



**DATE: 22 May 2024**

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

**11.00AM WEDNESDAY, 22 May 2024**

**QUORUM:** Three Panel members.

**APOLOGIES:** By email to [WLPP@waverley.nsw.gov.au](mailto:WLPP@waverley.nsw.gov.au)

## AGENDA

### **WLPP-2405** **Apologies**

### **WLPP-2405.DI** **Declarations of Interest**

The Chair will call for any declarations of interest.

### **WLPP-2405.1** **PAGE 5** **66 Queens Park Road QUEENS PARK NSW 2022** - Replacement of brick balustrades with new glass and steel balustrades. **(DA-384/2023)**

Report dated 9 May 2024 from MoDA.

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

### **WLPP-2405.2** **PAGE 60** **54 Ruthven Street BONDI JUNCTION NSW 2022** - Alterations and additions to existing terrace dwelling including demolition, infill of existing ground floor southern setback, internal reconfiguration, and amendments to the first floor at the rear. **(DA-91/2024)**

Report dated 9 May 2024 from MoDA.

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

### **WLPP-2405.3** **PAGE 105** **424 Bronte Road BRONTE NSW 2024** - Alterations and additions to an existing dwelling including internal alterations, minor external alterations, new double garage with a vehicle turntable and associated landscaping. **(DA-23/2024)**

Report dated 9 May 2024 from MoDA.

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



**WLPP-2405.4****PAGE 177**

**3 Military Road NORTH BONDI NSW 2026** - Modification to approved boarding house, including internal reconfiguration, reduce on site car parking spaces to two spaces, relocation of car turntable, relocation of roof plant and new screens around the roof plant and new landscape works. (DA-203/2021/C)

Report dated 9 May 2024 from MoDA

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

**WLPP-2405.5****PAGE 227**

**1 Mitchell Street NORTH BONDI NSW 2026** - Alterations and additions to a mixed-use development comprising a residential flat building and shops, including an additional storey and Strata subdivision. (DA-6/2024)

Report dated 9 May 2024 from MoDA

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

**WLPP-2405.6****PAGE 323**

**32 Fletcher Street BONDI NSW 2026** - Modification to allow increased hours of operation on a trial period and allow an on-premises liquor license. (DA-186/2019/A)

Report dated 7 May 2024 from MoDA

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

**WLPP-2405.7****PAGE 355**

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

Report dated 8 May 2024 from MoDA

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

**WLPP-2405.8****PAGE 409**

**5 Pacific Avenue TAMARAMA NSW 2026** - Modifications including internal reconfiguration, window changes, extension and redesign of the basement carpark and other design refinement. (DA-44/2022/B)

Report dated 7 May 2024 from MoDA

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

**WLPP-2405.9**

**PAGE 471**

**7 Gaerloch Avenue TAMARAMA NSW 2026 - Modification to the approved new dwelling including additional excavation and external alterations. (DA-493/2022/A)**

Report dated 7 May 2024 from MoDA

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

**WLPP-2405.10**

**PAGE 526**

**118-122 Campbell Parade BONDI BEACH NSW 2026 - Subdivision and lease to Ravesis Hotel of the existing first floor balcony over hanging part of Hall Street and Campbell Parade. (DA-328/2023)**

Report dated 8 May 2024 from MoDA

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



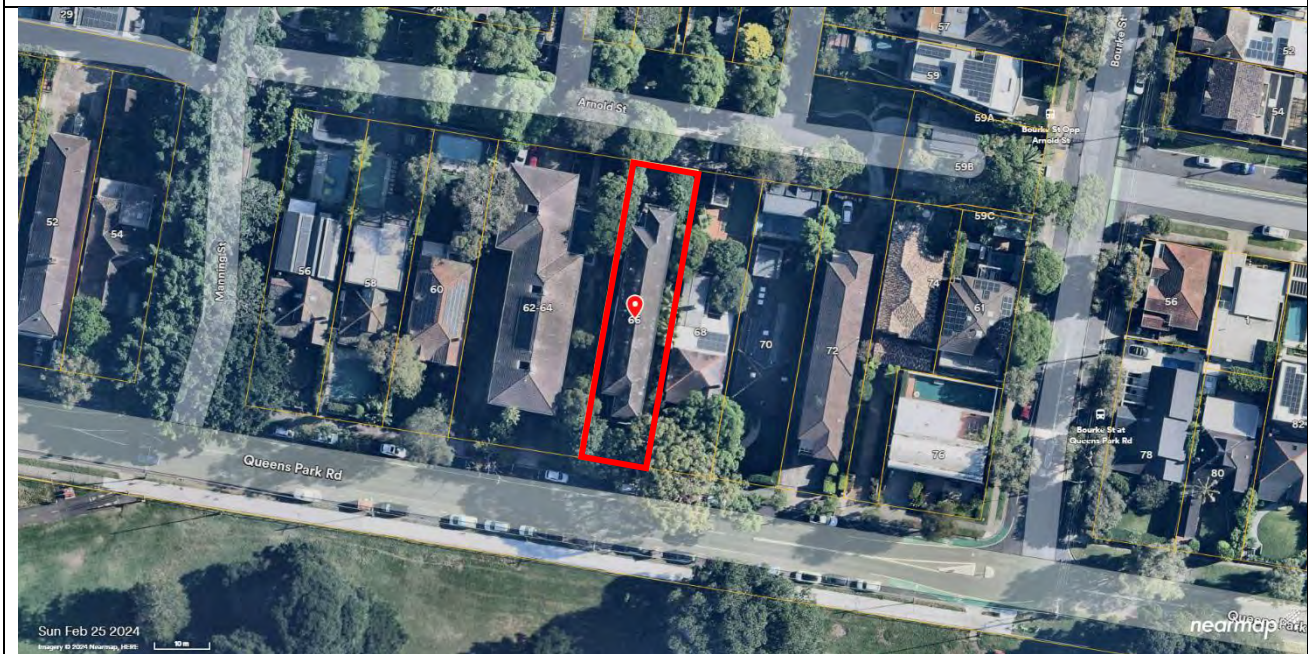
Other Residential Development



Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-384/2023 – PAN-392027
<b>Site address</b>	66 Queens Park Road, Queens Park
<b>Proposal</b>	Replacement of brick balustrades with new glass and steel balustrades.
<b>Date of lodgement</b>	16 January 2024
<b>Owner</b>	Proprietors of Strata Plan 13390
<b>Applicant</b>	E. Beach
<b>Submissions</b>	Nil
<b>Cost of works</b>	\$297,275
<b>Principal Issues</b>	<ul style="list-style-type: none"> <li>Exceedance of the height of buildings development standard.</li> </ul>
<b>Recommendation</b>	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 replacement of brick balustrades with new glass and steel balustrades at the site known as 66 Queens Park Road, Queens Park.

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

- Non-compliance with the height of buildings development standard.

The assessment finds these issues acceptable on account of the existing non-compliance and the absence of any additional amenity impacts to the site or neighbouring properties. The proposed replacement of the balcony balustrades is required to improve the amenity and safety of the residents of the building, as the existing brick balustrades are beginning to develop structural cracks within its joinery. The proposal is considered to be an appropriate outcome for the site and will not have any intrusive impact over the Queens Park Heritage Conservation Area.

No public or Councillor submissions were received as a result of the public exhibition. There were no declared conflicts of interest on this application from Council staff.

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

### 1.2. Site and Surrounding Locality

A site visit was carried out on 12 April 2024.

The site is identified as SP13390, known as 66 Queens Park Road, Queens Park.

The site is rectangular with a dual frontage of 12.19m to Queens Park Road and Arnold Street. It has an area of 667.25m<sup>2</sup> and is generally flat. The site is occupied by a three-storey residential flat building (RFB) with vehicular access provided from Queens Park Road and Arnold Street. The RFB was constructed in the 1970s with a mid-century modern architectural style. The exterior facades, including all balconies of the building, consist of exposed brickwork. The brickwork for balustrades in most balconies is beginning to develop structural cracks within its joinery and needs to be replaced to comply with building control standards and to ensure the safety of the residents.

The site is adjoined by a RFB and a detached dwelling on either side. The locality is characterised by a variety of low-density residential developments and is across from Queens Park and within proximity of Moriah War Memorial College and Centennial Park to the west of the site. The subject site is located in the Queens Park Heritage Conservation Area (C14).



Figures 1 to 4 are photos of the site.



**Figure 1:** View of the existing building from Queens Park Road.



**Figure 2:** View of the existing building from Arnold Street.



**Figure 3:** Cracks in the brickwork of existing balustrade.



**Figure 4:** Weeds growing in the cracks in the brickwork.

### 1.3. Relevant Development History

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

- SC-294/2001 - Strata Subdivision. Certificate issued on 1 July 2002.
- CD-22/2023 - Demolition of existing structurally non-compliant, deteriorated balustrades on the four-storey RFB and install new opaque glass balustrades to existing balconies. Withdrawn on 14 April 2023.

### 1.4. Proposal

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

- Erection of scaffolding on two elevations of the building.
- Demolition and removal of existing brick balustrades on all three levels of the building.
- Demolition of floor finishes as necessary to provide access to balcony slabs.
- Removal and disposal of demolition waste at a suitable registered waste management facility.

- Rectification works to address concrete cancer identified during the works.
- Pouring of a self-levelling slab membrane to seal slabs.
- Construction of new concrete hobs to allow for the installation of steel balustrade mounting points.
- Installation and fixing of new glass and steel balustrades to all balconies of the RFB.

The proposed development will be carried out in two stages. Stage one will involve the replacement of balustrades along the northern and eastern elevations of the building with stage two replicating those works on the southern and western elevations of the building.

## 1.5. Background

The development application was lodged on 16 January 2024 and deferred on 16 February 2024 for the following reasons:

1. A Clause 4.6 variation request to justify variation to the height of buildings development standard.
2. Amended architectural drawings including existing RLs on elevations.

The amended plans and Clause 4.6 written statement received on 30 April 2024 form the basis of the assessment.

## 2. ASSESSMENT

The following matters are to be considered in the assessment of this development application under section 4.15 of the *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. Existing Use Rights Provisions – Division 4.11 of the Act

The application relies on the 'existing use rights' provisions under Division 4.11 of the Act and Part 7 of the *Environmental Planning and Assessment Regulation 2021* (the Regulations).

Part 7 of the Regulations allows an existing use to be enlarged, expanded, intensified, altered or extended subject to development consent. Clause 4.67 Regulations respecting existing use of the Act states the following:

- (1) *The regulations may make provision for or with respect to existing use and, in particular, for or with respect to—*
- (a) *the carrying out of alterations or extensions to or the rebuilding of a building or work being used for an existing use, and*

- (b) the change of an existing use to another use, and*
  - (c) the enlargement or expansion or intensification of an existing use.*
  - (d) (Repealed)*
- (2) The provisions (in this section referred to as the incorporated provisions) of any regulations in force for the purposes of subsection (1) are taken to be incorporated in every environmental planning instrument.*
- (3) An environmental planning instrument may, in accordance with this Act, contain provisions extending, expanding or supplementing the incorporated provisions, but any provisions (other than incorporated provisions) in such an instrument that, but for this subsection, would derogate or have the effect of derogating from the incorporated provisions have no force or effect while the incorporated provisions remain in force.*
- (4) Any right or authority granted by the incorporated provisions or any provisions of an environmental planning instrument extending, expanding or supplementing the incorporated provisions do not apply to or in respect of an existing use which commenced pursuant to a consent of the Minister under section 4.33 to a development application for consent to carry out prohibited development.*

In *Saffioti v Kiama Municipal Council* [2018] NSW LEC 1426 (“Saffioti 2018”) a Commissioner of the Land and Environment Court (LEC) considered the issue of whether the controls in a Development Control Plan (DCP) could be considered in assessing the merits of an application for development consent for development with existing use rights. The Commissioner decided that the relevant controls in the DCP could be considered, as the Act provides that any provisions of an environmental planning instrument (EPI) which would derogate from the provisions in the Regulations have no effect. In Saffioti 2018, the Commissioner found that as a DCP is not an EPI, section 4.67(3) does not apply to the provisions of such an instrument. The Commissioner also considered provisions of the Local Environment Plan (LEP) and found that only those provisions of the LEP which could have the effect of prohibiting the development derogated from the incorporated provisions and therefore could not be taken into account.

The Applicant appealed against the Commissioner’s findings to a Judge of the Court on questions of law in *Saffioti v Kiama Municipal Council* [2019] NSWLEC 57 (“Saffioti 2019”). The appeal was heard by the Chief Judge of the Court and failed on all grounds.

What can be taken away from Saffioti 2019, is that provisions of an EPI (eg. a local environmental plan) may establish factual pre-conditions that a consent authority must be satisfied exist in order to grant development consent or fix developmental standards. An applicant seeking development consent to enlarge, expand or intensify an existing use must comply with any such provisions.

Such provisions will not derogate from the existing use ‘incorporated provisions’ in the Regulations. They will only do so (and have no effect for the purpose of section 4.67(3) of the EPA Act) if they derogate from the entitlement to make the relevant development application.

Previously, existing use rights have been assessed as if the provisions of the LEP and DCP do not apply and can only be used as a guide to development in as much as they control development upon surrounding sites. Existing Use Right assessments have been based upon four questions as set out in *Fodor Investments v Hornsby Shire Council* [2005] NSWLEC 71.

Given the outcome of *Saffioti 2019*, the assessment of existing use rights should be considered against both the development standards of the LEP and the controls of the DCP as detailed within this report. The proposal is limited to the replacement of all existing balcony balustrades, whilst retaining the existing definition and the overall height of the building at the subject site.

### 2.1.2. State Environmental Planning Policies (SEPPs)

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

- SEPP (Sustainable Buildings) 2022
- SEPP (Resilience and Hazards) 2021

### 2.1.3. Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

**Table 1: Waverley LEP 2012 Compliance Table**

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
<b>1.2 Aims of Plan</b>	Yes	The proposal is consistent with the aims of the Plan.
<b>Part 2 Permitted or prohibited development</b>		
<b>Land Use Table</b> <i>R2 Low-Density Residential Zone</i>	No (existing use rights)	The proposal is defined as a RFB, which is prohibited in the R2 zone.  The applicant has adequately demonstrated existing use rights for the RFB which was constructed circa 1970s and strata subdivided on 10 September 1975. The proposed alterations do not change the existing use and is acceptable. See discussion in 2.1.1. above.
<b>Part 4 Principal development standards</b>		
<b>4.3 Height of buildings</b> • 8.5m	No (existing non-compliance)	The existing building at the subject site has an overall height of 12.87m measured from the existing ground level.  The proposed replacement of balcony balustrades exceeds the development standard by 0.99m or 11.6%.  The exceedance is acceptable as the proposal replaces existing balcony balustrades of the existing RFB to maintain structural integrity



Provision	Compliance	Comment
		<p>and safety of the residents, does not result in any changes to the overall existing height of the building, and does not result in any environmental planning impacts.</p> <p>See the heading <i>Clause 4.6 Exceptions to Development Standards</i> below for further discussion.</p>
<b>4.4 Floor space ratio</b>	N/A	The proposal does not result in any change to the floor space ratio or the gross floor area of the existing RFB at the subject site.
<b>4.6 Exceptions to development standards</b>	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of buildings development standard. A detailed discussion of the variation to the development standard is presented below this table.
<b>Part 5 Miscellaneous provisions</b>		
<b>5.10 Heritage conservation</b>	Yes	<p>The site is located in C14 - Queens Park Conservation Area—General.</p> <p>The proposed development will have no intrusive impact on the amenity of the conservation area. The proposal will improve the amenity and safety of RFB at the subject site.</p>

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

*Clause 4.6 Exceptions to Development Standards*

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

The site is subject to a maximum height of building development standard of 8.5m. The existing RFB on site has an overall building height of 12.87m, exceeding the height of building standard by 4.37m or 51.4%.

The proposed development seeks to replace the existing balcony balustrades on all floors.

The top of the existing balcony balustrades on the third floor has a height of 9.32m measured from the existing ground floor, exceeding the standard by 0.82m, equating to a 9.4% variation.

The top of the proposed balcony balustrades on the third floor will have a height of 9.49m measured from the existing ground floor, exceeding the standard by 0.99m, equating to an 11.6% variation.

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

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
  - (i) The proposal results in a minor change in the height of the existing balcony balustrades of the residential flat buildings at the subject site. The existing overall height of the residential flat building at the subject site will remain unaltered by this proposal.
  - (ii) Notwithstanding the pre-existing non-compliance of the residential flat building at the subject site with the land use zone, the proposal is still able to satisfy the zone objectives of the R2 Low-Density Residential Zone.
  - (iii) The proposal will preserve the environmental amenity of the neighbouring dwellings and public spaces and the sharing of views. The proposal will maintain satisfactory solar access to existing buildings and public areas.
  - (iv) The proposal is compatible with the existing and emerging streetscape.
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
  - (i) The proposal does not result in any significant or adverse environmental impacts.
  - (ii) The residential flat building at the subject site has pre-existing non-compliance with the height of buildings development standard.
  - (iii) The proposed alterations contribute to the streetscape and the architectural style of the existing residential flat building at the site through restrained materials and finishes. The proposal will satisfy fulfilling current building compliances that the existing deteriorating balustrades are unable to meet.

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

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

- (a) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of clause 4.6 being that compliance with the development standard is unreasonable

or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and

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

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

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

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

The applicant specifically relies upon justification (a) of *Wehbe v Pittwater Council* (2007) 156 LGERA 446].

The proposed replacement of the balustrades results in a minor increase in the height of the existing balustrades on the third floor by 0.17m. The non-compliance with the height of building development standard is pre-existing and there is no change in the overall height of the RFB at the subject site. The proposal does not result in any additional visual or overshadowing impacts to the neighbouring dwellings.

The applicant has adequately demonstrated that the proposed extent of the variation to the height of buildings development standard is limited to the balcony balustrades on the third floor of the RFB at the subject site. The proposed development retains the overall existing height of the RFB with pre-existing non-compliance with the height of building development standard.

The non-compliance with the height of building development standard is an additional 2.2% (0.17m) variation to the existing non-compliant height of the RFB at the subject site. The proposal does not result

in any additional visual or overshadowing impact on the habitable areas of neighbouring properties and preserves their amenity.

Therefore, the applicant can rely on justification (a) as the objectives of the height of buildings development standard have been met despite the non-compliance.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. In particular, the extent of the variation to the pre-existing non-compliant height of building development standard will be accommodated within the existing balcony balustrades and building envelope of the RFB. The proposal retains the FSR and overall height of the building, and the proposed alterations and additions will not have any unreasonable impact on Queens Park Road.

The proposal does not result in any additional visual privacy impacts, view loss or overshadowing as a result of the variation of the height of buildings development standard. The development will not result in any additional environmental amenity impacts on neighbouring properties and should be supported.

Conclusion

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

**2.1.4. Waverley Development Control Plan 2022 (Waverley DCP 2022)**

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

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

Development Control	Compliance	Comment
<b>1. Waste</b>	N/A	The proposal has no impact over the existing waste management at the subject site and suitable construction waste conditions are recommended.
<b>8. Heritage</b>	Yes	Satisfactory. The proposed development will have no intrusive impact on the amenity of the conservation area. The proposal will improve the amenity and safety of the RFB at the subject site.
<b>11. Design Excellence</b>	Yes	Satisfactory. The proposal is consistent with the design excellence controls.

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

Development Control	Compliance	Comment
<b>2.5 Building design and streetscape</b>		
<ul style="list-style-type: none"> <li><i>Sympathetic external finishes</i></li> <li><i>Removal of original architectural features not supported</i></li> </ul>	<p>Yes</p> <p>Yes (acceptable on merit)</p>	<p>The proposal aims to replace the existing brick balustrades of all balconies of the existing RFB with glass and steel balustrades. The proposed finishes complement the architectural style of the building and are acceptable.</p> <p>The proposed replacement of balustrades is supported as it is a safety measure in response to addressing the cracks in the existing brickwork of the balcony balustrades.</p>
<b>2.11 Private Open Space</b>		
<p><b>2.11.2 – Balconies/decks</b></p> <ul style="list-style-type: none"> <li><i>Balcony additions to match the character of the building</i></li> <li><i>Should not dominate the façade</i></li> <li><i>Balustrades to allow views and casual surveillance of the street &amp; privacy</i></li> </ul>	<p>Yes</p>	<p>The proposed replacement balustrades match the character of the building and will not dominate the building façade. The height of the proposed glass balustrades will enable casual surveillance of the street where relevant. The proposal will not result in any significant loss of privacy for occupants and is acceptable.</p>

## 2.2. Other Impacts of the Development

The proposal is considered to have no significant detrimental effect relating to environmental, social, or economic impacts on the locality, subject to appropriate conditions being imposed 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 initially notified for 14 days between 25 January and 12 February 2024. Additional properties were notified between 26 March and 11 April 2024 in accordance with the *Waverley Community Engagement Strategy 2023*.

No submissions were received.

## 2.5. Public Interest

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

## 3. REFERRALS

The following internal referral comments were sought:

### 3.1. Heritage

The application was referred to the Council's Heritage advisor and they have no objections to the proposal.

## 4. CONCLUSION

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

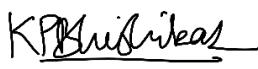


### ***Managers of Development Assessment (MODA) Review***

The application was reviewed by the MODA at the meeting on 9 April 2024 and the MODA determined that the application is acceptable and should be approved, subject to the conditions in Appendix A

MoDA members: *B McNamara, B Magistrale, K Johnstone, and D Knight.*

## 5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed by:	Application reviewed and agreed by:
		
Kalyani Bhishikar	Peggy Wong	Bridget McNamara
<b>Development Assessment Planner</b>	<b>Acting Area Manager, Development Assessment</b>	<b>A/Executive Manager, Development Assessment</b>
<b>Date: 30 April 2024</b>	<b>Date: 6 May 2024</b>	<b>Date: 9 May 2024</b>

### *Reason for WLPP referral:*

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

OFFICE USE ONLY

<b>Planning Portal Data</b>	
Clause 4.6 register entry required	11.6% variation to height (Clause 4.3)
	X Pre-existing non-compliance
	X No change to overall building height
	X No change to overall building envelope
	X Variation limited to the balcony balustrades on the third floor only
	X No unreasonable impacts on the amenity of adjoining properties or streetscape
	X Sufficient environmental planning grounds
	X Consistent with the objectives of the standard
Determining Authority	Local Planning Panel
Were the requirements of the Sustainable Buildings SEPP (effective 1 October 2023) met?	N/A
Have any dwellings been approved for affordable Rental Housing under this approval/consent?	No
Secondary Dwelling	No
Boarding House	No
Group Home	No
Is the development subject to the Special Infrastructure Contribution (SIC)?	No
Is the development located within an Urban Release area?	No
<b>Waverley Council Data</b>	
Trial Period database entry required	No
VPA submitted – follow up actions required	No
Refer to compliance for investigation	No
Commercial/liquor operational conditions	No
Was there a 'Conflict of Interest' declared	No

## APPENDIX A – CONDITIONS OF CONSENT

### Terms and Reasons for Conditions

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

### GENERAL CONDITIONS

Condition																																																																									
<b>1.</b>	<p><b>APPROVED PLANS AND DOCUMENTATION</b></p> <p>The development must be in accordance with:</p> <p>(a) Architectural Plans prepared by the applicant Elaine Beach of Project No: 001 for 66 Queens Park Road, QUEENS PARK including the following:</p> <table border="1" style="margin-left: 40px;"> <thead> <tr> <th>Plan Number and Revision</th> <th>Plan description</th> <th>Plan Date</th> <th>Date received by Council</th> </tr> </thead> <tbody> <tr> <td>A00 Rev 3</td> <td>Project Cover Sheet</td> <td>30/04/2024</td> <td>30/04/2024</td> </tr> <tr> <td>A01 Rev 2</td> <td>Existing Site Plan</td> <td>21/11/2023</td> <td>30/04/2024</td> </tr> <tr> <td>A22 Rev 2</td> <td>Level 1 Plan - Demolition</td> <td>21/11/2023</td> <td>30/04/2024</td> </tr> <tr> <td>A23 Rev 2</td> <td>Level 2 Plan - Demolition</td> <td>21/11/2023</td> <td>30/04/2024</td> </tr> <tr> <td>A24 Rev 2</td> <td>Level 3 Plan - Demolition</td> <td>21/11/2023</td> <td>30/04/2024</td> </tr> <tr> <td>A25 Rev 2</td> <td>Roof Level Plan - Demolition</td> <td>21/11/2023</td> <td>30/04/2024</td> </tr> <tr> <td>A32 Rev 2</td> <td>Level 1 Plan - Proposed</td> <td>21/11/2023</td> <td>30/04/2024</td> </tr> <tr> <td>A33 Rev 2</td> <td>Level 2 Plan - Proposed</td> <td>21/11/2023</td> <td>30/04/2024</td> </tr> <tr> <td>A34 Rev 2</td> <td>Level 3 Plan - Proposed</td> <td>21/11/2023</td> <td>30/04/2024</td> </tr> <tr> <td>A35 Rev 2</td> <td>Roof Level Plan - Proposed</td> <td>21/11/2023</td> <td>30/04/2024</td> </tr> <tr> <td>A50 Rev 3</td> <td>Elevation - East - Demolition</td> <td>30/04/2024</td> <td>30/04/2024</td> </tr> <tr> <td>A51 Rev 3</td> <td>Elevation - North and South - Demolition</td> <td>30/04/2024</td> <td>30/04/2024</td> </tr> <tr> <td>A52 Rev 3</td> <td>Elevation - West - Demolition</td> <td>30/04/2024</td> <td>30/04/2024</td> </tr> <tr> <td>A60 Rev 3</td> <td>Elevation - East - Proposed</td> <td>30/04/2024</td> <td>30/04/2024</td> </tr> <tr> <td>A61 Rev 3</td> <td>Elevation - North and South - Proposed</td> <td>30/04/2024</td> <td>30/04/2024</td> </tr> <tr> <td>A62 Rev 3</td> <td>Elevation - West - Proposed</td> <td>30/04/2024</td> <td>30/04/2024</td> </tr> <tr> <td>A70 Rev 3</td> <td>Elevation Details - Existing, Demolition and Proposed</td> <td>30/04/2024</td> <td>30/04/2024</td> </tr> </tbody> </table>	Plan Number and Revision	Plan description	Plan Date	Date received by Council	A00 Rev 3	Project Cover Sheet	30/04/2024	30/04/2024	A01 Rev 2	Existing Site Plan	21/11/2023	30/04/2024	A22 Rev 2	Level 1 Plan - Demolition	21/11/2023	30/04/2024	A23 Rev 2	Level 2 Plan - Demolition	21/11/2023	30/04/2024	A24 Rev 2	Level 3 Plan - Demolition	21/11/2023	30/04/2024	A25 Rev 2	Roof Level Plan - Demolition	21/11/2023	30/04/2024	A32 Rev 2	Level 1 Plan - Proposed	21/11/2023	30/04/2024	A33 Rev 2	Level 2 Plan - Proposed	21/11/2023	30/04/2024	A34 Rev 2	Level 3 Plan - Proposed	21/11/2023	30/04/2024	A35 Rev 2	Roof Level Plan - Proposed	21/11/2023	30/04/2024	A50 Rev 3	Elevation - East - Demolition	30/04/2024	30/04/2024	A51 Rev 3	Elevation - North and South - Demolition	30/04/2024	30/04/2024	A52 Rev 3	Elevation - West - Demolition	30/04/2024	30/04/2024	A60 Rev 3	Elevation - East - Proposed	30/04/2024	30/04/2024	A61 Rev 3	Elevation - North and South - Proposed	30/04/2024	30/04/2024	A62 Rev 3	Elevation - West - Proposed	30/04/2024	30/04/2024	A70 Rev 3	Elevation Details - Existing, Demolition and Proposed	30/04/2024	30/04/2024
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	A71 Rev 4	Detail Sections - Existing, Demolition and Proposed	30/04/2024	30/04/2024
Except where amended by the following conditions of consent.				
Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.				

## BUILDING WORK

### BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
<b>2.</b>	<p><b>NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE</b></p> <p>The building work, or demolition work, must not be commenced until:</p> <ul style="list-style-type: none"> <li>(a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the <i>Environmental Planning and Assessment Act 1979</i>;</li> <li>(b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2021</i>; and</li> <li>(c) Council is given at least two days' notice in writing of the intention to commence the building works.</li> </ul> <p>Condition reason: To ensure a Construction Certificate is obtained prior to work commencing.</p>
<b>3.</b>	<p><b>SECTION 7.12 CONTRIBUTION</b></p> <p>A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the <i>Environmental Planning and Assessment Act 1979</i> and the Waverley Council Development Contributions Plan in accordance with the following:</p> <ul style="list-style-type: none"> <li>(a) Where the total development cost is \$500,000 or less: <ul style="list-style-type: none"> <li>(i) a <b>Cost Summary Report</b> or <b>Building Contract</b> (dated within 12 months) or similar is to be submitted to Council's Customer Service Centre to process payment.</li> </ul> </li> <li>(b) Where the total development cost is more than \$500,000 but less than \$1,000,000: <ul style="list-style-type: none"> <li>(i) a <b>Detailed Cost Report</b> (dated within 12 months) prepared by a registered Quantity Surveyor, <b>Building Contract</b>, or similar is to be submitted to Council's Customer Service Centre to process payment.</li> </ul> </li> <li>(c) Where the total development cost is \$1,000,000 or more: <ul style="list-style-type: none"> <li>(i) a <b>Detailed Cost Report</b> (dated within 12 months) prepared by a registered Quantity Surveyor, <b>Building Contract</b>, or similar is to be submitted to and approved by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate). <ul style="list-style-type: none"> <li>- Please forward documents to <a href="mailto:info@waverley.nsw.gov.au">info@waverley.nsw.gov.au</a> attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy.</li> </ul> </li> </ul> </li> </ul>

	<p>(ii) Upon confirmation of the contribution amount by Council’s Executive Manager, Urban Planning, Policy and Strategy (or delegate), payment is to be processed via the Customer Service Centre.</p> <p>(iii) Should there be a discrepancy between the cost of works approved in subclause (b)(i) and the DA fee nominated in the original DA, then additional DA Fees may be payable prior to the issue of a Construction Certificate.</p> <p>A copy of the required format for the cost reports are provided in the Waverley Council Contributions Plan, available on Council’s website.</p> <p>(d) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, the levy must be paid in accordance with the following;</p> <p>(i) A development valued at \$100,000 or less will be exempt from the levy;</p> <p>(ii) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% of the <u>full</u> cost of the development; or</p> <p>(iii) A development valued at more than \$200,000 will attract a levy of 1% of the <u>full</u> cost of the development.</p> <p>Prior to the issue of any Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.</p> <p>Condition reason: To ensure the Section 7.12 Contributions are paid.</p>
<p><b>4.</b></p>	<p><b>SECURITY DEPOSIT</b></p> <p>A deposit (cash or cheque) for the amount of <b>\$7,865.00</b> must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.</p> <p>This deposit (cash or cheque) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs for any repair of damage to Council property or rectification of unauthorised works on Council property, will be refunded after satisfactory completion all of works associated with this consent (including the required public works) to the person who paid the deposit.</p> <p>Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.</p>
<p><b>5.</b></p>	<p><b>LONG SERVICE LEVY</b></p> <p>A long service levy, as required under section 34 of the <i>Building and Construction Industry Long Service Payments Act, 1986</i>, is to be paid in respect of this building work. Evidence that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate.</p>

	<p><u>Note</u>: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.25% of building work costing \$250,000 or more.</p>
	<p>Condition reason: To ensure the long service levy is paid.</p>
<b>6.</b>	<p><b>HOARDING</b></p> <p>ensure the site is contained during construction, a hoarding is required for the approved works, which is to be designed and constructed in accordance with the requirements of Safe Work NSW. Where the hoarding is to be erected over the footpath or any public place, the approval of Council's Compliance Unit must be obtained and the applicable fees paid, prior to the erection of the hoarding.</p>
	<p>Condition reason: To ensure safety to the general public.</p>
<b>7.</b>	<p><b>ENGINEERING DETAILS</b></p> <p>Structural details are to be prepared and certified by a practicing Structural Engineer in connection with all structural components of the approved works, prior to the issue of the relevant Construction Certificate.</p>
	<p>Condition reason: To ensure structural stability of work on site.</p>
<b>8.</b>	<p><b>CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)</b></p> <p>The applicant is to submit a Construction Traffic Management Plan (CTMP) for the approval of Council's Executive Manager, Infrastructure Services, or delegate, prior to the issue of any Construction Certificate. For further information on what is required in the CTMP, please refer to Council's website at:  <a href="https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent">https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent</a></p>
	<p>Condition reason: To minimise disruption to local traffic.</p>
<b>9.</b>	<p><b>SITE WASTE AND RECYCLING MANAGEMENT PLAN</b></p> <p>A <i>Site Waste and Recycling Management Plan (SWRMP) - Part 2</i> is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the <i>SWRMP Part 2</i> is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.</p>
	<p>Condition reason: To ensure resource recovery is promoted and the local amenity is protected during construction.</p>

## BEFORE BUILDING WORK COMMENCES

	Condition
<b>10.</b>	<p><b>CONSTRUCTION SIGNS</b></p> <p>Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.</p> <p>Condition reason: To ensure the general public are afforded the Principal Certifying Authority and principal contractor's (the coordinator of the building works) contact details.</p>
<b>11.</b>	<p><b>DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS</b></p> <p>The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including:</p> <ul style="list-style-type: none"> <li>• Work Health and Safety Act 2011;</li> <li>• Work Health and Safety Regulation 2017;</li> <li>• SafeWork NSW Code of Practice for the Safe Removal of Asbestos;</li> <li>• Australian Standard 2601 (2001) – Demolition of Structures;</li> <li>• <i>Protection of the Environment Operations Act 1997.</i></li> </ul> <p>At least 5 days prior to the demolition, renovation work or alterations and additions to any building, the person acting on the consent shall submit a Work Plan to the Principal Certifying Authority in accordance with Australian Standard AS 2601-2001, Demolition of Structure and a Hazardous Materials Assessment prepared by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall:</p> <p>(a) Outline the identification of any hazardous materials, including surfaces coated with lead paint;</p> <p>(b) Confirm that no asbestos products are present on the subject land, or</p> <p>(c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by SafeWork NSW (catalogue WC03561);</p> <p>(d) Describe the method of demolition;</p> <p>(e) Describe the precautions to be employed to minimise any dust nuisance; and</p> <p>(f) Describe the disposal methods for hazardous materials.</p> <p>Condition reason: To ensure the safety of workers and the general public.</p>

<p><b>12.</b></p>	<p><b>TREE PROTECTION</b></p> <p>All trees on site and adjoining properties, including street trees, are to be retained and protected in accordance with AS4970-2009 'Protection of Trees on Construction Sites' and to be certified by an Arborist with AQF level 5 qualification or above, unless approved to be removed in this development consent.</p> <p>Condition reason: To protect and retain trees.</p>
<p><b>13.</b></p>	<p><b>STREET TREES TO BE RETAINED/TREE PROTECTION</b></p> <p>No existing street trees shall be removed without Council approval. Precautions shall be taken when working near trees to ensure their retention, including the following:</p> <ul style="list-style-type: none"> <li>(a) Do not store harmful or bulk materials or spoil under or near trees;</li> <li>(b) Prevent damage to bark and root system;</li> <li>(c) Do not use mechanical methods to excavate within root zones;</li> <li>(d) Do not add or remove topsoil from under the drip line;</li> <li>(e) Do not compact ground under the drip line;</li> <li>(f) Do not mix or dispose of liquids within the drip line of the tree; and</li> <li>(g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter in accordance with AS4970-2009 "Protection of trees on construction sites.</li> </ul> <p>Condition reason: To protect trees during the carrying out of site work.</p>

## DURING BUILDING WORK

	Condition
<b>14.</b>	<p><b>CONTROL OF DUST ON CONSTRUCTION SITES</b></p> <p>The following requirements apply to demolition and construction works on site:</p> <p>(a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.</p> <p>(b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices.</p> <p>Condition reason: To ensure the safety of workers and the general public.</p>
<b>15.</b>	<p><b>CONSTRUCTION HOURS</b></p> <p>Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays, with no work to be carried out on Sundays and public holidays.</p> <p>Excavation works involving the use of heavy earth movement equipment, including rock breakers and the like, must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays, with no such work to be carried out on Saturday, Sunday or a public holiday.</p> <p>Noise from construction activities shall comply with the <i>Protection of the Environmental Operations (Noise Control) Regulation 2017</i>.</p> <p>Condition reason: To protect the amenity of the surrounding area.</p>
<b>16.</b>	<p><b>STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS</b></p> <p>All building materials and any other items associated with the development are to be stored within the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.</p> <p>Condition reason: To ensure building material is stored in an appropriate location.</p>
<b>17.</b>	<p><b>CONSTRUCTION INSPECTIONS</b></p> <p>The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the <i>Building Legislation Amendment (Quality of Construction) Act 2002</i>, clause 162A of the <i>Environmental Planning and Assessment Regulation 2021</i> and the requirements of any other applicable legislation or instruments.</p> <p>Condition reason: To ensure regular inspections occur throughout the construction process.</p>

<b>18.</b>	<b>WORK OUTSIDE PROPERTY BOUNDARY</b>
	This consent does not authorise any work outside the property boundary.
	Condition reason: To ensure buildings are sited and positioned in the approved location.



## BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
<b>19.</b>	<p><b>FINAL OCCUPATION CERTIFICATE</b></p> <p>Prior to occupation or use of the development, an Occupation Certificate must be obtained.</p> <p>The Principal Certifying Authority must be satisfied that the requirements of the <i>Environmental Planning &amp; Assessment Act 1979</i> have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.</p> <p>Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.</p>

## GENERAL ADVISORY NOTES

	Condition
<b>1.</b>	<p><b>DEVELOPMENT IS TO COMPLY WITH LEGISLATION</b></p> <p>This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&amp;A Act, EP&amp;A Regulation and other legislation.</p>
<b>2.</b>	<p><b>DEVELOPMENT MUST MEET CONDITIONS OF CONSENT</b></p> <p>The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&amp;A Act to carry out development that is not in accordance with this consent.</p>
<b>3.</b>	<p><b>POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT</b></p> <p>Various conditions require further input, review or approval by Council in order to be satisfied following the determination of the application (that is, post consent). In those instances, please adhere to the following process to avoid delays:</p> <ul style="list-style-type: none"> <li>• Please read your conditions carefully.</li> <li>• Information to be submitted to Council should be either via email to <a href="mailto:info@waverley.nsw.gov.au">info@waverley.nsw.gov.au</a>, in person (at Council’s Customer Service Centre) or via post service.</li> <li>• Attention the documentation to the relevant officer/position of Council (where known/specified in condition)</li> <li>• Include DA reference number</li> <li>• Include condition number/s seeking to be addressed</li> <li>• 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).</li> <li>• 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.</li> <li>• 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.</li> <li>• Please note in some circumstances, additional fees and/or additional documents (hard copy) may be required.</li> <li>• Council’s standard for review (from date the relevant officer receives documentation) is 14days. Times may vary or be delayed if information is not received in this required manner.</li> <li>• Any queries, please contact Council’s Duty Planner on <a href="mailto:duty.planner@waverley.nsw.gov.au">duty.planner@waverley.nsw.gov.au</a></li> </ul>
<b>4.</b>	<p><b>ALTERATIONS AND ADDITIONS ONLY</b></p> <p>This consent is for alterations and additions to the existing building only and should during the course of construction a significant amount of the remaining fabric of the building be required to be removed, works must cease immediately and a new development application will be required to be submitted for assessment.</p>

5.	<b>TREE REMOVAL/PRESERVATION</b>  Any trees not identified for removal in this application have not been assessed and separate approval may be required. Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building may also require approval.
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## ***Dictionary***

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

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

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

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

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

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

**Council** means Waverley Council.

**Court** means the Land and Environment Court of NSW.

**EPA** means the NSW Environment Protection Authority.

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

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

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

**Local planning panel** means Waverley Local Planning Panel.

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

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

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

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

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

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

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

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

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

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

# AMENDED PLANS

RECEIVED  
Waverley Council  
Application No: DA-384/2023  
Date Received: 30/04/2024

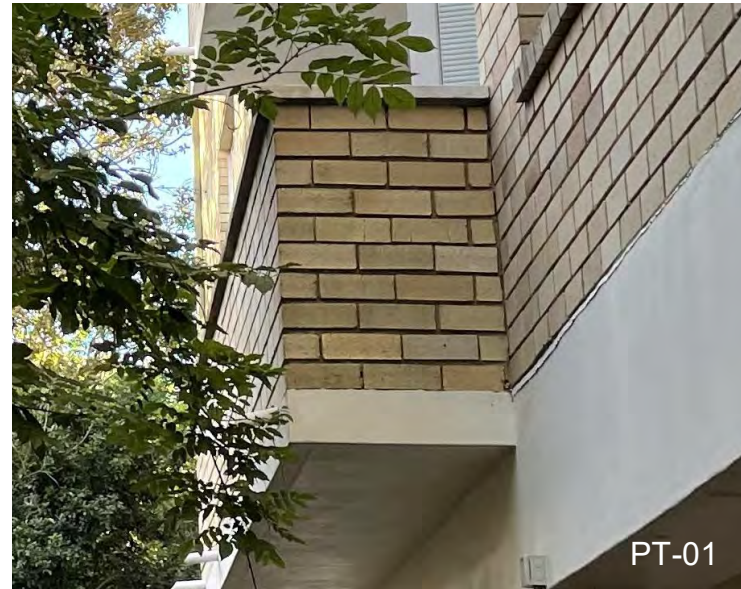
## MATERIALS SCHEDULE

### LEGEND

GL-01 OPAQUE FRAMELESS GLAZING  
SS-01 STAINLESS STEEL  
PT-01 SLAB EDGE FINISH (TO MATCH EXISTING)



GL-01



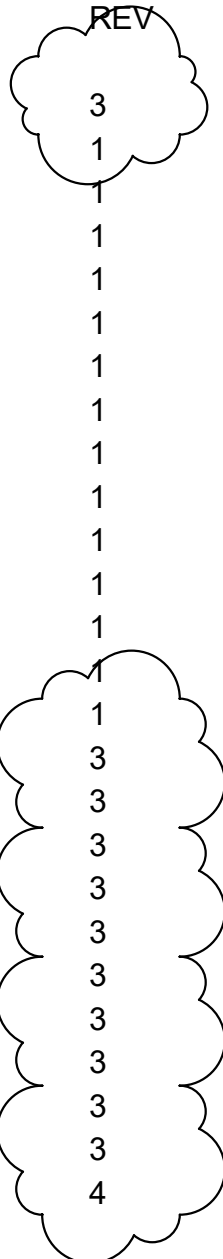
PT-01



SS-01

## DRAWING SHEET LIST

NO.	NAME	REV
A00	PROJECT COVER SHEET	3
A01	EXISTING SITE PLAN	1
A02	EXISTING SITE AERIAL VIEW	1
A03	EXISTING SITE PHOTOS	1
A11	GROUND LEVEL PLAN - EXISTING	1
A12	LEVEL 1 PLAN - EXISTING	1
A13	LEVEL 2 PLAN - EXISTING	1
A14	LEVEL 3 PLAN - EXISTING	1
A15	ROOF LEVEL PLAN - EXISTING	1
A22	LEVEL 1 PLAN - DEMOLITION	1
A23	LEVEL 2 PLAN - DEMOLITION	1
A24	LEVEL 3 PLAN - DEMOLITION	1
A32	LEVEL 1 PLAN - PROPOSED	1
A33	LEVEL 2 PLAN - PROPOSED	1
A34	LEVEL 3 PLAN - PROPOSED	1
A40	ELEVATION - EAST - EXISTING	3
A41	ELEVATIONS - NORTH & SOUTH - EXISTING	3
A42	ELEVATION - WEST - EXISTING	3
A50	ELEVATION - EAST - DEMOLITION	3
A51	ELEVATIONS - NORTH & SOUTH - DEMOLITION	3
A52	ELEVATION - WEST - DEMOLITION	3
A60	ELEVATION - EAST - PROPOSED	3
A61	ELEVATIONS - NORTH & SOUTH - PROPOSED	3
A62	ELEVATION - WEST - PROPOSED	3
A70	DETAIL ELEVS - TYP. (EXIST, DEMO & PROPOSED)	3
A71	DETAIL SECTIONS - TYP. (EXIST, DEMO, PROPOSED)	4



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NOT FOR CONSTRUCTION

PROJECT ADDRESS  
**66 QUEENS PARK RD  
QUEENS PARK NSW 2022**

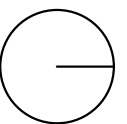
NOTES  
1. DESIGN DRAWINGS TO BE USED FOR CDC APPLICATION ONLY, NOT FOR CONSTRUCTION  
2. DO NOT SCALE FROM DESIGN DRAWINGS  
3. ALL DIMENSIONS & FEATURES TO BE VERIFIED ON SITE

REVISIONS		
No.	Description	Date
1	ISSUED FOR CDC APPLICATION	19/12/22
2	ISSUED FOR DA APPLICATION	21/11/23
3	ISSUED FOR DA RFI RESPONSE	30/04/24

CLIENT NAME  
**STRATA PLAN SP 13390**

PROJECT NAME  
**BALUSTRADE REPLACEMENT**

DRAWING NAME		PROJECT COVER SHEET	
Project number		DRAWING NO.	<b>A00</b>
Date			
Scale	1 : 1		
Status		Checker	



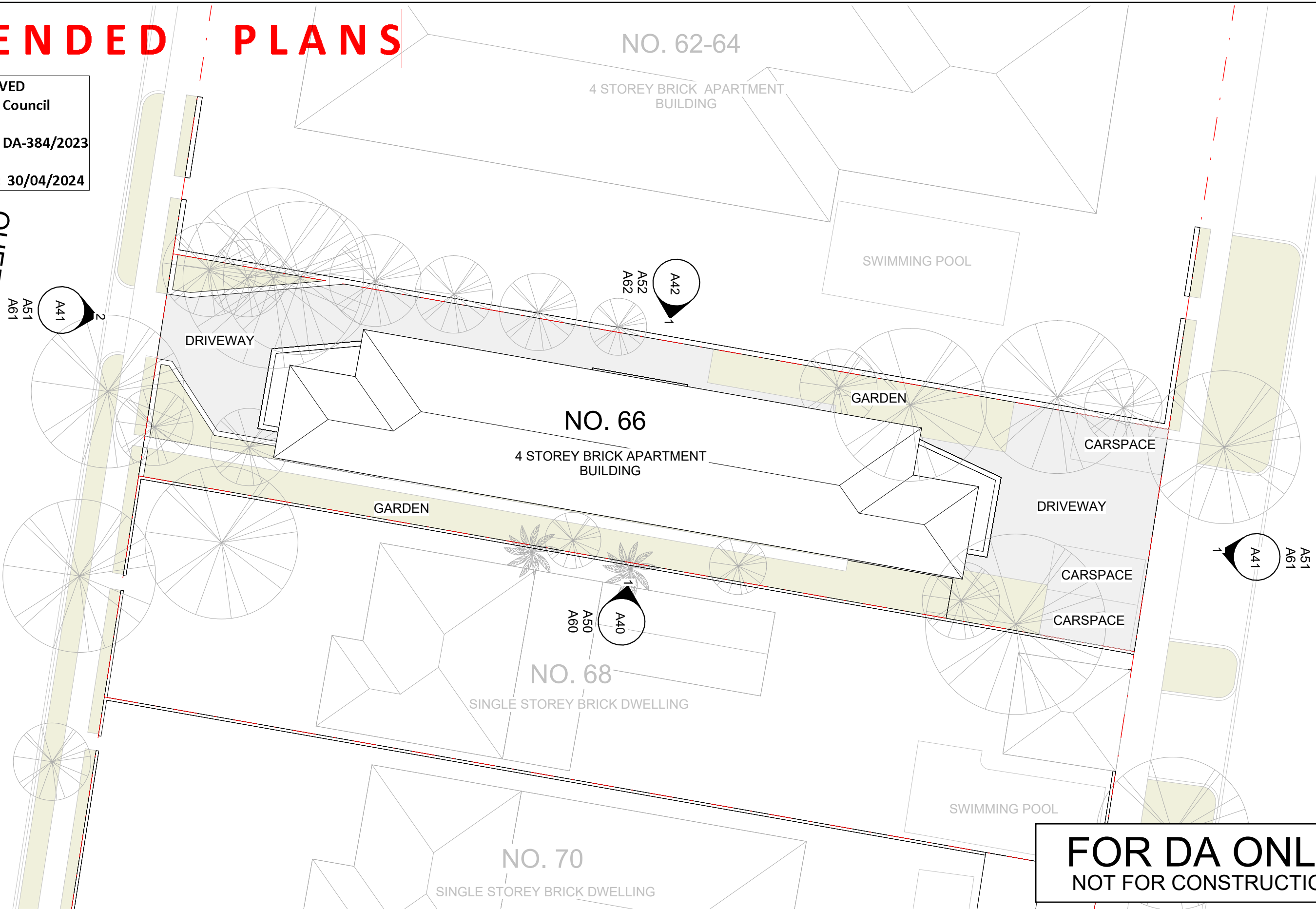


# AMENDED PLANS

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Application No: DA-384/2023  
Date Received: 30/04/2024

QUEENS PARK ROAD

ARNOLD STREET



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PROJECT ADDRESS  
**66 QUEENS PARK RD  
QUEENS PARK NSW 2022**

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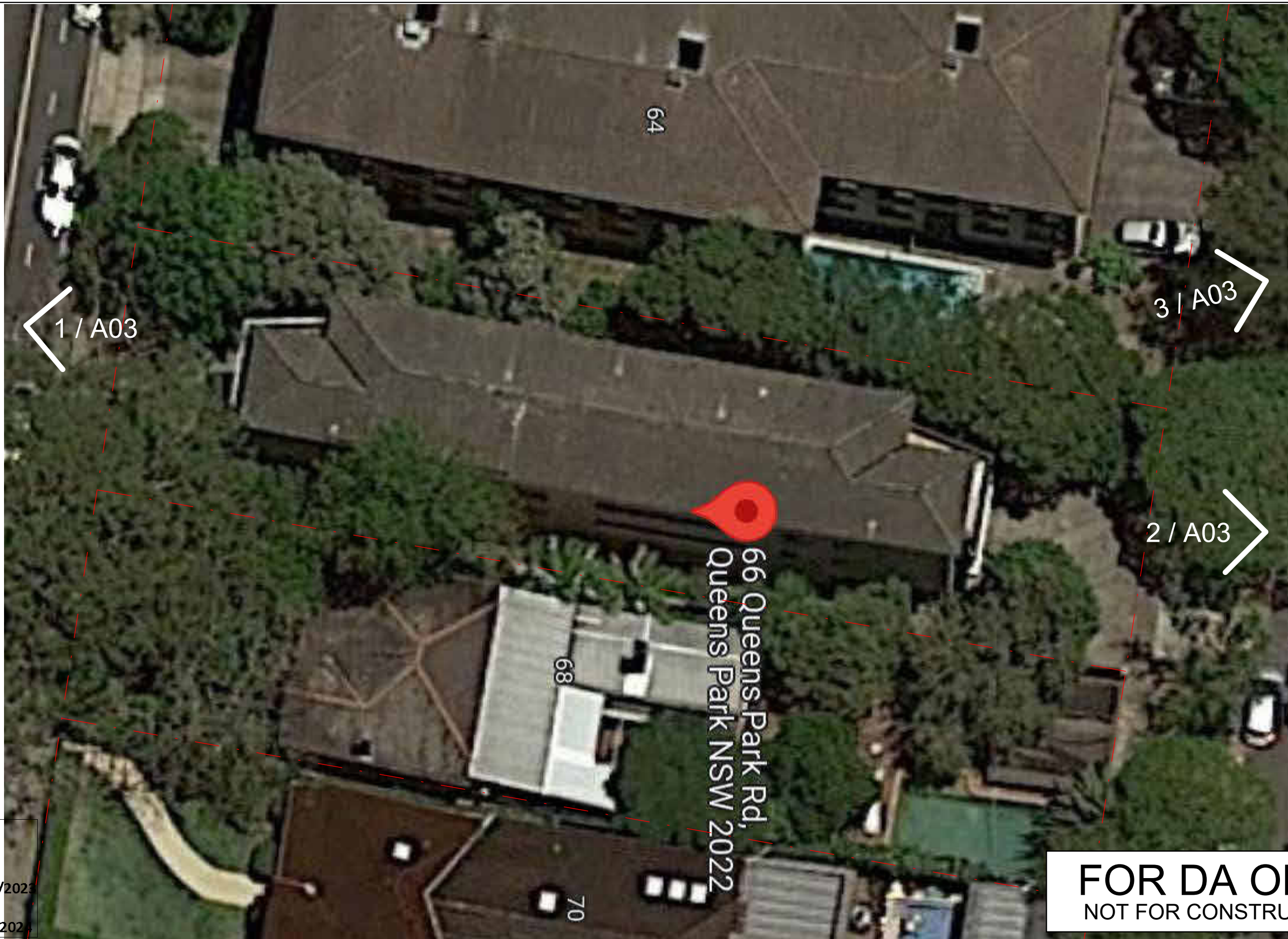
REVISIONS		
No.	Description	Date
1	ISSUED FOR CDC APPLICATION	19/12/22
2	ISSUED FOR DA APPLICATION	21/11/23

CLIENT NAME  
**STRATA PLAN SP 13390**

PROJECT NAME  
**BALUSTRADE REPLACEMENT**

DRAWING NAME		EXISTING SITE PLAN	
Project number	001	DRAWING NO.	<b>A01</b>
Date	1/8/2023		
Scale	1 : 200		
Status	FOR DA APPROVAL		





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Application No: DA-384/2023  
Date Received: 30/04/2023

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PROJECT ADDRESS
66 QUEENS PARK RD QUEENS PARK NSW 2022
NOTES
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REVISIONS
No. Description Date
1 ISSUED FOR CDC APPLICATION 19/12/22
2 ISSUED FOR DA APPLICATION 21/11/23

CLIENT NAME	STRATA PLAN SP 13390
PROJECT NAME	BALUSTRADE REPLACEMENT

DRAWING NAME	EXISTING SITE AERIAL VIEW	
Project number	001	DRAWING NO. <b>A02</b>
Date	1/8/2023	
Scale	1 : 200	
Status	FOR DA APPROVAL	

**AMENDED PLANS**





① VIEW - SOUTH (QUEENS PARK RD)  
1:1



③ VIEW - NORTH-WEST (ARNOLD ST)  
1:1



② VIEW - NORTH (ARNOLD ST)  
1:1

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Waverley Council

Application No: DA-384/2023

Date Received: 30/04/2024

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NOT FOR CONSTRUCTION

<p><b>PROJECT ADDRESS</b></p> <p>66 QUEENS PARK RD QUEENS PARK NSW 2022</p> <p><b>NOTES</b></p> <p>1. DESIGN DRAWINGS TO BE USED FOR CDC APPLICATION ONLY, NOT FOR CONSTRUCTION 2. DO NOT SCALE FROM DESIGN DRAWINGS 3. ALL DIMENSIONS &amp; FEATURES TO BE VERIFIED ON SITE</p>
--

REVISIONS		
No.	Description	Date
1	ISSUED FOR CDC APPLICATION	19/12/22
2	ISSUED FOR DA APPLICATION	21/11/23

<p><b>CLIENT NAME</b></p> <p>STRATA PLAN SP 13390</p> <p><b>PROJECT NAME</b></p> <p>BALUSTRADE REPLACEMENT</p>
--

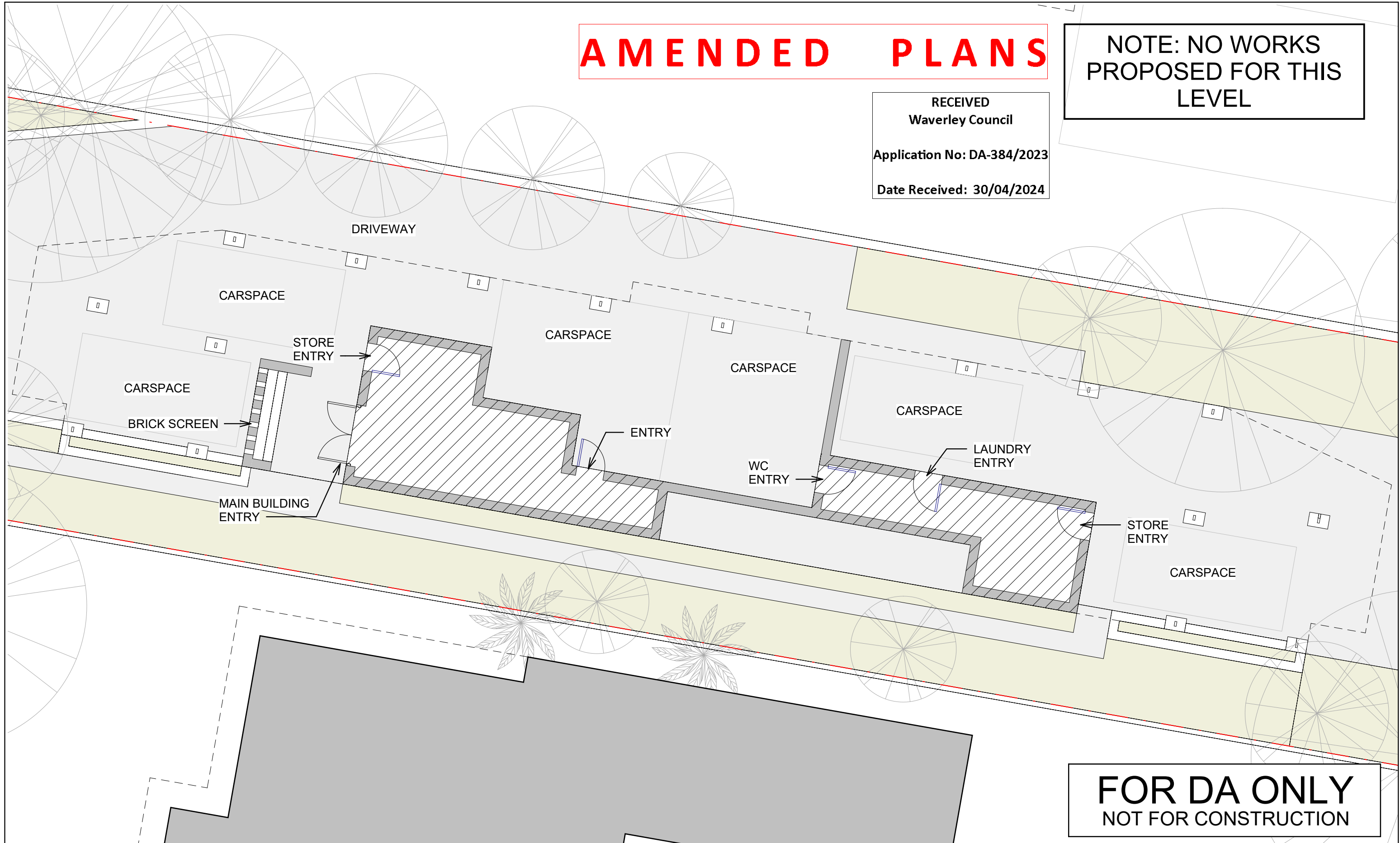
<p><b>DRAWING NAME</b></p> <p>EXISTING SITE PHOTOS</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;">Project number</td> <td style="padding: 5px;">001</td> </tr> <tr> <td style="padding: 5px;">Date</td> <td style="padding: 5px;">1/8/2023</td> </tr> <tr> <td style="padding: 5px;">Scale</td> <td style="padding: 5px;">1:1</td> </tr> <tr> <td style="padding: 5px;">Status</td> <td style="padding: 5px;">FOR DA APPROVAL</td> </tr> </table>	Project number	001	Date	1/8/2023	Scale	1:1	Status	FOR DA APPROVAL	<p><b>DRAWING NO.</b></p> <p>A03</p>	
Project number	001										
Date	1/8/2023										
Scale	1:1										
Status	FOR DA APPROVAL										



# AMENDED PLANS

NOTE: NO WORKS  
PROPOSED FOR THIS  
LEVEL

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Application No: DA-384/2023  
Date Received: 30/04/2024



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PROJECT ADDRESS  
**66 QUEENS PARK RD  
QUEENS PARK NSW 2022**

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REVISIONS		
No.	Description	Date
1	ISSUED FOR CDC APPLICATION	19/12/22
2	ISSUED FOR DA APPLICATION	21/11/23

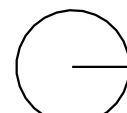
CLIENT NAME  
**STRATA PLAN SP 13390**

PROJECT NAME  
**BALUSTRADE REPLACEMENT**

DRAWING NAME	
Project number	001
Date	1/8/2023
Scale	1 : 100
Status	FOR DA APPROVAL

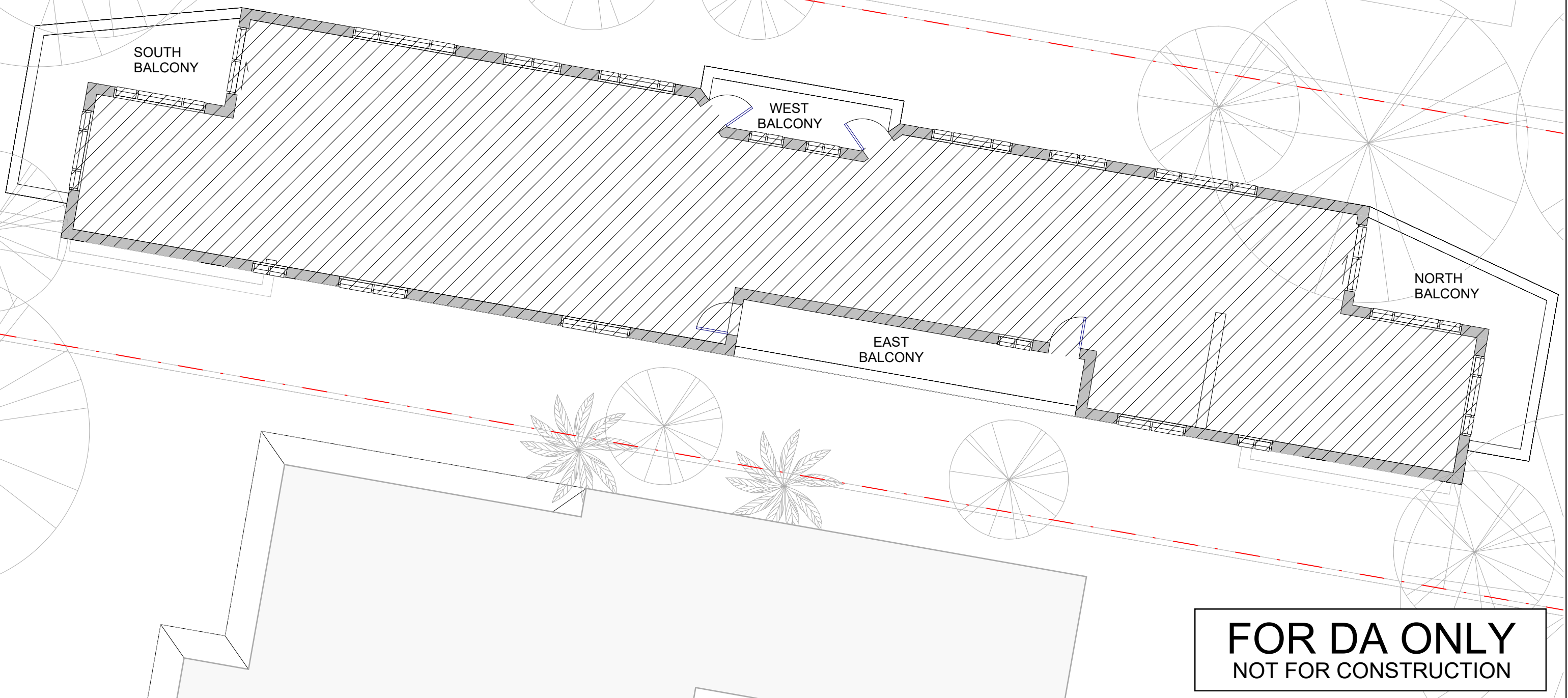
**GROUND LEVEL PLAN - EXISTING**

DRAWING NO.  
**A11**



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 Application No: DA-384/2023  
 Date Received: 30/04/2024



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PROJECT ADDRESS  
**66 QUEENS PARK RD**  
**QUEENS PARK NSW 2022**

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REVISIONS		
No.	Description	Date
1	ISSUED FOR CDC APPLICATION	19/12/22
2	ISSUED FOR DA APPLICATION	21/11/23

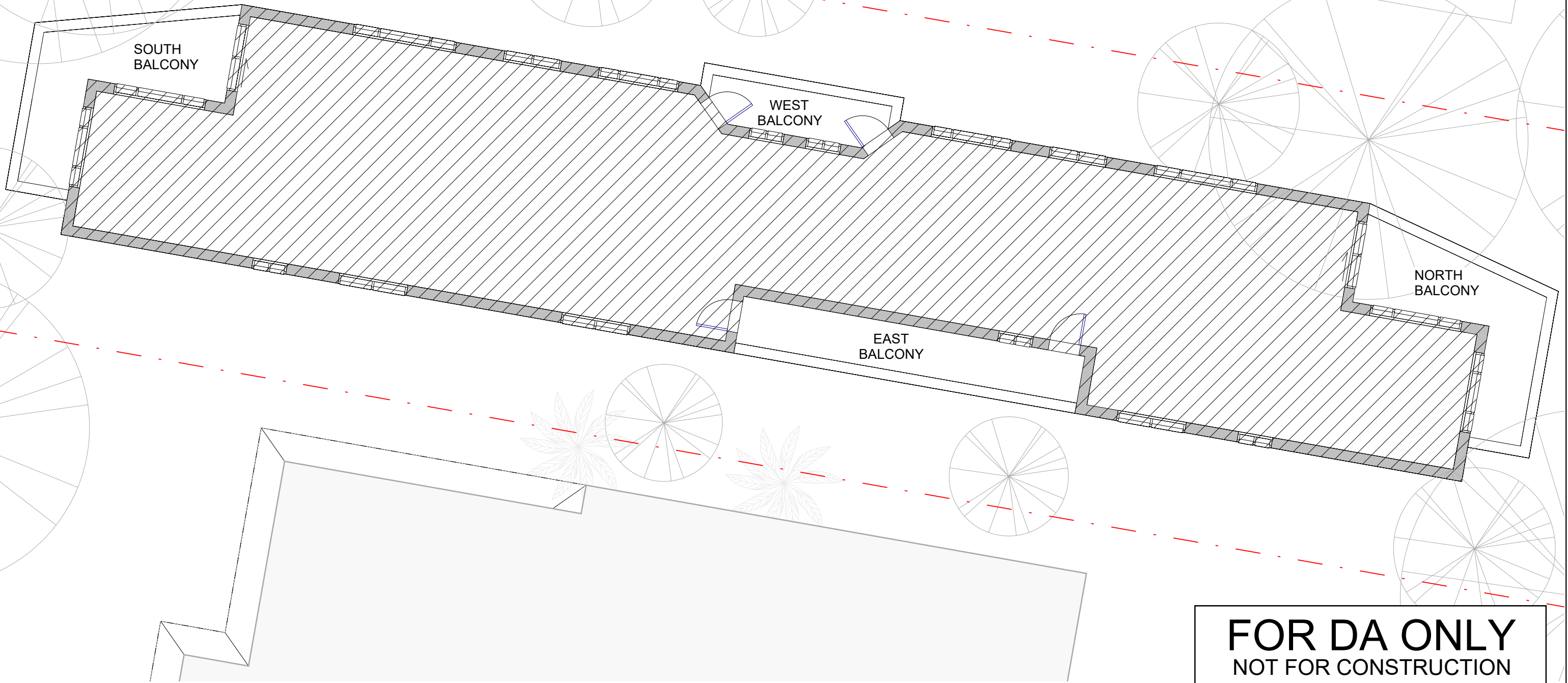
CLIENT NAME  
**STRATA PLAN SP 13390**

PROJECT NAME  
**BALUSTRADE REPLACEMENT**

DRAWING NAME		LEVEL 1 PLAN - EXISTING	
Project number	001	DRAWING NO.	A12
Date	1/8/2023		
Scale	1 : 100		
Status	FOR DA APPROVAL		

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 Date Received: 30/04/2024



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PROJECT ADDRESS  
**66 QUEENS PARK RD**  
**QUEENS PARK NSW 2022**

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REVISIONS		
No.	Description	Date
1	ISSUED FOR CDC APPLICATION	19/12/22
2	ISSUED FOR DA APPLICATION	21/11/23

CLIENT NAME  
**STRATA PLAN SP 13390**

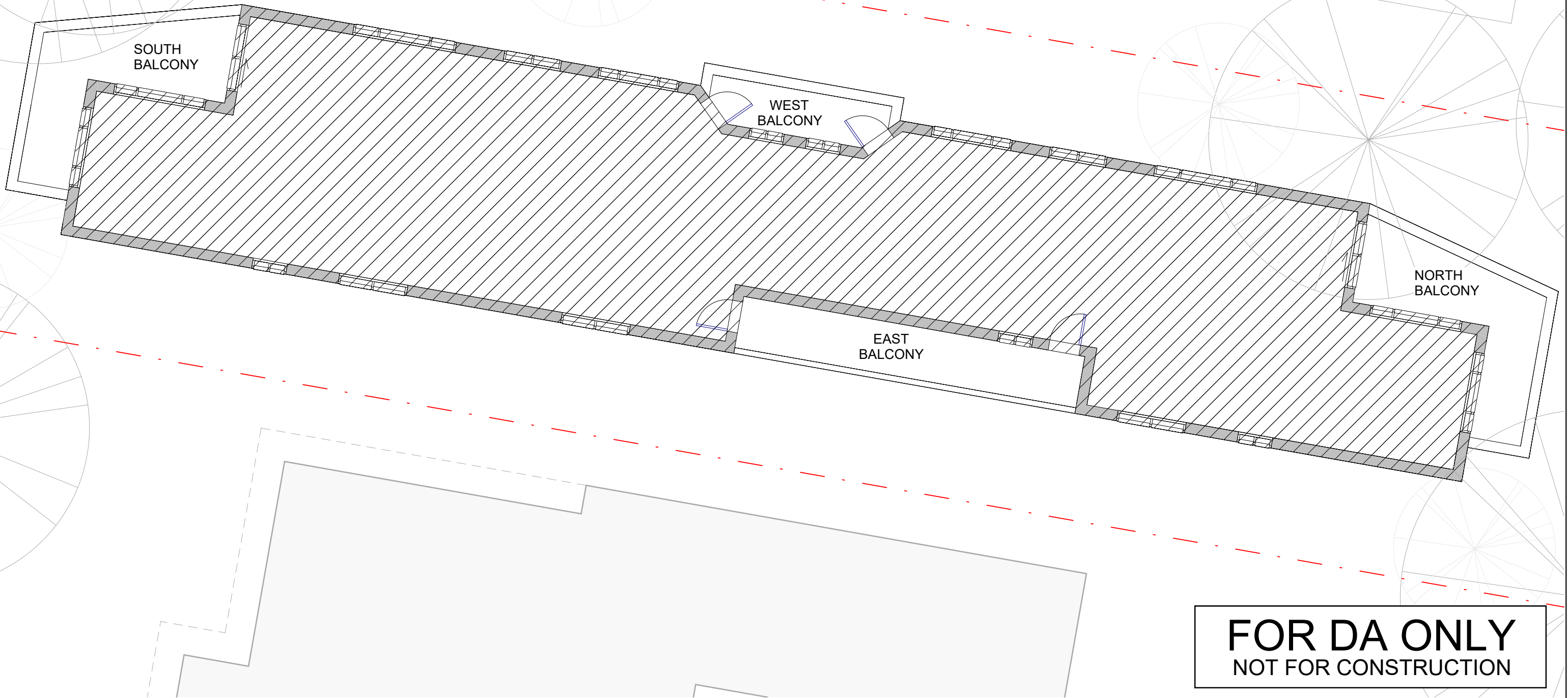
PROJECT NAME  
**BALUSTRADE REPLACEMENT**

DRAWING NAME		LEVEL 2 PLAN - EXISTING	
Project number	001	DRAWING NO. <b>A13</b>	
Date	1/8/2023		
Scale	1 : 100		
Status	FOR DA APPROVAL		



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 Application No: DA-384/2023  
 Date Received: 30/04/2024



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PROJECT ADDRESS  
**66 QUEENS PARK RD**  
**QUEENS PARK NSW 2022**

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No.	Description	Date
1	ISSUED FOR CDC APPLICATION	19/12/22
2	ISSUED FOR DA APPLICATION	21/11/23

CLIENT NAME  
**STRATA PLAN SP 13390**

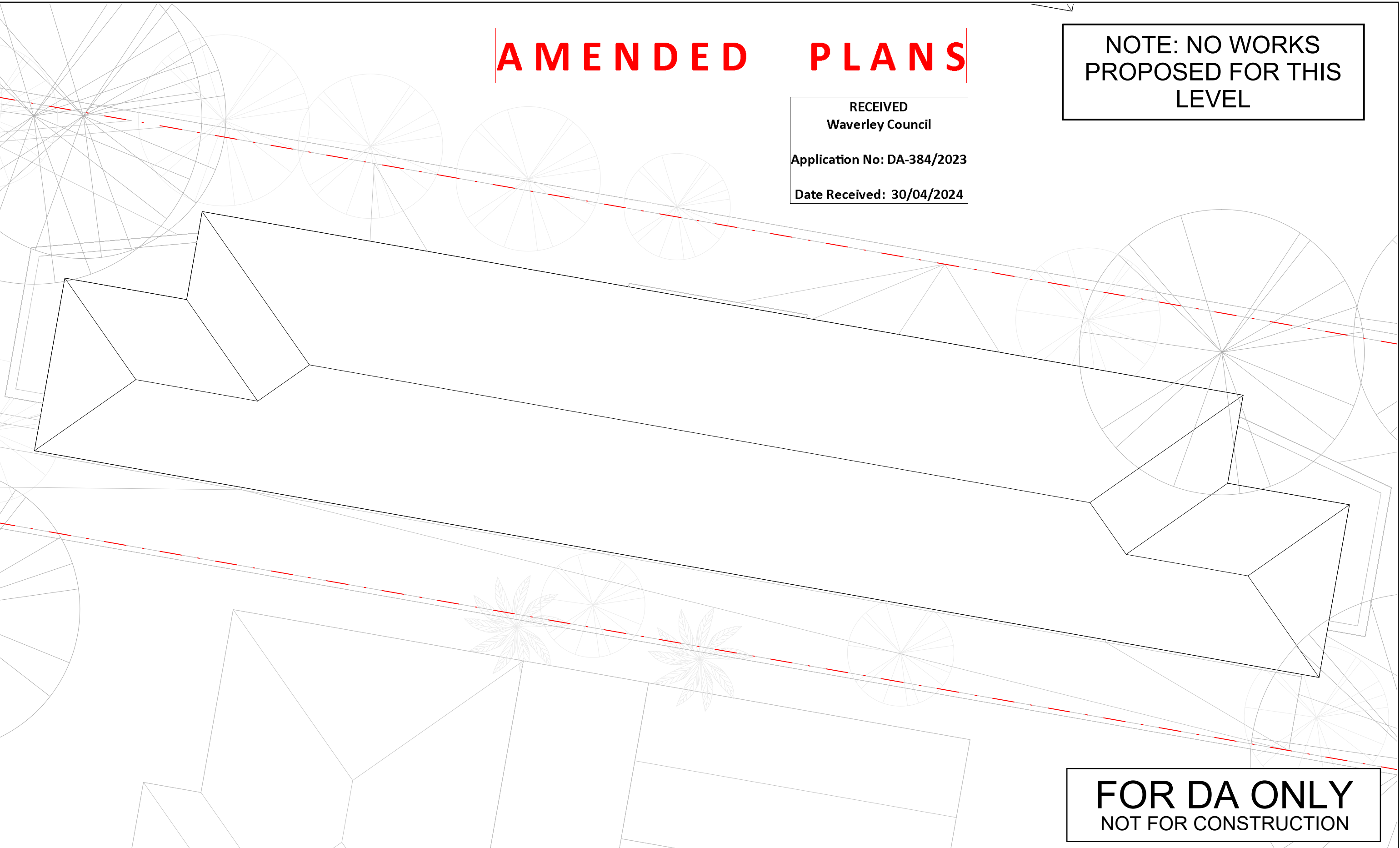
PROJECT NAME  
**BALUSTRADE REPLACEMENT**

DRAWING NAME		LEVEL 3 PLAN - EXISTING	
Project number	001	DRAWING NO. <b>A14</b>	
Date	1/8/2023		
Scale	1 : 100		
Status	FOR DA APPROVAL		

# AMENDED PLANS

NOTE: NO WORKS  
PROPOSED FOR THIS  
LEVEL

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Application No: DA-384/2023  
Date Received: 30/04/2024



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NOT FOR CONSTRUCTION

PROJECT ADDRESS  
**66 QUEENS PARK RD  
QUEENS PARK NSW 2022**

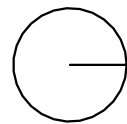
NOTES  
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REVISIONS		
No.	Description	Date
1	ISSUED FOR CDC APPLICATION	19/12/22
2	ISSUED FOR DA APPLICATION	21/11/23

CLIENT NAME  
**STRATA PLAN SP 13390**

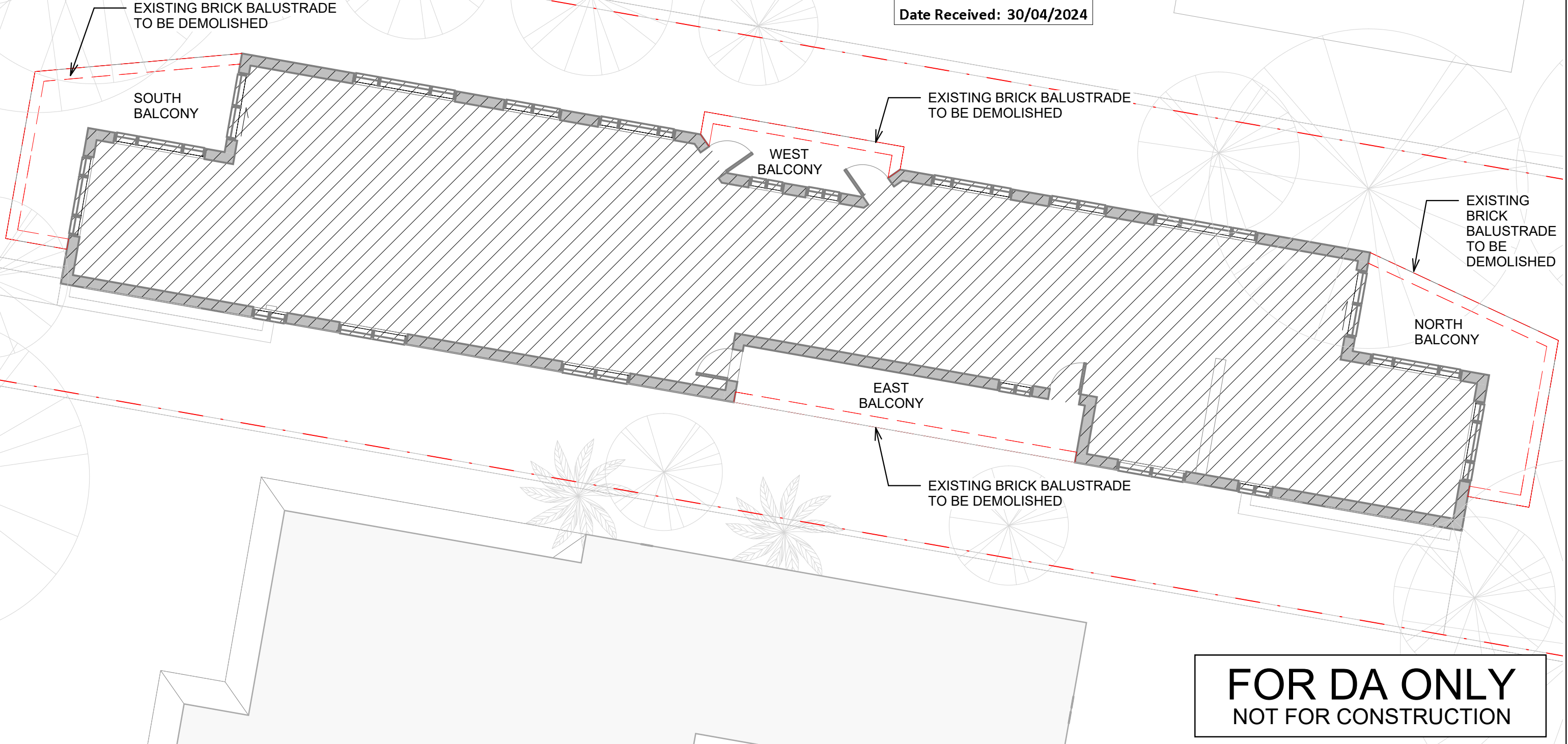
PROJECT NAME  
**BALUSTRADE REPLACEMENT**

DRAWING NAME		ROOF LEVEL PLAN - EXISTING	
Project number	001	DRAWING NO.	<b>A15</b>
Date	1/8/2023		
Scale	1 : 100		
Status	FOR DA APPROVAL		



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 Application No: DA-384/2023  
 Date Received: 30/04/2024



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PROJECT ADDRESS  
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**QUEENS PARK NSW 2022**

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REVISIONS		
No.	Description	Date
1	ISSUED FOR CDC APPLICATION	19/12/22
2	ISSUED FOR DA APPLICATION	21/11/23

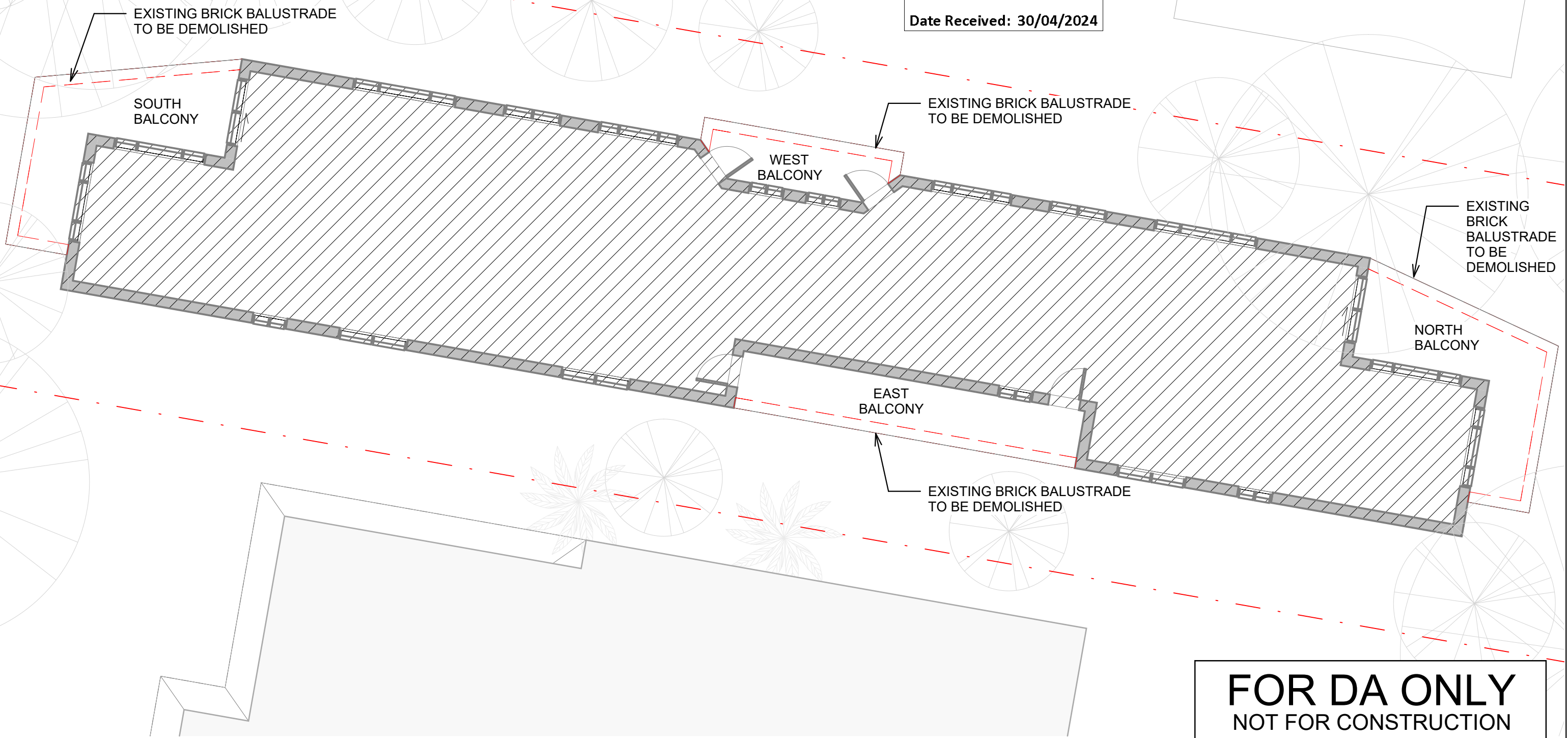
CLIENT NAME  
**STRATA PLAN SP 13390**

PROJECT NAME  
**BALUSTRADE REPLACEMENT**

DRAWING NAME		LEVEL 1 PLAN - DEMOLITION	
Project number	001	DRAWING NO. <b>A22</b>	
Date	1/8/2023		
Scale	1 : 100		
Status	FOR DA APPROVAL		

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Application No: DA-384/2023  
Date Received: 30/04/2024



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PROJECT ADDRESS  
**66 QUEENS PARK RD  
QUEENS PARK NSW 2022**

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REVISIONS		
No.	Description	Date
1	ISSUED FOR CDC APPLICATION	19/12/22
2	ISSUED FOR DA APPLICATION	21/11/23

CLIENT NAME  
**STRATA PLAN SP 13390**

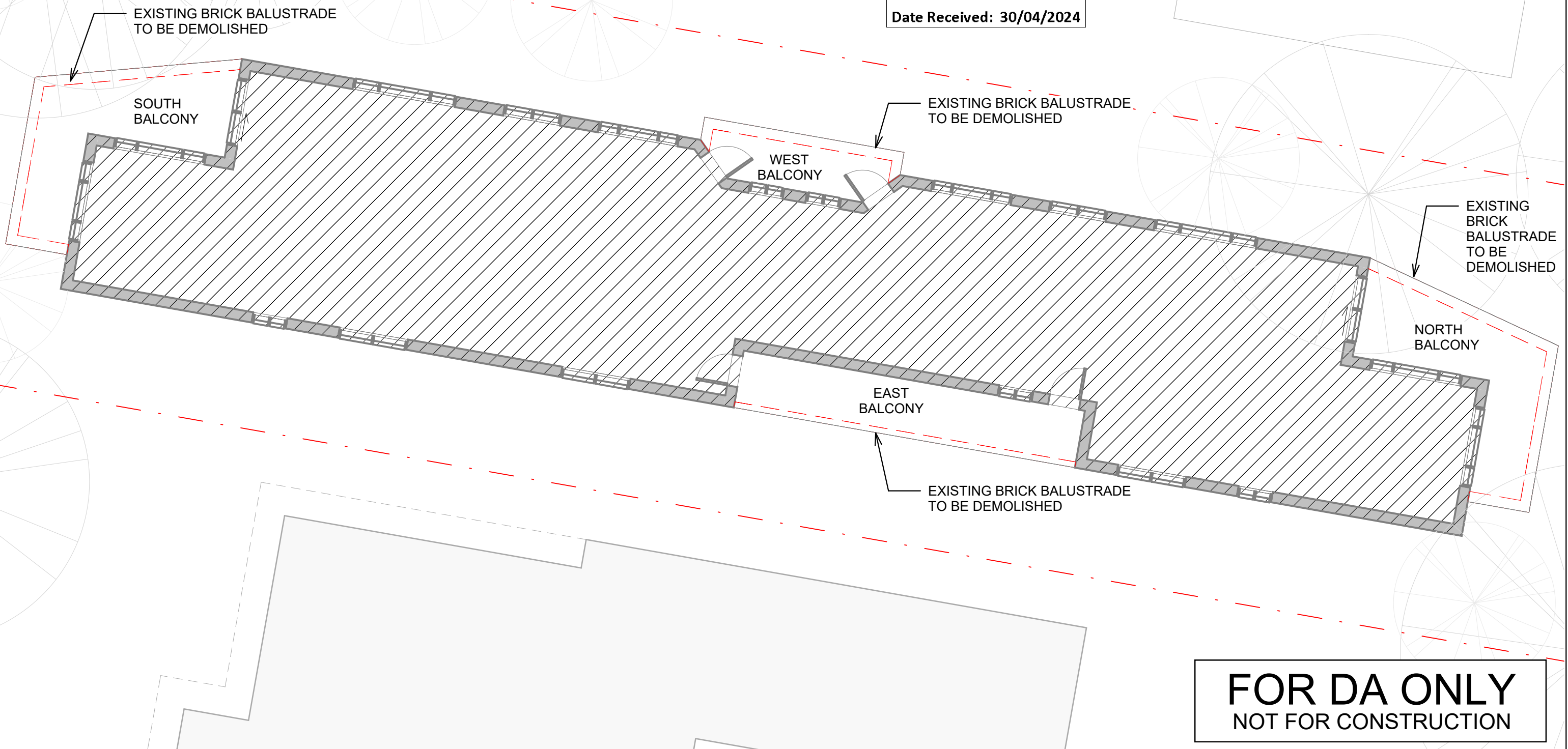
PROJECT NAME  
**BALUSTRADE REPLACEMENT**

DRAWING NAME		LEVEL 2 PLAN - DEMOLITION	
Project number	001	DRAWING NO. <b>A23</b>	
Date	1/8/2023		
Scale	1 : 100		
Status	FOR DA APPROVAL		



# AMENDED PLANS

RECEIVED  
Waverley Council  
Application No: DA-384/2023  
Date Received: 30/04/2024



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PROJECT ADDRESS  
**66 QUEENS PARK RD  
QUEENS PARK NSW 2022**

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REVISIONS		
No.	Description	Date
1	ISSUED FOR CDC APPLICATION	19/12/22
2	ISSUED FOR DA APPLICATION	21/11/23

CLIENT NAME  
**STRATA PLAN SP 13390**

PROJECT NAME  
**BALUSTRADE REPLACEMENT**

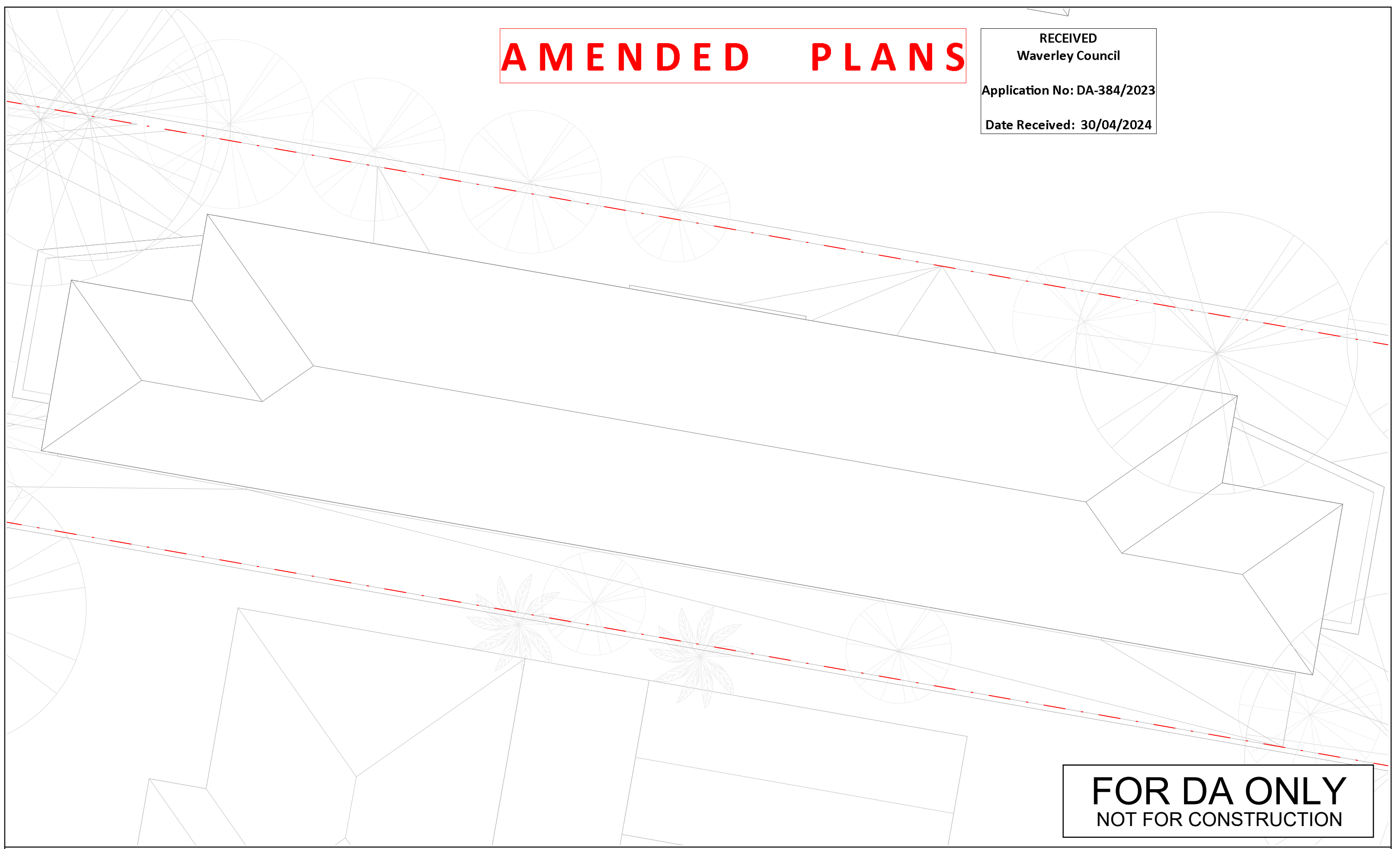
DRAWING NAME		LEVEL 3 PLAN - DEMOLITION	
Project number	001	DRAWING NO. <b>A24</b>	
Date	1/8/2023		
Scale	1 : 100		
Status	FOR DA APPROVAL		

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Waverley Council

Application No: DA-384/2023

Date Received: 30/04/2024



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PROJECT ADDRESS

66 QUEENS PARK RD  
QUEENS PARK NSW 2022

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REVISIONS

No.	Description	Date
1	ISSUED FOR CDC APPLICATION	19/12/22
2	ISSUED FOR DA APPLICATION	21/11/23

CLIENT NAME

STRATA PLAN SP 13390

PROJECT NAME

BALUSTRADE REPLACEMENT

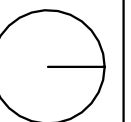
DRAWING NAME

ROOF LEVEL PLAN -  
DEMOLITION

Project number	001
Date	1/8/2023
Scale	1 : 100
Status	FOR DA APPROVAL

DRAWING NO.

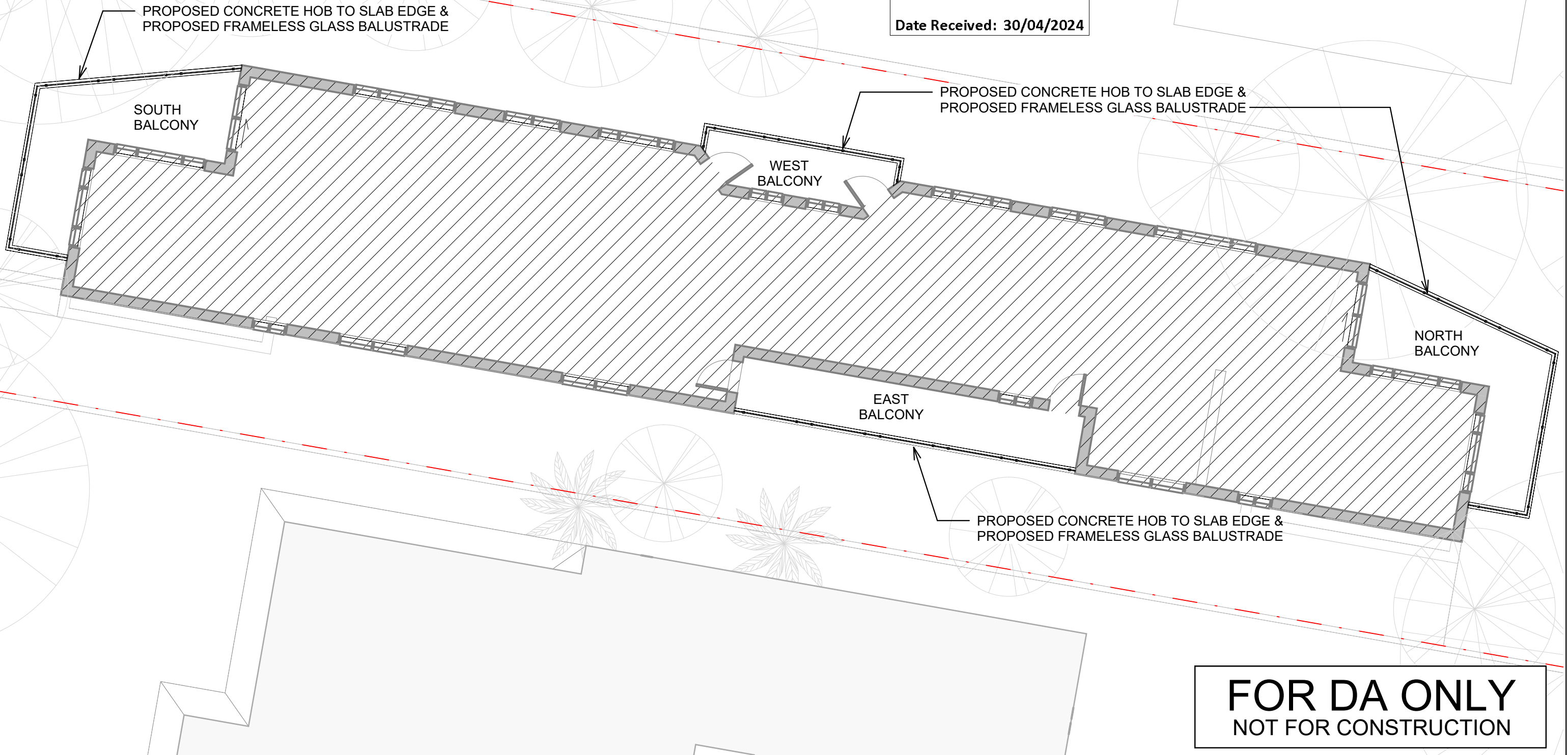
A25



# AMENDED PLANS

NOTE: PROPOSED WORKS ARE LIMITED TO REPLACEMENT OF BALUSTRADES ONLY (EXTENTS HIGHLIGHTED IN RED)

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Waverley Council  
Application No: DA-384/2023  
Date Received: 30/04/2024



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PROJECT ADDRESS  
**66 QUEENS PARK RD  
QUEENS PARK NSW 2022**

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REVISIONS		
No.	Description	Date
1	ISSUED FOR CDC APPLICATION	19/12/22
2	ISSUED FOR DA APPLICATION	21/11/23

CLIENT NAME  
**STRATA PLAN SP 13390**

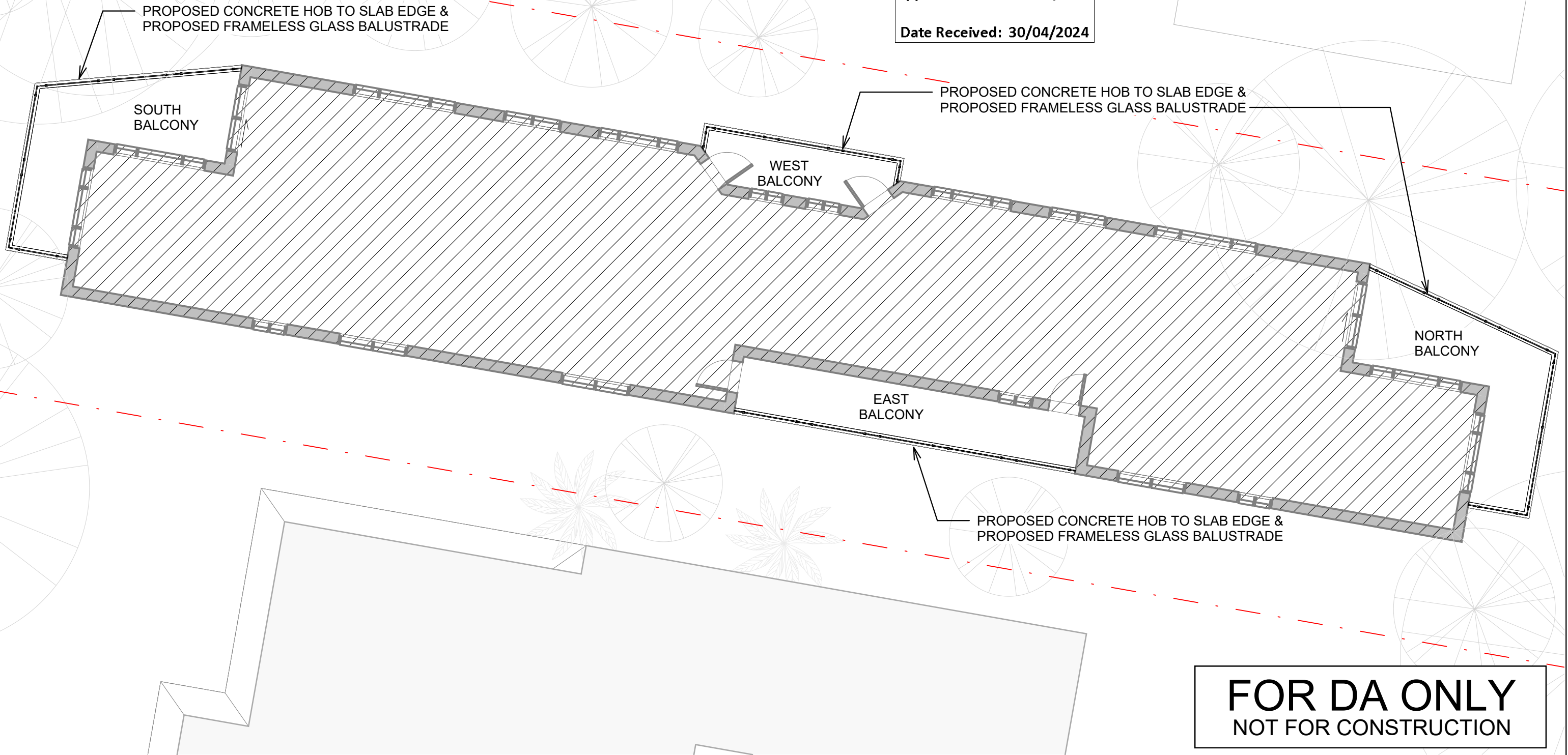
PROJECT NAME  
**BALUSTRADE REPLACEMENT**

DRAWING NAME		LEVEL 1 PLAN - PROPOSED	
Project number	001	DRAWING NO. <b>A32</b>	
Date	1/8/2023		
Scale	1 : 100		
Status	FOR DA APPROVAL		

# AMENDED PLANS

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Application No: DA-384/2023  
Date Received: 30/04/2024



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PROJECT ADDRESS  
**66 QUEENS PARK RD  
QUEENS PARK NSW 2022**

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REVISIONS		
No.	Description	Date
1	ISSUED FOR CDC APPLICATION	19/12/22
2	ISSUED FOR DA APPLICATION	21/11/23

CLIENT NAME  
**STRATA PLAN SP 13390**

PROJECT NAME  
**BALUSTRADE REPLACEMENT**

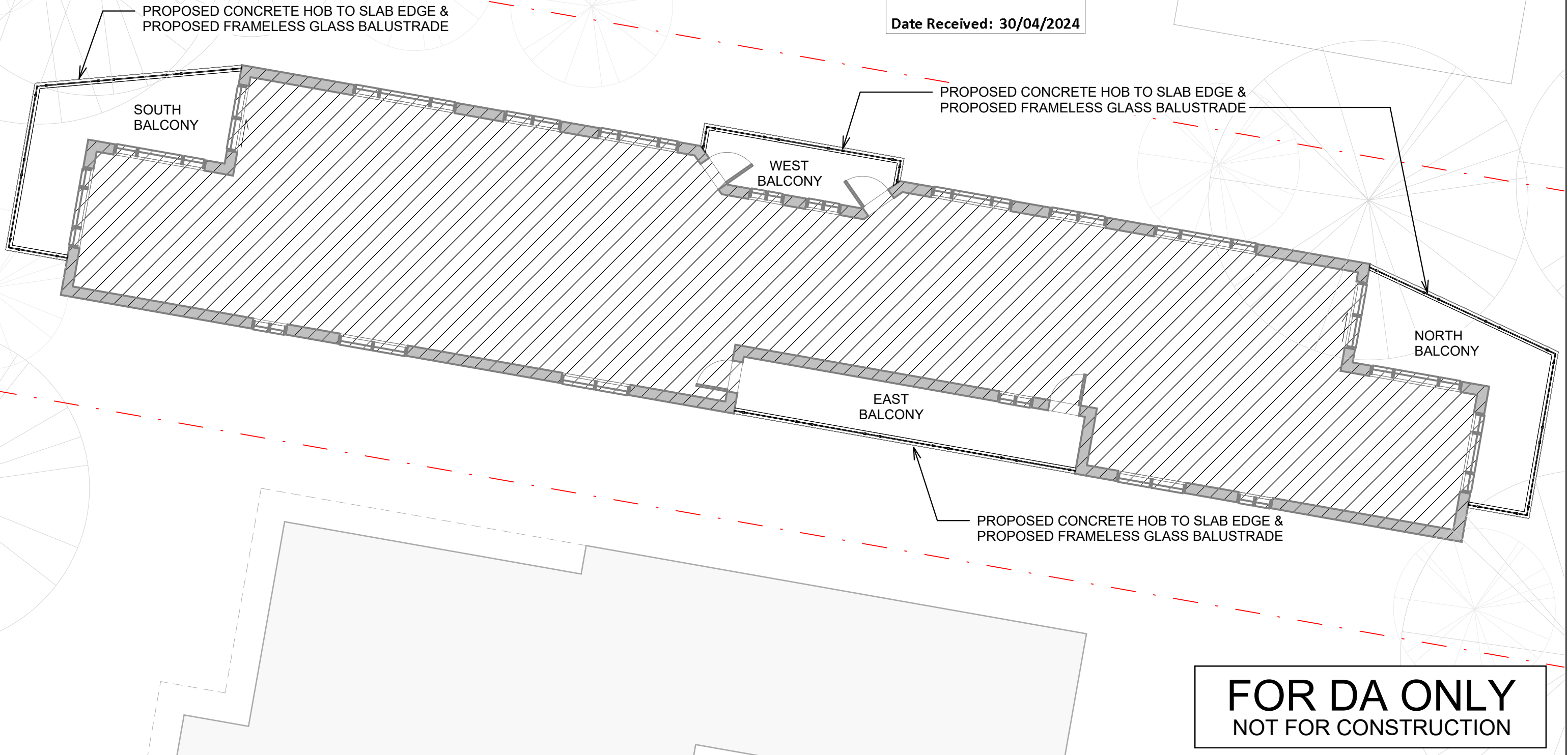
DRAWING NAME		LEVEL 2 PLAN - PROPOSED	
Project number	001	DRAWING NO. <b>A33</b>	
Date	1/8/2023		
Scale	1 : 100		
Status	FOR DA APPROVAL		



# AMENDED PLANS

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RECEIVED  
Waverley Council  
Application No: DA-384/2023  
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PROJECT ADDRESS  
**66 QUEENS PARK RD  
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REVISIONS		
No.	Description	Date
1	ISSUED FOR CDC APPLICATION	19/12/22
2	ISSUED FOR DA APPLICATION	21/11/23

CLIENT NAME  
**STRATA PLAN SP 13390**

PROJECT NAME  
**BALUSTRADE REPLACEMENT**

DRAWING NAME		LEVEL 3 PLAN - PROPOSED	
Project number	001	DRAWING NO.	<b>A34</b>
Date	1/8/2023		
Scale	1 : 100		
Status	FOR DA APPROVAL		

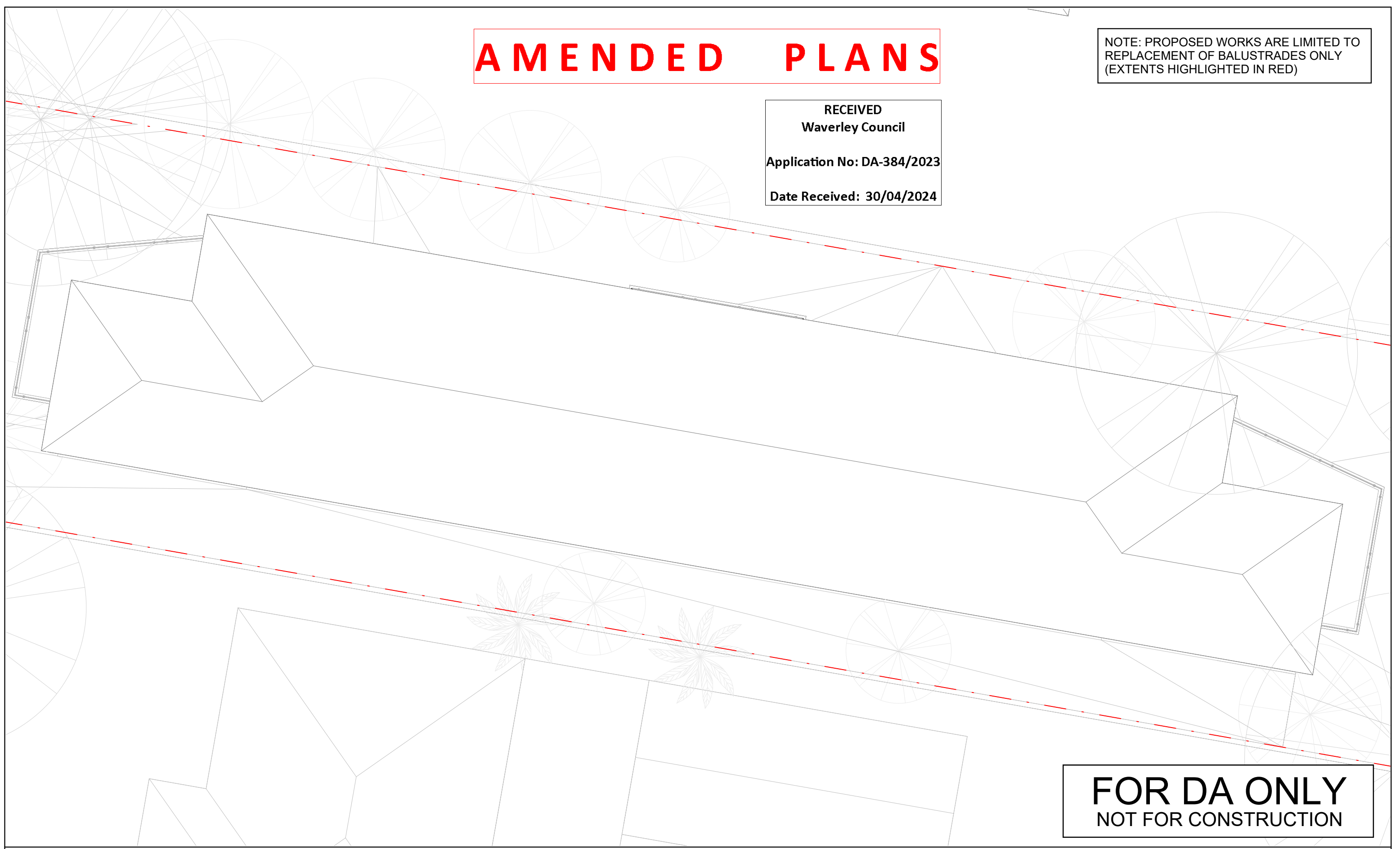
# AMENDED PLANS

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RECEIVED  
Waverley Council

Application No: DA-384/2023

Date Received: 30/04/2024



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PROJECT ADDRESS

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REVISIONS

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2	ISSUED FOR DA APPLICATION	21/11/23

CLIENT NAME

STRATA PLAN SP 13390

PROJECT NAME

BALUSTRADE REPLACEMENT

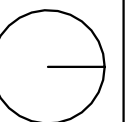
DRAWING NAME

ROOF LEVEL PLAN -  
PROPOSED

Project number	001
Date	1/8/2023
Scale	1 : 100
Status	FOR DA APPROVAL

DRAWING NO.

A35



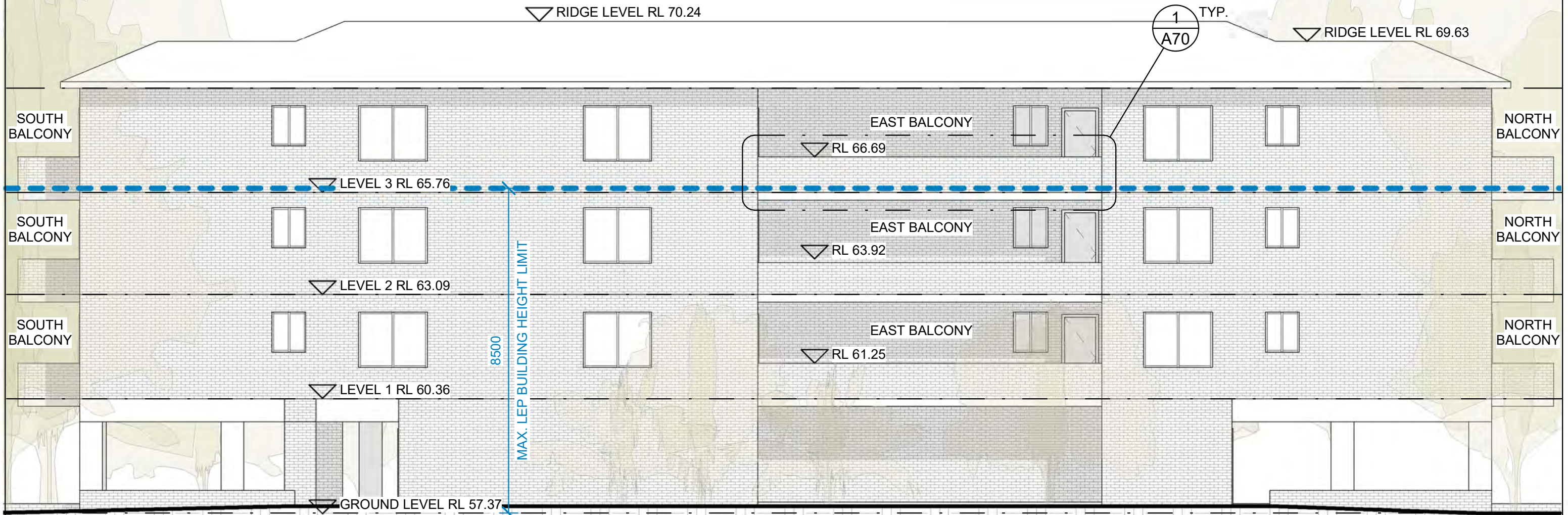


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Waverley Council

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PROJECT ADDRESS  
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REVISIONS		
No.	Description	Date
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3	ISSUED FOR DA RFI RESPONSE	30/04/24

CLIENT NAME  
STRATA PLAN SP 13390

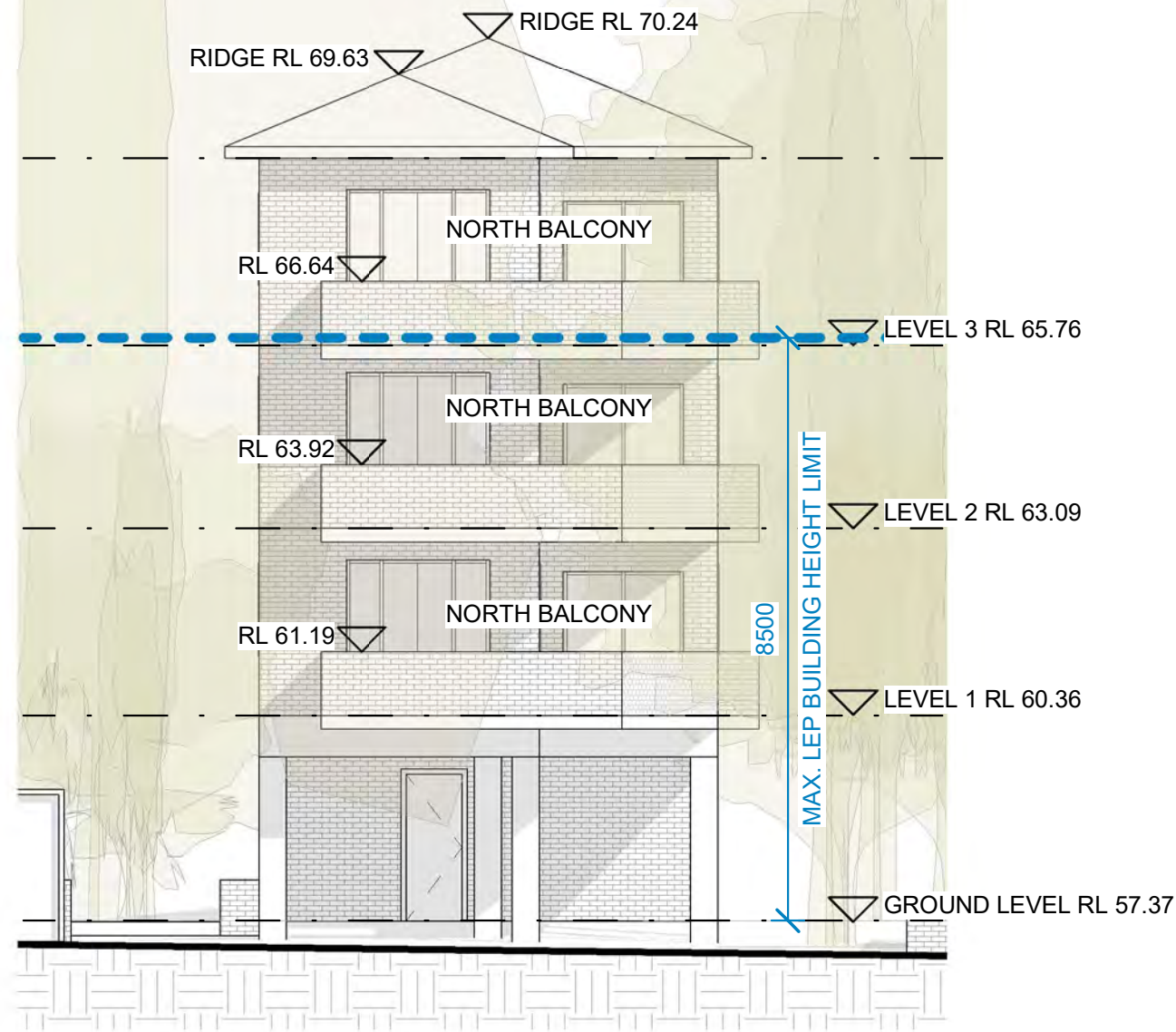
PROJECT NAME  
BALUSTRADE REPLACEMENT

DRAWING NAME		ELEVATION - EAST - EXISTING	
Project number		DRAWING NO.	A40
Date			
Scale	1 : 100		
Status	Checker		

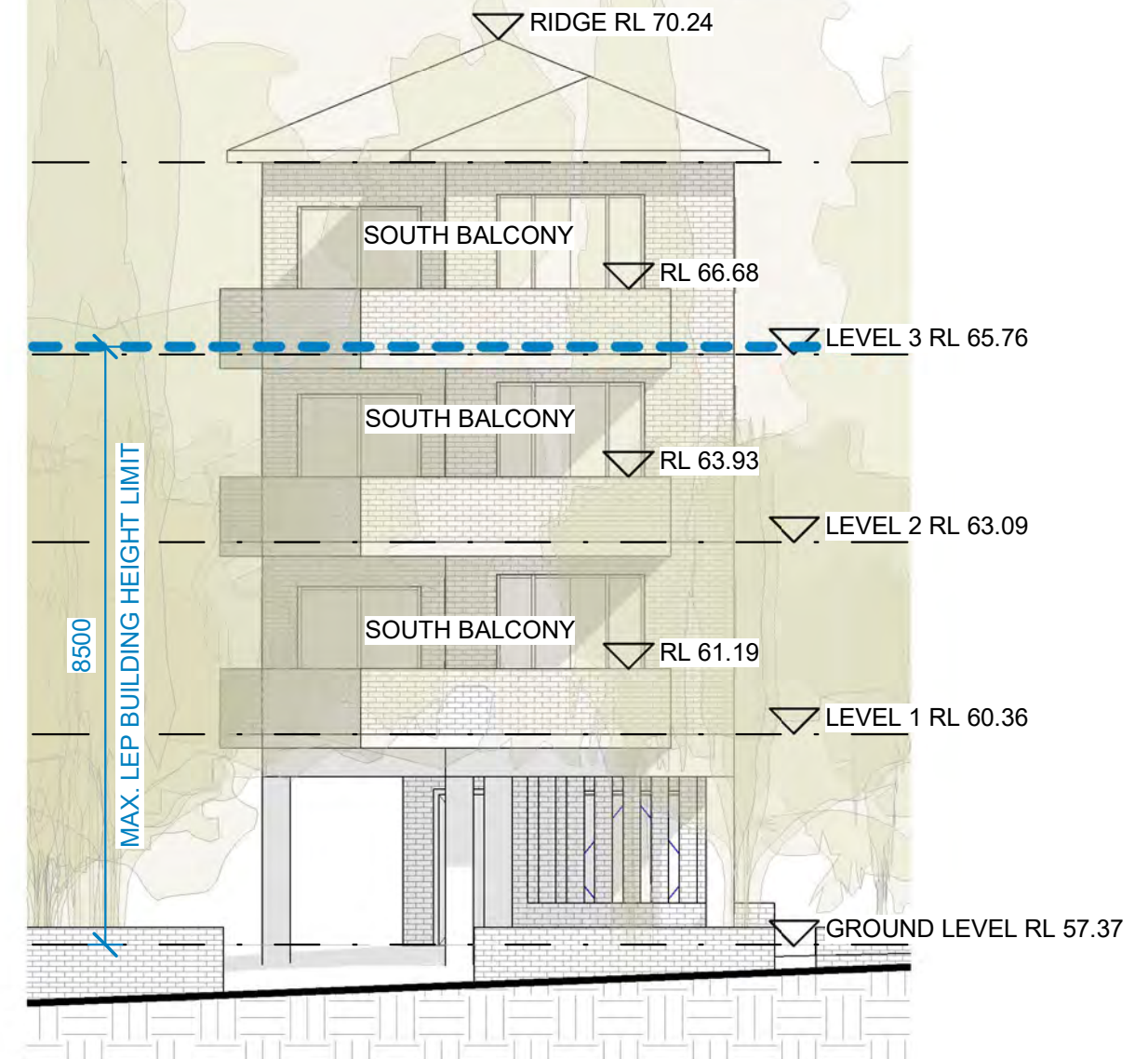


# AMENDED PLANS

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Application No: DA-384/2023  
Date Received: 30/04/2024



1 NORTH ELEVATION-EXISTING  
1 : 100



2 SOUTH ELEVATION-EXISTING  
1 : 100

**FOR DA ONLY**  
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PROJECT ADDRESS  
66 QUEENS PARK RD  
QUEENS PARK NSW 2022

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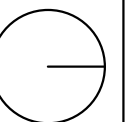
CLIENT NAME  
STRATA PLAN SP 13390

PROJECT NAME  
BALUSTRADE REPLACEMENT

DRAWING NAME	
Project number	
Date	
Scale	1 : 100
Status	Checker

ELEVATIONS - NORTH & SOUTH - EXISTING

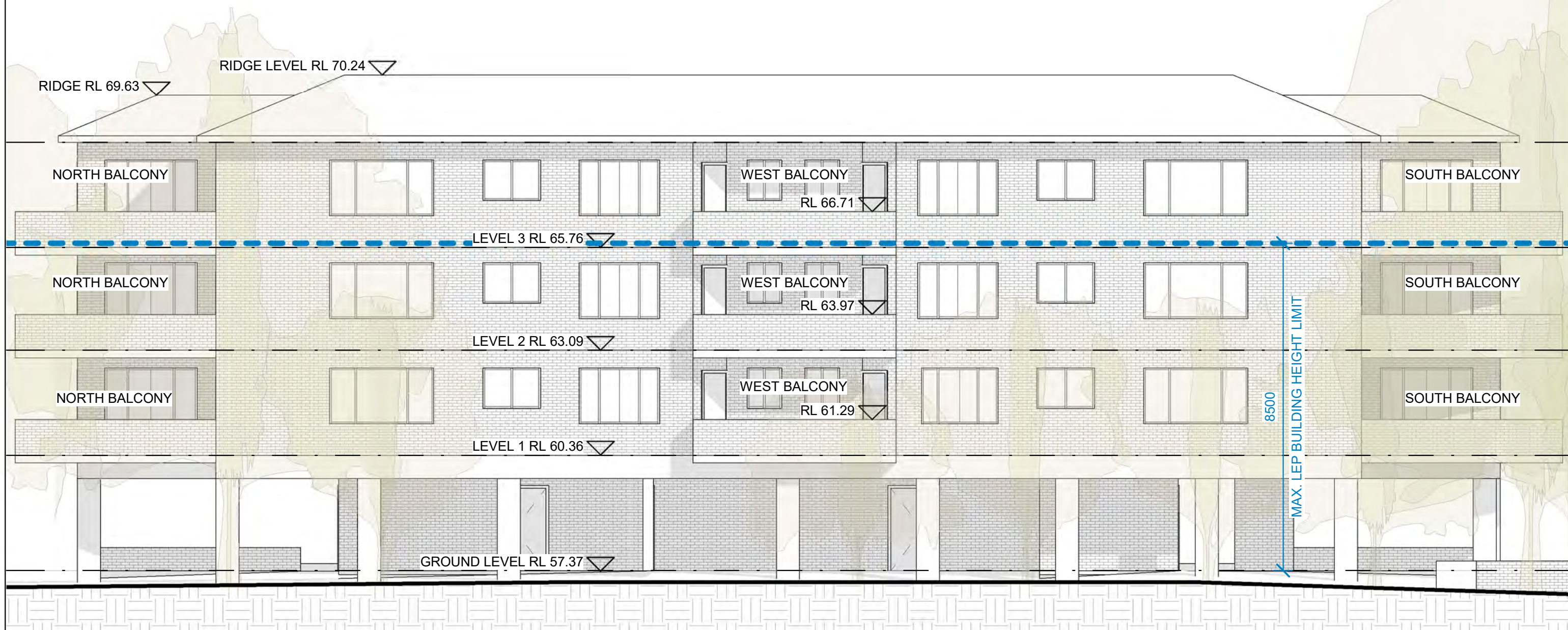
DRAWING NO.  
**A41**





# AMENDED PLANS

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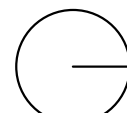
PROJECT ADDRESS  
**66 QUEENS PARK RD  
QUEENS PARK NSW 2022**

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3	ISSUED FOR DA RFI RESPONSE	30/04/24

CLIENT NAME  
**STRATA PLAN SP 13390**

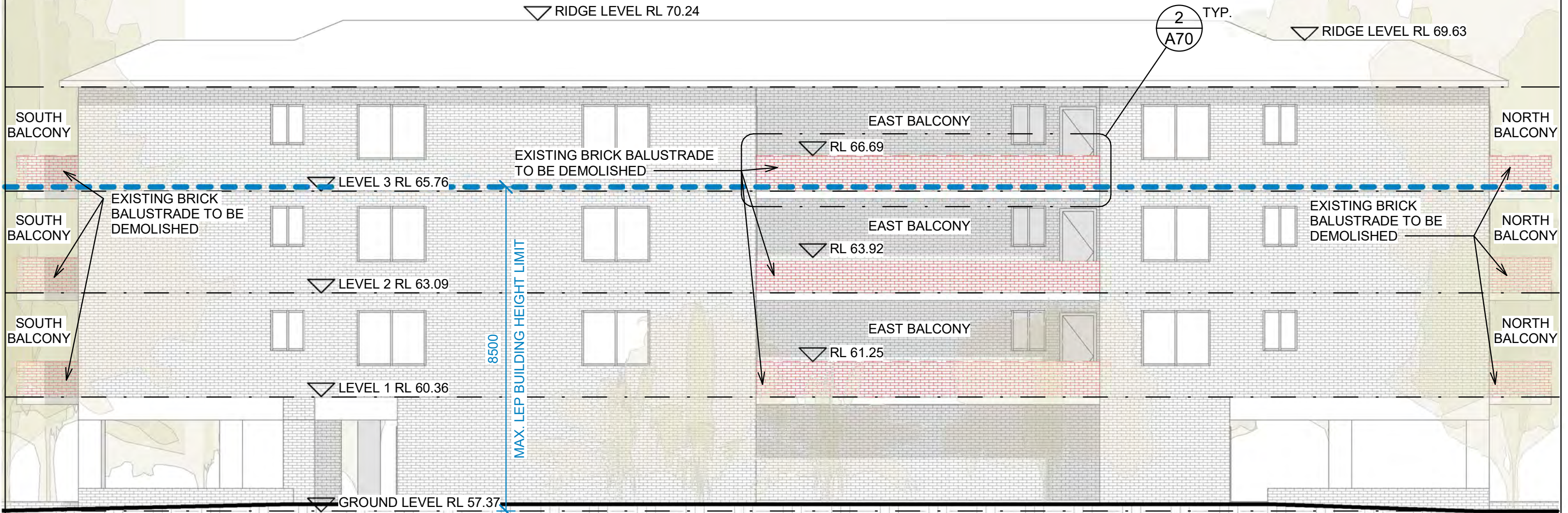
PROJECT NAME  
**BALUSTRADE REPLACEMENT**

DRAWING NAME		ELEVATION - WEST - EXISTING	
Project number		DRAWING NO.	<b>A42</b> 
Date			
Scale	1 : 100		
Status	Checker		



# AMENDED PLANS

RECEIVED  
Waverley Council  
Application No: DA-384/2023  
Date Received: 30/04/2024



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PROJECT ADDRESS  
**66 QUEENS PARK RD  
QUEENS PARK NSW 2022**

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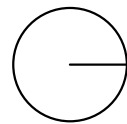
CLIENT NAME  
**STRATA PLAN SP 13390**

PROJECT NAME  
**BALUSTRADE REPLACEMENT**

DRAWING NAME	
Project number	
Date	
Scale	1 : 100
Status	Checker

ELEVATION - EAST -  
DEMOLITION

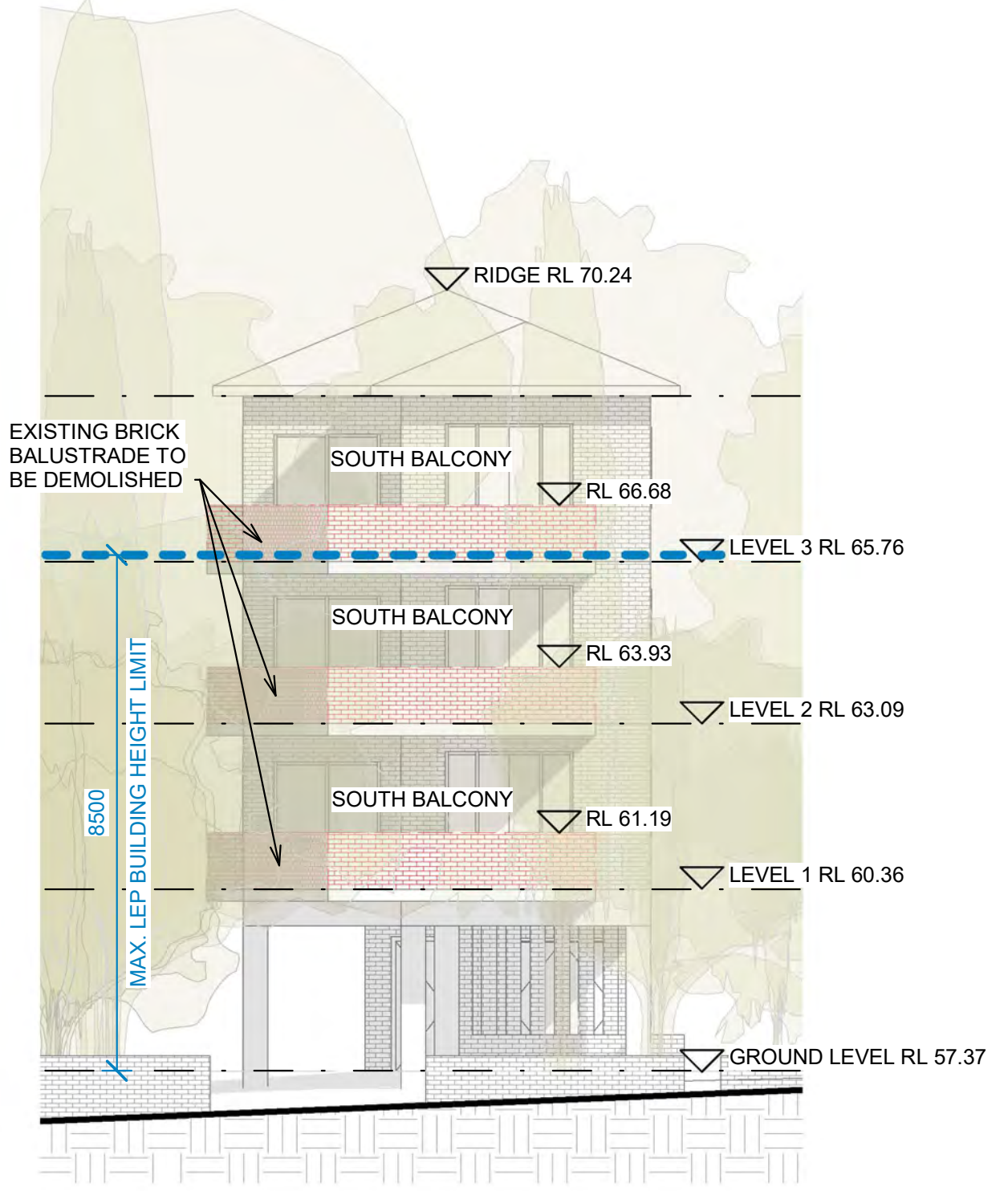
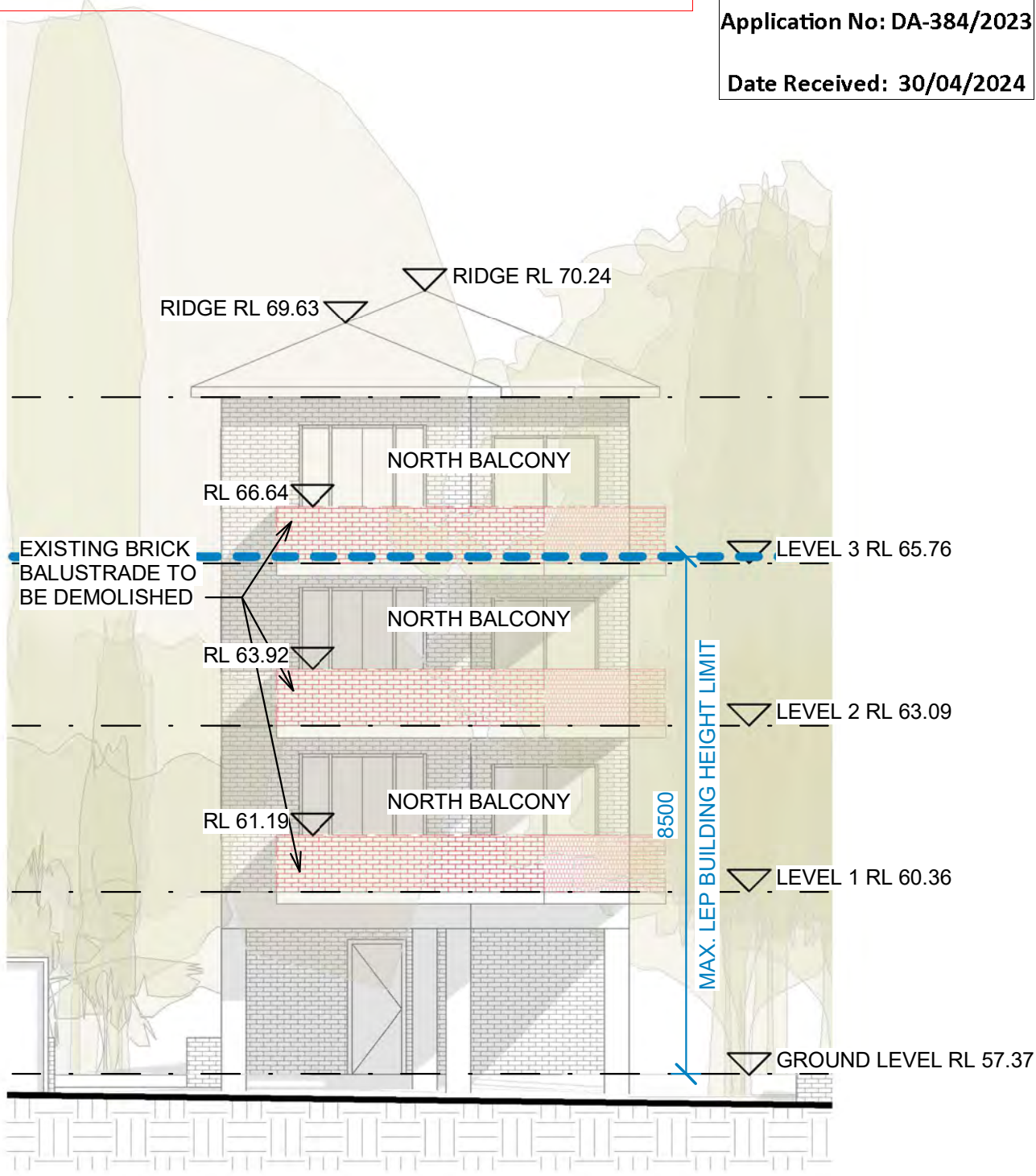
DRAWING NO.  
**A50**





# AMENDED PLANS

RECEIVED  
Waverley Council  
Application No: DA-384/2023  
Date Received: 30/04/2024



1 NORTH ELEVATION-DEMO  
1 : 100

2 SOUTH ELEVATION-DEMO  
1 : 100

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PROJECT ADDRESS  
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QUEENS PARK NSW 2022**

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CLIENT NAME  
**STRATA PLAN SP 13390**

PROJECT NAME  
**BALUSTRADE REPLACEMENT**

DRAWING NAME	
Project number	
Date	
Scale	1 : 100
Status	Checker

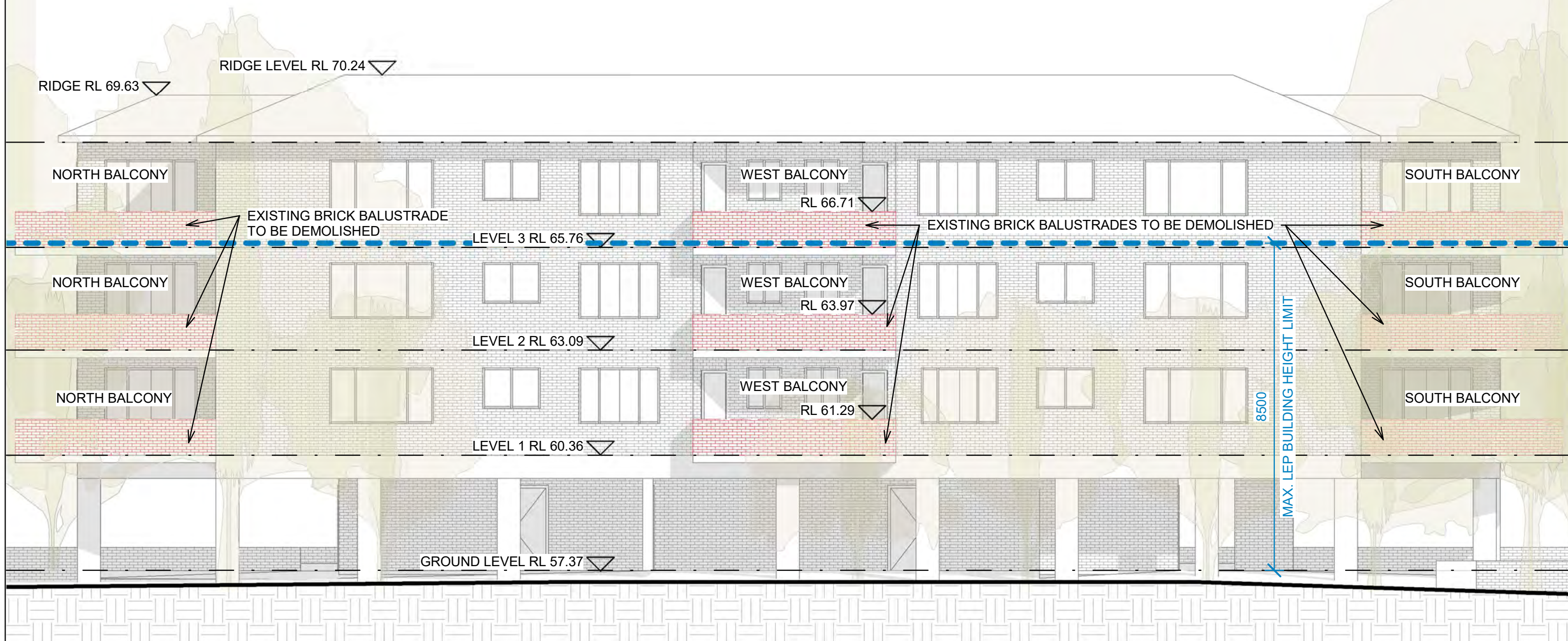
**ELEVATIONS - NORTH &  
SOUTH - DEMOLITION**

DRAWING NO.  
**A51**



# AMENDED PLANS

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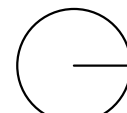
CLIENT NAME  
**STRATA PLAN SP 13390**

PROJECT NAME  
**BALUSTRADE REPLACEMENT**

DRAWING NAME	
Project number	
Date	
Scale	1 : 100
Status	Checker

ELEVATION - WEST -  
DEMOLITION

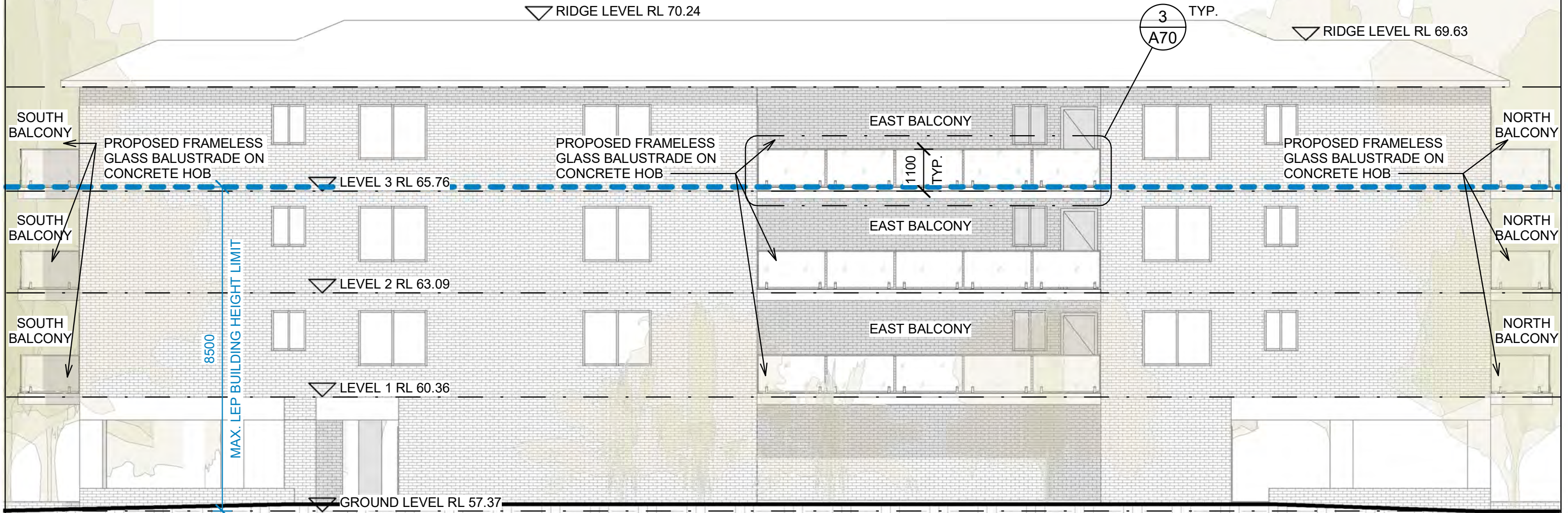
DRAWING NO.  
**A52**





# AMENDED PLANS

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Application No: DA-384/2023  
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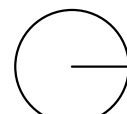
CLIENT NAME  
**STRATA PLAN SP 13390**

PROJECT NAME  
**BALUSTRADE REPLACEMENT**

DRAWING NAME	
Project number	
Date	
Scale	1 : 100
Status	Checker

ELEVATION - EAST -  
PROPOSED

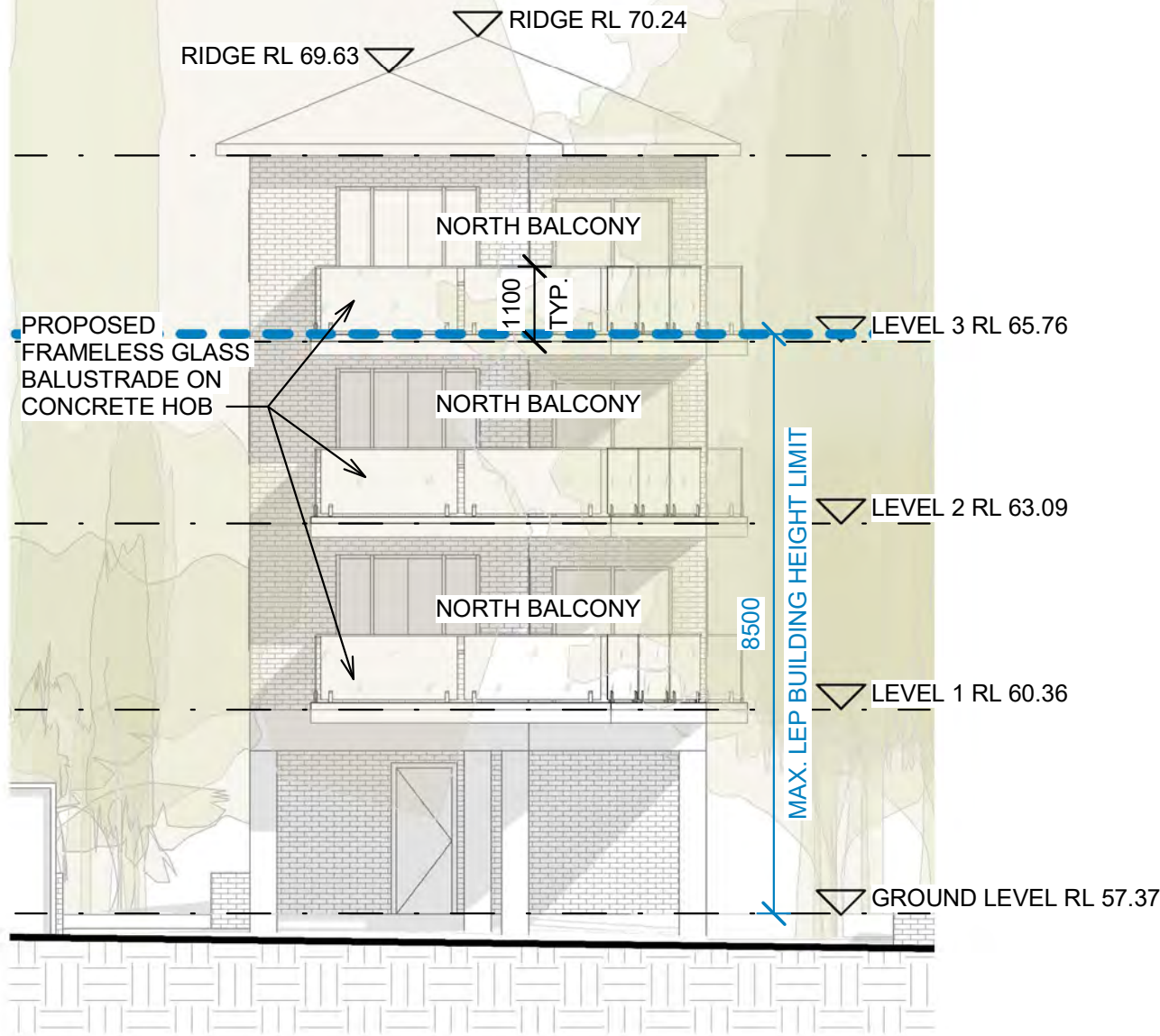
DRAWING NO.  
**A60**



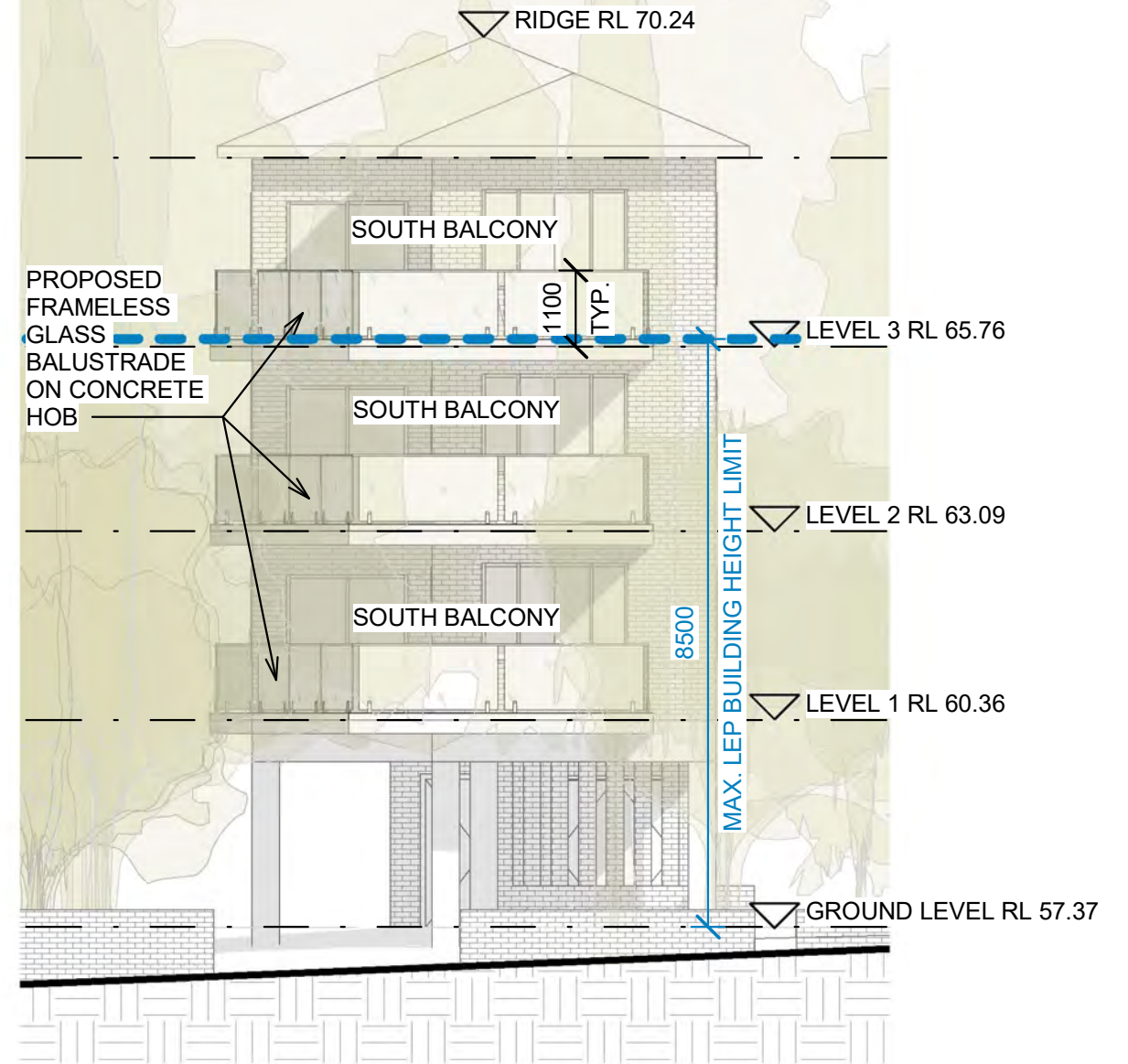


# AMENDED PLANS

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Waverley Council  
Application No: DA-384/2023  
Date Received: 30/04/2024



1 NORTH ELEVATION-PROPOSED  
1 : 100



2 SOUTH ELEVATION-PROPOSED  
1 : 100

**FOR DA ONLY**  
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PROJECT ADDRESS  
66 QUEENS PARK RD  
QUEENS PARK NSW 2022

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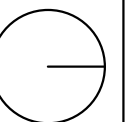
CLIENT NAME  
STRATA PLAN SP 13390

PROJECT NAME  
BALUSTRADE REPLACEMENT

DRAWING NAME	
Project number	
Date	
Scale	1 : 100
Status	Checker

ELEVATIONS - NORTH & SOUTH - PROPOSED

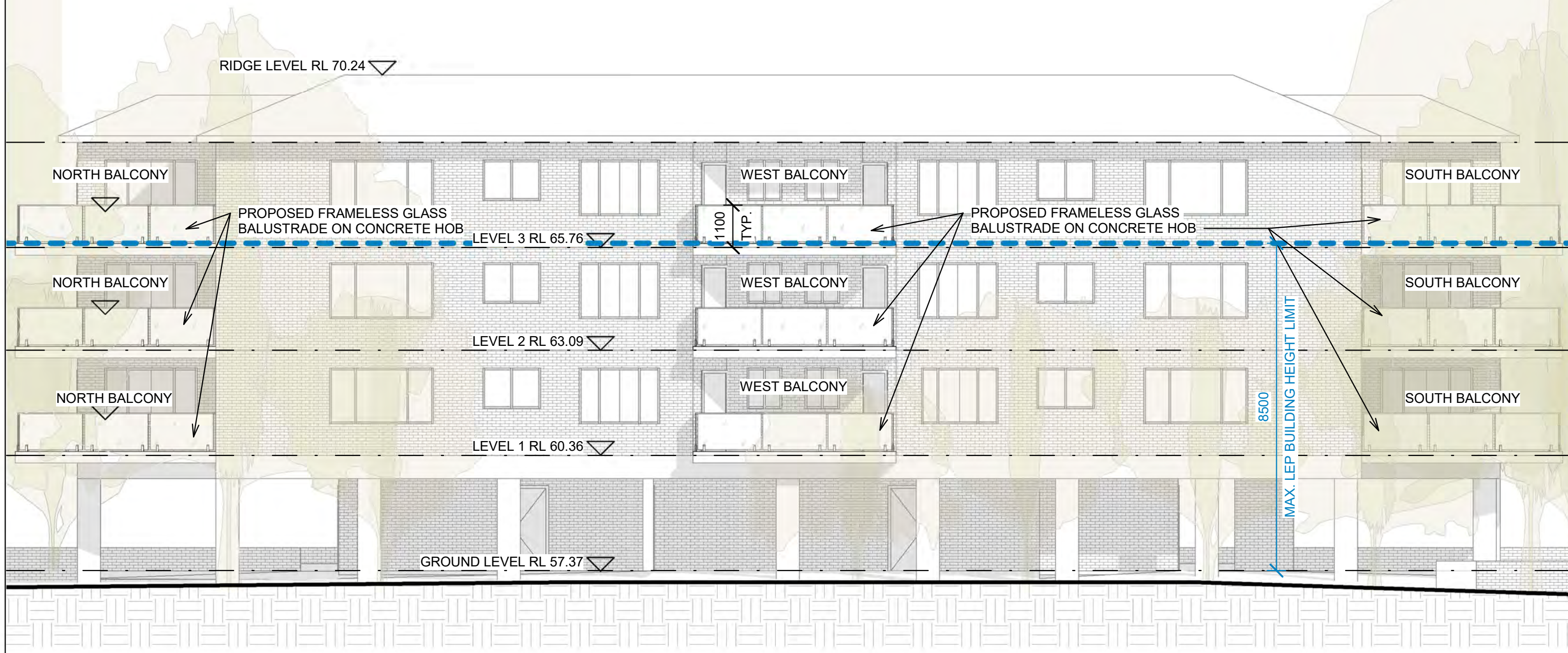
DRAWING NO.  
**A61**





# AMENDED PLANS

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Waverley Council  
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Date Received: 30/04/2024



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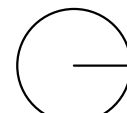
CLIENT NAME  
**STRATA PLAN SP 13390**

PROJECT NAME  
**BALUSTRADE REPLACEMENT**

DRAWING NAME	
Project number	
Date	
Scale	1 : 100
Status	Checker

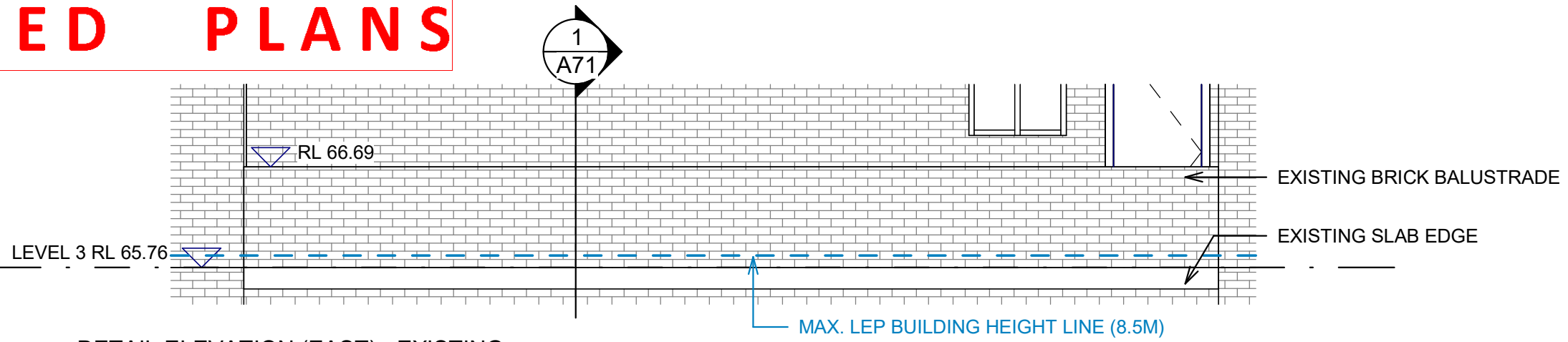
ELEVATION - WEST -  
PROPOSED

DRAWING NO.  
**A62**

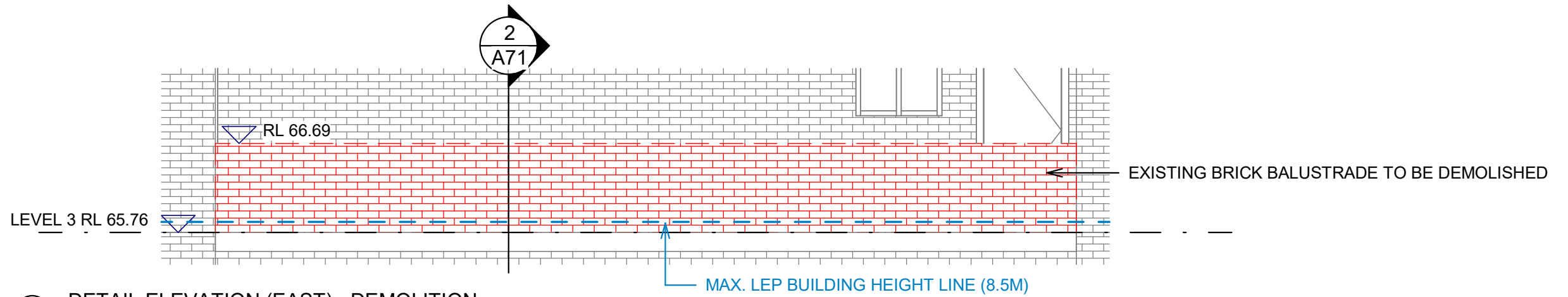


# AMENDED PLANS

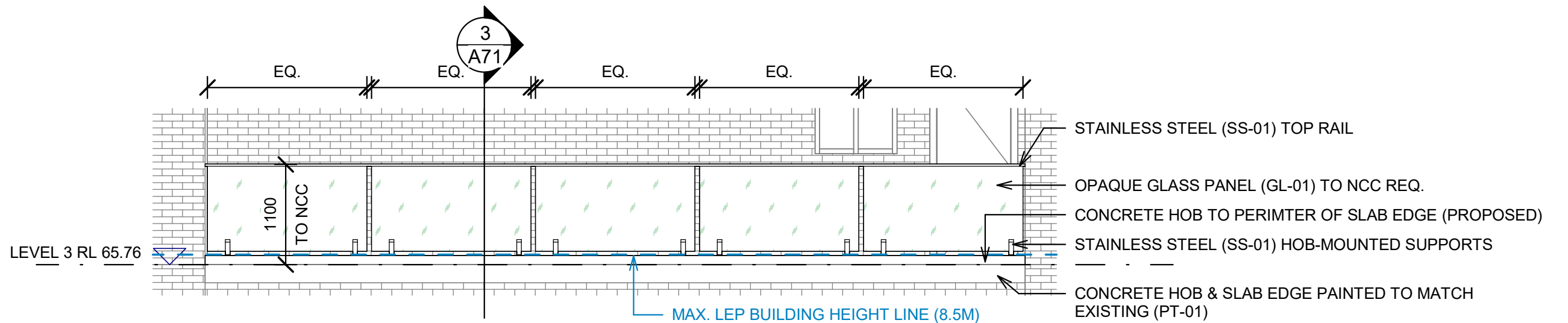
RECEIVED  
Waverley Council  
Application No: DA-384/2023  
Date Received: 30/04/2024



1 DETAIL ELEVATION (EAST) - EXISTING  
1:50



2 DETAIL ELEVATION (EAST) - DEMOLITION  
1:50



3 DETAIL ELEVATION (EAST) - PROPOSED  
1:50

**FOR DA ONLY**  
NOT FOR CONSTRUCTION

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66 QUEENS PARK RD  
QUEENS PARK NSW 2022

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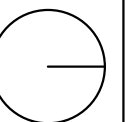
CLIENT NAME  
STRATA PLAN SP 13390

PROJECT NAME  
BALUSTRADE REPLACEMENT

DRAWING NAME	
Project number	
Date	
Scale	1:50
Status	Checker

DETAIL ELEVS - TYP. (EXIST, DEMO & PROPOSED)

DRAWING NO.  
**A70**



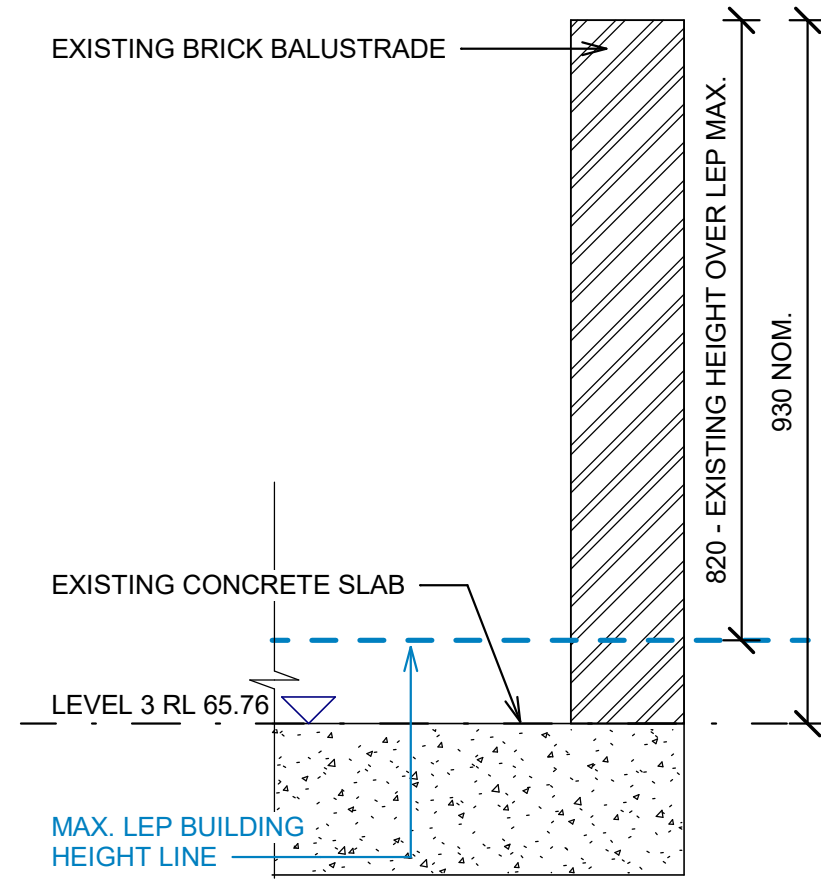


# AMENDED PLANS

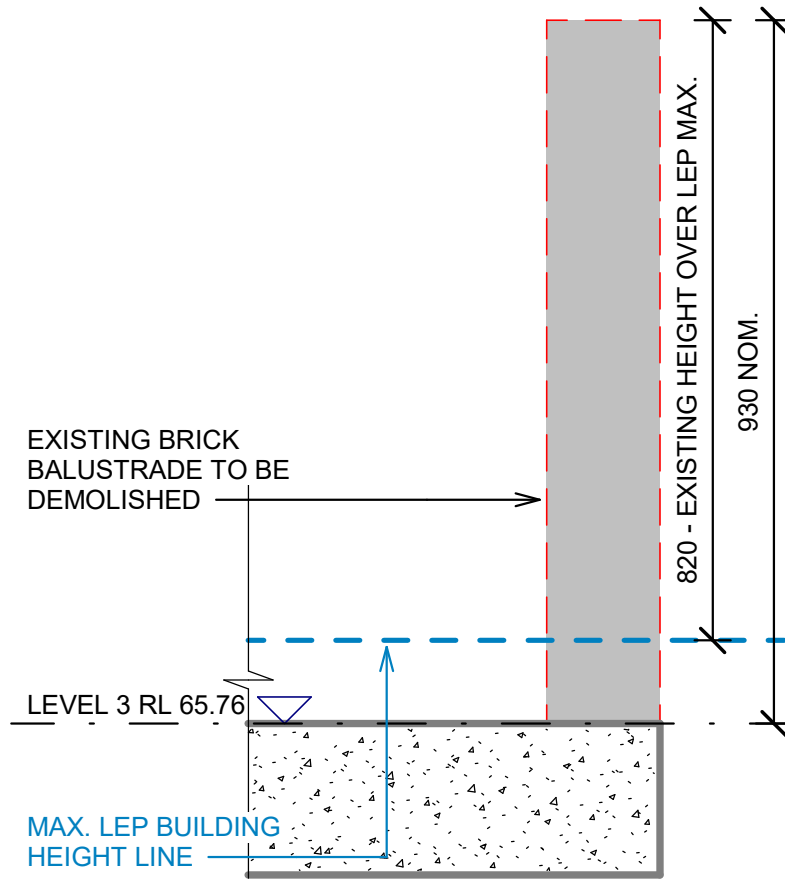
RECEIVED  
Waverley Council

Application No: DA-384/2023

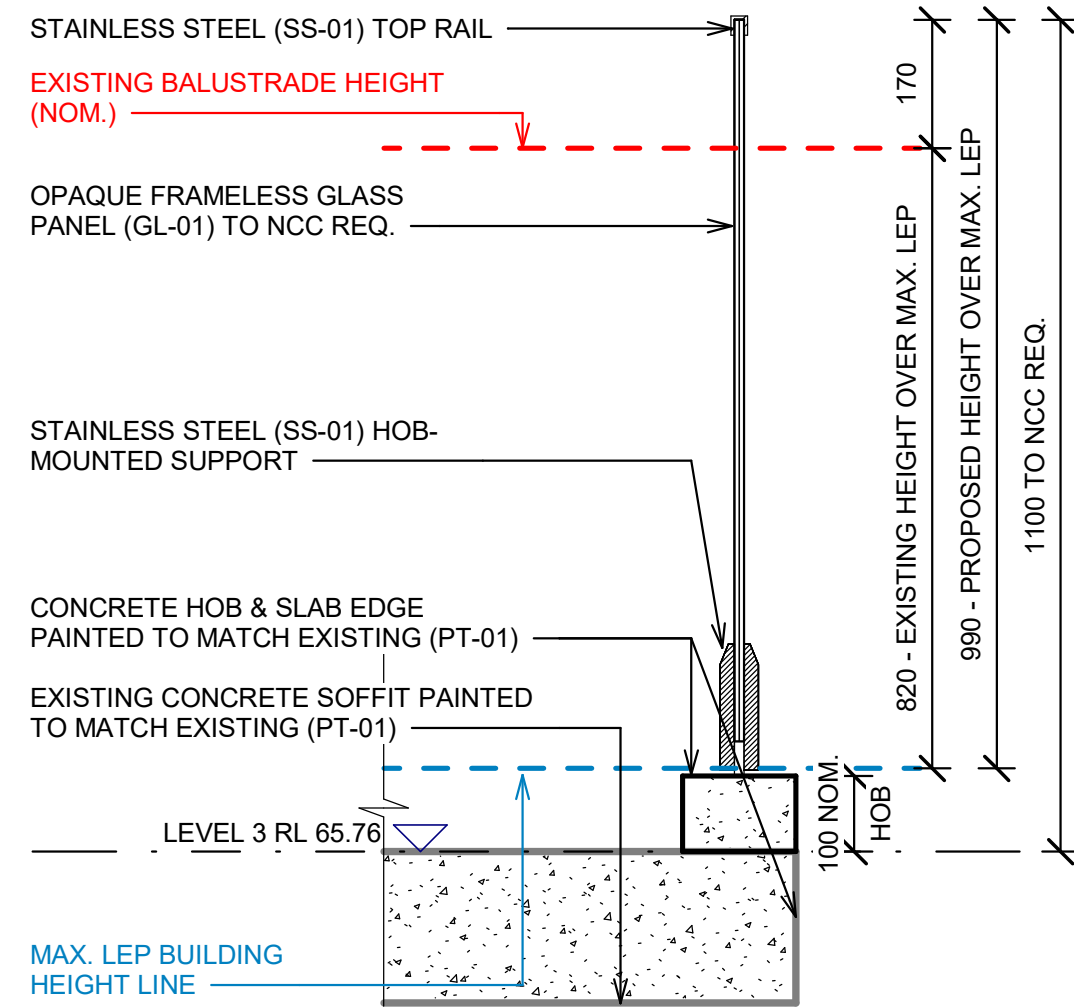
Date Received: 30/04/2024



1 DETAIL SECTION A - EXISTING  
1:10



2 DETAIL SECTION B - DEMOLITION  
1:10



3 DETAIL SECTION C - PROPOSED  
1:10

**FOR DA ONLY**  
NOT FOR CONSTRUCTION

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66 QUEENS PARK RD  
QUEENS PARK NSW 2022

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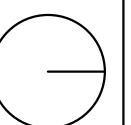
CLIENT NAME  
STRATA PLAN SP 13390

PROJECT NAME  
BALUSTRADE REPLACEMENT

DRAWING NAME	
Project number	
Date	
Scale	1:10
Status	Checker

DETAIL SECTIONS - TYP.  
(EXIST, DEMO, PROPOSED)

DRAWING NO.  
**A71**





## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-91/2024 – PAN-409761
<b>Site address</b>	54 Ruthven Street, BONDI JUNCTION NSW 2022
<b>Proposal</b>	Alterations and additions to existing terrace dwelling including demolition, infill of existing ground floor southern setback, internal reconfiguration, and amendments to the first floor at the rear.
<b>Date of lodgement</b>	06 March 2024
<b>Owner</b>	Mr A K Greenhalgh & Ms G C P Mears
<b>Applicant</b>	A Greenhalgh
<b>Submissions</b>	Nil.
<b>Cost of works</b>	\$324,170
<b>Principal Issues</b>	<ul style="list-style-type: none"> <li>• Non-compliance with the Floor Space Ratio Development Standard.</li> </ul>
<b>Recommendation</b>	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 terrace dwelling including demolition, infill of the existing ground floor southern setback, internal reconfiguration, and amendments to the rear of the first floor at the site known as 54 Ruthven Street, Bondi Junction.

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

- Non-compliance with the Floor Space Ratio (FSR) Development Standard.

The assessment finds this issue acceptable, as the non-compliance with the FSR development standard is existing and the proposal does not result in any additional impact on the amenity of the neighbouring dwellings. The proposed amendments are minor and are largely located within the interior footprint of the existing dwelling and does not alter the existing height, bulk or scale of the dwelling. No change is proposed to the western elevation as viewed from the public domain. The proposal will improve the amenity of the dwelling for the residents.

No public or Councillor submissions were received as a result of the public exhibition. There were no declared conflicts of interest on this application from Council staff.

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

### 1.2. Site and Surrounding Locality

A site visit was carried out on 19 April 2024.

The site is identified as Lot 4 in DP252143, known as 54 Ruthven Street, Bondi Junction.

The site is rectangular with a western frontage of 5.085m to Ruthven Street. It has an area of 135.9m<sup>2</sup> and is generally flat. The site is occupied by a two-storey rendered attached terrace house. The site does not have vehicular access.

The site is adjoined by attached terrace houses on either side. The locality is characterised by a variety of low-density residential developments and is within the vicinity of the Bondi Junction Precinct. The subject site is a part of the Mill Hill Heritage Conservation Area.



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



Figure 1: View of the existing terrace house at the subject site.



Figure 2: View of the site context.



Figure 3: Existing void at the ground floor.

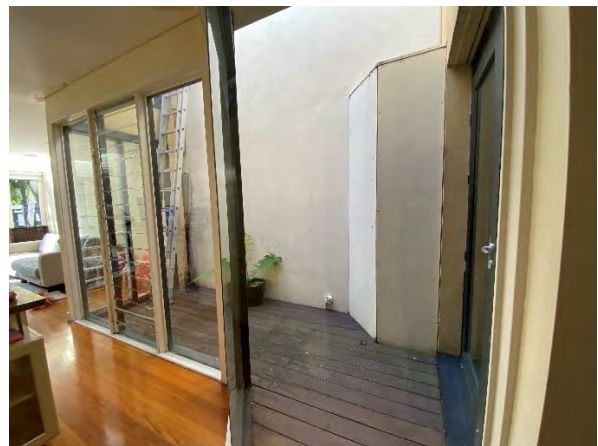


Figure 4: Existing void at the ground floor.



Figure 5: Existing void at the first floor.



Figure 6: Existing void at the first floor.



**Figure 7:** View of the rear courtyard from the dwelling.



**Figure 8:** View of the dwelling from the rear courtyard.



**Figure 9:** Interface of the existing rear elevation at the first floor with the terrace house at 56 Ruthven Street.



**Figure 10:** Partially detached interface of the existing rear elevation the first floor with the terrace house at 52 Ruthven Street.

### 1.3. Relevant Development History

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

- DA-173/1997 - Alterations and additions to the rear of an existing dwelling in a conservation area. Approved on 25 August 1997.
- BA-687/1997 - Construct additions to rear of the dwelling. Approved on 21 October 1997.

### 1.4. Proposal

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

#### **Ground Floor**

- Enlargement of the opening in the wall between the entryway and Bedroom 1.
- A new bathroom under the staircase.
- Relocation of the existing access to storage under the staircase through the dining room.



- Enclosure of the existing courtyard.
- A new skylight over the staircase.
- Replacement of the doors leading to the rear courtyard.
- Replacement of the paving in the rear courtyard.
- Removal of the existing glazed awning at the entrance of the rear courtyard.

### **First Floor**

- Internal reconfiguration of the floor plan to relocate ensuite and separate bathroom.
- Extension of the master bedroom by 670mm to the east and align with the rear wall of the ground floor.
- Addition of a glazed sliding door and balustrades in the master bedroom along the eastern elevation, looking into the rear courtyard.

### **Roof**

- Addition of skylights over the staircase, corridor, and bedroom 3 on the first floor.
- Partial replacement of the roof to reflect the proposed extension at the rear of the first floor.

## **1.5. Background**

The development application was lodged on 06 March 2024 and deferred on 11 March 2024 for the following reasons:

1. Amended architectural drawings, Statement of Environmental Effects and Clause 4.6 written request required to correspond with accurate FSR and gross floor area (GFA) calculations.
2. Amended shadow diagrams are required to include all lots surrounding the subject site and the building footprints within.

The amended plans received on 18 March 2024 form the basis of the assessment.

## **2. ASSESSMENT**

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

### **2.1. Planning Instruments and Development Control Plans**

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

### 2.1.1. State Environmental Planning Policies (SEPPs)

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

- SEPP (Sustainable Buildings) 2022
- SEPP (Resilience and Hazards) 2021

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

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

**Table 1: Waverley LEP 2012 Compliance Table**

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
<b>1.2 Aims of Plan</b>	Yes	The proposal is consistent with the Aims of the Plan.
<b>Part 2 Permitted or prohibited development</b>		
<b>Land Use Table</b> <i>R3 Medium Density Residential Zone</i>	Yes	The proposal is defined as alterations and additions to an attached dwelling, which is permitted with consent in the R3 zone.
<b>Part 4 Principal development standards</b>		
<b>4.3 Height of buildings</b> • <i>9.5m</i>	Yes	Satisfactory. The proposal alterations and additions will result in a maximum height of 6.6m. The existing maximum height of 8.9m at the front of the dwelling is retained.
<b>4.4 Floor space ratio (FSR)</b> • <i>Maximum permissible FSR - 0.9:1</i> • <i>Maximum permissible Gross Floor Area (GFA) – 122.31m<sup>2</sup></i>	No	The proposal results in an FSR of 1.15:1 with a GFA of 156.1m <sup>2</sup> and does not comply with the FSR development standard.
<b>4.6 Exceptions to development standards</b>	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.
<b>Part 5 Miscellaneous provisions</b>		
<b>5.10 Heritage conservation</b>	Yes	The existing dwelling is a part of the C12 Mill Hill Conservation Area.  The proposal will not have any impact on the amenity of the heritage conservation area as the amendments are predominantly located



Provision	Compliance	Comment
		within the interiors of the existing dwelling and will not be visible from the streetscape.

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

*Clause 4.6 Exceptions to Development Standards - FSR*

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

The site is subject to a maximum FSR development standard of 0.9:1 with a maximum permissible GFA of 122.31m<sup>2</sup>. The proposed development has an FSR of 1.15:1 with a GFA of 156.1m, exceeding the standard by 33.79m<sup>2</sup> equating to a 27.6% variation. It is noted that the existing building has an FSR of 1.08:1 and a GFA of 146.2m<sup>2</sup> which already exceeds the development standard by 23.89m<sup>2</sup> or 19.5%.

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 non-compliance is attributed to the size of the site and the existing building footprint.
  - (ii) The proposal does not alter the overall bulk and scale of the existing dwelling and has no impact on the streetscape of Ruthven Street.
  - (iii) The existing dwelling has a pre-existing non-compliance with the FSR development standard.
  - (iv) The proposal will not have any adverse impact on the surrounding context in terms of amenity, overshadowing and heritage. The proposal will enhance environmental amenity for the dwelling and meet essential sustainability criteria in alignment of BASIX.
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
  - (i) The site is located within an R3 Medium Density Residential Zone which permits a diverse range of uses supporting higher densities. The proposal maintains the existing use of the site by retaining the existing attached terrace dwelling.

- (ii) The proposed alterations and additions are minor and aim to enhance the overall amenity of the property.
- (iii) The existing dwelling on site has a pre-existing non-compliant FSR of 1.08:1 and a GFA of 146.2m<sup>2</sup> which exceeds the principal development standard by 19.5%. The proposal seeks to provide an additional 9.9m<sup>2</sup> of GFA equalling 156.1m<sup>2</sup> of total GFA and a percent variation to the existing by 8%.
- (iv) The additional FSR is accommodated within the existing footprint of the dwelling and the proposal is compatible with the site context.
- (v) The proposal is not anticipated to have any adverse impacts over the surrounding context.

#### Consideration of Applicant's Written Request

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

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

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

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

The applicant specifically relies upon justification (a) of *Wehbe v Pittwater Council* (2007) 156 LGERA 446. The applicant has adequately demonstrated that the proposed extent of the variation to the FSR development standard is accommodated within the existing footprint of the dwelling at the subject site.

The proposed development retains the existing height of the dwelling and all external setbacks.

The non-compliance with the FSR development standard is an additional 8% (9.9m<sup>2</sup>) variation to the existing non-compliant FSR and GFA. The proposal does not result in any additional visual impact or overshadowing impact on the habitable areas of neighbouring properties and preserves their amenity.

Therefore, the applicant can rely on justification (a) as the objectives of the FSR development standard have been met despite the non-compliance.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. In particular, the extent of the variation to the pre-existing non-compliant FSR development standard will be accommodated within the existing footprint of the dwelling at the subject site. The proposal retains the existing maximum height of the dwelling, and the proposed alterations and additions will not have any impact on Ruthven Street.

The proposal does not result in any additional visual privacy impacts, view loss or overshadowing as a result of the variation of the FSR development standard. The development will not result in any environmental amenity impacts on neighbouring properties, and the development should be supported.

Conclusion

The written request provided by the applicant to vary the FSR development standard and 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
<b>1. Waste</b> <ul style="list-style-type: none"> <li>• <i>Garbage bins are to be stored in an appropriate location.</i></li> </ul>	Yes	Satisfactory. A Site Waste and Recycling Management Plan Part 1 has been provided.
<b>2. Ecologically Sustainable Development</b> <ul style="list-style-type: none"> <li>• <i>Ceiling or wall mounted fans</i></li> <li>• <i>Gas cooktops, gas ovens or gas internal space heating systems.</i></li> </ul>	N/A	Satisfactory. Council encourages applicants to apply principles and processes that contribute to ecologically sustainable development in Waverley to improve the quality of life, health, and well-being of residents.  Advisory notes are recommended regarding the use of electricity and fans and no gas cooktops.

Development Control	Compliance	Comment
<b>5. Water Management</b>	Yes	Satisfactory.
<b>8. Heritage</b>	Yes	Satisfactory. The proposal will not have any impact on the amenity of the heritage conservation area as the amendments will not be visible from the streetscape as the alterations and additions are predominantly located within the interior of the existing dwelling and the rear of the subject site.
<b>11. Design Excellence</b>	Yes	Satisfactory. The proposed development is consistent with the design excellence controls and is an appropriate outcome for the site and its context.

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

Development Control	Compliance	Comment
<b>1.0 General Objectives</b>		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
<b>1.1 Height</b>		
<b>Pitched roof dwelling house</b> <ul style="list-style-type: none"> <li>• <i>Maximum external wall height of 7m</i></li> </ul>	No (Existing non-compliance)	<p>The proposal retains the existing front elevation of the dwelling, which has a maximum wall height of 8.6m, compatible with the heights of the adjoining terrace dwellings.</p> <p>The proposed alterations and additions in the rear of the dwelling will result in a maximum wall height of 7m and is compliant with the control.</p>
<b>1.2 Setbacks</b>		
<b>1.2.1 Front and rear building lines</b> <ul style="list-style-type: none"> <li>• <i>Predominant front building line</i></li> <li>• <i>Predominant rear building line at each floor level</i></li> <li>• <i>Development at first floor level and above shall be set back from the rear building line of the ground floor level</i></li> </ul>	<p>Yes</p> <p>Yes</p> <p>No (acceptable on merit)</p>	<p>The proposal retains the existing front building line.</p> <p>The proposal retains the existing rear building line at the ground floor and the first floor is proposed to be extended by 670mm to align with the rear building line of the ground floor.</p> <p>The proposed extension has no additional visual or overshadowing impacts over the neighbouring amenity. The proposed nil setback at the first floor is consistent with the neighbouring dwellings and is acceptable.</p>

Development Control	Compliance	Comment
<b>1.3 Streetscape and visual impact</b>		
<ul style="list-style-type: none"> <li><i>New development to be compatible with streetscape context</i></li> <li><i>Replacement windows to complement the style and proportions of existing dwelling</i></li> <li><i>Significant landscaping to be maintained.</i></li> </ul>	<p>Yes</p> <p>No (acceptable on merit)</p> <p>Yes</p>	<p>The proposed amendments will not be visible from Ruthven Street. The proposal does not have any adverse impact over the amenity of the neighbouring dwellings and is compatible with the streetscape context.</p> <p>The rear windows for the master bedroom on the first floor are proposed to be replaced with glazed sliding doors with balustrades. This replacement is acceptable as no additional visual impact is expected and no objections have been received from any neighbours.</p> <p>The proposal maintains the existing landscaping at the site.</p>
<b>1.5 Visual and Acoustic Privacy</b>		
<ul style="list-style-type: none"> <li><i>Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design</i></li> </ul>	<p>Yes</p>	<p>The proposed alterations and additions have no impact on the visual and acoustic privacy of the neighbouring dwellings.</p> <p>The proposed glazed sliding doors at the rear of the first floor do not contribute to any adverse visual impact on the habitable windows of the neighbouring dwelling.</p>
<b>1.6 Solar access</b>		
<ul style="list-style-type: none"> <li><i>Minimum of 3 hours of sunlight to 50% of living areas and principal open space areas on 21 June to subject site</i></li> <li><i>Minimum of 3 hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June.</i></li> <li><i>Avoid unreasonably overshadowing of solar collectors</i></li> </ul>	<p>Yes</p>	<p>The proposed alterations and additions have no impact on the solar access and do not result in any overshadowing of neighbouring dwellings. All shadows from the proposed alterations and additions are contained within the existing shadows projected by the existing dwelling at the subject site.</p>

Development Control	Compliance	Comment
<i>(including habitable windows).</i>		
<b>1.7 Views</b>		
<ul style="list-style-type: none"> <li>Views from the public domain are to be maintained</li> <li>Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks.</li> </ul>	Yes	The proposed alterations and additions have no impact on any significant views within the vicinity of the subject site.
<b>1.9 Landscaping and open space</b>		
	N/A	The proposal retains the existing open spaces and landscaping on site.
<b>1.13 Semi-detached dwellings and terrace-style development</b>		
<b>1.13.4 Side setback and courtyard design controls for terraces</b> <ul style="list-style-type: none"> <li>Nil setback permitted where abuts an existing wall with nil setback</li> <li>Walls on boundaries should not be more than 2.1m high</li> <li>No openings are permitted for walls built to the side boundary</li> </ul>	<p>Yes</p> <p>No (existing non-compliance)</p> <p>Yes</p>	<p>Satisfactory.</p> <p>The proposal retains all existing wall heights.</p> <p>Satisfactory.</p>
<b>1.13.5 Streetscape and visual impact controls for terraces</b> <ul style="list-style-type: none"> <li>Extensions no higher than the existing ridge</li> </ul>	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 14 days between 27 March and 16 April 2024 in accordance with the *Waverley Community Engagement Strategy 2023*.

No submissions were received.

### 2.5. Public Interest

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

## 3. REFERRALS

The following internal referral comments were sought:

### 3.1. Stormwater and Flood Management

The application was referred to the Council's Stormwater and Flood Management Officer who raised no objections to the proposal subject to conditions included in the recommendation.

### 3.2. Heritage

The application was referred to the Council's Heritage Advisor who raised no objection to the proposal provided that the paint colour for the western elevation facing Ruthven Street matches the original existing colour or is similar to the shades of the adjoining attached terrace dwellings. An optic white colour will not be permitted.

## 4. CONCLUSION

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

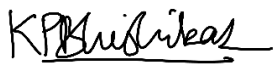


### ***Managers of Development Assessment (MODA) Review***

The application was reviewed by the MODA at the meeting on 23 April 2024 and the MoDA determined that the application is acceptable and should be approved, subject to the conditions in Appendix A.

MODA members: *B McNamara, B Magistrale, Katie Johnstone, Jo Zancanaro and P Wong.*

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

<b>Report prepared by:</b>	<b>Application reviewed and agreed by:</b>	<b>Application reviewed and agreed by:</b>
		
Kalyani Bhishikar	Peggy Wong	Bridget McNamara
<b>Development Assessment Planner</b>	<b>Acting Manager, Development Assessment</b>	<b>A/Executive Manager, Development Assessment</b>
<b>Date: 30 April 2024</b>	<b>Date: 2 May 2024</b>	<b>Date: 9 May 2024</b>

*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	27.6% variation to FSR (Clause 4.4)
	X Pre-existing non-compliance
	X No change to overall building height
	X No change to overall building envelope
	Variation limited to the [lift/plant/parapet/attic] only
	X No unreasonable impacts on the amenity of adjoining properties or streetscape
	X Sufficient environmental planning grounds
	X Consistent with the objectives of the standard
Determining Authority	Local Planning Panel
Were the requirements of the Sustainable Buildings SEPP (effective 1 October 2023) met?	Yes
Have any dwellings been approved for affordable Rental Housing under this approval/consent?	No
Secondary Dwelling	No

Boarding House	No
Group Home	No
Is the development subject to the Special Infrastructure Contribution (SIC)?	No
Is the development located within an Urban Release area?	No
<b>Waverley Council Data</b>	
Trial Period database entry required	No
VPA submitted – follow up actions required	No
Refer to compliance for investigation	No
Commercial/liquor operational conditions	No
Was there a 'Conflict of Interest' declared	No

## APPENDIX A – CONDITIONS OF CONSENT

### Terms and Reasons for Conditions

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

### GENERAL CONDITIONS

	Condition																																																
1.	<p><b>APPROVED PLANS AND DOCUMENTATION</b></p> <p>The development must be in accordance with:</p> <p>(a) Architectural Plans prepared by Daisy Little for 54 Ruthven Street, Bondi Junction including the following:</p> <table border="1" data-bbox="461 860 1426 1617"> <thead> <tr> <th>Plan Number and Revision</th> <th>Plan description</th> <th>Plan Date</th> <th>Date received by Council</th> </tr> </thead> <tbody> <tr> <td>DA000 Rev 2</td> <td>Cover Page</td> <td>18/03/2024</td> <td>18/03/2024</td> </tr> <tr> <td>DA001 Rev 2</td> <td>Site Plan</td> <td>18/03/2024</td> <td>18/03/2024</td> </tr> <tr> <td>DA002 Rev 2</td> <td>Existing and Demolition Plan – Ground and First Floor</td> <td>18/03/2024</td> <td>18/03/2024</td> </tr> <tr> <td>DA003 Rev 2</td> <td>Existing and Demolition – Roof Plan</td> <td>18/03/2024</td> <td>18/03/2024</td> </tr> <tr> <td>DA100 Rev 2</td> <td>Proposed Ground Floor Plan</td> <td>18/03/2024</td> <td>18/03/2024</td> </tr> <tr> <td>DA101 Rev 2</td> <td>Proposed First Floor Plan</td> <td>18/03/2024</td> <td>18/03/2024</td> </tr> <tr> <td>DA102 Rev 2</td> <td>Proposed Roof Plan</td> <td>18/03/2024</td> <td>18/03/2024</td> </tr> <tr> <td>DA200 Rev 2</td> <td>East and West Elevations</td> <td>18/03/2024</td> <td>18/03/2024</td> </tr> <tr> <td>DA201 Rev 2</td> <td>North and South Elevations</td> <td>18/03/2024</td> <td>18/03/2024</td> </tr> <tr> <td>DA300 Rev 2</td> <td>Sections A and B</td> <td>18/03/2024</td> <td>18/03/2024</td> </tr> <tr> <td>DA301 Rev 2</td> <td>Sections C and D</td> <td>18/03/2024</td> <td>18/03/2024</td> </tr> </tbody> </table> <p>(b) BASIX Certificate.</p> <p>(c) Stormwater Details and documentation prepared by Mohammed Yazidi dated 05/03/2024 and received by Council on 07/03/2024.</p> <p>(d) Schedule of external finishes and colours prepared by Daisy Little, dated 31/01/2024 and received by Council on 07/03/2024.</p> <p>(e) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 07/03/2024.</p>	Plan Number and Revision	Plan description	Plan Date	Date received by Council	DA000 Rev 2	Cover Page	18/03/2024	18/03/2024	DA001 Rev 2	Site Plan	18/03/2024	18/03/2024	DA002 Rev 2	Existing and Demolition Plan – Ground and First Floor	18/03/2024	18/03/2024	DA003 Rev 2	Existing and Demolition – Roof Plan	18/03/2024	18/03/2024	DA100 Rev 2	Proposed Ground Floor Plan	18/03/2024	18/03/2024	DA101 Rev 2	Proposed First Floor Plan	18/03/2024	18/03/2024	DA102 Rev 2	Proposed Roof Plan	18/03/2024	18/03/2024	DA200 Rev 2	East and West Elevations	18/03/2024	18/03/2024	DA201 Rev 2	North and South Elevations	18/03/2024	18/03/2024	DA300 Rev 2	Sections A and B	18/03/2024	18/03/2024	DA301 Rev 2	Sections C and D	18/03/2024	18/03/2024
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	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.	<p><b>PAINT COLOUR FOR THE FRONT FAÇADE</b></p> <p>An optic white colour for painting the western elevation facing Ruthven Street is not supported. The paint colour for the western elevation must match the original existing colour or be similar to the shades of the adjoining attached terrace dwellings.</p> <p>The amendments are to be approved by the Principal Certifying Authority prior to the issue of any Construction Certificate.</p> <p>Condition reason: To preserve the character of the Mill Hill Heritage Conservation area.</p>

## BUILDING WORK

### BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
<b>3.</b>	<p><b>NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE</b></p> <p>The building work, or demolition work, must not be commenced until:</p> <ul style="list-style-type: none"> <li>(a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the <i>Environmental Planning and Assessment Act 1979</i>;</li> <li>(b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2021</i>; and</li> <li>(c) Council is given at least two days' notice in writing of the intention to commence the building works.</li> </ul> <p>Condition reason: To ensure a Construction Certificate is obtained prior to work commencing.</p>
<b>4.</b>	<p><b>SECTION 7.12 CONTRIBUTION</b></p> <p>A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the <i>Environmental Planning and Assessment Act 1979</i> and the Waverley Council Development Contributions Plan in accordance with the following:</p> <ul style="list-style-type: none"> <li>(a) Where the total development cost is \$500,000 or less: <ul style="list-style-type: none"> <li>(i) a <b>Cost Summary Report</b> or <b>Building Contract</b> (dated within 12 months) or similar is to be submitted to Council's Customer Service Centre to process payment.</li> </ul> </li> <li>(b) Where the total development cost is more than \$500,000 but less than \$1,000,000: <ul style="list-style-type: none"> <li>(i) a <b>Detailed Cost Report</b> (dated within 12 months) prepared by a registered Quantity Surveyor, <b>Building Contract</b>, or similar is to be submitted to Council's Customer Service Centre to process payment.</li> </ul> </li> <li>(c) Where the total development cost is \$1,000,000 or more: <ul style="list-style-type: none"> <li>(i) a <b>Detailed Cost Report</b> (dated within 12 months) prepared by a registered Quantity Surveyor, <b>Building Contract</b>, or similar is to be submitted to and approved by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate).</li> </ul> </li> </ul>

	<p>Please forward documents to <a href="mailto:info@waverley.nsw.gov.au">info@waverley.nsw.gov.au</a> attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy.</p> <p>(ii) Upon confirmation of the contribution amount by Council’s Executive Manager, Urban Planning, Policy and Strategy (or delegate), payment is to be processed via the Customer Service Centre.</p> <p>(iii) Should there be a discrepancy between the cost of works approved in subclause (b)(i) and the DA fee nominated in the original DA, then additional DA Fees may be payable prior to the issue of a Construction Certificate.</p> <p>A copy of the required format for the cost reports are provided in the Waverley Council Contributions Plan, available on Council’s website.</p> <p>(d) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, the levy must be paid in accordance with the following;</p> <p>(i) A development valued at \$100,000 or less will be exempt from the levy;</p> <p>(ii) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% of the <u>full</u> cost of the development; or</p> <p>(iii) A development valued at more than \$200,000 will attract a levy of 1% of the <u>full</u> cost of the development.</p> <p>Prior to the issue of any Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.</p> <p>Condition reason: To ensure the Section 7.12 Contributions are paid.</p>
5.	<p><b>SECURITY DEPOSIT</b></p> <p>A deposit (cash or cheque) for the amount of <b>\$10,260.00</b> must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.</p> <p>This deposit (cash or cheque) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs for any repair of damage to Council property or rectification of unauthorised works on Council property, will be refunded after satisfactory completion all of works associated with this consent (including the required public works) to the person who paid the deposit.</p> <p>Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.</p>

6.	<p><b>LONG SERVICE LEVY</b></p> <p>A long service levy, as required under section 34 of the <i>Building and Construction Industry Long Service Payments Act, 1986</i>, is to be paid in respect of this building work. Evidence that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate.</p> <p><u>Note:</u> Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.25% of building work costing \$250,000 or more.</p> <p>Condition reason: To ensure the long service levy is paid.</p>
7.	<p><b>ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES</b></p> <p>The applicant is to pay to Council fees for assessment of all engineering plans and inspection of the completed works in the public domain inclusive of all stormwater assessment, in accordance with Council's Schedule of Fees &amp; Charges at the time of engineering plan approval, prior to such approval being granted by Council.</p> <p>An invoice will be issued to the applicant for the amount payable, which will be calculated based on the design plans for the subject development.</p> <p>Condition reason: To ensure Council assessment fees are paid.</p>
8.	<p><b>HOARDING</b></p> <p>To ensure the site is contained during construction, a hoarding is required for the approved works, which is to be designed and constructed in accordance with the requirements of Safe Work NSW. Where the hoarding is to be erected over the footpath or any public place, the approval of Council's Compliance Unit must be obtained and the applicable fees paid, prior to the erection of the hoarding.</p> <p>Condition reason: To ensure safety to the general public.</p>
9.	<p><b>EROSION &amp; SEDIMENT CONTROL</b></p> <p>A Soil and Water Management Plan (SWMP), also known as an Erosion and Sediment Control Plan must be prepared in accordance with Waverley Council's Water Management Technical Manual.</p> <p>The SWMP must be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request.</p> <p>The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.</p> <p>Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>
10.	<p><b>ENGINEERING DETAILS</b></p> <p>Structural details are to be prepared and certified by a practicing Structural Engineer in connection with all structural components of the approved works, prior to the issue of the relevant Construction Certificate.</p> <p>Condition reason: To ensure structural stability of work on site.</p>



11.	<b>BASIX</b>
	<p>All requirements of the BASIX Certificate and/or NatHERS documentation are to be shown on the Construction Certificate plans and documentation.</p> <p>Condition reason: To ensure BASIX and/or NatHERS requirements are met.</p>
12.	<b>SITE WASTE AND RECYCLING MANAGEMENT PLAN</b>
	<p>A <i>Site Waste and Recycling Management Plan (SWRMP) - Part 2</i> is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the <i>SWRMP Part 2</i> is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.</p> <p>Condition reason: To ensure resource recovery is promoted and the local amenity is protected during construction.</p>
13.	<b>CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)</b>
	<p>The applicant is to submit a Construction Traffic Management Plan (CTMP) for the approval of Council's Executive Manager, Infrastructure Services, or delegate, prior to the issue of any Construction Certificate. For further information on what is required in the CTMP, please refer to Council's website at:</p> <p><a href="https://www.waverley.nsw.gov.au/building/development_applications/post_detemination/development_applications_-_conditions_of_consent">https://www.waverley.nsw.gov.au/building/development_applications/post_detemination/development_applications_-_conditions_of_consent</a></p> <p>Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p>
14.	<b>DILAPIDATION REPORT</b>
	<p>Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land to the satisfaction of the Principal Certifying Authority. At minimum, the following properties are to be included:</p> <ul style="list-style-type: none"> <li>(a) 52 Ruthven Street, Bondi Junction</li> <li>(b) 56 Ruthven Street, Bondi Junction</li> </ul> <p>Where access has not been granted to an adjoining property to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the Principal Certifying Authority that all reasonable steps were taken to obtain access to the adjoining properties.</p> <p>The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site.</p> <p>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</p>

	<p>a copy of the report(s) must be provided to council (where council is not the principal certifier) at the same time.</p> <p>Note: Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out. Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.</p>
	<p>Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.</p>

## BEFORE BUILDING WORK COMMENCES

	Condition
<b>15.</b>	<p><b>CONSTRUCTION SIGNS</b></p> <p>Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.</p> <p>Condition reason: To ensure the general public are afforded the Principal Certifying Authority and principal contractor's (the coordinator of the building works) contact details.</p>
<b>16.</b>	<p><b>DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS</b></p> <p>The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including:</p> <ul style="list-style-type: none"> <li>• Work Health and Safety Act 2011;</li> <li>• Work Health and Safety Regulation 2017;</li> <li>• SafeWork NSW Code of Practice for the Safe Removal of Asbestos;</li> <li>• Australian Standard 2601 (2001) – Demolition of Structures;</li> <li>• <i>Protection of the Environment Operations Act 1997.</i></li> </ul> <p>At least 5 days prior to the demolition, renovation work or alterations and additions to any building, the person acting on the consent shall submit a Work Plan to the Principal Certifying Authority in accordance with Australian Standard AS 2601-2001, Demolition of Structure and a Hazardous Materials Assessment prepared by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall:</p> <p>(a) Outline the identification of any hazardous materials, including surfaces coated with lead paint;</p> <p>(b) Confirm that no asbestos products are present on the subject land, or</p> <p>(c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by SafeWork NSW (catalogue WC03561);</p> <p>(d) Describe the method of demolition;</p>

	<p>(e) Describe the precautions to be employed to minimise any dust nuisance; and</p> <p>(f) Describe the disposal methods for hazardous materials.</p>
	<p>Condition reason: To ensure the safety of workers and the general public.</p>
<b>17.</b>	<p><b>TREE PROTECTION</b></p> <p>All trees on site and adjoining properties, including street trees, are to be retained and protected in accordance with AS4970-2009 'Protection of Trees on Construction Sites' and to be certified by an Arborist with AQF level 5 qualification or above, unless approved to be removed in this development consent.</p>
	<p>Condition reason: To protect and retain trees.</p>
<b>18.</b>	<p><b>STREET TREES TO BE RETAINED/TREE PROTECTION</b></p> <p>No existing street trees shall be removed without Council approval. Precautions shall be taken when working near trees to ensure their retention, including the following:</p> <ul style="list-style-type: none"> <li>(a) Do not store harmful or bulk materials or spoil under or near trees;</li> <li>(b) Prevent damage to bark and root system;</li> <li>(c) Do not use mechanical methods to excavate within root zones;</li> <li>(d) Do not add or remove topsoil from under the drip line;</li> <li>(e) Do not compact ground under the drip line;</li> <li>(f) Do not mix or dispose of liquids within the drip line of the tree; and</li> <li>(g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter in accordance with AS4970-2009 "Protection of trees on construction sites.</li> </ul>
	<p>Condition reason: To protect trees during the carrying out of site work.</p>



## DURING BUILDING WORK

	Condition
<b>19.</b>	<p><b>CONTROL OF DUST ON CONSTRUCTION SITES</b></p> <p>The following requirements apply to demolition and construction works on site:</p> <p>(a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.</p> <p>(b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices.</p> <p>Condition reason: To ensure the safety of workers and the general public.</p>
<b>20.</b>	<p><b>CONSTRUCTION HOURS</b></p> <p>Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays, with no work to be carried out on Sundays and public holidays.</p> <p>Excavation works involving the use of heavy earth movement equipment, including rock breakers and the like, must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays, with no such work to be carried out on Saturday, Sunday or a public holiday.</p> <p>Noise from construction activities shall comply with the <i>Protection of the Environmental Operations (Noise Control) Regulation 2017</i>.</p> <p>Condition reason: To protect the amenity of the surrounding area.</p>
<b>21.</b>	<p><b>STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS</b></p> <p>All building materials and any other items associated with the development are to be stored within the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.</p> <p>Condition reason: To ensure building material is stored in an appropriate location.</p>

22.	<b>CONSTRUCTION INSPECTIONS</b>
	The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the <i>Building Legislation Amendment (Quality of Construction) Act 2002</i> , clause 162A of the <i>Environmental Planning and Assessment Regulation 2021</i> and the requirements of any other applicable legislation or instruments.
	Condition reason: To ensure regular inspections occur throughout the construction process.
23.	<b>CERTIFICATE OF SURVEY - LEVELS</b>
	All construction works are to be in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels is to be submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
24.	<b>CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING</b>
	A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the location of the building on the site is to be submitted to the Principal Certifying Authority to certify the building is located in accordance with the development consent plans. The Certificate is to be submitted prior to the construction of the external walls above the ground floor level of the building.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
25.	<b>WORK OUTSIDE PROPERTY BOUNDARY</b>
	This consent does not authorise any work outside the property boundary.
	Condition reason: To ensure all works are located within the property boundary.

## BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
<b>26.</b>	<p><b>FINAL OCCUPATION CERTIFICATE</b></p> <p>Prior to occupation or use of the development, an Occupation Certificate must be obtained.</p> <p>The Principal Certifying Authority must be satisfied that the requirements of the <i>Environmental Planning &amp; Assessment Act 1979</i> have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.</p> <p>Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.</p>
<b>27.</b>	<p><b>CERTIFICATION OF BASIX COMMITMENTS</b></p> <p>The Principal Certifying Authority shall certify that the all the undertakings in the approved BASIX certificate have been completed.</p> <p>Condition reason: To ensure all the undertakings in the approved BASIX certificate have been completed.</p>
<b>28.</b>	<p><b>CERTIFICATION OF NEWLY CONSTRUCTED STORMWATER DRAINAGE SYSTEM</b></p> <p>Certification must be provided from a suitably qualified and practicing Engineer or Plumber, that any new stormwater drainage system has been constructed in accordance with the Development Consent, relevant Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards, and good engineering practice.</p> <p>A copy of the certification must be submitted to the PCA and the assessing stormwater engineer within Infrastructure Services to be retained on file.</p> <p>Condition reason: To ensure that the new stormwater drainage system has been constructed as per the approved stormwater management plans and best practice.</p>
<b>29.</b>	<p><b>CERTIFICATION OF RETAINED STORMWATER DRAINAGE SYSTEM</b></p> <p>Certification must be provided from a suitably qualified and practicing Engineer or Plumber, that any retained stormwater drainage system is unblocked, in good working order, and has been repaired or replaced in accordance with Council's relevant Water Management Technical Manual and Development Control Plan and all applicable Codes, Policies, Plans, Standards and good engineering practice.</p> <p>A copy of the certification must be submitted to the PCA and the assessing stormwater engineer within Infrastructure Services to be retained on file.</p> <p>Condition reason: To ensure the stormwater drainage system retained has been checked and will not result in any stormwater related issues for the occupiers or neighbours.</p>

## GENERAL ADVISORY NOTES

	Condition
<b>1.</b>	<p><b>DEVELOPMENT IS TO COMPLY WITH LEGISLATION</b></p> <p>This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&amp;A Act, EP&amp;A Regulation and other legislation.</p>
<b>2.</b>	<p><b>DEVELOPMENT MUST MEET CONDITIONS OF CONSENT</b></p> <p>The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&amp;A Act to carry out development that is not in accordance with this consent.</p>
<b>3.</b>	<p><b>POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT</b></p> <p>Various conditions require further input, review or approval by Council in order to be satisfied following the determination of the application (that is, post consent). In those instances, please adhere to the following process to avoid delays:</p> <ul style="list-style-type: none"> <li>• Please read your conditions carefully.</li> <li>• Information to be submitted to Council should be either via email to <a href="mailto:info@waverley.nsw.gov.au">info@waverley.nsw.gov.au</a> , in person (at Council’s Customer Service Centre) or via post service.</li> <li>• Attention the documentation to the relevant officer/position of Council (where known/specified in condition)</li> <li>• Include DA reference number</li> <li>• Include condition number/s seeking to be addressed</li> <li>• 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).</li> <li>• 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.</li> <li>• 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.</li> <li>• Please note in some circumstances, additional fees and/or additional documents (hard copy) may be required.</li> <li>• Council’s standard for review (from date the relevant officer receives documentation) is 14days. Times may vary or be delayed if information is not received in this required manner.</li> <li>• Any queries, please contact Council’s Duty Planner on <a href="mailto:duty.planner@waverley.nsw.gov.au">duty.planner@waverley.nsw.gov.au</a></li> </ul>



<p>4.</p>	<p><b>SYDNEY WATER REQUIREMENTS</b></p> <p>You are required to submit your plans to the appropriate Sydney Water office to determine whether the development will affect Sydney Water’s sewer and water mains, stormwater drains and/or easements.</p> <p>If you are increasing the density of the site, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. The application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website.</p> <p>Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact <b>with the Coordinator</b>, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.</p>
<p>5.</p>	<p><b>SYDNEY WATER CERTIFICATE</b></p> <p>A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. <b>Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website.</b></p> <p>Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact <b>with the Coordinator</b>, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.</p>
<p>6.</p>	<p><b>DIAL BEFORE YOU DIG</b></p> <p>Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at <a href="http://www.1100.com.au">www.1100.com.au</a> or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual’s responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.</p>

7.	<p><b>TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)</b></p> <p>Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra’s network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra’s infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra’s assets in any way, you are required to contact: Telstra’s Network Integrity Team on Phone Number 1800810443.</p>
8.	<p><b>ALTERATIONS AND ADDITIONS ONLY</b></p> <p>This consent is for alterations and additions to the existing building only and should during the course of construction a significant amount of the remaining fabric of the building be required to be removed, works must cease immediately and a new development application will be required to be submitted for assessment.</p>
9.	<p><b>TREE REMOVAL/PRESERVATION</b></p> <p>Any trees not identified for removal in this application have not been assessed and separate approval may be required. Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building may also require approval.</p>
10.	<p><b>ECOLOGICALLY SUSTAINABLE DEVELOPMENT RECOMMENDATIONS</b></p> <p><u>Indoor air quality:</u> Council strongly encourages the use of electrical cooktops, ovens and internal heating systems within residential developments to ensure that ambient indoor air quality levels specified in the National Environmental Protection Measure (Ambient Air Quality) are met.</p> <p><u>Ventilation:</u> Council strongly encourages the installation of ceiling or wall mounted fans or Heat Recovery Ventilation (HRV) Units within residential developments to enable adequate ventilation of habitable rooms.</p> <p><u>Domestic hot water:</u> Council strongly encourages the installation of electric hot water systems. If an electrical system is not installed it is suggested to include specific provisions to enable the future installation</p>

## ***Dictionary***

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

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

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

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

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

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

**Council** means Waverley Council.

**Court** means the Land and Environment Court of NSW.

**EPA** means the NSW Environment Protection Authority.

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

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

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

**Local planning panel** means Waverley Local Planning Panel.

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

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

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

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

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

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

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

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

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



# DEVELOPMENT APPLICATION 54 RUTHVEN ST, BONDI JUNCTION



## AMENDED PLANS

**RECEIVED**  
**Waverley Council**  
 Application No: DA-91/2024  
 Date Received: 18/03/2024

### DESIGN PLANS ONLY - NOT FOR CONSTRUCTION

NOTES:  
 ALL DIMENSIONS TO BE CHECKED ON SITE. DO NOT OBTAIN DIMENSIONS BY SCALING DRAWINGS. THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH ALL OTHER CONSULTANTS DRAWINGS AND SPECIFICATIONS.  
 ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF CURRENT EDITIONS INCLUDING AMENDMENTS OF THE RELEVANT BUILDING CODE OF AUSTRALIA AND AUSTRALIAN STANDARDS REQUIREMENTS.

REV	DATE	AMENDMENT
2	18.03.24	DA - REVISION 1
1	31.01.24	DEVELOPMENT APPLICATION

### BASIX Certificate

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

#### Alterations and Additions

Certificate number: A1734917

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

Secretary  
 Date of issue: Tuesday, 06 February 2024  
 To be valid, this certificate must be lodged within 3 months of the date of issue.



Project address	
Project name	54 RUTHVEN ST, BONDI JUNCTION
Street address	54 RUTHVEN STREET BONDI JUNCTION 2022
Local Government Area	Waverley Council
Plan type and number	Deposited Plan DP252143
Lot number	4
Section number	N/A
Project type	
Dwelling type	Attached dwelling house
Type of alteration and addition	My renovation work is valued at \$50,000 or more, and does not include a pool (and/or spa).
N/A	N/A
Certificate Prepared by	
Name / Company Name	Miss Daisy Little
ABN (if applicable)	

Fixtures and systems	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
<b>Hot water</b> The applicant must install the following hot water system in the development: gas instantaneous.	✓	✓	✓
<b>Lighting</b> 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.	✓	✓	✓
<b>Fixtures</b> 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																		
<b>Insulation requirements</b> The applicant must construct the new or altered construction (floors, walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m <sup>2</sup> , b) insulation specified is not required for parts of altered construction where insulation already exists.	✓	✓	✓																		
<table border="1"> <thead> <tr> <th>Construction</th> <th>Additional insulation required (R-value)</th> <th>Other specifications</th> </tr> </thead> <tbody> <tr> <td>suspended floor with open subfloor: framed (R0.7)</td> <td>R0.8 (down) (or R1.50 including construction)</td> <td>N/A</td> </tr> <tr> <td>suspended floor with enclosed subfloor: framed (R0.7)</td> <td>R0.60 (down) (or R1.30 including construction)</td> <td>N/A</td> </tr> <tr> <td>external wall: cavity brick</td> <td>nil</td> <td></td> </tr> <tr> <td>external wall: framed (weatherboard, fibro, metal clad)</td> <td>R1.30 (or R1.70 including construction)</td> <td></td> </tr> <tr> <td>flat ceiling, flat roof: framed</td> <td>ceiling: R3.00 (up), roof: full/sarking</td> <td>medium (solar absorbance 0.475 - 0.70)</td> </tr> </tbody> </table>	Construction	Additional insulation required (R-value)	Other specifications	suspended floor with open subfloor: framed (R0.7)	R0.8 (down) (or R1.50 including construction)	N/A	suspended floor with enclosed subfloor: framed (R0.7)	R0.60 (down) (or R1.30 including construction)	N/A	external wall: cavity brick	nil		external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)		flat ceiling, flat roof: framed	ceiling: R3.00 (up), roof: full/sarking	medium (solar absorbance 0.475 - 0.70)	✓	✓	✓
Construction	Additional insulation required (R-value)	Other specifications																			
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Glazing requirements	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
<b>Windows and glazed doors</b> The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door. The following requirements must also be satisfied in relation to each window and glazed door: Each window or glazed door with standard aluminium or timber frames and single clear or toned glass may either match the description, or have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions. Each window or glazed door with improved frames, or pyrolytic low-e glass, or clearstar gap/clear glazing, or tonedstar gap/clear glazing must have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions. The description is provided for information only. Alternative systems with complying U-value and SHGC may be substituted. For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2500 mm above the sill. Pergolas with adjustable shading may have adjustable blades or removable shade cloth (not less than 80% shading ratio). Adjustable blades must overlap in plan view. 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.	✓	✓	✓

Window/door number	Orientation	Area of glass including frame (m <sup>2</sup> )	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
W1	E	2.7	2	1.3	none	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)			
W2	S	5.94	3	1.3	none	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)			
W3	S	4.16	3	1.3	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			
D4	E	11.7	0	0	pergola (adjustable shade) >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			
D6	E	11.7	0	0	none	timber or uPVC, double Lo-Tonstar gap/clear (U-value: 2.3, SHGC: 0.19)			

Glazing requirements	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check																				
<b>Skylights</b> The applicant must install the skylights in accordance with the specifications listed in the table below. The following requirements must also be satisfied in relation to each skylight: Each skylight may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below.	✓	✓	✓																				
<b>Skylights glazing requirements</b>																							
<table border="1"> <thead> <tr> <th>Skylight number</th> <th>Area of glazing inc. frame (m<sup>2</sup>)</th> <th>Shading device</th> <th>Frame and glass type</th> </tr> </thead> <tbody> <tr> <td>S1</td> <td>2.66</td> <td>no shading</td> <td>timber, low-E internal/argon filled external, (or U-value: 2.5, SHGC: 0.456)</td> </tr> <tr> <td>S2</td> <td>1.25</td> <td>no shading</td> <td>timber, low-E internal/argon filled external, (or U-value: 2.5, SHGC: 0.456)</td> </tr> <tr> <td>S3</td> <td>1.25</td> <td>no shading</td> <td>timber, low-E internal/argon filled external, (or U-value: 2.5, SHGC: 0.456)</td> </tr> <tr> <td>S4</td> <td>1.63</td> <td>no shading</td> <td>timber, low-E internal/argon filled external, (or U-value: 2.5, SHGC: 0.456)</td> </tr> </tbody> </table>	Skylight number	Area of glazing inc. frame (m <sup>2</sup> )	Shading device	Frame and glass type	S1	2.66	no shading	timber, low-E internal/argon filled external, (or U-value: 2.5, SHGC: 0.456)	S2	1.25	no shading	timber, low-E internal/argon filled external, (or U-value: 2.5, SHGC: 0.456)	S3	1.25	no shading	timber, low-E internal/argon filled external, (or U-value: 2.5, SHGC: 0.456)	S4	1.63	no shading	timber, low-E internal/argon filled external, (or U-value: 2.5, SHGC: 0.456)	✓	✓	✓
Skylight number	Area of glazing inc. frame (m <sup>2</sup> )	Shading device	Frame and glass type																				
S1	2.66	no shading	timber, low-E internal/argon filled external, (or U-value: 2.5, SHGC: 0.456)																				
S2	1.25	no shading	timber, low-E internal/argon filled external, (or U-value: 2.5, SHGC: 0.456)																				
S3	1.25	no shading	timber, low-E internal/argon filled external, (or U-value: 2.5, SHGC: 0.456)																				
S4	1.63	no shading	timber, low-E internal/argon filled external, (or U-value: 2.5, SHGC: 0.456)																				

**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.

#### DA DRAWING LIST

SHEET NO.	SHEET NAME	REVISION
DA000	COVER	2
DA001	SITE PLAN	2
DA002	EXISTING + DEMOLITION PLANS	2
DA003	EXISTING + DEMOLITION PLANS	2
DA100	PROPOSED GROUND FLOOR PLAN	2
DA101	PROPOSED FIRST FLOOR PLAN	2
DA102	PROPOSED ROOF PLAN	2
DA200	ELEVATIONS	2
DA201	ELEVATIONS	2
DA300	SECTIONS	2
DA301	SECTIONS	2
DA400	SITE CALCULATIONS	2
DA500	SHADOW DIAGRAMS 9AM	2
DA501	SHADOW DIAGRAMS 12PM	2
DA502	SHADOW DIAGRAMS 3PM	2
DA600	MATERIALS AND FINISHES	1

DA DOOR SCHEDULE		
TAG	HEIGHT	WIDTH
D1	2100	777
D2	2040	720
D3	2040	720
D4	2600	4500
D6	2040	820
D7	2040	820
D8	2040	820
D9	2600	4500

DA WINDOW SCHEDULE		
TAG	HEIGHT	WIDTH
S1	3800	700
S2	1875	665
S3	1875	665
S4	1275	1275
W1	2700	1000
W2	2700	2200
W3	2700	1500

PROJECT:  
**54 RUTHVEN ST, BONDI JUNCTION**  
 CLIENTS/ OWNERS  
**ANTON GREENHALGH & GABRIELLE MEARS**

SCALE @A3:

DRAWING TITLE:  
**COVER**  
 DWG NO.:  
**DA000**

DRAWING ISSUE DATE:  
**18.03.24**  
 REV NO.:  
**2**





# AMENDED PLANS

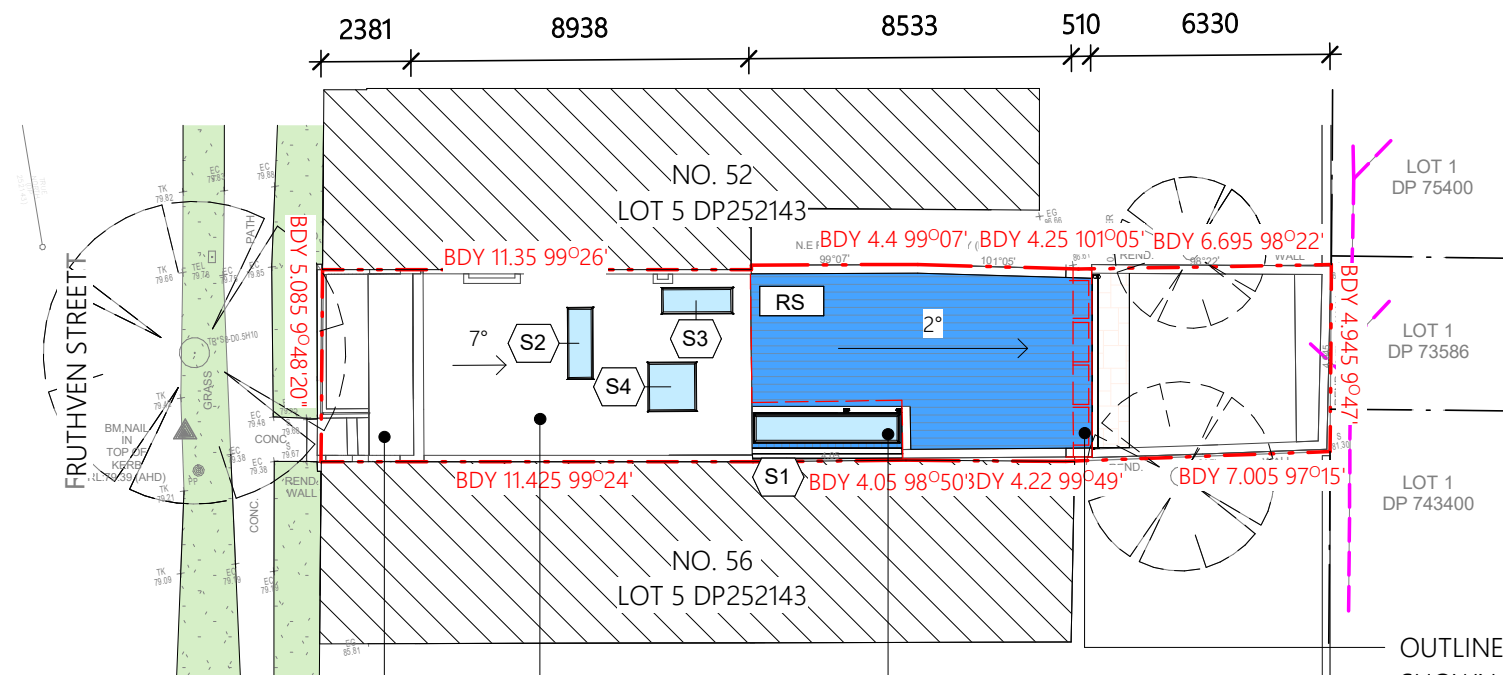
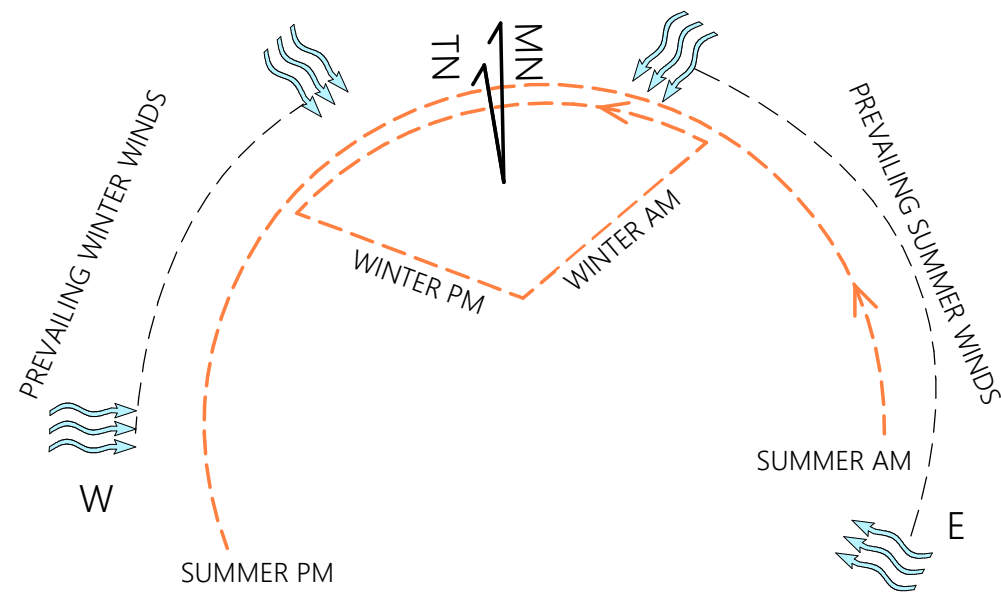
**SITE INFORMATION:**  
54 RUTHVEN ST, BONDI JUNCTION

R3 - MEDIUM DENSITY  
RESIDENTIAL  
HERITAGE: MILL HILL  
SIGNIFICANCE: LOCAL

**RECEIVED**  
**Waverley Council**  
**Application No: DA-91/2024**  
**Date Received: 18/03/2024**

SITE AREA: = 135.9M<sup>2</sup>  
FLOOR SPACE RATIO: = 0.9:1  
PERMISSIBLE GFA: = 122.3M<sup>2</sup>  
EXISTING FSR & GFA: = 146.2M<sup>2</sup> (1.08:1)  
PROPOSED GFA: = 156.1M<sup>2</sup>  
PROPOSED FSR: = 1.15:1

- TILE
- TIMBER
- BRICK
- PAVING
- METAL ROOFING
- GLASS
- CONCRETE
- LANDSCAPING
- EXISTING
- DEMOLITION LINE



NO STRUCTURAL CHANGES TO FRONT FACADE. NEW COLOUR PALETTE, REFER TO DA600 FOR MORE DETAIL

ROOF SHEETING TO BE REPLACED. STRUCTURE AND CHIMNEYS TO BE RETAINED AND PROTECTED

OUTLINE OF EXISTING TO BE REMOVED SHOWN RED DASHED

SKYLIGHT WITHIN SETBACK TO BE COMPLIANT WITH FIRE RATING STANDARDS

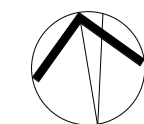
**1** SITE PLAN  
DA001 1:200

**DESIGN PLANS ONLY - NOT FOR CONSTRUCTION**

NOTES:  
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REV	DATE	AMENDMENT
2	18.03.24	DA - REVISION 1
1	31.01.24	DEVELOPMENT APPLICATION

PROJECT:  
**54 RUTHVEN ST, BONDI JUNCTION**  
  
CLIENTS/ OWNERS  
**ANTON GREENHALGH & GABRIELLE MEARS**



DRAWING TITLE:  
**SITE PLAN**  
  
SCALE @A3:  
**As indicated** DWG NO.:  
**DA001**

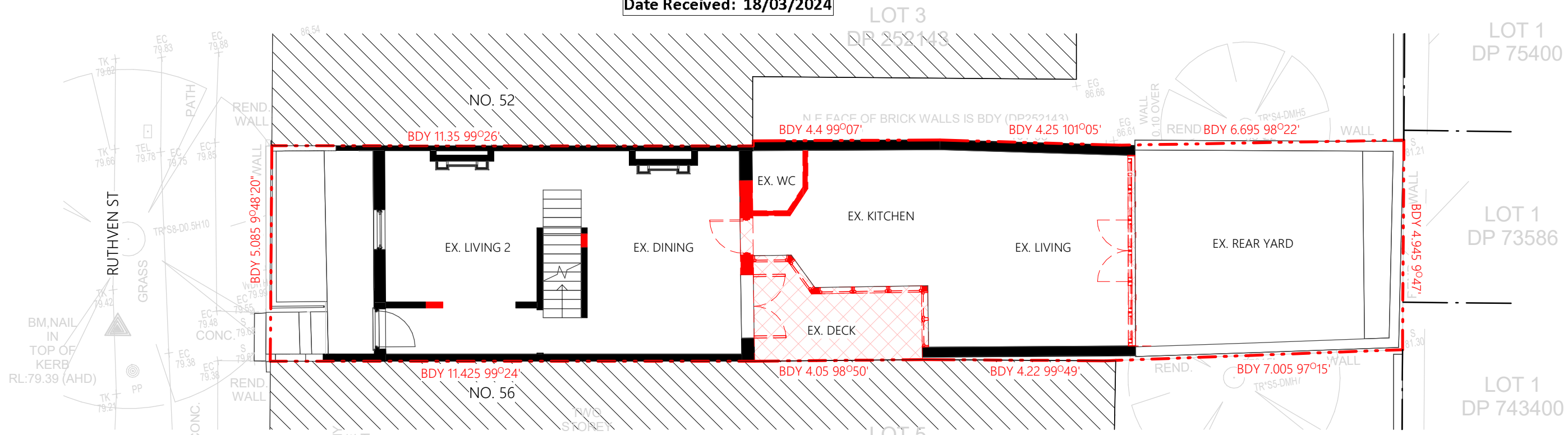
DRAWING ISSUE DATE:  
**18.03.24**  
  
REV NO.:  
**2**



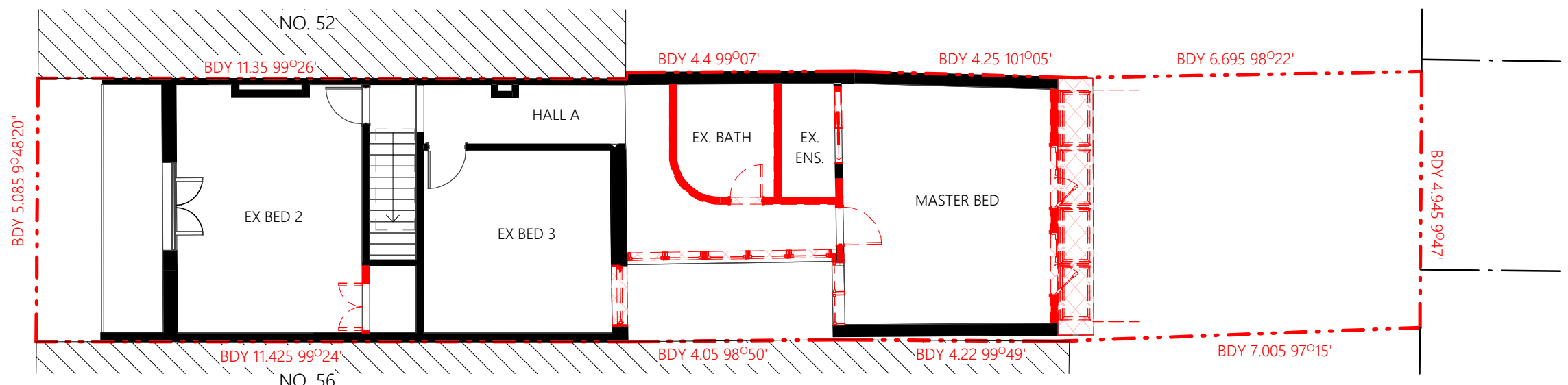
RECEIVED  
Waverley Council  
Application No: DA-91/2024  
Date Received: 18/03/2024

# AMENDED PLANS

EXISTING + DEMOLITION LEGEND  
 - - - DEMO LINE  
 [Hatched] SURFACE TO BE DEMOLISHED  
 [Solid] EXISTING



1 EXISTING + DEMO GROUND FLOOR PLAN  
DA002 1:100



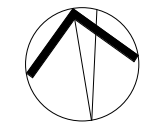
2 EXISTING + DEMO FIRST FLOOR PLAN  
DA002 1:100

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REV	DATE	AMENDMENT
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1	31.01.24	DEVELOPMENT APPLICATION

PROJECT:  
54 RUTHVEN ST, BONDI JUNCTION  
 CLIENTS/ OWNERS  
ANTON GREENHALGH & GABRIELLE MEARS



SCALE @A3:  
1:100

DRAWING TITLE:  
EXISTING + DEMOLITION PLANS  
 DWG NO.:  
DA002

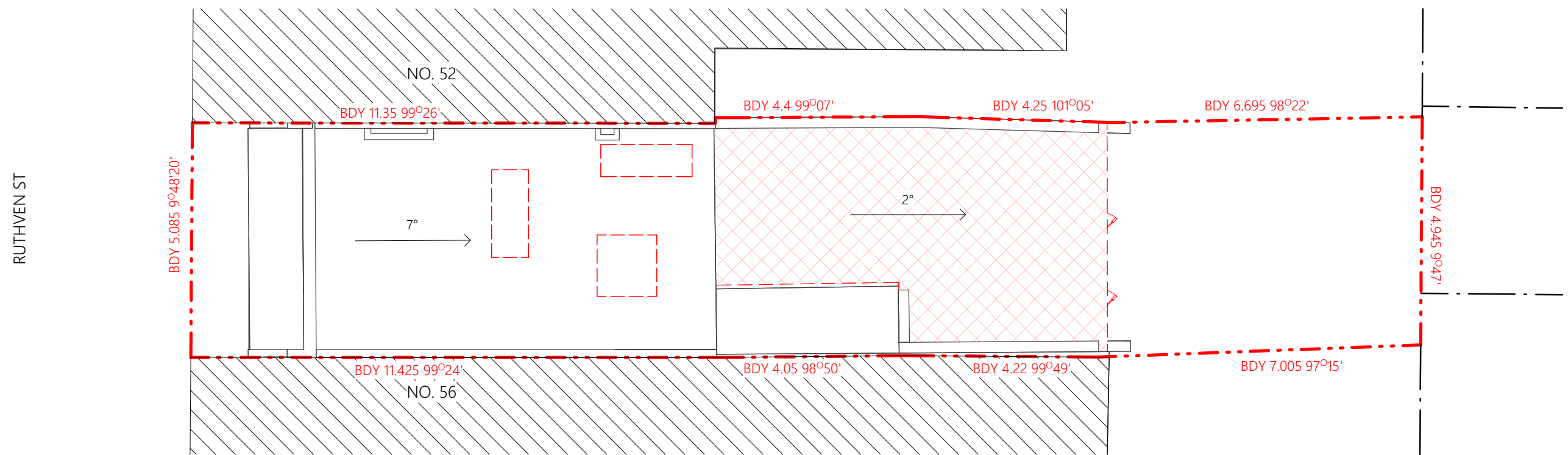
DRAWING ISSUE DATE:  
18.03.24  
 REV NO.:  
2



RECEIVED  
Waverley Council  
Application No: DA-91/2024  
Date Received: 18/03/2024

# AMENDED PLANS

EXISTING + DEMOLITION LEGEND  
--- DEMO LINE  
[Red Hatched Box] SURFACE TO BE DEMOLISHED  
[Grey Box] EXISTING



1 EXISTING + DEMO ROOF PLAN  
DA003 1 : 100

**DESIGN PLANS ONLY - NOT FOR CONSTRUCTION**

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REV	DATE	AMENDMENT
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PROJECT:  
**54 RUTHVEN ST, BONDI JUNCTION**  
CLIENTS/ OWNERS  
**ANTON GREENHALGH & GABRIELLE MEARS**



SCALE @A3:  
**1 : 100**

DRAWING TITLE:  
**EXISTING + DEMOLITION PLANS**  
DWG NO.:  
**DA003**

DRAWING ISSUE DATE:  
**18.03.24**  
REV NO.:  
**2**





RECEIVED  
Waverley Council  
Application No: DA-91/2024  
Date Received: 18/03/2024

# AMENDED PLANS

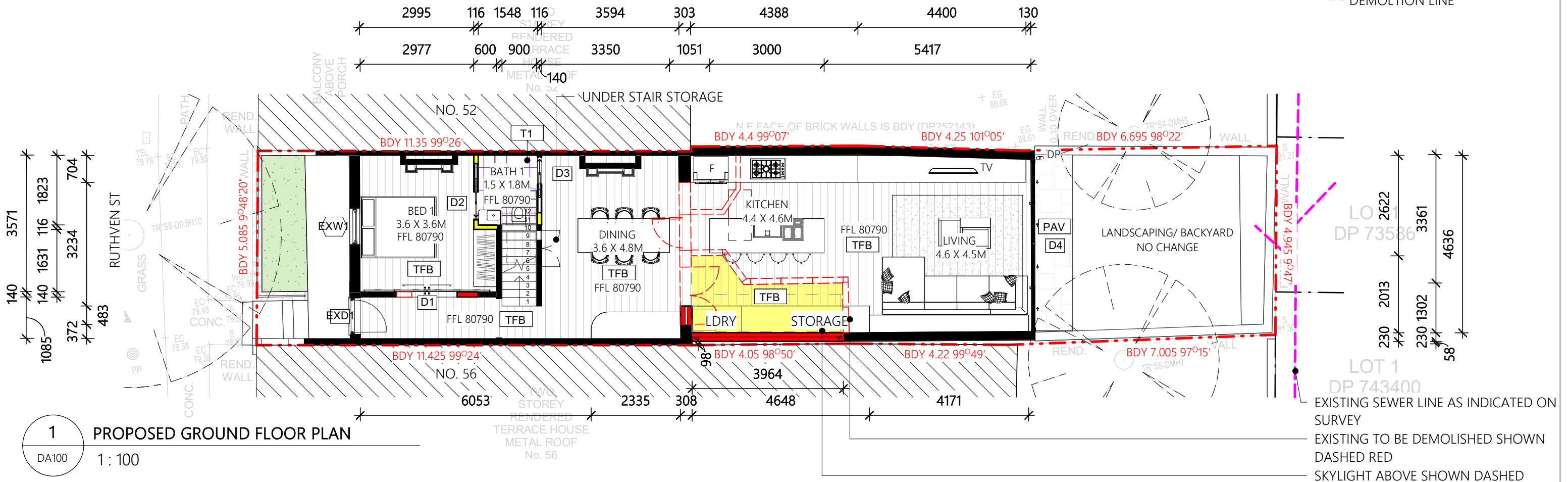
DA MATERIAL SCHEDULE	
TAG	DESCRIPTION
BRK	BRICK
CONC	CONCRETE
CP	CARPET
GL	GLASS
GU-01	GUTTER TO HYDRAULIC ENGINEERS SPECIFICATION
GU-02	GUTTER TO HYDRAULIC ENGINEERS SPECIFICATION
PAV	PAVING
REND	RENDERED FINISH
RS	ROOF SHEETING
T1	TILE
TFB	TIMBER FLOORBOARDS

SITE INFORMATION:  
54 RUTHVEN ST, BONDI JUNCTION

R3 - MEDIUM DENSITY RESIDENTIAL  
HERITAGE: MILL HILL  
SIGNIFICANCE: LOCAL

SITE AREA: = 135.9M<sup>2</sup>  
FLOOR SPACE RATIO: = 0.9:1  
PERMISSIBLE GFA: = 122.3M<sup>2</sup>  
EXISTING FSR & GFA: = 146.2M<sup>2</sup> (1.08:1)  
PROPOSED GFA: = 156.1M<sup>2</sup>  
PROPOSED FSR: = 1.15:1

- TILE
- TIMBER
- BRICK
- PAVING
- METAL ROOFING
- GLASS
- CONCRETE
- LANDSCAPING
- EXISTING
- DEMOLITION LINE



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PROJECT:  
54 RUTHVEN ST, BONDI JUNCTION  
CLIENTS/ OWNERS  
ANTON GREENHALGH & GABRIELLE MEARS



SCALE @A3:  
1:100

DRAWING TITLE:  
PROPOSED GROUND FLOOR PLAN  
DWG NO.:  
DA100

DRAWING ISSUE DATE:  
18.03.24  
REV NO.:  
2



DRAWN BY: DL

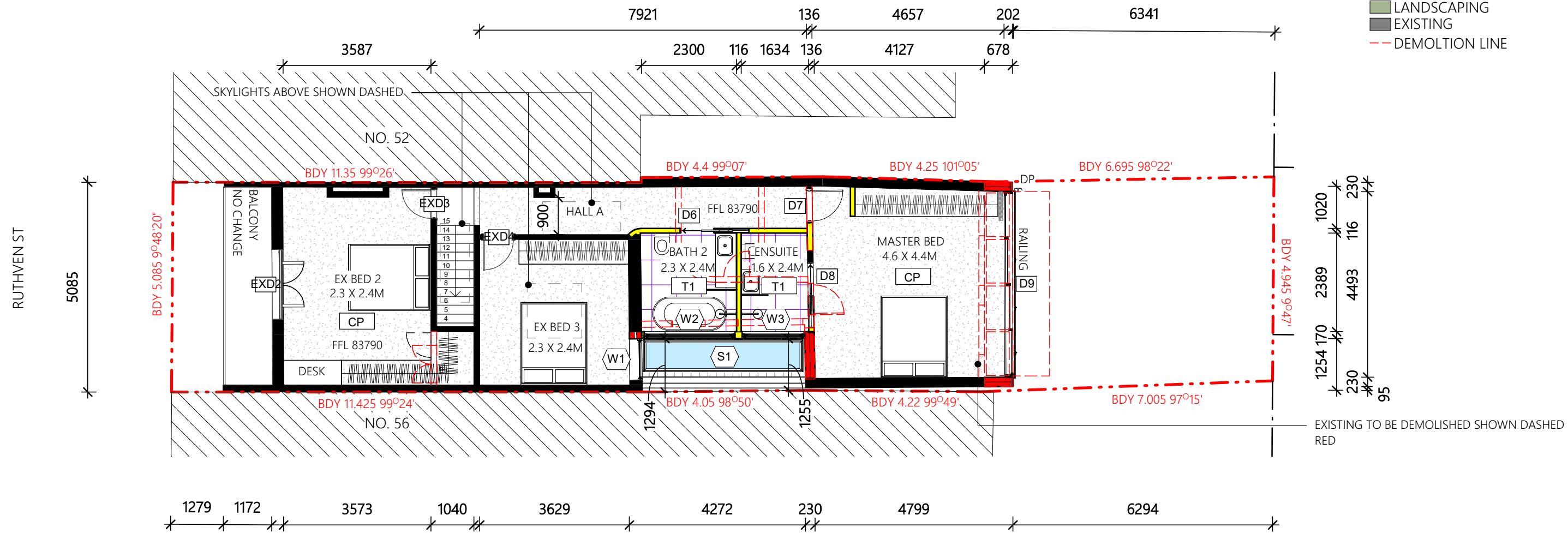
RECEIVED  
Waverley Council  
Application No: DA-91/2024  
Date Received: 18/03/2024

# AMENDED PLANS

DA MATERIAL SCHEDULE	
TAG	DESCRIPTION
BRK	BRICK
CONC	CONCRETE
CP	CARPET
GL	GLASS
GU-01	GUTTER TO HYDRAULIC ENGINEERS SPECIFICATION
GU-02	GUTTER TO HYDRAULIC ENGINEERS SPECIFICATION
PAV	PAVING
REND	RENDERED FINISH
RS	ROOF SHEETING
T1	TILE
TFB	TIMBER FLOORBOARDS

SITE INFORMATION:  
54 RUTHVEN ST, BONDI JUNCTION  
R3 - MEDIUM DENSITY RESIDENTIAL  
HERITAGE: MILL HILL  
SIGNIFICANCE: LOCAL  
SITE AREA: = 135.9M<sup>2</sup>  
FLOOR SPACE RATIO: = 0.9:1  
PERMISSIBLE GFA: = 122.3M<sup>2</sup>  
EXISTING FSR & GFA: = 146.2M<sup>2</sup> (1.08:1)  
PROPOSED GFA: = 156.1M<sup>2</sup>  
PROPOSED FSR: = 1.15:1

- TILE
- TIMBER
- BRICK
- PAVING
- METAL ROOFING
- GLASS
- CONCRETE
- LANDSCAPING
- EXISTING
- DEMOLITION LINE



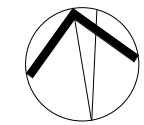
**1** PROPOSED FIRST FLOOR  
DA101 1:100

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REV	DATE	AMENDMENT
2	18.03.24	DA - REVISION 1
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PROJECT:  
54 RUTHVEN ST, BONDI JUNCTION  
CLIENTS/ OWNERS  
ANTON GREENHALGH & GABRIELLE MEARS



SCALE @A3:

DRAWING TITLE:  
PROPOSED FIRST FLOOR PLAN  
DWG NO.:  
DA101

DRAWING ISSUE DATE:  
18.03.24  
REV NO.:  
2



DRAWN BY: DL

RECEIVED  
Waverley Council  
Application No: DA-91/2024  
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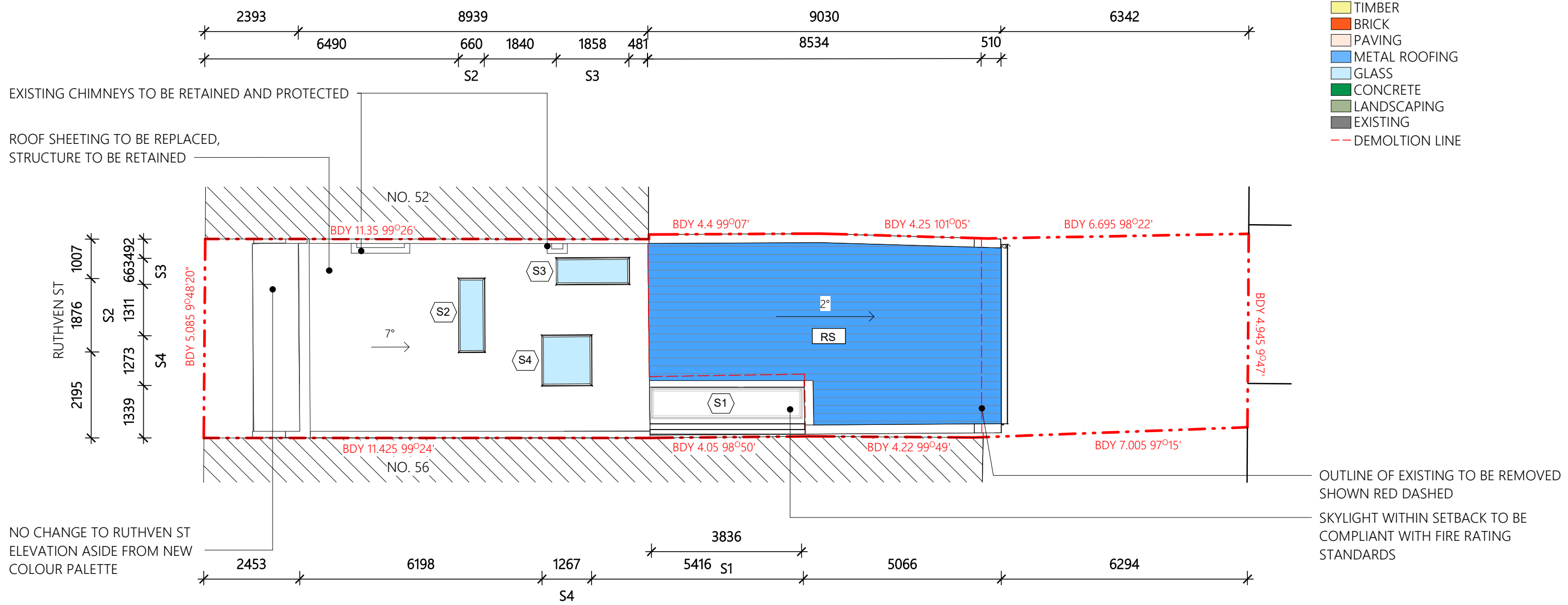
# AMENDED PLANS

DA MATERIAL SCHEDULE	
TAG	DESCRIPTION
BRK	BRICK
CONC	CONCRETE
CP	CARPET
GL	GLASS
GU-01	GUTTER TO HYDRAULIC ENGINEERS SPECIFICATION
GU-02	GUTTER TO HYDRAULIC ENGINEERS SPECIFICATION
PAV	PAVING
REND	RENDERED FINISH
RS	ROOF SHEETING
T1	TILE
TFB	TIMBER FLOORBOARDS

SITE INFORMATION:  
54 RUTHVEN ST, BONDI JUNCTION  
R3 - MEDIUM DENSITY RESIDENTIAL  
HERITAGE: MILL HILL  
SIGNIFICANCE: LOCAL

SITE AREA: = 135.9M<sup>2</sup>  
FLOOR SPACE RATIO: = 0.9:1  
PERMISSIBLE GFA: = 122.3M<sup>2</sup>  
EXISTING FSR & GFA: = 146.2M<sup>2</sup> (1.08:1)  
PROPOSED GFA: = 156.1M<sup>2</sup>  
PROPOSED FSR: = 1.15:1

- TILE
- TIMBER
- BRICK
- PAVING
- METAL ROOFING
- GLASS
- CONCRETE
- LANDSCAPING
- EXISTING
- DEMOLITION LINE



**1** PROPOSED ROOF PLAN  
DA102 1 : 100

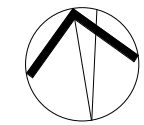
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REV	DATE	AMENDMENT
2	18.03.24	DA - REVISION 1
1	31.01.24	DEVELOPMENT APPLICATION

PROJECT:  
**54 RUTHVEN ST, BONDI JUNCTION**

CLIENTS/ OWNERS  
**ANTON GREENHALGH & GABRIELLE MEARS**



SCALE @A3:  
**1 : 100**

DRAWING TITLE:  
**PROPOSED ROOF PLAN**

DWG NO.:  
**DA102**

DRAWING ISSUE DATE:  
**18.03.24**

REV NO.:  
**2**



# AMENDED PLANS

**RECEIVED**  
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**Date Received: 18/03/2024**

DA MATERIAL SCHEDULE	
TAG	DESCRIPTION
BRK	BRICK
CONC	CONCRETE
CP	CARPET
GL	GLASS
GU-01	GUTTER TO HYDRAULIC ENGINEERS SPECIFICATION
GU-02	GUTTER TO HYDRAULIC ENGINEERS SPECIFICATION
PAV	PAVING
REND	RENDERED FINISH
RS	ROOF SHEETING
T1	TILE
TFB	TIMBER FLOORBOARDS

**SITE INFORMATION:**  
 54 RUTHVEN ST,  
 BONDI JUNCTION  
 R3 - MEDIUM DENSITY RESIDENTIAL  
 HERITAGE: MILL HILL SIGNIFICANCE:  
 LOCAL

**SITE AREA:** = 135.9M<sup>2</sup>  
**FLOOR SPACE RATIO:** = 0.9:1  
**PERMISSIBLE GFA:** = 122.31M<sup>2</sup>  
**EXISTING FSR & GFA:** = 145M<sup>2</sup> (1.07:1)  
**PROPOSED GFA:** = 152M<sup>2</sup>  
**PROPOSED FSR:** = 1.1:1

- TILE
- TIMBER
- BRICK
- PAVING
- METAL ROOFING
- GLASS
- CONCRETE
- LANDSCAPING
- EXISTING
- DEMOLITION LINE



**1 WEST - STREET ELEVATION (NO CHANGE)**  
 DA200 1:100

**2 EAST - REAR ELEVATION**  
 DA200 1:100

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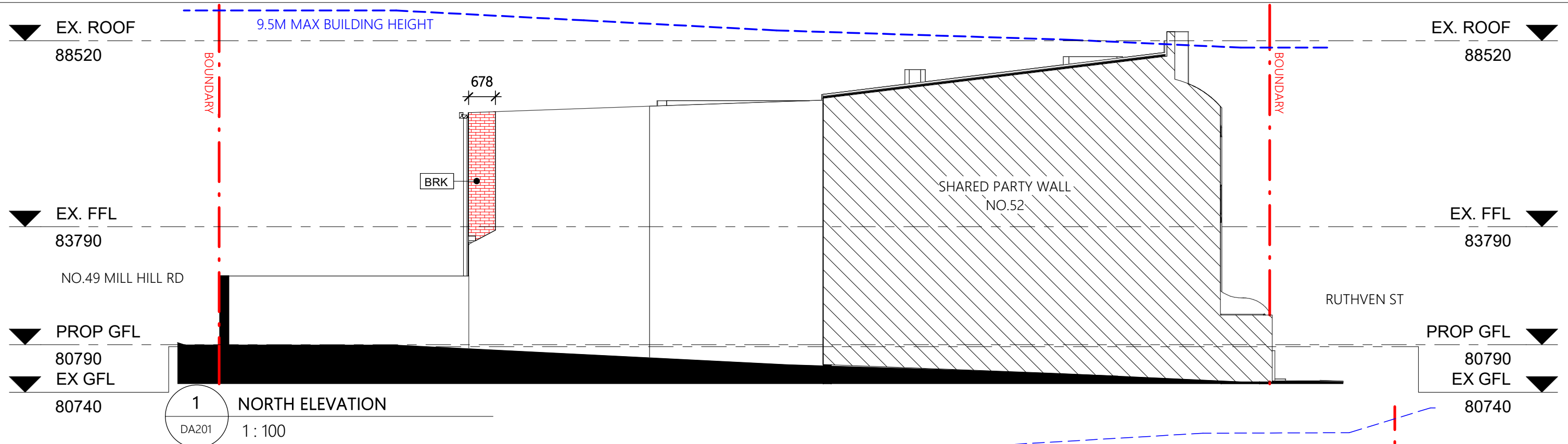
**PROJECT:**  
 54 RUTHVEN ST, BONDI JUNCTION  
**CLIENTS/ OWNERS:**  
 ANTON GREENHALGH & GABRIELLE  
 MEARS

**DRAWING TITLE:**  
 ELEVATIONS  
**SCALE @A3:**  
 1:100  
**DWG NO.:**  
 DA200

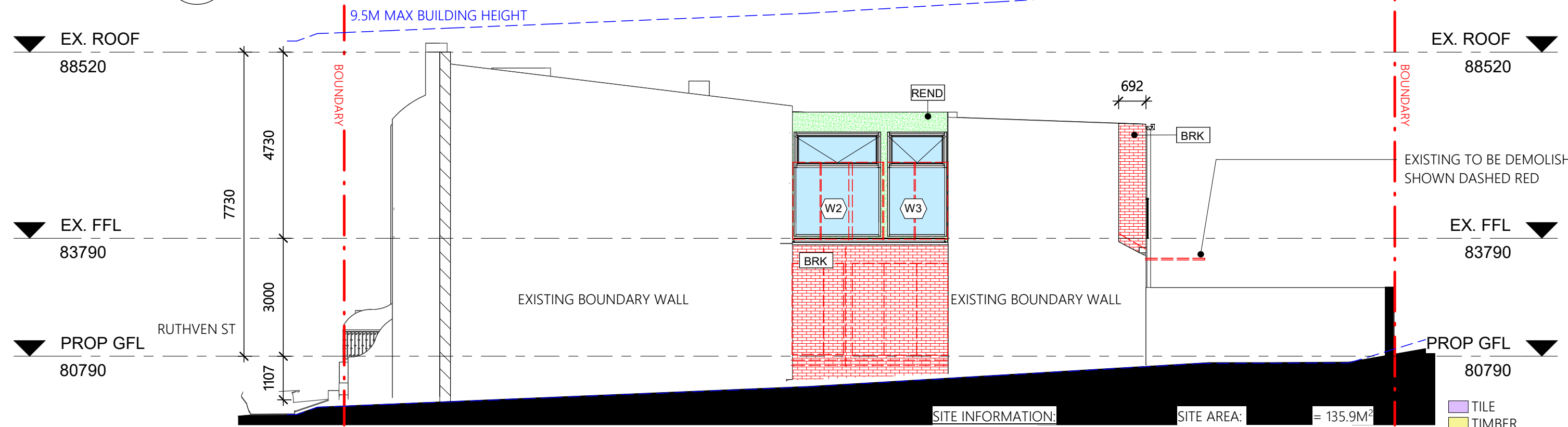
**DRAWING ISSUE DATE:**  
 18.03.24  
**REV NO.:**  
 2







1 NORTH ELEVATION  
DA201 1:100



2 SOUTH ELEVATION  
DA201 1:100

**SITE INFORMATION:**

54 RUTHVEN ST,  
BONDI JUNCTION  
R3 - MEDIUM DENSITY RESIDENTIAL  
HERITAGE: MILL HILL SIGNIFICANCE:  
LOCAL

**SITE AREA:**

= 135.9M<sup>2</sup>  
FLOOR SPACE RATIO: = 0.9:1  
PERMISSIBLE GFA: = 122.31M<sup>2</sup>  
EXISTING FSR & GFA: = 145M<sup>2</sup> (1.07:1)  
PROPOSED GFA: = 152M<sup>2</sup>  
PROPOSED FSR: = 1.1:1

- TILE
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- LANDSCAPING
- EXISTING
- DEMOLITION LINE

**RECEIVED**  
**Waverley Council**  
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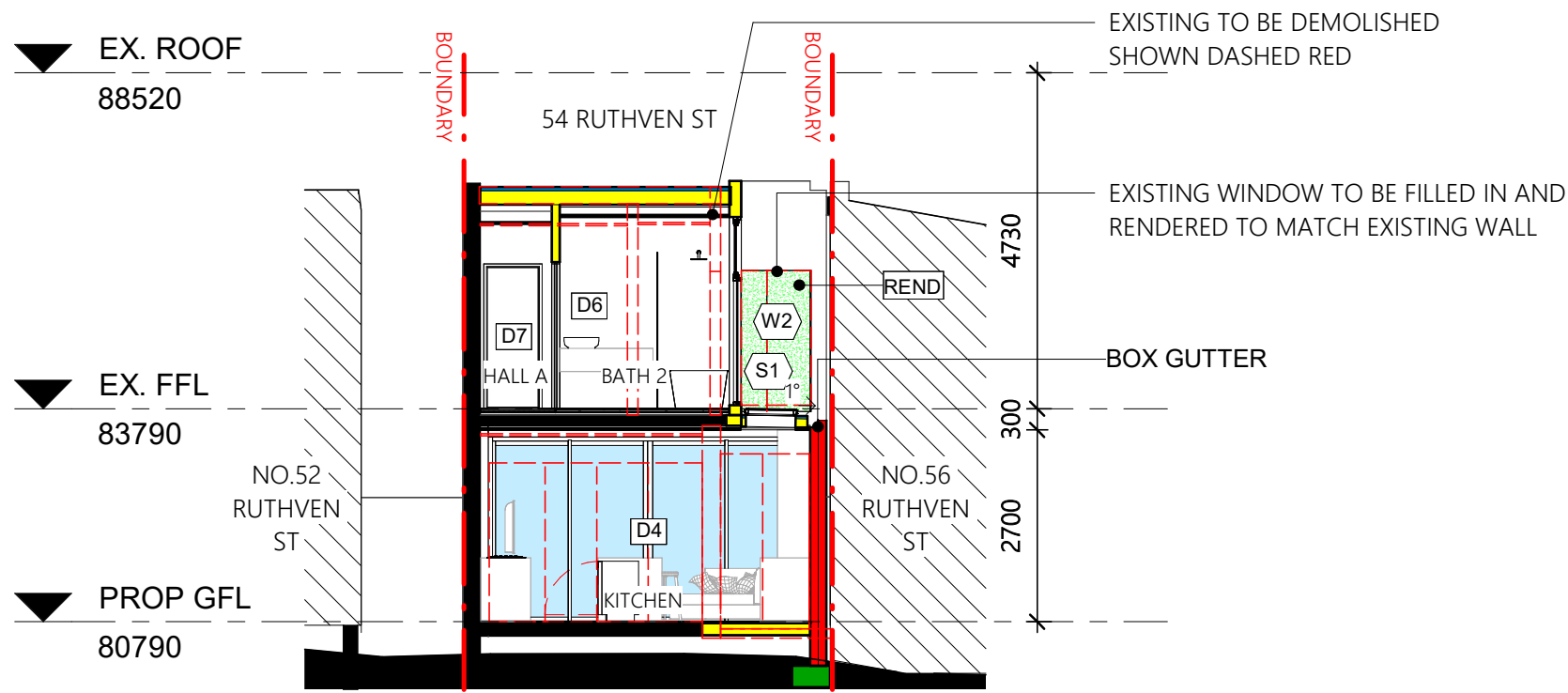
REV	DATE	AMENDMENT
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1	31.01.24	DEVELOPMENT APPLICATION

PROJECT:  
**54 RUTHVEN ST, BONDI JUNCTION**  
CLIENTS/ OWNERS  
**ANTON GREENHALGH & GABRIELLE MEARS**

DRAWING TITLE:  
**ELEVATIONS**  
SCALE @A3:  
**1:100**  
DWG NO.:  
**DA201**

DRAWING ISSUE DATE:  
**18.03.24**  
REV NO.:  
**2**





**B SECTION B**  
DA300 1:100

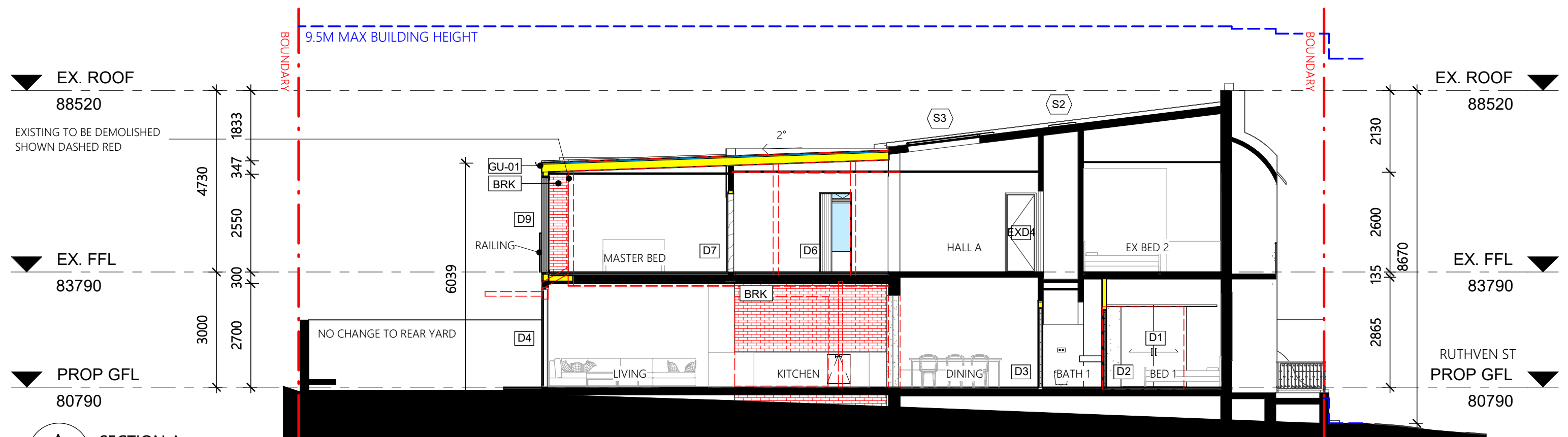
**SITE INFORMATION:**  
54 RUTHVEN ST,  
BONDI JUNCTION  
R3 - MEDIUM DENSITY RESIDENTIAL  
HERITAGE: MILL HILL SIGNIFICANCE:  
LOCAL

**SITE AREA:** = 135.9M<sup>2</sup>  
**FLOOR SPACE RATIO:** = 0.9:1  
**PERMISSIBLE GFA:** = 122.31M<sup>2</sup>  
**EXISTING FSR & GFA:** = 145M<sup>2</sup> (1.07:1)  
**PROPOSED GFA:** = 152M<sup>2</sup>  
**PROPOSED FSR:** = 1.1:1

- TILE
- TIMBER
- BRICK
- PAVING
- METAL ROOFING
- GLASS
- CONCRETE
- LANDSCAPING
- EXISTING
- DEMOLITION LINE

DA MATERIAL SCHEDULE	
TAG	DESCRIPTION
BRK	BRICK
CONC	CONCRETE
CP	CARPET
GL	GLASS
GU-01	GUTTER TO HYDRAULIC ENGINEERS SPECIFICATION
GU-02	GUTTER TO HYDRAULIC ENGINEERS SPECIFICATION
PAV	PAVING
REND	RENDERED FINISH
RS	ROOF SHEETING
T1	TILE
TFB	TIMBER FLOORBOARDS

**RECEIVED**  
**Waverley Council**  
**Application No: DA-91/2024**  
**Date Received: 18/03/2024**



**A SECTION A**  
DA300 1:100

**AMENDED PLANS**

**DESIGN PLANS ONLY - NOT FOR CONSTRUCTION**

**NOTES:**  
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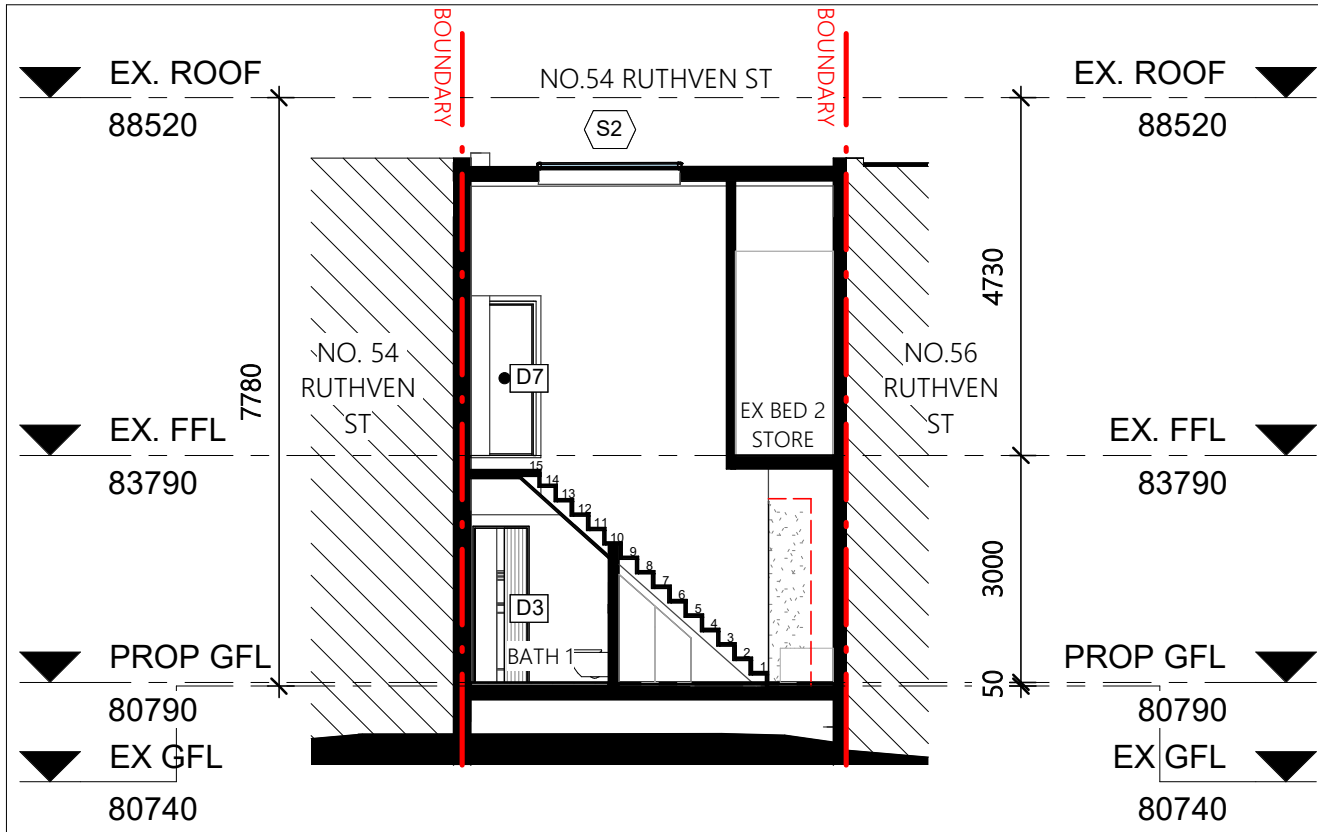
REV	DATE	AMENDMENT
2	18.03.24	DA - REVISION 1
1	31.01.24	DEVELOPMENT APPLICATION

**PROJECT:**  
54 RUTHVEN ST, BONDI JUNCTION  
**CLIENTS/ OWNERS:**  
ANTON GREENHALGH & GABRIELLE  
**MEARS**

**DRAWING TITLE:**  
SECTIONS  
**SCALE @A3:**  
1:100  
**DWG NO.:**  
DA300

**DRAWING ISSUE DATE:**  
18.03.24  
**REV NO.:**  
2





DA MATERIAL SCHEDULE	
TAG	DESCRIPTION
BRK	BRICK
CONC	CONCRETE
CP	CARPET
GL	GLASS
GU-01	GUTTER TO HYDRAULIC ENGINEERS SPECIFICATION
GU-02	GUTTER TO HYDRAULIC ENGINEERS SPECIFICATION
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T1	TILE
TFB	TIMBER FLOORBOARDS

**SITE INFORMATION:**  
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 BONDI JUNCTION  
 R3 - MEDIUM DENSITY RESIDENTIAL  
 HERITAGE: MILL HILL SIGNIFICANCE:  
 LOCAL

**SITE AREA:** = 135.9M<sup>2</sup>  
**FLOOR SPACE RATIO:** = 0.9:1  
**PERMISSIBLE GFA:** = 122.31M<sup>2</sup>  
**EXISTING FSR & GFA:** = 145M<sup>2</sup> (1.07:1)  
**PROPOSED GFA:** = 152M<sup>2</sup>  
**PROPOSED FSR:** = 1.1:1

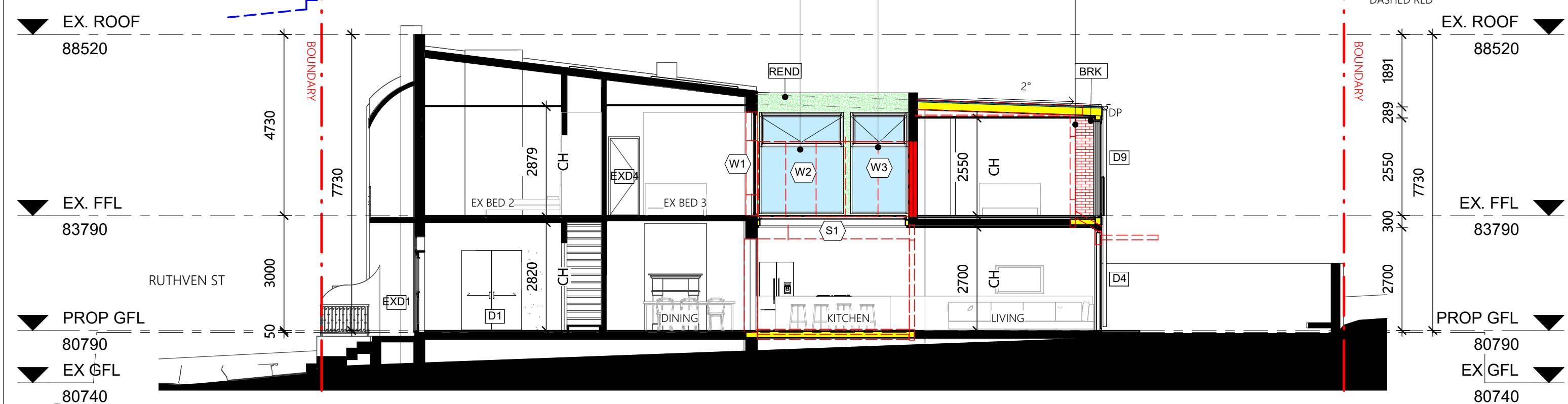
- TILE
- TIMBER
- BRICK
- PAVING
- METAL ROOFING
- GLASS
- CONCRETE
- LANDSCAPING
- EXISTING
- DEMOLITION LINE

**RECEIVED**  
**Waverley Council**

**Application No: DA-91/2024**

**Date Received: 18/03/2024**

**D SECTION D**  
 DA301 1:100



**C SECTION C**  
 DA301 1:100

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REV	DATE	AMENDMENT
2	18.03.24	DA - REVISION 1
1	31.01.24	DEVELOPMENT APPLICATION

**PROJECT:**  
 54 RUTHVEN ST, BONDI JUNCTION

**CLIENTS/ OWNERS:**  
 ANTON GREENHALGH & GABRIELLE MEARS

AMENDED PLANS

**DRAWING TITLE:** SECTIONS  
**DRAWING ISSUE DATE:** 18.03.24

**SCALE @A3:** 1:100  
**DWG NO.:** DA301

**REV NO.:** 2  
**DRAWN BY:** DL

RECEIVED  
Waverley Council  
Application No: DA-91/2024  
Date Received: 18/03/2024

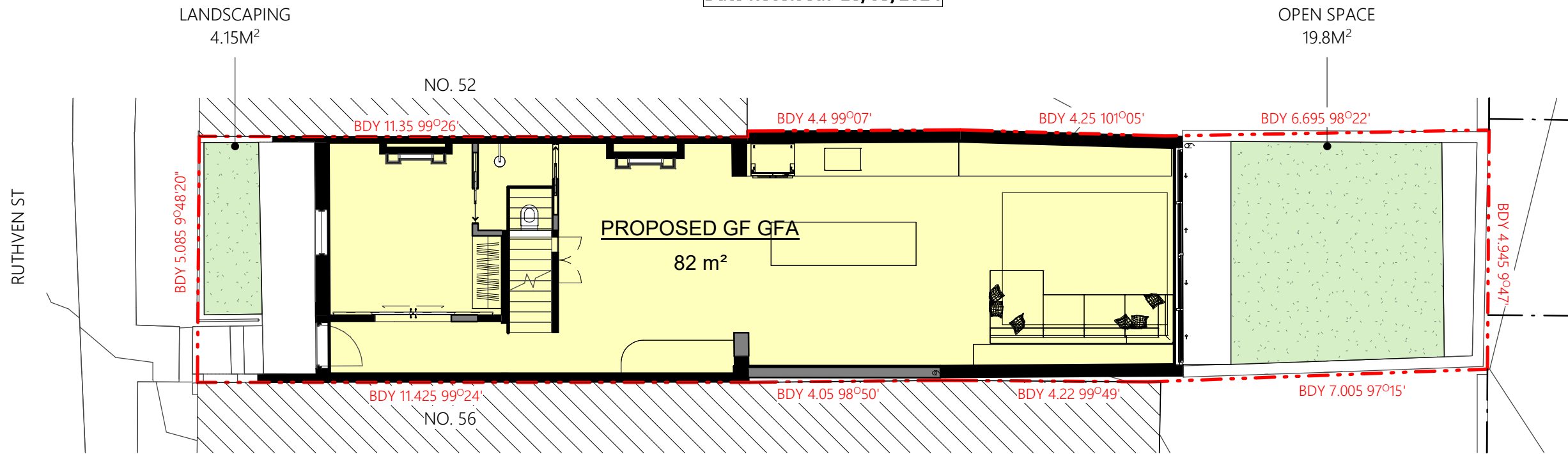
# AMENDED PLANS

SITE INFORMATION:  
54 RUTHVEN ST, BONDI JUNCTION

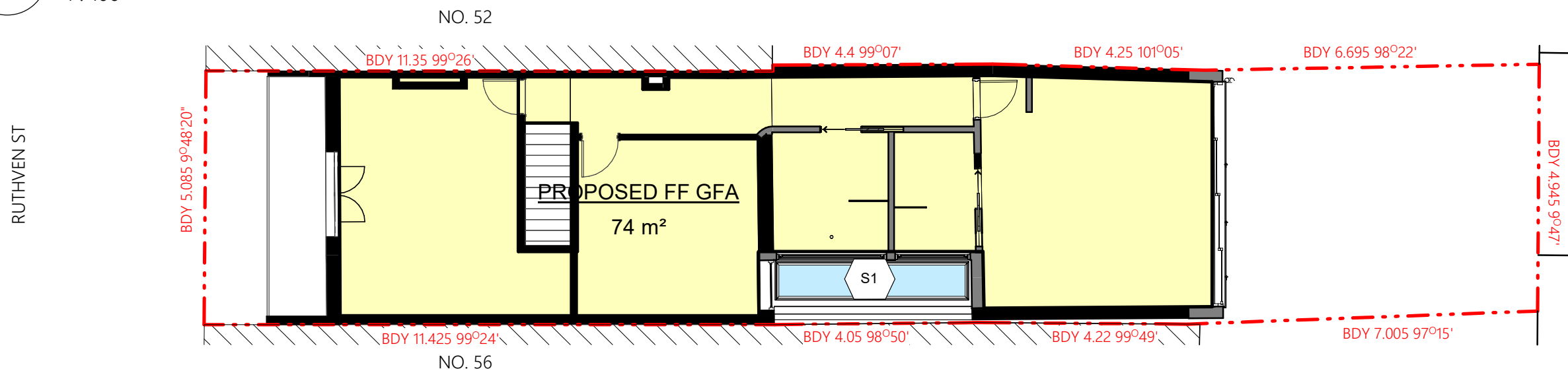
R3 - MEDIUM DENSITY  
RESIDENTIAL  
HERITAGE: MILL HILL  
SIGNIFICANCE: LOCAL

SITE AREA: = 135.9M<sup>2</sup>  
FLOOR SPACE RATIO: = 0.9:1  
PERMISSIBLE GFA: = 122.3M<sup>2</sup>  
EXISTING FSR & GFA: = 146.2M<sup>2</sup> (1.08:1)  
PROPOSED GFA: = 156.1M<sup>2</sup>  
PROPOSED FSR: = 1.15:1

- TILE
- TIMBER
- BRICK
- PAVING
- METAL ROOFING
- GLASS
- CONCRETE
- LANDSCAPING
- EXISTING
- DEMOLITION LINE



1 PROPOSED GROUND FLOOR GFA  
DA400 1 : 100



2 PROPOSED FIRST FLOOR GFA  
DA400 1 : 100

DA - EXISTING GFA	
Name	Area
EXISTING GFL	75.0 m <sup>2</sup>
EXISTING FFL	71.2 m <sup>2</sup>
	146.2 m <sup>2</sup>

DA - PROPOSED GFA	
NAME	AREA
PROPOSED FF GFA	73.8 m <sup>2</sup>
PROPOSED GF GFA	82.3 m <sup>2</sup>
	156.1 m <sup>2</sup>

## DESIGN PLANS ONLY - NOT FOR CONSTRUCTION

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REV	DATE	AMENDMENT
2	18.03.24	DA - REVISION 1
1	31.01.24	DEVELOPMENT APPLICATION

PROJECT:  
54 RUTHVEN ST, BONDI JUNCTION  
CLIENTS/ OWNERS  
ANTON GREENHALGH & GABRIELLE  
MEARS



SCALE @A3:  
1 : 100

DRAWING TITLE:  
SITE CALCULATIONS

DWG NO.:  
DA400

DRAWING ISSUE DATE:  
18.03.24

REV NO.:  
2







EXISTING COLOUR PALETTE

EXISTING LACEWORK TO BE PAINTED BLACK

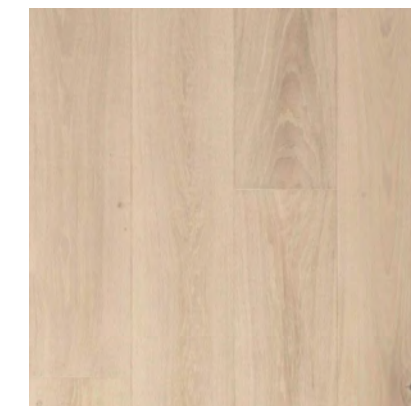
EXISTING TO BE PAINTED WHITE/ OFF WHITE



REFERENCE IMAGE: PROPOSED COLOUR PALETTE



CORRUGATED ROOFING SHEETING COLOUR TBC ( LIGHT TO MEDIUM)



TIMBER FLOORING



GLAZING



EXTERNAL WALL RENDER

RECEIVED  
**Waverley Council**  
 Receipt No: DA-91/2024  
 Date Received: 07/03/2024

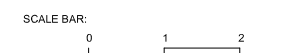


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REV	DATE	AMENDMENT
1	31.01.24	DEVELOPMENT APPLICATION

PROJECT:  
**54 RUTHVEN ST, BONDI JUNCTION**

CLIENTS/ OWNERS  
**ANTON GREENHALGH & GABRIELLE MEARS**



DRAWING TITLE:  
**MATERIALS AND FINISHES**

PROJECT NO.  
**0001**

SCALE @A1:

DRAWING ISSUE DATE:  
**31.01.24**

DWG NO.:  
**DA600**

REV NO.:  
**1**





## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-23/2024 – PAN-399429
<b>Site address</b>	424 Bronte Road, Bronte
<b>Proposal</b>	Alterations and additions to an existing dwelling including internal alterations, minor external alterations, new double garage with a vehicle turntable and associated landscaping.
<b>Date of lodgement</b>	24 January 2024
<b>Owner</b>	A R Landman and S E Landman
<b>Applicant</b>	Alexander & Co
<b>Submissions</b>	Two
<b>Cost of works</b>	\$2,610,895
<b>Principal Issues</b>	<ul style="list-style-type: none"> <li>• Exceedance of height of buildings development standard</li> <li>• Excessive car parking provision</li> <li>• Non-compliance with side setback controls</li> <li>• Excessive bulk, height and scale of proposed garage building</li> <li>• Amenity impacts of proposed garage building</li> </ul>
<b>Recommendation</b>	That the application be APPROVED in accordance with the conditions contained in the report.

### SITE MAP



## 1. PREAMBLE

### 1.1. Executive Summary

The development application seeks consent for alterations and additions to an existing dwelling including internal alterations, minor external alterations, new double garage with a vehicle turntable and associated landscaping.

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

- Exceedance of height of buildings development standard;
- Excessive car parking provision;
- Non-compliance with side setback controls;
- Excessive bulk, height and scale of proposed garage building; and
- Amenity impacts of proposed garage building.

The assessment finds the proposal acceptable subject to a condition of consent requiring the deletion of the proposed garage extension.

A total of two submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the recommendation. No councillor submissions were received. 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 21 March 2024.

The site is identified as Lot 2 in DP 815026, known as 424 Bronte Road, Bronte.

The site is irregular in shape with a frontage of 10.7m to the north side of Bronte Road. It has an area of 905.9m<sup>2</sup> and it falls steeply from the south (front) towards the north (rear) by approximately 6m.

The site is occupied by a part two-storey and part three-storey dwelling house with a double garage within the western part of the front setback accessed from Bronte Road. The main dwelling house is a historic building, which features a modern two storey rear addition and modern basement addition. The site also features a swimming pool within the western side setback and a modern pool house to the north of the pool at a lower level.

The site is a locally listed heritage item (I277) listed as a "Late Victorian Villa".

The site is adjoined by a dwelling house at 422 Bronte Road with a detached garage within the front setback to the west at a significantly lower level than the subject site, a dwelling house located on a battle axe block at 426 Bronte Road with detached garage within the front setback to the east, and



dwelling houses located on Murray Street to the north. A residential flat building at 428-430 Bronte Road is also located close to the site, east of the access handle to 426 Bronte Road. To the south of Bronte Road is an aged care facility.

The locality is characterised by a variety of low and medium density residential development, as well as the aged care facility and small scale commercial uses.

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



**Figure 1:** Site viewed from Bronte Road looking north.



**Figure 2:** Site viewed from Bronte Road looking north-west.



**Figure 3:** Façade of subject dwelling house viewed from front setback looking north-west.



**Figure 4:** Existing garage located within front setback viewed from western side setback looking south-west





**Figure 5:** Rear of subject dwelling house viewed from rear yard looking south-east



**Figure 6:** Western side boundary of 424 Bronte Street viewed from the front courtyard of 422 Bronte Road 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-13/2022 – On 28 March 2022 alterations were approved to the existing swimming pool and adjacent western boundary fence. The development has not been carried out on site. The development consent will expire on 28 March 2027.
- DA-776/2010 as amended by DA-776/2010/A – On 24 May 2011 alterations and additions were approved to rear of the dwelling including balconies with planters. The development has been completed on site.

### 1.4. Proposal

The development application seeks consent for alterations and additions to the dwelling house, including internal reconfiguration, alterations to the rear first floor balcony, including external bath and associated privacy screening, substantial demolition of the existing garage to provide a significantly larger garage with vehicle turntable, and other minor external alterations. The following is a detailed description of the proposal at each level:

#### **Lower ground floor / rear yard level:**

- Internal reconfiguration of internal doorways and alterations to joinery;
- Alteration to windows and doors;
- Minor reconstruction and reflooring of external rear terrace and stairs to upper level;
- Reconstruction of external rear stairs to lower rear garden; and
- Removal of existing internal fixtures within the pool house.

#### **Ground floor level:**

- Substantial demolition of the existing garage and construction of an extension to provide a significantly larger garage with vehicle turntable adjacent to the western side boundary. The

garage has a footprint of approximately double the existing garage, and external wall heights approximately 500mm higher than the existing garage. The proposed garage has an indicative capacity for two vehicles, and includes a vehicle turntable and small storage area;

- No changes to the front elevation;
- No internal changes to the front part of the building aside from re-flooring of the main staircase and removal of non-original staircase screen to basement;
- Internal reconfiguration and renovation of the modern rear addition;
- Alterations to windows and doors of the modern rear addition;
- Alterations to the floor finish of the existing rear balcony;
- Alterations to paving; and
- Minor re-landscaping including alteration to garden beds and removal of hedges along the western side boundary.

**First floor level:**

- Internal reconfiguration including provision of new bathrooms and alterations to the location of some doors;
- Alterations to rear door accessing rear balcony;
- Two awnings above access doors to the rear balcony;
- Provision of bath to rear balcony; and
- Privacy screening to the western and eastern sides of the rear balcony.

**Roof level:**

- New skylights to the side and rear roof slope; and
- New photovoltaic panels to the rear roof slope.

## 1.5 Background

The development application was lodged on 24 January 2024. On 18 April 2024, Council requested an additional western elevation drawing which depicts the proposed garage in the context of levels at the neighbouring site at 422 Bronte Road. The applicant provided the additional drawing on 22 April 2024. The additional western elevation drawing and originally submitted architectural drawings 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
<b>Part 1 Preliminary</b>		
<b>1.2 Aims of plan</b>	Yes	The proposal aligns with the aims of the plan subject to conditions of consent discussed in this report.
<b>Part 2 Permitted or prohibited development</b>		
<b>Land Use Table</b> <i>R2 Low Density Residential Zone</i>	Yes	The proposal is defined as a dwelling house, which is permitted with consent in the R2 zone.
<b>Part 4 Principal development standards</b>		
<b>4.3 Height of buildings</b> <ul style="list-style-type: none"> <li>• 8.5m</li> </ul>	No	The proposed privacy screening to the rear first floor balcony has a maximum height of 9.8m which exceeds the development standard by 1.3m or 15.3%.  The proposed photovoltaic panels and solar panels have a maximum height of 14.22m which exceeds the development standard by 5.72m or 67.3%.
<b>4.4 Floor space ratio and 4.4A Exceptions to floor space ratio</b>	N/A	The proposal will not alter the existing floor space ratio at the site, which will remain as 0.548:1.

Provision	Compliance	Comment
<ul style="list-style-type: none"> <li>0.5:1 (452.95m<sup>2</sup>)</li> </ul>		<p>It is noted that the applicant has included a small area of the proposed garage building as additional “storage” gross floor area (GFA). However, the “storage” area is considered by Council’s assessing officer to form part of the parking area and therefore does not constitute GFA in accordance with the Waverley LEP 2012 dictionary definition of GFA.</p>
<p><b>4.6 Exceptions to development standards</b></p>	<p>See discussion</p>	<p>The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of buildings development standard. A detailed discussion of the variation to the development standard is presented below this table.</p>
<p><b>Part 5 Miscellaneous provisions</b></p>		
<p><b>5.10 Heritage conservation</b></p>	<p>Yes</p>	<p>The site is a locally listed heritage item (I277) identified as a “Late Victorian Villa” known as “Wycombe”.</p> <p>The existing building has been the subject of repeated alterations and features a modern two storey rear addition and basement addition. The existing internal detailing is a mix of varying stylistic periods including ornate joinery now overpainted and is not original to the residence.</p> <p>The proposed works predominantly affect non-original fabric of the building and do not significantly alter the layout of primary rooms in the original building.</p> <p>The proposal therefore maintains the significance of the heritage item subject to conditions of consent included at Appendix A requiring external colours to be of subdued hues.</p>
<p><b>5.21 Flood Planning</b></p>	<p>N/A</p>	<p>The site is not flood affected.</p>
<p><b>Part 6 Additional local provisions</b></p>		
<p><b>6.1 Acid sulfate soils</b></p>	<p>Yes</p>	<p>The site is located on Class 5 acid sulfate soil. The proposal does not include any substantial excavation and will not impact on acid sulfate soil.</p>
<p><b>6.2 Earthworks</b></p>	<p>Yes</p>	<p>The proposal does not include any substantial excavation or other earthworks.</p>

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



#### *Clause 4.6 Exceptions to Development Standards*

The application seeks to vary the 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 privacy screening to the rear first floor balcony has a maximum height of 9.8m which exceeds the development standard by 1.3m or 15.3%. The proposed photovoltaic panels and skylights have a maximum height of 14.22m which exceeds the development standard by 5.72m or 67.3%.

It is noted that the existing building already exceeds the development standard by 70% at the main roof ridge, and all proposed works will be below the height of the ridge.

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

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the proposal achieves the objectives of the development standard notwithstanding the noncompliance with the standard as follows:
  - (i) Objective (a) *To ensure building heights preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views* is achieved as:
    - The areas of variation do not include any elements which result in any overlooking and therefore there are no privacy impacts.
    - No views are affected by the proposed additions.
    - The areas of variation are located at the rear of the site and are no higher than the current building at the site, and therefore do not result in any visual intrusion.
  - (ii) Objective (b) *To accommodate taller buildings on land in Zone E2 Commercial Centre in Bondi Junction Centre and establish a transition in scale between adjoining zones to protect local amenity* is not relevant to the proposal.
  - (iii) Objective (c) *To maintain satisfactory solar access to existing buildings and public areas* is achieved as proposed privacy screens will only result in minor additional overshadowing of

the western side setback of 428-430 Bronte Road in the afternoon. The western side setback is not private open space and does not contain windows to habitable rooms, therefore there will be no adverse amenity impacts on adjoining properties. The proposed variation has no other solar access impacts.

- (iv) Objective (d) *To establish building heights that are consistent with the desired future character of the locality* is achieved as the proposed variations are below the existing ridge line of the existing dwelling house, are located to the rear of the site, and will have no impact on the character of the building or locality.
- (b) That there are sufficient environmental planning grounds to justify contravening the standard as follows:
- (i) *The proposal retains the overall height of the existing building and ensures that the majority of new works are compliant and well below the 8.5m LEP height plane. The development will remain compatible with the existing and desired future character of the area because there will be no change to the existing maximum building height.*
  - (ii) *Strict compliance with the standard would not be possible due to the existing height variation and the heritage protection of the existing building. It would require substantial demolition of the roof and First Floor Level, and construction of intrusive alterations, which would not be an acceptable planning or heritage outcome.*
  - (iii) *There will be no change to the overall maximum height of the existing building. It will retain the two-storey appearance at the street frontage and three-storey appearance at the rear. The proposed works above the height plane are discreetly located either internally, or to the rear and side of the dwelling, and are within the existing building envelope.*

#### 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) 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 and has referenced the following justifications as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

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

The applicant's justification is sound, as the objectives of the height of buildings development standard are achieved as set out below:

- (i) Objective (a) is achieved as the proposal does not contain any elements which result in any overlooking, does not affect any known views, and does not result in any visual intrusion. Therefore neighbouring amenity is preserved.
- (ii) Objective (c) is achieved as the proposal does not result in any solar access impacts to neighbouring private open spaces, windows or any other areas which may impact on amenity. The minor shadows from the proposed privacy screening falls on densely vegetated area within the western side setback of the residential flat development at 428-430 Bronte Road in the afternoon. The western side setback is not a private or communal open space, and therefore the additional shadowing will have no amenity impact.
- (iii) Objective (d) is achieved as the proposed variations are below the existing ridge line of the existing dwelling house, are located to the rear of the site, and will have no impact on the character of the building or locality.

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

The applicant has satisfactorily argued that that there are sufficient environmental planning grounds to justify contravening the development standard as follows:

- The proposal retains the overall height of the existing building.
- The proposal is lower than the ridge of the existing building and is located to the rear of the site, and therefore does not impact on the character of the building or the locality.
- Strict compliance with the development standard would result in demolition of the existing roof form which would result in negative heritage and streetscape impacts.
- The proposed variation does not result in any amenity impacts on neighbours.

Conclusion

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

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

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

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

Development Control	Compliance	Comment
<b>1. Waste</b> <ul style="list-style-type: none"> <li>• <i>Garbage bins are to be stored in an appropriate location.</i></li> </ul>	Yes	Satisfactory.

Development Control	Compliance	Comment
<b>2. Ecologically Sustainable Development</b> <ul style="list-style-type: none"> <li>• <i>Ceiling or wall mounted fans</i></li> <li>• <i>Gas cooktops, gas ovens or gas internal space heating systems.</i></li> </ul>	Yes	An advisory condition has not been included regarding wall or ceiling mounted fans due to the desire to minimise works within the heritage listed building and the inclusion of non-gas appliances.
<b>3. Landscaping, Biodiversity and Vegetation Preservation</b>	Yes	Satisfactory. The proposal does not impact any trees and is not within a habitat corridor.
<b>5. Water Management</b>	Yes	Satisfactory. Suitable conditions are recommended.
<b>6. Accessibility and Adaptability</b>	Yes	Satisfactory.
<b>7. Transport</b> <i>Maximum parking rate:</i> <ul style="list-style-type: none"> <li>• <i>Two cars</i></li> </ul>	No	<p>The proposed garage is approximately double the size of the existing two car garage, and includes two parking spaces and a vehicle turntable accessed via the existing vehicle crossover to Bronte Road.</p> <p>Council's Traffic Engineer has reviewed the proposal in the context of the location on Bronte Road, and has advised that a vehicle turntable is not necessary in this location. In these circumstances the proposed garage has the potential to be used to park four vehicles contrary to the maximum parking rate of two vehicles for the site.</p> <p>The extension to the existing parking garage is therefore not supported, and a condition of consent is included at Appendix A requiring the extension to be deleted from the plans.</p> <p>Further discussion regarding the amenity impact of the garage is included at section B11 of this compliance table below.</p>
<b>8. Heritage</b>	Yes	Satisfactory. See section 5.10 of the Waverley LEP 2012 compliance table above for further discussion.
<b>11. Design Excellence</b> <i>Development must consider:</i> <ul style="list-style-type: none"> <li>• <i>The relationship to other development in terms of</i></li> <li>• <i>Setbacks and amenity;</i></li> </ul>	No	The proposed extension of the existing garage does not achieve design excellence as the unnecessary vehicle turntable within the proposed garage results in a building with unreasonable bulk and form including a 4m high wall set back 100mm from the side boundary adjoining the lower site at 422 Bronte Road.



Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li><i>Bulk, massing and modulation of buildings;</i></li> <li><i>Environmental impacts such as sustainable design, overshadowing, and reflectivity.</i></li> </ul>		<p>The proposed garage extension results in an unreasonable sense of enclosure of the front courtyard at 422 Bronte Road and is not considered acceptable. A condition of consent is therefore included at Appendix A requiring the deletion of the garage addition.</p> <p>The remainder of the proposed alterations and additions achieves design excellence and is supported.</p>
<b>13. Excavation</b>	Yes	The proposal does not include any substantive excavation.

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

Development Control	Compliance	Comment
<b>1.0 General Objectives</b>		
	Yes	The proposal does not contravene the general objectives of this part of the DCP subject to the conditions of consent discussed in this report.
<b>1.1 Height</b>		
<b>Pitched roof dwelling house</b> <ul style="list-style-type: none"> <li><i>Maximum external wall height of 7m</i></li> </ul>	N/A	The proposal does not alter the wall height of the dwelling house.
<b>1.2 Setbacks</b>		
<b>1.2.2 Side setbacks</b> <ul style="list-style-type: none"> <li><i>Minimum of 0.9m for ground floor and first floors.)</i></li> </ul>	No	<p>The proposed garage is set back 100mm from the western side boundary with 422 Bronte Road and is contrary to the setback control resulting in unreasonable amenity impacts.</p> <p>The proposal does not alter the side setbacks of the existing dwelling house.</p>
<b>1.3 Streetscape and visual impact</b>		
<ul style="list-style-type: none"> <li><i>New development to be compatible with streetscape context</i></li> <li><i>Replacement windows to complement the style and proportions of existing dwelling</i></li> <li><i>Significant landscaping to be maintained.</i></li> </ul>	Yes	The proposal does not result in any significant streetscape impacts as discussed at section B7 and B11 of this report above.
<b>1.4 Fences</b>		
<u>Front:</u> <ul style="list-style-type: none"> <li><i>Maximum height of 1.2m</i></li> </ul>	N/A	The proposal does not include new fencing.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>• <i>Solid section no more than 0.6m in height</i></li> </ul> <p><i>Side and Rear:</i></p> <ul style="list-style-type: none"> <li>• <i>Maximum height of 1.8m</i></li> </ul>		
<b>1.5 Visual and acoustic privacy</b>		
<ul style="list-style-type: none"> <li>• <i>Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design</i></li> <li>• <i>Maximum size of balconies: 10m<sup>2</sup> in area 1.5m deep</i></li> </ul>	Yes	<p>The proposed alterations to windows and doors do not result in any additional direct overlooking of neighbouring sites.</p> <p>The proposal does not include any new balconies. The proposed privacy screening to the existing first floor rear balcony will decrease overlooking of neighbouring sites.</p>
<b>1.6 Solar access</b>		
<ul style="list-style-type: none"> <li>• <i>Minimum of 3 hours of sunlight to 50% of living areas and principal open space areas on 21 June to subject site</i></li> <li>• <i>Minimum of 3 hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June.</i></li> <li>• <i>Avoid unreasonably overshadowing of solar collectors (including habitable windows).</i></li> </ul>	Yes	<p>The proposal does not result in additional overshadowing of neighbouring private open space or solar collectors.</p>
<b>1.7 Views</b>		
<ul style="list-style-type: none"> <li>• <i>Views from the public domain are to be maintained</i></li> <li>• <i>Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks.</i></li> </ul>	Yes	<p>The proposal has no known view impact.</p>

Development Control	Compliance	Comment
<b>1.8 Car parking</b>		
<ul style="list-style-type: none"> <li>• <i>Development is to comply with the provisions of Table 4 in Waverley DCP 2022 Part B8 Transport</i></li> <li>• <i>Secondary in area and appearance to the design of the residences</i></li> <li>• <i>5.4m x 2.4m per vehicle</i></li> <li>• <i>Maximum of one driveway per property</i></li> </ul>	<p>No</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The proposal exceeds the maximum parking rate for the site. See Part B8 of the Waverley DCP 2022 compliance table above for further discussion.</p> <p>The proposal is otherwise consistent with the car parking controls regarding streetscape impacts and dimensions. There are no changes to the existing driveway layout and access.</p>
<b>1.9 Landscaping and open space</b>		
<ul style="list-style-type: none"> <li>• <i>Overall open space: 40% of site area</i></li> <li>• <i>Overall landscaped area: 20% of site area, with at least half deep soil</i></li> <li>• <i>Minimum area of 25m<sup>2</sup> for private open space</i></li> <li>• <i>Front open space: 50% of front building setback area</i></li> <li>• <i>Front landscaped area: 50% of front open space provided</i></li> </ul>	<p>Yes</p>	<p>The proposal complies with the open space and landscaping controls for the site, and does not involve any changes to landscaping or open space within the front setback.</p>
<b>1.16 Secondary dwellings and ancillary buildings</b>		
<p><b>1.16.2 - Ancillary buildings</b></p> <ul style="list-style-type: none"> <li>• <i>Maximum wall height when on a property boundary of 2.1m</i></li> <li>• <i>Maximum overall height of 2.4m</i></li> </ul>	<p>No</p>	<p>The proposed addition to the garage has a wall height of 2.4m measured from levels within the site and a 4m wall height measured from levels at 422 Bronte Road. The proposed wall height of the garage is contrary to the control.</p> <p>The proposed ridge height of 2.4m is also contrary to the control.</p> <p>The proposal results in an unreasonably high structure on the boundary with 422 Bronte Road contrary to the control.</p> <p>The proposed garage addition is not supported as it is unnecessarily excessive in bulk and scale and results in unreasonable amenity impacts as further discussed at section B7 and B11 of this report above.</p>

## 2.2. Other Impacts of the Development

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

## 2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal subject to conditions of consent.

## 2.4. Any Submissions

The application was notified for 21 days between 1 and 21 January 2024 and a site notice erected on the site in accordance with the *Community Engagement Strategy 2023*.

Following the provision of an additional western elevation drawing demonstrating the height of the proposed garage on the western boundary, the occupants of the neighbouring property at 422 Bronte Road were given an opportunity to provide additional comments. No formal re-notification was undertaken as the additional drawing did not result in any wider impacts to any other neighbouring sites.

A total of two unique submissions were received from 422 Bronte Road, Bronte.

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

- Excessive height, bulk and scale of the proposed garage on the boundary with 422 Bronte Road;
- Excessive number of parking spaces;
- Non-compliance with the floor space ratio development standard; and
- Non-compliance with side setback controls.

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

**Issue:** The proposal will result in vehicles being parked within 1m of the front bedrooms of 422 Bronte Road resulting in unreasonable noise and fumes.

**Response:** The proposed parking is located internally within a garage. The impact of noise and fumes likely to be produced by vehicles within the proposed garage is no more than that generally anticipated to be produced by a residential garage within an urban area.

**Issue:** The proposed garage exceeds the Waverley DCP 2022 maximum boundary fence height controls.

**Response:** The proposed garage is not assessed under the control for fences, and is assessed under relevant controls for ancillary buildings as discussed in this report above.

**Issue:** The proposal is contrary to the Waverley DCP 2022 parking controls regarding locating parking behind the front building line.

**Response:** The existing garage is located within the front setback similar to adjacent garages. It is not reasonable to alter the location of the existing garage at the front boundary.



**Issue:** The proposed excavation for the vehicle turntable is within 900mm of the western side boundary contrary to the Waverley DCP 2022 control.

**Response:** The extent of the excavation required for the vehicle turntable is minor and is unlikely to result in impacts on neighbouring sites. Nonetheless, the deletion of the vehicle turntable is required by conditions of consent included at Appendix A of this report for reasons not relating to excavation.

**Issue:** The proposed garage will result in overshadowing and a wind-tunnel effect for 422 Bronte Road.

**Response:** The proposal is not anticipated to result in overshadowing of any windows or private open spaces of 422 Bronte Road. The scale of the building is unlikely to result in significant wind impacts.

**Issue:** The proposed garage will impact existing hedges and vegetation.

**Response:** General vegetation is not protected by the provisions of the Waverley DCP 2022.

**Issue:** The additional western elevation drawing does not accurately depict the size of existing structures on the boundary with 422 Bronte Road compared to the proposed garage structure.

**Response:** Conditions of consent are included at Appendix A of this report requiring the deletion of the proposed garage addition.

## 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 Officer opposed the proposed extension to the existing garage as the proposed extension includes an unnecessary vehicle turntable which is not required for vehicular access or egress in this location. In addition, the proposed extension has the capability of housing four cars and is contrary to the maximum two car parking rate under the Waverley DCP 2022.

Council's Traffic Officer also recommended conditions of consent relating to the width of the garage door. These conditions have not been included at Appendix A as the proposal does not alter the width of the garage door.

### 3.2. Stormwater

Council's Stormwater Engineer supported the proposal subject to standard conditions of consent relating to stormwater management. The conditions are included at Appendix A.

### 3.3. Tree Management

Council's Tree Management Officer supported the proposal.

### 3.4. Heritage

Council's Heritage Officer supported the proposal subject to a condition of consent requiring all alterations to be coloured with muted tones. The condition of consent is included at Appendix A.

## 4. CONCLUSION

The assessment finds the application acceptable subject to a condition of consent requiring the deletion of the proposed garage extension.

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


### Managers of Development Assessment (MODA) Review

The application was reviewed by the MODA at the meeting on 16 April 2024 and the MODA determined that the application is acceptable and should be approved, subject to the conditions in Appendix A.

MODA members: *B Magistrale, Katie Johnstone, and Jo Zancanaro*

## 5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed by:	Application reviewed and agreed by:
		
David Knight	Peggy Wong	Bridget McNamara
Senior Development Assessment Planner	Acting Area Manager, Development Assessment	A/Executive Manager, Development Assessment
Date: 6 May 2024	Date: 6 May 2024	Date: 9 May 2024

### Reason for WLPP referral:

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

**OFFICE USE ONLY**

Planning Portal Data															
<p><b>Clause 4.6 register entry required</b></p> <p>(For the purposes of reporting to the planning portal, if the % approved is different to the % proposed in the original submission, please state what the variation initially proposed was – Planning Portal Requirement)</p>	<p><b>67% variation to height of buildings development standard (Clause 4.3) Reason:</b></p> <table border="1"> <tr> <td>X</td> <td>Pre-existing non-compliance</td> </tr> <tr> <td>X</td> <td>No change to overall building height</td> </tr> <tr> <td>X</td> <td>No change to overall building envelope</td> </tr> <tr> <td></td> <td>Variation limited to the [lift/plant/parapet/attic] only</td> </tr> <tr> <td>X</td> <td>No unreasonable impacts on the amenity of adjoining properties or streetscape</td> </tr> <tr> <td>X</td> <td>Sufficient environmental planning grounds</td> </tr> <tr> <td>X</td> <td>Consistent with the objectives of the standard</td> </tr> </table>	X	Pre-existing non-compliance	X	No change to overall building height	X	No change to overall building envelope		Variation limited to the [lift/plant/parapet/attic] only	X	No unreasonable impacts on the amenity of adjoining properties or streetscape	X	Sufficient environmental planning grounds	X	Consistent with the objectives of the standard
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<p><b>Determining Authority</b></p> <p>(Concurrence Authority for Clause 4.6 variation)</p>	<p>Local Planning Panel</p>														
<p>Were the requirements of the Sustainable Buildings SEPP (effective 1 October 2023) met?</p>	<p>Yes</p>														
<p>Have any dwellings been approved for affordable Rental Housing under this approval/consent?</p> <p>*This is a planning portal reporting requirement</p>	<p>No</p>														
<p><b>Secondary Dwelling</b></p> <p>*This is a planning portal reporting requirement</p>	<p>No</p>														
<p><b>Boarding House</b></p> <p>*This is a planning portal reporting requirement</p>	<p>No</p>														
<p><b>Group Home</b></p> <p>*This is a planning portal reporting requirement</p>	<p>No</p>														
<p>Is the development subject to the Special Infrastructure Contribution (SIC)?</p>	<p>No</p>														
<p>Is the development located within an Urban Release area?</p>	<p>No</p>														
<p><b>Waverley Council Data</b></p>															
<p>Trial Period database entry required</p>	<p>No</p>														
<p>VPA submitted – follow up actions required</p>	<p>No</p>														
<p>Refer to compliance for investigation</p>	<p>No</p>														
<p>Commercial/liquor operational conditions</p>	<p>No</p>														
<p>Was there a ‘Conflict of Interest’ declared</p>	<p>No</p>														

## APPENDIX A – CONDITIONS OF CONSENT

### Terms and Reasons for Conditions

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

### GENERAL CONDITIONS

Condition																																																																									
<b>1.</b>	<p><b>APPROVED PLANS AND DOCUMENTATION</b></p> <p>The development must be in accordance with:</p> <p>(a) Architectural Plans prepared by A&amp;Co including the following:</p> <table border="1"> <thead> <tr> <th>Plan Number and Revision</th> <th>Plan description</th> <th>Plan Date</th> <th>Date received by Council</th> </tr> </thead> <tbody> <tr> <td>1000 DA01</td> <td>Site plan – analysis</td> <td>13/12/2023</td> <td>22/04/2023</td> </tr> <tr> <td>2000 DA01</td> <td>Lower ground floor – existing &amp; demolition</td> <td>13/12/2023</td> <td>22/04/2023</td> </tr> <tr> <td>2001 DA01</td> <td>Ground floor – existing &amp; demolition</td> <td>13/12/2023</td> <td>22/04/2023</td> </tr> <tr> <td>2002 DA01</td> <td>First floor – existing &amp; demolition</td> <td>13/12/2023</td> <td>22/04/2023</td> </tr> <tr> <td>2003 DA01</td> <td>Roof level – existing &amp; demolition</td> <td>13/12/2023</td> <td>22/04/2023</td> </tr> <tr> <td>2100 DA01</td> <td>Lower ground floor – proposed</td> <td>13/12/2023</td> <td>22/04/2023</td> </tr> <tr> <td>2101 DA01</td> <td>Ground floor – proposed</td> <td>13/12/2023</td> <td>22/04/2023</td> </tr> <tr> <td>2102 DA01</td> <td>First floor – proposed</td> <td>13/12/2023</td> <td>22/04/2023</td> </tr> <tr> <td>2103 DA01</td> <td>Roof level – proposed</td> <td>13/12/2023</td> <td>22/04/2023</td> </tr> <tr> <td>3000 DA01</td> <td>North elevation – proposed</td> <td>13/12/2023</td> <td>22/04/2023</td> </tr> <tr> <td>3001 DA01</td> <td>South elevation – proposed</td> <td>13/12/2023</td> <td>22/04/2023</td> </tr> <tr> <td>3002 DA01</td> <td>East elevation – proposed</td> <td>13/12/2023</td> <td>22/04/2023</td> </tr> <tr> <td>3003 DA01</td> <td>West elevation – proposed</td> <td>13/12/2023</td> <td>22/04/2023</td> </tr> <tr> <td>4100 DA01</td> <td>Section A – proposed</td> <td>13/12/2023</td> <td>22/04/2023</td> </tr> <tr> <td>4101 DA01</td> <td>Section 1 – proposed</td> <td>13/12/2023</td> <td>22/04/2023</td> </tr> <tr> <td>8001 DA01</td> <td>Materials palette</td> <td>13/12/2023</td> <td>22/04/2023</td> </tr> <tr> <td>8200 DA03</td> <td>West elevation RFI - boundary condition elevation</td> <td>22/04/2023</td> <td>22/04/2023</td> </tr> </tbody> </table> <p>(b) Landscape Plan No. LD_01, 02, 03 &amp; 04 and documentation prepared by Nicholas Pembroke Design, dated 29/11/2023 and received by Council on 22/01/2024</p> <p>(c) BASIX and NatHERs Certificate/s</p>	Plan Number and Revision	Plan description	Plan Date	Date received by Council	1000 DA01	Site plan – analysis	13/12/2023	22/04/2023	2000 DA01	Lower ground floor – existing & demolition	13/12/2023	22/04/2023	2001 DA01	Ground floor – existing & demolition	13/12/2023	22/04/2023	2002 DA01	First floor – existing & demolition	13/12/2023	22/04/2023	2003 DA01	Roof level – existing & demolition	13/12/2023	22/04/2023	2100 DA01	Lower ground floor – proposed	13/12/2023	22/04/2023	2101 DA01	Ground floor – proposed	13/12/2023	22/04/2023	2102 DA01	First floor – proposed	13/12/2023	22/04/2023	2103 DA01	Roof level – proposed	13/12/2023	22/04/2023	3000 DA01	North elevation – proposed	13/12/2023	22/04/2023	3001 DA01	South elevation – proposed	13/12/2023	22/04/2023	3002 DA01	East elevation – proposed	13/12/2023	22/04/2023	3003 DA01	West elevation – proposed	13/12/2023	22/04/2023	4100 DA01	Section A – proposed	13/12/2023	22/04/2023	4101 DA01	Section 1 – proposed	13/12/2023	22/04/2023	8001 DA01	Materials palette	13/12/2023	22/04/2023	8200 DA03	West elevation RFI - boundary condition elevation	22/04/2023	22/04/2023
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	<p>(d) Stormwater Details and documentation prepared by Heinz Consulting Engineering dated 28/11/2023, and received by Council on 22/01/2024</p> <p>Except where amended by the following conditions of consent.</p> <p>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>
<b>2.</b>	<p><b>GENERAL MODIFICATIONS</b></p> <p>The application is approved subject to the following plan amendments;</p> <p>(a) The proposed extension of the existing garage building and vehicle turntable are not approved. The extension to the garage and vehicle turntable must be deleted from the architectural drawings. The existing garage may be retained.</p> <p>Condition reason: To ensure no more than two parking spaces are provided at the site and to minimise amenity impacts on neighbours.</p> <p>The amendments are to be approved by the <b>Executive Manager, Development Assessment or delegate</b> prior to the issue of any Construction Certificate. An electronic copy of the amended plans or additional information (see website for electronic document requirements) addressing this condition, including a covering letter shall be provided to Council for review.</p>
<b>3.</b>	<p><b>HERITAGE COLOURS</b></p> <p>External colours are to be of subdued hues (i.e. Off White not Vivid White) that complement the character of the existing dwelling.</p> <p>Condition reason: To protect the character of the subject heritage item.</p>

## BUILDING WORK

### BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Condition	
<b>4.</b>	<p><b>NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE</b></p> <p>The building work, or demolition work, must not be commenced until:</p> <p>(a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the <i>Environmental Planning and Assessment Act 1979</i>;</p> <p>(b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2021</i>; and</p> <p>(c) Council is given at least two days' notice in writing of the intention to commence the building works.</p> <p>Condition reason: To ensure a Construction Certificate is obtained prior to work commencing.</p>
<b>5.</b>	<p><b>HOME BUILDING ACT</b></p> <p>The builder or person who does the residential building work shall comply with the applicable requirements of Part 6 of the <i>Home and Building Act 1989</i>. In this regard a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy the Principal Certifying Authority that they have complied with the applicable requirements of Part 6, before any work commences.</p> <p>Condition reason: To ensure the builder or person who does the residential building work, complies with the applicable requirements of Part 6 of the <i>Home and Building Act 1989</i>.</p>
<b>6.</b>	<p><b>SECTION 7.12 CONTRIBUTION</b></p> <p>A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the <i>Environmental Planning and Assessment Act 1979</i> and the Waverley Council Development Contributions Plan in accordance with the following:</p> <p>Where the total development cost is \$500,000 or less:</p> <p style="padding-left: 40px;">(a) <b>Cost Summary Report</b> or <b>Building Contract</b> (dated within 12 months) or similar is to be submitted to Council's Customer Service Centre to process payment.</p> <p>Where the total development cost is more than \$500,000 but less than \$1,000,000:</p> <p style="padding-left: 40px;">(b) <b>Detailed Cost Report</b> (dated within 12 months) prepared by a registered Quantity Surveyor, <b>Building Contract</b>, or similar is to be submitted to Council's Customer Service Centre to process payment.</p>

	<p>Where the total development cost is \$1,000,000 or more:</p> <p><b>(c) a Detailed Cost Report</b> (dated within 12 months) prepared by a registered Quantity Surveyor, Building Contract, or similar is to be submitted to and approved by Council’s Executive Manager, Urban Planning, Policy and Strategy (or delegate).</p> <p>Please forward documents to <a href="mailto:info@waverley.nsw.gov.au">info@waverley.nsw.gov.au</a> attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy.</p> <p>Upon confirmation of the contribution amount by Council’s Executive Manager, Urban Planning, Policy and Strategy (or delegate), payment is to be processed via the Customer Service Centre.</p> <p>Should there be a discrepancy between the cost of works approved in subclause (b)(i) and the DA fee nominated in the original DA, then additional DA Fees may be payable prior to the issue of a Construction Certificate.</p> <p>A copy of the required format for the cost reports are provided in the Waverley Council Contributions Plan, available on Council’s website.</p> <p>As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, the levy must be paid in accordance with the following;</p> <ul style="list-style-type: none"> <li>• A development valued at \$100,000 or less will be exempt from the levy;</li> <li>• A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% of the <u>full</u> cost of the development; or</li> <li>• A development valued at more than \$200,000 will attract a levy of 1% of the <u>full</u> cost of the development.</li> </ul> <p>Prior to the issue of any Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.</p> <p>Condition reason: To ensure the Section 7.12 Contributions are paid.</p>
<p><b>7.</b></p>	<p><b>SECURITY DEPOSIT</b></p> <p>a) A deposit (cash or cheque) for the amount of \$52,217.90 must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.</p> <p>b) This deposit (cash or cheque) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council’s costs for any repair of damage to Council property or rectification of unauthorised works on Council property, will be refunded after satisfactory completion all of works associated with this consent (including the required public works) to the person who paid the deposit.</p>

	Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.
8.	<b>LONG SERVICE LEVY</b>
	A long service levy, as required under section 34 of the <i>Building and Construction Industry Long Service Payments Act, 1986</i> , is to be paid in respect of this building work. Evidence that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate.  <u>Note:</u> Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.25% of building work costing \$250,000 or more.
	Condition reason: To ensure the long service levy is paid.
9.	<b>ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES</b>
	The applicant is to pay to Council fees for assessment of all engineering plans and inspection of the completed works in the public domain inclusive of all stormwater assessment, in accordance with Council's Schedule of Fees & Charges at the time of engineering plan approval, prior to such approval being granted by Council.  An invoice will be issued to the applicant for the amount payable, which will be calculated based on the design plans for the subject development.
	Condition reason: To ensure Council assessment fees are paid.
10.	<b>HOARDING</b>
	To ensure the site is contained during construction, a hoarding is required for the approved works, which is to be designed and constructed in accordance with the requirements of Safe Work NSW. Where the hoarding is to be erected over the footpath or any public place, the approval of Council's Compliance Unit must be obtained and the applicable fees paid, prior to the erection of the hoarding.
	Condition reason: To ensure safety to the general public.
11.	<b>EROSION &amp; SEDIMENT CONTROL</b>
	a) A Soil and Water Management Plan (SWMP), also known as an Erosion and Sediment Control Plan must be prepared in accordance with Waverley Council's Water Management Technical Manual. b) The SWMP must be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request. 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 sediment laden runoff and site debris do not impact local stormwater systems and waterways.



12.	<b>ENGINEERING DETAILS</b>
	Structural details are to be prepared and certified by a practicing Structural Engineer in connection with all structural components of the approved works, prior to the issue of the relevant Construction Certificate.
	Condition reason: To ensure structural stability of work on site.
13.	<b>ASSESSED STORMWATER MANAGEMENT PLANS</b>
	The submitted stormwater management plan prepared by Heinz Consulting Engineering, Rev. B, dated 28/11/2023 is considered <b>concept only</b> .
	Condition reason: Ensure all parties are aware of the assessed plans and supporting documentation that applies to the development, and plans are consistent across all submitted drawings.
14.	<b>DISPOSAL CONNECTION TO COUNCIL'S KERB AND GUTTER</b>
	<p>a) Any proposed pipeline within the footpath verge of the street must be hot dipped galvanised steel hollow section with the size of 125mm x 75mm x 4mm (w x h x t). Note a minimum width of 1m of concrete kerb and gutter must be replaced surrounding this connection with 10mm thick mastic expansion joints installed on both sides (full depth) and with a 600mm asphalt adjustment and liquid crack sealing if the asphalt is damaged as part of the works or in a deteriorated state).</p> <p>b) Discharge to the street gutter is limited to two outlet points, to be located directly in the front of the site. Where two outlets are proposed, a minimum clear separation of 200 mm must be provided at the kerb.</p> <p>c) A sediment control stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets. A sump must be provided at the outlet point.</p> <p>d) Piped drainage within all Council land including roads and footways will be laid at minimum 1% gravity fall directed toward the point of discharge.</p> <p>e) The permissible site discharge shouldn't be more than 25L/s according to water technical manual.</p>
	Condition reason: Limit large quantities of stormwater and sediment from being discharged to the public domain, and reduce maintenance requirements of stormwater pipes in the public domain.
15.	<b>ROOF DRAINAGE SYSTEMS</b>
	Any new downpipes are to be located wholly within the property's boundary.
	Condition reason: Ensure roof drainage system can cater for the required design storms.

16.	<p><b>RETAINING EXISTING INTERNAL DRAINAGE DESIGN</b></p> <p>Specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.</p> <p>Condition reason: Ensure existing drainage infrastructure is appropriate for the proposed works.</p>
17.	<p><b>PROPOSED INTERNAL DRAINAGE DESIGN</b></p> <p>a) Detail the proposed pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location.</p> <p>b) Pits and inspection openings are to be provided at all junctions, change in gradient, change in direction, and change in diameter for access and maintenance purposes.</p> <p>c) Provide calculations demonstrating that the proposed stormwater drainage system can cater for the relevant design storm event.</p> <p>d) A stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.</p> <p>e) A grated trench drain will be provided across the (garage entrance/driveway/street boundary) within private property to prevent stormwater flows from the site crossing the footpath. Unless otherwise sized by a suitably qualified and practising Engineer, the dimensions of the trench grate is to be no less than 300 mm wide by 100 mm deep at the shallow end and have a “bottom” slope of 2%. This trench drain will be connected to an approved drainage system.</p> <p>Condition reason: Ensure proposed drainage infrastructure is appropriate for the proposed works.</p>
18.	<p><b>PITS AND PIPES IN COUNCIL ROAD RESERVE</b></p> <p>The proposed kerb inlet pit/pipes must be constructed to Council’s satisfaction. Details are to form part of the stormwater management plans.</p> <p>Condition reason: Reduce maintenance requirements of stormwater pipes in the public domain.</p>
19.	<p><b>WORKS IN PUBLIC DOMAIN</b></p> <p>(a) Any Council infrastructure affected as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works will be replaced as per Waverley Council Public Domain Technical Manual. All associated costs will be borne by the applicant.</p> <p>(b) The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.</p>

	<p>(c) Council must be notified when the connection has been made to the kerb inlet pit and an inspection must be made by a Council officer prior to public domain restoration and backfill at the point of connection. An inspection fee will apply for each inspection visit required by a Council officer, payable prior to any site inspection. Minimum 48 hour's notice must be provided to Council prior to inspection.</p>
	<p>Condition reason: Ensure all council owned assets are not adversely impacted as a result of the proposed works.</p>
<p><b>20.</b></p>	<p><b>RESUBMISSION PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATION</b></p> <p>(a) A detailed plan and certification of the development's stormwater management system must be submitted and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.</p> <p>(b) The applicant must submit amended plans and specifications to comply with the current Waverley Council Water Management Technical Manual and Development Control Plan (DCP) at the time of engineering plan approval. The submitted plans must be prepared by a suitably qualified and practising Civil Engineer and comply with the aforementioned conditions.</p> <p>(c) The checklist as set out on pages 68-76 in Council's Water Management Technical Manual (October 2021) available online must be completed and submitted with any revision of Construction Certificate Plan Submission.</p> <p>(d) Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block must not be replicated.</p> <p>Evidence from a suitably qualified and practicing Engineer that this design requirement has been adhered to must be submitted to and approved by the Principal Certifying Authority (PCA) prior to the issue of the relevant Construction Certificate application.</p> <p>Condition reason: Ensure stormwater management plans are appropriated for the proposed development and site, and all requirements in the Waverley Council Water Technical Manual are met.</p>
<p><b>21.</b></p>	<p><b>BASIX</b></p> <p>All requirements of the BASIX Certificate and/or NatHERS documentation are to be shown on the Construction Certificate plans and documentation.</p> <p>Condition reason: To ensure BASIX and/or NatHERS requirements are met.</p>
<p><b>22.</b></p>	<p><b>SITE WASTE AND RECYCLING MANAGEMENT PLAN</b></p> <p>A <i>Site Waste and Recycling Management Plan (SWRMP) - Part 2</i> is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the <i>SWRMP Part 2</i> is to be available on site at all times during construction. Copies of</p>

	<p>demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.</p> <p>Condition reason: To ensure resource recovery is promoted and the local amenity is protected during construction.</p>
<b>23.</b>	<p><b>CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)</b></p> <p>The applicant is to submit a Construction Traffic Management Plan (CTMP) for the approval of Council's Executive Manager, Infrastructure Services, or delegate, prior to the issue of any Construction Certificate. For further information on what is required in the CTMP, please refer to Council's website at:  <a href="https://www.waverley.nsw.gov.au/building/development_applications/post_detemination/development_applications_-_conditions_of_consent">https://www.waverley.nsw.gov.au/building/development_applications/post_detemination/development_applications_-_conditions_of_consent</a></p> <p>Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p>
<b>24.</b>	<p><b>DILAPIDATION REPORT</b></p> <p>Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land to the satisfaction of the Principal Certifying Authority. At minimum, the following properties are to be included:</p> <ul style="list-style-type: none"> <li>(a) 422 Bronte Road, Bronte</li> <li>(b) 426 Bronte Road, Bronte</li> </ul> <p>Where access has not been granted to an adjoining property to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the Principal Certifying Authority that all reasonable steps were taken to obtain access to the adjoining properties.</p> <p>The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site.</p> <p>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.</p> <p>Note: Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out. Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.</p> <p>Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.</p>



## BEFORE BUILDING WORK COMMENCES

	Condition
<b>25.</b>	<p><b>CONSTRUCTION SIGNS</b></p> <p>Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.</p> <p>Condition reason: To ensure the general public are afforded the Principal Certifying Authority and principal contractor's (the coordinator of the building works) contact details.</p>
<b>26.</b>	<p><b>DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS</b></p> <p>The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including:</p> <ul style="list-style-type: none"> <li>• Work Health and Safety Act 2011; <ul style="list-style-type: none"> <li>• Work Health and Safety Regulation 2017;</li> <li>• SafeWork NSW Code of Practice for the Safe Removal of Asbestos;</li> <li>• Australian Standard 2601 (2001) – Demolition of Structures;</li> <li>• <i>Protection of the Environment Operations Act 1997.</i></li> </ul> </li> </ul> <p>At least 5 days prior to the demolition, renovation work or alterations and additions to any building, the person acting on the consent shall submit a Work Plan to the Principal Certifying Authority in accordance with Australian Standard AS 2601-2001, Demolition of Structure and a Hazardous Materials Assessment prepared by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall:</p> <p>(a) Outline the identification of any hazardous materials, including surfaces coated with lead paint;</p> <p>(b) Confirm that no asbestos products are present on the subject land, or</p> <p>(c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by SafeWork NSW (catalogue WC03561);</p> <p>(d) Describe the method of demolition;</p> <p>(e) Describe the precautions to be employed to minimise any dust nuisance; and</p> <p>(f) Describe the disposal methods for hazardous materials.</p> <p>Condition reason: To ensure the safety of workers and the general public.</p>

<p>27.</p>	<p><b>TREE PROTECTION</b></p> <p>Precautions shall be taken when working near trees to ensure their retention, including the following:</p> <ul style="list-style-type: none"> <li>(a) Do not store harmful or bulk materials or spoil under or near trees;</li> <li>(b) Prevent damage to bark and root system;</li> <li>(c) Do not use mechanical methods to excavate within root zones;</li> <li>(d) Do not add or remove topsoil from under the drip line;</li> <li>(e) Do not compact ground under the drip line;</li> <li>(f) Do not mix or dispose of liquids within the drip line of the tree; and</li> <li>(g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter.</li> </ul> <p><b>Protective fencing.</b></p> <ul style="list-style-type: none"> <li>• Protective fencing must be erected around each tree nominated for preservation before site clearing and establishment and before any materials are brought on site and prior to the commencement of civil and construction works. The protective fencing shall remain in place for the duration of the works and must not be removed or altered without approval on an arborist. AS 4687 specifies applicable fencing requirements.</li> <li>• Protective fencing shall comprise 1800mm.high chain link wire mesh fixed to 50 mm. galvanised steel posts. Portable chain link fencing may be installed. Colored plastic tape fencing or plain strained fencing wire fixed to steel droppers is unacceptable. Chain link portable panels must be securely fixed top and bottom to avoid separation.</li> <li>• No storage of building materials, tools, paint, fuel or contaminants and the like shall be placed within the fenced area. Ropes, ties or signs must not be attached to any part of a tree (s) to be preserved.</li> </ul> <p><b>Trunk Protection.</b></p> <ul style="list-style-type: none"> <li>• Where space does not permit the erection of protective fencing install trunk protection. Trunk protection shall comprise the placement of 1.8m or less lengths of 75 mm x 40 mm hardwood or pine spaced at 125 mm centers around the trunk secured in place by metal strap bindings or 10-gauge fencing wire fixed at 300 mm centres. Prior to placing battens install a soft protective padding to ends of timbers to prevent damage to bark and conducting tissue.</li> <li>• <b>Trunk protection must remain in place for the duration of all site work.</b></li> <li>• <b>Trunk protection to be removed at the issue of the Occupation Certificate subject to the satisfaction of Council.</b></li> </ul> <p><b>Warning Signs.</b></p> <ul style="list-style-type: none"> <li>• Advise contractors and visitors to the site of the purpose for protecting and preserving the tree (s) by the placement of suitable warning signs fixed to all tree protection fences and trunk protection throughout the site. Contact telephone numbers shall be clearly shown on all warning signs.</li> </ul> <p><b>Ground Protection.</b></p> <ul style="list-style-type: none"> <li>• For trees installed with Trunk Protection timbers an area not less than a 2.5 m radius shall have the entire ground surface mulched to a depth of 100</li> </ul>
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mm with composted Eucalyptus leaf and woodchip or similar cushioning mulch to reduce compaction of the surround soil and to help retain soil moisture and reduce erosion.

**Crown protection.**

- Tree crowns may be injured by machinery such as excavators, drilling rigs, cranes, trucks, hoarding installation, and scaffolding. The tree protection zone may need to include additional protection of the above ground parts of the tree.
- Crown protection may include pruning, tying-back of branches or other measures. If pruning is required, requirements are specified in AS 4373 and should be undertaken before the establishment of the TPZ.
- **If any trees on neighbouring properties require pruning, then permission must be gained from the owner of the tree(s) and an application to Prune or Remove Trees on Private Property is then to be presented to Council for processing.**

**Tree removal and pruning.**

- Trees for removal should be marked onsite as per the approved tree protection plan. Before removal, the project arborist should confirm that all marked trees correspond with those shown on the schedule or plan. Other tree work may be specified in the tree protection plan.
- Tree removal should be carried out prior to erection of protection fencing. Contractors should be instructed to avoid damage to trees within protection areas when removing or pruning trees. This may include restrictions of vehicle movements.
- Any approved pruning required to allow for works should be done at this stage by an Arborist with min AQF Level 4 qualifications, in accordance with AS 4373 the pruning of amenity trees.
- Stumps to be removed from within a TPZ must be removed in a manner that avoids damaging or disturbing roots of trees to be retained.
- The project arborist should supervise tree removal and pruning and certify the works on completion.

**Encroachments.**

- Minor encroachments within Structural Root Zones are acceptable.
- The preferred method of examination and or excavation within the SRZ is the application of noninvasive vacuum or hydro excavation.
- This practice is now widely adopted in sensitive situations that require root investigation.
- Tree sensitive construction measures such as pier and beam, suspended slabs, cantilevered building sections, screw piles and contiguous piling may be adopted to minimize the impact of encroachment.
- **If any tree roots are exposed during any approved works, then roots smaller than 30mm are to be pruned as per the specifications below. Any roots greater than 30mm are to be assessed by a qualified arborist before any pruning is undertaken.**
- **If tree roots are required to be removed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).**

	<ul style="list-style-type: none"><li>• <b>It is the arborist’s responsibility to determine if such root pruning is suitable. If there are any concerns regarding this process, then Waverley Council’s Tree Management Officer is to be contacted to make final determination.</b></li><li>• <b>If any trees on neighboring properties require pruning or removal, then permission must be gained from the owner of the tree(s) and an application to Prune or Remove Trees on Private Property is then to be presented to Council for processing.</b></li></ul>
	<p>Condition reason: To protect trees during the carrying out of site work.</p>



## DURING BUILDING WORK

	Condition
<b>28.</b>	<p><b>CONTROL OF DUST ON CONSTRUCTION SITES</b></p> <p>The following requirements apply to demolition and construction works on site:</p> <p>(a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.</p> <p>(b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices.</p> <p>Condition reason: To ensure the safety of workers and the general public.</p>
<b>29.</b>	<p><b>CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS</b></p> <p>Prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines 2014.</p> <p>Condition reason: To ensure compliance with the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines 2014.</p>
<b>30.</b>	<p><b>CONSTRUCTION HOURS</b></p> <p>(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.</p> <p>(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.</p> <p>(c) Noise from construction activities shall comply with the <i>Protection of the Environmental Operations (Noise Control) Regulation 2017</i>.</p> <p>Condition reason: To protect the amenity of the surrounding area.</p>
<b>31.</b>	<p><b>STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS</b></p> <p>All building materials and any other items associated with the development are to be stored within the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.</p> <p>Condition reason: To ensure building material is stored in an appropriate location.</p>

32.	<b>CONSTRUCTION INSPECTIONS</b>
	The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the <i>Building Legislation Amendment (Quality of Construction) Act 2002</i> , clause 162A of the <i>Environmental Planning and Assessment Regulation 2021</i> and the requirements of any other applicable legislation or instruments.
	Condition reason: To ensure regular inspections occur throughout the construction process.
33.	<b>CERTIFICATE OF SURVEY - LEVELS</b>
	All construction works are to be in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels is to be submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
34.	<b>CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING</b>
	A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the location of the building on the site is to be submitted to the Principal Certifying Authority to certify the building is located in accordance with the development consent plans. The Certificate is to be submitted prior to the construction of the external walls above the ground floor level of the building.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
35.	<b>WORK OUTSIDE PROPERTY BOUNDARY</b>
	This consent does not authorise any work outside the property boundary.
	Condition reason: To ensure all works are located within the property boundary.

## BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition	
<b>36.</b>	<p><b>FINAL OCCUPATION CERTIFICATE</b></p> <p>Prior to occupation or use of the development, an Occupation Certificate must be obtained.</p> <p>The Principal Certifying Authority must be satisfied that the requirements of the <i>Environmental Planning &amp; Assessment Act 1979</i> have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.</p> <p>Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.</p>
<b>37.</b>	<p><b>CERTIFICATION OF BASIX COMMITMENTS</b></p> <p>The Principal Certifying Authority shall certify that the all the undertakings in the approved BASIX certificate have been completed.</p> <p>Condition reason: To ensure all the undertakings in the approved BASIX certificate have been completed.</p>
<b>38.</b>	<p><b>CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE SYSTEM</b></p> <p>a) Certification must be provided from a suitably qualified and practicing Engineer or Plumber, that any new stormwater drainage system has been constructed in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards, and good engineering practice.</p> <p>b) Certification must be provided from a suitably qualified and practicing Engineer or Plumber, that any retained stormwater drainage system is unblocked, in good working order, and has been repaired or replaced in accordance with Council’s Water Management Technical Manual and Development Control Plan and all applicable Codes, Policies, Plans, Standards and good engineering practice.</p> <p>A copy of the certification must be submitted to Council.</p> <p>Condition reason: To ensure the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.</p>

## GENERAL ADVISORY NOTES

	Condition
<b>1.</b>	<p><b>DEVELOPMENT IS TO COMPLY WITH LEGISLATION</b></p> <p>This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&amp;A Act, EP&amp;A Regulation and other legislation.</p>
<b>2.</b>	<p><b>DEVELOPMENT MUST MEET CONDITIONS OF CONSENT</b></p> <p>The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&amp;A Act to carry out development that is not in accordance with this consent.</p>
<b>3.</b>	<p><b>POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT</b></p> <p>Various conditions require further input, review or approval by Council in order to be satisfied following the determination of the application (that is, post consent). In those instances, please adhere to the following process to avoid delays:</p> <ul style="list-style-type: none"> <li>• Please read your conditions carefully.</li> <li>• Information to be submitted to Council should be either via email to <a href="mailto:info@waverley.nsw.gov.au">info@waverley.nsw.gov.au</a> , in person (at Council's Customer Service Centre) or via post service.</li> <li>• Attention the documentation to the relevant officer/position of Council (where known/specified in condition)</li> <li>• Include DA reference number</li> <li>• Include condition number/s seeking to be addressed</li> <li>• 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).</li> <li>• 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.</li> <li>• 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.</li> <li>• Please note in some circumstances, additional fees and/or additional documents (hard copy) may be required.</li> <li>• Council's standard for review (from date the relevant officer receives documentation) is 14days. Times may vary or be delayed if information is not received in this required manner.</li> <li>• Any queries, please contact Council's Duty Planner on <a href="mailto:duty.planner@waverley.nsw.gov.au">duty.planner@waverley.nsw.gov.au</a></li> </ul>
<b>4.</b>	<p><b>SYDNEY WATER REQUIREMENTS</b></p> <p>You are required to submit your plans to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements.</p>

	<p>If you are increasing the density of the site, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. The application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website.</p> <p>Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact <b>with the Coordinator</b>, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.</p>
<b>5.</b>	<p><b>DIAL BEFORE YOU DIG</b></p> <p>Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at <a href="http://www.1100.com.au">www.1100.com.au</a> or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.</p>
<b>6.</b>	<p><b>TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)</b></p> <p>Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.</p>
<b>7.</b>	<p><b>ALTERATIONS AND ADDITIONS ONLY</b></p> <p>This consent is for alterations and additions to the existing building only and should during the course of construction a significant amount of the remaining fabric of the building be required to be removed, works must cease immediately and a new development application will be required to be submitted for assessment.</p>
<b>8.</b>	<p><b>EXCAVATION TO BE LIMITED</b></p> <p>Excavation shall be limited to that shown in the approved plans. Any further excavation will require Council approval.</p>
<b>9.</b>	<p><b>TREE REMOVAL/PRESERVATION</b></p> <p>Any trees not identified for removal in this application have not been assessed and separate approval may be required. Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building may also require approval.</p>



<p><b>10.</b></p>	<p><b>SUITABLY QUALIFIED ACOUSTIC CONSULTANT</b></p> <p>In these conditions, reference to a suitably qualified acoustic consultant means an individual who possesses the qualifications to render them eligible for membership of both the Australian Acoustics Society and Institution of Engineers Australia at the grade of member or an individual who is employed by a member firm of the Association of Australian Acoustic Consultants.</p>
<p><b>11.</b></p>	<p><b>ECOLOGICALLY SUSTAINABLE DEVELOPMENT RECOMMENDATIONS</b></p> <p><u>Indoor air quality:</u> Council strongly encourages the use of electrical cooktops, ovens and internal heating systems within residential developments to ensure that ambient indoor air quality levels specified in the National Environmental Protection Measure (Ambient Air Quality) are met.</p> <p><u>Ventilation:</u> Council strongly encourages the installation of ceiling or wall mounted fans or Heat Recovery Ventilation (HRV) Units within residential developments to enable adequate ventilation of habitable rooms.</p> <p><u>Domestic hot water:</u> Council strongly encourages the installation of electric hot water systems. If an electrical system is not installed it is suggested to include specific provisions to enable the future installation</p>

## Dictionary

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

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

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

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

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

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

**Council** means Waverley Council.

**Court** means the Land and Environment Court of NSW.

**EPA** means the NSW Environment Protection Authority.

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

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

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

**Local planning panel** means Waverley Local Planning Panel.

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

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

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

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

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

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

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

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

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



ALTERATIONS AND ADDITIONS TO EXISTING TERRACE + RELATIVE LANDSCAPING

DRAWING SCHEDULE - DEVELOPMENT APPLICATION

Table with columns: DRAWING NO., DRAWING TITLE, REVISION, SCALE. Lists drawing schedule from 00 REFERENCE to 82 REQUESTED ADDITIONAL INFORMATION.

BASIX CERTIFICATE - A1378295\_02

FIXTURES AND SYSTEMS  
HOT WATER  
THE APPLICANT MUST INSTALL THE FOLLOWING HOT WATER SYSTEM IN THE DEVELOPMENT...

BASIX SPECIFICATIONS

Table with columns: WINDOW NO., ORIENTATION, AREA OF GLASS, O/S HEIGHT, O/S WIDTH, SHADING, PROJECTION/HEIGHT ABOVE SILL RATIO, FRAME + GLASS TYPE.

ABBREVIATIONS

Table listing abbreviations for various construction materials and components such as AIRCOND, AIR CONDITIONING, ARCH, ABOVE FINISHED FLOOR, etc.



Table with columns: REV, DATE, DESCRIPTION, ATHS. Contains revision history for the drawing.

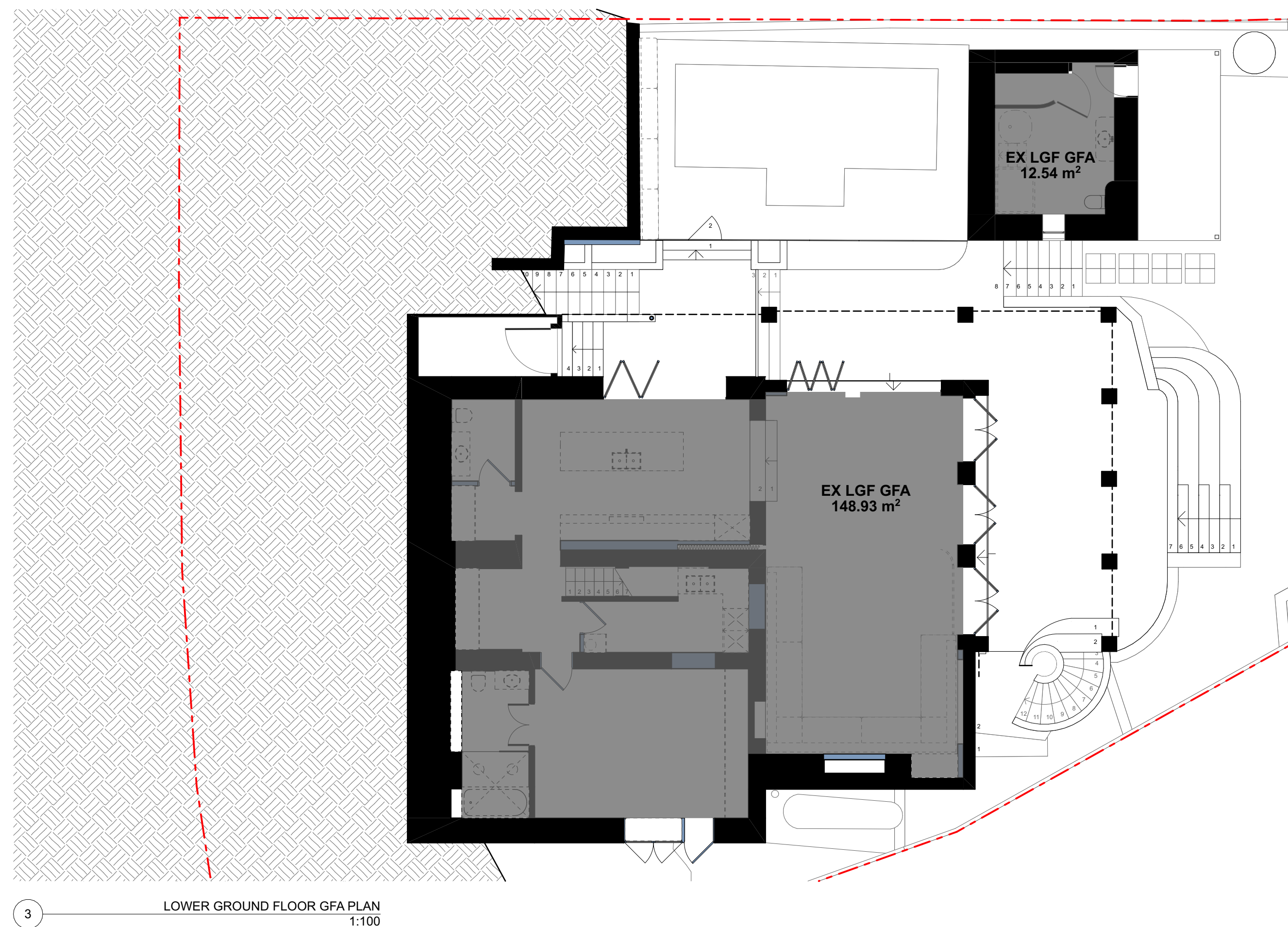
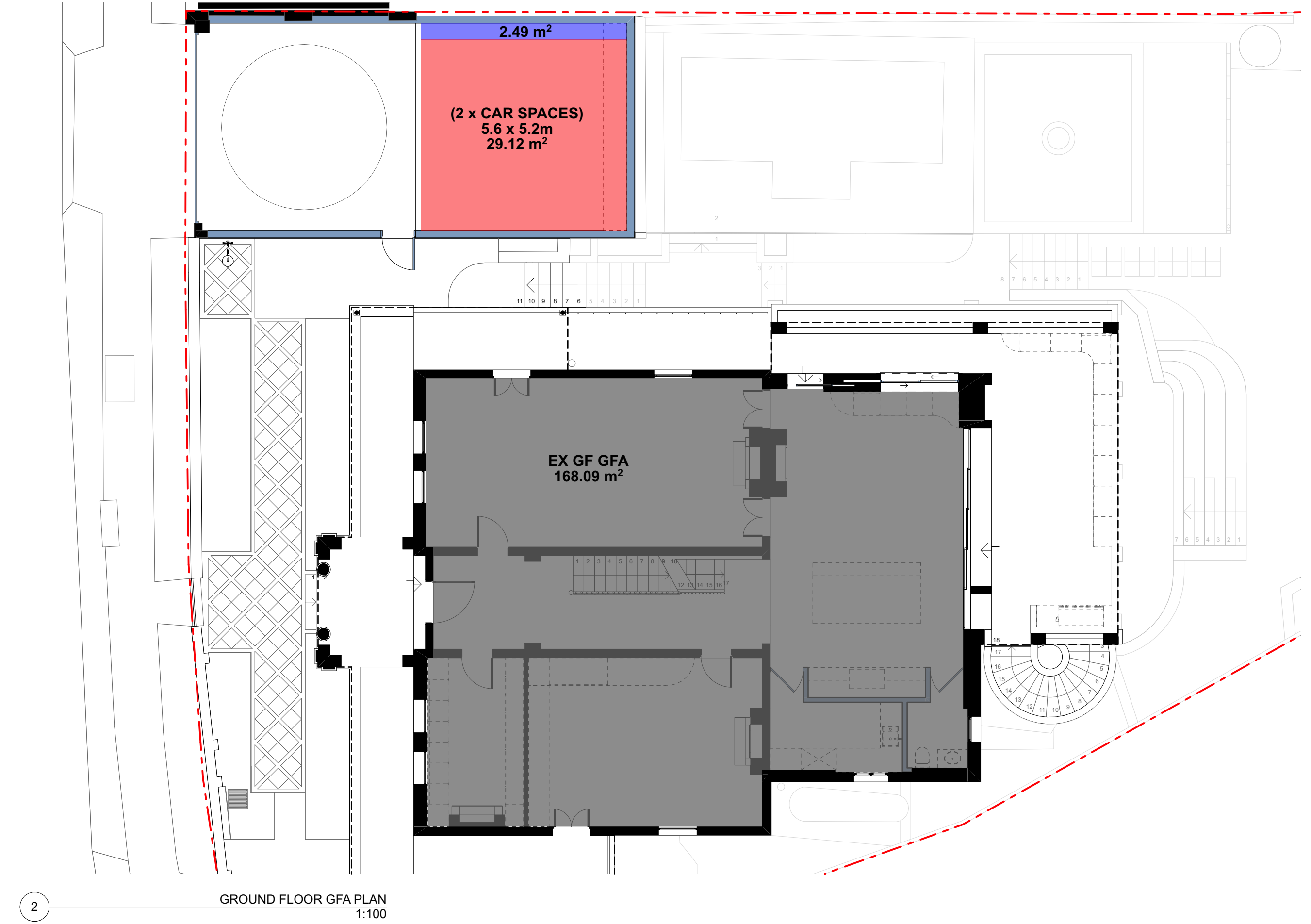
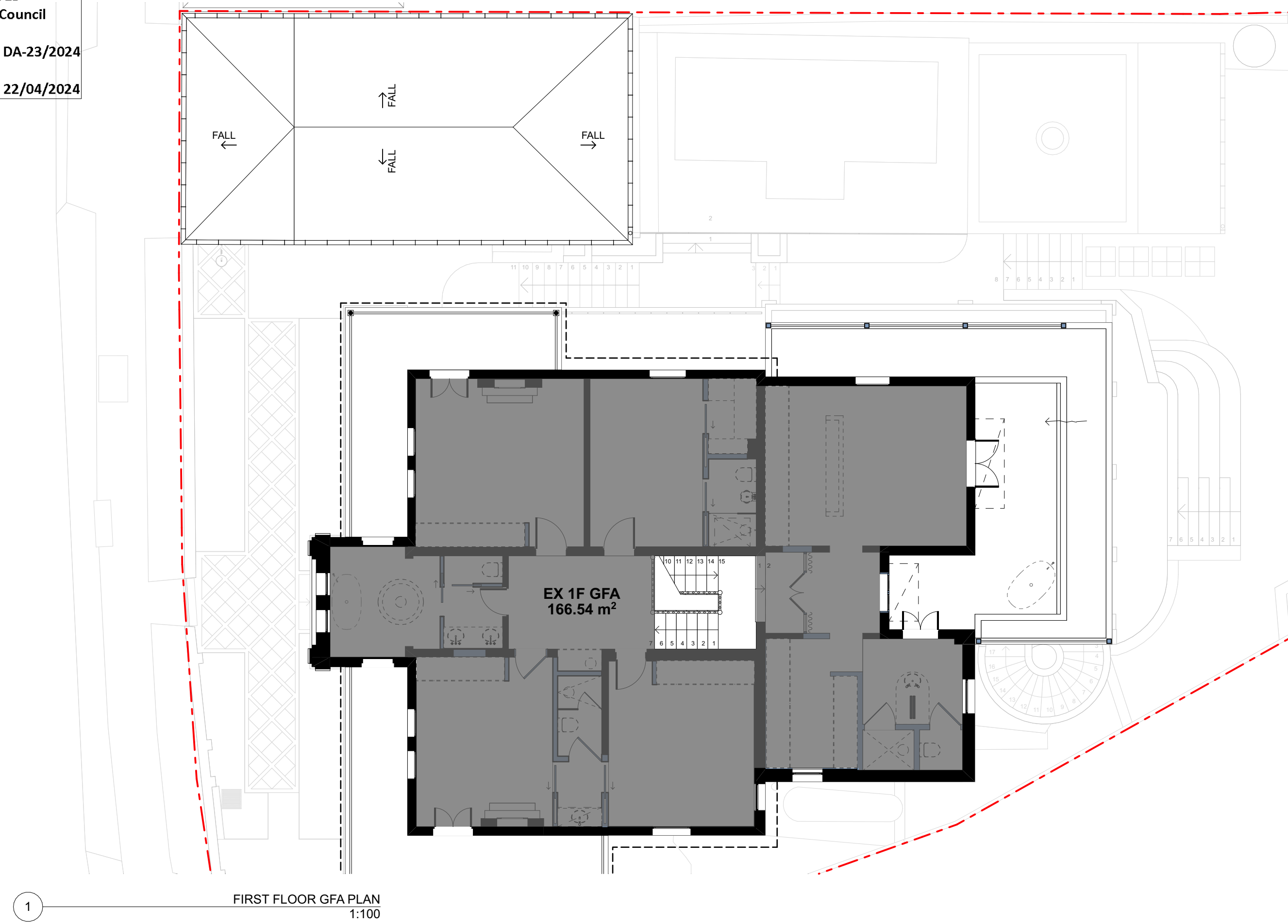
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1. ALL WORKS TO BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION CODE, AUSTRALIAN STANDARDS AND LOCAL AUTHORITY REQUIREMENTS, INCLUDING COUNCIL CONDITIONS OF CONSENT.  
2. DO NOT SCALE OFF THIS DRAWING. USE ONLY DIMENSIONS PROVIDED.  
3. A&CO DRAWINGS ARE TO BE READ IN CONJUNCTION WITH ALL CONTRACT DOCUMENTS FROM ALL CONSULTANTS.  
4. ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO THE COMMENCEMENT OF WORK.

Project information including A&CO logo, Alexander House 63 Brisbane Street Bondi Junction NSW 2022, Client: Sarah & Andrew Landman, Drawing Title: COVER PAGE, Scale: NTS @ A1, Checked: SG.









GROSS FLOOR/FSR CALCULATION	
SITE: 905.9m <sup>2</sup>	
FSR CONTROL	- 0.5:1 (MAX. ALLOWABLE)
ALLOWABLE AREA	- 452.95m <sup>2</sup>
EXISTING AREA	- 496.75m <sup>2</sup>
PROPOSED AREA	- 498.59m <sup>2</sup>
DIFFERENCE	- 45.64m <sup>2</sup>
COMPLIANT	- NO
EXISTING AREA	
GFA FIRST FLOOR	- 166.54m <sup>2</sup>
GFA GROUND FLOOR	- 168.09m <sup>2</sup>
GFA LOWER GROUND FLOOR	- 148.93m <sup>2</sup>
GFA LOWER GROUND FLOOR	- 12.54m <sup>2</sup>
TOTAL	- 496.10m <sup>2</sup>
PROPOSED ADDITIONAL AREA	
GFA GROUND FLOOR AREA	- 2.49m <sup>2</sup>

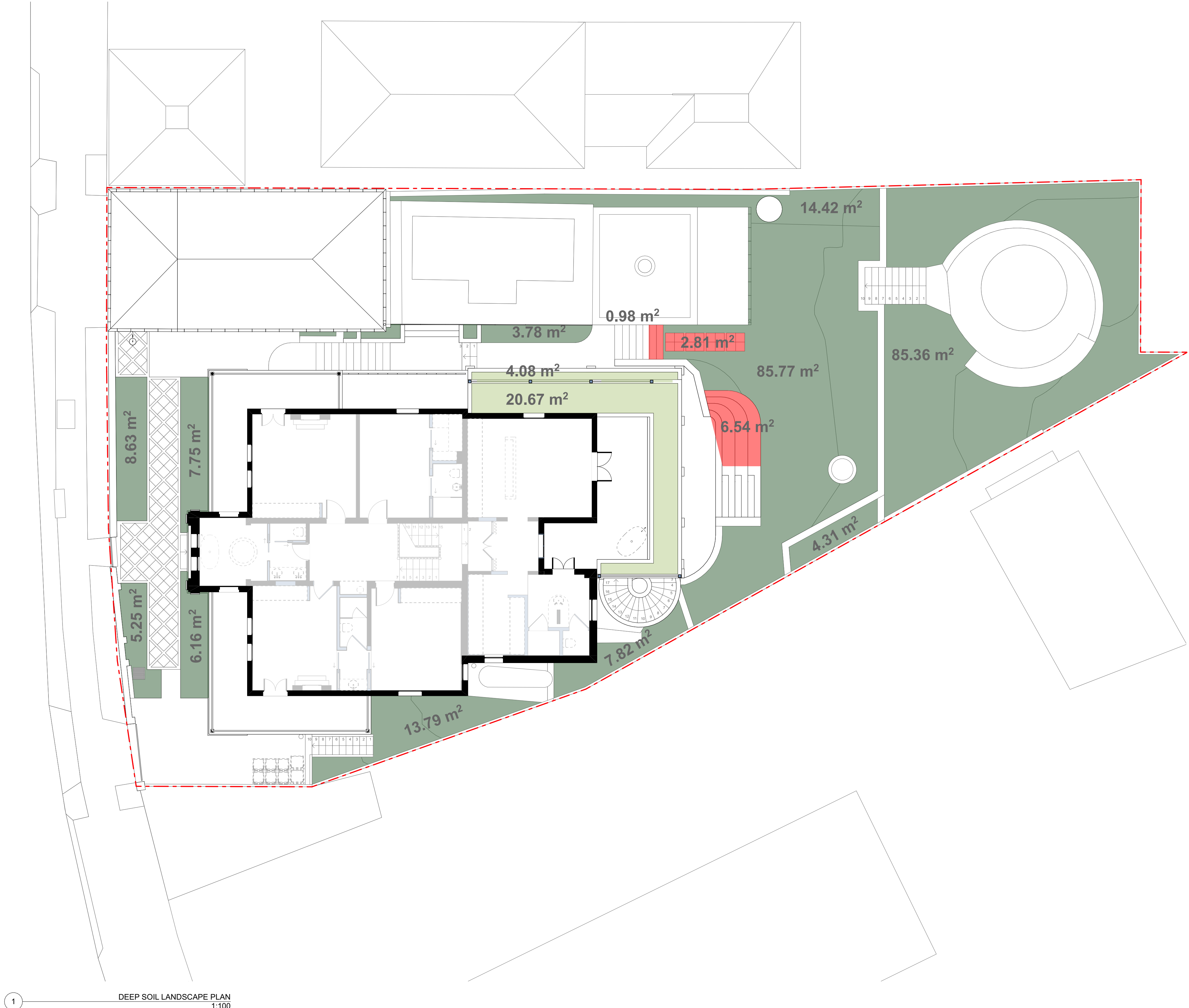
REV	DATE	DESCRIPTION	ATHS
DA01	13/12/2023	FOR DEVELOPMENT APPLICATION SUBMISSION	AC

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LEGEND - DA	DA MATERIAL CODING (CUT/UNCUT HATCHING)	DA COMPLIANCE LEGEND	DA SHADOW STUDY
TO BE DEMOLISHED	EXISTING BUILDING FABRIC TO BE DEMOLISHED	EXISTING GFA AREA	EXISTING SHADOW
EXISTING OPENINGS TO BE REMOVED, INCLUDING FRAMES AND ARCHITRAVES. MAKE GOOD OPENING AND REVEALS INCLUDING FINISHES	EXISTING TERRAIN	PROPOSED GFA AREA	PROPOSED SHADOW (ADDITIONAL)
	TOPSOIL/NEW GROUND INFILL	EXCLUDED AREA	
	FIBRE CEMENT	LANDSCAPED AREA	
	CARPET	DEEP SOIL LANDSCAPE AREA	
	ROOF TILE	EXISTING + PROPOSED OPEN SPACE AREA	
		SETBACK CONTROLS	
		MAX. HEIGHT PLANE 6.5M	

	ALEXANDER HOUSE 63 BRISBANE STREET BONDI JUNCTION NSW 2022 T +61 (02) 8394 9838 www.alexanderand.co ABN 11 162 041 929	CLIENT: Sarah & Andrew Landman PROJECT: BRONTE ROAD 424 BRONTE ROAD BRONTE, NSW 2024	DRAWING TITLE <b>GROSS FLOOR AREA PLAN</b>
	NOMINATED ARCHITECT: JEREMY BULL NSW REGISTRATION NO. 7881 CLASS 2 DESIGN PRACTITIONER: JEREMY BULL   NUMBER DEP0001029	SCALE 1:100 @ A1 CHECKED SG PROJECT NO. - DWG NO. REV. <b>0571-1100-DA01</b>	



1 DEEP SOIL LANDSCAPE PLAN  
1:100

AREA CALCULATION	
SITE: 905.9m <sup>2</sup>	
<b>LANDSCAPE AREA</b>	
CONTROL	- 20% (MIN. OF SITE AREA)
ALLOWABLE AREA	- 181.18m <sup>2</sup>
EXISTING AREA	- 268.33m <sup>2</sup>
PROPOSED AREA	- 267.79m <sup>2</sup>
DIFFERENCE (ALLOWED)	- 177.20m <sup>2</sup>
COMPLIANT	- YES
<b>DEEP SOIL AREA</b>	
CONTROL	- 50% (MIN. OF LANDSCAPE)
ALLOWABLE AREA	- 90.59m <sup>2</sup>
EXISTING AREA	- 243.58m <sup>2</sup>
PROPOSED AREA	- 243.04m <sup>2</sup>
DIFFERENCE (ALLOWED)	- 61.86m <sup>2</sup>
COMPLIANT	- YES

REV	DATE	DESCRIPTION	ATHR
DA01	13/12/2023	FOR DEVELOPMENT APPLICATION SUBMISSION	AC

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**LEGEND - DA**

TO BE DEMOLISHED	DA MATERIAL CODING (CUT/ UNCT HATCHING)	DA COMPLIANCE LEGEND	DA SHADOW STUDY
EXISTING BUILDING FABRIC TO BE DEMOLISHED	TIMBER	EXISTING GFA AREA	EXISTING SHADOW
EXISTING OPENINGS TO BE REMOVED, INCLUDING FRAMES AND ARCHITRAVES. MAKE GOOD OPENING AND REVEALS INCLUDING FINISHES	BRICKWORK	PROPOSED GFA AREA	PROPOSED SHADOW (ADDITIONAL)
	CONCRETE	EXCLUDED AREA	
	STONE	LANDSCAPED AREA	
	TILE	DEEP SOIL LANDSCAPE AREA	
	GLASS	EXISTING + PROPOSED OPEN SPACE AREA	
	METAL		
	EXISTING TERRAIN		
	TOPSOIL/NEW GRADING/FILL		
	FIBRE CEMENT		
	CARPET		
	ROOF TILE		

SETBACK CONTROLS  
MAX. HEIGHT PLANE 6.5M

	ALEXANDER HOUSE 63 BRISBANE STREET BONDI JUNCTION NSW 2022 T +61 (02) 8394 9838 www.alexanderand.co ABN 11 162 041 929	CLIENT: Sarah & Andrew Landman PROJECT: BRONTE ROAD 424 BRONTE ROAD BRONTE, NSW 2024	DRAWING TITLE DEEP SOIL AREA PLAN	
	NOMINATED ARCHITECT: JEREMY BULL NSW REGISTRATION NO. 7881 CLASS 2 DESIGN PRACTITIONER: JEREMY BULL   NUMBER DEP0001029	SCALE 1:100 @ A1 CHECKED SG	PROJECT NO. - DWG NO. REV. 0571-1101-[DA01]	





AREA CALCULATION	
SITE: 905.9m <sup>2</sup>	
<b>OPEN SPACE AREA</b>	
CONTROL	- 40% (MIN. OF SITE)
ALLOWABLE AREA	- 362.36m <sup>2</sup>
EXISTING AREA	- 627.22m <sup>2</sup>
PROPOSED AREA	- 597.86m <sup>2</sup>
COMPLIANT	- YES

REV	DATE	DESCRIPTION	ATHR
DA01	13/12/2023	FOR DEVELOPMENT APPLICATION SUBMISSION	AC

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**LEGEND - DA**

- TO BE DEMOLISHED
- EXISTING BUILDING FABRIC TO BE DEMOLISHED
- EXISTING OPENINGS TO BE REMOVED, INCLUDING FRAMES AND ARCHITRAVES, MAKE GOOD OPENING AND REVEALS INCLUDING FINISHES

**DA MATERIAL CODING (CUT/ UNCUT HATCHING)**

- TIMBER
- BRICKWORK
- CONCRETE
- STONE
- TILE
- GLASS
- METAL
- EXISTING BUILDING FABRIC
- EXISTING TERRAIN
- TOPSOIL/ NEW GROUND/ FILL
- FIBRE CEMENT
- CARPET
- ROOF TILE

**DA COMPLIANCE LEGEND**

- EXISTING GFA AREA
- PROPOSED GFA AREA
- EXCLUDED AREA
- LANDSCAPED AREA
- DEEP SOIL LANDSCAPE AREA
- EXISTING + PROPOSED OPEN SPACE AREA
- SETBACK CONTROLS
- MAX. HEIGHT PLANE 6.5M

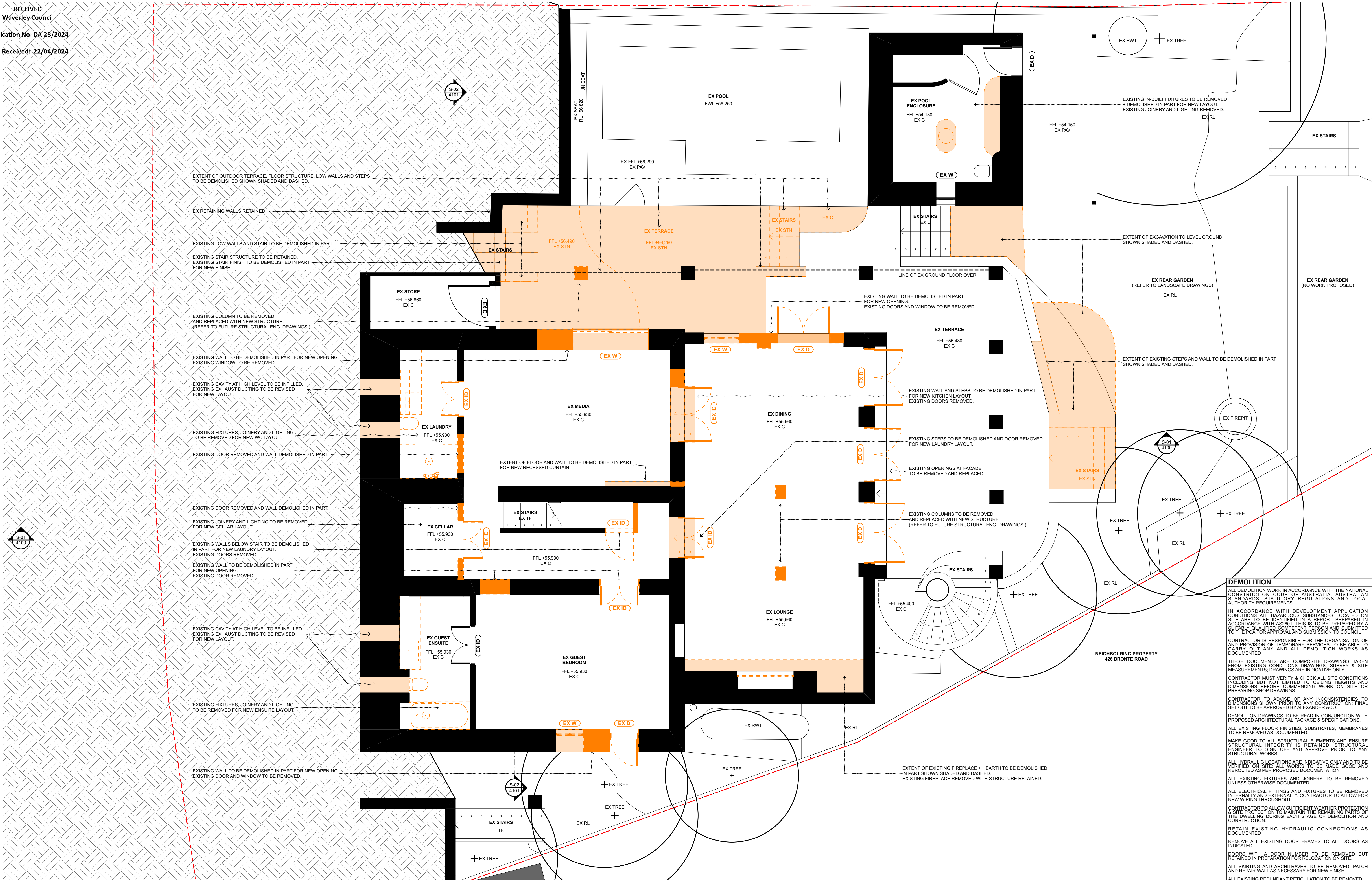
**DA SHADOW STUDY**

- EXISTING SHADOW
- PROPOSED SHADOW (ADDITIONAL)

	ALEXANDER HOUSE 63 BRISBANE STREET BONDI JUNCTION NSW 2022 T +61 (02) 8394 9838 www.alexanderand.co ABN 11 162 041 929	CLIENT: Sarah & Andrew Landman PROJECT: BRONTE ROAD 424 BRONTE ROAD BRONTE, NSW 2024	DRAWING TITLE <b>OPEN SPACE AREA PLAN</b>	
	NOMINATED ARCHITECT: JEREMY BULL NSW REGISTRATION NO. 7881 CLASS 2 DESIGN PRACTITIONER: JEREMY BULL   NUMBER DEP0001029	SCALE 1:100 @ A1 CHECKED SG	PROJECT NO. - DWG NO. REV 0571-1102-[DA01]	







EXTENT OF OUTDOOR TERRACE, FLOOR STRUCTURE, LOW WALLS AND STEPS TO BE DEMOLISHED SHOWN SHADED AND DASHED.

EX RETAINING WALLS RETAINED.

EXISTING LOW WALLS AND STAIR TO BE DEMOLISHED IN PART.

EXISTING STAIR STRUCTURE TO BE RETAINED. EXISTING STAIR FINISH TO BE DEMOLISHED IN PART FOR NEW FINISH.

EXISTING COLUMN TO BE REMOVED AND REPLACED WITH NEW STRUCTURE. (REFER TO FUTURE STRUCTURAL ENG. DRAWINGS.)

EXISTING WALL TO BE DEMOLISHED IN PART FOR NEW OPENING. EXISTING WINDOW TO BE REMOVED.

EXISTING CAVITY AT HIGH LEVEL TO BE INFILLED. EXISTING EXHAUST DUCTING TO BE REVISED FOR NEW LAYOUT.

EXISTING FIXTURES, JOINERY AND LIGHTING TO BE REMOVED FOR NEW WC LAYOUT.

EXISTING DOOR REMOVED AND WALL DEMOLISHED IN PART.

EXISTING DOOR REMOVED AND WALL DEMOLISHED IN PART.

EXISTING JOINERY AND LIGHTING TO BE REMOVED FOR NEW CELLAR LAYOUT.

EXISTING WALLS BELOW STAIR TO BE DEMOLISHED IN PART FOR NEW LAUNDRY LAYOUT. EXISTING DOORS REMOVED.

EXISTING WALL TO BE DEMOLISHED IN PART FOR NEW OPENING. EXISTING DOOR REMOVED.

EXISTING CAVITY AT HIGH LEVEL TO BE INFILLED. EXISTING EXHAUST DUCTING TO BE REVISED FOR NEW LAYOUT.

EXISTING FIXTURES, JOINERY AND LIGHTING TO BE REMOVED FOR NEW ENSUITE LAYOUT.

EXISTING WALL TO BE DEMOLISHED IN PART FOR NEW OPENING. EXISTING DOOR AND WINDOW TO BE REMOVED.

**DEMOLITION**

ALL DEMOLITION WORK IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION CODE OF AUSTRALIA, AUSTRALIAN STANDARDS, STATUTORY REGULATIONS AND LOCAL AUTHORITY REQUIREMENTS.

IN ACCORDANCE WITH DEVELOPMENT APPLICATION CONDITIONS ALL HAZARDOUS SUBSTANCES LOCATED ON SITE ARE TO BE IDENTIFIED IN A REPORT PREPARED IN ACCORDANCE WITH AS2601. THIS IS TO BE PREPARED BY A SUITABLY QUALIFIED COMPETENT PERSON AND SUBMITTED TO THE PCA FOR APPROVAL AND SUBMISSION TO COUNCIL.

CONTRACTOR IS RESPONSIBLE FOR THE ORGANISATION OF AND PROVISION OF TEMPORARY SERVICES TO BE ABLE TO CARRY OUT ANY AND ALL DEMOLITION WORKS AS DOCUMENTED.

THESE DOCUMENTS ARE COMPOSITE DRAWINGS TAKEN FROM EXISTING CONDITIONS DRAWINGS, SURVEY & SITE MEASUREMENTS. DRAWINGS ARE INDICATIVE ONLY.

CONTRACTOR MUST VERIFY & CHECK ALL SITE CONDITIONS INCLUDING BUT NOT LIMITED TO CEILING HEIGHTS AND DIMENSIONS BEFORE COMMENCING WORK ON SITE OR PREPARING SHOP DRAWINGS.

CONTRACTOR TO ADVISE OF ANY INCONSISTENCIES TO DIMENSIONS SHOWN PRIOR TO ANY CONSTRUCTION; FINAL SET OUT TO BE APPROVED BY ALEXANDER & CO.

DEMOLITION DRAWINGS TO BE READ IN CONJUNCTION WITH PROPOSED ARCHITECTURAL PACKAGE & SPECIFICATIONS.

ALL EXISTING FLOOR FINISHES, SUBSTRATES, MEMBRANES TO BE REMOVED AS DOCUMENTED.

MAKE GOOD TO ALL STRUCTURAL ELEMENTS AND ENSURE STRUCTURAL INTEGRITY IS RETAINED. STRUCTURAL ENGINEER TO SIGN OFF AND APPROVE PRIOR TO ANY STRUCTURAL WORKS.

ALL HYDRAULIC LOCATIONS ARE INDICATIVE ONLY AND TO BE VERIFIED ON SITE. ALL WORKS TO BE MADE GOOD AND REROUTED AS PER PROPOSED DOCUMENTATION UNLESS OTHERWISE DOCUMENTED.

ALL EXISTING FIXTURES AND JOINERY TO BE REMOVED UNLESS OTHERWISE DOCUMENTED.

ALL ELECTRICAL FITTINGS AND FIXTURES TO BE REMOVED INTERNALLY AND EXTERNALLY. CONTRACTOR TO ALLOW FOR NEW WIRING THROUGHOUT.

CONTRACTOR TO ALLOW SUFFICIENT WEATHER PROTECTION & SITE PROTECTION TO MAINTAIN THE REMAINING PARTS OF THE DWELLING DURING EACH STAGE OF DEMOLITION AND CONSTRUCTION.

RETAIN EXISTING HYDRAULIC CONNECTIONS AS DOCUMENTED.

REMOVE ALL EXISTING DOOR FRAMES TO ALL DOORS AS INDICATED.

DOORS WITH A DOOR NUMBER TO BE REMOVED BUT RETAINED IN PREPARATION FOR RELOCATION ON SITE.

ALL SKIRTING AND ARCHITRAVES TO BE REMOVED. PATCH AND REPAIR WALLS AS NECESSARY FOR NEW FINISH.

ALL EXISTING REDUNDANT RETICULATION TO BE REMOVED.

REV	DATE	DESCRIPTION	ATHS
DA01	13/12/2023	FOR DEVELOPMENT APPLICATION SUBMISSION	AC

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**LEGEND - DA**

- TO BE DEMOLISHED
- EXISTING BUILDING FABRIC TO BE DEMOLISHED
- EXISTING OPENINGS TO BE REMOVED, INCLUDING FRAMES AND ARCHITRAVES. MAKE GOOD OPENING AND REVEALS INCLUDING FINISHES

**DA MATERIAL CODING (CUT/UNCUT HATCHING)**

- TIMBER
- BRICKWORK
- CONCRETE
- STONE
- TILE
- GLASS
- METAL
- EXISTING TERRAIN
- TOPSOIL/NEW GRADING INFILL
- FIBRE CEMENT
- CARPET
- ROOF TILE

**DA COMPLIANCE LEGEND**

- EXISTING GPA AREA
- PROPOSED GPA AREA
- EXCLUDED AREA
- LANDSCAPED AREA
- DEEP SOIL LANDSCAPE AREA
- EXISTING + PROPOSED OPEN SPACE AREA

**DA SHADOW STUDY**

- EXISTING SHADOW
- PROPOSED SHADOW (ADDITIONAL)

**A & CO.**

NOMINATED ARCHITECT: JEREMY BULL  
NSW REGISTRATION NO. 7881  
CLASS 2 DESIGN PRACTITIONER:  
JEREMY BULL | NUMBER DEP0001029

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NSW 2022  
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www.alexanderand.co  
ABN 11 162 041 929

CLIENT:  
Sarah & Andrew Landman  
PROJECT:  
BRONTE ROAD  
424 BRONTE ROAD  
BRONTE,  
NSW 2024

DRAWING TITLE  
**LOWER GROUND FLOOR - EXISTING & DEMOLITION**

SCALE 1:50 @ A1  
PROJECT NO. - DWG NO. REV.  
**0571-2000-DA01**

CHECKED  
**SG**











EXISTING WALLS TO BE DEMOLISHED.

EXISTING SHED STRUCTURE TO BE DEMOLISHED.

EXISTING GARAGE ROOF TO BE RETAINED + DEMOLISHED IN PART FOR PROPOSED EXTENSION.

EXISTING RETAINING WALLS TO BE DEMOLISHED IN PART.

EX FLOOR SURFACES REMOVED THROUGHOUT.

EX SOUTHERN BOUNDARY WALLS RETAINED.

EXISTING TREES TO BE RETAINED AND PRESERVED. (REFER TO LANDSCAPE DRAWINGS.)

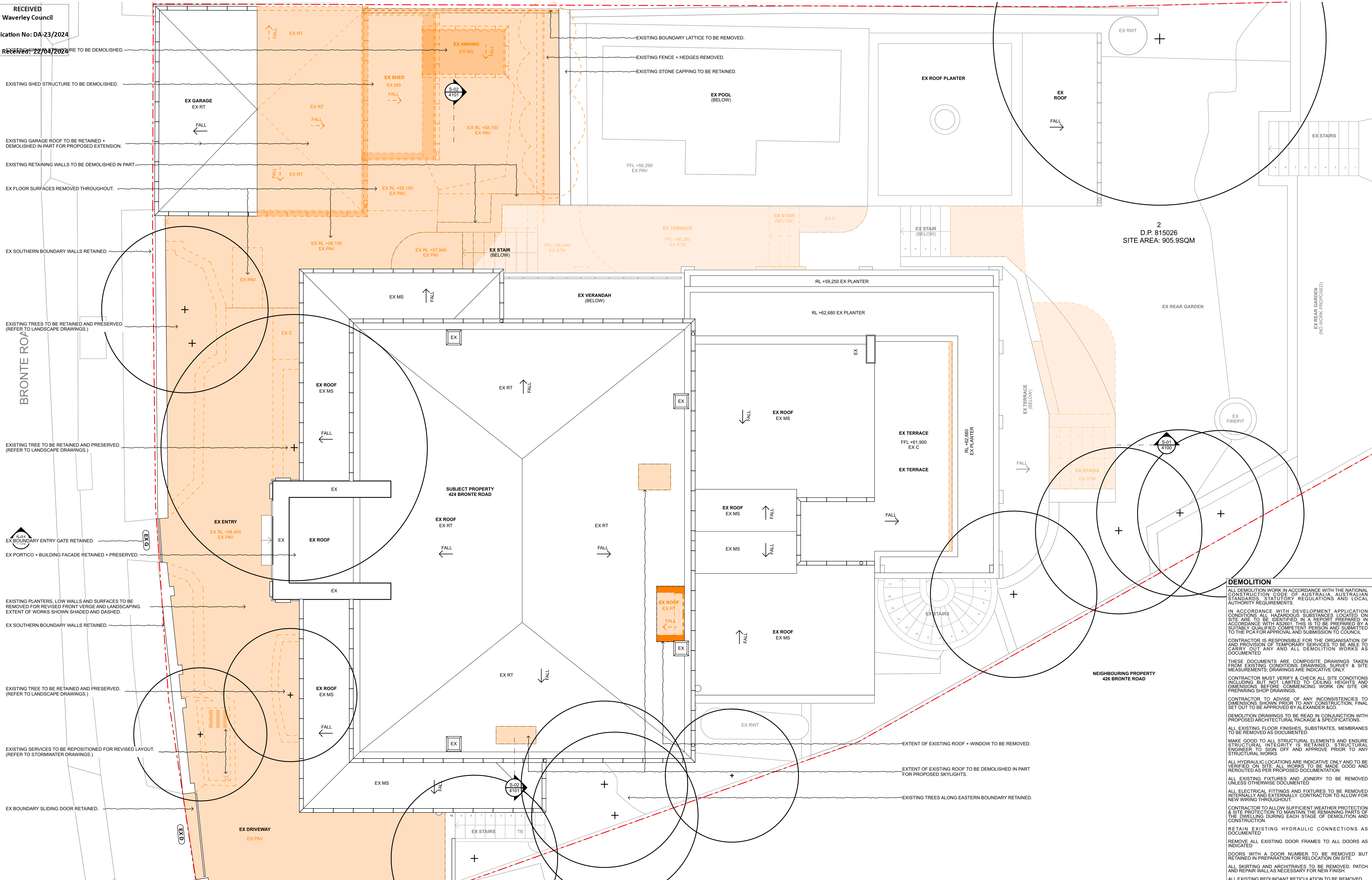
EXISTING TREE TO BE RETAINED AND PRESERVED. (REFER TO LANDSCAPE DRAWINGS.)

EXISTING PLANTERS, LOW WALLS AND SURFACES TO BE REMOVED FOR REVISED FRONT VERGE AND LANDSCAPING. EXTENT OF WORKS SHOWN SHADED AND DASHED.

EXISTING TREE TO BE RETAINED AND PRESERVED. (REFER TO LANDSCAPE DRAWINGS.)

EXISTING SERVICES TO BE REPOSITIONED FOR REVISED LAYOUT. (REFER TO STORMWATER DRAWINGS.)

EX BOUNDARY SLIDING DOOR RETAINED.



**DEMOLITION**

ALL DEMOLITION WORK IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION CODE OF AUSTRALIA, AUSTRALIAN STANDARDS, STATUTORY REGULATIONS AND LOCAL AUTHORITY REQUIREMENTS.

IN ACCORDANCE WITH DEVELOPMENT APPLICATION CONDITIONS ALL HAZARDOUS SUBSTANCES LOCATED ON SITE ARE TO BE IDENTIFIED IN A REPORT PREPARED IN ACCORDANCE WITH AS2601. THIS IS TO BE PREPARED BY A SUITABLY QUALIFIED COMPETENT PERSON AND SUBMITTED TO THE PCA FOR APPROVAL AND SUBMISSION TO COUNCIL.

CONTRACTOR IS RESPONSIBLE FOR THE ORGANISATION OF AND PROVISION OF TEMPORARY SERVICES TO BE ABLE TO CARRY OUT ANY AND ALL DEMOLITION WORKS AS DOCUMENTED.

THESE DOCUMENTS ARE COMPOSITE DRAWINGS TAKEN FROM EXISTING CONDITIONS DRAWINGS, SURVEY & SITE MEASUREMENTS. DRAWINGS ARE INDICATIVE ONLY.

CONTRACTOR MUST VERIFY & CHECK ALL SITE CONDITIONS INCLUDING BUT NOT LIMITED TO CEILING HEIGHTS AND DIMENSIONS BEFORE COMMENCING WORK ON SITE OR PREPARING SHOP DRAWINGS.

CONTRACTOR TO ADVISE OF ANY INCONSISTENCIES TO DIMENSIONS SHOWN PRIOR TO ANY CONSTRUCTION; FINAL SET OUT TO BE APPROVED BY ALEXANDER & CO.

DEMOLITION DRAWINGS TO BE READ IN CONJUNCTION WITH PROPOSED ARCHITECTURAL PACKAGE & SPECIFICATIONS.

ALL EXISTING FLOOR FINISHES, SUBSTRATES, MEMBRANES TO BE REMOVED AS DOCUMENTED.

MAKE GOOD TO ALL STRUCTURAL ELEMENTS AND ENSURE STRUCTURAL INTEGRITY IS RETAINED. STRUCTURAL ENGINEER TO SIGN OFF AND APPROVE PRIOR TO ANY STRUCTURAL WORKS.

ALL HYDRAULIC LOCATIONS ARE INDICATIVE ONLY AND TO BE VERIFIED ON SITE. ALL WORKS TO BE MADE GOOD AND REROUTED AS PER PROPOSED DOCUMENTATION.

ALL EXISTING FIXTURES AND JOINERY TO BE REMOVED UNLESS OTHERWISE DOCUMENTED.

ALL ELECTRICAL FITTINGS AND FIXTURES TO BE REMOVED INTERNALLY AND EXTERNALLY. CONTRACTOR TO ALLOW FOR NEW WIRING THROUGHOUT.

CONTRACTOR TO ALLOW SUFFICIENT WEATHER PROTECTION & SITE PROTECTION TO MAINTAIN THE REMAINING PARTS OF THE DWELLING DURING EACH STAGE OF DEMOLITION AND CONSTRUCTION.

RETAIN EXISTING HYDRAULIC CONNECTIONS AS DOCUMENTED.

REMOVE ALL EXISTING DOOR FRAMES TO ALL DOORS AS INDICATED.

DOORS WITH A DOOR NUMBER TO BE REMOVED BUT RETAINED IN PREPARATION FOR RELOCATION ON SITE.

ALL SKIRTING AND ARCHITRAVES TO BE REMOVED. PATCH AND REPAIR WALLS NECESSARY FOR NEW FINISH.

ALL EXISTING REDUNDANT RETICULATION TO BE REMOVED.

REV	DATE	DESCRIPTION
DA01	13/12/2023	FOR DEVELOPMENT APPLICATION SUBMISSION

**GENERAL NOTES:**

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**LEGEND - DA**

TO BE DEMOLISHED	DA MATERIAL CODING (CUT/UNCUT HATCHING)
EXISTING BUILDING FABRIC TO BE DEMOLISHED	TIMBER
EXISTING OPENINGS TO BE REMOVED, INCLUDING FRAMES AND ARCHITRAVES. MAKE GOOD OPENING AND REVEALS INCLUDING FINISHES	BRICKWORK
	CONCRETE
	STONE
	TILE
	GLASS
	METAL
	EXISTING TERRAIN FABRIC
	TOPSOIL/NEW GROUND INFILL
	FIBRE CEMENT
	CARPET
	ROOF TILE

**DA COMPLIANCE LEGEND**

EXISTING GFA AREA	PROPOSED GFA AREA	EXCLUDED AREA	LANDSCAPED AREA	DEEP SOIL LANDSCAPE AREA	EXISTING + PROPOSED OPEN SPACE AREA
[Hatched]	[Hatched]	[Hatched]	[Hatched]	[Hatched]	[Hatched]

**DA SHADOW STUDY**

EXISTING SHADOW	PROPOSED SHADOW (ADDITIONAL)
[Shaded]	[Shaded]

**A & CO.**

NOMINATED ARCHITECT: JEREMY BULL  
NSW REGISTRATION NO. 7881  
CLASS 2 DESIGN PRACTITIONER:  
JEREMY BULL | NUMBER DEP0001029

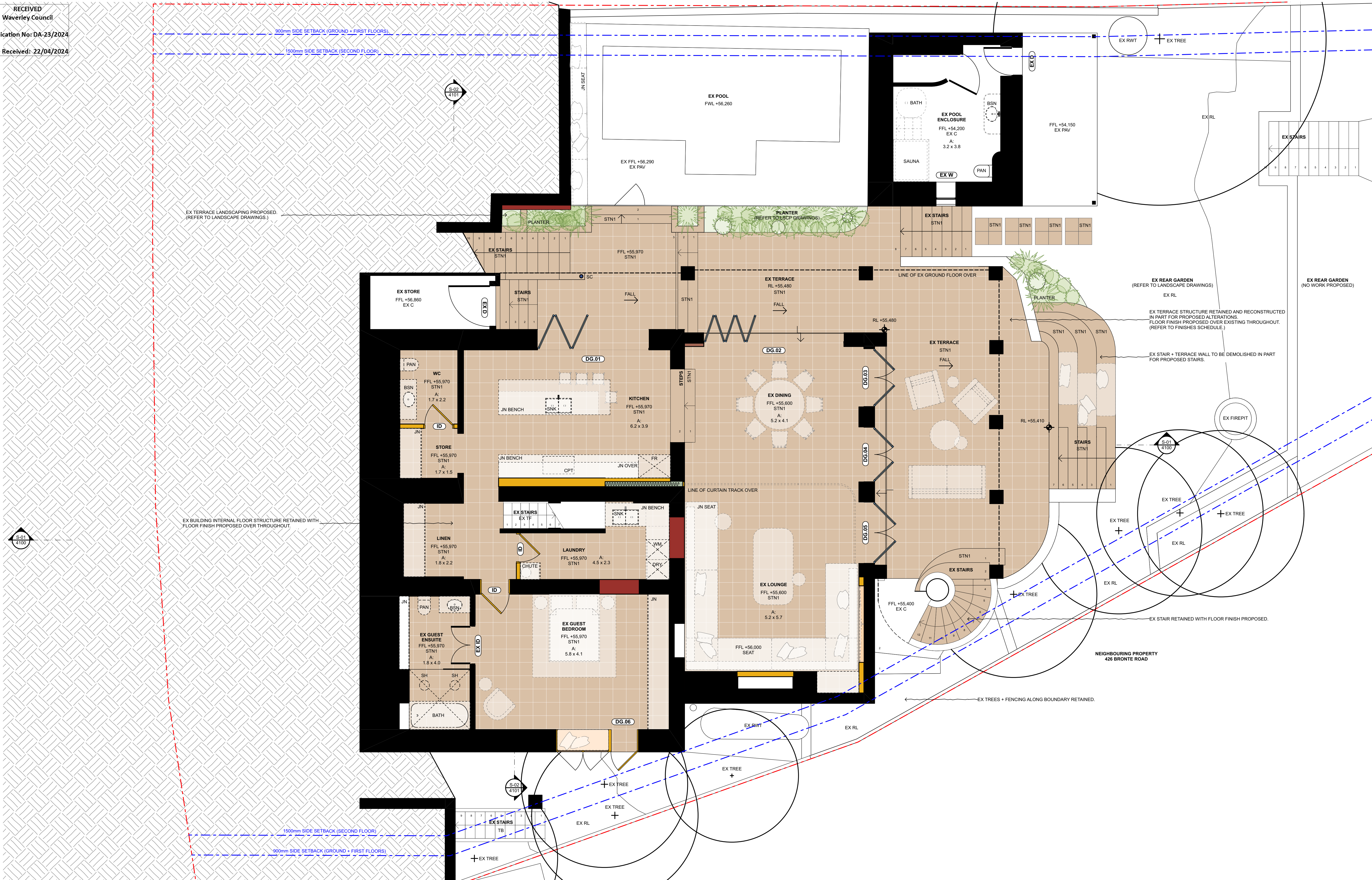
CLIENT: Sarah & Andrew Landman  
PROJECT: BRONTE ROAD  
424 BRONTE ROAD  
BRONTE, NSW 2024

DRAWING TITLE: ROOF LEVEL - EXISTING & DEMOLITION

SCALE 1:50 @ A1  
PROJECT NO. - DWG NO. REV. 0571-2003-[DA01]

CHECKED SG





REV	DATE	DESCRIPTION	ATHS
DA01	13/12/2023	FOR DEVELOPMENT APPLICATION SUBMISSION	AC

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**LEGEND - DA**

	TO BE DEMOLISHED		EXISTING BUILDING FABRIC
	EXISTING BUILDING FABRIC TO BE DEMOLISHED		EXISTING TERRAIN
	EXISTING OPENINGS TO BE REMOVED, INCLUDING FRAMES AND ARCHITRAVES, MAKE GOOD OPENING AND REVEALS INCLUDING FINISHES		TOPSOIL/NEW GROUND INFILL

**DA MATERIAL CODING (CUT/UNCUT HATCHING)**

	TIMBER		CARPET
	BRICKWORK		ROOF TILE
	CONCRETE		
	STONE		
	TILE		
	GLASS		
	METAL		

**DA COMPLIANCE LEGEND**

	EXISTING GFA AREA		SETBACK CONTROLS
	PROPOSED GFA AREA		MAX. HEIGHT PLANE 6.5M
	EXCLUDED AREA		DEEP SOIL LANDSCAPE AREA
	LANDSCAPED AREA		EXISTING + PROPOSED OPEN SPACE AREA

**DA SHADOW STUDY**

	EXISTING SHADOW
	PROPOSED SHADOW (ADDITIONAL)

**A & CO.**  
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 ABN 11 162 041 929

CLIENT:  
 Sarah & Andrew Landman  
 PROJECT:  
 BRONTE ROAD  
 424 BRONTE ROAD  
 BRONTE,  
 NSW 2024

DRAWING TITLE  
**LOWER GROUND FLOOR - PROPOSED**

SCALE 1:50 @ A1  
 PROJECT NO. - DWG NO. REV.  
**0571-2100-DA01**

CHECKED  
 SG



EX GARAGE RETAINED AND RECONSTRUCTED FOR GARAGE EXTENSION. CAR TURNABLE PROPOSED TO ADDRESS PEDESTRIAN + STREET TRAFFIC.

EX TREES WITHIN FRONT VERGE RETAINED.

EX BUILDING INTERNAL SPACES RETAINED AS NOTED. MAINTENANCE SCOPE TO MAKE GOOD WHERE REQ.

EX STAIR RETAINED WITH FLOOR FINISH PROPOSED.

EX FRONT VERGE TO BE RETAINED + DEMOLISHED IN PART FOR REVISED LANDSCAPING. (REFER TO LSCP DRAWINGS.)

EX BUILDING FACADE, PORTICO AND BALCONIES RETAINED AND PRESERVED. MAINTENANCE SCOPE TO MAKE GOOD WHERE REQ.

EX BOUNDARY WALLS AND COLUMNS TO BE RETAINED.

REV	DATE	DESCRIPTION
DA01	13/12/2023	FOR DEVELOPMENT APPLICATION SUBMISSION

**GENERAL NOTES**

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**LEGEND - DA**

	TO BE DEMOLISHED		EXISTING BUILDING FABRIC
	EXISTING BUILDING FABRIC TO BE DEMOLISHED		EXISTING TERRAIN
	EXISTING OPENINGS TO BE REMOVED, INCLUDING FRAMES AND ARCHITRAYS. MAKE GOOD OPENING AND REVEALS INCLUDING FINISHES		TOPSOIL/NEW GROUND INFILL
			FIBRE CEMENT
			CARPET
			ROOF TILE
			METAL

**DA MATERIAL CODING (CUT/ UNCUT HATCHING)**

	EXISTING BUILDING FABRIC
	EXISTING TERRAIN
	TOPSOIL/NEW GROUND INFILL
	FIBRE CEMENT
	CARPET
	ROOF TILE
	METAL

**DA COMPLIANCE LEGEND**

	SETBACK CONTROLS
	MAX. HEIGHT PLANE 6.5M
	EXISTING GFA AREA
	PROPOSED GFA AREA
	EXCLUDED AREA
	LANDSCAPED AREA
	DEEP SOIL LANDSCAPE AREA
	EXISTING + PROPOSED OPEN SPACE AREA

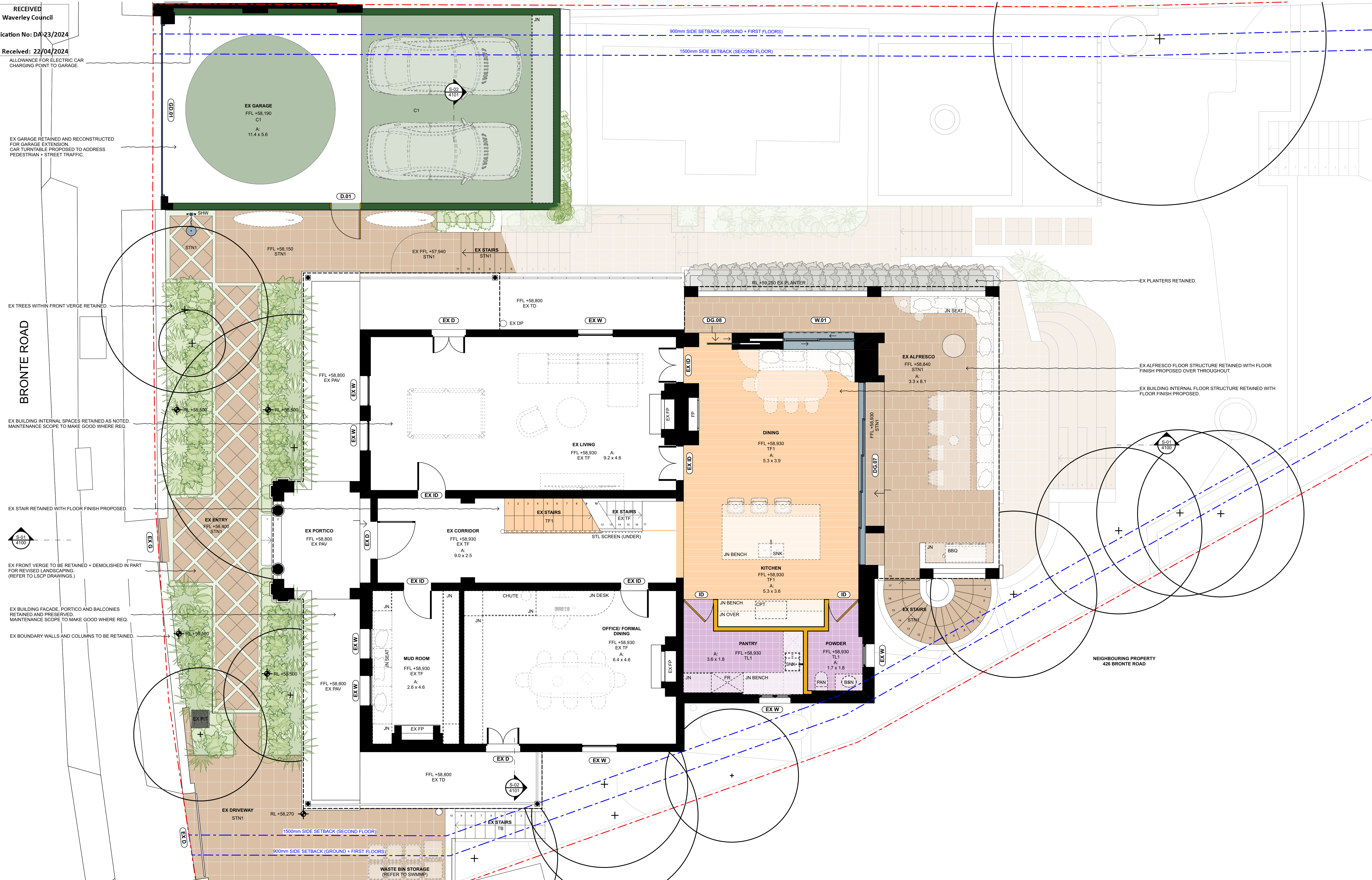
**DA SHADOW STUDY**

	EXISTING SHADOW
	PROPOSED SHADOW (ADDITIONAL)

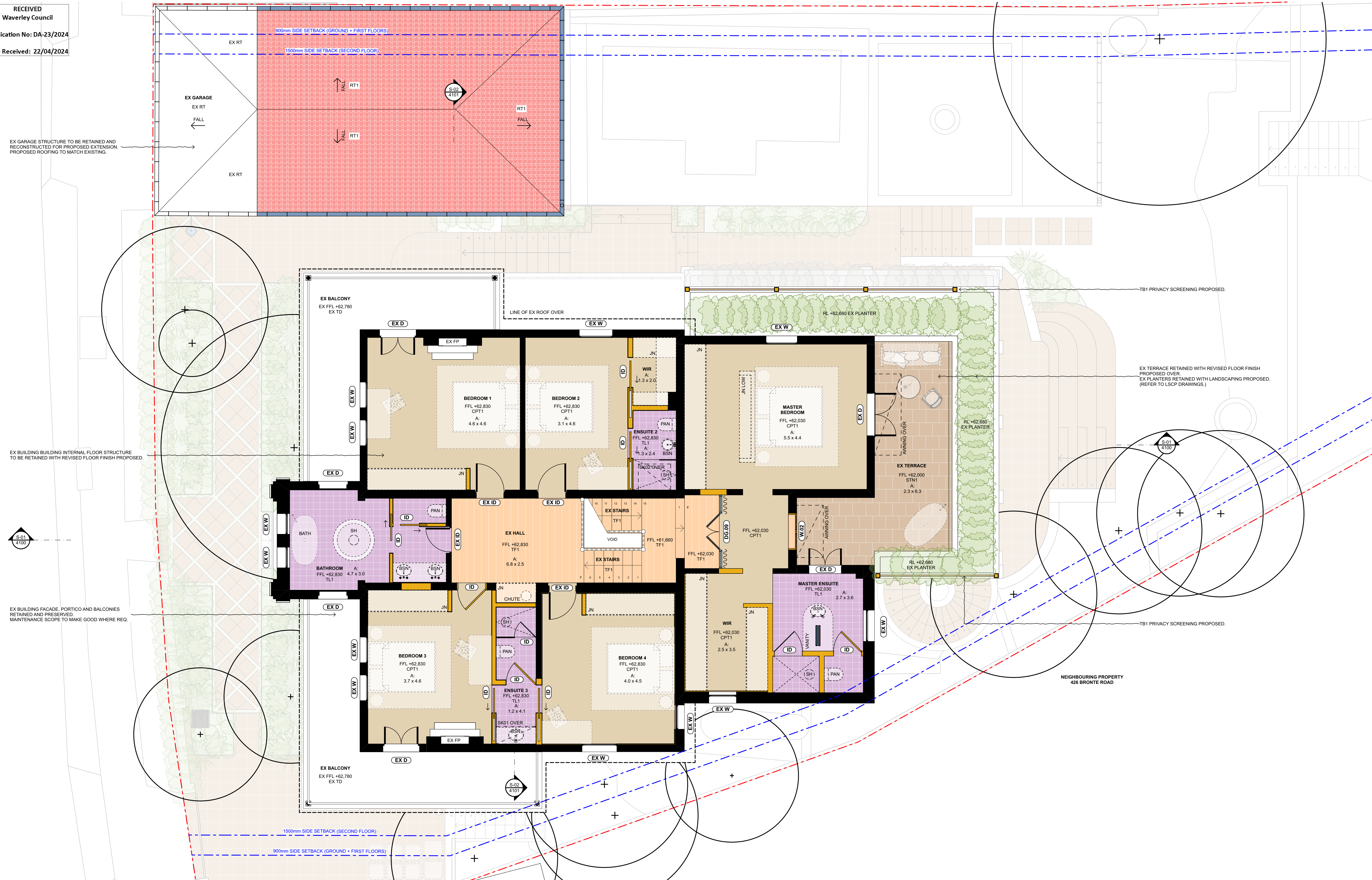
**A & CO.**  
NOMINATED ARCHITECT: JEREMY BULL  
NSW REGISTRATION NO. 7881  
CLASS 2 DESIGN PRACTITIONER:  
JEREMY BULL | NUMBER DEP0001029

CLIENT: Sarah & Andrew Landman  
PROJECT: BRONTE ROAD  
424 BRONTE ROAD  
BRONTE, NSW 2024

DRAWING TITLE: GROUND FLOOR - PROPOSED  
SCALE: 1:50 @ A1  
CHECKED: SG  
PROJECT NO.: DWG NO. REV: 0571-2101-DA01







REV	DATE	DESCRIPTION
DA01	13/12/2023	FOR DEVELOPMENT APPLICATION SUBMISSION

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**LEGEND - DA**

TO BE DEMOLISHED	DA MATERIAL CODING (CUT/UNCUT HATCHING)
EXISTING BUILDING FABRIC TO BE DEMOLISHED	TIMBER
EXISTING OPENINGS TO BE REMOVED, INCLUDING FRAMES AND ARCHITRAVES. MAKE GOOD OPENING AND REVEALS INCLUDING FINISHES	BRICKWORK
	CONCRETE
	STONE
	TILE
	GLASS
	METAL
	EXISTING TERRAIN
	TOPSOIL/NEW GRADING INFILL
	FIBRE CEMENT
	CARPET
	ROOF TILE

**DA COMPLIANCE LEGEND**

EXISTING GFA AREA	PROPOSED GFA AREA	EXCLUDED AREA	LANDSCAPED AREA	DEEP SOIL LANDSCAPE AREA	EXISTING + PROPOSED OPEN SPACE AREA
[Hatched]	[Hatched]	[Hatched]	[Hatched]	[Hatched]	[Hatched]

**DA SHADOW STUDY**

EXISTING SHADOW	PROPOSED SHADOW (ADDITIONAL)
[Shaded]	[Shaded]

**A & CO.**  
 NOMINATED ARCHITECT: JEREMY BULL  
 NSW REGISTRATION NO. 7881  
 CLASS 2 DESIGN PRACTITIONER:  
 JEREMY BULL | NUMBER DEP0001029

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 www.alexanderand.co  
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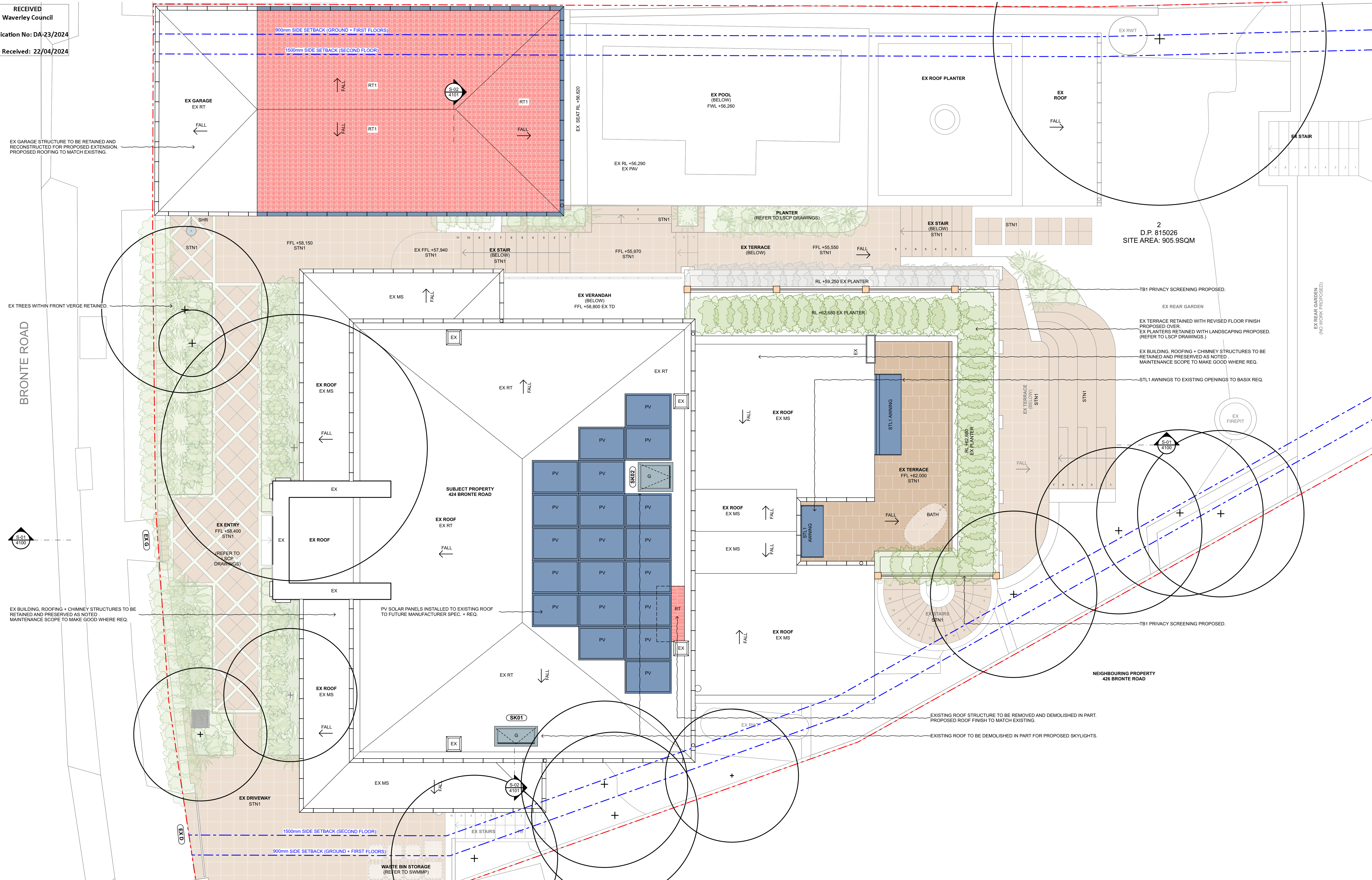
CLIENT: Sarah & Andrew Landman  
 PROJECT: BRONTE ROAD  
 424 BRONTE ROAD  
 BRONTE,  
 NSW 2024

**DRAWING TITLE**  
 FIRST FLOOR - PROPOSED

SCALE 1:50 @ A1  
 PROJECT NO. - DWG NO. REV.  
 0571-2102-[DA01]

CHECKED SG





REV	DATE	DESCRIPTION
DA01	13/12/2023	FOR DEVELOPMENT APPLICATION SUBMISSION

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**LEGEND - DA**

**TO BE DEMOLISHED**  
 EXISTING BUILDING FABRIC TO BE DEMOLISHED  
 EXISTING OPENINGS TO BE REMOVED, INCLUDING FRAMES AND ARCHITRAVES. MAKE GOOD OPENING AND REVEALS INCLUDING FINISHES

**DA MATERIAL CODING (CUT/UNCUT HATCHING)**  
 TIMBER  
 BRICKWORK  
 CONCRETE  
 STONE  
 TILE  
 GLASS  
 METAL  
 EXISTING TERRAIN FABRIC  
 TOPSOIL/NEW GRADING INFILL  
 FIBRE CEMENT  
 CARPET  
 ROOF TILE

**DA COMPLIANCE LEGEND**

EXISTING GFA AREA  
 PROPOSED GFA AREA  
 EXCLUDED AREA  
 LANDSCAPED AREA  
 DEEP SOIL LANDSCAPE AREA  
 EXISTING + PROPOSED OPEN SPACE AREA

**SETBACK CONTROLS**  
 MAX. HEIGHT PLANE 5.5M

**DA SHADOW STUDY**

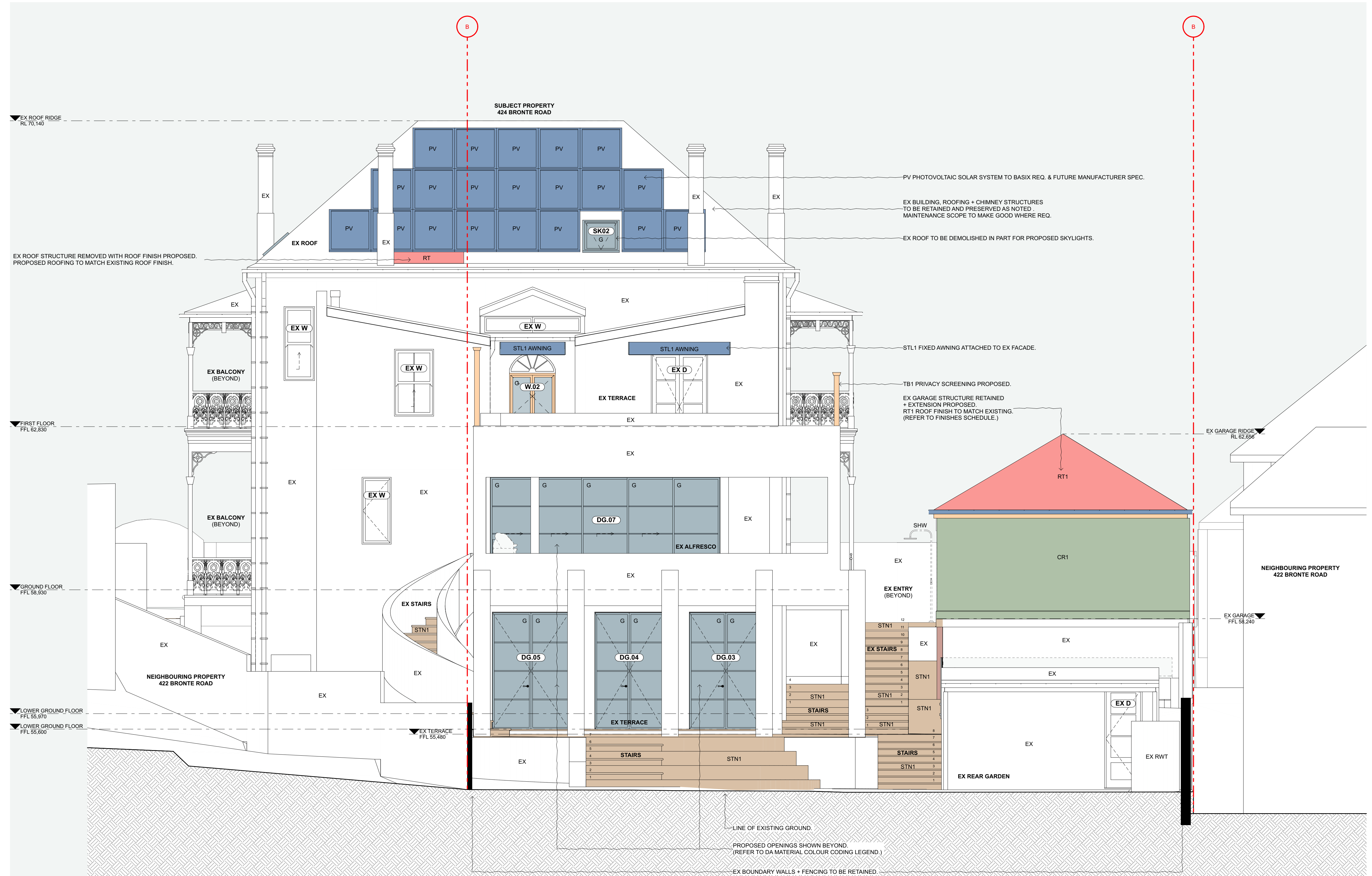
EXISTING SHADOW  
 PROPOSED SHADOW (ADDITIONAL)

**A & CO.**  
 NOMINATED ARCHITECT: JEREMY BULL  
 NSW REGISTRATION NO. 7881  
 CLASS 2 DESIGN PRACTITIONER:  
 JEREMY BULL | NUMBER DEP0001029

CLIENT: Sarah & Andrew Landman  
 PROJECT: BRONTE ROAD 424 BRONTE ROAD BRONTE, NSW 2024

DRAWING TITLE: ROOF LEVEL - PROPOSED  
 SCALE 1:50 @ A1  
 PROJECT NO. - DWG NO. REV. 0571-2103-DA01  
 CHECKED SG





REV	DATE	DESCRIPTION	ATH
DA01	13/12/2023	FOR DEVELOPMENT APPLICATION SUBMISSION	AC

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**LEGEND - DA**  
 TO BE DEMOLISHED  
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**DA MATERIAL CODING (CUT/UNCUT HATCHING)**  
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 BRICKWORK  
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 STONE  
 TILE  
 GLASS  
 METAL  
 EXISTING TERRAIN  
 TOPSOIL/NEW GROUND INFILL  
 FIBRE CEMENT  
 CARPET  
 ROOF TILE

**DA COMPLIANCE LEGEND**  
 EXISTING GFA AREA  
 PROPOSED GFA AREA  
 EXCLUDED AREA  
 LANDSCAPED AREA  
 DEEP SOIL LANDSCAPE AREA  
 EXISTING + PROPOSED OPEN SPACE AREA  
 SETBACK CONTROLS  
 MAX. HEIGHT PLANE 6.9M

**DA SHADOW STUDY**  
 EXISTING SHADOW  
 PROPOSED SHADOW (ADDITIONAL)

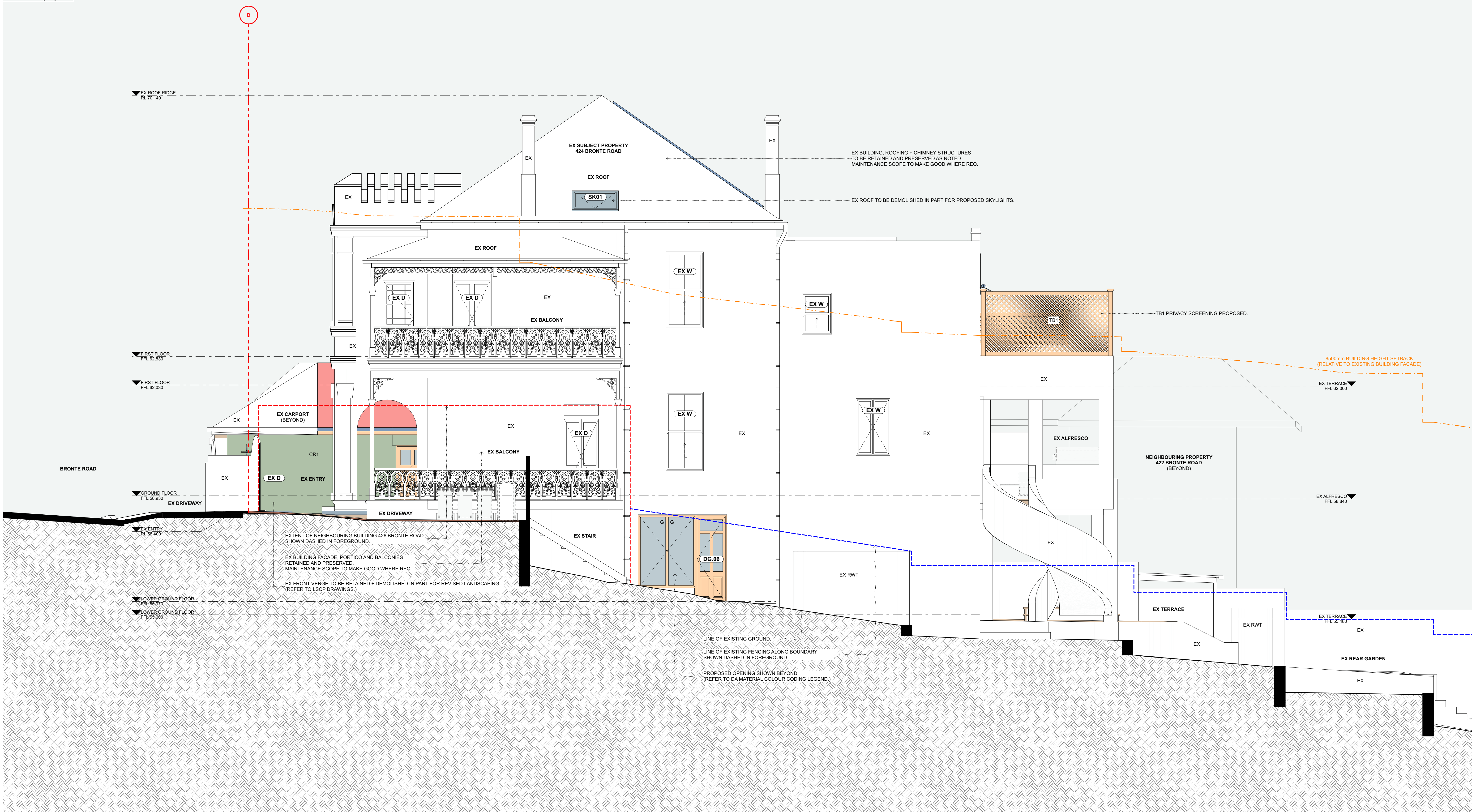
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CLIENT: Sarah & Andrew Landman  
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 A&CO PTY. LTD  
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**DRAWING TITLE**  
 NORTH ELEVATION - PROPOSED  
 SCALE 1:50 @ A1  
 PROJECT NO. - DWG NO. REV.  
 0571-3000-[DA01]  
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REV	DATE	DESCRIPTION	ATHR
DA01	13/12/2023	FOR DEVELOPMENT APPLICATION SUBMISSION	AC

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**LEGEND - DA**  
 TO BE DEMOLISHED  
 EXISTING BUILDING FABRIC TO BE DEMOLISHED  
 EXISTING OPENINGS TO BE REMOVED, INCLUDING FRAMES AND ARCHITRAVES, MAKE GOOD OPENING AND REVEALS INCLUDING FINISHES

**DA MATERIAL CODING (CUT/ UN-CUT HATCHING)**  
 TIMBER  
 BRICKWORK  
 CONCRETE  
 STONE  
 TILE  
 GLASS  
 METAL  
 EXISTING TERRAIN  
 TOPSOIL/ NEW GROUND INFILL  
 FIBRE CEMENT  
 CARPET  
 ROOF TILE

**DA COMPLIANCE LEGEND**  
 EXISTING GFA AREA  
 PROPOSED GFA AREA  
 EXCLUDED AREA  
 LANDSCAPED AREA  
 DEEP SOIL LANDSCAPE AREA  
 EXISTING + PROPOSED OPEN SPACE AREA

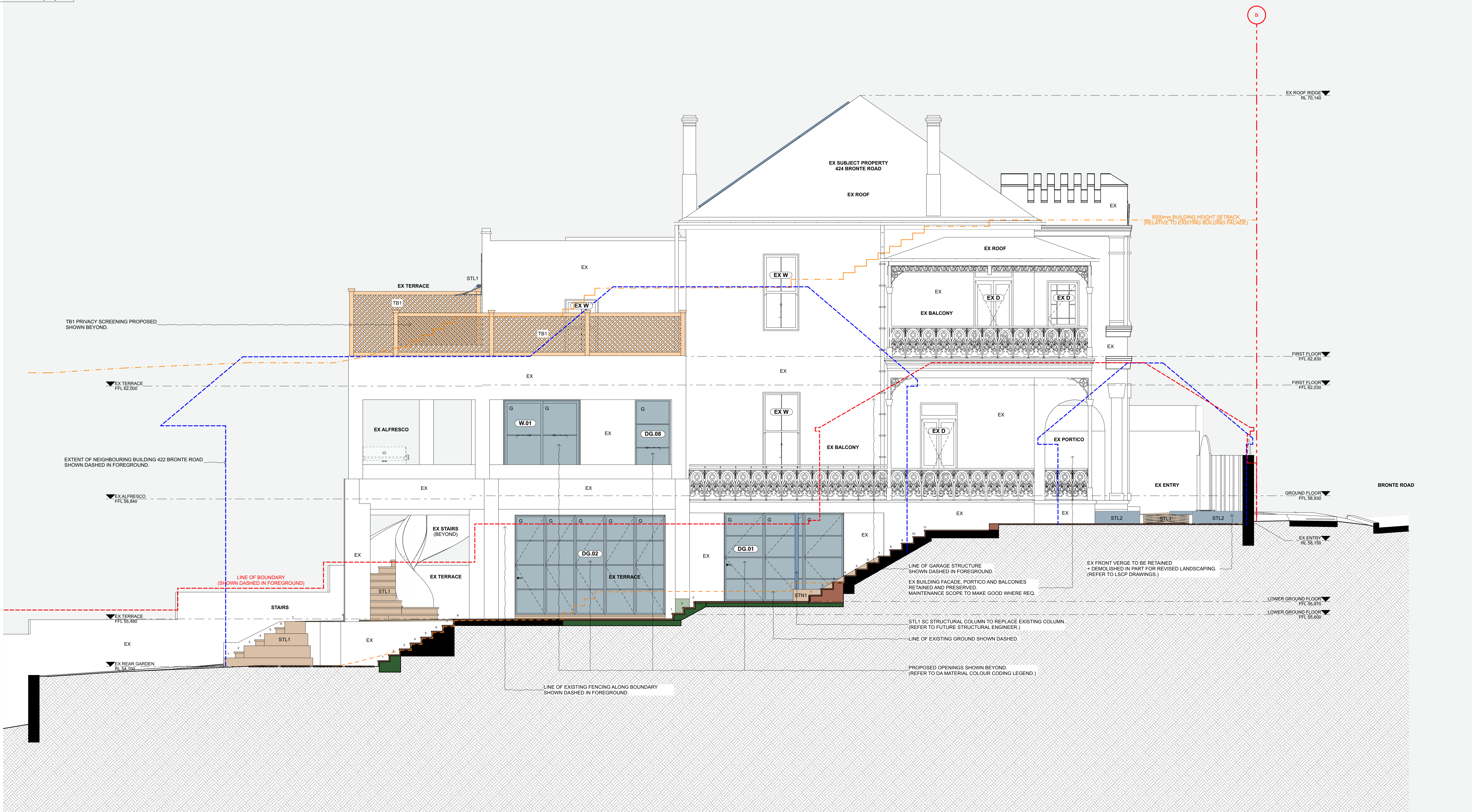
**DA SHADOW STUDY**  
 EXISTING SHADOW  
 PROPOSED SHADOW (ADDITIONAL)

**A & CO.**  
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CLIENT:  
 Sarah & Andrew Landman  
 PROJECT:  
 BRONTE ROAD  
 424 BRONTE ROAD  
 BRONTE,  
 NSW 2024

**DRAWING TITLE**  
 EAST ELEVATION - PROPOSED  
 SCALE 1:50 @ A1  
 PROJECT NO. - DWG NO. REV.  
 0571-3002-[DA01]  
 CHECKED SG





REV	DATE	DESCRIPTION	ATHR
DA01	13/12/2023	FOR DEVELOPMENT APPLICATION SUBMISSION	AC

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**LEGEND - DA**  
 TO BE DEMOLISHED  
 EXISTING BUILDING FABRIC TO BE DEMOLISHED  
 EXISTING OPENINGS TO BE REMOVED, INCLUDING FRAMES AND ARCHITRAVES. MAKE GOOD OPENING AND REVEALS INCLUDING FINISHES

**DA MATERIAL CODING (CUT/ UNMATERIAL CODING)**  
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 BRICKWORK  
 CONCRETE  
 STONE  
 TILE  
 GLASS  
 METAL  
 EXISTING TERRAIN  
 TOPSOIL/ NEW GROUND INFILL  
 FIBRE CEMENT  
 CARPET  
 ROOF TILE

**DA COMPLIANCE LEGEND**  
 EXISTING GFA AREA  
 PROPOSED GFA AREA  
 EXCLUDED AREA  
 LANDSCAPED AREA  
 DEEP SOIL LANDSCAPE AREA  
 EXISTING + PROPOSED OPEN SPACE AREA  
 SETBACK CONTROLS  
 MAX. HEIGHT PLANE 6.9M

**DA SHADOW STUDY**  
 EXISTING SHADOW  
 PROPOSED SHADOW (ADDITIONAL)

**A & CO.**  
 NOMINATED ARCHITECT: JEREMY BULL  
 NSW REGISTRATION NO. 7881  
 CLASS 2 DESIGN PRACTITIONER:  
 JEREMY BULL | NUMBER DEP0001029

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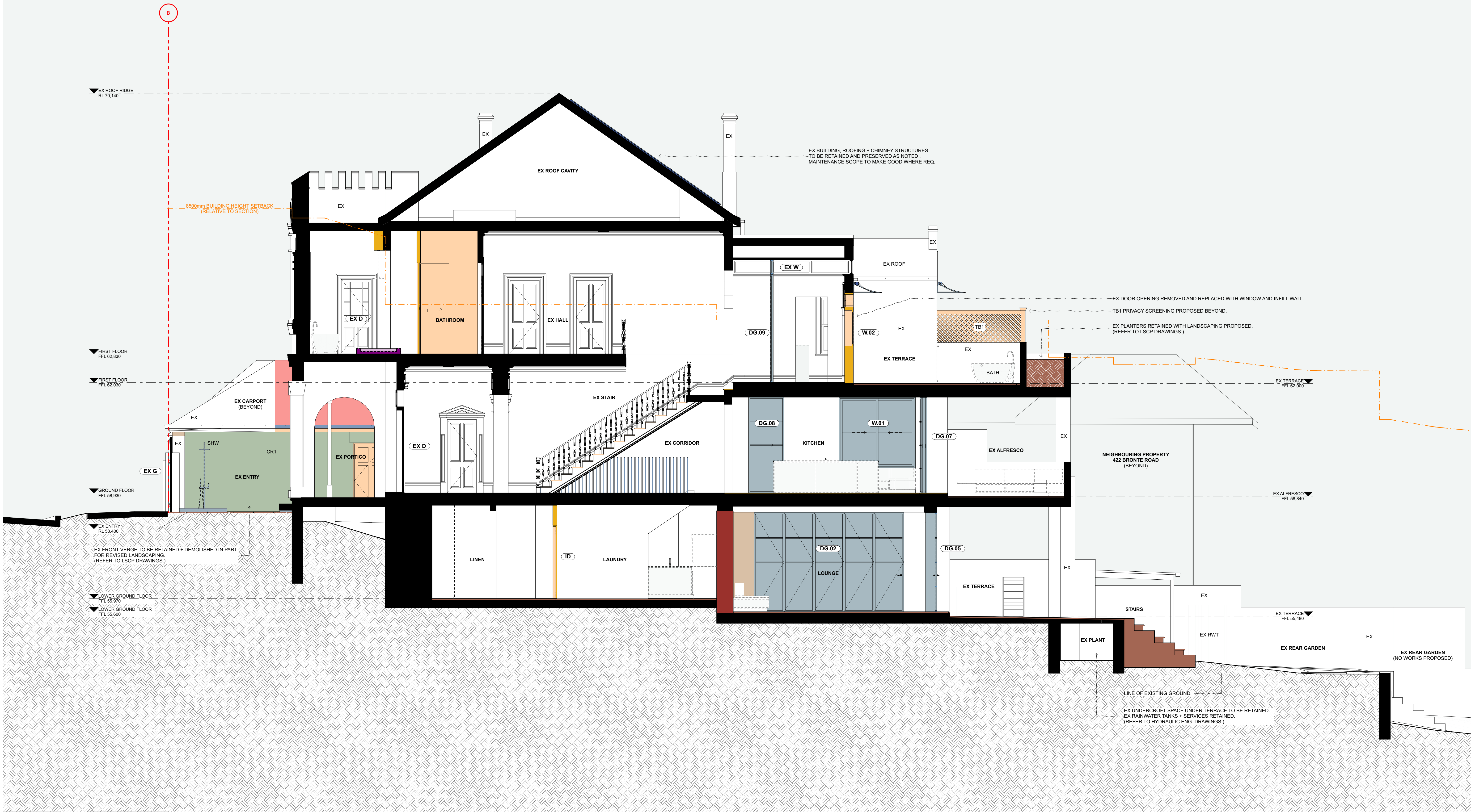
CLIENT:  
 Sarah & Andrew Landman  
 PROJECT:  
 BRONTE ROAD  
 424 BRONTE ROAD  
 BRONTE,  
 NSW 2024

**DRAWING TITLE**  
 WEST ELEVATION - PROPOSED

SCALE 1:50 @ A1  
 PROJECT NO. - DWG NO. REV.  
 0571-3003-DA01

CHECKED  
 SG





REV	DATE	DESCRIPTION	ATHR
DA01	13/12/2023	FOR DEVELOPMENT APPLICATION SUBMISSION	AC

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**LEGEND - DA**

TO BE DEMOLISHED  
 EXISTING BUILDING FABRIC TO BE DEMOLISHED  
 EXISTING OPENINGS TO BE REMOVED, INCLUDING FRAMES AND ARCHITRAVES, MAKE GOOD OPENING AND REVEALS INCLUDING FINISHES

**DA MATERIAL CODING (CUT/ UNLOC HATCHING)**

TIMBER
BRICKWORK
CONCRETE
STONE
TILE
GLASS
METAL

EXISTING BUILDING FABRIC  
 EXISTING TERRAIN  
 TOPSOIL/ NEW GROUND INFILL  
 FIBRE CEMENT  
 CARPET  
 ROOF TILE

**DA COMPLIANCE LEGEND**

EXISTING GFA AREA
PROPOSED GFA AREA
EXCLUDED AREA
LANDSCAPED AREA
DEEP SOIL LANDSCAPE AREA
EXISTING + PROPOSED OPEN SPACE AREA

SETBACK CONTROLS  
 MAX. HEIGHT PLANE 6.5M

**DA SHADOW STUDY**

EXISTING SHADOW
PROPOSED SHADOW (ADDITIONAL)

**A & CO.**  
 NOMINATED ARCHITECT: JEREMY BULL  
 NSW REGISTRATION NO. 7881  
 CLASS 2 DESIGN PRACTITIONER:  
 JEREMY BULL | NUMBER DEP0001029

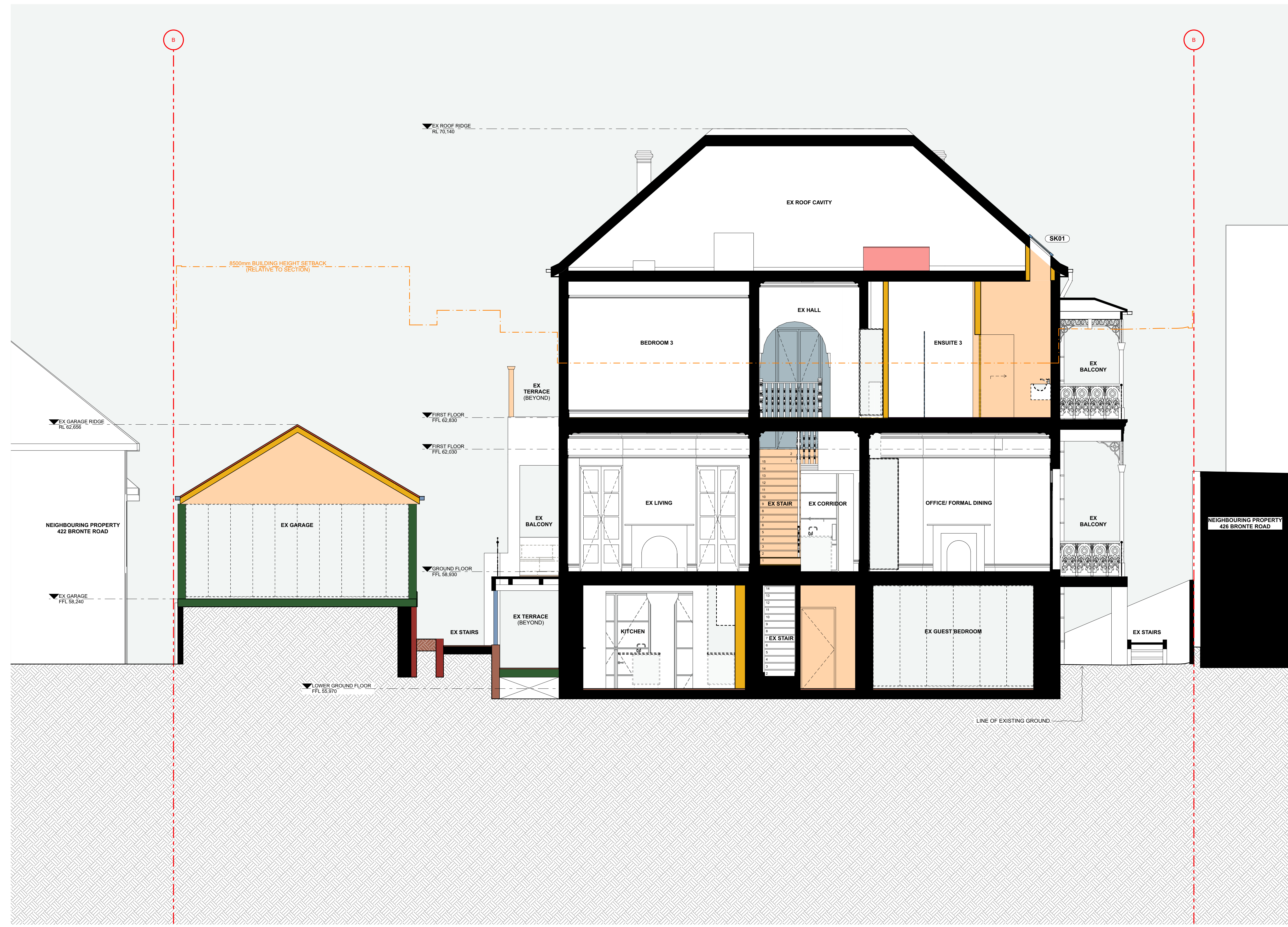
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 BONDI JUNCTION  
 NSW 2022  
 T +61 (02) 8394 9838  
 www.alexanderand.co  
 ABN 11 162 041 929

CLIENT:  
 Sarah & Andrew Landman  
 PROJECT:  
 BRONTE ROAD  
 424 BRONTE ROAD  
 BRONTE,  
 NSW 2024

**DRAWING TITLE**  
 SECTION A - PROPOSED

SCALE 1:50 @ A1  
 PROJECT NO. - DWG NO. REV.  
 0571-4100-DA01

CHECKED  
 SG



REV	DATE	DESCRIPTION	ATHR
DA01	13/12/2023	FOR DEVELOPMENT APPLICATION SUBMISSION	AC

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**LEGEND - DA**  
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 EXISTING BUILDING FABRIC TO BE DEMOLISHED  
 EXISTING OPENINGS TO BE REMOVED, INCLUDING FRAMES AND ARCHITRAVES. MAKE GOOD OPENING AND REVEALS INCLUDING FINISHES

**DA MATERIAL CODING (CUT/ UNCLUT HATCHING)**  
 TIMBER  
 BRICKWORK  
 CONCRETE  
 STONE  
 TILE  
 GLASS  
 METAL  
 EXISTING TERRAIN  
 TOPSOIL/ NEW GROUND INFILL  
 FIBRE CEMENT  
 CARPET  
 ROOF TILE  
 EXISTING BUILDING FABRIC  
 EXISTING TERRAIN  
 EXISTING OPENINGS TO BE REMOVED, INCLUDING FRAMES AND ARCHITRAVES. MAKE GOOD OPENING AND REVEALS INCLUDING FINISHES

**DA COMPLIANCE LEGEND**  
 EXISTING GFA AREA  
 PROPOSED GFA AREA  
 EXCLUDED AREA  
 LANDSCAPED AREA  
 DEEP SOIL LANDSCAPE AREA  
 EXISTING + PROPOSED OPEN SPACE AREA  
 SETBACK CONTROLS  
 MAX. HEIGHT PLANE 6.5M

**DA SHADOW STUDY**  
 EXISTING SHADOW  
 PROPOSED SHADOW (ADDITIONAL)

**A & CO.**  
 NOMINATED ARCHITECT: JEREMY BULL  
 NSW REGISTRATION NO. 7881  
 CLASS 2 DESIGN PRACTITIONER:  
 JEREMY BULL | NUMBER DEP0001029

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 ABN 11 162 041 929

CLIENT:  
 Sarah & Andrew Landman  
 PROJECT:  
 BRONTE ROAD  
 424 BRONTE ROAD  
 BRONTE,  
 NSW 2024

**DRAWING TITLE**  
 SECTION 1 - PROPOSED

SCALE 1:50 @ A1  
 CHECKED SG

PROJECT NO. - DWG NO. REV.  
 0571-4101-DA01

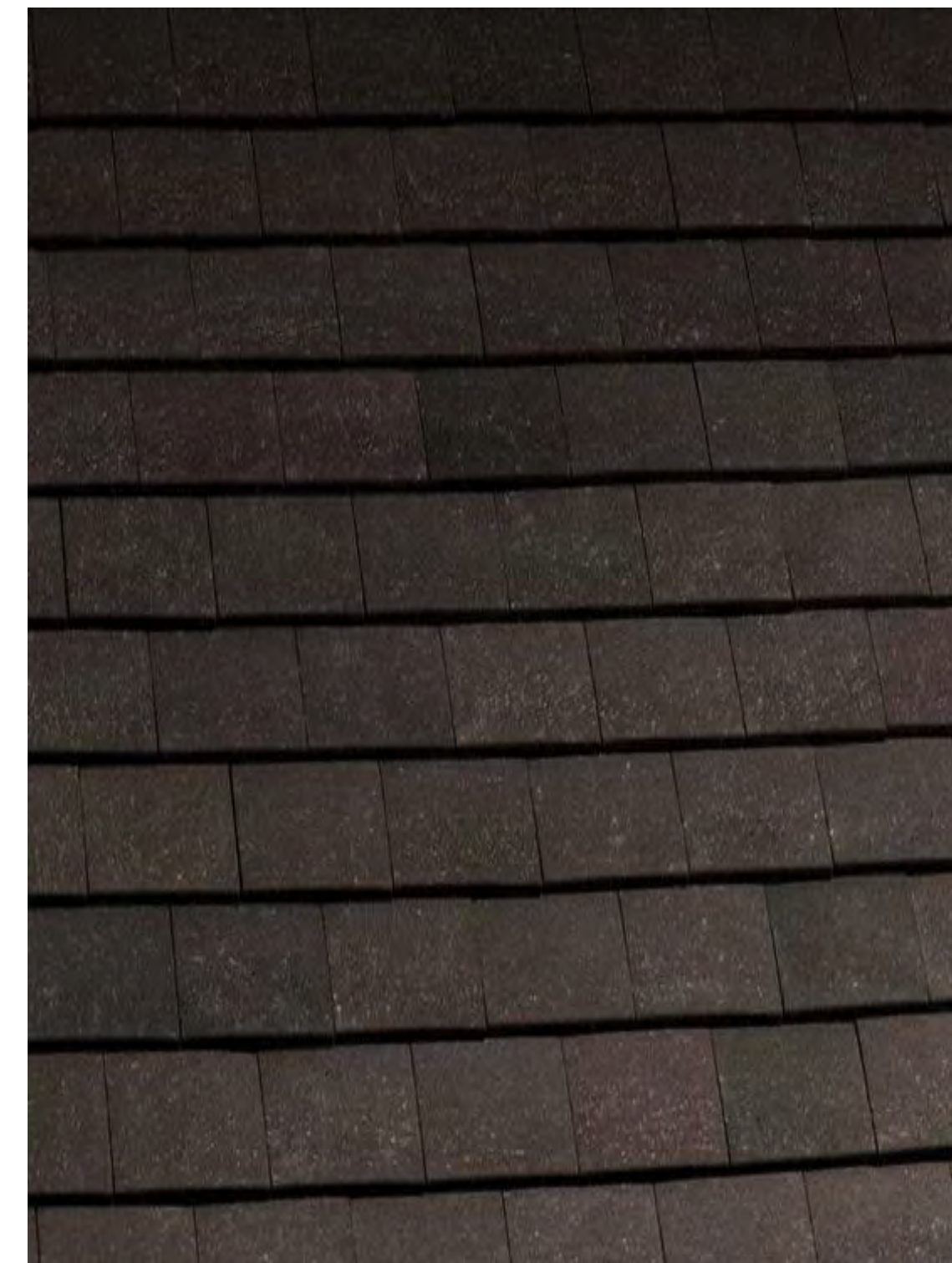




1 CR1 - SAND CEMENT RENDER



2 TB1 - TIMBER TRELLIS PRIVACY SCREEN



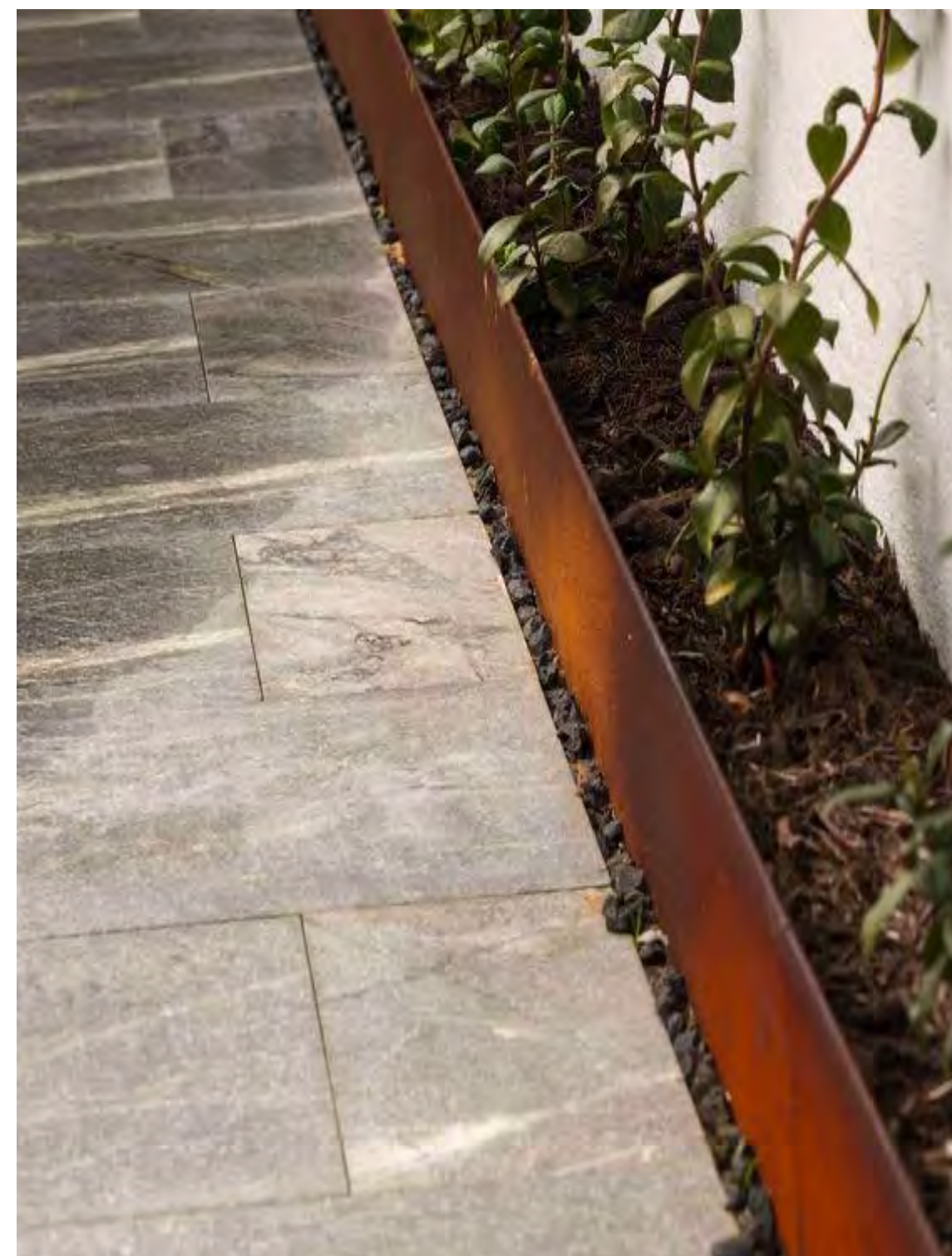
3 RT1 - CLAY ROOF TILE TO MATCH EXISTING



4 G - BRONZE FINISH ALUMINIUM WINDOWS AND DOORS



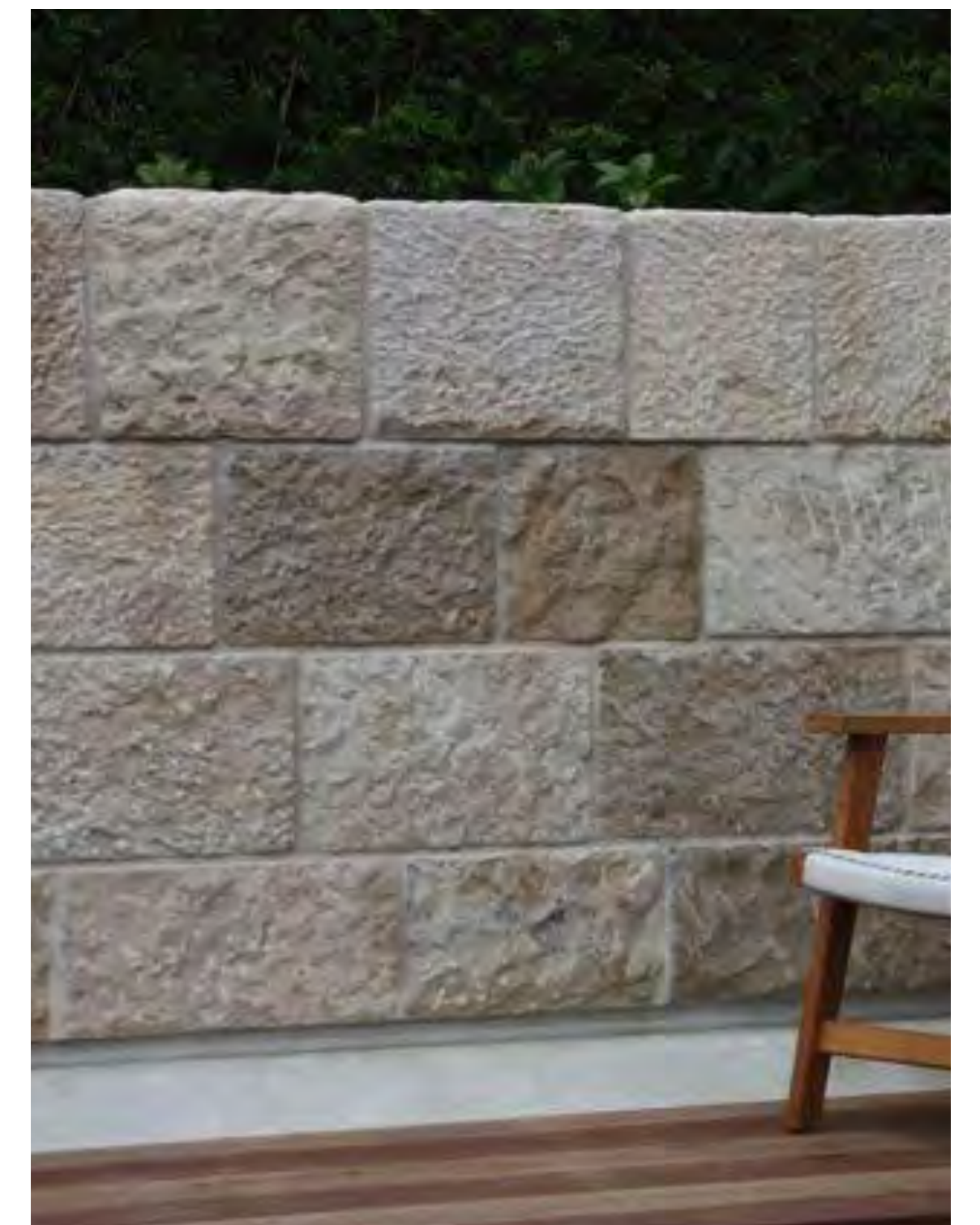
5 STL1 - BRONZE FINISH STEEL AWNING



6 STL2 - CORTEN STEEL EDGING TO LOW PLANTERS



7 STN1 - NATURAL STONE PAVERS



8 STN2 - NATURAL STONE CLADDING

REV	DATE	DESCRIPTION	ATHR	GENERAL NOTES
DA01	13/12/2023	FOR DEVELOPMENT APPLICATION SUBMISSION	AC	<p>1. ALL WORKS TO BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION CODE, AUSTRALIAN STANDARDS AND LOCAL AUTHORITY REQUIREMENTS, INCLUDING COUNCIL CONDITIONS OF CONSENT.</p> <p>2. DO NOT SCALE OFF THIS DRAWING. USE ONLY DIMENSIONS PROVIDED.</p> <p>3. A&amp;CO DRAWINGS ARE TO BE READ IN CONJUNCTION WITH ALL CONTRACT DOCUMENTS FROM ALL CONSULTANTS.</p> <p>4. ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO THE COMMENCEMENT OF WORK.</p> <p><b>DISCLAIMER:</b> THE COPYRIGHT OF THIS DRAWING TOGETHER WITH ANY DOCUMENTS PREPARED BY A&amp;CO PTY. LTD REMAINS THE PROPERTY OF A&amp;CO PTY. LTD. A&amp;CO PTY. LTD GRANTS LICENCE FOR THE USE OF THIS DOCUMENT FOR THE PURPOSE FOR WHICH IT IS INTENDED. THE LICENCE IS NOT TRANSFERABLE WITHOUT THE PERMISSION OF A&amp;CO PTY. LTD.</p>

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	NOMINATED ARCHITECT: JEREMY BULL NSW REGISTRATION NO. 7881 CLASS 2 DESIGN PRACTITIONER: JEREMY BULL   NUMBER DEP0001029	SCALE NTS @ A1 CHECKED SG PROJECT NO. - DWG NO. REV. <b>0571-8001-DA01</b>	

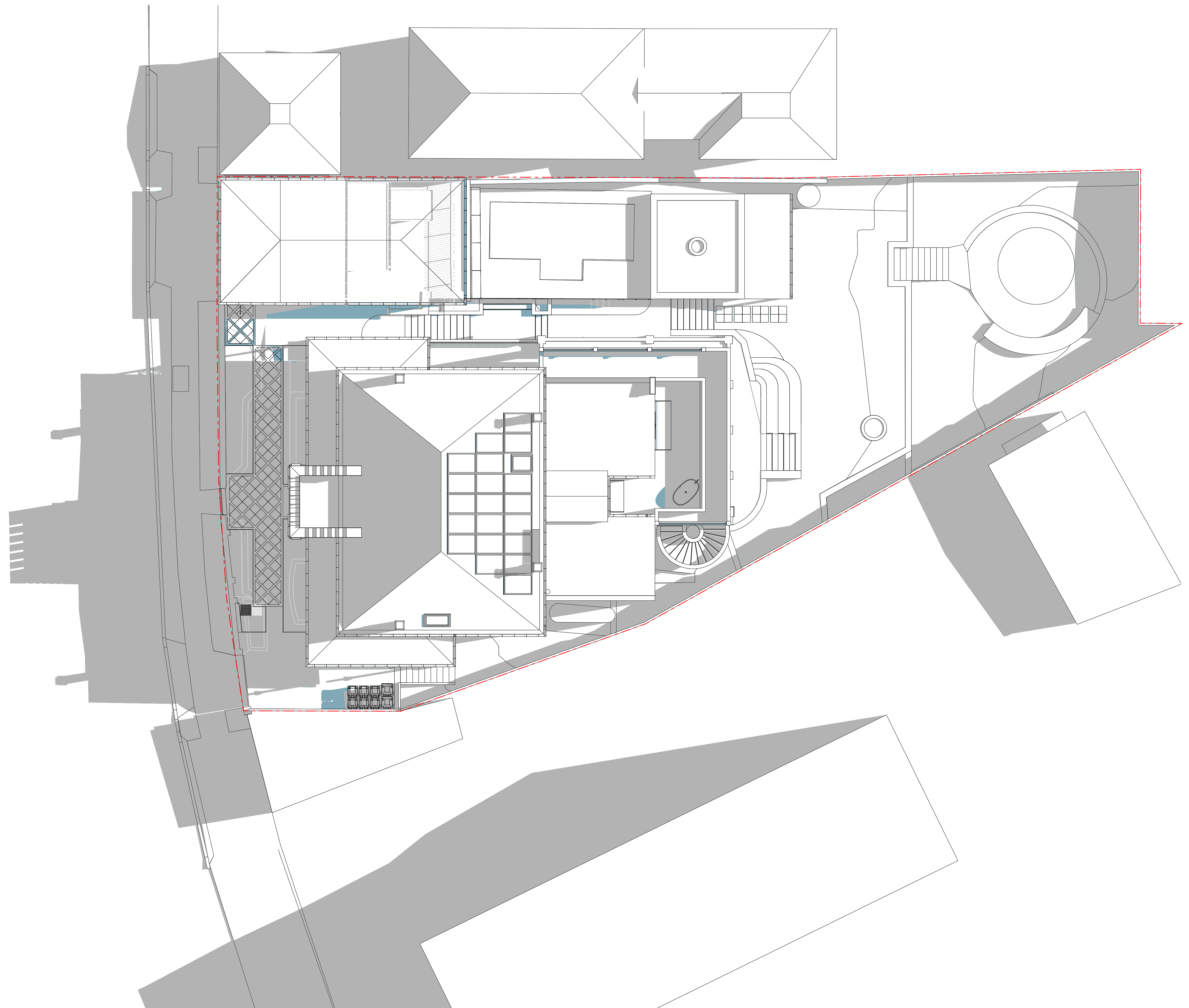












REV	DATE	DESCRIPTION	ATHR
DA01	13/12/2023	FOR DEVELOPMENT APPLICATION SUBMISSION	AC

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 EXISTING BUILDING FABRIC TO BE DEMOLISHED  
 EXISTING OPENINGS TO BE REMOVED, INCLUDING FRAMES AND ARCH TRIMMES. MAKE GOOD OPENING AND REVEALS INCLUDING FINISHES

**DA MATERIAL CODING (CUT / UNCUT HATCHING)**  
 TIMBER  
 BRICKWORK  
 CONCRETE  
 STONE  
 TILE  
 GLASS  
 METAL  
 EXISTING TERRAIN  
 TOPSOIL / NEW GROUND INFILL  
 FIBRE CEMENT  
 CARPET  
 ROOF TILE

**DA COMPLIANCE LEGEND**  
 EXISTING GFA AREA  
 PROPOSED GFA AREA  
 EXCLUDED AREA  
 LANDSCAPED AREA  
 DEEP SOIL LANDSCAPE AREA  
 EXISTING + PROPOSED OPEN SPACE AREA  
 SETBACK CONTROLS  
 MAX HEIGHT PLANE 6.9M

**DA SHADOW STUDY**  
 EXISTING SHADOW  
 PROPOSED SHADOW (ADDITIONAL)  
 PROPOSED SHADOW (ADDITIONAL) CAST ONTO NEIGHBOURING SITES BY PARTS OF THE DEVELOPMENT WHICH EXCEED THE HEIGHT OF THE BUILDING'S DEVELOPMENT STANDARD

**A & CO.**  
 NOMINATED ARCHITECT: JEREMY BULL  
 NSW REGISTRATION NO. 7881  
 CLASS 2 DESIGN PRACTITIONER:  
 JEREMY BULL | NUMBER DEP0001029

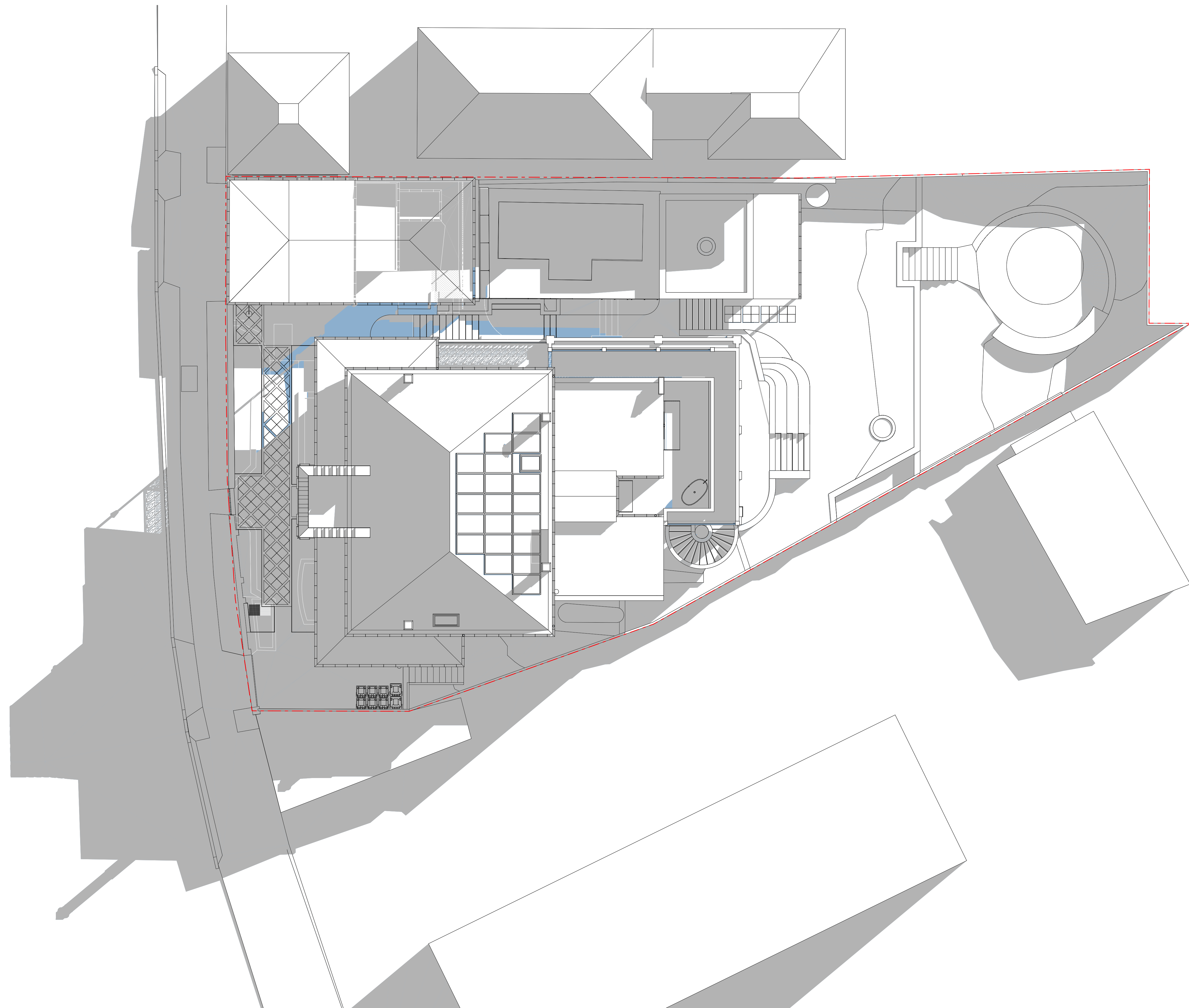
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 ABN 11 162 041 929  
 CLIENT: Sarah & Andrew Landman  
 PROJECT: BRONTE ROAD  
 424 BRONTE ROAD  
 BRONTE,  
 NSW 2024

DRAWING TITLE  
**SHADOW DIAGRAMS - 21 JUNE 1200h**  
 SCALE 1:100 @ A1  
 CHECKED SG  
 PROJECT NO. - DWG NO. REV.  
**0571-8101-DA01**









REV	DATE	DESCRIPTION	ATHR
DA02	5/2/2024	FOR DEVELOPMENT APPLICATION SUBMISSION	AB

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**DA MATERIAL CODING (CUT/UNCUT HATCHING)**  
 TIMBER  
 BRICKWORK  
 CONCRETE  
 STONE  
 TILE  
 GLASS  
 METAL  
 EXISTING TERRAIN  
 TOPSOIL/NEW GRADING INFILL  
 FIBRE CEMENT  
 CARPET  
 ROOF TILE

**DA COMPLIANCE LEGEND**  
 EXISTING GFA AREA  
 PROPOSED GFA AREA  
 EXCLUDED AREA  
 LANDSCAPED AREA  
 DEEP SOIL LANDSCAPE AREA  
 EXISTING + PROPOSED OPEN SPACE AREA  
 SETBACK CONTROLS  
 MAX. HEIGHT PLANE 6.5M

**DA SHADOW STUDY**  
 EXISTING SHADOW  
 PROPOSED SHADOW (ADDITIONAL)  
 PROPOSED SHADOW (ADDITIONAL) CAST ONTO NEIGHBOURING SITES BY PARTS OF THE DEVELOPMENT WHICH EXCEED THE HEIGHT OF THE BUILDING'S DEVELOPMENT STANDARD

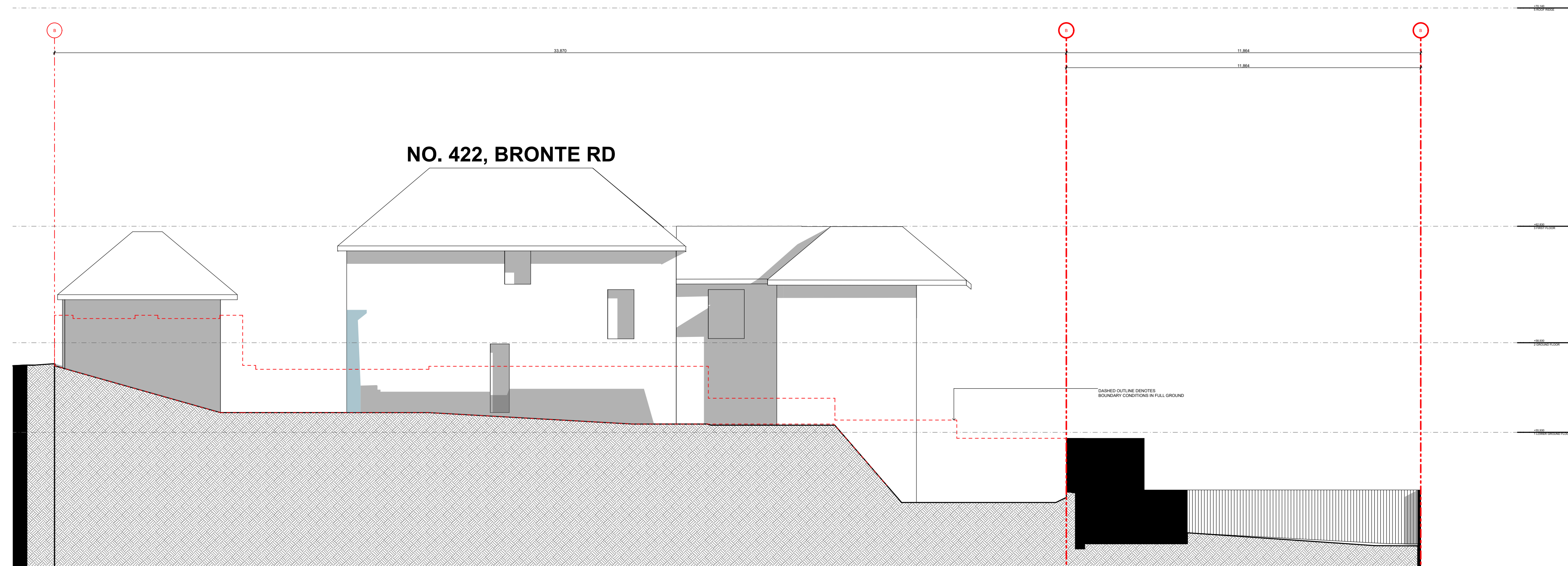
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 NSW REGISTRATION NO. 7881  
 CLASS 2 DESIGN PRACTITIONER:  
 JEREMY BULL | NUMBER DEP0001029

CLIENT: Sarah & Andrew Landman  
 PROJECT: BRONTE ROAD  
 424 BRONTE ROAD  
 BRONTE, NSW 2024

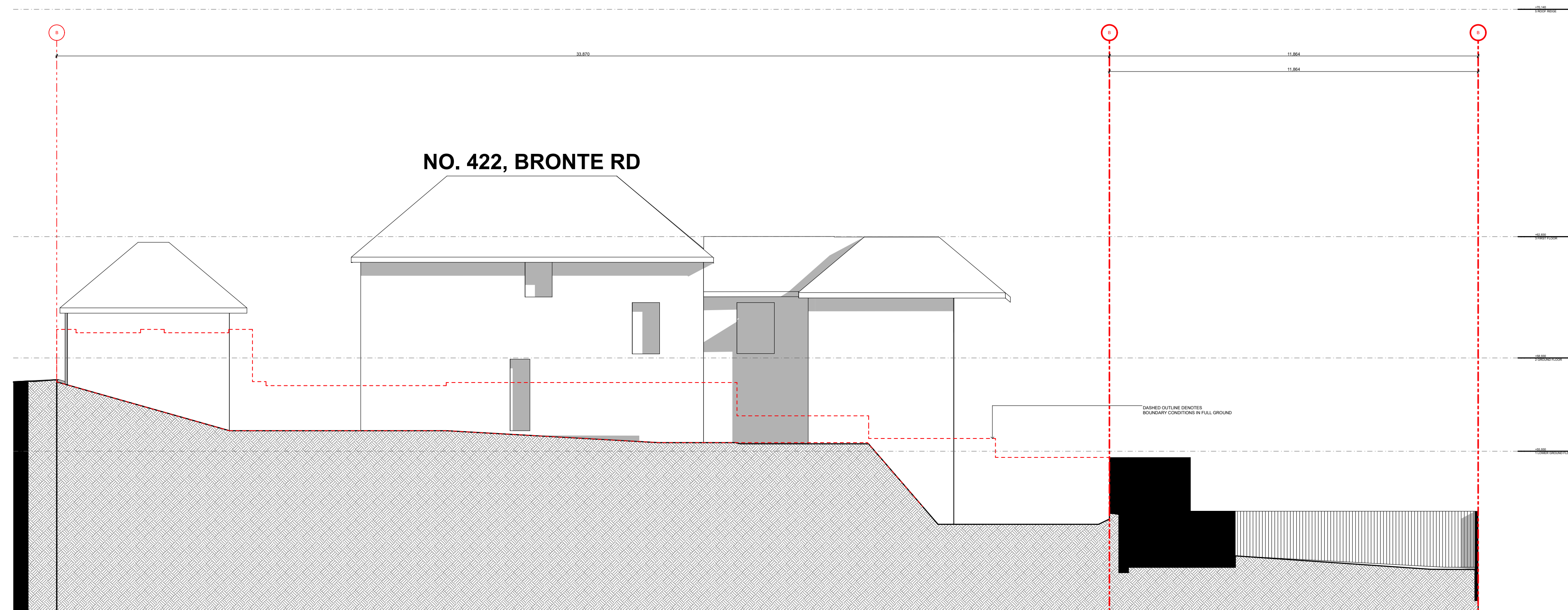
DRAWING TITLE: SHADOW DIAGRAMS - 21 JUNE 1400h  
 SCALE 1:100 @ A1  
 CHECKED SG  
 PROJECT NO. - DWG NO. REV. 0571-8106-DA02







E-06 Elevation Shadow Diagrams 0900hr 1:100



E-07 Elevation Shadow Diagrams 1000hr 1:100

NO PROPOSED SHADOWS (ADDITIONAL) CAST ONTO NEIGHBOURING SITE

REV	DATE	DESCRIPTION	ATHR
DA02	5/22/2024	FOR DEVELOPMENT APPLICATION SUBMISSION	AB

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**LEGEND - DA**  
TO BE DEMOLISHED  
EXISTING BUILDING FABRIC TO BE DEMOLISHED  
EXISTING OPENINGS TO BE REMOVED, INCLUDING FRAMES AND ARCHITRAVES. MAKE GOOD OPENING AND REVEALS INCLUDING FINISHES

**DA MATERIAL CODING (CUT/ UN CUT HATCHING)**  
TIMBER  
BRICKWORK  
CONCRETE  
STONE  
TILE  
GLASS  
METAL  
EXISTING BUILDING FABRIC  
EXISTING TERRAIN  
TOPSOIL/ NEW GROUND INFILL  
FIBRE CEMENT  
CARPET  
ROOF TILE

**DA COMPLIANCE LEGEND**  
EXISTING GFA AREA  
PROPOSED GFA AREA  
EXCLUDED AREA  
LANDSCAPED AREA  
DEEP SOIL LANDSCAPE AREA  
EXISTING + PROPOSED OPEN SPACE AREA  
SETBACK CONTROLS  
MAX. HEIGHT PLANE & MA

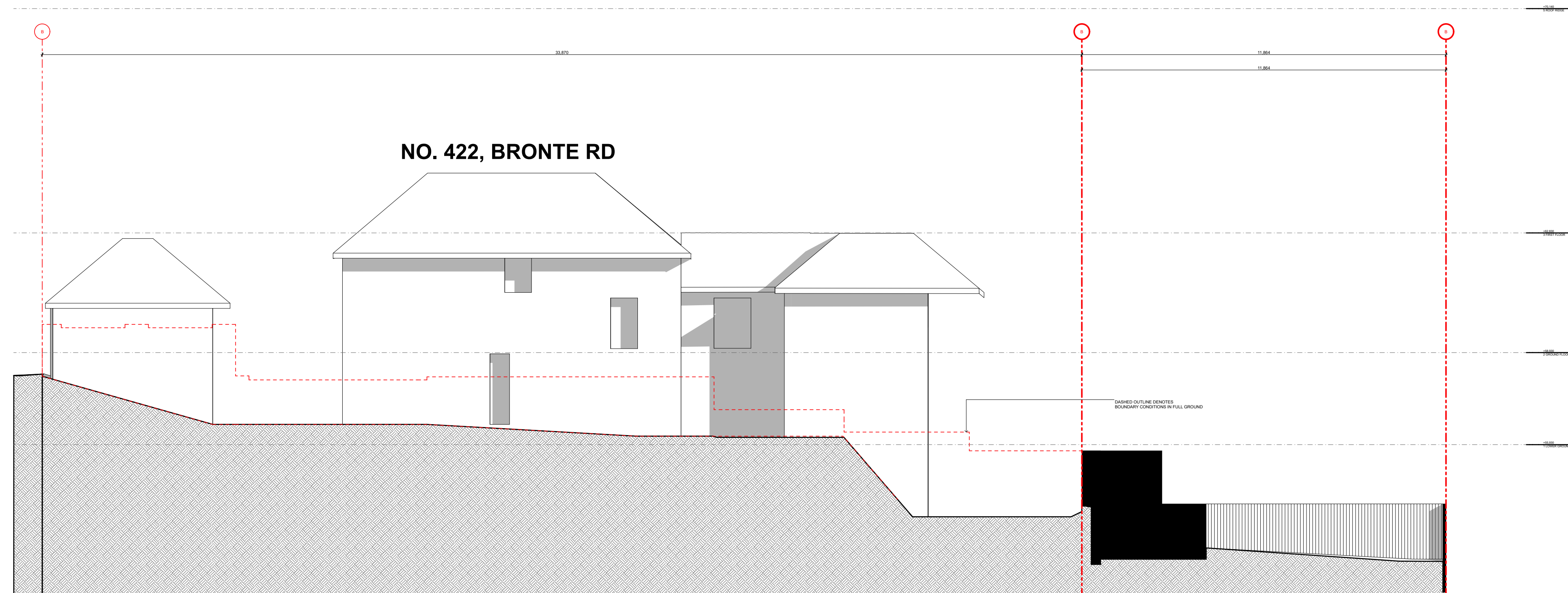
**DA SHADOW STUDY**  
EXISTING SHADOW  
PROPOSED SHADOW (ADDITIONAL)  
PROPOSED SHADOW (ADDITIONAL) CAST ONTO NEIGHBOURING SITES BY PARTS OF THE DEVELOPMENT WHICH EXCEED THE HEIGHT OF THE BUILDING'S DEVELOPMENT STANDARD

**A & CO.**  
NOMINATED ARCHITECT: JEREMY BULL  
NSW REGISTRATION NO. 7881  
CLASS 2 DESIGN PRACTITIONER:  
JEREMY BULL | NUMBER DEP0001029

CLIENT: Sarah & Andrew Landman  
PROJECT: BRONTE ROAD  
424 BRONTE ROAD  
BRONTE,  
NSW 2024

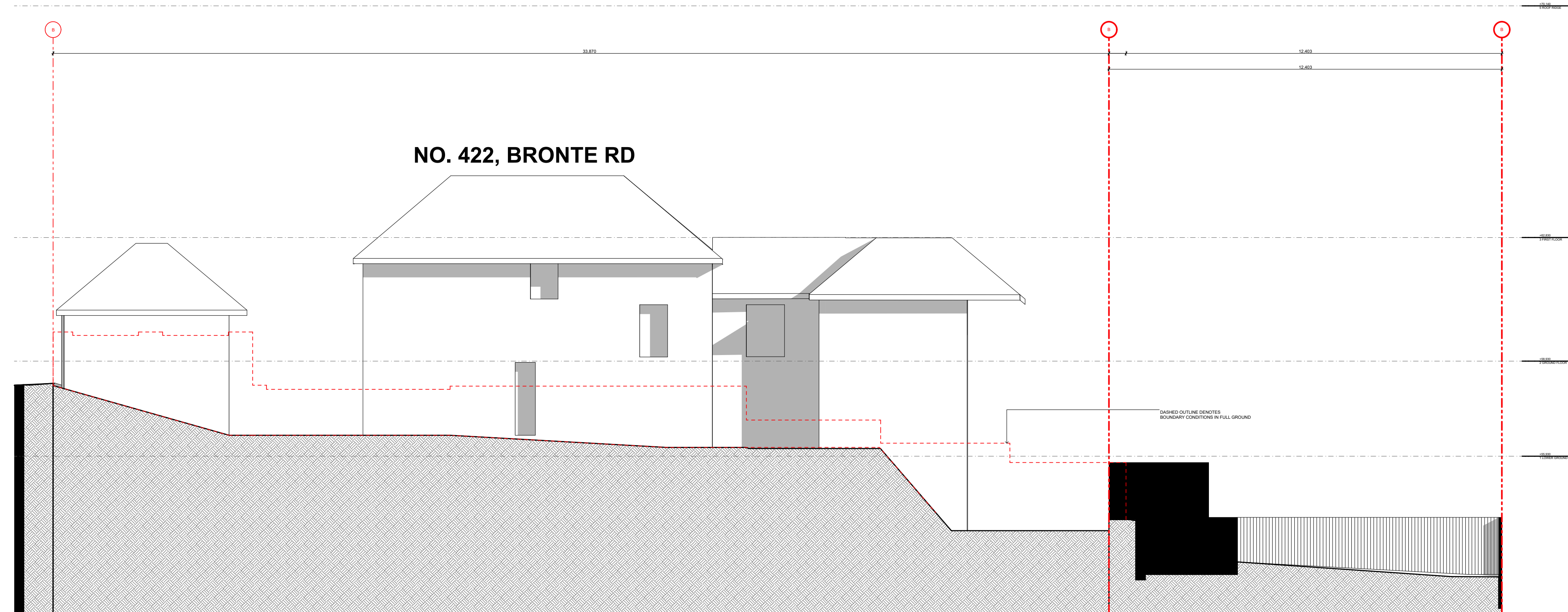
DRAWING TITLE  
**SHADOW DIAGRAM ELEVATIONS**  
- 21 JUNE 0900h & 1000h  
SCALE 1:100 @ A1  
PROJECT NO. - DWG NO. REV  
0571-8107-[DA02]  
CHECKED SG





E-08 Elevation Shadow Diagrams 1100hr 1:100

NO PROPOSED SHADOWS (ADDITIONAL) CAST ONTO NEIGHBOURING SITE



E-09 Elevation Shadow Diagrams 1200 1:100

NO PROPOSED SHADOWS (ADDITIONAL) CAST ONTO NEIGHBOURING SITE

REV	DATE	DESCRIPTION	ATHR
DA02	5/22/2024	FOR DEVELOPMENT APPLICATION SUBMISSION	AB

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**LEGEND - DA**

	TO BE DEMOLISHED		TIMBER		EXISTING BUILDING FABRIC
	EXISTING BUILDING FABRIC TO BE DEMOLISHED		BRICKWORK		EXISTING TERRAIN
	EXISTING OPENINGS TO BE REMOVED, INCLUDING FRAMES AND ARCH TRAVES. MAKE GOOD OPENING AND REVEALS INCLUDING FINISHES		CONCRETE		TOPSOIL/NEW GROUND INFILL
			STONE		EXISTING INFILL
			TILE		FIBRE CEMENT
			GLASS		CARPET
			METAL		ROOF TILE

**DA COMPLIANCE LEGEND**

	EXISTING GFA AREA		SETBACK CONTROLS
	PROPOSED GFA AREA		MAX. HEIGHT PLANE & SM
	EXCLUDED AREA		
	LANDSCAPED AREA		
	DEEP SOIL LANDSCAPE AREA		
	EXISTING + PROPOSED OPEN SPACE AREA		

**DA SHADOW STUDY**

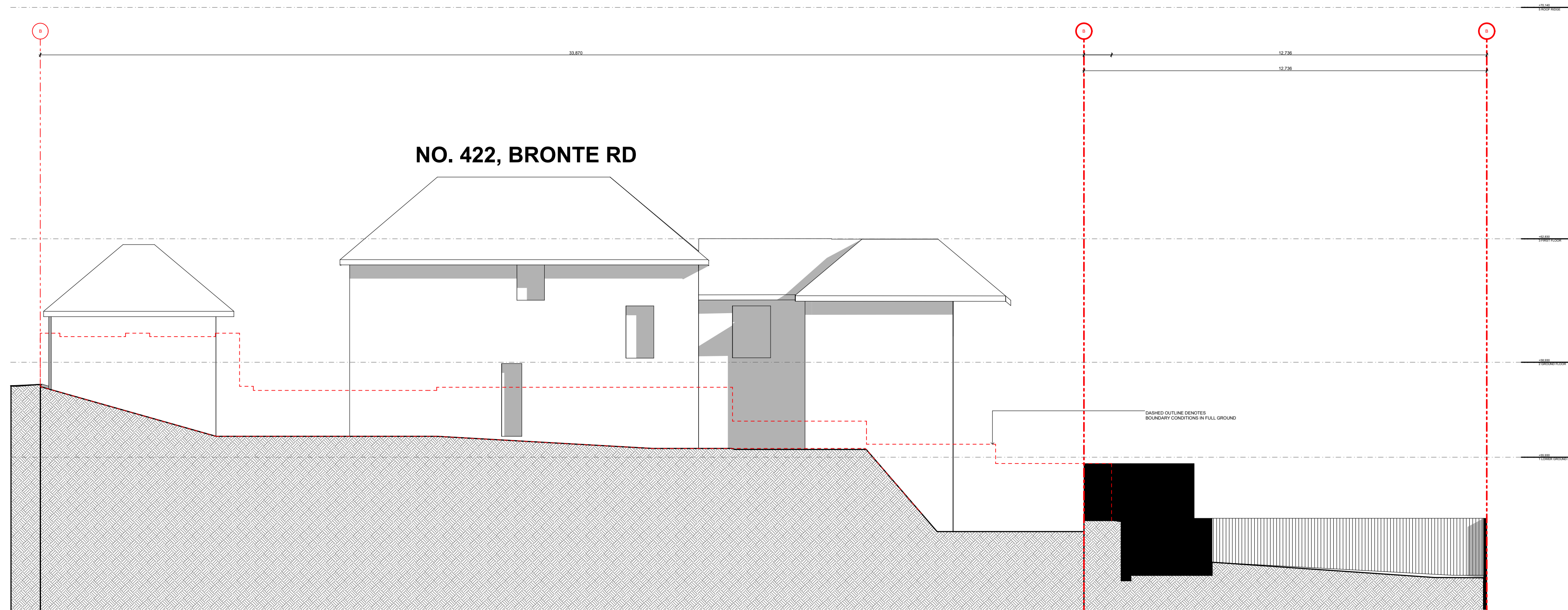
	EXISTING SHADOW
	PROPOSED SHADOW (ADDITIONAL)
	PROPOSED SHADOW (ADDITIONAL) CAST ONTO NEIGHBOURING SITES BY PARTS OF THE DEVELOPMENT WHICH EXCEED THE HEIGHT OF THE BUILDING'S DEVELOPMENT STANDARD

**A & CO.**  
NOMINATED ARCHITECT: JEREMY BULL  
NSW REGISTRATION NO. 7881  
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JEREMY BULL | NUMBER DEP0001029

CLIENT: Sarah & Andrew Landman  
PROJECT: BRONTE ROAD  
424 BRONTE ROAD  
BRONTE, NSW 2024

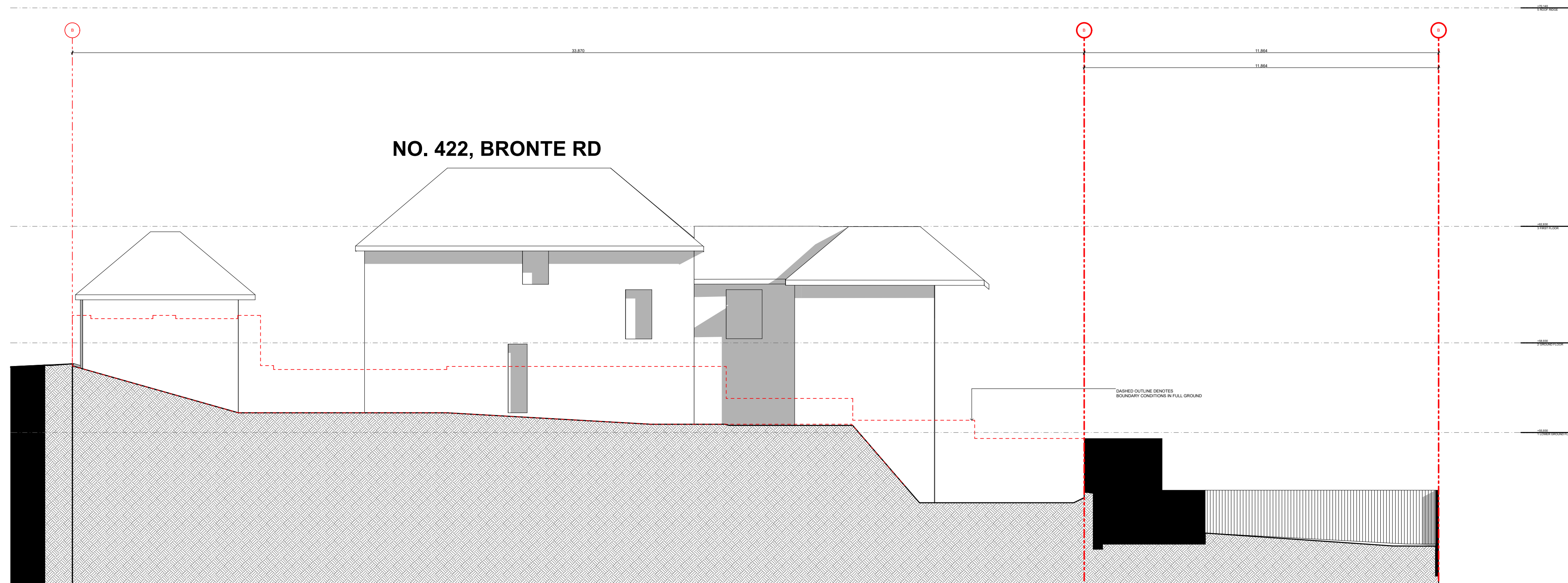
DRAWING TITLE  
**SHADOW DIAGRAM ELEVATIONS**  
- 21 JUNE 1100h & 1200h

SCALE 1:100 @ A1 CHECKED SG  
PROJECT NO. - DWG NO. REV  
0571-8108-[DA02]



E-10 Elevation Shadow Diagrams 1300hr 1:100

NO PROPOSED SHADOWS (ADDITIONAL) CAST ONTO NEIGHBOURING SITE



E-11 Elevation Shadow Diagrams 1400hr 1:100

NO PROPOSED SHADOWS (ADDITIONAL) CAST ONTO NEIGHBOURING SITE

REV	DATE	DESCRIPTION	ATHR
DA02	5/22/2024	FOR DEVELOPMENT APPLICATION SUBMISSION	AB

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**LEGEND - DA**  
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 BRICKWORK  
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 MAX. HEIGHT PLANE 6.5M

**DA SHADOW STUDY**  
 EXISTING SHADOW  
 PROPOSED SHADOW (ADDITIONAL)  
 PROPOSED SHADOW (ADDITIONAL) CAST ONTO NEIGHBOURING SITES BY PARTS OF THE DEVELOPMENT WHICH EXCEED THE HEIGHT OF THE BUILDING'S DEVELOPMENT STANDARD

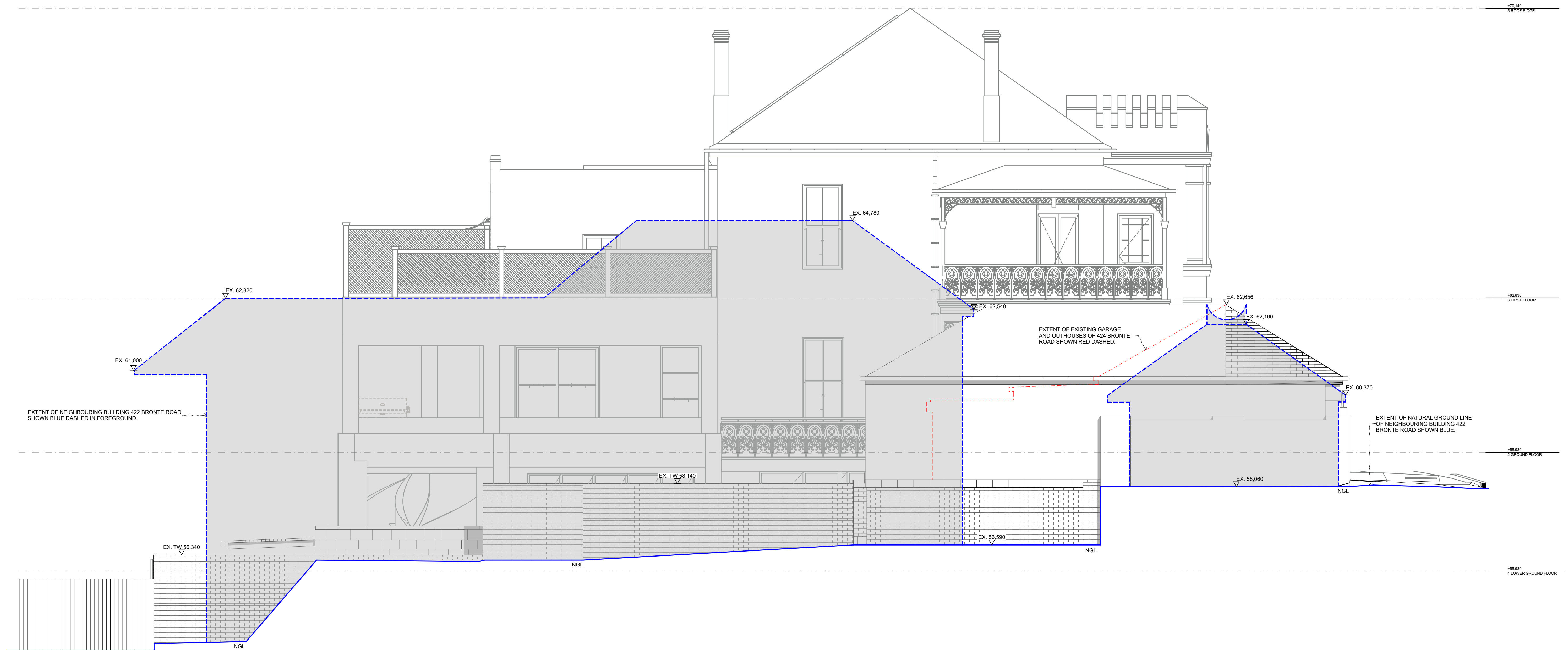
**A & CO.**  
 NOMINATED ARCHITECT: JEREMY BULL  
 NSW REGISTRATION NO. 7881  
 CLASS 2 DESIGN PRACTITIONER:  
 JEREMY BULL | NUMBER DEP0001029

CLIENT: Sarah & Andrew Landman  
 PROJECT: BRONTE ROAD  
 424 BRONTE ROAD  
 BRONTE, NSW 2024

**DRAWING TITLE**  
 SHADOW DIAGRAM ELEVATIONS  
 - 21 JUNE 1300h & 1400h  
 SCALE 1:100 @ A1  
 PROJECT NO. - DWG NO. REV  
 0571-8109-[DA02]  
 CHECKED SG







REV	DATE	DESCRIPTION	ATHR
DA03	22/04/2024	FOR DEVELOPMENT APPLICATION SUBMISSION	

**GENERAL NOTES:**  
 1. ALL WORKS TO BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION CODE, AUSTRALIAN STANDARDS AND LOCAL AUTHORITY REQUIREMENTS, INCLUDING COUNCIL CONDITIONS OF CONSENT.  
 2. DO NOT SCALE OFF THIS DRAWING. USE ONLY DIMENSIONS PROVIDED.  
 3. A&CO DRAWINGS ARE TO BE READ IN CONJUNCTION WITH ALL CONTRACT DOCUMENTS FROM ALL CONSULTANTS.  
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**CLIENT:**  
 Sarah & Andrew Landman

**PROJECT:**  
 BRONTE ROAD  
 424 BRONTE ROAD  
 BRONTE,  
 NSW 2024

**NOMINATED ARCHITECT, JEREMY BULL**  
 NSW REGISTRATION NO. 7881  
 CLASS 2 DESIGN PRACTITIONER:  
 JEREMY BULL | NUMBER DEP0001029

**DRAWING TITLE**  
 WEST ELEVATION RFI -  
 BOUNDARY CONDITION  
 ELEVATION

SCALE 1:50 @ A1

CHECKED

PROJECT NO. - DWG NO. REV.  
 0571-8200-[DA03]



Modification of Consent



## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-203/2021/C – PAN-374014
<b>Site address</b>	3 Military Road, NORTH BONDI NSW 2026
<b>Proposal</b>	Modification to approved boarding house, including internal reconfiguration, reduce on site car parking spaces to two spaces, relocation of car turntable, relocation of roof plant and new screens around the roof plant, and new landscape works.
<b>Description of Approved Development</b>	Alterations and additions to an approved boarding house, including the provision of a neighbourhood shop at the garage level. And as further amended.
<b>Date of lodgement</b>	12 October 2023
<b>Owner</b>	Bondi North Beachfront Pty Ltd
<b>Applicant</b>	The Trustee for Bondi North Beachfront linit Trust
<b>Submissions</b>	One
<b>Amended cost of works</b>	No change
<b>Principal Issues</b>	<ul style="list-style-type: none"> <li>• Exceedance of floor space ratio development standard</li> <li>• Exceedance of building height development standard</li> <li>• Landscaping</li> </ul>
<b>Recommendation</b>	That the application be APPROVED in accordance with the conditions contained in the report.

### SITE MAP



## 1. PREAMBLE

### Executive Summary

1.1. The modification application seeks to modify development consent, known as DA-203/2021 and as further amended at the site known as 3 Military Road, North Bondi. In summary, the proposed modifications to the approved boarding house include internal reconfiguration, reduction of onsite car parking spaces to two spaces, relocation of car turntable, relocation of roof plant and new surrounding screens, and new landscape works.

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

- Exceedance of the floor space ratio development (FSR) standard;
- Exceedance of building height development standard; and
- Landscaping.

The assessment finds these issues acceptable. The proposed modification maintains the approved bulk and massing when viewed from the streetscape and enhances the landscape design.

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

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

### Site and Surrounding Locality

A site visit was carried out during the assessment of the original development application.

The site is identified as Lot B in DP 330868 and is known as 3 Military Road, North Bondi.

The site is triangular in shape with a southern front boundary to Military Road measuring 31.172m, an eastern side boundary measuring 20.834m, and a northern rear boundary to Bondi Golf Club measuring 31.172m, comprising a total site area of 324.6m<sup>2</sup>. The site has a fall of approximately 2.5m from the north to the south. The site was occupied by a two-storey dwelling with integrated garage parking accessed from Military Road prior to demolition and construction works occurring on the site. The site is now currently under construction.

Adjoining the site to the east, is a two storey dwelling known as 1 Military Road. Adjoining the site to the northwest is the Bondi Golf Club. On the opposite side of Military Road is a mix of two and three storey residential flat buildings and dual occupancy developments. The commercial village of North Bondi and the North Bondi Bus Terminus is located to the south of the subject site.



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



Figure 1: Streetscape view of the subject site



Figure 2: Opposite subject site along Military Road



Figure 3: Subject site side view along golf course entry



Figure 4: Subject site Military Road street front

1.3.

### Background and Details of Approved Development

DA-278/2020 for the partial demolition and construction of a part two, part three-storey boarding house containing ten boarding rooms and five car parking spaces for 12 lodgers, was approved by the Waverley Local Planning Panel (WLPP) on 24 February 2021.

The original development application, the subject of this modification, known as DA-203/2021, for alterations and additions to an approved boarding house (under construction under DA-278/2020) with provision for a neighbourhood shop at the garage level, expansion and reconfigurations of both the garage and basement levels, minor lift shaft relocation, minor reconfiguration of external entry stair leading to ground floor level and minor extension of the driveway, was granted Deferred Commencement consent on 27 October 2021 by the WLPP. The Deferred Commencement matters were satisfied on 24 January 2022.

DA-203/2021 was considered an 'amending DA' to modify or amend DA-278/2020. In order to adequately combine the two applications, the following notable conditions were placed on the consent:

## **2. MODIFICATION OF DEVELOPMENT CONSENT DA-278/2020**

*Pursuant to section 4.17(1)(b) and (5) of the Environmental Planning and Assessment Act 1979, Development Consent DA-278/2020 granted on 24 February 2021 are modified as necessary so that there is consistency between Development Consent No.278/2020 and this development consent. In this regard, Condition 1 of Development Consent No. 278/2020 is modified to include the approved architectural plans and BASIX certificate referred to in condition 1 of this development consent.*

## **3. RELATIONSHIP TO DEVELOPMENT CONSENT DA- 278/2020**

*This development consent shall operate concurrently with Development Consent DA278/2020. All conditions of consent imposed on Development Consent DA-278/2020 are to be read and complied with in conjunction with this development consent. A consolidated construction certificate application should be sought to combine the approved works under the subject development consent with those under Development Consent DA-278/2020.*

Previous modification applications have been determined as follows:

- **DA-203/2021/A**
  - Approved by WLPP on 2 November 2022
  - Involving the following:
    - Reconfiguring the entry stair and retail frontage to provide improved amenities through increased natural light and ventilation to the retail area;
    - Reconfiguring the floor layout of the Basement Level and Garage Level to accommodate design changes;
    - Changing the lift structure and specification to accommodate compliance with AS1428; and
    - Providing a skylight above the western corner of the neighbourhood shop.
- **DA-203/2021/B**
  - Approved by Council on 7 June 2023
  - Involving the following:
    - Deletion of neighbourhood shop skylight; and
    - Introduction of fire evacuation access at the northern corner private open space area; and
    - Modification of internal layout and roof to accommodate garbage and car parking exhaust system.

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

**1B. ROOFTOP BUILDING SERVICES ENCLOSURE**

- (a) *The placement of building services on the roof is restricted to the approved location shown on the approved architectural drawings identified in condition 1(a)(ii) of this development consent.*
- (b) *All side elevations of the rooftop building services must be fully enclosed by approved screening shown on the approved architectural drawings.*

*Evidence that the requirements outlined above have been met must be provided to the satisfaction of the Principal Certifying Authority prior to the release of an occupation certificate.*

*(ADDED BY DA-203/2021/B)*

**Proposal**

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

- **Basement Level:**
  - Removal of internal vehicle lift.
  - Relocation of vehicle parking to garage level.
  - Internal wall reconfiguration to accommodate new storage cages, one accessible bathroom for the boarding house and one for the neighbourhood shop, relocation of the laundry room, bin storage and expansion of plant room.
- **Garage Level:**
  - Removal of internal vehicle lift.
  - Relocation of neighbourhood shop WC and turntable.
  - Reconfiguration of boarding house entrance including internal walls.
  - Reducing neighbourhood shop to accommodate a lobby.
  - Introduction of comms storage and relocation from the basement level of one car space, one accessible car space, one motorcycle parking and two bicycle storage in the garage.
- **Roof Level:**
  - Expansion of the roof services enclosure.
- **External Works:**
  - New external landscaping includes new plants and street trees.
  - Car turntable relocated to the external driveway.

A visual comparison of the floor planning of each level between the approved development under DA-203/2021/B and the proposal is provided in extracts from respective floor plans shown in **Figures 5 to 10** in this report.



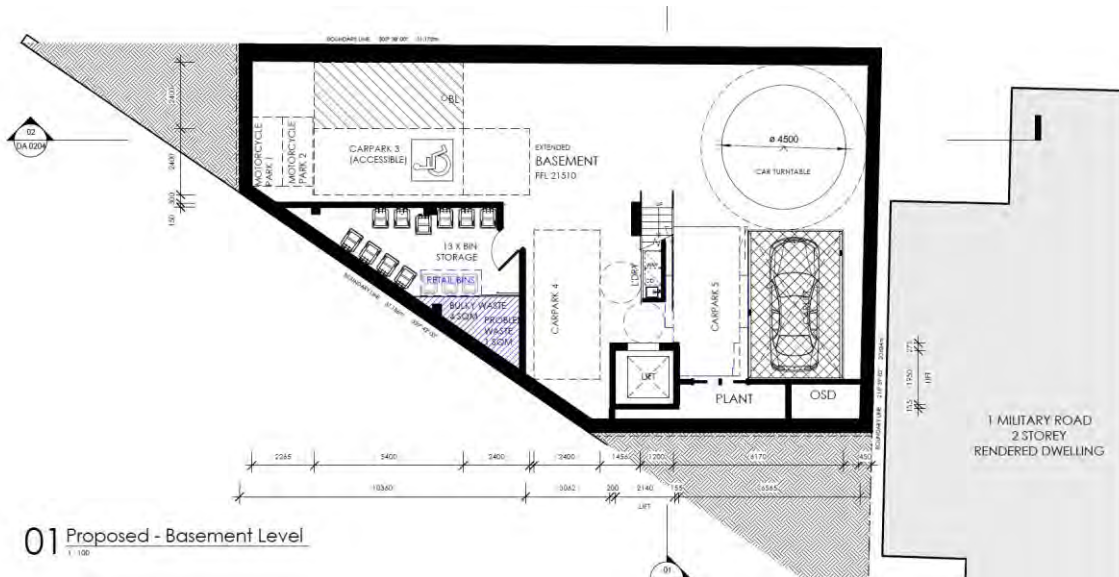


Figure 5: Approved Basement Level (DA-203/2021/B)

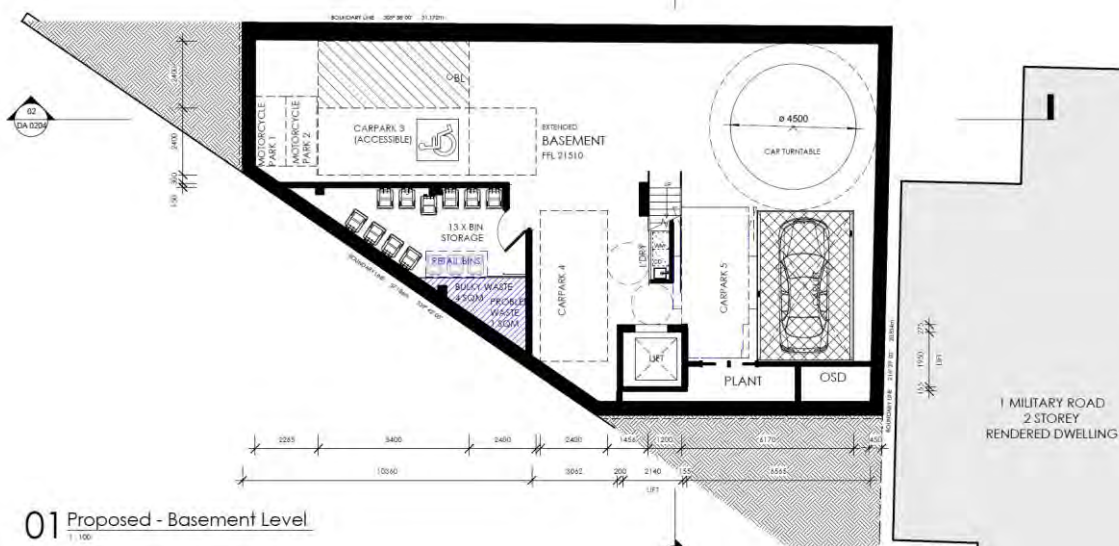


Figure 6: Approved Basement Level (DA-203/2021/B)

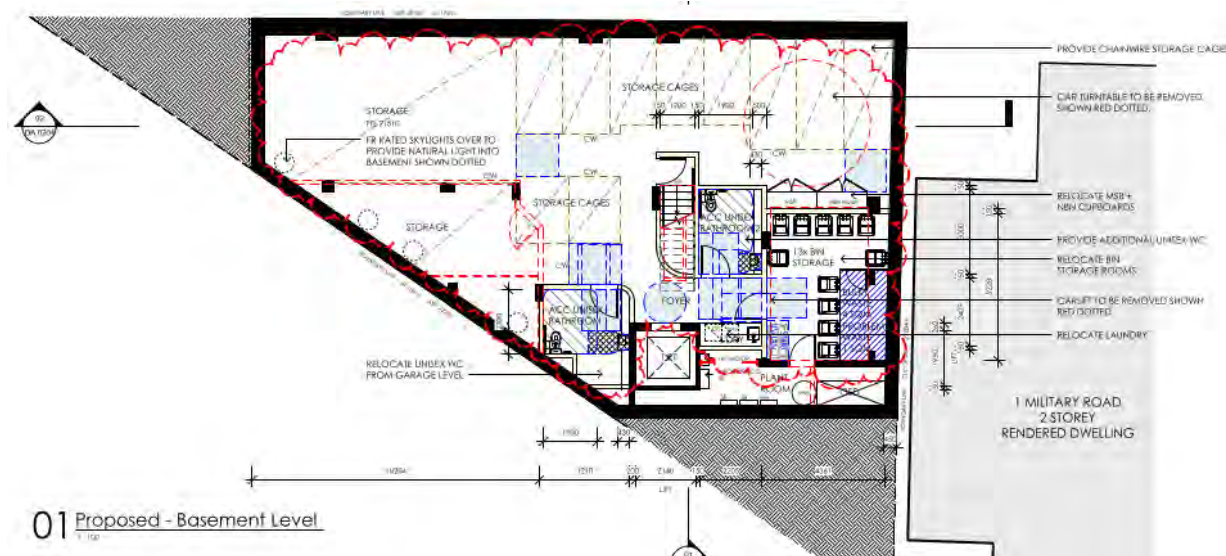


Figure 7: Proposed Basement Level (DA-203/2021/C)

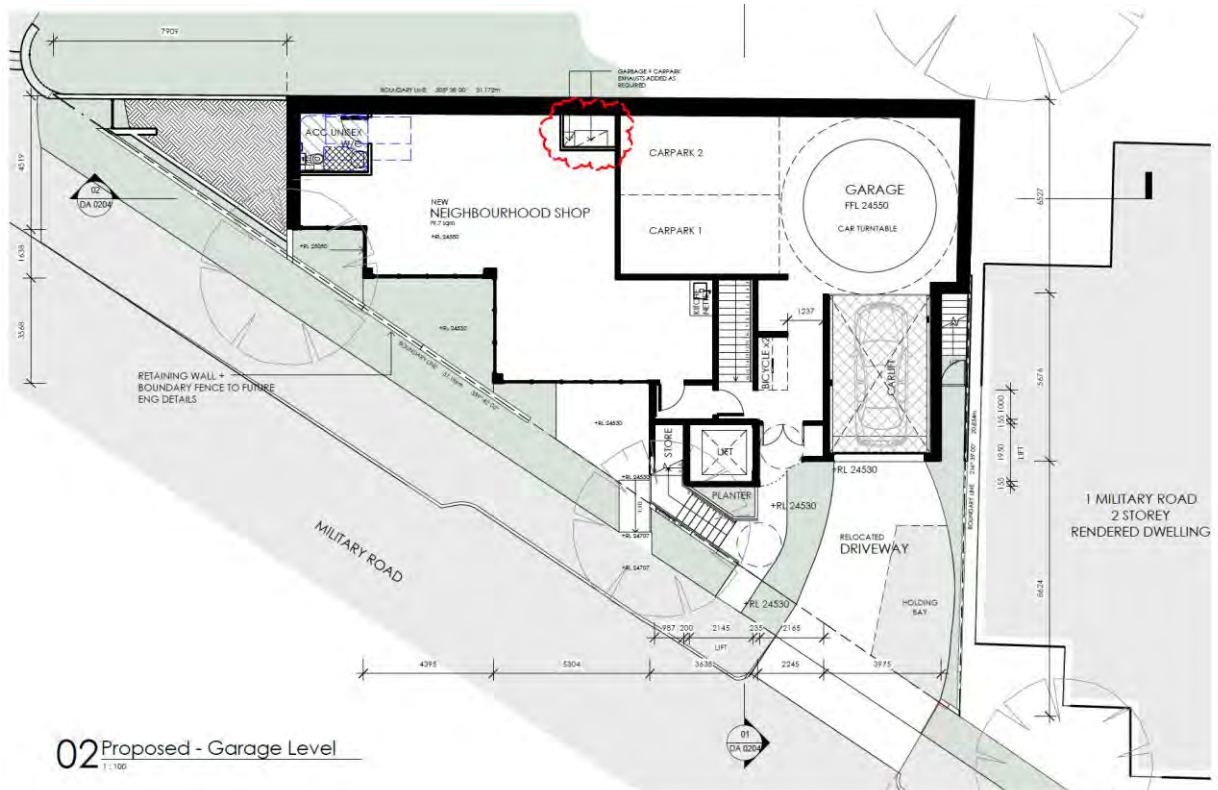


Figure 8: Approved Garage Level (DA-203/2021/B)

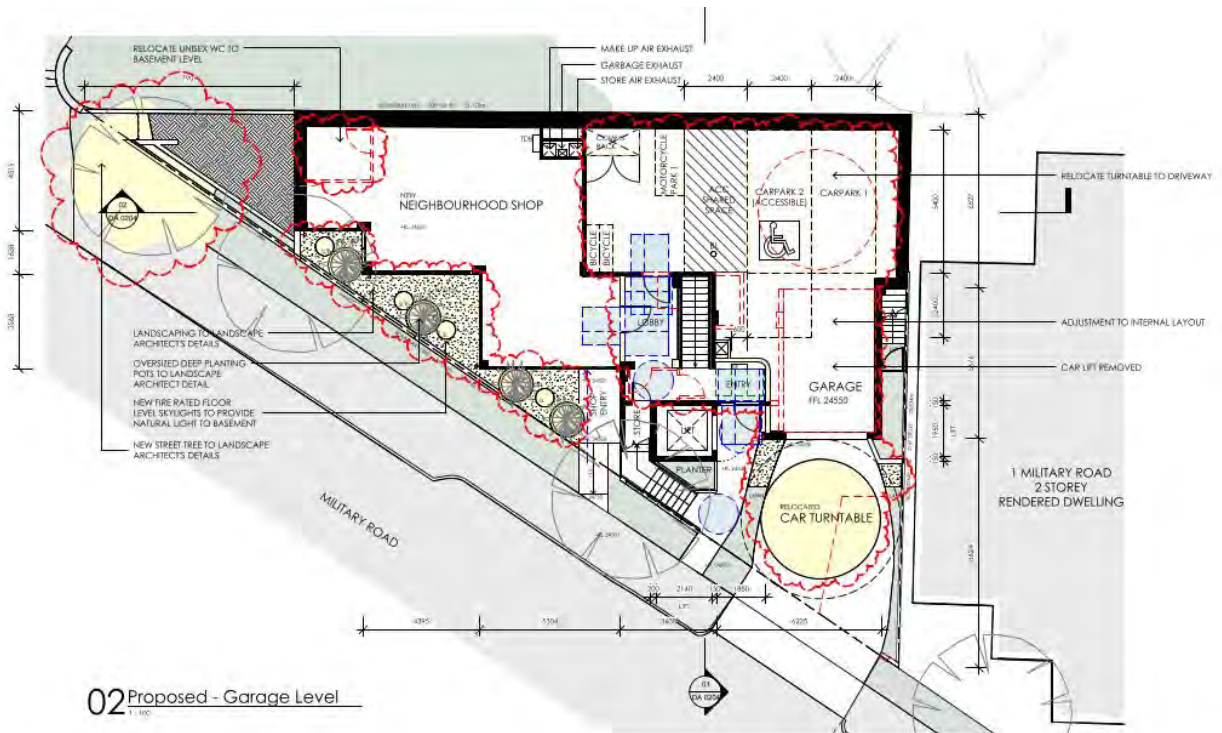
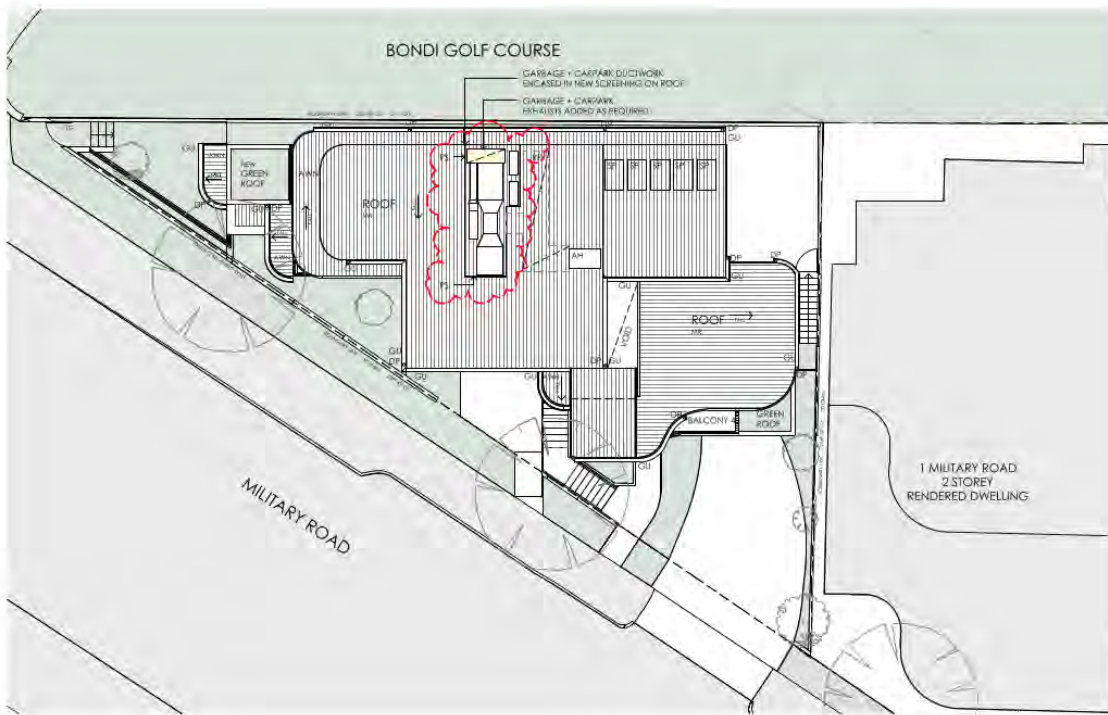


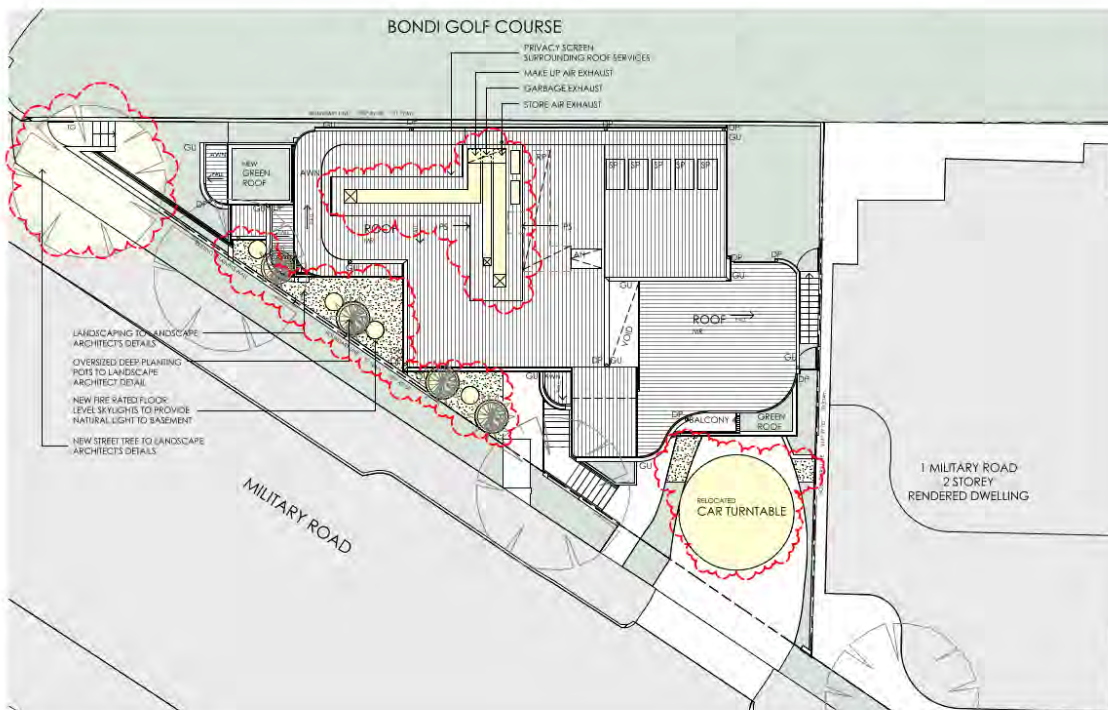
Figure 9: Proposed Garage Level (DA-203/2021/C)





01 Proposed Site and Roof Plan  
1:100

**Figure 10: Approved Roof Plan (DA-203/2021/B)**



01 Proposed Site and Roof Plan  
1:100

**Figure 11: Proposed Roof Plan (DA-203/2021/C)**



## Background

The modification application was lodged on 12 October 2023 and deferred on 29 February 2024 for the following reasons:

### 1. Floor Space Ratio

- 1.5. Some areas of the proposal were missing from the gross floor area (GFA) calculations and the applicant was requested to clarify if the proposed lobby applies to the neighbourhood shop or boarding house FSR. The applicant was also asked to justify the proposed FSR variation.

Planner Note: Applicant has included the missing areas, clarified the areas for the neighbourhood shop and justified the increase in FSR.

### 2. Building Height

The roof services are proposed to breach the maximum building height of 8.5m from the existing ground level. The applicant was also asked to justify the proposed height variation.

Planner Note: Applicant has provided justification for the breach.

### 3. Biodiversity

A landscape plan was requested as the subject site is located within a biodiversity corridor.

Planner Note: A landscape plan was submitted and has been reviewed by Council's Biodiversity officer. Refer to section 3 for further discussion.

### 4. Drawing clarification

The applicant was asked to clarify the location of the neighbourhood shop and to use revision clouds to indicate changes.

Planner Note: Applicant has clarified and made the requested changes.

The amended plans received on 18 March 2024 form the basis of the assessment.

## 2. ASSESSMENT

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

### Section 4.55 – Modification of consents – generally

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

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

The application was publicly notified and one submission was received. The issues and matters raised in public submission are discussed in section 2.3.4 of this report.

### Evaluation of Matters for Consideration under Section 4.15

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

2.2.

#### 2.2.1. Planning Instruments and Development Control Plans

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

##### 2.2.1.1 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 the relevant SEPP as follows:

##### *SEPP (Housing) 2021*

DA-278/2020 for the conversion of the existing dwelling to a boarding house was comprehensively assessed against the provisions of Part 2, Division 3 of SEPP (Affordable Rental Housing) 2009, which applied at the time of the assessment and determination of the Development Application and has since been repealed by SEPP (Housing) 2021. This application seeks to reduce the total vehicle parking spaces and relocate the laundry and bathrooms of the neighbourhood shop and boarding house on the basement and garage level.

Some of the rooms of the boarding house (laundry and bathroom) are proposed to be modified, as outlined in **Table 1** of this report in relation to principal development standards under Part 2, Division 3 of SEPP (Affordable Rental Housing) 2021. All other relevant provisions of SEPP (Housing) 2021 remain compliant for the reasons discussed below.

**Table 1: SEPP (Housing) 2021 Compliance Table**

Development Standard	Compliance	Comment
<p><b>Clause 24 Non-discretionary development standards—the Act, s 4.15</b></p> <ul style="list-style-type: none"> <li>• <i>development on land within an accessible area—0.2 parking spaces for each boarding room,</i> <ul style="list-style-type: none"> <li>○ 10 Rooms</li> <li>○ Min. 2 car spaces</li> </ul> </li> </ul>	Yes	Satisfactory. The reduction of the vehicular parking to two car spots remains compliant.
<p><b>Clause 25(1)</b></p> <p>a. <i>no boarding room will have a gross floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, of more than 25m<sup>2</sup>, and</i></p> <p>b. <i>no boarding room will be occupied by more than 2 adult residents, and</i></p> <p>c. <i>adequate bathroom, kitchen and laundry facilities will be available within the boarding house for the use of each resident, and</i></p> <p>d. <i>for a boarding house on land in Zone R2 Low Density Residential or an equivalent land use zone—the boarding house will not have more than 12 boarding rooms, and</i></p> <p>e. <i>for a boarding house on land in a business zone—no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits the use, and</i></p> <p>f. <i>for a boarding house containing at least 6 boarding rooms—the</i></p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p>	<p>No proposed change.</p> <p>No proposed change.</p> <p>The approved laundry is proposed to be relocated within the basement level including the introduction of a bathroom facility.</p> <p>No proposed change.</p> <p>No proposed change.</p>



Development Standard	Compliance	Comment
boarding house will have at least 1 communal living area, and g. the minimum lot size for the boarding house is not less than— i. for development on land in Zone R2 Low Density Residential—600m <sup>2</sup> , or ii. for development on other land—800m <sup>2</sup> .	N/A	No proposed change.
i. the boarding house will include adequate bicycle and motorcycle parking spaces.	Yes	Satisfactory. The proposed reduction to one motorcycle and two bicycle parking spaces remains adequate.

### 2.2.1.2 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

The land use definition of the approved development as both a 'boarding house' and 'neighbourhood shop' remains unchanged and continues to be permitted development in the R2 Low Density Residential zone under Waverley LEP 2012.

The quantities of the approved development, as proposed to be modified, have changed as outlined in **Table 2** of this report in relation to principal development standards under Waverley LEP 2012.

**Table 2: Waverley LEP 2012 Compliance Table**

Provision	Approved	Proposed Modified	Compliance
<b>4.3 Height of buildings</b> • 8.5 m	12.9m	12.9m	No
<b>4.4 Floor space ratio and 4.4A Exceptions to floor space ratio</b> • 0.5:1 • (GFA: 162.3m <sup>2</sup> ) • (Site area 324.6m <sup>2</sup> )	0.99:1 (GFA: 320.3m <sup>2</sup> )	1.07:1 (GFA: 345.9m <sup>2</sup> )	No
<b>5.4 Controls relating to miscellaneous permissible uses</b> Cl. 5.4(7): Maximum GFA for neighbourhood shops: 80m <sup>2</sup>	The approved neighbourhood shop has 77.7m <sup>2</sup> of GFA	The proposed modified neighbourhood shop has 77.7m <sup>2</sup> of GFA	Yes

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

### ***Height of Buildings***

The proposed modifications do not result in an increase in the overall building height beyond the previously approved overall building height of 12.9m. What it proposes is to increase the total area exceeding the maximum building height, specifically the proposed enclosed services located on the rooftop. This culminates in an overall exceedance of the height of buildings development standard by 4.4m or 51.8%. Whilst the overall building height is not proposed to change as viewed from the streetscape, the breach in building height is a result of the new existing ground level of the recently constructed basement located below the previous ground level.

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

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

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

- The building height breach is encountered by the new existing ground level of the basement post-excavation.
- Prior to excavation, the proposed location of the mechanical services was located within a compliant building height.
- Overall building height will appear as compliant from all public and private vantage points as the new 'existing' ground level is substantially below the public domain and adjoining properties.
- The proposed height variation will not generate any adverse or discernible streetscape, visual bulk, shadow, view or privacy impacts.
- The exhaust element is proposed to be screened and recessed from the perimeter of the built form, reducing its visual impact from surrounding vantage points.

Council accepts that the proposed breach of height is of a technical nature and will not result in any inconsistency with the objectives of the height standard nor cause any amenity impact to the public domain or adjacent dwelling in terms of the streetscape, visual bulk, shadow, view or privacy impacts.

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

### **FSR**

The proposed modifications result in a net increase of GFA of 25.6 m<sup>2</sup>, resulting in an overall FSR of 1.07:1. This culminates in an overall exceedance of the FSR development standard by 183.6m<sup>2</sup> or 113.2%. The net increase of FSR due to the proposed modifications represents 16% of the overall exceedance of the standard.

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

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

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

- The proposed additional FSR is located wholly within the approved building envelope.
- The proposed modifications will not alter the approved setbacks or building height (with the exception of reconfiguring the plant layout on the rooftop and providing a privacy screen around the rooftop building services to satisfy Condition 1B of the consent).
- The bulk and scale of the development will remain as approved.
- The proposed increase in FSR will not be discernible from the adjoining properties or the streetscape.
- The additional FSR will not result in any external amenity impacts including overshadowing, visual or acoustic privacy, visual bulk or view loss, above and beyond what is already approved.

Council accepts that the proposed variation is contained within the building envelope and will not result in any inconsistency with the objectives of the FSR development standard nor cause any amenity impact to the public domain or adjacent dwelling in terms of the streetscape, visual bulk, shadow, view or privacy impacts.

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



### 2.2.1.3 Waverley Development Control Plan 2022 (Waverley DCP 2022)

The approved development, as proposed to be modified, continues to comply with the relevant parts and sections of Waverley DCP 2022. Only the parts and sections of Waverley DCP 2022 that apply to the proposed modifications are outlined in **Tables 3** and **4** and detailed discussion provided below.

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

Development Control	Compliance	Comment
<b>1. Waste</b> <ul style="list-style-type: none"> <li><i>Garbage bins are to be stored in an appropriate location.</i></li> </ul>	<p>Yes</p> <p>Subject to conditions</p>	<p>The proposal relocates the same amount of garbage bins within the basement. However, only two bins are allocated to the neighbourhood shop.</p> <p>As the same number of bins has been approved, a condition is recommended to amend the plans to show bin numbers aligning with those previously approved for the neighbourhood shop and boarding house and complying with Condition 11 of the consent.</p>
<b>2. Ecologically Sustainable Development</b>	Yes	Satisfactory. No proposed changes.
<b>3. Landscaping, Biodiversity and Vegetation Preservation</b>	Yes	<p>Council's Tree Management Officer has reviewed the proposal and did not raise any objections, subject to conditions. Refer to section 3 of this report on referral commentary and recommended conditions.</p> <p>The Council's Biodiversity Officer has reviewed the proposal and did not object, subject to conditions. Refer to section 3 of this report on referral commentary and recommended conditions.</p>
<b>5. Water Management</b>	Yes	Council's Stormwater Design Engineers do not object to the proposal, subject to conditions. Refer to section 3 of this report on referral commentary and recommended conditions.
<b>7. Transport</b> <p><b>7.1 Streetscape</b></p> <p><b>7.2 On-Site Parking</b></p> <p><b>7.2.1 Vehicle Access</b></p> <p><b>7.2.2 Parking Rates</b></p> <p><b>7.2.5 Motorcycle Parking</b></p> <p><b>7.2.6 Bicycle Parking</b></p> <p><b>7.3 Loading Facilities</b></p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>	<p>The off-street parking is acceptable.</p> <p>The subject site is located within Parking Zone 2.</p> <p>The driveway crossover, including the external car turntable, is acceptable.</p> <p>The development provides the following off-street parking spaces:</p> <ul style="list-style-type: none"> <li>One car space (reduction from the four previously approved)</li> <li>One accessible car space</li> <li>One motorcycle space (reduction from the two spaces previously approved)</li> </ul>

Development Control	Compliance	Comment
<b>7.4 Pedestrian/Bicycle Circulation and Safety</b>	N/A	<ul style="list-style-type: none"> <li>Two bicycle spaces</li> </ul>
<b>7.7 Car Share</b>	N/A	There are no DCP controls regarding minimum car parking for a boarding house. Council's Traffic Engineers have reviewed the application and did not object to the proposed modifications and noted the reduction in car parking is compliant with the Housing SEPP 2021.
<b>7.8 Electric Vehicle Charging Points</b>	N/A	
<b>11. Design Excellence</b>	Yes	
<b>15. Public Domain</b>	Yes	Satisfactory. The Council's Public Domain Officer has reviewed the proposal and did not object, subject to conditions. Refer to section 3 of this report on referral commentary and recommended conditions.

**Table 4: Waverley DCP 2022 – Part C2 Other Residential Developments**

Development Control	Compliance	Comment
<b>2.5 Building Design and Streetscape</b>		
<ul style="list-style-type: none"> <li><i>Respond to streetscape</i></li> <li><i>Sympathetic external finishes</i></li> </ul>	<p>Yes</p> <p>Yes</p>	<p>Satisfactory. The amended proposal hides the proposed external roof mechanical systems enclosed within a screen, hiding the units from potential street view further up Military Road and adjacent buildings.</p> <p>The proposed screening is sympathetic to the approved material selection.</p> <p>A condition is recommended for the external car turntable to match the surface finish of the driveway.</p>
<b>2.9 Landscaping</b>		
<ul style="list-style-type: none"> <li><i>30% of the site area as Landscaped area, 50% of which is to be deep soil zone.</i></li> </ul>	N/A	No proposed changes to the total landscaped and deep soil area from the previously approved areas.
<b>2.14 Views and view sharing</b>		
<ul style="list-style-type: none"> <li><i>Minimise view loss through design</i></li> <li><i>Landscaping on sites adjacent to a Council Park or reserve should be sympathetic to soften the public/private interface</i></li> </ul>	<p>Yes</p> <p>Yes</p>	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.





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

**Issue:** The development could house 12 people instead of the currently proposed 10 due to the inclusion of the neighbourhood shop.

**Response:** No change in the number of boarding house rooms is proposed.

**Issue:** No restriction on occupants from all having cars.

**Response:** It is unreasonable to request Council or the boarding house operator to regulate and monitor that the occupants do not have vehicles parked on-street.

**Issue:** Neighbourhood shop located in a dangerous location.

**Response:** The neighbourhood shop has been previously approved as part of DA-203/2021. Its overall location is not proposed to change.

### 2.2.5. Public Interest

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

## 3. REFERRALS

The following internal referral comments were sought:

### 3.1. Traffic and Development

Council's Traffic Engineers advised that they raised no objections to the proposal, subject to standard conditions.

### Stormwater

Council's Engineers advised that they raised no objections to the proposal, subject to conditions being imposed on the consent. These conditions are captured under Conditions 2 and 3 of the original consent, which incorporates all conditions within DA-278/2020. As no changes are proposed to the stormwater on site, no additional conditions can be added as part of this modification application.

### Public Domain

Council's Public Domain Officer has reviewed the proposal and advised they raise no objections to the proposal, subject to conditions addressing the proposed tree and the neighbourhood shop footpath entry to be perpendicular to the street footway. Further to discussions between the Public Domain Officer and the Tree Management Officer, conditions relating to the trees located on the nature strip were agreed to and recommended as part of Appendix A.

## Tree Management

Council's Tree Management Officer has reviewed the proposal and discussed with Council's Public Domain Officer in regard to the landscape works located on the nature strip. No objections have been raised to the proposed, subject to conditions of consent which are recommended in Appendix A.

### 3.4. Biodiversity

Council's Biodiversity Officer has reviewed the proposal and advised that the proposed landscape plan does not comply with Part B3.3.2 *Habitat Corridors and Recognised Habitat* of the Waverley DCP 2022 in relation to the planting schedule proposed. A condition has been recommended to submit an

3.5. amended landscape plan that complies with the controls.

## 4. CONCLUSION

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

### Managers of Development Assessment (MODA) Review

The application was reviewed by the MODA at the meeting on 7 May 2024 and the MODA determined that the application is acceptable and should be approved, subject to the conditions in Appendix A.

DBU members: *B McNamara, B Magistrale, K Johnstone, and J Zancanaro*

## 5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed by:	Application reviewed and agreed by:
		
Damien Wilmotte	Katie Johnstone	Bridget McNamara
<b>Development Assessment Planner</b>	<b>Manager, Development Assessment</b>	<b>Executive Manager, Development Assessment</b>
<b>Date: 7 May 2024</b>	<b>Date: 9 May 2024</b>	<b>Date: 9 May 2024</b>

### Reason for WLPP referral:

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

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

OFFICE USE ONLY

<b>Planning Portal Data</b>	
Determining Authority (Concurrence Authority)	Local Planning Panel
Were the requirements of the Sustainable Buildings SEPP (effective 1 October 2023) met?	N/A
Have any dwellings been approved for affordable Rental Housing under this approval/consent? *This is a planning portal reporting requirement	No
Secondary Dwelling *This is a planning portal reporting requirement	No
Boarding House *This is a planning portal reporting requirement	Yes, 10 rooms
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
<b>Waverley Council Data</b>	
Trial Period database entry required	No
VPA submitted – follow up actions required	No
Refer to compliance for investigation	No
Commercial/liquor operational conditions	No
Was there a 'Conflict of Interest' declared	No



## APPENDIX A – CONDITIONS OF CONSENT TO BE MODIFIED

### A. Amended/Deleted Conditions

#### 1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) Architectural Plans prepared by Red Blue Architecture + Design of Job No: 7259 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA 0000 / A	Cover + General Specifications	31 May 2021	21 January 2022
DA 0200 / C	Proposed Site + Roof Plan	21 January 2022	21 January 2022
DA 0201 / D	Proposed Garage Floor Plans	19 January 2021	21 January 2022
DA 0202 / A	Proposed Ground + Level 1 Floor Plan	31 May 2021	21 January 2022
DA 0203 / C	Proposed Elevations	21 January 2022	21 January 2022
DA 0204 / B	Proposed Sections	9 June 2021	21 January 2022

- (i) As amended by Architectural Plans prepared by Red Blue Architecture + Design of Job No: 7259 including the following:

DA-0201 / M	Proposed Basement and Garage Floor Plans	12 July 2022	13 July 2022
DA-0202 / F	Proposed Ground and Level 1 Floor Plan	12 July 2022	13 July 2022
DA-0203 / G	Proposed Elevations	12 July 2022	13 July 2022
DA-0204 / F	Proposed Sections	12 July 2022	13 July 2022

(AMENDED BY DA-203/2021/A)

- (ii) As amended by Architectural Plans prepared by Red Blue Architecture + Design of Job No: 7259 including the following:

DA-0200 / J	Proposed Site and Roof Plan	05 April 2023	19 April 2023
DA-0201 / P	Proposed Basement and Garage Floor Plans	04 April 2023	19 April 2023
DA-0202 / I	Proposed Ground and Level 1 Floor Plan	12 July 2022	19 April 2023
DA-0203 / K	Proposed Elevations	12 July 2022	19 April 2023
DA-0204 / J	Proposed Sections	12 July 2022	19 April 2023

(AMENDED BY DA-203/2021/B)

(iii) As amended by Architectural Plans prepared by Red Blue Architecture + Design of Job No: 7259 including the following:

<b>DA-0200 / O</b>	<b>Proposed Site and Roof Plan</b>	<b>11 March 2024</b>	<b>14 March 2024</b>
<b>DA-0201 / V</b>	<b>Proposed Basement and Garage Floor Plans</b>	<b>11 March 2024</b>	<b>14 March 2024</b>
<b>DA-0202 / L</b>	<b>Proposed Ground and Level 1 Floor Plan</b>	<b>11 March 2024</b>	<b>14 March 2024</b>
<b>DA-0203 / O</b>	<b>Proposed Elevations</b>	<b>11 March 2024</b>	<b>14 March 2024</b>
<b>DA-0204 / O</b>	<b>Proposed Sections</b>	<b>11 March 2024</b>	<b>14 March 2024</b>

(AMENDED DA-203/2021/C)

(b) Landscape Plan No. ~~DA-0215-1 and 2, Revision E F~~, prepared by ~~Red Blue Architecture + Design Paul Scrivener~~, dated ~~17 June 2022-11 March 2024~~, and received by Council on ~~4 July 2022-14 March 2024~~.

~~(AMENDED BY DA-203/2021/A)~~ (AMENDED BY DA-203/2021/C)

- (c) Swept Path Diagrams Drawing Ref. No. 20228-V1.3-SP prepared by Transport and Traffic Planning Associates, dated 19 January 2022 and received by Council on 19 January 2022.
- (d) BCA Capability Statement prepared by Lindsay Beard of Design Confidence, dated 31 May 2021, Reference No. P220\_338 and received by Council on 2 June 2021.
- (e) Geotechnical Investigation prepared by Mark Bartel of AssetGeoEnviro, Reference No. 6292-G1 REV 2, dated 29 September 2021 and received by Council on 30 September 2021.
- (f) The Site Waste and Recycling Management Plan (SWRMP) Part 1 and Waste Management Plan Drawing No. DA 0214, Revision B, prepared by Red Blue Architecture + Design, dated 9 June 2021 and received by Council on 11 June 2021.
- (g) Schedule of external finishes and colours received by Council on 19 April 2023

(AMENDED BY DA-203/2021/B)

Except where amended by the following conditions of consent.

#### 1B. ROOFTOP BUILDING SERVICES ENCLOSURE

- (a) The placement of building services on the roof is restricted to the approved location shown on the approved architectural drawings identified in condition ~~1(a)(ii)~~ **1(a)(iii)** of this development consent.
- (b) All side elevations of the rooftop building services must be fully enclosed by approved screening shown on the approved architectural drawings.

Evidence that the requirements outlined above have been met must be provided to the satisfaction of the Principal Certifying Authority prior to the release of an occupation certificate.

~~(ADDED BY DA-203/2021/A)~~  
(AMENDED DA-203/2021/C)

#### 18. VEHICULAR ACCESS - FINISHED LEVEL

The finished level at the property boundary on both sides of the vehicle crossing is to ~~be 50mm above~~ **match** the level of the existing concrete footpath

(AMENDED BY DA-203/2021/C)

**B. New Conditions**

**1C. GENERAL MODIFICATION**

*The application is approved subject to the following plan amendments;*

- (a) *The external car turntable surface finish is to match the surrounding driveway surface finish.*
- (b) *The neighbourhood shop pedestrian access is to be perpendicular to the pedestrian footway and in accordance with condition 9A(a) of this consent.*
- (c) *The bin storage allocation is to be amended to show the required three bins allocated to the neighbourhood shop in accordance with condition 11 of this consent.*

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

*(ADDED BY DA-203/2021/C)*

**1D. LANDSCAPE WORKS IN A HABITAT CORRIDOR**

- (a) *Prior to the issue of an amended Construction Certificate, a landscape plan is to be submitted to and approved by Council's Executive Manager, Environmental Sustainability (or delegate) with a plant species list having a minimum of 50% of the proposed trees, 50% of the shrubs and 50% of the grasses and groundcovers (not including turfed areas) to be indigenous or local native plants listed in Annexure B3-1 of the Waverley Development Control Plan 2022.*
- (b) *Three strata of vegetation are required to be included in landscape design, e.g. (i) tree or tall shrub canopy, (ii) mid-storey and (ii) groundcover layer.*

*(ADDED BY DA-203/2021/C)*

**8A. TREE REPLACEMENT BOND**

*Prior to the issue of any Occupation Certificate, a bond of \$2,000 is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection of the newly planted *Banksia integrifolia* (coast *Banksia*) tree on the naturestrip.*

*(ADDED BY DA-203/2021/C)*

**8B. PUBLIC DOMAIN PLANS ASSESSMENT AND WORKS INSPECTION FEES**

*The applicant is to pay Council fees for assessment of all engineering and public domain plans and inspection of the completed works in the public domain, in accordance with the Council's 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 public domain works.*

*(ADDED BY DA-203/2021/C)*

**9A. PUBLIC INFRASTRUCTURE WORKS**

*Public infrastructure works must be designed, constructed and completed to Council's satisfaction at no cost to Council. The Applicant must submit plans and specifications for the following infrastructure works to Council's Infrastructure Services:*



**(a) Footpath and Access Points:**

- (i) The levels of the proposed access points linking the building to pedestrian footpath must be provided on the plan to ensure there are no modification to the existing footpath levels causing trip hazards.**
- (ii) The proposed access points to the building must be constructed perpendicular to the pedestrian footpath.**

**(b) Public Domain:**

- (i) 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.**
- (ii) The full public domain traversing site frontage must be protected from the proposed building works. The applicant will be required to replace any damaged footpath, street furniture, pavement, kerb and gutter, and Council's infrastructure assets at no cost to Council.**

**The public domain design drawings must be submitted to Council and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate. Council's contact for the public domain: E-mail: [assets@waverley.nsw.gov.au](mailto:assets@waverley.nsw.gov.au) or Phone: 9083 8655 (operational hours between 9.30am to 4.00pm Monday to Friday).**

**(ADDED BY DA-203/2021/C)**

**18A. HEADROOM CLEARANCE**

**The headroom clearance on the entry and within the car park is to be a minimum of 2.2 metres.**

**(ADDED BY DA-203/2021/C)**

**18B. NOTICE OF INTENTION TO COMMENCE PUBLIC DOMAIN WORKS**

**Prior to commencement of the public domain works, a 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.**

**(ADDED BY DA-203/2021/C)**

**18C. PUBLIC DOMAIN INSPECTIONS**

**Prior to commencement of the public domain works, a 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.**

**(ADDED BY DA-203/2021/C)**

**20D. 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:**

- (a) The issue of a final Compliance Certificate from the Council's Infrastructure Engineer will be withheld should there be any outstanding fees and charges applicable to the development. This includes but is not limited to fees applicable for engineering plans assessment and work inspection fees.*
- (b) The refund of any damage and/or security deposits will be subject to the satisfactory restoration and rectification of all civil infrastructure that have dilapidated as a result of the construction activities associated with this development consent, as determined by the Council.*
- (c) To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months must apply to the works completed by the applicant/developer following completion of the development. The defects liability period must commence from the date of issue of the Occupation Certificate for the development. The applicant must be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification, during the twelve (12) months' defects liability period.*

*(ADDED BY DA-203/2021/C)*

**23A. TREE REMOVAL AND REPLACEMENT**

- a) The applicant is to remove the one (1) Agonis flexuosas (willow myrtle) in Military Road at their expense.*
- b) Prior to the issue of any Occupation Certificate one replacement tree is to be planted on the naturestrip in Military Road. The tree is to be a Banksia integrifolia (coast Banksia) and must be a minimum pot size of 400 litres when planted and planted on Military Road.*
- c) The tree is to be planted by a horticulturist (Min qualification AQF Level 3).*
- d) The sum referred to in condition 8A will be forfeited to the Council at its discretion for a breach of these requirements and will be refunded twelve (12) months from the issue of the Occupation Certificate subject to the satisfaction of Council.*
- e) All proposed trees within the Council verge must be installed as per the Waverley Council Public Domain Technical Manual.*
- f) Replenish and return the existing Council verge for the full frontage of the development.*

*(ADDED BY DA-203/2021/C)*

**AD14. PUBLIC UTILITIES AND SERVICE ALTERATIONS**

*Any utility services and all public infrastructure which require alteration due to works associated with the development, both internally and externally of the development boundary, 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.*

*(ADDED BY DA-203/2021/C)*

## APPENDIX B – FULL SET OF CONDITIONS

### A. APPROVED DEVELOPMENT

#### 1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) Architectural Plans prepared by Red Blue Architecture + Design of Job No: 7259 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA 0000 / A	Cover + General Specifications	31 May 2021	21 January 2022
DA 0200 / C	Proposed Site + Roof Plan	21 January 2022	21 January 2022
DA 0201 / D	Proposed Garage Floor Plans	19 January 2021	21 January 2022
DA 0202 / A	Proposed Ground + Level 1 Floor Plan	31 May 2021	21 January 2022
DA 0203 / C	Proposed Elevations	21 January 2022	21 January 2022
DA 0204 / B	Proposed Sections	9 June 2021	21 January 2022

- (i) As amended by Architectural Plans prepared by Red Blue Architecture + Design of Job No: 7259 including the following:

DA-0201 / M	Proposed Basement and Garage Floor Plans	12 July 2022	13 July 2022
DA-0202 / F	Proposed Ground and Level 1 Floor Plan	12 July 2022	13 July 2022
DA-0203 / G	Proposed Elevations	12 July 2022	13 July 2022
DA-0204 / F	Proposed Sections	12 July 2022	13 July 2022

(AMENDED BY DA-203/2021/A)

- (ii) As amended by Architectural Plans prepared by Red Blue Architecture + Design of Job No: 7259 including the following:

DA-0200 / J	Proposed Site and Roof Plan	05 April 2023	19 April 2023
DA-0201 / P	Proposed Basement and Garage Floor Plans	04 April 2023	19 April 2023
DA-0202 / I	Proposed Ground and Level 1 Floor Plan	12 July 2022	19 April 2023
DA-0203 / K	Proposed Elevations	12 July 2022	19 April 2023
DA-0204 / J	Proposed Sections	12 July 2022	19 April 2023

(AMENDED BY DA-203/2021/B)



- (iii) As amended by Architectural Plans prepared by Red Blue Architecture + Design of Job No: 7259 including the following:

DA-0200 / O	Proposed Site and Roof Plan	11 March 2024	14 March 2024
DA-0201 / V	Proposed Basement and Garage Floor Plans	11 March 2024	14 March 2024
DA-0202 / L	Proposed Ground and Level 1 Floor Plan	11 March 2024	14 March 2024
DA-0203 / O	Proposed Elevations	11 March 2024	14 March 2024
DA-0204 / O	Proposed Sections	11 March 2024	14 March 2024

(AMENDED BY DA-203/2021/C)

- (b) Landscape Plan No. 1 and 2, Revision F, prepared by Paul Scrivener, dated 11 March 2024, and received by Council on 14 March 2024.

(AMENDED BY DA-203/2021/C)

- (c) Swept Path Diagrams Drawing Ref. No. 20228-V1.3-SP prepared by Transport and Traffic Planning Associates, dated 19 January 2022 and received by Council on 19 January 2022.
- (d) BCA Capability Statement prepared by Lindsay Beard of Design Confidence, dated 31 May 2021, Reference No. P220\_338 and received by Council on 2 June 2021.
- (e) Geotechnical Investigation prepared by Mark Bartel of AssetGeoEnviro, Reference No. 6292-G1 REV 2, dated 29 September 2021 and received by Council on 30 September 2021.
- (f) The Site Waste and Recycling Management Plan (SWRMP) Part 1 and Waste Management Plan Drawing No. DA 0214, Revision B, prepared by Red Blue Architecture + Design, dated 9 June 2021 and received by Council on 11 June 2021.
- (g) Schedule of external finishes and colours received by Council on 19 April 2023

(AMENDED BY DA-203/2021/B)

Except where amended by the following conditions of consent.

#### 1A. DETAILS OF STONE FINISHES OF FACADES OF GARAGE LEVEL OF THE DEVELOPMENT

The existing stone finishes of the facades of the garage level of the development that are denoted as 'ESTN' on the elevation drawings referred to in condition 1(a) of this development consent are to be retained. Further, the new stone finishes of the facades of the garage level of the development denoted as 'STN' on the elevation drawings referred to in condition 1(a) and 1(a)(i) of this development consent are to closely match the overall appearance, texture and colour of the retained existing stone finishes that are denoted as 'ESTN' on relevant elevation drawings.

Accordingly, the architectural plans are to be amended and a detailed schedule of external materials, colours and finishes, including in the form of either trade brochures or building samples, is to be provided to the satisfaction of the Principal Certifying Authority prior to the release of the relevant construction certificate relating to works approved by DA-203/2021/A.

Evidence that this condition has been met is to be provided to Council prior to the release of the occupation certificate for the overall development, which encapsulates conditions contained in Development Consent No. DA-278/2020.

(ADDED BY DA-203/2021/A)

## **1B. ROOFTOP BUILDING SERVICES ENCLOSURE**

- (a) The placement of building services on the roof is restricted to the approved location shown on the approved architectural drawings identified in condition 1(a)(iii) of this development consent.
- (b) All side elevations of the rooftop building services must be fully enclosed by approved screening shown on the approved architectural drawings.

Evidence that the requirements outlined above have been met must be provided to the satisfaction of the Principal Certifying Authority prior to the release of an occupation certificate.

**(AMENDED BY DA-203/2021/C)**

## **1C. GENERAL MODIFICATION**

The application is approved subject to the following plan amendments;

- (a) The external car turntable surface finish is to match the surrounding driveway surface finish.
- (b) The neighbourhood shop pedestrian access is to be perpendicular to the pedestrian footway and in accordance with condition 9A(a) of this consent.
- (c) The bin storage allocation is to be amended to show the required three bins allocated to the neighbourhood shop in accordance with condition 11 of this consent.

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

**(ADDED BY DA-203/2021/C)**

## **1D. LANDSCAPE WORKS IN A HABITAT CORRIDOR**

- (a) Prior to the issue of an amended Construction Certificate, a landscape plan is to be submitted to and approved by Council's **Executive Manager, Environmental Sustainability** (or delegate) with a plant species list having a minimum of 50% of the proposed trees, 50% of the shrubs and 50% of the grasses and groundcovers (not including turfed areas) to be indigenous or local native plants listed in Annexure B3-1 of the Waverley Development Control Plan 2022.
- (b) Three strata of vegetation are required to be included in landscape design, e.g. (i) tree or tall shrub canopy, (ii) mid-storey and (ii) groundcover layer.

**(ADDED BY DA-203/2021/C)**

## **2. MODIFICATION OF DEVELOPMENT CONSENT DA-278/2020**

Pursuant to section 4.17(1)(b) and (5) of the *Environmental Planning and Assessment Act 1979*, Development Consent DA-278/2020 granted on 24 February 2021 are modified as necessary so that there is consistency between Development Consent No.278/2020 and this development consent. In this regard, Condition 1 of Development Consent No. 278/2020 is modified to include the approved architectural plans and BASIX certificate referred to in condition 1 of this development consent.

## **3. RELATIONSHIP TO DEVELOPMENT CONSENT NO. 278/2020**

This development consent shall operate concurrently with Development Consent DA-278/2020. All conditions of consent imposed on Development Consent DA-278/2020 are to be read and complied with in conjunction with this development consent. A consolidated construction certificate application should be sought to combine the approved works under the subject development consent with those under Development Consent DA-278/2020.

## **B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

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

### **GENERAL REQUIREMENTS**

#### **4. NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE**

The building work, or demolition work, must not be commenced until:

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the Environmental Planning and Assessment Act 1979;
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000; and
- (c) Council is given at least two days' notice in writing of the intention to commence the building works.

### **CONTRIBUTIONS, FEES & BONDS**

#### **5. SECTION 7.12 CONTRIBUTION**

A cash contribution is payable to Waverley Council pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and Waverley Council Development Contributions Plan 2006 in accordance with the following:

- (a) A cost report indicating the itemised cost of the development shall be completed and submitted to Council:
  - (i) Where the total development cost is less than \$500,000:  
**"Waverley Council Cost Summary Report"; or,**
  - (ii) Where the total development cost is \$500,000 or more:  
**"Waverley Council Registered Quantity Surveyor's Detailed Cost Report".**

A copy of the required format for the cost reports are in the Waverley Council Contributions Plan 2006, available on Council's website.

- (b) As legislated in section 25K of the Environmental Planning and Assessment Regulation 2000, the levy must be paid in accordance with the following;
  - (i) A development valued at \$100,000 or less will be exempt from the levy.
  - (ii) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% OR
  - (iii) A development valued at \$200,001 or more will attract a levy of 1% based on the full cost of the development.

Prior to the issue of any Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.

***Please note: A combined cost report for the whole development, encompassing the cost of works for DA-278/2020, can be submitted rather than separate cost reports.***



**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 to this building work. In this regard, proof that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate.

Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.35% of building work costing \$25,000 or more.

**7. SECURITY DEPOSIT**

A deposit (cash or cheque) or guarantee for the amount of **\$2,830** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

This deposit (cash or cheque) or guarantee must be established prior to the issue of any Construction Certificate. The full amount of the difference after recovery of Council's cost for any repair of damage to Council property or rectification of unauthorised works on Council property will be refunded after satisfactory completion all of works associated with this consent (including the required public works) to the person who paid the deposit.

***Please note: This security deposit is in addition to that required by condition 11 of DA-278/2020.***

**8. TREE PRESERVATION BOND**

A bond of **\$10,000** is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the two (2) street trees at the front of the property. The bond is to be lodged prior to the issue of a Construction Certificate.

The sum will be forfeited to the Council at its discretion for a breach of these requirements and will be refunded twelve (12) months from the issue of the Occupation Certificate subject to the satisfaction of Council.

**8A TREE REPLACEMENT BOND**

A bond of **\$2,000** is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection of the newly planted *Banksia integrifolia* (coast Banksia) tree on the naturestrip. The bond is to be lodged prior to the issue of any Occupation Certificate.

**(ADDED BY DA-203/2021/C)**

**8B. PUBLIC DOMAIN PLANS ASSESSMENT AND WORKS INSPECTION FEES**

The applicant is to pay Council fees for assessment of all engineering and public domain plans and inspection of the completed works in the public domain, in accordance with the Council's 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 public domain works.

**(ADDED BY DA-203/2021/C)**

## **CONSTRUCTION AND SITE MATTERS**

### **9. BCA AND FIRE SAFETY UPGRADING WORKS**

- (a) In addition to all new works fully comply with the Building Code of Australia, pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, all existing areas of the building must be upgraded to comply with the following provisions of the Building Code of Australia (BCA):
- (i) Fire resistance and stability – Part C1;
  - (ii) Compartmentation and separation – Part C2;
  - (iii) Protection of openings – Part C3;
  - (iv) Provision for escape – Part D1;
  - (v) Construction of exits – Part D2;
  - (vi) Access for people with a disability – Part D3;
  - (vii) Fire fighting equipment – Part E1;
  - (viii) Smoke hazard management – Part E2;
  - (ix) Lift installations – Part E3;
  - (x) Emergency lighting, exit signs and warning systems – Part E4;
  - (xi) Sanitary and other facilities - Part F2;
  - (xii) Room sizes - Part F3; and
  - (xiii) Light and ventilation - Part F4; and
  - (xiv) Sound transmission and insulation – Part F5.
- (b) If compliance with the deemed-to-satisfy provisions of the BCA and the matters listed in condition (a) above cannot be achieved, an alternative building solution in accordance with Part A2 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia.
- (c) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 4.55 of the Act to be lodged with Council to amend this consent.
- (d) Prior to the commencement of the required upgrade works, a Construction Certificate must be issued by an accredited Certifying Authority and an accredited PCA be appointed. The required upgrading works detailed in this condition must be completed prior to the issue of an Occupation Certificate.

Note: The provisions of Clause 94 of the Environmental Planning and Assessment Regulation 2000 have been considered in the assessment of the proposal.

### **9A. PUBLIC INFRASTRUCTURE WORKS**

Public infrastructure works must be designed, constructed and completed to Council's satisfaction at no cost to Council. The Applicant must submit plans and specifications for the following infrastructure works to Council's Infrastructure Services:

- (a) Footpath and Access Points:

- (i) The levels of the proposed access points linking the building to pedestrian footpath must be provided on the plan to ensure there are no modification to the existing footpath levels causing trip hazards.
- (ii) The proposed access points to the building must be constructed perpendicular to the pedestrian footpath.

(b) Public Domain:

- (i) 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.
- (ii) The full public domain traversing site frontage must be protected from the proposed building works. The applicant will be required to replace any damaged footpath, street furniture, pavement, kerb and gutter, and Council's infrastructure assets at no cost to Council.

The public domain design drawings must be submitted to Council and approved by the **Executive Manager, Infrastructure Services** (or delegate) prior to the issue of the relevant Construction Certificate. Council's contact for the public domain: E-mail: [assets@waverley.nsw.gov.au](mailto:assets@waverley.nsw.gov.au) or Phone: 9083 8655 (operational hours between 9.30am to 4.00pm Monday to Friday).

**(ADDED BY DA-203/2021/C)**

## **10. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)**

The applicant is to submit a Construction Traffic Management Plan (CTMP) for the approval of Council's Executive Manager, Infrastructure Services, or delegate prior to the issue of any Construction Certificate. For further information on what is required in the CTMP, please refer to Council's website at:

[https://www.waverley.nsw.gov.au/building/development\\_applications/post\\_determination/development\\_applications\\_-\\_conditions\\_of\\_consent](https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent)

***Please note: One combined CTMP for the approved DA- 278/2020 and this development consent can be submitted to Council rather than two separate CTMPs***

### **WASTE**

## **11. WASTE STORAGE AREAS**

The development must have a bin storage area with sufficient space to accommodate the following minimum number of bins for the residential and/or commercial components of the development:

- (a) The proposal must have a minimum bin storage of;  
Residential boarding house accommodating 12 people (8 single rooms & 2 double rooms)
  - 3 x 240L Mobile Garbage Bins (MGBs) for general waste with a weekly collection
  - 3 x 240L MGBs for container recycling with a fortnightly collection
  - 3 x 240L MGBs for paper recycling with a fortnightly collection
  - 1 x 240L MGB for garden organics should this waste be generated at the development
  - A minimum of 4m<sup>2</sup> floor space is also required for the on-site storage of bulky waste and 1m<sup>2</sup> floor space for problem waste awaiting collection.

Please note: The residential bin storage provision above is less than that specified by condition 23 of DA-278/2020. This requirement in this condition of the subject development consent prevails.



## Commercial

- 2 x 240L MGBs for general waste with a weekly collection
  - 1 x 240L MGBs for container recycling with a weekly collection
  - Extra space is required to store reusable products, such as milk and bread crates, and excess cardboard and other packaging materials.
  - Frequency of collection must be monitored and adjusted accordingly, particularly over summer where extra collections may be required
- (b) All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B1 of the Waverley Council Development Control Plan 2012 to the satisfaction of the Principal Certifying Authority.

## **C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION**

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

### **CONSTRUCTION MATTERS**

#### **12. CONSTRUCTION HOURS**

Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays with no work to be carried out on:

- (a) 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.

Noise from construction activities shall comply with the Protection of the Environmental Operations (Noise Control) Regulation 2017.

#### **13. STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS**

All building materials and any other items associated with the development are to be stored within the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.

#### **14. CONSTRUCTION INSPECTIONS**

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the Building Legislation Amendment (Quality of Construction) Act 2002 and clause 162A *Critical stage inspections for building work* of the *Environmental Planning and Assessment Regulation 2000*.

#### **15. WORK OUTSIDE PROPERTY BOUNDARY**

This consent does not authorise any work outside the property boundary.

### **TREE PROTECTION AND REMOVAL**

#### **16. STREET TREE PROTECTION**

The existing one (1) *Cupaniopsis anarcardioides* (Tuckeroo) and one (1) *Agonis flexuosas* (Willow Myrtle) trees on the naturestrip at the front of the property in Military Road, NORTH BONDI is to be protected for the duration of the construction works.

Precautions shall be taken when working near trees to ensure their retention, including the following:

- (a) Do not store harmful or bulk materials or spoil under or near trees;
- (b) Prevent damage to bark and root system;
- (c) Do not use mechanical methods to excavate within root zones;
- (d) Do not add or remove topsoil from under the drip line;
- (e) Do not compact ground under the drip line;

- (f) Do not mix or dispose of liquids within the drip line of the tree; and
- (g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter.

Trunk protection as per AS 4970 – 2009, Section 4.5.3 is to be installed.

Padding to be used shall be non-absorbing or free draining to prevent moisture build up around the part being protected. The trunk protection shall consist of a layer of carpet underfelt (or similar) wrapped around the trunk, followed by 1.8 metre lengths of softwood timbers (90 x 45mm in section) aligned vertically and spaced evenly around the trunk at 150mm centres (i.e. with a 50mm gap) and secured together with 2mm galvanised wire or galvanised hoop strap. The timbers shall be wrapped around the trunk (over the carpet underfelt), but not fixed to the tree to avoid mechanical injury or damage to the trunk. Trunk protection must be installed prior to any site works including demolition and maintained in good condition for the duration of the construction period.

TPZ – A 1.8m chain link wire fence or the like shall be erected around the above trees to be retained to protect them from damage during construction. Fencing is not to be removed until all building work has been completed. Fencing to be installed to the dimensions outlined in the table above.

#### **VEHICLE ACCESS & PUBLIC DOMAIN WORKS**

##### **17. RECONSTRUCT VEHICLE CROSSING**

The existing vehicle crossing is to be demolished and a new crossing constructed to provide access to 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.

##### **18. VEHICULAR ACCESS - FINISHED LEVEL**

The finished level at the property boundary on both sides of the vehicle crossing is to match the level of the existing concrete footpath. **(AMENDED BY DA-203/2021/C)**

##### **18A. HEADROOM CLEARANCE**

The headroom clearance on the entry and within the car park is to be a minimum of 2.2 metres. **(ADDED BY DA-203/2021/C)**

##### **18B. 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. **(ADDED BY DA-203/2021/C)**

##### **18C. PUBLIC DOMAIN INSPECTIONS**

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. **(ADDED BY DA-203/2021/C)**



## **D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION**

The requirements outlined in this section are to be provided to the satisfaction of the Principal Certifying Authority in all instances, except where a condition explicitly specifies the approval of Council or a Council Officer is required, prior to the issue of an Occupation Certificate or Subdivision Certificate, whichever applies.

### **CERTIFICATES, LICENCES, EASEMENTS AND RESTRICTIONS**

#### **19. FINAL OCCUPATION CERTIFICATE**

Prior to occupation or use of the development, the Principal Certifying Authority must issue a final Occupation Certificate for both this development consent and the associated Development Consent No. 278/2020. The Principal Certifying Authority must be satisfied that the requirements of the *Environmental Planning and Assessment Act 1979* have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.

#### **20. FIRE SAFETY UPGRADE WORKS**

Fire safety upgrading works are to be undertaken in accordance with condition 9 of this development consent.

The Occupation Certificate shall not be issued until all fire safety upgrade works are completed.

#### **20A. CERTIFICATION OF ACOUSTIC PERFORMANCE**

An acoustic report/certificate prepared by a suitably qualified acoustic consultant is to be submitted to the Principal Certifying Authority and the Council, certifying that all acoustic recommendations (including noise from mechanical plant) and conditions of consent (including the operational conditions) have been incorporated into the development and can be satisfied.

(ADDED BY DA-203/2021/B)

#### **20B. CERTIFICATION OF ALL MECHANICAL PLANT**

A Certificate of Test of all mechanical plant together with a copy of the final test figures, conducted by a suitably qualified person, certifying that the system complies with the conditions of this consent, National Construction Code (NCC) and relevant Australian Standards.

(ADDED BY DA-203/2021/B)

#### **20C. RESTRICTION AS TO USER**

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 on the site for the purposes of a 'boarding house' as defined by the Waverley Local Environmental Plan 2012.

The terms of the restriction as to user are to be approved by Council in writing prior to registration and prior to the release of an occupation certificate for the development. 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.

(ADDED BY DA-203/2021/B)

## **20D. 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

- (a) The issue of a final Compliance Certificate from the Council's Infrastructure Engineer will be withheld should there be any outstanding fees and charges applicable to the development. This includes but is not limited to fees applicable for engineering plans assessment and work inspection fees.
- (b) The refund of any damage and/or security deposits will be subject to the satisfactory restoration and rectification of all civil infrastructure that have dilapidated as a result of the construction activities associated with this development consent, as determined by the Council.
- (c) To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months must apply to the works completed by the applicant/developer following completion of the development. The defects liability period must commence from the date of issue of the Occupation Certificate for the development. The applicant must be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification, during the twelve (12) months' defects liability period.

**(ADDED BY DA-203/2021/C)**

## **MANAGEMENT PLANS**

### **21. WASTE AND RECYCLING STORAGE MANAGEMENT PLAN**

A Waste Management Plan must be submitted to Council's Executive Manager, Environmental Sustainability (or delegate) for the use of the neighbourhood shop 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).

### **OTHER MATTERS**

#### **22. INSTALLATION OF A LED SIGNAL IN FRONT OF CARPARK ENTRY**

A small 'LED' light signal shall be installed in front of the development and clearly face Military Road in order to indicate 'demand calls' for when the car lift is in use to vehicles entering the site.

This shall be installed prior to the release of an occupation certificate.

#### **23. ALLOCATION OF STREET NUMBER**

The redevelopment of the property has led to the following allocation of premises numbers:

- No. 3 - primary address site number
- Military Road - primary address location.

The primary address site numbers for the properties shall be a minimum of 75mm high, shall be positioned 600mm-1500mm above ground level on the site boundary, located near the entry point and clearly visible from Military Road.

As the redevelopment has sub addressing the following sub addressing (rooms) will apply;

- All sub address numbers must be unique,
- Sub-address numbers shall be applied in a logical sequence
- Level at ground and below ground shall also be identified by prefixes to distinguish these levels ie Ground =G, Lower Ground = LG.
- Commercial premises will be identified with an address identifier ie Shop LG 1.

The primary and sub-address numbers are to be positioned on the site prior to the issue of the Occupation Certificate.

Any variation to the above premises numbering requires a new application for a Change of street number and/or location to be lodged with Council.

#### **23A. TREE REMOVAL AND REPLACEMENT**

- a) The applicant is to remove the one (1) *Agonis flexuosas* (willow myrtle) in Military Road at their expense.
- b) Prior to the issue of any Occupation Certificate, one (1) replacement tree is to be planted on the naturestrip in Military Road. The tree is to be a *Banksia integrifolia* (coast Banksia) and must be a minimum pot size of 400 litres when planted and planted on Military Road.
- c) The tree is to be planted by a horticulturist (Min qualification AQF Level 3).
- d) The sum referred to in Condition 8A will be forfeited to the Council at its discretion for a breach of these requirements and will be refunded twelve (12) months from the issue of the Occupation Certificate subject to the satisfaction of Council.
- e) All proposed trees within the Council verge must be installed as per the Waverley Council Public Domain Technical Manual.
- f) Replenish and returf the existing Council verge for the full frontage of the development.

**(ADDED BY DA-203/2021/C)**



## **E. OPERATIONAL MATTERS**

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

### **GENERAL MATTERS**

#### **24. HOURS OF OPERATION**

The hours of operation for the neighbourhood shop are restricted to:

Monday to Sunday (i.e. 7 days a week): 7.00am to 10.00pm

#### **25. AMENITY**

The management of the neighbourhood shop 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.

#### **26. 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.

#### **27. 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.

#### **28. NOISE EMISSIONS**

The use of the neighbourhood shop 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.

#### **29. NOISE - MECHANICAL PLANT (COMMERCIAL PREMISES)**

Noise associated with mechanical plant shall not give rise to any one or more of the following:

- (a) Transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy.
- (b) A sound pressure level at any affected property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use. The source noise level must be assessed as a LAeq, 15 minute.

- (c) Notwithstanding compliance with (a) and (b) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am.

**30. REFRIGERATION UNITS & MECHANICAL PLANT**

Refrigeration motors/units and other mechanical plant (i.e. air conditioning) are not to be installed outside the building without the prior consent of Council in order to assess the cumulative impacts of noise to adjoining properties. All plant is to be installed within the confines of the building and be acoustically treated to ensure that it within the acceptable limits.

**31. 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.

**PARKING AND ACCESS**

**32. 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.

## ADVISORY MATTERS

The following advisory matters are provided as additional information to ensure compliance with the relevant legislation and requirements. You must also check other Commonwealth and NSW Acts and Regulations which may apply to the works or use approved in this application.

### AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

Various conditions require further input, review or approval by Council in order to be satisfied following the determination of the application (that is, post consent). In those instances, please adhere to the following process to avoid delays:

- Please read your conditions carefully.
- Information to be submitted to Council should be either via email to [info@waverley.nsw.gov.au](mailto: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 lodgment guidelines’ on Council’s website. Failure to adhere to Council’s naming convention may result in documentation being rejected.
- Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information.
- Please note in some circumstances, additional fees and/or additional documents (hard copy) may be required.
- Council’s standard for review (from date the relevant officer receives documentation) is 14 days. Times may vary or be delayed if information is not received in this required manner.

### AD2. 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](http://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.

### AD3. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on

Telstra’s network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra’s infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or



impact on Telstra's assets in any way, you are required to contact Telstra's Network Integrity Team on Phone Number 1800810443.

**AD4. 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.

**AD5. EXCAVATION TO BE LIMITED**

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

**AD6. 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.

**AD7. SEPARATE APPLICATIONS FOR USE/FIT OUT**

Specific development applications are to be lodged for the approval of Council in connection with the initial usage of any retail or commercial areas within the development, prior to the occupation of the premises, unless otherwise permitted under SEPP (Exempt and Complying Development Codes) 2008.

**AD8. 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.

**AD9. TREE REMOVAL/PRESERVATION**

Any trees not identified for removal in this application have not been assessed and separate approval may be required. Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building may also require approval.

**AD10. 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.

**AD11. SIGNS/GOODS IN THE PUBLIC WAY**

No signs or goods are to be placed on the footway or roadway adjacent to the property.

**AD12. 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.

**AD13.NO COOKING ON SITE**

This approval does not permit cooking to be undertaken on the premises as there is insufficient cooking equipment/appliances/exhaust. Any proposal to change will require a separate application to ensure compliance with the Food Act 2003 and National Construction Code and *Australian Standard 1668 – The use of ventilation and air conditioning in buildings*.

**AD14.PUBLIC UTILITIES AND SERVICE ALTERATIONS**

Any utility services and all public infrastructure which require alteration due to works associated with the development, both internally and externally of the development boundary, 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.

**(ADDED BY DA-203/2021/C)**

## Dictionary

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

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

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

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

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

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

**Council** means Waverley Council.

**Court** means the Land and Environment Court of NSW.

**EPA** means the NSW Environment Protection Authority.

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

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

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

**Local planning panel** means Waverley Local Planning Panel.

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

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

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

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



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

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

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

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

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





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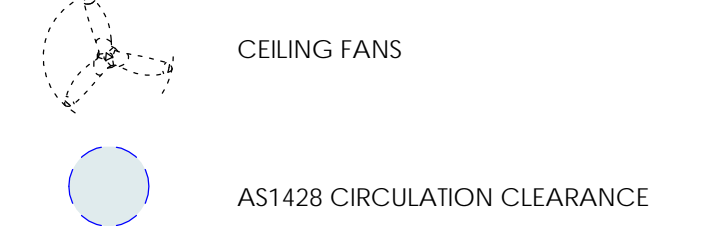
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### S4.55/C APPLICATION

Rev.	Date	Revision	By	Chk.
Q	08/08/23	S4.55/ C Issue: Reconfigured basement	EH	CT
R	11/08/23	S4.55/ C Issue: Reconfigured basement	EH	CT
S	04/09/23	S4.55/ C Issue: Reconfigured basement	CT	CT
T	18/09/23	Various amendments as noted	TC	CT
U	23/10/23	S4.55/ C Issue: Clouds removed, amendments as noted in yellow	TC	CT
V	11/03/24	S4.55/ C Issue: Clouds reinstated, Shop Entry location shown	TC	CT

Legend

AD	ALUMINIUM DOOR
AH	ACCESS HATCH TO ROOF
AW	ALUMINIUM WINDOW
AWN	AWNING
BL	BOLLARD
CD	CLOTHES DRYER
CR1	CEMENT RENDER + PAINT FINISH 1
CW	CHAINWIRE DIVIDERS
DP	DOWNPIPE
FCP	FIBRE CEMENT PANNELLING + PAINT
FIP	FIRE INDICATOR PANEL
GB	GLASS BALUSTRADE
GD	GARAGE DOOR
GP	GRADED PIT
GU	GUTTER
HR	HANDRAIL
LB	LETTER BOX
MR	METAL ROOF
OBS	OBSOLETE GLAZING
PS	PRIVACY SCREEN
PT	PARAPET
PTX	PAINT FINISH "x"
RL	RELATIVE LEVEL
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SB	SOLAR BATTERY
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SP	SOLAR PANELS
SIN	STONE FINISH
TDB	TENANT DISTRIBUTION BOARD
TIM	TIMBER PANNELLING
TF	TIMBER FENCE
TG	TIMBER GATE
TR	TILED ROOF
TS	TIMBER SCREEN
WM	WASHING MACHINE
---	APPROVED WALL
---	DEMOLISHED WALL
---	ALTERATIONS + ADDITIONS
---	ACCESSIBLE CLEARANCES



General Note: Make good to all surfaces affected by building works.

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**ABC Planning Pty Ltd**  
 Traffic Consultant  
 TTPA  
 BCA/Access Consultant  
 Design Confidence  
 Structural Engineer  
**Demkian Engineers**  
 Stormwater Engineer  
 James Rose Consultants  
 Project

North Bondi  
 3 Military Road,  
 North Bondi  
 for

Bondi North Beachfront P/L

Drawing Name  
**Proposed Garage  
 Floor Plans**



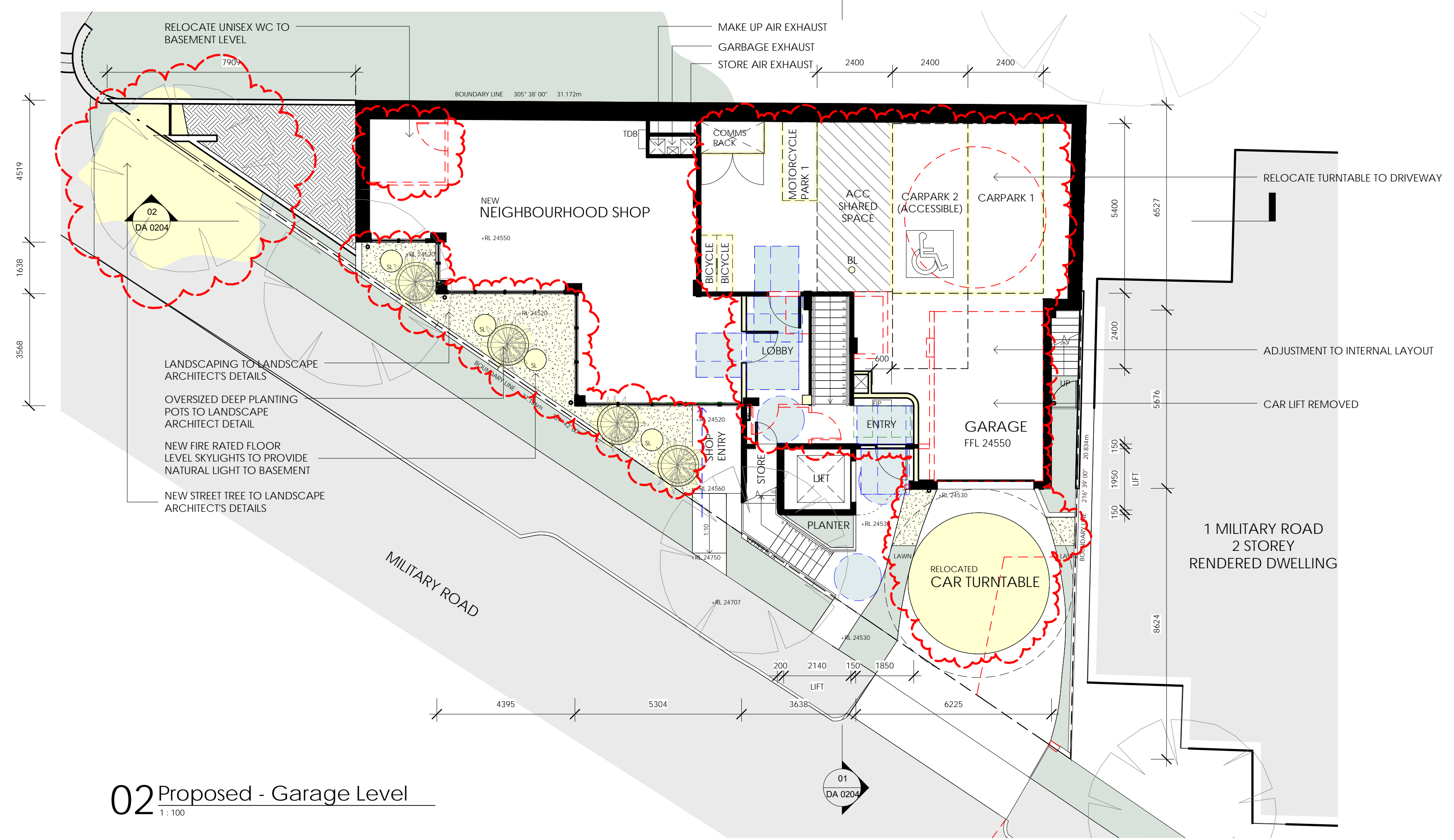
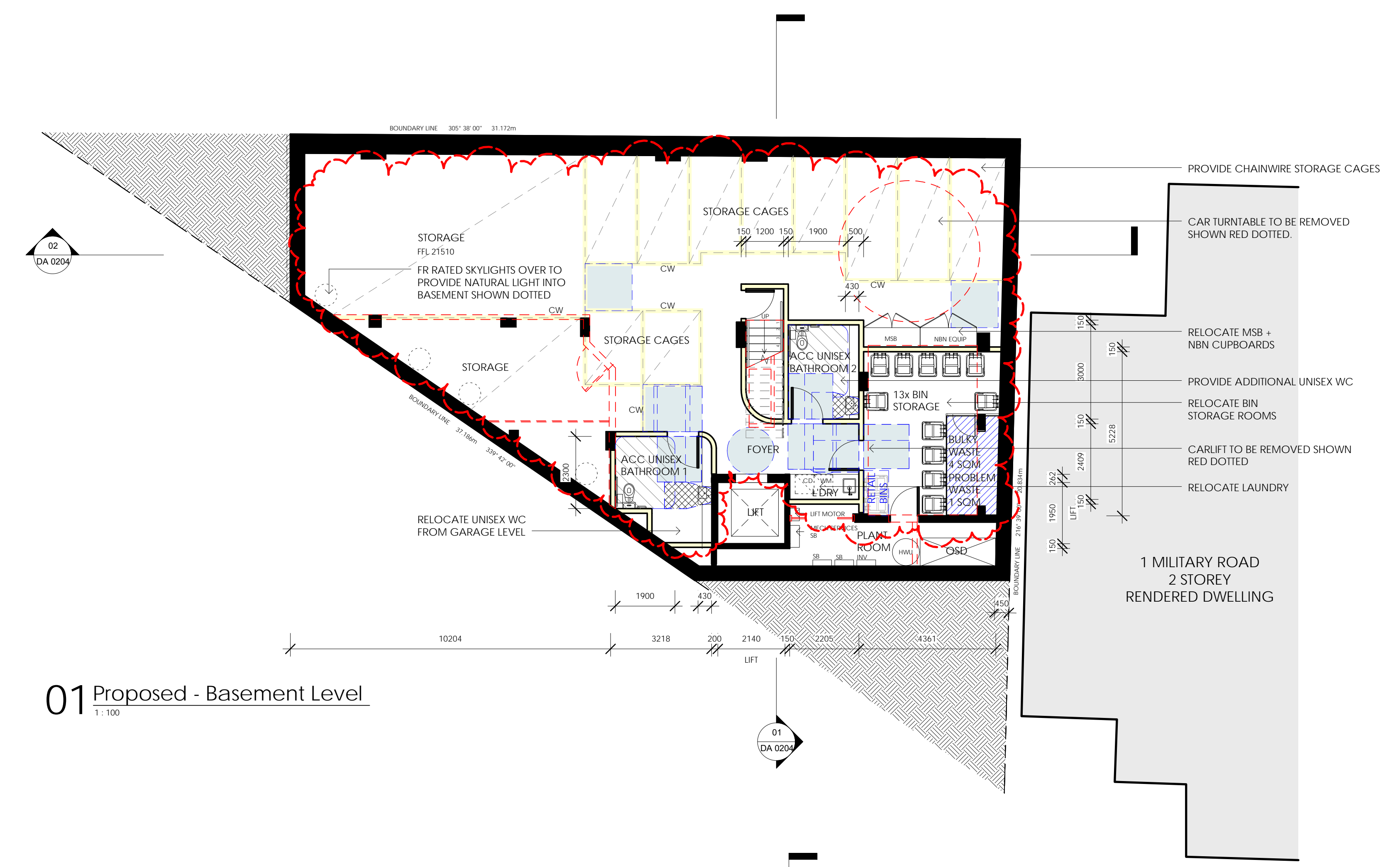
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Job No. 7259 Drawing No. DA 0201 Revision: V

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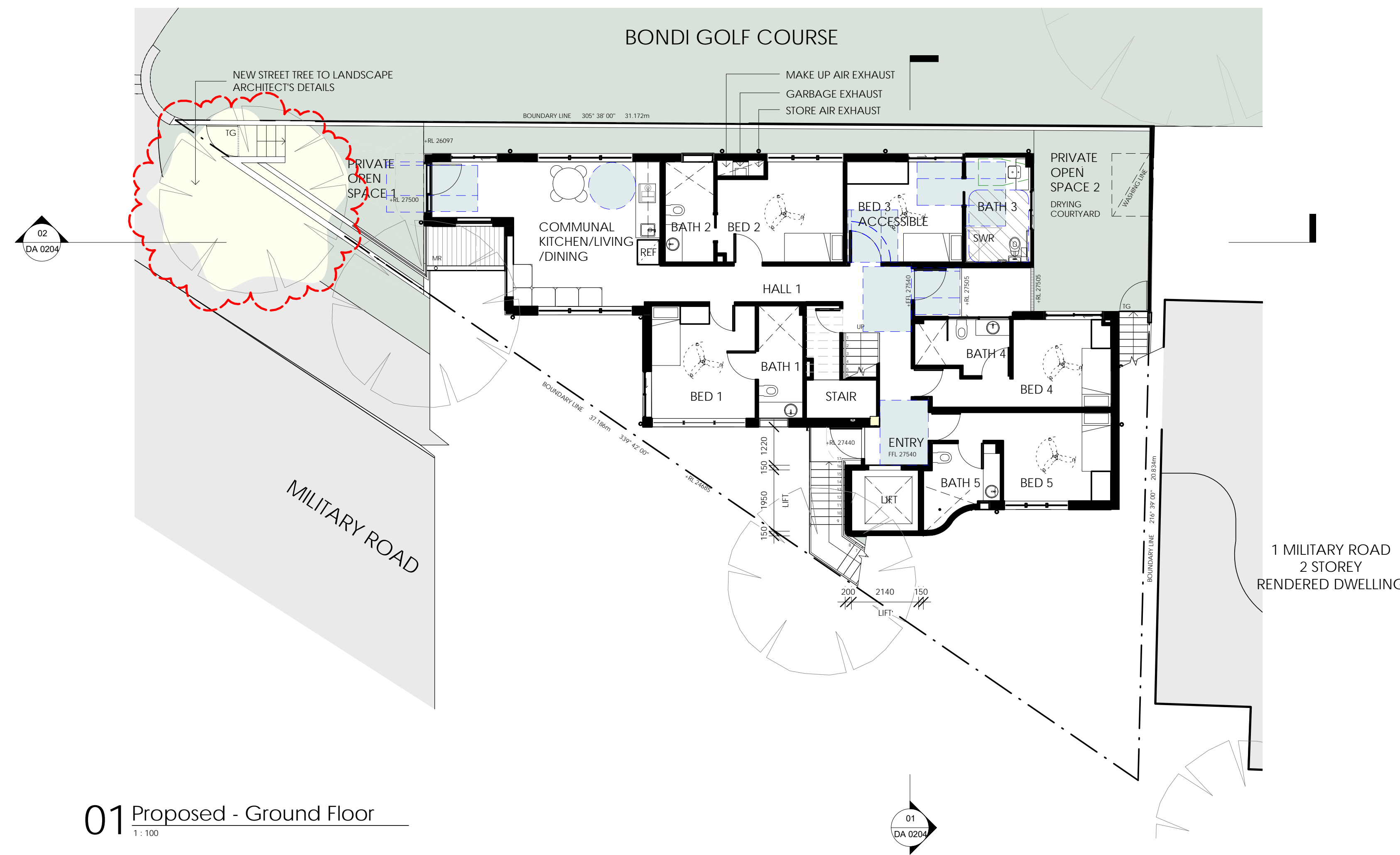
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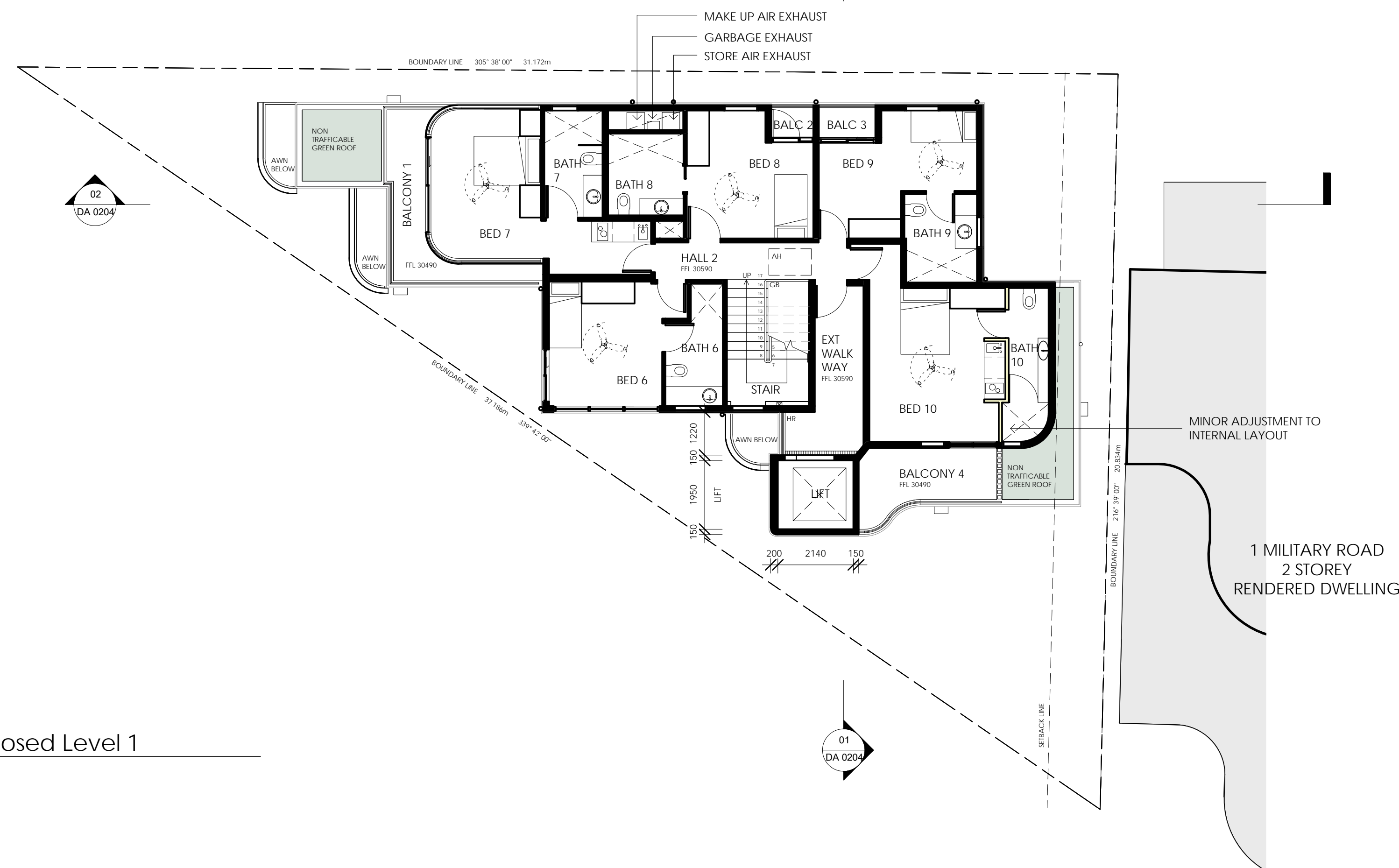
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01 Proposed - Ground Floor  
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02 Proposed Level 1  
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**S4.55/C APPLICATION**

Rev.	Date	Revision	By	Chk.
J	14/08/23	S4.55/ C Issue: Minor reconfiguration of bathroom to Bed 10	TC	CT
K	23/10/23	S4.55/ C Issue: Clouds removed, amendments as noted in yellow	TC	CT
L	11/03/24	S4.55/ C Issue: Clouds reinstated	TC	CT

**Legend**

- AD ALUMINIUM DOOR
- AH ACCESS HATCH TO ROOF
- AW ALUMINIUM WINDOW
- AWN AWNING
- BL BOLLARD
- CD CLOTHES DRYER
- CR1 CEMENT RENDER + PAINT FINISH 1
- CW CHAINWIRE DIVIDERS
- DP DOWNPIPE
- FCP FIBRE CEMENT PANELLING + PAINT
- FIP FIBRE INDICATOR PANEL
- GB GLASS BALUSTRADE
- GD GARAGE DOOR
- GP GRATED PIT
- GU GUTTER
- HR HANDRAIL
- LB LETTER BOX
- MR METAL ROOF
- OBS OBSCURE GLAZING
- PS PRIVACY SCREEN
- PT PARAPET
- PTX PAINT FINISH "X"
- RL RELATIVE LEVEL
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- TS TIMBER SCREEN
- WM WASHING MACHINE
- APPROVED WALL
- DEMOLISHED WALL
- ALTERATIONS + ADDITIONS
- ACCESSIBLE CLEARANCES

- CEILING FANS
- AS1428 CIRCULATION CLEARANCE

General Note: Make good to all surfaces affected by building works.

Planner

ABC Planning Pty Ltd

Traffic Consultant

TTPA

BC/Access Consultant

Design Confidence

Structural Engineer

Demkian Engineers

Stormwater Engineer

James Rose Consultants

Project

North Bondi  
3 Military Road,  
North Bondi  
for

Bondi North Beachfront P/L

Drawing Name

Proposed Ground +  
Level 1 Floor Plan

Date

31/05/2021

Scale

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Sheet Size

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7413

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Drawing No.

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**S4.55/C APPLICATION**

Rev.	Date	Revision	By	Chk.
L	17/08/23	S4.55/ C Issue: Amended entry	TC	CT
M	19/08/23	S4.55/ C Issue: Various amendments as noted	TC	CT
N	23/10/23	S4.55/ C Issue: Clouds removed, amendments as noted in yellow	TC	CT
O	11/03/24	S4.55/ C Issue: Clouds reinstated	TC	CT

- Legend
- AD ALUMINIUM DOOR
  - AH ACCESS HATCH TO ROOF
  - AW ALUMINIUM WINDOW
  - AWN AWNING
  - BL BOLLARD
  - CD CLOTHES DRYER
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BCA/Access Consultant

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Structural Engineer  
Demlakian Engineers  
Stormwater Engineer

James Rose Consultants  
Project

North Bondi  
3 Military Road,  
North Bondi  
for  
Bondi North Beachfront P/L

Drawing Name  
Proposed Elevations

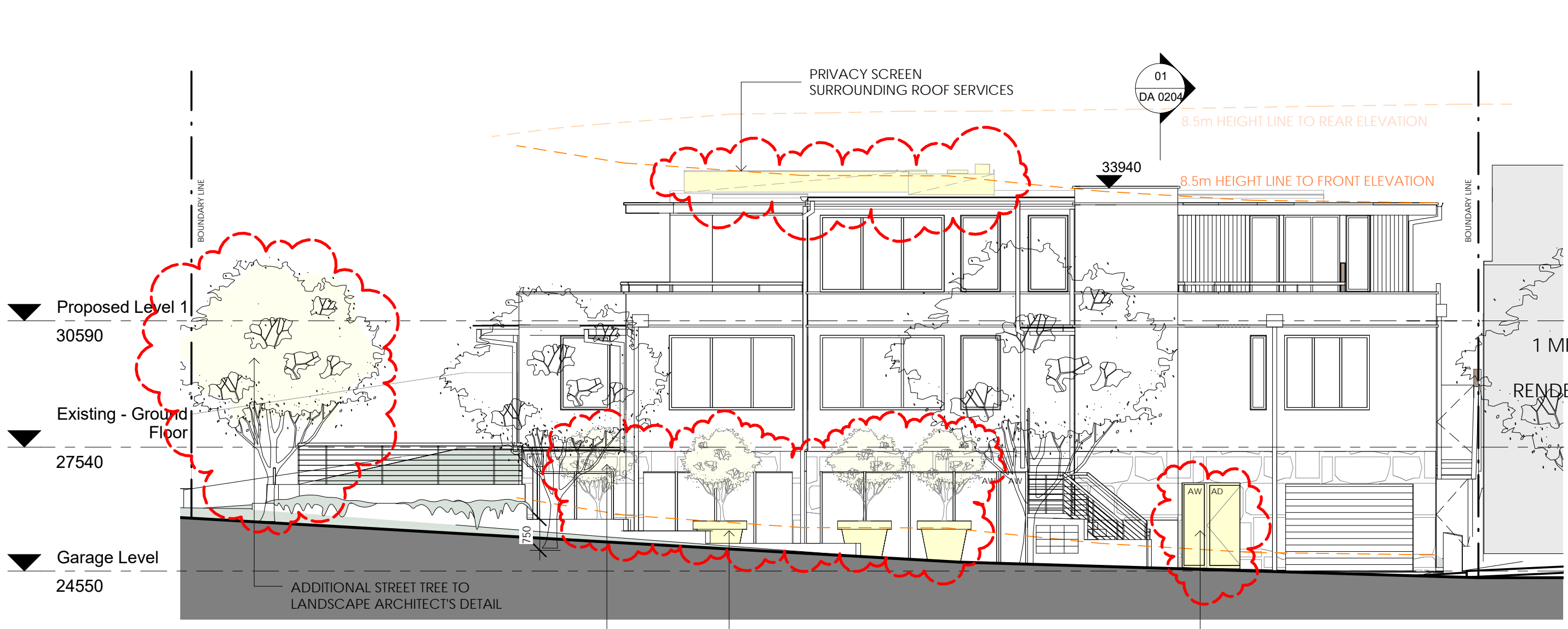
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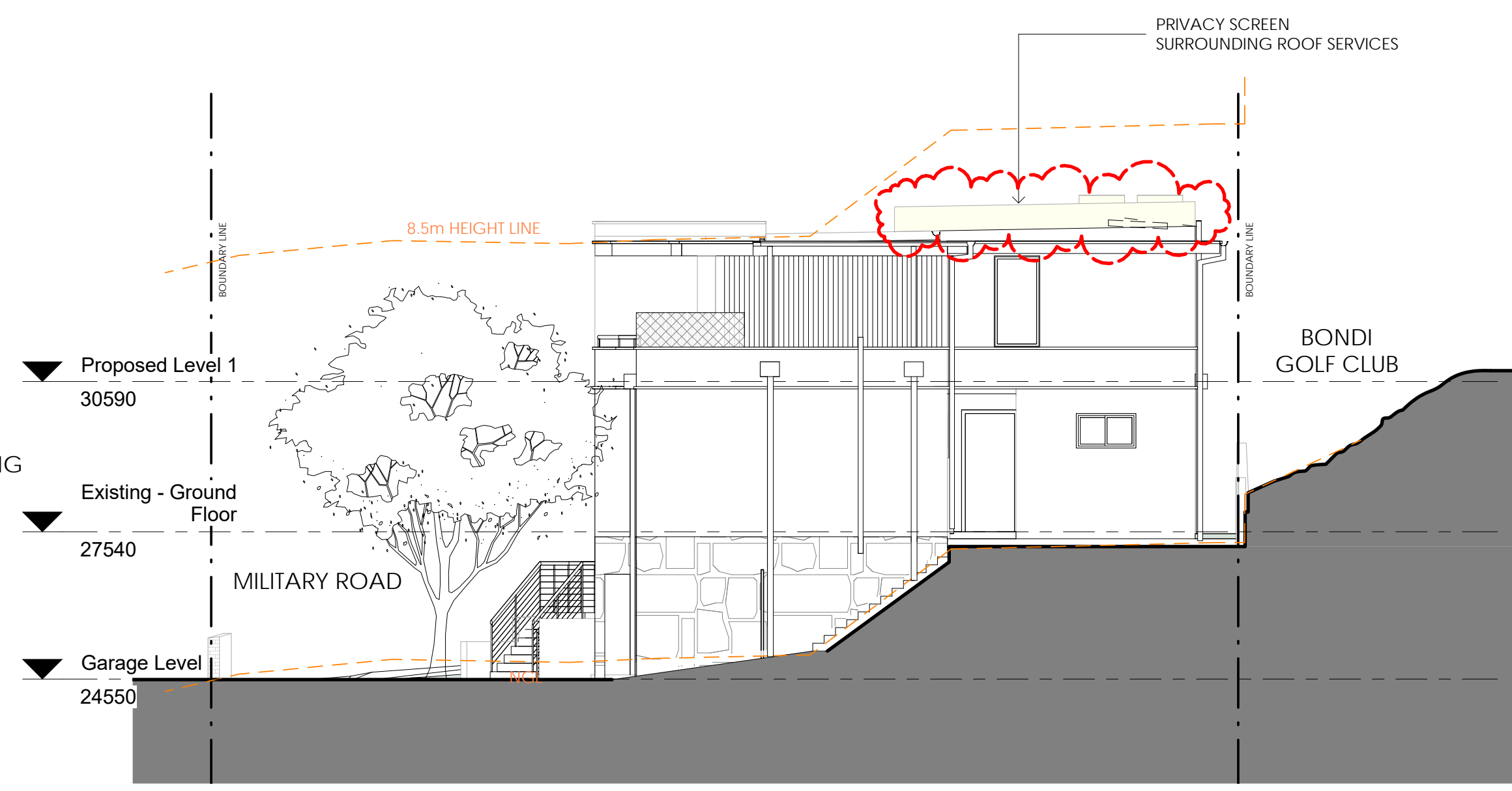
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7259	DA 0203	0

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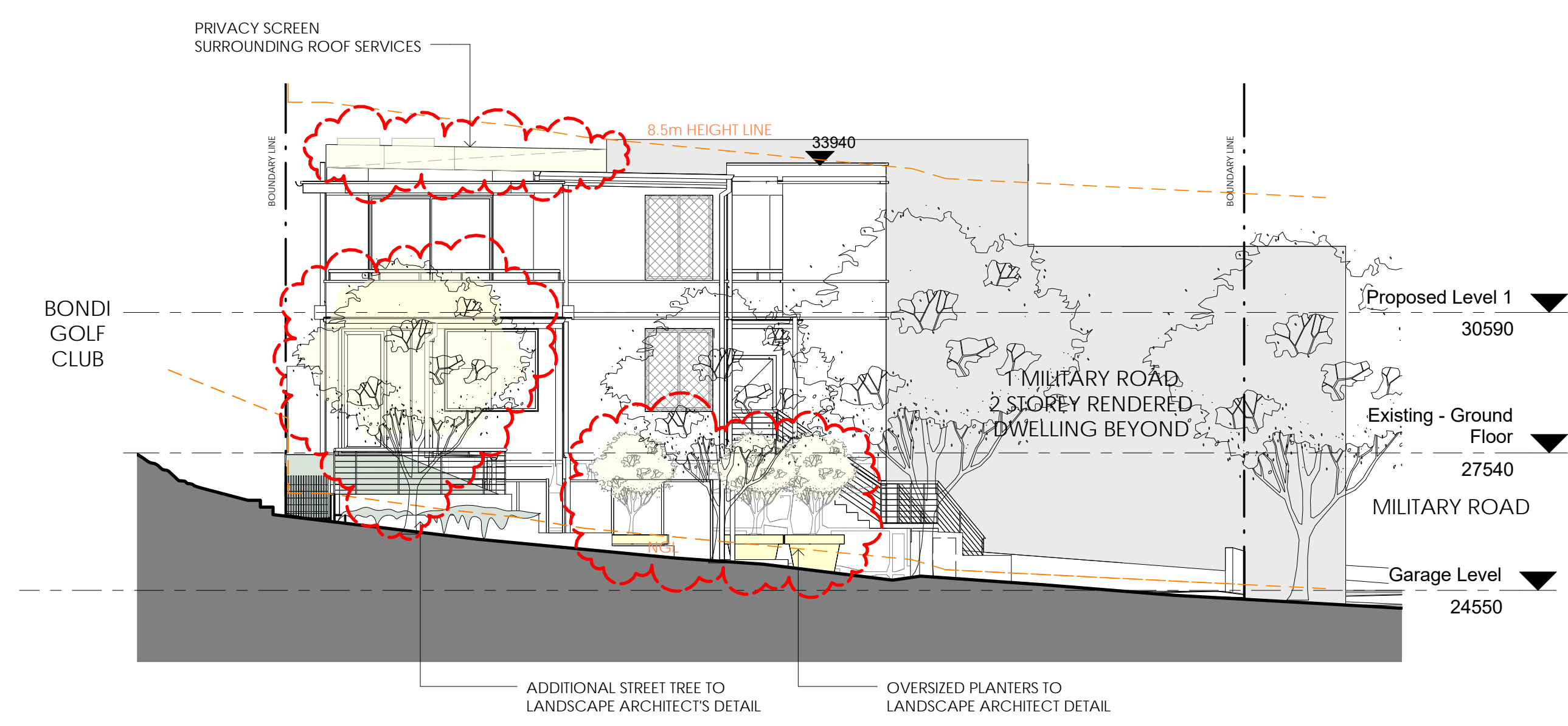
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1:100



**02** Proposed East Elevation  
1:100



**03** Proposed North Elevation  
1:100



**04** Proposed West Elevation  
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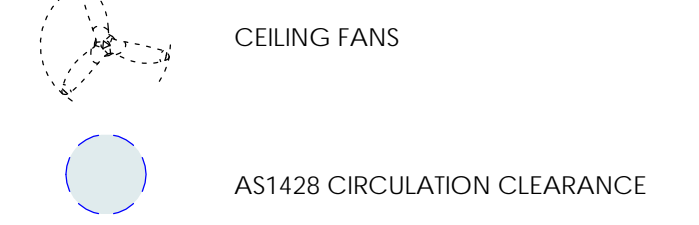
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### S4.55/C APPLICATION

Rev.	Date	Revision	By	Chk.
K	15/08/23	S4.55/C Issue: Reconfigured basement	TC	CT
L	04/09/23	S4.55/C Issue: Reconfigured basement	CT	CT
M	19/08/23	S4.55/C Issue: Various amendments as noted	TC	CT
N	23/10/23	S4.55/C Issue: Clouds removed, amendments as noted in yellow	TC	CT
O	11/03/24	S4.55/C Issue: Clouds reinstated	TC	CT

Legend

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- - - -	DEMOLISHED WALL
---	ALTERATIONS + ADDITIONS
---	ACCESSIBLE CLEARANCES



General Note: Make good to all surfaces affected by building works.

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 Design Confidence  
 Structural Engineer  
 Demlakian Engineers  
 Stormwater Engineer  
 James Rose Consultants  
 Project

North Bondi  
 3 Military Road,  
 North Bondi  
 for

Bondi North Beachfront P/L

Drawing Name  
 Proposed Sections



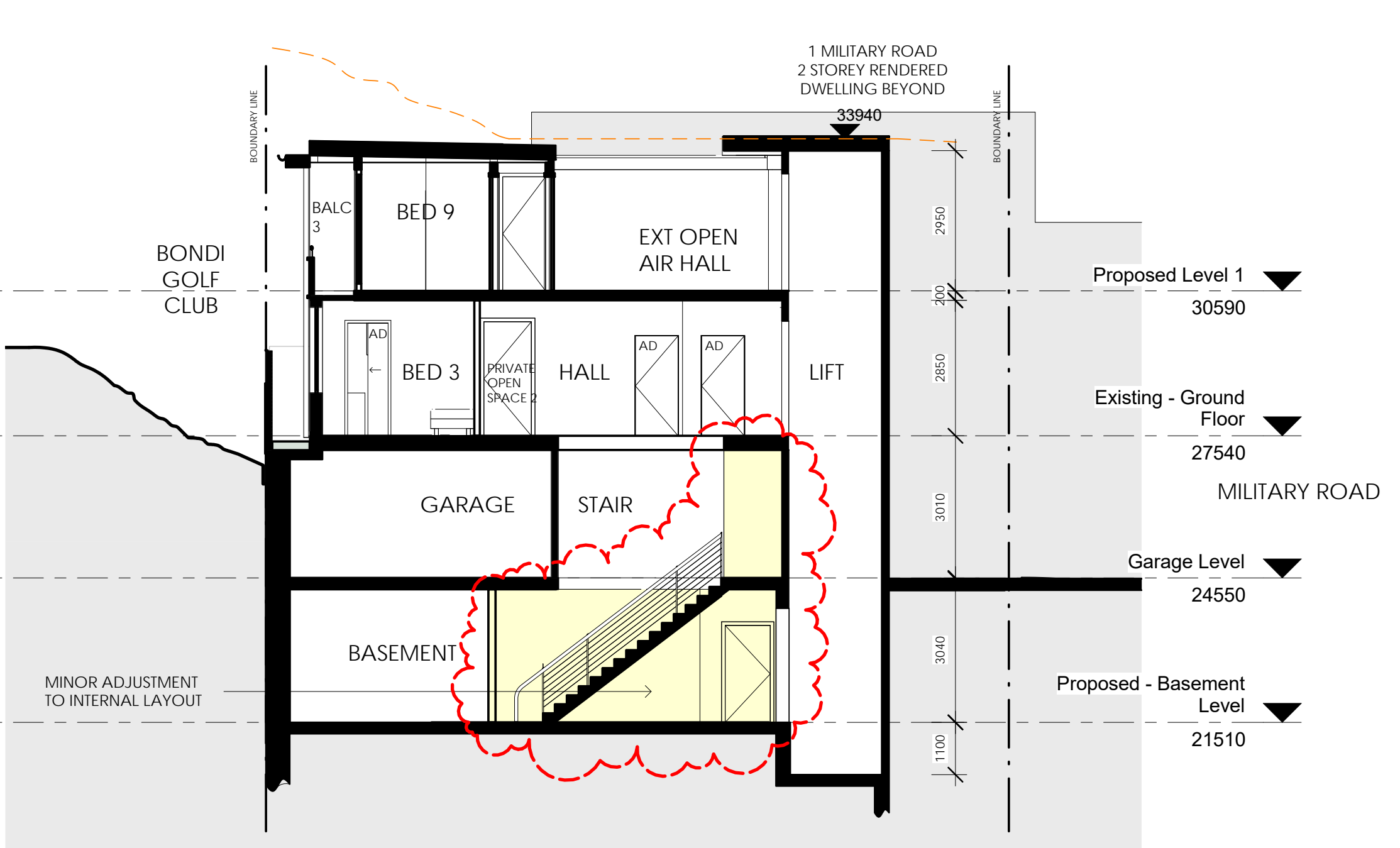
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7413	EH	CT

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7259	DA 0204	0

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01 Section 01  
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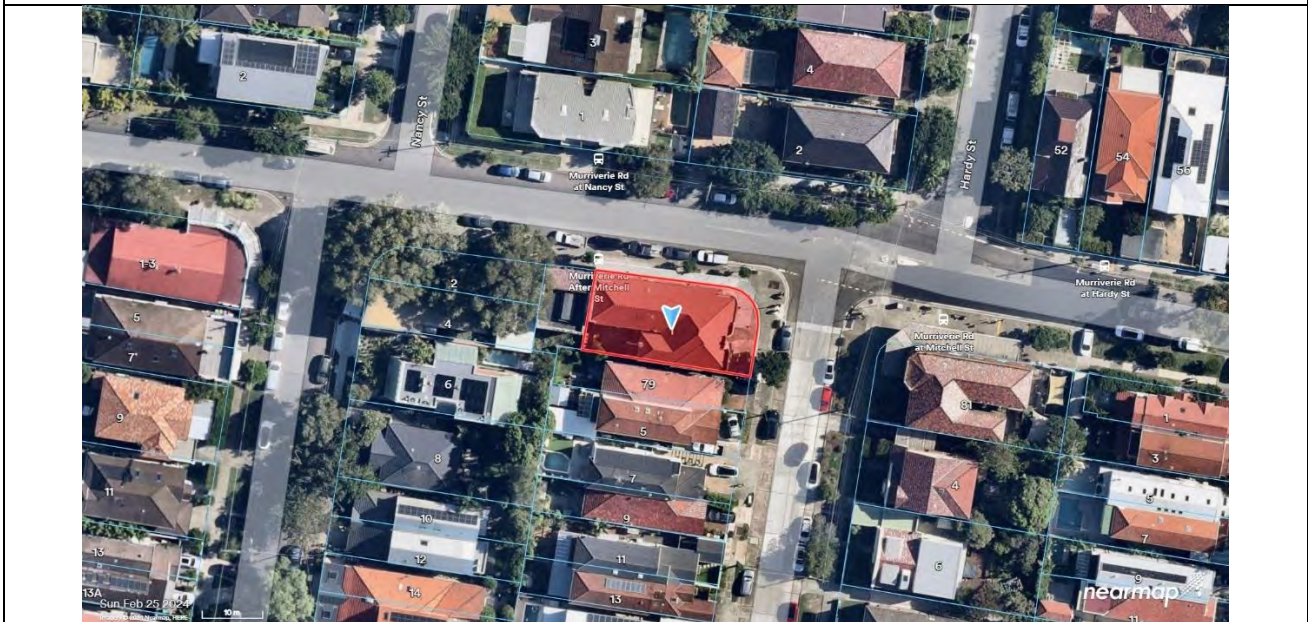
Other Residential Development



Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-6/2024 - PAN-397746
<b>Site address</b>	1 Mitchell Street NORTH BONDI
<b>Proposal</b>	Alterations and additions to a mixed-use development comprising a residential flat building and shops, including an additional storey; and Strata subdivision.
<b>Date of lodgement</b>	16 January 2024
<b>Owner</b>	1 Mitchell Street Pty Ltd
<b>Applicant</b>	CSA Architects Ptd Ltd
<b>Submissions</b>	Three
<b>Cost of works</b>	\$1,269,781
<b>Principal Issues</b>	<ul style="list-style-type: none"> <li>Existing use rights</li> <li>Floor Space Ratio Development Standard</li> <li>Overall building height Development Standard</li> <li>Heritage significance</li> </ul>
<b>Recommendation</b>	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 a mixed-use development, including an additional storey and strata subdivision at 1 Mitchell Street, North Bondi.

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

- Existing use rights: The application relies on the 'existing use rights' provisions under Division 4.11 of the *Environmental Planning and Assessment Act 1978* (the Act) and Part 5 of the *Environmental Planning and Assessment Regulation 2000* (the Regulations).
- Floor space ratio (FSR): The proposal has an FSR of 1.49:1 exceeding the development standard by 187.8m<sup>2</sup> or 49.5%.
- Height: The proposal has a maximum height of 10.22m exceeding the development standard by 1.22m or 13.56%.

The assessment finds these issues acceptable. The proposal has been designed to ensure that the amenity of surrounding properties is preserved and to be consistent with the desired future character of the site. The proposal maintains the retail shops at ground floor level and the residential uses above and at ground.

A total number of three submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the recommendation. No Councillor submissions were received. 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.

### 1.2 Site and Surrounding Locality

A site visit was carried out on 28 March 2020 during the assessment of a previous application for this site.

The site is identified as Lot 1 in DP 726416, known as 1 Mitchell Street, North Bondi. It is located on the western side of Mitchell Street on the corner with Murriverie Road.

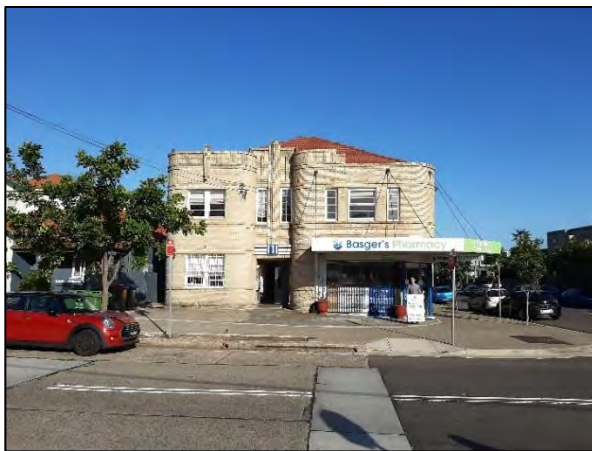
The site is generally rectangular in shape with a curved splay to the corner with Murriverie Road. The site has a side western boundary measuring 13.27m at the rear and a length of 28.5m along the shared southern boundary with No. 3 Mitchell Street, to the south. The site has an area of 379.4m<sup>2</sup> and is generally flat.

The site is occupied by a two-storey Inter-War / Art Deco heritage listed mixed use building. At the ground level fronting Murriverie Road and the corner with Mitchell Street, the building contains four retail shops. The building also contains four residential apartments, one being located at the ground

floor level fronting Mitchell Street and the remaining three apartments being on the first floor. There is no parking provided on the site.

The subject site is adjoined by a single-storey semi-detached dwelling to the south fronting Mitchell Street and a single storey electricity substation to the rear (west) on Murriverie Road, which is also heritage listed. The locality is characterised by predominantly dwellings, both detached and attached, however on the corner opposite the site is another mixed-use building with a café at the ground floor level with residential apartments on the ground and first floor level. Other local shops and a pocket park are located further to the west on Murriverie Road and the corner with Glenayr Avenue. These sites form part of the Murriverie Road Neighbourhood Centre (discussed in **Table 6**).

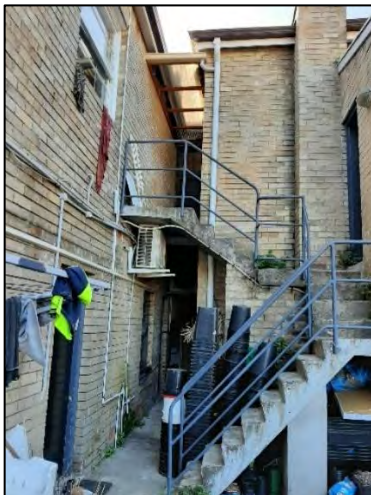
**Figures 1 to 4** are photos of the site and its context.



**Figure 1:** Site view from Mitchell Street



**Figure 2:** Site viewed from Murriverie Road



**Figure 3:** Rear elevation of building with existing fire stairs from first floor level



**Figure 4:** Existing rear yard, looking north-west





**Figure 5:** Mixed use building located on the opposite corner to the east of the site



**Figure 6:** Heritage listed substation adjoining the west of the site

### 1.3 Relevant Development History

**DA-47/2020** for alterations and additions to the existing mixed-use building including an additional storey was refused by the Waverley Local Planning Panel (WLPP) on 29 July 2020. This application was more extensive than the subject proposal, including extension of the building toward the rear courtyard; extensive internal alterations to the existing apartments; and an upper floor level extending over the majority of the lower levels. A subsequent appeal to the Land and Environment Court (LEC) was dismissed on 8 November 2021. The Judgement stipulated the following (summarised) in regard to the issues with the proposal:

- Overshadowing of the immediate neighbour at 3 Mitchell Street.
- The congestion in the rear service courtyard concentrate amenity impacts at a sensitive site boundary adjacent to the neighbouring property at 3 Mitchell Street.
- Shortfall in private open space.
- Absence of communal space.
- The master bedrooms associated with two of the five apartments rely solely on skylights for access to natural light and air and consequently suffer from reduced outlook and amenity.
- In summary, these deficiencies cumulatively diminish the resultant amenity available to future occupants and cumulatively result in the diminution of environmental amenity more generally.

**PD-9/2023** sought Pre-DA advice in relation to alterations and additions to the mixed used building including amenity upgrades to apartments and communal area, new lift and additional level to accommodate one additional unit. The development was amended during this process and considered by the Waverley Design Excellence Advisory Panel (DEAP) twice. The Pre-DA letter dated 1 September 2023 provided advice in relation to FSR, commercial tenancies, conservation works, sustainable elements and the rear courtyard.

The proposed scheme presented in the Pre-DA is similar to that within this application and has significantly reduced the extent of the proposed works to address the issues raised by the LEC through

the previous DA. The proposal now only includes one additional apartment contained within an upper floor level; addition of laundries to the existing apartments; provision of a lift; and improvements to the ground floor level to facilitate improved waste management, landscaping and communal space.

#### 1.4 Proposal

The proposal seeks consent for alterations and additions to the existing mixed-use building on the site, specifically involving the following works:

- Construction of a lift to access all levels of the building provided replacing the existing external staircase at the rear.
- Minor internal alterations to the existing apartments on the ground and first floor levels to provide internal laundries.
- Minor changes to the rear doors to the existing shops on the ground level.
- Replacement door to the main residential entry on the ground level.
- New bin area, external sanitary facility and landscaping within the rear yard.
- Removal of the existing concrete slab at the front of the site to introduce more landscaping within the front setback on Mitchell Street.
- Demolition of the roof and construction of an upper floor addition to provide an additional three-bedroom apartment, an east facing balcony and a west facing terrace.
- Solar panels on the roof of the new upper floor addition.
- Extension of the parapet to the existing building at first floor level along the northern side of the building.
- Repair of existing shops awning.
- Replacement of existing white tiles to match black tiles on the northern elevation to the shops at ground floor level.
- Changes to the shop windows at ground floor level to match the sill height of existing windows.
- Replacement of all existing windows to the residential apartments.

#### 1.5 Background

The development application was lodged on 16 January 2024 and further information was requested in a Stop the Clock letter dated 18 January 2024 for the following reasons:

1. An amended Statement of Environmental Effects addressing *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) as *State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development* (SEPP 65) has been repealed.
2. Additional section drawings indicating the ceiling heights and a clause 4.6 written request to justify the non-compliance with minimum ceiling height requirements under SEPP (Housing) 2021.

The amended information was received on 25 January 2024 and the application was subsequently notified to surrounding properties.

## 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 Existing Use Rights Provisions – Section 4.65 EP&A Act

The application relies on the ‘existing use rights’ provisions under Division 4.11 of the Act and Part 5 of the Regulations as the residential flat building component of the proposal is prohibited in the E1 *Local Centre* zone under the *Waverley Local Environmental Plan 2012* (Waverley LEP 2012). Commercial premises (ie, retail shops) are permitted in the zone.

Part 7 of the Regulations allows an existing use to be enlarged, expanded, intensified, altered or extended subject to development consent.

In *Saffioti v Kiama Municipal Council [2018] NSW LEC 1426* ([Saffioti 2018](#)) the Commissioner considered the issue of whether the controls in a Development Control Plan (DCP) could be considered in assessing the merits of an application for development consent for development with existing use rights. The Commissioner decided that the relevant controls in the DCP could be considered, as the Act provides that any provisions of an **environmental planning instrument** (EPI) which would derogate from the provisions in the Regulations have no effect. In *Saffioti 2018*, the Commissioner found that as a DCP is not an EPI, section 4.67(3) does not apply to the provisions of such an instrument. The Commissioner also considered provisions of the Local Environmental Plan (LEP) and found that only those provisions of the LEP which could have the effect of prohibiting the development derogated from the incorporated provisions and therefore could not be taken into account.

The Applicant appealed against the Commissioner’s findings to a Judge of the Court on questions of law in *Saffioti v Kiama Municipal Council (2019) NSWLEC 57*. The appeal was heard by the Chief Judge of the Court and failed on all grounds.

What can be taken away from *Saffioti 2019*, is that provisions of an EPI (eg. an LEP) may establish factual pre-conditions that a consent authority must be satisfied exist in order to grant development consent or fix developmental standards. An applicant seeking development consent to enlarge, expand or intensify an existing use must comply with any such provisions.

Such provisions will not derogate from the existing use ‘incorporated provisions’ in the Regulations. They will only do so (and have no effect for the purpose of section 4.67(3) of the EPA Act) if they derogate from the entitlement **to make** the relevant development application.

Previously, existing use rights have been assessed as if the provisions of the LEP and DCP do not apply and can only be used as a guide to development in as much as they control development upon



surrounding sites. Existing Use Right assessments have been based upon four questions as set out in *Fodor Investments v Hornsby Shire Council [2005] NSWLEC 71*.

Given the outcome of *Saffioti 2019*, the assessment of existing use rights should be considered against both the development standards of the LEP and the controls of the DCP as detailed within this report. The applicant has submitted a written request under clause 4.6 of the LEP to contravene development standards, which is considered in section 2.2.2 of this report.

In terms of other matters relating to existing use rights, the existing use is not considered to be abandoned as it has not ceased to be used for a continuous period of 12 months (or 3 years between 25 March 2020 and 25 March 2022).

## 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 (Housing) 2021
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021

A detailed discussion is provided for SEPP (Housing) 2021 as follows:

#### *SEPP (Housing) 2021*

#### **Chapter 2 Part 3 - Retention of existing affordable rental housing**

The development proposes to Strata subdivide and apply alterations and additions to an existing residential flat building, five bedrooms of which are currently rented at a rate considered to be affordable rental housing.

As the proposal will contribute to the loss of affordable rental housing within Waverley, it is considered that the extent of the proposed loss can be mitigated through the provision of a monetary contribution of \$281,125 formulated in accordance with Clause 48 of SEPP (Housing).

A Planning Agreement (PA) has been offered by the applicant for the monetary contribution of \$281,125 to offset the loss of the low-rental dwellings within the Local Government Area. As the monetary figure is the same as what would be charged under Clause 48 of the Housing SEPP, the PA is considered to be an acceptable offset measure and a condition to collect a contribution in accordance with the Housing SEPP is not considered needed in this instance. A condition to this effect is included in Appendix A.

## **Chapter 4 - Design of residential apartment development**

Clause 147 of SEPP (Housing) 2021 requires that the consent authority consider the following:

- (a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,*
- (b) the Apartment Design Guide,*
- (c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.*

The application was referred to the DEAP on 14 February 2024. The DEAP's comment of the proposal against the nine design quality principles under Schedule 9 of SEPP (Housing) 2021 and a planning response where relevant are set out in **Table 1** of this report.

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

Principle
<b>Principle 1: Context and Neighbourhood</b>
<i>The design responds appropriately to the local context.</i>
<b>Principle 2: Built Form and Scale</b>
<ul style="list-style-type: none"> <li>• <i>The built form and scale are generally good and respond to the heritage character of the existing building.</i></li> <li>• <i>The design has been amended to avoid shadow impact on the semi-detached dwelling to the south.</i></li> </ul>
<b>Principle 3: Density</b>
<i>No Issues for the Panel.</i>
<b>Principle 4: Sustainability</b>
<p><i>The PV panels proposed on the roof are supported. However, ceiling fans are not currently shown on drawings. The Panel recommends including them in all living rooms and bedrooms.</i></p> <p><b>Planning comment:</b> An advisory condition regarding fans is included in the consent conditions.</p>
<b>Principle 5: Landscape</b>
<i>The landscaping proposal is supported as it will enhance the street frontage.</i>
<b>Principle 6: Amenity</b>
<i>The public amenity provided by the proposed front courtyard landscaping and seating is supported.</i>
<b>Principle 7: Safety</b>
<p><i>Retail spaces have access to the residential lobby space to get to the bins. It would better to either create a separate corridor through retail areas or remove doors and only allow retailers to access the bins via the outdoor pathway on the south side of the building.</i></p> <p><b>Planning comment:</b> The proposal includes the closing off of the doors from the pharmacy to the rear courtyard which contains the commercial toilet and the waste storage. This would involve accessing this area from the pharmacy by the side passageway or otherwise providing a door into</p>

<b>Principle</b>
the residential lobby from the retail space. The proposal is consistent with the comments of the DEAP in that the pharmacy must access the rear yard via the side passageway.
<b>Principle 8: Housing Diversity and Social Interaction</b>
<i>No issues.</i>
<b>Principle 9: Aesthetics</b>
<i>No issues.</i>

**Table 2: Apartment Design Guide (ADG)**

<b>Design Criteria</b>	<b>Compliance</b>	<b>Comment</b>
<b>Part 3 Siting the development</b>		
<b>3A Site analysis</b>	Yes	A site analysis was provided with the application. The proposal has been designed to address the street and ensure limited overshadowing of the adjoining property. The proposal has appropriately considered the opportunities and constraints of the site and surrounding context.
<b>3B Orientation</b>	Yes	<p>The proposed building has been orientated and designed to relate to the shape of the site, addressing the street frontages and orientated away from adjoining residential properties.</p> <p>The design guidance in objective 3B-2 provides that where an adjoining property does not currently receive the required hours of solar access, the proposed building should ensure that solar access is not reduced by more than 20%.</p> <p>Shadow diagrams were provided in plan, elevation and three-dimensional form and indicate that the overshadowing as a result of the proposal falls mainly within existing overshadowing and over the roof of the adjoining property to the south (No. 3 Mitchell Street). The upper floor addition has been substantially reduced in size to be contained over the eastern portion of the building when compared to the original application which was refused under DA-47/2020. The current proposal does not result in increased overshadowing of the rear yard or windows of adjoining properties.</p>
<b>3C Public domain interface</b>	Yes	The proposed building provides a satisfactory interface with the public domain, retaining the ground level shops addressing Murriverie Road and the entry to the apartments from Mitchell Street.



Design Criteria	Compliance	Comment
<p><b>3D Communal and public open space</b></p> <p>ADG control:</p> <p>Minimum of 25% of site</p> <p>Minimum of 50% direct sunlight to the principal usable part on winter solstice</p>	No	<p>At present the existing building has an area within the rear south-western corner of the site which is used for the storage of bins, clotheslines and seating that equates to 11% of the site (refer to <b>Figures 3 and 4</b>).</p> <p>The proposal seeks to provide sanitary facilities for the shop within this area and rationalise and improve the bin storage into two separate areas for commercial and residential uses. This represents only a minor reduction in the area at the rear of the site. There is also a new lift to provide accessible entry to the upper level, however this does not reduce the rear courtyard as the lift replaces external stairs in this area.</p> <p>The proposal will also provide landscaping and seating within the front setback of the site on the Mitchell Street frontage. At present, this area is concreted and not utilised for any particular use. The proposal seeks to convert this area to landscaped planters with inbuilt seating. The landscaping will improve the privacy and outlook of the ground level apartment and increase the useable communal open space on the site. This will increase the communal space to 18% of the site, notwithstanding that some is to be used for passive purposes (ie, landscaping).</p> <p>The seating at the front will be able to be used by the public also.</p>
<p><b>3E Deep soil zones</b></p> <p>ADG control:</p> <p>7% of the site, deep soil zones should be provided</p>	No	<p>The existing building has an unbuilt upon area within the rear southwestern corner of the site. It is noted that this area has been concreted over, as has most of the site and therefore the existing building currently has limited deep soil. The proposal will provide landscaping and deep soil within the front setback on Mitchell Street and in planters within the rear yard totalling 6% of the site. This is considered an improvement and is acceptable.</p>
<p><b>3F Visual privacy</b></p> <p>Min separation distances from buildings (windows and balconies) to side and rear boundaries:</p> <p>Up to 12m (4 storey) – 6m habitable &amp; 3m non-habitable</p>	Yes	<p>The subject site adjoins No. 3 Mitchell Street to the south with the northern and eastern frontages both being to roadways. The western side boundary adjoins a substation. In this regard, only the southern boundary with No. 3 Mitchell Street is considered in regard to visual privacy. All other properties to the north and east have sufficient separation distances from the subject site.</p>

Design Criteria	Compliance	Comment
		<p>The proposed upper floor addition provides a balcony along the northern boundary of the site overlooking Murriverie Road. This balcony will be set back 7.6m from the southern side boundary with No. 3 Mitchell Street, providing sufficient separation distance to ensure privacy is maintained. Additionally, the balcony is set back 1.5m from the building edge. However, to further increase privacy to the adjoining property a condition is recommended that the setback from the building edge is to include landscaped planters to inhibit views directly down into the adjoining property.</p> <p>The proposal includes a relocated window on the southern elevation to existing Unit 2 (first floor level). This window is located more than 6m from the southern side boundary.</p> <p>The new windows to the proposed upper floor addition are set back 2m from the boundary with No. 3 Mitchell Street however these windows are not located opposite any windows on the adjoining single storey dwelling. The windows are set back from the parapet edge and as such views down into the adjoining property will also be limited. Notwithstanding, to further inhibit views into the adjoining dwelling and any future upper floor addition, and to increase landscaping on the site, a recommended condition will require that the setback area is also landscaped.</p>
<b>3G Pedestrian access and entries</b>	Yes	The proposal will retain the pedestrian entry of the existing building from Mitchell Street. The entry is connected to, and addresses, the public domain, is easily identifiable and provides a strong connection with the streetscape.
<b>3J Bicycle and car parking</b>	N/A	<p>The car parking rates of Waverley DCP 2022 apply to this development as discussed in section 2.2.3 of this report.</p> <p>Essentially there is no parking on site and the provision of one additional apartment does not require any parking spaces for residents or visitors.</p>
<b>Part 4 – Designing the building</b>		
<b>4A Solar and daylight access</b> <ul style="list-style-type: none"> <li>Living rooms and private open spaces of</li> </ul>	Yes	The proposal includes only one new apartment with the existing apartments being retained. In this regard, an assessment against the ADG is undertaken only for the new apartment.

Design Criteria	Compliance	Comment
<p>at least 70% of units receive minimum of 2 hours direct sunlight between 9am-3pm mid-winter</p> <ul style="list-style-type: none"> <li>• A maximum of 15% receive no direct sunlight between 9am-3pm mid-winter.</li> </ul>	N/A	The new upper level apartment will receive more than the minimum amount of solar and daylight access to living area windows and private open space.
<p><b>4B Natural ventilation</b></p> <ul style="list-style-type: none"> <li>• All habitable rooms are naturally ventilated</li> <li>• Number of units with natural cross ventilation is maximised: <ul style="list-style-type: none"> <li>- At least 60% of units naturally ventilated in the first 9 storeys of the development.</li> </ul> </li> </ul>	Yes	<p>All habitable rooms within the proposed new apartment are provided with at least one window for natural ventilation.</p> <p>The new apartment is naturally cross-ventilated.</p>
<p><b>4C Ceiling heights</b></p> <ul style="list-style-type: none"> <li>• Habitable rooms – 2.7m</li> <li>• Non-habitable rooms – 2.4m</li> </ul>	Yes	The ceiling heights of the lower levels are retained as existing. The new apartment at the upper floor level will have a ceiling height of 2.7m.
<p><b>4D Apartment size and layout</b></p> <p>The following minimum internal areas apply:</p> <ul style="list-style-type: none"> <li>• <i>3 Bed = 90m<sup>2</sup></i></li> <li>• <i>Add 5m<sup>2</sup> for each additional bathroom (above 1)</i></li> </ul> <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.</p> <p>Maximum depth of open plan living layouts is 8m.</p>	Yes	<p>The new three-bedroom apartment has an internal area of 116.49m<sup>2</sup>, exceeding the minimum area.</p> <p>The bedrooms have a satisfactory size to meet the intent of the design criteria. The kitchen is separate to the circulation spaces.</p> <p>The proposal is consistent with the objectives of this part of the ADG.</p>



Design Criteria	Compliance	Comment
<p><b>4E Private open space and balconies</b> All apartments provide primary balcony as follows:</p> <ul style="list-style-type: none"> <li>• 3-bed - 12m<sup>2</sup> &amp; 2.4m depth</li> </ul>	Yes	The new apartment has a balcony with an area of 35m <sup>2</sup> and depth of 4.4m.
<p><b>4F Common circulation and spaces</b></p> <ul style="list-style-type: none"> <li>• Max of 8 units accessed off a circulation core on a single level</li> </ul>	Yes	The new apartment is accessed from Level 1 of the building which contains access to four apartments.
<p><b>4G Storage</b> In addition to kitchens, bathrooms and bedrooms, the following is provided:</p> <ul style="list-style-type: none"> <li>• 3-bed – 10m<sup>3</sup></li> </ul>	Yes	The proposal provides separate storage within the new apartment to meet the minimum requirements of the ADG.
<p><b>4H Acoustic privacy</b></p>	Yes	The proposal provides a residential use within an existing residential flat building which is compatible with the nature of surrounding properties. The layout of the new apartment will not result in unreasonable acoustic privacy impacts upon the lower level apartments or surrounding properties.
<p><b>4K Apartment mix</b></p>	Yes	The new apartment is three bedrooms adding to the mix of apartments within the existing building (3 x one-bedroom and 1 x two-bedroom).
<p><b>4L Ground floor apartments</b></p>	Yes	<p>The ground floor apartment is existing and given the heritage status of the building, changes to the external façade to provide direct entry from the street is not encouraged. The existing arrangement of the ground floor apartment with the street frontage is therefore considered appropriate.</p> <p>The proposal includes the landscaping of the front setback on Mitchell Street and although not dedicated to the ground floor apartment will result in improved outlook for this apartment.</p>
<p><b>4M Facades</b></p>	Yes	The proposed building retains the heritage façade and the proposal provides a modern upper floor addition that respects the heritage item. The design of the proposed upper floor provides a juxtaposition between the heritage

Design Criteria	Compliance	Comment
		item and the new addition. The setbacks from the levels below ensure that the proposed extension does not dominate the heritage item or detract from the streetscape presentation of the site.
<b>4N Roof design</b>	Yes	The proposed upper floor addition with a low pitched roof has been designed to be subservient to the main heritage listed building below. The contemporary materials are in contrast to the traditional materials of the levels below, providing an appropriate juxtaposition between the heritage item and the new works, subject to conditions as detailed under Heritage Conservation further below in this report.
<b>4O Landscape design</b>	Yes	The proposal includes landscaping of the Mitchell Street frontage, improving the streetscape contribution of the building. Landscaping is also provided within the rear southwestern corner to provide a transition to the lower-scale residential dwellings to the south.
<b>4P Planting on structures</b>	Yes	The proposed upper floor level contains planters strategically placed around the perimeter along the street edge. These ensure privacy for the upper level and soften the appearance of the building.
<b>4Q Universal Design</b>	Yes	A condition is recommended so that the new apartment achieves a benchmark of silver level universal design features.
<b>4R Adaptive reuse</b>	Yes	<p>The proposal retains the existing heritage item and provides a new contemporary upper floor addition which complements the existing building.</p> <p>The existing ground and first floor levels, and the apartments within are to be retained with the only alterations being to provide internalised laundries. These minor internal alterations are considered acceptable and enhance the internal amenity of the existing apartments. Although these apartments predominantly do not contain private open space, the communal space at the rear (although limited) is retained and a new landscaped area with seating is provided at the front on Mitchell Street. Although the Mitchell Street frontage is not private space, being visible from the street, the landscaping improves the streetscape and has passive benefits for the retained apartments.</p>

Design Criteria	Compliance	Comment
<b>4S Mixed Use</b>	Yes	This building is mixed use and incorporates active frontages to both streets. The Murriverie Road frontage provides retail space at ground with the Mitchell Street frontage providing residential uses with increased landscaping to contribute to the residential nature of Mitchell Street.
<b>4T Awnings and signage</b>	N/A	The proposal retains the existing awning and signage to the shops. Works to the existing shops is not part of the subject application, with the exception of moving doorways at the rear.
<b>4U Energy efficiency</b>	Yes	The new apartment incorporates passive environmental design, meeting the cross-ventilation, natural light and solar access requirements in the ADG.  The proposal contains solar panels on the roof of the proposed upper floor addition enhancing the energy efficiency of the building.
<b>4V Water management and conservation</b>	Yes	A BASIX Certificate has been provided with the application which indicates that the proposal will meet the required water target.
<b>4W Waste management</b>	Yes	The proposal includes waste storage within the rear courtyard generally as per the existing arrangement on site. At present, some bins are contained within a sectioned area of the courtyard and other bins are haphazardly stored within the courtyard. The proposal will provide separate areas for the storage of residential and commercial waste and is considered an improvement upon the existing waste arrangement within the courtyard.
<b>4X Building maintenance</b>	Yes	The guideline suggests that building design should provide protection from weathering, systems and access for maintenance and materials which reduce ongoing maintenance costs. There is no evidence to suggest that the proposed building could not achieve this through the detailed construction certificate documentation process.

**148 Non-discretionary development standards for residential apartment development—the Act, s 4.15**

*(1) The object of this section is to identify development standards for particular matters relating to residential apartment development that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.*



**Note—**

See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with.

(2) The following are non-discretionary development standards—

- (a) the car parking for the building must be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,
- (b) the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide,
- (c) the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.

The proposal complies with the ceiling height and internal area development standards of the ADG. The proposal complies with the minimum car parking requirements of the Waverley DCP 2022 which is nil, being less than the Guide to Traffic Generating Development requirements and as such applies to this development. The visitor parking is calculated only based on the new apartment which is also nil. The existing building contains existing apartments and shops which are not being significantly altered and as such the parking associated with these uses (being nil) is retained. The applicant has provided a written objection to the visitor parking standard however this is not considered necessary for the proposal.

### 2.2.2 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
<b>Part 1 Preliminary</b>		
<b>1.2 Aims of plan</b>	Yes	The proposal is consistent with the aims of the LEP.
<b>Part 2 Permitted or prohibited development</b>		
<b>2.6 Subdivision – consent requirements</b>	Yes	The proposal includes strata subdivision into nine lots.
<b>Land Use Table</b> <i>E1 Local Centre Zone</i>  • To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.  • To encourage investment in local commercial development	No	The existing building contains a ‘residential flat building’ and ‘retail premises’. A residential flat building is a type of ‘residential accommodation’ which is prohibited in the zone. Retail premises are a type of commercial premises and are permitted in the zone.  The building on the site was built in 1936 as detailed within the Heritage Report submitted with the application.  The existing use portion of the building as a ‘residential flat building’ was built around

Provision	Compliance	Comment
<p><i>that generates employment opportunities and economic growth.</i></p> <ul style="list-style-type: none"> <li>• <i>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.</i></li> <li>• <i>To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.</i></li> <li>• <i>To strengthen the viability of Waverley's existing business centres as places of vitality for investment, employment and cultural activity.</i></li> <li>• <i>To maximise public transport patronage and encourage walking and cycling.</i></li> <li>• <i>To encourage the provision of affordable housing.</i></li> <li>• <i>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.</i></li> <li>• <i>To ensure development is of a height and scale that achieves the desired future character of the neighbourhood.</i></li> <li>• <i>To promote employment growth by giving preference to commercial development over residential development.</i></li> <li>• <i>To provide active ground floor uses to create vibrant centres.</i></li> </ul>		<p>1936. Given it was approved and operating prior to the LEP prohibiting the use within the zone, it is considered to be an 'Existing Use' under Division 4.11 of the EP&amp;A Act.</p> <p>Refer to the section 2.1.1 of this report for detailed discussion.</p> <p>The proposal is consistent with the relevant zone objectives noting that the ground floor retail uses will be retained. The proposal will provide an additional apartment providing a residential use that will contribute to the vibrancy of the centre.</p> <p>The application includes an offer to enter in a PA for the loss of affordable housing on the site as detailed previously in this report. A separate PA is also offered for the additional gross floor area (GFA) above the existing building on the site (detailed below this table), a portion of which (generally 25%) is allocated to affordable housing as detailed within Council's <i>Planning Agreement Policy 2014</i> (the Policy).</p> <p>As detailed in <b>Table 6</b>, the proposal is considered to be consistent with the desired future character of the neighbourhood.</p>
<b>Part 4 Principal development standards</b>		
<p><b>4.3 Height of buildings</b></p> <ul style="list-style-type: none"> <li>• 9m</li> </ul>	No	<p>The proposal has a maximum height of 10.22m exceeding the development standard by 1.22m or 13.56%.</p>

Provision	Compliance	Comment
<b>4.4 Floor space ratio</b> <ul style="list-style-type: none"> <li>• 1:1</li> </ul>	No	The proposal has an FSR of 1.49:1 exceeding the development standard by 187.8m <sup>2</sup> or 49.5%.
<b>4.6 Exceptions to development standards</b>	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR and height development standards. A detailed discussion of the variation to the development standards is presented below this table.
<b>Part 5 Miscellaneous provisions</b>		
<b>5.10 Heritage conservation</b>	Yes	<p>The subject building is a heritage item listed under Schedule 5 of the Waverley LEP 2012, defined as Item I385 described as an Inter-war Art Deco/International style flat building.</p> <p>On-going referrals and discussions have been held with Council's Heritage Advisor during the course of the Pre-DA and the subject application assessment. The final proposal (the subject of this application) is generally accepted as being complementary to the heritage listed item subject to design changes and further detail as follows:</p> <ul style="list-style-type: none"> <li>• New brickwork on the original heritage listed building, including where continuing the parapet, is to match the existing brickwork.</li> <li>• Mortar joints and mortar are to match the existing brick pointing.</li> <li>• Details of the parapet capping and flashing to the inner parapet are to be provided.</li> <li>• Reduce the prominence of the proposed additional storey by using light coloured finishes to window frames, facias, and roof cladding.</li> </ul> <p>A condition encompassing the above is included in Appendix A. Subject to the condition, Council's Heritage Advisor is satisfied that the proposal will not harm the significance of the heritage listed building.</p>
<b>Part 6 Additional local provisions</b>		
<b>6.5 Active street frontages</b>	N/A	The site is on land identified as 'active street frontage'. The proposal is not for the erection of a building or a change of use and as such, this clause does not apply.
<b>6.9 Design excellence</b>	Yes	The site is located within Zone E1 and as such the design excellence clauses of the LEP apply.



Provision	Compliance	Comment
		The application was referred to the Waverley DEAP for an assessment of the design excellence of the proposal. The full comments of the DEAP are contained in Section 2.2.1 of this report. The proposal is considered to exhibit design excellence.
<b>6.14 Waste minimisation and recycling</b>	Yes	As previously discussed, the proposal rationalises the waste storage arrangements on site and is considered acceptable in this regard.
<b>6.15 Stormwater management</b>	Yes	The proposal was referred to Council's stormwater engineers. Conditions of consent have been recommended and are included in Appendix A in relation to stormwater matters.
<b>6.12 Development in Zone E1</b>	Yes	<p>The Waverley LEP 2012 requires that development consent must not be granted to development on land to which this clause applies unless the consent authority has considered—</p> <p>(a) the impact of the development on—</p> <p style="padding-left: 20px;">(i) the amenity of surrounding residential areas, and</p> <p style="padding-left: 20px;">(ii) the desired future character of the area.</p> <p>(b) whether the development is consistent with the hierarchy of centres.</p> <p>The proposal does not have an unreasonable impact upon the amenity of surrounding properties which is discussed following this table.</p> <p>The amended proposal is consistent with the desired future character of the area as described in <b>Table 6</b> which contains a detailed assessment against the controls for the Local Village Centre in which the site is contained.</p> <p>Part E3 of the Waverley DCP 2022 provides a statement regarding the 'hierarchy of centres' as follows:</p> <p><i>The zones reflect a hierarchy, where E1 Local Centre is either a cluster of shops (neighbourhood centre), a larger centre or high-street strip of shops, E2 Commercial Centre is a major centre with office buildings and major retail, while MU1 Mixed Use supports a mix of commercial and residential</i></p>

Provision	Compliance	Comment
		<p><i>particularly in strategic centres around a E2 Commercial Centre zone.</i></p> <p>This site sits within the Murriverie Road Neighbourhood Centre, which is a Neighbourhood Centre. Neighbourhood Centres are “a cluster of shops”. The proposal retains the shop uses at the ground floor and is consistent with the relevant Local Village Centre controls in Part E3 of DCP 2022 (discussed further in <b>Table 6</b> of this report).</p>

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 development standard of 9m. The proposal has a height of 10.22m to the top of the lift, exceeding the standard by 1.22m equating to a 13.6% variation.

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

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

A copy of the applicant’s written request has been provided to the WLPP for consideration.

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
  - (i) *The variation to the height standard is directly attributable to lift overrun, and for the main part of the building by the retention of existing ceiling heights and provision of an ADG compliant ceiling height on the new uppermost level.*
  - (ii) *The building does not create any unreasonable privacy impacts through the careful placement of new windows at the top level and the restriction of movement to the southern portion of the roof area.*
  - (iii) *The setback of the uppermost floor and existing high parapet walls mean the entire addition is less perceptible from the neighbouring properties. The site’s corner orientation and the*

*presence of an electrical substation to its immediate west limits the extent of neighbouring properties that could be affected in the first instance. When viewed from those southern and south-western neighbouring properties that do remain, the impact of visual bulk of the additions will be preserved.*

- (iv) *There are no direct adverse impacts on the amenity of the locality arising from the proposed built form, nor the areas of additional floor space.*
  - (v) *The proposed works in the front setback zone and the restoration and conservation work proposed to the heritage fabric of this building will enhance the environmental amenity of the locality.*
  - (vi) *Overshadowing diagrams demonstrate there is no additional impact on the windows of any adjoining or neighbouring property between 9am and 3pm. This has been specifically tested in light of the previous application on the site where a minor impact was considered contrary to the preservation test.*
  - (vii) *There is no adverse shadow impact on any public areas.*
  - (viii) *The height of the proposal is compatible with the character of the locality as it seeks to retain a building of historic character that has been on this site since the 1930s.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *The additions provide for increased amenity to the existing units with improved compliance with room sizes, internal amenity, additional accommodation and the provision of a lift.*
  - (ii) *The additional height is necessary to accommodate a lift that will introduce accessibility to the units above the ground level, noting there is currently none, which restricts the range of residents that can be accommodated on the first floor.*
  - (iii) *The additional height allows for the preservation of existing ceiling heights within the building as well as ADG compliant ceiling heights in the new level. Strict compliance with the height standard could be achieved by providing lower threshold BCA-compliant ceiling heights. The increased amenity to the units achieved by the non-compliant height is a particularly positive environmental planning ground.*
  - (iv) *The additional level at the uppermost floor facilitates the ongoing conservation of a heritage item inclusive of an overhaul of environmental sustainability and energy efficiency, a fire safety and BCA upgrade, improved waste storage facilities and the introduction of plants and deep soil to the site.*
  - (v) *The additional level at the uppermost floor makes it economically viable to undertake restorative work and ongoing maintenance work to the fabric of the heritage item as per the Schedule of Heritage Work accompanying the application.*
  - (vi) *The outer face of the building, being the lower two levels, dictates the visual bulk of the building in this setting, which is unchanged by the proposal.*



- (vii) *The additions are necessary to meet the building envelope controls outlined in the DCP that dictate the future desired character, particularly with regards to the staggered design of upper floor additions in neighbourhood centres.*
- (viii) *The additions have particular regard to the initiatives and incentives identified in Waverley Council's Interwar Building's controls which identifies opportunities for additions beyond the development standards where buildings are preserved and improved.*
- (ix) *The scale of the building is appropriately 2-3 storeys as expected in a 9m height limit area.*
- (x) *The materials and finishes to the additions are respectful and responsive to the heritage significance of the building, with particular attention paid to window proportions, operability and their rhythm on the building facade.*
- (xi) *The design satisfies the new Object inserted into the EP&A Act 1979 which seeks to promote good design and amenity of the built environment as demonstrated through an assessment contained in the Design Report prepared by the architect to inform the evolution of the design; and*
- (xii) *The proposal is consistent with the objectives of the standard and the objectives of the zone.*

#### Consideration of Applicant's Written Request

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

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

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

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

*applied to that land” and that “compliance with the standard in that case would also be unreasonable or unnecessary.*

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

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. In particular, the additional height is largely attributed to the provision of a lift to the building, which it currently lacks, enabling greater accessibility for people with a disability to the first floor level. The lift is located toward the rear of the building and will not harm the streetscape character of the heritage listed building.

The other area of height exceedance is for the upper portion of the new roof which exceeds the height development standard to a lesser extent than the lift with a height of 9.814m, equating to a variation of 814mm or 9%. The additional height at this part of the building is justified as a means to achieve the retention of the existing heritage listed building with the associated floor to ceiling heights. In particular, the ground floor level has ceiling heights of 2.89m to the residential apartment and 3.3m to the retail shops. A new building on this site could achieve a compliant 9m building height if ceiling heights were reduced to 2.7m at this level.

Notwithstanding, the retention and conservation of the heritage listed building is considered to have greater merit and community benefit than the loss of this building to achieve a compliant height. Along with the other justifications provided within the written request, this is considered to be sufficient environmental planning grounds to justify exceeding the height development standard.

### Conclusion

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

### *Clause 4.6 Exceptions to Development Standards - FSR*

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

The site is subject to a maximum FSR development standard of 1:1. The proposal has an FSR of 1.49:1, exceeding the standard by 187.8m<sup>2</sup> equating to a 49.5% variation. It is noted that the existing building already exceeds the development standard with an FSR of 1.13:1 exceeding the standard by 48m<sup>2</sup> or 13%.

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

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

A copy of the applicant's written request has been provided to the WLPP for consideration.

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
  - (i) *The proposal increases the maximum height of the building by only 24.2cm because of the new lift. Without this element the additional level is in fact 35.6cm lower than the top of the existing pitched roof. The building will present as a predominantly 2 storey building with a 3<sup>rd</sup> story set back and behind a restored decorative parapet, as is appropriate in a 9m height limit zone. The additional storey is perceived as compliant with the height standard, being only 254-814mm above the standard to protect the existing ceiling heights and provide ADG compliant ceiling heights for the new level.*
  - (ii) *Typical of corner buildings, especially in a mixed-use or local centre setting, this building has no setback along its main retail frontage, in this case to Murrivier Road, and a reduced front setback to Mitchell Street. This results in additional GFA as compared to other buildings that are subject to side setback controls on both sides.*
  - (iii) *The site also adjoins an electrical substation to the rear. This allows for greater utility of the rear setback area without any environmental impacts such as overshadowing, privacy or visual bulk. These additional areas populate additional floor space, which appropriately skews the correlation between the maximum floor space and height standards such that more floor space can be accommodated within an appropriate built form.*
  - (iv) *The extent of the numerical non-compliance does not accurately represent the physical additions to the building in terms of its scale, which are modest and respectful to the heritage significance of the building, the streetscape and the locality.*
  - (v) *The bulk and scale of the proposal is compatible with the character of the locality as it seeks to retain a building of historic character that has been on this site since the 1930s.*
  - (vi) *The proposal makes better utility of the existing scale of the roof area through a minor overall increase in the building envelope, the form of which is supported by a Heritage Specialist as being 'carefully designed to be recessive to the existing building'. The additions achieve design excellence.*
  - (vii) *The proposal does not affect the existing amenity of the neighbouring properties and the locality.*

- (viii) *The proposed works in the front setback zone and the restoration and conservation work proposed to the heritage fabric of this building will enhance the environmental amenity of the locality.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *The additions provide for increased amenity to the existing units with improved compliance with room sizes, internal amenity, additional accommodation and the provision of a lift.*
  - (ii) *The additional floor area at the ground floor and first floor to the main part of the building is necessary to introduce accessibility to the units above the ground level, noting there is currently none, which restricts the range of residents that can be accommodated on the first floor.*
  - (iii) *The additional level at the uppermost floor facilitates the ongoing conservation of a heritage item inclusive of an overhaul of environmental sustainability and energy efficiency, a fire safety and BCA upgrade, improved waste storage facilities and the introduction of plants and deep soil to the site.*
  - (iv) *The additional level at the uppermost floor makes it economically viable to undertake restorative work and ongoing maintenance work to the fabric of the heritage item as per the Schedule of Heritage Work accompanying the application.*
  - (v) *The outer face of the building, being the lower two levels, dictates the visual bulk of the building in this setting, which is unchanged by the proposal.*
  - (vi) *The additions are necessary to meet the building envelope controls outlined in the DCP that dictate the future desired character, particularly with regards to the staggered design of upper floor additions in neighbourhood centres.*
  - (vii) *The additions have particular regard to the initiatives and incentives identified in Waverley Council's Interwar Building's controls which identifies opportunities for additions beyond the development standards where buildings are preserved and improved.*
  - (viii) *The scale of the building is appropriately 2-3 storeys as expected in a 9m height limit area.*
  - (ix) *The materials and finishes to the additions are respectful and responsive to the heritage significance of the building, with particular attention paid to window proportions, operability and their rhythm on the building facade.*
  - (x) *The design satisfies the new Object inserted into the EP&A Act 1979 which seeks to promote good design and amenity of the built environment as demonstrated through an assessment contained in the Design Report prepared by the architect to inform the evolution of the design.*
  - (xi) *The proposal is consistent with the objectives of the standard and the objectives of the zone.*



### Consideration of Applicant's Written Request

The applicant's written request has correctly identified the development standard to be varied, relevant legislation and correct gross floor area (GFA). The document also addresses those matters required in Clause 4.6(3)(a) and (b).

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

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

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

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

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

The applicant has satisfactorily argued that there are sufficient environmental planning grounds to justify contravening the development standard. The additional floor space is predominantly the result of the additional unit located on the upper level, which will not impact on surrounding development, including overshadowing, view impacts, visual bulk, or amenity impacts. The additional apartment and the conservation and upgrade of the existing heritage listed building is consistent with several objectives of the Act including:

- (c) to promote the orderly and economic use and development of land,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*

*(g) to promote good design and amenity of the built environment,*

*(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*

The applicant has submitted an undertaking to Council regarding their commitment to enter into a PA for the additional GFA above the existing building on the site in accordance with the Policy.

The Policy provides a mechanism to address the public benefit offset of additional reasonable impacts from developments exceeding development standards. The offer to enter into a planning agreement addresses the public benefit aspect of maintaining the FSR development standard when Council considers a variation with the standard by way of assessing and determining a development application.

The fundamental principle of the Policy is that any benefit that arises from agreement to vary development standards is shared between developer and the community and must be acceptable on environmental impact grounds. The reasonableness of impacts associated with the additional floor space of the proposal has been considered against the likely public interest (i.e. public domain improvements in the area), which has been found to be acceptable in this instance. The reasonableness relates to the merits of this case only as discussed in the body of this assessment report.

The proposal is in accordance with other variations which have been permitted in conjunction with public benefits or purpose, such as affordable housing, public domain works or the like. The proposal is not against the public interest as it complies with the limitations set in the Policy.

A suitable public purpose or benefit is considered to be provided in the form of the forthcoming execution of a Planning Agreement, which would contribute to public works or a similar public benefit within the catchment of the site. Appropriate conditions are included in Appendix A in relation to the PA.

### Conclusion

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

#### 2.2.3 Waverley DCP 2022

Clause 149 of SEPP (Housing) 2021 requires that DCPs cannot be inconsistent with the ADG in respect of the following:

- (a) visual privacy,
- (b) solar and daylight access,
- (c) common circulation and spaces,
- (d) apartment size and layout,
- (e) ceiling heights,
- (f) private open space and balconies,
- (g) natural ventilation,

(h) storage.

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

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
<p><b>1. Waste</b></p> <ul style="list-style-type: none"> <li>• <i>Garbage bins are to be stored in an appropriate location.</i></li> </ul>	Yes	<p>The proposal includes the rationalisation of the waste bin storage area at the rear of the site. At present there is a designated area however the commercial and residential bins appear to be mixed and haphazardly stored within the rear courtyard. The proposal provides two separate designated areas for waste bin storage for commercial and residential. Although it is not ideal that the waste bins must be wheeled to the street along the side setback, this is an existing situation and does not introduce additional impacts to surrounding properties.</p> <p>The proposal has been reviewed by Council’s Waste Management Officer and no issues were raised, subject to recommended conditions which are included in Appendix A.</p>
<p><b>2. Ecologically Sustainable Development</b></p> <ul style="list-style-type: none"> <li>• <i>Ceiling or wall mounted fans</i></li> <li>• <i>Gas cooktops, gas ovens or gas internal space heating systems.</i></li> </ul>	Yes	<p>An advisory condition is included in Appendix A regarding gas and fans. Notwithstanding, the plans are marked to state that there are no gas appliances for water heating and cooktops.</p> <p>The proposal also contains photovoltaic cells on the roof for solar energy.</p>
<p><b>3. Landscaping, Biodiversity and Vegetation Preservation</b></p>	Yes	<p>The site currently has limited trees and vegetation. The proposal will introduce landscaping to the site, improving the streetscape appearance of the site.</p>
<p><b>5. Water Management</b></p>	Yes	<p>Satisfactory subject to conditions as contained in Appendix A.</p>
<p><b>6. Accessibility and Adaptability</b></p>	Yes	<p>The proposal introduces a lift to the existing building, improving the accessibility of the building.</p>
<p><b>7. Transport</b></p> <p><b>7.2.2 Parking Rates</b></p>	No	<p>The site contains no vehicular access or parking. The parking rates within the DCP are a minimum nil parking. The proposal provides no parking on</p>

Development Control	Compliance	Comment
<p><i>Minimum parking rate:</i></p> <ul style="list-style-type: none"> <li><i>Nil</i></li> </ul> <p><i>Maximum parking rate:</i></p> <ul style="list-style-type: none"> <li><i>2</i></li> </ul> <p><b>7.2.6 Bicycle Parking</b>  <i>Resident: 1</i>  <i>Visitor: 0</i></p> <p><b>7.3 Loading Facilities</b></p>		<p>site and given the heritage significance of the building, this is considered appropriate.</p> <p>The new apartment generates a requirement for one bicycle parking space. There is sufficient area on site to provide one space and as such a condition to this effect is included in Appendix A.</p> <p>The shops are existing and being retained and as such, the loading space provisions do not apply.</p>
<b>8. Heritage</b>	Yes	The site is located within the Bondi-Rose Bay Sand Body and is a Heritage item as identified in the Waverley LEP 2012. Heritage conservation has been previously discussed in this report and conditions have been recommended. An advisory condition regarding Aboriginal heritage is included in Appendix A.
<b>9. Safety</b>	Yes	Satisfactory.
<b>11. Design Excellence</b>	Yes	Satisfactory. Refer to previous discussions within Section 2.2.2 of this report.
<b>14. Advertising and Signage</b>	N/A	The existing signage to the retail shops is to be retained, with no changes proposed.
<b>15. Public Domain</b>	Yes	Satisfactory.
<b>16. Inter-War Buildings</b>	Yes	<p>The building is listed as an item of local heritage significance in Waverley LEP 2012 and is a well detailed example of Inter-War/Art Deco Architecture utilised in Bondi Valley in the later Inter-War and early Post-War years.</p> <p>The proposal will retain and maintain the original building fabric and decorative elements and includes a schedule of conservation works which is referenced in the recommended conditions of consent.</p> <p>The proposed upper floor addition is complementary and secondary to the existing building design. The original building is retained as the dominant streetscape feature of the site.</p>

**Table 5: Waverley DCP 2022 – Part C2 Other Residential Development Compliance Table**

Development Control	Compliance	Comment
<b>2.2 Height</b>		
<ul style="list-style-type: none"> <li><i>The maximum building height is as set by Clause</i></li> </ul>	Yes	There is no wall height control for the E1 zone. Notwithstanding, the proposal has been designed to set the proposed upper floor level in from the



Development Control	Compliance	Comment
<i>4.3 of the WLEP and the Height of Buildings Map</i>		level below, retaining the existing wall height of the building and providing articulation to the new upper level addition.
<b>2.3 Setbacks</b>		
<b>2.3.1 Street setbacks</b> <ul style="list-style-type: none"> <li><i>Consistent street setback</i></li> </ul>	Yes	The proposal maintains the street setbacks of the existing building and sets back the upper floor level from the levels below.
<b>2.3.2 Side and rear setbacks</b>	N/A	The ADG stipulates minimum separation distances from side and rear boundaries as discussed previously in this report.
<b>2.4 Length and depth of buildings</b>		
<ul style="list-style-type: none"> <li><i>Maximum building length: 24m</i></li> <li><i>Façade to be articulated</i></li> <li><i>Maximum RFB depth: 18m</i></li> </ul>	Yes	The length and depth of the existing building is retained. The new upper floor level will have a length of 12.6m along the Murriverie Road frontage and 10.3m along the Mitchell Street frontage.
<b>2.5 Building design and streetscape</b>		
<ul style="list-style-type: none"> <li><i>Respond to streetscape</i></li> <li><i>Sympathetic external finishes</i></li> <li><i>Corner sites to address both streets as primary frontages</i></li> <li><i>Removal of original architectural features not supported</i></li> </ul>	Yes	<p>As previously discussed, the proposal responds appropriately to the streetscape and exhibits design excellence.</p> <p>The proposal addresses both street frontages and the heritage listed building is retained.</p>
<b>2.6 Attic and roof design</b>		
<ul style="list-style-type: none"> <li><i>Roof design should contribute to the architectural design and the environmental performance of the development.</i></li> <li><i>Roof design should respond to the streetscape character of the area.</i></li> <li><i>Contemporary roof forms are permitted to minimise bulk and scale and respond appropriately to the context.</i></li> </ul>	Yes	<p>The roof has been appropriately designed to respond to the streetscape and character of the area and be subservient to the heritage listed building. The contemporary design of the upper floor level, including the roof, contrasts and complements the heritage item.</p> <p>The roof has a shallow pitch allowing photovoltaic cells for enhanced environmental performance of the building.</p>
<b>2.8 Pedestrian access and entry</b>		
<ul style="list-style-type: none"> <li><i>Entry at street level and respond to pattern within the street</i></li> </ul>	Yes	The existing entry to the building from Mitchell Street is being retained.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>• Accessible entry</li> <li>• Legible, safe, well-lit</li> </ul>		
<b>2.9 Landscaping</b>		
<ul style="list-style-type: none"> <li>• Comply with part B3-Landscaping and Biodiversity</li> <li>• Minimum of 30% of site area landscaped</li> <li>• 50% of the above is to be deep soil</li> </ul>	No	<p>Refer to <b>Table 4</b> of this report.</p> <p>The existing building has an open space area within the rear southwestern corner of the site. It was noted that this area has been concreted over, as has most of the site and therefore the existing building has no deep soil onsite. The proposal will provide landscaping and deep soil within the front setback on Mitchell Street and contained in planters within the rear yard, totalling 6% of the site. This is considered an improvement and is acceptable.</p>
<b>2.10 Communal open space</b>		
	N/A	<p>There is no requirement for communal area within the E1 zone (given the existing use rights of the site).</p> <p>Communal space has been discussed previously in this report in <b>Table 2</b>.</p>
<b>2.11 Private Open Space</b>		
<b>2.11.2 – Balconies/decks</b>		
<ul style="list-style-type: none"> <li>• Balcony additions to match the character of the building</li> <li>• Should not dominate the façade</li> <li>• No wrap around balconies</li> <li>• Located to maximise solar access and privacy</li> <li>• Balustrades to allow views and casual surveillance of the street &amp; privacy</li> </ul>	Yes	<p>Refer to <b>Table 2</b> regarding minimum private open space requirements.</p> <p>The private open space to the new apartment is of sufficient size and provides adequate separation distances from adjoining properties to satisfy the requirements of the ADG.</p>
<b>2.13 Solar access and overshadowing</b>		
<ul style="list-style-type: none"> <li>• New development should maintain at least 2 hours of sunlight to solar collectors on adjoining properties in mid winter</li> <li>• Direct sunlight to north facing windows of habitable rooms on all private open space areas of adjacent dwellings to</li> </ul>	Yes	<p>Refer to previous discussion in <b>Table 2</b> of this report in regard to overshadowing of adjoining properties.</p> <p>The new apartment will receive sufficient solar access throughout the day to living rooms and the principal private open space area to satisfy the DCP requirements.</p>

Development Control	Compliance	Comment
<i>less than 3 hours of sunlight on 21 June</i>		
<b>2.15 Visual privacy and security</b>		
<ul style="list-style-type: none"> <li>• <i>Above ground open space must not overlook rooms and private landscaped areas of adjoining properties or be screened</i></li> <li>• <i>Privacy be considered in relation to context density, separation use and design</i></li> <li>• <i>Prevent overlooking of more than 50% of private open space of lower-level dwellings in same development</i></li> <li>• <i>Roof tops a may be used to meet communal open space requirements</i></li> </ul>	Yes	Separation distances and privacy impacts from new windows and the balcony have been previously discussed in this report (refer to Section 2.2.1 of this report).
<b>2.19 Acoustic privacy</b>		
<ul style="list-style-type: none"> <li>• <i>Internal amenity by locating noisy areas away from quiet areas</i></li> </ul>	Yes	Acoustic privacy has been considered in the design by locating rooms with similar uses above and below each other. The proposal is for a medium density residential use. The noise generation from a residential use in a residential area is not considered unreasonable.
<b>2.21 Building services</b>		
<ul style="list-style-type: none"> <li>• <i>Services are to be integrated into the design of buildings (garbage rooms, mail boxes, fire hydrants boosters, electrical substations, down pipes, plant rooms, satellite/communications structures</i></li> <li>• <i>Outdoor Communal clothes drying area to be provided</i></li> <li>• <i>Plant rooms away from entry communal and private open spaces and bedrooms.</i></li> </ul>	Yes	<p>The proposal retains the communal outdoor space in the rear courtyard which currently contains clotheslines. Mailboxes and services will be relocated to the front setback adjoining the southern boundary of this site.</p> <p>Given the small scale of the proposal there is limited plant. Solar panels will be located on the new roof.</p> <p>The proposal includes a new lift located toward the rear of the site, largely concealed from the street.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Services on roof not to be seen from street or impact public or private views and be min 2m from the building edge.</li> </ul>		

**Table 6: Waverley DCP 2022 – Part E3 Local Village Centres Compliance Table**

Development Control	Compliance	Comment
<b>3.1 Specific controls</b>		
<p>3.1.10 – Murriverie Road Neighbourhood Centre</p> <p>Desired Future Character Objectives:</p> <p>(a) <i>To ensure an integrated approach and consistent treatment to the conservation of buildings of historic character.</i></p> <p>(b) <i>To maintain and improve the continuity of awnings over the footpath.</i></p> <p>(c) <i>To maintain Old South Head Road as the primary streetscape in the village with side streets as secondary frontages.</i></p> <p>(d) <i>Maintain a good distinction between the mixed use sections of Old South Head Rd and residential side streets.</i></p> <p>(e) <i>To maintain a clean and attractive environment, with waste disposal managed discreetly and efficiently.</i></p> <p>(f) <i>To ensure that the centre provides universal access to all users.</i></p> <p>(g) <i>To promote well-maintained mid-rise buildings of varying styles which form a consistent street frontage of ground floor shop fronts and upper storey residential.</i></p>	No	<p>The Murriverie Road Neighbourhood Centre has a two-storey character, although the area has a 9m height control.</p> <p>The proposal retains the ground level shops with residential above. The existing building provides limited setbacks being built to the street edges which the proposal maintains.</p> <p>The proposed upper floor addition is set back from the levels below with a contemporary design that provides a juxtaposition between the heritage building and the new works. The proposed upper floor does not dominate the building or the streetscape and the retention and continuation of the parapet around the street edge conceals part of this level, ensuring it is subservient to the main building.</p> <p>The subject proposal contains a smaller upper floor addition contained to the eastern portion of the building to reduce overshadowing of the adjoining property.</p> <p>The proposal will resolve the waste management issues on the site as conditions will be imposed stipulating that the bin storage be contained to the rear yard; the residential and commercial waste are separated; and that bins are appropriately sized to ensure storage at the rear is possible.</p> <p>Although the development exceeds the FSR and height of buildings development standards applicable to the site, the building responds appropriately to the bulk and scale anticipated for the zoning.</p> <p>The retention of the existing heritage listed building ensures that the historic character of the neighbourhood centre is maintained.</p>



Development Control	Compliance	Comment
<p>(h) <i>To ensure new buildings are well designed and responsive to existing built form with appropriate street frontage heights.</i></p> <p>(i) <i>To maintain and encourage a diverse range of shops and services.</i></p>		
<b>3.2 Generic controls</b>		
3.2.1 Land uses	N/A	The proposal does not include alterations of the existing land uses on site, maintaining the shops and the residential uses above.
3.2.2 Public domain interface	Yes	The public domain interface of the building on both street frontages is being maintained as existing. The proposal includes increased landscaping on Mitchell Street to provide privacy to the ground floor apartment; passive and active communal space; and to contribute to the streetscape.
3.2.3 Built form	No	<p>Annexure E3-1, demonstrating the typical built form for two-storey centres, applies to the Murrivierie Road Neighbourhood Centre despite that the 9m height development standard would allow up to three storeys. Annexure A3-1 requires a two-storey built form at the street with a central courtyard and a two-storey form at the rear with deep soil zone separating this from the residential properties beyond with a minimum depth of 2m.</p> <p>The proposed upper floor addition will increase the building to a three-storey bulk and scale. However, through the use of setbacks, landscaped planters and design, the proposed upper floor will be a subservient addition to the two-storey heritage listed building below. The retained building, which extends to the street boundaries, will continue to be the dominant form of the building on the site and will be complementary to the two-storey character of the neighbourhood centre.</p>
3.2.4 Building facade articulation	Yes	The proposed upper floor level is appropriately articulated by providing setbacks from the level below and contemporary materials in contrast to the existing heritage item. The balconies around the perimeter of the addition are recessed behind the parapet of the heritage building.

Development Control	Compliance	Comment
3.2.5 Buildings of historic character	Yes	The proposal retains the heritage-listed building.
3.2.6 Building services and site facilities	Yes	As previously discussed, the waste storage is considered to be acceptable for this site given the existing arrangement and the retention of the heritage listed building. The waste storage proposed is considered an improvement upon the existing waste storage.  The air conditioning units are concealed from the street being located behind the parapet and adjacent to the upper level balcony. A condition regarding noise generation from these units is included in the consent, however it is worth noting that these adjoin the substation to the west.  Photovoltaic cells are included on the roof.

### 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 21 days between 25 January and 19 February 2024 and a site notice erected on the site between 24 April and 8 May 2024 in accordance with the *Community Engagement Strategy 2023*.

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

**Table 7: Submission details**

Count	Property Address
1.	3 Mitchell Street NORTH BONDI (two submissions)
2.	7 Mitchell Street NORTH BONDI

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

- Exceedance of FSR
- Exceedance of building height
- visual and acoustic privacy
- lack of parking

- overshadowing and solar access
- stormwater

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

**Issue:** Shadow diagrams are incorrect.

**Response:** Shadow diagrams were provided in 3-dimensional, plan and elevational form for the winter solstice (21 June). The objector states that the shadow diagrams are incorrect and has provided photographs showing more existing solar access than the shadow diagrams depict. The photographs are undated however were provided in February. Given the shadow diagrams are prepared for the winter solstice in June (ie, the day with the most overshadowing, being the shortest day of the year), the shadow diagrams cannot be accurately compared to a photograph from February.

**Issue:** At present the shops use bins that are too large to fit down the side passageway and as such are stored at the front of the premises on Mitchell Street as demonstrated in **Figure 7** below:



**Figure 7:** Existing bins stored within the front setback of the site

**Response:** The proposal will result in improvements to waste storage than currently exists on the site. The proposal includes separate designated bin storage areas for the commercial and residential uses which Council's Waste Officer has reviewed and advised is satisfactory for the required number of 240L bins. A condition is included in Appendix A that all bins are to be no larger than 240L in size as there is insufficient width to the side passageway to transport larger bins. The condition also requires that all bins are stored within the designated waste storage area and not within the front setback of the site.

**Issue:** The character of the building is not consistent with surrounding semi-detached residents.

**Response:** The surrounding area is zoned R2 (Low Density Residential) and the subject site is zoned E1. Shop top housing includes residential apartments above ground level commercial premises. The proposal is considered a residential flat building due to a technicality in the definition for shop top housing which requires the residential to be located above the shops. Given that this building contains a residential apartment at the ground level, it is considered a residential flat building with shops. Notwithstanding, the bulk and form is similar to that envisaged for the zoning, with shops at ground level and residential apartments above. Although this is not consistent with the R2 zone to the south of the site, it is consistent with that envisioned for the E1 zone, in which the site is contained.

## 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 Heritage Conservation

As previously detailed in this report, on-going referrals and discussions have been held with Council's Heritage Advisor during the course of the Pre-DA and the subject application assessment. The final proposal (the subject of this application) is generally accepted as being complementary to the heritage listed item, subject to design changes and further detail as follows:

- New brickwork on the original heritage listed building, including where continuing the parapet, is to match the existing brickwork.
- Mortar joints and mortar are to match the existing brick pointing.
- Details of the parapet capping and flashing to the inner parapet are to be provided.
- Reduce the prominence of the proposed additional storey by using light coloured finishes to window frames, facias, and roof cladding.

A condition encompassing the above is included in Appendix A.

### 3.2 Waste Management

The following comments were provided and recommended conditions are included in Appendix A:

*The proposed SWRMP is acceptable and contains the following details:*

- *Proposed waste generation for the existing commercial tenancies and a separate waste storage area for commercial waste. The size of the commercial waste area is not marked on the architectural plan and is calculated as 4.0m<sup>2</sup>. This area is sufficient to store 5x 240L waste and recycling bins for commercial waste.*



- *Calculation of waste generation for the residential units of the development. The size of the residential waste area is not marked on the architectural plan and is calculated as 5.6m<sup>2</sup>. This area is sufficient to store 6x 240L waste and recycling bins for residential waste.*
- *Statement that waste collection point will be on the kerbside.*
- *The residential and commercial waste bins will be wheeled to the collection point through a side access path shown on the architectural plans.*

### 3.3 Stormwater

Conditions were provided which are included in Appendix A.

### 3.4 Environmental Health

Conditions were provided which are included in Appendix A.

### 3.5 Tree Management

Conditions were provided which are included in Appendix A.

### 3.6 Land Information (GIS)

Conditions were provided which are included in Appendix A.

### 3.7 Building (Fire Safety)

Conditions were provided which are included in Appendix A.

## 4 CONCLUSION

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




### **Managers of Development Assessment (MODA) Review**

The application was reviewed by the MODA at the meeting on 23 April 2024 and the MODA determined that the application is acceptable and should be approved, subject to the conditions in Appendix A.

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

5 RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the development application be APPROVED by the WLPP subject to the conditions in Appendix A.

<b>Report prepared by:</b>	<b>Application reviewed and agreed by:</b>	<b>Application reviewed and agreed by:</b>
		
Kylie Lucas	Katie Johnstone	Bridget McNamara
<b>Senior Development Assessment Planner</b>	<b>A/Manager, Development Assessment</b>	<b>Executive Manager, Development Assessment</b>
<b>Date: 01 May 2024</b>	<b>Date: 9 May 2024</b>	<b>Date: 9 May 2024</b>

*Reason for WLPP referral:*

1. Departure from any development standard in an EPI by more than 10%
2. Sensitive development:
  - (e) Planning Agreements

**OFFICE USE ONLY**

<p><b>Clause 4.6 register entry required</b></p> <p>(For the purposes of reporting to the planning portal, if the % approved is different to the % proposed in the original submission, please state what the variation initially proposed was – Planning Portal Requirement)</p>	<b>13.56% variation to height (Clause 4.3)</b>	
	<input type="checkbox"/>	Pre-existing non-compliance
	<input type="checkbox"/>	No change to overall building height
	<input type="checkbox"/>	No change to overall building envelope
	<input type="checkbox"/>	Variation limited to the [lift/plant/parapet/attic] only
	X	No unreasonable impacts on the amenity of adjoining properties or streetscape
	X	Sufficient environmental planning grounds
X	Consistent with the objectives of the standard	
<p><b>Clause 4.6 register entry required</b></p> <p>(For the purposes of reporting to the planning portal, if the % approved is different to the % proposed in the original submission, please state what the variation initially proposed was – Planning Portal Requirement)</p>	<b>49.5% variation to FSR (Clause 4.4)</b>	
	<input type="checkbox"/>	Pre-existing non-compliance
	<input type="checkbox"/>	No change to overall building height
	<input type="checkbox"/>	No change to overall building envelope
	<input type="checkbox"/>	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
<b>Determining Authority</b> (Concurrence Authority for Clause 4.6 variation)	Local Planning Panel	
Were the requirements of the Sustainable Buildings SEPP (effective 1 October 2023) met?	Yes	
Have any dwellings been approved for affordable Rental Housing under this approval/consent? <small>*This is a planning portal reporting requirement</small>	No	
<b>Secondary Dwelling</b> <small>*This is a planning portal reporting requirement</small>	No	
<b>Boarding House</b> <small>*This is a planning portal reporting requirement</small>	No	
<b>Group Home</b> <small>*This is a planning portal reporting requirement</small>	No	
Is the development subject to the Special Infrastructure Contribution (SIC)?	No	
Is the development located within an Urban Release area?	No	
<b>Waverley Council Data</b>		
Trial Period database entry required	No	
VPA submitted – follow up actions required	Yes	
Refer to compliance for investigation	No	
Commercial/liquor operational conditions	No	
Was there a 'Conflict of Interest' declared	No	

# APPENDIX A – CONDITIONS OF CONSENT

## Terms and Reasons for Conditions

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

### GENERAL CONDITIONS

Condition																																																																																																									
<b>1.</b>	<p><b>APPROVED PLANS AND DOCUMENTATION</b></p> <p>The development must be in accordance with:</p> <p>(a) Architectural Plans prepared by CSA ARCHITECTS including the following:</p> <table border="1"> <thead> <tr> <th>Plan Number and Revision</th> <th>Plan description</th> <th>Plan Date</th> <th>Date received by Council</th> </tr> </thead> <tbody> <tr> <td>KEN-01 Rev. B</td> <td>LOCATION PLAN</td> <td>29/11/2023</td> <td>12/01/2024</td> </tr> <tr> <td>KEN-02 Rev. B</td> <td>SITE PLAN &amp; SITE ANALYSIS</td> <td>29/11/2023</td> <td>12/01/2024</td> </tr> <tr> <td>KEN-03 Rev. B</td> <td>GROUND FLOOR</td> <td>29/11/2023</td> <td>12/01/2024</td> </tr> <tr> <td>KEN-04 Rev. B</td> <td>FIRST FLOOR</td> <td>29/11/2023</td> <td>12/01/2024</td> </tr> <tr> <td>KEN-05 Rev. B</td> <td>SECOND FLOOR</td> <td>29/11/2023</td> <td>12/01/2024</td> </tr> <tr> <td>KEN-06 Rev. B</td> <td>ROOF</td> <td>29/11/2023</td> <td>12/01/2024</td> </tr> <tr> <td>KEN-07 Rev. B</td> <td>DEMOLITION PLAN GF</td> <td>29/11/2023</td> <td>12/01/2024</td> </tr> <tr> <td>KEN-08 Rev. B</td> <td>DEMOLITION PLAN FF</td> <td>29/11/2023</td> <td>12/01/2024</td> </tr> <tr> <td>KEN-09 Rev. B</td> <td>DEMOLITION PLAN ROOF</td> <td>29/11/2023</td> <td>12/01/2024</td> </tr> <tr> <td>KEN-10 Rev. B</td> <td>EAST ELEVATION</td> <td>29/11/2023</td> <td>12/01/2024</td> </tr> <tr> <td>KEN-11 Rev. B</td> <td>NORTH ELEVATION</td> <td>29/11/2023</td> <td>12/01/2024</td> </tr> <tr> <td>KEN-12 Rev. B</td> <td>WEST ELEVATION</td> <td>29/11/2023</td> <td>12/01/2024</td> </tr> <tr> <td>KEN-13 Rev. B</td> <td>SOUTH ELEVATION</td> <td>29/11/2023</td> <td>12/01/2024</td> </tr> <tr> <td>KEN-14 Rev. B</td> <td>SECTION A</td> <td>29/11/2023</td> <td>12/01/2024</td> </tr> <tr> <td>KEN-18 Rev. B</td> <td>WINDOW KEY GF</td> <td>29/11/2023</td> <td>12/01/2024</td> </tr> <tr> <td>KEN-19 Rev. B</td> <td>WINDOW KEY FF</td> <td>29/11/2023</td> <td>12/01/2024</td> </tr> <tr> <td>KEN-20 Rev. B</td> <td>WINDOW KEY SF</td> <td>29/11/2023</td> <td>12/01/2024</td> </tr> <tr> <td>KEN-21 Rev. B</td> <td>WINDOW SCHEDULE (Pg 1 of 5)</td> <td>29/11/2023</td> <td>12/01/2024</td> </tr> <tr> <td>KEN-22 Rev. B</td> <td>WINDOW SCHEDULE (Pg 2 of 5)</td> <td>29/11/2023</td> <td>12/01/2024</td> </tr> <tr> <td>KEN-23 Rev. B</td> <td>WINDOW SCHEDULE (Pg 3 of 5)</td> <td>29/11/2023</td> <td>12/01/2024</td> </tr> <tr> <td>KEN-24 Rev. B</td> <td>WINDOW SCHEDULE (Pg 4 of 5)</td> <td>29/11/2023</td> <td>12/01/2024</td> </tr> <tr> <td>KEN-25 Rev. B</td> <td>WINDOW SCHEDULE (Pg 5 of 5)</td> <td>29/11/2023</td> <td>12/01/2024</td> </tr> <tr> <td>KEN-26 Rev. B</td> <td>BASIX REQUIREMENTS (Pg 1)</td> <td>29/11/2023</td> <td>12/01/2024</td> </tr> <tr> <td>KEN-27 Rev. B</td> <td>BASIX REQUIREMENTS (Pg 2)</td> <td>29/11/2023</td> <td>12/01/2024</td> </tr> <tr> <td>KEN-28 Rev. B</td> <td>MATERIALS &amp; FINISHES</td> <td>29/11/2023</td> <td>12/01/2024</td> </tr> </tbody> </table>	Plan Number and Revision	Plan description	Plan Date	Date received by Council	KEN-01 Rev. B	LOCATION PLAN	29/11/2023	12/01/2024	KEN-02 Rev. B	SITE PLAN & SITE ANALYSIS	29/11/2023	12/01/2024	KEN-03 Rev. B	GROUND FLOOR	29/11/2023	12/01/2024	KEN-04 Rev. B	FIRST FLOOR	29/11/2023	12/01/2024	KEN-05 Rev. B	SECOND FLOOR	29/11/2023	12/01/2024	KEN-06 Rev. B	ROOF	29/11/2023	12/01/2024	KEN-07 Rev. B	DEMOLITION PLAN GF	29/11/2023	12/01/2024	KEN-08 Rev. B	DEMOLITION PLAN FF	29/11/2023	12/01/2024	KEN-09 Rev. B	DEMOLITION PLAN ROOF	29/11/2023	12/01/2024	KEN-10 Rev. B	EAST ELEVATION	29/11/2023	12/01/2024	KEN-11 Rev. B	NORTH ELEVATION	29/11/2023	12/01/2024	KEN-12 Rev. B	WEST ELEVATION	29/11/2023	12/01/2024	KEN-13 Rev. B	SOUTH ELEVATION	29/11/2023	12/01/2024	KEN-14 Rev. B	SECTION A	29/11/2023	12/01/2024	KEN-18 Rev. B	WINDOW KEY GF	29/11/2023	12/01/2024	KEN-19 Rev. B	WINDOW KEY FF	29/11/2023	12/01/2024	KEN-20 Rev. B	WINDOW KEY SF	29/11/2023	12/01/2024	KEN-21 Rev. B	WINDOW SCHEDULE (Pg 1 of 5)	29/11/2023	12/01/2024	KEN-22 Rev. B	WINDOW SCHEDULE (Pg 2 of 5)	29/11/2023	12/01/2024	KEN-23 Rev. B	WINDOW SCHEDULE (Pg 3 of 5)	29/11/2023	12/01/2024	KEN-24 Rev. B	WINDOW SCHEDULE (Pg 4 of 5)	29/11/2023	12/01/2024	KEN-25 Rev. B	WINDOW SCHEDULE (Pg 5 of 5)	29/11/2023	12/01/2024	KEN-26 Rev. B	BASIX REQUIREMENTS (Pg 1)	29/11/2023	12/01/2024	KEN-27 Rev. B	BASIX REQUIREMENTS (Pg 2)	29/11/2023	12/01/2024	KEN-28 Rev. B	MATERIALS & FINISHES	29/11/2023	12/01/2024
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KEN-40 Rev. C	SECTIONS B & C	19/01/2024	25/01/2024		
2.	<p><b>GENERAL MODIFICATIONS - HERITAGE</b></p> <p>The application is approved subject to the following plan amendments:</p> <p>(a) Any new brickwork on the original heritage listed building, including where continuing the parapet, is to match the existing brickwork. Both cream and red bricks are to be provided as samples to Council's Heritage Advisor for approval.</p> <p>(b) Mortar joints and mortar are to match the existing brick pointing.</p> <p>(c) Details of the parapet capping and flashing to the inner parapet are to be provided, and the parapet is to be proposed as an exposed inner wall rather than construction sheltered by a tile roof.</p> <p>(d) In order to reduce the prominence of the proposed additional storey, light coloured finishes to window frames, facias, and roof cladding are to be used. Details are to be provided to Council's Heritage Architect for approval.</p> <p>(e) Detailing is to be provided of the conservation of the existing interior and exterior of the heritage building.</p> <p>(f) Additional details are to be provided of the works to the existing exterior and internal lobby and stairway including:</p> <ul style="list-style-type: none"> <li>(i) compliance with the schedule of conservation/restoration works referenced in Condition 1(g) of this consent</li> <li>(ii) details of external tile selection and laying pattern to the ground floor shopfronts</li> <li>(iii) details of balustrading to the recessed verandah.</li> </ul> <p>(g) The drawings are to be amended to state that the works to the northern parapet are a replacement of the existing original tiled eave.</p> <p>The amendments are to be approved by the Executive Manager, Development Assessment or delegate prior to the issue of any Construction Certificate. An electronic copy of the amended plans or additional information (see website for</p>				

	<p>electronic document requirements) addressing this condition, including a covering letter shall be provided to Council for review.</p> <p>Condition reason: To ensure that the significance of the heritage listed building is retained.</p>
<b>3.</b>	<p><b>GENERAL MODIFICATIONS</b></p> <p>The application is approved subject to the following plan amendments;</p> <p>(a) A landscaped planter, a minimum of 1m wide, is to be provided along the southern boundary of the main balcony to the new upper level apartment at the second floor level within the area designated as 'non-trafficable'.</p> <p>Condition reason: To protect the privacy of the residential properties to the south.</p> <p>(b) The area designated as 'non-trafficable' along the southern boundary of the new upper level apartment at Level 2 outside of the Master Bedroom and Bedroom 2 (as identified on the approved plans) is to be converted to a landscaped planter.</p> <p>Condition reason: To increase landscaping on the site and to protect the privacy of the property to the south.</p> <p>The amendments are to be approved by the <b>Executive Manager, Development Assessment or delegate</b> prior to the issue of any Construction Certificate. An electronic copy of the amended plans or additional information (see website for electronic document requirements) addressing this condition, including a covering letter shall be provided to Council for review.</p>
<b>4.</b>	<p><b>MULTI UNIT HOUSING DEVELOPMENT DESIGN</b></p> <p>The approved design (including any element or detail of that design) or materials, finish or colours of the building must not be changed without the written approval of Council.</p> <p>Condition reason: To ensure the approved design remains unchanged.</p>
<b>5.</b>	<p><b>STRATA SUBDIVISION</b></p> <p>This consent includes approval for 9 lot Strata subdivision of the development.</p> <p>A Strata Certificate must be obtained from either Council or a Registered Certifier in accordance with either Section 54(1) or Section 58(1) of the <i>Strata Schemes Development Act 2015</i>.</p> <p>The allocated car parking and storage spaces, are not permitted to be subdivided as individual allotments and are to be part lots allocated to individual residential allotments or identified as common property as shown on the approved plans. Part allotments are to be generally allocated in accordance with the parking and storage requirements of Waverley Development Control Plan 2022. No exclusive use of common property shall occur without the prior consent of Council.</p> <p>Condition reason: To ensure the approved development complies with the <i>Strata Schemes Development Act 2015</i>.</p>

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

Condition	
<b>6.</b>	<p><b>NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE</b></p> <p>The building work, or demolition work, must not be commenced until:</p> <p>(a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the <i>Environmental Planning and Assessment Act 1979</i>;</p> <p>(b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2021</i>; and</p> <p>(c) Council is given at least two days' notice in writing of the intention to commence the building works.</p> <p>Condition reason: To ensure a Construction Certificate is obtained prior to work commencing.</p>
<b>7.</b>	<p><b>PLANNING AGREEMENT A</b></p> <p>(a) The owner/applicant is to:</p> <p style="padding-left: 40px;">(i) Enter into an Agreement in accordance with Waverley's Planning Agreement Policy 2014 prior to the issue of any Construction Certificate that relates to any building work, other than demolition, excavation, piling, shoring and ancillary work for construction purposes including site hoardings and temporary site sheds that relates to works contained in DA-6/2024; and</p> <p style="padding-left: 40px;">(ii) Pay a monetary contribution amount of \$613,624 prior to the issue of any Occupation certificate for the Development (calculated in accordance with Waverley's Planning Agreement Policy 2014 at 139.46sqm of GFA exceedance at a rate of \$4,400/sqm).</p> <p style="padding-left: 40px;">(iii) A Planning Agreement will be entered into under Section 7.4 of the Environment Planning and Assessment Act 1979 between the applicant/owner of the land subject of the Development and Council.</p> <p>(b) In accordance with the said offer, the Planning Agreement shall make provision in respect to the following:</p> <p style="padding-left: 40px;">(i) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate that relates to any building work, other than demolition, excavation, piling, shoring and ancillary works for construction purposes including site hoardings and temporary site sheds that relates to works contained in DA-6/2024.</p> <p style="padding-left: 40px;">(ii) The owner/applicant shall provide Council with a Bank Guarantee to secure the payment of the Monetary Contribution prior to the issue of any Construction Certificate that relates to any building work, other than</p>

	<p>demolition, excavation, piling, shoring and ancillary works for construction purposes including site hoardings and temporary sheds that relates to works contained in DA-6/2024 for the Development which is:</p> <ul style="list-style-type: none"> <li>• In a form acceptable to Council and from an institution acceptable to Council</li> <li>• Irrevocable</li> <li>• Unconditional</li> <li>• With no end date</li> </ul> <p>The payment of the Monetary Contribution to Council is to be made prior to the issue of any Occupation Certificate for the Development and is to be applied towards a public purpose in accordance with the Agreement and Council's Planning Agreement Policy 2014.</p> <p>Condition reason: The applicant offered to enter into a Planning Agreement and their offer is consistent with our PA Policy 2014 and supported by the Strategic Town Planning Team.</p>
<p><b>8.</b></p>	<p><b>PLANNING AGREEMENT B</b></p> <p>(a) The owner/applicant is to:</p> <ul style="list-style-type: none"> <li>(i) Enter into an Agreement in accordance with Waverley's Planning Agreement Policy 2014 prior to the issue of any Construction Certificate that relates to any building work, other than demolition, excavation, piling, shoring and ancillary work for construction purposes including site hoardings and temporary site sheds that relates to works contained in DA-6/2024;</li> <li>(ii) Pay a monetary contribution amount of \$281,125 prior to the issue of any Occupation certificate for the Development.</li> <li>(iii) A Planning Agreement will be entered into under Section 7.4 of the Environment Planning and Assessment Act 1979 between the applicant/owner of the land subject of the Development and Council.</li> </ul> <p>(b) In accordance with the said offer, the Planning Agreement shall make provision in respect to the following:</p> <ul style="list-style-type: none"> <li>(i) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate for the Development that relates to any building work, other than demolition, excavation, piling, shoring and ancillary works for construction purposes including site hoardings and temporary site sheds that relates to works contained in DA-6/2024.</li> <li>(ii) The owner/applicant shall provide Council with a Bank Guarantee to secure the payment of the Monetary Contribution prior to the issue of any Construction Certificate that relates to any building work, other than demolition, excavation, piling, shoring and ancillary works for construction purposes including site hoardings and temporary sheds that relates to works contained in DA-6/2024 for the Development which is: <ul style="list-style-type: none"> <li>• In a form acceptable to Council and from an institution acceptable to Council</li> <li>• Irrevocable</li> <li>• Unconditional</li> </ul> </li> </ul>



	<ul style="list-style-type: none"> <li>• With no end date</li> </ul> <p>The payment of the Monetary Contribution to Council is to be made prior to the issue of any Occupation Certificate for the Development and is to be applied towards affordable housing in accordance with the Agreement and Council's Planning Agreement Policy 2014.</p> <p>Condition reason: The applicant offered to enter into a Planning Agreement in lieu of a contribution under the Housing SEPP 2021, and their offer is consistent with our PA Policy 2014 and supported by the Strategic Town Planning Team.</p>
<p><b>9.</b></p>	<p><b>SECTION 7.12 CONTRIBUTION</b></p> <p>A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the <i>Environmental Planning and Assessment Act 1979</i> and the Waverley Council Development Contributions Plan in accordance with the following:</p> <p>(a) Where the total development cost is \$500,000 or less:</p> <p>(i) a <b>Cost Summary Report</b> or <b>Building Contract</b> (dated within 12 months) or similar is to be submitted to Council's Customer Service Centre to process payment.</p> <p>(b) Where the total development cost is more than \$500,000 but less than \$1,000,000:</p> <p>(i) a <b>Detailed Cost Report</b> (dated within 12 months) prepared by a registered Quantity Surveyor, <b>Building Contract</b>, or similar is to be submitted to Council's Customer Service Centre to process payment.</p> <p>(c) Where the total development cost is \$1,000,000 or more:</p> <p>(i) a <b>Detailed Cost Report</b> (dated within 12 months) prepared by a registered Quantity Surveyor, <b>Building Contract</b>, or similar is to be submitted to and approved by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate).</p> <p>- Please forward documents to <a href="mailto:info@waverley.nsw.gov.au">info@waverley.nsw.gov.au</a> attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy.</p> <p>(ii) Upon confirmation of the contribution amount by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate), payment is to be processed via the Customer Service Centre.</p> <p>(iii) Should there be a discrepancy between the cost of works approved in subclause (b)(i) and the DA fee nominated in the original DA, then additional DA Fees may be payable prior to the issue of a Construction Certificate.</p> <p>A copy of the required format for the cost reports are provided in the Waverley Council Contributions Plan, available on Council's website.</p>

	<p>(d) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, the levy must be paid in accordance with the following;</p> <ul style="list-style-type: none"> <li>(i) A development valued at \$100,000 or less will be exempt from the levy;</li> <li>(ii) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% of the <u>full</u> cost of the development; or</li> <li>(iii) A development valued at more than \$200,000 will attract a levy of 1% of the <u>full</u> cost of the development.</li> </ul> <p>Prior to the issue of any Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.</p>
	<p>Condition reason: To ensure the Section 7.12 Contributions are paid.</p>

<b>10.</b>	<p><b>HOUSING AND PRODUCTIVITY CONTRIBUTIONS</b></p> <p>(a) The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance with condition (b), is required to be made:</p> <table border="1" style="margin-left: 40px;"> <thead> <tr> <th style="text-align: left;">Housing and productivity contribution</th> <th style="text-align: left;">Amount</th> </tr> </thead> <tbody> <tr> <td>Housing and productivity contribution (base component)</td> <td>\$50,000</td> </tr> <tr> <td>Transport project component</td> <td>Nil</td> </tr> <tr> <td><b>Total housing and productivity contribution</b></td> <td><b>\$50,000</b></td> </tr> </tbody> </table> <p>(b) The amount payable at the time of payment is the amount shown in condition (a) as the total housing and productivity contribution adjusted by multiplying it by:</p> <p style="margin-left: 40px;"><b><i>highest PPI number</i></b> <b><i>consent PPI number</i></b></p> <p>where:</p> <p><b>highest PPI number</b> is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2nd last quarter before the quarter in which the payment is made, and</p> <p><b>consent PPI number</b> is the PPI number last used to adjust HPC rates when consent was granted, and</p> <p><b>June quarter 2023</b> and <b>PPI</b> have the meanings given in clause 22 (4) of the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023. If the amount adjusted in accordance with this condition is less than the amount at the time consent is granted, the higher amount must be paid instead.</p> <p>(c) The HPC must be paid before the issue first construction certificate in relation to the development, or before the commencement of any work authorised by this consent (if no construction certificate is required). However, if development is</p>	Housing and productivity contribution	Amount	Housing and productivity contribution (base component)	\$50,000	Transport project component	Nil	<b>Total housing and productivity contribution</b>	<b>\$50,000</b>
Housing and productivity contribution	Amount								
Housing and productivity contribution (base component)	\$50,000								
Transport project component	Nil								
<b>Total housing and productivity contribution</b>	<b>\$50,000</b>								

any of the kinds set out in the table below, the total housing and productivity contribution must be paid as set out in the table:

<b>Development</b>	<b>Time by which HPC must be paid</b>
Development consisting only of residential subdivision within the meaning of the HPC Order	Before the issue of the first subdivision certificate
High-density residential development within the meaning of the HPC Order for which no construction certificate is required	Before the issue of the first strata certificate
Development that consists only of residential strata subdivision (within the meaning of the HPC Order) or only of residential strata subdivision and a change of use of an existing building	Before the issue of the first strata certificate
Manufactured home estate for which no construction certificate is required	Before the installation of the first manufactured home

The HPC must be paid using the NSW planning portal (<https://pp.planningportal.nsw.gov.au/>).

If the Minister administering the *Environmental Planning and Assessment Act 1979* agrees, the HPC (apart from any transport project component) may be made, instead of as a monetary contribution, in the following ways:

- i. the dedication or provision of land for the purpose of regional infrastructure in the region in which the development will be carried out,
- ii. the carrying out of works for the purpose of regional infrastructure in the region in which the HPC development will be carried out.

If the HPC is made partly as a monetary contribution, the amount of the part payable is the amount of the part adjusted in accordance with condition (b) at the time of payment.

Despite condition (a), a housing and productivity contribution is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the *Environmental Planning and Assessment Act 1979* to the development, or the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023* exempts the development from the contribution. The amount of the contribution may also be reduced under the order, including if payment is made before 1 July 2025.

Condition reason: To ensure the Housing and Productivity Contributions are paid.

**11.**

**SECURITY DEPOSIT**

A deposit (cash or cheque) for the amount of **\$25,395.00** 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,

	<p>kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.</p> <p>This deposit (cash or cheque) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs for any repair of damage to Council property or rectification of unauthorised works on Council property, will be refunded after satisfactory completion all of works associated with this consent (including the required public works) to the person who paid the deposit.</p>
	<p>Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.</p>
<b>12.</b>	<p><b>LONG SERVICE LEVY</b></p> <p>A long service levy, as required under section 34 of the <i>Building and Construction Industry Long Service Payments Act, 1986</i>, is to be paid in respect of this building work. Evidence that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate.</p> <p><u>Note:</u> Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.25% of building work costing \$250,000 or more.</p>
	<p>Condition reason: To ensure the long service levy is paid.</p>
<b>13.</b>	<p><b>TREE BOND</b></p> <p>A bond of \$20,000 is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the four (4) <i>Cupaniopsis anarcardioides</i> (tuckeroo) on the footpath.</p> <p>The bond is to be lodged prior to the issue of a Construction Certificate. The sum will be forfeited to the Council at its discretion for a breach of these requirements and will be refunded twelve (12) months from the issue of the Occupation Certificate subject to the satisfaction of Council.</p>
	<p>Condition reason: To ensure the protection of the street trees during the works.</p>
<b>14.</b>	<p><b>ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES</b></p> <p>The applicant is to pay to Council fees for assessment of all engineering plans and inspection of the completed works in the public domain inclusive of all stormwater assessment, in accordance with Council's Schedule of Fees &amp; Charges at the time of engineering plan approval, prior to such approval being granted by Council.</p> <p>An invoice will be issued to the applicant for the amount payable, which will be calculated based on the design plans for the subject development.</p>
	<p>Condition reason: To ensure Council assessment fees are paid.</p>



15.	<p><b>VERIFICATION OF CONSTRUCTION CERTIFICATE DOCUMENTATION</b></p> <p>The preparation of the construction certificate plans shall be supervised and be to the satisfaction of an architect who is registered in accordance with the <i>Architects Act 2003</i> (i.e. a qualified designer) in accordance with the requirements of the <i>State Environmental Planning Policy (Housing) 2021</i>.</p> <p>In accordance with the Environmental Planning and Assessment Regulation 2021, the Principal Certifying Authority must not issue a construction certificate unless it has received a design verification statement from a qualified designer which verifies that the construction certificate plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in <i>State Environmental Planning Policy (Housing) 2021</i>.</p> <p>Condition reason: To maintain the architectural integrity of the approved development.</p>
16.	<p><b>UNIVERSAL HOUSING</b></p> <p>The new apartment in the development is to be provided with universal design features (as outlined in the <i>Liveable Housing Design Guidelines</i>) to meet the changing need of occupants over their lifetimes in accordance with Part B6 of the <i>Waverley Development Control Plan 2022</i>.</p> <p>Condition reason: To ensure universal design features are provided.</p>
17.	<p><b>HOARDING</b></p> <p>To ensure the site is contained during construction, a hoarding is required for the approved works, which is to be designed and constructed in accordance with the requirements of Safe Work NSW. Where the hoarding is to be erected over the footpath or any public place, the approval of Council's Compliance Unit must be obtained and the applicable fees paid, prior to the erection of the hoarding.</p> <p>Condition reason: To ensure safety to the general public.</p>
18.	<p><b>EROSION &amp; SEDIMENT CONTROL</b></p> <p>A Soil and Water Management Plan (SWMP), also known as an Erosion and Sediment Control Plan must be prepared in accordance with Waverley Council's Water Management Technical Manual.</p> <p>The SWMP must be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request.</p> <p>The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.</p> <p>Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>

19.	<p><b>ENGINEERING DETAILS</b></p> <p>Structural details are to be prepared and certified by a practicing Structural Engineer in connection with all structural components of the approved works, prior to the issue of the relevant Construction Certificate.</p> <p>Condition reason: To ensure structural stability of work on site.</p>
20.	<p><b>CERTIFICATE OF ADEQUACY</b></p> <p>The existing building which will not be affected from the building works will need to achieve the required FRL and structural adequacy along with the proposed new works. A Certificate of Adequacy prepared by a practicing Structural Engineer, certifying the adequacy of the existing building structure is to be provided to Council or the Accredited Certifier prior to the issue of a Construction Certificate.</p> <p>Condition reason: To ensure structural stability of work on site.</p>
21.	<p><b>SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE APPLICATION</b></p> <p>An application to obtain a Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i> must be made prior to the issue of the relevant Construction Certificate. The application must be made through an authorised Water Servicing Coordinator.</p> <p>For more information about making an application to obtain a Section 73 Compliance Certificate, please consult Sydney Water’s website.</p> <p>Following this application, a "Notice of Requirements" will be provided by Sydney Water that outlines any requirements of works to be completed prior to the issue of the Section 73 Compliance Certificate. Please make early contact <b>with the Coordinator</b>, as building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.</p> <p>A Section 73 Compliance Certificate must be issued from Sydney Water prior to the issue of an occupation certificate.</p> <p>Condition reason: To ensure compliance with Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i>.</p>
22.	<p><b>CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)</b></p> <p>The applicant is to submit a Construction Traffic Management Plan (CTMP) for the approval of Council’s Executive Manager, Infrastructure Services, or delegate, prior to the issue of any Construction Certificate. For further information on what is required in the CTMP, please refer to Council’s website at:</p> <p><a href="https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent">https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent</a></p> <p>Condition reason: To minimise disruption to local traffic.</p>
23.	<p><b>ESSENTIAL SERVICES – EXISTING BUILDING</b></p> <p>Details of the currently implemented and proposed essential fire safety measures shall be submitted with the Construction Certificate, in the form of a Fire Safety Schedule. This Schedule shall be prepared by a person competent to do so and shall</p>

	<p>specify the minimum standard of performance for each essential fire safety measure included in the Schedule.</p> <p>At the completion of the installation, a Final Fire Safety Certificate shall be attached to the Occupation Certificate, certifying that each essential fire safety measure specified within the current Fire Safety Schedule:</p> <p>(a) has been assessed by a properly qualified person; and  (b) found to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the Certificate is issued.</p> <p>Condition reason: To ensure the fire safety of the building.</p>
<p><b>24.</b></p>	<p><b>FIRE SAFETY UPGRADING WORKS</b></p> <p>a) Fire safety upgrading works are to be undertaken in accordance with all recommendations, to be provided by BCA Assessment Report prepared by Mardiros Tatian of Building Innovation Australia Pty Ltd dated 30<sup>th</sup> November 2023 Ref: PRO-08231-D4T0 and the following additional requirements:</p> <p>(i) All sole-occupancy units, public corridors and internal common areas must be separated by building elements that comply with the fire resistance performance requirements set out in CP2 and CP8 of Volume 1 of the Building Code of Australia. The floors separating ground and level 1 of the existing building are to be fire upgraded to achieve a Fire Resistance Level in accordance with the provisions of Section C of the NCC Building Code of Australia for a building of Type A Fire Resisting Construction or a performance based alternative solution prepared by an accredited C10 Fire Engineer. Contractor’s certification of compliance with the above requirements must be provided at completion of the works.</p> <p>(ii) The balustrades and handrails to all stairways, landings and balconies are to be upgraded to comply with the requirements of clauses D2.16 &amp; D2.17 of the NCC Building Code of Australia, being not less than 865mm above the nosing of the stair treads and balustrades shall be not less than 1000mm above any landing or floor level. Openings within balustrades are not to exceed 125mm (sphere). Contractor’s certification of compliance with the above requirements must be provided at completion of the works.</p> <p>(iii) Provide a non-combustible enclosure (i.e. a metal cabinet) or alternatively, material not less fire protective with seals to prevent the passage of smoke to any electricity meters, communication boards and switchboards. Contractor’s certification of compliance with the above requirements must be provided at completion of the works.</p> <p>(iv) The electrical installations serving the premises must be inspected by a suitably qualified electrician and certified. The certificate should include the following;</p> <ul style="list-style-type: none"> <li>• A visual examination of wiring, fittings and accessories was undertaken and were found to be in sound condition;</li> </ul>

	<ul style="list-style-type: none"> <li>• An insulation resistance test was undertaken pursuant to Clause 8.3.6 of AS 3000-2007 and was found to be satisfactory;</li> <li>• Circuit protection devices used have been examined and found to be satisfactory pursuant to Clause 2.4 of AS 3000-2007.</li> </ul> <p>(v) Seal all penetrations between walls and floors of the building in accordance with the requirements of C3.15 of the NCC Building Code of Australia. Contractor’s certification of compliance with the above requirements must be provided at completion of the works.</p> <p>(vi) Provide protection of openable windows in accordance with Clause D2.24 of the NCC Building Code of Australia. Contractor’s certification of compliance with the above requirements must be provided at completion of the works.</p> <p>(vii) Upon completion of all fire safety upgrading works, and prior to issue of an Occupation Certificate, a Final Fire Safety Certificate must be submitted to the accredited PCA and Council, certifying that each essential fire safety measure specified within the current Fire Safety Schedule: -</p> <ul style="list-style-type: none"> <li>• has been assessed by a properly qualified person; and</li> <li>• has been found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the Certificate is issued.</li> </ul> <p>b) Prior to the commencement of the required fire safety upgrade works a Construction Certificate must be issued by an accredited Certifying Authority and an accredited PCA be appointed. The required fire safety upgrading works detailed in this condition must be completed prior to the issue of an Occupation Certificate.</p> <p>c) If compliance with the deemed-to-satisfy provisions of the NCC BCA and the matters listed in condition (a) above cannot be achieved, a performance based alternative solution in accordance with Part A2 of the NCC BCA must be prepared by a suitably qualified and accredited fire engineer and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the NCC BCA are to be satisfied.</p> <p>Condition reason: To ensure the fire safety of the building.</p>
<p><b>25.</b></p>	<p><b>STORMWATER MANAGEMENT</b></p> <p>To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream systems, a detailed plan and certification of the development’s stormwater management system must be submitted and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.</p> <p>The submitted stormwater management plan prepared by itm design Pty Ltd, Project No. 22/214, Drawing Nos. H-DA-00 to H-DA-03, Revision B, dated 28/11/2023 are considered concept only.</p>



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

- a) Specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.
- b) Detail the proposed pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location.
- c) Provide calculations demonstrating that the proposed stormwater drainage system can cater for the relevant design storm event.
- d) Piped drainage within all Council land including roads and footways shall be laid at a minimum 1% gravity fall directed toward the point of discharge.
- e) Pits and inspection openings are to be provided at all junctions, change in gradient, change in direction, and change in diameter for access and maintenance purposes.
- f) 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.
- g) Any new downpipes are to be located wholly within the property's boundary.
- h) 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.
- i) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works will be replaced as per Waverley Council Public Domain Technical Manual. All associated costs will be borne by the applicant.
- j) Council must be notified when the connection has been made to the kerb inlet pit and an inspection must be made by a Council officer prior to public domain restoration and backfill at the point of connection. An inspection fee will apply for each inspection visit required by a Council officer, payable prior to any site inspection. Minimum 48 hour's notice must be provided to Council prior to inspection.

	<p>Notes:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Since a sewer main runs through the property, plans must also be presented to Sydney Water for their approval.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• Council’s contact for infrastructure assessment: E-mail: <a href="mailto:assets@waverley.nsw.gov.au">assets@waverley.nsw.gov.au</a> 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.</li> </ul> <p>Condition reason: To ensure the proper management of stormwater runoff.</p>
<p><b>26.</b></p>	<p><b>FLOODING REQUIREMENTS</b></p> <p>The development must have a net neutral effect on flood behaviour. Therefore, the development must not result in increase in flood effects elsewhere; loss of flood storage; changes in flood levels, flows and velocities; alterations to the flood conveyance; and impact on neighbouring developments. To ensure this has been considered, the submitted architectural plans will need to be updated to reflect the following:</p> <ol style="list-style-type: none"> <li>All new building materials must be flood resistant or flood compatible to a height of 1% AEP plus 300mm freeboard.</li> <li>All new internal electrical switches, power points or similar utilities liable to flood damage must be set at a minimum level of 1% AEP plus 300mm freeboard.</li> <li>A suitably qualified engineer must certify that any new structure can withstand the forces of floodwater, scour debris, and buoyancy up to and including 1% AEP plus 300mm freeboard.</li> <li>Any proposed fencing must be built using flood-compatible material.</li> <li>There must be no filling of the land within the property.</li> </ol> <p>Details and certification must accompany the stormwater management plan and Construction Certificate and be submitted to Waverley Council.</p> <p>Condition reason: The development must have a net neutral effect on flood behaviour and may not result in an increase in flood effects elsewhere; loss of flood storage;</p>

	changes in flood levels, flows and velocities; alterations to the flood conveyance; and impact on neighbouring developments.
<b>27.</b>	<p><b>BASIX</b></p> <p>All requirements of the BASIX Certificate and/or NatHERS documentation are to be shown on the Construction Certificate plans and documentation.</p> <p>Condition reason: To ensure BASIX and/or NatHERS requirements are met.</p>
<b>28.</b>	<p><b>SITE WASTE AND RECYCLING MANAGEMENT PLAN</b></p> <p>A <i>Site Waste and Recycling Management Plan (SWRMP) - Part 2</i> is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the <i>SWRMP Part 2</i> is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.</p> <p>Condition reason: To ensure resource recovery is promoted and the local amenity is protected during construction.</p>
<b>29.</b>	<p><b>WASTE STORAGE AREAS</b></p> <p>The principal certifying authority must ensure that the separate waste storage areas for commercial and residential waste are built according to the approved architectural plans and meet BCA/NCC standards.</p> <p>The following applies to the waste management on this site:</p> <p>(a) The waste storage areas must accommodate the minimum number of bins proposed in the approved site waste management and recycling plan.</p> <p>(b) All bins are to be stored within the rear waste storage areas.</p> <p>(c) No bins are to be stored within the front setbacks of the site.</p> <p>(d) All bins are to be no larger than 240l to ensure that can be stored in the rear yard.</p> <p>(e) The commercial bins and residential bins are to be stored separately and there is to be no sharing of bins between the residential and commercial uses.</p> <p>Condition reason: To ensure that commercial and residential waste is stored and managed separately and that all waste and recycling bins are stored within the property boundary.</p>
<b>30.</b>	<p><b>DILAPIDATION REPORT</b></p> <p>Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land to the satisfaction of the Principal Certifying Authority. At minimum, the following properties are to be included:</p> <p>(a) 3 Mitchell Street, North Bondi</p> <p>(b) Substation, 345 Murriverie Road, North Bondi</p> <p>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</p>

	<p>externally and demonstrate, in writing, to the satisfaction of the Principal Certifying Authority that all reasonable steps were taken to obtain access to the adjoining properties.</p> <p>The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site.</p> <p>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.</p> <p>Note: Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out. Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.</p> <hr/> <p>Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.</p>
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## BEFORE BUILDING WORK COMMENCES

Condition	
<b>31.</b>	<p><b>CONSTRUCTION SIGNS</b></p> <p>Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.</p> <p>Condition reason: To ensure the general public are afforded the Principal Certifying Authority and principal contractor's (the coordinator of the building works) contact details.</p>
<b>32.</b>	<p><b>DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS</b></p> <p>The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including:</p> <ul style="list-style-type: none"> <li>• Work Health and Safety Act 2011;</li> <li>• Work Health and Safety Regulation 2017;</li> <li>• SafeWork NSW Code of Practice for the Safe Removal of Asbestos;</li> <li>• Australian Standard 2601 (2001) – Demolition of Structures;</li> <li>• <i>Protection of the Environment Operations Act 1997.</i></li> </ul> <p>At least 5 days prior to the demolition, renovation work or alterations and additions to any building, the person acting on the consent shall submit a Work Plan to the Principal Certifying Authority in accordance with Australian Standard AS 2601-2001, Demolition of Structure and a Hazardous Materials Assessment prepared by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall:</p> <ol style="list-style-type: none"> <li>(a) Outline the identification of any hazardous materials, including surfaces coated with lead paint;</li> <li>(b) Confirm that no asbestos products are present on the subject land, or</li> <li>(c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by SafeWork NSW (catalogue WC03561);</li> <li>(d) Describe the method of demolition;</li> <li>(e) Describe the precautions to be employed to minimise any dust nuisance; and</li> <li>(f) Describe the disposal methods for hazardous materials.</li> </ol> <p>Condition reason: To ensure the safety of workers and the general public.</p>

33.	<p><b>TREE PROTECTION</b></p> <p>All trees on site and adjoining properties, including street trees, are to be retained and protected in accordance with AS4970-2009 'Protection of Trees on Construction Sites' and to be certified by an Arborist with AQF level 5 qualification or above, unless approved to be removed in this development consent.</p> <p>Condition reason: To protect and retain trees.</p>
34.	<p><b>STREET TREES TO BE RETAINED/TREE PROTECTION</b></p> <p>(a) No existing street trees shall be removed without Council approval. Precautions shall be taken when working near trees to ensure their retention, including the following:</p> <ul style="list-style-type: none"> <li>i. Do not store harmful or bulk materials or spoil under or near trees;</li> <li>ii. Prevent damage to bark and root system;</li> <li>iii. Do not use mechanical methods to excavate within root zones;</li> <li>iv. Do not add or remove topsoil from under the drip line;</li> <li>v. Do not compact ground under the drip line;</li> <li>vi. Do not mix or dispose of liquids within the drip line of the tree; and</li> <li>vii. All trees marked for retention must have a protective fence/guard placed around a nominated perimeter in accordance with AS4970-2009 "Protection of trees on construction sites.</li> </ul> <p>(b) Protective fencing:</p> <ul style="list-style-type: none"> <li>i. Protective fencing must be erected around each tree nominated for preservation before site clearing and establishment and before any materials are brought on site and prior to the commencement of civil and construction works. The protective fencing shall remain in place for the duration of the works and must not be removed or altered without approval on an arborist. AS 4687 specifies applicable fencing requirements.</li> <li>ii. Protective fencing shall comprise 1800mm.high chain link wire mesh fixed to 50 mm. galvanised steel posts. Portable chain link fencing may be installed. Colored plastic tape fencing or plain strained fencing wire fixed to steel droppers is unacceptable. Chain link portable panels must be securely fixed top and bottom to avoid separation.</li> <li>iii. No storage of building materials, tools, paint, fuel or contaminants and the like shall be placed within the fenced area. Ropes, ties or signs must not be attached to any part of a tree (s) to be preserved.</li> </ul> <p>(c) Trunk Protection:</p> <ul style="list-style-type: none"> <li>i. Where space does not permit the erection of protective fencing install trunk protection. Trunk protection shall comprise the placement of 1.8m or less lengths of 75 mm x 40 mm hardwood or pine spaced at 125 mm centers around the trunk secured in place by metal strap bindings or 10-gauge fencing wire fixed at 300 mm centres. Prior to placing battens install a soft protective padding to ends of timbers to prevent damage to bark and conducting tissue.</li> <li>ii. Trunk protection must remain in place for the duration of all site work.</li> <li>iii. Trunk protection to be removed at the issue of the Occupation Certificate subject to the satisfaction of Council.</li> </ul>

- (d) Warning Signs:
  - i. Advise contractors and visitors to the site of the purpose for protecting and preserving the tree (s) by the placement of suitable warning signs fixed to all tree protection fences and trunk protection throughout the site. Contact telephone numbers shall be clearly shown on all warning signs.
- (e) Ground Protection:
  - i. For trees installed with Trunk Protection timbers an area not less than a 2.5 m radius shall have the entire ground surface mulched to a depth of 100 mm with composted Eucalyptus leaf and woodchip or similar cushioning mulch to reduce compaction of the surround soil and to help retain soil moisture and reduce erosion.
- (f) Crown protection:
  - i. 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.
  - ii. Crown protection may include pruning, tying-back of branches or other measures. If pruning is required, requirements are specified in AS 4373 and should be undertaken before the establishment of the TPZ.
  - iii. If any trees on neighboring properties require pruning, then permission must be gained from the owner of the tree(s) and an application to Prune or Remove Trees on Private Property is then to be presented to Council for processing.
- (g) Encroachments:
  - i. Minor encroachments within Structural Root Zones are acceptable.
  - ii. The preferred method of examination and or excavation within the SRZ is the application of noninvasive vacuum or hydro excavation.
  - iii. This practice is now widely adopted in sensitive situations that require root investigation.
  - iv. Tree sensitive construction measures such as pier and beam, suspended slabs, cantilevered building sections, screw piles and contiguous piling may be adopted to minimize the impact of encroachment.
  - v. If any tree roots are exposed during any approved works then roots smaller than 30mm are to be pruned as per the specifications below. Any roots greater than 30mm are to be assessed by a qualified arborist before any pruning is undertaken.
  - vi. If tree roots are required to be removed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).
  - vii. It is the arborist's responsibility to determine if such root pruning is suitable. If there are any concerns regarding this process, then Waverley Council's Tree Management Officer is to be contacted to make final determination.
  - viii. If any trees on neighboring properties require pruning, then permission must be gained from the owner of the tree(s) and an Application to Prune or Remove Trees on Private Property is then to be presented to Council for processing.

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

## DURING BUILDING WORK

	Condition
<b>35.</b>	<p><b>BUILDING CODE OF AUSTRALIA</b></p> <p>All building work must be carried out in accordance with the requirements of the current NCC Building Code of Australia and BCA Assessment Report prepared by Mardiros Tatian of Building Innovation Australia Pty Ltd dated 30th November 2023 Ref: PRO-08231-D4T0.</p> <hr/> <p>Condition reason: To ensure the building works are in accordance with the BCA/NCC.</p>
<b>36.</b>	<p><b>CONTROL OF DUST ON CONSTRUCTION SITES</b></p> <p>The following requirements apply to demolition and construction works on site:</p> <p>(a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.</p> <p>(b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices.</p> <hr/> <p>Condition reason: To ensure the safety of workers and the general public.</p>
<b>37.</b>	<p><b>EXCAVATION AND BACKFILLING</b></p> <p>All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.</p> <p>If an excavation associated with the erection or demolition of a building extends below the level of the footings of a building on an adjoining allotment of land, the excavation is to be managed by a practising structural engineer.</p> <hr/> <p>Condition reason: To ensure structural stability of work on site and general safety.</p>
<b>38.</b>	<p><b>CONSTRUCTION HOURS</b></p> <p>Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays, with no work to be carried out on Sundays and public holidays.</p> <p>Excavation works involving the use of heavy earth movement equipment, including rock breakers and the like, must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays, with no such work to be carried out on Saturday, Sunday or a public holiday.</p>



	Noise from construction activities shall comply with the <i>Protection of the Environmental Operations (Noise Control) Regulation 2017</i> .
	Condition reason: To protect the amenity of the surrounding area.
<b>39.</b>	<b>STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS</b>
	All building materials and any other items associated with the development are to be stored within the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.
	Condition reason: To ensure building material is stored in an appropriate location.
<b>40.</b>	<b>CONSTRUCTION INSPECTIONS</b>
	The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the <i>Building Legislation Amendment (Quality of Construction) Act 2002</i> , clause 162A of the <i>Environmental Planning and Assessment Regulation 2021</i> and the requirements of any other applicable legislation or instruments.
	Condition reason: To ensure regular inspections occur throughout the construction process.
<b>41.</b>	<b>CERTIFICATE OF SURVEY - LEVELS</b>
	All construction works are to be in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels is to be submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
<b>42.</b>	<b>WORK OUTSIDE PROPERTY BOUNDARY</b>
	This consent does not authorise any work outside the property boundary.
	Condition reason: To ensure buildings are sited and positioned in the approved location.

## BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
<b>43.</b>	<p><b>FINAL OCCUPATION CERTIFICATE</b></p> <p>Prior to occupation or use of the development, an Occupation Certificate must be obtained.</p> <p>The Principal Certifying Authority must be satisfied that the requirements of the Environmental Planning &amp; Assessment Act 1979 have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.</p> <p>Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.</p>
<b>44.</b>	<p><b>SUBDIVISION CERTIFICATE</b></p> <p>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.</p> <p>Condition reason: To ensure a Subdivision Certificate is issued prior to occupation or use of the development.</p>
<b>45.</b>	<p><b>CERTIFICATION OF BASIX COMMITMENTS</b></p> <p>The Principal Certifying Authority shall certify that the all the undertakings in the approved BASIX certificate have been completed.</p> <p>Condition reason: To ensure all the undertakings in the approved BASIX certificate have been completed.</p>
<b>46.</b>	<p><b>CERTIFICATION OF APPROVED DESIGN</b></p> <p>In accordance with the Environmental Planning and Assessment Regulations 2021, the Principal Certifying Authority must not issue an occupation certificate, to authorise a person to commence occupation or use of the development unless it has received a design verification statement from an architect who is registered in accordance with the Architects Act 2003 (i.e. qualified designer) that verifies that the building achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles.</p> <p>Condition reason: To maintain the architectural integrity of the approved development.</p>
<b>47.</b>	<p><b>WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM</b></p> <p>A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared, stamped, and signed by a Registered Surveyor. This drawing must detail the alignment of all pipelines, pits, detention facility, rainwater harvesting facility, and other drainage-related infrastructure.</p>

	<p>An original or a colour copy must be submitted to Waverley Council. Where changes have occurred, the Council-approved plans must be marked-up in red ink and must include levels and locations for the drainage structures and works.</p> <p>A suitably qualified and practicing Engineer must provide certification of the WAED of the stormwater drainage system that the stormwater drainage works were constructed to their satisfaction and in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards, and good engineering practice.</p> <p>A copy of the aforementioned letter of certification must be submitted to Council.</p> <p>Condition reason: To ensure the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.</p>
<b>48.</b>	<p><b>CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE SYSTEM</b></p> <p>Prior to issue of an occupation certificate, certification is to be provided from a suitably qualified Hydraulics Engineer, that the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.</p> <p>Condition reason: To ensure the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.</p>
<b>49.</b>	<p><b>CERTIFICATION OF MECHANICAL PLANT</b></p> <p>A Certificate of Test of all mechanical plant together with a copy of the final test figures, conducted by a suitably qualified person, certifying that the system complies with the conditions of this consent, National Construction Code (NCC) and relevant Australian Standards.</p> <p>Condition reason: To ensure the proper installation of use of the mechanical plant has been undertaken.</p>
<b>50.</b>	<p><b>CERTIFICATION ACOUSTIC PERFORMANCE</b></p> <p>An acoustic report/certificate prepared by a suitably qualified acoustic consultant is to be submitted to the satisfaction of 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.</p> <p>Condition reason: To protect the amenity of the local area.</p>
<b>51.</b>	<p><b>SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE</b></p> <p>A Section 73 Compliance Certificate must be issued from Sydney Water prior to the issue of an occupation certificate.</p> <p>Condition reason: To ensure compliance with Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i>.</p>

<p><b>52.</b></p>	<p><b>BICYCLE PARKING</b></p> <p>A total of 1 bicycle parking space is to be provided within the development for residential use.</p> <p>The bicycle space is to be designed in accordance with Australian Standard AS2890.3 - 2015 Parking Facilities - Bicycle Parking.</p> <p>The bicycle space is to be provided by way of a secure lockable area, individual lockers or suitable bicycle rack.</p> <p>Condition reason: To ensure the amount of bicycle parking is reflective of the approval.</p>
<p><b>53.</b></p>	<p><b>ALLOCATION OF STREET NUMBER</b></p> <p>(a) The redevelopment of the property has led to the following allocation of primary and sub-address numbers for a strata subdivision:</p> <ul style="list-style-type: none"> <li>i. No. 1 - primary address site number</li> <li>ii. Mitchell Street - primary address location.</li> </ul> <p>(b) The primary address site number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level, located near the pedestrian entry points and be clearly visible on the site boundary that fronts Mitchell Street</p> <p>(c) The following sub-addressing will apply:</p> <ul style="list-style-type: none"> <li>i. Nos. Shop 6-9 for the sub-addresses within the building correlating with Lot nos. 1 - 4 on the floor plans for the building.</li> <li>ii. Unit Nos 1-5 for the sub-addresses within the building correlating with Lot nos. 5 - 9 on the floor plans for the building.</li> </ul> <p>(d) Commercial premises will be identified with an address identifier Shop i.e. Shop 6, Shop 7.</p> <ul style="list-style-type: none"> <li>i. The address number for a sub-address site shall not consist of the primary address number on its own.</li> <li>ii. The address number for a sub-address site shall not consist of the primary address number with an alpha suffix.</li> <li>iii. Sub-address numbers shall be applied in a logical sequence and within a primary address site shall be unique regardless of the type of the address.</li> </ul> <p>(e) 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.</p> <p>(f) Any variation to the above premises numbering requires a new application for a Change of street number and/or location to be lodged with Council.</p> <p>Condition reason: To ensure the property address is clearly identified.</p>



54.	<b>FLOOR SPACE RATIO</b>
	<p>The following applies to Floor Space Ratio:</p> <p>(a) The Gross Floor Area of the building shall be limited to 567m<sup>2</sup>.</p> <p>(b) Prior to any Occupation Certificate (including Interim) being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the Waverley Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifier.</p>
	<p>Condition reason: To ensure the constructed development complies with the approved floor space ratio.</p>

## OCCUPATION AND ONGOING USE

	Condition
<b>55.</b>	<b>ONGOING FLOODING REQUIREMENTS</b>
	<p>a) Materials which may be damaged by flood waters, materials which may be mobilised during flooding and materials which may cause pollution must be stored above 1% AEP plus 300mm freeboard.</p> <p>b) There must be no modifications made to flood compatible fencing.</p> <p>c) There must be no filling or blocking of the open, underfloor areas below 1% AEP plus 300mm freeboard.</p>
	<p>Condition reason: Ensure the development continues to must have a net neutral effect on flood behaviour and does not increase risk to the occupants.</p>
<b>56.</b>	<b>NOISE EMISSIONS</b>
	<p>The use of the premises shall not give rise to the transmission of "Offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.</p> <p>Condition reason: To protect the amenity of the local area.</p>
<b>57.</b>	<b>AIR EMISSIONS</b>
	<p>The use of the premises shall not give rise to air impurities in contravention of the Protection of the Environment Operations Act, 1997.</p> <p>Condition reason: To protect the amenity of the local area.</p>
<b>58.</b>	<b>NO COOKING ON SITE</b>
	<p>No cooking including but not limited to the use of fryers, barbecue, or charcoal type cooking appliances is permitted in the commercial premises.</p> <p>Condition reason: No food shaft is provided. To protect the amenity of the local area.</p>

## GENERAL ADVISORY NOTES

	Condition
<b>1.</b>	<p><b>DEVELOPMENT IS TO COMPLY WITH LEGISLATION</b></p> <p>This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&amp;A Act, EP&amp;A Regulation and other legislation.</p>
<b>2.</b>	<p><b>DEVELOPMENT MUST MEET CONDITIONS OF CONSENT</b></p> <p>The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&amp;A Act to carry out development that is not in accordance with this consent.</p>
<b>3.</b>	<p><b>POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT</b></p> <p>Various conditions require further input, review or approval by Council in order to be satisfied following the determination of the application (that is, post consent). In those instances, please adhere to the following process to avoid delays:</p> <ul style="list-style-type: none"> <li>• Please read your conditions carefully.</li> <li>• Information to be submitted to Council should be either via email to <a href="mailto:info@waverley.nsw.gov.au">info@waverley.nsw.gov.au</a> , in person (at Council’s Customer Service Centre) or via post service.</li> <li>• Attention the documentation to the relevant officer/position of Council (where known/specified in condition)</li> <li>• Include DA reference number</li> <li>• Include condition number/s seeking to be addressed</li> <li>• 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).</li> <li>• 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.</li> <li>• 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.</li> <li>• Please note in some circumstances, additional fees and/or additional documents (hard copy) may be required.</li> <li>• Council’s standard for review (from date the relevant officer receives documentation) is 14days. Times may vary or be delayed if information is not received in this required manner.</li> <li>• Any queries, please contact Council’s Duty Planner on <a href="mailto:duty.planner@waverley.nsw.gov.au">duty.planner@waverley.nsw.gov.au</a></li> </ul>
<b>4.</b>	<p><b>SYDNEY WATER REQUIREMENTS</b></p> <p>You are required to submit your plans to the appropriate Sydney Water office to determine whether the development will affect Sydney Water’s sewer and water mains, stormwater drains and/or easements.</p> <p>If you are increasing the density of the site, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. The application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website.</p> <p>Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact</p>

	<b>with the Coordinator</b> , since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
<b>5.</b>	<p><b>SYDNEY WATER CERTIFICATE</b></p> <p>A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. <b>Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website.</b></p> <p>Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact <b>with the Coordinator</b>, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.</p>
<b>6.</b>	<p><b>DIAL BEFORE YOU DIG</b></p> <p>Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at <a href="http://www.1100.com.au">www.1100.com.au</a> or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.</p>
<b>7.</b>	<p><b>TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)</b></p> <p>Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.</p>
<b>8.</b>	<p><b>ALTERATIONS AND ADDITIONS ONLY</b></p> <p>This consent is for alterations and additions to the existing building only and should during the course of construction a significant amount of the remaining fabric of the building be required to be removed, works must cease immediately and a new development application will be required to be submitted for assessment.</p>
<b>9.</b>	<p><b>BONDI - ROSE BAY SAND BODY</b></p> <p>This site may be located within the Bondi - Rose Bay Sand Body as identified in Council's Aboriginal Cultural Heritage Study 2009. Should an object of potential Aboriginal or archaeological significance be discovered during the demolition, excavation or construction period associated with this development, works are to immediately cease and the NSW National Parks and Wildlife Service must be contacted.</p> <p>Waverley Council must be notified of any referral to the NSW National Parks and Wildlife Service and be provided with a copy of any subsequent response.</p>



10.	<p><b>TREE REMOVAL/PRESERVATION</b></p> <p>Any trees not identified for removal in this application have not been assessed and separate approval may be required. Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building may also require approval.</p>
11.	<p><b>SUITABLY QUALIFIED ACOUSTIC CONSULTANT</b></p> <p>In these conditions, reference to a suitably qualified acoustic consultant means an individual who possesses the qualifications to render them eligible for membership of both the Australian Acoustics Society and Institution of Engineers Australia at the grade of member or an individual who is employed by a member firm of the Association of Australian Acoustic Consultants.</p>
12.	<p><b>ECOLOGICALLY SUSTAINABLE DEVELOPMENT RECOMMENDATIONS</b></p> <p><u>Indoor air quality:</u> Council strongly encourages the use of electrical cooktops, ovens and internal heating systems within residential developments to ensure that ambient indoor air quality levels specified in the National Environmental Protection Measure (Ambient Air Quality) are met.</p> <p><u>Ventilation:</u> Council strongly encourages the installation of ceiling or wall mounted fans or Heat Recovery Ventilation (HRV) Units within residential developments to enable adequate ventilation of habitable rooms.</p> <p><u>Domestic hot water:</u> Council strongly encourages the installation of electric hot water systems. If an electrical system is not installed it is suggested to include specific provisions to enable the future installation.</p>
13.	<p><b>PLANNING AGREEMENT</b></p> <p>After a Development Application has been approved with a Planning Agreement, the legal agreement must be drafted by Council, exhibited and endorsed by Council prior to fulfilling the requirements of the DA condition. This process will take a minimum of 4 months, so please contact the Strategic Town Planning team (email <a href="mailto:strategictownplanning@waverley.nsw.gov.au">strategictownplanning@waverley.nsw.gov.au</a>) at least 4 months before you intend to obtain the relevant Construction Certificate associated with the VPA under this DA to commence the process.</p>
14.	<p><b>SEPARATE APPLICATIONS FOR USE/FIT OUT (FOR COMMERCIAL PREMISES)</b></p> <p>Specific development applications are to be lodged for the approval of Council in connection with the initial usage of any retail or commercial areas within the development, prior to the occupation of the premises, unless otherwise permitted under SEPP (Exempt and Complying Development Codes) 2008.</p>

## Dictionary

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

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

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

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

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

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

**Council** means Waverley Council.

**Court** means the Land and Environment Court of NSW.

**EPA** means the NSW Environment Protection Authority.

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

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

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

**Local planning panel** means Waverley Local Planning Panel.

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

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

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

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

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

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

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

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

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





















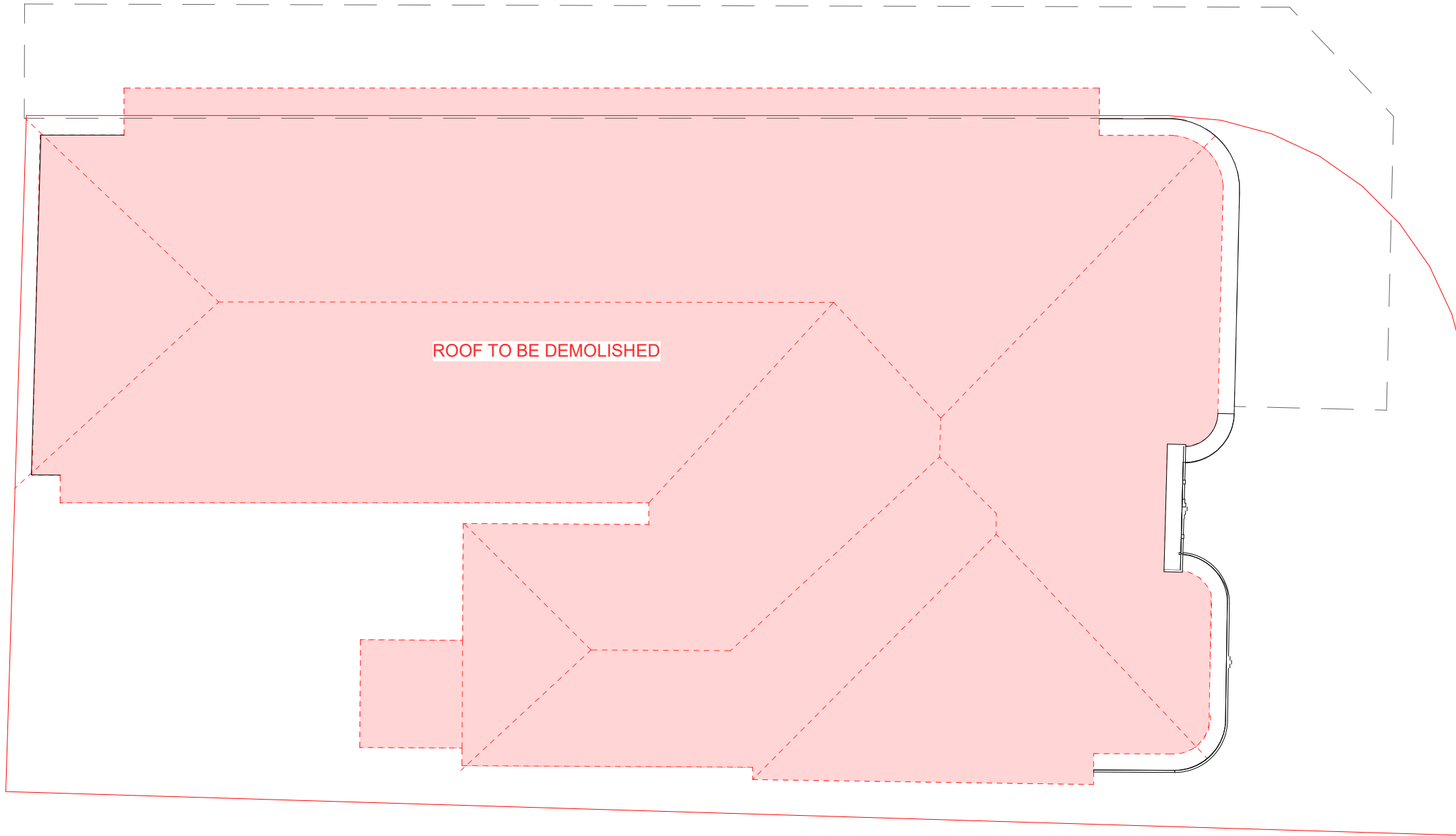
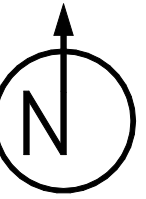






Nominated Architect: Alex Smith Reg #5473  
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61 2 9389 4055 www.csa-arch.com.au  
185 Old South Head Rd., Bondi Junction NSW 2022  
a.c.n. 087 234 053



ROOF TO BE DEMOLISHED

Rev	Description	Date
A	Pre-DA	28/06/2023
B	DA issue	29/11/2023

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.

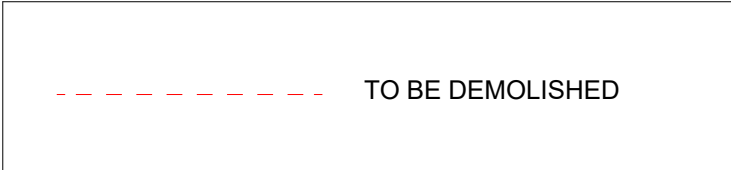
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Client  
**KENNEDY**  
Project  
**ALTERATIONS & ADDITIONS**  
**1 MITCHELL ST NORTH BONDI NSW**  
Status  
**DEVELOPMENT APPLICATION**

1

DEMOLITION PLAN - ROOF

1:100



TO BE DEMOLISHED

Drawing Title:  
**DEMOLITION PLAN ROOF**

Sheet No.  
**KEN-09**

Drawn: PZ	Checked: AS	Scale: 1:100 U.N.O	Rev. <b>B</b>
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Plot Date: Wednesday, 29 November 20















RECEIVED

Waverley Council  
LEGEND

Application No: DA-6/2024

Brick

Date Received: 12/01/2024

Concrete

Timber

Metal

Glass



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

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Client

**KENNEDY**

Project

**ALTERATIONS & ADDITIONS**  
**1 MITCHELL ST NORTH BONDI NSW**  
Status

**DEVELOPMENT APPLICATION**

Drawing Title:

**SECTION A**

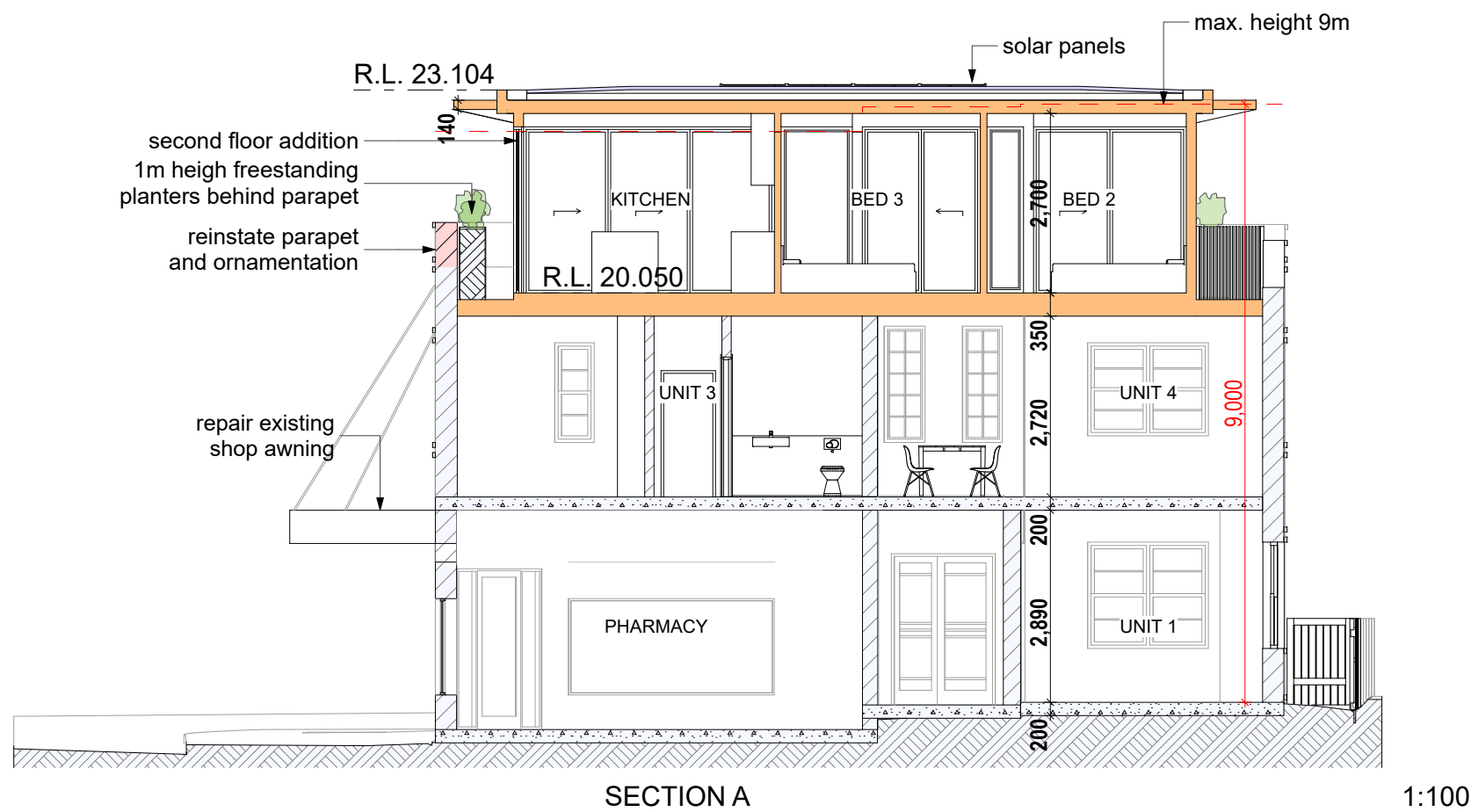
Sheet No.

**KEN-14**

Drawn:	Checked:	Scale:	Rev.
PZ	AS	1:100 U.N.O	<b>B</b>

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

Plot Date: Wednesday, 29 November 20











Application No: DA-6/2024  
 Window Name  
 Height  
 Date Received: 12/01/2024  
 Width  
 Window sill height

	WF-01	WF-02	WF-03	WF-04	WF-05	WF-06	WF-07
Window Name	Window 26	Double-Hung Window 26	Window 26	Window 26	Double-Hung Window 26	Double-Hung Window 26	Double-Hung Window 26
Height	1,600	1,550	1,200	1,200	1,550	1,500	1,350
Width	550	1,181	467	488	1,300	1,295	1,295
Window sill height	900	800	1,000	1,000	800	800	950

2D Symbol							
Elevation							

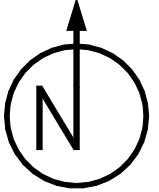
ID	WF-08	WF-09	WF-10	WF-11	WF-12	WF-13	WF-14
Window Name	Double-Hung Window 26	Double-Hung Window 26	Double-Hung Window 26	Double-Hung Window 26	Double-Hung Window 26	Double-Hung Window 26	Double-Hung Window 26
Height	1,500	1,500	1,200	1,200	1,500	1,500	1,500
Width	1,295	1,295	900	900	1,250	595	1,295
Window sill height	800	800	1,070	1,070	800	800	800

2D Symbol							
Elevation							



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Rev	Description	Date
B	DA issue	29/11/2023

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  
**KENNEDY**

Project  
**ALTERATIONS & ADDITIONS**  
**1 MITCHELL ST NORTH BONDI NSW**

Status  
**DEVELOPMENT APPLICATION**

Drawing Title:  
**WINDOW SCHEDULE (Pg 1 of 5)**

Sheet No.  
**KEN-21**

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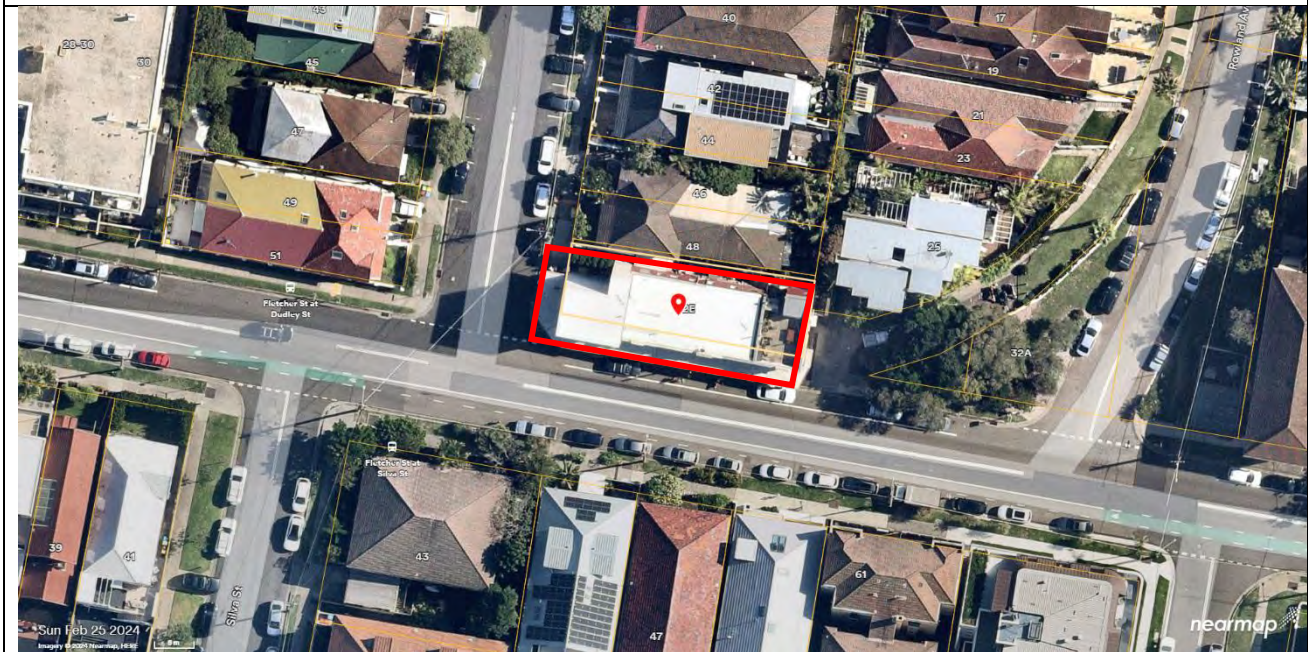
Modification of Consent



## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-186/2019/A – PAN-414303
<b>Site address</b>	32 Fletcher Street, BONDI NSW 2026.
<b>Proposal</b>	Modification to allow increased hours of operation on a trial period and allow an on-premises liquor license.
<b>Description of Approved Development</b>	Change of use to retail florist and coffee shop.
<b>Date of lodgement</b>	6 March 2024
<b>Owner</b>	Mrs A Voulgarakis
<b>Applicant</b>	S Rankin
<b>Submissions</b>	11
<b>Amended cost of works</b>	Nil
<b>Principal Issues</b>	Nil
<b>Recommendation</b>	That the application be APPROVED in accordance with the conditions contained in the report.

### SITE MAP





## 1. PREAMBLE

### 1.1. Executive Summary

The modification application seeks to modify development consent, known as DA-186/2019 for the change of use to a retail florist and coffee shop with ten patrons at the site known as 32 Fletcher Street, Bondi. In summary, the proposed modification is to increase the approved hours of operation of 7.00am to 10.00pm seven days per week to allow for an additional hour to 11.00pm Thursday to Saturday on a one year trial basis and allow an on-premises liquor license.

There are no issues arising from the assessment of this application, subject to a one year trial period.

A total number of 11 submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the recommendation.

No Councillor submissions were received as a result of the public exhibition. There were no declared conflicts of interest on this application from Council staff.

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

### 1.2. Site and Surrounding Locality

A site visit was carried out on 8 April 2024.

The site is identified as Lot A in DP 321112, known as 32 Fletcher Street. BONDJ. The site is located on the corner of Fletcher Street and Dudley Street.

The site is rectangular in shape and occupied by a two to three-storey shop top housing development with four individual shops fronting Fletcher Street on the ground floor. The subject tenancy is situated between Australia Post to the east and M Deli café to the west.

The locality is characterised by residential development in the form of residential flat buildings and semi-detached dwellings. **Figures 1 to 2** are photos of the site and its context.



**Figure 1:** Contextual view of the subject site and neighbouring businesses.



**Figure 2:** Site frontage.

### 1.3. Details of Approved Development

The original development application, known as DA-186/2019 for the change of use to retail florist and coffee shop with a maximum of ten patrons, was approved on 1 August 2019 under delegated authority.

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

#### **28. HOURS OF OPERATION – INDOOR AREA**

*The hours of operation for the indoor area of the premises is restricted to:*

- *Monday to Sunday: 7:00 AM – 10:00 PM.*

#### **30. SIGNAGE TO BE DISPLAYED**

*(a) Signage (in lettering not less than 15mm in height on a contrasting background) is to be erected in a prominent position near the main principal entry to the premises. The signage shall state:*

*Approved hours of operation  
Monday to Sunday: 7:00 AM to 10:00 PM,  
Approved patron capacity  
10 patrons*

*(b) Signage (in lettering not less than 15mm in height on a contrasting background) is to be erected near the main principal entry to the premises, in such a manner that it would be reasonable to expect that a person leaving the premises will be alerted to its contents. The signage shall state:  
Upon leaving, please respect local residents by minimising noise.*

*(c) Signage specified in sub-clauses (a) and (b) is to be erected prior to the commencement of operations.*

#### **31. LIQUOR LICENCE APPLICATION (UNLICENSED)**

*The primary purpose of the premises is to be an [unlicensed use i.e. café]. An application to modify this consent under section 4.55 of the Environmental Planning and Assessment Act 1979 is to be submitted to and approved by the Council prior to serving liquor on the premises.*

### 1.4. Proposal

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

- Modification to Condition 28 (Hours of Operation) to allow for extended trading hours between 10pm and 11pm Thursday to Saturday on a one year trial basis;
- Modification to Condition 30 (Signage), to include updated hours of operation in accordance with the proposed trial hours; and
- Modification to Condition 31 (Liquor License Application (Unlicensed)) to propose an on-premises liquor license.

It is noted that alcohol will only be sold with food and the premises is not intended to operate as a bar.

## 2. ASSESSMENT

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

### 2.1. Section 4.55 – Modification of consents – generally

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

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

The application was publicly notified, and 11 submissions were received. The issues and matters raised in public submissions are discussed in section 2.2.4 of this report.

### 2.2. Evaluation of Matters for Consideration under Section 4.15

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

#### 2.2.1. Planning Instruments and Development Control Plans

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

##### 2.2.1.1 State Environmental Planning Policies (SEPPs)

No SEPPs are considered to apply in the assessment of this development application.

##### 2.2.1.2 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

The land use definition of the approved development as a retail florist and coffee shop remains unchanged and continues to be permitted development in the E1 Local Centre zone under Waverley LEP 2012.

The quantities of the approved development remain unchanged in relation to principal development standards under Waverley LEP 2012. All other relevant provisions of Waverley LEP 2012 remain compliant.

### 2.2.1.3 Waverley Development Control Plan 2022 (Waverley DCP 2022)

The approved development, as proposed to be modified, continues to comply with the relevant parts and sections of Waverley DCP 2022. Only the parts and sections of Waverley DCP 2022 that apply to the proposed modifications are outlined in **Tables 1** and **2** and detailed discussion provided below.

**Table 1: Waverley DCP 2022 – Part D1 Commercial and Retail Development Compliance Table**

Development Control	Compliance	Comment
<b>1.2 Design</b>		
<p><b>1.2.4 Noise</b></p> <ul style="list-style-type: none"> <li>• <i>An acoustic report may be required for noise generating uses to demonstrate that noise will be appropriately attenuated between buildings.</i></li> <li>• <i>Speakers should be located and orientated to minimise noise levels to neighbouring properties.</i></li> <li>• <i>The design of the premises shall insulate adjoining/nearby properties from any noise or vibration levels caused by the use of the premises.</i></li> </ul>	Yes (new conditions imposed)	<p>The proposal is to increase the hours of operation from 10.00pm to 11.00pm Thursday to Saturday on a one year trial basis and it will become a licensed premise within the E1 zone. It is noted that this application does not include changes to the building or layout and will not increase the maximum patron number of ten patrons.</p> <p>Council’s Environmental Health officer has reviewed the proposal and has no objection to the modification, subject to additional conditions regarding noise emissions to ensure the amenity of the area is protected.</p>
<b>1.3 Hours of operation (Fletcher Street)</b>		
<p>(a) <i>General base trading hours:</i></p> <p>(i) <i>7.00 am to 10.00 pm, 7 days a week.</i></p> <p>(b) <i>Extended trading hours on a 1-year trial basis will be considered up to:</i></p> <p>(i) <i>11:00 pm on Thursdays, Fridays and Saturdays only; and</i></p> <p>(ii) <i>Monday – Sunday from 6.00 am.</i></p>	Yes	<p>The approved hours of operation under DA-186/2019 are Monday to Sunday 7.00 am to 10.00 pm. It is proposed to increase the trading hours on a one year trial basis from 10.00pm to 11.00pm Thursday to Saturday nights.</p> <p>The proposed extended trading hours are within those hours envisaged by the DCP, subject to a one year trial and are considered acceptable subject to additional conditions.</p>
<b>1.3.2 Review of Extended Trading Hours</b>		
	Yes	The proposed extension of the hours to 11.00pm Thursday to Saturday on a trial basis and the



Development Control	Compliance	Comment
		<p>proposed on-premises licence is considered acceptable.</p> <p>The venue has a capacity for a maximum of ten patrons and the additional hour will not significantly impact the surrounding area, which is a mix of residential and commercial and has good access to public transport.</p> <p>Alcohol sales will be strictly in line with RSA requirements and will only be alongside the sale of food. The premises is not intended to operate as a bar. Suitable conditions regarding noise, a register of complaints and a Plan of Management are already included and also recommended as conditions to ensure the protection of the amenity of the surrounding area.</p>

**Table 2: Waverley DCP 2022 – Part E3 Local Village Centres - 3.1 Village Centre Specific Controls**

Development Control	Compliance	Comment
<b>3.1.15 Fletcher Street</b>		
<b>Existing Character and Built Form</b>		
<i>The Fletcher Street Centre contributes to the neighbourhood feel of the area. The nearby reserve provides a place to sit and enjoy a coffee in the sun. The centre receives a good amount of foot traffic due to its location on the way to Tamarama Beach.</i>	Yes	The subject site has an approved development consent DA-186/2019 for operation as a café and a flower shop. The approved and proposed use with an on-premises liquor license are consistent with the zone objectives of the subject site.
<b>Desired Future Character Objectives</b>		
<i>(a) To ensure that the centre provides universal access to all users.</i>	Yes	Satisfactory.

### 2.2.2. Other Impacts of the Development

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

### 2.2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

#### 2.2.4. Any Submissions

The application was notified for 14 days between 12 March and 2 April 2024 in accordance with the *Waverley Community Engagement Strategy 2023*.

A total of 11 unique submissions were received from the following properties:

**Table 3: Submission details.**

Count	Property Address
1.	1/45 Fletcher Street, Tamarama
2.	3/45 Fletcher Street, Tamarama
3.	4/45 Fletcher Street, Tamarama
4.	4/45 Fletcher Street, Tamarama
5.	61 Fletcher Street, Tamarama
6.	14/63 Fletcher Street, Tamarama
7.	42 Dudley Street, Bondi
8.	44 Dudley Street, Bondi
9.	2/25 Rowland Avenue, Bondi
10.	2/25 Rowland Avenue, Bondi
11.	3/25 Rowland Avenue, Bondi

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

- Compliance of the proposal with the land use zone under the Waverley LEP 2012.
- Compliance with the maximum permissible hours of operation as stipulated in the Waverley DCP 2022.

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

**Issue:** The proposed application is incomplete as it does not include any acoustic impact assessment or a plan of management.

**Response:** An acoustic report is not required. The proposal is to maintain the number of patrons at ten, which at such a low capacity is not considered to result in adverse noise impacts. Notwithstanding Council's Environmental Health officer has recommended suitable conditions of consent regarding noise.

**Issue:** The application demonstrates substantial precedent risk associated within the broader Waverley Local Government Area by allowing extended trading hour trials and a liquor license for bar uses in predominantly residential areas and the associated fallout with local residents, by generating additional noise and posing safety risks to the residents through the encouragement of antisocial behaviour of the patrons who already tend to loiter around the site after the closure of the business at night.

**Response:** The subject site is located in an E1 Local Centre zone and has access to extended trading hours on a trial basis as outlined in the Waverley DCP 2022. It is noted that the site is within the vicinity of residential land use and appropriate conditions to restrict and mitigate noise are recommended. It

should also be noted that the proposal is not for a bar and the proposal is only seeking one additional hour and will not be increasing the patron capacity.

**Issue:** The business does not comply with the approved consent under DA-186/2019 and regularly puts out additional furniture. The patrons of the business sprawl outside of the designated footpath seating area, blocking pedestrian access as well as littering the street. The presence of an additional number of patrons impacts street parking which otherwise could be used by local residents.

**Response:** The applicant is required to comply with the issued consent. Non-compliance with the consent is a separate matter from the assessment of this application. Council's street parking is not restricted to local residents and is a public amenity for everyone's benefit.

### 2.2.5. Public Interest

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

## 3. REFERRALS

The following internal and external referral comments were sought:

### 3.1. Environmental Health

The application was referred to the Council's Environmental Health Officer and they have raised no objections to the proposal, subject to additional conditions of consent.

### 3.2. NSW Police

The application was referred to the NSW Police with regard to the proposed liquor license and no referral commentary has been received. It is considered that no objections are being raised by NSW Police.

## 4. CONCLUSION

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

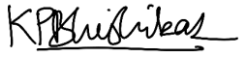

### *Managers of Development Assessment (MoDA) Decision:*

The application was reviewed by the MoDA at the meeting on 9 April 2024 and the MoDA determined that the application is acceptable and should be approved, subject to the conditions in Appendix A.

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

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

<b>Report prepared by:</b>	<b>Application reviewed and agreed by:</b>
	
Kalyani Bhishikar	Bridget McNamara
<b>Development Assessment Planner</b>	<b>A/ Executive Manager, Development Assessment</b>
<b>Date: 6 May 2024</b>	<b>Date: 7 May 2024</b>

*Reason for WLPP referral:*

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

1. Contentious development (10 or more objections)

OFFICE USE ONLY

<b>Planning Portal Data</b>	
Determining Authority	Local Planning Panel
Were the requirements of the Sustainable Buildings SEPP (effective 1 October 2023) met?	N/A
Have any dwellings been approved for affordable Rental Housing under this approval/consent?	No
Secondary Dwelling	No
Boarding House	No
Group Home	No
Is the development subject to the Special Infrastructure Contribution (SIC)?	No
Is the development located within an Urban Release area?	No
<b>Waverley Council Data</b>	
Trial Period database entry required	Yes – 1 year



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 TO BE MODIFIED

### A. Amended/Deleted Conditions

#### 30. SIGNAGE TO BE DISPLAYED

- (a) Signage (in lettering not less than ~~15~~ **25mm** in height on a contrasting background) is to be erected in a prominent position near the main principal entry to the premises. The signage shall state:

Approved hours of operation

~~Monday to Sunday: 7:00 AM to 10:00 PM,~~

**Sunday to Wednesday – 7.00 am to 10.00 pm.**

**Thursday to Saturday – 7.00 am to 11.00 pm.**

Approved patron capacity

10 patrons

- (b) Signage (in lettering not less than ~~15~~ **25mm** in height on a contrasting background) is to be erected near the main principal entry to the premises, in such a manner that it would be reasonable to expect that a person leaving the premises will be alerted to its contents. The signage shall state:

Upon leaving, please respect local residents by minimising noise.

- (c) Signage specified in sub-clauses (a) and (b) is to be erected prior to the commencement of operations.

**(AMENDED DA-186/2019/A)**

#### ~~31. LIQUOR LICENCE APPLICATION (UNLICENSED)~~

~~The primary purpose of the premises is to be an [unlicensed use i.e. café]. An application to modify this consent under section 4.55 of the Environmental Planning and Assessment Act 1979 is to be submitted to and approved by the Council prior to serving liquor on the premises.~~

#### **31. 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.**
- (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.**
- (f) No patron shall be permitted to take glasses or open containers of liquor off the premises.**

**(AMENDED DA-186/2019/A)**

**B. New Conditions**

**28A. HOURS OF OPERATION – INDOOR AREA**

*This consent allows for a one year trial period as follows:*

- *Thursday to Saturday – 7.00 am to 11.00 pm.*

*The trial period starts from the date of approval being 22 May 2024 and ceases on the anniversary of that date being 22 May 2025. A further application may be lodged before the expiration date for Council's consideration for the continuation of the trial hours.*

*Council's consideration of any further application will take into account matters including but not limited to:*

- i. compliance of the premises in terms of security and its general management;*
- ii. number and nature of substantiated complaints regarding the operation of the premises;*
- iii. compliance with conditions of consent.*

*(ADDED DA-186/2019/A)*

**45. 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.*

**46. 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.*

*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.*

*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.*

*(ADDED DA-186/2019/A)*

#### **47. 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.*

*(ADDED DA-186/2019/A)*

#### **48. 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;*

*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.*

*(ADDED DA-186/2019/A)*

#### **49. PLAN OF MANAGEMENT - LICENCED PREMISES**

*A Plan of Management (PoM) is to be submitted within one week of the date of this consent (DA-186/2019/A) and approved by the Executive Manager Development Assessment (or delegate) and is to include details of all operational and management procedures of the premises, including;*

- (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) Liquor practices (if licensed, including the responsible service of alcohol);*
- (e) Staffing roles and responsibilities;*
- (f) Management of patrons within the premises and their exit and dispersal from the area; and*



***(g) Other such operational matters to ensure compliance with relevant regulatory requirements.***

***(ADDED DA-186/2019/A)***

**ADVISORY NOTE**

***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.***

***(ADDED DA-186/2019/A)***

## APPENDIX B – FULL SET OF CONDITIONS

### **A APPROVED DEVELOPMENT**

#### **1. APPROVED DEVELOPMENT**

The approved development must be in accordance with:

- (a) Architectural Plans

<b>Title</b>	<b>Dated</b>	<b>Received by Council</b>
Site Plan	13/06/2019	15/07/2019
Ground Floor Plan	December 2017	15/07/2019

#### **2. KITCHEN EXHAUST SYSTEM FOR FOOD PREMISES**

This approval does not permit cooking to be undertaken on the premises. Any proposal to utilise cooking equipment/appliances will be subject to a separate development application to Council and if approved will require an air handling system designed in accordance with AS 1668.1-1998 and AS 1668.2-1991 or alternative solution satisfying the performance objectives of the Building Code of Australia.

#### **3. KITCHEN EXHAUST SYSTEM – COOKING APPLIANCES**

A kitchen exhaust system is to be installed if the cooking appliances provided have a total maximum power input exceeding 8kW for electrical, or a total gas input of 29MJ/h for a gas appliance. The system is to be designed in accordance with Clause F4.12 of the Building Code of Australia and Australian Standard AS1668 Parts 1 and 2. A further application is to be furnished to Council if an exhaust system is required.

#### **4. NO BARBECUE OR CHARCOAL TYPE COOKING**

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.

#### **5. MECHANICAL VENTILATION SYSTEMS**

Where mechanical ventilation systems are required, a further application is to be furnished to Council and demonstrating the following:

- (a) The premises are to be ventilated in accordance with the requirements of the Building Code of Australia & relevant Australia Standards.
- (b) Any proposed mechanical ventilation system shall comply with the Australian Standard AS 1668 - 1991 (Parts 1 and 2). Prior to installation, the design is to be certified by a person competent to do so. At completion of the installation of the system and prior to the issue of the Occupation Certificate, the work shall be certified by a person competent to do so. The certification shall include:

- (i) inspection, testing and commissioning details;
- (ii) date of inspection, testing and commissioning details;
- (iii) the name and address of the individual who carried out the test; and
- (iv) a statement that the service has been designed, installed and is capable of operating to the above standard.

## **B COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### **6. SECTION 7.12 CONTRIBUTION**

A cash contribution is payable to Waverley Council pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and Waverley Council Development Contributions Plan 2006 in accordance with the following:

- (a) A cost report indicating the itemised cost of the development shall be completed and submitted to council:
  - (1) Where the total development cost is less than \$500,000:  
**"Waverley Council Cost Summary Report"; or,**
  - (2) Where the total development cost is \$500,000 or more:  
**"Waverley Council Registered Quantity Surveyor's Detailed Cost Report".**

A copy of the required format for the cost reports may be obtained from Waverley Council Customer Service Centre or downloaded from: [www.waverley.nsw.gov.au/publications/](http://www.waverley.nsw.gov.au/publications/)

- (b) Prior to the issue of the Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.
- (c) Should a section 4.55 modification result in any change to the total cost of the work, the Section 7.12 contribution is to be revised and amended. Prior to the issue of the Construction Certificate, evidence must be provided that the revised levy has been paid to Council in accordance with this condition.

Waverley Council Development Contributions Plans 2006 may be inspected at Waverley Council Customer Service Centre.

#### Advisory Note

- A development valued at \$100,000 or less will be exempt from the levy.
- A development valued at \$100,001 - \$200,000 will attract a levy of 0.5%.
- A development valued at \$200,001 or more will attract a levy of 1% based on the full cost of the development.

### **7. SECURITY DEPOSIT**

A deposit or guarantee satisfactory to Council for the amount of \$1127.50 must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

This deposit (cash or cheque) or guarantee must be established prior to the issue of the Construction Certificate. The full amount of the difference after recovery of Council's cost for any repair of damage to Council property or rectification of unauthorised works on Council property will be refunded after satisfactory completion of the building work to the person who paid the deposit.



**8. LONG SERVICE LEVY**

A long service levy, as required under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986, is to be paid in respect to this building work. In this regard, proof that the levy has been paid is to be submitted to Council prior to the issue of a Construction Certificate.

Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.35% of building work costing \$25,000 or more.

**9. NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE**

The building work, or demolition work, must not be commenced until:

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with Section 81A(2) of the Environmental Planning & Assessment Act, 1979; and
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with Section 81(A)(2)(b) of the Environmental Planning & Assessment Act, 1979 and Form 7 of Schedule 1 of the Regulations; and
- (c) Council is given at least two days Notice in writing of the intention to commence the building works.

The owner/applicant may make application to Council or an Accredited Certifier for the issue of a Construction Certificate and to be the Principle Certifying Authority.

**10. ESSENTIAL SERVICES - EXISTING BUILDING**

Details of the currently implemented and proposed essential fire safety measures shall be submitted to Council, with the Construction Certificate, in the form of a Fire Safety Schedule. This Schedule shall be prepared by a person competent to do so and shall specify the minimum standard of performance for each essential fire safety measure included in the Schedule.

At the completion of the installation, a Final Fire Safety Certificate shall be attached to the Occupation Certificate, certifying that each essential fire safety measure specified within the current Fire Safety Schedule:

- (a) has been assessed by a properly qualified person; and
- (b) found to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the Certificate is issued.

**11. SITE WASTE AND RECYCLING MANAGEMENT PLAN**

A Site Waste and Recycling Management Plan (SWRMP) Checklist 2 shall be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 prior to the issue of the Construction Certificate. In this regard, Council expects demolition and excavated material to be reused and/or recycled wherever possible.

The builder and all subcontractors shall comply with the approved SWRMP Part 1 and 2 at all times during construction. At least one copy of the SWRMP is to be available on site at all times during construction. Copies of demolition and construction waste docket that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

## **C COMPLIANCE PRIOR TO AND DURING CONSTRUCTION**

### **12. PRIOR TO SITE WORKS**

The Principal Certifying Authority must be informed in writing before any site works, building or demolition commences of:

- (a) the name and contractor licence number of the licensee who has contracted to do, or intends to do, work ; or
- (b) the name and permit number of the owner/builder who intends to do the work; and
- (c) any change to these arrangements for doing of the work.

### **13. CONSTRUCTION SIGNS**

Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.

### **14. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS**

All site works complying with the occupational health and safety requirements of WorkCover NSW.

### **15. CONSTRUCTION HOURS**

Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays with no work to be carried out on:

- (a) The Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which form part of public holiday weekends; and
- (b) Sundays and public holidays

Noise from construction activities shall comply with the Protection of the Environmental Operations (Noise Control) Regulation 2000.

### **16. BUILDING CODE OF AUSTRALIA**

All building work must be carried out in accordance with the requirements of the Building Code of Australia.

### **17. FIRE SAFETY**

A building in respect of which there is a change of building use must comply with the Category 1 Fire Safety Provisions applicable to the proposed new use.

**18. SMOKE ALARM SYSTEM**

A smoke alarm system is to be installed within the building in accordance with the requirements of the Building Code of Australia.

**19. SANITARY FACILITIES - COMMERCIAL DEVELOPMENTS**

Adequate provision for sanitary facilities in accordance with Part F of the Building Code of Australia must be made for the future use of commercial tenancies. Where adequate sanitary facilities are not provided, future uses may not be approved.

**20. WORKS TO HERITAGE SHOP FRONT REQUIRE CONSENT**

The shop front is not to be altered, including facade refurbishment or repainting, or the provision or replacement of an awning, without the prior approval of Council.

**21. SERVICES**

New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.



## **D COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION**

### **22. FINAL OCCUPATION CERTIFICATE**

The Principal Certifying Authority prior to occupation or use of the development must issue a final Occupation Certificate. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning & Assessment Act, 1979 have been satisfied.

### **23. FOOD PREMISES**

The following requirements apply to premises that commercially provide food:

- (a) The premises must comply with the Food Act, 2003 and the Food Standards Code there under;
- (b) The applicant must arrange for an inspection by Council's Environmental Health Officer Surveyor prior to Occupation;
- (c) Notification of the businesses Food Safety Supervisor must be provided prior to operation.
- (d) The premises are to be registered with Council prior to the issue of the Occupation Certificate;
- (e) The premises must be constructed in accordance with the requirements of Council's "Policy for fit-out and construction of food premises". Copies of the policy can be purchased at Council's Customer Service Centre; and
- (f) The proprietor must pay any fees incurred by the carrying out of food safety inspections as determined by Council's Pricing Policy, Fees and Charges.

Note: The premises are to use healthier oils such as mono or polyunsaturated oil to shallow and/or deep fry foods that are prepared, served, available and marketed to customers. This will assist in decreasing the availability of foods prepared for sale that contain high levels of saturated and trans fats.

### **24. WASTE FACILITES**

The premises is to have the following garbage facilities:

- (a) 1 x 80L garbage bin for general garbage;
- (b) 1 x 80L garbage bin for recycling;
- (c) 1 x 80L garbage bin for green waste.

### **25. WASTE STORAGE**

The following requirements apply to waste management:

- (a) A waste management plan must be submitted to Council to include all waste removal arrangements such as the Contractor, recyclables and all other waste (collection and disposal), prior to the occupation of the premises.

- (b) Provide a separate waste storage area suitably covered, bunded and drained to the sewer. The waste storage receptacles must be maintained in good order and repair at all times.
- (c) Provide a suitable storage area affectively bunded for chemicals, pesticides and cleaning products.
- (d) Provide a separate storage area for used and unused cooking oils suitably covered, bunded and drained to the sewer.
- (e) Provide dry basket arresters to the floor wastes in the food preparation and waste storage areas.
- (f) 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.

## **26. DISPLAY OF WASTE MANAGEMENT PLAN**

The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan shall be displayed in a secure, visible and accessible position within or adjacent to the waste storage area. The approved Waste Management Plan must be complied with at all times during occupation.

## **27. LIGHTING**

- (a) Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting.
- (b) All external lighting fixtures should be vandal resistant.
- (c) Lighting should be carefully considered in areas covered by CCTV to allow for optimum viewing.
- (d) Lighting should be free of obstructions, such as tree branches, pipes, etc.
- (e) Transition lighting should also be used throughout the site to reduce vision impairment, i.e. impairment caused by walking from dark to light places and light to dark places.
- (f) All external area lights and carparks to multi-unit dwellings shall be on sensor switches to save energy and reduce light spill to the sky; low voltage solar powered lights to front entry footpaths are acceptable for continuously illuminated lighting.

## **E OPERATIONAL CONDITIONS DURING OCCUPATION**

### **28. HOURS OF OPERATION – INDOOR AREA**

The hours of operation for the indoor area of the premises is restricted to:

Monday to Sunday: 7:00AM – 10:00PM

### **28A. HOURS OF OPERATION – ONE YEAR TRIAL PERIOD**

This consent allows for a one year trial period as follows:

- Thursday to Saturday – 7.00 am to 11.00 pm.

The trial period starts from the date of approval being 22 May 2024 and ceases on the anniversary of that date being 22 May 2025. A further application may be lodged before the expiration date for Council's consideration for the continuation of the trial hours.

Council's consideration of any further application will take into account matters including but not limited to:

- i. compliance of the premises in terms of security and its general management;
- ii. number and nature of substantiated complaints regarding the operation of the premises;
- iii. compliance with conditions of consent.

***(ADDED DA-186/2019/A)***

### **29. MAXIMUM PATRON CAPACITY**

- (a) The approved internal patron capacity for the premises is limited to:

Total of 10 patrons (internal)

- (b) 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.
- (c) Management are responsible for ensuring the number of patrons in the premises does not exceed the approved capacity specified in sub clause (a).

### **30. 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 principle entry to the premises. The signage shall state:

*Sunday to Wednesday – 7.00 am to 10.00 pm.*

*Thursday to Saturday – 7.00 am to 11.00 pm.*

*Approved patron capacity  
10 patrons*

- (b) Signage (in lettering not less than 25mm in height on a contrasting background) is to be erected near the main principle entry to the premises, in such manner that it would be reasonable to expect that a person leaving the premises will be alerted to its contents. The signage shall state:

*Upon leaving please respect local residents by minimising noise*

- (c) Signage specified in sub clauses (a) and (b) is to be erected prior to the commencement of operations.

(AMENDED DA-186/2019/A)

### **31. 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.
- (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.
- (f) No patron shall be permitted to take glasses or open containers of liquor off the premises.

(AMENDED DA-186/2019/A)

### **32. NEIGHBOURHOOD AMENITY**

The management of the premises:

- (a) Shall ensure patrons do not crowd or loiter in the vicinity of the premises in such manner that pedestrian movement is obstructed or hindered.
- (b) Shall 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. In this regard, the management shall be responsible for the control of noise and litter generated by persons and/or premises operations. If so directed by Council, the Management is to employ private security staff to ensure that this condition is complied with.
- (c) Shall record in a 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.
- (d) Shall 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.



**33. COPIES OF CONSENTS AND MANAGEMENT PLANS**

A full copy of all current development consents (including approved plans) for the operation of the premises, any Registers required and any required Plan of Managements must be kept on the premises and made available for inspection immediately upon request by Council Officers, Police Officers and/or OLGR Authorised Officers.

**34. ENTERTAINMENT NOISE EMISSIONS**

Noise caused by the approved use including music and other activities must comply with the following criteria:

- (a) The LA10 noise level emitted from the premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) by more than 5dB between 07:00 am and 12:00 midnight at the boundary of any affected residence.
- (b) The LA10 noise level emitted from the premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) between 12:00 midnight and 07:00 am at the boundary of any affected residence.
- (c) Notwithstanding compliance with (a) and (b) above, the noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 07:00 am.
- (d) The use of the premise must be controlled so that any emitted noise is at a level so as not to create an "Offensive Noise" as defined in the Protection of the Environment Operations Act, 1997 to any affected receiver.

**35. LITTER PATROLS**

Litter patrols are to be undertaken in the general vicinity of the premises. Such patrols will take place intermittently during the hours of operation with the final patrol conducted at the cessation of trade. A litter patrol Register must be maintained and kept on the premises at all times detailing date, time of patrol, staff member responsible, and manager's signature.

**36. 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.

**37. GLASS SORTING OR COLLECTION**

No bottle or glass sorting, recycling or collection shall take place between 8.00pm on any day and 8am Monday to Friday, 9am Saturday and 10am Sundays and Public Holidays.

This condition is imposed to protect the amenities of neighbouring residents.

**38. ROLLER SHUTTERS**

The installation of roller shutters or grilles, in front of, or in place of a standard window or shop front is prohibited. Council Policy requires the retention of a glass shop front for window display purposes.

**39. NO FLASHING SIGNS**

The use of flashing lights, flashing illuminated signs and the like is prohibited.

**40. LOCATION OF SIGNS**

No advertising signs or notices are to be affixed to the windows of the premises.

**41. ERECTION OF SIGNS**

The erection of the sign is to satisfy the following requirements:

- (a) Be subject to development consent of Council;
- (b) Be erected/supported in a secure manner for safety purposes;
- (c) Does not cause measures that would cause irreversible damage to the building; and,
- (d) Shall be a minimum of 2.6m above the footpath level and be offset a minimum of 600mm behind the kerb.

**42. NO SIGNS OR GOODS ON PUBLIC AREA**

Portable signs or goods for sale or display must not be placed on the footway or other public areas, without the prior approval of Council.

**43. EXISTING SIGNS**

Any existing advertising structures displayed at the premises not relating to the approved use being removed and any proposed advertising structures to be displayed at the premises being the subject of a specific application to Council.

**44. SEPARATE APPLICATION FOR SIGNAGE**

Any proposed advertising structures to be displayed at the premises are to be subject to a separate development application to and approval from Council.

**45. 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.

(ADDED DA-186/2019/A)

**46. 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.

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.

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.

(ADDED DA-186/2019/A)

**47. 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.

(ADDED DA-186/2019/A)

**48. 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;

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.

(ADDED DA-186/2019/A)

#### **50. PLAN OF MANAGEMENT - LICENCED PREMISES**

A Plan of Management (PoM) is to be submitted within one week of the date of this consent and approved by the Executive Manager Development Assessment DA186/2019/A) and is to include details of all operational and management procedures of the premises, including;

- (h) Amenity impacts to the surrounding neighbourhood of the premises;
- (i) Compliance with conditions (relating to patron capacity, approved hours of operation, any trial periods, noise conditions, handling of complaints);
- (j) The behaviour of patrons;
- (k) Liquor practices (if licensed, including the responsible service of alcohol);
- (l) Staffing roles and responsibilities;
- (m) Management of patrons within the premises and their exit and dispersal from the area; and
- (n) Other such operational matters to ensure compliance with relevant regulatory requirements.

(ADDED DA-186/2019/A)



## **ADVICE TO APPLICANT**

Your Construction Certificate will not be issued until all the conditions of consent are satisfied.

## **SYDNEY WATER REQUIREMENTS**

You are required to submit your plans to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements.

## **DIAL BEFORE YOU DIG**

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://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.

## **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.

(ADDED DA-186/2019/A)

# Dictionary

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

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

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

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

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

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

**Council** means Waverley Council.

**Court** means the Land and Environment Court of NSW.

**EPA** means the NSW Environment Protection Authority.

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

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

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

**Local planning panel** means Waverley Local Planning Panel.

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

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

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

**Stormwater drainage system** means all works and facilities relating to:  
the collection of stormwater,  
the reuse of stormwater,  
the detention of stormwater,  
the controlled release of stormwater, and

connections to easements and public stormwater systems.

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

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

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

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

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



Other Residential Development



Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-351/2023 – PAN-385862
<b>Site address</b>	Unit 8, 55-57 Brighton Boulevard, BONDI BEACH
<b>Proposal</b>	Alterations and additions to Unit 8 and its roof terrace.
<b>Date of lodgement</b>	23 November 2023
<b>Owner</b>	Ms S Plaskitt
<b>Applicant</b>	TF Architects
<b>Submissions</b>	Nil
<b>Cost of works</b>	\$385,000
<b>Principal Issues</b>	<ul style="list-style-type: none"> <li>• Height exceedance</li> <li>• Floor Space Ratio exceedance</li> <li>• Visual privacy</li> </ul>
<b>Recommendation</b>	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP





## 1. PREAMBLE

### 1.1. Executive Summary

The development application seeks consent for alterations and additions to Unit 8 and its roof terrace at the site known as 55-57 Brighton Boulevard, Bondi Beach.

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

- Height of building exceedance; and
- Floor Space Ratio (FSR) exceedance.

The assessment finds these issues acceptable as the Clause 4.6 variation requests to the maximum height and FSR provides sound justification, and the proposal complies with the objectives of the FSR development standard and R3 zone. The height and FSR breach do not cause any adverse privacy, view loss or overshadowing impacts.

No public or Councillor submissions were received as a result of the public exhibition. There were no declared conflicts of interest on this application from Council staff.

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

### 1.2. Site and Surrounding Locality

A site visit was carried out on 30 January 2024.

The site is identified as SP61406, known as Unit 8, 55-57 Brighton Boulevard, Bondi Beach.

The site is rectangular in shape with a north-eastern frontage of 24.38m to Brighton Boulevard. It has an area of 954.7m<sup>2</sup> and slopes from the north-western corner to the south-eastern corner by approximately 2m. The site is occupied by a residential flat building (RFB), consisting of ten units over three levels, plus an existing roof terrace and basement carparking with vehicular access provided from Brighton Boulevard. The block has pedestrian access to the site along the western boundary. The roof terrace is split into thirds and used by the three units on the top level and is not communal.

This application relates to Unit 8 only, which occupies the northern side of the top floor. It has access to a terrace fronting Brighton Boulevard, which is partly covered by an operable vergola. External stairs at the north-western side of the terrace provides access to its portion of the private roof top terrace.

The site is adjoined by a two storey multi-dwelling home and a two-storey semi-detached dwelling on either side. The locality is characterised by a variety of low and medium density residential developments.

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



**Figure 1:** Southerly view of the subject site (Unit 8 shown in red) from Brighton Boulevard.



**Figure 2:** Western staircase from Unit 8 to the roof terrace.



**Figure 3:** South-westerly view from stair to 53 Brighton Boulevard.



**Figure 4:** Easterly view of the roof terrace.



**Figure 5:** Southerly view of the roof terrace used by neighbouring units and accessed via different internal stairs.



**Figure 6:** Westerly view of the existing vergola to Unit 8.

### 1.3. Relevant Development History

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

- DA-254/1997: Development application to construct a 3 storey RFB comprising of 10 units and basement carparking, approved 1 July 2002;
- DA-695/2002: Development application for external stair from unit 8 in RFB to the roof terrace, approved 10 September 2002; and
- DA-291/2003: Development application for alterations and additions to unit 3, approved 24 June 2003.

Development at neighbouring property 59 Brighton Boulevard:

- DA-402/2017: Development application for the demolition of existing building and construction of a three-storey RFB with car parking and strata subdivision, approved at the Land & Environmental Court on 29 November 2019. A Construction Certificate has not been issued.

### 1.4. Proposal

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

#### **Level 2, Unit 8:**

- Remove the existing bathroom, walls, robe and kitchen;
- Construction of a new kitchen, study, robe, bathroom, extension of Bed 1 and associated ensuite to the north-west, over a section of the existing terrace;
- Replacement of the existing entry doorway with a single fire door and minor changes to the fenestration include new windows to the kitchen and study, replacement of the existing bifold doors to the living room with sliding doors and a new bay window to Bed 2;
- Replace existing operable pergola with a new pergola and timber columns with the same height; and
- Minor relocation to the external staircase closer to the western side elevation with glass balustrade.

#### **Level 3, Roof Terrace:**

- Replacement of the existing pavers with a stepped deck and pebbles; and
- Extension to the western walkway to the new staircase with glass balustrade.

## 1.5. Background

The development application was lodged on 23 November 2023 and deferred on 5 March 2024 for the following reasons:

1. Both Clause 4.6 reports for height and FSR was not supported due to adverse visual privacy and overshadowing impacts from the relocation of the staircase to the eastern side of the building overlooking the property at 59 Brighton Boulevard; and
2. Building Code of Australia (BCA) Report was required.

The amended plans received on 22 March 2024 form the basis of the assessment. The external staircase was kept on the western side of the building, but the setback was decreased from the shared boundary and a minor reduction to the ensuite was made to fit the staircase on this side.

The Clause 4.6 for Height and FSR were updated, shadow diagrams were amended and a BCA Report was submitted. The awning height over the window off Bed 2 was lowered by 75mm to eliminate any overshadowing to the adjoining property at 59 Brighton Boulevard during the afternoon; and external staircase materials were updated on the 30 April 2024. This documentation forms the basis of this assessment.

## 2. ASSESSMENT

The following matters are to be considered in the assessment of this development application under section 4.15 of the *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: Given the proposal does not result in substantial redevelopment or refurbishment of the existing building, the Design Quality of Apartment Development under Chapter 4 does not apply to the assessment of this development application.
- SEPP (Resilience and Hazards) 2021.

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

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



**Table 1: Waverley LEP 2012 Compliance Table**

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
<b>1.2 Aims of plan</b>	Yes	The proposal meets the aims of the Waverley LEP 2012.
<b>Part 2 Permitted or prohibited development</b>		
<b>Land Use Table</b> <i>R3 Zone</i>	Yes	The proposal is defined as alterations to an RFB, which is permitted with consent in the R3 zone.
<b>Part 4 Principal development standards</b>		
<b>4.3 Height of buildings</b> • 12.5m	No	The proposed roof terrace balustrade has a height of 12.72m, resulting in a variation of 0.22m or 1.76%. The existing building has a maximum height of 14.19m and the proposal is below this height.
<b>4.4 Floor space ratio and</b> • 0.9:1 (859.23m <sup>2</sup> )	No	The proposed extension to Unit 8 adds 11m <sup>2</sup> and results in a FSR of 1.11:1 (1,064m <sup>2</sup> ), and a variation of 204.77m <sup>2</sup> or 23.83%.  The existing RFB has a gross floor area (GFA) of 1,053m <sup>2</sup> with a FSR of 1.10:1, which is an existing FSR variation of 193.77m <sup>2</sup> or 22.6%.
<b>4.6 Exceptions to development standards</b>	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of building and FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.
<b>Part 6 Additional local provisions</b>		
<b>6.1 Acid sulfate soils</b>	Yes	The site is identified as comprising 'class 5' acid sulfate soils. No excavation is proposed. The proposal complies with this clause of Waverley LEP 2012.

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

*Clause 4.6 Exceptions to the Height of Building Development Standard*

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

The site is subject to a maximum height of building development standard of 12.5m. The proposed development has a height of 12.72m, exceeding the standard by 0.22m equating to a 1.76% variation. It is noted that the existing building already exceeds the development standard by 1.69m (13.52%) as the roof parapet has a maximum height of 14.19m.

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

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

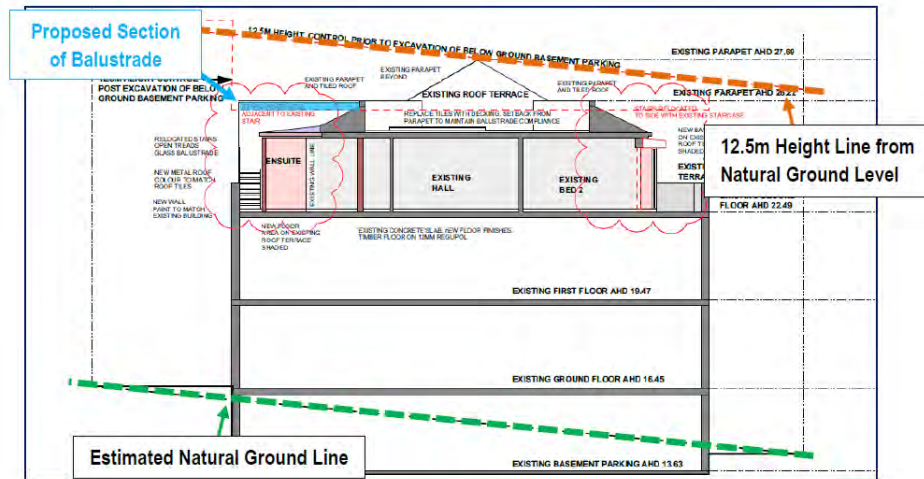
A copy of the applicant's written request has been provided to the Waverley Local Planning Panel for consideration.

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
  - (i) *The proposed development preserves the environmental amenity of neighbouring properties and public spaces, and enables the sharing of views. As stated, the variation relates to a technical non-compliance which is a result of previous excavation on the site. The proposed works remain well below the maximum height of the building and height line when measured from the natural groundline.*
  - (ii) **Privacy:** *The proposed height variation is associated with the relocated external staircase leading to the existing private rooftop terrace for Unit 8. The stair is of the minimum size required for safe access to the roof terrace. Furthermore, it is only designed to be used for access purposes, and is therefore not intended to be occupied for frequent or extended periods. Given its discreet size and non-habitable use, it will preserve privacy for neighbouring properties.*
  - (iii) **Views:** *Our assessment relies on an inspection of the subject site and the surrounding public domain, survey information, aerial imagery and real estate photographs available at the time of preparing this report. We have not had the opportunity to inspect the adjoining properties.*
  - (iv) *Given the lower heights and scale of existing built forms on the opposite side of the street, it is unlikely that those properties would have access to significant views across the subject site. Any possible views across the subject site would likely be blocked by existing structures and vegetation in the area. The balustrade will be constructed with glass, so any potential views would be retained regardless. Accordingly, existing views will be preserved by the proposal and not impacted by the minor additional works above the height plane.*
  - (v) **Solar Access:** *While objective (a) requires the preservation of amenity, objective (c) of the same Clause 4.3 has a much less onerous test of "maintaining satisfactory solar access to existing buildings and public places". Despite this, we have still considered "preservation" in this section.*

- (vi) *To assess the effect of the proposed development in terms of solar access, elevational shadow diagrams have been prepared for 9:00 am, 12 noon and 3:00 pm for the winter solstice (June 21). Sun angle lines for the winter solstice are also shown on the proposed floor plans. These diagrams indicate that the proposed development will preserve solar access for neighbouring residents, as existing. There is no additional overshadowing to neighbouring properties as a result of the proposal.*
- (vii) *The proposal will contribute to the eclectic mix of permissible uses in the R3 Zone. The proposal is also compatible with the envelope of neighbouring developments on Brighton Boulevard. This demonstrates the proposed external envelope is contextually compatible. In other words, the envelope is consistent with these buildings and compatible with the area's desired future character. Brighton Boulevard is characterised by a mix of older-style two to four storey residential flat buildings, semi-detached and detached dwellings. The proposal will maintain the number of storeys and maximum height of the existing building. The extent of the additional height breach is very minor and remains lower than the existing maximum parapet height.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) **Safe Access:** *The proposed height breach facilitates a compliant 1m high glass balustrade to the external stair leading to the rooftop terrace. If Council were to enforce strict compliance with the 12.5m height standard, it would result in a non-compliance with the BCA and would unduly compromise the safety of the apartment for the existing residents and their visitors. Accordingly, we consider the height variation is in the public interest, as it ensures that safe access is provided to the existing roof top terrace.*
- (ii) **Topography and Previous Excavation:** *The height non-compliance is a function of the topography of the site, which has been altered to accommodate the existing basement. As stated, when the height is measured from what would be considered the natural ground level, the proposal would easily comply with the 12.5m height plane. This conclusion is also relevant here as the subject site has an existing excavated basement area which drops the height limit. The area of exceedance will be above areas of existing excavation.*



Source: TF Architects

**Figure 7:** Section showing compliance with building height from estimated natural groundline.

- (iii) **Compatibility with Surrounding Context:** *The proposed height is consistent with the surrounding density and scale in the area, which is recognised as an environmental planning ground in Initial Action v Woollahra Municipal Council [2019] NSWLEC 1097 [47].*
- (iv) *This report demonstrates that the proposed alterations and additions will be compatible with the existing and desired future character of the area. The height variation will enable the relocation of the external stair to the roof terrace, which is consistent with the character of the existing built form. The new stairs will be constructed with higher-quality materials and will have contemporary finishes, including a glass balustrade. This will ensure it is visually compatible with the appearance of the existing development as well as the character of surrounding developments. The new materials will be more recessive than the existing stair, which will provide a better outcome in terms of design quality and visual bulk. Therefore, the additional height ensures the development will be compatible with the existing and desired future character of the locality.*
- (v) *although the proposal will exceed the height control, the proposal will preserve the environmental amenity of neighbouring properties and the public domain and will be compatible with the desired future character of the locality.*

Consideration of Applicant’s Written Request

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

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

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



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

The applicant specifically relies upon justification (a) of *Wehbe v Pittwater Council* (2007) 156 LGERA 446]. The applicant has demonstrated that despite the breach to the height standard, the proposed development meets the objectives of the zone and the development standard.

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

The applicant has satisfactorily argued that there are sufficient environmental planning grounds to justify contravening the development standard; particularly as the minor height exceedance is currently existing on site and the alteration will help improve the amenity for occupants.

The height breach itself does not cause any view loss to neighbouring buildings or from the public domain and does not introduce any overshadowing impacts from the clear glass balustrade. The staircase is repositioned in relatively the same area along the western side of unit 8 but has decreased the side setback from 6.1m to 4.9m to the shared boundary. The overlooking from occupants using the external stairs is considered the same as the existing and no additional privacy issues are expected, and no objections were received.

The proposed building envelope and building height are an appropriate correlation with the size of the site and the extent of the development as it is lower than the existing roof parapet on site and the height of the proposed balustrade is matched to the existing height of the balustrade. Therefore, the height exceedance of the glass balustrade is acceptable as the existing amenity of the surrounding properties is preserved.

#### Conclusion

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

#### *Clause 4.6 Exceptions to FSR Development Standard*

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

The site is subject to a maximum FSR development standard of 0.9:1 (859.23m<sup>2</sup>). The proposed development to increase the size of the two bedrooms and ensuite has added 11m<sup>2</sup> GFA and has an FSR of 1.11:1 (1,064m<sup>2</sup>), exceeding the standard by 204.77m<sup>2</sup> and equates to a 23.83% variation. It is noted that the existing building already exceeds the development standard by 22.6% or 193.77m<sup>2</sup>, as the RFB has an FSR of 1.10:1 (1,053m<sup>2</sup>).

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

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
  - (i) *Flexibility is sought in the application of the FSR development standard to the proposed development in the circumstance of this particular case. The additional GFA relates to small additions to Unit 8, which are in keeping with the architecture of the existing building and the character of development in the locality. The proposal has been designed to enhance the amenity and functionality of Unit 8 for future occupants, providing a more functional internal layout and an improved relationship between the living areas and new private open space.*
  - (ii) *The proposed additions are modestly sized and discreetly located to ensure the bulk, scale and form is consistent with surrounding residential flat development in the R3 Medium Density Zone. The areas of additional FSR will comply with the maximum building height development standard and the DCP requirements for building and streetscape design; setbacks; and private open space.*
  - (iii) *Importantly, the proposal will preserve the amenity of neighbouring properties in respect of privacy, solar access and views. In fact, by filling in the portions of the side-facing terraces and reducing the extent of trafficable outdoor areas, the interface with adjacent properties will be improved. This will provide a better outcome in terms of aural and visual privacy.*

- (iv) *Flexibility in this circumstance will provide a better outcome both for and from the development. The proposed addition will be compatible with the character of the existing building and surrounding developments. It will enhance the quality and amenity of the existing apartment, while also mitigating any adverse effects on neighbouring residences.*
  - (v) *The LEP stipulates a maximum building height of 12.5m and an FSR of 0.9:1 for the R3 Medium Density Residential zoned site. The areas of additional FSR, comprising the bay window and north-western extension, remain compliant with the building height development standard. Overall, the building will retain its existing number of storeys.*
  - (vi) *The additions represents only a 1.04% increase from the building's existing FSR, and therefore, will not be readily noticeable. Unit 8 will continue to comprise two bedrooms located across Level 3, with access to a private rooftop terrace. The dwelling density therefore remains unchanged. Accordingly, the proposal provides an appropriate correlation between maximum building heights and density controls, by ensuring the additional FSR has a compliant height, the extent of the increase is minor, and the overall height and density of the existing development is maintained.*
  - (vii) *Brighton Boulevard is characterised by a mix of older-style two to four storey residential flat buildings and semi-detached and detached dwellings. The proposed additional floor space is below the maximum building height, situated behind the existing front parapet, within the existing side balustrade and has a height and roof form that integrates into the existing built form. For these reasons, the proposal will appear compatible with the streetscape and surrounding semi-detached and residential flat buildings along the south-western side of Brighton Boulevard.*
  - (viii) *The additional GFA will not be readily noticeable as additional bulk. The existing front parapet and solid side balustrade at the third floor level will obscure views of the north-western addition, when viewed directly from Brighton Boulevard. The addition will only be visible from oblique angles. The proposed bay window addition will similarly not be readily visible from the streetscape, especially when viewed from Brighton Boulevard due to the existing front parapet and solid side balustrade obscuring views from the north-east.*
  - (ix) *It should be noted that Unit 3 in the same residential flat building at Nos. 55-57 Brighton Boulevard has an approved non-compliant FSR of 1.028:1 under DA 391/2003 for alterations and additions to the existing residential flat building comprising an additional 8m<sup>2</sup> of GFA.*
  - (x) *An FSR of 1.07:1 (78.2% exceedance) was approved under DA-294/2020 for alterations and additions to the existing residential flat building including the construction of a garage and landscaping at No. 140 Brighton Boulevard, North Bondi, within the vicinity of the site.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) **Privacy:** *The additional GFA is located in areas where existing, trafficable side-facing terrace sit. Therefore, the infill of part of these areas will preserve existing levels of privacy for the*

*neighbouring properties. In fact, aural and visual privacy may improve through the partial enclosure of these private open spaces.*

- (ii) The additions are recessed further than the existing balustrading to the side terraces. The new windows are therefore setback greater than the trafficable areas of the existing terrace. In other words, sightline distances to the neighbouring properties will be increased by the proposal by setting back the trafficable areas of Unit 8 further from the side boundaries than what currently exists. As such, the proposal will preserve and likely enhance privacy for neighbouring properties.*
- (iii) **Solar Access:** To assess the effect of the proposed development in terms of solar access, elevational shadow diagrams have been prepared for 9:00 am, 12 noon and 3:00 pm for the winter solstice (June 21). Sun angle lines for the winter solstice are also shown on the proposed floor plans. Based on the shadow diagrams, the proposal will not cast any additional shadows to existing buildings and public areas. Therefore, existing, satisfactory levels of solar access are maintained.*
- (iv) In other words, the relocation of the external staircase to the roof terrace, and the additional FSR will not result in any additional overshadowing. Therefore, removal of the additional FSR would not serve any benefit in terms of solar access. Accordingly, it is concluded that the additional FSR will not have any additional overshadowing impacts. Therefore, solar access for neighbouring properties and the locality will be preserved.*
- (v) **Views:** Our assessment relies on an inspection of the subject site and the surrounding public domain, survey information, aerial imagery and real estate photographs available at the time of preparing this report. We have not had the opportunity to inspect the adjoining properties.*
- (vi) Given the lower heights and scale of existing built forms on the opposite side of the street, it is unlikely that those properties would have access to significant views across the subject site. Any possible views across the subject site would likely be blocked by existing structures and vegetation in the area.*
- (vii) Accordingly, although the proposal increases the existing FSR by a very minor 1.04% amenity for neighbouring properties and the locality will be preserved. The additional FSR will not be readily noticeable as additional bulk, and the development will remain compatible with the existing and desired future character of the area.*
- (viii) **Existing FSR Variation and Minor Nature of the Increased FSR:** As stated, the existing building has a greater FSR than the standard and the proposed increase to the existing FSR is very minor, at only 1.04%. Although the proposed FSR is greater than the maximum, it is noted that this is a direct result of the existing built form also not complying with the development standard. As such, any substantial improvements to the residential flat building would inevitably require a Clause 4.6 Variation.*
- (ix) The proposed variation enables reasonable, modestly sized additions to Unit 8. This will upgrade the amenity of the existing, older residential flat building. In this instance, the additional areas will seamlessly integrate into the existing built form, will maintain a similar*



*streetscape appearance as existing when viewed from Brighton Boulevard and will preserve the amenity of neighbouring residences and the locality. Given the FSR variation is a function of the existing situation, it can therefore be considered acceptable.*

- (x) **Consistency with Desired Future Character and Contextual Compatibility:** *This report demonstrates the proposed development is compatible with the surrounding context and existing residential flat buildings along Brighton Boulevard (see Figure 5 on the following page). The proposal will contribute to the variety of medium density housing stock in the locality and will be of a scale and form that is consistent with the area's existing and desired future character.*
- (xi) *The proposal will not significantly alter the bulk and scale of the existing building, which has an external envelope that is consistent with the streetscape. The additions are minor in nature, are recessed from the front and sides of the building and occupy portions of the existing wrap-around terrace. The works are set behind the existing front parapet and the solid side balustrades. Given the discreet design of the additions, they will not be easily visible from the public domain or neighbouring properties.*
- (xii) **Acoustic and Visual Privacy:** *The additional FSR will demonstrate an improved relationship with the surrounding development. As stated, by infilling a portion of the trafficable side-facing wrap around terraces, sightlines to adjacent properties will be increased. The additions will be setback further from the side boundaries than the existing trafficable terraces, which will improve acoustic and visual privacy for Nos. 53 & 59 Brighton Boulevard. Accordingly, the proposed variation will facilitate a reduction in overlooking impacts compared to the existing situation, representing a better planning outcome in this case.*

#### Consideration of Applicant's Written Request

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

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

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

- (a) *the objectives of the development standard are achieved notwithstanding non-compliance with the standard;*
- (b) *to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;*
- (c) *to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;*

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

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

The applicant specifically relies upon justification (a) of *Wehbe v Pittwater Council* (2007) 156 LGERA 446]. The applicant has demonstrated that despite the breach to FSR, the proposed development meets the objectives of the zone and the development standard.

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

The applicant has satisfactorily argued that that there are sufficient environmental planning grounds to justify contravening the development standard. The minor further contravention will help improve and optimise the amenity for existing occupants. The additional floor area in the bedroom, ensuite and bay window extensions does not cause any view loss to neighbouring buildings or from the public domain and does not introduce adverse privacy or overshadowing impacts. The additional shadows from the building extension and window awnings overshadow the subject sites own balcony. The proposed building envelope and floor space are an appropriate correlation with the size of the site and the extent of the development as it is consistent with the overall building envelope.

Conclusion

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

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

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


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

<b>Development Control</b>	<b>Compliance</b>	<b>Comment</b>
<b>2. Ecologically Sustainable Development</b>	Yes	The plans do not detail the inclusion of ceiling fans or nominate the type of cooking and heating facilities proposed. An advisory note has therefore been included in the consent which recommends that they be incorporated to provide a more sustainable development.
<b>5. Water Management</b>	Yes	Satisfactory.
<b>6. Accessibility and</b>	Yes	Access around the common areas are preserved

Development Control	Compliance	Comment
<b>Adaptability</b>		and the access to the roof terrace is similar to the existing.
<b>11. Design Excellence</b>	Yes	Satisfactory.

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

Development Control	Compliance	Comment
<b>2.2 Height</b>		
<ul style="list-style-type: none"> <li>Maximum external wall height: R3/12.5m – 9.5m</li> </ul>	Yes	No change to the external wall height as the unit wall is set in from the external wall of the apartment building.
<b>2.3 Setbacks</b>		
<b>2.3.1 Street setbacks</b> <ul style="list-style-type: none"> <li>Consistent street setback</li> </ul>	Yes	No change to the front setback as the existing pergola is a like for like replacement.
<b>2.3.2 Side and rear setbacks</b> <ul style="list-style-type: none"> <li>Minimum side setback: 1.5m</li> </ul>	Yes	The external staircase is repositioned in relatively the same area along the western side of Unit 8 and proposes a decreased side setback from 6.1m to 4.9m. The proposal still complies with this control.
<b>2.5 Building design and streetscape</b>		
<ul style="list-style-type: none"> <li>Respond to streetscape</li> <li>Sympathetic external finishes</li> </ul>	Yes	The proposed alterations maintain the scale and appearance of the RFB from the streetscape.
<b>2.11 Private Open Space</b>		
<b>2.11.2 – Balconies/decks</b> <ul style="list-style-type: none"> <li>Balcony additions to match the character of the building</li> <li>Should not dominate the façade</li> <li>Balustrades to allow views and casual surveillance of the street &amp; privacy</li> </ul>	Yes	<p>The roof terrace stairs match the existing character of the building.</p> <p>The external stairs are partly visible from the western side of the building but do not dominate the façade.</p> <p>A glass balustrade is used to reduce the bulk of the stairs.</p>
<b>2.13 Solar access and overshadowing</b>		
<ul style="list-style-type: none"> <li>Minimum of 3 hours of sunlight to a minimum of 70% of units in the development on 21 June</li> <li>New development should maintain at least 2 hours of sunlight to solar collectors on adjoining properties in mid winter</li> <li>Direct sunlight to north facing windows of</li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>Living rooms and private open space will receive a minimum of three hours solar access, as existing.</p> <p>No additional overshadowing is proposed to neighbouring properties as the building extension overshadows the existing wrap around balcony.</p>

Development Control	Compliance	Comment
<i>habitable rooms on all private open space areas of adjacent dwellings to less than 3 hours of sunlight on 21 June</i>		
<b>2.15 Visual privacy and security</b>		
<ul style="list-style-type: none"> <li><i>Above ground open space must not overlook rooms and private landscaped areas of adjoining properties or be screened</i></li> <li><i>Privacy be considered in relation to context density, separation use and design</i></li> <li><i>Prevent overlooking of more than 50% of private open space of lower-level dwellings in same development</i></li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>Existing above ground open spaces are retained, and existing levels of privacy are maintained. The existing external staircase and wrap-around balcony overlook the eastern elevation of 53 Brighton Boulevard and the proposed staircase will keep this view in <b>Figure 9</b>.</p>  <p><b>Figure 8:</b> Eastern elevation of 53 Brighton Blvd.</p> <p>Proposed windows to the north-western extension improve privacy due to the partial infill of the side-facing terrace and increased setback to the parapet. Privacy screening would result in additional height and overshadowing and is not considered appropriate.</p>

## 2.2. Other Impacts of the Development

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

## 2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

## 2.4. Any Submissions

The application was notified for 14 days (plus additional holiday period days) between 13 December 2023 and 17 January 2024 in accordance with the *Community Engagement Strategy 2023*.

Following receipt of amended plans and additional information, the application was re-notified for 14 days on 28 March 2024 to the neighbouring site at 53 Brighton Boulevard. This was due to the



location and design of the stairs being relocated to the western side of Unit 8, which is the same side the existing external stairs are positioned.

No submissions were received during both notification periods.

## 2.5. Public Interest

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

## 3. REFERRALS

The following internal referral comments were sought:

### 3.1. Fire and Building Compliance

The application was referred to Council's Building Surveyor who requested a BCA Report to be submitted for the proposal. No issues were raised subject to the advised conditions to meet the recommendations in the BCA Report.

### 3.2. Stormwater

The application was referred to Council's Stormwater Engineer for comment and given the small size of the work, only a certification of the stormwater drainage system prepared by a qualified and practising engineer or plumber is required before issue of an occupation certificate. No stormwater plan is required to be submitted for assessment.

## 4. CONCLUSION

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



### *Managers of Development Assessment (MoDA) Decision:*

The application was reviewed by the MoDA at the meeting on 19 March 2024 and the MoDA determined that the application is acceptable and should be approved, subject to the conditions in Appendix A.

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

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

<b>Report prepared by:</b>	<b>Application reviewed and agreed by:</b>
	
Edwina Ross	Bridget McNamara
<b>Development Assessment Planner</b>	<b>A/ Executive Manager, Development Assessment</b>
<b>Date: 1 May 2024</b>	<b>Date: 8 May 2024</b>

*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	<p>1.76% variation to height (Clause 4.3)</p> <table border="1"> <tr><td>X</td><td>Pre-existing non-compliance</td></tr> <tr><td>X</td><td>No change to overall building height</td></tr> <tr><td></td><td>No change to overall building envelope</td></tr> <tr><td></td><td>Variation limited to the [lift/plant/parapet/attic] only</td></tr> <tr><td>X</td><td>No unreasonable impacts on the amenity of adjoining properties or streetscape</td></tr> <tr><td>X</td><td>Sufficient environmental planning grounds</td></tr> <tr><td>X</td><td>Consistent with the objectives of the standard</td></tr> </table>	X	Pre-existing non-compliance	X	No change to overall building height		No change to overall building envelope		Variation limited to the [lift/plant/parapet/attic] only	X	No unreasonable impacts on the amenity of adjoining properties or streetscape	X	Sufficient environmental planning grounds	X	Consistent with the objectives of the standard
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Clause 4.6 register entry required	<p>23.83% variation to FSR (Clause 4.4)</p> <table border="1"> <tr><td>X</td><td>Pre-existing non-compliance</td></tr> <tr><td>X</td><td>No change to overall building height</td></tr> <tr><td></td><td>No change to overall building envelope</td></tr> <tr><td></td><td>Variation limited to the [lift/plant/parapet/attic] only</td></tr> <tr><td>X</td><td>No unreasonable impacts on the amenity of adjoining properties or streetscape</td></tr> <tr><td>X</td><td>Sufficient environmental planning grounds</td></tr> <tr><td>X</td><td>Consistent with the objectives of the standard</td></tr> </table>	X	Pre-existing non-compliance	X	No change to overall building height		No change to overall building envelope		Variation limited to the [lift/plant/parapet/attic] only	X	No unreasonable impacts on the amenity of adjoining properties or streetscape	X	Sufficient environmental planning grounds	X	Consistent with the objectives of the standard
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X	Consistent with the objectives of the standard														

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

## APPENDIX A – CONDITIONS OF CONSENT

### Terms and Reasons for Conditions

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

### GENERAL CONDITIONS

	Condition																												
<b>1.</b>	<p><b>APPROVED PLANS AND DOCUMENTATION</b></p> <p>The development must be in accordance with:</p> <p>(a) Architectural Plans prepared by TF Architect of Project No: 550 including the following:</p> <table border="1"> <thead> <tr> <th>Plan Number and Revision</th> <th>Plan description</th> <th>Plan Date</th> <th>Date received by Council</th> </tr> </thead> <tbody> <tr> <td>DA04, Rev 0</td> <td>Demolition Plan</td> <td>September 2023</td> <td>22/11/2023</td> </tr> <tr> <td>DA05, Rev A</td> <td>Proposed Floor Plan</td> <td>20/03/2024</td> <td>30/04/2024</td> </tr> <tr> <td>DA07, Rev A</td> <td>Proposed Terrace Plan</td> <td>20/03/2024</td> <td>30/04/2024</td> </tr> <tr> <td>DA10, Rev B</td> <td>Exist &amp; Prop Elevation</td> <td>30/04/2024</td> <td>30/04/2024</td> </tr> <tr> <td>DA11, Rev B</td> <td>Section</td> <td>30/04/2024</td> <td>30/04/2024</td> </tr> <tr> <td>DA012, Rev A</td> <td>External Finishes</td> <td>30/04/2024</td> <td>30/04/2024</td> </tr> </tbody> </table> <p>(b) BASIX and NatHERs Certificate/s</p> <p>(c) BCA Report prepared by AED Group dated (30/01/2023), Report No. 11284 and received by Council on (29/04/2024);</p> <p>(d) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on (22/11/2023);</p> <p>Except where amended by the following conditions of consent.</p> <p>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>	Plan Number and Revision	Plan description	Plan Date	Date received by Council	DA04, Rev 0	Demolition Plan	September 2023	22/11/2023	DA05, Rev A	Proposed Floor Plan	20/03/2024	30/04/2024	DA07, Rev A	Proposed Terrace Plan	20/03/2024	30/04/2024	DA10, Rev B	Exist & Prop Elevation	30/04/2024	30/04/2024	DA11, Rev B	Section	30/04/2024	30/04/2024	DA012, Rev A	External Finishes	30/04/2024	30/04/2024
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DA012, Rev A	External Finishes	30/04/2024	30/04/2024																										



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

Condition	
<b>2.</b>	<p><b>NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE</b></p> <p>The building work, or demolition work, must not be commenced until:</p> <ul style="list-style-type: none"> <li>(a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the <i>Environmental Planning and Assessment Act 1979</i>;</li> <li>(b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2021</i>; and</li> <li>(c) Council is given at least two days' notice in writing of the intention to commence the building works.</li> </ul> <p>Condition reason: To ensure a Construction Certificate is obtained prior to work commencing.</p>
<b>3.</b>	<p><b>SECTION 7.12 CONTRIBUTION</b></p> <p>A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the <i>Environmental Planning and Assessment Act 1979</i> and the Waverley Council Development Contributions Plan in accordance with the following:</p> <ul style="list-style-type: none"> <li>(a) Where the total development cost is \$500,000 or less: <ul style="list-style-type: none"> <li>(i) a <b>Cost Summary Report</b> or <b>Building Contract</b> or similar is to be submitted to Council's Customer Service Centre to process payment.</li> </ul> </li> <li>(b) Where the total development cost is more than \$500,000 but less than \$1,000,000: <ul style="list-style-type: none"> <li>(i) a <b>Detailed Cost Report</b> prepared by a registered Quantity Surveyor, <b>Building Contract</b>, or similar is to be submitted to Council's Customer Service Centre to process payment.</li> </ul> </li> <li>(c) Where the total development cost is \$1,000,000 or more: <ul style="list-style-type: none"> <li>(i) a <b>Detailed Cost Report</b> prepared by a registered Quantity Surveyor, <b>Building Contract</b>, or similar is to be submitted to and approved by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate). <ul style="list-style-type: none"> <li>- Please forward documents to <a href="mailto:info@waverley.nsw.gov.au">info@waverley.nsw.gov.au</a> attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy.</li> </ul> </li> <li>(ii) Upon confirmation of the contribution amount by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate), payment is to be processed via the Customer Service Centre.</li> <li>(iii) Should there be a discrepancy between the cost of works approved in subclause (b)(i) and the DA fee nominated in the original DA, then additional DA Fees may be payable prior to the issue of a Construction Certificate.</li> </ul> </li> </ul>

	<p>A copy of the required format for the cost reports are provided in the Waverley Council Contributions Plan, available on Council's website.</p> <p>(d) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, the levy must be paid in accordance with the following;</p> <ul style="list-style-type: none"> <li>(i) A development valued at \$100,000 or less will be exempt from the levy;</li> <li>(ii) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% of the <u>full</u> cost of the development; or</li> <li>(iii) A development valued at more than \$200,000 will attract a levy of 1% of the <u>full</u> cost of the development.</li> </ul> <p>Prior to the issue of any Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.</p>
	<p>Condition reason: To ensure the Section 7.12 Contributions are paid.</p>
<p><b>4.</b></p>	<p><b>SECURITY DEPOSIT</b></p> <p>A deposit (cash or cheque) for the amount of <b>\$ 10,260.00</b> must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.</p> <p>This deposit (cash or cheque) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs for any repair of damage to Council property or rectification of unauthorised works on Council property, will be refunded after satisfactory completion all of works associated with this consent (including the required public works) to the person who paid the deposit.</p>
	<p>Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.</p>
<p><b>5.</b></p>	<p><b>LONG SERVICE LEVY</b></p> <p>A long service levy, as required under section 34 of the <i>Building and Construction Industry Long Service Payments Act, 1986</i>, is to be paid in respect of this building work. Evidence that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate.</p> <p><u>Note:</u> Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.25% of building work costing \$250,000 or more.</p>
	<p>Condition reason: To ensure the long service levy is paid.</p>
<p><b>6.</b></p>	<p><b>ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES</b></p> <p>The applicant is to pay to Council fees for assessment of all engineering plans and inspection of the completed works in the public domain inclusive of all stormwater assessment, in accordance with Council's Schedule of Fees &amp; Charges at the time of engineering plan approval, prior to such approval being granted by Council.</p> <p>An invoice will be issued to the applicant for the amount payable, which will be</p>

	calculated based on the design plans for the subject development.
	Condition reason: To ensure Council assessment fees are paid.
<b>7.</b>	<b>HOARDING</b>
	ensure the site is contained during construction, a hoarding is required for the approved works, which is to be designed and constructed in accordance with the requirements of Safe Work NSW. Where the hoarding is to be erected over the footpath or any public place, the approval of Council's Compliance Unit must be obtained and the applicable fees paid, prior to the erection of the hoarding.
	Condition reason: To ensure safety to the general public.
<b>8.</b>	<b>EROSION &amp; SEDIMENT CONTROL</b>
	A Soil and Water Management Plan (SWMP), also known as an Erosion and Sediment Control Plan must be prepared in accordance with Waverley Council's Water Management Technical Manual.
	The SWMP must be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request.
	The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.
	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
<b>9.</b>	<b>ENGINEERING DETAILS</b>
	Structural details are to be prepared and certified by a practicing Structural Engineer in connection with all structural components of the approved works, prior to the issue of the relevant Construction Certificate.
	Condition reason: To ensure structural stability of work on site.
<b>10.</b>	<b>CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)</b>
	The applicant is to submit a Construction Traffic Management Plan (CTMP) for the approval of Council's Executive Manager, Infrastructure Services, or delegate, prior to the issue of any Construction Certificate. For further information on what is required in the CTMP, please refer to Council's website at:  <a href="https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent">https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent</a>
	Condition reason: To minimise disruption to local traffic.
<b>11.</b>	<b>BASIX</b>
	All requirements of the BASIX Certificate and/or NatHERS documentation are to be shown on the Construction Certificate plans and documentation.
	Condition reason: To ensure BASIX and/or NatHERS requirements are met.

<p><b>12.</b></p>	<p><b>SITE WASTE AND RECYCLING MANAGEMENT PLAN</b></p> <p>A <i>Site Waste and Recycling Management Plan (SWRMP) - Part 2</i> is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the <i>SWRMP Part 2</i> is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.</p> <p>Condition reason: To ensure resource recovery is promoted and the local amenity is protected during construction.</p>
<p><b>13.</b></p>	<p><b>BUILDING CODE OF AUSTRALIA</b></p> <p>All building work must be carried out in accordance with the requirements of the current NCC Building Code of Australia and BCA Assessment Report prepared by Nathan Halstead of AED Group dated 30th January 2023 Ref: 12482-Rev 1.</p> <p>a) If compliance with the deemed-to-satisfy provisions of the NCC BCA cannot be achieved, a performance solution in accordance with Part A2 of the NCC BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the NCC BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the NCC Building Code of Australia.</p> <p>b) Any design amendments required to achieve compliance with the NCC BCA may require an application under Section 4.55 of the Act to be lodged with Council to amend this consent.</p> <p>c) Prior to the commencement of the required upgrade works, a Construction Certificate must be issued by an accredited Certifying Authority and an accredited PCA be appointed. Any required upgrading works must be completed prior to the issue of an Occupation Certificate.</p> <p>Condition reason: To ensure BCA requirements are met.</p>
<p><b>14.</b></p>	<p><b>ESSENTIAL SERVICES- EXISTING BUILDING</b></p> <p>Details of the currently implemented and proposed essential fire safety measures for the building shall be submitted with the Construction Certificate, in the form of a Fire Safety Schedule. This Schedule shall be prepared by a person competent to do so and shall specify the minimum standard of performance for each essential fire safety measure included in the Schedule.</p> <p>At the completion of the installation, a Final Fire Safety Certificate shall be attached to the Occupation Certificate, certifying that each essential fire safety measure specified within the current Fire Safety Schedule:</p> <p>(a) has been assessed by a properly qualified person; and  (b) found to be capable of performing to at least the standard required by the</p>



	current Fire Safety Schedule for the building for which the Certificate is issued.
	Condition reason: To ensure fire safety requirements are met.
<b>15.</b>	<p><b>CERTIFICATE OF ADEQUACY</b></p> <p>The existing building which will not be affected from the building works will need to achieve the required FRL and structural adequacy along with the proposed new works. A Certificate of Adequacy prepared by a practicing Structural Engineer, certifying the adequacy of the existing building structure is to be provided to Council or the Accredited Certifier prior to the issue of a Construction Certificate.</p> <p>Condition reason: To ensure structural stability of work on site.</p>

## BEFORE BUILDING WORK COMMENCES

	Condition
<b>16.</b>	<p><b>CONSTRUCTION SIGNS</b></p> <p>Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.</p> <p>Condition reason: To ensure the general public are afforded the Principal Certifying Authority and principal contractor's (the coordinator of the building works) contact details.</p>
<b>17.</b>	<p><b>DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS</b></p> <p>The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including:</p> <ul style="list-style-type: none"> <li>• Work Health and Safety Act 2011;</li> <li>• Work Health and Safety Regulation 2017;</li> <li>• SafeWork NSW Code of Practice for the Safe Removal of Asbestos;</li> <li>• Australian Standard 2601 (2001) – Demolition of Structures;</li> <li>• <i>Protection of the Environment Operations Act 1997.</i></li> </ul> <p>At least 5 days prior to the demolition, renovation work or alterations and additions to any building, the person acting on the consent shall submit a Work Plan to the Principal Certifying Authority in accordance with Australian Standard AS 2601-2001, Demolition of Structure and a Hazardous Materials Assessment prepared by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall:</p> <ol style="list-style-type: none"> <li>(a) Outline the identification of any hazardous materials, including surfaces coated with lead paint;</li> <li>(b) Confirm that no asbestos products are present on the subject land, or</li> <li>(c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by SafeWork NSW (catalogue WC03561);</li> <li>(d) Describe the method of demolition;</li> <li>(e) Describe the precautions to be employed to minimise any dust nuisance; and</li> <li>(f) Describe the disposal methods for hazardous materials.</li> </ol> <p>Condition reason: To ensure the safety of workers and the general public.</p>
<b>18.</b>	<p><b>TREE PROTECTION</b></p> <p>All trees on site and adjoining properties, including street trees, are to be retained and</p>

	protected in accordance with AS4970-2009 'Protection of Trees on Construction Sites' and to be certified by an Arborist with AQF level 5 qualification or above, unless approved to be removed in this development consent.
	Condition reason: To protect and retain trees.
<b>19.</b>	<p><b>STREET TREES TO BE RETAINED/TREE PROTECTION</b></p> <p>No existing street trees shall be removed without Council approval. Precautions shall be taken when working near trees to ensure their retention, including the following:</p> <ul style="list-style-type: none"> <li>(a) Do not store harmful or bulk materials or spoil under or near trees;</li> <li>(b) Prevent damage to bark and root system;</li> <li>(c) Do not use mechanical methods to excavate within root zones;</li> <li>(d) Do not add or remove topsoil from under the drip line;</li> <li>(e) Do not compact ground under the drip line;</li> <li>(f) Do not mix or dispose of liquids within the drip line of the tree; and</li> <li>(g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter in accordance with AS4970-2009 "Protection of trees on construction sites.</li> </ul> <p>Condition reason: To protect trees during the carrying out of site work.</p>

## DURING BUILDING WORK

	Condition
<b>33.</b>	<p><b>CONTROL OF DUST ON CONSTRUCTION SITES</b></p> <p>The following requirements apply to demolition and construction works on site:</p> <p>(a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.</p> <p>(b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices.</p> <p>Condition reason: To ensure the safety of workers and the general public.</p>
<b>34.</b>	<p><b>CONSTRUCTION HOURS</b></p> <p>Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays, with no work to be carried out on Sundays and public holidays.</p> <p>Excavation works involving the use of heavy earth movement equipment, including rock breakers and the like, must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays, with no such work to be carried out on Saturday, Sunday or a public holiday.</p> <p>Noise from construction activities shall comply with the <i>Protection of the Environmental Operations (Noise Control) Regulation 2017</i>.</p> <p>Condition reason: To protect the amenity of the surrounding area.</p>
<b>35.</b>	<p><b>STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS</b></p> <p>All building materials and any other items associated with the development are to be stored within the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.</p> <p>Condition reason: To ensure building material is stored in an appropriate location.</p>
<b>36.</b>	<p><b>CONSTRUCTION INSPECTIONS</b></p> <p>The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the <i>Building Legislation Amendment (Quality of Construction) Act 2002</i>, clause 162A of the <i>Environmental Planning and Assessment Regulation 2021</i> and the requirements of any other applicable legislation or instruments.</p> <p>Condition reason: To ensure regular inspections occur throughout the construction</p>



	process.
<b>37.</b>	<b>CERTIFICATE OF SURVEY - LEVELS</b>
	All construction works are to be in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels is to be submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
<b>38.</b>	<b>CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING</b>
	A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the location of the building on the site is to be submitted to the Principal Certifying Authority to certify the building is located in accordance with the development consent plans. The Certificate is to be submitted prior to the construction of the external walls above the ground floor level of the building.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
<b>39.</b>	<b>WORK OUTSIDE PROPERTY BOUNDARY</b>
	This consent does not authorise any work outside the property boundary.
	Condition reason: To ensure buildings are sited and positioned in the approved location.

## BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
<b>43.</b>	<p><b>FINAL OCCUPATION CERTIFICATE</b></p> <p>Prior to occupation or use of the development, an Occupation Certificate must be obtained.</p> <p>The Principal Certifying Authority must be satisfied that the requirements of the <i>Environmental Planning &amp; Assessment Act 1979</i> have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.</p> <p>Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.</p>
<b>44.</b>	<p><b>CERTIFICATION OF BASIX COMMITMENTS</b></p> <p>The Principal Certifying Authority shall certify that the all the undertakings in the approved BASIX certificate have been completed.</p> <p>Condition reason: To ensure all the undertakings in the approved BASIX certificate have been completed.</p>
<b>45.</b>	<p><b>CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE SYSTEM</b></p> <p>a) Certification is to be provided from a suitably qualified and practicing Engineer or Plumber, that any new stormwater drainage system has been constructed in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards, and good engineering practice.</p> <p>b) Certification is to be provided from a suitably qualified and practicing Engineer or Plumber, that any retained stormwater drainage system is unblocked, in good working order, and has been repaired or replaced in accordance with Council’s Water Management Technical Manual and Development Control Plan and all applicable Codes, Policies, Plans, Standards and good engineering practice.</p> <p>c) A copy of the certification must be submitted to Council.</p> <p>Condition reason: Ensure new constructed and retained stormwater drainage system is in good working order.</p>

## GENERAL ADVISORY NOTES

	Condition
<b>1.</b>	<p><b>DEVELOPMENT IS TO COMPLY WITH LEGISLATION</b></p> <p>This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&amp;A Act, EP&amp;A Regulation and other legislation.</p>
<b>2.</b>	<p><b>DEVELOPMENT MUST MEET CONDITIONS OF CONSENT</b></p> <p>The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&amp;A Act to carry out development that is not in accordance with this consent.</p>
<b>3.</b>	<p><b>POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT</b></p> <p>Various conditions require further input, review or approval by Council in order to be satisfied following the determination of the application (that is, post consent). In those instances, please adhere to the following process to avoid delays:</p> <ul style="list-style-type: none"> <li>• Please read your conditions carefully.</li> <li>• Information to be submitted to Council should be either via email to <a href="mailto:info@waverley.nsw.gov.au">info@waverley.nsw.gov.au</a> , in person (at Council’s Customer Service Centre) or via post service.</li> <li>• Attention the documentation to the relevant officer/position of Council (where known/specified in condition)</li> <li>• Include DA reference number</li> <li>• Include condition number/s seeking to be addressed</li> <li>• 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).</li> <li>• 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.</li> <li>• 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.</li> <li>• Please note in some circumstances, additional fees and/or additional documents (hard copy) may be required.</li> <li>• Council’s standard for review (from date the relevant officer receives documentation) is 14days. Times may vary or be delayed if information is not received in this required manner.</li> <li>• Any queries, please contact Council’s Duty Planner on <a href="mailto:duty.planner@waverley.nsw.gov.au">duty.planner@waverley.nsw.gov.au</a></li> </ul>
<b>4.</b>	<p><b>SYDNEY WATER REQUIREMENTS</b></p> <p>You are required to submit your plans to the appropriate Sydney Water office to determine whether the development will affect Sydney Water’s sewer and water mains, stormwater drains and/or easements.</p> <p>If you are increasing the density of the site, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. The application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website.</p>

	Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact <b>with the Coordinator</b> , since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
<b>5.</b>	<b>TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)</b> 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.
<b>6.</b>	<b>ALTERATIONS AND ADDITIONS ONLY</b> 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.
<b>7.</b>	<b>TREE REMOVAL/PRESERVATION</b> Any trees not identified for removal in this application have not been assessed and separate approval may be required. Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building may also require approval.
<b>8.</b>	<b>ECOLOGICALLY SUSTAINABLE DEVELOPMENT RECOMMENDATIONS</b> <u>Indoor air quality:</u> Council strongly encourages the use of electrical cooktops, ovens and internal heating systems within residential developments to ensure that ambient indoor air quality levels specified in the National Environmental Protection Measure (Ambient Air Quality) are met. <u>Ventilation:</u> Council strongly encourages the installation of ceiling or wall mounted fans or Heat Recovery Ventilation (HRV) Units within residential developments to enable adequate ventilation of habitable rooms. <u>Domestic hot water:</u> Council strongly encourages the installation of electric hot water systems. If an electrical system is not installed it is suggested to include specific provisions to enable the future installation



## Dictionary

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

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

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

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

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

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

**Council** means Waverley Council.

**Court** means the Land and Environment Court of NSW.

**EPA** means the NSW Environment Protection Authority.

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

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

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

**Local planning panel** means Waverley Local Planning Panel.

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

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

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

**Stormwater drainage system** means all works and facilities relating to:

the collection of stormwater,

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

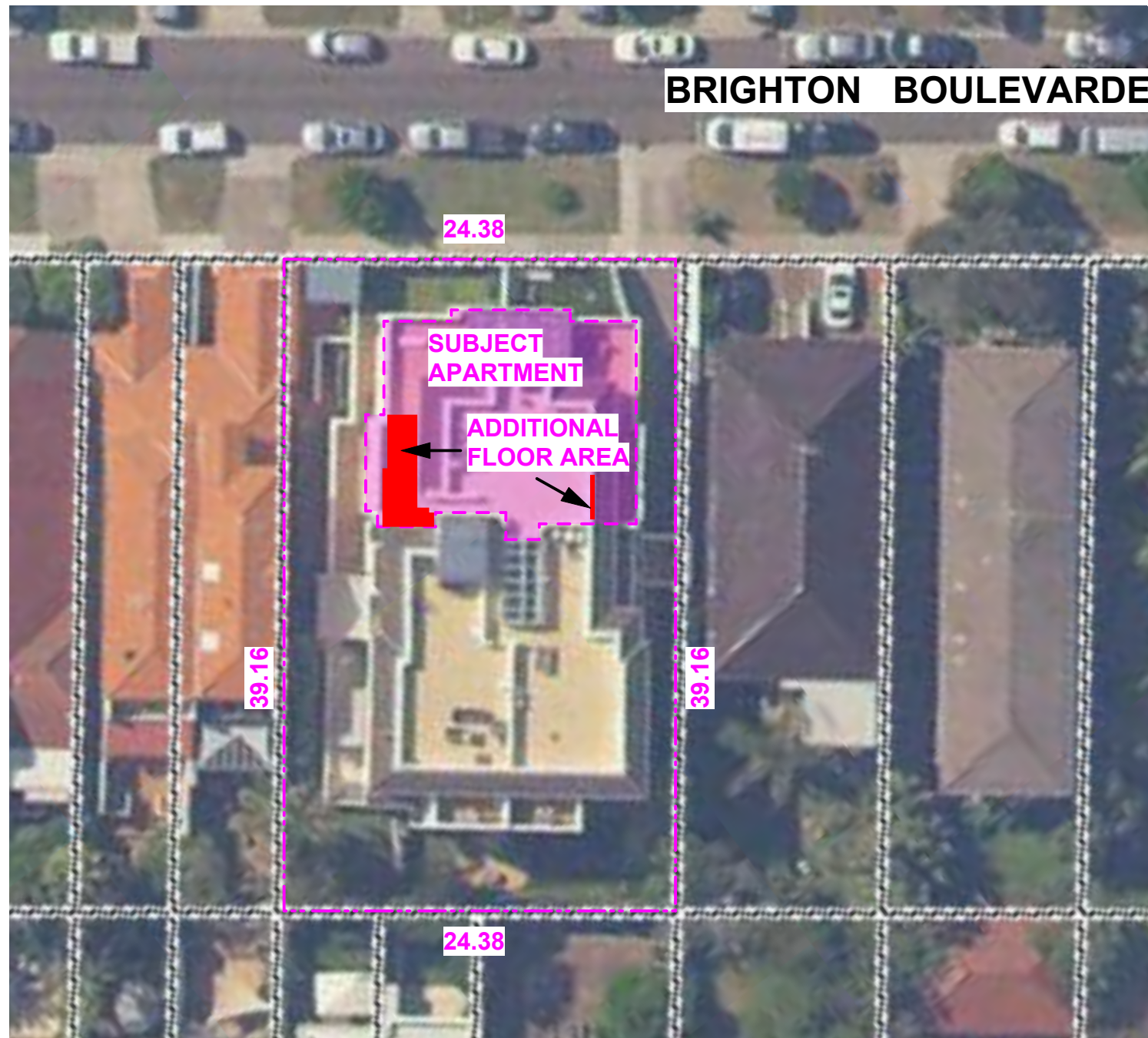
**Strata certificate** means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

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

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

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

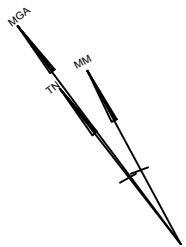
**Suitably qualified acoustic consultant** means a suitably qualified acoustic consultant means an individual who possesses the qualifications to render them eligible for membership of both the Australian Acoustics Society and Institution of Engineers Australia at the grade of member or an individual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



RECEIVED  
 Waverley Council  
 Receipt No: DA-351/2023  
 Date Received: 22/11/2023

**SITE PLAN**

REVISIONS		
NO.	DESCRIPTION	DATE



**DEVELOPMENT APPLICATION  
 NOT FOR CONSTRUCTION**

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 Architects Registration: 6125

client	<b>SARAH PLASKITT</b>	
project	<b>UNIT 8 / 55-57 BRIGHTON B'VDE NORTH BONDI NSW</b>	
drawing title	<b>SITE PLAN</b>	
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Job No	<b>550</b>	Dwg number <b>DA 01</b>
Date	<b>SEPT 2023</b>	Scale <b>1:100 @ A3</b> Rev





**SITE ANALYSIS PLAN**

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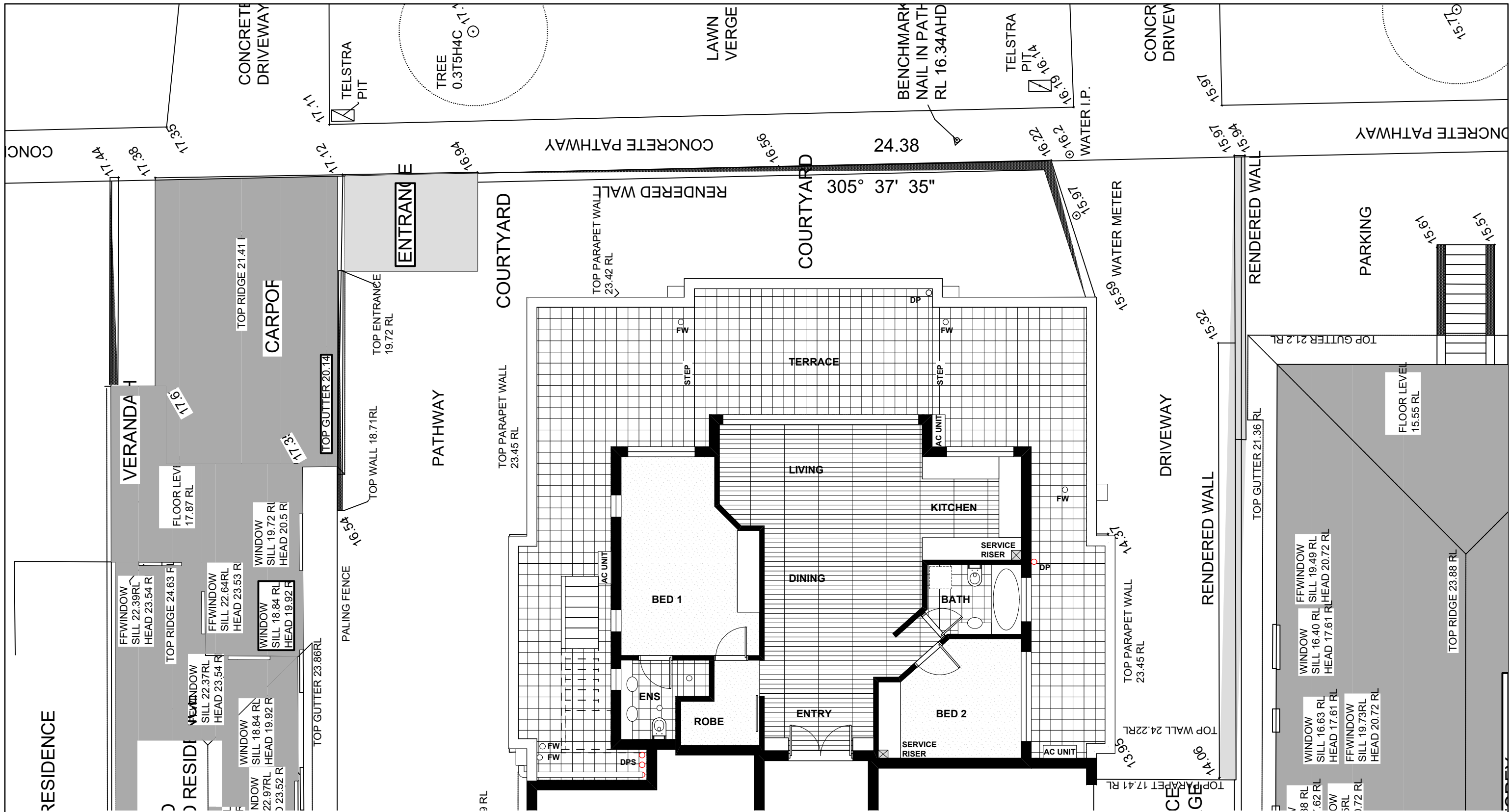


DEVELOPMENT APPLICATION  
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drawing title	SITE ANALYSIS PLAN		
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Date	SEPT 2023	Scale	NTS
		Rev	

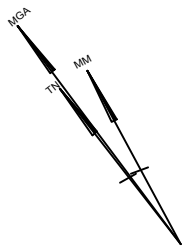




**EXISTING FLOOR PLAN**  
Scale 1:100 @ A3

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drawing title	<b>EXISTING FLOOR PLAN</b>	
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Date	<b>SEPT 2023</b>	Scale <b>1:100 @ A3</b> Rev

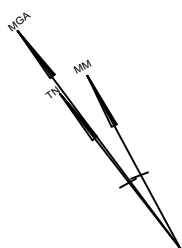


**DEMOLITION PLAN**

Scale 1:100 @ A3

REVISIONS		
NO.	DESCRIPTION	DATE

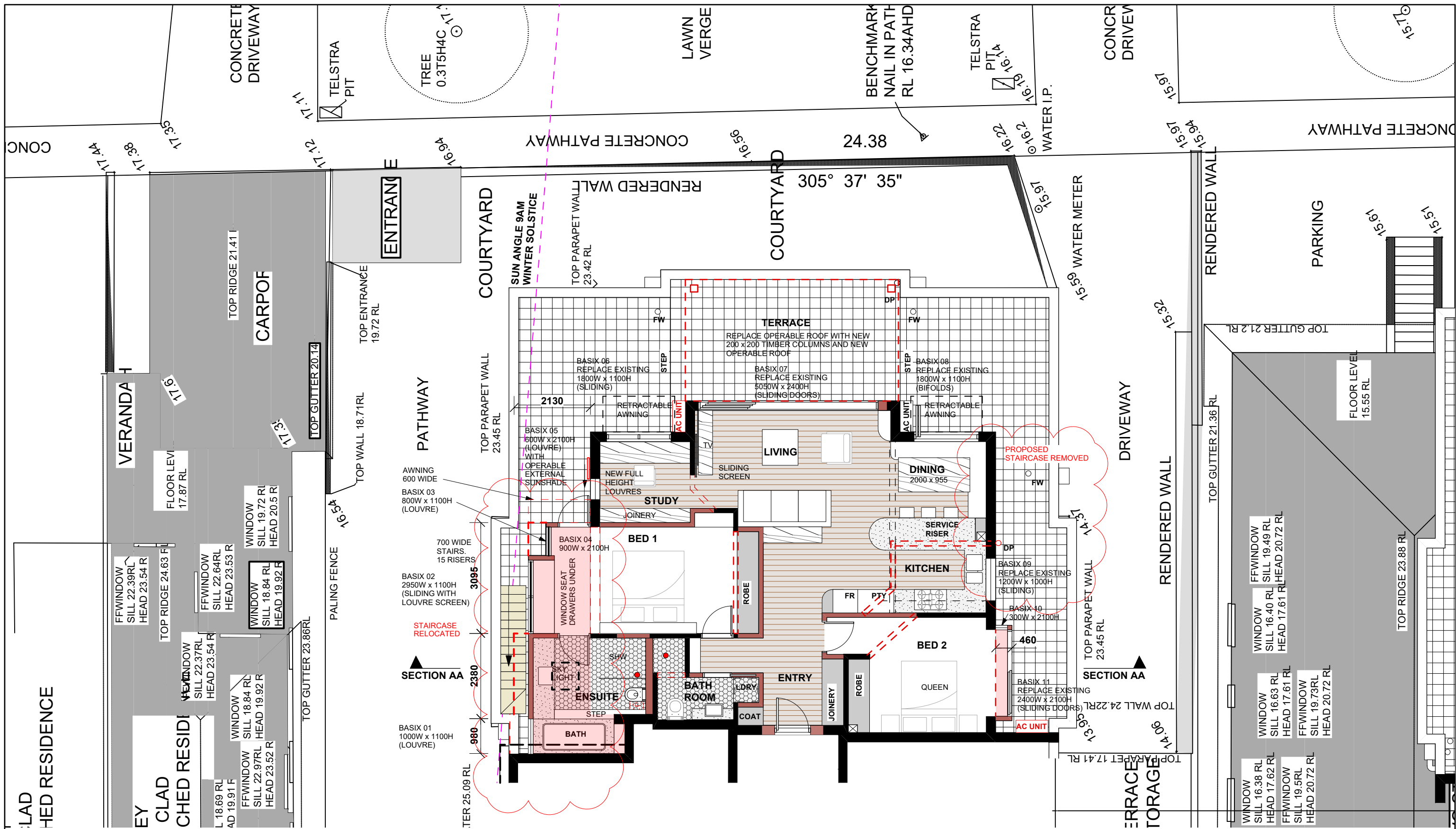
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client **SARAH PLASKITT**  
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NORTH BONDI NSW**  
drawing title **DEMOLITION PLAN**  
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Date **SEPT 2023** Scale **1:100 @ A3** Rev

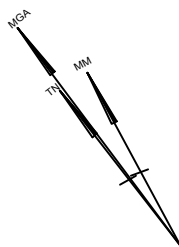


**PROPOSED FLOOR PLAN**  
 Scale 1:100 @ A3

11sqm OF ON TITLE TERRACE CHANGED TO  
 INTERNAL FLOOR AREA  
 AREA SHOWN SHADED

REVISIONS		
NO.	DESCRIPTION	DATE
A	STAIR LOCATION AMENDED	20/3/24

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 Application No: DA-351/2023  
 Date Received: 30/04/2024

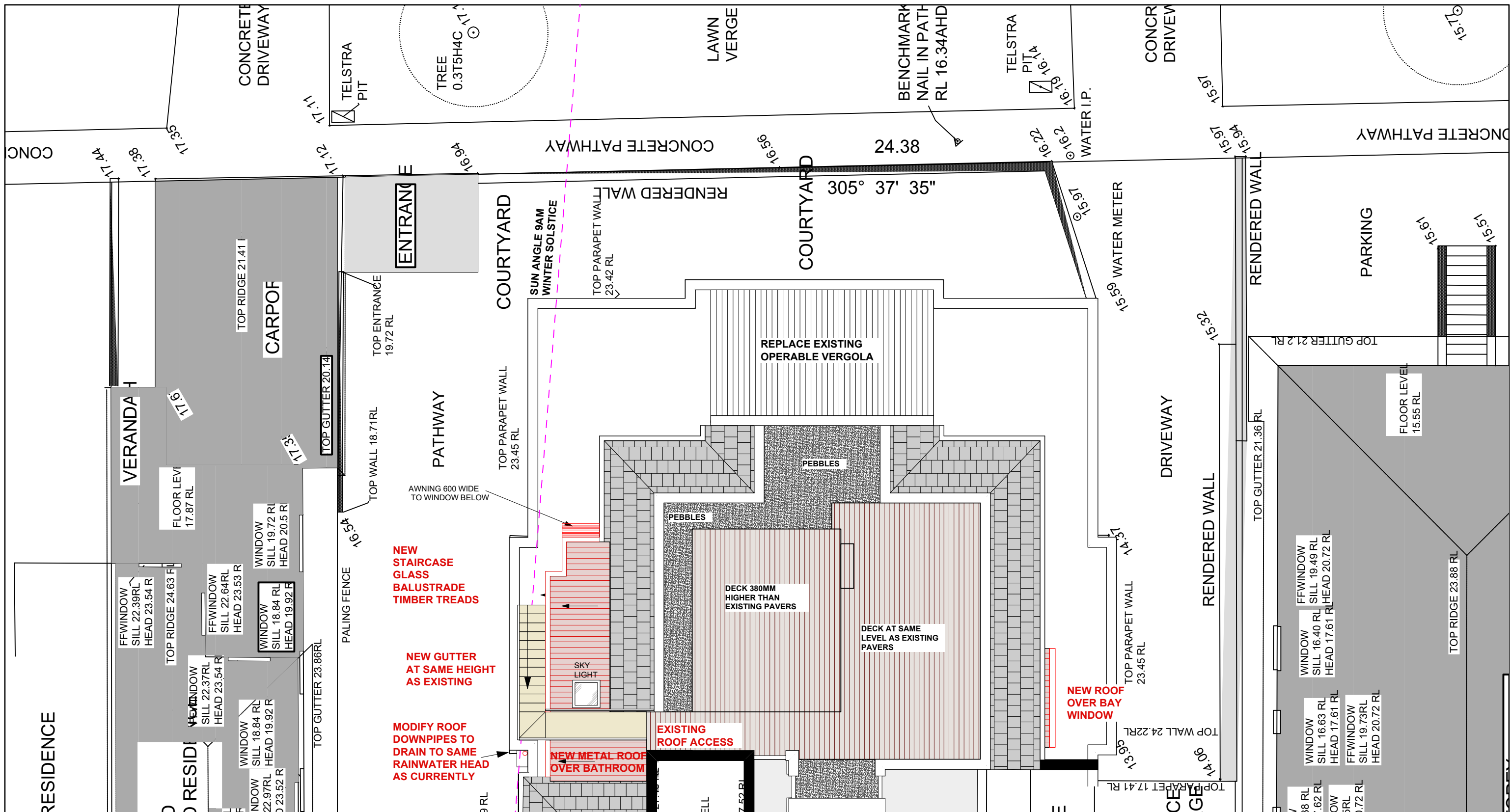


DEVELOPMENT APPLICATION  
 NOT FOR CONSTRUCTION

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client **SARAH PLASKITT**  
 project **UNIT 8 / 55-57 BRIGHTON B'VDE  
 NORTH BONDI NSW**  
 drawing title **PROPOSED FLOOR PLAN**  
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 Job No **550** Dwg number **DA 05**  
 Date **MAR 2024** Scale **1:100 @ A3** Rev **A**

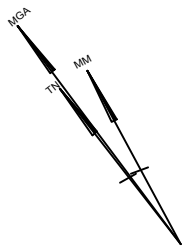




**PROPOSED TERRACE PLAN**  
Scale 1:100 @ A3

REVISIONS		
NO.	DESCRIPTION	DATE
A	STAIR LOCATION AMENDED	20/3/24

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Waverley Council  
  
Application No: DA-351/2023  
  
Date Received: 30/04/2024

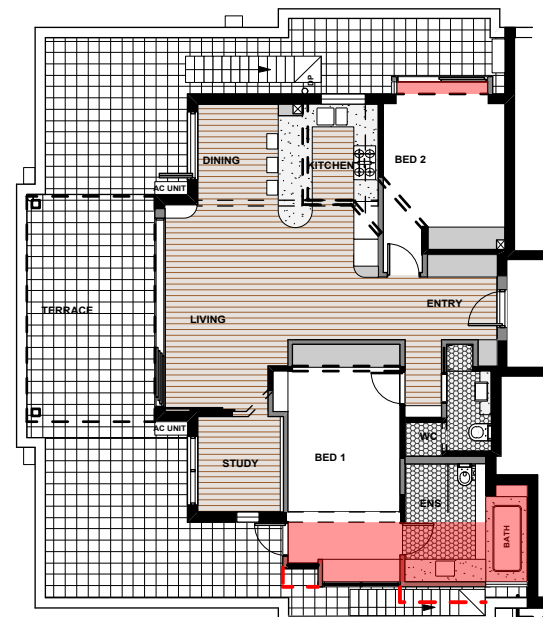
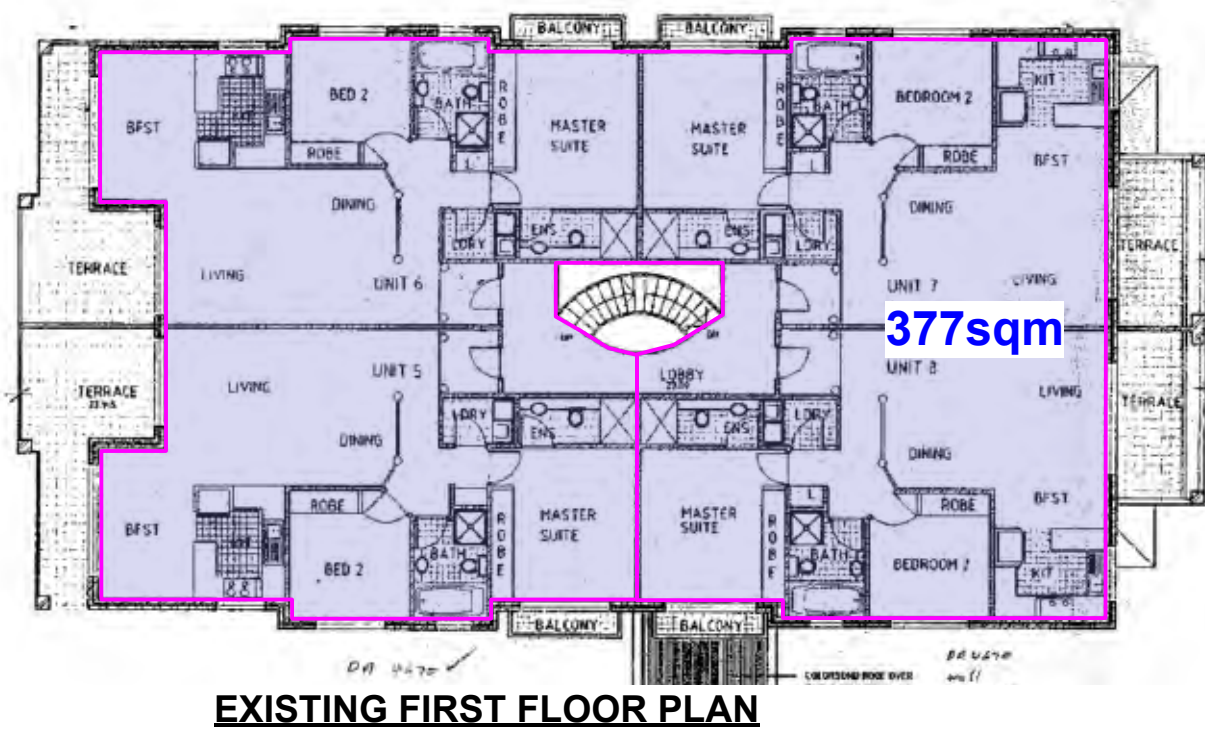
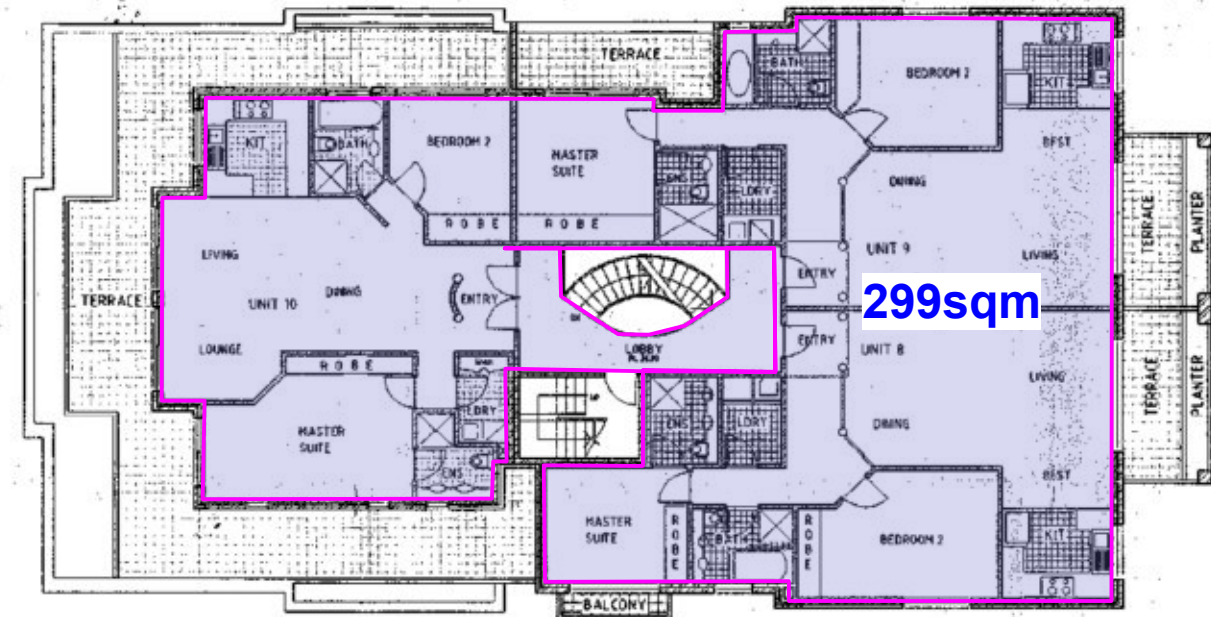
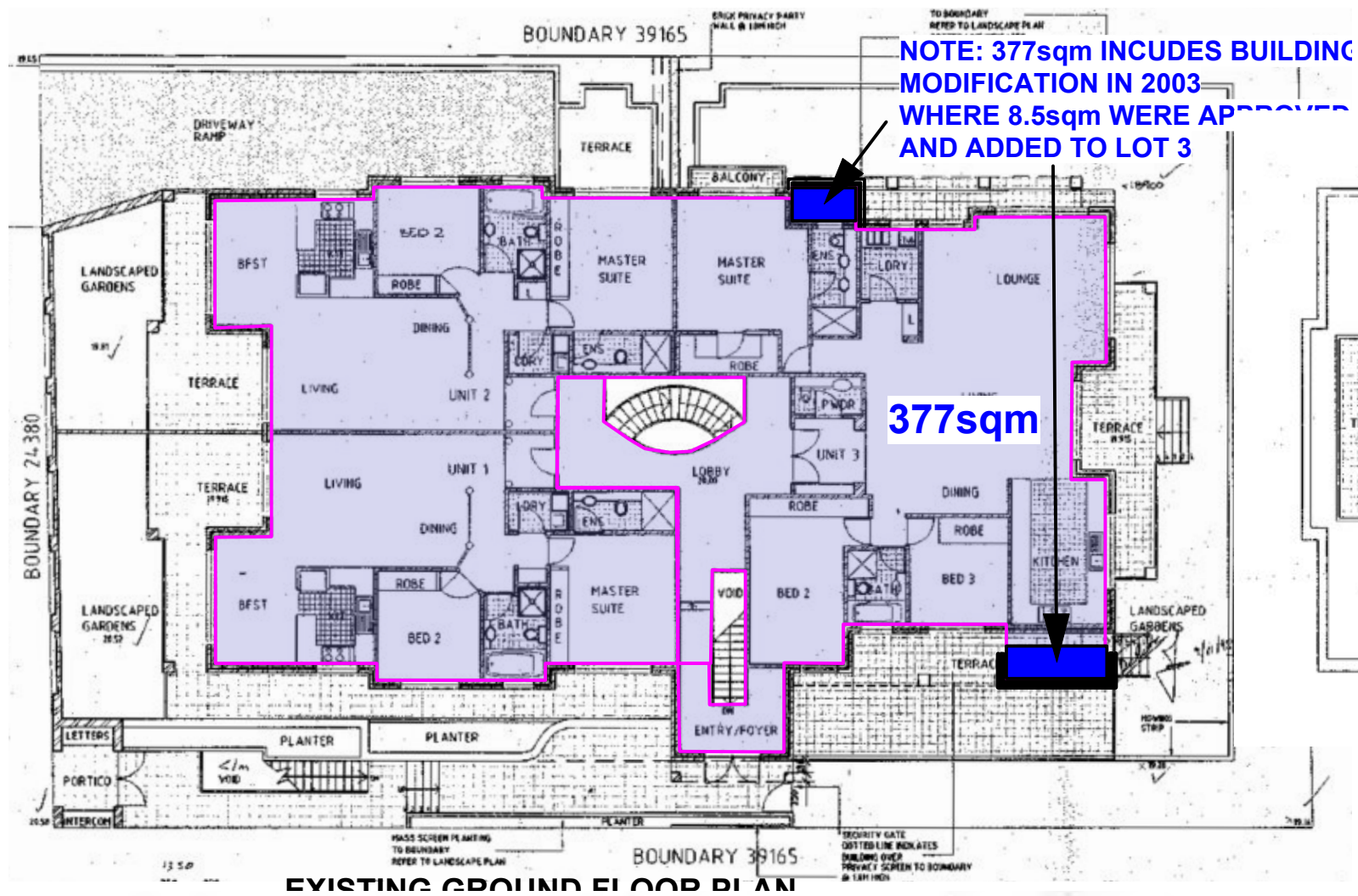


DEVELOPMENT APPLICATION  
NOT FOR CONSTRUCTION

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Architects Registration: 6125

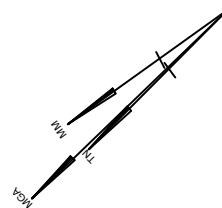
client **SARAH PLASKITT**  
project **UNIT 8 / 55-57 BRIGHTON B'VDE NORTH BONDI NSW**  
drawing title **PROPOSED TERRACE PLAN**  
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Date **MAR 2024** Scale **1:100 @ A3** Rev **A**





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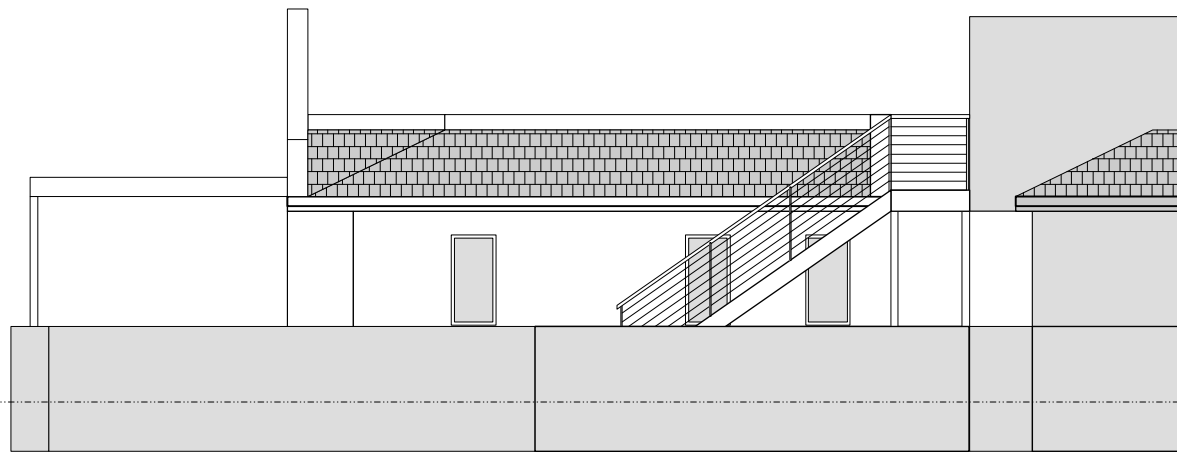
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NO.	DESCRIPTION	DATE
A	REDUCED FSR	20/3/24



DEVELOPMENT APPLICATION  
NOT FOR CONSTRUCTION

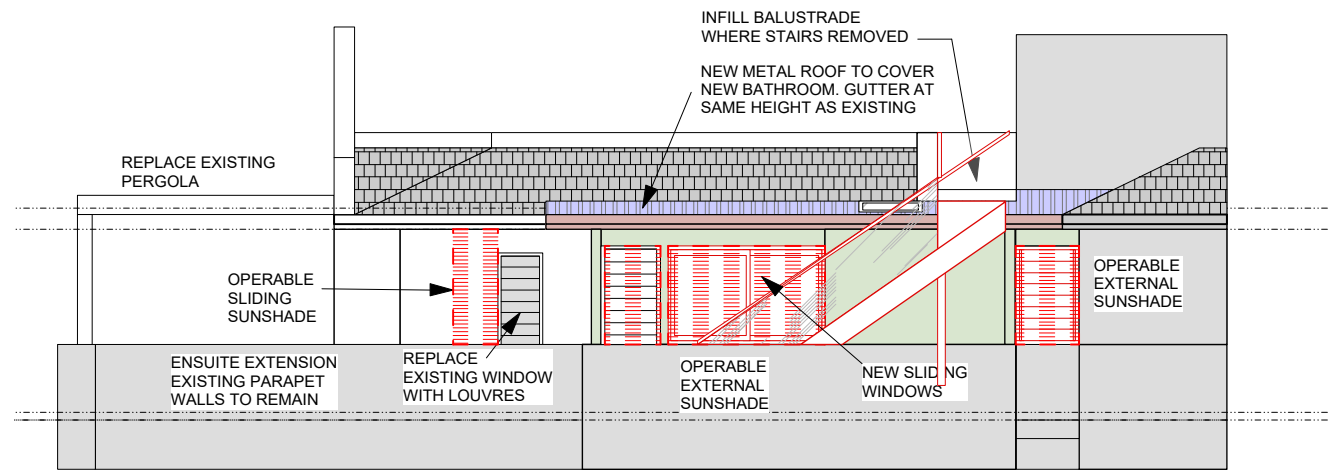
architect  
**TF Architects**  
PO BOX 7513, Bondi Beach, NSW 2023  
0418 215 635 | E: tony@tfarchitects.com.au  
www.tfarchitects.com.au  
ABN: 98317668095  
Architects Registration: 6125

client **SARAH PLASKITT**  
project **UNIT 8 / 55-57 BRIGHTON B'VDE NORTH BONDI NSW**  
drawing title **FSR CALCULATIONS**  
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Job No **550** Dwg number **DA 09**  
Date **MAR 2024** Scale **1:200 @ A3** Rev **A**



**EXISTING NW ELEVATION**

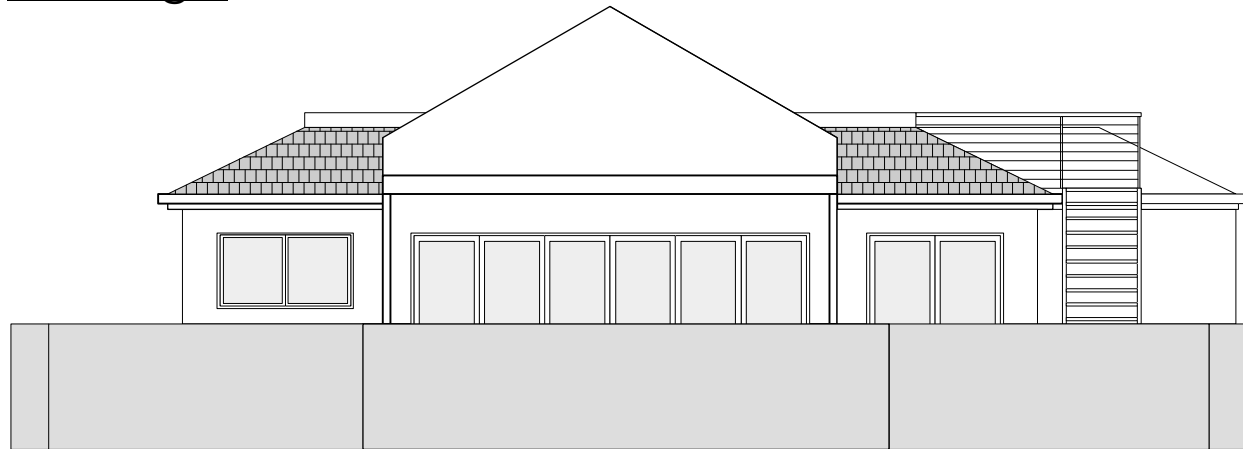
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**PROPOSED NW ELEVATION**

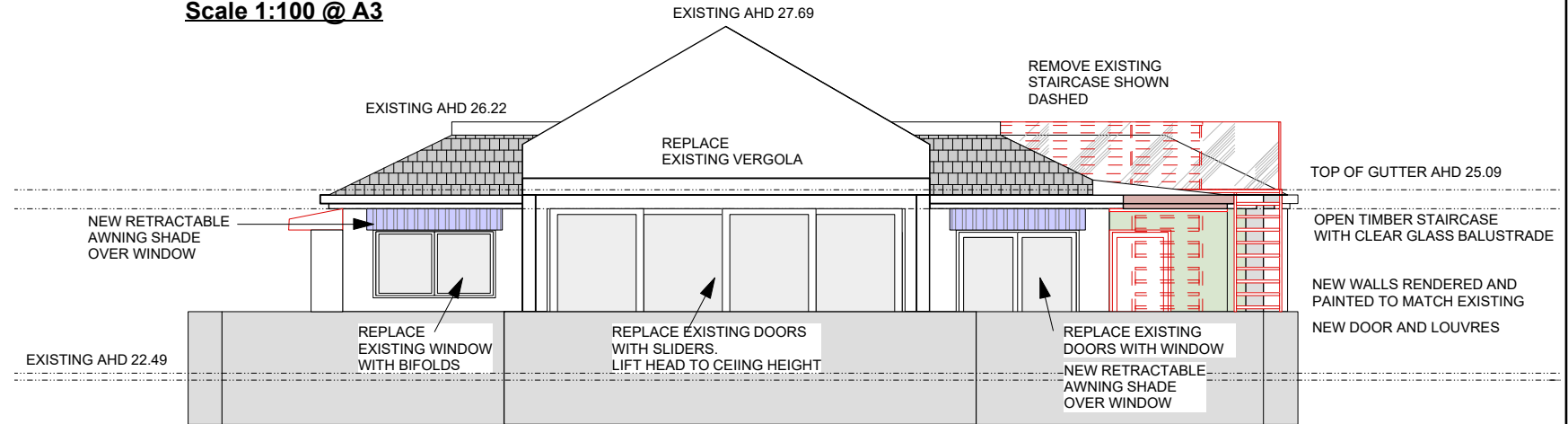
Scale 1:100 @ A3

NEW WALLS RENDERED AND PAINTED TO MATCH EXISTING



**EXISTING NE ELEVATION**

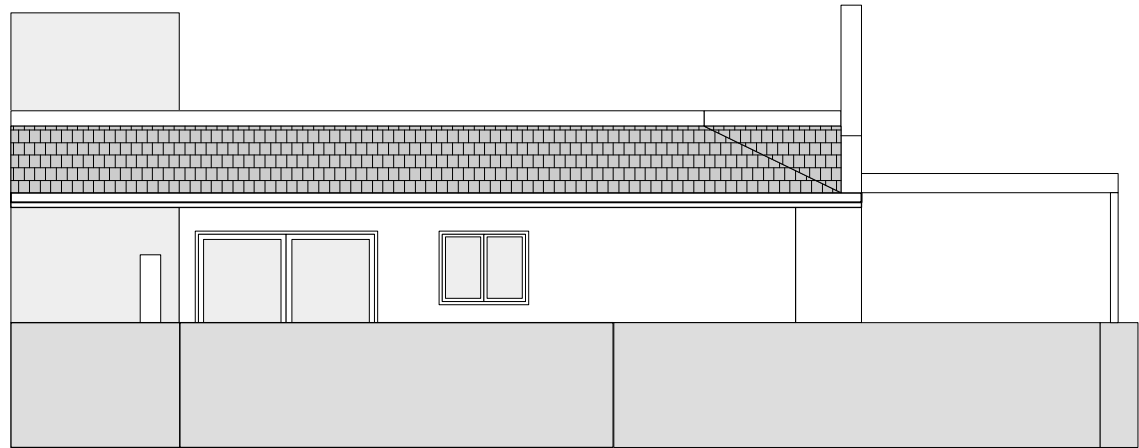
Scale 1:100 @ A3



**PROPOSED NE ELEVATION**

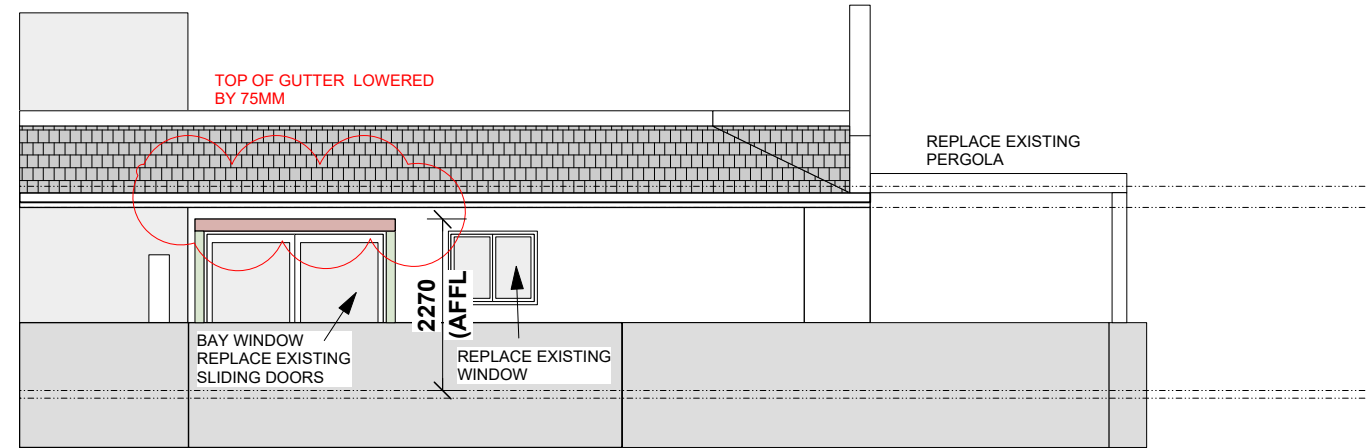
Scale 1:100 @ A3

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**EXISTING SE ELEVATION**

Scale 1:100 @ A3



**PROPOSED SE ELEVATION**

Scale 1:100 @ A3

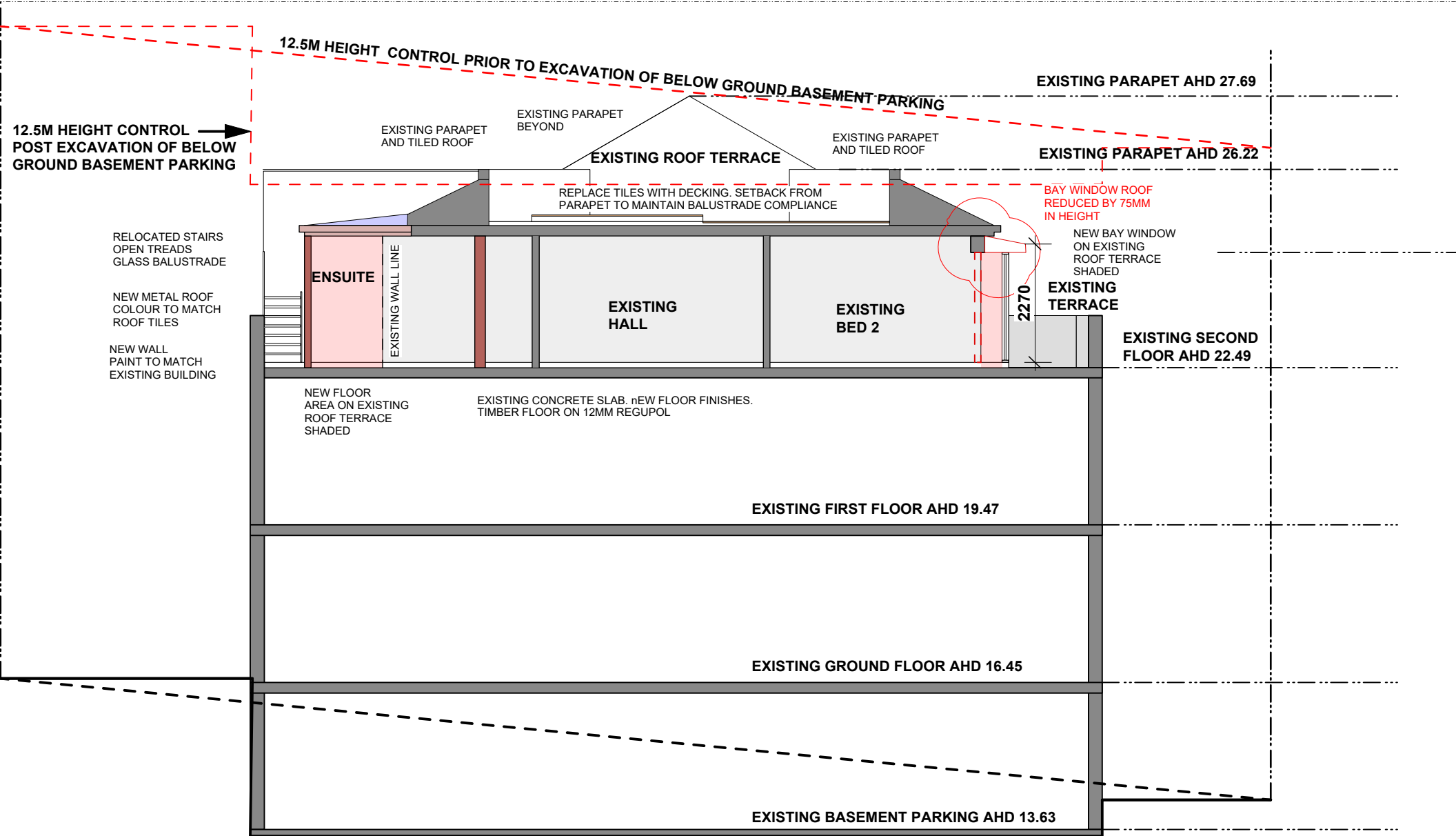
REVISIONS		
NO.	DESCRIPTION	DATE
A	STAIR LOCATION AMENDED	20/3/24
B	BAY WINDOW ROOF LOWERED BY 75MM	30/4/24

**DEVELOPMENT APPLICATION**  
NOT FOR CONSTRUCTION

architect  
**TF Architects**  
PO BOX 7513, Bondi Beach, NSW 2026  
0418 215 635 | E: [tony@tfarchitects.com.au](mailto:tony@tfarchitects.com.au)  
[www.tfarchitects.com.au](http://www.tfarchitects.com.au)  
ABN: 98317668095  
Architects Registration: 6125

client **SARAH PLASKITT**  
project **UNIT 8 / 55-57 BRIGHTON B'VDE NORTH BONDI NSW**  
drawing title **EXIST & PROP ELEVATIONS**  
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Job No **550** Dwg number **DA 10**  
Date **APRIL 2023** Scale **1:100 @ A3** Rev **B**





**PROPOSED SECTION AA**  
 Scale 1:100 @ A3

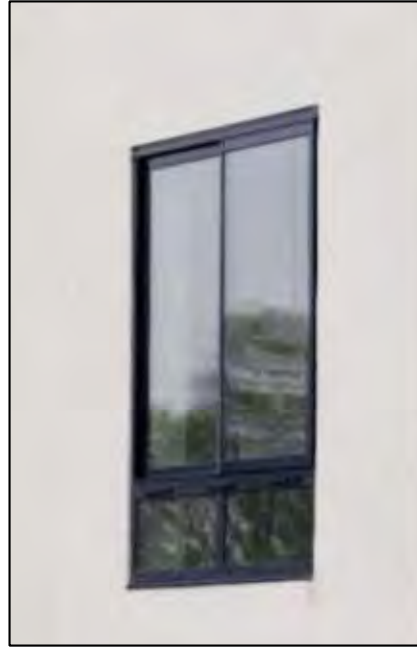
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 Date Received: 30/04/2024

DEVELOPMENT APPLICATION  
 NOT FOR CONSTRUCTION

REVISIONS		
NO.	DESCRIPTION	DATE
A	STAIR LOCATION AMENDED	20/3/24
B	BAY WINDOW ROOF LOWERED BY 75MM	30/4/24

architect  
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 www.tfarchitects.com.au  
 ABN: 98317668095  
 Architects Registration: 6125

client **SARAH PLASKITT**  
 project **UNIT 8 / 55-57 BRIGHTON B'VDE NORTH BONDI NSW**  
 drawing title **SECTION**  
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 Job No **550** | Dwg number **DA 11**  
 Date **APRIL 2024** | Scale **1:100 @ A3** | Rev **B**



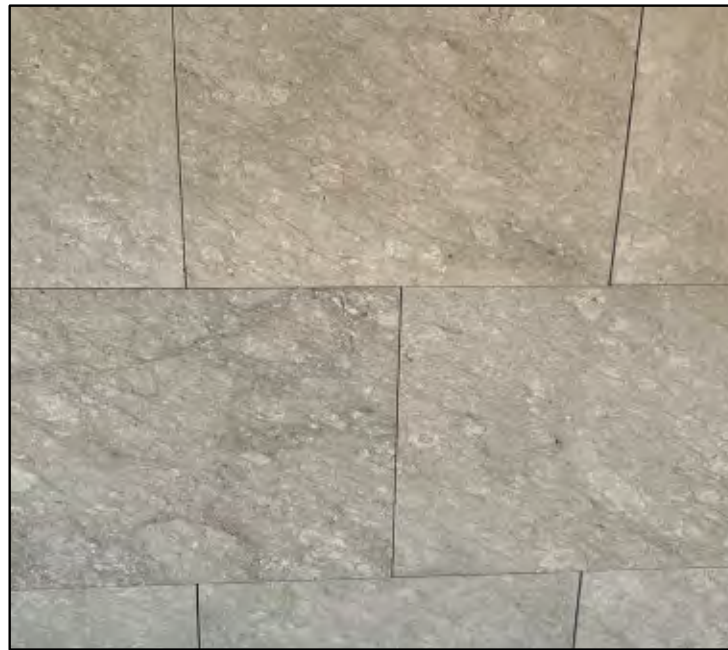
**EXTERNAL WINDOWS AND DOORS**  
**HI QUALITY METALLIC CHARCOAL COLOURED**  
**POWDERCOATED ALUMINIUM**



**EXTERNAL STAIR DETAIL**  
**OPEN TIMBER TREADS, GLASS BALUSTRADE,**  
**STEEL STRINGERS**



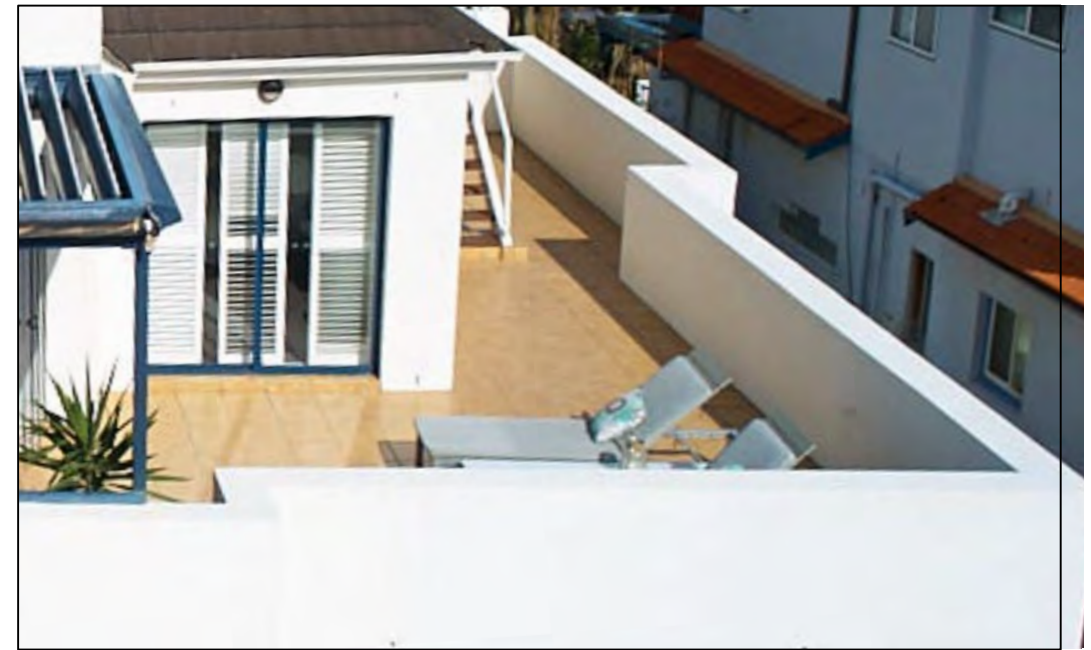
**REPLACEMENT PERGOLA**



**EXTERNAL TERRACE TILES**  
**INDICATIVE LIGHT TO MID GREY**



**EXTERNAL DECKING**  
**GRADE 1 HARDWOOD**



**EXTERNAL WALL COLOUR - TO MATCH EXISTING BUILDING**

REVISIONS		
NO.	DESCRIPTION	DATE
A	STAIR TREADS AND BALUSTRADES ADDED	30/4/24

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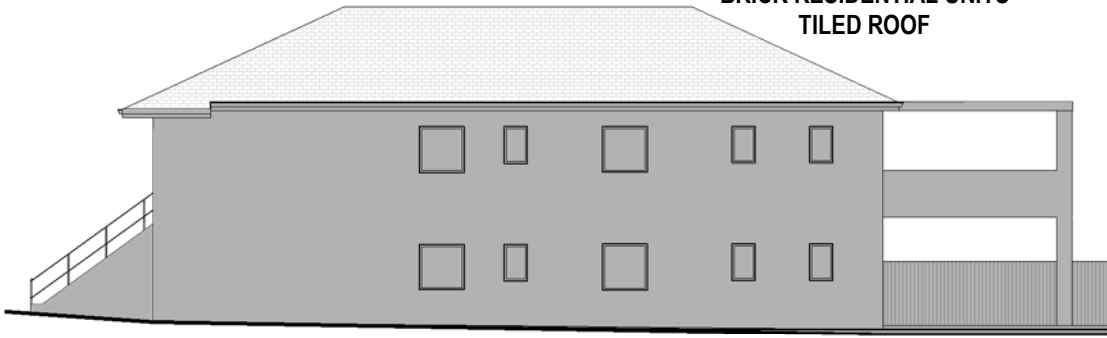
**DEVELOPMENT APPLICATION**  
**NOT FOR CONSTRUCTION**

architect  
**TF Architects**  
  
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 0418 215 635 | E: tony@tfarchitects.com.au  
 www.tfarchitects.com.au  
  
 ABN: 98317668095  
 Architects Registration: 6125

client	<b>SARAH PLASKITT</b>		
project	<b>UNIT 8 / 55-57 BRIGHTON B'VDE NORTH BONDI NSW</b>		
drawing title	<b>EXTERNAL FINISHES</b>		
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Job No	<b>550</b>	Dwg number	<b>DA 012</b>
Date	<b>APRIL 2024</b>	Scale	<b>NTS</b>
		Rev	<b>A</b>



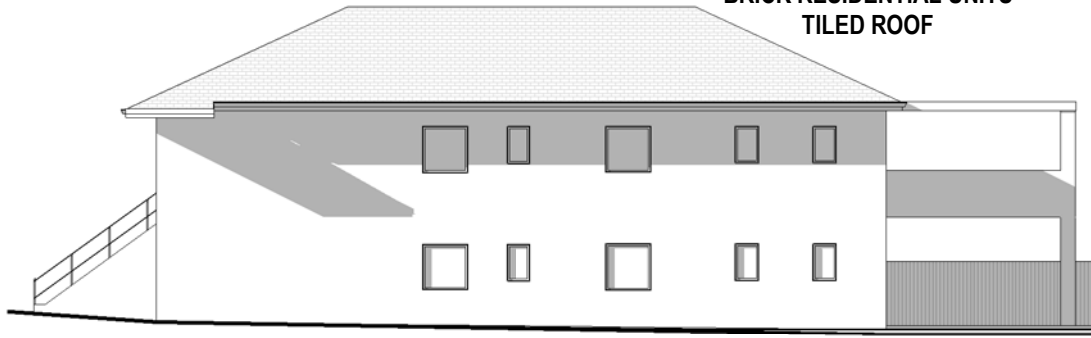
NORTH-WESTERN ELEVATION  
NO. 59  
TWO STOREY  
BRICK RESIDENTIAL UNITS  
TILED ROOF



**N0 59 June 21st 9.00am** NO ADDITIONAL OVERSHADOWING  
(ALREADY IN FULL SHADOW)

1 : 200

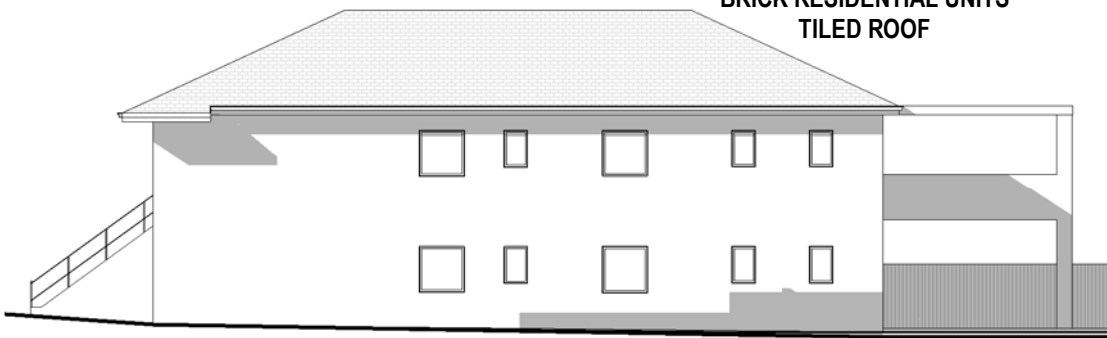
NORTH-WESTERN ELEVATION  
NO. 59  
TWO STOREY  
BRICK RESIDENTIAL UNITS  
TILED ROOF



**N0 59 June 21st 10.00am** NO ADDITIONAL OVERSHADOWING

1 : 200

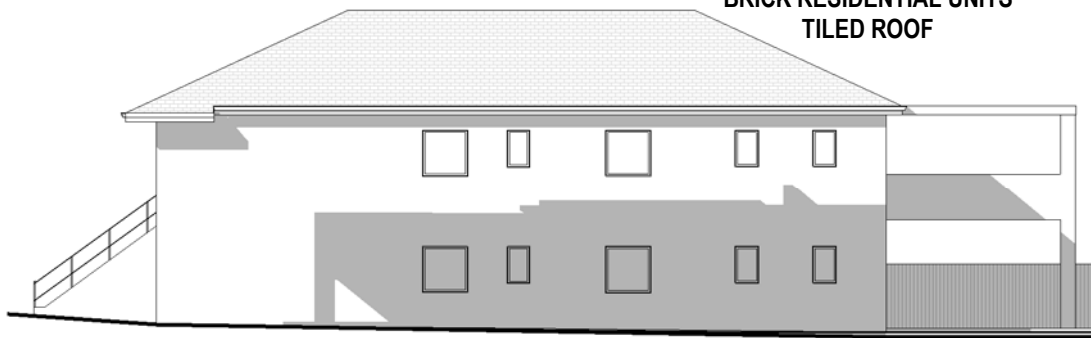
NORTH-WESTERN ELEVATION  
NO. 59  
TWO STOREY  
BRICK RESIDENTIAL UNITS  
TILED ROOF



**N0 59 June 21st 11.00am** NO ADDITIONAL OVERSHADOWING

1 : 200

NORTH-WESTERN ELEVATION  
NO. 59  
TWO STOREY  
BRICK RESIDENTIAL UNITS  
TILED ROOF



**N0 59 June 21st 12.00pm** NO ADDITIONAL OVERSHADOWING



1 : 200

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NOTE:

SHADOWS SHOWN HAVE BEEN COMPILED FROM INFORMATION FROM DETAIL & LEVEL SURVEY BY GEOGRAPHIC SOLUTIONS SURVEYORS REF NO. 5334 DATED 22/08/2023 & ARCHITECTURAL PLANS SUPPLIED BY TF ARCHITECTS JOB NO. 550 DATED MAR 2024

LEGEND:

-  DENOTES AREA OF EXISTING & SURROUNDING BUILDING SHADOW
-  DENOTES AREA OF ADDITIONAL SHADOW CAST BY ROOF OVER BAY WINDOW

**Cad Draft P/L**

ABN 27 083 288 153

SUITE 1, 505 BALMAIN ROAD,  
LILYFIELD, NSW  
P.O.BOX 446 GLADESVILLE 2111

SHADOW ANALYSIS CONSULTANTS

MOBILE: 0410 699919

info@caddraftnsw.com.au

No.	Description	Date

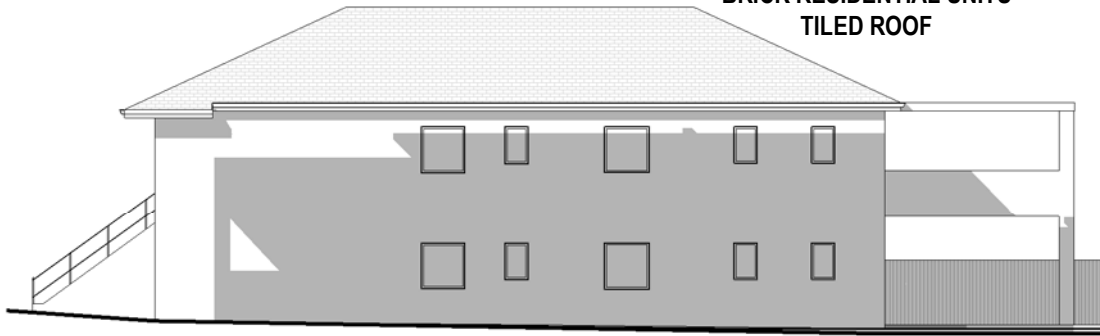
SHADOW DIAGRAMS:  
UNIT 8 / 55-57 BRIGHTON BOULEVARDE  
NORTH BONDI

CLIENT: SARAH PLASKITT  
C/- TF ARCHITECTS

**No.59 Elevation June 21st 9am-12pm**

Project number	23-182	<b>A100</b>
Date	30-4-24	
Drawn by	KP	
Checked by	JD	
Scale		1 : 200

NORTH-WESTERN ELEVATION  
NO. 59  
TWO STOREY  
BRICK RESIDENTIAL UNITS  
TILED ROOF

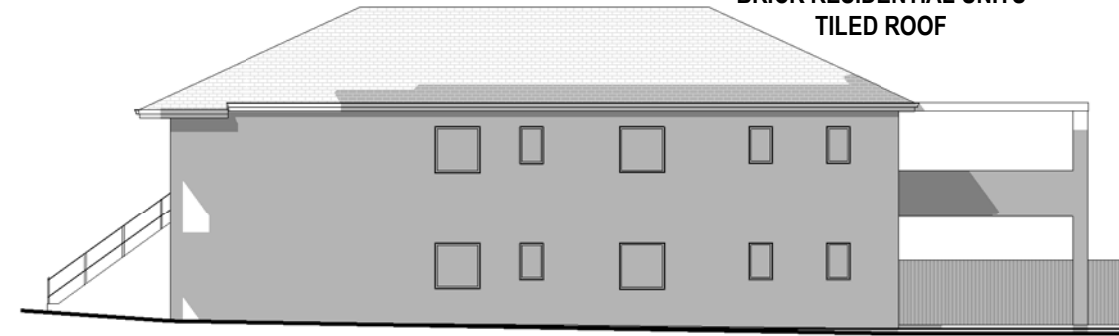


**N0 59 June 21st 1.00pm**

NO ADDITIONAL OVERSHADOWING

1 : 200

NORTH-WESTERN ELEVATION  
NO. 59  
TWO STOREY  
BRICK RESIDENTIAL UNITS  
TILED ROOF

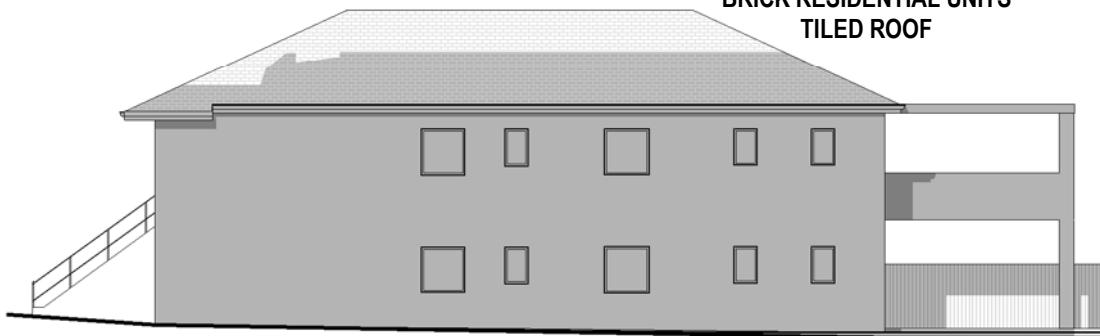


**N0 59 June 21st 2.00pm**

NO ADDITIONAL OVERSHADOWING

1 : 200

NORTH-WESTERN ELEVATION  
NO. 59  
TWO STOREY  
BRICK RESIDENTIAL UNITS  
TILED ROOF





**N0 59 June 21st 3.00pm**

NO ADDITIONAL OVERSHADOWING

1 : 200

**LEGEND:**

-  DENOTES AREA OF EXISTING & SURROUNDING BUILDING SHADOW
-  DENOTES AREA OF ADDITIONAL SHADOW CAST BY ROOF OVER BAY WINDOW

**NOTE:**

SHADOWS SHOWN HAVE BEEN COMPILED FROM INFORMATION FROM DETAIL & LEVEL SURVEY BY GEOGRAPHIC SOLUTIONS SURVEYORS REF NO. 5334 DATED 22/08/2023 & ARCHITECTURAL PLANS SUPPLIED BY TF ARCHITECTS JOB NO. 550 DATED MAR 2024

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LILYFIELD, NSW  
P.O.BOX 446 GLADESVILLE 2111

SHADOW ANALYSIS CONSULTANTS

MOBILE: 0410 699919  
info@caddraftnsw.com.au

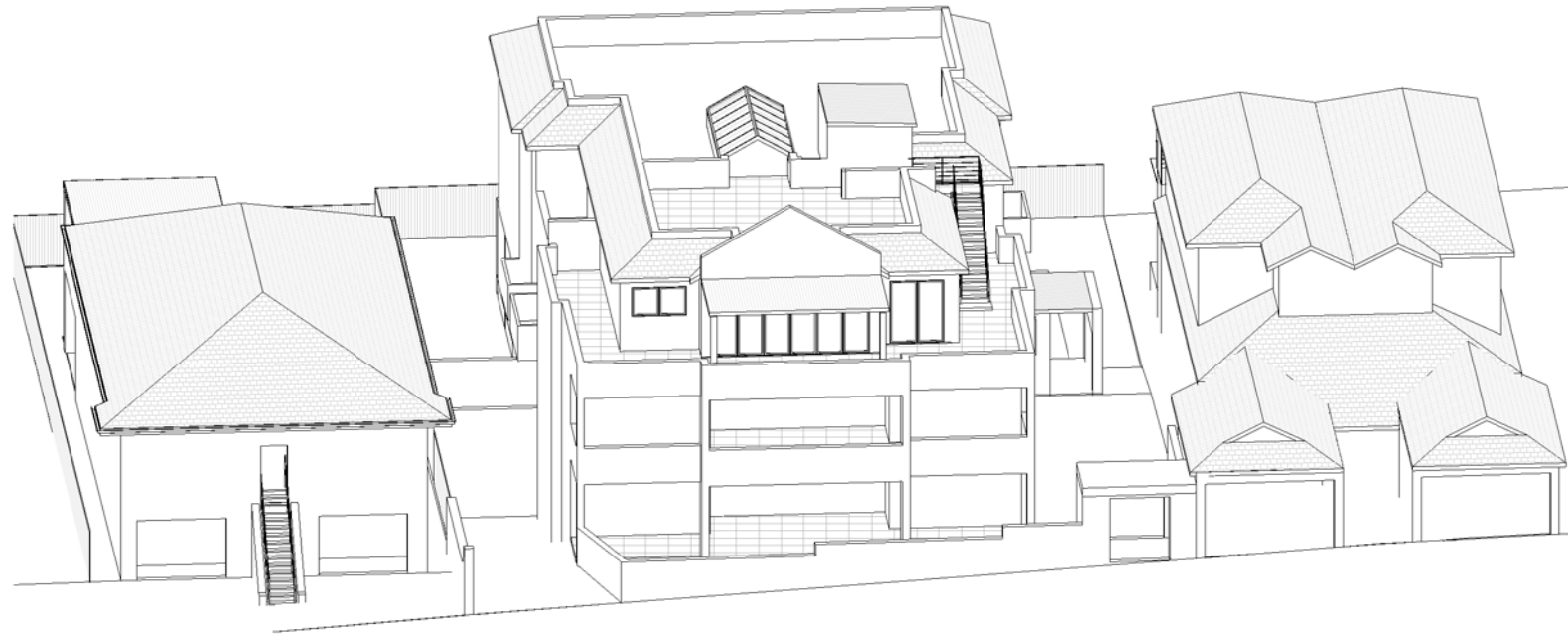
No.	Description	Date

SHADOW DIAGRAMS:  
UNIT 8 / 55-57 BRIGHTON BOULEVARDE  
NORTH BONDI

CLIENT: SARAH PLASKITT  
C/- TF ARCHITECTS

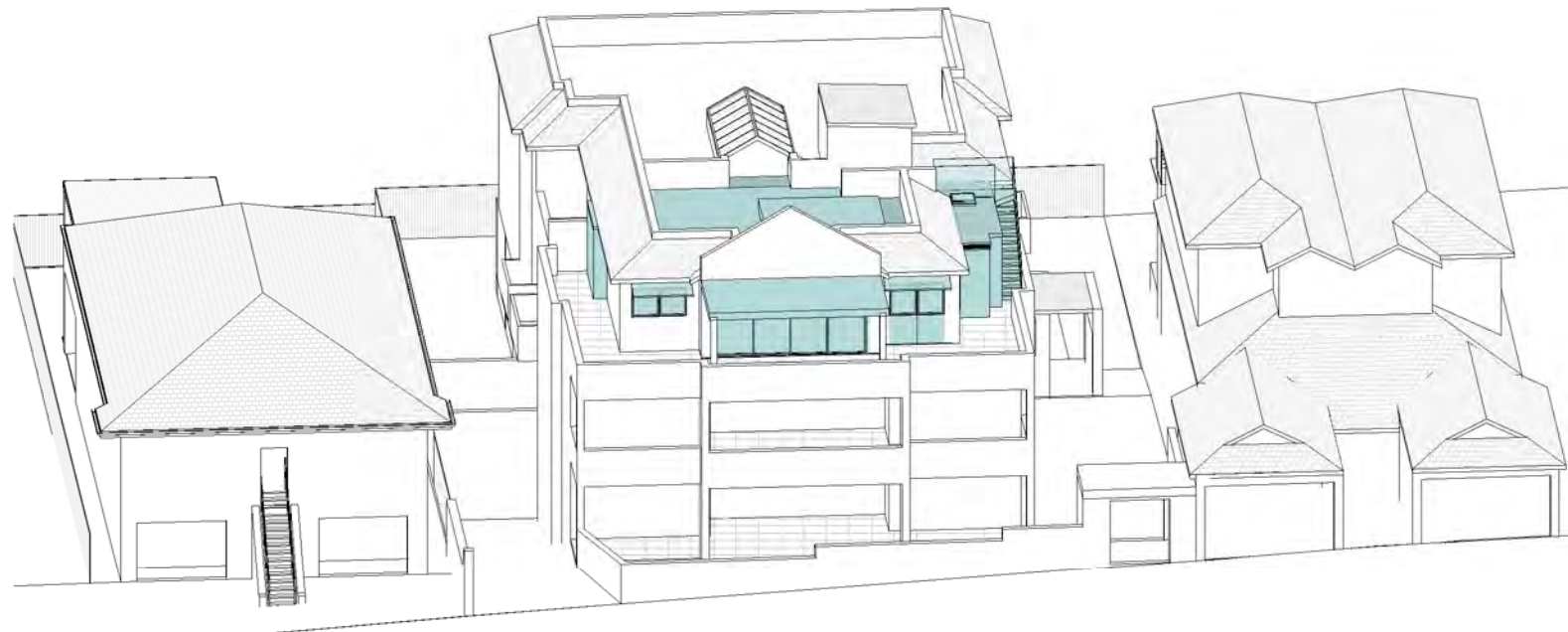
**No.59 Elevation June 21st 1pm-3pm**


Project number	23-182	<b>A101</b>
Date	30-4-24	
Drawn by	KP	
Checked by	JD	
Scale		1 : 200



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**June 21st 9.00am Existing**



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**June 21st 9.00am Proposed**

**Cad Draft P/L**

ABN 27 083 288 153  
 SUITE 1, 505 BALMAIN ROAD,  
 LILYFIELD, NSW  
 P.O.BOX 446 GLADESVILLE 2111

SHADOW ANALYSIS CONSULTANTS

MOBILE: 0410 699919  
 info@caddraftnsw.com.au

No.	Description	Date

SHADOW DIAGRAMS:  
 UNIT 8 / 55-57 BRIGHTON BOULEVARDE  
 NORTH BONDI

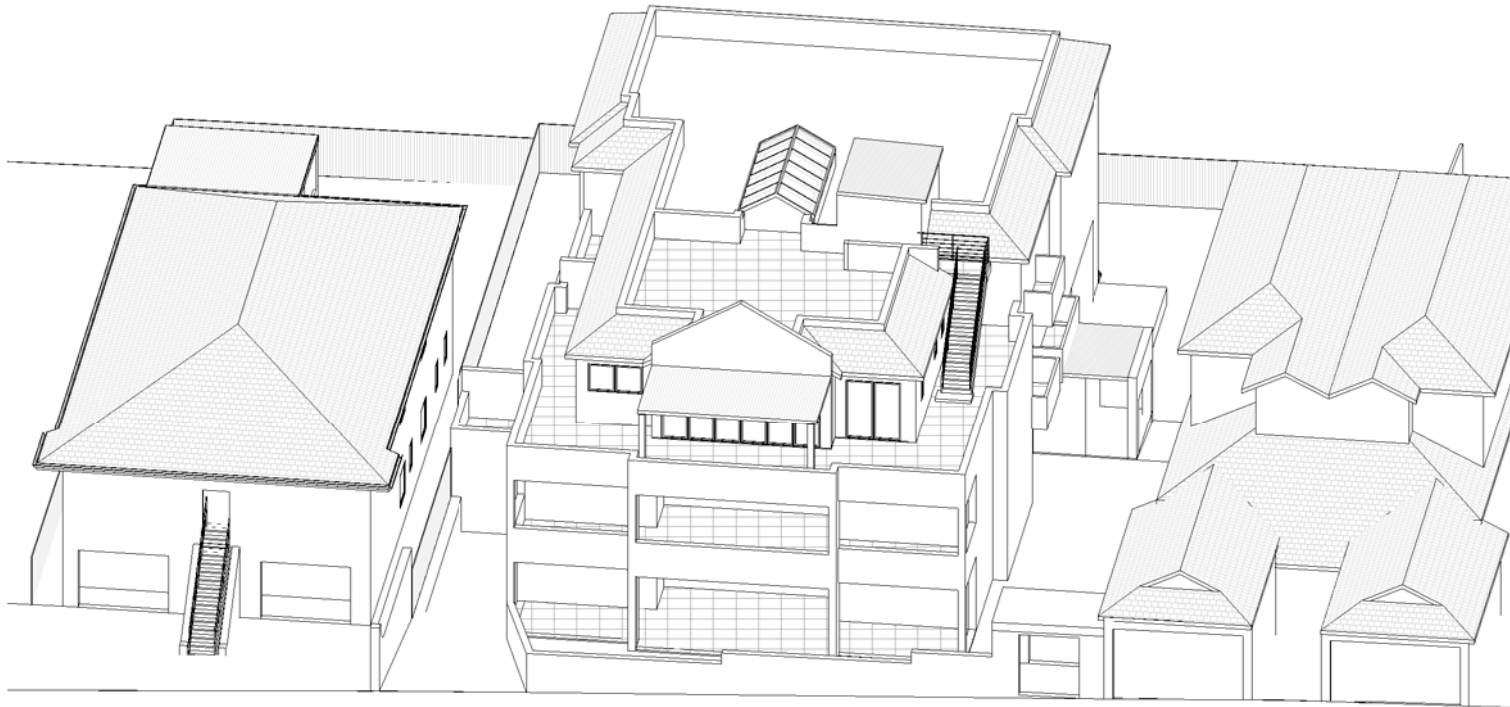
CLIENT: SARAH PLASKITT  
 C/- TF ARCHITECTS

**3D Sun Views June 21st 9.00am**

Project number	23-182
Date	30-4-24
Drawn by	KP
Checked by	JD

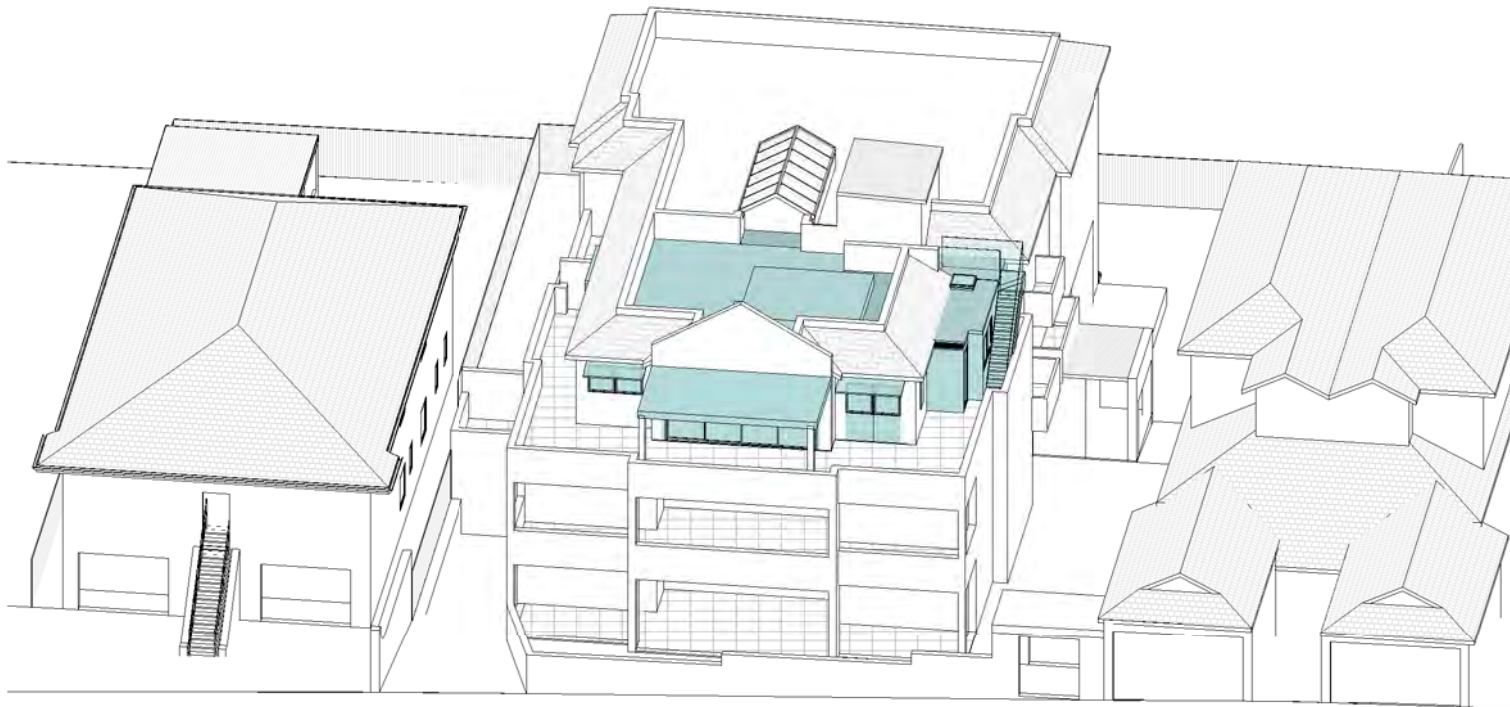
**A102**


Scale 1 : 200



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**June 21st 10.00am Proposed**

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 LILYFIELD, NSW  
 P.O.BOX 446 GLADESVILLE 2111

SHADOW ANALYSIS CONSULTANTS

MOBILE: 0410 699919  
 info@caddraftnsw.com.au

No.	Description	Date

SHADOW DIAGRAMS:  
 UNIT 8 / 55-57 BRIGHTON BOULEVARDE  
 NORTH BONDI

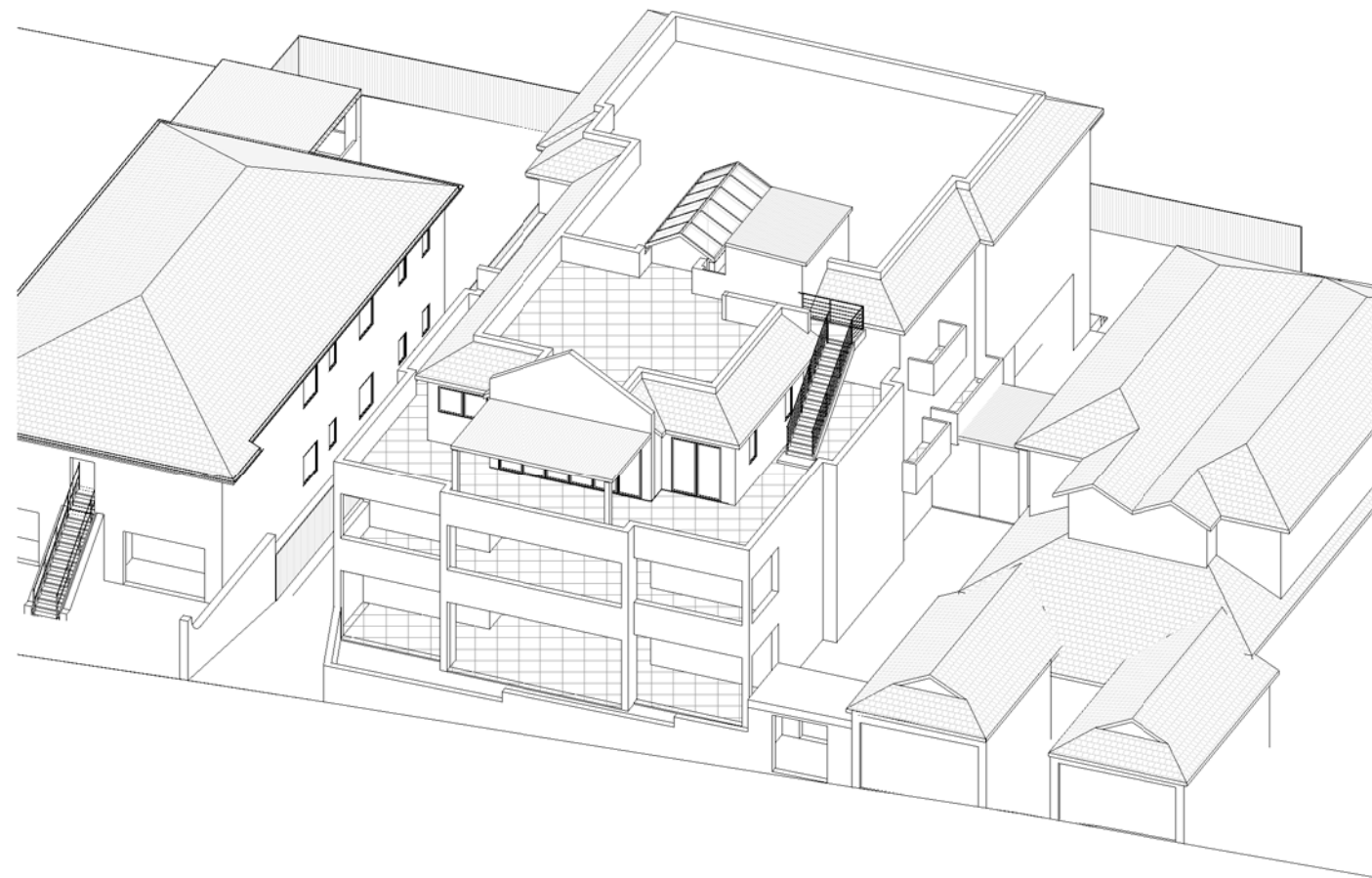
CLIENT: SARAH PLASKITT  
 C/- TF ARCHITECTS

**3D Sun Views June 21st 10.00am**

Project number	23-182	<b>A103</b>
Date	30-4-24	
Drawn by	KP	
Checked by	JD	
Scale		1 : 200

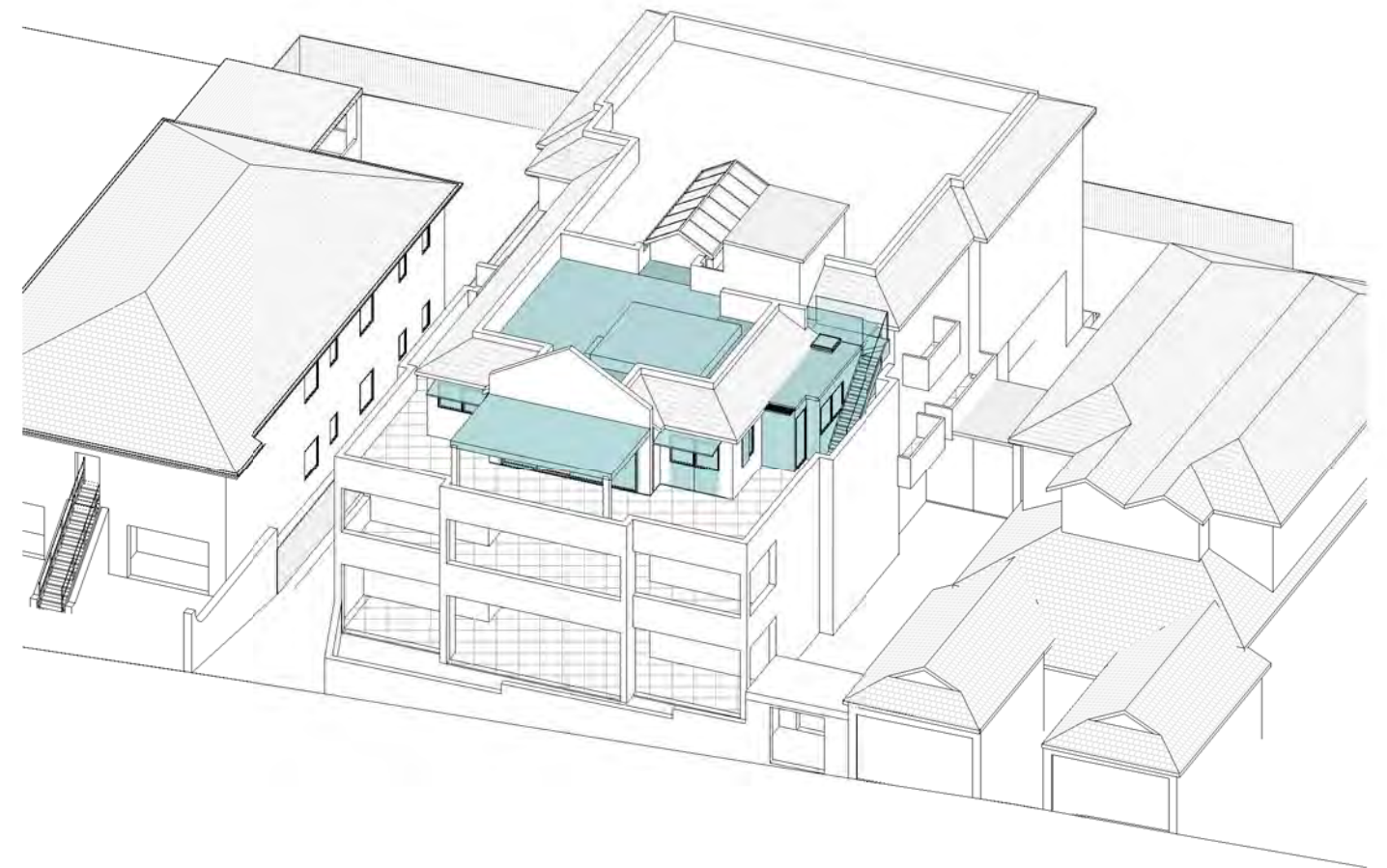


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DENOTES AREAS OF PROPOSED  
ADDITIONS & ALTERATIONS



June 21st 11.00am Proposed

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SHADOW ANALYSIS CONSULTANTS

MOBILE: 0410 699919  
info@caddraftnsw.com.au

No.	Description	Date

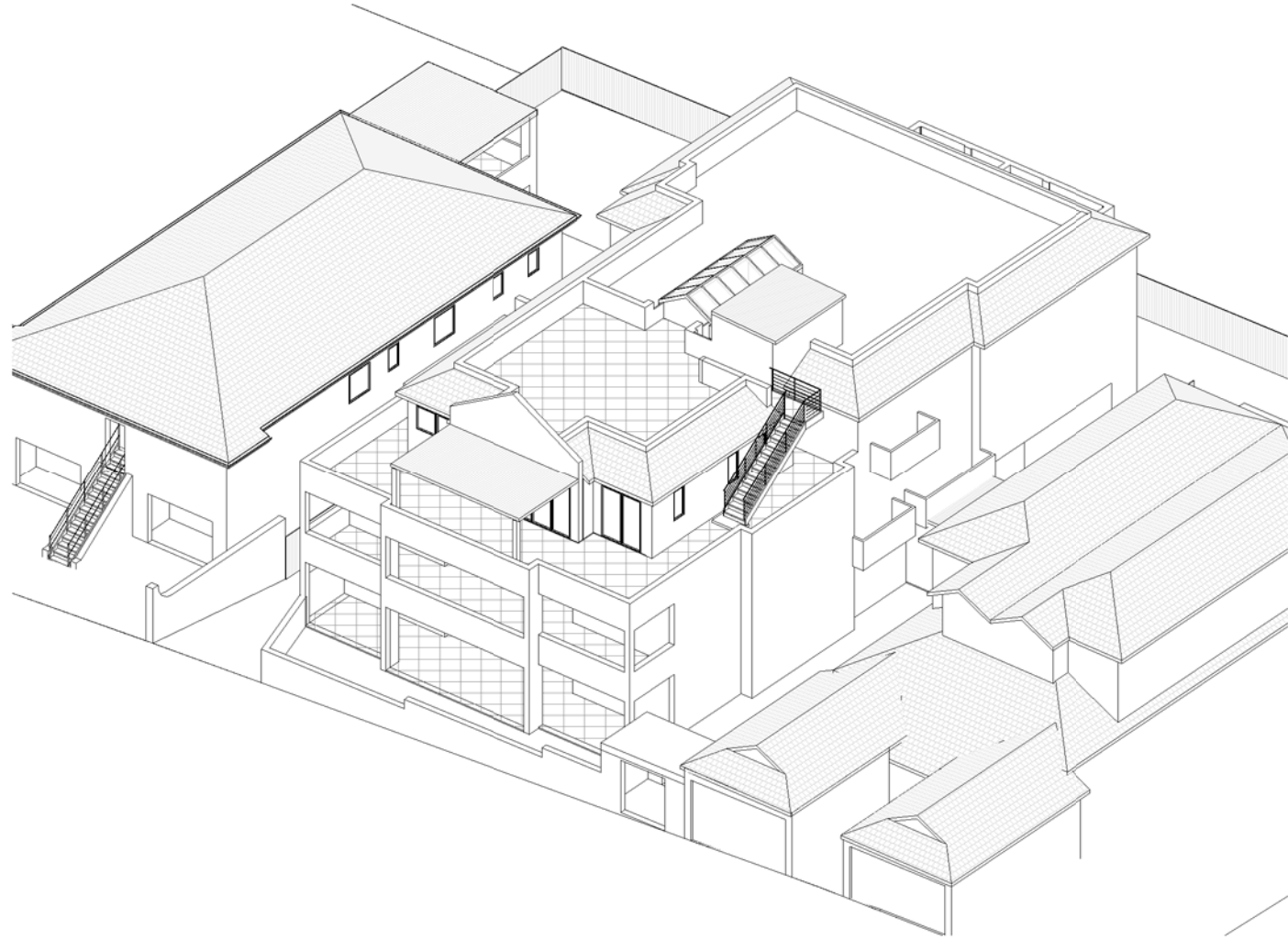
SHADOW DIAGRAMS:  
UNIT 8 / 55-57 BRIGHTON BOULEVARDE  
NORTH BONDI

CLIENT: SARAH PLASKITT  
C/- TF ARCHITECTS

3D Sun Views June 21st 11.00am

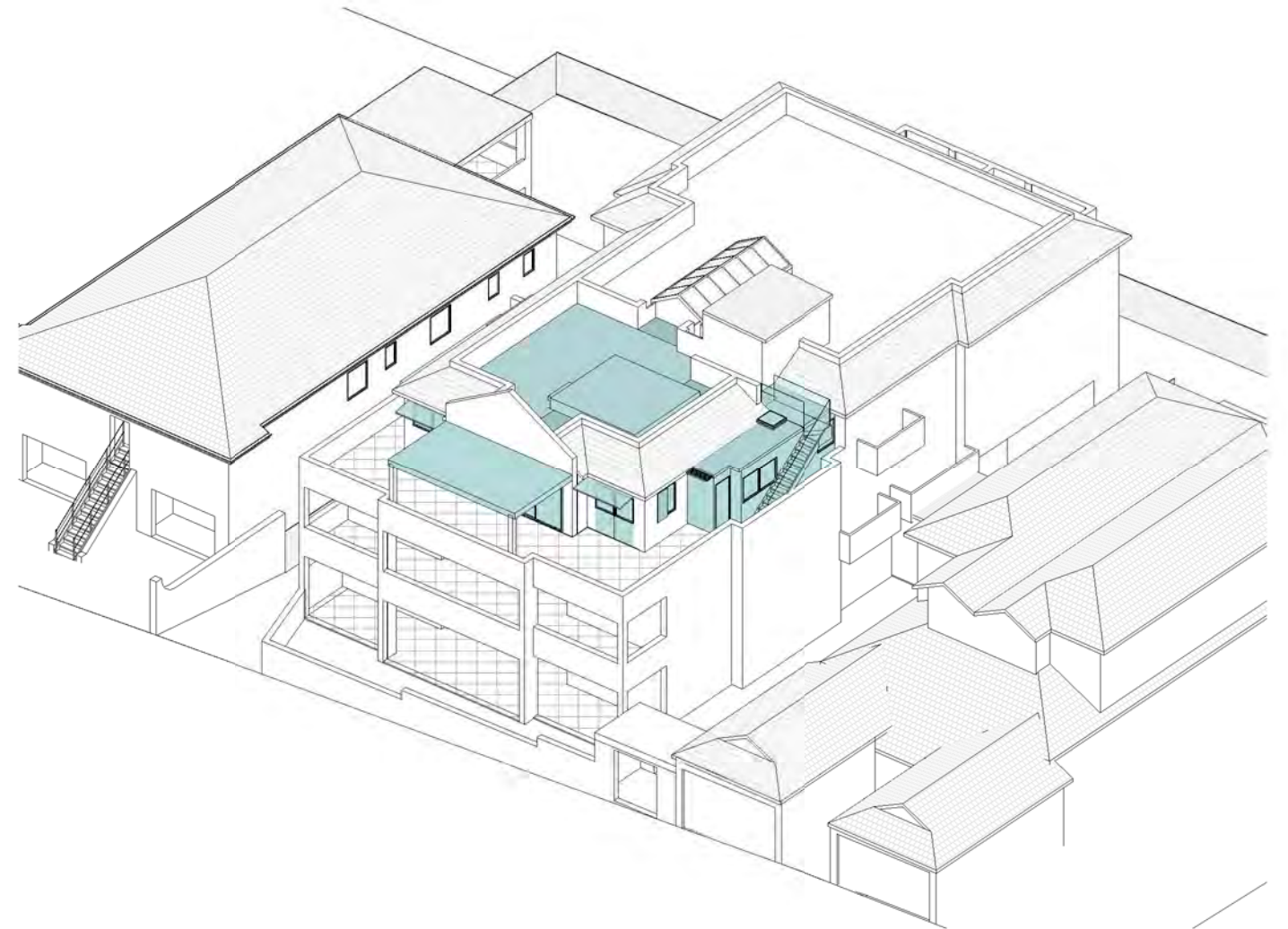
Project number	23-182	<b>A104</b>
Date	30-4-24	
Drawn by	KP	
Checked by	JD	
Scale		1 : 200

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 DENOTES AREAS OF PROPOSED ADDITIONS & ALTERATIONS



June 21st 12.00pm Proposed

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SHADOW ANALYSIS CONSULTANTS

MOBILE: 0410 699919  
info@caddraftnsw.com.au

No.	Description	Date

SHADOW DIAGRAMS:  
UNIT 8 / 55-57 BRIGHTON BOULEVARDE  
NORTH BONDI

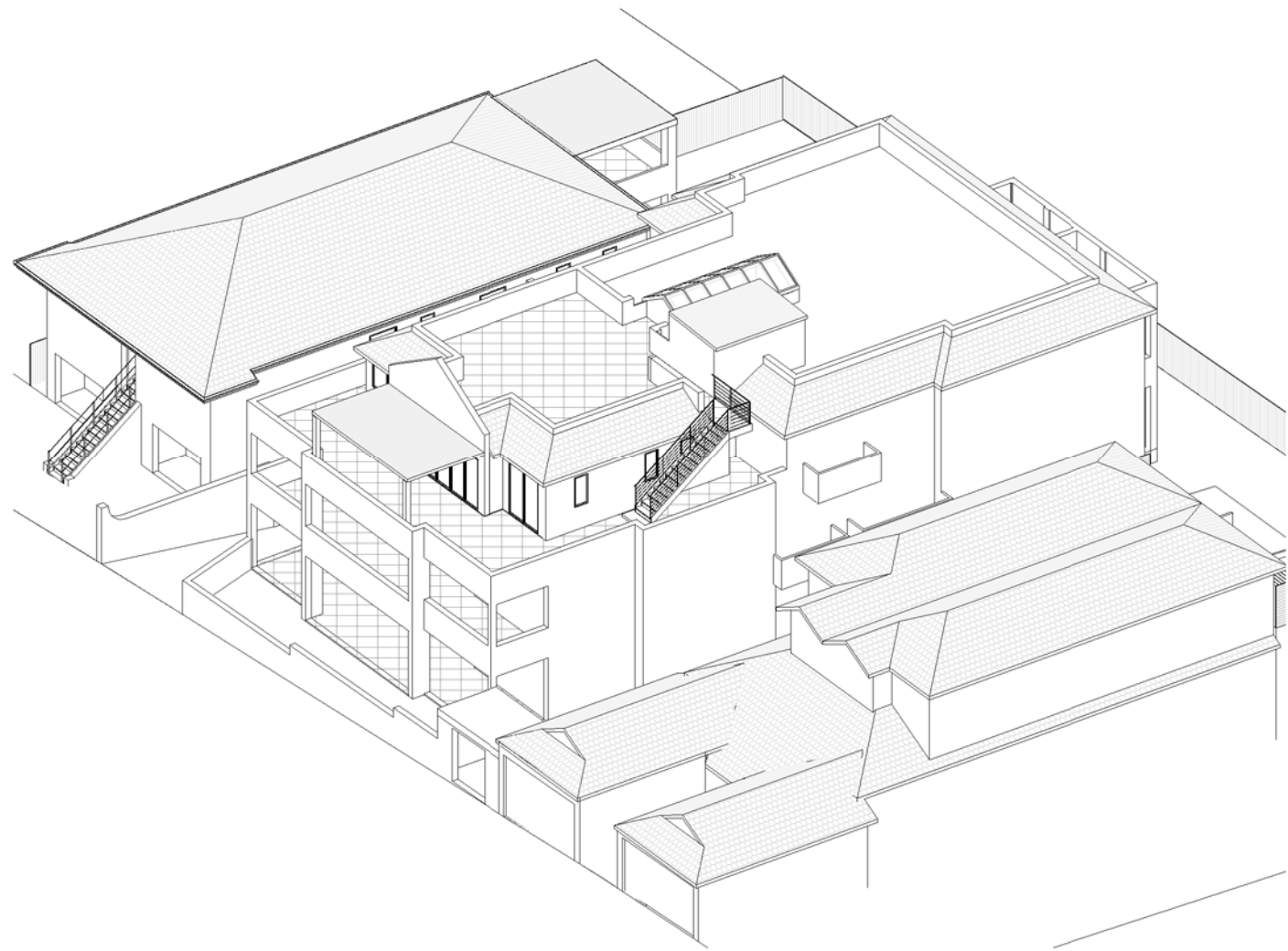
CLIENT: SARAH PLASKITT  
C/- TF ARCHITECTS

**3D Sun Views June 21st 12.00pm**


Project number	23-182	<b>A105</b>
Date	30-4-24	
Drawn by	KP	
Checked by	JD	
Scale		1 : 200

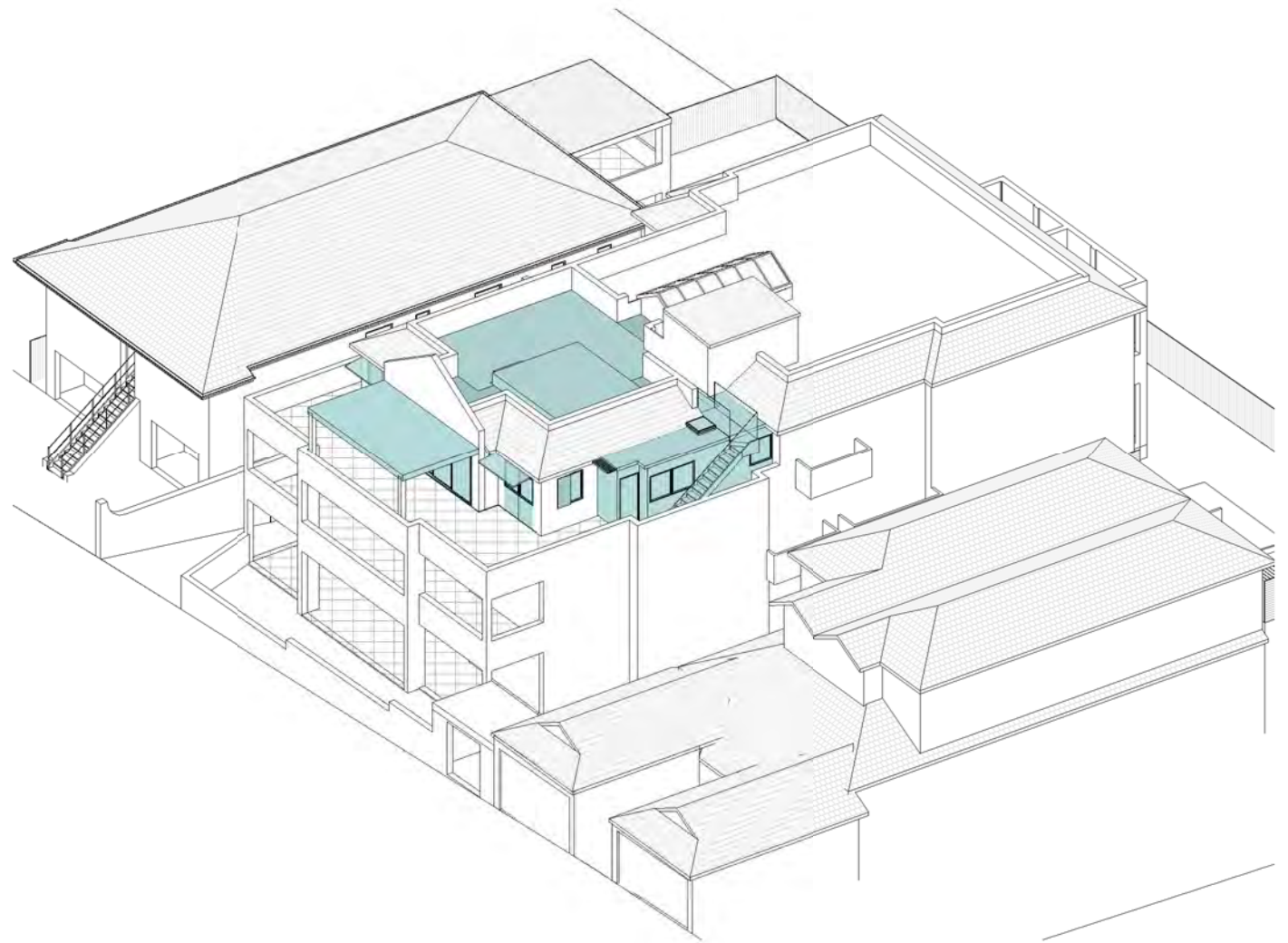


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Waverley Council  
Application No: DA-351/2023  
Date Received: 30/04/2024



June 21st 1.00pm Existing

 DENOTES AREAS OF PROPOSED ADDITIONS & ALTERATIONS



June 21st 1.00pm Proposed

**Cad Draft P/L**

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SUITE 1, 505 BALMAIN ROAD,  
LILYFIELD, NSW  
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SHADOW ANALYSIS CONSULTANTS

MOBILE: 0410 699919  
info@caddraftnsw.com.au

No.	Description	Date

SHADOW DIAGRAMS:  
UNIT 8 / 55-57 BRIGHTON BOULEVARDE  
NORTH BONDI

CLIENT: SARAH PLASKITT  
C/- TF ARCHITECTS


3D Sun Views June 21st 1.00pm

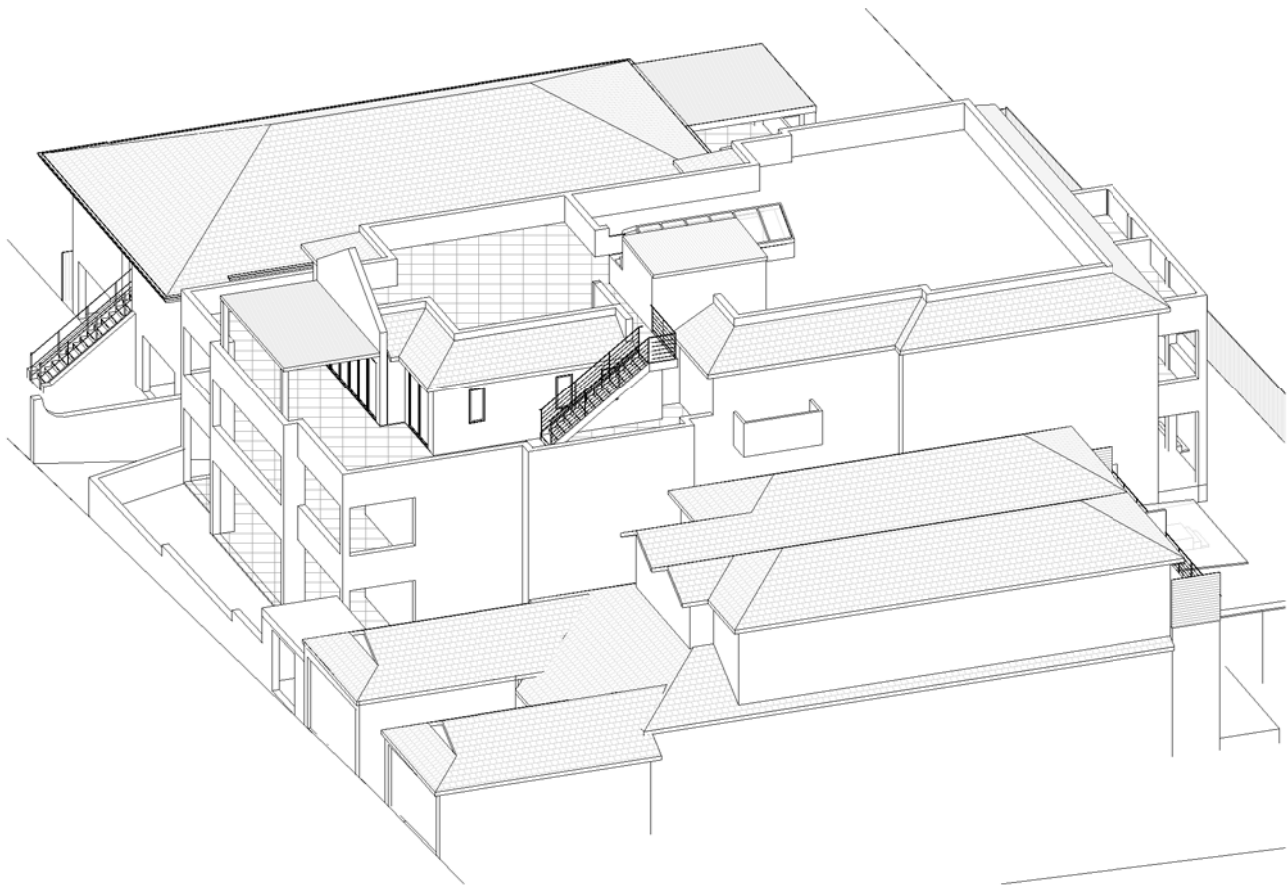
Project number	23-182
Date	30-4-24
Drawn by	KP
Checked by	JD

**A106**

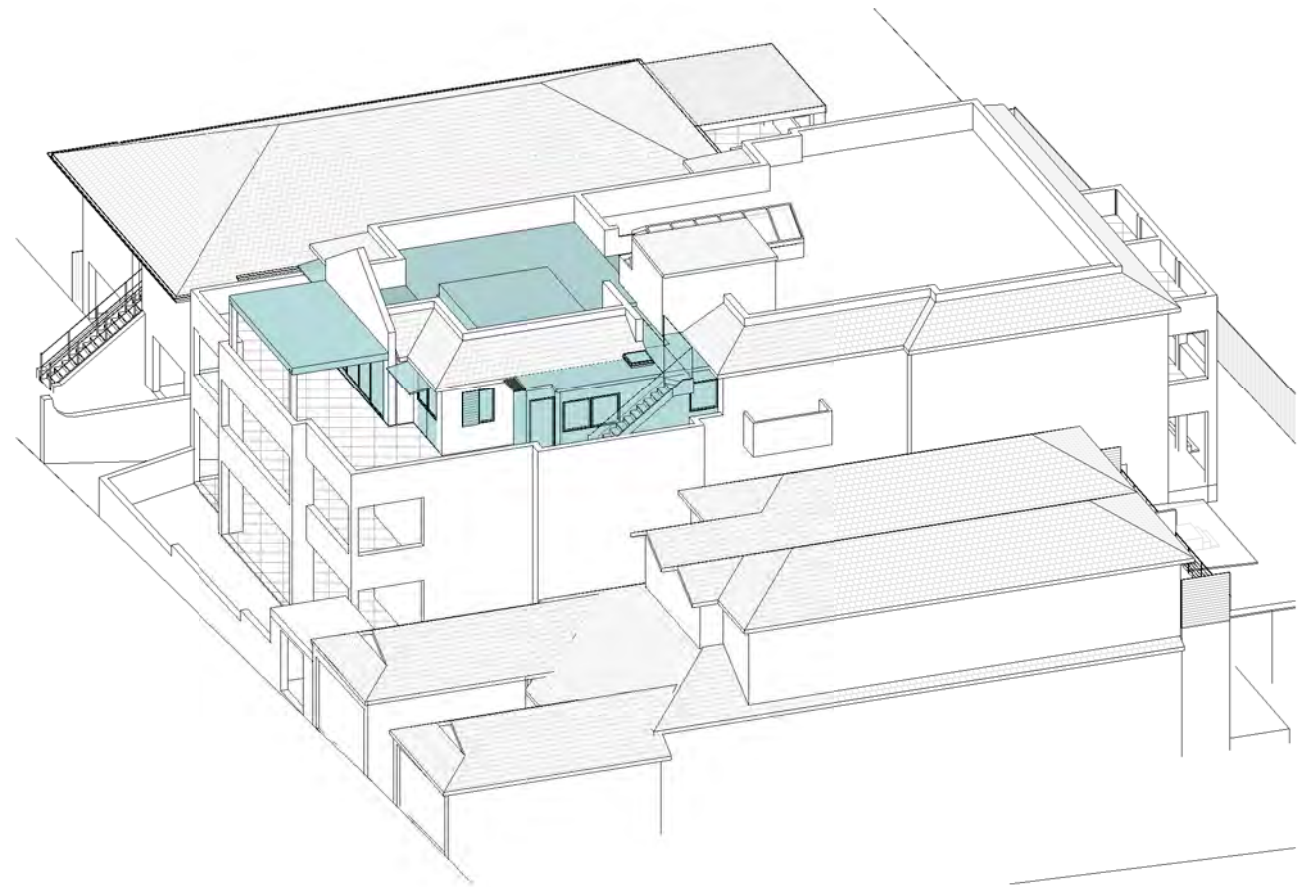
Scale 1 : 200

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Application No: DA-351/2023  
Date Received: 30/04/2024

 DENOTES AREAS OF PROPOSED ADDITIONS & ALTERATIONS



June 21st 2.00pm Existing



June 21st 2.00pm Proposed

**Cad Draft P/L**

ABN 27 083 288 153  
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LILYFIELD, NSW  
P.O.BOX 446 GLADESVILLE 2111

SHADOW ANALYSIS CONSULTANTS

MOBILE: 0410 699919  
info@caddraftnsw.com.au

No.	Description	Date

SHADOW DIAGRAMS:  
UNIT 8 / 55-57 BRIGHTON BOULEVARDE  
NORTH BONDI

CLIENT: SARAH PLASKITT  
C/- TF ARCHITECTS

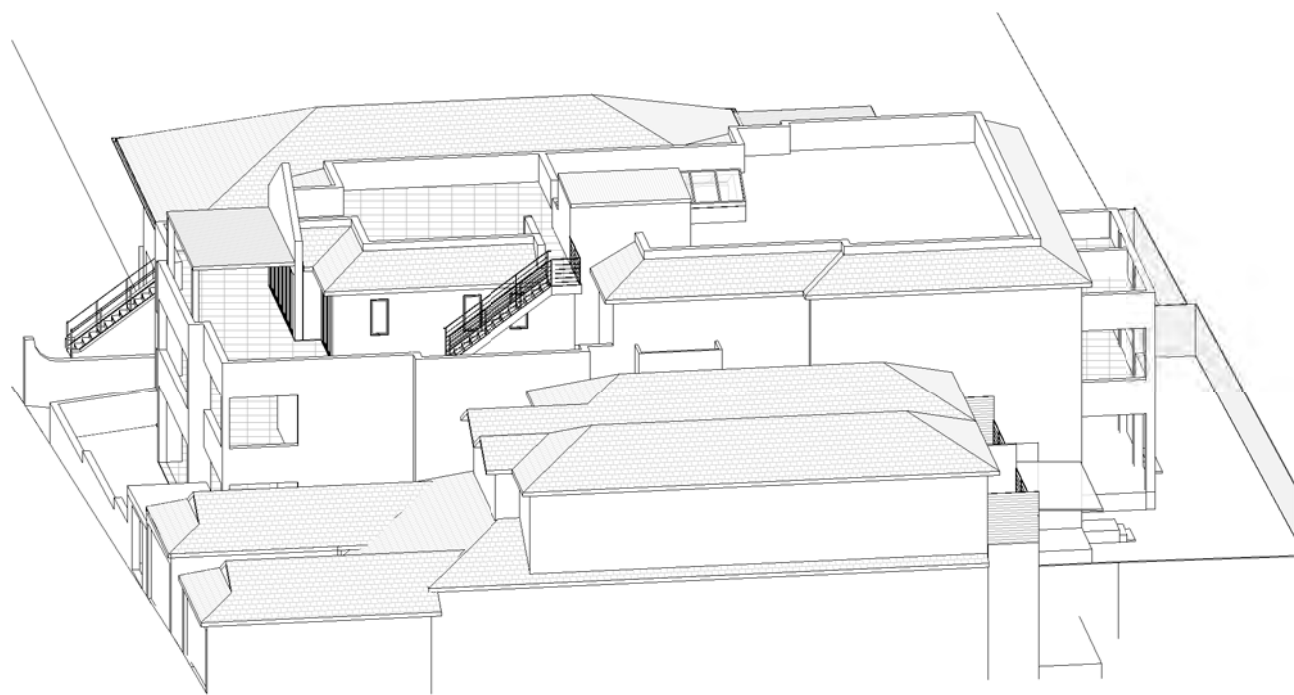
**3D Sun Views June 21st 2.00pm**

Project number	23-182
Date	30-4-24
Drawn by	KP
Checked by	JD

**A107**


Scale 1 : 200

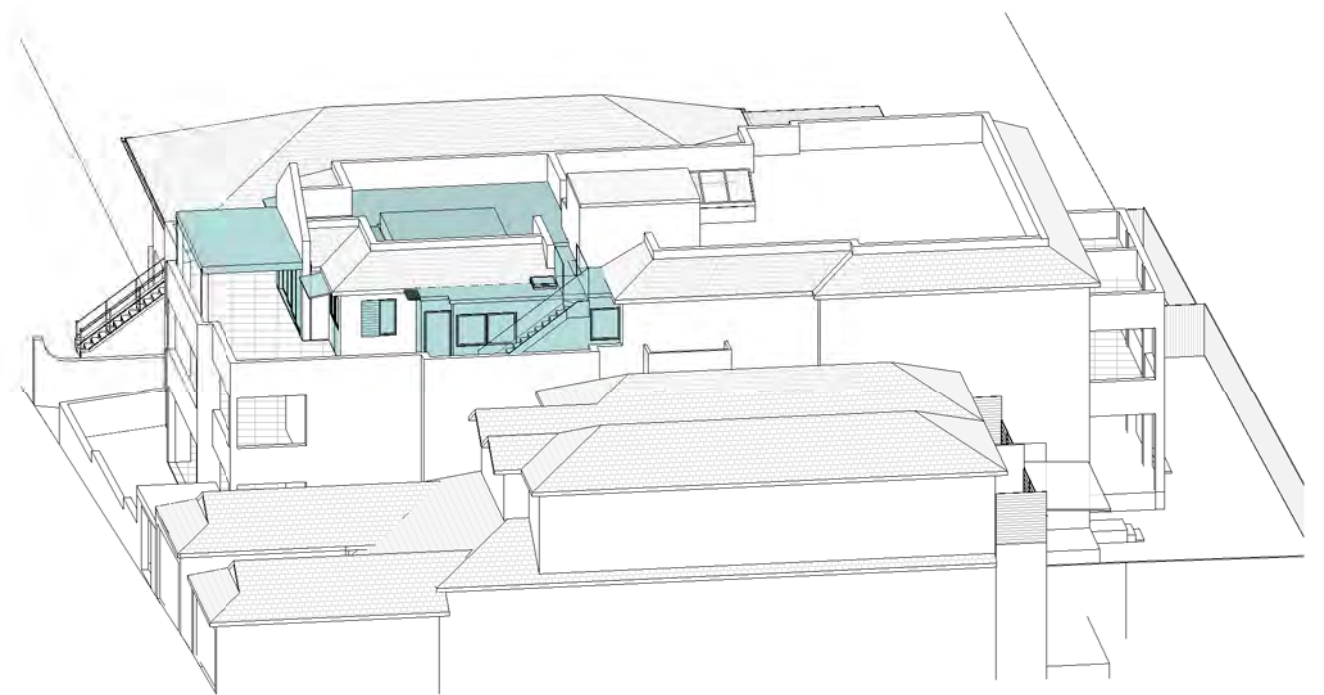




**June 21st 3.00pm Existing**

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 Application No: DA-351/2023  
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**DENOTES AREAS OF PROPOSED ADDITIONS & ALTERATIONS**



**June 21st 3.00pm Proposed**

## Cad Draft P/L

ABN 27 083 288 153

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LILYFIELD, NSW  
P.O.BOX 446 GLADESVILLE 2111

SHADOW ANALYSIS CONSULTANTS

MOBILE: 0410 699919

info@caddraftnsw.com.au

No.	Description	Date

SHADOW DIAGRAMS:  
UNIT 8 / 55-57 BRIGHTON BOULEVARDE  
NORTH BONDI

CLIENT: SARAH PLASKITT  
C/- TF ARCHITECTS

## 3D Sun Views June 21st 3.00pm

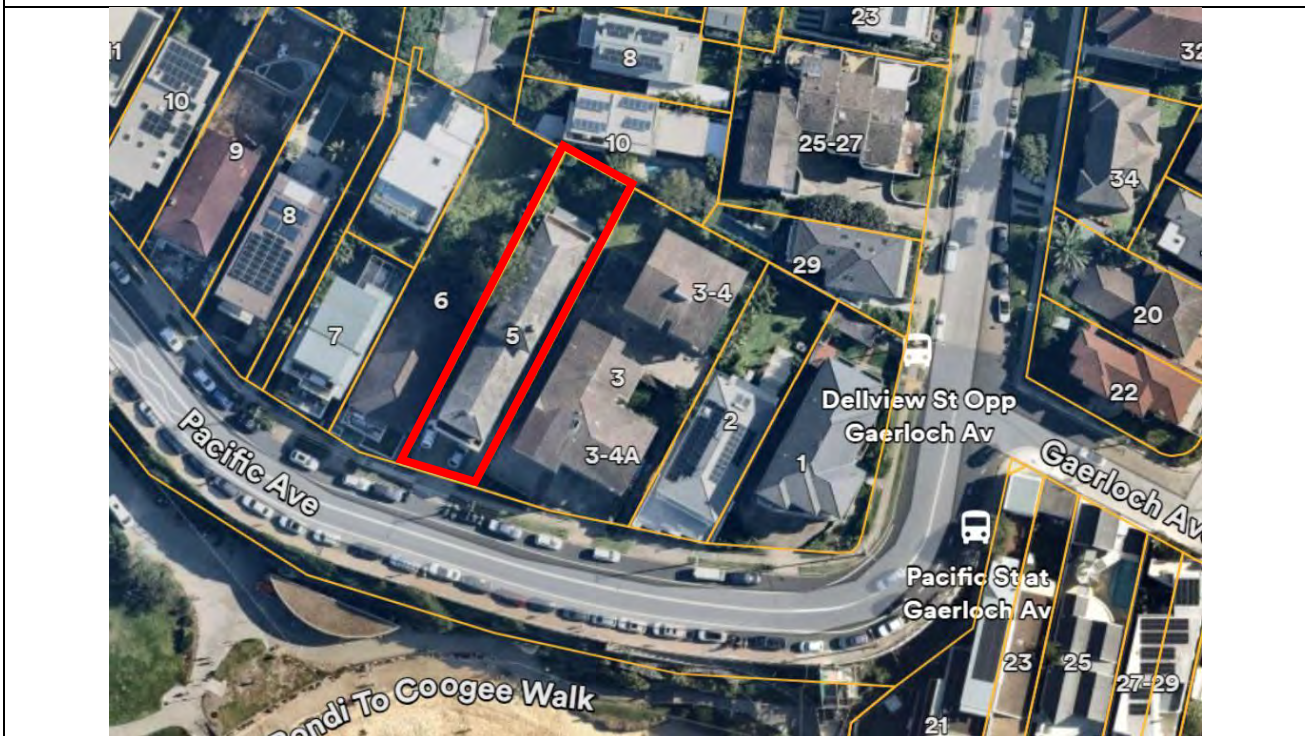
Project number	23-182	<b>A108</b>
Date	30-4-24	
Drawn by	KP	
Checked by	JD	
Scale		1 : 200



## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-44/2022/B - PAN-407172
<b>Site address</b>	5 Pacific Avenue TAMARAMA
<b>Proposal</b>	Modifications including internal reconfiguration, window changes, extension and redesign of the basement carpark and other design refinement.
<b>Description of Approved Development</b>	Demolition of existing residential flat building and construction of a part four and five-storey residential flat building containing five apartments, basement level parking and swimming pool and further amended, including a reduction to four units.
<b>Date of lodgement</b>	16 February 2024
<b>Owner</b>	Proprietors of Strata Plan 3867
<b>Applicant</b>	STM 123 P/L
<b>Submissions</b>	Nil
<b>Principal Issues</b>	<ul style="list-style-type: none"> <li>• Parking rates</li> <li>• Excavation</li> </ul>
<b>Recommendation</b>	That the application be APPROVED in accordance with the conditions contained in the report.

### SITE MAP



## 1. PREAMBLE

### 1.1 Executive Summary

The modification application seeks to modify development consent, DA-44/2022 and as further amended, for construction of a residential flat building (RFB) at 5 Pacific Avenue, Tamarama. In summary, the proposed modifications are for internal reconfiguration of apartments, window changes, extension and redesign of the basement carpark and other design refinement.

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

- **Parking:** The proposal seeks to allocate parking rates in excess of the maximum controls of the Waverley Development Control Plan 2022 (Waverley DCP 2022). This is considered unacceptable for reasons discussed within this report and a condition is recommended to ensure that the additional spaces are allocated to visitors and motorcycles spaces.
- **Excavation:** The proposal seeks increased excavation to accommodate parking and services within the basement car park. This is considered acceptable for the reasons discussed within this report.

No public or Councillor submissions were received as a result of the public exhibition. There were no declared conflicts of interest on this application from Council staff.

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

### 1.2 Site and Surrounding Locality

A site visit was carried out during the assessment of the original development application.

The site is identified as SP 3867, known as 5 Pacific Avenue, Tamarama. The site is generally rectangular in shape with a splayed frontage to Pacific Street, measuring 12.4m. It has an area of 662.5m<sup>2</sup> and falls from the rear towards the front by approximately 11m.

The site is occupied by a part four and five-storey RFB containing six apartments with vehicular access provided from Pacific Street to parking located within the ground floor level of the building.

The site is adjoined by a four-storey RFB to the west and a two-storey dwelling to the east. The site is located opposite Tamarama Beach Park and beach. The locality is characterised by a variety of low and medium residential development with views toward Tamarama Beach and the Pacific Ocean.

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





**Figure 1:** Subject site as viewed from Pacific Avenue.



**Figure 2:** Rear elevation of the building as viewed from Silva Street.



**Figure 3:** Pacific Avenue streetscape viewed from the west.



**Figure 4:** Pacific Avenue streetscape viewed from the east.

### 1.3 Details of Approved Development

The original development application, **DA-44/2022**, for demolition of the existing building and construction of a part four and five-storey residential flat building containing five apartments, basement level parking and swimming pool, was granted deferred commencement consent on 27 July 2022 by the Waverley Local Planning Panel (WLPP).

The following deferred commencement conditions are copied from the development consent as they have direct relevance to this modification application, noting that the WLPP added deferred commencement condition No. 1 as detailed below:

1. *In order to minimise the excavation and amenity impacts, the basement and ground floor are to be redesigned to delete excavation to the north of the lift and stairwell area. Storage and Plant may be provided at ground level but only to the extent necessary to meet the minimum requirements of the ADG for Storage or Plant that is needed to accommodate the reasonable needs of the development. The number of car parking spaces may be reduced to accommodate this and/or the car stacker relocated to the south of the liftwell.*



2. *To ensure deep soil along one side boundary and to provide increased protection to the adjoining dwelling with limited setbacks along the western boundary, the basement is to be set back a minimum of 1.5 metres from the western side boundary. The number of car parking spaces may be reduced to accommodate this.*
3. *Electric car charging in the garage areas must be allowed for through the provision of separate cabling and charging points, that are linked to the electrical system for each car space. Alternatively, the minimum acceptable approach would be the inclusion of ducting that allows for future cabling and charging systems to be added.*
4. *The top floor balcony allocated to 'Unit 5' at Level 4 shall be reduced to a maximum area of 15m<sup>2</sup> to reduce visual and acoustic privacy impacts upon surrounding properties. The remaining roof area shall be converted to a 'green roof' with low growing species that have a mature height of no more than 1 metre. A minimum of 50% of the species are to be indigenous or local native plants listed in Annexure B2-1 of Waverley Development Control Plan 2012.*
5. *The white paint render is to be replaced with a more durable option for the coastal environment and the green roof. The alternative material would be best if a natural finish such as stone as one example that is capable of withstanding the harsh environmental conditions.*
6. *The screening of windows on the western elevation to the living areas at ground and first floor levels shall be continued for the full extent of the glazing to limit privacy impacts on the opposing eastern window of No. 6 Pacific Street.*
7. *The solar panels are to be flush mounted on the roof and extend no more than 250mm above the roof.*

The deferred commencement matters were satisfied on 5 September 2022 and the consent activated.

**DA-44/2022/A** for modifications including design refinement, provisions for services, apartment reconfiguration, window changes, top level balcony changes and a reduction from five to four units was approved by the WLPP on 28 June 2023. This consent sought modifications to the basement level and excavation including the lowering of the floor level by 630mm to allow for clearance to services and extension of the basement by 1 metre toward the rear. The WLPP modified recommended Condition 53 (below) by allowing no visitor parking allocation with all six spaces approved under that modification to be allocated to apartments.

### **53. CAR PARKING**

*A maximum of 9 6 car vehicle parking spaces are to be provided within the development, allocated in the following manner:*

- (a) A maximum of 8 6 residential parking spaces*
- (b) A minimum of 1 visitor parking spaces DELETED DA-44/2022/A*
- (c) A minimum of 1 of the spaces to be a disabled space with adjacent shared area in accordance with Australian Standard AS2890.6 – 2009 Off Street Parking for People with Disabilities DELETED DA-44/2022/A*

(d) At least 1 'Level 2' AC fast electric vehicle charging points for cars to be installed

(e) 1 electric charging point and parking space for bicycles and motor scooters.

Car parking spaces are to be allocated with the rates specified in the DCP, with no more than 2 spaces allocated to any residential unit/dwelling with 3 or more bedrooms. All car spaces and to be appropriately signposted and parked.

(AMENDED DA-44/2022/A)

## 1.4 Proposal

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

### **Basement level:**

- Increase in excavation to both side boundaries to provide an additional two parking spaces (spaces 7 and 8);
- Parking spaces 1-6 have been reconfigured along the eastern side of the garage;
- Addition of a vehicle turntable;
- Internal reconfiguration of the basement level in relation to the location of the lift, plant rooms and stair core;
- Increase in the size of the on-site detention (OSD) tank; and
- Increase in the size of the booster assembly on the southern street frontage.

### **Ground floor:**

- Changes to the planter along the site frontage (to accommodate changes to the OSD tank and booster assembly);
- Internal reconfiguration of unit (no change to the number and general arrangement of rooms) with associated changes to windows and doors on the eastern elevation;
- Fire stairs adjusted throughout due to changes to Unit 4 stair;
- Layout changes to plant and storage areas to accommodate booster pump room relocated from basement; and
- AC Plant relocated to eastern side of the building, behind stair and lift shaft wall.

### **First to third floors:**

- Internal reconfiguration of unit (no change to the number and general arrangement of rooms) with associated changes to windows and doors on the eastern elevation; and
- Fire stairs adjusted throughout due to changes to Unit 4 stair.

#### **Fourth floor:**

- Internal reconfiguration of unit (including the deletion of the butler's pantry) and associated changes to windows on the eastern elevation; and
- Adjustment to internal stairs.

## **2. ASSESSMENT**

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

### **2.1 Section 4.55 – Modification of consents – generally**

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

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

The application was publicly notified and no submissions were received.

### **2.2 Evaluation of Matters for Consideration under Section 4.15**

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

#### **2.2.1 Planning Instruments and Development Control Plans**

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

##### **2.2.1.1 State Environmental Planning Policies (SEPPs)**

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

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

A detailed discussion is provided for the relevant SEPP as follows:

## SEPP (Housing) 2021

*SEPP 65 (Design Quality of Residential Apartment Development)* applied to the original development and has now been repealed and replaced with Chapter 4 of SEPP (Housing) 2021. The proposed modifications include only minor works to the upper floors of the development. These modifications are considered to comply with the relevant provisions of SEPP Housing and the *Apartment Design Guide (ADG)*.

## SEPP (Resilience and Hazards) 2021

SEPP Resilience and Hazards applies to the subject site as it is wholly located within the Coastal Environment Area (i.e. defined by clause 2.10) and a Coastal Use Area (i.e. defined by clause 2.11) .

Clause 2.10 of the SEPP states that development within the Coastal Environment Area must not be granted development consent unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the matters for consideration. The scope of amendments to the originally approved dwelling maintains compliance with the matters for consideration as per the original assessment.

Clause 2.11 of the SEPP states that development consent must not be granted for development on land within the Coastal Use Area unless the consent authority has considered and is satisfied with the matters for consideration. The proposed amendments will not result in any additional impacts to the appearance, character or amenity of the foreshore and maintains compliance with the matters for consideration as per the original assessment.

### 2.2.1.2 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

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

**Table 1: Waverley LEP 2012 Compliance Table**

Provision	Approved	Proposed Modified	Compliance
<b>4.3 Height of buildings</b> <ul style="list-style-type: none"><li>• 9.5m</li></ul>	15.23m	No change	N/A
<b>4.4 Floor space ratio</b> <ul style="list-style-type: none"><li>• 0.6:1</li></ul>	1.2:1	1.2:1 (*The proposal results in a minor decrease in GFA of 0.47m <sup>2</sup> ).	N/A



### 2.2.1.3 Waverley Development Control Plan 2022 (Waverley DCP 2022)

The approved development, as proposed to be modified, continues to comply with the relevant parts and sections of Waverley DCP 2022, except where discussed below. Only the parts and sections of Waverley DCP 2022 that apply to the proposed modifications are outlined in **Tables 2** and **3** and detailed discussion provided below.

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

Development Control	Compliance	Comment
<p><b>2. Ecologically Sustainable Development</b></p> <ul style="list-style-type: none"> <li>• <i>Ceiling or wall mounted fans</i></li> <li>• <i>Gas cooktops, gas ovens or gas internal space heating systems.</i></li> </ul>	No	It is noted that the amended plans no longer show fans in habitable rooms. An advisory condition to this effect is included in the consent conditions.
<p><b>3. Landscaping, Biodiversity and Vegetation Preservation</b></p>	Yes	Satisfactory.
<p><b>4. Coastal Risk Management</b></p>	Yes	Satisfactory.
<p><b>6. Accessibility and Adaptability</b></p>	Yes	Satisfactory.
<p><b>7. Transport</b></p> <p><b>7.2.2 Parking Rates</b></p> <p><i>Minimum parking rate:</i></p> <ul style="list-style-type: none"> <li>• <i>Nil resident spaces</i></li> <li>• <i>1 visitor space</i></li> </ul> <p><i>Maximum parking rate:</i></p> <ul style="list-style-type: none"> <li>• <i>6 resident spaces</i></li> <li>• <i>1 visitor space</i></li> </ul> <p><b>7.2.5 Motorcycle Parking</b></p> <ul style="list-style-type: none"> <li>• <i>Resident: 2</i></li> </ul> <p><b>7.2.6 Bicycle Parking</b></p> <ul style="list-style-type: none"> <li>• <i>Resident: 4</i></li> <li>• <i>Visitor: 0</i></li> </ul> <p><b>7.8 Electric Vehicle Charging Points</b></p>	No	<p>The DCP allows a maximum of six resident parking spaces and requires one visitor parking space (maximum of seven spaces). The modified proposal seeks to increase the parking to eight spaces, exceeding the maximum control by one space. The proposal also seeks consent to allocate two parking spaces per unit and provide no allocated visitor parking space. Refer to detailed discussion following the tables within this report.</p> <p>The DCP also requires two motorcycle spaces which have not been provided.</p> <p>A condition requires five bicycle spaces be provided on site which is retained as part of this modification.</p> <p>The vehicle charging points as required by the deferred commencement conditions are retained.</p>
<p><b>11. Design Excellence</b></p>	Yes	Satisfactory.
<p><b>13. Excavation</b></p> <ul style="list-style-type: none"> <li>• <i>Maximum permitted excavation m<sup>3</sup> = 662.5m<sup>3</sup></i></li> </ul>	No	Refer to detailed discussion following the tables within this report.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Excavation it is not to occur within a 1.5m setback from side boundaries and shall only occur within the building footprint except where access to a basement car park is required. Excavation will need to be setback greater where required to comply with Part C2, 2.3.2 Side and Rear Setbacks control (d).</li> </ul>		

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

Development Control	Compliance	Comment
<b>2.3 Setbacks</b>		
<b>2.3.1 Street setbacks</b> <ul style="list-style-type: none"> <li>Consistent street setback</li> </ul>	Yes	The street setback remains largely unchanged with only minor modification to the front planters due to the expansion of the OSD tank. The changes to the front are considered appropriate. The main building setback will remain unchanged.
<b>2.5 Building design and streetscape</b>		
<ul style="list-style-type: none"> <li>Respond to streetscape</li> <li>Sympathetic external finishes</li> </ul>	Yes	The streetscape appearance of the building remains largely as approved. The majority of changes will not be visible external to the building. Those aspects of the modification application which result in external changes are minor and will not harm the character and appearance of the building as viewed from both the public and private domain.
<b>2.9 Landscaping</b>		
<ul style="list-style-type: none"> <li>Minimum of 30% of site area landscaped: 199m<sup>2</sup></li> <li>50% of the above is to be deep soil: 99.5m<sup>2</sup></li> </ul>	No	<p>The landscaped area is retained largely as approved at 31.5%. The deep soil will be reduced to 43% of the landscaped area rather than 50% as approved. Notwithstanding, the ADG requires that 7% of the site is deep soil whereas the proposal provides 8.4% (according to definitions within the ADG) which is in excess of the ADG requirement.</p> <p>The proposed expansion of the basement car park to the western side boundary does not significantly reduce deep soil as this area is largely paved containing the pedestrian entry to the building.</p>

Development Control	Compliance	Comment
		<p>Deep soil continues to be provided within the rear setback of the site.</p> <p>The deep soil is considered adequate given that it exceeds the requirement of the ADG.</p>
<b>2.12 Vehicular access and parking</b>		
<ul style="list-style-type: none"> <li>• <i>Car parking to be integrated into the design of the development</i></li> <li>• <i>Max 1 x 2 way vehicle access point</i></li> <li>• <i>Pedestrian safety considered</i></li> <li>• <i>Basement parking should not contravene deep soil zone controls</i></li> </ul>	Yes	<p>The basement carpark continues to be integrated into the design of the building. The modification is to expand the size of the basement however retain the upper floor levels as approved and as such does not add to the bulk and scale of the building.</p> <p>The vehicular and pedestrian entry remain as approved.</p> <p>The proposed expansion of the basement car park to the western side boundary does not reduce the deep soil and landscaping as this area is largely paved containing the pedestrian entry to the building. The deep soil continues to be provided at the rear of the site, as approved.</p>
<b>2.15 Visual privacy and security</b>		
<ul style="list-style-type: none"> <li>• <i>Privacy be considered in relation to context density, separation use and design.</i></li> </ul>	Yes	<p>The proposed modification includes changes to windows (relocated) on the eastern elevation of the building at all levels.</p> <p>The modifications to windows will not result in any greater impact upon surrounding properties than the approved development given that the ground level doors and windows have fencing inhibiting views into adjoining properties and the windows above ground level contain screening.</p>
<b>2.18 Storage (also PART 4G OF THE ADG)</b>		
<p><i>In addition to kitchen cupboards and bedroom wardrobes, min storage required is:</i></p> <ul style="list-style-type: none"> <li>• <i>3 or more bed = 10m<sup>3</sup></i></li> <li>• <i>All to provide bulk storage area in basement or ancillary structure</i></li> </ul>	Yes	<p>The ground level storage areas are to be reconfigured as part of this modification; however, adequate storage to meet the ADG and DCP is retained.</p>
<b>2.20 Natural Ventilation (also PART 4B OF THE ADG)</b>		
<ul style="list-style-type: none"> <li>• <i>All dwellings to be naturally cross-ventilated</i></li> <li>• <i>Ceiling fans are to be provided in all habitable rooms</i></li> </ul>	Yes	<p>All dwellings continue to be naturally cross-ventilated.</p> <p>As previously discussed, an advisory condition is included that all habitable rooms contain ceiling fans.</p>

Development Control	Compliance	Comment
<b>2.21 Building services</b>		
<ul style="list-style-type: none"> <li><i>Services are to be integrated into the design of buildings (garbage rooms, mailboxes, fire hydrants boosters, electrical substations, down pipes, plant rooms, satellite/communications structures</i></li> <li><i>The maximum volume permitted for a plant room is the minimum required to meet Aust Std, accommodate typical dimensions of equipment required and the associated circulation space to access the equipment for maintenance.</i></li> </ul>	Yes	The expanded basement allows the services to be retained in the basement car park and the excavated ground level, including a larger OSD tank in accordance with the current requirements of the Water Technical Manual.

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

### **Parking**

The Waverley DCP 2022 allows a maximum of six resident parking spaces and requires one visitor parking space (maximum of seven spaces). The DCP also requires that two motorcycle spaces on site which have not been provided. The modified proposal seeks to increase the parking to eight spaces exceeding the maximum control by one space. The proposal also seeks consent to allocate two parking spaces per unit and provide no allocated visitor parking space.

The provision of all spaces to residents is not considered appropriate, particularly where the development does not provide sufficient visitor or motorcycle spaces. The parking rates have been carefully constructed and imposed over successive DCP variations to ensure that maximum parking rates take into consideration the impact upon traffic levels within the area and the proximity of the site to public transport. The site is located within Parking Zone 2 as defined within the DCP, which allocates the highest rate of parking due to these sites having good to fair accessibility to public transport and services. Excessive parking (ie, that above the maximum controls) sets undesirable precedents for RFB development within the Local Government Area and also cumulatively generates greater levels of traffic. The site is within proximity of public transport, provides the maximum rate for three-bedroom apartments with no justifiable reason for exceeding the DCP controls, other than the desire to provide more parking.

The maximum of six spaces allocated to residents as required by the previous modification is considered reasonable and the additional two spaces generated by the subject modification can reasonably accommodate the visitor space and motorcycle spaces that were previously lacking.

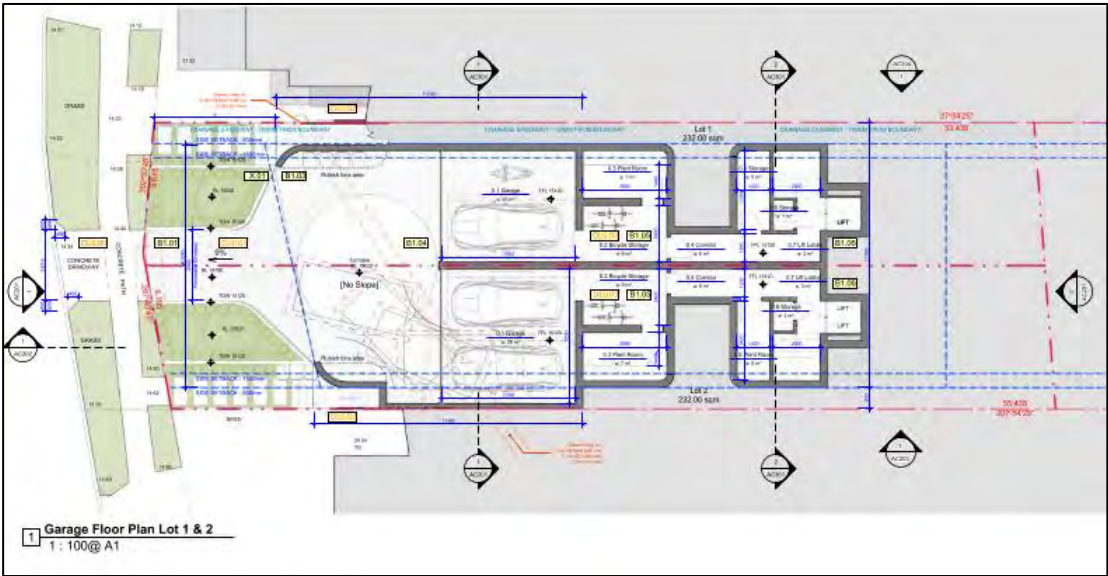


The variation to the control, at the expense of providing the required visitor and motorcycle parking spaces, is not considered justified or in the public interest. Therefore, condition 53 is recommended to be modified as outlined in Appendix A with the required visitor and motorcycle spaces.

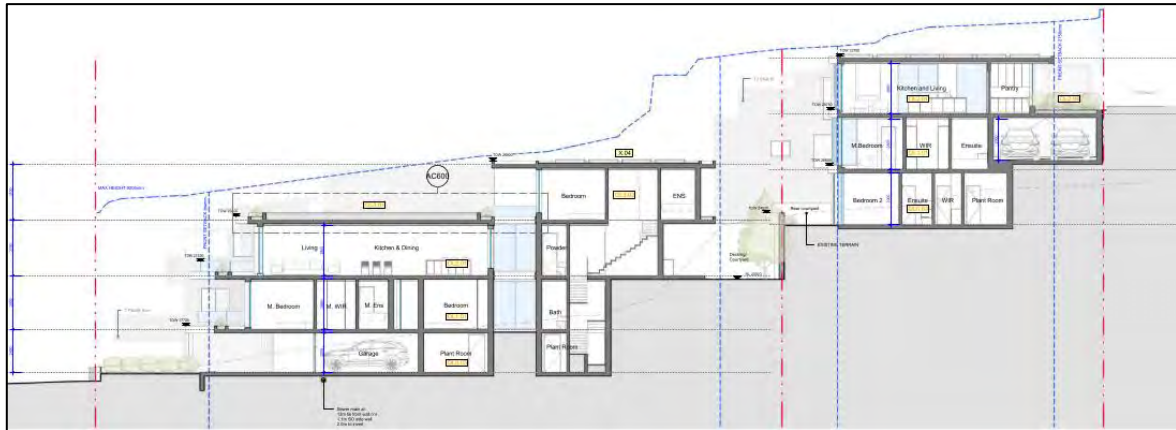
**Excavation**

The previously approved modification application sought an increase in the amount of excavation by 362.57m<sup>3</sup> to a total of 2,581m<sup>3</sup>. The current modification seeks to further increase the excavation by another 248.85m<sup>3</sup> to a total of 2,829.87m<sup>3</sup> by decreasing side setbacks to nil on both the eastern and western side boundaries. The DCP requires excavation be set back from the side boundaries by 1.5m or that required to comply with Part C2, 2.3.2 *Side and Rear Setbacks* control (d) which requires a landscaped deep soil area of 2m must be provided along one side boundary at a minimum.

A setback of 1.5m was required for the basement in the original consent to provide protection to the dwelling to the west at No. 6 Pacific Avenue. Since the original consent was issued, development consent has been granted for three dwellings at No. 6 Pacific Avenue. The new dwellings approved for No. 6 Pacific Avenue have extensive excavation up to the side boundary shared with the subject site as shown in **Figures 5 and 6** including retaining walls to provide level rear yards to each dwelling.



**Figure 5:** Basement level approved for the semi-detached pair of dwellings at the front of 6 Pacific Avenue adjoining to the west of the site (No. 5 to bottom of figure).



**Figure 6:** Excavation approved at adjoining site to the west, No. 6 Pacific Avenue, as shown in the approved long section. The excavation extends to the side boundaries in sections adjoining the subject site including within the rear yards of each dwelling.

The consents for both the subject site and No. 6 adjoining, require further geotechnical reports and details of excavation, shoring or pile construction as per the imposed conditions of consent. The original Geotechnical Report provides recommendations for the design and construction of the basement and is referenced in the conditions of consent. This modification is accompanied by a letter from the Geotechnical Engineer that the comments and recommendations provided in report remain applicable for the proposed modification.

Given that the adjoining property is to be extensively excavated in conjunction with the approval on this site and that both sites require Geotechnical solutions to the excavation, the proposal to extend to the side boundary of the site is not considered unreasonable subject to adherence with the Geotechnical Report as required by existing conditions.

## 2.2.2 Other Impacts of the Development

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

## 2.2.3 Suitability of the Site for the Development

The site is considered suitable for the proposal.

## 2.2.4 Any Submissions

The application was notified for 21 days between 23 February and 15 March 2024 and a site notice erected on the site in accordance with the *Community Engagement Strategy 2023*. No submissions were received.

## 2.2.5 Public Interest

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

### 3 REFERRALS

The following internal referral comments were sought:

#### 3.1 Traffic and Development

At the time of writing of this report, no comments had been received. Notwithstanding, as discussed above, the parking is to be limited as per the Waverley DCP 2022.

#### 3.2 Strategic Planning

The Planning Agreement condition was recommended to be modified to reflect the amended FSR. Refer to Appendix A for changes to condition 4.

### 4. CONCLUSION

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



#### *Managers of Development Assessment (MoDA) Decision:*

The application was reviewed by the MoDA at the meeting on 23 April 2024 and the MoDA determined that the application is acceptable and should be approved, subject to the conditions in Appendix A.

MoDA members: *B McNamara, B Magistrale, K Johnstone and Jo Zancanaro.*

### 5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

<b>Report prepared by:</b>	<b>Application reviewed and agreed by:</b>
	
Kylie Lucas	Bridget McNamara
<b>Senior Development Assessment Planner</b>	<b>A/ Executive Manager, Development Assessment</b>
<b>Date: 29 April 2024</b>	<b>Date: 7 May 2024</b>

#### *Reason for WLPP referral:*

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

- Proposed amendments to a condition of development consent recommended in the Council assessment report by which was amended by the WLPP.

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



## APPENDIX A – CONDITIONS OF CONSENT TO BE MODIFIED

### A. Amended/Deleted Conditions

#### 1. APPROVED DEVELOPMENT

The development must be in accordance with:

(a) Architectural Plans prepared by Mark Shapiro Architects of Project No: 20022 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA 1001 Rev. E-F	SITE ANALYSIS PLAN	<del>07/03/2023</del> 27/01/2024	<del>21/03/2023</del> 16/02/2024
DA 2000 Rev. E-F	BASEMENT & GROUND PLAN	<del>07/03/2023</del> 27/01/2024	<del>21/03/2023</del> 16/02/2024
DA 2001 Rev. E-F	LEVEL 1 & 2 PLANS	<del>07/03/2023</del> 27/01/2024	<del>21/03/2023</del> 16/02/2024
DA 2002 Rev. E-F	LEVEL 3 & 4 PLANS	<del>07/03/2023</del> 27/01/2024	<del>21/03/2023</del> 16/02/2024
DA 2003 Rev. E-F	ROOF PLAN	<del>07/03/2023</del> 27/01/2024	<del>21/03/2023</del> 16/02/2024
DA 2004 Rev. E-F	GROUND LEVEL DETAIL PLAN	<del>07/03/2023</del> 27/01/2024	<del>21/03/2023</del> 16/02/2024
DA 2005 Rev. E-F	GROUND LEVEL REAR DETAIL PLAN	<del>07/03/2023</del> 27/01/2024	<del>21/03/2023</del> 16/02/2024
DA 2006 Rev. E-F	LEVEL 1 DETAIL PLAN	<del>07/03/2023</del> 27/01/2024	<del>21/03/2023</del> 16/02/2024
DA 2007 Rev. E-F	LEVEL 1 REAR DETAIL PLAN	<del>07/03/2023</del> 27/01/2024	<del>21/03/2023</del> 16/02/2024
DA 2008 Rev. E-F	LEVEL 2 DETAIL PLAN	<del>07/03/2023</del> 27/01/2024	<del>21/03/2023</del> 16/02/2024
DA 2009 Rev. E-F	LEVEL 3 DETAIL PLAN	<del>07/03/2023</del> 27/01/2024	<del>21/03/2023</del> 16/02/2024
DA 2010 Rev. E-F	LEVEL 4 DETAIL PLAN	<del>07/03/2023</del> 27/01/2024	<del>21/03/2023</del> 16/02/2024
DA 2011 Rev. E-F	ROOF PLAN	<del>07/03/2023</del> 27/01/2024	<del>21/03/2023</del> 16/02/2024
DA 2300 Rev. E-F	SITE SECTIONS	<del>07/03/2023</del> 27/01/2024	<del>21/03/2023</del> 16/02/2024
DA 2301 Rev. A	DRIVEWAY ENTRY RAMP SECTION	15/12/2021	02/02/2022
DA 2400 Rev. E-F	ELEVATIONS NORTH & SOUTH	<del>07/03/2023</del> 27/01/2024	<del>21/03/2023</del> 16/02/2024
DA 2401 Rev. E-F	ELEVATIONS EAST & WEST	<del>07/03/2023</del> 27/01/2024	<del>21/03/2023</del> 16/02/2024
DA 2402 Rev. E-F	EXTERNAL FINISHES	<del>07/03/2023</del> 27/01/2024	<del>21/03/2023</del> 16/02/2024

(b) Landscape Plan No. LP01-2021, LP02-2021 and LP03-2021 and documentation prepared by Tanya Wood Landscape Architecture, dated 18/08/2021 and received by Council on 02/02/2022,

- (c) BASIX Certificate,
- (d) Geotechnical Investigation reference 34268PHrpt prepared by JK Geotechnics dated 3 September 2021 and received by Council on 02/02/2022,
- (e) Traffic and Parking Assessment Report reference 21411 prepared by Varga Traffic Planning dated 22 October 2021 and received by Council on 02/02/2022,
- (f) The Site Waste and Recycling Management Plan (SWRMP) Part 1.

Except where amended by the following conditions of consent.

*(AMENDED DA-44/2022/A) (AMENDED DA-44/2022/B)*

#### 4. PLANNING AGREEMENT

(a) The owner/applicant is to:

- i. Enter into an Agreement in accordance with Waverley's Planning Agreement Policy 2014 prior to the issue of any Construction Certificate ***that relates to any building work, other than demolition, excavation, piling, shoring and ancillary work for construction purposes including site hoardings and temporary site sheds for the development*** that relates to works contained in DA-44/2022/AB; and
- ii. Pay a monetary contribution amount of ~~\$349,131.28~~ ***\$347,519.85*** prior to the issue of any Occupation certificate for the Development ***(calculated in accordance with Waverley's Planning Agreement Policy 2014 at 101.36sqm of GFA exceedance at a rate of \$3,428.57/sqm)***.
- iii. A Planning Agreement will be entered into under Section 7.4 of the Environment Planning and Assessment Act 1979 between the applicant/owner of the land subject of the Development and Council.

(b) In accordance with the said offer, the Planning Agreement shall make provision in respect to the following:

- i. The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate ~~for the Development~~ ***that relates to any building work, other than demolition, excavation, piling, shoring and ancillary works for construction purposes including site hoardings and temporary site sheds that relates to works contained in DA-44/2022/B.***
- ii. The owner/applicant shall provide Council with a Bank Guarantee to secure the payment of the Monetary Contribution prior to the issue of any Construction Certificate ***that relates to any building work, other than demolition, excavation, piling, shoring and ancillary works for construction purposes including site hoardings and temporary sheds that relates to works contained in DA-44/2022/B*** for the Development which is:
  - In a form acceptable to Council and from an institution acceptable to Council
  - Irrevocable
  - Unconditional
  - With no end date

(c) The payment of the Monetary Contribution to Council is to be made prior to the issue of any Occupation Certificate for the Development and is to be applied towards a public purpose in accordance with the Agreement and Council's Planning Agreement Policy 2014.

Condition reason: The applicant offered to enter into a Planning Agreement and their offer is consistent with our PA Policy 2014 and supported by the Strategic Town Planning Team.

(AMENDED DA-44/2022/A) (AMENDED DA-44/2022/B)

### 53. CAR PARKING

A maximum of ~~6~~ 8 car vehicle parking spaces are to be provided within the development, allocated in the following manner:

- (a) A maximum of 6 residential parking spaces
- (b) ~~DELETED DA-44/2022/A~~ A minimum of 1 visitor space.
- (c) ~~DELETED DA-44/2022/A~~ A minimum of 2 motorcycle spaces.
- (d) At least 1 'Level 2' AC fast electric vehicle charging points for cars to be installed.
- (e) 1 electric charging point and parking space for bicycles and motor scooters.

Car parking spaces are to be allocated with the rates specified in the DCP, with no more than 2 spaces allocated to any residential unit/dwelling with 3 or more bedrooms. All car spaces are to be appropriately signposted and parked.

***The allocated car parking spaces are not permitted to be subdivided as individual allotments and are to be part lots allocated to individual residential allotments or identified as common property as shown on the approved plans. Part allotments are to be allocated in accordance with the parking requirements as above. No exclusive use of common property shall occur without the prior consent of Council.***

(AMENDED DA-44/2022/A) (AMENDED DA-44/2022/B)

## B. New Advisory Conditions

### AD10. PLANNING AGREEMENT

***After a Development Application has been approved with a Planning Agreement, the legal agreement must be drafted by Council, exhibited and endorsed by Council prior to fulfilling the requirements of the DA condition. This process will take a minimum of 4 months, so please contact the Strategic Town Planning team (email [strategictownplanning@waverley.nsw.gov.au](mailto:strategictownplanning@waverley.nsw.gov.au)) at least 4 months before you intend to obtain the relevant Construction Certificate associated with the VPA under this DA to commence the process.***

(ADDED DA-44/2022/B)

### AD11. ECOLOGICALLY SUSTAINABLE DEVELOPMENT RECOMMENDATIONS

#### **Indoor air quality:**

***Council strongly encourages the use of electrical cooktops, ovens and internal heating systems within residential developments to ensure that ambient indoor air quality levels specified in the National Environmental Protection Measure (Ambient Air Quality) are met.***

#### **Ventilation:**

***Council strongly encourages the installation of ceiling or wall mounted fans or Heat Recovery Ventilation (HRV) Units within residential developments to enable adequate ventilation of habitable rooms***

**Domestic hot water:**

***Council strongly encourages the installation of electric hot water systems. If an electrical system is not installed it is suggested to include specific provisions to enable the future installation.***

***(ADDED DA-44/2022/B)***



## APPENDIX B – FULL SET OF CONDITIONS

### A. APPROVED DEVELOPMENT

#### 1. APPROVED DEVELOPMENT

The development must be in accordance with:

(a) Architectural Plans prepared by Mark Shapiro Architects of Project No: 20022 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA 1001 Rev. F	SITE ANALYSIS PLAN	27/01/2024	16/02/2024
DA 2000 Rev. F	BASEMENT & GROUND PLAN	27/01/2024	16/02/2024
DA 2001 Rev. F	LEVEL 1 & 2 PLANS	27/01/2024	16/02/2024
DA 2002 Rev. F	LEVEL 3 & 4 PLANS	27/01/2024	16/02/2024
DA 2003 Rev. F	ROOF PLAN	27/01/2024	16/02/2024
DA 2004 Rev. F	GROUND LEVEL DETAIL PLAN	27/01/2024	16/02/2024
DA 2005 Rev. F	GROUND LEVEL REAR DETAIL PLAN	27/01/2024	16/02/2024
DA 2006 Rev. F	LEVEL 1 DETAIL PLAN	27/01/2024	16/02/2024
DA 2007 Rev. F	LEVEL 1 REAR DETAIL PLAN	27/01/2024	16/02/2024
DA 2008 Rev. F	LEVEL 2 DETAIL PLAN	27/01/2024	16/02/2024
DA 2009 Rev. F	LEVEL 3 DETAIL PLAN	27/01/2024	16/02/2024
DA 2010 Rev. F	LEVEL 4 DETAIL PLAN	27/01/2024	16/02/2024
DA 2011 Rev. F	ROOF PLAN	27/01/2024	16/02/2024
DA 2300 Rev. F	SITE SECTIONS	27/01/2024	16/02/2024
DA 2301 Rev. A	DRIVEWAY ENTRY RAMP SECTION	15/12/2021	02/02/2022
DA 2400 Rev. F	ELEVATIONS NORTH & SOUTH	27/01/2024	16/02/2024
DA 2401 Rev. F	ELEVATIONS EAST & WEST	27/01/2024	16/02/2024
DA 2402 Rev. F	EXTERNAL FINISHES	27/01/2024	16/02/2024

(b) Landscape Plan No. LP01-2021, LP02-2021 and LP03-2021 and documentation prepared by Tanya Wood Landscape Architecture, dated 18/08/2021 and received by Council on 02/02/2022,

(c) BASIX Certificate,

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(e) Traffic and Parking Assessment Report reference 21411 prepared by Varga Traffic Planning dated 22 October 2021 and received by Council on 02/02/2022,

(f) The Site Waste and Recycling Management Plan (SWRMP) Part 1.

Except where amended by the following conditions of consent.

*(AMENDED DA-44/2022/A) (AMENDED DA-44/2022/B)*

#### 2. MULTI UNIT HOUSING DEVELOPMENT DESIGN (SEPP 65 DEVELOPMENT)

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.

## **B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **GENERAL REQUIREMENTS**

#### **3. NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE**

The building work, or demolition work, must not be commenced until:

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the *Environmental Planning and Assessment Act 1979*;
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*; and
- (c) Council is given at least two days' notice in writing of the intention to commence the building works.

### **CONTRIBUTIONS, FEES & BONDS**

#### **4. PLANNING AGREEMENT**

- (a) The owner/applicant is to:
  - i. Enter into an Agreement in accordance with Waverley's Planning Agreement Policy 2014 prior to the issue of any Construction Certificate that relates to any building work, other than demolition, excavation, piling, shoring and ancillary work for construction purposes including site hoardings and temporary site sheds that relates to works contained in DA-44/2022/B; and
  - ii. Pay a monetary contribution amount of \$347,519.85 prior to the issue of any Occupation certificate for the Development (calculated in accordance with Waverley's Planning Agreement Policy 2014 at 101.36sqm of GFA exceedance at a rate of \$3,428.57/sqm).
  - iii. A Planning Agreement will be entered into under Section 7.4 of the Environment Planning and Assessment Act 1979 between the applicant/owner of the land subject of the Development and Council.
- (b) In accordance with the said offer, the Planning Agreement shall make provision in respect to the following:
  - i. The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate that relates to any building work, other than demolition, excavation, piling, shoring and ancillary works for construction purposes including site hoardings and temporary site sheds that relates to works contained in DA-44/2022/B.
  - ii. The owner/applicant shall provide Council with a Bank Guarantee to secure the payment of the Monetary Contribution prior to the issue of any Construction Certificate that relates to any building work, other than demolition, excavation, piling, shoring and ancillary works for construction purposes including site hoardings and temporary sheds that relates to works contained in DA-44/2022/B for the Development which is:
    - In a form acceptable to Council and from an institution acceptable to Council
    - Irrevocable
    - Unconditional
    - With no end date

- (c) The payment of the Monetary Contribution to Council is to be made prior to the issue of any Occupation Certificate for the Development and is to be applied towards a public purpose in accordance with the Agreement and Council's Planning Agreement Policy 2014.

Condition reason: The applicant offered to enter into a Planning Agreement and their offer is consistent with our PA Policy 2014 and supported by the Strategic Town Planning Team.

(AMENDED DA-44/2022/A) (AMENDED DA-44/2022/B)

## 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 2006 in accordance with the following:

- (a) A cost report indicating the itemised cost of the development shall be completed and submitted to Council:
- (i) Where the total development cost is less than \$500,000:  
**"Waverley Council Cost Summary Report"; or,**
  - (ii) Where the total development cost is \$500,000 or more:  
**"Waverley Council Registered Quantity Surveyor's Detailed Cost Report".**

A copy of the required format for the cost reports are provided in the Waverley Council Contributions Plan 2006, available on Council's website.

- (b) As legislated in section 25K of the Environmental Planning and Assessment Regulation 2000, the levy must be paid in accordance with the following;
- i. A development valued at \$100,000 or less will be exempt from the levy;
  - ii. A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% of the full cost of the development; or
  - iii. A development valued at \$200,001 or more will attract a levy of 1% of the full cost of the development.

Prior to the issue of any Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.

## 6. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of **\$82,097** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

This deposit (cash or cheque) or guarantee must be provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs for any repair of damage to Council property or rectification of unauthorised works on Council property, will be refunded after satisfactory completion all of works associated with this consent (including the required public works) to the person who paid the deposit.

## **7. LONG SERVICE LEVY**

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

Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.35% of building work costing \$25,000 or more.

## **PLAN DETAILS**

### **8. VERIFICATION OF CONSTRUCTION CERTIFICATE DOCUMENTATION (SEPP 65 BUILDINGS)**

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 No. 65 - Design Quality of Residential Apartment Development*.

In accordance with the Environmental Planning and Assessment Regulation 2000, the Principal Certifying Authority must not issue a construction certificate unless it has received a design verification statement from a qualified designer which verifies that the construction certificate plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in *State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development*.

### **9. 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 occupants over their lifetimes in accordance with Part B7 of the *Waverley Development Control Plan 2012*.

## **CONSTRUCTION & SITE MATTERS**

### **10. HOARDING**

To ensure the site is contained during construction, a hoarding is required for the approved works, which is to be designed and constructed in accordance with the requirements of Safe Work NSW. Where the hoarding is to be erected over the footpath or any public place, the approval of Council's Compliance Unit must be obtained and the applicable fees paid, prior to the erection of the hoarding.

### **11. EROSION & SEDIMENT CONTROL**

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

The SWMP must be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request.

The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.



## **12. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION**

- a) 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.
- b) Any practices or procedures specified in the Structural Engineer's report in relation to the avoidance or minimisation of structural damage to adjoining properties are to be fully complied with and incorporated into the plans and specifications together with the Construction Certificate.

## **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.

## **14. TELECOMMUNICATIONS IN NEW RESIDENTIAL FLAT BUILDING AND MIXED USE DEVELOPMENTS**

Evidence is to be provided to the Principal Certifier that arrangements have been made for;

- (a) The installation of fibre-ready facilities to all individual lots and/or premises to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and
- (b) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises demonstrated through an agreement with a carrier.

## **15. SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE APPLICATION**

An application to obtain a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be made prior to the issue of the relevant Construction Certificate. The application must be made through an authorised Water Servicing Coordinator.

For more information about making an application to obtain a Section 73 Compliance Certificate, please consult Sydney Water's website.

Following this application, a "Notice of Requirements" will be provided by Sydney Water that outlines any requirements of works to be completed prior to the issue of the Section 73 Compliance Certificate. Please make early contact **with the Coordinator**, as building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

A Section 73 Compliance Certificate must be issued from Sydney Water prior to the issue of an occupation certificate.

## **TRAFFIC MANAGEMENT**

### **16. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)**

The applicant is to submit a Construction Traffic Management Plan (CTMP) for the approval of Council's Executive Manager, Infrastructure Services, or delegate, prior to the issue of any Construction Certificate. For further information on what is required in the CTMP, please refer to Council's website at:

[https://www.waverley.nsw.gov.au/building/development\\_applications/post\\_determination/development\\_applications\\_-\\_conditions\\_of\\_consent](https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent)

## **STORMWATER & FLOODING**

### **17. 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 itm design Pty Ltd, Job No. 20/329, Drawing No. H-DA-00, H-DA-01, H-DA-02, H-DA-03, H-DA-04 & H-DA-05, Issue A, dated 4/11/2021, is considered unsatisfactory.

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

- a) The plans shall 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 centerline of orifice etc., pit overflow, OSD plaque, OSD warning sign and catchment plan. Council's mandatory OSD checklist as set out in Council's Water Management Technical Manual shall be completed and submitted.
- b) The plans shall provide a complete and detailed OSD design including multiple cross-sections (drawn to a suitable scale), proposed construction materials, and full orifice details.
- c) The building works appear to be located within the path of the natural runoff caused by the localised upstream catchment from the rear. Given that the site incorporates on-site stormwater detention (OSD), the engineer shall demonstrate that the water caused from the upstream catchment can be captured and redirected to the kerb and gutter via a swale and pipe or pit and pipe system along the boundaries (independent of any OSD system). Calculations in relation to the upstream catchment and the proposed system shall be submitted to Council demonstrating that the proposed system has sufficient capacity to capture and discharge the flows generated during the storm event.
- d) The invert level of the OSD system shall be higher than the hydraulic grade line (HGL) at the discharge point to prevent any backwater effects. No submerged conditions and/or the use of non-return valve will be permitted.
- e) Seepage water must not be directly or indirectly discharged to Council's street gutter.
- f) Any underground basement shall be protected from possible inundation by surface waters from the street.
- g) Show an alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure. A minimum freeboard of 150 mm from the pump out system to all parking spaces and full hydraulic details and pump manufacturers specification are to be provided.
- h) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location shall be provided. Calculations demonstrating that the proposed stormwater drainage system can cater for the relevant design storm event shall be provided.
- i) A sediment control stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.

- j) A long section of the connection to Council's infrastructure shall be provided and its details must be included (e.g. the location of existing services crossing and the clearances, existing surface levels, obvert and invert of existing pipe and invert level of the outlet pipe).
- k) A grated trench drain shall be provided across the (garage entrance/driveway/street boundary) within private property. Unless otherwise sized by a suitably qualified and practising Engineer, the dimensions of the trench grate shall be no less than 300mm wide by 100mm deep at the shallow end and have a "bottom" slope of 2%. This trench drain shall be connected to an approved drainage system.
- l) Interceptor drain(s) at the site boundary to prevent stormwater flows from the site crossing the footpath shall be provided.
- m) The wing of any vehicular crossing shall have a clearance of at least 500 mm from any stormwater kerb inlet pit. The proposed kerb inlet pit must be constructed to Council's satisfaction. Details are to form part of the Construction Certificate documentation.
- n) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.

**Notes:**

- Since a sewer main runs through the property, plans must also be presented to a Sydney Water Tap in™ for their approval.
- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated.
- Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- Council's contact for infrastructure assessment: E-mail: [assets@waverley.nsw.gov.au](mailto:assets@waverley.nsw.gov.au) or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.

**ENERGY EFFICIENCY & SUSTAINABILITY**

**18. BASIX**

All requirements of the BASIX Certificate and NatHERS documentation are to be shown on the Construction Certificate plans and documentation.

## **WASTE**

### **19. SITE WASTE AND RECYCLING MANAGEMENT PLAN**

A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the *SWRMP Part 2* is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

### **20. WASTE STORAGE AREAS**

The development must have a bin storage area with sufficient space to accommodate the following minimum number of bins for the development.

**Residential** (4 units with 2+ bedrooms)

- 2 x 240L Mobile Garbage Bin (MGB) for general waste collected weekly
- 2 x 240L MGB for container recycling collected fortnightly
- 2 x 240L MGB for paper and cardboard recycling collected fortnightly
- 1 x 240L MGB for green waste

A designated area of approximately 4m<sup>2</sup> floor space is required for the on-site storage of bulky waste awaiting collection and 1m<sup>2</sup> floor space is required for additional problem waste streams (such as electronic waste or textile waste).

All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B1 of the *Waverley Council Development Control Plan 2012* to the satisfaction of the Principal Certifying Authority.

(AMENDED DA-44/2022/A)

## **LANDSCAPING & TREES**

### **21. GREEN ROOF LANDSCAPING DETAILS**

The construction certificate landscape plans are to comply with the controls for green roofs in Part B3.1 of the *Waverley Development Control Plan 2012* 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. Any access to the roof is to be for servicing purposes only.

A qualified landscape architect must review the design and verify that it complies with the above requirements.



## **22. LANDSCAPE WORKS IN A HABITAT CORRIDOR**

A landscape plan is to be submitted to and approved by Council's Executive Manager, Environmental Sustainability (or delegate) with a plant species list having a minimum of 50% of the proposed trees, 50% of the shrubs and 50% of the grasses and groundcovers (not including turfed areas) are to be indigenous or local native plants listed in Annexure B2-1 of the Waverley Development Control Plan 2012.

## **NOISE**

### **23. 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.

### **24. DILAPIDATION REPORT**

A Dilapidation report is to be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken. The dilapidation report is to be made available to affected property owners.

The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site.

Note: Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out. Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

## **C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION**

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

### **PRIOR TO ANY WORKS**

#### **25. CONSTRUCTION SIGNS**

Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.

### **DEMOLITION**

#### **26. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS**

The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including:

- Work Health and Safety Act 2011;
- Work Health and Safety Regulation 2017;
- SafeWork NSW Code of Practice for the Safe Removal of Asbestos;
- Australian Standard 2601 (2001) – Demolition of Structures;
- *Protection of the Environment Operations Act 1997*.

At least 5 days prior to the demolition, renovation work or alterations and additions to any building, the person acting on the consent shall submit a Work Plan to the Principal Certifying Authority in accordance with Australian Standard AS 2601-2001, Demolition of Structure and a Hazardous Materials Assessment prepared by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall:

- (a) Outline the identification of any hazardous materials, including surfaces coated with lead paint;
- (b) Confirm that no asbestos products are present on the subject land, or
- (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by SafeWork NSW (catalogue WC03561);
- (d) Describe the method of demolition;
- (e) Describe the precautions to be employed to minimise any dust nuisance; and
- (f) Describe the disposal methods for hazardous materials.

#### **27. CONTROL OF DUST ON CONSTRUCTION SITES**

The following requirements apply to demolition and construction works on site:

- (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.
- (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices.

## **28. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS**

Prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste Classification Guidelines 2014.

## **29. EXCAVATION AND BACKFILLING**

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.

If an excavation associated with the erection or demolition of a building extends below the level of the footings of a building on an adjoining allotment of land, the excavation is to be managed by a practising structural engineer.

## **CONSTRUCTION MATTERS**

### **30. CONSTRUCTION HOURS**

Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays, with no work to be carried out on Sundays and public holidays.

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

Noise from construction activities shall comply with the *Protection of the Environmental Operations (Noise Control) Regulation 2017*.

### **31. STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS**

All building materials and any other items associated with the development are to be stored within the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.

### **32. CONSTRUCTION INSPECTIONS**

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the *Building Legislation Amendment (Quality of Construction) Act 2002*, clause 162A of

the *Environmental Planning and Assessment Regulation 2000* and the requirements of any other applicable legislation or instruments.

### **33. CERTIFICATE OF SURVEY - LEVELS**

All construction works are to be in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels is to be submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building.

### **34. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING**

A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the location of the building on the site is to be submitted to the Principal Certifying Authority to certify the building is located in accordance with the development consent plans. The Certificate is to be submitted prior to the construction of the external walls above the ground floor level of the building.

### **35. WORK OUTSIDE PROPERTY BOUNDARY**

This consent does not authorise any work outside the property boundary.

### **TREE PROTECTION AND REMOVAL**

#### **36. TREE PROTECTION**

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

#### **37. STREET TREES TO BE RETAINED/TREE PROTECTION**

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

- (a) Do not store harmful or bulk materials or spoil under or near trees;
  - (b) Prevent damage to bark and root system;
  - (c) Do not use mechanical methods to excavate within root zones;
  - (d) Do not add or remove topsoil from under the drip line;
  - (e) Do not compact ground under the drip line;
  - (f) Do not mix or dispose of liquids within the drip line of the tree; and
  - (g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter in accordance with AS4970-2009 "Protection of trees on construction sites.
- If any trees on neighboring properties require canopy pruning or root pruning, an application to prune/root prune or remove trees on private property is to be presented to Council for processing.
  - If any tree roots are exposed during any approved works, then roots smaller than 30mm are to be pruned as per the specifications below. Any roots greater than 30mm are to be assessed by a qualified arborist before any pruning is undertaken. Permission must be gained from the owner of the tree(s)



and an application to prune/root prune or remove trees on private property is to be presented to Council for processing.

- If tree roots are required to be removed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate). Permission must be gained from the owner of the tree(s) and an application to prune/root prune or remove trees on private property is to be presented to Council for processing.
- It is the arborist's responsibility to determine if such root pruning is suitable. If there are any concerns regarding this process, then Waverley Council's Tree Management Officer is to be contacted to make final determination.

## **VEHICLE ACCESS & PUBLIC DOMAIN WORKS**

### **38. NEW VEHICLE CROSSING**

A new vehicle crossing is to be provided to access the proposed basement. A separate application is required for the vehicle crossing, with all work to be carried out with the approval of and in accordance with the requirements of Council.

Note: Prior to the submission of the vehicle crossing application, works as executed drawings shall be submitted to Council for the approval of the Executive Manager Creating Waverley confirming the finished levels of the internal driveway between the property boundary and the garage floor comply with the approved driveway long sections.

### **39. 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

### **40. VEHICULAR ACCESS - FINISHED LEVEL TO FOOTPATH**

The finished level at the property boundary on **both** sides of the vehicle crossing is to be **50mm above** the level of the existing concrete footpath.

## **D. PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE OR SUBDIVISION CERTIFICATE**

The requirements outlined in this section are to be provided to the satisfaction of the Principal Certifying Authority in all instances, except where a condition explicitly specifies the approval of Council or a Council Officer is required, prior to the issue of an Occupation Certificate or Subdivision Certificate, whichever applies.

### **CERTIFICATES, LICENCES, EASEMENTS AND RESTRICTIONS**

#### **41. FINAL OCCUPATION CERTIFICATE**

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

The Principal Certifying Authority must be satisfied that the requirements of the *Environmental Planning & Assessment Act 1979* have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.

#### **42. CERTIFICATION OF BASIX COMMITMENTS**

The Principal Certifying Authority shall certify that the all the undertakings in the approved BASIX certificate have been completed.

#### **43. CERTIFICATION OF APPROVED DESIGN**

In accordance with the Environmental Planning and Assessment Regulations 2000, the Principal Certifying Authority must not issue an occupation certificate, to authorise a person to commence occupation or use of the development unless it has received a design verification statement from an architect who is registered in accordance with the Architects Act 2003 (i.e. qualified designer) that verifies that the building achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles.

#### **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.

#### **45. CERTIFICATION OF STORMWATER SYSTEM**

Prior to issue of an occupation certificate, certification is to be provided from a suitably qualified Hydraulics Engineer, that the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.

#### **46. CERTIFICATION OF ALL MECHANICAL PLANT**

A Certificate of Test of all mechanical plant together with a copy of the final test figures, conducted by a suitably qualified person, certifying that the system complies with the conditions of this consent, National Construction Code (NCC) and relevant Australian Standards.

#### **47. CERTIFICATION OF SWIMMING POOL/OUTDOOR SPA**

Prior to the pool being used, the following must be provided;

- (a) Certification that the pool has been constructed in accordance with the consulting engineers design;
- (b) Evidence that the swimming pool/outdoor spa has been registered on the State Government Swimming Pool Register (<http://www.swimmingpoolregister.gov.au>);
- (c) A sign outlining details of resuscitation techniques for adults, children and infants has been placed in a prominent position, close to the pool/outdoor spa. Signs are available from Council;
- (d) A copy of the occupation certificate must be submitted to Council.

Note: Swimming/spa pool pumps are restricted from use between 8pm to 7am weekdays and Saturdays, 8pm to 8am on Sundays and public holidays in accordance with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2017.

#### **48. 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.

### **STORMWATER**

#### **49. WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM**

- a. A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared, stamped and signed by a Registered Surveyor. This drawing must detail the alignment of all pipelines, pits, basement pump-out facility, the detention facility and other drainage related infrastructure. An original or a colour copy must be submitted to Waverley Council. Where changes have occurred, the Council approved plans shall be marked-up in red ink and shall include levels and location for the drainage structures and works.
- b. A suitably qualified and practising Engineer must provide certification of the WAED of the stormwater drainage system that the stormwater drainage works were constructed to their satisfaction and in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice. A copy of the aforementioned letter of certification must be submitted to Council.

#### **50. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD**

Prior to the issue of an Occupation Certificate, a “Positive Covenant” and “Restriction on the Use of Land” shall be created for the On-Site Stormwater Detention (OSD) system, under Section 88E of the Conveyancing Act 1919. This is to place a restriction on the Title that the OSD system is maintained and kept free of debris/weed to allow unobstructed passage of stormwater through the site and underneath the residence. The property owner/occupant shall not modify or remove the OSD system without consent from Council.

The wording of the Instrument shall be submitted to and approved by Executive Manager, Infrastructure Services (or delegate) prior to lodgement at NSW Land Registry Services.

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created via an application to the NSW Land Registry Services using forms 13PC and 13RPA. Accompanying this form is the requirement for a plan to scale showing the relative location of the OSD system, including its relationship to the building footprint. Electronic colour photographs of the OSD system shall accompany the application for the Positive Covenant and Restriction on the Use of Land.

The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate or use of the building. All associated costs shall be borne by the applicant.

#### **51. PLANNED PREVENTATIVE MAINTENANCE SCHEDULE FOR PUMP OUT SYSTEM**

The registered proprietor shall be required to submit written intent to establish and maintain a Planned Preventative Maintenance (PPM) schedule of the pump out system prior to the issue of Occupation Certificate. Council will not be liable for any claims for damages arising from the failure of the pump out system. Evidence shall be submitted to the Executive Manager, Infrastructure Services or delegate prior to the issue of the Occupation Certificate.

#### **52. POST-CONSTRUCTION STORMWATER PIPE CCTV DILAPIDATION REPORT**

Prior to the issue of the Occupation Certificate, a post-construction CCTV report shall be submitted to Council on any installed pipeline at least up to the next pit downstream of the proposed works. This is to ensure Council's stormwater infrastructure is adequately protected and there are no damages due to proposed construction activities and property drainage connections.

An electronic closed circuit television report (track mounted CCTV camera footage) prepared by an accredited operator that assesses the condition of the pipeline is required. The report is to be dated and submitted to and accepted by Council's Executive Manager, Infrastructure Services (or delegate).

The report shall be used by Council's Executive Manager, Infrastructure Services (or delegate) to assess whether any rectification works will be required. The applicant shall obtain written approval from Council's Executive Manager, Infrastructure Services (or delegate) prior to the issue of the Occupation Certificate.

### **VEHICLE ACCESS AND PARKING**

#### **53. CAR PARKING**

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

- (a) A maximum of 6 residential parking spaces
- (b) A minimum of 1 visitor space.
- (c) A minimum of 2 motorcycle spaces.
- (d) At least 1 'Level 2' AC fast electric vehicle charging points for cars to be installed.
- (e) 1 electric charging point and parking space for bicycles and motor scooters.



Car parking spaces are to be allocated with the rates specified in the DCP, with no more than 2 spaces allocated to any residential unit/dwelling with 3 or more bedrooms. All car spaces are to be appropriately signposted and parked.

The allocated car parking spaces are not permitted to be subdivided as individual allotments and are to be part lots allocated to individual residential allotments or identified as common property as shown on the approved plans. Part allotments are to be allocated in accordance with the parking requirements as above. No exclusive use of common property shall occur without the prior consent of Council.

*(AMENDED DA-44/2022/A) (AMENDED DA-44/2022/B)*

#### **54. BICYCLE PARKING**

A minimum of 5 bicycle parking spaces are to be provided within the development.

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

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

*(AMENDED DA-44/2022/A)*

#### **55. STREET NUMBER/S**

The street number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary that fronts the street. Should the number be fixed to an awning then it shall be a minimum 150mm high.

#### **56. ALLOCATION OF STREET NUMBER**

The redevelopment of the property has led to the following allocation of primary and sub-premises (unit) numbering:

- No. 5 - primary address site number
- Pacific Avenue primary address location.

The primary address site number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level, located near the pedestrian entry point and be clearly visible on the site boundary that fronts Pacific Avenue.

The following sub-addressing will apply:

- Nos. 1-4 for the residential sub-address sites within the building correlating with Nos. 1-4 on the floor plans for the building.

The address number for a sub-address site shall not consist of the primary address number on its own. The address number for a sub-address site shall not consist of the primary address number with an alpha suffix.

Sub-address numbers shall be applied in a logical sequence and within a primary address site shall be unique regardless of the type of the address. The primary and sub-address site numbers are to be positioned on the site prior to the issue of the Occupation/Subdivision Certificate.

Any variation to the above premises numbering requires a new application for a Change of street number and/or location to be lodged with Council.

*(AMENDED DA-44/2022/A)*

## **57. PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE & COLLECTION**

A Waste Management Plan must be submitted to Council's Executive Manager, Environmental Sustainability (or delegate) and include including the following:

- (a) Onsite collection is required in line with the Pacific Building's existing servicing arrangements
- (b) All arrangements including relevant and current contracts for recyclables and all other waste (collection and disposal)
- (c) The waste storage area and bins must be cleaned and maintained regularly with appropriate lighting.
- (d) The role and responsibility of managing composting facilities (if provided);
- (e) Clear signage identifying the different bin types, space for reusable items such as crates and pallets, bulky household waste and problem waste must be displayed.
- (f) The recycling bins must be placed alongside the general waste bins for ease of access and to encourage recycling habits.
- (g) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of bins, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.
- (h) The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan is be available on site when requested.
- (i) At no times shall bins be stored on the public domain (e.g. footpaths).

## **E. OPERATIONAL MATTERS**

### **58. 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.

### **59. PARKING PERMITS**

Occupants of the building are not to be eligible for resident parking permits under Council's Residents Preferential Parking permits scheme.

### **60. HEADROOM CLEARANCE**

The headroom clearance on the driveway and within the carpark for access to car parking spaces is to be a minimum of 2.2 metres in general and 2.5 metres above the disabled parking spaces and shared zones for the car parking spaces.

### **61. 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.

### **62. 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.

## **ADVISORY MATTERS**

The following advisory matters are provided as additional information to ensure compliance with the relevant legislation and requirements. You must also check other Commonwealth and NSW Acts and Regulations which may apply to the works or use approved in this application.

### **AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT**

Various conditions require further input, review or approval by Council in order to be satisfied following the determination of the application (that is, post consent). In those instances, please adhere to the following process to avoid delays:

- Please read your conditions carefully.
- Information to be submitted to Council should be either via email to [info@waverley.nsw.gov.au](mailto:info@waverley.nsw.gov.au) or via the NSW Planning Portal (if required).
- Attention the documentation to the relevant officer/position of Council (where known/specified in condition).
- Include DA reference number.
- Include condition number/s seeking to be addressed.
- Where multiple conditions need Council input, please try to group the documentation / email/s into relevant subjects (multiple emails for various officers may be necessary, for example).
- Information to be submitted in digital format – refer to ‘Electronic lodgement guidelines’ on Council’s website. Failure to adhere to Council’s naming convention may result in documentation being rejected.
- Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information.
- Please note, in some circumstances, additional fees and/or additional documents (hard copy) may be required.
- Council’s standard for review (from date the relevant officer receives documentation) is 14 days. Times may vary or be delayed if information is not received in this required manner.

### **AD2. 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](http://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.

### **AD3. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)**

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra’s network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra’s infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra’s



assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.

#### **AD4. EXCAVATION TO BE LIMITED**

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

#### **AD5. TREE REMOVAL/PRESERVATION**

Any trees not identified for removal in this application have not been assessed and separate approval may be required. Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building may also require approval.

#### **AD6. SYDNEY WATER CERTIFICATE**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. **Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website.**

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact **with the Coordinator**, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

#### **AD7. 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.

#### **AD8. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES**

The Applicant is to pay to Council fees for the assessment of all engineering plans and inspection of the completed works in the public domain inclusive of all stormwater assessment, in accordance with Council's Schedule of Fees & Charges at the time of engineering plan approval, prior to such approval being granted by Council.

An invoice will be issued to the applicant for the amount payable, which will be calculated based on the design plans for the subject development.

#### **AD9. SITE RECTIFICATION WORKS**

The vacant site is to be maintained in a safe and secure manner. Fencing is to be erected around the perimeter 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 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:

- (i) Require certain works including but not limited to:
  - (a) make the building/site safe and of an appearance acceptable to Council.
  - (b) Allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; or
  - (c) For the hole to be covered to allow it to be landscaped and made attractive from any public vantage point.
  - (d) AND to call on such bank guarantee to cover the cost thereof.
  
- (ii) In the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the costs of the works.

#### **AD10. PLANNING AGREEMENT**

After a Development Application has been approved with a Planning Agreement, the legal agreement must be drafted by Council, exhibited and endorsed by Council prior to fulfilling the requirements of the DA condition. This process will take a minimum of 4 months, so please contact the Strategic Town Planning team (email [strategictownplanning@waverley.nsw.gov.au](mailto:strategictownplanning@waverley.nsw.gov.au)) at least 4 months before you intend to obtain the relevant Construction Certificate associated with the VPA under this DA to commence the process.

(ADDED DA-44/2022/B)

#### **AD11. ECOLOGICALLY SUSTAINABLE DEVELOPMENT RECOMMENDATIONS**

##### Indoor air quality:

Council strongly encourages the use of electrical cooktops, ovens and internal heating systems within residential developments to ensure that ambient indoor air quality levels specified in the National Environmental Protection Measure (Ambient Air Quality) are met.

##### Ventilation:

Council strongly encourages the installation of ceiling or wall mounted fans or Heat Recovery Ventilation (HRV) Units within residential developments to enable adequate ventilation of habitable rooms.

##### Domestic hot water:

Council strongly encourages the installation of electric hot water systems. If an electrical system is not installed it is suggested to include specific provisions to enable the future installation.

(ADDED DA-44/2022/B)

## ***Dictionary***

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

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

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

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

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

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

**Council** means Waverley Council.

**Court** means the Land and Environment Court of NSW.

**EPA** means the NSW Environment Protection Authority.

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

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

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

**Local planning panel** means Waverley Local Planning Panel.

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

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

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

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

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

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

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

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

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

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



# PROPOSED NEW RESIDENTIAL FLAT BUILDING

5 Pacific Ave Tamarama NSW 2026 Australia

RECEIVED  
Waverley Council  
Receipt No: DA-44/2022/B  
Date Received: 16/02/2024

DRAWING No	DRAWING NAME	SCALE	REV
DA0000	COVERPAGE		F
DA1000	SITE LOCATION		F
DA1001	SITE ANALYSIS PLAN	1:400	F
DA2000	BASEMENT & GROUND PLAN	1:200	F
DA2001	LEVEL 1 & 2 PLANS	1:200	F
DA2002	LEVEL 3 & 4 PLANS	1:200	F
DA2003	ROOF PLAN	1:200	F
DA2004	GROUND LEVEL DETAIL PLAN	1:100	F
DA2005	GROUND LEVEL REAR DETAIL PLAN	1:100	F
DA2006	LEVEL 1 DETAIL PLAN	1:100	F
DA2007	LEVEL 1 REAR DETAIL PLAN	1:100	F
DA2008	LEVEL 2 DETAIL PLAN	1:100	F
DA2009	LEVEL 3 DETAIL PLAN	1:100	F
DA2010	LEVEL 4 DETAIL PLAN	1:100	F
DA2011	ROOF PLAN	1:100	F
DA2300	SITE SECTIONS	1:200	F
DA2400	ELEVATIONS NORTH & SOUTH	1:200	F
DA2401	ELEVATIONS EAST & WEST	1:200	F
DA2402	EXTERNAL FINISHES		F
DA9000	EXISTING GFA DRAWINGS	1:200	F
DA9001	PROPOSED GFA DRAWINGS	1:200	F
DA9002	DEEP SOIL AREAS	1:200	F
DA9003	3D ENVELOPE COMPARISON	1:200	F
DA9004	CROSS VENTILATION & STORAGE	1:200	F
DA9005	EXISTING CONDITION		F
DA9006	APPROVED EXCAVATION VOLUME		F
DA9007	PROPOSED EXCAVATION VOLUME		F
DA9100	SHADOW DIAGRAMS	1:500	F
DA9101	SHADOW DIAGRAMS - ELEVATIONS	1:500	F
DA9200	SOLAR ACCESS DIAGRAMS	1:500	F
DA9300	PHOTOMONTAGE 1		F
DA9301	PHOTOMONTAGE 2		F
DA9302	SWRMP	1:200, 1:250	F
DA9303	NOTIFICATION PLANS		F



SECTION 4.55 APPLICATION

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ISSUE	DATE	REVISION
F	27/01/2024	SECTION 4.55
E	07/03/2023	SECTION 4.55
D	15/09/2022	DEFERRED COMMENCEMENT
C	12/08/2022	DEFERRED COMMENCEMENT
A	16/12/2021	FOR DEVELOPMENT APPLICATION

CLIENT:

**STM 123 PTY LTD**  
14 Queen St,  
Woollahra NSW 2025,  
Australia

PROJECT:

**PROPOSED NEW RESIDENTIAL FLAT BUILDING**  
5 Pacific Ave  
Tamarama NSW 2026

DRAWING:  
**COVERPAGE**

PROJECT NO:

**20022**

PLOTTED: 27/01/2024

DRAWING NO:  
**DA0000**

REV:  
**F**





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A	16/12/2021	FOR DEVELOPMENT APPLICATION

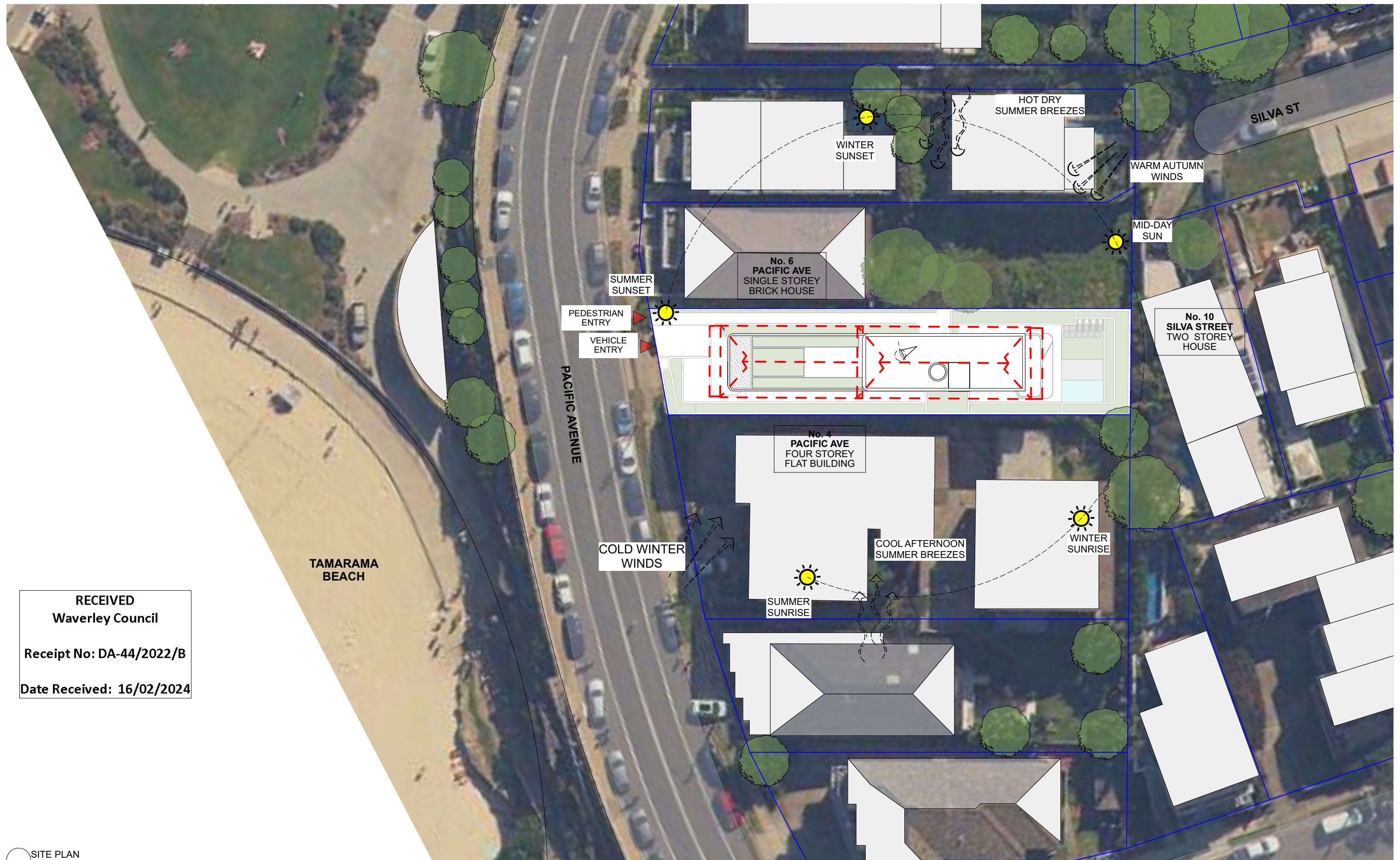
CLIENT:  
**STM 123 PTY LTD**  
 14 Queen St,  
 Woollahra NSW 2025,  
 Australia

PROJECT:  
**PROPOSED NEW RESIDENTIAL FLAT BUILDING**  
 5 Pacific Ave  
 Tamarama NSW 2026  
 DRAWING:  
**SITE LOCATION**



PROJECT NO:  
**20022**  
 PLOTTED: 27/01/2024  
 DRAWING NO:  
**DA1000** REV: **F**





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Date Received: 16/02/2024

SITE PLAN 1:400

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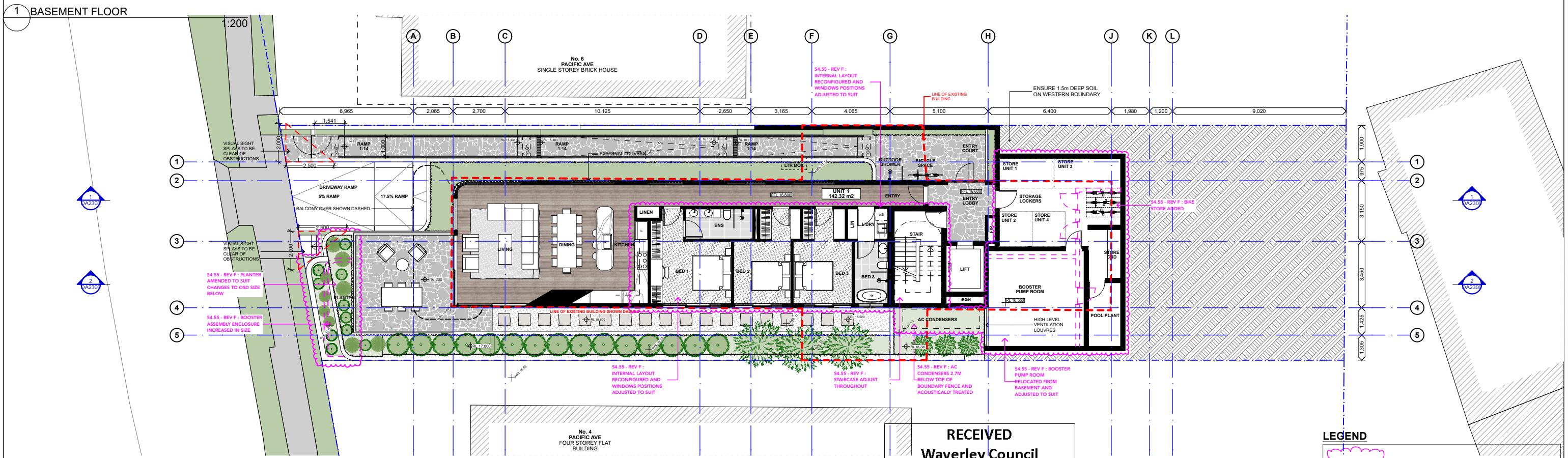
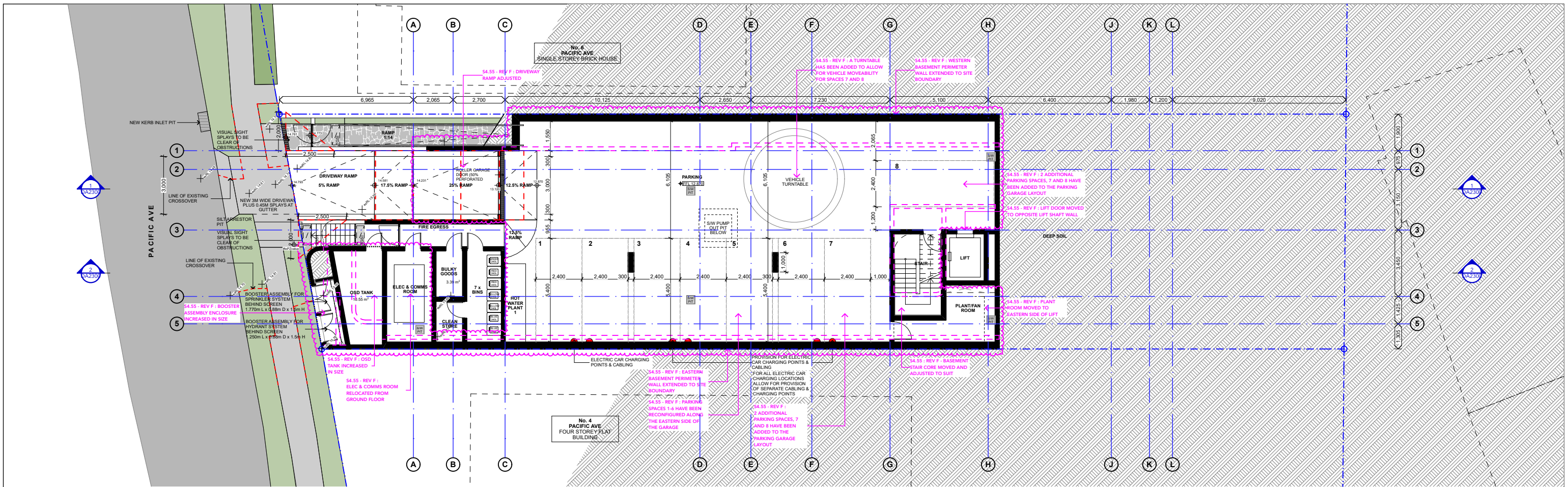
ISSUE	DATE	REVISION
F	27/01/2024	SECTION 4.55
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D	15/09/2022	DEFERRED COMMENCEMENT
C	12/08/2022	DEFERRED COMMENCEMENT
A	16/12/2021	FOR DEVELOPMENT APPLICATION

CLIENT:  
**STM 123 PTY LTD**  
14 Queen St,  
Woollahra NSW 2025,  
Australia

PROJECT:  
**PROPOSED NEW RESIDENTIAL FLAT BUILDING**  
5 Pacific Ave  
Tamarama NSW 2026  
DRAWING:  
**SITE ANALYSIS PLAN**

PROJECT NO:  
**20022**  
PLOTTED: 27/01/2024  
DRAWING NO: **DA1001** REV: **F**





1 BASEMENT FLOOR

2 GROUND FLOOR

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Date Received: 16/02/2024

LEGEND  
S4.55 AMENDMENTS INDICATED  
S4.55:XXX

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A	16/12/2021	FOR DEVELOPMENT APPLICATION

**BASIX COMMITMENTS**  
(ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

**WATER OPTIONS**  
SHOWERHEADS: 7.5 to 9 L/m  
TOILETS: 4 STAR  
CLOTHES WASHERS: 4 STAR (WELS)  
KITCHEN TAPS: 3 STAR  
BATHROOM TAPS: 3 STAR  
DISHWASHERS: 4 STAR (WELS)  
POOL/SPA: 18kL  
No central rainwater tanks required by BASIX

**ENERGY OPTIONS**  
HEATING: 4 STAR  
WATER HEATING: 3 STAR  
COOK TOPS: 3 STAR  
REFRIGERATOR SPACE: 4 STAR (WELS)  
ALTERNATIVE SUPPLY: YES  
POOL/SPA: NO POOL HEATING

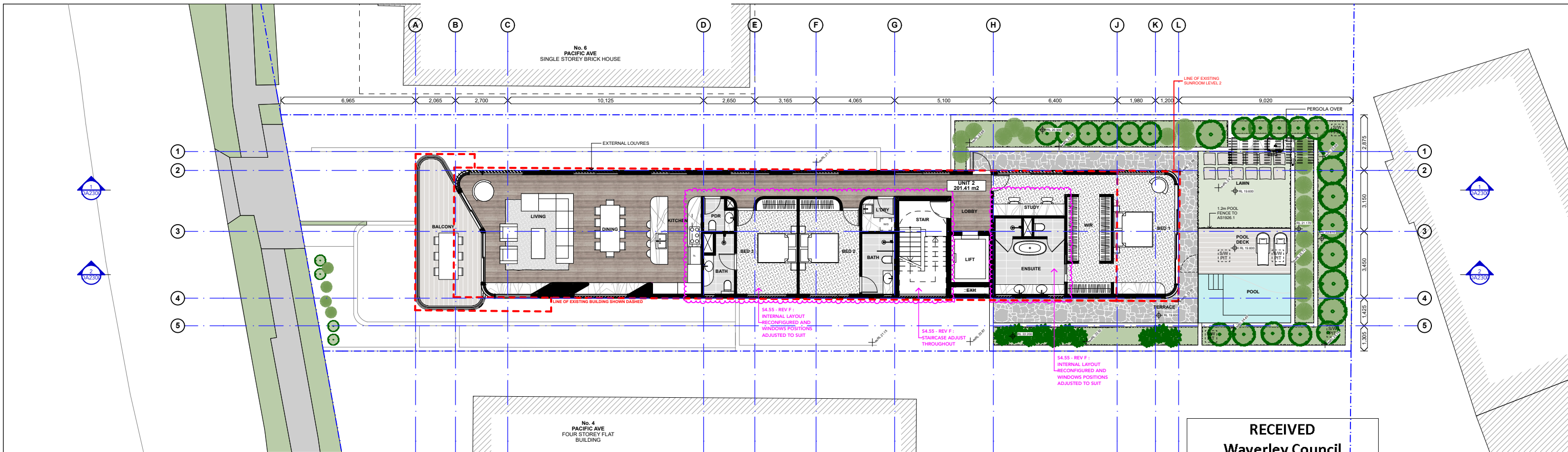
**AIR-CONDITIONING 1 PHASE 2.5-5 STAR**  
ELECTRIC INSTANTANEOUS HOT WATER  
ELECTRIC INSTANTANEOUS HOT WATER  
GAS COOKTOP & ELECTRIC OVEN  
3 STAR  
YES  
CENTRAL 6.0 kW SOLAR ELECTRIC (PV) SYSTEM  
NO POOL HEATING

CLIENT:  
STM 123 PTY LTD  
14 Queen St,  
Woollahra NSW 2025,  
Australia

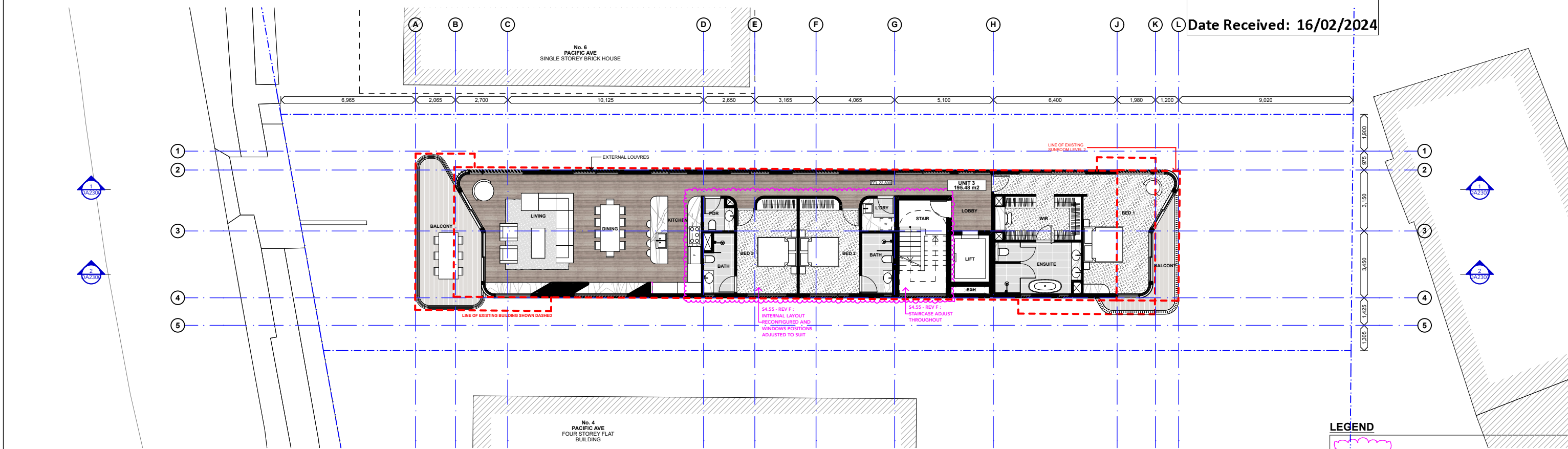
PROJECT:  
PROPOSED NEW RESIDENTIAL FLAT BUILDING  
5 Pacific Ave  
Tamarama NSW 2026  
DRAWING:  
BASEMENT & GROUND PLAN

PROJECT NO:  
20022  
PLOTTED: 27/01/2024  
DRAWING NO:  
DA2000  
REV:  
F





1 LEVEL 1 PLAN  
1:200



2 LEVEL 2 PLAN  
1:200

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A	16/12/2021	FOR DEVELOPMENT APPLICATION

**BASIX COMMITMENTS**  
 (ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

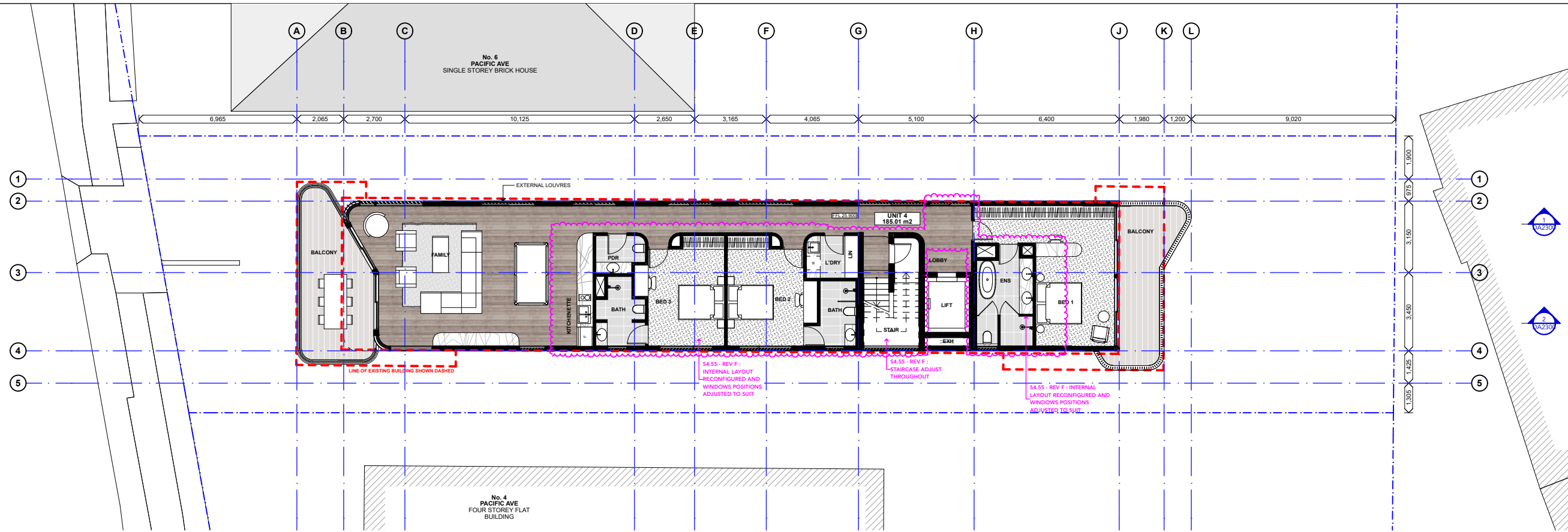
**WATER OPTIONS**  
 SHOWERHEADS: 7.5 to 9 L/m  
 TOILETS: 4 STAR  
 CLOTHES WASHERS: 4 STAR (WELS)  
 KITCHEN TAPS: 3 STAR  
 BATHROOM TAPS: 3 STAR  
 DISHWASHERS: 4 STAR (WELS)  
 POOL/SPA: 18KL  
 No central rainwater tanks required by BASIX

**ENERGY OPTIONS**  
 COOLING: AIR-CONDITIONING 1 PHASE 2.5 STAR  
 HEATING: ELECTRIC INSTANTANEOUS HOT WATER  
 WATER HEATING: ELECTRIC INSTANTANEOUS HOT WATER  
 COOK TOPS: GAS COOKTOP & ELECTRIC OVEN  
 REFRIGERATOR SPACE: 3 STAR  
 CLOTHES DRYING LINES: YES  
 ALTERNATIVE SUPPLY: YES  
 POOL/SPA: NO POOL HEATING

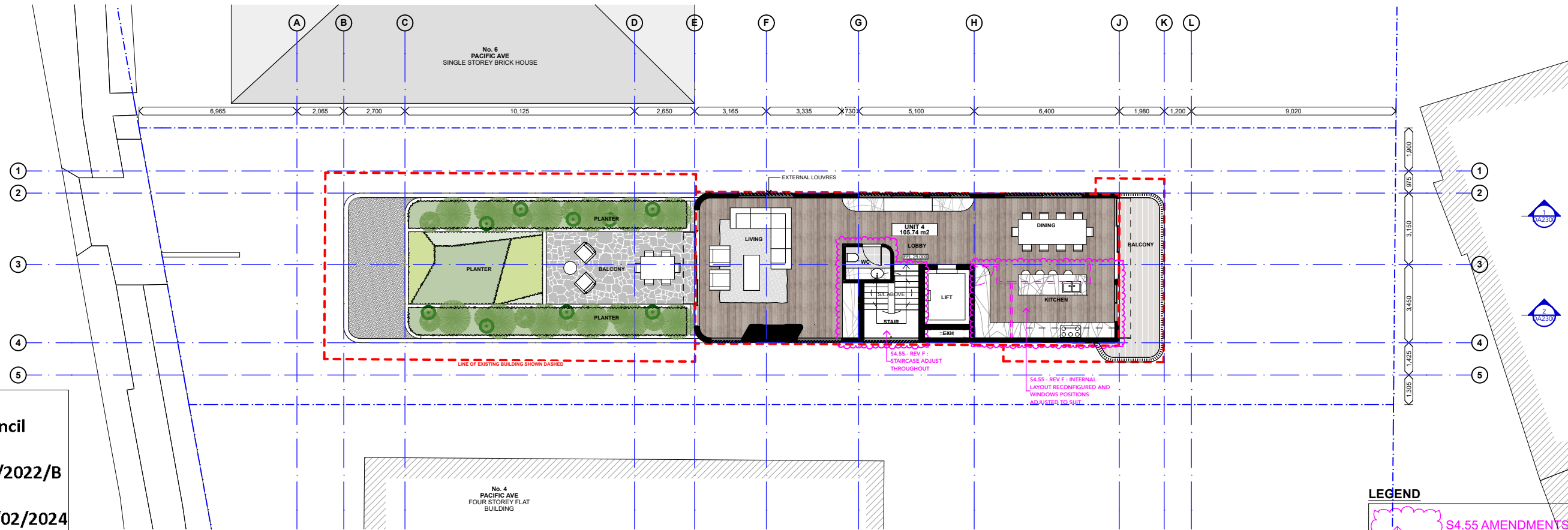
CLIENT:  
**STM 123 PTY LTD**  
 14 Queen St,  
 Woollahra NSW 2025,  
 Australia

PROJECT:  
**PROPOSED NEW RESIDENTIAL FLAT BUILDING**  
 5 Pacific Ave  
 Tamarama NSW 2026  
 DRAWING:  
**LEVEL 1 & 2 PLANS**

PROJECT NO:  
**20022**  
 PLOTTED: 27/01/2024  
 DRAWING NO:  
**DA2001**  
 REV:  
**F**



1 LEVEL 3 PLAN  
1:200



2 LEVEL 4 PLAN  
1:200

**LEGEND**

S4.55 AMENDMENTS INDICATED

S4.55:XXX

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A	16/12/2021	FOR DEVELOPMENT APPLICATION

**BASIX COMMITMENTS**  
(ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

**WATER OPTIONS**  
SHOWERHEADS: 7.5 to 9 L/m  
TOILETS: 4 STAR  
CLOTHES WASHERS: 4 STAR (WELS)  
KITCHEN TAPS: 3 STAR  
BATHROOM TAPS: 3 STAR  
DISHWASHERS: 4 STAR (WELS)  
POOL/SPA: 18kL  
No central rainwater tanks required by BASIX

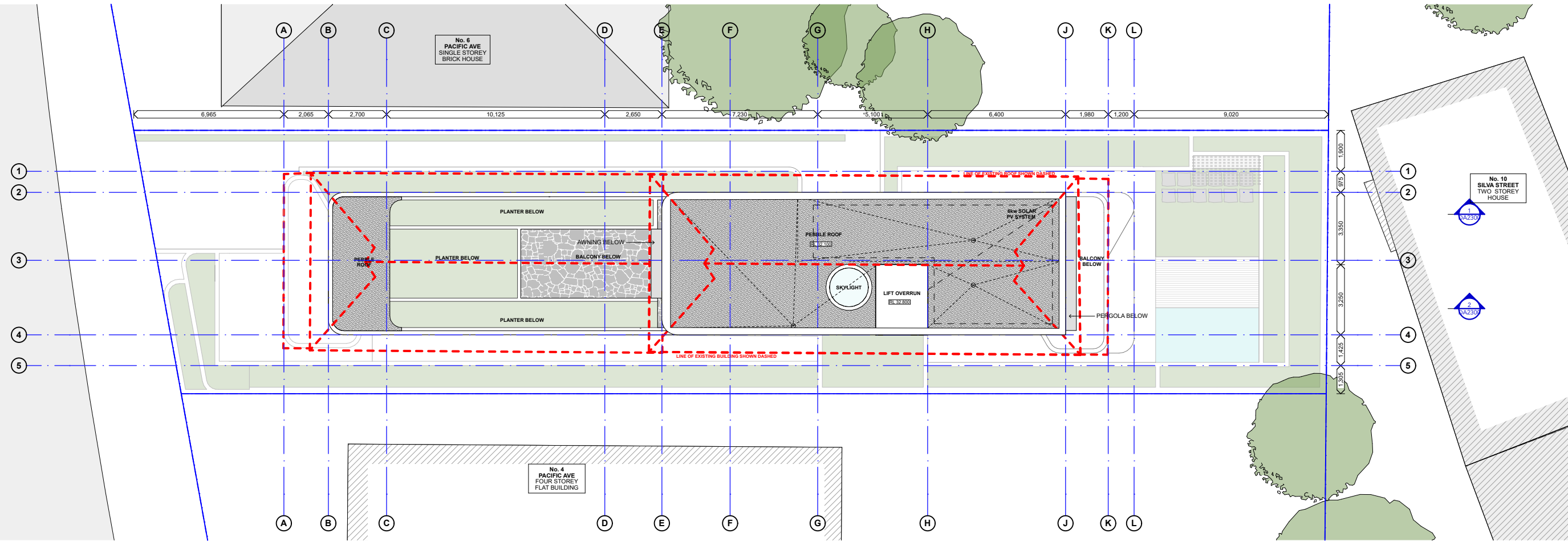
**ENERGY OPTIONS**  
COOLING: AIR-CONDITIONING 1 PHASE 2.5 STAR  
HEATING: ELECTRIC INSTANTANEOUS HOT WATER  
WATER HEATING: ELECTRIC INSTANTANEOUS HOT WATER  
COOK TOPS: GAS COOKTOP & ELECTRIC OVEN  
REFRIGERATOR SPACE: 3 STAR  
CLOTHES DRYING LINES: YES  
ALTERNATIVE SUPPLY: YES  
POOL/SPA: NO POOL HEATING

CLIENT:  
**STM 123 PTY LTD**  
14 Queen St,  
Woollahra NSW 2025,  
Australia

PROJECT:  
**PROPOSED NEW RESIDENTIAL FLAT BUILDING**  
5 Pacific Ave  
Tamarama NSW 2026  
DRAWING:  
**LEVEL 3 & 4 PLANS**

PROJECT NO:  
**20022**  
PLOTTED: 27/01/2024  
DRAWING NO:  
**DA2002**  
REV:  
**F**

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Receipt No: DA-44/2022/B  
Date Received: 16/02/2024



1 ROOF LEVEL  
1:200

**LEGEND**

S4.55 AMENDMENTS INDICATED  
 S4.55:XXX

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A	16/12/2021	FOR DEVELOPMENT APPLICATION

**BASIX COMMITMENTS**  
[ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS]

**WATER OPTIONS**

SHOWERHEADS: 7.5 to 9 L/m  
4 STAR  
CLOTHES WASHERS: 4 STAR (WELS)  
KITCHEN TAPS: 3 STAR  
BATHROOM TAPS: 3 STAR  
4 STAR (WELS)  
DISHWASHERS: 18kL  
POOL/SPA: No central rainwater tanks required by BASIX

**ENERGY OPTIONS**

COOLING: AIR-CONDITIONING 1 PHASE 2.5 STAR  
HEATING: ELECTRIC INSTANTANEOUS HOT WATER  
WATER HEATING: ELECTRIC INSTANTANEOUS HOT WATER  
COOK TOPS: GAS COOKTOP & ELECTRIC OVEN  
REFRIGATOR SPACE: 3 STAR  
CLOTHES DRYING LINES: YES  
ALTERNATIVE SUPPLY: CENTRAL 6.0 kW SOLAR ELECTRIC (PV) SYSTEM  
POOL/SPA: NO POOL HEATING

CLIENT:  
**STM 123 PTY LTD**  
14 Queen St,  
Woollahra NSW 2025,  
Australia

PROJECT:  
**PROPOSED NEW RESIDENTIAL FLAT BUILDING**  
5 Pacific Ave  
Tamarama NSW 2026  
DRAWING:  
**ROOF PLAN**

PROJECT NO:  
**20022**  
PLOTTED: 27/01/2024  
DRAWING NO: **DA2003** REV: **F**

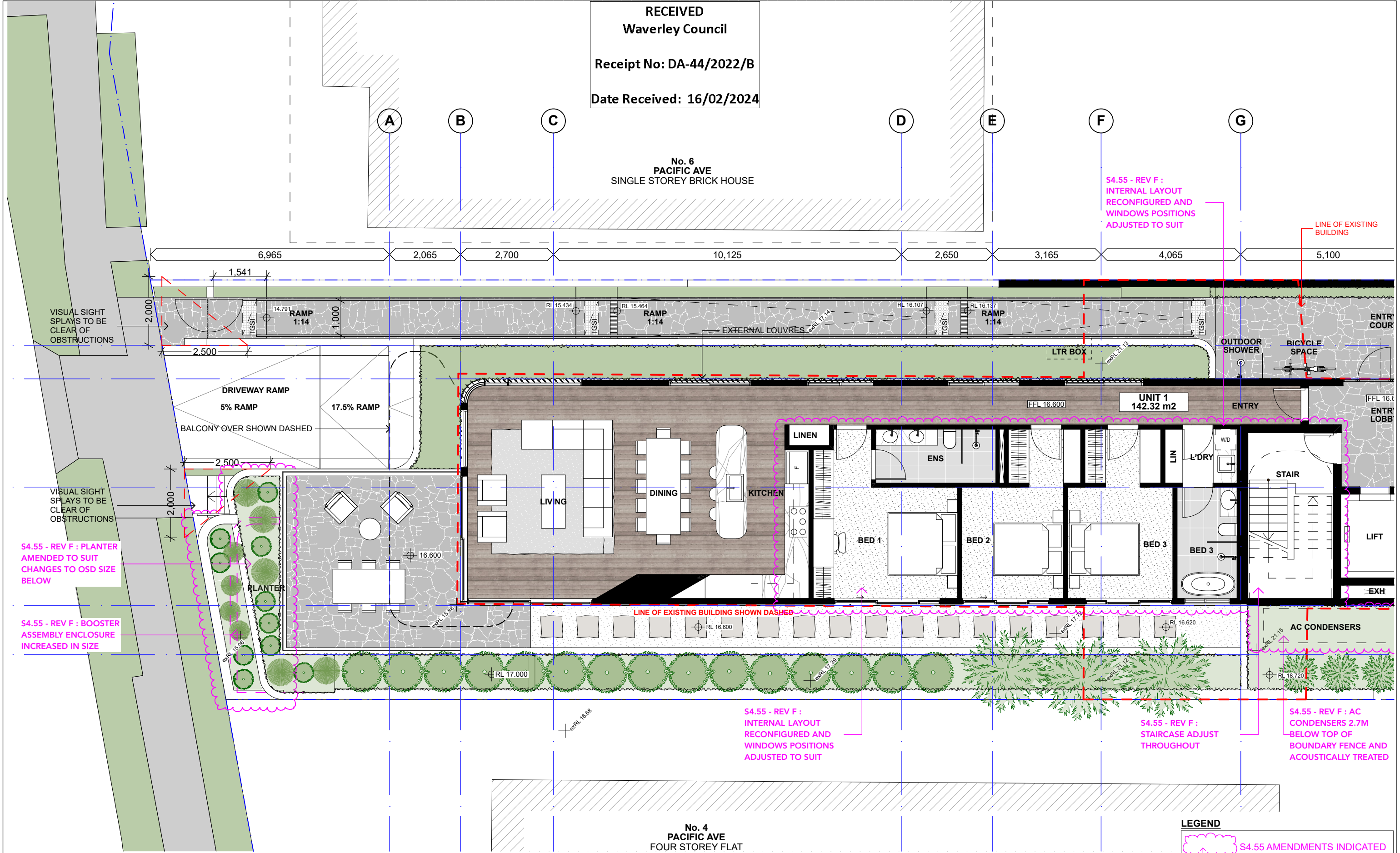


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Receipt No: DA-44/2022/B  
Date Received: 16/02/2024

No. 6  
PACIFIC AVE  
SINGLE STOREY BRICK HOUSE

S4.55 - REV F :  
INTERNAL LAYOUT  
RECONFIGURED AND  
WINDOWS POSITIONS  
ADJUSTED TO SUIT

LINE OF EXISTING  
BUILDING



S4.55 - REV F : PLANTER  
AMENDED TO SUIT  
CHANGES TO OSD SIZE  
BELOW

S4.55 - REV F : BOOSTER  
ASSEMBLY ENCLOSURE  
INCREASED IN SIZE

S4.55 - REV F :  
INTERNAL LAYOUT  
RECONFIGURED AND  
WINDOWS POSITIONS  
ADJUSTED TO SUIT

S4.55 - REV F :  
STAIRCASE ADJUST  
THROUGHOUT

S4.55 - REV F : AC  
CONDENSERS 2.7M  
BELOW TOP OF  
BOUNDARY FENCE AND  
ACOUSTICALLY TREATED

LEGEND  
S4.55 AMENDMENTS INDICATED  
S4.55:XXX

1 GROUND FLOOR  
1:100

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**BASIX COMMITMENTS**  
(ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)  
**WATER OPTIONS**  
SHOWERHEADS: 7.5 to 9 L/m  
TOILETS: 4 STAR  
CLOTHES WASHERS: 4 STAR (WELS)  
KITCHEN TAPS: 3 STAR  
BATHROOM TAPS: 3 STAR  
DISHWASHERS: 4 STAR (WELS)  
POOL/SPA: 18kL  
No central rainwater tanks required by BASIX  
**ENERGY OPTIONS**  
COOLING: 4 STAR  
HEATING: 4 STAR (WELS)  
WATER HEATING: 4 STAR  
COOK TOPS: 3 STAR  
REFRIGERATOR SPACE: 4 STAR (WELS)  
CLOTHES DRYING LINES: YES  
ALTERNATIVE SUPPLY: YES  
POOL/SPA: NO POOL HEATING

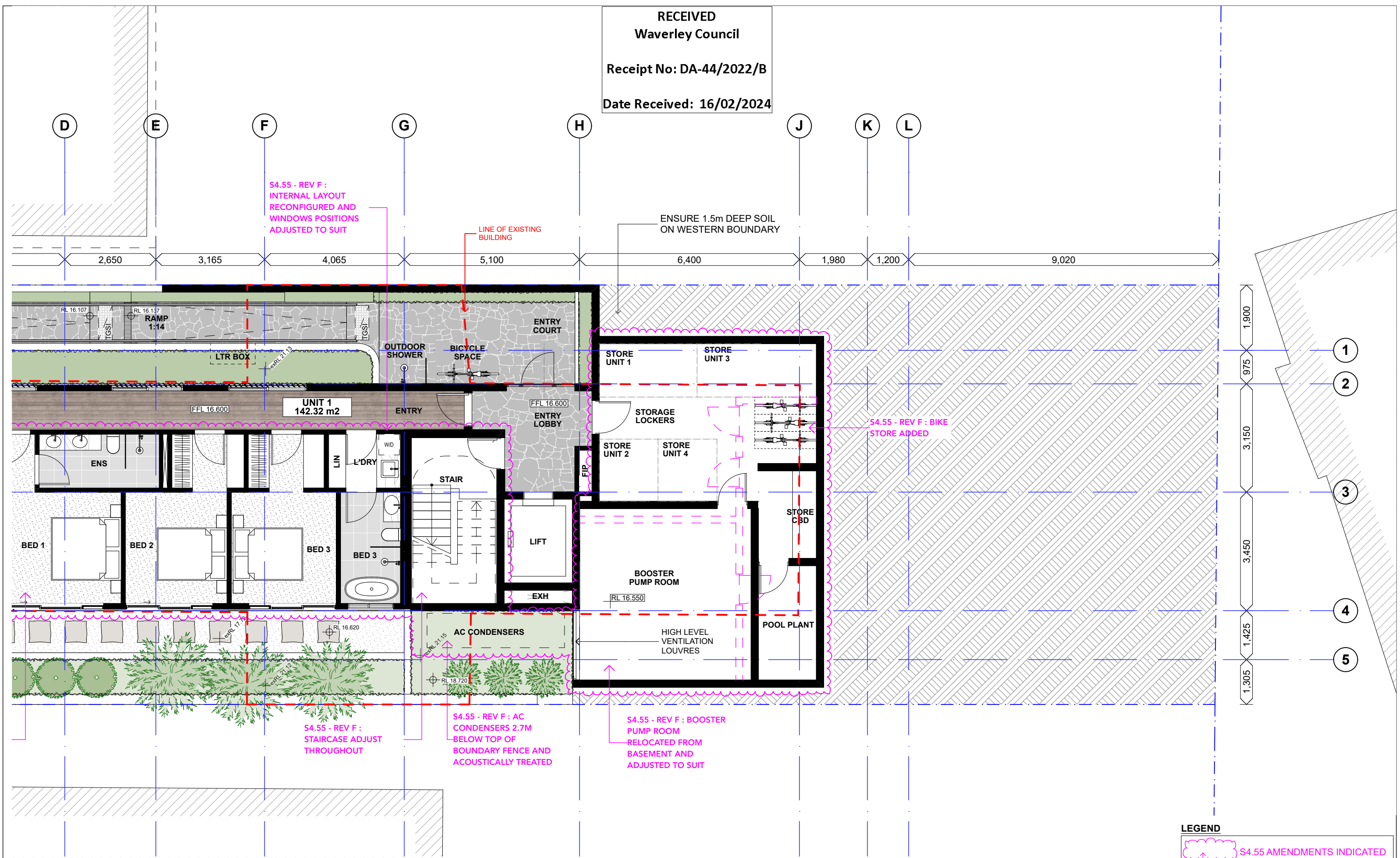
CLIENT:  
**STM 123 PTY LTD**  
14 Queen St,  
Woollahra NSW 2025,  
Australia

PROJECT:  
**PROPOSED NEW RESIDENTIAL FLAT BUILDING**  
5 Pacific Ave  
Tamarama NSW 2026  
DRAWING:  
**GROUND LEVEL DETAIL PLAN**

PROJECT NO:  
**20022**  
PLOTTED: 27/01/2024  
DRAWING NO:  
**DA2004**  
REV:  
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Receipt No: DA-44/2022/B  
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1 GROUND FLOOR  
1:100

**LEGEND**

S4.55 AMENDMENTS INDICATED  
 S4.55:XXX

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**BASIX COMMITMENTS**  
(ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

**WATER OPTIONS**  
SHOWERHEADS: 7.5 to 9 L/m  
TOILETS: 4 STAR  
CLOTHES WASHERS: 4 STAR (WELS)  
KITCHEN TAPS: 3 STAR  
BATHROOM TAPS: 3 STAR  
DISHWASHERS: 4 STAR (WELS)  
POOL/SPA: 18kL  
No central rainwater tanks required by BASIX

**ENERGY OPTIONS**  
COOLING: 4 STAR  
HEATING: 4 STAR  
WATER HEATING: 4 STAR  
COOK TOPS: 3 STAR  
REFRIGATOR SPACE: 3 STAR  
CLOTHES DRYING LINES: 4 STAR  
ALTERNATIVE SUPPLY: YES  
POOL/SPA: 18kL

AIR-CONDITIONING 1 PHASE 2.5 STAR  
ELECTRIC INSTANTANEOUS HOT WATER  
ELECTRIC INSTANTANEOUS HOT WATER  
GAS COOKTOP & ELECTRIC OVEN  
3 STAR  
YES  
CENTRAL 6.0 kW SOLAR ELECTRIC (PV) SYSTEM  
NO POOL HEATING

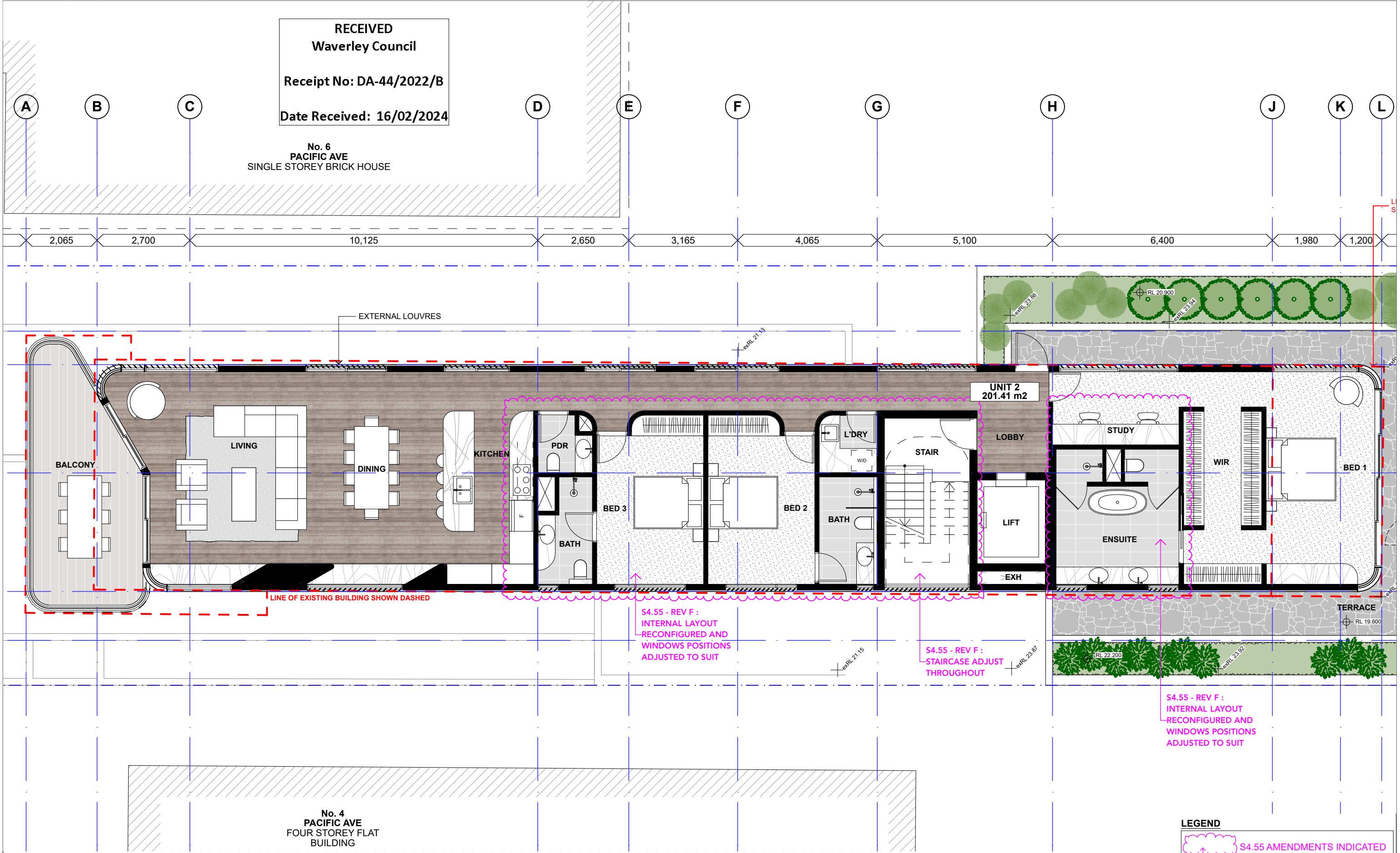
CLIENT:  
**STM 123 PTY LTD**  
14 Queen St,  
Woollahra NSW 2025,  
Australia

PROJECT:  
**PROPOSED NEW RESIDENTIAL FLAT BUILDING**  
5 Pacific Ave  
Tamarama NSW 2026  
DRAWING:  
**GROUND LEVEL REAR DETAIL PLAN**

PROJECT NO:  
**20022**  
PLOTTED: 27/01/2024  
DRAWING NO:  
**DA2005**  
REV:  
**F**

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Waverley Council  
Receipt No: DA-44/2022/B  
Date Received: 16/02/2024

No. 6  
PACIFIC AVE  
SINGLE STOREY BRICK HOUSE



LINE OF EXISTING BUILDING SHOWN DASHED

S4.55 - REV F :  
INTERNAL LAYOUT  
RECONFIGURED AND  
WINDOWS POSITIONS  
ADJUSTED TO SUIT

S4.55 - REV F :  
STAIRCASE ADJUST  
THROUGHOUT

S4.55 - REV F :  
INTERNAL LAYOUT  
RECONFIGURED AND  
WINDOWS POSITIONS  
ADJUSTED TO SUIT

**LEGEND**  
 S4.55 AMENDMENTS INDICATED  
 S4.55:XXX

1 LEVEL 1 PLAN  
1:100

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**BASIX COMMITMENTS**  
 [ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS]

**WATER OPTIONS**  
 SHOWERHEADS: 7.5 to 9 L/m  
 TOILETS: 4 STAR  
 CLOTHES WASHERS: 4 STAR (WELS)  
 KITCHEN TAPS: 3 STAR  
 BATHROOM TAPS: 3 STAR  
 DISHWASHERS: 4 STAR (WELS)  
 POOL/SPA: 18kL  
 No central rainwater tanks required by BASIX

**ENERGY OPTIONS**  
 COOLING: AIR-CONDITIONING 1 PHASE 2.5 STAR  
 HEATING: ELECTRIC INSTANTANEOUS HOT WATER  
 WATER HEATING: ELECTRIC INSTANTANEOUS HOT WATER  
 COOK TOPS: GAS COOKTOP & ELECTRIC OVEN  
 REFRIGERATOR SPACE: 3 STAR  
 CLOTHES DRYING LINES: YES  
 ALTERNATIVE SUPPLY: YES  
 POOL/SPA: NO POOL HEATING

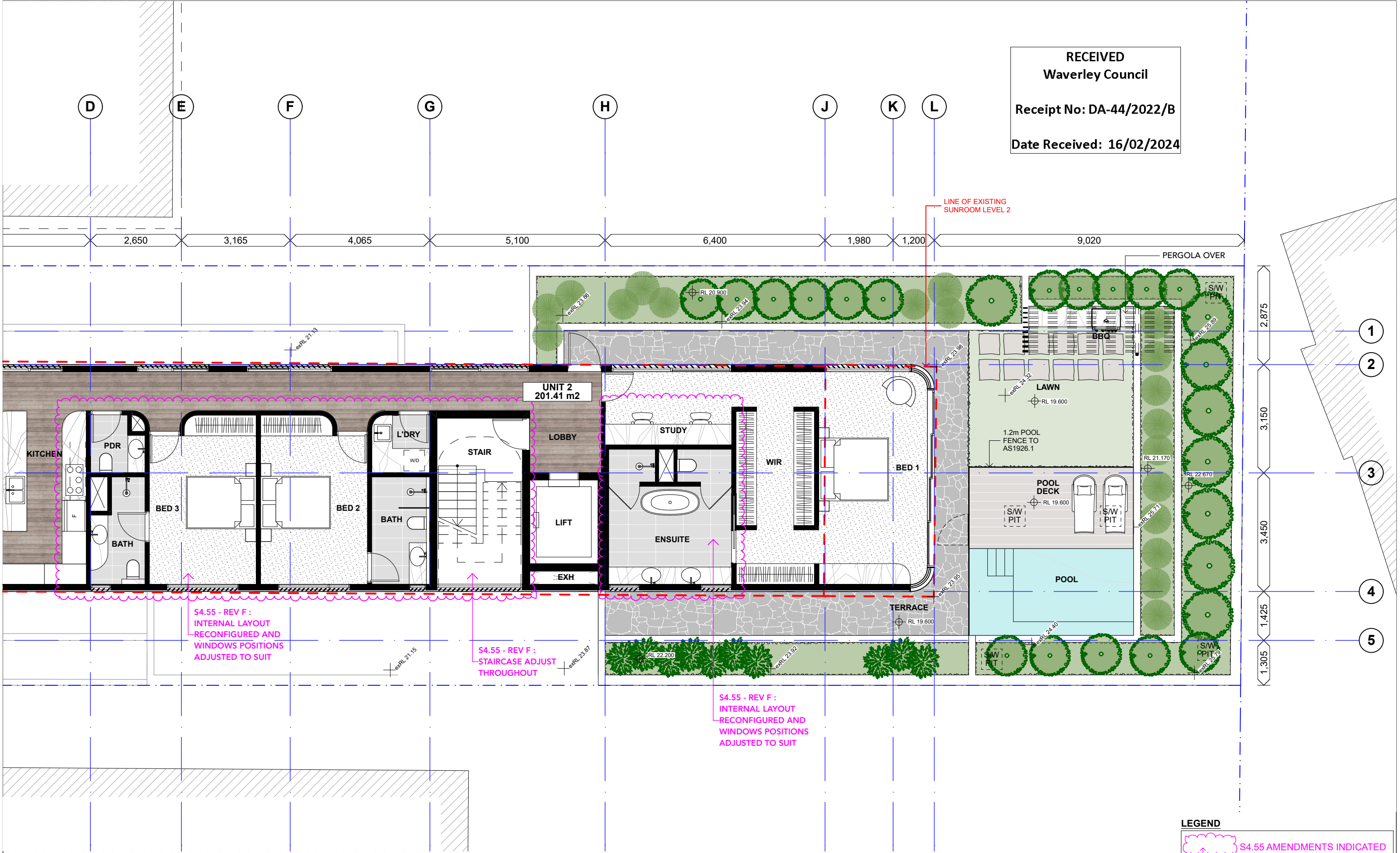
CLIENT:  
**STM 123 PTY LTD**  
 14 Queen St,  
 Woollahra NSW 2025,  
 Australia

PROJECT:  
**PROPOSED NEW RESIDENTIAL FLAT BUILDING**  
 5 Pacific Ave  
 Tamarama NSW 2026  
 DRAWING:  
**LEVEL 1 DETAIL PLAN**

PROJECT NO:  
**20022**  
 PLOTTED: 27/01/2024  
 DRAWING NO:  
**DA2006**  
 REV:  
**F**



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S4.55 - REV F :  
 INTERNAL LAYOUT  
 RECONFIGURED AND  
 WINDOWS POSITIONS  
 ADJUSTED TO SUIT

S4.55 - REV F :  
 STAIRCASE ADJUST  
 THROUGHOUT

S4.55 - REV F :  
 INTERNAL LAYOUT  
 RECONFIGURED AND  
 WINDOWS POSITIONS  
 ADJUSTED TO SUIT

**LEGEND**  
 S4.55 AMENDMENTS INDICATED  
 S4.55:XXX

1 LEVEL 1 PLAN  
 1:100

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 NSW REG. 9789  
 ABN 646 2000 7678

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ISSUE	DATE	REVISION
F	27/01/2024	SECTION 4.55
E	07/03/2023	SECTION 4.55
D	15/09/2022	DEFERRED COMMENCEMENT
C	12/08/2022	DEFERRED COMMENCEMENT
A	16/12/2021	FOR DEVELOPMENT APPLICATION

**BASIX COMMITMENTS**  
 [ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS]  
**WATER OPTIONS**  
 SHOWERHEADS: 7.5 to 9 L/m  
 TOILETS: 4 STAR  
 CLOTHES WASHERS: 4 STAR (WELS)  
 KITCHEN TAPS: 3 STAR  
 BATHROOM TAPS: 3 STAR  
 DISHWASHERS: 4 STAR (WELS)  
 POOL/SPA: 18kL  
 No central rainwater tanks required by BASIX  
**ENERGY OPTIONS**  
 COOLING: AIR-CONDITIONING 1 PHASE 2.5 STAR  
 HEATING: ELECTRIC INSTANTANEOUS HOT WATER  
 WATER HEATING: ELECTRIC INSTANTANEOUS HOT WATER  
 COOK TOPS: GAS COOKTOP & ELECTRIC OVEN  
 REFRIGATOR SPACE: 3 STAR  
 CLOTHES DRYING LINES: YES  
 ALTERNATIVE SUPPLY: YES  
 POOL/SPA: NO POOL HEATING

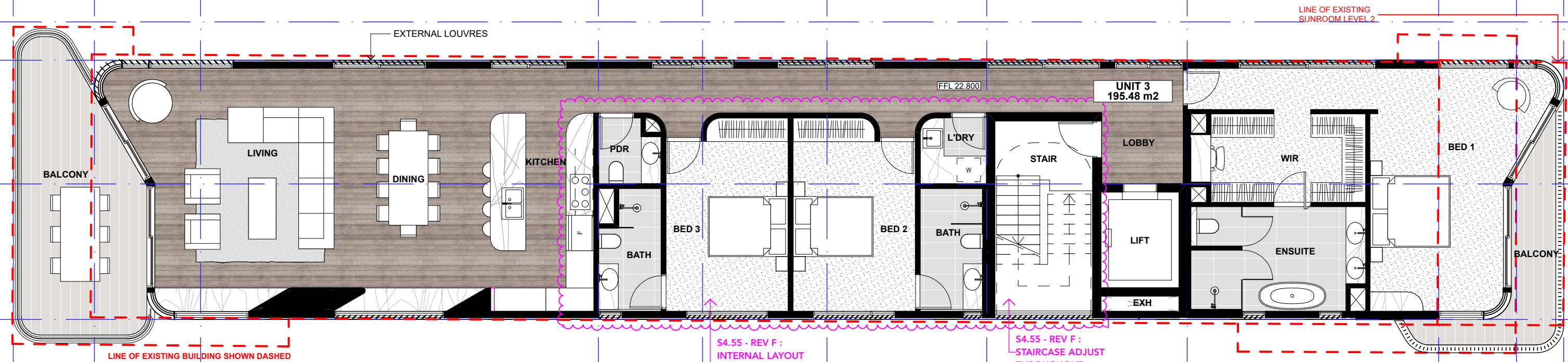
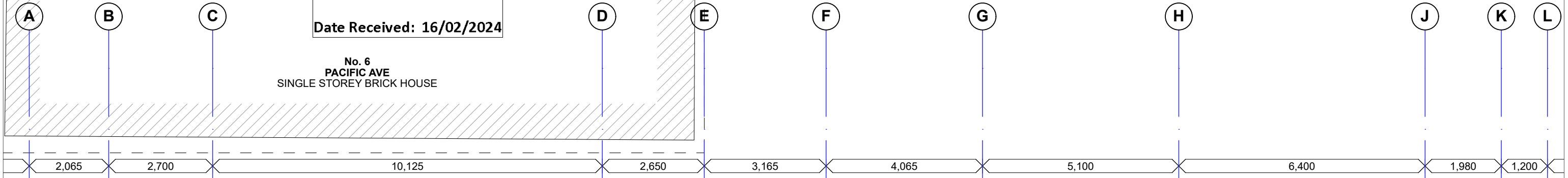
CLIENT:  
**STM 123 PTY LTD**  
 14 Queen St,  
 Woollahra NSW 2025,  
 Australia

PROJECT:  
**PROPOSED NEW RESIDENTIAL FLAT BUILDING**  
 5 Pacific Ave  
 Tamarama NSW 2026  
 DRAWING:  
**LEVEL 1 REAR DETAIL PLAN**

PROJECT NO:  
**20022**  
 PLOTTED: 27/01/2024  
 DRAWING NO: **DA2007** REV: **F**

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Date Received: 16/02/2024

No. 6  
PACIFIC AVE  
SINGLE STOREY BRICK HOUSE



S4.55 - REV F :  
INTERNAL LAYOUT  
RECONFIGURED AND  
WINDOWS POSITIONS  
ADJUSTED TO SUIT

S4.55 - REV F :  
STAIRCASE ADJUST  
THROUGHOUT

No. 4  
PACIFIC AVE  
FOUR STOREY FLAT  
BUILDING

LEVEL 2 PLAN  
1:100

**LEGEND**

S4.55 AMENDMENTS INDICATED  
 S4.55:XXX

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C	12/08/2022	DEFERRED COMMENCEMENT
A	16/12/2021	FOR DEVELOPMENT APPLICATION

**BASIX COMMITMENTS**  
[ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS]

**WATER OPTIONS**  
SHOWERHEADS: 7.5 to 9 L/m  
TOILETS: 4 STAR  
CLOTHES WASHERS: 4 STAR (WELS)  
KITCHEN TAPS: 3 STAR  
BATHROOM TAPS: 3 STAR  
DISHWASHERS: 4 STAR (WELS)  
POOL/SPA: 18kL  
No central rainwater tanks required by BASIX

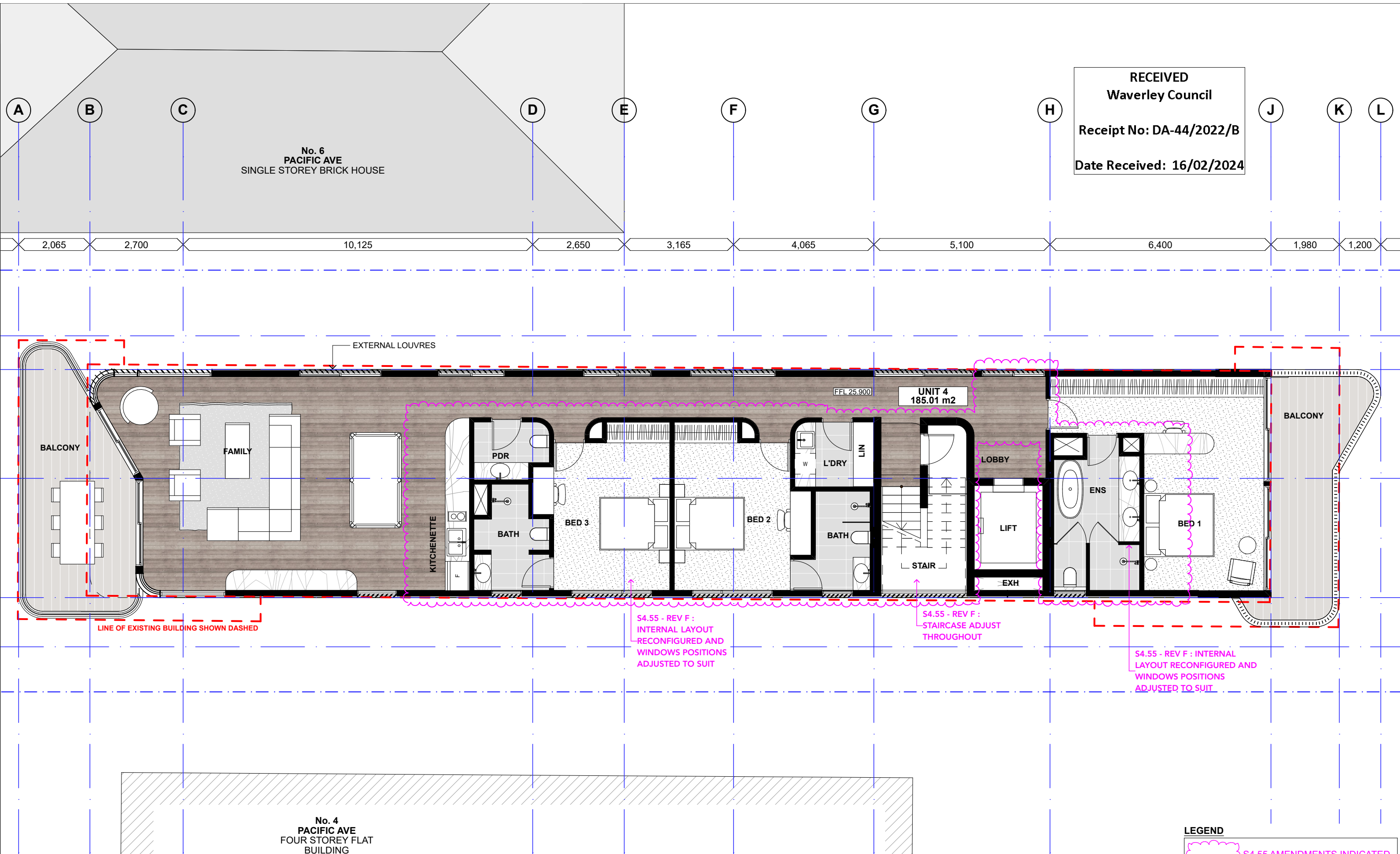
**ENERGY OPTIONS**  
COOLING: AIR-CONDITIONING 1 PHASE 2.5 STAR  
HEATING: ELECTRIC INSTANTANEOUS HOT WATER  
WATER HEATING: ELECTRIC INSTANTANEOUS HOT WATER  
COOK TOPS: GAS COOKTOP & ELECTRIC OVEN  
REFRIGERATOR SPACE: 3 STAR  
CLOTHES DRYING LINES: YES  
ALTERNATIVE SUPPLY: YES  
POOL/SPA: NO POOL HEATING

CLIENT:  
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14 Queen St,  
Woollahra NSW 2025,  
Australia

PROJECT:  
**PROPOSED NEW RESIDENTIAL FLAT BUILDING**  
5 Pacific Ave  
Tamarama NSW 2026  
DRAWING:  
**LEVEL 2 DETAIL PLAN**

PROJECT NO:  
**20022**  
PLOTTED: 27/01/2024  
DRAWING NO:  
**DA2008**  
REV:  
**F**





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1 LEVEL 3 PLAN  
 1:100

LEGEND  
 S4.55 AMENDMENTS INDICATED  
 S4.55:XXX

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 [ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS]  
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 TOILETS: 4 STAR  
 CLOTHES WASHERS: 4 STAR (WELS)  
 KITCHEN TAPS: 3 STAR  
 BATHROOM TAPS: 3 STAR  
 DISHWASHERS: 4 STAR (WELS)  
 POOL/SPA: 18kL  
 No central rainwater tanks required by BASIX  
**ENERGY OPTIONS**  
 COOLING: AIR-CONDITIONING 1 PHASE 2.5 STAR  
 HEATING: ELECTRIC INSTANTANEOUS HOT WATER  
 WATER HEATING: ELECTRIC INSTANTANEOUS HOT WATER  
 COOK TOPS: GAS COOKTOP & ELECTRIC OVEN  
 REFRIGERATOR SPACE: 3 STAR  
 CLOTHES DRYING LINES: YES  
 ALTERNATIVE SUPPLY: YES  
 POOL/SPA: NO POOL HEATING

CLIENT:  
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 14 Queen St,  
 Woollahra NSW 2025,  
 Australia

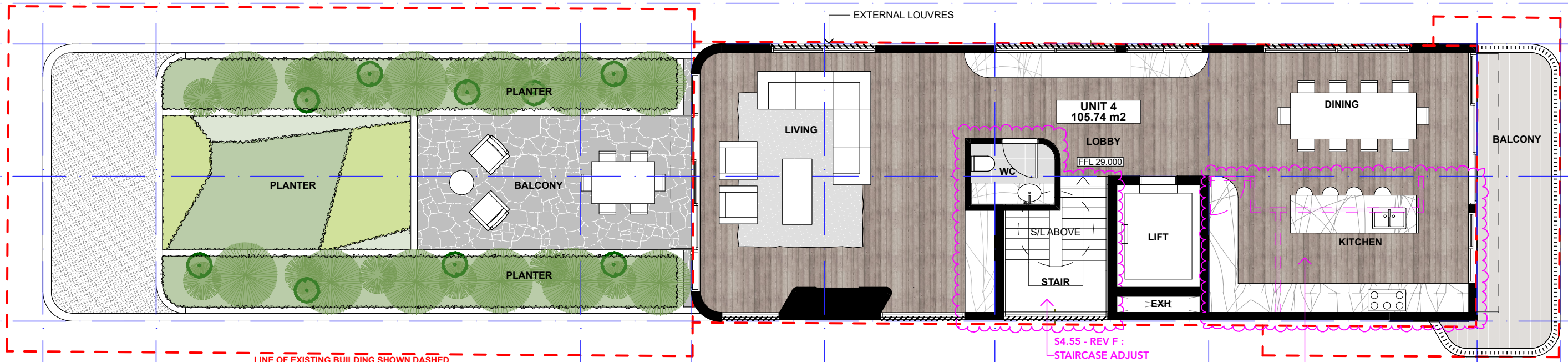
PROJECT:  
**PROPOSED NEW RESIDENTIAL FLAT BUILDING**  
 5 Pacific Ave  
 Tamarama NSW 2026  
 DRAWING:  
**LEVEL 3 DETAIL PLAN**

PROJECT NO:  
**20022**  
 PLOTTED: 27/01/2024  
 DRAWING NO: **DA2009** REV: **F**

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Waverley Council  
Receipt No: DA-44/2022/B  
Date Received: 16/02/2024

No. 6  
PACIFIC AVE  
SINGLE STOREY BRICK HOUSE

2,065 2,700 10,125 2,650 3,165 3,335 730 5,100 6,400 1,980 1,200

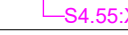


LINE OF EXISTING BUILDING SHOWN DASHED

S4.55 - REV F :  
STAIRCASE ADJUST  
THROUGHOUT

S4.55 - REV F : INTERNAL  
LAYOUT RECONFIGURED AND  
WINDOWS POSITIONS  
ADJUSTED TO SUIT

No. 4  
PACIFIC AVE  
FOUR STOREY FLAT  
BUILDING

**LEGEND**  
 S4.55 AMENDMENTS INDICATED  
 S4.55:XXX

LEVEL 4 PLAN  
1:100

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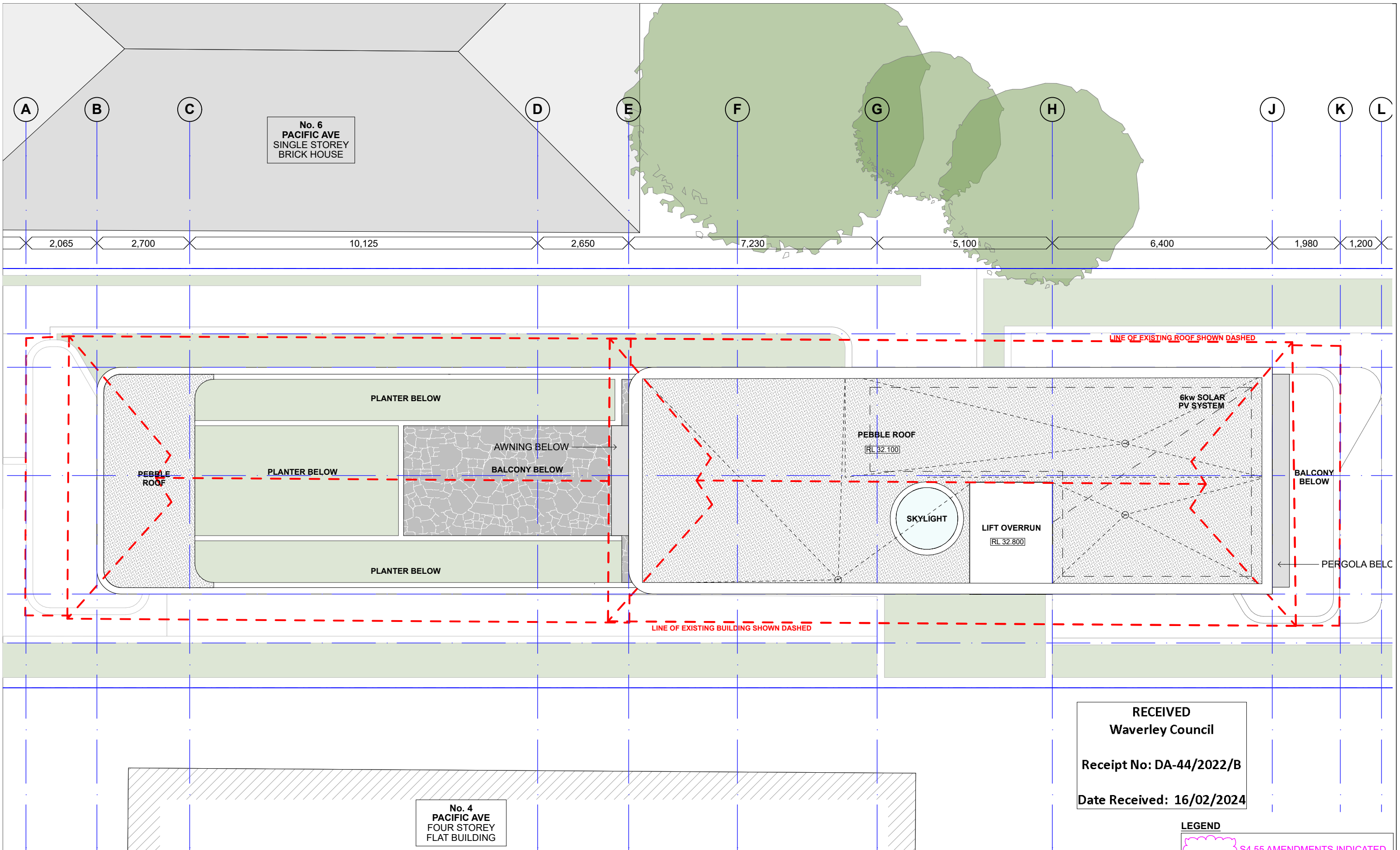
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**WATER OPTIONS**  
 SHOWERHEADS: 7.5 to 9 L/m  
 TOILETS: 4 STAR  
 CLOTHES WASHERS: 4 STAR (WELS)  
 KITCHEN TAPS: 3 STAR  
 BATHROOM TAPS: 3 STAR  
 DISHWASHERS: 4 STAR (WELS)  
 POOL/SPA: 18kL  
 No central rainwater tanks required by BASIX  
**ENERGY OPTIONS**  
 COOLING: AIR-CONDITIONING 1 PHASE 2.5 STAR  
 HEATING: ELECTRIC INSTANTANEOUS HOT WATER  
 WATER HEATING: ELECTRIC INSTANTANEOUS HOT WATER  
 COOK TOPS: GAS COOKTOP & ELECTRIC OVEN  
 REFRIGATOR SPACE: 3 STAR  
 CLOTHES DRYING LINES: YES  
 ALTERNATIVE SUPPLY: CENTRAL 6.0 kW SOLAR ELECTRIC (PV) SYSTEM  
 POOL/SPA: NO POOL HEATING

CLIENT:  
**STM 123 PTY LTD**  
 14 Queen St,  
 Woollahra NSW 2025,  
 Australia

PROJECT:  
**PROPOSED NEW RESIDENTIAL FLAT BUILDING**  
 5 Pacific Ave  
 Tamarama NSW 2026  
 DRAWING:  
**LEVEL 4 DETAIL PLAN**

PROJECT NO:  
**20022**  
 PLOTTED: 27/01/2024  
 DRAWING NO:  
**DA2010**  
 REV: **F**





No. 6  
PACIFIC AVE  
SINGLE STOREY  
BRICK HOUSE

2,065 2,700 10,125 2,650 7,230 5,100 6,400 1,980 1,200

LINE OF EXISTING ROOF SHOWN DASHED

PEBBLE ROOF

PLANTER BELOW

PLANTER BELOW

AWNING BELOW

BALCONY BELOW

PLANTER BELOW

PEBBLE ROOF

RL 32.100

SKYLIGHT

LIFT OVERRUN

RL 32.800

6kw SOLAR  
PV SYSTEM

BALCONY  
BELOW

PERGOLA BELC

LINE OF EXISTING BUILDING SHOWN DASHED

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No. 4  
PACIFIC AVE  
FOUR STOREY  
FLAT BUILDING

LEGEND  
S4.55 AMENDMENTS INDICATED  
S4.55:XXX

ROOF LEVEL  
1:100

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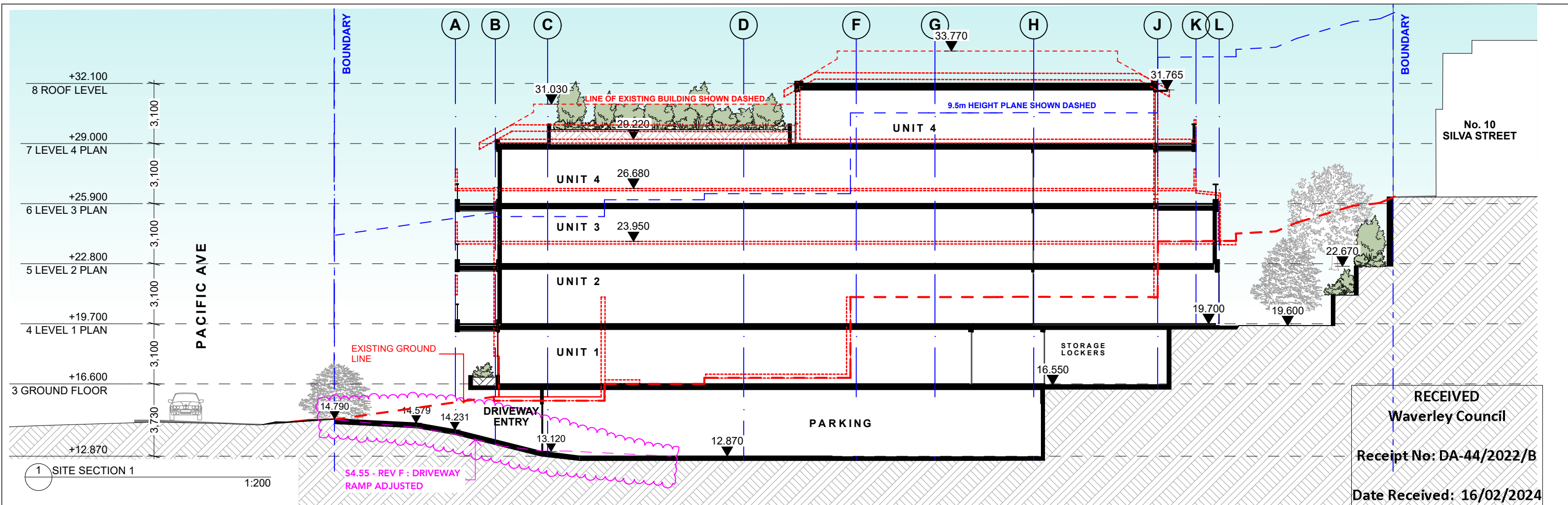
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[ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS]  
**WATER OPTIONS**  
SHOWERHEADS: 7.5 to 9 L/m  
TOILETS: 4 STAR  
CLOTHES WASHERS: 4 STAR (WELS)  
KITCHEN TAPS: 3 STAR  
BATHROOM TAPS: 3 STAR  
DISHWASHERS: 4 STAR (WELS)  
POOL/SPA: 18kL  
No central rainwater tanks required by BASIX  
**ENERGY OPTIONS**  
COOLING: YES  
HEATING: YES  
WATER HEATING: YES  
COOK TOPS: YES  
REFRIGERATOR SPACE: YES  
CLOTHES DRYING LINES: YES  
ALTERNATIVE SUPPLY: YES  
POOL/SPA: YES

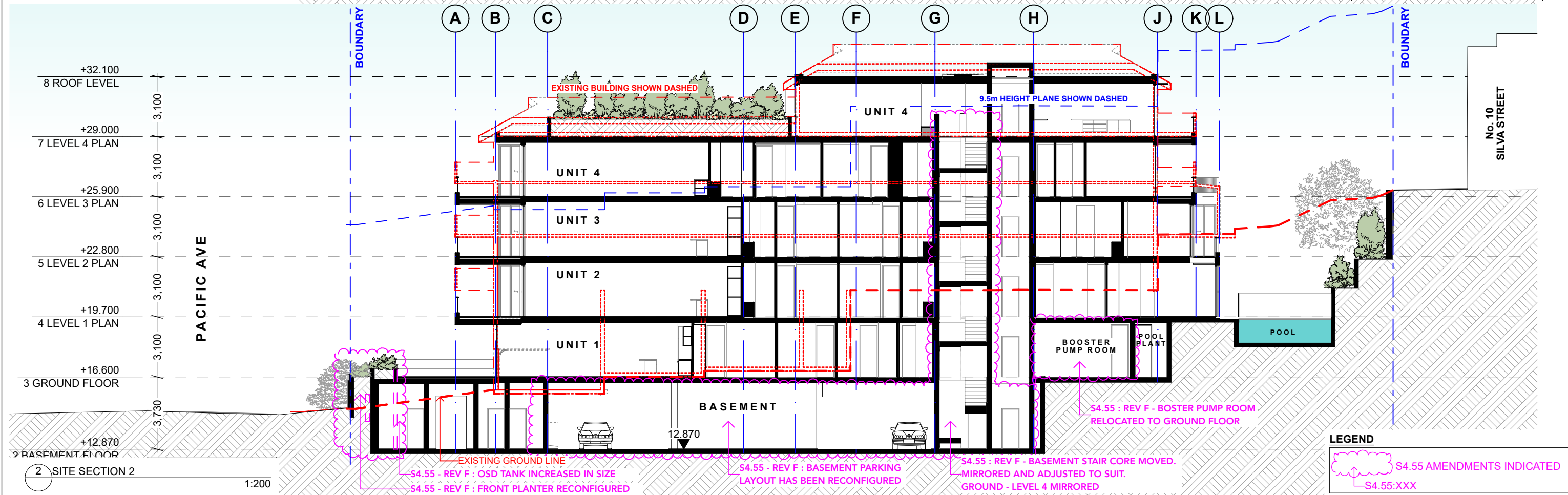
CLIENT:  
**STM 123 PTY LTD**  
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Woollahra NSW 2025,  
Australia

PROJECT:  
**PROPOSED NEW RESIDENTIAL FLAT BUILDING**  
5 Pacific Ave  
Tamarama NSW 2026  
DRAWING:  
**ROOF PLAN**

PROJECT NO:  
**20022**  
PLOTTED: 27/01/2024  
DRAWING NO:  
**DA2011**  
REV:  
**F**



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**LEGEND**  
S4.55 AMENDMENTS INDICATED  
S4.55:XXX

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C	12/08/2022	DEFERRED COMMENCEMENT
B	14/02/2022	FOR RESUBMISSION
A	16/12/2021	FOR DEVELOPMENT APPLICATION

**BASIX COMMITMENTS**  
(ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

WATER OPTIONS	ENERGY OPTIONS
SHOWERHEADS: 7.5 to 9 L/m	COOLING: 4 STAR
TOILETS: 4 STAR	HEATING: 4 STAR (WELS)
CLOTHES WASHERS: 4 STAR	WATER HEATING: 3 STAR
KITCHEN TAPS: 3 STAR	COOK TOPS: 3 STAR
BATHROOM TAPS: 3 STAR	REFRIGERATOR SPACE: 4 STAR (WELS)
DISHWASHERS: 4 STAR (WELS)	CLOTHES DRYING LINES: YES
POOL/SPA: 18kL	ALTERNATIVE SUPPLY: POOL/SPA:
No central rainwater tanks required by BASIX	AIR-CONDITIONING 1 PHASE 2.5 STAR ELECTRIC INSTANTANEOUS HOT WATER GAS COOKTOP & ELECTRIC OVEN 3 STAR YES CENTRAL 6.0 kW SOLAR ELECTRIC (PV) SYSTEM NO POOL HEATING

CLIENT: STM 123 PTY LTD  
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Woollahra NSW 2025,  
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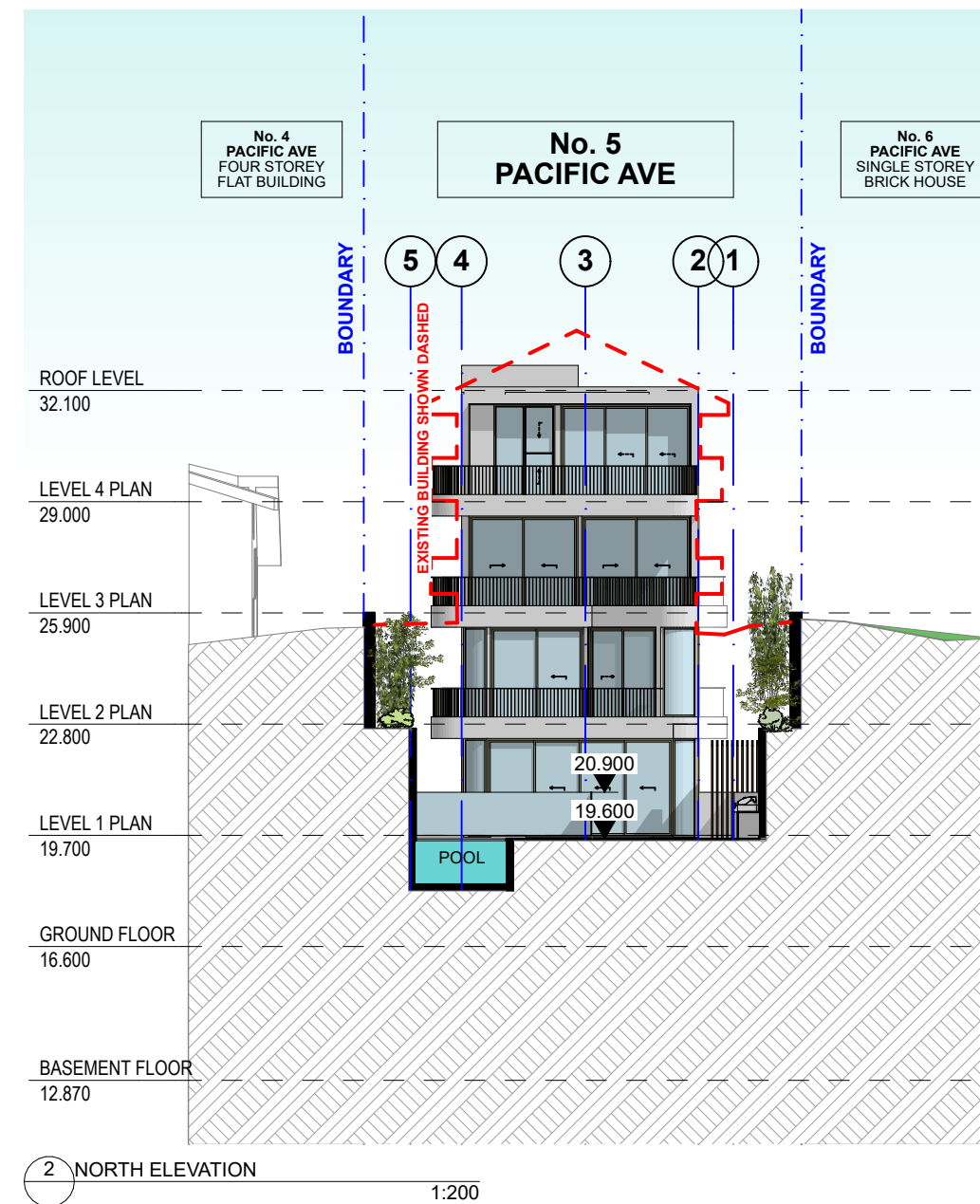
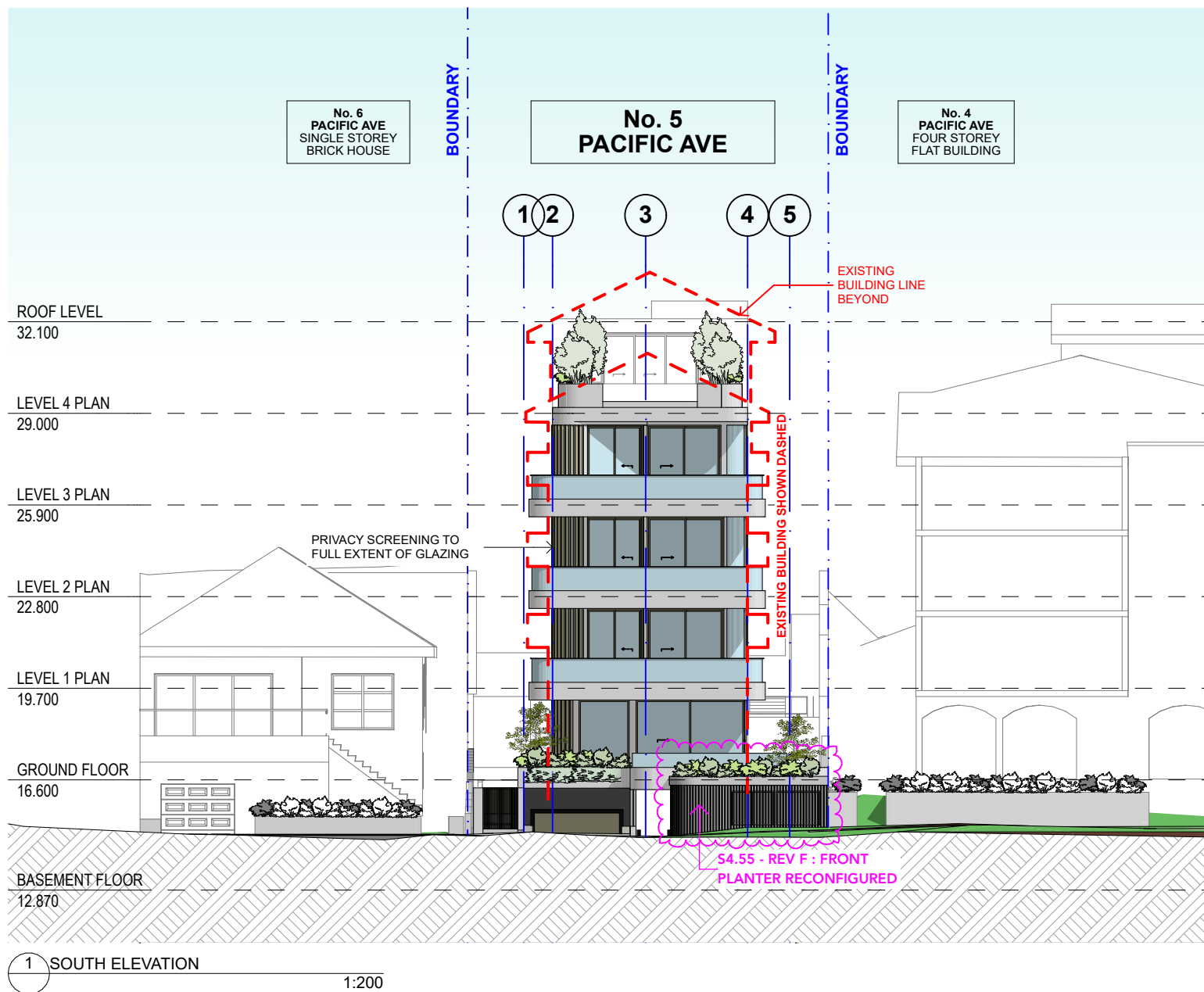
PROJECT: PROPOSED NEW RESIDENTIAL FLAT BUILDING  
5 Pacific Ave  
Tamarama NSW 2026



DRAWING: SITE SECTIONS

PROJECT NO: 20022  
PLOTTED: 27/01/2024  
DRAWING NO: DA2300  
REV: F



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Receipt No: DA-44/2022/B  
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**LEGEND**  
 S4.55 AMENDMENTS INDICATED  
 S4.55:XXX

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**BASIX COMMITMENTS**  
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**WATER OPTIONS**

SHOWERHEADS: 7.5 to 9 L/m  
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 KITCHEN TAPS: 3 STAR  
 BATHROOM TAPS: 3 STAR  
 4 STAR (WELS)  
 POOL/SPA: 18kL  
 No central rainwater tanks required by BASIX

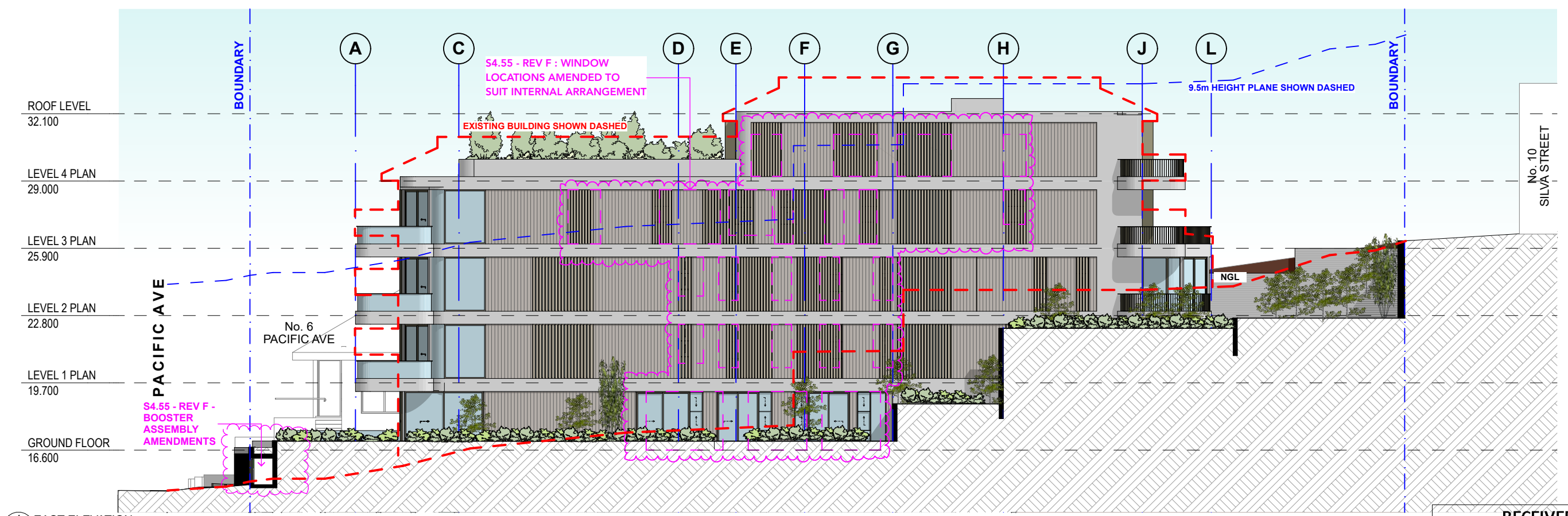
**ENERGY OPTIONS**

COOLING: AIR-CONDITIONING 1 PHASE 2.5 STAR  
 HEATING: ELECTRIC INSTANTANEOUS HOT WATER  
 WATER HEATING: ELECTRIC INSTANTANEOUS HOT WATER  
 COOK TOPS: GAS COOKTOP & ELECTRIC OVEN  
 REFRIGATOR SPACE: 3 STAR  
 CLOTHES DRYING LINES: 4 STAR (WELS)  
 ALTERNATIVE SUPPLY: YES  
 POOL/SPA: NO POOL HEATING

CLIENT:  
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 Woollahra NSW 2025,  
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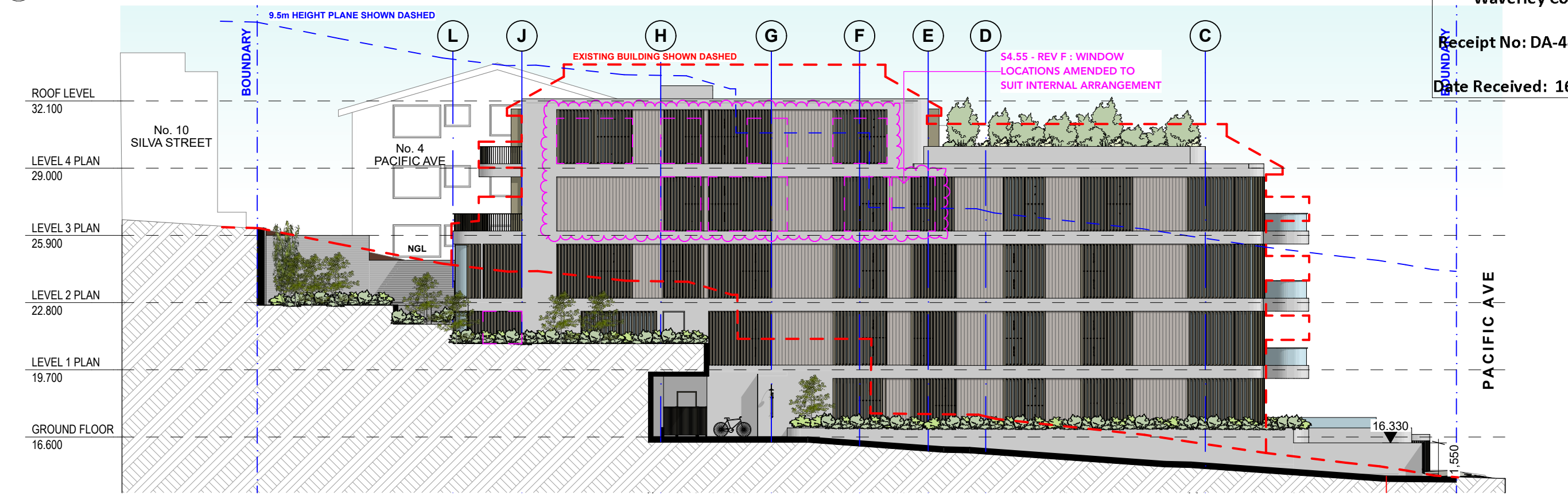
PROJECT:  
**PROPOSED NEW RESIDENTIAL FLAT BUILDING**  
 5 Pacific Ave  
 Tamarama NSW 2026  
 DRAWING:  
**ELEVATIONS NORTH & SOUTH**

PROJECT NO:  
**20022**  
 PLOTTED: 27/01/2024  
 DRAWING NO: **DA2400** REV: **F**



1 EAST ELEVATION  
1:200

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2 WEST ELEVATION  
1:200

LEGEND  
 S4.55 AMENDMENTS INDICATED  
 S4.55:XXX

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 (ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

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 BATHROOM TAPS: 3 STAR  
 DISHWASHERS: 4 STAR (WELS)  
 POOL/SPA: 18kL  
 No central rainwater tanks required by BASIX

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 WATER HEATING: ELECTRIC INSTANTANEOUS HOT WATER  
 COOK TOPS: GAS COOKTOP & ELECTRIC OVEN  
 REFRIGERATOR SPACE: 3 STAR  
 CLOTHES DRYING LINES: YES  
 ALTERNATIVE SUPPLY: CENTRAL 6.0 kW SOLAR ELECTRIC (PV) SYSTEM  
 POOL/SPA: NO POOL HEATING

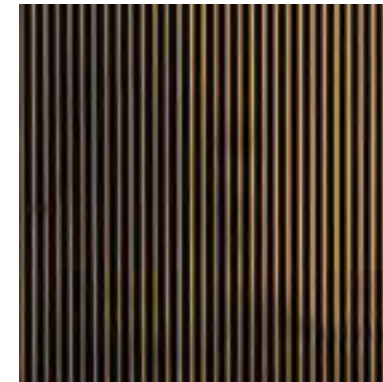
CLIENT:  
**STM 123 PTY LTD**  
 14 Queen St,  
 Woollahra NSW 2025,  
 Australia

PROJECT:  
**PROPOSED NEW RESIDENTIAL FLAT BUILDING**  
 5 Pacific Ave  
 Tamarama NSW 2026  
 DRAWING:  
**ELEVATIONS EAST & WEST**

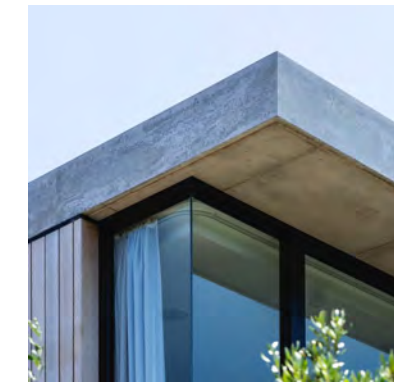
PROJECT NO:  
**20022**  
 PLOTTED: 27/01/2024  
 DRAWING NO: **DA2401** REV: **F**



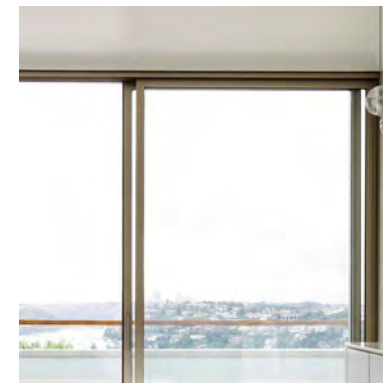
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Waverley Council  
Receipt No: DA-44/2022/B  
Date Received: 16/02/2024



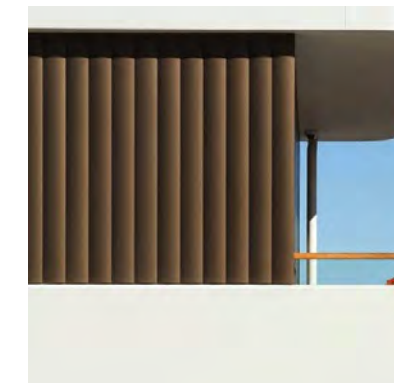
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2. CONCRETE FINISH



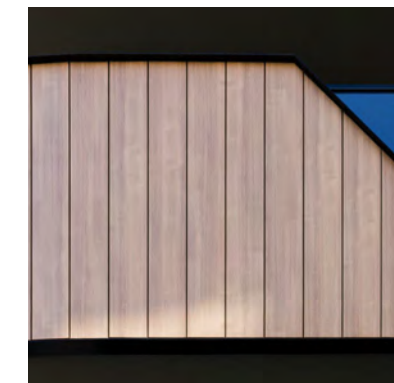
3. ALUMINIUM FRAMED GLAZING - BRONZE



4. ALUMINIUM LOUVRE SCREEN - BRONZE



5. FRAMELESS GLASS BALUSTRADE



6. LIGHT TIMBER-LOOK CLADDING - BIRCH

**NO AMENDMENT TO THIS DRAWING. AS PER APPROVED DA-44/2022/A**

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CLIENT:

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14 Queen St,  
Woollahra NSW 2025,  
Australia

PROJECT:

**PROPOSED NEW RESIDENTIAL FLAT BUILDING**  
5 Pacific Ave  
Tamarama NSW 2026  
DRAWING:  
**EXTERNAL FINISHES**

PROJECT NO:

**20022**

PLOTTED: 27/01/2024

DRAWING NO:

**DA2402**

REV:

**F**





Modification of Consent



## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-493/2022/A - PAN-389649
<b>Site address</b>	7 Gaerloch Avenue, Tamarama
<b>Proposal</b>	Modification to the approved new dwelling including additional excavation and external alterations.
<b>Description of Approved Development</b>	Demolition and construction of a new part two to three storey dwelling house with integrated double garage with turntable and spa pool at rear.
<b>Date of lodgement</b>	20 December 2023
<b>Owner</b>	Proprietors of Strata Plan 49595
<b>Applicant</b>	Tobias Partners
<b>Submissions</b>	Nil
<b>Amended cost of works</b>	\$5,998,577
<b>Principal Issues</b>	<ul style="list-style-type: none"> <li>• Floor Space Ratio</li> <li>• Excavation volume</li> </ul>
<b>Recommendation</b>	That the application be APPROVED.

### SITE MAP





## 1. PREAMBLE

### 1.1. Executive Summary

The modification application seeks to modify development consent, known as DA-493/2022 for the demolition of the existing dwelling and construction of a new part two to three-storey dwelling house with an integrated double garage and turntable, and a spa pool at the rear at the site known as 7 Gaerloch Avenue, Tamarama. In summary, the proposed modifications are for alterations and additions to the configuration of the dwelling including additional excavation to the rear to accommodate additional floor space on the ground floor and Level 1, increase size of plant room, new water and landscape gardens, new Juliet balconies on Level 2 on the north elevation, extension of Level 3 rear deck with a retractable awning connecting the internal living area with the rear open space and additional solar panels and skylights on the roof.

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

- Exceedance of the Floor Space (FSR) development standard; and
- Extent of excavation.

The assessment finds these issues acceptable as the additional excavation and floor space are contained to the rear of the approved dwelling and does not result in any additional building bulk or scale particularly when viewed from adjoining properties or the public domain. The proposed amendments do not exceed the height of the approved dwelling or the height of buildings development standard and will not result in any additional environmental or adverse amenity impacts on surrounding properties.

No public or Councillor submissions were received as a result of the public exhibition. There were no declared conflicts of interest on this application from Council staff.

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

### 1.2. Site and Surrounding Locality

A site visit was carried out during the assessment of the original development application.

The site is identified as SP 49595, known as 7 Gaerloch Avenue, Tamarama.

The site is irregular in shape with a frontage to Gaerloch Avenue, measuring 12.1m. It has an area of 339.5m<sup>2</sup> and is generally it falls from the north towards the south by approximately 10.96m.

The site was occupied by a part two and part three storey dwelling house with vehicular access to a garage provided from Gaerloch Avenue. Demolition of the existing dwelling and construction of the approved dwelling has commenced.

The site is adjoined by two and three-storey dwelling houses on either side. The locality is characterised by a variety of low to medium residential development comprising a mix of detached dwellings, dual occupancies and residential flat buildings.

Immediately opposite the site on the southern side of Gaerloch Avenue is Gaerloch Reserve, the coastline which forms part of the Bondi to Coogee Walk and Mackenzies Bay.

### 1.3. Details of Approved Development

The original development application, known as DA-493/2022 for the demolition and construction of a new part two to three-storey dwelling with integrated double garage with turntable and spa pool at the rear, was recommended to the Waverley Local Planning Panel (WLPP) for Deferred Commencement approval by Council's Assessment Officer subject to a design amendment condition as follows:

- 1. The built form, particularly the south-western and south eastern portions of the dwelling that result in a variation to the maximum height of buildings development standard, must be amended to demonstrate that the proposed development will not result in any additional view loss impacts of the ocean compared to any view impacts resulting from a fully compliant building envelope, from the surrounding properties at Nos. 20, 22 and 24 Dellview Street immediately to the north of the site. A revised View Analysis Assessment (VAA) is to be prepared, by a suitably qualified person, with reference to the Tenacity Consulting v Warringah Council four-step assessment process on view sharing from adjoining properties.*

The Assessment Officer's recommendation also included design modifications as follows:

#### 2. GENERAL MODIFICATIONS

*The application is approved subject to the following plan amendments;*

- (a) The mesh bridge at the rear of Level 3 adjacent to the living room and laundry on the north elevation is to be reduced in length to no greater than 2.7m to match the width of one section of the sliding glass door openings on the north elevation. The location of the mesh bridge is to be positioned centrally on the south elevation to ensure the bridge does not cover the habitable openings on level 2 immediately below.*
- (b) The 1m high planter with 800mm high privacy screen above built to the western side boundary is to be deleted.*
- (c) The height of any new fencing along the west boundary, behind the front building line, must not be greater than 1.8m high measured from the finished level of the proposed external stairs. The design of the side boundary fence should respond to the topography of the site and taper from north to south.*
- (d) The height of the rear boundary fence must not be greater than 1.8m, measured from the finished ground level of the adjoining property.*
- (e) The height of any new fencing along the east boundary must not be greater than 1.8m high measured from the adjacent ground level.*

- (f) *Amended landscape plans are to be prepared incorporating the design amendments required as part of this consent.*

*The amendments are to be approved by the Manager, Development Assessment or delegate prior to the issue of any Construction Certificate. An electronic copy of the amended plans or additional information (see website for electronic document requirements) addressing this condition, including a covering letter shall be provided to Council for review.*

On 24 May 2023 at the meeting, the WLPP resolved to defer the application to allow the applicant to prepare and submit amended plans to address the design amendment recommendations provided in Council's Assessment Officer's report.

On 27 June 2023, amended plans and additional information were submitted by the applicant. The WLPP resolved to grant approval via electronic determination as the design issues raised had been satisfactorily incorporated into the amended plans. The proposal is referred to the WLPP for determination as the amendments sought, particularly to the open mesh deck on Level 3, exceeds the dimensions of the deck as recommended by condition in Council's assessment report and as granted by the Panel.

#### 1.4. Proposal

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

##### **Ground Floor**

- Additional excavation to extend plant room to the north; and
- Additional excavation to provide new bathroom, steam room, storage, a water garden, landscaped garden.

##### **Level 1**

- Relocate glass line on the south elevation (contained within the approved building envelope);
- Reconfiguration of internal areas replacing approved rumpus room and separate bathroom with a bedroom with an ensuite;
- Additional excavation to the north to provide a new media room with access to a landscaped garden over plant room below, a new power room and void to ground floor below; and
- Extension of front terrace to the west and replacement of approved window with a new door to access the terrace.

##### **Level 2**

- Relocate glass line of Bedroom 1 to the south (contained within the approved building envelope);

- New Juliet balconies to Bedrooms 2 and 3 on the north elevation; and
- Additional excavation to the north to increase size of void below.

### **Level 3**

- Relocate glass line of dining room to the south (contained within the approved building envelope); and
- Extend area of open mesh deck on the north elevation to new retractable awning above.

### **Roof**

- Five additional solar panels on the northern roof slope; and
- One new skylight to Level 3 powder room.

## **1.5. Background**

The modification application was lodged on 20 December 2023 and deferred on 14 March 2024 for the following reasons:

1. Excessive excavation resulting in subterranean habitable rooms and poor amenity.
2. Excessive excavation to the side boundaries. The proposed second set of external stairs within the eastern side setback to be deleted.
3. Excessive elevated decks to the rear will restrict access to natural light and enclose gardens below. The proposed garden on Level 1 and rear deck on Level 2 and extension of the rear deck on Level 3 are not supported in their current form.
4. The extension of the rear deck on Level 3 would require privacy screening that would contribute to excessive visual bulk and amenity impacts on adjoining properties and is not supported in its current form.

Having regard to the issues raised, Council's Assessment Officer recommended the applicant withdraw the application as the majority of the proposed amendments could not be supported.

A virtual meeting was held between the applicant and Council Officers on 18 March 2024 and amended plans addressing the issues raised in Council's deferral letter were submitted on 15 April 2024.

The amended plans received on 15 April 2024 form the basis of the assessment.

## **2. ASSESSMENT**

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

### **2.1. Section 4.55 – Modification of consents – generally**

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



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

The application was publicly notified and no submissions were received.

## 2.2. Evaluation of Matters for Consideration under Section 4.15

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

### 2.2.1. Planning Instruments and Development Control Plans

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

#### 2.2.1.1 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

A detailed discussion is provided for the relevant SEPP as follows:

#### SEPP (Resilience and Hazards) 2021

SEPP Resilience and Hazards applies to the subject site as it is wholly located within the Coastal Environment Area (i.e. defined by clause 2.10) and a Coastal Use Area (i.e. defined by clause 2.11) .

Clause 2.10 of the SEPP states that development within the Coastal Environment Area must not be granted development consent unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the matters for consideration. The scope of amendments to the originally approved dwelling maintains compliance with the matters for consideration as per the original assessment.

Clause 2.11 of the SEPP states that development consent must not be granted for development on land within the Coastal Use Area unless the consent authority has considered and is satisfied with the matters for consideration. The proposed amendments to the building footprint and envelope are contained to the rear of the approved dwelling and will not result in any additional impacts to the appearance, character or amenity of the foreshore and maintains compliance with the matters for consideration as per the original assessment.

### 2.2.1.2 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

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

**Table 1: Waverley LEP 2012 Compliance Table**

Provision	Approved	Proposed Modified	Compliance
<b>4.3 Height of buildings</b> <ul style="list-style-type: none"> <li>9.5m</li> </ul>	13.29m (RL30.80)	No change	As approved
<b>4.4 Floor space ratio and 4.4A Exceptions to floor space ratio</b> <ul style="list-style-type: none"> <li>0.73:1 (247.8m<sup>2</sup>)</li> </ul>	0.93:1 (317m <sup>2</sup> )	Additional 55m <sup>2</sup> equating to 1.096:1 (total 372m <sup>2</sup> )  50.1% variation to maximum FSR development standard	No

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

#### Floor Space Ratio (FSR)

The proposed modifications result in a net increase of gross floor area (GFA) of 55m<sup>2</sup>, resulting in an overall FSR of 1.096:1. This culminates in an overall exceedance of the FSR development standard by 124.2m<sup>2</sup> or 50.1%. The net increase of FSR due to the proposed modifications represents 44.3% of the overall exceedance of the standard.

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

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

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

- The additional floor space located on the ground and first floors are contained within excavated areas at the rear of the dwelling and does not alter the approved building envelope or building bulk as viewed from the public domain or surrounding properties;
- The proposal achieves the objectives of the FSR development standard;
- The proposal maintains a built form that is compatible with the scale of existing and emerging developments and is consistent with the desired future character of the locality; and
- The proposal preserves the environmental amenity of surrounding properties as there are no additional impacts on views, overshadowing or privacy compared to the originally approved development.

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

### 2.2.1.3 Waverley Development Control Plan 2022 (Waverley DCP 2022)

The approved development, as proposed to be modified, continues to comply with the relevant parts and sections of Waverley DCP 2022, except for the parts as identified and discussed in **Tables 2** and **3** below.

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

Development Control	Compliance	Comment
<b>1. Waste</b> <ul style="list-style-type: none"> <li>• <i>Garbage bins are to be stored in an appropriate location.</i></li> </ul>	Yes	Satisfactory.
<b>2. Ecologically Sustainable Development</b> <ul style="list-style-type: none"> <li>• <i>Ceiling or wall mounted fans</i></li> <li>• <i>No gas cooktops, gas ovens or gas internal space heating systems.</i></li> </ul>	No – as originally approved.	<p>An amended BASIX and NatHERS assessment have been submitted with the application.</p> <p>As per the original approval, no ceiling fans or electric heating are proposed however an electric cooktop and oven will be installed in the kitchen.</p> <p>An advisory note encouraging the installation of ceiling fans to enhance thermal comfort within the dwelling has been recommended.</p>
<b>3. Landscaping, Biodiversity and Vegetation Preservation</b>	Yes	<p>The site is located within a habitat corridor.</p> <p>No trees are proposed to be removed as part of this application.</p> <p>Council’s Biodiversity Officer raises no objection to the proposal and is satisfied the landscape plan</p>

Development Control	Compliance	Comment
		is compliant with the landscape requirements of the DCP.
<b>5. Water Management</b>	Yes	Satisfactory. Refer to section 3 of this report on referral commentary in relation to stormwater.
<b>11. Design Excellence</b>	Yes	The proposal demonstrates design excellence as the alterations and additions to the originally approved dwelling do not alter the built form as viewed from the public domain, minimises bulk, scale, visual or amenity impacts to adjoining properties and will enhance the amenity for future occupants.
<b>13. Excavation</b>	No – acceptable on merit	<p>The maximum excavation volume permitted for the site is 117.9m<sup>3</sup>.</p> <p>At the time of determination of the originally approved development, excavation controls in the DCP (DCP 2012) did not consist of maximum excavation volumes. The proposed excavation was considered acceptable as it was contained within the building footprint and compliant with the setback controls.</p> <p>The additional excavation sought as part of this application to accommodate extensions and voids on the rear of the ground floor and Levels 1, 2 and 3 result in a total excavation volume of 447m<sup>3</sup>.</p> <p>Notwithstanding the exceedance to the excavation control, the proposed additional excavation is acceptable on merit as the predominant areas of excavation are contained within the proposed building footprint and adequately setback from the side boundaries.</p> <p>The excavated area for voids adjacent to the northern elevation will significantly enhance natural light and ventilation to the dwelling whilst not contributing to additional building bulk.</p> <p>The proposal is supported by a Geotechnical Report and is not considered to result in any adverse environmental impacts, subject to compliance with retained conditions of consent.</p>

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



Development Control	Compliance	Comment
<b>1.0 General Objectives</b>		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
<b>1.1 Height</b>		
<b>Flat roof dwelling house</b> <ul style="list-style-type: none"> <li>• <i>Maximum wall height of 7.5m</i></li> </ul>	No – as approved	No change is proposed to the approved wall heights of the dwelling. A maximum wall height of 12.7m at the south elevation, measured from the existing garage will be unchanged.
<b>1.2 Setbacks</b>		
<b>1.2.1 Front and rear building lines</b> <ul style="list-style-type: none"> <li>• <i>Predominant front building line (adjacent three neighbours on either side)</i></li> <li>• <i>Predominant rear building line at each floor level (adjacent three neighbours or either side)</i></li> </ul>	<p>Yes</p> <p>Yes</p>	No change is proposed to the front and rear building lines as originally approved, except at the rear of the ground floor and Level 1 which are acceptable on merit as these floor levels are not visible from any surrounding properties or the public domain.
<b>1.2.2 Side setbacks</b> <ul style="list-style-type: none"> <li>• <i>Minimum of 0.9m for ground floor and first floors.)</i></li> <li>• <i>Minimum 1.5m for second floor, noting that where a brand new three storey structure is proposed, all floors must be setback by 1.5m.</i></li> <li>• <i>Third floor assessed on merit.</i></li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes</p>	No change is proposed to the side setbacks on all levels of the dwelling.
<b>1.3 Streetscape and visual impact</b>		
<ul style="list-style-type: none"> <li>• <i>New development to be compatible with streetscape context</i></li> <li>• <i>Significant landscaping to be maintained.</i></li> </ul>	<p>Yes</p> <p>Yes</p>	<p>The proposed modifications to the window openings and terrace on the south (front) elevation is consistent with the architectural style of the approved dwelling and will remain compatible with the character of the streetscape.</p> <p>No significant changes are proposed to the landscaping of the site as originally approved. Landscaped areas within the front and rear setbacks are retained and will contribute to the landscaped character of the streetscape.</p>
<b>1.5 Visual and acoustic privacy</b>		

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li><i>Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design.</i></li> <li><i>External stairs are not acceptable.</i></li> <li><i>Maximum size of balconies: 10m<sup>2</sup> in area 1.5m deep</i></li> </ul>	<p>Yes</p> <p>No – as approved</p> <p>Yes – Level 2</p> <p>No – Level 3</p>	<p>The proposed extension of the front terrace on Level 1 provides a setback of 1.68m from the western side boundary and is separated from the adjoining property to the west by a solid balustrade and landscaping. Existing and approved front terraces and balconies of the site and adjoining properties have a degree of mutual overlooking across front setbacks and is considered reasonable on the balance of sharing views of the coastline and the principal orientation towards the public domain.</p> <p>The proposed ground floor and Level 1 window openings on the north elevation will not result in any additional overlooking or privacy impacts on adjoining properties as the openings are located below the height of boundary fences.</p> <p>No changes are proposed to the window openings on the northern elevation of Level 2 however, two new Juliet balconies are proposed. The balconies measure 3.4m x 0.5m with an area of 1.7m<sup>2</sup> each and are acceptable as these balconies are accessed from bedrooms, are screened by the boundary fences and will not result in unreasonable noise or amenity impacts on adjoining properties.</p> <p>The proposed extension of the rear deck on Level 3 measuring 3.8m x 3.3m with an area of 12m<sup>2</sup> exceeds the maximum size for elevated balconies under the DCP. However, having regard to the elevated position of adjoining balconies, decks and private open spaces, the proposed deck is considered contextually appropriate and will not result in any additional privacy impacts on adjoining properties as it is set back 3.8m from the east and west side boundaries, and is adequate screened to mitigate direct overlooking.</p>
<b>1.6 Solar access</b>		
<ul style="list-style-type: none"> <li><i>Minimum of 3 hours of sunlight to 50% of living areas and principal open space areas on 21 June to subject site</i></li> <li><i>Minimum of 3 hours of sunlight maintained to at least 50% of principal open space areas of</i></li> </ul>	<p>Yes</p> <p>Yes</p>	<p>The proposal does not result in any additional overshadowing of adjoining properties or the public domain.</p> <p>The proposal will maintain adequate solar access to habitable rooms with openings on the north elevation and will not result in additional overshadowing of private open spaces within the site.</p>

Development Control	Compliance	Comment
<p><i>adjoining properties on 21 June.</i></p> <ul style="list-style-type: none"> <li><i>Avoid unreasonably overshadowing of solar collectors (including habitable windows).</i></li> </ul>	Yes	
<b>1.7 Views</b>		
<ul style="list-style-type: none"> <li><i>Views from the public domain are to be maintained</i></li> <li><i>Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks.</i></li> </ul>	<p>Yes</p> <p>Yes</p>	<p>The proposal will not result in any view loss impacts for adjoining properties.</p> <p>The proposal will not impact any existing views from the coastline or public domain.</p>
<b>1.9 Landscaping and open space</b>		
<ul style="list-style-type: none"> <li><i>Overall open space: 40% of site area (135.8m<sup>2</sup>)</i></li> <li><i>Overall landscaped area: 20% of site area (67.9m<sup>2</sup>), with at least half deep soil (33.95m<sup>2</sup>)</i></li> <li><i>Minimum area of 25m<sup>2</sup> for private open space</i></li> <li><i>Front open space: 50% of front building setback area</i></li> <li><i>Front landscaped area: 50% of front open space provided</i></li> <li><i>Outdoor clothes drying area to be provided</i></li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes – as approved</p> <p>Yes – as approved</p> <p>Yes – as approved</p>	<p>The proposed open space, as calculated by Council’s Assessment Officer, has a total area of 221.82m<sup>2</sup> equating to 65.3% of the site area. The proposal represents a reduction of open space by 11.6m<sup>2</sup> from the originally approved development; however, the reduction is acceptable in this circumstance as the total area of open space provided exceeds the minimum control.</p> <p>The proposed landscaped area, as calculated by Council’s Assessment Officer, has a total of 115.27m<sup>2</sup>, equating to 34% of the site area. Of the proposed landscaped area, 50.4m<sup>2</sup> is deep soil. The proposal is seeking to provide more landscaped area than the originally approved development and is acceptable.</p> <p>The proposal maintains the originally approved private open space at the rear of the site with an area of 55.75m<sup>2</sup>, including the spa pool.</p> <p>No change is proposed to the originally approved open space and landscape area within the front building setback.</p> <p>No change is proposed to the outdoor drying area provided on Level 3.</p>

### 2.2.2. Other Impacts of the Development

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

### 2.2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

### 2.2.4. Any Submissions

The application was notified for 14 days between 5 and 25 January 2024 in accordance with the *Waverley Community Engagement Strategy 2023*.

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

- Reduced extent of additional excavation along the eastern side boundary with the deletion of the external stairs;
- Reduced garden area over proposed ground floor plant room;
- Deletion of proposed open mesh deck to the north elevation on Level 2 and replace with two Juliet balconies; and
- Reduce size of proposed rear mesh deck to the north elevation on Level 3.

No submissions were received.

### 2.2.5. Public Interest

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

## 3. REFERRALS

The following internal referral comments were sought:

### 3.1. Traffic and Development

The proposal was referred to Council's Traffic Engineer. It is noted that this application does not seek any amendments to the approved vehicular access from Gaerloch Avenue or configuration of the garage. At the time of preparing this report, no comments have been received from Council's Traffic Engineer and it is assumed that no objection is raised to the proposal.

### 3.2. Stormwater

The proposal was referred to Council's Stormwater Engineer who raised no objection to the proposal, subject to modification of approved stormwater management conditions and additional conditions



relating to stormwater and drainage systems. The conditions recommended by Council’s Stormwater Engineer have been included in the recommendation.

### 3.3. Biodiversity

The proposal was referred to Council’s Biodiversity Officer who raised no objection to the proposal as the submitted landscape plan is consistent with the landscape planting requirements in accordance with Part B of the Waverley DCP 2022.

### 3.4. Tree Management

The proposal was referred to Council’s Tree Management Officer who raised no objection as there are no trees impacted by the proposed modifications.

## 4. CONCLUSION

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



### *Managers of Development Assessment (MoDA) Decision:*

The application was reviewed by the MoDA at the meeting on 5 March 2024 and the MoDA determined that the application is acceptable and should be approved, subject to the conditions in Appendix A.

MODA members: A Rossi, B McNamara, B Magistrale, E Finnegan, and K Johnstone

## 5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

<b>Report prepared by:</b>	<b>Application reviewed and agreed by:</b>
	
Peggy Wong	Bridget McNamara
<b>Senior Development Assessment Planner</b>	<b>A/ Executive Manager, Development Assessment</b>
<b>Date: 30 April 2024</b>	<b>Date: 7 May 2024</b>

### *Reason for WLPP referral:*

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

1. Departure from any development standard in an EPI by more than 10%
- Proposed amendments to a condition of development consent recommended in the Council assessment report by which was amended by the WLPP,

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

## APPENDIX A – CONDITIONS OF CONSENT TO BE MODIFIED

### A. Amended/Deleted Conditions

#### 1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) Architectural Plans prepared by Tobias Partners including the following:

<b>Plan Number and Revision</b>	<b>Plan description</b>	<b>Plan Date</b>	<b>Date received by Council</b>
A1.000	Site (Roof) Plan - Front & Rear Building Lines	<del>06.06.2023</del> 12.04.2024	<del>07.06.2023</del> 15.04.2024
A1.001	Ground Level (Garage) Plan	<del>06.06.2023</del> 12.04.2024	<del>07.06.2023</del> 15.04.2024
A1.002	Level 1 ( <del>Rumpus</del> ) (Media/Living) Plan	<del>06.06.2023</del> 12.04.2024	<del>07.06.2023</del> 15.04.2024
A1.003	Level 2 (Bedroom) Plan	<del>06.06.2023</del> 12.04.2024	<del>07.06.2023</del> 15.04.2024
A1.004	Level 3 (Living) Plan	<del>06.06.2023</del> 12.04.2024	<del>07.06.2023</del> 15.04.2024
<b>A1.005</b>	<b>Level 4 (Roof) Plan</b>	12.04.2024	15.04.2024
A2.001	North Elevation	<del>06.06.2023</del> 12.04.2024	<del>07.06.2023</del> 15.04.2024
A2.002	South Elevation	<del>06.06.2023</del> 12.04.2024	<del>07.06.2023</del> 15.04.2024
A2.003	East Elevation	<del>06.06.2023</del> 12.04.2024	<del>07.06.2023</del> 15.04.2024
A2.004	West Elevation	<del>06.06.2023</del> 12.04.2024	<del>07.06.2023</del> 15.04.2024
A2.005	East Elevation – section at boundary	06.06.2023	07.06.2023
A2.101	Section AA	<del>06.06.2023</del> 12.04.2024	<del>07.06.2023</del> 15.04.2024
A2.102	Section BB	<del>06.06.2023</del> 12.04.2024	<del>07.06.2023</del> 15.04.2024

(AMENDED DA-493/2022/A)

- (b) Landscape Plan Drawing Nos. DA\_01 to DA-07, Revision 6 and documentation prepared by Wyer & Co, dated 6 June 2023 and received by Council on 7 June 2023
- (c) Geotechnical Investigation Report prepared by Crozier Geotechnical Consultants, dated 2 August 2022 and received by Council on 16 November 2022
- (d) BASIX and NatHERs Certificate/s
- (e) Schedule of external finishes and colours, Drawing No. A9.201 prepared by Tobias Partners, dated 17 October 2022 received by Council on 16 November 2022
- (f) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 16 November 2022

Except where amended by the following conditions of consent.

#### 14. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT

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

~~***The submitted stormwater management plan prepared by Barwell Hydraulic Design, Job No. 2022H0120, Drawing No. SW 1.1 – SW 1.10, Revision P1, dated 25.10.2022, is considered concept only.***~~

***The submitted stormwater management plan prepared by Tobias Partners, Job No. 20210120, Drawing Nos. SW4.55 1.1, SW4.55 1.2, SW4.55 2.1, SW4.55 3.1, SW4.55 4.1, SW4.55 5.1, SW4.55 6.1, and SW4.55 7.1, Revision P3, dated 31/10/2023 is 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 shall be prepared by a suitably qualified and practising Civil Engineer and:

- (a) The plans shall provide details of any required On-Site Stormwater Detention (OSD) system and its details e.g. pit dimensions, cross & long sections, significant water invert levels of inlet and outlet pipes, details of Discharge Control Pit, orifice plate details including orifice diameter, depth of water above centreline of orifice etc., pit overflow, OSD plaque, OSD warning sign and catchment plan. Council's mandatory OSD checklist as set out in Council's Water Management Technical Manual shall be completed and submitted.
- (b) A certificate from a registered structural engineer certifying the structural adequacy of the OSD tank structure is to be provided. Any below ground OSD tank structure must be a cast in-situ concrete based.**
- (c) A minimum of two 600 mm square access grates must be installed over the OSD tank. One grate is to be placed over OSD outlet pipe and orifice plate.**
- ~~(b)~~ **(d)** Details of any rainwater tank required by BASIX commitments or as nominated on the architectural plan, including the overflow connection to the approved stormwater drainage system are to be submitted.
- ~~(c)~~ **(e)** The stormwater management plan must specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.



- ~~(d)~~ (f) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location shall be provided. Calculations demonstrating that the proposed stormwater drainage system can cater for the relevant design storm event shall be provided.
- ~~(e) Show an alarm system comprising of pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location in case of pump failure. A minimum freeboard of 150 mm from the pump out system to all parking and full hydraulic details and pump manufacturers specification are to be provided.~~
- (g) ***A non-return valve is to be installed at the outlet pipe at the connection point with Council's stormwater line so that stormwater cannot surcharge back into the property disposal system.***
- (h) ***A long section of the connection to Council's infrastructure will be provided and its details included (e.g. the location of existing services crossing and the clearances, existing surface levels, obvert and invert of existing pipe and invert level of the outlet pipe).***
- (i) ***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.***
- (j) ***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.***
- ~~(k)~~ (k) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system (independent of any OSD system).
- (l) ***Council must be notified when the connection has been made to the kerb inlet pit and an inspection must be made by a Council officer prior to public domain restoration and backfill at the point of connection. An inspection fee will apply for each inspection visit required by a Council officer, payable prior to any site inspection. Minimum 48 hour's notice must be provided to Council prior to inspection.***
- (m) ***The OSD system and internal drainage system must be designed to the 1% AEP storm event.***
- (n) ***Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works and across affected neighbouring properties are to be replaced as per Waverley Council Public Domain Technical Manual. All associated costs will be borne by the applicant.***

Notes:

- The checklist as set out on pages 68-76 on Council's Water Management Technical Manual (Oct 2021) available online shall be completed and submitted with any revision of Construction Certificate Plan Submission.
- Since a sewer main runs through the property, plans must also be presented to a Sydney Water Tap inTM for their approval.
- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated.

- Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- Council's contact for infrastructure assessment: E-mail: [assets@waverley.nsw.gov.au](mailto:assets@waverley.nsw.gov.au) or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.

(AMENDED DA-493/2022/A)

**40. ~~PLANNED PREVENTATIVE MAINTENANCE SCHEDULE FOR PUMP OUT SYSTEM~~**

~~The registered proprietor shall be required to submit written intent to establish and maintain a Planned Preventative Maintenance (PPM) schedule of the pump out systems prior to the issue of Occupation Certificate. Council will not be liable for any claims for damages arising from the failure of the pump out systems. Evidence shall be submitted to the Executive Manager, Infrastructure Services or delegate prior to the issue of the Occupation Certificate.~~

(DELETED DA-493/2022/A)

**B. New Conditions and Advisory Notes**

**1A. GENERAL MODIFICATIONS**

*The application is approved subject to the following plan amendments;*

- (a) *An amended landscape plan is to be prepared to accurately correspond with the location of open spaces, voids and landscaped areas as show on the approved architectural plans.*

*The amendments are to be approved by the Executive Manager, Development Assessment or delegate prior to the issue of any Construction Certificate. An electronic copy of the amended plans or additional information (see website for electronic document requirements) addressing this condition, including a covering letter shall be provided to Council for review.*

*Condition reason: To ensure the landscape plans are consistent with the architectural plans.*

(ADDED DA-493/2022/A)

**19A. PRE-CONSTRUCTION STORMWATER PIPE DILAPIDATION REPORT**

*Prior to the issuance of any Construction Certificate, a dilapidation report including photographic evidence of internal conditions of the existing kerb inlet pit fronting No. 15 Gaerloch Avenue must be prepared by an accredited operator to determine their structural and serviceability condition.*

*The report must be dated and submitted to, and accepted by Council's Executive Manager, Infrastructure Services (or delegate). No works on Council's stormwater infrastructure will commence until given approval by Council.*

*Condition reason: To establish and document the structural condition of the stormwater infrastructure prior to commencement of works affecting Council's stormwater infrastructure.*

(ADDED DA-493/2022/A)

**42. ONGOING MAINTENANCE – STORMWATER DRAINAGE SYSTEM**

*Council will need to be provided with an OSD management plan. This must be submitted and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Occupation Certificate.*

*At a minimum, the detention facility 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: To ensure proper ongoing maintenance of the stormwater drainage system.*

*(ADDED DA-493/2022/A)*

**AD9. ECOLOGICALLY SUSTAINABLE DEVELOPMENT RECOMMENDATIONS**

**Indoor air quality:**

*Council strongly encourages the use of electrical cooktops, ovens and internal heating systems within residential developments to ensure that ambient indoor air quality levels specified in the National Environmental Protection Measure (Ambient Air Quality) are met.*

**Ventilation:**

*Council strongly encourages the installation of ceiling or wall mounted fans or Heat Recovery Ventilation (HRV) Units within residential developments to enable adequate ventilation of habitable rooms*

**Domestic hot water:**

*Council strongly encourages the installation of electric hot water systems. If an electrical system is not installed it is suggested to include specific provisions to enable the future installation.*

*(ADDED DA-493/2022/A)*

## APPENDIX B – FULL SET OF CONDITIONS

### **A. APPROVED DEVELOPMENT**

#### **1. APPROVED PLANS AND DOCUMENTATION**

The development must be in accordance with:

- (a) Architectural Plans prepared by Tobias Partners including the following:

<b>Plan Number and Revision</b>	<b>Plan description</b>	<b>Plan Date</b>	<b>Date received by Council</b>
A1.000	Site (Roof) Plan - Front & Rear Building Lines	12.04.2024	15.04.2024
A1.001	Ground Level (Garage) Plan	12.04.2024	15.04.2024
A1.002	Level 1 (Media/Living) Plan	12.04.2024	15.04.2024
A1.003	Level 2 (Bedroom) Plan	12.04.2024	15.04.2024
A1.004	Level 3 (Living) Plan	12.04.2024	15.04.2024
A1.005	Level 4 (Roof) Plan	12.04.2024	15.04.2024
A2.001	North Elevation	12.04.2024	15.04.2024
A2.002	South Elevation	12.04.2024	15.04.2024
A2.003	East Elevation	12.04.2024	15.04.2024
A2.004	West Elevation	12.04.2024	15.04.2024
A2.005	East Elevation – section at boundary	06.06.2023	07.06.2023
A2.101	Section AA	12.04.2024	15.04.2024
A2.102	Section BB	12.04.2024	15.04.2024

*(AMENDED DA-493/2022/A)*

- (b) Landscape Plan Drawing Nos. DA\_01 to DA-07, Revision 6 and documentation prepared by Wyer & Co, dated 6 June 2023 and received by Council on 7 June 2023
- (c) Geotechnical Investigation Report prepared by Crozier Geotechnical Consultants, dated 2 August 2022 and received by Council on 16 November 2022
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- (e) Schedule of external finishes and colours, Drawing No. A9.201 prepared by Tobias Partners, dated 17 October 2022 received by Council on 16 November 2022
- (f) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 16 November 2022

Except where amended by the following conditions of consent.



**1A. GENERAL MODIFICATIONS**

The application is approved subject to the following plan amendments;

- (a) An amended landscape plan is to be prepared to accurately correspond with the location of open spaces, voids and landscaped areas as show on the approved architectural plans.

The amendments are to be approved by the **Executive Manager, Development Assessment or delegate** prior to the issue of any Construction Certificate. An electronic copy of the amended plans or additional information (see website for electronic document requirements) addressing this condition, including a covering letter shall be provided to Council for review.

Condition reason: To ensure the landscape plans are consistent with the architectural plans.

*(ADDED DA-493/2022/A)*

**2. DOMESTIC HEATERS**

The provision of solid fuel heating is prohibited.

## **B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

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

### **GENERAL REQUIREMENTS**

#### **3. NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE**

The building work, or demolition work, must not be commenced until:

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the *Environmental Planning and Assessment Act 1979*;
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*; and
- (c) Council is given at least two days' notice in writing of the intention to commence the building works.

#### **4. HOME BUILDING ACT**

The builder or person who does the residential building work shall comply with the applicable requirements of Part 6 of the *Home and Building Act 1989*. In this regard a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy the Principal Certifying Authority that they have complied with the applicable requirements of Part 6, before any work commences.

### **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 2006 in accordance with the following:

- (a) A cost report indicating the itemised cost of the development shall be completed and submitted to Council:
  - (i) Where the total development cost is less than \$500,000:  
**"Waverley Council Cost Summary Report"; or,**
  - (ii) Where the total development cost is \$500,000 or more:  
**"Waverley Council Registered Quantity Surveyor's Detailed Cost Report".**

A copy of the required format for the cost reports are provided in the Waverley Council Contributions Plan 2006, available on Council's website.

- (b) As legislated in section 25K of the Environmental Planning and Assessment Regulation 2000, the levy must be paid in accordance with the following;
  - (i) A development valued at \$100,000 or less will be exempt from the levy;

- (ii) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% of the full cost of the development; or
- (iii) A development valued at \$200,001 or more will attract a levy of 1% of the full cost of the development.

Prior to the issue of any Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.

#### **6. SECURITY DEPOSIT**

A deposit (cash or cheque) for the amount of **\$94,606.60** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

This deposit (cash or cheque) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs for any repair of damage to Council property or rectification of unauthorised works on Council property, will be refunded after satisfactory completion all of works associated with this consent (including the required public works) to the person who paid the deposit.

#### **7. LONG SERVICE LEVY**

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

Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.25% of building work costing \$250,000 or more.

#### **8. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES**

The applicant is to pay to Council fees for assessment of all engineering plans and inspection of the completed works in the public domain inclusive of all stormwater assessment, in accordance with Council's Schedule of Fees & Charges at the time of engineering plan approval, prior to such approval being granted by Council.

An invoice will be issued to the applicant for the amount payable, which will be calculated based on the design plans for the subject development.

## **CONSTRUCTION MATTERS**

### **9. HOARDING**

To ensure the site is contained during construction, a hoarding is required for the approved works, which is to be designed and constructed in accordance with the requirements of Safe Work NSW. Where the hoarding is to be erected over the footpath or any public place, the approval of Council's Compliance Unit must be obtained and the applicable fees paid, prior to the erection of the hoarding.

### **10. EROSION & SEDIMENT CONTROL**

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

The SWMP must be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request.

The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.

### **11. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION**

A report shall be prepared by a suitably qualified and practising Structural Engineer/Geotechnical Engineer detailing the proposed methods of bulk excavation, shoring or pile construction, including details of vibration emissions and any possible damage which may occur to adjoining or nearby properties as a result of the proposed building and excavation works.

Any practices or procedures specified in the Structural Engineer's report in relation to the avoidance or minimisation of structural damage to adjoining properties are to be fully complied with and incorporated into the plans and specifications together with the Construction Certificate.

### **12. ENGINEERING DETAILS**

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

### **13. DILAPIDATION REPORT**

A Dilapidation report is to be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken. The dilapidation report is to be made available to affected property owners.

The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site.

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.

## **STORMWATER & FLOODING**

### **14. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT**

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

The submitted stormwater management plan prepared by Tobias Partners, Job No. 20210120, Drawing Nos. SW4.55 1.1, SW4.55 1.2, SW4.55 2.1, SW4.55 3.1, SW4.55 4.1, SW4.55 5.1, SW4.55 6.1, and SW4.55 7.1, Revision P3, dated 31/10/2023 is 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 shall be prepared by a suitably qualified and practising Civil Engineer and:

- (g) The plans shall provide details of any required On-Site Stormwater Detention (OSD) system and its details e.g. pit dimensions, cross & long sections, significant water invert levels of inlet and outlet pipes, details of Discharge Control Pit, orifice plate details including orifice diameter, depth of water above centreline of orifice etc., pit overflow, OSD plaque, OSD warning sign and catchment plan. Council's mandatory OSD checklist as set out in Council's Water Management Technical Manual shall be completed and submitted.
- (h) A certificate from a registered structural engineer certifying the structural adequacy of the OSD tank structure is to be provided. Any below ground OSD tank structure must be a cast in-situ concrete based.
- (i) A minimum of two 600 mm square access grates must be installed over the OSD tank. One grate is to be placed over OSD outlet pipe and orifice plate.
- (j) Details of any rainwater tank required by BASIX commitments or as nominated on the architectural plan, including the overflow connection to the approved stormwater drainage system are to be submitted.
- (k) The stormwater management plan must specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.
- (l) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location shall be provided. Calculations demonstrating that the proposed stormwater drainage system can cater for the relevant design storm event shall be provided.
- (m) A non-return valve is to be installed at the outlet pipe at the connection point with Council's stormwater line so that stormwater cannot surcharge back into the property disposal system.
- (n) A long section of the connection to Council's infrastructure will be provided and its details included (e.g. the location of existing services crossing and the clearances, existing surface levels, obvert and invert of existing pipe and invert level of the outlet pipe).
- (o) 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.

- (p) 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.
- (q) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system (independent of any OSD system).
- (r) Council must be notified when the connection has been made to the kerb inlet pit and an inspection must be made by a Council officer prior to public domain restoration and backfill at the point of connection. An inspection fee will apply for each inspection visit required by a Council officer, payable prior to any site inspection. Minimum 48 hour's notice must be provided to Council prior to inspection.
- (s) The OSD system and internal drainage system must be designed to the 1% AEP storm event.
- (t) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works and across affected neighbouring properties are to be replaced as per Waverley Council Public Domain Technical Manual. All associated costs will be borne by the applicant.

Notes:

- The checklist as set out on pages 68-76 on Council's Water Management Technical Manual (Oct 2021) available online shall be completed and submitted with any revision of Construction Certificate Plan Submission.
- Since a sewer main runs through the property, plans must also be presented to a Sydney Water Tap inTM for their approval.
- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated.
- Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- Council's contact for infrastructure assessment: E-mail: [assets@waverley.nsw.gov.au](mailto:assets@waverley.nsw.gov.au) or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.

(AMENDED DA-493/2022/A)

## **ENERGY EFFICIENCY & SUSTAINABILITY**

### **15. BASIX**

All requirements of the BASIX Certificate and NatHERS documentation are to be shown on the Construction Certificate plans and documentation.

## **WASTE**

### **16. SITE WASTE AND RECYCLING MANAGEMENT PLAN**

A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the *SWRMP Part 2* is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

## **LANDSCAPING & TREES**

### **17. GREEN ROOF LANDSCAPING DETAILS**

The construction certificate landscape plans are to comply with the controls for green roofs in Part B3.1 of the *Waverley Development Control Plan 2012* 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. Any access to the roof is to be for servicing purposes only.

A qualified landscape architect must review the design and verify that it complies with the above requirements.

## **TRAFFIC MANAGEMENT**

### **18. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)**

The applicant is to submit a Construction Traffic Management Plan (CTMP) for the approval of Council's Executive Manager, Infrastructure Services, or delegate, prior to the issue of any Construction Certificate. For further information on what is required in the CTMP, please refer to Council's website at:

[https://www.waverley.nsw.gov.au/building/development\\_applications/post\\_determination/development\\_applications\\_-\\_conditions\\_of\\_consent](https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent)

## **C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION**

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

### **PRIOR TO ANY WORKS**

#### **19. CONSTRUCTION SIGNS**

Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.

#### **19A. PRE-CONSTRUCTION STORMWATER PIPE DILAPIDATION REPORT**

Prior to the issuance of any Construction Certificate, a dilapidation report including photographic evidence of internal conditions of the existing kerb inlet pit fronting No. 15 Gaerloch Avenue must be prepared by an accredited operator to determine their structural and serviceability condition.

The report must be dated and submitted to, and accepted by Council's Executive Manager, Infrastructure Services (or delegate). No works on Council's stormwater infrastructure will commence until given approval by Council.

Condition reason: To establish and document the structural condition of the stormwater infrastructure prior to commencement of works affecting Council's stormwater infrastructure.

*(ADDED DA-493/2022/A)*

### **DEMOLITION & EXCAVATION**

#### **20. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS**

The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including:

- Work Health and Safety Act 2011;
- Work Health and Safety Regulation 2017;
- SafeWork NSW Code of Practice for the Safe Removal of Asbestos;
- Australian Standard 2601 (2001) – Demolition of Structures;
- *Protection of the Environment Operations Act 1997.*

At least 5 days prior to the demolition, renovation work or alterations and additions to any building, the person acting on the consent shall submit a Work Plan to the Principal Certifying Authority in accordance with Australian Standard AS 2601-2001, Demolition of Structure and a Hazardous Materials Assessment



prepared by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall:

- (a) Outline the identification of any hazardous materials, including surfaces coated with lead paint;
- (b) Confirm that no asbestos products are present on the subject land, or
- (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by SafeWork NSW (catalogue WC03561);
- (d) Describe the method of demolition;
- (e) Describe the precautions to be employed to minimise any dust nuisance; and
- (f) Describe the disposal methods for hazardous materials.

## **21. CONTROL OF DUST ON CONSTRUCTION SITES**

The following requirements apply to demolition and construction works on site:

- (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.
- (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices.

## **22. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS**

Prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste Classification Guidelines 2014.

## **23. EXCAVATION AND BACKFILLING**

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.

If an excavation associated with the erection or demolition of a building extends below the level of the footings of a building on an adjoining allotment of land, the excavation is to be managed by a practising structural engineer.

## **CONSTRUCTION MATTERS**

### **24. CONSTRUCTION HOURS**

Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays, with no work to be carried out on Sundays and public holidays.

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

Noise from construction activities shall comply with the *Protection of the Environmental Operations (Noise Control) Regulation 2017*.

## **25. STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS**

All building materials and any other items associated with the development are to be stored within the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.

## **26. CONSTRUCTION INSPECTIONS**

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the Building Legislation Amendment (Quality of Construction) Act 2002 and 162A Critical stage inspections for building work of the Environmental Planning and Assessment Regulation 2000.

## **27. CERTIFICATE OF SURVEY - LEVELS**

All construction works are to be in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels is to be submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building.

## **28. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING**

A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the location of the building on the site is to be submitted to the Principal Certifying Authority to certify the building is located in accordance with the development consent plans. The Certificate is to be submitted prior to the construction of the external walls above the ground floor level of the building.

## **29. WORK OUTSIDE PROPERTY BOUNDARY**

This consent does not authorise any work outside the property boundary.

## **30. CONSTRUCTION OF SWIMMING POOLS AND OUTDOOR SPAS**

The following applies to the construction of swimming pools and outdoor spas:

- (a) Reinforcement of the swimming pool/outdoor spa is to be inspected by an Accredited Officer or other suitably qualified person prior to the pouring of concrete
- (b) The electrical wiring system for any proposed underwater artificial lighting installation to the pool/spa is to be installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules
- (c) The swimming pool/outdoor spa water is to be treated by an approved water treatment and filtration unit
- (d) To prevent noise nuisance to surrounding properties, the swimming pool/outdoor spa filtration motor and pump unit is to be housed within a ventilated soundproof enclosure

- (e) Waste waters from the swimming pool/outdoor spa are to be discharged into Sydney Water's sewerage system and in this regard, approved plans MUST be submitted to Sydney Water at least 14 days prior to commencement of building operations.

## **TREE PROTECTION AND REMOVAL**

### **31. TREE PROTECTION**

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

Precautions shall be taken when working near trees to ensure their retention, including the following:

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

If any trees on neighboring properties require **pruning, or root pruning**, then permission must be gained from the owner of the tree(s) and an application to Prune, or Remove Trees on Private Property is then to be presented to Council for processing.

## **VEHICLE ACCESS & PUBLIC DOMAIN WORKS**

### **32. NEW VEHICLE CROSSING**

A new vehicle crossing is to be provided to access the proposed garage. A separate application is required for the vehicle crossing, with all work to be carried out with the approval of and in accordance with the requirements of Council.

The crossing is to be 5.0 metres wide at the property boundary. The width at the street is to be 3.0 metres plus 0.45 metre splays.

Prior to the submission of the vehicle crossing application, works as executed drawings shall be submitted to Council for the approval of Council's Executive Manager Infrastructure Services or delegate confirming the finished levels of the internal driveway between the property confirming the finished levels of the internal driveway between the property boundary and the car parking spaces/s comply with the approved levels.

### **33. VEHICULAR ACCESS - FINISHED LEVEL TO FOOTPATH**

The gradient from the finished level at the property boundary to the footpath shall be a minimum of 2% and a maximum of 5% down towards the footpath on both sides of the vehicle crossing.

### **34. HEADROOM CLEARANCE**

The headroom clearance on the entry and within the garage shall be a minimum of 2.2 metres.

## **C. PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

The requirements outlined in this section are to be provided to the satisfaction of the Principal Certifying Authority in all instances, except where a condition explicitly specifies the approval of Council or a Council Officer is required, prior to the issue of an Occupation Certificate or Subdivision Certificate, whichever applies.

### **35. FINAL OCCUPATION CERTIFICATE**

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

The Principal Certifying Authority must be satisfied that the requirements of the *Environmental Planning & Assessment Act 1979* have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.

### **36. CERTIFICATION OF BASIX COMMITMENTS**

The Principal Certifying Authority shall certify that the all the undertakings in the approved BASIX certificate have been completed.

### **37. WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM**

- (a) A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared, stamped and signed by a Registered Surveyor. This drawing must detail the alignment of all pipelines, pits, detention facility, rainwater reuse facility and other drainage related infrastructure. An original or a colour copy must be submitted to Waverley Council. Where changes have occurred, the Council approved plans shall be marked-up in red ink and shall include levels and location for the drainage structures and works.
- (b) A suitably qualified and practising Engineer must provide certification of the WAED of the stormwater drainage system that the stormwater drainage works were constructed to their satisfaction and in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice. A copy of the aforementioned letter of certification must be submitted to Council.

### **38. CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE SYSTEM**

Prior to the issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practicing Engineer or Plumber, that any new stormwater drainage system has been constructed in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards, and good engineering practice. Similarly, any retained stormwater drainage system is unblocked, in good working order, and to be repaired/replaced to best practice. A copy of the certification must be submitted to Council.

### **39. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD**

Prior to the issue of an Occupation Certificate, a “Positive Covenant” and “Restriction on the Use of Land” shall be created for the On-Site Stormwater Detention (OSD) system, under Section 88E of the Conveyancing Act 1919. This is to place a restriction on the Title that the OSD system is maintained and kept free of debris/weed to allow unobstructed passage of stormwater through the site and underneath



the residence. The property owner/occupant shall not modify or remove the OSD system without consent from Council.

The wording of the Instrument shall be submitted to and approved by Executive Manager, Infrastructure Services (or delegate) prior to lodgement at NSW Land Registry Services.

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created via an application to the NSW Land Registry Services using forms 13PC and 13RPA. Accompanying this form is the requirement for a plan to scale showing the relative location of the OSD system, including its relationship to the building footprint. Electronic colour photographs of the OSD system shall accompany the application for the Positive Covenant and Restriction on the Use of Land.

The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate or use of the building. All associated costs shall be borne by the applicant.

**40. DELETED BY DA-439/2022/A**

**41. CERTIFICATION OF SWIMMING POOL/OUTDOOR SPA**

Prior to the pool being used, the following must be provided;

- (a) Certification that the pool has been constructed in accordance with the consulting engineers design;
- (b) Evidence that the swimming pool/outdoor spa has been registered on the State Government Swimming Pool Register (<http://www.swimmingpoolregister.gov.au>);
- (c) A sign outlining details of resuscitation techniques for adults, children and infants has been placed in a prominent position, close to the pool/outdoor spa. Signs are available from Council;
- (d) A copy of the occupation certificate must be submitted to Council.

Note: Swimming/spa pool pumps are restricted from use between 8pm to 7am weekdays and Saturdays, 8pm to 8am on Sundays and public holidays in accordance with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2017.

**42. ONGOING MAINTENANCE – STORMWATER DRAINAGE SYSTEM**

Council will need to be provided with an OSD management plan. This must be submitted and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Occupation Certificate.

At a minimum, the detention facility 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: To ensure proper ongoing maintenance of the stormwater drainage system.

*(ADDED DA-493/2022/A)*

## **E. ADVISORY MATTERS**

The following advisory matters are provided as additional information to ensure compliance with the relevant legislation and requirements. You must also check other Commonwealth and NSW Acts and Regulations which may apply to the works or use approved in this application.

### **AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT**

Various conditions require further input, review or approval by Council in order to be satisfied following the determination of the application (that is, post consent). In those instances, please adhere to the following process to avoid delays:

- Please read your conditions carefully.
- Information to be submitted to Council should be either via email to [info@waverley.nsw.gov.au](mailto:info@waverley.nsw.gov.au) or via the NSW Planning Portal (if required).
- Attention the documentation to the relevant officer/position of Council (where known/specified in condition).
- Include DA reference number.
- Include condition number/s seeking to be addressed.
- Where multiple conditions need Council input, please try to group the documentation / email/s into relevant subjects (multiple emails for various officers may be necessary, for example).
- Information to be submitted in digital format – refer to ‘Electronic lodgement guidelines’ on Council’s website. Failure to adhere to Council’s naming convention may result in documentation being rejected.
- Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information.
- Please note, in some circumstances, additional fees and/or additional documents (hard copy) may be required.
- Council’s standard for review (from date the relevant officer receives documentation) is 14 days. Times may vary or be delayed if information is not received in this required manner.

### **AD2. SYDNEY WATER REQUIREMENTS**

You may be required to submit your plans to the appropriate Sydney Water office to determine whether the development will affect Sydney Water’s sewer and water mains, stormwater drains and/or easements.

Contact Sydney Water for more information.

### **AD3. DIAL BEFORE YOU DIG**

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual’s responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

#### **AD4. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)**

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

#### **AD5. EXCAVATION TO BE LIMITED**

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

#### **AD6. TREE REMOVAL/PRESERVATION**

Any trees not identified for removal in this application have not been assessed and separate approval may be required. Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building may also require approval.

#### **AD7. SITE RECTIFICATION WORKS**

The vacant site is to be maintained in a safe and secure manner. Fencing is to be erected around the perimeter 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 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:

- (i) Require certain works including but not limited to:
  - (a) make the building/site safe and of an appearance acceptable to Council.
  - (b) Allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; or
  - (c) For the hole to be covered to allow it to be landscaped and made attractive from any public vantage point.
  - (d) AND to call on such bank guarantee to cover the cost thereof.
- (ii) In the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the costs of the works.

#### **AD8. 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.

#### **AD9. ECOLOGICALLY SUSTAINABLE DEVELOPMENT RECOMMENDATIONS**

##### Indoor air quality:

Council strongly encourages the use of electrical cooktops, ovens and internal heating systems within

residential developments to ensure that ambient indoor air quality levels specified in the National Environmental Protection Measure (Ambient Air Quality) are met.

Ventilation:

Council strongly encourages the installation of ceiling or wall mounted fans or Heat Recovery Ventilation (HRV) Units within residential developments to enable adequate ventilation of habitable rooms

Domestic hot water:

Council strongly encourages the installation of electric hot water systems. If an electrical system is not installed it is suggested to include specific provisions to enable the future installation.

(ADDED DA-493/2022/A)



## ***Dictionary***

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

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

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

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

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

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

**Council** means Waverley Council.

**Court** means the Land and Environment Court of NSW.

**EPA** means the NSW Environment Protection Authority.

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

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

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

**Local planning panel** means Waverley Local Planning Panel.

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

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

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

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

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

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

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

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

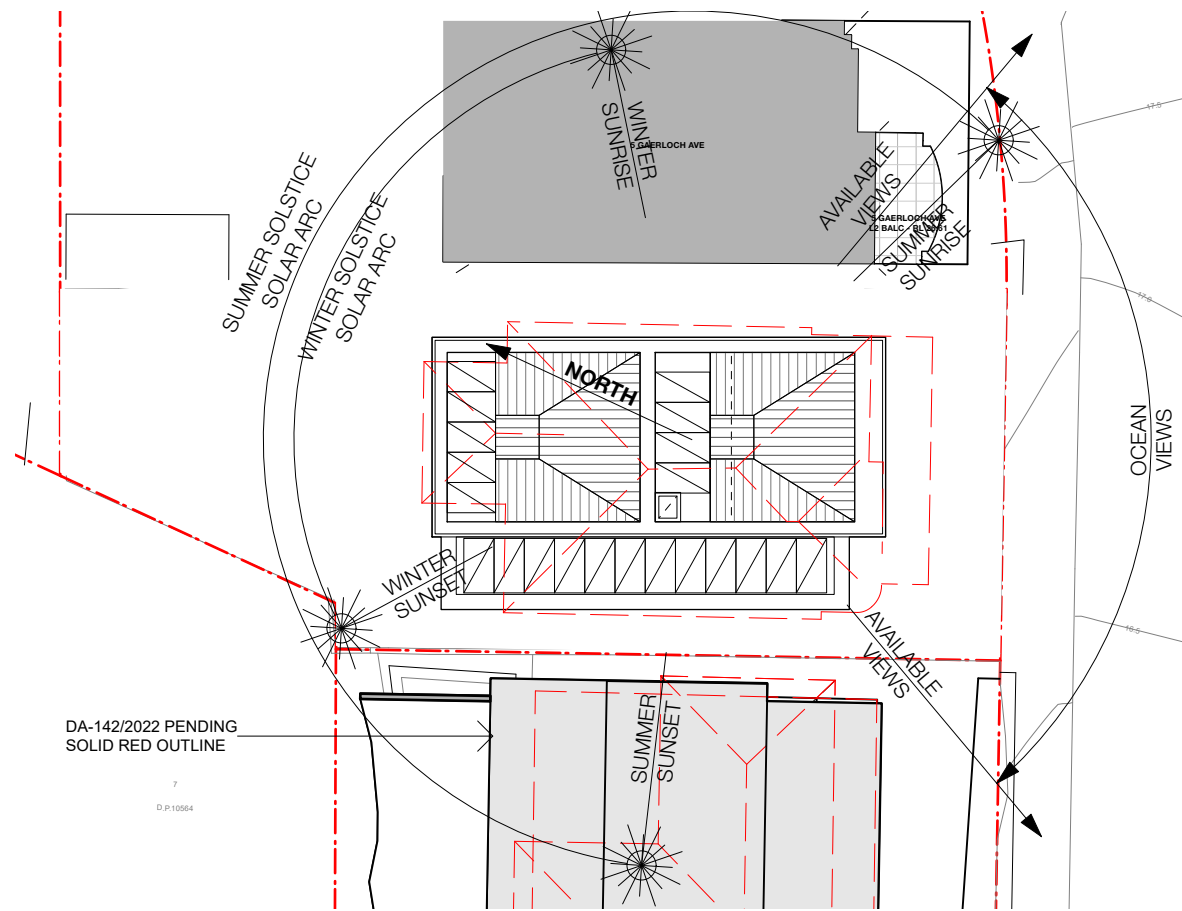
**Sydney district or regional planning panel** means Sydney Eastern City Planning Panel.

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

# AMENDED PLANS

- A0.000 PLAN DRAWINGS
  - A 0.001 SITE & LOCATION PLAN
  - A1.000 SITE (ROOF) PLAN - FRONT & REAR BUILDING LINES
  - A1.001 GROUND FLOOR (GARAGE) PLAN
  - A1.002 LEVEL 1 (GUEST/RUMPUS) PLAN
  - A1.003 LEVEL 2 (BEDROOM) PLAN
  - A1.004 LEVEL 3 (LIVING) PLAN
  - A1.005 LEVEL 4 (ROOF) PLAN
- A2.000 ELEVATIONS & SECTIONS
  - A2.001 NORTH ELEVATION
  - A2.002 SOUTH ELEVATION
  - A2.003 EAST ELEVATION
  - A2.004 WEST ELEVATION
  - A2.101 SECTION AA
  - A2.102 SECTION BB
- A9.000 ANCILLARY DRAWINGS
  - A9.001 LEP FSR (GFA) CALC DIAGRAM
  - A9.101 BASIX & THERMAL COMMITMENTS

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1 SITE AND ANALYSIS PLAN  
1:500

2 DOCUMENT REGISTER



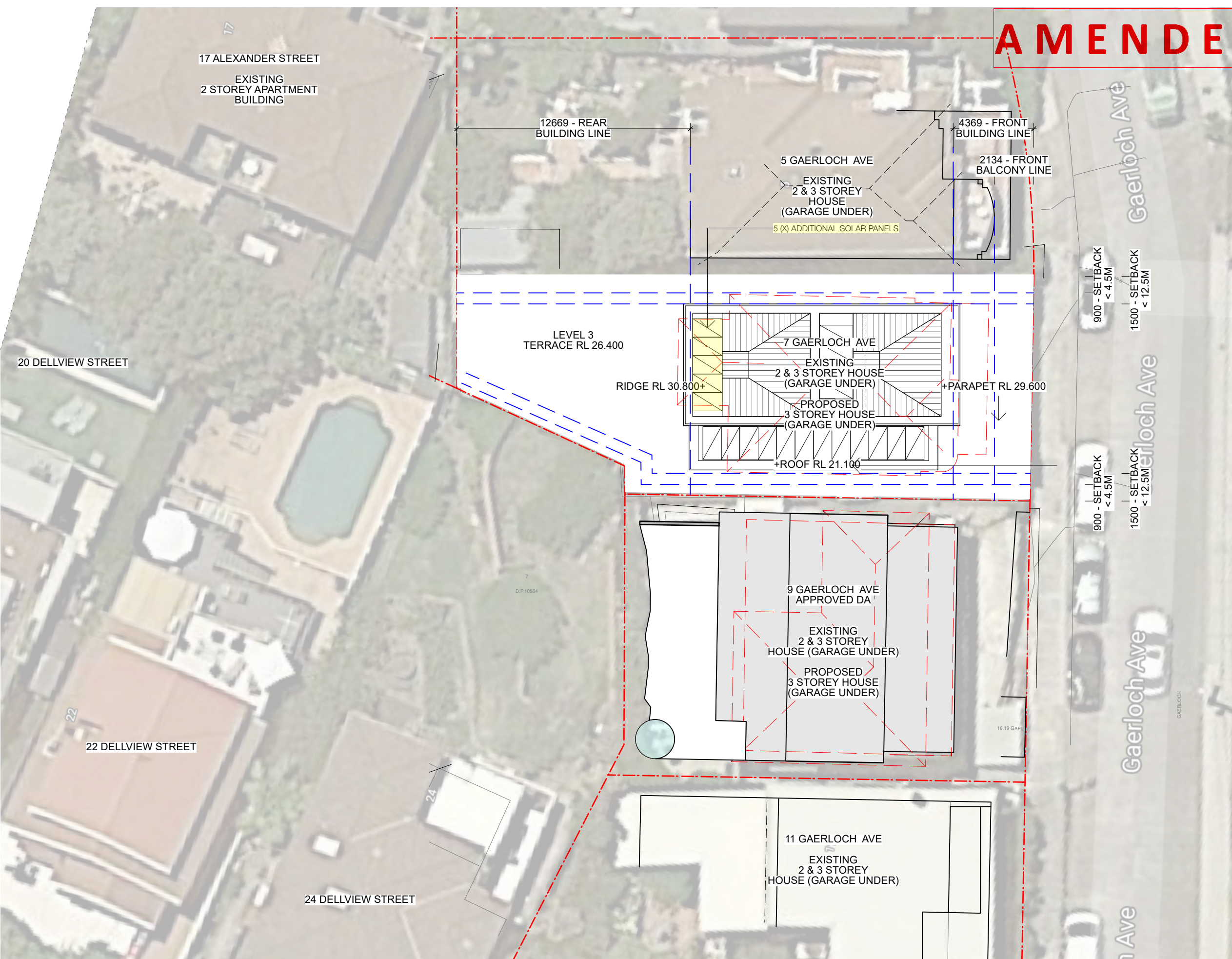
3 LOCATION PLAN  
NTS





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Assessor: haylea@efficientliving.com.au  
Edwards

Accreditation No. HERA 10213

Address: 7 Gaerloch Avenue, Tamarama, NSW, 2026

5.6  
NATIONWIDE HOUSE ENERGY RATING SERVICE  
56.2 MJ/m<sup>2</sup>  
www.natlers.gov.au

http://www.hero-software.com.au/pdf/HR-N27U8J-02

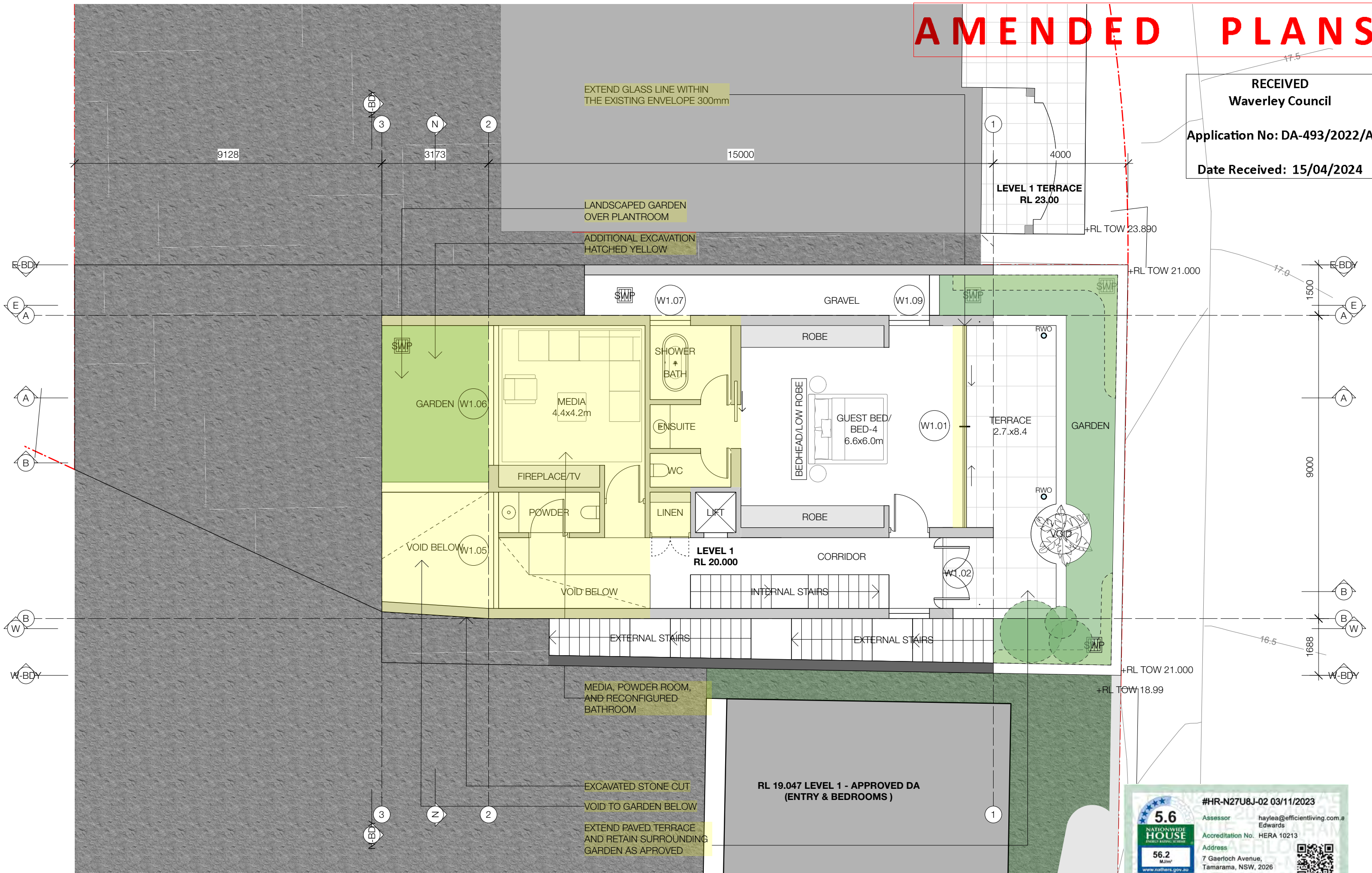






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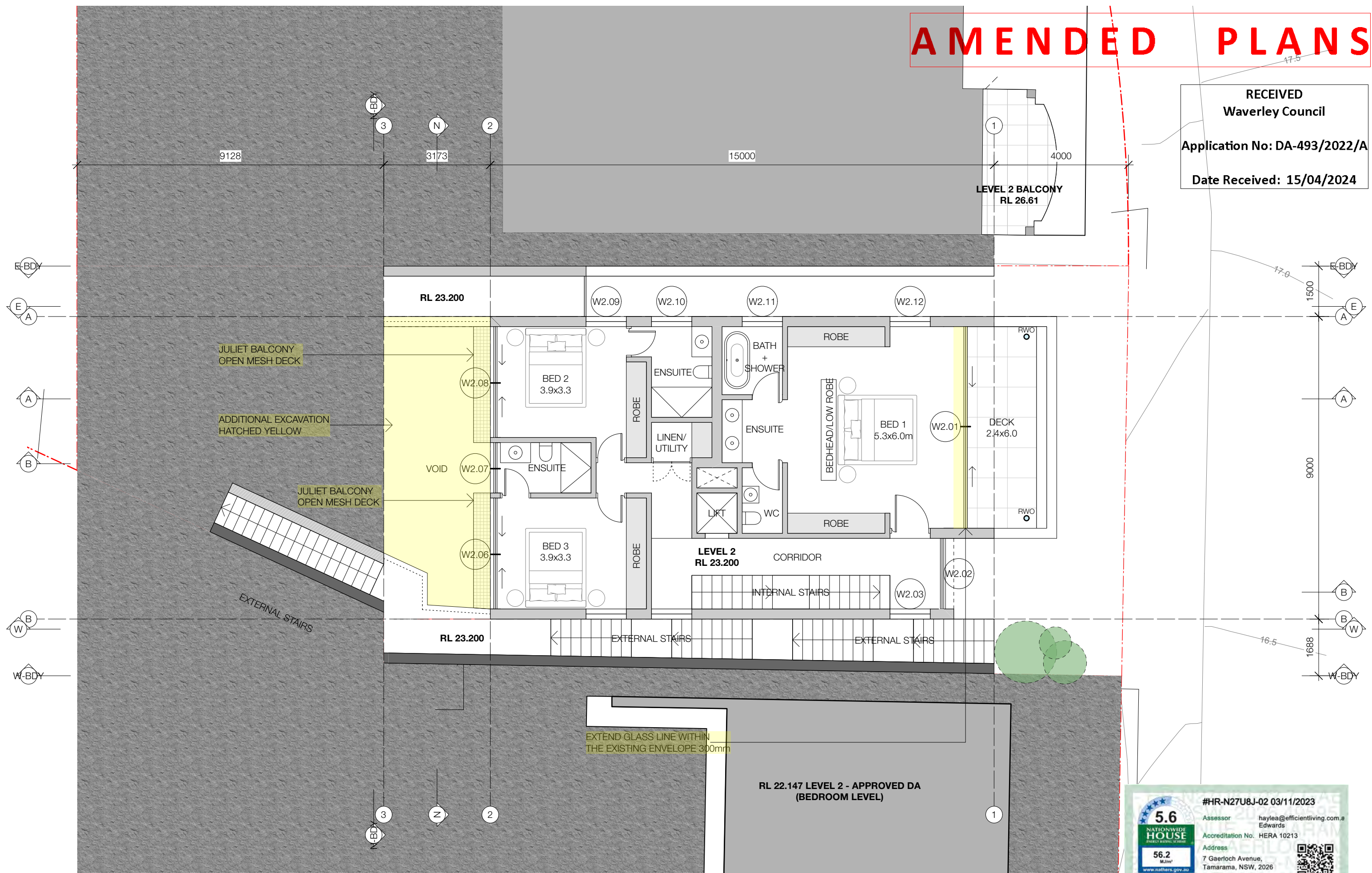
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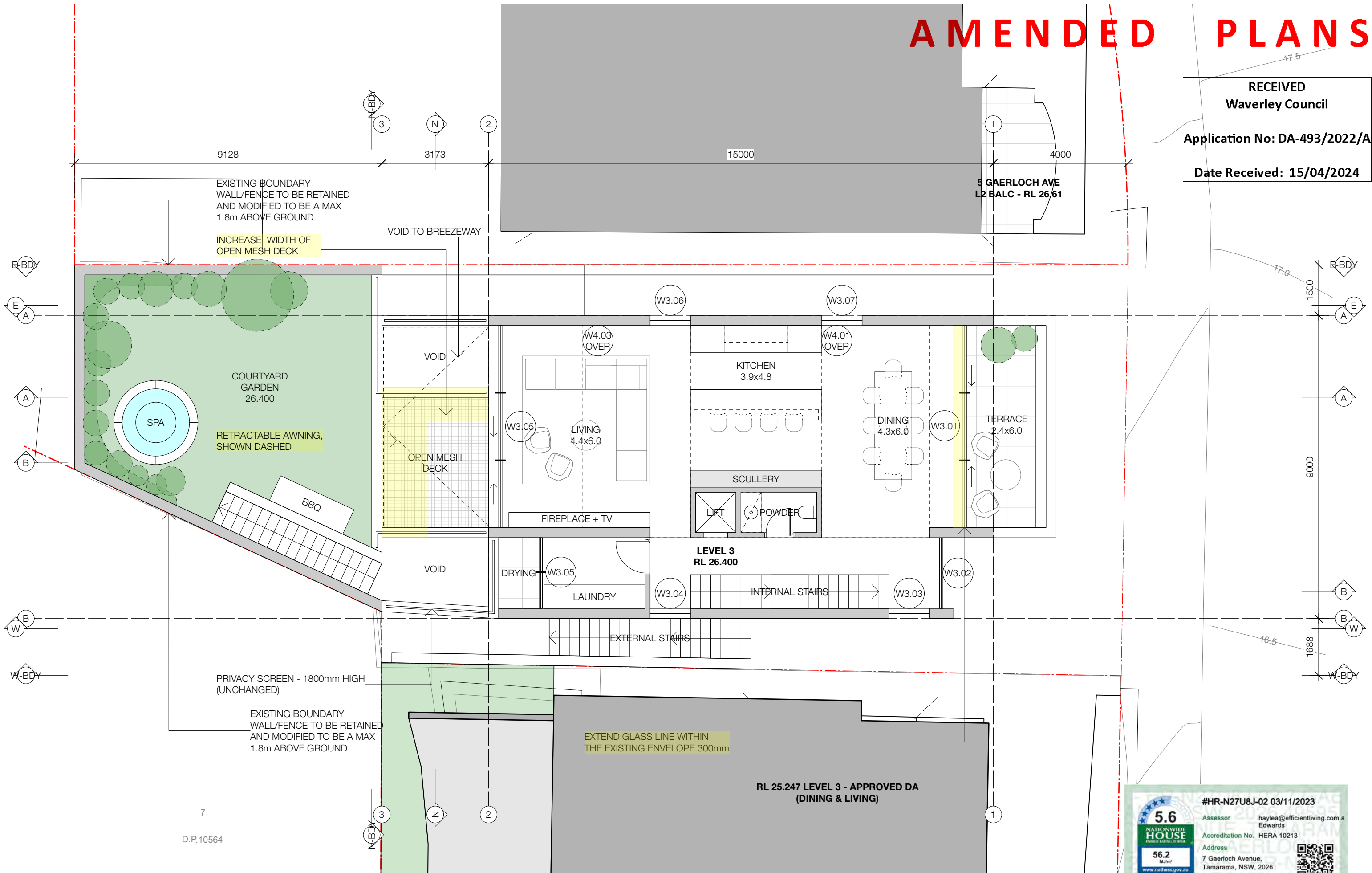
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D.P.10564

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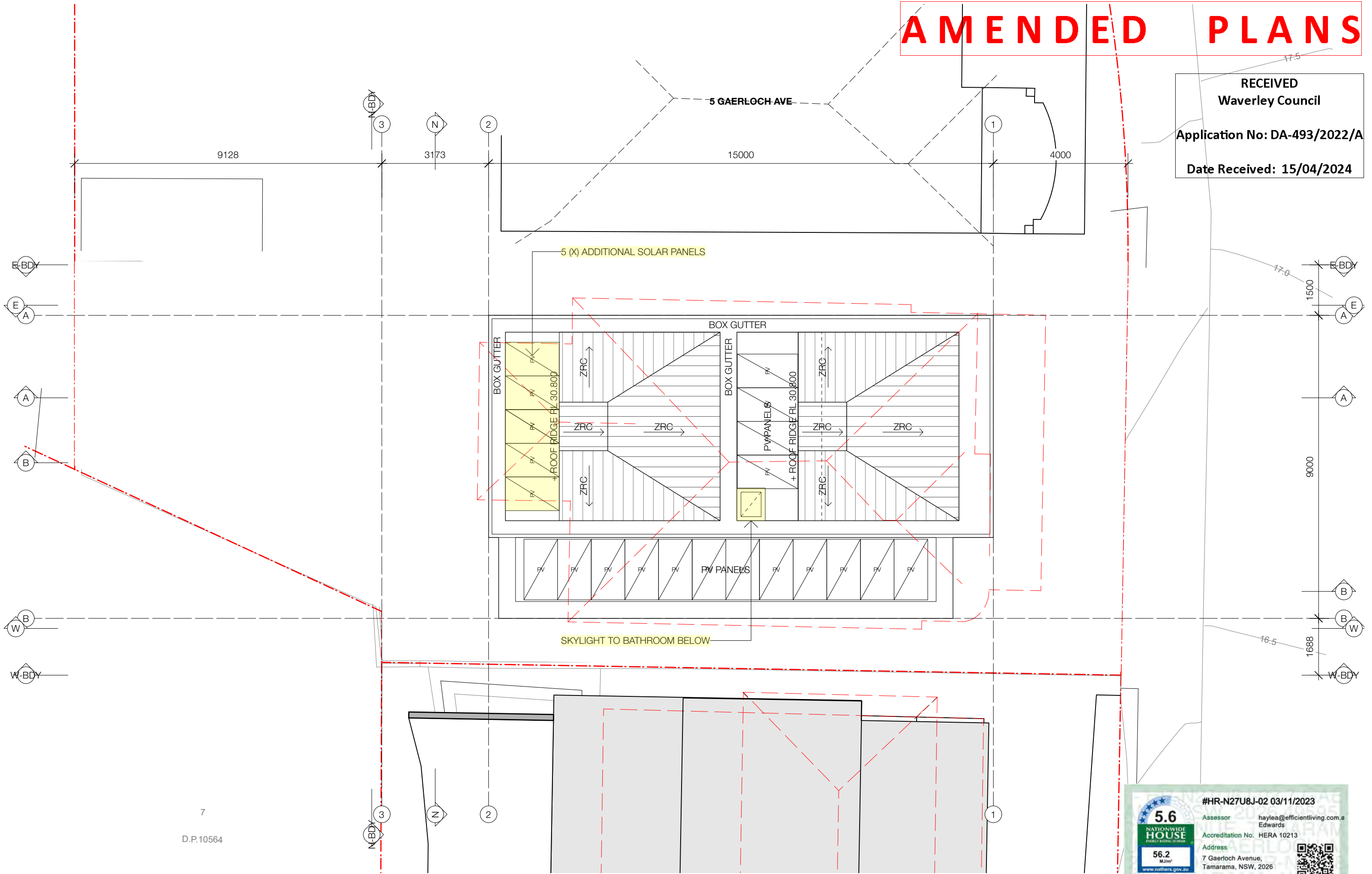
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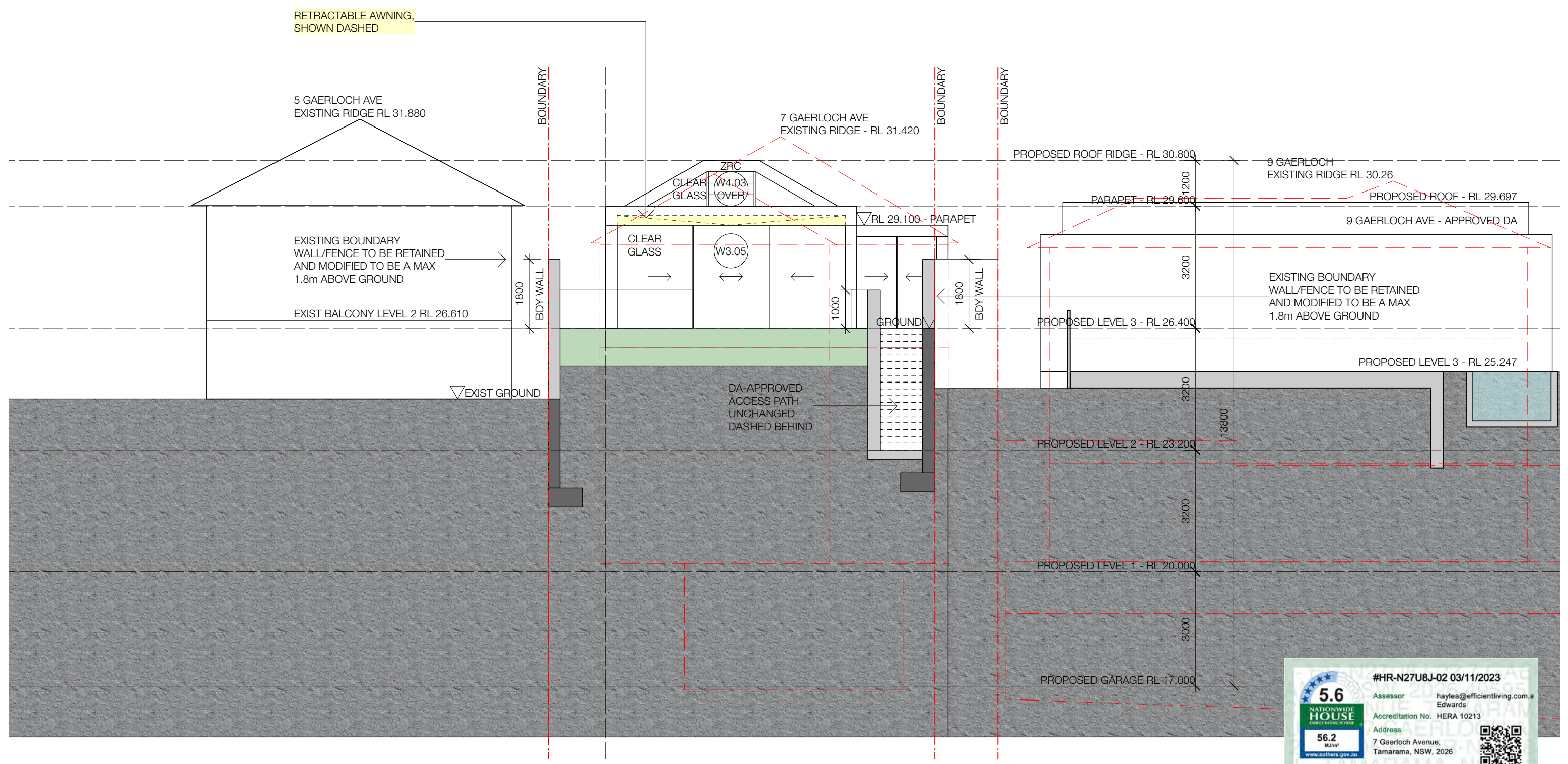
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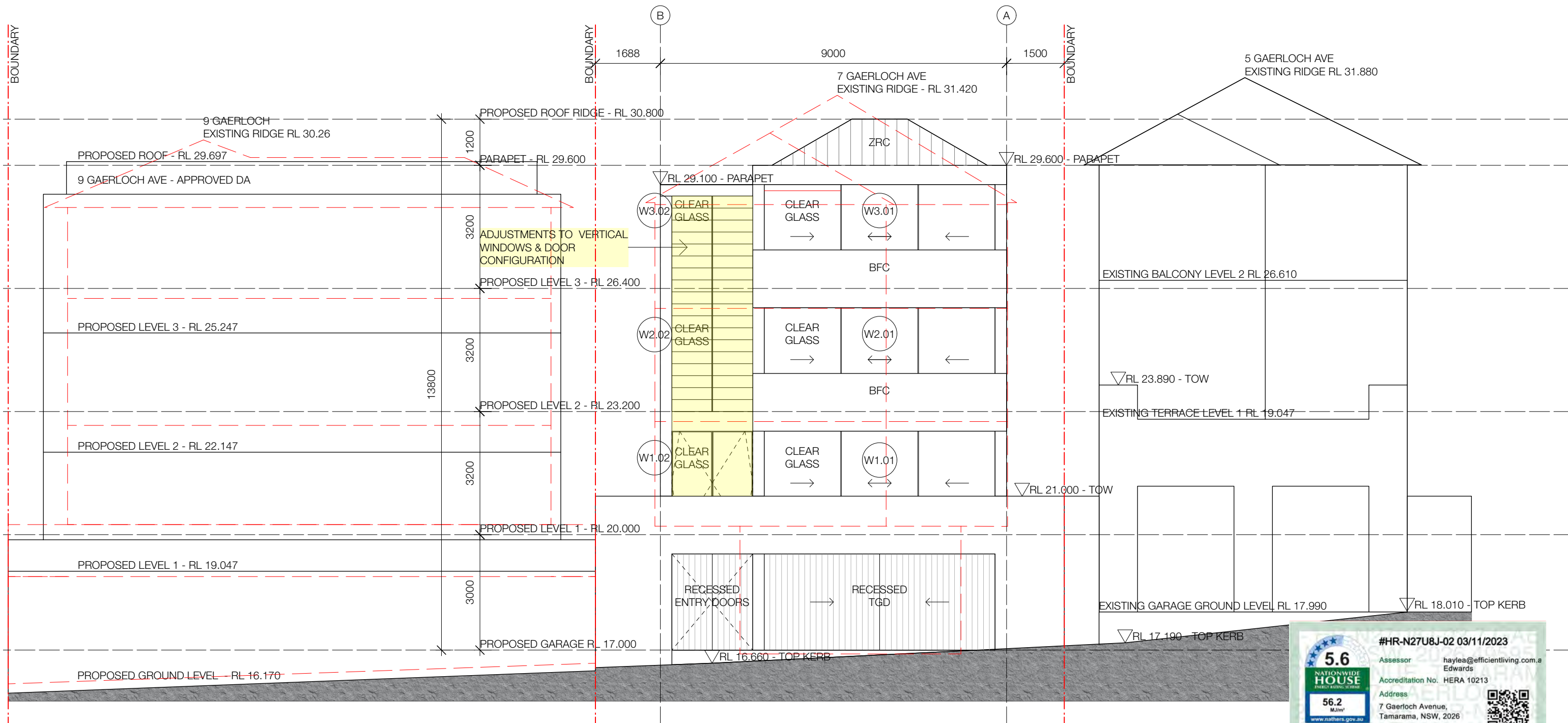
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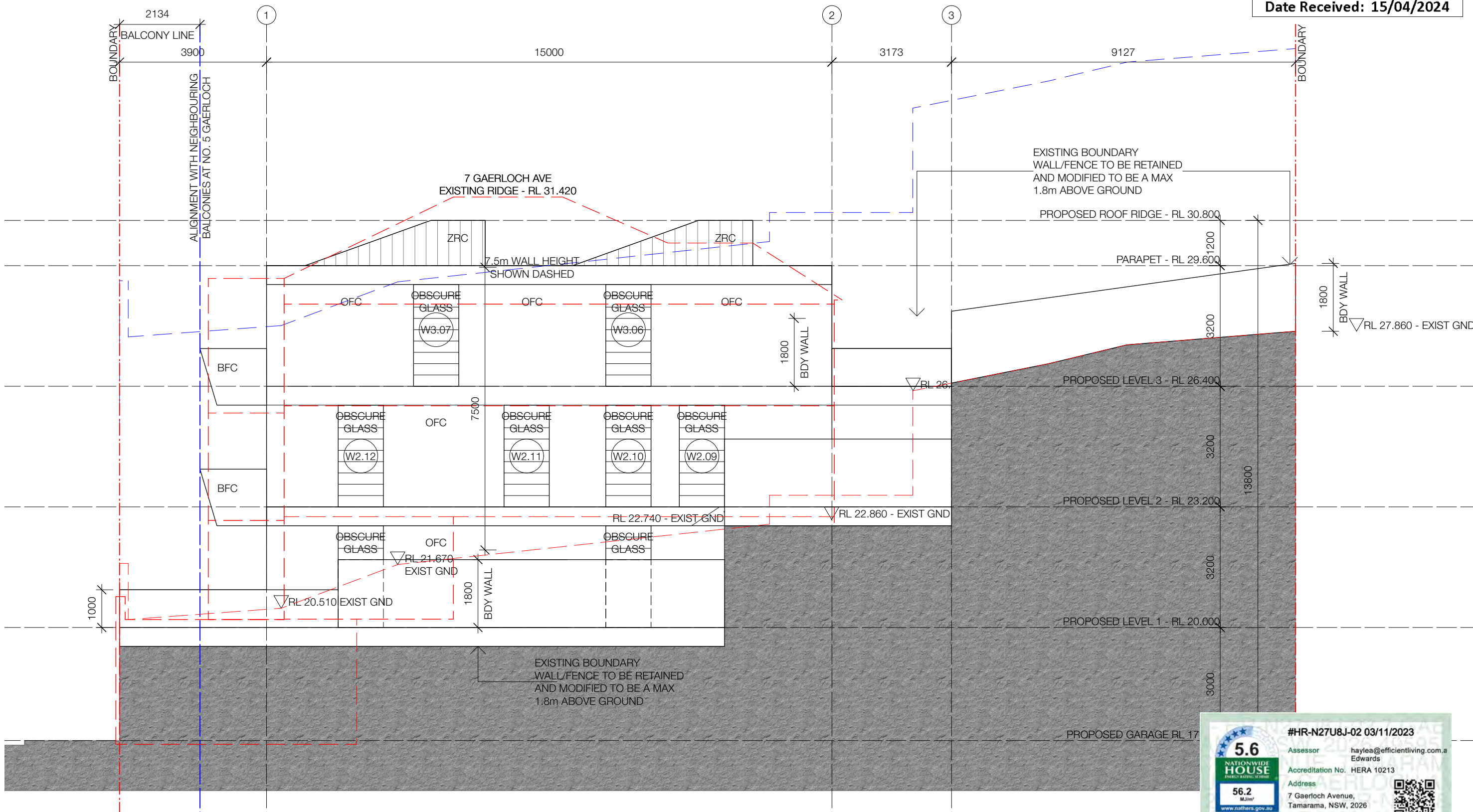
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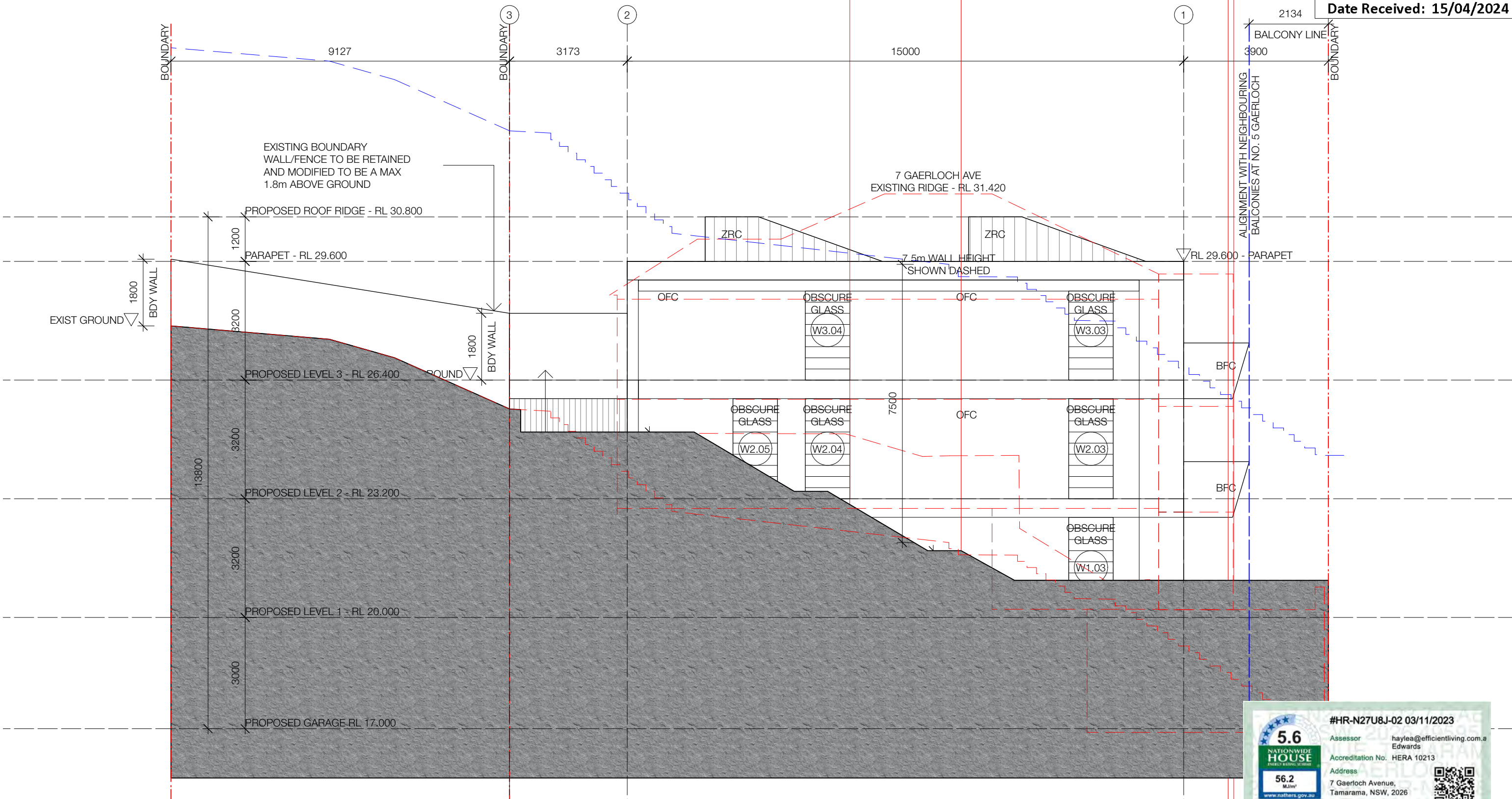
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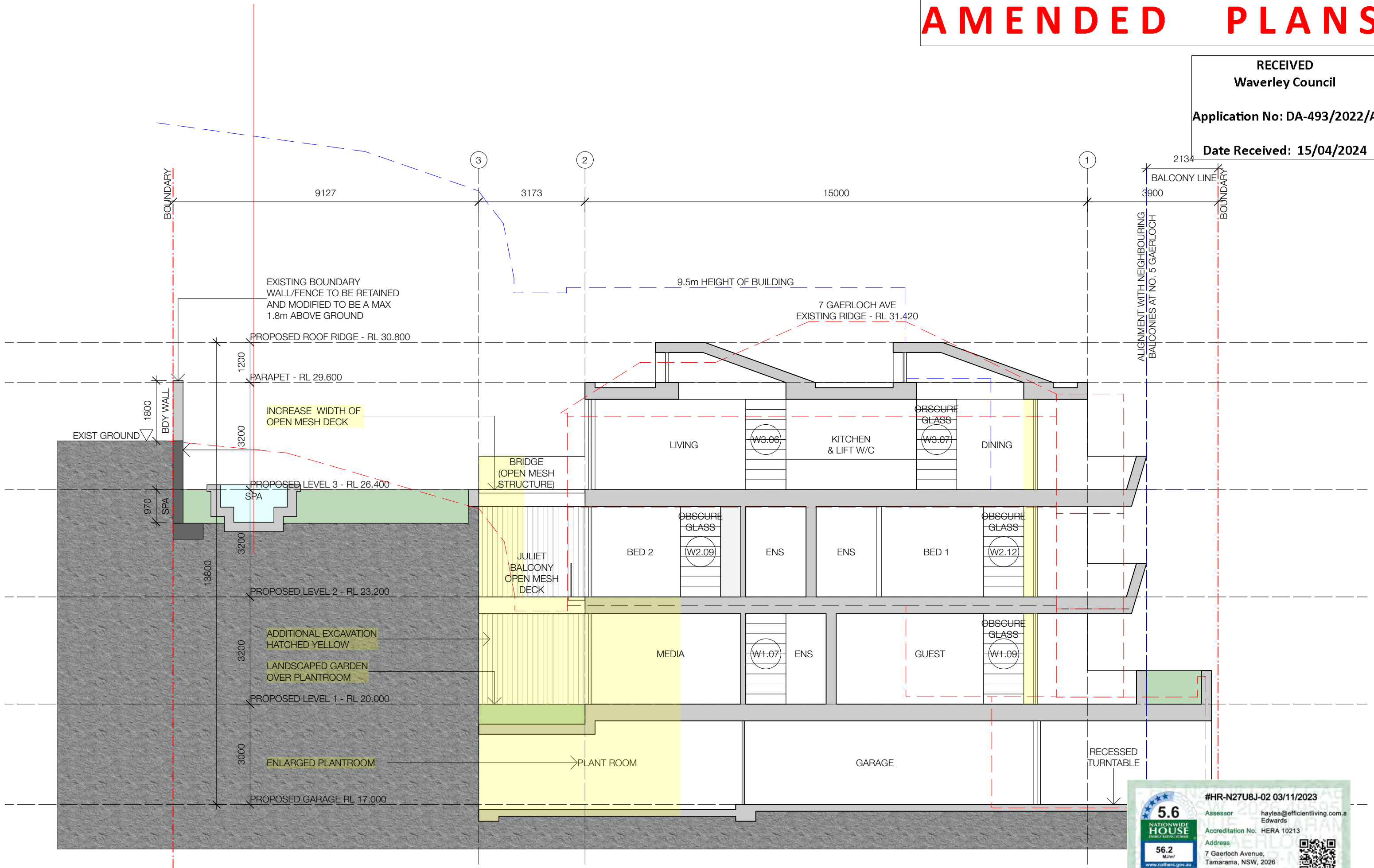
5.6  
NATIONWIDE HOUSE ENERGY RATING

56.2  
Mj/m²  
www.natlers.gov.au

http://www.hero-software.com.au/pdf/HR-N27U8J-02

# AMENDED PLANS

RECEIVED  
Waverley Council  
Application No: DA-493/2022/A  
Date Received: 15/04/2024



#HR-N27U8J-02 03/11/2023

Assessor: haylea@efficientliving.com.au  
Edwards

Accreditation No. HERA 10213

Address: 7 Gaerloch Avenue, Tamarama, NSW, 2026

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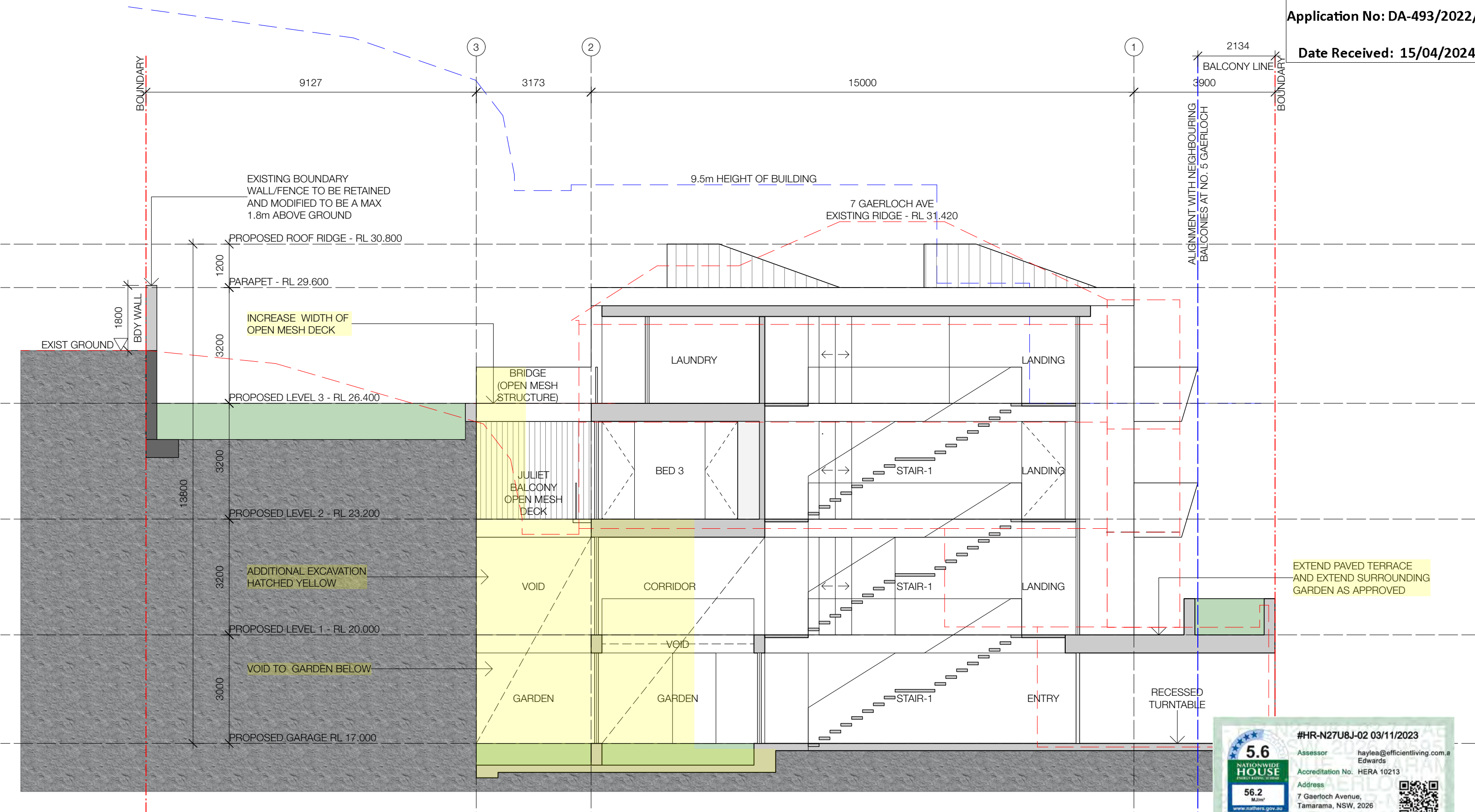
56.2 MJ/m<sup>2</sup>

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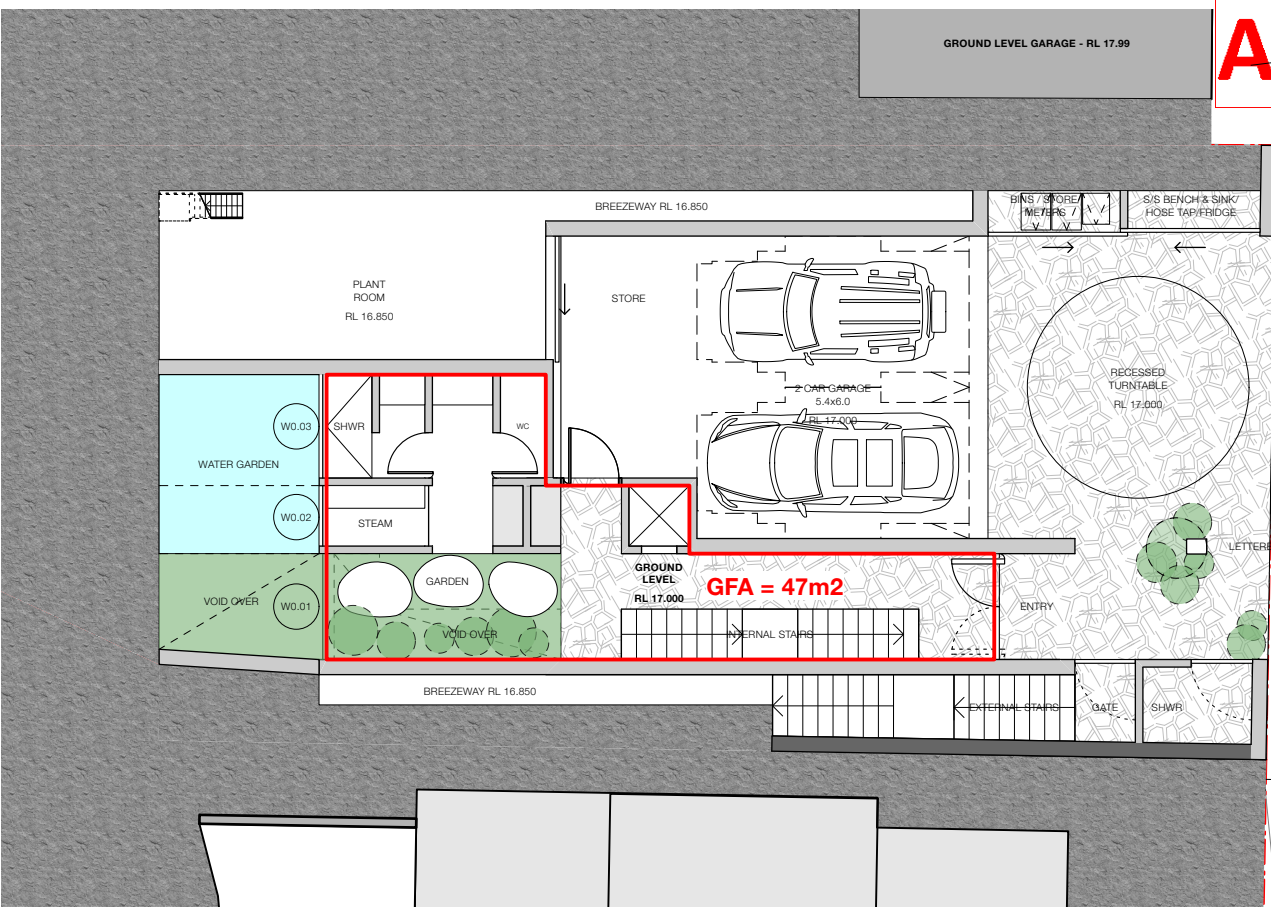
56.2  
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www.natlers.gov.au

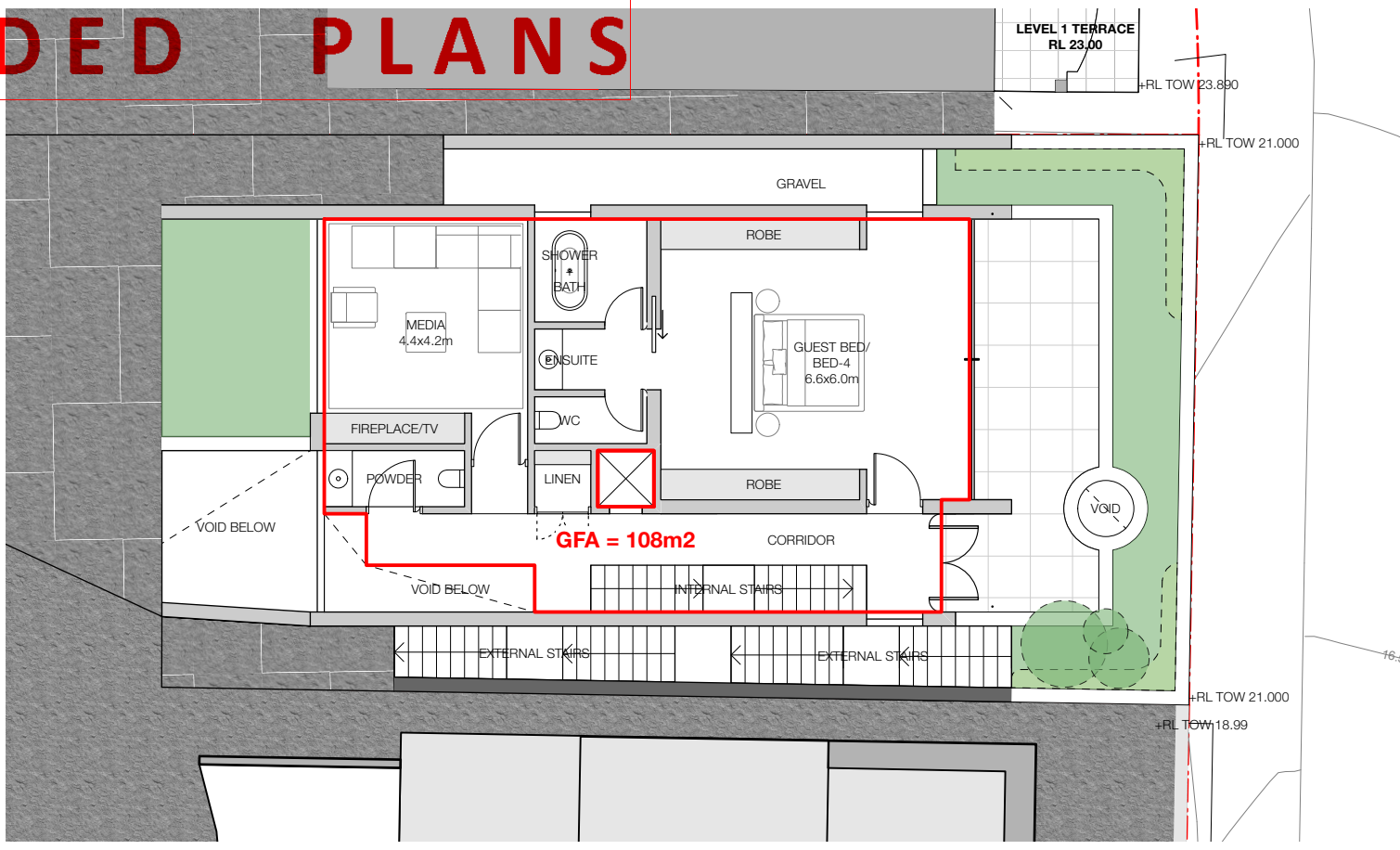
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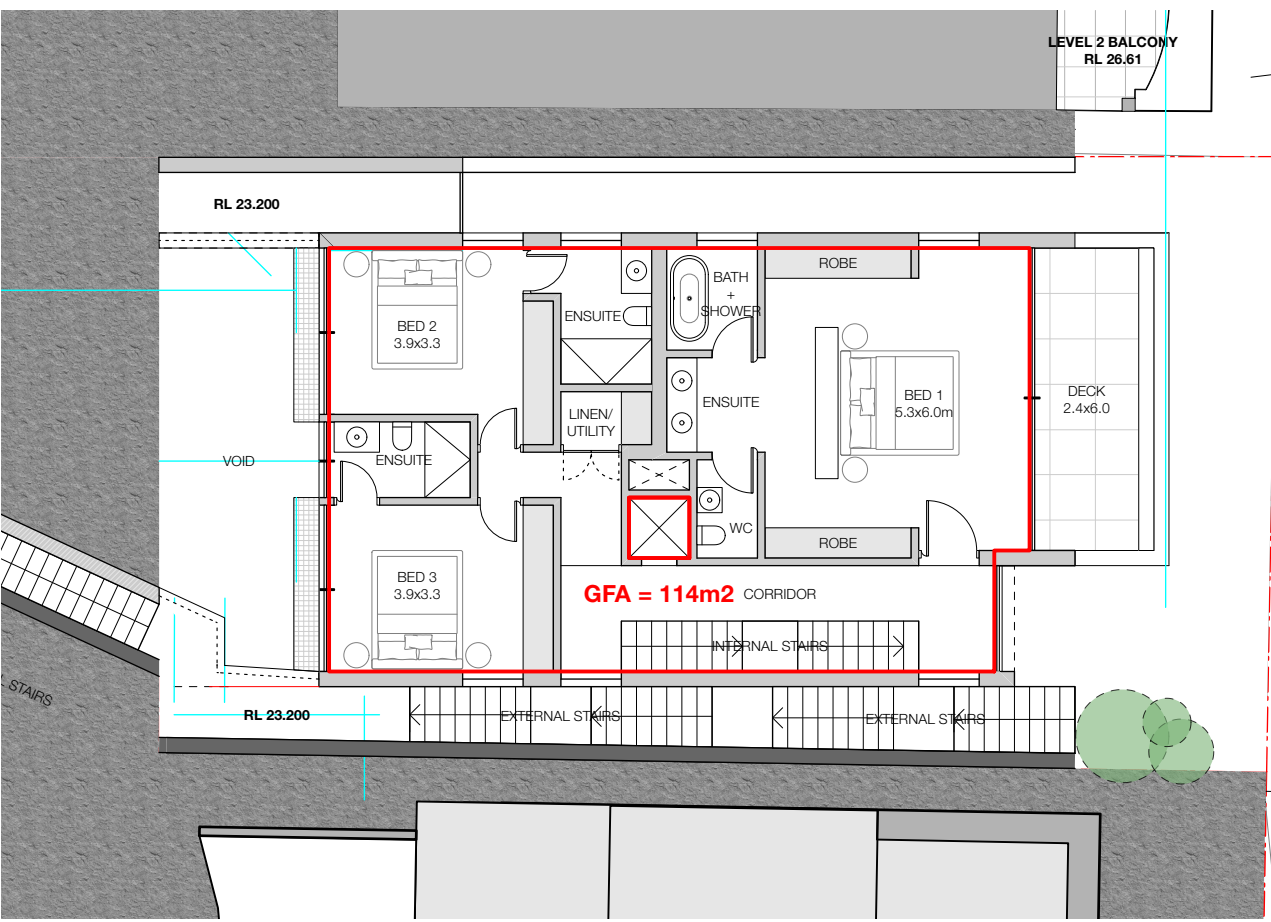
# AMENDED PLANS



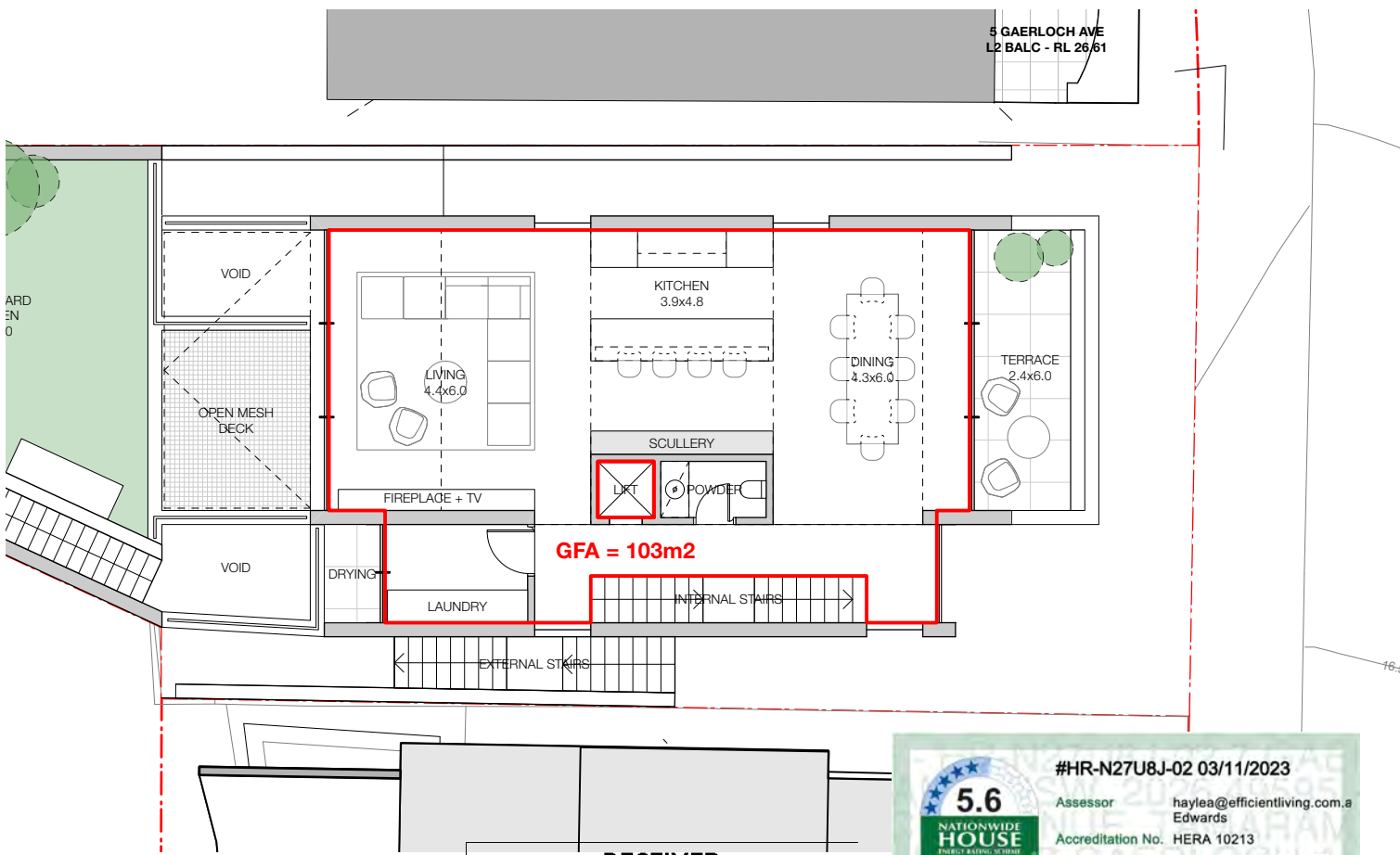
1 GROUND LEVEL (GARAGE) PLAN



2 LEVEL 1 (GUEST BED/LIVING) PLAN



3 LEVEL 2 (BEDROOM) PLAN



4 LEVEL 3 (LIVING) PLAN

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Waverley Council  
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ENERGY RATING, NSW  
56.2  
MJ/m<sup>2</sup>  
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http://www.hero-software.com.au/pdf/HR-N27U8J-02



**RECEIVED**  
**Waverley Council**

**Application No: DA-493/2022/A**

**Date Received: 15/04/2024**

**NatHERS Thermal Comfort Inclusions**

**Floors**

Concrete slab on ground with R2.5 insulation  
 Suspended concrete with R4.0 insulation (insulation only value) to open and enclosed suspended areas  
 Suspended concrete with R4.0 insulation (insulation only value) where habitable rooms above garage  
 Concrete between levels, no insulation required where habitable rooms are above and below

**External Walls**

125mm concrete – 100mm insulated cavity with R1.79 XPS 50mm insulation (insulation only value) – 125mm rendered brick  
 Note: No insulation is required to external Garage walls

**External Colour:**

Light (SA < 0.475)

**Walls within dwellings**

Single skin brick with R2.5 insulation only required to walls between garage/laundry and internal unconditioned areas and to wet areas.

Single skin brick, no insulation required

**Glazing Doors/Windows**

Glazed windows and doors:

Style	Manufacturer	Code	Name	U-Value	SHGC
Louvre	NatHERS Default	ALM-006-03 A	Aluminium B DG Argon Fill High...	4.10	0.52
Sliding Door	NatHERS Default	ATB-006-03 B	Al Thermally Broken B DG Argon...	2.90	0.51
French	NatHERS Default	ATB-006-03 B	Al Thermally Broken B DG Argon...	2.90	0.51

**External colour:**

Medium (0.475 < SA < 0.7)

**Roof and Ceilings**

Metal roof with foil backed blanket (R<sub>u</sub>1.8 and R<sub>a</sub>1.8)

Plasterboard ceiling with R6.0 insulation (insulation only value) where roof and balcony above

Plasterboard ceiling with R4.0 insulation to garage ceiling where habitable rooms above.

Ceiling insulation require to verandah or porch where connected to main roof cavity or barrier provided

**External Colour**

Dark (SA > 0.7)

**Ceiling Penetrations**

Sealed LED downlights not to exceed NatHERS certificate

Sealed LED downlights, one every 5.0m<sup>2</sup>. Once lighting plan has been developed NatHERS certificate can be updated to improve specification.

**Floor coverings**

Tiles to wet areas, timber elsewhere

**External Shading**

Shading as per stamped drawings

**Ventilation**

All external doors have weather seals, all exhaust fans and chimneys have dampers, and down lights proposed will have capped fittings

**BASIX Water Commitments**

**Fixtures**

Install showerheads minimum rating of 4 stars – High flow (>6 and <= 7.5 litres/min)

Install toilet flushing system with a minimum rating of 3 stars in each toilet

Install tap with a minimum rating of 5 stars in the kitchen

Install taps with a minimum rating of 5 stars in each bathroom

**Alternative water**

Install rainwater tank, minimum 5,000L capacity collected from min. 94m<sup>2</sup> roof area. Tank connected to – at least one outdoor tap and toilets

**BASIX Energy Commitments**

**Hot water system**

Electric Heat Pump – 26 to 30 STCs or better

**Cooling system**

1-phase air-conditioning to living areas and bedrooms: EER 3.0-3.5

**Heating system**

1-phase air-conditioning to living areas and bedrooms: EER 3.0-3.5

**Ventilation**

Bathrooms – individual fan, externally ducted to roof or façade, manual on/off switch

Kitchen – individual fan, externally ducted to roof or façade, manual on/off switch

Laundry – individual fan, externally ducted to roof or façade, manual on/off switch

**Other**

Induction cooktop & electric oven

Outdoor clothes drying line

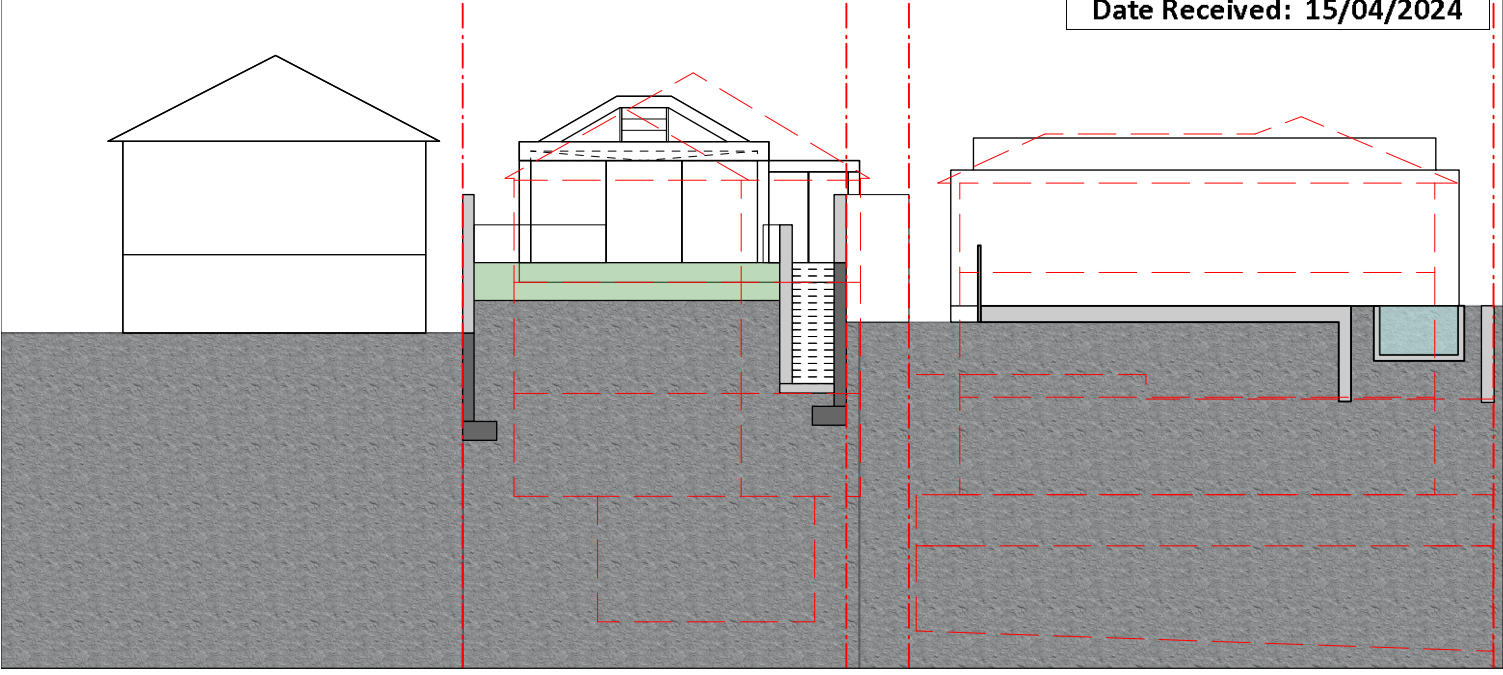
**Alternative energy**

8.0kW solar Photovoltaic system



# AMENDED PLANS

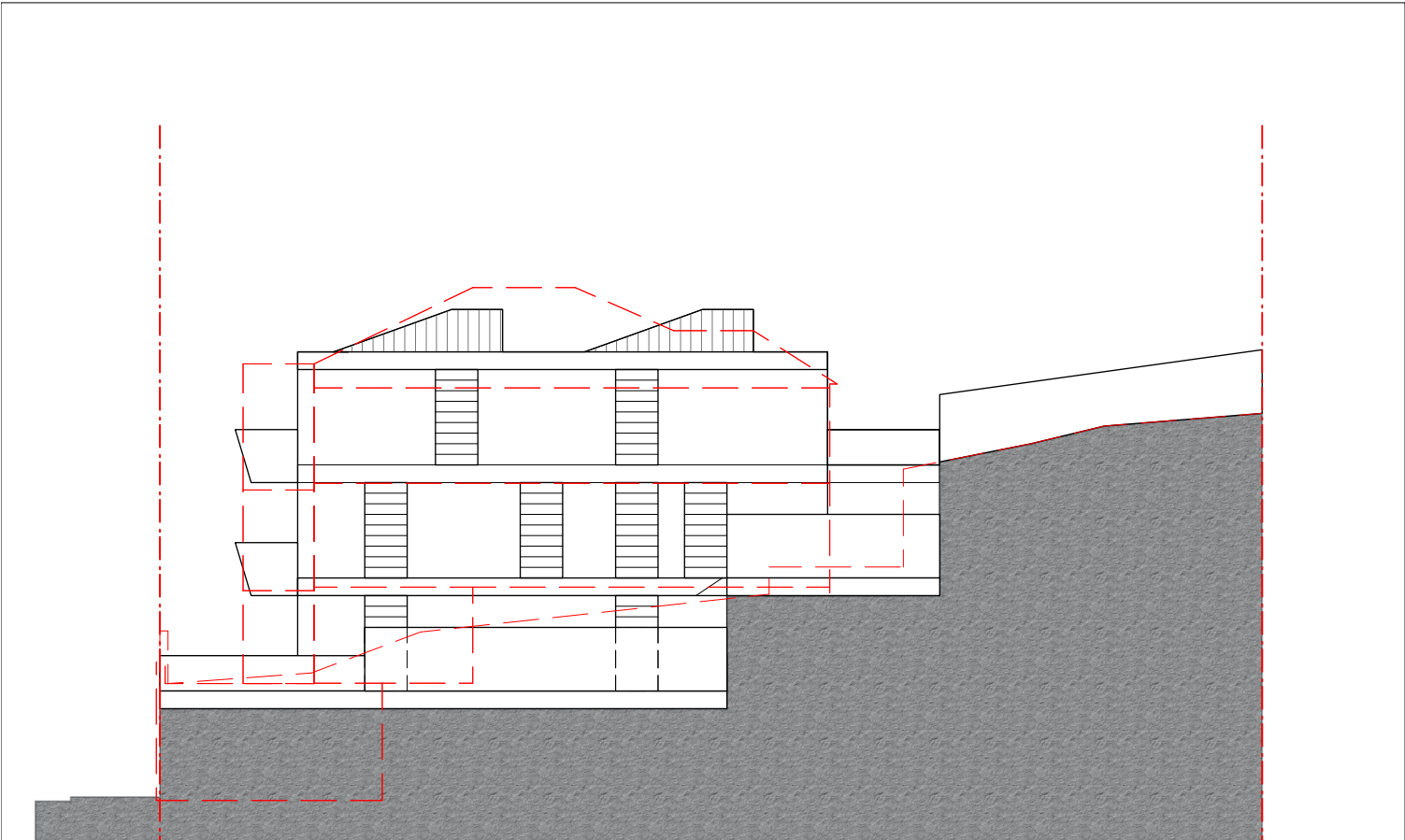
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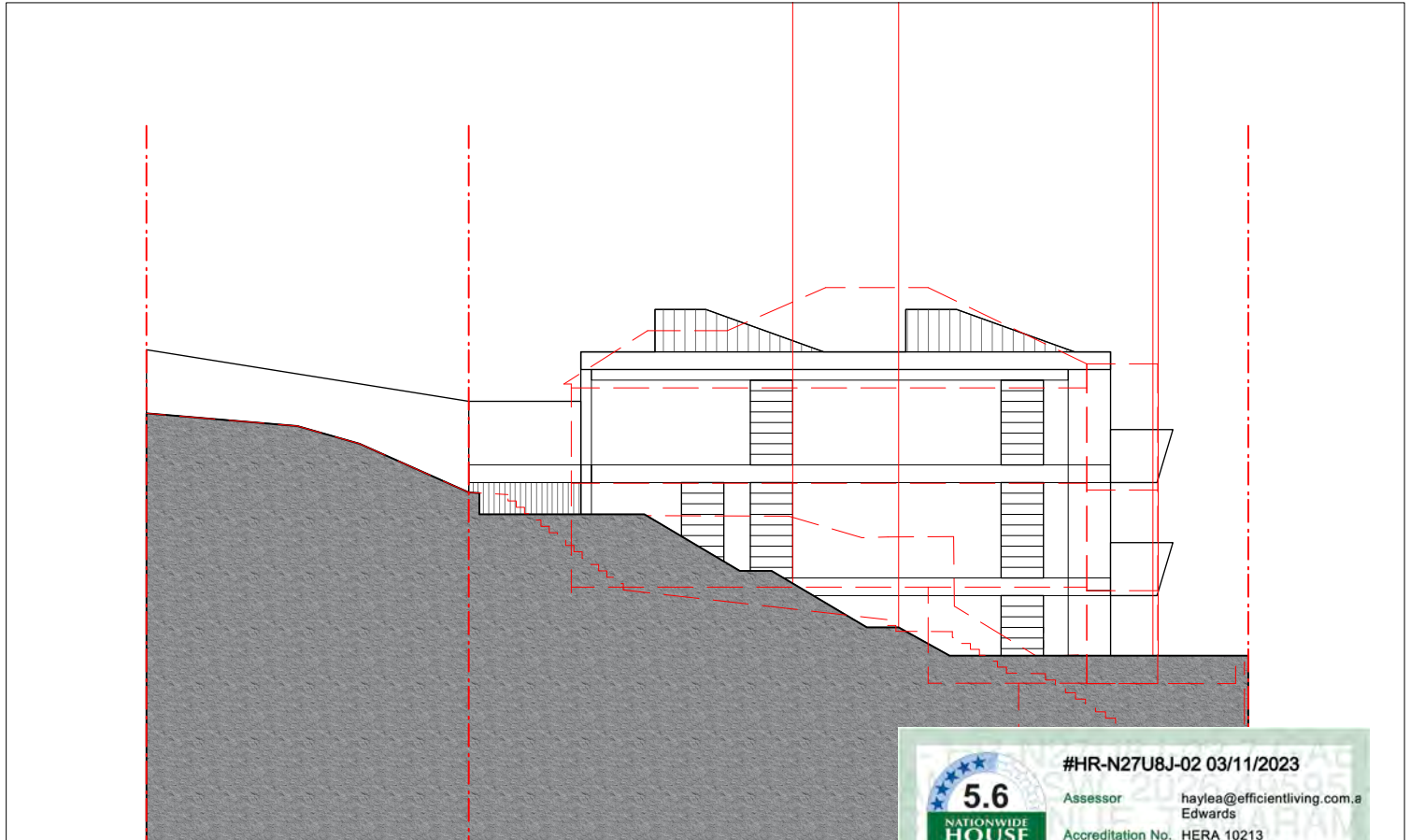
NORTH ELEVATION



SOUTH ELEVATION



EAST ELEVATION



WEST ELEVATION

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## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-328/2023 (PAN-383075)
<b>Site address</b>	118-122 Campbell Parade BONDI BEACH
<b>Proposal</b>	Subdivision and lease to Ravesis Hotel of the existing first floor balcony over hanging part of Hall Street and Campbell Parade.
<b>Date of lodgement</b>	21 November 2023
<b>Owner</b>	Debilu P/L
<b>Applicant</b>	Harrison Friedmann and Associates
<b>Cost of works</b>	Nil
<b>Principal Issues</b>	Nil
<b>Recommendation</b>	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 stratum subdivision of the existing first floor balcony currently overhanging part of Hall Street and Campbell Parade to facilitate the lease arrangements associated with using the balcony at 118-122 Campbell Parade, Bondi Beach (Hotel Ravesis).

This subdivision application is required to facilitate the *Roads Act 1993* approval and lease negotiations to formalise the lease arrangements for the use of the balcony. This application deals with the development consent aspects of that process.

There have been separate negotiations with other Council Departments as well as legal communication to ensure there is the required documents and positive covenants required.

The application itself is merely a planning consent under the *Environmental Planning and Assessment Act 1979* and is, in effect, an administrative component of the arrangement between Council and the Applicant for the leasing of the airspace above the road reserve. The conditions of this Development Application have also been recommended by Council's lawyers.

The application was not required to be notified. 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

The site is identified as Lot 1 in DP 5953, known as 118-122 Campbell Parade, Bondi Beach. The site is rectangular in shape and is located on the corner of Campbell Parade and Hall Street. The site is occupied by Ravesis Hotel, a four-storey building with basement containing a licensed hotel and accommodation.

The building is a heritage item, listed in Schedule 5 of Waverley Local Environment Plan 2012 (Waverley LEP 2012) as an 'Inter-war style residential flat building'. The site is also located in the Bondi Beach Conservation Area and the Campbell Parade Centre Character Area.

The locality is characterised by mixed use buildings of varying scale and sizes providing retail, food and residential services to local residents and the visitors.

**Figures 1 to 3** are photos of the site and its context.





**Figure 1:** Site viewed from Campbell Parade looking south-west.



**Figure 2:** Site viewed from Campbell Parade looking west.



**Figure 3:** Site viewed from Hall Street 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-468/2006 to construct alterations and additions to the ground floor bar area and the rear of the first and second floor levels was approved on 12 December 2006.
- DA-468/2006/A for modifications including a new parapet at roof level and internal changes was approved on 21 September 2007.
- DA-468/2006/B for minor internal alterations and additions to the existing building was approved on 12 May 2011.
- DA-510/2014 for conversion of a gaming room into a lounge and smoking/gaming area was approved on 16 March 2015.
- DA-429/2016 for signage was approved on 4 November 2016.
- DA-468/2006/C for modification to increase patron numbers for entire venue and minor internal alterations was withdrawn on 22 March 2019.
- DA-215/2019 for minor alterations to part of the ground floor to provide access to the gaming lounge and a new bottle shop was approved 21 October 2019.
- HEC-28/2021 for alteration to the internal fire isolated stairs and increase in exit widths was issued on 2 December 2021.
- DA-92/2024 to increase the capacity of the hotel from 330 patrons to 600 patrons is currently under assessment and will be reported separately.

## 1.4 Proposal

The development application seeks consent for the stratum subdivision of the existing first floor balcony overhanging the footpaths on Campbell Parade and Hall Street. The height of the stratum is limited to the height of the balcony.

## 1.5 Background

The development application was lodged on 21 November 2023 and after legal advice was sought, additional information was requested on 8 April 2024 for the following reasons:

1. The Development Application (DA) does not reflect the development which is actually sought. It describes the subdivision as being of Lot 1 DP5953. That is not correct as the application in fact proposes to subdivide the public road. The DA (including the DA form) needs to be amended to reflect the development for which development consent is being sought – that is, the stratum subdivision of the road reserve.
2. The Council is owner in fee simple of all roads (other than freeways and Crown roads) within its local government area – *Roads Act 1993*, s 145. The *Environmental Planning and Assessment Act 1979* (the Act) provides that a DA may only be made by the owner of the land to which the development application relates, or with that person's consent. As the Council is the owner of the land the subject of the subdivision application, the consent of the Council to the making of the development application is required.

The amended documents were received 12 April 2024 and owner's consent from Waverley Council on 30 April 2024.

During the course of the assessment, legal advice from Council's Solicitors has been sought in regard to the various documents and the draft conditions of consent.

## 2. ASSESSMENT

### 2.1 Roads Act 1993

Section 149 of the Roads Act 1993 relates to leasing of land above or below public roads and states:

- (1) A roads authority may lease the air space above, or land below the surface of, any public road (other than a Crown road) that is owned by the authority.*
- (2) Such a lease may not be granted by a roads authority other than TfNSW except with the approval of the Secretary of the Department of Planning and Environment.*
- (3) The Secretary of the Department of Planning and Environment must not approve a lease in respect of a public road if the granting of the lease would be inconsistent with the rights of passage and access that exist with respect to the road.*
- (4) The term of a lease, together with any option to renew, must not exceed 99 years.*

Campbell Parade is a classified road, however it is not a Crown road. The applicant has provided a letter of consent from the Director, Eastern and South Districts from the Department of Planning, Housing and Infrastructure which states that *“Following consideration of the terms of the proposed lease and finding it is not inconsistent with the rights of passage and access that exist with respect to Campbell Parade and Hall Street, Bondi Beach, as delegate of the Secretary of the Department of Planning and Environment, I have granted approval under section 149(2) of the Roads Act 1993.”*

## 2.2 Environmental Planning and Assessment Act 1979 (the Act)

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

### 2.2.1 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.

#### 2.3.1 State Environmental Planning Policies (SEPPs)

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

- SEPP (Transport and Infrastructure) 2021
- SEPP (Resilience and Hazards) 2021

#### 2.3.2 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
<b>Part 1 Preliminary</b>		
<b>1.2 Aims of plan</b>	Yes	The proposal is consistent with the aims of the plan.
<b>Part 2 Permitted or prohibited development</b>		
<b>2.6 Subdivision – consent requirements</b>	Yes	The subject application seeks consent for stratum subdivision under this clause.
<b>Land Use Table</b> <i>E1 Zone</i>	Yes	The site is zoned E1; however, the road reserve is unzoned land.  There are no physical works proposed as part of this application. The proposal for subdivision of the land is permitted with consent as per clause 2.6 above.
<b>Part 5 Miscellaneous provisions</b>		
<b>5.10 Heritage conservation</b>	N/A	The subject site is heritage listed and contained within a conservation area;



Provision	Compliance	Comment
		however, as the proposed subdivision involves no physical works, the proposal will not harm the significance of the item or conservation area.

### 2.3.3 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
<b>12. Subdivision</b>	N/A	The controls within this part of the DCP relate to Torrens title subdivision, not strata or stratum subdivision.

## 2.4 Other Impacts of the Development

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

## 2.5 Suitability of the Site for the Development

The site is considered suitable for the proposal.

## 2.6 Any Submissions

The application was not notified as it relates to the stratum subdivision of an existing balcony only and this is in accordance with the *Waverley Community Engagement Strategy 2023*.

## 2.7 Public Interest

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

## 3. REFERRALS

The following internal referral comments were sought:

### 3.1 Facilities Manager

The following comments were provided:

*This balcony is part of the existing Ravesis Hotel and has been subject to 5 year leases from council for a number of years. As the balcony is over a roadway, to be granted leases longer than 5 years, approval*

is needed from the Department Planning & Environment. The owner sought and gained approval for this on 6 April 2022.

A Council resolution on 20 August 2019 was provided for a 5 year lease with four x further 5 year terms. To enable the lease to be registered at LRS the premises needs to have a Lot & DP, hence the owner is applying for the subdivision.

Condition to be inserted in DA consent:

\* The lessee Debilu Pty Ltd is to enter into a lease for the premises on the terms and conditions as per the Council Resolution dated 20 August 2019.

The requested condition is included in Appendix A.

### 3.2 Land Information

No issues were raised.

### 3.3 Environmental Health

No issues were raised.

## 4. CONCLUSION

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



*Managers of Development Assessment (MoDA) Decision:*

The application was reviewed by the MoDA at the meeting on 23 April 2024 and the MoDA determined that the application is acceptable and should be approved, subject to the conditions in Appendix A.

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

## 5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed by:
	
Kylie Lucas	Bridget McNamara
Senior Development Assessment Planner	A/ Executive Manager, Development Assessment
Date: 30/04/2024	Date: 8 May 2024

*Reason for WLPP referral:*

1. Conflict of interest

OFFICE USE ONLY

<b>Planning Portal Data</b>	
<p>Clause 4.6 register entry required</p> <p>(For the purposes of reporting to the planning portal, if the % approved is different to the % proposed in the original submission, please state what the variation initially proposed was – Planning Portal Requirement)</p>	No
<p>Determining Authority</p> <p>(Concurrence Authority for Clause 4.6 variation)</p>	Local Planning Panel
<p>Were the requirements of the Sustainable Buildings SEPP (effective 1 October 2023) met?</p>	N/A
<p>Have any dwellings been approved for affordable Rental Housing under this approval/consent?</p> <p>*This is a planning portal reporting requirement</p>	No
<p>Secondary Dwelling</p> <p>*This is a planning portal reporting requirement</p>	No
<p>Boarding House</p> <p>*This is a planning portal reporting requirement</p>	No
<p>Group Home</p> <p>*This is a planning portal reporting requirement</p>	No
<p>Is the development subject to the Special Infrastructure Contribution (SIC)?</p>	No
<p>Is the development located within an Urban Release area?</p>	No
<b>Waverley Council Data</b>	
<p>Trial Period database entry required</p>	No
<p>VPA submitted – follow up actions required</p>	No
<p>Refer to compliance for investigation</p>	No
<p>Commercial/liquor operational conditions</p>	No
<p>Was there a 'Conflict of Interest' declared</p>	Council owned land

# APPENDIX A – CONDITIONS OF CONSENT

## GENERAL CONDITIONS

Condition									
<b>1.</b>	<p><b>APPROVED PLANS</b></p> <p>The development must be in accordance with:</p> <p>(a) Subdivision Plan prepared by David John Tremain including the following:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Plan Number and Revision</th> <th style="text-align: center;">Plan description</th> <th style="text-align: center;">Plan Date</th> <th style="text-align: center;">Date received by Council</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">66008BW HALL</td> <td style="text-align: center;">PLAN OF LEASE OVER PART OF HALL STREET &amp; CAMPBELL PARADE</td> <td style="text-align: center;">6/12/2021</td> <td style="text-align: center;">17/11/2023</td> </tr> </tbody> </table> <p>Except where amended by the following conditions of consent.</p> <p>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>	Plan Number and Revision	Plan description	Plan Date	Date received by Council	66008BW HALL	PLAN OF LEASE OVER PART OF HALL STREET & CAMPBELL PARADE	6/12/2021	17/11/2023
Plan Number and Revision	Plan description	Plan Date	Date received by Council						
66008BW HALL	PLAN OF LEASE OVER PART OF HALL STREET & CAMPBELL PARADE	6/12/2021	17/11/2023						
<b>2.</b>	<p><b>LEASE ARRANGEMENTS</b></p> <p>Prior to the issue of any Subdivision Certificate, an agreement for lease must be entered into with Council as to the airspace above the footpath adjacent to the property at 118-122 Campbell Parade, Bondi Beach.</p> <p>The lessee is to enter into a lease for the premises on the terms and conditions as per the Council Resolution dated 20 August 2019.</p> <p>Condition reason: To ensure a lease is entered into before release of the Subdivision Certificate.</p>								
<b>3.</b>	<p><b>COSTS</b></p> <p>Payment of council’s legal costs in relation to this matter is required prior to the release of the Subdivision Certificate.</p> <p>Condition reason: To ensure payment of Council’s legal costs.</p>								
<b>4.</b>	<p><b>SUBDIVISION CERTIFICATE</b></p> <p>A Subdivision Certificate must be obtained from Council in accordance with of the <i>Environmental Planning and Assessment Act 1979</i> prior to the registration of the subdivision plans.</p> <p>Condition reason: To ensure a Subdivision Certificate is issued prior to entering into a lease or use of the development.</p>								



<p><b>5.</b></p>	<p><b>USE OF BALCONY</b></p> <p>The use of the balcony is to be in accordance with a development consent relevant to the building and the associated balcony.</p> <p>Condition reason: To ensure the appropriate use of the balcony.</p>
<p><b>6.</b></p>	<p><b>POSITIVE COVENANT</b></p> <p>Prior to the issue of a Subdivision Certificate the Applicant is to provide a fully executed positive covenant to the Council, to registered over the title to Lot 100 immediately upon release of the Plan of Subdivision.</p> <p>The Positive Covenant is to require the Applicant to maintain the works within Lot 100, to provide for appropriate indemnities and insurances, and to be on such terms as the Council otherwise sees fit.</p> <p>Condition reason: To ensure that the Applicant maintains the works within the lot and to provide for appropriate indemnities and insurances.</p>

## ***Dictionary***

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

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

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

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

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

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

**Council** means Waverley Council.

**Court** means the Land and Environment Court of NSW.

**EPA** means the NSW Environment Protection Authority.

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

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

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

**Local planning panel** means Waverley Local Planning Panel.

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

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

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

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

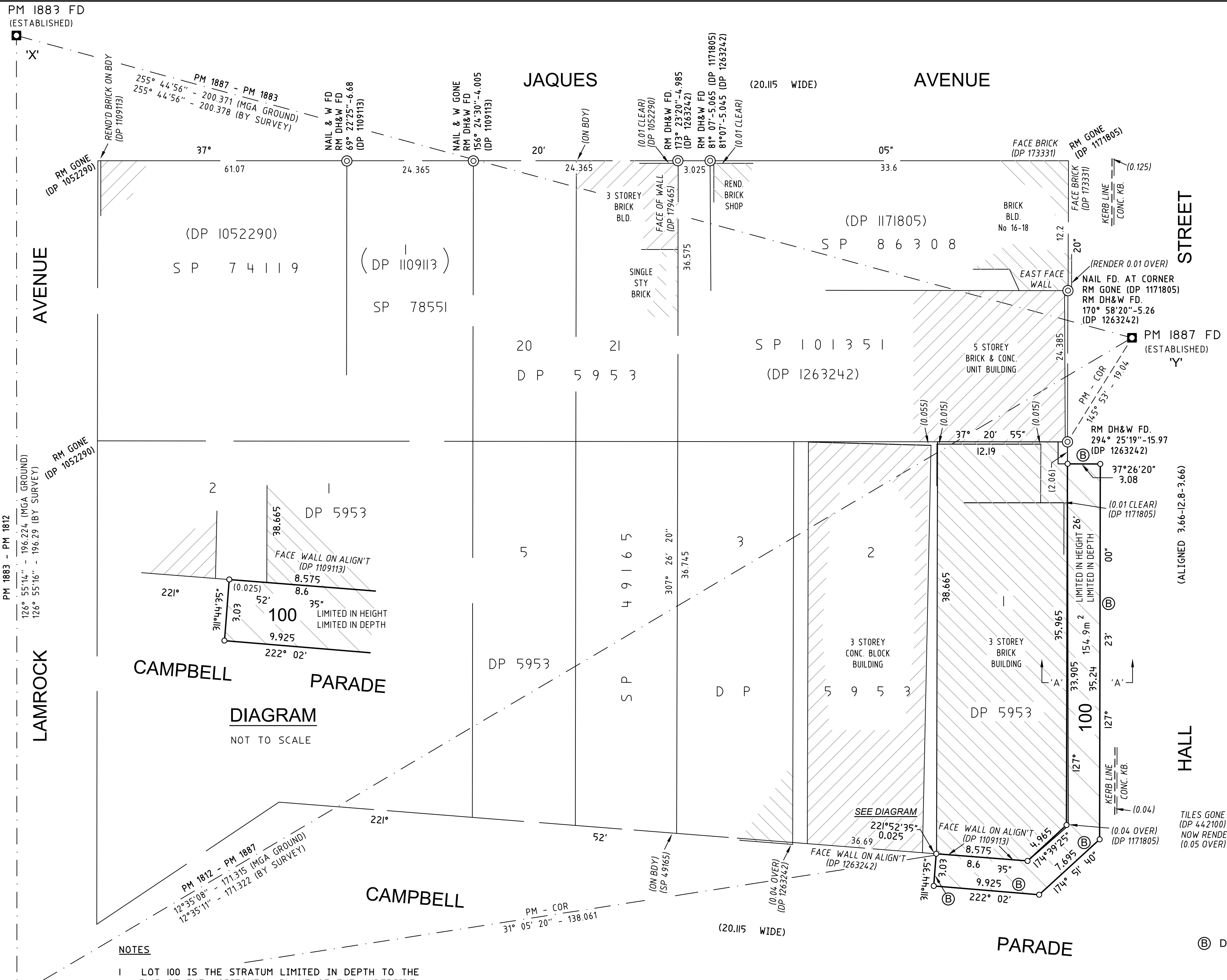
**Strata certificate** means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

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

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

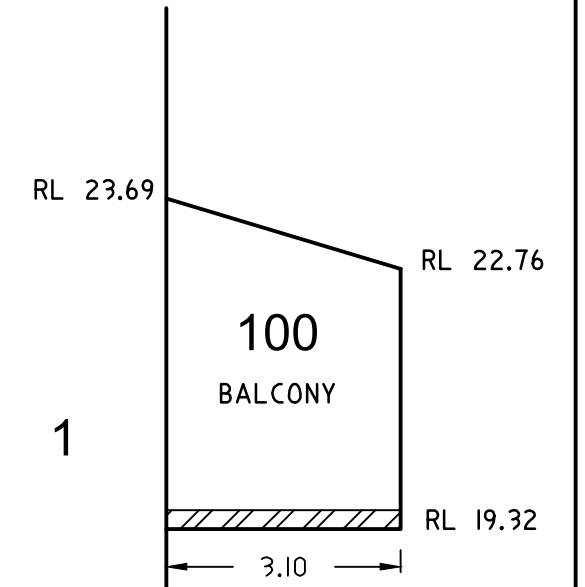
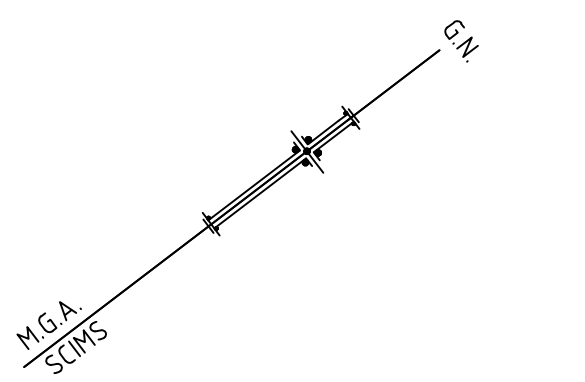
**Sydney district or regional planning panel** means Sydney Eastern City Planning Panel.

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

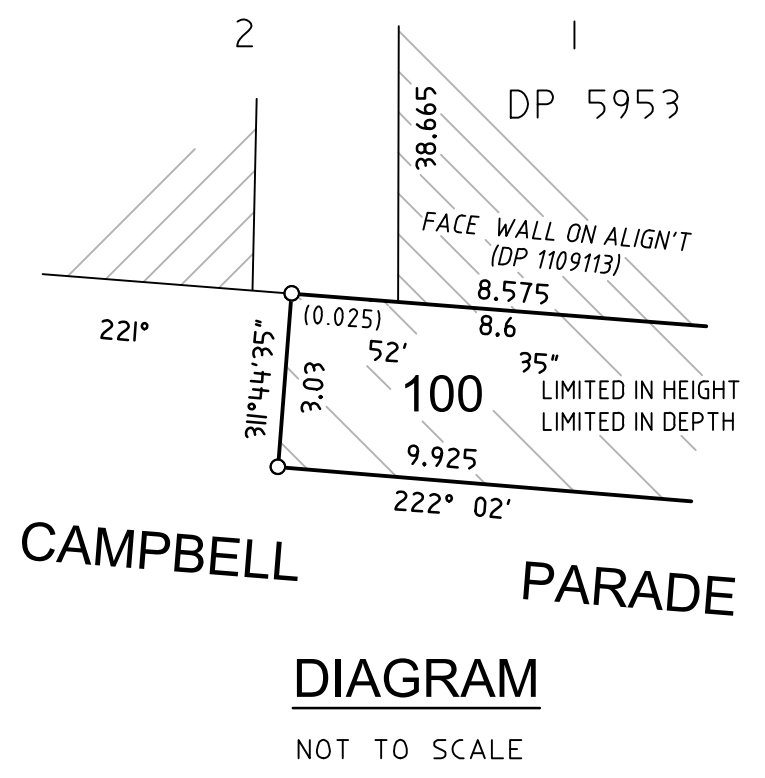


COORDINATE SCHEDULE					
MARK	M.G.A. CO-ORDINATES		CLASS (HORIZ)	ORDER (HORIZ)	ZONE
	EASTING	NORTHING			
PM 1812	340 295.723	6 248 430.586	B	2	56
PM 1883	340 138.862	6 248 548.448	B	2	56
PM 1887	340 333.049	6 248 597.769	B	2	56

MGA DATUM: GDA94  
 COMBINED SEA LEVEL AND SCALE FACTOR 0.999908  
 SOURCE: MGA CO-ORDINATES ADOPTED FROM SCIMS 15-08-2019



**'A' - 'A'**  
SCALE 1:100



**CAMPBELL PARADE DIAGRAM**  
NOT TO SCALE

**NOTES**

- LOT 100 IS THE STRATUM LIMITED IN DEPTH TO THE RL'S OF THE HORIZONTAL PLANE OF THE UNDERSIDE OF THE BALCONY RL 19.32 AND IS LIMITED IN HEIGHT OF THE INCLINED PLANES RL 22.76 TO RL 23.69
- ALL LEVELS ARE RELATED TO THE AUSTRALIAN HEIGHT DATUM

ⓑ DENOTES EDGE OF BALCONY ON BOUNDARY

PM 1812 FD (ESTABLISHED)

SURVEYOR Name: DAVID JOHN TREMAIN Date: 6/12/2021 Reference: 66008BW HALL	PLAN OF LEASE OVER PART OF HALL STREET & CAMPBELL PARADE	LGA: WAVERLEY Locality: BONDI BEACH Reduction Ratio 1: 250 Lengths are in metres	DP
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RECEIVED  
 Waverley Council  
 Application No: DA-328/2023  
 Date Received: 17/11/2023