the rear accessed via a security gate and walkway.

Neighbouring site

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

34-38 Hall Street:

- DA-271/2022 – Consent was granted by Land and Environment Court on 2 June 2023 for demolition of existing buildings and construction of a four storey shop top housing development containing retail tenancies on the ground floor and two levels of basement parking for 17 car spaces. The development was approved with a maximum height of 14.65m, which equated to a 12.6% exceedance of the *Waverley Local Environmental Plan* 2012 (Waverley LEP 2012) height of buildings development standard.
- DA-271/2022/F – Consent was granted by Council under delegated authority on 10 October 2025 for modifications to the approved development including internal changes resulting in a 2.3% exceedance of the Waverley LEP 2012 FSR development standard and external changes including the introduction of operable windows to the rear ground floor commercial tenancies.

1.4. Proposal

The development application seeks consent for demolition of existing structures, construction of new five-storey building with shop-top housing, ground floor commercial and two levels of basement car parking.

The proposal consists of:

- 21 residential units including six x infill affordable units and four x adaptable units:
    - Seven x 1-bedroom dwellings;
    - 11 x 2-bedroom dwellings; and

    - Three x 3-bedroom dwellings.
- Five ground floor retail tenancies;
- 29 parking spaces including:
    - 23 residential spaces including 3 accessible spaces, 4 electric vehicle charging spaces, 2 small car spaces and no visitor parking spaces; and
    - 6 retail spaces including 1 accessible space.
- Ten motorcycle spaces and 24 bicycle bays.

The following is proposed at each level:

Basement levels 1 and 2:

- Car parking, motorcycle parking, bicycle parking, storage, plant rooms, commercial bin room, bulky waste room and residential bin room.

Ground floor:

- Three retail tenancies fronting Hall Street;
- Two retail tenancies at the rear accessed through security gate;
- Communal paved area and deep soil landscaped area to the rear, accessible to residents and retail customers;
- Toilet;
- Switch room and services room;
- Residential lobby; and
- Single-width vehicle entry ramp to basement.

First and second floors:

- Six residential units with balconies on each floor, including 3 affordable housing units on each floor; and
- Green roofs at first floor level.

Third floor:

- Six residential units.

Fourth floor:

- Three residential units.

Roof:

- Lift overrun, photovoltaic panels, plant equipment, car park exhaust outlet, access hatch and skylight.

The following minimum setbacks are proposed from the rear boundary at each level:

- 6.2m at ground level;
- 6.2m at the rear glazing line and 4m at the rear balcony at first and second floor levels;
- 8.2m at the rear glazing line and 4m at the rear planter and third floor level; and
- 10.6m at the rear glazing line and 8m at the rear balcony at fourth floor level.

The proposal generally replicates the form, setbacks, configuration and land uses of the previously approved development consent DA-552/2021 and as further amended, at the same site at ground to third floor levels, with the addition of a fourth-floor level above.

1.5. Background

The development application was lodged on 12 May 2025.

Council requested amendments and additional information on 21 August 2021 to address the following issues:

1. Solar access and visual privacy impacts on neighbours associated with proposed non-compliance with the Waverley DCP 2022 rear setback controls;
2. Acoustic privacy impacts associated with the proposed communal rear outdoor area;
3. Lack of clarity regarding location of rooftop plant equipment and compliance with the height of buildings development standard;
4. Exceedance of Waverley DCP 2022 maximum parking rates; and
5. Other minor issues.

The amended plans and documentation received on 29 October and 31 October 2025 form the basis of the assessment.

The amendments to the plans are minor, including replacement of rear ground floor paved area with landscaped area, provision of planter to the eastern part of the fourth floor rear balcony, details of rooftop plant location and screening, addition of security gates to ground level central passageway and addition of privacy screening to upper level windows.

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 SEPP (Housing) 2021 below.

SEPP (Housing) 2021

Table 1: Chapter 2: Affordable housing, Part 2 Development for affordable housing, Division 1 In-fill affordable housing

Clause / control	Compliance	Comment
15C Development to which division applies		
• The affordable housing component must be at least 10% • The development must be permissible with consent • The development must be in an accessible area • The development must be in a relevant zone	Yes	Division 1 *In-fill affordable housing* applies to this development as it provides more than 10% of gross floor area (GFA) as affordable housing, is permissible with consent within the E1 Local Centre zone, and as the E1 zone is classed as a "relevant zone" by the SEPP.
16 Affordable housing requirements for additional floor space ratio		
• Maximum permitted FSR = WLEP 2012 FSR plus an uplift of up to 30% = 2.6:1 or 2,492m² GFA	Yes	The proposal provides 15% of GFA as affordable housing, and therefore the Housing SEPP 2021 permits a maximum FSR uplift of 30% above the Waverley LEP 2012 FSR development standard of 2:1, resulting in a permissible FSR of 2.6:1.

Clause / control	Compliance	Comment
• Maximum permitted height = WLEP height of buildings development standard plus an uplift of up to 30% = 16.9m	Yes	The proposal has an FSR of 2.6:1 and a GFA of 2,429m² in compliance with the requirements of the SEPP. The proposal is entitled to a height of buildings uplift of 30% above the Waverley LEP 2012 height of buildings development standard, resulting in a permissible height of 16.9m. The proposal has a building height of 16.9m in compliance with the requirements of the SEPP.
19 Non-discretionary development standards		

• *Minimum site area of 450m²*
 	
• *Minimum landscape area the lesser of 35m² per dwelling or 30% of site area = 287.58m²*
 	
• *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 = 1.6 spaces*
  • *(ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces = 1 spaces,*
  • *(iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space = 0 spaces*
  • *Total minimum = 2.6 spaces*
 	
• *the following number of parking spaces for dwellings not used for affordable housing—*
  • *for each dwelling containing 1 bedroom—at least 0.5*
	Yes
	
	No
	
	Yes
	
	Yes
		The site has an area of 958.6m² in compliance with the development standard.
		
		The proposal provides 186.92 m² of landscape area, equating to 19.5% of the site, contrary to the development standard. A written request for an exception to the development standard has been submitted by the applicant under clause 4.6 of Waverley LEP 2012 and discussed further below.
		
		The proposal provides five parking spaces for the affordable housing units according to the applicant's Statement of Environmental Effects (SEE), in compliance with the development standard. A condition of consent is included in the notice of determination requiring three spaces to be allocated to the affordable housing units.
		
		The proposal provides 18 parking spaces for the non-affordable housing units, in compliance with the development standard.
		
		The proposal complies with the minimum internal areas specified by the ADG.

Clause / control	Compliance	Comment
parking spaces = 1.5 spaces, • *for each dwelling containing 2 bedrooms—at least 1 parking space = 9 spaces,* • *(iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces = 4.5 spaces,* • *Total minimum spaces = 15* • *the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,*	Yes	
20 Design requirements		
• *Consideration of 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	The development is compatible with the desired future character of the area, which is undergoing transition. The scale of development is appropriate for the site, and the design of the development is of a high quality.
21 Must be used for affordable housing for at least 15 years		
• *For a period of at least 15 years commencing on the day an occupation certificate is issued for the development—* • *(a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and*	Yes	The proposal is satisfactory subject to conditions of consent requiring the affordable component of the development remains for a minimum of 15 years.

Clause / control	Compliance	Comment
• *(b) the affordable housing component will be managed by a registered community housing provider.*		

Chapter 4: Design of residential apartment development

The application was referred to the Waverley Design Advisory Excellence Panel (DEAP) on 9 July 2025. The DEAP's comment of the proposed development against the nine design quality principles under the ADG and a planning response to each comment are set out in **Table 2** of this report.

Table 2: Assessment against the Nine Design Quality Principles under SEPP (Housing) 2021

Principle	Summary of Panel's Comments	Planning Comment
1. Context and Neighbourhood	• *The principle is achieved. The building typology, the proposed use and the overall built form are considered appropriate given the centre location and the grain and rhythm of the street.* • *The Panel supports the expression and architectural character proposed* • *The proportions, grain and composition of the front façade are an appropriate response to the streetscape setting.* • *The panel questioned the visual interface between the proposed south-eastern side-facing windows at the front of the site and the adjacent building at 20 Hall Street, and recommended deletion of these windows.*	The proposed building form is appropriate within the streetscape context of the site within the Bondi Beach local centre. The proposal reflects the positive elements of existing development within the vicinity by providing a continuous frontage along Hall Street, ground floor commercial uses and upper floor residential uses. Regarding the Panel's comments relating to the south-eastern side-facing windows at the front of the site and the adjacent building at 20 Hall Street, conditions of consent are included at **Appendix A** requiring the deletion of the windows to improve the interface with the adjacent building.
2. Built form and Scale	• *The Panel acknowledges the height is compliant with the relevant development standards.* • *The panel had concerns regarding the non-compliance with Waverley DCP 2022 rear building setback controls and associated impacts on neighbours. The panel*	The scale, bulk and height of the proposal aligns with the desired future character of the area, taking into consideration of the floor space and height uplift provided by SEPP (Housing) 2021.

Principle	Summary of Panel's Comments	Planning Comment
	considered that further information was required to demonstrate acceptable solar access, visual privacy and other impacts.	The proposed built form reinforces the positive elements of the existing streetscape character of Hall Street and retains good levels of amenity for most adjoining neighbours. Discussion regarding the non-compliances with the Waverley DCP 2022 setback controls and regarding amenity impacts are discussed within the ADG and DCP sections of this report below.
3. Density	• *The Panel encouraged Council to confirm that the upper-level open breezeways can correctly be excluded from Gross Floor Area (GFA) calculations.*	The proposed density aligns with the permissible floor space for the site, is appropriate for the context of the site and can be accommodated by the area's infrastructure, services and facilities. A condition of consent is included in **Appendix A** requiring that the screening to the upper-level breezeways is limited in height to 1.7m to ensure that the breezeways do not become enclosed areas which could contribute to GFA.
4. Sustainability	• *The provision of photovoltaic panels on the roof level (DA107) is supported.* • *The Panel encourages that the proposal incorporates capacity for all living rooms and bedrooms to accommodate ceiling fans as a low energy alternative.*	The proposal provides cross ventilation, good solar access for residents, a rainwater re-use systems, and ceiling fans.
5. Landscape	• *The rear setback would benefit from a wider deep soil zone to maximise opportunities for buffer planting and visual screening of perimeter areas.*	The proposal provides landscape areas and deep soil areas which are appropriate to the local-centre setting of the site, noting that the deep soil provision at the site exceeds the requirements of the ADG. Further discussion regarding landscape area is found within the Waverley LEP

Principle	Summary of Panel's Comments	Planning Comment
		2012 clause 4.6 section of this report below.
6. Amenity	• *On Levels 1 – 4, some of the south facing bedroom windows of apartments fronting Hall Street have limited outlook and access to daylight, and are located in proximity of the communal breezeways resulting in potential privacy impacts.* • *The Panel recommends the open space areas on the ground floor be designed as landscaped zones tailored to provide visual amenity and a 'green outlook' to apartments and retail tenancies.* • *The Panel considered that reduced provision of communal open space at the site may be acceptable given the proximity of the site to public open space.* • *The Panel recommended the doors and enclosing walls of the proposed south-facing study rooms be deleted to ensure the rooms are not used as undersized bedrooms.*	The proposal generally provides good amenity for occupants and for most neighbours. Further discussion regarding solar access and visual privacy impacts for occupants and neighbours is provided within the ADG and Waverley DCP 2022 sections of this report below. Regarding the Panel's comments relating to the rear-facing bedrooms to the units located at the front of the development, which are the same as the windows approved under the existing consent at the site, it is acknowledged that they provide limited outlook and solar access. However, an overall good level of amenity is retained for these units due to the outlook and sunlight provided by front-facing living room windows. The limited outlook from the bedroom windows is acceptable in the dense local centre context of the site. Visual privacy for these windows is retained through the provision of privacy screening at the edges of the communal breezeways. There are unlikely to be significant acoustic privacy impacts between the communal breezeway and the windows as the breezeway acts as an access corridor and not as a space for social gathering. Regarding the Panel's comments relating to the rear paved open space area, the applicant has subsequently amended the proposal to replace the paving with landscaped areas. Further discussion is found within the Waverley DCP 2022 section of this report below,

Principle	Summary of Panel's Comments	Planning Comment
		including recommended conditions of consent requiring that the rear setback not be accessible to residents or commercial users. Regarding the Panel's comments relating to the enclosed study rooms, the doors and walls enable the room to be used for study and work purposes separate from other activities within the open plan living areas. The deletion of the doors and walls would undermine the use of the area and therefore no changes are recommended to these rooms.
7. Safety	• *On Level 1, the landscaped area aligning the eastern boundary should be designed to prevent access from the west facing Level 1 private terrace at No 20-24 Hall Street.*	The proposal optimises safety and security. The central access passageway is directly accessible and visible from Hall Street; the passageway features security doors which will be locked outside business hours and separate security doors to residential areas are provide. Regarding the Panel's comment relating to the interface between the green roof above ground floor level at the site and the first floor terrace at 20 Hall Street, the applicant has amended the proposal to include a fence on the boundary to prevent access between the two sites.
8. Housing Diversity and Social Interaction	• *The affordable apartments are appropriately integrated into the layout and design of the building and the outcome is supported by the Panel.* • *The adaptable apartments should be designed to not require plumbing and structural changes upon adaptation.*	The development provides a mix of apartment sizes ranging between one-bedroom and three bedroom units. The proposed mix caters to a range of household types and demographics and promotes housing diversity, consistent with the objectives of this principle. The applicant has provided floor plan layouts for four adaptable units to meet accessibility requirements

Principle	Summary of Panel's Comments	Planning Comment
		without significant plumbing and structural changes.
9. Aesthetics	• *The Panel supports the well-considered and contextually appropriate design approach including the proposed material palette and façade modulation.*	The proposed materials, including dark grey and white in-situ concrete are acceptable. The pattern of balconies breaks up the massing effectively.

Clause / control	Compliance	Comment
148 Non-discretionary development standards for residential apartment development		
• The proposal must comply with the relevant provisions of the Apartment Design Guide relating to car parking, internal areas, and ceiling heights.	Yes	The proposal complies with the relevant provisions of the ADG relating to car parking, internal areas, and ceiling height. See below for further discussion regarding compliance with the ADG design criteria.

Apartment Design Guide

Clause 149 of SEPP (Housing) 2021 requires that development control plans (DCPs) cannot be inconsistent with the ADG in respect of the following:

(a) visual privacy,
(b) solar and daylight access,
(c) common circulation and spaces,
(d) apartment size and layout,
(e) ceiling heights,
(f) private open space and balconies,
(g) natural ventilation,
(h) storage.

If a DCP contains provisions that specify requirements, standards or controls in relation to a matter to which this clause applies, those provisions are of no effect. An assessment against the provisions within the ADG is provided in **Table 3** of this report.

Table 3: Apartment Design Guide

Design Criteria	Compliance	Comment
3E Deep soil zones		
Design criteria: • *Minimum of 7% of site area*	Yes	The proposal provides a deep soil area of 11.7%, in excess of the minimum requirement.

Design Criteria	Compliance	Comment
• *Minimum 3m dimension*		The deep soil minimum dimension varies between 2.6m and 7m. The minor non-compliance with this element of the design criteria is acceptable on merit due to the proposed significant exceedance of the minimum deep soil area control.
3F Visual privacy		
Design criteria: • *Min separation distances from buildings to side and rear boundaries:* • *Up to 12m (4 storeys) – 6m habitable rooms and balconies, 3m non-habitable* • *Up to 25m (5-8 storeys) – 9m habitable rooms and balconies, 4.5m non-habitable* *Design guidance:* • *Increased separation of 3m where adjoins a lower density zone*	No (acceptable on merit)	The proposal does not comply with the ADG minimum separation distances. However, the proposed separation distances are acceptable on merit as visual privacy for neighbouring occupants is nonetheless maintained due to the provision of privacy screening and due the location and height of balconies, subject to conditions of consent requiring additional privacy screening for balconies at first and second floor levels. A full assessment against the design criteria and design guidance for side and rear visual privacy separation distances is provided within this report below this compliance table.
4A Solar and daylight access		
• *Living rooms and private open spaces of at least 70% of units receive minimum of 2 hours direct sunlight between 9am-3pm mid-winter* • *A maximum of 15% receive no direct sunlight between 9am-3pm mid-winter.*	Yes	The proposal complies with the design criteria, as set out below: • 15 units, equating to 71.4%, receive at least 2 hours mid winter. • Three units, equating to 14.25%, receive no solar access. The proposal is consistent with the remaining objectives of this part of the ADG.
4B Natural ventilation		
• *All habitable rooms are naturally ventilated* • *Number of units with natural cross ventilation is maximised:* – *At least 60% of units naturally ventilated*	Yes	All habitable rooms are provided with at least one window for natural ventilation. 71.5% of the units are cross ventilated in compliance with the design criteria.

Design Criteria	Compliance	Comment
4C Ceiling heights		
• *Habitable rooms – 2.7m* • *Non-habitable rooms – 2.4m*	Yes	2.7m floor-to-ceiling heights are provided at residential levels of the development in compliance with the design criteria.
4D Apartment size and layout		
The following minimum internal areas apply: • *Studio = 35 m^2* • *1 Bed = 50 m^2* • *2 Bed = 70 m^2* • *3 Bed = 90 m^2* • *Add 5m^2 for each additional bathroom (above 1)* • *Add 12m^2 for each additional bedroom* *Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room*	Yes	All units have internal areas in excess of the minimum ADG requirements. The proposal achieves compliance with the minimum glazed area to each habitable room. All bedrooms meet the minimum requirements in terms of dimensions and area. The proposal is consistent with the objectives of this part of the ADG.
4E Private open space and balconies		
All apartments provide primary balcony as follows: • *1-bed – 8m^2 & 2m depth* • *2-bed - 10m^2 & 2m depth* • *3+bed - 12m^2 & 2.4m depth*	Yes	100% of the units are provided with a balcony accessed from the main living area that meets the minimum requirements of the ADG in terms of area and depth. The design of the balconies and courtyards is integrated into the architectural form and detail of the building. The finishes of the balconies are consistent with the contemporary palette of materials in the building overall.
4F Common circulation and spaces		
• *Max of 8 units accessed off a circulation core on a single level*	Yes	A maximum of six units is accessed from each circulation core.
4G Storage		
In addition to kitchens, bathrooms and bedrooms, the following is provided: • *1-bed – 6m^3* • *2-bed – 8m^3* • *3+bed – 10m^3*	Yes	The proposal provides separate storage within each unit and a storage cage allocated to each parking space. The storage provided meets the requirements and objectives of the ADG.

A full detailed discussion against the design criteria and design guidance for rear and side separation distances under ADG section 3F Visual privacy is provided below.

Rear separation distances

Design criteria:

- *Minimum separation distances from buildings to side and rear boundaries:*
  - *Up to 12m (4 storeys) – 6m habitable rooms and balconies, 3m non-habitable; and*
  - *Up to 25m (5-8 storeys) – 9m habitable rooms and balconies, 4.5m non-habitable.*

Design guidance:

- *Increased separation of 3m where adjoins a lower density zone.*

The ADG design criteria prescribe a minimum separation distance from the rear boundary of 6m at first to third floor levels and 9m and fourth floor level. In addition, the design guidance recommends an additional 3m separation distance for sites adjoining a lower density zone. The site adjoins a lower density zone to the rear (R3 medium density), and therefore the ADG recommends total minimum separation distances of 9m for first to third floor levels, and 12m for fourth floor level.

The proposal provides a 4m minimum setback from the rear boundary at first and second floor levels, a 6.1m minimum setback at third floor level and 8m minimum setback at fourth floor level, contrary to the design criteria and guidance.

For reference, the proposed setbacks at first to third floor levels are the same as those previously approved under DA-552/2021/A at the same site.

The proposed setbacks are acceptable on merit as visual privacy is maintained for surrounding neighbours subject to conditions of consent requiring additional privacy measures, as described below.

1st and 2nd floor rear balconies within western part of rear wing

The rear balconies within the western part of the rear wing at first and second floor levels are set back 6m from the rear boundary with 15 Consett Avenue. Privacy screening is provided to the western corner of the balconies, but not to the main part of the balcony. This differs from the existing approval at the site under DA-552/2021/A which includes privacy screening to a height of 1.6m above finished floor level running the length of the balcony.

A condition of consent is included at **Appendix A** requiring 1.6m high privacy screening to the entire length of the balcony to ensure visual privacy is maintained for 15 Consett Avenue.

1st and 2nd floor rear balconies within eastern part of rear wing

The rear balconies within the eastern part of the rear wing at first and second floor levels are set back 4m from the rear boundary with 1 Jaques Avenue contrary to the design criteria and design guidance.

Privacy screening is provided to the western corner of the balconies, but not to the main part of the balcony.

The western half of these balconies overlook the rear private open space of the ground floor unit of 1 Jaques Avenue. Therefore, a condition of consent is included at **Appendix A** requiring privacy screening to a height of 1.6m to the western half of the balcony to ensure visual privacy is maintained for the rear private open space of 1 Jaques Avenue.

The eastern parts of the same balconies do not have any significant visual privacy impacts on 1 Jaques Avenue as that building has blank walls at upper levels and as that building's north-facing windows at ground floor level are not susceptible to overlooking due to the partial screening provided by the rear fence and due to steep viewing angles from the proposed balconies.

3rd and 4th floor rear balconies

The rear balconies at third and fourth floor levels are set back between 6.2m and 8m from the rear boundary in compliance with the design criteria but contrary to the design guidance.

These balconies will not result in significant visual privacy impacts on neighbouring private open space to the rear, including at 15 Consett Avenue and 1 Jaques Avenue, due to the high level of the balconies compared to neighbouring private open space and the presence of a rear extending planter box at third floor level which combine to restrict downwards views toward private open spaces as depicted by architectural drawing number DA605.

These balconies also do not result in visual privacy impacts on neighbouring windows due to the blank walls at upper levels of 1 Jaques Avenue.

Side separation distances

The ADG design criteria prescribes minimum separation distances from side boundaries of 6m for first to third floor levels, and 9m for fourth floor level.

The proposed side-facing windows are set back 3m from side boundaries, contrary to the design criteria. Visual privacy impacts are mitigated by the provision of privacy screens for all windows.

The proposed balconies at first to third floor levels are set back 3m from the side boundaries, contrary to the design criteria. The balconies feature privacy screening to each side, ensuring there are no visual privacy impacts to adjacent buildings.

The proposed balcony at fourth floor level is set back 3m from the north-western side boundary and 6.7m from the south-eastern side boundary. Neighbouring privacy is maintained as this floor is at a higher level than all neighbouring balconies and windows, and therefore the outlook from these balconies will be over neighbouring roofs rather than over neighbouring habitable areas.

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 4: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal aligns with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table *E1 Local Centre Zone*	Yes	The proposal is defined as shop top housing and commercial premises, which are permitted with consent in the E1 zone. The proposal aligns with the objectives of the E1 zone.
Part 4 Principal development standards		
4.3 Height of buildings • *12m*	N/A	The provisions of the Housing SEPP 2021 apply to the development regarding the maximum building height. See the Housing SEPP 2021 section of this report above for discussion.
4.4 Floor space ratio and • *2:1*	N/A	The provisions of the Housing SEPP 2021 apply to the development regarding the maximum floor space ratio. See the Housing SEPP 2021 section of this report above for discussion.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the SEPP Housing 2021 minimum landscape area development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	The site is adjacent to two locally listed heritage items, known as *Inter-War Stripped Classical style public building* (I113) at the former post office site at 20 Hall Street and *Early twentieth century, Federation bungalow* (I96) at 15 Consett Avenue.

Provision	Compliance	Comment
		The proposal will not affect the heritage significance of either building, as described below. The original historical single-storey building at 20 Hall Street has been extended in recent years to include a three-storey contemporary addition. The proposed development, which has a nil setback from the heritage item, is compatible with scale and form of the building at 20 Hall Street. The proposed building is located a minimum of approximately 12m from the main original building at 15 Consett Avenue. The significant separation distance ensures the setting of the heritage item is maintained.
5.21 Flood Planning	Yes	The site is located within a low flood risk precinct. The proposal is compatible with the flood risk of the land due to the limited depth of potential flooding in this location, and the habitable uses being located within the upper floors of the development. Conditions of consent are included in the notice of determination requiring flood compatible construction techniques and requiring the protection of the basement from street flooding.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site is located within the Class 5 acid sulfate soil zone under the LEP. The proposal is not expected to have any environmental impacts on the Class 4 acid sulfate soil area which is located approximately 196m to the south-east of the site. Therefore, no special measures are required regarding acid sulfate soil.
6.2 Earthworks	Yes	A geotechnical report has been provided with the application which demonstrates that the impacts of the proposed earthworks, including impacts regarding soil stability, drainage patterns, neighbouring structures and amenity

Provision	Compliance	Comment
		can be satisfactorily managed. Conditions of consent requiring compliance with the geotechnical report and requiring supervision of excavation by engineers are included in **Appendix A** of this assessment report.
6.5 Active street frontages *Active street frontage required for all areas of the frontage not used for entrances, access for fire services or vehicle access.*	Yes	The site is identified as land where an active street frontage is required. The proposal provides an active street frontage to Hall Street for all areas other than where there are pedestrian or vehicle entrances.
6.9 Design excellence	Yes	The proposal achieves design excellence, as it has a high standard of design, materials and detailing appropriate to the building type, as the built form of the proposal is suitable for the context of the site, as its environmental impacts including amenity impacts are reasonable.
6.14 Waste minimisation and recycling	Yes	The proposal maximises the opportunity for waste and recycling storage and collection facilities. The facilities are appropriately sized and are safely and equitably accessible.
6.15 Stormwater Management	Yes	The proposal maximises the use of permeable surfaces via the provision of deep soil areas, provides rainwater re-use for irrigation purposes, and effectively manages stormwater in compliance with the requirements of clause 6.15.
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.*	Yes	The proposed development has a reasonable impact on the amenity of surrounding residents and is consistent with the desired future character of the area as discussed elsewhere in this report. The development is also consistent with the hierarchy of centres. It provides commercial units which are appropriate in scale and function for the Hall Street local centre.

Provision	Compliance	Comment
(b) whether the development is consistent with the hierarchy of centres.		
6.17 Affordable housing contributions	Yes	Conditions of consent requiring affordable housing contributions are included at **Appendix A** of this report.

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

Clause 4.6 Exceptions to Development Standards

The application seeks to vary the minimum landscaped area of the lesser of 35m² per dwelling or 30% of the site area under clause 19(2)(b) of SEPP (Housing) 2021. In the circumstances of the development, the lesser requirement is 30% of the site area, equating to a minimum landscape area of 287.55m².

The proposed development has a landscaped area of 19.5% or 186.92m², equating to a 34.9% variation from the development standard. Areas of green roofs and planters on structures have been excluded from the calculation as per the SEPP (Housing) 2021 definition of "landscaped area" which is "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."

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

(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and

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

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

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

The applicant seeks to justify the contravention of the minimum landscaped area development standard on the following basis:

(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the objectives of the standard are achieved notwithstanding non-compliance with the standard. In the absence of specific objectives for the development standard, the objectives of Division 1 of SEPP (Housing) 2021 and the objectives of the E1 Local Centre zone have instead been referenced by the applicant as follows:

(i) The objective of Division 1, *to facilitate the delivery of new in-fill affordable housing to meet the needs of very low, low and moderate income households* is achieved as the proposal

provides six units of affordable housing equating to 15.4% of the overall GFA of the development.

(ii) Objective (a) of the E1 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*, is achieved as the proposal provides five ground floor retail tenancies that will serve the needs of the local community.

(iii) Objective (b) of the E1 zone, *to encourage investment in local commercial development that generates employment opportunities and economic growth*, is achieved as the proposal increases commercial floorspace at the site and provides employment and business opportunities.

(iv) Objective (c) of the E1 zone, *to enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area*, is achieved as the proposal provides commercial uses at ground floor which activity at street level and a mix of residential units at upper levels which contribute to the delivery of Waverley Council's target housing delivery.

(v) Objective (d) of the E1 zone, *to encourage business, retail, community and other non residential land uses on the ground floor of buildings*, is achieved as the proposal provides five ground floor retail tenancies.

(vi) Objective (e) of the E1 zone, *to strengthen the viability of Waverley's existing business centres as places of vitality for investment, employment and cultural activity*, is achieved as active ground floor retail tenancies are provided and as the proposal attracts additional residents to the area which will support the local retail economy.

(vii) Objective (f) of the E1 zone, *to maximise public transport patronage and encourage walking and cycling*, is achieved as the proposal is located within an accessible area as defined by SEPP (Housing) 2021, is within 200m of bus services, is within walking distance from services within the local centre, and provides bicycle parking.

(viii) Objective (g) of the E1 zone, *to encourage the provision of affordable housing*, is achieved as the proposal provides six affordable housing units.

(ix) Objective (h) of the E1 zone, *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*, is not relevant to the application.

(x) Objective (i) of the E1 zone, *to ensure development is of a height and scale that achieves the desired future character of the neighbourhood*, is achieved as the proposal complies with the maximum building height permitted by SEPP (Housing) 2021 and is consistent with the emerging future character of the area as anticipated SEPP (Housing) 2021.

(xi) Objective (j) of the E1 zone, *to promote employment growth by giving preference to commercial development over residential development*, is achieved as the proposal provides five retail tenancies at ground floor level.

(xii) Objective (k) of the E1 zone, *to provide active ground floor uses to create vibrant centres*, as achieved as the proposal provides retail tenancies at ground level fronting Hall Street.

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

(i) Due to the high-density nature of the proposal, it is not possible to deliver sufficient planting to achieve compliance with the landscaped area development standard at ground floor level.

(ii) Notwithstanding the non-compliance with the development standard, the proposal provides a total green planting area amounting to 37.6% of the site area. The green planting area includes the landscaped area plus the proposed green roofs and planters at upper floor levels which do not meet the SEPP (Housing) 2021 definition of "landscaped area".

(iii) The total green planting area of 37.6% of site area provides a better outcome than compliance with SEPP (Housing) 2021 landscaped area development standard, as the definition of "landscaped area" within SEPP (Housing) 2021 does not actually require any planting to be provided. Therefore, the proposed landscaped areas and additional green planting at upper floor levels reduces the urban heat island effect than a development which strictly complies with the SEPP (Housing) 2021 landscaped area requirements.

(iv) The proposed landscaped area and green planting areas contributes to the amenity of the building and enhances the landscape setting of the site.

(v) The proposed landscaped area is appropriate for a mixed-use building within an employment land use zone, and is consistent with the approved development consent at the site.

(vi) The proposal provides 11.7% of the site as deep soil area, which exceeds the ADG criteria of 7%.

Consideration of Applicant's Written Request

The applicant's written request correctly identifies the development standard to be varied and relevant legislation and has correctly calculated the landscaped area of the proposal. The document also addresses those matters required in Clause 4.6(3)(a) and (b) as discussed below.

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 the following justification has been provided 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 justifications are sound. In the absence of specific objectives for the development standard, the applicant has adequately demonstrated that the objectives of Division 1 of SEPP (Housing) 2021 and the objectives of the E1 Local Centre zone are achieved as outlined in this report above.

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 applicant has demonstrated that the proposed landscaped area in combination with the proposed green roof and planters provides green planting areas for 37.6% of the site, which is more than a proposal which is strictly compliant with the minimum landscaped area development standard would provide, resulting in a better outcome in terms of amenity and urban heat island impacts.

The extent of landscaped area provided is appropriate for a mixed use building within a local centre, and, in addition, the proposal provides deep soil areas in excess of ADG requirements.

Conclusion

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

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

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

Table 5: 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 adequate waste storage areas for standard, recyclable and bulky waste in compliance with the requirements of the DCP. Waste is proposed to be collected from the kerb on Hall Street as the constraints of the site in terms of size and vehicle access mean that on-site collection is not possible. The proposed arrangement is suitable in the circumstances of the site. Conditions of consent are included in **Appendix A** of this report regarding construction waste and ongoing waste management.
2. Ecologically Sustainable Development • *Ceiling or wall mounted fans*	Yes (subject to conditions)	Ceiling fans are annotated on the plans. Conditions of consent are recommended requiring non-gas appliances.

Development Control	Compliance	Comment
• *Gas cooktops, gas ovens or gas internal space heating systems.* • *Energy assessment reports required for mixed use developments with cost of works over $3 million* • *30% reduction in greenhouse gas emissions required for commercial element of building compared to reference building.*		The residential element of the building complies with relevant BASIX requirements. Conditions of consent are included at **Appendix A** requiring the submission of an energy assessment report and requiring 30% reduction in greenhouse gas emissions compared to a reference building, for the commercial elements of the building.
3. Landscaping, Biodiversity and Vegetation Preservation	Yes	The proposal retains the Holm Oak (*Quercus ilex*) tree located on the southern boundary shared with 15 Consett Avenue. An arboricultural impact assessment has been provided by the applicant which outlines that the incursion into the tree's Tree Protection Zone is less than 10% of the zone's area which is within the tree's range of tolerance. The required canopy pruning will affect less than 10% of the tree's canopy. Additionally, the proposed removal of concrete slabs and replacement of planting within the rear setback of the site will improve surface water infiltration which will aid the tree's health. The impacts on the tree are therefore acceptable subject to conditions of consent at **Appendix A** of this report requiring standard tree protection measures at the site and nearby street trees. Regarding the proposed green roof and planters, conditions of consent are included at **Appendix A** requiring suitable soil depths and species selection are provided for Council's approval.
5.Water Management	Yes	The proposal is accompanied by stormwater plans which demonstrate that stormwater can be successfully managed at the site. Conditions of consent are included in **Appendix A** of this report requiring the provision of finalised stormwater plans to meet Council's technical requirements.
6. Accessibility and Adaptability	Yes	Satisfactory. The proposal provides four adaptable residential units and five accessible parking

Development Control	Compliance	Comment
		spaces. The proposal also provides accessible toilet facilities for retail tenancies and lift access to all levels of the building.
7. Transport • *Car parking and access must not dominate the streetscape* • *Maximum parking rate:* o *1 bedroom = 0.6 per unit = 4.2 spaces* o *2 bedroom = 0.9 per unit = 9.9 spaces* o *3 bedroom+ = 1.4 per unit = 4.2 spaces* o *Total maximum = 18.3 resident spaces, rounded to 18 spaces* o *Residential visitor spaces = 4 spaces* o *Retail spaces = 12* • *Motorcycle parking requirement = 9 spaces* • *Bicycle parking requirement = 21 resident spaces and 2 visitor spaces* • *Loading facilities* • *Electric Vehicle Charging Points*	Yes Acceptable Yes Yes Yes Yes	The proposed basement parking is accessed via a single-width driveway and access gate fronting Hall Street. The scale of the vehicle access has been minimised to ensure it does not dominate the streetscape. The provision of a single-width vehicle access point represents a reduction in driveway width compared to the two driveways currently present at the site. The proposal includes 23 resident parking spaces, which exceeds the Waverley DCP 2022 maximum of 18 spaces. This also exceeds SEPP minimum of 18 spaces. The proposal does not provide any visitor spaces, contrary to the control. The proposal provides six retail parking spaces in compliance with the control. To ensure the objectives of the controls are achieved regarding the promotion of sustainable transport, conditions of consent are included at **Appendix A** requiring compliance with the DCP resident and visitor parking rates. The condition requires the re-allocation of four of the 23 resident parking spaces to visitor parking spaces and one of the resident parking spaces to be a retail parking space. The proposal provides ten motorcycle parking spaces, in compliance with the control. The proposal provides 24 bicycle parking spaces, in compliance with the control. A condition of consent is included at **Appendix A** requiring two of the spaces to be relocated to the central passageway area to enable them to be used by visitors. The DCP controls do not require loading facilities for the scale of development proposed.

Development Control	Compliance	Comment
		The DCP controls require all resident parking spaces to be EV-ready, four resident parking spaces to be provided as operational charging spaces, two of the retail parking spaces to be EV-ready of which one must be operational. Conditions of consent to fulfill these requirements are included at **Appendix A** of this report.
8. Heritage	Yes	Satisfactory. See the Waverley LEP 2012 compliance table in this report above for further discussions regarding impacts on neighbouring heritage items.
9. Safety	Yes	Satisfactory. The proposal provides active ground floor uses with residential uses above fronting Hall Street which maximise casual surveillance of the street. The proposal minimises blind corners and recesses, and provides security gates to separate the residential lobby from the mixed commercial and residential central corridor.
10. Public Art • *Public art required for development with construction value exceeding $10 million*	No (acceptable on merit)	The proposal does not provide public art, contrary to the control. The non-compliance is acceptable on merit as there is insufficient space within the site to provide public art fronting Hall Street whilst also providing active commercial uses to the street.
11. Design Excellence	Yes	The proposal achieves design excellence, as it has a high standard of design, materials and detailing appropriate to the building type, as the built form of the proposal is suitable for the context of the site, as its environmental impacts including amenity impacts are reasonable.
12. Subdivision	Yes	The proposal includes consolidation of the three existing lots into one lot. The proposed subdivision respects the varied subdivision pattern within the vicinity, does not result in any environmental planning impacts and is suitable for the proposed development at the site.
13. Excavation • *Excavation to be set back 1.5m from side boundaries*	No (acceptable on merit)	The proposal includes excavation with nil setbacks from the side boundaries of the site, and excavation extending beyond the footprint of the

Development Control	Compliance	Comment
• *Excavation to be only within building footprint Excavation to not add to visual bulk of building* • *Plant rooms to be no larger than required to accommodate plant equipment*		building at the rear of the, site contrary to the controls. The non-compliance is acceptable on merit as the proposal achieves the objectives of the controls. The impacts of excavation on land stability and neighbouring structures can be successfully managed as discussed in the Waverley LEP 2012 compliance table of this report, the proposal does not exceed maximum car parking controls subject to conditions of consent discussed in this compliance table above, the proposal provides adequate deep soil provision and the extent of the proposed excavation does not add to the bulk of the building.
15. Public Domain • *No vehicle access for streets identified as requiring active street frontages* • *Buildings to address the street* • *No blank walls within local centres*	No (acceptable on merit)	The proposal provides a vehicle access point to Hall Street, contrary to the DCP control regarding active street frontages. The proposed single vehicle access is acceptable on merit as it represents a reduction of access points compared to the existing condition of the site which features two driveways, as there is no alternative location for vehicle access, and as active uses are provided to the remainder of the building frontage to Hall Street. The proposal provides an appropriate interface with Hall Street in terms of uses and design in compliance with the remainder of the DCP Public Domain controls.

Table 61: Waverley DCP 2022 – Part C2 Other Residential Development Compliance Table

Development Control	Compliance	Comment
2.1 Site, scale and frontage		
• *Minimum frontage:* *15m – R3 zone*	Yes	The proposal provides a frontage length of 26m in compliance with the control.
2.3 Setbacks		
2.3.1 Street setbacks • *Consistent street setback*	Yes	The proposed shopfronts are set back 2.3m from the street boundary. This proposed setback provides an appropriate transition between the 3.4m shopfront setback provided at 20 Hall Street

Development Control	Compliance	Comment
		and the shopfront 500mm setback at 34 Hall Street. Nil street setbacks are provided at upper floor level in alignment with 34 Hall Street and in-keeping with the general pattern of development within Hall Street. The adjacent building at 20 Hall Street features a greater setback from the street at upper floor levels, however that building is an anomaly within the street. The proposal provides an appropriate interface with the adjacent building despite the variances in street setbacks.
2.3.2 Side and rear setbacks • *Minimum side setback: 1.5-2.5m* • *Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback* • *Deep soil along side boundary min 2m wide*	No (acceptable on merit) N/A No (acceptable on merit)	The proposal provides nil side setbacks toward the front of the side contrary to the control. The non-compliance is acceptable on merit as it follows the established pattern of the development within the local centre, as it provides an appropriate built form and streetscape response for the local centre and as it does not result in any unreasonable amenity impacts on neighbours. Rear setback controls for local centres are provided within Part E3 of the DCP and are addressed in that section of this assessment report below. The proposal does not provide any deep soil within side boundaries, contrary to the control. The non-compliance is acceptable on merit as deep soil side setbacks would be inconsistent with the character of the local centre and would result in negative streetscape outcomes at the site.
2.4 Length and depth of buildings		
• *Maximum building length: 24m*	No (acceptable on merit)	The proposal has a building length of 26m, contrary to the control. The built-form is appropriate for the local centre context of the site, and appropriate façade articulation is provided to break-up the form of the building.
2.5 Building design and streetscape		
• *Respond to streetscape* • *Sympathetic external finishes*	Yes	The proposed contemporary design responds to the streetscape character of the area. The

Development Control	Compliance	Comment
		proposed materials are appropriate for the style of the building and for the context of the site.
2.7 Fences and walls		
Rear fence: • *Maximum height: 1.8m*	No	The proposal includes a rear fence which varies in height between 3m and 3.4m, contrary to the control. The proposed height of the fence is acceptable on the boundary with 15 Consett Avenue as the survey plan indicates that the existing boundary fence is higher than the proposed fence. However, the proposed height of the fence is not acceptable on the boundary with 1 Jaques Avenue as it is significantly higher than the existing fence in that location which is currently between 1.66m and 1.89m in height. The proposed fence will result in an unreasonable sense of enclosure and contribute to solar access impacts to that property. A condition of consent requiring the height of the fence to be reduced to be no higher than 1.8m above existing ground level is therefore included at **Appendix A** of this report.
2.8 Pedestrian access and entry		
• *Entry at street level and respond to pattern within the street* • *Separate to vehicular entry* • *Legible, safe, well-lit*	Yes	The proposal provides an appropriate pedestrian access from the street, which is separate to vehicle access. The applicant has indicated that the central access passageway will be open during business hours to allow public access to the rear retail units and will be locked outside of these hours. The proposal includes additional security doors to separate the public central access passageway from the secure residential lobby.
2.9 Landscaping		
• *15% site area to be deep soil*	Acceptable on merit	11.7% deep soil area is provided, which does not meet the requirements of the control. The non-compliance is acceptable on merit due to its minor nature and due to the constraints of the site which is located within a local centre where it is difficult to deliver deep soil due to the desirability of providing nil setbacks from front

Development Control	Compliance	Comment
		and side boundaries in response to the streetscape character of the area.
2.10 Communal open space		
• *Minimum 15% communal open space within the R3 zone*	N/A	The DCP does not require communal open space to be provided within the E1 zone. The proposal includes communal open space within the rear setback. However, this communal open space is to be deleted by conditions of consent discussed in the Waverley DCP 2022 Part E3 – Local Village Centres section of this report below due to acoustic privacy impacts on neighbours. The proposal is acceptable with no communal open space as the development provides good amenity to occupants via well-proportioned unit and balconies, and as residents have easy access to public open space within 160m of the site at of Bondi Beach Park.
2.12 Vehicular access and parking		
• *Car parking to be integrated into the design of the development*	Yes	The proposed basement parking is accessed via a single-width driveway and access gate fronting Hall Street. The scale of the vehicle access has been minimised to ensure it does not dominate the streetscape. The provision of a single-width vehicle access point represents a reduction in driveway width compared to the two driveways currently present at the site.
2.13 Solar access and overshadowing		
• *Solar access to solar panels of neighbouring properties to be maintained*	Yes	Unobstructed solar access to neighbouring solar panels at 20 Hall Street is maintained approximately between 9am and 1pm. Partial solar access is maintained between 1pm and 3pm.
• *North-facing windows of habitable rooms and private of spaces of adjacent dwellings to be maintained for 3 hours on 21 June*	No (acceptable on merit)	The impact on solar access to neighbouring is commensurate with the scale of development permitted by the Housing (SEPP) 2021 height of buildings and floor space ratio development standards.

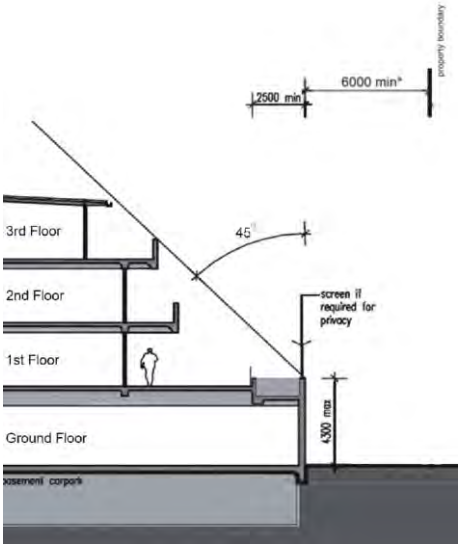
Development Control	Compliance	Comment
		A full discussion regarding solar access is contained in this report below the Waverley DCP 2022 Part E3 – Local Village Centres compliance table.
2.14 Views and view sharing		
• *Minimise view loss through design* • *Landscaping on sites adjacent to a Council Park or reserve should be sympathetic to soften the public/private interface* • *Views from public spaces to be maintained*	Yes	The proposal does not have any known view impacts.
2.15 Visual privacy and security		
• *Dwellings to be orientated to the street with entrances and street numbering visible* • *Privacy be considered in relation to context density, separation use and design*	Yes Yes	The proposed pedestrian entrance is to Hall Street. The central entrance passageway is visible from Hall Street, with no concealed areas. Visual privacy impacts are discussed within the ADG section of this report above. Impacts are acceptable subject to conditions of consent requiring additional privacy screening.
2.19 Acoustic privacy		
• *Internal amenity by locating noisy areas away from quiet areas*	Yes	Where practical, the internal layout of units have separated living areas from bedrooms to minimise noise impacts for future occupants. The rear balconies to the upper-level residential units are anticipated to result in noise levels which are appropriate for the local centre zoning of the subject site and of the medium density residential zoning of neighbouring sites to the south. Acoustic privacy impacts associated with the ground floor commercial units are discussed within the Waverley DCP 2022 Part E3 – Local Villages section of this report below. Impacts are acceptable subject to conditions of consent requiring deletion of the proposed communal open space and requiring rear ground floor commercial windows to be fixed shut.

Development Control	Compliance	Comment
2.21 Building services		
• *Services are to be integrated into the design of buildings* • *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.*	Yes No (acceptable on merit) Yes	The proposed services are located integrated into the design of the building including within the basement plant areas and rooftop plant area. The development does not provide a communal clothes drying area. The non-compliance is acceptable on merit as it is not practical to provide a communal open space for clothes drying at the site associated with the limited available space within the site. Each unit contains sufficient laundry facilities including sufficient area for clothes drying. Plant rooms are located in the basement away from other uses. Screening is proposed around the centrally-located rooftop plant area. The screening and plant equipment will not be visible from the street and will not have any known impact on views.

Table 7: Waverley DCP 2022 – Part E3 – Local Village Centres

Development Control	Compliance	Comment
3.1.16 Bondi Beach		
Desired Future Character Objectives • *Promote diversity of uses* • *Provide active ground floor uses* • *Increase urban greening*	Yes	The proposal provides a mix of retail and residential uses which contribute to the diversity of the area and provide active ground floor uses. The proposal increases green planting at the site, including increasing deep soil areas.
3.2 GENERIC CONTROLS		
3.2.1 Land Uses • *The ground floor of a mixed use building is to be a non-residential use, with the exception of:* o *Access areas for residential dwellings on upper levels.* o *Ground floor residential facing rear lanes.*	Yes	The ground floor is proposed to be for non-residential uses, in compliance with the control. The upper floors are proposed to be residential uses, in compliance with the control. Car parking is proposed at basement level, accessed from the main side street contrary to the control. This is acceptable on merit as the site does not have any other frontages that could be used for vehicle access, as the width of the vehicle entrance has been minimised to be only a single-

• *Building floors above ground and first floor are to be designed for permanent residential use only.* • *Car parking is to be located at basement level with vehicular access from side streets or rear lanes rather than the primary street frontage* • *Clearly separate and distinguish commercial and residential entries and vertical separation.*	Yes No (acceptable on merit) No (acceptable on merit)	lane and as the proposed single entrance represents a reduction in the number of driveways compared to the two existing driveways at the site. The proposed commercial and residential entries are the same from the street. Secure access to a residential lobby is provided, to ensure safety is maintained. The proposed arrangement is acceptable on merit as it provides a greater extent of active street frontage compared to a development providing two separate entrances.
3.2.2 Public Domain Interface *(a) Development must be sensitive to the streetscape character and views.* *(b) Development on a lot identified in this Part is to provide active street frontages.* *(c) Buildings are to be located to the front street alignment.* *(e) Individual buildings are to have a clear street address where entries to upper levels are well defined at the ground floor address.* *(f) New shop fronts are to be consistent in width and height with the predominant and historical character of the street.* *(g) Shop fronts may include recessed entries and display windows, where these are included to provide useable display space and achieve the desired future character of the centre.* *(h) Shop fronts are to be made up predominantly of clear glazing with sill heights to be a maximum of 700mm*	 Yes Yes Yes Yes Yes N/A Yes	The proposal is sensitive to the streetscape character. The contemporary design and proposed setbacks are appropriate to the context of the site. The proposal provides active street frontages. The proposal aligns with the street. Entry to the upper level is provided via the passageway within the building. Conditions of consent requiring visible street numbering are included at **Appendix A** of this report. The form of the shopfronts is appropriate to the existing character of the street. The proposed shopfronts are clear glazed with low sill heights in compliance with the control. Residential access occupies less than 20% of the street frontage. The proposal does not feature solid facades. Vehicular entry is from the primary street. This is acceptable on merit as described in section 3.2.1 of this compliance table above. The proposal is accessible. Level access is provided to all commercial units. The proposal is respects the existing streetscape pattern in terms of interface with the public domain and setbacks from the street.

above finished footpath level along street frontages. *(i) Access to residential dwellings above ground level should not occupy more than 20% of the principal street frontage of any development.* *(j) There are to be no solid facades along the primary street frontage at ground level.* *(k) Vehicular entries into buildings are not permitted along the primary commercial street frontage of sites.* *(l) The public domain interface of development should provide universal access to all users.* *(m) The design of a development proposal is to have regard to the existing streetscape pattern.*	Yes Yes No (acceptable on merit) Yes Yes	
3.2.3 Built Form *(a) Development is to be consistent with the planning controls relating to overall height, floor to ceiling heights and setbacks, outlined for each of the centres In Annexures E3-1 to E3-3.* *(b) Ground floor retail depth must allow for adequate display and sales area as well as essential back-of-house storage and loading facilities. In total this must be a minimum of 8 - 10m in depth.* *(c) The preferred building depth for floors above ground level is 10-14m. The maximum building depth for floors above ground level, glazing line to glazing line is 18m. Refer to the control*	No (acceptable on merit) Yes No	The DCP controls classify Bondi Beach local centre as a four storey centre, setting a maximum street wall height of 9m, an overall maximum height of 12m, and requiring a 6m setback from the rear boundary at ground floor level with upper floor levels to be set back from the rear boundary in compliance with the diagram below: 

diagrams for each individual centre. *(d) Sites in local village centres that adjoin residential development at the rear are to provide deep soil zones within the rear setback area with a minimum depth of 2 metres from the boundary.*	Yes	The proposal is a five-storey building with street wall heights of up to 14m, an overall height of up to 16.9m and rear setbacks of 6.2m at ground level, 4m at first to third floor levels and 8m at fourth floor level. The proposed non-compliance is acceptable on merit, as: • Waverley DCP 2022 built-form controls are intended to align with the scale of development permitted by the Waverley LEP 2012 height of buildings and FSR development standards. However, subsequent changes introduced by SEPP (Housing) 2021 provide significant uplift to the height of buildings and FSR development standards for development involving affordable housing, resulting in a mis-alignment with the DCP built-form controls. These DCP controls are therefore effectively outdated for the purposes of assessing affordable housing development and in these circumstances it would unreasonable to require strict compliance with the controls. • The proposal features four storeys with a nil or minimal setback from the street, with an additional storey above set back 3.5m from the front boundary. The top floor setback minimises the perceived bulk and scale of the building when viewed from the street, and results a building which is appropriate within the streetscape. • Amenity to neighbouring residential occupants, including matters related to visual privacy, shadow impact and sense of enclosure, is maintained in a manner which is commensurate with the scale of development permitted by the relevant development standards and with the nature of development anticipated within a local centre. Discussion regarding visual privacy impacts is found within the ADG section of this report above, and discussion regarding solar access impacts is found following this compliance table below.

		The proposal provides sufficient retail depth in compliance with the controls. The proposal has a maximum building depth measured from glazing line to glazing line of 28m, in excess of the control. The exceedance is acceptable on merit, as the proposed building depth provides good amenity to occupants and as the proposed setbacks retains acceptable amenity for neighbours as discussed in this report above. The proposal provides deep soil within the rear setback in compliance with the control.
3.2.4 Building Façade Articulation *(a) New buildings should display proportions which respect and build upon proportions similar to the adjoining streetscape and building forms.* *(b) New buildings should draw on the predominant pattern of the existing streetscape. They are to be open and glazed at the street level, have an emphasis toward a singular more enclosed building form at the upper levels and be capped by a lighter more articulated element.* *(c) Balconies to the street facade are to be recessed behind the principal building facade.* *(d) Balustrades to balconies fronting the street are to be predominantly solid with minimal or no glass.*	Yes Yes No (acceptable on merit) Yes	The proposed proportions and articulation are similar to neighbouring buildings and is appropriate to the streetscape. The proposed glazing, materiality and setbacks are appropriate as discussed in this report above. The proposed balconies project forward of the principal building façade contrary to the control. This non-compliance is acceptable on merit as the proposed setbacks of the façade and balconies from the street provide an appropriate transition between the varying setbacks at 20 Hall Street to the south-east and 34 Hall Street to the north-west and as the solid balustrades and vertical screening provides visual privacy between the street and balconies and between adjacent balconies. The proposed balcony balustrades are predominantly solid in compliance with the control.
3.2.6 Building Services and Site Facilities • *Building services to be integrated into the design.* • *Mechanical ventilation not to impact amenity.*	Yes Yes	The proposal has integrated building services, including waste storage areas, within the building envelope. Conditions of consent are included within the notice of determination regarding mechanical ventilation.

• *Buildings to be effectively 'sealed' at the rear to prevent noise and odour transmission*	No	The proposal includes access from the shared commercial and residential passageway to the rear landscaped area which features tables and chairs. The proposal also includes windows for the rear retail tenancies which open onto the rear landscaped area. The access and windows are both contrary to the control which requires buildings to be effectively sealed to the rear. The proposed non-compliance is not acceptable as the use of the rear landscaped area for commercial or residential communal open space may give rise to unacceptable acoustic impacts for neighbours. Furthermore, the rear tenancies are of a sufficient size that they may be used for food and drink purposes which may result in unreasonable acoustic and odour impacts on neighbours. Conditions of consent are therefore included in **Appendix A** requiring deletion of the rear outdoor seating, requiring deletion of the operable rear windows, and requiring that the door between the central passageway and rear open space be only used for maintenance purposes.

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

Solar access impacts

Waverley DCP 2022 solar access controls require the retention of at least three hours of solar access to north-facing windows of neighbouring dwellings on 21 June. The controls do not specify requirements for solar access to neighbouring private open space, however the impacts on private open space and windows on 21 June are nonetheless considered for each impacted property as part of the assessment in this section of the report below.

7-11 Consett Avenue

North-facing private open spaces and habitable windows of townhouse dwellings at 7-11 Consett Avenue are impacted at 9am only. Significant solar access is retained throughout the remainder of the day.

7-11 Consett Avenue therefore retains good levels of solar access and the proposed impact is acceptable.

11A Consett Avenue

There is a minor impact to the first floor private open space of the dwelling house at 11A Consett Avenue between 9am and 10am. Significant solar access for this private open space is retained between 10am and 2pm. There are no impacts on north-facing windows.

11A Consett Avenue therefore retains good levels of solar access in compliance with the DCP controls and the proposed impact is acceptable.

15 Consett Avenue

Solar access to the private open space of the dwelling house 15 Consett Avenue is impacted throughout the day, however significant useable areas of useable solar access are retained between 11am and 1pm. Beyond 1pm the rear private open space is predominantly self-shadowed by the pergola shade-structure at that property. There are no impacts on north-facing windows.

15 Consett Avenue therefore retains good levels of solar access in compliance with the DCP controls and the proposed impact is acceptable.

1 Jaques Avenue

The proposal partly overshadows living room windows and private open spaces of units at the rear of the RFB at 1 Jaques Avenue. Despite the overshadowing, the affected windows receive good solar access for more than three hours in compliance with the DCP controls. The affected private open spaces also receive more than three hours solar access with the exception of the ground floor unit which receives approximately an hour of solar access.

Very limited solar access is retained for the north-facing bedroom and living room windows of the ground and first floor units at the front of the building. These windows are located approximately 1.5m from the boundary of 1 Jaques Avenue and 20 Hall Street, and are predominantly overshadowed by the development at 20 Hall Street. The location of these windows mean that it is not feasible for 3 hours of solar access to be provided.

The overall impacts on solar access to units at 1 Jaques Avenue is commensurate with the scale of development permitted by the Housing (SEPP) 2021 height of buildings and FSR development standards. The overshadowing is the result of a compliant development and is as anticipated by the development standards.

3 Jaques Avenue – RFB

Overshadowing the RFB is limited to impacts on communal open space until 11am. Full solar access is retained after this time.

20 Hall Street

The proposal significantly overshadows the north-west facing living room windows and private open spaces of three units within the RFB at 20 Hall Street located at first, second and third floor levels. The affected windows and private open spaces face toward the side boundary with the subject site and are

set back approximately 4m from the boundary with the exception of the first floor private open space which has a nil setback.

The proposal removes all solar access to the first floor unit's living room windows and private open space. Very limited solar access is retained for the second and third floor unit's living room windows and no solar access is retained for those unit's private open spaces.

The impacts on solar access to units at 20 Hall Street is commensurate with the scale of development permitted by the Housing (SEPP) 2021 height of buildings and FSR development standards. The overshadowing is therefore the result of a compliant development and is as anticipated by the development standards. The windows and private open spaces of the affected units at 20 Hall Street are particularly vulnerable to overshadowing due to their location facing a side boundary. In these circumstances the impacts of the development are unavoidable and reasonable.

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 originally notified for a minimum of 21 days between 6 June and 1 July 2025 and a site notice erected on the site in accordance with the *Community Engagement Strategy 2023.* A technical issue with Council's website meant that not all the relevant documents were available to view online. Council therefore extended the notification period for a further 21 days to 25 July 2025 and erected another site notice.

Following receipt of amended plans and additional information, the application was not re-notified as the proposed amendments consisted of additional privacy screening, increase landscaping and planters, depiction of rooftop plant equipment, and other minor changes which do not have any significant environmental planning impacts.

A total of 15 unique submissions were received from 18 individuals at the following properties:

- 5/7-11 Consett Avenue
- 6/11 Consett Avenue
- 11A Consett Avenue
- 12 Consett Avenue
- 15 Consett Avenue
- 2/13 Francis Street
- 201/20 Hall Street
- 302/20 Hall Street

- 1/3 Jaques Avenue
- 2/2 Simpson Street
- 4/12 Wilga Street.

Three of the 18 individuals who made submissions did not provide their address.

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

- The scale and form of development;
- Non-compliance with Waverley DCP wall height, height-of-storeys and setback controls;
- Visual and acoustic privacy impacts associated with residential and commercial uses;
- Shadow impacts;
- Impacts on the natural environment including the tree on the boundary with 15 Consett Avenue;
- Impact on the setting of the heritage item at 15 Consett Avenue;
- Impact on solar panels;
- Non-compliance with ADG separation distances;
- Issues with the notification process regarding accessibility of documents online;
- Sense of enclosure for neighbours; and
- Lack of loading facilities within the site.

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

Issue: The proposed "affordable housing" is not genuinely affordable and the provision of 16% affordable housing barely meets the 15% requirement for floor space and height uplift under SEPP (Housing) 2021.

Response: The proposed affordable housing meets the definition of "affordable housing" under SEPP (Housing) 2021. The proposal is eligible for floor space and height uplift under the SEPP on that basis.

Issue: The proposal will result in unreasonable traffic impacts.

Response: Council's traffic engineers have assessed the proposal as resulting in additional 10 vehicle trips during the morning peak period and 13 during the evening peak period. The traffic impacts can be accommodated within the existing road system.

Issue: The proposed roof is drawn unrealistically thin and modification applications are likely to be submitted in the future requesting a thicker roof which exceeds the height of buildings development standard.

Response: Clarification has been sought from the applicant during the assessment process. The applicant states the roof can be constructed as drawn. A condition of consent is included at **Appendix A** requiring the building to be constructed with a height no higher than depicted on the architectural drawings.

Issue: The applicant is likely to submit modifications applications to reduce setbacks at the site.

Response: The application is assessed on its merits. This does not involve an assessment of any potential future modification applications.

Issue: The previous approval at the site included conditions of consent requiring the deletion of rear balconies.

Response: The most recent approval at the site, reference DA-522/2021/A, permitted balconies at the rear of the site at first to third floor level.

Issue: The previous modification application should not have been approved. This current application is an opportunity to correct that error.

Response: The current application is assessed on its merits.

Issue: Deep soil planting at the rear of the site above a sewer main is not appropriate.

Response: The presence of a sewer does not preclude deep soil planting at the site.

Issue: The architectural drawings incorrectly depict the Waverley DCP 2022 rear setback controls.

Response: The architectural drawings have been updated during the course of the assessment to correctly depict the controls.

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. Public Domain

Council's public domain engineers support the proposal subject to conditions of consent regarding construction management, public domain protection and public domain upgrades. The conditions are included at **Appendix A** of this report.

3.2. Traffic and Development

Council's traffic engineers consider the proposal to have an acceptable impact on the local traffic network and support the proposal subject to reallocation of parking spaces in compliance with Council's Waverley DCP 2022 parking rates. Conditions of consent regarding these matters are included at **Appendix A** of this report.

3.3. Stormwater

Council's stormwater engineer considers the proposal is compatible with the flood classification of the land and consider the proposed stormwater management system to be acceptable subject to conditions of consent regarding flood compatible construction and regarding stormwater engineering. The conditions are included at **Appendix A** of this report.

3.4. Tree Management

Council's tree management officer supports the proposal subject to tree protection conditions of consent. The conditions are included at **Appendix A** of this report.

3.5. Environmental Health

Council's environmental health officer supports the proposal subject to conditions of consent requiring a site audit statement certifying the site is suitable for the proposed use, and subject to conditions of consent regarding management of construction and operational impacts. The conditions are included at **Appendix A** of this report.

3.6. Sustainable Development

Council's sustainable development officer supports the proposal subject to conditions of consent requiring compliance with the submitted BASIX certificate and requiring the submission of an energy assessment report. The conditions are included at **Appendix A** of this report.

3.7. Sustainable Development

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

3.8. Strategic Planning

Council's strategic planning officer provided conditions of consent regarding affordable housing contributions and regarding the management of the proposed in-fill affordable housing. The conditions are included at **Appendix A** of this report.

3.9. Urban Design

Council's urban design officer provided feedback regarding compliance with the SEPP (Housing) 2021 design principles. Compliance with the principles is discussed within this assessment report above.

4. CONCLUSION

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

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Managers of Development Assessment (MODA) Review

The application was reviewed by the MODA at the meeting on 12 August 2025 and the MODA concurred with the Assessment Planner's recommendation.

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

Report prepared by:	**Application reviewed and agreed by:**	**Application reviewed and agreed by:**
		
David Knight	Bridget McNamara	Ben Magistrale
Senior Development Assessment Planner	**Manager, Development Assessment**	**A/Executive Manager, Development Assessment**
Date: 7 November 2025	**Date: 12 November 2025**	**Date: 13 November 2025**

Reason for WLPP referral:

1. Contentious development (10 or more objections)
2. Departure from any development standard in an EPI by more than 10%
3. Sensitive development:
    (a) Development to which State Environmental Planning Policy (Housing) 2021 Chapter 4 (Design of residential apartment) applies and is more than 4 storeys in height

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
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 (6 units)
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-209/2025

GENERAL CONDITIONS

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by WMK Architects including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA004 – 2	DEMOLITION PLAN	30/10/2025	31/10/2025
DA006 – 3	SITE PLAN	30/10/2025	31/10/2025
DA100 – 2	GENERAL ARRANGEMENT PLAN - BASEMENT 2	30/10/2025	31/10/2025
DA101 – 2	GENERAL ARRANGEMENT PLAN - BASEMENT 1	30/10/2025	31/10/2025
DA102 – 3	GENERAL ARRANGEMENT PLAN - GROUNDFLOOR	30/10/2025	31/10/2025
DA103 – 3	GENERAL ARRANGEMENT PLAN - LEVEL 1	30/10/2025	31/10/2025
DA104 – 3	GENERAL ARRANGEMENT PLAN - LEVEL 2	30/10/2025	31/10/2025
DA105 – 3	GENERAL ARRANGEMENT PLAN - LEVEL 3	30/10/2025	31/10/2025
DA106 – 3	GENERAL ARRANGEMENT PLAN - LEVEL 4	30/10/2025	31/10/2025
DA107 – 3	GENERAL ARRANGEMENT PLAN - ROOF	30/10/2025	31/10/2025
DA500 – 3	NORTH WEST - ELEVATION	30/10/2025	31/10/2025
DA501 – 3	SOUTH EAST - ELEVATION	30/10/2025	31/10/2025
DA502 – 3	SOUTH WEST - ELEVATION	30/10/2025	31/10/2025
DA503 – 3	NORTH EAST - ELEVATION	30/10/2025	31/10/2025
DA600 – 3	SECTION A-A	30/10/2025	31/10/2025
DA601 – 3	SECTION B-B	30/10/2025	31/10/2025
DA602 – 4	SECTION C-C	30/10/2025	31/10/2025
DA603 – 3	SECTION D-D	30/10/2025	31/10/2025
DA604 – 3	SECTION E-E	30/10/2025	31/10/2025
DA605 – 3	SECTION F-F	30/10/2025	31/10/2025
DA1005 – 3	STORAGE CALCULATION	30/10/2025	31/10/2025
DA1006 – 3	UNIT MIX	30/10/2025	31/10/2025

DA1010 – 3	SELECTED ADAPTABLE APARTMENT	30/10/2025	31/10/2025
DA1011 – 2	ADAPTABLE APARTMENT UNIT	30/10/2025	31/10/2025
DA1012 – 2	ADAPTABLE APARTMENT UNIT	30/10/2025	31/10/2025
DA1013 – 2	ADAPTABLE APARTMENT UNIT	30/10/2025	31/10/2025
DA1013 – 1	DRAFT STRATA PLANS	30/10/2025	31/10/2025

(b) Landscape Plan No. LP01 to LP06 2521 revision F and documentation prepared by TWLA, dated 17/09/2025 and received by Council on 29/09/2025;

(c) The BASIX and NatHERs Certificate/s;

(d) Arborist Report prepared by George Palmer dated April 2025, and received by Council on 28/05/2025;

(e) Geotechnical Investigation Report prepared by EI Australia (Report No. E25364.G03_Rev2) dated 16/04/2025 and received by Council on 28/05/2025; and

(f) Letter from the nominated Community Housing Provider, dated 12 September 2025 and received by Council on 29/09/2025.

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 – ARCHITECTURAL DRAWINGS

The application is approved subject to the following plan amendments;

(a) Additional privacy screens are to be provided to the following balconies:

  (i) Privacy screens to replace the proposed aluminium balustrade across the entire rear long-edge of balconies at units 106 and 206 at first and second floor levels.

  (ii) Privacy screens to replace the proposed aluminium balustrade along the western part of the rear long edge of the balconies at units 105 and 205 at first and second floor levels. The privacy screening must start at the eastern edge of the proposed western curved privacy screen and continue for a 3.8m to the south-east, measured along the rear long-edge of the balcony. The eastern part of the balcony does not require privacy screening.

(b) The privacy screening stipulated above is to be provided in addition to the privacy screening already detailed on the approved drawings. The privacy screens are to be designed as follows

  (i) to be of a lightweight material (such as timber or obscure glazing);

  (ii) a minimum of 1.6m high when measured above the finished floor level of the balcony;

  (iii) no individual opening more than 30 millimetres wide;

  (iv) has a total area of all openings that is no more than 30 per cent of the surface area of the screen or barrier.

Condition reason: To maintain visual privacy for neighbours to the rear of the site.

(c) The south-eastern side-facing windows to first, second and third floor units 104, 204 and 304 must be deleted.

Condition reason: To improve the interface with the adjoining property at 20 Hall Street and to ensure no windows are approved which are immediately adjacent to a side boundary and which face that boundary.

(d) The privacy screens to both ends of the residential lobby breezeways at first, second, third and fourth floor levels must be reduced in height to 1.7m above proposed finished floor level. The space above the screens must be left as an open area.

Condition reason: To ensure the breezeways do not become enclosed areas which would contribute to gross floor area at the site.

(e) The ground floor rear landscaped area must be annotated as being "Not accessible to residents, commercial tenants or patrons. Access for maintenance purposes only".

Condition reason: To ensure the ground floor rear landscaped area is not used as a communal open space, so that acoustic privacy is retained for neighbouring residents.

(f) The rear windows to the ground floor commercial tenancies must be fixed shut and be non-operable.

Condition reason: To ensure acoustic privacy is maintained for neighbouring residents in compliance with Waverley Development Control Plan 2022 section E3.2.6 Building services and site facilities.

(g) The basement plans must be amended so that 4 of the proposed resident parking spaces (including 1 small car space) are re-allocated for residential visitor parking use and 1 of the proposed resident parking spaces (being 1 small car space) is re-allocated for commercial parking use. The resulting parking provision must be as follows:

    (i) 18 resident parking spaces,

    (ii) 4 residential visitor parking spaces (inclusive of 1 small car parking space), and

    (iii) 7 commercial parking spaces (inclusive of 1 small car parking space).

Condition reason: To reduce the number of resident parking spaces to promote sustainable transport and reduce car use in compliance with Waverley Development Control Plan 2022 section B7 Transport.

(h) 2 of the proposed bicycle parking spaces must be re-located to the central ground floor passageway to enable use by visitors.

Condition reason: To promote sustainable transport use by visitors to the site in compliance with Waverley Development Control Plan 2022 section B7 Transport.

(i) The proposed rear fence on the boundary with 1 Jaques Avenue must be reduced in height to be no higher than 1.8m above the existing ground level at the site depicted by survey plan drawing number 1687 revision 3 prepared by GeoStrata received by Council on 28/05/2025.

Condition reason: To minimise amenity impacts on the resident of 1 Jaques Avenue and to comply with Waverley Development Control Plan 2022 section C2.7 Fences and walls.

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

3. GENERAL MODIFICATIONS – LANDSCAPE PLAN

The application is approved subject to the following amendments to the landscape plans;

(a) The ground floor rear landscaped area must be annotated as being "Not accessible to residents, commercial tenants or patrons. Access for maintenance purposes only".

(b) The proposed seating areas within the ground floor rear landscaped area must be deleted and replaced with planting.

Condition reason: To ensure the ground floor rear landscaped area is not used as a communal open space, so that acoustic privacy is retained for neighbouring residents.

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

4. 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.

5. 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 any Occupation Certificate the following applies:

  (i) Units 102, 103, 106, 202, 203 & 206 as nominated on the approved plans contained in condition 1 of this consent are 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)(i) 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.

6. STRATA SUBDIVISION

(a) This consent includes approval for 26 lot Strata subdivision of the building proposed in the development.

(b) A Strata Certificate must be obtained from either Council or a Registered Principal Certifier in accordance with either Section 54(1) or Section 58(1) of the *Strata Schemes Development Act 2015*.

(c) The allocated car parking and storage spaces, are not permitted to be subdivided as individual allotments and are to be part lots allocated to individual residential allotments or identified as common property as shown on the approved plans. Part allotments are to be generally allocated in accordance with the parking and storage requirements of *Waverley Development Control Plan 2022*. No exclusive use of common property shall occur without the prior consent of Council.

Condition reason: To ensure the approved development complies with the *Strata Schemes Development Act 2015*.

7. 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*.

8. PUBLIC DOMAIN IMPROVEMENTS

The public domain is to be upgraded along the Hall Street frontage of the development site in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval. A public domain plan for the following works must be submitted to Council and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of relevant Construction Certificate.

(a) Road pavement

(b) Pedestrian footpath

(c) Kerb and gutter

(d) Vehicular crossing

(e) Stormwater infrastructure

(f) Street tree plantings

Condition reason: This is to ensure that the public domain is upgraded along the frontage of the development as required and in accordance with the DCP and PDTM.

9. 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.

10. ACOUSTIC REPORT RECOMMENDATIONS

The "recommendations" in the Acoustical Report Proposed Mixed-Use Development [Ref:5029R20250123rcf26-32HallStreetBondi_DAv3] prepared by Koikas Acoustics dated 8 April 2025 shall be implemented in full.

Condition reason: To protect the amenity of the local area.

11. DETAILED SITE INVESTIVATION RECOMMENDATIONS

The "recommendations" in the Detail Site Investigation [Ref:E25364.E02_Rev01] prepared by EI Australia dated 8 April 2025 shall be implemented in full.

Condition reason: To ensure the site is suitable for the intended use.

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

12. 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

13. 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 are provided in the Waverley Council Contributions Plan, available on Council's website.

(d) As legislated in section 209 of the *Environmental Planning and Assessment Regulation 2021,* the levy must be paid in accordance with the following;

(i) A development valued at $100,000 or less will be exempt from the levy;

(ii) A development valued at $100,001 - $200,000 will attract a levy of 0.5% of the **full** cost of the development; or

(iii) A development valued at more than $200,000 will attract a levy of 1% of the **full** cost of the development.

(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.

14. 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 $361,460 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 16.43sqm.

Condition reason: The proposal requires a contribution in accordance with Cl 6.17 of the WLEP and the Waverley Affordable Housing Contribution Scheme 2023.

15. HOUSING AND PRODUCTIVITY CONTRIBUTIONS HOUSING AND PRODUCTIVITY CONTRIBUTIONS

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)	$238,635.74
Transport project component	Nil

Strategic Biodiversity Component	Nil
Estimated total housing and productivity contribution	$238,635.74

(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

Condition reason: To require contributions towards the provision of regional infrastructure.

16. 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.

17. STREET TREE BOND

A bond of $2,000 is to be paid to Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance one (1) Populus deltoids (Cottonwood) on Hall Street.

The sum will be forfeited to the Council at its discretion for a breach of these requirements:

(a) Street tree/s to be inspected twelve (12) months from the issue of the final Occupation Certificate subject to the satisfaction of Council

(b) The $2,000 bond will be refunded twelve (12) months from the issue of the final Occupation Certificate subject to the satisfaction of Council.

(c) If any trees identified to be retained and protected are found to be faulty, damaged, dying, or dead, the full bond amount or part thereof will be forfeited

(d) Council will require the applicant to remove and replace the faulty, damaged, dying, or dead street tree and a new bond will be applied on the replacement street tree.

(e) Proof of purchase of the replacement street tree (if required) must be provided to the Principal Certifier Authority, prior to the issue of any Construction Certificate.

Condition reason: To ensure trees are maintained and protected

18. SECURITY DEPOSIT

(a) Payment to the amount of $256,669.10 must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent. This 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.

19. 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.

PLAN DETAILS

20. VERIFICATION OF CONSTRUCTION CERTIFICATE DOCUMENTATION

(a) The preparation of the Construction Certificate plans shall be supervised and be to the satisfaction of an architect who is registered in accordance with the *Architects Act 2003* (i.e. a qualified designer) in accordance with the requirements of the *State Environmental Planning Policy (Housing) 2021.*

(b) In accordance with the *Environmental Planning and Assessment Regulation 2021,* the Principal Certifier must not issue a Construction Certificate unless it has received a Design Verification Statement from a qualified designer which verifies that the Construction Certificate plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in *SEPP (Housing) 2021.*

Condition reason: To ensure the architectural merits of the developments come to fruition.

21. 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.

22. ADAPTABLE HOUSING

A minimum of 20% of the apartments in the development (equating to 5 apartments) are to be provided as 'adaptable housing' within the development, with at least 1 car space allocated to each of these apartments. Adaptable apartments must be certified as 'adaptable housing units' by an independent suitably qualified person, confirming compliance with the relevant Australian Standards.

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 an appropriate amount of adaptable housing is provided within the development.

23. 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

24. HOARDING

Temporary structures such as work area protective structures (hoardings), perimeter scaffolding systems and cantilevered scaffolding are often a necessary part of development and maintenance activity. These must be designed and constructed in accordance with the requirements of *Safe Work NSW*.

Where a hoarding is required to be erected over the footpath or any public place, the approval of Council's Building Compliance Department must be obtained and the applicable fees paid, prior to the erection of the hoarding. Details and application form are available on Council's website.

Condition reason: To ensure the safety of the site and public whilst construction occurs.

25. 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.

26. 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.

27. 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.

28. GEOTECHNICAL REPORT

(a) A further detailed geotechnical report is to be provided to the satisfaction of Council prior to any Construction Certificate, that addresses how the excavation works can be carried out without damage or adverse impacts on adjoining properties including de-watering as a result of the proposed excavation. In particular, the report is to address the matters raised the Geotechnical Investigation Report prepared by EI Australia (Report No. E25364.G03_Rev2) dated 16 April 2025 and received by Council on 28 May 2025.

(b) All excavations and backfilling are to be managed on-site by a registered and practising geotechnical engineer.

(c) Vibration emissions must be monitored on-site at all times to ensure compliance with the recommendations of the detailed geotechnical report prepared by a suitably qualified and practising Structural Engineer/Geotechnical Engineer.

(d) All excavations and backfilling are to be carried out in accordance with the detailed geotechnical report shall be prepared by a suitably qualified and practising Structural Engineer/Geotechnical Engineer detailing the proposed methods of bulk excavation, approved by the Principal Certifying Authority.

(e) Any changes to the excavation methodology which deviate from the detailed geotechnical report must be reviewed by a suitably qualified and practising Structural Engineer/Geotechnical Engineer and approved by the Principal Certifying Authority.

(f) 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 geotechnical considerations have been adequately addressed prior to construction.

29. GROUND ANCHORS

(a) Where any ground anchors (i.e., rock or sand anchors) are proposed to extend beyond the property boundary beneath roadways and / or other Council property, details must be submitted to Council's Assets Department and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.

(b) For further information and application form, refer to Council's website. regarding this, please contact assets@waverley.nsw.gov.au at (02) 9083 8655. Fees shall be payable.

(c) Separate approval will be required for ground anchors beneath roadways governed by the Transport for NSW (TfNSW).

Condition reason: To ensure appropriate consideration is given for anchoring beyond the boundary of the site.

30. 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.

31. 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 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) Road Pavement: The full renewal and reconstruction of asphalt pavement for half road width in Hall St Street frontage of the development site. Details of the road pavement treatments and sub-grade details are to be advised by Council. Line Markings to be Thermoplastic, or as directed by Council

(b) Footpath, Kerb and Gutter: The existing footpath (including paver installation), kerb, and gutter traversing Hall 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.

(c) Vehicle Crossing: A new vehicle crossing is to be provided to access the proposed garage. A separate application is required for the vehicle crossing, with all work to be carried out with the approval of and in accordance with the requirements of Council.

(d) Vehicular Access - Finished Level to Footpath:

(e) The finished level at the property boundary on both sides of the vehicle crossing is to match the level of the existing footpath

(f) Street Trees: The one (1) existing Populus Deltoids (Cottonwood) tree along the Hall Street frontage shall be removed and replaced with one (1) Banksia Integrifolia (Coastal Banksia) with a pot size of 100 Litres planted in the same location as the removed tree. It is necessary to install an appropriate tree pit, surround, and root cell barriers in accordance with the Waverley Council Public Domain Technical Manual. The chosen tree species and placement must not interfere with the wheel-swept path or obstruct the proposed vehicular crossing. Waverley Council is to be contacted at the time of installing the root cell barriers prior to planting the new trees. The tree species, sizes and planting locations to be approved by Council.

(g) 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.

(h) 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.

Notes:

i. Include the provision of infill lids. Note that if any service lids are in poor condition that they must be replaced.

ii. 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

iii. The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.

iv. Waverley Council standard drawings for public domain infrastructure assets are available upon request 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.

v. 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.

vi. 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).

TRAFFIC MATTERS

32. 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.

33. SWEPT WHEEL PATH DRAWINGS

In order to minimise the loss of on street parking, the proposed layback/gutter crossing shall be reduced in width. In this regard, prior to issue of the Construction Certificate, swept wheel path drawings, prepared by a suitably qualified and experienced traffic engineering consultant, showing the swept wheel path of vehicles entering and exiting the basement car park from Hall Street, Bondi Beach shall be submitted to Council for the approval of the Executive Manager, Infrastructure Services.

The swept wheel path drawings shall:

(a) Be drawn for the B85, standard design vehicle as described in AS/NZS 2890.1: 2004 Part 1 Off Street Car Parking.

(b) Show vehicles being parked to the east and west of the proposed driveway

(c) Show the minimum length of driveway layback considered necessary to gain satisfactory access to and from the proposed basement car park.

(d) Show the minimum length of opening and clearances required at the property boundary to cater for the design vehicle swept wheel path.

Condition reason: To minimise the loss of on street parking and the overall driveway width on Council land.

STORMWATER AND FLOODING

34. STORMWATER 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 Glen Haig Partners, Job No. 254156, Drawings No. H000, H101, H102, H103, H104, H105, H106, H107, H108 & H201, and SW001, Issue A, dated 27/02/2025 and Issue B, dated 24/03/2025 are considered concept only.

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

a) The proposed kerb inlet pit/pipes must be constructed to Council's satisfaction. Details must form part of the stormwater management plans.

b) All proposed conduits within the public domain must be constructed using Class 3 reinforced concrete pipes (RCPs) with a minimum diameter of 375 mm. A junction pit must be installed at all changes of gradient and changes of direction in the pipeline.

c) Since a sewer/water main runs through the property, plans must also be presented to Sydney Water for their approval.

d) Provide calculations of the roof guttering system for the 1% AEP storm event and minimum number of downpipes required.

e) 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.

f) Details of any rainwater tank must be shown on the architectural plan, including the overflow connection to the approved stormwater drainage system.

g) The rainwater tank must have a minimum capacity of 3000 litres and be connected to at least 350m2 of roof area.

h) Detail the proposed pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location.

i) 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.

j) Provide calculations demonstrating that the proposed stormwater drainage system can cater for the relevant design storm event.

k) A stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.

l) 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.

m) Show sub-soil drainage is restricted from entering the basement areas of the building and the stormwater drainage system by waterproofing and tanking the basement areas of the building in accordance with a Registered Structural Engineer's design.

Connection To Council's Kerb And Gutter:

n) The submitted stormwater plans indicate two discharge points, one to the kerb outlet, another with the construction of the junction pit and outfall drainage pipeline which is not acceptable under Council's Water Management Technical Manual. One connection to underground drainage network is permissible when the site discharge is less than 25L/s, and it's preferred. Where the site discharge is >25L/s, then Council can allow maximum two kerb discharge points.

o) The proposed junction pit must be converted to a newly designed kerb inlet pit.

p) Any proposed stormwater discharge within the footpath verge of Hall Street must be hot dipped galvanised steel hollow section with the size of 125mm x 75mm x 4mm (w x h x t). Note a minimum 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.

q) 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.

r) Piped drainage within all Council land including roads and footways will be laid at minimum 1% gravity fall directed toward the point of discharge.

Connection To Council's Below Ground Drainage System:

s) All connections to Council's below ground drainage system must occur at a stormwater pit. If no such pit exists adjacent to the site, then a new grated kerb inlet/access pit must be installed over the existing Council pipeline at the applicant's expense.

t) 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. [If connection to Council's below ground network is proposed]

u) 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). [If connection to Council's below ground network is proposed]

v) 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. [If connection to Council's below ground network is proposed]

w) 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 hours' notice must be provided to Council prior to inspection.

On Site Detention (Osd) Details:

x) 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.

y) OSD system must be located as close as possible to the lowest point of the site and must be designed to collect all piped and surface stormwater runoff from all pervious and impervious areas of the site.

z) All OSD systems for multi-unit and commercial developments must be located in common areas (not in private courtyards etc).

aa) Storage and associated orifice diameter provided are insufficient to detain the 1% AEP post-developed flow to the 20% undeveloped levels (fraction imperviousness 0.1), as per Section 6.3 of the Water Management Technical Manual (2021). Redesign accordingly.

bb) Where a discharge point pit is included in the main storage, it must contain a sump set at a minimum of 1.5 times the diameter of the orifice of the outlet below the centreline of the orifice or 200 mm, whichever is more.

cc) The OSD system must be designed for the 1% AEP storm event.

dd) A certificate from a registered structural engineer certifying the structural adequacy of the OSD tank structure is to be provided. Any below ground OSD tank structure shall be a cast in-situ concrete based.

ee) Where a discharge point pit is included in the main storage, it must contain a sump set at a minimum of 1.5 times the diameter of the orifice of the outlet below the centreline of the orifice or 200 mm, whichever is more.

ff) Have a child proof locking system for the surface grate where tank's depth is greater than 1.2 metres.

Basement Pump Out System:

gg) Show an alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure.

hh) Full hydraulic details and pump manufacturers specification must be provided.

ii) In the event of pump failure one of the following must be provided:

a. an overland flow path is provided; or

b. pondage in a suitably visible area is provided. These areas must be sited with a view to minimising the cost of damage to occupiers of the property and include signage warning residents that inundation of the area may occur in the event of a pump failure.

jj) All electrical fittings and supply of the pump out system are located to have at least 300 mm freeboard above the maximum water level and/or any overland flow path.

kk) The design for the drainage of the basement structure will be dependent on the findings of the groundwater assessment condition.

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 that the approved design has been adhered to must be submitted to and approved by the Principal Certifying Authority (PCA) prior to the issue of the relevant Construction Certificate application.

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.

35. FLOOD AFFECTED / PONDING AREA

The development must minimise risk to life and damage to property, consider the impacts of the full range of potential floods and ensure that development does not have an unacceptable impact on flood behaviour, people's safety, surrounding properties and structures, and/or the natural environment.

In accordance with Section 5.21 of the *Waverley Local Environmental Plan 2012* and Section B5.2 of *Waverley Council's Development Control Plan 2022* the following conditions must be satisfied:

(a) All new structures are to have flood compatible building components below or at the 1% AEP flood level plus freeboard. Refer to Annexure B53 of DCP 2022 for a list of recommended flood compatible building components.

(b) Basement car parking must be protected from inundation by a 1% AEP flood plus freeboard.

(c) The crest of the driveway providing access between the road and basement car- parking must be a minimum of 1% AEP flood plus freeboard or the PMF, whichever is higher.

(d) The evacuation requirements of the development during flooding must be considered.

Compliance with these requirements must be submitted and approved by the Executive Manager, Infrastructure Services (or delegate) prior to issue of the relevant Construction Certificate.

Condition reason: To ensure the development minimises risk to life and damage to property, considers the impacts of the full range of potential floods and ensures that development does not have an unacceptable impact on flood behaviour, people's safety, surrounding properties and structures, and the natural environment.

36. PRE-CONSTRUCTION STORMWATER PIPE & PIT CCTV DILAPIDATION REPORT

Prior to any works commencing, an internal CCTV inspection of Council's adjacent stormwater drainage lines is required to determine their structural and serviceability condition. The CCTV report (track mounted CCTV camera footage) must be prepared by an accredited operator in line with Council's CCTV Inspection Scope document assessing the condition of the existing drainage lines adjacent to the site from pit ID. 29207 to pit ID. 29007. Council must be contacted for pit numbers prior to completion at assets@waverley.nsw.gov.au.

A dilapidation report including photographic evidence of internal conditions of pit ID. 29207 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.

37. TEMPORARY DE-WATERING OF UNDERGROUND STRUCTURES

If any temporary dewatering is required during the construction of underground structures an application must be made with WaterNSW to obtain relevant approval and determine if a licence is required under the *Water Management Act 2000*, for temporary dewatering. A copy of the aforementioned approval must be submitted to Council.

If temporary dewatering is required and approved, a separate Waverley Council temporary de-watering application must be submitted and approved by the Executive Manager, Infrastructure Services (or delegate) and associated fees paid prior to issue of any Construction Certificate.

Note: Permanent dewatering is not allowed. If a licence is required, then the Development Application becomes Integrated Development and Council's Development Assessment Planner must be consulted.

Condition reason: To ensure proper groundwater approvals are obtained and no permanent dewatering occurs as part of the proposed development.

38. GROUNDWATER ASSESSMENT

Prior to the issue of any Construction Certificate, the applicant must submit the following to the Executive Manager, Infrastructure Services (or delegate) for approval:

(a) A preliminary site hydrogeological investigation report prepared by a suitably qualified Geotechnical Engineer or Hydrogeological professional. The report must:

  (i) Include results from at least two (single or dual occupancy) or four (larger than dual occupancy) groundwater monitoring bores installed on-site, or as advised by Council, (distributed across the site to capture groundwater flow direction and variation, including at the outer extents of the underground structure most likely to be impacted by groundwater) extending at least 5 meters below the proposed underground structure slab level and monitored for at least one month (standpipes or piezometers should be used to monitor groundwater levels, and soil and lithological logs must be recorded)

  (ii) Clearly state whether groundwater is present and show the measured static groundwater level in each bore and in a site-wide groundwater contour plan in relation to the underground structure slab level.

  (iii) Outline the potential need for dewatering during construction.

  (iv) Comment on post-construction groundwater ingress and mitigation options:

    (A) Fully tanked and waterproofed underground structure (if groundwater is identified within 5 meters of the slab level).; or

    (B) Drained underground structure (if >5m above groundwater table).

(b) If groundwater is likely to be intercepted by the proposed works, or the above tanking requirement is contested, a detailed hydrogeological assessment must be prepared by a suitably qualified Geotechnical Engineer or Hydrogeological professional, providing detail on groundwater depth and seasonal variation (6-12 months minimum monitoring as advised by Council), groundwater flow direction and rate, hydraulic conductivity, water quality, and including a conceptual hydrogeological model. If groundwater interference is expected, a groundwater impact assessment is also required, assessing the short-term and long-term

impacts of dewatering (if relevant) and evaluating potential effects on neighbouring properties due to settlement or subsidence, as well as on groundwater dependent ecosystems, and contaminant mobilisation. If the report cannot be provided, or if it indicates that the predicted highest groundwater level over a 50-year design life for the development cannot be confidently confirmed to be more than 2m below the base of the proposed underground structure slab level, the following measures must be implemented:

(i) The underground structure must be fully waterproofed and tanked to prevent groundwater &/or seepage ingress. The design must ensure that the underground structure is capable of withstanding hydrostatic pressures without reliance on active or passive dewatering systems.

(ii) No subsoil drainage systems are to be installed around the perimeter of the underground structure walls or beneath the underground structure slab to prevent the potential extraction of groundwater.

Post construction extraction or discharge of groundwater is strictly prohibited by Council under any circumstances.

Fees for the preliminary and detailed hydrogeological report or investigation review are applicable as per Council's *Pricing Policy and Schedule of Fees and Charges*.

Condition reason: To ensure the potential groundwater impacts are identified and to avoid groundwater extraction, and ensure underground structures are designed to comply with Council's *Water Management Technical Manual* (WMTM).

39. GEOTECHNICAL AND HYDROGEOLOGICAL RISK MANAGEMENT

(a) Where groundwater is encountered and dewatering is expected to be required, prior to issuing the construction certificate a hydrogeological investigation must be carried out that includes a minimum of three wells to be installed for future groundwater monitoring purposes in accordance with the NSW Department of Planning, Industry and Environments (DPIE) document: 'Minimum Requirements for Building Site Groundwater Investigations and Reporting', dated October 2022 (or the current revised version).

(b) The groundwater investigation, monitoring, inflow (seepage) analysis and reporting must be in accordance with the NSW Department of Planning, Industry and Environments document, Titled 'Minimum Requirements for Building Site Groundwater Investigations and Reporting', dated October 2022, or the most recent version. Groundwater level monitoring must be carried out for a minimum of three months as required by DPIE/WaterNSW requirements.

(c) In accordance with DPIE/WaterNSW requirements, where the seepage analysis demonstrates a seepage volume of less than 3ML/year then only a Water Supply Works approval must be obtained, unless otherwise directed by DPIE/WaterNSW. Where the seepage analysis demonstrates a seepage volume in excess of 3ML/year then a Water Access Licence (WAL) will also need to be obtained from WaterNSW. This is likely to require the purchase of 'water shares' in accordance with DPIE/WaterNSW requirements.

(d) Prior to the issue of any Construction Certificate, if required based on items c and d, an application pursuant to the Water Management Act 2000 shall be made with WaterNSW to

obtain Water Supply Works (WSW) approval. A copy of the aforementioned approval must be submitted to Waverley Council or details confirming (by WaterNSW) why a WSW is not required.

(e) During the bulk excavation stages, a qualified supervising engineer will be required to be present on site for the duration of these works. A daily log is to be kept on site and submitted to the Principle Certifying Authority (PCA).

(f) Inspections of any unsupported vertical excavations into bedrock are required by a qualified geotechnical engineer/engineering geologist (tertiary qualified with at least 5 years relevant experience) and must be completed in accordance with the Monitoring Program detailed in the CMR.

(g) Inspections must be completed or reviewed by a qualified geotechnical engineer/engineering geologist (as defined in 'g' above) during shoring works to confirm socket requirements below the bulk excavation level have been achieved for the shoring and during the excavation/drilling of high level footings/pile footings to confirm that the foundation materials are in accordance with the requirements of the structural drawings and/or geotechnical report, as applicable.

Condition reason: This condition imposed is to ensure that the development complies with all the geotechnical requirements and risk management measures specified by the applicant's engineers/experts.

40. 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.

41. 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

42. PROTECTION OF BASEMENT FROM INUNDATION OF SURFACE WATERS

The underground basement must be protected from possible inundation by surface waters from the road reserve through the design of the driveway.

Evidence from a suitably qualified and practising Engineer who specialises in hydraulic engineering that this design requirement has been adhered to must be submitted to and approved by the Principal Certifier prior to the issue of the relevant Construction Certificate.

Condition reason: To ensure surface water does not inundate basement areas

ENERGY EFFICIENCY & SUSTAINABILITY

43. 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*.

44. 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 Certificate for any works above ground level.

(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.

45. RENEWABLE ENERGY AND ENERGY EFFICIENCY

To enable all development to contribute to net zero greenhouse emissions by 2035, the following shall apply:

(a) No gas cooktops, gas ovens and gas heating systems are permitted. Alternate options must be used (such as electric, induction sources).

Additionally, the following are encouraged:

(b) An electric hot water system in all developments. Recommended systems include electric heat pump, solar thermal with electric boost or electric storage.

(c) Swimming pool heating systems to include solar thermal only, solar thermal boosted with electric or electric heat pump.

(d) Lighting systems to include LEDs with controls, such as motion sensors, step-dim controls and daylight sensors.

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

(f) Where rainwater tanks are provided, then:

  (i) Rainwater tanks must be fitted with a first-flush device that causes initial run-off rainwater to bypass the tank, and

  (ii) Rainwater tanks must be fitted with a screened rain head designed to prevent leaf litter entering into the water tank, and

  (iii) All rainwater tanks plumbed for internal water use must have a filter installed to prevent sediment from entering toilets and washing machines, and

  (iv) Pumps attached to the development must be housed in an enclosure that is soundproofed, and

  (v) Rain tanks must have its overflow connected to an existing stormwater drainage system that does not discharge to an adjoining property, or cause a nuisance to adjoining owners

  (vi) Rain tanks must have a sign affixed to it stating the water in it is rainwater

(g) 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 reduce community greenhouse emissions to net zero by 2035, to improve human health, to conserve water and to ensure all new (or altered) homes have future capacity to be an all-electric building, powered by renewable energy.

WASTE

46. 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 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.

47. WASTE STORAGE AREAS

The development must have a waste storage area with sufficient space to accommodate the following minimum number of bins within the development:

(a) Residential component:

(i) 5x 660L Mobile Garbage Bins (MGBs) for general waste (4x bins + 1x rotational bin in the chute area)

(ii) 4x 660L MGBs for paper and cardboard recycling

(iii) 4x 660L MGBs for container recycling

(iv) 2x 240L MGB for organics waste

(v) A room with a minimum floor space of 7m2 must be provided for the storage of discarded bulky items and problem waste, awaiting collection. Additional space is required for recycling problem waste such as textiles or electronic waste.

(b) Commercial component:

(i) 4x 660L MGBs collected at least 5x per week for general waste

(ii) 1x 660L MGBs and collected at least 3x per week for comingled recycling

(iii) A room or caged area must be allocated within the building for the storage of reusable items such as crates and pallets, and bulky waste such as cardboard or soft plastics.

All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B1 of the *Waverley Council Development Control Plan 2022* to the satisfaction of the Principal Certifier.

Condition reason: To ensure appropriate waste storage areas are provided.

48. 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

49. 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.

50. 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

51. 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

52. 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.

53. 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) 20 Hall Street, Bondi Beach

  (ii) 34 Hall Street, Bondi Beach

  (iii) 15 Consett Avenue, Bondi Beach

  (iv) 1 Jaques Avenue, 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 14days before any site work commences, adjoining property owner(s) must be provided with a copy of the Dilapidation Report for their property(ies) and a copy of the report(s) must be provided to Council (where Council is not the Principal Certifier) at the same time.

(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.

54. PRE- DEMOLITION PUBLIC DOMAIN 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.

55. 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.

56. SITE AUDIT STATEMENT

(a) Prior to the execution of works associated with the built form of the development (excluding building work directly related to remediation) a Site Audit Statement (SAS) is to be submitted to Council clearly indicating that the site is suitable for the proposed use.

(b) The recommendations and/or conditions of the SAS must be implemented in full. Certification of that these recommendations/conditions have been filled must be provided to the Principal Certifier prior to the issue of an occupation certificate.

(c) Where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council these conditions should be discussed with Council before the Site Audit Statement is issued.

Condition reason: To ensure that the land is suitable for the approved use.

57. ARCHAELOGICAL ASSESSMENT

Prior to carrying out of any excavation works, an archaeological assessment is to be undertaken by a suitably qualified consultant and an Archaeological watching brief is to be established to determine and manage any findings of Aboriginal artifacts or European activities post 1788 in accordance with the provisions within the NSW Heritage Act.

Condition reason: To ensure any archaeological findings are appropriately managed.

TREE PROTECTION MEASURES

58. PROTECTIVE TREE FENCING

Before any machinery or materials are brought onto the site and before the commencement of any works including demolition, or in accordance with the Tree Protection Specifications (TPS) as shown on the Tree Protection Plan (TPP) protective fencing shall:

(a) Be erected around each tree nominated for retention and protection.

(b) Remain in place for the duration of the works. It must be secured to restrict access and must not be removed or altered without approval from the on-site arborist.

(c) Be installed in accordance with AS 4687.2:2022 Temporary Fencing and Hoardings

(d) Comprise of 1800mm high chain link wire mesh fixed to 50mm galvanised steel posts.

Notes:

(i) Portable chain link fencing may be installed.

(ii) Chain link portable panels must be securely fixed top and bottom to avoid separation.

(iii) Coloured plastic tape fencing or plain strained fencing wire fixed to steel droppers is unacceptable.

(iv) Existing perimeter fences and other structures may be used as part of the protective fence if suitable.

(v) Signs identifying the Tree Protection Zone (TPZ) should be placed around the edge of the TPZ and be visible from within the development site. The lettering on the sign should conform to AS 1319 -1994 REC:2018 Safety signs for the occupational environment

Condition reason: To create an exclusion zone around the tree throughout the construction to ensure all tree parts are protected.

59. TRUNK AND BRANCH PROTECTION

If protective fencing for trees is not possible, trunk protection is to be installed prior to any works commencing and include:

(a) the placement of 1.8m or less lengths of 75 mm x 40 mm hardwood or pine spaced at 125 mm centres around the trunk secured in place by metal strap bindings or 10-gauge fencing wire fixed at 300 mm centres. Prior to placing battens install a soft protective padding to ends of timbers to prevent damage to bark and conducting tissue.

(b) Trunk protection must remain in place for the duration of all site work.

(c) Tree crowns may be injured by machinery such as excavators, drilling rigs, cranes, trucks, hoarding installation, and scaffolding. The tree protection zone may need to include additional protection of the above ground parts of the tree.

(d) Crown protection may include pruning, branch protection, tying-back of branches, use of flagging to make the branch more visible, or other measures. If pruning is required, requirements are specified in AS 4373 2007 Pruning of Amenity Trees and should be undertaken before the establishment of the TPZ.

(e) Temporary powerlines, stays, guys, structures and the like shall not be attached to the tree (unless specifically permitted in the Tree Protection Specifications (TPS)

Condition reason: To ensure all tree parts are protected throughout the construction.

60. TREE PROTECTION CERTIFICATE

The Arborist engaged for the duration of the project shall undertake an inspection of the site once tree protection measures have been fully installed and prior to any works commencing. An inspection Certificate stating that appropriate tree protection measures have been installed for the trees to be retained and protected shall be submitted to Council and the Principal Certifier.

Condition reason: To ensure trees are protected prior to work commencing.

DEMOLITION & EXCAVATION

61. 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.

62. 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.

63. 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.

64. 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.

(d) All excavations and backfilling are to be managed on-site by a registered and practising Structural / Geotechnical Engineer.

(e) Vibration emissions must be monitored on-site at all times to ensure compliance with the recommendations of the detailed geotechnical report prepared by a suitably qualified and practising Structural / Geotechnical Engineer.

(f) All excavations and backfilling are to be carried out in accordance with the detailed Geotechnical Report.

(g) Any changes to the excavation methodology which deviate from the detailed geotechnical report must be reviewed by a suitably qualified and practising Structural / Geotechnical Engineer and approved by the Principal Certifier.

Condition reason: To ensure the structural stability of work on site and general safety.

CONSTRUCTION MATTERS

65. 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.

66. 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.

67. 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)*

68. FOOD PREMISES

The fit out of the premises must be in accordance with the *Waverley Council Policy for Fit-out and Construction of Food Premises* available on Council's website, as well as any other relevant legislation.

https://www.waverley.nsw.gov.au/building/compliance_and_regulations/environmental_health_regulations/food_safety

Condition reason: To ensure compliance with food safety regulations.

69. CONSTRUCTION INSPECTIONS

The building works are to be inspected during construction by the Principal Certifier in accordance with the *Building Legislation Amendment (Quality of Construction) Act 2002*, Part 8 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* and the requirements of any other applicable legislation or instruments.

Condition reason: To ensure regular inspections occur throughout the construction process.

70. 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.

71. 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.

72. 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.

TREE PROTECTION & REMOVAL

73. TREE SCHEDULE AND REPLACEMENT STREET TREE PLANTING

This schedule outlines which trees are to be retained and protected.

Tree No.	Species	Height (m)	Location	Status	Action
T1	Quercus ilex (Holm Oak)	Rear yard – 15 Consett Avenue	Significant tree	Retain and protect	T1
T2	Populus deltoids (Cottonwood)	Hall Street footpath	Protected	Retain and protect	T2

(a) AS 4373-2007 Pruning of amenity trees.

Condition reason: To clarify the trees approved for removal and those to be protected during the construction of the approved development.

74. TREE WORK

(a) If any trees on the site or on neighbouring properties require pruning, then permission must be gained from the owner of the tree(s) and an application to Prune or Remove Trees on Private Property (Tree Permit Application) must be submitted to Waverley Council for processing. Application forms are available on Council's website.

(b) If any trees on Council owned land require pruning, the application should be accompanied with a Tree Pruning Report, prepared by an Arborist with AQF level 5 qualification or above. The Report shall include photos showing the branches that need to be removed.

(c) The application and Report (where relevant) are to be submitted and approved by Council's Tree Technical Officer prior to any works or pruning to the affected tree/s.

Condition reason: To protect trees during construction.

75. ACTIVITIES GENERALLY EXCLUDED FROM THE TREE PROTECTION ZONE (TPZ)

Activities excluded from the TPZ include but are not limited to:

(a) Excavation, cultivation or disturbance of the soil, including scraping of the surface.

(b) Equipment and material storage.

(c) Preparation of chemicals, including preparation of cement products.

(d) Movement or parking of vehicles and plant.

(e) Dumping of waste.

(f) Spreading or stockpiling of fill.

(g) Refuelling.

(h) Washing down and cleaning of equipment or hard surfaces.

(i) Fires.

(j) Physical damage to the tree.

(k) Soil level changes,

(l) Temporary or permanent installation of utilities and signs, and

(m) Ground compaction.

Activities specified in items (a) to (e) may be permitted with appropriate protection measures, as detailed in the Tree Protection Specifications (TPS) and Tree Protection Plan (TPP)

Condition reason: To ensure precautions are taken when working near trees during construction.

76. ENCROACHMENTS IN THE NOTIONAL ROOT ZONE (NRZ)

(a) Works within the TPZ or NRZ will require the authorisation of the site arborist engaged for the duration of the project.

(b) For assessment of major encroachments a more detailed investigation is necessary by the site arborist. The preferred method of examination and or excavation within the Structural Root Zone (SRZ) is the application of non-invasive vacuum or hydro excavation.

Condition reason: To ensure precautions are taken when working near trees during construction.

77. ROOT PROTECTION DURING WORK WITHIN THE TREE PROTECTION ZONE (TPZ)

(a) When determining the potential impacts of encroachment into the Tree Protection Zone (TPZ), the site arborist engaged for the construction project should consider the following:

(i) Location and distribution of the roots to be determined through non-destructive investigation methods (pneumatic, hydraulic, hand digging or ground penetrating radar). Photographs should be taken and a Root Mapping Report prepared and submitted to the Principal Certifier.

Note: Regardless of the method, roots must not be cut, bruised or frayed during the process. It is imperative that exposed roots are kept moist and the excavation back filled as soon as possible.

(ii) The potential loss of root mass resulting from the encroachment, including number and size of roots.

(b) Where roots within the TPZ are exposed by excavation, temporary root protection should be installed to prevent them drying out. This may include jute mesh or hessian sheeting as multiple layers over exposed roots and excavated soil profile, extending to the full depth of the root zone. Root protection sheeting should be pegged in place and kept moist during the period that the root zone is exposed.

(c) Other excavation work near trees, including landscape work such as paving, irrigation and planting, can adversely affect root systems. These should be considered and addressed in the Tree Protection Specifications (TPS).

(d) If any tree roots are exposed during any approved works, then roots smaller than 30mm are to be cut cleanly by hand by an experienced Arborist/Horticulturist (minimum AQF Level 3

Certificate in Horticulture or Certificate 3 in Arboriculture) in accordance with AS 4373 2007 Pruning of Amenity Trees

(e) It is the construction project's Arborist responsibility to determine if such root pruning is suitable. If there are any concerns regarding this process, then Waverley Council's Tree Technical Officer is to be contacted to make final determination.

Condition reason: To ensure precautions are taken when working near trees during construction

STORMWATER

78. 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.

VEHICLE ACCESS AND PUBLIC DOMAIN WORKS

79. 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.

80. PUBLIC DOMAIN ENGINEERING INSPECTIONS

To ensure all public infrastructure engineering works required by Council under this consent will be constructed to Council satisfaction, hold point inspection(s) will be required (by the Infrastructure Engineer), and compliance certificates must be obtained for the road pavement, kerb and gutter, stormwater, footpath paving, street trees and landscaping works. Specific hold points to be defined by Council.

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.

81. NEW VEHICLE CROSSING

A new vehicle crossing is to be provided to access the proposed basement car park. A separate application is required for the vehicle crossing, with all work to be carried out with the approval of and in accordance with the requirements of Council.

The crossing is not to exceed the measurements approved in the swept wheel path drawings condition.

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*.

82. EXISTING VEHICLE CROSSING IS TO BE CLOSED

The existing vehicle crossing is to be closed, and all work associated with the closure is to be carried out with the approval of, and in accordance with, the requirements of Council.

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 reinstatement of verge occurs once crossing is closed, which will help to ensure stormwater overland flow is appropriately drained away from the site.

83. VEHICULAR ACCESS – FINISHED LEVEL

The internal finished level shall be construction to match the longitudinal fall of Councils footpath.

In this regard, the finished level at the property boundary on both sides of the vehicle crossing is to match the level of the back edge of existing concrete footpath.

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

Condition reason: To ensure stormwater falling on Council land drains away from the property boundary.

84. ELECTRIC VEHICLE CHARGING FACILITIES

All resident car spaces and two (2) retail parking spaces must be 'EV Ready' and provided a dedicated circuit with a minimum current of 16A and cable storage for each parking space with power demand management system to enable all circuits to be used simultaneously. Electrical circuit have capacity to deliver a minimum 15 kWh between 11pm-7am.

A minimum of four (4) resident car parking spaces and (1) retail parking space is to have a charger installed.

At least one dedicated space and charging point is to be provided for electric bicycles and mobility scooters.

All visitor car spaces require an EV charger with a 3-phase - 32A connection as a minimum. Electrical circuit have capacity to deliver a minimum 15 kWh between 9am-5pm.

Condition reason: To ensure EV ready spaces comply with WDCP requirements at time of approval.

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

85. 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.

86. FLOOR SPACE RATIO

The following applies to Floor Space Ratio:

(a) The Gross Floor Area of the building shall be limited to 2,492m^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.

87. 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:

  (i) Ridge/parapet height: RL32.420

(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.

88. SUBDIVISION CERTIFICATE

A Subdivision Certificate must be obtained from Council in accordance with of the *Environmental Planning and Assessment Act 1979* prior to the registration of the subdivision plans.

Condition reason: To ensure a Subdivision Certificate is issued prior to occupation or use of the development.

89. 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.

90. 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.

91. CERTIFICATION OF ACOUSTIC PERFORMANCE

An acoustic report/certificate prepared by a suitably qualified acoustic consultant is to be submitted to the Principal Certifying Authority and the Council's Executive Manager Compliance, certifying that all acoustic recommendations (including noise from mechanical plant) and conditions of consent (including the operational conditions) have been incorporated into the development and can be satisfied.

Condition reason: To protect the amenity of the local area.

92. 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*).

93. CERTIFICATION OF APPROVED DESIGN

In accordance with the *Environmental Planning and Assessment Regulations 2021*, the Principal Certifier must not issue an Occupation Certificate, to authorise a person to commence occupation or use of the development unless it has received a Design Verification Statement (DVS). The DVS is to be prepared by the registered architect (who is registered in accordance with the *Architects Act 2003* i.e. qualified designer) that verifies that the building achieves the design quality of the development as shown in the plans and specifications in respect of which the relevant Construction Certificate was issued, having regard to the design quality principles.

Condition reason: To maintain the architectural integrity of the approved development through the construction phase.

94. 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 the high quality landscape solution is appropriately established and maintained for the life of the development.

95. CERTIFICATION OF TREE ASSESSMENT

Prior to the issue of a Final Occupation Certificate, certification is required from the project arborist that the completed works have been carried out in accordance with the approved Tree Protection Specifications (TPS), Tree Protection Plan (TPP) imposed in the conditions of consent. Certification should include a statement on the condition of the retained trees, as well as details of any deviations from the approved TPS, TPP or consent conditions, and their impacts on trees. The certification is to be provided to the satisfaction of Council's Tree Technical Officer and submitted to treemanagement@waverley.nsw.gov.au.

Condition reason: To ensure tree protection measures have been carried out in appropriately.

96. TREE PROTECTION MEASURES TO BE REMOVED

All tree protection shall be removed prior to the issuing of the final Occupation Certificate.

Condition reason: To ensure that the tree can continue to grow post construction.

97. WAVERLEY DIGITAL MODEL

An accurate 'as built' 3D digital model of the building must be submitted to be used in the Waverley Digital Model, to the satisfaction of Council's Digital Urban Designer which complies with the requirements outlined in on Council's website at:

https://www.waverley.nsw.gov.au/building/development_applications/decision_makers/3d_modelling

Condition reason: To provide Waverley Council with data for future land use planning.

98. CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE

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 to Council (attention to: Infrastructure Services) for record.

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.

99. 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 colour copy, to scale must be submitted to Waverley Council. Where changes have occurred, the Council-approved plans must be marked-up in red colour and must include new/amended levels and locations for the drainage structures and works.

A suitably qualified and practicing Engineer 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 (attention to: Infrastructure Services) for the record.

Condition reason: Ensure Council have a record of the stormwater management systems on site, which may be used for the provision of advice for any future or remedial works.

100. 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 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.

101. 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, 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 must include surveyed levels and note all departures clearly in red on a copy of the approved Construction Certificate plans and certification from an experienced chartered civil engineer must be submitted to support all variations from the approved plans.

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.

102. CERTIFICATION OF PUBLIC INFRASTRUCTURE 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

i. The issue of a final Compliance Certificate from the Council's Infrastructure Engineer will be withheld should there be any outstanding fees and charges applicable to the development. This includes but is not limited to fees applicable for engineering plans assessment and work inspection fees.

ii. The refund of any damage and/or security deposits will be subject to the satisfactory restoration and rectification of all civil infrastructure that have dilapidated as a result of the construction activities associated with this development consent, as determined by the Council.

Condition reason: This is to ensure that all works are completed as per the approved DA and Council's requirements including any restorations works. This includes rectification of any part of the work which fails to perform during the 12 months defects liability period prior to handing over to Council.

103. DECOMMISSIONING GROUND ANCHORS

Decommissioning of Ground Anchors – Prior to the issue of any Occupation Certificate, the Applicant shall provide Council a certificate from a suitably qualified Structural or Geotechnical Engineer confirming that all temporary soil/ground anchors installed into the public road reserve, have been decommissioned and are not transferring any structural loads into the road reserve stratum.

Condition reason: Temporary ground anchors were approved, but these must be destressed to prevent ongoing load and or damage to Council assets.

104. 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.

Condition reason: To ensure that assigned units are used for affordable housing.

105. RESTRICTION AS TO USER – 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.

106. 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.

107. 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.

108. PLANNED PREVENTATIVE MAINTENANCE SCHEDULE FOR PUMP OUT SYSTEM

The registered proprietor will be required to submit written intent to establish and maintain a Planned Preventative Maintenance (PPM) schedule of the pump out system prior to the issue of an Occupation Certificate. Council will not be liable for any claims for damages arising from the failure of the pump out system.

Evidence must be submitted to the Executive Manager, Infrastructure Services or delegate prior to the issue of an Occupation Certificate.

Condition reason: Ensure pump out systems are maintained and continue to operate as intended.

109. POST CONSTRUCTION STORMWATER PIT AND PIT CCTV & DILAPIDATION REPORT

A post-construction CCTV report must be prepared by an accredited operator in line with Council's CCTV Inspection Scope document and submitted to Council, assessing the existing drainage line/s adjacent to the site from the new proposed pit to pit ID. 29007. The Assets team shall be contacted for pit numbers prior to completion.

A post-construction dilapidation report including photographic evidence of internal conditions of the new proposed pit following works must be prepared by an engineer or plumber to confirm the final structural and serviceability condition.

The reports 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 CCTV footage, 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.

110. ONGOING MAINTENANCE – STORMWATER DRAINAGE SYSTEM

An ongoing maintenance plan for the stormwater system (OSD and SQUID) 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.

111. 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. 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.

112. ONGOING MAINTENANCE – RAINWATER HARVESTING AND REUSE

The operation of all devices or appliances installed within the development approved by this consent as required by conditions pertinent to rainwater harvesting and rainwater reuse must be maintained in good operating order at all times.

Condition reason: Ensure the rainwater harvesting and reuse systems are maintained and continue to operate as intended.

113. ONGOING FLOODING REQUIREMENTS

The site flood emergency response warning systems and plan must be regularly maintained, reviewed and/or updated and be in good working order at all times.

Condition reason: Ensure the development continues to must have a net neutral effect on flood behaviour and does not increase risk to the occupants.

114. 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.*

MANAGEMENTS PLANS

115. PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE

A Waste Management Plan must be submitted to the Principal Certifier and include including the following where relevant;

(a) All arrangements including relevant and current contracts for recyclables and all other waste (collection and disposal)

(b) The waste storage area and bins must be cleaned and maintained regularly with appropriate lighting.

(c) Confer with Sydney Water regarding whether a Trade Waste Agreement is required. A copy of the agreement shall be forwarded to Council if one is entered into with Sydney Water.

(d) The role and responsibility of managing composting facilities (if provided);

(e) Clear signage identifying the different bin types, space for reusable items such as crates and pallets, bulky household waste and problem waste must be displayed.

(f) The recycling bins must be placed alongside the general waste bins for ease of access and to encourage recycling habits.

(g) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of bins, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.

(h) All waste and recycling bins must only be placed out on Council footpath for collection no earlier than 5:30 p.m. on the day prior to the designated waste collection day and retrieved from the kerbside as early as possible.

(i) The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan is to be available on site when requested.

(j) At no times shall bins be stored on the public domain (e.g. footpaths).

Condition reason: To ensure that waste is appropriately managed during occupation of the development.

SHOPS

116. FOOD PREMISES

The use and operation of any food premises shall comply with the requirements of the *Food Act 2003.*

The premises are to be registered with Waverley Council and inspected by Council's Environmental Health Officer prior to the issue of any Occupation Certificate (fees apply). Please contact Council to organise an inspection.

Condition reason: To ensure the food and drink premises is registered with Waverley Council.

117. 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.

VEHICLE ACCESS AND PARKING

118. CAR PARKING

A total of 28 car vehicle parking spaces are to be provided within the development, allocated in the following manner:

(a) 18 standard residential parking spaces, including a minimum of three (3) spaces allocated to affordable housing units and four (4) accessible spaces

(b) Four (4) residential visitor parking spaces

(c) Seven (7) retail parking spaces, including one (1) accessible space

At least 10% of all the car parking spaces are to be allocated as accessible parking spaces and be shared amongst the residential, visitor and commercial spaces where applicable.

Accessible parking spaces are to be designed in accordance with Australian Standard AS2890.6 - 2009 Off Street Parking for People with Disabilities.

All spaces are to be clearly delineated and numbered.

Car parking spaces are to be allocated with the rates specified in the DCP, with no more than 2 spaces allocated to any residential unit/dwelling.

Car parking spaces shall not be independent lots, but rather part lots attached to units in any future Subdivision Plans.

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.

Condition reason: To ensure the correct number of car spaces are allocated to the appropriate users.

119. BICYCLE PARKING

A total of 24 bicycle parking spaces are to be provided within the development, allocated in the following manner:

(a) 21 residential bicycle spaces

(b) Two (2) residential visitor bicycle spaces

(c) One (1) retail bicycle space with one (1) personal locker required

(d) At least two (2) of these spaces to be located at ground level, adjacent to lobby.

The bicycle spaces are to be designed in accordance with Australian Standard AS2890.3 - 2015 Parking Facilities - Bicycle Parking.

The bicycle spaces are to be provided by way of a secure lockable area, individual lockers or suitable bicycle racks and are to be located within the ground floor foyer or adjacent within any forecourt or within the basement car parking area. Signage and line-marking (way finding) is to be provided to guide visitors to the allocated bicycle parking spaces to ensure a safe path of travel to the bicycle spaces (separate to cars).

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

120. VEHICLE PRIORITY/TRAFFIC LIGHT SYSTEM

A vehicle priority system or traffic light system shall be provided for driveways and ramps which have access via a single lane to or from car parking spaces.

As constructed plans and details 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.

Condition reason: To reduce the risk of vehicular conflicts occurring within the site.

OTHER MATTERS

121. ALLOCATION OF STREET NUMBER

(a) The redevelopment or subdivision of the property requires the allocation of street numbers as follows:

(i) No. 26 - primary address site number

(ii) Hall Street, Bondi Beach primary address location.

The primary premises number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level and be clearly visible on the site boundary that fronts Hall Street.

As the redevelopment has multi-level sub addressing the following sub addressing will apply.

(iii) All sub premises numbers must be unique,

(iv) The floor/level number will represent the first number of the sub address and the last two digits in the sub address shall be unique on each level,

(v) For clarity, a zero will be interposed in the number of the first nine sub address levels ie Level 3 unit 7 =307,

(vi) Level at ground and below ground shall also be identified by prefixes to distinguish these levels ie Ground =G, Lower Ground = LG, Basement = B etc

(vii) Commercial premises will be identified with an address identifier ie Shop 101, Office 102,

(viii) The primary and sub-address numbers are to be positioned on the site prior to the issue of the Occupation Certificate and Council notified of the corresponding sub-address numbers to lot number prior to the issue of the Occupation Certificate

(b) Any variation to the above street numbering requires a new application to be lodged with Council.

Condition reason: To ensure the property address is clearly identified.

122. AMALGAMATION OF LOTS

The following lots are required to be amalgamated into one lot and evidence of this is to be provided to the PCA, prior to the issue of an Occupation Certificate:

(a) Lot 27 in DP 5953,

(b) Lot 1 in DP 315776, and

(c) Lot 28 in DP 5953

Condition reason: To ensure amalgamation of lots.

OPERATIONAL MATTERS

The following operational conditions must be complied with at all times, throughout the use and operation of the development or use.

USE

123. AFFORDABLE HOUSING – MANAGEMENT AND OCCUPANCY

Units 102, 103, 106, 202, 203 & 206 as nominated on the approved plans contained in condition 1 of this consent are to be used for the purposes of 'affordable housing', as defined in Clause 13 of the State Environmental Planning Policy (Housing) 2021 for a minimum period of 15 years commencing from the date of the issue of any Occupation Certificate for this development.

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.

Condition reason: To clarify the management and occupancy of affordable housing units, and to comply with the requirements of Chapter 2 Part 2 Division 1 of State Environmental Planning Policy (Housing) 2021.

124. 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

125. 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.

126. 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.

127. 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.

128. 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.

129. 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.

130. 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 Health Compliance Unit within 60 days of written request. The investigation shall include, but not be limited to:

(a) The identification of sensitive noise receivers potentially impacted by the proposal;

(b) The quantification of the existing acoustic environment at the receiver locations (measurement techniques and assessment period should be fully justified and accordance with relevant Australian Standards and NSW Environment Protection Authority (EPA) requirements);

(c) The formation of a suitable assessment criteria having regard to the guidelines contained in the NSW EPA Industrial Noise Policy;

(d) The identification of operational noise producing facets of the use and the subsequent predictions of resultant noise at the identified sensitive receiver locations from the operation of the use. Where appropriate the predication procedures must be justified and include an evaluation of prevailing atmospheric conditions that may promote noise propagation;

(e) A statement indicating that the operation of the premises complies with the relevant criteria together with details of acoustic control measures that will be incorporated into the development/use, will not create adverse noise impacts to surrounding development.

Condition reason: To protect the amenity of the local area.

131. ONGOING MAINTENANCE – RAINWATER HARVESTING AND REUSE

The operation of all devices or appliances installed within the development approved by this consent as required by conditions pertinent to rainwater harvesting and rainwater reuse must be maintained in good operating order at all times.

Condition reason: Ensure the rainwater harvesting and reuse systems are maintained and continue to operate as intended.

132. 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.

133. WASTE MANAGEMENT PLAN REVIEW

After 5 years of operation under this development consent, the Approved Waste Management Plan is to be reviewed to ensure that the details including contracts, roles and responsibilities, commercial tenants (if relevant) are current. The updated plan is to supersede the previous plan.

Condition reason: To ensure that waste management procedures continue to be appropriate for the site.

PARKING AND ACCESS

134. VEHICLE ACCESS

All vehicles including service vehicles entering and exiting the building are to do so in a forward direction. Any vehicle utilising a car, motorcycle or bicycle space is to be parked fully within the confines of the site and is not to park over the public footway at any time.

Condition reason: To improve safety when entering and exiting the site.

135. ADJUSTMENTS TO STREET SIGNS

Any street signs required to be removed as a result of the works shall be relocated at the applicant and/or owner's expense in accordance with Council's requirements. Applicants are to email traffic@waverley.nsw.gov.au for details.

Condition reason: To ensure signage is provided.

136. ELECTRIC VEHICLE CHARGING POINTS

All resident car spaces must be 'EV Ready' and provided a dedicated circuit with a minimum current of 16A and cable storage for each parking space with power demand management system to enable all circuits to be used simultaneously. Electrical circuit have capacity to deliver a minimum 15 kWh between 11pm-7am.

A minimum of four (4) resident car parking spaces and (1) retail parking space is to have a charger installed.

At least one dedicated space and charging point is to be provided for electric bicycles and mobility scooters.

All visitor car spaces require an EV charger with a 3-phase - 32A connection as a minimum. Electrical circuit have capacity to deliver a minimum 15 kWh between 9am-5pm.

Condition reason: To ensure EV ready spaces comply with WDCP requirements at time of approval.

137. PARKING PERMITS

Occupants of the building are not to be eligible for resident parking permits under Council's Resident Parking Scheme.

Condition reason: To align with Council's Resident Parking Scheme.

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. SITE RECTIFICATION WORKS

The vacant site is to be maintained in a safe and secure manner. Fencing is to be erected around the permitter of the site once demolition has been completed to secure the site. The site is to be protected from windblown soil loss and stormwater erosion at all times.

If the site is commenced to be developed and there is suspension in activity for 6months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:

(a) Require certain works to be carried out, including but not limited to:

  (i) Make the building/site safe and of an appearance acceptable to Council;

  (ii) Allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point;

  (iii) For the hole to be covered to allow it to be landscaped and made attractive from any public vantage point.

  (iv) Council may call on any bank guarantee to cover the cost thereof.

(b) In the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the costs of the works.

8. EXCAVATION TO BE LIMITED

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

9. BONDI - ROSE BAY SAND BODY

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

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

10. SEPARATE APPLICATIONS FOR USE/FIT OUT

Specific development applications must 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.

11. 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.

12. 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.

13. BUILDING TO BE WRAPPED

The applicant is encouraged to investigate possibilities of extracting an image of the completed building onto the hoarding and mesh surrounding the site during the demolition and construction stages of the development to minimise the visual intrusion of what is otherwise a large single coloured mesh 'block' during this time. Any advertising on the hoarding requires Council's written approval.

14. OUTDOOR DINING

Any proposal to utilise an area external of the building for dining will be subject to a separate application to Council and if approved will require the applicant and/or owners to sign a lease agreement.

15. SIGNS/GOOD IN THE PUBLIC WAY

No signs or goods are to be placed on the footway or roadway adjacent to the property.

16. 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.

17. 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.

18. 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.

19. WAVERLEY LGA FLOOD STUDY 2021

The property is on land identified as flood affected under the Council endorsed *Waverley LGA Flood Study 2021*. The registered proprietor's attention is drawn to the likelihood that the development may be inundated by flood waters.

As flood events can cause significant damage to property and pose risk to life, it is advised that the following measures are undertaken in accordance with Section B5.2 of Waverley Council's DCP:

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.*

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

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

24032 MIXED USE APARTMENTS

AMENDED

RECEIVED
Waverley Council

Application No: DA-209/2025

Date Received: 31/10/2025

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

CLIENT:
STM REALTY

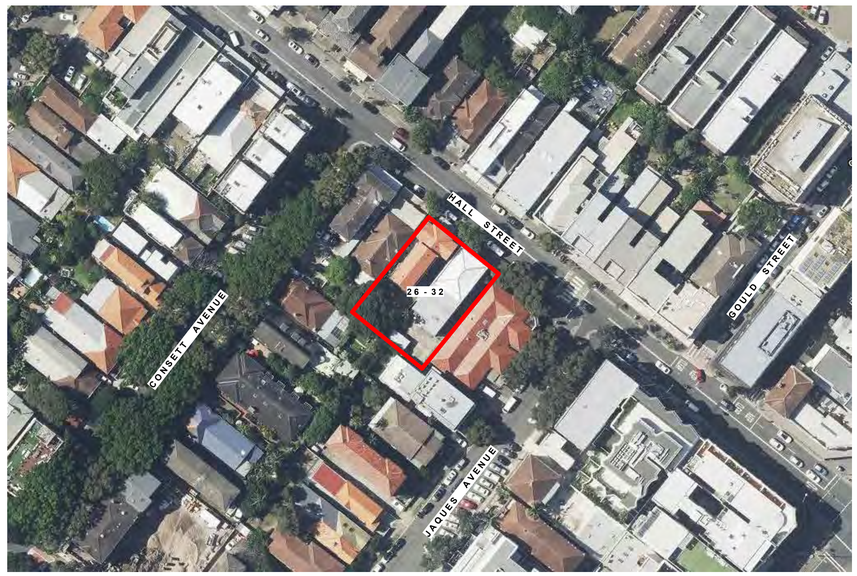
ARCHITECTURAL DRAWING
ISSUED FOR DEVELOPMENT APPLICATION

DRAWING LIST

Drawing No	Draw Name
DA002	SITE ANALYSIS
DA003	SURVEY PLAN
DA004	DEMOLITION PLAN
DA006	SITE PLAN
DA100	GENERAL ARRANGEMENT PLAN - BASEMENT 2
DA101	GENERAL ARRANGEMENT PLAN - BASEMENT 1
DA102	GENERAL ARRANGEMENT PLAN - GROUNDFLOOR
DA103	GENERAL ARRANGEMENT PLAN - LEVEL 1
DA104	GENERAL ARRANGEMENT PLAN - LEVEL 2
DA105	GENERAL ARRANGEMENT PLAN - LEVEL 3
DA106	GENERAL ARRANGEMENT PLAN - LEVEL 4
DA107	GENERAL ARRANGEMENT PLAN - ROOF
DA500	NORTH WEST - ELEVATION
DA501	SOUTH EAST - ELEVATION
DA502	SOUTH WEST - ELEVATION
DA503	NORTH EAST - ELEVATION
DA600	SECTION A-A
DA601	SECTION B-B
DA602	SECTION C-C
DA603	SECTION D-D
DA604	SECTION E-E
DA605	SECTION F-F
DA900	CGI 1
DA901	CGI 2
DA902	CGI 3
DA1000	SOLAR ACCESS
DA1001	CROSS VENTILATION
DA1002	LANDSCAPED AREA
DA1003	COMMUNAL OPEN SPACE
DA1004	DEEP SOIL
DA1005	STORAGE CALCULATION
DA1006	UNIT MIX
DA1007	GFA DIAGRAMS
DA1008	STORAGE CALCULATION Copy 1
DA1010	SELECTED ADAPTABLE APARTMENT
DA1011	ADAPTABLE APARTMENT UNIT
DA1012	ADAPTABLE APARTMENT UNIT
DA1013	ADAPTABLE APARTMENT UNIT
DA1040	HEIGHT PLANE
DA1051	SUN EYE VIEWS SHEET 01 OF 02
DA1052	SUN EYE VIEWS SHEET 02 OF 02
DA1053	SHADOW DIAGRAMS - EXISTING, APPROVED (DA-552/2021/A), PROPOSED
DA1070	SOLAR ANALYSIS -ELEVATION SHADOWS - JUNE 21st - 9AM
DA1071	SOLAR ANALYSIS -ELEVATION SHADOWS - JUNE 21st - 10AM
DA1072	SOLAR ANALYSIS -ELEVATION SHADOWS - JUNE 21st - 11AM
DA1073	SOLAR ANALYSIS -ELEVATION SHADOWS - JUNE 21st - 12PM
DA1074	SOLAR ANALYSIS -ELEVATION SHADOWS - JUNE 21st - 1PM
DA1075	SOLAR ANALYSIS -ELEVATION SHADOWS - JUNE 21st - 2PM
DA1076	SOLAR ANALYSIS -ELEVATION SHADOWS - JUNE 21st - 3PM
DA1100	SOLAR ANALYSIS - 9AM JUNE 21 - 3M SETBACK
DA1101	SOLAR ANALYSIS - 10AM JUNE 21 - 3M SETBACK
DA1102	SOLAR ANALYSIS - 11AM JUNE 21 - 3M SETBACK
DA1103	SOLAR ANALYSIS - 12PM JUNE 21 - 3M SETBACK
DA1104	SOLAR ANALYSIS - 1PM JUNE 21 - 3M SETBACK
DA1105	SOLAR ANALYSIS - 2PM JUNE 21 - 3M SETBACK
DA1106	SOLAR ANALYSIS - 3PM JUNE 21 - 3M SETBACK
DA2000	NOTIFICATION PLAN - SITE PLAN
DA2001	NOTIFICATION PLAN - ELEVATIONS
DA2010	DRAFT STRATA PLANS



PERSPECTIVE VIEW NW
NTS



LOCALITY PLAN
NTS

Dimensioned Drawings to take precedence over scaling. Contractor to verify all dimensions on site before construction. All inconsistencies to be reported to the Architect immediately. This drawing and its contents remain the copyright of WMK Architecture Pty Ltd ©
Nominated Architect: Greg Barnett (NSW ARB. 6092)

Issue	Description	Date
1	ISSUE FOR COUNCIL RFI	19.09.2025
2	REISSUE FOR COUNCIL APPROVAL	30.10.25

Issued For
DEVELOPMENT APPLICATION

WMK Architecture
The Atrium, Ground Floor
9 Castlereagh St
Sydney NSW 2000
Telephone 02 9299 0401
wmkarchitecture.com
ABN 25 082 956 929

Client
STM REALTY

Scale

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
COVER PAGE

Project No.	Checked	Drawn
24032	RS	KS

Scale @ A1	Drawing No.	Revision
NTS	DA001	2

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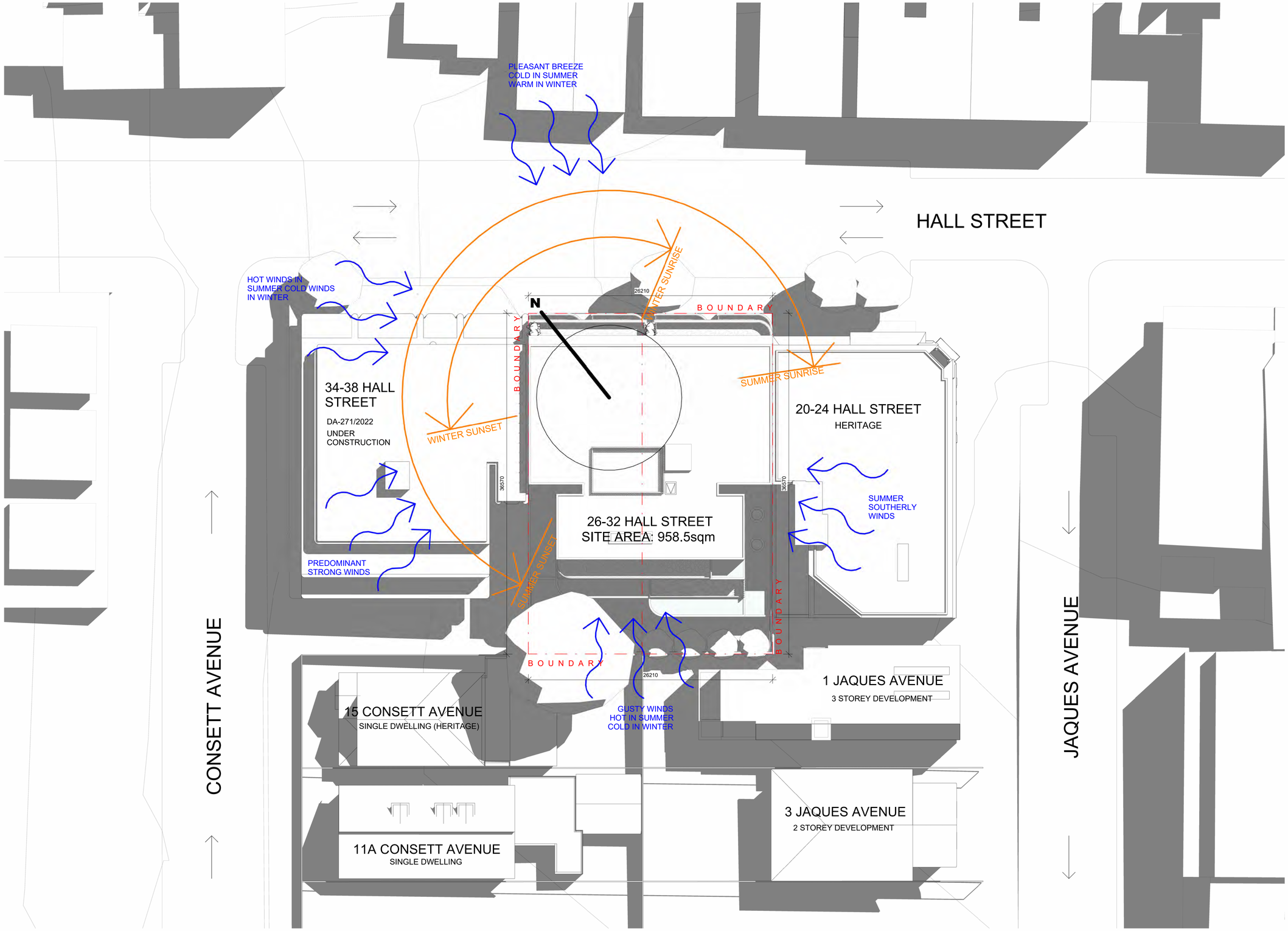
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Application No: DA-209/2025

Date Received: 31/10/2025

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Nominated Architect: Greg Barnett (NSW ARB. 6092)



Issue	Description	Date
1	ISSUE FOR DEVELOPMENT APPLICATION	04.03.25
2	REISSUE FOR COUNCIL APPROVAL	30.10.25

Issued For
DEVELOPMENT APPLICATION

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Client
STM REALTY

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Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

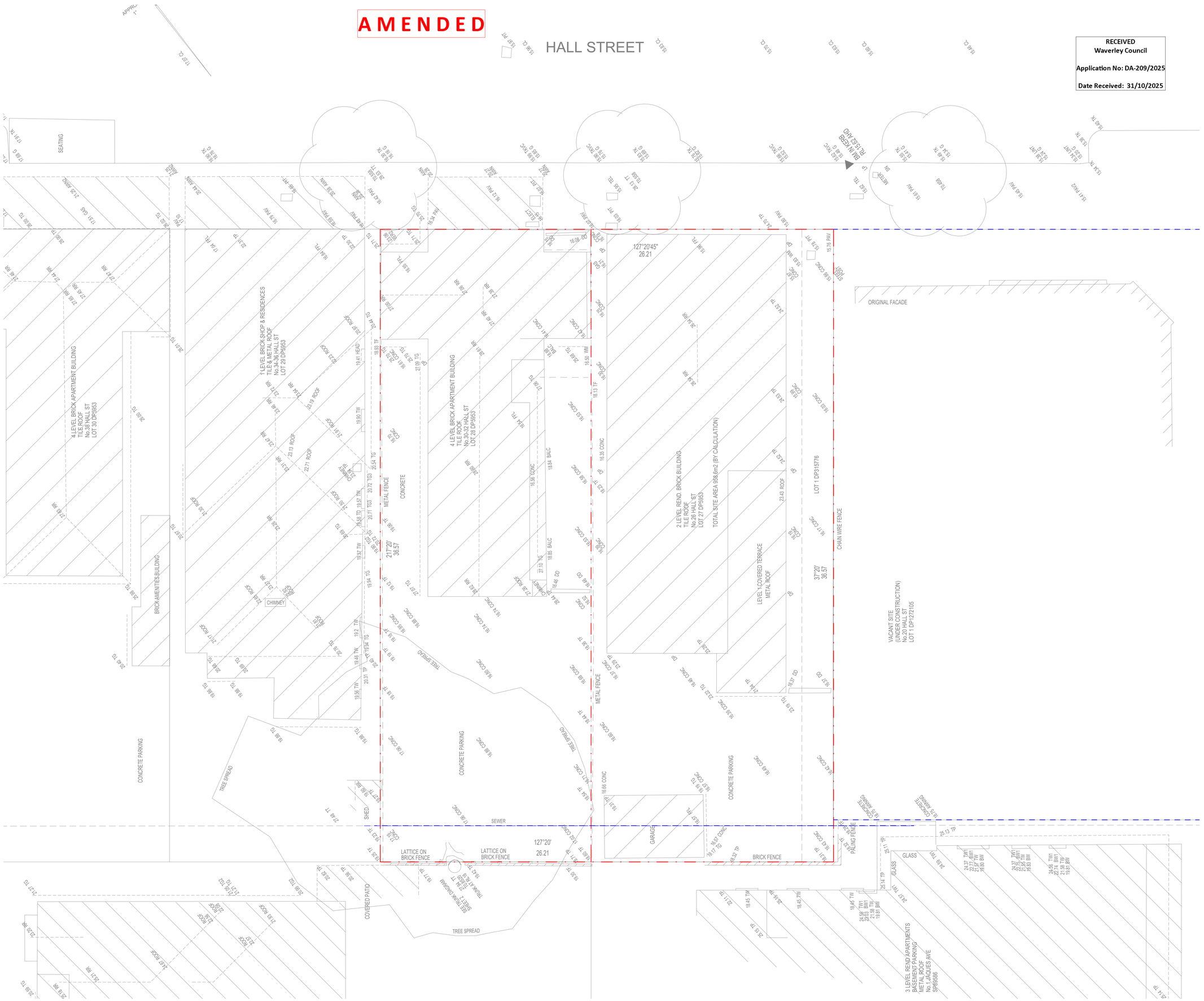
Title
SITE ANALYSIS

Project No.	Checked	Drawn
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Scale @ A1	Drawing No.	Revision
1 : 200	DA002	2

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Autodesk Docs://24032 - 26-32 Hall Street Bondi/24032_26-32 Hall Street Bondi_[CLOUD]_R23.rvt

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NOTE:
SURVEY CONDUCTED BY GEOSTRATA SURVEYORS ON 08/02/2022

SURVEY BY GEOSTRATA PROVIDED TO WMK

Issue	Description	Date
1	ISSUE FOR DEVELOPMENT APPLICATION	04.03.25
2	REISSUE FOR COUNCIL APPROVAL	30.10.25

Issued For
DEVELOPMENT APPLICATION

WMK Architecture
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wmkarchitecture.com
ABN 25 082 956 929

Client
STM REALTY

Scale
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1:100

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
SURVEY PLAN

Project No.		Checked	Drawn
24032		RS	GO
Scale @ A1	Drawing No.		Revision
1 : 100	DA003		2

Autodesk Docs://24032 - 26-32 Hall Street Bondi/24032_26-32 Hall Street Bondi_[CLOUD]_R23.rvt
30/10/2025 12:25:29 PM

AMENDED

HALL STREET

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Waverley Council

Application No: DA-209/2025

Date Received: 31/10/2025

EXISTING TREE TO BE RETAIN

600mm RADIUS TPZ

300mm RADIUS SRZ

AWNING

DEMO FOR NEW DRIVEWAY CROSS-OVER

BOUNDARY

4 LEVEL BRICK APARTMENTS BUILDING
TILE ROOF
No.30-32 HALL STREET
LOT 28 DP5953

2 LEVEL REND. BRICK BUILDING TILE ROOF
No. 26 HALL STREET
LOT 27 DP5953

LEVEL 1 COVERED TERRACE - METAL ROOF

34-38 HALL STREET
ADJACENT BUILDING

20-24 HALL STREET
ADJACENT BUILDING

METAL FENCE

CONCRETE PARKING

CONCRETE PARKING

GARAGE

BRICK FENCE

BRICK FENCE

BOUNDARY

BOUNDARY

BOUNDARY

300mm RADIUS SRZ

600mm RADIUS TPZ

15 CONSET AVENUE
ADJACENT BUILDING
SINGLE DWELLING (HERITAGE)

EXISTING NEIGHBOUR TREE TO BE RETAIN

1 JACQUES AVENUE
ADJACENT BUILDING
3 STOREY DEVEOPMENT

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Client
STM REALTY

Scale
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1:100

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
DEMOLITION PLAN

Project No.	Checked	Drawn
24032	RS	GO

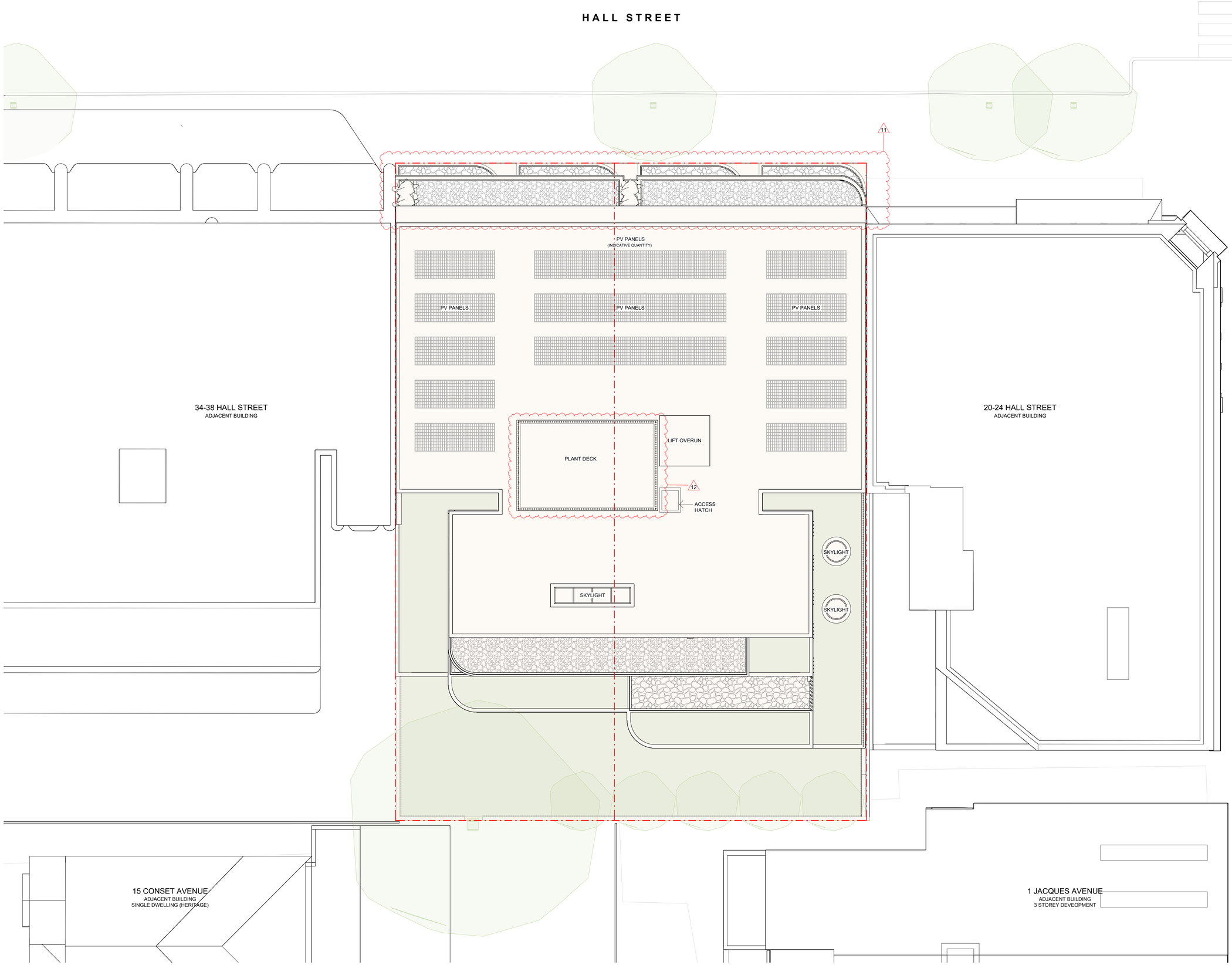
Scale @ A1	Drawing No.	Revision
1 : 100	DA004	2

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Application No: DA-209/2025

Date Received: 31/10/2025

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Nominated Architect: Greg Barnett (NSW ARB. 6092)

REVISION CLOUD LEGEND

NO.	DESCRIPTION AND CHANGE
01	PAVED REAR TERRACE DELETED AND REPLACED WITH LANDSCAPED AREA
02	PROPOSED GLAZED OPENINGS REPLACED WITH WINDOW OPENINGS WITH 900MM SILL HEIGHTS
03	LOBBY GALLERY ENCLOSED WITH GLAZED OPENINGS TO LANDSCAPED AREA
04	SECURITY GATES ADDED
05	LOUVRES REPLACED WITH PRIVACY SCREENING, DIRECTED AWAY FROM UNIT WINDOWS. BEDROOMS AND STUDY WINDOWS ADJACENT AMENDED TO BE DOUBLE GLAZED
06	1.8M PRIVACY & SECURITY FENCING ADDED TO L1 BALCONY TO PREVENT ACCESS
07	FIXED AND OPERABLE SCREENING ADDED TO NORTH-WESTERN WINDOWS AS REQUIRED
08	OPENINGS ALIGN WITH FACADE OF 20 HALL STREET. SIGHT LINES SHOWN DASHED INDICATE NO VISUAL PRIVACY IMPACTS CAUSED
09	ADDITIONAL PRIVACY SCREENING ADDED
10	UNIT 403 BALCONY SET BACK 3.5M TO ADDRESS VISUAL PRIVACY
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12	PLANT ROOM LOCATED ON ROOFTOP. LEVEL 4 COMMON CORRIDOR AND FIRE STAIR CEILING HEIGHT REDUCED TO 2400 AFFL. ACCESS HATCH RELOCATED. LIFT OVERRUN ADJUSTED TO COMPLY
13	ALL INSTANCES OF SATIN POWDERCOAT ANTHRACITE TO BE SATIN POWDERCOAT BRONZE. NEW BALUSTRADE BL.2 ADDED.
14	ADDITIONAL REAR ELEVATION ADDED TO DEPICT GROUND FLOOR FENESTRATION. FENCE HEIGHT DIMENSION ADDED TO 01/DA-501
15	NEIGHBOURING CONTEXT UPDATED
16	CEILING FANS IN ALL LIVING ROOMS & BEDROOMS
17	AMENDED SOLAR ACCESS

NatHERS Thermal Performance Specifications (BASIX Thermal Comfort)
26-32 Hall Street, Bondi.

The NatHERS specifications required to achieve the 7-star rating are summarised below. Please refer to the NatHERS certificate(s) for full details. If details included in these specifications vary from other drawings or written specifications, these specifications shall take precedence. If only one specification option is detailed for a building element, that specification must apply to all instances of that element for this project.

Windows	Glass	Frame	U value	SHGC	Detail
Default	Double glazed, low E high solar gain	Aluminium	4.3	0.47	Window types: awning – - Glazing generally
Default	Double glazed, low E high solar gain	Aluminium	4.3	0.53	Window types: sliding window/ door, fixed – - Glazing generally
Default	Double glazed, low E high solar gain	Aluminium thermally broken	3.1	0.39	Window types: awning – - for units 306, 403: all glazing
Default	Double glazed, low E high solar gain	Aluminium thermally broken	3.1	0.49	Window types: sliding window/ door, fixed – - for units 306, 403: all glazing

** The glass type and frame descriptions are indicative only. The U-value and SHGC performance figures must be met to achieve compliance*

Skylights	Glass	Frame	U value	SHGC	Detail
Velux – or similar			2.6	0.24	For unit 403: skylight to be operable (25%) and internal blind required

External walls	Construction	Added Insulation	Detail
Concrete + stud		R 2.0	As per drawings

Internal walls	Construction	Added Insulation	Detail
Plasterboard on studs		None	Walls within units
Hebel + stud		None	Party walls between units
Hebel + stud		R 1.0	Walls separating units from common lobbies

Floors	Construction	Added Insulation	Detail
Concrete		None	Generally
Concrete		R 1.5	Floors over garage entry

Ceilings	Construction	Added Insulation	Detail
Plasterboard		None	Ceilings below internal spaces
Plasterboard		R 3.0	Ceilings below roof

Roof	Construction	Added Insulation	Detail
Concrete		(See ceiling detail below)	

Other Requirements

Building Sealing
All vents, exhaust fans and downlights to be **sealed** to prevent air-infiltration

Ceilings fans
Ceiling fans to be included as follows:
- Living / Dining / kitchen – 1 fan
- Bedrooms – 1 fan each

Issue	Description	Date
1	ISSUE FOR DEVELOPMENT APPLICATION	04.03.25
2	ISSUE FOR COUNCIL RFI	19.09.2025
3	REISSUE FOR COUNCIL APPROVAL	30.10.25

Issued For
DEVELOPMENT APPLICATION

WMK Architecture
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Telephone 02 9299 0401
wmkarchitecture.com
ABN 25 082 956 929

Client
STM REALTY

Scale
0 1 2 3 4m
1:100

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
SITE PLAN

Project No.	Checked	Drawn
24032	RS	GO

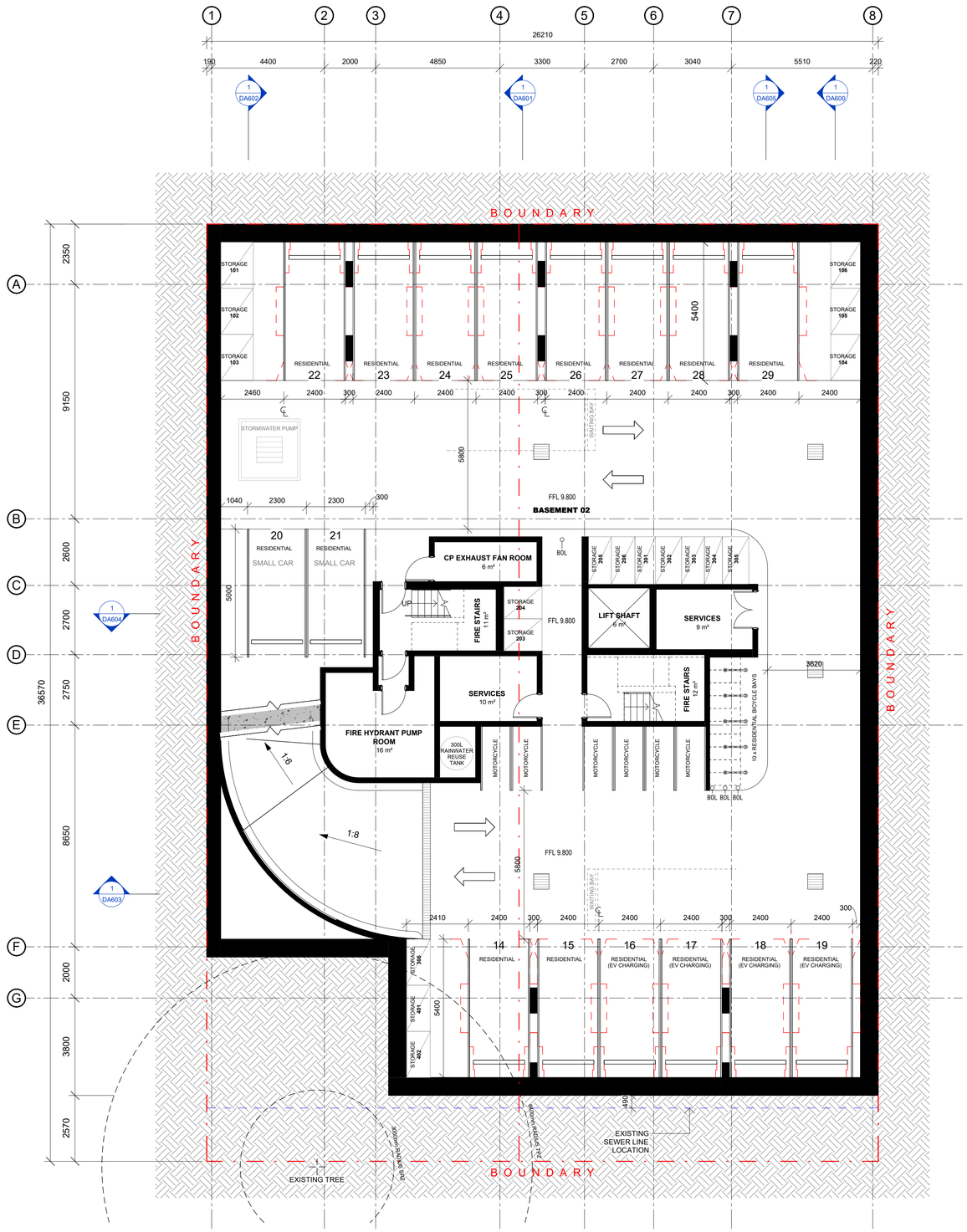
Scale @ A1	Drawing No.	Revision
As indicated	DA006	3

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Application No: DA-209/2025

Date Received: 31/10/2025



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26-32 Hall Street, Bondi

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Hebel + stud		R 1.0	Walls separating units from common lobbies

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Ceilings	Construction	Added Insulation	Detail
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Roof	Construction	Added Insulation	Detail
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Other Requirements

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1	ISSUE FOR DEVELOPMENT APPLICATION	04.03.25
2	REISSUE FOR COUNCIL APPROVAL	30.10.25

Issued For
DEVELOPMENT APPLICATION

WMK Architecture
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wmkarchitecture.com
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Client
STM REALTY

Scale
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1:100

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

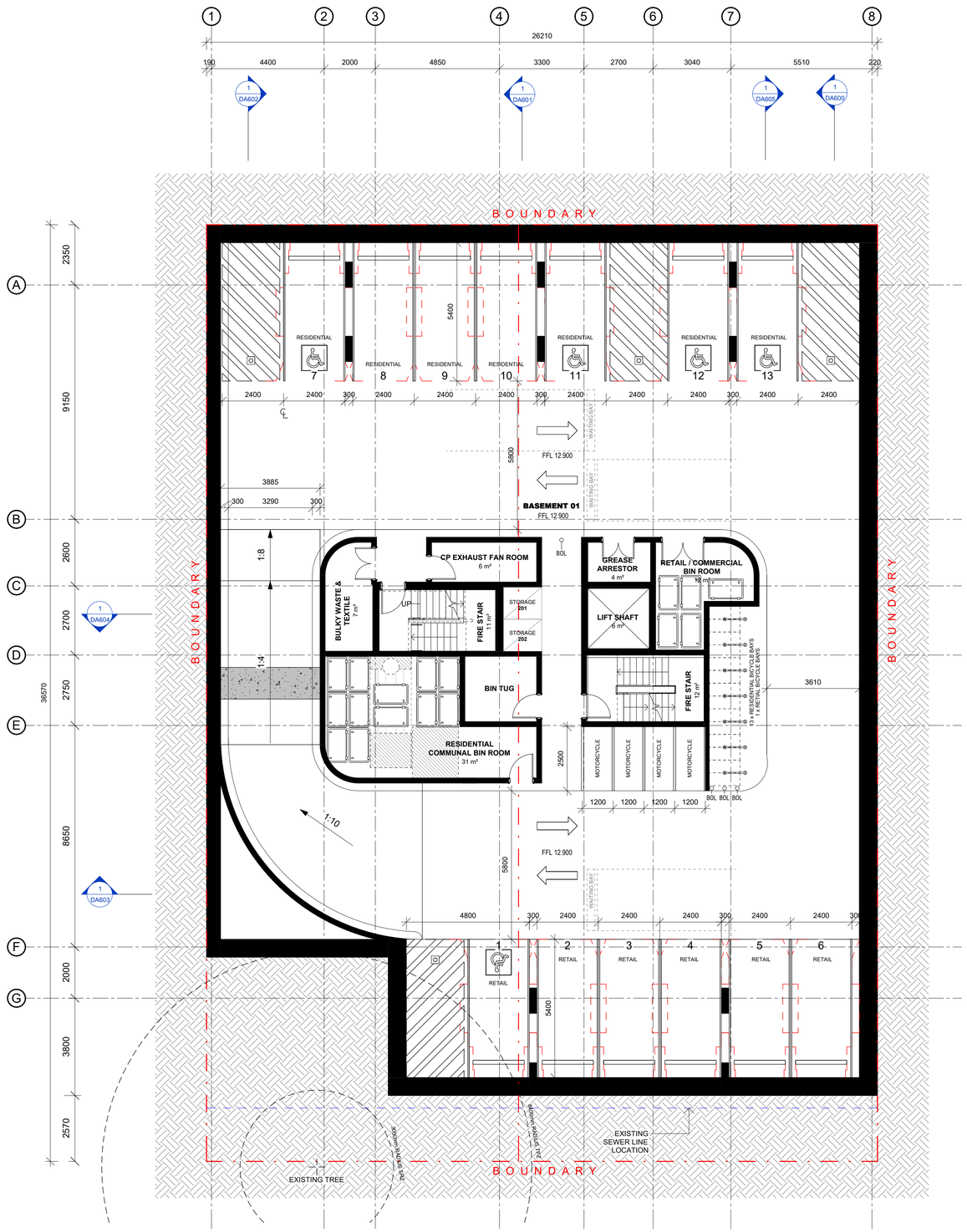
Title
GENERAL ARRANGEMENT PLAN - BASEMENT 2

Project No.	Checked	Drawn
24032	RS	AM

Scale @ A1	Drawing No.	Revision
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Ceilings	Construction	Added Insulation	Detail
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Roof	Construction	Added Insulation	Detail
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Client
STM REALTY

Scale
0 1 2 3 4m
1:100

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
GENERAL ARRANGEMENT PLAN - BASEMENT 1

Project No.	Checked	Drawn
24032	RS	AM

Scale @ A1	Drawing No.	Revision
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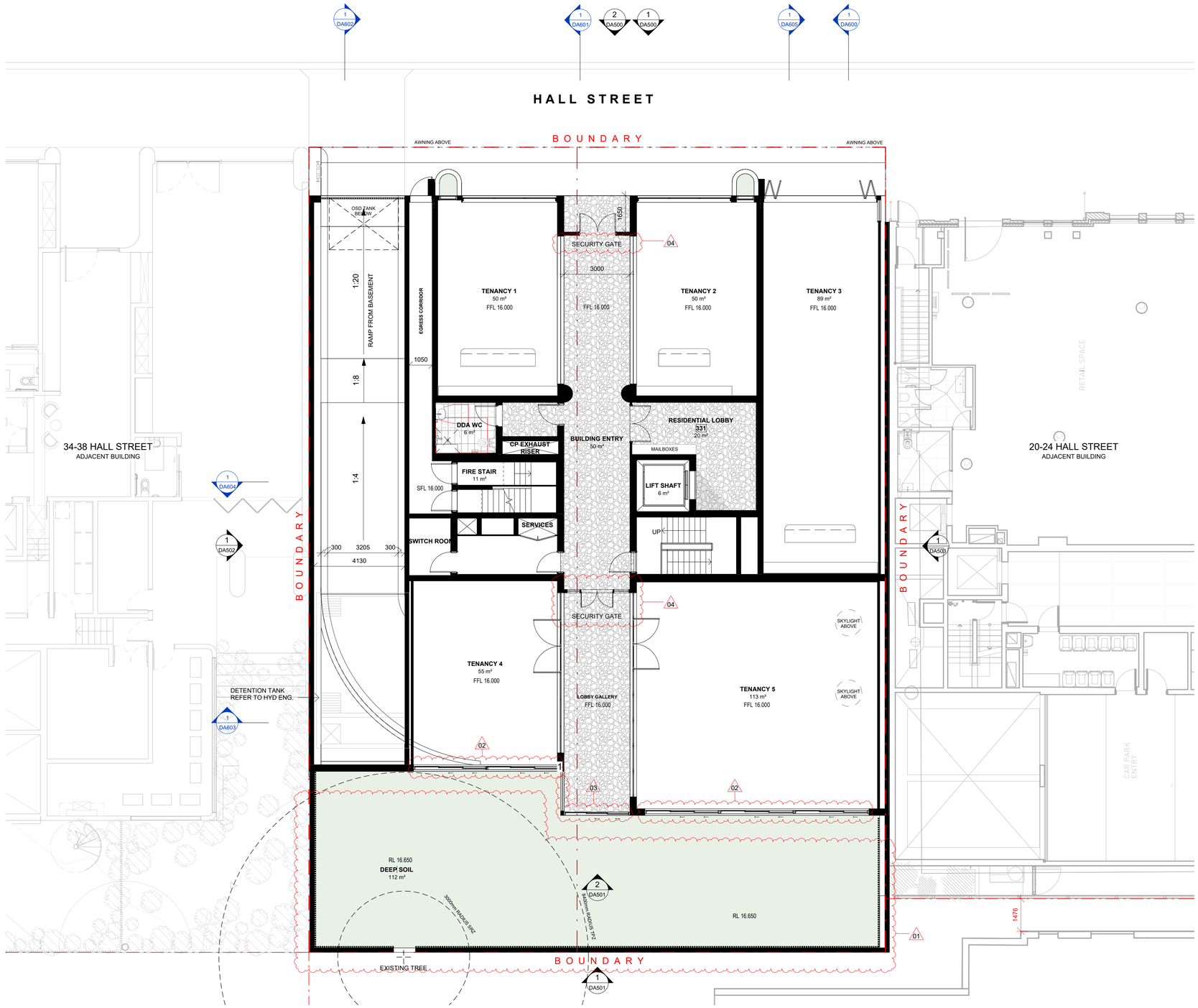
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Nominated Architect: Greg Barnett (NSW ARB: 6092)

REVISION CLOUD LEGEND

NO.	DESCRIPTION AND CHANGE
01	PAVED REAR TERRACE DELETED AND REPLACED WITH LANDSCAPED AREA
02	PROPOSED GLAZED OPENINGS REPLACED WITH WINDOW OPENINGS WITH 900MM SILL HEIGHTS
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Concrete		None	Generally
Concrete		R 1.5	Floors over garage entry

Ceilings	Construction	Added Insulation	Detail
Plasterboard		None	Ceilings below internal spaces
Plasterboard		R 3.0	Ceilings below roof

Roof	Construction	Added Insulation	Detail
Concrete		(See ceiling detail below)	

Other Requirements

Building Sealing
All vents, exhaust fans and downlights to be **sealed** to prevent air-infiltration

Ceilings fans
Ceiling fans to be included as follows:
- Living / Dining / kitchen – 1 fan
- Bedrooms – 1 fan each

Issue	Description	Date
1	ISSUE FOR DEVELOPMENT APPLICATION	04.03.25
2	ISSUE FOR COUNCIL RFI	19.09.2025
3	REISSUE FOR COUNCIL APPROVAL	30.10.25

Issued For
DEVELOPMENT APPLICATION

WMK Architecture
The Atrium, Ground Floor
9 Castlereagh St
Sydney NSW 2000
Telephone 02 9299 0401
wmkarchitecture.com
ABN 25 082 956 929

Client
STM REALTY

Scale
0 1 2 3 4m
1:100

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
GENERAL ARRANGEMENT PLAN - GROUNDFLOOR

Project No.	Checked	Drawn
24032	RS	AM

Scale @ A1	Drawing No.	Revision
As indicated	DA102	3

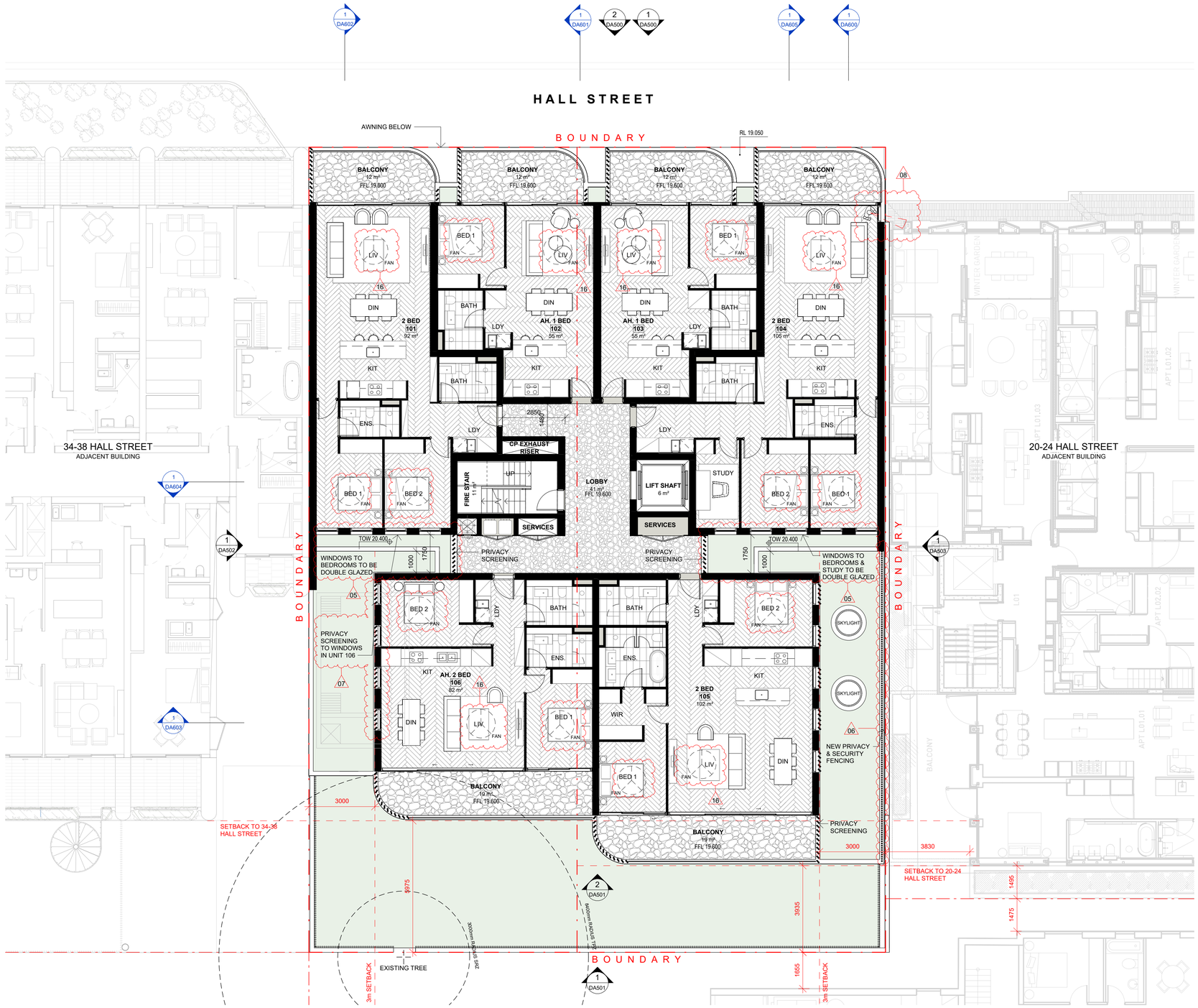
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AMENDED

RECEIVED
Waverley Council

Application No: DA-209/2025

Date Received: 31/10/2025



Dimensioned Drawings to take precedence over scaling. Contractor to verify all dimensions on site before construction. All inconsistencies to be reported to the Architect immediately. This drawing and its contents remain the copyright of WMK Architecture Pty Ltd © Nominated Architect: Greg Barnett (NSW ARB. 6092)

REVISION CLOUD LEGEND

NO.	DESCRIPTION AND CHANGE
01	PAVED REAR TERRACE DELETED AND REPLACED WITH LANDSCAPED AREA
02	PROPOSED GLAZED OPENINGS REPLACED WITH WINDOW OPENINGS WITH 900MM SILL HEIGHTS
03	LOBBY GALLERY ENCLOSED WITH GLAZED OPENINGS TO LANDSCAPED AREA
04	SECURITY GATES ADDED
05	LOUVRES REPLACED WITH PRIVACY SCREENING, DIRECTED AWAY FROM UNIT WINDOWS. BEDROOMS AND STUDY WINDOWS ADJACENT AMENDED TO BE DOUBLE GLAZED
06	1.8M PRIVACY & SECURITY FENCING ADDED TO L1 BALCONY TO PREVENT ACCESS
07	FIXED AND OPERABLE SCREENING ADDED TO NORTH-WESTERN WINDOWS AS REQUIRED
08	OPENINGS ALIGN WITH FACADE OF 20 HALL STREET. SIGHT LINES SHOWN DASHED INDICATE NO VISUAL PRIVACY IMPACTS CAUSED
09	ADDITIONAL PRIVACY SCREENING ADDED
10	UNIT 403 BALCONY SET BACK 3.5M TO ADDRESS VISUAL PRIVACY
11	LEVEL 04 BALCONY AND AWNING FORM AND MATERIALITY ADJUSTED TO ADDRESS VISUAL IMPACT FROM HALL STREET. BLADES TO AWNING DELETED
12	PLANT ROOM LOCATED ON ROOFTOP. LEVEL 4 COMMON CORRIDOR AND FIRE STAIR CEILING HEIGHT REDUCED TO 2400 AFFL. ACCESS HATCH RELOCATED. LIFT OVERRUN ADJUSTED TO COMPLY
13	ALL INSTANCES OF SATIN POWDERCOAT ANTHRACITE TO BE SATIN POWDERCOAT BRONZE. NEW BALUSTRADE BL.2 ADDED.
14	ADDITIONAL REAR ELEVATION ADDED TO DEPICT GROUND FLOOR FENESTRATION. FENCE HEIGHT DIMENSION ADDED TO 01/DA-501
15	NEIGHBOURING CONTEXT UPDATED
16	CEILING FANS IN ALL LIVING ROOMS & BEDROOMS
17	AMENDED SOLAR ACCESS

NatHERS Thermal Performance Specifications (BASIX Thermal Comfort)
26-32 Hall Street, Bondi

The NatHERS specifications required to achieve the 7 star rating are nominated below. Please refer to the NatHERS certificate(s) for full details. If details included in these specifications vary from other drawings or written specifications, these specifications shall take precedence. If only one specification option is detailed for a building element, that specification must apply to all instances of that element for the project.

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Default	Double glazed, low E high solar gain	Aluminium	4.3	0.53	Window types: sliding window/ door, fixed – Glazing generally
Default	Double glazed, low E high solar gain	Aluminium thermally broken	3.1	0.39	Window types: awning – for units 306, 403, all glazing
Default	Double glazed, low E high solar gain	Aluminium thermally broken	3.1	0.49	Window types: sliding window/ door, fixed – for units 306, 403, all glazing

** The glass type and frame descriptions are indicative only. The U-value and SHGC performance figures must be met to achieve compliance*

Skylights	Glass	Frame	U value	SHGC	Detail
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Hebel + stud		None	Party walls between units
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Other Requirements

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LEGEND

FAN CEILING FANS

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Client
STM REALTY

Scale
0 1 2 3 4m
1:100

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
GENERAL ARRANGEMENT PLAN - LEVEL 1

Project No.	Checked	Drawn
24032	RS	GO

Scale @ A1	Drawing No.	Revision
As indicated	DA103	3

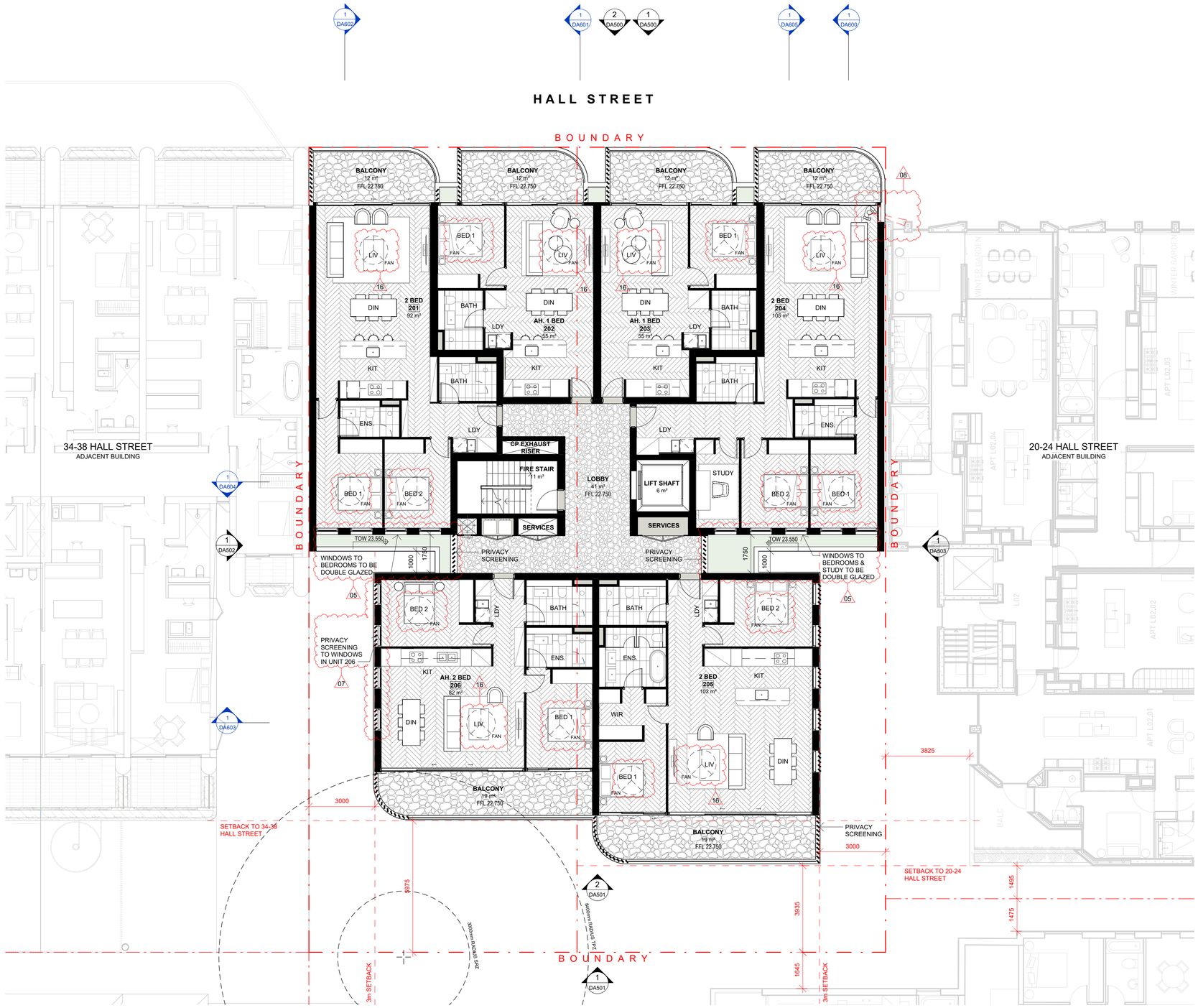
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AMENDED

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Application No: DA-209/2025

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LEGEND

FAN CEILING FANS

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Issued For
DEVELOPMENT APPLICATION

WMK Architecture
The Atrium, Ground Floor
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Sydney NSW 2000
Telephone 02 9299 0401
wmkarchitecture.com
ABN 25 082 956 929

Client
STM REALTY

Scale
0 1 2 3 4m
1:100

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
GENERAL ARRANGEMENT PLAN - LEVEL 2

Project No.	Checked	Drawn
24032	RS	GO

Scale @ A1	Drawing No.	Revision
As indicated	DA104	3

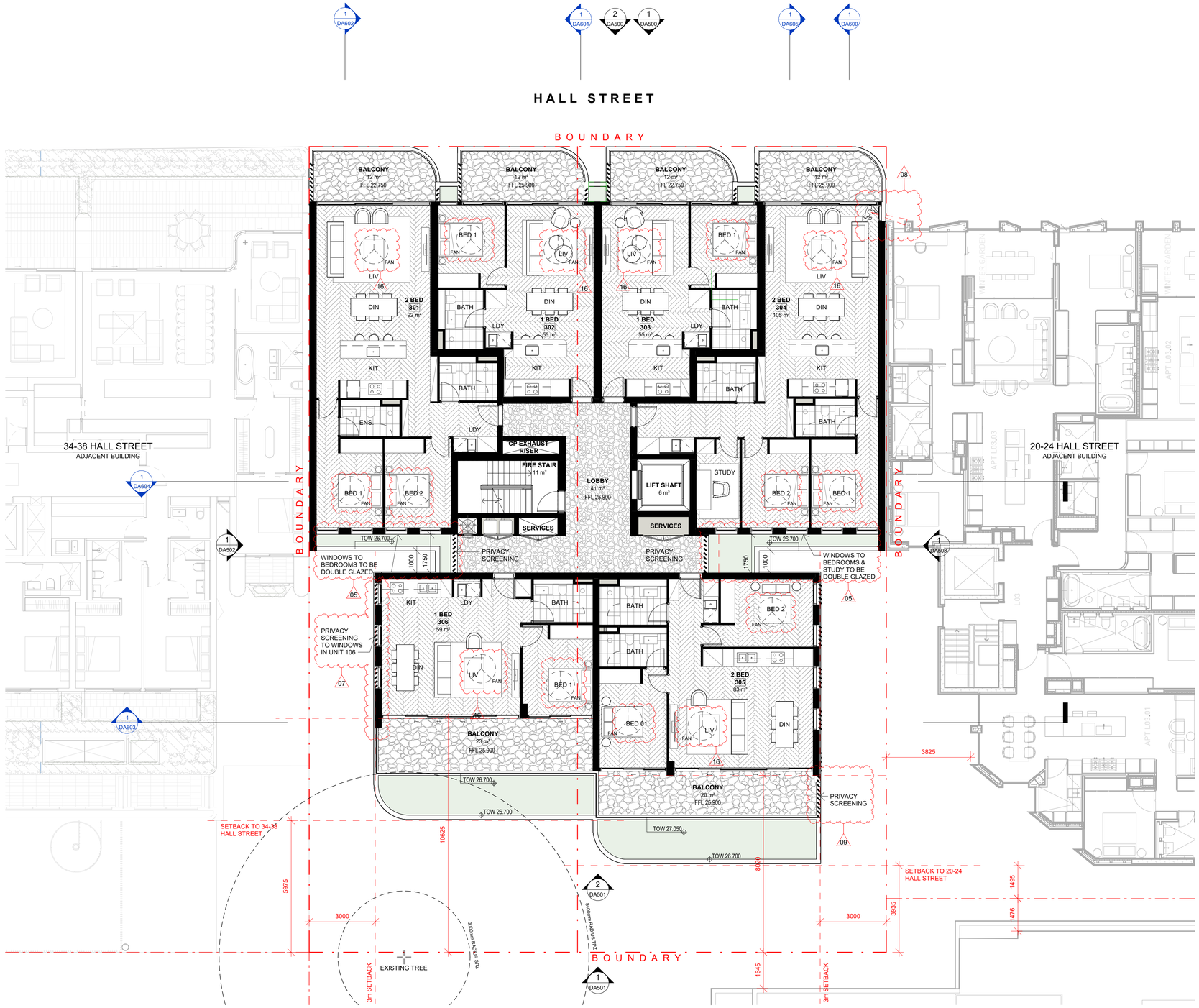
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AMENDED

RECEIVED
Waverley Council

Application No: DA-209/2025

Date Received: 31/10/2025



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Nominated Architect: Greg Barnett (NSW ARB: 6092)

REVISION CLOUD LEGEND

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26-32 Hall Street, Bondi

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LEGEND

FAN CEILING FANS

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Client
STM REALTY

Scale
0 1 2 3 4m
1:100

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
GENERAL ARRANGEMENT PLAN - LEVEL 3

Project No.		Checked	Drawn
24032		RS	GO
Scale @ A1	Drawing No.		Revision
As indicated	DA105		3

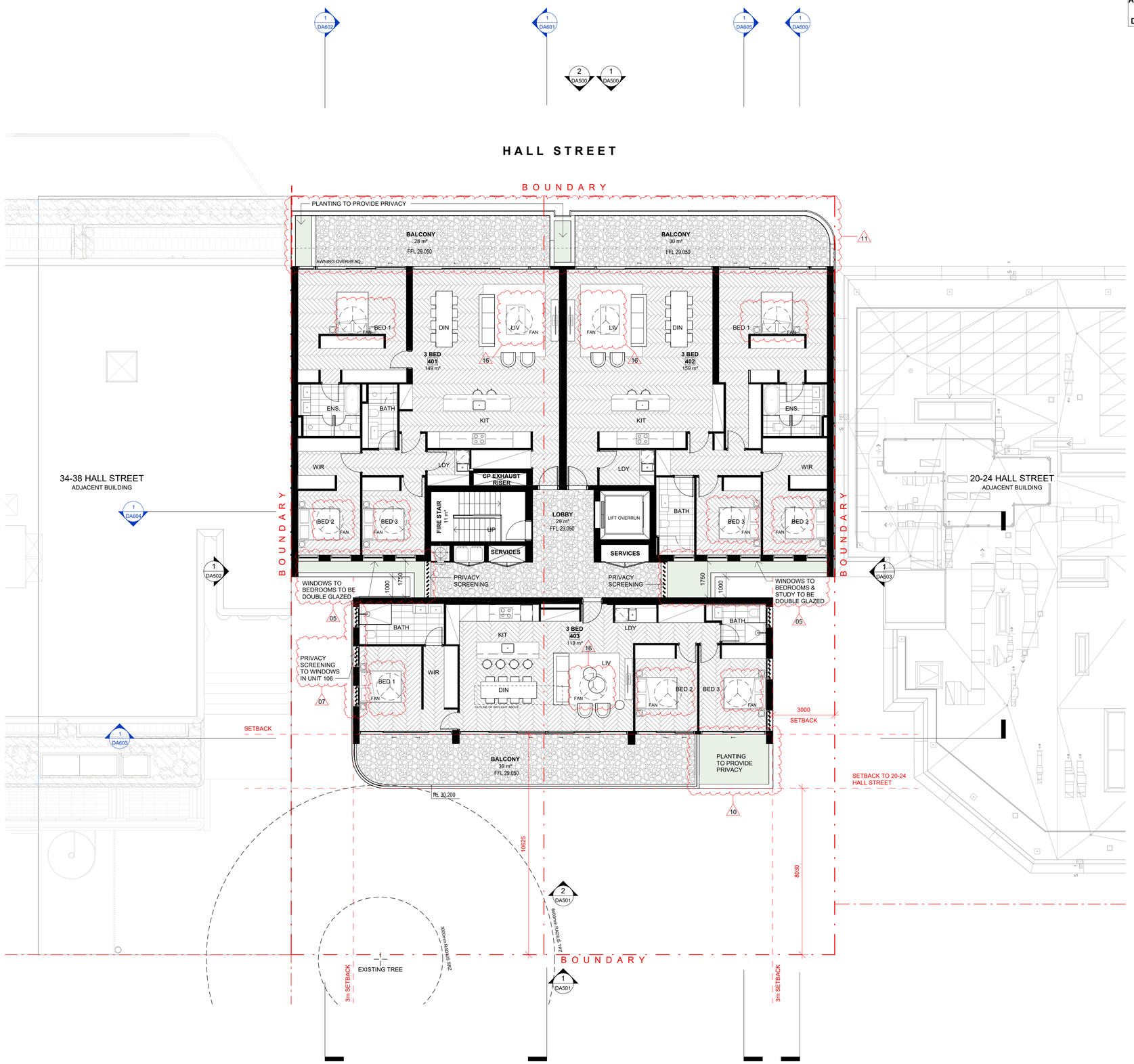
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AMENDED

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Nominated Architect: Greg Barnett (NSW ARB. 6092)

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Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
GENERAL ARRANGEMENT PLAN - LEVEL 4

Project No.	Checked	Drawn
24032	RS	GO

Scale @ A1	Drawing No.	Revision
As indicated	DA106	3

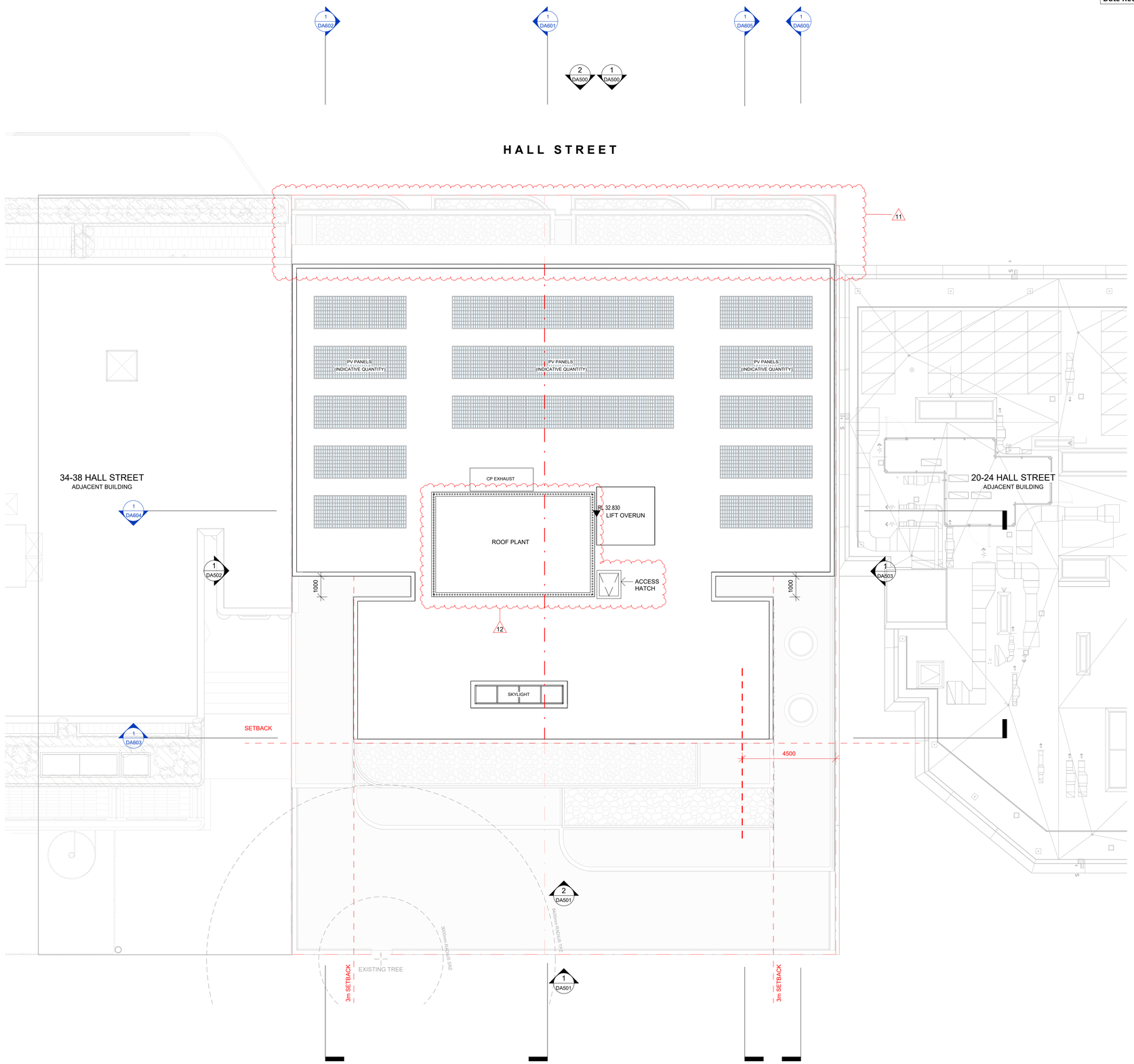
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12	PLANT ROOM LOCATED ON ROOFTOP. LEVEL 4 COMMON CORRIDOR AND FIRE STAIR CEILING HEIGHT REDUCED TO 2400 AFFL. ACCESS HATCH RELOCATED. LIFT OVERRUN ADJUSTED TO COMPLY
13	ALL INSTANCES OF SATIN POWDERCOAT ANTHRACITE TO BE SATIN POWDERCOAT BRONZE. NEW BALUSTRADE BL.2 ADDED.
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15	NEIGHBOURING CONTEXT UPDATED
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17	AMENDED SOLAR ACCESS

NatHERS Thermal Performance Specifications (BASIX Thermal Comfort)
26-32 Hall Street, Bondi

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Default	Double glazed, low E high solar gain	Aluminium thermally broken	3.1	0.39	Window types: awning – - for units 306, 403, all glazing
Default	Double glazed, low E high solar gain	Aluminium thermally broken	3.1	0.49	Window types: sliding window/ door, fixed – - for units 306, 403, all glazing

* The glass type and frame descriptions are indicative only. The U-value and SHGC performance figures must be met to achieve compliance

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Internal walls	Construction	Added Insulation	Detail
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Hebel + stud		None	Party walls between units
Hebel + stud		R 1.0	Walls separating units from common lobbies

Floors	Construction	Added Insulation	Detail
Concrete		None	Generally
Concrete		R 1.5	Floors over garage entry

Ceilings	Construction	Added Insulation	Detail
Plasterboard		None	Ceilings below internal spaces
Plasterboard		R 3.0	Ceilings below roof

Roof	Construction	Added Insulation	Detail
Concrete		(See ceiling detail below)	

Other Requirements

Building Sealing
All vents, exhaust fans and downlights to be **sealed** to prevent air-infiltration

Ceilings fans
Ceiling fans to be included as follows:
- Living / Dining / kitchen – 1 fan
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Issue	Description	Date
1	ISSUE FOR DEVELOPMENT APPLICATION	04.03.25
2	ISSUE FOR COUNCIL RFI	19.09.2025
3	REISSUE FOR COUNCIL APPROVAL	30.10.25

Issued For
DEVELOPMENT APPLICATION

WMK Architecture
The Atrium, Ground Floor
9 Castlereagh St
Sydney NSW 2000
Telephone 02 9299 0401
wmkarchitecture.com
ABN 25 082 956 929

Client
STM REALTY

Scale
0 1 2 3 4m
1:100

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
GENERAL ARRANGEMENT PLAN - ROOF

Project No.	Checked	Drawn
24032	RS	GO

Scale @ A1	Drawing No.	Revision
As indicated	DA107	3

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RECEIVED
Waverley Council

Application No: DA-209/2025

Date Received: 31/10/2025

AMENDED

MATERIALS AND FINISHES LEGEND

PC.1	PRE-CAST PIGMENTED CONCRETE OFF-WHITE
CC.1	INSITU PIGMENTED CONCRETE ANTHRACITE
CC.2	INSITU PIGMENTED CONCRETE OFF-WHITE
CC.3	INSITU LIGHT CONCRETE PLINTH POLISHED LIGHT GREY
SC.1	PALISADE BATTEN SCREEN IN SATIN POWDERCOAT BRONZE
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SC.3	ALUMINIUM SCREEN IN SATIN POWDERCOAT FINISH BRONZE
MA.1	STEEL AWNING IN SATIN POWDERCOAT BRONZE
BL.1	ALUMINIUM CAPPED GLAZED BALUSTRADE IN SATIN POWDERCOAT BRONZE
BL.2	ALUMINIUM BALUSTRADE IN SATIN POWDERCOAT BRONZE
MT.1	STEEL CLADDING IN SATIN POWDERCOAT BRONZE



1 STREET SCAPE - HALL STREET

SCALE 1 : 300



MATERIAL LEGEND:



CC.1
PIGMENTED INSITU CONCRETE
COLOUR: DARK GREY

CC.2
PIGMENTED INSITU CONCRETE
COLOUR: OFF-WHITE

CC.3
LIGHT INSITU POLISHED CONCRETE PLINTH
COLOUR: LIGHT GREY

PC.1
PIGMENTED PRECAST CONCRETE
COLOUR: OFF-WHITE

SC.1
ALUMINIUM PALISADE BATTEN SCREEN
COLOUR: SATIN POWDERCOAT BRONZE

SC.2
ALUMINIUM PALISADE BATTEN SCREEN
LOCATION: SERVICES
COLOUR: SATIN POWDERCOAT BRONZE

MA.1
STEEL METAL AWNING
COLOUR: SATIN POWDERCOAT BRONZE

ET.1
STEEL EXTRUDED SIGNAGE
COLOUR: SATIN POWDERCOAT BRONZE

BL.1
CAPPED GLASS & ALUMINIUM BALUSTRADE
COLOUR: SATIN POWDERCOAT BRONZE

SC.3
ALUMINIUM SCREEN
COLOUR: SATIN POWDERCOAT BRONZE

GL.1
CLEAR GLAZING

GL.2
FLUTED OPAQUE GLASS

SC.4
GLASS LOUVRE

MT.1
STEEL CLADDING
COLOUR: SATIN POWDERCOAT BRONZE

BL.2
STEEL BALUSTRADE
COLOUR: SATIN POWDERCOAT BRONZE

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WMK Architecture
The Atrium, Ground Floor
9 Castlereagh St
Sydney NSW 2000
Telephone 02 9299 0401
wmkarchitecture.com
ABN 25 082 956 929

Client
STM REALTY

Scale

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
NORTH WEST - ELEVATION

Project No.	Checked	Drawn
24032	RS	GO

Scale @ A1	Drawing No.	Revision
As indicated	DA500	3

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Waverley Council

Application No: DA-209/2025

Date Received: 31/10/2025

AMENDED



1 SOUTH EAST ELEVATION WITH REAR FENCING



2 SOUTH EAST ELEVATION

MATERIAL LEGEND:



CC.1 PIGMENTED INSITU CONCRETE COLOUR: DARK GREY

CC.2 PIGMENTED INSITU CONCRETE COLOUR: OFF-WHITE

CC.3 LIGHT INSITU POLISHED CONCRETE PLINTH COLOUR: LIGHT GREY

PC.1 PIGMENTED PRECAST CONCRETE COLOUR: OFF-WHITE

SC.1 ALUMINIUM PALISADE BATTEN SCREEN COLOUR: SATIN POWDERCOAT BRONZE

SC.2 ALUMINIUM PALISADE BATTEN SCREEN LOCATION: SERVICES COLOUR: SATIN POWDERCOAT BRONZE

MA.1 STEEL METAL AWNING COLOUR: SATIN POWDERCOAT BRONZE

ET.1 STEEL EXTRUDED SIGNAGE COLOUR: SATIN POWDERCOAT BRONZE

BL.1 CAPPED GLASS & ALUMINIUM BALLUSTRADE COLOUR: SATIN POWDERCOAT BRONZE

SC.3 ALUMINIUM SCREEN COLOUR: SATIN POWDERCOAT BRONZE

GL.1 CLEAR GLAZING

GL.2 FLUTED OPAQUE GLASS

SC.4 GLASS LOUVRE

MT.1 STEEL CLADDING COLOUR: SATIN POWDERCOAT BRONZE

BL.2 STEEL BALLUSTRADE COLOUR: SATIN POWDERCOAT BRONZE

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WMK Architecture
The Atrium, Ground Floor
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Telephone 02 9299 0401
wmkarchitecture.com
ABN 25 082 956 929

Client
STM REALTY

Scale
0 1 2 3 4m
1:100

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
SOUTH EAST - ELEVATION

Project No.	Checked	Drawn
24032	RS	GO
Scale @ A1	Drawing No.	Revision
As indicated	DA501	3

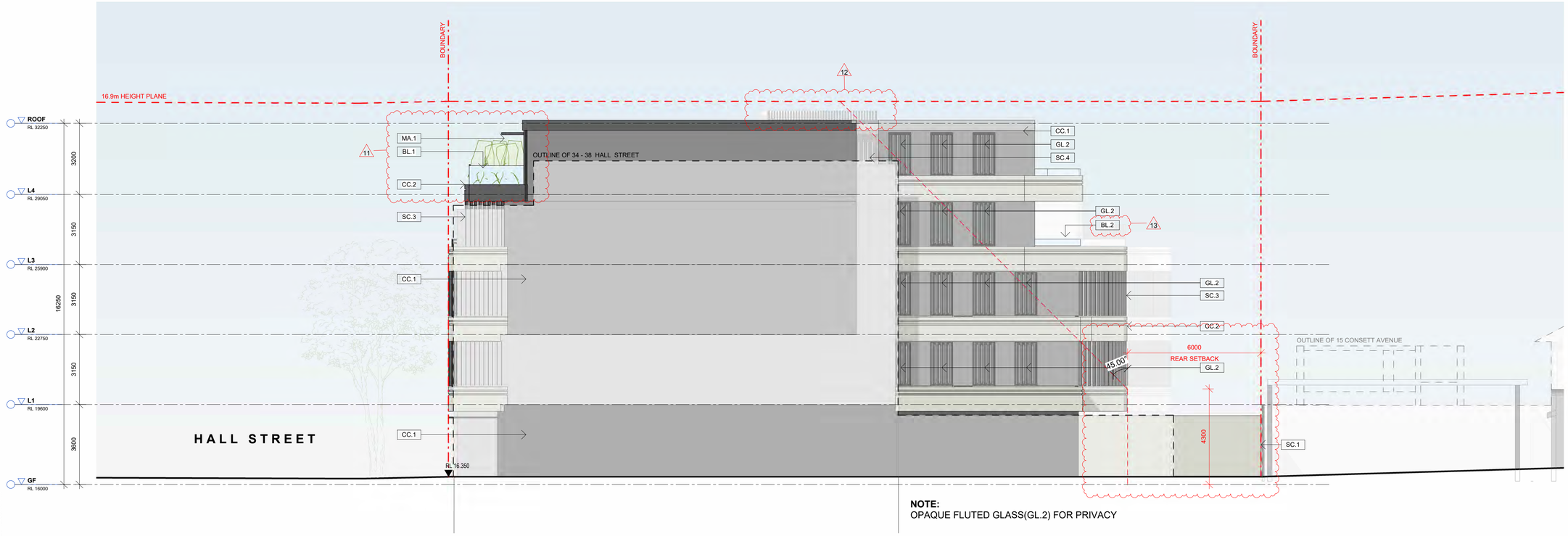
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RECEIVED
Waverley Council

Application No: DA-209/2025

Date Received: 31/10/2025

AMENDED



NOTE:
OPAQUE FLUTED GLASS(GL.2) FOR PRIVACY

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- Living / Dining / kitchen – 1 fan
- Bedrooms – 1 fan each

Issue	Description	Date
1	ISSUE FOR DEVELOPMENT APPLICATION	04.03.25
2	ISSUE FOR COUNCIL RFI	19.09.2025
3	REISSUE FOR COUNCIL APPROVAL	30.10.25

Issued For
DEVELOPMENT APPLICATION

WMK Architecture
The Atrium, Ground Floor
9 Castlereagh St
Sydney NSW 2000
Telephone 02 9299 0401
wmkarchitecture.com
ABN 25 082 956 929

Client
STM REALTY

Scale
0 1 2 3 4m
1:100

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
SOUTH WEST - ELEVATION

Project No.	Checked	Drawn
24032	RS	GO

Scale @ A1	Drawing No.	Revision
As indicated	DA502	3

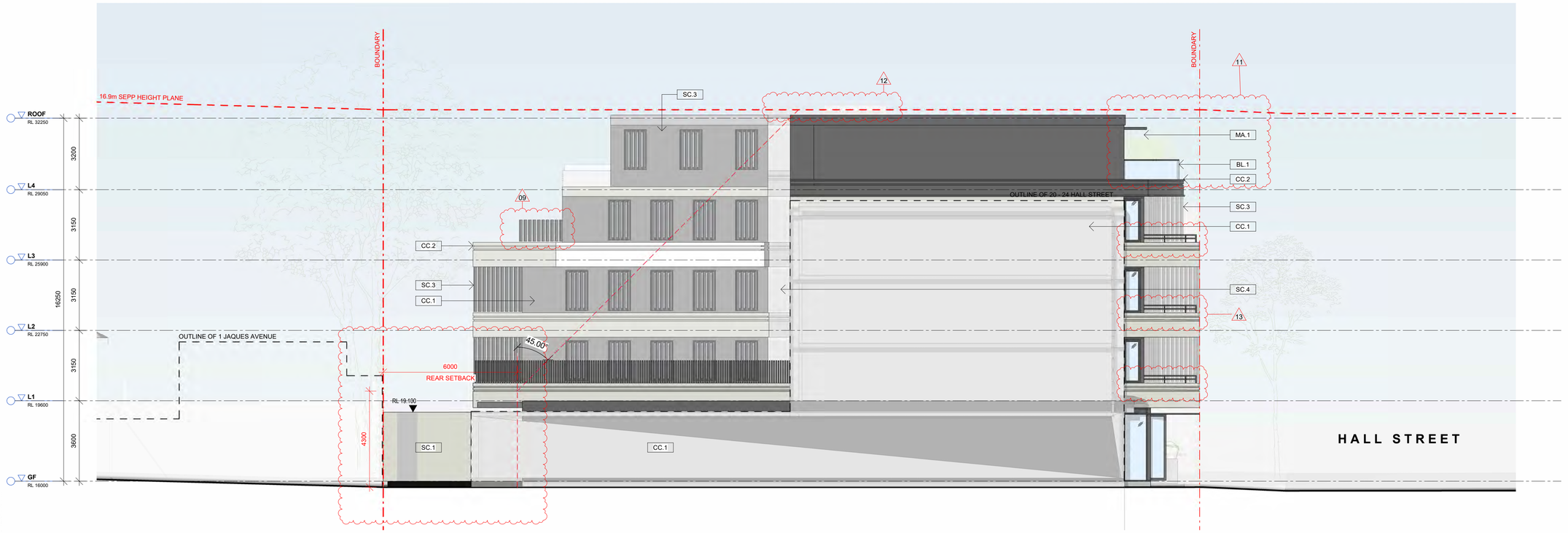
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RECEIVED
Waverley Council

Application No: DA-209/2025

Date Received: 31/10/2025

AMENDED



MATERIALS AND FINISHES LEGEND

PC.1	PRE-CAST PIGMENTED CONCRETE OFF-WHITE
CC.1	INSITU PIGMENTED CONCRETE ANTHRACITE
CC.2	INSITU PIGMENTED CONCRETE OFF-WHITE
CC.3	INSITU LIGHT CONCRETE PLINTH POLISHED LIGHT GREY
SC.1	PALISADE BATTEN SCREEN IN SATIN POWDERCOAT BRONZE
SC.2	PALISADE BATTEN SCREEN FOR SERVICES IN SATIN POWDERCOAT BRONZE
SC.3	ALUMINIUM SCREEN IN SATIN POWDERCOAT FINISH BRONZE
MA.1	STEEL AWNING IN SATIN POWDERCOAT BRONZE
BL.1	ALUMINIUM CAPPED GLAZED BALUSTRADE IN SATIN POWDERCOAT BRONZE
BL.2	ALUMINIUM BALUSTRADE IN SATIN POWDERCOAT BRONZE
MT.1	STEEL CLADDING IN SATIN POWDERCOAT BRONZE

MATERIAL LEGEND:



CC.1
PIGMENTED INSITU CONCRETE
COLOUR: DARK GREY

CC.2
PIGMENTED INSITU CONCRETE
COLOUR: OFF-WHITE

CC.3
LIGHT INSITU POLISHED CONCRETE PLINTH
COLOUR: LIGHT GREY

PC.1
PIGMENTED PRECAST CONCRETE
COLOUR: OFF-WHITE

SC.1
ALUMINIUM PALISADE BATTEN SCREEN
COLOUR: SATIN POWDERCOAT BRONZE

SC.2
ALUMINIUM PALISADE BATTEN SCREEN
LOCATION: SERVICES
COLOUR: SATIN POWDERCOAT BRONZE

MA.1
STEEL METAL AWNING
COLOUR: SATIN POWDERCOAT BRONZE

ET.1
STEEL EXTRUDED SIGNAGE
COLOUR: SATIN POWDERCOAT BRONZE

BL.1
CAPPED GLASS & ALUMINIUM BALUSTRADE
COLOUR: SATIN POWDERCOAT BRONZE

SC.3
ALUMINIUM SCREEN
COLOUR: SATIN POWDERCOAT BRONZE

GL.1
CLEAR GLAZING

GL.2
FLUTED OPAQUE GLASS

SC.4
GLASS LOUVRE

MT.1
STEEL CLADDING
COLOUR: SATIN POWDERCOAT BRONZE

BL.2
STEEL BALUSTRADE
COLOUR: SATIN POWDERCOAT BRONZE

Dimensioned Drawings to take precedence over scaling. Contractor to verify all dimensions on site before construction. All inconsistencies to be reported to the Architect immediately. This drawing and its contents remain the copyright of WMK Architecture Pty Ltd ©
Nominated Architect: Greg Barnett (NSW ARB. 6092)

REVISION CLOUD LEGEND

NO.	DESCRIPTION AND CHANGE
01	PAVED REAR TERRACE DELETED AND REPLACED WITH LANDSCAPED AREA
02	PROPOSED GLAZED OPENINGS REPLACED WITH WINDOW OPENINGS WITH 900MM SILL HEIGHTS
03	LOBBY GALLERY ENCLOSED WITH GLAZED OPENINGS TO LANDSCAPED AREA
04	SECURITY GATES ADDED
05	LOUVRES REPLACED WITH PRIVACY SCREENING, DIRECTED AWAY FROM UNIT WINDOWS. BEDROOMS AND STUDY WINDOWS ADJACENT AMENDED TO BE DOUBLE GLAZED
06	1.8M PRIVACY & SECURITY FENCING ADDED TO L1 BALCONY TO PREVENT ACCESS
07	FIXED AND OPERABLE SCREENING ADDED TO NORTH-WESTERN WINDOWS AS REQUIRED
08	OPENINGS ALIGN WITH FACADE OF 20 HALL STREET. SIGHT LINES SHOWN DASHED INDICATE NO VISUAL PRIVACY IMPACTS CAUSED
09	ADDITIONAL PRIVACY SCREENING ADDED
10	UNIT 403 BALCONY SET BACK 3.5M TO ADDRESS VISUAL PRIVACY
11	LEVEL 04 BALCONY AND AWNING FORM AND MATERIALITY ADJUSTED TO ADDRESS VISUAL IMPACT FROM HALL STREET. BLADES TO AWNING DELETED
12	PLANT ROOM LOCATED ON ROOFTOP. LEVEL 4 COMMON CORRIDOR AND FIRE STAIR CEILING HEIGHT REDUCED TO 2400 AFFL. ACCESS HATCH RELOCATED. LIFT OVERRUN ADJUSTED TO COMPLY
13	ALL INSTANCES OF SATIN POWDERCOAT ANTHRACITE TO BE SATIN POWDERCOAT BRONZE. NEW BALUSTRADE BL.2 ADDED.
14	ADDITIONAL REAR ELEVATION ADDED TO DEPICT GROUND FLOOR FENESTRATION. FENCE HEIGHT DIMENSION ADDED TO 01/DA-501
15	NEIGHBOURING CONTEXT UPDATED
16	CEILING FANS IN ALL LIVING ROOMS & BEDROOMS
17	AMENDED SOLAR ACCESS

NatHERS Thermal Performance Specifications (BASIX Thermal Comfort)
26-32 Hall Street, Bondi

The NatHERS specifications required to achieve the 7-star rating are summarised below. Please refer to the NatHERS certificate(s) for full details. If details included in these specifications vary from other drawings or written specifications, these specifications shall take precedence. If only one specification option is detailed for a building element, that specification must apply to all instances of that element for that dwelling.

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Default	Double glazed, low E high solar gain	Aluminium	4.3	0.47	Window types: awning - - Glazing generally
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Default	Double glazed, low E high solar gain	Aluminium thermally broken	3.1	0.39	Window types: awning - - for units 306, 403, all glazing
Default	Double glazed, low E high solar gain	Aluminium thermally broken	3.1	0.49	Window types: sliding window/ door, fixed – - for units 306, 403, all glazing

* *The glass type and frame descriptions are indicative only. The U-value and SHGC performance figures must be met to achieve compliance*

Skylights	Glass	Frame	U value	SHGC	Detail
Velux - or similar			2.6	0.24	For unit 403: skylight to be operable (25%) and internal blind required

External walls	Construction	Added Insulation	Detail
Concrete + stud		R 2.0	As per drawings

Internal walls	Construction	Added Insulation	Detail
Plasterboard on studs		None	Walls within units
Hebel + stud		None	Party walls between units
Hebel + stud		R 1.0	Walls separating units from common lobbies

Floors	Construction	Added Insulation	Detail
Concrete		None	Generally
Concrete		R 1.5	Floors over garage entry

Ceilings	Construction	Added Insulation	Detail
Plasterboard		None	Ceilings below internal spaces
Plasterboard		R 3.0	Ceilings below roof

Roof	Construction	Added Insulation	Detail
Concrete		(See ceiling detail below)	

Other Requirements

Building Sealing
All vents, exhaust fans and downlights to be **sealed** to prevent air-infiltration

Ceiling fans
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Client
STM REALTY

Scale
0 1 2 3 4m
1:100

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
NORTH EAST - ELEVATION

Project No.	Checked	Drawn
24032	RS	GO

Scale @ A1	Drawing No.	Revision
As indicated	DA503	3

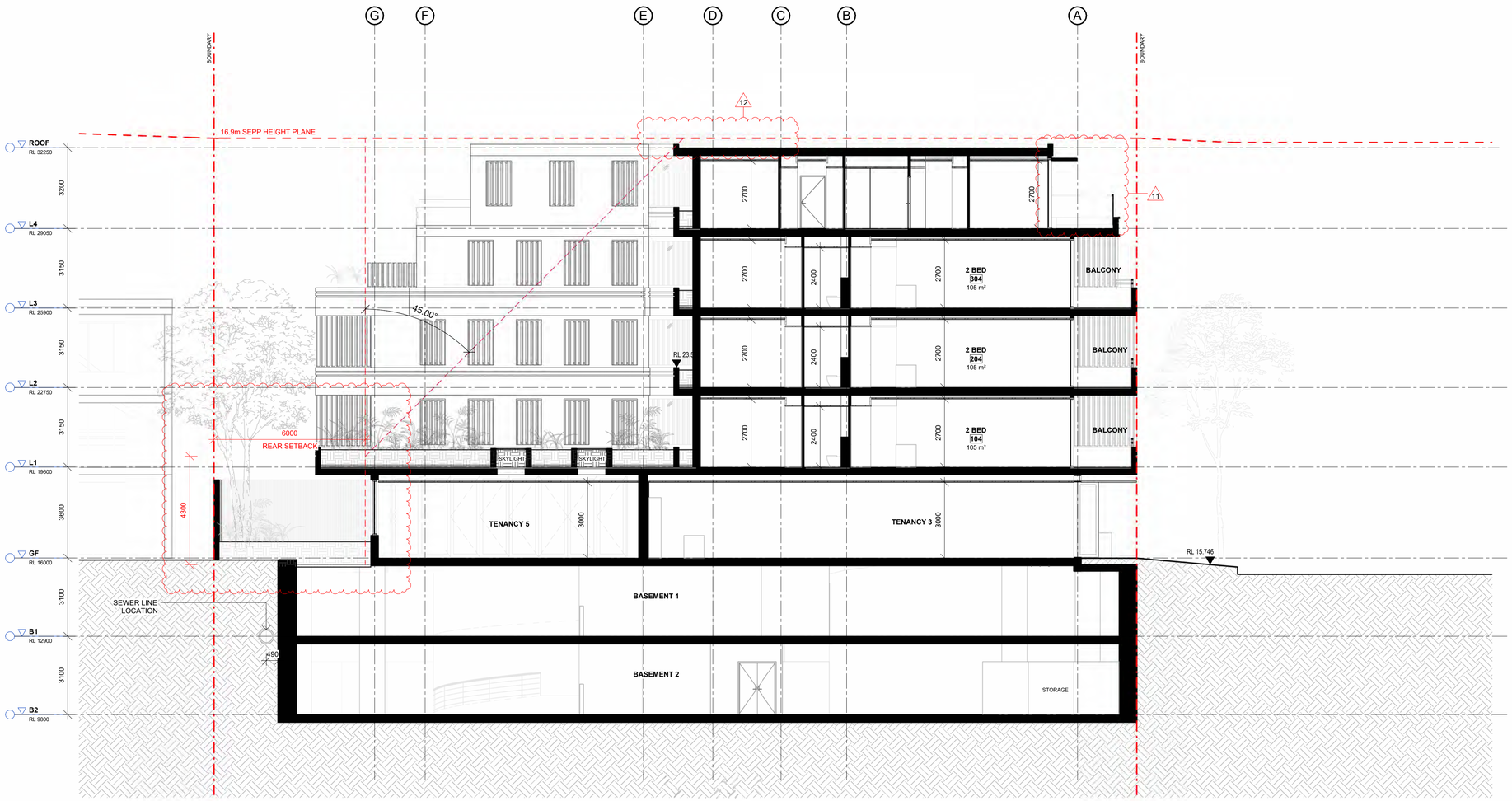
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RECEIVED
Waverley Council

Application No: DA-209/2025

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AMENDED



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Nominated Architect: Greg Barnett (NSW ARB. 6092)

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17	AMENDED SOLAR ACCESS

NatHERS Thermal Performance Specifications (BASIX Thermal Comfort)
26-32 Hall Street, Bondi

The NatHERS specifications required to achieve the 7 star rating are nominated below. Please refer to the NatHERS certificate(s) for full details. If details included in these specifications vary from other drawings or written specifications, these specifications shall take precedence. If only one specification option is detailed for a building element, that specification must apply to all instances of that element for the project.

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Ceilings	Construction	Added Insulation	Detail
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Roof	Construction	Added Insulation	Detail
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Other Requirements

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WMK Architecture
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Sydney NSW 2000
Telephone 02 9299 0401
wmkarchitecture.com
ABN 25 082 956 929

Client
STM REALTY

Scale
0 1 2 3 4m
1:100

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
SECTION A-A

Project No.	Checked	Drawn
24032	RS	GO

Scale @ A1	Drawing No.	Revision
As indicated	DA600	3

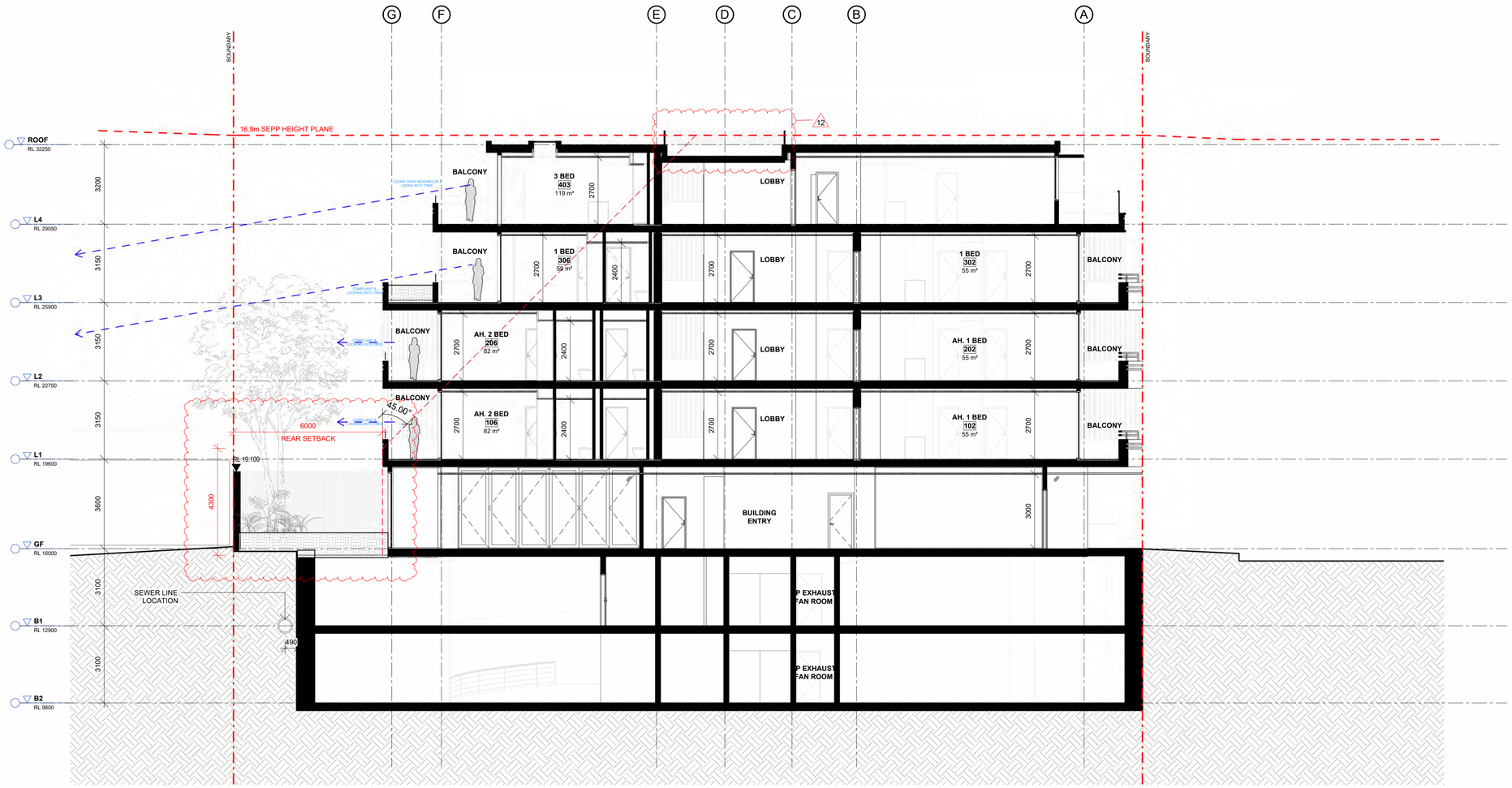
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RECEIVED
Waverley Council

Application No: DA-209/2025

Date Received: 31/10/2025

AMENDED



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Nominated Architect: Greg Barnett (NSW ARB. 6092)

REVISION CLOUD LEGEND

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NatHERS Thermal Performance Specifications (BASIX Thermal Comfort)
26-32 Hall Street, Bondi

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Issued For
DEVELOPMENT APPLICATION

WMK Architecture
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Sydney NSW 2000
Telephone 02 9299 0401
wmkarchitecture.com
ABN 25 082 956 929

Client
STM REALTY

Scale
0 1 2 3 4m
1:100

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
SECTION B-B

Project No.	Checked	Drawn
24032	RS	GO

Scale @ A1	Drawing No.	Revision
As indicated	DA601	3

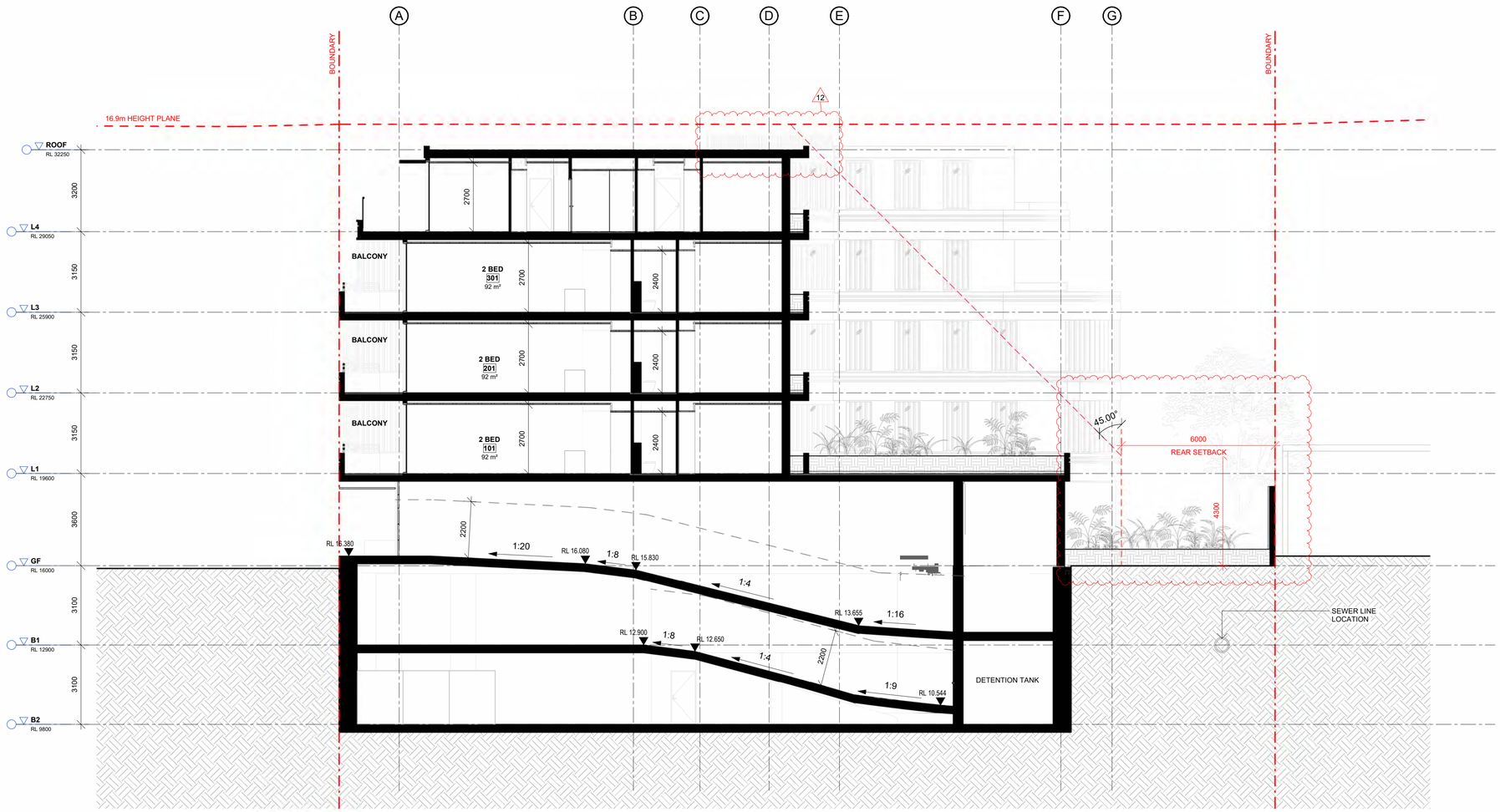
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AMENDED

RECEIVED
Waverley Council

Application No: DA-209/2025

Date Received: 31/10/2025



HALL STREET

26-32 HALL STREET

16 CONSETT AVENUE

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REVISION CLOUD LEGEND

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26-32 Hall Street, Bondi

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Client
STM REALTY

Scale
0 1 2 3 4m
1:100

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
SECTION C-C

Project No.	Checked	Drawn
24032	RS	GO

Scale @ A1	Drawing No.	Revision
As indicated	DA602	3 (24)

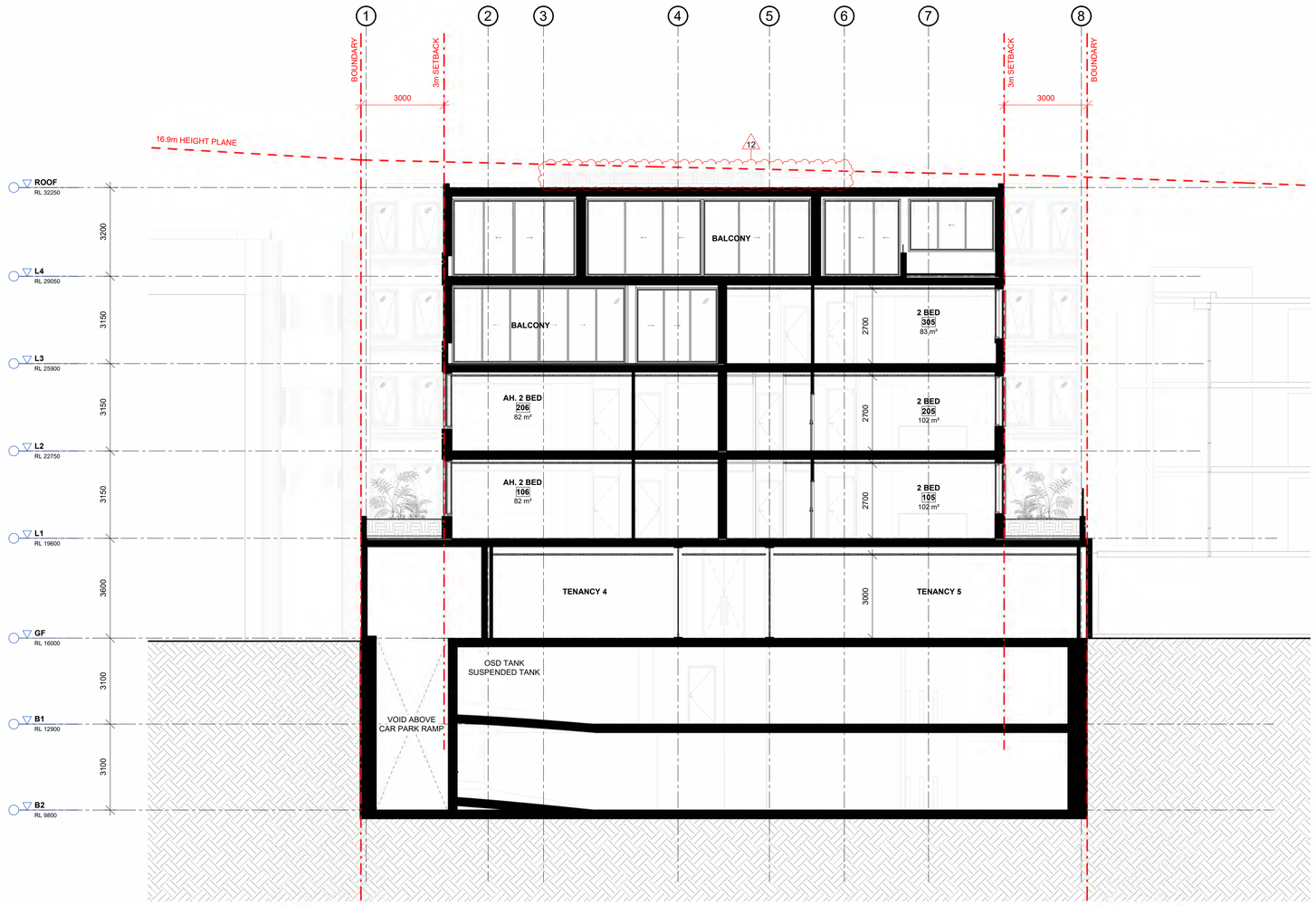
30/10/2025 12:35:44 PM
Autodesk Docs://24032 - 26-32 Hall Street Bondi/24032_26-32 Hall Street Bondi_[CLOUD]_R23.rvt

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Application No: DA-209/2025

Date Received: 31/10/2025



34-38 HALL STREET

26-32 HALL STREET

20-24 HALL STREET

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Autodesk Docs://24032 - 26-32 Hall Street Bondi/24032_26-32 Hall Street Bondi_[CLOUD]_R23.rvt

Dimensioned Drawings to take precedence over scaling. Contractor to verify all dimensions on site before construction. All inconsistencies to be reported to the Architect immediately. This drawing and its contents remain the copyright of WMK Architecture Pty Ltd ©
Nominated Architect: Greg Barnett (NSW ARB. 6092)

REVISION CLOUD LEGEND

NO.	DESCRIPTION AND CHANGE
01	PAVED REAR TERRACE DELETED AND REPLACED WITH LANDSCAPED AREA
02	PROPOSED GLAZED OPENINGS REPLACED WITH WINDOW OPENINGS WITH 900MM SILL HEIGHTS
03	LOBBY GALLERY ENCLOSED WITH GLAZED OPENINGS TO LANDSCAPED AREA
04	SECURITY GATES ADDED
05	LOUVRES REPLACED WITH PRIVACY SCREENING, DIRECTED AWAY FROM UNIT WINDOWS. BEDROOMS AND STUDY WINDOWS ADJACENT AMENDED TO BE DOUBLE GLAZED
06	1.8M PRIVACY & SECURITY FENCING ADDED TO L1 BALCONY TO PREVENT ACCESS
07	FIXED AND OPERABLE SCREENING ADDED TO NORTH-WESTERN WINDOWS AS REQUIRED
08	OPENINGS ALIGN WITH FACADE OF 20 HALL STREET. SIGHT LINES SHOWN DASHED INDICATE NO VISUAL PRIVACY IMPACTS CAUSED
09	ADDITIONAL PRIVACY SCREENING ADDED
10	UNIT 403 BALCONY SET BACK 3.5M TO ADDRESS VISUAL PRIVACY
11	LEVEL 04 BALCONY AND AWNING FORM AND MATERIALITY ADJUSTED TO ADDRESS VISUAL IMPACT FROM HALL STREET. BLADES TO AWNING DELETED
12	PLANT ROOM LOCATED ON ROOFTOP. LEVEL 4 COMMON CORRIDOR AND FIRE STAIR CEILING HEIGHT REDUCED TO 2400 AFFL. ACCESS HATCH RELOCATED. LIFT OVERRUN ADJUSTED TO COMPLY
13	ALL INSTANCES OF SATIN POWDERCOAT ANTHRACITE TO BE SATIN POWDERCOAT BRONZE. NEW BALUSTRADE BL.2 ADDED.
14	ADDITIONAL REAR ELEVATION ADDED TO DEPICT GROUND FLOOR FENESTRATION. FENCE HEIGHT DIMENSION ADDED TO 01/DA-501
15	NEIGHBOURING CONTEXT UPDATED
16	CEILING FANS IN ALL LIVING ROOMS & BEDROOMS
17	AMENDED SOLAR ACCESS

NatHERS Thermal Performance Specifications (BASIX Thermal Comfort)
26-32 Hall Street, Bondi

The NatHERS specifications required to achieve the 7 star rating are provided below. Please refer to the NatHERS certificate(s) for full details. If details included in these specifications vary from other drawings or written specifications, these specifications shall take precedence. If only one specification option is detailed for a building element, that specification must apply to all instances of that element for the project.

Windows	Glass	Frame	U value	SHGC	Detail
Default	Double glazed, low E high solar gain	Aluminium	4.3	0.47	Window types: awning – Glazing generally
Default	Double glazed, low E high solar gain	Aluminium	4.3	0.53	Window types: sliding window/ door, fixed – Glazing generally
Default	Double glazed, low E high solar gain	Aluminium thermally broken	3.1	0.39	Window types: awning – for units 306, 403, all glazing
Default	Double glazed, low E high solar gain	Aluminium thermally broken	3.1	0.49	Window types: sliding window/ door, fixed – for units 306, 403, all glazing

** The glass type and frame descriptions are indicative only. The U-value and SHGC performance figures must be met to achieve compliance*

Skylights	Glass	Frame	U value	SHGC	Detail
Velux – or similar			2.6	0.24	For unit 403, skylight to be operable (25%) and internal blind required

External walls	Construction	Added Insulation	Detail
Concrete + stud		R 2.0	As per drawings

Internal walls	Construction	Added Insulation	Detail
Plasterboard on studs		None	Walls within units
Hebel + stud		None	Party walls between units
Hebel + stud		R 1.0	Walls separating units from coemon lobbies

Floors	Construction	Added Insulation	Detail
Concrete		None	Generally
Concrete		R 1.5	Floors over garage entry

Ceilings	Construction	Added Insulation	Detail
Plasterboard		None	Ceilings below internal spaces
Plasterboard		R 3.0	Ceilings below roof

Roof	Construction	Added Insulation	Detail
Concrete		(See ceiling detail below)	

Other Requirements

Building Sealing
All vents, exhaust fans and downlights to be **sealed** to prevent air-infiltration

Ceilings fans
Ceiling fans to be included as follows:
- Living / Dining / kitchen – 1 fan
- Bedrooms – 1 fan each

Issue	Description	Date
1	ISSUE FOR DEVELOPMENT APPLICATION	04.03.25
2	ISSUE FOR COUNCIL RFI	19.09.2025
3	REISSUE FOR COUNCIL APPROVAL	30.10.25

Issued For
DEVELOPMENT APPLICATION

WMK Architecture
The Atrium, Ground Floor
9 Castlereagh St
Sydney NSW 2000
Telephone 02 9299 0401
wmkarchitecture.com
ABN 25 082 956 929

Client
STM REALTY

Scale
0 1 2 3 4m
1:100

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
SECTION D-D

Project No.	Checked	Drawn
24032	RS	GO

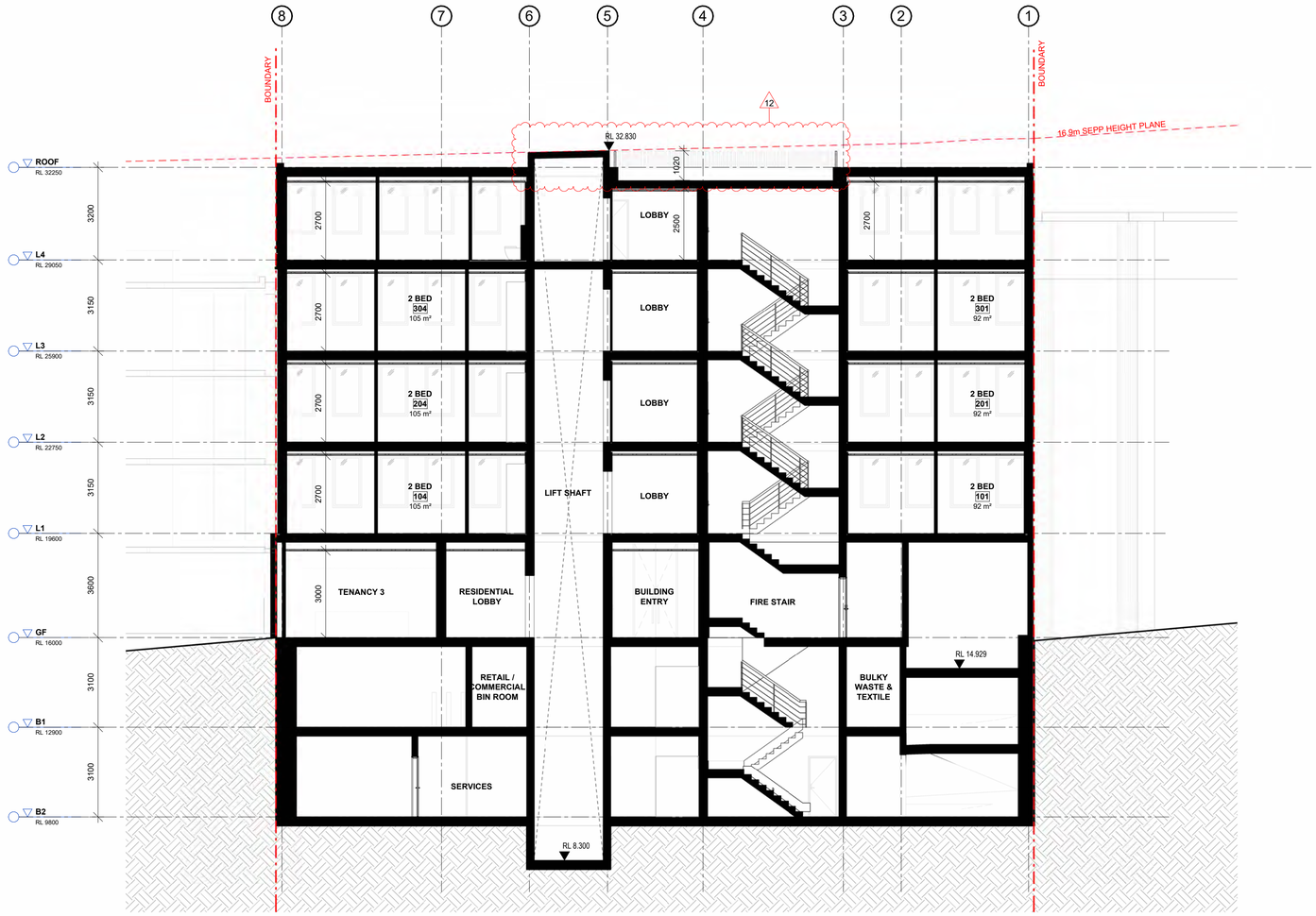
Scale @ A1	Drawing No.	Revision
As indicated	DA603	3

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Waverley Council

Application No: DA-209/2025

Date Received: 31/10/2025



20-24 HALL STREET

26-32 HALL STREET

34-38 HALL STREET

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Nominated Architect: Greg Barnett (NSW ARB: 6092)

REVISION CLOUD LEGEND

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** The glass type and frame descriptions are indicative only. The U-value and SHGC performance figures must be met to achieve compliance*

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Issued For
DEVELOPMENT APPLICATION

WMK Architecture
The Atrium, Ground Floor
9 Castlereagh St
Sydney NSW 2000
Telephone 02 9299 0401
wmkarchitecture.com
ABN 25 082 956 929

Client
STM REALTY

Scale
0 1 2 3 4m
1:100

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
SECTION E-E

Project No.	Checked	Drawn
24032	RS	AM

Scale @ A1	Drawing No.	Revision
As indicated	DA604	3

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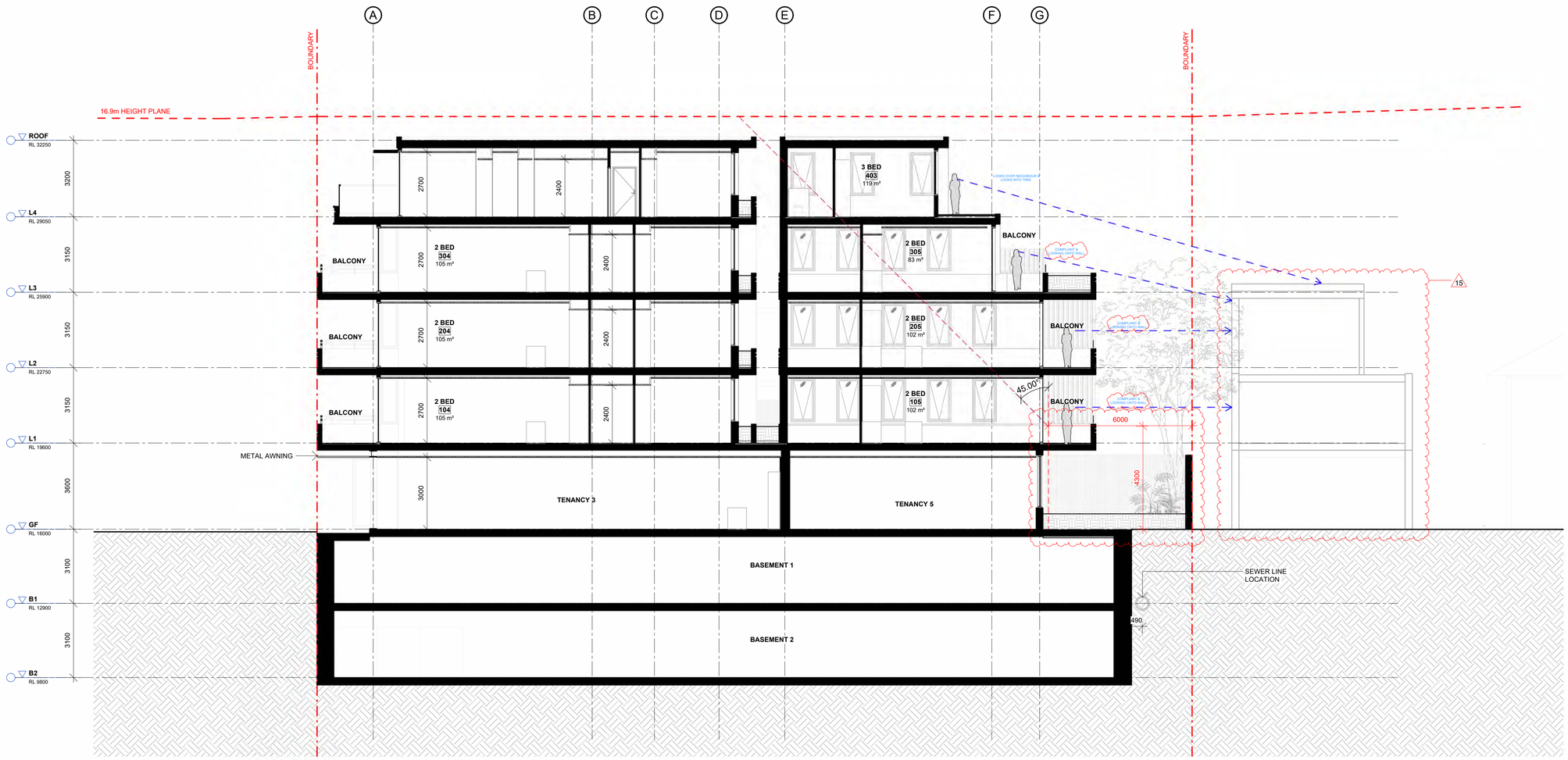
Dimensioned Drawings to take precedence over scaling. Contractor to verify all dimensions on site before construction. All inconsistencies to be reported to the Architect immediately. This drawing and its contents remain the copyright of WMK Architecture Pty Ltd ©
Nominated Architect: Greg Barnett (NSW ARB. 6092)

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Waverley Council

Application No: DA-209/2025

Date Received: 31/10/2025

AMENDED



HALL STREET

26-32 HALL STREET

1 JAQUES AVENUE

REVISION CLOUD LEGEND

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26-32 Hall Street, Bondi

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2	ISSUE FOR COUNCIL RFI	19.09.2025
3	REISSUE FOR COUNCIL APPROVAL	30.10.25

Issued For
DEVELOPMENT APPLICATION

WMK Architecture
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Sydney NSW 2000
Telephone 02 9299 0401
wmkarchitecture.com
ABN 25 082 956 929

Client
STM REALTY

Scale
0 1 2 3 4m
1:100

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
SECTION F-F

Project No.	Checked	Drawn
24032	RS	GO

Scale @ A1	Drawing No.	Revision
As indicated	DA605	3

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Nominated Architect: Greg Barnett (NSW ARB. 6092)

Issue	Description	Date
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Issued For
DEVELOPMENT APPLICATION

WMK Architecture
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Client
STM REALTY

Scale

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
CGI 1

Project No.	Checked	Drawn
24032	BM	LR

Scale @ A1	Drawing No.	Revision
	DA900	2

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Nominated Architect: Greg Barnett (NSW ARB. 6092)



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Telephone 02 9299 0401
wmkarchitecture.com
ABN 25 082 956 929

Client
STM REALTY

Scale

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
CGI 2

Project No.	Checked	Drawn
24032	BM	LR

Scale @ A1	Drawing No.	Revision
	DA901	2

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Waverley Council

Application No: DA-209/2025

Date Received: 31/10/2025

AMENDED



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DEVELOPMENT APPLICATION

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ABN 25 082 956 929

Client
STM REALTY

Scale

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
CGI 3

Project No.	Checked	Drawn
24032	BM	LR

Scale @ A1	Drawing No.	Revision
	DA902	2 (30)

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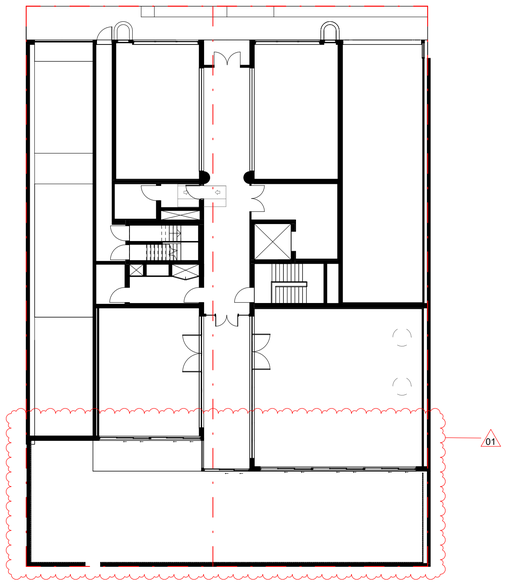
AMENDED

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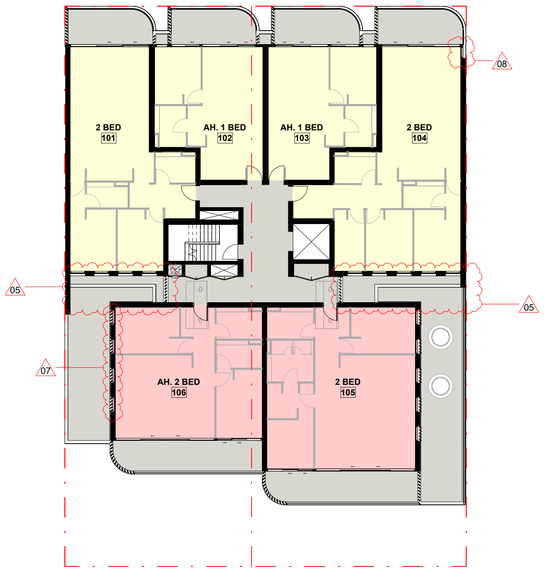
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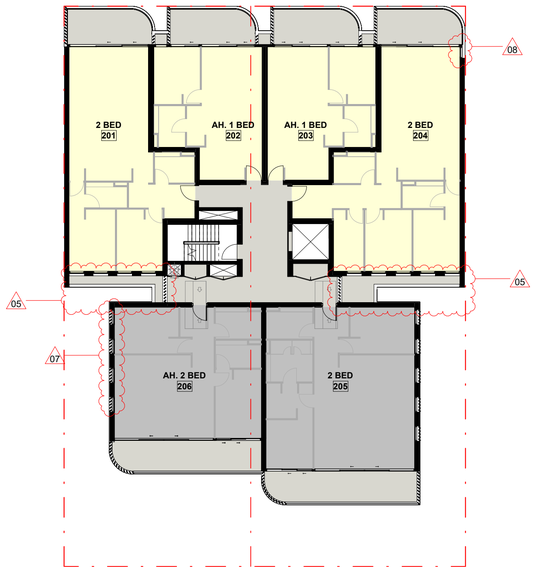
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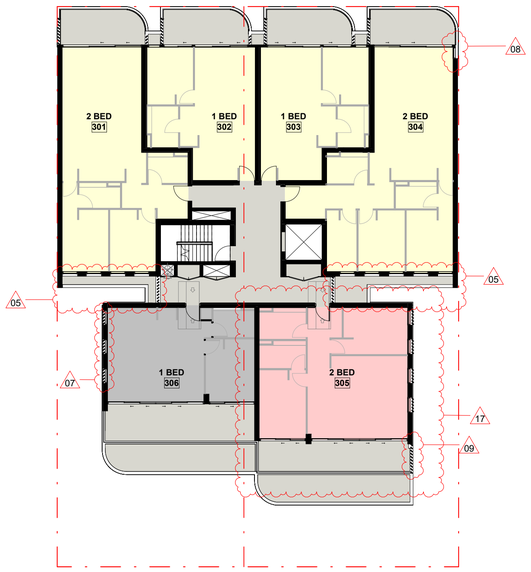
1 GROUND - SOLAR ACCESS
SCALE 1 : 200



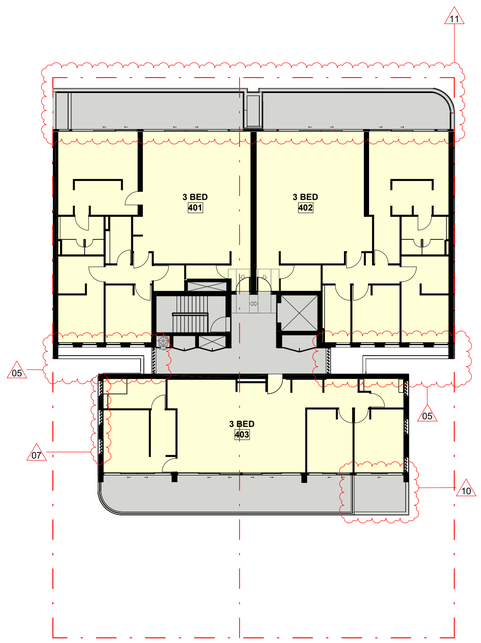
2 L1 - SOLAR ACCESS
SCALE 1 : 200



3 L2 - SOLAR ACCESS
SCALE 1 : 200



4 L3 - SOLAR ACCESS
SCALE 1 : 200



5 L4 - SOLAR ACCESS
SCALE 1 : 200

SOLAR ACCESS

+2HR	15	**71.4%**
0 HR	3	**14.25%**
>2HR	3	**14.25%**

TOTAL UNITS: 21

LEVEL	APT #	SOLAR ACCESS
L1	101	+2HR
L1	102	+2HR
L1	103	+2HR
L1	104	+2HR
L1	105	0 HR
L1	106	0 HR
L2	201	+2HR
L2	202	+2HR
L2	203	+2HR
L2	204	+2HR
L2	205	>2HR
L2	206	>2HR
L3	305	0 HR
L3	306	>2HR
L3	304	+2HR
L3	301	+2HR
L3	302	+2HR
L3	303	+2HR
L4	403	+2HR
L4	401	+2HR
L4	402	+2HR

LEGEND

+ 2 HOURS OF DIRECT SOLAR ACCESS

> 2 HOURS OF DIRECT SOLAR ACCESS

0 HOURS OF DIRECT SOLAR ACCESS

REVISION CLOUD LEGEND

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12	PLANT ROOM LOCATED ON ROOFTOP. LEVEL 4 COMMON CORRIDOR AND FIRE STAIR CEILING HEIGHT REDUCED TO 2400 AFFL. ACCESS HATCH RELOCATED. LIFT OVERRUN ADJUSTED TO COMPLY
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14	ADDITIONAL REAR ELEVATION ADDED TO DEPICT GROUND FLOOR FENESTRATION. FENCE HEIGHT DIMENSION ADDED TO 01/DA-501
15	NEIGHBOURING CONTEXT UPDATED
16	CEILING FANS IN ALL LIVING ROOMS & BEDROOMS
17	AMENDED SOLAR ACCESS

Issue	Description	Date
1	ISSUE FOR DEVELOPMENT APPLICATION	04.03.25
2	ISSUE FOR COUNCIL RFI	19.09.2025
3	REISSUE FOR COUNCIL APPROVAL	30.10.25

Issued For
DEVELOPMENT APPLICATION

WMK Architecture
The Atrium, Ground Floor
9 Castlereagh St
Sydney NSW 2000
Telephone 02 9299 0401
wmkarchitecture.com
ABN 25 082 956 929

Client
STM REALTY

Scale
0 2 4 6 8m 1:200

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
SOLAR ACCESS

Project No.	Checked	Drawn
24032	RS	GO

Scale @ A1	Drawing No.	Revision
As indicated	DA1000	3

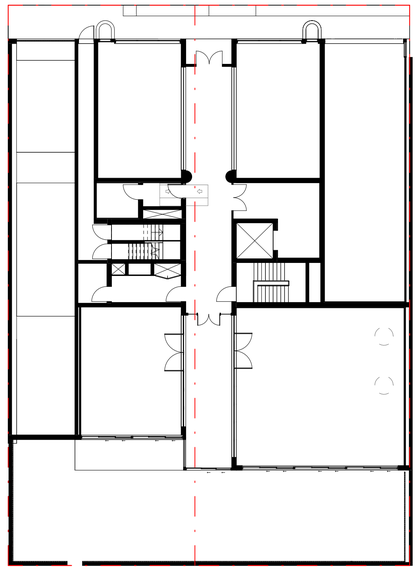
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AMENDED

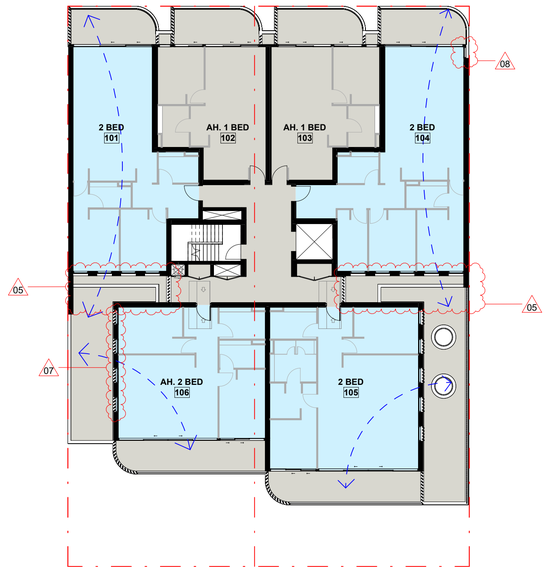
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Waverley Council

Application No: DA-209/2025

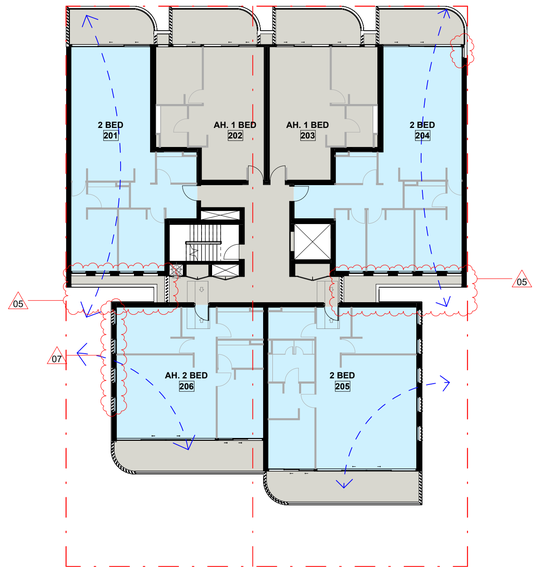
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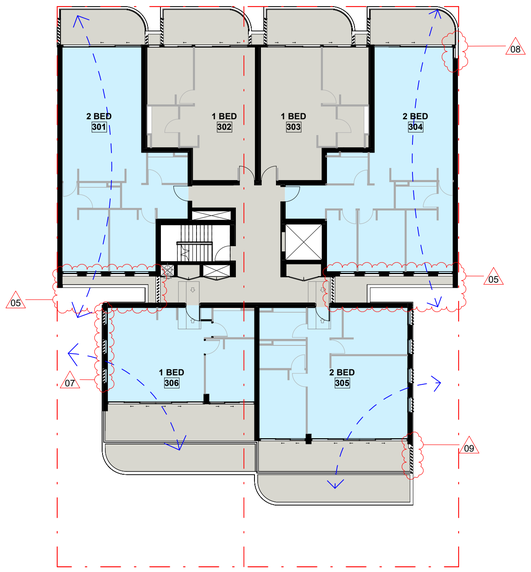
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SCALE 1 : 200



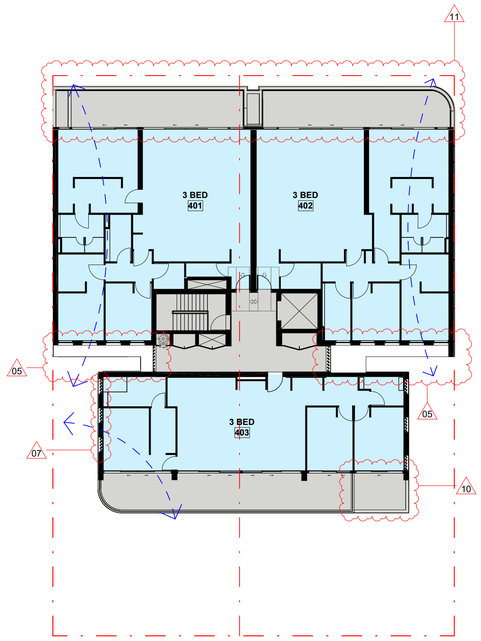
2 L1 - CROSS VENT
SCALE 1 : 200



3 L2 - CROSS VENT
SCALE 1 : 200



4 L3 - CROSS VENT
SCALE 1 : 200



5 L4 - CROSS VENT
SCALE 1 : 200

Dimensioned Drawings to take precedence over scaling. Contractor to verify all dimensions on site before construction. All inconsistencies to be reported to the Architect immediately. This drawing and its contents remain the copyright of WMK Architecture Pty Ltd ©
Nominated Architect: Greg Barnett (NSW ARB: 6092)

REVISION CLOUD LEGEND

NO.	DESCRIPTION AND CHANGE
01	PAVED REAR TERRACE DELETED AND REPLACED WITH LANDSCAPED AREA
02	PROPOSED GLAZED OPENINGS REPLACED WITH WINDOW OPENINGS WITH 900MM SILL HEIGHTS
03	LOBBY GALLERY ENCLOSED WITH GLAZED OPENINGS TO LANDSCAPED AREA
04	SECURITY GATES ADDED
05	LOUVRES REPLACED WITH PRIVACY SCREENING, DIRECTED AWAY FROM UNIT WINDOWS. BEDROOMS AND STUDY WINDOWS ADJACENT AMENDED TO BE DOUBLE GLAZED
06	1.8M PRIVACY & SECURITY FENCING ADDED TO L1 BALCONY TO PREVENT ACCESS
07	FIXED AND OPERABLE SCREENING ADDED TO NORTH-WESTERN WINDOWS AS REQUIRED
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17	AMENDED SOLAR ACCESS

CV COMPLIANCE

Yes	15	**71.5%**
No	6	**28.5%**

TOTAL UNITS: 21

LEGEND
CROSS-VENTILATED
NOT CROSS-VENTILATED

Issue	Description	Date
1	ISSUE FOR DEVELOPMENT APPLICATION	04.03.25
2	ISSUE FOR COUNCIL RFI	19.09.2025
3	REISSUE FOR COUNCIL APPROVAL	30.10.25

Issued For
DEVELOPMENT APPLICATION

WMK Architecture
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Telephone 02 9299 0401
wmkarchitecture.com
ABN 25 082 956 929

Client
STM REALTY

Scale
0 2 4 6 8m 1:200

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
CROSS VENTILATION

Project No.	Checked	Drawn
24032	RS	KS

Scale @ A1	Drawing No.	Revision
As indicated	DA1001	3

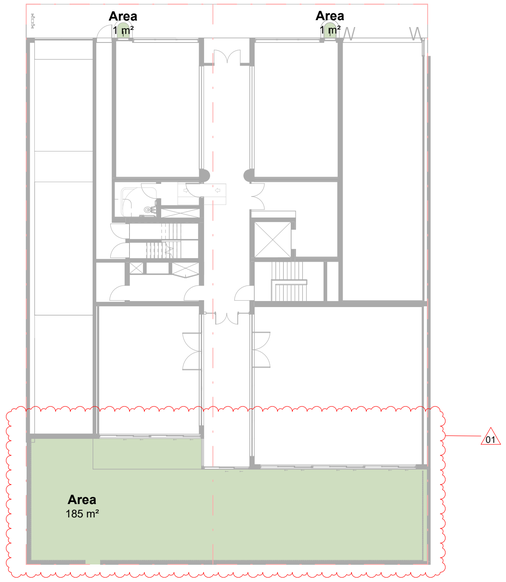
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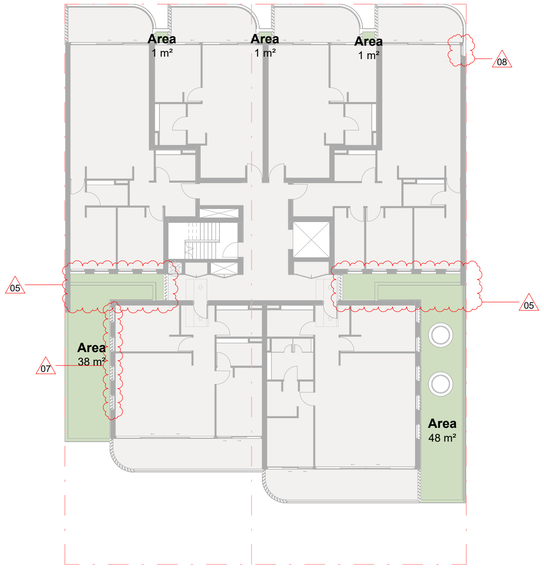
Application No: DA-209/2025

Date Received: 31/10/2025

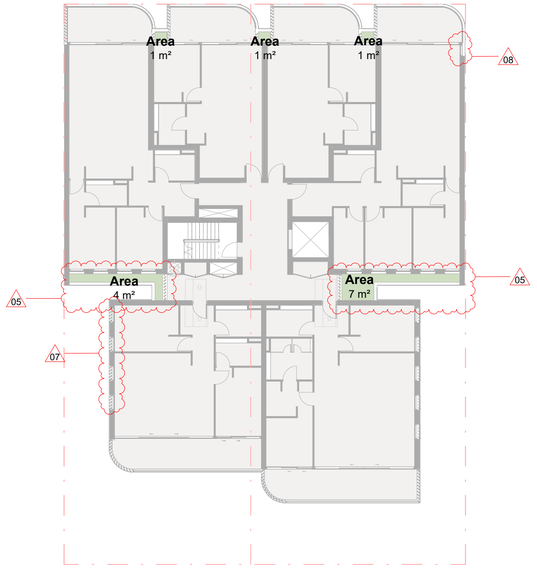
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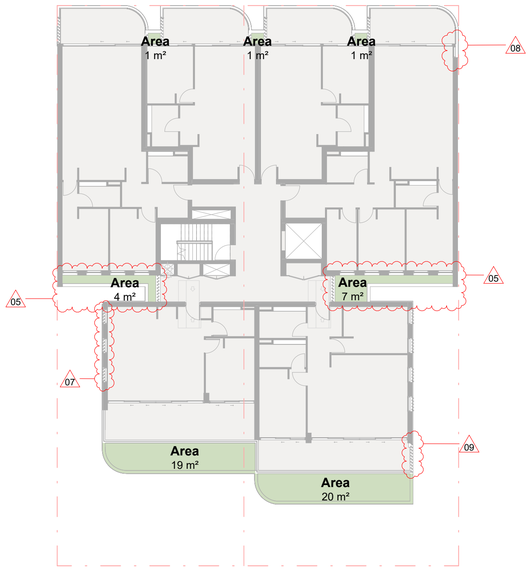
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SCALE 1 : 200



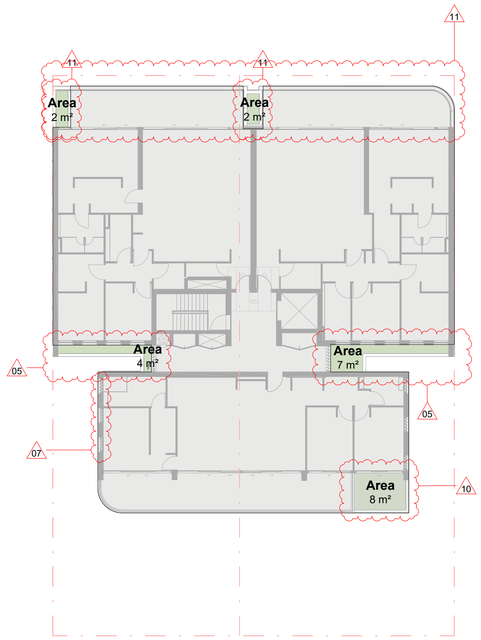
2 L1 - LANDSCAPED AREA
SCALE 1 : 200



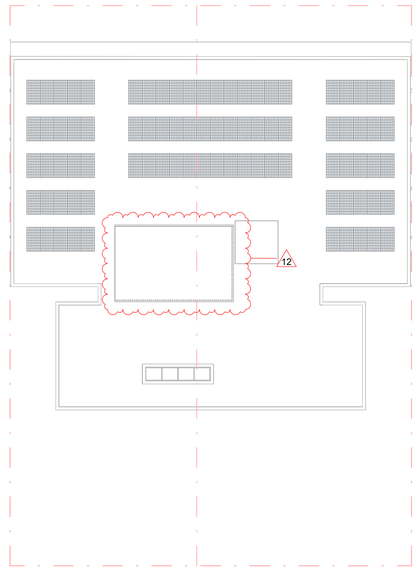
3 L2 - LANDSCAPED AREA
SCALE 1 : 200



4 L3 - LANDSCAPED AREA
SCALE 1 : 200



5 L4 - LANDSCAPED AREA
SCALE 1 : 200



6 ROOF - LANSCAPED AREA
SCALE 1 : 200

Dimensioned Drawings to take precedence over scaling. Contractor to verify all dimensions on site before construction. All inconsistencies to be reported to the Architect immediately. This drawing and its contents remain the copyright of WMK Architecture Pty Ltd ©
Nominated Architect: Greg Barnett (NSW ARB: 6092)

REVISION CLOUD LEGEND

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17	AMENDED SOLAR ACCESS

SITE AREA: 958.5m²
LANDSCAPED AREA: 359m²
= 37.4%

LANDSCAPED AREA

Level	Area
GF	186.92 m²
L1	87.41 m²
L2	12.37 m²
L3	51.98 m²
L4	22.48 m²
TOTAL AREA	361.15 m²

LEGEND
LANDSCAPED AREA

Issue	Description	Date
1	ISSUE FOR DEVELOPMENT APPLICATION	04.03.25
2	ISSUE FOR COUNCIL RFI	19.09.2025
3	REISSUE FOR COUNCIL APPROVAL	30.10.25

Issued For
DEVELOPMENT APPLICATION

WMK Architecture
The Atrium, Ground Floor
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Sydney NSW 2000
Telephone 02 9299 0401
wmkarchitecture.com
ABN 25 082 956 929

Client
STM REALTY

Scale
0 2 4 6 8m 1:200

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
LANDSCAPED AREA

Project No.	Checked	Drawn
24032	RS	GO

Scale @ A1	Drawing No.	Revision
As indicated	DA1002	3 (33)

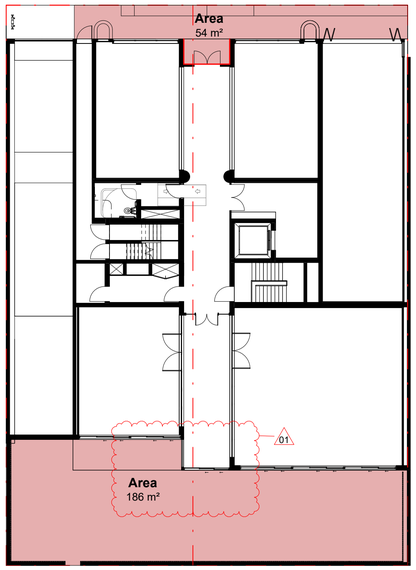
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Waverley Council

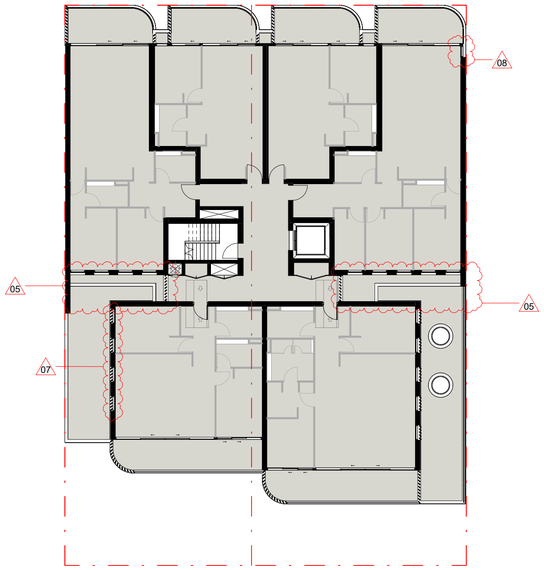
Application No: DA-209/2025

Date Received: 31/10/2025

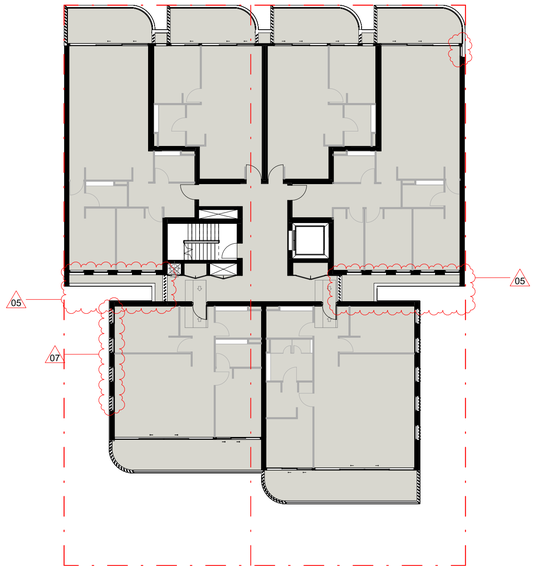
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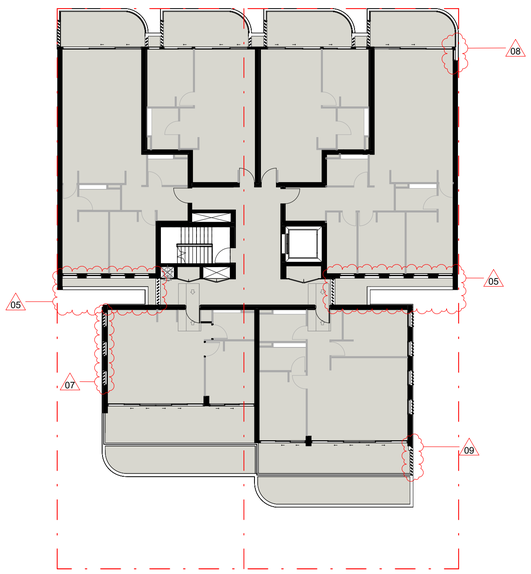
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SCALE 1 : 200



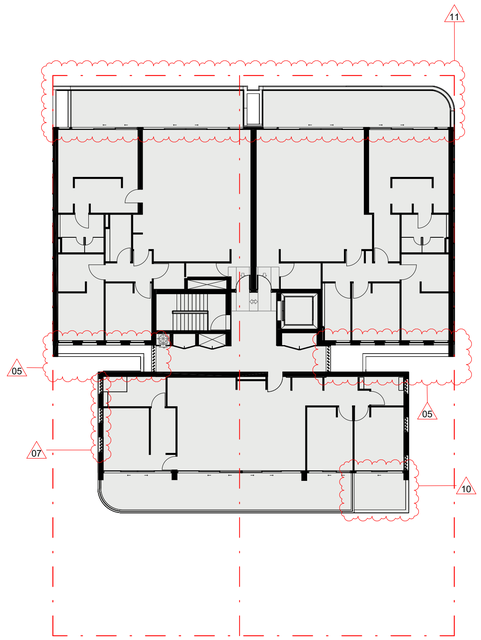
2 L1 - COMMUNAL OPEN SPACE
SCALE 1 : 200



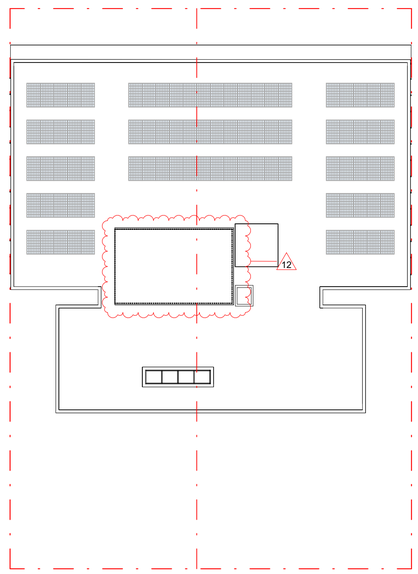
3 L2 - COMMUNAL OPEN SPACE
SCALE 1 : 200



4 L3 - COMMUNAL OPEN SPACE
SCALE 1 : 200



5 L4 - COMMUNAL OPEN SPACE
SCALE 1 : 200



6 ROOF - COMMUNAL OPEN SPACE
SCALE 1 : 200

Dimensioned Drawings to take precedence over scaling. Contractor to verify all dimensions on site before construction. All inconsistencies to be reported to the Architect immediately. This drawing and its contents remain the copyright of WMK Architecture Pty Ltd ©
Nominated Architect: Greg Barnett (NSW ARB. 6092)

REVISION CLOUD LEGEND

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SITE AREA: 958.5m²
COS AREA: 240m²
= 25%

TOTAL AREA:
240.16m²
LEGEND
COMMUNAL OPEN SPACE

Issue	Description	Date
1	ISSUE FOR DEVELOPMENT APPLICATION	04.03.25
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Client
STM REALTY

Scale
0 2 4 6 8m 1:200

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
COMMUNAL OPEN SPACE

Project No.	Checked	Drawn
24032	RS	GO

Scale @ A1	Drawing No.	Revision
As indicated	DA1003	3

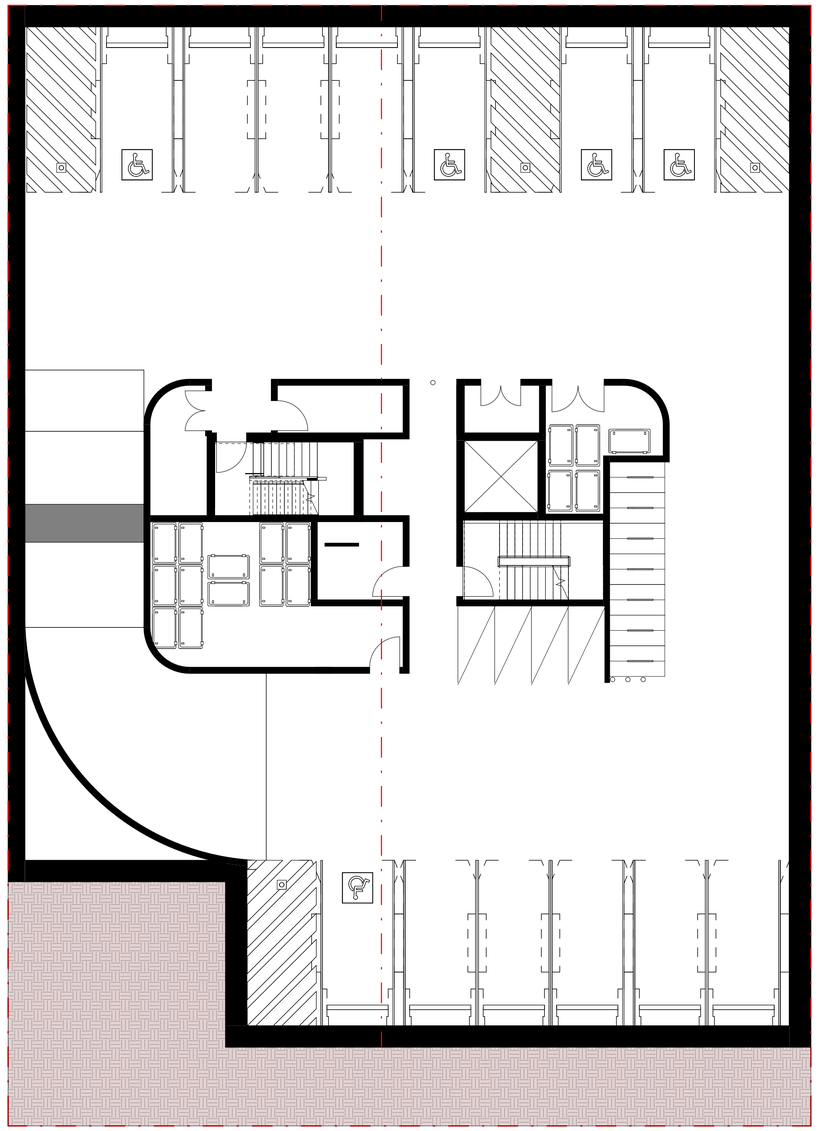
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AMENDED

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Waverley Council

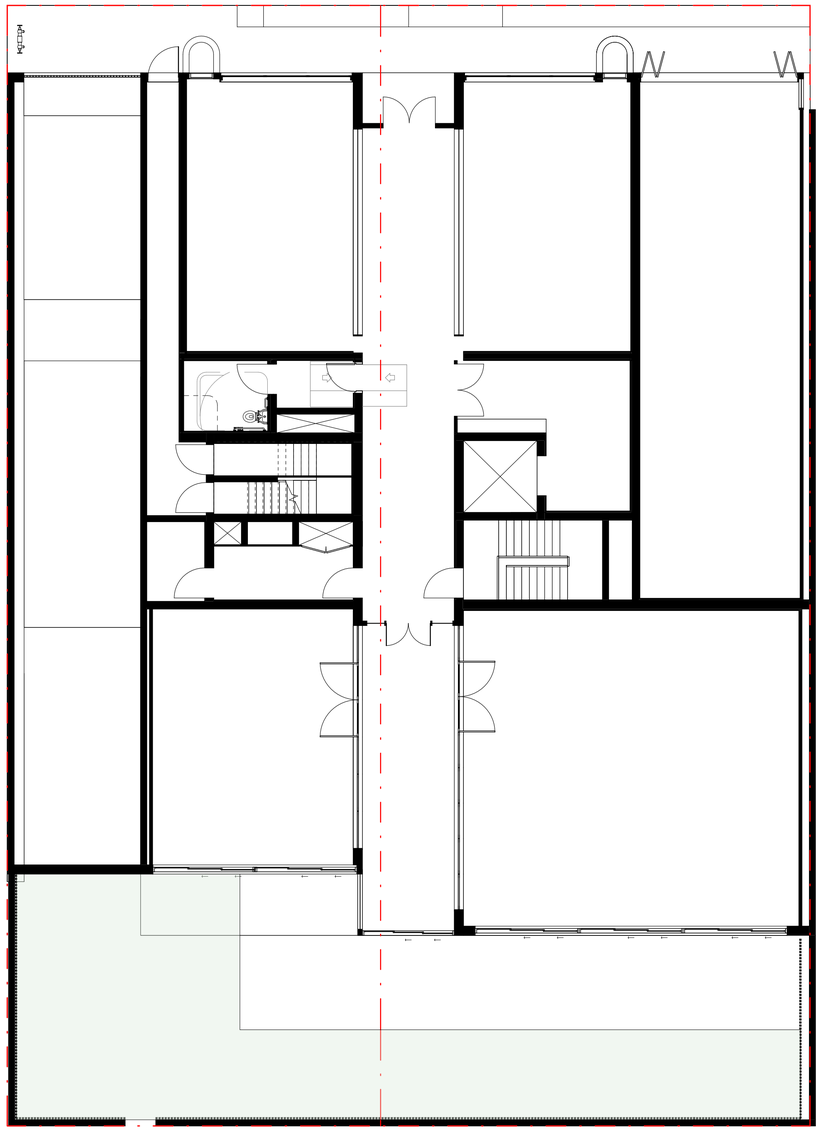
Application No: DA-209/2025

Date Received: 31/10/2025



1 **B1 - DEEP SOIL**

SCALE 1 : 100



2 **GROUND - DEEP SOIL**

SCALE 1 : 100

Dimensioned Drawings to take precedence over scaling. Contractor to verify all dimensions on site before construction. All inconsistencies to be reported to the Architect immediately. This drawing and its contents remain the copyright of WMK Architecture Pty Ltd ©
Nominated Architect: Greg Barnett (NSW ARB. 6092)

SITE AREA: **958.5m²**
DEEPSOIL AREA PROVIDED: **112.4m² (11.7%)**

TOTAL AREA:
112.4m²
LEGEND

DEEP SOIL

Issue	Description	Date
1	ISSUE FOR DEVELOPMENT APPLICATION	04.03.25
2	REISSUE FOR COUNCIL APPROVAL	30.10.25

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Client
STM REALTY

Scale
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1:100

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
DEEP SOIL

Project No.	Checked	Drawn
24032	RS	GO

Scale @ A1	Drawing No.	Revision
As indicated	DA1004	2

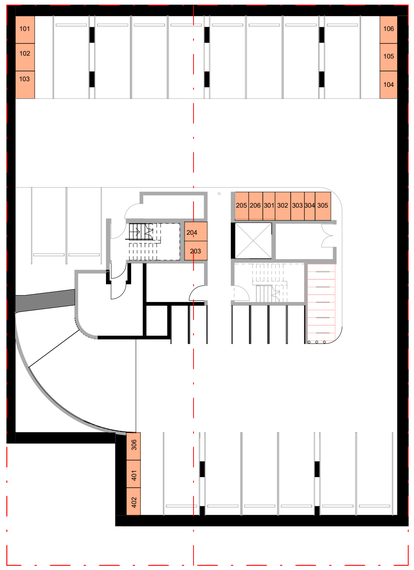
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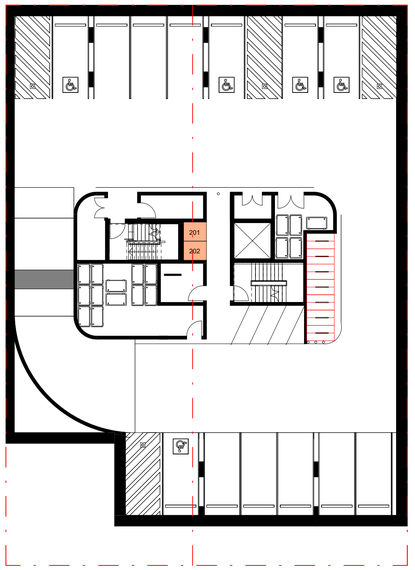
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Application No: DA-209/2025

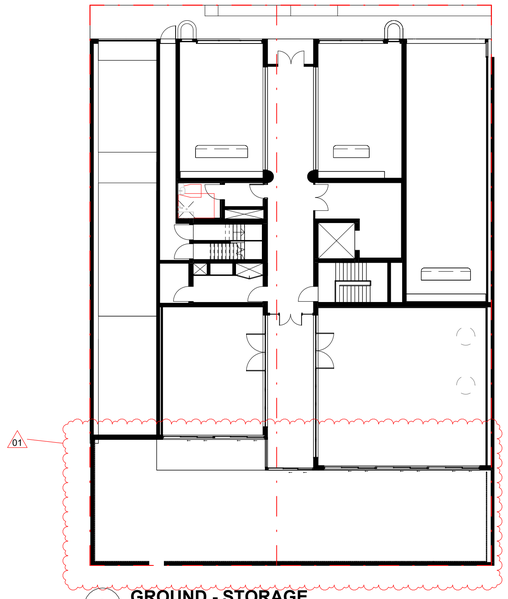
Date Received: 31/10/2025



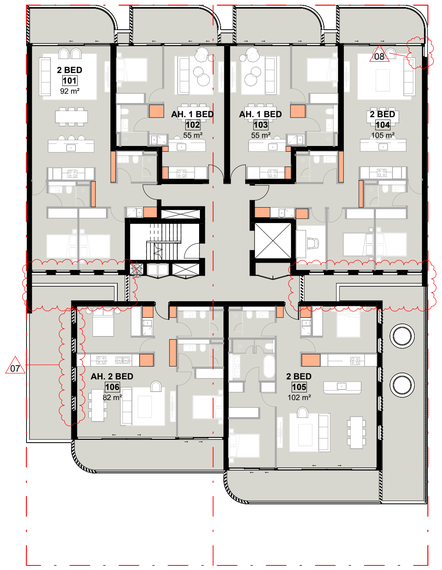
1 B2 - STORAGE



2 B1 - STORAGE



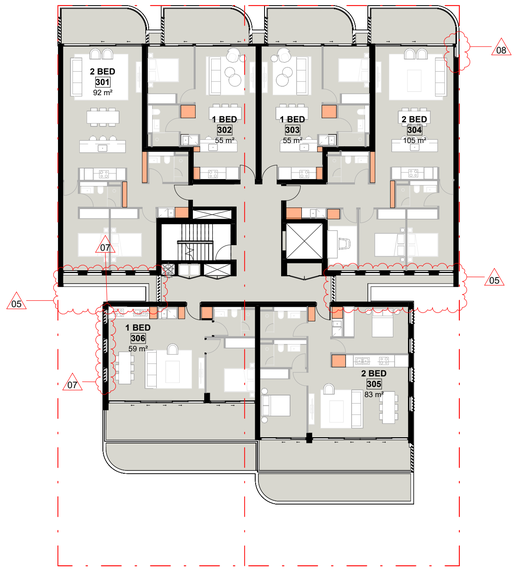
3 GROUND - STORAGE



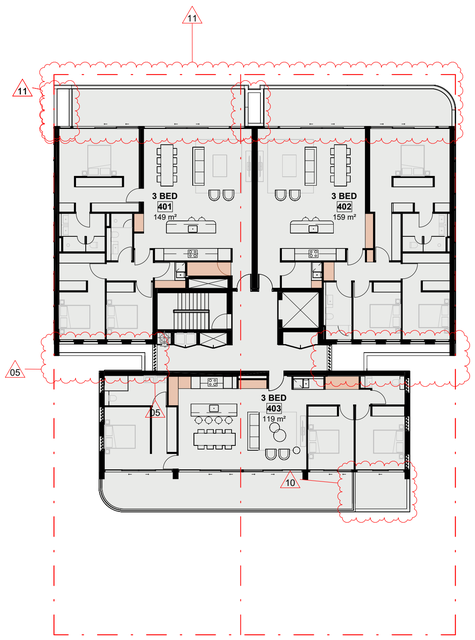
4 L1 - STORAGE



5 L2 - STORAGE



6 L3 - STORAGE



7 L4 - STORAGE

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Nominated Architect: Greg Barnett (NSW ARB. 6092)

STORAGE

APARTMENT	LOCATION	STORAGE VOLUME
101	BASEMENT	4.80 m³
101	INTERNAL	4.20 m³
		9.00 m³
102	BASEMENT	4.76 m³
102	INTERNAL	3.05 m³
		7.82 m³
103	BASEMENT	4.80 m³
103	INTERNAL	3.01 m³
		7.82 m³
104	BASEMENT	4.35 m³
104	INTERNAL	5.63 m³
		9.98 m³
105	BASEMENT	4.35 m³
105	INTERNAL	4.35 m³
		8.69 m³
106	BASEMENT	4.35 m³
106	INTERNAL	5.66 m³
		10.01 m³
201	BASEMENT	3.94 m³
201	INTERNAL	4.20 m³
		8.14 m³
202	BASEMENT	3.94 m³
202	INTERNAL	3.35 m³
		7.29 m³
203	BASEMENT	3.89 m³
203	INTERNAL	3.27 m³
		7.17 m³
204	BASEMENT	3.89 m³
204	INTERNAL	5.88 m³
		9.77 m³
205	BASEMENT	3.50 m³
205	INTERNAL	4.35 m³
		7.84 m³
206	BASEMENT	3.58 m³
206	INTERNAL	5.98 m³
		9.56 m³
301	BASEMENT	3.11 m³
301	INTERNAL	4.20 m³
		7.31 m³
302	BASEMENT	3.96 m³
302	INTERNAL	3.35 m³
		7.31 m³
303	BASEMENT	3.47 m³
303	INTERNAL	3.58 m³
		7.04 m³
304	BASEMENT	2.72 m³
304	INTERNAL	5.88 m³
		8.60 m³
305	BASEMENT	4.00 m³
305	INTERNAL	4.03 m³
		8.04 m³
306	BASEMENT	3.52 m³
306	INTERNAL	3.06 m³
		6.57 m³
401	BASEMENT	3.51 m³
401	INTERNAL	10.50 m³
		14.01 m³
402	BASEMENT	3.51 m³
402	INTERNAL	6.66 m³
		10.17 m³
403	INTERNAL	11.65 m³
		11.65 m³
TOTAL ALLOCATED STORAGE		183.77 m³

LEGEND
STORAGE

Issue	Description	Date
1	ISSUE FOR DEVELOPMENT APPLICATION	04.03.25
2	ISSUE FOR COUNCIL RFI	19.09.2025
3	REISSUE FOR COUNCIL APPROVAL	30.10.25

Issued For
DEVELOPMENT APPLICATION

WMK Architecture
The Atrium, Ground Floor
9 Castlereagh St
Sydney NSW 2000
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ABN 25 082 956 929

Client
STM REALTY

Scale
0 2 4 6 8m
1:200

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
STORAGE CALCULATION

Project No.	Checked	Drawn
24032	RS	GO

Scale @ A1	Drawing No.	Revision
As indicated	DA1005	3

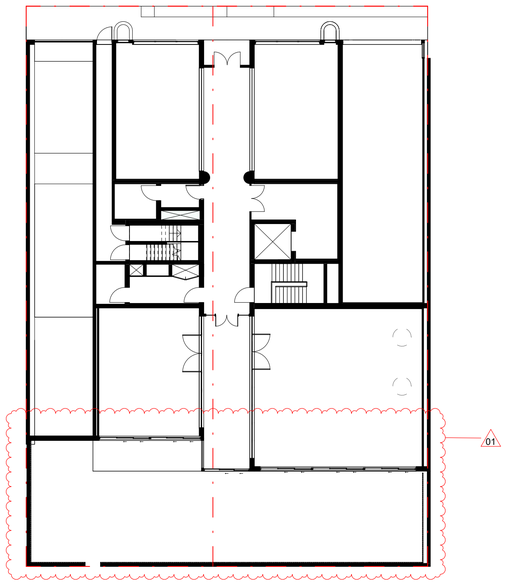
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AMENDED

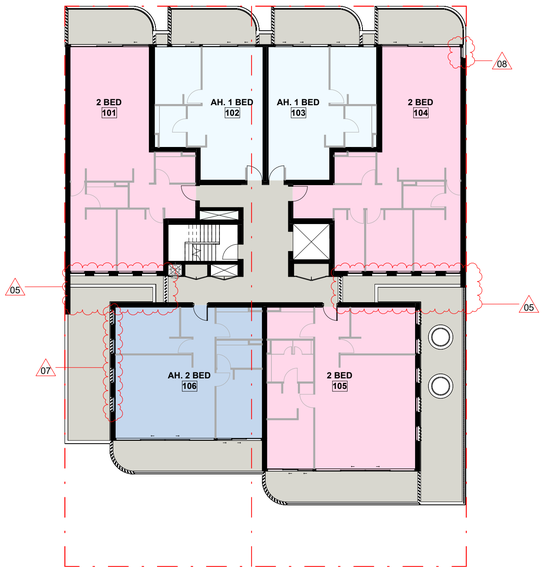
RECEIVED
Waverley Council

Application No: DA-209/2025

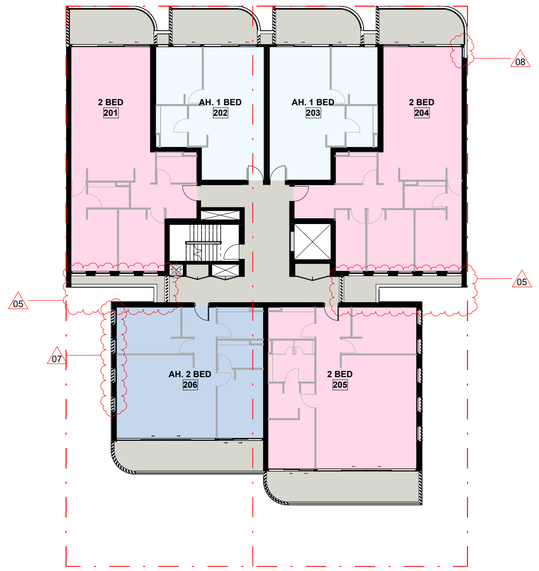
Date Received: 31/10/2025



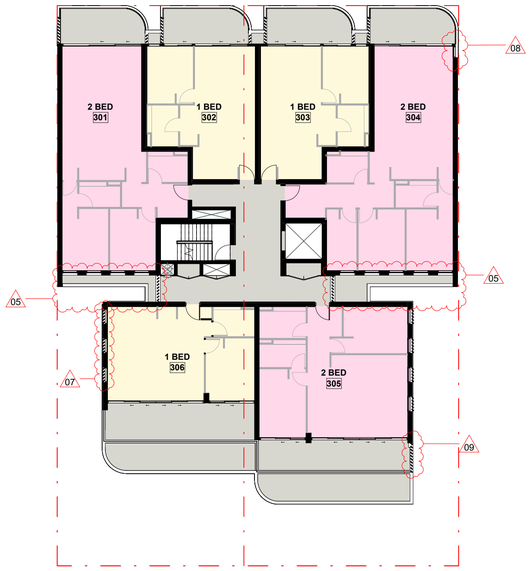
1 GROUND - UNIT MIX



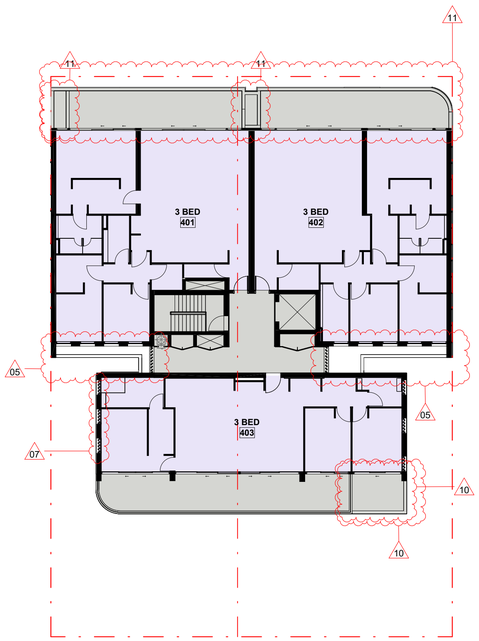
2 L1 - UNIT MIX



3 L2 - UNIT MIX



4 L3 - UNIT MIX



5 L4 - UNIT MIX

UNIT MIX

1 BED	7	**33.3%**
2 BED	11	**52.4%**
3 BED	3	**14.2%**

TOTAL UNITS: 19

TOTAL AFFORDABLE HOUSING UNITS: 6 **28.5%**

LEGEND

- 1 BED
- 2 BED
- 3 BED
- AH 1 BED
- AH 2 BED

Issue	Description	Date
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Client
STM REALTY

Scale
0 2 4 6 8m 1:200

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
UNIT MIX

Project No.	Checked	Drawn
24032	RS	GO

Scale @ A1	Drawing No.	Revision
As indicated	DA1006	3

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Nominated Architect: Greg Barnett (NSW ARB. 6092)

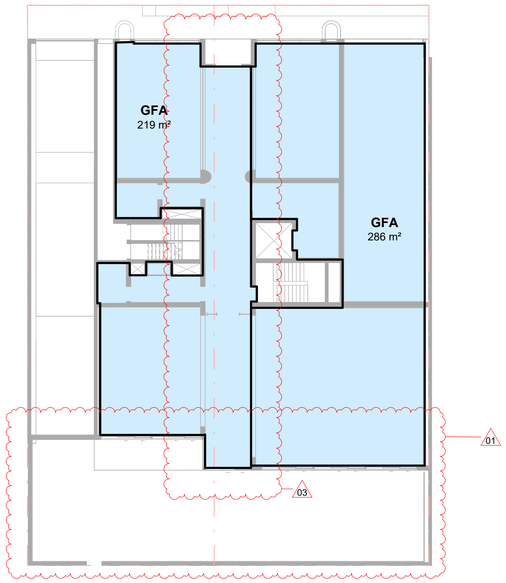
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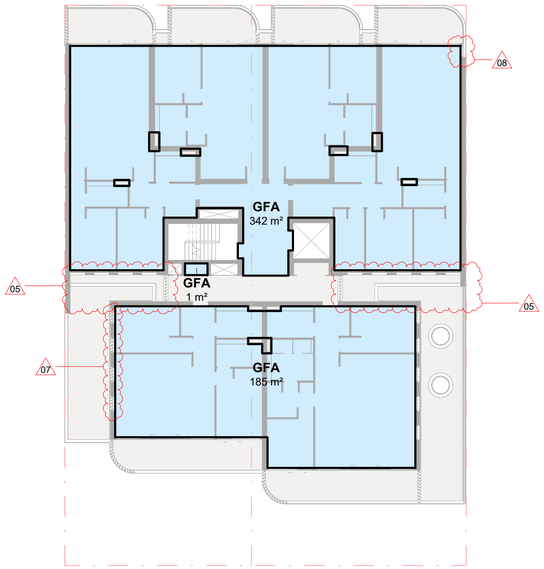
RECEIVED
Waverley Council

Application No: DA-209/2025

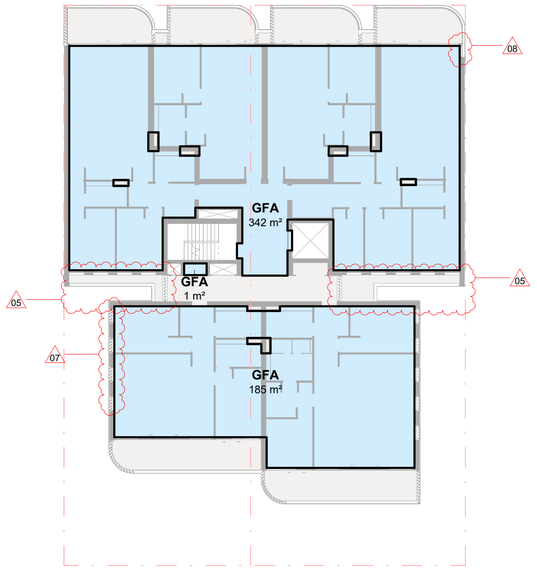
Date Received: 31/10/2025



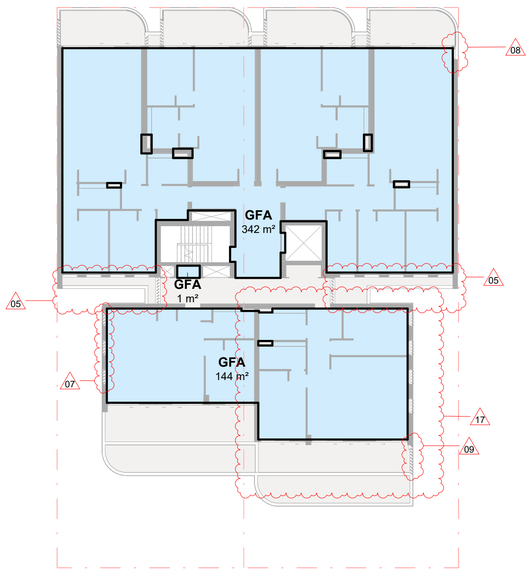
1 GROUND - GFA
SCALE 1 : 200



2 L1 - GFA
SCALE 1 : 200



3 L2 - GFA
SCALE 1 : 200



4 L3 - GFA
SCALE 1 : 200

5 L4 - GFA
SCALE 1 : 200

SITE AREA	958.5 m²
ALLOWABLE GFA (MAX 2:1 FSR) + 30% SEPP BONUS	1917 m² + 575 m² = 2492 m²
TOTAL AFFORDABLE HOUSING GFA AREAS REQUIRE (15%):	373.8 m²
TOTAL AFFORDABLE HOUSING GFA PROVIDE	384 m²
TOTAL GFA INCLUDING ADDITIONAL LEVEL	2492 m²

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Nominated Architect: Greg Barnett (NSW ARB: 6092)

REVISION CLOUD LEGEND

NO.	DESCRIPTION AND CHANGE
01	PAVED REAR TERRACE DELETED AND REPLACED WITH LANDSCAPED AREA
02	PROPOSED GLAZED OPENINGS REPLACED WITH WINDOW OPENINGS WITH 900MM SILL HEIGHTS
03	LOBBY GALLERY ENCLOSED WITH GLAZED OPENINGS TO LANDSCAPED AREA
04	SECURITY GATES ADDED
05	LOUVRES REPLACED WITH PRIVACY SCREENING, DIRECTED AWAY FROM UNIT WINDOWS. BEDROOMS AND STUDY WINDOWS ADJACENT AMENDED TO BE DOUBLE GLAZED
06	1.8M PRIVACY & SECURITY FENCING ADDED TO L1 BALCONY TO PREVENT ACCESS
07	FIXED AND OPERABLE SCREENING ADDED TO NORTH-WESTERN WINDOWS AS REQUIRED
08	OPENINGS ALIGN WITH FACADE OF 20 HALL STREET. SIGHT LINES SHOWN DASHED INDICATE NO VISUAL PRIVACY IMPACTS CAUSED
09	ADDITIONAL PRIVACY SCREENING ADDED
10	UNIT 403 BALCONY SET BACK 3.5M TO ADDRESS VISUAL PRIVACY
11	LEVEL 04 BALCONY AND AWNING FORM AND MATERIALITY ADJUSTED TO ADDRESS VISUAL IMPACT FROM HALL STREET. BLADES TO AWNING DELETED
12	PLANT ROOM LOCATED ON ROOFTOP. LEVEL 4 COMMON CORRIDOR AND FIRE STAIR CEILING HEIGHT REDUCED TO 2400 AFFL. ACCESS HATCH RELOCATED. LIFT OVERRUN ADJUSTED TO COMPLY
13	ALL INSTANCES OF SATIN POWDERCOAT ANTHRACITE TO BE SATIN POWDERCOAT BRONZE. NEW BALUSTRADE BL.2 ADDED.
14	ADDITIONAL REAR ELEVATION ADDED TO DEPICT GROUND FLOOR FENESTRATION. FENCE HEIGHT DIMENSION ADDED TO 01/DA-501
15	NEIGHBOURING CONTEXT UPDATED
16	CEILING FANS IN ALL LIVING ROOMS & BEDROOMS
17	AMENDED SOLAR ACCESS

LEVEL	GFA
GF	504 m²
L1	528 m²
L2	528 m²
L3	487 m²
L4	444 m²
TOTAL GFA	2491 m²

LEGEND

GROSS FLOOR AREA

Issue	Description	Date
1	ISSUE FOR DEVELOPMENT APPLICATION	04.03.25
2	ISSUE FOR COUNCIL RFI	19.09.2025
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DEVELOPMENT APPLICATION

WMK Architecture
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Client
STM REALTY

Scale
0 2 4 6 8m 1:200

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
GFA DIAGRAMS

Project No.	Checked	Drawn
24032	RS	GO
Scale @ A1	Drawing No.	Revision
As indicated	DA1007	3

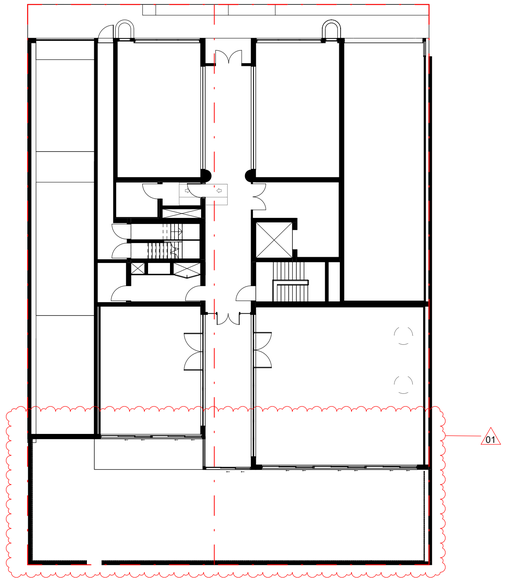
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AMENDED

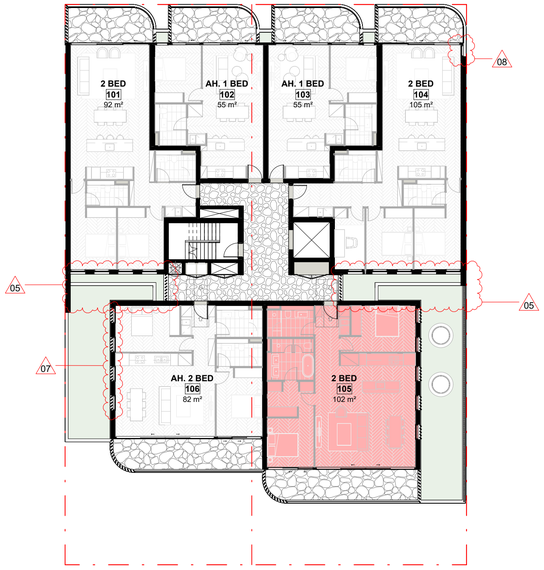
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Waverley Council

Application No: DA-209/2025

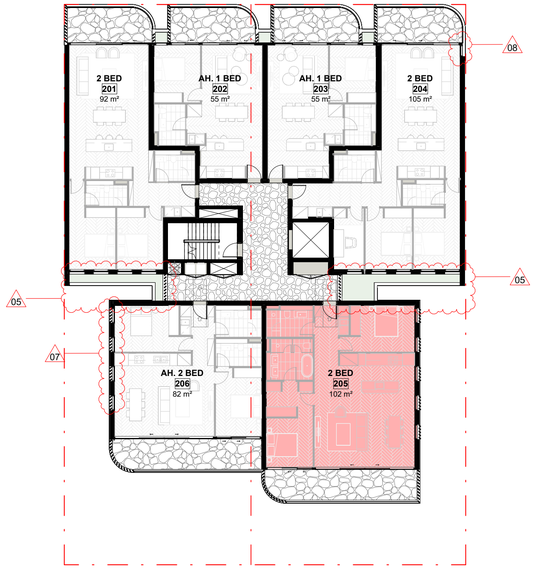
Date Received: 31/10/2025



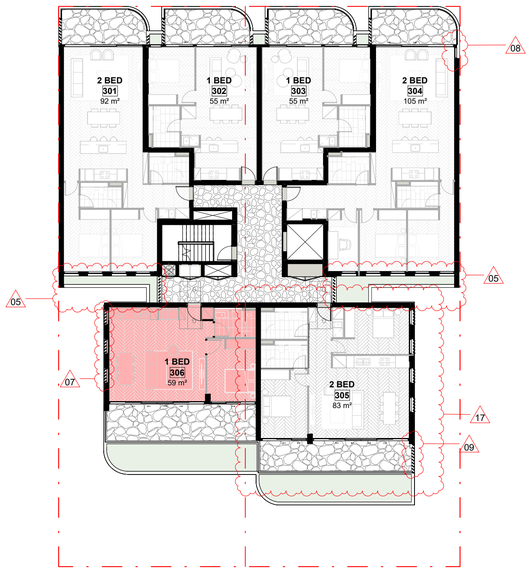
1 GROUND - ADAPTABLE APT
SCALE 1 : 200



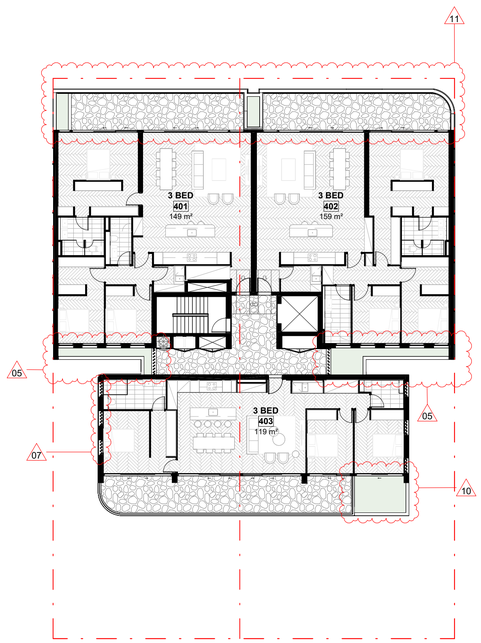
2 L1 - ADAPTABLE APT
SCALE 1 : 200



3 L2 - ADAPTABLE APT
SCALE 1 : 200



4 L3 - ADAPTABLE APT
SCALE 1 : 200



5 L4 - ADAPTABLE APT
SCALE 1 : 200

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Nominated Architect: Greg Barnett (NSW ARB. 6092)

LEGEND

ADAPTABLE APARTMENT

Issue	Description	Date
1	ISSUE FOR DEVELOPMENT APPLICATION	04.03.25
2	ISSUE FOR COUNCIL RFI	19.09.2025
3	REISSUE FOR COUNCIL APPROVAL	30.10.25

Issued For
DEVELOPMENT APPLICATION

WMK Architecture
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Sydney NSW 2000
Telephone 02 9299 0401
wmkarchitecture.com
ABN 25 082 956 929

Client
STM REALTY

Scale
0 2 4 6 8m
1:200

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
SELECTED ADAPTABLE APARTMENT

Project No.	Checked	Drawn
24032	RS	TS

Scale @ A1	Drawing No.	Revision
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339

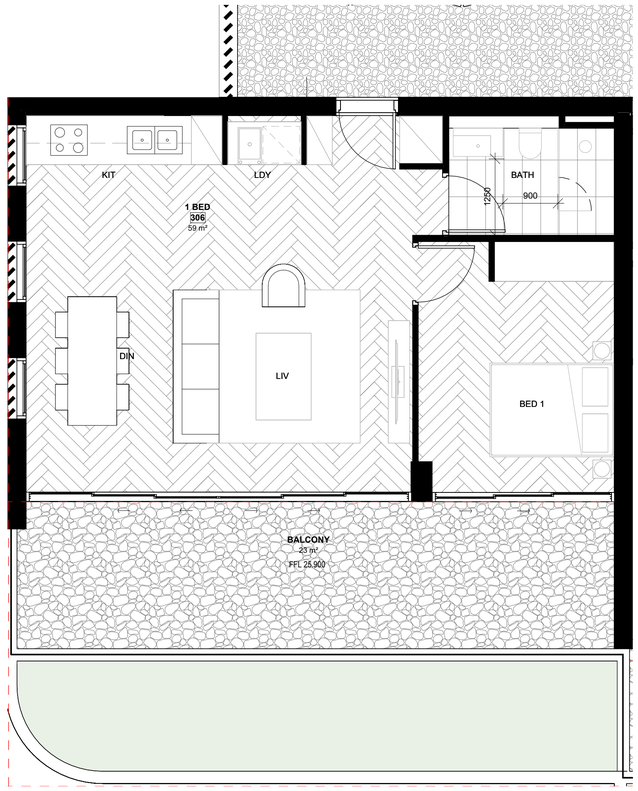
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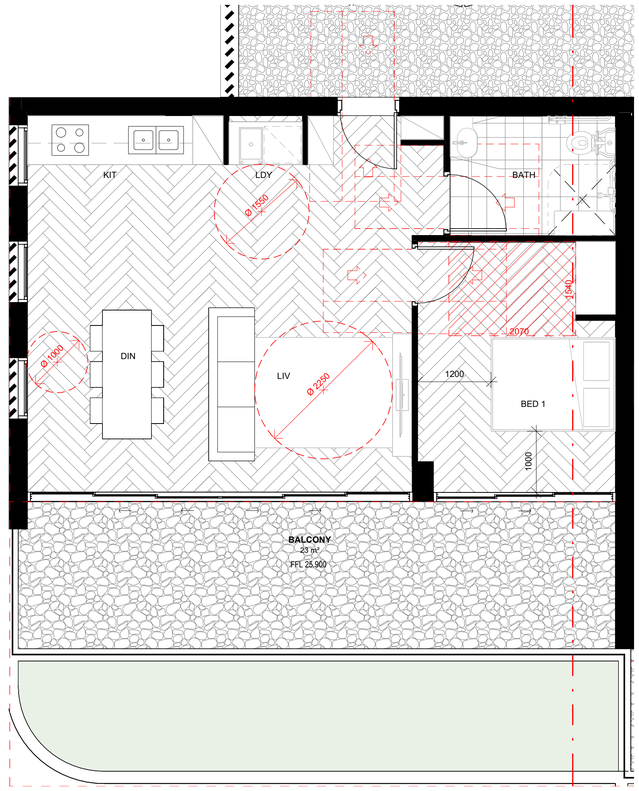
RECEIVED
Waverley Council

Application No: DA-209/2025

Date Received: 31/10/2025



1 **PRE ADAPTABLE UNIT - 1BED**
UNIT 306 SCALE 1 : 50



2 **POST ADAPTABLE UNIT - 1BED**
UNIT 306 SCALE 1 : 50

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Nominated Architect: Greg Barnett (NSW ARB. 6092)

Issue	Description	Date
1	ISSUE FOR DEVELOPMENT APPLICATION	04.03.25
2	REISSUE FOR COUNCIL APPROVAL	30.10.25

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WMK Architecture
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wmkarchitecture.com
ABN 25 082 956 929

Client
STM REALTY

Scale
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1:50

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
ADAPTABLE APARTMENT UNIT

Project No.	Checked	Drawn
24032	RS	GO

Scale @ A1	Drawing No.	Revision
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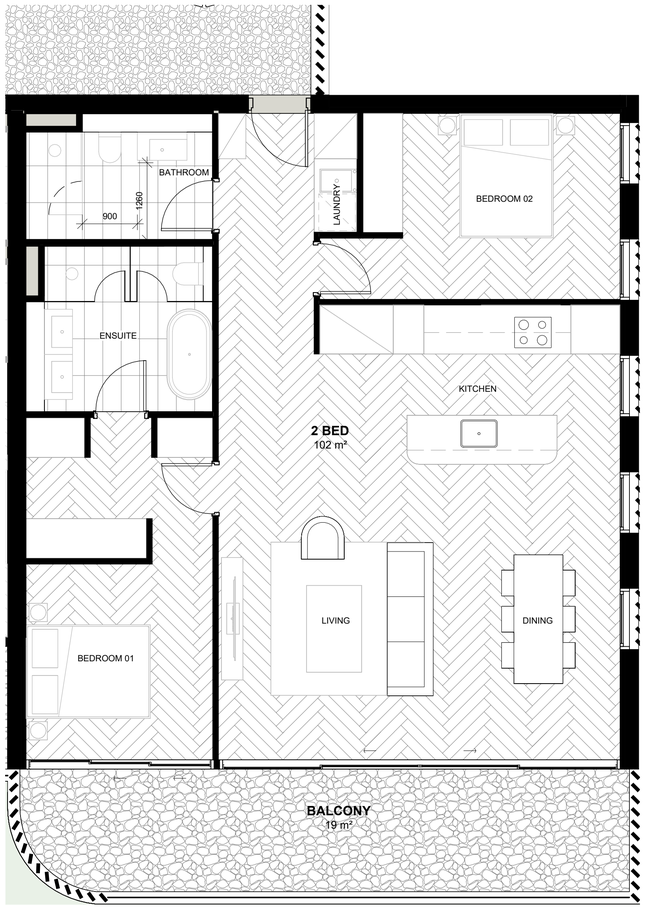
Dimensioned Drawings to take precedence over scaling. Contractor to verify all dimensions on site before construction. All inconsistencies to be reported to the Architect immediately. This drawing and its contents remain the copyright of WMK Architecture Pty Ltd ©
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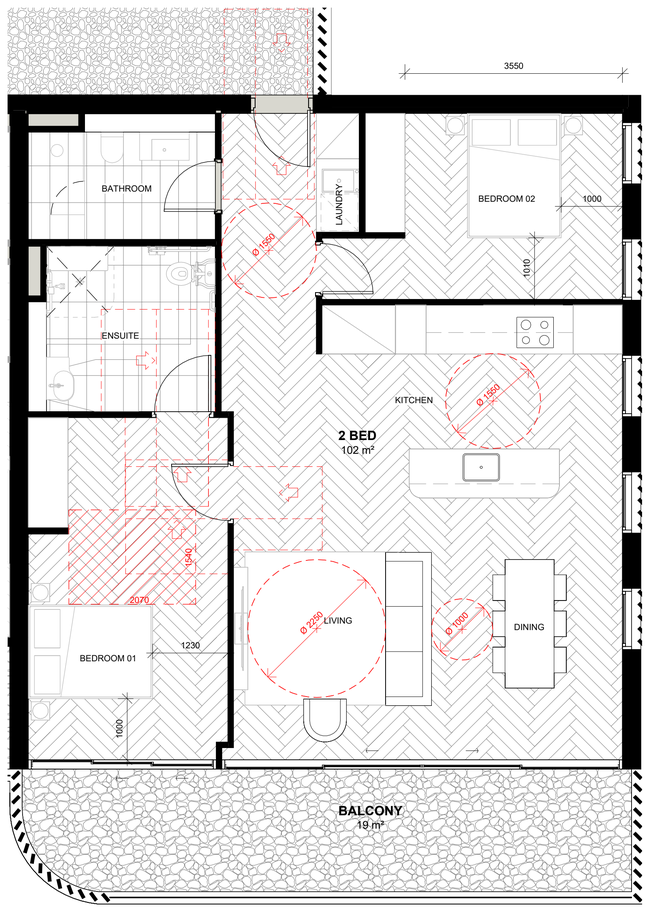
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Waverley Council

Application No: DA-209/2025

Date Received: 31/10/2025



1 **PRE ADAPTABLE UNIT - 2BED**
UNIT 105 & 205 SCALE 1 : 50



2 **POST ADAPTABLE UNIT - 2BED**
UNIT 105 & 205 SCALE 1 : 50

Issue	Description	Date
1	ISSUE FOR DEVELOPMENT APPLICATION	04.03.25
2	REISSUE FOR COUNCIL APPROVAL	30.10.25

Issued For
DEVELOPMENT APPLICATION

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Sydney NSW 2000
Telephone 02 9299 0401
wmkarchitecture.com
ABN 25 082 956 929

Client
STM REALTY

Scale
0 0.5 1 1.5 2m
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Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
ADAPTABLE APARTMENT UNIT

Project No.	Checked	Drawn
24032	RS	GO

Scale @ A1	Drawing No.	Revision
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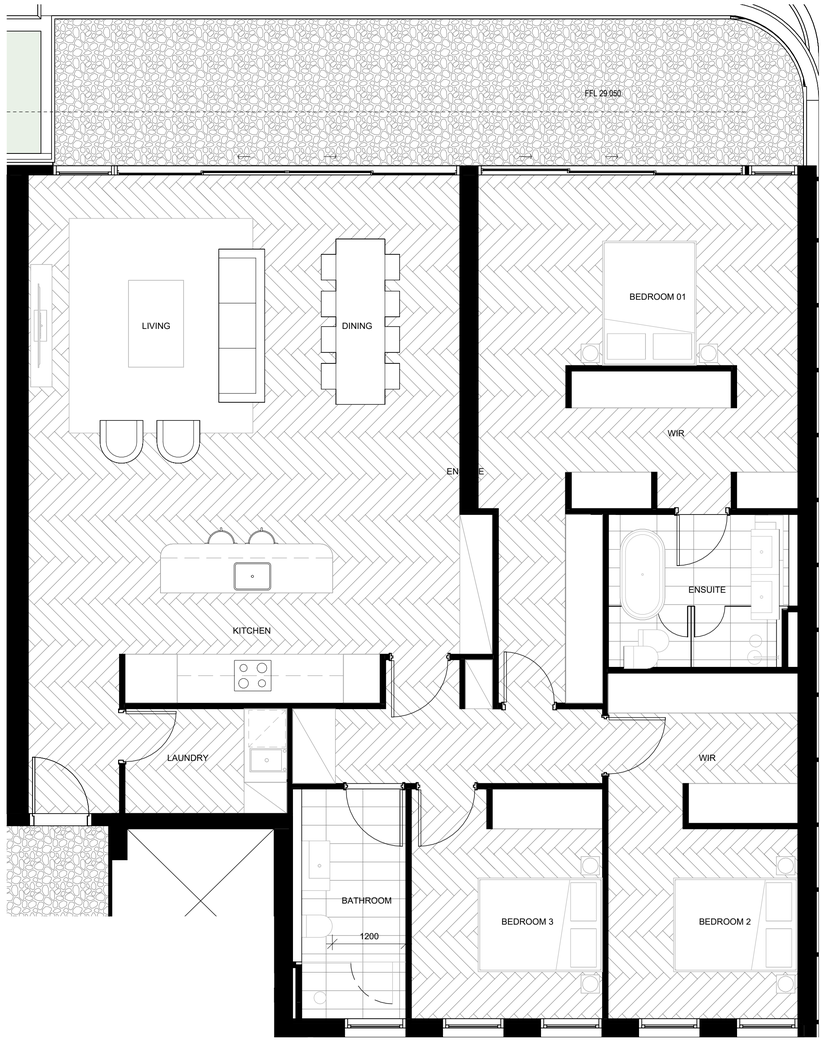
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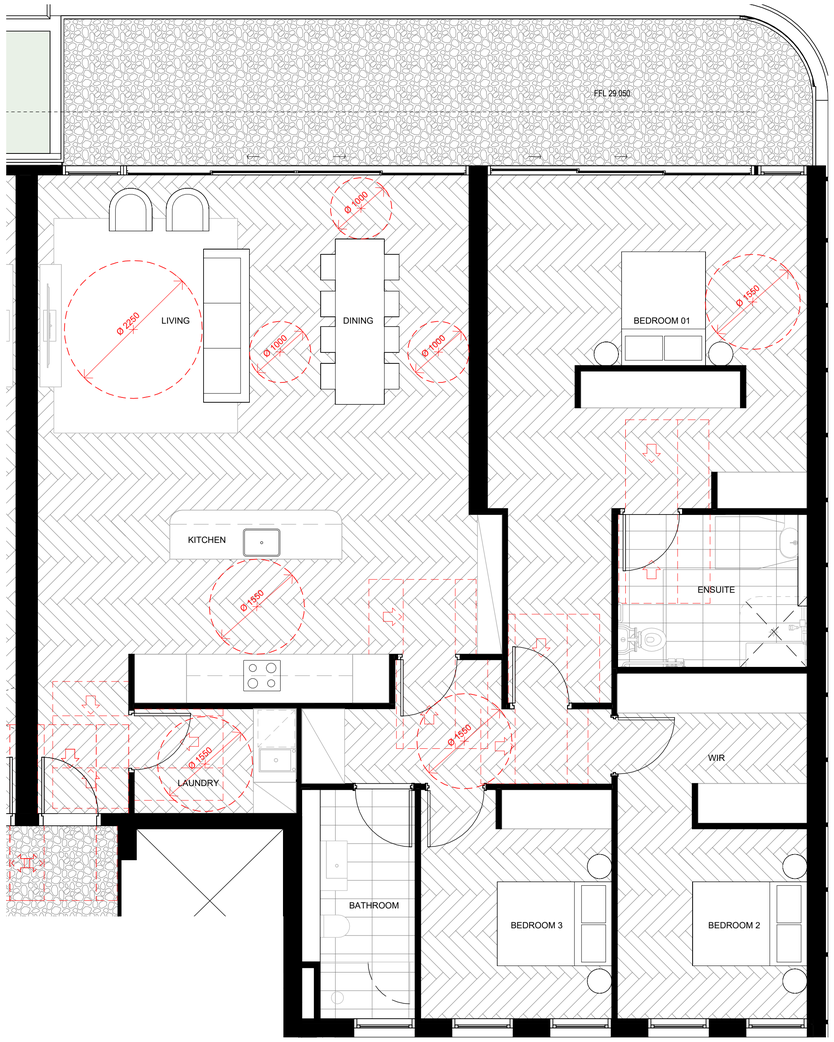
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Waverley Council

Application No: DA-209/2025

Date Received: 31/10/2025



1 **PRE ADAPTABLE UNIT - 3BED**
UNIT 402 SCALE 1 : 50



2 **POST ADAPTABLE UNIT - 3BED**
UNIT 402 SCALE 1 : 50

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wmkarchitecture.com
ABN 25 082 956 929

Client
STM REALTY

Scale

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
ADAPTABLE APARTMENT UNIT

Project No.	Checked	Drawn
24032	RS	GO

Scale @ A1	Drawing No.	Revision
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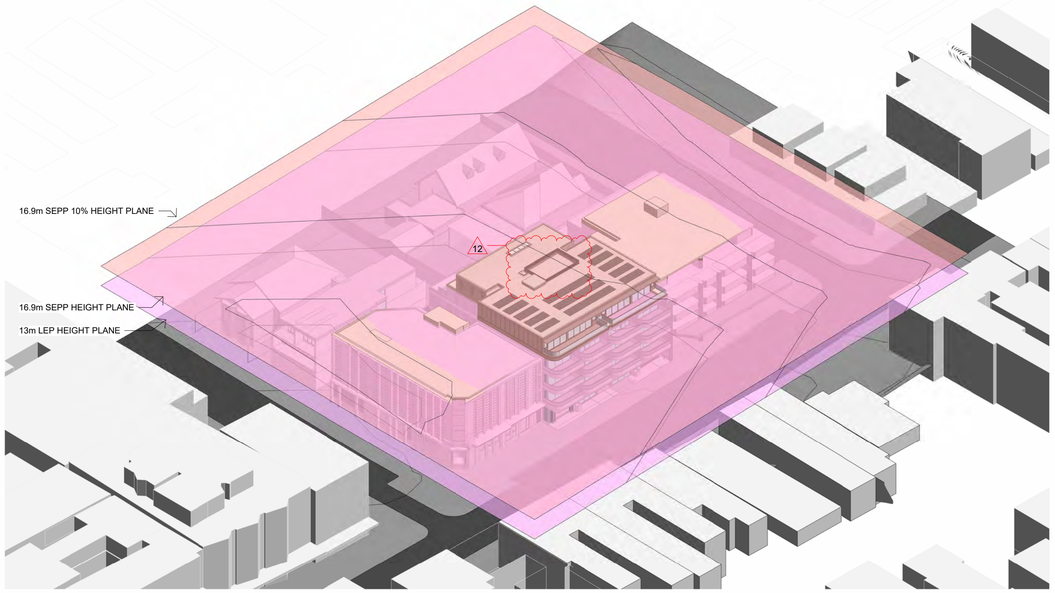
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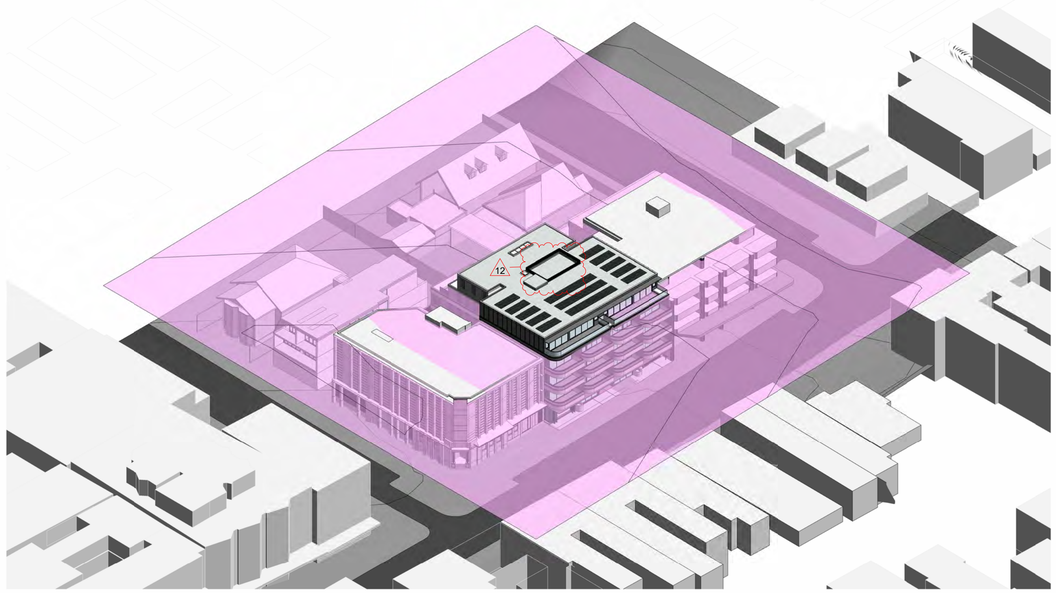
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Waverley Council

Application No: DA-209/2025

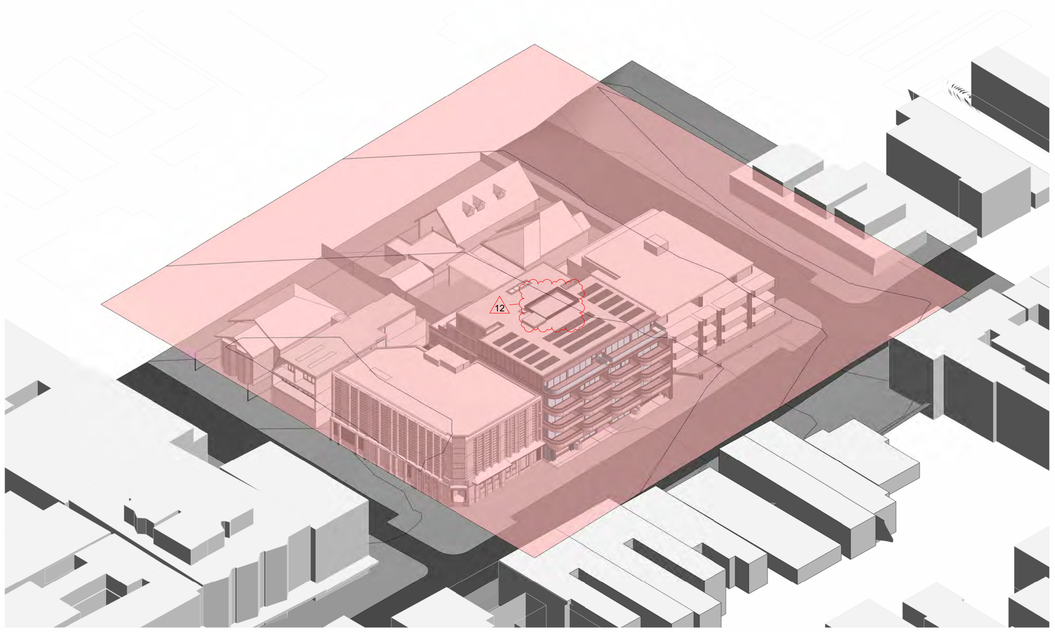
Date Received: 31/10/2025



1 HEIGHT PLANE - COMBINE



2 HEIGHT PLANE - 13m LEP



3 HEIGHT PLANE -16.9m SEPP (HOUSING)

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REVISION CLOUD LEGEND

NO.	DESCRIPTION AND CHANGE
01	PAVED REAR TERRACE DELETED AND REPLACED WITH LANDSCAPED AREA
02	PROPOSED GLAZED OPENINGS REPLACED WITH WINDOW OPENINGS WITH 900MM SILL HEIGHTS
03	LOBBY GALLERY ENCLOSED WITH GLAZED OPENINGS TO LANDSCAPED AREA
04	SECURITY GATES ADDED
05	LOUVRES REPLACED WITH PRIVACY SCREENING, DIRECTED AWAY FROM UNIT WINDOWS. BEDROOMS AND STUDY WINDOWS ADJACENT AMENDED TO BE DOUBLE GLAZED
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07	FIXED AND OPERABLE SCREENING ADDED TO NORTH-WESTERN WINDOWS AS REQUIRED
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09	ADDITIONAL PRIVACY SCREENING ADDED
10	UNIT 403 BALCONY SET BACK 3.5M TO ADDRESS VISUAL PRIVACY
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13	ALL INSTANCES OF SATIN POWDERCOAT ANTHRACITE TO BE SATIN POWDERCOAT BRONZE. NEW BALUSTRADE BL.2 ADDED.
14	ADDITIONAL REAR ELEVATION ADDED TO DEPICT GROUND FLOOR FENESTRATION. FENCE HEIGHT DIMENSION ADDED TO 01/DA-501
15	NEIGHBOURING CONTEXT UPDATED
16	CEILING FANS IN ALL LIVING ROOMS & BEDROOMS
17	AMENDED SOLAR ACCESS

Issue	Description	Date
1	ISSUE FOR DEVELOPMENT APPLICATION	04.03.25
2	ISSUE FOR COUNCIL RFI	19.09.2025
3	REISSUE FOR COUNCIL APPROVAL	30.10.25

Issued For
DEVELOPMENT APPLICATION

WMK Architecture
The Atrium, Ground Floor
9 Castlereagh St
Sydney NSW 2000
Telephone 02 9299 0401
wmkarchitecture.com
ABN 25 082 956 929

Client
STM REALTY

Scale

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
HEIGHT PLANE

Project No.	Checked	Drawn
24032	BM	TS

Scale @ A1	Drawing No.	Revision
1 : 5	DA1040	3

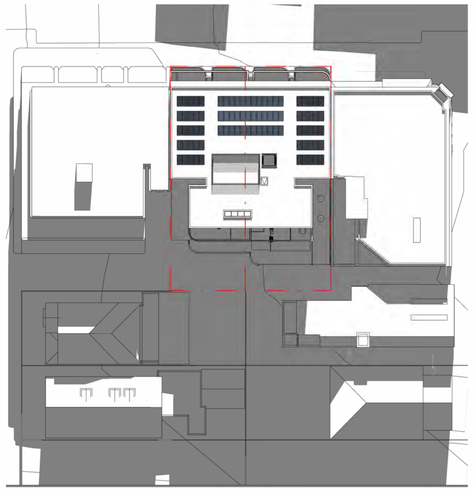
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AMENDED

RECEIVED
Waverley Council

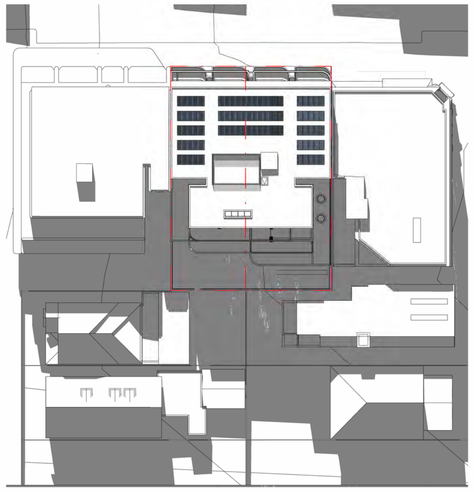
Application No: DA-209/2025

Date Received: 31/10/2025



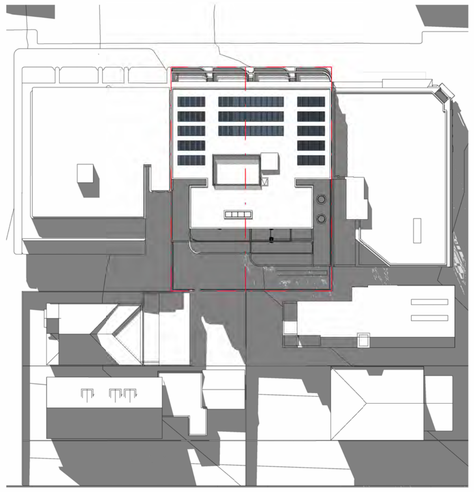
1 JUNE 21st - 9AM

SCALE 1 : 500



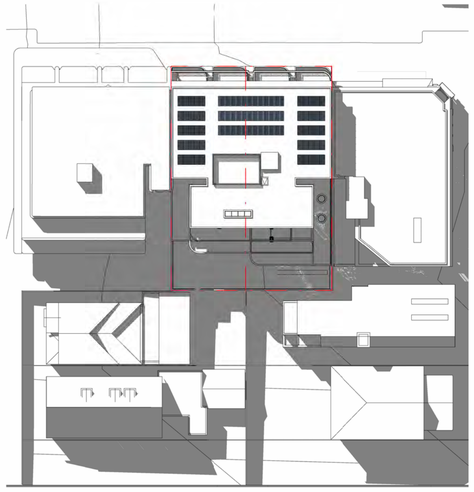
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SCALE 1 : 500



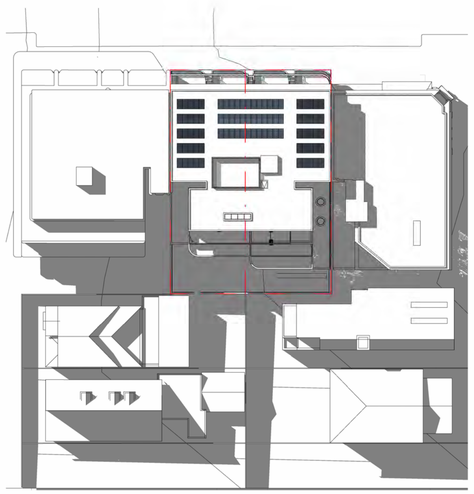
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SCALE 1 : 500



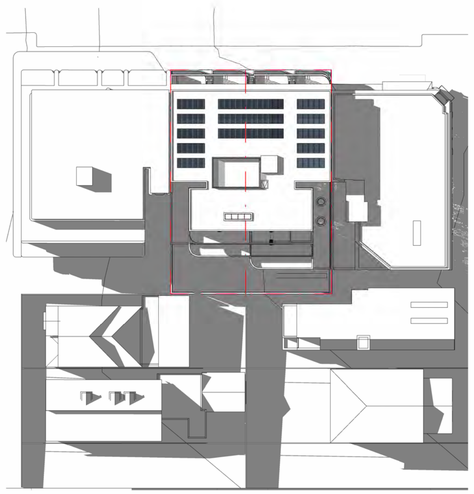
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SCALE 1 : 500



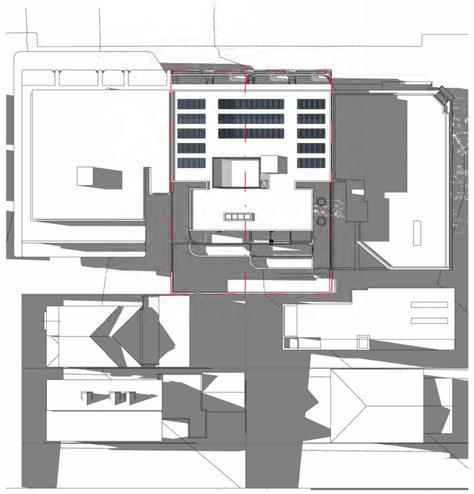
5 JUNE 21st - 1PM

SCALE 1 : 500



6 JUNE 21st - 2PM

SCALE 1 : 500



7 JUNE 21st - 3PM

SCALE 1 : 500

Dimensioned Drawings to take precedence over scaling. Contractor to verify all dimensions on site before construction. All inconsistencies to be reported to the Architect immediately. This drawing and its contents remain the copyright of WMK Architecture Pty Ltd ©
Nominated Architect: Greg Barnett (NSW ARB. 6092)

Issue	Description	Date
1	ISSUE FOR DEVELOPMENT APPLICATION	04.03.25
2	REISSUE FOR COUNCIL APPROVAL	30.10.25

Issued For
DEVELOPMENT APPLICATION

WMK Architecture
The Atrium, Ground Floor
9 Castlereagh St
Sydney NSW 2000
Telephone 02 9299 0401
wmkarchitecture.com
ABN 25 082 956 929

Client
STM REALTY

Scale
0 2 4 6 8m
1:200

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
SHADOW DIAGRAMS

Project No.		Checked	Drawn
24032		RS	GO
Scale @ A1	Drawing No.		Revision
1 : 500	DA1050		2

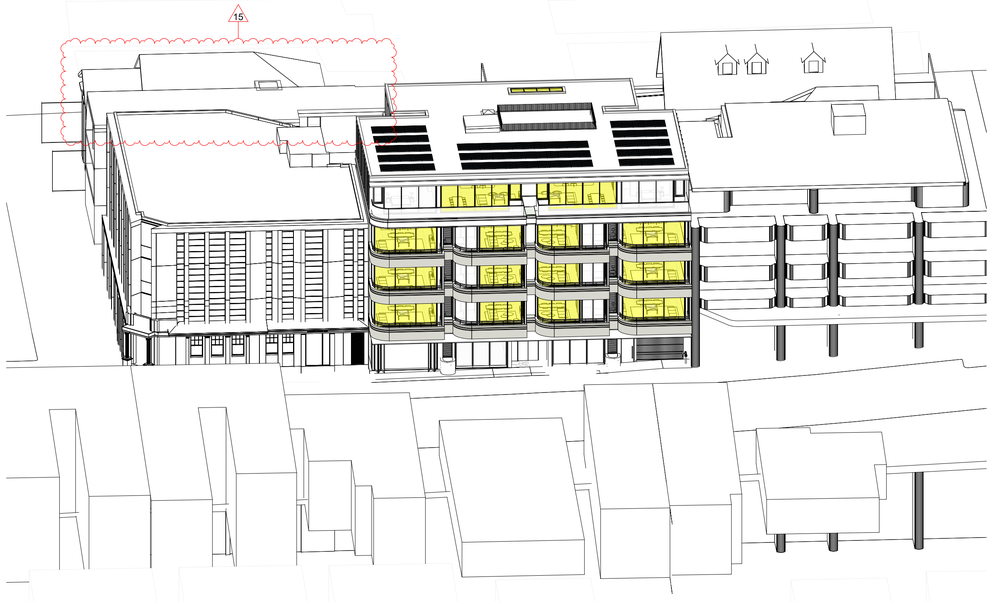
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AMENDED

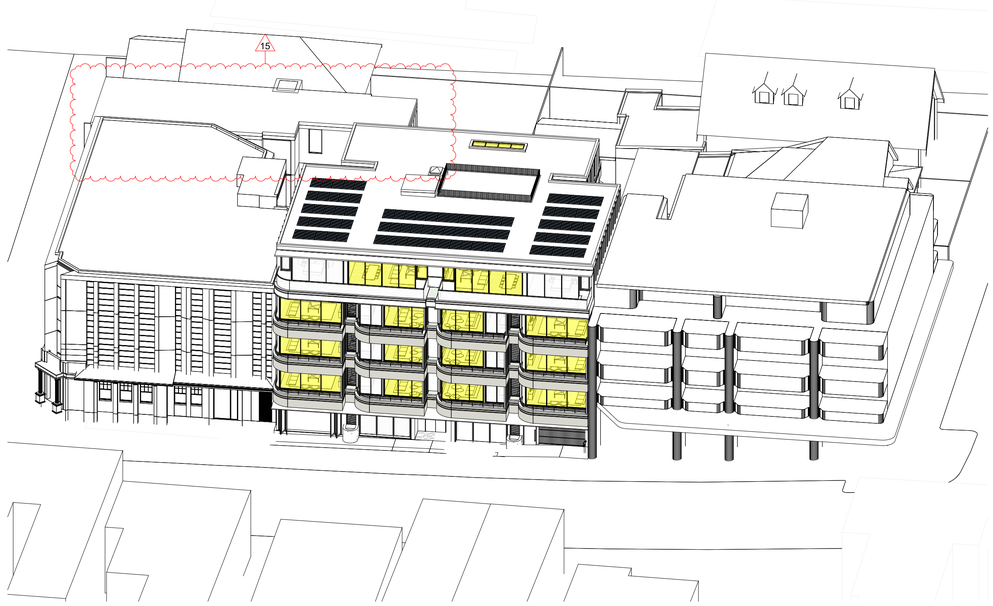
RECEIVED
Waverley Council

Application No: DA-209/2025

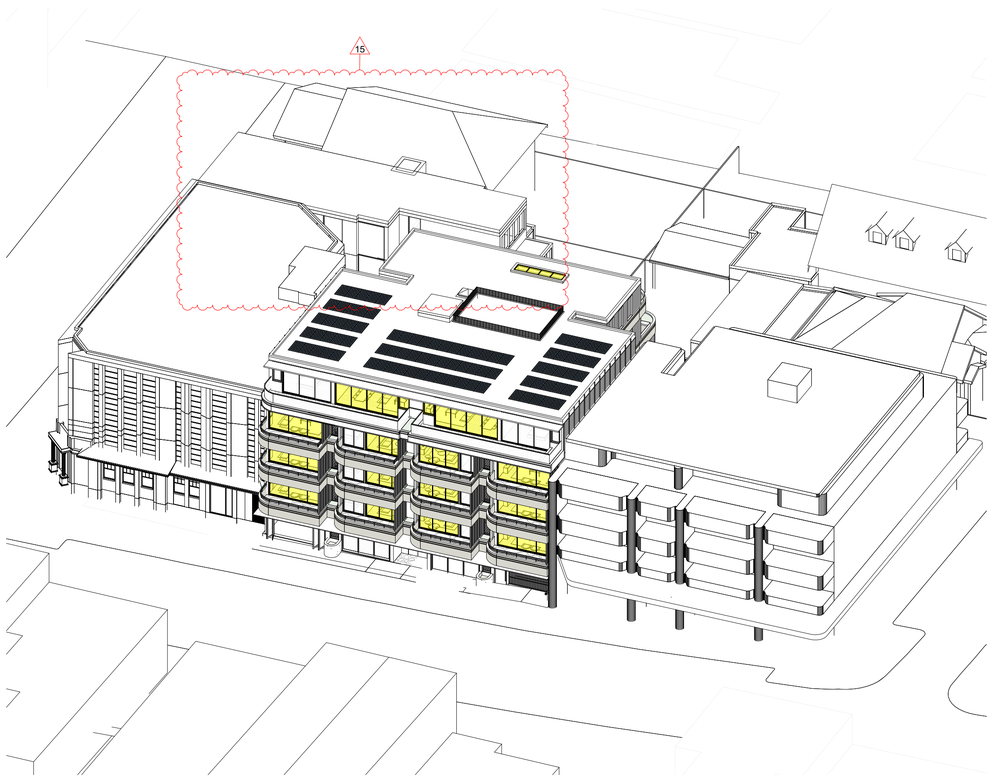
Date Received: 31/10/2025



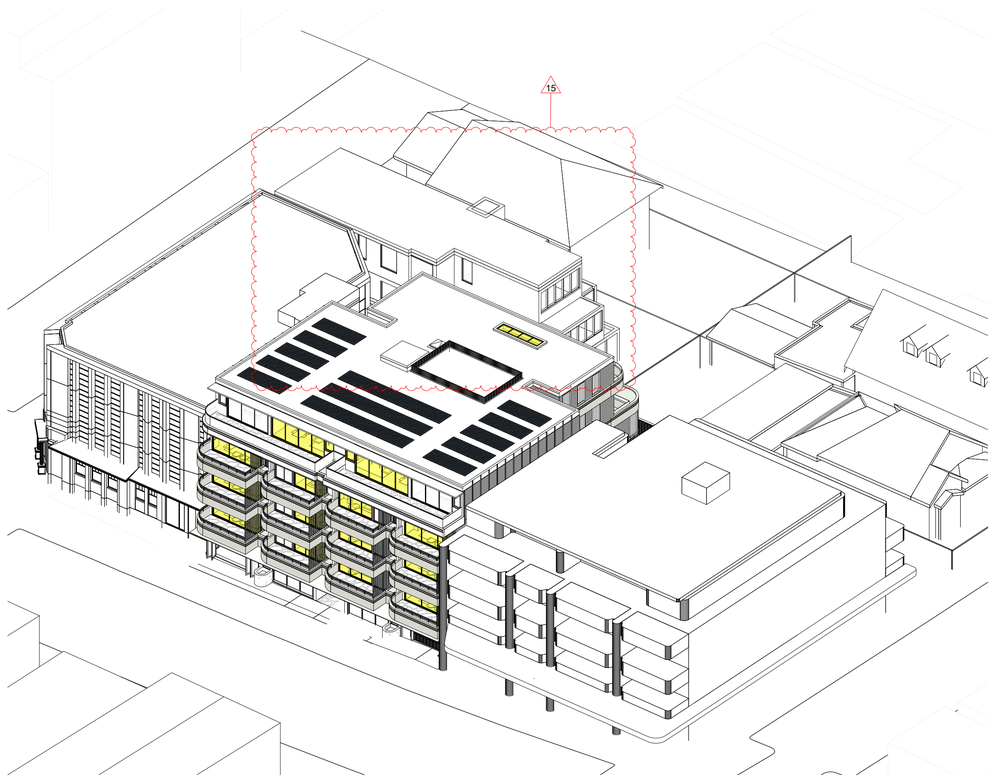
1 JUNE 21st - 9AM



2 JUNE 21st - 10AM



3 JUNE 21st - 11AM



4 JUNE 21st - 12PM

Dimensioned Drawings to take precedence over scaling. Contractor to verify all dimensions on site before construction. All inconsistencies to be reported to the Architect immediately. This drawing and its contents remain the copyright of WMK Architecture Pty Ltd ©
Nominated Architect: Greg Barnett (NSW ARB: 6092)

SOLAR ACCESS

+2HR	15	**71.4%**
0 HR	3	**14.25%**
>2HR	3	**14.25%**

TOTAL UNITS: 21

LEVEL	APT #	SOLAR ACCESS
L1	101	+2HR
L1	102	+2HR
L1	103	+2HR
L1	104	+2HR
L1	105	0 HR
L1	106	0 HR
L2	201	+2HR
L2	202	+2HR
L2	203	+2HR
L2	204	+2HR
L2	205	>2HR
L2	206	>2HR
L3	305	0 HR
L3	306	>2HR
L3	304	+2HR
L3	301	+2HR
L3	302	+2HR
L3	303	+2HR
L4	403	+2HR
L4	401	+2HR
L4	402	+2HR

LEGEND

+ 2 HOURS OF DIRECT SOLAR ACCESS

> 2 HOURS OF DIRECT SOLAR ACCESS

0 HOURS OF DIRECT SOLAR ACCESS

Issue	Description	Date
1	ISSUE FOR DEVELOPMENT APPLICATION	04.03.25
2	ISSUE FOR COUNCIL RFI	19.09.2025
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Issued For
DEVELOPMENT APPLICATION

WMK Architecture
The Atrium, Ground Floor
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Sydney NSW 2000
Telephone 02 9299 0401
wmkarchitecture.com
ABN 25 082 956 929

Client
STM REALTY

Scale

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
SUN EYE VIEWS SHEET 01 OF 02

Project No.		Checked	Drawn
24032		RS	GO
Scale @ A1	Drawing No.		Revision
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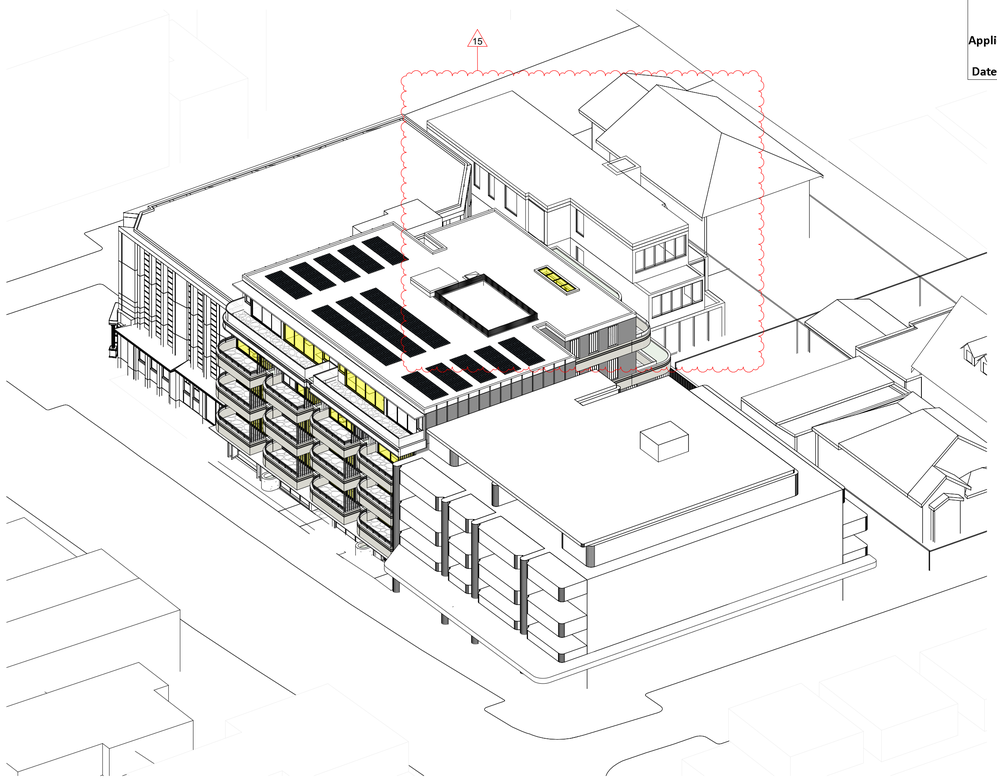
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RECEIVED
Waverley Council

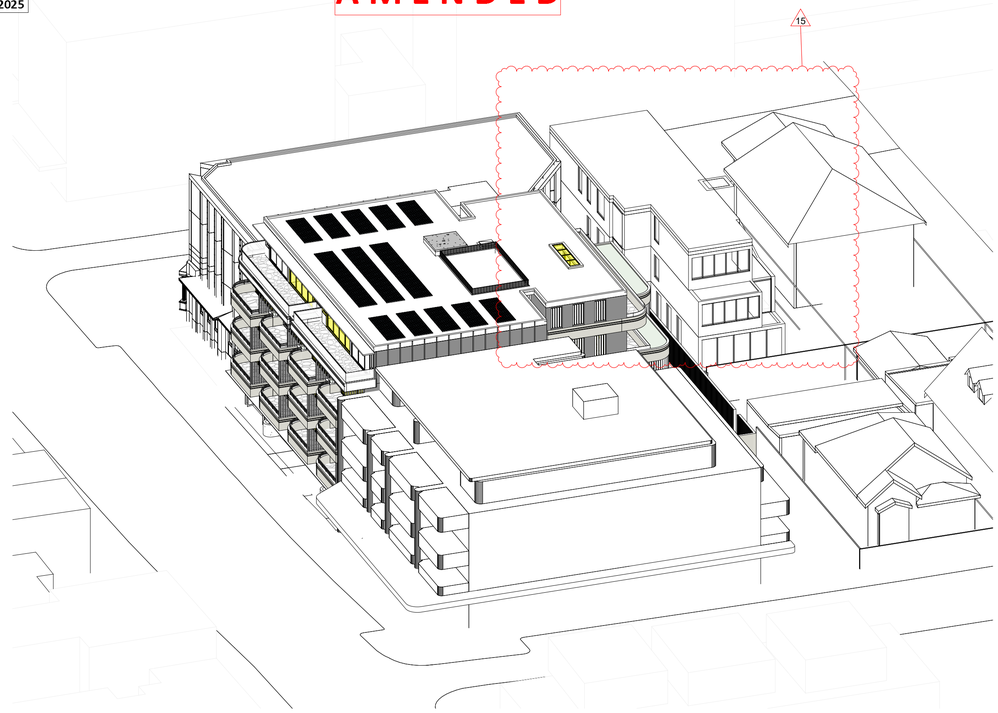
Application No: DA-209/2025

Date Received: 31/10/2025

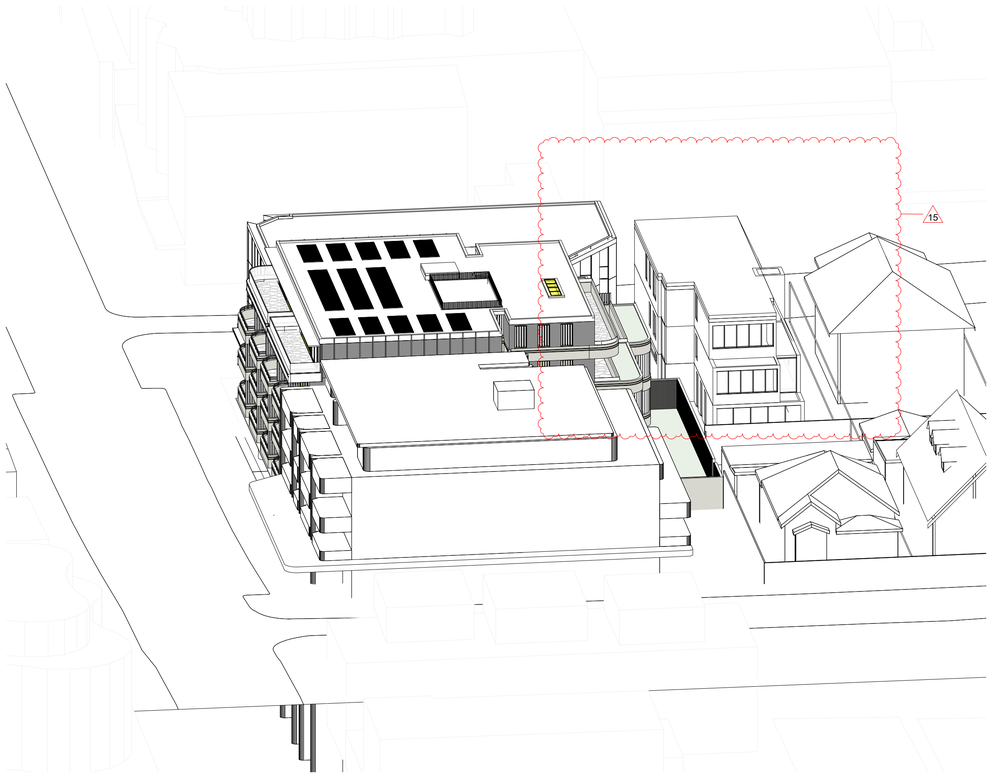
AMENDED



1 JUNE 21st - 1PM



2 JUNE 21st - 2PM



3 JUNE 21st - 3PM

REVISION CLOUD LEGEND

NO.	DESCRIPTION AND CHANGE
01	PAVED REAR TERRACE DELETED AND REPLACED WITH LANDSCAPED AREA
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16	CEILING FANS IN ALL LIVING ROOMS & BEDROOMS
17	AMENDED SOLAR ACCESS

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Nominated Architect: Greg Barnett (NSW ARB. 6092)

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L2	203	+2HR
L2	204	+2HR
L2	205	>2HR
L2	206	>2HR
L3	305	0 HR
L3	306	>2HR
L3	304	+2HR
L3	301	+2HR
L3	302	+2HR
L3	303	+2HR
L4	403	+2HR
L4	401	+2HR
L4	402	+2HR

LEGEND

+ 2 HOURS OF DIRECT SOLAR ACCESS

> 2 HOURS OF DIRECT SOLAR ACCESS

0 HOURS OF DIRECT SOLAR ACCESS

Issue	Description	Date
1	ISSUE FOR DEVELOPMENT APPLICATION	04.03.25
2	ISSUE FOR COUNCIL RFI	19.09.2025
3	REISSUE FOR COUNCIL APPROVAL	30.10.25

Issued For
DEVELOPMENT APPLICATION

WMK Architecture
The Atrium, Ground Floor
9 Castlereagh St
Sydney NSW 2000
Telephone 02 9299 0401
wmkarchitecture.com
ABN 25 082 956 929

Client
STM REALTY

Scale

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
SUN EYE VIEWS SHEET 02 OF 02

Project No.		Checked	Drawn
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Scale @ A1	Drawing No.		Revision
As indicated	DA1052		3

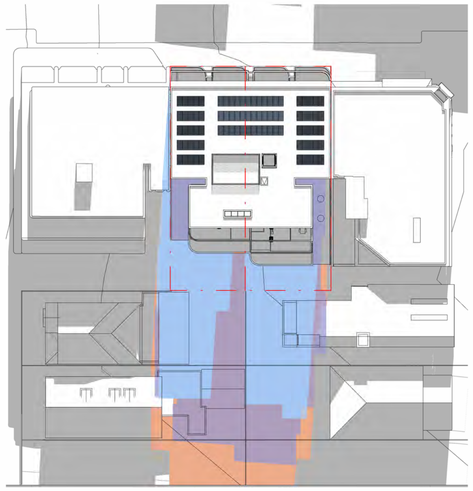
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AMENDED

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Waverley Council

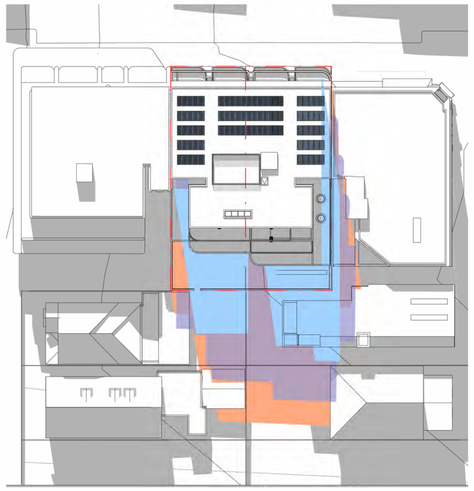
Application No: DA-209/2025

Date Received: 31/10/2025



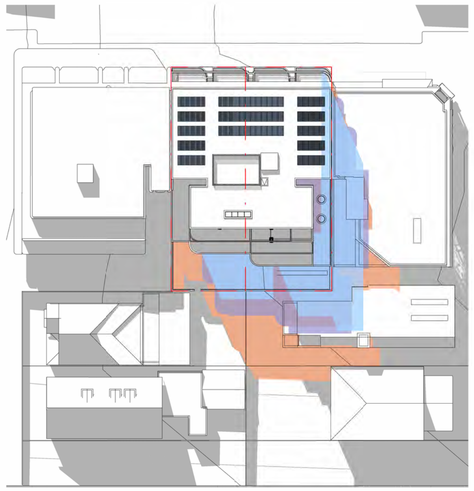
01 JUNE 21st - 9AM

SCALE 1 : 500



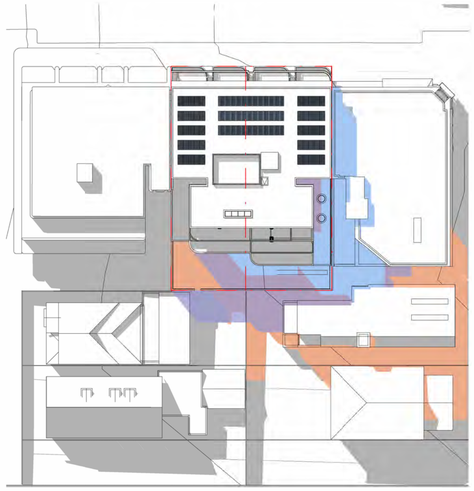
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SCALE 1 : 500



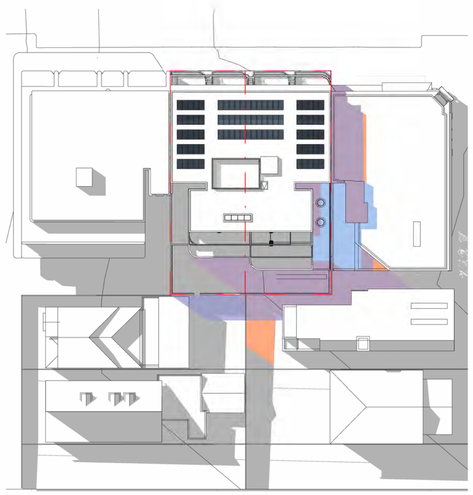
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SCALE 1 : 500



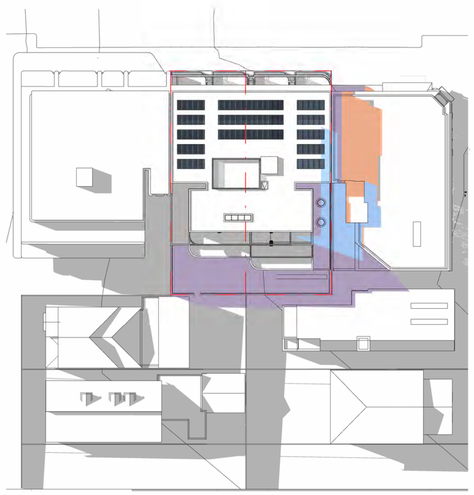
04 JUNE 21st - 12PM

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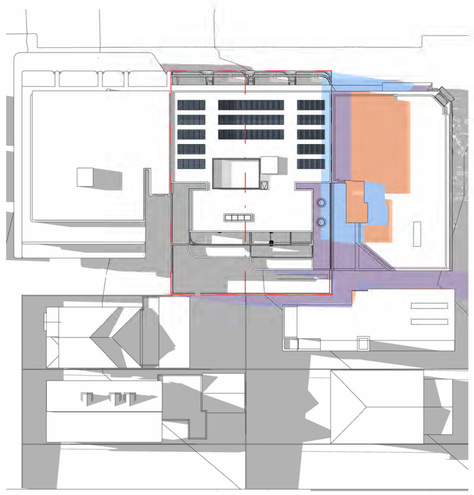
05 JUNE 21st - 1PM

SCALE 1 : 500



06 JUNE 21st - 2PM

SCALE 1 : 500



07 JUNE 21st - 3PM

SCALE 1 : 500

Dimensioned Drawings to take precedence over scaling. Contractor to verify all dimensions on site before construction. All inconsistencies to be reported to the Architect immediately. This drawing and its contents remain the copyright of WMK Architecture Pty Ltd ©
Nominated Architect: Greg Barnett (NSW ARB. 6092)

LEGEND :

- EXISTING BUILDING SHADOW OUTLINE
- APPROVED (NO.DA-552/2021/A) SHADOW OUTLINE
- PROPOSED DA SHADOW OUTLINE

Issue	Description	Date
1	ISSUE FOR DEVELOPMENT APPLICATION	04.03.25
2	REISSUE FOR COUNCIL APPROVAL	30.10.25

Issued For
DEVELOPMENT APPLICATION

WMK Architecture
The Atrium, Ground Floor
9 Castlereagh St
Sydney NSW 2000
Telephone 02 9299 0401
wmkarchitecture.com
ABN 25 082 956 929

Client
STM REALTY

Scale
0 2 4 6 8m 1:200

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
SHADOW DIAGRAMS - EXISTING, APPROVED (DA-552/2021/A), PROPOSED

Project No.	Checked	Drawn
24032	RS	GO

Scale @ A1	Drawing No.	Revision
1 : 500	DA1053	2

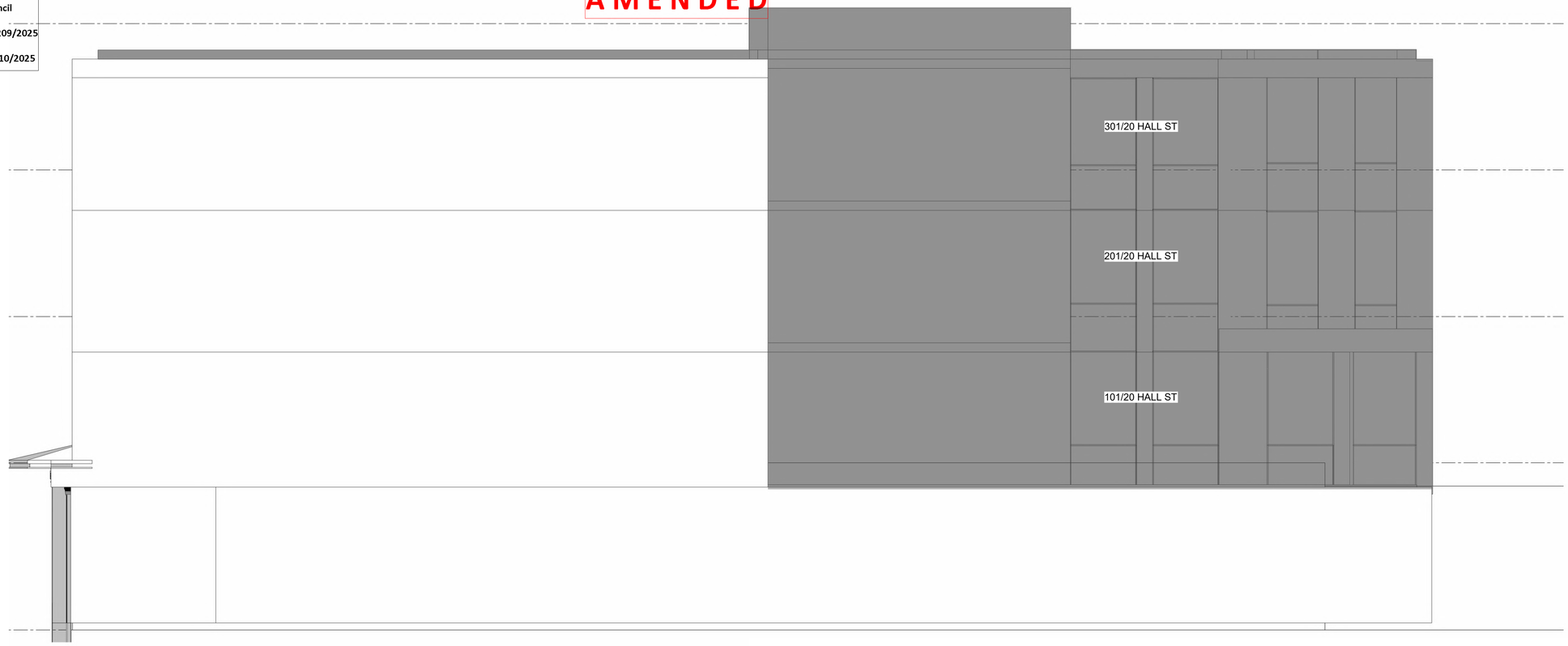
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Waverley Council

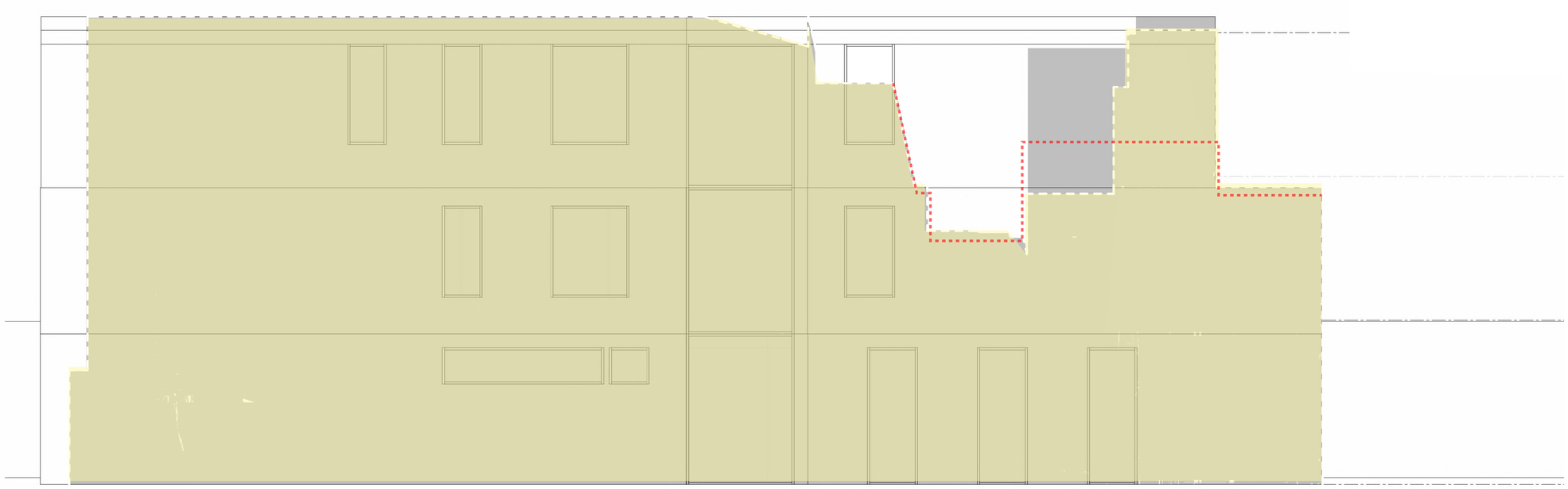
Application No: DA-209/2025

Date Received: 31/10/2025

AMENDED



01 **20-24 HALL STREET NORTH WEST ELEVATION - 9AM**



02 **1 JAQUES AVE NORTH ELEVATION - 9AM**

Dimensioned Drawings to take precedence over scaling. Contractor to verify all dimensions on site before construction. All inconsistencies to be reported to the Architect immediately. This drawing and its contents remain the copyright of WMK Architecture Pty Ltd ©
Nominated Architect: Greg Barnett (NSW ARB. 6092)

LEGEND

- APPROVED DA ENVELOPE SHADOW
- DCP ENVELOPE SHADOW
- SELF SHADOW
- PROPOSED ENVELOPE SHADOW

Issue	Description	Date
1	ISSUE FOR COUNCIL RFI	19.09.25
2	ISSUED TO COUNCIL	30.10.2025

Issued For
DEVELOPMENT APPLICATION

WMK Architecture
The Atrium, Ground Floor
9 Castlereagh St
Sydney NSW 2000
Telephone 02 9299 0401
wmkarchitecture.com
ABN 25 082 956 929

Client
STM REALTY

Scale
0 2 4 6 8m 1:200

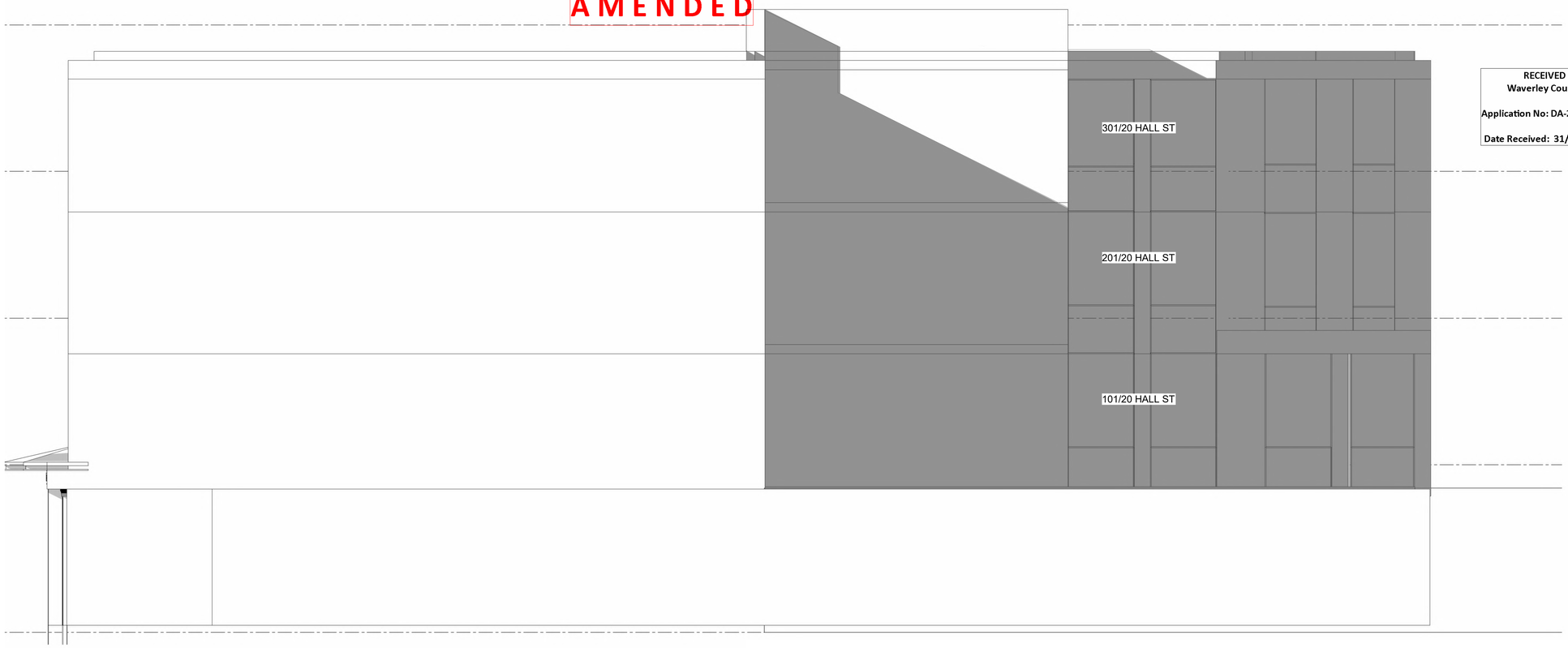
Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

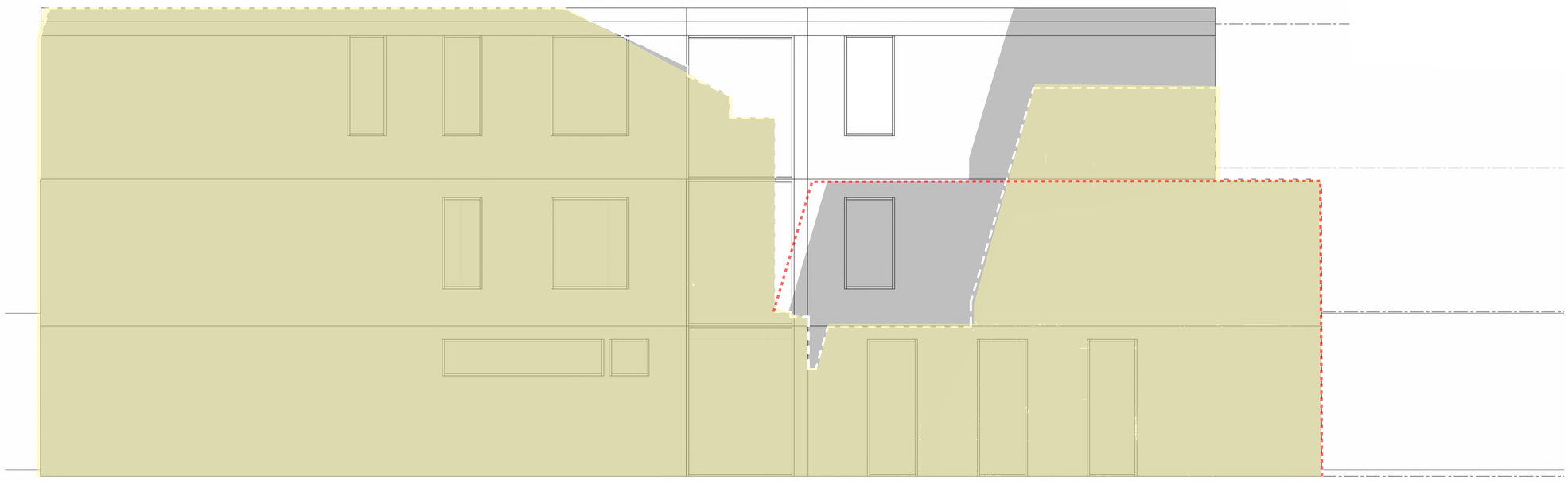
Title
SOLAR ANALYSIS -ELEVATION
SHADOWS - JUNE 21st - 9AM

Project No.		Checked	Drawn
24032		LH	EH
Scale @ A1	Drawing No.		Revision
As indicated	DA1077		2

AMENDED



01 **20-24 HALL STREET NORTH WEST ELEVATION - 10AM**



02 **1 JAQUES AVE NORTH ELEVATION - 10AM**

RECEIVED
Waverley Council

Application No: DA-209/2025

Date Received: 31/10/2025

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LEGEND

- APPROVED DA ENVELOPE SHADOW
- DCP ENVELOPE SHADOW
- SELF SHADOW
- PROPOSED ENVELOPE SHADOW

Issue	Description	Date
1	ISSUE FOR COUNCIL RFI	19.09.25
2	ISSUED TO COUNCIL	30.10.2025

Issued For
DEVELOPMENT APPLICATION

WMK Architecture
The Atrium, Ground Floor
9 Castlereagh St
Sydney NSW 2000
Telephone 02 9299 0401
wmkarchitecture.com
ABN 25 082 956 929

Client
STM REALTY

Scale
0 2 4 6 8m 1:200

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
SOLAR ANALYSIS -ELEVATION
SHADOWS - JUNE 21st - 10AM

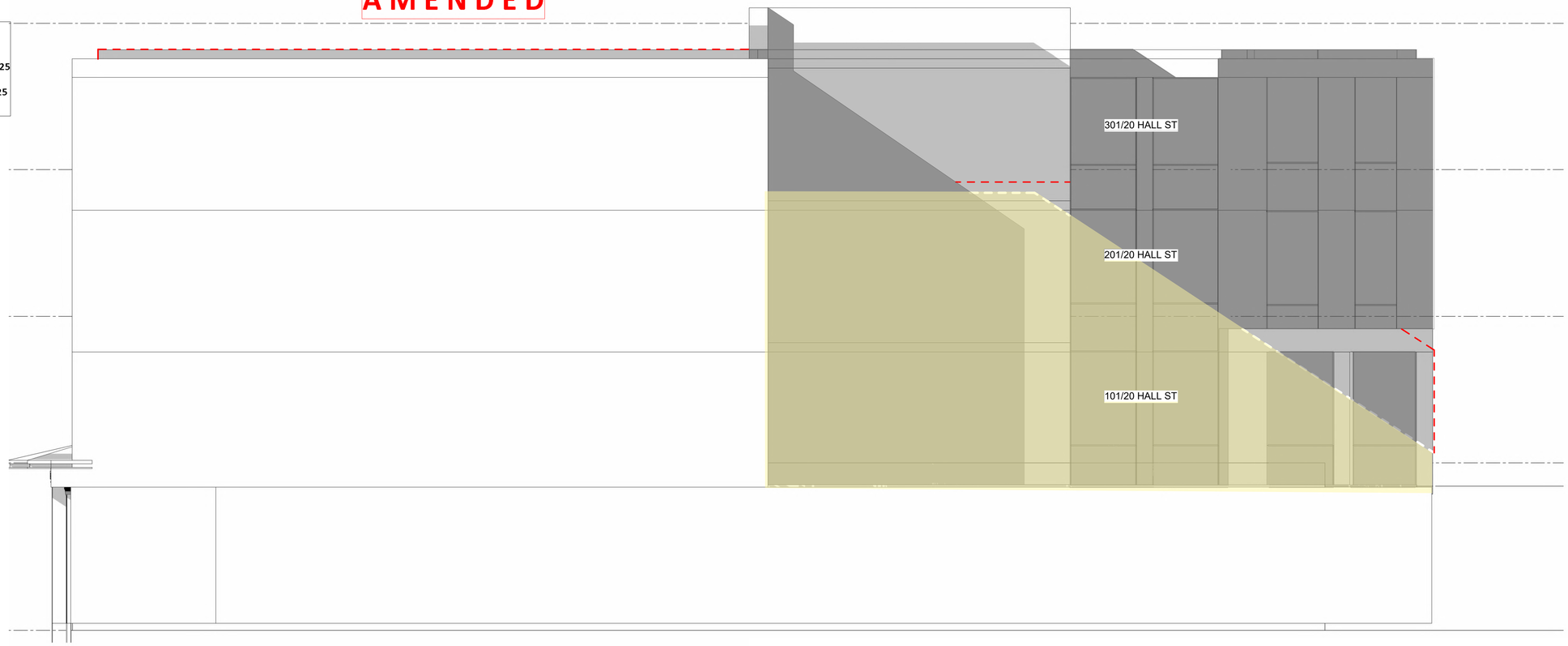
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Scale @ A1	Drawing No.	Revision
As indicated	DA1078	2

AMENDED

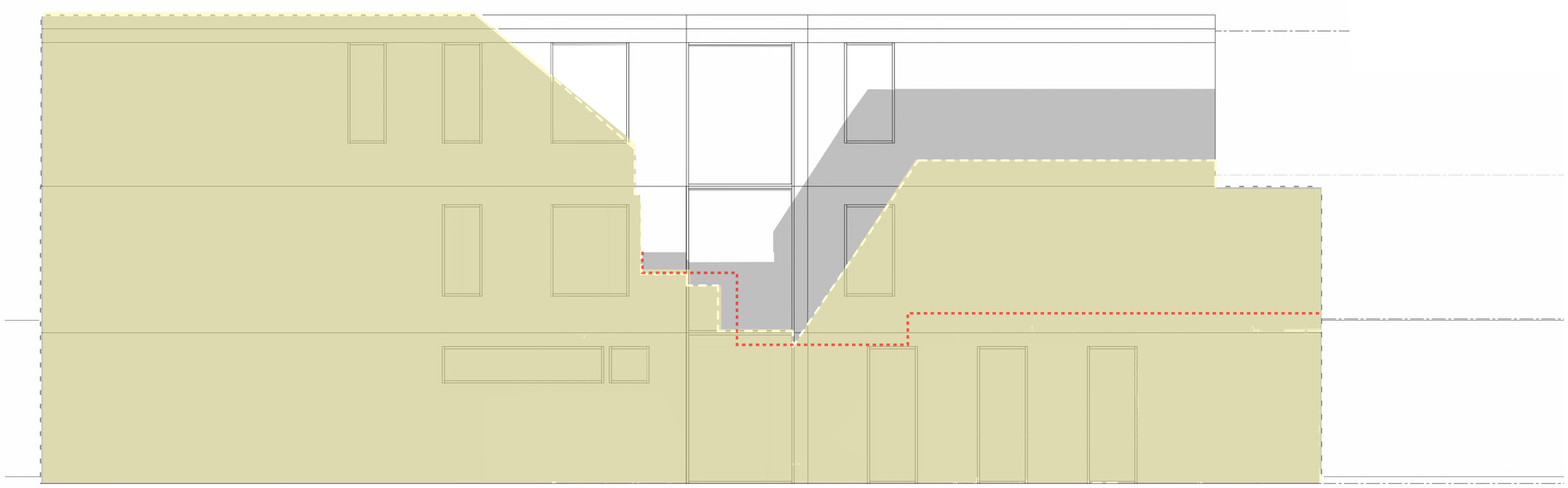
RECEIVED
Waverley Council

Application No: DA-209/2025

Date Received: 31/10/2025



01 **20-24 HALL STREET NORTH WEST ELEVATION - 11AM**



02 **1 JAQUES AVE NORTH ELEVATION - 11AM**

Dimensioned Drawings to take precedence over scaling. Contractor to verify all dimensions on site before construction. All inconsistencies to be reported to the Architect immediately. This drawing and its contents remain the copyright of WMK Architecture Pty Ltd ©
Nominated Architect: Greg Barnett (NSW ARB. 6092)

LEGEND

- APPROVED DA ENVELOPE SHADOW
- DCP ENVELOPE SHADOW
- SELF SHADOW
- PROPOSED ENVELOPE SHADOW

Issue	Description	Date
1	ISSUE FOR COUNCIL RFI	19.09.25
2	ISSUED TO COUNCIL	30.10.2025

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DEVELOPMENT APPLICATION

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Client
STM REALTY

Scale
0 2 4 6 8m 1:200

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
SOLAR ANALYSIS -ELEVATION
SHADOWS - JUNE 21st - 11AM

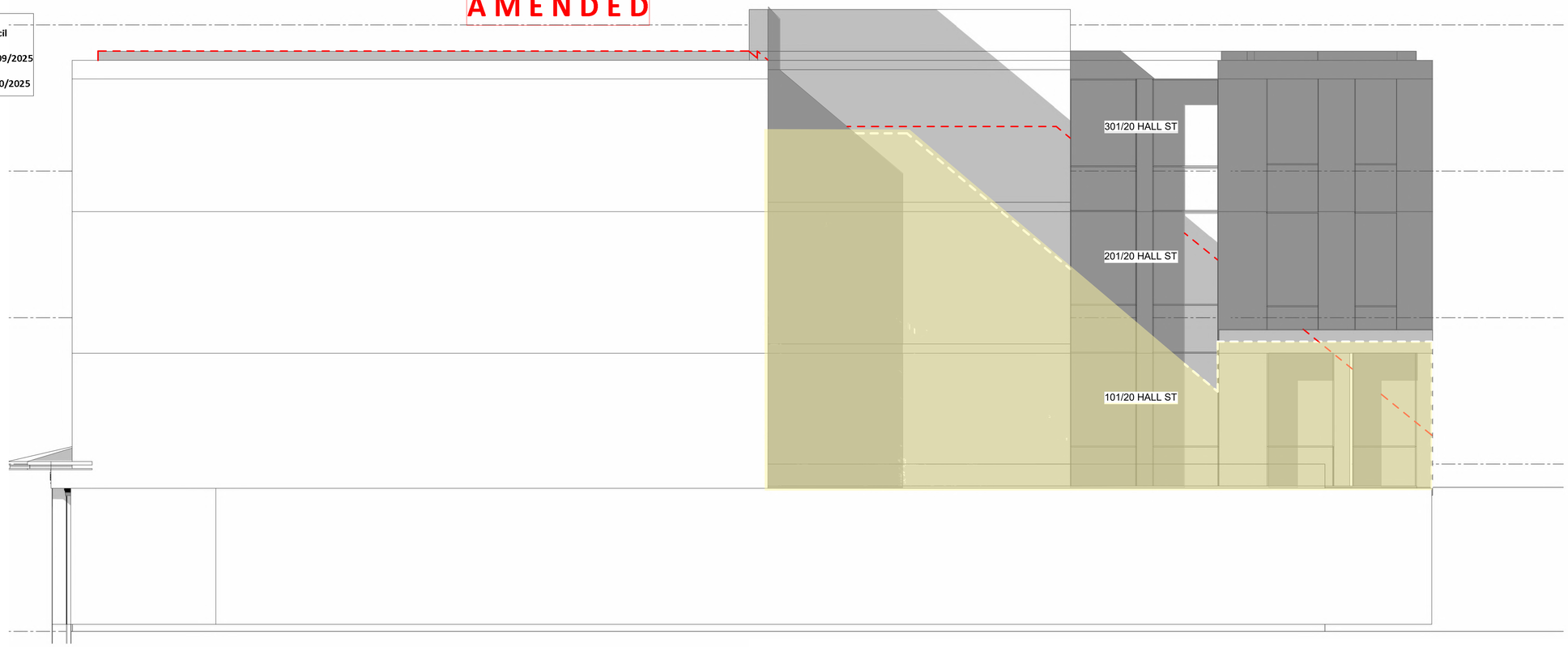
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Scale @ A1	Drawing No.	Revision
As indicated	DA1079	2

AMENDED

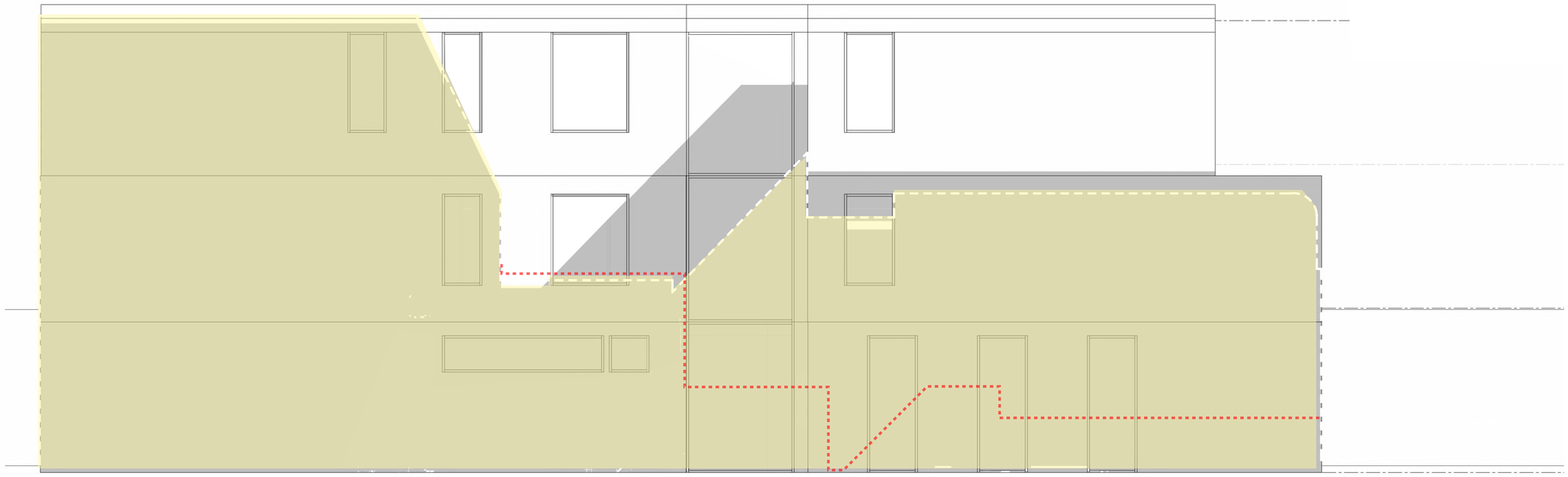
RECEIVED
Waverley Council

Application No: DA-209/2025

Date Received: 31/10/2025



01 **20-24 HALL STREET NORTH WEST ELEVATION - 12PM**



02 **1 JAQUES AVE NORTH ELEVATION - 12PM**

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Nominated Architect: Greg Barnett (NSW ARB. 6092)

LEGEND

- APPROVED DA ENVELOPE SHADOW
- DCP ENVELOPE SHADOW
- SELF SHADOW
- PROPOSED ENVELOPE SHADOW

Issue	Description	Date
1	ISSUE FOR COUNCIL RFI	19.09.25
2	ISSUED TO COUNCIL	30.10.2025

Issued For
DEVELOPMENT APPLICATION

WMK Architecture
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wmkarchitecture.com
ABN 25 082 956 929

Client
STM REALTY

Scale
0 2 4 6 8m 1:200

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
SOLAR ANALYSIS -ELEVATION
SHADOWS - JUNE 21st - 12PM

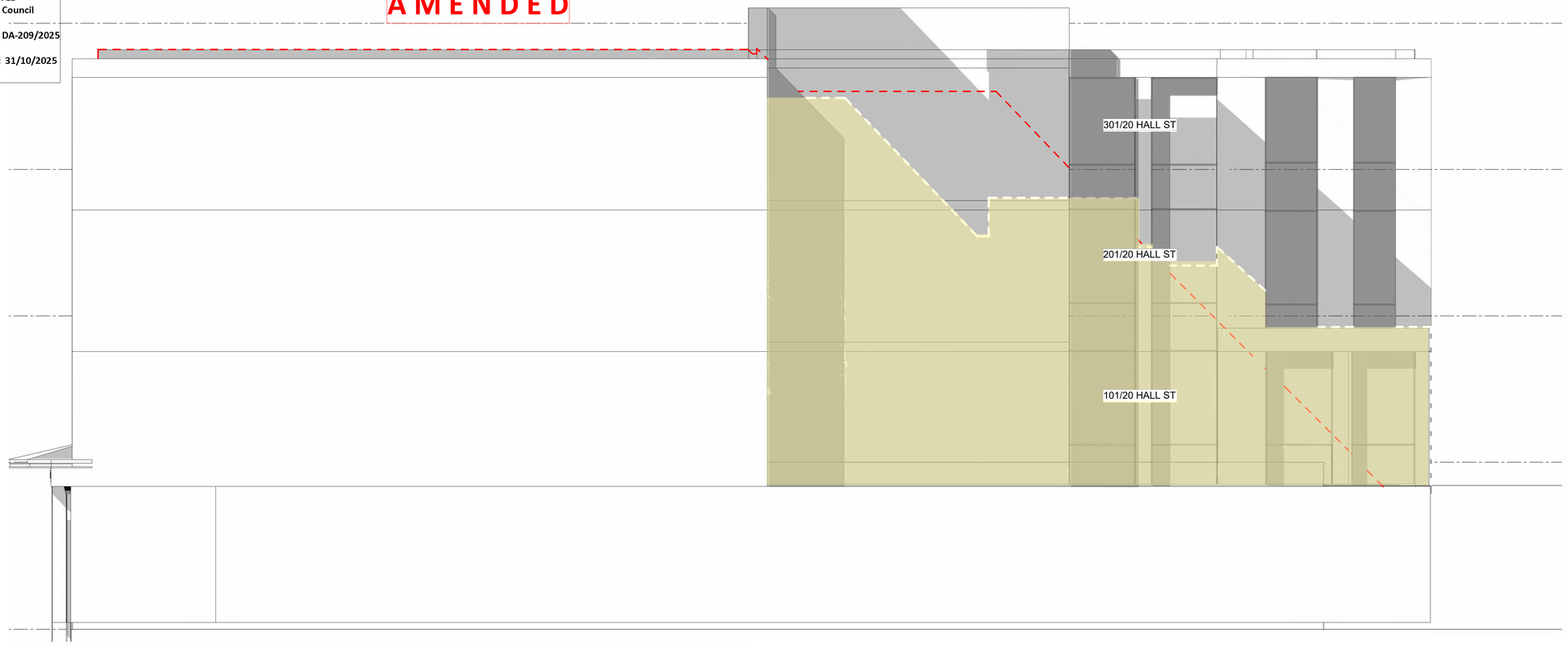
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24032	LH	EH
Scale @ A1	Drawing No.	Revision
As indicated	DA1080	2

RECEIVED
Waverley Council

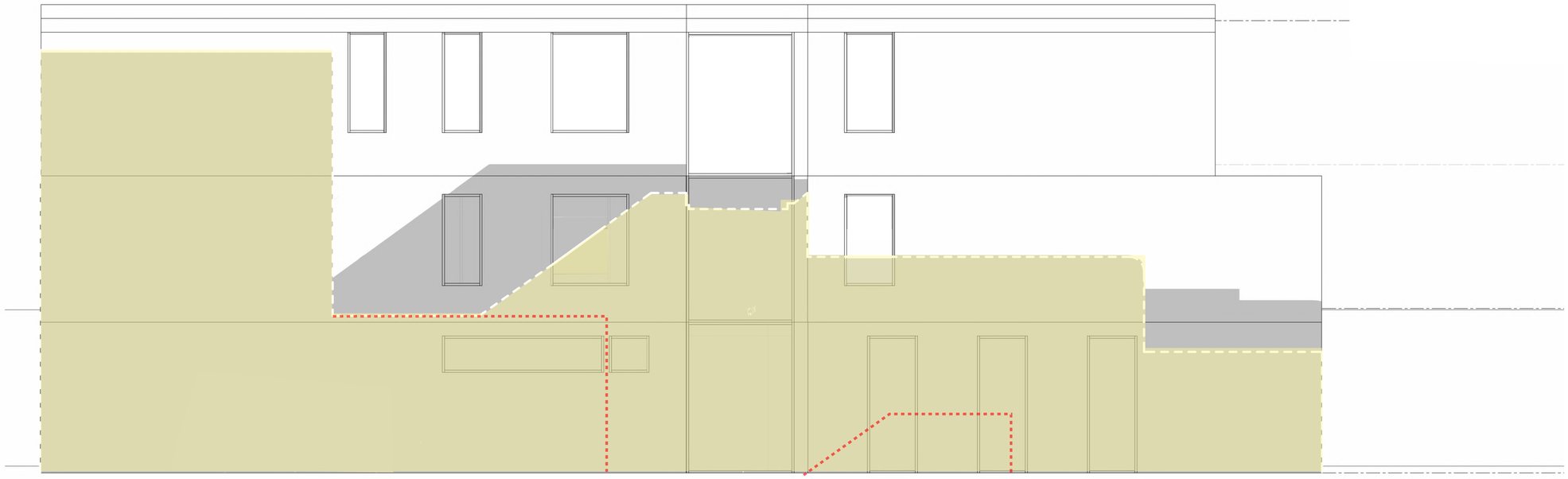
Application No: DA-209/2025

Date Received: 31/10/2025

AMENDED



01 20-24 HALL STREET NORTH WEST ELEVATION - 1PM



02 1 JAQUES AVE NORTH ELEVATION - 1PM

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Nominated Architect: Greg Barnett (NSW ARB. 6092)

LEGEND

- APPROVED DA ENVELOPE SHADOW
- DCP ENVELOPE SHADOW
- SELF SHADOW
- PROPOSED ENVELOPE SHADOW

Issue	Description	Date
1	ISSUE FOR COUNCIL RFI	19.09.25
2	ISSUED TO COUNCIL	30.10.2025

Issued For
DEVELOPMENT APPLICATION

WMK Architecture
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ABN 25 082 956 929

Client
STM REALTY

Scale
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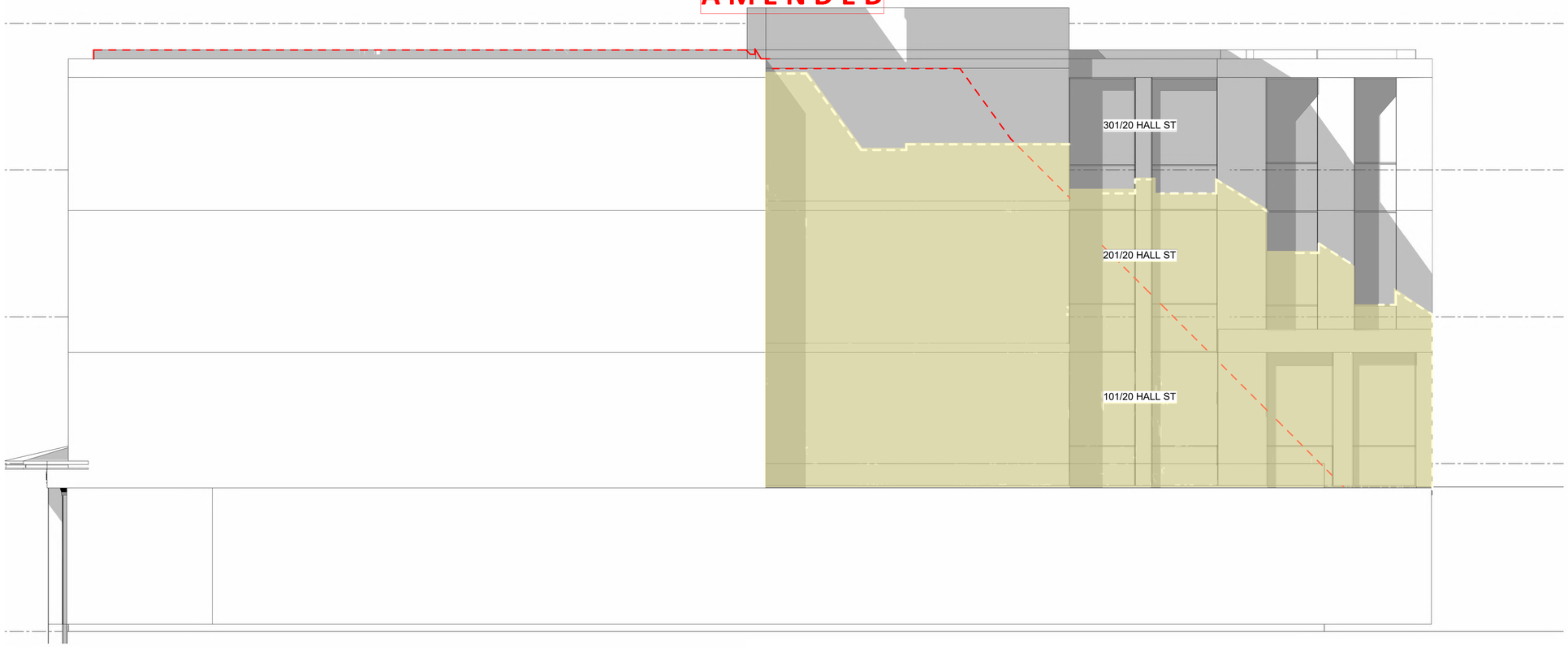
Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
SOLAR ANALYSIS -ELEVATION
SHADOWS - JUNE 21st - 1PM

Project No.	Checked	Drawn
24032	LH	EH
Scale @ A1	Drawing No.	Revision
As indicated	DA1081	2

AMENDED



01 **20-24 HALL STREET NORTH WEST ELEVATION - 2PM**



02 **1 JAQUES AVE NORTH ELEVATION - 2PM**

RECEIVED
Waverley Council

Application No: DA-209/2025

Date Received: 31/10/2025

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Nominated Architect: Greg Barnett (NSW ARB. 6092)

LEGEND

- APPROVED DA ENVELOPE SHADOW
- DCP ENVELOPE SHADOW
- SELF SHADOW
- PROPOSED ENVELOPE SHADOW

Issue	Description	Date
1	ISSUE FOR COUNCIL RFI	19.09.25
2	ISSUED TO COUNCIL	30.10.2025

Issued For
DEVELOPMENT APPLICATION

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wmkarchitecture.com
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Client
STM REALTY

Scale
0 2 4 6 8m 1:200

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
SOLAR ANALYSIS -ELEVATION
SHADOWS - JUNE 21st - 2PM

Project No.	Checked	Drawn
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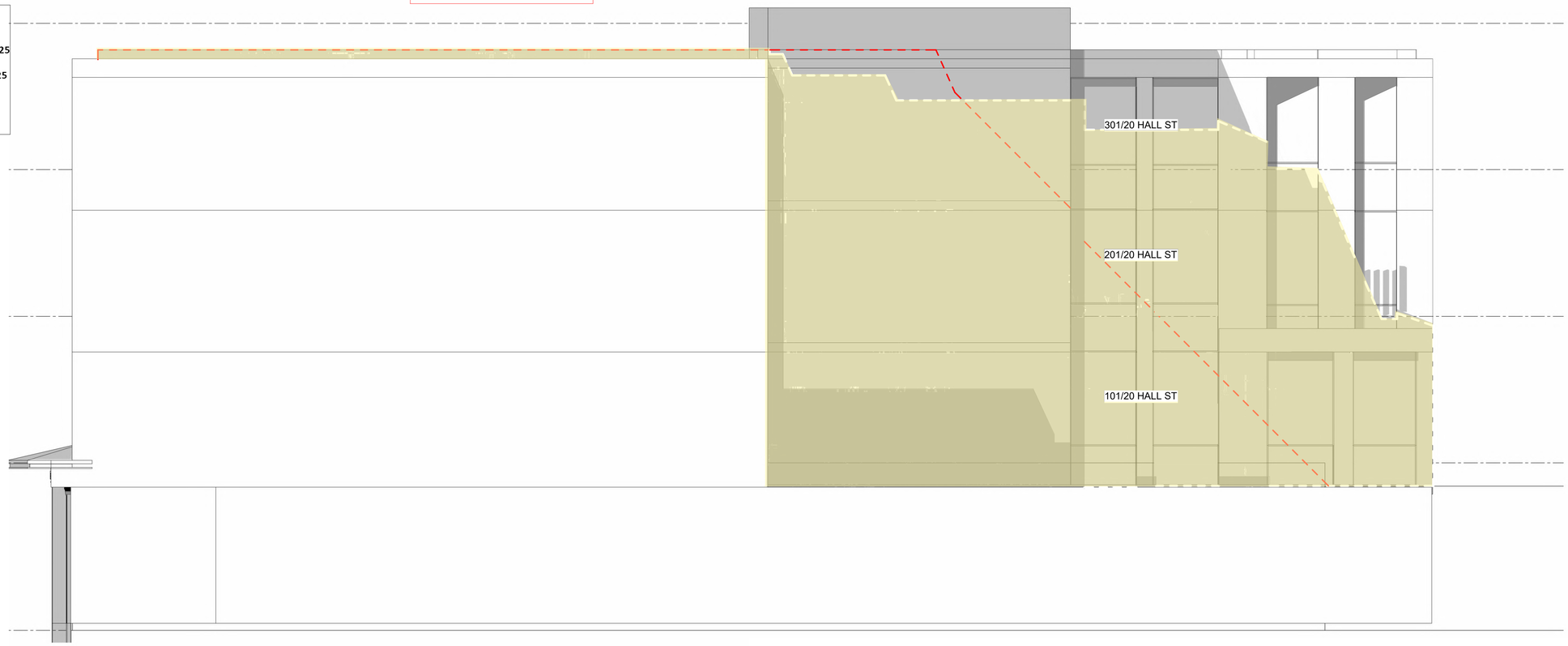
Scale @ A1	Drawing No.	Revision
As indicated	DA1082	2

AMENDED

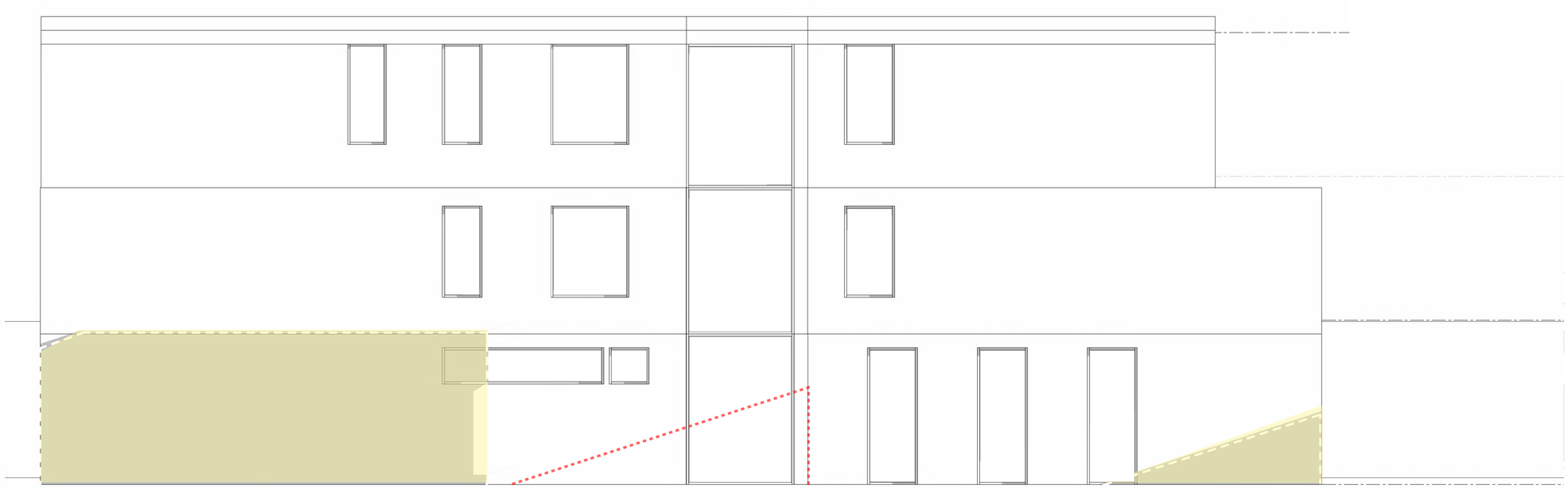
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Waverley Council

Application No: DA-209/2025

Date Received: 31/10/2025



01 20-24 HALL STREET NORTH WEST ELEVATION - 3PM



02 1 JAQUES AVE NORTH ELEVATION - 3PM

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LEGEND

- APPROVED DA ENVELOPE SHADOW
- DCP ENVELOPE SHADOW
- SELF SHADOW
- PROPOSED ENVELOPE SHADOW

Issue	Description	Date
1	ISSUE FOR COUNCIL RFI	19.09.25
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Client
STM REALTY

Scale
0 2 4 6 8m 1:200

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
SOLAR ANALYSIS -ELEVATION
SHADOWS - JUNE 21st - 3PM

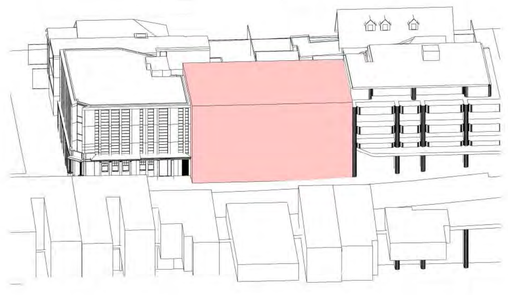
Project No.	Checked	Drawn
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Scale @ A1	Drawing No.	Revision
As indicated	DA1083	2

AMENDED

RECEIVED
Waverley Council

Application No: DA-209/2025

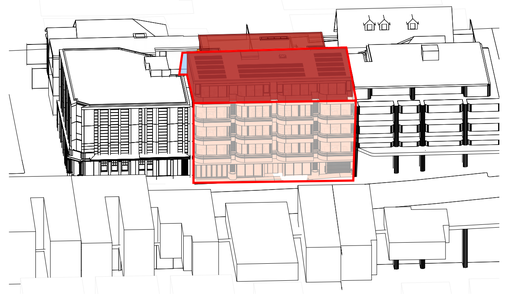
Date Received: 31/10/2025



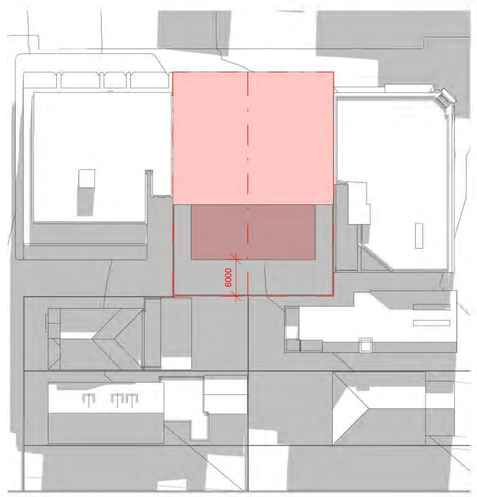
01 JUNE 21st - 9AM - DCP



03 JUNE 21st - 9AM - PREVIOUS DA APPROVED UNDER DA-552-2021/A

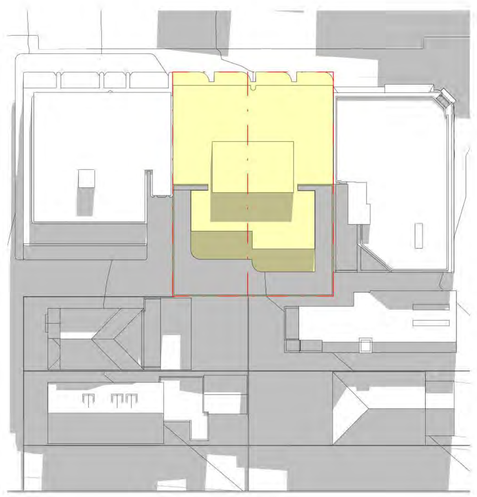


05 JUNE 21st - 9AM - 3m SETBACK

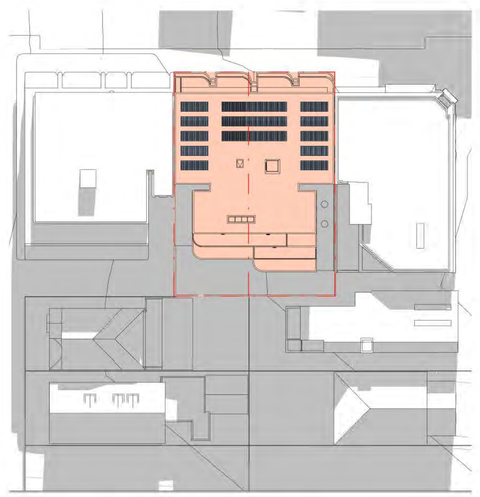


02 JUNE 21st - 9AM - DCP

SCALE 1 : 500



04 JUNE 21st - 9AM - PREVIOUS DA APPROVED UNDER DA-552-2021/A



06 JUNE 21st - 9AM - 3m SETBACK

SCALE 1 : 500

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Nominated Architect: Greg Barnett (NSW ARB. 6092)

LEGEND

- APPROVED SECTION 4.55 ENVELOPE WITH DCP 45° LINE
- EXTENT OF PREVIOUSLY APPROVED DA
- EXTENT OF PROPOSED DA

Issue	Description	Date
1	ISSUE FOR COUNCIL RFI	19.09.2025
2	ISSUED TO COUNCIL	30.10.2025

Issued For
DEVELOPMENT APPLICATION

WMK Architecture
The Atrium, Ground Floor
9 Castlereagh St
Sydney NSW 2000
Telephone 02 9299 0401
wmkarchitecture.com
ABN 25 082 956 929

Client
STM REALTY

Scale
0 2 4 6 8m
1:200

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
SOLAR ANALYSIS - 9AM JUNE 21 - 3M SETBACK

Project No.	Checked	Drawn
24032	LH	EH

Scale @ A1	Drawing No.	Revision
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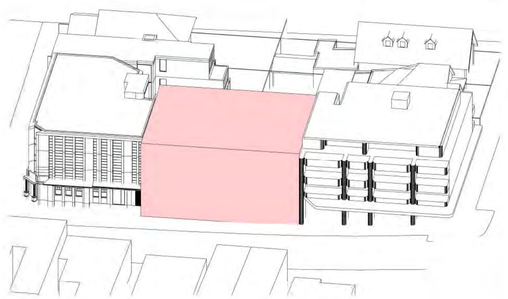
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AMENDED

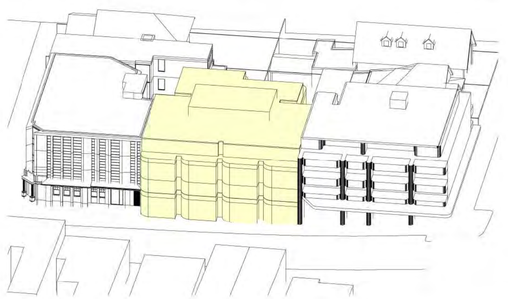
RECEIVED
Waverley Council

Application No: DA-209/2025

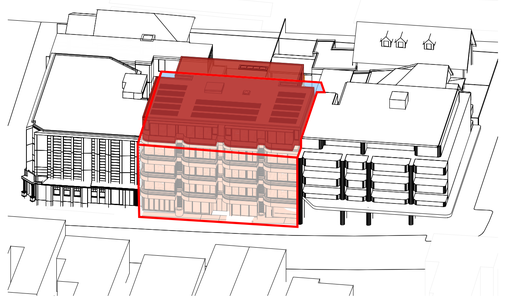
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01 JUNE 21st - 9AM - DCP



03 JUNE 21st - 10AM - PREVIOUS DA APPROVED UNDER DA-552-2021/A

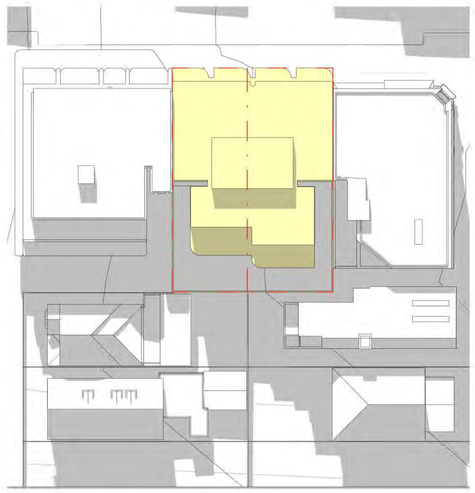


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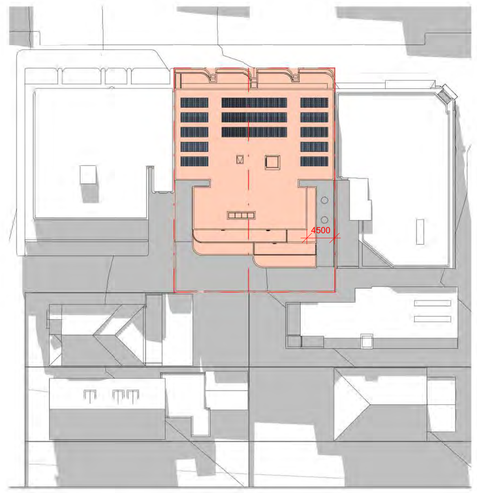


02 JUNE 21st - 10AM - DCP

SCALE 1 : 500



04 JUNE 21st - 10AM - PREVIOUS DA APPROVED UNDER DA-552-2021/A



06 JUNE 21st - 10AM - 3m SETBACK

SCALE 1 : 500

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LEGEND

- APPROVED SECTION 4.55 ENVELOPE WITH DCP 45° LINE
- EXTENT OF PREVIOUSLY APPROVED DA
- EXTENT OF PROPOSED DA

Issue	Description	Date
1	ISSUE FOR COUNCIL RFI	19.09.2025
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ABN 25 082 956 929

Client
STM REALTY

Scale
0 2 4 6 8m 1:200

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
SOLAR ANALYSIS - 10AM JUNE 21 - 3M SETBACK

Project No.	Checked	Drawn
24032	LH	EH

Scale @ A1	Drawing No.	Revision
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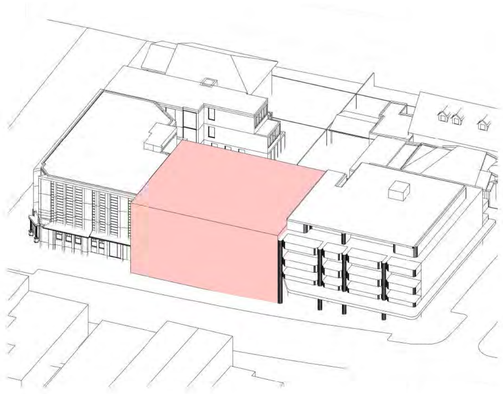
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AMENDED

RECEIVED
Waverley Council

Application No: DA-209/2025

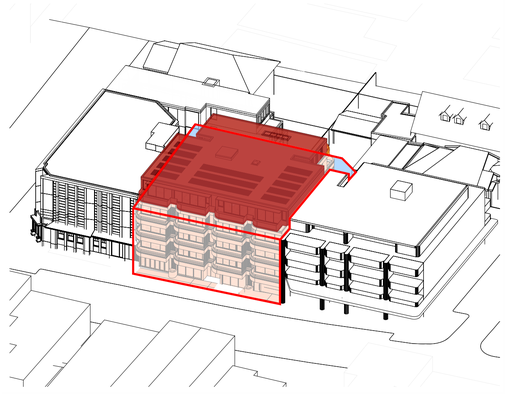
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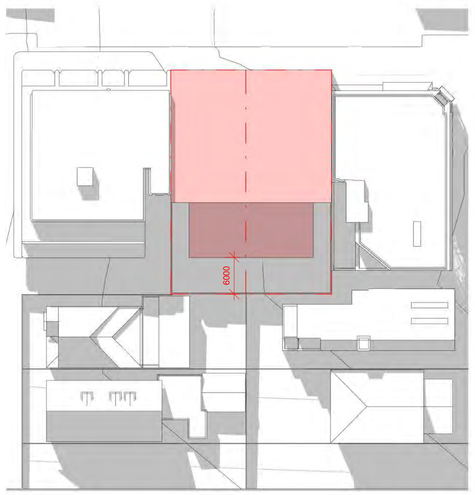
01 JUNE 21st - 11AM - DCP



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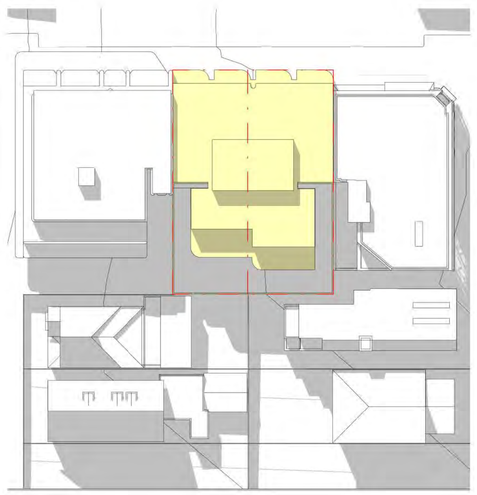


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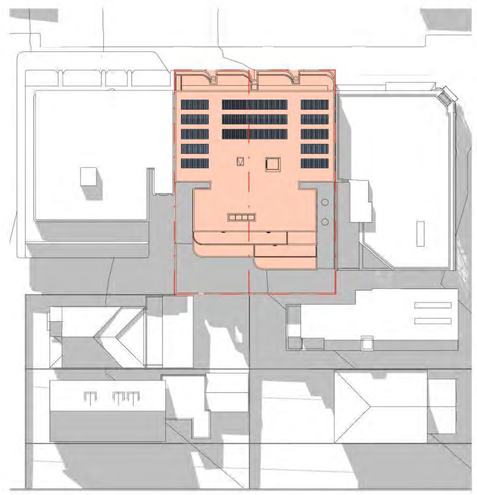


02 JUNE 21st - 11AM - DCP

SCALE 1 : 500



04 JUNE 21st - 11AM - PREVIOUS DA APPROVED UNDER DA-552-2021/A



06 JUNE 21st - 11AM - 3m SETBACK

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LEGEND

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Client
STM REALTY

Scale
0 2 4 6 8m
1:200

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
SOLAR ANALYSIS - 11AM JUNE 21 - 3M SETBACK

Project No.	Checked	Drawn
24032	LH	EH

Scale @ A1	Drawing No.	Revision
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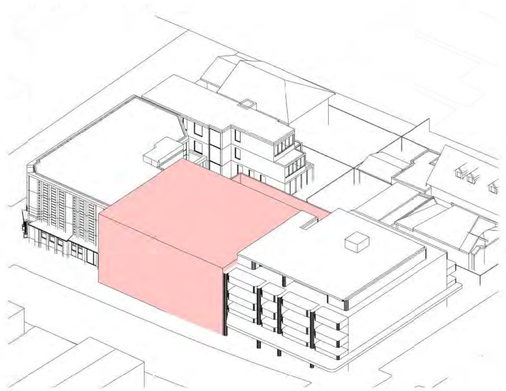
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AMENDED

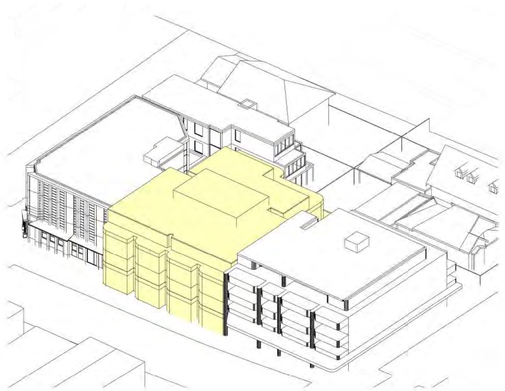
RECEIVED
Waverley Council

Application No: DA-209/2025

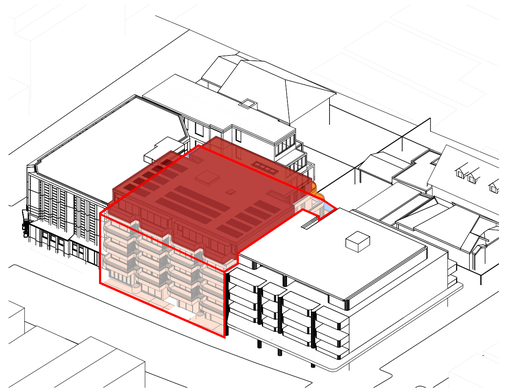
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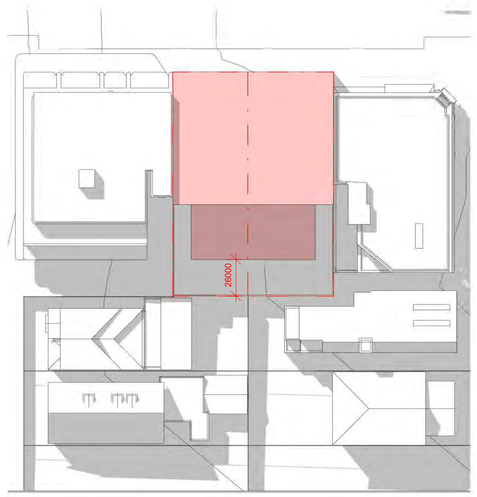
01 JUNE 21st - 12PM - DCP



03 JUNE 21st - 12PM - PREVIOUS DA APPROVED UNDER DA-552-2021/A

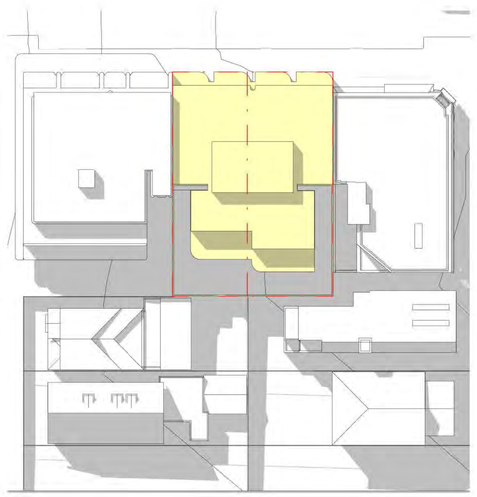


05 JUNE 21st - 12PM - 3m SETBACK

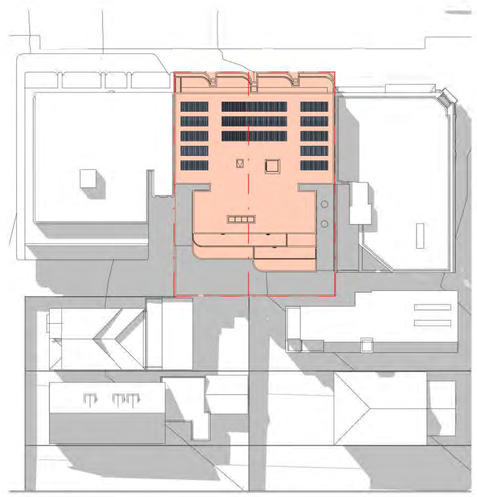


02 JUNE 21st - 12PM - DCP

SCALE 1 : 500



04 JUNE 21st - 12PM - PREVIOUS DA APPROVED UNDER DA-552-2021/A



06 JUNE 21st - 12PM - 3m SETBACK

SCALE 1 : 500

Dimensioned Drawings to take precedence over scaling. Contractor to verify all dimensions on site before construction. All inconsistencies to be reported to the Architect immediately. This drawing and its contents remain the copyright of WMK Architecture Pty Ltd ©
Nominated Architect: Greg Barnett (NSW ARB. 6092)

LEGEND

- APPROVED SECTION 4.55 ENVELOPE WITH DCP 45° LINE
- EXTENT OF PREVIOUSLY APPROVED DA
- EXTENT OF PROPOSED DA

Issue	Description	Date
1	ISSUE FOR COUNCIL RFI	19.09.2025
2	ISSUED TO COUNCIL	30.10.2025

Issued For
DEVELOPMENT APPLICATION

WMK Architecture
The Atrium, Ground Floor
9 Castlereagh St
Sydney NSW 2000
Telephone 02 9299 0401
wmkarchitecture.com
ABN 25 082 956 929

Client
STM REALTY

Scale
0 2 4 6 8m 1:200

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
SOLAR ANALYSIS - 12PM JUNE 21 - 3M SETBACK

Project No.	Checked	Drawn
24032	LH	EH

Scale @ A1	Drawing No.	Revision
1 : 500	DA1103	2

9/09/2025 4:08:27 PM
Autodesk Docs://24032 - 26-32 Hall Street Bondi/24032_26-32 Hall Street Bondi_[CLOUD]_R23.rvt

Dimensioned Drawings to take precedence over scaling. Contractor to verify all dimensions on site before construction. All inconsistencies to be reported to the Architect immediately. This drawing and its contents remain the copyright of WMK Architecture Pty Ltd ©
Nominated Architect: Greg Barnett (NSW ARB. 6092)

AMENDED

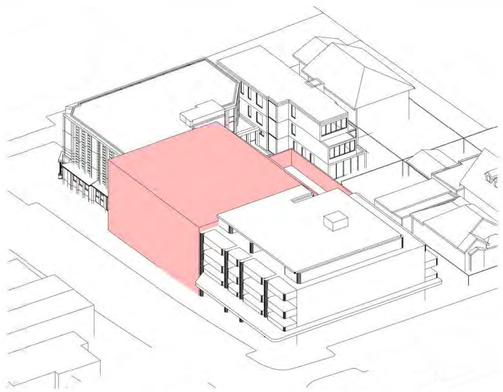
RECEIVED
Waverley Council

Application No: DA-209/2025

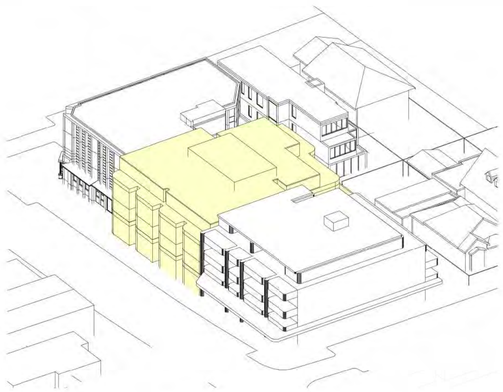
Date Received: 31/10/2025

LEGEND

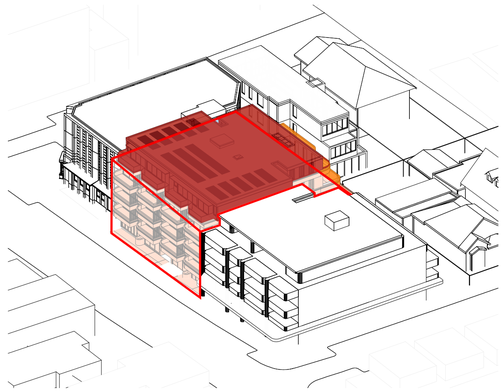
- APPROVED SECTION 4.55 ENVELOPE WITH DCP 45° LINE
- EXTENT OF PREVIOUSLY APPROVED DA
- EXTENT OF PROPOSED DA



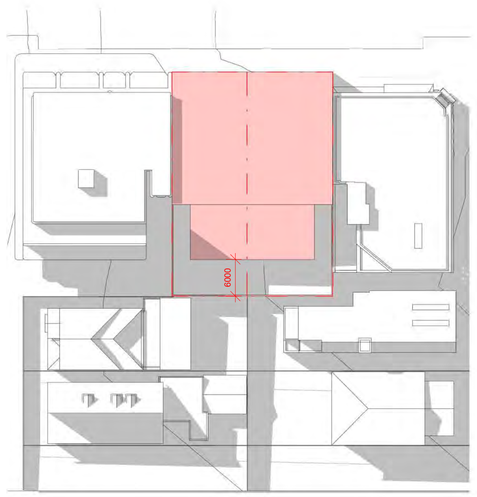
01 JUNE 21st - 1PM - DCP



03 JUNE 21st - 1PM - PREVIOUS DA APPROVED UNDER DA-552-2021/A

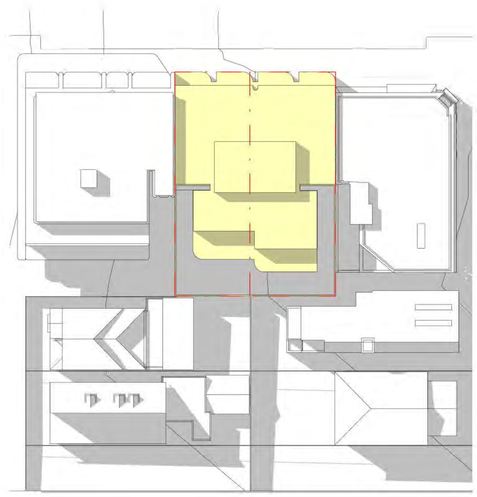


05 JUNE 21st - 1PM - 3m SETBACK

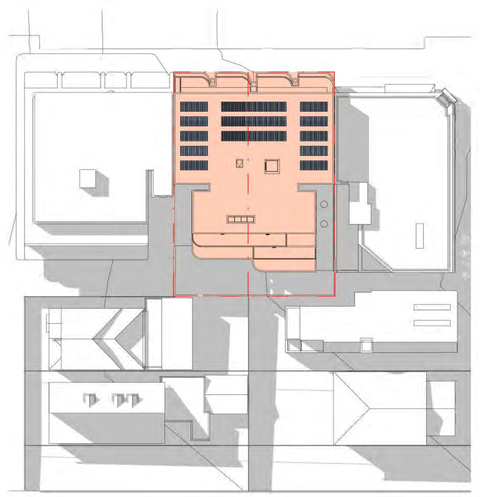


02 JUNE 21st - 1PM - DCP

SCALE 1 : 500



04 JUNE 21st - 1PM - PREVIOUS DA APPROVED UNDER DA-552-2021/A



06 JUNE 21st - 1PM - 3m SETBACK

SCALE 1 : 500

Issue	Description	Date
1	ISSUE FOR COUNCIL RFI	19.09.2025
2	ISSUED TO COUNCIL	30.10.2025

Issued For
DEVELOPMENT APPLICATION

WMK Architecture
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Telephone 02 9299 0401
wmkarchitecture.com
ABN 25 082 956 929

Client
STM REALTY

Scale
0 2 4 6 8m 1:200

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
SOLAR ANALYSIS - 1PM JUNE 21 - 3M SETBACK

Project No.	Checked	Drawn
24032	LH	EH

Scale @ A1	Drawing No.	Revision
1 : 500	DA1104	2 359

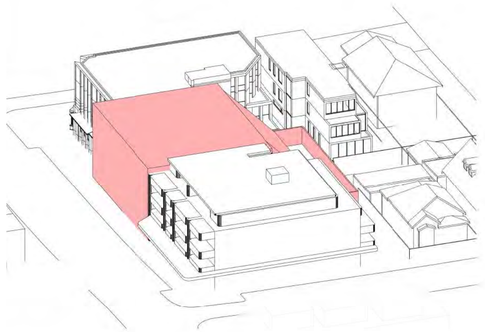
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AMENDED

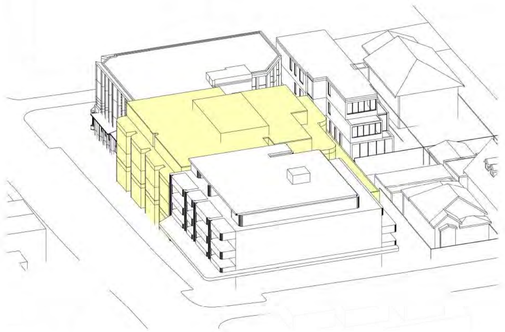
RECEIVED
Waverley Council

Application No: DA-209/2025

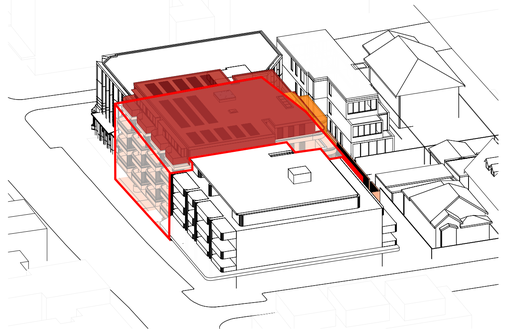
Date Received: 31/10/2025



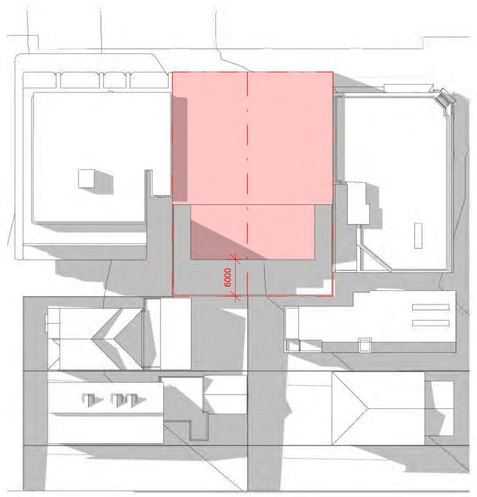
01 JUNE 21st - 2PM - DCP



03 JUNE 21st - 2PM - PREVIOUS DA APPROVED UNDER DA-552-2021/A

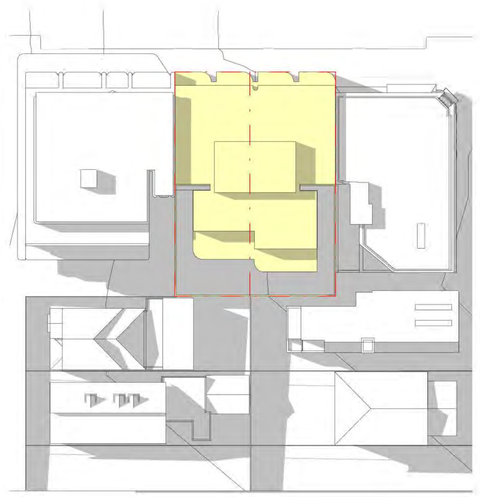


05 JUNE 21st - 2PM - 3m SETBACK

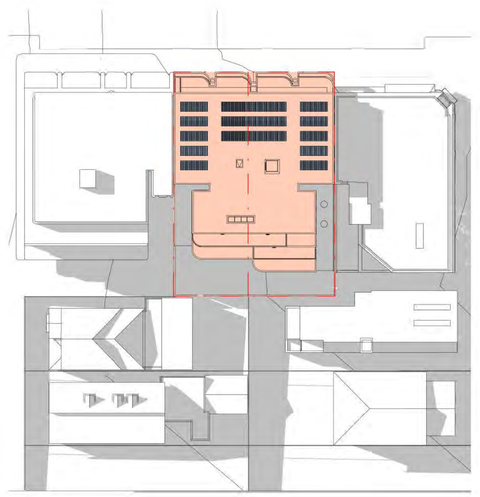


02 JUNE 21st - 2PM - DCP

SCALE 1 : 500



04 JUNE 21st - 2PM - PREVIOUS DA APPROVED UNDER DA-552-2021/A



06 JUNE 21st - 2PM - 3m SETBACK

SCALE 1 : 500

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Nominated Architect: Greg Barnett (NSW ARB. 6092)

LEGEND

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wmkarchitecture.com
ABN 25 082 956 929

Client
STM REALTY

Scale
0 2 4 6 8m 1:200

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
SOLAR ANALYSIS - 2PM JUNE 21 - 3M SETBACK

Project No.	Checked	Drawn
24032	LH	EH

Scale @ A1	Drawing No.	Revision
1 : 500	DA1105	2 SSD

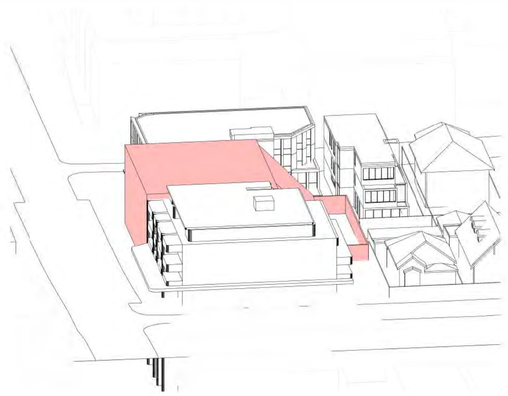
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AMENDED

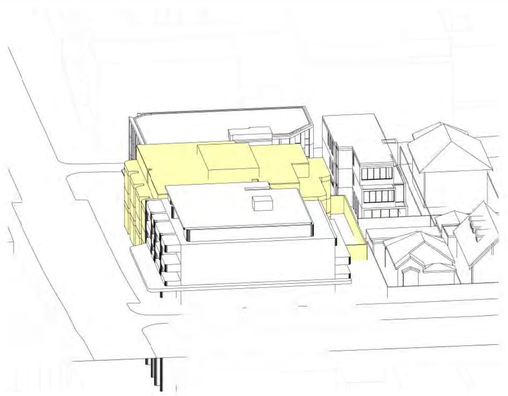
RECEIVED
Waverley Council

Application No: DA-209/2025

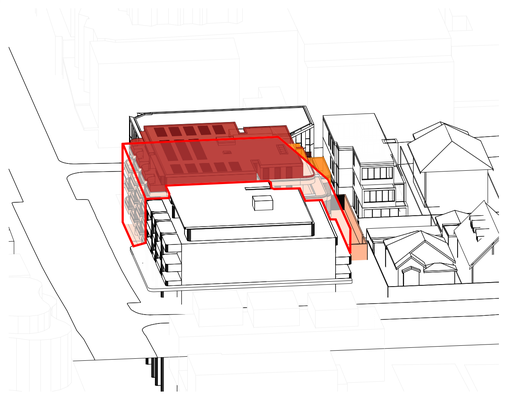
Date Received: 31/10/2025



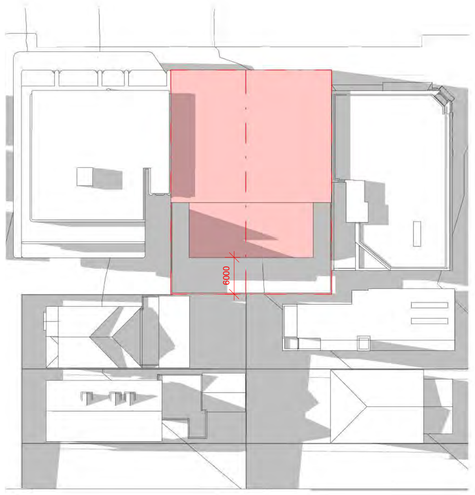
01 JUNE 21st - 3PM - DCP



03 JUNE 21st - 3PM - PREVIOUS DA APPROVED UNDER DA-552-2021/A

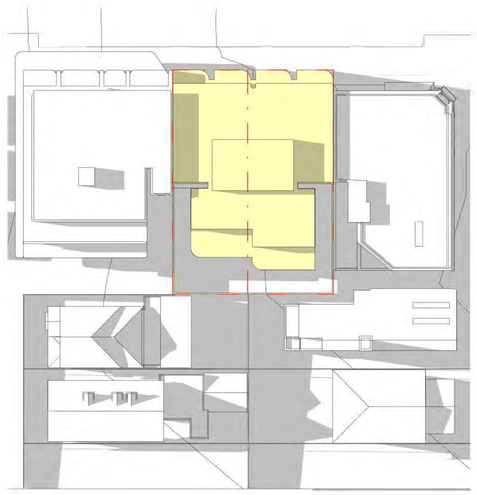


05 JUNE 21st - 3PM - 3m SETBACK

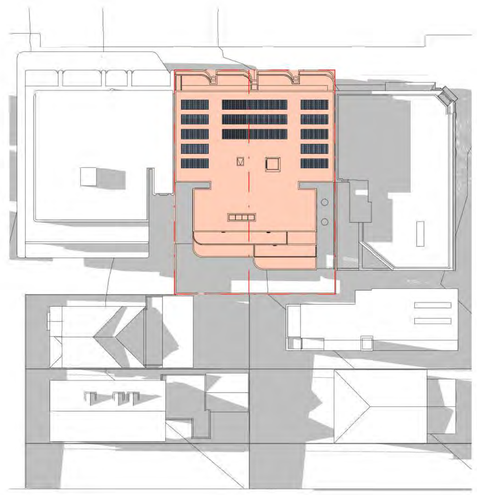


02 JUNE 21st - 3PM - DCP

SCALE 1 : 500



04 JUNE 21st - 3PM - PREVIOUS DA APPROVED UNDER DA-552-2021/A



06 JUNE 21st - 3PM - 3m SETBACK

SCALE 1 : 500

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Nominated Architect: Greg Barnett (NSW ARB. 6092)

LEGEND

- APPROVED SECTION 4.55 ENVELOPE WITH DCP 45° LINE
- EXTENT OF PREVIOUSLY APPROVED DA
- EXTENT OF PROPOSED DA

Issue	Description	Date
1	ISSUE FOR COUNCIL RFI	19.09.2025
2	ISSUED TO COUNCIL	30.10.2025

Issued For
DEVELOPMENT APPLICATION

WMK Architecture
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wmkarchitecture.com
ABN 25 082 956 929

Client
STM REALTY

Scale
0 2 4 6 8m
1:200

Project
MIXED USE APARTMENTS

26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
SOLAR ANALYSIS - 3PM JUNE 21 - 3M SETBACK

Project No.	Checked	Drawn
24032	LH	EH

Scale @ A1	Drawing No.	Revision
1 : 500	DA1106	2

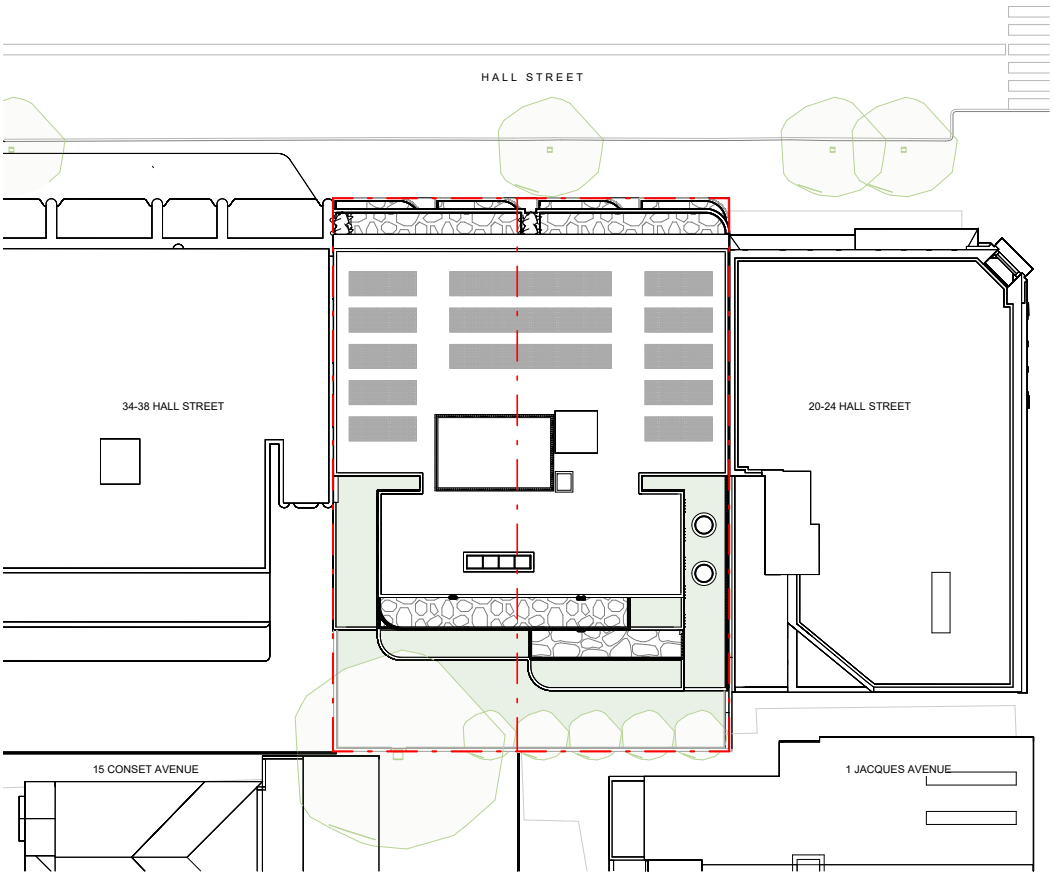
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AMENDED

RECEIVED
Waverley Council

Application No: DA-209/2025

Date Received: 31/10/2025



WMK Architecture
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9 Castlereagh St
Sydney NSW 2000

Telephone 02 9299 0401
wmkarchitecture.com

ABN 25 082 956 929
Nominated architect
G Barnett 6092

Project
MIXED USE APARTMENTS
26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Scale @ A4	Drawing No.	Revision
1 : 500	DA2000	2

AMENDED

RECEIVED
Waverley Council

Application No: DA-209/2025

Date Received: 31/10/2025









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Sydney NSW 2000

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wmkarchitecture.com

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Nominated architect
G Barnett 6092

Project
MIXED USE APARTMENTS
26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Scale @ A4	Drawing No.	Revision
1 : 500	DA2004	2

AMENDED

RECEIVED
Waverley Council

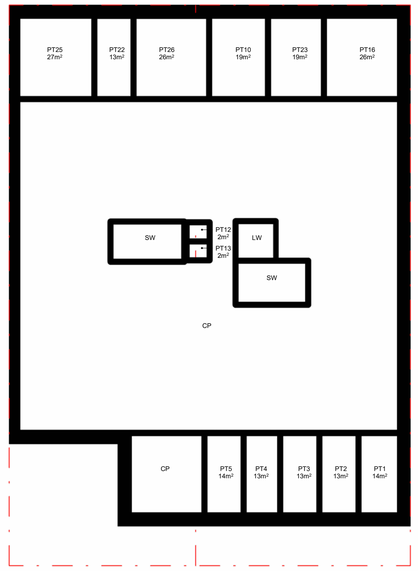
Application No: DA-209/2025

Date Received: 31/10/2025

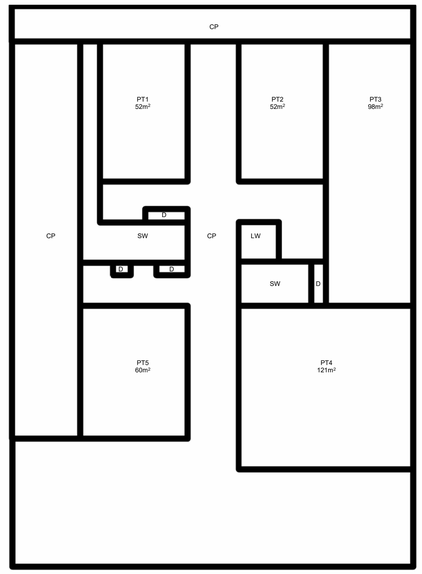
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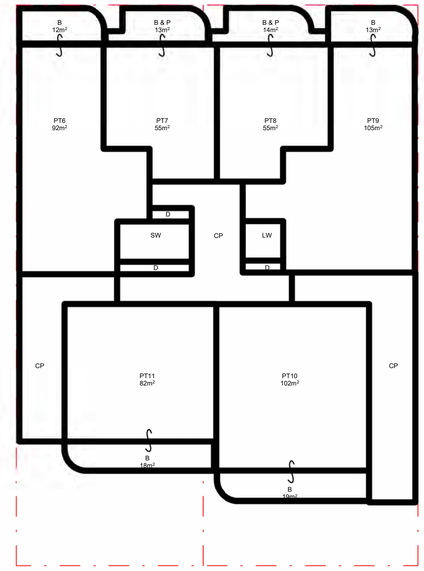
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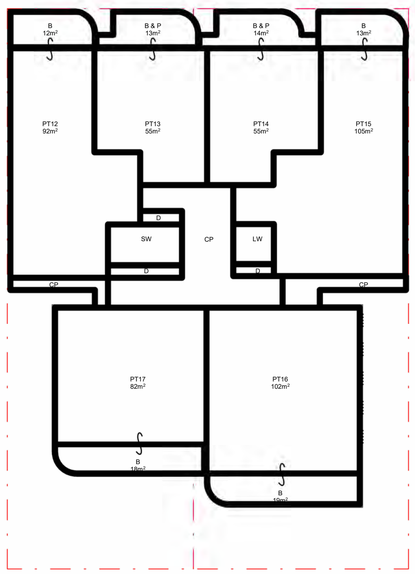
2 B1 - DRAFT STRATA



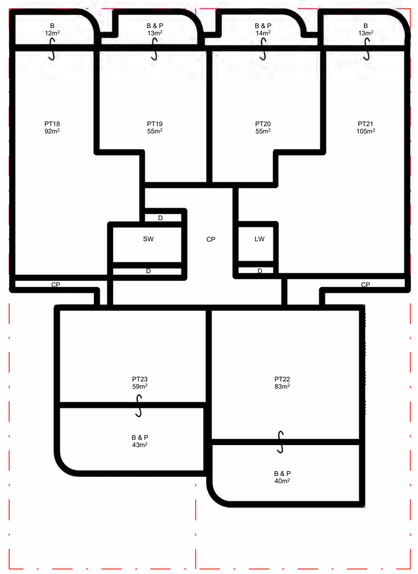
3 GROUND - DRAFT STRATA



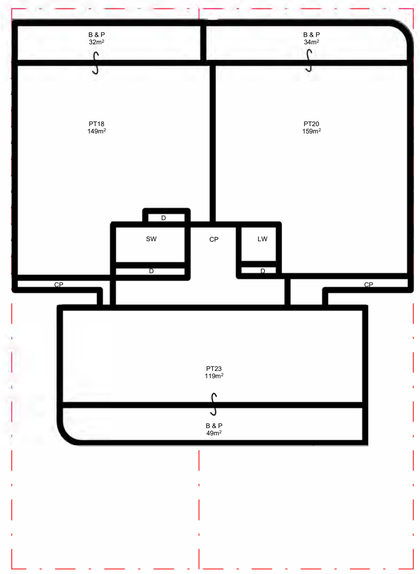
4 L1 - DRAFT STRATA



5 L2 - DRAFT STRATA



6 L3 - DRAFT STRATA



7 L4 - DRAFT STRATA

LEGEND

B	BALCONY
B & P	BALCONY & PLANTER
CP	COMMON PROPERTY
D	SERVICES DUCT
LW	LIFT WELL
SW	STAIR WELL

NOTE:
DRAFT ONLY TO BE CONFIRMED BY SURVEYOR ONCE DEVELOPMENT APPROVAL HAS BEEN GRANTED

Issue	Description	Date
1	REISSUE FOR COUNCIL APPROVAL	30.10.25

Issued For
DEVELOPMENT APPLICATION

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ABN 25 082 956 929

Client
STM REALTY

Scale
0 2 4 6 8m
1:200

Project
MIXED USE APARTMENTS

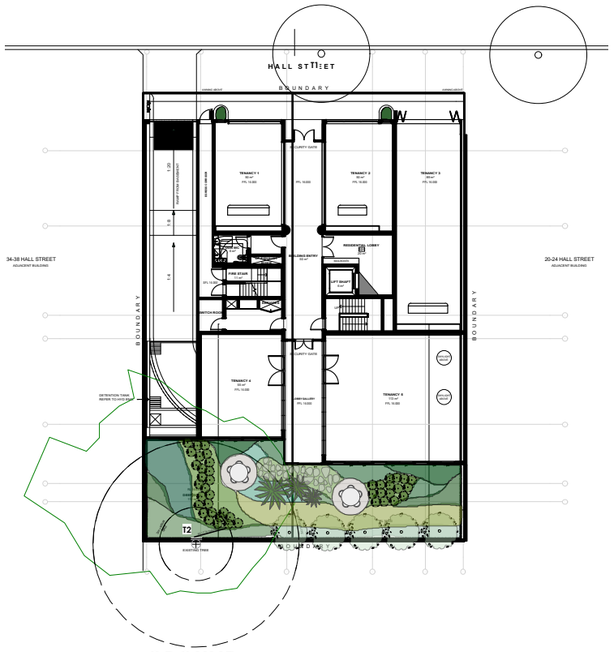
26-32 HALL STREET BONDI, NSW, 2026, AUSTRALIA

Title
DRAFT STRATA PLANS

Project No.	Checked	Drawn
24032	RS	GO

Scale @ A1	Drawing No.	Revision
As indicated	DA2010	1

Autodesk Docs://24032 - 26-32 Hall Street Bondi/24032_26-32 Hall Street Bondi_L [CLOUD]_R23.rvt
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GROUND



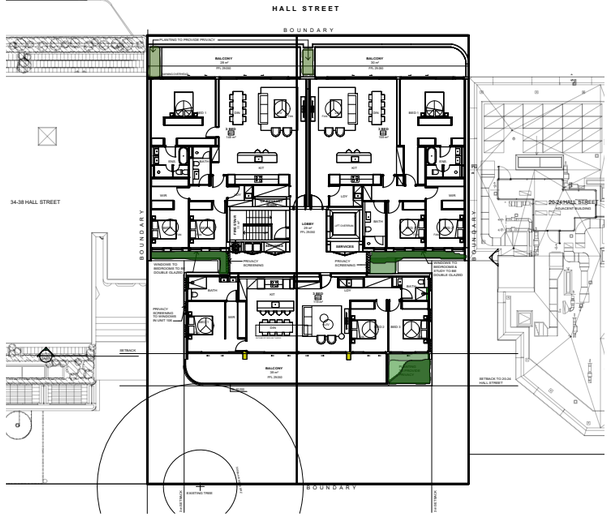
LEVEL 1



LEVEL 2



LEVEL 3



LEVEL 4

NOTE:

1. Figure dimensions shall take precedence over scale.
2. Contractors must verify all dimensions on job before commencing any work or making shop drawings.
3. All structural works including demolition to be verified by Structural Engineer prior to contractor undertaking any works. All structural landscaping and building works to be undertaken by suitably qualified, insured and licensed persons in the field only. Supervision and coordination of such work to be undertaken by suitably qualified, insured, licensed and experienced structural landscaper and/or builder only.
4. Verify all plant numbers on site prior to ordering and advise Landscape Architect if any changes are deemed necessary. Responsibility of number of plant stock ordered rests solely with contractor not Landscape Architect. Plant schedule for approval process only, not to be used for orders or quotes. Set out instructions as given on site by TWLA including any amendments to plant species and type as given on site remain the responsibility of contractor to update quote and order accordingly. Plant schedule as guide only.
5. Automatic irrigation system to be installed by irrigation subcontractor who is a suitably qualified, insured and licensed persons in the field only.
6. Check existing RL's and all soil depths on site. Advise Landscape Architect of any discrepancies before commencement. Allow for adjustments to suit discrepancies.
7. Contractor/s to familiarize self and team with existing site conditions prior to undertaking any works, including any underground services.
8. Forest Fines Mulch from Australian Native Landscapes to be evenly distributed under all completed garden beds post soil, plant, irrigation and electrical install (Ph: 13 14 58).
9. 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.
10. Pot selection from The Balcony Garden and Martin Kellock Pots, TBD by TWLA.
11. 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.
12. Comply with relevant authority requirements.
13. Comply with National Construction Code requirements.
14. Comply with Australian Standards for material, construction and landscape practice.
15. Comply with BASIX certificate, if applicable.
16. Do not scale from drawings.
17. This drawing is protected by copyright.

PLANT SCHEDULE				
Botanic Name	Common Name	Pot Size	Max Height (mm)	NO.
Agave attenuata	Agave	200	1000	4
Aspidistra elatior	Cast iron	200	600	35
Alocasia macrorrhiza	Elephant ear	300	1500	64
Acmena smithii sublime	Sublime	100L	4000	5
Aptenia cordifolia	Baby sun rose	200	groundcover	18
Cissus antarctica	Snake vine	200	groundcover	65
Clivea miniata	Clivea	200	600	15
Dichondra repens	Kidney weed	140	groundcover	60
Dracena janet craig	Janet craig	45L	2000	20
Epipremnum aureum	Devils ivy	200	spillover/groundcover	127
Hedera canariensis	Ivy	200	climber	4
Howea fosteriana	Kentia	100L	7000	3
Monstera deliciosa	Swiss cheese plant	300	1500	44
Ophiopogon jaburun	Mondo	200	600	65
Phormium tenax	NZ flax	300	1500	9
Philondendron rojo congo	Rojo congo	200	600	15
Philodendron xanadu	Xanadu	200	1200	55
Philoendron selloum	Selloum	300	2500	5
Rosemary huntington carpet	Trailing rosemary	200	groundcover	2
Spathiphyllum sensation	Giant peace lily	200	1200	310
Trachelospermum jasminoides	Star jasmine	200	climber	34

TREE SCHEDULE

T1	Populus nigra	RETAIN
T2	Quercus ilex	RETAIN

Refer to arborist report.

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Application No: DA-209/2025

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DATE	REVISION	NOTE	RECIPIENT
08.10.2021	A	Issued for client/architect comment	Arch/client
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15.07.2022	C	DA	Arch/client
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Project: 26-32 Hall St Bondi

Client: STM

Dwg no: LP01-2521

Drawn by: TW

Checked: TW

Scale: 1:500@A3

Title: Site Plan

Issue: 01

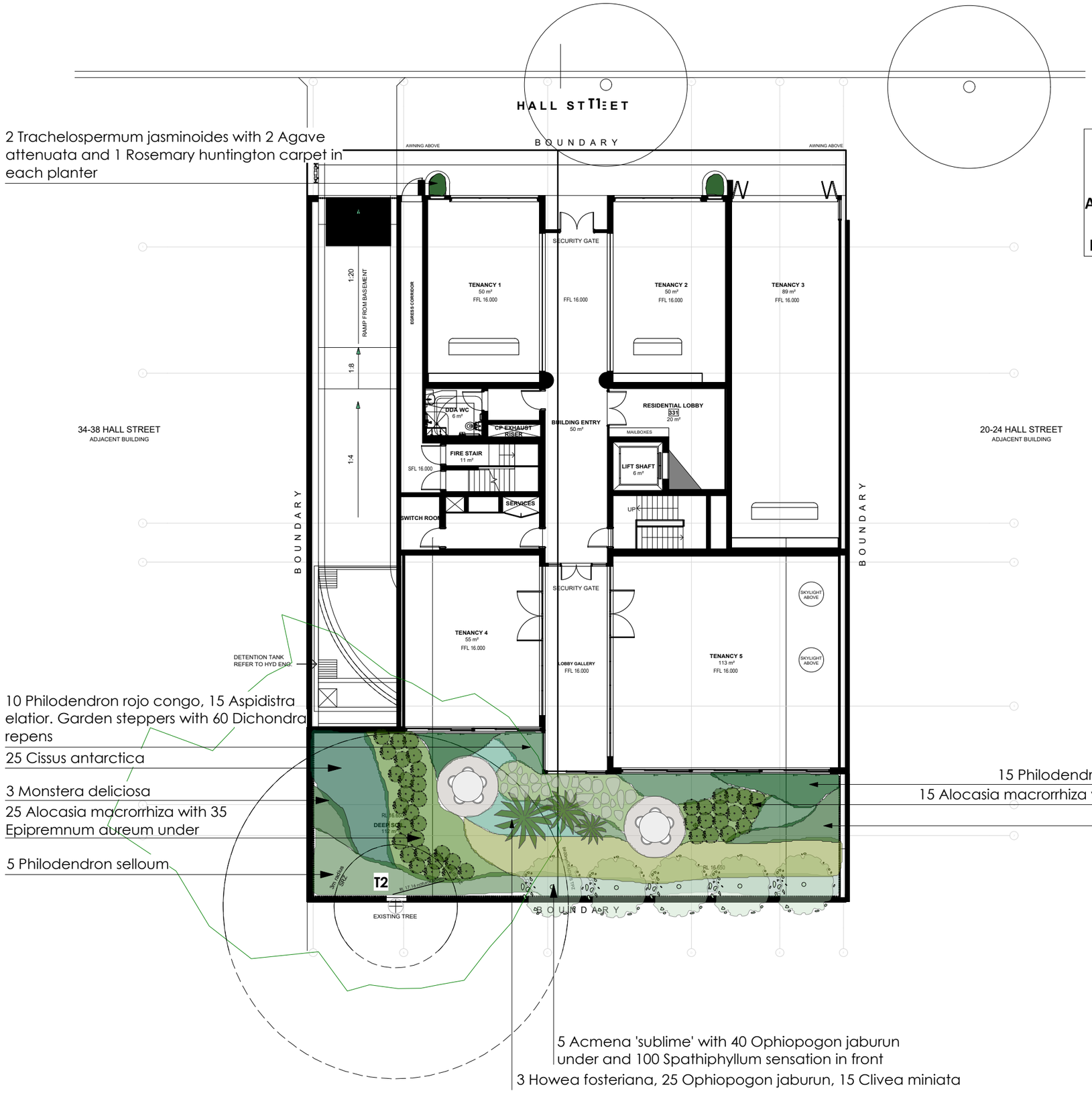
Revision: F

Date: Sept 2025

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2 Trachelospermum jasminoides with 2 Agave attenuata and 1 Rosemary huntington carpet in each planter

10 Philodendron rojo congo, 15 Aspidistra elatior. Garden steppers with 60 Dichondra repens

25 Cissus antarctica

3 Monstera deliciosa

25 Alocasia macrorrhiza with 35 Epipremnum aureum under

5 Philodendron selloum

15 Philodendron rojo congo, 20 Aspidistra elatior

15 Alocasia macrorrhiza with 10 Epipremnum aureum under

3 Monstera deliciosa

5 Acmena 'sublime' with 40 Ophiopogon jaburun under and 100 Spathiphyllum sensation in front

3 Howea fosteriana, 25 Ophiopogon jaburun, 15 Clivea miniata

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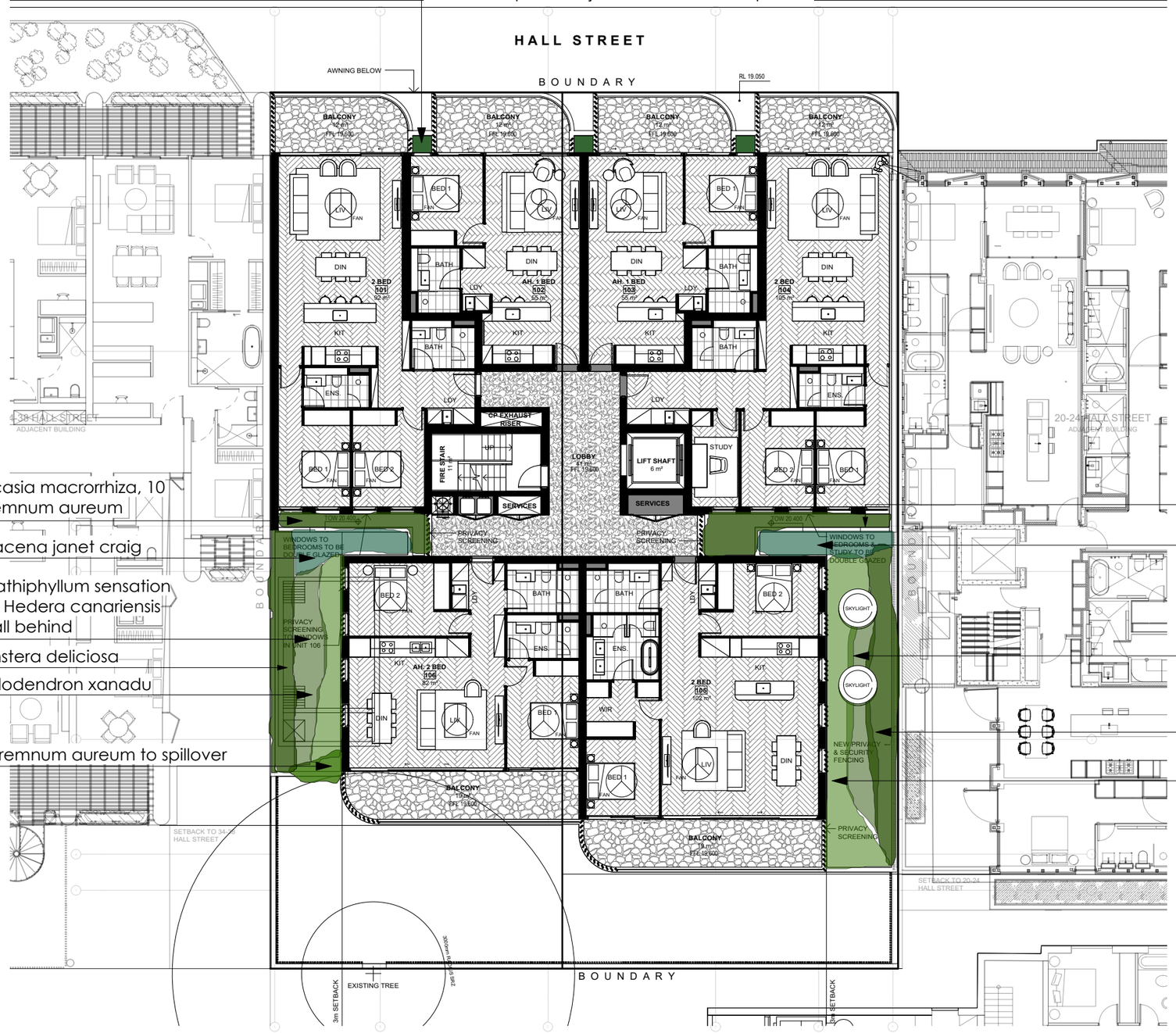
Project:	Dwg no:	Drawn by:	Checked:	Scale:
26-32 Hall St Bondi	LP02-2521	TW	TW	1:200@A3
Client:	Title:	Issue:	Revision:	Date:
STM	Landscape Plan - Ground	01	F	Sept 2025

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Application No: DA-209/2025

Date Received: 29/09/2025

3 Trachelospermum jasminoides in each planter



3 Alocasia macrorrhiza, 10 Epipremnum aureum

10 Dracena janet craig

45 Spathiphyllum sensation with 4 Hedera canariensis on wall behind

8 Monstera deliciosa

20 Philodendron xanadu

5 Epipremnum aureum to spillover

5 Alococasia macrorrhiza, 10 Epipremnum aureum

10 Dracena janet craig

35 Philodendron xanadu

10 Monstera deliciosa

60 Spathiphyllum sensation

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Project:	Dwg no:	Drawn by:	Checked:	Scale:
26-32 Hall St Bondi	LP03-2521	TW	TW	1:200@A3
Client:	Title:	Issue:	Revision:	Date:
STM	Landscape Plan - Level 1	01	F	Sept 2025

3 Trachelospermum jasminoides in each planter

5 Monstera deliciosa and
10 Cissus antarctica
2 Alocasia macrorrhiza

5 Monstera deliciosa and
10 Cissus antarctica
4 Alocasia macrorrhiza



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Application No: DA-209/2025

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Project:	Dwg no:	Drawn by:	Checked:	Scale:
26-32 Hall St Bondi	LP04-2521	TW	TW	1:200@A3
Client:	Title:	Issue:	Revision:	Date:
STM	Landscape Plan - Level 2	01	F	Sept 2025

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Application No: DA-209/2025

Date Received: 29/09/2025

3 Trachelospermum jasminoides in each planter

5 Monstera deliciosa and
10 Cissus antarctica

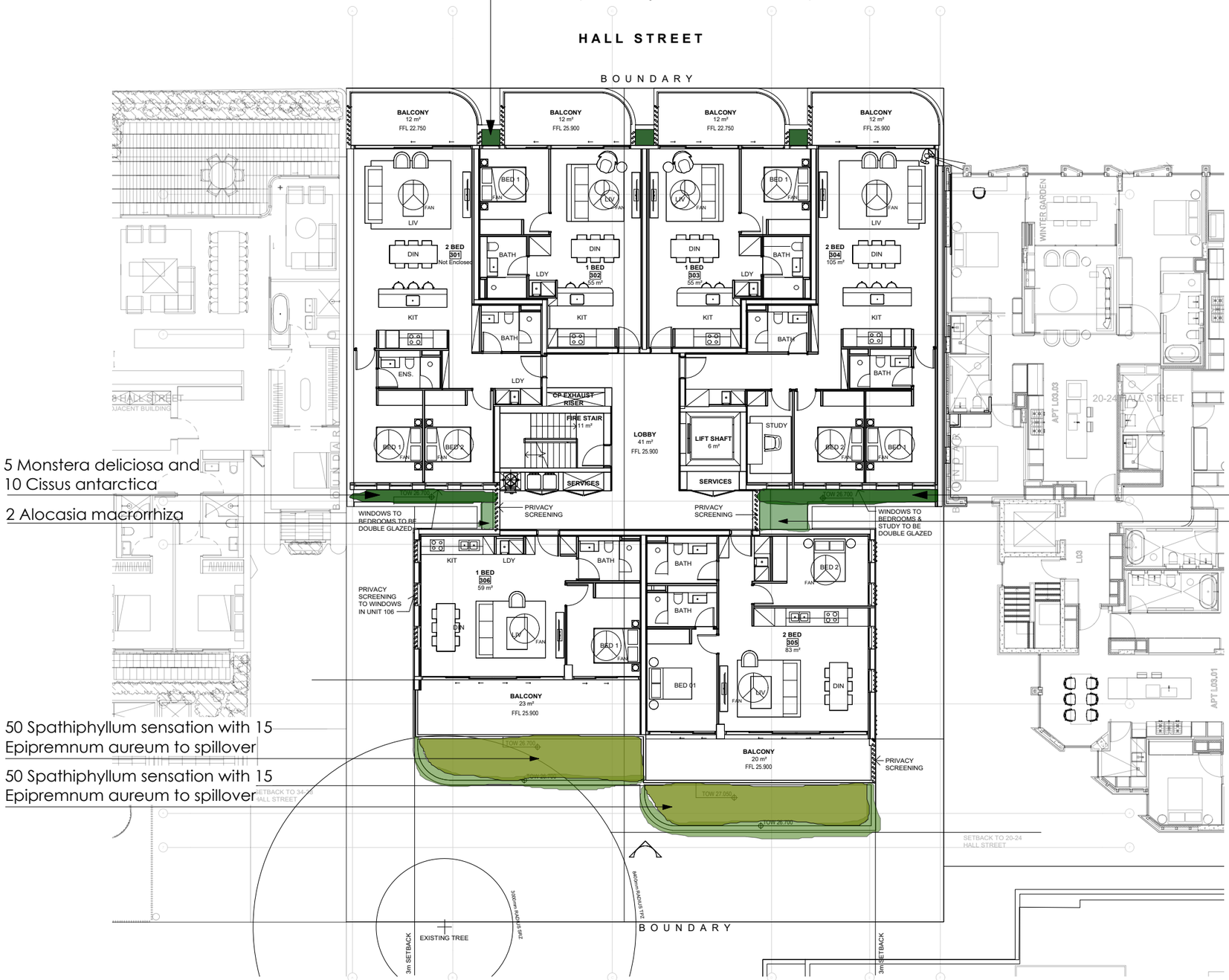
2 Alocasia macrorrhiza

5 Monstera deliciosa and
10 Cissus antarctica

3 Alocasia macrorrhiza

50 Spathiphyllum sensation with 15
Epipremnum aureum to spillover

50 Spathiphyllum sensation with 15
Epipremnum aureum to spillover



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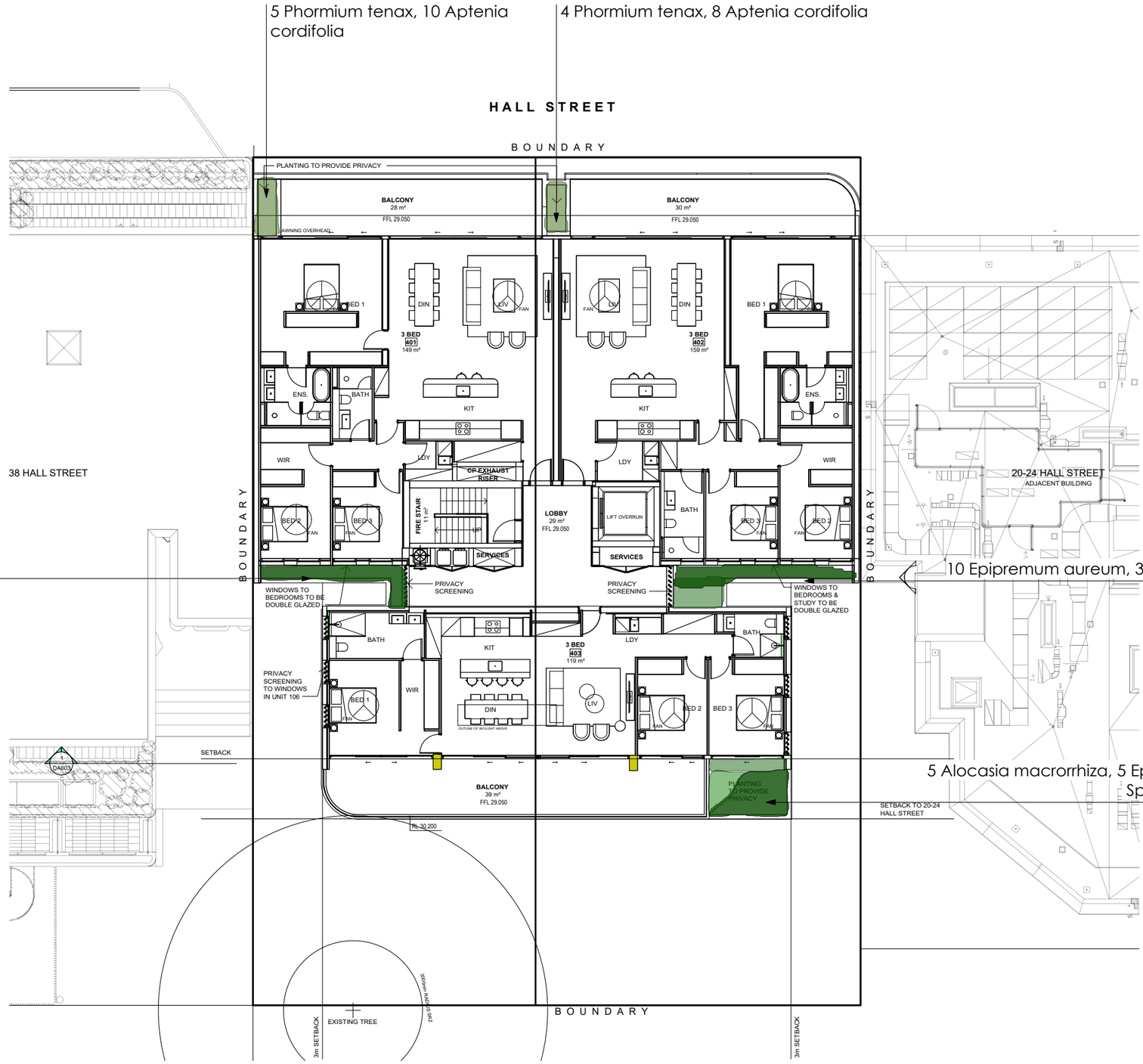
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26-32 Hall St Bondi	LP05-2521	TW	TW	1:200@A3
Client:	Title:	Issue:	Revision:	Date:
STM	Landscape Plan - Level 3	01	F	Sept 2025

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Application No: DA-209/2025

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Project:	Dwg no:	Drawn by:	Checked:	Scale:
26-32 Hall St Bondi	LP06-2521	TW	TW	1:200@A3
Client:	Title:	Issue:	Revision:	Date:
STM	Landscape Plan - Level 4	01	F	Sept 2025



Report to the Waverley Local Planning Panel

Application number	DA-320/2025
Site address	80 Francis Street BONDI BEACH
Proposal	Alterations and additions to semi-detached dwelling including new first floor.
Date of lodgement	9 July 2025
Owner	Saran Investments (NSW) Pty Ltd
Applicant	Mr E De Oliveira Barata
Submissions	Nil
Cost of works	$1,037,104
Principal Issues	• Exceedance of Height development standard • Front and rear building lines
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 at the site known as 80 Francis Street BONDI BEACH.

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

- Exceedance of the Height development standard
- Front and rear building lines

The assessment finds these issues acceptable given the steeply sloping site, the consistency with the height of neighbouring properties and the configuration of surrounding lots which have a different subdivision pattern.

No submissions were received from Councillors or members of the public; and there is no staff conflict of interest.

A development application (DA-321/2025) for alterations and additions to the adjoining semi-detached dwelling (82 Francis Street) is being assessed concurrently.

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 1 September 2025.

The site is identified as Lot B in DP 391596, known as 80 Francis Street, BONDI BEACH.

The site is rectangular in shape with a primary frontage of 6m to Francis Street and a secondary frontage of 6.4m to Edward Street. It has an area of 298m^2 and it falls from the rear towards the front by approximately 7m.

The site is occupied by a single storey semi-detached dwelling with vehicular access provided to a garage at the rear from Edward Street.

The adjoining semi-detached dwelling (82 Francis Street) is also the subject of a development application for alterations and additions, DA-321/2025. The locality is characterised by a variety of low and medium density residential developments.

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



Figure 1: Francis Street streetscape showing subject site (left) and adjoining semi-detached dwelling at 82 Francis Street, which is subject to DA-321/2025 being assessed concurrently.



Figure 2: Existing sunroom at the front of the dwelling viewed from the front yard.



Figure 3: Existing rear of the dwelling viewed from the rear yard.



Figure 4: Existing garage structure fronting Edward Street. No change is proposed.

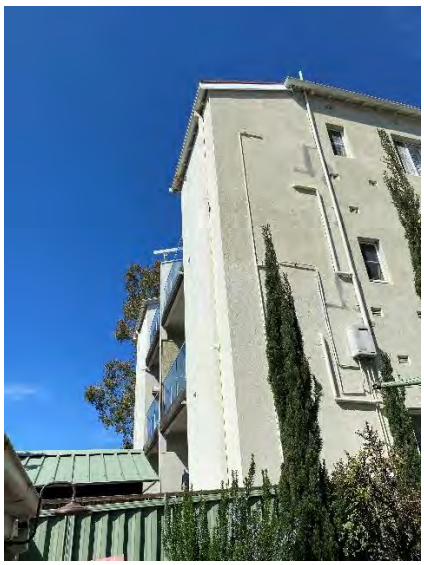


Figure 5: Adjoining development at 41 Edward Street, viewed from the rear yard of the subject site.

1.3. Relevant Development History

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

1.4. Proposal

The development application seeks consent for alterations and additions to the semi-detached dwelling, and specifically includes the following:

- Internal alterations at the ground floor to provide an open plan kitchen, dining living area and stair access to the new first floor;
- First floor addition comprising three bedrooms, two bathrooms and a green roof;
- Clerestory window above the first floor over the stairs; and
- Retention of the existing stair access and sunroom at the front of the dwelling.

No change proposed to existing garage structure at the rear of the property.

1.5. Background

The development application was lodged on 9 July 2025 and deferred on 15 September 2025 for the following reason:

1. It is recommended that the front façade be amended to provide a cohesive design of the dwelling individually (i.e. cohesion between the ground and first floor design) and between the adjoining semi-detached pair.

The amended plans received on 23 September 2025 form the basis of the assessment.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

- SEPP (Sustainable Buildings) 2022

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 Table *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*	No	The proposal has a maximum height of 9.945m, which exceeds the development standard by 1.445m or 17%.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio • *0.77:1 (232.94m^2)*	Yes	The proposal has a total GFA of 217.03m^2, which equates to a FSR of 0.728:1, which complies.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	The site is located adjacent to the Francis Street Landscape Conservation Area (C43). The proposal does not impact the streetscape landscaping.
5.21 Flood Planning	Yes	The site is located in a low flood risk precinct. The proposal does not include any excavation, nor does it significantly increase the building footprint. Therefore, there is no expected impact on flood planning.

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

Clause 4.6 Exceptions to Development Standards – Height

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

The site is subject to a maximum height development standard of 8.5m. The proposed development has a height of 9.945m, exceeding the standard by 1.445m equating to a 17% variation.

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

(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and

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

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

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

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

(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:

  (i) The proposed development preserves the environmental amenity of neighbouring properties and public spaces and is therefore consistent with Objective (a) of the Height development standard.

  (ii) There is no unreasonable overshadowing impact

  (iii) The proposed building height is entirely consistent with the desired future locality, particularly noting that the proposed front façade is compatible with the height of the two neighbouring dwellings at 84 Francis Street and 78 Francis Street.

  (iv) The proposal at the subject site and adjoining dwelling will restore the symmetry of the 2 semi-detached dwellings.

  (v) The proposed front facades, including the pitched roofs, will significantly improve the front facades of both semi-detached dwellings.

  (vi) There will be no additional adverse impacts arising from the breach of the height development standard on adjoining properties or the public domain.

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

  (i) The proposed development on the subject site, and the accompanying proposed development, will restore the symmetry of the semi-detached dwellings on the subject site and the adjoining 82 Francis Street are currently not symmetrical.

(ii) The proposed front facades, despite the breaches, will be entirely compatible with the heights of the two neighbouring buildings at 78 and 84 Francis Street.

(iii) There will be a significant improvement to the open space on the subject site given the existing tree canopy over the subject site is to be retained. There are proposed new planters and a green roof.

(iv) There will be an increased level of passive surveillance of Francis Street through the addition of a second storey with expansive proposed windows and balconies on both proposed developments.

Consideration of Applicant's Written Request

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

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

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

(a) the objectives of the development standard are achieved notwithstanding non-compliance with the standard;

(b) to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;

(c) to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;

(d) to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; and

(e) to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary.

The applicant specifically relies upon justification (a) of *Wehbe v Pittwater Council* (2007) 156 LGERA 446], that *the objectives of the Height development standard are achieved notwithstanding non-compliance with the standard.* The relevant objectives of the height development standard are discussed below.

(a) to ensure building heights preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views,

As discussed in other areas of this report, the development does cause minor additional overshadowing. However, the overshadowing is not attributed to the portion of the development which exceeds the height limit.

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

As discussed in other areas of this report, satisfactory solar access is maintained to existing buildings and public areas.

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

The proposed dwelling is consistent with the desired future character of the locality. The non-compliance is attributed to the steeply sloping site. From the street, the dwelling is consistent with the height and scale of surrounding 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. Specifically, the applicant's argument that from the street, the dwelling is consistent with the height and scale of neighbouring development. The steep fall on the land of the site is a particular environmental planning ground that drives the non-compliance. The portion of the development which breaches the height control does not result in any adverse environmental planning impacts beyond that of a compliant development. **Figure 6** below is an excerpt of the height plane diagram, which demonstrates that the portion of the development which exceeds the height development standard is limited to the roof elements only. It also demonstrates how the proposed development sits in the context of the neighbouring dwellings, being entirely consistent in height and scale.

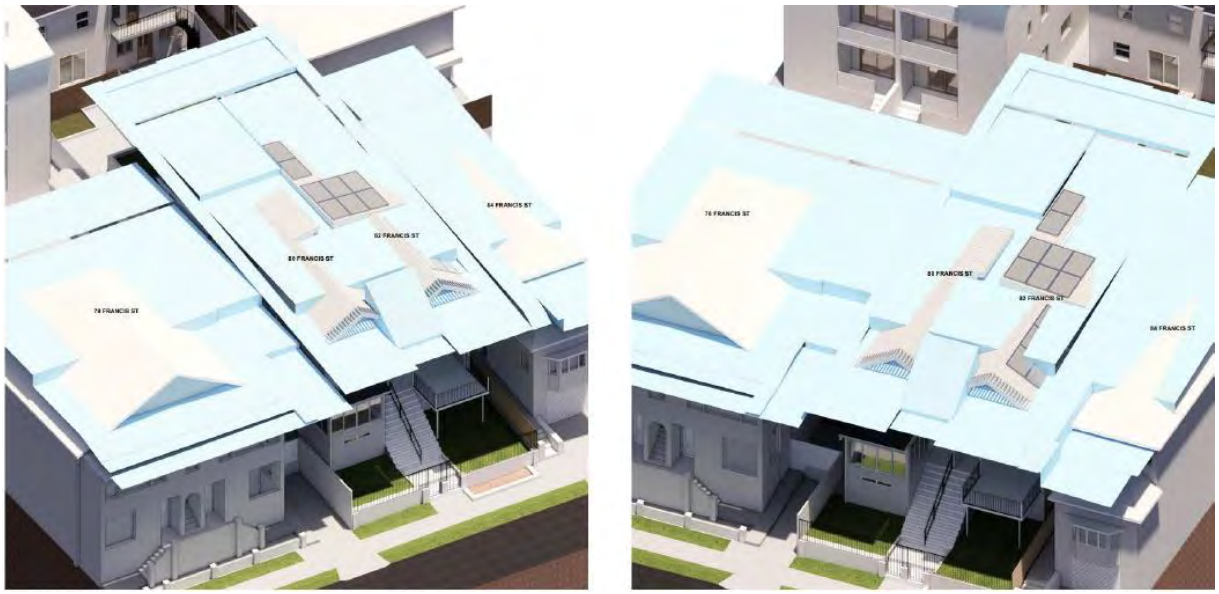


Figure 6: Excerpt from the height development plan demonstrating the portion of the development which exceeds the height development standard is limited to the roof elements.

Conclusion

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

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

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

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

Development Control	Compliance	Comment
1. Waste • *Garbage bins are to be stored in an appropriate location.*	Yes	Satisfactory.
2. Ecologically Sustainable Development • *Ceiling or wall mounted fans* • *Gas cooktops, gas ovens or gas internal space heating systems.*	Yes	Satisfactory.
5.Water Management	Yes	Satisfactory.
6. Accessibility and Adaptability	Yes	Satisfactory.
7. Transport	Yes	The existing off-street parking is acceptable. The proposal does not seek to alter the existing off-street parking arrangements on site.
11. Design Excellence	Yes	Satisfactory.

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

Development Control	Compliance	Comment
1.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
1.1 Height		
Pitched roof dwelling house • *Maximum external wall height of 7m*	No	The proposal is generally consistent with the 7m external wall height control, however there are areas of non-compliance towards the front of the dwelling. This non-compliance is considered

Development Control	Compliance	Comment
		acceptable given the steep slope of the site and the prevailing form of surrounding development.
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*	No, but considered acceptable	See discussion below.
1.2.2 Side setbacks • *Minimum of 0.9m for ground floor and first floors.)*	Yes	The existing side setback of 0.9m is retained, which complies.
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	The proposed development, as amended is compatible with the streetscape context.
1.4 Fences		
Front: • *Maximum height of 1.2m* • *Solid section no more than 0.6m in height* *Side and Rear:* • *Maximum height of 1.8m*	Yes	The proposal seeks to retain the existing front and side fences, which is acceptable.

Development Control	Compliance	Comment
1.5 Visual and acoustic privacy		
• *Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design* • *External stairs are not acceptable.* • *Maximum size of balconies:* *10m^2 in area* *1.5m deep* • *Roof tops to be non-trafficable unless predominant in the immediate vicinity*	Yes	The proposal has been designed to provide visual and acoustic privacy for future occupants and surrounding properties. The proposed first-floor windows on the side elevation do not directly face the habitable windows at the neighbouring dwelling (78 Francis Street) as the proposed windows have a sill height of RL50.287, and the survey indicates the hood level of the windows at the neighbouring is RL50.55. Therefore, the proposed windows at the subject site are at a higher level than the windows at the neighbouring property. The proposed green roof / planter above the ground floor at the rear is non-trafficable, and a condition will be imposed enforcing this.
1.6 Solar access		
• *Minimum of 3 hours of sunlight to 50% of living areas and principal open space areas on 21 June to subject site* • *Minimum of 3 hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June.* • *Avoid unreasonably overshadowing of solar collectors (including habitable windows).*	Yes	The applicant has provided shadow diagrams in plan and elevation form which indicate additional overshadowing falls on the subject site and the neighbouring property at 78 Francis Street. **Impact on the subject site:** The shadow diagrams indicate that the subject site receives a minimum of 3 hours of sunlight to at least 50% of the principal open space on 21 June between 11am and 2pm. Given the existing site constraints, it is difficult to obtain solar access into the living areas at the rear ground floor of the dwelling. However, the retained sunroom at the front of the dwelling will still achieve abundant solar access on 21 June. **Impact on neighbouring properties:** Given the orientation of the site and the existing subdivision pattern, some degree of overshadowing impact on the side windows and private open space at 78 Francis Street is largely unavoidable. The shadow diagrams indicate on 21 June, the private open space at 78 Francis St

Development Control	Compliance	Comment
		currently does not receive 3 hours of solar access. It is overshadowed by existing development. The proposal will result in minor additional overshadowing to the rear private open space. Furthermore, additional overshadowing falls on the side windows from 12 noon to 3pm on 21 June. Notwithstanding this, most of the side windows receive solar access between 10am and 12 noon on 21 June.
1.9 Landscaping and open space		
• *Overall open space: 40% of site area* • *Overall landscaped area: 20% of site area, with at least half deep soil* • *Minimum area of 25m^2 for private open space* • *Front open space: 50% of front building setback area* • *Front landscaped area: 50% of front open space provided* • *Outdoor clothes drying area to be provided*	Yes	A total of 120.97m^2 of open space is provided, equating to 40.59% of the site area, which complies. A total of 68.07m^2 of landscaped area is provided, equating to 22.84% of the site area, which complies. The existing private open space in the rear yard is to be retained. The front open space and landscaped area is to be retained. The overall landscaping and tree canopy cover on site will be improved by the proposal.
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* • *Additions to match the style of the original semi-detached dwelling* • *Existing roof form maintained forward of principal ridgeline* • *Front verandahs to be maintained*	Yes	There is a proposal for the adjoining semi-detached dwelling at 82 Francis Street, being assessed concurrently. The amended proposal will ensure a cohesive design in accordance with Clause 1.13.1(d) which states that the *style of the built form must be identified and maintained across the pair*. See further discussion below.
1.13.2 First floor additions to semi-detached dwellings	No, but considered acceptable	The first floor addition is not setback from the principal street frontage, however given the

Development Control	Compliance	Comment
• *First floor addition to be setback from the principal street frontage and maintain the existing front roof slope* • *First floor additions should match the style of the additions on the adjoining semi (if relevant)*		context, this is considered acceptable. See discussion below.
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	The existing pair of semi-detached dwellings are asymmetrical. The proposed materials, finishes and detailing result in the pair being more cohesive. See discussion below.

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

Front and rear building lines

Waverley DCP 2022 Part C1 Section 1.2 *Setbacks* Clause 1.2.1 provides controls for *Front and rear building lines.* There is a fairly predominant front and rear building line for the neighbouring dwellings on Francis Street. However, the subject site is unique as it continues through to Edward Street and it does not follow the configuration of surrounding lots which have a different subdivision pattern. Furthermore, the subject site and adjoining semi-detached dwelling have a greater front setback than the neighbouring properties, which means the existing semi-detached pair extend further towards to the rear than neighbouring properties. **Figure 7** below provides an aerial photo to demonstrate this.

The proposed addition to the semi-detached dwellings does not extend beyond the existing building footprint. The proposed first floor addition is setback from the rear building line of the ground floor level to minimise bulk and scale impacts and provide visual relief for the open space and living areas at adjacent properties, in accordance with Clause 1.2.1 (b).

Clause 1.2.1 (d) states that where there is no predominant front and/or rear building line, greater consideration must be given to compliance with the applicable development standards, landscape

controls, side setback controls and visual aspect and amenity impacts of the bulk and scale from adjoining properties. The proposal complies with the FSR development standard, the height non-compliance relates to the front of the dwelling where the land slopes. The rear of the property is compliant with the height development standard, wall height control, side setback controls and does not have an adverse visual or amenity impact on surrounding properties. Given the surrounding context and the existing subdivision pattern, the proposed front and rear building lines are considered acceptable.



Figure 7: Aerial photo indicating the predominant front and rear building lines of the dwellings on Francis Street in red. The building footprint of the existing semi-detached dwellings is highlighted.

Semi-detached dwellings

The objectives of the Waverley DCP 2022 Part C1 Section 1.13 *Semi-Detached Dwellings* seek to ensure that alterations and additions visually read as a cohesive part of the existing dwelling from the streetscape. Clause 1.13.1(d) states that the style of the built form must be identified and maintained across the pair or group of buildings.

During the assessment process, the application was deferred, and it was recommended that the front façade, particularly the retained elements of the existing façade, be amended to provide a cohesive design for the dwelling individually (i.e. cohesion between the ground and first floor design) and between the adjoining semi-detached pair.

The applicant provided an amended scheme which addressed the above. **Figure 8** below provides a photomontage of the original and amended proposal. While not strictly symmetrical, the amended

proposal incorporates finishes and detailing that provides cohesion and unity in accordance with objectives (a), (b), (c), (d) and (g) of Section 1.13.



Figure 8: Photomontage of the original (left) and amended (right) proposal

While being consistent with the objectives of Section 1.13, the proposal does not comply with some controls in in Clause 1.13.2 *First floor additions to semi-detached dwellings*. Specifically, the first-floor addition is not set back behind the roof ridge line. The non-compliance is considered acceptable because the additions have been designed as a cohesive semi-detached pair, given the development applications are being assessed concurrently. Furthermore, should the first floor be setback behind the roof ridge line, the impact of the first-floor rear building line would be increased. The proposed built form is consistent with the scale of surrounding development when viewed from Francis Street. The proposed additions are considered acceptable.

2.2. Other Impacts of the Development

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

2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.4. Any Submissions

The application was notified for 14 days between 16 July and 1 August 2025 in accordance with the *Community Engagement Strategy Amendment 1 (2025).*

Following receipt of amended plans and additional information, the application not re-notified as the amended form of the proposal related only to the design of the front façade and did not change any impacts on neighbouring properties.

No submissions were received.

2.5. Public Interest

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

3. REFERRALS

The following internal referral comments were sought:

3.1. Stormwater

Council's Stormwater Engineers raised no objection to the proposal, subject to conditions of consent which have been included in the attached recommended conditions.

3.2. Tree Management

Council's Tree Management Officer raised no objection to the proposal, subject to conditions of consent which have been included in the attached recommended conditions.

4. CONCLUSION

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

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Managers of Development Assessment (MODA) Review

The application was reviewed by the MODA at the meeting on 9 and 23 September 2025 and the MODA concurred with the Assessment Planner's recommendation.

MODA members: *B McNamara, B Magistrale, O Navratil, and J Zancanaro*

Report prepared by:	**Application reviewed and agreed by:**
	
Emma Finnegan	Bridget McNamara
Senior Development Assessment Planner	**Manager, Development Assessment**
Date: 29 October 2025	**Date:** 12 October 2025

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)	17% variation to height (Clause 4.3) [ ] Pre-existing non-compliance [ ] No change to overall building height [ ] No change to overall building envelope [ ] Variation limited to the [lift/plant/parapet/attic] only [X] No unreasonable impacts on the amenity of adjoining properties or streetscape [X] Sufficient environmental planning grounds [X] Consistent with the objectives of the standard [ ] [insert another reason here if required]
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?	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 Barata of Project No: 2401-FRA including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
A001 Rev 2	Site Plan	23/09/2025	23/09/2025
A102 Rev 2	Demolition Ground Floor Plan	23/09/2025	23/09/2025
A103 Rev 2	Demolition Roof Plan	23/09/2025	23/09/2025
A104 Rev 2	Proposed Ground Floor Plan	23/09/2025	23/09/2025
A105 Rev 2	Proposed First Floor Plan	23/09/2025	23/09/2025
A106 Rev 2	Proposed Roof Plan	23/09/2025	23/09/2025
A201 Rev 2	Proposed North East Elevation	23/09/2025	23/09/2025
A202 Rev 2	Proposed South West Elevation	23/09/2025	23/09/2025
A203 Rev 2	Proposed South East Elevation	23/09/2025	23/09/2025
A202 Rev 2	Proposed North West Elevation	23/09/2025	23/09/2025
A300 Rev 2	Proposed Section AA	23/09/2025	23/09/2025
A301 Rev 2	Proposed Section BB	23/09/2025	23/09/2025
A302 Rev 2	Proposed Section CC	23/09/2025	23/09/2025
A303 Rev 2	Proposed Section DD	23/09/2025	23/09/2025
A304 Rev 2	Proposed Section EE	23/09/2025	23/09/2025

(b) Landscape Plan No. A901 Rev 1 and documentation prepared by Barata, dated 3 July 2025 and received by Council on 9 July 2025;

(c) The BASIX and NatHERs Certificate/s;

(d) Schedule of external finishes and colours drawing No. A801 Rev 1 prepared by Barata, dated 3 July 2025 and received by Council on 9 July 2025;

(e) The Site Waste and Recycling Management Plan (SWRMP) Part 1 and received by Council on 9 July 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. 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 are provided in the Waverley Council Contributions Plan, available on Council's website.

(d) As legislated in section 209 of the *Environmental Planning and Assessment Regulation 2021,* the levy must be paid in accordance with the following;

(i) A development valued at $100,000 or less will be exempt from the levy;

(ii) A development valued at $100,001 - $200,000 will attract a levy of 0.5% of the **full** cost of the development; or

(iii) A development valued at more than $200,000 will attract a levy of 1% of the **full** cost of the development.

(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. STREET TREE BOND

A bond of $7,000 is to be paid to Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of and maintenance of the following trees:

(i) One (1) *Jacaranda mimosifolia (Jacaranda)* on the grass verge on Francis Street - $2,000 bond

(ii) One (1) *Harpephyllum caffrum (Kaffir Plum)* adjacent to the eastern boundary, on the grass verge on Edward Street - $5,000 bond

The sum will be forfeited to the Council at its discretion for a breach of these requirements:

(b) Street trees to be inspected twelve (12) months from the issue of the final Occupation Certificate subject to the satisfaction of Council

(c) The $7,000 bond will be refunded twelve (12) months from the issue of the final Occupation Certificate subject to the satisfaction of Council.

(d) If any trees identified to be retained and protected are found to be faulty, damaged, dying, or dead, the full bond amount or part thereof will be forfeited

(e) Council will require the applicant to remove and replace the faulty, damaged, dying, or dead street tree and a new bond will be applied on the replacement street tree.

(f) Proof of purchase of the replacement street tree (if required) must be provided to the Principal Certifier Authority, prior to the issue of any Construction Certificate.

Condition reason: To ensure trees are maintained and protected

9. SECURITY DEPOSIT

(a) Payment to the amount of $20,742.08 must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent. This 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

Temporary structures such as work area protective structures (hoardings), perimeter scaffolding systems and cantilevered scaffolding are often a necessary part of development and maintenance activity. These must be designed and constructed in accordance with the requirements of *Safe Work NSW*.

Where a hoarding is required to be erected over the footpath or any public place, the approval of Council's Building Compliance Department must be obtained and the applicable fees paid, prior to the erection of the hoarding. Details and application form are available on Council's website.

Condition reason: 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 ground floor walls 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.

STORMWATER AND FLOODING

17. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT

To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact on neighbouring properties and downstream systems, 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 Starc Engineering Pty Ltd, Job No. ST24 379, Drawing No. H1.0, H1.1, Revision C, dated 17/02/2025, H1.2, Revision B, dated 17/01/2025 are considered concept only.

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

The stormwater management plans must be updated to be consistent with the architectural drawings.

(a) If replacing, the stormwater discharge within the footpath verge of Francis Street must be hot dipped galvanised steel hollow section with the size of 125mm x 75mm x 4mm (w x h x t). Note a minimum 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 minimum of 500 mm clearance must be provided from the edge of the layback of the vehicular crossing to the edge of the stormwater outlet.

(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.

(c) Piped drainage within all Council land including roads and footways will be laid at minimum 1% gravity fall directed toward the point of discharge.

(d) Any new downpipes must be located wholly within the property's boundary.

(e) Specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.

(f) Detail the proposed pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location.

(g) 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.

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) The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.

(iv) Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block must not be replicated.

(v) Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.

(vi) Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8655 (operational hours between 9.30am to 4pm Monday to Friday). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.

(vii) Evidence from a suitably qualified and practicing Engineer that the approved design has been adhered to must be submitted to and approved by the Principal Certifying Authority (PCA) prior to the issue of the relevant Construction Certificate application.

Condition reason: To ensure that the stormwater system is designed and constructed in accordance with Waverley Council's *Water Management Technical Manual* and will minimise the likelihood of stormwater related issues to the property owner, occupiers, neighbours and broader community.

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

To enable all development to contribute to net zero greenhouse emissions by 2035, the following shall apply:

(a) No gas cooktops, gas ovens and gas heating systems are permitted. Alternate options must be used (such as electric, induction sources).

Additionally, the following are encouraged:

(b) An electric hot water system in all developments. Recommended systems include electric heat pump, solar thermal with electric boost or electric storage.

(c) Swimming pool heating systems to include solar thermal only, solar thermal boosted with electric or electric heat pump.

(d) Lighting systems to include LEDs with controls, such as motion sensors, step-dim controls and daylight sensors.

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

(f) Where rainwater tanks are provided, then:

  (i) Rainwater tanks must be fitted with a first-flush device that causes initial run-off rainwater to bypass the tank, and

  (ii) Rainwater tanks must be fitted with a screened rain head designed to prevent leaf litter entering into the water tank, and

  (iii) All rainwater tanks plumbed for internal water use must have a filter installed to prevent sediment from entering toilets and washing machines, and

  (iv) Pumps attached to the development must be housed in an enclosure that is soundproofed, and

  (v) Rain tanks must have its overflow connected to an existing stormwater drainage system that does not discharge to an adjoining property, or cause a nuisance to adjoining owners

  (vi) Rain tanks must have a sign affixed to it stating the water in it is rainwater

(g) 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 reduce community greenhouse emissions to net zero by 2035, to improve human health, to conserve water 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 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

21. GREEN ROOF LANDSCAPING DETAILS

The Landscape Plan shall comply with the provisions for green roofs contained in Part B3.2.3 of the *Waverley Development Control Plan 2022* including;

(a) Comprise plants that are suitable for the site in relation to the environmental conditions (sun, wind and views) and include indigenous or local native plants to Waverley (see Annexure B2 – 1).

(b) Have a minimum soil depth of 300mm and use lightweight soil mixes that are porous, able to drain freely, and suitable for the selected plant species;

(c) The green roof is to be designed to be a non-trafficable area (with no balustrades) and must be irrigated without requiring frequent maintenance access.

(d) Any access to the roof is to be for servicing purposes only.

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

Details are to be provided on the landscape plans and submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

Condition reason: To ensure the landscaping is appropriate for the roof.

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

22. 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.

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.

TREE PROTECTION MEASURES

24. PROTECTIVE TREE FENCING

Before any machinery or materials are brought onto the site and before the commencement of any works including demolition, or in accordance with the Tree Protection Specifications (TPS) as shown on the Tree Protection Plan (TPP) protective fencing shall:

(a) Be erected around each tree nominated for retention and protection.

(b) Remain in place for the duration of the works. It must be secured to restrict access and must not be removed or altered without approval from the on-site arborist.

(c) Be installed in accordance with AS 4687.2:2022 Temporary Fencing and Hoardings

(d) Comprise of 1800mm high chain link wire mesh fixed to 50mm galvanised steel posts.

Notes:

(i) Portable chain link fencing may be installed.

(ii) Chain link portable panels must be securely fixed top and bottom to avoid separation.

(iii) Coloured plastic tape fencing or plain strained fencing wire fixed to steel droppers is unacceptable.

(iv) Existing perimeter fences and other structures may be used as part of the protective fence if suitable.

(v) Signs identifying the Tree Protection Zone (TPZ) should be placed around the edge of the TPZ and be visible from within the development site. The lettering on the sign should conform to AS 1319 -1994 REC:2018 Safety signs for the occupational environment

Condition reason: To create an exclusion zone around the tree throughout the construction to ensure all tree parts are protected.

25. TRUNK AND BRANCH PROTECTION

If protective fencing for trees is not possible, trunk protection is to be installed prior to any works commencing and include:

(a) the placement of 1.8m or less lengths of 75 mm x 40 mm hardwood or pine spaced at 125 mm centres around the trunk secured in place by metal strap bindings or 10-gauge fencing wire fixed at 300 mm centres. Prior to placing battens install a soft protective padding to ends of timbers to prevent damage to bark and conducting tissue.

(b) Trunk protection must remain in place for the duration of all site work.

(c) Tree crowns may be injured by machinery such as excavators, drilling rigs, cranes, trucks, hoarding installation, and scaffolding. The tree protection zone may need to include additional protection of the above ground parts of the tree.

(d) Crown protection may include pruning, branch protection, tying-back of branches, use of flagging to make the branch more visible, or other measures. If pruning is required, requirements are specified in AS 4373 2007 Pruning of Amenity Trees and should be undertaken before the establishment of the TPZ.

(e) Temporary powerlines, stays, guys, structures and the like shall not be attached to the tree (unless specifically permitted in the Tree Protection Specifications (TPS)

Condition reason: To ensure all tree parts are protected throughout the construction.

26. TREE PROTECTION CERTIFICATE

The Arborist engaged for the duration of the project shall undertake an inspection of the site once tree protection measures have been fully installed and prior to any works commencing. An inspection Certificate stating that appropriate tree protection measures have been installed for the trees to be retained and protected shall be submitted to Council and the Principal Certifier.

Condition reason: To ensure trees are protected prior to work commencing.

DEMOLITION & EXCAVATION

27. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

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

(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.

28. CONTROL OF DUST ON CONSTRUCTION SITES

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

(a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray.

(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.

29. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

Prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the *NSW EPA Waste Classification Guidelines 2014* to the satisfaction of the Principal Certifier.

Condition reason: To ensure that contaminated soil not escape the site.

CONSTRUCTION MATTERS

30. 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.

31. STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS

All building materials and any other items associated with the development are to be stored within the property 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.

32. 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)*

33. CONSTRUCTION INSPECTIONS

The building works are to be inspected during construction by the Principal Certifier in accordance with the *Building Legislation Amendment (Quality of Construction) Act 2002*, Part 8 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* and the requirements of any other applicable legislation or instruments.

Condition reason: To ensure regular inspections occur throughout the construction process.

34. CERTIFICATE OF SURVEY – LEVELS

All construction works are to be in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor 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.

35. CERTIFICATE OF SURVEY – BOUNDARIES AND LOCATION OF BUILDING

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

36. 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.

37. 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.

TREE PROTECTION & REMOVAL

38. TREES TO BE RETAINED AND PROTECTED

This schedule outlines which trees are to be retained and protected.

Tree No.	Species	Location	Status	Action
T1	*Jacaranda mimosifolia* (Jacaranda)	Grass verge Francis Street	Protected	Retain and protect
T2	*Harpephyllum caffrum* (Kaffir Plum)	Eastern boundary, grass verge – Edward Street	Protected	Retain and protect
T3	*Howea forsteriana* (Kentia Palm)	Western property boundary – 78 Francis Street	Protected	Retain and protect

Condition reason: To clarify the trees approved for removal and those to be protected during the construction of the approved development.

39. PROTECTING TREES ON DEVELOPMENT SITES

(a) Throughout construction, tree protection measures installed are to be retained in accordance with *Waverley Council's Development Control Plan 2022*, the approved Landscape Plan the approved Arborist Report, and *Australian Standard – AS 4970 – 2025* - Protection of Trees on Development Sites

(b) All approved tree work must be carried out by minimum AQF Level 3 arborist in accordance with AS 4373-2007 Pruning of amenity trees.

Condition reason: To ensure the retained trees remain unimpacted by construction.

40. TREE WORK

(a) If any trees on the site or on neighbouring properties require pruning, then permission must be gained from the owner of the tree(s) and an application to Prune or Remove Trees on Private Property (Tree Permit Application) must be submitted to Waverley Council for processing. Application forms are available on Council's website.

(b) If any trees on Council owned land require pruning, the application should be accompanied with a Tree Pruning Report, prepared by an Arborist with AQF level 5 qualification or above. The Report shall include photos showing the branches that need to be removed.

Condition reason: To protect trees during construction.

41. ACTIVITIES GENERALLY EXCLUDED FROM THE TREE PROTECTION ZONE (TPZ)

Activities excluded from the TPZ include but are not limited to:

(a) Excavation, cultivation or disturbance of the soil, including scraping of the surface.

(b) Equipment and material storage.

(c) Preparation of chemicals, including preparation of cement products.

(d) Movement or parking of vehicles and plant.

(e) Dumping of waste.

(f) Spreading or stockpiling of fill.

(g) Refuelling.

(h) Washing down and cleaning of equipment or hard surfaces.

(i) Fires.

(j) Physical damage to the tree.

(k) Soil level changes,

(l) Temporary or permanent installation of utilities and signs, and

(m) Ground compaction.

Activities specified in items (a) to (e) may be permitted with appropriate protection measures, as detailed in the Tree Protection Specifications (TPS) and Tree Protection Plan (TPP)

Condition reason: To ensure precautions are taken when working near trees during construction.

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

42. 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.

43. 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*).

44. CERTIFICATION OF LANDSCAPING

At the completion of all works a certificate is to be submitted to the Principal Certifying Authority from a qualified Landscape and/or Arboriculture Consultant certifying that the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established. If relevant, the waterproofing on any green roof is to be tested and evidence of the test is to be provided with the certification.

Condition reason: Confirmation of plantings.

45. TREE PROTECTION MEASURES TO BE REMOVED

All tree protection shall be removed prior to the issuing of the final Occupation Certificate.

Condition reason: To ensure that the tree can continue to grow post construction.

46. CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE

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.

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 certification/s must be submitted to Council (attention to: Infrastructure Services) for record.

Condition reason: Ensure stormwater drainage system has been constructed or retained as per the approved stormwater management plans.

47. FLOODING REQUIREMENTS

The property is located on flood affected land identified as within the low flood risk precinct under the Council endorsed Waverley LGA Flood Study 2021. The site is expected to be flood affected during very rare events up to the Probable Maximum Flood (PMF).

The evacuation requirements of the development thus must be considered in a separate report prepared prior to the issuance of Occupation Certificate. A copy of the report must be submitted to Waverley Council.

Condition reason: To ensure the development minimises risk to life and damage to property, considers the impacts of the full range of potential floods and ensures that development does not have an unacceptable impact on flood behaviour, people's safety, surrounding properties and structures, and the natural environment.

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 during the course of construction a significant amount of the remaining fabric of the building be required to be removed, works must cease immediately and a new development application will be required to be submitted for assessment.

7. 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. BONDI - ROSE BAY SAND BODY

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

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

9. TREE REMOVAL/PRESERVATION

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

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

10. 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 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.*

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

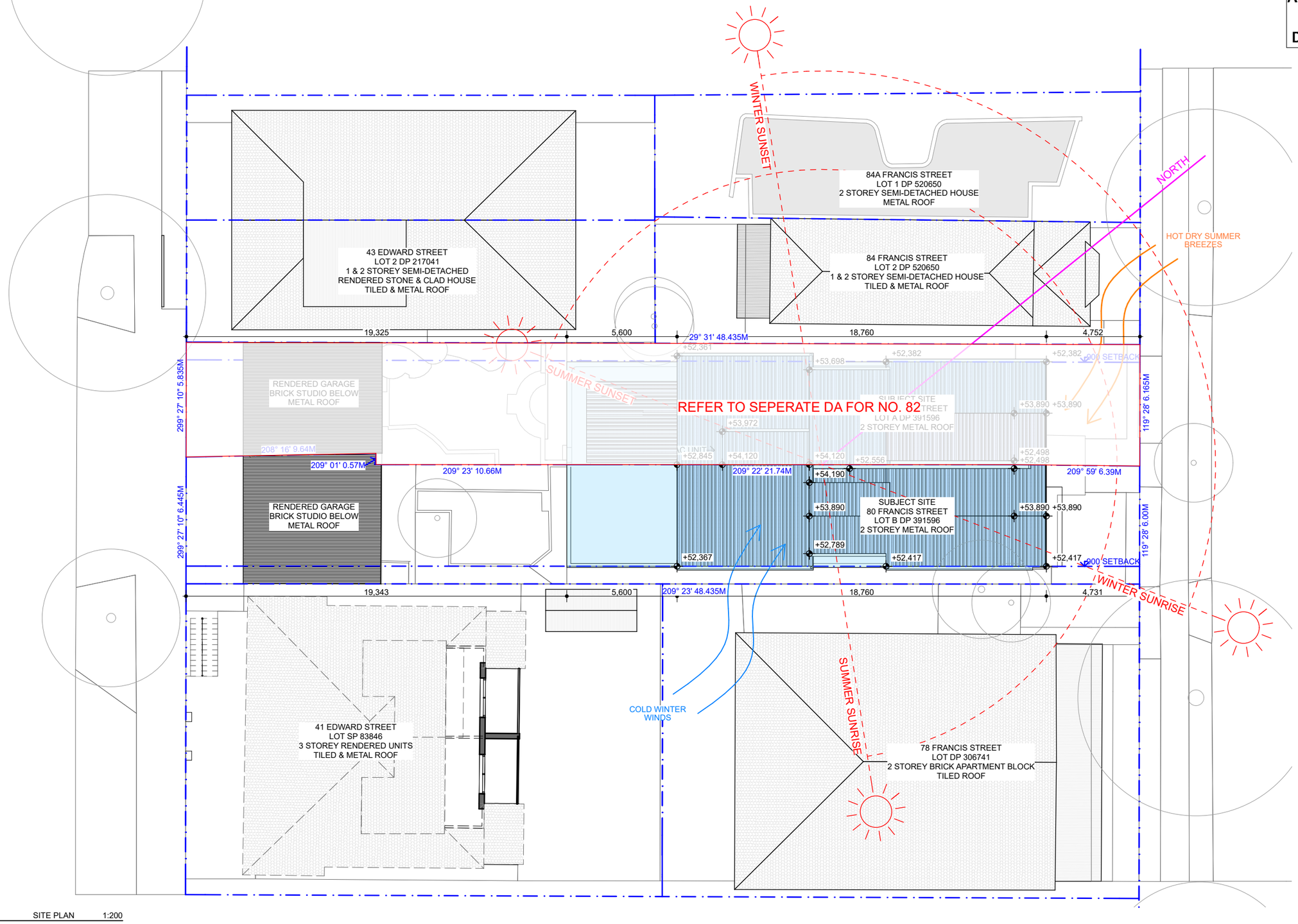
Suitably qualified acoustic consultant means a suitably qualified acoustic consultant means an individual who possesses the qualifications to render them eligible for membership of both the Australian Acoustics Society and Institution of Engineers Australia at the grade of member or an individual who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

AMENDED

RECEIVED
Waverley Council

Application No: DA-320/2025

Date Received: 23/09/2025



SITE PLAN 1:200

NOTES

DRAWINGS FOR DEVELOPMENT APPLICATION ONLY
THE BUILDER SHALL CHECK ALL DIMENSIONS AND LEVELS ON SITE PRIOR TO CONSTRUCTION. NOTIFY ANY ERRORS, DISCREPANCIES OR OMISSIONS TO THE ARCHITECT. REFER TO WRITTEN DIMENSIONS ONLY. DO NOT SCALE DRAWINGS. DRAWINGS SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNTIL ISSUED FOR CONSTRUCTION. THIS DRAWING REFLECTS A DESIGN BY BARATA AND IS TO BE USED ONLY FOR WORK WHEN AUTHORISED IN WRITING BY BARATA.
ALL BOUNDARIES AND CONTOURS ARE SUBJECT TO SURVEY DRAWING. ALL LEVELS TO AUSTRALIAN HEIGHT DATA. IT IS THE CONTRACTORS RESPONSIBILITY TO CONFIRM ALL MEASUREMENTS ON SITE AND LOCATIONS OF ANY SERVICES PRIOR TO WORK ON SITE.
ALL DOCUMENTS HERE WITHIN ARE SUBJECT TO AUSTRALIAN COPYRIGHT LAWS.

REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: SARAN INVESTMENTS
SITE: 80 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
SITE PLAN
PROJECT NAME :
80 FRANCIS STREET, BONDI BEACH

REVISION NO.
02
DRAWING NO.
A001
SCALE
1:200

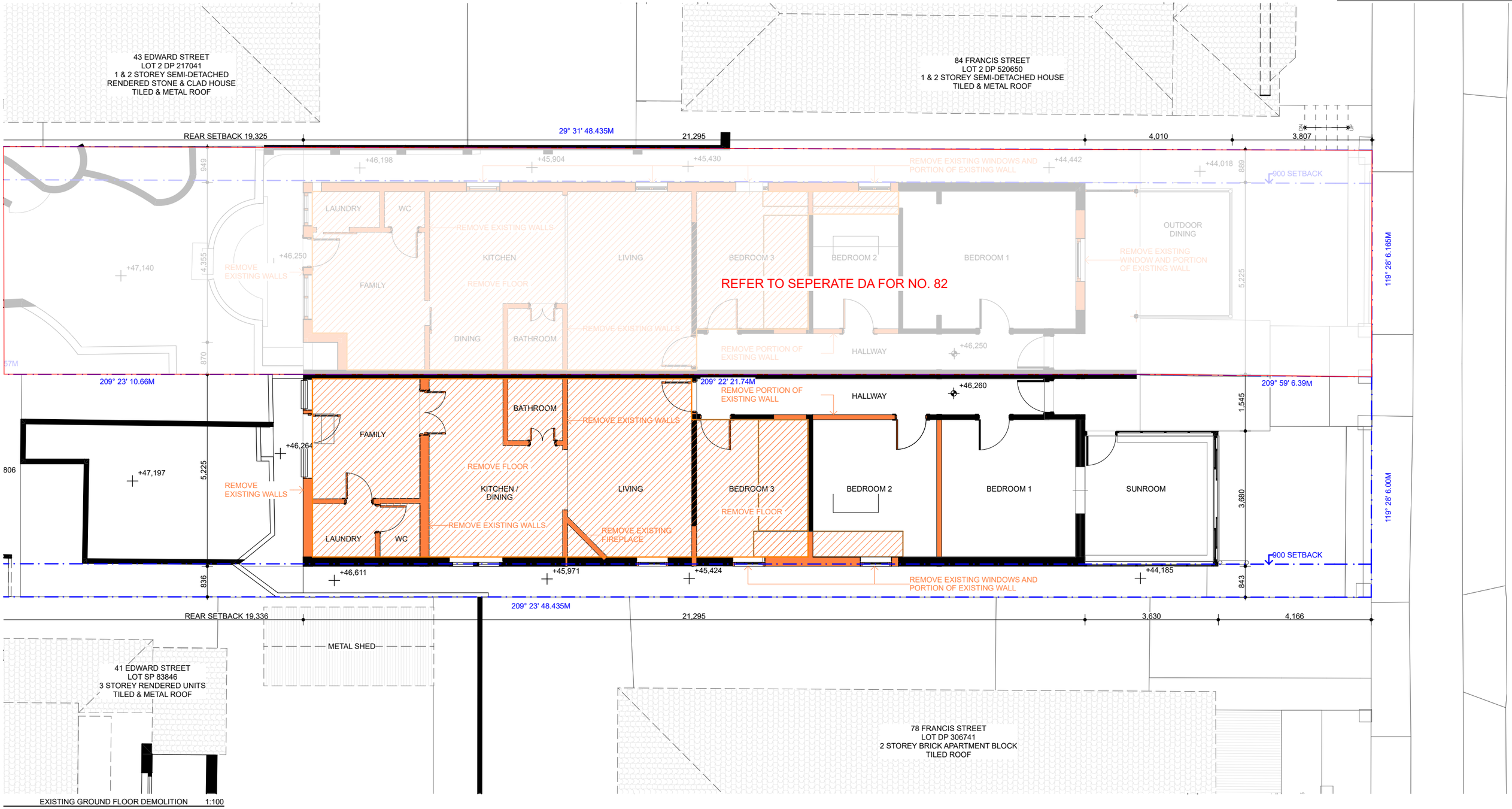
BARATA
10 / 26 SIMPSON STREET BONDI 2026
WWW.BARATA.COM.AU
INFO@BARATA.COM.AU
TEL: 61 (0) 451 154 101 - ARB NO: 9844
613

AMENDED

RECEIVED
Waverley Council

Application No: DA-320/2025

Date Received: 23/09/2025



NOTES

DRAWINGS FOR DEVELOPMENT APPLICATION ONLY
THE BUILDER SHALL CHECK ALL DIMENSIONS AND LEVELS ON SITE PRIOR TO CONSTRUCTION. NOTIFY ANY ERRORS, DISCREPANCIES OR OMISSIONS TO THE ARCHITECT. REFER TO WRITTEN DIMENSIONS ONLY. DO NOT SCALE DRAWINGS. DRAWINGS SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNTIL ISSUED FOR CONSTRUCTION. THIS DRAWING REFLECTS A DESIGN BY BARATA AND IS TO BE USED ONLY FOR WORK WHEN AUTHORISED IN WRITING BY BARATA.
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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:
- DEMOLITION
- NEW WORKS

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: SARAN INVESTMENTS
SITE: 80 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
DEMOLITION GROUND FLOOR PLAN
PROJECT NAME :
80 FRANCIS STREET, BONDI BEACH

REVISION NO. **02**
DRAWING NO. **A102**
SCALE **1:100**

BARATA
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AMENDED

RECEIVED
Waverley Council

Application No: DA-320/2025

Date Received: 23/09/2025

43 EDWARD STREET
LOT 2 DP 217041
1 & 2 STOREY SEMI-DETACHED
RENDERED STONE & CLAD HOUSE
TILED & METAL ROOF

84 FRANCIS STREET
LOT 2 DP 520650
1 & 2 STOREY SEMI-DETACHED HOUSE
TILED & METAL ROOF

29° 31' 48.435M

REAR SETBACK 18,795 | 7,370 | 14,745 | 1,350 | 6,177

REMOVE EXISTING METAL ROOF

REFER TO SEPERATE DA FOR NO. 82

119° 28' 6.165M

57M

209° 23' 10.66M

209° 22' 21.74M

209° 59' 6.39M

REMOVE EXISTING METAL ROOF

REMOVE EXISTING TILED ROOF

REMOVE EXISTING METAL ROOF

119° 28' 6.00M

REAR SETBACK 18,806 | 7,370 | 209° 23' 48.435M | 14,745 | 4,095 | 3,411

METAL SHED

41 EDWARD STREET
LOT SP 83846
3 STOREY RENDERED UNITS
TILED & METAL ROOF

78 FRANCIS STREET
LOT DP 306741
2 STOREY BRICK APARTMENT BLOCK
TILED ROOF

EX ROOF RIDGE 1:100

NOTES

DRAWINGS FOR DEVELOPMENT APPLICATION ONLY
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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:
- DEMOLITION
- NEW WORKS

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: SARAN INVESTMENTS
SITE: 80 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
DEMOLITION ROOF PLAN
PROJECT NAME :
80 FRANCIS STREET, BONDI BEACH

N

REVISION NO. **02**
DRAWING NO. **A103**
SCALE **1:100**

BARATA
10 / 26 SIMPSON STREET BONDI 2026
WWW.BARATA.COM.AU
INFO@BARATA.COM.AU
TEL: 61 (0) 451 154 101 - ARB NO: 9844

AMENDED

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Waverley Council

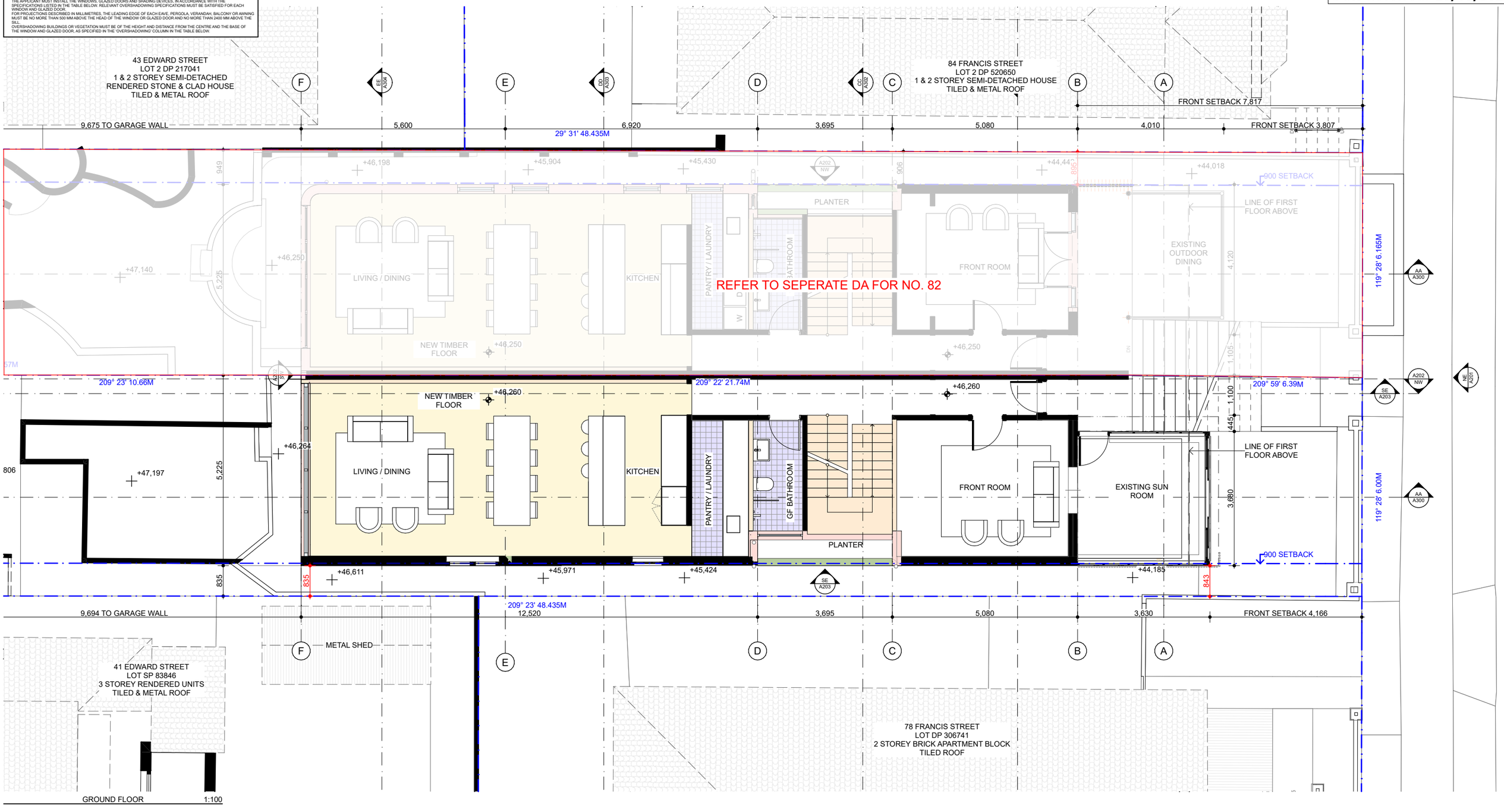
Application No: DA-320/2025

Date Received: 23/09/2025

BASIX REQUIREMENTS

BASIX/NATHERS PROJECT COMMITMENTS

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.
FLOOR ABOVE EXISTING DWELLING OR BUILDING. NIL N/A
EXTERNAL WALL: CAVITY BRICK NIL
EXTERNAL WALL: FRAMED (WEATHERBOARD, FIBRO, METAL CLAD) R1.30 (OR R1.70 INCLUDING CONSTRUCTION)
EXTERNAL WALL: CONCRETE BLOCK/ PLASTERBOARD R1.18 (OR R1.70 INCLUDING CONSTRUCTION)
RAKED CEILING, PITCHED/SKILLION ROOF: FRAMED CEILING: NIL (UP), ROOF: FOIL BACKED BLANKET (100 MM) LIGHT (SOLAR ABSORPTANCE < 0.475)
GLAZING REQUIREMENTS
WINDOWS & 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.
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.
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.



NOTES

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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:
TIMBER WALL
TIMBER
BRICK
ROOF TILES
GLASS
ALUMINIUM
CONCRETE
RENDER
SANDSTONE
EARTH
OG OPERABLE GLAZING
FG FIXED GLAZING

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: SARAN INVESTMENTS
SITE: 80 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
PROPOSED GROUND FLOOR PLAN
PROJECT NAME :
80 FRANCIS STREET, BONDI BEACH

REVISION NO. **02**
DRAWING NO. **A104**
SCALE **1:100**

BARATA
10 / 26 SIMPSON STREET BONDI 2026
WWW.BARATA.COM.AU
INFO@BARATA.COM.AU
TEL: 61 (0) 451 154 101 - ARB NO: 9844

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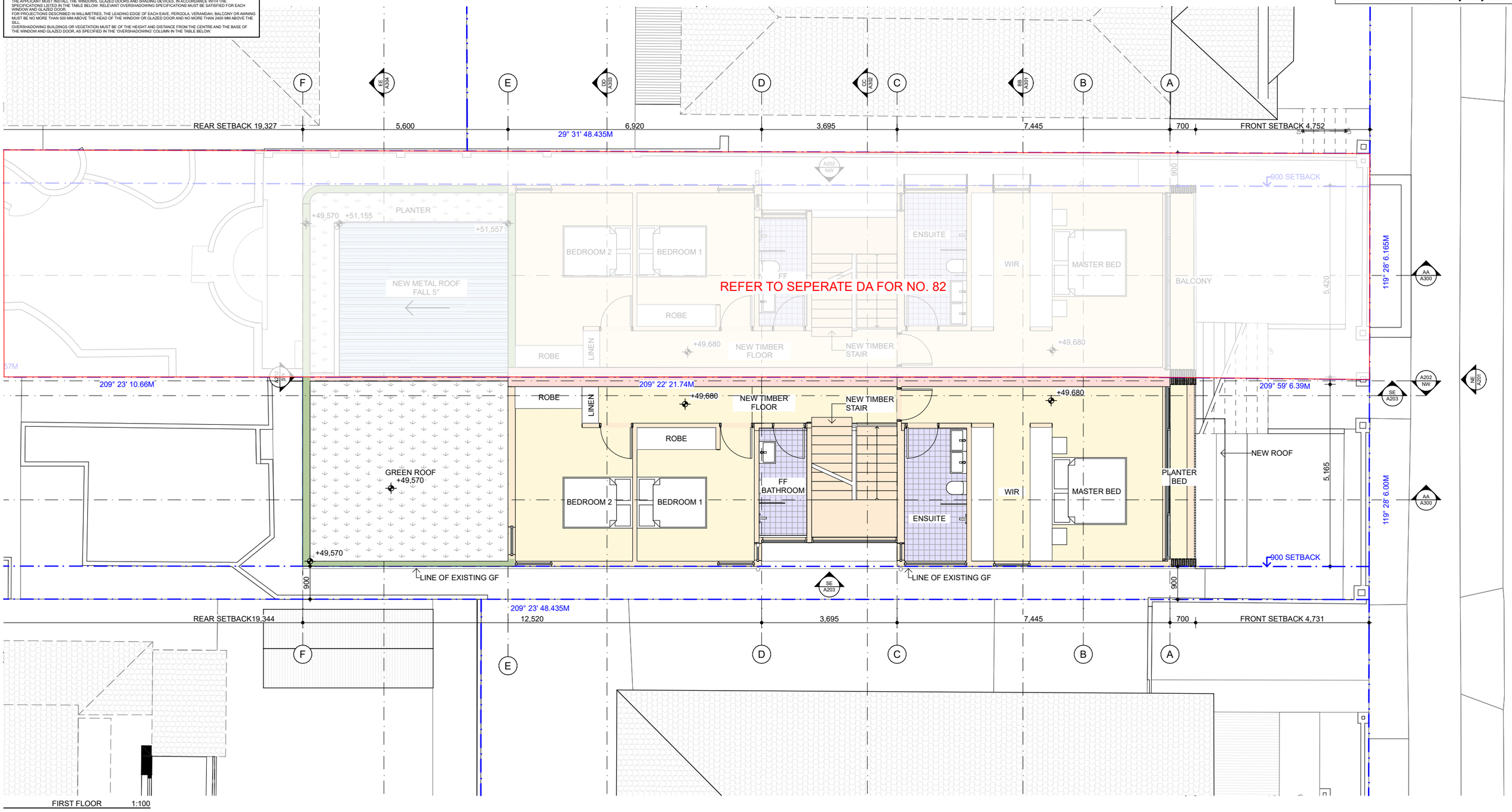
Application No: DA-320/2025

Date Received: 23/09/2025

BASIX REQUIREMENTS

BASIX/NATHERS PROJECT COMMITMENTS

CONSTRUCTION
INSULATION REQUIREMENTS
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EXTERNAL WALL: FRAMED (WEATHERBOARD, FIBRO, METAL CLAD) R1.30 (OR R1.70 INCLUDING CONSTRUCTION)
EXTERNAL WALL: CONCRETE BLOCK/ PLASTERBOARD R1.18 (OR R1.70 INCLUDING CONSTRUCTION)
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FIRST FLOOR 1:100

NOTES

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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:
TIMBER WALL
TIMBER
BRICK
ROOF TILES
GLASS
ALUMINIUM
CONCRETE
RENDER
SANDSTONE
EARTH
OG OPERABLE GLAZING
FG FIXED GLAZING

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: SARAN INVESTMENTS
SITE: 80 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
PROPOSED FIRST FLOOR PLAN
PROJECT NAME :
80 FRANCIS STREET, BONDI BEACH

REVISION NO.
02
DRAWING NO.
A105
SCALE
1:100

BARATA
10 / 26 SIMPSON STREET BONDI 2026
WWW.BARATA.COM.AU
INFO@BARATA.COM.AU
TEL: 61 (0) 451 154 101 - ARB NO: 9844
617

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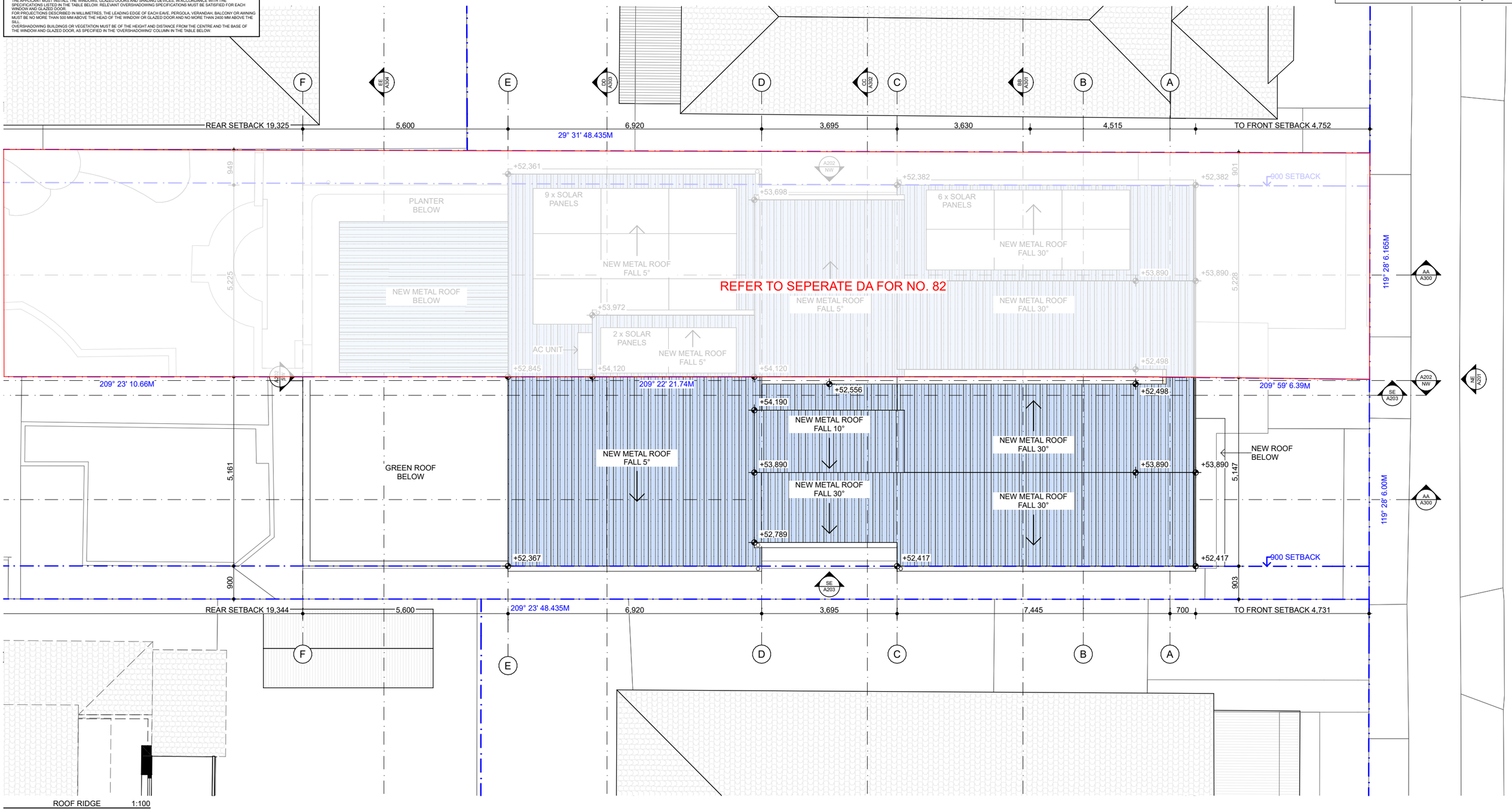
Application No: DA-320/2025

Date Received: 23/09/2025

BASIX REQUIREMENTS

BASIX/NATHERS PROJECT COMMITMENTS

CONSTRUCTION
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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:
TIMBER WALL
TIMBER
BRICK
ROOF TILES
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ALUMINIUM
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SANDSTONE
EARTH
OG OPERABLE GLAZING
FG FIXED GLAZING

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: SARAN INVESTMENTS
SITE: 80 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
PROPOSED ROOF PLAN
PROJECT NAME :
80 FRANCIS STREET, BONDI BEACH

REVISION NO.
02
DRAWING NO.
A106
SCALE
1:100

BARATA
10 / 26 SIMPSON STREET BONDI 2026
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TEL: 61 (0) 451 154 101 - ARB NO: 9844
618

BASIX REQUIREMENTS

BASIX/NATHERS PROJECT COMMITMENTS

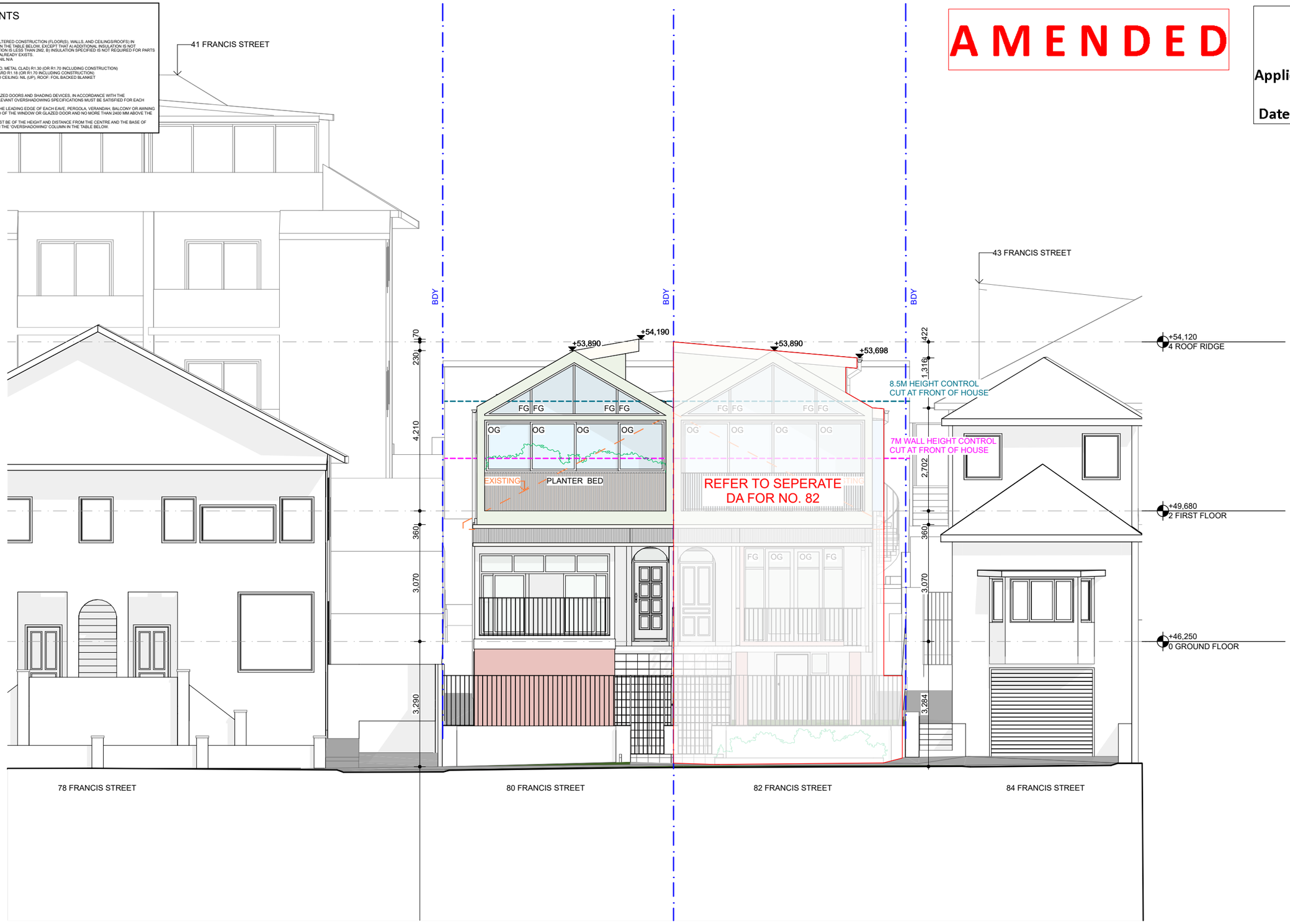
CONSTRUCTION
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AMENDED

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Waverley Council

Application No: DA-320/2025

Date Received: 23/09/2025



NE ELEVATION 1:100

NOTES

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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:
TIMBER WALL
TIMBER
BRICK
ROOF TILES
GLASS
ALUMINIUM
CONCRETE
RENDER
SANDSTONE
EARTH
OG OPERABLE GLAZING
FG FIXED GLAZING

DRAWN | CHECKED: EB / ML
DATE: 27/10/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: SARAN INVESTMENTS
SITE: 80 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
PROPOSED NORTH EAST ELEVATION
PROJECT NAME :
80 FRANCIS STREET, BONDI BEACH

REVISION NO. **02**
DRAWING NO. **A201**
SCALE **1:100**

BARATA
10 / 26 SIMPSON STREET BONDI 2026
WWW.BARATA.COM.AU
INFO@BARATA.COM.AU
TEL: 61 (0) 451 154 101 - ARB NO: 9844

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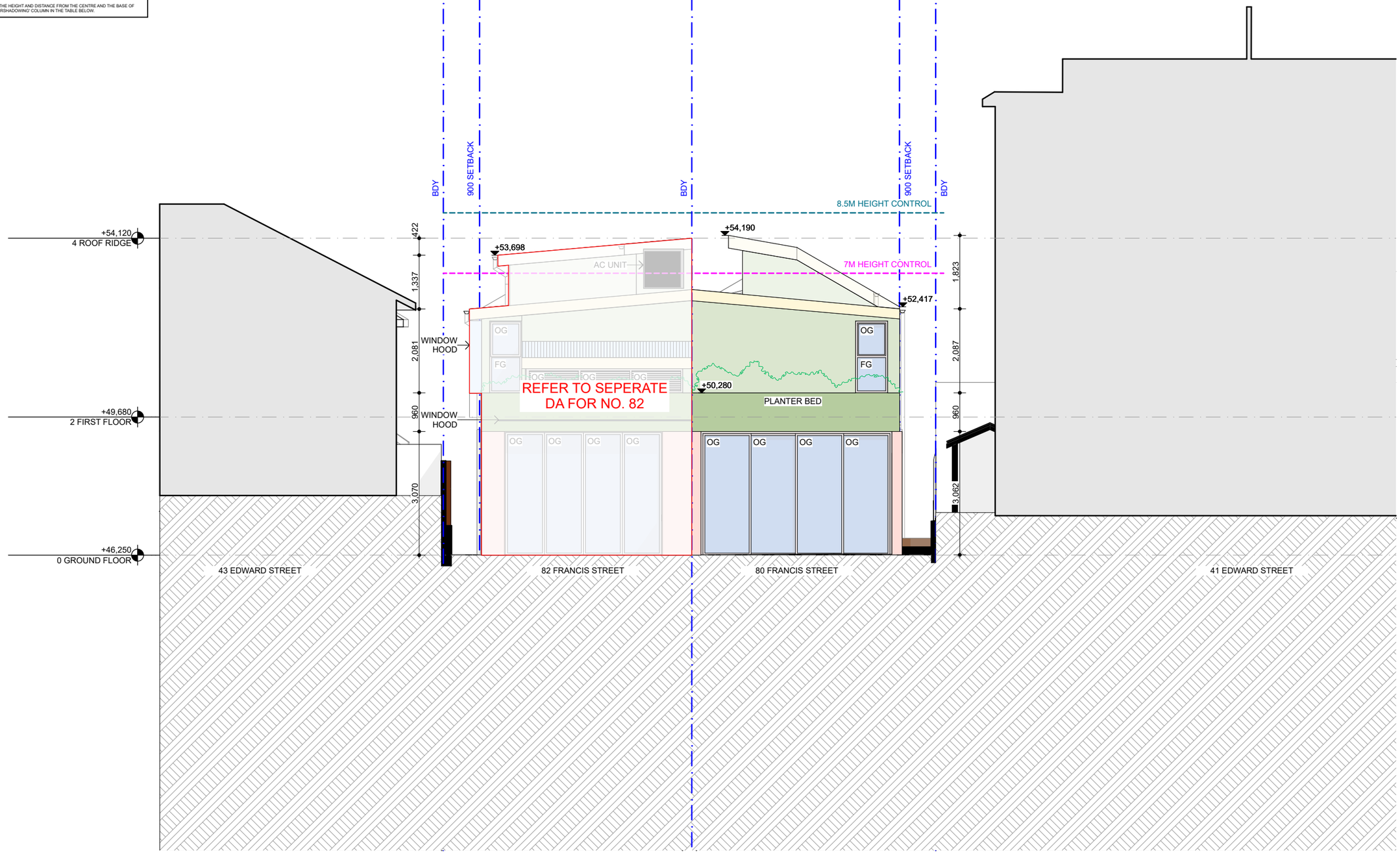
Application No: DA-320/2025

Date Received: 23/09/2025

BASIX REQUIREMENTS

BASIX/NATHERS PROJECT COMMITMENTS

CONSTRUCTION
INSULATION REQUIREMENTS
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EXTERNAL WALL: FRAMED (WEATHERBOARD, FIBRO, METAL CLAD) R1.30 (OR R1.70 INCLUDING CONSTRUCTION)
EXTERNAL WALL: CONCRETE BLOCK/ PLASTERBOARD R1.18 (OR R1.70 INCLUDING CONSTRUCTION)
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SW ELEVATION 1:100

NOTES

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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:
TIMBER WALL
TIMBER
BRICK
ROOF TILES
GLASS
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OG OPERABLE GLAZING
FG FIXED GLAZING

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: SARAN INVESTMENTS
SITE: 80 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
PROPOSED SOUTH WEST ELEVATION
PROJECT NAME :
80 FRANCIS STREET, BONDI BEACH

REVISION NO.
02
DRAWING NO.
A202
SCALE
1:100

BARATA
10 / 26 SIMPSON STREET BONDI 2026
WWW.BARATA.COM.AU
INFO@BARATA.COM.AU
TEL: 61 (0) 451 154 101 - ARB NO: 9844

620

AMENDED

RECEIVED
Waverley Council

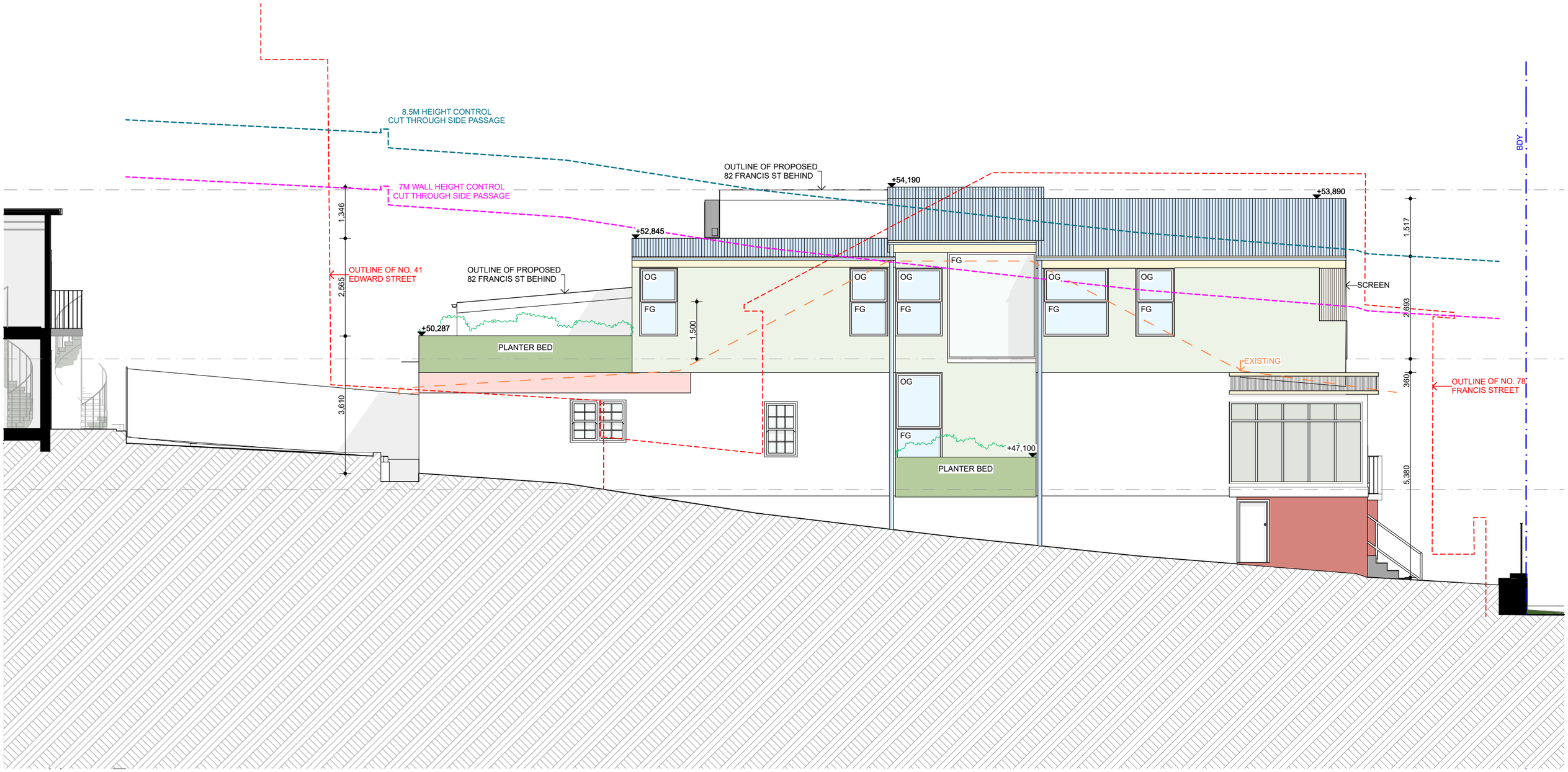
Application No: DA-320/2025

Date Received: 23/09/2025

BASIX REQUIREMENTS

BASIX/NATHERS PROJECT COMMITMENTS

CONSTRUCTION
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GLAZING REQUIREMENTS
WINDOWS & GLAZED DOORS
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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.
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.



SE ELEVATION 1:100

NOTES

DRAWINGS FOR DEVELOPMENT APPLICATION ONLY
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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:
TIMBER WALL
TIMBER
BRICK
ROOF TILES
GLASS
ALUMINIUM
CONCRETE
RENDER
SANDSTONE
EARTH
OG OPERABLE GLAZING
FG FIXED GLAZING

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: SARAN INVESTMENTS
SITE: 80 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
PROPOSED SOUTH EAST ELEVATION
PROJECT NAME :
80 FRANCIS STREET, BONDI BEACH

REVISION NO.
02
DRAWING NO.
A203
SCALE
1:100

BARATA
10 / 26 SIMPSON STREET BONDI 2026
WWW.BARATA.COM.AU
INFO@BARATA.COM.AU
TEL: 61 (0) 451 154 101 - ARB NO: 9844

AMENDED

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Waverley Council

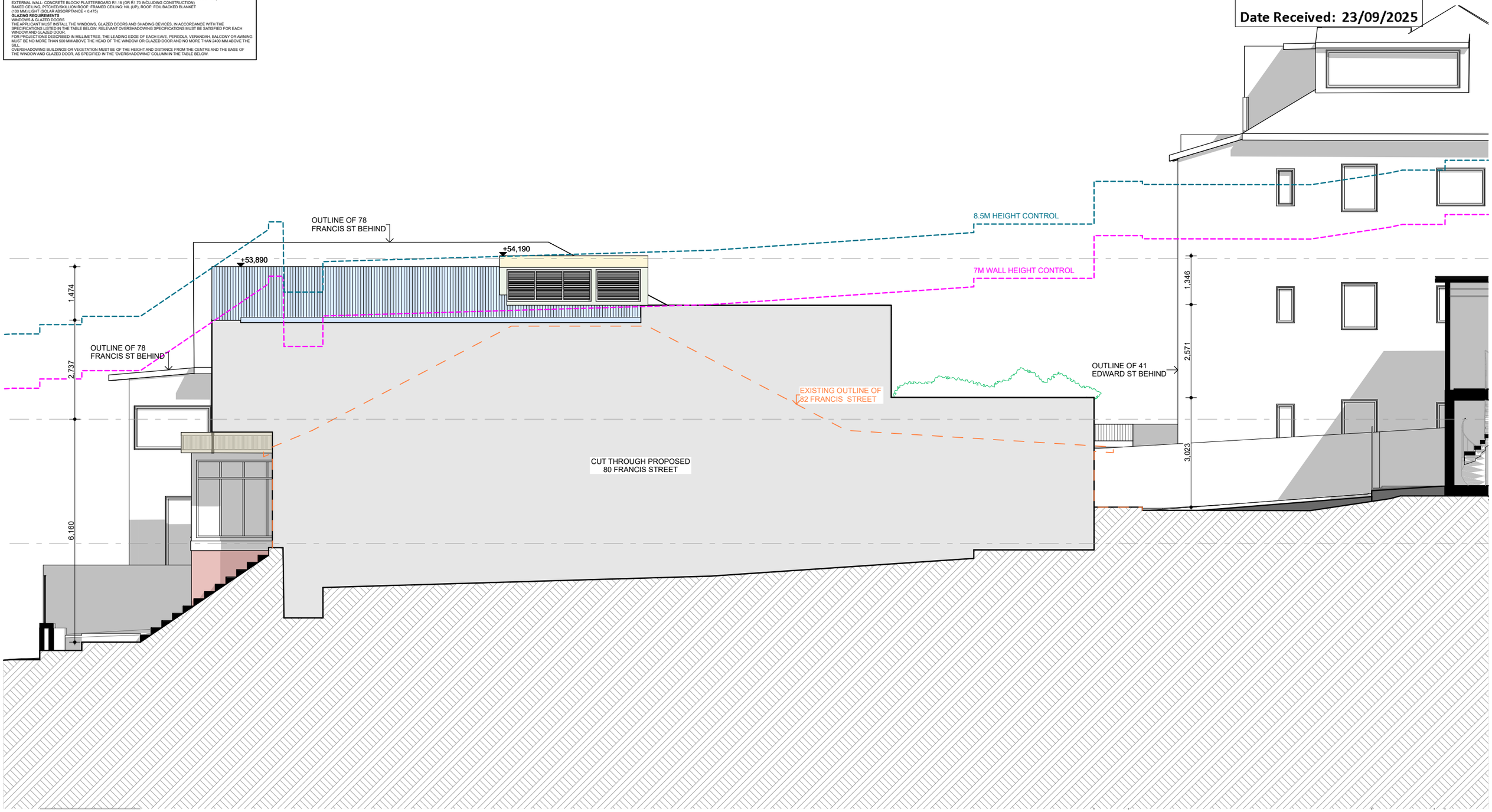
Application No: DA-320/2025

Date Received: 23/09/2025

BASIX REQUIREMENTS

BASIX/NATHERS PROJECT COMMITMENTS

CONSTRUCTION
INSULATION REQUIREMENTS
THE APPLICANT MUST CONSTRUCT THE NEW OR ALTERED CONSTRUCTION (FLOOR/S); WALLS, AND CEILINGS/ROOF/S) 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.
FLOOR ABOVE EXISTING DWELLING OR BUILDING. NIL N/A
EXTERNAL WALL: CAVITY BRICK NIL
EXTERNAL WALL: FRAMED (WEATHERBOARD, FIBRO, METAL CLAD) R1.30 (OR R1.70 INCLUDING CONSTRUCTION)
EXTERNAL WALL: CONCRETE BLOCK/ PLASTERBOARD R1.18 (OR R1.70 INCLUDING CONSTRUCTION)
RAKED CEILING, PITCHED/SKILLION ROOF: FRAMED CEILING: NIL (UP), ROOF: FOIL BACKED BLANKET (100 MM) LIGHT (SOLAR ABSORPTANCE < 0.475)
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NW ELEVATION 1:100

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02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

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ROOF TILES
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CONCRETE
RENDER
SANDSTONE
EARTH
OG OPERABLE GLAZING
FG FIXED GLAZING

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: SARAN INVESTMENTS
SITE: 80 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
PROPOSED NORTH WEST ELEVATION
PROJECT NAME :
80 FRANCIS STREET, BONDI BEACH

REVISION NO.
02
DRAWING NO.
A202
SCALE
1:100

BARATA
10 / 26 SIMPSON STREET BONDI 2026
WWW.BARATA.COM.AU
INFO@BARATA.COM.AU
TEL: 61 (0) 451 154 101 - ARB NO: 9844

AMENDED

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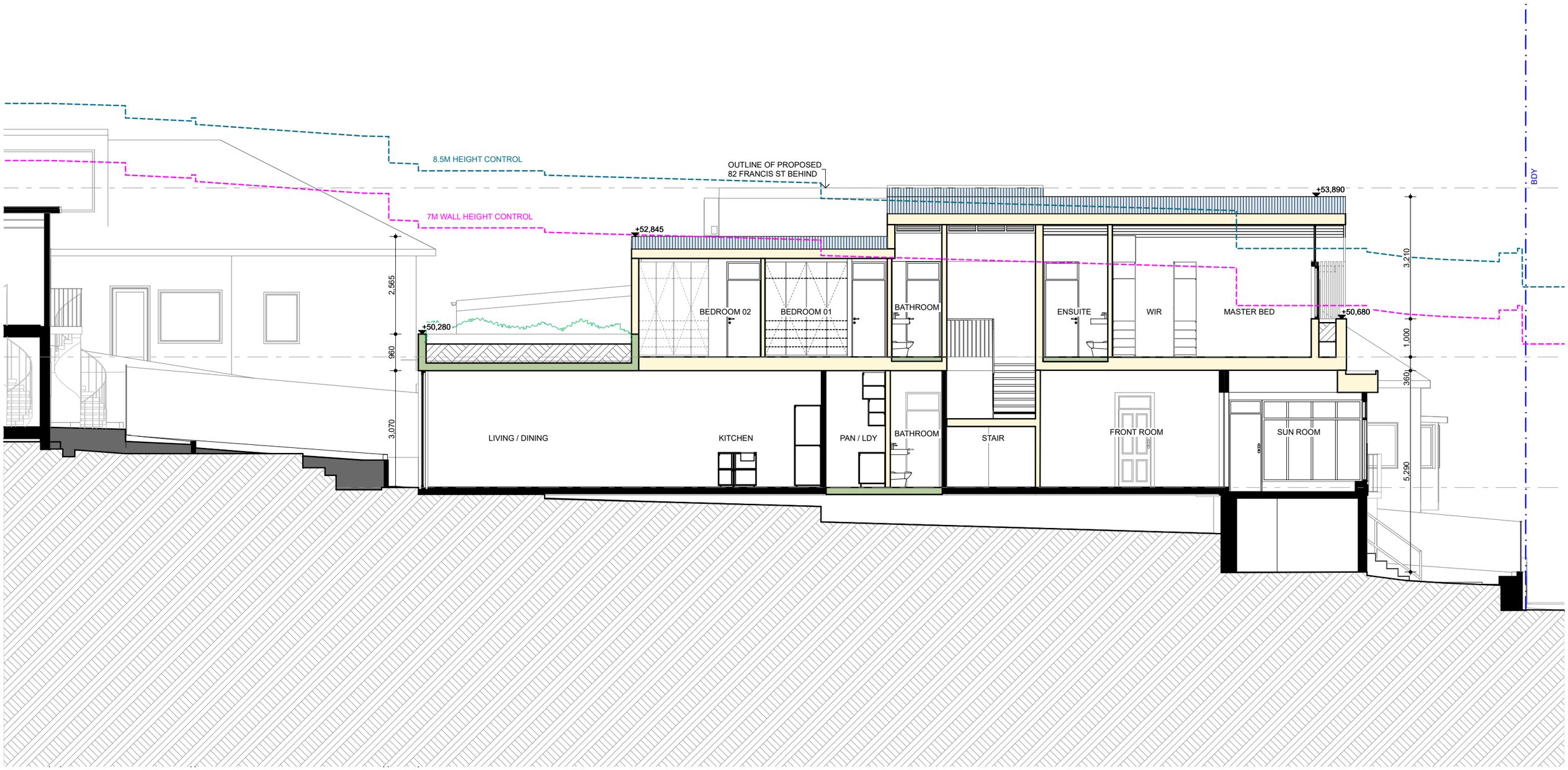
Application No: DA-320/2025

Date Received: 23/09/2025

BASIX REQUIREMENTS

BASIX/NATHERS PROJECT COMMITMENTS

CONSTRUCTION
INSULATION REQUIREMENTS
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AA SECTION (80) 1:100

NOTES

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02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:
DEMOLITION
NEW WORKS
TIMBER
BRICK
ROOF TILES
ALUMINIUM
CONCRETE
RENDER
OG
FG

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: SARAN INVESTMENTS
SITE: 80 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
PROPOSED SECTION AA
PROJECT NAME :
80 FRANCIS STREET, BONDI BEACH

REVISION NO.
02
DRAWING NO.
A300
SCALE
1:100

BARATA
10 / 26 SIMPSON STREET BONDI 2026
WWW.BARATA.COM.AU
INFO@BARATA.COM.AU
TEL: 61 (0) 451 154 101 - ARB NO: 9844

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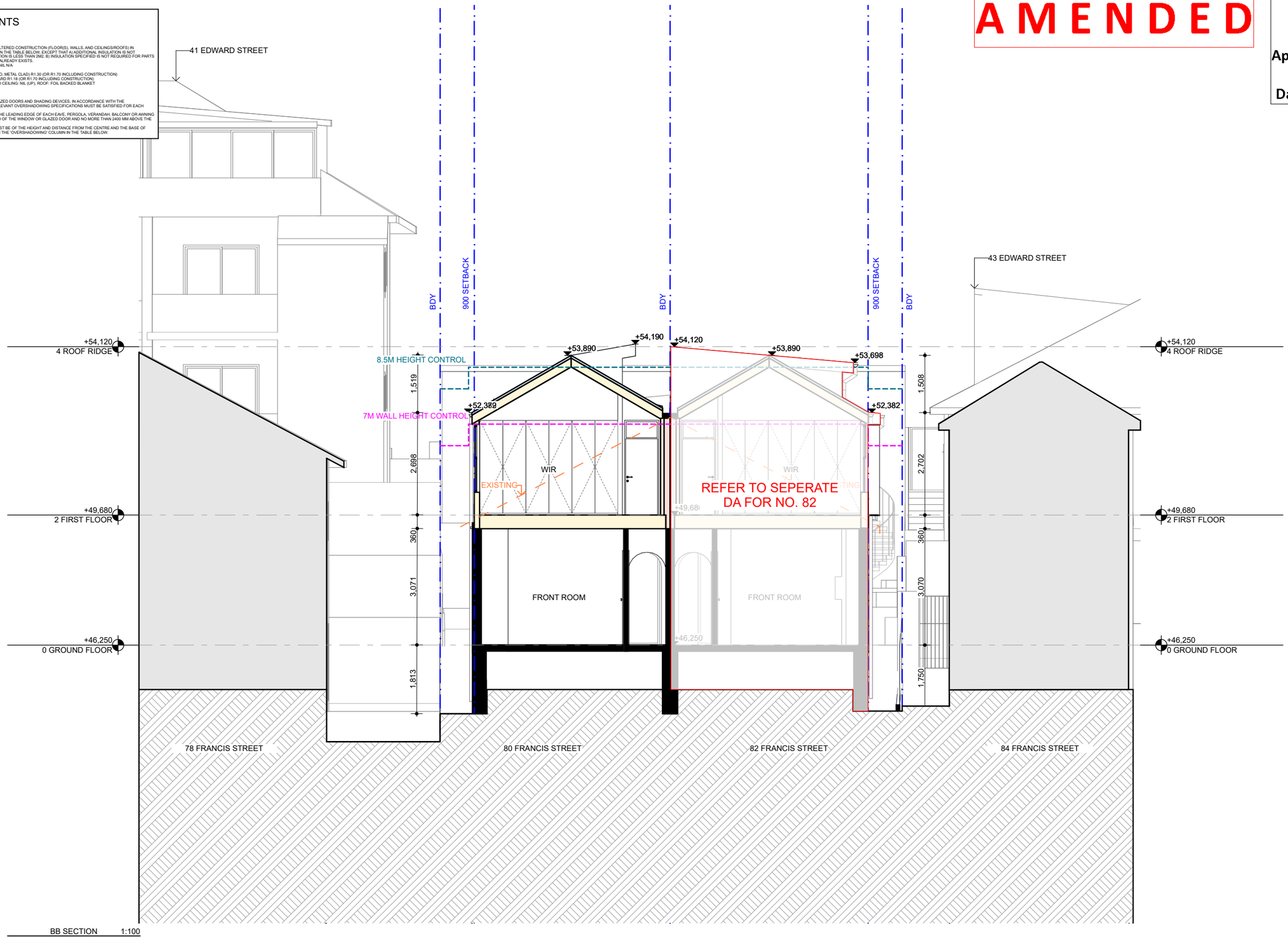
Application No: DA-320/2025

Date Received: 23/09/2025

BASIX REQUIREMENTS

BASIX/NATHERS PROJECT COMMITMENTS

CONSTRUCTION
INSULATION REQUIREMENTS
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BB SECTION 1:100

NOTES

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LEGEND:
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TIMBER
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CONCRETE
RENDER
OG
FG

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: SARAN INVESTMENTS
SITE: 80 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
PROPOSED SECTION BB
PROJECT NAME :
80 FRANCIS STREET, BONDI BEACH

REVISION NO.
02
DRAWING NO.
A301
SCALE
1:100

BARATA
10 / 26 SIMPSON STREET BONDI 2026
WWW.BARATA.COM.AU
INFO@BARATA.COM.AU
TEL: 61 (0) 451 154 101 - ARB NO: 9844

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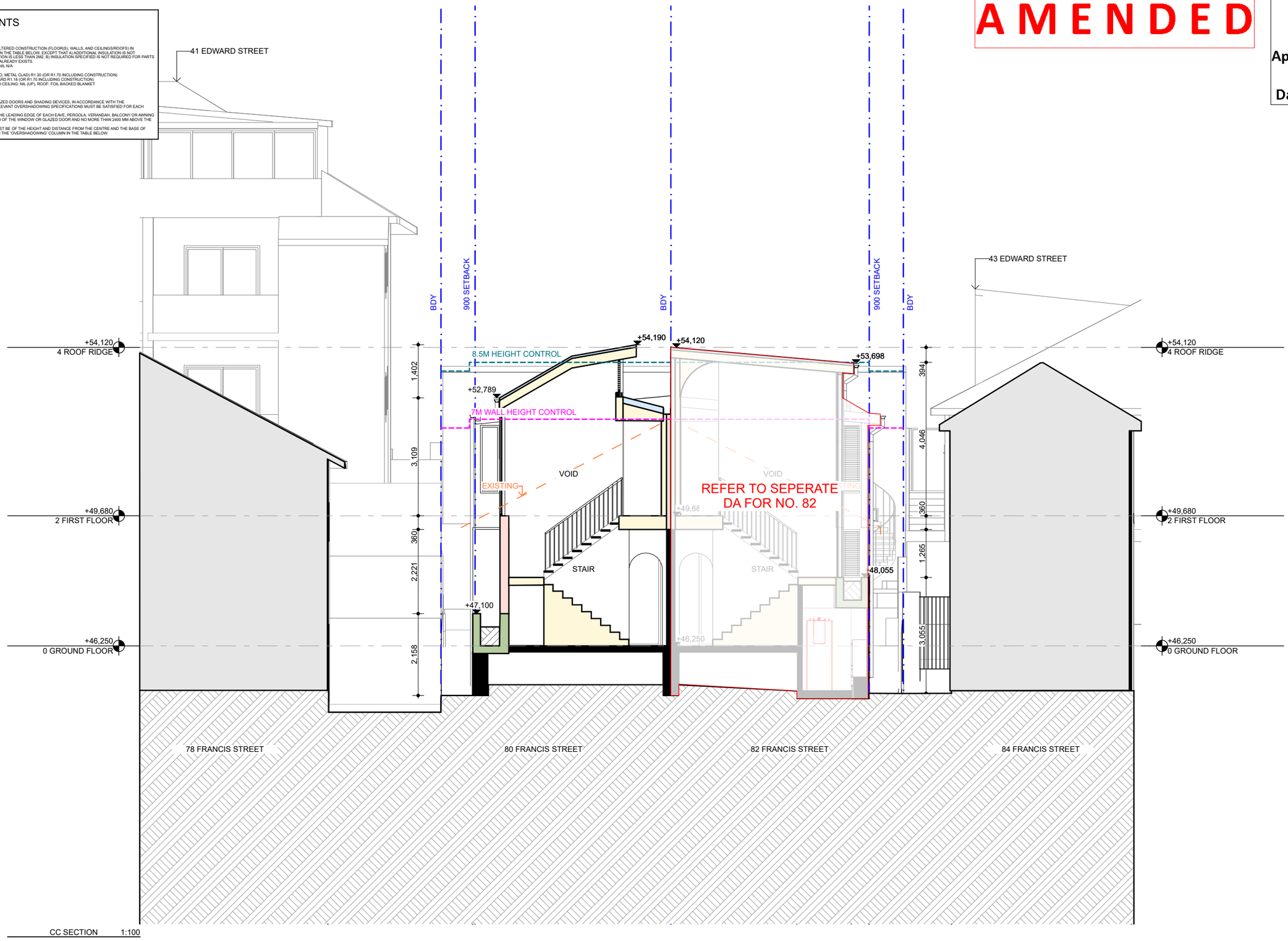
Application No: DA-320/2025

Date Received: 23/09/2025

BASIX REQUIREMENTS

BASIX/NATHERS PROJECT COMMITMENTS

CONSTRUCTION
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CC SECTION 1:100

NOTES

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LEGEND:
DEMOLITION
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TIMBER
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DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: SARAN INVESTMENTS
SITE: 80 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
PROPOSED SECTION CC
PROJECT NAME :
80 FRANCIS STREET, BONDI BEACH

REVISION NO.
02
DRAWING NO.
A302
SCALE
1:100

BARATA
10 / 26 SIMPSON STREET BONDI 2026
WWW.BARATA.COM.AU
INFO@BARATA.COM.AU
TEL: 61 (0) 451 154 101 - ARB NO: 9844

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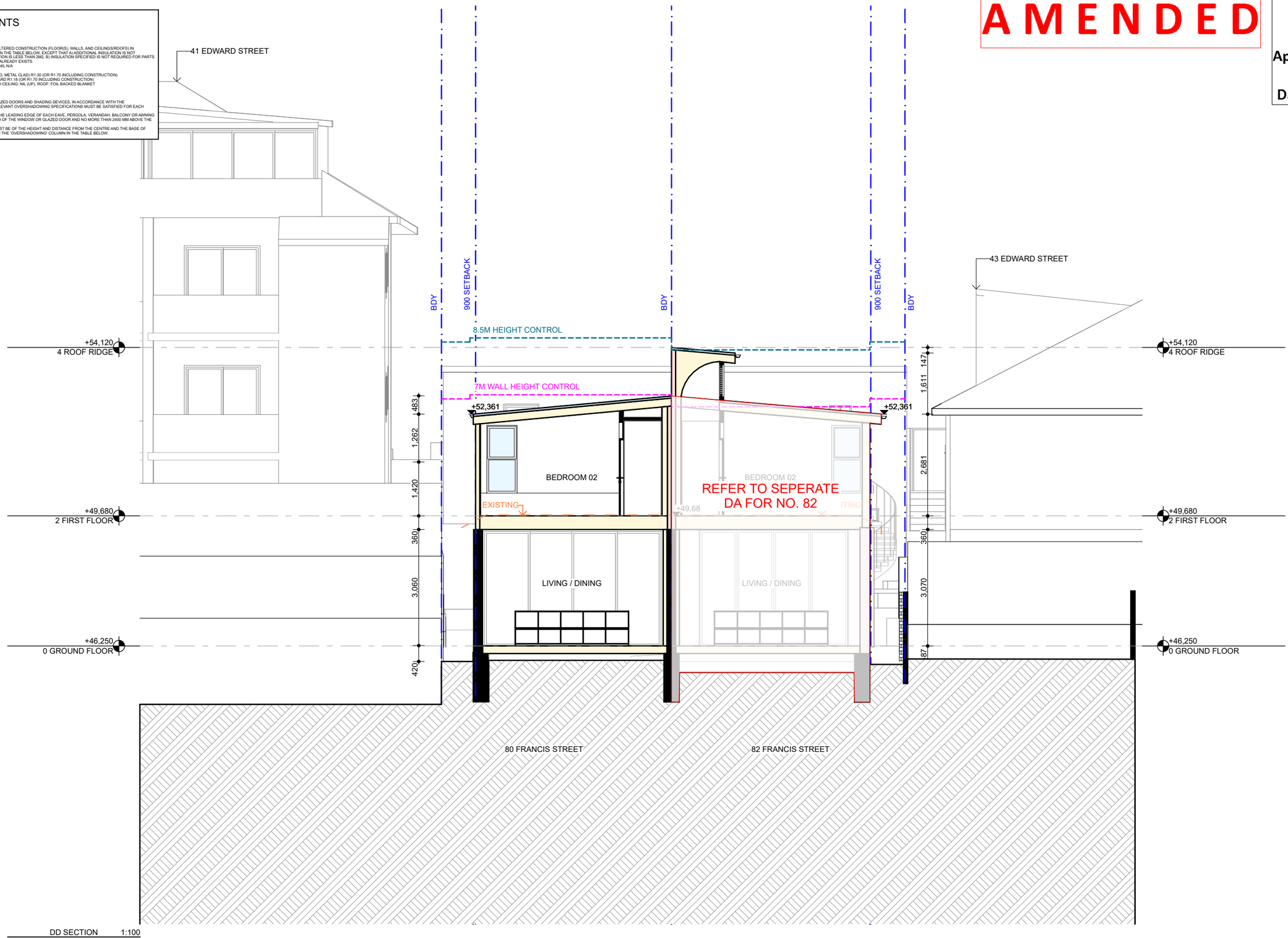
Application No: DA-320/2025

Date Received: 23/09/2025

BASIX REQUIREMENTS

BASIX/NATHERS PROJECT COMMITMENTS

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DD SECTION 1:100

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DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: SARAN INVESTMENTS
SITE: 80 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
PROPOSED SECTION DD
PROJECT NAME :
80 FRANCIS STREET, BONDI BEACH

REVISION NO.
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BARATA
10 / 26 SIMPSON STREET BONDI 2026
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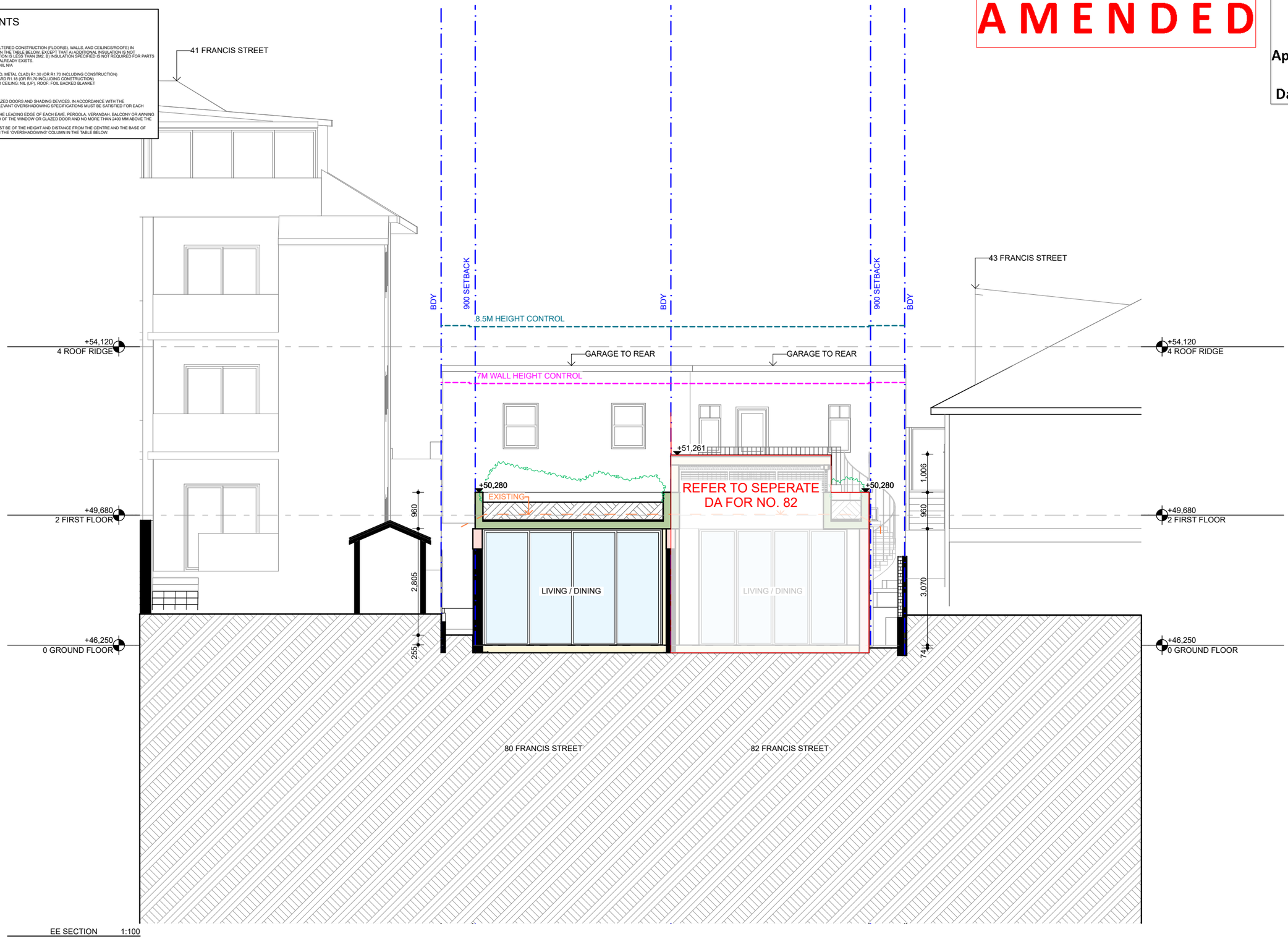
Application No: DA-320/2025

Date Received: 23/09/2025

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WINDOWS & 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.
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.
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.



EE SECTION 1:100

NOTES

DRAWINGS FOR DEVELOPMENT APPLICATION ONLY
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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:
DEMOLITION
NEW WORKS
TIMBER
BRICK
ROOF TILES
ALUMINIUM
CONCRETE
RENDER
OG
FG

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: SARAN INVESTMENTS
SITE: 80 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
PROPOSED SECTION EE
PROJECT NAME :
80 FRANCIS STREET, BONDI BEACH

REVISION NO.
02
DRAWING NO.
A304
SCALE
1:100

BARATA
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Application No: DA-320/2025

Date Received: 23/09/2025



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LEGEND:

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: SARAN INVESTMENTS
SITE: 80 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
PHOTOMONTAGE FRONT VIEW
PROJECT NAME :
80 FRANCIS STREET, BONDI BEACH

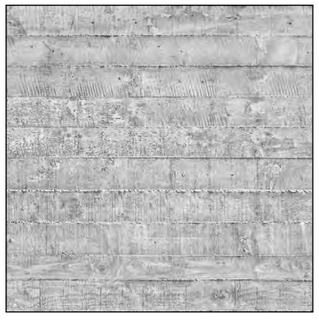
REVISION NO.
02
DRAWING NO.
A005
SCALE

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TEL: 61 (0) 451 154 101 - ARB NO: 9844

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Receipt No: DA-320/2025

Date Received: 09/07/2025



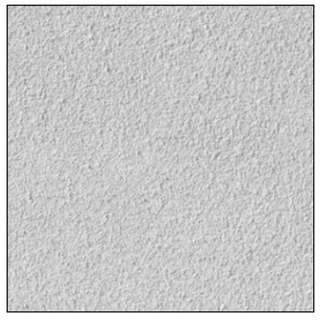
BOARDFORMED CONCRETE



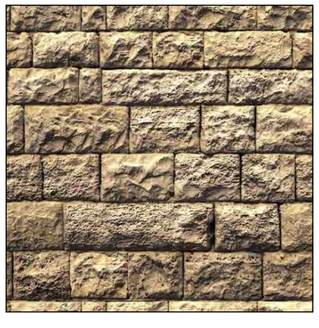
BAGGED BRICKWORK



VERTICAL TIMBER CLADDING



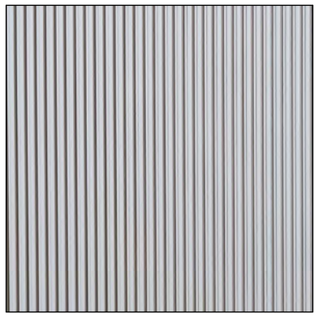
TEXTURED RENDERED WALL



EXISTING SANDSTONE



CUSTOM ORB METAL ROOF



REED GLASS FOR OBSURED GLAZING



VERTICAL TIMBER SCREENS



WINDOW HOODS

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LEGEND:

DRAWN | CHECKED: EB / ML
DATE: 3/7/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: S. LINDNER & R. CROWE
SITE: 82 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
SCHEDULE OF EXTERNAL FINISHES
PROJECT NAME :
82 FRANCIS STREET, BONDI BEACH

REVISION NO.
01
DRAWING NO.
A801
SCALE

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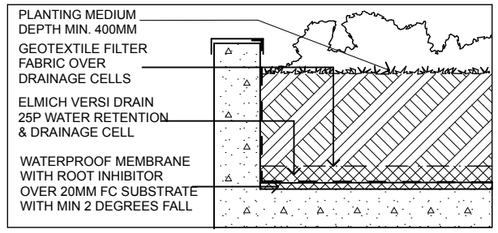
Receipt No: DA-320/2025

Date Received: 09/07/2025

BOTANIC NAME	COMMON NAME	MATURE SIZE	CODE	QTY
SHRUBS (MEDIUM - LARGE)				
LEPTOSPERMUM POLYGALIFOLIUM	PINK FIVE CORNERS	1.0M - 3.0M	LP	8
ANGOPHORA HISPIDA	DWARF APPLE	1.0M - 7.0M	AH	1
HAKEA TERETIFOLIA	DAGGER HAKEA	1.0M - 3.0M	HT	7
SHRUBS (SMALL - MEDIUM)				
WESTRINGIA FRUTICOSA	COSTAL ROSEMARY	1.0M - 2.0M	WF	7
MONOTOCA ELLIPTICA	TREE BROOMED HEATH	1.0M - 8.0M	ME	7
CALLISTEMON CITRINUS	CRIMSON BOTTLEBRUSH	1.0M - 4.0M	CC	8
ACACIA ULICIFOLIA	PRICKLY MOSES	0.5M - 2.0M	AU	7
ACACIA SUAVEOLENS	SWEET WATTLE	1.0M - 3.0M	AS	5
BAECKEA IMBRICATA	BAECKEA	0.5M - 1.0M	BI	5
GRASSES/SEDGES				
XANTHORRHOEA RESINOSA	GRASS TREE	1.0M - 1.5M	XR	3
FICINIA NODOSA	KNOBBY CLUB RUSH	0.5M - 1.0M	FN	5
CLIMBERS / GROUND COVER				
PANDOREA	WONGA WONGA VINE	0.5M - 4.5M	P	10
BILLARDIERA SCANDENS	HAIRY APPLE BERRY	0.3M - 1.5M	BS	9
VIOLA HEDERACEA	NATIVE VIOLET	0.1M - 0.2M	VH	4

LANDSCAPE CALCULATIONS

ITEM	CONTROL	PROPOSED
1.OPEN SPACE	40%	40.59% (120.97QM)
2.LANDSCAPE AREA	20%	22.84% (68.07SQM)
3.RECREATION AREA	25SQM	AS EXISTING
4.PRIVATE OPEN SPACE	5MX5M	(OUTLINED ON PLAN)
5.OPEN SPACE FRONT OF PRIMARY BOUNDARY	50%	63% (24SQM)
6.OF SPACE TO BE LANDSCAPE	50%	100% (24SQM)
7.OUTDOOR CLOTHES LINE	-	OUTLINED ON PLAN



TYPICAL CONCRETE PLANTER DETAIL

SHURBS - MEDIUM LARGE



LEPTOSPERMUM POLYGALIFOLIUM

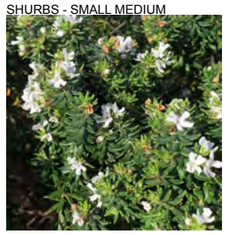


ANGOPHORA HISPIDA



HAKEA TERETIFOLIA (*)

SHURBS - SMALL MEDIUM



WESTRINGIA FRUTICOSA (**)



MONOTOCA ELLIPTICA (**)



CALLISTEMON CITRINUS (**)



ACACIA ULICIFOLIA (*)



ACACIA SUAVEOLENS (*)



BAECKEA IMBRICATA (**)

GRASSES / SEDGES



XANTHORRHOEA RESINOSA



FICINIA NODOSA

CLIMBERS / GROUND COVER



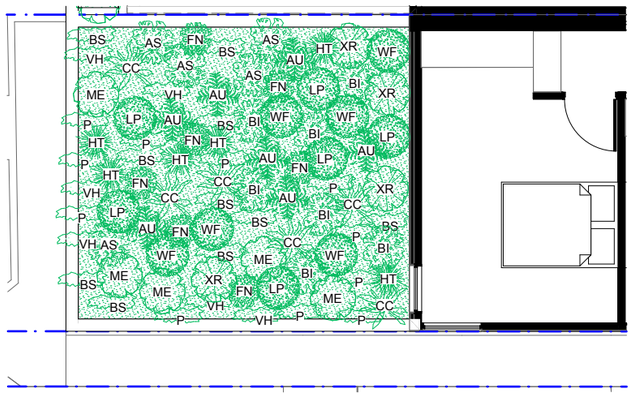
PANDOREA (*)



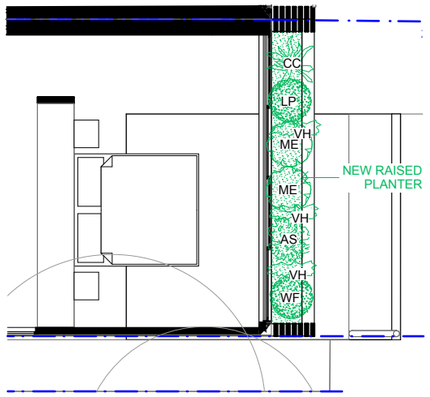
BILLARDIERA SCANDENS (*)



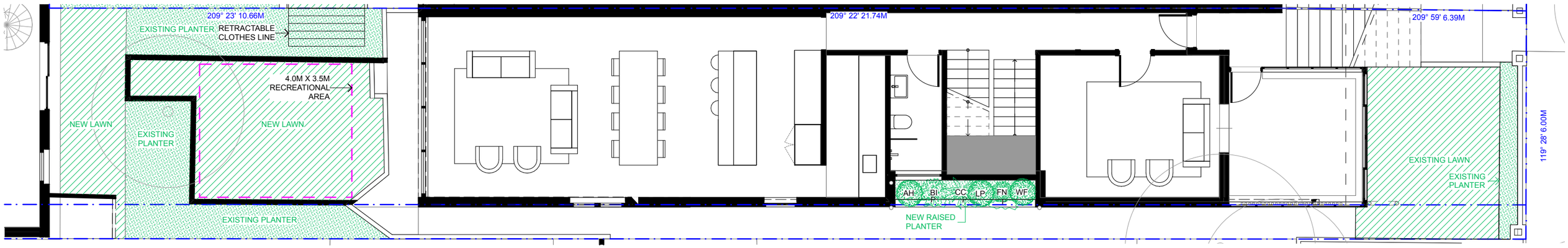
VIOLA HEDERACEA



LANDSCAPE FIRST FLOOR PLAN 1:100



LANDSCAPE FIRST FLOOR PLAN 1:100



LANDSCAPE GROUND FLOOR PLAN 1:100

NOTES

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01		ISSUED FOR DEVELOPMENT APPLICATION	3/7/2025

LEGEND:

DRAWN | CHECKED: EB / ML
DATE: 3/7/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: S. LINDNER & R. CROWE
SITE: 82 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
LANDSCAPE PLAN
PROJECT NAME :
82 FRANCIS STREET, BONDI BEACH

REVISION NO.
01
DRAWING NO.
A901
SCALE
1:100

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TEL: 61 (0) 451 154 101 - ARB NO: 9844
630

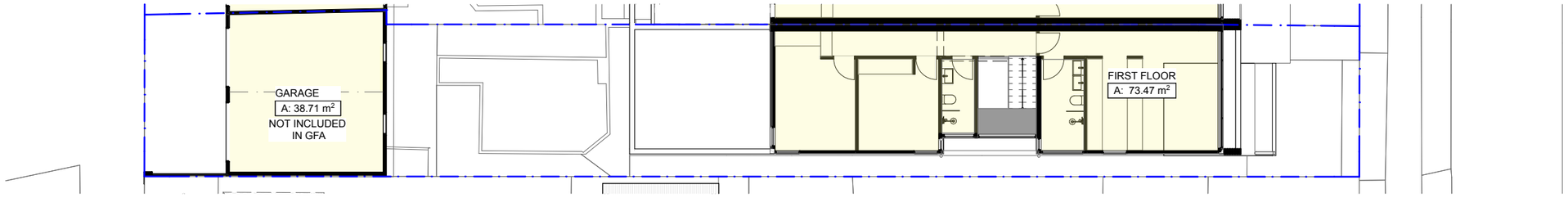
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Waverley Council

Receipt No: DA-320/2025

Date Received: 09/07/2025

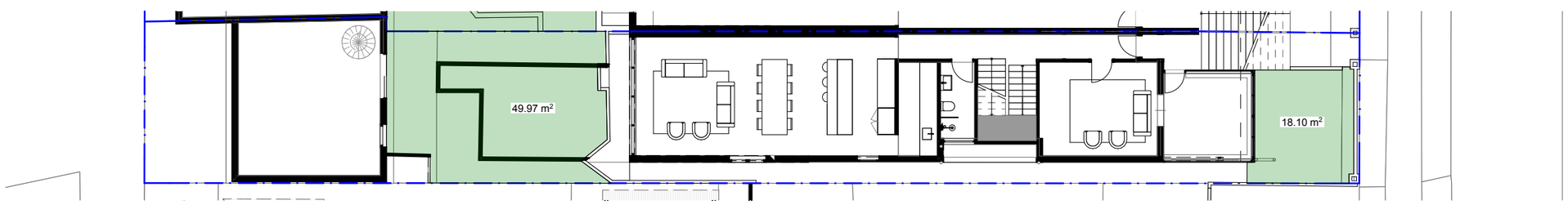
COMPLIANCE TABLE
LOT B DP 391596
80 FRANCIS STREET, BONDI BEACH

PROJECT ZONE: SITE AREA:	R2 298.00 SQM	
	CONTROLS	PROPOSED
FSR: GFA: HEIGHT LIMIT: LANDSCAPE AREA: PRIVATE OPEN SPACE:	0.78171:1 232.94 SQM 8.5M 20% 59.60 SQM 40% 119.20 SQM	YES 0.728:1 YES 217.03 SQM NO VARIES YES 22.84% 68.07 SQM YES 40.59% 120.97 SQM

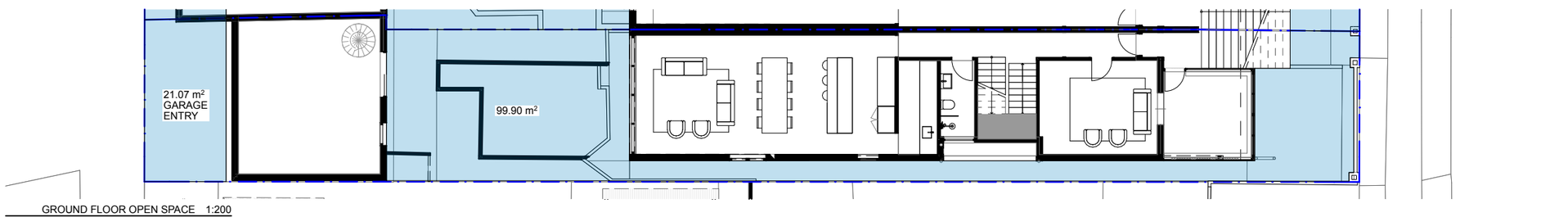


FIRST FLOOR GFA 1:200

GROUND FLOOR GFA 1:200



GROUND FLOOR LANDSCAPE 1:200



GROUND FLOOR OPEN SPACE 1:200

NOTES

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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	3/7/2025

LEGEND:
- LANDSCAPE AREA
- OPEN SPACE
- GFA

DRAWN | CHECKED: EB / ML
DATE: 3/7/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: SARAN INVESTMENTS
SITE: 80 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
COMPLIANCE TABLE GFA, LANDSCAPE & OPEN SPACE
PROJECT NAME :
80 FRANCIS STREET, BONDI BEACH

N

REVISION NO. **01**
DRAWING NO. **A101**
SCALE **1:200**

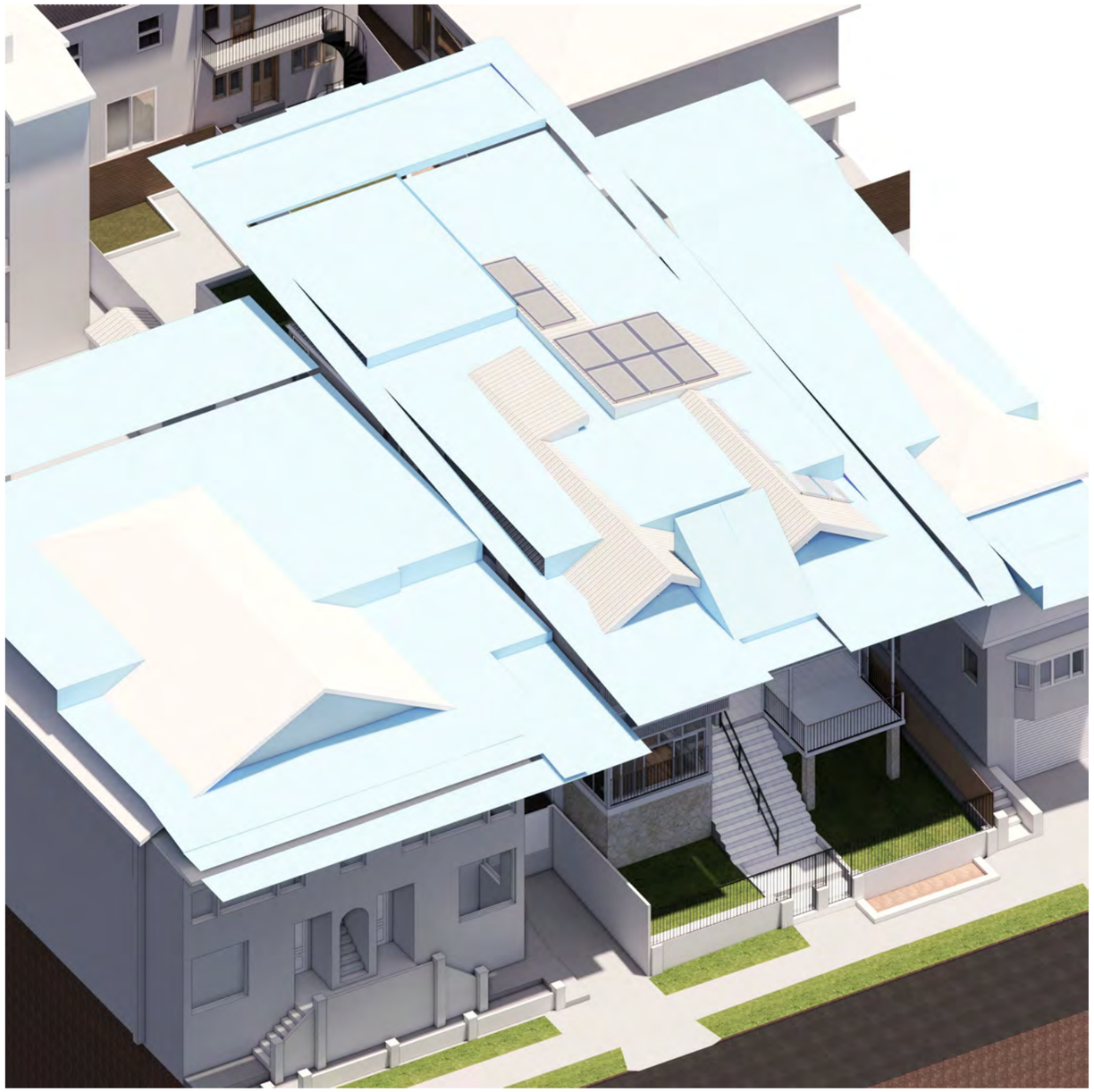
BARATA
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WWW.BARATA.COM.AU
INFO@BARATA.COM.AU
TEL: 61 (0) 451 154 101 - ARB NO: 9844
631

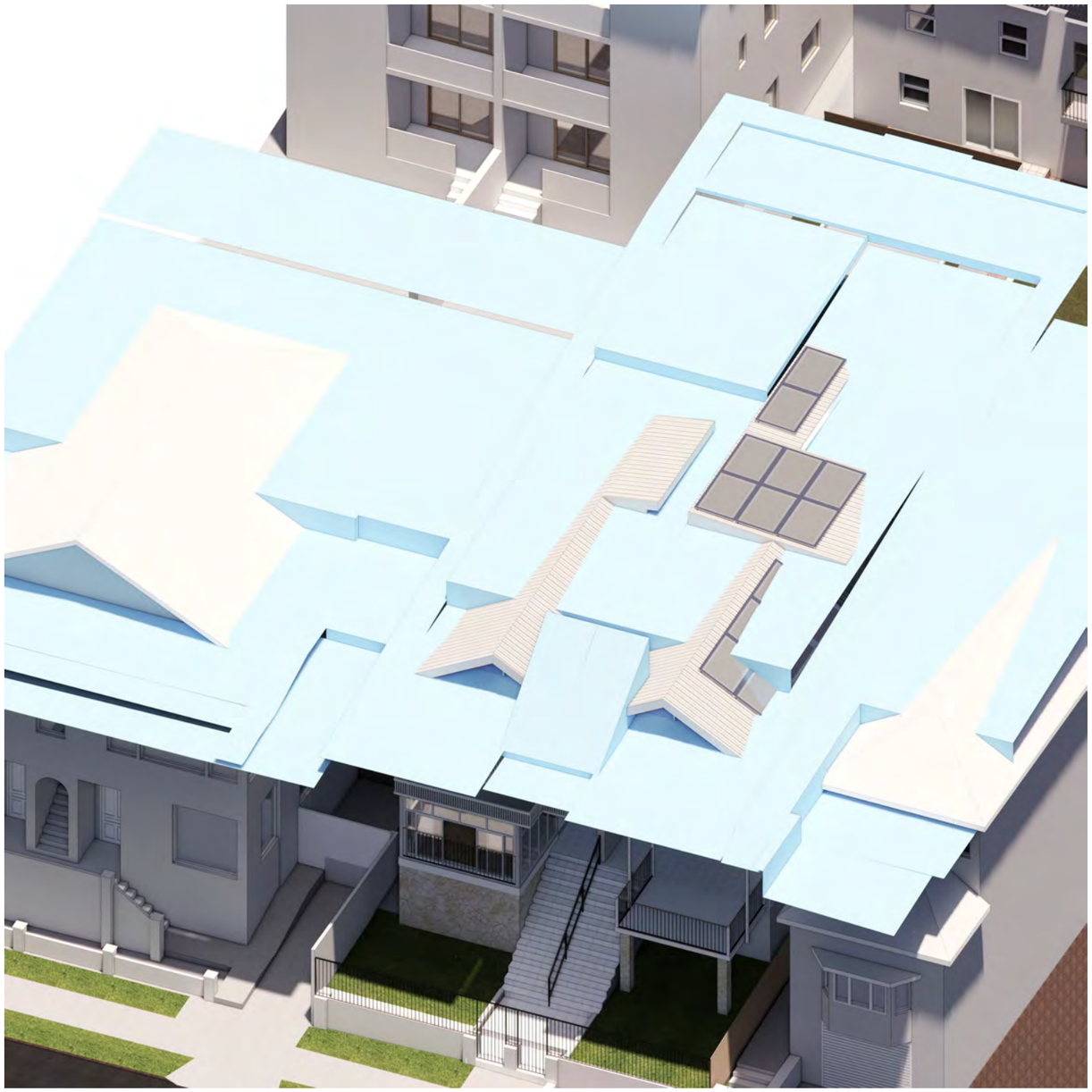
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Waverley Council

Application No: DA-320/2025

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01		ISSUED FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: SARAN INVESTMENTS
SITE: 80 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
HEIGHT LIMIT DIAGRAMS
PROJECT NAME :
80 FRANCIS STREET, BONDI BEACH

REVISION NO.
02
DRAWING NO.
A004
SCALE

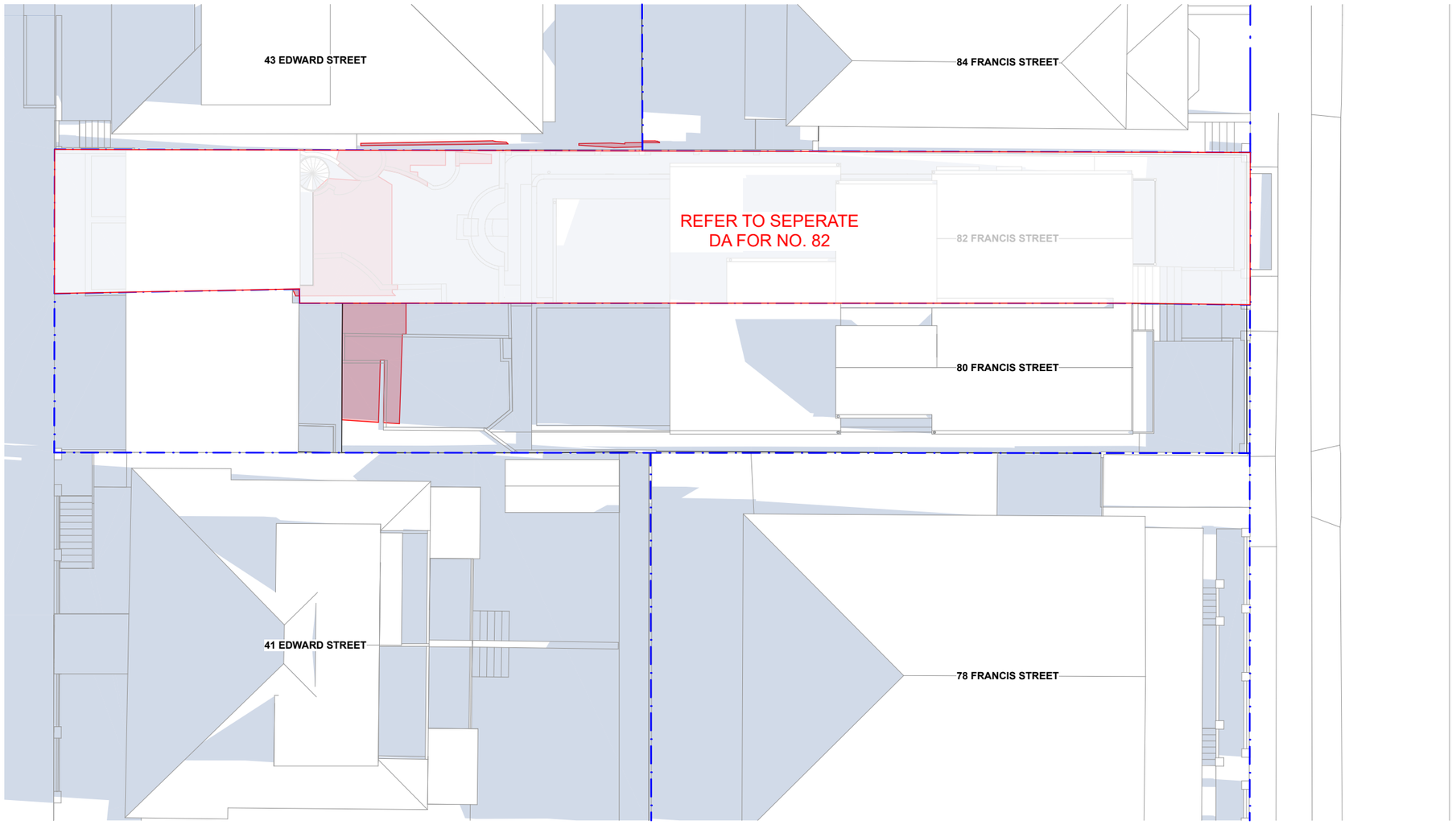
BARATA
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INFO@BARATA.COM.AU
TEL: 61 (0) 451 154 101 - ARB NO: 9844

AMENDED

RECEIVED
Waverley Council

Application No: DA-320/2025

Date Received: 23/09/2025



PROPOSED SHADOW PLAN 21 JUN at 0900h 1:200

NOTES

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01		ISSUED FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:
EXISTING
PROPOSED FROM 80&82

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: SARAN INVESTMENTS
SITE: 80 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
JUNE 21 SHADOW DIAGRAMS - 9AM
PROJECT NAME :
80 FRANCIS STREET, BONDI BEACH

REVISION NO.
02
DRAWING NO.
A401
SCALE
1:200

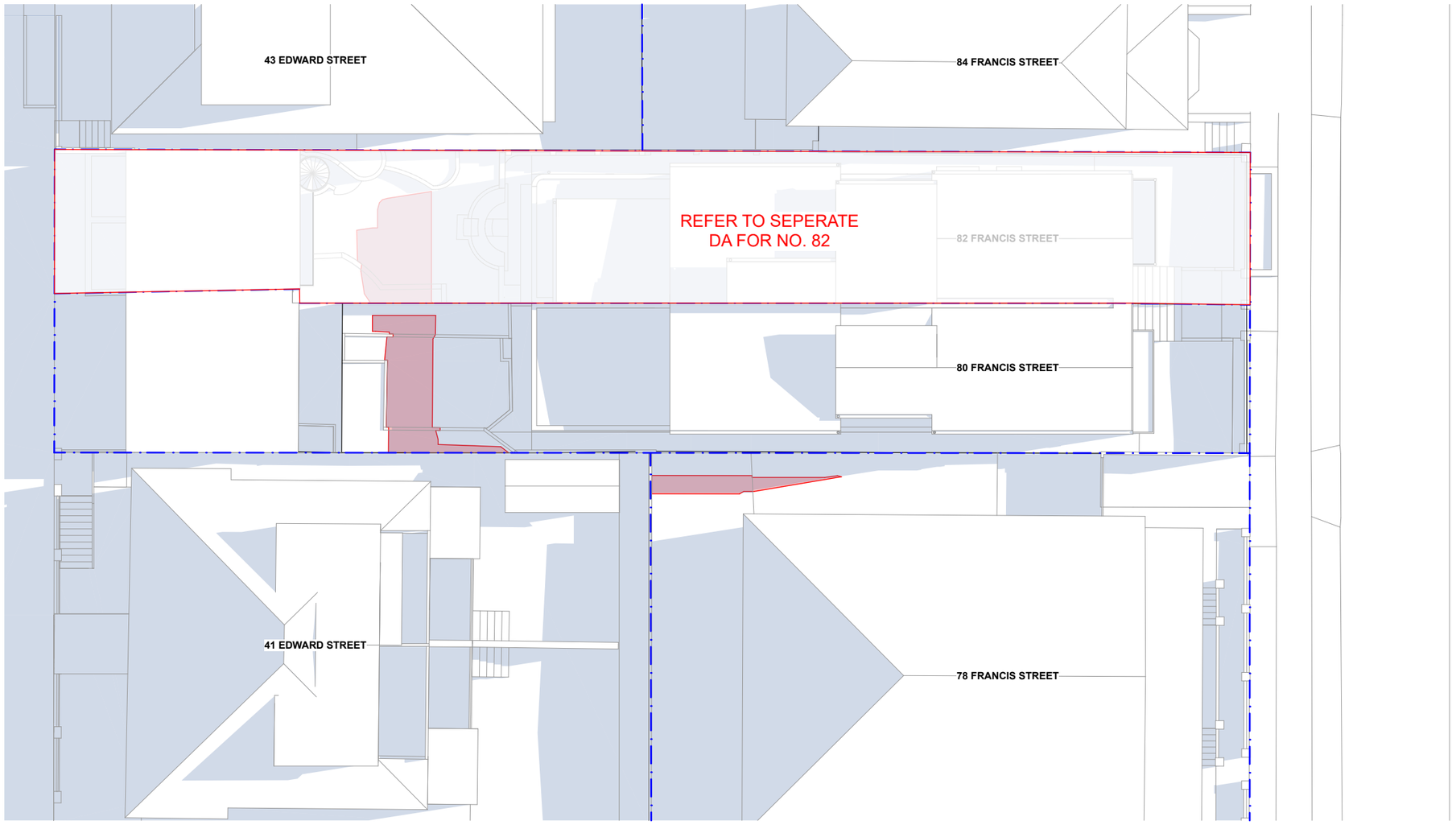
BARATA
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AMENDED

RECEIVED
Waverley Council

Application No: DA-320/2025

Date Received: 23/09/2025



PROPOSED SHADOW PLAN 21 JUN at 1000h 1:200

NOTES

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LEGEND:
- EXISTING
- PROPOSED FROM 80&82

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: SARAN INVESTMENTS
SITE: 80 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
JUNE 21 SHADOW DIAGRAMS - 10AM

PROJECT NAME :
80 FRANCIS STREET, BONDI BEACH

N

REVISION NO.
02

DRAWING NO.
A402

SCALE
1:200

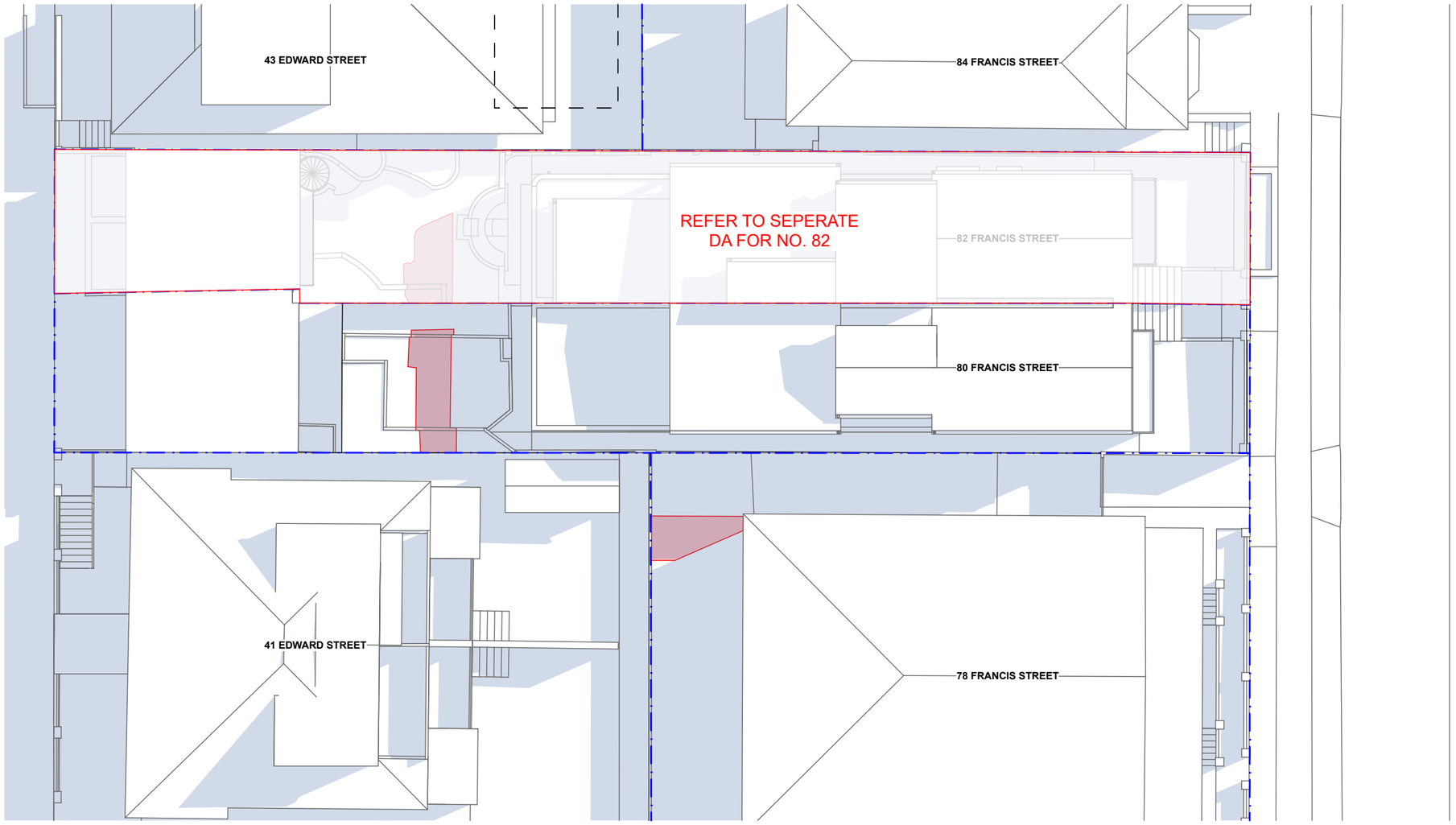
BARATA
10 / 26 SIMPSON STREET BONDI 2026
WWW.BARATA.COM.AU
INFO@BARATA.COM.AU
TEL: 61 (0) 451 154 101 - ARB NO: 9844

AMENDED

RECEIVED
Waverley Council

Application No: DA-320/2025

Date Received: 23/09/2025



PROPOSED SHADOW PLAN 21 JUN at 1100h 1:200

NOTES

DRAWINGS FOR DEVELOPMENT APPLICATION ONLY
THE BUILDER SHALL CHECK ALL DIMENSIONS AND LEVELS ON SITE PRIOR TO CONSTRUCTION. NOTIFY ANY ERRORS, DISCREPANCIES OR OMISSIONS TO THE ARCHITECT. REFER TO WRITTEN DIMENSIONS ONLY. DO NOT SCALE DRAWINGS. DRAWINGS SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNTIL ISSUED FOR CONSTRUCTION. THIS DRAWING REFLECTS A DESIGN BY BARATA AND IS TO BE USED ONLY FOR WORK WHEN AUTHORISED IN WRITING BY BARATA.
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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:
EXISTING
PROPOSED FROM 80&82

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: SARAN INVESTMENTS
SITE: 80 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
JUNE 21 SHADOW DIAGRAMS - 11AM
PROJECT NAME :
80 FRANCIS STREET, BONDI BEACH

N

REVISION NO.
02
DRAWING NO.
A403
SCALE
1:200

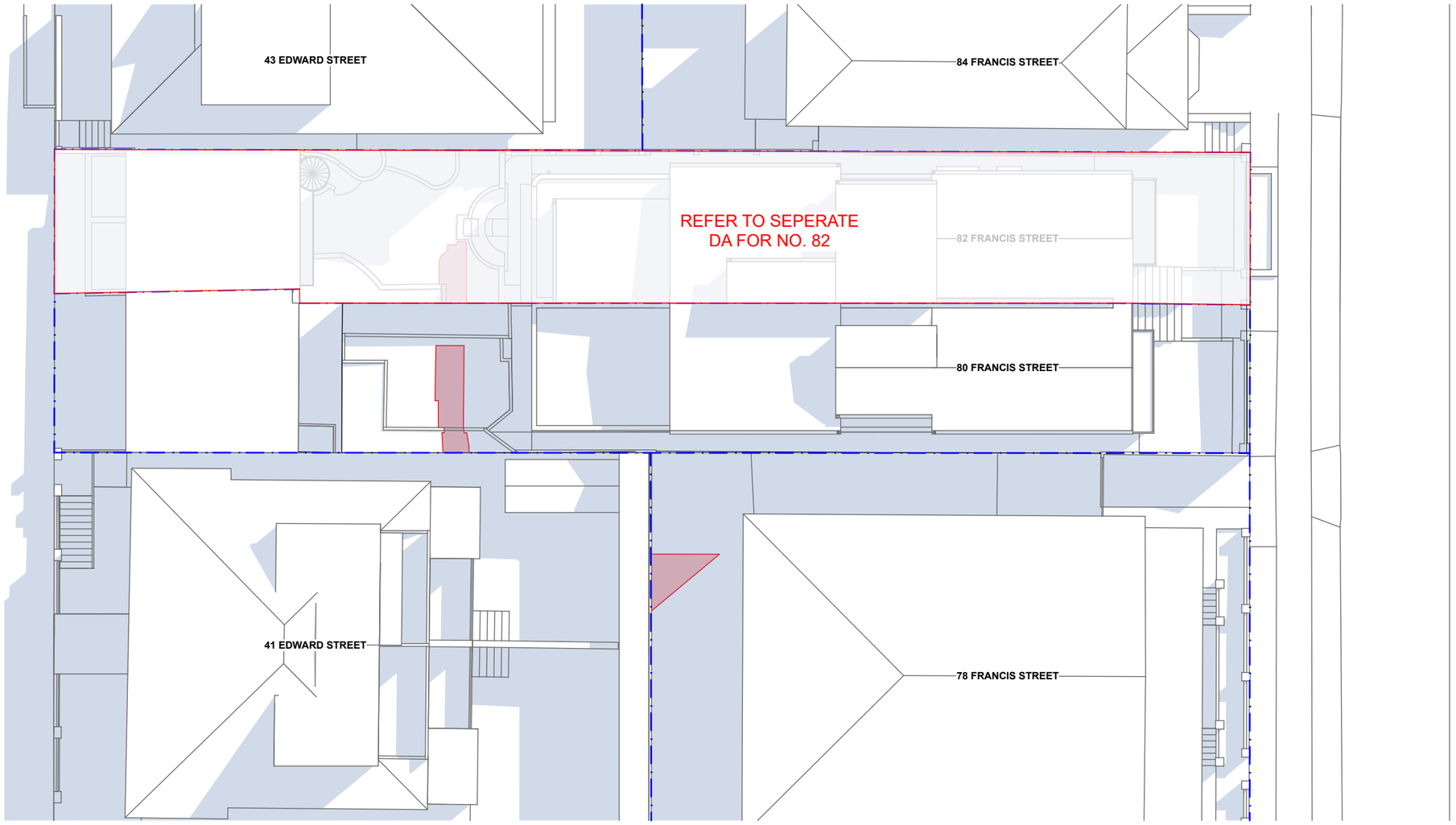
BARATA
10 / 26 SIMPSON STREET BONDI 2026
WWW.BARATA.COM.AU
INFO@BARATA.COM.AU
TEL: 61 (0) 451 154 101 - ARB NO: 9844
635

AMENDED

RECEIVED
Waverley Council

Application No: DA-320/2025

Date Received: 23/09/2025



PROPOSED SHADOW PLAN 21 JUN at 1200h 1:200

NOTES

DRAWINGS FOR DEVELOPMENT APPLICATION ONLY
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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:
EXISTING
PROPOSED FROM 80&82

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: SARAN INVESTMENTS
SITE: 80 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
JUNE 21 SHADOW DIAGRAMS - 12PM
PROJECT NAME :
80 FRANCIS STREET, BONDI BEACH

N

REVISION NO.
02
DRAWING NO.
A404
SCALE
1:200

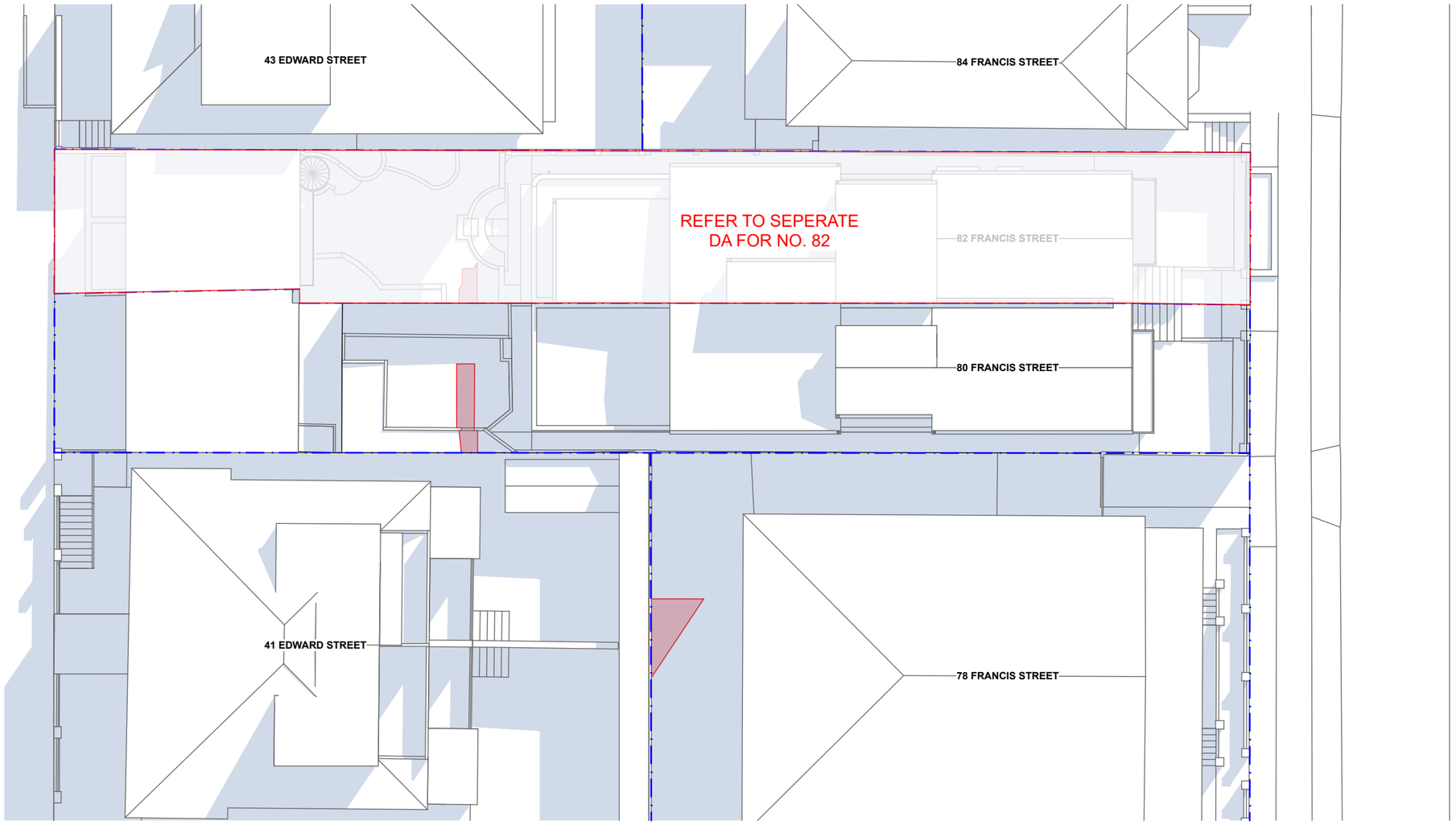
BARATA
10 / 26 SIMPSON STREET BONDI 2026
WWW.BARATA.COM.AU
INFO@BARATA.COM.AU
TEL: 61 (0) 451 154 101 - ARB NO: 9844
636

AMENDED

RECEIVED
Waverley Council

Application No: DA-320/2025

Date Received: 23/09/2025



PROPOSED SHADOW PLAN 21 JUN at 1300h 1:200

NOTES

DRAWINGS FOR DEVELOPMENT APPLICATION ONLY
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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:
EXISTING
PROPOSED FROM 80&82

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: SARAN INVESTMENTS
SITE: 80 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
JUNE 21 SHADOW DIAGRAMS - 1PM
PROJECT NAME :
80 FRANCIS STREET, BONDI BEACH

N

REVISION NO.
02
DRAWING NO.
A405
SCALE
1:200

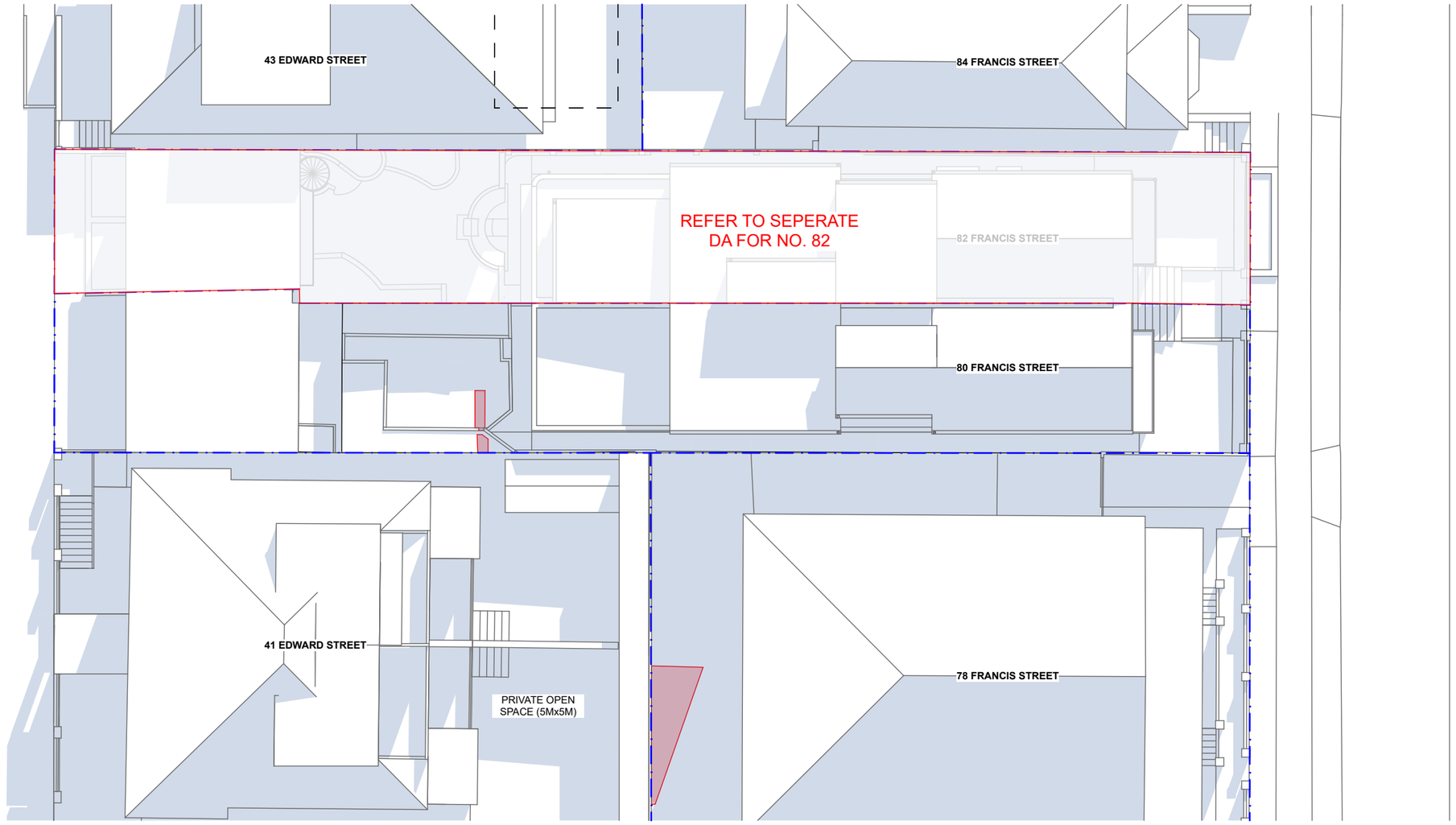
BARATA
10 / 26 SIMPSON STREET BONDI 2026
WWW.BARATA.COM.AU
INFO@BARATA.COM.AU
TEL: 61 (0) 451 154 101 - ARB NO: 9844
637

AMENDED

RECEIVED
Waverley Council

Application No: DA-320/2025

Date Received: 23/09/2025



PROPOSED SHADOW PLAN 21 JUN at 1400h 1:200

NOTES

DRAWINGS FOR DEVELOPMENT APPLICATION ONLY
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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:
EXISTING
PROPOSED FROM 80&82

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: SARAN INVESTMENTS
SITE: 80 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
JUNE 21 SHADOW DIAGRAMS - 2PM
PROJECT NAME :
80 FRANCIS STREET, BONDI BEACH

REVISION NO.
02
DRAWING NO.
A406
SCALE
1:200

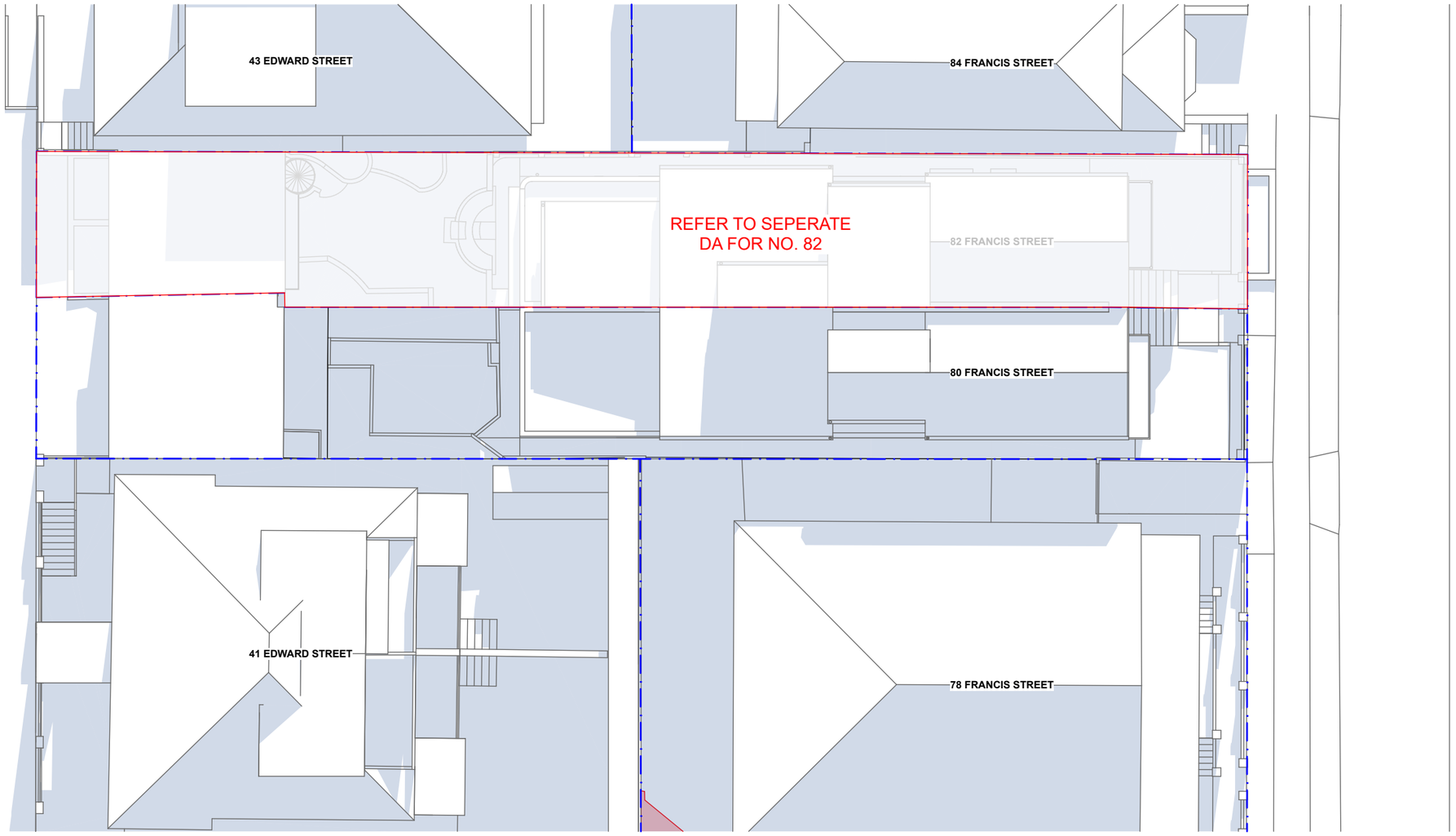
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TEL: 61 (0) 451 154 101 - ARB NO: 9844

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Application No: DA-320/2025

Date Received: 23/09/2025



PROPOSED SHADOW PLAN 21 JUN at 1500h 1:200

NOTES

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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:
EXISTING
PROPOSED FROM 80&82

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: SARAN INVESTMENTS
SITE: 80 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
JUNE 21 SHADOW DIAGRAMS - 3PM
PROJECT NAME :
80 FRANCIS STREET, BONDI BEACH

REVISION NO.
02
DRAWING NO.
A407
SCALE
1:200

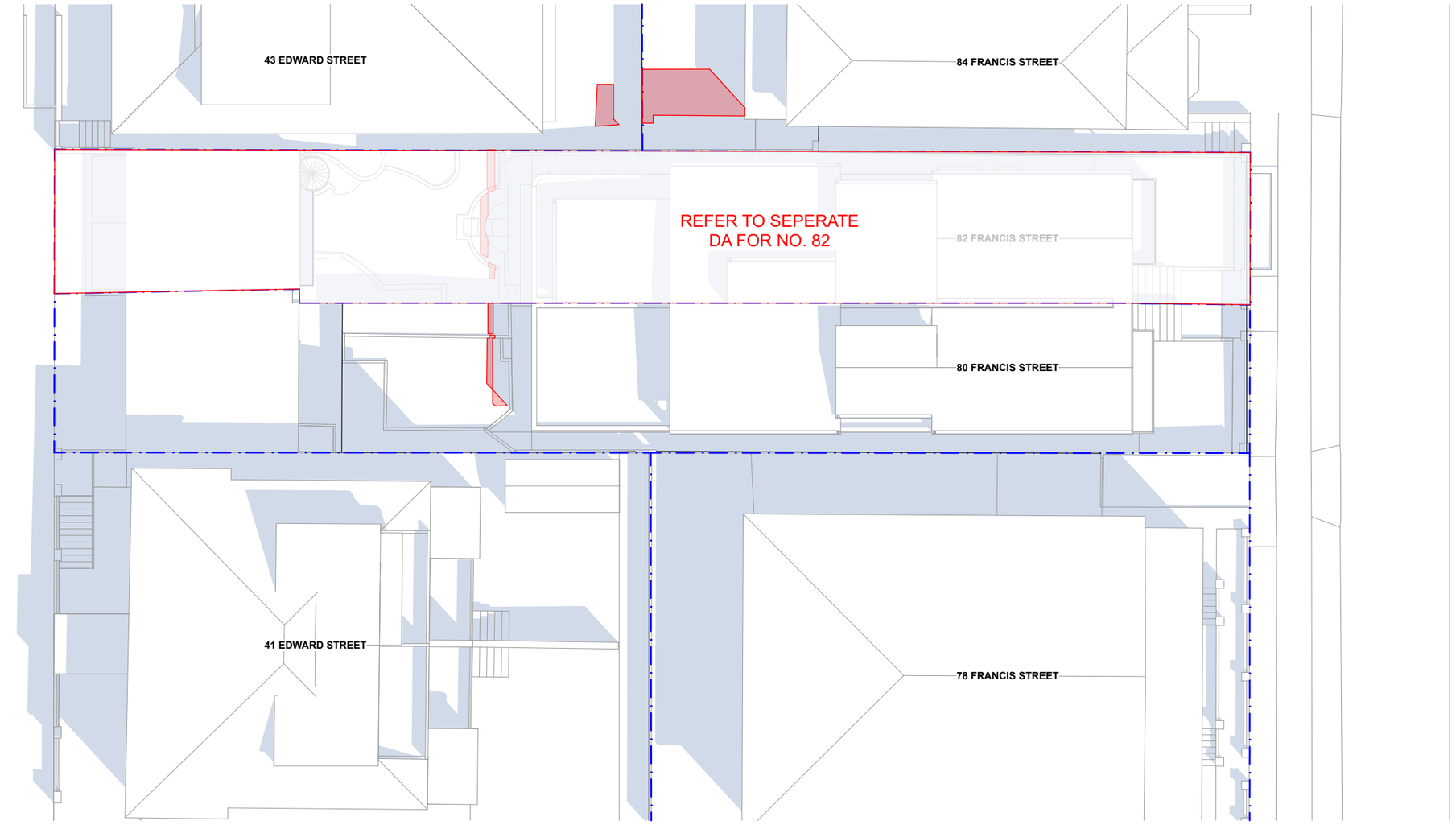
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Application No: DA-320/2025

Date Received: 23/09/2025



PROPOSED SHADOW PLAN 21 DEC at 0900h 1:200

NOTES

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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:
EXISTING
PROPOSED FROM 80&82

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: SARAN INVESTMENTS
SITE: 80 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
DECEMBER 21 SHADOW DIAGRAMS - 9AM
PROJECT NAME :
80 FRANCIS STREET, BONDI BEACH

REVISION NO.
02
DRAWING NO.
A501
SCALE
1:200

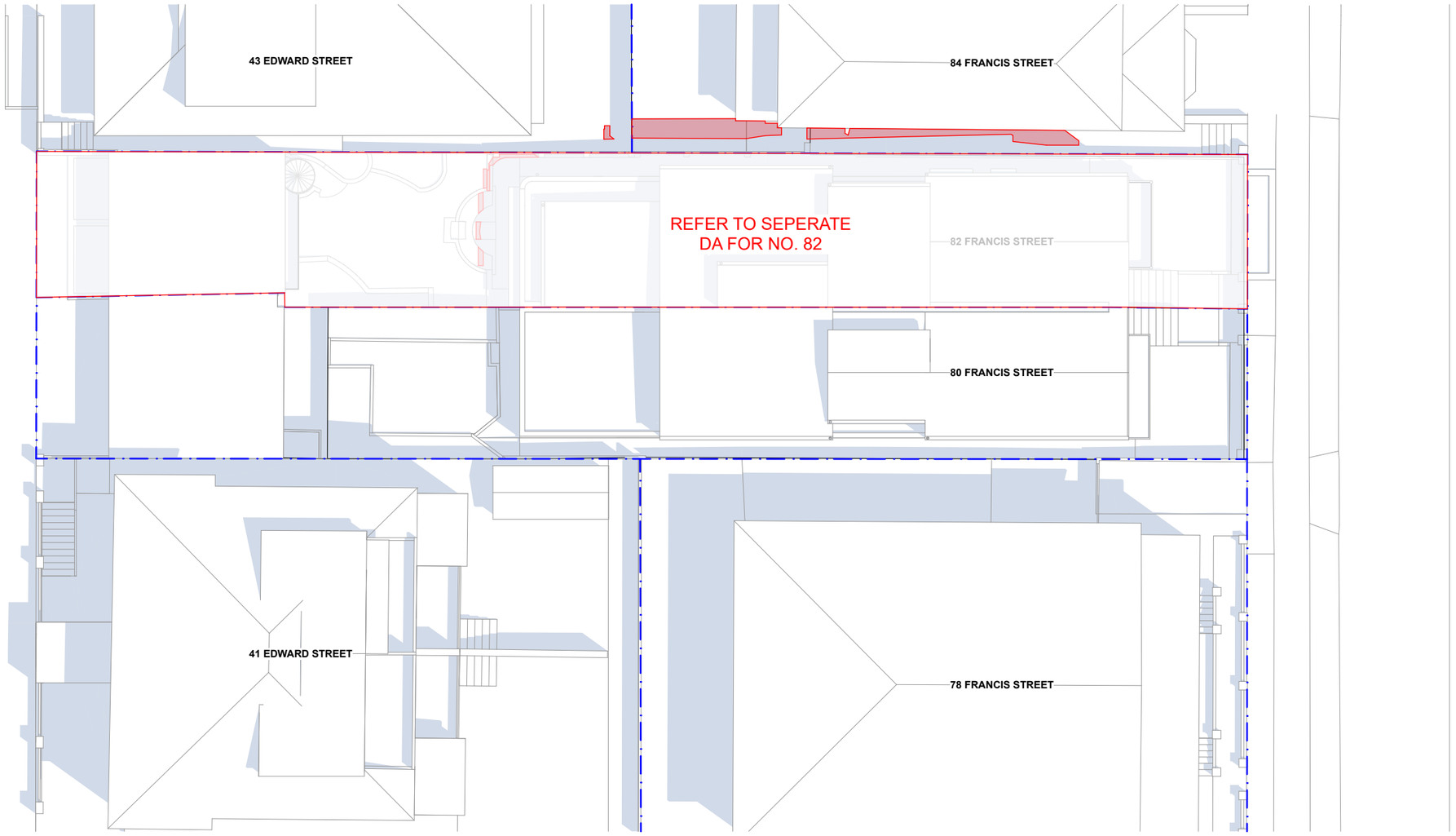
BARATA
10 / 26 SIMPSON STREET BONDI 2026
WWW.BARATA.COM.AU
INFO@BARATA.COM.AU
TEL: 61 (0) 451 154 101 - ARB NO: 9844

AMENDED

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Waverley Council

Application No: DA-320/2025

Date Received: 23/09/2025



PROPOSED SHADOW PLAN 21 DEC at 1000h 1:200

NOTES

DRAWINGS FOR DEVELOPMENT APPLICATION ONLY
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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:
EXISTING
PROPOSED FROM 80&82

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: SARAN INVESTMENTS
SITE: 80 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
DECEMBER 21 SHADOW DIAGRAMS - 10AM
PROJECT NAME :
80 FRANCIS STREET, BONDI BEACH

REVISION NO.
02
DRAWING NO.
A502
SCALE
1:200

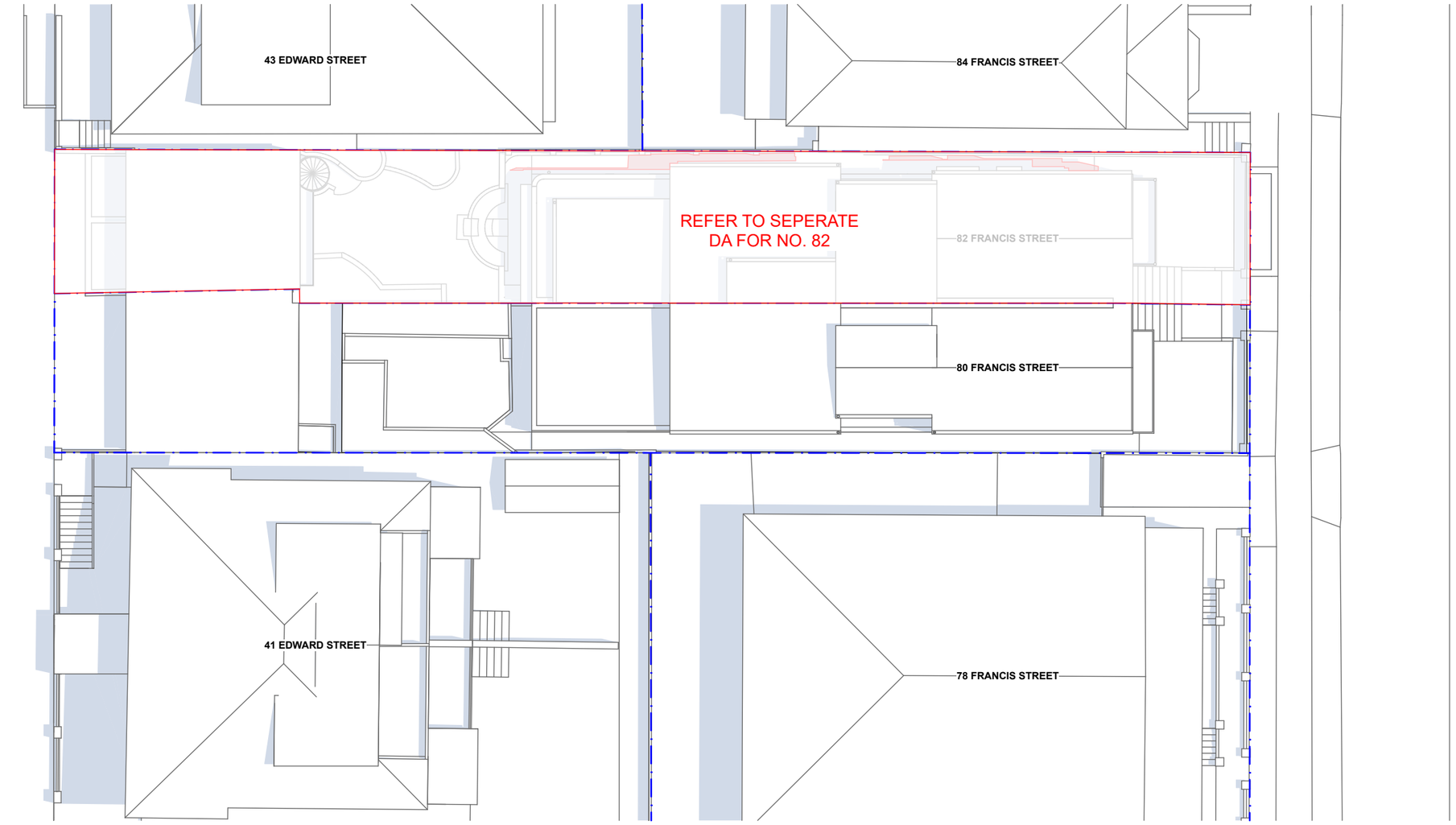
BARATA
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WWW.BARATA.COM.AU
INFO@BARATA.COM.AU
TEL: 61 (0) 451 154 101 - ARB NO: 9844

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Waverley Council

Application No: DA-320/2025

Date Received: 23/09/2025



PROPOSED SHADOW PLAN 21 DEC at 1100h 1:200

NOTES

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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:
EXISTING
PROPOSED FROM 80&82

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: SARAN INVESTMENTS
SITE: 80 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
DECEMBER 21 SHADOW DIAGRAMS - 11AM
PROJECT NAME :
80 FRANCIS STREET, BONDI BEACH

REVISION NO.
02
DRAWING NO.
A503
SCALE
1:200

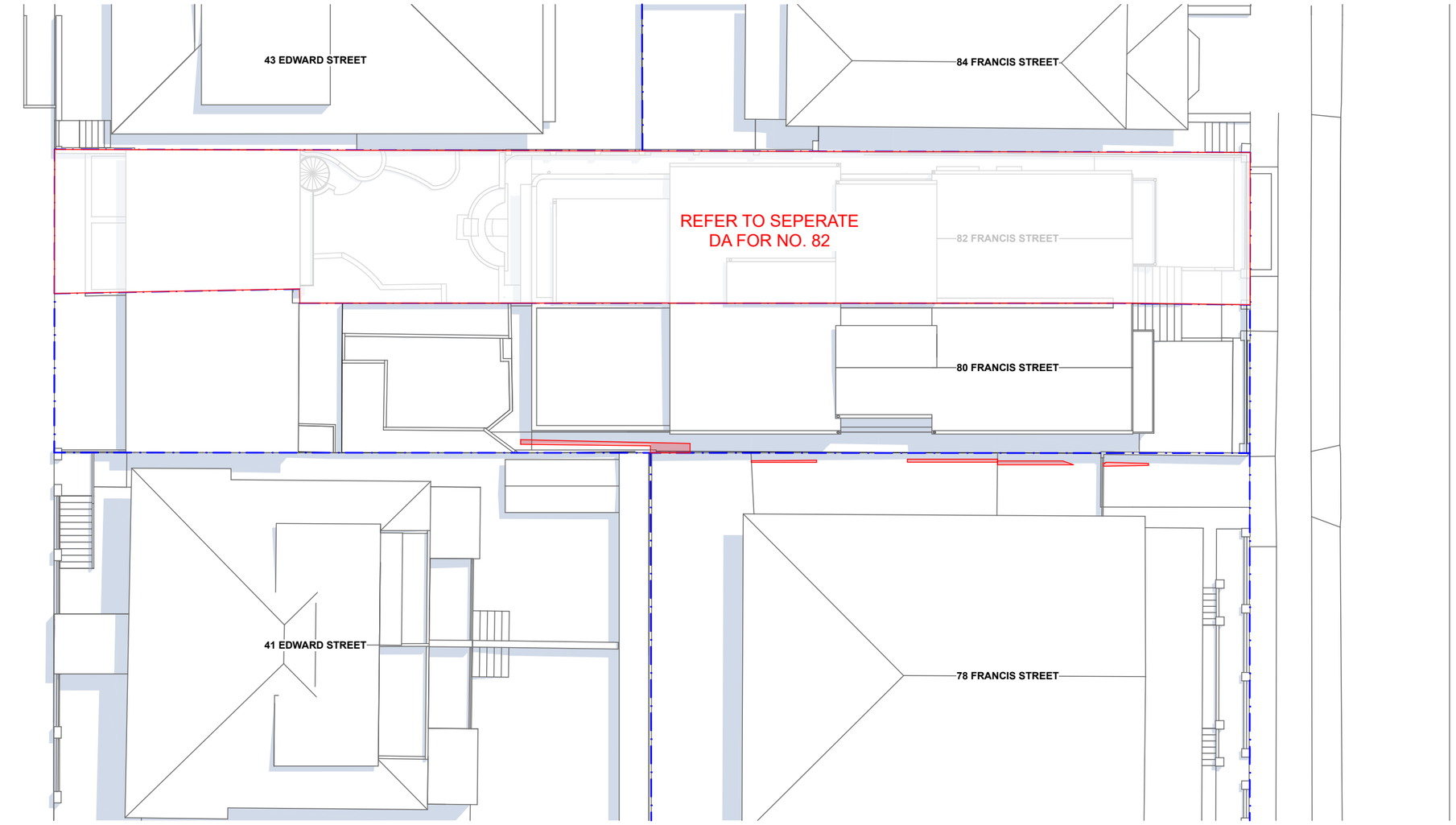
BARATA
10 / 26 SIMPSON STREET BONDI 2026
WWW.BARATA.COM.AU
INFO@BARATA.COM.AU
TEL: 61 (0) 451 154 101 - ARB NO: 9844
642

AMENDED

RECEIVED
Waverley Council

Application No: DA-320/2025

Date Received: 23/09/2025



PROPOSED SHADOW PLAN 21 DEC at 1200h 1:200

NOTES

DRAWINGS FOR DEVELOPMENT APPLICATION ONLY
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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:
EXISTING
PROPOSED FROM 80&82

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: SARAN INVESTMENTS
SITE: 80 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
DECEMBER 21 SHADOW DIAGRAMS - 12PM
PROJECT NAME :
80 FRANCIS STREET, BONDI BEACH

REVISION NO. **02**
DRAWING NO. **A504**
SCALE **1:200**

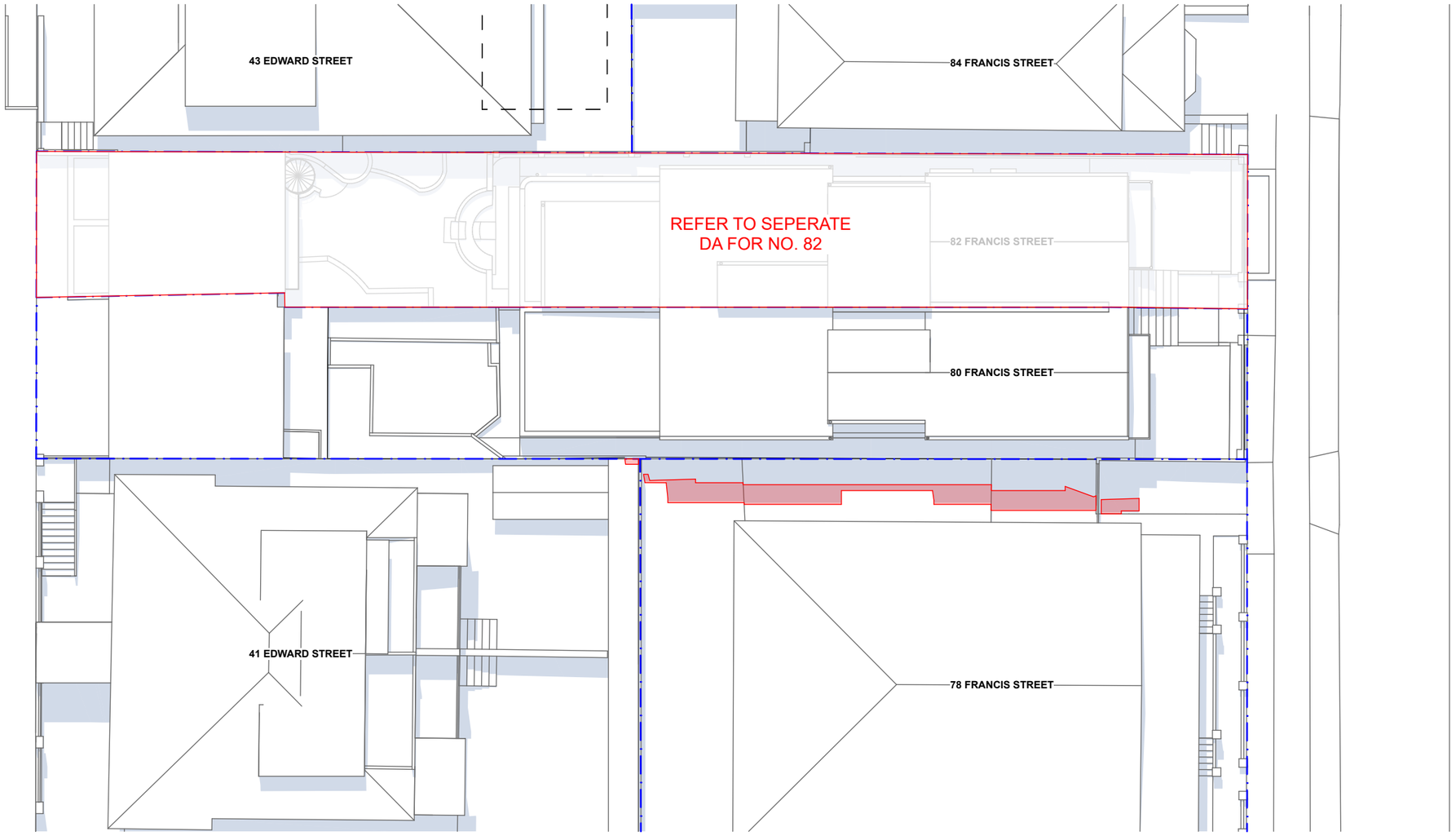
BARATA
10 / 26 SIMPSON STREET BONDI 2026
WWW.BARATA.COM.AU
INFO@BARATA.COM.AU
TEL: 61 (0) 451 154 101 - ARB NO: 9844
643

AMENDED

RECEIVED
Waverley Council

Application No: DA-320/2025

Date Received: 23/09/2025



PROPOSED SHADOW PLAN 21 DEC at 1300h 1:200

NOTES

DRAWINGS FOR DEVELOPMENT APPLICATION ONLY
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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:
EXISTING
PROPOSED FROM 80&82

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: SARAN INVESTMENTS
SITE: 80 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
DECEMBER 21 SHADOW DIAGRAMS - 1PM
PROJECT NAME :
80 FRANCIS STREET, BONDI BEACH

REVISION NO. **02**
DRAWING NO. **A505**
SCALE **1:200**

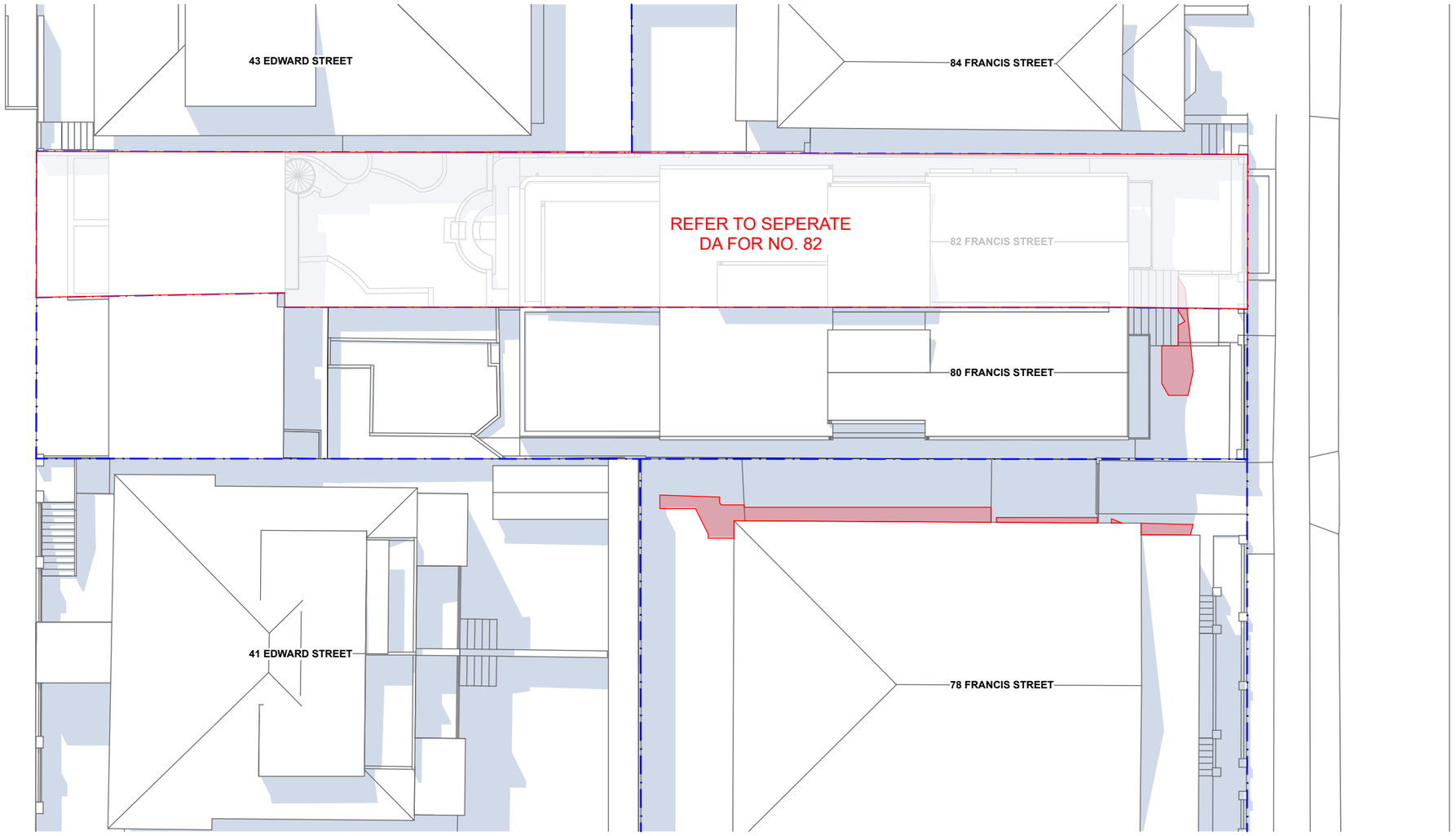
BARATA
10 / 26 SIMPSON STREET BONDI 2026
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INFO@BARATA.COM.AU
TEL: 61 (0) 451 154 101 - ARB NO: 9844
644

AMENDED

RECEIVED
Waverley Council

Application No: DA-320/2025

Date Received: 23/09/2025



PROPOSED SHADOW PLAN 21 DEC at 1400h 1:200

NOTES

DRAWINGS FOR DEVELOPMENT APPLICATION ONLY
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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:
EXISTING
PROPOSED FROM 80&82

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: SARAN INVESTMENTS
SITE: 80 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
DECEMBER 21 SHADOW DIAGRAMS - 2PM
PROJECT NAME :
80 FRANCIS STREET, BONDI BEACH

REVISION NO.
02
DRAWING NO.
A506
SCALE
1:200

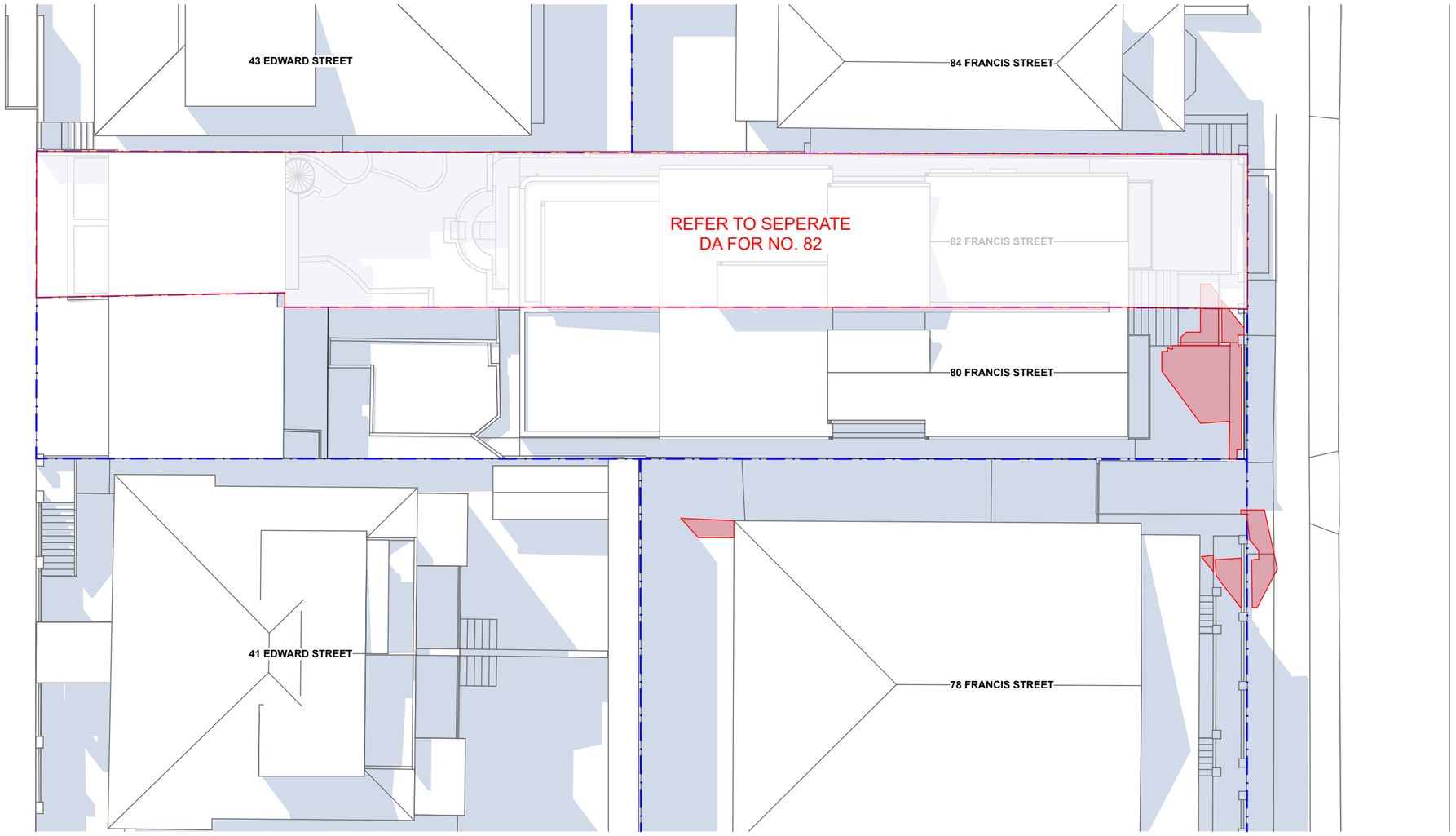
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10 / 26 SIMPSON STREET BONDI 2026
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AMENDED

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Waverley Council

Application No: DA-320/2025

Date Received: 23/09/2025



PROPOSED SHADOW PLAN 21 DEC at 1500h 1:200

NOTES

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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:
EXISTING
PROPOSED FROM 80&82

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: SARAN INVESTMENTS
SITE: 80 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
DECEMBER 21 SHADOW DIAGRAMS - 3PM
PROJECT NAME :
80 FRANCIS STREET, BONDI BEACH

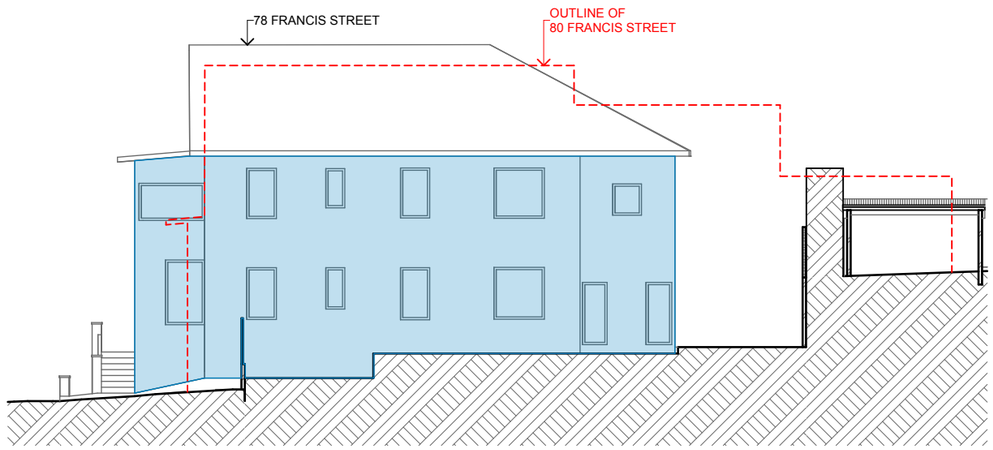
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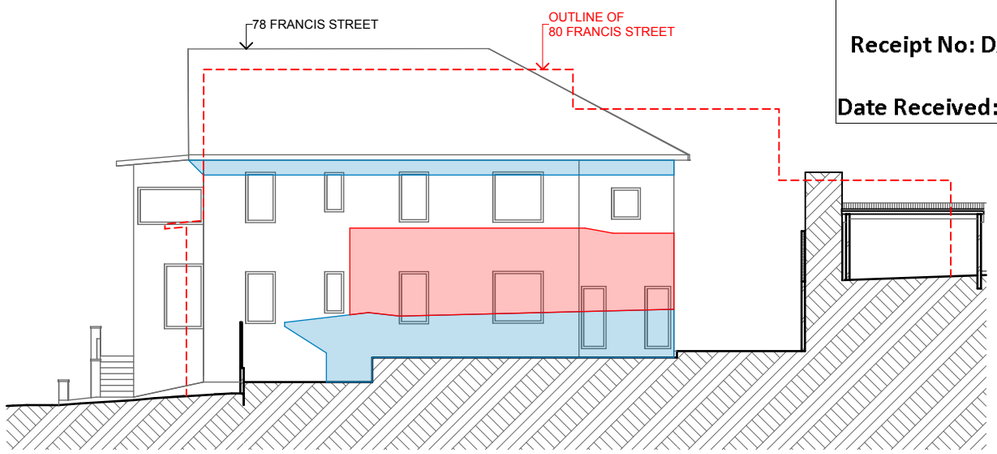
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Waverley Council

Receipt No: DA-320/2025

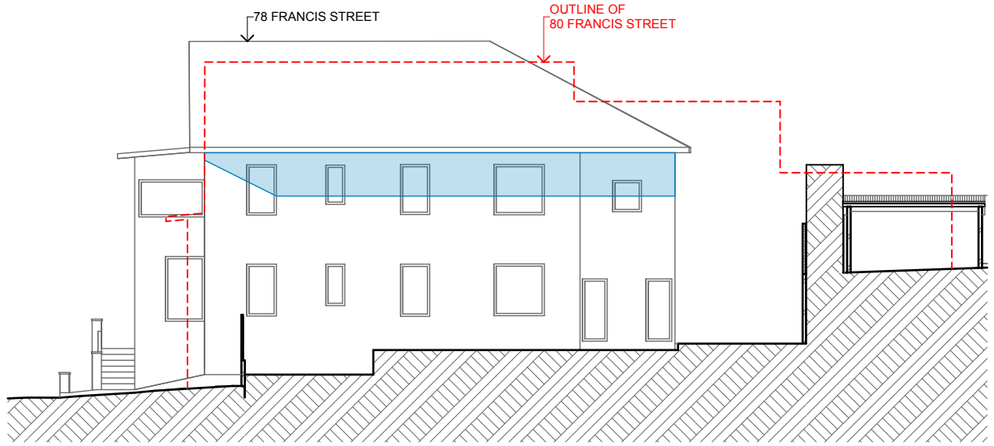
Date Received: 09/07/2025



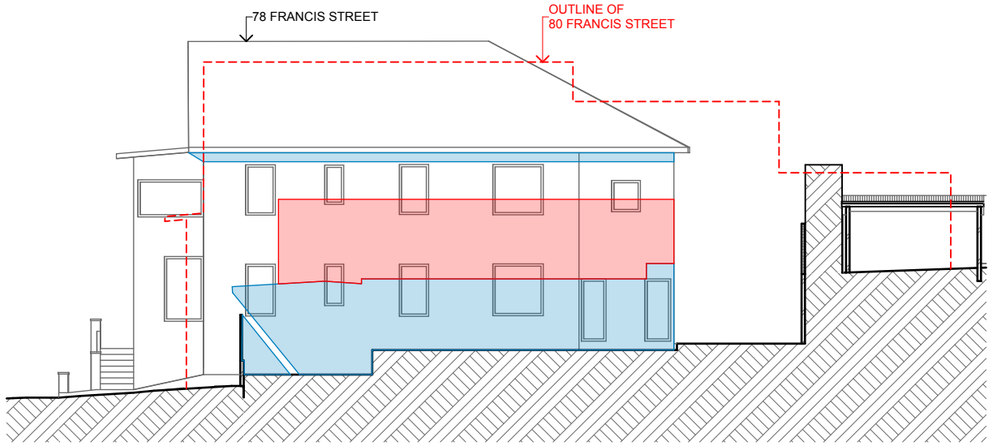
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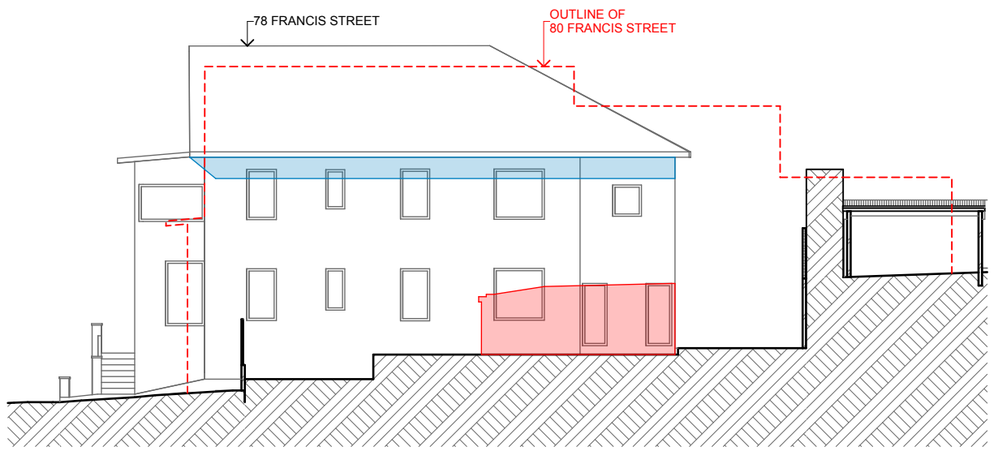
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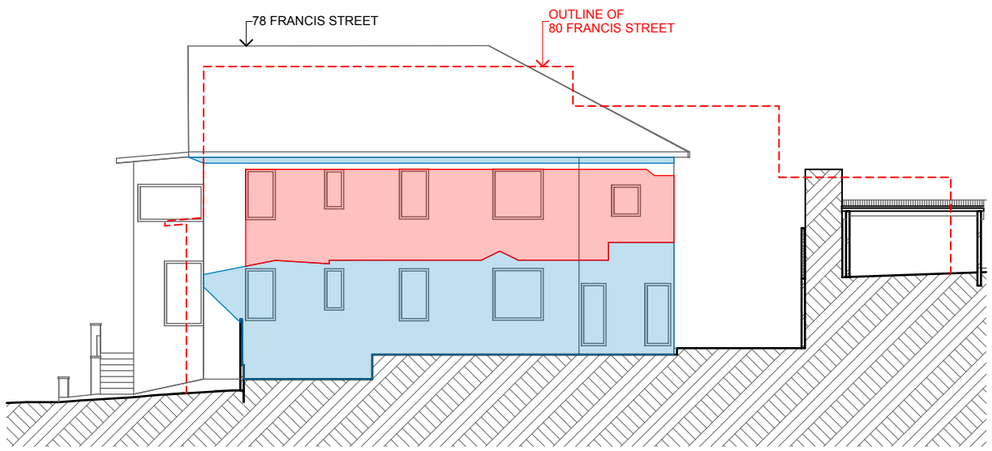
SHADOW ELEVATION 21 JUN at 1000h 1:200



SHADOW ELEVATION 21 JUN at 1300h 1:200



SHADOW ELEVATION 21 JUN at 1100h 1:200



SHADOW ELEVATION 21 JUN at 1400h 1:200

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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	3/7/2025

LEGEND:
EXISTING
PROPOSED FROM 80&82

DRAWN | CHECKED: EB / ML
DATE: 3/7/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: SARAN INVESTMENTS
SITE: 80 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
JUNE 21 SHADOW NO.78 NORTH ELEVATION DIAGRAMS - 9AM - 2PM
PROJECT NAME :
80 FRANCIS STREET, BONDI BEACH

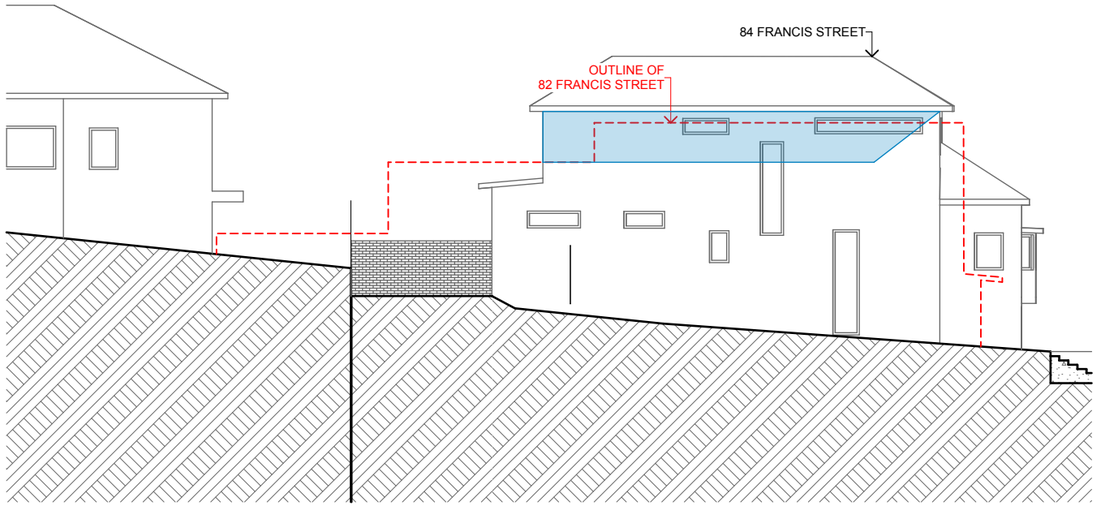
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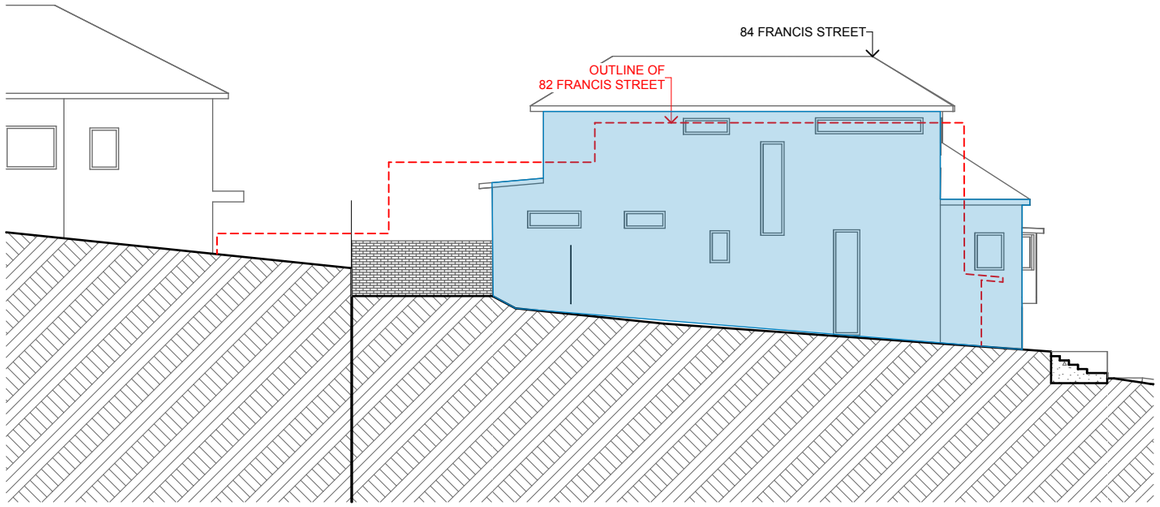
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Waverley Council

Receipt No: DA-320/2025

Date Received: 09/07/2025



SHADOW ELEVATION 21 JUN at 0900h 1:200



SHADOW ELEVATION 21 JUN at 1000h - 1400h 1:200

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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	3/7/2025

LEGEND:

DRAWN | CHECKED: EB / ML
DATE: 3/7/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: SARAN INVESTMENTS
SITE: 80 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
JUNE 21 SHADOW NO.84 SOUTH ELEVATION DIAGRAMS - 9AM - 2PM
PROJECT NAME :
80 FRANCIS STREET, BONDI BEACH

REVISION NO.
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Report to the Waverley Local Planning Panel

Application number	DA-321/2025
Site address	82 Francis Street, BONDI BEACH
Proposal	Alterations and additions to a semi-detached dwelling including a new first floor.
Date of lodgement	9 July 2025
Owner	Ms Lindner & Mr Crowe
Applicant	Mr E De Oliveira Barata
Submissions	Nil
Cost of works	$1,027,985
Principal Issues	• Exceedance of Height development standard • Front and rear building lines
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 at the site known as 82 Francis Street BONDI BEACH.

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

- Exceedance of the Height development standard
- Front and rear building lines

The assessment finds these issues acceptable given the steeply sloping site, the consistency with the height of neighbouring properties and the configuration of surrounding lots which have a different subdivision pattern.

No submissions were received from Councillors or members of the public; and there is no staff conflict of interest.

A development application (DA-320/2025) for alterations and additions to the adjoining semi-detached dwelling (80 Francis Street) is being assessed concurrently.

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 1 September 2025.

The site is identified as Lot A in DP 391596, known as 82 Francis Street, BONDI BEACH.

The site is rectangular in shape with a primary frontage of 6.17m to Francis Street and a secondary frontage of 5.8m to Edward Street. It has an area of 293.9m^2 and it falls from the rear towards the front by approximately 7m.

The site is occupied by a single storey semi-detached dwelling with vehicular access provided to a garage at the rear from Edward Street.

The adjoining semi-detached dwelling (80 Francis Street) is also the subject of a development application for alterations and additions, DA-320/2025. The locality is characterised by a variety of low and medium density residential developments.

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



Figure 1: Francis Street streetscape showing subject site (right) and adjoining semi-detached dwelling at 80 Francis Street, which is subject to DA-320/2025 being assessed concurrently.



Figure 2: Existing front of the dwelling viewed from the Francis Street.



Figure 3: Existing rear of the dwelling viewed from the rear yard.



Figure 4: Existing garage structure fronting Edward Street. No change is proposed.



Figure 5: Adjoining development at 43 Edward St, viewed from the rear yard of the subject site.

1.3. Relevant Development History

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

- DA-393/2011 (approved 17 November 2011) granted consent to extend the front deck and rebuild rear two storey garage/laundry; and
- DA-393/2011/A (approved 22 July 2023) modified the consent by extending excavation and repositioning the stairs.

1.4. Proposal

The development application seeks consent for alterations and additions to the semi-detached dwelling, and specifically includes the following:

- Internal alterations at the ground floor to provide an open plan kitchen, dining living area and stair access to the new first floor;
- First floor addition comprising three bedrooms, two bathrooms and a green roof/terrace;
- Raised roof and windows above the first floor over the stairs; and
- Retention of the existing stair access and verandah at the front of the dwelling.

No change is proposed to existing garage structure at the rear of the property.

1.5. Background

The development application was lodged on 9 July 2025 and deferred on 15 September 2025 for the following reason:

1. It is recommended that the front façade be amended to provide a cohesive design of the dwelling individually (i.e. cohesion between the ground and first floor design) and between the adjoining semi-detached pair.

The amended plans received on 23 September 2025 form the basis of the assessment.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

- SEPP (Sustainable Buildings) 2022

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 Table *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*	No	The proposal has a maximum height of 9.948m, which exceeds the development standard by 1.448m or 17%.

Provision	Compliance	Comment
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio • *0.78:1 (229.74m²)*	Yes	The proposal has a total GFA of 211.71m², which equates to a FSR of 0.72:1, which complies.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	The site is located adjacent to the Francis Street Landscape Conservation Area (C43). The proposal does not impact the streetscape landscaping.
5.21 Flood Planning	Yes	The site is located in a low flood risk precinct. The proposal does not include any excavation, nor does it significantly increase the building footprint. Therefore, there is no expected impact on flood planning.

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

Clause 4.6 Exceptions to Development Standards

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

The site is subject to a maximum height development standard of 8.5m. The proposed development has a height of 9.948m, exceeding the standard by 1.448m equating to a 17% variation.

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

(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and

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

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

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

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

(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:

(i) The proposed development preserves the environmental amenity of neighbouring properties and public spaces and is therefore consistent with Objective (a) of the Height development standard.

(ii) There is no unreasonable overshadowing impact

(iii) The proposed building height is entirely consistent with the desired future locality, particularly noting that the proposed front façade is compatible with the height of the two neighbouring dwellings at 84 Francis Street and 78 Francis Street.

(iv) The proposal at the subject site and adjoining dwelling will restore the symmetry of the 2 semi-detached dwellings.

(v) The proposed front facades, including the pitched roofs, will significantly improve the front facades of both semi-detached dwellings.

(vi) There will be no additional adverse impacts arising from the breach of the height development standard on adjoining properties or the public domain.

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

(i) The proposed development on the subject site, and the accompanying proposed development, will restore the symmetry of the semi-detached dwellings on the subject site and the adjoining 80 Francis Street are currently not symmetrical.

(ii) The proposed front facades, despite the breaches, will be entirely compatible with the heights of the two neighbouring buildings at 78 and 84 Francis Street.

(iii) There will be a significant improvement to the open space on the subject site given the existing tree canopy over the subject site is to be retained. There are proposed new planters and a green roof.

(iv) There will be an increased level of passive surveillance of Francis Street through the addition of a second storey with expansive proposed windows and balconies on both proposed developments.

Consideration of Applicant's Written Request

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

Consideration of 4.6(3)(a) whether compliance is unreasonable or unnecessary in the circumstances of the case7t

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], that *the objectives of the Height development standard are achieved notwithstanding non-compliance with the standard.* The relevant objectives of the height development standard are discussed below.

(a) to ensure building heights preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views,

As discussed in other areas of this report, the development does cause minor additional overshadowing. However, the overshadowing is not attributed to the portion of the development which exceeds the height limit.

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

As discussed in other areas of this report, satisfactory solar access is maintained to existing buildings and public areas.

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

The proposed dwelling is consistent with the desired future character of the locality. The non-compliance is attributed to the steeply sloping site. From the street, the dwelling is consistent with the height and scale of surrounding development.

<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. Specifically, the applicant's argument that from the street, the dwelling is consistent with the height and scale of neighbouring development. The steep fall on the land of the site is a particular environmental planning ground that drives the non-compliance. The portion of the development which breaches the height control does not result in any adverse

environmental planning impacts beyond that of a compliant development. **Figure 6** below is an excerpt of the height plane diagram, which demonstrates that the portion of the development which exceeds the height development standard is limited to the roof elements only. It also demonstrates how the proposed development sits in the context of the neighbouring dwellings, being entirely consistent in height and scale.

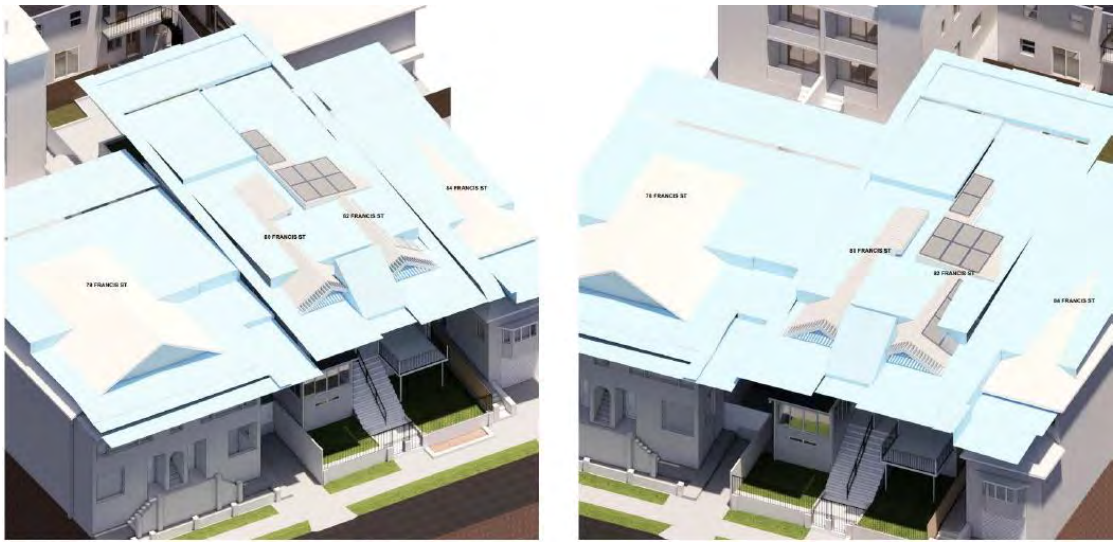


Figure 6: Excerpt from the height development plan demonstrating the portion of the development which exceeds the height development standard is limited to the roof elements.

Conclusion

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

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

The relevant matters to be considered under the Waverley DCP 2022 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*	Yes	Satisfactory.

• *Gas cooktops, gas ovens or gas internal space heating systems.*		
5.Water Management	Yes	Satisfactory.
6. Accessibility and Adaptability	Yes	Satisfactory.
7. Transport	Yes	The existing off-street parking is acceptable. The proposal does not seek to alter the existing off-street parking arrangements on site.
11. Design Excellence	Yes	Satisfactory.

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

Development Control	Compliance	Comment
1.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
1.1 Height		
Pitched roof dwelling house • *Maximum external wall height of 7m*	No	The proposal is generally consistent with the 7m external wall height control, however there are areas of non-compliance towards the front of the dwelling. This non-compliance is considered acceptable given the steep slope of the site and the prevailing form of surrounding development.
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*	No, but considered acceptable	See discussion below.

Development Control	Compliance	Comment
1.2.2 Side setbacks • *Minimum of 0.9m for ground floor and first floors.)*	Yes	The existing side setback of 0.9m is retained, which complies.
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	The proposed development, as amended is compatible with the streetscape context.
1.4 Fences		
Front: • *Maximum height of 1.2m* • *Solid section no more than 0.6m in height* *Side and Rear:* • *Maximum height of 1.8m*	Yes	The proposal seeks to retain the existing front and side fences, which is acceptable.
1.5 Visual and acoustic privacy		
• *Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design* • *External stairs are not acceptable.* • *Maximum size of balconies:* *10m^2 in area* *1.5m deep* • *Roof tops to be non-trafficable unless*	Yes	The proposal has been designed to provide visual and acoustic privacy for future occupants and surrounding properties. The proposed first-floor windows on the side elevation are secondary in nature and are not expected to result in adverse privacy impacts. The window to the stair is to be translucent to provide visual privacy for occupants of the subject site and the neighbouring dwelling at 84 Francis Street. The proposed green roof above the ground floor at the rear is non-trafficable, and a condition will be imposed enforcing this.

Development Control	Compliance	Comment
predominant in the immediate vicinity		
1.6 Solar access		
• *Minimum of 3 hours of sunlight to 50% of living areas and principal open space areas on 21 June to subject site* • *Minimum of 3 hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June.* • *Avoid unreasonably overshadowing of solar collectors (including habitable windows).*	Yes	The applicant has provided shadow diagrams in plan and elevation form which indicate additional overshadowing falls on the subject site and the neighbouring property at 80 Francis Street. **Impact on the subject site:** The shadow diagrams indicate that the subject site currently receives sunlight to the principal open space on 21 June between 9am-1pm. After 1pm, the private open space at the subject site is overshadowed by the two-storey dwelling at 43 Edward Street. The proposed development will provide some level of overshadowing on its own private open space, however 2hrs of solar access is provided to at least 50% of the private open space between 10am and 12 noon. While this does not comply with the minimum requirement of 3hrs, it is considered acceptable given the orientation of the site, existing site constraints and surrounding development. The proposed raised roof over the stairs and living area will provide opportunity for solar access into the living areas of the dwelling, which will be a substantial improvement on the existing situation as the current living areas receive no solar access. Furthermore, the front verandah (to be retained) will still achieve solar access on 21 June. **Impact on 80 Francis Street:** The shadow diagrams indicate on 21 June, the proposal will result in additional overshadowing on the private open space of the adjoining semi-detached dwelling (80 Francis Street). However, it will receive the minimum requirement of 3hours of sunlight to at least 50% of the principal open space between 11am and 2pm.
1.9 Landscaping and open space		
• *Overall open space: 40% of site area* • *Overall landscaped area: 20% of site area, with at least half deep soil* • *Minimum area of 25m^2 for private open space*	Yes	A total of 128.4m^2 of open space is provided, equating to 43.68% of the site area, which complies. A total of 70.01m^2 of landscaped area is provided, equating to 23.8% of the site area, which complies.

Development Control	Compliance	Comment
• *Front open space: 50% of front building setback area* • *Front landscaped area: 50% of front open space provided* • *Outdoor clothes drying area to be provided*		The existing private open space in the rear yard is to be retained. The front open space and landscaped area is to be retained. The overall landscaping and tree canopy cover on site will be improved by the proposal.
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* • *Additions to match the style of the original semi-detached dwelling* • *Existing roof form maintained forward of principal ridgeline* • *Use of roof as an attic permitted provided* • *Front verandahs to be maintained*	Yes	There is a proposal for the adjoining semi-detached dwelling at 80 Francis Street, being assessed concurrently. The amended proposal will ensure a cohesive design in accordance with Clause 1.13.1(d) which states that the *style of the built form must be identified and maintained across the pair*. See further discussion below.
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* • *Flat roofs should be only used when not seen in a Heritage Conservation Area* • *Limit the rise of the interface with adjoining semi-detached dwelling to 600mm* • *First floor additions should match the style of*	No, but considered acceptable	The first floor addition is not setback from the principal street frontage, however given the context, this is considered acceptable. See discussion below.

Development Control	Compliance	Comment
the additions on the adjoining semi (if relevant)		
1.13.3 Material finishes and detail for semi-detached dwellings • *Finishes and detailing are to be cohesive with the existing dwelling* • *Historic features of the roofscape are to be incorporated into the addition* • *Dormer roof forms are to match the style of the original 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	The existing pair of semi-detached dwellings are asymmetrical. The proposed materials, finishes and detailing result in the pair being more cohesive. See discussion below.

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

Front and rear building lines

Waverley DCP 2022 Part C1 Section 1.2 *Setbacks* Clause 1.2.1 provides controls for *Front and rear building lines.* There is a fairly predominant front and rear building line for the neighbouring dwellings on Francis Street. However, the subject site is unique as it continues through to Edward Street and it does not follow the configuration of surrounding lots which have a different subdivision pattern. Furthermore, the subject site and adjoining semi-detached dwelling have a greater front setback than the neighbouring properties, which means the existing semi-detached pair extend further towards to the rear than neighbouring properties. **Figure 7** below provides an aerial photo to demonstrate this.

The proposed addition to the semi-detached dwellings does not extend beyond the existing building footprint. The proposed first floor addition is setback from the rear building line of the ground floor level to minimise bulk and scale impacts and provide visual relief for the open space and living areas at adjacent properties, in accordance with Clause 1.2.1 (b).

Clause 1.2.1 (d) states that where there is no predominant front and/or rear building line, greater consideration must be given to compliance with the applicable development standards, landscape controls, side setback controls and visual aspect and amenity impacts of the bulk and scale from

adjoining properties. The proposal complies with the FSR development standard and the height non-compliance relates to the front of the dwelling where the land slopes. The rear of the property is compliant with the height development standard, wall height control, side setback controls and does not have an adverse visual or amenity impact on surrounding properties. Given the surrounding context and the existing subdivision pattern, the proposed front and rear building lines are considered acceptable.



Figure 7: Aerial photo indicating the predominant front and rear building lines of the dwellings on Francis Street in red. The building footprint of the existing semi-detached dwellings is highlighted.

Semi-detached dwellings

The objectives of the Waverley DCP 2022 Part C1 Section 1.13 *Semi-Detached Dwellings* seek to ensure that alterations and additions visually read as a cohesive part of the existing dwelling from the streetscape. Clause 1.13.1(d) states that the style of the built form must be identified and maintained across the pair or group of buildings.

During the assessment process, the application was deferred, and it was recommended that the front façade, particularly the retained elements of the existing façade, be amended to provide a cohesive design for the dwelling individually (i.e. cohesion between the ground and first floor design) and between the adjoining semi-detached pair.

The applicant provided an amended scheme which addressed the above. **Figure 8** below provides a photomontage of the original and amended proposal. While not strictly symmetrical, the amended

proposal incorporates finishes and detailing that provides cohesion and unity in accordance with objectives (a), (b), (c), (d) and (g) of Section 1.13.



Figure 8: Photomontage of the original (left) and amended (right) proposal

While being consistent with the objectives of Section 1.13, the proposal does not comply with some controls in in Clause 1.13.2 *First floor additions to semi-detached dwellings*. Specifically, the first-floor addition is not set back behind the roof ridge line. The non-compliance is considered acceptable because the additions have been designed as a cohesive semi-detached pair, given the development applications are being assessed concurrently. Furthermore, should the first floor be setback behind the roof ridge line, the impact of the first-floor rear building line would be increased. The proposed built form is consistent with the scale of surrounding development when viewed from Francis Street. The proposed additions are considered acceptable.

2.2. Other Impacts of the Development

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

2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.4. Any Submissions

The application was notified for 14 days between 16 July and 1 August 2025 in accordance with the *Community Engagement Strategy Amendment 1 (2025).*

Following receipt of amended plans and additional information, the application not re-notified as the amended form of the proposal related only to the design of the front façade and did not change any impacts on neighbouring properties.

No submissions were received.

2.5. Public Interest

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

3. REFERRALS

The following internal referral comments were sought:

3.1. Stormwater

Council's Stormwater Engineers raised no objection to the proposal, subject to conditions of consent which have been included in the attached recommended conditions.

3.2. Tree Management

Council's Tree Management Officer raised no objection to the proposal, subject to conditions of consent which have been included in the attached recommended conditions.

4. CONCLUSION

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

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Managers of Development Assessment (MODA) Review

The application was reviewed by the MODA at the meeting on 9 and 23 September 2025 and the MODA concurred with the Assessment Planner's recommendation.

MODA members: *B McNamara, B Magistrale, O Navratil, and J Zancanaro*

Report prepared by:	**Application reviewed and agreed by:**

	
Emma Finnegan	Bridget McNamara
Senior Development Assessment Planner	**Manager, Development Assessment**
Date: 29 October 2025	**Date:** 12 November 2025

Reason for WLPP referral:

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

OFFICE USE ONLY

Planning Portal Data	
Clause 4.6 register entry required (For the purposes of reporting to the planning portal, if the % approved is different to the % proposed in the original submission, please state what the variation initially proposed was – Planning Portal Requirement)	17% variation to height (Clause 4.3) [ ] Pre-existing non-compliance [ ] No change to overall building height [ ] No change to overall building envelope [ ] Variation limited to the [lift/plant/parapet/attic] only [X] No unreasonable impacts on the amenity of adjoining properties or streetscape [X] Sufficient environmental planning grounds [X] Consistent with the objectives of the standard [ ] [insert another reason here if required]
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?	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 Barata of Project No: 2401-FRA including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
A001 Rev 2	Site Plan	23/09/2025	23/09/2025
A102 Rev 2	Demolition Ground Floor	23/09/2025	23/09/2025
A103 Rev 2	Demolition Roof Plan	23/09/2025	23/09/2025
A104 Rev 2	Proposed Ground Floor Plan	23/09/2025	23/09/2025
A105 Rev 2	Proposed First Floor Plan	23/09/2025	23/09/2025
A106 Rev 2	Proposed Roof Plan	23/09/2025	23/09/2025
A201 Rev 2	Proposed North East Elevation	23/09/2025	23/09/2025
A202 Rev 2	Proposed South West Elevation	23/09/2025	23/09/2025
A203 Rev 2	Proposed South East Elevation	23/09/2025	23/09/2025
A202 Rev 2	Proposed North West Elevation	23/09/2025	23/09/2025
A300 Rev 2	Proposed Section AA	23/09/2025	23/09/2025
A301 Rev 2	Proposed Section BB	23/09/2025	23/09/2025
A302 Rev 2	Proposed Section CC	23/09/2025	23/09/2025
A303 Rev 2	Proposed Section DD	23/09/2025	23/09/2025
A304 Rev 2	Proposed Section EE	23/09/2025	23/09/2025

(b) Landscape Plan No. A901 Rev 1 and documentation prepared by Barata, dated 3 July 2025 and received by Council on 9 July 2025;

(c) The BASIX and NatHERs Certificate/s;

(d) Schedule of external finishes and colours drawing No. A801 Rev 1 prepared by Barata, dated 3 July 2025 and received by Council on 9 July 2025;

(e) The Site Waste and Recycling Management Plan (SWRMP) Part 1 and received by Council on 9 July 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. 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 are provided in the Waverley Council Contributions Plan, available on Council's website.

(d) As legislated in section 209 of the *Environmental Planning and Assessment Regulation 2021,* the levy must be paid in accordance with the following;

(i) A development valued at $100,000 or less will be exempt from the levy;

(ii) A development valued at $100,001 - $200,000 will attract a levy of 0.5% of the **full** cost of the development; or

(iii) A development valued at more than $200,000 will attract a levy of 1% of the **full** cost of the development.

(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. STREET TREE BOND

A bond of $5,000 is to be paid to Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of and maintenance of the following trees:

(i) One (1) *Lophostemon confertus* (Queensland Brush Box) adjacent to the western boundary, on the grass verge of Edward Street - $5,000 bond

The sum will be forfeited to the Council at its discretion for a breach of these requirements:

(b) Street trees to be inspected twelve (12) months from the issue of the final Occupation Certificate subject to the satisfaction of Council

(c) The $5,000 bond will be refunded twelve (12) months from the issue of the final Occupation Certificate subject to the satisfaction of Council.

(d) If any trees identified to be retained and protected are found to be faulty, damaged, dying, or dead, the full bond amount or part thereof will be forfeited

(e) Council will require the applicant to remove and replace the faulty, damaged, dying, or dead street tree and a new bond will be applied on the replacement street tree.

(f) Proof of purchase of the replacement street tree (if required) must be provided to the Principal Certifier Authority, prior to the issue of any Construction Certificate.

Condition reason: To ensure trees are maintained and protected

9. SECURITY DEPOSIT

(a) Payment to the amount of $20,742.08 must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent. This 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

Temporary structures such as work area protective structures (hoardings), perimeter scaffolding systems and cantilevered scaffolding are often a necessary part of development and maintenance activity. These must be designed and constructed in accordance with the requirements of *Safe Work NSW*.

Where a hoarding is required to be erected over the footpath or any public place, the approval of Council's Building Compliance Department must be obtained and the applicable fees paid, prior to the erection of the hoarding. Details and application form are available on Council's website.

Condition reason: 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 ground floor walls 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.

STORMWATER AND FLOODING

17. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT

To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact on neighbouring properties and downstream systems, 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 Starc Engineering Pty Ltd, Job No. ST24 379, Drawing No. H1.0, H1.1, Revision C, dated 17/02/2025, H1.2, Revision B, dated 17/01/2025 are considered concept only.

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

The stormwater management plans must be updated to be consistent with the architectural drawings.

(a) If replacing, the stormwater discharge within the footpath verge of Francis Street must be hot dipped galvanised steel hollow section with the size of 125mm x 75mm x 4mm (w x h x t). Note a minimum 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 minimum of 500 mm clearance must be provided from the edge of the layback of the vehicular crossing to the edge of the stormwater outlet.

(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.

(c) Piped drainage within all Council land including roads and footways will be laid at minimum 1% gravity fall directed toward the point of discharge.

(d) Any new downpipes must be located wholly within the property's boundary.

(e) Specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.

(f) Detail the proposed pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location.

(g) 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.

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) The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.

(iv) Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block must not be replicated.

(v) Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.

(vi) Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8655 (operational hours between 9.30am to 4pm Monday to Friday). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.

(vii) Evidence from a suitably qualified and practicing Engineer that the approved design has been adhered to must be submitted to and approved by the Principal Certifying Authority (PCA) prior to the issue of the relevant Construction Certificate application.

Condition reason: To ensure that the stormwater system is designed and constructed in accordance with Waverley Council's *Water Management Technical Manual* and will minimise the likelihood of stormwater related issues to the property owner, occupiers, neighbours and broader community.

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

To enable all development to contribute to net zero greenhouse emissions by 2035, the following shall apply:

(a) No gas cooktops, gas ovens and gas heating systems are permitted. Alternate options must be used (such as electric, induction sources).

Additionally, the following are encouraged:

(b) An electric hot water system in all developments. Recommended systems include electric heat pump, solar thermal with electric boost or electric storage.

(c) Swimming pool heating systems to include solar thermal only, solar thermal boosted with electric or electric heat pump.

(d) Lighting systems to include LEDs with controls, such as motion sensors, step-dim controls and daylight sensors.

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

(f) Where rainwater tanks are provided, then:

  (i) Rainwater tanks must be fitted with a first-flush device that causes initial run-off rainwater to bypass the tank, and

  (ii) Rainwater tanks must be fitted with a screened rain head designed to prevent leaf litter entering into the water tank, and

  (iii) All rainwater tanks plumbed for internal water use must have a filter installed to prevent sediment from entering toilets and washing machines, and

  (iv) Pumps attached to the development must be housed in an enclosure that is soundproofed, and

  (v) Rain tanks must have its overflow connected to an existing stormwater drainage system that does not discharge to an adjoining property, or cause a nuisance to adjoining owners

  (vi) Rain tanks must have a sign affixed to it stating the water in it is rainwater

(g) 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 reduce community greenhouse emissions to net zero by 2035, to improve human health, to conserve water 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 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

21. GREEN ROOF LANDSCAPING DETAILS

The Landscape Plan shall comply with the provisions for green roofs contained in Part B3.2.3 of the *Waverley Development Control Plan 2022* including;

(a) Comprise plants that are suitable for the site in relation to the environmental conditions (sun, wind and views) and include indigenous or local native plants to Waverley (see Annexure B2 – 1).

(b) Have a minimum soil depth of 300mm and use lightweight soil mixes that are porous, able to drain freely, and suitable for the selected plant species;

(c) The green roof is to be designed to be a non-trafficable area (with no balustrades) and must be irrigated without requiring frequent maintenance access.

(d) Any access to the roof is to be for servicing purposes only.

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

Details are to be provided on the landscape plans and submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate.

Condition reason: To ensure the landscaping is appropriate for the roof.

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

22. 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.

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.

TREE PROTECTION MEASURES

24. PROTECTIVE TREE FENCING

Before any machinery or materials are brought onto the site and before the commencement of any works including demolition, or in accordance with the Tree Protection Specifications (TPS) as shown on the Tree Protection Plan (TPP) protective fencing shall:

(a) Be erected around each tree nominated for retention and protection.

(b) Remain in place for the duration of the works. It must be secured to restrict access and must not be removed or altered without approval from the on-site arborist.

(c) Be installed in accordance with AS 4687.2:2022 Temporary Fencing and Hoardings

(d) Comprise of 1800mm high chain link wire mesh fixed to 50mm galvanised steel posts.

Notes:

(i) Portable chain link fencing may be installed.

(ii) Chain link portable panels must be securely fixed top and bottom to avoid separation.

(iii) Coloured plastic tape fencing or plain strained fencing wire fixed to steel droppers is unacceptable.

(iv) Existing perimeter fences and other structures may be used as part of the protective fence if suitable.

(v) Signs identifying the Tree Protection Zone (TPZ) should be placed around the edge of the TPZ and be visible from within the development site. The lettering on the sign should conform to AS 1319 -1994 REC:2018 Safety signs for the occupational environment

Condition reason: To create an exclusion zone around the tree throughout the construction to ensure all tree parts are protected.

25. TRUNK AND BRANCH PROTECTION

If protective fencing for trees is not possible, trunk protection is to be installed prior to any works commencing and include:

(a) the placement of 1.8m or less lengths of 75 mm x 40 mm hardwood or pine spaced at 125 mm centres around the trunk secured in place by metal strap bindings or 10-gauge fencing wire fixed at 300 mm centres. Prior to placing battens install a soft protective padding to ends of timbers to prevent damage to bark and conducting tissue.

(b) Trunk protection must remain in place for the duration of all site work.

(c) Tree crowns may be injured by machinery such as excavators, drilling rigs, cranes, trucks, hoarding installation, and scaffolding. The tree protection zone may need to include additional protection of the above ground parts of the tree.

(d) Crown protection may include pruning, branch protection, tying-back of branches, use of flagging to make the branch more visible, or other measures. If pruning is required, requirements are specified in AS 4373 2007 Pruning of Amenity Trees and should be undertaken before the establishment of the TPZ.

(e) Temporary powerlines, stays, guys, structures and the like shall not be attached to the tree (unless specifically permitted in the Tree Protection Specifications (TPS)

Condition reason: To ensure all tree parts are protected throughout the construction.

26. TREE PROTECTION CERTIFICATE

The Arborist engaged for the duration of the project shall undertake an inspection of the site once tree protection measures have been fully installed and prior to any works commencing. An inspection Certificate stating that appropriate tree protection measures have been installed for the trees to be retained and protected shall be submitted to Council and the Principal Certifier.

Condition reason: To ensure trees are protected prior to work commencing.

DEMOLITION & EXCAVATION

27. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

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

(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.

28. CONTROL OF DUST ON CONSTRUCTION SITES

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

(a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray.

(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.

29. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

Prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the *NSW EPA Waste Classification Guidelines 2014* to the satisfaction of the Principal Certifier.

Condition reason: To ensure that contaminated soil not escape the site.

CONSTRUCTION MATTERS

30. 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.

31. STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS

All building materials and any other items associated with the development are to be stored within the property 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.

32. 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)*

33. CONSTRUCTION INSPECTIONS

The building works are to be inspected during construction by the Principal Certifier in accordance with the *Building Legislation Amendment (Quality of Construction) Act 2002*, Part 8 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* and the requirements of any other applicable legislation or instruments.

Condition reason: To ensure regular inspections occur throughout the construction process.

34. CERTIFICATE OF SURVEY – LEVELS

All construction works are to be in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor 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.

35. CERTIFICATE OF SURVEY – BOUNDARIES AND LOCATION OF BUILDING

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

36. 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.

37. 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.

TREE PROTECTION & REMOVAL

38. TREES TO BE RETAINED AND PROTECTED

This schedule outlines which trees are to be retained and protected.

Tree No.	Species	Location	Status	Action
T1	*Lophostemon confertus* (Queensland Brush Box)	Western boundary, grass verge – Edward Street	Protected	Retain and protect
T2	*Archontophoenix cunninghamiana* (Bangalow Palm)	Northeastern corner – 43 Edward Street	Protected	Retain and protect

Condition reason: To clarify the trees approved for removal and those to be protected during the construction of the approved development.

39. PROTECTING TREES ON DEVELOPMENT SITES

(a) Throughout construction, tree protection measures installed are to be retained in accordance with *Waverley Council's Development Control Plan 2022*, the approved Landscape Plan the approved Arborist Report, and *Australian Standard – AS 4970 – 2025* - Protection of Trees on Development Sites

(b) All approved tree work must be carried out by minimum AQF Level 3 arborist in accordance with AS 4373-2007 Pruning of amenity trees.

Condition reason: To ensure the retained trees remain unimpacted by construction.

40. TREE WORK

(a) If any trees on the site or on neighbouring properties require pruning, then permission must be gained from the owner of the tree(s) and an application to Prune or Remove Trees on Private Property (Tree Permit Application) must be submitted to Waverley Council for processing. Application forms are available on Council's website.

(b) If any trees on Council owned land require pruning, the application should be accompanied with a Tree Pruning Report, prepared by an Arborist with AQF level 5 qualification or above. The Report shall include photos showing the branches that need to be removed.

Condition reason: To protect trees during construction.

41. ACTIVITIES GENERALLY EXCLUDED FROM THE TREE PROTECTION ZONE (TPZ)

Activities excluded from the TPZ include but are not limited to:

(a) Excavation, cultivation or disturbance of the soil, including scraping of the surface.

(b) Equipment and material storage.

(c) Preparation of chemicals, including preparation of cement products.

(d) Movement or parking of vehicles and plant.

(e) Dumping of waste.

(f) Spreading or stockpiling of fill.

(g) Refuelling.

(h) Washing down and cleaning of equipment or hard surfaces.

(i) Fires.

(j) Physical damage to the tree.

(k) Soil level changes,

(l) Temporary or permanent installation of utilities and signs, and

(m) Ground compaction.

Activities specified in items (a) to (e) may be permitted with appropriate protection measures, as detailed in the Tree Protection Specifications (TPS) and Tree Protection Plan (TPP)

Condition reason: To ensure precautions are taken when working near trees during construction.

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

42. 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.

43. 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*).

44. CERTIFICATION OF LANDSCAPING

At the completion of all works a certificate is to be submitted to the Principal Certifying Authority from a qualified Landscape and/or Arboriculture Consultant certifying that the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established. If relevant, the waterproofing on any green roof is to be tested and evidence of the test is to be provided with the certification.

Condition reason: Confirmation of plantings.

45. TREE PROTECTION MEASURES TO BE REMOVED

All tree protection shall be removed prior to the issuing of the final Occupation Certificate.

Condition reason: To ensure that the tree can continue to grow post construction.

46. CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE

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.

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 certification/s must be submitted to Council (attention to: Infrastructure Services) for record.

Condition reason: Ensure stormwater drainage system has been constructed or retained as per the approved stormwater management plans.

47. FLOODING REQUIREMENTS

The property is located on flood affected land identified as within the low flood risk precinct under the Council endorsed Waverley LGA Flood Study 2021. The site is expected to be flood affected during very rare events up to the Probable Maximum Flood (PMF).

The evacuation requirements of the development thus must be considered in a separate report prepared prior to the issuance of Occupation Certificate. A copy of the report must be submitted to Waverley Council.

Condition reason: To ensure the development minimises risk to life and damage to property, considers the impacts of the full range of potential floods and ensures that development does not have an unacceptable impact on flood behaviour, people's safety, surrounding properties and structures, and the natural environment.

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 during the course of construction a significant amount of the remaining fabric of the building be required to be removed, works must cease immediately and a new development application will be required to be submitted for assessment.

7. 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. BONDI - ROSE BAY SAND BODY

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

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

9. TREE REMOVAL/PRESERVATION

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

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

10. 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 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.*

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

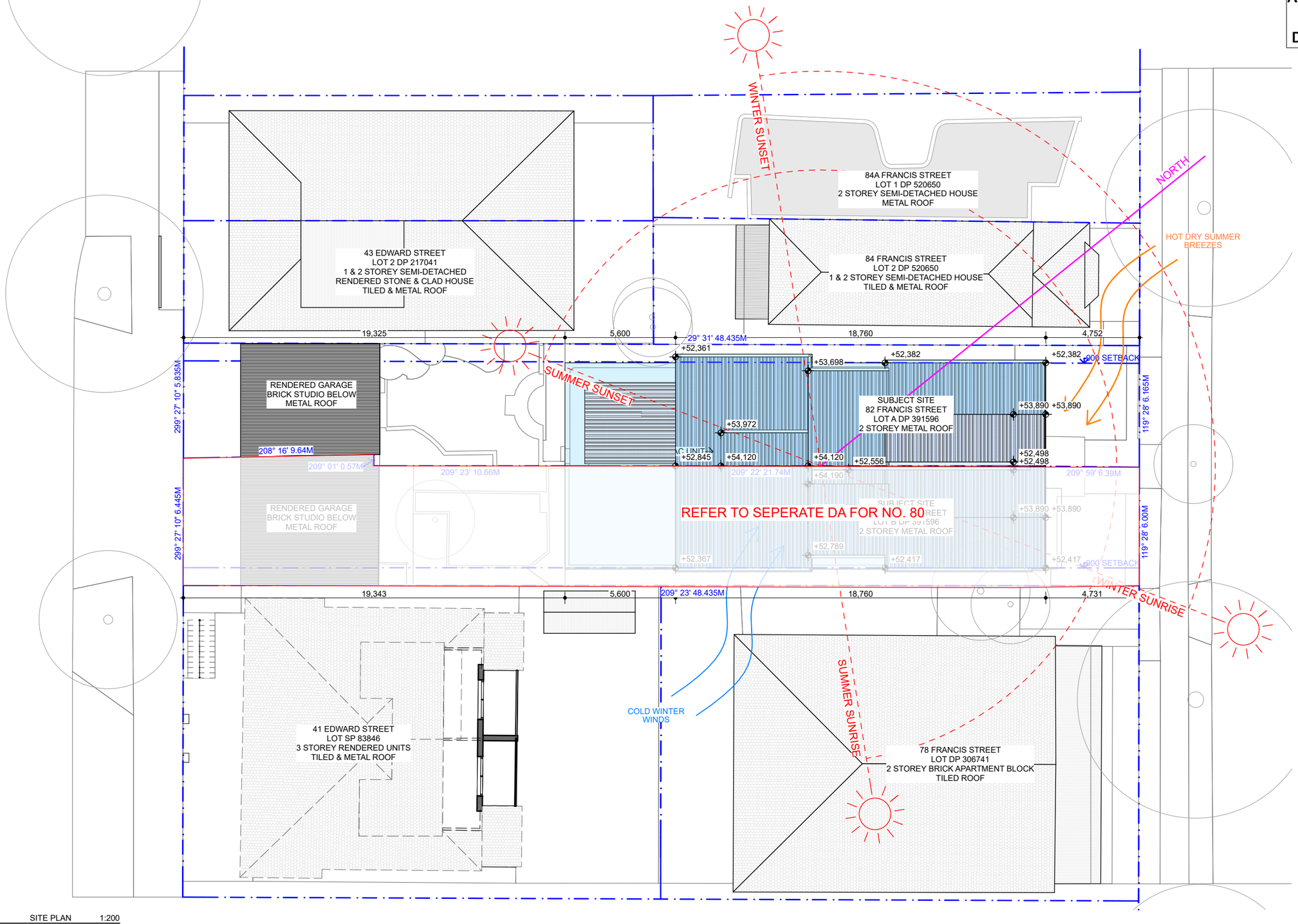
Suitably qualified acoustic consultant means a suitably qualified acoustic consultant means an individual who possesses the qualifications to render them eligible for membership of both the Australian Acoustics Society and Institution of Engineers Australia at the grade of member or an individual who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

AMENDED

RECEIVED
Waverley Council

Application No: DA-321/2025

Date Received: 23/09/2025



SITE PLAN 1:200

NOTES

DRAWINGS FOR DEVELOPMENT APPLICATION ONLY
THE BUILDER SHALL CHECK ALL DIMENSIONS AND LEVELS ON SITE PRIOR TO CONSTRUCTION. NOTIFY ANY ERRORS, DISCREPANCIES OR OMISSIONS TO THE ARCHITECT. REFER TO WRITTEN DIMENSIONS ONLY. DO NOT SCALE DRAWINGS. DRAWINGS SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNTIL ISSUED FOR CONSTRUCTION. THIS DRAWING REFLECTS A DESIGN BY BARATA AND IS TO BE USED ONLY FOR WORK WHEN AUTHORISED IN WRITING BY BARATA.
ALL BOUNDARIES AND CONTOURS ARE SUBJECT TO SURVEY DRAWING. ALL LEVELS TO AUSTRALIAN HEIGHT DATA. IT IS THE CONTRACTORS RESPONSIBILITY TO CONFIRM ALL MEASUREMENTS ON SITE AND LOCATIONS OF ANY SERVICES PRIOR TO WORK ON SITE.
ALL DOCUMENTS HERE WITHIN ARE SUBJECT TO AUSTRALIAN COPYRIGHT LAWS.

REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: S. LINDNER & R. CROWE
SITE: 82 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
SITE PLAN
PROJECT NAME :
82 FRANCIS STREET, BONDI BEACH

REVISION NO.
02
DRAWING NO.
A001
SCALE
1:200

BARATA
10 / 26 SIMPSON STREET BONDI 2026
WWW.BARATA.COM.AU
INFO@BARATA.COM.AU
TEL: 61 (0) 451 154 101 - ARB NO: 9844
692

AMENDED

RECEIVED
Waverley Council

Application No: DA-321/2025

Date Received: 23/09/2025

EXISTING GROUND FLOOR DEMOLITION 1:100

NOTES

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02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:
- DEMOLITION
- NEW WORKS

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: S. LINDNER & R. CROWE
SITE: 82 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
DEMOLITION GROUND FLOOR PLAN
PROJECT NAME :
82 FRANCIS STREET, BONDI BEACH

REVISION NO. **02**
DRAWING NO. **A102**
SCALE **1:100**

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RECEIVED
Waverley Council

Application No: DA-321/2025

Date Received: 23/09/2025

43 EDWARD STREET
LOT 2 DP 217041
1 & 2 STOREY SEMI-DETACHED
RENDERED STONE & CLAD HOUSE
TILED & METAL ROOF

84 FRANCIS STREET
LOT 2 DP 520650
1 & 2 STOREY SEMI-DETACHED HOUSE
TILED & METAL ROOF

29° 31' 48.435M

REAR SETBACK 18,795 | 7,370 | 14,745 | 1,350 | 6,177

REMOVE EXISTING METAL ROOF

REMOVE EXISTING TILED ROOF

119° 28' 6.165M

57M

209° 23' 10.66M

209° 22' 21.74M

209° 59' 6.39M

REMOVE EXISTING METAL ROOF

REFER TO SEPERATE DA FOR NO. 80

REMOVE EXISTING METAL ROOF

119° 28' 6.00M

REAR SETBACK 18,806 | 7,370 | 209° 23' 48.435M | 14,745 | 4,095 | 3,411

METAL SHED

41 EDWARD STREET
LOT SP 83846
3 STOREY RENDERED UNITS
TILED & METAL ROOF

78 FRANCIS STREET
LOT DP 306741
2 STOREY BRICK APARTMENT BLOCK
TILED ROOF

EX ROOF RIDGE 1:100

NOTES

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02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:
- DEMOLITION
- NEW WORKS

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: S. LINDNER & R. CROWE
SITE: 82 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
DEMOLITION ROOF PLAN
PROJECT NAME :
82 FRANCIS STREET, BONDI BEACH

REVISION NO. **02**
DRAWING NO. **A103**
SCALE **1:100**

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694

AMENDED

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Waverley Council

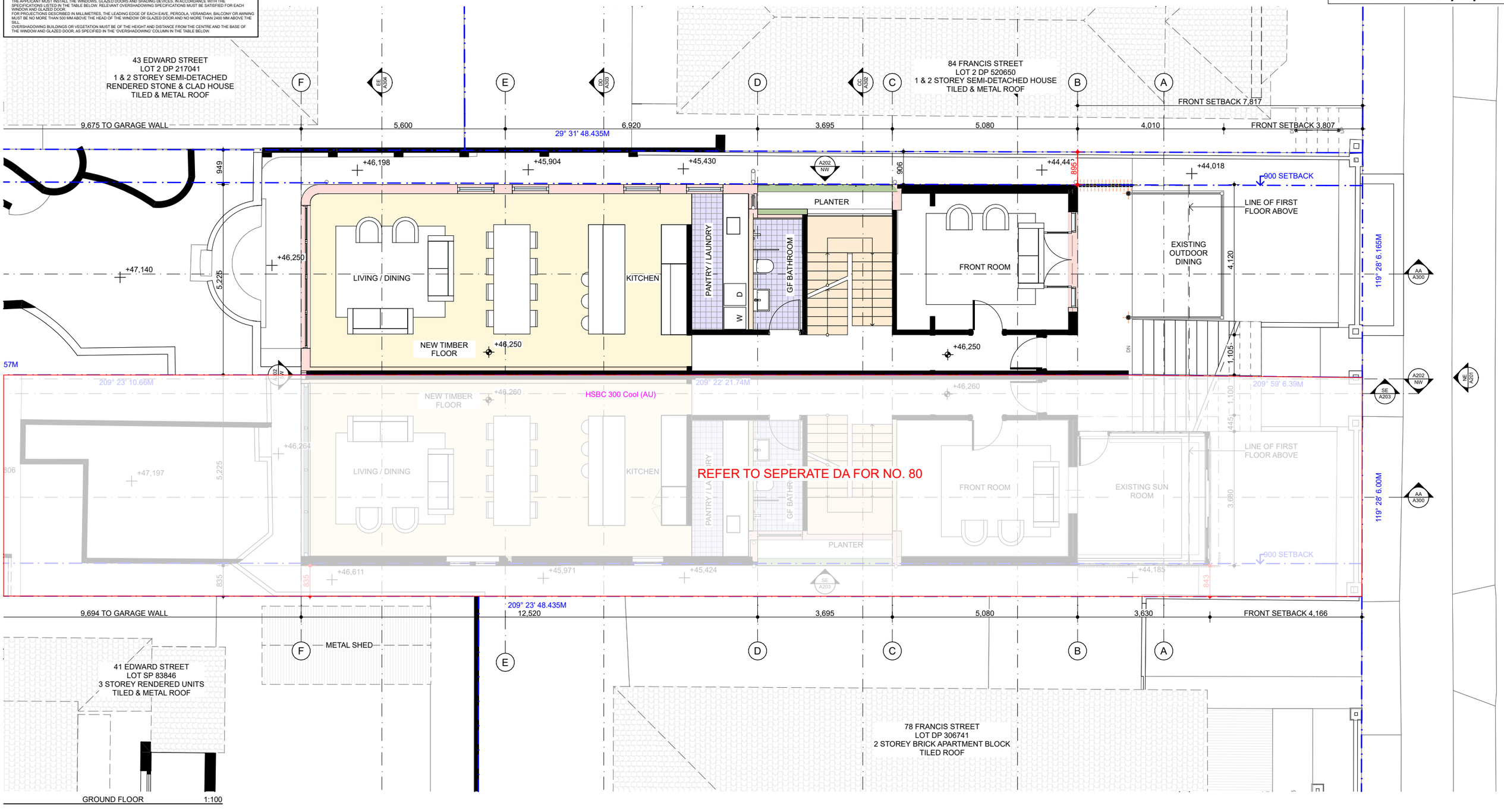
Application No: DA-321/2025

Date Received: 23/09/2025

BASIX REQUIREMENTS

BASIX/NATHERS PROJECT COMMITMENTS

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.
FLOOR ABOVE EXISTING DWELLING OR BUILDING. NIL N/A
EXTERNAL WALL: CAVITY BRICK NIL
EXTERNAL WALL: FRAMED (WEATHERBOARD, FIBRO, METAL CLAD) R1.30 (OR R1.70 INCLUDING CONSTRUCTION)
EXTERNAL WALL: CONCRETE BLOCK/ PLASTERBOARD R1.18 (OR R1.70 INCLUDING CONSTRUCTION)
RAKED CEILING, PITCHED/SKILLION ROOF: FRAMED CEILING: NIL (UP), ROOF: FOIL BACKED BLANKET (100 MM) LIGHT (SOLAR ABSORPTANCE < 0.475)
GLAZING REQUIREMENTS
WINDOWS & 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.
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.
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.



GROUND FLOOR 1:100

NOTES

DRAWINGS FOR DEVELOPMENT APPLICATION ONLY
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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:
TIMBER WALL
TIMBER
BRICK
ROOF TILES
GLASS
ALUMINIUM
CONCRETE
RENDER
SANDSTONE
EARTH
OG OPERABLE GLAZING
FG FIXED GLAZING

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: S. LINDNER & R. CROWE
SITE: 82 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
PROPOSED GROUND FLOOR PLAN
PROJECT NAME :
82 FRANCIS STREET, BONDI BEACH

REVISION NO. **02**
DRAWING NO. **A104**
SCALE **1:100**

BARATA
10 / 26 SIMPSON STREET BONDI 2026
WWW.BARATA.COM.AU
INFO@BARATA.COM.AU
TEL: 61 (0) 451 154 101 - ARB NO: 9844 695

AMENDED

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Waverley Council

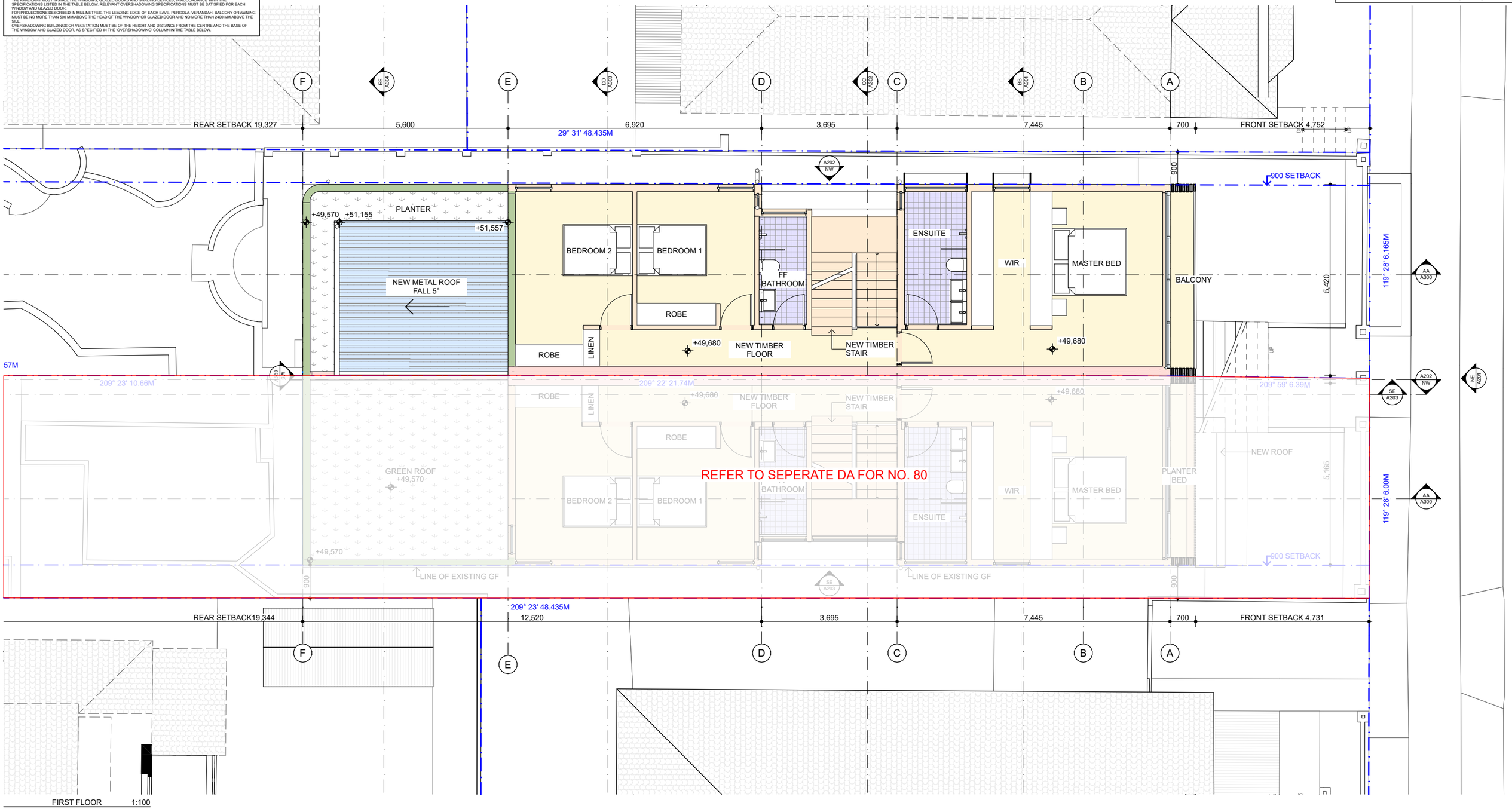
Application No: DA-321/2025

Date Received: 23/09/2025

BASIX REQUIREMENTS

BASIX/NATHERS PROJECT COMMITMENTS

CONSTRUCTION
INSULATION REQUIREMENTS
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EXTERNAL WALL: FRAMED (WEATHERBOARD, FIBRO, METAL CLAD) R1.30 (OR R1.70 INCLUDING CONSTRUCTION)
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FIRST FLOOR 1:100

NOTES

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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:
TIMBER WALL
TIMBER
BRICK
ROOF TILES
GLASS
ALUMINIUM
CONCRETE
RENDER
SANDSTONE
EARTH
OG OPERABLE GLAZING
FG FIXED GLAZING

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: S. LINDNER & R. CROWE
SITE: 82 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
PROPOSED FIRST FLOOR PLAN
PROJECT NAME :
82 FRANCIS STREET, BONDI BEACH

REVISION NO. **02**
DRAWING NO. **A105**
SCALE **1:100**

BARATA
10 / 26 SIMPSON STREET BONDI 2026
WWW.BARATA.COM.AU
INFO@BARATA.COM.AU
TEL: 61 (0) 451 154 101 - ARB NO: 9844
696

AMENDED

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Waverley Council

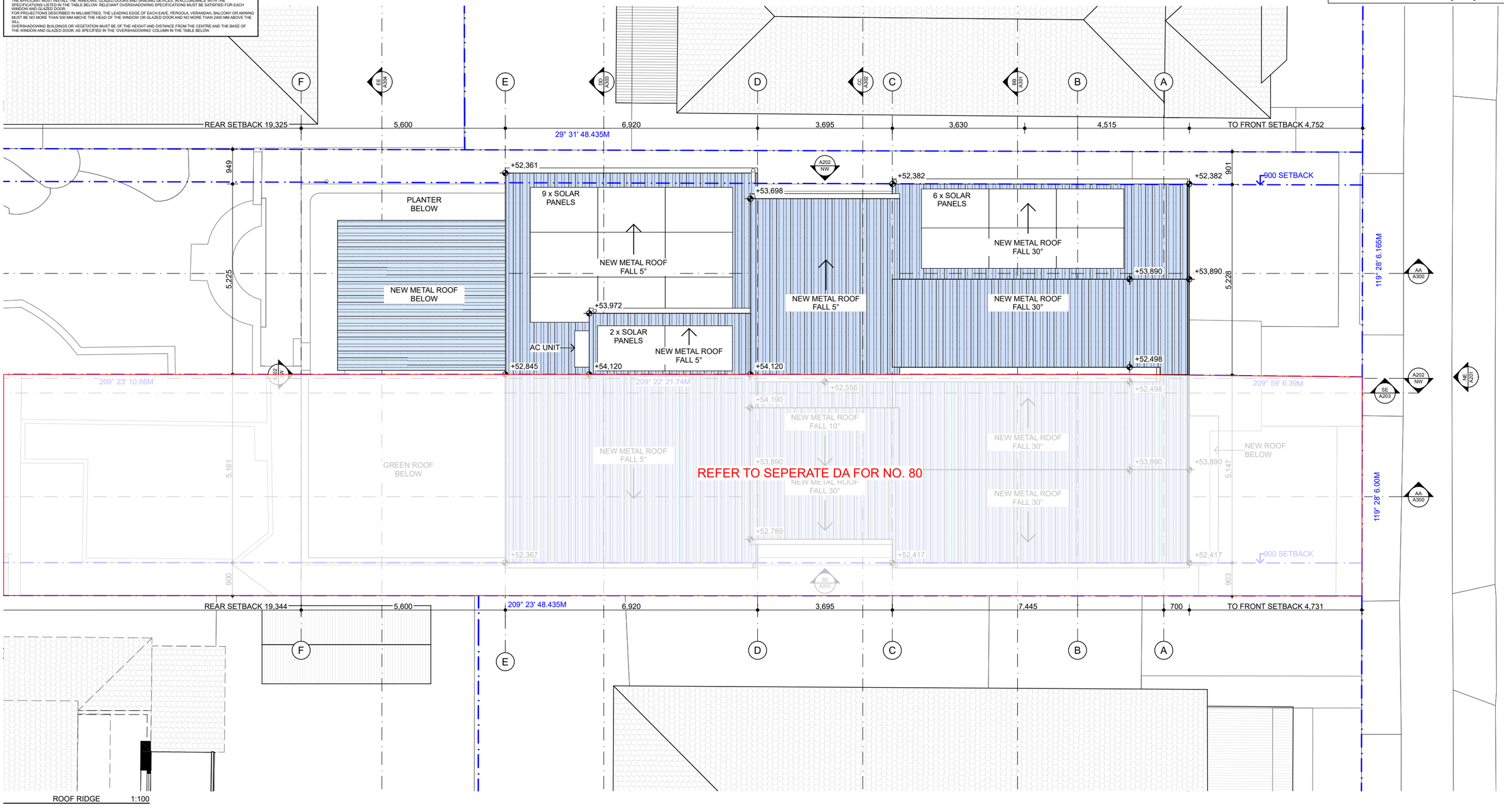
Application No: DA-321/2025

Date Received: 23/09/2025

BASIX REQUIREMENTS

BASIX/NATHERS PROJECT COMMITMENTS

CONSTRUCTION
INSULATION REQUIREMENTS
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FLOOR ABOVE EXISTING DWELLING OR BUILDING. NIL N/A
EXTERNAL WALL: CAVITY BRICK NIL
EXTERNAL WALL: FRAMED (WEATHERBOARD, FIBRO, METAL CLAD) R1.30 (OR R1.70 INCLUDING CONSTRUCTION)
EXTERNAL WALL: CONCRETE BLOCK/ PLASTERBOARD R1.18 (OR R1.70 INCLUDING CONSTRUCTION)
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NOTES

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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:
TIMBER WALL
TIMBER
BRICK
ROOF TILES
GLASS
ALUMINIUM
CONCRETE
RENDER
SANDSTONE
EARTH
OG OPERABLE GLAZING
FG FIXED GLAZING

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: S. LINDNER & R. CROWE
SITE: 82 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
PROPOSED ROOF PLAN
PROJECT NAME :
82 FRANCIS STREET, BONDI BEACH

REVISION NO.
02
DRAWING NO.
A106
SCALE
1:100

BARATA
10 / 26 SIMPSON STREET BONDI 2026
WWW.BARATA.COM.AU
INFO@BARATA.COM.AU
TEL: 61 (0) 451 154 101 - ARB NO: 9844 697

BASIX REQUIREMENTS

BASIX/NATHERS PROJECT COMMITMENTS

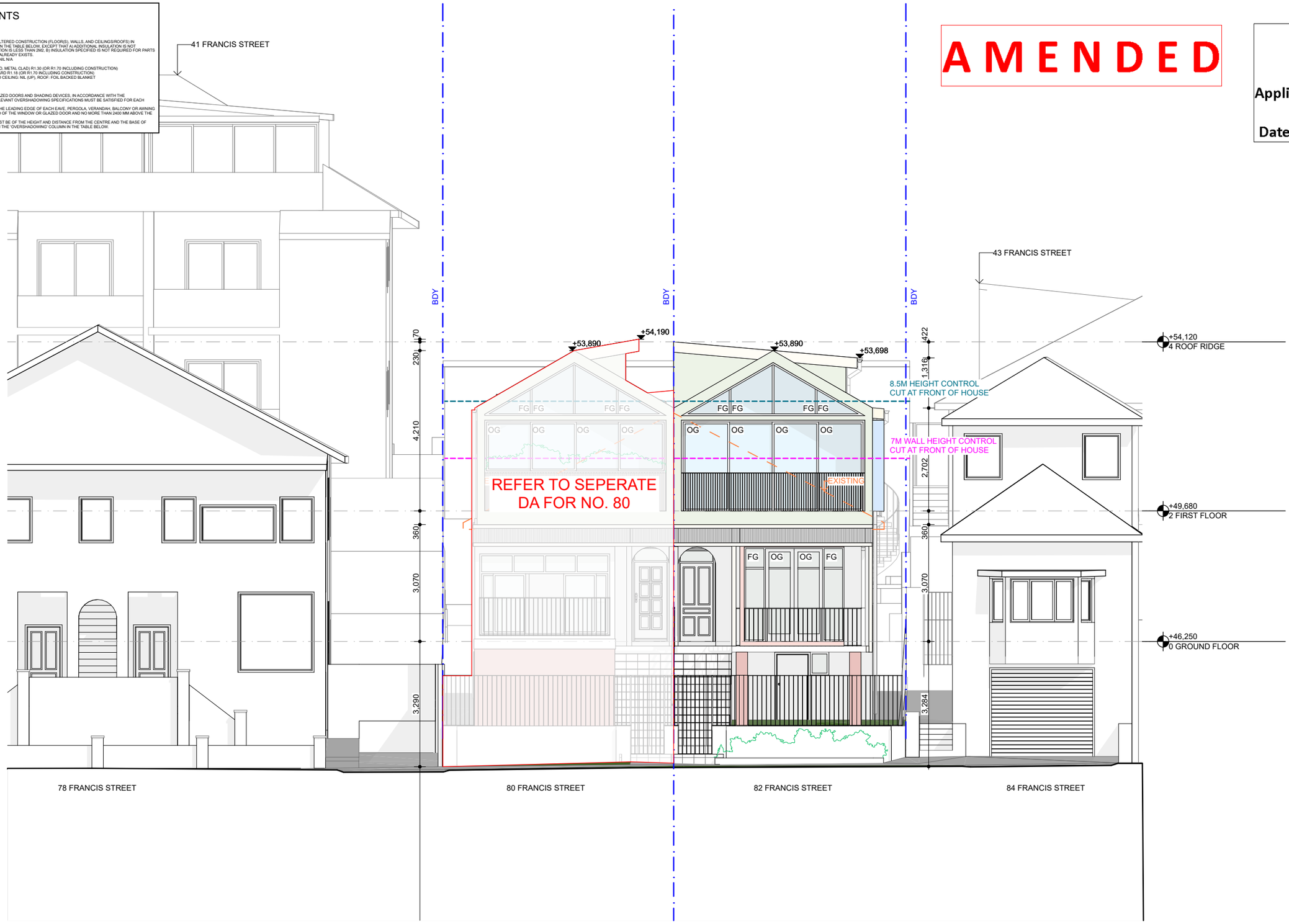
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Waverley Council

Application No: DA-321/2025

Date Received: 23/09/2025



NE ELEVATION 1:100

NOTES

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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:
TIMBER WALL
TIMBER
BRICK
ROOF TILES
GLASS
ALUMINIUM
CONCRETE
RENDER
SANDSTONE
EARTH
OG OPERABLE GLAZING
FG FIXED GLAZING

DRAWN | CHECKED: EB / ML
DATE: 27/10/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: S. LINDNER & R. CROWE
SITE: 82 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
PROPOSED NORTH EAST ELEVATION
PROJECT NAME :
82 FRANCIS STREET, BONDI BEACH

REVISION NO. **02**
DRAWING NO. **A201**
SCALE **1:100**

BARATA
10 / 26 SIMPSON STREET BONDI 2026
WWW.BARATA.COM.AU
INFO@BARATA.COM.AU
TEL: 61 (0) 451 154 101 - ARB NO: 9844
698

AMENDED

RECEIVED
Waverley Council

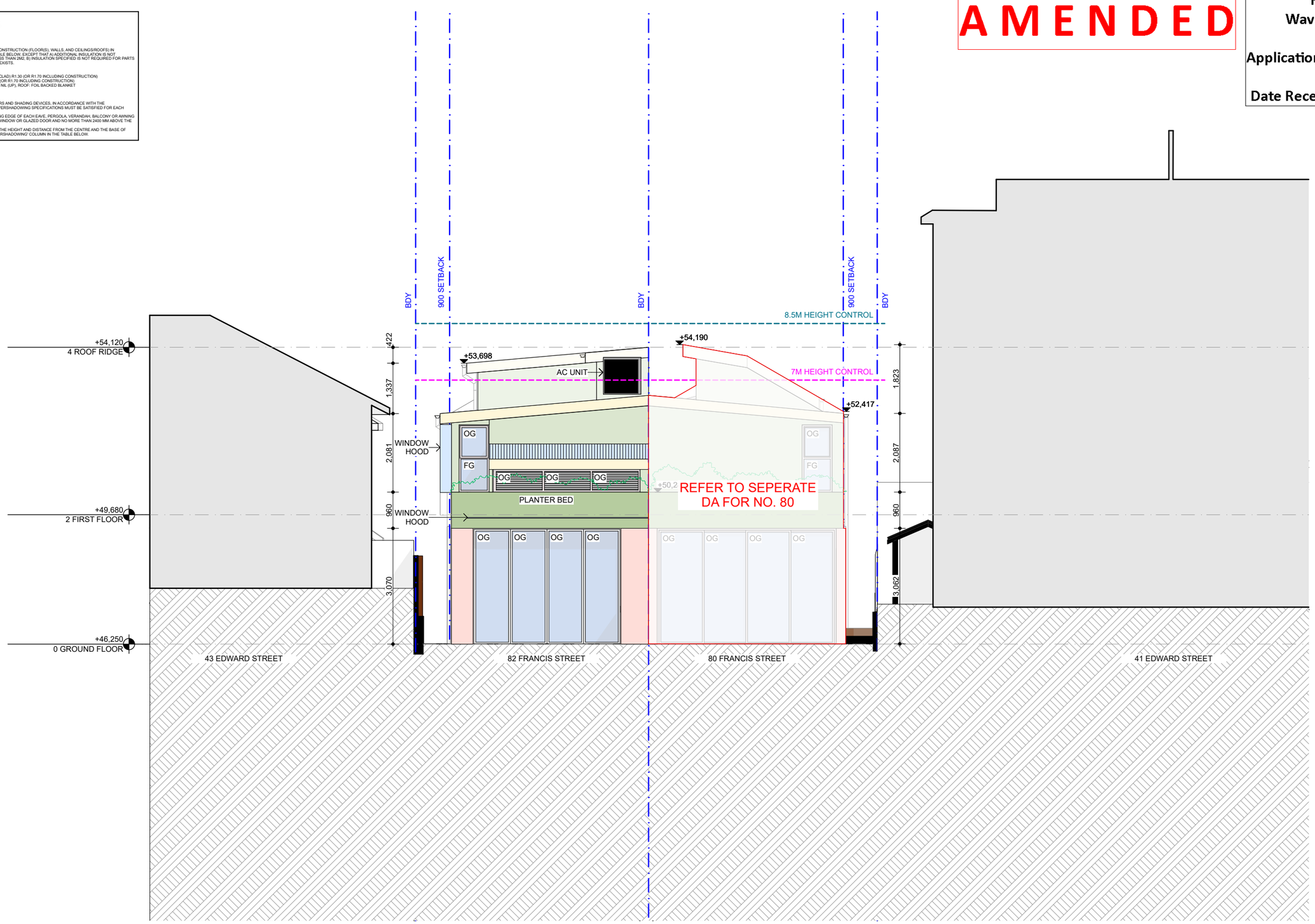
Application No: DA-321/2025

Date Received: 23/09/2025

BASIX REQUIREMENTS

BASIX/NATHERS PROJECT COMMITMENTS

CONSTRUCTION
INSULATION REQUIREMENTS
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EXTERNAL WALL: FRAMED (WEATHERBOARD, FIBRO, METAL CLAD) R1.30 (OR R1.70 INCLUDING CONSTRUCTION)
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SW ELEVATION 1:100

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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:
TIMBER WALL
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OG OPERABLE GLAZING
FG FIXED GLAZING

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: S. LINDNER & R. CROWE
SITE: 82 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
PROPOSED SOUTH WEST ELEVATION
PROJECT NAME :
82 FRANCIS STREET, BONDI BEACH

REVISION NO.
02
DRAWING NO.
A202
SCALE
1:100

BARATA
10 / 26 SIMPSON STREET BONDI 2026
WWW.BARATA.COM.AU
INFO@BARATA.COM.AU
TEL: 61 (0) 451 154 101 - ARB NO: 9844 699

BASIX REQUIREMENTS

BASIX/NATHERS PROJECT COMMITMENTS

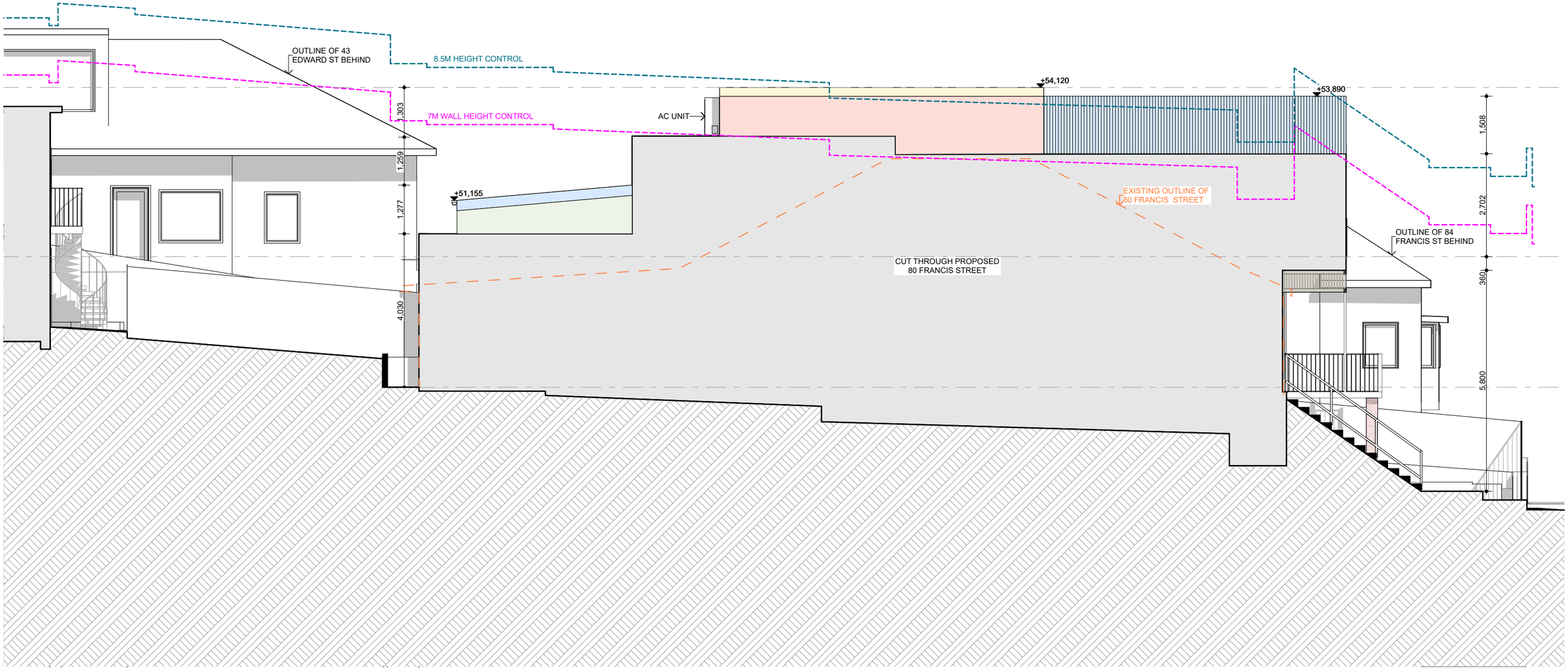
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AMENDED

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Waverley Council

Application No: DA-321/2025

Date Received: 23/09/2025



SE ELEVATION 1:100

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LEGEND:
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- FG FIXED GLAZING

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: S. LINDNER & R. CROWE
SITE: 82 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
PROPOSED SOUTH EAST ELEVATION
PROJECT NAME :
82 FRANCIS STREET, BONDI BEACH

REVISION NO.
02
DRAWING NO.
A203
SCALE
1:100

BARATA
10 / 26 SIMPSON STREET BONDI 2026
WWW.BARATA.COM.AU
INFO@BARATA.COM.AU
TEL: 61 (0) 451 154 101 - ARB NO: 9844
700

BASIX REQUIREMENTS

BASIX/NATHERS PROJECT COMMITMENTS

CONSTRUCTION
INSULATION REQUIREMENTS
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EXTERNAL WALL: CAVITY BRICK NIL
EXTERNAL WALL: FRAMED (WEATHERBOARD, FIBRO, METAL CLAD) R1.30 (OR R1.70 INCLUDING CONSTRUCTION)
EXTERNAL WALL: CONCRETE BLOCK/ PLASTERBOARD R1.18 (OR R1.70 INCLUDING CONSTRUCTION)
RAKED CEILING, PITCHED/SKILLION ROOF: FRAMED CEILING: NIL (UP), ROOF: FOIL BACKED BLANKET (100 MM) LIGHT (SOLAR ABSORPTANCE < 0.475)
GLAZING REQUIREMENTS
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AMENDED

RECEIVED
Waverley Council

Application No: DA-321/2025

Date Received: 23/09/2025



NW ELEVATION 1:100

NOTES

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02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:
TIMBER WALL
TIMBER
BRICK
ROOF TILES
GLASS
ALUMINIUM
CONCRETE
RENDER
SANDSTONE
EARTH
OG OPERABLE GLAZING
FG FIXED GLAZING

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: S. LINDNER & R. CROWE
SITE: 82 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
PROPOSED NORTH WEST ELEVATION
PROJECT NAME :
82 FRANCIS STREET, BONDI BEACH

REVISION NO. **02**
DRAWING NO. **A202**
SCALE **1:100**

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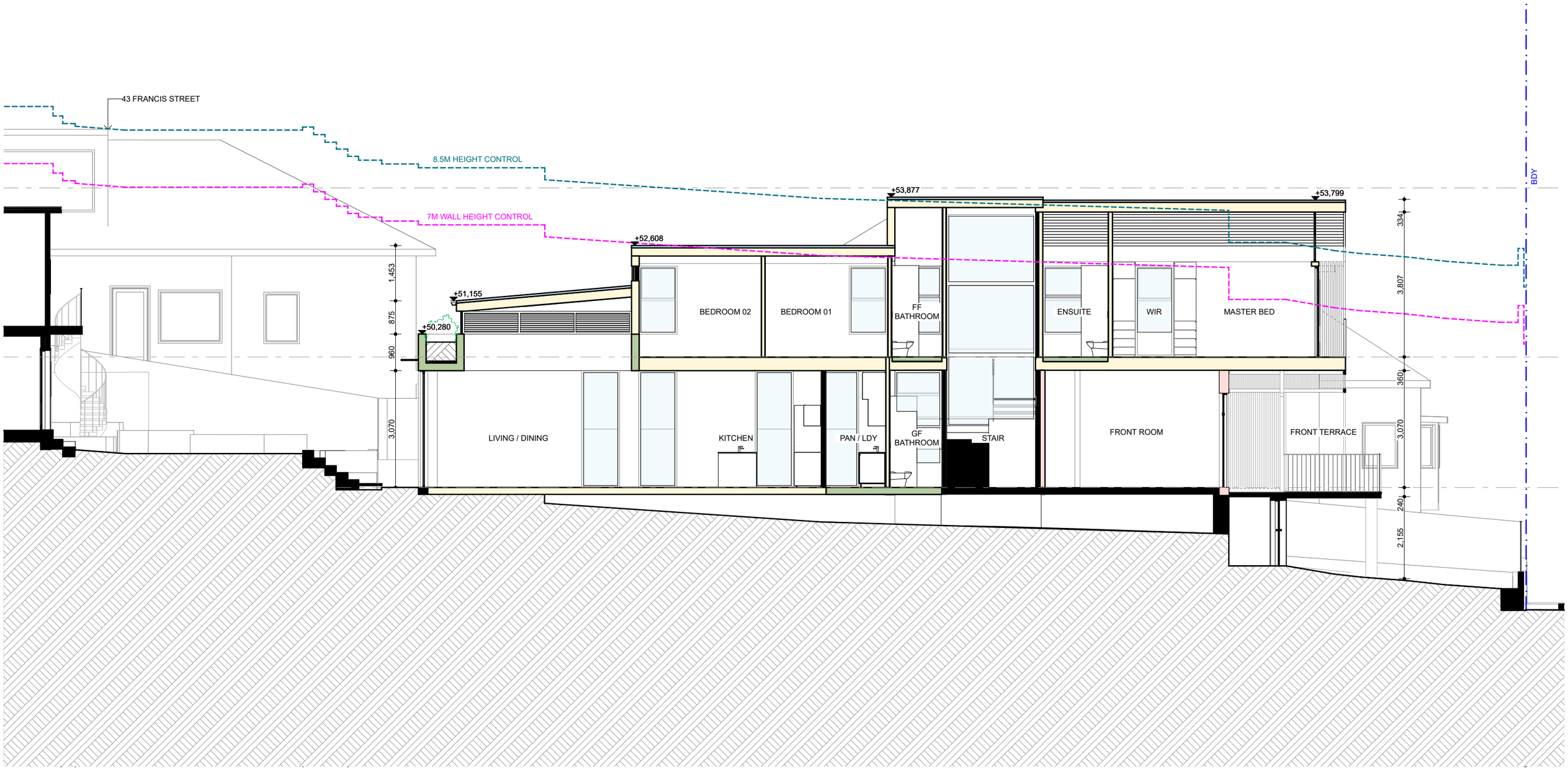
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AA SECTION (82) 1:100

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DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
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CLIENT: S. LINDNER & R. CROWE
SITE: 82 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
PROPOSED SECTION AA
PROJECT NAME :
82 FRANCIS STREET, BONDI BEACH

REVISION NO.
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DRAWING NO.
A300
SCALE
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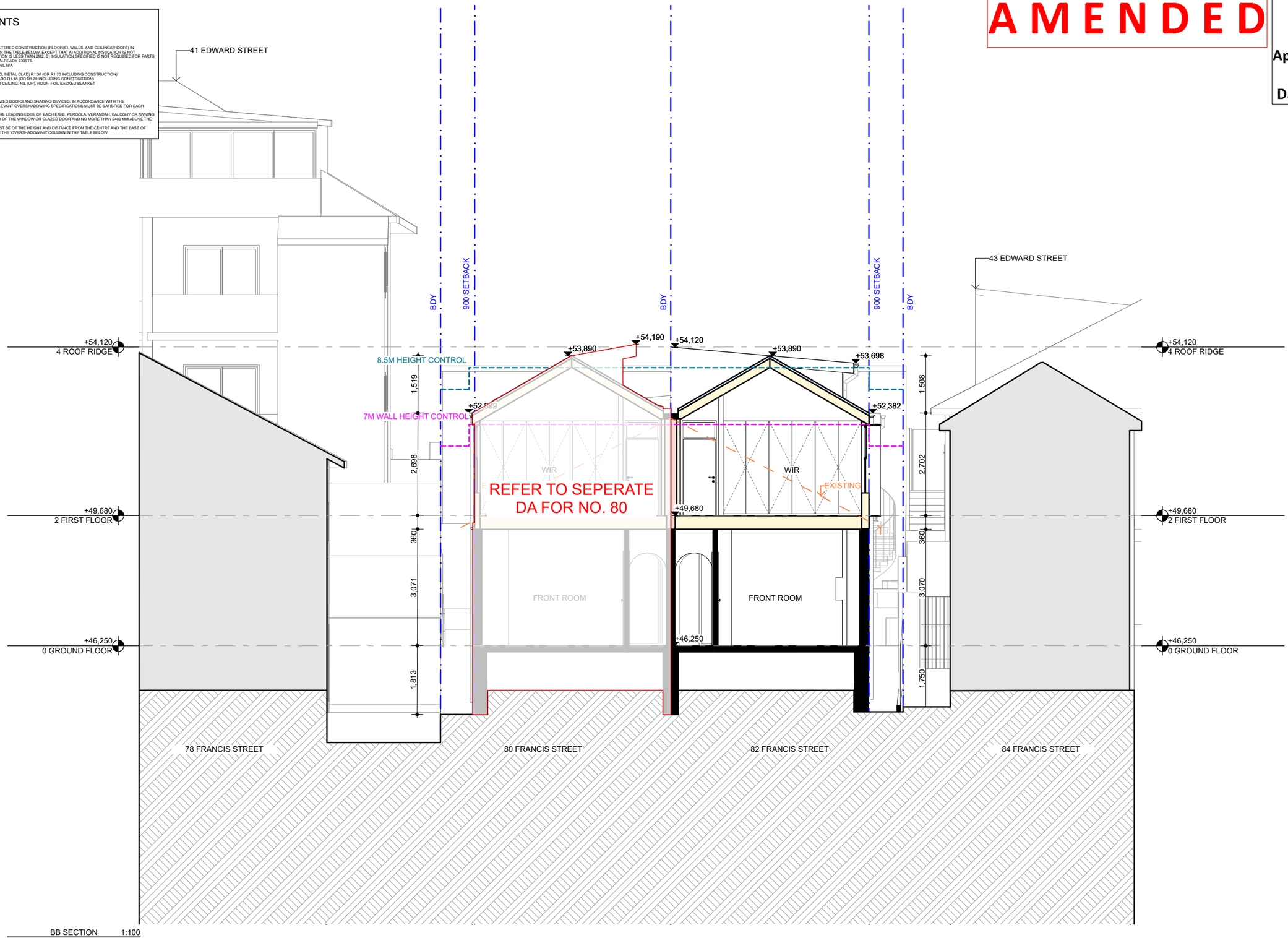
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BB SECTION 1:100

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PROJECT STATUS: DA

CLIENT: S. LINDNER & R. CROWE
SITE: 82 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
PROPOSED SECTION BB
PROJECT NAME :
82 FRANCIS STREET, BONDI BEACH

REVISION NO.
02
DRAWING NO.
A301
SCALE
1:100

BARATA
10 / 26 SIMPSON STREET BONDI 2026
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AMENDED

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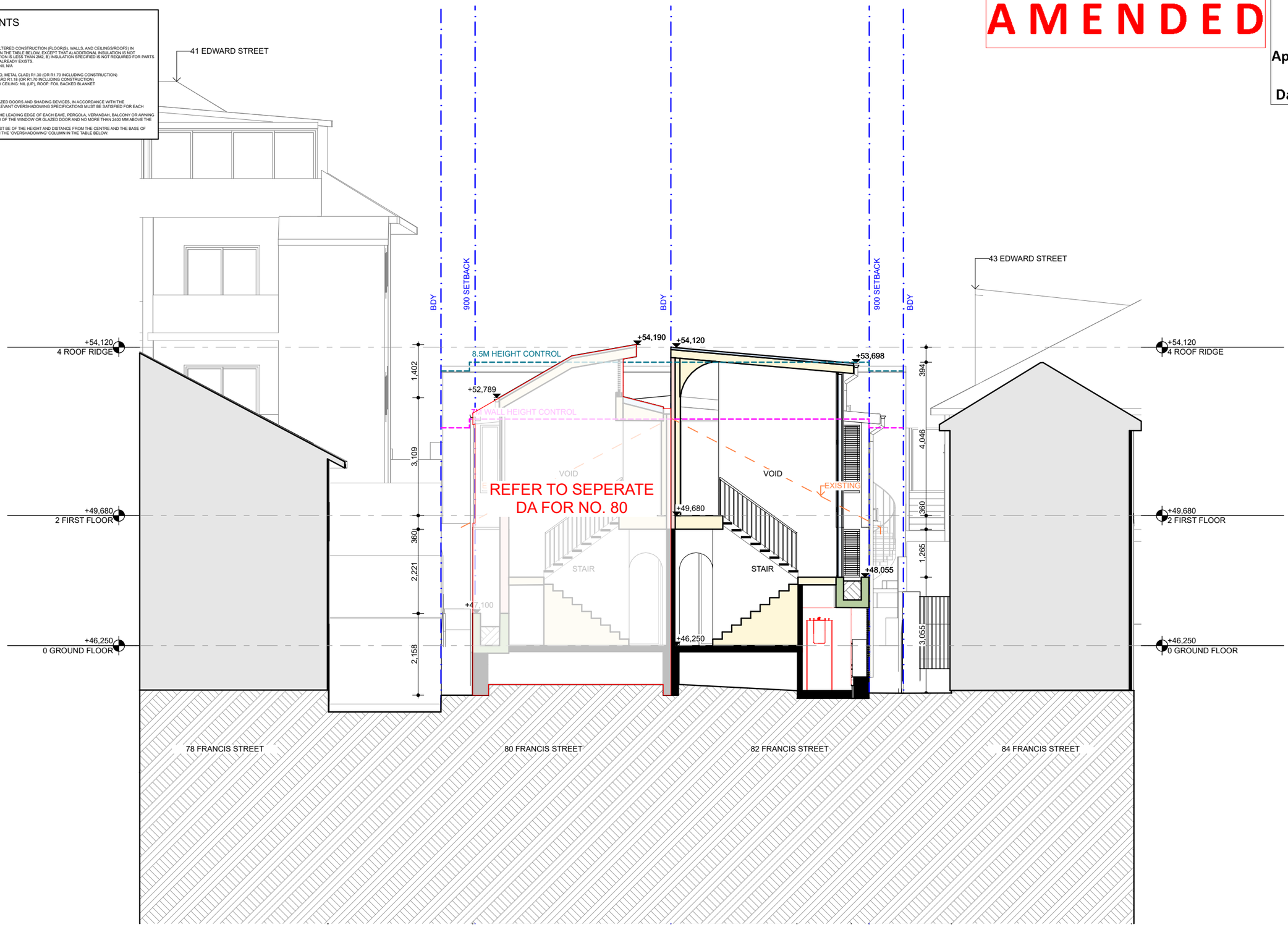
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CC SECTION 1:100

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DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: S. LINDNER & R. CROWE
SITE: 82 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
PROPOSED SECTION CC
PROJECT NAME :
82 FRANCIS STREET, BONDI BEACH

REVISION NO.
02
DRAWING NO.
A302
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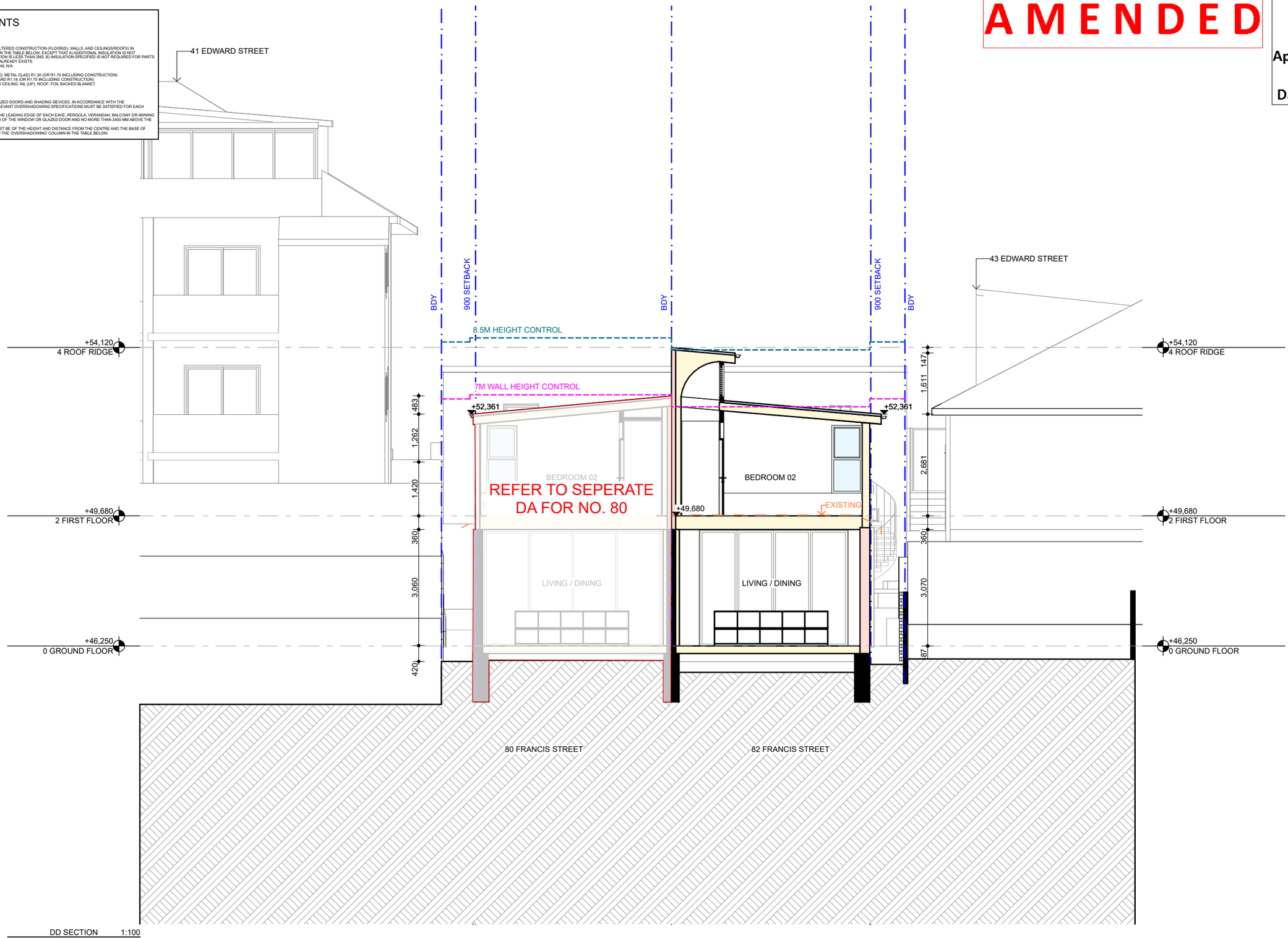
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DD SECTION 1:100

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82 FRANCIS STREET, BONDI BEACH

REVISION NO.
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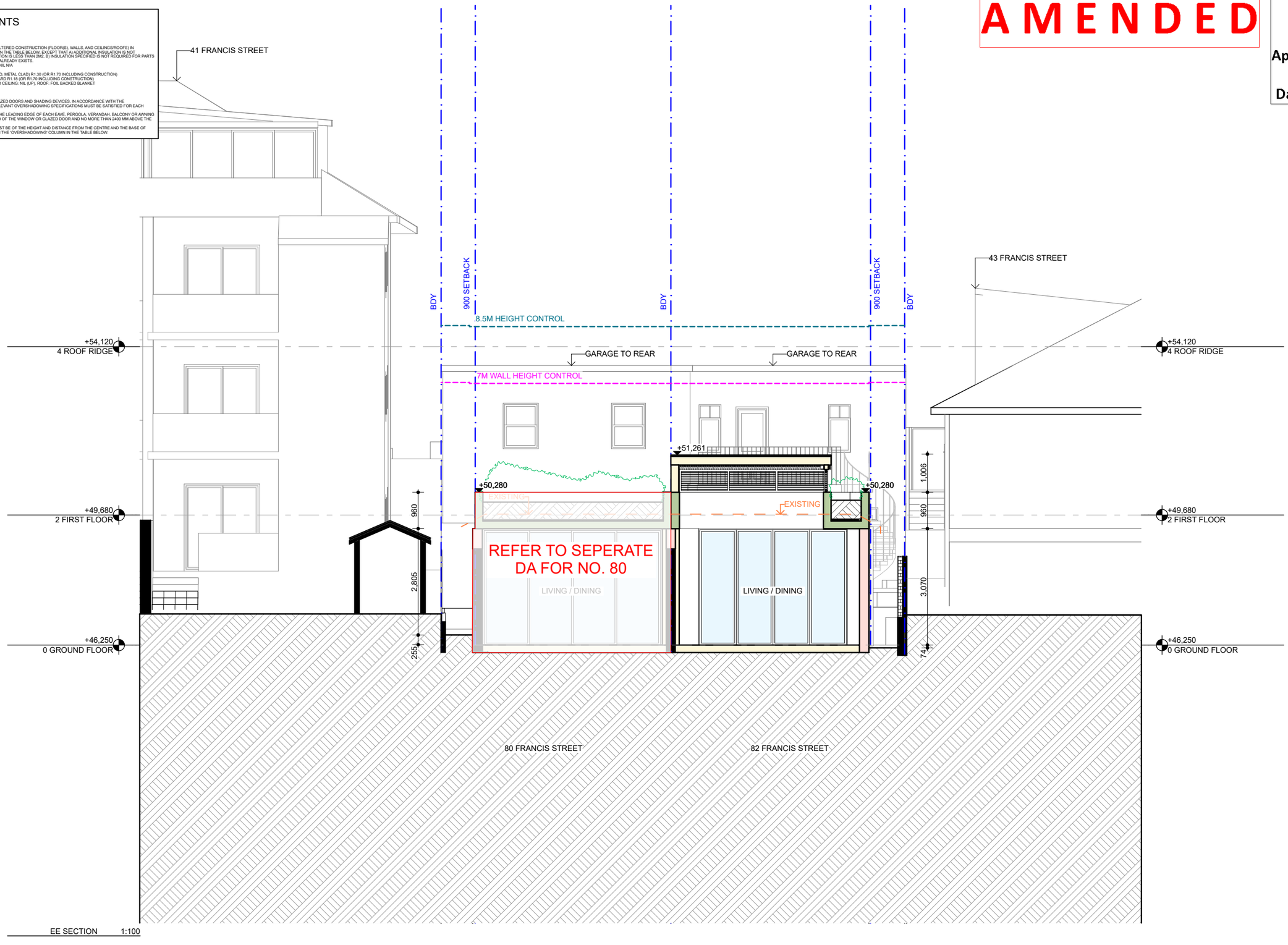
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EE SECTION 1:100

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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: S. LINDNER & R. CROWE
SITE: 82 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
PHOTOMONTAGE FRONT VIEW
PROJECT NAME :
82 FRANCIS STREET, BONDI BEACH

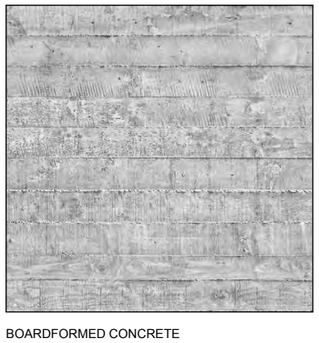
REVISION NO.
02
DRAWING NO.
A005
SCALE

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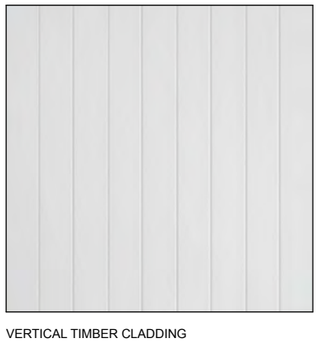
Date Received: 09/07/2025



BOARDFORMED CONCRETE



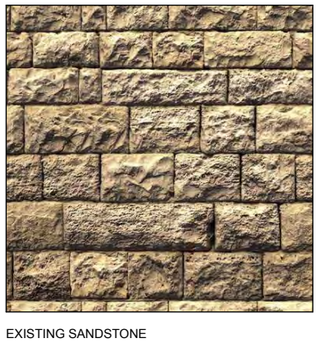
BAGGED BRICKWORK



VERTICAL TIMBER CLADDING



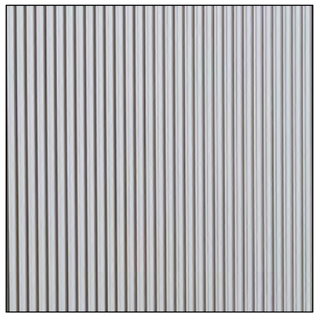
TEXTURED RENDERED WALL



EXISTING SANDSTONE



CUSTOM ORB METAL ROOF



REED GLASS FOR OBSURED GLAZING



VERTICAL TIMBER SCREENS



WINDOW HOODS

NOTES

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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	3/7/2025

LEGEND:

DRAWN | CHECKED: EB / ML
DATE: 3/7/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: S. LINDNER & R. CROWE
SITE: 82 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
SCHEDULE OF EXTERNAL FINISHES
PROJECT NAME :
82 FRANCIS STREET, BONDI BEACH

REVISION NO.
01
DRAWING NO.
A801
SCALE

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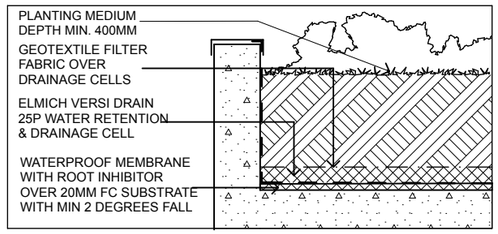
Receipt No: DA-321/2025

Date Received: 09/07/2025

BOTANIC NAME	COMMON NAME	MATURE SIZE	CODE	QTY
SHRUBS (MEDIUM - LARGE)				
LEPTOSPERMUM POLYGALIFOLIUM	PINK FIVE CORNERS	1.0M - 3.0M	LP	1
ANGOPHORA HISPIDA	DWARF APPLE	1.0M - 7.0M	AH	1
HAKEA TERETIFOLIA	DAGGER HAKEA	1.0M - 3.0M	HT	3
SHRUBS (SMALL - MEDIUM)				
WESTRINGIA FRUTICOSA	COSTAL ROSEMARY	1.0M - 2.0M	WF	4
MONOTOCA ELLIPTICA	TREE BROOMED HEATH	1.0M - 8.0M	ME	3
CALLISTEMON CITRINUS	CRIMSON BOTTLEBRUSH	1.0M - 4.0M	CC	4
ACACIA ULICIFOLIA	PRICKLY MOSES	0.5M - 2.0M	AU	2
ACACIA SUAVEOLENS	SWEET WATTLE	1.0M - 3.0M	AS	2
BAECKEA IMBRICATA	BAECKEA	0.5M - 1.0M	BI	2
GRASSES/SEDGES				
XANTHORRHOEA RESINOSA	GRASS TREE	1.0M - 1.5M	XR	2
FICINIA NODOSA	KNOBBY CLUB RUSH	0.5M - 1.0M	FN	1
CLIMBERS / GROUND COVER				
PANDOREA	WONGA WONGA VINE	0.5M - 4.5M	P	3
BILLARDIERA SCANDENS	HAIRY APPLE BERRY	0.3M - 1.5M	BS	5
VIOLA HEDERACEA	NATIVE VIOLET	0.1M - 0.2M	VH	6

LANDSCAPE CALCULATIONS

ITEM	CONTROL	PROPOSED
1.OPEN SPACE	40%	51.3% (104.38SQM)
2.LANDSCAPE AREA	20%	23.8% (70.01SQM)
3.RECREATION AREA	25SQM	AS EXISTING SQM
4.PRIVATE OPEN SPACE	5MX5M	(OUTLINED ON PLAN)
5.OPEN SPACE FRONT OF PRIMARY BOUNDARY	50%	100% (23SQM)
6.OF SPACE TO BE LANDSCAPE	50%	100% (23SQM)
7.OUTDOOR CLOTHES LINE	-	OUTLINED ON PLAN



TYPICAL CONCRETE PLANTER DETAIL

SHRUBS - MEDIUM LARGE



LEPTOSPERMUM POLYGALIFOLIUM



ANGOPHORA HISPIDA



HAKEA TERETIFOLIA (*)

SHURBS - SMALL MEDIUM



WESTRINGIA FRUTICOSA (**)



MONOTOCA ELLIPTICA (**)



CALLISTEMON CITRINUS (**)



ACACIA ULICIFOLIA (*)



ACACIA SUAVEOLENS (*)



BAECKEA IMBRICATA (**)

GRASSES / SEDGES



XANTHORRHOEA RESINOSA



FICINIA NODOSA

CLIMBERS / GROUND COVER



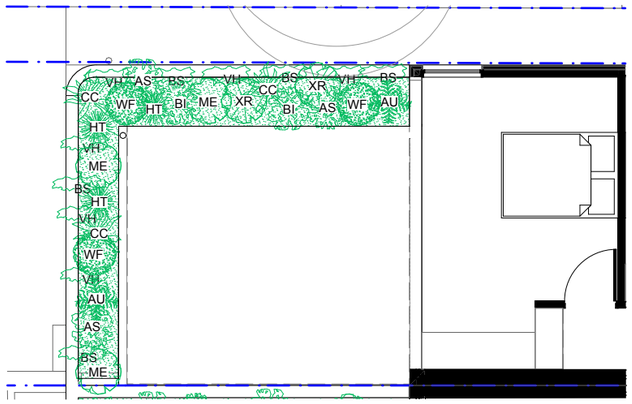
PANDOREA (*)



BILLARDIERA SCANDENS (*)



VIOLA HEDERACEA



LANDSCAPE FIRST FLOOR PLAN 1:100



LANDSCAPE GROUND FLOOR PLAN 1:100

NOTES

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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	3/7/2025

LEGEND:

DRAWN | CHECKED: EB / ML
DATE: 3/7/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: S. LINDNER & R. CROWE
SITE: 82 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
LANDSCAPE PLAN
PROJECT NAME :
82 FRANCIS STREET, BONDI BEACH

REVISION NO. **01**
DRAWING NO. **A901**
SCALE **1:100**

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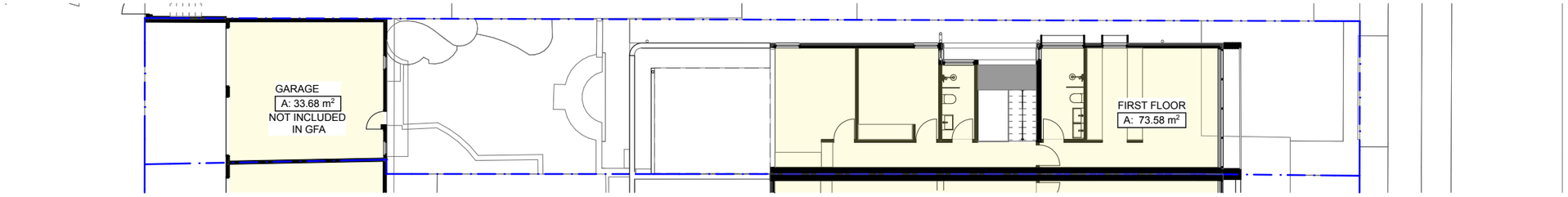
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Receipt No: DA-321/2025

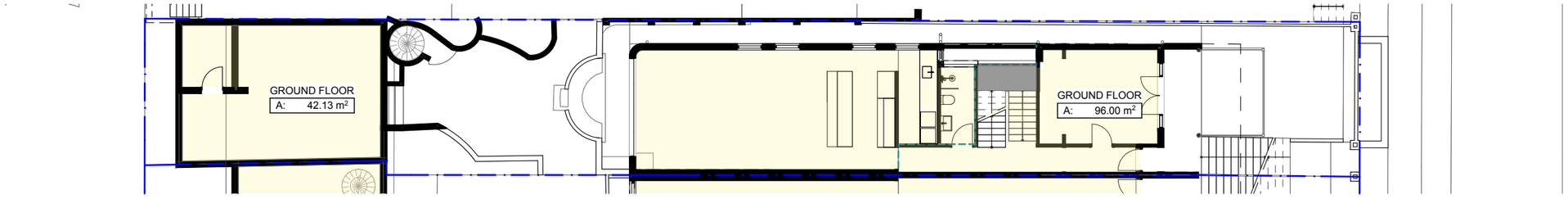
Date Received: 09/07/2025

COMPLIANCE TABLE
LOT A DP 391596
82 FRANCIS STREET, BONDI BEACH

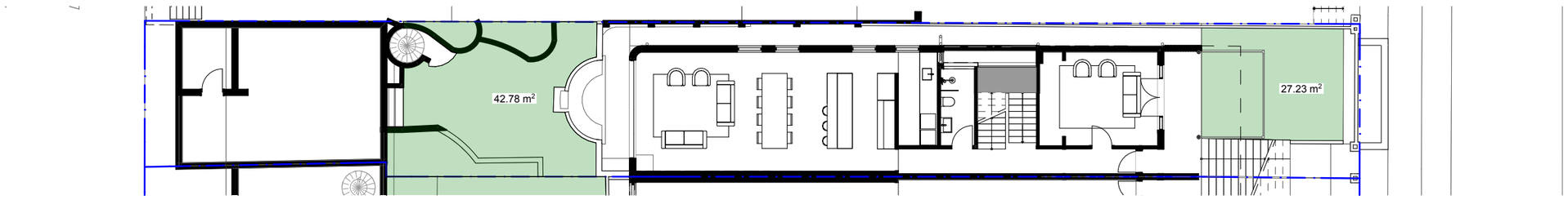
PROJECT ZONE: SITE AREA:	R2 293.9 SQM	
	CONTROLS	PROPOSED
FSR: GFA: HEIGHT LIMIT: LANDSCAPE AREA: PRIVATE OPEN SPACE:	0.78171:1 229.74 SQM 8.5M 20% 58.78 SQM 40% 117.56 SQM	YES 0.72:1 YES 211.71 SQM NO VARIES YES 23.8% 70.01 SQM YES 43.68% 128.4 SQM



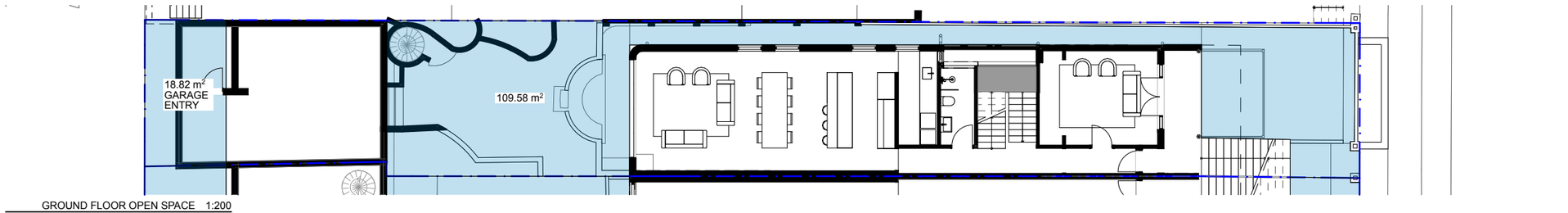
FIRST FLOOR GFA 1:200



GROUND FLOOR GFA 1:200



GROUND FLOOR LANDSCAPE 1:200



GROUND FLOOR OPEN SPACE 1:200

NOTES

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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	3/7/2025

LEGEND:
- LANDSCAPE AREA
- OPEN SPACE
- GFA

DRAWN | CHECKED: EB / ML
DATE: 3/7/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: S. LINDNER & R. CROWE
SITE: 82 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
COMPLIANCE TABLE GFA, LANDSCAPE & OPEN SPACE
PROJECT NAME :
82 FRANCIS STREET, BONDI BEACH

N

REVISION NO.
01
DRAWING NO.
A101
SCALE
1:200

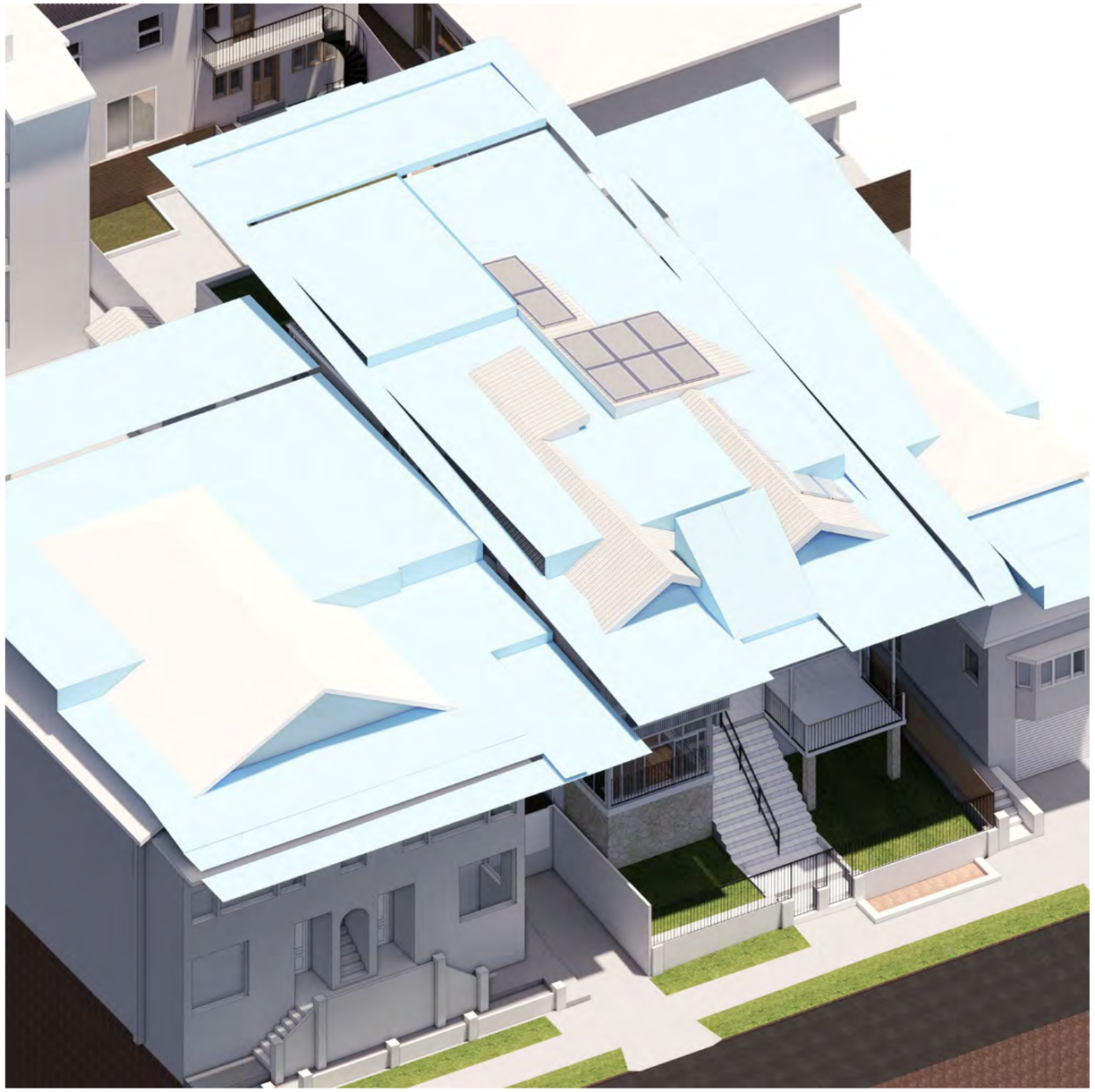
BARATA
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INFO@BARATA.COM.AU
TEL: 61 (0) 451 154 101 - ARB NO: 9844

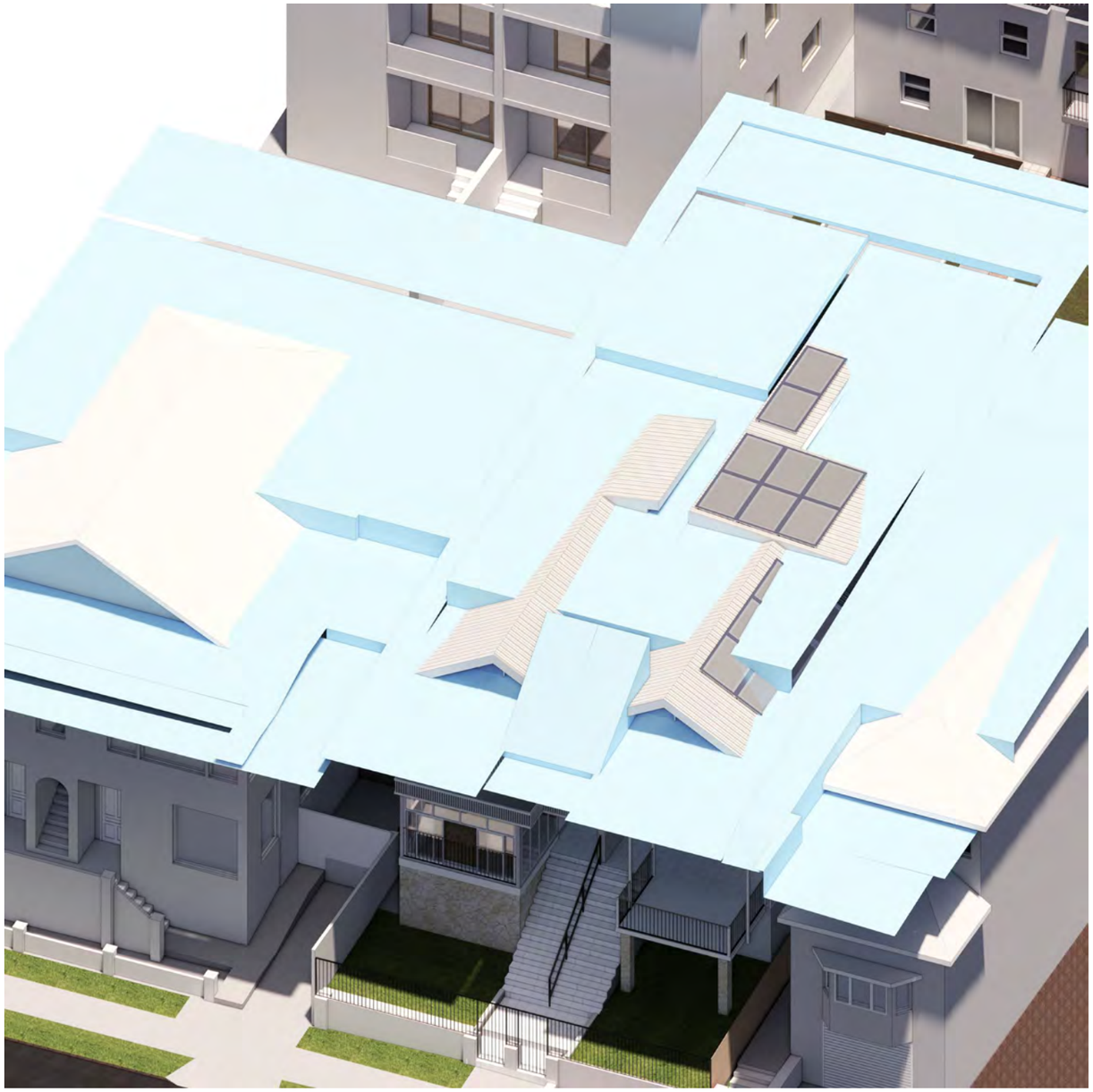
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Application No: DA-321/2025

Date Received: 23/09/2025





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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUE FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUE FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: S. LINDNER & R. CROWE
SITE: 82 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
HEIGHT LIMIT DIAGRAMS
PROJECT NAME :
82 FRANCIS STREET, BONDI BEACH

REVISION NO.
02
DRAWING NO.
A004
SCALE

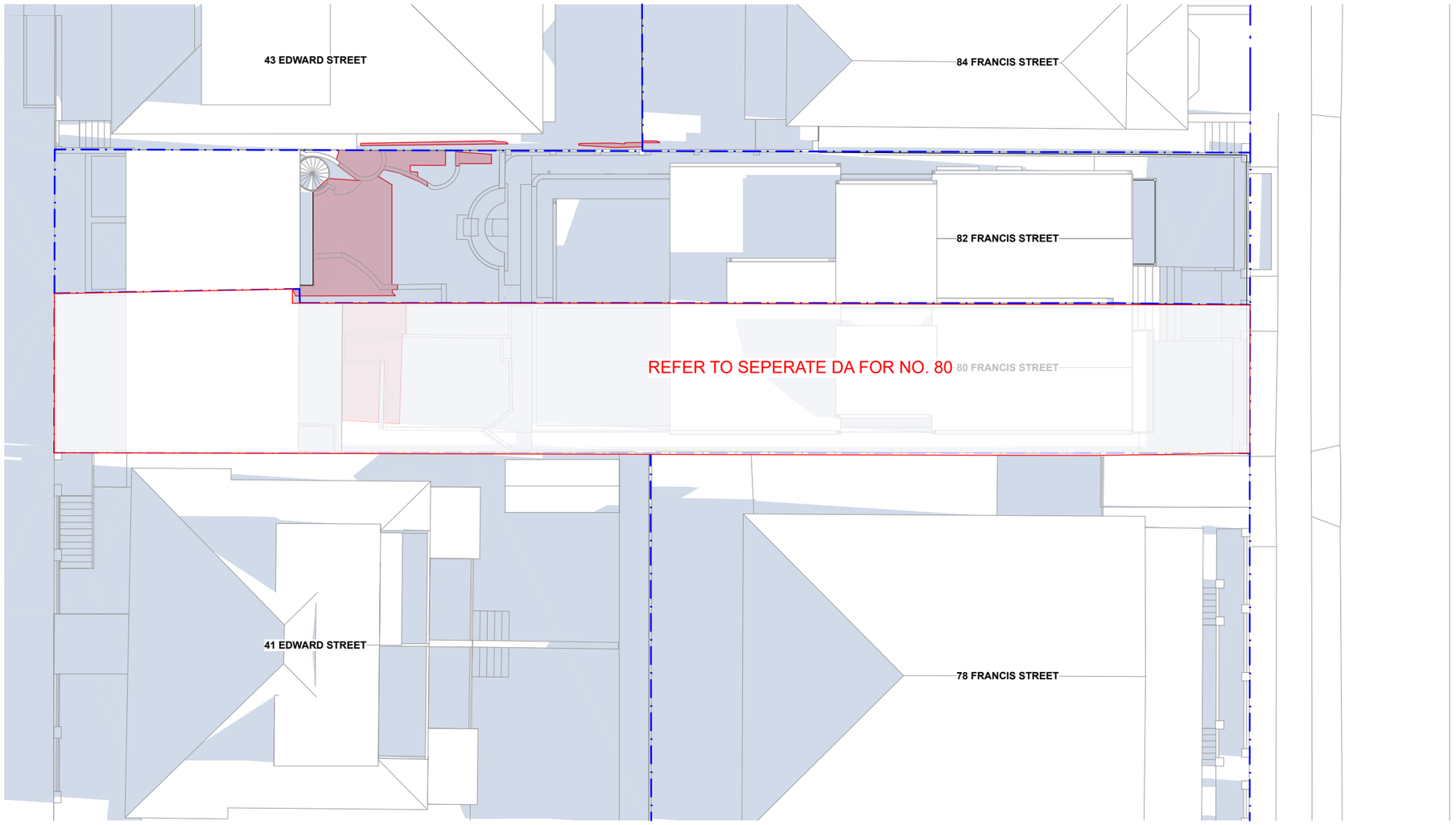
BARATA
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Application No: DA-321/2025

Date Received: 23/09/2025



PROPOSED SHADOW PLAN 21 JUN at 0900h 1:200

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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:
EXISTING
PROPOSED FROM 80&82

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: S. LINDNER & R. CROWE
SITE: 82 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
JUNE 21 SHADOW DIAGRAMS - 9AM
PROJECT NAME :
82 FRANCIS STREET, BONDI BEACH

REVISION NO.
02
DRAWING NO.
A401
SCALE
1:200

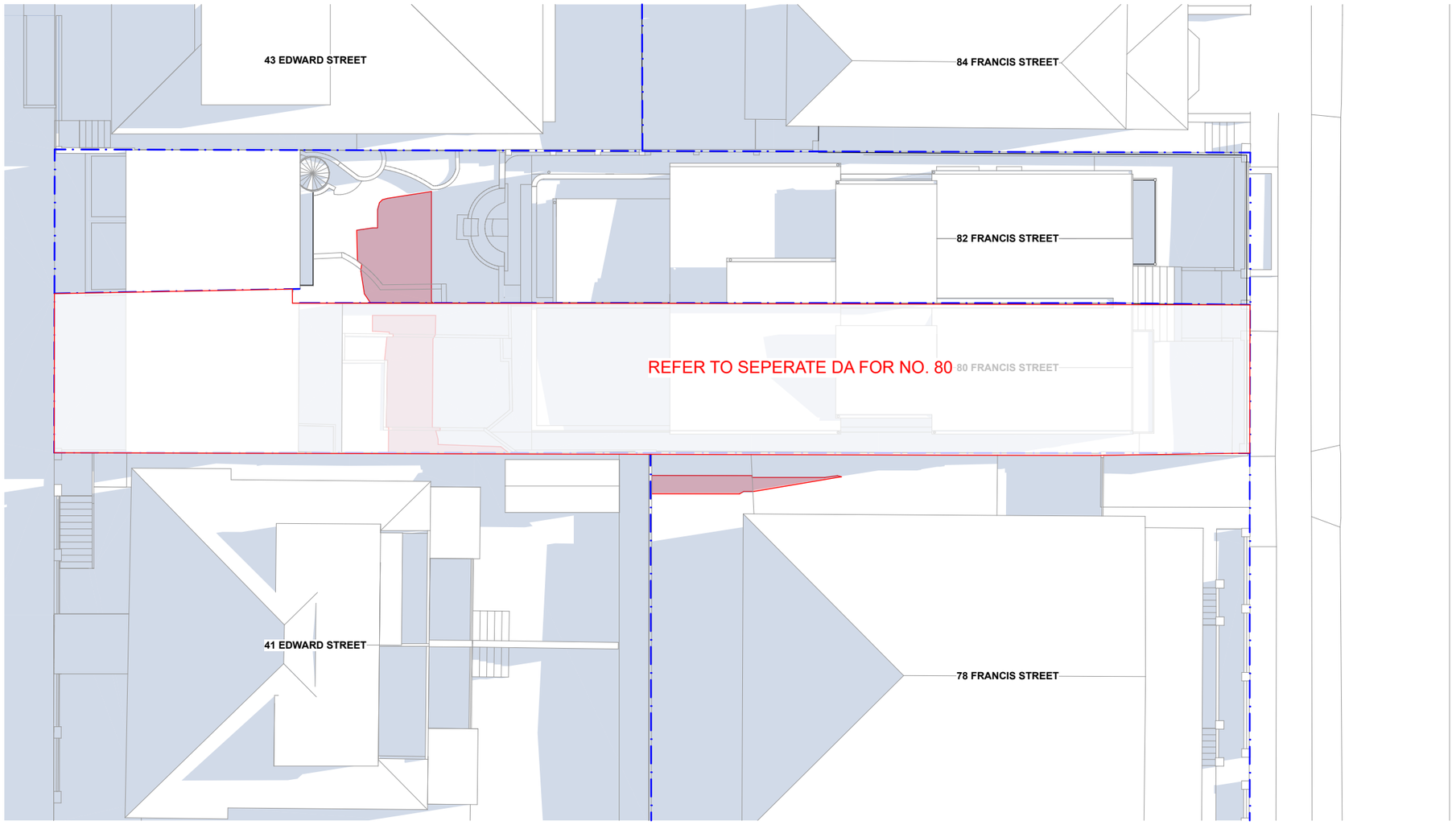
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Application No: DA-321/2025

Date Received: 23/09/2025



PROPOSED SHADOW PLAN 21 JUN at 1000h 1:200

NOTES

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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:
EXISTING
PROPOSED FROM 80&82

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: S. LINDNER & R. CROWE
SITE: 82 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
JUNE 21 SHADOW DIAGRAMS - 10AM
PROJECT NAME :
82 FRANCIS STREET, BONDI BEACH

REVISION NO.
02
DRAWING NO.
A402
SCALE
1:200

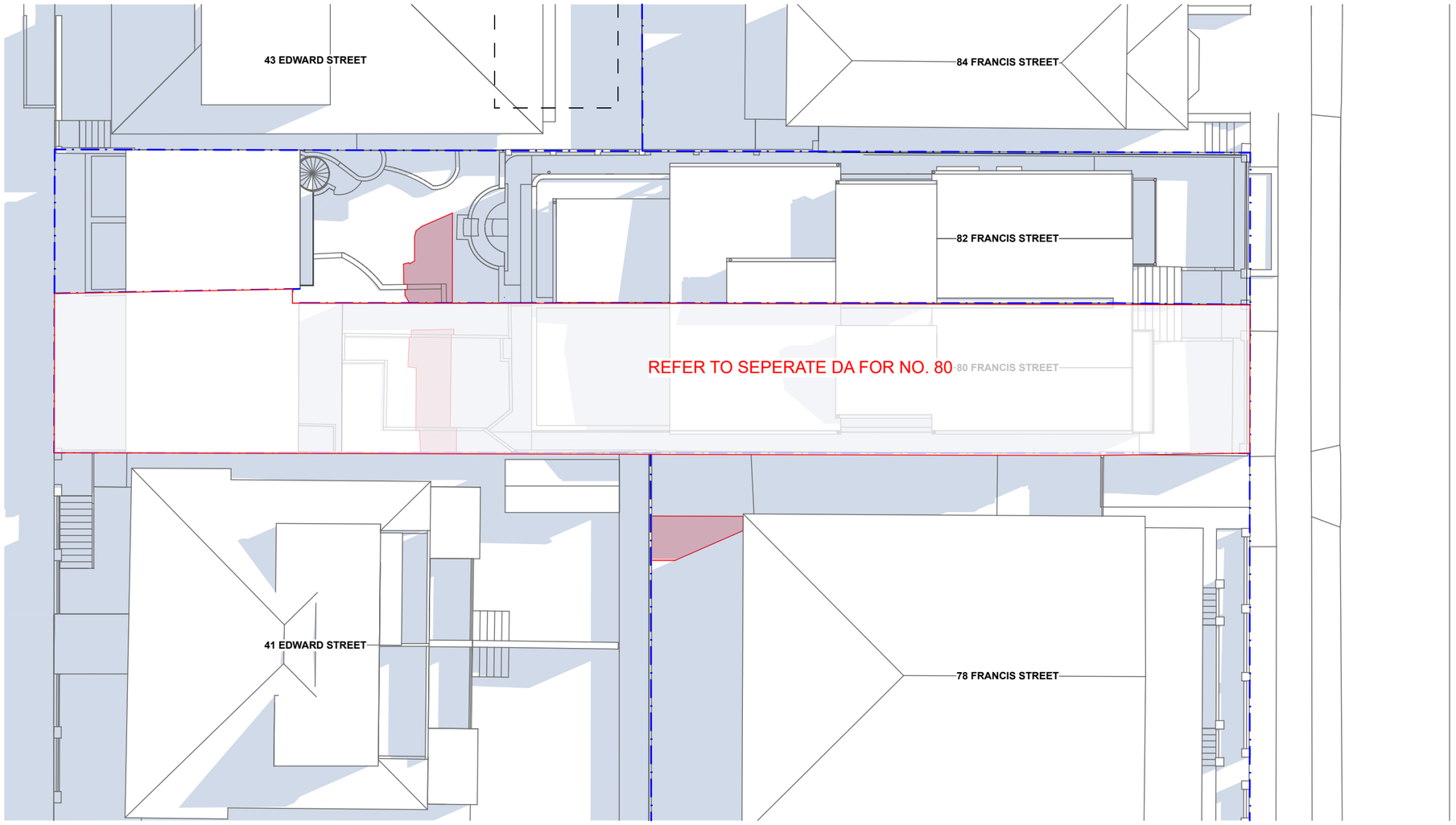
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AMENDED

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Application No: DA-321/2025

Date Received: 23/09/2025



PROPOSED SHADOW PLAN 21 JUN at 1100h 1:200

NOTES

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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:
EXISTING
PROPOSED FROM 80&82

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: S. LINDNER & R. CROWE
SITE: 82 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
JUNE 21 SHADOW DIAGRAMS - 11AM
PROJECT NAME :
82 FRANCIS STREET, BONDI BEACH

REVISION NO.
02
DRAWING NO.
A403
SCALE
1:200

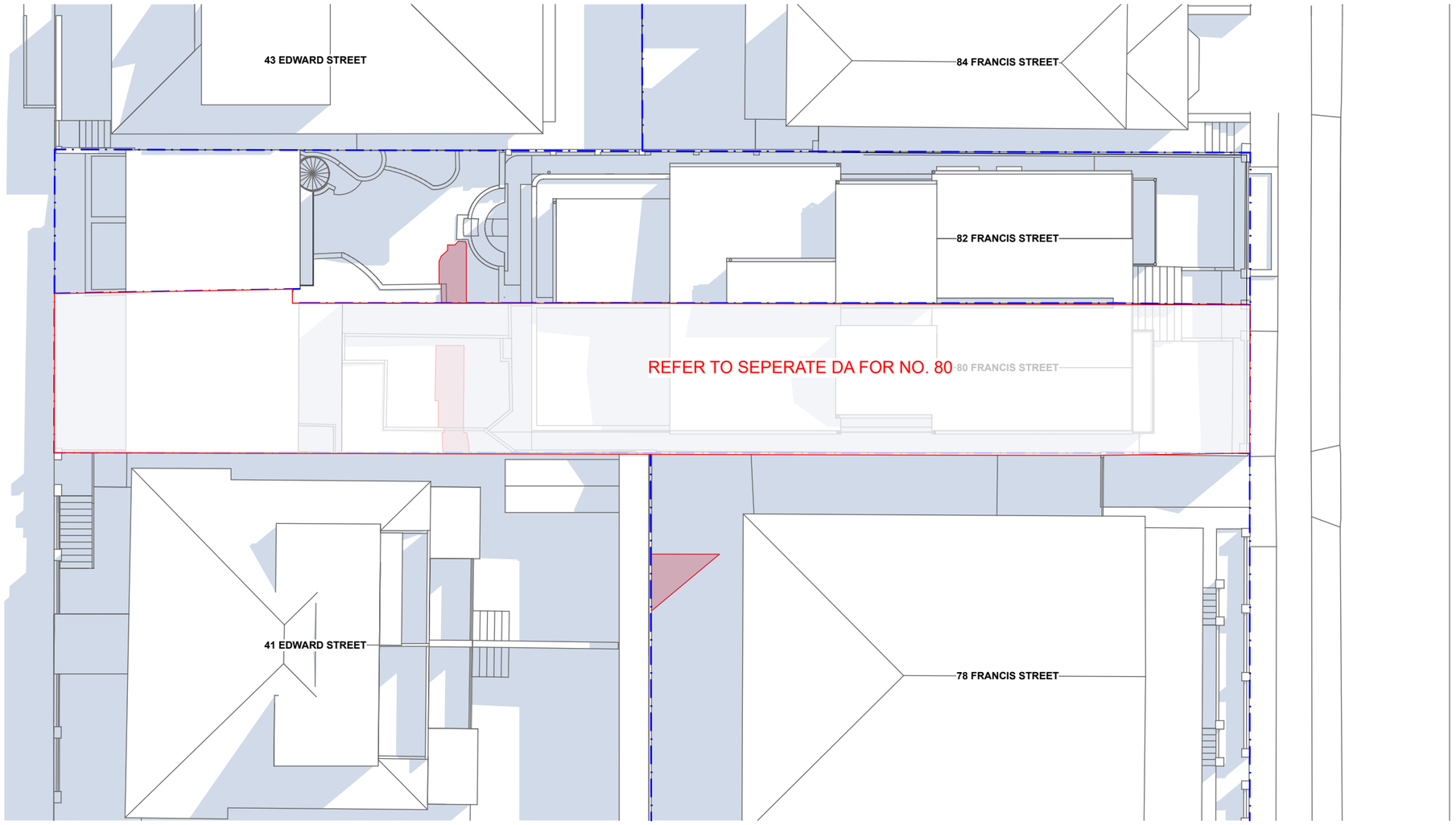
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Application No: DA-321/2025

Date Received: 23/09/2025



PROPOSED SHADOW PLAN 21 JUN at 1200h 1:200

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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:
EXISTING
PROPOSED FROM 80&82

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: S. LINDNER & R. CROWE
SITE: 82 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
JUNE 21 SHADOW DIAGRAMS - 12PM
PROJECT NAME :
82 FRANCIS STREET, BONDI BEACH

REVISION NO.
02
DRAWING NO.
A404
SCALE
1:200

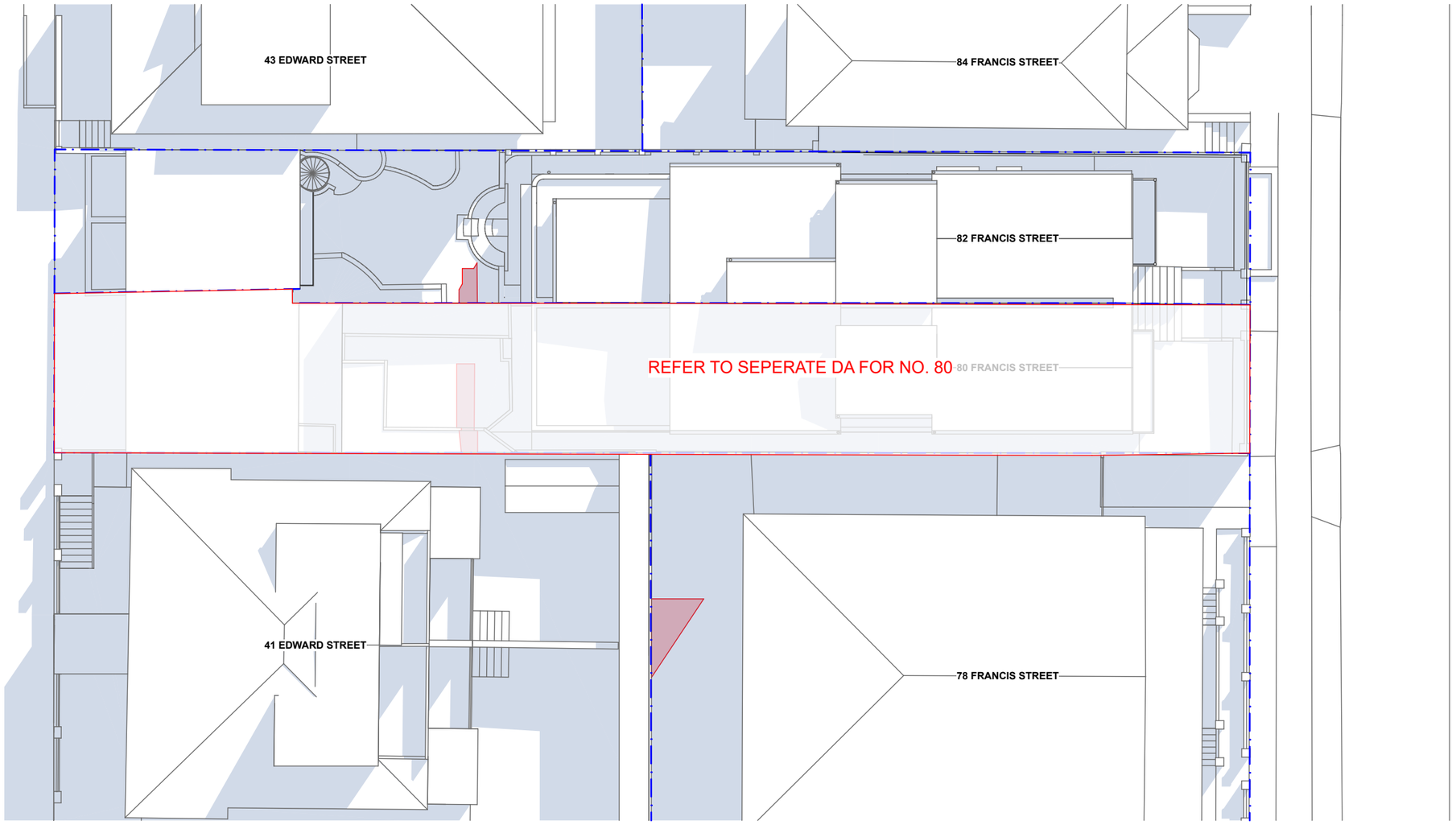
BARATA
10 / 26 SIMPSON STREET BONDI 2026
WWW.BARATA.COM.AU
INFO@BARATA.COM.AU
TEL: 61 (0) 451 154 101 - ARB NO: 9844

AMENDED

RECEIVED
Waverley Council

Application No: DA-321/2025

Date Received: 23/09/2025



PROPOSED SHADOW PLAN 21 JUN at 1300h 1:200

NOTES

DRAWINGS FOR DEVELOPMENT APPLICATION ONLY
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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:
EXISTING
PROPOSED FROM 80&82

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: S. LINDNER & R. CROWE
SITE: 82 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
JUNE 21 SHADOW DIAGRAMS - 1PM
PROJECT NAME :
82 FRANCIS STREET, BONDI BEACH

REVISION NO.
02
DRAWING NO.
A405
SCALE
1:200

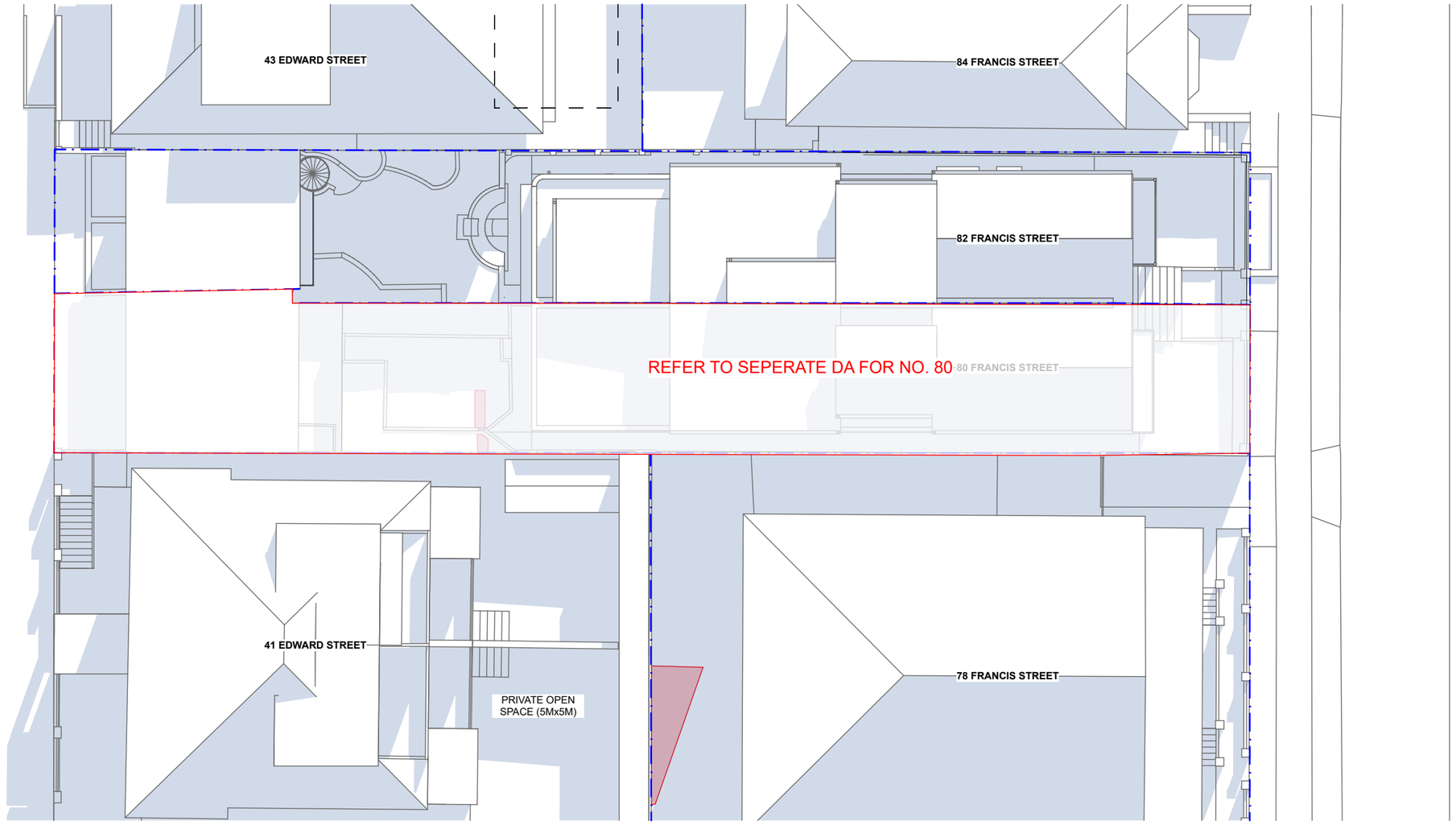
BARATA
10 / 26 SIMPSON STREET BONDI 2026
WWW.BARATA.COM.AU
INFO@BARATA.COM.AU
TEL: 61 (0) 451 154 101 - ARB NO: 9844

AMENDED

RECEIVED
Waverley Council

Application No: DA-321/2025

Date Received: 23/09/2025



PROPOSED SHADOW PLAN 21 JUN at 1400h 1:200

NOTES

DRAWINGS FOR DEVELOPMENT APPLICATION ONLY
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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:
EXISTING
PROPOSED FROM 80&82

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: S. LINDNER & R. CROWE
SITE: 82 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
JUNE 21 SHADOW DIAGRAMS - 2PM

PROJECT NAME :
82 FRANCIS STREET, BONDI BEACH

REVISION NO.
02

DRAWING NO.
A406

SCALE
1:200

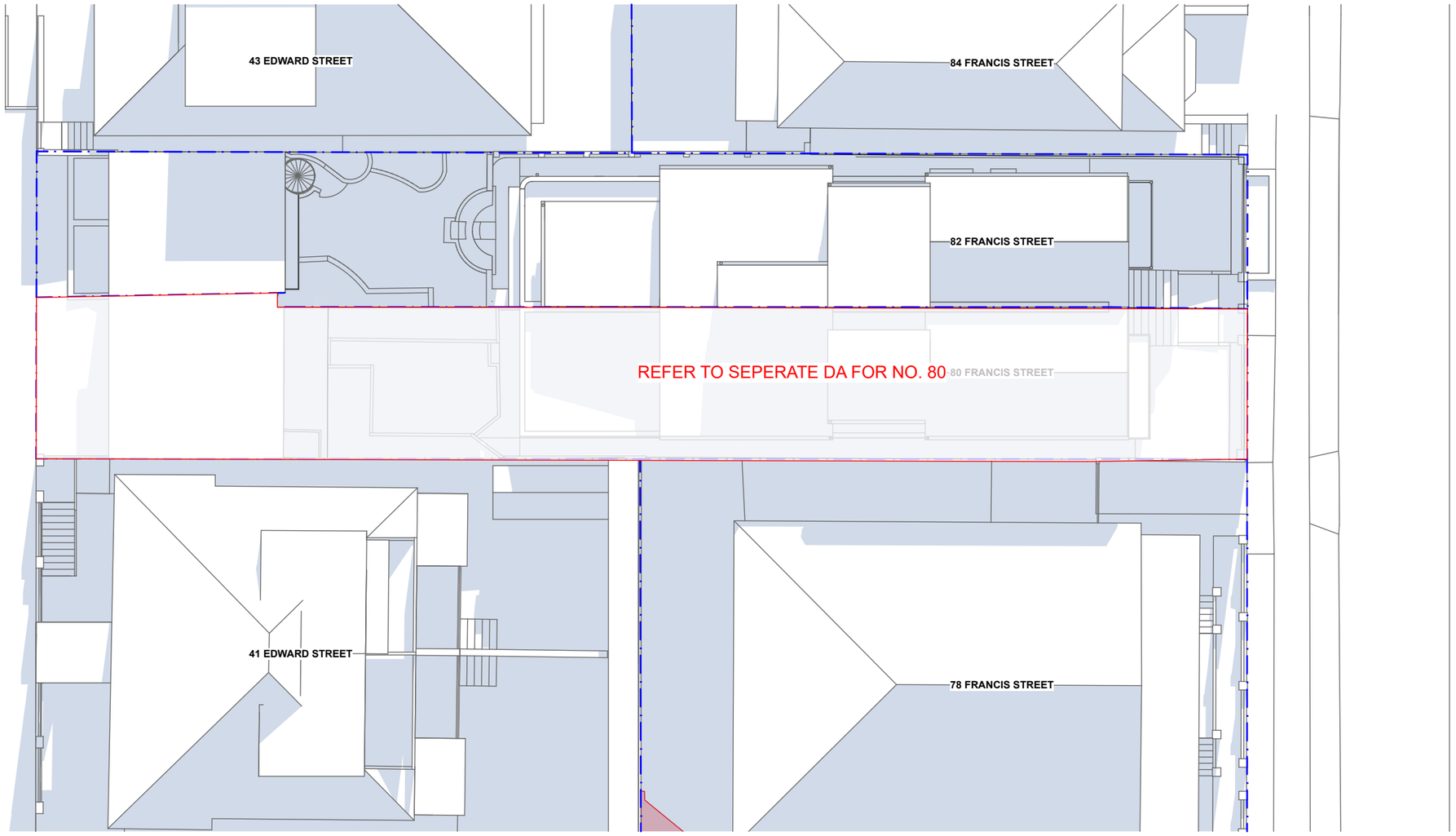
BARATA
10 / 26 SIMPSON STREET BONDI 2026
WWW.BARATA.COM.AU
INFO@BARATA.COM.AU
TEL: 61 (0) 451 154 101 - ARB NO: 9844

AMENDED

RECEIVED
Waverley Council

Application No: DA-321/2025

Date Received: 23/09/2025



PROPOSED SHADOW PLAN 21 JUN at 1500h 1:200

NOTES

DRAWINGS FOR DEVELOPMENT APPLICATION ONLY
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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:
EXISTING
PROPOSED FROM 80&82

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: S. LINDNER & R. CROWE
SITE: 82 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
JUNE 21 SHADOW DIAGRAMS - 3PM

PROJECT NAME :
82 FRANCIS STREET, BONDI BEACH

REVISION NO.
02

DRAWING NO.
A407

SCALE
1:200

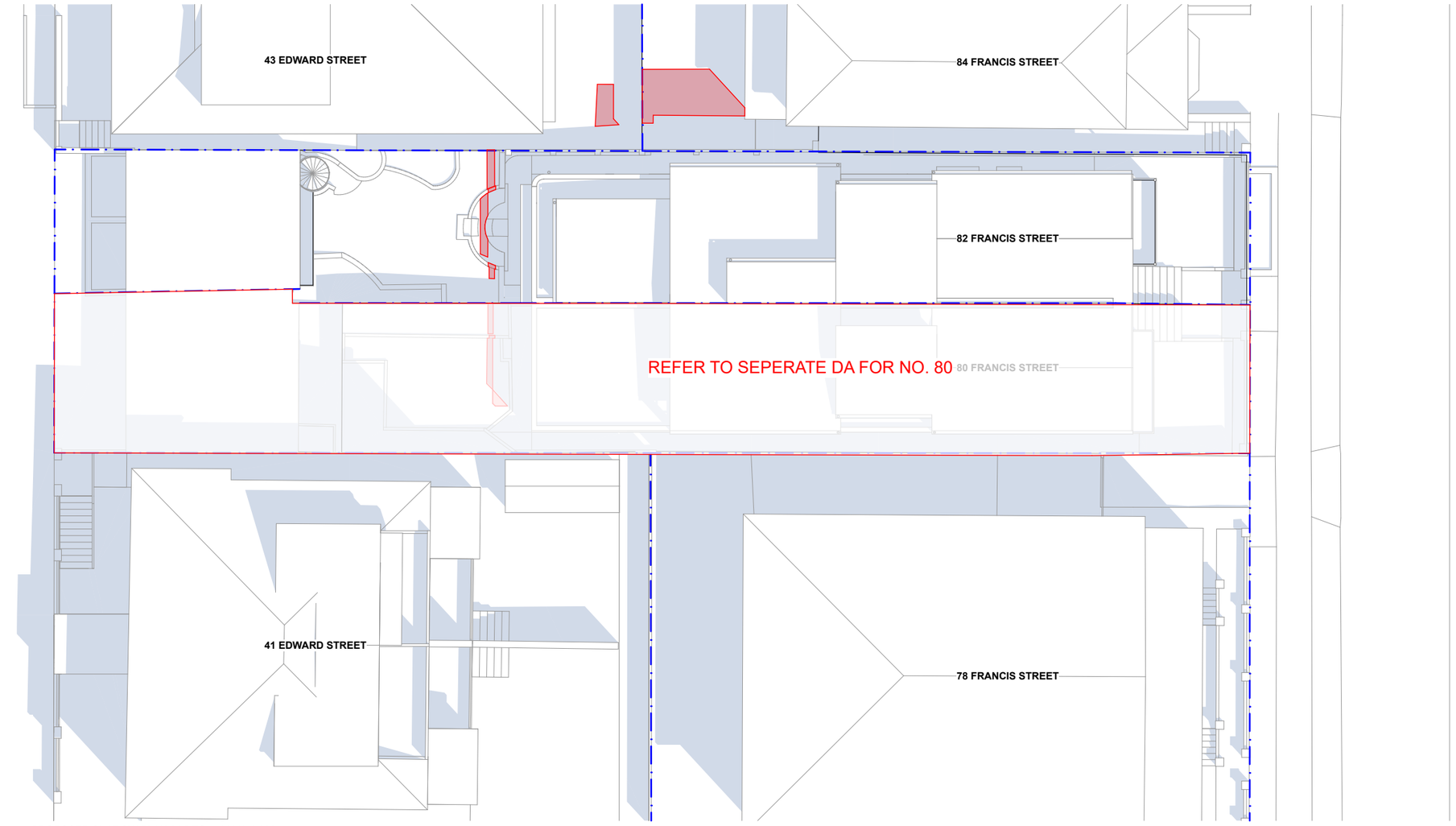
BARATA
10 / 26 SIMPSON STREET BONDI 2026
WWW.BARATA.COM.AU
INFO@BARATA.COM.AU
TEL: 61 (0) 451 154 101 - ARB NO: 9844

AMENDED

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Waverley Council

Application No: DA-321/2025

Date Received: 23/09/2025



PROPOSED SHADOW PLAN 21 DEC at 0900h 1:200

NOTES

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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:
- EXISTING
- PROPOSED FROM 80&82

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: S. LINDNER & R. CROWE
SITE: 82 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
DECEMBER 21 SHADOW DIAGRAMS - 9AM

PROJECT NAME :
82 FRANCIS STREET, BONDI BEACH

N

REVISION NO. **02**
DRAWING NO. **A501**
SCALE **1:200**

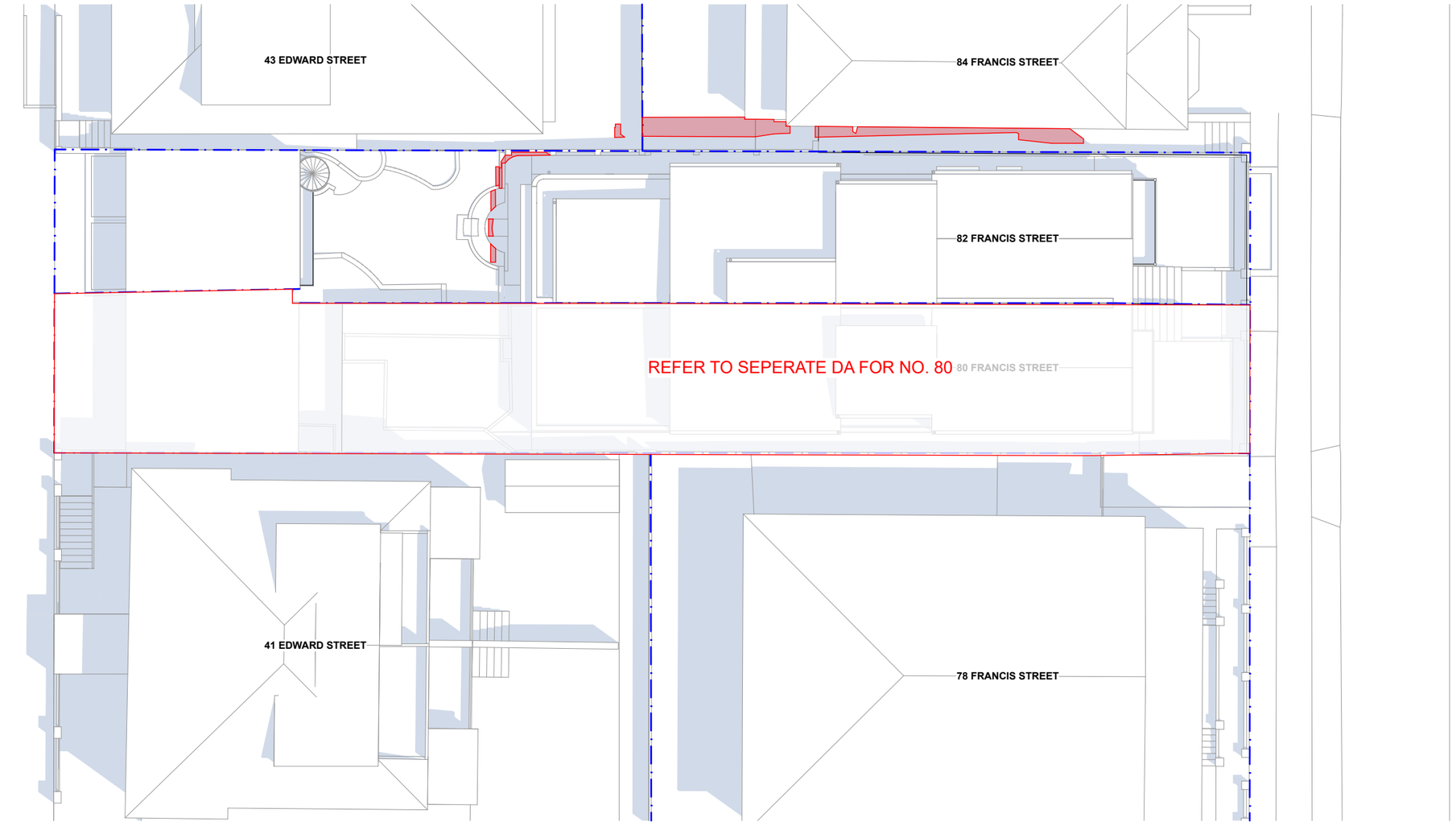
BARATA
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WWW.BARATA.COM.AU
INFO@BARATA.COM.AU
TEL: 61 (0) 451 154 101 - ARB NO: 9844

AMENDED

RECEIVED
Waverley Council

Application No: DA-321/2025

Date Received: 23/09/2025



PROPOSED SHADOW PLAN 21 DEC at 1000h 1:200

NOTES

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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:
EXISTING
PROPOSED FROM 80&82

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: S. LINDNER & R. CROWE
SITE: 82 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
DECEMBER 21 SHADOW DIAGRAMS - 10AM
PROJECT NAME :
82 FRANCIS STREET, BONDI BEACH

REVISION NO. **02**
DRAWING NO. **A502**
SCALE **1:200**

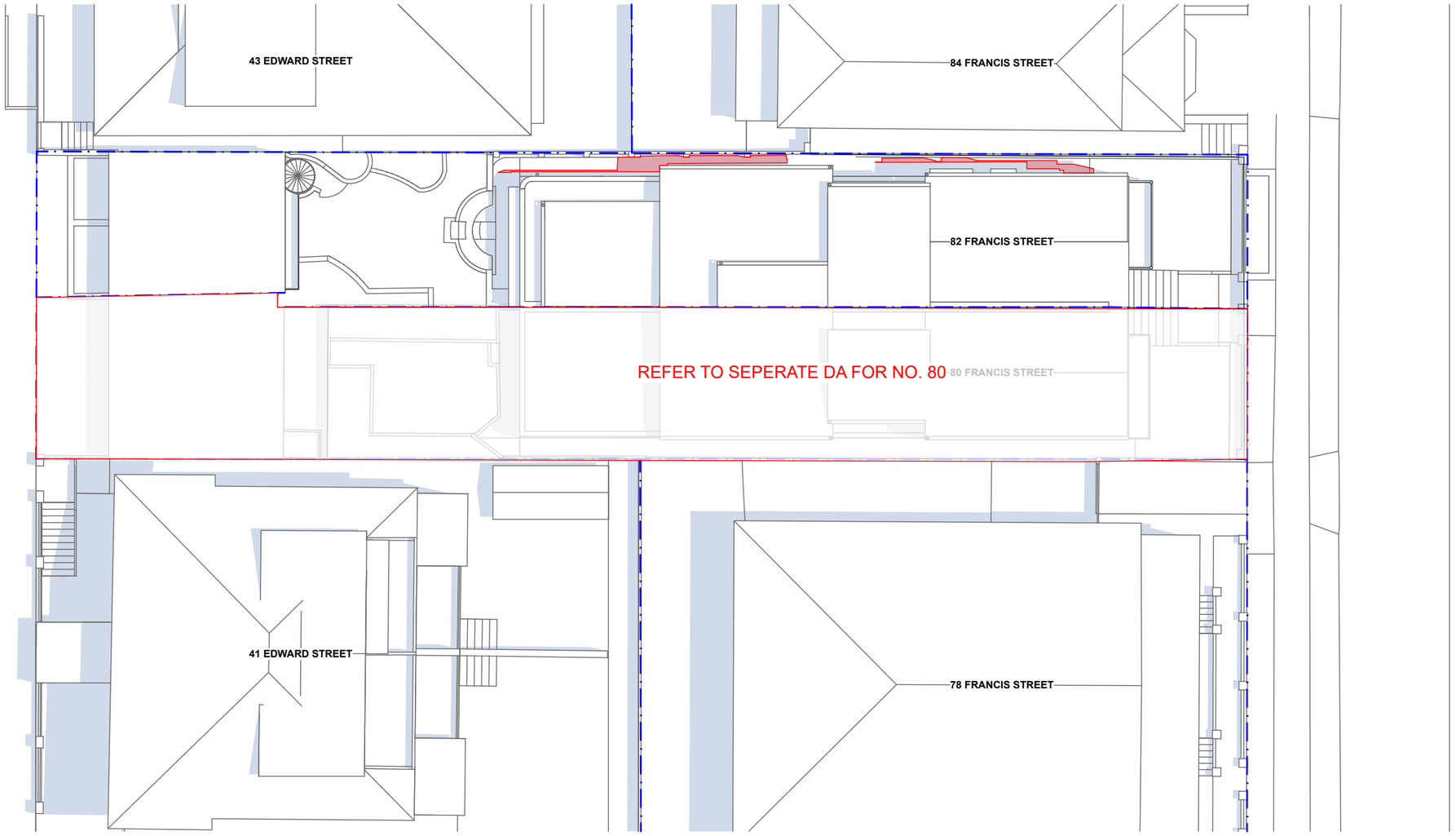
BARATA
10 / 26 SIMPSON STREET BONDI 2026
WWW.BARATA.COM.AU
INFO@BARATA.COM.AU
TEL: 61 (0) 451 154 101 - ARB NO: 9844
720

AMENDED

RECEIVED
Waverley Council

Application No: DA-321/2025

Date Received: 23/09/2025



PROPOSED SHADOW PLAN 21 DEC at 1100h 1:200

NOTES

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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:
- EXISTING
- PROPOSED FROM 80&82

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: S. LINDNER & R. CROWE
SITE: 82 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
DECEMBER 21 SHADOW DIAGRAMS - 11AM

PROJECT NAME :
82 FRANCIS STREET, BONDI BEACH

REVISION NO.
02

DRAWING NO.
A503

SCALE
1:200

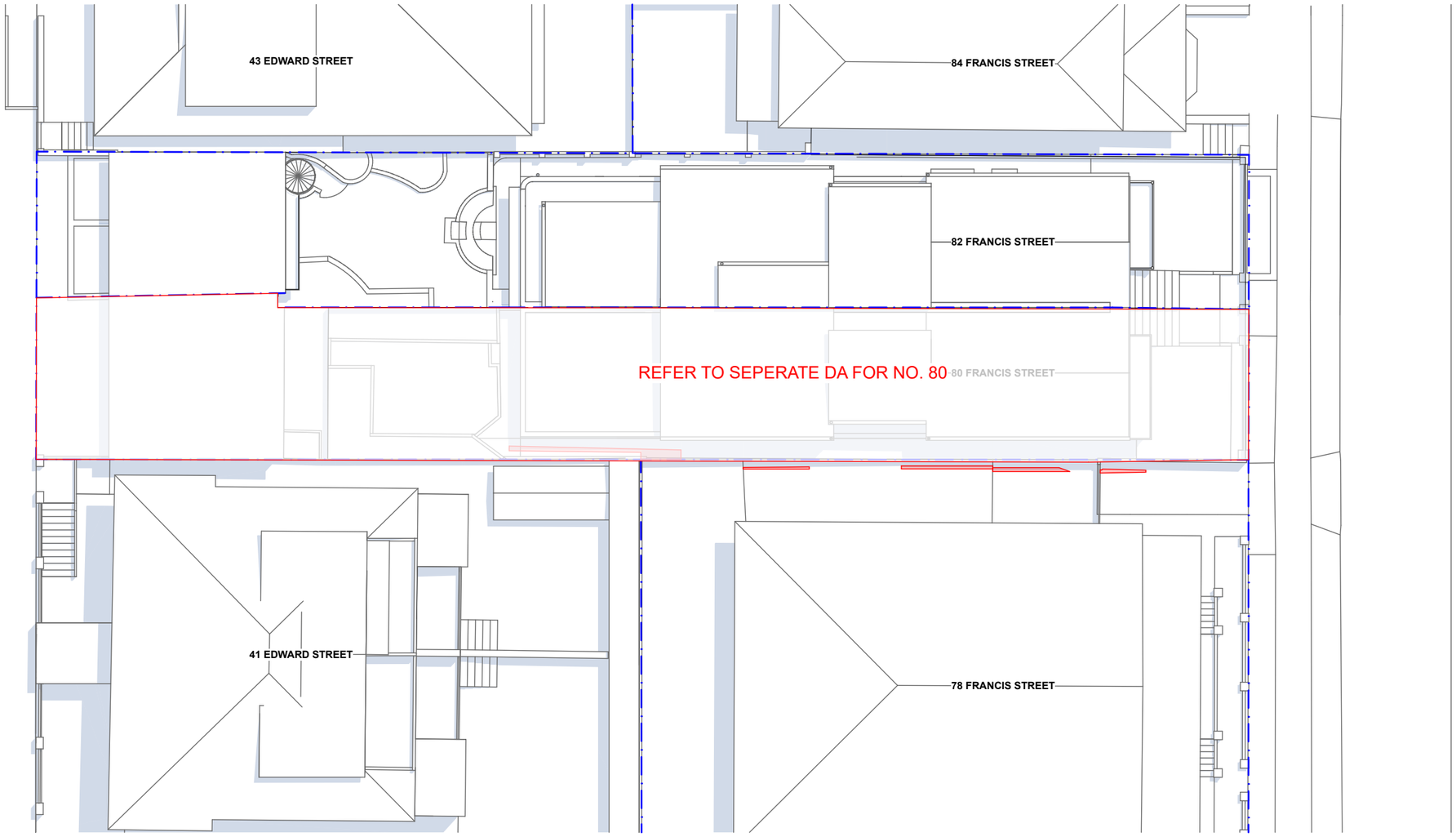
BARATA
10 / 26 SIMPSON STREET BONDI 2026
WWW.BARATA.COM.AU
INFO@BARATA.COM.AU
TEL: 61 (0) 451 154 101 - ARB NO: 9844

AMENDED

RECEIVED
Waverley Council

Application No: DA-321/2025

Date Received: 23/09/2025



PROPOSED SHADOW PLAN 21 DEC at 1200h 1:200

NOTES

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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:
EXISTING
PROPOSED FROM 80&82

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: S. LINDNER & R. CROWE
SITE: 82 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
DECEMBER 21 SHADOW DIAGRAMS - 12PM
PROJECT NAME :
82 FRANCIS STREET, BONDI BEACH

REVISION NO.
02
DRAWING NO.
A504
SCALE
1:200

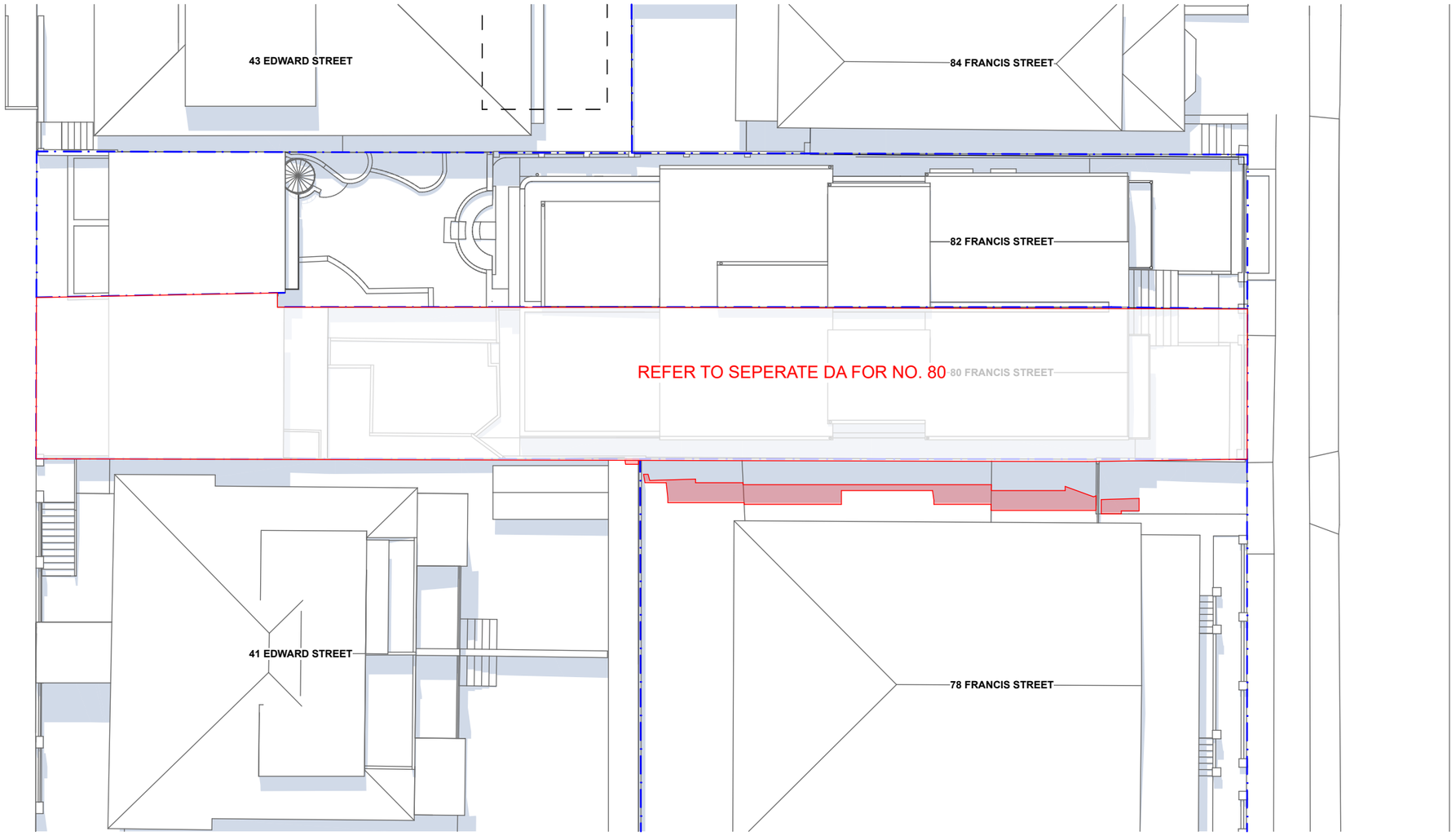
BARATA
10 / 26 SIMPSON STREET BONDI 2026
WWW.BARATA.COM.AU
INFO@BARATA.COM.AU
TEL: 61 (0) 451 154 101 - ARB NO: 9844
722

AMENDED

RECEIVED
Waverley Council

Application No: DA-321/2025

Date Received: 23/09/2025



PROPOSED SHADOW PLAN 21 DEC at 1300h 1:200

NOTES

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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:
EXISTING
PROPOSED FROM 80&82

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: S. LINDNER & R. CROWE
SITE: 82 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
DECEMBER 21 SHADOW DIAGRAMS - 1PM
PROJECT NAME :
82 FRANCIS STREET, BONDI BEACH

REVISION NO.
02
DRAWING NO.
A505
SCALE
1:200

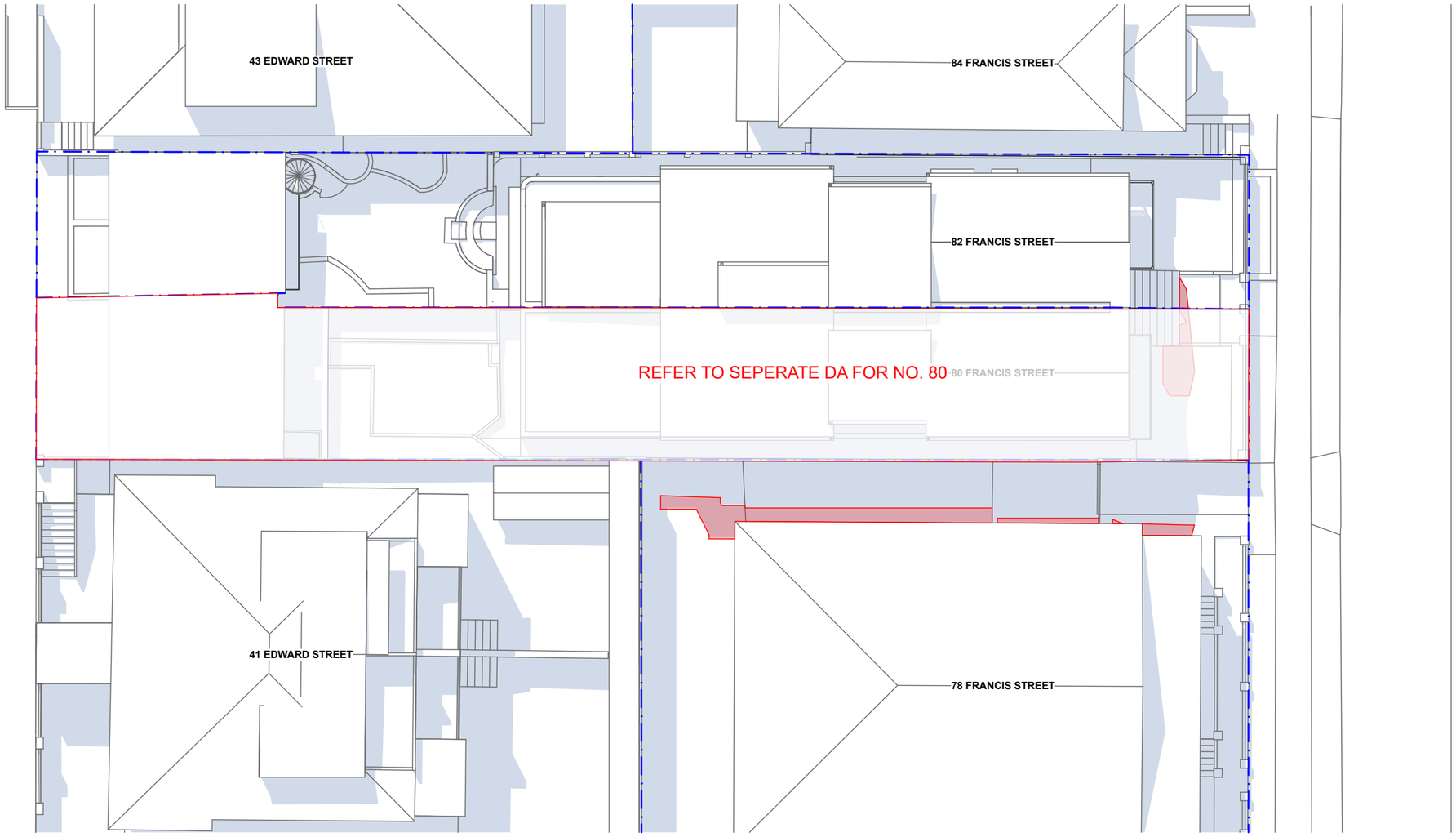
BARATA
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WWW.BARATA.COM.AU
INFO@BARATA.COM.AU
TEL: 61 (0) 451 154 101 - ARB NO: 9844

AMENDED

RECEIVED
Waverley Council

Application No: DA-321/2025

Date Received: 23/09/2025



PROPOSED SHADOW PLAN 21 DEC at 1400h 1:200

NOTES

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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:
EXISTING
PROPOSED FROM 80&82

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: S. LINDNER & R. CROWE
SITE: 82 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
DECEMBER 21 SHADOW DIAGRAMS - 2PM
PROJECT NAME :
82 FRANCIS STREET, BONDI BEACH

REVISION NO.
02
DRAWING NO.
A506
SCALE
1:200

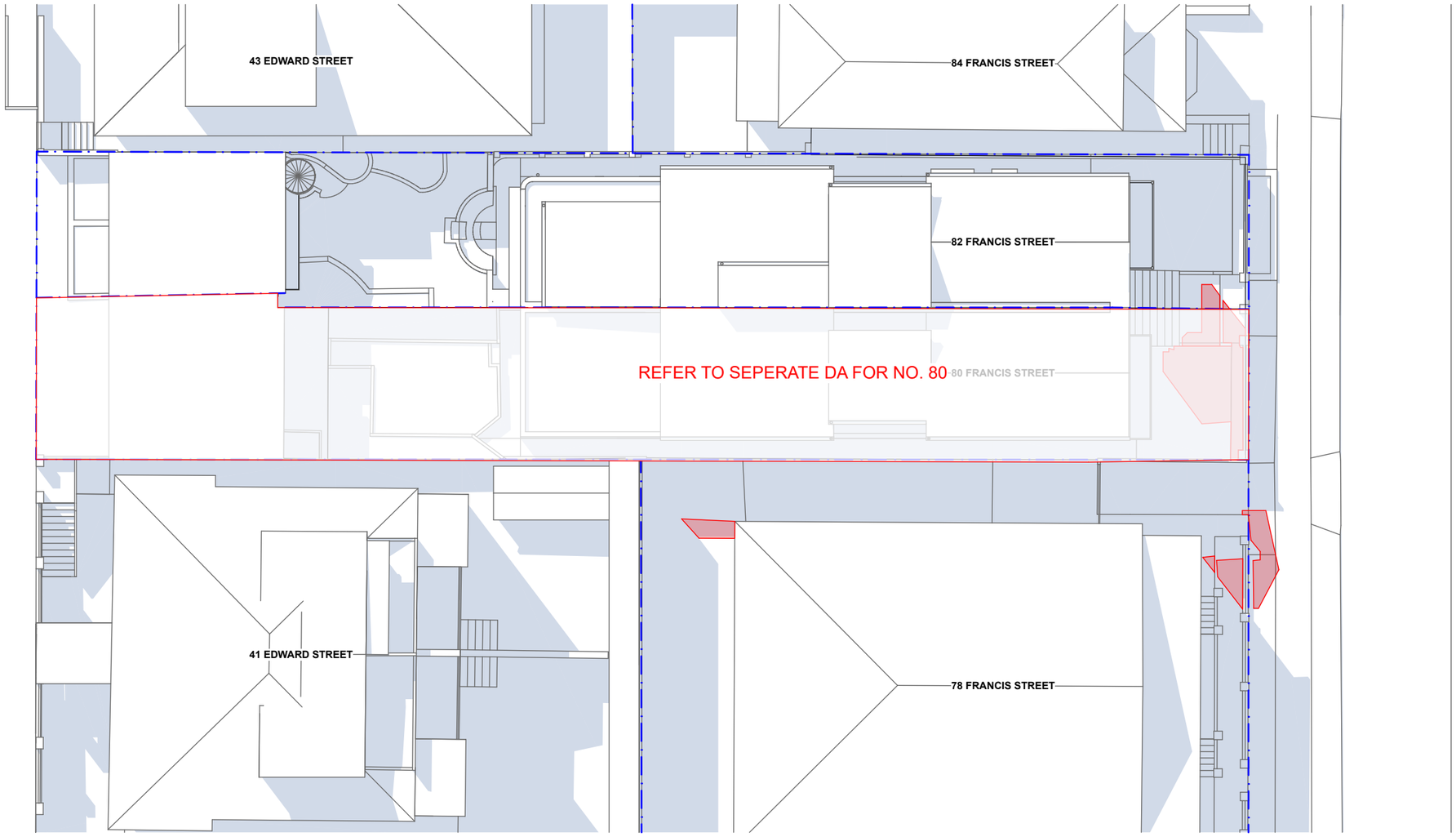
BARATA
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WWW.BARATA.COM.AU
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TEL: 61 (0) 451 154 101 - ARB NO: 9844

AMENDED

RECEIVED
Waverley Council

Application No: DA-321/2025

Date Received: 23/09/2025



PROPOSED SHADOW PLAN 21 DEC at 1500h 1:200

NOTES

DRAWINGS FOR DEVELOPMENT APPLICATION ONLY
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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	4/7/2025
02		ISSUED FOR DEVELOPMENT APPLICATION DEFERRAL	23/9/2025

LEGEND:
EXISTING
PROPOSED FROM 80&82

DRAWN | CHECKED: EB / ML
DATE: 23/9/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: S. LINDNER & R. CROWE
SITE: 82 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
DECEMBER 21 SHADOW DIAGRAMS - 3PM
PROJECT NAME :
82 FRANCIS STREET, BONDI BEACH

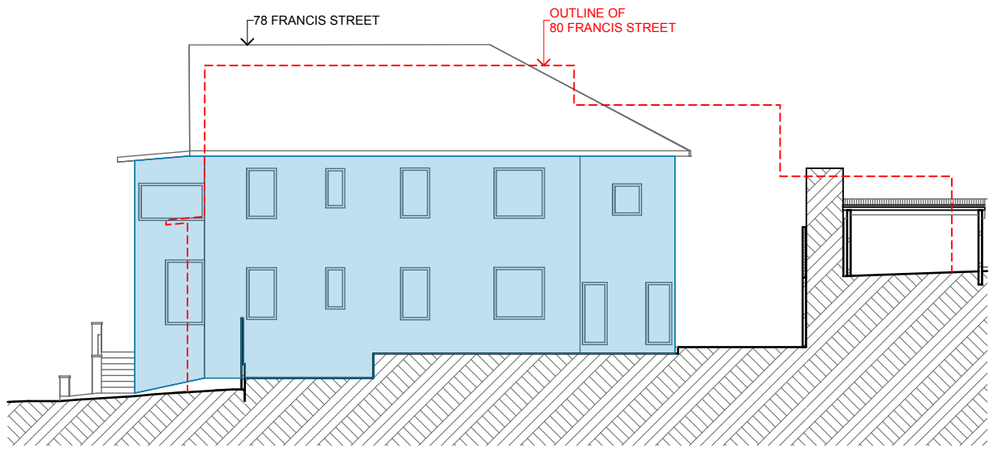
REVISION NO.
02
DRAWING NO.
A507
SCALE
1:200

BARATA
10 / 26 SIMPSON STREET BONDI 2026
WWW.BARATA.COM.AU
INFO@BARATA.COM.AU
TEL: 61 (0) 451 154 101 - ARB NO: 9844

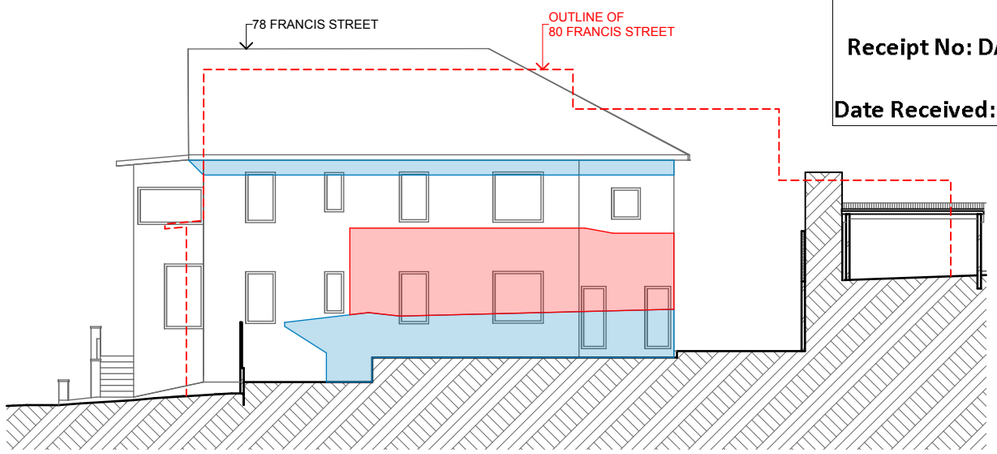
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Waverley Council

Receipt No: DA-321/2025

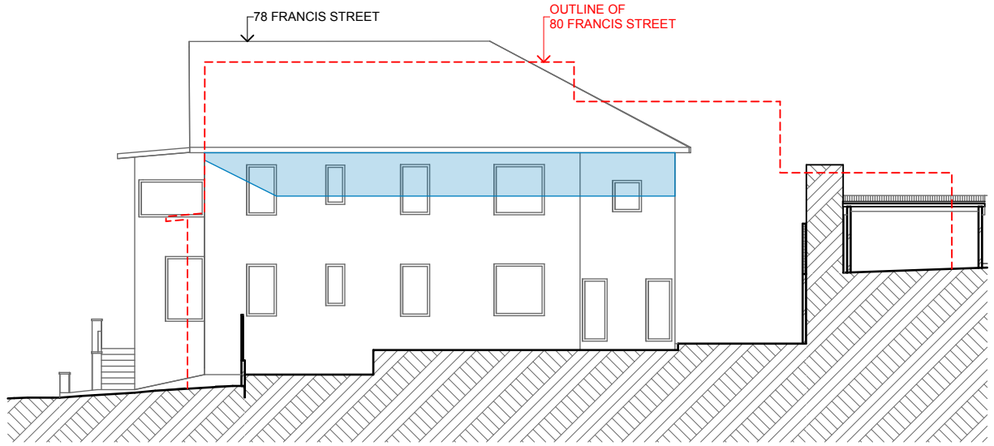
Date Received: 09/07/2025



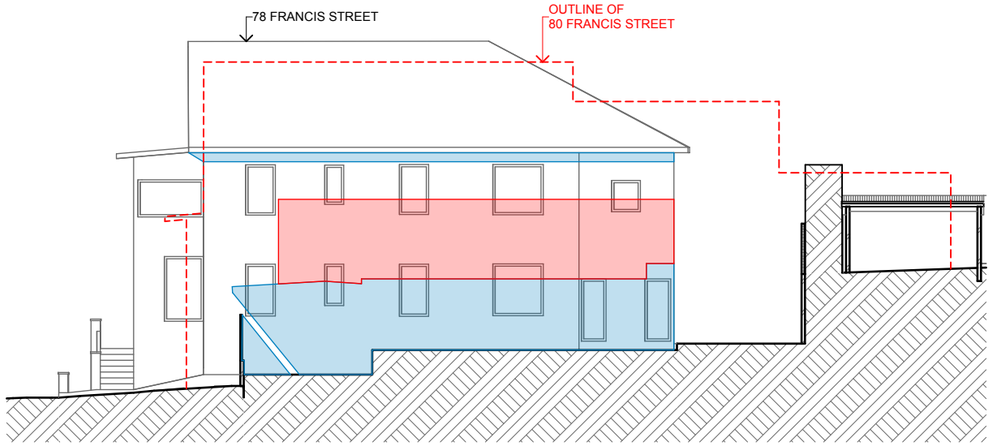
SHADOW ELEVATION 21 JUN at 0900h 1:200



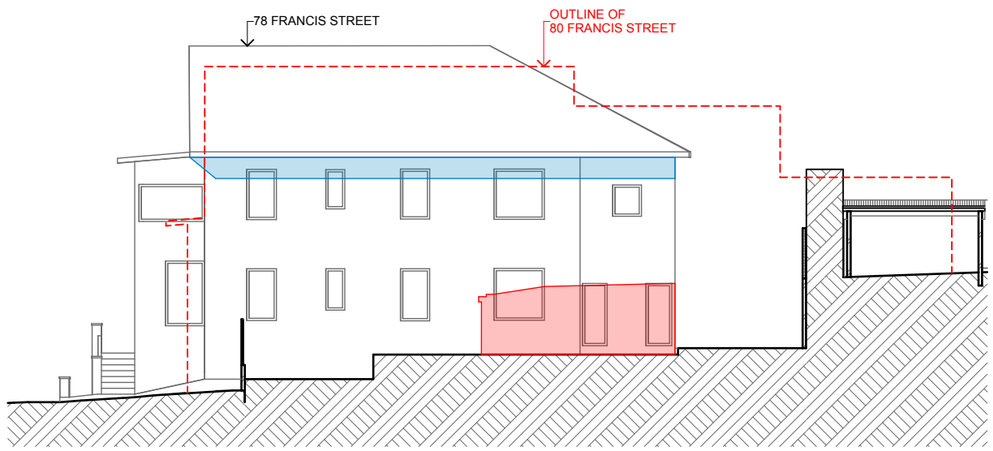
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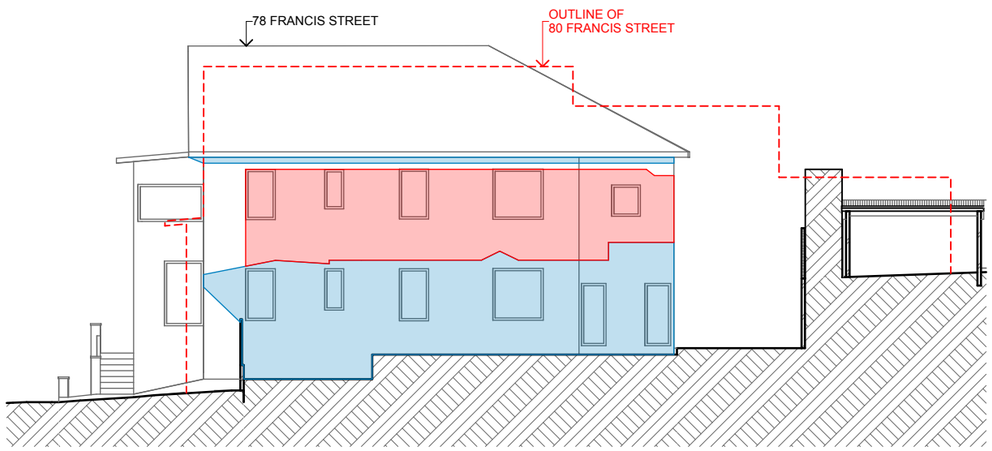
SHADOW ELEVATION 21 JUN at 1000h 1:200



SHADOW ELEVATION 21 JUN at 1300h 1:200



SHADOW ELEVATION 21 JUN at 1100h 1:200



SHADOW ELEVATION 21 JUN at 1400h 1:200

NOTES

DRAWINGS FOR DEVELOPMENT APPLICATION ONLY
THE BUILDER SHALL CHECK ALL DIMENSIONS AND LEVELS ON SITE PRIOR TO CONSTRUCTION. NOTIFY ANY ERRORS, DISCREPANCIES OR OMISSIONS TO THE ARCHITECT. REFER TO WRITTEN DIMENSIONS ONLY. DO NOT SCALE DRAWINGS. DRAWINGS SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNTIL ISSUED FOR CONSTRUCTION. THIS DRAWING REFLECTS A DESIGN BY BARATA AND IS TO BE USED ONLY FOR WORK WHEN AUTHORISED IN WRITING BY BARATA.
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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	3/7/2025

LEGEND:

DRAWN | CHECKED: EB / ML
DATE: 3/7/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: S. LINDNER & R. CROWE
SITE: 82 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
JUNE 21 SHADOW NO.78 NORTH ELEVATION DIAGRAMS - 9AM - 2PM
PROJECT NAME :
82 FRANCIS STREET, BONDI BEACH

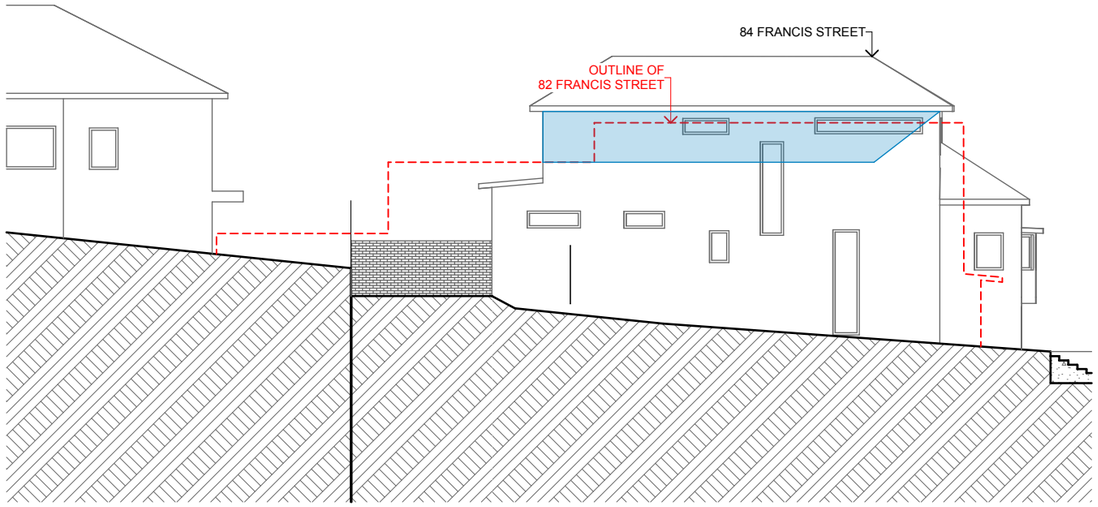
REVISION NO.
01
DRAWING NO.
A601
SCALE
1:200

BARATA
10 / 26 SIMPSON STREET BONDI 2026
WWW.BARATA.COM.AU
INFO@BARATA.COM.AU
TEL: 61 (0) 451 154 101 - ARB NO: 9844

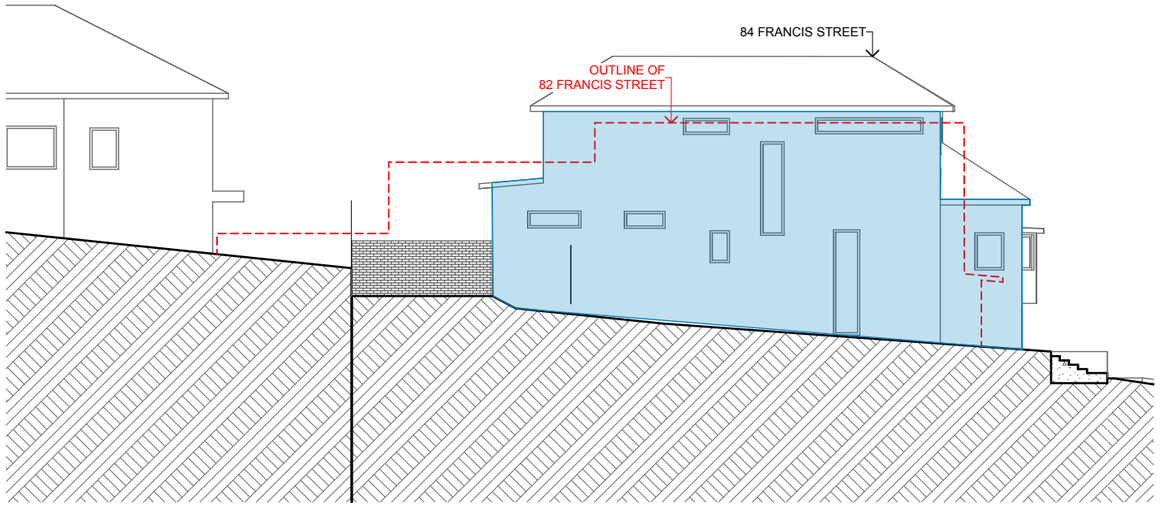
RECEIVED
Waverley Council

Receipt No: DA-321/2025

Date Received: 09/07/2025



SHADOW ELEVATION 21 JUN at 0900h 1:200



SHADOW ELEVATION 21 JUN at 1000h - 1400h 1:200

NOTES

DRAWINGS FOR DEVELOPMENT APPLICATION ONLY
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REV ID	CH ID	ISSUE NAME	DATE
01		ISSUED FOR DEVELOPMENT APPLICATION	3/7/2025

LEGEND:

DRAWN | CHECKED: EB / ML
DATE: 3/7/2025
PROJECT NO: 2401-FRA
PROJECT STATUS: DA

CLIENT: S. LINDNER & R. CROWE
SITE: 82 FRANCIS STREET, BONDI BEACH NSW

DRAWING TITLE :
JUNE 21 SHADOW NO.84 SOUTH ELEVATION DIAGRAMS - 9AM - 2PM
PROJECT NAME :
82 FRANCIS STREET, BONDI BEACH

REVISION NO.
01
DRAWING NO.
A602
SCALE

BARATA
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